Changes since First Reading:	
1. Modified Exhibit "B", Page 2 to add the	
affordability requirements from the PUD	
ordinance and amend Notes 1 and 2 to clarify the	
baseline for determining development bonuses.	ORDINANCE NO.
2 Add Eindings in Dort 15	 -

Version 2

Item 64

Meeting 11/07/2024

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 311, 313, AND 315 SOUTH CONGRESS AVENUE IN THE GREATER SOUTH RIVER CITY COMBINED NEIGHBORHOOD PLAN AREA FROM COMMERCIAL-LIQUOR SALES-VERTICAL MIXED USE BUILDING-NEIGHBORHOOD PLAN (CS-1-V-NP) COMBINING DISTRICT AND LIMITED INDUSTRIAL SERVICE-NEIGHBORHOOD PLAN (LI-NP) COMBINING DISTRICT TO PLANNED UNIT DEVELOPMENT-NEIGHBORHOOD PLAN (PUD-NP) COMBINING DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The 311-315 South Congress Planned Unit Development ("**South Congress Avenue PUD**") is comprised of approximately 0.81 acres of land generally located northeast of the intersection of South Congress Avenue and Riverside Drive and more particularly described as follows:

LOT 4, MAE CROCKETT ESTATE SUBDIVISION, a subdivision in the City of Austin, Travis County, Texas, recorded in Volume 75, Page 123, of the Official Public Records of Travis County, Texas (the "Property"),

PART 2. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from commercial-liquor sales-vertical mixed use building-neighborhood plan (CS-1-V-NP) combining district and limited industrial service-neighborhood plan (LI-NP) combining district to planned unit development-neighborhood plan (PUD-NP) combining district on the property described in Zoning Case No. C814-2023-0027, on file at the Planning Department, and locally known as 311, 313, and 315 South Congress Avenue in the City of Austin, Travis County, Texas, generally identified in the map attached as **Exhibit "A"**.

PART 3. Exhibits.

The attached exhibits are incorporated into this ordinance in their entirety as though set forth fully in the text of this ordinance. The exhibits are as follows:

Exhibit A. Zoning Map

Exhibit B. Land Use Plan

Exhibit C. Pre-Approved Plant Species List

Exhibit D. Storm Extension

Exhibit E. Plaza Square

PART 4. This ordinance and the attached **Exhibits "A"** through "**E"** constitute the land use plan (the "Land Use Plan") for South Congress Avenue PUD created by this ordinance. Development of and uses within South Congress Avenue PUD shall conform to the limitations and conditions set forth in this ordinance and in the Land Use Plan. If this ordinance and the attached exhibits conflict, this ordinance controls. Except as otherwise specifically modified by this ordinance, all other rules, regulations, and ordinances of the City of Austin ("**City**") apply to South Congress Avenue PUD.

PART 5. Definitions.

- (A) In this ordinance, LANDOWNER means the owner of the Property, or the owner's successors and assigns, or the owner of the Property or that portion of the Property at the time of dedication or transfer to City. Landowner does not include City.
- (B) In this ordinance, PRE-APRROVED SPECIES means the species as described on **Exhibit "C" Pre-Approved Plant Species List**.
- (C) Unless otherwise specifically defined, all terms in this ordinance shall have the meaning established in Title 25 of Code of the City of Austin, Texas (the "Land Development Code").

PART 6. Land Use.

Except as specifically modified by this ordinance or the Land Use Plan, the Property shall be developed in accordance with the regulations applicable in the general commercial services (CS) zoning district.

PART 7. Environmental.

(A) Landowner must provide an integrated pest management ("IPM") plan that complies with Section 1.6.9.2 (D) (*Pesticides and Herbicides*) of the ECM, as amended, with a site plan application filed for commercial, mixed use, multifamily residential, or open space development. The IPM plan must be approved before the site plan may be approved. Landowner shall provide copies of the IPM Plan to homeowners and commercial property owners located within the boundaries of the PUD.

(B) Green Building Rating.

- (1) All buildings on the Property shall achieve a three-star or greater rating under the Austin Energy Green Building program using the applicable rating version in effect at the time a rating registration application is submitted for the building.
- (2) Landowner will meet the Bird Collision Deterrence measure from the Austin Energy Green Building Star Rating System Bird Collision Deterrence Criteria STEL5 as outlined in the 2022 Commercial Rating System (or latest applicable version) for all buildings.
- (3) Landowner will meet the Austin Energy Green Building Star Rating System Light Pollution Reduction Criteria ST7 as outlined in the 2022 Commercial Rating System (or latest applicable version) for all buildings and site lighting.
- (C) Landowner shall utilize solar energy by installing a minimum of 2,000 square feet of solar panels on the roof of any building.

