

COMMODORE PERRY ESTATE – ZONING AND DEVELOPMENT STANDARDS

Tract 1: from east property line to middle wall

Tract 2: from middle wall to centerline of Waller Creek

Tract 3: from centerline of Waller Creek to west property line

Existing Zoning:

SF-3-CO-NP

Proposed Zoning:

Tract 1: GR-~~EO~~-MU-CO-H-NP

- COs and Restrictive Covenants specific to Tract 1
- Historic zoning for mansion, carriage house, and sunken garden

Tract 2: GR-~~EO~~-MU-CO-H-NP

- COs and Restrictive Covenants specific to Tract 2
- Historic zoning for cottage, bowling alley, and bridge

Tract 3: SF-6-~~EO~~-MU-CO-NP

- COs and Restrictive Covenants specific to Tract 3

Existing FLUM:

Civic

Proposed FLUM:

Tract 1: Mixed Use

Tract 2: Mixed Use

Tract 3: Higher Density Single Family

Uses:

The following chart sets forth permitted uses in each tract pursuant to CO to the rezoning ordinance; all other uses will be prohibited.

PERRY ESTATE -- ZONING USE SUMMARY TABLE

	P = Permitted Use C = Conditional Use Permit X = Not Permitted		
	TRACT 1	TRACT 2	TRACT 3
Art Gallery	P	P	X
Art Workshop	P	P	X
Bed and Breakfast, Group I & II	P	X	X
Single Family Residential	P	P	P
Condominium Residential	P	P	P
Urban Farm	X	P	C*
Private Primary Educational Facilities	P	P	P
Private Secondary Educational Facilities	P	P	P
Hotel-Motel	P	P	X
Indoor Entertainment	P	X	X
Restaurant (General)	P	X	X
Congregate Living	P**	P**	P**
Group Home, Class I & II	P***	P***	P***
Religious Assembly	P	P	P
Conditional Use Permit for Outdoor Entertainment	C	C	X
Subterranean and Above-	P	P	P

Ground Parking

* Code provides that
Urban Farm in SF zoning is
conditional use.

** Required for senior housing uses.

*** City staff indicates that due to federal law this cannot be restricted via ordinance or public restrictive covenant.
Regardless, we will eliminate this use via private restrictive covenant.

The following uses otherwise permitted in GR pursuant to City Code shall be prohibited:

Administrative and Business Offices;; Automotive Rentals; Automotive Repair Services; Automotive Sales; Automotive Washing (of any type); Bail Bond Services; Business or Trade School; Business Support Services; Commercial Off-Street Parking; Communications Services; Consumer Convenience Services; Consumer Repair Services; Drop-Off Recycling Collection Facility; Exterminating Services; Financial Services; Food Preparation; Food Sales; Funeral Services; General Retail Sales (Convenience); General Retail Sales (General); Indoor Sports and Recreation; Medical Offices (exceeding 5k sq. ft. gross floor area); Medical Offices (not exceeding 5k sq. ft. gross floor area); Off-Site Accessory Parking; Outdoor Sports and Recreation; Pawn Shop Services; Pet Services; Printing and Publishing; Professional Office; Research Services; Restaurant (Limited); Service Station; Software Development; Theater; College and University Facilities; Communication Service Facilities; Community Events; Community Recreation (Private); Community Recreation (Public); Counseling Services; Cultural Services; Day Care Services (Commercial); Day Care Services (General); Day Care Services (Limited); Family Home; Guidance Services; Hospital Services. (Limited); Local Utility Services; Public Primary Educational Facilities; Public Secondary Educational Facilities; Residential Treatment; Safety Services; Telecommunication Tower.

