Zoning CITY OF AUSTIN RECOMMENDATION FOR COUNCIL ACTION

AGENDA ITEM NO.: Z-11 AGENDA DATE: Thu 05/12/2005 PAGE: 1 of 1

<u>SUBJECT:</u> C814-99-0001.03 - Avery Ranch PUD, Amendment #3 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as Avery Ranch Boulevard at Parmer Lane (Brushy Creek Watershed) from planned unit development (PUD) district zoning to planned unit development (PUD) district zoning to change a condition of zoning.. Zoning and Platting Commission Recommendation: To grant planned unit development (PUD) amendment. Applicant: Pebble Creek Joint Venture (Edward Rathgeber, President), Developers of Avery Ranch (Robert D. Wunsch), Continental Homes of Texas, L.P. (Richard Maier). Agent: Waterstone Development (Theresa Canchola). City Staff: Sherri Gager, 974-3057

REQUESTINGNeighborhood Planning**DIRECTOR'SDEPARTMENT:**and Zoning**AUTHORIZATION:** Greg Guernsey



May 2, 2005

Ms. Sherri Sirwaitis, Case Manager City of Austin Development Review & Assistance Center 505 Barton Springs Road, 5th Floor Austin, TX 78701

RE: Avery Ranch PUD Amendment No .3 (C814-99-0001.03) Avery Ranch Restrictive Covenant Amendment (C814-99-0001RCA)

Dear Sherri:

Pursuant to the Section 25-1-152, of the Land Development Code, we hereby request an indefinite postponement of the above referenced cases. We are working with the Parks Department to finalize the ordinance language and with Real Estate to finalize the two parkland dedication transactions. We are aware that we will need to pay a re-notification fee once we are ready to proceed with the case.

We appreciate your consideration of our postponement request. Please call if you need additional information or have any questions.

Sincere Theresa Canchola

cc: Robert D. Wunsch, via email Sarah Campbell, via email

ZONING CHANGE REVIEW SHEET

CASE: C814-99-0001.03

Z.A.P. DATE: August 3, 2004

ADDRESS: Avery Ranch Boulevard at Parmer Lane

OWNER/APPLICANT: Developers of Avery Ranch
(Robert D. Wunsch)AGENT: Pebble Creek Joint Venture
(E.R. Rathgeber)

ZONING FROM: PUD TO: PUD AREA: 1629.78 acres

The applicant has submitted an amendment to the Avery Ranch Planned Unit Development (PUD) to request changes to Exhibit "H" of the PUD, the Open Space, Parks, and Trails Plan. As part of this amendment, the applicant proposes to make changes to the alignment of the trail layout in the approved parkland areas, to relocate a proposed neighborhood park from the east side of Parmer Lane (currently shown on Tract III-D) to the west side of Parmer Lane (now shown on Tract I-C) along Avery Ranch Boulevard, and to add a Round Rock Independent School District tract and a Leander Independent School District tract of land to the PUD Land Use Plan.

The applicant is also requesting an amendment to Part 10 the Avery Ranch PUD Ordinance. The applicant would like to clarify that future city parkland can first be conveyed to a third party trustee (non-profit entity approved by the Parks and Recreation Department), for the purpose of facilitating grant applications, as long as the conveyance requires re-conveyance to the City or to another City approved governmental entity for public park use no later than January 1, 2006.

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to approve the proposed amendments to the Avery Ranch PUD Land Use Plan and PUD ordinance.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

9/21/04: Approved staff's recommendation of PUD amendment by consent (7-0, K. Jackson-off dias, J. Gohil-absent); J. Martinez-1st, M. Whaley-2nd.

ISSUES:

On May 3, 2005, the staff received a letter from the applicant requesting an indefinite postponement of this zoning case. The applicant needs additional time to work with the City of Austin Parks and Recreation Department and the Real Estate Division to finalize details concerning the PUD amendment (Postponement Request Letter-Attachment E).

