

#65

ORDINANCE NO \_\_\_\_\_

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE  
2 PROPERTY COMMONLY KNOWN AS THE EAST AVENUE PUD LOCATED AT  
3 3400 NORTH IH-35 IN THE HANCOCK NEIGHBORHOOD PLAN AREA FROM  
4 LIMITED OFFICE-MIXED USE-NEIGHBORHOOD PLAN (LO-MU-NP)  
5 COMBINING DISTRICT, GENERAL OFFICE-NEIGHBORHOOD PLAN (GO-  
6 NP) COMBINING DISTRICT, AND GENERAL COMMERCIAL SERVICES-  
7 MIXED USE-NEIGHBORHOOD PLAN (CS-MU-NP) COMBINING DISTRICT TO  
8 PLANNED UNIT DEVELOPMENT-NEIGHBORHOOD PLAN (PUD-NP)  
9 COMBINING DISTRICT, AND DECLARING AN EMERGENCY

10  
11 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN

12  
13 **PART 1** The zoning map established by Section 25-2-191 of the City Code is amended to  
14 change the base zoning district from limited office-mixed use-neighborhood plan (LO-  
15 MU-NP) combining district, general office-neighborhood plan (GO-NP) combining  
16 district, and general commercial services-mixed use-neighborhood plan (CS-MU-NO)  
17 combining district to planned unit development-neighborhood plan (PUD-NP) combining  
18 district on the property described in File C814-06-0175 on record at the Neighborhood  
19 Planning and Zoning Department, as 22 acres of land, more or less being more particularly  
20 described in Exhibit A (*Description of Property*) incorporated into this ordinance (the  
21 'Property'), locally known as the property located at 3400 North IH-35, in the City of  
22 Austin, Travis County, Texas, and generally identified in the map attached as Exhibit B  
23 (*Zoning Map*)

24 **PART 2** This ordinance together with the attached Exhibits A through G, is the land use  
25 plan for the East Avenue planned unit development district (the 'PUD') created by this  
26 ordinance. The PUD shall conform to the limitations and conditions set forth in this  
27 ordinance and in the East Avenue planned unit development land use plan. Except as  
28 otherwise specifically provided by this ordinance, all other rules, regulations and  
29 ordinances of the City in effect on the effective date of this ordinance apply to the PUD.

30 **PART 3** The Property is subject to Ordinance No 040826-59 that established the  
31 Hancock neighborhood plan combining district

32  
33 **PART 4** The attached exhibits are incorporated into this ordinance in their entirety as  
34 though set forth fully in the text of this ordinance. The exhibits are as follows

Exhibit A	Description of Property
Exhibit B	Zoning Map
Exhibit C-1	Land Use Plan Internal Drive and Block Plan
Exhibit C-2	Land Use Plan Maximum Building Area and Height Zones
Exhibit C-3	Land Use Plan Ground Floor Pedestrian-Oriented Use Frontages
Exhibit C-4-A	Section AA North/South Internal Drive
Exhibit C-4-B	Section BB East/West Drives
Exhibit C-4-C	Section CC Internal Oval Drive
Exhibit C-4-D	Section DD Internal Drive at Church Property Edge
Exhibit C-5	Land Use Plan Alternative Conceptual Internal Drive and Block Plan With Church Access Easement
Exhibit D	Grow Green Native and Adapted Landscape Plants
Exhibit D-1	Invasive Species/Problem Plants
Exhibit E	Tree Survey
Exhibit F	Parcel Square Footage
Exhibit G	Operational Criteria for Hotel

## **PART 5** Definitions

### **A** In this ordinance

- 1 **PARCEL** The PUD is divided into eleven parcels, identified on Exhibit C1 (*Land Use Plan Internal Drive and Block Plan*) as Parcels A, B1, B2, B3, C, D, E, F G, H, and I
- 2 **LIVE WORK UNIT** means single family residential, or a townhouse residential use with ground level workspace or commercial space and upper level living space The work space or commercial space and living space must be used and occupied by the same owner or occupant
- 3 **SITE** means the Property within the PUD without regard to a private or public street or right-of-way

### **B** All other terms have the meaning provided in the Code

**PART 6** In accordance with Section 25-2-411 (A) (*Planned Unit Development District Regulations*) of the City Code the following regulations apply to the PUD instead of otherwise applicable City regulations

- 1 A Section 25-2-243 (*Proposed District Boundaries Must Be Contiguous*) of the  
2 City Code does not apply to the PUD  
3  
4 B Section 25-2, Article 10 (*Compatibility Standards*) of the City Code does  
5 apply to the PUD with exception of heights and setbacks  
6  
7 C Section 25-4, Article 3, Division 5 (*Parkland Dedication*) of the City Code  
8 as amended does not apply to the Property or the PUD, and no parkland  
9 dedication or payment instead of dedication of land is required for the  
10 development of the PUD  
11

12 **PART 7** Permitted, Conditional, and Prohibited Uses A use that is not included as a  
13 permitted or conditional use in this Part is a prohibited use in the PUD A prohibited use  
14 may not be established as a principal use or as an accessory use to a principal use  
15

- 16 A Except as modified in Subsections C and D of this Part the following uses  
17 are permitted uses of the PUD  
18

19 Bed and breakfast (Group I and II)  
20 Condominium residential  
21 Duplex residential  
22 Multi-family residential  
23 Single family residential  
24 Townhouse residential  
25 Administrative and business offices  
26 Art gallery  
27 Art workshop  
28 Business or trade school  
29 Business support services  
30 Communication services  
31 Consumer convenience services  
32 Consumer repair services  
33 Financial services  
34 Food sales  
35 General retail sales (convenience)  
36 General retail sales (general)  
37 Personal improvement services  
38 Personal services  
39 Pet services  
40 Printing and publishing

1 Professional office  
2 Research services  
3 Restaurant (limited)  
4 Restaurant (general)  
5 Software development  
6 College and university facilities  
7 Communications services facilities  
8 Congregate living  
9 Cultural services  
10 Day care services (commercial, general and limited)  
11 Family home  
12 Group Home Class I (general and limited)  
13 Group Home, Class II  
14 Private and public primary educational facilities  
15 Private and public secondary educational facilities  
16 Religious assembly  
17 Telecommunication tower  
18

19 B The following uses are permitted and must comply with the conditions set  
20 forth below  
21

- 22 1 An automotive sales use may only be conducted within an enclosed  
23 building. Incidental maintenance or service associated with the use is  
24 prohibited.  
25
- 26 2 A general retail sales (general and convenience) use is only permitted on  
27 Parcel C south of the area designated as the 88 foot height zone on  
28 Exhibit C-2.  
29
- 30 3 A cocktail lounge use is permitted only as an accessory use to and within  
31 a hotel-motel use on Parcel D. A cocktail lounge use is not permitted as a  
32 principal use.  
33
- 34 4 A food preparation use is only permitted on Parcels D, G, and H.  
35
- 36 5 A hotel-motel use is only permitted on Parcel D. If Parcel D is developed  
37 with a hotel-motel use, a laundry service use is permitted as an accessory  
38 use.  
39

- 6 An indoor entertainment use is permitted as an accessory use to a hotel-motel use and a residential use
- 7 An indoor sports and recreation use is limited to one bowling alley not to exceed 5 000 square feet of gross floor area and to one or more facilities of any size normally associated with a health or physical fitness studio such as an indoor racquetball court or spa
- 8 The total square footage for all medical offices use in the PUD may not exceed 175,000 square feet of gross floor area
- 9 An outdoor sports and recreation use is permitted as accessory use to a hotel-motel use and a residential use
- 10 A theater use is limited to one movie theater use in the PUD not exceeding 28,000 square feet of gross floor area
- 11 A single ground floor commercial use on Parcel I located north of the internal demarcation line shown on Exhibit C-3 may not exceed 15,000 square feet of gross floor area
- 12 A condominium residential use, multifamily residential use, hotel-motel use, and any accessory use to those uses are permitted in a tower on Parcel D that exceeds a height of 90 feet
- 13 On Parcels B-1 and B-3 the only permitted use is a townhouse residential or condominium residential use
- 14 On Parcel B-2, permitted uses are a live-work unit, single family residential or townhouse residential use

C This subsection relates to a pedestrian-oriented use

- 1 Seventy-five percent of the ground floor area as depicted on Exhibit C-3 (*Ground Floor Pedestrian-Oriented Use Frontages*) and shown as cross-hatched areas must be used for the following pedestrian oriented uses art gallery food sales, general retail sales (convenience or general) residential uses, restaurant (limited or general), and

1                   2   The remaining twenty-five percent of the ground floor area as depicted  
2                   3   on Exhibit C-3 may be any pedestrian-oriented use from the list of uses  
3                   4   set forth in Section 25-2-691 (C)(*Waterfront Overlay (WO) District Uses*)  
4                   5   of the City Code as it exists on the effective date of this ordinance,  
5                   6   excluding a cocktail lounge use. Additional uses may not be added by the  
6                   7   Land Use Commission under Section 25-2-691 (C)(12)

8                   3   A driveway may be located in the area designated for pedestrian-oriented  
9                   4   uses

10  
11           D    The following uses are conditional uses in the PUD

12  
13                   Commercial off-street parking  
14                   Off-site accessory parking  
15                   Custom manufacturing  
16                   Guidance services  
17                   Hospital services (limited)  
18                   Transportation terminal

19  
20           E    The following activities are prohibited

21  
22                   1   A drive-in service is prohibited

23  
24                   2   A helicopter facility as set forth in Section 25-2-861 (*Facilities for*  
25                   3   *Helicopters and Other Nonfixed Wing Aircraft*) is prohibited

26  
27   **PART 8**   Site Development Regulations   Except as set forth in the ordinance, the  
28   Property is subject to community commercial-mixed use (GR-MU) site development  
29   regulations

30           A    The PUD shall be developed according to the land use plan shown as  
31                   Exhibits C-1 through C-4-A through C-4-D and as set forth in this part

32           B    Section 4 2 1 D 6 c of Subchapter E (*Design Standards and Mixed Use*) of  
33                   Chapter 25-2 does not apply to this PUD

34           C    The site development regulations established by Section 25-2-775  
35                   (*Townhouses*) with the exception of 25-2-775(C) applies to Parcels B-1, B-2,  
36                   and B-3

