



Thursday, February 15, 2007

+ Back Print

**Zoning Ordinances / Restrictive Covenants
(HEARINGS CLOSED)
RECOMMENDATION FOR COUNCIL ACTION**

ITEM No 43

Subject C14-06-0106 - 208 Barton Springs Road - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 208 Barton Springs Road (Town Lake Watershed) from commercial-liquor sales-neighborhood plan (CS-1-NP) combining district zoning and lake commercial-neighborhood plan (L-NP) combining district zoning to planned unit development-neighborhood plan (PUD-NP) combining district zoning First reading approved on January 25, 2007 Vote 6-0 (Wynn-absent) Applicant 208 Barton Springs (Glenn Jones) Agent Graves, Dougherty, Hearon & Moody, P C (Michael Whellan) City Staff Jorge E Rousselin, 974-2975

**Additional Backup
Material**

(click to open)

No Attachments Available

For More Information Jorge E Rousselin, 974-2975

THIRD READING SUMMARY SHEET**ZONING CASE NUMBER** C814-06-0106 – 208 Barton Springs**REQUEST**

C814-06-0106 - 208 Barton Springs - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 208 Barton Springs Road (Town Lake Watershed) from commercial-liquor sales-neighborhood plan (CS-1-NP) combining district zoning and lake commercial-neighborhood planning (L-NP) combining district zoning to planned unit development-neighborhood plan (PUD-NP) combining district zoning Staff Recommendation To grant planned unit development-neighborhood plan (PUD-NP) combining district zoning with conditions Planning Commission Recommendation To grant planned unit development-neighborhood plan (PUD-NP) combining district zoning with conditions Applicant and Agent Graves, Dougherty, Hearon & Moody, P C (Michael Whellan) City Staff Jorge E Rousseln, 974-2975 A valid petition has been filed in opposition to this request

AGENT: Applicant and Agent Graves, Dougherty, Hearon & Moody, P C (Michael Whellan)

ISSUES:

A valid petition has been filed in opposition to this rezoning request at 28 72% opposition

DATE OF FIRST AND SECOND READING/VOTE. January 25, 2007, Vote (6-0)

CITY COUNCIL DATE February 15, 2007

CITY COUNCIL ACTION.

January 25, 2007

The motion made by Council Member Kim to postpone the item to February 15, 2007 failed due to the lack of a second

The public hearing was closed and the first and second readings of the ordinance for planned unit development-neighborhood plan (PUD-NP) combining district zoning with conditions was approved on Council Member Leffingwell's motion, Council Member Cole's second on a 6-0 vote Mayor Wynn was absent

ASSIGNED STAFF Jorge E Rousseln, NPZD

PHONE. 974-2975

E-MAIL jorge rousseln@ci austin tx us

ZONING REVIEW SHEET

CASE C814-06-0106P C DATE: August 8, 2006
August 22, 2006
October 10, 2006
October 24, 2006
November 14, 2006
November 28, 2006ADDRESS 208 Barton Springs RoadOWNER: 208 Barton Springs (Glenn Jones)AGENT: Graves, Dougherty, Hearon &
Moody, P C (Michael Whellan)REZONING FROM

CS-1-NP (Commercial—liquor sales – neighborhood plan) and L-NP (Lake commercial—neighborhood plan)

TO. PUD-NP (Planned unit development – neighborhood plan) combining districtAREA: 9.567 AcresSUMMARY PLANNING COMMISSION RECOMMENDATION.

November 28, 2006

*APPROVED STAFF'S RECOMMENDATION WITH ADDITION OF THE 3 DOCUMENTS THAT WAS HANDED OUT TO THE COMMISSIONERS (Agreement Between Fairfield Town Lake/Zilker LP & Bouldin Creek Neighborhood Association, An Ordinance Rezoning & Changing the zoning map accompanying Chapter 25-2 to establish a PUD District, and the Restrictive Covenants that were agreed to by the applicant and neighborhoods)**[J REDDY, S KIRK 2ND] (6-0) G STEGEMAN – ABSENT, P CAVAZOS – LEFT EARLY*ISSUES.

A valid petition has been filed at 28.72% opposition

At the request of the Planning Commission, on August 22, 2006, the subject request was sent to the Environmental Board for discussion and a recommendation. The Environmental Board recommendation met on October 4, 2006 and rendered a recommendation (Please see Attachment A). Furthermore, the Parks Board will discuss the case and make a recommendation on October 24, 2006.

The applicant has submitted an updated land plan on October 18, 2006 (Please see Attachment B) to address

- Correction in zoning designation on the land plan,
- Calculated open space and setbacks per tract, and
- Project Engineer name

On October 24, 2006, the Parks and Recreation Board discussed the subject rezoning request. A vote of 4-4 was reached and the case has been forwarded to the Planning Commission without a recommendation (Please see Attachment D).

SUMMARY STAFF RECOMMENDATION

Staff recommends with conditions the rezoning from CS-1-NP and L-NP to PUD-NP. The recommended conditions are as follows:

- 1 Planting a vegetative screen along the southernmost property line of the Hotel Tract facing Town Lake adjacent to the surface parking lot on the East side of the Hotel Tract,
- 2 Prior to obtaining a certificate of occupancy for any pedestrian oriented uses or residential dwelling units for the West Parcel, an access easement will be provided to the City that allows
 - public access to the internal drive on the West Parcel and
 - public access from the internal drive to the Town Lake hike and bike trail,
- 3 Prohibit pole signage, with the exception of directional signage for vehicular and pedestrian traffic, which will be limited to a height of four feet (this provision will not prohibit the use of traffic control signage in conformance with City regulations, i.e. stop signs),
- 4 Public bicycle parking in the primary setback area, subject to the City's approval of location,
- 5 Improvements to the Town Lake Trail,
- 6 Reduction of 2-3% total impervious cover,
- 7 Great Streets improvements to frontage on Barton Springs Road,
- 8 Implementation of Integrated Pest Management (IPM),
- 9 A maximum height of 200 feet,
- 10 A minimum of 2-star rating for Green Builder Program, and
- 11 The development of the PUD site will be subject to the attached TIA memorandum from Watershed Protection and Development Review (WPDR) Department dated February 7, 2007

Furthermore, the Staff recommends that all conditional uses under CS-1-NP and L-NP shall remain as conditional uses in the proposed PUD. The following shall be prohibited uses:

- Automotive repair services
- Automotive sales
- Automotive washing (of any kind), and
- Service station

The Staff recommendation is based on the following considerations:

- 1) The proposed land uses are compatible with existing and proposed commercial development,
- 2) The Bouldin Creek Future Land Use Map designates this site for mixed-uses,
- 3) Recommended conditions will yield a superior development vs. traditional rezoning, and
- 4) All other terms and conditions in Ordinance No. 020523-33 shall remain in place

DEPARTMENT COMMENTS:

The subject rezoning area consists of a 9.567 acre site along Barton Springs Road and Congress Avenue abutting Town Lake zoned CS-1-NP and L-NP. The property was rezoned on May 23, 2002 by ordinance No. 020523-33 enacting the Bouldin Creek Neighborhood Plan. (Please see Attachment C). The applicant seeks to rezone the property to PUD-NP to allow the redevelopment of the property to include two 200-foot mixed-use towers and retail uses. The applicant has agreed to offer superiority by way of the implementation of conditions that will be superior than traditional redevelopment under current zoning regulations.

The Staff has identified and recommends modifications to the Land Development Code to include

- 1) Modification to required parking provisions,
- 2) Encroachment into secondary setback as described in the Waterfront Overlay – South Shore Central District to deviate 15 feet into secondary setback,
- 3) Deviation of provision requiring 50% impervious cover and 50% building coverage under L – Lake Commercial zoning, and
- 4) Permitted uses within the Waterfront Overlay

The site lies within the Waterfront Overlay – South Shore Central and shall be subject to the provisions of LDC 25-2-721 and 25-2-742. The original shore line at Town Lake was modified for the construction of the existing boat dock. Therefore, the site would meet the minimum setback requirements within the secondary setback should the original shore line be in place.

EXISTING ZONING AND LAND USES

	ZONING	LAND USES
<i>Site</i>	CS-1-NP, L-NP, L-NP and CS-1-NP	Hotel
<i>North</i>	N/A	Town Lake – Colorado River
<i>South</i>	CS-1-NP	Parking / Restaurant
<i>East</i>	PUD-NP	Offices – Austin American Statesman
<i>West</i>	LI-NP / P-NP	Offices / Park

NEIGHBORHOOD PLAN

Bouldin Creek

TIA See Transportation comments

WATERSHED Town Lake

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR N/A

SCENIC ROADWAY N/A

NEIGHBORHOOD ORGANIZATIONS

127--Bouldin Creek Neighborhood Assn
 300--Terrell Lane Interceptor Assn
 428--Barton Springs/ Edwards Aquifer Conservation Dist
 438--Downtown Austin Alliance
 498--South Central Coalition
 511--Austin Neighborhoods Council

737--Bouldin Creek Neighborhood Planning Team Liaison - COA
 742--Austin Independent School District
 744--Sentral Plus East Austin Koalition (SPEAK)
 748--Bouldin Forward Thinking

SCHOOLS

Austin Independent School District

- Travis Heights Elementary School
- Fulmore Middle School
- Travis High School

RELATED CASES.

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-79-137	L to C-2 4 th H&A	07/03/79 APVD C-2 4 TH H&A	08/09/72 APVD FROM L, 4TH TO C-2, 4TH H&A, 3RD RDG
C14P-79-27	Site Plan Approval	Date N/A APVD SITE PLAN	04/29/82 APVD SPECIAL PERMIT

			FOR CONSTRUCTION OF COMM BOAT DOCK & ROCK STAIR RETAINING WALL ON TOWN LAKE AT HYATT
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CASE HISTORIES

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-02-0031	Bouldin Creek Neighborhood Plan	03/27/02 APVD SF-3-NP, SF-4A-NP, SF-6-NP, MF-3-NP, MF-4-NP, NO-MU-NP, LO-MU-NP, LO-CO-NP, LO-MU-CO-NP, LR-CO-NP, LR-MU-CO-NP, GR-CO-NP, GR-MU-CO-NP, GR-MU-CO-NP-H, CS-NP, CS-CO-NP, CS-MU-CO-NP, CS-MU-CO-NP-H, CS-1-NP, CS-1-CO-NP, CS-1-MU-CO-NP, P-NP (6-0)	04/18/02 APVD PC REC OF SF-3-NP, SF-4A-NP, SF-6-NP, MF-4-NP, NO-MU-NP, LO-MU-NP, LO-CO-NP, LO-MU-CO-NP, LR-CO-NP, LR-MU-CO-NP, GR-CO-NP, GR-MU-CO-NP, GR-MU-CO-H-NP, CS-NP, CS-CO-NP, CS-MU-CO-NP, CS-MU-CO-H-NP, CS-1-NP, CS-1-CO-NP, CS-1-MU-CO-NP, P-NP (6-0) & DIRECTED STAFF TO MEDIATE TR #24 & BRING BACK TO CC IN 30 DAYS 05/23/02 APVD (7-0) SF-3-NP, SF-4A-NP, SF-6-NP, MF-4-NP, NO-MU-NP, LO-MU-NP, LO-CO-NP, LO-MU-CO-NP, LR-CO-NP, LR-MU-CO-NP, GR-CO-NP, GR-MU-CO-NP, GR-MU-CO-H-NP, CS-NP, CS-CO-NP, CS-MU-CO-NP, CS-MU-CO-H-NP, CS-1-NP, CS-1-CO-NP, CS-1-MU-CO-NP & P-NP, FOR TR 24 GR-MU-CO-NP, FOR TR 68 MF-4-NP, 2ND/3RD RDGS
C14-06-0074	CBD to CBD-CURE	05/23/06 APVD STAFF REC OF CBD-CURE-CO (8-0)	06/22/06 APVD CBD-CURE-CO (7-0), ALL 3 RDGS

ABUTTING STREETS

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Bus Route
Barton Springs	Varies	Varies	Arterial	Yes	No	Yes

CITY COUNCIL DATE

December 7, 2006

ACTION

This item was postponed to January 25, 2007 at the adjacent property owner's request along with a request to complete draft ordinance by January 10, 2007

January 25, 2007

The motion made by Council Member Kim to postpone the item to February 15, 2007 failed due to the lack of a second

The public hearing was closed and the first and second readings of the ordinance for planned unit development-neighborhood plan (PUD-NP) combining district zoning with conditions was approved on Council Member Leffingwell's motion, Council Member Cole's second on a 6-0 vote. Mayor Wynn was absent.