DEPARTMENT COMMENTS:

The applicant is requesting amendments to the Avery Ranch PUD Land Use Plan because of changing conditions within the PUD as the roadways and uses are being developed throughout Avery Ranch (Request Letter-Attachment A, Land Use Plan Changes-Attachment B). As part of their request, the applicant is asking to amend several parkland areas to provide for the realignment of the planned trail system within the Avery Ranch PUD. These changes were requested by the City of Austin Parks and Recreation Department. The applicant has been meeting with PARD for months to discuss the new parkland trail way layout.

In addition, the applicant is proposing to amend the PUD Land Use Plan to relocate a neighborhood park currently shown on Tract III-D. The proposed neighborhood park would be very close to the already constructed 13-acre community park that comprises Tract III-E. Therefore, the applicant is requesting to move the other neighborhood park to the west side of Parmer Lane to Tract I-C to allow for recreational services where they will be needed on the south side of Avery Ranch Boulevard. The applicant is also proposing to move the site for a neighborhood park from the current location to a new location within Tract 1-A. This request has been made because of the final roadway alignments within Tract 1-A of the PUD.

Finally, the applicant is requesting to add two school sites to the Avery Ranch PUD Land Use Plan. These new school sites are designated for the Leander Independent School District and the Round Rock Independent School District. They are proposed to be located on Tracts I-A and IV-D.

In this application, the applicant seeks to clarify a condition of the PUD ordinance so that designated parkland can be conveyed to a third party trustee (non-profit entity approved by the Parks and Recreation Department) under certain conditions. The applicant also wants to set a deadline for conveyance of the parkland to the City of Austin or another City approved governmental entity by no later than January 1, 2006.

The staff recommends the applicant's request for the proposed PUD land use plan amendments. The requested amendments to the Avery Ranch PUD will not alter the overall benefits or intent of the PUD development. The amendments will allow for the correct boundaries of the parkland areas within the PUD and for improved circulation of proposed hike/bike trail ways. The amendments will also relocate a neighborhood park within the PUD to allow recreational benefits for residents on the east and west side of the Avery Ranch development. Lastly, the proposed amendments will create two school sites for the development of public educational facilities within the Avery Ranch PUD boundaries.

The staff also recommends the applicant's request for the two proposed changes to the language of the PUD ordinance. These changes will allow future city parkland to first be conveyed to a third party trustee, for purposes of facilitating grant applications, and to make the deadline for reconveyance of the land to the City of Austin or another City approved governmental entity by no later than January 1, 2006. The applicant and the City of Austin Parks and Recreation Department have agreed upon the proposed changes (PARD Memo-Attachment C).

The applicant agrees with the staff's recommendation.

	ZONING	LAND USES	
Site	PUD	Residential Uses, Amenity Center, Golf Course	
North	County	South Brushy Creek, Undeveloped Area	
South	I-RR, PUD, IP-PDA, SF-4A, SF-2-CO, County	Undeveloped Land, Stadium, Single-Family Residential Neighborhood, Warehouses	
East	County	Residential, Undeveloped	
West	County	Undeveloped, Industrial/Warehouse Uses	

EXISTING ZONING AND LAND USES:

AREA STUDY: N/A

TIA: Not required

WATERSHED: Brushy Creek

CAPITOL VIEW CORRIDOR: No HILL

HILL COUNTRY ROADWAY: No

DESIRED DEVELOPMENT ZONE: Yes

NEIGHBORHOOD ORGANIZATIONS:

- 485 Riviera Springs Community Development Association
- 604 Davis Spring HOA
- 985 Davis Springs HOA

