

ZONING CHANGE REVIEW SHEET

CASE: C14-2020-0066 (Concordia Residence Hall-PDA Amendment) DISTRICT: 6

ADDRESS: 11400 Concordia University Drive

ZONING FROM: R&D-PDA

TO: R&D-PDA*

*The applicant is requesting an amendment to the R&D-PDA zoning to amend conditions in Section 4(B)(1) of Ordinance No.20070215-042, which states, "Any building in excess of forty (40) feet in height shall be at least three hundred (300) feet from the nearest residential unit (other than watchmen or custodial facilities) or university housing, including but not limited to student, faculty or administrative housing."

SITE AREA: 383.97acres

PROPERTY OWNER: Concordia University (Dan Gregory)

AGENT: Drenner Group (Dave Anderson, Nikki Hoelter)

CASE MANAGER: Sherri Sirwaitis (512-974-3057, sherri.sirwaitis@austintexas.gov)

STAFF RECOMMENDATION:

Staff recommends R&D-PDA, Research and Development-Planned Development Area District, zoning.

ZONING AND PLATTING COMMISSION ACTION / RECOMMENDATION:

**July 21, 2020: Approved staff's recommendation of R&D-PDA zoning (10-0);
B. Evans-1st, J. Duncan-2nd.**

CITY COUNCIL ACTION:

August 27, 2020

ORDINANCE NUMBER:

ISSUES: N/A

CASE MANAGER COMMENTS:

The property in question is 384-acre tract of land that takes access to Concordia University Drive. This parcel is part of the Concordia University campus that located along N. FM 620 Road to the north of FM 2222 Road. Surrounding land uses include academic, housing and recreational campus facilities and vacant land to the north, south and east. There are multifamily developments, retail uses and a financial services use to the west of the site.

In this rezoning request, the applicant is asking for an amendment to the conditions of the Planned Development Area (PDA) overlay in Section 4(B)(1) of Ordinance No. 20070215-042 regarding height and spacing requirements (Please see Request Letter – Exhibit C). The proposed amendment to the existing PDA zoning will permit the applicant to construct a four-story residence hall with a height of 51.3 feet within 300 feet of an adjacent residence hall as shown on the site plan in review, SP-2020-0038C (Please see Exhibit D).

The staff recommends the applicant's request for R&D-PDA, Research and Development-Planned Development Area District, zoning at this location because of the commercial character of the area and because the property takes access to a major arterial roadway, North FM 620 Road. The proposed zoning change/ PDA amendment will permit the applicant to provide additional residential housing for the students of the university.

The applicant agrees with the staff's recommendation.

BASIS OF RECOMMENDATION:

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*

Research and development (R&D) district is the designation for a research use located on a site with a campus-style design. An R&D district designation may be applied to testing services, research warehousing services, or research assembly services. An R&D district use may not include fabrication, processing, manufacturing, refining, or resource extraction.

The purpose of a planned development area (PDA) combining district is to:

- 1) provide for industrial and commercial uses in certain commercial and industrial base districts; or
- 2) incorporate the terms of a planned development area agreement into a zoning ordinance following annexation of a property that is subject to a planned development area agreement.

2. *The proposed zoning should promote consistency and orderly planning.*

The proposed R&D-PDA zoning will be compatible with surrounding land uses because this tract is part of the Concordia University campus. The parcels of land to the north, south and east are undeveloped and the lots to the west are zoned and developed with multifamily residential and commercial uses.

3. *The proposed zoning should allow for a reasonable use of the property.*

The proposed amendment to the existing PDA zoning will permit the applicant to construct a four- story residence hall with a height of 51.3 feet within 300 feet of an adjacent residence hall as shown on the site plan in review, SP-2020-0038C.

The applicant agrees with the staff's recommendation.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	R&D-PDA	College and University Facilities (Concordia University)
<i>North</i>	P, R&D	Undeveloped
<i>South</i>	LO, DR, P-CO, I-RR	Undeveloped
<i>East</i>	RR, SF-1	Undeveloped
<i>West</i>	R&D, MF-2, GR, MF-2	Undeveloped Tracts, Multifamily (Abelia Flats), Commercial (Walmart), Financial Services (Chase Bank), Multifamily (Nolina Flats)

NEIGHBORHOOD PLANNING AREA: N/A

TIA: Not Required

WATERSHED: Bull Creek

NEIGHBORHOOD ORGANIZATIONS:

Austin Lost and Found Pets
 Bike Austin
 Bull Creek Foundation
 Canyon Creek HOA
 Friends of Austin Neighborhoods
 Leander ISD Population and Survey Analysts
 Long Canyon Phase II & III Homeowners Association Inc.
 Long Canyon Homeowners Association
 Neighborhood Empowerment Foundation
 Mountain Neighborhood Association (MNA)
 River Place HOA
 SELTEXAS
 Sierra Club, Austin Regional Group

The Parke HOA
 TNR BCP – Travis County Natural Resources
 2222 Coalition of Neighborhood Associations, Inc.
 Volente Neighborhood Association

SCHOOLS: Round Rock I.S.D.

Canyon Creek Elementary School
 Canyon Vista Middle School
 Westwood High School

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2008-0178 (Canyon Creek Preserve: 13543 ½ N. FM 620 Rd)	SF-2, SF-6, MF-2 to P	9/02/08: Approved staff rec. of P by consent (5-0)	9/25/08: Approved P zoning by Ordinance No. 20080925-116 (7-0); all 3 reading
C14-2007-0089 (11200 Zimmerman Lane)	DR to SF-1	8/07/07: Approved staff's recommendation for SF-1 zoning by consent (6-0, K. Jackson, J. Martinez-absent); J. Gohil-1 st , S. Hale-2 nd .	9/27/07: Approved SF-1 zoning 6-0); all 3 readings
C14-2007-0008 (Zimmerman Lane Condominiums : 11121 Zimmerman Ln.)	SF-2 to SF-6-CO	5/01/07: Approved SF-6-CO zoning with conditions of a maximum of nine residential units and 30% impervious cover or 40% impervious cover with transfers (6-1, J. Pinnelli- Nay, J. Martinez-absent, T. Rabago-left early)	6/07/07: Approved ZAP rec. of SF-6-CO zoning by consent (7-0); all 3 readings
C14-06-0021 (Versante: 8804 North R.M. 620)	GO to SF-6	4/18/06: Approved staff's recommendation for SF-6-CO zoning by consent (9-0); J. Martinez-1 st , M. Hawthorne-2 nd .	5/18/06: Approved SF-6-CO zoning by consent (7-0); all 3 readings
C14-04-0099 (Zimmerman Zoning: 11108 Zimmerman Lane)	DR to SF-6	8/3/04: Approved SF-6-CO zoning with conditions of a maximum of 25 living units, 30% impervious cover or 40% impervious cover with transfers (8-0, J. Pinnelli-absent)	9/2/04: Granted ZAP Commission's recommendation of SF-6-CO (7-0); 1 st reading 11/4/04: Approved SF-6-CO (7-0); 2 nd /3 rd readings
C14-04-0141 (Grandview Hills Sec. 11B, Lot 1: N. FM 620 at Wilson Park Ave.)	I-RR to GR	10/05/04: Approved staff rec. of GR-CO (9-0)	11/04/04: Approved GR-CO zoning (7-0); all 3 readings

