

ZONING REVIEW SHEET**CASE:** C814-2007-0163**Z.A.P. DATE:** December 4, 2007**ADDRESS:** 6710 North FM 620 Road**OWNERS:** MCPMT Ltd. (Richard Buratti); Joseph Trustees & The Jomar Joseph Partners LTD
(John M. Joseph); Thomas W. Schulze, Attorney in fact (Daphne Clark)**AGENT:** Clark, Thomas & Winters, PC (Kelly Cannon)**REZONING FROM:**

Unzoned land; DR (Development reserve); and I-SF-2 (Interim single family residence – standard lot)

TO: PUD (Planned Unit Development)**AREA:** 78 Acres**SUMMARY ZONING AND PLATTING COMMISISON RECOMMENDATION:***December 4, 2007:****POSTPONED TO JANUARY 8, 2008 AT THE REQUEST OF THE NEIGHBORHOOD (8-0)*****SUMMARY STAFF RECOMMENDATION:**

At this time Staff cannot recommend the PUD based on the information provided by the applicant. Staff continues discussions with the applicant on specific issues related to the PUD.

DEPARTMENT COMMENTS:

The subject rezoning area consists of an undeveloped 78 acre site fronting FM 620 Road south of FM 2222 Road and Bullick Hollow Road mostly unzoned with the exception of 2 parcels with I-SF-2 and DR zoning. Access to the property is via FM 620 Road and Bullick Hollow Road.

The majority of the site lies within the City of Austin 2 mile Extra Territorial Jurisdiction (ETJ) with the exception of 2 parcels. An annexation request has been submitted for 36.20 acres of land (Please see Attachment “A”). The remaining 35.8 acres remain in the ETJ (Please see Attachment “B”).

The applicant seeks PUD zoning for the development of a Town Center concept based on the recommendations of the 2222 Corridor Study which has not been approved by City Council (Please see Attachment “C”).

Specifically, the applicant requests the following:**1. Land uses****Residential uses:**

1. Bed & Breakfast (Group 2)
2. Condominium Residential
3. Multifamily Residential
4. Townhouse Residential

Commercial uses:

1. Administrative and Business Offices
2. Art Gallery

3. Art Workshop
4. Automotive Washing
5. Building Maintenance
6. Business or Trade School
7. Business Support Services
8. Cocktail Lounge
9. Commercial Off-Street Parking
10. Communication Services
11. Consumer Convenience Services
12. Consumer Repair Services
13. Equipment Repair Services
14. Financial Services
15. Food Preparation
16. Food Sales
17. General Retail Sales (Convenience)
18. General Retail Sales (General)
19. Hotel-Motel
20. Indoor Entertainment
21. Indoor Sports and Recreation
22. Laundry Services
23. Liquor Sales
24. Medical Offices
25. Outdoor Entertainment
26. Outdoor Sports and Recreation
27. Personal Improvement Services
28. Personal Services
29. Pet Services
30. Plant Nursery
31. Printing and Publishing
32. Professional Office
33. Restaurant (General)
34. Restaurant (Limited)
35. Service Station
36. Software Development
37. Theater

Civic uses:

1. Administrative Services
2. Club or Lounge
3. College and University Facilities
4. Communication Service Facilities
5. Community Events
6. Community Recreation (Private)
7. Community Recreation (Public)
8. Congregate Living
9. Counseling Services
10. Cultural Services
11. Day Care Services (Commercial)
12. Day Care Services (General)
13. Day Care Services (Limited)

14. Hospital Services (Limited)
15. Local Utility Services
16. Maintenance and Service Facilities
17. Park and Recreational Services (Special)
18. Postal Facilities
19. Private Primary Educational Facilities
20. Private Secondary Educational Facilities
21. Public Primary Educational Facilities
22. Public Secondary Educational Facilities
23. Religious Assembly
24. Telecommunication Tower
25. Transportation Terminal
26. All Other Civic Uses

2. Site development regulations are offered as follows:

- Area: 78 acres;
- Maximum FAR: 1:1;
- Minimum lot size: 50 acres;
- Maximum building height: 120 feet;
- Setbacks:
 - Front yard: 10 feet;
 - Side street side: 10 feet;
 - Interior side yard: 0 feet;
 - Rear yard setback: 0 feet
- Maximum impervious cover: 45%;

The following is a list of requested code modifications to be included in the Planned Unit Development, in accordance with LDC § 25-2-4 11(A):

Zoning

ZN1. Modification to Section 25-2-492 (Site Development Regulations) that provide the site development regulations for a CS base zoning district.

ZN2. Section 25-2-1122 (A)(3) (Floor to Area Ratio of a Nonresidential Building) is revised to allow for a 1:1 FAR for a building on property with a slope gradient of 15 percent or less; 1:1 FAR for a building on property with a slope gradient of more than 15 percent, but not more than 25 percent; and a 1:1 Far for a building on property with a slope gradient of more than 25 percent, but not more than 35 percent.

ZN3. Section 25-2-1122 (B)(3) (Floor to Area Ratio of a Nonresidential Building) is revised to allow the Land Use Commission to grant a development bonus under Section 25-2-1128(Development Bonuses) for a 1:1 FAR if the property is in a high intensity zone.

ZN4. Modification to Section 25-2-1123 (A-G) (Construction on Slopes) that currently limits the ability to build on slopes on a hill country roadway.

ZN5. Section 25-2-1124 (A) (Building Height) is revised to allow a person to construct a building up to 120 feet in height if the building is 200 feet or less from the nearest right-of-way boundary of a hill country roadway.

ZN6. Section 25-2-1124 (B)(2) (Building Height) is revised to allow a person to construct a building up to 120 feet in height if the building is more than 200 feet from the nearest right-of-way boundary of a hill country roadway.

ZN7. Modification to Section 25-2-1127 (Calculations of Impervious Cover) which states the gross site area includes all land dedicated for right-of-way under Section 25-6-55 (Dedication of Right-Of-Way) that is more than 60 feet from the centerline of a hill country roadway.

ZN8. Modification to Section 25-2-1128 (Development Bonuses) that currently limit the ability to obtain a development bonus to a proposed development.

ZN9. Modification to Section 25-2-1022 (B) to reduce the amount of native or small native tree removal compensation.

ZN10. Section 25-2-1023 is revised to allow for vegetation within 100 feet of the dedicated right-of-way to be cleared on 50 percent of the property.

ZN11. Modification to Section 25-2-1024 to reduce the amount of restored roadway vegetative buffer.

Design Standards

DS1. Modification to Section 2.2.5.B.1 (Internal Circulation Routes: Sidewalks), which requires that publicly accessible sidewalks are provided along both sides of all Internal Circulation Routes.

DS2. Modification to Section 2.2.5.D.1 (Internal Circulation Routes: Parking), which prohibits parking between the Internal Circulation Route and the corresponding street-facing façade line.

DS3. Modification to Section 2.2.5.D.2 (Internal Circulation Routes: Parking), which allows for administrative approval of on-street parallel parking, head-in parking, and angle parking for public Internal Circulation Routes by the Director of Public Works.

DS4. Modification to Section 2.3.1.B.1 (Maximum Block Size), which limits the size of internal blocks to no longer than 660 feet by 330 feet.

DS5. Modification to Section 2.3.1.B.2 (Internal Circulation System Required), which requires that Internal Circulation Routes connecting the blocks must form an interconnected grid-like transportation system on the site.

DS6. Modification to Section 2.3.2.B.2 (Improvements to Encourage Pedestrian, Bicycle, and Vehicular Connectivity), which requires that internal utility lines should be located in drive aisles or Internal Circulation Routes, rather than under parking areas.

DS7. Modifications to Section 2.7.3.A.1 (Private Common Open Space and Pedestrian Amenities: Standards), which requires that two (2) percent of the net site area is devoted to common open space or pedestrian amenities.

DS8. Modification to Section 3.2.2.B (Pedestrian Frontages: Glazing on Building Facades), which requires glazing on at least twenty-five (25) percent of all publicly visible facades, other than the front, between two (2) and ten (10) feet above grade.

DS9. Modification to Section 3.2.2.C (Pedestrian Frontages: Glazing on Building Facades), which requires the same glazing requirements for single-story buildings as for second floor requirements fifteen (15) or more above grade.

Environmental

EV1. Section 25-8-341(A) (Cut Requirements) is modified to allow for a cut of more than four feet in depth but not to exceed twenty (20) feet in depth.

EV2. Section 25-8-342(A) (Fill Requirements) is modified to allow for a fill of more than four feet in depth but not to exceed twenty (20) feet in depth.

EV3. Section 25-8-301 (Construction of a Roadway or Driveway) is modified to allow for the construction of a roadway or driveway on a slope with a gradient more than 15 percent.

EV4. Section 25-8-302 (Construction of a Building or Parking Area) is modified to allow for the construction of a parking structure on a slope with a gradient of more than 25 percent.

EV5. Modification to Section 25-8-281 (Critical Environmental Features), which limits the ability to develop next to a Critical Environmental Feature.

EV6. Section 25-8-454(D)(1) (Uplands Zone) is modified to allow for impervious cover in excess of 20% but not to exceed 50% of the net site area of the property within the Uplands Zone.

EV7. Section 25-8-62 (Net Site Area) is modified to state that net site area includes portions of a site that lie in an uplands zone and land that has been designated for wastewater irrigation.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	Unzoned / I-SF-2/ DR	Undeveloped land
<i>North</i>	GR-CO / I-SF-2	Convenience Store
<i>South</i>	DR / County	Undeveloped land
<i>East</i>	GR-CO / GR-MU-CO	Storage / Retail/ Commercial
<i>West</i>	Unzoned	Undeveloped land

AREA STUDY: 2222 Corridor

TIA: Pending review (Please see Transportation comments)

WATERSHED: Lake Travis

DESIRED DEVELOPMENT ZONE: No

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: Yes

NEIGHBORHOOD ORGANIZATIONS:

157--Courtyard Homeowner Assn.

190--Middle Bull Creek Neighborhood Assn.

194--2222 Property Owners Assn.

260--Comanche Trail Community Assn. (CTCA)

269--Long Canyon Homeowners Assn.

275--Volente Neighborhood Assn.
 416--Long Canyon Phase II & III Homeowners Assoc. Inc.
 426--River Place Residential Community Assn., Inc.
 434--Lake Austin Business Owners
 439--Concerned Citizens For P&B of FM 2222
 448--Canyon Creek Homeowners Assn.
 475--Bull Creek Foundation
 622--Steiner Ranch Residential Owners Association
 654--The Parke HOA
 965--Old Spicewood Springs Rd. Neighborhood Assn.
 762--Steiner Ranch Community Association
 786--Home Builders Association of Greater Austin
 1037--Homeless Neighborhood Organization
 425--2222 Coalition of Neighborhood Associations

RELATED CASES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-00-2076	RR to GR	05/16/00: APVD STAFF REC OF GR-CO, PROHIBIT AUTO RELATED USES & PAWN SHOPS (6-2, JM/RC-NAY, GW-OFF DAIS)	06/22/00: APVD GR-CO W/CONDS ON ALL 3 RDGS (7-0)

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-03-0177	SF-2 to CS	01/06/04: APVD GR-CO W/CONDS (9-0)	02/05/04: APVD GR-CO (7-0); ALL 3 RDGS
C14-03-0073	SF-2 to GR-CO	05/20/03: APVD STAFF REC OF GR-CO W/CONDS (7-0)	08/07/03: APVD GR-CO (6-0); 1ST RDG 08/28/03: APVD GR-CO (6-0); 2ND/3RD RDGS
C14-01-0056	SF-2 to GR	05/08/01: APVD STAFF REC OF GR-CO W/TRIP LIMITATIONS PER STAFF REC & PROHIBIT AUTO RELATED USES (6-2, JM/RC-NO)	07/19/01: APVD GR-CO W/CONDS (6-0); ALL 3 RDGS
C14-01-0057	SF-2 to GR	05/08/01: APVD GR-CO W/TRIP LIMITATION CONDS MAINTED PER STAFF REC & PROHIBIT AUTO RELATED USES (6-2, JM/RC-NO)	07/19/01: APVD GR-CO W/CONDS (6-0); ALL 3 RDGS
C14-00-2086	SF-2 to CS	06/06/00: APVD STAFF REC OF LR-CO (9-0)	08/03/00: APVD LR-CO ON ALL 3 RDGS (7-0)
C14-98-0268	I-RR to GR	05/09/00: APVD STAFF	05/18/00: APVD PC REC OF GR-CO

		REC OF GR W/INCLUSION OF FAST- FOOD USE; AND THAT THE FAST-FOOD USE BE LTD TO 4500 SQ FT AS PER TIA (6-1-1, JM- NAY, BH-ABSTAIN)	W/CONDS ON 1ST RDG (5-1, SLUSHER-NAY, LEWIS ABSENT) 06/08/00: APVD 2ND/3RD RDGS (7- 0)
C14-98-0232	I-RR to GR-MU	02/02/99: SEND TO CC W/O REC	03/04/99: APVD GR-MU-CO W/CONDS (6-1, DS-NAY) 1 RDG 06/03/99: APVD GR-MU-CO W/CONDITIONS (6-1, SLUSHER- NAY) 2ND & 3RD RDGS
C14-98-0235	I-RR to GR-MU	02/02/99: SEND TO CC W/O REC	03/04/99: APVD GR-MU-CO W/CONDS (6-1, DS-NAY) 1 RDG 06/03/99: APVD GR-MU-CO W/CONDITIONS (6-1, SLUSHER- NAY) 2ND & 3RD RDGS
C14-98-0225	I-RR to GR	02/02/99: SEND TO CC W/O REC	03/04/99: APVD GR-MU-CO W/COND (6-1, DS-NAY) 1 RDG 07/01/99: APVD GR-MU-CO W/CONDS (5-1 DS-NO); 2ND RDG 07/22/99: APVD GR-MU-CO W/COND (6-1, SLUSHER-NAY); 3 RDGS
C14-98-0233	I-RR to GR	02/02/99: SEND TO CC W/O REC	03/04/99: APVD GR-MU-CO W/CONDS (6-1DS-NAY) 1 RDG 07/22/99: APVD GR-MU-CO W/CONDS (6-1, SLUSHER-NAY) 2ND/3RD RDGS
C14-98-0236	I-RR to LI	04/06/99: APVD LI W/CONDS (8-0)	05/06/99: APVD PC REC OF LI-CO W/CONDS (6-0) 1ST RDG; PROVISION TO ROLLBACK TO GR IF CURRENT USES CEASE FOR MORE THAN 90 DAYS 07/01/99: APVD LI-CO W/CONDS (6-0) 2ND RDG (1) ALLOW ALL RESTAURANT USES (2) ROLLBACK TO 'GR' IF USE CEASES FOR MORE THAN 180 DAYS (SUBJ TO DISCUSSION TAKEN AT 3RD RDG) 07/15/99: APVD LI-CO W/CONDS (4-2, GRIFFITH/SLUSHER-NAY) 3RD RDG
C14-98-0027	I-SF-2 to GR	04/14/98: APVD GR-CO W/CONDS (6-2)	06/11/98: APVD PC REC OF GR-CO W/CONDS (6-0) 1ST RDG ONLY; DELETED ROW DEDICATION DUE TO WAIVER BY TXDOT 07/09/98: APVD GR-CO W/CONDS (7-0) 2ND/3RD RDGS

CITY COUNCIL DATE:

December 13, 2007

ACTION:

ORDINANCE READINGS: 1st

2nd

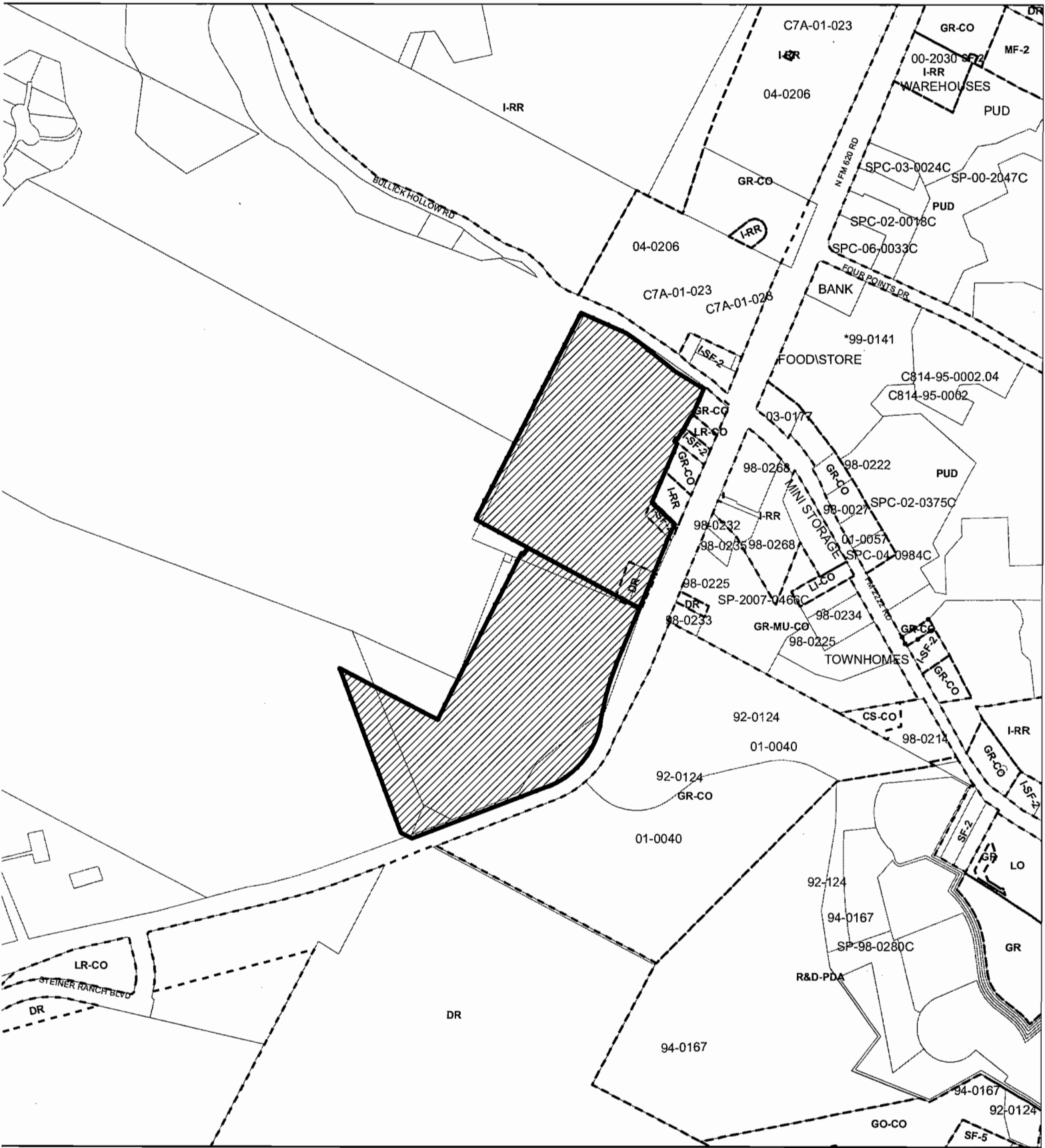
3rd

ORDINANCE NUMBER:

