

ZONING CHANGE REVIEW SHEET

CASE: C14T-03-0001.01

Z.A.P. DATE: September 16, 2008

ADDRESS: Dessau Road

OWNER/APPLICANT: Estate of Fred Morse (Scott Morse),
Continental Homes of Texas (Richard N. Maier-Vice President)

AGENT: DR Horton (Kate Forbes)

ZONING FROM: TND

TO: TND

AREA: 277.393 acres

SUMMARY STAFF RECOMMENDATION:

Staff recommends approval of the applicant's request for an amendment to the Traditional Neighborhood District (TND) zoning and the associated modifications, with the following conditions:

- 1) If the Manor Independent School District submits a letter to the City of Austin stating that they no longer intend to utilize the designated Primary School Site, then this site shall be held/designated for another civic use (such as a government office, fire/EMS station, library, church, museum, etc.) for a period of five years from the date that the first home receives a certificate of occupancy within the Mixed Residential Area-1 (MRA-1). If at the end of the five year time period this site is not used as a civic site, then the ordinance for this case will state that applicant may request a future revision to the TND to propose a variance to Sec. 25-3-75(2)(e) of the Land Development Code to release this property for residential development.

In the event that the applicant requests a variance after the five year period to remove the civic designation for this site, then the staff recommends that a 1.5 acre portion of the Major Civic Use site in the MRA-1 be kept as open space to offset the reduction in Private Open Space along the main boulevard of the TND. This will allow for a focal point within the TND, even if a civic use is not constructed on the rest of the approximately 11-acre site.

- 2) The applicant and the Parks and Recreation Department have agreed to the following conditions. Specifics of this agreement must be placed on the revised land use plan for PARD's review and approval.
 - a. The developer will dedicate as parkland approximately 10.00 acres which are on the south side of the project and adjacent to an existing tract of public parkland.
 - b. Also to be dedicated within this area are 6 lots (that will be transferred to another place within the development).
 - c. The developer will build a parking lot and restroom facility within the dedicated parkland (best place to be determined).
 - d. The developer will discuss with the adjacent commercial lot owner the possibility of making road/parking available to PARD from their tract on the south side of the property.

- e. The developer will give PARD a 5 year option to purchase part or all of the land indicated as "Public Open Space" on the land use plan. The land would be sold to the City at a rate not to exceed \$10,835 per acre.
- f. PARD will forgo the proposed 6' trail to be built by the developer who may substitute traditional street sidewalks instead.

ZONING & PLATTING COMMISSION RECOMMENDATION:

9/16/08: Approved staff's recommendation for the TND amendment with the following change in the conditions: the designated Manor ISD School-Civic Site within the MRA-1 shall be held for a civic use for a period of 3-years. The 10.81 acre Manor ISD School-Civic Site will remain/still be shown on the TND land use plan. However there will be an insert or note on the LUP that states that if this property is not purchased for a civic use within the designated 3-year time period, then this area reverts to the applicant's requested use as shown on their proposal (5-2, D. Tiemann, C. Hammond-No); K. Jackson 1st, R. Evans-2nd.

DEPARTMENT COMMENTS:

The applicant is requesting to amend the Traditional Neighborhood District (TND) in the City of Austin that was approved on August 5, 2004 for a 278 acre tract of land along Dessau Road. The property in question is currently undeveloped. This site was annexed by the City of Austin on July 17, 2003. The approved land use plan for the Pioneer Hill TND is provided as "Attachment A" to this report. The original project contained a mix of single-family and multi-family residential, office, commercial, industrial civic and parkland uses. The following is a table of the uses approved in the current TND zoning:

Mixed Residential Area-1	132.27 acres	47.5%
Mixed Residential Area-2	23.83 acres	9.0%
Neighborhood Center Area	15.29 acres	5.0%
Workshop Area	29.28 acres	11.0%
Public Parkland	76.72 acres	27.5%
TOTAL GROSS SITE AREA	277.39 acres	100.0%

In the initial TND case, the applicant requested 38 modifications, variances, clarifications and waivers to Land Development Code requirements for the TND development.

In this application, the applicant is requesting to amend the approved Pioneer Hill Traditional Neighborhood District (TND) to ask for 10 additional variances to the TND requirements in the City of Austin Land Development Code (Please see Requested Variance List - Attachment B). The applicant is seeking to modify the TND ordinance and land use plan to alter the mix of housing types within the TND, to remove the requirement for a square within the Neighborhood Center Area (NCA), to remove the civic use area within the Mixed Residential Area 1(MRA1) that is currently designated for a Manor ISD school site, to amend the subdivision procedure requirement that states that, "a plat for no more than 50% of the land in the MRA1 may be approved until construction of the community center has started", to alter the TND requirement that every lot in the MRA1 should abut an alley to state that, "Only lots fronting the main boulevard are required to have alley access.", to relocate the community meeting hall within the MRA1 portion of the TND, to delete the open space requirement for a one acre square in a TND for 100 acres or more, to delete the northern right in/right out only entrance/exit to the TND off of Dessau Road, to modify the TND conditions that state that

at least 80% of the residential units within the MRA must be located within 2,000 square feet of the Neighborhood Center Area boundary, and to change the requirement that a garage entry may not face the street unless it is at least 20-feet behind the front building face of the principle structure.

While the staff does not agree with the applicant's justification that the proposed amendment request for 10 additional variances/land use plan changes is superior to the conditions of the existing approved Pioneer Hill TND, the staff recognizes the applicant's willingness to utilize the staff's suggestions on the layout of the streets and alley ways within the MRA-1 portion of this development. This change from the applicant's original request to delete the requirement that all lots within the subdivision must be alley loaded with the exception of any lot facing the entry boulevard, will keep the intent of the residential areas within this traditional neighborhood district. The TND ordinance states that direct vehicular access from lots is prohibited and that an interconnected network of streets and alleys is required. Therefore, the staff recommends the applicant's request to amend the Pioneer Hill TND, with conditions. These conditions include the staff's recommendation that the Manor Independent School District Primary School site be held/designated for another civic use (such as a government office, fire/EMS station, library, church, museum, etc.) for a period of five (5) years from the date that the first home receives a certificate of occupancy within the MRA-1. If at the end of the five year time period this site is not used as a civic site, then this 1st TND amendment ordinance will state that applicant may request a future revision to the TND to propose a variance to Sec. 25-3-75(2)(e) of the Land Development Code to release this property for residential development. The applicant has stated that they do not agree with this recommendation. They have responded that they are agreeable to designating this property as a "civic site" for a period (after which the site will revert BY RIGHT to the changes shown on the current land use plan without an amendment) that expires that later of: (a) 36 months from the date the first home is CO'ed or (b) the date of 225th home is sold to a third party homebuyer by the Applicant. The staff cannot support this alternative proposal because the applicant has not provided the staff with proof that Manor ISD no longer needs this site. In addition, Section 25-3-75(2)(e) the Land Development Code states, "For a Mixed Residential Area: Civic uses shall be allocated for not less than two percent of the land area." Currently, this is the only civic site that is specifically designated within the TND. Section 25-3-3(G) says that, "Civic uses that are oriented to the general public are permitted in a Neighborhood Center Area and the Mixed Residential Area. These uses are essential components of the social and physical fabric or a traditional neighborhood district. Special attention should be paid to the location of government offices, libraries, museums, schools, churches, and other prominent public buildings to create focal points and landmarks for the community." The staff worked with the original applicants/planners for this TND to locate this school site in a prominent location that was easily accessible from the single-family residences within the TND and from the main thoroughfare into the TND so that students from outside the TND boundaries could also access the school site. Therefore, we would like to assure that there is adequate time, should Manor ISD decide to release this site, for the applicant to find another civic use for this property. Should the applicant request a variance to remove the civic site within the MRA-1 after the five (5) years reservation period, then the staff recommends that a 1.5 acre portion of the designated Major Civic Use site in the MRA-1 be kept as open space to offset the reduction in Private Open Space along the main boulevard of the TND. This will allow for a focal point within the TND, even if a civic use is not constructed on the rest of the approximately 11-acre site.

In addition, the staff recommends the alterations proposed by the Parks and Recreation Department in response to the applicant's request to delete the open space requirement for a one acre square in a TND for 100 acres or more. These changes are shown on the revised land use plan (Please see Attachment B).

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	I-RR	Undeveloped
<i>North</i>	SF-2, SF-1, P, DR-H	Undeveloped Tract, Single-Family Residential Neighborhood, Parkland, Undeveloped Tract
<i>South</i>	County	Single-Family Residences, Industrial and Warehouse Uses
<i>East</i>	DR, I-RR	City of Austin Parkland
<i>West</i>	SF-3, RR, SF-2	Single-Family Residential Neighborhood, Drainage Channel

AREA STUDY: N/A**TIA:** Required**WATERSHED:** Walnut Creek**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** N/A**HILL COUNTRY ROADWAY:** N/A**NEIGHBORHOOD ORGANIZATIONS:**

Austin Independent School District
 Austin Neighborhoods Council
 Jester Homeowners Association Development
 League of Bicycling Voters
 Home Builders Association of Greater Austin
 Homeless Neighborhood Association
 North East Action Group
 North Growth Corridor Alliance
 Taking Action, Inc.
 Windsor Hills Neighborhood Association
 Woodcliff Homeowners Association

SCHOOLS:

Barrington Elementary School
 Graham Elementary School
 Hart Elementary School
 Dobie Middle School
 Lanier High School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14T-03-0001	I-RR to TND	3/16/04: Postponed to April 6, 2004 at the request of the Neighborhood (8-0, K. Jackson-absent); J. Martinez-1 st , J. Cortez-2 nd .	5/06/04: Granted TND zoning on 1 st reading (7-0) 8/05/04: Approved (5-0, Mayor Pro Tem J. Goodman & B. McCracken-off the dias)

		4/6/04: Approved staff's recommendation for TND zoning (7-0, K. Jackson-absent); M. Whaley-1 st , J. Martinez-2 nd .	
C14-01-0128.SH	SF-2 to LO	10/16/01: Approved LO-MU-CO w/ conditions (8-1, VA-No)	11/01/01: Approved ZAP rec. for LO-MU-CO (5-0-2, BG/DT-Abstained); 1 st reading 11/08/01: Approved LO-MU-CO (5-1-1, DT-No, BG-Abstain); 2 nd reading -Case Expired-
C14-01-0117.SH	Withdrawn & resubmitted as case C14-01-0128.SH	N/A	N/A
C14-95-0159	TR1: SF-3 to LR-CO TR2: SF-3 to LI-CO	11/28/95: LR-CO & LI-CO w/conditions (8-0)	1/4/96: Approve LR-CO (TR1) & LI-CO (TR2) subject to conditions (5-0); all 3 readings
C14-95-0097	SF-3 to LI, GO	8/29/95: Approved GO-CO & LI-CO w/ conditions (5-0)	9/29/95: Approved GO-CO & LI-CO w/ conditions (5-0); all 3 readings
C14-94-0005	I-RR to LI	3/1/94: Approved staff alternate rec. of LI-CO w/IPM (6-0)	3/24/94: Approved LI-CO (5-0); 1 st reading 6/9/94: Approved LI-CO (5-0); 2 nd /3 rd readings

RELATED CASES: C14T-03-0001 (Pioneer Hill TND Zoning Case)

ABUTTING STREETS:

STREET		RIGHT-OF-WAY	PAVEMENT WIDTH	CLASSIFICATION	DAILY TRAFFIC
Dessau Road		120'	2@30'	Major Arterial	20,161 vpd
Brown Lane		-	-	Collector	2,000 vpd

CITY COUNCIL DATE: October 23, 2008

ACTION:

ORDINANCE READINGS: 1st

2nd

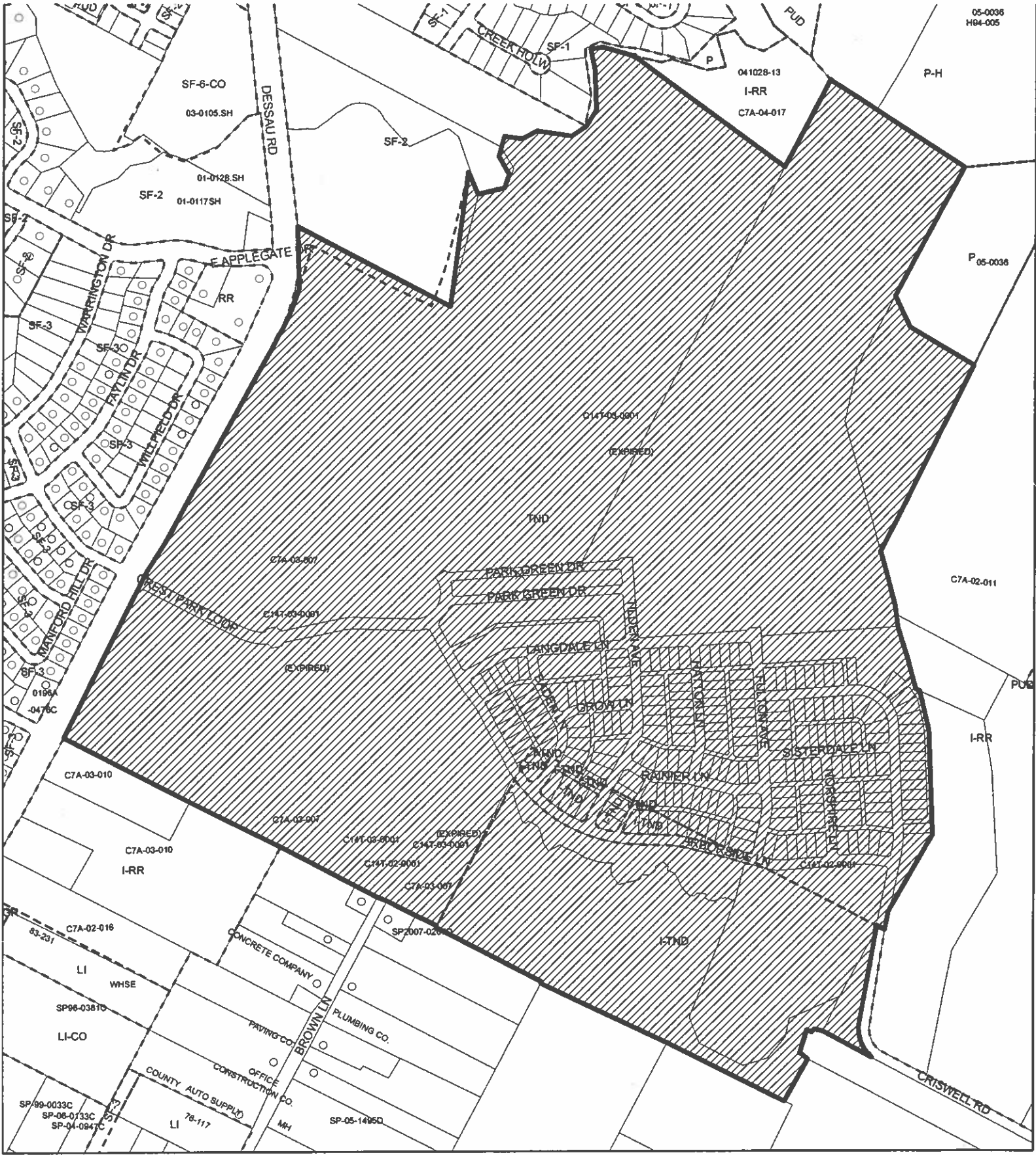
3rd

ORDINANCE NUMBER:

CASE MANAGER: Sherri Sirwaitis




PHONE: 974-3057

EMAIL: sherri.sirwaitis@ci.austin.tx.us



ZONING



-  **SUBJECT TRACT**
-  **ZONING BOUNDARY**
-  **PENDING CASE**

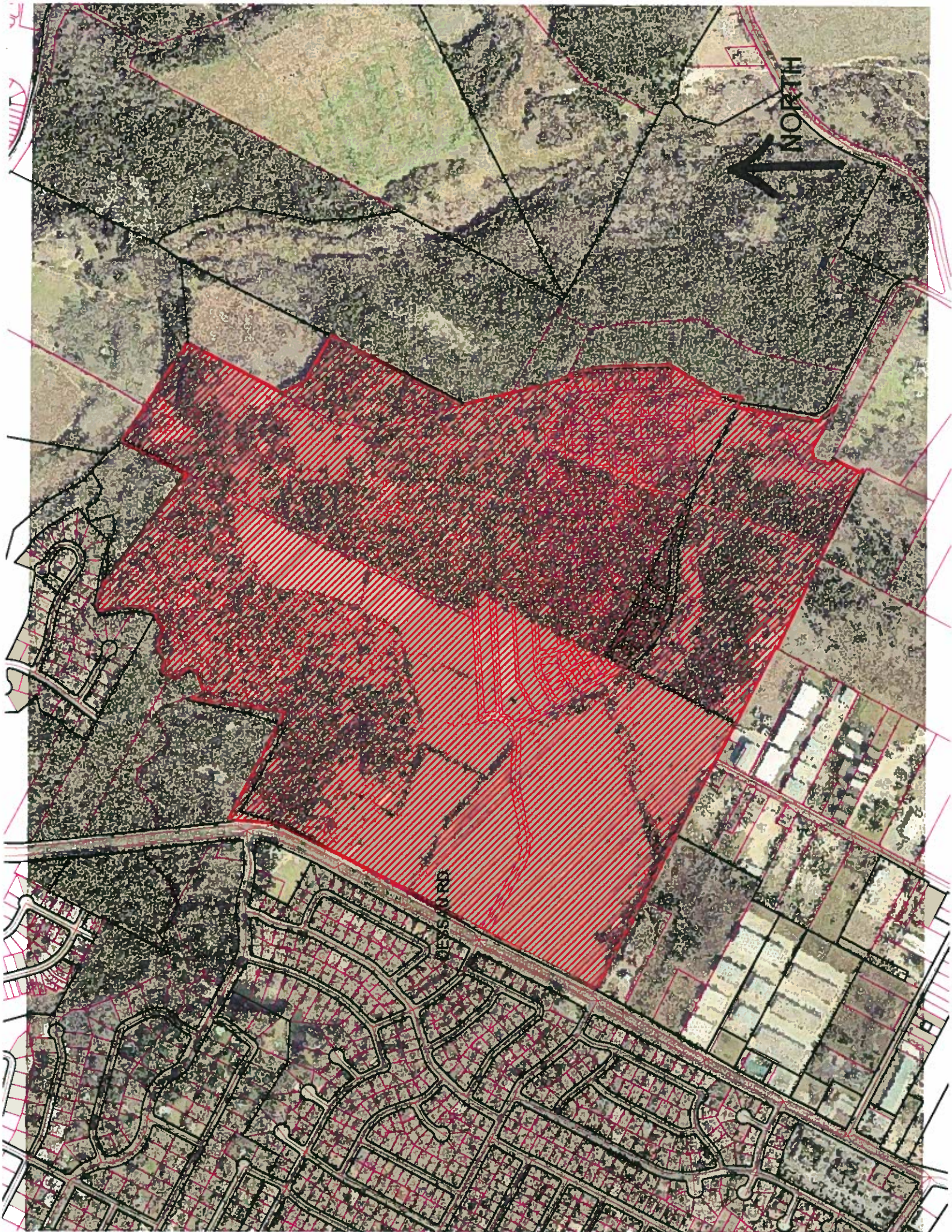
ZONING CASE#: C14T-03-0001.01
ADDRESS: DESSAU RD
SUBJECT AREA: 162.66 ACRES
GRID: M29-30 & N29-30
MANAGER: S. SIRWAITIS

OPERATOR: S. MEEKS



1" = 600'

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



NORTH

CESSA RD

STAFF RECOMMENDATION

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- 1) If the Manor Independent School District submits a letter to the City of Austin stating that they no longer intend to utilize the designated Primary School Site, then this site shall be held/designated for another civic use (such as a government office, fire/EMS station, library, church, museum, etc.) for a period of five years from the date that the first home receives a certificate of occupancy within the Mixed Residential Area-1 (MRA-1). If at the end of the five year time period this site is not used as a civic site, then the ordinance for this case will state that applicant may request a future revision to the TND to propose a variance to Sec. 25-3-75(2)(e) of the Land Development Code to release this property for residential development.

In the event that the applicant requests a variance after the five year period to remove the civic designation for this site, then the staff recommends that a 1.5 acre portion of the Major Civic Use site in the MRA-1 be kept as open space to offset the reduction in Private Open Space along the main boulevard of the TND. This will allow for a focal point within the TND, even if a civic use is not constructed on the rest of the approximately 11-acre site.

- 2) The applicant and the Parks and Recreation Department have agreed to the following conditions. Specifics of this agreement must be placed on the revised land use plan for PARD's review and approval.
 - a. The developer will dedicate as parkland approximately 10.00 acres which are on the south side of the project and adjacent to an existing tract of public parkland.
 - b. Also to be dedicated within this area are 6 lots (that will be transferred to another place within the development).
 - c. The developer will build a parking lot and restroom facility within the dedicated parkland (best place to be determined).
 - d. The developer will discuss with the adjacent commercial lot owner the possibility of making road/parking available to PARD from their tract on the south side of the property.
 - e. The developer will give PARD a 5 year option to purchase part or all of the land indicated as "Public Open Space" on the land use plan. The land would be sold to the City at a rate not to exceed \$10,835 per acre.
 - f. PARD will forgo the proposed 6' trail to be built by the developer who may substitute traditional street sidewalks instead.

BASIS FOR RECOMMENDATION

1. The project follows the guidelines set forth in both the Land Development Code (25-3) and the Traditional Neighborhood Criteria Manual.
2. The project promotes the goals of a Traditional Neighborhood Development (TND) by encouraging mixed used, compact development that is sensitive to the environmental characteristics of the land and facilitates the efficient use of services. A TND District diversifies

and integrates land uses within close proximity to each other, and it provides for the daily recreational and shopping needs of the residents. A TND District is a sustainable, long-term community that provides economic opportunity and environmental and social equity for the residents. Its design adopts the urban conventions, which were the norm in the United States from colonial times until the 1940's.

3. The TND zoning for this project will satisfy a public need for this type of development and will promote the public health, safety and welfare by fulfilling the purposes of zoning set forth in the Texas Land Development Code (211.001).

EXISTING CONDITIONS

Site Characteristics

The site is currently undeveloped with a gentle rolling topography and no severe slopes. There appear to be some topographical and environmental constraints.

Environmental

The site is in the Walnut Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. The site is not located over the Edward's Aquifer Recharge Zone. The site is in the Desired Development Zone.

According to flood plain maps, there is floodplain within, or adjacent to the project boundary. Based upon the close proximity of flood plain, offsite drainage should be calculated to determine whether transition zone exists within the project location. If transition zone is found to exist within the project area, allowable impervious cover within said zone should be limited.

At this time, site-specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands. With the filing of the preliminary plan application, the following information will be required for review:

- o Location of all Critical Environmental Features and the required setbacks as defined by LDC 25-8-128 and 25-3-23(a)
- o Location of Critical Water Quality Zone and Water Quality Transition Zone (LDC 25-8-92 and 25-3-23(a))
- o Net site area information, and calculations using the format shown in Appendix Q-1 of the Environmental Criteria Manual
- o Provide the total proposed impervious cover the development using the format shown in Appendix Q-2 of the Environmental Criteria Manual.
- o Identify the spoils locations with the development.
- o Discuss proposed cut/fill greater than four feet outside the Right-of-Way, and proposed methods of containment and/or stabilization of all cut and fill. (LDC 25-8-341, 25-8-342)
- o Discuss all proposed environmental variances and provide letter of variance request addressing proposed Findings of Fact as shown in Appendix U of the Environmental Criteria Manual. (LDC 25-8-41, 25-8-42)
- o Submit a slope map draw at a scale of no greater than 1"=100'. The slope and topographic map should be calculated based on two-foot contour intervals and contain proposed development. (LDC 25-8-301)

- Preliminary plan applications within the City limits must include a tree protection plan. This plan should contain proposed development, utilities, defined LOC, and depict all trees 8" or greater by type.
- Landscape plan in accordance with 25-2-981 and the TND Criteria Manual.
- Include an erosion/sedimentation control plan depicting the location of all proposed temporary and permanent erosion controls on the plan view with existing topographic information.
- An environmental assessment will be required in accordance with LDC 25-8-128.

Drainage

This site is located on Dessau Road in the Walnut Creek Watershed, which is classified as a Suburban Watershed.

For your information, it appears that there is no land reserved for water quality or detention facility. However, after discussion with Mr. Brent Jones, P. E., the design engineer, it is this reviewer understands that these issues have been addressed with the preliminary plan, water quality control and detention will be provided. With such understanding and that the proposed development will be in compliance with the approved preliminary plan with regard to drainage and water quality issues, there is no other drainage engineering issues. All drainage comments are cleared.

Electric

Austin Energy is ok with the proposal for front loaded homes, provided at least a 10' PUE is provided along the street ROW for our facilities. In talking to the project manager, this is to be the case.

No comments.

Fire

Building access and fire protection shall be provided per the 2003 IFC.

Flooding

FYI – Please be advised that this project area is affected by the 100-year floodplain of Walnut Creek.

Hydro Geologist

A site visit was conducted on February 28 by Andrew Clamann and Sylvia Pope. A water well and wetland were confirmed in the area identified in the original application on the Drainage Control and Environmental sheet. The water well has a 150-foot radius CEF setback and the wetland has a 50-foot radius CEF setback. We also identified a spring/seep down gradient of the wetland and within the area designated as a public park on the TND application. No further comments.

Industrial Waste

The requirements under Chapter 15-10 of the Austin City Code (Wastewater Regulations) do not apply to this project based on the plans submitted.

Impervious Cover

The maximum impervious cover allowed by the TND zoning district varies according to the TND development classification. (See table below). Under TND regulations, development or redevelopment on this site allows the following impervious cover limits:

<i>TND Development Classification</i>	<i>% of Net Site Area</i>
Employment Center Area	80%
Workshop Area Lots	80%
Neighborhood Center Area	90%
Mixed Residential Area	65%
Neighborhood Edge Area	65%
Squares/Plazas	90%
Parks/Greenbelts	10%

However, if the watershed impervious cover is more restrictive than the zoning district's allowable impervious cover, the impervious cover is limited by the watershed regulations.