C14-04-0043(Attal Site: Zimmerman Lane, east of R.R. 620)	DR to SF-6* (Amended to SF-2 by the applicant on April 20, 2004)	4/20/04: Approved staff's recommendation for SF-2 zoning by consent (7-0, B. Baker-absent)	5/27/04: Approved SF-2 (6-0); all 3 readings
C14-03-0102 Rudy's Bar-b-que: 7709 R.R. 620 North)	LR to GR	9/23/03: Approved staff's recommendation of GR-CO zoning, with conditions: Improve Zimmerman Lane through the first driveway on the site, at the time of site plan (9-0)	10/23/03: Granted GR-CO with a restrictive covenant requiring the widening of Zimmerman Lane according to specifications approved by the City of Austin, from the intersection of FM 620 North and Zimmerman Lane, through the first driveway cut on the property (6-0, Dunkerly-absent); all 3 readings
C14-02-0027	I-RR to MF-2	3/26/02: Approved staff rec. of MF-2 by consent (9-0)	5/09/02: Approved MF-2 (7-0); all 3 readings
C14-01-0045	I-GO to GO	5/15/01: Approved staff rec. of GO by consent (6-1, BB-No)	6/14/01: Approved GO (7-0); all 3 Readings
C14-00-2055	R&D to P	5/9/00: Approved staff rec. of 'P' by consent (8-0)	6/8/00: Approved PC rec. of 'P' on all 3 readings (7-0)
C14-99-2062	RR to LI	11/16/99: Approved RR (8-0); (Staff alternate rec. was CS-CO, Applicant's request was for LI)	1/13/00: Approved W/LO, w/ conditions as rec. by staff (6-0, KW-out of room); 1 st reading 2/3/00: Approved W/LO-CO; Limiting vehicle trips to 250 per day & 50 ft reservation of FM 620 to be placed on plat or site plan (5-0); 2 nd reading 3/30/00: Approved 3 rd reading (6-0)
C14-99-0078	I-RR to GR	10/26/99: Approved 'GR' with 'LR' uses (8-1, RC-Nay); Quality restaurant allowed, prohibit Fast Food Restaurants, Pawn Shops, Automotive Uses, Exterminating Services, permit 'LO' uses, and add conditions as per Neighborhood/Applicant agreement.	12/2/99: Approved PC rec. of GR w/ conditions (6-0, WL-absent); 1 st reading 1/13/00: Approved; subject to limitation of 100,000 sq. ft. of retail and 65,000 sq. ft. of office (6-0, KW-out of room); 2 nd reading 3/2/00: Approved 3 rd reading (5-0)
C14-99-0011	GR to MF-2	3/9/99: Approved staff rec. of MF-2 by consent (6-0)	4/15/99: Approved PC rec. of MF-2 (7-0); all 3 readings
C14-98-0108	I-RR to CS	10/27/98: Approved W/LO for front 615 ft., LR-MU footprint for 1500 ft., remainder of site as CS (6-0)	12/3/98: Approved PC rec. of W/LO-CO, LR-MU-CO, and CS-CO w/conditions (6-0); 1 st reading

			9/30/00: Approved W/LO-CO, LR-MU-CO, and CS-CO; 2 nd /3 rd rdgs.
C14-98-0050	LR, SF-6 to MF-2	5/26/98: Approved staff's alternate rec. of MF-2-CO (TR1), GO-CO (TR-2) by consent (8-0)	7/23/98: Approved MF-2 and GO (7-0); all 3 readings
C14-98-0002	I-SF-2, I-RR to MF-2	2/17/98: Approved MF-2 (7-0)	3/26/98: Approved PC rec. of MF-2 w/ conditions (6-0); all 3 readings
C814-95-0002.04 (Four Points Centre PUD Amend #4)	PUD to PUD	2/4/03: Approved staff rec. of PUD by consent (7-0)	3/6/03: Approved PUD (6-0, Dunkerley-absent); 1 st reading 4/24/03: Approved PUD (6-0-1, Garcia-absent)

RELATED CASES:

C2A-84-002 (Previous Zoning Cases)

C8-2007-0140.0A (Subdivision Case)

EXISTING STREET CHARACTERISTICS:

Name	ROW	Pavement	Classification	Daily Traffic
North FM 620 Road	150'	80'	Arterial (MAD4)	39,000 (TXDOT, 2006)

OTHER STAFF COMMENTS:

Comprehensive Planning

This case concerns 4.4 acres of a 383.97 acre site is located on Concordia University Drive, which is east of FM 620 and is the site of Concordia University. This case is not located within the boundaries of a neighborhood planning area, or along an Activity Center or Corridor. Surrounding land uses includes the Concordia University campus and vacant land to the north, south and east. There is a shopping center with some goods and services located to the west and across the street on FM 620. The proposal is to construct a four story (51.3 feet tall) residence hall with 234 beds and amend the PDA ordinance for this site regarding height and spacing requirements.

Per the developer:

The requested 2020 Concordia University Residence Hall PDA Amendment would allow a new residence hall to be constructed within 300 feet of an existing adjacent residence hall. However, Section 4(B) of Ordinance 20070215-042 states, *"Any building in excess of 40 feet in height shall be at least 300 feet from the nearest residential unit or university housing, including but not limited to student, faculty or administrative housing."*

Connectivity

There are no public sidewalks, bike lanes, or public transit stops located along Concordia University Drive. The intersection of FM620 and Concordia University Drive does have a crosswalks with a lighted crosswalks signal, although there are no public sidewalks located along FM 620. Bike lanes are located along this portion of FM 620. The mobility options are below average in the area while connectivity options are fair.

