

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF UNIVERSITY PARK, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND MAP OF THE CITY OF UNIVERSITY PARK, AS HERETOFORE AMENDED, BY CREATING PLANNED DEVELOPMENT DISTRICT NO. 26, ON PROPERTY DESCRIBED AS LOTS 7-12 AND PART OF LOT 6, BLOCK 3, UNIVERSITY PARK ADDITION, AN ADDITION TO THE CITY OF UNIVERSITY PARK, DALLAS COUNTY, TEXAS, AS RECORDED IN VOLUME 2, PAGE 6, MAP RECORDS OF DALLAS COUNTY, TEXAS, AND COMMONLY KNOWN AS 6517 HILLCREST; APPROVING A CONCEPTUAL SITE PLAN ATTACHED HERETO AS EXHIBIT "A"; PROVIDING SPECIAL CONDITIONS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission of the City of University Park and the City Council of the City of University Park, in compliance with the laws of the State of Texas with reference to the granting of zoning classifications and changes, have given the requisite notices by publication and otherwise, and have held due hearings and afforded a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof, and the City Council of the City of University Park is of the opinion and finds that a zoning change should be granted and that the Comprehensive Zoning Ordinance and Map should be amended; Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF UNIVERSITY PARK, TEXAS;

SECTION 1. The Comprehensive Zoning Ordinance and Map of the City of University Park, Texas, as heretofore amended, are hereby amended by creating Planned Development District No. 26 (PD-26) on the property described as Lots 7-12 and part of Lot 6, Block 3, University Park Addition, an Addition to the City of University Park, Dallas County, Texas, according to the plat thereof recorded in Volume 2, Page 6, Map Records of Dallas County and commonly known as 6517 Hillcrest, University Park, Texas, by adopting a conceptual site plan ("site plan"), authorizing multiple and accessory land uses for PD-26, which site plan is attached hereto in multiple sheets as Exhibit "A" and made a part hereof for all purposes, the same as if fully copied herein. That the site plan contains the data required by Section 17-101(1) of the Comprehensive Zoning Ordinance, and is hereby approved in all respects.

SECTION 2. Approval of the site plan for Planned Development District No. 26 is subject to the following special conditions:

A. Development of the property shall be in accordance with the detailed site plan to be approved as provided in the Comprehensive Zoning Ordinance of the City of University Park. A detailed site plan must be submitted for review by the Planning and Zoning Commission and approval by the City Council, as required by Section 17-101 (2) of the Comprehensive Zoning Ordinance, but an additional public hearing is not required. Unless otherwise defined herein, all terms used herein shall have the respective definitions assigned to them in the Comprehensive Zoning Ordinance;

B. The uses on the property shall be those allowed herein and shown on the site plan for Planned Development District 26, PD-26, as adopted hereby;

C. The owner of the property, SPC Hillcrest Investments, L.P or its successors, will demolish the existing building and construct a new mixed use building with a maximum floor area of 127,880 square feet on the site, as shown by the use and area data on the site plan. The building on the east end of the site will be up to seven floors above grade, with a vertical height not to exceed ninety-five feet (95') measured from grade at the northeast building corner to the top of the parapet wall, plus ten feet (10') additional height for mechanical equipment and screening and sixteen feet (16') for the elevator penthouse, provided the mechanical equipment cannot be seen from any abutting public property. This project includes property in an abutting alley easement on the West side of the existing building, to be included in the PD-26 site provided the alley easement is abandoned to the abutting owner by the City Council in the manner provided by law.

D. Site Plan:

The building components, configuration, development standards and special conditions required for the proposed facility are summarized as follows:

1. Permitted Uses. The uses/activities to be accommodated in the PD are shown on the site plan, cumulatively not exceeding 127,880 square feet, are summarized as follows:

- (a) Office uses, not exceeding 127,880 square feet;
- (b) Retail uses, not exceeding 27,285 square feet;
- (c) Restaurant uses, not exceeding 14,695 square feet; and
- (d) Cellular Communication Equipment and Antennae.

2. Building Setbacks:

Building setbacks are measured from the property line to the closest point of a building, except as described herein.

- (a) Minimum front yard setback on Hillcrest: 20 feet
- (b) Side yard setback on Daniel: 10 feet
- (c) Side yard setback on Haynie: 10 feet
- (d) Rear yard setback: 10 feet

3. Building setbacks for below grade parking garage:

- (a) Minimum front yard setback on Hillcrest: 5 feet
- (b) Side yard setback on Daniel: 5 feet
- (c) Side yard setback on Haynie: 5 feet
- (d) Rear yard setback: 0 feet

4. Building Height:

Maximum building height of the eastern office portion measured from grade at the northeast portion corner to the top of the parapet wall, from the eastern property line west approximately 200', to include the office tower:

95 feet;

Maximum building height of the central retail/restaurant portion measured from finished grade of the Plaza at the northeast portion corner, from approximately 200' west of the east property line west approximately 105':

40 feet;

Maximum building height of the western elevated parking portion measured from finished grade of the northeast portion corner:

On the Daniel face: 31 feet;

On the Haynie face: 17 feet.

In addition, air-conditioning equipment, cooling towers, chimneys, radio and television antennae and vent stacks not to exceed ten feet (10') additional height, and sixteen feet (16') for the elevator penthouse, in height, screened with materials similar in appearance to the exterior walls shall be permitted, provided they cannot be seen from any abutting public property.

5. Visible Light Reflectivity

All exterior glass and glazed surfaces on or within the building's façade shall have a visible light reflectivity within the range of 12% to 20%.