The site is in the Walnut Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. Under current watershed regulations, development or redevelopment on the site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

The maximum overall impervious cover limit in a **TND is 65% of the net site area**, or the amount permitted in the watershed, which ever is less.

Parks & Recreation

- 1) The developer will dedicate as parkland approximately 10.00 acres which are on the south side of the project and adjacent to an existing tract of public parkland.
- 2) Also to be dedicated within this area are 6 lots (that will be transferred to another place within the development).
- 3) The developer will build a parking lot and restroom facility within the dedicated parkland (best place to be determined).
- 4) The developer will discuss with the adjacent commercial lot owner the possibility of making road/parking available to PARD from their tract on the south side of the property.
- 5) The developer will give PARD a 5 year option to purchase part or all of the land indicated as "Public Open Space" on the land use plan. The land would be sold to the City at a rate not to exceed \$10,835 per acre.
- 6) PARD will forgo the proposed 6' trail to be build by the developer who may substitute traditional street sidewalks instead.

The specifics of this agreement must be placed on the revised land use plan for PARD's review and approval.

Right-of-Way

The scope of this review is limited to the identification of needs for dedication and/or reservation of right-of-way for funded Capital Improvement Program (C.I.P.) Roadway Construction Projects and Transportation Systems Management (T.S.M.) Projects planned for implementation by the City of Austin. No aspect of the proposed project is being considered or approved with this review other than the need for right-of-way for City projects. There are separate right-of-way dedication and reservation requirements enforced by other Departments and other jurisdictions to secure right-of-way for roadway improvements contained in the Austin Metropolitan Area Roadway Plan, roadway projects funded by County and State agencies, and for dedication in accordance with the functional classification of the roadway.

We have reviewed the proposed subdivision, site plan, or zoning case and anticipate no additional requirement for right-of-way dedication or reservation for funded C.I.P. or T.S.M. projects at this location.

Site Plan

On a property approved for TND zoning, a site plan is not required. However, a plot plan indicating the location of buildings, parking, and improvements will be required for review before the issuance of a building permit [LDC-Sec. 25-3-191].

Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

Stormwater Detention

At the time of subdivision, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program if available.

Subdivision

FYI: Due to LDC 25-4-61 You may be required to file a new preliminary plan revision (mainly because of change of use...school site moving to a site that was not a school site before...etc.) because all of your changes are not covered in the minor deviation or minor revision types of preliminary plan revisions.

Transportation

The following is transportation staff's response to the modification requests to case C14T-03-0001 (Please see Transportation Impact Analysis Waiver – Attachment D):

1. 25-3-3(A) - Staff will recommend this request so long as the land use modification has been incorporated into the amended TIA.
2. 25-3-51(5) – This request will not be recommended by staff. To remove alleys from all but the entry boulevard dismisses one of the transportation elements integral to traditional neighborhood design and changes the character essential to the PUD. The street cross sections within the City’s TND ordinance and the Pioneer Hill TND are designed to work in conjunction with their associated alleyways to provide for a more pedestrian friendly street frontage and a smaller pavement section to calm traffic within the development.
Update 1: There are alleyways throughout significant portions of Travis Heights. The City’s current TND standards require the use of alleyways in conjunction with smaller street sections. Additionally, the proposed block configurations included in the TIA addendum not only have the alleys removed, but are longer and more suburban in design, which is less supportive of the pedestrian friendly/low speed environment you are referring to. In order for staff to consider this request the proposed amendment needs to provide a concept in keeping with traditional neighborhood design.
3. 25-3-51(5) – Staff has no objections to this request.
4. 25-3-73(A) - Staff has no objections to this request.
5. 25-3-29 - Staff has no objections to this request.
6. 25-3-103 - Staff has no objections to this request.
7. 25-3-81(C) – Comment addressed.
8. TND Design Criteria- Staff has no objections to this request.

Water Quality

This site is located on Dessau Road in the Walnut Creek Watershed, which is classified as a Suburban Watershed.

There appears to have no outstanding water quality issue. All water quality comments are cleared.

Water and Wastewater

The landowner intends to serve the development with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, system upgrades, utility relocations and or abandonments required. The water and wastewater plan must be in accordance with the City of Austin utility design criteria. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

**Proposed Uses
within Workshop Area**

Cultural Services
Day Care Services (Commercial)
Day Care Services (General)
Employment Services
Local Utility Services
Administrative and Business Offices
Art and Craft Studio (General)
Art and Craft Studio (Industrial)
Automotive Services
Building Maintenance Services
Businesses in Trade School
Businesses in Trade School
Communications Services
Consumer Convenience Services
Consumer Repair Services
Electronic Products Assembly
Financial Services
General Retail Sales (Convenience)
General Retail Sales (General)
Indoor Sports and Recreation
Medical Offices - not exceeding 5,000 sq. ft. of gross floor area
Medical Offices - exceeding 5,000 sq. ft. of gross floor area
Off-Site Accessory Parking
Outdoor Sports and Recreation
Personal Improvement Services
Personal Services
Plant Nursery
Professional Office
Research Services
Restaurant (Drive-In, Fast Food)
Retail Through Facilities (not prohibited)
Restaurant (General)
Service Station
Software Development
Theater
Custom Manufacturing
General Warehousing and Distribution
Light Manufacturing
Light Manufacturing and Distribution
College and University Facilities
Communication Service Facilities
Community Recreation (Private)
Community Recreation (Public)
Religious Assembly
Religious Services
Religious Training
Tutoring

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DATE: 08/05/2013
BY: [Signature]
FOR: [Signature]

DATE: 08/05/2013
BY: [Signature]
FOR: [Signature]

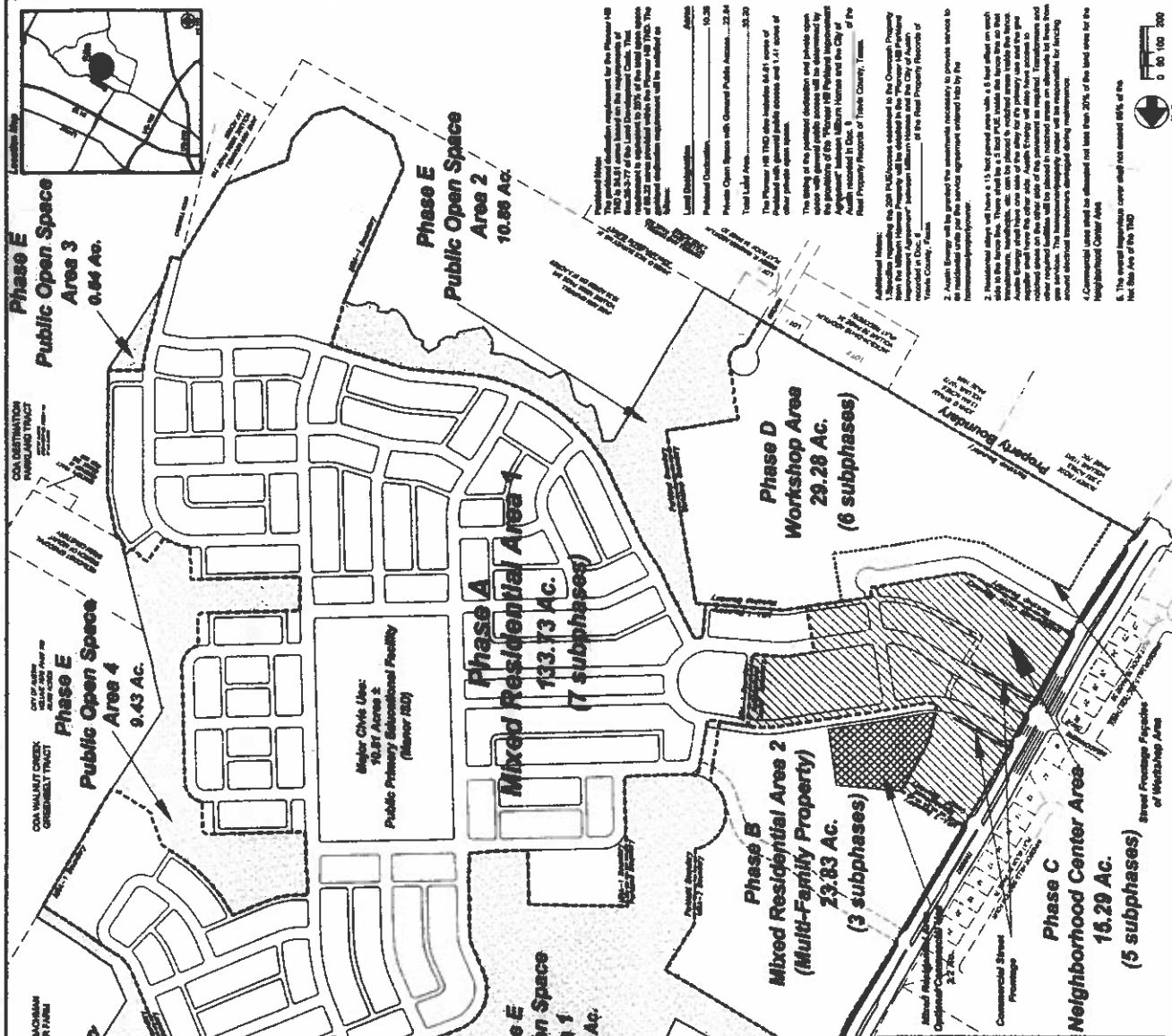
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BY: [Signature]
FOR: [Signature]

DATE: 08/05/2013
BY: [Signature]
FOR: [Signature]

TND Area	Acres	MAXIMUM Allowable Development Intensity	MAXIMUM Allowable Development Intensity
Mixed Residential Area-1 (Phase A)	13.73 Ac.	48.0%	48.0%
Mixed Residential Area-2 (Phase B)	23.83 Ac.	8.0%	8.0%
Sub-Total Mixed Residential Areas	167.56 Ac.	57.0%	57.0%
Neighborhood Center Area (Phase C)	15.29 Ac.	5.0%	5.0%
Workshop Area (Phase D)	29.28 Ac.	11.0%	11.0%
Public Parkland (Phase E)	75.26 Ac.	27.0%	27.0%
TOTAL	277.36 Ac.	100.0%	100.0%



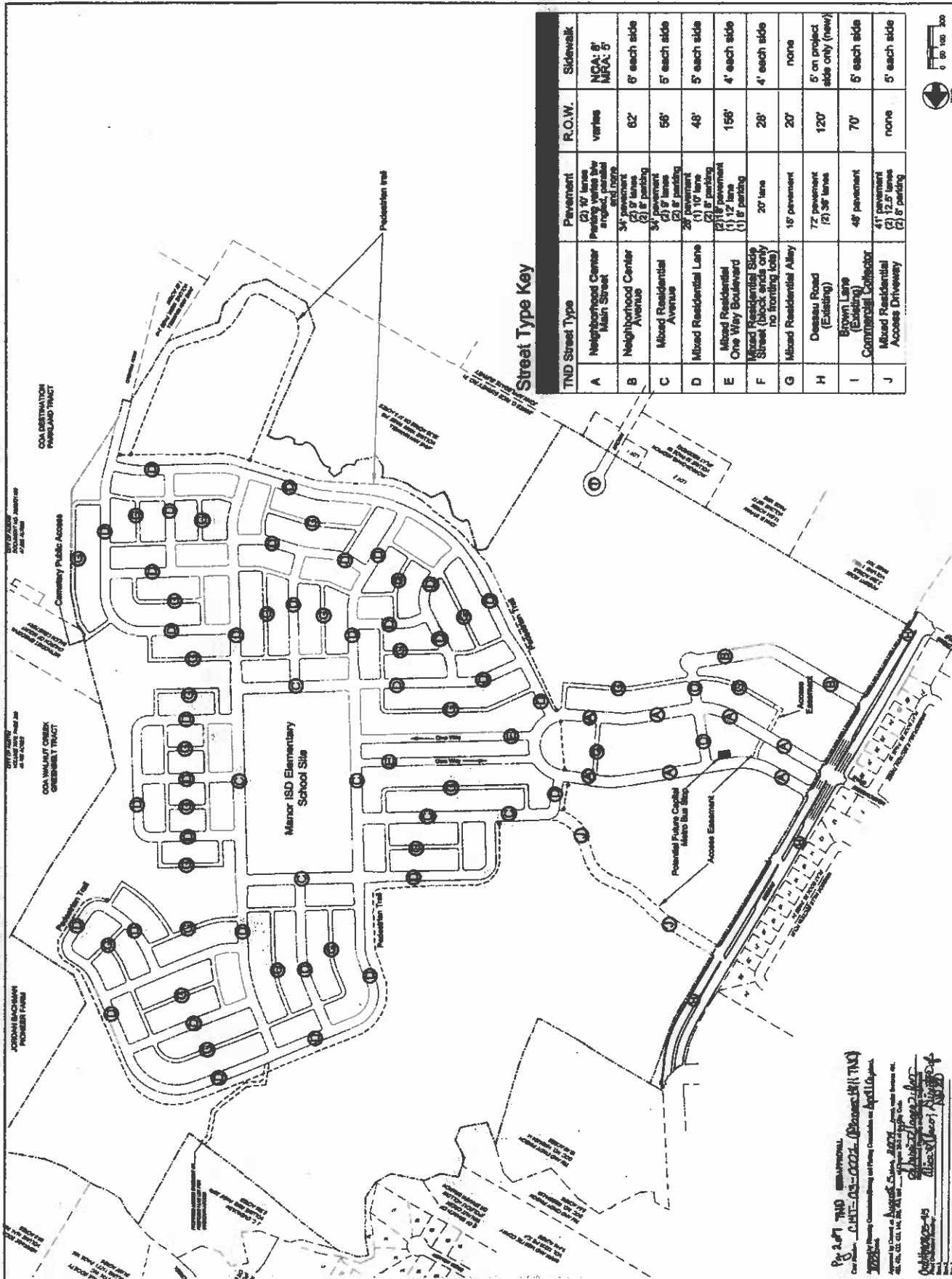
Current Approved TND Land Use Plan

BOSS & TURNER
ARCHITECTS, P.A.
1111 17th St.
N.W.
Washington, D.C. 20036
Tel: 202-462-1111
Fax: 202-462-1112
www.bossandturner.com

