

**Zoning Ordinance Approval
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**



**AGENDA ITEM NO.: 58
AGENDA DATE: Thu 05/12/2005
PAGE: 1 of 1**

SUBJECT: C814-96-0003 - Pioneer Crossing PUD - Approve second/third readings of an ordinance amending Ordinance No. 970410-I to add 138 acres to the Pioneer Crossing Planned Unit Development project and zoning the 138 acres from interim-rural residence (I-RR) district zoning to planned unit development (PUD) district zoning; to modify the land use plan, rezoning and changing the zoning map from planned unit development (PUD) district zoning to planned unit development (PUD) district zoning; and to approve the applicant's request to extend the zoning application for the property located generally in the vicinity of Parmer Lane south of Gregg Lane, east of Dessau Road, West and north of Cameron Road (Walnut Creek Watershed). First reading on April 24, 2003. Vote: 5-0, Council Member Alvarez off the dais, Mayor Garcia absent. Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council on first ordinance reading. Applicant: American Realty Trust, Inc., Art Collections, Inc., Anderson Development Corp. Agent: Prime Strategies, Inc. (Ralph Reed). City Staff: Greg Guernsey, 974-2387.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

SECOND/THIRD READINGS SHEET

ZONING CASE NUMBER: C814-96-0003

REQUEST:

Approve second/third readings of an ordinance amending ordinance No. 970410-I to increase by 138 acres the boundaries of the project known as Pioneer Crossing Planned Unit Development project and zoning the 138 acres from interim-rural residence (I-RR) district zoning to planned unit development (PUD) district zoning; to modify the land use plan, rezoning and changing the zoning map from planned unit development (PUD) district zoning to planned unit development (PUD) district zoning; and to approve the applicant's request to extend the zoning application for the property located generally in the vicinity of Parmer Lane south of Gregg Lane, east of Dessau Road, West and north of Cameron Road (Walnut Creek Watershed).

APPLICANT: American Realty Trust, Inc. Art Collections, Inc., Anderson Development Corporation

AGENT: Prime Strategies (Ralph Reed)

DEPARTMENTAL COMMENTS:

The Pioneer Crossing PUD was originally unanimously approved by the City Council in 1997 and at the time was the largest PUD of its kind. Preservation of the natural environment, high quality development, innovative design and adequate public facilities and services were all addressed in the initial proposal and will remain unchanged. The purpose of this submittal is to amend the approved plan to include another 138 acres (more or less) of land to allow for an additional public facility (an 18-hole golf course), which will reduce impervious cover and density in the area while adhering to pervious regulations set forth in the PUD.

The proposed amendment adds flexibility to the residential uses around the golf course to encourage a greater residential mix of housing and to also allow the option of small-scale neighborhood support commercial.

DATE OF FIRST READING DATE & ACTION:

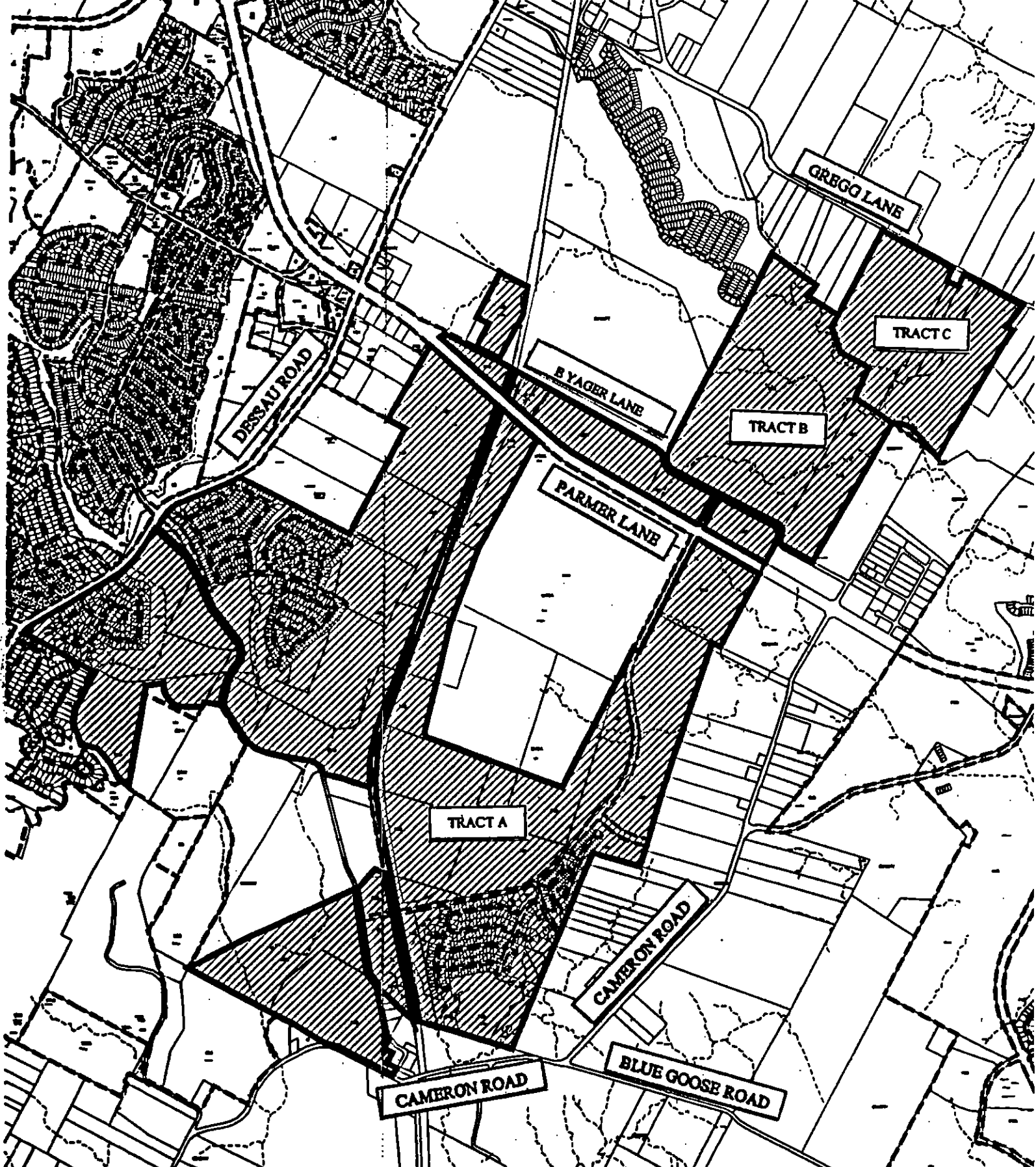
April 24, 2003: The first reading of the ordinance for PUD was approved on Council Member Thomas's motion, Council Member Wynn's second on a 5-0 vote. Council Member Alvarez was off the dais. Mayor Garcia was absent.





CITY COUNCIL DATE: May 12, 2005

CITY COUNCIL ACTION:

ORDINANCE NUMBER:

CITY STAFF: Greg Guernsey, 974-2387



<div data-bbox="32 1827 113 2026"> 1" = 2000'</div> <div data-bbox="113 1827 535 2026"><p>SUBJECT TRACT PENDING CASE ZONING BOUNDARY CASE MGR: T. BOLT</p><div data-bbox="389 1827 535 2026">  </div></div>	<div data-bbox="535 1827 1412 2026"><p>PLANNED UNIT DEVELOPMENT</p><p>CASE #: C814-96-0003</p><p>ADDRESS: PIONEER CROSSING PUD</p><p>SUBJECT AREA (acres): N/A</p><p>DATE: 05-05</p><p>INTLS: SM</p></div>	<div data-bbox="1412 1827 1591 2026"><p>CITY GRID REFERENCE NUMBER</p><p>'P29-32 N29- 32</p></div>
--	--	--

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 970410-I TO INCREASE BY APPROXIMATELY 138 ACRES THE BOUNDARIES OF THE PROJECT KNOWN AS PIONEER CROSSING PLANNED UNIT DEVELOPMENT PROJECT, AND REZONING THE 138 ACRES FROM INTERIM RURAL RESIDENCE (I-RR) DISTRICT TO PLANNED UNIT DEVELOPMENT (PUD) DISTRICT; TO MODIFY THE LAND USE PLAN, REZONING AND CHANGING THE ZONING MAP FROM PLANNED UNIT DEVELOPMENT (PUD) DISTRICT TO PLANNED UNIT DEVELOPMENT (PUD) DISTRICT FOR THE PROPERTY LOCATED GENERALLY IN THE VICINITY OF PARMER LANE SOUTH OF GREGG LANE, EAST OF DESSAU ROAD, WEST AND NORTH OF CAMERON ROAD.

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

PART 1. Pioneer Crossing planned unit development is comprised of approximately 1,410 acres of land located generally in the vicinity of Parmer Lane south of Gregg Lane, east of Dessau Road, and west and north of Cameron Road and more particularly described by metes and bounds in the Land Use Plan incorporated into Ordinance No. 970410-I.

PART 2. Pioneer Crossing planned unit development was approved April 10, 1997 under Ordinance No. 970410-I.

PART 3. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from planned unit development (PUD) district to planned unit development (PUD) district on the property described by metes and bounds in Ordinance No. 970410-I as approximately 1,410 acres of land, and to change the base district from interim rural residence (I-RR) district to planned unit development (PUD) district on the property described in Zoning Case No. C814-96-0003, as follows:

A 138.669 acre tract of land, more or less, consisting of a 75.39 acre tract and a 63.279 acre tract out of the Mariquita Castro Survey No. 50, Abstract 160 in Travis County, the tracts of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance,

the 1,548 acres being generally known as the Pioneer Crossing planned unit development, ("Pioneer Crossing PUD") locally known as the property located in the vicinity of Parmer Lane south of Gregg Lane, east of Dessau Road, west and north of Cameron Road, in the

1 City of Austin, Travis County, Texas, and generally identified in the map attached as
2 Exhibit "A".
3

4 **PART 4.** This ordinance, together with the attached Exhibits A through F, shall constitute
5 the land use plan for the Pioneer Crossing planned unit development district ("PUD")
6 created by this ordinance. The PUD shall conform to the limitations and conditions set
7 forth in the ordinance and the Pioneer Crossing planned unit development land use plan
8 (the "PUD land use plan") on record at the Neighborhood Planning and Zoning
9 Department in File No. C814-96-0003. If this ordinance and the attached exhibits conflict,
10 the ordinance applies. Except as otherwise specifically provided by this ordinance, all other
11 rules, regulations and ordinances of the City in effect on the effective date of this ordinance
12 apply to the Pioneer Crossing PUD.
13

14 **PART 5. Certain Terms Defined.**

15
16 Area C means a 138.67 acre tract of land, more or less, described by metes and
17 bounds and on the zoning map attached as Exhibit A.
18

19 Area B means a 332.72 acre tract of land, more or less, described by metes and
20 bounds and on the zoning map attached as Exhibit A, less Area C.
21

22 Area A means a 1,410 acre tract of land, more or less, described by metes and bounds
23 as Exhibit A of Ordinance No. 970410-I, less Area B.
24

25 **PART 6.** The attached exhibits on file with the City of Austin Neighborhood Planning and
26 Zoning Department in File No. C814-96-0003 are incorporated into this ordinance in their
27 entirety as though set forth fully in the text of this ordinance. Exhibits B, C, and D of
28 Ordinance No. 970410-I are amended as shown on Exhibits B, C, and D, respectively, of
29 this ordinance. The attached exhibits are as follows:
30

31 Exhibit A: Description of additional 138.67 acres and zoning map showing Areas
32 A, B, and C

33 Exhibit B: Amended Pioneer Crossing PUD land use plan

34 Exhibit B-1: Land Use Plan for Areas B & C

35 Exhibit C: Site Development Criteria and Land Use Summary

36 Exhibit C-1: Site Development Criteria and Land Use Summary for Areas B & C

37 Exhibit C-2: Additional Site Development Regulations Applicable to Mixed
38 Development Residential (a) and (b)

39 Exhibit D: Permitted Uses Table

40 Exhibit D-1: Permitted Uses Table for Areas B & C

1 Exhibit E: Special Permitted Uses

2 Exhibit F: Hike and Bike Trail Plan for Areas B & C

3
4 **PART 7.** In accordance with Section 25-2-411(A) (*Planned Unit Development District Regulations*) of the City Code, the following regulations apply to the PUD instead of
5 otherwise applicable City regulations.
6

7
8 (A) The following regulations apply to Areas A, B, and C.
9

10 1. Green Building. All residential development shall comply with Austin
11 Energy Green Building Program (GBP) for a minimum one-star rating. All
12 commercial development shall comply with the GBP for a minimum one-star
13 rating, or, shall be designed and built according to the US Green Building
14 Council's Leadership in Energy and Environmental Design ("LEED™") Green
15 Building Rating System, Certified Level. Certification from either the GBP or
16 the LEED™ shall be met as specified by the version of the rating system
17 current at the time of design.
18

19 2. At the time an application for approval of a site plan is submitted for
20 development of the Property, or any portion of the Property, an Integrated Pest
21 Management (IPM) plan shall be submitted to the Watershed Protection and
22 Development Review Department for review and approval.
23

24 3. The IPM plan shall comply with the guidelines in Section 1.6.9.2 (D) and (F)
25 of the Environmental Criteria Manual that are in effect on the date of this
26 covenant.
27

28 (B) The following regulations apply to Area C.
29

30 In accordance with the Austin Metropolitan Area Transportation Plan
31 (AMATP) dedication of 114 feet of right-of-way for Gregg/Howard Lane must
32 be completed at the earlier of the following:
33

34 1. Notification from the City of Austin or Travis County that final alignment
35 design and right-of-way maps for Gregg/Howard Lane are complete and a legal
36 description of the right-of-way is available; or
37

38 2. At the time of final plat for the property abutting the right-of-way.
39

40 (C) The following regulations apply to Areas B and C.

1
2 1. At the time an application for approval of a site plan is submitted for
3 development of the Property, or any portion of the Property, a turfgrass
4 management plan for a golf course shall be submitted to the Watershed
5 Protection and Development Review Department for review and approval.
6

7 2. Appendix A (*Off Street Parking and Loading Requirement*) of Chapter 25-6
8 of the City Code is modified to provide a five percent reduction in the parking
9 requirement if an applicant for a non-residential use provides shower facilities.
10 The parking requirement may not be reduced more than 15 spaces.
11

12 3. Ten foot reduction setback.
13

14 (a) For a single family residence with frontage on a street other than an
15 arterial or collector street and with a garage at least 10 feet behind the building
16 line of the residence, a 10 foot reduction in the minimum front setback is
17 allowed. For a garage that faces the lot front yard, the width of the garage may
18 not exceed 50 percent of the width of the front façade of the principal residence.
19

20 (b) If a garage does not face the lot front yard it may be located seven feet
21 behind the building line and qualify for the 10 foot reduction.
22

23 4. This section applies to multifamily development. Appendix A, Part 2
24 (*Bicycles*) of Chapter 25-6 of the Code is modified to require a minimum
25 bicycle parking requirement of five percent of required motor vehicle spaces.
26 Fifty percent must be covered bicycle parking.
27

28 5. Appendix A, Schedule M (*Bicycle Facility Type Requirement*) of Chapter 25-
29 6 of the City Code is modified to provide that bicycle facility type requirement
30 for Category B and C is Type III.
31

32 6. The following applies to Property that has an open waterway with an
33 upstream drainage area between 64 acres and 320 acres:
34

35 The building setback is 50 feet on either side of the centerline of an open
36 waterway. Improvements permitted within the setback are limited to golf cart
37 trails and one roadway crossings, or those improvements that may be otherwise
38 required by the City of Austin or specifically authorized in this ordinance.
39
40

1 (D) The following applies to Parcels RA 3, 4, 5, 9, 10, 11, 12, 14, and 15 in Areas B
2 and C.

3
4 Prior to the approval of a development application for a subdivision or site plan
5 in a mixed development residential parcel, a land plan for the entire parcel must
6 be submitted that identifies the areas that are

- 7
8 1. platted and developed with land uses,
9 2. platted and undeveloped with proposed land uses, and
10 3. unplatted and undeveloped with proposed land uses.

11
12 The land plan must contain a site development table showing the acreage and
13 proposed square footage for the areas under numbers 1, 2, and 3.

14
15 **PART 8.** This ordinance takes effect on _____, 2005.

16
17
18 **PASSED AND APPROVED**

19
20
21
22
23
24 Will Wynn
25 Mayor

26
27 **APPROVED:** _____

28
29 **ATTEST:** _____

David Allan Smith
City Attorney

Shirley A. Brown
City Clerk

FILE NO: 00R01875 CR9

FF: \$19.00

TRV 2000071860
5 PGS**SPECIAL WARRANTY DEED
WITH VENDOR'S LIEN**AREA "C"
(part 1 of 2)

THE STATE OF TEXAS

§
§
§

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF TRAVIS

THAT CONNIE LORRAINE SLADEK (the "Grantor"), for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) cash and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, paid by AMERICAN REALTY TRUST, INC. (the "Grantee"), whose address is 10670 North Central Expressway, Suite 600, Dallas, Texas 75231, and for the further consideration of the execution by Grantee of that certain Promissory Note ("Note") of even date herewith in the original principal amount of \$427,275 00 payable to the order of Grantor, HAS GRANTED, BARGAINED, SOLD and CONVEYED, and by these presents DOES GRANT, BARGAIN, SELL and CONVEY unto Grantee all of that certain tract or tracts of land (the "Land") situated in Travis County, Texas, and described on Exhibit "A" which is attached hereto and incorporated herein by reference for all purposes, together with any and all buildings and other improvements, plants, trees and shrubbery now or hereafter located on said Land and together with all and singular all rights and appurtenances pertaining to such Land, including any right, title and interest of Grantor in and to adjacent roads, streets, alleys, easements or rights-of-way (with the Land, together with all such improvements, rights and appurtenances being collectively referred to herein as the "Property")

This conveyance is made subject only to the matters set forth on Exhibit "B" attached hereto and incorporated herein by this reference for all purposes, to the extent the same are valid and subsisting and affect the Property

TO HAVE AND TO HOLD the Property unto Grantee, and Grantee's successors and assigns forever, and Grantor does hereby bind Grantor, and Grantor's successors and assigns, to WARRANT and FOREVER DEFEND, all and singular the Property unto Grantee and Grantee's successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under Grantor, but not otherwise.

BUT IT IS EXPRESSLY AGREED, that the Vendor's Lien is retained by Grantor to secure the payment of the Note until the Note is paid in full according to its terms, at which time this conveyance shall be absolute.

I, Dana DeBeauvoir, County Clerk, Travis County, Texas, do hereby certify that this is a true and correct copy as same appears of record in my office. Witness my hand and seal of office on 11/7/02



Dana DeBeauvoir, County Clerk

By Deputy

LAURA FERGUSON

EXHIBIT "A"

cl
(1 of 11)

EXECUTED this 8th day of May, 2000

GRANTOR

Connie Lorraine Sladek
CONNIE LORRAINE SLADEK

THE STATE OF TEXAS

COUNTY OF Travis

This instrument was acknowledged before me on May 8, 2000 by CONNIE LORRAINE SLADEK

My Commission Expires.

May 18, 2002

Melody Thayer
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

Melody Thayer
(Printed Name of Notary)

Return to:
Republic Title of Texas, Inc.
2626 Howell Street, 10th Floor
Dallas TX 75204

I, Dana DeBeauvoir, County Clerk, Travis County, Texas, do hereby certify that this is a true and correct copy as same appears of record in my office. Witness my hand and seal of office on 11/7/02



Dana DeBeauvoir County Clerk

Laura Ferguson
LAURA FERGUSON

cls

Exhibit A

BEING 63.279 acres of land out of the Mariguita Castro Survey in Travis County, Texas, and being all of that certain (63.305 Acre) tract conveyed to Connie Lorraine Sladek by deed recorded in Volume 10530, Page 671 of the Real Property Records of Travis County, Texas, and being more particularly described by metes and bounds as follows.

BEGINNING at a 1/2 inch iron pipe found in the south right-of-way line of Gregg Lane at the Northwest corner of that certain (63.305 Acre) tract conveyed to Connie Lorraine Sladek by deed recorded in Volume 10530, page 671 of the Real Property Records of Travis County, Texas, and being at the Northeast corner of that certain (10 Acre) tract of land conveyed to Citation Securities Corporation by deed recorded in Volume 12392, Page 1747 of the Real Property Records of Travis County, Texas, and being the Northwest corner and PLACE OF BEGINNING of the herein described tract of land,

THENCE with the south right-of-way line of Gregg Lane, the following three (3) courses

- 1) South 59 degrees 37 minutes 00 seconds East, 353.09 feet to a 1/2 inch iron rod set with plastic cap marked "Carson and Bush Professional Surveyors";
- 2) South 60 degrees 12 minutes 00 seconds East, 400.19 feet to a 1/2 inch iron rod set with plastic cap marked "Carson and Bush Professional Surveyors",
- 3) South 60 degrees 06 minutes 00 seconds East, 539.44 feet to a 1/2 inch iron rod set with plastic cap marked "Carson and Bush Professional Surveyors" at the Northeast corner of said Sladek (63.305 Acre) tract and being the Northeast corner of this tract;

THENCE with the east line of said Sladek (63.305 Acre) tract, the following four (4) courses

- 1) South 30 degrees 32 minutes 24 seconds West, 1726.99 feet to a 3/8 inch iron rod found;
- 2) North 67 degrees 02 minutes 46 seconds West, 63.80 feet to a 1/2 inch iron rod found;
- 3) South 30 degrees 19 minutes 48 seconds West, 283.43 feet to a 60 D nail found in a 24 inch elm tree,
- 4) South 30 degrees 10 minutes 05 seconds West, 540.98 feet to a 1/2 inch iron rod found at the Southeast corner of said Sladek (63.305 Acre) tract, and being a point in the north line of that certain (208.215 Acre) "Tract 2" conveyed to Art Collection, Inc. by deed recorded in Volume 13270, Page 1369 of the Real Property Records of Travis County, Texas, and being the Southeast corner of this tract;

THENCE with the north line of said Art Collection, Inc. "Tract 2" and the south

I, Dana DeBeauvoir, County Clerk, Travis County, Texas, do hereby certify that this is a true and correct copy as same appears of record in my office. Witness my hand and seal of office on 11/7/02



Dana DeBeauvoir, County Clerk

By *Laura Ferguson*

LAURA FERGUSON

cl

(3 of 11)

Exhibit A (Continued)

line of said Sladek (63.305 Acre) tract, the following six (6) courses:

- 1) North 60 degrees 08 minutes 24 seconds West, 388.88 feet to a 1/2 inch iron pipe found,
- 2) North 29 degrees 03 minutes 13 seconds East at 464.24 feet pass a 60 D nail found and continuing on the same course 71.48 feet more, for a total of 535.72 feet, to a 1/2 inch iron rod found,
- 3) North 59 degrees 53 minutes 00 seconds West at 206.56 feet pass a 60 D nail found and continuing on the same course 283.52 feet more, for a total distance of 490.08 feet, to a 60 D nail found;
- 4) North 37 degrees 08 minutes 24 seconds West, 81.95 feet to a 1/2 inch iron pipe found;
- 5) North 15 degrees 37 minutes 54 seconds West, 313.54 feet to a 1 inch iron pipe found,
- 6) North 81 degrees 01 minute 07 seconds West, 37.23 feet to a 1 inch iron pipe found at the most westerly corner of said Sladek (63.305 Acre) tract, and being an angle point of said Art Collection, Inc "Tract 2", and being the most westerly corner of this tract,

THENCE with the west line of said Sladek (63.305 Acre) tract, the following two (2) courses:

- 1) North 31 degrees 22 minutes 25 seconds East, 285.44 feet to a 1/2 inch iron pipe found at the most northeasterly corner of said Art Collection, Inc. tract, and being the southeast corner of said Citation Securities tract,
- 2) North 30 degrees 12 minutes 31 seconds East, 1500.39 feet to the PLACE OF BEGINNING and CONTAINING 63.279 Acres of land

I, Dana DeBeauvoir, County Clerk, Travis County,
Texas, do hereby certify that this is a true and
correct copy as same appears of record in my office.
Witness my hand and seal of office on 11/7/02



Dana DeBeauvoir, County Clerk

By Deputy

LAURA FERGUSON

EXHIBIT "B"

1. Standby fees, taxes and assessments by any taxing authority for the year 2000 and subsequent years, and subsequent assessments for prior years due to change in land usage or ownership following the date hereof.
2. Wastewater easement granted to the City of Austin, by instrument dated January 15, 1992, recorded in volume 11604, Page 551 of the Real Property Records of Travis County, Texas, as shown on survey of Holt Carson, R.P.L.S. #5166, dated March 14, 2000.
3. Temporary Working Space easement granted to the City of Austin, by instrument dated January 15, 1991, recorded in volume 11604, Page 557 of the Real Property Records of Travis County, Texas, as shown on survey of Holt Carson, R.P.L.S. #5166, dated March 14, 2000.
4. Encroachments/Protrusions of fences as shown on survey of Holt Carson, R.P.L.S. #5166, dated March 14, 2000.
5. Rights of Mimi Beck and Robert Beck under oral month-to-month lease, terminable by lessor or lessee upon 30 days notice, relative to 3407 Gregg Lane

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS

Dana DeBeauvoir

05-11-2000 05 51 AM 2000071860

REJIZO \$17.00

DANA DEBEAUVOIR, COUNTY CLERK
TRAVIS COUNTY, TEXAS

Recorders Memorandum-At the time of recordation this instrument was found to be inadequate for the best reproduction, because of illegibility carbon or photocopy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded

I, Dana DeBeauvoir, County Clerk, Travis County, Texas, do hereby certify that this is a true and correct copy as same appears of record in my office. Witness my hand and seal of office on 11/7/02



Dana DeBeauvoir, County Clerk
By Deputy:

Laura Ferguson
LAURA FERGUSON

TOTAL P 06

als

(5 of 11)

04
131904CM

Ref to:

6

SPECIAL WARRANTY DEED

COMMONWEALTH LAND TITLE OF AUSTIN
7800 MoPac Expressway N.
Suite 105
Austin, Texas 78759

THE STATE OF TEXAS
COUNTY OF TRAVIS

§
§
§

KNOW ALL MEN BY THESE PRESENTS:

AREA "C"
(part 2 of 2)

TRV 2002097364
6 pgs

THAT ANDERSON DEVELOPMENT CORPORATION, a Texas corporation (the "Grantor"), for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) cash and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, paid by AMERICAN REALTY TRUST, INC., a Georgia corporation (the "Grantee"), whose address is 1800 Valley View Lane, Suite 300, Dallas, Texas 75234, HAS GRANTED, BARGAINED, SOLD and CONVEYED, and by these presents DOES GRANT, BARGAIN, SELL and CONVEY unto Grantee all of that certain tract or tracts of land (the "Land") situated in Travis County, Texas, and described on Exhibit "A" which is attached hereto and incorporated herein by reference for all purposes, together with any and all buildings and other improvements, plants, trees and shrubbery now or hereafter located on said Land and together with all and singular all rights and appurtenances pertaining to such Land, including any right, title and interest of Grantor in and to adjacent roads, streets, alleys, easements or rights-of-way (with the Land, together with all such improvements, rights and appurtenances being collectively referred to herein as the "Property").

