

Summary Development Standards – Commodore Perry Estate

A. Overview for Project Approvals:

1. The proposed project requires the following primary applications/procedural steps with the City of Austin:
 - (a) Neighborhood plan amendment requiring approval by Planning Commission and City Council with public hearings.
 - (b) Historic zoning case requiring approval by Historic Landmark Commission, Planning Commission, and City Council with public hearings.
 - (c) Rezoning case requiring approval by Planning Commission and City Council with public hearings.

All three applications will be filed concurrently, and will all be reviewed concurrently by the pertinent Commissions and City Council.

2. Conditional Overlay (CO) Combining District. The rezoning application will include a number of conditional overlays (CO): The purpose of a CO as part of rezoning ordinance is to modify use and site development regulations (to make them more restrictive, not less restrictive) to address the specific circumstances presented by a site. Per the City Code, a CO is used to promote compatibility, ease the transition from one base district to another, address land uses or sites with special requirements, and guide development.
3. Development regulations will be contained in private restrictive covenants with the Hancock Neighborhood Association recorded against the property. The project must also comply with development regulations set forth in the existing Hancock Neighborhood Plan as well as those established by City Code (including compatibility regulations). The regulations set forth in the CO and private restrictive covenants for the project in many instances are more stringent/exceed the requirements of the City code and of the existing Hancock Neighborhood Plan.
4. The provisions of sections B through I of this summary, below, provide more detail regarding the foregoing items.

B. Neighborhood Plan Amendment: Modify Future Land Use Map (FLUM) from existing Civic use to the following:

1. Mixed Use designation for hotel and related areas (including parking areas for same).
2. Civic Use designation remains for new school site area.

C. Historic Zoning: The area of the property covering the 1928 structures and formal garden area will be zoned Historic, subject to approval by the Historic Landmark Commission and City Council. Any future modifications to the area zoned Historic will require approval by the Historic Landmark Commission.

D. Rezoning:

1. Rezone the new school site to NO (Neighborhood Office), and pursuant to conditional overlay (CO) to the rezoning ordinance, limit uses in this area to the following:
 - (a) Private Primary Educational Facilities
 - (b) Private Secondary Educational Facilities

2. Rezone hotel and related site (including hotel parking areas) to GR-MU (Community Commercial-Mixed Use). Condominium Residential will be the only permitted residential use in this area pursuant to CO to the rezoning ordinance. The following uses will be the only permitted GR uses in this area pursuant to CO to the rezoning ordinance, all other GR uses will be prohibited:

- (a) Bed and Breakfast (Group 1)
- (b) Bed and Breakfast (Group 2)
- (c) Hotel-Motel
- (d) Indoor Entertainment
- (e) Personal Improvement Services
- (f) Personal Services
- (g) Restaurant (General)
- (h) Congregate Living
- (i) Group Home, Class I (General): Pending confirmation from City that this use can be “converted” to conditional use as part of rezoning ordinance. Regardless, we will eliminate this use via private restrictive covenant.
- (j) Group Home, Class I (Limited): Same as D(2)(i), above.
- (k) Group Home, Class II: Same as D(2)(i), above.
- (l) Religious Assembly

E. CO to Rezoning: Include the following as CO to the rezoning ordinance:

- 1. Limit quantity of units to 90, of which a maximum of 20 units may, at developer’s option, be residential condominiums.
- 2. Hotel units shall each contain a minimum of 400 sq. ft. of conditioned space. Residential condominium units, if any, shall each contain a minimum of 1,000 sq. ft. of conditioned space.
- 3. Limit footprint of new structures for hotel and related uses to 75,000 sq. ft.
- 4. Maximum seating capacity of hotel restaurant(s) shall be 150.
- 5. Limit footprint of new structures for school building(s) to 10,000 sq. ft. and total conditioned building square footage of school shall not exceed 20,000 sq. ft. School buildings shall be a maximum one-story and 20’ height within 50’ of western property line (school structures beyond 50’ of western property line will be a maximum two-stories and 30’ height).
- 6. Maximum impervious cover of total project shall not exceed 45% of gross site area.
- 7. 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. 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.
- 8. 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.
- 9. Developer will seek a license from the City of Austin to allow the hotel to irrigate, landscape, and maintain the public right-of-way adjacent to the property on 41st Street and Red River Street.