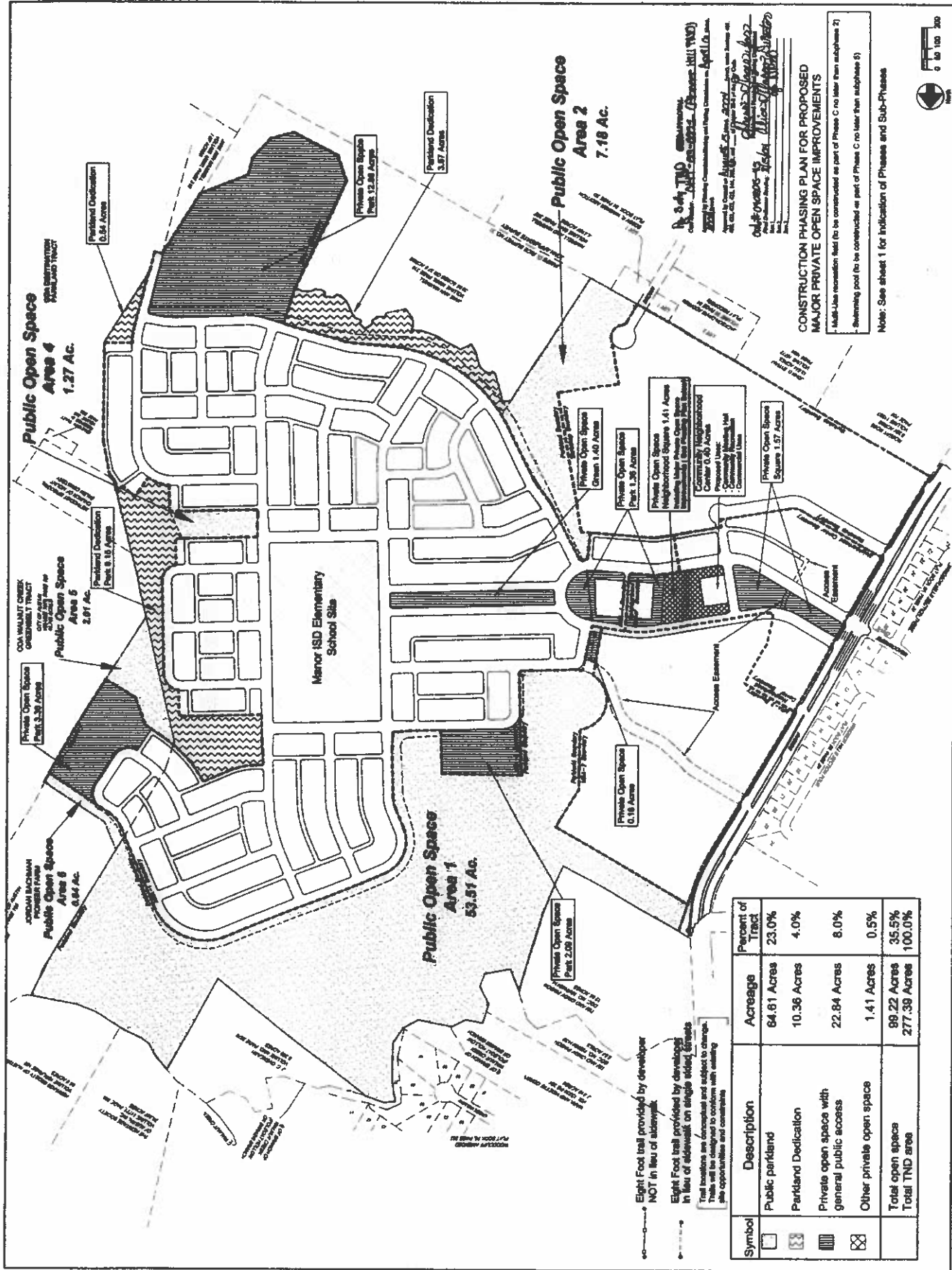
RANDALL JONES ENGINEERING
1111 17th St.
N.W.
Washington, D.C. 20036
Tel: 202-462-1111
Fax: 202-462-1112
www.randalljones.com

**Pioneer Hill
for Milburn Homes**
DEVELOPMENT PLAN
PHASES OF DEVELOPMENT

Case #: C147-03-0001
APPROVED:
SCALE: 1" = 200'
DATE: 03.10.04
SHEET NO.:
1 of 5

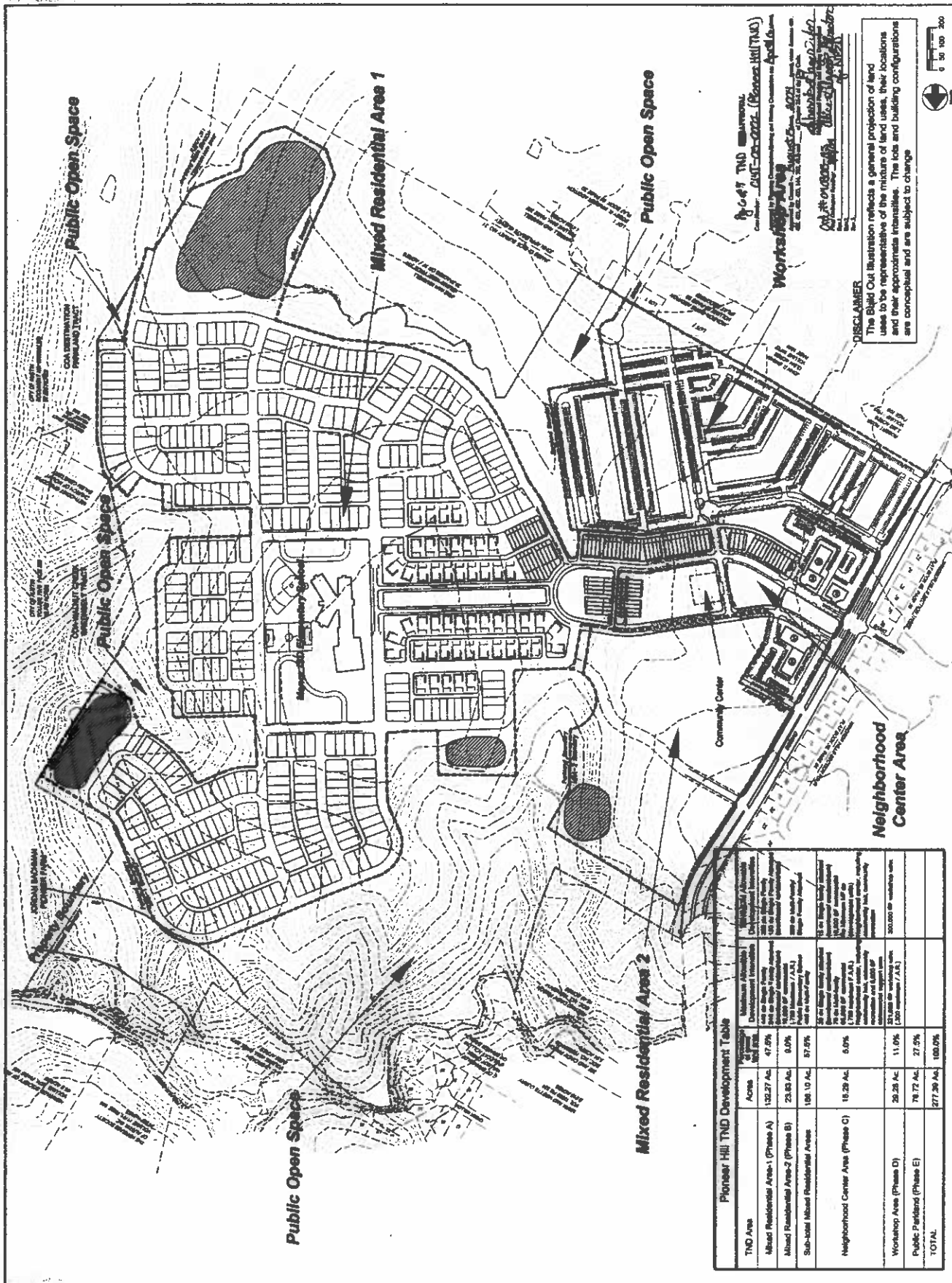


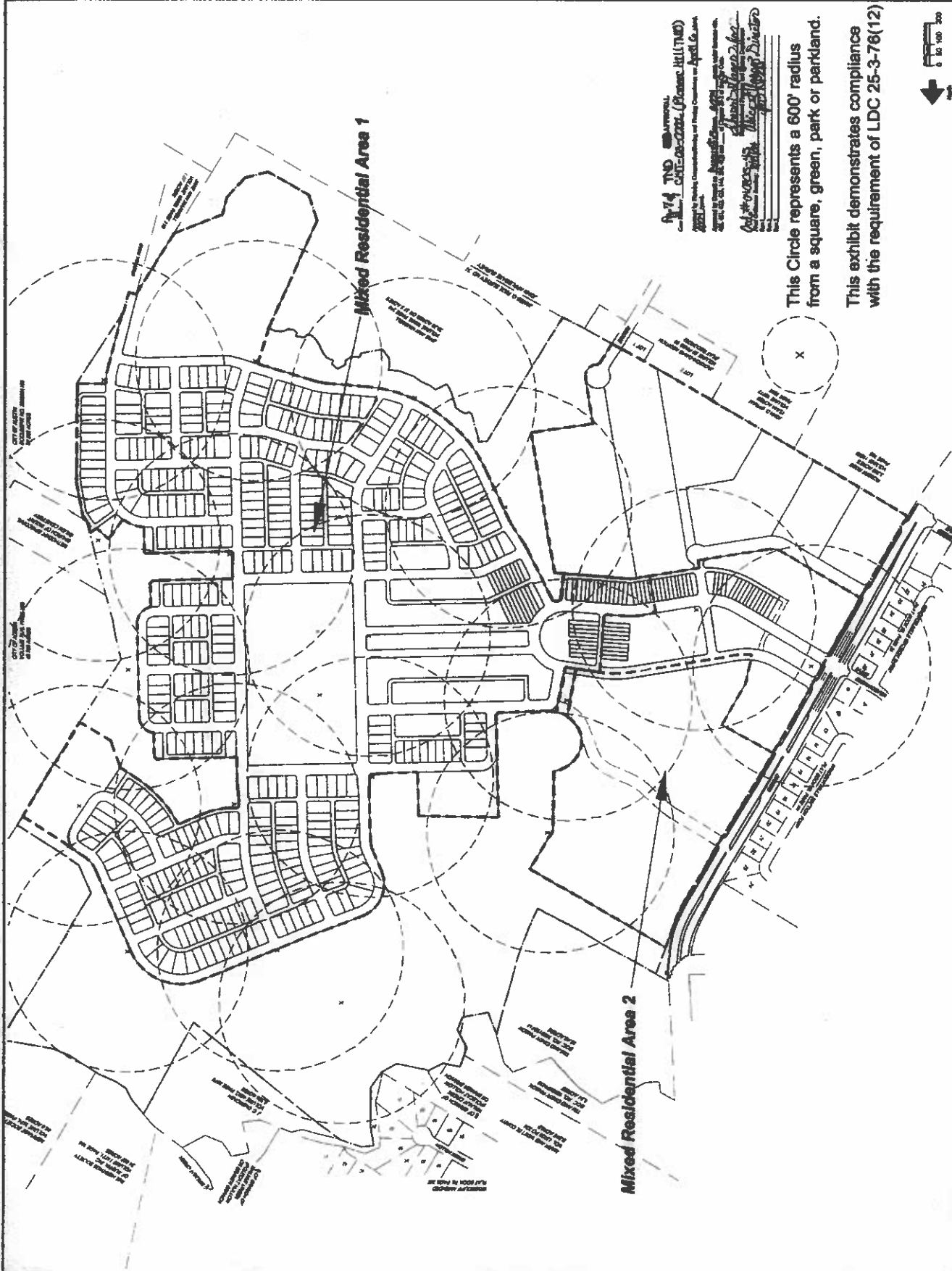
TND Street Type		Pavement	R.O.W.	Sidewalk
A	Neighborhood Center Main Street	(2) 10' lanes parking, various bike options, and landscaping	varies	NCA: 8' MRA: 5'
B	Neighborhood Center Avenue	34' pavement (2) 5' lanes (2) 8' parking	62'	6' each side
C	Mixed Residential Avenue	34' pavement (2) 5' lanes (2) 8' parking	56'	5' each side
D	Mixed Residential Lane	28' pavement (1) 10' lane (1) 8' parking	48'	5' each side
E	Mixed Residential One Way Boulevard	(2) 11' pavement (1) 12' lane (1) 6' parking	156'	4' each side
F	Mixed Residential Side Street (back ends only no fronting lots)	20' lane	28'	4' each side
G	Mixed Residential Alley	15' pavement	20'	none
H	Desseau Road (Existing)	72' pavement (2) 36' lanes	120'	5' on project side only (new)
I	Brown Lane (Existing)	48' pavement	70'	5' each side
J	Commercial Collector Mixed Residential Access Driveway	41' pavement (2) 12.5' lanes (2) 6' parking	none	5' each side





The general locations of major utility facilities and easements within or immediately adjacent to the project are diagrammatically located and are subject to change. Locations of major utility facilities and easements shall be finalized and recorded in conjunction to Final Plat.





