

ZONING REVIEW SHEET

CASE: C814-06-0202

Z.A.P. DATES:

- May 15, 2007 – Staff requested a postponement to June 19, 2007; Granted by ZAP;
- June 19, 2007 – Staff requested a postponement to July 17, 2007; Granted by ZAP;
- July 17, 2007 – Applicant requested a postponement to July 31, 2007; Granted by ZAP;
- July 31, 2007– ZAP requested from applicant to postpone item due to attendance of only 5 ZAP members; Applicant agreed to postpone to September 4, 2007; Granted by ZAP;
- July 31, 2007– Chair of the ZAP convened a taskforce to discuss request and set meeting date for August 28, 2007;
- August 28, 2007– Taskforce met and took no vote on the request. Additional information was requested of the applicant;
- September 4, 2007 – Postponement request filed by applicant; neighborhood opposes. Postponement granted by ZAP to October 2, 2007 at the request of the applicant;
- October 2, 2007 – ZAP opens public hearing on the case and continues to October 16, 2007. Public hearing remains open.
- October 16, 2007 – ZAP continues case to December 4, 2007;
- December 4, 2007 – ZAP holds public hearing and closes the public hearing continuing the case to December 18, 2007 requesting additional information of the applicant and Staff.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

December 18, 2008:

RECOMMENDED APPROVAL OF PUD WITH CONDITIONS .[S. HALE; J. SHEIH 2ND;

Vote: 5-2 (C. Hammond; T. Rabago – against; J. Martinez left early)] (Please see attached motion sheet)

ADDRESS: 1703 River Hills Road

OWNER: Pier Partners LP, (Eric Moreland)

AGENT: Clark, Thomas & Winters, PC
(John Joseph)

REZONING FROM: CS-1 (Commercial Liquor Sales) district and LA (Lake Austin Residence) district

TO: PUD (Planned Unit Development)

AREA: 10.315 Acres

SUMMARY ZONING AND PLATTING COMMISSION RECOMMENDATION:

December 4, 2007:

CLOSED PUBLIC HEARING AND CONTINUED TO 12/18/07 (ZAP)

- ***STAFF TO REVIEW THE NEW TRACT OF LAND;***
- ***APPLICANT GIVE ALL INFORMATION TO STAFF;***
- ***APPLICANT LOOK AT A 30-45' HEIGHT LIMIT***
- ***DEEDS FOR ADJOINING LOTS ACCESS***

[S.HALE, B.BAKER 2ND] (8-0)

SUMMARY ZONING AND PLATTING COMMISSION RECOMMENDATION:

July 31, 2007:

POSTPONED TO 09/04/07 (PC)

[C.HAMMOND, J.SHIEH 2ND] (5-0) S.HALE –NOT YET ARRIVED; J.MARTINEZ, J.GOHIL – ABSENT

** CHAIR BAKER APPOINTED A TASK FORCE SUBCOMMITTEE CONSISTING OF COMMISSIONERS HALE, HAMMOND, RABAGO, JACKSON; SUBCOMMITTEE TO MEET AT 6:00 P.M. ON AUGUST 28, 2007 @ TOWN LAKE CENTER BUILDING (AUSTIN ENERGY).*

SUMMARY ZONING AND PLATTING COMMISSION TASKFORCE RECOMMENDATION:

August 28, 2007:

THE TASKFORCE MET FROM 6PM TO 10 PM AT THE AUSITN ENERGY BLDING TO DISCUSS THE REQUEST FOR PUD ON THE SITE. TESTIMONY WAS TAKEN FROM INDIVIDUALS IN FAVOR AND AGAINST THE REQUEST. APPLICANT WAS ASKED TO PROVIDE ADDITIONAL RESEARCH AND INFORMATION ALONG WITH SEVERAL QUESTIONS AND WILL RESPOND AT THE PUBLIC HEARING. NO VOTE WAS TAKEN.

ISSUES:

- On September 10, 2007, the applicant submitted a request for limited purpose annexation for approximately 2.425 acres. The total area to be rezoned is 10.315 acres per the submitted field notes. (Please see Attachment A).
- On July 11, 2007, the Environmental Board considered variances requested for the Pier project resulting in a unanimous recommendation for disapproval. (Please see Attachment B).
- On March 28, 2006, the Parks Board considered a dry-stacked marina for the Pier project recommending approval of such facility. (Please see Attachment C).
- On November 20, 2007, City Staff received an update regarding land uses and site development standards. (Please see Attachment D).
- On December 4, 2007, the Zoning and Platting Commission directed Staff to evaluate the applicant's superiority issues. The Staff evaluation is contained in Attachment E.

SUMMARY STAFF RECOMMENDATION:

At this time, Staff cannot recommend approval of the PUD application based on the information submitted by the applicant. Furthermore, at this time, Staff offers an alternate recommendation of CR-CO. The conditional overlay shall limit the daily vehicle trips to less than 2,000 per day. The recommendation is based on the following considerations:

1. At this time, the proposed PUD has not demonstrated accomplishment of the provisions of LDC [25-2-144 (C)] requiring superiority over development that would occur under conventional zoning and subdivision regulations;
2. The proposed land uses and development may be achieved through conventional zoning allowing for a compatible mix of land uses along Lake Austin and addressing variances requested; and
3. The alternate Staff recommendation accomplishes land use compatibility while encouraging a mix of land uses that may integrate to the existing land uses with the proposed land uses along Lake Austin.

BACKGROUND

On September 13, 1984, the property was rezoned from “A”—Residence and “Interim LA” 1st height & area to “C-2” 1st height & area under Ordinance No. 84-0193-Q imposing conditions that subsequent requests for expansion or changes of the existing land use should be accompanied by a site plan and require approval of the Planning commission and City Council per the approved restrictive covenant (Please see attachment F).

On December 9, 2005, a rezoning case was filed for the same property under case C14-05-0211 which requested to rezone the property from CS-1 to CR (Community Recreation). The case was heard before the Zoning and Platting Commission on April 4, 2006 and postponed indefinitely at the request of the applicant. The case expired on October 4, 2006.

DEPARTMENT COMMENTS:

The subject rezoning area consists of a 10.315 acre site including the once used Pier restaurant zoned CS-1 and LA divided into 3 tracts as depicted in the land use plan. Access to the property is via an existing private driveway off River Hills Road.

The existing facility, currently not in operation, consists of 2,559 square feet of restaurant for dining and indoor recreation, restroom facilities and kitchen; 5,400 square feet of outdoor uncovered dining; 707 of covered dining and deck adjacent to Lake Austin; 260 square feet of uncovered deck adjacent to Lake Austin; 18 boat stalls and refueling facilities and a stage with lighting and sound for live music entertainment.

The applicant proposes to rezone the property to PUD district to allow for commercial, retail, dry-stacked marina, and restaurant uses along with requested environmental variances. A 10,000 square feet restaurant is proposed along with a 25,000 square feet dry-stacked marina with a capacity for approximately 180 boats. Boat access to Lake Austin is proposed via a fork-lift system by which boats will be lowered onto the lake by way of designated access.

Specifically, the applicant requests the following:

1. Land uses:

- Tract 1: All uses permitted and conditional in the GR – Community Commercial district;
- Tract 2: All uses permitted and conditional in the GR – Community Commercial district with the addition of Marina and Recreational equipment Maintenance and Storage; and
- Tract 3: No uses allowed;

For commercial land uses:

- Area: 4.136 acres;
- Maximum FAR: 0.06:1;
- Minimum lot size: 1 acre;
- Maximum building height: 45 feet;
- Setbacks:
 - Front yard: 25 feet;
 - Side street side: 25 feet;
 - Interior side yard: 8 feet;

- Maximum impervious cover: 50%;

For recreational equipment maintenance & storage and marina land uses:

- Area: 1.526 acres;
 - Maximum FAR: 0.40:1;
 - Total square footage: 25,000 square feet;
 - Minimum lot size: 1 acre;
 - Maximum building height: 60 feet;
 - Setbacks:
 - Front yard: 25 feet;
 - Side street side: 25 feet;
 - Interior side yard: 20 feet;
 - Rear yard: 15 feet
 - Maximum impervious cover: 65%;
 - Total impervious cover allowed: 20%
 - Total impervious cover requested: 40%
2. Water quality requirements would be met through on-site water quality facilities, or other environmental mitigation methods approved by the City and adopted as a part of the PUD ordinance;
 3. The project intends to be a Green Builder, provide Rainwater Harvesting and an Integrated Pest Management Plan;
 4. Community Benefits.
 - Restaurant
 - (i) Family dining facilities — Indoor and outdoor, attracting patrons by vehicle and watercraft as well as pedestrian visitors;
 - Restroom Facilities — Deter pollution of the lake and reduce the potential for contamination;
 - Indoor Live Music Venues;
 - Dry Boat Storage and Maintenance;
 - Employment Opportunity;
 5. Community Aesthetics — This location has become known in the community and recognized by generations of Austinites as an Austin icon and a required visit by tourists and visitors to Lake Austin. The Pier has become synonymous with lake dining and musical entertainment. Few visits to Austin are complete without a burger and fries on the deck at the Pier;
 6. Wastewater — Convert the existing septic drainfield to a system of current design and construction;
 7. Fuel Storage — Provide for a fuel storage, containment, and delivery system that meets or exceeds city and state standards and place the storage facility in a location that is not adjacent to the lake;
 8. The Proposed PUD results in development superior to conventional development that would be permitted under current zoning and subdivision regulations in the following ways:
 - Maximization of available resources;
 - Homogeneous multi-use facilities;

- Contributions to storm water facilities;
 - Contributions to water quality facilities;
9. The Proposed PUD Enhances Preservation of the Natural Resources:
- Rainwater;
 - Green Builder;
 - Herbicide and Pesticide Plan;
 - Landscape buffer between the Pier Development and adjoining properties;
 - Minimizes current runoff into Lake Austin;
 - The new gas storage facility will further protect the environmental quality of Lake Austin;
 - The Proposed PUD Encourages High Quality Development and Innovative Design; and
 - The Proposed PUD Ensures Adequate Public Facilities and Services.
10. The applicant has offered the following concessions:
- Provide a slope map and Q1/Q2 tables, including existing impervious cover;
 - Provide an Environmental Assessment, as defined by 25-8-121;
 - Provide details concerning the proposed capture of 100,000 gallons of rainwater;
 - Obtain a Letter of Intent from the Green Building program that clarifies whether a one star or two star rating will be pursued;
 - Provide a copy of the IPM plan;
 - Provide details of the landscape buffer;
 - Provide details of the type of vegetation to be planted in the landscape buffer; and
 - Provide details of the gas storage, containment and delivery system, including location.

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

1. 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 15 feet in depth for the construction of a Recreational Equipment Maintenance and Storage Building.
2. 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 six feet in depth for the construction of landscaping berms.
3. Section 25-8-454(D)(1) (Uplands Zone) is modified to allow for impervious cover in excess of 20% but not to exceed 40% of the net site area of the property within the Uplands Zone which excludes one acre that is designated for use as a septic drain field.
4. Section 25-8-454(D)(2) (Uplands Zone) is modified to allow for a minimum of 0% of the site to be retained in or restored to its natural state to serve as a buffer.
5. Section 25-7-92(B) (Encroachment on Floodplain Prohibited) is modified to allow for the construction of water quality controls, a paved connection from the vertical lift to the boat storage, a portion of the drive and walkway serving the restaurant, boat docks, decking and the reconstruction of the restaurant within the 100-year floodplain.

6. Section 25-8-261 (Critical Water Quality Zone Development) is modified to allow for the construction of permeable pedestrian pavement, a vertical boat launch facility, a paved connection from the vertical lift to the boat storage, boat docks, and decking.
7. Section 25-7-96 (Exceptions in the 25-Year Floodplain) is modified to allow for the construction of boat docks and decking within the 25-year floodplain and the reconstruction of the restaurant within, but raised above, the 25-year floodplain.
8. Section 25-6-Appendix A (Tables of Off-street Parking and Loading Requirements) is modified to require one (1) parking space for every four (4) boat slips within the Recreational Equipment Maintenance and Storage Building.
9. Section 25-2-1063 (Height Limitations and Setbacks for Large Sites) is modified to allow for a reduction in setback and height limitations as shown on the attached Land Use Plan.
10. Section 25-2-1067 (Design Regulations) is modified to allow for a parking area or driveway to be constructed within 25 ft. or less from a lot that is in an SF-5 or more restrictive zoning district; or on which a use permitted in an SF-5 or more restrictive zoning district is located.
11. Section 25-7-2 (Obstruction of Waterways Prohibited) is modified to allow for an obstruction in a waterway.
12. Section 25-7-152 (Dedication of Easements and Right-Of-Way) is modified to not require the owner to dedicate to the public an easement or right-of-way for a drainage facility, open or enclosed, and stormwater flow to the limits of the 100-year floodplain.
13. 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.
14. 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.
15. Section 25-452 (Critical Water Quality) is modified to allow development in a critical water quality zone.