- 1 D Except on Parcels B-1, B-2 and B-3, the total maximum impervious cover  
2 that may be developed overall on the Property is 85 percent Individual lots  
3 may exceed 85 percent impervious cover
- 4 E Except on Parcels B-1, B-2 and B-3, the maximum floor-to-area ratio is 2.8  
5 to 1.0
- 6 F Except on Parcels B-1, B-2 and B-3, the maximum building coverage is 100  
7 percent, subject to compliance with Subsection D
- 8 G Except on Parcels B-1, B-2, and B-3 the minimum lot size is 0 square feet
- 9 H Except on Parcels B-1, B-2, and B-3 the minimum lot width is 0 feet
- 10 I There is no maximum number of residential units per acre, unless otherwise  
11 limited by other requirements established for this PUD
- 12 J Outdoor amplified sound is not permitted in the PUD
- 13 K Height limits and setbacks shall comply with Exhibit C-2 (*Maximum*  
14 *Building Area and Height Zones*) and as follows
- 15
- 16 1 Building height shall be measured from the lowest point of the  
17 north/south internal drive sidewalk grade adjacent to the building to
- 18
- 19 a for a flat roof, the highest point of the coping  
20 b for a mansard roof, the deck line,  
21 c for a pitched or hip roof, the average height of the highest gable, or  
22 d for other roof styles, the highest point of the building
- 23
- 24 2 Development of Parcel D is limited to a maximum height of 90 feet,  
25 except that a hotel/condominium residential tower above a maximum  
26 height of 90 feet may be constructed to a maximum height of 182 feet if  
27 the application for site plan approval for development of Parcel D  
28 complies with the following
- 29
- 30 a the minimum distance between the finished ground floor of the  
31 building and the structural portion of the ceiling is 18 feet,  
32 b the minimum distance between the finished floor of one or more  
33 ballroom/meeting rooms and the structural portion of the ceiling is  
34 33 feet and

- c the minimum distance between the finished floor and the structural portion of the ceiling for all hotel rooms shall be 9 feet,
- d the structure contains spaces designed, identified, and intended for each of the following uses: restaurant, cocktail lounge, spa, fitness center, and swimming pool, and
- e the applicant provides a letter commitment to the Watershed Protection and Development Review Department for review and approval that contains all of operational criteria as set forth in Exhibit G

### 3 Building Area

- a For a tower on Parcel D, the building coverage above 90 feet may not exceed 20,000 square feet
  - b The total square footage of the combined footprints of the two residential towers located on Parcel G may not exceed 32,000 square feet
  - c A single tower located on Parcel G may not exceed 17,600 square feet
  - d The ground floor footprint for a food sales use may not exceed 45,000 square feet and may not exceed 200 lineal feet of frontage along an internal drive
  - e Four commercial uses not to exceed a ground floor footprint of 20,000 square feet of gross floor area for any one single tenant or occupant, are permitted on the Property, and
  - f Except as authorized by Subsections d and e, a commercial use on a ground floor may not have a ground floor footprint that exceeds 15,000 square feet of gross floor area
- 4 Setbacks Setback requirements and required alleys are established by and illustrated on Exhibit C-2 (*Land Use Plan Maximum Building Area and Height Zones*). If a setback is not shown on the exhibit, the setback is 0 feet

### L Internal Drive and Block Plan (*Exhibit C-1*)

- 1 Internal drives within the PUD shall be developed with streetscape improvements and street design that comply with the applicable standards established by Exhibits C-4-A through C-4-D and with City of



1 Austin Great Streets Program criteria, except that site furnishings may be  
2 modified by the owner with the approval of the City

3 2 A minimum 5-foot wide continuous unobstructed path must be  
4 maintained for all sidewalks within the PUD

5 3 Internal drive alignments are subject to approval by all applicable  
6 governmental entities. The alignment may be modified as long as no  
7 parcel block is increased by more than five percent unless the  
8 modification is required by a governmental entity. Alignments may be  
9 adjusted to protect a tree under Subsection 7

10 4 All internal drives shall be constructed using City of Austin construction  
11 standards (e.g., paving depth), except as modified by the applicable  
12 design standards established by Exhibits C-4-A through C-4-D

13 5 All internal drives may be public or private, and shall be accessible for  
14 public use and shall not be gated

15 6 Drop-off and customer service zones may be provided within the eight  
16 foot wide parallel parking lanes as needed for safety purposes

17 7 Tree Preservation. The twenty-six existing trees identified on Exhibit E  
18 (*Tree Survey*) must be preserved on the site. Internal drive and parking  
19 locations may be adjusted to preserve existing trees

20 8 Open Space. A minimum one acre of open space must be provided as  
21 public open space and plaza space

22 M Development in the PUD shall incorporate vegetative filter strips, retention/  
23 irrigation systems, biofiltration, rainwater harvesting, or porous pavement  
24 for pedestrian surfaces. When one or more of those methods is utilized to the  
25 full extent feasible as determined by the Developer and approved by the City  
26 of Austin Watershed Protection and Development Review Department, the  
27 Developer may rely on traditional water quality methods to comply with  
28 remaining water quality requirements. If rainwater harvesting is  
29 incorporated, all cisterns shall be either screened from public view (for  
30 example, within a garage underground, or behind a decorative façade)

31  
32 N At the time an application for approval of a site plan is submitted for  
33 development of the Property, or any portion of the Property, an Integrated

1 Pest Management (IPM) plan shall be submitted to the Watershed Protection  
2 and Development Review Department for review and approval. The IPM  
3 plan shall comply with the guidelines in Section 16.9.2 (D) and (F) of the  
4 Environmental Criteria Manual that are in effect on the date of this covenant.

5 O At the time an application for approval of a site plan is submitted for  
6 development of the Property, or any portion of the Property, a landscape  
7 plan shall be submitted to the Watershed Protection and Development  
8 Review Department for review and approval. Ninety percent of the total  
9 plant material used, exclusive of turf, shall be native to Central Texas or on  
10 the Grow Green Native and Adapted Landscape Plants list attached as  
11 Exhibit "D". Plants on the Invasive Species/Problem Plants list, attached as  
12 Exhibit "D-1", may not be included.

13 P All new residential and commercial development shall comply with Austin  
14 Energy Green Building Program in effect on March 22, 2007, to achieve a  
15 minimum two-star rating.

16 Q A site plan or building permit for the Property may not be approved,  
17 released, or issued if the completed development or uses of the Property,  
18 considered cumulatively with all existing or previously authorized  
19 development and uses, generate traffic that exceeds the total traffic  
20 generation for the Property as specified in that certain Traffic Impact  
21 Analysis ("TIA") prepared by WHM Transportation Engineering, Inc., dated  
22 August 2006, or as amended and approved by the Director of the Watershed  
23 Protection and Development Review Department. All development on the  
24 Property is subject to the recommendations contained in the memorandum  
25 from the Transportation Review Section of the Watershed Protection and  
26 Development Review Department, dated March 23, 2007. The TIA shall be  
27 kept on file at the Watershed Protection and Development Review  
28 Department. The total traffic generation for the Property may not exceed  
29 30,906 trips.

30 R As an alternative to developing Parcel C in accordance with Exhibit C-2  
31 (*Maximum Building Area and Height Zones*), Parcel C may be developed  
32 using the building envelope, setback, location, and dimensions illustrated by  
33 Exhibit C-5 (*Land Use Plan Alternative Conceptual Internal Drive and*  
34 *Block Plan With Church Access Easement*) if a permanent easement is  
35 granted by the landowner adjacent to the western boundary of the PUD north  
36 of Luther Street to provide for and sufficient to construct within that

**PART 9** The Council finds that the need for development certainty for the Property creates an emergency. Because of this emergency, this ordinance takes effect immediately on its passage for the preservation of the public peace, health, and safety.

\_\_\_\_\_, 2007

§  
§  
§

\_\_\_\_\_  
Will Wynn  
Mayor

**APPROVED** \_\_\_\_\_ **ATTEST** \_\_\_\_\_  
David Allan Smith Shirley A. Gentry  
City Attorney City Clerk

20 563 ACRES  
TRACT A  
(TRACTS 1-4)

FN NO 06-442(MAZ)  
AUGUST 09 2006  
BPI JOB NO 1689-01

## EXHIBIT A

### DESCRIPTION

OF 20 563 ACRES OF LAND OUT OF OUTLOT NUMBERS TWENTY-ONE AND TWENTY-TWO DIVISION 'C' OF THE GOVERNMENT OUTLOTS ADJOINING THE ORIGINAL CITY OF AUSTIN TRAVIS COUNTY TEXAS BEING COMPRISED OF THE FOLLOWING CERTAIN TRACTS OF LAND DESCRIBED IN DEEDS TO CONCORDIA LUTHERAN COLLEGE A PORTION OF 18 656 ACRES IN VOLUME 1467 PAGE 57 A 14 618 SQUARE FOOT TRACT IN VOLUME 9315 PAGE 438 A 0 138 ACRE TRACT IN VOLUME 8896 PAGE 111 ALL OF THE DEED RECORDS OF TRAVIS COUNTY TEXAS LOT 34, LOT 35 AND A PORTION OF LOT 36 HANCOCK PARK SUBDIVISION OF RECORD IN VOLUME 4, PAGE 345 OF THE PLAT RECORDS OF TRAVIS COUNTY TEXAS SAID LOTS HAVING BEEN CONVEYED TO CONCORDIA LUTHERAN COLLEGE BY THE DEEDS OF RECORD IN VOLUME 2404 PAGE 601 VOLUME 2404 PAGE 590 AND VOLUME 2404 PAGE 596 RESPECTIVELY OF SAID DEED RECORDS LOT 9 AND LOT 10 OF PLAINVIEW HEIGHTS RESUBDIVISION OF RECORD IN VOLUME 4 PAGE 23 OF SAID PLAT RECORDS SAID LOTS HAVING BEEN CONVEYED TO CONCORDIA LUTHERAN COLLEGE BY THE DEED OF RECORD IN VOLUME 6628, PAGE 1313 OF SAID DEED RECORDS SAID 20 563 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS

**BEGINNING** at a 1/2 inch iron rod with cap set on the northerly right-of-way line of East 32nd Street(60 R O W ) for the southerly common corner of said 18 656 acre tract and that certain 237 square foot tract conveyed to the City of Austin of record in Volume 10864 Page 249 of said Deed Records, for the southerly most southwesterly corner hereof, from which a 1/2 inch iron rod found on said northerly right-of-way line of East 32nd Street for the southwesterly corner of Lot 1 Block A', Resubdivision of CPLMA Subdivision, of record in Volume 77 Page 153 of said Plat Records bears N62°36 12 W a distance of 356 70 feet