APPROVED:
DATE: 01.15.04
SCALE: 1" = 200'
SHEET NO.: EXHIBIT B

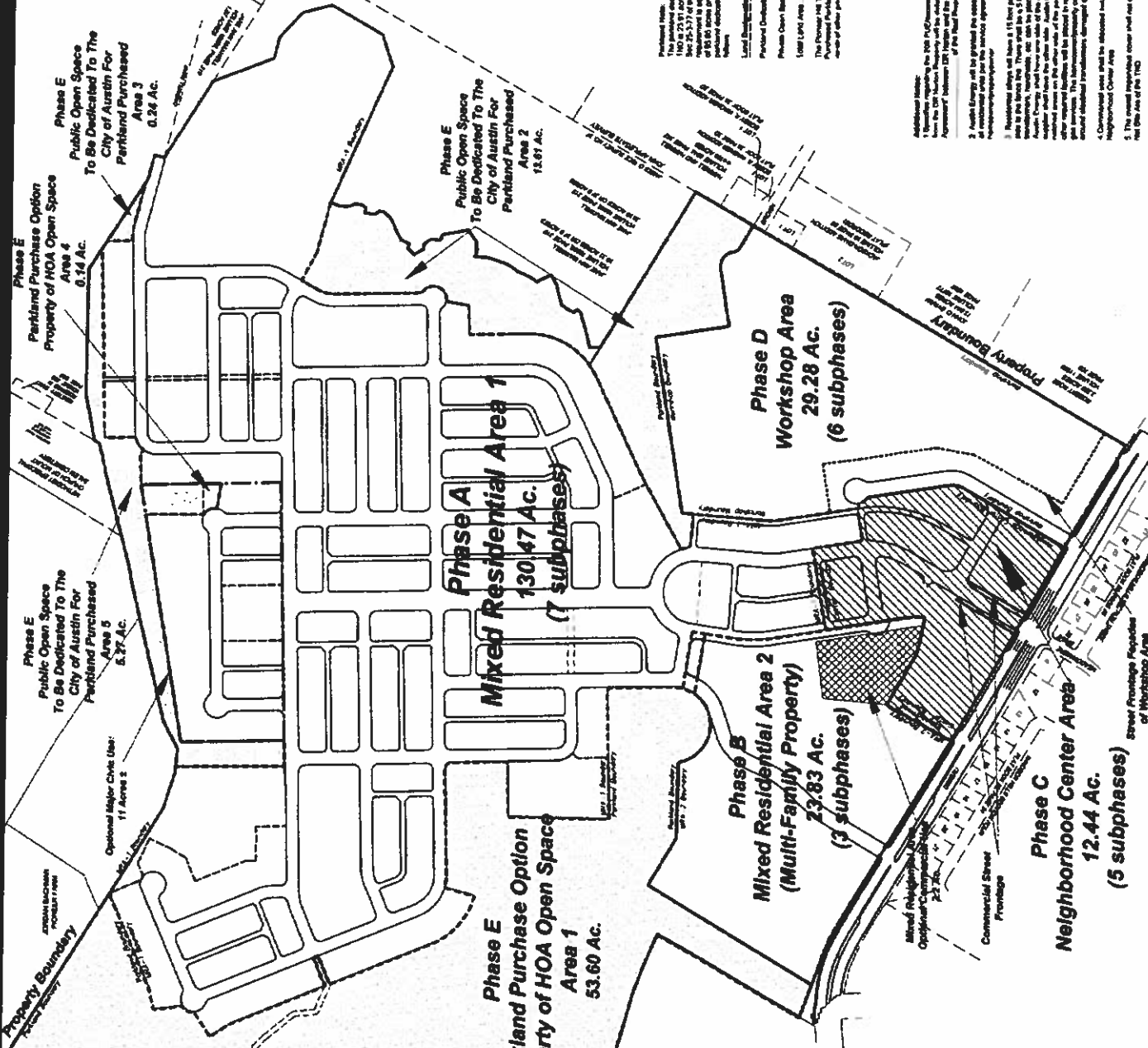
This Circle represents a 600' radius from a square, green, park or parkland.
This exhibit demonstrates compliance with the requirement of LDC 25-3-76(12)

Proposed Uses within Workshop Area

- Cultural Services
- Dry Care Services (Commercial)
- Dry Care Services (General)
- Employment Services
- Food Services (Commercial)
- Food Services (General)
- Art and Craft Studio (Limited)
- Automotive Repairs
- Building Maintenance Services
- Business or Trade School
- Business Support Services
- Communications Services
- Consulting/Commission Services
- Consumer Repair Services
- Electronic Prototype Assembly
- Financial Services
- General Retail Sales (Convenience)
- General Retail Sales (General)
- Interior Design Services
- Medical Offices - not exceeding 5,000 sq. ft. of gross floor area
- Medical Offices - not exceeding 5,000 sq. ft. of gross floor area
- Off-Site Accessibility Parking
- Outdoor Sports and Recreation
- Personal Improvement Services
- Personal Services
- Plant Nursery
- Professional Office
- Research Services
- Restaurant (Drive-In, Fast Food)
- Restaurant (Drive-In, Fast Food)
- Restaurant (General)
- Restaurant (Limited)
- Service Station
- Software Development
- Trailer
- Custom Manufacturing
- General Warehousing and Distribution
- Light Manufacturing
- United Warehousing and Distribution
- College and University Facilities
- Community Recreation (Private)
- Community Recreation (Public)
- Religious Assembly
- Safety Services
- Electronic Testing

Pioneer Hill TND Development Table

TND Area	Acres	Percentage of Total TND Area
Mixed Residential Area-1 (Phase A)	130.47 Ac.	48.4%
Mixed Residential Area-2 (Phase B)	23.83 Ac.	8.6%
Subtotal Mixed Residential Areas	154.30 Ac.	57.0%
Neighborhood Center Area (Phase C)	12.44 Ac.	4.6%
Workshop Area (Phase D)	29.28 Ac.	10.6%
Parkland Purchase Option Property or HOA Open Space (Phase E)	53.60 Ac.	20.0%
Public Open Space To Be Dedicated To The City of Austin For Parkland Purposed (Phase F)	19.17 Ac.	7.1%
TOTAL	288.88 Ac.	100.0%



Parkland Note:
The proposed dedication for the Pioneer Hill TND is 25.91 acres based on the requirements of the City of Austin. The City of Austin has approved the dedication of 25.91 acres of the Land Development Code. The City of Austin has approved the dedication of 25.91 acres of the Land Development Code. The City of Austin has approved the dedication of 25.91 acres of the Land Development Code.

Land Dedication:
Parkland Dedication: 25.91
Public Open Space: 19.17
Total Land Area: 45.08

Pioneer Hill TND also includes 13.78 acres of Parkland Purchase Option Property:
Parkland Purchase Option Property: 13.78
Total Land Area: 58.86

Additional Notes:
1. The Pioneer Hill TND is located within the City of Austin's Urban Growth Boundary. The City of Austin has approved the dedication of 25.91 acres of the Land Development Code. The City of Austin has approved the dedication of 25.91 acres of the Land Development Code. The City of Austin has approved the dedication of 25.91 acres of the Land Development Code.

2. Austin Energy will be granted the easements necessary to provide service to the Pioneer Hill TND. The easements will be granted to Austin Energy by the City of Austin. The easements will be granted to Austin Energy by the City of Austin. The easements will be granted to Austin Energy by the City of Austin.

3. The Pioneer Hill TND is located within the City of Austin's Urban Growth Boundary. The City of Austin has approved the dedication of 25.91 acres of the Land Development Code. The City of Austin has approved the dedication of 25.91 acres of the Land Development Code. The City of Austin has approved the dedication of 25.91 acres of the Land Development Code.

4. The Pioneer Hill TND is located within the City of Austin's Urban Growth Boundary. The City of Austin has approved the dedication of 25.91 acres of the Land Development Code. The City of Austin has approved the dedication of 25.91 acres of the Land Development Code. The City of Austin has approved the dedication of 25.91 acres of the Land Development Code.

5. The Pioneer Hill TND is located within the City of Austin's Urban Growth Boundary. The City of Austin has approved the dedication of 25.91 acres of the Land Development Code. The City of Austin has approved the dedication of 25.91 acres of the Land Development Code. The City of Austin has approved the dedication of 25.91 acres of the Land Development Code.

Pioneer Hill

Concept 1 of 2
Phases of Development



TND Street Type		Pavement	R.O.W.	Sidewalk
A	Neighborhood Center Main Street	(2) 10' lanes Parking spaces b/w angled and none	varies	NCA: 8' MIRA: 5'
B	Neighborhood Center Avenue	34' pavement (2) 9' lanes (2) 8' parking	62'	6' each side
C	Mixed Residential Avenue	36' pavement (2) 10' lanes (2) 8' parking	56'	5' each side
D	Mixed Residential Lane	28' pavement (1) 10' lane (2) 8' parking	48'	5' each side
E	Mixed Residential Boulevard	(2) 18' pavement (1) 12' lane (1) 12' parking	76'	4' each side
F	Mixed Residential Side Street (block ends only no fronting lots)	20' lane	28'	4' each side
G	Mixed Residential Alley	15' pavement	20'	none
H	Deasau Road (Existing)	72' pavement (2) 30' lanes	120'	5' on project side only (new)
I	Brown Lane (Existing)	48' pavement	70'	5' each side
J	Mixed Residential Commercial Corridor Access Driveway	41' pavement (2) 12.5' lanes (2) 8' parking	none	5' each side

Pioneer Hill

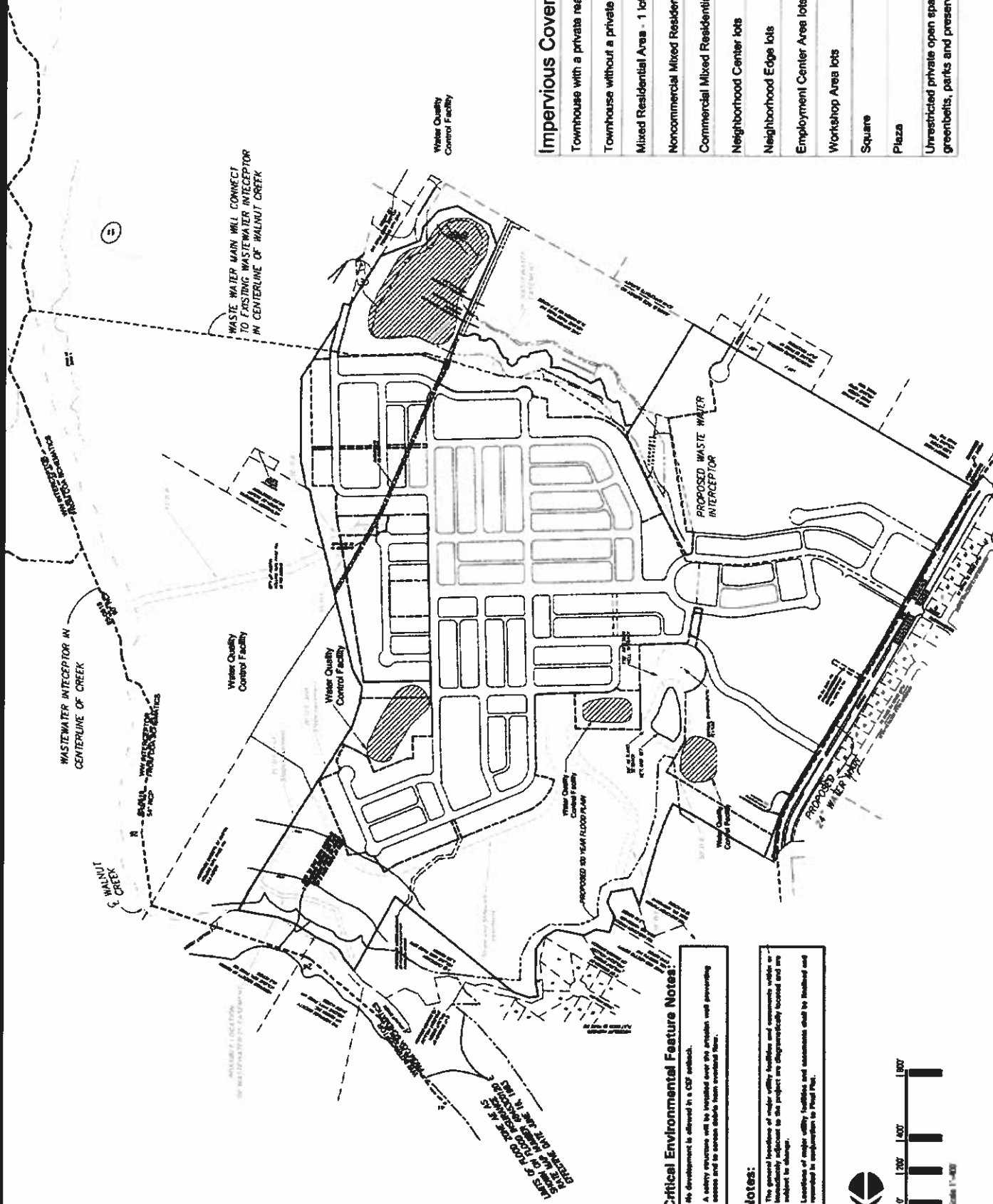
1000 S. 14th St.
Tree Protection Plan

10' 20' 30' 40' 50'

August 1, 2008

This information is provided as a guide only and is not intended to be used as a basis for any other action.