This conveyance is made subject only to the matters set forth on Exhibit "B" attached hereto and incorporated herein by this reference for all purposes, to the extent the same are valid and subsisting and affect the Property.

TO HAVE AND TO HOLD the Property unto Grantee, and Grantee's successors and assigns forever, and Grantor does hereby bind Grantor, and Grantor's successors and assigns, to WARRANT and FOREVER DEFEND, all and singular the Property unto Grantee and Grantee's successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under Grantor, but not otherwise.

[signature and acknowledgment page follows]

I, Dana DeBeauvoir, County Clerk, Travis County, Texas, do hereby certify that this is a true and correct copy as same appears of record in my office. Witness my hand and seal of office on 11/7/02

Dana DeBeauvoir, County Clerk
By Deputy
LAURA FERGUSON

EXECUTED this 14th day of May, 2002.

GRANTOR:

ANDERSON DEVELOPMENT CORPORATION,
a Texas corporation

By:

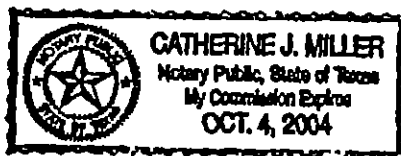
Jennifer Jo Bird, President

THE STATE OF Texas

§
§
§

COUNTY OF Texas

This instrument was acknowledged before me on this 14 of May, 2002 by Jennifer Jo Bird, the President of ANDERSON DEVELOPMENT CORPORATION, a Texas corporation, on behalf of such corporation



Catherine J. Miller
Notary Public

I, Dana DeBeauvoir, County Clerk, Travis County, Texas, do hereby certify that this is a true and correct copy as same appears of record in my office. Witness my hand and seal of office on



Dana DeBeauvoir, County Clerk
By Deputy:

Laura Ferguson
LAURA FERGUSON

EXHIBIT "A"

**Metes and Bounds Description
75.39 Acres
Mariquita Castro Survey Number 50, Abstract 160
Travis County, Texas**

BEING a tract containing 75.39 acres of land situated in the Mariquita Castro Survey Number 50, Abstract 160 of Travis County, Texas being all of a 9.03 acre tract of land described in a deed to Anderson Development Corporation, recorded in Volume 9831, Page 204, of the Deed Records of Travis County, Texas (D.R.T.C.T.), all of a called 1053 acre tract of land described in a deed to Anderson Development Corporation, recorded in Volume 5604, Page 1808, D.R.T.C.T. and all of a called 56.28 acre tract of land described in a deed to Anderson Development Corporation, recorded in Volume 9831, Page 166, Real Property Records of Travis County, Texas, (R.P.R.T.C.T.) Said 75.39 acre tract being more particularly described by metes and bounds as follows with all bearings referenced to the Texas State Plain Coordinate System, Central Zone;

BEGINNING at a 1/2 inch iron rod with plastic cap stamped "Survcon Inc." set at the southwest corner of the Jack Martin subdivision, as recorded in Volume 56, Page 28, Plat Records of Travis County, Texas (P.R.T.C.T.), being the northwest corner of said 9.03 acre tract, being on the northeasterly line of a called 63.279 acre tract of land described in a deed to American Realty Trust Inc., recorded in Document Number 2000071860, (R.P.R.T.C.T.) and being the most southerly northwest corner of the herein described tract;

THENCE, along the line common to said 9.03 acre tract and said Jack Martin subdivision, the following two (2) calls.

1. South 63°20'52" East, a distance of 208.75 feet to a 1/2 inch iron rod with plastic cap stamped "Survcon Inc." set at the southeast corner of said Jack Martin Subdivision, for an interior corner hereof;
2. North 27°40'06" East, at a distance of 203.70 pass a 1/2 inch iron rod found at the northeast corner of said Jack Martin subdivision, continuing for a total distance of 208.70 feet to a 1/4 inch iron rod with plastic cap stamped "Survcon Inc." set in the south line of Gregg Lane (50 foot wide) for the most northerly northwest corner of this tract;

THENCE, South 62°56'10" East, along said south line of Gregg Lane, a distance of 1028.97 feet, to a 1/4 inch iron pipe found for the northwest corner of a called 1.00 acre tract referred to in Volume 9831, Page 167, R.P.R.T.C.T. for the most northerly northeast corner of the herein described tract from said point a 1/4 inch iron pipe found for the northeast corner of said 1.00 acre tract bears, South 63°02'34" East, a distance of 104.81 feet;

THENCE, leaving said south line of Gregg Lane and along the easterly line of said 56.28 acre tract,

SPECIAL WARRANTY DEED - Page 3

I, Carla DeBeauvoir, County Clerk, Travis County,

do hereby certify that this is a true and

correct copy as same appears of record in my office.

Witness my hand and seal of office on



Carla DeBeauvoir, County Clerk

By *[Signature]*

V \CLIENT\CLIENT\ANDERSON\SWD2 WPD - 6062 07

(8 of 11)

the following five (5) calls:

1. South 30°45'38" West, a distance of 418.89 feet to a 3/4 inch iron pipe found for the southwest corner of said 1.00 acre tract and being an inside corner hereof;
2. South 62°57'35" East, along a line of chain link fencing marking the south line of said 1.00 acre tract, a distance of 104.07 feet to a 3/4 inch iron pipe found for the southeast corner of said 1.00 acre tract being the most southerly northeast corner hereof, and being in the west line of a called 7 88 acre tract as recorded in Volume 5336, Page 1987, (D.R.T.C.T.);
3. South 30°55'54" West, a distance of 1166.85 feet to a 1/2 inch iron rod with plastic cap stamped "Survcon Inc " set for an angle point in the westerly line of a called 5 00 acre tract as recorded in Volume 9064, Page 270, R P R.T.C.T.;
4. South 31°23'00" West, a distance of 346.37 feet to a 1/2 inch iron rod with plastic cap stamped "Survcon Inc." set for an angle point in the westerly line of a called 36.45 acre tract as recorded in Volume 9064, Page 276, R.P.R.T.C.T.;
5. South 30°29'09" West, a distance of 842.68 feet to a 1/2 inch iron pipe found for the southeast corner of said 56.28 acre tract being in the north line of a called 47.720 acre tract as recorded in Volume 12512, Page 2266, R.P.R.T.C.T., and being the southwest corner of said 36.45 acre tract from said point a 1 inch iron pipe found in the south line of said 36 45 acre tract, bears South 49°13'51" East, a distance of 150.67 feet;

THENCE, along the south line of said 56.28 acre tract, the following six (6) courses:

1. North 42°46'13" West, at a distance of 234.49 feet pass a 3/4 inch iron pipe found for the northwest corner of the said 47.720 acre tract, same being the northeast corner of a called 40.00 acre tract as recorded in Volume 2270, Page 378, R.P.R.T.C.T. in all a total distance of 541.81 feet to a 1/2 inch iron rod with plastic cap stamped "Survcon Inc." set for an angle point;
2. North 42°15'21" West, a distance of 14.37 feet to a 1/2 inch iron rod with plastic cap stamped "Survcon Inc." set for an angle point;
3. North 13°49'09" West, a distance of 39.09 feet to a 1/2 inch iron rod with plastic cap stamped "Survcon Inc." set for an angle point;
4. North 72°46'14" West, a distance of 166.36 feet to a 1/2 inch iron rod with plastic cap stamped "Survcon Inc." set for an angle point;
5. North 61°36'12" West, a distance of 69.02 feet to a 1/2 inch iron rod with plastic cap stamped "Survcon Inc." set for an angle point;

6. North 80°28'22" West, a distance of 125.23 feet to North 80°28'22" West, a distance of 125.23 feet to a 1/2 inch iron rod with plastic cap stamped "Survcon Inc" set for an angle point, from said point a 1/4 inch iron rod found in the west line of said 40.00 acre tract, and being in the east line of a called 208.215 acre tract as recorded in Volume 13270, Page 1369, R.P.R.T.C.T.;

THENCE, continuing along said south line of the 56.28 acre tract, the following three (3) courses.

1. North 34°49'45" East, a distance of 10.03 feet to a 1/2 inch iron rod with plastic cap stamped "Survcon Inc." set for an angle point;
2. North 54°45'51" West, a distance of 278.36 feet to a 1/2 inch iron rod found for an angle point;
3. North 57°40'38" West, a distance of 69.52 feet to a 1/2 inch iron rod found for the southeast corner of said 63.279 acre tract, being the southwest corner hereof;

THENCE, along the line common to said 63.279 acre tract, said 56.28 acre tract and said 9.03 acre, the following four (4) courses:

1. North 27°18'36" East, a distance of 541.08 feet to a 1/2 inch iron rod stamped "SURVCON, INC." set for an angle point;
2. North 27°25'03" East, a distance of 282.93 feet to a 1/2 inch iron rod found for an exterior corner hereof;
3. South 70°10'10" East, a distance of 63.74 feet to a 1/4 inch iron rod found for an interior corner of said 9.03 acre tract;
4. North 27°37'24" East, a distance of 1518.66 feet to the POINT OF BEGINNING and containing a computed area of 75.39 acres of land.

I, Dana DeBeauvoir, County Clerk, Travis County, Texas, do hereby certify that this is a true and correct copy as same appears of record in my office. Witnesses my hand and seal of office on 11/7/02



Dana DeBeauvoir, County Clerk

LAURA FERGUSON

EXHIBIT "B"

Permitted Exceptions

1. Standby fees, taxes and assessments by any taxing authority for the year 2002, and subsequent years, and subsequent taxes and assessments by any taxing authority for prior years due to change in land usage or ownership.
2. The following restrictive covenants of record: Volume 3055, Page 19, Deed Records; and Volume 9722, Page 599, Real Property Records, Travis County, Texas.
3. Electric and telephone lines and systems easement to Lower Colorado River Authority, dated August 16, 1939, executed by C. C. Kuempel, recorded in Volume 629, Page 125, of the Deed Records of Travis County, Texas.
4. Wastewater line easement to the City of Austin, dated September 12, 1988, executed by Anderson Development Corporation, recorded in Volume 10788, Page 553, of the Real Property Records of Travis County, Texas.
5. Terms, conditions and stipulations of the pipeline easement granted to Enserch Corporation, dated September 22, 1988, executed by Anderson Development Corp., recorded in Volume 11378, Page 231, Real Property Records of Travis County, Texas.

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS

Dana DeBeauvoir

05-24-2002 04:05 PM 2002097364
PREDEST \$10.00
DANA DEBEAUVOIR, COUNTY CLERK
TRAVIS COUNTY, TEXAS

I, Dana DeBeauvoir, County Clerk, Travis County,
Texas, do hereby certify that this is a true and
correct copy as same appears of record in my office.
Witness my hand and seal of office on 11/7/02

Laura Ferguson
LAURA FERGUSON

Tract One
Metes and Bounds Description
295.66 Acres
Mariquita Castro Survey Number 50, Abstract 160
Travis County, Texas

AREA B
(part 1 of 4)

BEING a tract containing 295.66 acres of land situated in the Mariquita Castro Survey Number 50, Abstract 160 of Travis County, Texas and being all of the land described as Tract 2 and a portion of the land described as Tract 3 both in a deed to Art Collection, Inc., recorded in Volume 13262, Page 145 and corrected by deed recorded in Volume 13270, Page 1369 of the Real Property Records of Travis County, Texas (R.P.R.T.C.T.). Said Tract One also being all of a called 63.279 acre tract of land described in a deed to American Realty Trust Inc., recorded in Document Number 2000071860, R.P.R.T.C.T., a portion of a called 9.03 acre tract of land described in a deed to Anderson Development Corporation, recorded in Volume 9831, Page 204, of the Travis County Deed Records (T.C.D.R.), a portion of a 56.28 acre tract of land described in a deed to Anderson Development Corporation, recorded in Volume 9831, Page 166, R.P.R.T.C.T. and a portion of the land currently occupied by Yager Lane, a variable width right-of-way. Said 295.66 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a ½-inch iron rod with aluminum cap found at the southeast corner of said Tract 3 being in the northwest line of a called 54.40 acre tract recorded in a deed to J. Tim Brown in Volume 4533, Page 1981 of the Travis County Deed Records, (T.C.D.R.) and on the northerly right-of-way line of Farmer Lane;

THENCE, along the northerly line right-of-way line of Farmer Lane and the south line of said Tract 3, North 60°00'02" West, a distance of 677.26 feet to a ½-inch iron rod found;

THENCE, across said Tract 3 the following three (3) courses:

1. North 26°51'40" East, a distance of 340.07 feet to a ½-inch iron rod found;
2. North 27°50'43" West, a distance of 111.95 feet to an angle point;
3. North 53°02'46" West, a distance of 344.29 feet to an angle point for the beginning of a tangent curve to the right;

THENCE, continuing across said Tract 3 and across said Yager Lane, 180.73 feet along the arc of said curve to the right, having a Radius of 1,032.80 feet, a Delta Angle of 10°01'35" and a Chord Bearing and Distance of North 52°24'16" East, 180.50 feet to an angle point at the end of said curve and being on the northerly right-of-way line of said Yager Lane;

THENCE, along said northerly right-of-way line of Yager Lane, North 62°40'24" West, a distance of 550.80 feet to an angle point;

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EXHIBIT "A"

Area "B"
(1 of 12)

THENCE, leaving said northerly right-of-way line of Yager Lane, and across said Tract 3, the following eleven (11) courses:

1. South 65°37'37" West, a distance of 139.58 feet to an angle point;
2. South 12°30'31" West, a distance of 29.40 feet to an angle point;
3. South 21°18'30" West, a distance of 40.11 feet to an angle point;
4. South 25°08'33" West, a distance of 67.45 feet to an angle point;
5. South 35°23'36" West, a distance of 50.25 feet to an angle point;
6. South 51°34'10" West, a distance of 51.93 feet to an angle point;
7. South 57°09'39" West, a distance of 74.66 feet to an angle point;
8. South 65°46'01" West, a distance of 72.46 feet to an angle point;
9. South 68°09'00" West, a distance of 9.06 feet to an angle point;
10. South 65°45'43" West, a distance of 89.92 feet to an angle point;
11. South 53°34'32" West, a distance of 32.77 feet to an angle point and being on the northerly right-of-way line of said Palmer Lane;

THENCE, along said northerly right-of-way line of said Palmer Lane, North 60°00'02" West, a distance of 549.26 feet to an angle point;

THENCE, leaving said northerly right-of-way line of said Palmer and across said Tract 3, the following five (5) courses:

1. North 27°40'01" East, a distance of 258.80 feet to an angle point for the beginning of a tangent curve to the right;
2. 51.78 feet along the arc of said curve to the right, having a Radius of 165.48 feet, a Delta Angle of 17°55'39" and a Chord Bearing and Distance of North 34°55'05" East, 51.57 feet to an angle point at the end of said curve;
3. North 43°52'55" East, a distance of 20.63 feet to an angle point;
4. North 62°38'23" West, a distance of 224.31 feet to an angle point;
5. North 26°55'04" East, a distance of 394.34 feet to an angle point on the southerly right-of-way line of Yager Lane;

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Area "B"
(2.12)

THENCE, along said southerly right-of-way line of said Yager Lane and the northerly line of said Tract 3, South $61^{\circ}42'58''$ East, a distance of 282.74 feet to a 1/2-inch iron rod found;

THENCE, leaving said southerly right-of-way line of Yager Lane, South $82^{\circ}16'51''$ East, a distance of 23.47 feet to an angle point being on said northerly right-of-way line of Yager Lane and the southerly line of a called 151.59 acre tract recorded in a deed to Texas Commerce Bank-Austin in Volume 11109, Page 579, R.P.R.T.C.T.;

THENCE, continuing along the northerly right-of-way line of said Yager Lane and the southerly line of said Texas Commerce Bank-Austin, South $62^{\circ}32'58''$ East, a distance of 84.79 feet to a 5/8-inch iron rod found on the northwest line of said Tract 2 and being the southeast corner said 151.59 acre Texas Commerce Bank-Austin tract;

THENCE, with the southeast line of said Texas Commerce Bank-Austin tract and the northwest line of said Tract 2, North $26^{\circ}59'00''$ East, a distance of 1,924.96 feet to a 1/4-inch iron pipe found;

THENCE, continuing with the southeast line of said Texas Commerce Bank-Austin tract and the northwest line of said Tract 2, North $29^{\circ}47'18''$ East, a distance of 84.43 feet to a 1/4-inch iron pipe found for the northeast corner of said Texas Commerce Bank-Austin tract and the south corner of a called 211.373 acre tract recorded in a deed to Roy McNair in Volume 11814, Page 1317, R.P.R.T.C.T.;

THENCE, with the southeast line of said McNair tract and the northwest line of said Tract 2, North $27^{\circ}01'00''$ East, a distance of 2,132.40 feet to a 60d nail found in the southerly line of The Thomson Subdivision #2, as recorded in Book 74 Page 10 of the Plat Records of Travis County, Texas (P.R.T.C.T.);

THENCE, with the northeast line of said Tract 2 and the southerly line of said Thomson subdivision, South $55^{\circ}29'42''$ East, a distance of 410.95 feet to a 1/4-inch iron rod found for the south corner of said Thomson subdivision and the southwest corner of a called 4.435 acre tract recorded in a deed to Arthur J. Hopkins in Volume 8657, Page 837 R.P.R.T.C.T.;

THENCE, with the southwest line of said Hopkins tract and the southwest line of a called 9.01 acre tract recorded in a deed to Robert Kosler in Volume 9724, Page 581 R.P.R.T.C.T., South $55^{\circ}48'24''$ East a distance of 432.68 feet to a 1-inch iron pipe found for an interior corner of a called 8.39 acre tract recorded in a deed to Reuben L. Gunn in Volume 3952, Page 467 of the Deed Records of Travis County, Texas (D.R.T.C.T.);

THENCE, with the southerly northwest line of said Gunn tract, South $35^{\circ}25'54''$ West, a distance of 214.08 feet to a 1-inch iron pipe found for an interior corner of said Tract 2;

THENCE, with the southerly southwest line of said Gunn tract and the southwest line of a called 10 acre tract recorded in a deed to Citation Securities Corporation in Volume 12197, Page 60, R.P.R.T.C.T., South $38^{\circ}40'24''$ East, a distance of 569.06 feet to a 1/4-inch iron pipe

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Area "B"

(3 of 12)

found for the south corner of said Citation Securities tract and being in the westerly line of said American Realty Trust Inc. tract;

THENCE, along the northwest line of said American Realty Trust Inc. tract, North 27°17'05" East, a distance of 1500.39 feet to an angle point being the most northern corner of said American Realty Trust Inc. tract and the southerly right-of-way line of Gregg lane (width varies);

THENCE, along the northeast line of said American Realty Trust Inc. tract and the southerly right-of-way line of Gregg Lane, the following three (3) courses:

1. South 62°32'26" East, a distance of 353.09 feet to an angle point;
2. South 63°07'26" East, a distance of 400.19 feet to an angle point;
3. South 63°01'26" East, a distance of 539.44 feet to an angle point for the northeast corner of said American Realty Trust Inc. tract;

THENCE, along the line common to said American Realty Trust Inc. tract and said 9.03 acre Anderson Development Corporation tract, the following three (3) courses:

1. South 27°36'58" West, a distance of 1,726.99 feet an angle point;
2. North 69°58'12" West, a distance of 63.80 feet to an angle point;
3. South 27°26'15" West, a distance of 283.43 feet to an angle point;

THENCE, along the line common to said American Realty Trust Inc. tract and said 56.28 acre Anderson Development Corporation tract, South 27°16'32" West, a distance of 541.49 feet to a ½-inch iron rod found for the most southerly corner of said American Realty Trust Inc. tract and being on a northeasterly line of said Tract 2;

THENCE, along the line common to said 56.28 acre Anderson Development Corporation tract and said Tract 2, the following two (2) courses:

1. South 57°38'07" East, a distance of 69.56 feet to a ½-inch iron rod found;
2. South 55°45'51" East, a distance of 278.36 feet to a ½-inch iron rod found for the northwest corner of a called 40 acre tract recorded in a deed to Everett R. Ryden et ux in Volume 2270, Page 378 D.R.T.C.T. and being the most easterly corner of said Tract 2;

THENCE, with the northwest line of said Ryden tract and the southeast line of said Tract 2 the following six (6) courses:

1. South 36°46'29" West, a distance of 24.74 feet to an 3/8 iron rod found;

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Area "B"

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2. South 36°34'18" West, a distance of 10.45 feet to a 80d nail found;
3. South 29°06'12" West, a distance of 165.87 feet to a ½-inch iron pipe found;
4. South 29°25'17" West, a distance of 1,124.11 feet to a ½-inch iron pipe found;
5. South 29°28'51" West, a distance of 554.94 feet to a ½-inch iron pipe found;
6. South 29°29'25" West, a distance of 707.52 feet to a ½-inch iron rod found for the southwest corner of said Ryden Tract, the southeast corner of said Tract 2 and in the northerly right-of-way line of Yager Lane;

THENCE, with the southerly line of said Tract 2 and the northerly right-of-way line of Yager Lane, North 61°09'51" West, a distance of 592.25 feet to a ½-inch iron rod found;

THENCE, across said Yager Lane, South 77°11'10" West, a distance of 79.83 feet to a 1-inch iron pipe found for the northwest corner of said 54.40 acre Brown tract;

THENCE, with the northwest line of said J. Tim Brown tract, and the southeast line of said Tract 3, South 27°46'13" West, a distance of 327.65 feet to the POINT OF BEGINNING and containing a computed area of 295.66 acres of land.

This metes and bounds description was based on a combination of field surveying and information from recorded deeds. Bearings, distances and area are likely to change after a complete on-the-ground survey.

