

ZONING CASE NO. C14-83-003.189

RESTRICTIVE COVENANT

THE STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF TRAVIS §

WHEREAS, the undersigned, of Travis County, Texas are owners of the following described property (hereinafter referred to as "the property"), to-wit:

All of that certain 4.476 acre tract of land more particularly described by metes and bounds in Exhibit "A" which is attached hereto and made a part hereof.

and,

WHEREAS, the City of Austin, Texas, a municipal corporation, and the undersigned owners of the property have agreed that the property should be impressed with certain covenants and restrictions running with the land, for the benefit of the owner, the benefit of the public, and the more appropriate development and benefit of the property, and desire to set forth such agreement in writing;

NOW, THEREFORE, for and in consideration of One and No/100 Dollars (\$1.00) and other good and valuable consideration in hand paid by the City of Austin, the receipt and sufficiency of which is hereby acknowledged and confessed, the undersigned owners do hereby impress upon the property, the following covenants, conditions and restrictions, which shall be deemed and considered to be covenants running with the land, and which shall be binding on the undersigned owners, their heirs, personal representatives, successors and assigns, as follows, to-wit:

1. In the event of (a) an expansion of the restaurant/bar/boat dock use of the property which exists as of the date hereof, or (b) the redevelopment of the property for a different type of use allowed under the "C-2" Commercial zoning classification (or such equivalent of the "C-2" Commercial zoning classification as may be applied to the property by

virtue of the comprehensive revision to the City of Austin's Zoning Ordinance), then such expansion or redevelopment shall be subject to site plan approval by the City Council of the City of Austin after recommendation thereon by the City Planning Commission.

2. If any persons, corporation or entity of any other character shall violate or attempt to violate the foregoing agreement and covenant, it shall be lawful for the City of Austin, a municipal corporation, its successors and assigns, to prosecute proceedings at law, or in equity, against said person, or entity violating or attempting to violate such agreement or covenant; or to take any other action authorized by ordinance or utility service regulations of the City of Austin.

3. If any part or provision of this agreement or covenant herein contained shall be declared invalid, by judgment or court order, the same shall in nowise affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full force and effect.

4. The failure at any time to enforce this agreement by the City of Austin, its successors and assigns, whether any violations hereof are known or not, shall not constitute a waiver or estoppel of the right to do so.

5. This agreement may be modified, amended or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, or such other governing body as may succeed the City Council of the City of Austin, and (b) by the owner(s) of the above-described property at the time of such modification, amendment or termination.

EXECUTED this the 1ST day of JUNE, 1984.

Mary Jane Grant Fehr
 MARY JANE GRANT FEHR
 Co-Trustee of the Testamentary
 Trust under the Will of
 Arthur K. Fehr, Deceased

Paul H. Wendler
 PAUL H. WENDLER
 Vice President - Trust,
 INTERFIRST BANK AUSTIN, N.A.,
 Co-Trustee of the Testamentary
 Trust under the Will of
 Arthur K. Fehr, Deceased

Janita Louise Mitchell Bouldin
 JANITA LOUISE MITCHELL BOULDIN
 Co-Trustee and Co-Independent
 Executrix of the Estate of
 Jewell East Wolf, Deceased, and
 Co-Agent of the Oswald G. Wolf
 Heirs Agency

Vida Lucille Mitchell Bouldin
 VIDA LUCILLE MITCHELL BOULDIN
 Co-Trustee and Co-Independent
 Executrix of the Estate of
 Jewell East Wolf, Deceased, and
 Co-Agent of the Oswald G. Wolf
 Heirs Agency

Louis James
 LOUIS JAMES
 Vice President and Trust Real
 Estate Officer, FIRST CITY
 NATIONAL BANK OF AUSTIN,
 Co-Trustee and Co-Independent
 Executor of the Estate of
 Jewell East Wolf, Deceased, and
 Co-Agent of the Oswald G. Wolf,
 Heirs Agency

THE STATE OF TEXAS §
 COUNTY OF TRAVIS §

This instrument was acknowledged before me on July 10,
 1984 by MARY JANE GRANT FEHR, Co-Trustee of the Testamentary
 Trust under the Will of Arthur K. Fehr, Deceased.

My commission expires: _____

Judy R. Meier
 Notary Public - State of Texas

JUDY R. MEIER
 Notary Public, State of Texas
 My Commission Expires 5/20/85

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on JUNE 1,
1984 by PAUL H. WENDLER, Vice President - Trust, INTERFIRST
BANK AUSTIN, N.A., Co-Trustee of the Testamentary Trust under
the Will of Arthur K. Fehr, Deceased.

My commission expires:
7-16-85

John Beaudry
Notary Public - State of Texas
John Beaudry

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on June 29,
1984 by JUANITA LOUIS MITCHELL BOULDIN, Co-Trustee and
Co-Independent Executrix of the Estate of Jewell East Wolf,
Deceased, and Co-Agent of the Oswald G. Wolf Heirs Agency.

My commission expires:
11-10-84

Judy Shinkle
Notary Public - State of Texas

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on June 29,
1984 by VIDA LUCILLE MITCHELL BOULDIN, Co-Trustee and
Co-Independent Executrix of the Estate of Jewell East Wolf,
Deceased, and Co-Agent of the Oswald G. Wolf Heirs Agency.

My commission expires:
11-10-84

Judy Shinkle
Notary Public - State of Texas

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on June 29,
1984 by LOUIS JAMES, Vice President and Trust Real Estate
Officer, FIRST CITY NATIONAL BANK OF AUSTIN, Co-Trustee and
Co-Independent Executor of the Estate of Jewell East Wolf,
Deceased, and Co-Agent of the Oswald G. Wolf Heirs Agency.

My commission expires:
11-10-84

Judy Shinkle
Notary Public - State of Texas

METCALFE ENGINEERING CO., INC.

4800 SOUTH CONGRESS
PHONE 442-8363 — 478-1878
AUSTIN, TEXAS 78745

FIELD NOTES OF A SURVEY OF 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, AS SURVEYED FOR THE ESTATES OF OSWALD G. WOLF AND ARTHUR FEHR BY METCALFE ENGINEERING COMPANY, INC., 4800 SOUTH CONGRESS, AUSTIN, TEXAS.

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. Woolley, 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 208.8 feet to a fence post in a north line of the aforesaid Woolley 11.508 acre tract;

EXHIBIT A

PAGE 1 OF 2

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 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 0.42 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.

Surveyed November 10, 1982.

METCALFE ENGINEERING CO., INC.

By:

Marlton O. Metcalfe, Jr.

Marlton O. Metcalfe, Jr.
Registered Public Surveyor #1374

Plans 8951 & 7879
FB 613, P 26

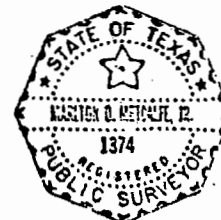


EXHIBIT A

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PIER Task Force Subcommittee Hearing – 8/28/07

Commissioners Concerns

Keith Jackson

1. Impervious Cover – is the reserve tract just for use by the Pier development or the Embarcadero development?
2. Is there some sort of overlap between the Pier and the Embarcadero that we are missing?
3. Is the access easement calculated into the Pier's impervious cover?
4. What are we willing to do to improve River Hills Rd.?
5. What can be currently done under CR zoning without the Water Supply Regulations?
What can be currently done under CS-1? Please provide a schematic of what exactly can be done.
6. Proposes that we get rid of the fueling all together.
7. Would like for us to reduce the amount of proposed impervious cover.
8. Would like for us to provide a new articulation of the building. He does not believe the building will be aesthetically pleasing.
9. Will River Hills Road provide adequate emergency access?
10. Provide a description of the LA zoned area.

Stephanie Hale

1. What is the total proposed sq. ft. of the restaurant? Has it been designed?
2. What else has changes since the last hearing?
3. What is the height of the adult trees that are being proposed to shield the boat barn?
4. Provide a letter from the MUD and WCID that states whether or not they are in support or opposition of the project.

Teresa Robago

1. Needs clarification regarding the access to Weston Lane.

Clarke Hammond:

1. Why is there a proposed variance for a reduction of required parking spaces? Can we reduce the proposed variance?
2. Would like to see some sort of aesthetic differences as opposed to current rendering.
3. Why are we proposing a variance from Section 25-8-454(D)(2) (Uplands Zone) which would allow for a minimum of 0% of the site to be retained in or restored to its natural state to serve as a buffer?
4. Why are we proposing a variance from Section 25-7-152 (Dedication of Easements and Right-of-Way) which would not require the owner to dedicate to the public an easement of right-of-way for drainage facility, open or enclosed, and stormwater flow to the limits of the 100-year floodplain?

Nikelle's Concerns: The applicant still does not meet superiority. If you don't even meet the code requirements and need 18 variances, how can you say you are superior? WQ issues have still not been addressed. The applicant and staff stated that things have changed from the last meeting but it seems to us that we are still looking at the same application. Why has the applicant not confirmed acceptance by the TCEQ? It appears to us that this development will be a very large, very metal and very obnoxious industrial development.