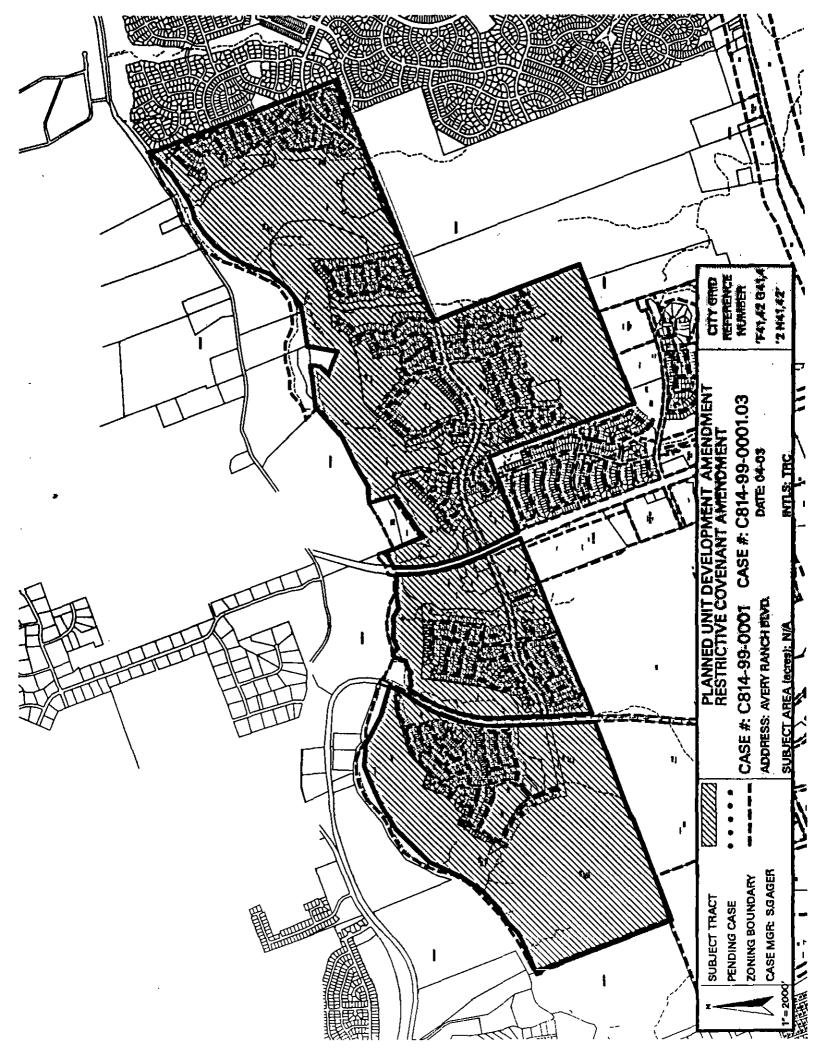
CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CTTY COUNCIL
C814-99-0001.02	PUD to PUD	1/28/03: Approved staff's recommendation of PUD zoning (6-0, J. Martinez, K. Jackson-off dias)	2/27/03: Granted PUD zoning as recommended by the ZAP Commission on1 st reading (6-0, Goodman-off dias) 4/24/03: Approved PUD (6-0, Garcia-off dias); 2 nd /3 rd readings
C814-99-0001.01	PUD to PUD	 6/18/02:Posponed to 7/16/02 by the applicant (8-0, A. Adams-absent) 7/16/02:Postponed to 7/30/02 by the staff for re-notification purposes (6-0, M. Casias/ D. Castaneda/ K. Jackson- absent) 7/30/02: Postponed to 9/10/02 by the applicant/neighborhood (6-0, V. Aldridge- absent) 9/10/02: Approved staff's recommendation for PUD zoning; by consent (6-0, D. Castaneda-absent) 	10/10/02: Granted PUD on 1st reading (7-0) 1/30/03: Approved PUD amendment (7-0); 2 nd /3 rd readings
C14-96-0085	SF-2 to SF-4A	Approved staff rec. of SF-4A (7-0)	Approved SF-4A (7-0); all 3 readings on 9/5/96
C14-95-0093	SF-2 to IP	Approved LO (1 st 100') & IP-PDA (Remainder) (6-0)	Approved LO & IP-PDA (6-0); 1 st reading only Approved LO (1 st 100') & IP-PDA subject to conditions (5-0); 2 nd /3 rd readings

RELATED CASES: C814-99-0001 (Avery Ranch PUD)

ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION	DAILY TRAFFIC
Avery Ranch Boulevard	120'	Varies	Arterial	N/A
Parmer Lane	200'	Varies	Arterial	N/A
CITY COUNCIL DATE: November 4, 2004			ACTION: Postponed (7-0)	to 11/18/04 by staff
	Noveml	per 18, 2004	ACTION: Postponed (7-0)	to 1/27/05 by staff
January 27, 2005		<u>ACTION</u> : Postponed request (6-	to 3/03/05 at staff's), Dunkerley-absent)	
	March 3	3, 2005	ACTION: Postponed (7-0)	to 5/12/05 by staff
	May 12	, 2005	ACTION:	
ORDINANCE READI	<u>NGS</u> : 1"		2 nd	3 rd
ORDINANCE NUMBE	<u>ER</u> :			
CASE MANAGER: Sh	erri Sirwai	tis	<u>PHONE</u> : 974-3057 sherri.sirwaitis@ci.aus	stin.tx.us







STAFF RECOMMENDATION

The staff's recommendation is to approve the proposed amendments to the Avery Ranch PUD Land Use Plan and PUD ordinance.

BACKGROUND

The applicant is requesting amendments to the Avery Ranch PUD Land Use Plan because of changing conditions within the PUD as the roadways and uses are being developed throughout Avery Ranch (Request Letter-Attachment A, Land Use Plan Changes-Attachment B). As part of their request, the applicant is asking to amend several parkland areas to provide for the realignment of the planned trail system within the Avery Ranch PUD. These changes were requested by the City of Austin Parks and Recreation Department. The applicant has been meeting with PARD for months to discuss the new parkland trail way layout.

In addition, the applicant is proposing to amend the PUD Land Use Plan to relocate a neighborhood park currently shown on Tract III-D. The neighborhood park would be very close to the already constructed 13-acre community park that comprises Tract III-E. Therefore, the applicant is requesting to move the other neighborhood park to the west side of Parmer Lane to Tract I-C to allow for recreational services where they will be needed on the south side of Avery Ranch Boulevard. The applicant is also proposing to move the site for a neighborhood park from the current location to a new location within Tract 1-A. This request has been made because of the final roadway alignments within Tract 1-A of the PUD.

Finally, the applicant is requesting to add two school sites to the Avery Ranch PUD Land Use Plan. These new school sites are designated for the Leander Independent School District and the Round Rock Independent School District. They are proposed to be located on Tracts I-A and IV-D.

In this application, the applicant seeks to clarify a condition of the PUD ordinance so that designated parkland can be conveyed to a third party trustee (non-profit entity approved by the Parks and Recreation Department) under certain conditions. The applicant also wants to set a deadline for conveyance of the parkland to the City of Austin or another City approved governmental entity by no later than January 1, 2006.

The staff recommends the applicant's request for the proposed PUD land use plan amendments. The requested amendments to the Avery Ranch PUD will not alter the overall benefits or intent of the PUD development. The amendments will allow for the correct boundaries of the parkland areas within the PUD and for improved circulation of proposed hike/bike trail ways. The amendments will also relocate a neighborhood park within the PUD to allow recreational benefits for residents on the east and west side of the Avery Ranch development. Lastly, the proposed amendments will create two school sites for the development of public educational facilities within the Avery Ranch PUD boundaries.

The staff also recommends the applicant's request for the two proposed changes to the language of the PUD ordinance. These changes will allow future city parkland to first be conveyed to a third party trustee, for purposes of facilitating grant applications, and to make the deadline for reconveyance of the land to the City of Austin or another City approved governmental entity by no later than January 1, 2006. The applicant and the City of Austin Parks and Recreation Department have agreed upon the proposed changes (PARD Memo-Attachment C).

The applicant agrees with the staff's recommendation.

BASIS FOR RECOMMENDATION

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

The proposed PUD amendments will allow for a better use of parkland areas, will provide recreational facilities for residents located on both sides (east and west) of the Avery Ranch PUD development, and will allow for two public school sites to be developed with in the PUD.