Tract Two
Metes and Bounds Description
10.09 Acres
Mariquita Castro Survey Number 50, Abstract 160
Travis County, Texas

Area "B"
 (part 2 of 4)

BEING a tract containing 10.09 acres of land situated in the Mariquita Castro Survey Number 50, Abstract 160 of Travis County, Texas and being a portion of a 9.03 acre tract of land described in a deed to Anderson Development Corporation, recorded in Volume 9831, Page 204, of the Travis County Deed Records (T.C.D.R.), a portion of a 10.53 acre tract of land described in a deed to Anderson Development Corporation, recorded in Volume 5604, Page 1808, T.C.D.R. and a portion of a 56.28 acre tract of land described in a deed to Anderson Development Corporation, recorded in Volume 9831, Page 166, R.P.R.T.C.T. Said 10.09 acre tract being more particularly described by metes and bounds as follows:

COMMENCING at the northeast corner of said American Realty Trust Inc. tract;

THENCE, along the line common to said American Realty Trust Inc. tract and said 9.03 acre tract, South 27°36'58" West, a distance of 328.22 feet to an angle point;

THENCE, leaving the line common to said American Realty Trust Inc. tract and said 9.03 acre tract, South 62°19'51" East, a distance of 41.61 feet to the POINT OF BEGINNING;

THENCE, over and across said 10.53 acre tract and said 9.03 acre tract, the following seven (7) calls:

1. 216.99 feet along the arc of said curve to the right, having a Radius of 75.00 feet, a Delta Angle of 165°46'06" and a Chord Bearing and Distance of North 79°44'23" East, 148.84 feet to an angle point at the end of said curve;
2. South 17°22'34" East, a distance of 812.30 feet to an angle point;
3. South 10°00'58" East, a distance of 559.42 feet to an angle point for the beginning of a tangent curve to the right;
4. 506.81 feet along the arc of said curve to the right, having a Radius of 162.46 feet, a Delta Angle of 178°43'43" and a Chord Bearing and Distance of South 78°40'39" West, 324.92 feet to an angle point at the end of said curve;
5. North 12°37'44" West, a distance of 548.17 feet to an angle point;
6. North 07°53'12" West, a distance of 28.94 feet to an angle point;

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Area "B"
 (6 of 12)

7. North 03°05'40" West, a distance of 801.05 feet to an angle point being the **POINT OF BEGINNING** and containing a computed area 10.09 acres of land.

This metes and bounds description was based on a combination of field surveying and information from recorded deeds. Bearings, distances and area are likely to change after a complete on-the-ground survey.

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Area "B"

(7 of 12)

Tract Three
Mates and Bounds Description
16.03 Acres

Mariquita Castro Survey Number 50, Abstract 160
Travis County, Texas

Area "B"
 (part 3 of 4)

BEING a tract containing 16.03 acres of land situated in the Mariquita Castro Survey Number 50, Abstract 160 of Travis County, Texas and being a portion of a called 9.03 acre tract of land described in a deed to Anderson Development Corporation, recorded in Volume 9831, Page 204, of the Travis County Deed Records (T.C.D.R.), and also a portion of a 56.28 acre tract of land described in a deed to Anderson Development Corporation, recorded in Volume 9831, Page 166, R.P.R.T.C.T. Said 16.03 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2-inch iron rod found for the most southerly corner of a called 63.279 acre tract of land described in a deed to American Realty Trust Inc., recorded in Document Number 2000071860, of the Real Property Records of Travis County, Texas (R.P.R.T.C.T.), and being the southwesterly corner of said 56.28 acre Anderson Development Corporation tract and being on a northeasterly line of a called Tract 2 described in a deed to Art Collection, Inc., recorded in Volume 13262, Page 145 and corrected by deed recorded in Volume 13270, Page 1569 of the Real Property Records of Travis County, Texas (R.P.R.T.C.T.).

THENCE, along the line common to said American Realty Trust Inc. tract, said 56.28 acre Anderson Development Corporation tract and said 9.03 acre Anderson Development Corporation tract, the following two (2) courses:

1. North 27°16'32" East, a distance of 541.49 feet to an angle point;
2. North 27°26'15" East, a distance of 249.68 feet to an angle point;

THENCE, leaving line common to said American Realty Trust Inc. tract and said 9.03 acre Anderson Development Corporation tract and said 56.28 acre Anderson Development Corporation tract, South 46°28'20" East, a distance of 382.28 feet to an angle point being the beginning of a tangent curve to the right;

THENCE, across said 56.28 acre tract, the following ten (10) courses;

1. 216.81 feet along the arc of said curve to the right, having a Radius of 75.00 feet, a Delta Angle of 165°37'45" and a Chord Bearing and Distance of South 36°20'33" West, 148.82 feet to an angle point at the end of said curve;
2. North 60°50'47" West, a distance of 343.01 feet to an angle point;
3. South 27°32'10" West, a distance of 24.15 feet to an angle point being the beginning of a tangent curve to the right;

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Area "B"

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4. 393.75 feet along the arc of said curve to the right, having a Radius of 162.49 feet, a Delta Angle of $138^{\circ}50'26''$ and a Chord Bearing and Distance of South $13^{\circ}29'48''$ West, 304.25 feet to an angle point at the end of said curve;
5. North $89^{\circ}10'27''$ East, a distance of 225.21 feet to an angle point being the beginning of a tangent curve to the right;
6. 180.63 feet along the arc of said curve to the right, having a Radius of 175.00 feet, a Delta Angle of $59^{\circ}08'16''$ and a Chord Bearing and Distance of South $75^{\circ}14'22''$ East, 172.71 feet to an angle point at the end of said curve;
7. South $47^{\circ}16'30''$ East, a distance of 527.01 feet to an angle point being the beginning of a tangent curve to the right;
8. 144.35 feet along the arc of said curve to the right, having a Radius of 210.93 feet, a Delta Angle of $39^{\circ}12'33''$ and a Chord Bearing and Distance of North $24^{\circ}47'21''$ East, 141.55 feet to an angle point at the end of said curve;
9. North $38^{\circ}50'22''$ East, a distance of 688.01 feet to an angle point;
10. South $76^{\circ}21'05''$ East, a distance of 169.66 feet to an angle point on the easterly line of said 56.28 acre tract and being on the westerly line of a called 5.00 acre tract, conveyed to John Bird et ux., recorded in Volume 9064, Page 270, D.R.T.C.T.;

THENCE, along the easterly line of said 56.28 acre tract, the following two (2) courses:

1. South $26^{\circ}43'01''$ West, a distance of 346.37 feet to an angle point;
2. South $26^{\circ}41'01''$ West, a distance of 842.68 feet to an angle point being the Southeast corner of said 56.28 acre tract and the Northeast corner of a called 40.00 acre tract conveyed to Everett R. Ryden et ux., recorded in Volume 2270, Page 378, D.R.T.C.T.;

THENCE, along the common line of said 56.28 acre tract and said 40.00 acre tract, the following six (6) courses:

1. North $48^{\circ}39'59''$ West, a distance of 341.81 feet to an angle point;
2. North $48^{\circ}08'59''$ West, a distance of 14.37 feet to an angle point;
3. North $19^{\circ}42'59''$ West, a distance of 39.09 feet to an angle point;
4. North $78^{\circ}39'59''$ West, a distance of 166.36 feet to an angle point;
5. North $67^{\circ}29'59''$ West, a distance of 69.02 feet to an angle point;

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Area "B"
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6. North $85^{\circ}37'12''$ West, a distance of 125.24 feet to an angle point being the Northwest corner of said 40.00 acre tract and the most easterly corner of said Tract 2;

THENCE, along the line common to said 56.28 acre Anderson Development Corporation tract and said Tract 2, the following two (2) courses:

1. North $55^{\circ}45'51''$ West, a distance of 278.36 feet to a $\frac{1}{4}$ -inch iron rod found;
2. North $57^{\circ}38'07''$ West, a distance of 69.56 feet to the POINT OF BEGINNING and containing a computed area of 16.03 acres of land.

This metes and bounds description was based on a combination of field surveying and information from recorded deeds. Bearings, distances and area are likely to change after a complete on-the-ground survey.

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Area "B"

(10 of 12)

**Tract Four
Meter and Bounds Description
10.94 Acres
Mariquita Castro Survey Number 50, Abstract 160
Travis County, Texas**

BEING a tract containing 10.94 acres of land situated in the Mariquita Castro Survey Number 50, Abstract 160 of Travis County, Texas and being a portion of the land described as Tract 3 in a deed to Art Collection, Inc., recorded in Volume 13262, Page 145 and corrected by deed recorded in Volume 13270, Page 1369 of the Real Property Records of Travis County, Texas (R.P.R.T.C.T.). Said 10.94 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2-inch iron rod found on the southerly right-of-way line of said Yager Lane and the northerly line of said Tract 3, from which a 1/2-inch iron rod found bears, North 61°42'58" West, a distance of 1960.76 feet;

THENCE, along said southerly right-of-way line of said Yager Lane and the northerly line of said Tract 3, the following four (4) courses:

1. South 38°21'41" East, a distance of 24.29 feet to a 1/2-inch iron rod found;
2. South 21°40'48" East, a distance of 334.13 feet to a 1/2-inch iron rod found;
3. South 49°44'37" East, a distance of 22.57 feet to a 1/2-inch iron rod found;
4. South 62°57'21" East, a distance of 395.99 feet to a 1/2-inch iron rod found;

THENCE, leaving said southerly right-of-way line of Yager Lane, and across said Tract 3, the following eleven (11) courses:

1. South 65°37'37" West, a distance of 65.92 feet to an angle point;
2. South 12°30'31" West, a distance of 29.40 feet to an angle point;
3. South 21°18'30" West, a distance of 40.11 feet to an angle point;
4. South 25°08'33" West, a distance of 67.45 feet to an angle point;
5. South 35°23'36" West, a distance of 50.25 feet to an angle point;
6. South 51°34'10" West, a distance of 51.93 feet to an angle point;
7. South 57°09'39" West, a distance of 74.66 feet to an angle point;
8. South 65°46'01" West, a distance of 72.46 feet to an angle point;

Page 1 of 2
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Area "B"

(11 of 12)

9. South 68°09'00" West, a distance of 9.06 feet to an angle point;
10. South 65°45'43" West, a distance of 89.92 feet to an angle point;
11. South 53°34'32" West, a distance of 32.77 feet to an angle point and being on the northerly right-of-way line of said Palmer Lane;

THENCE, along said northerly right-of-way line of said Palmer Lane, North 60°00'02" West, a distance of 549.26 feet to an angle point;

THENCE, leaving said northerly right-of-way line of said Palmer and across said Tract 3, the following five (5) courses:

1. North 27°40'01" East, a distance of 258.80 feet to an angle point for the beginning of a tangent curve to the right;
2. 51.78 feet along the arc of said curve to the right, having a Radius of 165.48 feet, a Delta Angle of 17°55'39" and a Chord Bearing and Distance of North 34°55'05" East, 51.57 feet to an angle point at the end of said curve;
3. North 43°52'55" East, a distance of 20.63 feet to an angle point;
4. North 62°38'23" West, a distance of 224.31 feet to an angle point;
5. North 26°55'04" East, a distance of 394.34 feet to an angle point on the southerly right-of-way line of Yager Lane;

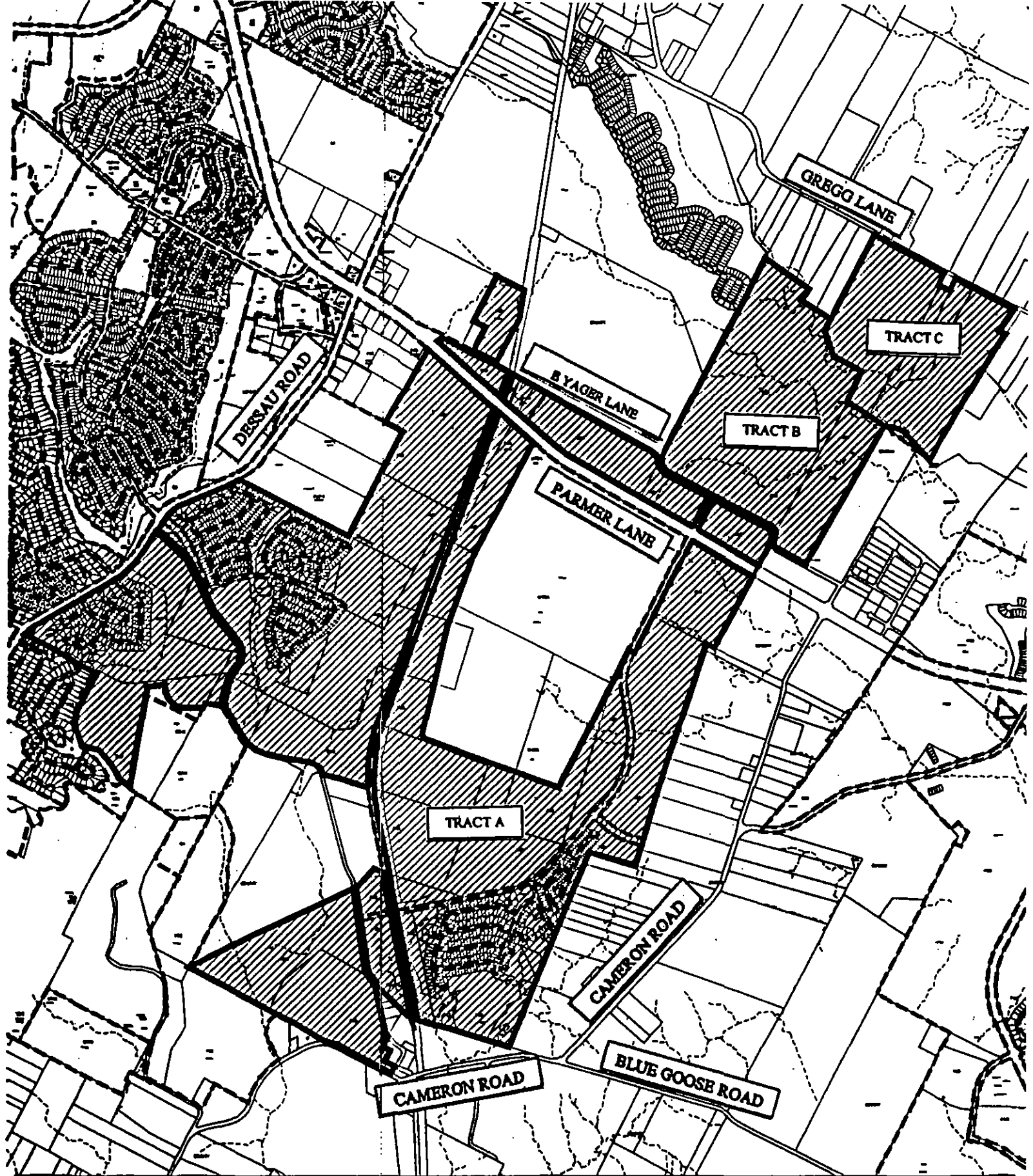
THENCE, along said southerly right-of-way line of said Yager Lane and the northerly line of said Tract 3, South 61°42'58" East, a distance of 282.74 feet to the POINT OF BEGINNING and containing a computed area of 10.94 acres of land.





This metes and bounds description was based on a combination of field surveying and information from recorded deeds. Bearings, distances and area are likely to change after a complete on-the-ground survey.

Page 2 of 2
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Area "B"

(120012)



 1" = 2000'		PLANNED UNIT DEVELOPMENT		EXHIBIT "A"	CITY GRID REFERENCE NUMBER P29-32 N29-32		
		CASE #: C814-96-0003				DATE: 05-05	
		ADDRESS: PIONEER CROSSING PUD					INTLS: SM
	SUBJECT TRACT	SUBJECT AREA (acres): N/A					
	PENDING CASE						
ZONING BOUNDARY							
CASE MGR: T. BOLT							

RESTRICTIVE COVENANT

OWNER: Art Collection, Inc., a Nevada corporation

ADDRESS: One Hickory Center, 1800 Valley View Ln., Ste. 300, Dallas TX 75234

CONSIDERATION: Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and sufficiency of which is acknowledged.

PROPERTY: 1,410 acres of land, more or less, consisting of various tracts of land out of the Samuel Cushing Survey and the Mariquita Castro Survey, in Travis County, the tracts of land being more particularly described by metes and bounds in a Correction General Warranty Deed recorded in Volume 13270, Page 1369, of the Real Property Records of Travis County, Texas; and

138 acres of land, more or less, consisting of a 63.279 acre tract and a 75.39 acre tract out of the Mariquita Castro Survey, Travis County, the tracts being more particularly described by metes and bounds in Special Warranty Deeds recorded, respectively, in Document No. 2000071860 and Document No. 2002097364, Official Public Records of Travis County, Texas.

WHEREAS, the Owner of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions;

NOW, THEREFORE, it is declared that the Owner of the Property, for the consideration, shall hold, sell and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant. These covenants and restrictions shall run with the land, and shall be binding on the Owner of the Property, its heirs, successors, and assigns.

1. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds the total traffic generation for the Property as specified in that certain Traffic Impact Analysis ("TIA") prepared by Alliance-Texas Engineering Company, dated September 13, 2002, or as amended and approved by the Director of the Watershed Protection and Development Review Department. All development on the Property is subject to the recommendations contained in the memorandum from the Transportation Review Section of the Watershed Protection and Development Review Department, dated April 20, 2005. The TIA shall be kept on file at the Watershed Protection and Development Review Department.
2. If any person or entity shall violate or attempt to violate this agreement and covenant, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such agreement or covenant, to prevent the person or entity from such actions, and to collect damages for such actions.

3. If any part of this agreement or covenant is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full effect.
4. If at any time the City of Austin fails to enforce this agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.
5. This agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, and (b) by the owner(s) of the Property subject to the modification, amendment or termination at the time of such modification, amendment or termination.

EXECUTED this the _____ day of _____, 2005.

OWNER:

**Art Collection, Inc.,
A Nevada corporation**

By: _____

Name: _____

Title: _____

APPROVED AS TO FORM:

Assistant City Attorney
City of Austin

THE STATE OF TEXAS §

COUNTY OF _____ §

This instrument was acknowledged before me on this the _____ day of _____
2005 by _____, of Art Collection, Inc., a
Nevada corporation, on behalf of the corporation.

Notary Public, State of Texas

After Recording, Please Return to:
City of Austin
Department of Law
P. O. Box 1088
Austin, Texas 78767-8828
Attention: Diana Minter, Legal Assistant



Date: April 20, 2005
To: Greg Guernsey, Case Manager
CC: Michael Heath, P.E., Alliance Transportation Group
Reference: Pioneer Crossing TIA Amendment, C814-96-0003

BACKGROUND

The Pioneer Crossing PUD was originally zoned in 1997. The PUD proposed a mix of residential, school, retail, industrial and park uses. The assumed adjusted trip generation for the original PUD was 140,343 vehicle trips per day. This equated to 14,923 adjusted PM peak-hour trips per day.

In December of 2001, an addendum to the TIA was submitted in order to incorporate 138.68 acres of additional property north of Parmer Lane. In addition, the addendum addressed the realignment of SH 130 out of the proposed PUD and its replacement with Arterial A. Modifications to the original land uses were also assumed. Resulting 24-hour adjusted trip generation for the amended TIA is 109,424 vehicle trips per day, or 10,172 PM peak-hour trips – a sizable decrease in trip generation from the 1997 TIA.

The original phasing agreement has been amended to incorporate the changes assumed in the TIA addendum.

RECOMMENDATIONS

1. In accordance with the Austin Metropolitan Area Transportation Plan, dedication of 114 feet of right-of-way for Gregg/Howard Lane must be completed at the earlier of the following: 1) notification from the City of Austin or Travis County that final alignment, design and right-of-way maps for Gregg/Howard Lane are complete and a legal description of the right-of-way is available, or 2) at the time of final plat for the adjoining property.
2. Two copies of the final TIA are required to be submitted prior to 3rd Reading at City Council.
3. Development of this property should be limited to uses and intensities which will not exceed or vary from the projected traffic conditions assumed in the TIA addendum, including peak hour trip generations, traffic distribution, roadway conditions, and other traffic related characteristics.

If you have any questions or require additional information, please contact me at 974-2628.

Amy Link
Sr. Planner - Transportation Review Staff
Watershed Protection and Development Review

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See Exhibit 17-1

TYPICAL NOTES



SWIFT LOCATION KEY MAP

Amended 10/11/04
See Exhibit C-1 and C-2
http://www.fda.gov/cder/

NETAL, AGREEMENT
BY PART

Part A	516.45 acres
Part B	22.07 acres
Part C	271.97 acres
Part D	480.70 acres
Part E	119.36 acres
Part F	<u>138.68 acres</u>
Total	1549.23 acres



LAND USE SUMMARY

Case No.	Case Name	Case Address	Case City	Case State	Case Zip	Case Phone	Case Fax	Case E-mail	Case Web Site	Case Notes
1	Case 1	Case 1 Address	Case 1 City	Case 1 State	Case 1 Zip	Case 1 Phone	Case 1 Fax	Case 1 E-mail	Case 1 Web Site	Case 1 Notes
2	Case 2	Case 2 Address	Case 2 City	Case 2 State	Case 2 Zip	Case 2 Phone	Case 2 Fax	Case 2 E-mail	Case 2 Web Site	Case 2 Notes
3	Case 3	Case 3 Address	Case 3 City	Case 3 State	Case 3 Zip	Case 3 Phone	Case 3 Fax	Case 3 E-mail	Case 3 Web Site	Case 3 Notes
4	Case 4	Case 4 Address	Case 4 City	Case 4 State	Case 4 Zip	Case 4 Phone	Case 4 Fax	Case 4 E-mail	Case 4 Web Site	Case 4 Notes
5	Case 5	Case 5 Address	Case 5 City	Case 5 State	Case 5 Zip	Case 5 Phone	Case 5 Fax	Case 5 E-mail	Case 5 Web Site	Case 5 Notes
6	Case 6	Case 6 Address	Case 6 City	Case 6 State	Case 6 Zip	Case 6 Phone	Case 6 Fax	Case 6 E-mail	Case 6 Web Site	Case 6 Notes
7	Case 7	Case 7 Address	Case 7 City	Case 7 State	Case 7 Zip	Case 7 Phone	Case 7 Fax	Case 7 E-mail	Case 7 Web Site	Case 7 Notes
8	Case 8	Case 8 Address	Case 8 City	Case 8 State	Case 8 Zip	Case 8 Phone	Case 8 Fax	Case 8 E-mail	Case 8 Web Site	Case 8 Notes
9	Case 9	Case 9 Address	Case 9 City	Case 9 State	Case 9 Zip	Case 9 Phone	Case 9 Fax	Case 9 E-mail	Case 9 Web Site	Case 9 Notes
10	Case 10	Case 10 Address	Case 10 City	Case 10 State	Case 10 Zip	Case 10 Phone	Case 10 Fax	Case 10 E-mail	Case 10 Web Site	Case 10 Notes