(D) Water Quality.

- (1) Landowner shall provide 100 percent on-site water quality capture volume equivalency for all development on the Property. Fee-in-lieu for water quality treatment shall not be allowed.
- (2) Landowner shall capture and treat approximately 1,000 cubic feet of off-site stormwater, including a portion from Congress Avenue, that is currently untreated. Such water shall be treated using green innovative methods per Environmental Criteria Manual (ECM) Section 1.6.7 (*Green Stormwater Quality Infrastructure*) within the right-of-way.
- (E) Landowner shall construct and incorporate an additional 250 linear feet of stormwater drainage infrastructure, extending existing stormwater drainage infrastructure as shown in **Exhibit "D"** and as approved by the Director of the Watershed Protection Department.

- (F) Landowner shall construct at Landowner's expense a public reclaimed water system main along the entire Property frontage along South Congress Avenue. The public reclaimed water system main shall be temporarily connected to a public potable water main and capped at both ends to be ready for future connection to the public reclaimed water system main as required by the Director of Austin Water. Total off-site construction of reclaimed water main shall not exceed 350 linear feet.
- (G) Landowner shall be required to install a reclaimed water service and meter and connect to and utilize reclaimed water systems (purple pipe) for the multifamily and commercial irrigation, cooling, and toilet and flushing uses on the Property.
- (H) All required tree planting shall use:
 - (1) Native tree species selected from Appendix F (*Descriptive Categories of Tree Species*) of the Environmental Criteria Manual (the "ECM"), and
 - (2) Central Texas native seed stock as approved by the Director of Development Services Department.
- (I) All new street trees on the Property shall be a minimum of 5.5 caliper inches and a minimum of 14 feet in height at the time of planting as approved by the Director of Development Services Department.
- (J) Landowner shall plant a minimum of 4 trees at the northwest corner of the Property as generally identified on **Exhibit "E"- Plaza Square**. Any trees planted in fulfillment of this requirement shall not be counted toward the minimum required street trees along the South Congress Avenue streetscape.
- (K) Any roof top deck or amenity terrace on the Property must include a landscaped area equal to a minimum of 10 percent or 910 square feet, whichever is greater, of the roof top deck or amenity terrace.
 - (1) 50 percent or 455 square feet of the landscaped area, whichever is greater, must be planted with a diverse variety of pollinator-friendly species from the list of pre-approved species provided in **Exhibit "C"**.
 - (2) No single species will cover more than 15 percent of the available planting area to insure biodiversity.
 - (3) All plantings will be installed in a raised planter system that provides sufficient soil volume.

- (4) Soil material and other soil amendments will be certified organic.
- (5) Planters must be irrigated with non-potable water sources.
- (L) Landowner shall use 100 percent of non-turf plant materials from the Environmental Criteria Manual Appendix N (*City of Austin Preferred Plant List*) or the "Grow Green Native and Adaptative Landscape Plants Guide" on the Property as approved by the Director of Development Services Department.
- (M) South Congress Avenue PUD shall exceed the landscape requirements of City Code Chapter 25-2, Subchapter E by providing a diverse palette of plant materials that are drought tolerant, non-invasive, and safe for pedestrians and pets as approved by the Director of Development Services Department. The planting of native and pollinator plan materials will constitute a minimum of 70 percent of the square footage of the available landscape area on the Property. These plants shall provide environmental benefits, including stormwater management through planting of raingarden species, benefit City's local insect and bird pollinators, and contribute to biodiversity.
- (N) All landscaped material on the Property must be irrigated with non-potable water sources.
- (O) Landowner shall participate in the City of Austin Bee City Initiative adopted in 2022. Landowner shall provide a minimum of four bee brood boxes and engage a reputable hive management service as determined by the Director of Development Services Department and monitor the apiary provided on the amenity deck.

PART 8. Open Space and Parkland.

Landowner shall satisfy City parkland dedication requirements in effect as of the date of filing a site development permit for the Property.

PART 9. Building Design.

- (A) Landowner shall provide an art piece on a portion of the southern façade of the Property, said art piece may be incorporated into additional locations on the Property.
- (B) Landowner shall achieve a minimum of ten points under the building design options of Section 3.3.2 of Chapter 25-2, Subchapter E (*Design Standards and Mixed Use*).

