

A U S T I N C I T Y C O U N C I L

AGENDA**Thursday, June 22, 2006** [Back](#)**Zoning Ordinances/Restrictive Covenants
RECOMMENDATION FOR COUNCIL ACTION**

Subject: C814-98-0001.02 - Life Time Fitness - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7101 South MoPac Expressway Northbound (Williamson Creek Watershed-Barton Springs Zone) from planned unit development (PUD) district zoning to planned unit development (PUD) district zoning to change a condition of zoning. This property, located in the Barton Springs Zone has been proposed for a zoning change that will (1) Modify the original conditions of zoning; and (2) Modify the application of Chapter 25-8, Article 12 (Save Our Springs Initiative). First reading approved on June 8, 2006. Vote: 7-0. Applicant: Lower Pasture, Ltd. (Carey P. Brownlee). Agent: Armburst and Brown, L.L.P. (Richard T. Suttle, Jr.) City Staff: Wendy Walsh, 974-7719.

Additional Backup Material

(click to open)

☐ [Staff Report](#)**For More Information: Wendy Walsh, 974-7719.**

SECOND / THIRD READINGS SUMMARY SHEET

ZONING CASE NUMBER: C814-98-0001.02

REQUEST:

Approve second / third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7101 South MoPac Expressway Northbound (Williamson Creek Watershed – Barton Springs Zone) from planned unit development (PUD) district zoning to planned unit development (PUD) district zoning. This property, located in the Barton Springs Zone, has been proposed for a zoning change that will: 1) Modify the original conditions of zoning, and 2) Modify the application of Chapter 25-8, Article 12 (Save Our Springs Initiative).

DEPARTMENT COMMENTS:

The Ordinance incorporates the conditions imposed by the City Council at First Reading.

OWNER/APPLICANT: Lower Pasture, Ltd. (Carey P. Brownlee)

AGENT: Armbrust & Brown, L.L.P. (Richard T. Suttle, Jr.)

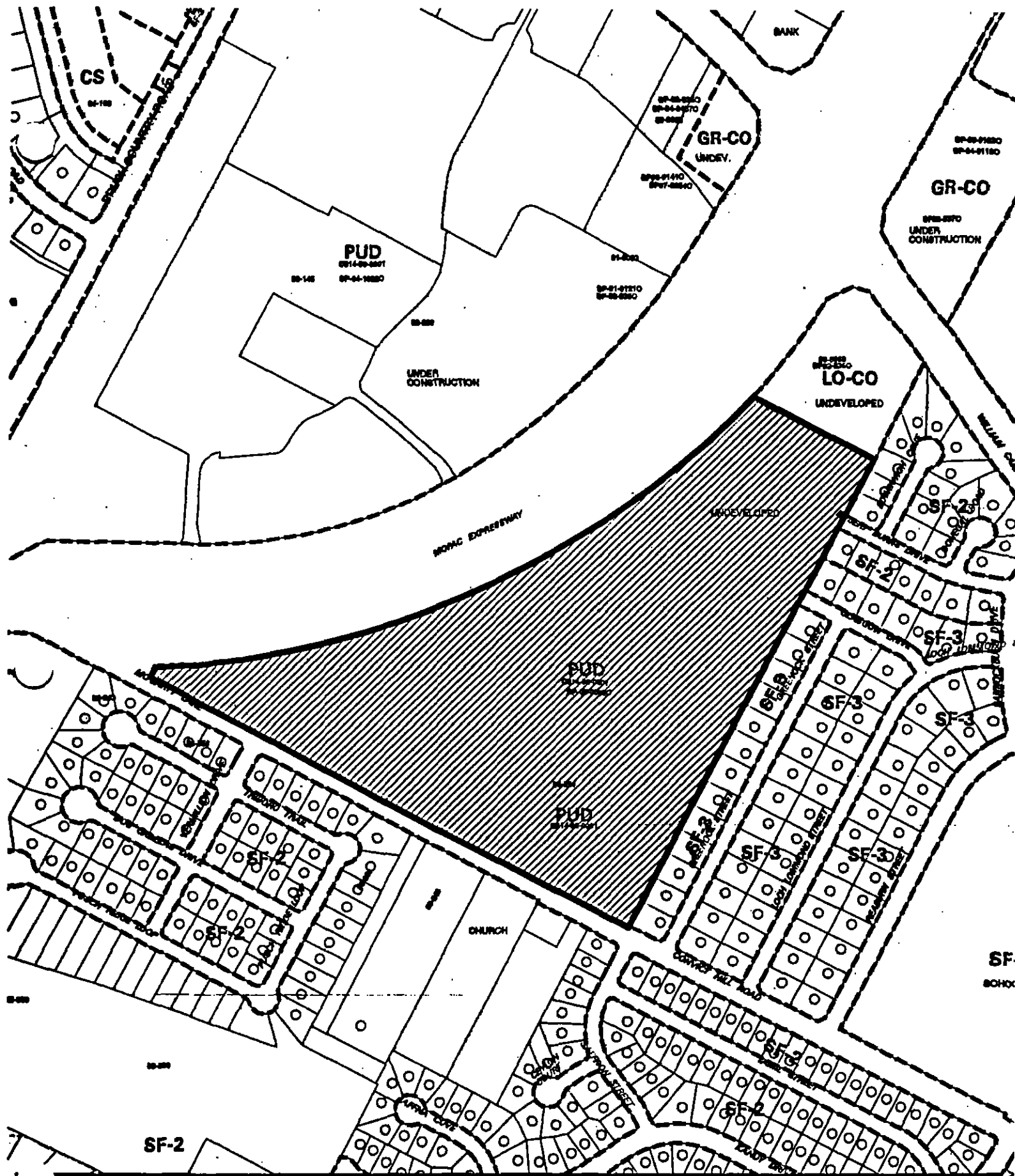
DATE OF FIRST READING: June 8, 2006, approved amendments to PUD district zoning as recommended by the Zoning and Platting Commission and the Environmental Board, on First Reading (7-0).