EXISTING ZONING AND LAND USES:

| | ZONING | LAND USES |
|--------------|---------------|---|
| <i>Site</i> | CS-1/LA | Former Pier Restaurant / Undeveloped land |
| <i>North</i> | LA | Travis County Water Treatment Plant Expansion |
| <i>South</i> | LA | Travis County Water Treatment Plant Expansion |
| <i>East</i> | N/A | Lake Austin |
| <i>West</i> | LA | Undeveloped land |

AREA STUDY: Lake Austin Area

TIA: Waived (Please see Transportation comments)

WATERSHED: Lake Austin

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

NEIGHBORHOOD ORGANIZATIONS:

153--Rob Roy Home Owners' Association Inc.
 243--River Hills Neighborhood Assn.
 434--Lake Austin Business Owners
 605--City of Rollingwood
 965--Old Spicewood Springs Rd. Neighborhood Assn.
 996--Bee Caves Road Alliance

RELATED CASES:

| NUMBER | REQUEST | COMMISSION | CITY COUNCIL |
|----------------|--|--|---|
| C14-83-003.189 | "A" & "I-LA" 1 st H&A to "C-2" 1 st H&A. | 03/20/84: Recommended granting to "C-2" 1 st H&A noting that subsequent requests for expansion or changes of the existing land use should be accompanied by a site plan and require approval of the Planning commission and City Council and "LA" 1 st H&A on balance. (8-0) | 04/12/84: APVD C-2, 1ST H&A & LA ON BALANCE (5-0); 1ST RDG. 09/13/84: APVD LA, 1ST H&A; 3RD RDG. |
| C14-05-0211 | CS-1 to CR | 01/31/06: PP TO 3-7-06 BY CONSENT (STAFF); (8-0) 03/07/06: PP TO 4-4-06 (STAFF); (9-0) 04/04/06: PP INDEF (AP) (7-0) | N/A |

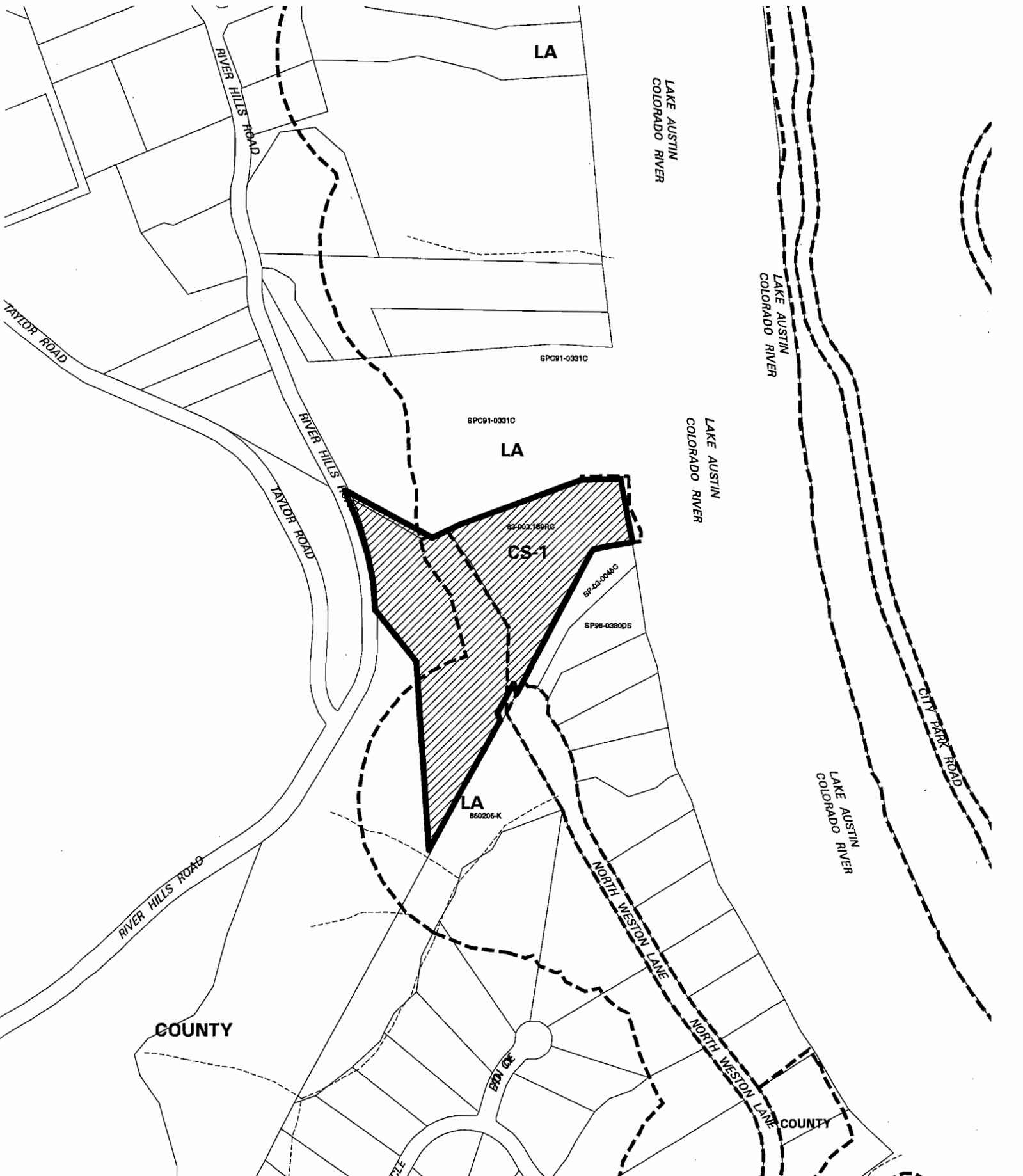
CASE HISTORIES: N/A**ABUTTING STREETS:**

| NAME | ROW | PAVEMENT | CLASSIFICATION | SIDEWALKS | BICYCLE PLAN |
|------------------|--------|----------|----------------|-----------|--------------|
| River Hills Road | 50' | Varies | Collector | No | No |
| Weston Lane | Varies | Varies | Collector | No | No |

CITY COUNCIL DATE:


January 31, 2008

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





1" = 400'

| | | | | |
|-----------------------|---|------------------------------|--|---|
| SUBJECT TRACT |  | PLANNED UNIT DEVELOPMENT | | CITY GRID REFERENCE NUMBER D27 |
| PENDING CASE |  | CASE #: C814-06-0202 | | |
| ZONING BOUNDARY |  | ADDRESS: 1703 RIVER HILLS RD | | |
| CASE MGR: J.ROUSSELIN | | DATE: 06-10 | | |
| | | SUBJECT AREA (acres): 10.315 | | INTLS: SM |

1703 River Hills Rd.
C814-06-0202

SPC91-0331C

SPC91-0331C

LA

Lake Austin

83-003.189RC

CS-1

SP96-0380DS

SP96-0380DS

LA

LA

CITY PARK

Legend

- Zoning
- Base
- Center Line
- Major Roads



100 0 100 200 Feet

C814-06-0202

This map has been produced by the City of Austin as a working staff map and is not warranted for any other use. No warranty is made by the City regarding its accuracy or completeness.

STAFF RECOMMENDATION

At this time, Staff cannot recommend approval of the PUD application based on the information submitted by the applicant. Furthermore, at this time, Staff offers an alternate recommendation of CR-CO. The conditional overlay shall limit the daily vehicle trips to less than 2,000 per day. The recommendation is based on the following considerations:

1. At this time, the proposed PUD has not demonstrated accomplishment of the provisions of LDC [25-2-144 (C)] requiring superiority over development that would occur under conventional zoning and subdivision regulations;
2. The proposed land uses and development may be achieved through conventional zoning allowing for a compatible mix of land uses along Lake Austin; and
3. The alternate Staff recommendation accomplishes land use compatibility while encouraging a mix of land uses that may integrate to the existing land uses with the proposed land uses along Lake Austin.

BASIS FOR RECOMMENDATION

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

The proposed PUD does not provide benefits that could not be accomplished through standard zoning. The staff does not support the increase in height as there is no transition in the intensity of uses away from the established residential neighborhood.

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

At this time, the proposed PUD will not result in a superior development than that which could have occurred using conventional zoning. In this application, the applicant is requesting additional height, inclusion of incompatible land uses, and has not demonstrated benefits/improvements to the PUD that will result in superior development of the site. Therefore, the staff cannot determine the overall impact of the increase in the intensity of uses and development standards to the PUD and to surrounding developments. Furthermore, the concessions offered by the applicant do not accomplish superiority as quantification of such concessions is not clear.

EXISTING CONDITIONS

Site Characteristics

The subject rezoning area consists of a 10.315 acre site including the once used Pier restaurant zoned CS-1 and LA divided into 3 tracts as depicted in the land use plan. Access to the property is via an existing private driveway off River Hills Road.

The existing facility, currently not in operation, consists of 2,559 square feet of restaurant for dining and indoor recreation, restroom facilities and kitchen; 5,400 square feet of outdoor uncovered dining; 707 of covered dining and deck adjacent to Lake Austin; 260 square feet of uncovered deck adjacent

to Lake Austin; 18 boat stalls and refueling facilities and a stage with lighting and sound for live music entertainment.

Electric - DAVID LAMBERT 322-6109

EL 1. For information on the Green Builder program and standards, contact Katie Jensen at 482-5407.

EL 2. FYI: Any relocation of electric facilities shall be at landowner's/developer's expense.

EL 3. Austin Energy has no objection to the proposed PUD.

Site Plan - LYNDIA COURTNEY 974-2810

SP 1. The proposed compatibility waivers seem to be excessive, considering the size of this property, the ability to setback substantially from adjacent single family properties; the necessity for additional height over and above compatibility limitations is not clear.

SP 2. Please specify land uses, with maximum proposed limitations per area for impervious cover, building coverage, parking, infrastructure and facilities. Show proposed areas of preservation and general areas of access.

SP 3. Provide specific proposals for environmental preservation, maintenance and enhancement that would function as the "better than standard design" tradeoff for this PUD proposal. This could include tree protection and preservation, IPM plan, enhanced or alternative water quality proposals, etc.

Environmental - BETTY LAMBRIGHT 974-2696

FYI—ADDITIONAL COMMENTS MAY BE GENERATED WHEN THE REQUESTED INFORMATION HAS BEEN SUPPLIED.

Update #2: 5/7/07

EV 01. A PUD must result in development that is environmentally superior, yet you are requesting at least 5 variances from Section 25-8. Please be advised that the concessions you have offered (IPM, an unspecified level of Green Building, an unspecified amount of rainwater collection, and landscape buffer) are often the standard conditions for sites requesting 1 or 2 variances. The information you have provided does not indicate that you are proposing a superior design. Please provide more details.

Update #2: Some of the requested information has been provided.

- You propose to capture 100,000 gallons of rainwater with 10 tanks (12' tall x 12' diameter). Please provide a breakdown of the areas that would contribute to this amount (roofs, parking,

etc) and how you calculated the amount (number of inches per year, etc). What do you propose to do with the captured rainwater?

- You propose to achieve either a one or two star Green Building rating. However, as I indicated in the 4/26/07 meeting with Kelly Cannon, there is a wide discrepancy in that proposal. Have you discussed this with the Green Building personnel, as I said in my last update?
- You mention a landscape buffer between the development and adjoining properties, yet your land use plan proposes compatibility setbacks on all sides, some of them to zero feet. Please clarify how that would work.

The following information has not been addressed.

