Zoning CITY OF AUSTIN RECOMMENDATION FOR COUNCIL ACTION

AGENDA ITEM NO.: Z-14 AGENDA DATE: Thu 11/04/2004 PAGE: 1 of 1

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

REQUESTING

Neighborhood Planning

DIRECTOR'S

DEPARTMENT: and Zoning

AUTHORIZATION: Greg Guernsey

RCA Scrial#: 6963 Date: 11/04/04 Original: Yes

Published:

Disposition:

Adjusted version published:



MEMORANDUM

TO:

Will Wynn, Mayor and Members of the

City Council

FROM: A

Alice Glasco

Director, Neighborhood Planning and Zoning Department

DATE: October 21, 2004

RE:

C814-99-0001.03 Postponement Request

The Neighborhood Planning and Zoning Department would like to request a postponement of the above mentioned case until November 18, 2004. The staff is requesting a two-week postponement of this case so that a related amendment to the Avery Ranch PUD restrictive covenant can be heard in conjunction with this case.

The postponement request was made in a timely manner and meets the City Council's policy.

ZONING CHANGE REVIEW SHEET

<u>CASE</u>: C814-99-0001.03 <u>Z.A.P. DATE</u>: August 3, 2004

ADDRESS: Avery Ranch Boulevard at Parmer Lane

OWNER/APPLICANT: Developers of Avery Ranch AGENT: Pebble Creek Joint Venture

(Robert D. Wunsch) (E.R. Rathgeber)

ZONING FROM: PUD **TO:** PUD **AREA:** 1629.78 acres

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

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

SUMMARY STAFF RECOMMENDATION:

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

ZONING AND PLATTING COMMISSION RECOMMENDATION:

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

DEPARTMENT COMMENTS:

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

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

new location within Tract 1-A. This request has been made because of the final roadway alignments within Tract 1-A of the PUD.

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

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

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

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

The applicant agrees with the staff's recommendation.

EXISTING ZONING AND LAND USES:

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

AREA STUDY: N/A TIA: Not required

WATERSHED: Brushy Creek DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No HILL COUNTRY ROADWAY: No

Page 3 C814-99-0001.03

NEIGHBORHOOD ORGANIZATIONS:

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

985 - Davis Springs HOA

CASE HISTORIES:

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

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

ABUTTING STREETS:

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

CITY COUNCIL DATE: November 4, 2004

ACTION:

ORDINANCE READINGS: 1st

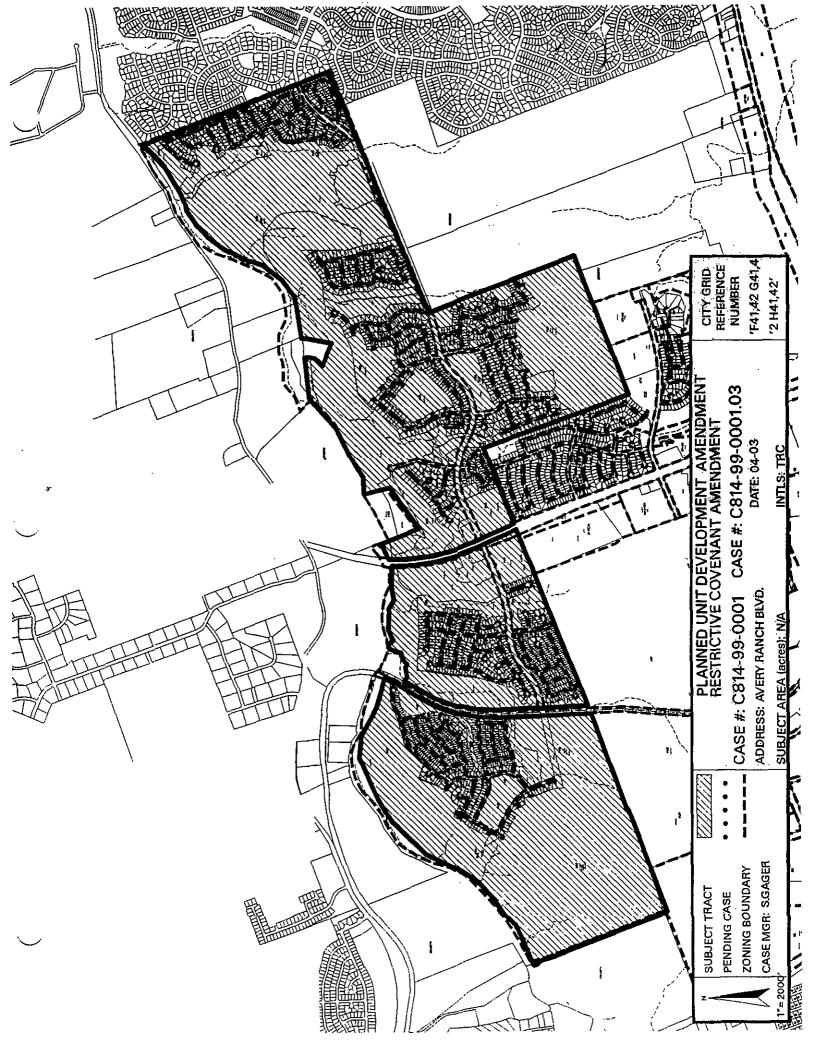
2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Sherri Gager