1. How are you superior to conventional zoning?
2. Where is verification from the TCEQ?
3. Where is verification from the Water Districts?
4. Why have staff comments not all been addressed?
5. There is land in ETJ that is outside of the PUD. Why has this not been addressed?
6. Wants to know what we can do under conventional zoning.

CLARK, THOMAS & WINTERS

A PROFESSIONAL CORPORATION

TELEPHONE (512) 472-8800

POST OFFICE BOX 1148

FAX (512) 474-1129

AUSTIN, TEXAS 78767

300 WEST 6TH STREET, 15TH FLOOR

AUSTIN, TEXAS 78701

April 25, 2007

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

RE: Pier Partners Planned Unit Development Purpose Statement

Dear Ms. Hsu

The purpose of this correspondence is to provide a statement of the purpose for this Planned Unit Development "PUD", the proposed conceptual land use plan and site development regulations for the Pier Partners PUD land use plan and briefly discuss why the proposed 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. As you are aware the Pier is an Austin and Lake Austin icon and I will refer to it as the Pier throughout. The Pier had been operated at this location serving as a restaurant and community gathering spot for live musical entertainment, dining, recreation and boat fueling for over 47 years.

The property that comprises the PUD is owned by The Pier Partners, LP and Embarcadero Partners, LP.

The Pier was originally opened to the public in 1958 at a time when food and entertainment services at this part of Lake Austin were non-existent.

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

Since opening in 1958, the Pier has hosted live music by such great artists as Cross Canadian Ragweed, Leon Russell, Big Brother, & Holding Company to name a few and an untold number of local Austin musicians. During it's 58 years of operation, "The Pier" became synonymous with live music in Austin.

The Pier values the relationship it has developed with the community and neighborhoods. The Pier is committed to working closely with its neighbors during this PUD process to ensure that the needs and concerns of the community are carefully considered and incorporated in the Pier plans for the future, to the extent possible. During this process, the Pier is committed to communicate regularly with its neighbors and neighborhood associations, to ensure that the community is aware of and involved in the PUD planning process.

April 25, 2007

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I. Characteristics of the Proposed PUD.

The Pier proposes that the PUD have the following site development regulations and confer the following community benefits.

A. Site Development Regulations.

1. Development occurring under the PUD would comply with the LDC regulations and those regulations as set forth in the approved Land Use Plan as modified by the PUD ordinance.

2. Land-Uses within the PUD will be those allowed in these specific zoning categories with the following specific uses prohibited:

Tract 1 – All uses permitted and conditional with “GR”
Community Commercial.

Tract 2 – All uses permitted and conditional with “GR”
Community Commercial plus marina and recreation equipment
maintenance & storage

3. 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.
4. The project intends to be a Green Builder, provide Rainwater Harvesting and an Integrated Pest Management Plan.

B. Community Benefits.

1. Restaurant

(i) Family dining facilities – Indoor and outdoor, attracting patrons by vehicle and watercraft as well as pedestrian visitors.

2. Restroom Facilities – Deter pollution of the lake and reduce the potential for contamination.

April 25, 2007

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3. Indoor Live Music Venues
4. Dry Boat Storage and Maintenance
5. Employment Opportunity

6. 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.

7. Wastewater – Convert the existing septic drainfield to a system of current design and construction.

8. 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.

II. The Proposed PUD Conforms to the Purposes of Sec. 25-2-174 of the Land Development Code of the City of Austin

A. The Proposed PUD Provides “Greater Design Flexibility for Development with the PUD”

1. The PUD zoning would address the ever changing needs of the community indefinitely at the current location and deter the pressure for the proliferation of fueling facilities and in-water boat storage facilities on the lake.

B. The Proposed PUD results in development superior to conventional development that would be permitted under current zoning and subdivision regulations

1. Maximization of available resources
2. Homogeneous multi-use facilities
3. Contributions to storm water facilities
4. Contributions to water quality facilities

C. The Proposed PUD Enhances Preservation of the Natural Resources.

April 25, 2007

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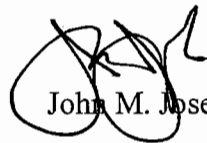
1. Rainwater
2. Green Builder
3. Herbicide and Pesticide Plan
4. Landscape buffer between the Pier Development and adjoining properties
5. Minimizes current runoff into Lake Austin
6. The new gas storage facility will further protect the environmental quality of Lake Austin

D. The Proposed PUD Encourages High Quality Development and Innovative Design.

E. The Proposed PUD Ensures Adequate Public Facilities and Services

For the above-mentioned reasons, the applicant respectfully requests a PUD zoning base district for the subject site and believes that 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: Pier Partners, LP
Attention:
Ron Thrower

JMJ:ck #16144-1
S:\mjt\wd proc\pier partners\purpose statement

CLARK, THOMAS & WINTERS

A PROFESSIONAL CORPORATION

TELEPHONE (512) 472-8800

POST OFFICE BOX 1148

FAX (512) 474-1129

AUSTIN, TEXAS 78767

300 WEST 6TH STREET, 15TH FLOOR

AUSTIN, TEXAS 78701

April 25, 2007

John. M. Joseph

(512) 495-8895

jmj@ctw.com

Mr. Jorge E. Rousselin, Case Manager
City of Austin
Neighborhood Planning & Zoning Department
505 Barton Springs Road, 5th Floor
Austin, Texas 78704

RE: Case No.: C814-06-0202
Project: The Pier Partners (1703 River Hills Road)
Applicant: Pier Partners, L.P.

Dear Mr. Rousselin:

The following is a list of requested variances to be included in the Planned Unit Development, in accordance with LDC § 25-2-411(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 20 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 45% 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.

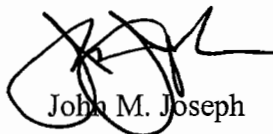
April 25, 2007

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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, decking and the reconstruction of the restaurant within the Critical Water Quality Zone.
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.

If you need any additional information, please do not hesitate to contact me.

Very truly yours,



John M. Joseph

CLARK, THOMAS & WINTERS
A PROFESSIONAL CORPORATION

April 25, 2007
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CC: Mr. Brian A. Bailey, Pier Partners, L.P.
Mr. H.M. "Mac" Pike, Jr., Pier Partners, L.P.
Mr. Eric Moreland, Pier Partners, L.P.
Mr. Ron Thrower, Thrower Designs
Mr. Kevin Flahive, Clark, Thomas & Winters, P.C.

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300 WEST 6TH STREET, 15TH FLOOR

AUSTIN, TEXAS 78701

November 29, 2006

Mr. Jorge Rousselin
Neighborhood Planning & Zoning Department
City of Austin
505 Barton Springs; 5th Floor
Austin, Texas 78704

RE: Pier Partners Planned Unit Development; 1703 River Hills Road

Dear Mr. Rousselin:

The purpose of this correspondence is to provide justification to allow the above referenced property to apply for a Planned Unit Development "PUD" zoning designation. The property currently within the City's jurisdiction is 5.37 acres; however, the Applicant is currently working with the City of Austin to annex the remaining 4.968 acres of land that is to be included in the proposed Pier Partners PUD. At this time, the Applicant would like to respectfully request a waiver from Sec 25-2-144 (D) of the LDC requiring "A PUD district must include at least 10 acres of land, unless the property is characterized by special circumstances, including unique topographic constraints."

The Pier project is a complex, multi-use development consisting of CS-1 zoning and CR zoning and development regulations, on sloped terrain adjacent to Lake Austin. The development with the construction of a new on-site wastewater disposal/treatment system and improved boat fueling system will greatly enhance and preserve the natural lake shore environment and Lake Austin. Building a marina and restaurant on the sloping property will require high quality and innovative design. Also, the project will ensure that the public will continue to have access to this property for recreational and restaurant facilities, and for the use and access to "their" lake. This factor alone makes the Pier property a special and unique property.

The property has the following unique site constraints:

1. **Access** – There is only one-way access from River Road to the Pier Road. There is lake access, but there is a very limited number of dilapidated boat slips.
2. **Slopes** – There is a very large slope on the property and it requires special and innovative design standards.
3. **Environmental issues** – CWQZ Development, Construction on slopes, cut/fill are all a major factor on this site.

November 29, 2006

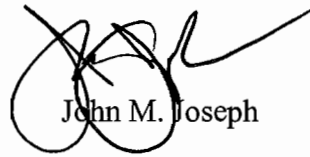
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4. **Floodplain** – This current restaurant is constructed wholly within the floodplain. The proposed main kitchen, dining and restroom facilities of the restaurant would be erected above the floodplain. Only boat facilities and boat slips for temporary boat parking, while using the project facilities, will be constructed within the floodplain.
5. **Fire flow for commercial development** – The project is a complex development which will require special and innovative fire flow measures. The facilities will be drawing water from the lake for fire protection and drinking water.
6. **Construction on slopes** – The project is a very complex development which requires innovative design regarding construction on slopes.
7. **Economic viability** – The restaurant, marina and boat fueling are integral to the project and critical from an economic standpoint and are beneficial to the existing and future residents of Austin and boaters, swimmers, hikers in this community.
8. **No way to expand boundary north, east or south**
9. **Trees** – The property contains large protected trees. The Innovative design will allow for all the protected trees to remain.
10. **Septic requirements** – The new on-site wastewater treatment/disposal system will enhance preservation of the natural environment and greatly reduce the opportunity for contamination of the lake and adjacent environment.
11. **Community Benefit** – The Pier has long been a gathering place for citizens and guests of the area to enjoy the “Lake Austin” and “Austin” experience. The unique configuration of the tracts, coupled with the amenities offered, require the PUD to bring together the regulations that will make this singular “Austin” experience possible.

