ZONING CHANGE REVIEW SHEET

CASE: C14-88-0001.12
Davenport West PUD Amendment 12

DISTRICT: 10

ZONING FROM: PUD

TO: PUD, to change conditions of zoning

ADDRESS: 4417 Westlake Dr.

SITE AREA: 5.30 acres (230,868 sq. ft.)

PROPERTY OWNER:
Michael & Susan Dell Foundation
(Anand Srinivasan)

AGENT:
Metcalfe, Wolff, Stuart & Williams
(Michele Rogerson Lynch)

CASE MANAGER Mark Graham (512-974-3574, mark.graham@austintexas.gov)

STAFF RECOMMENDATION:

Staff recommends the requested substantial amendment to the Davenport West PUD, Amendment 12, increasing allowable non-residential floor area by 29,090 square feet for the proposed office on Lot 17, Block E, Tract F. *For a summary of the basis of staff's recommendation, see case manager comments on page 2.*

ENVIRONMENTAL COMMISSION RECOMMENDATION:

The Environmental Commission reviewed the Davenport West PUD Amendment 12 case on Wednesday, December 4, 2019 and approved a motion (*attached*) 10-0 to recommend the PUD Amendment with conditions.

ZONING AND PLATTING COMMISSION ACTION / RECOMMENDATION:

December 17, 2019

CITY COUNCIL ACTION:

January 23, 2020

ORDINANCE NUMBER:

ISSUES

Allowable non-residential floor area
The applicant requests approval of Davenport West PUD Amendment 12 to permit building a 29,090 square foot office building and bridge linking it to their existing office building. This issue requires an amendment to the PUD. The rest of the listed issues explain how development will meet various inter-related standards such as impervious coverage, parking and height while addressing neighborhood concerns.

CASE MANAGER COMMENTS:

Davenport Ranch developer Westview agreed to set aside over 100 acres of their land in the Wild Basin area along Loop 360 Highway in exchange for the City of Austin agreeing to allow the transfer of development rights for 100 residential units to nearby land in Davenport Ranch. The land donation was a significant step in creating the Wild Basin Wilderness Preserve.

In 1989 Westview received zoning approval on their master planned Davenport Ranch West PUD covering 444.31 acres. The largest portion of the land, 182 acres, provides for detached residences. The second largest land use, about 104 acres, is the St Stephens School Campus. Offices are the third largest class of land use in the PUD, occupying about 86 acres.

The subject case is focused on a lot within Tract F, a plan for 144.91 acres of the Davenport West PUD. The plan identified Blocks and Lots with associated land uses including detached residential, office and retail. Tract F is located west of and adjacent to Capital of Texas Highway (Loop 360) and accessed primarily from Westlake Drive. The PUD permits transfers of allowable building area, Floor to Area Ratio (FAR) and impervious coverage) between lots within Tract F. Total allowable non-residential building area for Tract F is **1,228,314 sq. ft**.

The **Applicant** represents property owner, Michael and Susan Dell Foundation (MSDF). Tract F, Block E, Lot 17, the subject lot, is a 5.30 acre parcel with an existing 38,875 square foot, two-story office building at 4417 Westlake Drive located on the southwest corner of Westlake Drive and Royal Approach Drive.

Applicant requests an amendment to the land use plan of the Davenport West PUD that regulates the total amount of non-residential land available for Tract F. Land Development Code 25-2-192 Subpart C. 3.1.2 D. requires a major amendment with Council approval when amending a condition of approval of the PUD zoning district. Applicant requests that the Davenport West PUD be amended to permit an additional 29,090 sq. ft. of office, listed in the PUD as “allowable non-residential building area” to permit an expansion of their offices at the current location. The proposed increase of less than 3% of allowable non-residential area would allow the 29,090 square foot addition on Lot 17, Block E, Tract F for a total of 66,095 square feet. The new PUD total for non-residential development area for Tract F would be **1,257,404 sq. ft**..

Parking

The new office building will be sited on the existing parking area to avoid increasing impervious coverage. Additional parking is required for both the new building and to replace the parking covered by that building. The applicant will build a 3 level parking deck beneath the new building. The PUD parking rate for administrative offices is 1 space per 300 square feet. With a total of 66,090 square feet of office the minimum required parking is 220 spaces. They are providing 221.

Building Height

Davenport West PUD refers to Hill Country Roadways (HCR) standards to regulate building height. The lot is in the Loop 360/Moderate Intensity zone which limits heights to 40 feet unless performance incentive enhancements (development bonuses) are achieved. The applicant indicates they will build within the 40 foot height limit.

Neighborhood Concerns

Neighbors are expressing concerns that the Public Notice signs were not maintained continuously. The signs were damaged by wind and weather so they became curled and detached from their posts. The staff at the MSDF office found the signs and re-posted them at one point. When signs went missing again, the City re-posted the signs.

Neighbors to the 4417 Westlake Drive property have contacted Austin Planning and Zoning staff about their concerns with the proposed building. Many list increased traffic and the related delays for first responders serving residents and schools. Some noted that the intersection of Westlake and Loop 360 is already often gridlocked during the morning and evening peak traffic hours. Storm water runoff and water quality issues were raised in emails to staff. Many of the residences west of the subject property are in a flood zone and have experienced increasing water levels after storms. Some thought the project should provide additional detention or water quality measures. Because the development is not increasing impervious surface it is not required to add water quality or detention ponds to the existing facilities.

The Villas at Davenport neighborhood is adjacent to the subject property on the south. Staff received emails from the Homeowner's Association and residents urging opposition to the zoning measure based on their list of expected adverse effects: Property values diminished initially by construction noise and dust and eventually by operation impacts from building, parking lot and vehicle lights, glare, reflection and noise. Applicant modified the location of the vehicle entrance to the parking garage and made commitments regarding screening, lights and building materials to mitigate impacts.

Neighborhood residents commented about the City-owned water quality and retention pond situated between the curb and sidewalk along Royal Approach Drive. Some observed that it never drained and is unattractive. City of Austin was aware of drainage issues with the pond and performed maintenance including changing a membrane. City and applicant monitored the pond after maintenance and it now functions as designed, detaining water for a few days and then drying. The pond is sized according to the standards in place when it was built. It is smaller than would be required with current specifications. Applicant and City of Austin staff are discussing alternatives that would increase capacity and enhance the appearance of the pond including options for a "bio filtration pond" or rain garden.

The Davenport West PUD

The zoning process, standards and land plan for the Davenport West PUD were established February 2, 1989. Those standards are the baseline for staff's analysis. There are 3 PUD amendments and a restrictive covenant amendment affecting Tract F. (*see related cases).* Amendment 8 changed the land plan uses for approximately 30 acres from office and retail to condo and multifamily residential including Block E, Lot 16 adjacent to the subject property on the south. The Restrictive Covenant was also modified at that time to permit multi-family residential where it was previously prohibited.

The land in Davenport Ranch Tract F is mostly developed. In the current case, the limit on allowable non-residential area was reached for the Tract. The Davenport West PUD allows for the transfer of buildable non-residential area, Floor to Area Ratio (FAR) and Impervious Coverage area. Amendments to the PUD include tables showing, for example, transfers of impervious coverage, changes to permitted land use and dwelling unit counts. Staff calculated Tract F, non-residential building area based on site plan records.

The Davenport West PUD permits developers to defer submitting many development plans and documents until they seek building permits. For the current request, Applicant provided historical PUDs, and a schematic site plan showing existing and proposed office buildings, connecting bridge and parking area. In addition, there are PUD sheets showing the extent of Tract F, and displaying Notes and Tables showing calculations of buildable area based on slopes, calculations for the allowed impervious cover, building and parking calculations. The Floor to Area Ratio (FAR) of a nonresidential building in Davenport West PUD varies by slope:

Slope	Maximum FAR
0-15%	0.34
15-25%	0.22
25.35%	0.11

Net Site Area Calculations on Sheet 23 of 23 show 4.73 acres of the 5.3 acre lot have slopes less than 15%. 4.73 acres x (43,560 square feet/acre) =206,038.8 square feet x FAR of 0.34=70,053 square feet of allowable non-residential area for the subject property which is greater than the proposed 66,095 total for the existing building and proposed building. That means if the lot was not subject to the PUD provision to transfer buildable area within the Tract, by this measure the lot would qualify for the additional square footage.

Environmental Issues

Impervious Cover (IC) is being reduced with the new building. Owner did not build one approved parking area south and west of the building and the proposed design is to cover existing IC with the new building and parking deck so there is 0.36 acres (15,681 sq. ft.) of approved impervious coverage available which the applicant proposes to give up. That amounts to reducing the impervious area coverage. Rather than allowing that IC to transfer to another lot, they propose to give up that increment of IC. City staff views the concession of 0.36 acres of IC as an additional element of superiority.

Retention pond in right-of-way: Applicant and City are coordinating to improve appearance and function of the retention pond. The City recently changed the type of membrane used in the pond and performed other maintenance and testing. The retention pond now functions as designed, which includes holding water for up to several days after a storm. Nevertheless the parties are exploring design alternatives that would potentially make the pond more attractive. A biofiltration pond also known as a rain garden feature would be an amenity. The pond is the City's pond on City right-of-way, however, City representatives are discussing cost sharing with the applicant as an element of superiority.

Existing on site detention pond may be modified to operate better and facilitate future maintenance. There was no requirement to enlarge that pond because there was no proposed increase in impervious coverage.

Flood Plain: St. Stephens Creek flows through this lot west of the building. The current floodplain and proposed Atlas 14 bounds were considered when designing the building and amending the site plan. The proposed building would be built east of the existing building and does not encroach into the flood plain.

Rainwater harvesting is not required in the PUD, yet the applicant is proposing to build a system with their new building to collect rainwater and use it to water landscaping before using a conventional system.

Building Design and Landscape Plans

The Davenport West PUD allows projects within the PUD to defer submitting studies and plans until they seek a building permit. They are not required to provide building elevations, a final site plan or landscape plans with a zoning request. Applicant is proposing to build a 2 star Green Building to achieve superiority. In this case the applicant may provide a landscape plan to demonstrate that they are fulfilling commitments made to the City and neighbors by providing landscape for screening and enhancing the site perimeter along Royal Approach Road, Westlake Blvd. and the southern property line. They are committed to exceeding requirements in this category to achieve superiority. Further, by restricting glass reflectivity to less than 15%, applicant exceeds standards in a restrictive covenant with Creek at Riverbend neighbors.

Applicant is reviewing Site lighting design, looking at available technologies and proposing to exceed Austin's Dark Sky Initiatives.

BASIS OF RECOMMENDATION:

1. ***The proposed zoning should be consistent with the purpose statement of the district sought.***

   The purpose of the Davenport West PUD was to provide areas for residential, school and office land uses in locations and with design criteria that made them compatible. The subject site has Hill Country features such as moderate to steep slopes, a creek with a significant floodway, groves of native and cultivated trees and large yards to adjacent streets on two sides and to adjacent residences on the other two. Office uses are one of the top three land uses in the Davenport West PUD and the applicant is designing an office addition that meets the impervious coverage, FAR and parking criteria. Applicant is further enhancing the building with low reflectance glass and is making commitments for screening and streetscape treatments well beyond the requirements of the PUD. Although the total allowable non-residential limit has been reached in Tract F, the applicant is asking for an increase of less than 3% of the Tract F allowable area. The FAR for the property would permit in excess of 70,000 sq. ft. where 66,095 is proposed.

2. ***Public facilities and services should be adequate to serve the set of uses allowed by a rezoning.***

   A new Traffic Impact Analysis (TIA) was not required with this application. The traffic generated by the proposal does not exceed the thresholds established in the Land Development Code and for the following rationale:

   The site is subject to the TIA completed with the Davenport West PUD. Additional technical memoranda dated November 9, 2011 and March 2, 2012 have been re-reviewed by ATD (Nate Aubert) and conclude this proposal is within the limits of the original TIA.

   There is no public transportation system serving the property. There are public sidewalks along both street frontages of the property. Loop 360 Highway that serves the Davenport West PUD. Tract F via Westlake Drive experiences morning and evening peak periods of heavy traffic congestion.

3. ***Zoning should allow for reasonable use of the property***.

   The MSDF lot is 5.3 acres which can accommodate the 66,095 square foot office buildings while meeting required parking standards, complying with the limits on impervious cover, preserving natural areas, enhancing street frontages and bolstering buffers to adjacent residential land use.