**THENCE** N27°23 01 E along a portion of the westerly line of said 18 656 acre tract, being in part the easterly line of said 237 square foot tract and in part the easterly line of that certain 0 2201 acre tract described in the deed to Columbia/St David's Healthcare System L P of record in Volume 12725 Page 1436 of the Real Property Records of Travis County Texas for a portion of the westerly line hereof, a distance of 210 00 feet to a 1/2 inch iron rod pipe found for the northeasterly corner of said 0 2201 acre tract and being an interior ell corner of said 18 656 acre tract, for an angle point hereof,

**THENCE** N62°36 12 W continuing along the westerly line of said 18 656 acre tract being in part the northerly line of said 0 2201 acre tract and in part the northerly line of that certain tract described in the deed to Bruno Ybarra Et Ux, of record in Volume 8102 Page 578 of said Deed Records for a portion of the westerly line hereof a distance of 123 23 feet to a 1/2 inch iron rod with cap set for the southeasterly corner of Lot 14 of said Hancock Park subdivision said Lot 14 having been conveyed to James B Stedman and Dara P Stedman by the deed of record in Volume 12865 Page 1863 of said Real Property Records for an angle point hereof from which a 1/2 inch iron pipe found in the southerly line of said Lot 14 for the apparent northwesterly corner of said Ybarra tract bears N62°36 12 W a distance of 23 23 feet

THENCE, N28°00 39"E, continuing along the westerly line of said 18 656 acre tract, being in part the easterly line of said Lot 14 and in part the easterly line of Kim Lane (50 R O W ) dedicated by said plat of Hancock Park for a portion of the westerly line hereof passing at a distance of 89 46 feet a 1/2 inch iron rod found for the northeasterly corner of said Lot 14 continuing for a total distance of 486 55 feet to a 1/2 inch iron rod with cap set for the southeasterly corner of said 14 618 square foot tract for an angle point hereof

THENCE, N62°28 47'W leaving the westerly line of said 18 656 acre tract in part along the southerly line of said 14,618 square foot tract and in part the southerly line of Lot 34 of said Hancock Park subdivision same being in part the northerly right-of-way line of Duncan Lane (50 R O W ) dedicated by said plat of Hancock Park for a portion of the westerly line hereof a distance of 133 39 feet to a 1/2 inch iron rod with cap set for the southerly common corner of said Lot 34 and Lot 2 Resubdivision of Hancock Park Annex, a subdivision of record in Volume 50 Page 92 of said Plat Records said Lot 2 being included within a Master Deed and Declaration for the Pointe Condominiums of record in Volume 7629 Page 643 of said Deed Records, from which a 1/2 inch iron pipe found bears S27°33 39 W a distance of 0 46 feet

THENCE N27°33 39 E leaving said northerly right-of-way line of Duncan Lane along the common line of said Lot 34 and said Lot 2 for a portion of the westerly line hereof a distance of 169 91 feet to a 1/2 inch iron rod with cap set for the common corner of said Lot 2 said Lot 34 said Lot 35 and said Lot 36, for an angle point hereof,

THENCE along the common line of said Lot 2 and said Lot 35, for a portion of the westerly line hereof, the following two (2) courses and distances

- 1) N62°26 21 W a distance of 83 63 feet to a 1/2 inch iron rod with cap set for the southwesterly corner of said Lot 35,
- 2) N27°33 39 E a distance of 169 97 feet to a 1/2 inch iron pipe found for the northerly common corner of said Lot 2 and said Lot 35 being on the southerly right-of-way line of Luther Lane (50' R O W ) dedicated by said plat of Hancock Park for an angle point hereof from which a 1/2 inch iron rod found on said southerly right-of-way line of Luther Lane and on the easterly right-of-way line of Red River (R O W varies) bears N62°28'47 W a distance of 380 33 feet

THENCE, S62°28 47 E along said southerly right-of-way line of Luther Lane being in part the northerly line of said Lot 35 and in part a portion of the northerly line of said Lot 36 for a portion of the westerly line hereof a distance of 139 69 feet to a 1/2 inch iron rod with cap set for the northwesterly corner of that certain 982 square foot Tract A conveyed to the City of Austin for street right-of-way of record in Volume 9547 Page 959, of said Real Property Records for the beginning of a curve to the left

**THENCE**, continuing along the southerly right-of-way line of Luther Lane being in part the southerly line of said 982 square foot Tract 'A' in part the northerly line of said 14 618 square foot tract and in part the easterly line of that certain 1118 square foot Tract B of record in said Volume 9547 Page 959 for a portion of the westerly line hereof with said curve to the left having a radius of 50 00 feet a central angle of 232°29'43" an arc length of 202 89 feet and a chord which bears S88°52'16" E a distance of 89 69 feet to a 1/2 inch iron rod found for the northerly corner of said 1118 square foot Tract B, being in the westerly line of said 18 656 acre tract for an angle point hereof,

**THENCE** N28°00'39" E along the westerly line of said 18 656 acre tract being in part the easterly line of said Luther Lane and in part the easterly line of that certain 5 8681 acre tract described in a Deed of Trust executed by Saint Paul's Evangelical Lutheran Church of record in Document No 2004024228 of the Official Public Records of Travis County, Texas, for a portion of the westerly line hereof a distance of 447 51 feet to a 1/2 inch iron rod found for the northerly common corner of said 5 8681 acre tract and said 18 656 acre tract for an angle point hereof being in the southerly line of that certain 150'x 66 8 tract described in the deed to Nathan H. Lestico and Kent R. Lestico, of record in Volume 5368 Page 1643 of said Deed Records

**THENCE** S62°09'37" E along a portion of the northerly line of said 18 656 acre tract being in part the southerly line of said Lestico tract and in part the southerly line of that certain 0 229 acre tract described in the deed to Joseph E. Piper of record in Document No 2001216768 of said Official Public Records for a portion of the northerly line hereof, passing at a distance of 13 27 feet a 1/2 inch iron rod found for the southerly common corner of said Lestico tract and said 0 229 acre tract continuing for a total distance of 80 10 feet to a 1/2 inch iron rod with cap set for the southerly common corner of said 0 229 acre tract and said Lot 10 of Plainview Heights from which a 1/2 inch iron pipe found bears S62°09'37" E, a distance of 0 84 feet

**THENCE**, N27°56'19" E leaving the northerly line of said 18 656 acre tract along the westerly line of said Lot 10 and said Lot 9, being the easterly line of said 0 229 acre tract, for a portion of the northerly line hereof a distance of 117 80 feet to a 1/2 inch iron rod with cap set for the northwesterly corner of said Lot 9 and being the southwesterly corner of Lot 8 of said Plainview Heights for the northerly most northwesterly corner hereof from which a 1/2 inch iron rod found in the westerly line of said Lot 8 for the apparent northeasterly corner of said 0 229 acre tract bears N27°56'19" E a distance of 32 38 feet

**THENCE** S62°19 56 E along the common line of said Lot 9 and said Lot 8 for a portion of the northerly line hereof a distance of 177 08 feet to a 1/2 inch iron pipe found for the easterly common corner of said Lot 9 and said Lot 8 for the northerly most northeasterly corner hereof being on the westerly right-of-way line of Harmon Avenue (50 R O W ), from which a 1/2 inch iron pipe found on said westerly right-of-way line of Harmon Avenue bears N28°12 56 E a distance of 101 37 feet

**THENCE,** S28°12 56'W along said westerly right-of-way line of Harmon Avenue being in part the easterly line of said Lot 9 the easterly line of said Lot 10 and the easterly line of said 0 138 acre tract, for a portion of the northerly line hereof, passing at a distance of 118 50 feet a 1/2 inch iron pipe found 0 19 east of line for the easterly common corner of said 0 138 acre tract and said Lot 10 continuing for a total distance of 168 33 feet to a calculated point for the southeasterly corner of said 0 138 acre tract, being in the northerly line of said 18 656 acre tract and the southerly line of Concordia Avenue (50 R O W ) for an angle point hereof from which an X found cut in concrete bears N26°31'18 W a distance of 0 43 feet

**THENCE,** S62°22 15 E along said southerly line of Concordia Avenue being the northerly line of said 18 656 acre tract for a portion of the northerly line hereof a distance of 307 30 feet to a 1/2 inch iron rod found on the westerly right-of-way line of Interstate Highway No 35 (R O W varies) for the easterly most northeasterly corner hereof

**THENCE** along the westerly right-of-way line of Interstate Highway No 35, being the easterly line of said 18 656 acre tract, for the easterly line hereof the following two (2) courses and distances


- 1) S27°56 35 W, a distance of 784 07 feet to a 1/2 inch iron rod found for an angle point,
- 2) S27°34 22 W a distance of 686 55 feet to a 1/2 inch iron rod with cap set for the southeasterly corner of said 18 656 acre tract being on the northerly right-of-way line of East 32ND Street for the southeasterly corner hereof

THENCE N62°36'12"W along said northerly right-of-way line of East 32ND Street being the southerly line of said 18 656 acre tract for the southerly line hereof a distance of 444 41 feet to the POINT OF BEGINNING containing an area of 20 563 acres (895 743 square feet) of land more or less within these metes and bounds

BEARING BASIS NOTE THE BASIS OF BEARING IS REFERENCED TO THE TEXAS COORDINATE SYSTEM, 83(93) CENTRAL ZONE UTILIZING CITY OF AUSTIN GPS CONTROL NETWORK MONUMENTS

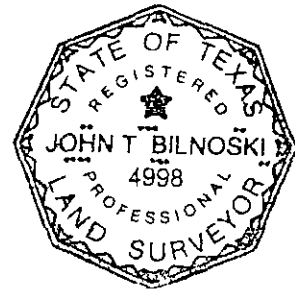
I, JOHN T BILNOSKI A REGISTERED PROFESSIONAL LAND SURVEYOR DO HEREBY STATE THAT THIS DESCRIPTION IS BASED UPON A SURVEY MADE ON THE GROUND BY BURY+PARTNERS COMPLETED DURING THE MONTH OF AUGUST 2006 A LAND TITLE SURVEY WAS PREPARED TO ACCOMPANY THIS FIELDNOTE DESCRIPTION

BURY & PARTNERS INC  
ENGINEERING SOLUTIONS  
3345 BEE CAVE ROAD SUITE 200  
AUSTIN TEXAS 78746

  
\_\_\_\_\_  
JOHN T BILNOSKI  
R P L S NO 4998  
STATE OF TEXAS

8/9/06

DATE





1 642 ACRES  
TRACT B  
(TRACTS 5-11)