Imagine Austin

This portion of FM 620 is not identified as being located along an Activity Corridor or within an Activity Center. Most of the development in this area of Austin consists of market rate apartment complexes, high end single family subdivisions, and commercial and office uses, which are not connected by public sidewalks, public transit and have limited bike lanes. The following Imagine Austin policy is applicable to this case:

- **LUT P3** Promote development in compact centers, communities or along corridors that are connected by roads and transit, are designed to encourage walking and bicycling, and reduce healthcare, housing and transportation costs.

Based upon the university campus providing much needed residential housing for their students who want to live on campus; nearby goods and services but the lack of mobility options in the area beyond a personal vehicle, this request appears to only partially support the policies of the Imagine Austin Plan. It is hoped in the near future that the university constructs a shared multiuse paved pathway along Concordia University Drive for students to safely walk or bike to nearby goods and services located along FM 620.

Environmental

The amendment request is to modify the Building Height requirements in Section 4.B.1 that are outlined in Ordinances 850131-Q, and 20070215-042. There are no EV comments at this time; however, note that subsequent site plan applications, including SP-2020-0038C, for the PDA shall conform to environmental regulations under Ordinances 850131-Q, and 20070215-042, including but not limited to Sections 4.B.2 relating to impervious cover, 4.E.3.i relating to Lake Austin Watershed regulations, and F relating to buffer and environmental setbacks.

Site Plan

There are no site plan concerns with the proposed PDA amendment to allow an additional 51'3" tall residence hall.

Transportation

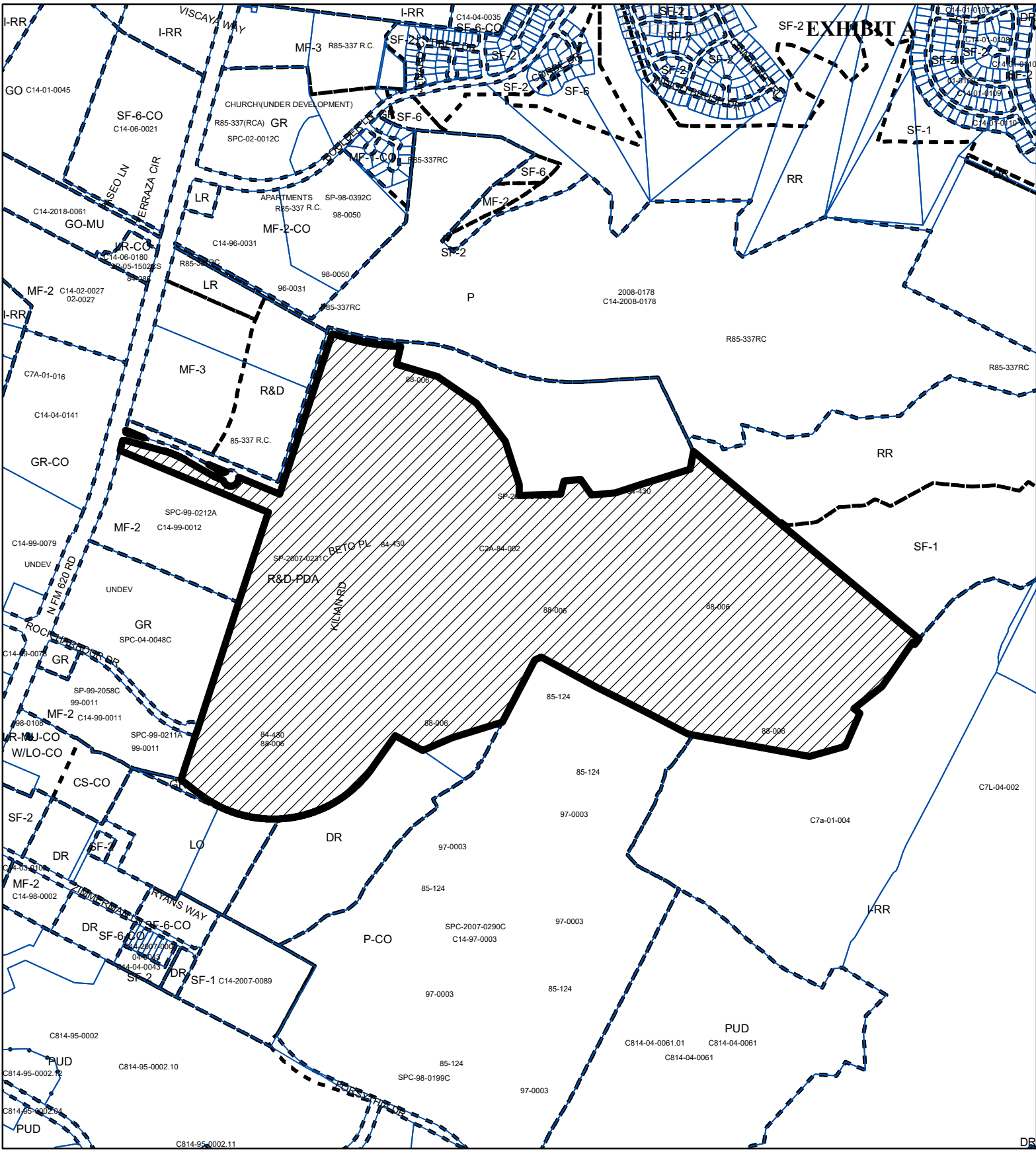
Please demonstrate compliance with the TIA that was done with the original zoning case. Any subsequent amendments to the PDA must be accounted for in the TIA compliance memo. Please note that staff may require a revised or new TIA, if any of the assumptions including traffic, land uses and intensities have changed.

Water Utility

No AW comments.