November 29, 2006
Page 3

Due to the above mentioned site constraints, the Applicant requests that the City of Austin allow for a Planned Unit Development with less than ten (10) acres of land. Please feel free to contact me if you should have any questions.

Sincerely,



John M. Joseph

cc: Pier Partners
Ron Thrower

TRAVIS COUNTY WATER CONTROL AND
IMPROVEMENT DISTRICT NO. 20

9511 Ranch Road 620 North
Austin, Texas 78726

RECEIVED

December 4, 2006

DEC 05 2006

**VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Neighborhood Planning & Zoning

City of Austin
c/o Watershed Protection and Development Review Department
505 Barton Springs Road
Austin, Texas 78704

Attention: Jorge Rousselin, Case Manager

Re: The Pier Property; Case No. C814-06-0202

Ladies and Gentlemen:

We are writing you as the Board of Directors of Travis County Water Control and Improvement District No. 20 (the "District"). The District provides potable water service to homes with a total estimated population of 1,100 persons adjacent to the subject property known as the Pier. The District owns the lot adjacent to and downstream of the Pier. The District's lot is the location of the District's water treatment plant. The District's raw water intake structure is located four lots further downstream from the water treatment plant.

The District's Board of Directors has taken action in open session to oppose this application by the Pier for a planned unit development ("PUD") and to oppose the waiver of compatibility standards. The District urges the City of Austin to deny the request for this development.

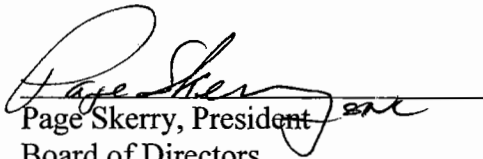
The District's raw water intake facility is approximately 800 feet downstream of the Pier. At the time the District constructed its facilities and until recently, the Pier provided docking for approximately 19 boats. In 1983, the District's developers applied for and received approval of an exception to allow its facilities within 1,000 feet of gasoline facilities. Based upon the limited use of the Pier's boating activities at that time, the District's engineer and the staff of the Texas Health Department, concluded that the exception was reasonable.

The development proposed by Pier Partners, L.P. includes dry docking of approximately 200 boats, and, the fueling of those boats from a new proposed gasoline storage facility. The

planned development, in the District's opinion, would create a potentially hazardous and substantial source of contamination of the District's public drinking water supply.

For these reasons, the Board of Directors respectfully requests the City's Boards and Commissions and City Council deny this PUD request.

Very truly yours,

By: 
Page Skerry, President
Board of Directors

cc: Terry Barnes
1409 N. Weston Lane
Austin, TX 78733

Pier Partners, L.P.
c/o Kelly Cannon
Clark Thomas & Winters
P.O. Box 1148
Austin, TX 78767

Hamp Skelton
P.O. Box 1609
Austin, TX 78767-1609

TRAVIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 4

9511 Ranch Road 620 North

Austin, Texas 78726

December 11, 2006

**VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

City of Austin
c/o Watershed Protection and Development Review Department
505 Barton Springs Road
Austin, Texas 78704

Attention: Jorge Rousselin, Case Manager

Re: The Pier Property; Case No. C814-06-0202

Ladies and Gentlemen:


We are writing you as the Board of Directors of Travis County Municipal Utility District No. 4 (the "District"). The District serves as the Master District for the seven Travis County Municipal Utility District Nos 3-9 and provides potable water service to homes with a total estimated current population of approximately 2,200 persons. The District will also begin in 2007 providing water service to a new retirement and long-term care facility for the elderly located within the District's service area. The safety of the water supply is of utmost importance. The District's raw water intake structure is located approximately 700 feet upstream from the Pier property.

The District's Board of Directors has taken action in open session to oppose this application by the Pier for a planned unit development ("PUD") and to oppose the waiver of compatibility standards. The District urges the City of Austin to deny the request for this development.

As stated above, the District's raw water intake facility is approximately 700 feet upstream of the Pier. The development proposed by Pier Partners, L.P. includes dry docking of approximately 200 boats, and, the fueling of those boats from a new proposed gasoline storage facility. The planned development, in the District's opinion, would create a potentially hazardous and substantial source of contamination of the District's public drinking water supply. It is not unusual for wind conditions and lack of water release at downstream dams to allow water and debris to travel upstream for limited distances.

For these reasons, the Board of Directors respectfully requests the City's Boards and Commissions and City Council deny this PUD request.

Very truly yours,

By: 
Bill Dukes, President
Board of Directors

cc: Pier Partners, L.P.
c/o Kelly Cannon
Clark Thomas & Winters
P.O. Box 1148
Austin, TX 78767

May 25, 2007

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

RECEIVED

MAY 30 2007

Neighborhood Planning & Zoning

Re: The Pier Property on Lake Austin

Dear Mr. Rousselin:

I have been a property owner and resident on Lake Austin for 25 years. I have visited the Pier Restaurant many times and I have enjoyed the convenience of having a second fueling dock for my boat. I am in favor the re-development of the Pier Property and I think the dry stack boat facility would help, not hurt, the overall traffic and environmental impact to the lake.

First, the boat traffic will likely not change significantly because many of the boats on the lake on busy weekends are trailered to one of the few public ramps on the lake. The storage facility will help relieve vehicular traffic on the roads by providing storage and it will provide a clean and safe environment for boat storage. It is my understanding that only 10% to 15% of the boats in storage are used on busy weekends, many of which would likely have been taken to the lake by trailers anyway.

Second, the improvements the developers are proposing on the property will greatly improve the environmental impact which currently exists on the site. New fueling facilities, a state of the art septic system, and clean restrooms not draining into the lake will have a very positive environmental effect on the lake. Only attended fueling will be allowed, as I am told, and this will reduce the amount of fuel spillage compared to boats being fueled by gas cans. I have also been told that the boats housed in the storage facility will be fueled on land not on the water which again reduces fuel spillage in the water.

Third, this facility will provide boat to lake access for many homeowners on the western side of Lake Austin and consequently this should reduce the amount of boat launchings at the 360 bridge ramp, which is currently a safety and environmental hazard.

Thank you for the opportunity to express my thoughts on this issue and I hope the city staff will support this project.

Sincerely,



John C. Horton III
3111 Westlake Dr.
Austin, TX 78746
512-477-9966

Terry Barnes
1409 N Weston Ln
Austin, TX 78733

December 13, 2006

Mr. Jorge Rousselin
City of Austin Neighborhood Planning and Zoning Dept
P.O. Box 1088
RE: C814-06-0202

Austin, TX 78767

Dear Mr. Rousselin,

The new Pier owners wish to construct a dry dock boat storage building for 185+ boats on Lake Austin at the old Pier restaurant location complete with a marina at the water. City staff during a previous zoning application (C14-05-0211) moved to approve their application before it went before the zoning commission. The Parks and Recreation board wrote a resolution in support of the proposed facility as well. When the application went before the zoning commission April 4, 2006 the applicants moved for a postponement in order to revise their application before it was to be considered by the zoning commission. It is now returning to you under application number C814-06-0202.

It is my understanding that under Title 30 of the Texas Administrative Code "Raw water intakes shall not be located within 1,000 feet of boat launching ramps, marinas, docks, or floating fishing piers which are accessible by the public."¹ Water District #20's raw water intake measures on a city plat map, approximately 780 feet to the South from the gas dock and Stratus Properties raw water intake is approximately 680 feet to the North of the gas dock. Water District #20's board has opposed the redevelopment of the Pier in a letter to the City of Austin Feb 14, 2006.

The marina and fuel sales at the Pier location were in a grand fathered zoning environment that use was non-conforming for its current zoning. I find gas service and marina service unacceptable to continue under variance or waiver since the use of all of the marina type docks and structures have become "abandon" as defined by City of Austin inactivity standard of 90 consecutive days². The restaurant has been closed since Oct of 2005 and a locked gate has been constructed blocking vehicle access by road. Service of all types has ceased. Video of the zoning commissions public hearing shows city staff affirming to the zoning commission that the marina use had become abandon during the public hearing on April 4, 2006. "A person may not resume an abandoned non-conforming use."³

Their desire to build a new restaurant, have boat storage and become a public tourist recreation area will surely fall under the restrictions mandated by State law. I would plea that no further wavier or variance for this type of operation adjacent to two large public water districts be granted or continued. I wish to respectfully request the zoning review department staff move for a disapproval based upon the above facts of law.