EXISTING ZONING AND LAND USES:

	Zoning	Land Uses
Site	PUD	Office
North	PUD	Royal Approach Dr. then undeveloped land, detached SF residences
South	PUD	detached SF residences
East	PUD	Westlake Dr. then parking deck and mid-rise office, retail
West	PUD	detached SF residences

NEIGHBORHOOD PLANNING AREA: Not Applicable

TIA: Existing TIA Reviewed/Approved

WATERSHED: St. Stephens Creek - Water Supply Suburban

OVERLAYS: Hill Country Roadways, Loop 360/Moderate Intensity

SCHOOLS: Eanes ISD Schools

Bridge Point Elementary Hill Country Middle School Westlake H.S.

NEIGHBORHOOD ORGANIZATIONS

Austin Lost and Found Pets
(Bunny Run Nbhd) BRNA ASSOCIATION INC.
Bike Austin
City of Rollingwood
Friends of Austin Neighborhoods
Glenlake Neighborhood Association
Neighborhood Empowerment Foundation
SELTexas
Save Our Springs Alliance
Sierra Club
Austin Regional Group
TNR BCP - Travis County Natural Resources
The Creek at Riverbend Neighborhood Assoc.

AREA CASE HISTORIES:

Number	Request	Commission	City Council
C814-88-0001 Loop 360 and Westlake Drive	unzoned to PUD	To Grant	Apvd 02/02/1989
C814-88-0001.08 Gables Westlake 3100-3320 North Capital of Texas Highway	PUD to PUD Change land plan to allow multifamily residential use, SF-6 regs, 323 units, 40' height	To Grant	Apvd 08/25/2005
C814-88-0001(RCA) 3100-3320 North Capital of Texas Highway	allow multi-family	To Grant	Apvd 08/25/2005 w/ RC 2005179919 to allow Multifamily residences
C814-88-0001.09 3300-3328 Block of North Capital of Texas Highway	1.7 acre site, change IC, 0.11:1 FAR, 47' max height, 8,000 max bldg. sq. ft.	To Grant	Apvd 03/22/2007
C814-88-0001.11 (case # changed from C814-2014-0160) 3600 North Capital of Texas Highway	Restaurant add'n 393 sq. ft., add 6 parking spaces	(administrative approval 11/05/2014)	Not Applicable
C814-88.0001.12 4417 Westlake Drive	PUD to PUD Increase allowable non-commercial area by 29,090 sq. ft. for Tract F, Block E, Lot 17	Environmental Comm. Sched 12/04/2019 ZAP sched 12/17/2019	Sched 01/23/2020

RELATED CASES:

C814-88-0001–Original Davenport Ranch West PUD–approved by City Council on February 2, 1989

OTHER STAFF COMMENTS:

Site Plan

- Site plans will be required for any new development other than single-family or duplex residential.
- Any new development is subject to Subchapter E. Design Standards and Mixed Use unless indicated otherwise by the Davenport PUD. Additional comments will be made when the site plan is submitted.

HILL COUNTRY ROADWAY

A portion of the site is located within 1,200 feet of the Loop 360/Westlake Drive intersection and within a Hill Country Roadway Corridor. The site is located within the moderate intensity zone of Loop 360.

The site may be developed with the following maximum floor-to-area ratio (FAR):

Slope	Maximum FAR
0-15%	0.34
15-25%	0.22
25-35%	0.11
>35%	0.11

- The allowable height is 40’ unless performance incentive enhancements (Development Bonuses) outlined in § 25-2-1128/1129 are achieved.
- SP5. Prior to the issuance of a building permit for the proposed use, the site plan will need to be approved by the Land Use Commission.
- FYI: This reviewer strongly recommends that all past amendments to the PUD are put into a single, typed, document that is organized by sections and clearly states what changes occurred with each amendment.
- FYI: Additional design regulations will be enforced at the time a site plan is submitted.
- FYI: A portion of your site is in the floodplain

Austin Water Utility

Note added to Sheet 23:

THE PROPOSED NEW BUILDING ON LOT E-17, TRACT F OF THE PUD WILL PROVIDE FOR RAINWATER HARVESTING FOR LANDSCAPE IRRIGATION. POTABLE WATER SHALL NOT BE USED FOR IRRIGATION UNTIL RAINWATER HARVESTING SUPPLIES HAVE BEEN EXHAUSTED.

Flood Plain Review

Site has floodplain located on it – both a FEMA AE zone as well as an unstudied A zone, but the City of Austin has not studied this creek recently. PUD amendment is to allow a building to be built along Westlake Drive with a pedestrian bridge over the parking lot to get to the main building. No net increase in impervious cover, no size increase in detention pond, though improvements are to be completed to make maintenance easier.

City Arborist Review

Applicant committed to planting trees along both Royal Approach and Westlake Drive frontages and along the property line common to the MSDF office and Villas residences.

INDEX OF EXHIBITS TO FOLLOW

Exhibit A: Zoning Map

Exhibit B: Aerial Map

Exhibit C: Master Index Site Plan Map

Exhibit D: Davenport West PUD – Tract F, Section 5 Exhibit E:

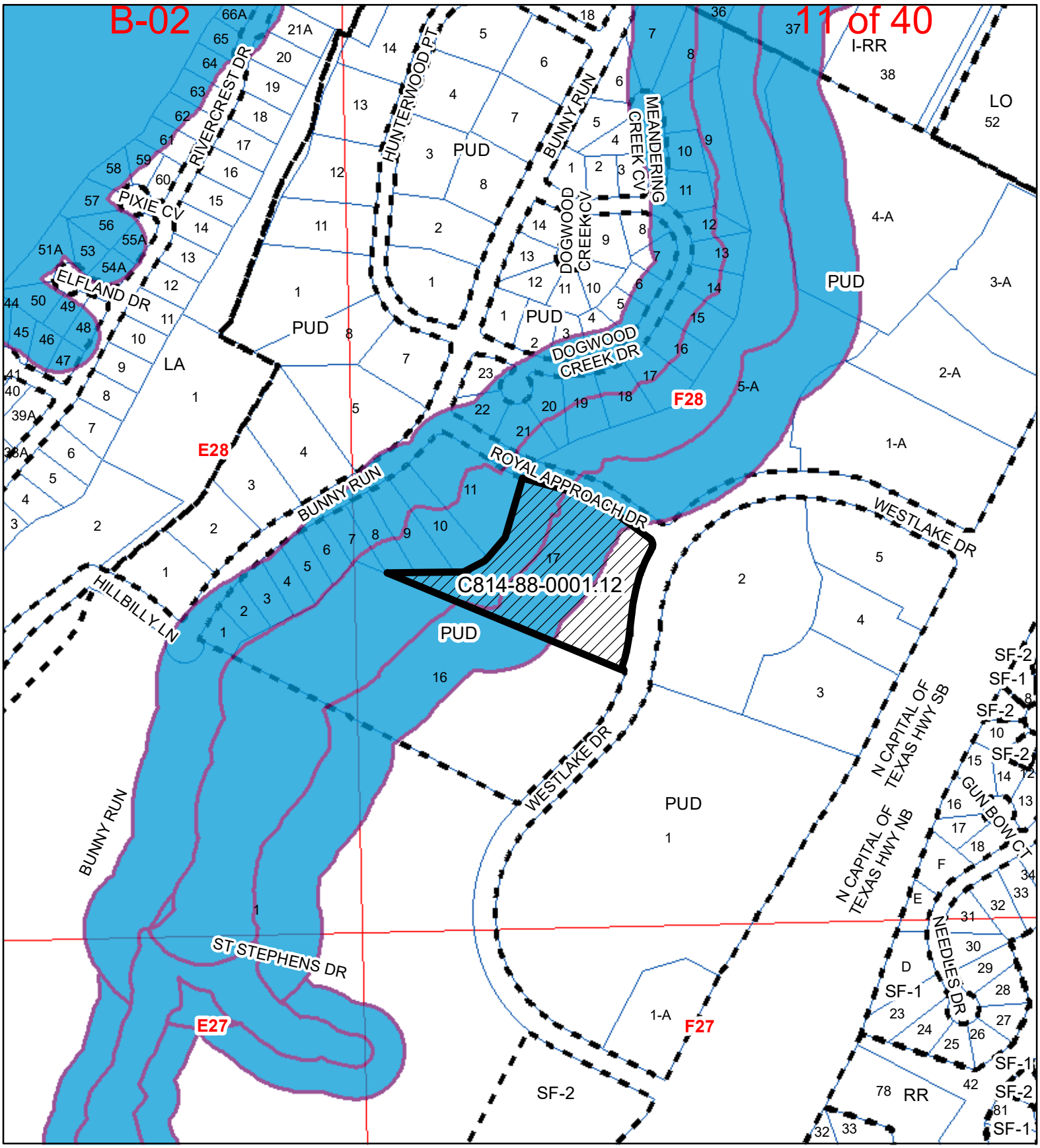
Davenport West PUD, Sheet 23 - Lot 17, Block E, Tract Exhibit F:

Landscape Plan - Trees

Correspondence Received

Exhibit H: Plantings Plan

Exhibit J: Environmental Commission Recommendation



N

1" = 400'

Exhibit A

SUBJECT TRACT

ZONING BOUNDARY

PENDING CASE

CREEK BUFFER

Davenport West PUD Amendment #12
(Michael & Susan Dell Foundation)

ZONING CASE#: C814-88-0001.12
LOCATION: 4417 WESTLAKE DR
SUBJECT AREA: 5.2950 ACRES
GRID: F28
MANAGER: MARK GRAHAM

This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

N

1" = 400'

Exhibit B

SUBJECT TRACT

ZONING BOUNDARY

PENDING CASE

CREEK BUFFER

Davenport West PUD Amendment #12
(Michael & Susan Dell Foundation)

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LOCATION: 4417 WESTLAKE DR
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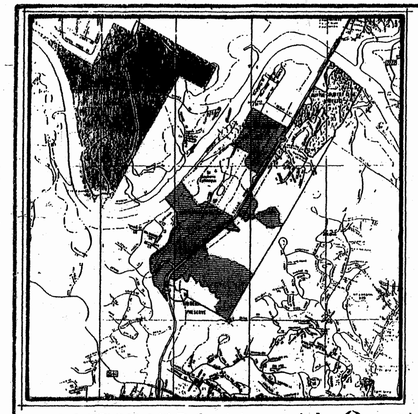


LOCATION MAP (not to scale)

P.U.D. APPROVAL — Sheet 01 OF 23

FILE NUMBER: C814-88-0001.12

APPROVED BY PLANNING COMMISSION / ZONING & PLATTING COMMISSION ON: _____ (DATE)

APPROVED BY CITY COUNCIL ON: _____ (DATE)

UNDER SECTION(S) _____ OF CHAPTER 25-2 OF COA LDC.

_____ FOR THE DIRECTOR, PLANNING AND DEVELOPMENT REVIEW DEPARTMENT

FINAL ORDINANCE READING: _____

Rev. 1 _____

Rev. 2 _____

Rev. 3 _____

THE FOLLOWING VARIANCES, WAIVERS AND BONUSES HAVE BEEN APPROVED FOR THIS PROJECT BY THE CITY COUNCIL OF THE CITY OF AUSTIN ON DECEMBER 15. 1988.

1. Exceed statutory impervious cover and cut and fill on roadways on Sections 1, 2, 4 and 5.
2. Provide a second stream crossing on Sections 4 and 5.
3. Reduce downstream buffer on Block A Lot 1 and Block B Lot 33, Section 1.
4. Reduce setback from a Critical Environmental Feature on Section 5.
5. Establish double frontage lots on Sections 1, 4 and 5.
6. Reduce right-of-way width for Bunny Run on Sections 4 and 5.
7. Exceed statutory maximum block length on Sections 1, 4 and 5.
8. Exceed statutory maximum cul-de-sac length on Sections 1, 2 and 5.
9. Delete sidewalks along both sides of St. Stephens School Road, St. Stephens Cove, Pascal Lane, Pascal Lane Court, and Pascal Cove; delete sidewalks along one side of Capitol of Texas Highway North, Hillbilly Lane, Bunny Run Road, Royal Approach Drive, Hafner Chase, Toon Town Cove, Roger Rabbit Cove, Rabbit Ears Cove, Plopsy Cove and Bunny Run Cove.
10. Delete balance of property between and adjoining Section 3 and Section 4 from preliminary planning.
11. Reduce the Highway Vegetative Buffer on Block B Lot 33, Section 1.
12. Apply the performance incentive provisions of the Hill Country Roadway Ordinance to the non-residential portions of Section 1 for an increase in F.A.R. and building height.