CASE MANAGER: Jorge E. Rousselin, NPZD

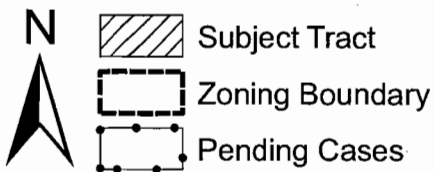
PHONE: 974-2975

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



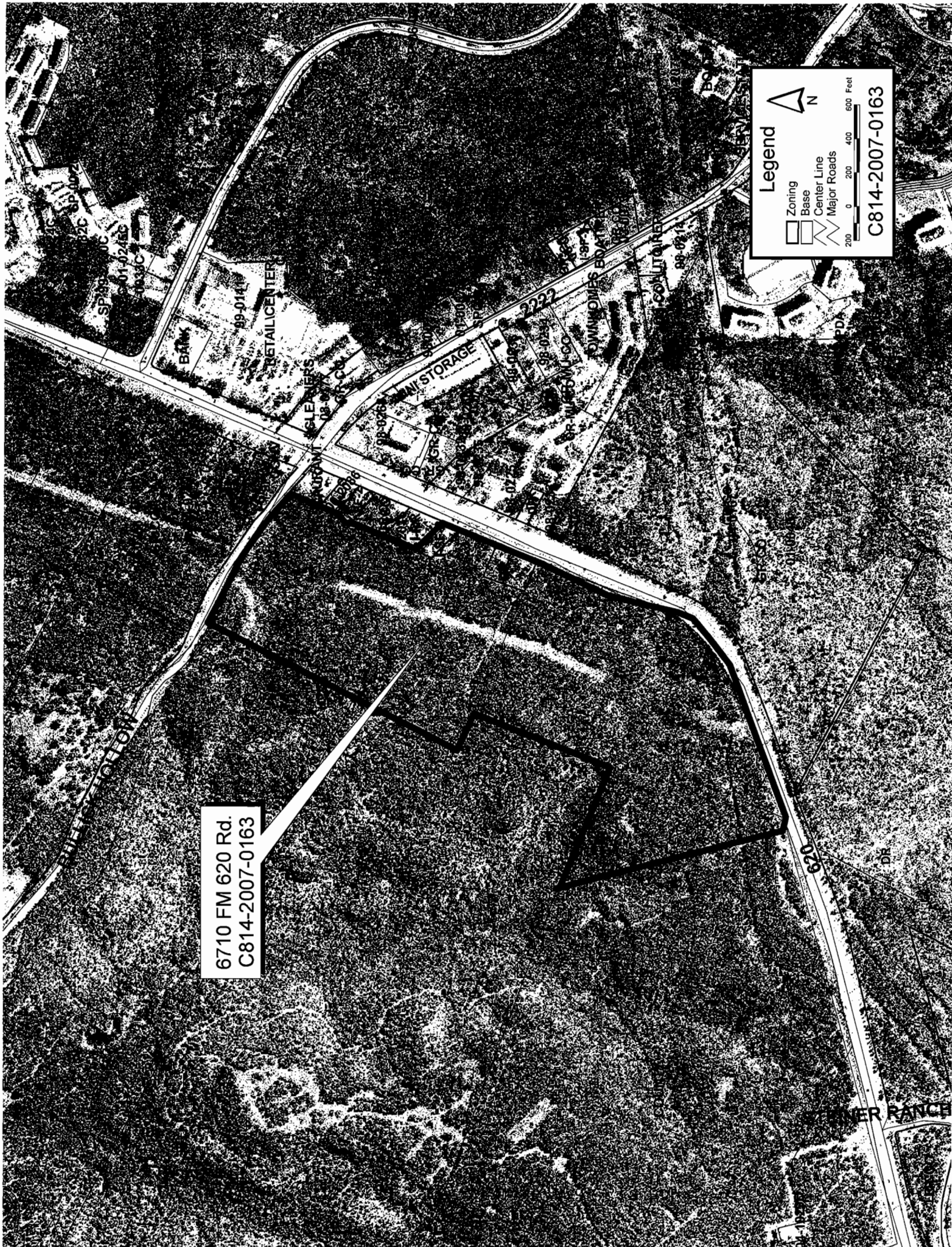
PLANNED UNIT DEVELOPMENT

ZONING CASE#: C814-2007-0163
ADDRESS: 6710 N FM 620
SUBJECT AREA: 78 ACRES
GRID: C33 C34
MANAGER: J. ROUSSELIN



1" = 800' OPERATOR: S MEEKS

This map has been produced by G.I.S. Services for the sole purpose of geographic reference.
 No warranty is made by the City of Austin regarding specific accuracy or completeness.



6710 FM 620 Rd.
C814-2007-0163

Legend

- Zoning
- Base
- Center Line
- Major Roads

0 200 400 600 Feet

C814-2007-0163

STAFF RECOMMENDATION

At this time Staff cannot recommend the PUD based on the information provided by the applicant. Staff continues discussions with the applicant on specific issues related to the PUD.

EXISTING CONDITIONS

Site Characteristics

The subject rezoning area consists of an undeveloped 78 acre site fronting FM 620 Road south of FM 2222 Road and Bullick Hollow Road mostly unzoned with the exception of 2 parcels with I-SF-2 and DR zoning. Access to the property is via FM 620 Road and Bullick Hollow Road.

The majority of the site lies within the City of Austin 2 mile Extra Territorial Jurisdiction (ETJ) with the exception of 2 parcels. An annexation request has been submitted for 36.20 acres of land (Please see Attachment "A"). The remaining 35.8 acres remain in the ETJ (Please see Attachment "B").

STAFF COMMENTS FOR INTITAL CASE SUBMITTAL:

Environmental - Teresa Alvelo - 974-7105

FORMAL UPDATE REQUIRED

- EV1. This project is located in a sensitive watershed and, at least partially, over the EARZ. Please provide an environmental assessment that meets LDC 25-8-121 and ECM 1.3.0 criteria. Environmental and ERM staff needs this information in order to conduct an adequate and fruitful site visit.
- EV2. A Q1 table has been provided. Please provide a completed Q2 table.
- EV3. *Under each land use category*, it should be specified that the maximum impervious cover amount is given as a percentage of net site area. For example, a proposal of 55% max should be shown as 55% net site area.
- EV4. The cover letter dated August 28, 2007, discusses an intent to meet some level of Green Building standards. Please note that Austin Energy recognizes only whole numbers as relates to star-ratings. Is the applicant proposing to meet a 3.0-star rating? Please provide a copy of a signed *Letter of Intent* to Austin Energy.
- EV5. Does applicant have comment in terms of tree preservation in order to add to the superiority and attractiveness of the proposed PUD?
- EV6. Please provide documentation regarding the property located at Highland Hills and Hwy. 2222; this can include subdivision and any related restrictions, agreements, etc.;
- EV7. Please provide documentation confirming that the property located at Highland Hills and Hwy. 2222 has been granted 1704 status.

- EV8. On the preliminary plan and other drawings, please show and label the Hill Country Roadway Corridor and any affected CEF's and CEF setbacks.

Electric - David Lambert - 322-6109

- EL 1. FYI: This project is within Austin Energy's service territory.
- EL 2. FYI: Electric easements will be required at time of final platting and/or site plan. Austin Energy will definitely be asking at a minimum, for a fifteen easement along RM 620 to cover the existing electric feeder main lines.
- EL 3. FYI: Austin Energy has no objection to the proposed allowable uses.
- EL 4. FYI: Contact Katie Jensen at 482-5407 for information regarding Greenbuilder standards.
- EL 5. FYI: National Electric Safety Code and OSHA clearances between proposed improvements and existing electric lines must be observed.
- EL 6. FYI: There must be adequate space available on the site and suitable locations for transformer pads to power this project.

Fire Review - Ralph Castillo - 974-0192

APROVED WITH COMMENT

- FD1. It is not clear whether the PUD will require compliance with the construction codes of the City of Austin. AFD supports the request with the provision that buildings will be constructed in accordance with the technical codes of the City, including but not limited to the building code, fire code, mechanical code, and electrical code.

Flood Plain Review - Todd Pankey - 974-3399

- FP1. No comment

Industrial Waste - Michael Neberman – 972-1060

- IW1. There are no requirements at this stage of the project. However, the civil engineer for this project should begin incorporating the following general design principles into the future utility plan:

- There should be only one sewer tap to the City of Austin sewer for the total flow from this project.
- With respect to any internal water meters to be set by WCID #17, the wastewater generated from a given meter needs to collect at one location before mixing with wastewater from another WCID #17 meter.
- Residential areas should be set up with separate water and wastewater zones from the commercial areas. Surcharges may need to be assessed for sources of industrial waste and the presence of residential wastewater flow may unduly increase the surcharge.

Water Quality - Jay Baker - 974-2636

FORMAL UPDATE REQUIRED

Acceptance or approval of this application does not constitute a verification of all data, information and calculations supplied by the applicant. The engineer of record is solely responsible for the completeness, accuracy and adequacy of his/her submittal, whether or not the application is reviewed for Code compliance by City engineers.

- DE 1. A detailed review cannot be made at this time because the information provided does not meet the application requirements. Please refer to the application, page 11 for Additional Submittal Requirement for Planned Unit Developments. Contact me to go over in more detail prior to submitting the update.

Drainage Construction - Jay Baker - 974-2636

FORMAL UPDATE REQUIRED

Acceptance or approval of this application does not constitute a verification of all data, information and calculations supplied by the applicant. The engineer of record is solely responsible for the completeness, accuracy and adequacy of his/her submittal, whether or not the application is reviewed for Code compliance by City engineers.

- DC1. A detailed review cannot be made at this time because the information provided does not meet the application requirements. Please refer to the application, page 11 for Additional Submittal Requirement for Planned Unit Developments. Contact me to go over in more detail prior to submitting the update.

Subdivision - Sylvia Limon - 974-2767

FORMAL UPDATE REQUIRED

SD1. This application will need to be reviewed by Travis County Single Office Review. There may be more comments after that review.

Parks – Butch Smith - 974-6763

FORMAL UPDATE REQUIRED

PD1. This PUD contains elements concerning parks and open space. We would like to meet with the developer to learn more about the specifics of their proposal.

Site Plan - Chris Yanez - 974-1810

FORMAL UPDATE REQUIRED

- SP1. This site is located within the Hill Country Roadway Corridor and therefore requires Planning Commission review. Show on the site plan a line designating the Hill Country Roadway Corridor as the area within the City Limits and 1000 feet from the right-of-way of RM 2222 and FM 620. For Hill Country site development regulations, refer to Sections 25-2-1104 to 25-2-1105, 25-2-1021, also Environmental Criteria Manual 2.7.0.
- SP 2. This site is within a High Intensity and Moderate Intensity, area of the Hill Country Roadway Corridor. [Section 25-2-1121]
- SP 3. The site lies within a MODERATE Intensity Zone. All non-residential development within this zone shall be subject to a maximum Floor-to-Area Ratio of 0.25 on 0-15% slopes, 0.10 on 15-25% slopes and 0.05 on 25-35% slopes, excluding parking structures and atriums. Hill Country Roadway Floor-to-Area Ratio Provisions shall not apply to Southwest Parkway [Section 25-2-1122(A)].
- SP 4. The site lies within a HIGH Intensity Zone. All non-residential development within this zone shall be subject to a maximum Floor-to-Area Ratio of 0.30 on 0-15% slopes, 0.12 on 15-25% slopes, and 0.06 on 25-35% slopes, excluding parking structures and atriums. Hill Country Roadway Floor-to-Area Ratio Provisions shall not apply to Southwest Parkway [Section 25-2-1122(A)]
- SP 5. Calculations for impervious cover and floor area (where applicable), shall exclude additional dedicated right-of-way only to a maximum of sixty feet (60') from the centerline of RM 2222 and FM 620, a Hill Country Roadway. [Section 13-2-782(2)].
- SP 6. Building(s) shall be designed to utilize, to the greatest extent feasible, building materials such as rock, stone, brick, and wood, which are compatible with the Hill Country environment. Mirrored glass with a reflectance greater than 20% is prohibited. [Section 25-2-1126].
- SP 7. Except for clearing necessary to provide utilities and access to the site, no clearing of vegetation shall be permitted within one hundred feet (100') of the dedicated right-of-way of

RM 2222 and FM 620; however, in no case shall this vegetative buffer exceed twenty percent (20%) of the acreage of the applicant's property [Section 25-2-1023(b)].

- SP 8. At least forty percent (40%) of the site, excluding dedicated right-of-way, shall be left in a natural state. [Section 25-2-1025].
- SP 9. Phasing of the PUD development is recommended to ensure adequacy of existing or proposed off-site roadways, utility systems, or other public facilities [Sec. 25-2-411(C)].
- SP 10. 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 11. 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 12. 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 13. Identify any waivers to be requested from the City Ordinances or development standards pursuant to Chapter 25-2-402.
- SP 14. A variance from the requirements of the Compatibility Standards for development in a PUD may only be granted by the land use plan or by amendment of the land use plan. [Sec. 25-2-412].
- SP 15. The site is subject to compatibility standards. Along the eastern property line, the following standards apply:
- No structure may be built within 25 feet of the property line.
 - No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
 - No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.

- No parking or driveways are allowed within 25 feet of the property line.
- A landscape area is required along the property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- Additional design regulations will be enforced at the time a site plan is submitted.

The location of the amphitheatre and the noise associated may be in conflict with compatibility standards.

- SP 16. See environmental comments about the transfer of development intensity from other sites within a watershed classified as water supply rural.
- SP 17. Provide documentation that property owners are amenable to a transfer of development intensity as referenced in your letter.
- SP 18. Demonstrate compliance with Commercial Design Standards, Subchapter-E.

Transportation - Sangeeta Jain - 974-2219

FORMAL UPDATE REQUIRED

- TR1. A traffic impact analysis is required and has been received.
- TR2. The TIA assumes development of 89,600 SF of commercial and 860 residential units, whereas the PUD application allows 3.4 million SF of development. Please clarify before review of TIA can be done.
- TR3. The consultant did not meet with transportation reviewer and did not discuss the scope of the study, as required by the TCM. Please set up a meeting with the transportation reviewer to review the scope of the TIA per LDC Sec 25-6-115.

Zoning/Land Use - Jorge E. Rousselin - 974-2975

FORMAL UPDATE REQUIRED

The following comments are not conducive of a recommendation for approval by Neighborhood Planning and Zoning Staff. Additional comments and requests for additional information may be generated as a result of additional information supplied to Staff for review.

- ZN1. Please provide documentation that a request for annexation has been submitted and is in process.
- ZN2. Please provide justification for PUD zoning for this tract of land. Identify and clearly quantify 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].

- ZN3. The application states that the proposed PUD will be a high-quality development and incorporate innovative design. Staff appreciates some of the features mentioned, for example, provision of baseball/softball fields, public parks and walking trails, family entertainment, restaurants and shopping amenities – all which can be achieved under traditional zoning and therefore, provision of existing requirements cannot be considered an elements of superiority. Please clearly demonstrate how you intend to demonstrate superiority and the basis for such.
- ZN4. Please demonstrate how superiority is achieved in the request of 11 Zoning variances, 9 Commercial Design Standards variances, and 7 Environmental variances and how the waiver of such code provisions results in a development that is superior than conventional zoning and subdivision regulations. [LDC 25-2-144].
- ZN5. Thank you for providing a copy of the 2222 Corridor Study. FYI, this study has not been adopted by the City Council. Please demonstrate how this project complies with the provisions of the unapproved study and identify the sections of the study that demonstrate the project scope.
- ZN6. Please provide a legible copy of the PUD Land Use Plan. On the updated PUD Land Use Plan, please identify open space within the project boundary as required by LDC [25-2-411(K)]. Please coordinate with Parks and Recreation Department [Mr. Ricardo Soliz at 974-6765, and Mr. Butch Smith at 974-6763] on dedication of hike and bike trails, public park areas, and baseball/softball fields. Please note comment from Mr. Butch Smith, Parks above.
- ZN7. Please clarify the ambiguity between the “*Las Tiendas*” slope map and the “Venue at Lake Travis” graphic. The two graphics depict different projects.
- ZN8. On the PUD Land Use Plan, please identify the PUD modifications that will be applied and development regulations to include minimum setbacks, minimum lot size, minimum lot width, maximum building coverage, maximum impervious cover, units per acre, building heights (in feet), and maximum floor to area ratios for development on tracts within the proposed PUD.
- ZN9. Please demonstrate how waivers from Design Standards demonstrate superiority over conventional zoning and subdivision regulations.
- ZN10. Please clarify Green Builder Standard Ratings and how average of such will be calculated. Please coordinate with Katie Jensen (482-5407) at the Austin Energy’s Green Building Program to determine star rating.
- ZN11. On the PUD Land Use Plan, please identify buffer zones between adjacent land uses.
- ZN12. Per section 25-2-411 of the LDC,
- For nonresidential development, the maximum FAR may not be greater than the maximum FAR permitted in the most restrictive base zoning district in which proposed use is permitted
 - For nonresidential development, the minimum front yard and street side yard setbacks must be not less than the greater of (a) 25 feet for a front yard and 15 feet for a street side yard or (b) those required by the LDC, Subchapter C, Article 10 (Compatibility Standards)
 - Regarding open space requirements,
 - (1) Except as otherwise provided in 25-2-411(K), for a nonresidential use, not less

- that 20 percent of a tract must be open space; and
- (2) Not less than 10 percent of a tract must be open space if, excluding the tract, at least 10 percent of the PUD district is open space.

A greenbelt or buffer zone may be included as open space, but a detention or filtration area is excluded unless the area is designed and maintained as an amenity to the site. If it is the applicant's intent to not adhere to these PUD requirements please provide justification.

- ZN13. In accordance with LDC 25-2-411, for nonresidential uses, a land use plan must include:
- (1) the type and location of each use;
 - (2) the maximum floor area ratio, which may not be greater than the maximum floor to area ratio permitted in the most restrictive base zoning district in which proposed use is permitted;
 - (3) the maximum building height;
 - (4) the minimum front yard and street side yard setbacks, which must be not less than the greater of:
 - (a) 25 feet for a front yard, and 15 feet for a street side yard; or
 - (b) those required by Subchapter C, Article 10 (Compatibility Standards);
 - (5) the number of curb cuts or driveways, which must be the minimum necessary for adequate access to the site.

Please clearly depict the information above required for a PUD land plan.

- ZN14. Please coordinate parking requirements with Transportation Staff and address parking issues in the required TIA
- ZN15. On the PUD land use plan, please depict watershed boundaries and proposed modifications to watershed regulations.
- ZN16. Please clearly identify development transfer rights (if any) and how such will be applied to this project.
- ZN17. On the PUD land plan, please identify location of Hill Country Corridor along the subject property.
- ZN18. **Formal updates are required for this submittal.** When submitting updates, please request the following reviewers which have already reviewed the initial submittal.
- Environmental - Teresa Alvelo
 - Water Quality - Jay Baker
 - Drainage Construction - Jay Baker
 - Subdivision – Sylvia Limon
 - Joe Arriaga – Single Office
 - Parks and Recreation – Butch Smith
 - Parks and Recreation – Ricardo Soliz
 - Site Plan - Chris Yanez
 - Transportation - Sangeeta Jain
 - Zoning/Land Use - Jorge E. Rousselin

STAFF COMMENTS FOR UPDATE 1 SUBMITTAL:

Environmental - Teresa Alvelo - 974-7105

FORMAL UPDATE REQUIRED

- EV 1 This project is located in a sensitive watershed and, at least partially, over the EARZ. Please provide an environmental assessment that meets LDC 25-8-121 and ECM 1.3.0 criteria. Environmental and ERM staff needs this information in order to conduct an adequate and fruitful site visit.
- EV 2 ~~A Q1 table has been provided. Please provide a completed Q2 table.~~ A Q2 table has been provided that proposes a maximum impervious cover of 20% net site area. Please confirm, as a separate document proposes 30% nsa for building coverage. The Q2 table shows no construction on slopes exceeding 15%.
- EV 3 *Under each land use category*, it should be specified that the maximum impervious cover amount is given as a percentage of net site area. For example, a proposal of 55% max should be shown as 55% net site area.
- EV 4 ~~The cover letter dated August 28, 2007, discusses an intent to meet some level of Green Building standards. Please note that Austin Energy recognizes only whole numbers as relates to star ratings. Is the applicant proposing to meet a 3.0 star rating? Please provide a copy of a signed Letter of Intent to Austin Energy.~~ A separate document suggests meeting a 3.0-star rating. Please confirm and provide copy of a signed *Letter of Intent* to Austin Energy.
- EV 5 ~~Does applicant have comment in terms of tree preservation in order to add to the superiority and attractiveness of the proposed PUD?~~ Applicant agrees to meet tree preservation and mitigation criteria.
- EV 6 ~~Please provide documentation regarding the property located at Highland Hills and Hwy. 2222; this can include subdivision and any related restrictions, agreements, etc., See EV 7.~~
- EV 7 ~~Please provide documentation confirming that the property located at Highland Hills and Hwy. 2222 has been granted 1704 status.~~

The document provided is not for property located at Highland Hills and Hwy. 2222, but rather the 3611 block of Bull Creek Road. Please provide correct documentation.
- EV 8 On the preliminary plan and other drawings, please show and label the Hill Country Roadway Corridor and any affected CEF's and CEF setbacks. Pending input from ERM.
- EV 9 Meet Landscaping, including Hill Country Roadway landscaping, requirements.