CITY COUNCIL HEARING DATE: June 22, 2006

CITY COUNCIL ACTION:

ORDINANCE NUMBER:

ASSIGNED STAFF: Wendy Walsh
e-mail: wendy.walsh@ci.austin.tx.us



SUBJECT TRACT
 PENDING CASE
 ZONING BOUNDARY
 CASE MGR: W. WALSH



PLANNED UNIT DEVELOPMENT
CASE #: C814-98-0001.02
ADDRESS: 7101 S MOPAC EXPY NB
SUBJECT AREA (acres): 37.540

DATE: 06-03
 INTLS: SM

**CITY GRID
 REFERENCE
 NUMBER**
 D18

1"=400'

ZONING CHANGE REVIEW SHEET

CASE: C814-98-0001.02

Z.P.C. DATE: April 18, 2006

ADDRESS: 7101 South MoPac Expressway Northbound

OWNER & APPLICANT: Lower Pasture, Ltd.
(Carey P. Brownlee)

AGENT: Armbrust & Brown, L.L.P.
(Richard T. Suttle, Jr.)

ZONING FROM: PUD

TO: PUD

AREA: 37.540 acres

SUMMARY STAFF RECOMMENDATION: The Staff recommendation is to grant the Applicant's requested amendments to planned unit development (PUD) district zoning for Tract III (Parcels F and J) of the Forum PUD relating to square footage for a personal improvement services use, allowing a hike and bike trail within the vegetative buffer along Convict Hill Road, and clarifying the language regarding drainage facilities. Conditions of the Staff recommendation include: reductions in impervious cover; increasing capture volume for water quality pond(s); adopting Landscape and Exterior Design / Heat Island Reduction techniques; adopting additional Green Building standards; providing an environmental compliance person on-site during construction; and, establishing a building envelope, as further described on Page 2 of the Staff report.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

April 18, 2006: *APPROVED STAFF'S RECOMMENDATION FOR PUD ZONING; BY CONSENT.*

[J. MARTINEZ, J. GOHIL 2ND] (9-0)

EXHIBITS AND ATTACHMENTS TO THE STAFF REPORT:

Exhibits A, A-1, A-2: Current Zoning Map, Aerial View and Vicinity Map

Exhibit B: Tract and Parcel Layout for the Forum PUD

Exhibit C: Proposed Site Plan

Exhibit D: Proposed Building Envelope Exhibit

Exhibit E: Landscape and Exterior Design / Heat Island Reduction techniques

Attachment A: Environmental Board Agenda Item, Staff Memorandum and Draft Minutes of March 30, 2006

Attachment B: Applicant's correspondence

ISSUES:

The Applicant has agreed to achieve a two-star Green Building standard in building construction and operation.