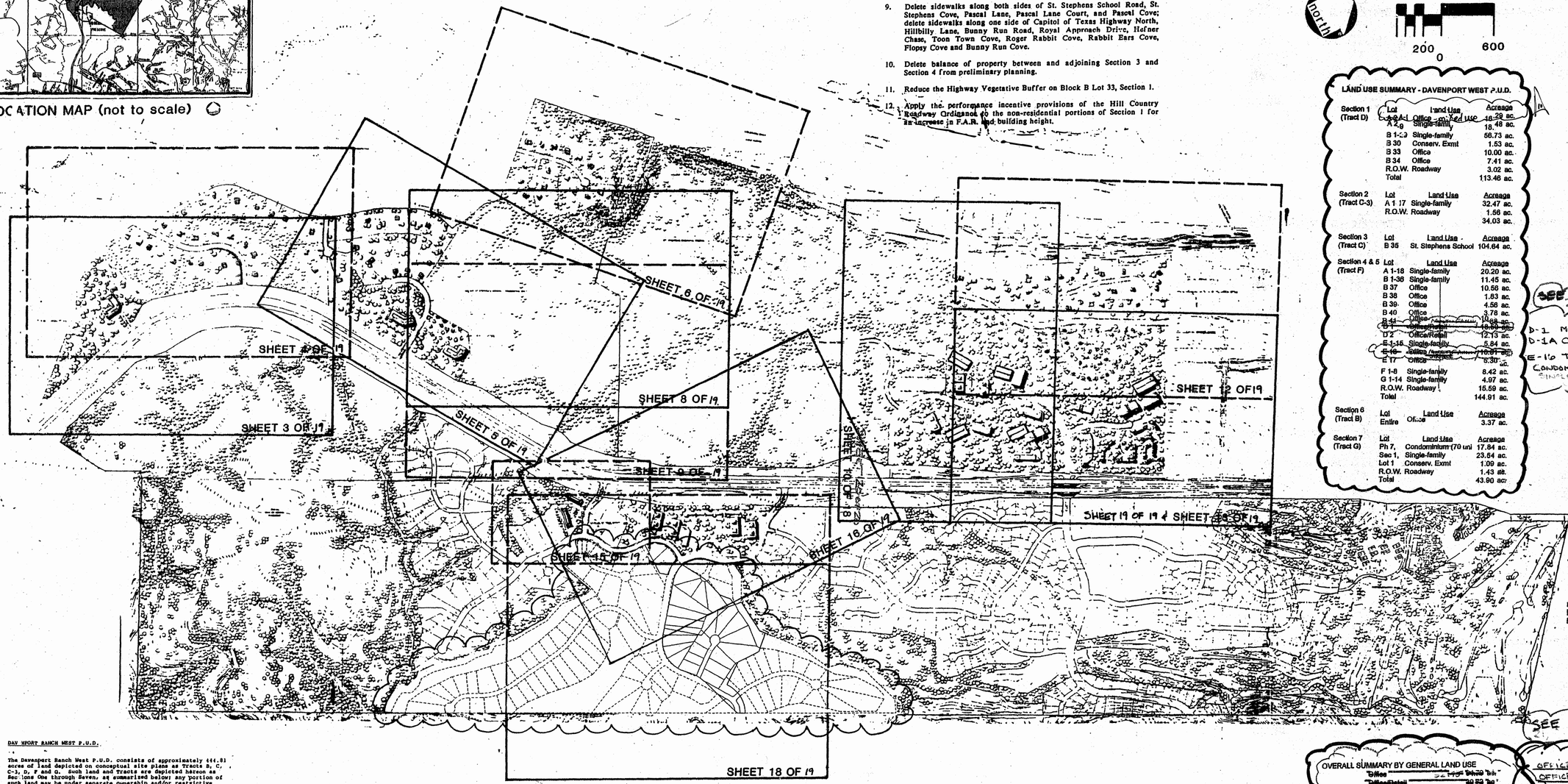
Davenport Ranch

north

0 200 600

LAND STRATEGIES INC.
DEVELOPMENT CONSULTING & PROJECT MANAGEMENT
1722 BOB BULLOCK • AUSTIN, TEXAS 78701 • 512/474-0874

LANDCORP
1502 WEST AVENUE • AUSTIN, TEXAS 78701 • 512/474-0088



LAND USE SUMMARY - DAVENPORT WEST P.U.D.

	Lot	Land Use	Acreage
Section 1 (Tract D)	~~A 2-9~~	~~Office - mixed use~~	~~16.29 ac.~~
	A 2-9	Single-family	18.48 ac.
	B 1-29	Single-family	56.73 ac.
	B 30	Conserv. Exmt	1.53 ac.
	B 33	Office	10.00 ac.
	B 34	Office	7.41 ac.
	R.O.W.	Roadway	3.02 ac.
	Total		113.46 ac.
Section 2 (Tract C-3)	A 1-17	Single-family	32.47 ac.
	R.O.W.	Roadway	1.56 ac.
			34.03 ac.
Section 3 (Tract C)	B 35	St. Stephens School	104.64 ac.
Section 4 & 5 (Tract F)	A 1-18	Single-family	20.20 ac.
	B 1-36	Single-family	11.45 ac.
	B 37	Office	10.56 ac.
	B 38	Office	1.83 ac.
	B 39	Office	4.56 ac.
	B 40	Office	3.78 ac.
	~~B 41~~	~~Single-family~~	~~10.88 ac.~~
	~~D 2~~	~~Office/Retail~~	~~10.83 ac.~~
	D 2	Office/Retail	12.13 ac.
	~~E 1-16~~	~~Single-family~~	~~5.84 ac.~~
	~~E 16~~	~~Office/Retail~~	~~10.81 ac.~~
	E 17	Office	8.30 ac.
	F 1-8	Single-family	8.42 ac.
	G 1-14	Single-family	4.97 ac.
	R.O.W.	Roadway	15.59 ac.
	Total		144.91 ac.
Section 6 (Tract B)	Lot	Land Use	Acreage
	Entire	Office	3.37 ac.
Section 7 (Tract G)	Lot	Land Use	Acreage
	Ph 7,	Condominium (70 un)	17.84 ac.
	Sec 1,	Single-family	23.64 ac.
	Lot 1	Conserv. Exmt	1.09 ac.
	R.O.W.	Roadway	1.43 ac.
	Total		43.90 ac.

SEE SHEETS 20 AND 22

D-1 MULTIFAMILY 16.88 ac.
D-1A COMMERCIAL 1.09 ac.
E-1.0 TOWNHOUSE/CONDOMINIUM/SINGLE FAMILY 10.81 ac.

OVERALL SUMMARY BY GENERAL LAND USE

~~Office~~	~~32.1458 acres~~
~~Office/Retail~~	~~30.93 ac.~~
Condominium	17.84 ac.
Single-family	182.10 ac.
St. Stephens School use	104.64 ac.
Conservation Easement	2.62 ac.
Right-of-way	21.60 ac.
Total project acreage	444.31 ac.

SEE SHEET 20

OFFICE	57.68
OFFICE/RETAIL	12.13
TOWNHOUSE/CONDOMINIUM	10.81
MULTIFAMILY	16.88
COMMERCIAL	1.09
OFFICE-MIXED USE	16.29

CITY OF AUSTIN PLANNING ORIGINAL

BURKS Reprographics

CANYON ENGINEERING INCORPORATED
5000 WESTLAKE HIGH DRIVE BUILDING 5-A
AUSTIN, TEXAS 78746 (512) 327-4022

DAVENPORT RANCH WEST P.U.D.

MASTER INDEX P.U.D. SITE PLANS MAP

SHEET 1 OF 22

DAVENPORT RANCH WEST P.U.D.

The Davenport Ranch West P.U.D. consists of approximately 444.81 acres of land depicted on conceptual site plans as Tracts B, C, C-3, D, F and G. Such land and Tracts are depicted hereon as Sections One through Seven, as summarized below; any portion of such land may be under separate ownership and/or restrictive covenants from time to time.

SECTION ONE

Consists of Tract D (a portion of Davenport West Phase II), to be owned by Davenport Limited.

SECTION TWO

Consists of Tract C-3 (Davenport West Phase III), to be owned by Davenport Limited.

SECTION THREE

Consists of Tract C (a portion of Davenport West Phase II), to be owned by the Protestant Episcopal Church Council of the Diocese of Texas.

SECTION FOUR

Consists of the portion of ~~Tract F (a portion of Davenport West~~ Phase II), to be owned by the Protestant Episcopal Church Council of the Diocese of Texas, OR ITS SUCCESSORS AND ASSIGNS.

SECTION FIVE

Consists of the portion of Tract F (a portion of Davenport West Phase II), to be owned by Davenport Limited.

SECTION SIX

Consists of Tract B (a portion of Davenport Ranch, Phase 5), to be owned by Davenport Limited.

SECTION SEVEN

Consists of Tract G (a portion of Davenport Ranch, Phase 7), to be owned by Davenport Limited.

PUD APPROVAL

Case Number: C814-88-0001.10 - Canyons @ Rob Roy

Approved by Planning Commission/~~Zoning and Platting Commission~~ on: Dec. 3 (date), 2013 (year).

Approved by Council on MARCH 6 (date), 2014 (year), under Sections 401, 402, 421, 422, 423, 144, 392, 411, and — of Chapter 25-2 of the City Code.

Wendy W. Rhoads
Neighborhood Planning and Zoning Department

Final Ordinance Reading: 2014 0306-033

Rev.1 ~~APPROVED ADMINISTRATIVELY on 11/5/2014~~ Rhoads 393 ~~Rev. TO A RESTAURANT USE (SEE PG 19 OF 22)~~ MGHrdr

Rev.3 _____

NOTE:
SHEET 2, 7, 11, AND 14 OF 18
ARE COVER / CALCULATION SHEETS.

This P.U.D. is subject to the restrictions imposed by Restrictive Covenants, filed at the City of Austin Planning Office, case number C814-88-0001.

PROJECT OWNER:
WESTVIEW DEVELOPMENT INC.
5000 Plaza On The Lake, Suite 275 Austin, Texas 78741

(REVISED: JUNE ~~2004~~ 2005)