Drainage Construction - Jay Baker - 974-2636

FORMAL UPDATE REQUIRED

DATE: 11/15/07

Acceptance or approval of this application does not constitute a verification of all data, information and calculations supplied by the applicant. The engineer of record is solely responsible for the completeness, accuracy and adequacy of his/her submittal, whether or not the application is reviewed for Code compliance by City engineers.

UPDATE NO. 1 COMMENTS:

NOTE: Current comment is next to comment number with original comment shown underneath for reference.

DC 1. In process.

A detailed review cannot be made at this time because the information provided does not meet the application requirements. Please refer to the application, page 11 for Additional Submittal Requirement for Planned Unit Developments. Contact me to go over in more detail prior to submitting the update.

Water Quality - Jay Baker - 974-2636

FORMAL UPDATE REQUIRED

Acceptance or approval of this application does not constitute a verification of all data, information and calculations supplied by the applicant. The engineer of record is solely responsible for the completeness, accuracy and adequacy of his/her submittal, whether or not the application is reviewed for Code compliance by City engineers.

UPDATE NO. 1 COMMENTS

Note: Current comment is next to comment number with previous comment shown underneath for reference.

DE 1. In process. Requested information not received.

A detailed review cannot be made at this time because the information provided does not meet the application requirements. Please refer to the application, page 11 for Additional Submittal Requirement for Planned Unit Developments. Contact me to go over in more detail prior to submitting the update.

Subdivision - Sylvia Limon - 974-2767

- SR. There are no subdivision comments at this time. Full review will occur at time of plat application, prior to site plan application.

Site Plan - Chris Yanez - 974-1810

FORMAL UPDATE REQUIRED

- SP 1. This site is located within the Hill Country Roadway Corridor and therefore requires Planning Commission review. Show on the site plan a line designating the Hill Country Roadway Corridor as the area within the City Limits and 1000 feet from the right-of-way of RM 2222 and FM 620. For Hill Country site development regulations, refer to Sections 25-2-1104 to 25-2-1105, 25-2-1021, also Environmental Criteria Manual 2.7.0.
Applicant is awaiting city staff recommendation on proposed items prior to acknowledgement of Planning Commission review.
- SP 2. **Cleared.**
- SP 3. The site lies within a MODERATE Intensity Zone. All non-residential development within this zone shall be subject to a maximum Floor-to-Area Ratio of 0.25 on 0-15% slopes, 0.10 on 15-25% slopes and 0.05 on 25-35% slopes, excluding parking structures and atriums. Hill Country Roadway Floor-to-Area Ratio Provisions shall not apply to Southwest Parkway [Section 25-2-1122(A)].
No justification was provided to allow the proposed variance of a 1:1 FAR on slopes of less than 15% to more than 25% but less than 35%. Please consult with environmental reviewer to determine the feasibility of allowing an increase in FAR on these slopes and how to minimize any negative impact.
- SP 4. The site lies within a HIGH Intensity Zone. All non-residential development within this zone shall be subject to a maximum Floor-to-Area Ratio of 0.30 on 0-15% slopes, 0.12 on 15-25% slopes, and 0.06 on 25-35% slopes, excluding parking structures and atriums. Hill Country Roadway Floor-to-Area Ratio Provisions shall not apply to Southwest Parkway [Section 25-2-1122(A)]
No justification was provided to allow the proposed variance of a 1:1 F.A.R. on slopes of less than 15% to more than 25% but less than 35%. Please consult with environmental reviewer to determine the feasibility of allowing an increase in FAR on these slopes and how to minimize any negative impact.
- SP 5. Calculations for impervious cover and floor area (where applicable), shall exclude additional dedicated right-of-way only to a maximum of sixty feet (60') from the centerline of RM 2222 and FM 620, a Hill Country Roadway. [Section 25-2-1127]
Given the current width of the HCR no modifications to this section will be necessary. It appears that if any land is dedicated for ROW it will be more than 60 feet from the

centerline of the HCR and can be included in the calculations for impervious cover and floor area.

SP 6. **Cleared.**

SP 7. Except for clearing necessary to provide utilities and access to the site, no clearing of vegetation shall be permitted within one hundred feet (100') of the dedicated right-of-way of RM 2222 and FM 620; however, in no case shall this vegetative buffer exceed twenty percent (20%) of the acreage of the applicant's property [Section 25-2-1023(b)].

Staff would be amenable to allow proposed variance to allow up to 50% of the land within 100 foot of the ROW to be cleared once it was determined how much would be cleared to provide utilities and access; and Tree mitigation would be required for any additional clearing; protected sized trees should be left in place or transplanted to another location on site.

SP 8-16. **Cleared.**

SP 17. Provide documentation that property owners are amenable to a transfer of development intensity as referenced in your letter.

City staff could be amenable to allow an increase in impervious cover however; with an increase in the amounts proposed it is important that storm water management, water quality and environmental concerns are addressed. It is also important to have proof that the neighboring inhabitants understand what is being requested and support the concept prior to city staff agreeing to what is proposed. Also, the issue of neighbor support was brought up by the applicant.

SP 18. Demonstrate compliance with Commercial Design Standards, Subchapter-E.
Cleared; see additional comments below.

SP 19. If this site were subject to Commercial Design Standards the principle street would be an Internal Circulation Route.

SP 20. For the proposed DS1: Minimum 12 foot wide sidewalks shall be provided along publicly accessible building frontages.

Minimum 5 foot wide sidewalks shall be provided along internal circulation routes which have no building frontage.

Sidewalks and curbs along internal circulation routes required herein may exceed watershed impervious cover limitations by 5%. See Section 2.3.1.B.5

SP 21. For the proposed DS4-DS9: provide rationale for modification and to what extent the modification is being requested. Modifications to Commercial Design Standards are allowed under Section 1.4 and 1.5; please reference these sections for modification/alternative compliance criteria.

SP 22. Please point out in the 2222 Corridor Study the parameters for obtaining additional impervious cover.

Transportation - Sangeeta Jain - 974-2219

FORMAL UPDATE REQUIRED

- TR4. A traffic impact analysis is required and has been received.
- TR5. The TIA assumes development of 89,600 SF of commercial and 860 residential units, whereas the PUD application allows 3.4 million SF of development. Please clarify before review of TIA can be done.
Comment outstanding.
- TR6. The consultant did not meet with transportation reviewer and did not discuss the scope of the study, as required by the TCM. Please set up a meeting with the transportation reviewer to review the scope of the TIA per LDC Sec 25-6-115.
Comment outstanding.

Zoning/Land Use - Jorge E. Rousselin - 974-2975

FORMAL UPDATE REQUIRED

The following comments are not conducive of a recommendation for approval by Neighborhood Planning and Zoning Staff. Additional comments and requests for additional information may be generated as a result of additional information supplied to Staff for review.

- ZN1. Please provide documentation that a request for annexation has been submitted and is in process.
Staff response: *Comment cleared.*
- ZN2. Please provide justification for PUD zoning for this tract of land. Identify and clearly quantify 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].
Staff response: *Comment not cleared. Please submit additional information quantifying specifics of superiority proposals.*
- ZN3. The application states that the proposed PUD will be a high-quality development and incorporate innovative design. Staff appreciates some of the features mentioned, for example, provision of baseball/softball fields, public parks and walking trails, family entertainment, restaurants and shopping amenities – all which can be achieved under traditional zoning and therefore, provision of existing requirements cannot be considered an elements of superiority. Please clearly demonstrate how you intend to demonstrate superiority and the basis for such.
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- ZN4. Please demonstrate how superiority is achieved in the request of 11 Zoning variances, 9 Commercial Design Standards variances, and 7 Environmental variances and how the waiver

of such code provisions results in a development that is superior than conventional zoning and subdivision regulations. [LDC 25-2-144].

Staff response: *Comment not cleared. Please submit additional information quantifying specifics of superiority proposals.*

- ZN5. Thank you for providing a copy of the 2222 Corridor Study. FYI, this study has not been adopted by the City Council. Please demonstrate how this project complies with the provisions of the unapproved study and identify the sections of the study that demonstrate the project scope.

Staff response: *Comment not cleared. Please provide details as to how this project complies with the 2222 Corridor Study.*

- ZN6. Please provide a legible copy of the PUD Land Use Plan. On the updated PUD Land Use Plan, please identify open space within the project boundary as required by LDC [25-2-411(K)]. Please coordinate with Parks and Recreation Department [Mr. Ricardo Soliz at 974-6765, and Mr. Butch Smith at 974-6763] on dedication of hike and bike trails, public park areas, and baseball/softball fields. Please note comment from Mr. Butch Smith, Parks above.

Staff response: *Comment cleared.*

- ZN7. Please clarify the ambiguity between the “Las Tiendas” slope map and the “Venue at Lake Travis” graphic. The two graphics depict different projects.

Staff response: *Comment not cleared. Please submit additional information clarifying discrepancies between both plan depictions.*

- ZN8. On the PUD Land Use Plan, please identify the PUD modifications that will be applied and development regulations to include minimum setbacks, minimum lot size, minimum lot width, maximum building coverage, maximum impervious cover, units per acre, building heights (in feet), and maximum floor to area ratios for development on tracts within the proposed PUD.

Staff response: *Comment not cleared. Please submit a revised land plan depicting this information.*

- ZN9. Please demonstrate how waivers from Design Standards demonstrate superiority over conventional zoning and subdivision regulations.

Staff response: *Comment not cleared. Please submit additional information quantifying specifics of superiority proposals.*

- ZN10. Please clarify Green Builder Standard Ratings and how average of such will be calculated. Please coordinate with Katie Jensen (482-5407) at the Austin Energy’s Green Building Program to determine star rating.

Staff response: *Comment cleared.*

- ZN11. On the PUD Land Use Plan, please identify buffer zones between adjacent land uses.

Staff response: *Comment not cleared. Please submit a revised land plan depicting this information.*

- ZN12. Per section 25-2-411 of the LDC,

- For nonresidential development, the maximum FAR may not be greater than the maximum FAR permitted in the most restrictive base zoning district in which proposed use is permitted

- For nonresidential development, the minimum front yard and street side yard setbacks must be not less than the greater of (a) 25 feet for a front yard and 15 feet for a street side yard or (b) those required by the LDC, Subchapter C, Article 10 (Compatibility Standards)
- Regarding open space requirements,
 - (1) Except as otherwise provided in 25-2-411(K), for a nonresidential use, not less than 20 percent of a tract must be open space; and
 - (2) Not less than 10 percent of a tract must be open space if, excluding the tract, at least 10 percent of the PUD district is open space.

A greenbelt or buffer zone may be included as open space, but a detention or filtration area is excluded unless the area is designed and maintained as an amenity to the site. If it is the applicant's intent to not adhere to these PUD requirements please provide justification.

Staff response: *Comment not cleared. Please submit a revised land plan depicting this information as such information is not clearly identified.*

ZN13. In accordance with LDC 25-2-411, for nonresidential uses, a land use plan must include:

- (1) the type and location of each use;
- (2) the maximum floor area ratio, which may not be greater than the maximum floor to area ratio permitted in the most restrictive base zoning district in which proposed use is permitted;
- (3) the maximum building height;
- (4) the minimum front yard and street side yard setbacks, which must be not less than the greater of:
 - (a) 25 feet for a front yard, and 15 feet for a street side yard; or
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- (6) the number of curb cuts or driveways, which must be the minimum necessary for adequate access to the site.

Please clearly depict the information above required for a PUD land plan.

Staff response: *Comment not cleared. Please submit a revised land plan depicting this information.*

ZN14. Please coordinate parking requirements with Transportation Staff and address parking issues in the required TIA.

Staff response: *Comment not cleared. Please refer to comments from Transportation on page 5 of 8 of this report.*

ZN15. On the PUD land use plan, please depict watershed boundaries and proposed modifications to watershed regulations.

Staff response: *Comment not cleared. Please submit a revised land plan depicting this information.*

ZN16. Please clearly identify development transfer rights (if any) and how such will be applied to this project.

Staff response: *Comment not cleared. Please refer to comments from Transportation on page 5 of 8 of this report.*

ZN17. On the PUD land plan, please identify location of Hill Country Corridor along the subject property.

Staff response: *Comment not cleared. Please submit a revised land plan depicting this information.*

ZN18. Formal updates are required for this submittal.

When submitting updates, please request the following reviewers which have already reviewed the initial submittal. This will prevent staff review delays and maximize the staff comment review period.

- Environmental - Teresa Alvelo
- Water Quality - Jay Baker
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- Transportation - Sangeeta Jain
- Zoning/Land Use - Jorge E. Rousselin

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300 WEST 6TH STREET, 15TH FLOOR
AUSTIN, TEXAS 78701

August 28, 2007

Victoria Hsu, Director
Watershed Protection and Development Review Dept.
City of Austin
505 Barton Springs Rd.
Austin, Texas 78704

Re: Town Center Planned Unit Development; PUD Purpose Statement

Dear Victoria:

The purpose of this correspondence is to provide a statement of the purpose for this Planned Unit Development, the proposed conceptual land use plan and site development regulations for the Town Center PUD ("TC-PUD" as contemplated by the 2222 Corridor Study), and briefly discuss why the proposed TC-PUD meets the applicable criteria set forth in the City of Austin Land Development Code "LDC" and should be approved by the City of Austin.

My Client, DHD Ventures, L.L.C., currently has two tracts under contract for purchase. Tract 1 consists of 42 acres located on the west and north side of Hwy. 620 in the ETJ of the City and in the certificated service area of WCID No. 17. It is currently un-entitled. The City passed a resolution, dated September 28, 2006, to provide retail water and wastewater service to the tract. Tract 2 is a 36 acre tract immediately adjacent to Tract 1. Tracts 1 & 2 (hereinafter "Property") are currently designed and engineered as a traditional retail shopping center under existing applicable City and County development regulations, and will include a shopping center with approximately 425,000 square feet of impervious cover. The Property is located in the area commonly known by community residents as "Four Points."

As you will recall, the City Council instructed City Staff to do research on a Town Center in the 2222/620 area. Although the Ordinance was never formally adopted, it was clear that City Council and Staff agreed that this area should be designated for a high density/mixed-use project (i.e. Town Center). The 2222 Corridor Study contemplates an alternative set of development standards that allow for greater density and contributes to more compact and walkable projects, thereby reducing low density sprawl. In accordance with the Study, a Council Member approached my client regarding exploring the possibility of a Town Center. In response to the request, my Client spent four months researching the concept and determined that there is a demand for the creation of a Town Center in this section of Austin - instead of a traditional retail shopping center. My Client is willing to take financial responsibility for this endeavor and is not seeking any financial incentives for this project.

August 28, 2007

Page 2

The Property is located in the City's ETJ but is not located in the City's corporate limits. As such, the City's ability to regulate many of the entitlements is non-existent and/or limited. The following chart compares the current entitlements with the proposed site development regulations and community benefits that the TC-PUD would provide:

	Existing Development Retail & Apartment	Proposed Town Center PUD
Acreage	78	78
Gross Site Area (78 x 43,560)	3,397,680	3,397,680
Net Site Area (based on topo)	2,125,000	2,125,000
Water Supply Rural (IC maximum) (NSA)	20%	45%
Total Impervious Cover Allowed	425,000	956,250
LUEs (w/ww)	450	1000
Floor-to-area Ratio (FAR)	Unlimited	1:1
Maximum Building coverage	Unlimited	30%
Maximum Height	Unlimited	8 Stories (Avg. 4)
Maximum Density	Unlimited	12/acre
Zoning/Use Restrictions	Unlimited	Mixed Use/Town Center Uses
Sidewalks	Not Applicable	8 Foot Sidewalks (throughout)
Surface Parking	Unlimited	35%
Structured Parking	Not Applicable	65%
Water Quality Requirements	100%	130%
Detention Requirements	100%	130%
Green Star Builder Rating	None	1-3 Star (Avg. 2.5)
Internal Hike & Bike Trail	No	Yes
Public Park Area	No	Yes
Commercial Design Standards	No	80%
Baseball/Softball Fields	No	Yes

As you can see, development occurring under the TC-PUD is superior to the existing development and would comply with current LDC regulations (as specified above). Water quality requirements will exceed current requirements and would be met through increased detention and water quality, the payment of fees in lieu of on-site water quality facilities, or other environmental mitigation methods approved by the City and adopted as a part of the TC-PUD ordinance. Community and neighborhood residential benefits are numerous, including

August 28, 2007

Page 3

baseball/softball fields, a 6-8 acre integrated park and walking trails, and the convenience of family entertainment, restaurants and shopping that the Four Points community currently desires and lacks. The land for the baseball/softball fields would be "donated" under a \$1.00/per year lease.

The Proposed TC-PUD conforms to the purposes of planned unit development. It provides greater design flexibility for development within the TC-PUD and results in development superior to conventional development that would be permitted under current regulations. Further, the TC-PUD will allow for utilization of the Green Builder standards for commercial development and Grow Green landscaping guidelines, where possible. It provides for utilization of an Integrated Pest Management program, maximization of available resources, a homogeneous high density/mixed-use development, and contributions to storm water facilities.

The proposed TC-PUD enhances the preservation of the natural resources in the area and ensures adequate public facilities and services in many ways, including providing Four Points community residents with a place to shop, eat, work and have family entertainment in close proximity to where they live. The TC-PUD also encourages high quality development and innovative design, and my Client's development partner has experience developing Town Centers in other cities across the country.

With respect to the Town Center's need for increased impervious cover, currently, 450,000 square feet of impervious cover is permitted on the Property. The Town Center will require approximately 900,000 to 1,000,000 square feet of impervious cover. The additional impervious cover can be obtained in several ways. First, my Client currently owns a 15 acre tract located on Highland Hills and Hwy. 2222. The tract is currently undeveloped but zoned MF-2 and has entitlement approvals and an approved Chapter 245 Determination permitting the development of a 65-Unit, Multi-Family/Condominium project originally started in 1969. These entitlements predate the current Land Development Code, the Comprehensive Watersheds Ordinance and the tree protection ordinance, among others. The amount of impervious cover allowed is 250,000 square feet. The project would take access from Hwy. 2222. Water and wastewater service was committed to the property in 1969. This tract can be successfully developed and is marketable. The neighbors, however, would rather this property remain undeveloped. My Client would agree to a conservation easement on this tract (prohibiting impervious cover and conveying the property to the City of Austin or another appropriate entity for maintenance as open space and wildlife habitat or park) if the City agrees to allow the Town Center Property to have an additional 250,000 square feet of impervious cover. The impervious cover on the Town Center Project would increase the percentage of Net Site Area from 25% to 42.5%. Currently, impervious cover allowance is 25% of Net Site Area with transfers, or, expressed another way, the transfer/agreement would be a 17.5% increase in the allowed impervious cover. The additional impervious cover will be obtained in accordance with the parameters of the 2222 Corridor Study.