2. The proposed zoning should satisfy a real public need and not provide special privilege to the owner.

The proposed PUD amendments will add to the overall Avery Ranch PUD development. The proposed amendments allow the applicant to provide beneficial community services to the residential areas within the Avery Ranch PUD.

EXISTING CONDITIONS

Site Characteristics

The property in question includes the entire Avery Ranch PUD area. Currently the PUD is developed with residential uses, a golf course, parkland areas, and an amenity center.

Impervious Cover

Impervious cover is controlled by Chapter 25-8 of the City's Land Development Code, as amended by the PUD Ordinance.

Environmental

The site is located over the North Edward's Aquifer Recharge Zone. The site is in the Brushy Creek Watershed, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code.

Transportation

No additional right-of-way is needed.

This site is within the area covered by State legislation (SB 1396), which went into effect September 1, 1995. Under this legislation, the City may not "deny, limit, delay, or condition the use of development of land...because of traffic or traffic operations that would result from the proposed use or development of the land." A traffic impact analysis is not required for any development within this area, and traffic issues may not be considered in the approval of the application. Right-of-way dedication, however, may still be required.

Existing Street Characteristics:

NAME	ROW	PAVEMENT	CLASSIFICATION	DAILY TRAFFIC
Avery Ranch Boulevard	120'	Varies	Arterial	N/A
Parmer Lane	200'	Varies	Arterial	N/A

Water Quality

RELEASE OF THIS APPLICATION DOES NOT CONSTITUTE A VERIFICATION OF ALL DATA, INFORMATION, AND CALCULATIONS SUPPLIED BY THE APPLICANT. The Engineer of record is solely responsible for the completeness, accuracy, and adequacy of his/her submittal, whether or not THE APPLICATION IS REVIEWED for code compliance BY CITY ENGINEERS.

This project is located at Avery Ranch Blvd at Parmer Lane. It is located in the Brushy Creek Watershed, which is classified as a Water Supply Suburban Watershed. Comments issued on April 8, 2004.

Stormwater Detention

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, 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.

Parks and Recreation

Comments to be provided in a separate memo (Attachment C).

Compatibility Standards

No comments.



March 29, 2004

<u>VIA HAND DELIVERY</u> Ms. Sherri Gager, Case Manager Development Review & Inspection Department City of Austin 505 Barton Springs Road, Suite 250 Austin, TX 78759

RE: Avery Ranch Planned Unit Development Amendment Number Three C814-99-0001.03, Ordinance 000413-48

Dear Ms. Gager:

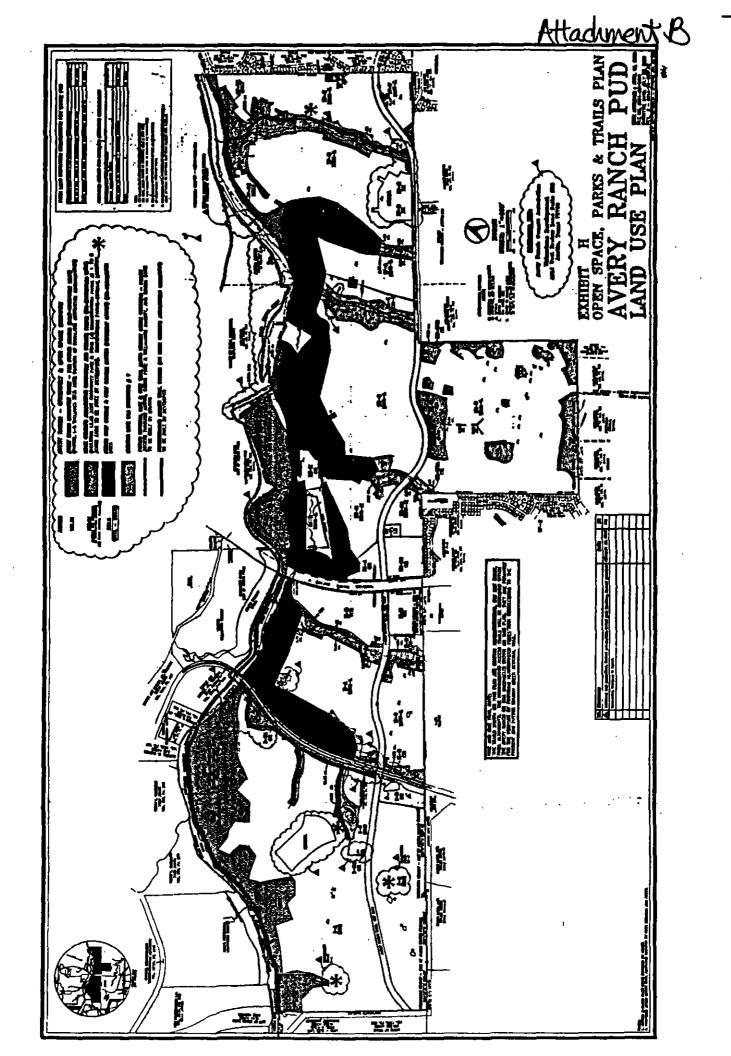
On behalf of Avery Ranch Owners Committee we are submitting amendment number three to the Avery Ranch Planned Unit Development (PUD). The purpose of this amendment is to amend Exhibit "H" (Open Space, Parks, and Trails Plan). We have made several changes to the trail layout, moved a satellite amenity center from the East side of Avery Ranch Boulevard to the West side of Avery Ranch Boulevard, added the Round Rock Independent School District tract, and added the Leander Independent School District tract. We had numerous meetings with Sarah Campbell with the City of Austin Parks Department. Ms. Campbell has reviewed the proposed changes to this Exhibit. We are submitting a redlined map with all of the proposed changes clouded in red so that it is easy to distinguish the proposed changes.

A restrictive covenant amendment (C814-99-1 (RCA)) associated with this PUD Amendment was submitted on March 26th to address the Parks issues outlines in the restrictive covenant. Should you have any questions regarding this submittal, please call.

Sincerci cresa Canchola

Enclosure

cc: Avery Ranch Owners Committe



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Attachment C



MEMORANDUM

TO: Sherri Gager, Case Manager NPZD

- FROM: Sarah Campbell Parks and Recreation Department
- **DATE:** July 29, 2004

SUBJECT: Avery Ranch PUD Amendment

The Parks and Recreation Department (PARD) has been working with representatives of Avery Ranch development for a long time toward the proposed Avery Ranch PUD amendments. Staff wants to clarify our understanding of the proposals.

 Proposed amendments to Exhibit "H" of the Avery Ranch PUD Ordinance include moving one future neighborhood park location from parcel III-D to parcel I-C. Both locations are on the south side of Avery Ranch Boulevard. The current location is on the east side of Parmer Lane, and the proposed location is on the west side of Parmer Lane.

□ Proposed amendments to Part 10 of the Avery Ranch PUD Ordinance clarify that the 37.5 acres that are required to be dedicated to the City for parkland may first be conveyed to a non-profit, third party trustee (approved by PARD), for purposes of facilitating grant applications, as long as the conveyance requires re-conveyance to the City or to another City-approved governmental entity for public park use no later than January 1, 2006.

Please see my related memorandum on the subject of the Avery Ranch Restrictive Covenant Amendment.

Sarah Campbell, Senior Planner Parks and Recreation Department

Attachment D

Dear Sir/Madam,

FILE #:C814-99-0001.03

We bought the house with the understanding that there was going to be a new Amenity center right across from the pond. As a matter of fact, it was one of the selling points of the subdivision; its proximity to various amenities such as pool, park, trails, and playground. I am sure it makes better business sense for the builders to move Amenity center across Avery Ranch. Yet, we see it as changing the deal after all agreements have been made; the subdivision got nothing going for it without an Amenity center within a couple hundred feet of walking (and I am not talking about crossing 4 lane traffic either). Perhaps it's because of the proposed move, they probably no longer boast the Amenity center being in Water's Edge. New houses are much cheaper as they wrap up development. Though we can say for sure, yet we believe the cost of the Amenity Center has been figured into early settlers of WatersEdge like us.