- (C) Landowner shall provide on-site shower facilities for use of tenants and employees of the ground floor commercial uses.
- (D) Landowner shall develop two and one-half percent of the residential units on the Property to meet the standards of the Americans with Disabilities Act (ADA) as ADA-accessible dwelling units. To the extent that the foregoing calculation results in a fraction, the number shall be rounded up to the nearest whole number.
- (E) Landowner shall provide a water bottle filling and hydration station on the exterior that is accessible to the public.

PART 10. Affordable Housing and Commercial Space.

- (A) Landowner shall pay an in-lieu donation of \$6,000,000.00 to the Housing Trust Fund for the bonus area allowed within South Congress Avenue PUD per City Code Chapter 25-2, Subchapter B, Article 2, Division 5, Section 2.5.6 (*In Lieu Donation*).
- (B) The in-lieu donation shall be remitted to the Housing Trust Fund prior to formal submittal of a site development permit for the Property. This in-lieu donation shall be restricted for use within 1.5 miles of the Property for a period of 3 years from the date the in-lieu donation is received by the City. If no suitable housing opportunities are identified within 3 years from the date of donation, the Director of Housing Department may use the in-lieu donation in other areas of the City that advance the goals of the City's Strategic Housing Blueprint. The building official may not issue a certificate of occupancy for any building in South Congress Avenue PUD that includes bonus area if this in-lieu donation was not timely remitted to the Housing Trust Fund.
- (C) Landowner shall provide a minimum of 2,500 square feet of useable first floor commercial space onsite for lease to an independent retail, restaurant, or local franchisee whose principal place of business is in the Austin standard metropolitan statistical area for a minimum period of 25 years beginning on the date of tenant occupancy at a rental rate not to exceed eighty-percent of the market rate for similarly sized and located commercial space as determined by the Director of Economic Development Department.

PART 11. Transportation.

- (A) Landowner shall provide a minimum of 10 percent of the total parking spaces within the parking structure as electric vehicle charging stations. These electric vehicle charging spaces will be available for use by residents of South Congress Avenue PUD, employees, and patrons of the office and retail lease space. A minimum of 50 percent of the total parking spaces on the Property shall be constructed to implement equipment and provide power for future electric-vehicle charging capabilities.
- (B) All parking on the Property shall be located in a structured parking garage. Any structured parking shall comply with Transportation Criteria Manual ("TCM") standards.
- (C) Only structured parking on the Property may be gated. No other gated roadways will be permitted.
- (D) Bicycle parking on the Property shall be a minimum of 230 percent of the bicycle parking spaces required by the Land Development Code.
- (E) Secure bicycle parking shall be provided on the Property for use by residents of South Congress Avenue PUD and employees of commercial use tenants.
- (F) Landowner shall provide all loading and trash facilities on-site and any maneuvering within any public right-of-way is prohibited.
- (G) Landowner shall construct the back-of-curb improvements along South Congress Avenue from the northern boundary of the property down to Riverside Drive as described in the Transportation Impact Analysis (TIA) memo dated July 23, 2024, on file with the Transportation and Public Works Department.
- (H) Access shall be permitted to and from the Property to access the future Barton Springs Extension, provided the Barton Springs Extension is dedicated as public right-of-way. Any proposed driveway by Landowner to access the Barton Springs Extension will be subject to TCM standards and will be reviewed and approved by the Director of the Transportation and Public Works Department.

PART 12. Pedestrian Improvements

- (A) Prior to approval of a site plan on the Property, Landowner shall either dedicate to City as right-of-way, or grant to City a public access easement over and across in a form of conveyance acceptable to the City Attorney, 2200 square feet of land generally identified on **Exhibit "E"** as the plaza square ("Plaza Square"). Plaza Square shall be utilized to enhance the pedestrian and ground-floor retail experience by including trees in structural soil, outdoor commercial grade furnishings, native landscaping, and other improvements as determined appropriate by the Director of Development Services prior to issuance of a certificate of occupancy on the Property.
- (B) Landowner shall provide to City a legal description of the final boundaries and acreage of the Plaza Square prepared by a licensed surveyor prior to dedication or grant and acceptance of Plaza Square by City.