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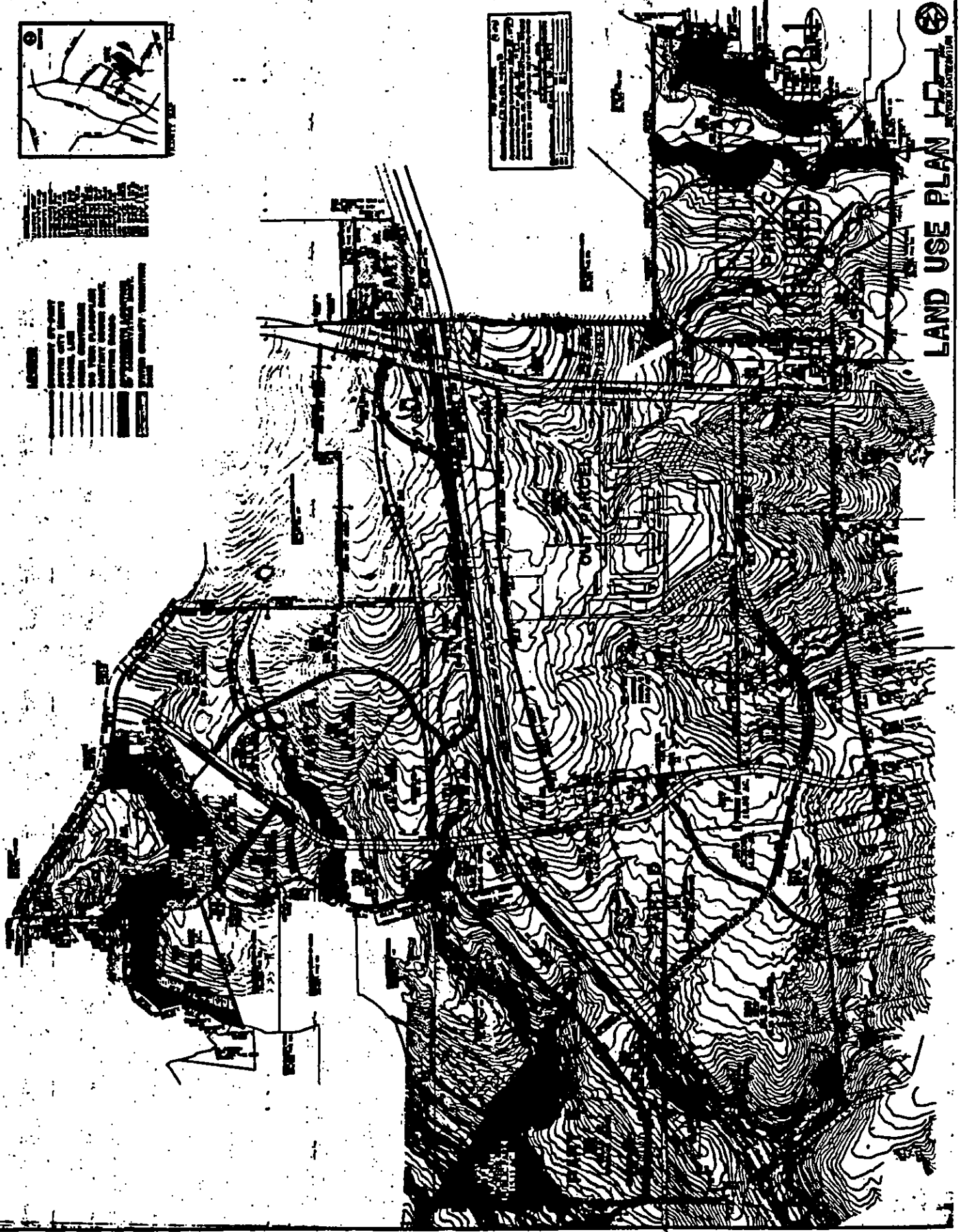
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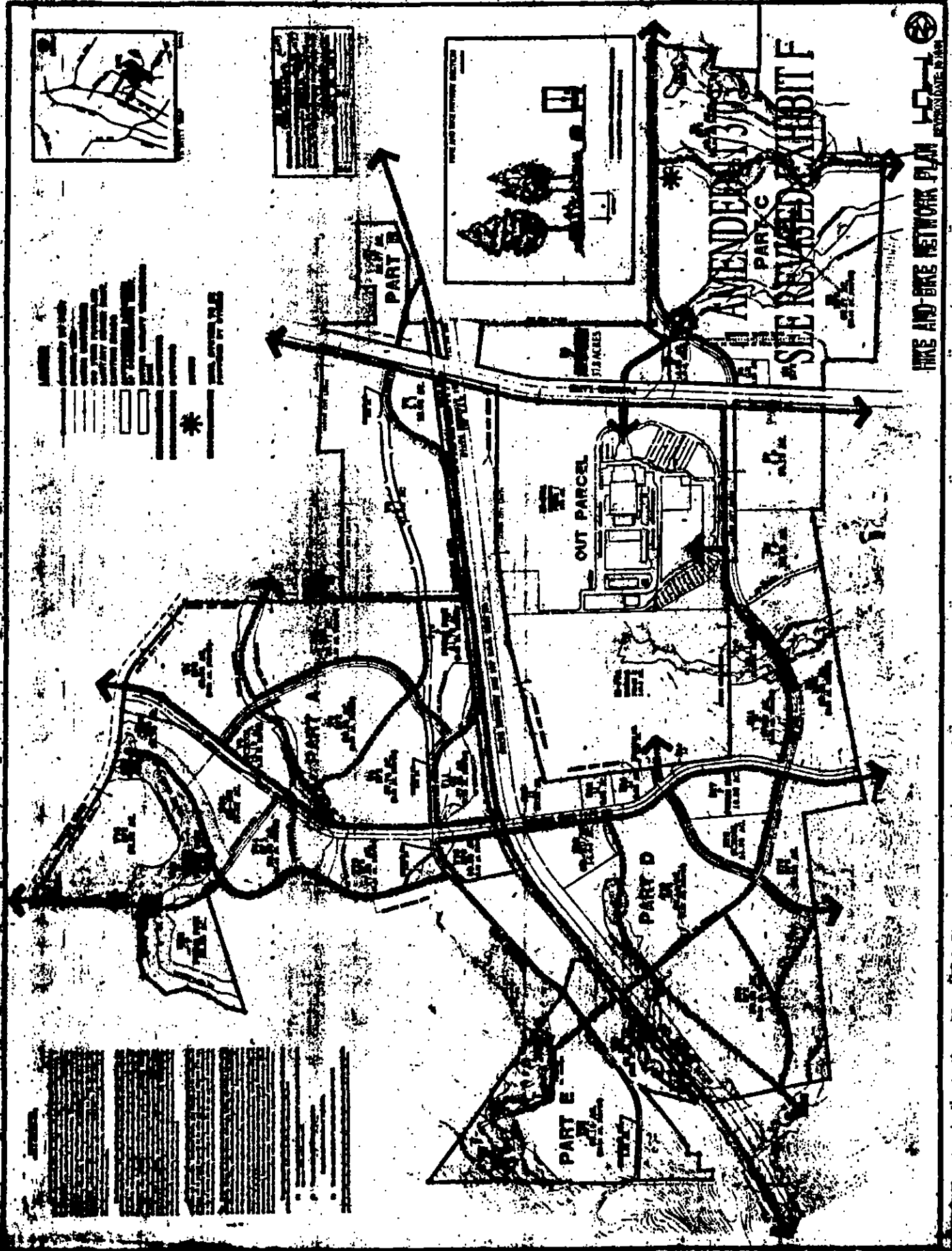
ATTORNEY:
Levin & Oshroff
600 UNIVERSITY AVE.
SUITE 2400
ALBANY, NEW YORK 12208
(518) 486-2800

WATER CLOSET MOUNTING

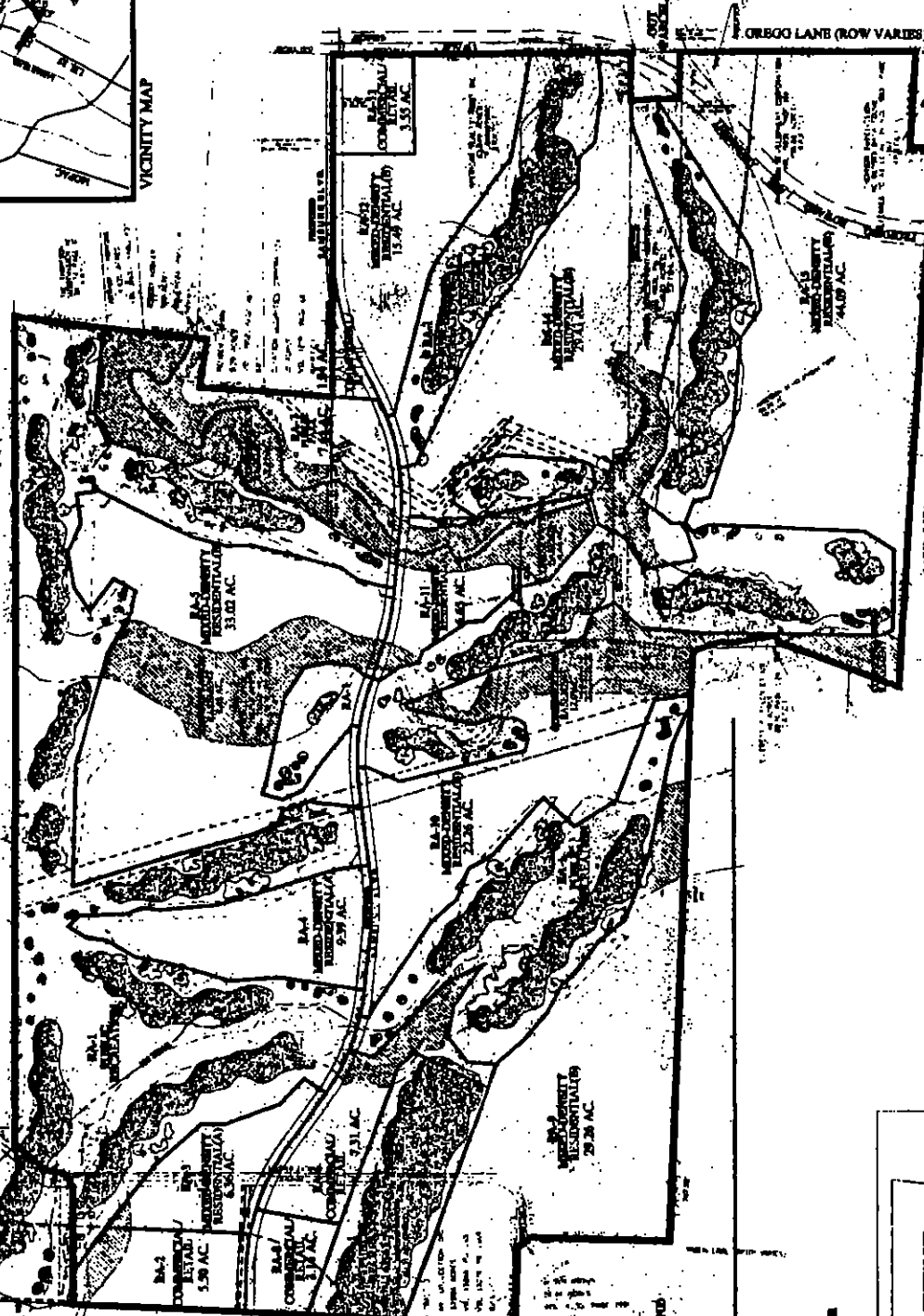
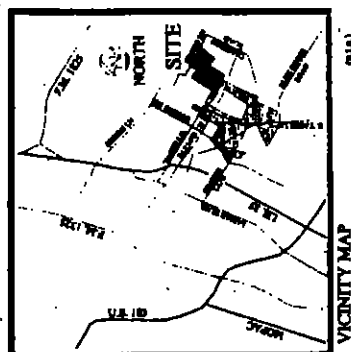
RESEARCH

LAND USE PLAN
REVISION DATE: 10/1/04

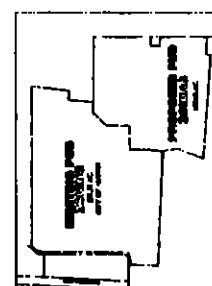




**PIONEER CROSSING
AMENDED PLANNED UNIT DEVELOPMENT
(CONCENTRIC LAYOUT) IN A/D**



LAND USE SUMMARY		ANNEX LAND USE SUMMARY	
PUBLIC RECREATION (CR)	149.99 AC.	PUBLIC RECREATION (CR)	41.31 AC.
COMMERCIAL/RETAIL (CRAB)	9.98 AC.	COMMERCIAL/RETAIL (CRAB)	3.95 AC.
COMMERCIAL/RETAIL (CR)	3.19 AC.	COMMERCIAL/RETAIL (CRAB)	1.94 AC.
COMMERCIAL/RETAIL (CR)	1.94 AC.	MIXED DENSITY RESIDENTIAL (MDR)	98.17 AC.
CLIMBER/USE/HOTEL (CRACH)	7.31 AC.	PUBLIC PARK	2.41 AC.
CLIMBER/USE/HOTEL (CRACH)	194.89 AC.		
MIXED DENSITY RESIDENTIAL (MDR)	7.65 AC.	TOTAL	138.68 AC.
PUBLIC PARK			
TOTAL	574.06 AC.		



LEGEND

- CONCRETE PUMP IN BOSTON AREA
PACIFIC LINE
WATER QUALITY TREATMENT FOR
IN THE BOSTON AREA
CONCRETE PUMP IN BOSTON AREA
PROPERTY OWNERS LINE
BOSTON OF MAY
BOSTON LINE
CITY LINE

**Pioneer Crossing
Exhibit C-1
Site Development Criteria
Land Use Summary
for PUD Areas B and C
10/11/04**

Parcel	Land Use	Total Gross Acres	Floodplain (Acres)	Maximum Units/Acre of F.A.R. for TIA	# of Units/Square Footage for TIA
Residential (a) & (b)					
RA-3	Mixed Development Residential (a)	6.36	0.17	12	76.3
RA-4 see notes	Mixed Development Residential (a)	9.39	0	12	112.7
RA-5 see notes	Mixed Development Residential (b)	33.02	8.00	18	594.4
RA-9	Mixed Development Residential (b)	29.26	1.52	18	526.7
RA-10	Mixed Development Residential (b)	22.28	6.08	18	400.7
RA-11	Mixed Development Residential (a)	6.65	3.10	12	79.8
RA-12	Mixed Development Residential (b)	15.49	0.00	18	278.8
RA-14 see notes	Mixed Development Residential (b)	29.43	4.85	18	529.7
RA-15 see notes	Mixed Development Residential (b)	44.09	1.59	18	793.6
Subtotal		195.95	25.31		3,392.7
Non-Residential (a)					
RA-1	CR Golf Public	149.9	n/a	0.05	326,482.20 sq. ft.
RA-2	GR/ Comm/Retail	5.5	1.09	0.39	93,436.20 sq. ft.
RA-6	GR/CS-1 Comm/Retail	7.31	0	0.3	95,527.08 sq. ft.
RA-7	P Public Park	7.65	2.76	12	n/a
RA-8	CS - Comm/Retail	3.16	0	0.3	41,284.88 sq. ft.
RA-13	GR Comm/Retail	3.55	0	0.3	46,391.40 sq. ft.
RA-16	GR Comm/Retail	1.04	0	0.3	13,590.72 sq. ft.
Subtotal		178.11	3.85		
TOTAL		374.06	29.16		

NOTES

1. Mixed Development Residential (a) is defined as a single designation for low to moderate density residential uses. The purpose of the designation is to encourage a variety and distribution of residential types to be specifically determined during the subdivision process. The district allows flexibility in the layout and design of residential units and lots with criteria similar to the City's SF-2, SF-3, SF-4A, SF-4B, SF-5 and SF-6 zoning districts. The gross density for each parcel may range from a minimum of 1 unit per acre to a maximum of 12 units per acre such that the gross sum of all residential units on all parcels within a single tract shall not exceed the gross sum for residential units established for that tract. Lots designated at the time of subdivision for townhouse or condominium residence shall require site plan approval prior to issuance of a building permit.

2. Mixed Development Residential (b) is defined as a single designation for higher density residential uses. The purpose of the designation is to encourage a variety and distribution of residential types to be specifically determined during the subdivision process. The district allows flexibility in the layout and design of residential units and lots with criteria similar to the City's SF-3, SF-4A, SF-4B, SF-5, SF-6, MF-1, and MF-2 zoning districts. The gross density for each parcel may range from a minimum of 3 units per acre to a maximum of 18 units per acre such that the gross sum of all residential units on all parcels within a single tract shall not exceed the gross sum for residential units established for that tract. Lots designated at the time of subdivision for townhouse or condominium residence shall require site plan approval prior to issuance of a building permit.

3. Site regulations applicable to Corner Store, Neighborhood Mixed-Use Building, Urban Home, Cottage, and Secondary Apartment special uses in accordance with Exhibit E.

4. See Exhibit C-2 for other specific site development regulations applicable to Mixed Development Residential (a) & (b).

Exhibit C-2

ADDITIONAL SITE DEVELOPMENT REGULATIONS APPLICABLE
TO MIXED DEVELOPMENT RESIDENTIAL (a) and (b)
FOR PUD AREAS B & C

SF-2 through SF-6 will apply to Parcels RA-3, RA-4 and RA-11 MDN(s). SF-3 through SF-6, MDN(s) will apply to Parcels RA-5, RA-9, RA-10, RA-12, RA-14 and RA-15.

	Single Family Residential Standard Lot (SF-2)	Family Residence (SF-3)	Small Lot Single Family Residential (SF-4A)	Single Family Residential Condominium (SF-4B)	Urban Family Residential Townhome (SF-5)	Urban Family Residential Condominium (SF-6)	Multi Family Residential Limited Density (MF-1)	Multi Family Residential Low Density (MF-2)
MINIMUM LOT SIZE (square feet)	5750	5750	3600	** (2)	3600	3600	8000	(8000)
MINIMUM CORNER LOT AREA (square feet)			4500	** (2)	-	-	-	-
MINIMUM LOT WIDTH	50	50	40	** (2)	50	50	50	50
MINIMUM CORNER LOT WIDTH			50	** (2)	50	-	-	-
MAXIMUM DWELLING UNITS PER LOT	1	2	1	** (2)	-	-	**** (6)	**** (4)
MAXIMUM HEIGHT	35	35	35	** (2)	35	35	40	40 or 3-stories
MINIMUM SETBACKS								
FRONT YARD	***** (5) 25	** (5) 25	*(1) 25	** (2)	10	10	25	25
STREET SIDE YARD	15	15	10	** (2)	10	10	15	15
INTERIOR SIDE YARD	5	5	*(1)	10	5	5	5	5
REAR YARD	5	5	*(1)	** (2)	0	0	10	10
MAXIMUM BUILDING COVERAGE	40%	45%	55%	40%	40%	40%	45%	50%
MAXIMUM IMPERVIOUS COVER	45%	45%	65%	60%	55%	55%	55%	60%

*(1) See Section 25-2-557 (Single-Family Residence Small Lot District Regulations). SF-4A

** (2) See Section 25-2-558 (Single-Family Residence Condominium See District Regulations). SF-4B

*** (3) See Section 25-2-559 (Urban Family Residence District or Townhome and Condominium Residence District Retirement Housing Use).

**** (4) See Section 25-2-561 (Multi-Family Residence Low Density District Regulations).

***** (5) See PUD ordinance for exception to 25-foot set back.

***** (6) See Section 25-2-560 (Multi Family Residence Limited Density)

**Exhibit D-1
Revised Permitted Uses Table
For PUD Areas B & C**

The entirety of the Pioneer Crossing "PUD" Land Use Plan has been divided into Parcels, which are identified with a letter and a number, for example Parcel W15, or Parcel RA-2. RA is an abbreviation for Revised Area. Several of the Parcels are further identified on the Land Use Map using a familiar City of Austin zoning designation. In each case, the permitted uses in the base zoning district as set out in Chapter 25-2 of the Austin City Code, as it existed on the date of this document, are intended to be the permitted uses for that Parcel within the Pioneer Crossing PUD Land Use Plan, with certain additions or exclusions as detailed below. For those Parcels designated with Mixed Development Residential (MDR) as the base district, the permitted uses are presented below. The Mixed Development Residential (MDR) base district allows flexibility in the layout and design of residential units and lot width criteria similar to the City's SF-2 through SF-6 for MDR (a) low to moderate, and SF-3 through MF-3 for MDR (b) high.

Parcel No.	Base District	Additional Permitted Uses	Excluded Uses
RESIDENTIAL			
RA-1	CR	None	None
RA-2	GR	Postal Facility, Plant Nursery	None
RA-3	MDR (a) low / mod	Outdoor Sports and Recreation Services (General), Urban Lot ^{***} , Condominium Residential, Duplex Residential, Townhouse Residential, Two Family Residential, Single Family-Attached Residential, Retirement Housing (small site) Bed and Breakfast Residential (Group I & II), Cottage Lot ^{***} Secondary Apartment ^{***} , Small Lot Single Family Residential Group Home Class I & II, Single Family Residential (maximum lot size 8400 s.f.), Religious Assembly, Family Home. A minimum of 20% of NSA for MDR(a) must be reserved for uses other than detached SF residential.	N/A
RA-4	MDR (a) low / mod	Outdoor Sports and Recreation Services (General), Urban Lot ^{***} , Condominium Residential, Duplex Residential, Townhouse Residential, Two Family Residential, Single Family-Attached Residential, Retirement Housing (small site) Bed and Breakfast Residential (Group I & II), Cottage Lot ^{***} Secondary Apartment ^{***} , Small Lot Single Family Residential Group Home Class I & II, Single Family Residential (maximum lot size 8400 s.f.), Religious Assembly, Family Home. A minimum of 20% of NSA for MDR(a) must be reserved for uses other than detached SF residential.	N/A
RA-5	MDR (b) high	Outdoor Sports and Recreation Services (General), Multi-Family Residential, Town House Residential, Condominium Residential, Religious Assembly, Group Home Class I & II, Family Home. A minimum of 50% of NSA is reserved for uses other than SF detached residential.	
RA-6	GR with CS-1 Footprint	None	Vehicle Storage, Scrap and Salvage Resource Extraction, Kennels, Agriculture Sales and Services, Adult Oriented Business, Automotive Sales, Automotive Repair, Automotive Rental, Automotive Washer, off site accessory parking.
RA-7	P	None	Any non-parks and recreation use.
RA-8	CS	None	None
RA-9	MDR (b) High	Outdoor Sports and Recreation Services (General), Multi-Family Residential, Town House Residential, Condominium Residential, Religious Assembly, Group Home Class I and II, Family Home. A minimum of 50% of NSA is reserved for uses other than SF detached residential.	
RA-10	MDR (b) High	Outdoor Sports and Recreation Services (General), Multi-Family Residential, Town House Residential, Condominium Residential, Religious Assembly, Group Home Class I and II, Family Home. A minimum of 50% of NSA is reserved for uses other than SF detached residential.	
RA-11	MDR (a) low / mod	Outdoor Sports and Recreation Services (General), Urban Lot ^{***} , Condominium Residential, Duplex Residential, Townhouse Residential, Two Family Residential, Single Family-Attached Residential, Retirement Housing (small site) Bed and Breakfast Residential (Group I & II), Cottage Lot ^{***} Secondary Apartment ^{***} , Small Lot Single Family Residential Group Home Class I & II, Single Family Residential (maximum lot size 8400 s.f.), Religious Assembly, Family Home. A minimum of 20% of NSA for MDR(a) is reserved for uses other than detached SF residential.	N/A
RA-12	MDR (b) High	Outdoor Sports and Recreation Services (General), Multi-Family Residential, Town House Residential, Condominium Residential, Religious Assembly, Group Home Class I and II, Family Home. A minimum of 50% of NSA is reserved for uses other than SF detached residential. A minimum of 50% of NSA is reserved for uses other than SF detached residential.	
RA-13	GR	None	None
RA-14	MDR (b) High	Outdoor Sports and Recreation Services (General), Multi-Family Residential, Town House Residential, Condominium Residential, Religious Assembly, Group Home Class I and II, Family Home. A minimum of 50% of NSA for MDR(a) is reserved for uses other than detached SF residential.	
RA-15	MDR (b) High	Outdoor Sports and Recreation Services (General), Multi-Family Residential, Town House Residential, Condominium Residential, Religious Assembly, Group Home Class I and II, Family Home. A minimum of 50% of NSA for MDR(a) is reserved for uses other than detached SF residential.	
NON-RESIDENTIAL			
RA 8, 9, 14 and 15	MDR (b) / LR	Corner Store ^{***} , Neighborhood Mixed Use Building ^{***} , all LR uses (not to exceed 10% of net site area) are permitted, except as indicated under Excluded Uses.	Service Stations, Off-Site Accessory parking, Drive-In Services, Drive Through Services as an accessory use
RA-4	MDR (a) / LR	Corner Store ^{***} , Neighborhood Mixed Use Building ^{***} , all LR uses (not to exceed 20% of net site area) are permitted, except as indicated under Excluded Uses.	Service Stations, Off-Site Accessory parking, Drive-In Services, Drive Through Services as an accessory use

* The Development may allow for up to 10% of Non-Residential uses on these MDR parcels within this PUD
 ** The Development may allow for up to 20% of Non-Residential uses on these MDR parcels within this PUD
 *** Cottage, Corner Store, Secondary Apartment, Neighborhood Mixed Use Building, and Urban Home are special uses permitted on Parcels RA 4, 5, 9, 14 and 15 in accordance with Exhibit "E"

EXHIBIT E

SPECIAL PERMITTED USES FOR PUD AREAS B AND C

"Cottage Lot", "Corner Store", "Neighborhood Mixed Use Building", "Secondary Apartment" and "Urban Lot" are special uses permitted, at the option of the developer, on certain Parcels in the Pioneer Crossing PUD under specific site development regulations.

The non-residential special uses, specifically the Corner Store and Neighborhood Mixed Use Building special uses, are limited to Parcels RA-4, RA-5, RA-9, RA-10, RA-14, and RA-15. Up to ten percent (10%) of the net site area of each of Parcels RA-5, RA-9, RA-10, RA-14, and RA-15 may be developed with Corner Store and/or Neighborhood Mixed Use Building uses. Up to twenty percent (20%) of the net site area of Parcel RA-4 may be developed with Corner Store and/or Neighborhood Mixed Use Building uses.

The residential special uses, specifically the Cottage Lot, Secondary Apartment, and Urban Lot uses, shall be permitted on those Parcels specified in Exhibit D to the Ordinance.

The definitions and site development regulations applicable to the Optional Special Uses are as set out below.