- Please provide a slope map and Q1/Q2 tables.
- Please provide an Environmental Assessment, as defined by 25-8-121.
- You have provided a comparison between current code and the environmental exceptions being requested. The exceptions are:
 1. 25-8-341: Cut over 4' (to 20')
 2. 25-8-342: Fill over 4' (to 6')
 3. 25-8-454(D)(1): Increase impervious cover from 20% to 45%
 4. 25-8-454(D)(2): Reducing the 40% natural area to 0%
 5. 25-8-261: Construction in the Critical Water Quality Zone
 6. Exception from LDC 25-8-452 (Critical Water Quality Zone)
 7. 25-8-301: Construction of a Roadway/Drive on slopes over 15%
 8. 25-8-302: Construction of Building/Parking on slopes over 25%

Several of these exceptions were not identified in your 4/25/07 letter.

Because of the scope of the environmental variances and the lack of adequate information to evaluate the proposal, this reviewer cannot recommend the PUD zoning.

Parks - RANDY SCOTT 974-6737

PR 1. All docks should be removed or noted as to be approved by Parks Board.

PR 2. Parking should be provided at .7 parking spaces for each boat in the storage facility.

Water Quality - FORREST NIKORAK 974-2239

WQ1. This project is cleared with respect to water quality requirements.

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.

WQ2. Water quality requirements of LDC 25-8-211 and 213 will apply to proposed impervious cover.

WQ3. Statements claiming superior development, appear difficult to justify as the application is proposing the elimination of the down stream 40% buffer, development in the critical water quality zone, and increasing allowable impervious cover from 20 to 45%. Please address this issue.

WQ4. Conflicting statements are made in the in the Variance Request and the "Development Purpose Statement" letter. One indicates an increase of allowable impervious cover of from 20% to 45%. The Purpose statement indicates impervious cover of less than what is currently permitted on the site. Please clarify.

Flood Plain Review – TODD PANKEY 974-3399

FP1. This project would require floodplain Variances from LDC 25-7-2 Obstruction in the waterway, 25-7-92 encroachment in the 100yr floodplain, 25-7-152 dedication of a drainage easement to the extent of the fully developed floodplain.

Fire Review - JAMES REEVES 974-0193

REJECTED

FR 1. An adequate water supply with sufficient fire hydrants must be provided.

FR 2. Access roadways on the property must be extended to within 150 feet of all portions of exterior walls of the first story of all buildings.

FR 3. Access roadways must have a minimum of 25 feet unobstructed width.

FR 4. Unobstructed turning radii of 50 feet outside and 25 feet inside must be provided for all turns.

FR 5. Incline on access roadway must not exceed 13% for asphalt roads and 15% for concrete roads. Maximum immediate grade change within 20 feet shall not exceed 10%.

FR 6. All other applicable requirements of the IFC must be met.

Subdivision - DAVID WAHLGREN 974-6455

All comments clear.

SR 1. Your application shows this site to be in the 2-mile ETJ. For clarification you are located in the full purpose COA for 150 +/- on lake side of the lot, and the remaining portion is in the Limited Purpose Jurisdiction area. No portion of this site is in the ETJ.

SR 2. It appears that this site has never been platted. If this is true, do you have a subdivision exemption or exception?

SR 3. Because a portion of this site is located in the Limited Purpose area, Travis County approval may be required for certain site plans and subdivisions.

WWW - PAUL URBANEK 974-3017

WW 1. City of Austin water and wastewater service is not available. The landowner should provide written evidence that the site has an approved water supply and means of wastewater disposal adequate for the land use.

Drainage Construction - JAVAD OSKOUIPOUR 974-2639

Update #1:

The project is located at. It is located in the watershed, which is classified as. This project located within the Edwards Aquifer Contributing Zone. DC 1.

- DC 1. Please delineate the 25 and 100-year floodplain on the land use plan. The project is requesting a variance from LDC § 25-7-92 (Encroachment on floodplain prohibited) to allow construction within the 100 year floodplain. However, the code reference is concerned with construction in both the 25 year and the 100 year floodplain. The proposed development in the 100 year floodplain will need to demonstrate the requirements listed in § 25-7-92 (C)(1)(a)-(b) are met. The proposed development located within the 25 year floodplain must meet the requirement in § 25-7-96 (Exceptions in the 25 year floodplain).
- DC 2. This comment will be address at the site plan stage. The proposed project will need to dedicate an easement for stormwater flow to the limits of the 100-year floodplain as required per the LDC § 25-7-152 (Dedication of easements and rights-of-way).

Industrial Waste - JOHN MCCULLOCH 972-1060

IW1. No requirements at this time.

Transportation - JOE ALMAZAN 974-2674

- TR 1. No additional right-of-way is needed at this time. Dedication of additional right-of-way will be addressed during the subdivision process.
- TR 2. If the requested zoning is granted, it is recommended that vehicular access to Weston Lane be prohibited as a condition of zoning except for pedestrian only access.

- TR 3. A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]
- TR 4. The trip generation under the requested zoning is estimated to be 1,864 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).
- a.) The trip generation is based on the proposed 10,000 sq.ft. general restaurant use and proposed 200 marina berths for boats. Based on the existing development (2,559 sq.ft. restaurant and 18 marina berths), the net increase in site traffic is estimated will be **1,486 trips per day**.
- TR 5. There are no sidewalks along River Hills Rd.
- TR 6. River Hills Rd. is not classified in the Bicycle Plan as a Priority 1 or 2 bike route.
- TR 7. Capital Metro bus service is not available within 1/4 mile of this property.
- TR 8. Existing Street Characteristics:

| Name | ROW | Pavement | Classification | Daily Traffic |
|-----------------|--------|----------|----------------|---------------|
| River Hills Rd. | 50 ft. | 20 ft. | Collector | N/A |

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

REJECTED -- Formal Update Required. Please submit updated material to Intake and distribute to all reviewers in this list.

- ZN 1. Acceptance of application with reduced area to include land within the City of Austin is accepted.
COMMENT CLEARED
- ZN 2. Please provide an updated land plan depicting the reduced PUD area as required by [25-2-402] excluding area currently in the ETJ.
COMMENT CLEARED
- ZN 3. On the updated PUD Land Use Plan, please identify open space within the project boundary as required by LDC [25-2-411(K)].
COMMENT CLEARED
- ZN 4. Please provide justification for PUD zoning for this tract of land. Identify how the proposed PUD is superior to current land development code requirements [Please refer to LDC 25-2-144]. Specifically, please provide justification as to how the environmental variances will yield a superior development than what traditional zoning will allow.
COMMENT NOT CLEARED. FORMAL UPDATE REQUIRED.
Please provide justification for PUD designation. Specifically, please declare a base zoning district, quantify specifics of green builder, rainwater harvesting, landscape buffers, runoff minimization, and gas storage facility. Furthermore, please explain and quantify how the

proposed PUD will “encourage high quality development and innovative design” and how “adequate public facilities and services” will be achieved.

- ZN 5. On the updated 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 height, and maximum floor to area ratios) for development on tracts within the proposed PUD.

COMMENT CLEARED

- ZN 6. Please identify outright and conditional land uses on all parcels. Please be specific and include land uses that are relevant to the proposed use(s).

COMMENT NOT CLEARED. FORMAL UPDATE REQUIRED.

There is a conflict with the requested land uses. The PUD purpose statement lists GR and CR as base districts. The PUD land plan lists GR. Please clarify and submit an updated PUD purpose statement with justification and/or correct the land plan.

- ZN 7. On the revised PUD Land Use Plan, please define modifications to compatibility standards and depict the proposed locations where the modification to compatibility setbacks is sought.

COMMENT NOT CLEARED. FORMAL UPDATE REQUIRED.

The land plan does not depict areas where waiver of compatibility standards is sought. There are existing single-family residences south of the property that would trigger compatibility standards at the time of redevelopment.

- ZN 8. Please clarify if the applicant is utilizing Green Builder standards and Grow Green standards for the development within the PUD and which standards are proposed. Please coordinate with Ms. Katie Jensen from Austin Energy at (512)482-5407 on requirements for Green Builder.

COMMENT NOT CLEARED. INFORMAL UPDATE REQUIRED.

Please quantify the Green Builder and Grow Green standards (if any) proposed for the PUD.

- ZN 9. Please coordinate with Environmental and Water Quality Staff on the provision of rainwater harvesting systems.

COMMENT NOT CLEARED. INFORMAL UPDATE REQUIRED.

Please coordinate with Environmental staff on the variances this project is requesting.

- ZN 10. On the PUD land use plan, please identify open space areas and clarify if such areas are for public use. Please coordinate with Parks and Recreation Department on dedication of park land and access to Lake Austin.

COMMENT CLEARED

Additional Comments:

- ZN 11. On the PUD land use plan please identify location of proposed fuel pumps.

- ZN 12. Please coordinate with Transportation staff on requested information and TIA requirements. If a TIA is required, please coordinate with Transportation staff to submit required information.

COMMENT CLEARED

- ZN 13. On the PUD land use plan please identify location of proposed dry stack marina.

ZN 14. Please address the issue of locating a proposed marina close to raw water intakes as addressed by the Texas Administrative Code Title 30, Part 1, Chapter 290, Subchapter D, Rule 290.41, Subchapter (e).

Above comments are not conducive of a recommendation for approval by Neighborhood Planning and Zoning Staff. Additional comments may be generated as the above information is provided.



MEMORANDUM

TO: Jorge Rousselin, NPZD, Case Manager
Members of the Zoning & Platting Commission

FROM: Joe Almazan, WPDR, Transportation Review

DATE: December 2, 2007

SUBJECT: Variance Request for PIER Partners PUD
Zoning Case No.: C814-06-0202

Recommendation: To not recommend the variance

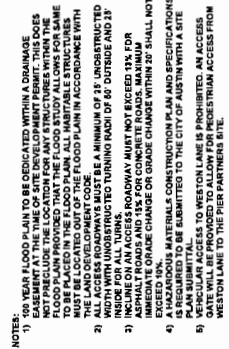
The applicant for the above referenced site plan is requesting a variance to Title 25 of the Land Development Code (LDC), Sec. 25-6 (Transportation), Appendix A, which requires that a marina use provide a minimum of 0.7 off-street parking spaces for each boat slip. The applicant is requesting approval for one (1) off-street parking space for each 1,000 sq.ft.

The applicant is proposing to rezone the property to a Planned Unit Development or PUD zoning district to allow a 10,000 sq.ft. restaurant and a 25,000 sq.ft. dry-stacked marina with a capacity for approximately 200 boats. The applicant is requesting support for the dry-stack marina facility as a recreational equipment maintenance and storage use since the facility will operate by removing the boat from the water, restricting access to authorized personnel only, and boat usage being on a reservation basis.

Based on an average size of 12 feet x 20 feet for boat storage, the City of Austin off-street parking requirement could be one (1) space per 350 sq.ft. [converting the 0.7 space parking ratio into square feet]. Given this consideration, a variance to allow a parking requirement of one (1) space for each 1,000 sq.ft. should not be recommended. If the requested PUD zoning is recommended on this site, a more appropriate parking requirement for the marina use should be one (1) space for each 500 sq.ft.

If you have any further questions or required additional information, please contact me at 974-2674.