REVISED: March 14, 2000
REVISED 22, DEC. 1989
DECEMBER 7, 1988
REVISED: SEPTEMBER 22, 1988

6/23/06 MGH Revised C814-88-0001.08(R1) revise page 22 IC summary table

C814-88-0001.06

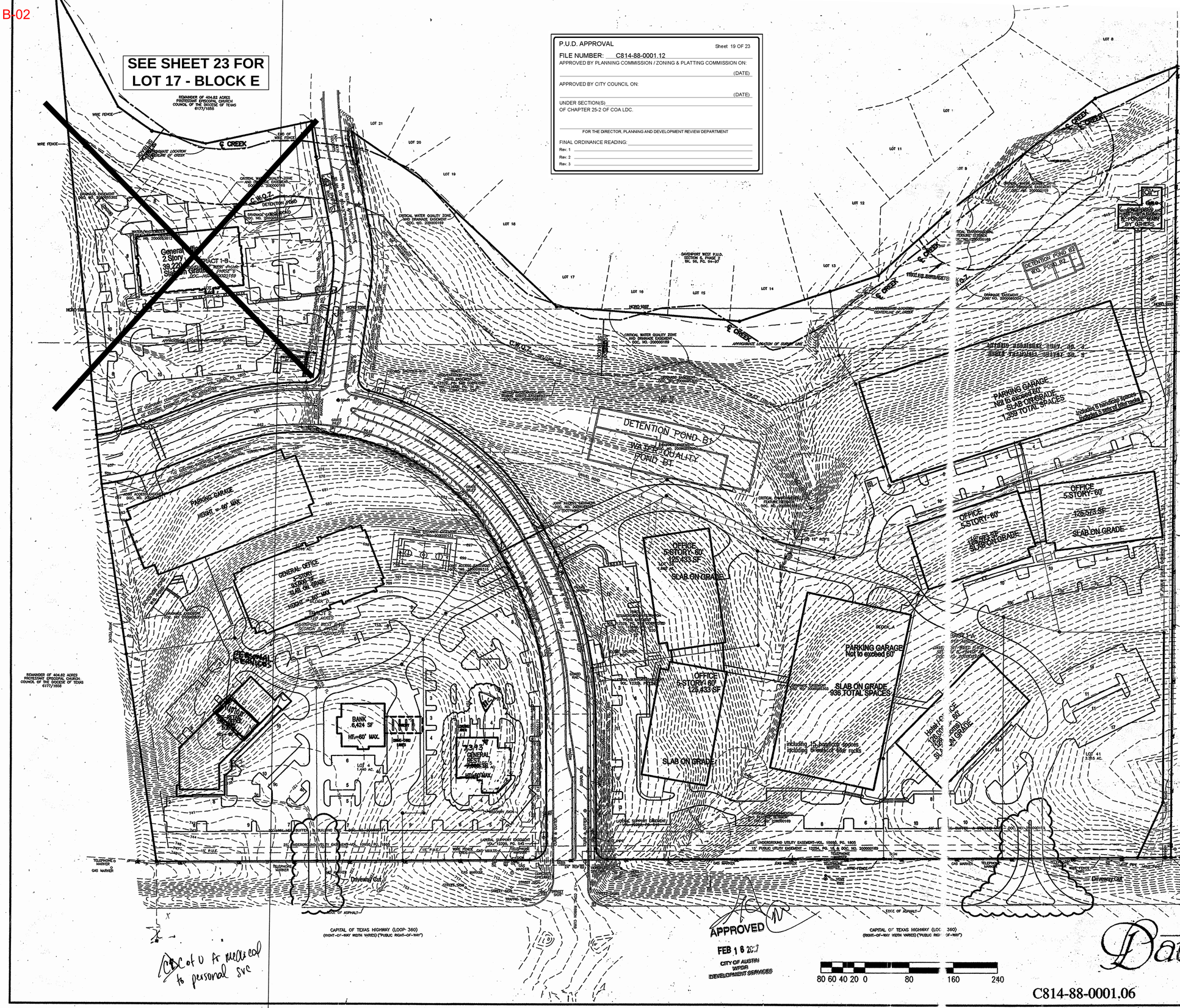


Exhibit D -Case C814-88-0001.12

CITY OF AUSTIN APPENDIX Q–1 NET SITE AREA CALCULATIONS

TOTAL GROSS SITE AREA	5.30 ac.		
SITE DEDUCTIONS			
CRITICAL WATER QUALITY ZONE (CWQZ)	N.A.		
WATER QUALITY TRANSITION ZONE (WQTZ)	N.A		
WASTEWATER IRRIGATION AREAS	0.00 ac.		
DEDUCTION SUBTOTAL	0.00 ac.		
UPLANDS AREA (GROSS SITE AREA LESS DEDUCTION SUBTOTAL)	5.30 ac.		
NET SITE AREA CALCULATIONS			
AREA OF UPLANDS WITH SLOPES 0–15%	4.73 ac x 100%	=	4.73 ac.
AREA OF UPLANDS WITH SLOPES 15–25%	0.50 ac x 40%	=	0.20 ac.
AREA OF UPLANDS WITH SLOPES 25–35%	0.04 ac x 20%	=	0.01 ac.
NET SITE AREA SUBTOTAL (NSA)			4.94 ac.

CITY OF AUSTIN APPENDIX Q–2 IMPERVIOUS COVER

THIS TRACT IS SUBJECT TO THE LAKE AUSTIN WATERSHED ORDINANCE AS MODIFIED BY THE APPROVED P.U.D. PLAN. ALLOWABLE IMPERVIOUS COVER IS SPECIFIED FOR THE TOTAL AREA OF TRACT A, TRACT B, AND TRACT C AS SHOWN ON THE CHART BELOW

PROPOSED IMPERVIOUS COVER ON NET SITE AREA	
IMPERVIOUS COVER IN WQTZ	N.A. ac.
IMPERVIOUS COVER ON SITE	2.06 ac.
TOTAL PROPOSED IMPERVIOUS COVER	2.06 ac. = 41.7%

LOOP 360 ORDINANCE CALCULATIONS (COMMERCIAL AREA – INCLUDES R.O.W.)

SLOPE	0–15%	15–25%	25–35%	>35%	TOTAL
AREA	71.91 ac.	11.96 ac.	6.55 ac.	3.61 ac.	94.03 ac.
MULTIPLIER	0.34	0.22	0.11	0.11	
ALLOWABLE BUILDING SQUARE FEET	1,065,015 s.f.	114,615 s.f.	31,386 s.f.	17,298 s.f.	1,228,314 s.f.

REQUIRED 40% NATURAL AREA = 30.62 ac.
NATURAL AREA PROVIDED = 36.61 ac.

LAKE AUSTIN ORDINANCE CALCULATIONS

SECTION C	0–15%	15–25%	25–35%	>35%	TOTAL	
BUILDINGS	0.44 ac.	0.04 ac.	0.00 ac.	0.00 ac.	0.47 ac.	
PARKING, DRIVES & WALKS	1.55 ac.	0.11 ac.	0.02 ac.	0.01 ac.	1.70 ac.	
TOTAL	1.99 ac.	0.15 ac.	0.02 ac.	0.01 ac.	2.17 ac.	
SLOPES PRESENT	4.73 ac.	0.50 ac.	0.04 ac.	0.03 ac.	5.30 ac.	
MULTIPLIER	50%	15%	5%	0%		
ALLOWABLE I.C. BY ORD.	2.37 ac.	0.08 ac.	0.00 ac.	0.00 ac.	2.45 ac.	
APPROVED ON P.U.D.	2.01 ac.	0.28 ac.	0.03 ac.	0.02 ac.	*1.98 ac.	*2.34 ac. – 0.36 ac. = 1.98 ac. PER PUD AMENDMENT #12
PROPOSED ON P.U.D.	1.80 ac.	0.15 ac.	0.02 ac.	0.01 ac.	1.98 ac.	
PERCENTAGE						
APPROVED	42.5%	56.0%	75.0%	66.7%	44.2%	
PROPOSED	38.1%	30.0%	50.0%	33.3%	37.4%	
ALLOWABLE F.A.R.	0.34	0.22	0.11	0.11		

OVERALL A, B & C	0–15%	15–25%	25–35%	>35%	TOTAL
APPROVED ON P.U.D.	16.50 ac.	4.45 ac.	0.88 ac.	0.11 ac.	21.83 ac.
PROPOSED ON P.U.D.	14.81 ac.	4.43 ac.	0.77 ac.	0.05 ac.	20.06 ac.
PERCENTAGE					
APPROVED	46.5%	48.0%	24.1%	10.1%	44.5%
PROPOSED	41.7%	47.8%	24.1%	4.6%	41.0%

PROPOSED NON–RESIDENTIAL IMPERVIOUS COVER – SECTIONS A, B & C

	0–15%	15–25%	25–35%	>35%	TOTAL
SECTION A	4.78 ac.	1.66 ac	0.28 ac.	0.01 ac.	6.73 ac.
SECTION B	8.21 ac.	2.64 ac	0.47 ac.	0.03 ac.	11.35 ac.
SECTION C	1.80 ac.	0.15 ac	0.02 ac.	0.01 ac.	1.98 ac.
TOTAL	14.70 ac.	4.45ac	0.77 ac.	0.05 ac.	19.97 ac.
APPROVED	16.50 ac.	4.45 ac	0.77 ac.	0.11 ac.	21.83 ac.

BUILDING CALCULATIONS

SECTION C (DAVENPORT WEST C) – TRACT F, BLOCK E, LOT 17

PROPOSED BUILDING COVER
BRIDGE BETWEEN BUILDING = 1,870 s.f.
PROPOSED OFFICE BUILDING = 27,220 s.f.
INCREASE IN ALLOWABLE BUILDING AREA = 29,090 s.f.

DAVENPORT WEST PUD – TRACT F

TOTAL ALLOWABLE NON–RESIDENTIAL BUILDING AREA = 1,228,314 s.f.
PROPOSED OFFICE AND BRIDGE = 29,090 s.f.
TOTAL ALLOWABLE PLUS PROPOSED BUILDING AREA = 1,257,404 s.f.

PARKING CALCULATIONS

REQUIRED PARKING – GENERAL OFFICE @ 1:275 SPACES

EXISTING BUILDING = 38,875 s.f.
PROPOSED BUILDING = 27,220 s.f.
TOTAL BUILDINGS = 66,095 s.f. / GENERAL OFFICE @ 1:275 = 241 SPACES

SECTION 478 – REDUCTION (2 – SHOWERS) = 241 SPACES X 0.90 (10% REDUCTION) = 217 SPACES

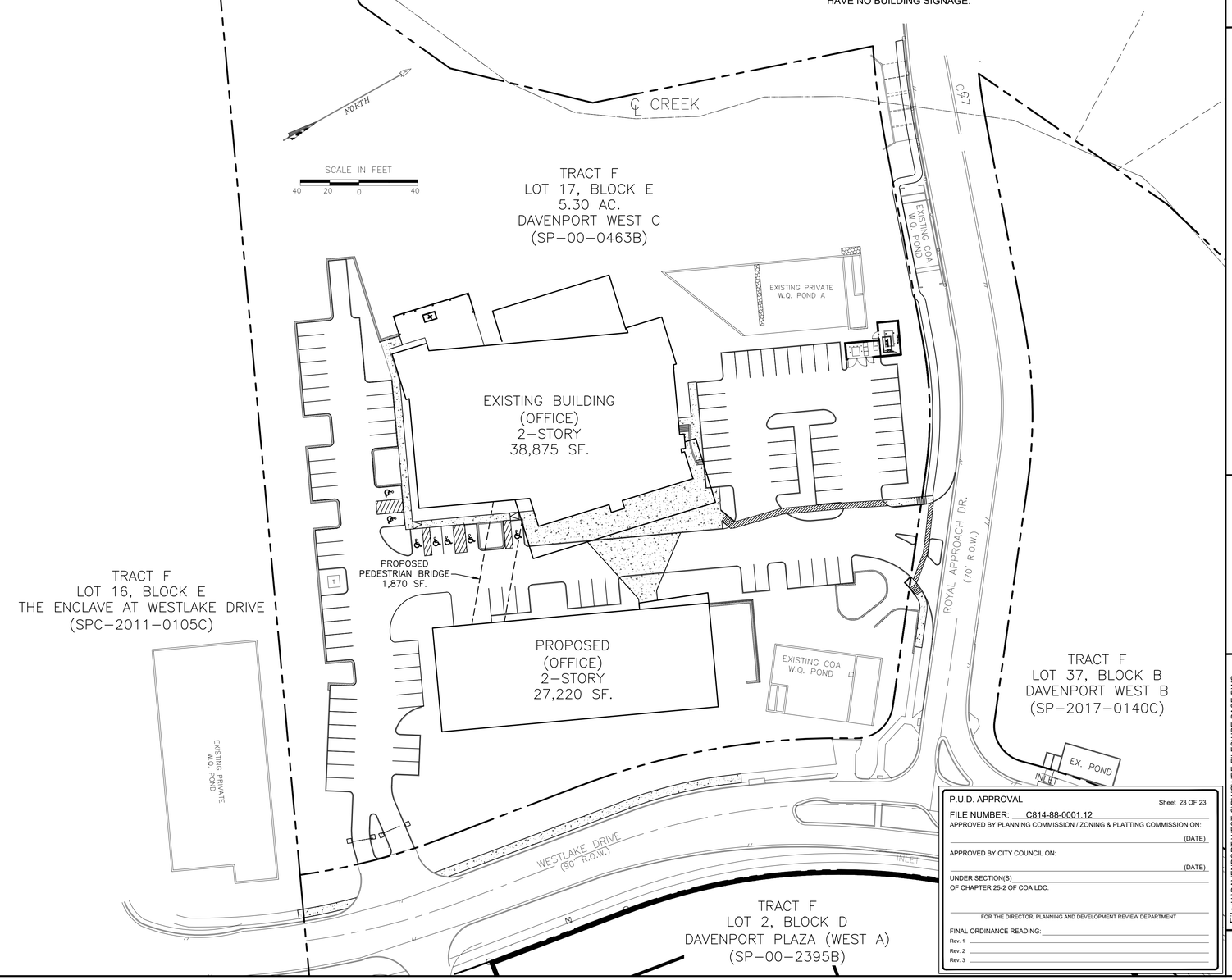
TOTAL REQUIRED PARKING = 217 SPACES

PARKING PROVIDED

	STRUCTURE	SURFACE	TOTAL
STANDARD	116	86	202
HANDICAP (STANDARD)	4	3	7
HANDICAP (VAN)	0	2	2
ELECTRIC VEHICLE	2	8	10
COMPACT	0	0	0
TOTALS	122	99	221