INDEX OF EXHIBITS TO FOLLOW

- A: Zoning Map
- B. Aerial Map
- C. Applicant's Request Letter
- D. Site Plan in Review



ZONING

ZONING CASE#: C14-2020-0066

N

SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

1" = 1,200'

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



Created: 6/17/2020

Dave Anderson
Direct dial: (512)807-2904
danderson@drennergroupp.com

DRENNER GROUP

May 28, 2020

Ms. Denise Lucas
Planning and Zoning Department
City of Austin
505 Barton Springs Road
Austin, TX 78704

Via Electronic Delivery

Re: Concordia University Residence Hall PDA Amendment – PDA amendment application for the 383.97-acre piece of property known as Concordia University located at 11400 Concordia Drive in the City of Austin, Travis County, Texas (the “Property”).

Dear Ms. Lucas:

As representatives of the Owner of the Property, we respectfully submit the enclosed zoning (Planned Development Area) amendment application (“2020 Concordia University Residence Hall PDA Amendment”). The project consists of the construction of a four (4) story student residence hall that will include 234 beds in 65 units and any associated improvements. The limits of construction will consist of 4.40 acres, with a gross site acreage of 383.97. The campus is located on the east side of FM 620 north of FM 2222.

The property is currently developed as a university that includes academic buildings, field houses, softball, and baseball facilities, a 269-bed residence hall and associated improvements. The property is zoned R&D-PDA (Research and Development and Planned Development Area), originally approved as Ordinance number 850131-Q, then amended in 2007 by Ordinance number 20070215-042 to allow for the college/university land use (“first PDA amendment”).

The applicant currently has a site plan in review, SP-2020-0038C, proposing a four-story residence hall with a height of 51.3 feet located within 300 feet of an adjacent residence hall.

The requested 2020 Concordia University Residence Hall PDA Amendment would allow a new residence hall to be constructed within 300 feet of an existing adjacent residence hall. However, Section 4(B) of Ordinance 20070215-042 states, “*Any building in excess of 40 feet in height shall be at least 300 feet from the nearest residential unit or university housing, including but not limited to student, faculty or administrative housing.*”

At the time of the first PDA amendment in 2007, Lot 1 (lying to the northeast of the campus and shown on SP-2020-0038C) was not owned by Concordia University and could have legally permitted a broad spectrum of intense uses associated with R&D zoning on that tract, including research and development, office, financial sales, laboratories for product and process research, development analysis and testing, along with many other uses not listed herein. The provision

from which relief is requested [Section 4(B) of Ordinance 20071215-042] was included in the first amendment specifically to protect the university and any of its residence halls from other more intense land uses and/or structures that could be constructed on Lot 1. This first PDA amendment was not intended to preclude the construction of additional residence halls in close proximity to existing residence halls on the Concordia University campus.

The Amendment provision in Ordinance 20071215-042 states that an amendment “...*may be granted upon the application of the Owner to the City Manager of the City or his designee, provided such approvals and amendments are consistent with the purposes and intent of this Ordinance and subject to the right of either the City Manager or Owner to appeal to the City Council of the City. Any other amendments must be approved by the City Council of the City and Owner.*” It is clear that the intent of the first amendment was not to preclude the construction of additional residence halls on the campus, but rather to protect the campus from more intense uses on other parts of the site by other landowners. Concordia now owns Lot 1 and thus the protection is less relevant, though Concordia agrees to maintain that protection for adjacent, non-university owned residences.

As such, on behalf of Concordia University, we are requesting an amendment to Ordinance 20071215-042 to allow the construction of the aforementioned residence hall as depicted on Site Plan SP-2020-0038C.

This Property is in the full purpose jurisdiction of the City of Austin and along FM 620 – a suburban roadway. The requested amendment is consistent with surrounding uses since the residence halls are located on the interior of the 383.97-acre site.

The Property is not located with a City of Austin neighborhood planning area; therefore, a neighborhood plan amendment will not be required in conjunction with this application.

Please let me know if you or your team members require additional information or have any questions. Thank you for your time and attention to this important project.

Sincerely,



David J. Anderson
Drenner Group

cc: Sherri Sirwaitis, Planning and Zoning Department (*via electronic delivery*)
Joi Harden, Planning and Zoning Department (*via electronic delivery*)

ORDINANCE NO. 20070215-042

AN ORDINANCE AMENDING ORDINANCE NO. 850131-Q TO REZONE AND CHANGE THE ZONING MAP FROM RESEARCH AND DEVELOPMENT PLANNED DEVELOPMENT AREA (R&D-PDA) COMBINING DISTRICT TO RESEARCH AND DEVELOPMENT PLANNED DEVELOPMENT AREA (R&D-PDA) COMBINING DISTRICT FOR LAND COMMONLY KNOWN AS THE SCHLUMBERGER PLANNED DEVELOPMENT AREA LOCATED AT 8311 FM 620 ROAD NORTH.

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

PART 1. The Schlumberger Planned Development Area (the "Original PDA") is comprised of approximately 438 acres of land located at 8311 FM 620 Road North in Travis County and more particularly described by metes and bounds in Ordinance No. 850131-Q. The Original PDA was approved January 31, 1985 under Ordinance No. 850131-Q (the "Original PDA Ordinance") and zoned under Ordinances No. 850214-E and No. 880428-F.

PART 2. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from research and development planned development area (R&D-PDA) combining district to research and development planned development area (R&D-PDA) combining district on the property described in Case No. C2A-84-002, on file at the Neighborhood Planning and Zoning Department, as follows:

Lots 1, 2, 3, and 4, Schlumberger Subdivision, a Subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record, under Document No. 200000066, of the Official Public Records of Travis County, Texas (the "Property"),

locally known as 8311 RM 620 Road North, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "A".

PART 3. This ordinance amends Ordinance No. 850131-Q. The Original PDA shall conform to the limitations and conditions set forth in the Original PDA Ordinance as amended by this ordinance.

PART 4. The Original PDA Ordinance is amended to delete the recitals and Sections 1, 2, 3, 5, 6, 7, and 8. Section 7 is replaced by Part 5 of this ordinance. Exhibit B of the Original

PDA Ordinance is deleted and replaced by a new Exhibit "B" attached to this ordinance. Section 4 is modified as shown in this Part.

SECTION 4 The development, use and occupancy of the Property shall be subject to the following provisions the applicable provisions of Title 25 of the City Code unless otherwise provided in this ordinance:

Definitions: In this ordinance, Facility shall means a facility operated with any of the permitted uses on the Property.

