

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING FOR THE PROPERTY GENERALLY KNOWN AS THE CIRCUIT OF THE AMERICAS LOCATED AT 9201 CIRCUIT OF THE AMERICAS BOULEVARD AND CHANGING THE ZONING MAP FROM INTERIM-RURAL RESIDENCE (I-RR) DISTRICT TO PLANNED UNIT DEVELOPMENT (PUD) DISTRICT.

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

PART 1. Circuit of the Americas Planned Unit Development (the “COTA PUD”) is comprised of approximately 1,153 acres of land generally located east of State Highway 130 and north of FM 812 Road and more particularly described by metes and bounds in **Exhibit “A”** incorporated into this ordinance (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 interim-rural residence (I-RR) district to planned unit development (PUD) district on the property described in Zoning Case No. C814-2018-0122, on file at the Housing and Planning Department, and locally known as 9201 Circuit of the Americas Boulevard, in the City of Austin, Travis County, Texas, and generally identified in the map attached as **Exhibit “B”**.

PART 3. This ordinance and the attached Exhibits constitute the land use plan (the “Land Use Plan”) for the COTA PUD created by this ordinance. Development of and uses within the COTA 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 in effect at the time of permit application apply to development within the COTA PUD.

PART 4. 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. Legal Description of the COTA PUD

Exhibit B. Zoning Map

Exhibit C. Zoning Use Summary Table

Exhibit D. Land Use Plan

Exhibit E. Site Development Regulations, Tables and Notes

Exhibit F. Existing and Proposed Site Layout

Exhibit G. Parks and Open Space Plan

Exhibit H. Existing and Proposed Environmental Mitigation and CEFs

Exhibit I. Restoration Planting Details

PART 5. Definitions.

In this ordinance, Landowner means the owner of property located within the 1,153 acres of land described in **Exhibit “A”**, or the owner’s successors and assigns.

PART 6. Land Use.

The COTA PUD is a 1,153-acre mixed use project generally located east of State Highway 130 and north of FM 812 at 9201 Circuit of the Americas Boulevard.

Development in the COTA PUD shall be subject to the conditions established in the following:

- A. The proposed Land Use Plan (**Exhibit “D”**) includes a breakdown of the planning area layout and size/acreages, the open space chart and the land use summary chart.
- B. The Site Development Regulations, Tables and Notes (**Exhibit “E”**) includes the parking and off-street loading requirements, the site development regulations per planning area and specific development notes.
- C. The Zoning Use Summary Table (**Exhibit “C”**) lists the permitted, prohibited and conditional land uses by planning area.
- D. An Observation Tower use has been added as a permitted use in the Zoning Use Summary Table (**Exhibit “C”**). The Observation Tower use is permitted within Planning Area 5 and is allowed a maximum of 265 feet in height.

- E. The Cocktail Lounge use is limited to a total of 100,000 square feet on the Property. No individual cocktail lounge use can be more than 20,000 square feet in size.
- F. The Liquor sales use is limited to a total of 50,000 square feet on the Property. No individual liquor sales use can be more than 30,000 square feet in size.

PART 7. Affordable Housing.

The Landowner shall pay a fee-in-lieu donation for any bonus area developed within COTA PUD per City Code Chapter 25-2, Subchapter B, Article 2, Division 5, Section 2.5.6 (*In Lieu Donation*). Bonus area in the COTA PUD shall include any gross floor area greater than that which could be achieved within the height, floor area ratio, and building coverage allowed by the commercial services zoning district. The fee-in-lieu amount shall be equivalent to the bonus area multiplied by the current Planned Unit Development Fee Rate at the time of site plan submittal. The City shall not issue the final certificate of occupancy for any development in the COTA PUD that includes bonus area until the fee-in-lieu donation has been paid to the City of Austin Housing and Planning Department.

PART 8. Art.

The COTA PUD will participate in the Art in Public Places (AIPP) program. The Landowner will either:

- A. expend a minimum budget of \$250,000 to provide for pieces of public art to be displayed in a minimum of 5 publicly accessible locations within the COTA PUD;
or
- B. provide a minimum contribution of \$250,000 to the AIPP Program.

Public onsite art distribution will be developed and managed by the Landowner.

PART 9. Electrical

- A. Landowner shall dedicate a 15-foot electrical easement along the public right-of-way, unless suitable easements are otherwise provided with a subdivision or site plan. Additional electrical easements within districts shall be determined at the

subdivision review phase of development.

- B. Utility services and facilities are allowed within all districts.
- C. Building setbacks within the COTA PUD are subject to required easements, clearance, and safety requirements per Austin Energy design criteria for electrical facilities.
- D. The Landowner shall provide Austin Energy with 24-hour access across the Property to the electrical easement for the installation and ongoing maintenance of electrical facilities. Any planned temporary or permanent fencing must not prevent access to the easement. Austin Energy will install a lock on the gate to provide access, identify location, and provide specifications for proposed fencing.

PART 10. Environmental.