February 15, 2007

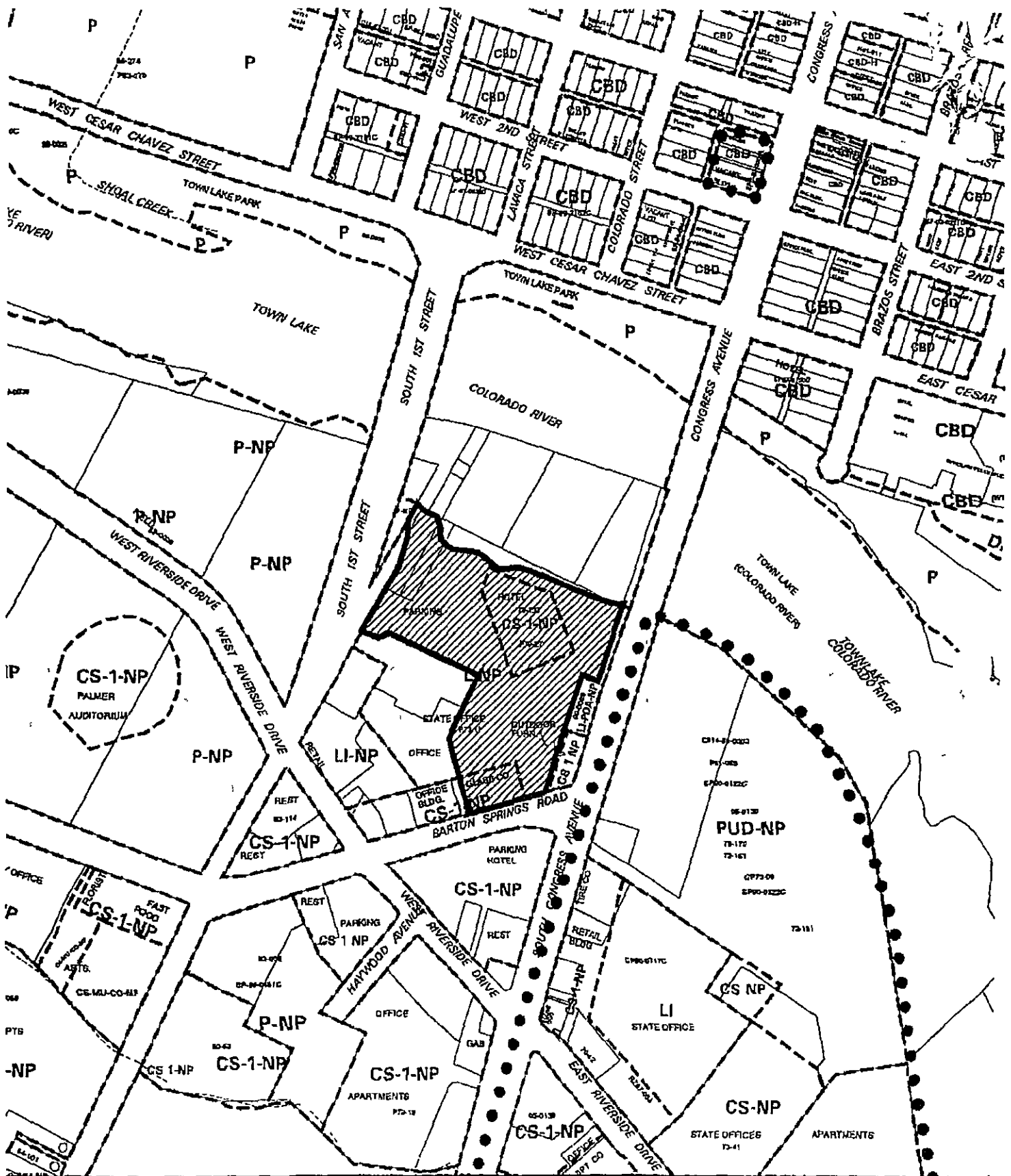
ORDINANCE READINGS 1st – January 25, 2007 2nd – January 25, 2007 3rd

ORDINANCE NUMBER

CASE MANAGER Jorge E Rousselin, NPZD

PHONE 974-2975

E-MAIL: jorge.rousselin@ci.austin.tx.us



SUBJECT TRACT
 PENDING CASE
 ZONING BOUNDARY
 CASE MGR J ROUSSELIN

PLANNED UNIT DEVELOPMENT

CASE # C814-06-0106

ADDRESS 208 BARTON SPRINGS RD

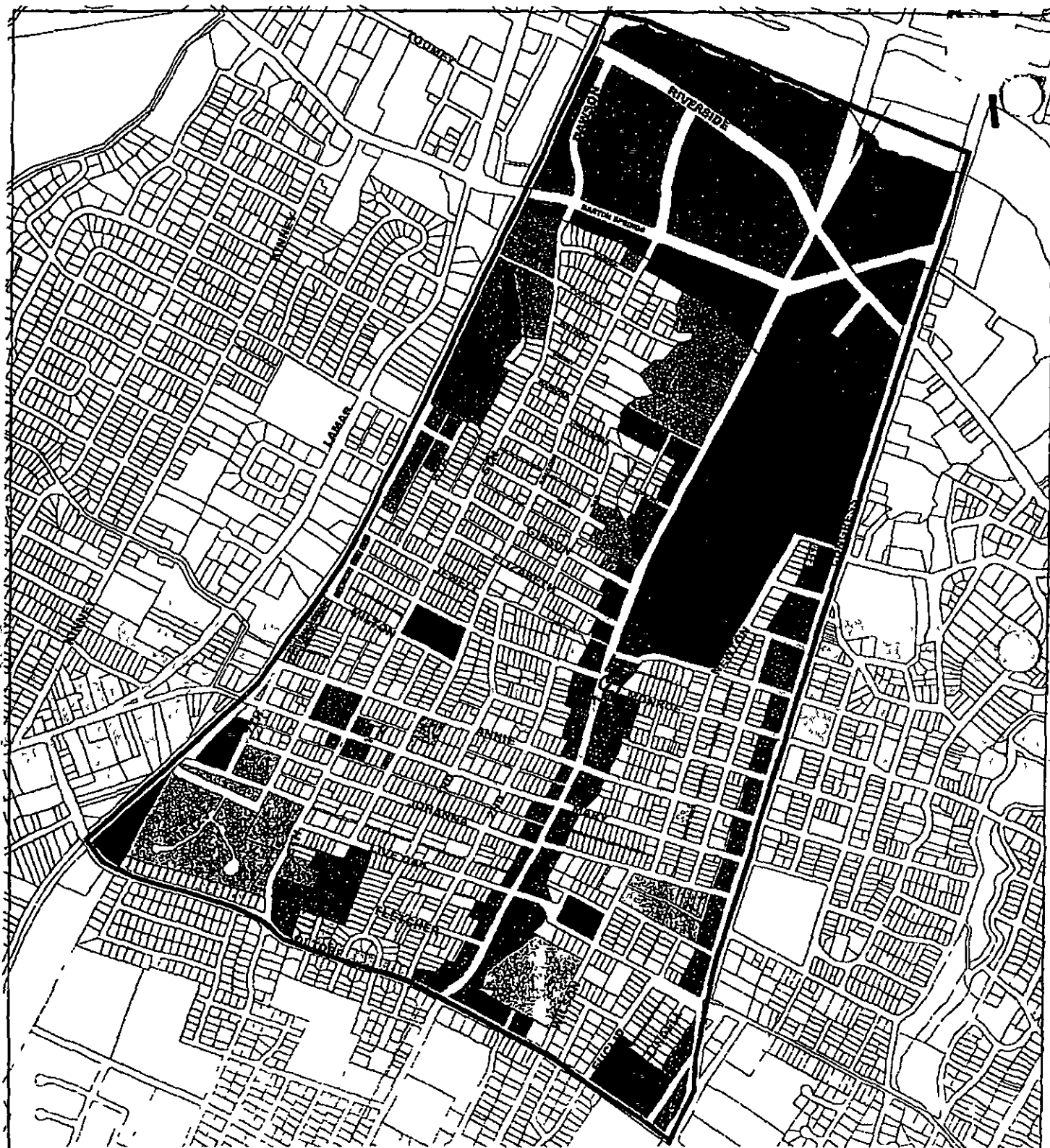
SUBJECT AREA (acres) N/A

DATE 06 05

INTLS SM

CITY GRIL
 REFERENCE
 NUMBER
 J21

1"=400'



Bouldin Creek Neighborhood Planning Area Future Land Use Map

Neighborhood Planning and
Zoning Department
March 2002

A comprehensive plan shall not
constitute zoning regulations or
establish district boundaries









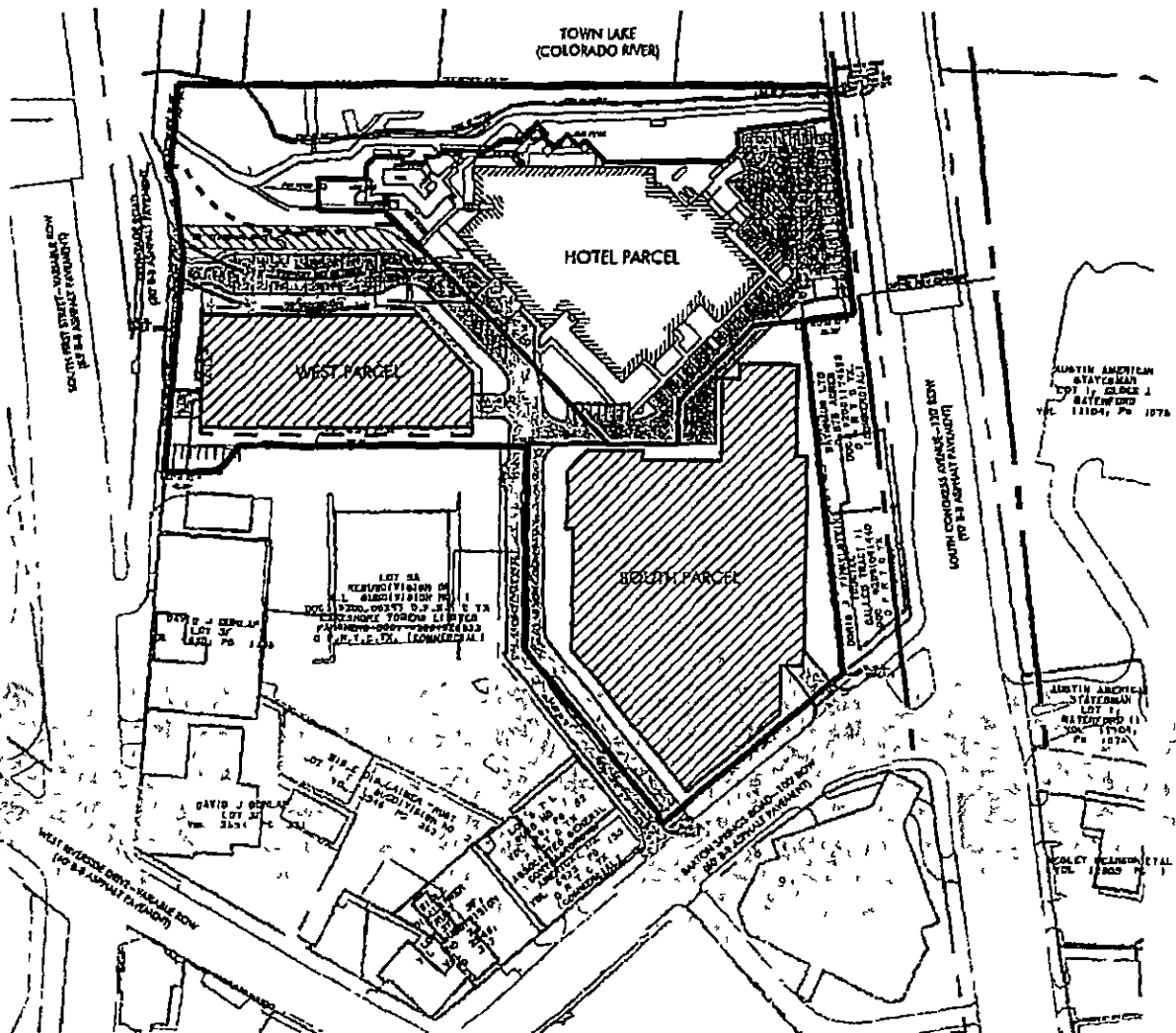
- | | |
|--|--|
|  Single-Family |  Mixed Use |
|  Higher-Density |  Civic |
|  Single-Family |  Open Space |
|  Multifamily | |
|  Commercial | |