Development Standards:

A. Tracts 1, 2 and 3:

1. Height, number/size, impervious cover.

- a. Maximum building height of a new building or structure is generally 30 feet from finished grade and two stories (except for existing structures on Tract 1, and except for residential structures similar to those depicted on the Ross Chapin residential concept plan on Tract 2), measured in accordance with typical City of Austin methodology. Subterranean parking is not counted as a story in connection with the foregoing two-story height limit. The purpose of this exception to a maximum 30' height limitation on Tract 2 is to account for the steep slope on Tract 2 that may result in the distance from the lowest to the highest point of two story buildings measuring greater than 30 feet when measured in accordance with City of Austin methodology.
- b. Maximum impervious cover of total project shall not exceed 45% of gross site area.
- c. Maximum number of units on Tracts 1 and 2 combined shall be 75, and no more than 55 of those may be hotel units. No more than 40 of those hotel units may be located on Tract 2. *(Applicable to Tracts 1 and 2, only)*
- d. Only residential uses are allowed within 100 feet of the north property line of Tracts 1 and 2, except for the easternmost 250' of Tract 1.
- e. Massing of residential buildings within 100' of the north property line:
 - e.i. Buildings shall be maximum of 2 stories, and shall not exceed 30 feet high from finished grade, measured in accordance with typical City methodology.
 - e.ii. Buildings shall maintain single-family detached, rowhouse or townhouse massing and scale; units may share common walls.

- e.iii. Buildings shall avoid use of continuous or unbroken wall plane along northern building faces.
- e.iv. First tier of buildings along north property line must be not more than 80 feet wide, as measured along the side of the buildings that are most parallel to the north property line. Residential buildings within 100' of the northern property line shall not exceed a maximum building size of 10,000 square feet per building and individual buildings shall not contain more than four residential units (*Applicable to Tracts 1 and 2 only*). See Setbacks Exhibit.
- f. Hotel units shall each contain a minimum of 400 sq. ft. of conditioned space per unit. (*Applicable to Tracts 1 and 2, only*)
- g. Residential units shall contain a maximum of 4,500 square feet of conditioned space per unit. Duplexes and triplexes (defined as two or three units sharing a common wall(s) and intended to be occupied by an owner and one or more tenants) shall be prohibited.

2. Buffering and screening.

- a. A 25 foot setback shall be established along the north and west property line, regardless of use or zoning of the subject tract. See Setbacks Exhibit.
- b. Existing perimeter stone wall will be restored and preserved.
- c. Following issuance of City permits for construction of residential and/or hotel units, a new 8' high stone wall will be constructed along north and west property lines except in the floodplain. A similar wall or fence will be constructed along the portion of the north and west property line that is in the floodplain to the extent ~~allowed by~~ [it will not impede stormwater flows or alter the existing floodplain and as permitted by the City regulations of Austin.](#)
- d. Construction of new wall/vegetative buffer will be completed as a construction first phase priority within 180 days following commencement of construction of new hotel and/or residential units.
- e. All non-residential mechanical equipment shall be located a minimum of 50' from any off-site single-family lot and ground level mechanical equipment shall be screened by a solid wall at least as tall as the equipment or placed on the opposite side of a building from an adjacent single-family lot. All non-residential roof-mounted/elevated mechanical equipment will be screened from view from any adjacent off-site single-family property.
- f. Any roof deck will be oriented so that occupants do not have views to residences along Park Blvd. and Peck.

3. Noise.

- 3.a. Primary demolition and excavation work for new construction will be conducted on an accelerated schedule and completed within 120 days following commencement of construction of new hotel and/or residential units to reduce the period of time that such noise will be generated.
- 3.b. All trash will be picked up during daytime, between the hours of 8:00 a.m. to 8:00 p.m.

4. Signage.

- a. Signs proposed for the areas of the site zoned Historic are subject to review by the Historic Landmark Commission. Subject to further review/modification by that Commission where applicable, signs visible from Red River and/or 41st Street shall be subject to the following limitations and design standards:
 - g.i. The site will be entitled to signs visible from the public streets at the following locations with the corresponding restrictions set forth below:

- a.i.1. Red River service entrance – wall sign mounted flush or projecting from wall or pole
- a.i.2. Red River main entrance – two wall signs mounted flush or projecting from wall or pole
- a.i.3. Corner of 41st Street and Red River – existing pole sign
- a.i.4. 41st Street mansion sidewalk entrance – wall sign mounted flush or projecting from wall
- a.i.5. 41st Street entrances – two wall signs mounted flush or projecting from wall
- g.ii. With the exception of the existing pole sign at the corner of 41st Street and Red River, all signs along 41st Street shall be mounted flush or projecting from the wall (i.e., no pole signs). With the exception of the existing pole sign at the corner of 41st Street and Red River, no signs along 41st Street shall be illuminated except for the wall sign at the 41st Street mansion pedestrian entrance, which may be illuminated with landscape and/or indirect lighting.
- g.iii. Wall signs shall not exceed 20 square feet each. Projecting signs shall not exceed 16 square feet each. The maximum letter height shall be 20 inches. The top of any pole or wall sign shall not exceed 14 feet above street grade. The bottom of any projecting sign shall be at least 8 feet above the ground and the top of any projecting sign shall not exceed 14 feet above the ground.
- g.iv. Sign color and design shall be moderate and in keeping with the architectural character of the property and the residential neighborhood.
- g.v. Signs shall be constructed of wood, metal, and/or glass – no plastic shall be allowed. No sign shall blink, flash, revolve, move, vary in intensity, or appear to be in motion. Sign illumination shall be evenly distributed and, with the exception of neon tubing, shall be concealed from view.

5. Other.

- a. Total vehicle trips shall not exceed 2,000 vehicle trips/day.
- b. Developer to provide letter of credit (LOC) in the amount of \$50,000.00 for the benefit of HNA providing for HNA enforcement costs of private restrictive covenant, and will provide HNA evidence of annual renewal of LOC.
- c. Developer will install a sidewalk, street trees, and landscaping along the west side of Red River St. from 41st Street to the north property line, subject to City approval, prior to issuance of certificate of occupancy for new hotel or residential units. (*Applicable to Tract 1 only*).
- d. Developer will install a sidewalk, street trees, and landscaping along the north side of 41st Street from Red River St. to the west property line of the site, subject to City approval, prior to issuance of certificate of occupancy of new hotel or residential units. Parallel parking may be incorporated along this same area of 41st Street if available public right-of-way will accommodate it, subject to City approval.
- e. Any street trees installed shall be a minimum of 5 caliper inches in diameter measured 4 ½ feet above natural grade, and shall be watered for a minimum two years following installation. Any tree that dies within two years of initial installation will be replaced by tree of minimum 5 caliper inches in diameter measured 4 ½ feet above natural grade.

f. Developer will seek a license from the City of Austin to allow to irrigate, landscape, and maintain the public right-of-way adjacent to the property on 41st Street and Red River Street.

g. No pole-mounted parking lot or site lights will be used, and no service lights that project onto adjacent property will be used.

6. Compatibility Restrictions per Land Development Code.

a. All development will comply with the Compatibility Provisions set forth in Article 10, City of Austin Land Development Code along north and west property lines adjacent to single family residences, including without limitation:

i. No structure may be built within 25 feet of the SF property line.

ii. No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.

iii. Exterior lighting must be hooded or shielded so that the light source is not directly visible from adjacent SF property.

iv. The noise level of mechanical equipment may not exceed 70 db at the property line.

v. Refuse receptacles, including a dumpster, may not be located 20 feet or less from SF property.

vi. The location of and access to a permanently placed refuse receptacle, including a dumpster, must comply with guidelines published by the City. The City shall review and must approve the location of and access to each refuse receptacle on the property.

vii. A highly reflective surface, including reflective glass and a reflective metal roof with a pitch that exceeds a run of seven to a rise of 12, may not be used, unless the reflective surface is a solar panel or copper or painted metal roof.

viii. An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF property.

ix. No parking or driveways are allowed within 25 feet of SF property line.