Impervious Cover Assignments

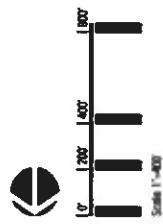
Townhouse with a private rear yard	75%
Townhouse without a private rear yard	90%
Mixed Residential Area - 1 lots	55%
Noncommercial Mixed Residential Area - 2 lots	65%
Commercial Mixed Residential Area - 2 lots	90%
Neighborhood Center lots	90%
Neighborhood Edge lots	65%
Employment Center Area lots	80%
Workshop Area lots	80%
Square	65%
Plaza	90%
Unrestricted private open space, greens, greenbelts, parks and preserve lots	10%

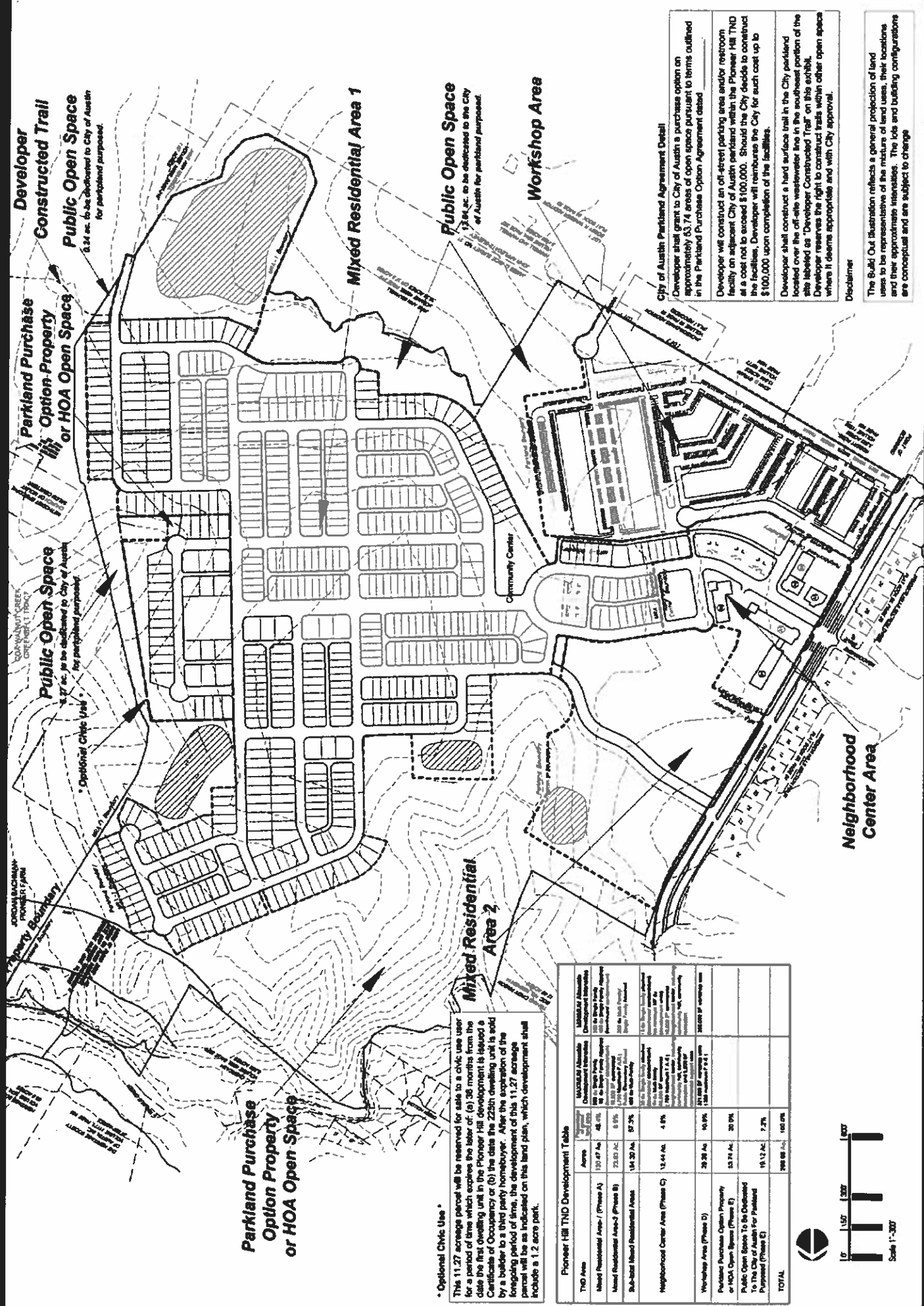
Critical Environmental Feature Notes:

No development is allowed in a CEF setback.
 A safety easement will be located over the pipeline and protecting easement and to protect against future construction.

Notes:

The general locations of major utility facilities and easements within or immediately adjacent to the project are diagrammatically located and are subject to change.
 Locations of major utility facilities and easements shall be located and recorded in accordance to Final Plan.





* Optional Civic Use *

This 11.27 acreage parcel will be reserved for sale to a civic use user for a period of time which expires the later of: (a) 36 months from the date the first dwelling unit in the Pioneer Hill development is issued a Certificate of Occupancy or (b) the date the 225th dwelling unit is sold by a builder to a third party homebuyer. After the expiration of the foregoing period of time, the development of this 11.27 acreage parcel will be as indicated on this land plan, which development shall include a 1.2 acre park.

Pioneer Hill TND Development Table

TND Area	Area (Acres)	Percentage of Total Area	Notes
Mixed Residential Area-1 (Phase A)	150.07 Ac.	48.4%	150.07 Ac. to be dedicated to the City of Austin for parkland purposes.
Mixed Residential Area-2 (Phase B)	23.07 Ac.	6.9%	23.07 Ac. to be dedicated to the City of Austin for parkland purposes.
Sub-total Mixed Residential Areas	173.14 Ac.	55.3%	
Neighborhood Center Area (Phase C)	13.44 Ac.	4.0%	
Workshop Area (Phase D)	20.28 Ac.	6.0%	
Parkland Purchase Option Property or HOA Open Space (Phase E)	53.74 Ac.	16.0%	
Public Open Space To Be Dedicated To The City of Austin For Parkland Purposes (Phase F)	18.13 Ac.	5.3%	
TOTAL	298.68 Ac.	100.0%	

City of Austin Parkland Agreement Detail
 Developer shall grant to City of Austin a purchase option on approximately 53.74 acres of open space pursuant to terms outlined in the Parkland Purchase Option Agreement dated _____.

Developer will construct an off-street parking area and/or restroom facility on adjacent City of Austin parkland within the Pioneer Hill TND at a cost not to exceed \$100,000. Should the City decide to construct line facilities, Developer will reimburse the City for such cost up to \$100,000 upon completion of the facilities.

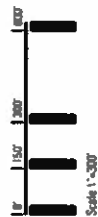
Developer shall construct a hard surface trail in the City parkland located over the off-site wastewater line in the southeast portion of the site labeled as "Developer Constructed Trail" on this exhibit. Developer reserves the right to construct trails within other open space where it deems appropriate and with City approval.

Disclaimer

The Built Out Illustration reflects a general projection of land uses to be representative of the mixture of land uses, their locations and their approximate intensities. The lots and building configurations are conceptual and are subject to change.

Pioneer Hill

Order A
Land Use Plan 1



This exhibit demonstrates compliance with the requirement of LDC 25-3-78(12)

600 FT Offset Diagram

The information shown is based on the best information available and is subject to change in light of new

2
B
T

Ordinance §	Title	As Approved (Existing Plan)	Requested Modification (Revised Plan)	Applicant's Explanation	Status
25-3-3(A)	Overview	Currently amended to increase allowable TND area to 278 acres	No modification to TND size as amended but request to change land plan and type of residential "product".	Applicant changed the mix of homes based on its experience with other TND-type master planned communities it currently has under development in Central Texas. Applicant believes the proposed changes and housing product mix and traditional community components (including parkes, retail and commercial uses) meets the "spirit" of the TND and adds to the variety of the housing types and price points vs. the as-approved plan.	Applicant believes that it and city staff are in agreement on the current land concept plan and product mix
25-3-3(C)	Overview	...A square in required in the Neighborhood Center Area (NCA)	Delete in its entirety	The changes to the land plan have reduced the boundary of the NCA. There are areas of open space remaining within the NCA and the TND is surrounded by open space.	This additional request is based on the land plan which has been under review by the city since February, 2008.
25-3-29	NCA and MRA Uses	Currently provides for an elementary school site	Applicant's Revised Plan reconfigures this parcel as single family lots and a community park. Applicant relocated the 10+acres to the eastern boundary with better and direct access to the parkland.	The broker-representative for Manor ISD has indicated to the Applicant that the District does not want to purchase the property.	Applicant believes that it and city staff are in agreement to not develop this portion of the site for a period of three years starting as of the date with the first CO is issued in Pioneer Hill. If, within that time period, there is a bona fide offer and acceptance from a civic-use purchaser for the site, Applicant will process a zoning change to permit the civic use. Otherwise, Applicant will develop the site as illustrated on the Revised Plan (lots and park).

Ordinance §	Title	As Approved (Existing Plan)	Requested Modification (Revised Plan)	Applicant's Explanation	Status
25-3-51(5)	Subdivision Procedure	The ordinance currently reads that a plat for no more than 50% of the land covered by the preliminary plan may be approved until construction of the community center has begun.	Applicant requests that this section be amended to read that "a plat for no more than 50% of the land in MRA1 may be approved until construction of the community center has started" (emphasis added).	The community center will be for use of the single family neighborhood residents only as per §25-3-73(a). The development of the MRA2, NCA and Workshop areas should not be tied to the development of the single family users and Applicant's contract with the Morse family (the original land owners) specifically excludes the owners/users of the Workshop and MRA2 areas from using the community center.	This request was included in Applicant's original modification request and was discussed but not specifically addressed in writing by city staff.
25-3-52(G)	Subdivision Layout Requirements	Currently amended to provide that every lot in the MRA1 should abut an alley.	Applicant requested the ordinance to read: "Only lots fronting the main boulevard are required to have alley access."	Based on Applicant's several years' experience with its other TND developments in Central Texas, Applicant has determined that the alley-accessed single family homes are significantly less marketable and more expensive to construct in a suburban greenfield vs. front-garage homes. Additionally, alley accessed homes limit the size of the backyard and generally increase impervious cover. By deleting some of the alley-accessed lots, impervious cover is decreased and Applicant will have a more marketable and affordable development.	Applicant and city staff are in agreement with the current proposed lot layout with includes alley access on the majority of the lots within the TND.

Ordinance §	Title	As Approved (Existing Plan)	Requested Modification (Revised Plan)	Applicant's Explanation	Status
25-3-73(A)	Community Meeting Hall	Modified to provide that commercial uses may be located on the same lot and site as a community meeting hall. A community meeting hall may have indoor and outdoor facilities.	Applicant is requesting the community meeting facility be relocated to a more suitable and safe location within the MRA1 are of the TND.	Applicant's past experience with locating community centers indicates that such locations closer to the single family residents and adjacent to open space and <i>not surrounded by streets</i> is a safer alternative vs. the as-approved location between two trafficked main entry roads and detached from most residential, the parkland, and the open space.	Applicant and staff are in agreement with the proposed new location for the community center
25-3-76(5)	Open Space	At least one square shall be located in the NCA. The required square shall be at least one-half acre in a TND of 100 acres or less and one acre in a TND of 100 acres or more	Delete in its entirety	The proposed changes to the land plan have reduced the boundary of the NCA. SEE ABOVE 25-3-3(C)	This additional request is based on the land plan which has been under review by the city since February, 2008.
25-3-81(C)	Roadway Design	Currently the ordinance provides that the Director may approve innovative roadway designs that are not listed in the TND Criteria Manual	The proposed new land plan requests the deletion of the northern Right In/Right Out only entrance/exit.	The As Approved plan does not permit left-turns out of the community for residents/traffic intending to travel southbound on Dessau. This is inconvenient and creates a hazardous road condition if this traffic chooses to use the median break further north on Dessau. Applicant has updated the TIA for Pioneer Hill to reflect this change as well as the other changes within the development affecting traffic flows	City Transportation staff has been given a copy of the updated or amended TIA based on the changes to the current land plan.