Thank you

Terry Barnes

¹ Texas Administrative Code Title 30, Part 1, Chapter 290, Subchapter D, Rule 290.41, Subchapter (e)

² City of Austin Land development code 25-2-945 sub (A) (2)

³ City of Austin Land development code 25-2-945 sub(C)

Rousselin, Jorge

From: Terry Barnes [REDACTED]
Sent: Tuesday, May 08, 2007 8:59 AM
To: Rousselin, Jorge
Subject: Case C814-06-0202 Second required street access point.

Mr. Rousselin,

City transportation staff comment TR15 states "For the subdivision, new subdivisions must have at least two access streets, and each must connect to a different external street, unless otherwise approved by the Director. LDC, 25-4-157 (B)." As I have stated before in reference to this case the second proposed access street named Weston Lane is a private road. No access for use of this road by the applicants has been granted by the owners of this private road. Weston Lane is incorrectly depicted on city transportation maps as an arterial roadway and public access. Weston lane is gated at it's entrance with access granted to homeowners only via code, the end of Weston Lane is also gated and padlock keyed to emergency service personal only. Weston lane and it's tributary streets have never been turned over to Travis county. Weston lane enjoys it's private status and it's maintenance is the responsibility of the residential homeowners that it serves via the homeowners association that own it. It is not a access road that will service a commercial endeavor that is beyond the surveyed plat of our subdivision.

For the proposed zoning hearing I wish to make it clear that the Pier tract has not been granted a second road access point as required by LDC 25-4-157.

Thank for your consideration
Terry Barnes
1409 N Weston Lane
Austin, TX

5/8/2007

Rousselin, Jorge

From: Lewis Talbert [REDACTED]
Sent: Friday, November 17, 2006 11:33 AM
To: Rousselin, Jorge
Subject: Opposition to adding a drystack marina at the Pier

November 15, 2006

Mr. Jorge Rousselin; City of Austin Neighborhood Planning and Zoning Dept

RE: C814-06-0202 'The Pier Property'

Dear Jorge;

I am a Lake Austin Property owner. I have had many discussions with several property owners on Lake Austin, all who are opposed to the development of this site as planned. Adding another Marina to an already overcrowded lake is in no one's best interest.

The plan as it stands adds significantly to the congestion on the lake, and it requires you to bend or ignore many city codes in order to allow them to do that. I understand there are many outstanding issues with zoning, water supply impact, expired grandfathered use, access, fire codes, water availability, noise, gasoline service, building height, impervious cover, minimum acreage requirements, and many other issues.

My group of Lake Austin residents will be watching this development closely to make sure the city officials follow all aspects of the zoning in place. We have discussed the project with legal council and will be actively interested in each stage of its progress.

Since this development affects the lake itself, all lake residents need to be notified of any zoning requests, meetings, or modifications to this site. I am sure hundreds of residents will show up to dispute any development that makes this lake more crowded and more dangerous.

Could you please add this letter to the file for this development, and add me to this list of people requesting to be contacted regarding any action on this property. I would like to be notified of any further action on this development.

Thank you;

5/10/2007

Lewis Talbert
(512) 825-8246

[REDACTED]

5/10/2007

Rousselin, Jorge

From: Nan Beebe [REDACTED]
Sent: Tuesday, November 28, 2006 6:52 PM
To: Rousselin, Jorge
Subject: Pier property

Re: C814-06-0202

Dear Mr. Rousselin,

I am a home owner on Lake Austin and am writing to you in reference to the proposed development of the Pier property on River Hills Road. Like most of my neighbors, I am extremely concerned about the impact that this proposal could have on the safety of Lake Austin which is already very crowded as well as the tremendous increase in traffic on River Hills Road. A group of concerned residents recently attended a city council meeting with the environmental board and were given several recommendations as to which group has "authority" in this matter, but it was very unclear who has jurisdiction, especially when the list of issues includes, safety, zoning, water intake, etc., not to mention the dangerous road conditions already on River Hills Rd., which will only increase.

As a mother of 3 children that love to swim in the lake, my concern is for safety primarily. We already have one Lake Travis. (How many deaths just last summer?) Let's keep Lake Austin safe. Let's keep Lake Austin pristine.

Please include my letter in the case file for C814-06-0202.

sincerely,
Nan Beebe

1308 Bruton Springs Road
Austin, TX 78733

...manage your diabetes with style
www.BeticBag.com

Rousselin, Jorge

From: Terry Barnes [REDACTED]
Sent: Tuesday, May 08, 2007 8:59 AM
To: Rousselin, Jorge
Subject: Case C814-06-0202 Second required street access point.

Mr. Rousselin,

City transportation staff comment TR15 states " For the subdivision, new subdivisions must have at least two access streets, and each must connect to a different external street, unless otherwise approved by the Director. LDC, 25-4-157 (B). As I have stated before in reference to this case the second proposed access street named Weston Lane is a private road. No access for use of this road by the applicants has been granted by the owners of this private road. Weston Lane is incorrectly depicted on city transportation maps as an arterial roadway and public access. Weston lane is gated at it's entrance with access granted to homeowners only via code, the end of Weston Lane is also gated and padlock keyed to emergency service personal only. Weston lane and it's tributary streets have never been turned over to Travis county. Weston lane enjoys it's private status and it's maintenance is the responsibility of the residential homeowners that it serves via the homeowners association that own it. It is not a access road that will service a commercial endeavor that is beyond the surveyed plat of our subdivision.

For the proposed zoning hearing I wish to make it clear that the Pier tract has not been granted a second road access point as required by LDC 25-4-157.

Thank for your consideration
Terry Barnes
1409 N Weston Lane
Austin, TX

5/10/2007

Rousselin, Jorge

From: Terry Barnes [REDACTED]
Sent: Friday, November 17, 2006 10:31 AM
To: Rousselin, Jorge
Subject: C814-06-0202 The Pier Marina use.

Attachments: C814_06_0202.doc



C814_06_0202.doc
(35 KB)

Mr. Rousselin

Please insert the attached word document to case file #C814-06-0202. It concerns the placement of a marina adjacent to raw water intakes. State law prohibits this under Texas administrative code title 30 and there are raw water intakes to the North and South of the subject property applying for a rezoning. There is no way to develop in a manner that will not result in a violation of this rule. Movement in either direction just makes separation worse for one or the other.

Thank you for your consideration

Terry Barnes

Terry Barnes
1409 N Weston Ln
Austin, TX 78733

May 8, 2007

Mr. Jorge Rousselin
City of Austin Neighborhood Planning and Zoning Dept
P.O. Box 1088
RE: C814-06-0202

Austin, TX 78767

Dear Mr. Rousselin,

The new Pier owners wish to construct a dry dock boat storage building for 185+ boats on Lake Austin at the old Pier restaurant location complete with a marina at the water. City staff during a previous zoning application (C14-05-0211) moved to approve their application before it went before the zoning commission. The Parks and Recreation board wrote a resolution in support of the proposed facility as well. When the application went before the zoning commission April 4, 2006 the applicants moved for a postponement in order to revise their application before it was to be considered by the zoning commission. It is now returning to you under application number C814-06-0202.

It is my understanding that under Title 30 of the Texas Administrative Code "Raw water intakes shall not be located within 1,000 feet of boat launching ramps, marinas, docks, or floating fishing piers which are accessible by the public."¹ Water District #20's raw water intake measures on a city plat map, approximately 780 feet to the South from the gas dock and Stratus Properties raw water intake is approximately 680 feet to the North of the gas dock. Water District #20's board has opposed the redevelopment of the Pier in a letter to the City of Austin Feb 14, 2006.

The marina and fuel sales at the Pier location were in a grand fathered zoning environment that use was non-conforming for its current zoning. I find gas service and marina service unacceptable to continue under variance or waiver since the use of all of the marina type docks and structures have become "abandon" as defined by City of Austin inactivity standard of 90 consecutive days². The restaurant has been closed since Oct of 2005 and a locked gate has been constructed blocking vehicle access by road. Service of all types has ceased. Video of the zoning commissions public hearing shows city staff affirming to the zoning commission that the marina use had become abandon during the public hearing on April 4, 2006. "A person may not resume an abandoned non-conforming use."³

Their desire to build a new restaurant, have boat storage and become a public tourist recreation area will surely fall under the restrictions mandated by State law. I would plea that no further wavier or variance for this type of operation adjacent to two large public water districts be granted or continued. I wish to respectfully request the zoning review department staff move for a disapproval based upon the above facts of law.

Thank you

Terry Barnes

¹ Texas Administrative Code Title 30, Part 1, Chapter 290, Subchapter D, Rule 290.41, Subchapter (e)

² City of Austin Land development code 25-2-945 sub (A) (2)

³ City of Austin Land development code 25-2-945 sub(C)

Terry Barnes
1409 N Weston Ln
Austin, TX 78733

May 10, 2007

Mr. Jorge Rousselin
City of Austin Neighborhood Planning and Zoning Dept
P.O. Box 1088
RE: C814-06-0202

Austin, TX 78767

Dear Mr. Rousselin,

The new Pier owners wish to construct a dry dock boat storage building for 185+ boats on Lake Austin at the old Pier restaurant location complete with a marina at the water. City staff during a previous zoning application (C14-05-0211) moved to approve their application before it went before the zoning commission. The Parks and Recreation board wrote a resolution in support of the proposed facility as well. When the application went before the zoning commission April 4, 2006 the applicants moved for a postponement in order to revise their application before it was to be considered by the zoning commission. It is now returning to you under application number C814-06-0202.