EXHIBIT A

FN NO 06-443(ACD)  
AUGUST 09, 2006  
BPI JOB NO 1689-01

DESCRIPTION

OF 1 642 ACRES OF LAND OUT OF OUTLOT NUMBER TWENTY-ONE DIVISION "C" OF THE GOVERNMENT OUTLOTS ADJOINING THE ORIGINAL CITY OF AUSTIN, TRAVIS COUNTY, TEXAS BEING COMPRISED OF THE FOLLOWING CERTAIN TRACTS OF LAND ALL OF THAT 0 766 ACRE TRACT OF LAND CONVEYED TO CONCORDIA LUTHERAN COLLEGE BY DEED OF RECORD IN VOLUME 10359 PAGE 237, OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS ALL OF LOTS 1 AND 2 RESUBDIVISION OF A PORTION OF BLOCK 3 PLAINVIEW HEIGHTS, A SUBDIVISION OF RECORD IN VOLUME 9 PAGE 85, OF THE PLAT RECORDS OF TRAVIS COUNTY TEXAS, AS CONVEYED TO CONCORDIA LUTHERAN COLLEGE BY DEED OF RECORD IN VOLUME 11100 PAGE 1194 OF SAID REAL PROPERTY RECORDS (LOT 1) AND TO CONCORDIA UNIVERSITY AT AUSTIN BY DEED OF RECORD IN VOLUME 12850, PAGE 1570 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS (LOT 2), ALL OF THOSE CERTAIN TRACTS DESCRIBED IN AND CONVEYED TO CONCORDIA LUTHERAN COLLEGE BY DEEDS OF RECORD IN VOLUME 1962 PAGE 488 OF THE DEED RECORDS OF TRAVIS COUNTY TEXAS, A PORTION OF THAT CERTAIN TRACT CONVEYED TO CONCORDIA LUTHERAN COLLEGE BY DEED OF RECORD IN VOLUME 4025, PAGE 660 OF SAID DEED RECORDS, AND ALL OF THAT CERTAIN 0 104 ACRE TRACT CONVEYED TO CONCORDIA LUTHERAN COLLEGE BY DEED OF RECORD IN VOLUME 10633 PAGE 145, OF SAID REAL PROPERTY RECORDS SAID 1 642 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS

**BEGINNING** at a 1/2-inch iron rod found on the westerly right-of-way line of IH-35 (200 R O W ) being on the easterly line of Lot C L C Johnson's Resubdivision of a Portion of Lot 3, Plainview Heights, a subdivision of record in Volume 25 Page 22 of said Plat Records for the southeasterly corner of that certain tract of land conveyed to Reuben M Brooks by deed of record in Volume 9253 Page 503 of said Real Property Records for the northeasterly corner of said 0 766 acre tract and hereof,

**THENCE** S28°09'04 W along said westerly right-of-way line of IH-35 being the easterly line of said 0 766 acre tract same being a portion of the easterly line of said Lot C, at a distance of 82 22 feet passing an iron pipe found for the southeasterly corner of said Lot C, also being the northeasterly corner of Lot 3 of said Resubdivision of a Portion of Block 3 Plainview Heights and continuing for a total distance of 350 43 feet to a 1/2-inch iron rod with cap set at the southeasterly corner of said 0 104 acre tract being on the northerly right-of-way line of Concordia Avenue (50 R O W ) for the southeasterly corner hereof

**THENCE** N62°22'15 W leaving said westerly right-of-way line of IH-35 along said northerly right-of-way line of Concordia Avenue being the southerly lines of said 0 104 acre tract and said tract of record in Volume 1962 Page 488 of said Deed Records a distance of 256 59 feet to a 1/2-inch iron rod with cap set on the easterly right-of-way line of Harmon Avenue (50 R O W ) for the southwesterly corner hereof

THENCE, N28°08'42"E leaving said northerly right-of-way line of Concordia Avenue along said easterly right-of-way line of Harmon Avenue, being the westerly line of said tract of record in Volume 1962 Page 488, of said Deed Records a distance of 68 08 feet to a 1/2-inch iron rod with cap set at the northwesterly corner of said tract of record in Volume 1962 Page 488 of said Deed Records, being the southwesterly corner of that certain tract conveyed to Nathan H Leistico and Kent Leistico by deed of record in Volume 5674, Page 34 of said Deed Records, for an angle point hereof,

THENCE, S62°22'15"E, leaving said easterly right-of-way line of Harmon Avenue along the southerly line of said Leistico tract being the northerly line of said tract of record in Volume 1962 Page 488 a distance of 140 01 feet to a 1/2-inch iron rod with cap set at the southeasterly corner of said Leistico tract, for an interior corner hereof

THENCE, N28°08'42"E along the easterly line of said Leistico tract a distance of 49 92 feet to a 1/2-inch iron rod found at the northeasterly corner of said Leistico tract, being on the southerly line of said Lot 2 for an interior corner hereof,

THENCE, N62°22'15"W along the northerly line of said Leistico tract being the southerly line of said Lot 2 a distance of 140 01 feet to a 1/2-inch iron rod with cap set at the northwesterly corner of said Leistico tract, being on said easterly right-of-way line of Harmon Avenue for the southwesterly corner of said Lot 2 and an angle point hereof,

THENCE, N28°08'42"E along said easterly right-of-way line of Harmon Avenue being the westerly lines of said Lot 2 said Lot 1 and said 0 766 acre tract a distance of 150 14 feet to a 1/2-inch iron rod with cap set at the northwesterly corner of said 0 766 acre tract being the southwesterly corner of Lot B of said L C Johnson's Resubdivision of a Portion of Lot 3 Plainview Heights for the northwesterly corner hereof from which an iron pipe found at the northwesterly corner of said Lot B bears N28°08'42"E a distance of 97 50 feet,

THENCE, S62°29'28"E leaving said easterly right-of-way line of Harmon Avenue, along the southerly line of said Lot B, being the northerly line of said 0 766 acre tract a distance of 138 67 feet to a 1/2-inch iron rod found at the southeasterly corner of said Lot B being the southwesterly corner of said Lot C for an interior corner of said 0 766 acre tract and hereof

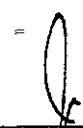
THENCE, N27°58'11"E along the easterly line of said Lot B being the westerly line of said Lot C and said 0 766 acre tract a distance of 81 89 feet to a 1/2-inch iron rod with cap set at the northwesterly corner of said 0 766 acre tract being the southwesterly corner of said Reuben M Brooks tract for the northwesterly corner hereof, from which a 1/2-inch iron rod found at the northeasterly corner of said Lot B bears N27°58'11"E a distance of 15 70 feet

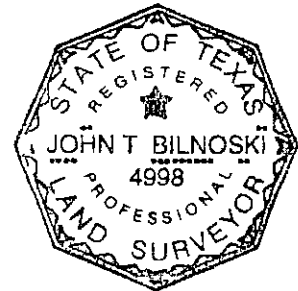
THENCE, S62°25'12"E leaving the easterly line of said Lot B, along the southerly line of said Reuben M Brooks tract, being the northerly line of said 0.766 acre tract, a distance of 118.21 feet to the POINT OF BEGINNING and containing 1.642 acres (71,545 square feet) of land, more or less, within these metes and bounds

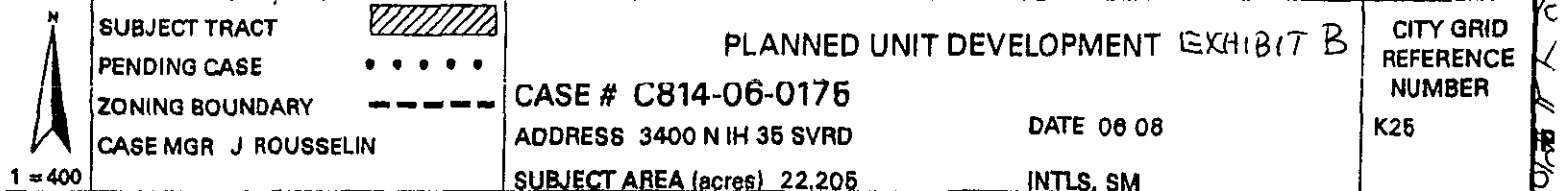
BEARING BASIS NOTE THE BASIS OF BEARING IS REFERENCED TO THE TEXAS COORDINATE SYSTEM 83(93) CENTRAL ZONE UTILIZING CITY OF AUSTIN GPS CONTROL NETWORK

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BURY & PARTNERS, INC  
ENGINEERING SOLUTIONS  
3345 BEE CAVES ROAD, SUITE 200  
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8/9/06  
JOHN T. BILNOSKI, R P L S  
NO 4998  
STATE OF TEXAS