- A. All proposed improvements within the COTA PUD shall use green storm water infrastructure for 100% of the provided stormwater treatment.
- B. The overall maximum impervious cover allowed by the COTA PUD is 68% as shown on the tracking table on **Exhibit “E”** (*Site Development Regulations, Tables and Notes*).
- C. The COTA PUD will provide 298 acres of Open Space as shown on **Exhibit “D”** (*Parks and Open Space Plan*).
- D. The City shall not issue a certificate of occupancy for any building included in the initial site plan filed by the Landowner until and unless all of the requirements listed in this subsection are met. This requirement does not apply to a site plan for the recreation fields associated with Planning Area 4.
 - i) The COTA PUD shall provide 14.36 acres of Blackland Prairie restoration, as shown on **Exhibit “H”** (*Existing and Proposed Environmental Mitigation and CEFs*).
 - ii) The COTA PUD shall install 400 native trees minimum size 2-inch caliper and water trees for establishment. Trees shall not count towards any other landscape requirement. Tree plantings shall use Central Texas native seed stock and require

1,000 cubic feet of shared soil volume for each newly planted tree.

iii) The COTA PUD shall provide 0.88 acres of water quality treatment to mitigate the asphalt trail, as shown on **Exhibit “H”** (*Existing and Proposed Environmental Mitigation and CEFs*).

iv) The COTA PUD shall restore vegetation along the existing asphalt trail as described in **Exhibit “I”** (*Restoration Planting Details*).

F. The development of the COTA PUD shall comply with all conditions and development restrictions in **Exhibit “G”** (*Parks and Open Space Plan*).

G. The COTA PUD will implement an Integrated Pest Management Plan.

H. Cut and Fill in excess of 4 feet, but not exceeding 20 feet, is allowed in Planning Area 4 as indicated in the cut and fill table on **Exhibit “E”** (*Site Development Regulations, Tables and Notes*).

I. The Landowner will hire a certified arborist to oversee the maintenance of the trees planted on the Property according to Note 24 on the Site Development Regulations, Tables and Notes – **Exhibit “E”** for a period of three years. Maintenance shall include a plan for watering, pruning, mulching, and other customary tree care.

PART 11. Fire.

All bulk chemical storage on the Property shall be reviewed and permitted with the Austin Fire Department prior to facility installation or delivery. Bulk chemical storage within 300 feet of residential occupancies shall be prohibited or require additional reporting, risk assessments and/or risk mitigation, as determined by the Austin Fire Department.

PART 12. Green Building.

All buildings in the COTA PUD shall achieve a two-star or greater rating under the Austin Energy Green Building program using the applicable rating version in effect at the time Landowner submits a rating registration application for the building.

PART 13. Landscaping.

- A. The COTA PUD shall comply with Chapter 25-2, Subchapter C, Article 9 (*Landscaping*), the Commercial Landscape Ordinance, including irrigation, and use of innovative water management options such as directing stormwater to on-site uses, such as landscaping.
- B. All required tree plantings shall use native tree species selected from Appendix F (Descriptive Categories of Tree Species) of the Environmental Criteria Manual (the "ECM").
- C. All required tree plantings shall use Central Texas native seed stock.
- D. All planted landscape materials shall be selected from the ECM Appendix N (City of Austin Preferred Plant List) or the "Grow Green Native and Adapted Landscape Plants Guide".
- E. Alternative water supply shall be used as the primary water source for landscaping irrigation within the COTA PUD on all projects that contain in excess of 100,000 square feet of gross floor area, provided that an alternative water source is readily available and its use does not present a disproportionate cost premium on the overall project which is defined as greater than 0.25% of the project's hard construction cost. Condensate recovery shall be defined as the primary water source if potable water is only used after the condensate supply has been exhausted. Condensate storage should be based on a minimum of 5 days of peak condensate production.
- F. An Austin Water Utility irrigation meter will be provided to supply pool, lazy river and other waterpark water features within the COTA PUD. The irrigation meter for the waterpark water features associated with a waterpark use may be shared with the backup irrigation supply. In such cases, the waterpark water features shall be separately sub-metered with a private meter.

PART 14. Parkland and Open Space

- A. The COTA PUD shall provide for 298 acres of open space.
- B. The COTA PUD shall provide for a 20-foot easement for future Urban Trails Master Plan Tier II trail in the outer half of the Critical Water Quality Zone and located outside of the erosion hazard zone. The easement will be dedicated to the City at the time of the first site plan in the PUD.

- C. The COTA PUD shall dedicate 11.38 acres of parkland. The City shall not issue a certificate of occupancy for the first site plan for a hotel or residential use until the proposed park improvements on the parkland have been constructed, accepted by the Parks and Recreation Department and the 11.38 acres dedicated as parkland to the City of Austin.
- D. The COTA PUD shall construct two community soccer fields that are open to the public as shown in **Exhibit “G”** (*Parks and Open Space Plan*). The City shall not issue a certificate of occupancy for the first site plan for a hotel or residential use until the proposed soccer fields and associated park improvements have been constructed, accepted by the Parks and Recreation Department and dedicated as parkland to the City of Austin.
- E. The COTA PUD shall provide private open space around track, hotel, and stadium areas in **Exhibit “G”** (*Parks and Open Space Plan*) and as shown on the chart in **Exhibit “D”** (*Land Use Plan*).
- F. The COTA PUD shall provide a 30-foot easement for public access to parkland as shown in Exhibit “G” (*Parks and Open Space Plan*). The City shall not issue a certificate of occupancy for the first site plan for a hotel or residential use until the proposed easement for public access to parkland has been dedicated as parkland to the City and associated park improvements have been constructed and accepted by the Parks and Recreation Department.

