



City of Austin Watershed Protection & Development Review Dept.  
505 Barton Springs Road • P.O. Box 1088 • Austin, Texas 78767-8835

June 5, 2003

Mr. William M. Faust  
The Faust Group  
3607 Lone Man Mountain Road  
Wimberley, TX 78676

4339  
Westlake  
Dr

RE: SPC-99-0227A(XT) – Davenport West B – Site Plan Extension

Dear Mr. Faust:

Your request for an extension to an approved site development permit for Davenport West B, COA file number SPC-99-0227A, as specified in Section 25-5-63 of the Land Development Code has been approved by the Zoning & Platting Commission. A three-year extension for the approved site development permit has been granted. The new expiration date for the site development permit for SPC-99-0227A, is May 9, 2007

Section 25-5-63(d) provides that the decision of the Zoning & Platting Commission to extend the site plan may be appealed to the City Council, provided an interested party files a completed notice of appeal no later than 14 days after the Planning Commission decision. However, there are registered interested parties for this extension request.

If you have any questions or need any additional information, please feel free to contact me at 974-2769

Sincerely,

Christopher Johnson, Team 1 Site Plan Case Manager  
Watershed Protection & Development Review Department

**ZONING AND PLATTING COMMISSION SITE PLAN  
EXTENSION REVIEW SHEET**

**CASE NUMBER:** SP-03-0031B(XT2)      **ZAP COMMISSION DATE:** 7-17-2007

**ADDRESS:** 4339 Westlake Drive

**WATERSHED:** Lake Austin (Water Supply Rural)

**AREA:** 31.62 A, (18.9 Acres LOC)

**EXISTING ZONING:** PUD

**PROJECT NAME:** Davenport West B (Part B)

**PROPOSED USE:** Office

**AGENT:** The Faust Group (Bill Faust)  
3607 Lone man Mountain Rd.  
Wimberley, TX 78676  
(512) 842-1633

**APPLICANT:** San Clemente-North, Ltd.  
2800 Industrial Terrace  
Austin, TX 78758  
(512) 842-1633

**NEIGHBORHOOD ORGANIZATION:**

Old Spicewood Springs Neighborhood Association- 965  
Lake Austin Business Owners- 434  
Bunny Run Neighborhood Association- 331  
Rob Roy Homeowners Association-153  
Davenport West/ Hunterwood HOA—991  
Creek at Riverbend HOA- 992  
Homebuilders Association of Greater Austin- 786

**APPLICABLE WATERSHED ORDINANCE:** 1984 Lake Austin Watershed ordinance

**CAPITOL VIEW:** Not in View Corridor

**SUMMARY STAFF RECOMMENDATION:** Recommended.

**ZONING AND PLATTING COMMISSION ACTION:** 7-17-2007, 7-0

**CASE MANAGER:** Lynda Courtney, 974-2810

**PROJECT INFORMATION:**

**EXIST. ZONING:** PUD

**SITE AREA.:** 31.62 A (18.9 A LOC)

**EXIST. USE:** Vacant, Infrastructure in place

**PROP. USE:** Office, Parking Garage

### SUMMARY COMMENTS ON SITE PLAN:

The applicant is requesting a 3 year extension of an approved site plan. A previous commission three-year extension has already been approved, extending the site plan to May 9, 2007. (Application for this extension was made prior to the date of expiration). Approval of this request would extend the life of the site plan to May 9, 2010. This site plan is the "B" construction element that is the other half of the matching land use plan, SPC-99-0227A(XT2), which is also under review for extension. There are 3- 5-story office buildings and 2 parking garages, at maximum 60' height that will be constructed. The total square footage of office buildings proposed is 625,866, and the total proposed parking spaces will be 2,280, of which 1,974 will be in garages. There are 3 critical environmental features on the site that are protected by setbacks from any of the proposed construction. All elements of this plan were reviewed for compliance with the land use requirements established by the original PUD zoning plan approved in 1988.

### SITE PLAN EXTENSION REVIEW AND EVALUATION CRITERIA

**The following evaluation is included to provide staff position on each point of the conditional use permit criteria. Section 25-5-62, 63 of the Land Development Code states:** "The Land Use Commission may extend the expiration date of a released site plan... if the Land Use Commission determines that the request complies with the requirements for extension by the director under Section 25-5-62."

The Director determines that:

1. The site plan substantially complies with the requirements that apply to a new application for site plan approval; **Staff response: This application complies with the requirements of this title. As part of the Davenport PUD (C814-88-0001) regulations and requirements are spelled out as part of the zoning land use plan. This site plan complies with the requirements of the Davenport PUD land use plan.**
2. The applicant filed the original application for site plan approval with the good faith expectation that the site plan would be constructed; **Staff response: The applicant filed the original site plan with the good faith expectation that the site plan would be constructed.**
3. The applicant constructed at least one structure shown on the original site plan that is suitable for permanent occupancy, or, the applicant has constructed a significant portion of the infrastructure required for the development of the original site plan;

**Staff response:** The infrastructure necessary for this site plan to be constructed is mostly constructed. The water improvements are 75% complete; the wastewater improvements are 100% complete; the stormwater improvements are 100% complete; the water quality pond is under construction; the main internal road is scheduled to be constructed and complete by fall 2007.