EXHIBIT 'A'

0 50 100



LAND USE REGULATIONS

HOTEL PARCEL

PARCEL AREA = 2.78 AC
BUILDING COVERAGE = 85 %
BUILDING HEIGHT = 200 FT
FAR = 8:1
MIN PARKING = 80% OF THE REQUIRED PARKING PER LDC 25-6 APPENDIX A
MAX PARKING = NONE

WEST PARCEL

PARCEL AREA = 3.71 AC
BUILDING COVERAGE = 60 %
BUILDING HEIGHT = 200 FT
FAR = 8:1
MIN PARKING = 80% OF THE REQUIRED PARKING PER LDC 25-6 APPENDIX A
MAX PARKING = NONE

SOUTH PARCEL

PARCEL AREA = 3.09 AC
BUILDING COVERAGE = 85 %
BUILDING HEIGHT = 200 FT
FAR = 8:1
MIN PARKING = 80% OF THE REQUIRED PARKING PER LDC 25-6 APPENDIX A
MAX PARKING = NONE

Hotel Parcel (2.78 Acres)						West Parcel (3.71 Acres)						South Parcel (3.09 Acres)					
Total						CMQ2	Primary Setback	35' Secondary Setback	Uplands	Total		CMQ2	Primary Setback	35' Secondary Setback	Uplands	Total	Site Total
Area (SF)	121083					66629	81617	11236	68555	161408		0	0	0	134327	134327	416818
Total Imp Cover (sf)	100891					846	7550	10115	51378	68933		0	0	0	103210	103210	273094
Percent Imp Cover (%)	83.32					1.27	9.25	90.02	74.87	42.74					76.63	76.83	65.52
Note: Primary Setback Area includes CMQ2 Area																	

LC LONGARO & CLARKE
Consulting Engineers

Lead Developers of Stormwater Management & Water Resources
100 Capital of Texas Highway South, The Woodlands, Texas 77380
Office: 281.300.0725 Fax: 281.300.0734

208 BARTON SPRINGS

STAFF RECOMMENDATION

Staff recommends with conditions the rezoning from CS-1-NP and L-NP to PUD-NP. The recommended conditions are as follows:

- 1 Planting a vegetative screen along the southernmost property line of the Hotel Tract facing Town Lake adjacent to the surface parking lot on the East side of the Hotel Tract,
- 2 Prior to obtaining a certificate of occupancy for any pedestrian oriented uses or residential dwelling units for the West Parcel, an access easement will be provided to the City that allows
 - public access to the internal drive on the West Parcel and
 - public access from the internal drive to the Town Lake hike and bike trail,
- 3 Prohibit pole signage, with the exception of directional signage for vehicular and pedestrian traffic, which will be limited to a height of four feet (this provision will not prohibit the use of traffic control signage in conformance with City regulations, i.e. stop signs),
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- 11 The development of the PUD site will be subject to the attached TIA memorandum from Watershed Protection and Development Review (WPDR) Department dated February 7, 2007

Furthermore, the Staff recommends that all conditional uses under CS-1-NP and L-NP shall remain as conditional uses in the proposed PUD. The following shall be prohibited uses:

- Automotive repair services
- Automotive sales
- Automotive washing (of any kind), and
- Service station

The Staff recommendation is based on the following considerations:

- 1) The proposed land uses are compatible with existing and proposed commercial development,
- 2) The Bouldin Creek Future Land Use Map designates this site for mixed-uses,
- 3) Recommended conditions will yield a superior development vs. traditional rezoning, and
- 4) All other terms and conditions in Ordinance No. 020523-33 shall remain in place

BASIS FOR RECOMMENDATION

- 1 *The Planned Unit Development District (PUD) is intended for large or complex developments under unified control planned as a single contiguous project. The PUD is intended to allow single or multi-use projects within its boundaries and provide greater flexibility for development proposed within the PUD.*

The recommended PUD has a proposed mixture of residential and commercial and mixed uses, with access to open space/dedicated Town Lake Trails that will be connected to public right-of-way. The PUD is a single contiguous project that will provide landscape improvements with Great Street improvements to existing public right-of-ways.

2. *Use of a PUD District should result in development superior to that which would occur using conventional zoning and subdivision regulations PUD zoning is appropriate if the PUD enhances preservation of the natural environment, encourages high quality development and innovative design, and ensures adequate public facilities and services for development with in the PUD*

The Proposed PUD will result in a superior development than that which could have occurred using conventional zoning and subdivision regulations by allowing the applicant to offer development incentives that surpass the requirements of traditional zoning as recommended. An impervious cover reduction of 2-3% is proposed. Furthermore, as recommended, the PUD shall achieve a minimum of 2-star rating under the Green Builder Program.

3. *The PUD land use plan establishes minimum and maximum development standards required by the PUD ordinance. These standards include residential density limitations, maximum floor-to-area ratios for non-residential development, maximum building height, lot size and width, and setbacks.*

The proposed PUD land use plan does establish development standards that specify the proposed uses, floor to area ratios, height limits, setbacks and impervious cover limits. In addition, the PUD land use plan allows for a transition in uses from the proposed commercial uses fronting Barton Springs Road to the shore at Town Lake.

EXISTING CONDITIONS

Site Characteristics

The subject rezoning area consists of a 9.567 acre site along Barton Springs Road and Congress Avenue abutting Town Lake zoned CS-1-NP and L-NP. The property was rezoned on May 23, 2002 by ordinance No. 020523-33 enacting the Bouldin Creek Neighborhood Plan. (Please see Attachment A.) The applicant seeks to rezone the property to PUD-NP to allow the redevelopment of the property to include two 200-foot mixed-use towers and retail uses. The applicant has agreed to offer superiority by way of the implementation of conditions that will be superior than traditional redevelopment under current zoning regulations.

The applicant has agreed to offer superiority by way of the implementation of conditions that will be superior than a traditional redevelopment under current zoning regulations.

The site lies within the Waterfront Overlay – South Shore Central and shall be subject to the provisions of LDC 25-2-721 and 25-2-742. The original shore line at Town Lake was modified for the construction of the existing boat dock. Therefore, the site would meet the minimum setback requirements within the secondary setback should the original shore line be in place.

Drainage Construction - EDUARDO ACOSTA 974-3008

DC 1 It appears this project should not be exempted from the drainage related standards in LDC 25-7-93, 25-7-94, 25-7-31, and 25-7-61 (as specified in Exhibit E, 4 (H)) and therefore the project must adhere to all current floodplain requirements. A determination that the project

should be exempt from the drainage related requirements should be evaluated at the site plan stage

- DC 2 It appears that the previous comments issued during the Development Assessment stage have not been addressed, therefore the previous comments still apply
- DC 3 It appears this project should not be exempted from the drainage related standards in LDC 25-7-93, 25-7-94, 25-7-31, and 25-7-61 (as specified in Exhibit F , 4 (H)) and therefore the project must adhere to all current floodplain requirements A determination that the project should be exempt from the drainage related requirements should be evaluated at the site plan stage
- DC 4 If the applicant still believes these exemptions still apply please provide documentation and support in the form of a sealed and signed engineering report regarding the floodplain delineation

Fire Review - RON BUYS 974-0183
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Informal UPDATE ok 2-23-06

- FR 2 New Diesel Fueled Generators will be limited to 120 gallons indoors if unsprinklered buildings and 240 gallons if sprinklered Outdoor fuel tanks are not mentioned in the PUD documents but may be included in overlay rules (I didn't check)
- FR 3 Fire hydrant spacing shown may not meet that required by 2003 IFC with first within 400' of all points on building perimeter and second within 500'
- FR 4 Changes to existing driveways and internal fire apparatus access will be required within the 150' to all points on un-sprinkled building perimeter and 200' to all points on sprinkled buildings
- FR 5 Area water system will be required to provide firefighting flows based on 2003 IFC Table B105.1

Informal update ok 5/22/06

- FR 1 Access roadways must have a minimum of 25 feet unobstructed width
- FR 2 Unobstructed turning radii of 50 feet outside and 25 feet inside must be provided for all turns
- FR 3 No deadends in excess of 150 feet without an approved fire department turnaround
- FR 4 Access roadway must be extended to within 150 feet of all of exterior walls of the first story of all buildings Sec 902.2.1
- FR 5 Indicate the fuel capacity of the generators to be used
- FR 6 Fire hydrants shall be provided first within 400', second within 500' of all points on building perimeter order to deliver the needed fire flow

- FR 7 Fire Dept Connections must be accessible from the street NFPA 24, 2-6 9
- FR 8 Provide hydraulic fire flow calculations for the needed fire flow to the buildings Include in these calculations the friction loss through fire lines to ensure adequate flow to hydrants All hydrants and nodes that are included in the calculations need to be identified for verification by this office Include in the calculations any backflow preventers installed in lines
- FR 9 Establish fire zones as shown on site by painting curb red Stenciling the words "FIRE ZONE/TOW-AWAY ZONE" in WHITE LETTERS at least 3 inches high at 35 FOOT intervals along the curb Also, signs shall be posted at both ends of a fire zone Alternate marking of the fire lanes may be approved by the fire chief provided the fire lanes are clearly identified at both ends Sec 901 4 2 Alternate marking of the fire lanes may be approved by the fire chief provided the fire lanes are clearly identified at both ends " Please take out " and at intervals not to exceed 35 feet " The Sec 901 4 2 can remain
- FR 10 Address numbers at least 8 inches high must be visible from the street City of Austin Criteria Manual p 4-9

Water Quality - EDUARDO ACOSTA 974-3008
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- WQ 1 This project's participation in the Fee in Lieu of structural water quality controls, as outlined in Concerning Exhibit E, 4 (B), will not be acceptable LDC 25-8-211 (C)(1) states, in an urban water shed, water quality control are required in accordance with the Environmental Criteria Manual ECM 1 9 2 A, specifies that Water Quality controls are required in an Urban Watershed when the cumulative total of new or redeveloped impervious cover exceeds 5000 sf
- WQ 2 The denial for the site's participation in the Fee in Lieu program is based on the size of the redevelopment, the close proximity to Town Lake, the direct discharge of concentrated flow, and the inability to treat runoff with downstream regional controls Particularly, the site is proposing a PUD, therefore the site should propose superior protections
- WQ 3 A design which includes onsite water quality controls as per LDC 25-8-211 and the ECM 1 6 will be required Please note there are alternative compliance measures that do not require the footprint of a traditional sed/fil pond These may include such space efficient approaches such as roof top gardens, rainwater harvesting, heat island mitigation, subsurface filtering, sweeping programs, integrated pest management plans, bio-filtration/infiltration, oil/water type separators or a variety of other options in which the additive effect provide water quality control
- WQ 4 It appears that the previous comments issued during the Development Assessment stage have not been addressed, therefore the previous comments still apply
- WQ 5 The site is proposing a PUD, therefore the site should propose superior protections Please clarify how this application can be considered high quality or superior when no Water Quality controls are proposed An excerpt of the Land Development Code pertaining to PUD designation is provided below

25-2-144 PLANNED UNIT DEVELOPMENT (PUD) DISTRICT DESIGNATION

(B) *The purpose of a PUD district designation is to preserve the natural environment, encourage high quality development and innovative design, and ensure adequate public facilities and services for development within a PUD*

(C) *A PUD district designation provides greater design flexibility by permitting modifications of site development regulations. Development under the site development regulations applicable to a PUD must be superior to the development that would occur under conventional zoning and subdivision regulations*

WQ 6 This project's participation in the Fee in Lieu of structural water quality controls, as outlined in Exhibit F, 4 (B), will not be acceptable. LDC 25-8-211 (C)(1) states, in an urban water shed, water quality control are required in accordance with the Environmental Criteria Manual. ECM 1 9 2 A, specifies that Water Quality controls are required in an Urban Watershed when the cumulative total of new or redeveloped impervious cover exceeds 5000 sf

WQ 7 The denial for the site's participation in the Fee in Lieu program is based on the size of the redevelopment, the close proximity to Town Lake, the direct discharge of concentrated flow, and the inability to treat runoff with downstream regional controls. Particularly, the site is proposing a PUD, therefore the site should propose superior protections