- 1. "Cottage Lot" special use is the use of a site of limited size for a single family residential dwellings on lots of at least 2500 square feet in size. (25-2-1403 [B] [3])**

A Cottage Lot special use development may not exceed two acres in size. For a Cottage Lot special use development of more than eight lots, 250 square feet of community open space is required for each lot. (25-2-1443)

For a Cottage Lot special use:

- (1) the minimum lot width is 30 feet;**
- (2) the maximum height of a structure is 35 feet;**
- (3) the minimum front yard setback is 15 feet;**
- (4) the minimum street side yard setback is 10 feet;**
- (5) the minimum interior side yard setback is 5 feet**
- (6) the minimum rear yard setback is 5 feet;**
- (7) the maximum building coverage is 55 percent; and**
- (8) the maximum impervious coverage is 65%. (25-2-1444 [A])**

The minimum lot area for a Cottage Lot special use is:

- (1) 2,500 square feet; or**
- (2) 3,500 square feet for a lot that is located in an SF-3 district; and**
 - (a) is a corner lot; or**
 - (b) adjoins a lot that is:**
 - (i) zoned SF-3;**
 - (ii) has a lot area of at least 5,750 square feet; and**
- (3) is developed as a single-family residence. (25-2-1444 [B])**

For a Cottage Lot special use with a front driveway, a garage, if any, must be located at least 20 feet behind the building facade. (25-2-1444 [C])

For a Cottage Lot special use, other than a driveway, parking is not permitted in a front yard. (25-2-1444 [D]).

For a Cottage Lot special use, the main entrance of the principal structure must face the front lot line. (25-2-1444 [E])

For a Cottage Lot special use a covered front porch is required. The minimum depth of the porch is five feet. The minimum width of the porch is 50 percent of the width of the front facade. (25-2-1444 [F])

For a Cottage Lot special use 200 square feet of private open space is required for each dwelling. (25-2-1444-[G]).

- 2. "Corner Store" special use is the use of a site to provide good or services to local residents.**

A Corner Store special use is limited to the following commercial uses: (1) consumer convenience services; (2) consumer repair services; (3) food sales; (4) general retail sales (convenience); (5) personal services; (6) restaurant (general); and (7) restaurant (limited). (25-2-1483 [A])

A Corner Store special use must be located at a street intersection and may not be located within 600 feet of another Corner Store. (25-2-1484)

A Corner Store is subject to the following site development regulations:

- (A) For a Corner Store special use:**
 - (1) the minimum lot area is 5,750 square feet;**
 - (2) the minimum lot width is 50 feet;**

- (3) the maximum building height is 50 feet;
- (4) minimum front yard setback is 5 feet;
- (5) the maximum front yard setback is 15 feet;
- (6) the minimum street yard side setback is 10 feet;
- (7) the minimum interior side yard setback is 5 feet;
- (8) the minimum rear yard setback is 10 feet;
- (9) the maximum building coverage is the lesser of 55 percent or 3,000 sq. feet;
and
- (10) the maximum impervious coverage is 65%.

(B) A Corner Store may not include a drive through facility.

(C) A Corner Store may not be open to the public between the hours of 11 pm and 6 am.

(D) Exterior lighting:

- (1) must be hooded or shielded so that the light source is not directly visible across the source property line; and
- (2) may not exceed 0.4 foot candles across the source property line.

(E) A building facade:

- (1) may not extend horizontally in an unbroken line for more than 30 feet;
- (2) must include windows, balconies, porches, stoops, or similar architectural features;
- (3) must have awnings along at least 50 percent of the length of the ground floor facade; and
- (4) at least 50 percent of the wall area of the ground floor facade must consist of doors or clear or lightly tinted windows.

(F) A street yard of 1,000 square feet or less is not required to be landscaped, and a parking area with 12 or fewer parking spaces is not required to have landscaped islands, peninsulas, or medians. (25-2-1485)

3. **"Neighborhood Mixed Use Building"** is the use of a building for both commercial and residential uses". (25-2-1403 [B] [4])

(A) Neighborhood Mixed Use Building use is permitted in MDR (a) zoning base districts;

(B) A Neighborhood Mixed Use building use may contain dwelling units:

- (1) above the ground floor; and
 - (2) in not more than 50 percent of the gross floor area of the ground floor.
- (25-2-1503)

(C) The Neighborhood Mixed Use Building use is subject to the following regulations:

- (1) the maximum site area is one acre;
- (2) the minimum lot size is 5.750 square feet;

- (3) the minimum lot width is 50 feet;
- (4) the minimum street side yard setback is 10 feet;
- (5) the minimum front yard setback is 5 feet; and
- (6) the maximum front yard setback is 10 feet. (25-2-1504 [A]).

(D) For a Neighborhood Mixed Use Building use adjacent to a roadway with not more than two lanes, the building height may not exceed 40 feet. (25-2-1504 [B]).

(E) The building facade of a Neighborhood Mixed Use Building use :

- (1) may not extend horizontally in an unbroken line for more than 30 feet;
- (2) must include windows, balconies, porches, stoops, or other similar architectural features;
- (3) must have awnings along at least 50 percent of the length of the ground floor facade; and
- (4) at least 50 percent of the wall area of the ground floor facade must consist of doors or clear or lightly tinted windows. (25-2-1504 [C])

(F) The Neighborhood Mixed Use Building use is subject to the following parking requirements:

- (1) For the commercial portion of the Neighborhood Mixed Use Building use, one vehicle parking space for each 500 square feet of gross floor area is required;
- (2) For the residential portion of a Neighborhood Mixed Use Building use, parking requirements of Chapter 25-6, Appendix A, Schedule A of the Austin City Code applies;
- (3) Parking in front of a Neighborhood Mixed Use Building use, other than on a street, is prohibited; and
- (4) At least 50 percent of the parking must be located to the rear of the building. (25-2-1504 [D])

(F) Exterior lighting for a Neighborhood Mixed Use Building use must be shielded so that the light source is not directly visible across the source property line and may not exceed 0.4 candles across the source property line. (25-2-1504 [E])

(G) A street yard of 1,000 square feet or less is not required to be landscaped, and a parking area with 12 or fewer parking spaces is not required to have landscaped islands, peninsulas, or medians. (25-2-1504 [F])

4. "Secondary Apartment " is the use of a developed single family residential lot for a second dwelling. (25-2-1403 [B] [6])

- (A) Secondary Apartment use is permitted in MDR (a) zoning base districts.
- (B) A Secondary Apartment is not permitted in combination with a Cottage Lot or Urban Lot use; (25-2-1463 [A])
- (C) A Secondary Apartment must be located in a structure other than the principal structure. The apartment may be connected to the principal structure by a covered walkway; (25-2-1463 [B])
- (D) A Secondary Apartment must be located at least 15 to the rear of the principal structure or above a garage; (25-2-1463 [C])
- (E) A Secondary Apartment may not exceed 850 square feet of gross floor area; (25-2-1463 [D])
- (F) The entrance to a Secondary Apartment must be on the side of the structure that is the greatest distance from the corresponding side lot line. (25-2-1463 [E])
- (G) One parking space is required in addition to the parking otherwise required for the principal use. (25-2-1463 [F])

5. **"Urban Lot"** use is the use of a site for a single family residential dwelling on a lot of at least 3,500 square feet in size. (25-2-1403 [B][7]).

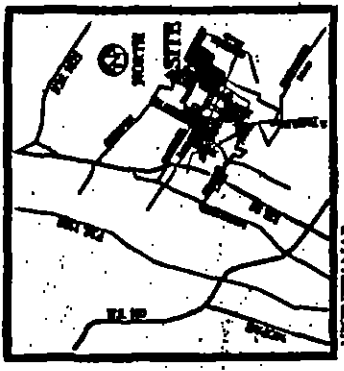
- (A) Urban Lot is permitted in MDR (a) zoning base districts.
- (B) For an Urban Lot use development of more than eight lots, 250 square feet of community open is required; (25-2-1423)
- (C) The minimum lot size is 3,500 square feet;
- (D) The minimum lot width is 40 feet;
- (E) The maximum height of a structure is 35 feet;
- (F) The minimum street side yard setback is 10 feet;
- (G) The minimum interior side yard setback is 5 feet;
- (H) The minimum rear yard setback is 5 feet;
- (I) The maximum building coverage is 55%; and
- (J) The maximum impervious coverage is 65%. (25-2-1424[A])
- (K) Except as otherwise provided herein, the minimum front yard setback is 20 feet:
 - (1) If Urban Lot uses are proposed for the entire length of a block face, the minimum front yard setback is 15 feet;
 - (2) For an Urban Lot use that adjoins a legally developed lot with a front yard setback of less than 25 feet, the minimum front yard setback is equal to the average of the front yard setbacks applicable to adjoining lots. (25-2-1424 [B]).
- (L) For an Urban Lot use with a front driveway:
 - (1) The garage, if any, must be at least five feet behind the front facade of the principal structure; and
 - (2) For a garage within 200 feet of the front facade, the width of the garage may not exceed 50 percent of the width of the front facade; (25-2-1424

[C)].

- (M) Other than in a driveway, parking is not permitted in a front yard;**
- (N) The main entrance of an Urban Lot use must face the front lot line; (25-2-1424 [E])**
- (O) A covered front porch is required for an Urban Lot use. The minimum depth of the porch is five feet. The minimum width of the porch is 50 percent of the width of the building facade; (25-2-1424 [F])**
- (P) Two hundred square feet of private open space is required for each dwelling. (25-2-1424 [G])**

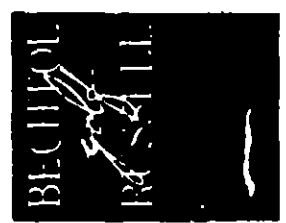
PIONEER CROSSING
AMENDED PLANNED UNIT DEVELOPMENT
FINAL AND FINAL NETWORK PLAN

EXHIBIT "F"



LEGEND

- PROPOSED ROAD
- EXISTING ROAD
- * INTERSECTION
- LANDSCAPE
- CONSTRUCTION BARRIER



ZONING CHANGE REVIEW SHEET

CASE: C814-96-0003

Z.A.P. DATE: February 25, 2003
March 4, 2003
March 11, 2003
March 25, 2003

ADDRESS: The property located generally in the vicinity of Parmer Lane south of Gregg Lane, east of Dessau Road, West and north of Cameron Road (Walnut Creek Watershed).

OWNER/APPLICANT: American Realty Trust, Inc. Art Collections, Inc., Anderson Development Corporation

AGENT: Prime Strategies (Ralph Reed)

ZONING FROM: PUD, I-RR

TO: PUD

AREA: Approximately, 1548 acres (acres amended approximately 236 of the original 1,410 acres; new; land to be added is approximately 138 acres)

SUMMARY STAFF RECOMMENDATION:

Staff's recommends the proposed amendment to the Poiner Crossing PUD, Planned Unit Development district zoning, subject to the dedication of 114 feet of right-of-way for Gregg Howard Lane, dedication of parkland and dedication of land for a the Austin Fire Department/Emergency Medical Services Department and other conditions summarized below:

Land Use

The applicant agrees to the following:

- To provide a mix of housing opportunities, including large lot single family, standard lot single family, small lot single family, multi-family and townhouse development.
- Provisions to allow compatible mixed use buildings in certain parcels and compatible neighborhood and community support services.
- To require all residential within the entire PUD area to meet Austin Energy Green Building Program standards at a minimum rating of "One Star." (Approximately, 787 acres of this PUD allows residential uses.)
- To require all commercial development within the entire PUD to meet Austin Energy Green Building Program standards at a minimum "certified level." (Approximately,

365 acres of this PUD allows commercial uses, excluding golf course areas, parkland and street right-of-way).

- To provide the option of a 5% reduction in required off-street parking for commercial development, if shower facilities are provided for employees on the site.
- To require bicycle parking for multi-family development, 50% of which is covered.
- To require garages of the single family residential development to be located at least ten (10) feet behind the front façade of a home, if the minimum front yard setback is reduced from 25 feet (standard front yard setback) to 15 feet. This 10 foot setback requirement may be reduced to seven (7) feet, if the front of the garage does not face the front yard.
- To dedicate two (2) acres of land for the Austin Fire Department prior to 3rd reading of the PUD ordinance, subject to the current and normal dedication requirements as recommended by the City of Austin. (dedication has been completed)
- To dedicate land for a greenbelt and parkland uses, subject to current and normal dedication requirements as recommended by the City of Austin. In addition, the revised area and new area includes park and trails.
- To meet current Code if not otherwise indicated on the Land Use Plan, PUD ordinance or any other Exhibit of the PUD.
- Under the proposed amendment residential density will decrease in the original PUD area; however, with the addition of approximately 138 acres of land the overall residential units will increase by a total of approximately 800 units. The overall commercial square footage will decrease by approximately 115,649 units; and with the addition of the golf course use the overall impervious cover will decrease.

Environmental/Water Quality

*The Environmental Board recommendation is attached as Exhibit "F" of this report.

Environmental Staff recommends the request based on the following benefits of the proposal over and above the standard zoning and subdivision recommendations.

- There will be an Integrated Pest Management Plan (IPM) for the land areas of the original PUD as well as the amended and new acreage;
- A turf grass management plan is required for the proposed golf course (to be submitted at the site plan stage).
- The applicant has agreed to a minimum "one star" and "certified" rating per Austin Energy's Green Building Program standards for residential and commercial development respectively; and

- The applicant has agreed to a minimum Critical Environmental Feature (CEF) buffer (or conservation easement) of fifty (50') from the stream centerline be applied to all waterways draining from 64 to 320 acres.

An IPM for all new development will provide valuable water quality benefits in the form of source pollutant reduction at minimal cost. A residential IPM plan can be prepared now, while the details of commercial IPM's can be worked out at the site plan stage. The Watershed Protection and Development Review (WPDR) Department is compiling data concerning the effect of golf course runoff on water quality. Based on this data, we are requiring a turf management plan for the golf course, which will produce water quality and environmental benefits superior to that required by current code. In keeping with the recommendations of the Environmental Review Management staff, we have requested a minimum 50' setback from streams draining from 64 to 320 acres in order to provide continuous rather than segmented buffers to encourage riparian corridors.

The applicant is not requesting any variances from code for the amended and new area of the PUD and is not changing any of the previous language over what is described above for the original acreage of the PUD.

Transportation

The proposed 160-acre golf course will generate approximately 806 vehicle trips per day. Total overall trips generated by the PUD are 109,424.

For information: an amendment to the original TIA has been submitted to address the realignment of SH 130 out of the area of this development and the additional acreage north of Parmer Lane. An administrative amendment to the Phasing Agreement for this development will be required to reflect the findings of the amended TIA. Overall adjusted trip generation for the PUD has decreased from 140,343 in the original TIA to 109,424 in the amended TIA.

In accordance with the Austin Metropolitan Area Transportation Plan (AMATP), dedication of 114 feet of right-of-way for Gregg/Howard Lane must be completed at the earlier of the following:

- 1) Notification from the City of Austin or Travis County that final alignment, design and right-of-way maps for Gregg/Howard Lane are complete and a legal description of the right-of-way is available.
- 2) At the time of final plat for the adjoining property

*Provide this right-of-way requirement information as a note on the PUD Land Use Plan.

List of Amendments:

Exhibit B & B-1 Land Plan
Exhibit C-1 & C-2 – Site Development Criteria
Exhibit D-1 – Permitted/Prohibited Use Table
Exhibit E – Special Permitted Special Uses – Areas B & C
Exhibit F – Environmental Board Minutes
Exhibit G –Hike & Bike Plan – Areas B & C
Exhibit H – Manor ISD letter

ZONING AND PLATTING COMMISSION (ZAP) RECOMMENDATION:

2-25-03: Postponed to March 4, 2003 (ZAP)
3-4-03: Postponed to March 11, 2003 (Applicant)
3-11-03: Postponed to March 25, 2003 (Applicant)
3-25-03: Approved staff's recommendation of PUD. Vote: 8-0, JM – absent

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	PUD, I-RR	Undeveloped
<i>North</i>	Varies	Mostly undeveloped and residential
<i>South</i>	PUD, LI-PDA, County	Undeveloped, Light Manufacturing
<i>East</i>	County	Mostly undeveloped and residential
<i>West</i>	Varies	Mostly undeveloped and residential

AREA STUDY: No.

TIA: Yes.

WATERSHED: Walnut Creek

DESIRED DEVELOPMENT ZONE: Yes.

CAPITOL VIEW CORRIDOR: No.

HILL COUNTRY ROADWAY: No.

NEIGHBORHOOD ORGANIZATIONS / INTERESTED PARTIES:

North Growth Corridor Alliance
Austin Neighborhoods Council
North East Action Group
Taking Action Inc.
Bennie and Gail Hammett
Ron Goodengough
Jack Gullahorn
Ron Kinney

SCHOOLS:

A support letter from Manor Independent School District is enclosed as Exhibit H.

CASE HISTORIES:

Two notable case histories are the LI-PDA (C14-96-0007) site, approximately 300 acres, located in the approximate center of this PUD. The site is used for light manufacturing and is now an out parcel of the PUD and C7A-02-0007 (annexation case).

RELATED CASES:

C8-98-115.10A Pioneer Crossing West Sec. 1 Recorded 07-16-02; plat was purely an extension of Braker Lane.

C8-98-0115.9A Pioneer Crossing East Sec. 1 Recorded; plat was purely an extension of Samsung Blvd.

C8-85-098.04.1A Pioneer Crossing Phase A , Sec. 3 Recorded 06-04-02; 11-single-family lots, two commercial lots.

C8-78-115.7A Pioneer Crossing West Sec. 2, Recorded 11-19-02; 101 single-family lots and associated R.O.W.

SP-02-0209D – Released utility line plan

ABUTTING STREETS:

Name	Right-of-way	Pavement	Classification	Daily Traffic	Sidewalks	Bus Service	Bicycle Route
Dessau Road	114'	2@ '36	Major Arterial	24,640 ('01)	Yes	Yes	Yes
Parmer Lane	200'	Varies	Major Arterial	21,300 ('01)	No	No	Yes
Braker Lane	90'	Varies	Major Arterial	8,700 ('01)	Yes	Yes	Yes
Gregg/Howard Lane	54'	26'	Local	N/A	No	No	No

CITY COUNCIL DATE: May 12, 2005

ACTION:

ORDINANCE READINGS:

1st 4-24-05

ACTION: Approved first reading of the ordinance for PUD was approved on Council Member Thomas's motion, Council Member Wynn's second on a 5-0 vote. Council Member Alvarez was off the dais. Mayor Garcia was absent.

2nd & 3rd

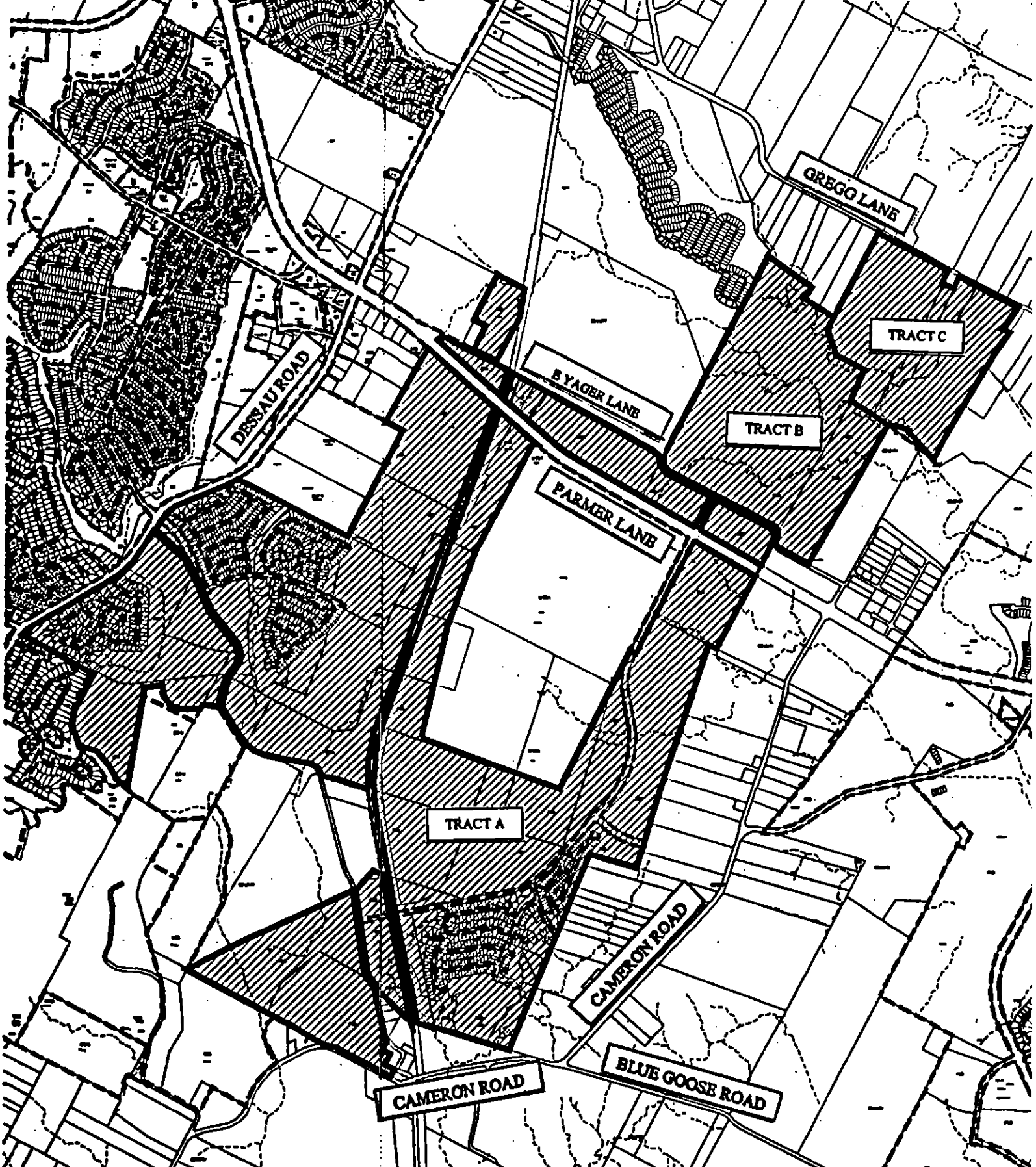
ACTION:



ORDINANCE NUMBER:

CASE MANAGER: Gregory Guernsey

EMAIL: greg.guernsey@ci.austin.tx.us

PHONE: (512) 974-2387



 1" = 2000'		PLANNED UNIT DEVELOPMENT		CITY GRID REFERENCE NUMBER 'P28-32 N29- 32
			
	-----	CASE #: C814-96-0003	DATE: 05-05	
	SUBJECT TRACT PENDING CASE ZONING BOUNDARY CASE MGR: T. BOLT	ADDRESS: PIONEER CROSSING PUD SUBJECT AREA (acres): N/A	INTLS: SM	

STAFF RECOMMENDATION

C814-96-0003

Land Use

The applicant agrees to the following:

- To provide a mix of housing opportunities including large lot single-family, standard lot single-family, small lot single-family, multi-family and town home development.
- Provisions to allow compatible mixed use buildings in certain parcels and compatible neighborhood and community support services.
- To require all residential within the entire PUD area to meet Austin Energy Green Building Program standards at a minimum rating of "One Star". (Approximately 787 acres of this PUD permits residential uses).
- To require all commercial development within the entire PUD area to meet Austin Energy Green Building Program standards at minimum "certified level". (Approximately 365 acres of this PUD permits commercial uses, excluding golf course areas, parkland, and right of way).
- To provide the option of a 5% reduction in required off site parking for commercial development, if shower facilities are provided for employees on the site.
- To require bicycle parking for multifamily development, 50% of which is covered.
- To require garages of single-family residential development to be located at least 10 feet behind the front façade of a home if the minimum front yard set back is reduced from 25 feet (standard front yard setback) to 15 feet. This 10-foot garage set back requirement may be reduced to 7 feet if the front of the garage does not face the front yard.
- To dedicate approximately two acres of land for the Austin Fire Department prior to or at the time of 3rd reading of the PUD ordinance, subject to the current and normal dedication requirement as recommended by City of Austin. (dedication has been completed)
- To dedicate land for greenbelt and parkland uses, subject to the current and normal dedication requirements as recommended by City of Austin. In addition, the revised area and new area includes a neighborhood park and trails.
- To meet current code if not otherwise indicated on the Land Use Plan, PUD Ordinance, or any other Exhibit of the PUD.
- Under the proposed amendment residential density will decrease in the original PUD area, however with the addition of 137.8 acres the overall residential density will

increase by a total of 1035 units. The overall commercial square footage will decrease by approximately 115,649 units; and with the addition of the golf course use the overall impervious cover will decrease.

Environmental/Water Quality

- * The Environmental Board recommendation is attached as Exhibit D of this report.