10. Limit vehicle trips to 2,000 vehicle trips/day (note: will conduct neighborhood traffic analysis).
11. Other CO set forth in section G below, including the following:
 - (a) Green building standards.

F. Private Restrictive Covenants: Add the following restrictions to private restrictive covenants:

1. Letter of Credit: Developer to provide letter of credit providing for HNA enforcement costs of private restrictive covenant.
2. Buffering:
 - (a) Vegetative buffer, screening, and fencing will be constructed along the north and western property line adjacent to single family residences to meet or exceed standards required by City compatibility regulations.
 - (b) Existing perimeter wall will be restored and preserved.
 - (c) Construction of new walls/vegetative buffer will be completed as a construction first phase priority, within 180 days following commencement of initial construction.
 - (d) All mechanical equipment shall be located a minimum of 50' from any 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 any adjacent single-family lot. Any roof-mounted/elevated mechanical equipment will be screened from view from any adjacent single-family property.
 - (e) On the area of the site east of Waller Creek, (i) no outdoor sports facilities will be allowed on the property other than swimming pools and no more than two tennis courts, and (ii) any tennis court will be constructed at least 100' from any single-family lot, will be screened with a solid wall on any side(s) adjacent to single-family lots, and will not be lighted for use at night. Note that section F(7)(c) discusses buffering of recreational uses located on the school site.
3. Maximum event attendees: Maximum number of attendees at an event held at the property will not exceed 350 people (including event participants and guests, and hotel employees), unless off-site valet parking is provided. Valet parking must be provided for all on-site and off-site parking for events. Space sufficient for on-site queuing of at least ten vehicles must be provided on site. Written copies of binding agreements for overflow off-site parking spaces must be provided prior to issuance of a certificate of occupancy for the hotel and must be maintained in force at all times during operation of the hotel.
4. Wedding and related outdoor activities, construction noise:
 - (a) Amphitheatre will be used only for weddings, ceremonies, readings, and acoustic performances limited to voice, string, and woodwind instruments only (e.g., no brass or percussion instruments, and no amplified sound at any time). Hours of operations for amphitheatre events shall be no earlier than 10:00am and no later than 10:30pm.
 - (b) Other than the uses of the amphitheatre (and school uses of the area west of Waller Creek), no outdoor events will occur on the property except on the front lawn, chapel, and main pool areas (at least 200' east of Waller Creek, east of the

existing stone wall that runs NW/SE through the property, and at least 200' south of the north property line).

- (c) No amplified sound will be permitted at any outdoor events, and any amplified sound will be located inside permanent structures. Hours for outdoor events shall be no earlier than 10:00am and no later than the following: 10:30pm Sunday through Wednesday, 11:00pm on Thursday, 12:00pm midnight on Friday or Saturday.
- (d) Primary demolition and excavation work on the hotel site will be conducted on an accelerated schedule and completed within 120 days following commencement of initial excavation to reduce the period of time that such noise will be generated.

5. Service functions:

- (a) All service functions will occur inside a gated service court and service building that will be located no more than 450' west of Red River Street.
- (b) 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.
- (c) All trash will be stored inside the air-conditioned service building.

6. Hotel standards: Agree to qualitative standards that can only be met by 5-star luxury lodging, including minimum 400 sq. ft. per hotel room, concierge and service, spa facilities, and full-service dining.

7. School:

- (a) Construct a wall/vegetative/landscape buffer along the west and north property lines (except in the Waller Creek floodplain) and observe the required compatibility setback of 25'.
- (b) New buildings will not exceed one-story and/or 20' height within 50' of the property line.
- (c) Beyond 50' from the property line, the school building(s) will be limited to a maximum of 30 feet from ground level and may not exceed height of two stories. Quieter uses will be located adjacent to the residential neighbors and any school swimming pool, tennis court, ball court, or playground shall be located internal to the building, or facing south, and will comply with City of Austin compatibility regulations.
- (d) No school bell or amplified sound will be used to announce classes.
- (e) Operating hours will be limited to between 7:00 am and 10:00 pm.