4. If a Traffic Impact Analysis (TIA) was submitted with the application for site plan approval, the assumption and conclusions of the TIA are valid, or, if the assumptions and conclusions are not valid, the applicant has submitted an addendum to the TIA that demonstrates traffic will be adequately mitigated, or, if a TIA was not submitted with the site plan application for approval, the applicant demonstrates that the traffic impact will be adequately mitigated; **Staff response:**  
**No TIA addendum required.**

Hill Partners, Inc.  
Sam Houston  
2800 Industrial Terrace  
Austin, TX 78758

July 7, 2007

Re: San Clemente at Davenport  
SP-03-0031B(XT2)  
SPC-99-0227A(XT2)

Dear Mr Houston,

Residents of the Creek at Riverbend Neighborhood Association have been recently notified of the upcoming Zoning and Platting public hearing for site plan extensions on two cases for your San Clemente property at 4339 Westlake Dr.

As your Project has progressed, several areas of concern have been expressed by the residents. We feel that it would be appropriate to amend the Declaration of Restrictive Covenants between San Clemente at Davenport Ltd Inc. and our Association (recorded Sep 8, 2000) to include

- A 6' forrest green wrought iron fence, consistent with other such wrought iron fences found within the Association. The fence, with no gates, would traverse the western edge of the utility easement along the Critical Water Quality Zone of St. Stephen's Creek, from the Bridgepoint Elementary School property line to the Royal Approach right of way. The purpose of the fence is to reduce illegal access to the St Stephen's Creek and adjoining properties of the Association. There has been a history of underage drinking and open fires on your property, and the fence will help deter the activity from moving closer to the private residences.
- Hill Partners will provide a representative to work with the Neighborhood Association and Gables to improve the intersection of Westlake Dr, east of Loop 360 as described in section 1.5.3 of the Declaration of Restrictive Covenant (recording #2005179919, Sep 28, 2005) between Gables & DBRA. Work will include contact with TxDOT and CoA. The intersection is already a "failing" intersection, and additional traffic will worsen the conditions. When Gables finishes their construction in the fall, this will be the last intersection improvement left in the neighborhood to implement.

- Lighting on the site plan will be updated and conform to the new commercial design standards that went into effect January 2007 or the existing restrictions in the Declaration, whichever cuts off or reduces the most glare into the neighborhood. Hill Partners has been notified in the past of the currently occupied building in San Clemente that has unnecesassy light emital in the evenings. The building spot lights at the rear entrance can be fully viewed from the neighborhood, the lights in the outdoor stairwell are seen from the neighborhood, and the flourescent light tubes can be seen throughout the parking deck at night.
- The most westerly side of Parking Garage #2 will utilize the same building materials as the associated office building(s). This architectural detail will improve the view of the structure from the neighborhood, without requiring the entire structure to be upgraded.
- The most westerly side of all parking garages will have the openings covered in order to reduce daytime traffic noise and nighttime lighting. Materials will comply with the original Declaration.

We propose that this second amendment be executed in multiple counterparts, and the original Declaration will remain in full force. In addition, the unsuccessful party in any action will pay the attorneys' and professionals' fees for enforcement.

We will request the Zoning and Platting Commission to postpone any review of your cases until the above issues have been resolved.

Sincerely,

Chris Marich  
Creek at Riverbend, Pres.

Cc:

Steve Wagh, DBRA pres.

Jimmy Mansour, DBRA board member

Beverly Dorland, DBRA & Creek at Riverbend board member

Lynda Courtney, CoA case manager

**SPECTRUM MERIDIAN, LTD.**

8217 SHOAL CREEK, STE. 108

AUSTIN, TX 78757

May 9, 2000

Creek at Riverbend Neighborhood Association  
c/o Jim McClendon, President, Board of Directors  
Hilgers & Watkins  
98 San Jacinto, Suite 1300  
Austin, Texas 78701

Re: Letter of Understanding between Spectrum Meridian, Ltd. ("Developer") and Creek at Riverbend Neighborhood Association (the "Association") with respect to the development of the Davenport West P.U.D (the "Project")

Dear Jim:

This letter will reflect the terms of the agreement between Developer and the Association with regard to development of the Project.

In connection with the development of the Project, Developer or the current owner of the Project has submitted or will submit certain applications (the "Applications") with governmental authorities. The Applications are listed on Exhibit A attached hereto.

In consideration for the Association's agreement not to oppose or appeal the Applications, Developer hereby agrees, subject to any conditions contained herein, to:

- A. Modify the PUD concept plan, presently reflected on Sheet 19 of Davenport West P.U.D., referenced as Exhibit H to City of Austin Ordinance 890202-B ("Sheet 19"), as shown on Exhibit B attached hereto (the "New Plan"), subject to such minor deviations or minor changes thereto as shall be desired by Developer, or its successors and assigns;
- B. As reflected on the New Plan, delete the development of a hotel anywhere in the Project [such agreement by Developer being contingent upon the City of Austin granting approval for the construction of an office building having the same general floor plate (footprint) and height as the building shown as a "Hotel" on Sheet 19; Developer agrees to use its best efforts to obtain such an approval from the City of Austin];

A handwritten signature, possibly 'G', and a circled name 'Jan' are located in the bottom right corner of the page.