PART 13. Code Modifications

In accordance with City Code Chapter 25-2, Subchapter B, Article 2, Division 5, Section 2.2, Council modifies the following site development regulations which shall apply to the PUD instead of otherwise applicable City regulations:

(A) General Requirements and Procedures

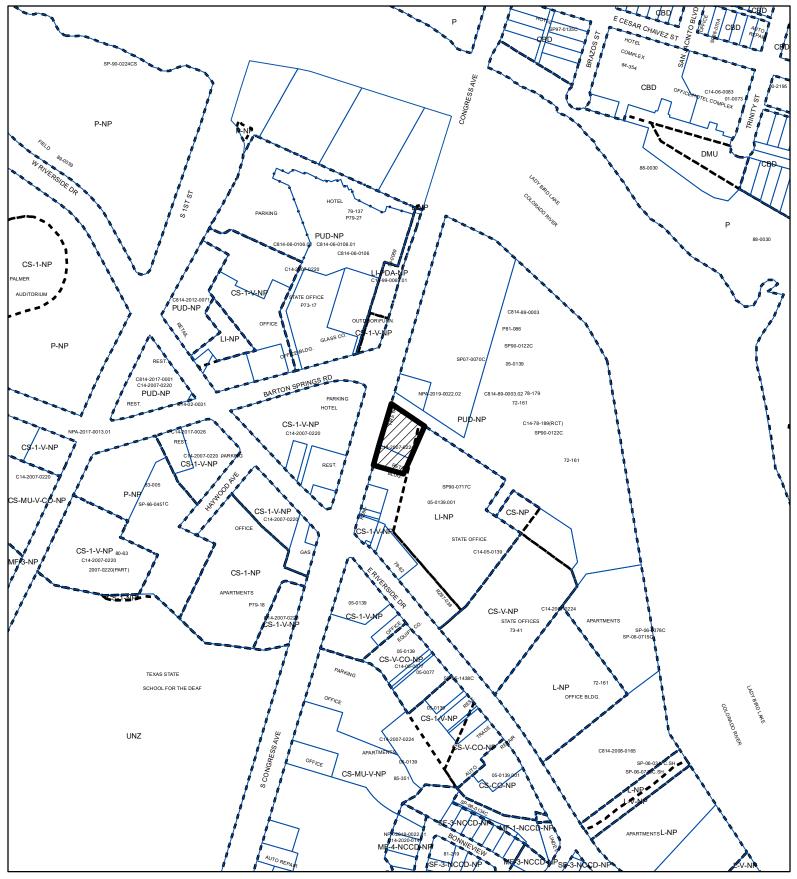
City Code Section 25-2-144(D) (*Planned Unit Development (PUD) District Designation*) and 25-2, Subchapter B, Article 2, Division 5, Section 2.3.1(L) are modified to allow South Congress Avenue PUD to include less than 10 acres of land without being characterized by special circumstances.

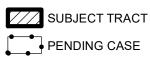
(B) Zoning

- (1) Section 25-2-491 (*Permitted, Conditional and Prohibited Uses*) is modified to establish the specific set of permitted, conditional, and prohibited uses on the Property in **Exhibit "B" Land Use Plan**.
- (2) Section 25-2-492 (*Site Development Regulations*) is modified to establish the principal site development regulations applicable to the Property in **Exhibit "B" Land Use Plan**.

	(3)	modified to require a min pedestrian-oriented uses <i>Overlay (WO) District U</i> cumulative frontage excl facilities, including utilit	nimum of 7,000 square feet of ground floor as defined in Section 25-2-691(C) (Waterfront Uses). Not less than 75 percent of the of the luding driveway openings and other public by vaults, along South Congress Boulevard and the on Springs Road shall be used pedestrian-oriented
	(4)	-	perty is exempt from Section 25-2-742(G)(3) and tral Subdistrict Regulations).
	No. 20	0050929-Z003 that establ	d by this ordinance, the Property is subject to ished zoning for the South River City
PART 15.	Cour	ncil makes the following f	indings:
(A)	South Congress Avenue PUD provides superiority and meets the objectives of City Code;		
(B)	(B) the code modifications in Part 13 are necessary to provide community and achieve greater consistency with planning goals than is achievable approving the code modifications; and		y with planning goals than is achievable without
(C) the impacts of the code modifications are offset by the requirements applicable to the Property			1
PART 16.	This	ordinance takes effect on	·
PASSED A	AND A	APPROVED	
		, 2024	§ § §
	4		Kirk Watson Mayor
APPROV	ED:		_ATTEST:
Deborah Thomas		Deborah Thomas	Myrna Rios
		Interim City Attorney	City Clerk