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Thank you

Terry Barnes

¹ Texas Administrative Code Title 30, Part 1, Chapter 290, Subchapter D, Rule 290.41, Subchapter (e)

² City of Austin Land development code 25-2-945 sub (A) (2)

³ City of Austin Land development code 25-2-945 sub(C)

Rousselin, Jorge

From: Terry Barnes [REDACTED]
Sent: Monday, November 06, 2006 2:14 PM
To: Rousselin, Jorge
Subject: Emabarcadero as related to the Pier project.

Mr. Rousselin

The link below will take you to the marketing web site for the Embarcadero project (C81-06-0506) on River Hills road. This tract abuts the Pier property (C814-06-0202). It appears as only a development assessment has been filed but the owners are currently offering the tracts for sale, or it appears that way from their web site. The Embarcadero project is from the Sutton Company of Austin.(<http://www.suttoncompany.com/>) The Sutton Company is also one of the owners of the Pier project, as is Eric Moreland. Mr. Moreland is the real estate firm representing the Embarcadero project.

The two projects are in concert with each other although not at first evident, and marketing strategy and lot price are driven as having Lake Austin access, complete with boat storage stalls for each new homeowner.

I would plea that consideration be given to the development of land along Lake Austin not circumvent the zoning process as to how boat docks and marinas are placed only to find out later that the true motives were to inflate the land prices of land that normally does not have waterfront access.

In viewing the Embarcadero web site they have an error in programing, in order to fully view the page it needs to be displayed in a very large window in order for the links to navigate the site to be view able at the bottom of their home page. These links take you to their story line, lot plans and real estate contact.

<http://www.embarcaderoaustin.com/>

Terry Barnes

May 11, 2007

City of Austin
Jorge Rousselin
Senior Planner
505 Barton Springs Road
Austin, TX 78704

RECEIVED

MAY 15 2007

Neighborhood Planning & Zoning

Dear Jorge,

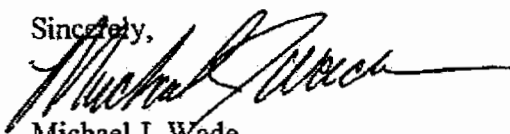
I have reviewed the proposed Pier redevelopment, please see my comments below:

1. **Marina system** - The proposed Pier boat storage facility looks safer and more environmentally friendly than the existing Lake Austin marinas. All the existing Lake Austin marinas store the boats over the water. In the past few years we've had several cases of boats leaking fuel, oil and/or sinking in these existing facilities. The proposed Pier boat storage facility will store the boats in a contained / controlled land based facility NOT over the water. Based on my experience it appears that this new marina type has superior safety features including the only automatic marina fire suppression system on the lake as well as providing increased protection against boat theft and vandalism.
2. **Fuel system** - Today Lake Austin has only one operating boat service station. The existing fuel facility at Lake Austin Marina has the pumps located over water, whereas the proposed Pier facility has all the pumps located on land combined with a fuel spill containment system.
3. **Lake Austin Traffic** - I believe the Pier boat storage facility will not have a substantial impact on the Lake Austin traffic. I have concluded from my years on the lake that most of the weekend traffic on Lake Austin is from trailered boats not the existing marinas. I believe the Pier facility will take boats off of trailers and thereby relieve some of the congestion at the public ramps.

In the past, the Pier setup has fostered a long time boating hazard with boats anchoring in front of the property till late in the evening. I am very concerned that one stray boat could run through the anchorage of 30 - 60 boats and the result would be bodily injury and/or death to multiple boaters. One of my main reasons for supporting this new development is that the new proposed Pier project would greatly alleviate this hazardous situation.

Please let me know if you have any additional questions.

Sincerely,



Michael J. Wade
Fmr. Sgt. Lake Patrol

Rousselin, Jorge

From: Terry Barnes [REDACTED]
Sent: Tuesday, April 03, 2007 1:18 PM
To: Rousselin, Jorge
Subject: The Pier tract C814-06-0202

Mr. Rousselin

I am trying to get an update on the Pier tract application. It is my understanding from the City's web site that their return update has so far been rejected by environmental and the transportation department. First question is have they returned with a remedy for the lack of 250 acres required for a PUD? I am also trying to see if the letters that the two water districts wrote in opposition to this application are still on file in the correct case and are not dropped for consideration during an update process. Can you advise or meet with me in person for an update?

Thanks in advance

Terry Barnes

2802 River Hills Rd.
Austin, TX 78733
May 7, 2007

Austin City Council
Zoning and Platting Commission
c/o Jorge Rousselin, Case Manager, ZAP
P.O. Box 1088
Austin, TX 78767

RECEIVED

MAY 15 2007

Neighborhood Planning & Zoning

Re: C814-06-0202

Dear Honorable Members of the Austin City Council and Zoning and Platting Commission:

I am writing to express my concerns about the Pier Partners Project proposed for River Hills Rd in western Travis County, reference C814-06-0202.

Having lived on this road for 23 years, I have watched the traffic increase exponentially in the last few years. Growth is unavoidable of course, but the number of developer-projects that are able to proceed without public input has placed our little road in particular peril. A desirable neighborhood becomes a playground for land speculators with no regard for the people who have spent most of their lives in a place; sadly, I know this happens everywhere. But this particular project is of a size and scope that is completely inconsistent with ANY residential neighborhood in the entire country, most especially one that sits on a road that winds and descends and is so narrow that existing traffic already has occasion to make a complete stop and allow large SUVs to cross the one lane bridge on the north end of the road before proceeding on. Putting 51 more homes and the attendant traffic that goes with them is bad enough, but placing two restaurants on a road that has only one ingress and egress will rapidly become a nightmare on a road of this size. The developers have already announced that there are no road improvements planned for River Hills Rd., and indeed, there is no physical room to widen this road, which literally hugs a cliff above the lake at the very spot where they propose this development. For any Council or Commission members who have not ever been to Riverhills, I invite you to take a drive on our beautiful little road and note the dangers as well as the beauty of it.

At our neighborhood meeting in which three of the four developers met with us to tell us that this was a done deal, I took particular issue with one comment that they are doing all of us neighbors a favor by ridding us of our neighborhood bar which formerly sat on part of this location. This bar (called The Pier) served as a place for neighborhood meetings, birthday parties, and a music venue on a seasonal basis. In recent years, it became a concert venue with events scheduled maybe once or twice a month in the summer. What this group of developers is proposing are two restaurants with a bar that serves alcohol 6-7 days per week year-round. (At least one of the two restaurants will serve alcohol by necessity in order to pay for the exorbitant price of doing business on a piece of land that has been speculated upon; it is highly likely that *both* proposed restaurants will serve alcohol; this fact is not in dispute with the developers). I cannot imagine anything more detrimental to a neighborhood than having your already dangerous little road filled with drunk drivers on a daily basis. As one who has suffered the consequences of a drunk driver first hand, I know that all it takes is one, just once. Making our narrow and dangerous little road a destination for those wanting to drink on the lake is criminal.

Additionally, the proposal to place 180 boat slips on this stretch of Lake Austin is ludicrous even to those who have no knowledge of boating. This property sits directly across from City Park and is filled with swimmers in the summer. The existing boat traffic on Lake Austin is already dangerous here where the lake is only around 150 -175 yards across. During my 23 years living here, I was witness to one boating accident in the 1980s where a boat hit a residential dock, and one person was killed. The dock that was hit jutted out about 12 feet into the lake. This proposal calls for a massive intrusion into the lake to accommodate the number of boats (to maximize their income). As proposed, the water passage for

passing boaters would be at least half of what it is now, and it's already too narrow. It is insane to think that this makes any sense whatsoever.

I realize that developers who speculate on land without taking into consideration the safety issues involved with their 'return-on-investment' must surely feel they are entitled to make as much money as possible on their risky ventures, and therefore they must propose projects that are massively inappropriate for their location like this Pier Partners project. But this goes beyond the scope of profiteering. The detrimental effects of a project like this cannot be stated succinctly enough. The topography of the land will not stand up to much more degradation, and I would hope that expert geologists will testify to the visible erosion that has already occurred here in the last few years as a result of the new houses that have popped up. Adding more development, especially development on this massive scale, will only invite disaster for this neighborhood and its residents as well as this small road itself on so many levels. Please come out and see for yourselves.

I thank you for the opportunity to comment.

Sincerely,
C.S. Symington
2602 River Hills Rd.
Austin, TX 78733
Phone: 275-6796

[REDACTED]

A handwritten signature in cursive script, reading "C.S. Symington". The signature is written in black ink and is positioned below the typed name and address.