Environmental Staff recommends the request based on the following benefits of the proposal over and above standard zoning and subdivision requirements:

- There will be an Integrated Pest Management Plan (IPM) for the land areas of the original PUD as well as the amended and new acreage;
- A turf grass management plan is required for the proposed golf course;
- The applicant has agreed to a minimum one star and certified rating per Austin Energy's Green Building Program standards for residential and commercial development respectively; and
- The applicant has agreed to a minimum Critical Environmental Feature (CEF) buffer (or conservation easement) of 50' from the stream centerline be applied to all waterways draining from 64 to 320 acres.

An IPM for all new development will provide valuable water quality benefits in the form of source pollutant reduction at minimal cost. A residential IPM plan can be prepared now, while the details of commercial IPM's can be worked out at the site plan stage. The Watershed Protection and Development Review (WPDR) Department is compiling data concerning the effect of golf course runoff on water quality. Based on this data, we are requiring a turf management plan for the golf course, which will produce water quality and environmental benefits superior to that required by current code. In keeping with the recommendations of the Environmental Review Management staff, we have requested a minimum 50' setback from streams draining from 64 to 320 acres in order to provide continuous rather than segmented buffers to encourage riparian corridors.

The applicant is not requesting any variances from code for the amended and new area of the PUD and is not changing any of the previous language over what is described above for the original acreage of the PUD.

Transportation

The proposed 160-acre golf course will generate approximately 806 vehicle trips per day. Total overall trips generated by the PUD are 109,424.

For information: an amendment to the original TIA has been submitted to address the realignment of SH 130 out of the area of this development and the additional acreage north of Parmer Lane. An administrative amendment to the Phasing Agreement for this development

will be required to reflect the findings of the amended TIA. Overall adjusted trip generation for the PUD has decreased from 140,343 in the original TIA to 109,424 in the amended TIA.

In accordance with the Austin Metropolitan Area Transportation Plan (AMATP), dedication of 114 feet of right-of-way for Gregg/Howard Lane must be completed at the earlier of the following:

- 3) Notification from the City of Austin or Travis County that final alignment, design and right-of-way maps for Gregg/Howard Lane are complete and a legal description of the right-of-way is available;
- 4) At the time of final plat for the adjoining property. Provide this right-of-way requirement information as a note on the PUD Land Use Plan.

List of Amendments:

Exhibit B & B-1 Land Plan

Exhibit C-1 & C-2 – Site Development Criteria

Exhibit D-1 – Permitted/Prohibited Use Table

Exhibit E – Special Permitted Special Uses – Areas B & C

Exhibit F – Environmental Board Minutes

Exhibit G – Hike & Bike Plan – Areas B & C

Exhibit H – Manor ISD letter

BACKGROUND

The Pioneer Crossing PUD was originally unanimously approved by the City Council in 1997 and at the time was the largest PUD of its kind. Preservation of the natural environment, high quality development, innovative design and adequate public facilities and services were all addressed in the initial proposal and will remain unchanged. The purpose of this submittal is to simply amend the approved plan to allow for an additional public facility (an 18-hole golf course), which will reduce impervious cover and density in the area while adhering to pervious regulations set forth in the PUD.

The proposed amendment adds flexibility to the residential uses around the golf course to encourage a greater residential mix of housing and to also allow the option of small-scale neighborhood support commercial.

BASIS FOR RECOMMENDATION

1. The proposed zoning should be consistent with the purpose statement of the district sought. The purpose statement of the PUD zoning district is below:

Planned unit development (PUD) district is the designation for a large or complex single or multi-use.

Development that is planned as a single contiguous project and that is under unified control. The purpose of a PUD district designation is to preserve the natural environment, encourage high quality development and innovative design, and ensure adequate public facilities and services for development with a PUD. A PUD district designation provides greater design flexibility by permitting modifications of site development regulations. Development under the site development regulations applicable to a PUD must be superior to the development that would occur under the conventional zoning and subdivision regulations. A PUD district must include at least 10 acres of land, unless the property is characterized by special circumstances, including unique topographical constraints.

The ways in which the proposed PUD amendment meets the above statement are summarized below:

The site proposes a mix of large-scale residential, commercial, and industrial uses planned as a single contiguous project under unified control. Upon approval it will be subject to the regulations and restrictions set forth in the related exhibits (Land Use Plan, Permitted/Prohibited Use Chart, Site Development Regulations, Park Network Plan and PUD Agreement/Ordinance, and any other Exhibits deemed appropriate). Because the site was planned in a comprehensive manner with careful attention to land use compatibility, land use variety, environmental and water quality elements, density, and transportation elements, it is staff's opinion that the resulting development would be superior to what could be accomplished via current development regulations.

In addition, due to the location of this site on the fringe of the urban core City of Austin Smart Growth principals are key to providing responsible growth within the Austin area. This proposal meets the following Smart Growth principals numbered below:

1. *Provide a variety of housing for a variety of generation and income level.*

There are two residential districts applied to the PUD: Mixed Density Residential (MDR), Low/Moderate, and High. Mixtures of residential uses are permitted within each MDR parcel ranging from standard lot (5,750 square foot maximum) to multifamily, town home and retirement housing development. To assure a mix of housing choices at least 20% and 50% of the net site area of each MDR (Low/Mod) and MDR (High) parcel respectively must be developed with a residential use other than single family detached.

2. *Develop new communities that give residents the option of living, working, shopping and playing in walkable neighborhoods.*

The option of neighborhood friendly and compatible commercial and retail uses are provided for in close proximity to the designated residential parcels. Most parcels will be connected by a hike and bike trail that parallel the main arterial roadway through the amendment area of the PUD. In addition, the PUD regulations allow for small percentages of neighborhood support services within residential parcels, if desired, to promote options for services and employment close to home.

3. Encourage both sustainable and quality building practices.

A summary of the benefits to the agreed upon Austin Energy Green Building Program standards for both residential and commercial development is provided below:

Development and construction practices are significant contributors to the depletion of natural resources and a major cause of air and water pollution, solid waste, deforestation, toxic wastes, health hazards, global warming, and other negative consequences. Building construction, operations and demolition directly or indirectly consume over 40 percent of all U.S. energy and 66 percent of all U.S. electricity. Building use 25-30 percent of all the world's wood and raw materials, 25 percent of water, and account for 35-40 percent of municipal solid waste (28% of this coming from construction and demolition debris). In addition, buildings are a major source of the pollution that causes urban air quality problems, and the pollutants that many scientists believe cause climate change.

The built environment has a profound impact on our natural environment, economy, health and productivity. Green building practices provide the framework and tools to build in an efficient, healthy, and ecologically responsible manner. Encouraging green building practices is in the public's interest because these techniques maximize environmental, economic and social benefits. Specific benefits include:

Environmental Benefits

- Minimization of local ecological degradation (habitat, air, soil, and water) by enhancing and protecting natural habitats through efficient site and building design, sustainable construction practices, and low impact building materials and operational practices.
- Improved air and water quality.
- Reduction of solid waste.
- Conservation of energy, water and other natural resources.

Economic Benefits

- Monthly savings to building owners and tenants through reduced operation costs and increased operation and maintenance efficiencies.
- Enhanced asset value and profits.
- Improved employee productivity and satisfaction.
- Keeping money in the local economy and creation of new local industries and jobs.
- Reduction of public infrastructure costs related to development

Social Benefits

- Improved air, thermal, and acoustic environments.
- Enhanced occupant comfort, well-being and health.

- Strengthened existing goals related to increased density, mixed use and transit-oriented development, storm water and erosion control, brownfield development, and increased bicycle and pedestrian access.
- Contribution to community health, vitality and aesthetics

4. Promote and foster distinctive, attractive places with a strong sense of place.

An urban design feature requiring residential garages to be located at least 10 feet behind the front façade of a structure has been incorporated into this PUD agreement. If the garage does not face the front of the lot then the setback may be reduced to 7 feet. This feature takes focus away from the automobile for stronger focus on the home and more attractive architectural features usually associated with the residential structure such as roof pitches, porches, windows, etc.

5. Implement transportation improvements that reduce congestion while encouraging alternatives to the automobile.

A main arterial roadway is planned for the amended and new area of the PUD. In addition, there is a parallel hike and bike trail network that will provide options for bicycling and walking for transportation. Bicycle parking is required for all multifamily development, 50% of which must be covered, in order to encourage this mode of transportation.

6. Incorporate civic uses within the development.

Conveyance of ownership of parkland and land for City of Austin Fire/EMS services will be dedicated to the City of Austin upon approval of this PUD zoning.

EXISTING CONDITIONS

Site Characteristics

The site is mostly undeveloped with gently rolling terrain.

Environmental

Subject to an Integrated Pest Management (IPM)/Turf Management Plan. IPM Plan recommended by the Environmental Board on January 16, 2003. Exhibit F.

Transportation

The proposed 160-acre golf course will generate approximately 806 vehicle trips per day. Total overall trips generated by the PUD is 109,424.

For information: an amendment to the original TIA has been submitted to address the realignment of SH 130 out of the are of this development and the additional acreage north of Parmer Lane. An administrative amendment to the Phasing Agreement for this development will be required to reflect the findings of the amended TIA. Overall adjusted trip generation for the PUD has decreased from 140,343 in the original TIA to 109,424 in the amended TIA.

In accordance with the Austin Metropolitan Area Transportation Plan (AMATP), dedication of 114 feet of right-of-way for Gregg/Howard Lane must be completed at the earlier of the following:

- 5) Notification from the City of Austin or Travis County that final alignment, design and right-of-way maps for Gregg/Howard Lane are complete and legal description of the right-of-way is available.
 - 6) At the time of final plat for the adjoining property
- * Provide this right-of-way requirement information as a note on the PUD Land Use Plan.

Name	Right-of-way	Pavement	Classification	Daily Traffic	Sidewalks	Bus Service	Bicycle Route
Dessau Road	114'	2@ '36	Major Arterial	24,640 ('01)	Yes	Yes	Yes
Parmer Lane	200'	Varies	Major Arterial	21,300 ('01)	No	No	Yes
Braker Lane	90'	Varies	Major Arterial	8,700 ('01)	Yes	Yes	Yes
Gregg/Howard Lane	54'	26'	Local	N/A	No	No	No

Water and Wastewater

The landowner intends to serve the tract with City of Austin water and wastewater utility service. If water or wastewater utility improvements are required, the landowner will be responsible for all cost and for providing the utility improvements.

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.

Compatibility Standards

Current code requirements regarding compatibility will apply to development within the PUD. A variance from the requirements of the Compatibility Standards for development in a PUD may only be granted by the land use plan or by amendment of the land use plan. [Sec. 25-2-412].

PERMITTED USES TABLE

Sheet 10

Use	Permitted
1. Single-Family Detached	Yes
2. Single-Family Attached	Yes
3. Two-Family Detached	Yes
4. Two-Family Attached	Yes
5. Multi-Family Detached	Yes
6. Multi-Family Attached	Yes
7. Commercial	Yes
8. Industrial	Yes
9. Office	Yes
10. Public Use	Yes
11. Other	Yes

Use	Permitted	Notes
1. Single-Family Detached	Yes	
2. Single-Family Attached	Yes	
3. Two-Family Detached	Yes	
4. Two-Family Attached	Yes	
5. Multi-Family Detached	Yes	
6. Multi-Family Attached	Yes	
7. Commercial	Yes	
8. Industrial	Yes	
9. Office	Yes	
10. Public Use	Yes	
11. Other	Yes	

Amended 10/11/04
See Exhibit D-1

TYPICAL NOTES

1. All uses shall conform to the requirements of the applicable zoning ordinance.
2. All uses shall conform to the requirements of the applicable subdivision ordinance.
3. All uses shall conform to the requirements of the applicable health and safety ordinance.
4. All uses shall conform to the requirements of the applicable fire and building ordinance.
5. All uses shall conform to the requirements of the applicable environmental ordinance.
6. All uses shall conform to the requirements of the applicable transportation ordinance.
7. All uses shall conform to the requirements of the applicable utility ordinance.
8. All uses shall conform to the requirements of the applicable public works ordinance.
9. All uses shall conform to the requirements of the applicable general ordinance.
10. All uses shall conform to the requirements of the applicable special ordinance.



LAND USE SUMMARY

Use	Area (Acres)	Percentage
1. Single-Family Detached	516.45	31.2%
2. Single-Family Attached	72.07	4.5%
3. Two-Family Detached	271.97	16.8%
4. Two-Family Attached	400.70	24.9%
5. Multi-Family Detached	119.36	7.4%
6. Multi-Family Attached	139.68	8.6%
7. Commercial	1349.23	83.1%

TOTAL ACRES BY PART

Part	Acres
Part A	516.45
Part B	72.07
Part C	271.97
Part D	400.70
Part E	119.36
Part F	139.68
Total	1349.23

Amended 10/11/04
See Exhibit C-1 and C-2
SITE DEVELOPMENT OPTIONS AND LAND USE SUMMARY

Part	Acres	Percentage
Part A	516.45	31.2%
Part B	72.07	4.5%
Part C	271.97	16.8%
Part D	400.70	24.9%
Part E	119.36	7.4%
Part F	139.68	8.6%
Total	1349.23	100.0%



PART LOCATION KEY MAP



LAND USE PLAN
REVISION DATE: 10/11/04

PREPARED BY: [Name]

DATE: [Date]

DESIGNED BY: [Name]

DATE: [Date]

APPROVED BY: [Name]

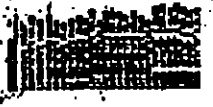
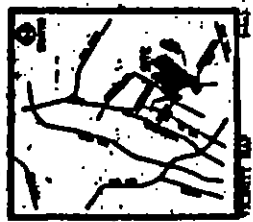
DATE: [Date]

EXHIBIT "B"

LAND USE PLAN



ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED
DATE 01-11-2001 BY 60322 UCBAW/BJS/STP



- BOUNDARY OF CITY
- ADJACENT CITY LIMITS
- PAVED, UNPAVED
- RAILROADS
- ALL OTHER PLANNED AREAS
- EXISTING GROUND WATER
- EXISTING DRAINAGE
- EXISTING UTILITIES
- EXISTING ROADS
- EXISTING WATERWAYS

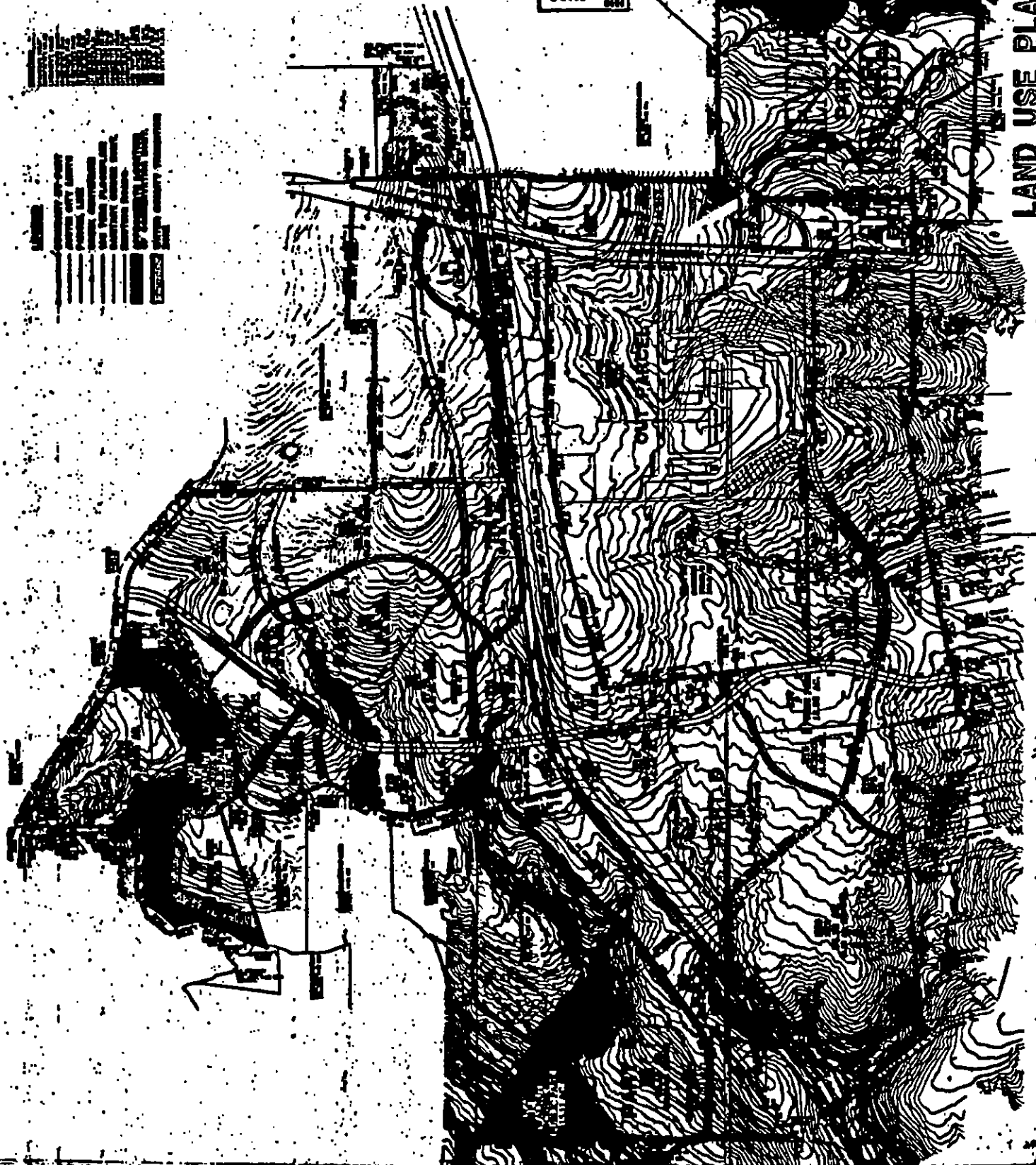
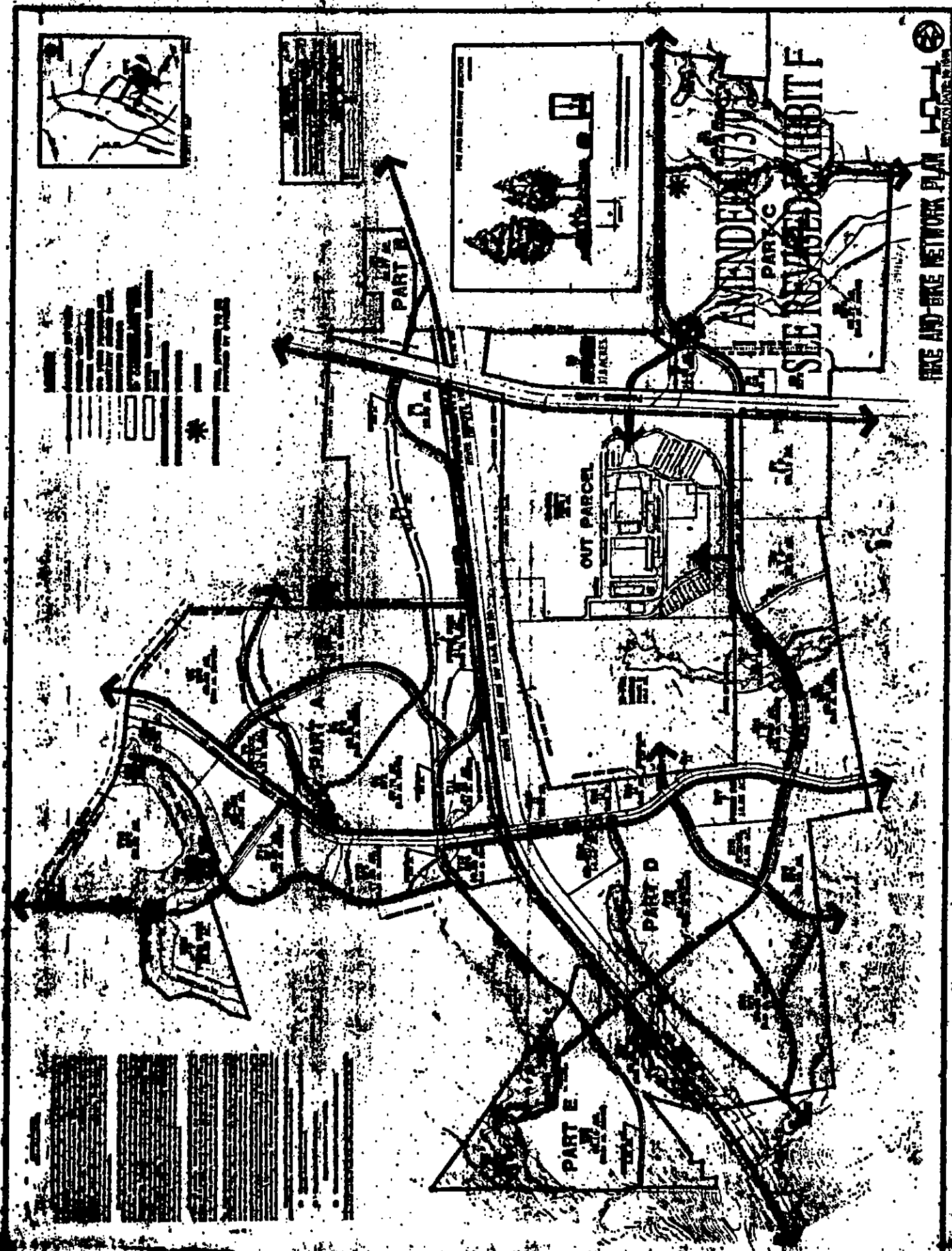
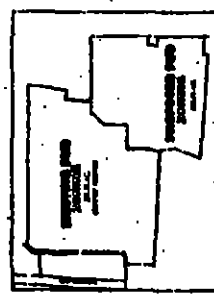


EXHIBIT "B"





**Pioneer Crossing
Exhibit C-1
Site Development Criteria
Land Use Summary
for PUD Areas B and C
10/11/04**

Parcel	Land Use	Total Gross Acres	Floodplain (Acres)	Maximum Units/Acre of F.A.R. for TIA	# of Units/Square Footage for TIA
RA-3	Mixed Development Residential (a)	6.36	0.17	12	76.3
RA-4 see notes	Mixed Development Residential (a)	9.39	0	12	112.7
RA-5 see notes	Mixed Development Residential (b)	33.02	8.00	18	594.4
RA-9	Mixed Development Residential (b)	29.28	1.82	18	826.7
RA-10	Mixed Development Residential (b)	22.26	6.08	18	400.7
RA-11	Mixed Development Residential (a)	6.65	3.10	12	79.8
RA-12	Mixed Development Residential (b)	15.49	0.00	18	278.8
RA-14 see notes	Mixed Development Residential (b)	29.43	4.85	18	629.7
RA-15 see notes	Mixed Development Residential (b)	44.09	1.89	18	793.6
Subtotal		195.95	25.31		3,392.7
RA-1	CR Golf Public	149.9	n/a	0.05	326,482.20 sq. ft.
RA-2	GR/ Comm/Retail	6.5	1.09	0.39	93,436.20 sq. ft.
RA-6	GR/CS-1 Comm/Retail	7.31	0	0.3	95,527.08 sq. ft.
RA-7	P Public Park	7.65	2.76	12	n/a
RA-8	CS - Comm/Retail	3.16	0	0.3	41,294.88 sq. ft.
RA-13	GR Comm/Retail	3.85	0	0.3	46,391.40 sq. ft.
RA-16	GR Comm/Retail	1.04	0	0.3	13,690.72 sq. ft.
Subtotal		178.11	3.85		
TOTAL		374.06	29.16		

NOTES

1. Mixed Development Residential (a) is defined as a single designation for low to moderate density residential uses. The purpose of the designation is to encourage a variety and distribution of residential types to be specifically determined during the subdivision process. The district allows flexibility in the layout and design of residential units and lots with criteria similar to the City's SF-2, SF-3, SF-4A, SF-4B, SF-5 and SF-6 zoning districts. The gross density for each parcel may range from a minimum of 1 unit per acre to a maximum of 12 units per acre such that the gross sum of all residential units on all parcels within a single tract shall not exceed the gross sum for residential units established for that tract. Lots designated at the time of subdivision for townhouse or condominium residence shall require site plan approval prior to issuance of a building permit.

2. Mixed Development Residential (b) is defined as a single designation for higher density residential uses. The purpose of the designation is to encourage a variety and distribution of residential types to be specifically determined during the subdivision process. The district allows flexibility in the layout and design of residential units and lots with criteria similar to the City's SF-3, SF-4A, SF-4B, SF-5, SF-6, MF-1, and MF-2 zoning districts. The gross density for each parcel may range from a minimum of 3 units per acre to a maximum of 18 units per acre such that the gross sum of all residential units on all parcels within a single tract shall not exceed the gross sum for residential units established for that tract. Lots designated at the time of subdivision for townhouse or condominium residence shall require site plan approval prior to issuance of a building permit.