Ordinance §	Title	As Approved (Existing Plan)	Requested Modification (Revised Plan)	Applicant's Explanation	Status
25-3-103	Location of NCA:	Modified to provide that at least 80 percent of the units in the Mixed Residential Area must be within 2000 square [emphasis added] feet of a Neighborhood Center Area boundary.	Applicant believes this ("square feet") to be a scripting error and is requesting it be modified to read: At least 75 percent of the units in the MRA must be within 2000 linear feet of a NCA boundary.	The original ordinance called for 90% of MRA within 2000 linear feet of NCA. When it was amended in 2004, it was inadvertently changed to read 2000 square feet. This is not possible. In addition, the proposed new land plan changes the NCA boundary. Applicant is requesting the ordinance be modified to provide that at least 75% of the units in MRA be within 2000 linear feet of the NCA boundary.	This request was included in Applicant's original modification request but has not been addressed in writing by city staff.
25-3-124(h)	Additional Regulations for Mixed Residential Areas	A garage entry may not face the street unless it is at least 20 feet behind the front building face of the principal structure.	A garage entry may face the street on a lot not accessed by a private alley provided the garage is at least 5' behind the front building facia (or porch facia) of the principal structure.	Applicant has no homes designed for a garage setback of 20' from the facia. In fact, such product requires a much longer driveway (increasing impervious cover) and adds significantly to the cost of the home. Since the Revised Plan incorporates some front-driveway lots, this change is necessary. Applicant's traditional architecture front-garage homes are designed for a 5' front garage setback not 20'.	The modification was added because the proposed changes to the land plan require this be changed.
Land Plan Incentive Agreement Regarding TND			Revisions to Plan Modifications to Agreement are submitted on separate summary.	Various explanations(see above)	See pages 1-5, Exhibits A & B

Attachment C

ITEM ID	STAFF COMMENT	APPLICANT RESPONSE
None noted	Parks and Recreation Review – Butch Smith	<p>Applicant agrees with item 4 with no comments.</p> <p>Comments/clarifications to items 1, 2, 3, 5 and 6 are as follows:</p> <p>Item 1: The dedication will consist of 7.2 acres as illustrated on the plan plus 6 lots (approximately .7 acres) along the northerly edge of the parkland. As discussed, the 6 lots will be replaced in another area so as to not incur a net loss in lot density. Applicant will be credited for parkland dedication requirement for the 7.2 acres.</p> <p>Item 2: (See #1 above.) Dedication subject to City approval to relocate those lots to another area acceptable to Applicant so as to not lose any density.</p> <p>Item 3. Applicant will construct an offstreet parking area and/or restroom facility at a cost not to exceed \$100,000. Should the City wish to construct instead, Applicant will reimburse the City for such cost up to \$100,000 upon completion of the facility.</p> <p>Item 5. Applicant is agreeable to the 5-year option. The option will be documented appropriately. The price was not discussed at the meeting with Mr. Smith, though it is properly based on prior discussions/agreements. Applicant will accept the \$10,835/acre figure as proposed by Mr. Smith, however, since the purchase could be delayed for a number of years, Applicant will need to be reimbursed for carrying costs. Therefore, if the land is not purchased by the City by September 1, 2008, the price will be increased at the interest rate of 7% per annum commencing on that date.</p> <p>Item 6. Applicant's obligation to construct hard-surface trails in the City parkland and open space will be limited to the area above the sewer line in the southeast portion of the site. All streets within the community (including lots on the perimeter streets) will have concrete sidewalks to encourage a walkable community. Additionally, Applicant reserves the right to construct trails within the open space where it deems appropriate and with City approval.</p> <p>Applicant agrees that the "specifics of this agreement [will be] placed on the revised land use plan."</p> <p>Applicant will assure that the amended TIA incorporates the proposed changes.</p>
TR2 Item 1	"25-3-3(A) Staff will recommend this request so long as the land use modification has been incorporated into the amended TIA."	
ZN2 6/17/08 Comment	"The staff and the applicant will simply have to agree to disagree..."	Applicant agrees to disagree.

ITEM ID	STAFF COMMENT	APPLICANT RESPONSE
ZN4 6/17/08 Comments	"The staff is willing to compromise by recommending that the Manor ISD Primary School Site be held...."	Applicant does not agree to hold this site for a "period of five (5) years from the date that the first home receives a certificate of occupancy..." as recommended by staff. Applicant is agreeable to designating this as a "civic site" for a period (after which the site will <i>revert</i> BY RIGHT to the use/plan illustrated on the latest land plan <i>without</i> an amendment) that expires the later of: (a) 36 months from the date the first home is CO'd or (b) the date the 225 th home is sold to a third party homebuyer by Applicant. Applicant cannot subject the plan to another variance process which is unpredictable, especially considering the length of time that will pass before the possible change will be made. Therefore, the site must revert BY RIGHT to the lot layout and park use as portrayed in the plan as submitted. The <i>other alternative</i> acceptable by Applicant is to have the site approved as submitted and then in the event the site is sold as a civic use site, then the site will go through the variance process to change it from residential/park to civic use. Given the unpredictability of the public process once residents live in the community (as well as expected changes in the Council), Applicant believes the above alternatives are reasonable and appropriate.
ZN9 6/17/08 Comment	"The does not understand the applicant's response to this comment...."	See Applicant's response to ZN4 above.

Note: A copy of this document has been hand delivered to the Case Manager, Ms. Sherri Sirvattis.



TRANSPORTATION IMPACT ANALYSIS WAIVER

Applicant: Kate Forbes
DR Horton

Phone No.: 345-4663
Fax No.: 533-1429

Project Location: Dessau Road, south of Parmer Lane and north of Rundberg Lane

Project Descript: Mixed Use

Project Name: Pioneer Hill TND

Waiver(s) Requested: Waiver from Traffic Impact Analysis

Response: TIA Waiver Approved.

Conditions/Comments:

The Land Development Code requires a traffic impact analysis to be submitted for developments which are projected to generate greater than 2,000 vehicle trips per day. The proposed development is estimated to generate approximately 11,417 vehicle trips per day, unadjusted. A wavier is granted for the following reasons:

1. The proposed amendments reduce the PUD's estimated trip generation by 6,250 unadjusted vehicle trips per day.
2. An addendum provided by the applicant demonstrated that acceptable levels of service for all intersections previously analyzed could be maintained through the improvements proposed in the original TIA.
3. Development of this property should be limited to uses and intensities, which will not exceed or vary from the projected traffic conditions, assumed in the final memo dated June 9, 2003. The TIA requirements will be reanalyzed with any future zoning cases or site development permit applications to ensure that the conditions assumed with this waiver are still valid.

If you have any questions or require additional information, please contact me at 974-3428.

Amber Mitchell
Sr. Planner ~ Transportation Review Staff
City of Austin – Watershed Protection and Development Review Department

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

www.ci.austin.tx.us/development

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14T-03-0001.01

Contact: Sherri Sirwaitis, (512) 974-3057

Public Hearing:

September 16, 2008 Zoning and Platting

Commission

☐ I am in favor
☒ I object

Douglas Whitworth
President, Windsor Hills Neighborhood
Association

Your Name (please print)

1006 Warrington Cove

Your address(es) affected by this application

Ray Whitworth

Signature

Date

Sep 8, 2008

Comments:

We have concerns about the creation
of a traffic signal at the intersection
of Meadowmont + Dessau Road and object
to the "deletion of the northern right in/
right out only entrance exit to the
TND off of Dessau Road" if it means
that there will be increased cut-through
traffic for our neighborhood. Otherwise,
we would be in favor of this rezoning.

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

www.ci.austin.tx.us/development

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14T-03-0001.01

Contact: Sherri Sirwaitis, (512) 974-3057

Public Hearing:

September 16, 2008 Zoning and Platting

Commission

☐ I am in favor
☒ I object

Douglas Whitworth

President, Windson Hills Neighborhood

Your Name (please print) Association

1006 Warrington Cove

Your address(es) affected by this application

Sep 8, 2008

Signature

Date

Comments:

We have concerns about the creation of a traffic signal at the intersection of Meadowmead + Dessau Road and object to the "deletion of the northern right in/ right out only entrance exit to the TND off of Dessau Road" if it means that there will be increased cut-through traffic for our neighborhood. Otherwise, we would be in favor of this rezoning.

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

Sirwaitis, Sherri

From: Ryon, Chris [Chris.Ryon@parsons.com]
Sent: Wednesday, September 10, 2008 11:37 AM
To: Sirwaitis, Sherri
Subject: Comments for case number is C14T-03-0001.01

Hi Sherri,

I wanted to comment on the proposed request for zoning variance for Pioneer Hill Traditional Neighborhood District. I live in the adjacent Woodcliff neighborhood.

I'm opposed to granting any variance to the developer for many of the same reasons your reviewers mentioned in the attachments shown on your website. This developer has not been a good neighbor and has caused great concern to me and damage to Walnut Creek while building the first phase of their construction. I'd like to see them stay within the previously agreed upon guidelines set by the city.

I am a surface water quality professional and for many years have spent a great deal of my personal time at Walnut Creek, located behind my home, so I'm very familiar with the creek. During the construction of the first phase, the developer cleared the land and started building without storm water controls and no Storm Water Pollution Prevention Plan, and of course, it then rained hard for several consecutive days, washing tons and tons of soil and sediment into the adjacent limestone lined Walnut Creek, a true jewel of Northeast Austin.

I filed a complaint with TCEQ who issued 3 NOVs to the developer. I was told the NOVs had "no teeth" and I should talk to the COA, because COA could actually do something about it. I spoke to the COA inspector about it and he told me "the developer was doing the best they could and *we* would get the storm water controls finished when they could". Nothing was done by the city to protect the creek or even slow the construction. I was pretty outraged by that, but there wasn't much I could do and the damage had already been done to the creek. It seemed that the inspector, supposed to protect the environment, was a little too cozy with the developer as was letting them off the hook.

It took nearly two years for the creek to recover from the mud washed into it from the irresponsible developer. I don't see why the City should relieve this developer from its obligations to create the TND that was promised to the folks that have already purchased homes there. These families purchased their homes based on the amenities promised by the developer. Reneging on those obligations in a clear attempt to lower costs and increase profits is unsatisfactory.

I don't want my property value reduced because they want to build a more dense subdivision. They should also rethink putting the business district adjacent to Walnut Creek as well. That is not the kind of development we want adjacent to the clear waters of the creek. We already spend quite enough time picking up trash from the creek to have more parking lots built adjacent to the creek adding their runoff.

The creek already has one of the highest runoff spikes of any creek in Austin. They better have their storm water detention in order to ensure that the added runoff from their impervious cover flows to the creek in a controlled manner to prevent additional scouring and erosion. If changes *are* allowed to their design, please ensure that a complete review of their SW controls is performed and that their SWPPP is up to date with these changes. I would like to see that the regular inspections of their SW controls is performed, as required by law, after every storm event.

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Again, I oppose allowing any variance to this irresponsible developer, which would in my opinion negatively impact the quality of life within the development, its attractiveness to potential buyers, as well as allow the downward slide in "direction" of development to this "virgin" part of Austin. They agreed to the TND requirements and I think they should stick to the plan.

Regards,

Chris Ryon
11209 Terrace Bluff Dr.
Austin, TX 78754

9/10/2008

Sirwaitis, Sherri

From: Ursula Mann [REDACTED]
Sent: Wednesday, September 10, 2008 11:44 AM
To: Sirwaitis, Sherri
Subject: Case Number: C14T-03-0001

Dear Ms. Sirwaitis,

I'm writing regarding the changes proposed in Case number C14T-03-0001, a development just south and east of Woodcliff (my community) on Dessau. I would like to register my objection to allowing the developer to change the previously accepted plans in any manner that results in the following changes:

1. The removal of planned green or open space that was in the original plan.
2. The removal of land set aside for Manor ISD.
3. The removal of a community or civic center.
4. The removal of any planned bus stops or capitol metro route plans.
4. Any increase in the number of multi-residential properties in the community.
5. Any other change that will decrease the number of amenities available within the community.

My reason for objecting to these changes is that the original plan was one that would add great value to the Eastside community of North Austin, by creating an affordable and livable community that would have the necessary open space, civic space, and hopefully educational resources to support a large increase in population in that area. Unfortunately, the changes being made in this application appear to remove all of these supporting factors and leave the community as a low priced suburb in an area of town that is already sadly lacking in community resources.

Dessau, between Parmer and Rundberg, has already had a huge increase in the number of multi-residential buildings within the last year, without any additional community development. The increase in traffic is already evident and there has not been a corresponding increase in the facilities needed to support such a large number of people living in the area (there are not enough grocery locations, food services, day care facilities, bus routes, or open space parks).

To add yet another large community into the vicinity without requiring additional support, open space, and other resources is foolhardy and ensures that the Eastside of Austin will continue to lack the resources readily available in other areas throughout the city.