WQ 8 A design which includes onsite water quality controls as per LDC 25-8-211 and the ECM 1 6 will be required. Please note there are alternative compliance measures that do not require the footprint of a traditional sed/fil pond. These may include such space efficient approaches such as roof top gardens, rainwater harvesting, heat island mitigation, subsurface filtering, sweeping programs, integrated pest management plans, bio-filtration/infiltration, oil/water type separators or a variety of other options in which the additive effect provide water quality control

WQ 9 Please arrange a meeting with this reviewer in order to explore the project constraints and possible water quality approaches

Transportation - AMY LINK 974-2628

TR 1 A traffic impact analysis is required and has been received. Additional right-of-way, participation in roadway improvements, or limitations on development intensity may be recommended based on review of the TIA. [LDC, Sec 25-6-142] Comments will be provided in a separate memo

TR 2 All parking must be provided in accordance with design and construction standards of the Transportation Criteria Manual. LDC, 25-6-563, TCM, Table 9-1. For the requested parallel parking along the internal circulation aisles, please demonstrate that the requirements of Table 9-1 are being met

- TR 3 In the core area of the city, bounded by US 183, SH 71, Loop 1, Lake Austin, Dry Creek, RM 2222, Mesa Drive, Jollyville Rd , and Loop 360, the minimum off-street parking requirement is 80% of that prescribed by Chapter 25-6, Appendix A of the LDC
- TR 4 All required parking must be on the same site as the structures to be served unless off-site parking is approved. A site plan required for approval of off-site parking must show both the primary use and off-site parking, and the property address and legal description of both sites. LDC, 25-6-502 (A). The proposed ordinance requests that parking for the site be considered cumulatively for the entire PUD site, and shall not be required to provide the minimum number of spaces on a stand alone basis for each phase. The minimum required parking for the hotel site must be provided during all site construction. This may be achieved by off-site parking if necessary.
- TR 5 For the parking garages above grade, please meet the Waterfront Overlay regulations as noted in Section 25-2-721(D)(2).
- TR 6 Per Section 25-2-723(C) and (D) (1 and 9), streetscape improvements along Barton Springs Road and South First Street are required.
- TR 7 Existing non-conforming driveways may be required to conform with City standards, including driveway closing and curb construction where appropriate. LDC, 25-6-295, 25-6-321, 25-6-322, TCM, 5 3 1 R. This applies to all site driveways.
- TR 8 Loading requirements shall meet requirements as set forth in Section 25-6-531/-532 and Appendix A of the LDC. All parking and loading facilities must be maintained to assure desirability and usefulness of the facility. The facilities shall at all times be available for the off-street parking or loading use for which they are required or intended. Each off-street loading space must consist of a rectangular area not less than 12 feet wide and 45 feet long, with a vertical clearance of not less than 15 feet. LDC, Section 25-6-531, 532. TCM, 9 3 0 #1.
- TR 9 The existing driveways to South First Street are gated. Are these driveways to remain gated with this new site development?
- TR 10 A traffic impact analysis is required and has been received. Additional right-of-way, participation in roadway improvements, or limitations on development intensity may be recommended based on review of the TIA. [LDC, Sec 25-6-142]. Comments dated March 9, 2006 were provided with the development assessment submittal.
- TR 11 All parking must be provided in accordance with design and construction standards of the Transportation Criteria Manual. LDC, 25-6-563, TCM, Table 9-1. For the requested parallel parking along the internal circulation aisles, please demonstrate that the requirements of Table 9-1 are being met. Please identify the proposed location of all parallel spaces.
- TR 12 In the core area of the city, bounded by US 183, SH 71, Loop 1, Lake Austin, Dry Creek, RM 2222, Mesa Drive, Jollyville Rd , and Loop 360, the minimum off-street parking requirement is 80% of that prescribed by Chapter 25-6, Appendix A of the LDC.
- TR 13 All required parking must be on the same site as the structures to be served unless off-site parking is approved. A site plan required for approval of off-site parking must show both the primary use and off-site parking, and the property address and legal description of both sites. LDC, 25-6-502 (A). The proposed ordinance requests that parking for the site be considered

cumulatively for the entire PUD site, and shall not be required to provide the minimum number of spaces on a stand alone basis for each phase. The minimum required parking for the hotel site must be provided during all site construction. This may be achieved by off-site parking if necessary, granted the off-site parking meets code requirements. Please provide further justification for not providing the minimum required parking during each phase of development.

- TR 14 For the parking garages above grade, please meet the Waterfront Overlay regulations as noted in Section 25-2-721(D)(2)
- TR 15 Per Section 25-2-723(C) and (D)(1 and 9), streetscape improvements along Barton Springs Road and South First Street are required. Item 4 D of the draft ordinance only references Barton Springs. What improvements are proposed along South First Street?
- TR 16 Existing non-conforming driveways may be required to conform with City standards, including driveway closing and curb construction where appropriate. LDC, 25-6-295, 25-6-321, 25-6-322, TCM, 5 3 1 R. This applies to all site driveways.
- TR 17 Loading requirements shall meet requirements as set forth in Section 25-6-531/-532 and Appendix A of the LDC. All parking and loading facilities must be maintained to assure desirability and usefulness of the facility. The facilities shall at all times be available for the off-street parking or loading use for which they are required or intended. Each off-street loading space must consist of a rectangular area not less than 12 feet wide and 45 feet long, with a vertical clearance of not less than 15 feet. LDC, Section 25-6-531, 532. TCM, 9 3 0 #1
- TR 18 The existing driveways to South First Street are gated. It appears that these driveways will remain gated with the new development. A 40-foot storage space shall be provided internal to the site for any proposed gated driveway. This does not appear to be provided as depicted on the PUD plan. Please provide further justification for the driveway locations in their current configuration. Modification to these driveways may result after review of the TIA is complete.

Electric - DAVID LAMBERT 322-6109
--

- EL 1 Any relocation of electric facilities shall be at landowner's/developer's expense.
- EL 2 This property is located in the network. Contact Tomme Friar at 505-7675 regarding underground electric service.
- EL 3 On the site plan, show the transformer vault(s) needed to power the new buildings.
- EL 4 FYI There is a duct line from Barton Springs which runs into this site across the South Parcel to serve an electric vault on the south side of the Hyatt Hotel. Development of the South Parcel may require relocation of the duct line. Tomme Friar at 505-7675 is your contact regarding this.
- EL 3 Be advised that the location of structures along the southeast property line must meet National Electric Safety Code/OSHA criteria for clearance with existing overhead electric line.

EL 4 Be advised any relocation of electric facilities shall be at landowner's/developer's expense

EL 5 For information regarding Green Builder program and standards, contact Katie Jensen at 482-5407

Industrial Waste - COLLEEN BUCKLEY 972-1060

2/16/06

IW 1 No Comment

IW2 There is nothing for Industrial Waste to review at this stage of the project Keep us on the distribution list as updates are available

WWW - PAUL URBANEK 974-3017

WW 1 The landowner intends to serve each lot with City of Austin water and wastewater utilities The landowner, at own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extension, system upgrades, utility improvements and other facilities to serve the lot

WW 2 With the final plat, the landowner must pay the Subdivision Engineering review fee and a note must be on the plat making the landowner responsible for providing the water and wastewater utility improvements, offsite main extension, system upgrades, utility improvements and other facilities to serve each lot

WW 3 In order to obtain City water and wastewater utility service, the landowner must obtain City approval of a Service Extension Request For more information, pertaining to the process and submittal requirements, contact Phillip Jaeger Austin Water Utility, 625 East 10th Street, 5th Floor Waller Creek center The Austin Water Utility reserves the right to make additional comments and to establish other requirements with the Service Extension Request

WW 4 No lot will be occupied until the structure is connected to the City of Austin water and wastewater utility system

WW 5 The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit

WW 6 The water and wastewater utility system serving each lot must be in accordance with the City of Austin design criteria The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility The water and wastewater utility construction must be inspected by the City

WW 7 Offsite easements may be required Also, approval from the City will be required for placing utilities on City land The landowner at own expense, will be responsible for providing the

onsite and offsite easements. The easements must be for locations defined by the Austin Water Utility and in a form accepted to the City.

Environmental - TERESA ALVELO 974-7105

2/23/2006

- EV 1 This project does not meet the redevelopment exception in LDC 25-8-26 and therefore the project must adhere to all current environmental requirements. Please ensure that no new development encroaches into the Critical Water Quality Zone, including the temporary access road. Any deviation from the code will require a courtesy hearing in front of the Environmental Board. In order to gain staff support for any exception to Chapter 25-8 of the Land Development Code the project must be demonstrated to be environmentally superior than what would otherwise be achieved.
- EV 2 Because of the request for the exception from wetlands protection (LDC 25-8-282), it is advisable that the applicant coordinate with the City Wetland's Biologist (974-2956) prior to submittal.
- EV 3 Mitigation will be required for any trees located on site greater than 8" that are to be removed.
- EV 4 This project lies within the Waterfront District Overlay and must adhere to the additional landscaping requirements as set forth in the Environmental Criteria Manual 2.8.0.

07/31/06

- EV 1 Contact Wetlands Biologist Mike Lyday, Environmental Resource Management, or EV Reviewer to set up a meeting/site visit to discuss wetlands issues. Further comments may be issued based on input by ERM.
- EV 2 All requests for exceptions from the environmental code must demonstrate that the proposal is clearly superior to what would be allowable under the code without the exceptions. Please clearly demonstrate how this project is better environmentally.

10/04/06

- EV 1 Please see attached recommendation from Environmental Board under Attachment A.

Site Plan - NIKKI HOELTER 974-2863

- SP 1 The proposed PUD would be required to comply with the Waterfront Overlay, South Shore sub district regulations.
- SP 2 Describe and show on the land use plan the type of existing and proposed residential uses per tract/parcel and/or phase, including maximum density (if multi-family development is proposed, maximum FAR, maximum height, minimum lot size and width, and any other site development requirements deemed appropriate [Sec 25-2-411(H)]).

- SP 3 If structures are proposed in excess of sixty feet in height, schematic drawings shall be provided which illustrate the height, bulk and location of such buildings and line of sight analyses from adjoining properties and/or rights-of-way See submittal requirements
- SP 4 For all non-residential development provide a summary table indicating the site development regulations for each existing and proposed use by tract and/or phase Uses shall be listed at a level of detail sufficient for Traffic Impact Analysis review as required in Section 25-6 Include the following information [Sec 25-2-411(I)]
- a The maximum floor-area ratio (to be no greater than the maximum authorized in the most restrictive base zoning district where the most intense proposed use on a tract is first authorized as a permitted use)
 - b Total square footage and whether structured parking facilities are proposed
 - c Maximum impervious cover,
 - d Maximum height limitation,
 - e Minimum setbacks, with a minimum front yard of no less than 25 feet and minimum street site yard no less than 15 feet, and in no event shall the setback be less than required pursuant to the Compatibility Standards,
 - f The number of curb cuts or driveways serving a non-residential project, which shall be the minimum necessary to provide adequate access to the site,
 - g All civic uses by type and proposed site development regulations
- Additional site development regulations may be specified by the City Council
- SP 5 Open space of no less than 20% of a tract used for a non-residential use or 15% of a tract used for an industrial use shall be reserved within each tract This requirement may be adjusted depending upon the total open space provided for the PUD [Sec 25-2-411(H)]
- SP 6 Identify any waivers to be requested from the City Ordinances or development standards pursuant to Chapter 25-2-402
- SP 7 Provide the legal description on the cover sheet
- SP 8 Describe the type of existing and proposed residential uses per tract and/or phase, including maximum density (if multi-family development is proposed, maximum FAR, maximum height, minimum lot size and width, and any other site development requirements deemed appropriate [Sec 25-2-411(H)] Show on land use plan
- SP 9 If structures are proposed in excess of sixty feet in height, schematic drawings shall be provided which illustrate the height, bulk and location of such buildings and line of sight analyses from adjoining properties and/or rights-of-way See submittal requirements
- SP 10 For all non-residential development provide a summary table indicating the site development regulations for each existing and proposed use by tract and/or phase Uses shall be listed at a level of detail sufficient for Traffic Impact Analysis review as required in Section 25-6 Include the following information [Sec 25-2-411(I)] Show on land use plan
- a The maximum floor-area ratio (to be no greater than the maximum authorized in the most restrictive base zoning district where the most intense proposed use on a tract is first authorized as a permitted use)
 - b Total square footage and whether structured parking facilities are proposed
 - c Maximum impervious cover,
 - d Maximum height limitation,