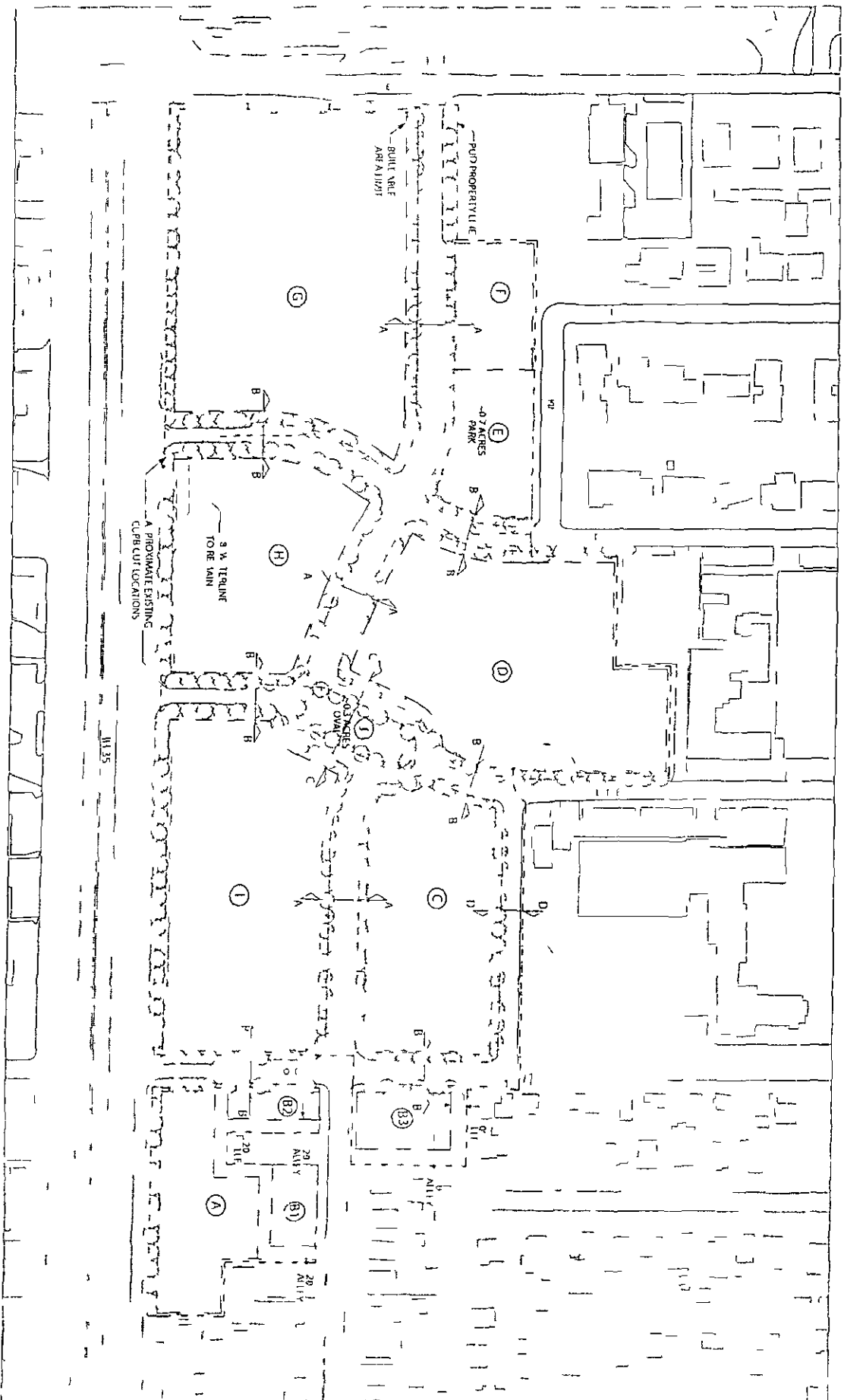


EXHIBIT C 1 LAND USE PLAN  
 EAST AVENUE PUD  
 INTERNAL DRIVE AND BLOCK PLAN  
 Prepared by ROMA Design Group



75 OF HICHLIGHTED FRONTAGES SHALL HAVE PEDESTRIAN ORIENTED USES  
 US S ON REMAINING UNHICHLIGHTED FRONTAGES ARE NOT LIMITED

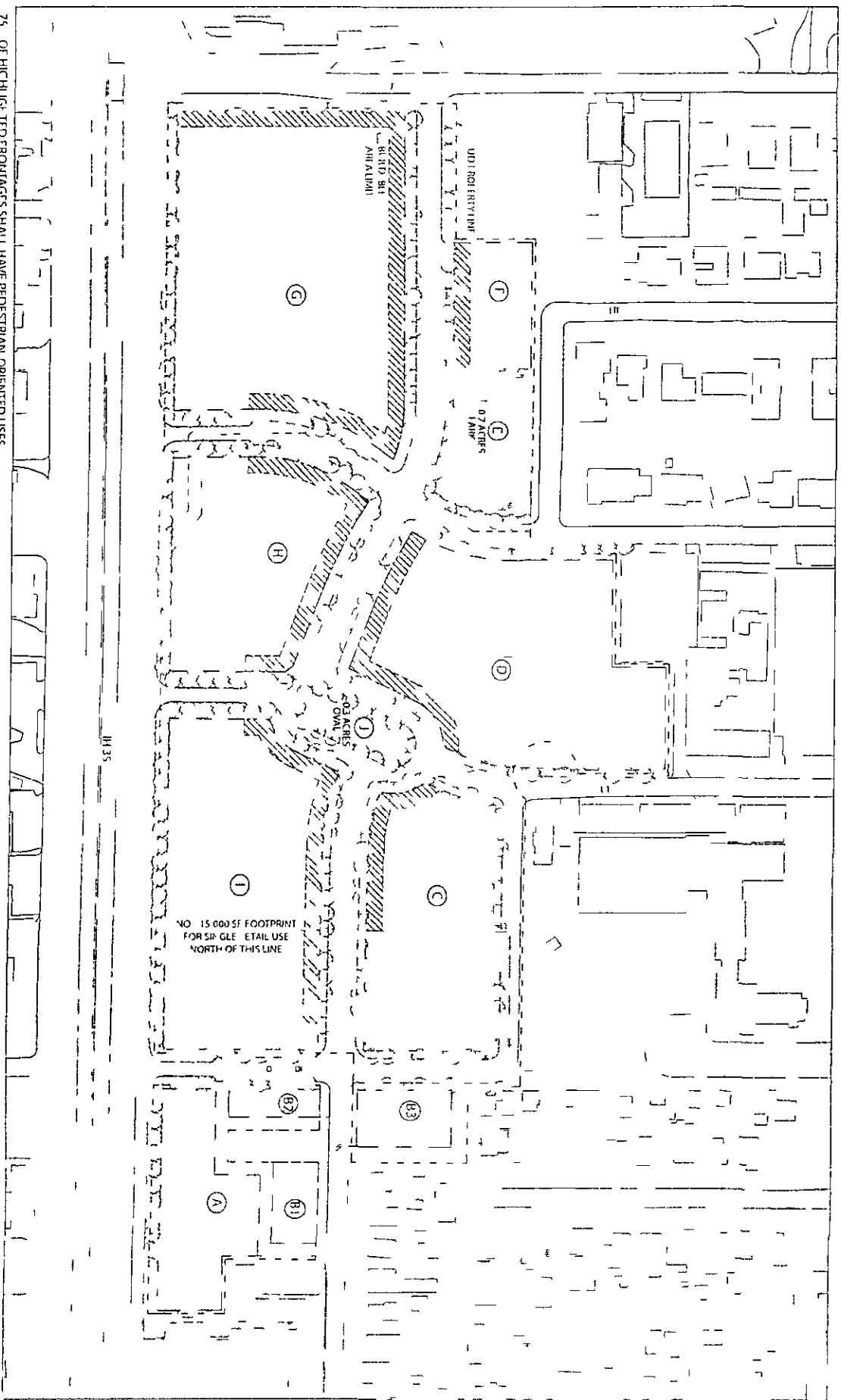


EXHIBIT C 3 LAND USE PLAN  
 EAST AVENUE PUD  
 GROUND FLOOR PEDESTRIAN ORIENTED USE FRONTAGES  
 Prepared by ROMA Design Group

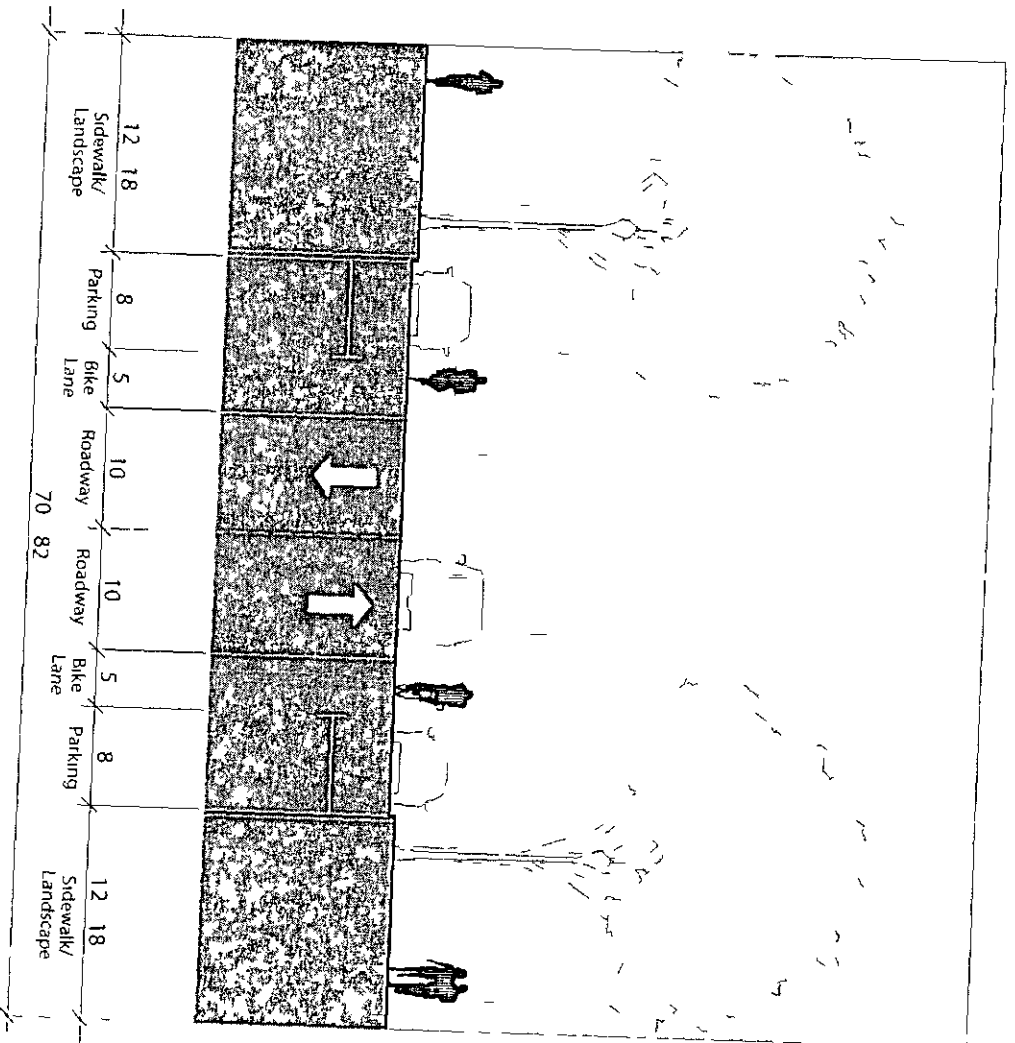


EXHIBIT C 4 A  
 EAST AVENUE PUD  
 SECTION AA NORTH / SOUTH INTERNAL DRIVE  
 Prepared by ROMA Design Group