NOTES:

1. THE PROPOSED DEVELOPMENT OF AN ADDITIONAL OFFICE BUILDING WITH THE 12TH AMENDMENT ON LOT E-17, TRACT F OF THE PUD SHALL COMPLY WITH A 2-STAR AEGB REQUIREMENT.
2. THE PROPOSED DEVELOPMENT OF AN ADDITIONAL OFFICE BUILDING WITH THE 12TH AMENDMENT ON LOT E-17, TRACT F OF THE PUD SHALL PROVIDE FOR RAINWATER HARVESTING FOR ADDITIONAL LANDSCAPE IRRIGATION. POTABLE WATER SHALL NOT BE USED FOR IRRIGATION UNTIL RAINWATER HARVESTING SUPPLIES HAVE BEEN EXHAUSTED.
3. SUBMISSION OF DETAILED SITE PLANS, LANDSCAPE PLANS, AND HERITAGE TREE SURVEYS ARE REQUIRED WITH THE SITE PLAN FOR PERMITTING PER THE FIRST PUD AMENDMENT.
4. THE PROPOSED DEVELOPMENT OF AN ADDITIONAL OFFICE BUILDING WITH THE 12TH AMENDMENT ON LOT E-17, TRACT F OF THE PUD, SHALL REQUIRE 427 INCHES OF TREES TO BE PLANTED.
5. THE PROPOSED DEVELOPMENT OF AN ADDITIONAL OFFICE BUILDING WITH THE 12TH AMENDMENT ON LOT E-17, TRACT F OF THE PUD, SHALL PERMIT AND RECONSTRUCT THE CITY OF AUSTIN WATER QUALITY POND SERVING ROYAL APPROACH THROUGH A COST SHARING AGREEMENT WITH THE CITY OF AUSTIN.
6. THE PROPOSED DEVELOPMENT OF AN ADDITIONAL OFFICE BUILDING WITH THE 12TH AMENDMENT ON LOT E-17, TRACT F OF THE PUD, SHALL UTILIZE FULLY SHIELDED AND HOODED LIGHTING TO COMPLY WITH DARK SKIES INITIATIVE.
7. THE PROPOSED DEVELOPMENT OF A PARKING GARAGE FOR AN ADDITIONAL OFFICE BUILDING WITH THE 12TH AMENDMENT ON LOT E-17, TRACT F OF THE PUD, SHALL HAVE GREEN SCREEN FOR VINES ON THE SOUTH, NORTH AND EAST SIDES THAT ARE EXPOSED.
8. THE PROPOSED DEVELOPMENT OF AN ADDITIONAL OFFICE BUILDING WITH THE 12TH AMENDMENT ON LOT E-17, TRACT F OF THE PUD, SHALL HAVE GLASS REFLECTIVITY LESS THAN 15%.
9. THE PROPOSED DEVELOPMENT OF AN ADDITIONAL OFFICE BUILDING WITH THE 12TH AMENDMENT ON LOT E-17, TRACT F OF THE PUD, SHALL BE NO CLOSER THAN 100 FEET FROM THE SOUTHERNMOST PROPERTY LINE OF THE SITE.
10. THE PROPOSED DEVELOPMENT OF AN ADDITIONAL OFFICE BUILDING WITH THE 12TH AMENDMENT ON LOT E-17, TRACT F OF THE PUD, SHALL MODIFY THE EXIT MEDIAN ONTO ROYAL APPROACH TO BETTER DIRECT TRAFFIC TOWARDS WESTLAKE DRIVE.
11. THE PROPOSED DEVELOPMENT OF AN ADDITIONAL OFFICE BUILDING WITH THE 12TH AMENDMENT ON LOT E-17, TRACT F OF THE PUD, SHALL HAVE NO BUILDING SIGNAGE.



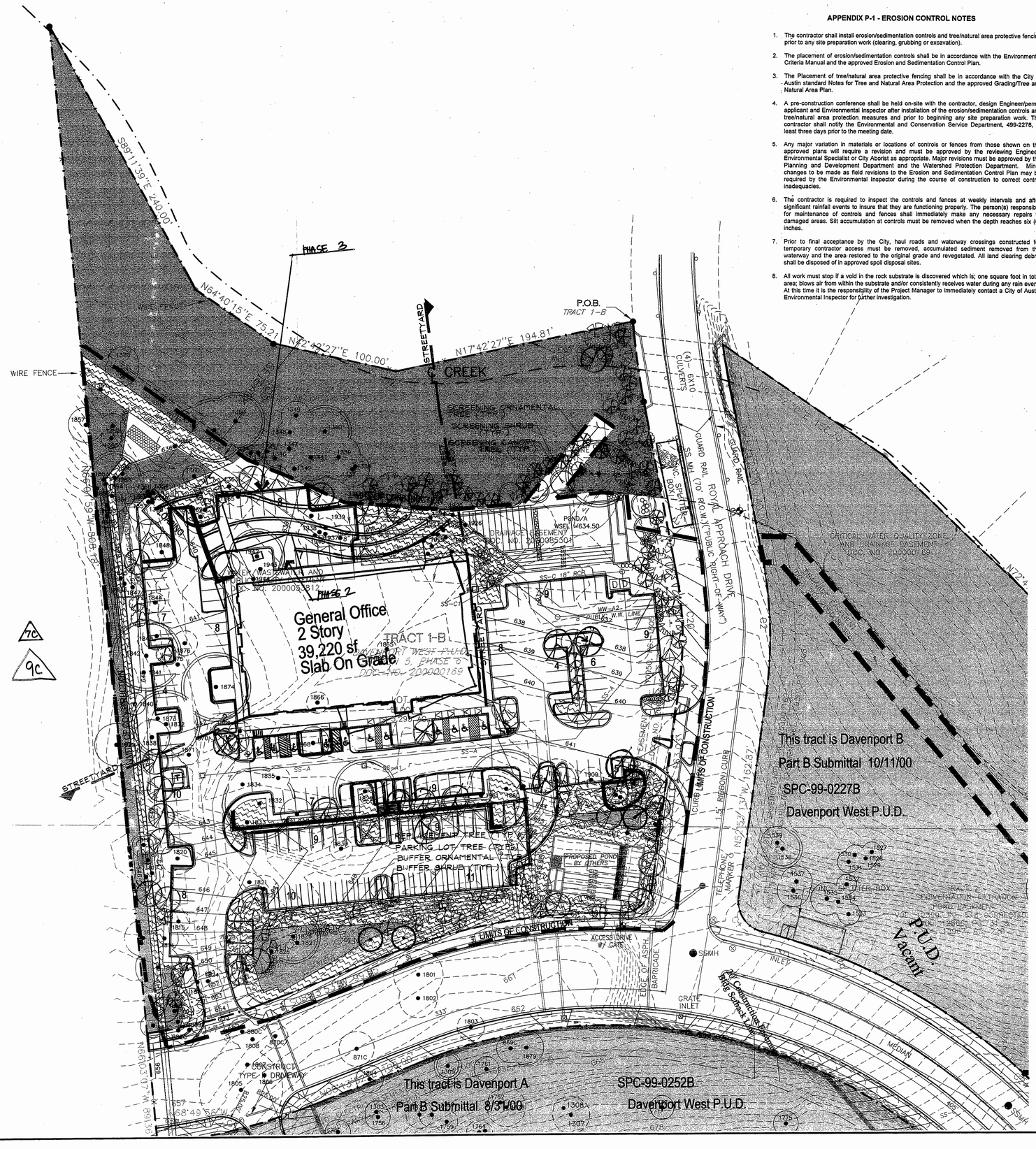
P.U.D. APPROVAL Sheet 23 OF 23
FILE NUMBER: C814-88-0001.12
APPROVED BY PLANNING COMMISSION / ZONING & PLATTING COMMISSION ON: _____ (DATE)
APPROVED BY CITY COUNCIL ON: _____ (DATE)
UNDER SECTION(S) _____ OF CHAPTER 25-2 OF COA LDC.
FOR THE DIRECTOR, PLANNING AND DEVELOPMENT REVIEW DEPARTMENT
FINAL ORDINANCE READING: _____
Rev. 1 _____
Rev. 2 _____
Rev. 3 _____

JAMISON CIVIL ENGINEERING LLC
(TX. PE FIRM REG. #F-17756)
13812 RESEARCH BLVD. #B-2
AUSTIN, TEXAS 78750
OFFICE: (737) 484-0880
INFO@JAMISONENG.COM
JCE

DAVENPORT WEST P.U.D.
LOT 17 - BLOCK E
TRACT F
SECTION 5

File:H:\DAVENPORT WEST C\DWG\HPE FILES\HPE-BASE.DWG	
Job No.	Snapshot: SITE PLAN
Scale (Hor.): 1"=40'	Scale (Vert.):
Date: 10/29/19	Checked By:
	Drawn By:
Revision 1:	
Revision 2:	
Revision 3:	
Revision 4:	

SHEET 23 of 23



APPENDIX P-1 - EROSION CONTROL NOTES

1. The contractor shall install erosion/sedimentation controls and tree/natural area protective fencing prior to any site preparation work (clearing, grubbing or excavation).
2. The placement of erosion/sedimentation controls shall be in accordance with the Environmental Criteria Manual and the approved Erosion and Sedimentation Control Plan.
3. The Placement of tree/natural area protective fencing shall be in accordance with the City of Austin standard Notes for Tree and Natural Area Protection and the approved Grading/Tree and Natural Area Plan.
4. A pre-construction conference shall be held on-site with the contractor, design Engineer/permit applicant and Environmental Inspector after installation of the erosion/sedimentation controls and tree/natural area protection measures and prior to beginning any site preparation work. The contractor shall notify the Environmental and Conservation Service Department, 499-2278, at least three days prior to the meeting date.
5. Any major variation in materials or locations of controls or fences from those shown on the approved plans will require a revision and must be approved by the reviewing Engineer, Environmental Specialist or City Aborist as appropriate. Major revisions must be approved by the Planning and Development Department and the Watershed Protection Department. Minor changes to be made as field revisions to the Erosion and Sedimentation Control Plan may be required by the Environmental Inspector during the course of construction to correct control inadequacies.
6. The contractor is required to inspect the controls and fences at weekly intervals and after significant rainfall events to insure that they are functioning properly. The person(s) responsible for maintenance of controls and fences shall immediately make any necessary repairs to damaged areas. Silt accumulation at controls must be removed when the depth reaches six (6) inches.
7. Prior to final acceptance by the City, haul roads and waterway crossings constructed for temporary contractor access must be removed, accumulated sediment removed from the waterway and the area restored to the original grade and revegetated. All land clearing debris shall be disposed of in approved spoil disposal sites.
8. All work must stop if a void in the rock substrate is discovered which is; one square foot in total area; blows air from within the substrate and/or consistently receives water during any rain event. At this time it is the responsibility of the Project Manager to immediately contact a City of Austin Environmental Inspector for further investigation.

TREE LEGEND

- NON-PROTECTED TREE TO BE RETAINED
- NON-PROTECTED TREE TO BE REMOVED
- PROTECTED TREE TO BE RETAINED
- PROTECTED TREE TO BE REMOVED

DESCRIPTION	QTY
STREETYARD/BUFFER CANOPY TREE	31
STREETYARD/BUFFER ORNAMENTAL TREE	57
STREETYARD/BUFFER SHRUB	60
PARKING LOT TREE	19
SCREENING CANOPY TREE	6
SCREENING ORNAMENTAL TREE	20
SCREENING SHRUB	42
REPLACEMENT TREE	23
ADDITIONAL 10% REPLACEMENT TREES	3

UNDISTURBED NATURAL AREA

RESTORED REVEGETATION AREA

LOW INTENSITY REVEGETATION (RESTORATION) WITH THE INCLUSION OF TREES AND SHRUBS AS SHOWN ON PLAN

40 30 20 10 0 40 80 120

SCALE: 1" = 40'

REGISTERED LANDSCAPE ARCHITECT JASON L. RADCLIFF 2232 STATE OF TEXAS
02/23/09

PAUL W. LINEHAN 02/23/09

THIS SEAL CERTIFIES THAT THE PLAN IS ACCURATE AND IN GENERAL COMPLIANCE WITH THE COA LAND DEVELOPMENT CODE.