Applicable regulations: Except as otherwise provided in this ordinance, the Property may be developed in accordance with Section 25-2-492 (Site Development Regulations) and Section 25-2-603 (Research and Development (R&D) District Regulations) of the City Code.

A. Uses:

~~(1) No residential use shall be permitted upon the Property except for watchmen or custodians in conjunction with the Facility.~~

~~(2)~~(1) No outdoor storage or display of material or products shall be permitted other than (a) the temporary storage of construction materials and equipment; (b) the location of docks, trucks, trailers, equipment, dumpsters, drum storage, and shipping and receiving areas so long as such items are screened from view from all public roads immediately adjacent to and at a level not more than ten (10) feet above the Property; and (c) storage tanks, cooling towers, treatment facilities, and support facilities normally segregated from primary structures.

~~(3)~~(2) Uses permitted shall include:

- (a) Offices for administrative, business, financial sales, and marketing operations.
- (b) Laboratories for product and process research, development, analysis and testing.
- (c) Assembly of products which are related to the research and development activities being conducted on the Property. Any

such assembly shall be conducted within fully enclosed building(s) and in compliance with the standards set forth herein.

- (d) Uses incidental and accessory to the administrative, office, research and development, and assembly activities at and in the Facility, including, without limitation, food service facilities; meeting and training facilities; health and recreational facilities; storage facilities and areas; maintenance facilities and areas; treatment facilities; control devices, equipment and areas; cooling towers; mechanical and electrical utility and/or communications equipment, facilities and areas; electrical transformers and substations; and utility facilities, areas and centers.
- (e) Support uses and facilities normally segregated from primary structures.
- (f) For Lot One, retirement housing (large site) residential use as defined by Section 25-2-3, Austin Land Development Code, together with accessory uses which are primarily for the convenience of residents, employees, clients, patients or visitors, including without limitation financial services, food sales, general retail sales (convenience), medical offices, and personal improvement services.
- (g) College and university facilities use, as defined by Section 25-2-6, Austin Land Development Code, and all incidental and accessory uses, including, but not limited to classrooms, auditoriums, labs, dormitories, dining halls, athletic facilities, administration offices and similar facilities and without limitation as to the size of the campus.
- (h) For Lot One, congregate living use as defined by Section 25-2-6 Austin Land Development Code, together with accessory uses which are primarily for the convenience of residents, employees, clients, patients or visitors, including without limitation financial services, food sales, general retail sales (convenience), medical offices, and personal improvement services.

B. Height, Setback, and Intensity Provisions:

(1) Building Height:

No building shall be higher than sixty (60) feet. Building height shall be measured from natural grade. Any building in excess of forty (40) feet in height shall be at least three hundred (300) feet from the nearest residential unit (other than watchman or custodian facilities) or university housing including, but not limited to student, faculty, or administration housing. The height limitations contained herein do not apply to communication facilities, towers and antennae, or water or other utility facilities.

~~(2) Set Backs: Buildings shall be set back from the perimeter boundary lines of the Property as shown on Site Plan.~~

~~(3)~~(2) Coverage and Building Location: Impervious cover shall not exceed 50% of the land within the Property having slopes of 0-15% gradient. No impervious cover shall be located on land within the Property having slopes in excess of 15% gradient. Impervious cover shall include all impermeable construction covering the natural land surface within the Property, such as roads and streets, parking and other paved areas, and buildings. ~~Schlumberger-Owner~~ may make changes in the building, parking and interior roadway designs and locations shown on the Site Plan subject to administrative approval from the Director of the ~~Office of Land Development Services~~ Watershed Protection and Development Review Department, so long as (a) the percentage of impervious coverage on the Property does not exceed the limitation set forth in this Paragraph; (b) improvements do not encroach into designated greenbelts as defined on any subdivision plat of the Property or on the Site Plan or interfere with storm water flow to sedimentation-erosion or detention/filtration ponds; and (c) The changes do not detrimentally alter traffic control and circulation.

~~(4)~~(3) Floor to Area Ratio: The ratio of gross floor area of proposed buildings (excluding parking garages) on the Property to the total site area shall not exceed .25 to 1. For purposes of this subparagraph (4), total site area shall be calculated as the greater of (a) the land within the Property having slopes of 0-15% gradient and (b) the portion of the Property comprising the total site area pursuant to applicable

provisions of the Northwest Growth Management Plan, and floor to area ratio calculations shall not include parking garages.

(5)(4) Miscellaneous Provisions Regarding Lot 1 Development Intensity

Notwithstanding any other development intensity limitations in this Ordinance or in the Austin Land Development Code to the contrary:

- (a) retirement housing (large site) residential use shall comply with MF-2 regulations except that the maximum density for this use is 23 units per acre regardless of whether the units are one, two or three bedroom units; and
- (b) congregate living use shall comply with GO regulations.

C. Signs:

- (1) Name identification or advertising signs shall not be located within 100 feet of a residential lot.
- (2) All provisions of the City of Austin Code regarding signs shall apply to all signs on the Property. No internal lighting of signs, and no neon or flashing signs; shall be permitted. and no signs on posts or poles or signs on buildings shall be permitted, except that such shall be permitted for college and university facilities uses. All spotlights on signs shall be hidden from view from outside the Property. Except as set forth on the Site Plan (as it may be approved from time to time) and except for college and university facilities uses, all signs shall be be monument signs, which, except for the letters and numbers, shall be constructed of materials which are compatible with the surrounding environment. Letters on signs may not be more than two colors, except that such shall be permitted for college and university facilities uses.

D. Off-street Parking:

- (1) For private research and development uses, As long as there are 2,000 or fewer employees assigned to Facility, there shall be at least one (1) automobile parking space for each 1.2 persons employed at Facility. As long as there are more than 2000 employees but not more

than 3,750 employees assigned to Facility, there shall be at least one (1) automobile parking space for each 1.25 persons employed at the Facility. As long as there are more than 3,750 employees assigned to Facility, there shall be at least one (1) automobile parking space for each 1.5 persons employed at the Facility.

(2) Retirement housing (large site), congregate living, and college and university uses will comply with the Land Development Code as of August 1, 2006.

~~(2)~~(3) Off-street loading: Off-street loading shall be affected entirely within the Property at such location(s) as ~~Schlumberger~~ Owner shall from time to time determine, and shall not detrimentally interfere with traffic and emergency vehicle access and circulation.

