ORDINANCE NO. 20080925-135

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY COMMONLY KNOWN AS THE DELL JEWISH COMMUNITY CAMPUS LOCATED AT 7300 HART LANE, FROM FAMILY RESIDENCE (SF-3) DISTRICT TO PLANNED UNIT DEVELOPMENT (PUD) DISTRICT.

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

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from family residence (SF-3) district to planned unit development (PUD) combining district on the property described in Zoning Case No. C814-2008-0016, on file at the Neighborhood Planning and Zoning Department, as follows

Lots 1, 2, 3, and 4, Block A, Dell Jewish Community Campus Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 100, Page 346, of the Plat Records of Travis County, Texas (the "Property"),

locally known as 7300 Hart Lane, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "A".

PART 2. This ordinance, together with the attached Exhibits A through C-1, are the land use plan for the Dell Jewish Community Campus planned unit development district (the "PUD") created by this ordinance. The PUD shall conform to the limitations and conditions set forth in this ordinance and in the Dell Jewish Community Campus planned unit development land use plan. If the text of this zoning ordinance and the attached exhibits conflict, the text this ordinance shall be controlling. Except as otherwise specifically provided by this ordinance and land use plan, all other rules, regulations and ordinances of the City apply to the PUD. In accordance with Part 3 of Ordinance No 20080618-098, the PUD is subject to the standards for planned unit development zoning in effect on June 18, 2008.

PART 3. The attached exhibits are incorporated into this ordinance in their entirety as though set forth fully in the text of this ordinance. The exhibits are as follows

Exhibit A. Zoning Map
Exhibit B Land Use Plan

Exhibit C: Grow Green Native and Adapted Landscape Plants

Exhibit C-1 Invasive Species/Problem Plants

PART 4. Definitions

A In this ordinance

- 1 HIGH HOLY DAYS means Rosh Hashana and Yom Kippur.
- 2 SPORTS FIELD AND TENNIS COURT means a recreational facility as defined in the City Code as Outdoor Sports and Recreation use
- B All other terms have the meaning provided in the City Code

PART 5. In accordance with Division 5, Article 2, Subchapter B, Chapter 25-2 (*Planned Unit Developments*) of the City Code, the following regulations apply to the PUD instead of otherwise applicable City regulations

- A Except as otherwise provided in this ordinance, the Property is subject to family residence (SF-3) uses and site development regulations
- B The maximum impervious cover is 50 percent.
- C The maximum gross floor area of climate controlled space for buildings is 331,000 square feet
- D A 100 foot building setback shall be established from the north and west property lines, except for Lot 1 On Lot 1, all proposed buildings shall be 100 feet from any existing residential structure
- E. Except as provided in Section F of this Part, the maximum heights are
 - 1) 35 feet from the building setback line to 300 feet from the north and west property lines, and

- 2) the lesser of 45 feet or three stories beyond 300 feet from the north and west property lines, and
- 3) the lesser of 35 feet or three stories for a parking structure. The only permitted location of a parking structure is at the approximate location on shown on Exhibit B
- F Section 25-2-531 (Height Limit Exceptions) of the City Code applies as follows:
 - 1) The structural elements listed in Section 25-2-531 (B) (1) may exceed heights in Section E by 15 percent
 - 2) The structural elements listed in Section 25-2-531 (B) (2) may not exceed a height of 60 feet.
- G Subchapter E (Design Standards and Mixed Use) of Chapter 25-2 of the City Code does not apply to the PUD.
- A 50-foot wide vegetative buffer along the north and west property lines is established and shall be maintained. Improvements permitted within the buffer zone are limited to site grading, supplemental planting, wildlife maintenance, landscape maintenance, underground utility improvements, improvements existing on the date this ordinance is approved, and improvements that may be otherwise required by the City of Austin or specifically allowed in the buffer by this ordinance
- I The tree identified as #505 on Exhibit B shall be preserved and maintained
- J. The owner shall (1) add one layer of vertical wood slats to the existing permanent wood fence along the west property line and (2) maintain the fence. The addition of the vertical slats must be completed prior to the issuance of a building permit for a building or structure greater than 35 feet in height.