PART 15. Parking Structure

All Commercial or Mixed-Use buildings in the COTA PUD shall comply with all parking structure requirements in City Code Chapter 25-2, Subchapter B, Article 2, Division 5 (Planned Unit Development), Subpart 2.4, and City Code Chapter 25-6 (Transportation).

PART 16. Site Plan

- A. The COTA PUD will allow for multiple site plans at one time. Future site plans shall come in on a project-by-project basis .
- B. The Landowner will file a site plan application and complete the Formula 1 United

States USACE Mitigation (SP-2014-0048D) plans and construct the improvements. The City will not issue a certificate of occupancy for the building(s) contained in any site plan, excluding site plans specific for recreation fields, following COTA PUD approval until the USACE mitigation improvements are completed, or until a fiscal based upon a contractor's estimate of the mitigation construction cost has been posted through a developer's agreement to the City. USACE mitigation plans must be permitted and constructed within 5 years of approval of the COTA PUD.

- C. Environmental variances approved with the original site plan case, SP-2011-0053D, are no longer valid for new improvements proposed with the COTA PUD. The Landowner will correct SP-2011-053D(R1) to reflect these changes.
- D. The COTA PUD shall comply with the agreements between the City of Austin and Circuit of the Americas executed on July 31, 2011, and May 2, 2017, respectively, as authorized by Resolution No. 20110629-002.

PART 17. Transportation

- A. The COTA PUD shall comply with the Land Development Code and Transportation Criteria Manual requirements, which include, but are not limited to: right-of-way width, street design, driveway criteria, stopping sight distance, sidewalks, block length, accessibility requirements, parking and loading requirements, unless otherwise modified in this ordinance.
- B. Driveway access to a County road will require approval from Travis County and driveway access to a state-maintained roadway will require approval from the Texas Department of Transportation.
- C. The COTA PUD shall provide for shower facilities for office development according to Section 25-6-478(D) of City Code.

PART 18. 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.

Section 25-1-21(103) (*Site*) is modified to amend the definition of Site to allow a site

to cross a public street or right-of-way if that public street or right of-way is within the boundaries of the COTA PUD.

B. Zoning.

1. Section 25-2-243 (*Proposed District Boundaries Must Be Contiguous*) is modified to allow the COTA PUD boundaries to cross right-of-way and not be contiguous.
2. Section 25-2-491 (*Permitted, Conditional and Prohibited Uses*) is modified to establish a specific set of permitted, conditional and prohibited uses to be applicable per **Exhibit “C”** – Zoning Use Summary Table.
3. Section 25-2-492 (*Site Development Regulations*) is modified to establish a specific set of site development regulations applicable to the COTA PUD as shown on **Exhibit “E”** – Site Development Standards Table.
4. Section 25-2-1051 (*Applicability: Compatibility Standards*) is modified to provide that Compatibility Standards do not apply within the COTA PUD, unless triggered by development outside of the COTA PUD.
5. Section 25-2, Subchapter E (*Design Standards and Mixed Use*) is modified to provide that the requirements of City Code Chapter 25-2, Subchapter E do not apply to development of the property within the COTA PUD.

C. Transportation.

1. Section 25-6 APPENDIX A (*Tables of Off-Street Parking and Loading Requirements*) is modified to reduce off-street parking requirements and allow for off-street parking requirements to be shared between the use classifications as determined on Exhibit “E”.
2. Section 25-6-501 (*Off-Site Parking*), subsection (B) is modified to provide that off-street parking is a permitted use only if the director approves the location of all or a portion of the required or excess off-site parking.

D. Environmental.

1. Section 25-8-262 (*Critical Water Quality Zone Street Crossings*) subsection (B) (1) is modified to allow an existing thirty (30) foot trail of decomposed granite and hard surface in **Exhibit “G”** (*Parks and Open Space*) to cross a major critical water quality zone although not identified in the Transportation Plan.
2. Section 25-8-341 (*Cut Requirements*) and Section 25-8-342 (*Fill Requirements*) are modified to allow for cut and fill as determined in the table located on **Exhibit “E”**.

E. Sign Regulations.

Section 25-10-103 (*Signs Prohibited in All Sign Districts*) is modified to allow one (1) off-premise sign on Planning Area 8 within the proposed parkland dedication area.

PART 19. This ordinance takes effect on _____, 2020.

PASSED AND APPROVED

_____, 2020 §
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Steve Adler
Mayor

APPROVED: _____ **ATTEST:** _____
Anne L. Morgan Jannette S. Goodall
City Attorney City Clerk