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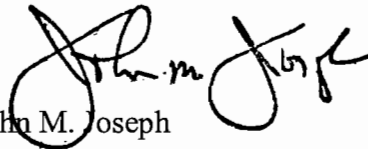
August 28, 2007

Page 4

My Client values the relationship it has developed with community leaders and the Four Points Baseball Association which is comprised of over 350 residents of the surrounding neighborhoods. My Client is committed to working closely with this association as well as the other neighborhood associations during this PUD process to ensure that the needs and concerns of the community are carefully considered and incorporated into the Town Center, to the extent possible. As you can see, a TC-PUD has the effect in this unique instance of resulting in a true win-win for the City, the Community, and my Client.

For the above mentioned reasons, the applicant respectfully requests a PUD zoning base district for the subject site and believes that the aforementioned statement of purpose justifies the PUD land use designation. If you should have any questions regarding this matter please do not hesitate to call.

Very truly yours,


John M. Joseph

cc: DHD Ventures Texas, L.L.C.



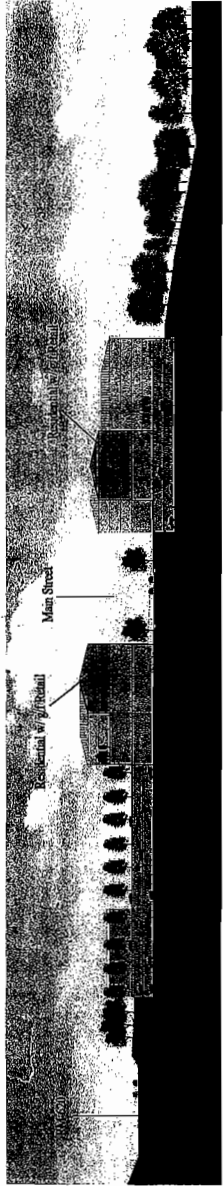
Legend

	Office W/G/F Retail
	Retail
	Residential W/G/F Retail
	Hotel

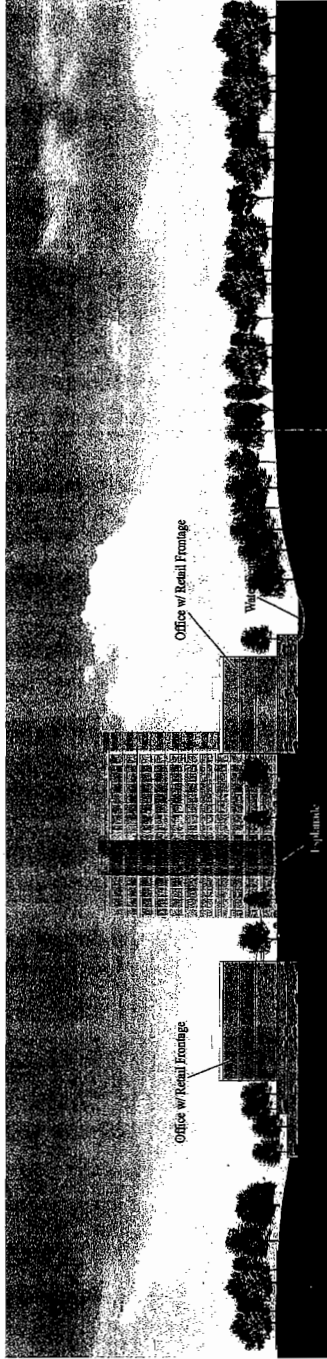
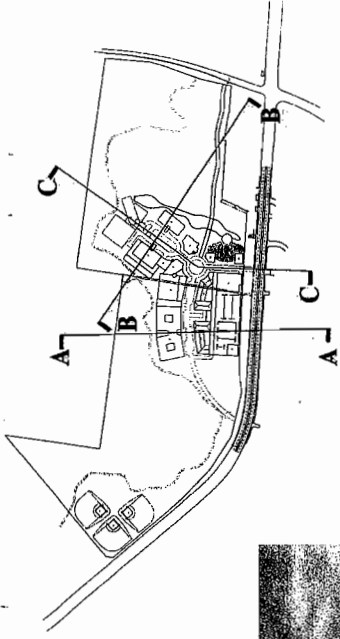
The Venue
Austin Texas 10/17/2007

Overall Site Plan - (No Grocery Option 2)

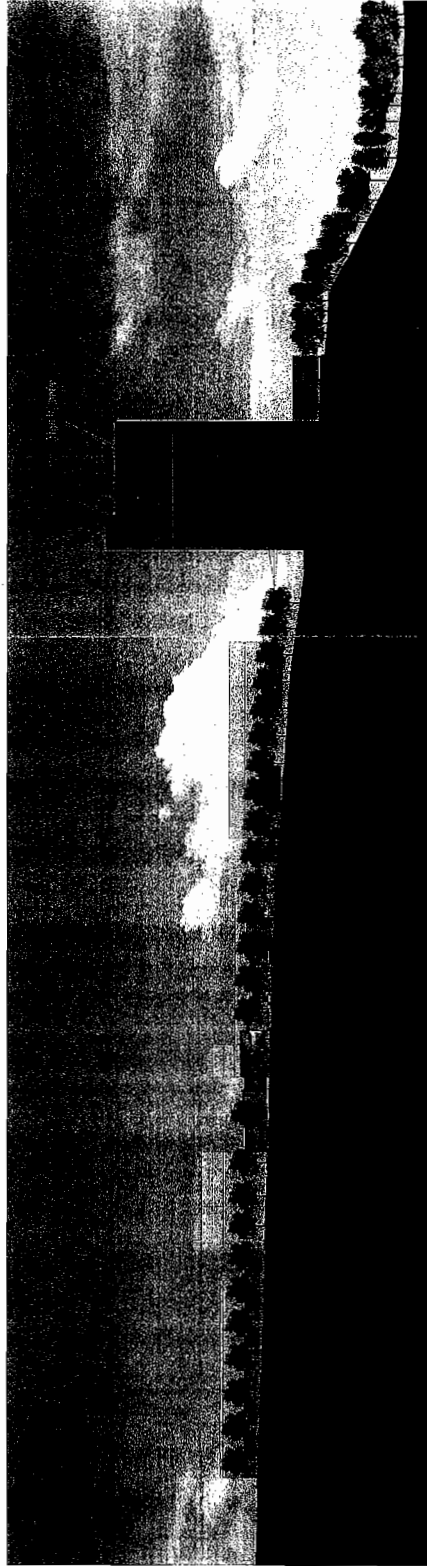
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Section A-A



Section B-B



Section C-C



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AUSTIN, TEXAS 78701

November 1, 2007

John M. Joseph
Direct Line: 495-8895
jmj@ctw.com

Mr. Jorge Rousselin
Neighborhood Planning & Zoning
City of Austin
P.O. Box 1088
Austin, Texas 78767

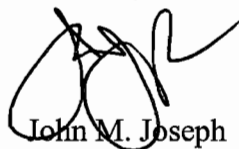
RE: The Venue at Lake Travis

Dear Jorge,

The purpose of this update is to help determine the elements necessary for positive staff recommendation of the Planned Unit Development (PUD) through our various meetings and telephone conferences with City of Austin staff. The enclosed documents and list have been compiled and submitted for review for that purpose. However, no formal updates to material comments will be provided unless and until staff confirms the elements necessary for it to provide a positive staff recommendation of the subject PUD.

The applicant, to the extent reasonable, will continue to invest time and resources with staff in an effort to obtain a positive staff recommendation. However, to date staff has not specifically articulated the elements necessary to obtain a positive recommendation. We look forward to working with staff on this development and look forward to obtaining a positive recommendation.

Sincerely,



John M. Joseph

September 9, 2007

City of Austin
Neighborhood Planning and Zoning Department
Attn: Annexation Staff
PO Box 1088
Austin, TX 78767

Petition Requesting Annexation

We, owners of the following described property:

(see attached field note description and vicinity map)

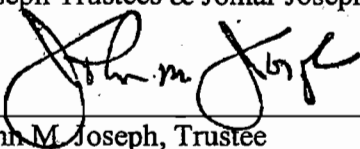
Street Address: 6710 North FM 620, Travis County, Texas,

Tax Appraisal District Property ID Number: 0153701020000, 01543401020000, 01563403010000,
01563403060000

hereby request that the property be annexed for full purposes by the City of Austin, in accordance with Chapter 43 of the Texas Local Government Code and waiving width requirements of Sec. 43.0545 of the Texas Local Government Code. We certify that we are the present owners of this property and understand that annexation is at the sole discretion of the City of Austin, and that this request does not obligate the City to annex the property at any time. I also understand that full purpose annexation extends full municipal jurisdictional control, including taxation, onto this property. I make this request on behalf of myself, and my heirs, successors, and assigns.

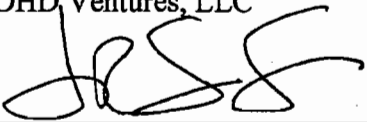
John M. Joseph
Joseph Trustees & Jomar Joseph Partners LTD

09/10/07
Date


John M. Joseph, Trustee

John Joseph, Jr.
DHD Ventures, LLC

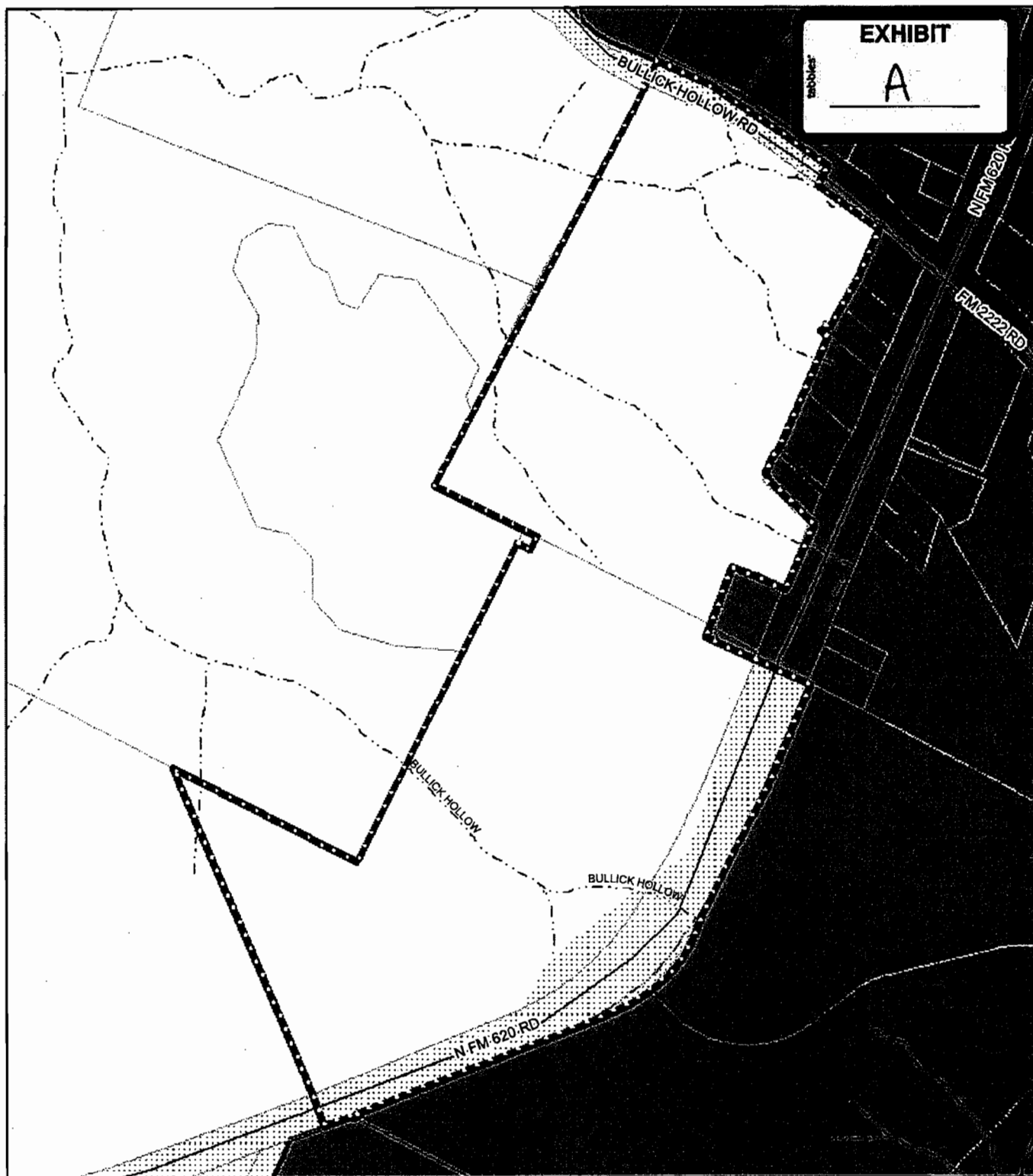
09/10/07
Date


John Joseph, Jr.

EXHIBIT

A

tabbies



Joesph Tract Proposed Annexation Area



City of Austin NPZD
August 23, 2007



Full Purpose Annexation Area



Street



Creek



Parcels

0 500 1,000 Feet

Current Jurisdiction



Austin Full Purpose



Austin Limited Purpose



Austin ETJ



DESCRIPTION

BEING A 36.20 ACRE TRACT OF LAND SITUATED IN THE ALEXANDER DUNLAP SURVEY NUMBER 805, ABSTRACT NUMBER 224 IN TRAVIS COUNTY, TEXAS, BEING ALL OF THE REMAINDER OF THAT 34.85 ACRE TRACT OF LAND AS DESCRIBED IN A DEED TO MCPMT, LTD., (TRACT 3), 99% INTEREST IN UNDIVIDED 1/2 INTEREST, RECORDED IN DOCUMENT NO. 2003087287 AND 1% INTEREST IN UNDIVIDED 1/2 INTEREST RECORDED IN DOCUMENT NO. 2003087288, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND TO DAPHENE H. SCHULZE, TRUSTEE, UNDIVIDED 1/2 INTEREST, BY CAUSE NO. 11580 PROBATE COURT OF TRAVIS COUNTY, TEXAS AND RECORDED IN VOLUME 9335, PAGE 128 REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, ALL OF THAT 0.8697 ACRE TRACT OF LAND AS DESCRIBED IN A DEED TO MCPMT, LTD., (TRACT 6) 99% INTEREST IN UNDIVIDED 1/2 INTEREST, RECORDED IN DOCUMENT NO. 2003087287 AND 1% INTEREST IN UNDIVIDED 1/2 INTEREST IN DOCUMENT NO. 2003087288, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND TO DAPHENE CLARKE, UNDIVIDED 1/2 INTEREST, RECORDED IN VOLUME 13249, PAGE 2981 REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, ALL OF THAT 0.50 ACRE TRACT OF LAND AS DESCRIBED IN A DEED TO MCPMT, LTD. (TRACT 2) 99% INTEREST RECORDED IN DOCUMENT NO. 2003087287 AND 1% INTEREST IN DOCUMENT NO. 2003087288, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND UNDIVIDED 1/2 INTEREST OF A 20 FOOT ROADWAY AS DESCRIBED IN A DEED TO MONTANDON COMMUNITY PROPERTY MANAGEMENT TRUST, RECORDED IN VOLUME 12273, PAGE 97, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, SAID 36.20 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 3/4 inch Iron pipe found on the southeast corner of said 0.8697 acre tract, being the northeast corner of that 42.00 acre tract of land as described in a deed to John E. & John M. Joseph, trustees, recorded in Volume 11175, Page 150, Real Property Records of Travis County, Texas and being the west right-of-way line of Ranch to Market Road 620 (R.M. 620), for the southeast corner of the herein described tract;

THENCE, leaving the said west right-of-way line of R.M. 620, with the south lines of said 0.8697 acre tract and said 34.85 acre tract common with the north lines of said 42.00 acre tract, a Cellular Antenna Lease Site, recorded in Volume 9382, Page 661, Real Property Records of Travis County, Texas, and of a call 273.933 acre tract described in a deed to Robert H. Theriot, recorded in Volume 13294, Page 1317, Real Property Records of Travis County, Texas N 61°47'43" W, passing at a distance of 176.84 feet the southwest corner of said 0.8697 acre tract, from which a 3/4 inch iron rod found bears N 20°17'27" E, a distance of 0.21 feet, and from which a PK nail with shiner found bears N 25°02'22" E a distance of 1.75 feet, passing at a distance of 830.77 feet a 1/2 inch iron rod found at the northeast corner of said Cellular Antenna Site Lease, passing at a distance of 880.78 feet a 3/4 inch iron pipe found at the northwest corner of said Cellular Antenna Lease Site, in all a total distance of 1218.10 feet to a 1/2 inch iron rod found at the interior ell corner of said 273.933 acre tract, southwest corner of said 34.85 acre tract, and of the herein described tract;

THENCE, with the west line of said 34.85 acre tract common with the east lines of said 273.933 acre tract and of a call 30.00 acre tract as described in a deed to Brownstone Gallery, Inc., recorded in Document No. 2002076479, Official Public Records of Travis County, Texas, N 27°11'12" E, passing at a distance of 266.11 feet an iron rod found with cap stamped McAngus, passing at a distance of 738.34 feet and to the left 0.30 feet an iron rod found with cap stamped McAngus for the southeast corner of said 30.00 acre tract, passing at a distance of 1499.80 feet a 1/2 inch iron rod found for the northeast corner of said 30.00 acre tract, in all a total distance of 1512.51 feet to a iron rod found with cap stamped C-A RPLS#2988 in the the

36.20 Acres
MCPMT, LTD. et. Al.
PD06-052

Travis County, Texas

south right-of-way line of Bullick Hollow, and being the northwest corner of said 34.85 acre tract, and of the herein described tract;

THENCE, with the north line of said 34.85 acre tract common with the said south right-of-way line of Bullick Hollow, the following two (2) courses:

1. S 66°06'34" E, a distance of 321.24 feet to a iron rod found with cap stamped C-A RPLS#2988;
2. S 55°17'19" E, a distance of 107.66 feet to a 5/8 inch iron rod found;

THENCE, with the south line of a call 0.16 acre tract, same being the south right-of-way line of Bullick Hollow as described in a deed to Travis County recorded in Volume 12949, Page 1296, Real Property Records of Travis County, Texas, the following two (2) courses:

1. S 50°49'21" E, a distance of 294.84 feet to a iron rod set with cap stamped Carter Burgess;
2. S 58°44'13" E, a distance of 220.44 feet to a 5/8 inch iron rod found in the west line of that call 0.96 acre tract as described in a deed to Hal H. Bell, recorded in Volume 2457, Page 522, Deed Records of Travis County, Texas, being the southeast corner of the said 0.16 acre tract and the northeast corner of the herein described tract;

THENCE, with a easterly line of said 34.85 acre tract common with the west line of said 0.96 acre tract, S 23°25'05" W, a distance of 192.03 feet to a 5/8 inch iron rod found, at an exterior ell corner of said 34.85 acre tract, being the southwest corner of said 0.96 acre tract, the northwest corner of Lot 1, Block A, of Speedy Stop 209, a subdivision, recorded in Document No. 200300329, Official Public Records of Travis County, Texas, and also being the northeast corner of that 0.088 acre tract (Tract 2) as described in a deed to Michael G. Haggerty, recorded in Volume 12203, Page 1595, Real Property Records of Travis County, Texas;

THENCE, with a easterly line of said 34.85 acre tract common with the northerly, westerly and southerly line of said 0.088 acre tract, the following five (5) courses:

1. N 48°43'59" W, a distance of 5.55 feet to a 5/8 inch iron rod found;
2. S 29°41'47" W, a distance of 178.37 feet to a 3/4 inch iron rod found;
3. N 62°11'07" W, a distance of 10.33 feet to a 5/8 inch iron rod found;
4. S 36°34'07" W, a distance of 21.83 feet to a 3/4 inch iron rod found and;
5. S 49°43'48" E, a distance of 26.30 feet to a 3/4 inch iron pipe found, at an exterior ell corner of said 34.85 acre tract, and also being the northwest corner of a call 1.028 acre tract as described in a deed to River City Real Estate, PLLC, recorded in Volume 13282, Page 2552, Real Property Records of Travis County, Texas;

THENCE, with a easterly line of said 34.85 acre tract common with the west line of said 1.028 acre tract, S 23°41'25" W, a distance of 208.49 feet to a 5/8 inch iron rod found, being an angle point of said 34.85 acre tract, being the southwest corner of said 1.028 acre tract and also being the northwest corner of a call 0.970 acre tract as described in a deed to Tracy Collins, recorded in Document No. 2005108470, Official Public Records of Travis County, Texas;

36.20 Acres
MCPMT, LTD. et. Al.
PD06-052

Travis County, Texas

THENCE, with a easterly line of said 34.85 acre tract common with the west line of said 0.970 acre tract, S 23°01'37" W, a distance of 210.69 feet to a 1/2 inch iron rod found, being the southwest corner of said 0.970 acre tract and also being the northwest corner of said 20 foot roadway;

THENCE, with the north line of said 20 foot roadway common with the south line of said 0.970 acre tract, S 46°47'04" E, a distance of 205.54 feet to a calculated point being the southeast corner of said 0.970 acre tract, and also being the said west right-of-way line R.M. 620, from which a 1/2 inch iron rod found bears S 46°47'04" E, a distance of 0.28 feet, and from which a TxDot Type II monument found bears distance of 215.57 feet along the arc of a curve to the right, having a central angle of 04°14'15", a radius of 2914.79 feet and a chord bearing N 27°18'58" E, a distance of 215.52 feet;

THENCE, with the west right-of-way line of R.M. 620 and the arc of a curve to the left, an arc distance of 21.33 feet, having a central angle of 00°25'08", a radius of 2914.79 feet and a chord bearing S 24°59'16" W, a distance of 21.33 feet to a 1/2 inch iron rod found at the northeast corner of said 0.50 acre tract and being on the south line of said 20 foot roadway;

THENCE, with the east line of said 0.50 acre tract, S 25°19'51" W, a distance of 109.07 feet to a iron rod set with cap stamped Carter Burgess, at the southeast corner of said 0.50 acre tract being a southerly line of said 34.85 acre tract;

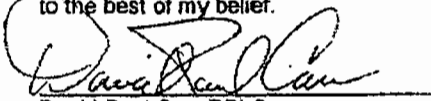
THENCE, with said southerly line of the 34.85 acre tract, S 46°52'42" E a distance of 3.30 feet to 1/2 inch iron rod found on the arc of a curve to the left on the said west right-of-way line of R.M. 620 and being a east line of said 34.85 acre tract;

THENCE, with the west right-of-way line R.M. 620, common with the east lines of said 34.85 acre tract and said 0.8697 acre tract, the following two (2) courses:

1. With the said arc of the curve to the left, an arc distance of 14.33 feet, having a central angle of 00°16'54", a radius of 2914.79 feet and a chord bearing S 22°28'22" W, a distance of 14.33 feet;
2. S 22°27'58" W, passing at a distance of 235.53 feet the northeast corner of said 0.8697, and also being an exterior ell corner of said 34.85 acre tract, in all a total distance of 446.76 feet to the POINT OF BEGINNING and containing 36.20 acres of land, more or less.

Bearing Basis: The Texas Coordinate System Central Zone Nad 83

I David Paul Carr a duly Registered Professional Land Surveyor in the State of Texas do hereby certify that the foregoing description is based on a on the ground survey performed by Carter & Burgess in September of 2006 under my direction and supervision and that it is true and correct to the best of my belief.


David Paul Carr RPLS
Texas Registered Professional Land Surveyor
No. 3997



Mar 7, 2006
Date

PARCEL DESCRIPTION

A DESCRIPTION OF A 42.00 ACRE TRACT, MORE OR LESS, OF LAND IN THE LOUIS FRITZ SURVEY, ABSTRACT NO. 280, AND THE M.W. RIORDAN SURVEY, ABSTRACT NO. 2629 (THE NORTH PART OF THE D. & W.R.R. CO. SURVEY NO. 74), IN TRAVIS COUNTY, TEXAS, AND BEING OUT OF A CALLED 474.02 ACRE TRACT, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a found "x" cut in a rock at the Northerly East corner of said M.W. Riordan Survey, Abstract No. 2629, the South corner of the D.J. Riordan Survey, Abstract No. 2618 (the South one-half of the D. & W.R.R. CO. Survey No. 76) and being in the Northwest line of said Louis Fritz Survey, Abstract No. 280, for an inner corner of the herein described tract;

THENCE North 28 degrees 16 minutes 25 seconds East, with said Northwest line, and the Southeast line of said D.J. Riordan Survey, Abstract No. 2618, a distance of 1210.37 feet to a set ½ inch iron rod at the West corner of a 50.00 feet by 50.00 lease tract for the Westerly North corner of the herein described tract from whence a found ¾ inch iron pipe marking the North corner of said Louis Fritz Survey, Abstract No. 280, the East corner of said D. J. Riordan Survey, Abstract No. 2618, and being in the Southwest line of the Alexander Dunlap Survey, Abstract No. 224, bears North 28 degrees 18 minutes 25 seconds East 50.00 feet, and from whence a found ½ inch iron rod bears South 26 degrees 23 minutes 15 seconds East 2.66 feet;

THENCE South 60 degrees 30 minutes 22 seconds East parallel with and 50.00 feet Southwest of the Northeast line of said Louis Fritz Survey, Abstract No. 280, a distance of 50.00 feet to a set ½ inch rod at the South corner of said 50.00 feet by 50.00 feet least tract for an inner corner of the herein described tract;

THENCE North 28 degrees 16 minutes 22 seconds East, parallel with and 50.00 feet southeast of the Northwest line of said Louis Fritz Survey, Abstract No. 280, a distance of 50.00 feet to a set ½ inch iron rod in the Northeast line of said Louis Fritz Survey, Abstract No. 280, for the Easterly North corner of the herein described tract;

THENCE South 60 degrees 16 minutes 25 seconds with said Northeast line, and the Southwest line of said Alexander Dunlap Survey, Abstract No. 224, a distance of 830.63 feet to a found ¾" iron pipe in the West right-of-way line of State Ranch to Marker Road No. 620 for the East corner of the described tract;

THENCE South 23 degrees 51 minutes 12 seconds West, with the said West line, a distance of 398.84 feet to a found 1 ½ inch iron rod at a point of curvature;

THENCE Southwesterly, continuing with said West line, being a curve to the left, having a radius of 1479.23 feet, thru a central angle of 12 degrees 05 minutes 18 seconds, an arc length of 312.09 feet, a tangent of 156.63 feet, and a chord bearing a distance of South 17 degrees 48 minutes 33 seconds West, 311.52 feet to a found 1 ½ inch iron rod at a point of tangency;

PARCEL DESCRIPTION

THENCE South 11 degrees 45 minutes 54 seconds West, continuing with said West line, a distance of 75.69 feet to a found 1 ½ inch iron rod at a point of curvature;

THENCE Southwesterly, continuing with the Northwest line of said State Ranch to Market Road No. 620, being a curve to the right, having a radius of 553.43 feet, thru a central angle of 58 degrees 56 minutes 37 seconds, an arc length of 569.35 feet, a tangent of 312.76 feet, and a chord bearing and distance of **South 41 degrees 14 minutes 13 seconds West, 544.57 feet** to a found 1 ½ inch iron rod at a point of tangency;

THENCE South 70 degrees 42 minutes 31 seconds West, continuing with said Northwest line, a distance of 947.48 feet to a ¾ inch iron pipe in the Northeast line of the L. & Alvin East Survey, Abstract No. 2763 (the South part of the D. & W.R.R. CO. Survey No 74), and the Southwest line of said Louls Fritz Survey, Abstract No. 280, for the Easterly South corner of the herein described tract;

THENCE North 61 degrees 15 minutes 45 seconds West, with said Southwest line, and said Northeast line, a distance of 81.91 feet to a found ½ inch iron pipe at the North corner of said L. & Alvin East Survey, Abstract No. 2763, and the Southerly East corner of said M.W. Riordan Survey, Abstract No. 2629, for the Westerly South corner of the herein described tract;

THENCE North 19 degrees 07 minutes 51 seconds West, a distance of 1140.69 feet to a set ½ inch iron rod in the Northeast line of said M.W. Riordan Survey, Abstract No. 2629, and the Southwest line of said D.J. Riordan Survey, Abstract No. 2618, for the West corner of the herein described tract;

THENCE South 61 degrees 05 minutes 00 seconds East, with said common line, at 693.43 feet past a found ½ inch iron rod, continuing in all a distance of 693.86 feet to the PLACE OF BEGINNING, and containing 42.00 acres, more or less, of land.

SAVE AND EXCEPT, however, that portion of the above-described property awarded to the State of Texas in condemnation proceedings in Cause No. 2244 of Probate Court Number One in Travis County, Texas, as recorded as Document No. 1999071544, Official Public Records, Travis County, Texas.

The foregoing metes and bounds description was prepared from an on the ground survey performed by Carter & Burgess Inc., in December 2006 and January 2007 under my direction and supervision and that it correctly shows the evidence found at that time.

David Paul Carr RPLS
Texas Registration No. 3997

Date

CLARK, THOMAS & WINTERS

A PROFESSIONAL CORPORATION

TELEPHONE (512) 472-8800

POST OFFICE BOX 1148
AUSTIN, TEXAS 78767

FAX (512) 474-1129

300 WEST 6TH STREET, 15TH FLOOR
AUSTIN, TEXAS 78701

October 31, 2007

RECEIVED
NOV 08 2007
Neighborhood Planning & Zoning

Ms. Virginia Collier
City of Austin
505 Barton Springs, 5th Floor
Austin, TX 78704


RE: Withdraw Annexation Request; MCPMT, Ltd.- 36.198 acres

Dear Ms. Collier:

I would like to formally request that the 36.198 acre tract, as more particularly described in Exhibit "A", be withdrawn from the Venue at Lake Travis annexation request. Please allow the remaining acres to continue through the voluntary annexation process.

Thank you for your immediate attention to this matter. Please feel free to call me at (512) 495-8895 if you should have any questions.

Sincerely,



John M. Joseph

cc: Jim Alsup
DHD Ventures, LLC

ATTACHMENT "B"

DESCRIPTION

FIELD NOTES FOR 36.198 ACRES OF LAND SITUATED IN THE ALEXANDER DUNLAP SURVEY NO. 805, ABSTRACT NO. 224, TRAVIS COUNTY, TEXAS, BEING ALL OF THAT CERTAIN TRACT OF LAND DESCRIBED IN DEED TO MONTANDON COMMUNITY PROPERTY MANAGEMENT TRUST (UNDIVIDED 1/2 INTEREST) (TRACT 3) FILED FOR RECORD SEPTEMBER 16, 1994 IN VOLUME 12273, PAGE 89 REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, AND TO DAPHNE H. SCHULZE CLARK, TRUSTEE TO TOM W. SCHULZE (REMAINING 1/2 INTEREST) FILED FOR RECORD SEPTEMBER 23, 1968 IN VOLUME 3553, PAGE 2003, DEED RECORDS OF TRAVIS COUNTY, TEXAS, SAVE AND EXCEPT THAT CERTAIN TRACT OF LAND DESCRIBED IN DEED TO TRAVIS COUNTY, TEXAS FILED FOR RECORD JUNE 5, 1997 IN VOLUME 12949, PAGE 1296, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, ALL OF THAT CERTAIN TRACT OF LAND DESCRIBED IN DEED TO MONTANDON COMMUNITY PROPERTY MANAGEMENT TRUST (TRACT 1), FILED FOR RECORD SEPTEMBER 16, 1994 IN VOLUME 12273, PAGE 89 REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, ALL OF THAT CERTAIN TRACT OF LAND (20' ROADWAY) DESCRIBED IN QUITCLAIM DEED TO MONTANDON COMMUNITY PROPERTY MANAGEMENT TRUST FILED FOR RECORD SEPTEMBER 16, 1994 IN VOLUME 12273, PAGE 97 REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, AND ALL OF THAT CERTAIN TRACT OF LAND DESCRIBED IN DEED TO MONTANDON COMMUNITY PROPERTY MANAGEMENT TRUST AND DAPHNE SCHULZE CLARK FILED FOR RECORD JANUARY 16, 1998 IN VOLUME 13101, PAGE 1782 AND CORRECTED AUGUST 18, 1998 IN VOLUME 13249, PAGE 2981, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 36.198 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2 inch iron rod set in the existing westerly right of way line of F.M. 620 (R.O.W. Width Varies), in the northerly line of said LOUIS FRITZ SURVEY, the southerly line of the ALEXANDER DUNLAP SURVEY NO. 805, Abstract No. 224, for the northeast corner of that certain tract of land described in deed to John Joseph and John M. Joseph, filed for record December 6, 1985 in Volume 9483, Page 726 Real Property Records Of Travis County, Texas, the southeast corner of said Montandon/Clark tract, the southwest corner of that certain tract of land described in deed to The State of Texas, filed for record February 3, 1955, in Volume 1540, Page 315, Deed Records of Travis County, Texas, and the northwest corner of that certain tract of land described in deed to The State of Texas, filed for record February 10, 1954 in Volume 1425, Page 202, Deed Records of Travis County, Texas, from which a 1 inch iron rod found bears S 59°12'34" E a distance of 0.35 feet, from which a 5/8 inch iron pipe found bears

N 32°22' E a distance of 0.8 feet, and from which a 1½ inch iron rod found in the existing westerly right of way line of said F.M. 620 bears S 25°06'00" W a distance of 398.88 feet;

THENCE along the approximate northerly line of the LOUIS FRITZ SURVEY NO. 291, ABSTRACT NO. 280, the approximate southerly line of said ALEXANDER DUNLAP SURVEY, with the southerly line of said Montandon/Clark tracts the northerly line of said Joseph tract, and the southerly line of the herein described tract N 59°12'34" W passing 1.7 feet south of a nail found near the southwest corner of said Montandon/Clark and near the most southerly southeast corner of said Montandon/Schulze tract at a distance of 175.50 feet, passing a ½ inch iron rod found for the northeast corner of that certain tract (Tract One) described in deed to The Comanche Trail Conservation Fund, filed for record June 18, 1993 in Volume 11960, Page 1072, Real Property Records of Travis County, Texas at a distance of 830.39 feet, passing a ¾ inch iron pipe for the occupied northwest corner of said LOUIS FRITZ SURVEY, for an ell corner in the occupied easterly line of said D.J. RIORDAN SURVEY, for a corner in the easterly line of that certain tract of land described in deed to Robert H. Theriot, filed for record November 18, 1980 in Volume 7185, Page 2295, Deed Records of Travis County, Texas and October 21, 1998 in Volume 13294, Page 1317 Real Property Records of Travis County, Texas at a distance of 880.36 feet, and continuing for a total distance of 1217.63 feet to a ½ inch iron rod found at base of cedar fence post for the occupied southwest corner of said ALEXANDER DUNLAP SURVEY, the southwest corner of said Montandon/Schulze tract, for an ell corner in the occupied easterly line of said D.J. RIORDAN SURVEY, and the easterly line of said Theriot tract, and for the southwest corner of the herein described tract;

THENCE along the approximate westerly line of said ALEXANDER DUNLAP SURVEY, the approximate easterly line of said D.J. RIORDAN SURVEY, with the westerly line of said Montandon/Schulze tract, the easterly line of said Theriot tract, and the westerly line of the herein described tract, N 29°46'19" E passing a ½ inch iron rod found for the northeast corner of said Theriot tract at a distance of 1499.96 feet, from said ½ inch iron rod found, a ½ inch iron rod found bears N 59°52'37" W a distance of 95.98 feet and N 24°13'47" E a distance of 2.10 feet, and continuing for a total distance of 1512.65 feet to a ½ inch iron rod with cap set in the existing south right of way line of Bullick Hollow Road (R.O.W. Width Varies), for the northwest corner of said Montandon/Schulze tract, the southwest corner of that certain tract of land described in deed to Travis County, Texas filed for record January 23, 1963 in Volume 2570, Page 436 Deed Records of Travis County, Texas, and for the northwest corner of the herein described tract;

THENCE with the existing south right of way line of said Bullick Hollow Road, the northerly line of said Montandon/Schulze tract, the southerly line of said Travis County, Texas tract, and the northerly line of the herein described tract the following two (2) courses and distances:

- 1) S 63°31'02" E a distance of 321.32 feet to a ½ inch iron rod with cap set for an angle corner;
- 2) S 52°44'27" E a distance of 107.62 feet to a ½ inch iron rod found for the westernmost corner of that certain tract of land described in deed to Travis County, Texas filed for record June 5, 1997 in Volume 12919, Page 1296, Real Property Records of Travis County, Texas;

THENCE over and across said Montandon/Schulze tract, continuing with the existing south right of way line of said Bullick Hollow Road, the southerly line of said Travis County, Texas tract, and the northerly line of the herein described tract the following two (2) courses and distances:

- 1) S 48°14'54" E a distance of 294.68 feet to a ½ inch iron rod found for an angle corner;
- 2) S56°05'49" E a distance of 220.54 feet to a ½ inch iron rod found in the easterly line of said Montandon/Schulze tract, the westerly line of that certain tract of land described in deed to Hal E. Bell filed for record May 22, 1962 in Volume 2457, Page 522, Deed Records of Travis County, Texas, for the southeast corner of said Travis County, Texas tract, and the northeast corner of the herein described tract, from which a ½ inch iron rod found bears N25°59'53" E a distance of 10.11 feet, and from which a brass disk in concrete found (stamped "0+29.67 94.89' Rt. S.L., P.C.") bears S 46°45'14" E a distance of 209.03 feet;

THENCE with the easterly line of said Montandon/Schulze tract and the easterly line of of the herein described tract the following nine (9) courses and distances:

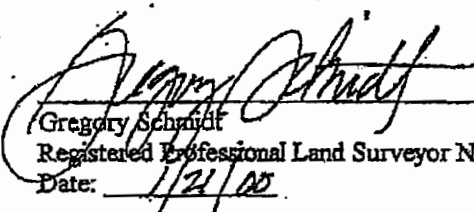
- 1) with the westerly line of said Bell tract S 25°59'53" W a distance of 192.04 feet to a ¾ inch iron rod found for the southwest corner of said Bell tract, the northwest corner of that certain tract of land described in deed to Circle K Stores, Inc. filed for record January 8, 1998 in Volume 13095, Page 845, Real Property Records of Travis County, Texas, and for the northernmost northeast corner of that certain tract (Tract 1) described in deed to Michael G. Haggerty filed for record December 29, 1997 in Volume 12203, Page 1595, Real Property Records of Travis County, Texas, from which to a 3/8 inch iron pipe found for the southwest corner of said Circle K tract and the northwest corner of that certain tract (Tract 2) described in deed to Michael G. Haggerty filed for record December 29, 1997 in Volume 12203, Page 1595, Real Property Records of Travis County, Texas bears S 25°43'08" W a distance of 105.09 feet;
- 2) with the northerly line of said Haggerty tract N 46°09'15" W a distance of 5.53 feet to a ¾ inch iron rod found for the northwest corner of said Haggerty tract;
- 3) with the westerly line of said Haggerty tract S 32°18'48" W a distance of 178.43 feet to a ¾ inch iron rod found for an angle corner;
- 4) continuing with the westerly line of said Haggerty tract N 59°24'31" W a distance of 10.34 feet to a ¾ inch iron rod found for an angle corner;
- 5) continuing with the westerly line of said Haggerty tract S 38°58'57" W a distance of 21.89 feet to a 1 inch iron rod found for an angle corner at the southwest corner of said Haggerty tract;
- 6) with the southerly line of said Haggerty tract S 47°15'31" E a distance of 26.26 feet to a ½ inch iron pipe found in the southerly line of said Haggerty tract for the northwest corner of that certain tract of land described in deed to B & S Joint Venture filed July 14, 1992 in Volume 11727, Page 1798, Real Property Records of Travis County, Texas;
- 7) with the westerly line of said B & S Joint Venture tract S 26°16'28" W a distance of 208.46 feet to a ¾ inch iron rod found for the southwest corner of said B & S Joint Venture tract and the northwest corner of that certain tract of land described in deed

Reference is herein made to the plat of this 36.198 acre tract accompanying this metes and bounds description.