Joe Almazan
Development Services Process Coordinator
Land Use Review Division, 4th floor
City of Austin, Watershed Protection & Development Review Department

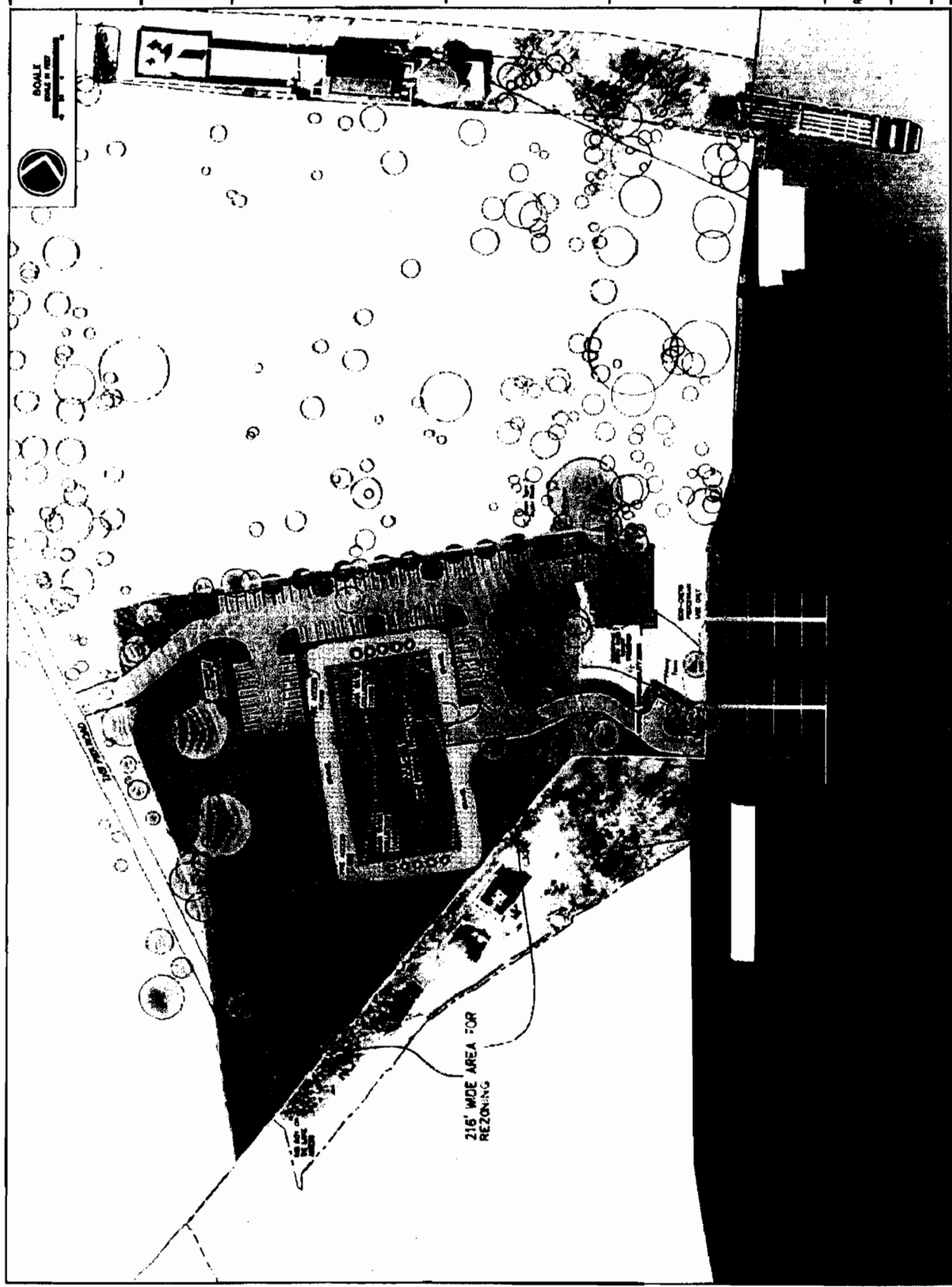


THORNER DESIGN
LAND PLANNERS

**THE PIER
PIER ROAD
AUSTIN, TEXAS**

**THE PIER
REDEVELOPMENT
PLAN**

DETAILED



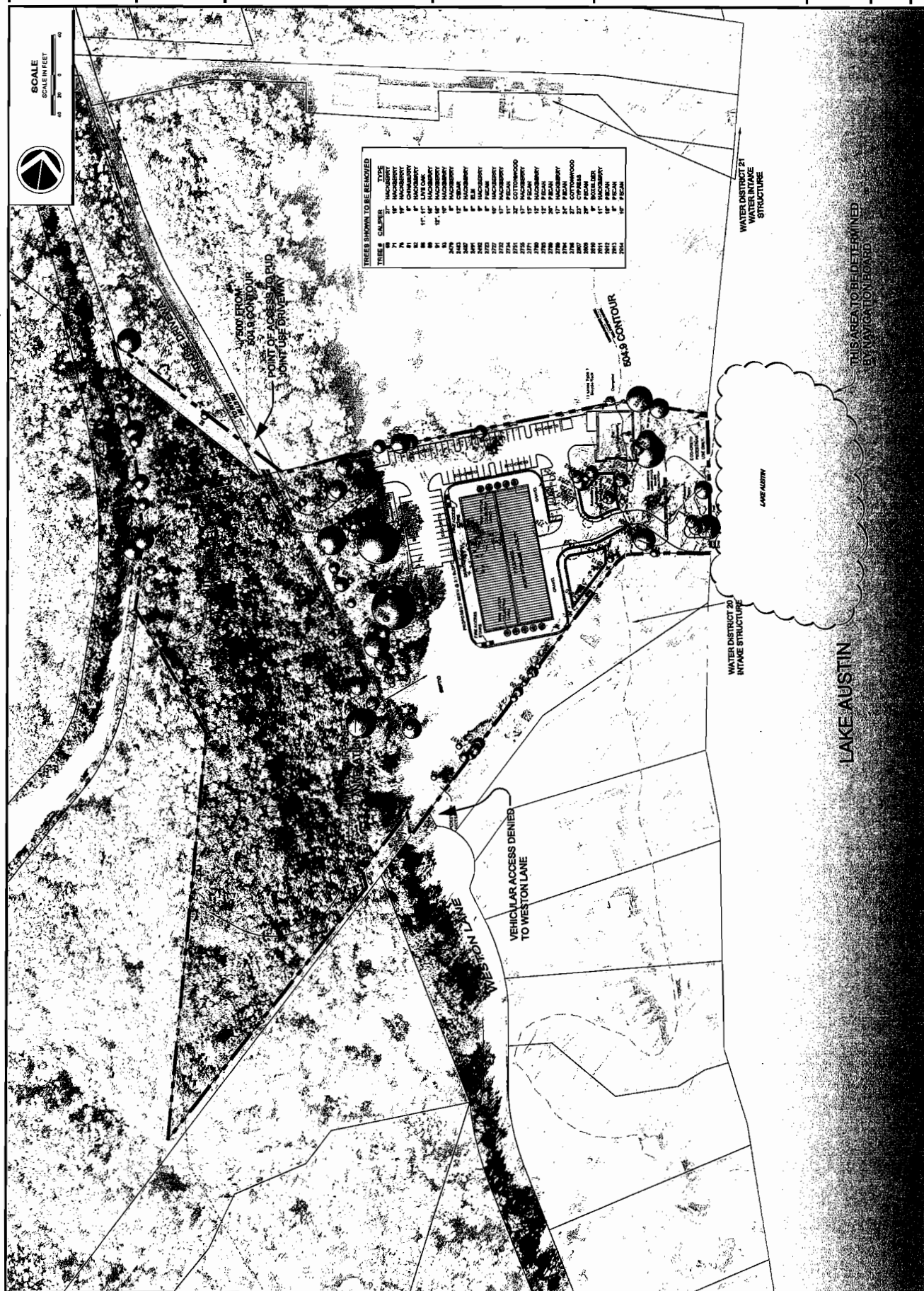
EXISTING
SITE
USAGE AREA

THE PIER
PIER ROAD
AUSTIN, TEXAS

Thruway Design
LAND PLANNERS
2007 MARQUETTE BLVD., SUITE 200 • AUSTIN, TEXAS 78704 • (512) 452-0000



SCALE: 1" = 60'



[illegible]

SCALE 1" = 100'

LEGEND

- 1/2" IRON PIN FOUND
 M IRON PIPE FOUND
 ○ 1/2" CAPPED IRON PIN SET
 △ P.X. NAIL SET
 — OVERHEAD POWER LINE
 — UTILITY POLE & DOWN GUY
 ○ LIGHT POLE
 — CHAIN LINK FENCE
 — WOOD FENCE
 — WIRE FENCE

SURVEYED BY
ROY D. SMITH SURVEYORS P.C.

ROY D. SMITH
REGISTERED PROFESSIONAL SURVEYOR NO. 4054
12124 WEST 5th STREET - SUITE A
AUSTIN, TEXAS 78703
PHONE (512) 478 - 9821
JUNE 10, 2005



Knower Design
LAND PLANNERS
2007 RANCH ROAD 200, SUITE 200 • AUSTIN, TEXAS 78704 • (512) 451-4400

THE PIER
PIER ROAD
AUSTIN, TEXAS

PROPOSED
SITE
PLAN A

DEC. 3, 2007

SUBMITTED BY THE APPLICANT
ON DECEMBER 4, 2007



SCALE: 1" = 80'



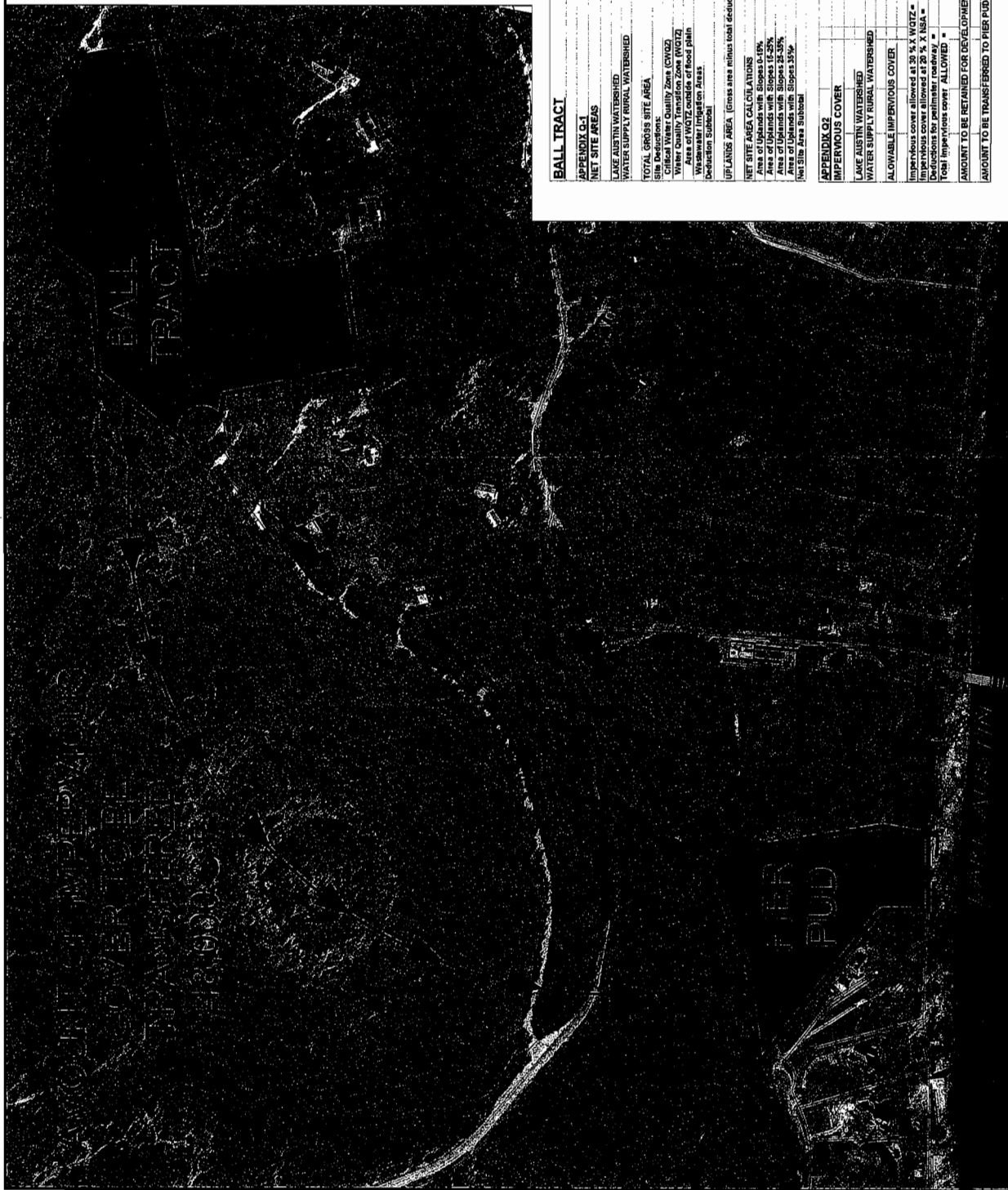
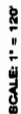
Thruway Design
LAND PLANNERS
2007 HANCOCK RD., SUITE 2 • AUSTIN, TEXAS 78748 • (512) 475-4400

