



Zoning
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION

AGENDA ITEM NO.: Z-20
AGENDA DATE: Thu 01/12/2006
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: <u>Greg Guernsey</u>

ZONING CHANGE REVIEW SHEET

CASE: C814-99-0001.03

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

ADDRESS: Avery Ranch Boulevard at Parmer Lane

OWNER/APPLICANT: Developers of Avery Ranch
(Robert D. Wunsch)

AGENT: Pebble Creek Joint Venture
(E.R. Rathgeber)

ZONING FROM: PUD

TO: PUD

AREA: 1629.78 acres

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

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

SUMMARY STAFF RECOMMENDATION:

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

ZONING AND PLATTING COMMISSION RECOMMENDATION:

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

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 re-conveyance 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 (PARC Memo-Attachment C).

The applicant agrees with the staff's recommendation.

EXISTING ZONING AND LAND USES:

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

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

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

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

CITY COUNCIL DATE: November 4, 2004

ACTION: Postponed to 11/18/04 by staff
(7-0)

November 18, 2004

ACTION: Postponed to 1/27/05 by staff
(7-0)

January 27, 2005

ACTION: Postponed to 3/03/05 at staff's
request (6-0, Dunkerley-absent)

March 3, 2005

ACTION: Postponed to 5/12/05 by staff
(7-0)

May 12, 2005

ACTION: Postponed indefinitely by the
applicant (7-0)

December 15, 2005

ACTION: Postponed to 1/12/06 at the
staff's request (7-0)

January 12, 2006

ACTION:

ORDINANCE READINGS: 1st

2nd

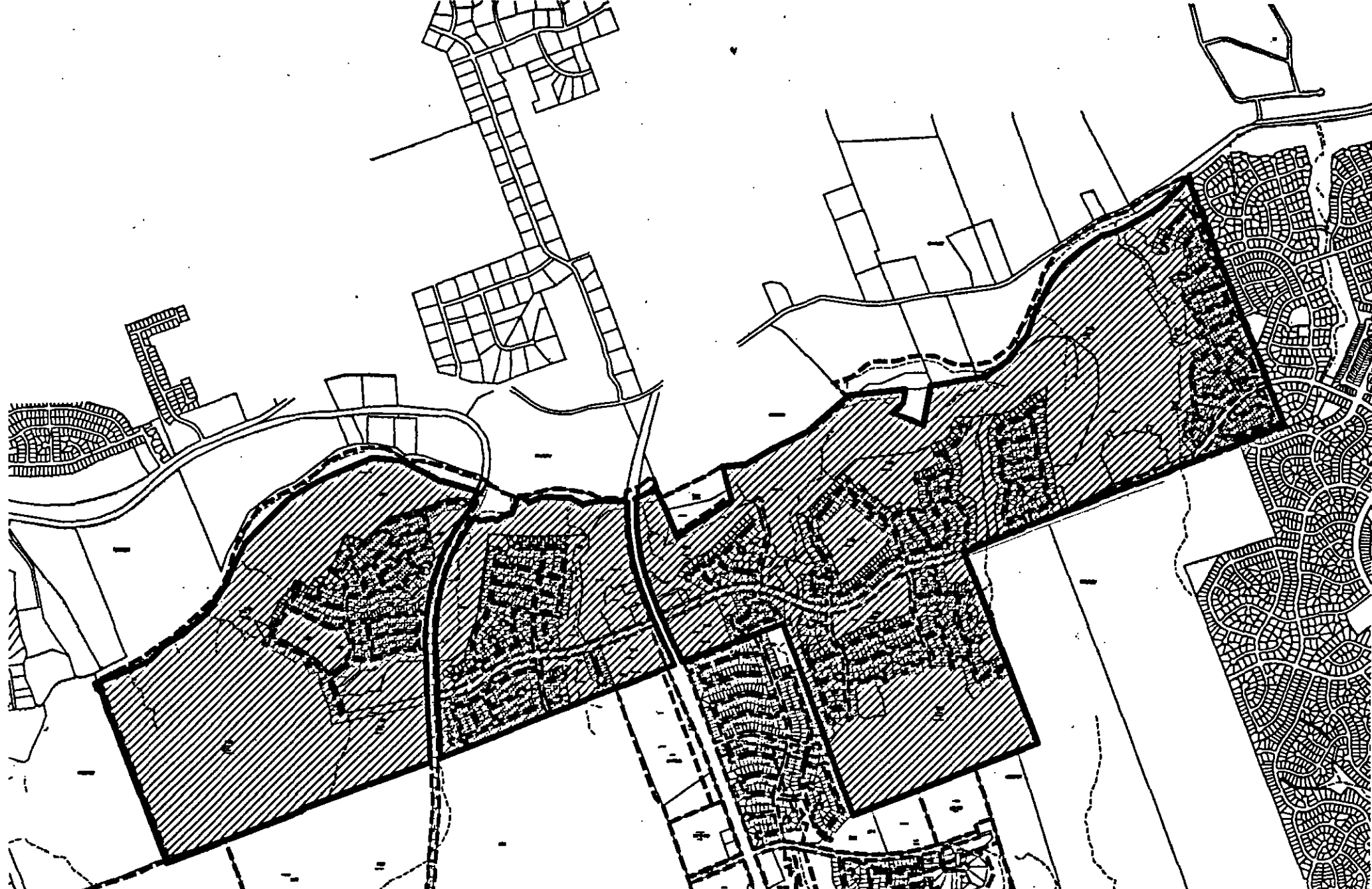
3rd



ORDINANCE NUMBER:

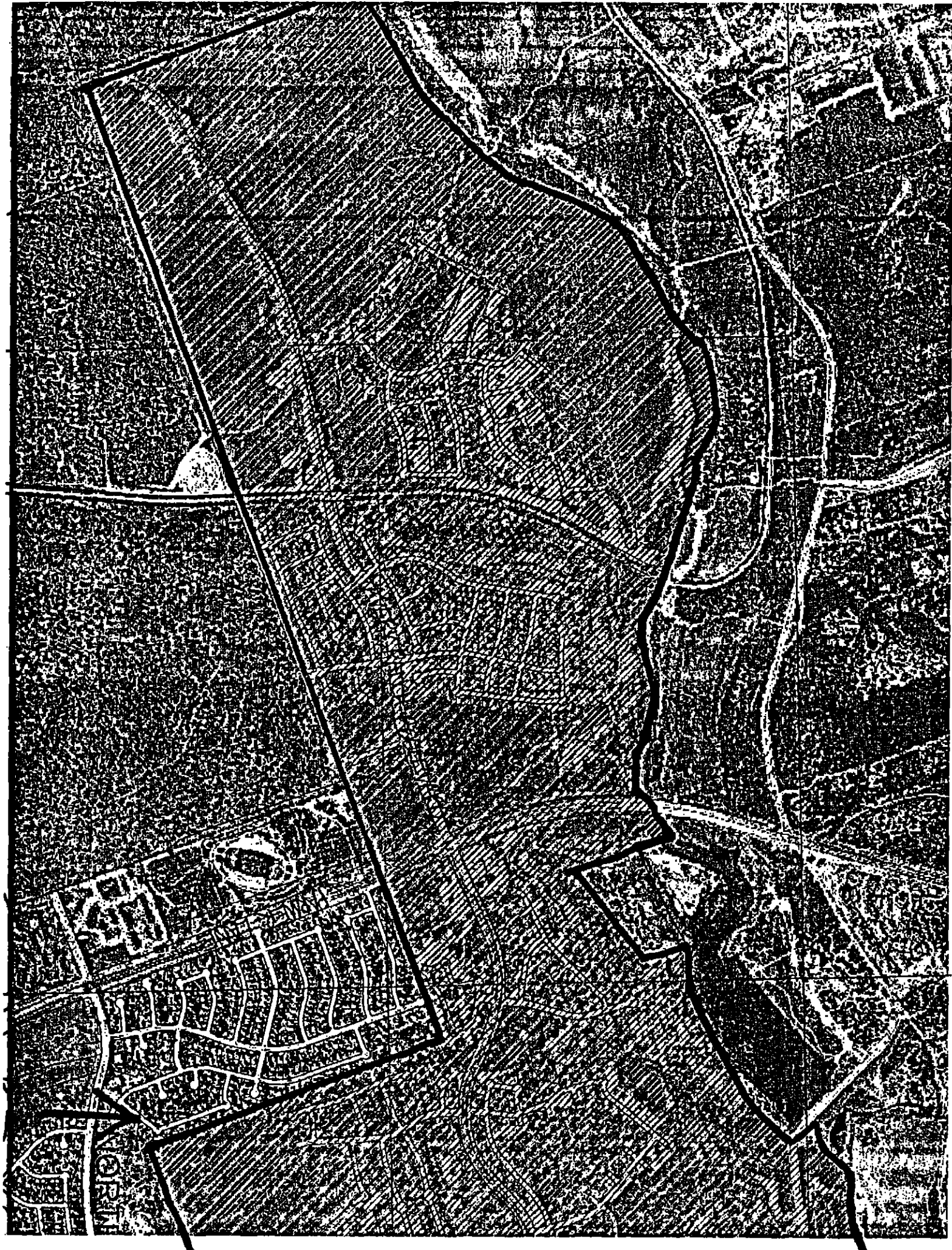
CASE MANAGER: Sherri Sirwaitis

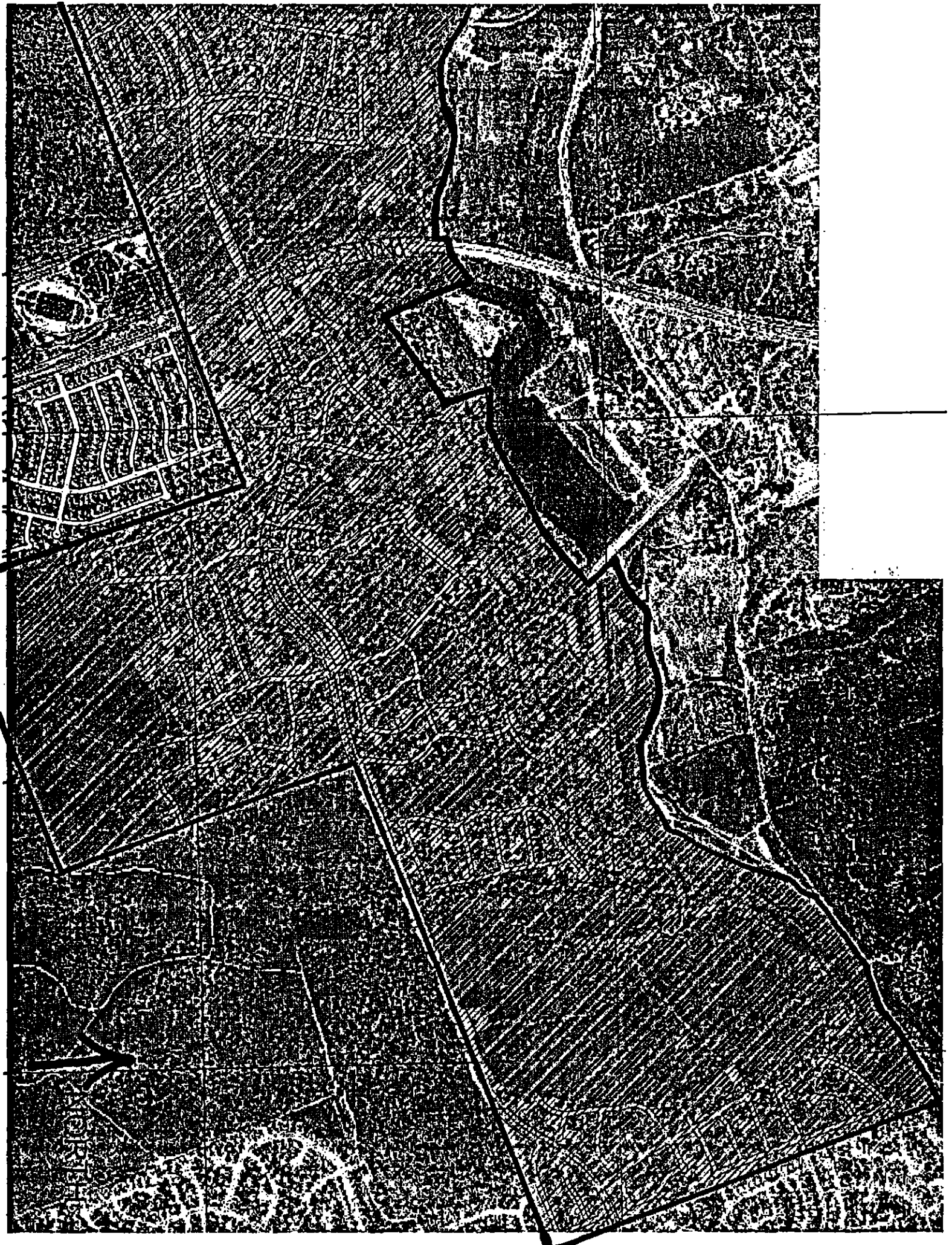
PHONE: 974-3057

sherri.sirwaitis@ci.austin.tx.us



 1" = 2000'	SUBJECT TRACT		PLANNED UNIT DEVELOPMENT AMENDMENT		CITY GRID REFERENCE NUMBER '41,42 G41,4 '2 H41,42'
	PENDING CASE	RESTRICTIVE COVENANT AMENDMENT		
	ZONING BOUNDARY	-----	CASE #: C814-99-0001 CASE #: C814-99-0001.03		
	CASE MGR: SGAGER		ADDRESS: AVERY RANCH BLVD.		
			DATE: 04-03		
			SUBJECT AREA (acres): N/A		NTLS: TRC





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.

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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.

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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 re-conveyance of the land to the City of Austin or another City approved governmental entity by no later than January 1, 2006. The applicant and the City of Austin Parks and Recreation Department have agreed upon the proposed changes (PARD Memo-Attachment C).

The applicant agrees with the staff's recommendation.

BASIS FOR RECOMMENDATION

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

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

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

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

EXISTING CONDITIONS**Site Characteristics**

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

Impervious Cover

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

Environmental

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

Transportation

No additional right-of-way is needed.

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

Existing Street Characteristics:

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

Water Quality

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

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

Stormwater Detention

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

Parks and Recreation

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

Compatibility Standards

No comments.