May 7, 2007

Austin City Council
Zoning and Platting Commission
c/o Jorge Rousselin, Case Manager, ZAP
P. O. Box 1088
Austin, TX 78767

RECEIVED

MAY 15 2007

Neighborhood Planning & Zoning

Re: C814-06-0202

Dear Honorable Council and Commission Members:

My family is deeply concerned about the Pier Partners Project proposed for River Hills Road in western Travis County. River Hills is a narrow, winding country road with some blind corners and dangerous spots that we have learned to live with, sharing it with school buses and other area residents. River Hills has no cross streets that can provide an alternative route to get to Bee Cave Road. It is one way in and one way out—please come see for yourselves. In addition, it is situated so that widening is not an option—even if some entity would be willing to pay for that, which I doubt.

We have lived here since 1970 and have no objection to the new individual homes built in the area over these many years (although we lament the resultant erosion), and no objection to new development projects of reasonable scope. However, the 51 homes proposed for El Embarcadero alone will become a severe and dangerous traffic problem for this neighborhood—To allow two restaurant/bars to be built on the old Pier site, along with so many new residential units, is extremely irresponsible and an unwarranted degradation of our quality of life. Not only would traffic volume be escalated, but please consider how many drunk drivers will be on the road seven days per week if the two restaurants/bars are allowed to proceed.

In addition, we echo the comments of our neighbor Cindy Symington regarding the detrimental effects of their proposed 180 boat slips, which would be directly across Lake Austin from City Park (a narrow passage already).

Please to not allow this development to go forward.

Respectfully,

Mr. & Mrs. L. J. Burris

Mr. and Mrs. L. J. Burris
8816 Taylor Road
Austin, TX 78733

1612 Ski Slope Dr
Austin, TX 78733
May 17, 2007

Austin City Council
Zoning and Platting Commission
c/o Jorge Rousselin, Case Manager, ZAP
P.O. Box 1088
Austin, TX 78767

RECEIVED

MAY 24 2007

Neighborhood Planning & Zoning

Re: C814-06-0202

Dear Members of the Austin City Council and
Members of the Zoning and Platting Commission:

I am writing to express my concerns about the Pier Partners Project proposed for River Hills Rd in western Travis County, reference C814-06-0202.

First, I support my neighbors on River Hill Rd who have legitimate concerns about the addition of 51 new homes on a windy, narrow row with no matching significant commitment of funds for road improvement. (The developers have already announced that there are no road improvements planned for River Hills Rd., and indeed, there is no physical room to widen this road, which literally hugs a cliff above the lake at the very spot where they propose this development.)

Second, the addition of two restaurants on a road that has only one ingress and egress will rapidly become a nightmare on a road of this size. The fact that alcohol will be served only exacerbates this problem.

Third, the proposal to place 180 boat slips on this stretch of Lake Austin is ludicrous even to those who have no knowledge of boating. This property sits directly across from City Park and the Park is filled with swimmers and boats throughout the summer. The existing boat traffic on Lake Austin is already dangerous, largely due to the narrowness of the lake. I live further up the lake on Ski Slope Dr and with the recent building boom of lake homes; it is not uncommon to see 5 or 6 boats passing simultaneously in front of my home. To add to the danger, most are pulling skiers or floats filled with children and many are drinking.

Fourth, I am concerned that the sheer number of boats involved and the proposal for a gas station will put Austin's drinking water at risk. One can visually see oil slicks and all sorts of containers, plastic, Styrofoam on the surface of the water even now.

Please think very carefully about the long-term results for Austin and Lake Austin. Our lovely lakes are a key reason that Austin is such a desirable place to live. I understand that the last serious planning for Lake Austin was completed in the mid 70's. Thirty-five years later, perhaps it is time to update the master plan.

I thank you for the opportunity to comment.

Sincerely,



Beth Fox
Austin, TX 78733

June 28, 2007

Neighborhood Planning & Zoning Department
Jorge Rousselin
P. O. Box 1088
Austin, Texas 78767-8810

RECEIVED

JUL 02 2007

Neighborhood Planning & Zoning

Re: Case # 814-06-0202

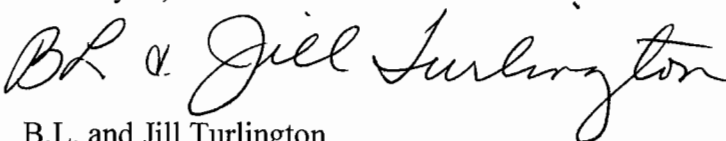
Dear Mr. Rousselin,

I live at 2015 River Hills Road, several lots down from the "Pier," and have grave concerns about the potential boat storage/marina for 180 + boats that is proposed for the following reasons:

- 1) Sets a precedent for more such marinas on Lake Austin which is not a suitable lake for the magnitude of such boat additions.
- 2) Requires many special variances that should not be granted for one project when others have had to live within the rules that are in place for serious reasons.
- 3) Location across from the busiest part of City Park creates a dangerous situation just waiting to happen.
- 4) The remote and winding River Hills Road is not appropriate for the kind of traffic generated – especially at the hairpin turn onto the Pier road.
- 5) Potential for noise, fire, and environmental hazards that close neighbors will be vulnerable to.

Please vote to keep Lake Austin safe and keep commercial projects of this magnitude out of the Lake Austin waterfront boundaries.

Thank you,



B.L. and Jill Turlington
2015 River Hills Rd.
Austin, Texas 78733
512-263-1633

████████████████████

1409 N. Weston Lane
Austin, TX 78733-3451

May 31, 2007

Mr. Jorge Rousselin
City of Austin Neighborhood Planning and Zoning Dept
P.O. Box 1088
Austin, TX 78767

RECEIVED
JUL 02 2007
Neighborhood Planning & Zoning

In reply to: C814-06-0202 The Pier

Dear Mr. Rousselin,

My family cannot support the return of the Pier property owners' current application for rezoning via a PUD. Parameters of their development plans contain a development that is inconsistent with the prior use of the property and not compatible with single-family homes at such close distances. Approval of the large number of variances they seek would upset the expectations of neighboring landowners and the public at large, who expect the city to apply the rules uniformly and fairly. The land development code has been designed to prevent the intermixing of development types that are incompatible and environmentally hazardous. Code is designed for long range planning and granting so many variances would defeat the purpose of the code itself, as well as the stated goals of a PUD.

The Pier enjoyed a non-conforming use for many years: marina use required CR zoning, yet they did not have it. Conditions were in place via city ordinances that would at some point address the incompatibility of their operation with single-family zoned adjacent land and the close proximity of public potable water intakes. The time is now to go forward and adjust a grand fathered environment for the good of the whole lake and for residences on and off the water. While I can appreciate the fact that I own property close to a tract that was once used as a seasonal restaurant, I did not purchase property beside a commercial 6 story metal building for the storage and maintenance of boats. None of the adjoining or nearby owners did either. The old Pier restaurant, while in operation for many years, was essentially a small structure with a very large grass parking lot. It was busy on summer weekends, but very quiet in the winter. The developers propose a radical change in use for the tract; that's why it's a rezoning issue and not a site plan revision for the old restaurant.

While I supported the PUD process, I did so thinking the PUD rules would be followed that would provide for superior development over conventional zoning. I had no idea the tract size would have to come back at 10 acres minimum. This meant absorbing LA zoned land for commercial purposes. People invest in property surrounded by single family zoning because they expect it to be protected from conversion. Even if they designate the additional 5 acres required as park land, it still is serving the fulfillment of a profit-making commercial endeavor, at the expense of many neighboring property owners and the public at large. I had previously objected to and asked to be removed from their plans the boat maintenance land use and forklift operation. Their counsel assured me last week that they still intended to have the boat maintenance and forklift. They have also asked for all uses under GR and added some, a request that runs directly against my previous conversations with the developers. They were told that asking for broad land uses meant many other things could be built should the project fail to materialize but the rezoning would have already occurred. The protection I was looking for has vanished.

Please consider this insight, as I am not sure that the point has been made before. I live on the water and my view to the rear enjoys being able to see most of the activity of the lake in front of Emma Long Park. The summer months are busy and the area in front of the Pier when it was open historically had always had the most activity in a confined area of the lake (really it's a river channel). This was evident

by the number times I would see the need for the Lake Austin Parks police boats to be in the area. The Pier was a magnet, and the crowds of anchored boats swelled in a manner that blocked safe navigation when the music venue was operating. It made passing by the property on the water hazardous both day and night. It made swimming on the city's park side even more hazardous. The jet ski traffic is amazingly hazardous when the park is enjoying it's summer weekends. This statement is clear; the lake is not the same since the Pier has been closed. It's less congested around the Pier property, the lake police are not around as much and we don't have any boats tied up and floating in large groups till all hours of the night. That problem and safety hazard has vanished. The idea to allow such activity to return is a safety hazard, it conflicts with what title 30 TAC is trying to prevent happening in front of a raw water intakes and it makes poor sense for long range planning of a lake that is only going to become more popular, populated and polluted.