- e Minimum setbacks, with a minimum front yard of no less than 25 feet and minimum street site yard no less than 15 feet, and in no event shall the setback be less than required pursuant to the Compatibility Standards,
- f The number of curb cuts or driveways serving a non-residential project, which shall be the minimum necessary to provide adequate access to the site,
- g All civic uses by type and proposed site development regulations
- h Additional site development regulations may be specified by the City Council

Parks and Recreation - RANDY SCOTT 974-6737

- PR1 Approval of a site plan by the Land Use Commission is required if an applicant requests a waiver from a requirement of this part under Section 25-2-713 (Variances)
- PR2 Review of a site plan by the director of the Parks and Recreation Department is required before the site plan may be approved. The director of the Parks and Recreation Department shall determine
- whether the site plan is compatible with adopted park design guidelines, and
 - if significant historic, cultural, or archaeological sites are located on the property
- PR 3 **150' Primary setback from Town Lake**
- 1 Parking areas and structures are prohibited,
 - 2 park facilities, including picnic tables, observation decks, trails, gazebos, and pavilions, are permitted if
 - (a) the park facilities are located on public park land, and
 - (b) the impervious cover does not exceed 15 percent
- PR 4 **50' Secondary setback from primary setback**
- 1 fountains, patios, terraces, outdoor restaurants, and similar uses are permitted, and impervious cover may not exceed 30 percent
 - 2 Surface parking
 - (a) must be placed along roadways, if practicable, and must be screened from views from Town Lake, the Colorado River, park land, and the creeks named in this part
 - (b) if it is adjacent to Town Lake, the Colorado River, park land, or a creek named in this part, it must incorporate pedestrian oriented uses at ground level

Zoning/Land Use - JORGE E. ROUSSELIN 974-2975

- ZN1 Please provide justification for PUD zoning for this tract of land. Identify how the proposed PUD is superior to current land development code requirements [Please refer to the City of Austin Land Development Code Section 25-2-144]
- ZN2 On the PUD Land Use Plan, please provide a table that lists the types of the residential uses allowed within the PUD (single-family, duplex, two-family residential, single-family attached, condominium residential, townhouse residential, multifamily residential, etc.), list minimum and maximum number of units by type that will be allowed on each parcel within the PUD, and list the total number of units by type that will be allowed overall within the

PUD The staff would like to know the breakdown of the types of residential units on each parcel and the overall amounts of these uses throughout the PUD development

- ZN3 Please provide a list of all of the variances to the Land Development Code requirements that the applicant will be requesting in this PUD zoning application
- ZN4 Please clarify if the applicant is utilizing Green Builder standards for both residential and commercial development within the PUD
- ZN5 Applicability of 25-8-214 to all parcels is not recommended
- ZN6 Minimum parking requirements shall be provided during all phases of construction
- ZN7 Please clarify to what "extent practicable" the Great Streets criteria will be applied on all parcels
- ZN8 Please coordinate with Andy Halm at 974-7195 on all license agreements required for landscaping, irrigation, and/or any other associated improvements to the public R-O-W



Date February 7, 2007
To Jorge Rousselin, Case Manager
CC Scott Feldman, Alliance Transportation Group
Reference 208 Barton Springs Tract TIA, C814-06-0106

The Transportation Review Section has reviewed the Traffic Impact Analysis for the 208 Barton Springs Tract, dated February 2006 prepared by Scott Feldman of Alliance Transportation Group and offers the following comments

The 208 Barton Springs Tract is a 9.616-acre development located in central Austin near the intersection of Barton Springs Road and Congress Avenue

The property is currently developed with a hotel and is zoned Commercial Liquor Sales-Neighborhood Plan (CS-1-NP) and Lake Commercial-Neighborhood Plan (L-NP). The applicant has requested a zoning change to Planned Unit Development (PUD) for the entire tract. The estimated completion of the project is expected in the year 2009.

TRIP GENERATION

Based on the standard trip generation rates established by the Institute of Transportation Engineers (ITE), the existing 447 room hotel generates approximately 3,987 vehicle trips per day. The proposed development will generate an additional 5,626 unadjusted average daily trips (ADT).

The table below shows the adjusted trip generation by land use for the proposed development.

Table 1 Trip Generation				
LAND USE	Size	ADT	AM Peak	PM Peak
Residential Condominiums	500 units	2,160	187	200
Specialty Retail	27,000sf	1,128	0	51
High Turn Over Sit Down Restaurant	15,000sf	1,128	173	84
Total		4,416	360	335

ASSUMPTIONS

1. Background traffic volumes for 2005 included estimated traffic volumes for the following projects:
 - 210 Barton Springs Condominium Project SP-00-2599C
 - Crescent Machinery SP-05-143C
2. A growth rate of 5% was assumed for all roadways within the study area.
3. Pass-by and internal capture reductions were taken for the following uses:

Land Use	Pass-By Reductions		Internal Capture Reductions
	AM	PM	
Residential Condominiums	0%	0%	11%

Specialty Retail	0%	34%	11%
High Turn Over Sit Down Restaurant	0%	43%	11%

4 No reductions were taken for transit use

EXISTING AND PLANNED ROADWAYS

Barton Springs Road – Barton Springs Road forms the southern boundary for this site, will provide the main access point for the development, and is currently constructed as a four-lane minor arterial. The Austin Metropolitan Area Transportation Plan proposes a four-lane major undivided arterial with 86 feet of right-of-way by 2025.

Congress Avenue – This roadway is currently classified as a six-lane major divided arterial and lies east of the site.

Riverside Drive – Riverside Drive is classified as a four-lane major undivided arterial in the vicinity of the site.

INTERSECTION LEVEL OF SERVICE (LOS)

The TIA analyzed 3 intersections, 2 of which are signalized. Existing and projected levels of service are as follows, assuming that all improvements recommended in the TIA are built.

Table 3 Level of Service				
Intersection	2005 Existing		2009 Site + Forecasted	
	AM	PM	AM	PM
Barton Springs and Congress Avenue*	C	B	C	B
Barton Springs and Riverside Drive*	E	E	D	E
Barton Springs and Hotel/Site Driveway	A	A	B	C

*= SIGNALIZED

RECOMMENDATIONS

- 1) At the time of site plan, a right turn lane shall be constructed at the driveway to Barton Springs Road to provide for right and left turn maneuvers out of the site.
- 2) Submittal of 2 copies of the final version of the TIA is required prior to 3rd Reading at City Council.
- 3) Development of this property should be limited to uses and intensities which will not exceed or vary from the projected traffic conditions assumed in the TIA, including peak hour trip generations, traffic distribution, roadway conditions, and other traffic related characteristics.

If you have any questions or require additional information, please contact me at 974-2628.



Amy Link
Sr Planner - Transportation Review Staff
Watershed Protection and Development Review



INTEROFFICE MEMORANDUM

TO Teresa Alvelo, Environmental Review Teams
FROM Mike Lyday, Environmental Resource Management Division (ERM)
DATE: September 12, 2006
SUBJECT 208 Barton Springs Road Zoning Case C814-06-0106

I appreciate the opportunity to comment on this zoning case that involves redevelopment and the critical water quality zone (CWQZ). Unlike the recent Crescent Machinery redevelopment case, this project proposes to restore some of the previously developed CWQZ. As I see it, the CWQZ that is proposed for redevelopment (a portion of the existing parking lot) will ultimately be restored to pervious cover and revegetated. The portion of the CWQZ that has the hotel and other existing parking on it is not being redeveloped. Therefore, environmental (ERM) staff will not be requesting any "environmentally equivalent" measures to restore the CWQZ function and value as we did when Crescent Machinery proposed to redevelop all of the CWQZ that was previously developed.

In other words, the Hyatt's development that will remain in the CWQZ is existing development (existing parking and hotel). They propose to remove some of the existing parking in the CWQZ and convert it to pervious landscape. Overall, a slight gain in CWQZ restoration. All I might recommend is that the redeveloped landscape be composed of native and adapted plants (see the COA Grow Green Guide Native and Adapted Landscape Plants).

Nevertheless, the waterfront overlay setback is also proposed to be redeveloped and PARD should review that in regard to their issues pertaining to the waterfront overlay. I believe this project is moving in the right direction with regard to CWQZ restoration during redevelopment.

Thank you for including ERM in your assessment of environmental resources for this case. If you have any questions, please call me at 974-2956.

Mike Lyday, Senior Environmental Scientist
Water Resources Evaluation Section, ERM
Watershed Protection and Development Review Department

C Ed Peacock
George Zapalak
Ricardo Soliz
Nikki Hoeller
Ingrid McDonald



MEMORANDUM

RECEIVED

NOV 06 2006

To Greg Guernsey, Director
Neighborhood Planning & Zoning

From Warren W. Struss, Director
Parks and Recreation Department

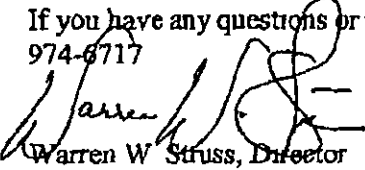
Date November 1, 2006

Subject Rezoning C814-06-0106 - 201

Neighborhood Planning & Zoning

The Parks and Recreation Department does not support the request for a variance to the Waterfront Overlay in zoning case C814-06-0106 - 201. The requested encroachment on the primary and secondary setback is not compatible with adopted park design guidelines. Private drives, parking, and buildings are not permitted uses in the primary or secondary setbacks.

If you have any questions or need additional information, please feel free to contact me at 974-6717.


Warren W. Struss, Director
Parks and Recreation Department

cc Stuart Strong, Assistant Director, PARD
Ricardo Soliz, Division Manager, PARD



ENVIRONMENTAL BOARD MOTION 100406-B2

Date October 04, 2006

Subject Town Lake Hyatt P U D C814-06-0106

Motioned By Phil Moncada

Seconded By Rodney Ahart

Recommendation

The Environmental Board recommends approval and support of the Town Lake Hyatt P U D Revisions associated with redevelopment and rezoning for this subject area consisting of 9.567 acres

Staff Conditions

- 1 Overall impervious cover will be decreased by 23%
- 2 Large amounts of surface parking will be eliminated with the construction of parking garages
- 3 Restoration of some of the Critical Water Quality zone will be provided by replacing some existing parking with pervious turf/landscaping
- 4 Building standards that meet a minimum 2-star rating for the Green Builder Program are proposed
- 5 An Integrated Pest Management (IPM) plan will be provided.
- 6 Improvements to the Town Lake Trail and public bicycle parking in the primary setback area will be provided
- 7 A consideration of \$400 per unit will be provided to the Trail foundation and the City of Austin for open space improvements at the beginning of the project (\$200,000)
- 8 Great Street improvements will be provided to the Barton Springs Road frontage
9. Re-irrigation by rainwater harvesting

Rationale

Rainwater harvesting possibility restrict parking lot to delivery vehicles on the northeast side of existing building. Recommended conditions will yield a superior development vs traditional rezoning. Long term business owner in Austin for over 25 years. Reduction in the impervious cover will provide some water quality with removal of the parking lot in the critical water zone by reducing pollutant load. The applicant will strive to enhance water quality associated with redevelopment.

Vote: 5-2-0-1

For: Phil Moncada, John Dupnik, Mary Gay Maxwell, Rodney Ahart, and Julie Jenkins

Against: Dave Anderson, and Karm Ascot

Abstain: None

Absent: *William, Curra

Approved By

Dave Anderson P.E., CFM
Environmental Board Chair

* Board Member William Curra recused from the discussion due to a potential conflict of interest



GRAVES DOUGHERTY HEARON & MOODY
A PROFESSIONAL CORPORATION

Michael J. Whellan
512.480.5734
512.480.5834 (fax)
mwhellan@gdhm.com

MAILING ADDRESS
P.O. Box 88
Austin, TX 78767

October 18, 2006

RECEIVED

OCT 18 2006

Via Hand Delivery

Mr. Greg Guernsey

City of Austin

Director, Neighborhood Planning & Zoning Department

505 Barton Springs Road

Austin, Texas 78703

Neighborhood Planning & Zoning

Re 208 Barton Springs Road – Hyatt Redevelopment ("Property"),
Case No. C814-06-0106

Dear Greg,

Enclosed please find updated drawings, including an updated Land Use Plan for the above-referenced matter. The only changes that we have made are as follows:

1. On Exhibit AZI (Area Zoning Map), we have corrected the zoning for the tract adjacent to the above-referenced property from "LI-NP" to "L-NP".
2. On SP1 (Detailed Land Use Plan), pursuant to staff's comments, we have shown and calculated open space and setbacks for each of the parcels, and
3. Although Danny Miller, P.E. is still the engineer working on the project, he has changed firms and, therefore, the engineering firm has been changed on all of the exhibits to reflect that it is now LJA Engineering & Surveying, Inc.