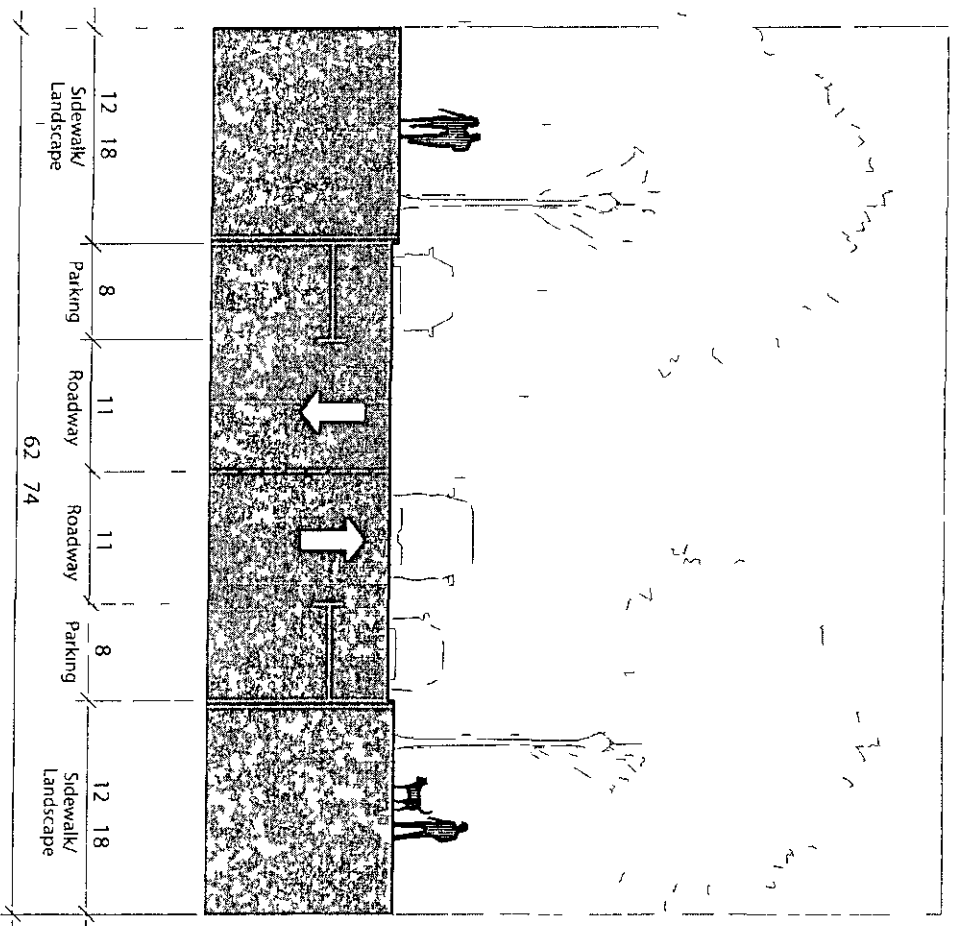


EXHIBIT C 4 B  
 EAST AVENUE PUD  
 SECTION BB EAST / WEST DRIVES  
 Prepared by ROMA Design Group

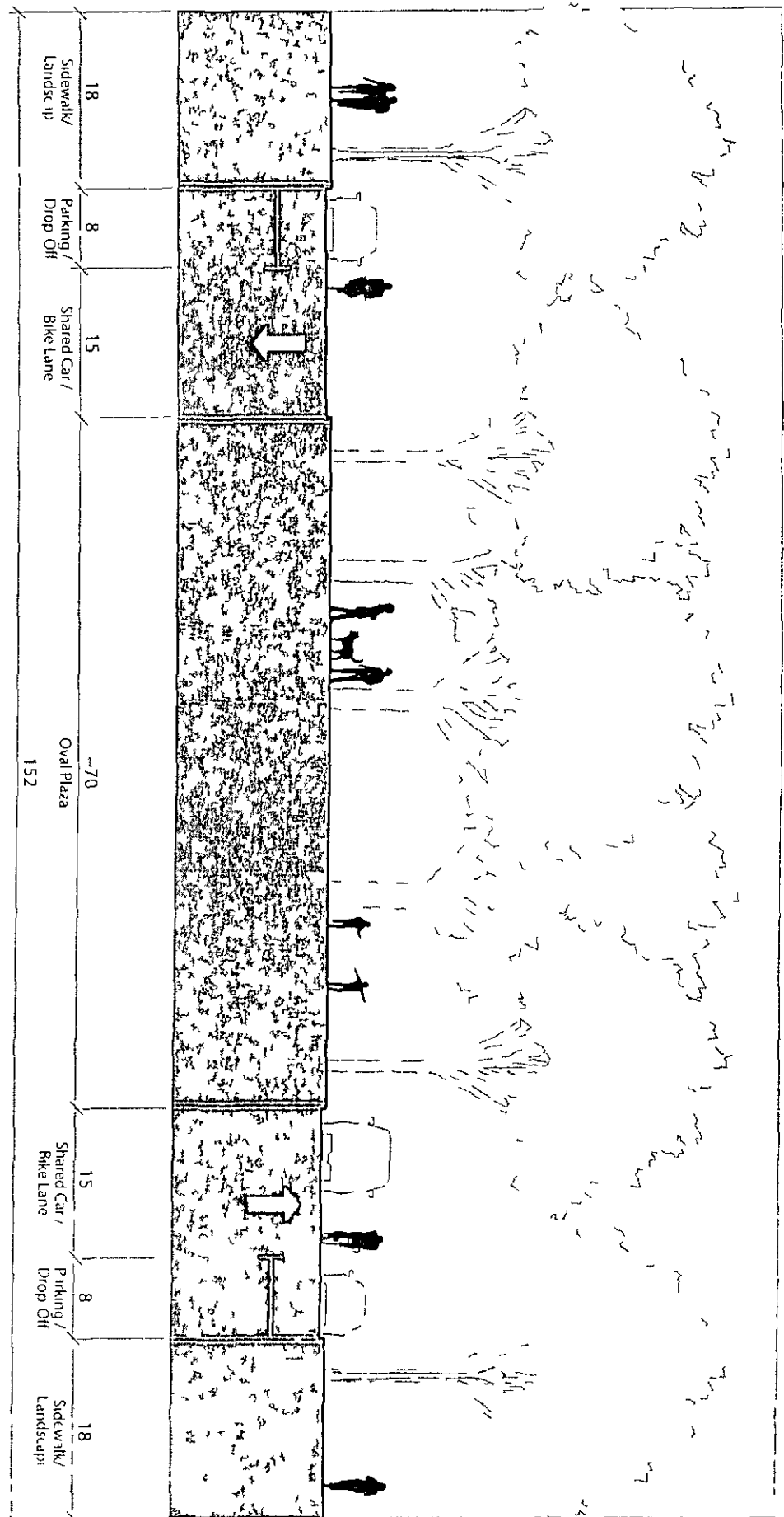


EXHIBIT C 4 C  
EAST AVENUE PUD  
SECTION CC INTERNAL OVAL DRIVE  
Prepared by ROMA Design Group

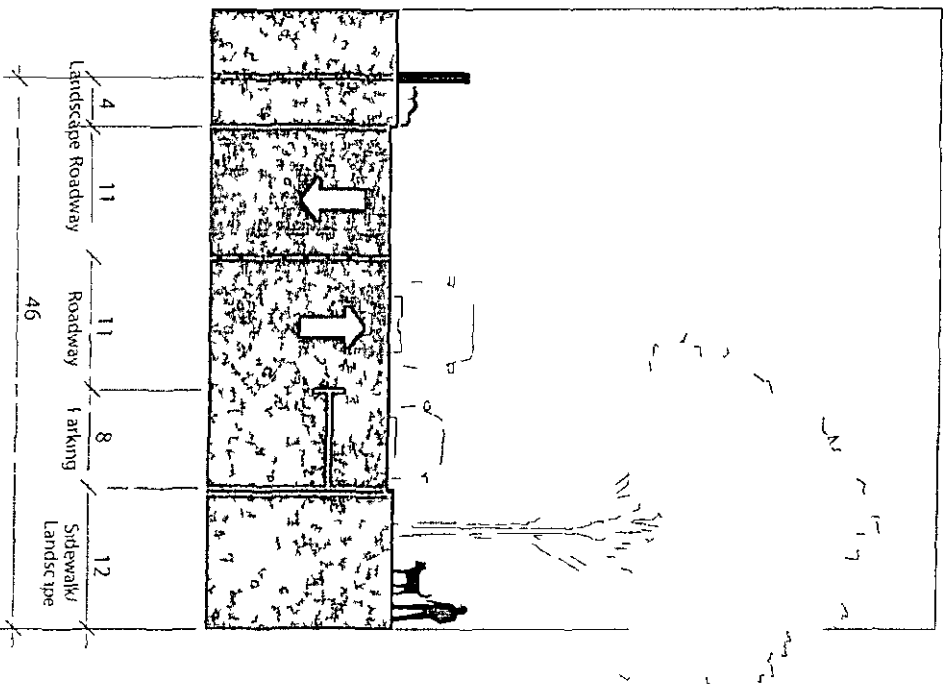
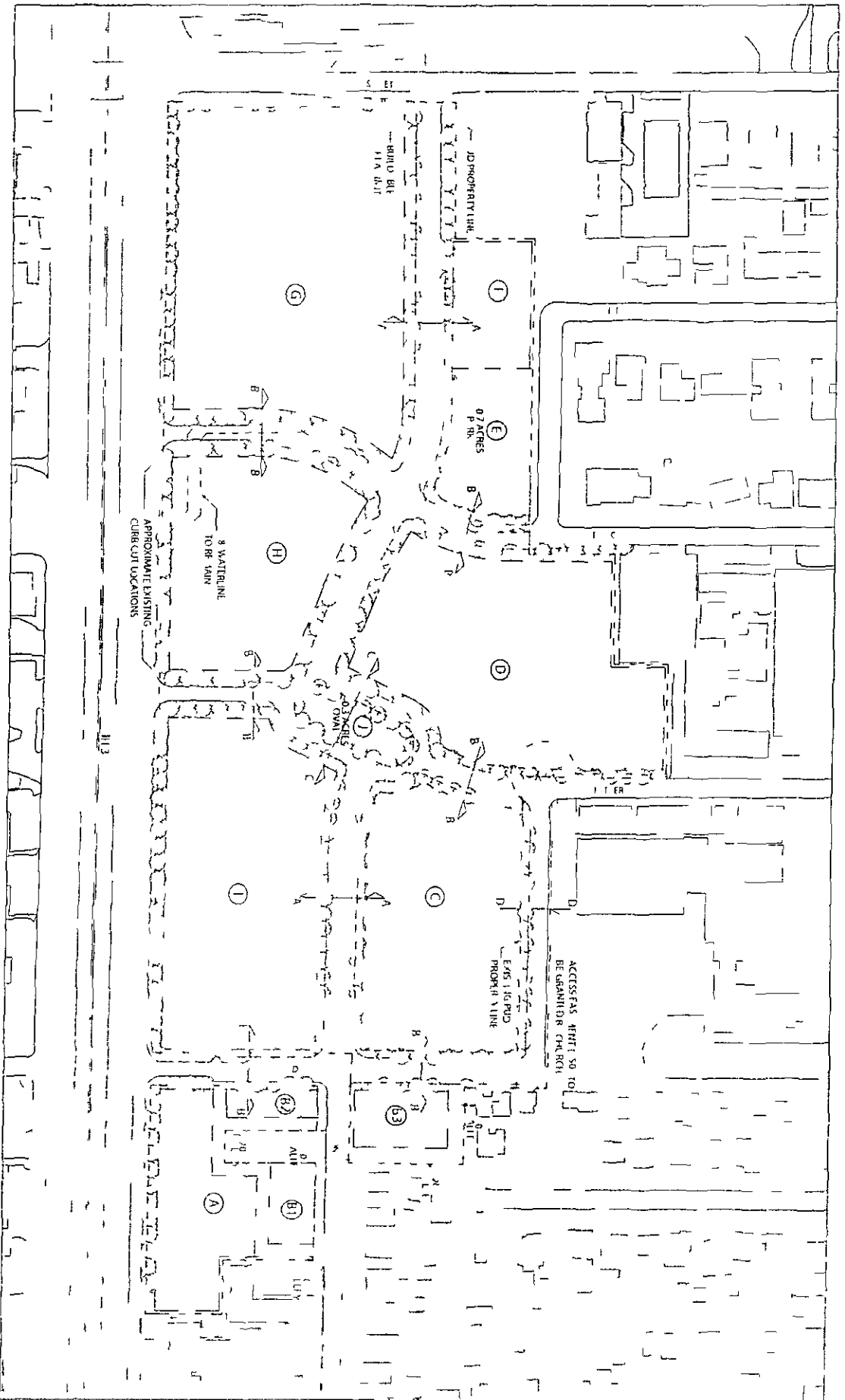