THE PIER
PIER ROAD
AUSTIN, TEXAS

PROPOSED
SITE
PLAN B

DEC. 3, 2007

SUBMITTED BY THE APPLICANT
ON DECEMBER 4, 2007



**THE PIER
PIER ROAD
AUSTIN, TEXAS**

**PROPOSED
BALL TRACT
TRANSFER
PLAN**

DEC. 3, 2007

**SUBMITTED BY THE APPLICANT
ON DECEMBER 4, 2007**

| BAL TRACT | | | |
|---|--|-----------|-------------|
| APPENDIX 0.1 | | | |
| NET SITE AREAS | | | |
| LAKE JUSTIN WATERSHED | | | |
| WATER SUPPLY RURAL WATERSHED | | | |
| TOTAL GROSS SITE AREA | | | |
| 10,097 ac. | | | |
| Site Deductions: | | | |
| 0 ac. | | | |
| 0 ac. | | | |
| 0.25 ac. | | | |
| 0.25 ac. | | | |
| 0.27 ac. | | | |
| DUPLIANTS AREA (Areas are minus total deductions) | | | |
| NET SITE AREA CALCULATIONS | | | |
| 3,362 ac. X 100% = | | 3,362 ac. | |
| 0.712 ac. X 40% = | | 0.285 ac. | |
| 0.712 ac. X 40% = | | 0.285 ac. | |
| 0.000 ac. X 0% = | | 0.000 ac. | |
| 0.000 ac. X 0% = | | 0.000 ac. | |
| Net Site Area Subtotal | | | |
| | | | 3,446 ac. |
| APPENDIX 02 | | | |
| IMPERVIOUS COVER | | | |
| LAKE JUSTIN WATERSHED | | | |
| WATER SUPPLY RURAL WATERSHED | | | |
| ALLOWABLE IMPERVIOUS COVER | | | |
| 0.000 ac. | | | |
| 1,500 ac. | | | |
| 1,500 ac. | | | |
| 0.000 ac. | | | |
| 1,500 ac. | | | |
| IMPERVIOUS COVER ALLOWED 1.5% X 1,500 = | | | |
| Impervious areas allowed at 20 % X NSA = | | | |
| Deductions for perimeter roadway = | | | |
| Net site impervious cover ALLOWED = | | | |
| | | | 34,865 S.F. |
| AMOUNT TO BE RETURNED FOR DEVELOPMENT ON BALL TRACT = | | | |
| | | | 38,066 S.F. |
| AMOUNT TO BE TRANSFERRED TO PIER PUD = | | | |
| | | | 48,000 S.F. |

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

September 24, 2007

John M. Joseph
512.495.8895
jmj@ctw.com

RECEIVED

SEP 25 2007

Neighborhood Planning & Zoning

Mr. Jorge Rousselin
Neighborhood Planning and Zoning Dept.
City of Austin
505 Barton Springs Road
Austin, Texas 78704

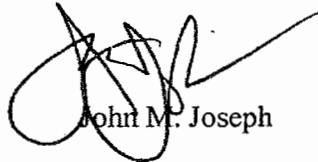
RE: The Pier PUD Amendment

Dear Mr. Rousselin,

On behalf of our Clients, Pier Partners, L.P. ("Client") we submitted a request for limited purpose annexation for the portion of the project outside of the City's zoning jurisdiction to Virginia Collier on Monday, September 10, 2007. I am writing this letter as a formal request to amend our zoning application to include a total of 10.315 acres, as shown in the attached Exhibit "A".

Please do not hesitate to contact me with any questions or comments.

Regards,



John M. Joseph

cc: Pier Partners

ATTACHMENT "A"

FIELD NOTES
FOR

10.315 ACRES OF LAND

ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF THE WILLIAM WOFFORD SURVEY NO. 39 AND THE ISAAC PERKINS SURVEY NO. 38 IN TRAVIS COUNTY, TEXAS, BEING ALL OF THAT CERTAIN 4.465 ACRE TRACT OF LAND CONVEYED TO PIER PARTNERS, LP BY INSTRUMENT RECORDED IN DOCUMENT NO. 2005068672 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF THAT CERTAIN 22.45 ACRE TRACT OF LAND CONVEYED TO EMBARCADERO PARTNERS, LP BY INSTRUMENT RECORDED IN DOCUMENT NO. 2006030312 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, THE HEREIN DESCRIBED TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at the Northeast corner of said 4.465 acre tract, being at the waters edge of Lake Austin, for the Northeast corner and PLACE OF BEGINNING hereof;

THENCE along the East line of said 4.465 acre tract, being along the water edge of Lake Austin, S 08°42'00" E for a distance of 208.80 feet to the Southeast corner of said 4.465 acre tract for the Southeast corner hereof;

THENCE along the South line of said 4.465 acre tract for the following courses:

S 83°24'15" W for a distance of 78.18 feet to a ½ inch capped iron pin set

S 80°14'45" W for a distance of 41.23 feet to a ½ inch capped iron pin set

S 75°25'45" W for a distance of 8.35 feet to a ½ inch capped iron pin set

S 43°23'45" for a distance of 15.37 feet to a ½ inch iron pin found

S 30°18'10" W for a distance of 9.19 feet to a ½ inch iron pipe found

S 30°03' 23" W for a distance of 240.42 feet to a ¾ inch iron pipe found

S 30°02'09" W for a distance of 179.54 feet to a p.k. nail set

S 29°24'09" W for a distance of 39.12 feet to a ½ inch capped iron pin set

S 29°52'10" W for a distance of 45.11 feet to a ½ inch capped iron pin set at the Southwest corner of said 4.465 acre tract, being at the Southeast corner of said 22.45 acre tract;

FIELD NOTES
FOR

10.315 ACRES OF LAND – Page Two

THENCE along the West line of said 4.465 acre tract, being along the East line of said 22.45 acre tract, N 16°17'24" W for a distance of 34.03 feet to an angle point hereof;

THENCE along a South line of the herein described tract for the following courses:

S 30°59'09" W for a distance of 108.61 feet to an angle point

S 20°15'07" E for a distance of 25.09 feet to an angle point

S 31°01'13" W for a distance of 479.91 feet to a point for the most Southerly corner hereof;

THENCE along the West line of the herein described tract, N 01°44'05" W for a distance of 609.84 feet to an angle point and N 36°54'56" W for a distance of 213.74 feet to a ½ inch iron pin found in the West line of said 22.45 acre tract, being in the East r.o.w. line of River Hill Road;

THENCE along the West line of said 22.45 acre tract, being along the East r.o.w. line of River Hill Road for the following courses:

Along a curve to the left whose radius is 718.26 feet, whose arc is 186.79 feet and whose chord bears N 05°50'07" W for a distance of 186.26 feet to a ½ inch iron pin found at a point of compound curve

Along a curve the left whose radius is 1428.11 feet, whose arc is 197.95 feet and whose chord bears N 17°15'22" W for a distance of 197.79 feet to a ½ inch iron pin found

N 21°13'37" W for a distance of 19.27 feet to a ½ inch iron pin found at the Northwest corner of said 22.45 acre tract, for the Northwest corner hereof;

THENCE along the North line of said 22.45 acre tract for the following courses:

S 59°36'07" E for a distance of 226.88 feet to a ½ inch iron pin found

S 59°25'07" E for a distance of 96.50 feet to a ½ inch iron pin found

N 66°44'23" E for a distance of 57.38 feet to a ½ inch iron pin found at the Northeast corner of said 22.45 acre tract, being the Northwest corner of said 4.465 acre tract;

FIELD NOTES
FOR

10.315 ACRES OF LAND – Page Three

THENCE along the North line of said 4.465 acre tract, N 71°59'00" E for a distance of 421.08 feet to a ½ inch iron pin found and S 88°49'00" E for a distance of 127.00 feet to the PLACE OF BEGINNING and containing 10.315 acres of land, more or less.

SURVEYED BY:
Roy D. Smith Surveyors, P.C.

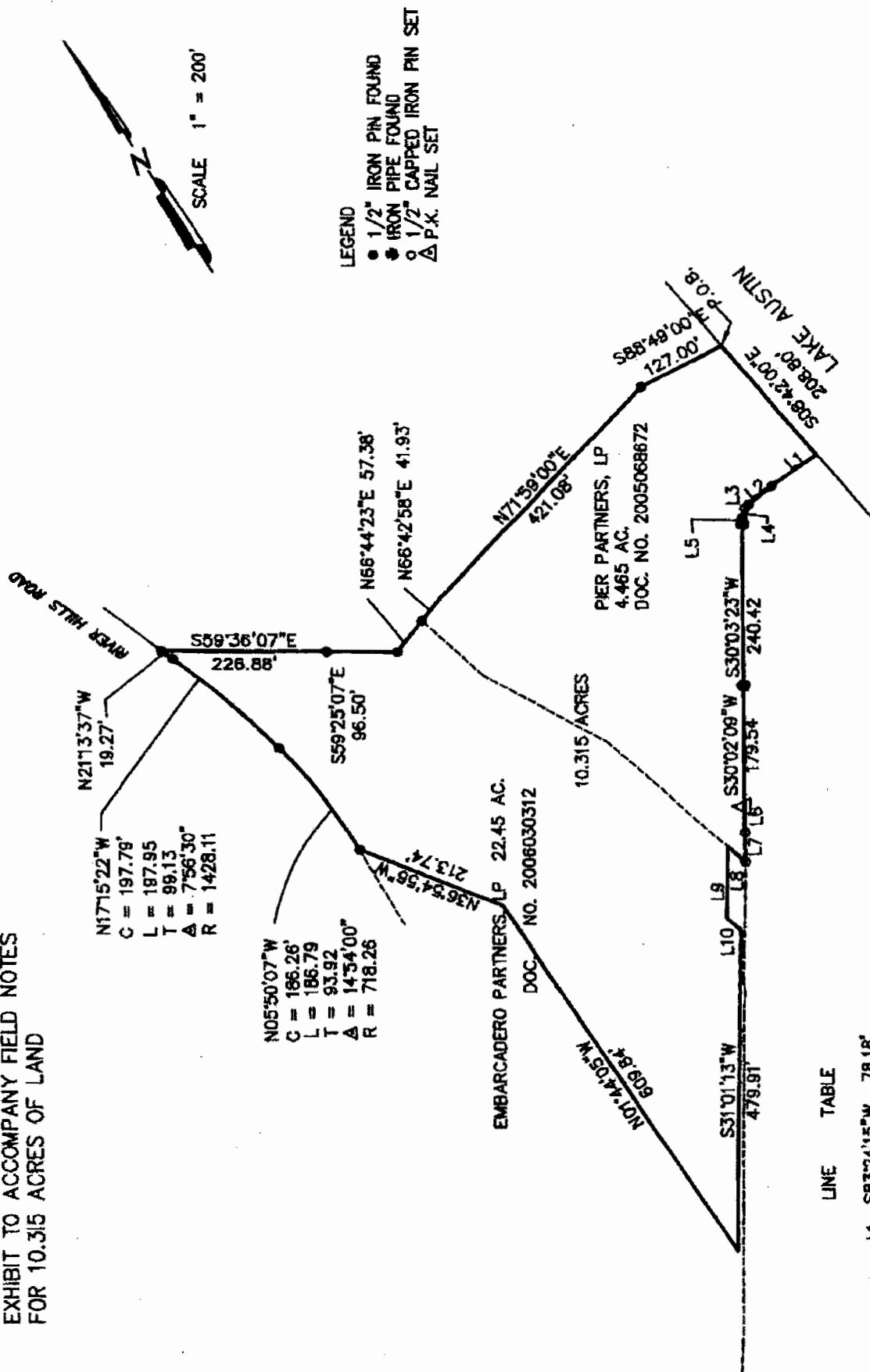
Roy D. Smith
ROY D. SMITH

REGISTERED PROFESSIONAL SURVEYOR NO. 4094
June 1, 2006

Pier – 10.315 ac.