ALL RESPONSIBILITY FOR THE ADEQUACY OF THESE PLANS REMAINS WITH THE CONSULTANT WHO PREPARED THEM. IN APPROVING THESE PLANS, THE COA MUST RELY UPON THE ADEQUACY OF THE WORK OF THE CONSULTANT.

THE INTENT OF THIS PLAN IS TO SATISFY CITY OF AUSTIN ORDINANCE REQUIREMENTS ONLY, AND IS NOT TO BE USED FOR BIDDING AND/OR CONSTRUCTION PURPOSES.

Watershed Protection and Development Review
FEB 25 2009

SITE PLAN RELEASE

SHEET 5 OF 27

FILE NUMBER: SP-00-2463B EXPIRATION DATE: 3/21/10
CASE MANAGER: J. Bolt APPLICATION DATE: 10/11/00
APPROVED ADMINSTRATIVELY ON: 3/21/01
APPROVED BY PLANNING COMMISION ON: ____
APPROVED BY CITY COUNCIL ON: ____
UNDER SECTION 111 OF CHAPTER 25-5 OF THE COA CODE.

DIRECTOR, DEPT. OF PLANNING AND DEVELOPMENT.

DATE OF RELEASE: 3/21/01 ZONING: PUD
REV. 1: Thomas Bolt COR. 1 COR. 2 1-25-05
REV. 2: ____ COR. 3 5/13 12/6/01
REV. 3: ____ COR. 4 6/17 MM 8-19-08

Corrs JDV 2/24/09

SP-00-2463B

REVISION BLOCK:

NO.	DATE	EMPL.	COMMENTS

OWNER INFORMATION:
Hill Partners
2800 Industrial Terrace
Austin, Texas 78758
(512) 835-4455

10/11/00

DAVENPORT WEST C

4417 WESTLAKE DR., AUSTIN, TEXAS

Construction Element Site Plan
LANDSCAPE PLAN

LSI# 963

LAND STRATEGIES INC.
1010 LAND CREEK CV.
SUITE 100
AUSTIN, TX. 78746
PH: (512) 328-6050
FX: (512) 328-6172
www.LandStrat.com
LSI@LandStrat.com
PAUL LINEHAN & ASSOCIATES

SHEET 5 OF 27

K:\DATA\651-700\669UWS\SitePlan\C\Part B 11-00\669c1p1.dwg Thu Feb 22 12:19:36 2001 PCR

From: Vincent Lambiase
To: Graham, Mark
Cc:
Subject: RE: Villas at Davenport - Zoning Opposition
Date: Wednesday, September 25, 2019 5:09:15 PM
Attachments: 2019-09-25 Letter protesting Dell Foundation Expansion.docx

*** External Email - Exercise Caution ***

From: [redacted]
Sent: Wednesday, September 25, 2019 4:22 PM
To:
Subject: Villas at Davenport - Zoning Opposition

Professionally Managed by Goodwin & Company

Villas at Davenport

Villas at Davenport Owners,
Everyone should have received the official notice from the City of Austin that the Dell Foundation (adjacent to the Villas) is requesting a zoning change in order to build a second office building. Your Board has been working for several months to understand the proposal and its impact on the Villas.

There are many reasons why we feel this would be a detriment to our community with the most obvious being the potential negative impact on our property values.

It is **imperative** that each of us notifies the city of our position and urges them to reject the application.
Attached is the original notice for your reference and a suggested template for you to use to draft your own letter. It can be sent via email or USPS.
In addition to your personal reasons for requesting denial of the application, we suggest some of the following; the Foundation was aware of the zoning/restrictions when they purchased the property and now want a change which will adversely affect us; we purchased our homes at a high price point with the understanding that this property was "built out"; another building with a larger and taller profile will dramatically change the neighborhood from residential to commercial; the sky bridge connecting the buildings is on the Villas side; there would be a dramatic increase in traffic and density, which the small streets cannot handle; the environment will be compromised i.e. traffic, noise, lighting, water quality, aesthetics; and this zoning change does not serve the public, only the

www.goodwintx.com
info@goodwintx.com

Foundation.
Your board welcomes any feedback, suggestions, or offers of assistance as we move forward. Please feel free to contact any of us for further information.
Debbie Novelli
Greg Hooser
Dean Truitt

Copyright 2019

CAUTION: This email was received at the City of Austin, from an EXTERNAL source. Please use caution when clicking links or opening attachments. If you believe this to be a malicious and/or phishing email, please forward this email to CSIRT@austintexas.gov.

9/25/19

Mr. Mark Graham
City of Austin Planning and Zoning Department
505 Barton Springs Road
Austin, TX 78704

Via email: Mark.Graham@austintexas.gov

RE: Case Number C814-88-0001.12
NOTICE OF FILIING OF APPLICATION FOR AN AMENDMENT TO A PLANNED UNIT DEVELOPMENT

Dear Mr. Graham,

I have received the attached notice of Case Number C814-88-0001.12 as the owner of property located within 500' of the proposed rezoning.

I urge the Planning and Zoning Commission to reject and deny the request of Applicant for the above referenced amendment.

1. Traffic at the intersection of 360 and Westlake Drive is beyond gridlock between the hours of 8:00 – 9:00am and 4:00 – 6:00pm Monday thru Friday
2. Traffic on Westlake Drive (east of Hwy 360) reaching over capacity during these same hours.
3. The noise and pollution caused by this traffic has severely impacted our community
4. The addition of this building will place our community of 31 homes in the middle of an industrial park

Sincerely

Vincent Lambiase

4501 Westlake Drive #19

Austin, TX 78746

September 22, 2019

Mr. Mark Graham
City of Austin Planning and Zoning Department

Via email: Mark.Graham@austintexas.gov
and US Mail
City of Austin Planning and Zoning Department
505 Barton Springs Road
Austin, Texas 78704

RE: Case Number: C814-88-0001.12

NOTICE OF FILING OF APPLICATION FOR AN AMENDMENT TO A PLANNED UNIT DEVELOPMENT
[the "Notice"]

Dear Mr. Graham:

I have received the attached notice of Case Number: C814-88-0001.12 as the Applicant is required to notify all property owners within 500 feet. My residence is within this range, and most likely the closest to Applicant's subject property of any impacted residence.

I urge the Planning and Zoning Commission to reject and deny the request of Applicant for the above referenced Amendment.

First, I'd like to express concern as to the accuracy and transparency of the Notice on two critical aspects.

(i) - The "Nature of Amendment" listed on the Notice has such brevity that it is inaccurate and potentially drafted in a manner that will confuse or impair understanding of this request to impacted residents and schools. Applicant states "the Applicant is proposing to amend a previously approved land use plan, **to allow for additional office square footage**." This is materially inaccurate and misleading to the uninformed. The request of Applicant is to allow construction of an entire new office building and parking garage. Construction of a new standalone office building and garage is clearly not merely adding square footage.

(ii) – Page 2 of the Notice shows land neighboring directly to the south and west of the Applicant's property. The Notice plat appears to reflect the land as one, single, visibly undivided lot. That subject lot however includes 32 single lot line residences, including my residence. This subtle nuance seems to be Applicant's attempt to make it visibly appear that there are no impacted residences next door to the Applicant's property. This is troubling, but particularly troubling when taken with the item listed above in (i).

I assume that bare minimum wording such as Applicant uses is conceptually allowed in this type of filing, however to have Applicant and its legal advisors so materially mis-state (or perhaps understate) these items and facts is troubling. Accordingly, **I would urge the Planning and Zoning Commission to require Applicant to file a re-submission of all required notices to impacted residences or land owners to reflect the issues noted above**. The notice should be clear to the reader.

Outside of the issues above, **I urge the Planning and Zoning Commission to reject and deny** the request of Applicant for the above referenced Amendment.

The Applicant has not in any way or manner improved the PUD and has only sought to use a subtle slight-of-hand process to push this through the City process and argue "adding square footage" is not a material change... Applicant purchased the property years ago full well knowing and understanding the PUD and

zoning approved and in place as well as the reasons density on their tract was limited in the first place. Now Applicant has changed its mind asking to Amend and without any enhancement to the PUD.

Outside of providing no enhancements to the PUD, the Applicant has failed to consider and address many issues, including the impact of massive traffic logjams to our City and County 1st Responders and to the surrounding community. Constructing another building – that is not currently approved or zoned for such – is just unsafe to the environment, surrounding residences and our school children. Where it is now difficult for 1st responders to access Westlake Drive this will add dire new congestion. We have families and hundreds of youth at St. Stephens School and Bridge Point Elementary.

A similar concern surrounds the very severe impacts of water quality and runoff. Residences located behind the Applicant's premises are already in a flood related zone and with each storm, resident fingers stay crossed as water rises along Royal Approach Lane.

Interestingly, Applicant has told area residents that no additional water detention or retention improvements are needed, or will be included in their plans. Similarly, they do not plan any new or updated traffic impact studies. Again, this seems to be Applicant's consistent approach of trying to minimalize this as merely "adding office space square footage" versus being factual with stating the plans are to construct a new multistory building with garage [including excavation for underground parking].

Thank you for your review of this letter and my urging of declining Case Number: C814-88-0001.12

Respectfully,

Michael B. Perrine

4501 Westlake Drive #1, Austin, TX 78746

512-496-0526

cc:

Mr. Greg Guernsey, Director [US mail]

Mr. Jerry Rusthoven, Assistant Director [US mail]

NOTICE OF FILING OF APPLICATION FOR AN AMENDMENT TO A PLANNED UNIT DEVELOPMENT

Mailing Date: September 13, 2019 **Case Number: C814-88-0001.12**

Este aviso le informa de una audiencia publica tratando de un cambio de zonificacion dentro de una distancia de 500 pies de su propiedad. Si usted desea recibir información en español, por favor llame al (512) 974-3531.

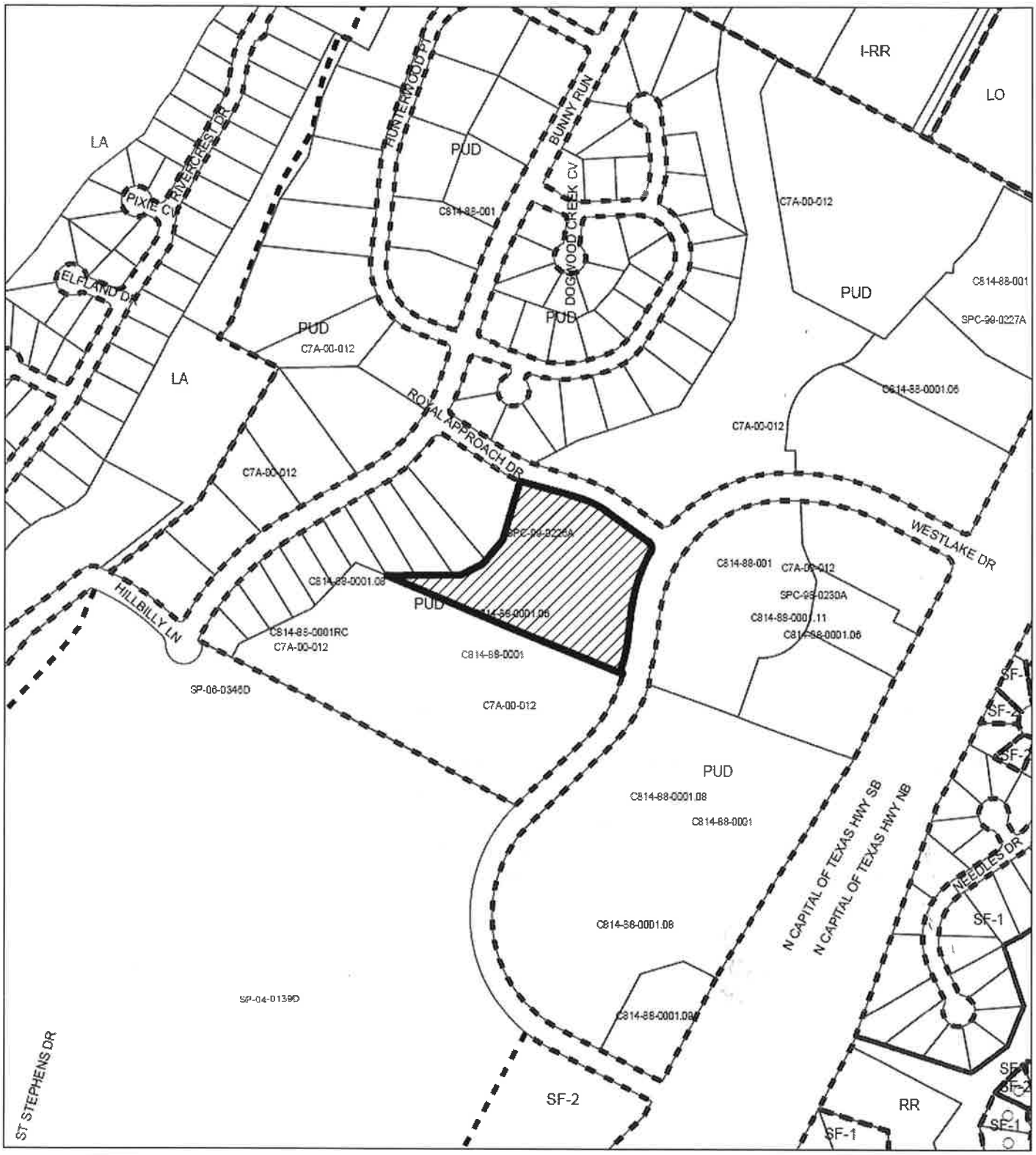
You are being notified because City Ordinance requires that all property owners within 500 feet, those who have a City utility service address within 500 feet, and registered environmental or neighborhood organizations whose declared boundaries are within 500 feet be notified when an application has been received.