Please accept this updated Land Use Plan and incorporate with our application.

If you have any questions, please feel free to call me.

Very truly yours,

Michael Whellan

MJW:vlh

Enclosures

cc Jorge Rousselin (w/encls) – *Via Hand Delivery*
Kathryne Tovo (w/encls) – *Via Hand Delivery*
Dannette Chimenti (w/encls) – *Via Hand Delivery*
Nikelle Meade, Esq. (w/encls) – *Via Hand Delivery*

ATTACHMENT B



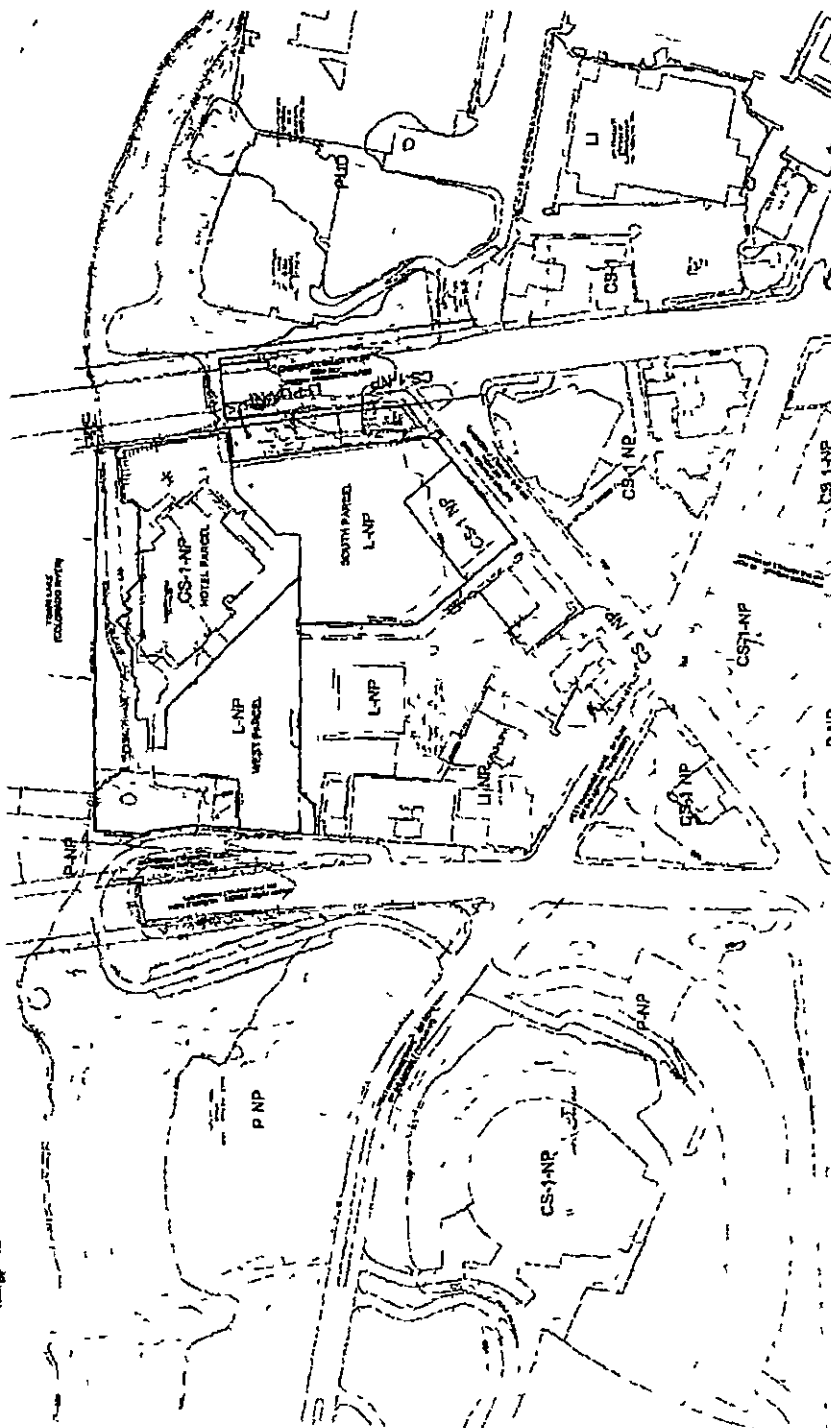
LISTS OF WORKS

- It was the first time
I had ever seen
a man like that.

ATTENTION: The following information is being furnished to you as requested by your local law enforcement agency.

[illegible]

100-443881-100
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 04-11-2001 BY 60322
UCBAW

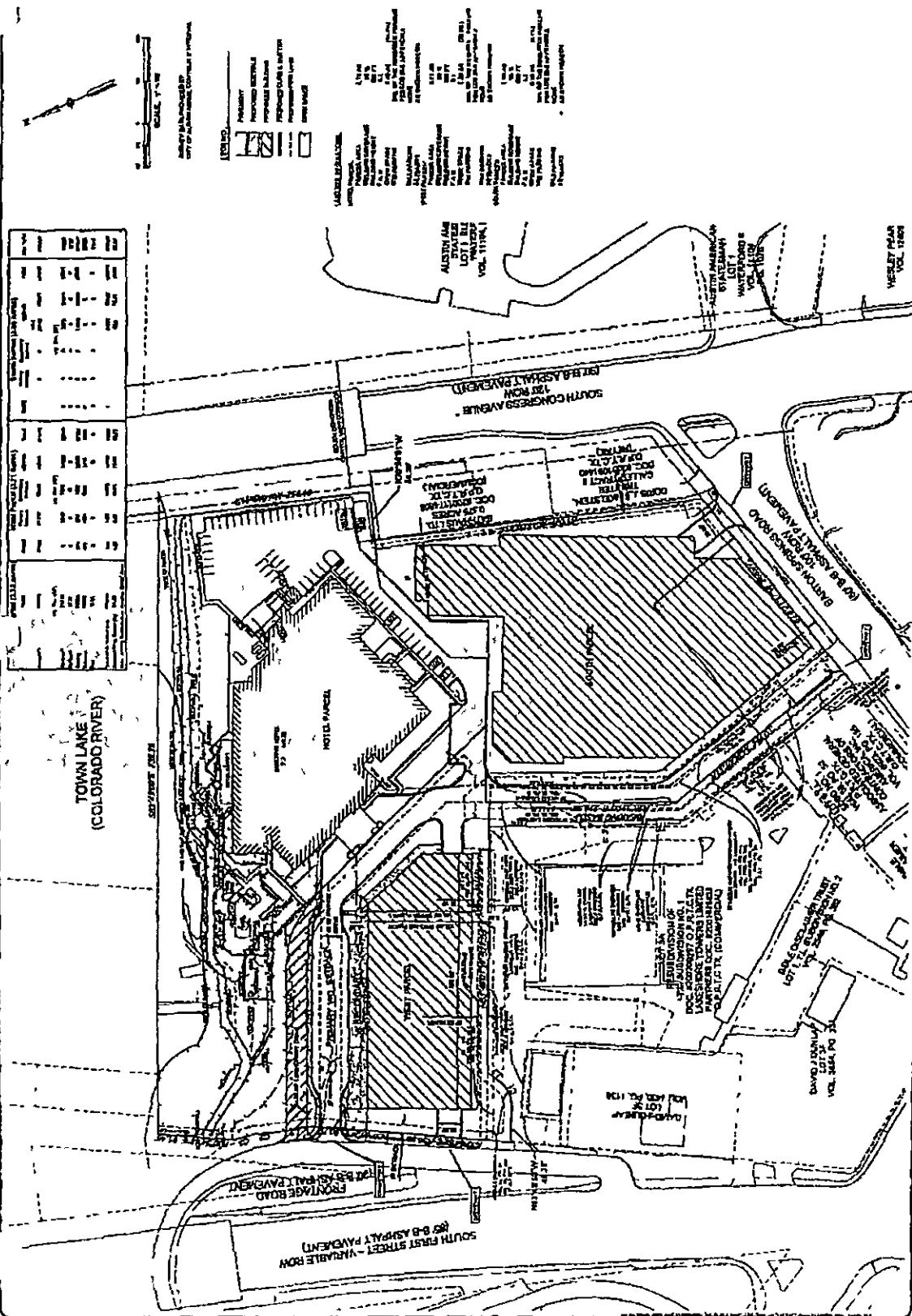


208 BARTON SPRINGS ROAD
AREA ZONING MAP

W - Engineering & Surveying, Inc.

AZ1

ATTACHMENT B



ORDINANCE NO. 020523-33

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP TO ADD A NEIGHBORHOOD PLAN COMBINING DISTRICT TO THE BASE ZONING DISTRICTS ON APPROXIMATELY 761.7 ACRES OF LAND GENERALLY KNOWN AS THE BOULDIN CREEK NEIGHBORHOOD PLAN AREA ("BOULDIN CREEK") AND TO CHANGE THE BASE ZONING DISTRICTS ON 101 TRACTS OF LAND IN BOULDIN CREEK.

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 add a neighborhood plan (NP) combining district to each base zoning district within the property and to change the base zoning districts on 101 tracts of land within the property described in File C14-02-0031, as follows

Approximately 761.7 acres of land, in the City of Austin, Travis County, Texas, more particularly described and identified in the attached Exhibit "A", (the "Property"),

generally known as the Bouldin Creek Neighborhood Plan (NP) combining district, locally known as the property bounded by Town Lake on the north, South Congress Avenue on the east, Oltorf Street on the south and the Union Pacific Railroad tracks on the west, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

PART 2. The base zoning districts for the 101 tracts of land are changed from family residence (SF-3) district, family residence-historic (SF-3-H) combining district, multifamily residence low density (MF-2) district, multifamily residence medium density (MF-3) district, multifamily residence medium density-historic (MF-3-H) combining district, multifamily residence moderate high density (MF-4) district, neighborhood office (NO) district, neighborhood office-conditional overlay (NO-CO) combining district, limited office (LO) district, general office-conditional overlay (GO-CO) combining district, neighborhood commercial (LR) district, neighborhood commercial-historic (LR-H) combining district, neighborhood commercial-conditional overlay (LR-CO) combining district, community commercial (GR) district, general commercial services (CS) district, general commercial services-historic (CS-H) combining district, general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district, commercial liquor sales (CS-1) district, and commercial-liquor sales-conditional overlay (CS-1-CC),

combining district to family residence-neighborhood plan (SF-3-NP) combining district, single family residence small lot-neighborhood plan (SF-4A-NP) combining district, townhouse and condominium residence-neighborhood plan (SF-6-NP) combining district, multifamily residence moderate high density-neighborhood plan (MF-4-NP) combining district, neighborhood office-mixed use-neighborhood plan (NO-MU-NP) combining district, limited office-mixed use-neighborhood plan (LO-MU-NP) combining district, limited office-conditional overlay-neighborhood plan (LO-CO-NP) combining district, limited office-mixed use-conditional overlay-neighborhood plan (LO-MU-CO-NP) combining district, neighborhood commercial-conditional overlay-neighborhood plan (LR-CO-NP) combining district, neighborhood commercial-mixed use-conditional overlay-neighborhood plan (LR-MU-CO-NP) combining district, community commercial-mixed used-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district, community commercial-conditional overlay-neighborhood plan (GR-CO-NP) combining district, community commercial-mixed used-historic-conditional overlay-neighborhood plan (GR-MU-H-CO-NP) combining district, general commercial services-neighborhood plan (CS-NP) combining district, general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district, general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district, general commercial services-historic-conditional overlay-neighborhood plan (CS-H-CO-NP) combining district, commercial-liquor sales-neighborhood plan (CS-1-NP) combining district, commercial-liquor sales-conditional overlay-neighborhood plan (CS-1-CO-NP) combining district, commercial-liquor sales-mixed use-conditional overlay-neighborhood plan (CS-1-MU-CO-NP) combining district, and public-neighborhood plan (P-NP) combining district, as more particularly described and identified in the chart below.