Bearing Reference: west right of way line of F.M. Highway No. 620 as shown on Texas State Highway Department right of way map M683-2-2 dated 4-14-1955. [S 25°06' W]

I hereby certify that this description was prepared from the results of a survey made on the ground under my supervision.

CUNNINGHAM-ALLEN, INC.


Gregory Schmidt

Registered Professional Land Surveyor No. 4437

Date: 1/21/02



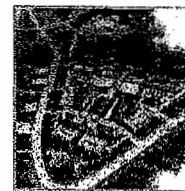
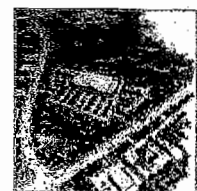
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AUSTIN MAP GRID MC-33

The 2222 Corridor Study

The City of Austin Transportation Planning and Sustainability Department

June 5, 2002

Land Design Studio
Site Specifics



ATTACHMENT "C"

TABLE OF CONTENTS

Part 1: Analysis of the Corridor	1.1
Part 2: Current Development Regulations	2.1
Part 3: The Community Vision Survey	3.1
Part 4: Alternative Development Regulations	4.1
Appendix 1: The TC-PUD Incentive Zoning Matrix	

PART I
Analysis of the Corridor



Part 1: Analysis of the 2222 Corridor



Figure 1.1
The development pattern emerging along the 2222 Corridor is typical of sprawl. Development is characterized by segregated land uses, low density, and fragmented open space.

Introduction

The area along and adjacent to the FM 2222 Corridor is among the most scenic in the central Texas region. Dramatic views of hills and lakes make the area a highly desirable place to live and work and the area has become a magnet for new development. Because of the pattern of new development, FM 2222 has seen dramatic increases in traffic congestion and other negative effects of creeping suburban sprawl.¹

The region has changed substantially in the last three decades as FM 2222 has been transformed from a remote and narrow country to a major commuter route. Many of the old residents in the Corridor lived in small unassuming country homes that were nestled among the trees and hills. The

¹ For the purposes of this study the term "sprawl" or "suburban sprawl" is intended not necessarily as a derogatory comment, but rather a description of a low density, segregated land use pattern typical to suburban parts of Post War American cities.

rural nature of living was reinforced by the relative isolation from the city. The picturesque image of rural hill country living represents the enduring mystique of the “Cabin in the Woods” mythology, an arcadian theme that is, ironically, at the heart of the appeal of American suburban living.

The evolution of the FM 2222 Corridor from winding scenic country roadway to congested commuter highway parallels the transformation of Austin from sleepy college town to a sprawling high tech metropolis. With the creation of the Highland Lakes in the 1940s, FM 2222 became the primary route to Lake Travis. Living in the 2222 Corridor remained rural in character, with 1950s “Ranch Style” homes built on large wooded lots. The arcadian “Cabin in the Woods” image was largely an accurate one. Most of the homes built in the area in the 50s and 60s were simple vacation homes built along Lake Austin.

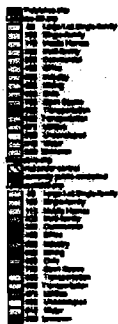
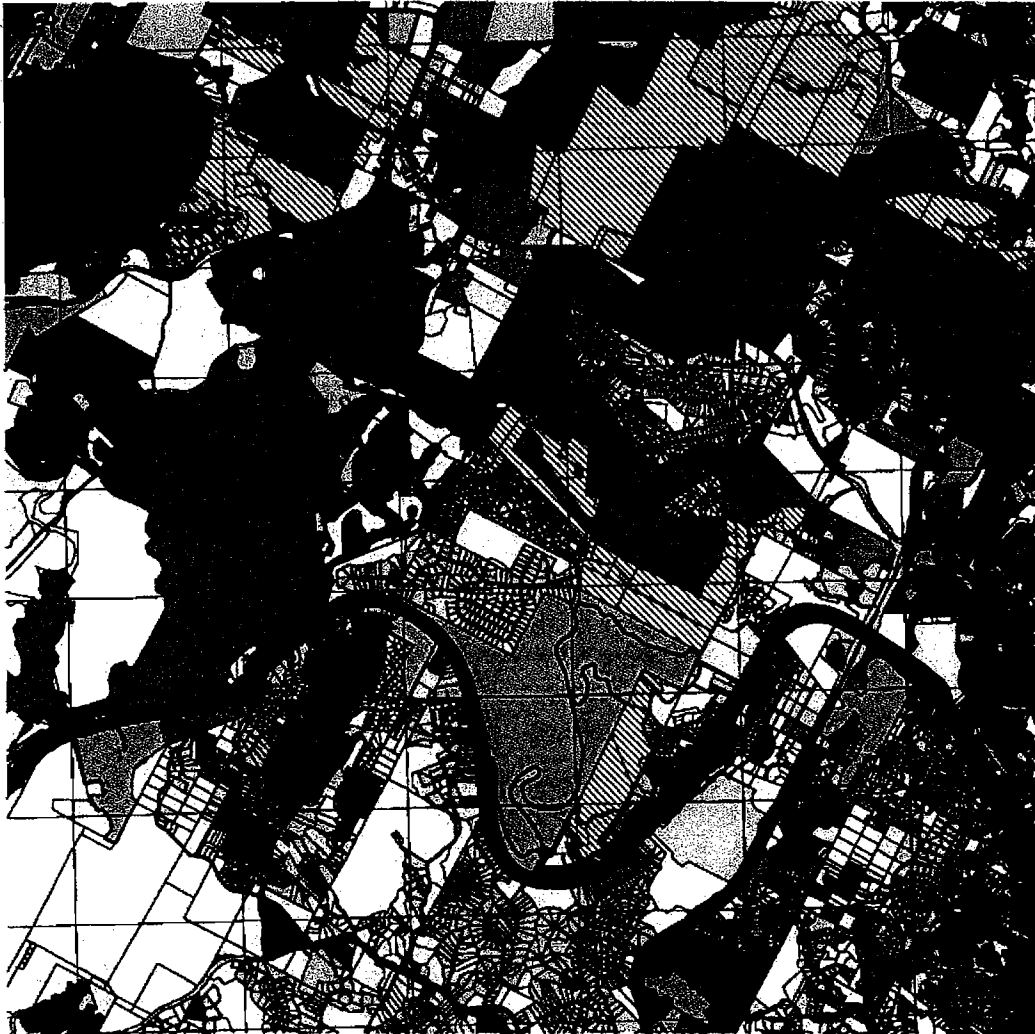
By the 1970s, the road became increasingly important as a route from Austin to recreation and resort areas on Lake Travis as Lake Travis resort communities like Lakeway emerged as destinations for both retirement living and commuters. Those living in the Lake Travis area used FM 2222 as the primary route into the city. The Corridor also became the primary route for weekend boating enthusiasts.

In the 1980s dramatic population growth and a booming economy transformed the FM 2222 corridor into an area primed for real estate speculation and land development. The construction of Loop 360 in the 1980s made FM 2222 even more accessible as a route. The 1980s boom created the first market for what marketing professionals term “executive housing” in the area. New public infrastructure improvements coincided with the planning of large new master-planned residential developments such as River Place and Jester Estates. Unlike the resort / retirement communities on Lake Travis, the new master planned communities along the FM 2222 Corridor were primarily occupied by Austin commuters who preferred to be near the area’s recreational amenities. Austin’s new wealth also produced a large inventory of high end large lot custom estate homes suitable for Austin’s most successful families. By the end of the boom in 1986, the corridor and the adjacent area had become among Austin’s most desirable locations.

Though slowed by the recession of the late 80s, land development in the Corridor rebounded strongly in the early 1990s. Steiner Ranch, a suburban subdivision initially offered a more modest product than the estate homes in River Place and Jester Estates. Steiner Ranch now offers its homes at a premium with houses starting at over \$300,000. Sales in Steiner Ranch are brisk. It is the largest entitled and developable tract in the area. Sales have also been good for the tract mansion subdivision of River Place. River Place is a golf course community with direct access to FM 2222.



Figure 1.2
The development pattern south of FM 2222 near the intersection at FM 620. Residential subdivisions, office parks, retail and apartments are connected only by access to 2222.



2222 CORRIDOR DEVELOPMENT (1990 TO 2000)

Other subdivisions which are closer to town are virtually built out in the Corridor. Vacant lots with less than 1/2 acre are often priced well over \$200,000.

Commercial development in the Corridor continues to emerge as speculative office parks and new retail projects open. With the booming inventory of high priced "executive housing" in the area, company CEOs are increasingly attracted to relocate their companies to the Corridor because of their own short commutes. They also are lured by the area's spectacular scenery and proximity to golf and boating. Less prosperous office workers who can't afford the area's expensive real estate face long commutes from more affordable parts of the city.

The Corridor saw major retail centers emerge for the first time in the late 1990s with the opening of Four Points Centre, a strip shopping center at the intersection of FM 620 and FM 2222. Given the new purchasing power in the area, the Corridor is primed for additional retail, some of which may be high end in nature. The demand for new retail is driven also by the imbalance of single family homes in the areas along the Corridor and in the Lake Travis area. . Most residents who live in the area make long drives to the Arboretum, Lakeline Mall, and other parts of Austin for major shopping and dining. This driving pattern is a major part of the traffic problem in the area.

Multifamily developments have emerged in the Corridor in the last decade, as nearby employment, rising land costs, and a growing population of young professionals have combined to create a strong market for new apartments both in the FM 2222 area and throughout Austin. Although only 2 apartment projects are currently completed directly adjacent to FM 2222, several projects are under construction or have been recently completed along FM 620. All of the apartment projects in the area have monthly rents that are at the high end of the rental market. None of the projects are pedestrian oriented or feature any sort of mixed use.

Why is FM 2222 So Congested?

The proliferation of low density development along the FM 2222 Corridor and in the Lake Travis area contributes to a traffic volume that is growing at an exponential rate. The latest traffic counts taken in 1997 at RM 2222 west of Loop 360 recorded 31,200 traffic trips, an increase of 68% in just five years. The traffic at the same intersection was recorded in 1988 at 13,230. This represents an increase of 136% in just 9 years. Current 2001 traffic volumes are much likely even higher, given the annual rate of increase. Although Austin's population has generally grown at a rate of 2-3% per year, yet the traffic counts on RM 2222 are generally growing at a rate of 13% per year. This alarming trend is symptomatic of a transportation and land use pattern that is highly questionable in terms of its sustainability and effectiveness.



Figure 1.3:
Traffic at FM 2222 at Loop 360. The intersection is one of several in the Corridor that rated a low level of service.

Traffic Congestion in Austin is Among the Nation's Worst

The growing traffic congestion problem on FM 2222 mirrors is a microcosm for what is occurring throughout Austin and the rest of the country. A study released by the Texas Transportation Institute (TTI) in April 2001 found that Austin and many other cities are becoming increasingly threatened with growing traffic congestion.

Among the findings in the report:

- Austin has the second worst traffic congestion in the nation among mid-sized cities
- Each Austin resident spends an average of 45 hours annually stuck in traffic jams (only 1 hour shorter than Dallas and Washington)
- Traffic congestion costs each Austin resident an average of \$785 per year
- Sixty percent of Austin highway lanes are considered heavily to extremely congested
- The average daily miles traveled (VMT) in Austin increased 65% in from 1989 to 1999

- The TTI Report made clear that Austin area residents are driving longer distances, for longer periods of time, at greater costs. The traffic congestion factor in Central Texas undoubtedly affects quality of life, an key element to a city built on the New Economy.

Sprawl: Cost too Much, Does Too Little?

Traffic congestion on FM 2222 and other congested highways and roads have hidden costs which contribute to a declining quality of life for residents in the Austin area. Rising land costs in the city fuel the centrifugal forces that push development to the suburban and exurban fringes of the city. However, the “drive until you qualify” approach to finding reasonably priced housing often overlooks the hidden, though very real costs of transportation. The low density sprawl pattern of urban development has proven to be expensive in terms of average household transportation costs. These transportation costs include expenditures for maintenance, taxes, gas, and insurance. A 2000 study conducted by the Surface Transportation Policy Project (STPP) *Driven to Spend* found the following:

- The average American spends 18% of his household spending on transportation, more than food, clothing, healthcare, or education
- Average per capita cost to own and maintain a car in 1997 was \$0.53 per mi
- In the sprawling metropolitan Dallas and Houston, the average household spends more per month on transportation than housing
- Poorest families spend the most on transportation, more than one third of their income goes to transportation costs
- The average American family in a highly sprawling area pays approximately \$1300 per year on transportation than more compact metro areas.
- Spending on transportation varies greatly within a metro area. Outer ring suburbs spend about twice as much per capita on transportation than those in more urban areas
- Cities with the most public spending on highway construction (ex: Houston) had increases in personal expenditures for transportation²
- The extra costs due to traffic congestion in Austin totaled 71 gallons per capita (about \$110 worth)
- The overall cost of congestion in Austin is estimated at \$510 million dollars or \$785 per capita.

² Driven to Spend, The Surface Transportation Policy Project Center for Neighborhood Technology, 2000

The STTP report points out that personal spending on transportation is a rather poor investment as compared with the equity gained through home ownership. Every \$10,000 invested in a home can return \$4,730 in equity. Every \$10,000 spent on a car yields just \$910.³ Thus, the high costs of transportation in sprawling cities can directly affect affordability.

"The Cul de Sac Effect": Segregated Land Use and Traffic Congestion

The growing traffic problem is symptomatic of suburban transportation patterns where land uses (residential, office, and retail, and multifamily) are highly segregated along a single highway or arterial corridor. In this typical suburban transportation pattern, residential traffic is collected from residential cul de sacs onto a single wide residential collector which has a single point of access onto a single transportation corridor, a highway or arterial road. Other land uses such as apartment complexes, shopping centers and office parks are also strung along the corridor, each with a single access point to the highway. In this development pattern, alternative routes are minimal or non-existent. For a resident, virtually every trip to work, shop, or play involves an excursion onto a collector roadway. This "Cul de Sac Effect" is a traffic generating machine that increases vehicle trips, average driving distance, and ultimately traffic congestion.

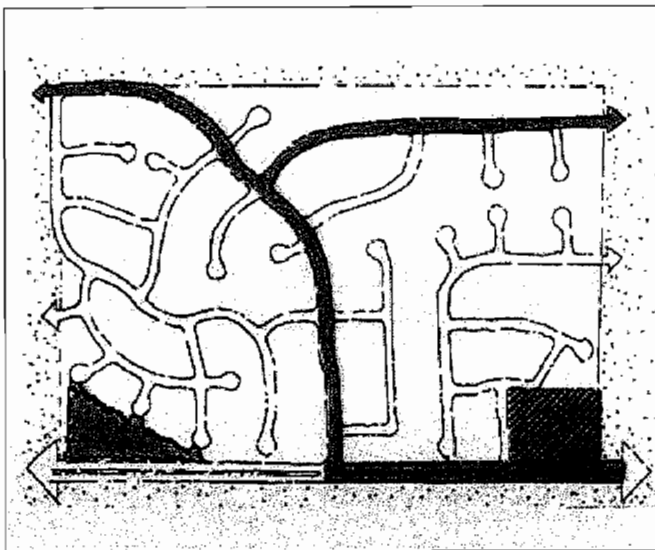


Figure 1.4:
The typical sprawl development pattern features a street network which forces traffic onto collectors and arterials.

Like the trunk of a tree, the highway corridor is designed as the primary source for moving traffic in the area. Should there be a traffic accident, high traffic volume, or other type of traffic congestion,

³ Ibid, p. 24

drivers have few or no alternative routes. This has the unintended consequence of creating a level of traffic congestion that is endemic to low density suburban development patterns. The suburban transportation model, in fact produces traffic volumes and congestion that rival or even exceed that of dense corridors within the urban core of the city. In 1997, the traffic count at FM 2222 west of Loop 360 exceeded that of most of downtown Austin streets. (See Figure 1.7)



Figure 1.5
FM 2222 at River Place Boulevard. Low density development in the 2222 Corridor is typically developed in the form of office parks, apartment complexes, corporate headquarters, strip retail, miniwarehouses and single family subdivisions. The highly segregated land use pattern along the 2222 Corridor contributes to high traffic counts and fragmented open space.