Please do not hesitate to contact me regarding this email or any of my concerns.

Sincerely,
Ursula Mann

11006 Wandering Way
Austin, TX 78754
512-417-3401

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9/10/2008

Sirwaitis, Sherri

From: Dr. Parsonneault [REDACTED]
Sent: Wednesday, September 10, 2008 12:16 PM
To: Sirwaitis, Sherri
Subject: OPPOSING Case Number C14T-03-0001.01

Dear Ms. Sirwaitis,

I've just left you a lengthy voice message, and apologize for the rushed nature of that message -- your voice mail does not allow much time. I write to oppose as strongly as possible ALL of the ten proposed variances to be considered at a public hearing for a rezoning request for the 278 acres just south of us (east of Dessau) currently designated as the Pioneer Hill Traditional Neighborhood District (TND), listed in the rezoning notice I received as Case Number C14T-03-0001.01.

In my opinion, approval of the variances currently requested would have a significant negative impact on the quality of life within the development, its attractiveness to potential buyers, and the overall "direction" I'd like to see for the continued growth of our east Dessau area.

If I recall correctly, the original intent was to create a community that would not be wholly dependent upon automobile transportation (1-car garages were allowed and encouraged). By eliminating space for schools and community needs, there will be an increased dependence on transportation, both public and private. With CAP Metro cutting back, with the route up Cameron-Dessau already interrupted by the long-standing fact of no service between Rundberg and Braker, plus the need for kids to have to travel to school, it's going to be hard to keep the number of automobiles to a minimum -- one of the original goals articulated in the planning for this development. Traffic along Cameron-Dessau has increased tremendously during the past five years, and haphazard permitting and variances has a cumulative effect often not noticed until much too late to address possible alternatives.

The process of granting variances for inconvenient provisions of an original approval seems to be Standard Operating Procedure for developers, and I also want to strongly oppose the process that will allow for developers to make promises regarding comprehensive neighborhood design and development, and potential effects on surrounding neighborhoods, and then return later to remove any and all inconvenient or civic-directed provisions.

I encourage the City and the Zoning Board to reconsider, and reconfigure, the permitting process so that developers cannot make promises and then break them at their convenience. For example, developers should be **REQUIRED** to coordinate with potentially-affected school districts at the outset of an original request. The City should require non-negotiable set-asides for schools, civic spaces, and greenspace that will ensure the community and city development the City Council publicly affirms as desirable. The viability of well-designed neighborhoods that do not over-burden existing neighborhoods and infrastructure should be placed ahead of developers' perceptions of inconvenience or their unwillingness to observe their own original agreements. Too often the public face and the procedural reality are not aligned to create the living and working spaces that will allow Austin to keep its position as a highly desirable place to locate.

I oppose every one of the ten requests for variances articulated in Case Number C14T-03-0001.01. While my work schedule does not allow me to attend the public hearing, I would appreciate your official transmittal of my concerns to the Zoning Board as part of the hearing process. Please respond via email

9/10/2008

to let me know how my message has been transmitted to the Zoning Board, and how I can continue to be involved in the decision-making process. I look forward to your reply.

Best regards,

Catherine Parsonneault, PhD
1506 Brushy View Cove
Austin, Texas 78754
512-719-3344

9/10/2008

Sirwaitis, Sherri

From: Mae Lay [REDACTED]
Sent: Wednesday, September 10, 2008 1:20 PM
To: Sirwaitis, Sherri
Subject: Case Number C14T-03-0001

I'm writing regarding the changes proposed to a development just south and east of the Woodcliff Addition on Dessau Rd., specifically

- the removal of planned green or open space that was in the original plan
- the removal of land set aside for Manor ISD
- the removal of a community or civic center
- the removal of any planned bus stops or capitol metro route plans
- any increase in the number of multi-residential properties in the community
- any other change that will decrease the number of amenities available within the community

This area between Parmer and Rundberg has already had a huge increase in the number of multi-residential buildings within the last year without any additional community development. The increase in traffic is already evident and there has not been a corresponding increase in the facilities needed to support such a large number of people living in the area. To add another large community into the vicinity without requiring additional support, open space, and other resources is foolhardy and ensures that this area will continue to lack the resources readily available in other areas throughout the city.

We take pride in our community and are concerned that these changes will leave the community as a low-priced suburb in an area of town that is already lacking in community resources.

Sincerely,

Mae Simmons
11209 Bluff Canyon Dr.
Austin, TX 78754
512-339-2400

9/10/2008

Sirwaitis, Sherri

From: alvarado16@austin.rr.com
Sent: Wednesday, September 10, 2008 2:00 PM
To: Sirwaitis, Sherri
Subject: C14T-03-0001.01- Rezoning 278 acres just South of Woodcliff-opposed

Dear Ms. Sirwaitis,

I'm writing regarding the changes proposed in Case number C14T-03-0001.01, a development just south and east of Woodcliff (my community) on Dessau. I would like to register my objection to allowing the developer to change the previously accepted plans in any manner that results in the following changes:

1. The removal of planned green or open space that was in the original plan.
2. The removal of land set aside for Manor ISD.
3. The removal of a community or civic center.
4. The removal of any planned bus stops or capitol metro route plans.
4. Any increase in the number of multi-residential properties in the community.
5. Any other change that will decrease the number of amenities available within the community.

My reason for objecting to these changes is that the original plan was one that would add great value to the Eastside community of North Austin, by creating an affordable and livable community that would have the necessary open space, civic space, and hopefully educational resources to support a large increase in population in that area. Unfortunately, the changes being made in this application appear to remove all of these supporting factors and leave the community as a low priced suburb in an area of town that is already sadly lacking in community resources. During one of the first meetings they touted that amenities would make the community like "old town" America. These variances change the entire feel of the project now not to mention that developers along Walnut Creek have poor storm drainage as much of their silt and soil washes into the creek.

Dessau, between Parmer and Rundberg, has already had a huge increase in the number of multi-residential buildings within the last year, without any additional community development. The increase in traffic is already evident and there has not been a corresponding increase in the facilities needed to support such a large number of people living in the area (there are not enough grocery locations, food services, day care facilities, bus routes, or open space parks).

To add yet another large community into the vicinity without requiring additional support, open space, and other resources is foolhardy and ensures that the Eastside of Austin will continue to lack the resources readily available in other areas throughout the city. It is simply not the right thing to do.

Please do not hesitate to contact me regarding this email or any of my concerns.

Deborah and Roy Alvarado
1502 Creek Hollow
Austin, Texas 78754

Sirwaitis, Sherri

From: Ross Robertson [mailto:retalson@stillpointaikido.com]
Sent: Wednesday, September 10, 2008 2:57 PM
To: Sirwaitis, Sherri
Subject: Case Number C14T-03-0001.01

Dear Ms. Sirwatis,

I am writing to add my voice to others in my neighborhood to oppose ALL the requested variances in Case Number C14T-03-0001.01, Pioneer Hill Traditional Neighborhood District.

I am of the opinion that the variance requests will degrade rather than improve the quality of the neighborhood design, and will adversely affect the surrounding areas.

Also, it is not clear to me that notice on this matter has been timely served.

Further, it appears that many in the Woodcliff neighborhood where I reside received no notice at all. We would like to have ongoing opportunities for input on this project.

Thank you for your time in reviewing our concerns and sharing them with all relevant parties.

Ross Robertson
1506 Brushy View Cove
Austin TX 78754

Sirwaitis, Sherri

From: [REDACTED]
Sent: Wednesday, September 10, 2008 3:37 PM
To: Sirwaitis, Sherri
Subject: Case Number C14T-03-0001.01

Dear Ms. Sirwaitis:

We are writing regarding the changes proposed in Case Number C14T-03-0001.01, a development just south and east of the Woodcliff Subdivision (our community) on Dessau near Braker Lane. We did receive Notice of the Public Hearing Rezoning from the City of Austin. We would like to register our objection to allowing the developer to change the previously accepted plans in any manner that results in any of the following changes:

1. The removal of planned green or open space that was in the original plan.
2. The removal of the requirement for a square within the Neighborhood Center Area (NCA).
3. The removal of the civic use area within the Mixed Residential Area (MRA 1) currently designated for a Manor ISD school site. Manor ISD is just now beginning to develop land farther north (near Parmer Lane) for a school on land originally designated for a school site over 12 years ago. If this development is successful, land for another school is needed.
4. The removal of a community or civic center, and any changes to the original plan for when construction on the community center must begin.
5. Changes to the original plan requiring alleyways.
6. Changes that would delete the northern right in/right out only entrance off of Dessau Road.
7. The removal of any planned bus stops or capitol metro route plans.
8. Any increase in the number of multi-residential properties in the community.
9. Any other change that will decrease the number of amenities available within the community.

As we recall, the original intent of this development was to create a community that would not be heavily dependent upon automobile transportation (Hence the 1-car garages). By eliminating space for schools and community needs, there will now be an increased dependence on transportation, both public and private. With CAP Metro cutting back, plus the need for this neighborhood's children to have to travel to school, it's going to be hard to keep the number of automobiles to a minimum. This increase in traffic was not the goal of this development. The proposed changes are counter to the original goal. The original plan was one that would add great value to this part of North Austin. The plan was to create an affordable and livable community that would have the necessary open space, civic space, and hopefully educational resources to support a large increase in population in the area. Unfortunately, the changes being made in this application appear to remove all of these supporting factors. That is why they should be rejected.

Please do not hesitate to contact us regarding this email or any of my concerns.

Thank you.

Henry M. Dembosky and Serie J. Spicer
1621 Brushy View Cove

9/10/2008

Austin, TX 78754
512-339-2316

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Sirwaitis, Sherri

From: Christi Dennis [REDACTED]
Sent: Wednesday, September 10, 2008 4:26 PM
To: Sirwaitis, Sherri
Subject: Variances Request for Pioneer Hill Traditional Neighborhood

Dear Ms. Sirwaitis,

I am one of the homeowners in Woodcliff (just north of the proposed Pioneer Hill TND) who received notice of the rezoning hearing (Case # C14T-03-0001.01).

I immediately researched all related information on the City of Austin website, spoke with neighbors, and posted information on our neighborhood listserv to ensure everyone in our area was aware of the proposed changes, not just those within the 500-foot requirements for notification.

All 10 requested variances will have a significant negative impact on the quality of life within the development, its attractiveness to potential buyers, and the overall "direction" I'd like to see for the continued growth of our east Dessau area.

Additionally, the variances would eviscerate much of what makes a Traditional Neighborhood District.

The city annexed this property and approved it as the city's first TND back in 2005. According to the *Austin Chronicle* (May 14, 2004):

- "A mere seven years after spending a lot of time and energy creating an elaborate ordinance to encourage New Urbanist subdivisions, City Hall last week gave its preliminary blessing to Austin's first "traditional neighborhood district" – the proposed **Pioneer Hill** project in Northeast Austin. Pioneer Hill itself has taken several years to bring together..."

Through those seven years, much local press was dedicated to discussing and then touting the efforts of the city to establish and encourage Traditional Neighborhood Districts.

To approve the requested variances would fly in the face of the hard work and negotiations that went into establishing TNDs and set a dangerous precedent for similar "tactics" to applied by developers in the future.

Again, beyond the specific TND issues, the entire east side of Dessau will be negatively affected. This area has undergone extensive growth in the past few years.

Other Woodcliff residents have already submitted specific concerns with regard to traffic, civic spaces, and watershed damage, so I will not repeat those here--only state that I concur with those concerns.

I strongly oppose all requested variances. Such developers should be held to their original agreements and permits, and not be allowed to remove requirements so as to line their pockets at the expense of others' quality of life.

9/10/2008

Regards,

Chris L. Dennis

1623 Brushy View Cove

Austin, TX 78754

512.836.8301

9/10/2008

Sirwaitis, Sherri

From: Bryan & Mary Jane [REDACTED]
Sent: Wednesday, September 10, 2008 4:29 PM
To: Sirwaitis, Sherri
Subject: C14T-03-0001. 01 TND on Dessau Rd variance request

Dear Ms. Sirwaitis:

May I express our concerns about the variances requested for the proposed TND on Dessau Rd near our house, C14T-03-001.01.

Builders certainly have right to create housing in this part of town as well as any other part of town. And creative housing ideas are always worth looking at, thus the TND. We all were thoroughly informed of what type of development this would be, and how relatively unique it was for Austin.

The requests for the proposed variances appear to take away all, or at least most, of the more desirable features of such a development. We are sure that it has been said before that this type development would never be built on the west side of Austin, that does not mean it is not welcomed here, but these variances appear to be planned by someone who thought we would not be paying attention.

We certainly do not think this type of variance would even be proposed if it was not east of I-35. If the city of Austin wants to grow between I-35 and SH-130, the development needs to be of a caliber that will attract additional appropriate development to this part of town. Variances like the ones proposed certainly will not create that type of development.

We enjoy living in this part of town. We have good neighbors and the development near here has been overall very good. Let's continue to have development of good ideas and appropriate design for an area of town that the city wants all of it's future expansion to be. Let this be a model of what the I-35 to SH-130 corridor can be, not what it will succumb to because of lack of good planning and concern for this part of town.

Sincerely,

Bryan & Mary Jane Blommel
11105 Terrace Bluff

9/10/2008