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ZONING BOUNDARY

PLANNED UNIT DEVELOPMENT

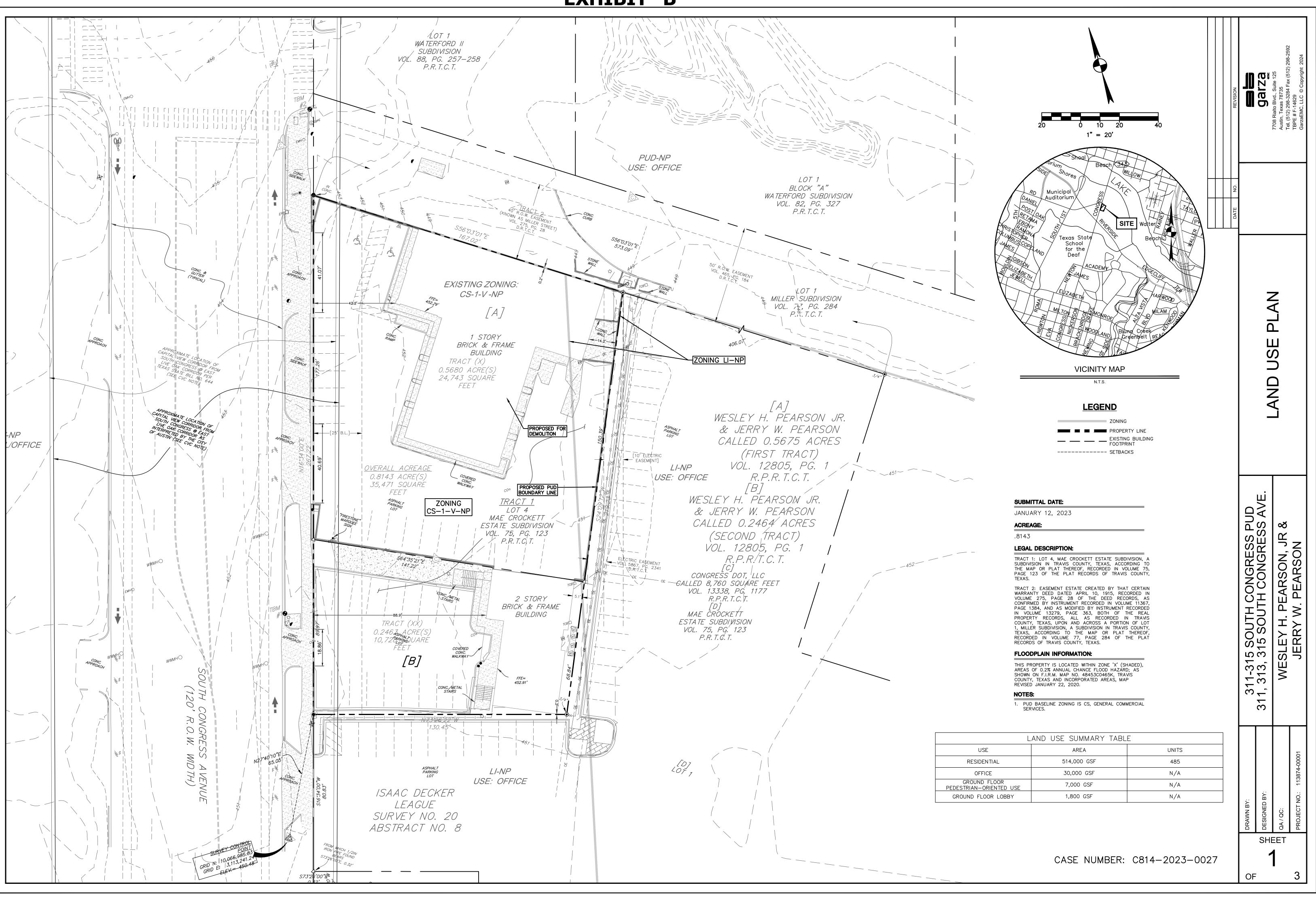
EXHIBIT "A"

OUNDED

ZONING CASE#: C814-2023-0027

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.





PUD NOTES:

SITE DEVELOPMENT REGULATIONS AND CODE MODIFICATIONS:

- 1. THE PUD IS SUBJECT TO THE SITE DEVELOPMENT REGULATIONS ASSOCIATED WITH THE CS ZONING BASE DISTRICT, EXCEPT AS MODIFIED ON THE LAND USE PLAN AND ASSOCIATED NOTES. THE CS ZONING BASE DISTRICT REGULATIONS SHALL BE ESTABLISHED AS THE BASELINE FOR DETERMINING DEVELOPMENT BONUSES UNDER SECTION 25-2, SUBCHAPTER B, DIVISION 5, 1.4.1.C.
- 2. THE MAXIMUM HEIGHT FOR THE PUD IS 480 FEET IN HEIGHT. SECTION 25-2-531, HEIGHT LIMIT EXCEPTIONS, STILL APPLY TO THE PUD. THIS 480-FOOT MAXIMUM HEIGHT SHALL BE ESTABLISHED AS A DEVELOPMENT BONUS UNDER SECTION 25-2, SUBCHAPTER B, DIVISION 5, 1.41.D.
- 3. THE MAXIMUM FLOOR AREA RATIO (FAR) IN THE PUD IS 18:1. THIS 18:1 MAXIMUM FLOOR-TO-AREA RATIO SHALL BE ESTABLISHED AS A DEVELOPMENT BONUS UNDER SECTION 25-2, SUBCHAPTER B, DIVISION 5, 1.4.1.D.
- 4. MINIMUM SETBACKS OF THE CS BASE DISTRICT ARE REDUCED TO ZERO FEET FOR THE FRONT, REAR AND SIDE YARDS.
- 5. MAXIMUM IMPERVIOUS COVER IN THE PUD SHALL BE 95%.
- 6. PERMITTED, CONDITIONAL AND PROHIBITED LAND USES SHALL BE CONSISTENT WITH THE CS BASE DISTRICT WITH THE FOLLOWING MODIFICATIONS:
- A. THE FOLLOWING ARE ADDITIONAL PERMITTED USES IN THE PUD:
 - MULTIFAMILY RESIDENTIAL
 - COCKTAIL LOUNGE (NOT TO EXCEED 5,000 SF)
- B. THE FOLLOWING ARE CONDITIONAL USES IN THE PUD:
 - COCKTAIL LOUNGE (EXCEEDING 5,000 S.F.)
- C. THE FOLLOWING ARE PROHIBITED USES IN THE PUD:
 - BED AND BREAKFAST RESIDENTIAL
 - HOSPITAL SERVICES
 - ADULT-ORIENTED BUSINESSES
 - **AUTOMOTIVE RENTALS**
 - AUTOMOTIVE REPAIR SERVICES
 - AUTOMOTIVE SALES
 - **AUTOMOTIVE WASHING**
 - BAIL BOND SERVICES
 - **BUSINESS OR TRADE SCHOOL**
 - CAMPGROUND
 - COMMERCIAL BLOOD PLASMA CENTER

 - CONVENIENCE STORAGE
 - DROP-OFF RECYCLING COLLECTION FACILITY
 - **ELECTRONIC TESTING**
 - **EQUIPMENT REPAIR SERVICES** XVI.
 - **EQUIPMENT SALES** XVII.
 - EXTERMINATION SERVICES
 - **FUNERAL SERVICES** XIX.
 - **KENNELS**
 - LAUNDRY SERVICES
 - MONUMENT RETAIL SALES
 - PLANT NURSERY
 - PRINTING AND PUBLISHING SERVICES
 - SERVICE STATION
 - VEHICULAR STORAGE XXVI.
 - **VETERINARY SERVICES**
 - CUSTOM MANUFACTURING
 - LIMITED WAREHOUSING AND DISTRIBUTION

AFFORDABLE HOUSING:

- 1. LANDOWNER SHALL PAY AN IN-LIEU DONATION OF \$6,000,000.00 TO THE HOUSING TRUST FUND FOR THE BONUS AREA ALLOWED WITHIN SOUTH CONGRESS AVENUE PUD PER CITY CODE CHAPTER 25-2, SUBCHAPTER B, ARTICLE 2, DIVISION 5, SECTION 2.5.6 (IN LIEU DONATION).
- 2. THE IN-LIEU DONATION SHALL BE REMITTED TO THE HOUSING TRUST FUND PRIOR TO FORMAL SUBMITTAL OF A SITE DEVELOPMENT PERMIT FOR THE PROPERTY. THIS IN-LIEU DONATION SHALL BE RESTRICTED FOR USE WITHIN 1.5 MILES OF THE PROPERTY FOR A PERIOD OF 3 YEARS FROM THE DATE THE IN-LIEU DONATION IS RECEIVED BY THE CITY. IF NO SUITABLE HOUSING OPPORTUNITIES ARE IDENTIFIED WITHIN 3 YEARS FROM THE DATE OF DONATION, THE DIRECTOR OF HOUSING DEPARTMENT MAY USE THE IN-LIEU DONATION IN OTHER AREAS OF THE CITY THAT ADVANCES THE GOALS OF THE CITY'S STRATEGIC HOUSING BLUEPRINT. THE BUILDING OFFICIAL MAY NOT ISSUE A CERTIFICATE OF OCCUPANCY FOR ANY BUILDING IN SOUTH CONGRESS AVENUE PUD THAT INCLUDES BONUS AREA IF THIS IN-LIEU DONATION WAS NOT TIMELY REMITTED TO THE HOUSING TRUST FUND.