Tract #	PROPERTY ADDRESS	FROM	TO
1	502 DAWSON RD	CS-1	CS-1-NP
2a	1005 & 1023 BARTON SPRINGS RD	CS-1	CS-1-NP
2b	901, 903, 907, & 921 BARTON SPRINGS RD	CS, CS-1	CS-NP
3	0 (10 AC OF LOT 6 BLK B BOULDIN J E ESTATE), 801 & 811 BARTON SPRINGS RD	CS, CS-1, & LO	CS-1-NP
4	601 & 605 BARTON SPRINGS RD	CS-1	CS-1-NP
5	600 S 1ST ST (2.33 AC OF LOT 1 BLK B BOULDIN J E ESTATE)	MF-4	CS-MU-CO-NP
6	721 BARTON SPRINGS RD	CS & CS-1	P-NP
7	505 & 507 BARTON SPRINGS RD	CS-1	P-NP
8	700 S. 1ST ST	LO	LO-MU-NP
9	0 (LOTS 4-6 BLK B, CAPITAL HEIGHTS PLUS 1/2 ADJ VAC ALLEY) & 1402 S 5TH STREET	CS	SF-6-NP
11	1010 & 1012 W MARY ST	LO	LO-MU-NP
12	1800 S 5TH ST	CS	LR-MU-CO-NP
13	1001 W MARY ST	CS & SF-3	GR-MU-H-CO-NP
14	1807 S 5TH ST	CS	LR-MU-CO-NP

Tract #	PROPERTY ADDRESS	FROM	TO
15	912 W MARY ST	CS	CS-MU-CO-NP
16	915 W MARY ST	CS	CS-MU-CO-NP
17	913 W MARY ST	GR	LR-MU-CO-NP
18	909 W MARY ST	GR	LR-MU-CO-NP
19	908 W MARY ST	SF-3 & CS	SF3-NP
20	2200, 2206, 2208, 2300 & 2302 S 5TH ST	MF-3	MF4-NP
21	2207 S 5 TH ST	MF-3 & LR	MF4-NP
22	811 W LIVE OAK ST	CS-H, LR-H, SF-3-H & MF-3-H	GR-MU-H-CO-NP
23	2301 & 2311 S 5TH ST, 910 W OLTORF ST	LR & MF-3	GR-MU-CO-NP
24	900 & 904 S 2 ND ST (Lots 9 & 10 Abe Williams Subd)	SF-3	GR-MU-CO-NP
25	900, 902, 904 & 906 S 1ST ST, 901, 903, 905 & 907 S 2ND ST	SF-3	GR-MU-CO-NP
26	908, 910, 912, 1000, 1002, 1004 & 1006 S 1ST ST	SF-3	GR-MU-CO-NP
27	1100, 1102, 1104, 1106, 1108, 1110, 1112, 1114 & 1200 S 1ST ST, 605 & 607 COPELAND ST	SF-3 & LO	GR-MU-CO-NP
28	0 DAWSON ROAD (12.225 ACRES OF LOT 8 BLK B, BOULDIN J E ESTATE), 1104 & 1200 S 6TH ST, 1101, 1105 & 1107 S 7TH ST	MF-2 & SF-3	P-NP
29	1401 S 7 TH ST	SF-3	P-NP
30	1200 S 6 TH ST	SF-3	P-NP
31	0 W GIBSON ST (LOTS 14-17 BLK 2, SOUTH HEIGHTS)	CS & GO-CO	CS-MU-CO-NP
32	607 W GIBSON ST	NO-CO	NO-MU-NP
33	1302, 1308 & 1312 S 1ST ST, 605 W GIBSON ST	CS & SF-3	CS-MU-CO-NP
34	1207, 1209, 1301, 1311, 1413, 1415 & 1417 S 1 ST ST	CS	CS-MU-CO-NP
35	500 W ELIZABETH ST	CS-1	CS-1-MU-CO-NP
36	1400 S 1 ST ST	CS	CS-MU-CO-NP
37	1500, 1502 & 1506 S 1ST ST	CS	CS-MU-CO-NP
38	1501 & 1503 S 1ST ST	CS	CS-MU-CO-NP
39	1602, 1628, 1632, 1636, 1700, 1708 & 1720 S 1 ST ST, 602 W ANNIE ST	CS, CS-MU-CO & NO-CO	CS-MU-CO-NP
40	1601, 1603, 1605, 1609, 1611, 1613, 1615, 1617, 1619, 1701, 1703, 1711, 1713 & 1715 S 1ST ST, 514 & 516 W ANNIE ST, 409 W MONROE ST	CS	CS-MU-CO-NP
41	1800 S 1 ST ST & 603 W ANNIE ST	CS	CS-MU-CO-NP
42	1816 S 1 ST ST	CS	CS-MU-CO-NP
43	1801, 1803, 1805, 1807, 1809 & 1811 S 1ST ST	CS	CS-MU-CO-NP
44	607 W MARY ST	LO	LO-MU-CO-NP
45	1902 S 1 ST ST	CS	CS-MU-CO-NP
46	604 W JOHANNA ST	LR	LR-MU-CO-NP
47	1906 & 1924 S 1ST ST	CS	CS-MU-CO-NP
48	1903, 1905 & 1919 S 1ST ST	CS	CS-MU-CO-NP
49	2002, 2004, 2006 & 2008 S 1ST ST	CS	CS-MU-CO-NP
50	2104 S 1ST ST	CS & SF-3	CS-MU-CO-NP
51	2003, 2007, 2009, 2103 & 2105 S 1ST ST, 508 & 510 W LIVE OAK ST	CS	CS-MU-CO-NP
52	603 W LIVE OAK ST	LR & NO-CO	LR-MU-CO-NP
53	601 W LIVE OAK ST	CS	CS-MU-CO-NP
54	2209, 2213, 2215, 2217, 2301 & 2313 S 1ST ST, 501, 503, 507 & 511 W LIVE OAK ST	CS & SF-3	CS-MU-CO-NP
55	2210 S 1 ST ST	CS	CS-MU-CO-NP

Tract #	PROPERTY ADDRESS	FROM	TO
56	2214 S 1 ST ST & 600 FLETCHER ST	CS	CS-MU-CO-NP
57	2300, 2304, 2306, 2308, 2310 & 2312 S 1ST ST	CS	CS-MU-CO-NP
58	703, 704, 705, 706 & 708 JAMES ST, 0 (E 31FT OF LOT 11 BLK 2, SOUTH HEIGHTS) & 608 W GIBSON ST, 1202 S 1ST ST	SF-3 & LO	P-NP
59	604, 606 & 608 W OLTORF ST	NO & SF-3	LO-CO-NP
60	2316 S 1ST ST & 602 W OLTORF ST	CS	CS-CO-NP
61	516 W OLTORF ST	CS, GR	CS-CO-NP
62	510 W OLTORF ST	GR	GR-CO-NP
63	500, 502 & 504 W OLTORF ST	LO & LR-CO	LR-CO-NP
64	306, 310 & 312 W OLTORF ST	NO	LO-CO-NP
65	2314, 2322 & 2354 WILSON ST	MF-3	SF-3-NP
66	115A, 115B, 115C & 115D NELLIE ST	SF-3	SF-4A-NP
67	1200 & 1220 S CONGRESS AVE	CS	CS-CO-NP
68	108 W GIBSON ST (LOTS 28-32 BLK 13 ECK NORA RESUB PLUS VAC ALLEY)	CS, SF-3	MF-4-NP
69	1316 S CONGRESS AVE	CS-1-CO	CS-1-CO-NP
70	1300 & 1306 S CONGRESS AVE, 105 JAMES ST	CS-1	CS-1-CO-NP
71	1316 S CONGRESS AVE & 108 W GIBSON ST (LOT 19 & 3 82 FT OF LOT 18 NEWNING RESUB OF BLK 13 & 2A)	CS	CS-CO-NP
72	1403 & 1407 EVA ST, 110 W ELIZABETH ST	CS	CS-MU-CO-NP
73	1400 & 1410 S CONGRESS AVE	CS	CS-CO-NP
74	1412 S CONGRESS AVE	CS-H	CS-H-CO-NP
75	1500, 1504, 1510, 1512, 1516 & 1522 S CONGRESS AVE	CS	CS-CO-NP
76	1600, 1602, 1604 & 1608 S CONGRESS AVE	CS	CS-CO-NP
77	1606 S CONGRESS AVE	CS & CS-1	CS-1-CO-NP
78	1612 S CONGRESS AVE	CS	CS-CO-NP
79	0 (LOT 4-AND 5 FT OF LOT 3 BLK 27, SWISHER ADDN), 1700, 1704, 1710, 1712 & 1722 S CONGRESS AVE	CS	CS-CO-NP
80	1800, 1802, 1806 & 1822 S CONGRESS AVE	CS	CS-CO-NP
81	1900, 1902, 1904, 1906 & 1920 S CONGRESS AVE	CS	CS-CO-NP
82	2002 & 2004 S CONGRESS AVE	CS	CS-CO-NP
83	2008 S CONGRESS AVE	CS-1	CS-1-CO-NP
84	2020 S CONGRESS AVE	CS	CS-MU-CO-NP
85	0 (LOT 2 BLK A, RICHARDSON P L), 2110, 2114, 2116, 2118 & 2130 S CONGRESS AV	CS	CS-CO-NP
86	2206 & 2210 S CONGRESS AVE	CS & LR	CS-MU-CO-NP
87	2300, 2304 & 2326 S CONGRESS AVE	CS	CS-MU-CO-NP
88	2336 S CONGRESS AVE	CS-H	CS-MU-H-CO-NP
89a	2216 & 2218 COLLEGE AVE, 2212 S CONGRESS AVE	LR	GR-MU-CO-NP
89b	2222 COLLEGE AVE	OR	GR-MU-CO-NP
90	312 W MARY ST	MF-2	SF-3-NP
91	2004 WILSON ST	MF-4	SF-3-NP
92	1908 & 1910 EVA ST	MF-3	SF-3-NP
93	1911 EVA ST	MF-3	SF-3-NP
94	0 BRODIE ST (GUERRERO PARK)	SF-3	P-NP
95	700, 702, 704 & 706 W OLTORF ST	SF-3	SF-6-NP
96	800 & 804 W OLTORF ST	SF-3	SF-6-NP

Tract #	PROPERTY ADDRESS	FROM	TO
97	806, 808, 810 & 812 W OLTORF ST	SF-3	SF-6-NP
98	2309 & 2311 S 4TH ST	SF-3	SF-6-NP
99	2308, 2310 & 2312 S 4TH ST, 900 & 902 W OLTORF ST	SF-3	SF-6-NP
100	1000, 1002, 1004, 1006, 1100, 1102 & 1104 W OLTORF ST	SF-3	SF-6-NP
101	1108 W OLTORF ST	SF-3	SF-6-NP
102	1112, 1114, 1200, 1202, 1204, 1206, 1208, 1210, 1212 & 1214 W OLTORF ST	SF-3	SF-6-NP

PART 3. Tracts 1 through 5, 11 through 18, 22 and 23, 25 through 27, 31, 33 through 57, 59 through 64, 67, and 69 through 89 may be developed as a neighborhood mixed use building special use as set forth in Sections 25-2-1502 through 25-2-1504 of the Code.

PART 4. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

1. The maximum height of a building or structure or portion of a building or structure is 45 feet measured from ground level on Tracts 22, 23, and 25.
2. The maximum height of a building or structure or portion of a building or structure is 35 feet measured from ground level on Tracts 24, 26 and 27
3. The maximum impervious coverage is 75 percent on Tracts 22 and 23.
4. The maximum impervious coverage on Tract 24 is 45 percent.
5. The maximum building coverage on Tract 24 is 40 percent.
6. The maximum gross floor area is 15,200 square feet for a hotel-motel use on Tract 24.
7. A 50-foot wide building setback from the center line of East Bouldin Creek is required on Tract 5
8. A portion of a building or structure that exceeds 35 feet in height must fit within an envelope delineated by a 60-degree angle measured from the top of the structure to a property line that adjoins a public street on Tracts 31 and 33 through 57.
9. Parking is prohibited in a required front yard on Tracts 25 through 27, 67, and 69 through 89.