EXHIBIT C 4 D  
EAST AVENUE PUD  
SECTION DD INTERNAL DRIVE AT CHURCH PROPERTY EDGE  
Prepared by ROMA Design Group



# EXHIBIT C 5 LAND USE PLAN

## EAST AVENUE PUD

### ALTERNATE INTERNAL DRIVE AND BLOCK PLAN WITH CHURCH ACCESS EASEMENT

Prepared by ROMA Design Group

# EXHIBIT D

## Grow Green Native and Adapted Landscape Plants

### Trees

Ash Texas <i>Fraxinus texensis</i>	Oak Escarpment Live <i>Quercus fusiformis</i>
Arizona Cypress <i>Cupressus arizonica</i>	Oak Lacey <i>Quercus glaucoide s</i>
Big Tooth Maple <i>Acer grandidentatum</i>	Oak Monterey (Mexican White) <i>Quercus polymorpha</i>
Cypress Bald <i>Taxodium distichum</i>	Oak Shumard <i>Quercus shumardii</i>
Cypress Montezuma <i>Taxodium mucronatum</i>	Oak Texas Red <i>Quercus texana</i> ( <i>Quercus buckleyi</i> )
Elm, Cedar <i>Ulmus crassifolia</i>	Pecan <i>Carva illinoensis</i>
Elm Licbark <i>Ulmus parvifolia</i>	Soapberry <i>Sapindus drummondii</i>
Honey Mesquite <i>Prosopis glandulosa</i>	
Oak Bur <i>Quercus macrocarpa</i>	
Oak Chinquapin <i>Quercus muhlenbergii</i>	
Oak Southern Live <i>Quercus virginiana</i>	

### Small Trees/Large Shrubs

Anacacho Orchid Tree <i>Bauhinia congsta</i>	Persimmon Texas <i>Diospyros texana</i>
Buckeye Mexican <i>Ungnadia speciosa</i>	Pistachio Texas <i>Pistacia texana</i>
Buckeye Red <i>Aesculus pavia</i>	Plum Mexican <i>Prunus mexicana</i>
Carolina Buckthorn <i>Rhamnus caroliniana</i>	Pomegranate <i>Punica granatum</i>
Cherry Laurel <i>Prunus caroliniana</i>	Redbud Mexican <i>Cercis canadensis mexicana</i>
Crape Myrtle <i>Lagerstroemia indica</i>	Redbud Texas <i>Cercis canadensis var texensis</i>
Desert Willow <i>Chilopsis linearis</i>	Retama Jerusalem Thorn <i>Parkinsonia aculeata</i>
Dogwood Roughleaf <i>Cornus drummondii</i>	Senna Flowering <i>Cassia corimbosa</i>
Escarpment Black Cherry <i>Prunus serotina var calymia</i>	Smoke Tree American <i>Cotinus obovatus</i>
Eve's Necklace <i>Sophora affinis</i>	Sumac Flimbleat <i>Rhus lanceolata</i>
Goldenball Leidtsee <i>Leucaena retusa</i>	Viburnum Rusty Blackhaw <i>Viburnum rufidulum</i>
Holly Possumhaw <i>Ilex decidua</i>	Viburnum Sandankwa <i>Viburnum suspensum</i>
Holly Yaupon <i>Ilex vomitoria</i>	
Mountain Laurel Texas <i>Sophora secundiflora</i>	

## Shrubs

Abelia Glossy <i>Abelia grandiflora</i>	Nandina <i>Nandina domestica Compacta nana Gulf Stream</i>
Agave (Century Plant) <i>Agave sp</i>	Oleander <i>Nerium oleander</i>
American Beautyberry <i>Callicarpa americana</i>	Palmetto <i>Sabal minor</i>
Artemisia <i>Artemisia Powis Castle</i>	Pickly Pear <i>Opuntia engelmannii var lindheimeri</i>
Barbados Cherry <i>Malpighia glabra</i>	Rose Belinda's Dream <i>Rosa Belinda's Dream</i>
Barberry Japanese <i>Berberis thunbergii Atropurpurea</i>	Rose Lamaine <i>Rosa Lamaine</i>
Basket Grass (Sacahuista) <i>Nolina texana</i>	Rose Living Easy <i>Rosa Living Easy</i>
Black Dalea <i>Dalea frutescens</i>	Rose, Marie Pavie <i>Rosa Marie Pavie</i>
Bush Germander <i>Teucrium fruticans</i>	Rose Martha Gonzales <i>Rosa Martha Gonzales</i>
Butterfly Bush <i>Buddleja davidii</i>	Rose Mutabilis <i>Rosa Mutabilis</i>
Butterfly Bush Woolly <i>Buddleja marubifolia</i>	Rose Nearly Wild <i>Rosa Nearly Wild</i>
Coralberry <i>Symphoricarpos orbiculatus</i>	Rose Old Blush <i>Rosa Old Blush</i>
Cotoncaster <i>Cotoncaster sp</i>	Rose Perle d'or <i>Rosa Perle d'or</i>
Eleagnus <i>Eleagnus pungens</i>	Rock Rose <i>Pavonia lasiopetala</i>
Esperanza/Yellow Bells <i>Tecoma stans</i>	Rosemary <i>Rosmarinus officinalis</i>
Flame Acanthus <i>Amsacanthus quadrifidus var wrightii</i>	Sage Mountain <i>Salvia regia</i>
Fragrant Mimosa <i>Mimosa borealis</i>	Sage Texas (Cenizo) <i>Leucophyllum frutescens</i>
Holly Burford <i>Ilex cornuta Burfordii</i>	Senna Lindheimer <i>Cassia lindheimeriana</i>
Holly Dwarf Chinese <i>Ilex cornuta Rotunda nana</i>	Southern Wax Myrtle <i>Myrica cerifera</i>
Holly, Dwarf Yaupon <i>Ilex vomitoria Nana</i>	Sumac Evergreen <i>Rhus virens</i>
Jasmine Primrose <i>Jasminum mesnyi</i>	Sumac Fragrant (Aromatic) <i>Rhus aromatica</i>
Kidneywood <i>Eysenhardtia texana</i>	Texas Sotol <i>Dasylirion texanum</i>
Lantana Native <i>Lantana horrida</i>	Turks Cap <i>Malvaviscus arboreus</i>
Mistflower Blue (Blue Boneset) <i>Eupatorium coelestinum</i>	Yucca Paleleaf <i>Yucca pallida</i>
Mistflower White (Shrubby White Boneset) <i>Agcratina havanense</i>	Yucca Red <i>Hesperaloe parviflora</i>
Mock Orange <i>Philadelphus coronarius</i>	Yucca softleaf <i>Yucca recurvifolia</i>
	Yucca Twistleaf <i>Yucca rupicola</i>

## Perennials

Black eyed Susan <i>Rudbeckia hirta</i>	Lantana Trailing <i>Lantana montevidensis</i>
Bulbine <i>B. frutescens</i> or <i>caulescens</i>	Marigold Mexican Mint <i>Tagetes lucida</i>
Bush Morning Glory <i>Ipomoea fistulosa</i>	Obedient Plant Fall <i>Physostegia</i>
Butterfly Weed <i>Asclepias tuberosa</i>	<i>virginiana</i>
Butterfly Weed 'Mexican' <i>Asclepias</i>	Oregano Mexican <i>Polioanthus</i>
<i>curassavica</i>	<i>longiflora</i>
Cast Iron Plant <i>Aspidistra elatior</i>	Penstemon <i>Penstemon</i> sp
Chile Pequin <i>Capsicum annuum</i>	Phlox Fragrant <i>Phlox pilosa</i>
Cigar Plant <i>Cuphea micropetala</i>	Pink Skullcap <i>Scutellaria suffrutescens</i>
Columbine Red <i>Aquilegia canadensis</i>	Plumbago <i>Plumbago auriculata</i>
Columbine Yellow <i>Aquilegia</i>	Poinciana Red Bird of Paradise Pride of
<i>chrysantha</i> 'Texas Gold'	Barbados
Coreopsis <i>Coreopsis lanceolata</i>	<i>Caesalpinia pulcherrima</i>
Daisy Blackfoot <i>Meibomia</i>	Primrose Missouri <i>Oenothera</i>
<i>leucanthum</i>	<i>macrocarpa</i>
Daisy Copper Canyon <i>Tagetes lemmonii</i>	Purple Coneflower <i>Echinacea purpurea</i>
Damiantha <i>Crysanthemum mexicanum</i>	Ruellia <i>Ruellia brittoniana</i>
Fall Aster <i>Aster oblongifolius</i>	Sage Cedar <i>Salvia roemeriana</i>
Fern, River <i>Thelypteris kunthii</i>	Sage Jerusalem <i>Phlomis fruticosa</i>
Firebush <i>Hamelia patens</i>	Sage Majestic <i>Salvia guaranitica</i>
Gaura <i>Gaura lindheimeri</i>	Sage Mealy Blue <i>Salvia farinacea</i>
Gayfeather <i>Liatris mucronata</i>	Sage Mexican Bush <i>Salvia leucantha</i>
Gregg Dalea <i>Dalea greggii</i>	Sage Penstemon, Big Red Sage <i>Salvia</i>
Hibiscus Perennial <i>Hibiscus</i>	<i>penstemonoides</i>
<i>moscheutos</i> <i>Hibiscus coccineus</i>	Sage, Russian <i>Perovskia atricapsa</i>
Honeysuckle Mexican <i>Justicia</i>	Sage Scarlet or 'Tropical' <i>Salvia</i>
<i>spicigera</i>	<i>coccinea</i>
Hymenoxys (Four Nerve Daisy)	Salvia Gregg (Cherry Sage) <i>Salvia</i>
<i>Tetrandria scaposa</i>	<i>greggii</i>
Indigo Spires <i>Salvia 'Indigo Spires'</i>	Shrimp Plant <i>Justicia brandegeana</i>
Iris Bearded <i>Iris albicans</i>	Texas Betony <i>Stachys coccinea</i>
Iris, Butterfly/Bicolor (African) <i>Dietes</i>	Verbena, Prairie <i>Verbena bipinnatifida</i>
<i>sp</i>	Yarrow <i>Achillea millefolium</i>
Lamb's Ear <i>Stachys byzantina</i>	Zexmenia <i>Wedelia texana</i>
Lantana <i>Lantana x hybrida</i> (many	
varieties)	