K. Uses

1) The following uses are the only permitted uses of the Property:

Congregate living
Guidance services
Counseling services

Art gallery
Personal improvement services
Club or lodge

Group home, Class II
Group home, Class I (limited)
Community recreation (private)
Outdoor sports & recreation
Family home
Day care services (general)
Private primary educational
facilities
Private secondary educational

facilities

Group home, Class I (general)
Retirement housing (small site)
Community recreation (public)
Cultural services
Day care services (commercial)
Day care services (limited)
Religious assembly
Theater

- 2) Theater uses may not exceed a cumulative seating capacity of 275 persons.
- 3) A private secondary educational facilities use may not exceed a 100 student capacity.
- 4) The following uses are the only uses permitted as accessory uses to a permitted use of the Property

Administrative & business offices (not exceeding 33,100 sq. ft of gross floor area of air conditioned space)

Personal services (not exceeding 15,000 sq. ft. of gross floor area of air conditioned space)

Off-site accessory parking

5) The following uses are prohibited uses of the Property

Residential treatment

Transitional housing

6) A parking structure shall have a maximum of 300 parking spaces

L Traffic and Access

- 1) Vehicular access from the Property to Hart Lane is limited to the two existing driveways. The southernmost driveway shall be a limited function driveway that prohibits left-out movement
- 2) Vehicular access between the Property and Stone Cliff Cove is prohibited

- 3) Except during High Holy Days, access between the Property and Firestone Drive is restricted to emergency vehicles and pedestrian traffic
- Development of the Property is subject to the Traffic Impact Analysis ("TIA") prepared by HDR/WHM Transportation Engineering, dated May 9, 2007 and August 7, 2008, or as amended and approved by the Director of the Watershed Protection and Development Review Department Development is subject to the recommendations contained in the memorandum from the Transportation Review Section of the Watershed Protection and Development Review Department dated August 14, 2008 (revised) (the "TIA Memo"), provided the vehicles per day limit in Recommendation #2 shall be 9000 instead of 9518

In addition, traffic counts shall be conducted at the driveways (1) one year after certificates of occupancy are issued for new buildings on the site containing a cumulative total of 85,455 square feet (not including buildings existing on the effective date of this ordinance) and (2) one year after certificates of occupancy are issued for new buildings on the site containing a cumulative total of 185,523 square feet (not including buildings existing on the effective date of this ordinance) Counts shall be taken on a typical Tuesday, Wednesday, and Thursday when school is in session. If the average daily counts at the driveways exceed the number of vehicles assumed in the TIA, the owner shall perform additional capacity analysis of the intersections analyzed in the TIA is required. If the analysis shows levels of service below those presumed in the TIA, the owner must provide additional traffic mitigation, as approved by the Director

- 5) Within one year after certificates of occupancy are issued for new buildings containing a cumulative total of 185,523 square feet, the owner shall make the following improvements to Hart Lane
 - a) The existing sidewalk on the east side of Hart Lane shall be widened to five feet beginning at a point opposite the Property's southernmost driveway on Hart Lane and extending southward to the southernmost driveway on the east side of Hart Lane

- b) The existing sidewalk on the west side of Hart Lane shall be widened to five feet beginning at the Property's southernmost driveway on Hart Lane and extending northward to the Property's northern boundary
- c) A sidewalk five feet wide shall be constructed between the Property's northern boundary and the intersection of Hart Lane and Greystone Drive.
- d) Subject to the approval of the City of Austin Public Works and Transportation Department, a crosswalk shall be painted across Hart Lane between the Property's northernmost and southernmost driveways.
- e) Owner shall not be required to relocate utilities as a condition of owner's obligation to widen the existing sidewalks under this section
- 6) Except for improvements that exist on the effective date of this ordinance, all internal roads shall have a minimum setback of 50 feet from the north and west property lines