The bottom-line is that we bought our home because we liked what was presented to us and that included the Amenity Center. I just don't think it's fair for a business to change its plans now that it doesn't have to please us any more. We hope to keep the Amenity Center where it was originally planed (right across the pond from model homes), it has been the primary reason for buying our house at 100k over what late comers are paying, and it is the most promising feature of the subdivision for my 10-months-old daughter.

Though builder may argue other benefits for moving it, yet it's simply unfair for all that bought the house with that Amenity Center in mind. In otherwise, we probably wouldn't have settled here if I knew I had to get in the car to go swimming. If I am going in my car wet, I might as well drive the short 2 miles down to the other pool in Avery Ranch. We have communicated with people in the area. I believe it's fairly safe to say that we all wish to keep Amenity where it was originally planned. We adamantly OBJECT to the proposed relocation.

> Thank you. Yow Chern Chang 16617 Barrhead Cove, Austin TX 78717

Jow Chern Chang

S an opposed to this developer Co. because of the damages of the dead in piling up hills og rocks and dirtad totally redoing the land at Pormer. Lane Avery Ronal Rould west. Dust has been blowing in the Weeks now. Marin Bowen (1) 10817 Quarry of over

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Department, PO Box 1088, Austin, TX 78767-8835.
File # C814-99-0001.03 SG Zoning & Platting Commission Hearing Date: August 3, 2004
Name (please print) JEFFREY J. PROULX 🛛 I am in favor
Address 110009 Double Eagle Dr. Austin, TX. 78717 (Estoy de acuerdo) Definitely not in favor of conveyance of parkland to 3rd party
* Stop allowing the developer to change things that were promised to Home Owners *
were promised to Home owners &
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You may send your written comments to the Zoning & Platting Commission Assistant, Neighborhood Planning & Zoning Department, PO Box 1088, Austin, TX 78767-8835.
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File # C814-99-0001.03 SG Zoning & Platting Commission Hearing Date: August 3, 2004
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16616 Barhead Cv (Estoy de acuerdo)
Address Avery Ranch
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You may send your written comments to the Zoning & Platting Commission Assistant, Neighborhood Planning & Zoning Department, PO Box 1088, Austin, TX 78767-8835. File # C814-99-0001.03 SG Zoning & Platting Commission Hearing Date: August 3, 2004 Name (please print) Tanner + Toni Rundall □ I am in favor (Estoy de acuerdo) Address 16608 Brayton Park Dr. I object Austin, TX 78717 (No estoy de acuerdo) 1

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File # C814-99-0001.03 SG Zoning & Platting Commission	n Hearing Date: August 3, 2004
Name (please print) <u>NAthAn GAMA</u> Address <u>16600 EMis TRA:1</u> Austin TX 78717 1	 I am in favor (Estoy de acuerdo) I object (No estoy de acuerdo)
You may send your written comments to the Zoning & Platting Commission Assistant, Department, PO Box 1083, Austin, TX 78767-3835. File # C814-99-0001.03 SG Zoning & Platting Commission	
Name (please print) <u>SUSAN WARREN</u> Address <u>16608 DALMAHOY DR</u> , <u>AUSTIN, TX 78717</u> 1	 I am in favor (Estoy de acuerdo) I object (No estoy de acuerdo)
You may send your written comments to the Zoning & Platting Commission Assistant, Department, PO Box 1088, Austin, TX 78767-8835.	Neighborhood Planning & Zoning
File # C814-99-0001.03 SG Zoning & Platting Commission	Hearing Date: Answer 3, 2004
Name (please print) Man Bourn Address 10817 Quarry cales trai) Bustin ty 98717 1	I am in favor (Estoy de acuerdo) I object (No estoy de acuerdo)