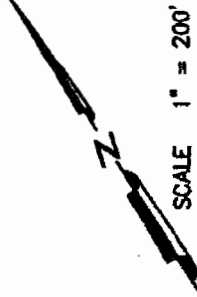
EXHIBIT TO ACCOMPANY FIELD NOTES FOR 10.315 ACRES OF LAND



LINE TABLE

| | | |
|-----|-------------|---------|
| L1 | S83°24'15"W | 78.18' |
| L2 | S80°14'45"W | 41.23' |
| L3 | S75°25'45"W | 8.35' |
| L4 | S43°23'45"W | 15.37' |
| L5 | S30°18'10"W | 9.19' |
| L6 | S29°24'09"W | 39.12' |
| L7 | S28°52'10"W | 45.11' |
| L8 | N16°17'24"W | 34.03' |
| L9 | S30°38'09"W | 108.61' |
| L10 | S20°15'07"E | 25.09' |

- LEGEND
- 1/2" IRON PIN FOUND
 - IRON PIPE FOUND
 - 1/2" CAPPED IRON PIN SET
 - △ P.K. NAIL SET



SURVEYED BY
ROY D. SMITH SURVEYOR

ROY D. SMITH
REGISTERED PROFESSIONAL SURVEYOR NO. 4694
1214 WEST 5th STREET - SUITE 400
AUSTIN, TEXAS 78703
PHONE (512) 478 - 9821
JUNE 1, 2008



ENVIRONMENTAL BOARD MOTION 071107-B1

Date: July 11, 2007

Subject: Pier Partners Planned Unit Development C814-06-0202

Motioned By: Mary Gay Maxwell

Seconded by: Mary Ann Neely

Recommendation

The Environmental Board recommends **disapproval** of a request to create a Planned Unit Development at the Pier site with eight environmental exceptions.

Staff Conditions

Not recommended by staff.

Rationale

1. The applicant is requesting 40% impervious cover in an area that without a PUD would only allow 20%, potentially having dramatic negative water quality impacts.
2. The project is in close proximity to two rural water supply intake structures serving approximately 3,300 people
3. Lake Austin is the drinking water supply for the citizens of Austin and should be protected from excessive pollution.
4. The project's health and safety concerns extend to City Park, which is directly across the lake from the project.
5. The project would increase the number of boats at the park, creating access issues for emergency personnel and the Austin Fire Department.

Vote 0-8-0-0

For:

Against: Anderson, Maxwell, Moncada, Curra, Neely, Ahart, Beall and Dupnik.

Abstain:

Absent:

Approved By:

Dave Anderson P.E., CFM
Environmental Board Chair



ITEM FOR ENVIRONMENTAL BOARD AGENDA

BOARD MEETING

DATE REQUESTED: July 11, 2007

**NAME AND NUMBER
OF PROJECT:** Pier Partners PUD
C814-06-0202

**NAME OF APPLICANT
OR ORGANIZATION:** Clark, Thomas & Winters
John Joseph, Attorney (472-8800)

LOCATION: 1703 River Hills Rd.

PROJECT FILING DATE: October 18, 2006

**WPDR/ENVIRONMENTAL
STAFF:** Betty Lambright, 974-2696
betty.lambright@ci.austin.tx.us

**WPDR/NPZ
CASE MANAGER** Jorge Rousselin, 974-2975
jorge.rousselin@ci.austin.tx.us

WATERSHED: Lake Austin (Water Supply Rural)

ORDINANCE: Planned Unit Development (PUD)

REQUESTS: Request to create a Planned Unit Development with
eight environmental exceptions

**STAFF
RECOMMENDATION:** Not recommended.



MEMORANDUM

TO: Betty Baker, Chairperson
Members of the Zoning and Platting Commission

FROM: Betty Lambright, Environmental Review Specialist Senior
Watershed Protection and Development Review Department

DATE: July 11, 2007

SUBJECT: Pier Partners PUD/C814-06-0202
1703 River Hills Rd.

The applicant is proposing a zoning change of CS-1 and LA to Planned Unit Development for the existing Pier restaurant (closed since October 2005) and adjacent structures on 10.3 acres of land. The existing facility consists of a 2559 sq. ft. of restaurant, 5400 sq. ft. of outdoor uncovered dining, approximately 1000 sq. ft. of covered dining/deck adjacent to Lake Austin, 18 boat stalls and refueling facility, unpaved parking, and a stage with lighting and sound for live music entertainment. Access to the property is via an existing private driveway off River Hills Road.

The applicant's PUD proposal to construct commercial, retail, dry-stacked marina, and restaurant uses requests 8 environmental exceptions. A 10,000 square foot restaurant is proposed along with a 25,000 square foot dry-stacked marina (including fueling) with a capacity for approximately 200 boats. Boat access to Lake Austin is proposed via a fork-lift system by which boats will be lowered onto the lake by way of designated access. Additional information is provided in the attached Zoning Review Sheet.

Description of Property

The proposed PUD is situated in the Lake Austin watershed, which is classified as a Water Supply Rural watershed. The tract lies in the Drinking Water Protection Zone, but it is not located over the Edwards Aquifer Recharge Zone. Floodplain, Critical Water Quality Zone (CWQZ), and steep slopes occur within the property lines.

The western section of the site is undeveloped and steeply sloped, followed by low-density residential development beyond. A raw water intake for Travis County Water Control and Improvement District (WCID) #20 is located downstream of the Pier, and Travis County Municipal Utility District (MUD) #4 has its raw water intake 700' upstream. Low-density residential development occupies the balance of the area south of the site.

Existing Topography/Soil Characteristics/Vegetation

Site topography ranges from 590 to 530 feet above mean sea level. Tracts 1 and 2 are relatively flat and gently slope toward the eastern site boundary of the Colorado River/Lake Austin. Tract 3, the western half of the site, is steeply sloped.

The eastern portion of the site is underlain by Lincoln loamy fine sand (Ln). Hardeman fine sandy loam 2-5% slopes (HaC) underlies the central portion of the site. Brackett soils, rolling (BID) underlies the northwestern portion of the site. Tarrant soils and Rock outcrop steep (TdF) underlies the southwestern corner of the site.

The site is located within the Balcones Canyonlands region of the Edwards Plateau, and the vegetation of the region is classified as juniper-oak savannah dominated by woodland vegetation. These mesic slopes support Texas oak, live oak, Ashe juniper, and Texas ash. In addition, pecan, hackberry, bald cypress, cottonwood, and cedar elm are present. Non-natives include chinaberry, bermudagrass, and an aggressively expanding area of bamboo. Overall canopy cover is 15-20% for the previously developed area. The escarpment area on Tract 3 is densely vegetated with Ashe juniper and a mixture of hardwoods.

Critical Environmental Features/Endangered Species

There are no CEFs, according to City of Austin criteria, located on site or within 150' of the site.

The Environmental Assessment indicated that a mapped Zone 1 designation for golden-cheeked warbler extends slightly into the southwest corner of the site. However, the consultant stated that the site is unlikely to contain habitat and no further investigations were needed at the present. According to COA GIS, the site does not lie in the BCCP area.

Water/Wastewater

The applicant proposes to utilize on-site septic for wastewater. Water will be supplied by a water utility district.

Environmental Exception Requests

The exceptions requested by this project are to LDC Sections:

1. Exception from LDC 25-8-341 (Cut Requirements)

"Cut on a tract of land may not exceed 4' of depth."

The applicant is requesting a modification to allow cuts up to 20'.

2. Exception from LDC 25-8-342 (Fill Requirements)

"Fill on a tract of land may not exceed 4' of depth".

The applicant is requesting a modification to allow fill up to 6'.

3. Exception from LDC 25-8-454(D)(1) (Uplands Zone)

"Impervious cover may not exceed: (a) 20%; or (b) if development intensity is transferred under Section 25-8-455(Transfer of Development Intensity) 25%."

The applicant is requesting a modification to allow impervious cover up to 40% net site area in the Uplands Zone.

4. Exception from LDC 25-8-454(D)(2) (Uplands Zone)

"At least 40% of a site must be retained in or restored to its natural state to serve as a buffer, the buffer must be contiguous to the development, and the buffer must receive overland drainage. Use of the buffer is limited to fences, utilities that cannot be reasonably located elsewhere, irrigation lines not associated with wastewater disposal, and access for site construction."

The applicant is requesting a modification to allow for a minimum of 0% of the site to be retained in or restored to its natural state to serve as a buffer.

5. Exception from LDC 25-8-261 (Critical Water Quality Zone Development)

"(A) A fence that does not obstruct flood flows is permitted in a critical water quality zone. (B) a public or private park, golf course, or open spaces, other than a parking lot, is permitted in a critical water quality zone if a program of fertilizer, pesticide, and herbicide use is approved by the Watershed Protection and Development Review Department. (1) In a water supply rural watershed or the Barton Springs Zone, park development is limited to hiking, jogging, or walking trails and outdoor facilities, and excludes stables and corrals for animals...(C) Along Lake Travis, Lake Austin, or Town Lake: (1) a boat dock, pier, wharf, or marina and necessary access and appurtenances, is permitted in a critical water quality zone, and (2) approval by the Watershed Protection and Development Review Department of chemicals used to treat building materials that will be submerged in water is required before a permit may be issued or a site plan released...(E) A utility line may cross a critical water quality zone. (F) Except in the Barton Springs Zone, detention basins and floodplain alterations are permitted in the critical water quality zone if the requirements of Chapter 25-7 (Drainage) and the other provisions of this subchapter are met."

The applicant is requesting a modification to allow for the construction of permeable pedestrian pavement, a vertical boat launch facility, a paved connection from the vertical lift to the boat storage, boat docks, drainage facilities, gas pump, outside seating areas, and decking within the Critical Water Quality Zone.

6. Exception from LDC 25-8-452 (Critical Water Quality Zone)

"Development is prohibited in a critical water quality zone, except as provided in Article 7, Division 1."

See Exception Number 5. This section of the LDC specifically addresses a water supply rural watershed.

7. Exception from LDC 25-8-301 (Construction of a Roadway or Driveway)

"(A) A person may not construct a roadway or driveway on a slope with a gradient of more than 15% unless the construction is necessary to provide primary access to: (1) at least two contiguous acres with a gradient of 15% or less; or (2) building sites for at least five residential units. (B) For construction described in this section, a cut or fill must be revegetated, or if a cut or fill has a finished gradient of more than 33%, stabilized with a permanent structure. This does not apply to a stable cut."

The applicant is requesting a modification to allow for the construction of a roadway or driveway on a slope with a gradient of more than 15%.

8. Exception from LDC 25-8-302 (Construction of Building or Parking Area)

"(A) A person may not construct: (1) a building or parking structure on a slope with a gradient of more than 25%; or (2) except for a parking structure, a parking area on a slope with a gradient of more than 15%. (B) A person may construct a building or parking structure on a slope with a gradient of more than 15% and not more than 25% if the requirements of this subsection are met. (1) Impervious cover on slopes with a gradient of more than 15% may not exceed 10% of the total area of the slopes. (2) The terracing techniques in the Environmental Criteria Manual are required for construction that is uphill or downhill of a slope with a gradient of more than 15%. (3) Hillside vegetation may not be disturbed except as necessary for construction, and disturbed areas must be restored with native vegetation. (4) For construction described in this section, a cut or fill must be revegetated, or if a cut or fill has a finished gradient of more than 33%, stabilized with a permanent structure. This does not apply to a stable cut."

The applicant is requesting a modification to allow for construction of a building or parking structure on a slope with a gradient of more than 25%.

Recommendations

The Land Development Code (Chapter 25-2, Division 5) outlines the zoning regulations and submittal requirements for a Planned Unit Development. 25-2-411(D) states "The natural topography, soils, critical environmental features, waterways, and vegetation must be incorporated into the design of a PUD district, if practicable. Buffer zones and greenbelt

areas are required. In intensively developed areas, landscaping that exceeds the minimum requirements of this title is required." It is the applicant's burden to provide sufficient information to show whether or not environmental considerations have been incorporated into the design of the PUD.

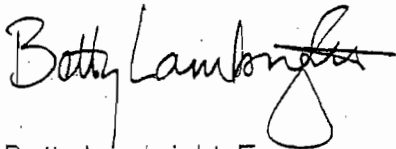
The applicant has worked with staff to address as many concerns as possible since the previous submittal. The applicant has indicated that they would provide the following environmental enhancements:

- Provide rainwater collection for 100,000 gallons which would be used 100% for landscape irrigation
- Achieve a one-star rating in the Green Building program (please be advised that Austin Energy has not been contacted, nor has a Letter of Intent been issued)
- Implement an IPM plan
- Provide a landscape buffer between the development and adjoining properties
- Oil booms around the docks
- Enhanced environmental protection for the new gas storage tank and delivery facility
- Pervious pavement in the CWQZ will be lined, and the water will be recirculated back to the water quality pond for treatment

At this time, City staff cannot recommend approval of the PUD application based on the information submitted by the applicant. The proposed PUD is requesting numerous environmental exceptions, but the proposed mitigation does not provide an appropriate level of compensation for the negative environmental impacts that would occur. At this time Staff offers an alternate recommendation of CR-CO limiting the daily vehicle trips to less than 2,000 trips per day. The recommendation is subject to change based on final Staff analysis.