Please take the effort to allow development to occur within the parameters of the code that is designed to protect us. All residents of Austin are affected here, both in park use and the environment. To argue that the city should abandon its rules and waive all manner of regulations under the excuse that such special treatment is needed by the developers because they seek to resurrect "an Austin icon" makes no common sense. To argue that the Pier should be re-opened and a new dry-stack marina facility built just so a small group of affluent people can have a place to store and fuel up their boats is not justified.

Finally, there is the matter of setting a bad precedent for the future. What will prevent many, many other developers from coming forward and asking that they too be allowed to build a dry stack marina on Lake Austin? Anyone with a strip of land wide enough to run a forklift down to the water on can claim the right to do what these developers are seeking. How could the city tell many other developers "no" after waiving so many rules, regulations and requirements for the Pier Partners group?

Thank you in advance.

Sincerely,

A handwritten signature in black ink, appearing to read "Terry Barnes". The signature is fluid and cursive, with a long horizontal stroke extending from the end.

Terry Barnes

SENT VIA FAX (512) 974-6054

July 11, 2007

Mr. Jorge Rousellin
City of Austin Neighborhood Planning and Zoning Dept
P.O. Box 1088
Austin, TX 78767-8810

Re: Case No: C814-06-0202

Dear Mr. Rousellin,

My name is Kieran Purcell, and I am a licensed environmental engineer in the state of Texas. The majority of my work over the past 12 years has involved contamination to drinking water supplies as a direct result of hydrocarbon releases. As a City of Austin resident whom relies on Lake Austin for my drinking water supply, I am adamantly opposed to the addition of the proposed 180 boat slips to the lake. Prior to any approval of a plan of this magnitude, I would expect that an environmental impact study would be conducted by an independent consultant to determine the effects this plan would have on the environment and the community.

Unfortunately, I will be unable to attend today's city hall meeting regarding this matter as I am currently working in Denver. It is my opinion that this boat barn plan could adversely affect our drinking water quality in addition to putting unnecessary strain on our water treatment facility. With this in mind, I am unable to support a plan that could potentially affect the citizens of Austin in such a negative manner. Not only could this plan adversely affect water quality and place a financial strain on our water treatment system, it could also have detrimental impacts relating to safety, noise, and wildlife.

Sincerely



Kieran J. Purcell
6703 Leprechaun Drive
Austin, Texas 78746

Rousselin, Jorge

From: Jim Wiersema [REDACTED]
Sent: Friday, July 06, 2007 12:18 PM
To: Rousselin, Jorge
Subject: Case# C814-06-0202 Boat barn on Lake Austin

Dear Mr. Ropusselin:

I wish to register a strong complaint against permitting the proposed 185 stall boat barn on Lake Austin. I can't believe that Eric Moreland, of all people, would be behind such an ill-conceived project. His company sells expensive real estate properties on Lake Austin and he should realize what his proposed project will do to the quality of life along the lake as well as the quality of the lake itself.

My wife and I have lived at 1602 Rock Cliff Road since 1979. We have a waterfront home with a single boat stall on a 100 foot width lot. We are limited to a 20 ft wide dock 20% of the lot width by City of Austin rules. I would like to have been able to use somewhat more of my shoreline but figured the rules are the rules. At 1 boat per 100ft of shoreline this 185 boat stall would add the same number of boats to the lake that developing 3.5 miles of 100 ft. shoreline lots would have. Some would argue that 2 boats per 100 ft of frontage would be more reasonable but given the size of the boats on Lake Austin and the multipurpose use of the docks, one boat per 100ft of frontage is not unreasonable. The effect is the same as developing roughly 8 -9 % of the total lake shoreline except that the boats will all be concentrated in one spot.

I used to believe that the City would protect Lake Austin by enforcing existing land use controls which limit boat docks and closing lake access at boat ramps once the ramp facilities become overloaded. This is the case now. Adding this boat barn is simply an end run around those controls. Once this project is completed others will be proposed. If one boat barn permit is issued on an already over used lake, how can you refuse others? The horse will already be out of the barn.

I live on Lake Austin and I would hate to see it degenerate further by allowing a few projects to slip under the wire that have great potential to create havoc for everyone else. The past few years has seen an enormous increase in the number of wakeboarding and wake surfing boats on the lake. The sheer number of these boats is beginning to impact the shoreline of the lake. Our beaches are eroding and our docks are being hammered by the slow moving boats which create huge wakes. Additionally, skiers are experiencing very rough conditions a much higher percentage of the time due to the increase in large wakes and the longer lasting rebounds off the shorelines. The lake certainly doesn't need an increased density of boats creating even worse conditions.

I believe allowing this boat barn to be built is going to start a new onslaught on an overused resource. The lake and its users, both resident and nonresident, will all suffer due to this project. Those of us who live on the lake pay a heavy tax premium to do so and we are tightly regulated by the City as to what we can do with our property. I for one would feel betrayed by the City if such an ill-advised project is allowed to proceed.

Jim Wiersema
Vice-President/Partner
Horizon Environmental Services, Inc.™
Office: 512.328.2430
Fax: 512.328.1804
www.horizon-esi.com

7/12/2007

We've Moved!!
Our new office address is:

1507 South IH 35
Austin, Texas 78741

Rousselin, Jorge

From: mark harries [REDACTED]
Sent: Thursday, July 05, 2007 11:53 AM
To: Rousselin, Jorge
Subject: Case # C814-06-0202

Mr. Rousselin,

I am an Austin resident, businessman and tax payer.

By this e-mail, I would like to register my opposition to the lake front development, case number C814-06-0202.

I have attended 2 meetings on the subject and both times the item was postponed...so I wanted to get my protest on the record.

Thank you for your work on behalf of the city.

Mark Harries
3806A Island Way
Austin TX 78746

7/12/2007

Rousselin, Jorge

From: Bruce Byron [REDACTED]
Sent: Friday, June 29, 2007 8:26 PM
To: Rousselin, Jorge
Subject: Case # C814-06-0202

Mr. Jorge Rousselin - As a resident of the Courtyard Subdivision, I saw a stoplake35 sign and wanted to comment on this case. Although I am sure that many who already have access to Lake Austin will oppose this proposal, I am supportive. The Highland Lakes are a community/regional/statewide resource and should not be limited to those who are fortunate enough to live on their shores.

I can't find much detail about the project but the concept seems sound and negative impacts can and should be mitigated. Allowing people to use a boat barn, would reduce the congestion at the boat ramps and provide a safer method of egressing the lake while reducing pollution as generated by towing a boat and launching it. Having boats at the lake ready to launch would also encourage more off-peak usage. Many "boat barns" on the lake could become a problem but one would seems a good way to determine the exact impacts of such a concept.

To "knee jerk" oppose such a project smacks of "I've got mine" syndrome. Let's diversify the use of the lake and allow more people to enjoy it.

Bruce Byron

*5801 Tom Wooten Dr
Austin, TX 78731*

7/12/2007

Rousselin, Jorge

From: [REDACTED]
Sent: Tuesday, June 26, 2007 10:05 PM
To: Rousselin, Jorge
Subject: Case # C814-06-0202

Mr. Rousselin,

I recently learned of a proposal to turn the old Pier on Lake Austin into a 180 boat marina. As a long time resident of Austin, and a Lake Austin property owner, I believe this is a very, very bad idea. While I respect builder's and investor's rights to develop property they own, this project goes against decades of City of Austin precedents to limit traffic on Lake Austin. Over the years, several neighborhoods have attempted to install private ramps, projects that would have much less of an overall effect on lake traffic and safety, and have been denied. Please follow this precedent and deny this request as well.

As a regular on Lake Austin, I applaud the city's attempts to limit traffic. At current levels, Lake Austin is already overcrowded and dangerous at times. Certain areas of the lake (including the areas around the Pier) are very congested and lend themselves to accidents.

Additionally, the environmental impact of additional boats cannot be underestimated.

The developers claim this would yield no additional boat traffic, which I say is absolutely untrue. This would make access to the lake easier for at least 180 boat owners, while reducing impediments to additional boat owners that choose to use the public ramps. This will result in a net gain in the number of boats on the lake, particularly on busy weekends and holidays. Lake Austin is too small to support any additional marinas.

Future projects of this type should be steered to Lake Travis, and other highland lakes better able to handle the additional traffic.

The property in question is not deeded for this type of project, and should not be granted any special exclusion to allow this project to move forward as proposed. Please act in the interest of Lake Austin and all Austin citizens to deny this request.

Sincerely,
Steve Davis

Rousselin, Jorge

From: Angie Hyndman [REDACTED]
Sent: Monday, June 25, 2007 3:00 PM
To: Rousselin, Jorge
Subject: # C814-06-0202 (SL35)

Hi Mr. Rousselin,

My name is Angie Hyndman. I am writing about the proposed new boat Barn in 78733. As a resident of a Lake Austin Neighborhood, and an AVID boater, I urge you and your committee to strongly evaluate your decision to allow this development.