The rezoning of a property requires approval by a Land Use Commission and final approval by the City Council. When scheduled, you will receive a notice for each public hearing that will provide the date, time, and location of the public hearing. You are encouraged to participate in this process.

If you have any questions concerning this application, please contact Mark Graham of the Planning and Zoning Department at 512-974-3574 or at Mark.Graham@austintexas.gov and refer to the Case Number at the top right of this notice. However, you may also find information on this case at our web site: **https://abc.austintexas.gov/web/permit/public-search-other**

Applicant:	**Metcalfe, Wolff, Stuart & Williams, LLP, Michele Rogerson Lynch, (512) 404-2251**
Owner:	**Michael & Susan Dell Foundation, (512) 600-5525**
Location:	**4417 Westlake Drive (see attached map)**
Name of Planned Unit Development:	**Davenport West PUD Amendment #12 (Michael & Susan Dell Foundation)**
Nature of Amendment:	**The Applicant is proposing to amend a previously approved land use plan, to allow for additional office square footage.**

For additional information on the City of Austin's land development process, please visit our web site www.austintexas.gov/planning.



N

SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

1 " = 400 '

ZONING

ZONING CASE#: C814-88-0001.12

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

CITY OF AUSTIN FOUNDED 1839

Created: 9/11/2019

September 23, 2019

Mr. Mark Graham
City of Austin Planning and Zoning Department

Via email: Mark.Graham@austintexas.gov
City of Austin Planning and Zoning Department
505 Barton Springs Road
Austin, Texas 78704

RE: **Case Number: C814-88-0001.12**

NOTICE OF FILING OF APPLICATION FOR AN AMENDMENT TO A PLANNED UNIT DEVELOPMENT [the "Notice"]

Dear Mr. Graham:

I have received the attached notice of Case Number: C814-88-0001.12. My residence is within 500 feet.

This entire process has been so incredibly frustrating and the Applicant is just using their weight to try to totally minimalize the impact of this request.

But, it is not a simple deal. They want to throw out existing zoning, tear up earth and build an entirely new building of 3 or 4 stories. Oh, and add a luxury sky bridge... Never mind they already leave their water ponds unkept and often broken. Never mind that school busses and children have to use the very thin 1 lane Westlake Drive. Never mind they don't need the space and "are planning for the next 10 years". Never mind that they don't seem to have a care about traffic worries or water quality issues.

I'm not a land expert – but would be very curious to see where Applicant has shown any benefit to anything of what they are requesting? Have they submitted any plans showing where they plan to pay for or improve roads or access? Have they offered to re-do and add to water filtration systems that already don't seem to work. I've had to call Code Compliance on them several times [records available].

Please do the right things for our environment, safety and our children. **I urge the Planning and Zoning Commission to reject and deny** the request of Applicant for the above and **declining Case Number: C814-88-0001.12**

Thank you,

Alyson Perrine

Alyson Perrine

4501 Westlake Drive #1, Austin, TX 78746

cc:

Mr. Greg Guernsey, Director [US mail]

Mr. Jerry Rusthoven, Assistant Director [US mail]

CITY OF AUSTIN
NING & ZONING DEPARTMENT
P.O BOX 1088
USTIN, TEXAS 78767 - 1088

POSTAGE PITNEY BOWES
ZIP 78754 $ 000.50⁰
02 4W
0000351566 SEP 13 2019

PERRINE, ALYSON
OR CURRENT RESIDENT
4501 WESTLAKE DR APT 1
AUSTIN TX 78746-1511

NOTICE OF FILING OF APPLICATION FOR AN AMENDMENT TO A PLANNED UNIT DEVELOPMENT

Mailing Date: September 13, 2019 **Case Number: C814-88-0001.12**

Este aviso le informa de una audiencia publica tratando de un cambio de zonificacion dentro de una distancia de 500 pies de su propiedad. Si usted desea recibir información en español, por favor llame al (512) 974-3531.

You are being notified because City Ordinance requires that all property owners within 500 feet, those who have a City utility service address within 500 feet, and registered environmental or neighborhood organizations whose declared boundaries are within 500 feet be notified when an application has been received.

The rezoning of a property requires approval by a Land Use Commission and final approval by the City Council. When scheduled, you will receive a notice for each public hearing that will provide the date, time, and location of the public hearing. You are encouraged to participate in this process.

If you have any questions concerning this application, please contact Mark Graham of the Planning and Zoning Department at 512-974-3574 or at Mark.Graham@austintexas.gov and refer to the Case Number at the top right of this notice. However, you may also find information on this case at our web site: https://abc.austintexas.gov/web/permit/public-search-other

Applicant:	**Metcalfe, Wolff, Stuart & Williams, LLP, Michele Rogerson Lynch, (512) 404-2251**
Owner:	**Michael & Susan Dell Foundation, (512) 600-5525**
Location:	**4417 Westlake Drive (see attached map)**
Name of Planned Unit Development:	**Davenport West PUD Amendment #12 (Michael & Susan Dell Foundation)**
Nature of Amendment:	**The Applicant is proposing to amend a previously approved land use plan, to allow for additional office square footage.**

For additional information on the City of Austin's land development process, please visit our web site

September 30, 2019

Mr. Mark Graham
City of Austin Planning and Zoning Department
505 Barton Springs Road
Austin, TX 78704

Via email: Mark.Graham@austintexas.gov

RE: Case Number C814-88-0001.12

NOTICE OF FILIING OF APPLICATION FOR AN AMENDMENT TO A PLANNED UNIT DEVELOPMENT

Dear Mr. Graham,

I have received the attached notice of Case Number C814-88-0001.12 as the owner of property located within 500' of the proposed rezoning.

As President of the Villas at Davenport HOA, I am submitting our unanimous request that the **Planning and Zoning Commission reject and deny** the request of Applicant for the above referenced amendment for the following reasons:

- The adjacent Villas at Davenport is a 32 home community of $1m+ homes. This community was developed based on the knowledge that the property at 4417 Westlake Drive was 'built out', and no additional structures were allowed. The map sent with the notice is misleading as it does not show these homes and presents the tract as one large property.
- The proposed office building and garage are much larger profile than the existing structure and will basically be in our backyards. (the parking lot is now at the property line). There is no doubt this construction will have a significant negative impact on our property values and ability to enjoy our homes.
- When the subject property was purchased, the owners were aware of the existing PUD agreement and its limitations. Now they want to modify the zoning "so the foundation can continue to operate in Westlake close to their home".
- The surrounding area is primarily residential and only accessed by the two small roads of Royal Approach and Westlake Drive. Additional traffic will have an extremely negative impact on our environment and create safety issues with the ability of 1st responders to timely service us.
- Primary points of access to the two neighborhood schools (Bridgepoint Elementary and St Stephens) are off Royal Approach and Westlake Drive. We cannot afford to further congest these roads.
- The creek behind the property is becoming compromised and has flooded homes in recent years as more and more construction has occurred.
- Changing zoning WILL hurt our environment—traffic density, air quality, nuisance lighting, water quality, noise, and aesthetics
- A change in zoning will NOT result in a condition superior to the status quo.
- A change in zoning WILL detrimentally impact the neighborhood character.

While we all appreciate and applaud all the good work the Dell Foundation does for our community, we recognize they have the resources to relocate if their current facility does not meet their needs.

The concerns noted above are long term and do not begin to address the nightmare that construction of an office building would create in an environment so close to residences.

Thank you for this consideration of **declining Case Number C814-88-0001.12**

Sincerely,

Deborah Novelli
4501 Westlake Drive #17, 78746

From: Tom Traweek
To: Graham, Mark
Subject: proposed zoning changes by Dell Foundation
Date: Thursday, October 03, 2019 12:41:18 PM

*** External Email - Exercise Caution ***

October 3, 2019

Mr. Mark Graham

City of Austin Planning and Zoning Department

505 Barton Springs Road

Austin, TX 78704

Via email: Mark.Graham@austintexas.gov

RE: Case Number C814-88-0001.12

NOTICE OF FILIING OF APPLICATION FOR AN AMENDMENT TO A PLANNED UNIT DEVELOPMENT

Mr. Graham,

We have received the notice of Case Number C814-88-0001.12, and as owners of a property located within 500' of the proposed rezoning, we urge the Planning and Zoning Commission to reject and deny the request for the above referenced amendment, as written.

When we purchased our home five years ago, we were specifically informed that the Dell Foundation property was "built out", and any expansion was specifically restricted by zoning regulations. This was important to us, as Westlake Drive in our area already serves as an access and egress point for St. Stephen's School, numerous homes in the Aqua Verde, Lakeside and Rivercrest communities, as well as the commercial buildings at the corner of Loop 360 and Westlake Drive. Without a concurrent expansion in capacity for Westlake Drive, the traffic congestion in our neighborhood would clearly be further increased by an expanded Dell facility.

The increased traffic creates both environmental and property value issues. The additional noise and congestion associated with more vehicles will adversely affect the aesthetics or our neighborhood, which in turn will negatively impact our property

values. This proposed zoning change does nothing to benefit the communities affected by it, but instead only benefits the Dell Foundation.

Again, we urge you preserve our neighborhoods by denying the proposed zoning change. There are lots of others places around Austin or Round Rock that the Dell Foundation can expand without adversely affecting so many families.

Please so not hesitate to contact us if we can be of help with this decision or if you have any additional questions

Sincerely,

Stephen and Jane Traweek

4501 Westlake Dr. #13

Austin, TX 78746

cc: Mr. Greg Guernesey, Director (US mail)

Mr. Jerry Rusthoven, Asst. Director (US mail)

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ANNE BRENNAN
4501 Westlake Drive #14
Austin, Texas 78746-1511
(512) 914-9514
[redacted]

October 5, 2019

Mr. Mark Graham
City of Austin Planning and Zoning Department
505 Barton Springs Road
Austin, TX 78704

Via email: Mark.Graham@austintexas.gov
RE: Case Number C814-88-0001.12; NOTICE OF FILIING OF APPLICATION FOR AN AMENDMENT TO A PLANNED UNIT DEVELOPMENT (Susan and Michael Dell Foundation)

Dear Mr. Graham:

My husband, Greg Hooser, and I are residents of The Villas at Davenport Ranch and therefore owners of real property located within 500' of the above-referenced proposed rezoning for property of the Dell Foundation. We respectfully but strongly urge the Planning and Zoning Commission to deny the referenced application.

We purchased our home as The Villas were being built, careful to consider the surrounding neighborhoods and properties, including the current Dell Foundation property. We (and we suspect most, if not all, of our neighbors) purchased our home in reliance on the fact that any further expansion of the Dell Foundation property was specifically restricted by existing zoning regulations. Approval of this rezoning application means our reliance on the City's zoning regulations was, at best, misplaced.