8. Lighting: No pole mounted lights will be used, and no service lights that project onto adjacent property will be used.

9. Signage: Signs proposed for the area 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.

- (a) The site will be entitled to signs visible from the public streets at the following locations with the corresponding restrictions set forth below:
 - 1. Red River service entrance – wall sign mounted flush or projecting from wall or pole

2. Red River main entrance – two wall signs mounted flush or projecting from wall or pole
3. Corner of 41st Street and Red River – existing pole sign
4. 41st Street mansion sidewalk entrance – wall sign mounted flush or projecting from wall
5. 41st Street school entrances – two wall signs mounted flush or projecting from wall

- (b) 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.
- (c) 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.
- (d) Sign color and design shall be moderate and in keeping with the architectural character of the property and the residential neighborhood. 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.

10. Project density and massing:

- (a) Scale and massing will be constructed as set forth in conceptual plans (attach conceptual plans as exhibit).
- (b) Hotel units shall have private courtyard or roofdeck, and any such roofdeck will be located no more than 20' above ground and will be oriented and screened so that occupants do not have views to residences along Park Blvd.]
- (c) Maximum project impervious cover shall not exceed 45% of gross site area.

11. Other: City staff stated that covenants regarding trash must be addressed via private restrictive covenant, and cannot be addressed in CO.

G. Responses to Hancock Neighborhood Association Development Issues: The project will be developed in accordance with zoning, conditional overlays, restrictive covenants, and other development regulations set forth in the Responses to Hancock Neighborhood Association Development Issues – May 17, 2010. In certain instances, the provisions of this Summary Development Standards are more restrictive than the Responses to Hancock Neighborhood Association Development Issues, and the project will be developed in accordance with the more restrictive provision.

H. Existing Restrictions per Neighborhood Plan: Maximum height currently limited to 30 feet, and 2 stories (pursuant to Hancock Neighborhood Combining District, Part 7(1), Ordinance No. 040826-59).

I. Compatibility Restrictions per Land Development Code. Comply with the Compatibility Provisions set forth in Article 10, City of Austin Land Development Code along northern and western property line adjacent to single family residences.

1. HEIGHT LIMITATIONS AND SETBACKS

- (a) No structure may be built within 25 feet of the SF property line.
- (b) No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.

2. SCALE AND CLUSTERING REQUIREMENTS

- (a) Except for good cause (massing and scale of buildings in accordance with compatibility standards), the first tier of buildings in a mixed use project must be clustered in a group that is not more than 50 feet wide.
- (b) The depth of the first tier of buildings may not exceed 60 feet.
- (c) A building must be at least 5 feet apart from another building. (note: service area and kitchen tied by overhead).
- (d) Clustering/scale requirements do not apply to a private or public primary educational facility.

3. SCREENING REQUIREMENTS

- (a) Screening comprised of a fence, berm, or vegetation must be provided to screen adjoining SF property from views of off-street parking, mechanical equipment, storage, and refuse collection.
- (b) If a fence is provided for screening, the height of the fence may not exceed 6 feet, except as otherwise permitted by fencing accessory use provisions. Accessory use fence regulations provide that 8' solid fence is allowed between commercial and residential, and no height limit on ornamental fencing (defined as fence with an open design and ratio of solid material: open space of no more than 1:4). Coordinate with immediately adjacent neighbors to specify what sort of buffering they desire – solid fence, ornamental fence, vegetative, combination.
- (c) The owner must maintain a fence, berm, or vegetation provided under this section.

4. DESIGN REGULATIONS

- (a) Exterior lighting must be hooded or shielded so that the light source is not directly visible from adjacent SF property.
- (b) The noise level of mechanical equipment may not exceed 70 db at the property line.
- (c) Refuse receptacle, including a dumpster, may not be located 20 feet or less from SF property.
- (d) 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.
- (e) 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.
- (f) 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.
- (g) No parking or driveways are allowed within 25 feet of SF property line.