My Husband and I decided last year, as a result of being on the water 4-5 times per day that we would move to a house near the water to make getting on and off the water a bit easier and less time consuming. We moved to the house back in August so we are going on one year of living here. We are avid boaters and try to get out on week evenings and weekends. Over the last couple of years we have noticed that the traffic on Lake Austin has been getting considerably worse and worse. Well, this whole summer we have actually had to tow our boat out west (1-2 hours away) because of our concern for our own safety on LA. There is so much traffic on the lake on a Sat and Sunday which is mostly made up of novice boaters pulling Kids back and fourth across the very narrow river, with no regard to others. Did you know you DO NOT need a license to drive a boat? You just get in and DRIVE. Do you realize there are rules that need to be followed out there that most people don't know? I find that we are extremely safe boaters and have noticed that more and more inexperienced and uneducated people are getting into boats and causing very unsafe environments. These people fly across the lake too close to other boats and their skiers, they pull tubes in every which direction causing rollers to go all the way up the lake, which also contributes to a dangerous lake environment, they are drinking alcohol, they are doing powerturns, etc. This is all fine and great on Lake Travis, because it's HUGE. Lake Austin CANNOT afford more lake traffic unless the city wants to get involved and start setting regulations on the water such as number of boats, no tubing rules, speed restrictions, etc. I can pretty much assume that will NEVER happen. So, we are left with one alternative, and that is to keep boat barns from popping up on Lake Austin. I am part of an educational group of skiers and wake boarders that are determined to spread boating safety across the lake. We have brainstormed flyers, DVD's, and many others but cannot afford such an operation. What I am getting at here is Lake Austin is OUT OF CONTROL as it is. I could also get into the environmental reasons, the Emma Long park reasons, the residents that are going to have increased traffic reasons, lake enjoyment reasons, etc. But my number one concern is the Safety. I don't think Lake Austin WILL ever be the same if this barn goes up.

<http://www.360wakeboard.com/board/viewtopic.php?t=5229&postdays=0&postorder=asc&start=0> Here is just ONE thread on our message board about how dangerous people are out there. There have been MANY MANY more regarding this. We have almost 1200 users on this board and is very popular in Austin. Please excuse some of the avatars and language. We are also one of the largest groups of users of Lake Austin and highly preach safety. We see every day how bad the lake has gotten as far as safety.

If you would like we would gladly take you out on the boat one Saturday so you can get a view of what I am talking about. This would be with out any pressure from us. We just want to take you out and YOU make the decision on if the lake seems safe or not. This is a true offer. Please see what it is like for yourself!

Thanks so much for your time,

Angie Hyndman
Tim Cook
512-789-5845

7/12/2007

2316 Island Wood
Austin, Texas 78733
May 9, 2007

Austin City Council
Zoning and Platting Commission
c/o Jorge Rousselin, Case Manager, ZAP
P.O. Box 1088
Austin, Texas 78767

RECEIVED

MAY 15 2007

Neighborhood Planning & Zoning

RE: C814-06-0202

Dear Honorable Members of the Austin City Council and Zoning and Platting Commission:

I am writing to oppose the planned development of the Pier Partners project on Lake Austin. There are several reasons for my opposition:

(1) I feel that the proposed boat storage facility will cause many more boats to be launched on Lake Austin which is already terribly overcrowded, especially on weekends and especially at that spot, which is just across the lake from the Emma Long City Park, where people are wading and swimming in the water.

(2) I object to an unsightly building right on one of the prettiest and busiest locations on Lake Austin.

(3) I am also worried about the dock which is planned to extend far into Lake Austin. The lake is narrow at that point, and further restricting boat traffic to a thin lane between the docks at Emma Long City Park and the Pier Partners development will greatly increase the possibility of boat collisions and injuries.

(4) Another concern is the sewage. I was told that the Pier restaurant was unable to receive a permit for extended permanent sewer facilities because of its proximity to Lake Austin. That was the reason for the portable toilets on the grounds. We don't understand how it could now be permissible for sewer facilities to be located at the proposed Maudie's, which will certainly be a crowded restaurant. In fact, there has actually been talk of two restaurants possibly being placed on that property.

(5) Please take the time to drive down River Hills Road and make that turn onto the road leading down to the Pier Partners property. Both roads are narrow and poorly cared for. The hairpin turn from River Hills Road onto the Pier road not only is very sharp for normal-sized vehicles, but especially hazardous for beer and other large direct-delivery trucks.

(6) Turning from the Pier road to River Hills Road is an accident ready to happen. Drivers on River Hills Road don't see someone turning left onto River Hills Road until they are actually at the scene. The vision is severely limited at that spot.

As you can see, I have many objections to the Pier Partners plan. Thank you for taking my concerns under advisement and turning down this project.

Gratefully,

Dorothy MacInerney
Dorothy MacInerney
512-263-9314

CHAIR BAKER AND MEMBERS OF THE COMMISSION

**I AM JOSH FARLEY OF 2015 CALLE CALICHE, AUSTIN 78733, 2007
PRESIDENT OF THE RIVER HILLS NEIGHBORHOOD ASSOCIATION, AND I
AM HERE TONIGHT IN THE MATTER OF THE PROPOSED REZONING
CASE C-814-06-0202 – PIER PARTNERS, TO SPEAK AGAINST THE
PROPOSED REZONING REQUEST FROM CS-1 AND LA TO PUD, AND ALSO
AGAINST THE STAFF ALTERNATE RECOMMENDATION.**

**ON APRIL 23 OF THIS YEAR THE ASSOCIATION HELD ITS ANNUAL
MEETING AND RECEIVED A PRESENTATION FROM THE APPLICANTS –
PIER PARTNERS LP. AFTER THE PRESENTATION THE NEIGHBORS
DISCUSSED THE PROPOSED REZONING REQUEST AND EXPRESSED
SEVERAL CONCERNS, INCLUDING:**

**POTENTIAL IMPACT TO LAKE AUSTIN WATER QUALITY FROM
FUEL STORAGE AND BOAT FUELING OPERATIONS;**

**POSSIBLE SUBSEQUENT IMPACTS TO ADJACENT WATER
DISTRICT'S RAW WATER INTAKE FACILITIES;**

**SAFETY ISSUES ARISING FROM INCREASED BOAT TRAFFIC,
INCREASED AUTOMOBILE AND TRUCK TRAFFIC ON RIVER HILLS
ROAD AND PIER ROAD AND THE EXTENSION OF BOAT DOCKS
INTO LAKE AUSTIN;**

**POTENTIALLY INCREASED NOISE LEVELS IN THE RESIDENTIAL
AREAS NEAR THE PROPERTY;**

**AESTHETIC IMPACTS TO ADJACENT RESIDENTIAL AREAS OF A
PROPOSED BOAT STORAGE FACILITY THAT SEEMS OUT OF
SCALE WITH THE EXISTING DEVELOPMENT CONTEXT ALONG
THE LAKE;**

THE NEIGHBORS ARE AWARE THAT A REASONABLE ECONOMIC USE OF THE PROPERTY IS REQUIRED, BUT A MAJORITY OF OUR NEIGHBORS BELIEVE THAT SUCH USE COULD BE OBTAINED UNDER CURRENT ZONING, WHICH WOULD, I BELIEVE, ALLOW A CONTINUATION OF THE PREVIOUS USE AS A RESTAURANT.

SEVERAL NEIGHBORS, IT SHOULD BE NOTED, ARE IN FAVOR OF THE PROPOSED REZONING REQUEST, BUT A MAJORITY BELIEVE IT IS INAPPROPRIATE WITHIN THE EXISTING PARK AND LOW DENSITY RESIDENTIAL LAND USE CONTEXT ALONG THAT PART OF THE LAKE.

FOR MYSELF, I OPPOSE THE PROPOSED BOAT STORAGE FACILITY AS (1) POTENTIALLY GENERATING NEGATIVE ENVIRONMENTAL EFFECTS TO

LAKE AUSTIN AND THOSE WHO USE THE LAKE FOR THEIR POTABLE WATER SUPPLY; (2) POSING A POTENTIAL THREAT TO TRAFFIC SAFETY ON THE LAKE AND LOCAL ROADS; AND (3) BEING OUT OF SCALE AND COMPATIBILITY WITH THE EXISTING RESIDENTIAL NEIGHBORHOOD. THEREFORE I OPPOSE THE REQUESTED REZONING AND THE STAFF ALTERNATIVE.

FINALLY, WE MIGHT SUGGEST THAT THE COMMISSION AND COUNCIL MAY WISH TO REVISIT THE LARGER ISSUE OF GROWTH MANAGEMENT ALONG THE SHORES OF THE LAKE AND WITHIN ITS WATERSHED. IT

**HAS BEEN OVER TWENTY-FIVE YEARS SINCE THE INCORPORATION OF
THE LAKE AUSTIN GROWTH MANAGEMENT PLAN BY REFERENCE INTO
THE AUSTIN TOMORROW COMPREHENSIVE PLAN, AND CHANGING
CONDITIONS MAY WARRANT A NEW LOOK AT REGULATING
DEVELOPMENT WITHIN THE WATERSHED AND ALONG THE LAKE
SHORE.**

**THANK YOU FOR YOUR TIME AND ATTENTION AND I AM AVAILABLE
FOR QUESTIONS FROM COMMISSION MEMBERS.**