E. Performance Standards:

(1) General: No land or structure within the Property shall be used or occupied in any manner so as unreasonably to create any dangerous, injurious, noxious, or otherwise objectionable noise, smoke, dust or other form of air pollution, liquid or solid refuse or waste, or other substance, condition, or element (hereinafter referred to as "dangerous or objectionable elements") in such manner or in such amount as to affect materially and adversely any use of property adjacent to the Property. The standards set forth in Paragraph E. (3) below shall be used to determine whether such dangerous or objectionable elements exist.

(2) Locations where determinations are to be made for determining compliance with performance standards:

(a) Noise, Vibration, Glare, Toxic and Noxious Matter: At the perimeter boundary line of the Property.

(b) Smoke: At the place of emission into the atmosphere.

(3) Standards for enforcement:

(a) Noise: At the points of measurement, the maximum sound pressure level radiated by any use or facility (other than

transportation facilities or temporary construction work) shall not exceed the decibel limit values for the octave bands given in Table 1. The sound pressure level shall be measured with a Sound Level Meter and associated Octave Band Analyzer conforming to standards prescribed by the American Standards Association. (American Standard Sound Level Meters for Measurement of Noise and Other Sounds, 224.3-1944, American Standards Association, Inc., New York, N.Y., and American Standards Specification for an Octave Band Filter Set for the Analysis of Noise and Other Sounds, 224.10-1953, American Standards Association, Inc., New York, N.Y., or latest approved revisions thereof at the date of adoption of this Ordinance, shall be used.)

TABLE I

Frequency Ranges Containing Standard Octave Bands in Cycles per Second	Octave Band Sound Pressure Level in Decibels re 0.0002 dyne/square centimeter
20 to 75	72
75 to 150	67
150 to 300	59
300 to 600	56
600 to 1,200	53
1,200 to 2,400	50
2,400 to 4,800	44
above 4,800	38

Between the hours of 10:00 p.m. and 6:00 a.m., the permissible sound levels shall be three decibels less than shown above, except for usual and normal activities of a college or university such as athletic events and normal student activities.

Measurements shall be made, less background noises from other sources, using the flat network and the slow position of the sound level meter.

- (b) Vibration: At the points of measurement, earthborne vibrations from any operation or building shall not exceed the limits set forth in Column 1 in Table II below for the area in which

located, unless the point of measurement is located on a line of the Property which is also the boundary line of a residential area or within 80 feet of a residential area boundary line, in which case the limits set forth in Column 2 in Table II below shall apply.

TABLE II

Frequency Cycles Per Second	Column 1* Displacement (inches)	Column 2* Displacement (inches)
0 to 10	.0010	.0004
10 to 20	.0008	.0002
20 to 30	.0005	.0001
30 to 40	.0004	.0001
over 40	.0003	.0001

*Steady State--vibrations, for the purpose of this instrument, which are continuous or more frequent than sixty pulses per minute. Impact vibration, those less frequent than sixty pulses per minute, shall not cause more than twice the displacement stipulated.

- (c) Glare: Any operation or activity producing intense glare shall be performed in such a manner as not to create a nuisance or hazard across the perimeter boundary lines of the Property. Direct illumination from any source of light or direct welding flash shall be screened from adjacent properties and reflected light from these sources shall not exceed 0.4 foot candles across the perimeter boundary lines of the Property.
- (d) Smoke and particulate matter: Smoke emitted from any vent, stack, chimney, skylight, window, building opening, or combustion process shall comply with the Texas Clean Air Act and the Rules and Regulations of the Texas ~~Air Control Board~~ Commission on Environmental Quality.
- (e) Toxic and Noxious Matter: In no case shall the concentrations of toxic or noxious matter released across the perimeter boundary lines of the Property exceed the threshold limit for an industrial worker. Reference is made to the most recent publication, at the time of adoption of this Ordinance, of

"Threshold Limit Values," adopted by the Texas State Board of Health in accordance with authority granted in Article 4418d of the Revised Civil Statutes of Texas.

- (f) Fire and explosive hazards: It is not contemplated that explosive materials will be stored or used in connection with operations (other than construction activities and routine research and development activities) on the Property. Any activities involving the storage and utilization of materials or products which decompose by detonation are permitted only when related to the research and development activities being conducted on the Property and when specifically approved by the City of Austin Fire Department. Any such material's or products shall be stored, utilized, and manufactured in accordance with applicable local, state, and federal laws, fire codes and ordinances. All applications for uses involving any such materials or products may be referred to the office of the City of Austin Fire Department for approval, and shall be processed and acted on within ten (10) days from the date such application was made in the office of the Building Inspector. Any such approval shall indicate compliance with all applicable laws, fire codes and ordinances.
- (g) Liquid or solid wastes: No discharge shall be made into a public sewer, any private sewage disposal system, any stream, or the ground unless in accordance with the standards and ordinances approved by the City of Austin, or the standards and laws of the State of Texas, which are applicable to the Property, to the specific use and to other similar types of industries.
- (h) Streets, Utilities, Fire Protection Services and Other Facilities:

- 1. Utilities and fire protection services:

Easements for utilities shall be granted by Schlumberger Owner at such time as it is determined by the City and by Schlumberger Owner that such easements are needed. ~~At present, the City is providing no utility or fire protection services to the Property. Upon appropriate application for and approval of any such services, the City will provide~~

~~water, electricity, sewage, garbage disposal, and fire protection services as requested by Schlumberger and approved by the City from time to time and as necessary for the proper development, use and occupancy of the Property and the Facility, in accordance with the usual and uniform rates, procedures and policies of the City.~~

2. Streets and Access:

Schlumberger Owner will open, develop and maintain the permanent street accesses to public streets generally as shown on the Site Plan, at the approximate locations shown thereon. Should Schlumberger Owner determine that additional access to public streets is advisable, approval of the City Manager of the City and of such other authorities (if any) as may be required by law shall be obtained. As regards such public streets, the City and Schlumberger Owner further agree as follows:

a. Upon request by the City, Schlumberger Owner shall dedicate additional right-of-way for use in widening and improving Ranch Road 620, up to a maximum of one hundred seventy-five feet (175') from the centerline of such road. ~~Schlumberger shall cooperate with the City and the Texas Department of Highways and Public Transportation in applying for and providing reasonable construction costs of an appropriate left turn lane from Ranch Road 620 into the entry drive for the Property (as depicted on the Site Plan),~~ but shall have no other obligation for the costs of improving such road unless additional improvements are required by the traffic generated specifically by the Facility. At such time as Ranch Road 620 is upgraded to a freeway, Schlumberger Owner acknowledges that such entry drive shall access only the frontage road along Ranch Road 620.