3. Site regulations applicable to Corner Store, Neighborhood Mixed-Use Building, Urban Home, Cottage, and Secondary Apartment special uses in accordance with Exhibit E.

4. See Exhibit C-2 for other specific site development regulations applicable to Mixed Development Residential (a) & (b).

Exhibit G-2

ADDITIONAL SITE DEVELOPMENT REGULATIONS APPLICABLE
TO MIXED DEVELOPMENT RESIDENTIAL (a) and (b)
FOR PUD AREAS B & C

SR-2 through SR-3 will apply to Parcels RA-3, RA-4 and RA-11 MDR(a). SR-3 through SR-2, MDR(b) will apply to Parcels RA-3, RA-4, RA-10, RA-12, RA-14 and RA-15.

	Single Family Residential Standard Lot (SR-2)	Family Residential (SR-3)	Small Lot Single Family Residential (SR-4A)	Single Family Residential Condominium (SR-4B)	Urban Family Residential Townhomes (SR-5)	Urban Family Residential Condominium (SR-6)	Multi Family Residential Limited Density (MF-1)	Multi Family Residential Low Density (MF-2)
MINIMUM LOT SIZE (square feet)	5750	5750	3000	**Q2	3000	3000	8000	(8000)
MINIMUM CORNER LOT AREA (square feet)			4000	**Q2	-	-	-	-
MINIMUM LOT WIDTH	50	50	40	**Q2	50	50	50	50
MINIMUM CORNER LOT WIDTH			50	**Q2	50	-	-	-
MAXIMUM DWELLING UNITS PER LOT	1	2	1	**Q2	-	-	***Q3	***Q3
MAXIMUM HEIGHT	35	35	35	**Q2	35	35	40	40 or 5-stories
MINIMUM SETBACKS								
FRONT YARD	*****Q3 25	***Q3 25	*(1) 25	**Q2	10	10	25	25
STREET SIDE YARD	15	15	10	**Q2	10	10	15	15
INTERIOR SIDE YARD	5	5	5(1)	10	5	5	5	5
REAR YARD	5	5	5(1)	**Q2	0	0	10	10
MAXIMUM BUILDING COVERAGE	40%	45%	55%	40%	40%	40%	45%	50%
MAXIMUM IMPERVIOUS COVER	45%	45%	65%	60%	50%	50%	50%	60%

*(1) See Section 25-3-157 (Single-Family Residential Small Lot District Regulations) SR-4A

**Q2 See Section 25-3-158 (Single-Family Residential Condominium See District Regulations) SR-4B

***Q3 See Section 25-3-159 (Urban Family Residential District or Townhomes and Condominiums See District Regulations) SR-4C

****Q4 See Section 25-3-161 (Multi-Family Residential Low Density District Regulations)

*****Q5 See PUD ordinance for compliance to 25-foot set back.

*****Q6 See Section 25-3-160 (Multi-Family Residential Limited Density)

**Exhibit D-1
Revised Permitted Uses Table
For PUD Areas B & C**

The entirety of the Pioneer Crossing "PUD" Land Use Plan has been divided into Parcels, which are identified with a letter and a number, for example Parcel W16, or Parcel RA-2. RA is an abbreviation for Revised Area. Several of the Parcels are further identified on the Land Use Map using a familiar City of Austin zoning designation. In each case, the permitted uses in the base zoning district as set out in Chapter 25-2 of the Austin City Code, as it existed on the date of this document, are intended to be the permitted uses for that Parcel within the Pioneer Crossing PUD Land Use Plan, with certain additions or exclusions as detailed below. For those Parcels designated with Mixed Development Residential (MDR) as the base district, the permitted uses are presented below. The Mixed Development Residential (MDR) base district allows flexibility in the layout and design of residential units and lot width criteria similar to the City's SF-2 through SF-6 for MDR (a) low to moderate, and SF-3 through MF-2 for MDR (b) high.

Parcel No.	Base District	Additional Permitted Uses	Excluded Uses
RESIDENTIAL			
RA-1	CR	None	None
RA-2	GR	Postal Facility, Plant Nursery	None
RA-3	MDR (a) low / mod	Outdoor Sports and Recreation Services (General), Urban Lot ^{***} , Condominium Residential, Duplex Residential, Townhouse Residential, Two Family Residential, Single Family-Attached Residential, Retirement Housing (small site) Bed and Breakfast Residential (Group I & II), Cottage Lot ^{***} Secondary Apartment ^{***} , Small Lot Single Family Residential Group Home Class I & II, Single Family Residential (medium lot size 8400 s.f.), Religious Assembly, Family Home. A minimum of 20% of NSA for MDR(a) must be reserved for uses other than detached SF residential.	N/A
RA-4	MDR (a) low / mod	Outdoor Sports and Recreation Services (General), Urban Lot ^{***} , Condominium Residential, Duplex Residential, Townhouse Residential, Two Family Residential, Single Family-Attached Residential, Retirement Housing (small site) Bed and Breakfast Residential (Group I & II), Cottage Lot ^{***} Secondary Apartment ^{***} , Small Lot Single Family Residential Group Home Class I & II, Single Family Residential (medium lot size 8400 s.f.), Religious Assembly, Family Home. A minimum of 20% of NSA for MDR(a) must be reserved for uses other than detached SF residential.	N/A
RA-5	MDR (b) high	Outdoor Sports and Recreation Services (General), Multi-Family Residential, Town House Residential, Condominium Residential, Religious Assembly, Group Home Class I & II, Family Home. A minimum of 80% of NSA is reserved for uses other than SF detached residential.	
RA-6	GR with C6-1 Footprint	None	Vehicle Storage, Scrap and Salvage Resource Extraction, Kennels, Agriculture Sales and Services, Adult Oriented Business, Automotive Sales, Automotive Repair, Automotive Rental, Automotive Washer, off site accessory parking.
RA-7	P	None	Any non-parks and recreation use.
RA-8	C6	None	None
RA-9	MDR (b) High	Outdoor Sports and Recreation Services (General), Multi-Family Residential, Town House Residential, Condominium Residential, Religious Assembly, Group Home Class I and II, Family Home. A minimum of 80% of NSA is reserved for uses other than SF detached residential.	
RA-10	MDR (b) High	Outdoor Sports and Recreation Services (General), Multi-Family Residential, Town House Residential, Condominium Residential, Religious Assembly, Group Home Class I and II, Family Home. A minimum of 80% of NSA is reserved for uses other than SF detached residential.	
RA-11	MDR (a) low / mod	Outdoor Sports and Recreation Services (General), Urban Lot ^{***} , Condominium Residential, Duplex Residential, Townhouse Residential, Two Family Residential, Single Family-Attached Residential, Retirement Housing (small site) Bed and Breakfast Residential (Group I & II), Cottage Lot ^{***} Secondary Apartment ^{***} , Small Lot Single Family Residential Group Home Class I & II, Single Family Residential (medium lot size 8400 s.f.), Religious Assembly, Family Home. A minimum of 20% of NSA for MDR(a) is reserved for uses other than detached SF residential.	N/A
RA-12	MDR (b) High	Outdoor Sports and Recreation Services (General), Multi-Family Residential, Town House Residential, Condominium Residential, Religious Assembly, Group Home Class I and II, Family Home. A minimum of 80% of NSA is reserved for uses other than SF detached residential. A minimum of 80% of NSA is reserved for uses other than SF detached residential.	
RA-13	GR	None	None
RA-14	MDR (b) High	Outdoor Sports and Recreation Services (General), Multi-Family Residential, Town House Residential, Condominium Residential, Religious Assembly, Group Home Class I and II, Family Home. A minimum of 80% of NSA for MDR(a) is reserved for uses other than detached SF residential.	
RA-15	MDR (b) High	Outdoor Sports and Recreation Services (General), Multi-Family Residential, Town House Residential, Condominium Residential, Religious Assembly, Group Home Class I and II, Family Home. A minimum of 80% of NSA for MDR(a) is reserved for uses other than detached SF residential.	
NON-RESIDENTIAL			
RA 8, 9, 14 and 16	MDR (b) / LR	Corner Store ^{***} , Neighborhood Mixed Use Building ^{***} , all LR uses (not to exceed 10% of net site area) are permitted, except as indicated under Excluded Uses.	Service Stations, Off-Site Accessory parking, Drive-In Services, Drive Through Services as an accessory use
RA-4	MDR (a) / LR	Corner Store ^{***} , Neighborhood Mixed Use Building ^{***} , all LR uses (not to exceed 20% of net site area) are permitted, except as indicated under Excluded Uses.	Service Stations, Off-Site Accessory parking, Drive-In Services, Drive Through Services as an accessory use

The Development may allow for up to 10% of Non-Residential uses on these MDR parcels within this PUD
The Development may allow for up to 20% of Non-Residential uses on these MDR parcels within this PUD
Cottage, Corner Store, Secondary Apartment, Neighborhood Mixed Use Building, and Urban Home are special uses permitted on Parcels RA 4, 8, 9, 14 and 16 in accordance with Exhibit "E"

EXHIBIT E

SPECIAL PERMITTED USES FOR PUD AREAS B AND C

"Cottage Lot", "Corner Store", "Neighborhood Mixed Use Building", "Secondary Apartment" and "Urban Lot" are special uses permitted, at the option of the developer, on certain Parcels in the Pioneer Crossing PUD under specific site development regulations.

The non-residential special uses, specifically the Corner Store and Neighborhood Mixed Use Building special uses, are limited to Parcels RA-4, RA-5, RA-9, RA-10, RA-14, and RA-15. Up to ten percent (10%) of the net site area of each of Parcels RA-5, RA-9, RA-10, RA-14, and RA-15 may be developed with Corner Store and/or Neighborhood Mixed Use Building uses. Up to twenty percent (20%) of the net site area of Parcel RA-4 may be developed with Corner Store and/or Neighborhood Mixed Use Building uses.

The residential special uses, specifically the Cottage Lot, Secondary Apartment, and Urban Lot uses, shall be permitted on those Parcels specified in Exhibit D to the Ordinance.

The definitions and site development regulations applicable to the Optional Special Uses are as set out below.

- 1. "Cottage Lot" special use is the use of a site of limited size for a single family residential dwellings on lots of at least 2500 square feet in size. (25-2-1403 [B] [3])**

A Cottage Lot special use development may not exceed two acres in size. For a Cottage Lot special use development of more than eight lots, 250 square feet of community open space is required for each lot. (25-2-1443)

For a Cottage Lot special use:

- (1) the minimum lot width is 30 feet;**
- (2) the maximum height of a structure is 35 feet;**
- (3) the minimum front yard setback is 15 feet;**
- (4) the minimum street side yard setback is 10 feet;**
- (5) the minimum interior side yard setback is 5 feet**
- (6) the minimum rear yard setback is 5 feet;**
- (7) the maximum building coverage is 55 percent; and**
- (8) the maximum impervious coverage is 65%. (25-2-1444 [A])**

The minimum lot area for a Cottage Lot special use is:

- (1) 2,500 square feet; or**
- (2) 3,500 square feet for a lot that is located in an SF-3 district; and**
 - (a) is a corner lot; or**
 - (b) adjoins a lot that is:**
 - (i) zoned SF-3;**
 - (ii) has a lot area of at least 5,750 square feet; and**
- (3) is developed as a single-family residence. (25-2-1444 [B])**

For a Cottage Lot special use with a front driveway, a garage, if any, must be located at least 20 feet behind the building facade. (25-2-1444 [C])

For a Cottage Lot special use, other than a driveway, parking is not permitted in a front yard. (25-2-1444 [D]).

For a Cottage Lot special use, the main entrance of the principal structure must face the front lot line. (25-2-1444 [E])

For a Cottage Lot special use a covered front porch is required. The minimum depth of the porch is five feet. The minimum width of the porch is 50 percent of the width of the front facade. (25-2-1444 [F])

For a Cottage Lot special use 200 square feet of private open space is required for each dwelling. (25-2-1444-[G]).

2. "Corner Store" special use is the use of a site to provide good or services to local residents.

A Corner Store special use is limited to the following commercial uses: (1) consumer convenience services; (2) consumer repair services; (3) food sales; (4) general retail sales (convenience); (5) personal services; (6) restaurant (general); and (7) restaurant (limited). (25-2-1483 [A])

A Corner Store special use must be located at a street intersection and may not be located within 600 feet of another Corner Store. (25-2-1484)

A Corner Store is subject to the following site development regulations:

- (A) For a Corner Store special use:**
 - (1) the minimum lot area is 5,750 square feet;**
 - (2) the minimum lot width is 50 feet;**

- (3) the maximum building height is 50 feet;
- (4) minimum front yard setback is 5 feet;
- (5) the maximum front yard setback is 15 feet;
- (6) the minimum street yard side setback is 10 feet;
- (7) the minimum interior side yard setback is 5 feet;
- (8) the minimum rear yard setback is 10 feet;
- (9) the maximum building coverage is the lesser of 55 percent or 3,000 sq. feet;
and
- (10) the maximum impervious coverage is 65%.

(B) A Corner Store may not include a drive through facility.

(C) A Corner Store may not be open to the public between the hours of 11 pm and 6 am.

(D) Exterior lighting:

- (1) must be hooded or shielded so that the light source is not directly visible across the source property line; and
- (2) may not exceed 0.4 foot candles across the source property line.

(E) A building facade:

- (1) may not extend horizontally in an unbroken line for more than 30 feet;
- (2) must include windows, balconies, porches, stoops, or similar architectural features;
- (3) must have awnings along at least 50 percent of the length of the ground floor facade; and
- (4) at least 50 percent of the wall area of the ground floor facade must consist of doors or clear or lightly tinted windows.

(F) A street yard of 1,000 square feet or less is not required to be landscaped, and a parking area with 12 or fewer parking spaces is not required to have landscaped islands, peninsulas, or medians. (25-2-1485)

3. **"Neighborhood Mixed Use Building"** is the use of a building for both commercial and residential uses". (25-2-1403 [B] [4])

(A) Neighborhood Mixed Use Building use is permitted in MDR (a) zoning base districts;

(B) A Neighborhood Mixed Use building use may contain dwelling units:

- (1) above the ground floor; and
- (2) in not more than 50 percent of the gross floor area of the ground floor.
(25-2-1503)

(C) The Neighborhood Mixed Use Building use is subject to the following regulations:

- (1) the maximum site area is one acre;
- (2) the minimum lot size is 5,750 square feet;

- (3) the minimum lot width is 50 feet;**
- (4) the minimum street side yard setback is 10 feet;**
- (5) the minimum front yard setback is 5 feet; and**
- (6) the maximum front yard setback is 10 feet. (25-2-1504 [A]).**

(D) For a Neighborhood Mixed Use Building use adjacent to a roadway with not more than two lanes, the building height may not exceed 40 feet. (25-2-1504 [B]).

(E) The building facade of a Neighborhood Mixed Use Building use :

- (1) may not extend horizontally in an unbroken line for more than 30 feet;**
- (2) must include windows, balconies, porches, stoops, or other similar architectural features;**
- (3) must have awnings along at least 50 percent of the length of the ground floor facade; and**
- (4) at least 50 percent of the wall area of the ground floor facade must consist of doors or clear or lightly tinted windows. (25-2-1504 [C])**

(F) The Neighborhood Mixed Use Building use is subject to the following parking requirements:

- (1) For the commercial portion of the Neighborhood Mixed Use Building use, one vehicle parking space for each 500 square feet of gross floor area is required;**
- (2) For the residential portion of a Neighborhood Mixed Use Building use, parking requirements of Chapter 25-6, Appendix A, Schedule A of the Austin City Code applies;**
- (3) Parking in front of a Neighborhood Mixed Use Building use, other than on a street, is prohibited; and**
- (4) At least 50 percent of the parking must be located to the rear of the building. (25-2-1504 [D])**

(F) Exterior lighting for a Neighborhood Mixed Use Building use must be shielded so that the light source is not directly visible across the source property line and may not exceed 0.4 candles across the source property line. (25-2-1504 [E])

(G) A street yard of 1,000 square feet or less is not required to be landscaped, and a parking area with 12 or fewer parking spaces is not required to have landscaped islands, peninsulas, or medians. (25-2-1504 [F])

4. "Secondary Apartment " is the use of a developed single family residential lot for a second dwelling. (25-2-1403 [B] [G])

- (A) Secondary Apartment use is permitted in MDR (a) zoning base districts.
- (B) A Secondary Apartment is not permitted in combination with a Cottage Lot or Urban Lot use; (25-2-1463 [A])
- (C) A Secondary Apartment must be located in a structure other than the principal structure. The apartment may be connected to the principal structure by a covered walkway; (25-2-1463 [B])
- (D) A Secondary Apartment must be located at least 15 to the rear of the principal structure or above a garage; (25-2-1463 [C])
- (E) A Secondary Apartment may not exceed 850 square feet of gross floor area; (25-2-1463 [D])
- (F) The entrance to a Secondary Apartment must be on the side of the structure that is the greatest distance from the corresponding side lot line. (25-2-1463 [E])
- (G) One parking space is required in addition to the parking otherwise required for the principal use. (25-2-1463 [F])

5. **"Urban Lot"** use is the use of a site for a single family residential dwelling on a lot of at least 3,500 square feet in size. (25-2-1403 [B][7]).

- (A) Urban Lot is permitted in MDR (a) zoning base districts.
- (B) For an Urban Lot use development of more than eight lots, 250 square feet of community open is required; (25-2-1423)
- (C) The minimum lot size is 3,500 square feet;
- (D) The minimum lot width is 40 feet;
- (E) The maximum height of a structure is 35 feet;
- (F) The minimum street side yard setback is 10 feet;
- (G) The minimum interior side yard setback is 5 feet;
- (H) The minimum rear yard setback is 5 feet;
- (I) The maximum building coverage is 55%; and
- (J) The maximum impervious coverage is 65%. (25-2-1424[A])
- (K) Except as otherwise provided herein, the minimum front yard setback is 20 feet:
 - (1) If Urban Lot uses are proposed for the entire length of a block face, the minimum front yard setback is 15 feet;
 - (2) For an Urban Lot use that adjoins a legally developed lot with a front yard setback of less than 25 feet, the minimum front yard setback is equal to the average of the front yard setbacks applicable to adjoining lots. (25-2-1424 [B]).
- (L) For an Urban Lot use with a front driveway:
 - (1) The garage, if any, must be at least five feet behind the front facade of the principal structure; and
 - (2) For a garage within 200 feet of the front facade, the width of the garage may not exceed 50 percent of the width of the front facade; (25-2-1424

[C)].

(M) Other than in a driveway, parking is not permitted in a front yard;

(N) The main entrance of an Urban Lot use must face the front lot line; (25-2-1424 [E])

(O) A covered front porch is required for an Urban Lot use. The minimum depth of the porch is five feet. The minimum width of the porch is 50 percent of the width of the building facade; (25-2-1424 [F])

(P) Two hundred square feet of private open space is required for each dwelling. (25-2-1424 [G])



ENVIRONMENTAL BOARD MOTION 011603-C1

Date: January 16, 2003

Subject: Pioneer Crossing PUD Amendment

Motioned By: Tim Jones

Seconded By: Dr. Mary Gay Maxwell

Recommended Action

The Environmental Board recommends conditional approval of the addition to Pioneer Crossing PUD

Conditions

The board recommends all staff conditions as follows:

1. At the time of site plan or final plat a 50-ft wide buffer zone shall be established on either side of the centerline of the waterways that drain 64 to 320 acres on Parcels RA-1 through RA-15. Only development allowed within the CWQZ as defined in section 25-8-261 of the LDC shall be allowed within such buffer zones. The buffer zones will be left in or restored to a native vegetative state and no fertilizers or pesticides will be used therein. For golf course related development, the width of the buffer zone may vary, but shall not be less than 20 ft and shall average 50 ft. Golf course rights of way (cart/service paths) shall be allowed to cross the buffer zones. The northern extension of Samsung Blvd. and other roadways meeting the requirements of LDC 25-8-262 (CWQZ crossings) shall be allowed to cross the buffer zones.
2. The applicant shall provide an Integrated Pest Management Plan for all proposed Subdivision and Commercial construction within Parcels RA-1 through RA-15.
3. The applicant shall provide a Turf Management Plan for the proposed golf course.
4. The applicant has agreed to a minimum one star and certified rating per Austin Energy's Green Building Standards for residential and commercial development respectively.

Rationale

The Board believes that, with the incorporation of the above conditions (to which the applicant has agreed), a superior environmental result will be achieved. Of particular importance is the added setback protection for headwaters streams which drain 64 to 320 acres. Without the PUD condition, only streams with drainage areas of more than 320 acres would be afforded this protection.

Vote 6-0-1-2

For: Almanza, Ascot, Jones, Leffingwell, Maxwell, Morris

Against: None

Abstain: Moncada

Absent: Anderson, Watson

Approved By:


Lee Leffingwell, Chair



Zoning Review Sheet - EXHIBIT "G"



John Hardwick, Ed.D., Superintendent

January 24, 2003

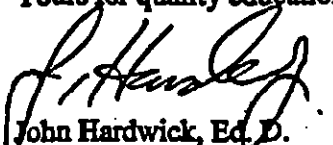
Ms. Annick Beaudet
City of Austin
Neighborhood Planning & Zoning Department
P. O. Box 1088
Austin, Texas 78767

**Re: C8-14-02-0010 City of Austin Zoning Case
Pioneer Crossing**

Dear Ms. Beaudet:

I have reviewed the referenced zoning case with the applicant and have no objections.

Yours for quality education,


John Hardwick, Ed. D.
Superintendent of Schools

(ZONING REVIEW
SHT. EXHIBIT "H")

Exhibit H

P. O. BOX 150365
AUSTIN, TEXAS 78715
MAY 23, 2002

MS. ANNICK BEAUDET
CITY OF AUSTIN,
NEIGHBORHOOD PLANNING & ZONING DEPT.
505 BARTON SPRING ROAD
AUSTIN, TEXAS 78767

DEAR MS BEAUDET,

I AM WRITING THIS LETTER IN REFERENCE TO NOTICE
OF FILING OF APPLICATION FOR REZONING, FILE NUMBER:
C814-96-0003, OWNER AMERICAN REALTY, TRUST, INC.
(MICHAEL E. BOGEL).

THIS PROJECT DOES ABUT THE METHODIST EPISCOPAL
CHURCH OF MOUNT SALEM CEMETERY, 3 ACRES. THE
INCLOSED MAP SHOWS THE LOCATION OF THESE TWO
AJOINTING PROPERTIES.

THE CEMETERY WAS ESTABLISHED, ON MARCH 25, 1882.
IT RECEIVED ITS DECLARATION OF DEDICATION OF AN
OFFICIAL HISTORIC TEXAS CEMETERY ON AUGUST 2, 1999.

WE HAVE FOR 50 YEARS ACCESSED THIS CEMETERY
VIA THE CRISWELL ROAD AND FRED MORSE PROPERTY.
HOWEVER, PRIOR TO THAT, AFTER THE CEMETERY AND
CHURCH WERE ESTABLISHED IN 1882, THE ACCESS WAS FROM
CAMERON ROAD AT WALNUT CREEK.

OUR CONCERN IS THAT THIS HISTORIC CEMETERY
MUST HAVE A PUBLIC ACCESS FROM EITHER THE AMERICAN
REALTY, TRUST, INC PROPERTY OR THE FRED MORSE
PROPERTY THAT IS BEING DEVELOPED BY MILBURN
PROPERTIES.

ENCLOSED YOU WILL FIND OUR DOCUMENTATION
FROM THE TEXAS HISTORICAL COMMISSION.

I AM AVAILABLE TO DISCUSS THIS MATTER WITH YOU
AT YOUR CONVIENCE, PHONE NO. 512-447-3185.

SINCERELY,


THOMAS M. MADISON

447 3185



**TEXAS
HISTORICAL
COMMISSION**

The State Agency for Historic Preservation

GEORGE W. BUSH, GOVERNOR

JOHN L. NALL, III, CHAIRMAN

F. LAWRENCE OAKS, EXECUTIVE DIRECTOR

August 3, 1999

Mr. Thomas Maok Madison
7801 Keswick Drive
Austin, TX 78745

RE: TV-C04: Official Historic Texas Cemetery Designation: Methodist Episcopal Church of Mount Salem Cemetery, Travis County, Texas

Dear Mr. Madison:

This letter is in reference to our receipt and review of the application for an Official Historic Texas Cemetery Designation for the Methodist Episcopal Church of Mount Salem Cemetery in Travis County. We have reviewed the submitted material and find that the Methodist Episcopal Church of Mount Salem Cemetery meets our criteria for designation as a historic cemetery and thereby approve the application. I am enclosing a Declaration of Dedication along with "Attachment A" to be recorded in the Travis County Deed Records indexed to the owners of lands that either surround or share common borders with the cemetery: Methodist Episcopal Church of Mount Salem Cemetery; City of Austin c/o Real Estate Division; Moe Rose & Jerry D. Davidson; Fiestas Patrias of Austin, Inc.; Fred C. Morse, et al.; Arthur B. Strong & Morris R. Strong Trs & WBS Ivory.