PHONE: 974-3057







STAFF RECOMMENDATION

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

BACKGROUND

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

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

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

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

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

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

The applicant agrees with the staff's recommendation.

BASIS FOR RECOMMENDATION

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

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

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

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

EXISTING CONDITIONS

Site Characteristics

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

Impervious Cover

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

Environmental

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

Transportation

No additional right-of-way is needed.

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

Existing Street Characteristics:

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

Water Quality

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

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

Stormwater Detention

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

Parks and Recreation

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

Compatibility Standards

No comments.



March 29, 2004

VIA HAND DELIVERY

Ms. Sherri Gager. Case Manager Development Review & Inspection Department City of Austin 505 Barton Springs Road, Suite 250 Austin, TX 78759

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

Dear Ms. Gager:

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

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

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Enclosure

cc: Avery Ranch Owners Committe

Attachment B PARKS & TRAILS PLAN Y RANCH USE PLAN Ų În EXHIBIT HOPEN SPACE, I AVERY I LAND USE 11 Police Conditions of a series with Alpha Series 1900s Tropies Affect, Clean First is Trusteen To be sell for Others -415-駒野 ij A E þ ٠.٠ 1 **** 湖山 提供 湖南 S. S. S. S.

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MEMORANDUM

TO:

Sherri Gager, Case Manager

NPZD

FROM:

Sarah Campbell

Parks and Recreation Department

DATE:

July 29, 2004

SUBJECT: Avery Ranch PUD Amendment

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

- □ Proposed amendments to Exhibit "H" of the Avery Ranch PUD Ordinance include moving one future neighborhood park location from parcel III-D to parcel I-C. Both locations are on the south side of Avery Ranch Boulevard. The current location is on the east side of Parmer Lane, and the proposed location is on the west side of Parmer Lane.
- □ Proposed amendments to Part 10 of the Avery Ranch PUD Ordinance clarify that the 37.5 acres that are required to be dedicated to the City for parkland may first be conveyed to a non-profit, third party trustee (approved by PARD), for purposes of facilitating grant applications, as long as the conveyance requires re-conveyance to the City or to another City-approved governmental entity for public park use no later than January 1, 2006.

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

Sarah Campbell, Senior Planner Parks and Recreation Department



August 2, 2004

VIA FACSIMILE & HAND DELIVERY

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

RE: Avery Ranch PUD Amendment No.3 (C814-99-0001.03)

Avery Ranch Restrictive Covenant Amendment (C814-99-0001RCA)

Dear Ms. Gager:

Pursuant to the Section 25-1-152, of the Land Development Code, we hereby request a postponement of the above referenced cases. We would like to postpone the cases until the September 21, 2004 meeting. The additional time will allow us to present the proposed amendments at the annual Avery Ranch Homeowners meeting, which is scheduled for August 25, 2004.