S 11-315 SOUTH CONGRESS PUD 313, 315 SOUTH CONGRESS AVI დ ←

CASE NUMBER: C814-2023-0027

OF

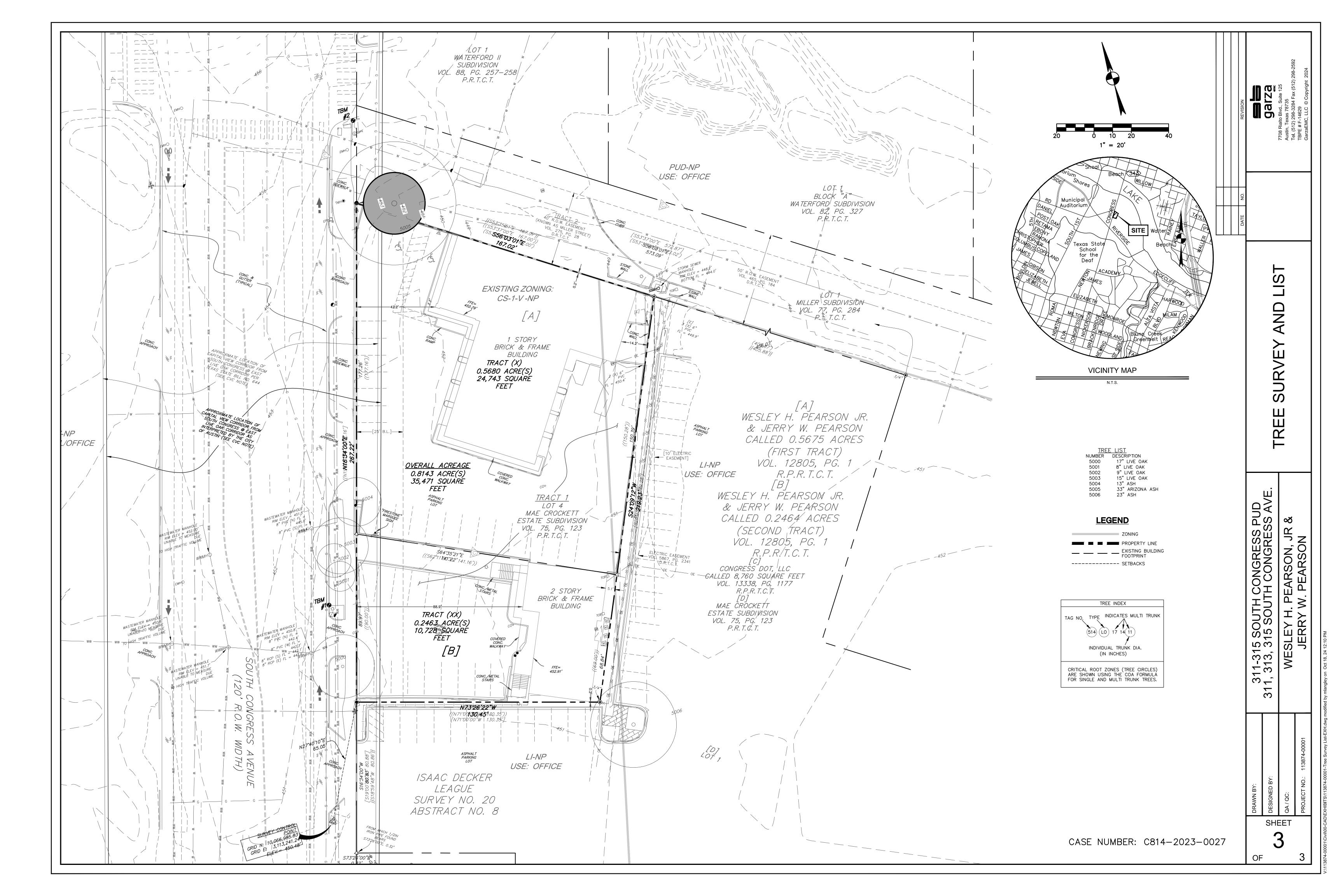
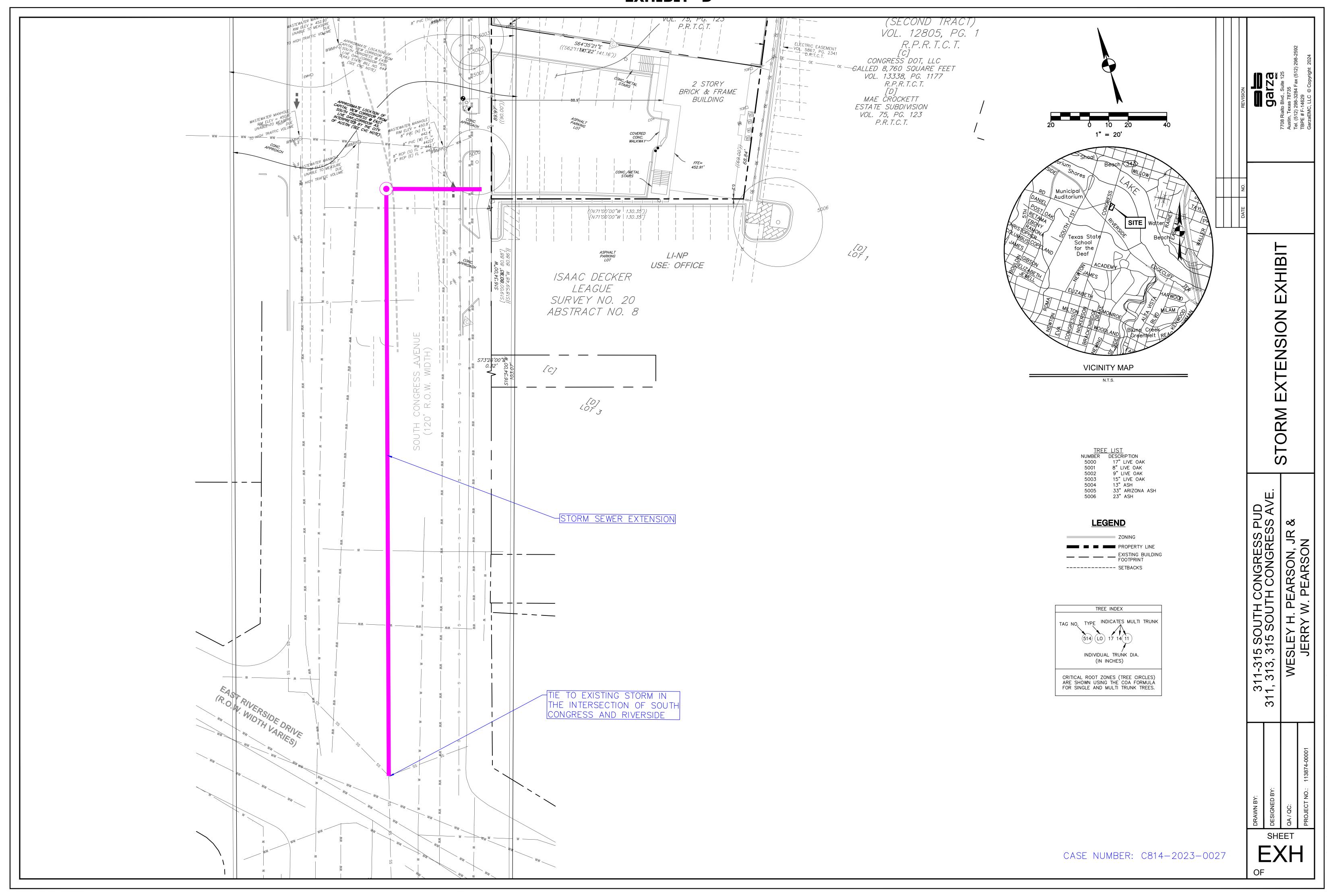


EXHIBIT "C"

Pre-Approved Plant Species List:

- a. Mountain Laurel
- b. Kidneywood/Eysenhardtia texana
- c. Texas Redbud/Texas redbud
- d. Lantana/ Lantana species (multiple native varieties)
- e. Salvia/ Salvia species (multiple native varieties)
- f. Frog Fruit/Phyla nodiflora
- g. Wooly Stemodia/Stemodia lanata
- h. Dwarf Yaupon/(for evergreen benefit)/Ilex vomitoria
- i. Brazos Penstemon/Penstemon tenuis
- j. Texas Sage/Salvia leucophyllum
- k. Fall Aster/Symphyotrichum oblongifolium
- I. Zexmenia/Wedelia acapulcensis var. hispida
- m. Heartleaf rosemallow/Hibiscus martianus
- n. Bee balm/Monarda fistulosa
- o. Butterfly weed/Asclepias sp.
- p. Any other species approved by the Director of Development Services Department.



South Congress