M Outdoor activities and facilities

- 1) Sports fields and tennis court facilities shall be under the supervision of the Jewish Community Association of Austin only
- 2) A sports field or tennis court may not be located within 300 feet of the west property line and 300 feet of the north property line.
- 3) The maximum number of sports fields permitted is two Neither lights for nighttime use nor temporary or permanent bleachers are permitted for the sports fields.
- The maximum number of tennis courts permitted is eight. Permanent bleachers to accommodate a maximum of 50 people are allowed. The tennis courts may only be lighted between 9.00 a m. and 10.00 p.m. Tennis courts may only be lighted with downward focused lights.

5) Indoor restroom facilities shall be available during all outdoor activities Portable toilets are permitted on the Property only in association with specific events and may not be left on the Property indefinitely or for extended periods of time between events

N Lighting, Sound, and Dumpsters

- Lighting designed to illuminate the exterior façade of a building or structure shall have a maximum illumination height of 25 feet. Except for security lights, all exterior lighting shall be turned off at 10 00 pm. All exterior lighting installed after the date this ordinance is approved must be hooded or shielded so that the light source is not directly visible from adjacent properties.
- 2) Temporary outdoor sound amplification systems are permitted only between the following hours:

 $9:\!00$ a m $\,$ and 800 p m $\,$ Monday through Friday, 10.00 a m, and 1000 p.m $\,$ Saturday, and 1000 a.m $\,$ and 9.00 p m $\,$ Sunday

Except for temporary outdoor speakers used for the purpose of religious services within the existing courtyard and garden on Lot 1, temporary outdoor speakers shall be directed toward Hart Lane and Far West Boulevard only and located beyond 400 feet from the north and west property lines Sound amplification is subject to City of Austin sound ordinance

- 3) Activities requiring a permit under Chapter 9-2 (Noise and Amplified Sound) of the City Code are prohibited and a permit for such activities may not be issued. The Property is considered to be zoned residential for purposes of Section 9-2-5 (Restriction on Use of Sound Equipment in a Residential Area) of the City Code
- Trash dumpsters shall be located a minimum of 100 feet from the north property line and 100 feet from the west property line. Dumpster pick-up is permitted only between 8:00 a m and 5 00 p m. Monday through Friday and only between 11.00 a m. and 5 00 p m on Saturday.

O Construction

- 1) Construction access is limited to Hart Lane
- 2) Except as set forth in this section, exterior construction activities including truck traffic are permitted only between the following hours

7~00~a.m and 7~00~p~m Monday through Friday, and 9.00~a~m and 7.00~p~m Saturday and Sunday

- 3) The construction activity hours in Subsection 2 do not apply to a concrete pour.
- 4) Operation of a hoe ram is permitted only between 9:00 a m. and 5 00 p.m Monday through Friday
- P. All residential and commercial development occurring after the date this ordinance is approved shall comply with Austin Energy Green Building Program (GBP) multifamily rating system for a minimum two-star rating Certification from the GBP shall be met as specified by the version of the rating system on the date this ordinance is approved
- At the time an application for approval of a site plan is submitted for development of the Property, or any portion of the Property, a landscape plan shall be submitted to the Watershed Protection and Development Review Department for review and approval Ninety percent of the total plant material used, exclusive of turf, shall be native to Central Texas or on the Grow Green Native and Adapted Landscape Plants list, attached as Exhibit "C" Plants on the Invasive Species/Problem Plants list, attached as Exhibit "C-1", may not be included An oak wilt and invasive vine protection plan shall be implemented on the Property
- R. At the time an application for approval of a site plan is submitted for development of the Property, or any portion of the Property, an Integrated Pest Management (IPM) plan shall be submitted to the Watershed Protection and Development Review Department for review and approval The IPM plan shall comply with the guidelines in Section 1 6.9 2 (D) and (F) of the Environmental Criteria Manual that are in effect on the date this ordinance is approve

S Development occurring after the date this ordinance is approved shall comply with the City of Austin Water Conservation Program.