b. ~~Upon request by the City and upon construction of the connecting roadway either south or north of the Schlumberger entry drive, Schlumberger shall dedicate the right of way for the street parallel to Ranch Road 620~~

~~where same crosses such entry drive and the Property (generally as depicted on the Site Plan), and shall construct the portion of such street located on the Property. Schlumberger shall pay the costs of such construction, and a reasonable inspection fee (not to exceed 8% of construction costs) to the City, but shall have no other obligation for such parallel street. Upon completion of such Street and acceptance of same by the City, the~~ The entry drive between such street and from Ranch Road 620 shall, at Schlumberger's Owner's election, (1) be abandoned, (ii) be dedicated to the City as a public street, subject to applicable City construction specifications and regulations, or (iii) be continued as a private drive with appropriate traffic control facilities at both ends approved by the City, except to the extent already dedicated as a public street.

Owner shall maintain the existing access to the above-mentioned entry drive, know locally known as Schlumberger Drive, for the adjacent development to the south of Schlumberger Drive

c. ~~Schlumberger has made arrangements for access from the Property to proposed Old Lampasas Trail, by use of the parallel Street described in paragraph b. above and of a direct driveway connection from the north boundary of the Property, generally as set forth on the Site Plan. Schlumberger acknowledges that no building permit for any improvements other than the Phase One improvements shall be issued by the City until such access is either completed or arranged to the satisfaction of the City. Schlumberger shall have no obligation for any fiscal or cost of constructing Old Lampasas Trail.~~

d. ~~Schlumberger has made arrangements for access from the Property to proposed Arterial 8 (Forsythia Drive) under certain conditions, generally as set forth on the Site Plan. Schlumberger agrees to cooperate with the City as regards final location of Arterial 8, and to consider dedication of a minor portion of the Property as~~

~~right of way therefore if required because of topographical constraints, provided that the location thereof is at the southwest corner of the Property and acceptable to Schlumberger. Schlumberger shall have no obligation for any fiscal or cost of constructing Arterial &.~~

c. Owner may construct a private street within the PDA as defined by City code to access all tracts or uses defined herein.

d. For purposes of security Owner may elect to gate or have security gatehouses on or at the entrances of any private street.

3. ~~Schlumberger~~ Owner acknowledges that each phase of the Facility shall be subject to staff review as ~~Schlumberger~~ Owner submits from time to time detailed plans for each phase, in accordance with applicable City requirements.

4. This ordinance shall serve as fiscal security and responsibility for the subdivision plat(s) of the Property, subject to the conditions and understandings set forth herein.

~~(i) Annexation and Zoning: The City may, but shall not be required to, annex all or any part of the Property for full purposes at any time. The City shall forthwith and without cost to Schlumberger institute and diligently pursue proceedings to have the Property or such part thereof permanently zoned as and under appropriate zoning classification(s) for the uses of the Property herein authorized. In this regard, Schlumberger agrees that the Property will be permanently zoned R&D Research Development District, provided such zoning classification exists and to the extent the activities permitted herein are permitted under such classification.~~

~~(i)~~ (i) Enforcement: The Property shall be developed, occupied and used only in accordance with this Ordinance and all other applicable governmental regulations and ordinances, including, but not limited to, the Lake Austin Watershed Ordinance (No.

840301-F), Hazardous Materials Ordinance (Nos. 841220-00 and 850131-E), Industrial Waste Ordinance (No. 821209-F), Landscape Ordinance (Section 5600-5655, Chapter 12—2A, Austin City Code), and Tree Ordinance (No. 830324-N) as such regulations and ordinances (and the provisions thereof) are presently applicable and in force and effect, and under the terms and provisions presently set forth therein, as of the date of this Ordinance. The provisions of this Ordinance shall be binding on Schlumberger Owner, its successors and assigns. Enforcement of the provisions herein may be prosecuted by the City in a court of competent jurisdiction in law or equity.

~~(k)~~(j) Amendment: Approvals with respect to each phase of the Facilities and amendments of the obligations, conditions, covenants and restrictions herein may be granted upon the application of Schlumberger Owner to the City Manager of the City or his designee, provided such approvals and amendments are consistent with the purposes and intent of this Ordinance and subject to the right of either the City Manager or Schlumberger Owner to appeal to the City Council of the City. Any other amendments must be approved by the City Council of the City and Schlumberger Owner.

F. Buffers and Environmental Setbacks:

- (1) A 100-foot wide vegetative buffer shall be provided and maintained for the purpose of screening property developed with a retirement housing (large site) use, a college and university facilities use, and a congregate living use from property developed with a research and development use.
- (2) At the site plan stage, 150-foot setbacks shall be provided for all Critical Environmental Features ("CEF"). The Director may administratively reduce the setbacks to 50 feet at this time if additional information is provided that confirms that the CEFs are sufficiently protected.

G. Water quality:

Development on the property shall comply with the water quality standards and criteria in effect on August 1, 2006.

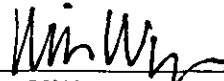
PART 5. The provisions of this ordinance and of its subparts are severable. If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect another other provision or application of this ordinance that can be given effect without the invalid provision or application.

PART 6. This ordinance takes effect on February 26, 2007.