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

Theresa Canchola

ce: Robert D. Wunsch, via email Tommy Tucker, vial email

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

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

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

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

for Clean Change

San opposed to this doveloper Co. because of the damages of the Land in piling up hills of rocks and dirtail totally redoing the Gland at Avery Rond Brid wast. Dust has book blowing in the weeks now. Mary Bowen
10817 Quarry

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	File # C814-99-0001.03 SG Zoning & Platting Commission Ho	earing l	Date: August 3, 2004
ر	Name (please print) JOHN W MARTINS		I am in favor
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ł	Name (please print) Stephanie Scott		I am in favor
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	Department, PO Box 1088, Austin, TX 78767-8835.		•
	File # C814-99-0001.03 SG Zoning & Platting Commission He	aring T	Pate: August 3, 2004
	Name (please print) Diana Cantu		I am in favor
	Address 16308 Double Eagle Dr Auson 78717		(Estoy de acuerdo) I object
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	on verbal description on back of p	latt	-
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	Name (please print) James of Mary Whittenton		am in favor
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	Address 14609 Ballimamore Dr.		No estoy de acuerdo)
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Name (please print) JEFFREY J. PROULX	☐ I am in favor
Address 16009 Double Eagle Dr. Austin, TX. 787	(Estoy de acuerdo) I object
Address 16009 Double Eagle Dr. Austin, TX. 787 Definitely not in favor of conveyance of park trustee or City of Austin.	
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top of the page when you can. See enclosed sheet for more information on passes named and a see a sea	
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Name (please print)O. PIGNAULT	
Address 166-16 Barband Cv Avery Ranch Austin, TX 78717	(Estoy de acuerdo) I object (No estoy de acuerdo)
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You may send your written comments to the Zoning & Platting Commission Assistant, Neighbor Department, PO Box 1088, Austin, TX 78767-8835.	rhood Planning & Zoning
File # C814-99-0001.03 SG Zoning & Platting Commission Hearing	Date: August 3, 2004
Name (please print) Tanner + Ton: Rundall [I am in favor
Address 16608 Brayton Park Dr.	, (Estoy de acuerdo) I object (No estoy de acuerdo)
Austin, TX 78717	, , , , , , , , , , , , , , , , , , , ,

You may send your written comments to the Zoning & Platting Commission Assistant Department, PO Box 1088, Austin, TX 78767-8835.	t, Neighborhood Planning & Zoning
File # C814-99-0001.03 SG Zoning & Platting Commission	Hearing Date: August 3, 2004
Name (please print) SUSAN & DALLAS HART	☐ I am in favor
Address 16624 Barrhead Cove.	(Estoy de acuerdo) I object
1	(No estoy de acuerdo)
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You may send your written comments to the Zoning & Platting Commission Assistant, N. Department, PO Box 1088, Austin, TX 78767-8835.	·
File # C814-99-0001.03 SG Zoning & Platting Commission H	
Name (please print) Carlos + Kari Cruz	☐ I am in favor
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Austin , T+ 78717	(No estoy de acuerdo)
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File # C814-99-0001.03 SG Zoning & Platting Commission II	learing Date: August 3, 2007
Name (please print) KEVIN FORT	☐ I am in favor (Estoy de acuerdo)
Address 16612 ENNIS TRAIL AUSIN TX	I object (No estoy de acuerdo)
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File # C814-99-0001.03 SG Zoning & Platting Commission	·
Name (please print) WENDY CUTUER	☐ I am in favor
Address 16604 BRAYTON PARK DRIVE	(Estoy de acuerdo) I object
NICHILL AV SKOID	
AUSTIN, TX 78717	(No estoy de acuerdo)

Name (please print) NA+hA Address 16600 EMis Acotin Tx	n GAMA TRAIL	ing Commission	Hearing	Date: August 3, 2004 I am in favor (Estoy de acuerdo) I object (No estoy de acuerdo)
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File # C814-99-0001.03 SG	Zoning & Platti	ng Commission H	earing I	Date: August 3, 2004
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