T. Applications and Notice

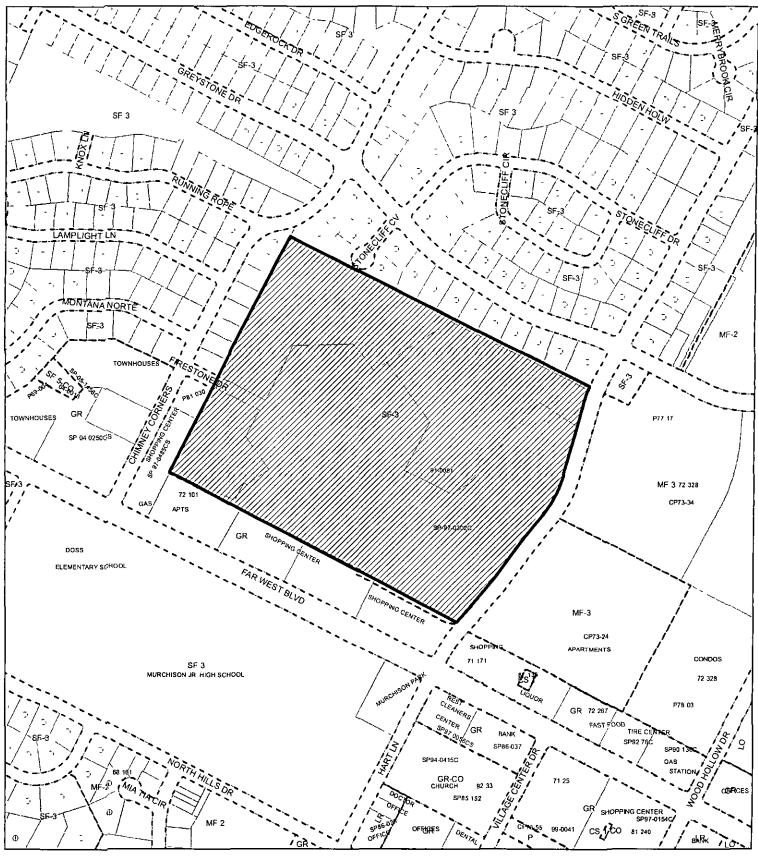
- 1) Unless the Northwest Austin Civic Association consents to an earlier filing, applications either for an amendment to the land use plan that is not substantial or for a rezoning may be filed for all or any part of the Property no more frequently that once every twelve months
- 2) No later than 45 days before an application either for an amendment to the land use plan that is not substantial or for a rezoning may be filed for all or any part of the Property, the applicant shall provide notice of the filing to all persons who are either notice owners or have utility addresses at properties that are located on Greystone Drive or Chimney Corners Drive and that abut the Property
- 3) In addition to the notice required under §25-2-261 (Notice of Application Filing) of the City Code, the director of the Neighborhood Planning and Zoning Department is directed to mail notice of an application to rezone all or any part of the Property to all notice owners and utility service addresses with 1000 feet of the Property This subsection is directory only and a failure to mail notice as directed by this subsection shall not affect the validity or legality of any action otherwise properly taken

PART 6. This ordinance takes effect on October 6, 2008

PASSED AND APPROVED

<u>September 25</u> , 2008	§ Win Wh
	Will Wynn Mayor
APPROVED:	ATTEST: Swil G Lentry
David Allan Smith City Attorney	Shirley A. Gentry City Clerk