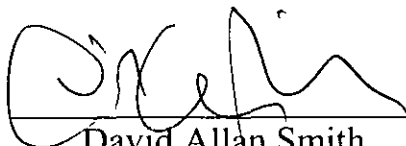
PASSED AND APPROVED

February 15, 2007

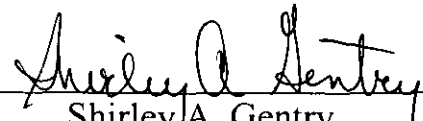
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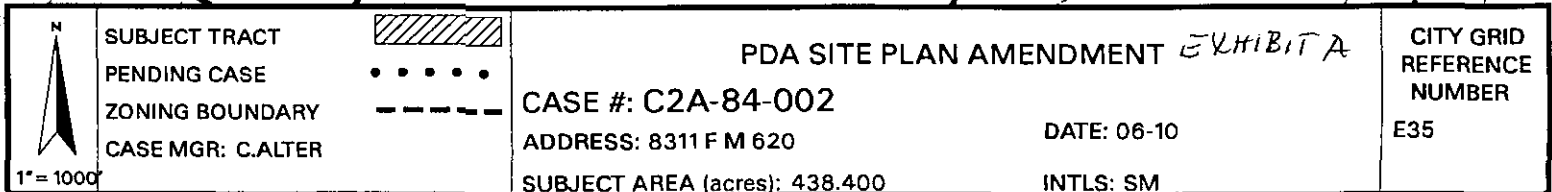

Will Wynn
Mayor

APPROVED:


David Allan Smith
City Attorney

ATTEST:


Shirley A. Gentry
City Clerk



NOTES

1. THE PROPERTY SHALL BE DEVELOPED OCCUPIED AND USED ONLY IN ACCORDANCE WITH THE ORDINANCE NO. 2002020502.
2. THE OWNER SHALL BE RESPONSIBLE FOR THE PROVISION OF ALL UTILITIES AND SERVICES TO THE FACILITY SHALL BE SUBJECT TO THE REVIEW BY THE OWNER. THE OWNER SHALL BE RESPONSIBLE FOR THE PROVISION OF ALL UTILITIES AND SERVICES TO THE FACILITY SHALL BE SUBJECT TO THE REVIEW BY THE OWNER.
3. APPROVALS WITH RESPECT TO EACH PHASE OF THE PROJECT SHALL BE OBTAINED FROM THE CITY OF CHICAGO IN ACCORDANCE WITH THE ORDINANCE NO. 2002020502.
4. THE PROJECT IS LIMITED TO NON-INTERVENING COVER OF THE PROPERTY. THE PROJECT IS LIMITED TO NON-INTERVENING COVER OF THE PROPERTY. THE PROJECT IS LIMITED TO NON-INTERVENING COVER OF THE PROPERTY.
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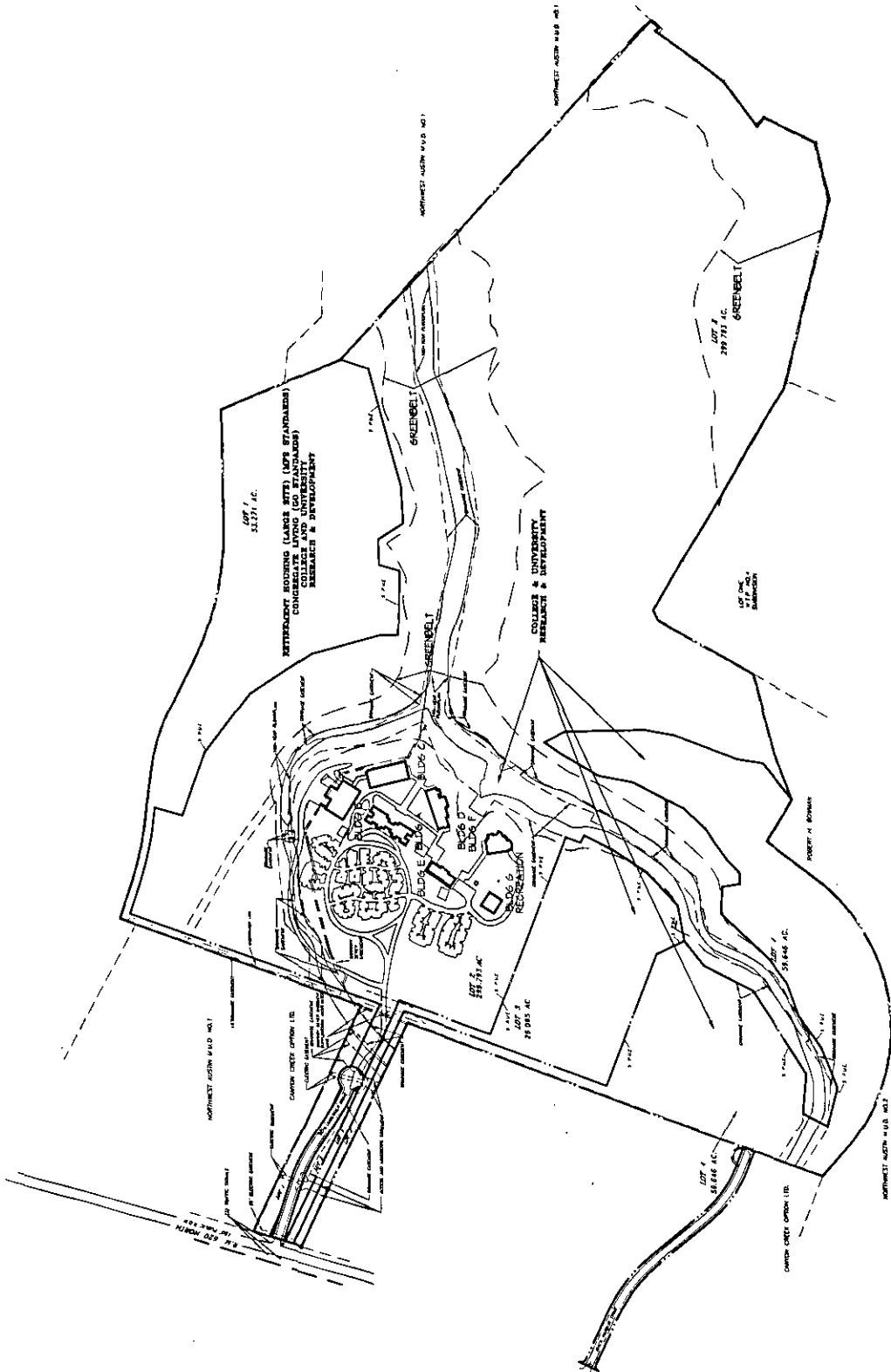


EXHIBIT B

SCHLUMBERGER PDA		SHT. 1
		OF 1
DATE: February 15, 2007	SCALE: 1" = 300'	DRAWN BY:
REVISIONS:		
PROJECT: 135-015 DRAWN: RPA-EXH-BWC		