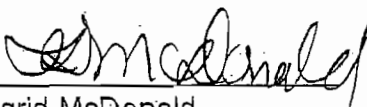
In addition to Environmental, Zoning, and Transportation concerns, the applicant may have outstanding issues with Parks and Fire. There is also opposition from neighborhood groups and the adjacent County landowners.

If you need further details, please contact me at 974-2696.

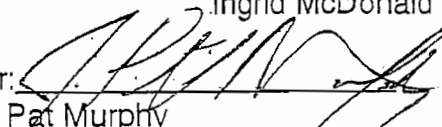


Betty Lambright, Environmental Review Specialist Sr.
Watershed Protection and Development Review

Environmental Program Coordinator:


Ingrid McDonald

Environmental Officer:


Pat Murphy

ENVIRONMENTAL WAIVERS

| CURRENT DEVELOPMENT REGULATIONS | PROPOSED DEVELOPMENT REGULATIONS |
|---|---|
| Section 25-8-341(A) (Cut Requirements) Cuts on a tract of land may not exceed four feet of depth. | 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 15 feet in depth. |
| Section 25-8-342(A) (Fill Requirements) Fill on a tract of land may not exceed four feet of depth. | 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 six feet in depth. |
| Section 25-8-454 (D)(1) (Uplands Zone) Impervious cover may not exceed : (a) 20 percent; or (b) if development intensity is transferred under Section 25-8-455 (Transfer of Development Intensity), 25 percent. | Section 25-8-454(D)(1) (Uplands Zone) is modified to allow for impervious cover in excess of 20%, but not to exceed 40% of the net site area of the property within the Uplands Zone. |
| Section 25-8-454(D)(2) (Uplands Zone) At least 40 percent of a site must be retained in or restored to its natural state to serve as a buffer, the buffer must be contiguous to the development, and the buffer must receive overland drainage. Use of the buffer is limited to fences, utilities that cannot reasonably be located elsewhere, irrigation lines not associated with wastewater disposal, and access for site construction. | Section 25-8-454(D)(2) (Uplands Zone) is modified to allow for a minimum of 0% of the site to be retained in or restored to its natural state to serve as a buffer. |
| Section 25-8-261 (Critical Water Quality Zone Development) (A) A fence that does not obstruct flood flows is permitted in a critical water quality zone (B) A public or private park, golf course, or open spaces, other than a parking lot, is permitted in a critical water quality zone if a program of fertilizer, pesticide, and herbicide use is approved by the Watershed Protection and Development Review Department. (1) In a water supply rural watershed or the Barton Springs Zone, park development is limited to hiking, jogging, or walking trails and outdoor facilities, and excludes stables and corrals for animals (2) In the Barton Springs Zone, a master planned park that is reviewed by the Land Use Commission and approved by the council may include recreational development other than that described in Subsection (B)(1).(C) Along | Section 25-8-261 (Critical Water Quality Zone Development) is modified to allow for the construction of permeable pedestrian pavement, a vertical boat launch facility, a paved connection from the vertical lift to the boat storage, boat docks, drainage facilities, gas pump, outside seating areas, and decking. THE RESTAURANT HAS BEEN MOVED COMPLETELY OUT OF THE CWQZ. |

| | |
|---|--|
| <p>Lake Travis, Lake Austin, or Town Lake: (1) a boat dock, pier, wharf, or marina and necessary access and appurtenances, is permitted in a critical water quality zone; and (2) approval by the Watershed Protection and Development Review Department of chemicals used to treat building materials that will be submerged in water is required before a permit may be issued or a site plan released (D) In the Barton Springs Zone: (1) a boat dock, pier, wharf, or marina and necessary access and appurtenances, or a pedestrian bridge, or bicycle or golf cart path, is permitted in a critical water quality zone; and (2) approval by the Watershed Protection and Development Review Department of chemicals used to treat building materials that will be submerged in water is required before a permit may be issued or a site plan released. (E) A utility line may cross a critical water quality zone. In the Barton Springs Zone, approval by the director is required for a utility line crossing. (F) Except in the Barton Springs Zone, detention basins and floodplain alterations are permitted in the critical water quality zone if the requirements of Chapter <u>25-7</u> (<i>Drainage</i>) and the other provisions of this subchapter are met.</p> | |
| <p>Section 25-8-301 (Construction of a Roadway or Driveway)(A) A person may not construct a roadway or driveway on a slope with a gradient of more than 15 percent unless the construction is necessary to provide primary access to: (1) at least two contiguous acres with a gradient of 15 percent or less; or (2) building sites for at least five residential units. (B) For construction described in this section, a cut or fill must be revegetated, or if a cut or fill has a finished gradient of more than 33 percent, stabilized with a permanent structure. This does not apply to a stable cut.</p> | <p>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 of more than 15 percent.</p> |

| | |
|--|---|
| <p>Section 25-8-302 (Construction of a Building or Parking Area)(A) A person may not construct: (1) a building or parking structure on a slope with a gradient of more than 25 percent; or (2) except for a parking structure, a parking area on a slope with a gradient of more than 15 percent. (B) A person may construct a building or parking structure on a slope with a gradient of more than 15 percent and not more than 25 percent if the requirements of this subsection are met. (1) Impervious cover on slopes with a gradients of more than 15 percent may not exceed 10 percent of the total area of the slopes. (2) The terracing techniques in the Environmental Criteria Manual are required for construction that is uphill or downhill of a slope with a gradient of more than 15 percent. (3) Hillside vegetation may not be disturbed except as necessary for construction, and disturbed areas must be restored with native vegetation. (4) For construction described in this section, a cut or fill must be revegetated, or if a cut or fill has a finished gradient of more than 33 percent, stabilized with a permanent structure. This does not apply to a stable cut.</p> | <p>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.</p> |
| <p>25-8-452 (Critical Water Quality) Development is prohibited in a critical water quality zone, except as provided in Article 7, Division 1.</p> | <p>25-8-452 (Critical Water Quality) is modified to allow development in a critical water quality zone.</p> |

**AUSTIN PARKS & RECREATION BOARD
RESOLUTION**

March 28, 2006

WHEREAS, the Austin Parks & Recreation Board (Board) has reviewed the proposal presented by the new ownership of The Pier;

WHEREAS, the Board has received input from Park Police and others that the elimination of a live music venue at the Pier will improve public safety on the Lake;

WHEREAS, the Board has received testimony that the surrounding neighborhood does not object to the proposed plans;

WHEREAS, the Board has final approval over dimensions of all boat docks on Lake Austin and has concerns about additional commercial boat storage facilities on the Lake and their impacts to public safety;

WHEREAS, the Board has already approved a recommendation to the Director of the Parks Department directing staff to work on revising Article 13 of the Land Development code as it relates to boat docks, this revised language will give greater authority to the Board in planning future marinas and other boat storage facilities;

WHEREAS, the Board is in discussion with the City Council about the need to develop and fund a boat traffic study for Lake Austin to be used in determining Lake use and future capacity;

THEREFORE BE IT RESOLVED THAT the Board supports the proposed plan for a dry stack boat storage facility and marina presented by the ownership group of the Pier;

BE IT RESOLVED THAT the Board supports allowing for proper zoning and usage changes that will allow for a dry stack boat storage facility at the site;

BE IT RESOLVED THAT the Board requests that the ownership group of the Pier come back to the Board for full review, comment, and approval prior to final site plan approval if the site plan substantially changes or the number of slips is greater than 180.

BE IT RESOLVED THAT the Board requests that the Director and staff submit revised language to Article 13 of the Land Development Code for approval at its next scheduled meeting and that these changes be approved by City Council as soon as possible.

BE IT RESOLVED THAT the Board requests that the City fund and conduct a lake study similar to other studies conducted for the Highland Lakes in the immediate future.

THE PIER PUD

PROPOSED USES

TRACT 1

Permitted Uses - "GR" Related

General Retail Sales (Convenience)
General Retail Sales (General)
Indoor Entertainment
Restaurant (General)
Restaurant (Limited)

TRACT 2

Permitted Uses – "CR" Related

Marina
Recreational Equipment Maintenance & Storage

RECEIVED

NOV 20 2007

Neighborhood Planning & Zoning

PROPOSED SITE DEVELOPMENT STANDARDS

COMMERCIAL USES & DEVELOPMENT STANDARDS

TRACT 1 - USES AND DEVELOPMENT STANDARDS

GENERAL RETAIL SALES (CONVENIENCE) & (GENERAL)

INDOOR ENTERTAINMENT

RESTAURANT (GENERAL) & (LIMITED)

| | | |
|----------------|-------|-----------|
| AREA | 2.938 | ACRES |
| MAXIMUM F.A.R. | 0.035 | :1 F.A.R. |
| TOTAL S.F. | 4,500 | S.F. |

| | | |
|------------------|-------|------|
| MINIMUM LOT SIZE | 1.000 | ACRE |
| BUILDING HEIGHT | 45 | FT. |

SETBACKS

| | | |
|--------------------|----|-----|
| FRONT YARD | 25 | FT. |
| STREET SIDE YARD | 25 | FT. |
| INTERIOR SIDE YARD | 5 | FT. |
| REAR YARD | 15 | FT. |

| | |
|----------------------------|-----|
| MAXIMUM IMPERVIOUS COVER | 50% |
| RESIDENTIAL UNITS PER ACRE | 0 |

RECEIVED

NOV 20 2007

Neighborhood Planning & Zoning

TRACT 2 - USES AND DEVELOPMENT STANDARDS

RECREATIONAL EQUIPMENT MAINTENANCE & STORAGE AND MARINA

| | | |
|----------------|--------|-----------|
| AREA | 1.526 | ACRES |
| MAXIMUM F.A.R. | 0.320 | :1 F.A.R. |
| TOTAL S.F. | 21,000 | S.F. |

| | | |
|------------------|-------|------|
| MINIMUM LOT SIZE | 1.000 | ACRE |
| BUILDING HEIGHT | 42 | FT. |

SETBACKS

| | | |
|--------------------|----|-----|
| FRONT YARD | 25 | FT. |
| STREET SIDE YARD | 25 | FT. |
| INTERIOR SIDE YARD | 20 | FT. |
| REAR YARD | 15 | FT. |

| | |
|----------------------------|-----|
| MAXIMUM IMPERVIOUS COVER | 65% |
| RESIDENTIAL UNITS PER ACRE | 0 |

TRACT 3 - USES AND DEVELOPMENT STANDARDS

OPEN SPACE / PRESERVE / ACCESS

| | | |
|----------------|-------|-----------|
| AREA | 5.850 | ACRES |
| MAXIMUM F.A.R. | - | :1 F.A.R. |
| TOTAL S.F. | - | S.F. |

| | | |
|------------------|-------|------|
| MINIMUM LOT SIZE | 1.000 | ACRE |
| BUILDING HEIGHT | - | FT. |

SETBACKS

| | | |
|--------------------|---|-----|
| FRONT YARD | - | FT. |
| STREET SIDE YARD | - | FT. |
| INTERIOR SIDE YARD | - | FT. |
| REAR YARD | - | FT. |

| | |
|----------------------------|-----|
| MAXIMUM IMPERVIOUS COVER | 10% |
| RESIDENTIAL UNITS PER ACRE | 0 |

Staff Responses to Pier PUD Issues
C814-06-0202

At the December 4, 2007 Zoning and Platting Commission hearing, the applicant presented a PowerPoint slide depicting items related to the Pier PUD. The Commission requested from Staff an analysis of the items presented as to whether such items exceed code requirements. The following is a Staff analysis of such items.

1. Reduce the Impervious Cover to less than 20% with Mitigation and Transfers (The LDC allows for 20% impervious cover in the Uplands).