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SUBJECT TRACT **ZONING BOUNDARY PENDING CASE**

PLANNED UNIT DEVELOPMENT FXHIBIT A

ZONING CASE# C814-2008-0016 7300 HART LANE **ADDRESS** 39 81 ACRES SUBJECT AREA **GRID** H30 C PATTERSON MANAGER



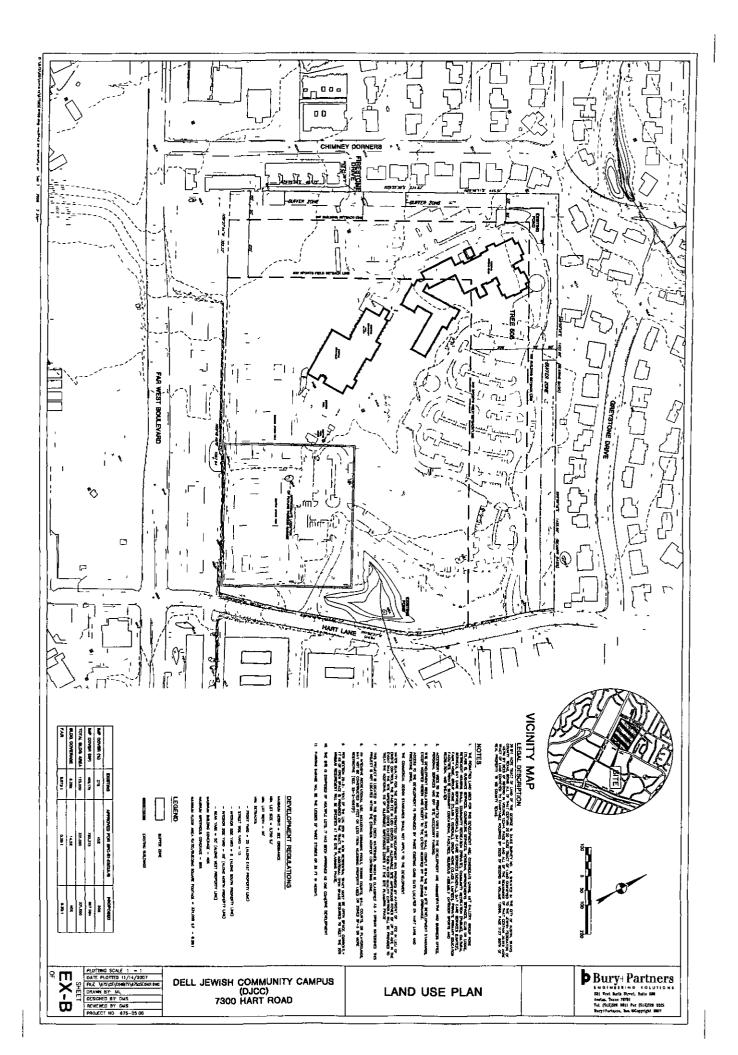


EXHIBIT C

Grow Green Native and Adapted Landscape Plants

Trees

Ash, Texas Fraxinus texensis
Arizona Cypress Cupressus arizonica
Big Tooth Maple Acer grandidentatum
Cypress, Bald Taxodium distichum
Cypress, Montezuma Taxodium
mucronatum
Elm, Cedar Ulmus crassifolia
Elm, Lacebark Ulmus parvifolia
Honey Mesquite Prosopis glandulosa
Oak, Bur Quercus macrocarpa
Oak, Chinquapin Quercus muhlenbergii
Oak, Southern Live Quercus virginiana

Oak, Escarpment Live Quercus fusilformis
Oak, Lacey Quercus glaucoides
Oak, Monterey (Mexican White)
Quercus polymorpha
Oak, Shumard Quercus shumardii
Oak, Texas Red Quercus texana
(Quercus buckleyi)
Pecan Carya illinoinensis
Soapberry Sapindus drummondii

Small Trees/Large Shrubs

Anacacho Orchid Tree Bauhinia congesta Buckeye, Mexican Ungnadia speciosa Buckeye, Rec Aesculus pavia Carolina Buckthorn Rhamnus caroliniana Cherry Laurel Prunus caroliniana Crape Myrtle Lagerstroemia indica Desert Willow Chilopsis linearis Dogwood, Roughleaf Cornus drummondu Escarpment Black Cherry Prunus serotina var. eximia Eve's Necklace Sophora affinis Goldenball Leadtree Leucaena retusa Holly, Possumhaw Ilex decidua Holly, Yaupon *Ilex vomitoria* Mountain Laurel, Texas Sophora secundiflora