10. The following use is a conditional use on Tracts 5, 25 through 27, 31, 33 through 43, 45 through 57, 67, and 69 through 89:

A general retail sales (general) use that exceeds 20,000 square feet in gross floor area

11. The following use is a conditional use on Tracts 12, 14 through 18 and 59 through 64:

Drive-in services as an accessory use to commercial uses.

12. The following use is a conditional use on Tracts 11, 14 through 18, and 60 through 63:

Service station

13. The following uses are conditional uses on Tracts 15, 16, 60 and 61:

Adult oriented businesses

Building maintenance services

Equipment repair services

Limited warehousing and distribution

Maintenance and service facilities

14. The following use is a conditional use on Tracts 22 and 23:

Medical offices (exceeding 5,000 square feet of gross floor area)

15. The following use is a prohibited use on Tracts 5, 13, 22 through 27 and 89a:

Drive-in services as an accessory use to commercial uses.

16. The following use is a prohibited use on Tracts 5, 13, 15, 16, 22, 23, 25, 26, 27, 60, 61, 62, and 89a:

Pawn shop services

17. The following uses are prohibited uses on Tracts 5, 13, 15, 16, 22, 23, 25, 26, 27 and 89a:

Automotive rentals

Automotive sales

18. The following uses are prohibited uses on Tracts 5, 13, 22, 23, 25, 26, 27 and 89a:

Automotive repair services	Automotive washing (of any type)
Commercial off-street parking	Communications services
Drop-off recycling collection facility	Exterminating services
Funeral services	Service stations

19. The following use is a prohibited use on Tracts 5, 15, and 16:

Vehicle storage

20. The following uses are prohibited uses on Tracts 22 and 23:

Hospital services (general)	General retail sales (general)
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21. The following uses are prohibited uses on Tract 5

Agricultural sales and services	Building maintenance services
Campground	Construction sales and services
Convenience storage	Electronic prototype assemble
Equipment repair services	Equipment sales
Kennels	Laundry services
Limited warehousing and distribution	Maintenance and service facilities
Monument retail sales	

22. The following uses are prohibited on Tract 24.

Administrative and business office	Art and craft studio (limited)
Automotive rentals	Automotive repair services
Automotive sales	Automotive washing (of any type)
Business or trade school	Business support services
Consumer convenience services	Drop-off recycling facility
Exterminating services	Financial services
Food sales	Funeral services
General retail sales (general)	General retail sales (convenience)
Indoor entertainment	Indoor sports and recreation
Medical offices (any size)	Off-site accessory parking
Personal services	Pet services

Plant nursery
Research services
Restaurant (general)
Service station
Theater
Congregate living
Guidance services
Hospital services (limited)
Bed and breakfast (Group II)
Group residential
Townhouse residential
Communication services
Outdoor entertainment
Pawn shop services
Urban farm

Professional office
Restaurant (drive-in, fast food)
Restaurant (limited)
Software development
Custom manufacturing
Counseling services
Hospital services (general)
Residential treatment
Condominium residential
Multifamily residential
Commercial off-street parking
Consumer repair services
Outdoor sports and recreation
Personal improvement services

23. The following uses are conditional uses on Tract 24:

College and university facilities	Community recreation (private)
Community recreation (public)	Cultural services
Day care services (commercial)	Day care services (general)
Local utility services	Private primary educational facilities
Private secondary educational facilities	Safety services

24. For a hotel-motel use on Tract 24:

- a. Except as shown in subsection b the setback for structures, parking areas, and driveways on Lot 9, Abe Williams Subdivision is 200 feet from the west property line. (900 West 2nd Street).
- b. On Lot 9 the setback is 150 feet from the west property line for a detention pond or a drainage facility.
- c. The setback for structures, parking areas, driveways, detention ponds, or drainage facilities on Lot 10, Abe Williams Subdivision is 200 feet from the west property line. (904 West 2nd Street)

PART 5. Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the respective base district and other applicable requirements of the City Code.

PART 6. The Council waives the requirements of Section 2-2-3, 2-2-5, and 2-2-7 of the City Code for this ordinance.

PART 7. This ordinance takes effect on June 3, 2002

PASSED AND APPROVED

May 23, 2002

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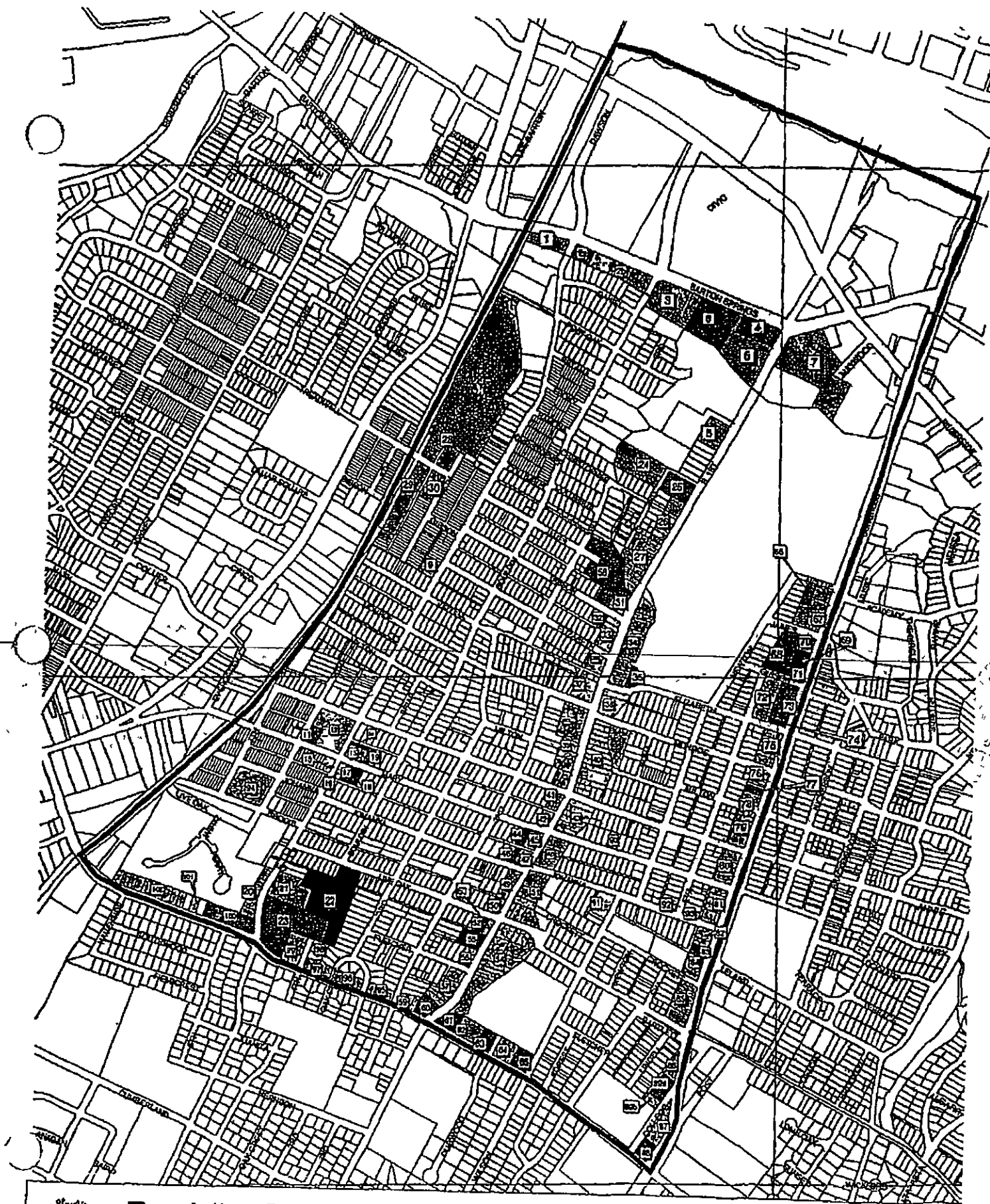
Gustavo L. Garcia
Mayor

APPROVED:

Sedora Jefferson
City Attorney

ATTEST:

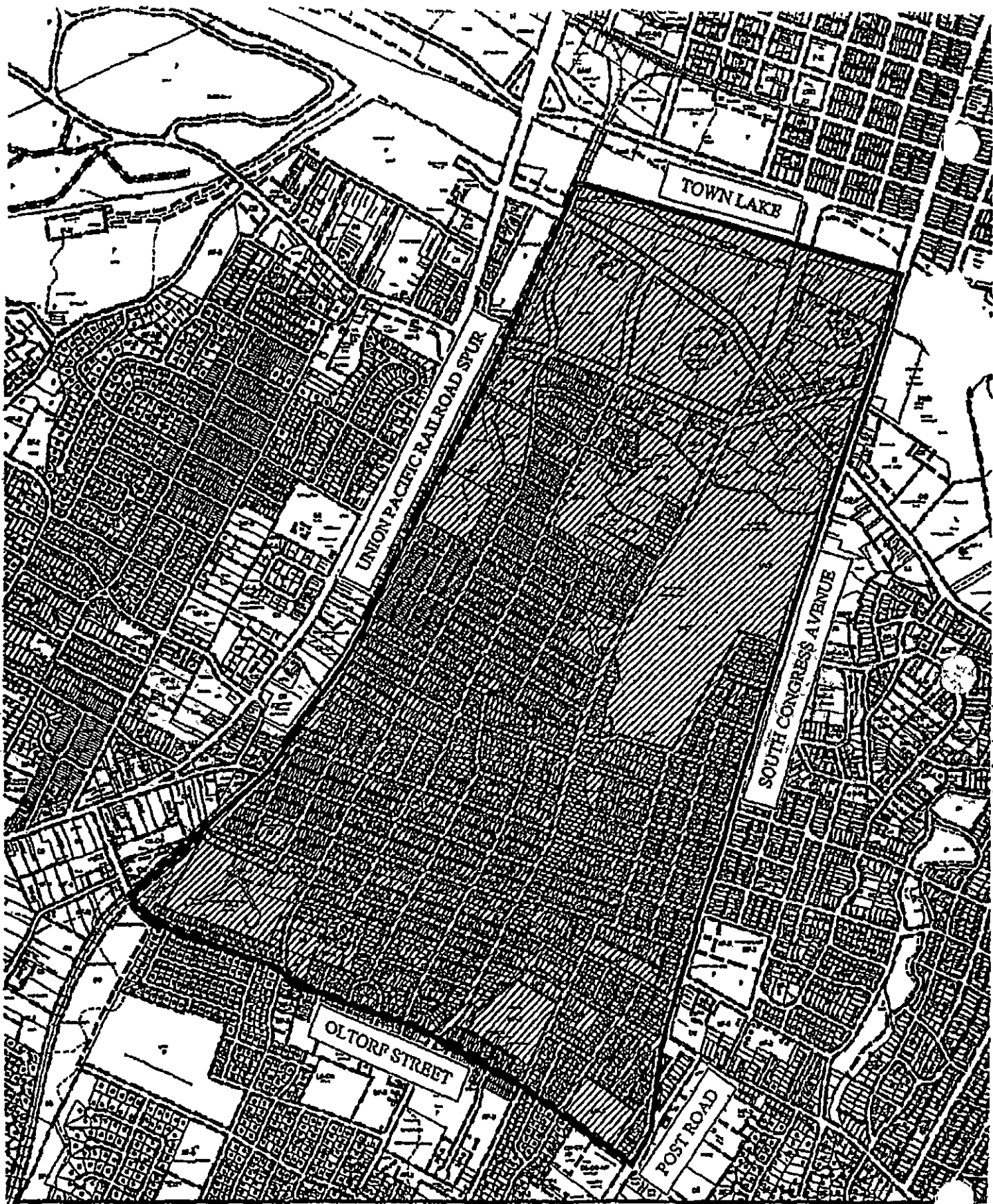
Shirley A. Brown
City Clerk







Bouldin Creek Neighborhood Planning Area
Case # C14-02-0031

EXHIBIT A





<p>  SUBJECT TRACT  PENDING CASE  ZONING BOUNDARY  CASE MGR: W WALSH </p>	<p align="center"> ZONING EXHIBIT B </p> <p> CASE # C14-02-0031 ADDRESS BOULDIN CREEK NEIGHBORHOOD PLANNING AREA SUBJECT AREA (acres) N/A </p>	<p> DATE 02-03 INTLS SM </p> <p> CITY GRID REFERENCE NUMBER J20-22,H20 2 </p>
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1"=1200'