6. Parking Standards:

(a) Parking standards for the proposed development are calculated based on gross floor area (GFA) for all space to include as a minimum the following:

Office 85,900/300 =	287 spaces
Retail 27,285/200 =	137 spaces
Outdoor seating 4,900/200 =	25 spaces
<u>Restaurant 14,695/100 =</u>	<u>147 spaces</u>
Total	596 spaces

(b) 644 parking spaces are to be provided onsite as shown on the site plan.

(c) Compact parking spaces (8 feet 6 inches by 16 feet) shall not exceed 25% of all onsite parking spaces and standard parking spaces shall be 20 feet by 9 feet.

(d) Parking on the grade level and the above grade levels will be free for the first hour and, for the first three (3) years from the date of issuance of a Certificate of Occupancy, three dollars (\$3.00) for each hour or part of an hour after the first hour. After the first three (3) years, the owner may adjust the hourly rate as determined by market conditions in the area.

(e) Tenants of the facility and their employees will be required to utilize the on-site parking garage for their personally owned vehicles or vehicles which may be owned by the tenant and furnished to employees.

7. General Landscape Development Plan:

Landscaping will be added to the site and the abutting public rights-of-way as shown in the General Landscape Development Plan.

8. Traffic Study:

A Traffic Impact Analysis (TIA) is required for the proposed development and is attached. The TIA concluded that the traffic generated by the various activities of PD-26 will impact existing traffic at that location. The projected traffic load based on the proposed uses and activities on the site will be more than existing peak conditions and no specific mitigation measures are recommended at this time. No more often than once every three years, at the discretion of the City Council, and upon written notice from the City of University Park Director of Community Development, the owner is required to pay the full cost for a comprehensive traffic study, including tenants and tenants' employee vehicles entering and exiting the on-site garage. Such traffic studies shall be performed by a consultant selected by the City Council. The owner shall pay the cost for any future

traffic control measures or studies deemed necessary by the City Council. An initial follow-up TIA shall be required to be provided by the owner six months after issuance of a Certificate of Occupancy. Upon review of that TIA or any additional traffic study required by this section, the City Council may require traffic mitigation measures to be provided by the owner at owner's expense.

9. Miscellaneous Special Conditions:

- (a) Signage: All new signs on the site must be in compliance with the City of University Park sign regulations in effect at the time of the sign permit application. Alternatively, the owner may request consideration of a special sign district to serve the proposed development.
- (b) City Alley Abandonment and Easements: The owner shall provide a survey of the site, including a legal description of the alley easement owner has requested to be abandoned by the City and sold to owner, and the utility easements to be provided to the City as shown on the site plan. The City will commission an appraisal of the fair market value of the alley proposed to be abandoned, together with the proposed new utility easements to be dedicated, if any. The descriptions and appraisal will be at the cost of the owner. The City Council will then consider an abandonment ordinance for the alley easement.
- (c) Utilities and Easements: Details of size and location of water and sewer lines, taps, and meters, and the location of all private utilities (gas, electric and telco services) and easements including relocations to serve the proposed development will be reviewed in accordance with city policies and approved by the Public Works Department before the issue of a building permit.
- (d) Construction Fence: An 8-foot solid plywood screening fence must be installed around the construction site during construction and remain in place while construction is ongoing. The fence must be painted green, or as otherwise approved by the City Council, and installed prior to demolition of any existing structure on the subject site.
- (e) Explosives. No explosives may be used in the demolition and construction on the subject property.
- (f) Neighborhood Liaison. Applicant will provide a liaison during construction to respond to questions and complaints from residents and businesses. Applicant will provide notice to residents and businesses located within 2 blocks of the subject property of the name and methods of contacting the liaison 24 hours a day, seven days a week. The contact name and number will be posted on the construction site.

- (g) Construction Vehicles. Construction vehicles and equipment may not be parked on City streets, except on streets closed for construction by permission of the Director of Public Works. All parking will be accommodated on-site. If additional parking is required during construction, owner will secure off-site parking and shuttle workers to the site.
- (h) Construction Hours. Unless written permission is granted by the Director of Community Development, construction work on the site is restricted to Monday through Friday from 7:00 am to 6:00 pm and 8:00 am to 6:00 pm on Saturdays
- (i) Background Checks. All contractors must perform background checks on all construction workers prior to their working at the site. The contractors must keep the background check information on file. No registered sex offender may work on the site. Identification badges are required for all contractor employees.

SECTION 3. All ordinances of the City of University Park in conflict with the provisions of this ordinance or the Comprehensive Zoning Ordinance as amended hereby are hereby repealed.

SECTION 4. Should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part decided to be invalid, illegal or unconstitutional, and the same shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 5. Any person, firm or corporation violating any of the provisions or terms of this ordinance or of the Comprehensive Zoning Ordinance, as amended hereby, shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of University Park, Texas, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense, and each and every day such a violation is continued shall be deemed to constitute a separate offense.

SECTION 6. This ordinance shall take effect immediately from and after its passage and

DRAFT 10-06-16

the publication of the caption, as the law and Charter in such cases provide.

DULY PASSED by the City Council of the City of University Park, Texas, on the _____day of October 2016.

APPROVED:

OLIN B. LANE, MAYOR

ATTEST:

CHRISTINE GREEN, CITY SECRETARY

APPROVED AS TO FORM:

CITY ATTORNEY (RLD/9-26-16/79583)

EXHIBIT "A"

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_____ Duly passed by the City Council of the City of University Park, Texas, on the day
_____ of _____ 2016.

APPROVED:

OLIN B. LANE, MAYOR

ATTEST:

CHRISTINE GREEN, CITY SECRETARY