Staff Response: *Unable to determine if this element exceeds code requirements at this time. Staff requests additional information and review time to adequately assess mitigation tract. The following specific information is required from the applicant:*

- (1) *Plat Note #18 states "All lots within this subdivision are restricted to a density of not more than one single family housing unit per five acres of land." You have indicated that you want to vacate and replat at the time of transfer of impervious cover to the Pier PUD. That raises several questions concerning how the tract would be incorporated into the PUD, annexation issues, and how to enforce the encumbrances on the tract. Management and legal will need the time to evaluate these considerations and whether this process would even be allowed by code.*
- (2) *I had asked for impervious cover calculations on the access road, because it will need to be widened to meet fire code, etc. Your response was "The access drive with the Pier Road is primarily off-site of the 4.465 acre Pier PUD site. Any upgrade of this Pier Road with is located off-site will be included in the calculations of the lands for which the Pier Road exists. All calculations above reflect just the development on the 4.465 acre Pier PUD site." Has the owner of the land agreed to that encumbrance?*
- (3) *The Q2 table for the Ball tract is incorrect. You have shown 0.013 acres allowable impervious cover in the WQTZ, but there is no allowable impervious cover in the WQTZ of a water supply rural watershed. Granted, that is a small amount, but it would still need to be recalculated.*
- (4) *The Q2 table for the Pier PUD is incorrect. Under the impervious cover breakdown by slope category, you show 1.802 acres IC for buildings and 1.286 acres for drives under the 0-15% slopes. Under the steeper slopes, you repeat the impervious cover amounts. The impervious cover needs to be broken out according to buildings versus drives, because I double-check the figures by totaling them. The way you have shown them makes it appear that you are quite over the allowable limit.*
- (5) *You would need to request another environmental exception, as transfer of development is not allowed from uplands to uplands unless the area is a CEF buffer or used for wastewater irrigation. See 25-8-455(A)(5) and (6).*

Previous PUD applicants that proposed transfer of development intensity were providing quite a bit of additional land, usually of an environmentally sensitive nature, as a way to meet the "superior" designation. This is not the case with the Ball Tract.

Please note that if at some point Staff determined you were providing a superior product, you would need to take the application back to the Environmental Board. The project would have changed substantially at that point, and they would need to be advised of those changes.

2. Provide a Superior Water Quality System that would not be required with less than 20% impervious cover.

Staff Response: *Unable to determine if this element exceeds code requirements at this time. Staff requests additional information and review time to adequately assess mitigation tract. Please see required information requested from Item Number 1 above.*

3. Designated dock slip for Police / Fire Emergency use.

Staff Response: *Unable to determine if this element exceeds code requirements at this time. Coordination with the Parks and Recreation Department (PARC) is required. Staff will contact PARC prior to the Commission hearing.*

4. Rainwater Collection – 100,000 gallons used for re-irrigation.

Staff Response: *This item exceeds code requirements.*

5. Water Quality run-off collection – 60,000 gallons used for re-irrigation equal to 1.4" capture.

Staff Response: *Unable to determine if this element exceeds code requirements at this time. Staff requests additional information and review time to adequately address run-off collection.*

6. Tree Mitigation at 100%

Staff Response: *This item exceeds code requirements if the mitigation proposed is achieved on an inch-for-inch basis.*

7. Permeable paving in vehicular parking areas – 11,000 sq. ft.

Staff Response: *This item exceeds code requirements if the permeable surface is evaluated and accepted by Environmental Staff.*

8. One Star Green Building

Staff Response: *This item exceeds code requirements although Staff recommends a 2-star Green Building Rating.*

9. IPM

Staff Response: *This item exceeds code requirements.*

10. Intense landscape buffer above the requirements in Sec. 25-2-1006 of the LDC.
Staff Response: *Unable to determine if this element exceeds code requirements at this time. Staff requests additional information and review time to adequately assess quantification of landscape buffer.*
11. Emergency spill kits around fueling docks.
Staff Response: *This item does not exceed code requirements. Emergency spill kits are required by code.*
12. Enhanced protection of fueling tanks and pumps.
Staff Response: *The replacement of a new underground storage tank would be a benefit to the project.*
13. Treatment of lake water as potable water source.
Staff Response: *This element has no impact on exceeding code requirements for the proposed PUD.*
14. State of the art septic system and disposal field.
Staff Response: *Unable to determine if this element exceeds code requirements at this time. Staff requests additional information and review time to adequately assess proposed septic system.*
15. Removal of obstructions currently in 100 year flood plain and CWQZ, which increases capacity for 100 year flows.
Staff Response: *Although the removal of the structures in the 100-year flood plain is a benefit to the proposed project, the replacement structures can be built in the 100-year floodplain under current code.*
16. Public Emergency Service access to West side of lake.
Staff Response: *Unable to determine if this element exceeds code requirements at this time. Coordination with the Parks and Recreation Department (PARD) is required. Staff will contact PARD prior to the Commission hearing.*
17. Removal of existing outdoor concert venue.
Staff Response: *This item exceeds code requirements.*
18. Less lake pollution with fewer vehicles entering lake to launch trailered boats.
Staff Response: *Unable to quantify this item.*
19. Bulkhead improvements along the shore increasing wave attenuation.
Staff Response: *Current code requires if a bulkhead is constructed, it be done in a way that reduces wave attenuation.*

20. Removal and re-vegetation of abandoned portion of Pier Road.

Staff Response: *Although a benefit of the proposed project, this item does not exceed code requirements as re-vegetation of the abandoned portion of the "Pier Road" will otherwise be achieved as part of the overall proposed reduction of impervious cover for the site.*

21. Less introduction of foreign flora into Lake Austin.

Staff Response: *Unable to quantify this item.*

ORDINANCE NO. 84 0913-Q

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 13-2 OF THE AUSTIN CITY CODE OF 1981 AS FOLLOWS:

4.476 ACRES OF LAND OF WHICH ABOUT 4.228 ACRES BEING A PORTION OF THE WILLIAM WOFFORD SURVEY NO. 39 AND ABOUT 0.248 OF ONE ACRE BEING A PORTION OF THE ISAAC PERKINS SURVEY NO. 38, LOCALLY KNOWN AS 1703-B RIVER HILLS ROAD, FROM "A" RESIDENCE AND INTERIM "LA" LAKE AUSTIN, FIRST HEIGHT AND AREA DISTRICT TO "C-2" COMMERCIAL, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

PART 1. CHAPTER 13-2 of the Austin City Code of 1981 is hereby amended to change the USE and HEIGHT and AREA designations from "A" Residence and Interim "LA" Lake Austin, First Height and Area District to "C-2" Commercial, First Height and Area District on the property described in File C14-83-003.189 (part), to-wit:

4.476 acres of land of which about 4.228 acres being a portion of the William Wofford Survey No. 39 and about 0.248 of one acre being a portion of the Isaac Perkins Survey No. 38 in Travis County, Texas, and being a portion of that 3.6 acre tract as described in a deed from Arthur P. Watson, et al to Oswald G. Wolf as recorded in Volume 435, Page 222, Travis County Deed Records, said 3.6 acres being also described in a one-half interest deed from Oswald G. Wolf to Arthur Fehr as recorded in Volume 435, Page 451, Travis County Deed Records, said 3.6 acres being designated as Tract 6 in a deed from Jewell East Wolf, et al to the Jewell East Wolf Trust, et al as recorded in Volume 6873, Page 1396, Travis County Deed Records, being more particularly described by metes and bounds as follows:

BEGINNING, at an iron stake at the most southerly corner of that 3.6 acre tract, a portion of the William Wofford Survey No. 39, designated as Tract 6 in a deed from Jewell East Wolf, et al to the Jewell East Wolf Trust as recorded in Volume 6873, Page 1396, Travis County Deed Records, said 3.6 acre tract being described in a one-half

interest deed from Oswald G. Wolf to Arthur Fehr as recorded in Volume 435, Page 451, Travis County Deed Records, said beginning iron stake being in a fence along the east line of that tract designated as First Tract in a deed from James W. Maddox, et ux to Oswald G. Wolf as recorded in Volume 435, Page 449, Travis County Deed Records, said beginning iron stake being in the west line of that 11.508 acre tract, a portion of the Isaac Perkins Survey No. 38, conveyed to John C. Wooley, Trustee in a deed as recorded in Volume 6265, Page 1625, Travis County Deed Records;

THENCE, with the southwest line of the said Wolf 3.6 acre tract, courses numbered 1 through 3 inclusive as follows:

1. N 16° 14' W 261.93 feet to an iron stake in the west root of a 30" Live Oak;
2. N 29° 52' W 196.00 feet to an iron stake;
3. N 16° 00' W 119.77 feet to an iron stake in an old fence line along the south line of that 12.21 acre tract as described in a deed from Harry W. Johnson, et ux to Wilhelmina R. Morian as recorded in Volume 7543, Page 153, Travis County Deed Records;

THENCE, with said old fence line along the south line of the Morian 12.21 acre tract, courses numbered 4 through 6 inclusive as follows:

4. N 66° 46' 30" E 42.00 feet to an iron stake;
5. N 71° 59' E 421.08 feet to an iron stake;
6. S 88° 49' E at 102.17 feet passing an iron stake, in all 127.0 feet to a point at the edge of the water of Lake Austin;
7. THENCE with the edge of the water of Lake Austin, S 8° 42' E 208.9 feet to a fence post in a north line of the aforesaid Wooley 11.508 acre tract;

THENCE, with a fence along the north, northwest and west lines of the Wooley 11.508 acre tract, courses numbered 8 through 11 inclusive as follows:

8. S 83° 11' W 78.15 feet to an iron stake;
9. S 80° 02' W 41.23 feet to an iron stake;
10. S 75° 17' W 8.35 feet to an iron stake;
11. S 43° 11' W 15.37 feet to an iron stake in the east line of the aforesaid Wolf 3.6 acre tract as fenced and used upon the ground;

12. THENCE, with the west line of the said Wooley 11.508 acre tract and being the east line of the said Wolf 3.6 acre tract as fenced and used upon the ground, S 30° 52' W 9.20 feet to an iron stake at the northwest corner of that 0.38 of one acre tract conveyed to John C. Wooley, Trustee in Volume 6265, Page 1611, Travis County Deed Records;

13. THENCE, with the east line of the said Wolf 3.6 acre tract as fenced and used upon the ground and being the west line of the said Wooley 0.38 of one acre tract, S 29° 49' W 240.42 feet to an iron stake at the southwest corner of the said Wooley 0.38 of one acre tract and being the northwest corner of that 0.42 of one acre tract conveyed to John C. Wooley, Trustee in Volume 6265, Page 1632, Travis County Deed Records;

THENCE, with the west line of the said Wolf 3.6 acre tract as fenced and used upon the ground and being the west line of the said Wooley 0.42 of one acre tract, courses numbered 14 through 15 inclusive as follows:

14. S 30° 19' W 179.65 feet to an iron stake;

15. S 29° 41' W 39.14 feet to an iron stake at the southwest corner of the said Wooley 0.42 of one acre tract and being a northwest corner of the said Wooley 11.508 acre tract;

16. THENCE, with the east line of the said Wolf 3.6 acre tract as fenced and used upon the ground and being the west line of the said Wooley 11.508 acre tract, S 30° 09' W 45.11 feet to the place of the beginning, containing 4.476 acres of land,

locally known as 1703-B Riverhills Road in the City of Austin, Travis County, Texas.

PART 2. It is hereby ordered that the USE and HEIGHT and AREA maps accompanying Chapter 13-2 of the Austin City Code of 1981 and made a part thereof shall be changed so as to record the change ordered in this ordinance.

PART 3. The rule requiring that ordinances shall be read on three separate days is hereby suspended, and this ordinance shall become effective ten (10) days following the date of its passage.

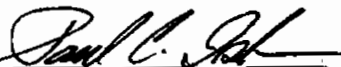
PASSED AND APPROVED

September 13, 1984




Ron Mullen
Mayor

APPROVED:


Paul C. Isham
City Attorney

ATTEST:


James E. Aldridge
City Clerk

WMC:saf

AFFIDAVIT OF PUBLICATION

THE STATE OF TEXAS
COUNTY OF TRAVIS

Before me, the undersigned authority, a Notary Public in and for the County of Travis, State of Texas, on this day personally appeared:

Lillie Petty

Classified Advertising Agent of the Austin American-Statesman, a daily newspaper published in said County and State, who being duly sworn by me, states that the attached advertisement was published in said newspaper on the following dates, to wit:

October 9th, 1984

and that the attached is a true copy of said advertisement.

Lillie Petty

SWORN AND SUBSCRIBED TO BEFORE ME, this the 10th
Day of October A.D. 1984.

Denise Stegall

Notary Public in and for
TRAVIS COUNTY, TEXAS

Denise Stegall

(Type or Print Name of)

3/3/86

(My Commission Expires:)