B. Tract 1:

1. Height, number/size, impervious cover.

a. Maximum indoor seating capacity of restaurant shall be 200.

b. Maximum number of attendees at an event held at the property will not exceed 350 (including event participants, guests, and employees). Space sufficient for on-site queuing of at least ten vehicles must be provided on site. Adequate on-site parking must be provided to accommodate, or agreements for sufficient overflow off-site parking spaces must be entered into, or other arrangements must be provided (e.g. shuttle van/bus/carpool) to accommodate maximum projected attendees.

2. Buffering and screening.

a. Please see Section A. above for applicable development standards.

3. Wedding and related outdoor activities, noise. Outdoor amplified sound and outdoor non-amplified music sound shall be allowed subject to the conditions and restrictions provided below:

a. Applicant will undertake detailed sound monitoring by a qualified acoustical engineer of all events for a six month period beginning upon issuance of the first certificate of occupancy on Tract 1. Following the initial six month period, the results of the monitoring will be shared with HNA and applicant's use of outdoor amplified sound and outdoor non-amplified music sound shall be

reviewed for compliance with standards established hereinbelow, and shall be adjusted and modified if necessary to achieve the standards. Applicant and HNA will meet every six months thereafter to review performance during the previous six months for compliance with agreed standards.

b. No outdoor amplified sound or outdoor non-amplified music sound will occur on the property except in the following locations: (1) on the south patio of the Mansion, and (2) in the sunken garden. See outdoor amplified sound location exhibit.

c. All outdoor amplified sound shall be played through a “house” sound system equipped with programmable, automated noise limiting or sound level management capability that monitors and limits A-weighted noise (dBA) and C-weighted noise (dBC) to the levels listed in Table 1.

d. All outdoor non-amplified music sound shall be monitored by a “house” sound monitoring system equipped with sound logging capability that monitors A-weighted noise (dBA) and C-weighted noise (dBC) for comparison with the levels listed in Table 1.

e. Outdoor amplified sound and non-amplified music sound levels shall be measured at two or more different locations, each at a fixed distance from the amplified source(s) and non-amplified stage equaling one or more of the distance values listed in Table 1. Periodic sound data shall be continuously logged over the duration of events to indicate A-weighted noise (dBA) and C-weighted noise (dBC) levels comply with the levels in Table 1. The logging period used for sampling data during continuous monitoring shall be no less than 30 seconds and no greater than 3 minutes. Logged data shall include the recorded levels of LeqA, LmaxA, LeqC and LmaxC, the time of day, the logging period, the averaging time constant (fast/slow), a description of the microphone location, and the distance from microphone to the nearest amplified sound or music sound source. Logged data shall be stored and kept for a minimum of 365 days after it is recorded.

f. Outdoor noise from indoor amplified sound and non-amplified music sound shall be monitored similarly for comparison with outdoor noise limits.

g. Non-amplified music instruments that shall be disallowed include the following: brass instruments (trumpet, trombone, french horn, etc.), drums of all types, cymbals, bagpipes, and other instruments that exceed an average level of 85 dBA or 95 dBC measured at a distance of 3 feet during loud (fortissimo) play.

h. Non-amplified music instruments that are allowed include the following: piano, acoustic guitar, symphonic strings (violin, viola, cello, upright bass), harp, drums played with brushes, woodwinds and brass instruments played with mutes, and other instruments achieving an average noise level of 85 dBA and 95 dBC at a distance of 3 feet during loud (fortissimo) play.

i. The size of ensembles or groups performing non-amplified music shall be no more than five performers at the same time.

j. Amplified outdoor sound, including voice, and outdoor non-amplified music sound shall not exceed the following noise levels:

Table 1: Allowable Average (Leq) Noise Levels

Distance from loudspeaker	Day (10:00am-7:00pm)	Evening (7:00pm-10:00pm)
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or performance source/stage	LeqA (dBA)	LeqC (dBC)	LeqA (dBA)	LeqC (dBC)
7'	75	85	70	82
17'	70	80	65	77
30'	65	75	60	72
50'	60	70	55	67
100'	55	65	50	62
250'	50	60	45	57

k. Noise levels in Table 1 are intended to be measured as an equivalent average (Leq) with a ANSI Type 1 or Type 2 sound level meter set to "Fast" averaging (a 1/8-second time constant) for a duration of at least 30 seconds, or up to three (3) minutes, as needed to measure sound that accurately represents continuous and recurring event noise in excess of background sounds that may come from off-site. Peak noise levels (Lmax) may be allowed to exceed the Leq levels in Table 1 by no more than 10 dB. If the sound level meter or monitoring device to be used does not have a "Fast" averaging setting and can only be set to "Slow" averaging (a 1-second time constant) the allowable values shall be reduced by 3 dB.