## Ornamental Grasses

Bluestem Big *Andropogon gerardii*  
 Bluestem Bushy *Andropogon*  
*glomeratus*  
 Bluestem Little *Schizachyrium*  
*scoparium*  
 Fountain Grass Dwarf *Pennisetum*  
*alopecuroides*  
 Indian Grass *Sorghastrum nutans*  
 Inland Sea Oats *Chasmanthium*  
*latifolium*

Mexican Feathergrass (Winegrass) *Stipa*  
*tenuissima*  
 Muhly Bamboo *Muhlenbergia dumosa*  
 Muhly Big *Muhlenbergia lindheimeri*  
 Muhly Deer *Muhlenbergia rigens*  
 Muhly Gulf *Muhlenbergia capillaris*  
 Muhly Seep *Muhlenbergia reverchonii*  
 Sideoats Grama *Bouteloua curtipendula*  
 Wild Rye *Lymus canadensis*

## Vines

Asian Jasmine *Trachelospermum*  
*asiaticum*  
 Carolina Jessamine *Gelsemium*  
*sempervirens*  
 Coral Vine *Antigonon leptopus*  
 Crossvine *Bignonia capicollata*  
 Fig Vine *Ficus pumila*

Honeysuckle Coral *Lonicera*  
*sempervirens*  
 Lady Banksia Rose *Rosa banksiae*  
 Passion Vine *Passiflora incarnata*  
 Trumpet Vine *Campsis radicans*  
 Virginia Creeper *Parthenocissus*  
*quinquefolia*

## Groundcover

Aztec Grass *Ophiopogon japonicus*  
 Frogfruit *Phyla incisa*  
 Horseterb *Calypocarpus vialis*  
 Leadwort Plumbago *Ceratostigma*  
*plumbaginoides*  
 Liriope *Liriope muscari*  
 Monkey Grass (Mondo Grass)  
*Ophiopogon japonicus*  
 Oregano *Origanum vulgare*  
 Periwinkle Littleleaf *Vinca minor*  
 Pigeonberry *Rivina humilis*

Purple Heart *Secreasea pallida*  
 Santolina (Lavender Cotton) *Santolina*  
*chamaecyparissus*  
 Sedge Berkeley *Carex tumulicola*  
 Sedge Meadow *Carex peridentata*  
 Sedge Texas *Carex texensis*  
 Sedum (Stonedrop) *Sedum nuttallianum*  
 Silver Ponyfoot *Dichondra argentea*  
 Woolly Stemodia *Stemodia lanata*  
*(Stemodia tomentosa)*

## Turf Grasses

Bermuda Tif 419 Sahara Baby  
 Common'  
 Buffalo 609 Stampede Prairie  
 St Augustine Baby Common  
 Ralcih 'Declma'

Zoysia Fine Leaf 'Matrella' Emerald'  
 Zorro  
 Zoysia Coarse Leaf Japonica Jamu  
 El Toro Palis



## EXHIBIT D-1

### Invasive Species/Problem Plants

#### PLANTS TO AVOID

##### **INVASIVES**

(Plants that are non-native to the Central Texas ecosystem and tend to out compete native species)

##### **Do Not Plant**

(Travel by seeds, berries, and spores so can be transported long distances They have already invaded preserves and greenbelts)

- Arizona Ash
- Chinaberry
- Chinese Pistache
- Chinese Tallow
- Chinese Privet
- Elephant Ear
- Holly Fern
- Japanese Honeysuckle
- Ligustrum, Wax Leaf
- Mimosa
- Mulberry, Paper
- Nandina (large, berrying varieties)
- Photinia, Chinese
- Pyracantha
- Tamarisk
- Tree of Heaven

##### **Do Not Plant Near**

##### **Parks/Preserves/Greenbelts**

(travel by runners, rhizomes, and stems so only invade neighboring areas)

- Bamboo
- English Ivy
- Vinca (Periwinkle)

##### **PROBLEM TREES AND SHRUBS**

(Typically fast-growing, highly adaptable, but often have weak wood and are short-lived Most are susceptible to insect and disease problems )

- Arizona Ash
- Azalea (not adapted to Austin soils)
- Boxelder
- Camellia
- Chinaberry
- Chinese Privet
- Chinese Tallow
- Cottonwood
- Ligustrum
- Lombardy Poplar
- Mimosa
- Mulberry, Paper
- Photinia, Chinese
- Siberian Elm
- Silver Maple
- Sweetgum
- Sycamore
- Tree of Heaven

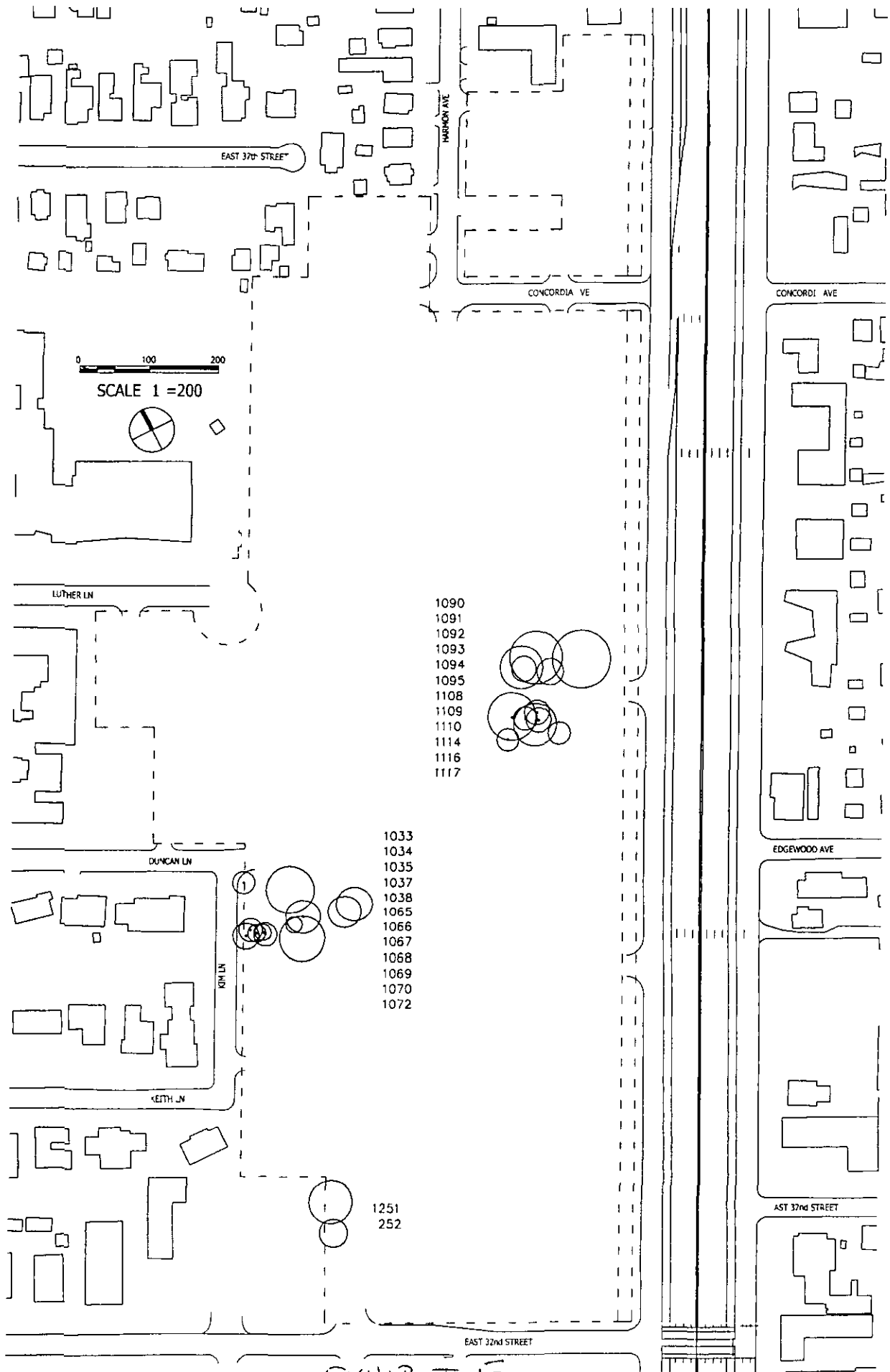


EXHIBIT E

# EXHIBIT F

## EAST AVENUE PARCEL SQUARE FOOTAGE

Parcel	Footprint Area
A B1 & B2	64 716
B3	22,799
C	107 003
D	125 361
F	62,939
G	146 645
H	81 487
I	102 215

## EXHIBIT G

### OPERATIONAL CRITERIA

**Operational Criteria** The application for site plan approval must include the following provisions from the proposed hotel operator that confirms the operator will design, manage, and continuously operate a luxury including conference facilities hotel type that includes as a minimum all the following characteristics and features on Parcel D:

- 1 conference facility
- 2 general restaurant
- 3 cocktail lounge
- 4 full service spa
- 5 fitness center
- 6 concierge service
- 7 parking valet
- 8 business center
- 9 24 hour room service
- 10 daily housekeeping service and
- 11 nightly turn down service