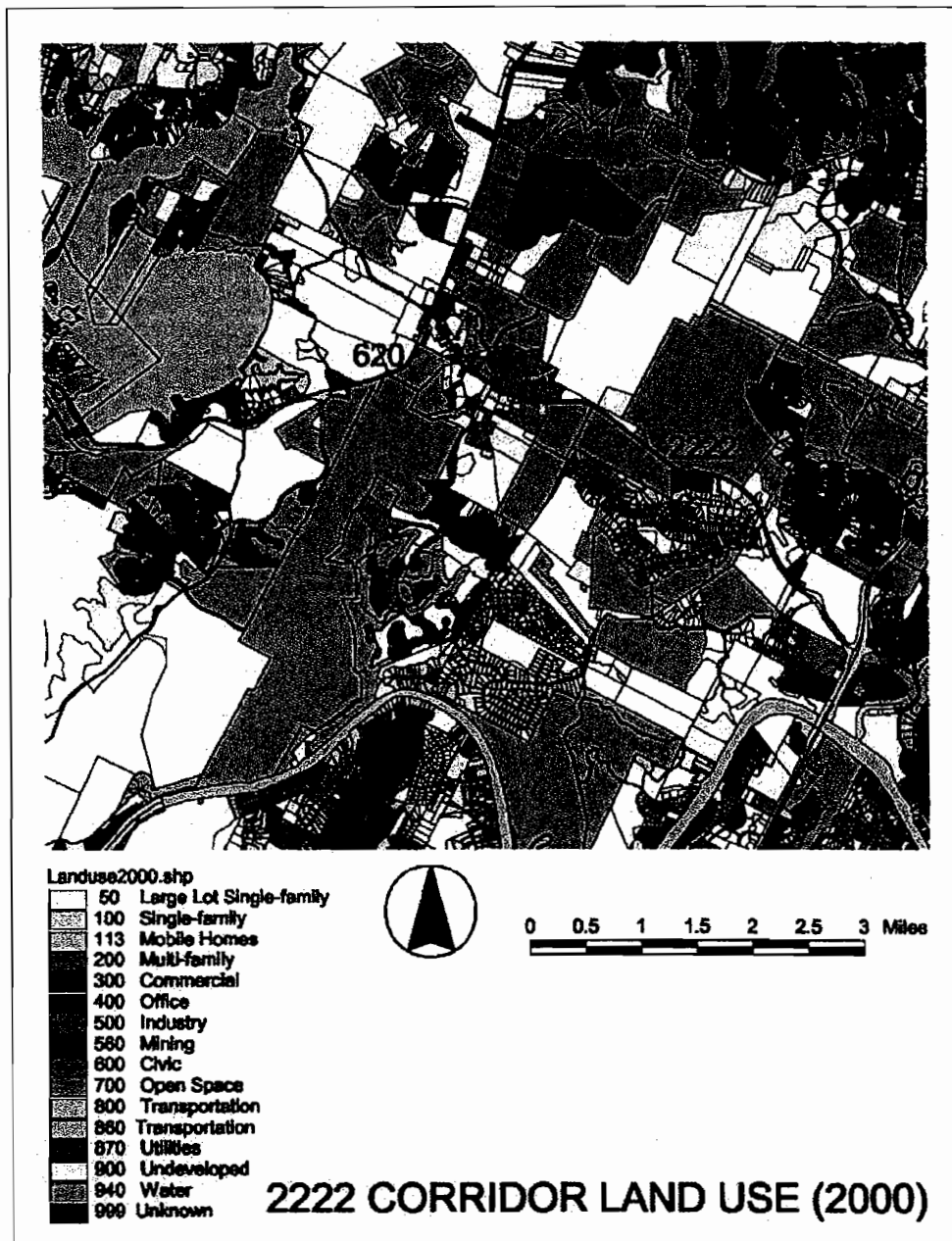


Figure 1.6
Analysis of Land Use in 2000 showed that land uses are highly segregated and disconnected in the 2222 Corridor

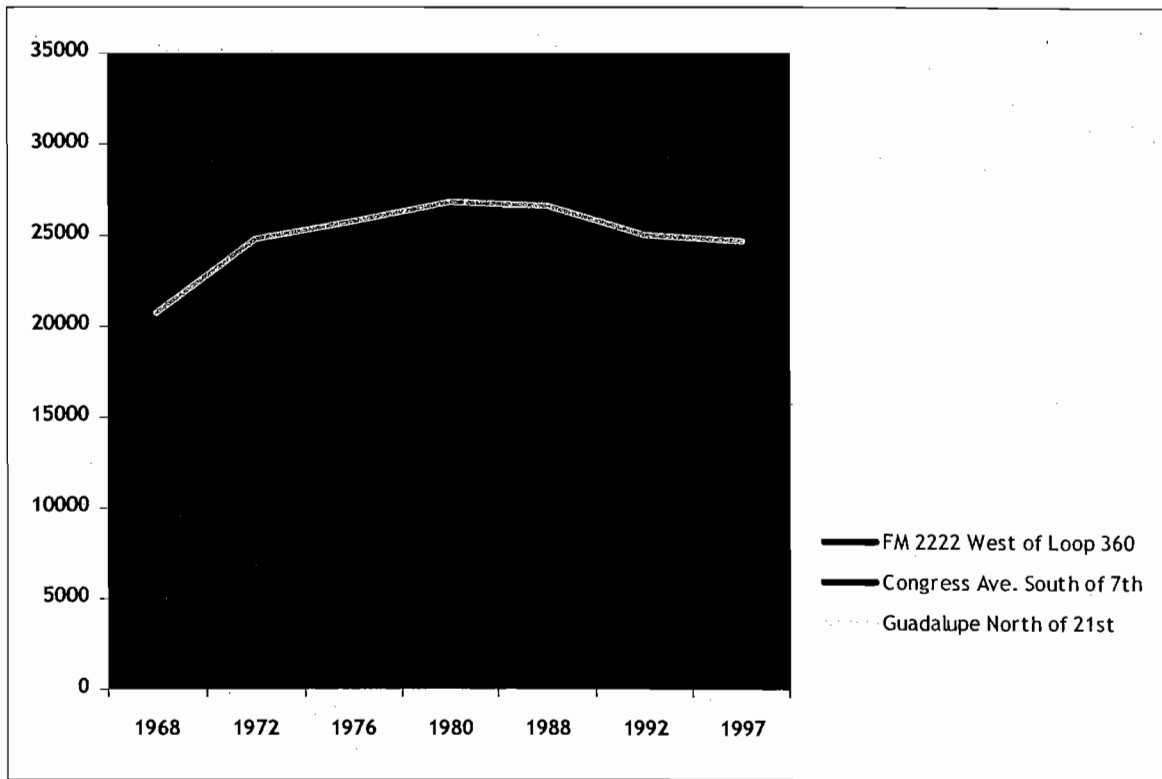


Figure 1.7:
Comparison of Traffic Volumes

Despite Roadway Improvements, Traffic has Gotten Exponentially Worse

The standard approach of managing increased traffic loads is to try to expand traffic capacity by pouring more public dollars into constructing more lanes. Traffic problems may not necessarily be solved with new public investments for roadway expansions, however. This solution, is usually short-lived, as the expanded capacity enables more low density development to be built out at a greater distance and an even greater degree of land use segregation. In 1993 road improvements were made to FM 2222. The improvements included widening the road to five lanes west of Loop 360 and adding additional traffic lights at entrances to major subdivisions. Traffic volume increased dramatically following the new construction and the improvements failed to improve congestion in the Corridor. According to a City of Austin traffic analysis, FM 2222 was near or beyond capacity based on 1997 traffic counts. Indeed much of the Corridor is severely congested according to the 1999 study⁴. Several intersections evaluated in 1998 were judged to be rated poorly in terms of

congestion management. Major intersections in the Corridor have intersections operating at or near failure levels during peak hours.⁵

A report issued by the Surface Transportation Policy Project suggests that the rise in congestion may be due to increased driving and not a shortage of lane capacity. In Austin, delays due to traffic grew from 18 hours per capita in 1989 to 45 hours in 1999, an dramatic increase of 150%. Austin's delays due to congested traffic gives the city the dubious honor of being ranked the 7th worst in the nation. Despite its anti-road reputation, however, Austin has built a considerable amount of additional road capacity. Although the Austin population grew 20.4% since 1990, the actual roadway lane miles increased more than 31%, a per capita increase of 9.5%. The research concludes that new road improvements and additional lane capacity may actually induce more driving.⁶ The documented dramatic increase in traffic volume on RM 2222 seems to validate this position as added capacity was quickly filled with increased traffic demand and vehicular miles traveled. (See Table 1)

	1968	1972	1976	1980	1984	1988	1992	1997	1992-97 change
East of RM 620	1890	2400	3230	5000	10850	14160	15010	25230	68% increase
West of Loop 360	2300	2760	3900	5890	13230	16770	18110	31200	72% increase
East of Loop 360	2880	2540	4210	6350	13000	16720	19820	25070	26% increase
West of Westslope Drive	3250	2610	4640	0	12040	16100	18660	24160	29% increase
East of Mt. Bonnell Road	4010	2700	4840	7190	12760	16890	19740	25680	30% increase
West of Highland Hills Circle	7316	6460	7840	10650	17840	21070	24520	32220	31% increase
West of Balcones Drive	0	0	0	12450	17360	21220	25700	30620	19% increase
West of Loop 1	0	0	0	17330	27480	27200	36990	40630	10% increase
East of Loop 1	0	0	0	0	0	0	34690	35290	2% increase

Figure 1.8:
Traffic Counts along FM 2222

Austin is simply driving more than ever before

Much of the new traffic congestion on FM 2222 and in Austin generally is simply due to the fact that Austinites are driving longer and more often than ever before. Traffic data collected indicates that the vehicular miles traveled per person (VMT) has increased 32% in the past 10 years.⁷ According to the Institute of Transportation Engineers, the average single family home on a 1/4 acre lot or larger generates an average of 9.55 vehicle trips per day⁸. Residential development built at the lowest density has the highest number of trips generated per day per dwelling unit. Based on

⁴ The City of Austin. 1999. Water Supply Suburban Watershed Report: Watershed Protection and Traffic Analysis, City of Austin Watershed Protection Department Environmental Resource Management Division, p. 5-1 - 5-15.

⁵ Ibid, p. 5-8

⁶ Ibid, p. 4

⁷ Texas Transportation Institute, Mobility Data for Austin, Texas 2001

⁸ City of Austin Transportation Criteria Manual, 8/5/95, p. 2-5

available data, low density sprawl development is creating a travel pattern that is producing more trips for longer distances. The 1995 Nationwide Personal Transportation (NPTS) Survey found that Americans made an average of 4.2 trips per person (or 10.5 per household). This represented a 10.5% increase in daily trips in just 5 years.

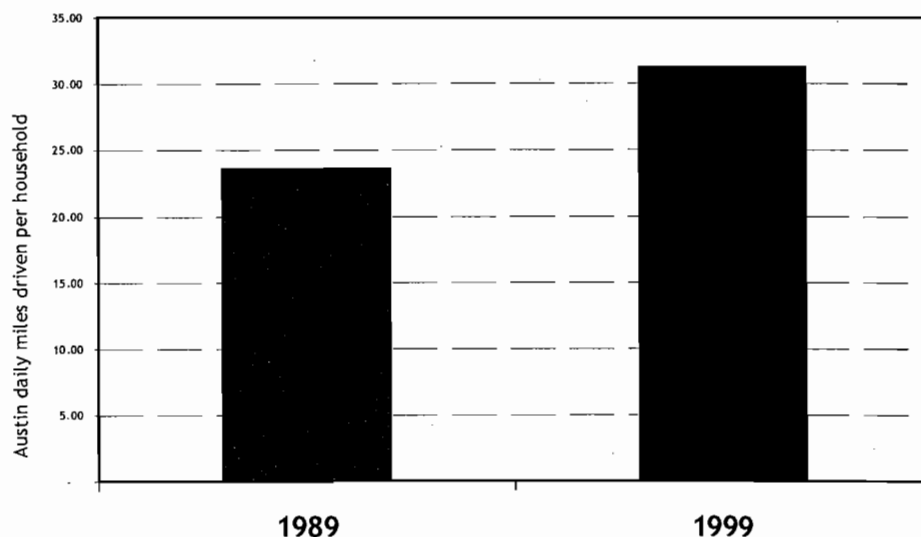


Fig. 1.9
Increase in vehicular miles traveled per Austin household

The same NPTS Study showed that the largest number of number of vehicular miles are not related to commuting to work. According to the 1995 study, only 17.7% of daily trips traveled are for commuting to work. (See Figure 1.10) While commuting to work accounts for only about 1 out of every 5 miles traveled, the location of workplaces put a strain on transportation systems at rush hour. The location of workplaces will usually influence the nature, place, and time other trips are taken. For example, many of the shopping and personal errands are done during a lunch break. In suburban autocentric workplaces, all errands must be done with a vehicle. Workplaces located in the areas with the lowest densities (such as the FM 2222 Corridor) contribute to the new phenomenon of the mid-day rush hour, as employees scramble onto congested roads at noon to run errands or go to lunch. The employee who works in a compact mixed use environment such as downtown or a town center usually has many options for dining or personal shopping within walking distance and has less need to use a vehicle during the middle of the day. The "Park Once" workplace can significantly reduce the vehicular miles traveled.

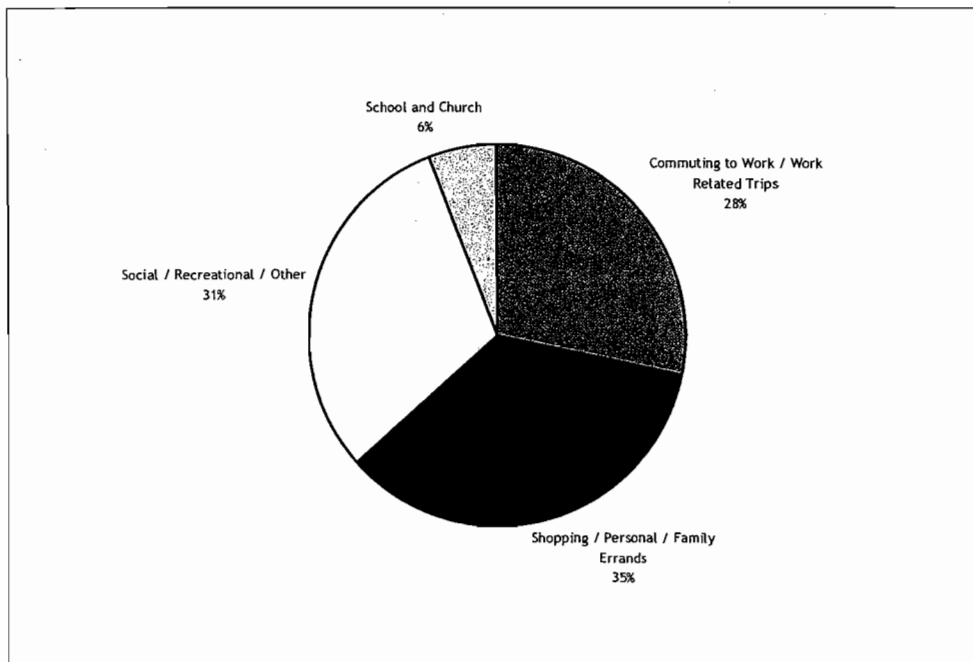


Figure 1.10
Why We Drive: National Average Person Trips by Percentage (1995 Nationwide Personal Transportation Survey)

Austin Sprawl and Air Pollution

In 1999, the Austin San Marcos Metropolitan Statistical Area (MSA) violated the proposed Federal 8-hour standard for ground-level ozone concentrations. This standard, now part of the 1991 Revised Federal Clean Air Act, is administered by the U.S. Environmental Protection Agency (EPA). Continued violations of the standard could result in a number of sanctions including the loss of highway funding.

According to a September 2000 report by City of Austin Air Quality Program staff, the reduction of regional ozone depends on lowering regional emissions of Nitrogen oxide (NO_x), one of the two precursors to ozone. The burning of fuels from cars and other vehicles are the most significant sources of NO_x (See Figure 1.11). Among of recommendations of the report was a strategy to "reduce ozone production by encouraging Smart Growth." The report recommended reducing mobile-source emissions by reducing vehicular miles traveled (VMT) per capita. The report mentioned the efforts in the Smart Growth Program to promote mixed use infill in the urban core as a method to reduce emissions. The same strategy may be employed in suburban greenfield areas in order to reduce VMT and, consequently, emissions. One may note that one the areas in central Texas that suffers the greatest level of emissions related ozone is in northwest Travis County near the sprawl plagued FM 2222 Corridor.

Much has been discussed about new technologies and mandating tailpipe emissions inspections. Yet, new EPA standards have made cars and trucks remarkably cleaner than 30 years ago. According to the EPA, a vehicle emits 60 to 90 percent less air pollution over its lifetime than a vehicle in 1970, when the Clean Air Act was first enacted. Despite new technologies to reduce pollution, emissions continues to plague metro areas like Austin. The EPA concludes that cars are getting cleaner, but people are driving more offsetting progress in controlling emissions. Per capita, Americans are driving nearly twice as many miles as they did in 1970.

Air quality is not an issue that respects political jurisdictions. It is clearly a regional problem with no easy solutions. Yet research shows that on-road vehicles is consistently a prime contributor to emissions. Most of our dirty air is being created by our own driving habits, not by industrial polluters. Although reducing driving in the 2222 Corridor will not, in itself, improve air pollution in the region, it may minimize the continued increase in emissions.

A January 2001 report by the EPA recommends that cities and metropolitan areas implement strategies to improve air quality through more effective land use planning.⁹ The report recommends Smart Growth strategies that will improve air quality through a reduction in automobile trips and VMT. The Smart Growth land use strategies recommended by EPA are:

- Transit Oriented Development
- Infill Development
- Brownfield Redevelopment
- Mixed Use Development
- Traditional Neighborhood Development
- Concentrated Town Centers
- Strengthening Existing Downtowns
- Balancing Jobs and Housing

⁹ EPA Air and Radiation Office of Transportation and Air Quality, *EPA Guidance: Improving Air Quality Through Land Use Activities*, January 2001, page 10.

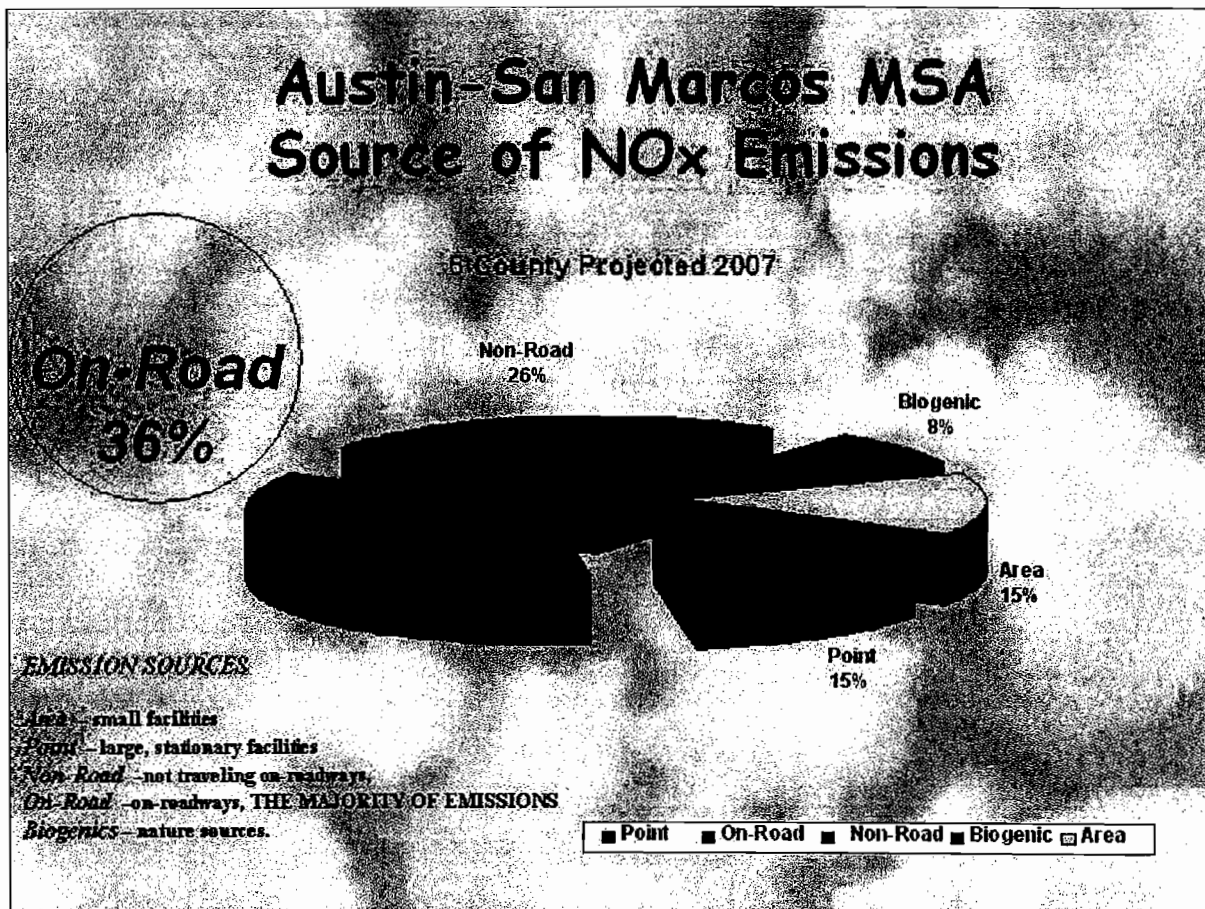


Figure 1.11
Projected 2007 source of emissions for the Austin MSA area. On Road Sources from driving contribute the most to Nox emissions.

Not all of these Smart Growth strategies apply directly to RM 2222 Corridor, yet the unifying theme seems to be pertinent: reduce unnecessary automobile trips through new mixed-use development that is compact and walkable.