Persimmon, Texas Diospyros texana Pistachio, Texas Pistacia texana Plum, Mexican Prunus mexicana Pomegranate Punica granatum Redbud, Mexican Cercis canadensis 'mexicana' Redbud, Texas Cercis canadensis var 'texensis' Retama Jerusalem Thorn Parkinsonia aculeata Senna, Flowering Cassia corymbosa Smoke Tree, American Cotinus obovatus Sumac, Flameleaf Rhus lanceolata Viburnum, Rusty Blackhaw Viburnum rufidulum Viburnum, Sandankwa Viburnum suspensum

Shrubs

Abelia, Glossy Abelia grandiflora Agarita Berberis trifoliata Agave (Century Plant) Agave sp American Beautyberry Callicarpa americana Artemisia Artemisia 'Powis Castle' Barbados Cherry Malpighia glabra Barberry, Japanese Berberis thunbergu 'Atropurpurea' Basket Grass (Sacahuista) Nolina texana Black Dalea Dalea frutescens Bush Germander Teucrium fruticans Butterfly Bush Buddleia davidii Butterfly Bush, Wooly Buddleia marrubufolia Coralberry Symphoricarpos orbiculatus Cotoneaster Cotoneaster sp Eleagnus Eleagnus pungens Esperanza/Yellow Bells Tecoma stans Flame Acanthus Anisacanthus quadrifidus var wrightii Fragrant Mimosa Mimosa borealis Holly, Burford *Ilex cornuta 'Burfordu'* Holly, Dwarf Chinese Ilex cornuta 'Rotunda nana' Holly, Dwarf Yaupon Ilex vomitoria 'Nana' Jasmine, Primrose Jasminum mesnyi Kıdneywood Eysenhardtıa texana Lantana, Native Lantana horrida Mistflower, Blue (Blue Boneset) Eupatorium coelestinum Mistflower, White (Shrubby White Boneset) Ageratina havanense Mock Orange Philadelphus coronarius

Nandina Nandina domestica 'Compacta nana' 'Gulf Stream' Oleander Nerium oleander Palmetto Sabal minor Prickly Pear Opuntia engelmannii var lındheimeri Rose. Belinda's Dream Rosa 'Belinda's Dream' Rosc, Lamarne Rosa 'Lamarne' Rose, Livin' Easy Rosa 'Livin' Easy' Rose, Marie Pavie Rosa 'Marie Pavie' Rose, Martha Gonzales Rosa 'Martha Gonzales' Rose, Mutabilis Rosa 'Mutabilis' Rose, Nearly Wild Rosa 'Nearly Wild' Rose, Old Blush Rosa 'Old Blush' Rose, Perle d'or Rosa 'Perle d'or' Rock Rose Pavonia lasiopetala Rosemary Rosmarinus officinalis Sage, Mountain Salvia regla Sage, Texas (Cenizo) Leucophyllum frutescens Senna, Lindheimer Cassia lındheimeriana Southern Wax Myrtle Myrica cerifera Sumac, Evergreen Rhus virens Sumac, Fragrant (Aromatic) Rhus aromatica Texas Sotol Dasylirion texanum Turk's Cap *Malyayıscus arboreus* Yucca, Paleleaf Yucca pallida Yucca, Red Hesperaloe parviflora Yucca, softleaf Yucca recurvifolia Yucca, Twistleaf Yucca rupicola