Under this program the Declaration of Dedication can be considered to be a cemetery easement. Please secure a certified copy of the applicable filed for record document(s) indicating the volume and page number or other reference number of each recordation and send it/them to the Texas Historical Commission*. Check with the County Clerk to determine the fees that may be associated with this request. We will send you an Official Historic Texas Cemetery Designation certificate upon receipt of the certified copy or copies.

Please feel free to contact me if you have any questions about the preservation of this historic cemetery.

Sincerely,

Geron S. Hite, RA
Cemetery Preservation Coordinator
Texas Historical Commission

GSH/nrc
Enclosures

*We have found that counties vary in the way that they handle these recordations. Some County Clerks may only require one Declaration of Dedication which they will index to each of the adjacent property owners while others will require a separate Declaration of Dedication for each adjacent property owner. If there are multiple property owners we have provided the appropriate number of documents on the chance that they will be required, but if one Declaration of Dedication will suffice you may dispose of the extras.



**TEXAS
HISTORICAL
COMMISSION**

The State Agency for Historic Preservation

GEORGE W. BUSH, GOVERNOR

JOHN L. NAU, III, CHAIRMAN

F. LAWRENCE OAKS, EXECUTIVE DIRECTOR

**DECLARATION OF DEDICATION
OF THE
METHODIST EPISCOPAL CHURCH OF MOUNT SALEM CEMETERY**

THE STATE OF TEXAS

§

§

KNOW ALL MEN BY THESE PRESENTS:

§

COUNTY OF TRAVIS

That the Texas Historical Commission, an agency of the State of Texas, whose purpose is to provide leadership and coordinate services in the fields of archeology and historic preservation, does hereby certify and declare:

That the Methodist Episcopal Church of Mount Salem Cemetery, in the County of Travis, Texas, more particularly described in Exhibit A attached hereto, has been set aside and dedicated for cemetery purposes through historic use and that such property is now occupied by human graves and is a cemetery.

That the following property owners own lands that have common borders with the Methodist Episcopal Church of Mount Salem Cemetery: City of Austin c/o Real Estate Division; Moe Rose & Jerry D. Davidson; Fiestas Patrias of Austin, Inc.; Fred C. Morse, et al.; Arthur B. Strong & Morris R. Strong Trs & WBS Ivory.

That the Texas Historical Commission has duly considered the evidence of existence and historic use of said cemetery and has listed it as an Official Historic Texas Cemetery, worthy of preservation.

That this dedication is subject to all the laws, rules, and regulations of the State of Texas regarding cemeteries now in effect and to those adopted after the effective date of this dedication, and is made in accordance with 13 Tex. Admin. Code § 21.30.

This Declaration of Dedication is signed and executed on the 2nd day of

August, 1999.

F. Lawrence Oaks
Executive Director
Texas Historical Commission

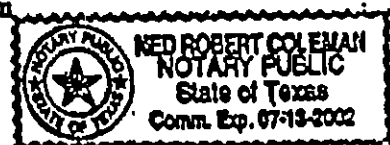
THE STATE OF TEXAS

§

§

COUNTY OF TRAVIS

§



BEFORE ME, the undersigned authority, on this day personally appeared

F. Lawrence Oaks,

known to me to be a credible person, whose name is above subscribed, and said person swore to me the statements contained herein are true and correct.

SUBSCRIBED AND SWORN TO BEFORE ME on this 2nd day of August, 1999.

Ned Robert Coleman

NOTARY PUBLIC in and for the STATE OF TEXAS



TEXAS HISTORICAL COMMISSION

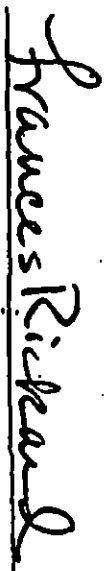
CERTIFIES THAT

METHODIST EPISCOPAL CHURCH
OF MOUNT SALEM CEMETERY
IS LISTED AS AN

OFFICIAL HISTORIC TEXAS CEMETERY



EXECUTIVE DIRECTOR, TEXAS HISTORICAL COMMISSION



HISTORY PROGRAMS DIVISION

ATTACHMENT A

I, Dana DeBeauvoir, County Clerk, Travis County, Texas, do hereby certify that this is a true and correct copy as same appears of record in my office. Witness my hand and seal of office on 8/11/99



Dana DeBeauvoir, County Clerk
By Deputy: *B. Williams*
8/11/99



Land Owner: City of Austin
c/o Real Estate Division

Land Owner: Fiestas
Patrias of Austin,
Texas, Inc.

Land Owner: Morse, Fred C et al
c/o Scott Morse

**Methodist Episcopal Church
of Mount Salem Cemetery
3 acres**

Land Owner: Strong, Arthur B. &
Norris R. Trs & W.B.S. Ivory

**Norwood Plot
150 feet by 60 feet**

Land Owner: Moe Rose & Jerry D. Davidson
c/o R. E. Moehnke

Anderson Lane

Criswell Road

Lucas Munos Survey 55 A-513
Methodist Episcopal Church of Mount Salem Cemetery: Book 52, page 150-
152, Travis County Deed Records
Norwood Plot: Vol. 305, page 503 Travis County Deed Records

**Methodist Episcopal Church of Mount
Salem Cemetery**
Travis County

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS

Dana DeBeauvoir

08-11-1999 10:23 AM 1999085071

WILLIAMS \$13.00

Dana DeBeauvoir, COUNTY CLERK
TRAVIS COUNTY, TEXAS

Return:

8/11/99

THOMAS MACK MADISON

P.O. Box 150365

AUSTIN, TEXAS 78715-0365

I, Dana DeBeauvoir, County Clerk, Travis County,
Texas, do hereby certify that this is a true and
correct copy as same appears of record in my office.
Witness my hand and seal of office on 8/11/99



Dana DeBeauvoir, County Clerk
By Deputy: *B Williams*
B Williams

.....
You may send your written comments to the Zoning & Platting Commission Assistant, Neighborhood Planning & Zoning Department, P. O. Box 1088, Austin, TX 78767-8835.

File # C814-96-0003-AB

Zoning & Platting Commission Hearing Date: February 25, 2003

Name (please print) Richard & Sherry Pyle

☒ I am in favor
(Estoy de acuerdo)

Address 1509 Payton Falls Dr (78754)

☐ I object
(No estoy de acuerdo)

You may send your written comments to the Zoning & Platting Commission Assistant, Neighborhood Planning & Zoning Department, P. O. Box 1088, Austin, TX 78767-8835.

File # C814-96-0003-AB

Zoning & Platting Commission Hearing Date: February 25, 2003

Name (please print) KIERSON CARRIAISON

☐ I am in favor
(Estoy de acuerdo)

Address 1413 MUSSEY ST. AUSTIN, TX. 78754

☒ I object!!!!
(No estoy de acuerdo)!!!

March 3, 2003

Zoning and Platting Commission Assistant
Neighborhood Planning & Zoning Department
P.O. Box 1088
Austin, TX 78767-8835

Re: File # C814-96-0003-AB

To Whom It May Concern:

I was out of the country when the hearing was held regarding the above file, which refers to a change in zoning for "1500 acres located on Gregg Lane, Cameron Road, Dessau Road, and approximately 2000 feet to the west of Cameron Road, excluding the Samsung property". Since I just purchased a new home in the Pioneer Estates sub-division, I would most definitely NOT be in favor of such a zoning change because large or complex developments, which sounds to me like apartment and condo buildings would most likely decrease the value of my property. In addition, I purchased a new home in that area due to the relative lack of development near there and its proximity to the Pioneer Farms preserve area.

. Please show me on your records as being opposed to this change in zoning.

Thank you for the opportunity to comment about this proposed change in zoning, and I would be interested in knowing the outcome of this proposal.

Sincerely Yours,



Richard Hoeth
1636 Payton Falls Drive
Austin, Texas 78754
Home Phone: 339-8319

MEMORANDUM

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

FROM: Dora Anguiano, Zoning and Platting Commission Coordinator
Neighborhood Planning and Zoning Department

DATE: April 7, 2003

SUBJECT: Zoning and Platting Commission Summary

Attached is a Zoning and Platting Commission summary, which will be forwarded to the City Council.

CASE # C814-96-0003

4. C814-96-0003 – AMERICAN REALTY, TRUST, INC. (Michael E. Bogel), ART COLLECTIONS, INC. (Bruce Edendyk), ANDERSON DEVELOPMENT CORP. (Jennifer Byrd), PRIME STRATEGIES, INC. (Ralph Reed), By: Planned Environments Inc. (Jim Vater), Henry Gilmore, Approximately 1500 acres located on Gregg Lane, Cameron Road, Dessau Road and approximately 2000-feet to the west of Cameron Road, excluding the Samsung Property. (Walnut Creek). **FROM I-RR-PUD TO PUD. RECOMMENDED WITH CONDITIONS.** City Staff: Annick Beaudet, 974-2975. **POSTPONED FROM 2-25 (ZAP), 3-4 (NEIGHBORHOOD), 3-11 (APPLICANT).**

SUMMARY

Commissioner Baker – “Why is this a discussion item? Is there someone in opposition?”

A gentleman stood up stating that he was in opposition.

Commissioner Baker – “You’re in opposition sir, to the change in zoning from Interim RR PUD to Planned Unit Development?”

[Inaudible]

Commissioner Baker – “Can we have a presentation please?”

Annick Beaudet, staff – “This is a PUD amendment; the original PUD was approved in 1996. This amendment is to revise 236-acres of the original, approximate 1,410-acres. The provision also includes the addition of approximately 138-acres. So the total area revision of this PUD; the original, plus the new land, is 374-acres. Staff recommends this amendment with conditions; and the applicant agrees with the staff recommendation. The conditions in summary are: The amendment area assures a mix of residential development including single-family and multi-family; it assures land dedication for parkland, open space and greenways; it also assures land dedication for a new fire and EMS Station within the original boundaries of the PUD. It will also require Green Building Standards for the entire acreage of the PUD for residential and commercial development. There will be language for the new area pertaining to Urban Design elements. Integrated Pest Management Plan would be required for the entire area, as well as a Turf Management Plan for the golf area, which is majority or a good part of the revised area. Last, they are going to dedicate right-of-way for Gregg Howard Lane at the sooner of notification of final alignment of that roadway or at final subdivision of the area adjacent to the roadway. The overall traffic in the TIA for the approved area is decreasing. I’d like to make one correction to my staff report, in the Land Use section, I stated that the overall residential density will increase by 1,035 units; the actual number is 800 units because of recent agreements to dedicate more parkland. The area that is dedicated as parkland was originally designated as a residential area”.

Commissioner Pinnelli – “Is the applicant agreeable to the 800?”

Ms. Beaudet – “Yes”.

Commissioner Baker – “And the applicant concurs with the staff’s recommendation?”

Ms. Beaudet – “Yes”.

Commissioner Baker – “Before the applicant comes up; could we hear from the gentleman who wishes to speak that way it might make this a little shorter”.

OPPOSITION

Jack Gullahorn, President of Great Neighborhood Association – “I am not here to speak in opposition, as much as I am to present to you some things that are very important to our neighborhood, which I hope you’ll keep on your radar screen as you consider this application. Our neighborhood is facing considerable construction pressure; we’re in the desired development zone of the city. We got a two-lane county residential road, which is Gregg Lane. Our road is scheduled to become at some point, Howard Lane extension. The concerns of our neighborhood are not the use of the property; as it is the traffic infrastructure. I was here about 1-year ago and talked to you about the problems that we were facing because of Harris Branch; and because of the action that you took as a commission more than 1-year ago, you saved Howard Lane as a major east/west artery for the City of Austin. I think that it’s very important that you understand the pressures that are out. Today, I’m here with limited priorities. We have been working with the developers and staff. Let me tell you, there’s a lot of difference between this and a previous project that I worked on. The developers have been very interested in this; and staff has bent over backwards in looking at it; but, from our stand point we believe there are three things that are critical. First, when you’re granting PUD approval, what is superior development? I believe that staff has done a good job at qualifying superior development for this project. We ask that you hold them to that, we ask that you help us define that because Superior Development is often in the eyes of the beholder. It is critical that when you’re dealing with projects like this, that that be something that gives us a real opportunity to have a project that is going to be built better than it would have been built otherwise. So the key elements that the staff put in here are very important. Secondly, the transportation infrastructure is critical; the developer has agreed to dedicate the right-of-way for the expansion of Howard Lane at the time that the County comes forward. We would also ask you to consider, if possible, to work with the developers and to require that at the time the county comes in to build that road, then to post fiscal; not now, but when that road is built, which is probably somewhere between 2005 and 2007”. “Finally, construction limitations; our road is a two-lane road and if construction is going to enter the Gregg Lane side of that property, for construction staging or for development with heavy construction equipment, it’s going to be a nightmare. We’re already facing between 15 and 25 thousand trips per day extra, along our two-lane road. Until it’s a four-lane road, if you can’t limit construction access, that at least you limit it to the number of cuts and I would suggest one on Gregg Lane; and to limit construction traffic on Gregg Lane”.

Commissioner Hammond – “What do you want the fiscal posted for?”

Mr. Gullahorn – “The problem that we have is trying to figure out how to get the money to pay for Howard Lane. I’m told that the county is going to ask the developers along Howard Lane, as they are developing, to post fiscal and help pay for their half Howard Lane as it comes up. So we’re trying to assist them in that; we’re working with the county and with the city”.

Commissioner Cortez – “It’s eventually going to tie into Texas 130, is that right?”

Ms. Gullahorn – “That’s what we’re working on right now. This would eventually tie into 290; it’s going to cross 130...that’s what we’re working on right now”.

Commissioner Cortez – “Why would you want to get on 130?”

Mr. Gullahorn – “There are a few east/west corners; from our stand point, this has been in the CAMPO Plan for a long time. This is going to be one of the major east/west arteries. Parmer Lane is already there; it is primarily residential and commercial”. “The cut needs to be made on 130 because if it’s not, that traffic is going to come off either at Cameron Road or at Parmer Lane; and it’s going to detour down to Gregg Lane or Howard Lane”.

Commissioner Baker – “Will you need to subdivide?”

Henry Gilmore, applicant – “We will eventually need a subdivision at the final plat”.

Commissioner Baker – “At that time, right-of-way, posting of fiscal and everything would be required?”

Mr. Gilmore – “That’s the normal rule”.

Commissioner Baker – “I understand, I just wanted to clarify something”.

Mr. Gilmore – “This is a 1400-acre PUD in northeast Austin in the city’s desired development zone that was unanimously approved by City Council back in 1997 and was supported by 8 neighborhood associations. All we’re doing with this amendment is adding about 137-acres, to add a golf course to this PUD and to add some additional residential development. By adding a golf course, we’re actually eliminating about 70,000 square feet of commercial and industrial space that was already approved; and about 30,000 trips per day”. “Our development is superior to the ordinances that you could build under normal; for example, we have two traditional or urban village town centers incorporated into our project, that was in 1997, three years before the city adopted its own traditional neighborhood design regulations. We have a PUD wide hike and bike trail network; we exceed the parkland requirement by 18% and adding a new 7-acre parkland site to the amendment area. We’ve agreed to establish buffer zones in the amendment area for drainage ways or waterways that drain 64-acres or greater. Those waterways are 5 times smaller than what the ordinance currently requires. We’ve agreed

to the Green Builder Program for the entire PUD for commercial and residential. We've agreed to IPM Plan for the entire PUD. And our golf course has also been design to minimize impact on repairing woodlands. It'll have at least 9 constructive wetlands and it'll have a turf grass management plan that will produce water quality and environmental benefits superior to the current code. As far as Howard Lane is concern, we did get a chance to meet with Mr. Gullahorn. We have no problem with Howard Lane/Gregg Lane, unlike some of the other cases you've seen before you in the past year. We just don't want to have to commit to it prematurely. We have agreed in language that we have worked out with staff, to dedicate the right-of-way upon the earlier of the time that we're ready to final plat it or when there's a final alignment and the design is set for Howard Lane. This thing could move, depending upon environmental conditions. We don't want to be locked in dedicating right-of-way; and then have to turn around and undedicated it, if the road moves. We have worked out that language with staff, and we're not in opposition to Howard/Gregg Lane in any way. We're actually reducing trips per day with this amendment".

FAVOR

Thomas Madison – Spoke in favor. "I want to make the community and the developers aware that there is a cemetery. It has been designated as an official historical cemetery and right now it does not have a public access. I'm looking into getting public access and well as protection for this cemetery".

Commissioner Whaley – "Where is the cemetery in relation to the PUD?"

Commissioner Baker – "It's right at the tip, see the little square? (Showing it on the map)".

Mr. Madison – "According to the map that was sent to me, the cemetery abuts the property that they want to develop on".

Commissioner Cortez – "You said that there isn't an access for that cemetery now?"

Mr. Madison – "There's a road that no one wants to identify or own; the city shift it off tot he county and the county shift it off to the city. That only goes half way from Cameron Road to the cemetery. So we use Mr. Morrison's property to access the cemetery".

Commissioner Baker – "Is this still an active cemetery?"

Mr. Madison – "Yes".

Commissioner Baker – "By the action of this applicant, his action is not necessarily land locking your property, is it?"

Mr. Madison – "I don't know".

Commissioner Baker – "You have the church that also comes down to his property; is the cemetery next to the church?"

Mr. Madison – "The church and the cemetery were joint; the church burnt down in the late 50's".

Commissioner Baker – "Mr. Gillmore, can you help us out with the cemetery?"

Mr. Gillmore – "As far as we know, that is not on our property. It may be abutting us, but we've done Phase Ones on the entire property and we're aware of where there are cemetery issues. As far as we know, that is not on our property".

Commissioner Baker – "I realize that, my question is, can you provide access some way?"

Commissioner Jackson – "It would require a bridge and some kind of road through the park and bridging Walnut Creek".

Commissioner Baker – "So it's adjacent to the park land?"

Commissioner Jackson – "Yes".

Commissioner Baker – "Mr. Madison, I would respectfully suggest that you contact the Parks Department".

Commissioner Jackson – "What's the problem with access on Criswell Road?"

Commissioner Baker – "It doesn't go to Criswell Road, they no longer own that; that burnt, so this is all they have left (showing on the map)".

Commissioner Jackson – "Well, if that's the case, if the church doesn't own this and this is the land that the applicant owns, it doesn't even abut the applicant's land".

Commissioner Baker – "Mr. Madison, when you come down to the point on the map there (speaking of the map before the commission); the cemetery is where? Where is the church owned property? The church that burned?"

Mr. Madison – Showed the commission on the point.

Commissioner Baker – "Why isn't there access to Criswell Road? The church fronts that property, abuts Criswell Road. If the church still owns that property, why wouldn't there be access there, sir?"

Mr. Madison – "Well, because I believe, I don't have any documentation on it, that before in the old days, if you crossed the bridge in Onion Creek and go for about 1,000-

feet, there's a gate. The use to go in that gate up to the cemetery. Well what happened in 1950, that access was no longer available, so they started using Criswell Road and then they got permission from the Morris Family to go ahead and cross their property".

Commissioner Jackson – "Can the cemetery be access via Criswell Road?"

Mr. Madison – "Criswell Road doesn't go all the way to the cemetery".

Commissioner Baker – "It goes to the property, according to our map".

Mr. Madison – "If you check with the county and city, they will not do anything to that road beyond a certain distance from Cameron Road".

Commissioner Cortez – "So the road terminates before it gets to the cemetery?"

Mr. Madison – "That's right".

Commissioner Baker – "Look at A4-29 in the back-up, that's what I'm looking at".

REBUTAL

Mr. Gilmore – "The only other thing I can add on Mr. Madison's comments; I'm told that access to that cemetery was actually addressed as part of the Morris Tract PUD. I'm not 100% sure of that, but that's what I'm told. In order for us to do it, we'd have to cross Williamson Creek, and that's about a 40' bluff there. It's not something that I believe the city would be in favor of having another bridge across Walnut Creek; but it is about a 40-foot drop off in height".

Commissioner Whaley and Jackson moved to close the public hearing.

Commissioner Cortez – "I'm just hesitant because I'm confused about the access to that historic site; especially if the cemetery is still in use. I was wondering if it's appropriate for us to postpone this a week so they can get it sorted out?"

Commissioner Baker – "This is the fourth time on the agenda. I would ask Mr. Gilmore if he has spoken to Mr. Madison prior to this evening?"

Mr. Gilmore – "No, I have not".

Commissioner Baker – "So you were not aware of this issue?"

Mr. Gilmore – "No".

Commissioner Baker – "Would a two-week postponement, in any way impede the process of your case so that you could look into it?"

Mr. Gilmore – “We’ve been in this process for over 12-months now and we’re very anxious to get out of the process. If that’s the only way we can get a recommendation, then obviously we’ll support a postponement; but it is something that we can look at between now and Council, to see if there’s actually already a solution for it”.

Commissioner Jackson – “I’d like to ask staff if anybody can lend or shed any light on the Criswell Road issue. Whether it’s a county road, a city road, what do we know about that? Or the other PUD?”

Mr. Beaudet – “It is in the original portion of the PUD; and we do not have any information if it’s city maintained; if it’s a public road; or if it’s a county road, not at this point”.

Commissioner Baker – “I’d like to suggestion a postponement to April 8th; and let staff try to address these issues. If someone would like to make that motion?”

Commissioner Cortez – “So move”.

Commissioner Gohil – “Second”.

Commissioner Baker – “I’m sorry, but I don’t think it’s fair to us tonight to respond to this without some additional information”.

Susan Villarreal, staff – “I would just like to offer that we could quickly go find out the issue of whether it’s a city or county road; and see if the right-of-way has been dedicated to this tract”.

Commissioner Baker – “How quickly?”

Ms. Villarreal – “About 15 minutes”.

Commissioner Jackson – “Could you find the Morris PUD too, and see if it’s addressed in that?”

Ms. Villarreal – “I could certainly try”.

Commissioner Baker – “Then could we have a motion to table, please?”

Commissioner Whaley – “I’d like to make a substitute motion to table”.

Commissioner Jackson – “Second”.

Aye! (8-0)

[Item Tabled.]

Annick Beaudet, staff – "Access to the cemetery is provided by another project called Pioneer Hill, which has not yet come to this commission. It's a traditional neighborhood design project. The case manager is Sherri Gager. I pulled the plans to date for that project, and they are providing an extension to Criswell Road, which will also have access off the extension of Criswell Road to the cemetery and the church site". "Criswell Lane is going to be continued through this Pioneer Hill Project. It has gone to the Environmental Board; it has not yet come to this commission or approved by Council. We suggested to the gentleman that he follow up with Ms. Gager on this case because it is not final until the case is finalized by Council".

Commissioner Baker – "Mr. Madison is very tenacious, he'll follow up. Okay commissioners, what is your pleasure on item #4?"

Motion

Susan Villarreal, staff – "There really isn't any frontage, they hit at an angle. The right-of-way is not dedicated all the way to the cemetery tract; but it's shown on some of the maps".

Commissioner Baker – "After this other subdivision there will be access to the church site and cemetery?"

Mrs. Villarreal – "Correct".

Commissioner Jackson – "I make a motion to approve the PUD zoning with staff recommendations, with the additional recommendation that the right-of-way for Howard Lane be dedicated at the earlier of platting or upon commencement of construction or prior to actual construction of Howard Lane".

Commissioner Whaley – "I'll second that".

Commissioner Baker – "I'll comment that dedication of park land and the dedication for the right-of-way would have to occur prior to the finalization of zoning".

Commissioner Jackson – "That's part of staff recommendation?"

Commissioner Baker – "Yes".

Commissioner Jackson – "Okay".

Commissioner Baker – "So you don't need that additional condition".

Commissioner Jackson – "Well, Howard Lane, that covers Greg Howard Lane?"

Commissioner Baker – "Yes".

Commissioner Jackson – "Okay".

Commissioner Baker – “I think the staff recommendation is what you’re saying”.

Commissioner Jackson – “Okay”.

Commissioner Baker – “We have a motion and a second on A4 for staff recommendation. All in favor say aye”.

Aye.

COMMISSION ACTION:
MOTION:

JACKSON, WHALEY
APPROVED STAFF’S
RECOMMENDATION OF PUD
ZONING.

AYES:

PINNELLI, CORTEZ, GOHIL, BAKER,
JACKSON, WHALEY, DONISI,
HAMMOND

ABSENT:

MARTINEZ

MOTION CARRIED WITH VOTE: 8-0.