Approval of this rezoning proposal will have a substantial adverse impact on The Villas residents and the surrounding neighborhoods, and especially on the property values in The Villas itself. Even during the construction phase of the proposed expansion, the already heavy traffic on Westlake Drive west of Loop 360 will likely increase exponentially, as Westlake Drive serves as the access street for large commercial buildings and businesses near Loop 360, for St. Stephen's School, and for the adjacent neighborhoods of Rivercrest,

Lakeside and Aqua Verde. It is even likely to increase traffic on Cedar, which runs between Riverbend Church and Bridgepoint Elementary School.

The additional noise and congestion associated with heavier traffic loads will also negatively impact our neighborhood's environment and aesthetics. The Villas is now a relatively quiet and peaceful place during most of the day and night, with heavy traffic during extended morning and evening rush hours. That would change with the additional traffic load throughout the day from the additional office and parking capacity. Our residential neighborhoods would simply become more surrounded by commercial activity. Approval of this rezoning application would represent yet another expansion of commercial activity away from along Loop 360 and into the surrounding residential neighborhoods.

We, of course, recognize the contributions Dell and the Dell Foundation have made to our larger community and wish we weren't forced to oppose the Foundation's plans. Yes, we know that the proposal represents a substantial expansion of the facilities to the immediate benefit of the Foundation. But we also know of no reason why such benefits wouldn't also be attractive to a non-Dell, non-foundation, 24-hour-a-day entirely commercial subsequent owner. That possibility poses an even greater threat to the welfare of our neighborhoods.

Again, we respectfully urge the Planning and Zoning Commission to preserve our residential neighborhoods by denying the proposed zoning change. There are plenty of more appropriate alternative locations in Travis and Williamson Counties for a Dell Foundation expansion that would not so seriously and adversely affect so many families. Thank you for your consideration of our opposition to the proposed zoning change.

Sincerely,

Anne Brennan

Greg Hooser

cc: Mr. Greg Guernesey, Director (US mail)
Mr. Jerry Rusthoven, Asst. Director (US mail)

From: Debbie Novelli
To: Graham, Mark
Subject: Case # C814-88-0001.12
Date: Saturday, October 05, 2019 11:18:05 AM

*** External Email - Exercise Caution ***

Attached are photos of the signage regarding the proposed zoning change. I am not sure of the specific requirements for signage, but would imagine that signage should be at each entrance to the property (currently only at one), should be on display 24 x 7 (has been removed on weekends), should be in a somewhat prominent position to be read by passerby's (currently positioned as far from street as possible), and most importantly should be readable (not the case as you can see from the photos). There was an additional sign at the intersection of Royal Approach and Westlake Drive which was removed after a few days? I am assuming that this signage does not meet required guidelines.

Deborah Novelli, Broker Associate
Realty Austin
(512) 699-0856 mobile

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[redacted]

October 8, 2019

Mr. Mark Graham *via email: mark.graham@austintexas.gov*
City of Austin Planning and Zoning Department
505 Barton Springs Road
Austin, Texas 78704

Re: Case No. C814-88-0001.12: Davenport West PUD Zoning

Dear Mr. Graham:

Our firm represents Ms. Leta Scherer, who owns a home in the Villas at Davenport at 4501 Westlake Drive, Austin, Texas. As you know, the Villas at Davenport are within 500 feet of the proposed rezoning of the Davenport West PUD that would allow the Michael and Susan Dell Foundation to build a second office building on their tract located at 4417 Westlake Dr, Austin, TX 78746.

On behalf of Ms. Scherer, we urge the Planning and Zoning Commission to reject and deny the requested amendment, which would dramatically alter the nature and character of the neighborhood and the value and enjoyment of our client's home.

We are very concerned about many aspects of the proposed amendment and the outcomes it will produce for its residential neighbors like Ms. Scherer, including but not limited to increased traffic and population density, diminished water quality, noise and light pollution, and loss of privacy and security, not only during the building phase but indefinitely into the future. Ms. Scherer recently purchased her home with the understanding that the adjoining Foundation tract was completely built-out and no further buildings or modifications would occur. Her expectation should be met and respected, and changes to the current zoning and building should not be allowed.

We appreciate your consideration of this matter. Please feel free to contact me if you need further information.

Sincerely,

D'Ana H. Mikeska

DHM/laa

cc: Mr. Greg Guernsey, Director (greg.guernsey@austintexas.gov)
Mr. Jerry Rusthoven, Director (jerry.rusthoven@austintexas.gov)
Ms. Leta Scherer [redacted]

From: Dean Truitt
To: Graham, Mark
Cc: Brian Moore
Subject: Villas at Davenport - Zoning Opposition
Date: Wednesday, October 09, 2019 9:50:36 AM

*** External Email - Exercise Caution ***

Date

Mr. Mark Graham

City of Austin Planning and Zoning Department

505 Barton Springs Road

Austin, TX 78704

Via email: Mark.Graham@austintexas.gov

RE: Case Number C814-88-0001.12

NOTICE OF FILIING OF APPLICATION FOR AN AMENDMENT TO A PLANNED UNIT DEVELOPMENT

Mr. Graham,

We have received the notice of Case Number C814-88-0001.12, and as owners of a property located within 500' of the proposed rezoning, we urge the Planning and Zoning Commission to reject and deny the request for the above referenced amendment, as written.

When we purchased our home six years ago, we were specifically informed that the Dell Foundation property was "built out", and any expansion was specifically restricted by zoning regulations. This was important to us, as Westlake Drive in our area already serves as an access and egress point for St. Stephen's School, numerous homes in the Aqua Verde, Lakeside and Rivercrest communities, as well as the commercial buildings at the corner of Loop 360 and Westlake Drive. Without a concurrent expansion in capacity for Westlake Drive, the traffic congestion in our neighborhood would clearly be further increased by an expanded Dell facility.

The increased traffic creates both environmental and property value issues. The

additional noise and congestion associated with more vehicles will adversely affect the aesthetics or our neighborhood, which in turn will negatively impact our property values. This proposed zoning change does nothing to benefit the communities affected by it, but instead only benefits the Dell Foundation.

Again, we urge you preserve our neighborhoods by denying the proposed zoning change. There are lots of others places around Austin or Round Rock that the Dell Foundation can expand without adversely affecting so many families.

Please so not hesitate to contact us if we can be of help with this decision or if you have any additional questions

Dean B Truitt
4501 Westlake Dr. # 12
Austin TX 78746
832 721-7491
[redacted]

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Dear Mr. Graham,

We have received the attached notice of Case Number C814-88-0001.12 as the owner of property located within 500' of the proposed rezoning.

We urge the Planning and Zoning Commission to reject and deny the request of Applicant for the above referenced amendment.

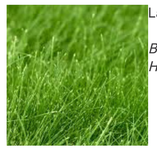
Just SOME of the reasons we would like the request denied include increased traffic on Westlake Drive, dust and construction detritus, noise pollution, decrease in our property value, and locating a business directly next to our homes.

Joe and Daniela Knight

4501 Westlake Drive, #26

Austin, TX 78746

Sandankwa Viburnum
Viburnum suspensum


Lawn
Buffalo Hydromulch

Star Jasmine
Trachelospermum jasminoides

Native Seed Mix
Native American Seed

American Agave
Agave americana

Texas Sedge
Carex texensis

Soft Leaf Yucca
Yucca recurvifolia

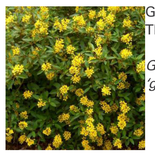
Gulf Muhly
Muhlenbergia capillaris

Cherry Sage
Salvia greggii

Blonde Ambition
Bouteloua gracilis

Mexican Bush Sage
Salvia leucantha

Lindheimer's Muhly
Muhlenbergia lindheimeri


Golden Showers Thyrallis
Galphimia glauca 'golden showers'

Fountain Grass
Pennisetum setaceum

Legend
a_ existing desert willows
b_ existing trees to remain
c_sidewalk
d_seating area
e_flexible lawn space
f_proposed rain garden

planting concept

Bold swaths of native and adapted plants buffer unwanted views and open to reveal usable lawn and seating areas.

Dependable evergreens are layered with flowering perennials and native grasses and wildflowers, composing a dynamic place.

Through planting form and species, this schematic creates a physically comfortable and visually pleasing neighborhood facing landscape.

01 Live Oak / Evergreen
Quercus virginiana

02 Mexican White Oak / Semi-evergreen
Quercus polymorpha

03 Arizona Cypress / Evergreen
Cupressus arizonica

04 Cedar Elm / Evergreen
Ulmus crassifolia

05 Mexican Sycamore / Deciduous
Platanus mexicana

06 Yaupon Holly / Evergreen
Ilex vomitoria

07 Desert Willow / Deciduous
Chilopsis linearis

08 Mountain Laurel/ Evergreen
Sophora secundiflora

0 10' 20' 40'

TBG

Michael & Susan Dell Foundation

schematic landscape planting plan

Austin, TX
11/15/2019

1

TBG
1705 Guadalupe St.
Suite 500
Austin, Texas 78701

[512] 327 1011
tbgpartners.com

The information shown is based on the best information available and is subject to change without notice.

Exhibit H

ENVIRONMENTAL COMMISSION MOTION 20191204 008c

Date: December 4, 2019

Subject: Davenport West Planned Unit Development Amendment 12

Motion by: Kevin Ramberg **Seconded by:** Mary Ann Neely

RATIONALE:

WHEREAS, the Environmental Commission recognizes the applicant is requesting a substantial amendment to the Davenport West Planned Unit Development (PUD) increasing the allowable non-residential floor area by 29,090 square feet for the proposed office on Lot 17, Block E, Tract F; and

WHEREAS, the Environmental Commission recognizes that City of Austin Staff recommends the PUD amendment at this location.

THEREFORE, the Environmental Commission recommends approval of the requested PUD amendment for the above noted project with the following staff conditions:

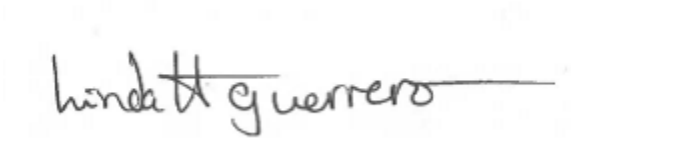
1. The project shall cap the impervious cover for this lot to a maximum of 1.98 acres,
2. the applicant shall permit and rebuild the existing undersized water quality pond located in the right-of-way along Royal Approach Drive through a cost sharing agreement with the City of Austin,
3. project shall utilize fully hooded and shielded lights to comply with Dark Sky Initiatives,
4. garage shall be screened on the south, east and north sides with climbing vines,
5. project shall use captured rainwater to irrigate proposed landscape,
6. the reflectivity of the building glass shall be less than 15% to deter bird collision, and
7. the project applicant will prepare an Environmental Resource Inventory at time of site plan review.

VOTE 10-0

For: Bedford, Smith, Creel, Thompson, Ramberg, Guerrero, Coyne, Nill, Neely, and Maceo
Against: None
Abstain: None
Recuse: None
Absent: Gordon

Exhibit J

Approved By:



Linda Guerrero, Environmental Commission Chair

From: King, Micah
To: Graham, Mark
Cc: Michele Rogerson Lynch; Meade, Nikelle
Subject: Request for Postponement of ZAP Hearing - Davenport West PUD Amendment
Date: Thursday, December 12, 2019 1:53:11 PM

*** External Email - Exercise Caution ***

Mark,

Good afternoon. I am writing on behalf of my client, Villas at Davenport West HOA, which, as you know, is the group of neighbors adjacent to the subject property for the Davenport West PUD amendment case at 4417 Westlake Drive, Case No. C814-88-0001.12.

My client and I are in ongoing discussions with the applicant to hopefully resolve our concerns about the proposed amendment. While we hope to come to an agreement soon, we need more time. As such, this email is to request that ZAP postpone the hearing from Dec. 17 to Jan. 7. I have copied Michele on this email, as I know she needs to speak with her client about whether they support the postponement request.

Thank you for your assistance, and please let me know if you have any questions or need anything from us.

Sincerely,
Micah

Micah J. King
Attorney

HUSCH BLACKWELL LLP
111 Congress Avenue,
Suite 1400
Austin, TX 78701-4093
Direct: 512.370.3468
Fax: 512.479.1101
Micah.King@huschblackwell.com
huschblackwell.com
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Husch Blackwell has been named a Tier 1 law firm in the United States for Real Estate by U.S. News – Best Lawyers® for the Ninth Edition of "Best Law Firms"

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