Perennials

Black-eyed Susan Rudbeckia hirta Bulbine B frutescens or caulescens Bush Morning Glory Ipomoea fistulosa Butterfly Weed Asclepias tuberosa Buterfly Weed 'Mexican' Asclepias curassivica Cast Iron Plant Aspidistra elatior Chile Pequin Capsicum annuum Cigar Plant Cuphea micropetala Columbine, Red Aquilegia canadensis Columbine, Yellow Aquilegia chrysantha 'Texas Gold' Coreopsis Coreopsis lanceolata Daisy, Blackfoot Melampodium leucanthum Daisy, Copper Canyon Tagetes lemmonu Damiantia Crysactina mexicana Fall Aster Aster oblongifolius Fern, River Thelypteris kunthu Firebush Hamelia patens Gaura Gaura lindeheimeri Gayfeather Liatris mucronata Gregg Dalea Dalea greggu Hibiscus, Perennial Hibiscus moscheutos, Hibiscus coccineus Honeysuckle, Mexican Justicia spicigera Hymenoxys (Four Nerve Daisy) Tetraneuris scaposa Indigo Spires Salvia 'Indigo Spires' Iris, Bearded Iris albicans Iris, Butterfly/Bicolor (African) Dietes Lamb's Ear Stachys byzantina

Lantana Lantana x hybrida (many

varieties)

Lantana, Trailing Lantana montevidensis Marigold, Mexican Mint Tagetes lucida Obedient Plant, Fall Physostegia virginiana Oregano, Mexican Poliomintha longiflora Penstemon Penstemon sp Phlox, Fragrant Phlox pilosa Pink Skullcap Scutellaria suffrutescens Plumbago Plumbago auriculata Poinciana, Red Bird of Paradise, Pride of Barbados Caesalpınıa pulcherrima Primrose, Missouri Oenothera macrocarpa Purple Coneflower Echinacea purpurea Ruellia Ruellia brittoniana Sage, Cedar Salvia roemeriana Sage, Jerusalem Phlomis fruticosa Sage, Majestic Salvia guaranitica Sage, Mealy Blue Salvia farinacea Sage, Mexican Bush Salvia leucantha Sage, Penstemon, Big Red Sage Salvia penstemonoides Sage, Russian Perovaskia atriciplifolia Sage, Scarlet or 'Tropical' Salvia coccinea Salvia, Giegg (Cherry Sage) Salvia greggu Shrimp Plant Justicia brandegeana Texas Betony Stachys coccinea Verbena, Prairie Verbena bipinnatifida Yarrow Achillea millefolium Zexmenia Wedelia texana

Ornamental Grasses

Bluestem, Big Andropogon gerardu Bluestem, Bushy Andropogon glomeratus Bluestem, Little Schizachyrium scoparium Fountain Grass, Dwaif Pennisetum alopecuroides Indian Grass Sorghasturm nutans Inland Sea Oats Chasmanthium lattfolium Mexican Feathergrass (Wiregrass) Stipa tenuissima
Muhly, Bamboo Muhlenbergia dumosa
Muhly, Big Muhlenbergia lindheimeri
Muhly, Deei Muhlenbergia rigens
Muhly, Gulf Muhlenbergia capillaris
Muhly, Seep Muhlenbergia reverchonii
Sideoats Grama Bouteloua curtipendula
Wild Rye Elymus canadensis

Vines

Asian Jasmine Trachelospermum asiaticum
Carolina Jessamine Gelsemium sempervirens
Coral Vine Antigonon leptopus
Crossvine Bignonia capreolata
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
Horseherb Calyptocarpus 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 perdentata
Sedge, Texas Carex texensis
Sedum (Stonedrop) Sedum nuttallianum
Silver Ponyfoot Dichondra argentea
Wooly Stemodia Stemodia lanata
(Stemodia tomentosa)

Turf Grasses

Bermuda 'Tıf 419', 'Sahara', 'Baby', 'Common'
Buffalo '609', 'Stampede', 'Praırıe'
St Augustine 'Baby', 'Common', 'Raleigh', 'Delmar'
Zoysia, Fine Leaf 'Matrella', 'Emerald', 'Zorro'
Zoysia, Coarse Leaf 'Japonica', 'Jamur', 'El Toro', 'Palis

EXHIBIT C-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
- Tamarısk
- · 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