l. Hours for outdoor amplified sound shall be no earlier than 10:00am and no later than the following: 8:00 pm Sunday through Thursday, 10:00 pm on Friday and Saturday.

a. [The operator of Tract 1 will incorporate language in its agreements with clients/users that provides for forfeiture of security deposits in the event of violations of sound limits provided for hereinabove.](#)

b. ~~m.~~—No waivers on restrictions regarding indoor and outdoor amplified sound will be allowed during any music or film festivals held in Travis County, Texas.

4. Signage.

a. Please see Section A. above for applicable development standards.

5. Other.

a. Service vehicles will enter/exit exclusively on Red River.

b. All service functions will occur inside a gated service court and service building that will be located no more than 50' west of Red River Street.

c. All deliveries and removals will occur inside the gated service court during daytime hours using bob-tail or smaller vehicles and trash containers will be "swapped" rather than dumped.

d. All trash will be stored inside the air-conditioned service building.

e. Access to 41st street from Tract 1 shall be limited to a crash gate for secondary emergency access as required by City Code.

C. Tract 2:

1. Height, number/size, impervious cover.

1.a. Please see Section A. above for applicable development standards.

2. Buffering and screening.

2.a. Please see Section A. above for applicable development standards.

3. Noise.

3.a. Outdoor amplified sound will be prohibited on Tract 2.

4. Signage.

4.a. Please see Section A. above for applicable development standards.

5. Other.

- 5.a. Service vehicles for hotel uses will enter/exit exclusively on Red River; service vehicles for residential uses will enter/exit from 41st Street.
- 5.b. All service functions for hotel uses will occur inside a gated service court and service building that will be located no more than 50' west of Red River Street.
- 5.c. All deliveries and removals for hotel uses will occur inside the gated service court during daytime hours using bob-tail or smaller vehicles and trash containers will be "swapped" rather than dumped.
- 5.d. All trash for hotel uses will be stored inside the air-conditioned service building.
- 5.e. Access to 41st street from Tract 2 for hotel uses shall be limited to a crash gate for secondary emergency access as required by City Code; access to 41st Street from Tract 2 for residential uses is permitted.

6. Compatibility Restrictions per Land Development Code.

- 6.a. Please see Section A. above for applicable development standards.

D. Tract 3:

1. Height, number/size, impervious cover.

- 1.a. Maximum number of units on Tract 3 shall be nine (9).
- 1.b. No units may share a common wall.
- 1.c. Massing of buildings along western property line:
 - i. Buildings shall be maximum of 2 stories, and shall not exceed 30 feet high from finished grade, measured in accordance with typical City methodology.
 - ii. Buildings shall maintain single-family massing and scale along west property line comparable to adjacent residences and surrounding neighborhood.
 - iii. Buildings shall maintain multiple sight lines from west property line to the east; and shall avoid use of continuous or unbroken wall plane along westernmost building faces.
 - iv. First tier of buildings along west property line must be not more than 50 feet wide, as measured along the side of the buildings that are most parallel to the western property line.
 - v. Buildings along west property line must be at least 10 feet apart from another building, as measured from wall face to wall face, and shall face easterly.

2. Buffering and screening.

- 2.a. Please see Section A. above for applicable development standards.

3. Noise.

- 3.a. Outdoor amplified sound will be prohibited on Tract 3.

4. Signage.

- 4.a. Please see Section A. above for applicable development standards.

5. Other.

- a. Service vehicles will enter/exit from 41st Street.

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