New development in the Corridor and beyond is inevitable

The FM 2222 Corridor has several large privately held undeveloped tracts of land that will be developed in the future as demand continues to increase for new sites for all kinds of development. While this prospect may not be popular with existing residents who moved to the Corridor subdivisions for the scenic views and quiet lifestyle, there can be no question that, absent government purchase, development of the remaining undeveloped tracts is inevitable. Debate about new development in the Corridor often revolves around density, buffers, traffic count caps,

and property rights. However, the NIMBY (“Not in My Back Yard”) feuds between residents and developers are ultimately counterproductive.. The compromise

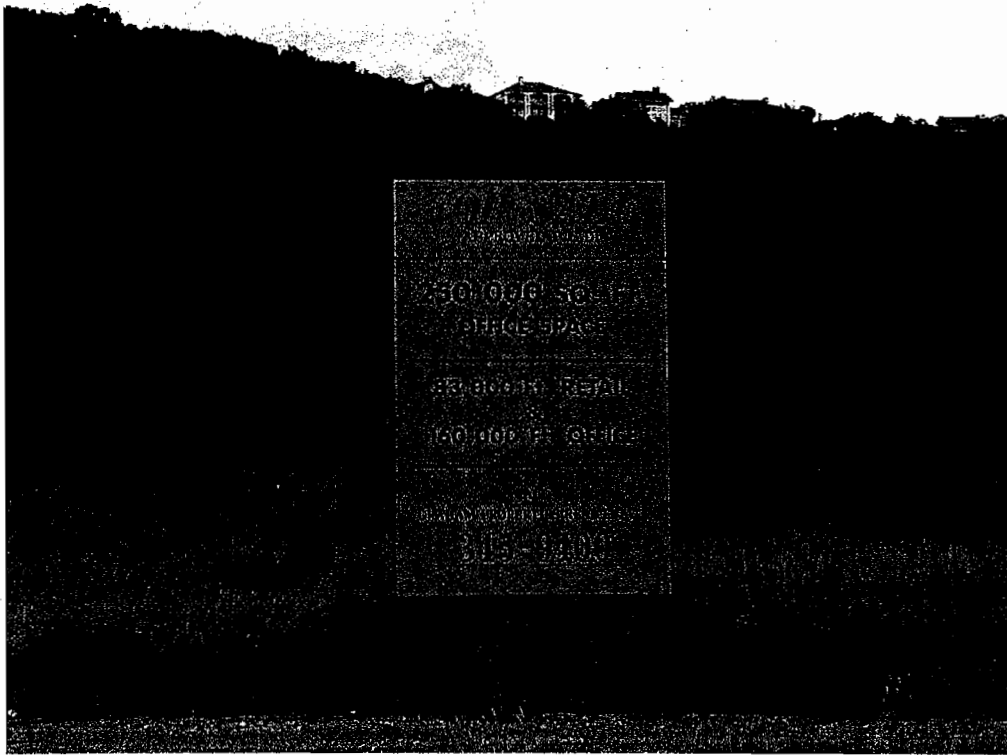


Figure 1.12
Not in My Back Yard? Much of the future development in the Corridor is already approved.

agreements made between developers and residents often make a bad problem worse as lowering density and eliminating connectivity with buffers only aggravates the traffic congestion on FM 2222. Among the highest generators of automobile trips is in fact large lot single family homes, which can generate up to 12 vehicular trips per household.

The 1999 City of Austin Water Supply Watershed Study projected the impact of approximately 800 undeveloped acres in the Corridor with “grandfathered” development entitlements” and of an estimated 1040 acres of “ungrandfathered” developable land. The study estimated that a total of 6.6 million square feet of commercial development could be built in the Corridor under existing regulations. The study estimated that a future buildout of 3,900 apartment units and 1,340 single family homes was also possible under current regulations. (See Figure 1.13) The analysis concluded that this future development would likely produce a future scenario in which virtually the entire corridor would face severe congestion. “Given that most roadways in the study area are predicted to be at failure rates of congestion, any additional development will make a bad situation worse.”¹⁰

¹⁰ City of Austin

Using ITE standards for traffic generation, the additional 1300 single family homes alone would generate almost 13,000 additional trips on RM 2222. The City of Austin's development estimates do not account for future development beyond the Corridor on Lake Travis and the Hill Country beyond.

	Grand Total Projects with permits	Urban Development and without permits	Total Projected Future Development
Total Acres	800	1,040	1840
Office (SF)	3,900,000	1,300,000	5,200,000
Retail (SF)	1,200,000	260,000	1,460,000
Multifamily (DU)	2400	1,500	3,900
Single Family (DU)	600	740	1,340
TOTAL COMMERCIAL (SF)	5,100,000	1,562,240	6,662,240
TOTAL DWELLING UNITS (DU)	3000	2,240	5,240

Figure 1.13
Projected approved development in the 2222 Corridor

Growth Estimates for Austin and the Region

Given that population growth in Central Texas is expected to continue at its historic rate through the mid-term future development in the FM 2222 Corridor inevitable. The issue of growth management is, in fact, not a question of whether or not to allow new development, but rather how and where new development will occur.

Trafficsheds and Internal Capture

Efforts to manage traffic on FM 2222 will require a more comprehensive approach that includes reducing VMT through more effective land use planning. The strategy for reducing traffic congestion should be viewed in terms of reducing demand, rather than the more expensive alternative of only adding to the supply of roadways. If new development in the Corridor continues to rely primarily on automobile travel on FM 2222 for mobility, then attempts to "manage" traffic congestion may prove futile. Alternative land development patterns are needed to minimize the vehicular trips on FM 2222 by "capturing" traffic within compact and walkable communities.

The idea of minimizing traffic on major transportation routes like FM 2222, is analogous to the strategy behind managing drainage. Drainage regulations are in place to minimize the effect of runoff and pollution from new development. As water hits the new impervious cover on a newly developed site, it runs off onto adjacent properties until it finds a drainage conveyance channel or waterway. Unless the water is intercepted or detained, the runoff will flow directly into the waterway. If too much water flows directly into the drainage way, the waterway will overflow leading to flooding. Roadways, like waterways, are simply corridors which involve a type of flow. Like waterways, roadways have a finite capacity that can accommodate the medium it carries (traffic

instead of water). If virtually all traffic “runoff” is allowed to find its way to the corridor, then the capacity is overwhelmed and the result is traffic congestion.

The alternative approach is similar to the water quality measures which intercept the flow of water and keep as much of it onsite as possible in detention ponds. Water is simply detained into detention ponds and released later more slowly and safely. Similarly, a “traffic detention and retention” system would attempt to keep as traffic off of the FM 2222 Corridor roads. Within the FM 2222 Corridor “traffiched”, development patterns would permit alternative transportation routes between adjacent uses and developments. A network of connecting streets will help to diffuse traffic that would otherwise be forced onto a single collector street which in turn would empty all traffic onto to FM 2222.

Traffic Detention and Walkable Town Centers

Compact and walkable mixed-use communities act effectively as “traffic detention ponds” by capturing traffic within the neighborhood. Conventional suburban strip centers are designed for the convenience of the automobile and “the get in and get out” form of shopping. This contributes to the problem of “trip chaining” in which each errand requires a separate vehicular trip, sometimes within the same shopping area. The “trip chaining” phenomenon adds significantly to traffic congestion on roads like FM 2222. For a resident in a mixed use neighborhood with a commercial town center, traffic can be “retained” within the neighborhood itself. The mixed use neighborhood with a town center is far more self-sustaining and far less reliant on driving on the adjacent highway for all goods and services. The design of the town center itself is critical as well. The town center is far more successful if it becomes a “park once” destination, in which someone can do several personal errands within a single walkable environment. Town centers can become a destination shopping and have minimal traffic impact on 2222. If several vehicular trips are consolidated into a “park once” single shopping experience, traffic can be “detained” and the potential for traffic congestion minimized. The development of mixed use town centers could also intercept the flow of traffic from residents who live along the Corridor who are pursuing shopping services in destinations elsewhere, such as the Arboretum or Lakeline Mall.



Figure 1.14
A "Park Once Environment". Orenco Station, a new walkable mixed use town center near Portland, Oregon is a place to work, live, shop, and play. Under current City of Austin regulations, Orenco Station would be completely illegal in the RM 222 Corridor.

The configuration and integration of workplaces with complementary commercial and residential uses are a critical component to the concept of "detaining" and "retaining" traffic. In the sprawl development pattern, suburban employment centers and office parks become great traffic generators which contribute to traffic congestion. Built at very low densities, the isolated office park and corporate headquarters creates an instant supply of consumers without an accessible supply of services. With every new office park come 500 employees who need a place to drop off their laundry, make copies, drink coffee, pick up a gift, or meet for lunch. For the suburban worker in an isolated office park, each one of these activities necessitates a separate automobile trip. Major employers such as Dell have resorted to concierge services for their employees to take care of their multiple errands which are scattered along highways and arterial streets.

Conclusion

Given the projections for new development in the Corridor and beyond, a significant shift in development and transportation patterns is needed to reduce the expected growth in traffic congestion in the Corridor. Unchecked, the future of the FM 2222 Corridor will look like what has already occurred on Loop 360: a once picturesque hill country highway now almost completely mired in traffic congestion. Despite buffers, strict environmental regulations, and presumably "low

intensity” low density development, Loop 360 faces some of the worst traffic in the central Texas region. *From 1990 to 1998 official Txdot estimates indicate that traffic on Loop 360 increased from 19,600 trips to 42,000, an incredible increase of 114% in just 8 years.*¹¹ The combination of ubiquitous autocentric office parks, large lot subdivisions, apartment complexes and strip centers has made turned made the 360 Corridor a prime example of land and transportation planning that are completely unrelated.



Figure 1.15
Sprawl development on Loop 360. The future of the 2222 Corridor?

There is still opportunity to make changes in land planning policies that can help to reduce the growth of VMT and the demand for additional lane capacity on FM 2222. Promoting Smart Growth principles are critical to creating a sustainable alternative to the emerging pattern of sprawl already dominant in the Loop 360 Corridor. Implementing these principles will mean reevaluating existing land development regulations which promote low density development as the only appropriate form of development in the Drinking Water Protection Zone.

¹¹ From 1998 Txdot Traffic Count at Loop 360 North at Spicewood Springs Rd. to RM 2222

PART II
Current Development Regulations



Part 2: Current Development Regulations

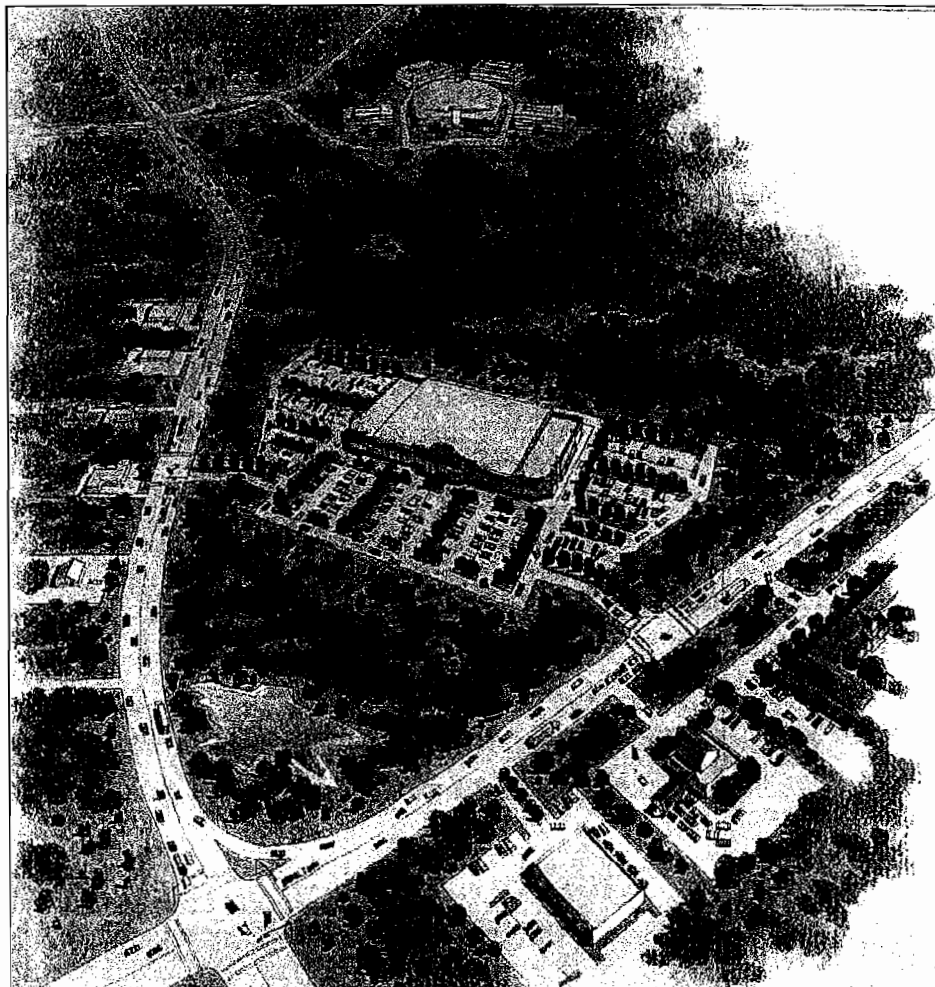


Figure 2.1

This "big box" retail development represents a hypothetical example of a future project built along 2222 under the complex layers of existing development regulations. It is low density development, but does it represent desirable quality growth?

Do Current Development Regulations Contribute to Sprawl?

Sprawl is a pattern of development that includes low residential density, the separation of land uses, a lack of connectivity between uses, and leapfrog development. In the FM 2222 Corridor, sprawl is a product of the interplay between the physical landscape, market forces, and the regulatory

environment. Ironically, some of the regulations intended to mitigate the impact of market forces on environment have contributed to sprawl. The regulatory environment in Austin includes three City processes and sets of regulations: zoning, subdivision and site plan approval. Not all land within the Corridor is subject to all three of these regulations. The City's zoning, and site plan requirements apply in the full and limited purpose jurisdiction. Subdivision requirements and water quality related site plan requirements apply in the full and limited purpose jurisdiction and in the ETJ. Arguably, Federal requirements regarding endangered species have had the greatest impact on development in the Corridor. Much of the Corridor has been identified as prime habitat for the endangered golden-cheeked warbler and the endangered black-capped vireo subjecting property to the provisions of the Endangered Species Act. Analysis of existing regulations demonstrate that alternative standards may be a necessary tool to preserve more open space by promoting compact development in appropriate areas within the Corridor.

Zoning

Zoning is the division of a city into use (zoning) districts and the imposition of land use regulations for each district. These regulations specify permitted uses, the height and bulk of the buildings, density and intensity of the uses and site development standards including impervious cover. Applications for rezoning can be the basis for requiring developers to phase proposed projects to the availability of transportation improvements and to require cost participation in the construction of those improvements. Inside the City, zoning is the first step in the development process.

Building and land use compatibility is the operating theory behind zoning. Zoning by use was conceived in reaction to the industrialization of the late 19th Century, in which polluting factories were constructed adjacent to existing homes and neighborhoods. Zoning laws enacted in the 20th Century allowed cities to separate land uses (residential, shopping, industrial, and office) into separated zones in order to preserve compatibility. The segregation of land uses is standard land planning today, as the elements which make up a vital community have been redefined in terms of its respective parts: residential subdivisions, office parks, strip retail centers, and apartment complexes. The sum of the parts, as it turns out, is often rather disappointing. The effect of highly segregated land use through zoning is manifested in the dramatic increase in driving and traffic congestion. Walking is very difficult at best. The main weakness in conventional zoning is that it often prohibits the very design characteristics which create a vital and engaging community (shallow setbacks, compact densities, mix of uses, and hidden parking).¹ Indeed many of the most livable and walkable neighborhoods and towns built before World War II (Charleston, Savannah, Hyde Park, downtown San Antonio) were designed and built without the need for zoning at all.

Most of conventional zoning remains proscriptive in nature; the emphasis is on what a building is *not*, rather than how it can reinforce the quality of the public space around it. The underlying approach to zoning regulations seems to be an attempt to minimize the impact of each new building on the rest of the landscape with maximum buffers, building setbacks, and ornamental landscape

screening. This reinforces the concept of new buildings as free standing objects to be tamed in the landscape. The object building is typically regulated as if it were to be its own universe.



Figure 2.2
Zoning diagram illustrating the existing zoning in the Corridor. Light yellow colors indicate areas zoned for single family homes. Red and purple areas indicate commercial and office uses. Blue areas indicate public or civic sites. Green areas indicate preserve and open space. Striped areas indicate customized planned unit developments.

Recent additions to the Austin Land Development Code attempt to add some flexibility to standard zoning practices. Tracts with existing zoning may apply for a "Mixed Use" overlay zoning, which would allow for more mixed use within a site. The Traditional Neighborhood District Zoning allows a great mixture of uses within a tract. Specific zoning for a particular tract may be negotiated as a Planned Unit Development, which allows for more flexibility. Many PUD projects claim to be mixed use, yet each of the multiple land uses remains highly segregated within the larger tract. (See Figure 2.3)

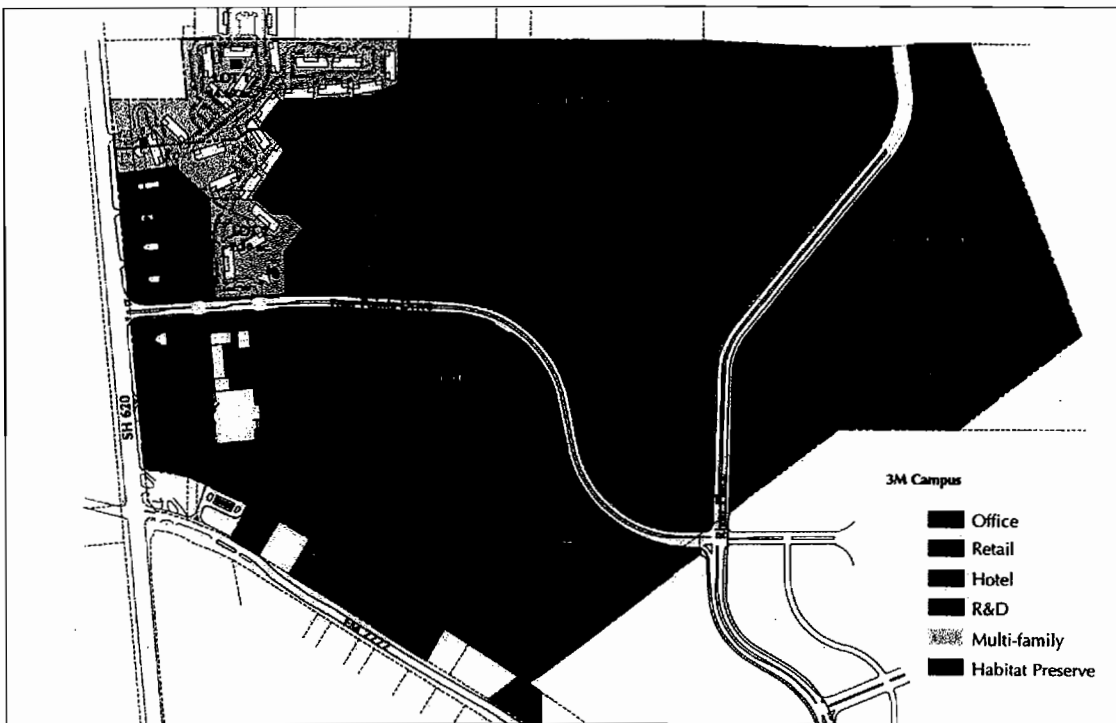


Figure 2.2:
Future Four Points Centre at 620 and 2222. Even within this "Mixed Use Development" Planned Unit Development, land uses are strictly segregated and walking will be difficult at best.

Subdivision

Subdivision is the division of land into two or more lots. The subdivision of land triggers the requirement to meet minimum standards prior to the approval of the subdivision plat. These standards include lot size, access, the provision of utilities and maximum allowable impervious cover. The City may also require the dedication of rights-of-way, parks and certain other public improvements directly related to the development as part of the subdivision approval process. The City's authority to enforce its regulations extends throughout its ETJ.