At their meeting on March 30, 2006, the Environmental Board voted 6-0-1 to recommend the proposed PUD consistent with the Staff recommendation. Please refer to Attachment A.

Letters of support from Westcreek Neighborhood Association, Western Oak Property Owners Association and Bannockburn Neighborhood Association are located at the back of the Staff report.

DEPARTMENT COMMENTS:

The subject property is undeveloped and comprises 37.540 acres with frontages on Convict Hill Road, and the northbound frontage road of MoPac Expressway. The property is zoned planned unit development (PUD) by way of a 1998 – 1999 rezoning application and represents a portion of the Forum Planned Unit Development. Please refer to Exhibits A, A-1 and A-2. The Applicant proposes amendments to the land uses and development standards approved for Tract III (consists of Parcels F and J) to accommodate the construction of a fitness center, to be known as Life Time Fitness. Access will be taken to the northbound frontage road of MoPac Expressway. As illustrated in Exhibits B, C and D, four amendments are proposed by the Applicant and summarized below:

- To allow the personal improvement services use on Parcels F and J;
- For Parcels F and J, a single occupant of a personal improvement services use may exceed the 100,000 square foot maximum size outlined in Note 38 by no more than 11,000 square feet. All other single occupant office or commercial users must comply with note 37 or 38 of the original Forum PUD.
- To allow a hike and bike trail (pedestrian connection) through the 50 foot wide vegetative buffer along Convict Hill Road; and
- Clarify the language regarding drainage facilities to allow for the construction of either one or separate facilities.

Staff from the Watershed Protection and Development Review and Neighborhood Planning and Zoning departments have worked with the Applicant to provide additional benefits in site development as support for the proposed amendments:

- Reduces impervious cover by 6.2% (0.5 acres) from 10.02 acres to 9.52 acres;
- Increases the capture volume for water quality pond(s) by 25% over what the Land Development Code requires (from 1.06 inches to 1.33 inches);
- Adopts the Landscape and Exterior Design / Heat Island Reduction requirements consistent with that approved for Southwest Marketplace (Costco – Forum PUD, Tract 2); Available shading options include: additional plantings and using light colored materials on non-roof impervious surfaces. Available heat island reduction options include using energy efficient or vegetated roofing materials, and conducting a life cycle cost analysis for the use of concrete for all non-pervious paved parking and roadway surfaces; (Please refer to Exhibit E)
- Adopts the Exterior Light Pollution Reduction techniques consistent with that approved for Southwest Marketplace (Costco – Forum PUD, Tract 2). These

techniques involve design and implementation of interior and exterior lighting so that no direct-beam illumination leaves the building site;

- Provide a minimum of 16 points within a one-star rating of Austin Energy's Green Building program;
- Provides an Environmental Compliance person on-site during construction; and
- Development of Parcels F and J is confined to the area identified in Exhibit D. Administrative revisions to this building envelope which attempt to add a structure outside of the building area are not allowed.

The Applicant has provided additional information to City transportation review staff showing that the proposed modifications to the PUD result in a decrease in traffic (122 unadjusted trips per day) compared with the previous Traffic Impact Analysis addendum prepared in September 2003.

Following a series of discussions with the Applicant and with their subsequent amendments to the PUD application, the Watershed Protection and Development Review Department and the Neighborhood Planning and Zoning Department support the PUD application. The current PUD proposal provides environmental benefits of reduced impervious cover, greater water quality capture volume, reduced light pollution; enhanced shading, heat island reduction and Green Building Standards, compared with the existing PUD approval.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	PUD	Undeveloped
<i>North</i>	LO-CO	Undeveloped
<i>South</i>	SF-2	Single family residences; Church
<i>East</i>	SF-3	Single family residences
<i>West</i>	N/A; PUD	MoPac Expressway; Wholesale food and retail sales use (Costco)

AREA STUDY: N/A

TIA: Is not required

WATERSHEDS: Williamson Creek – **DESIRED DEVELOPMENT ZONE:** No
Barton Springs Zone – Recharge Zone

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: Yes

NEIGHBORHOOD ORGANIZATIONS:

298 – Oak Hill Association of Neighborhoods

384 – Save Barton Creek Association

385 – Barton Springs Coalition

428 – Barton Springs / Edwards Aquifer Conservation District

627 – Onion Creek Homeowners Association

705 – OHAN 78735

706 – OHAN 78736

707 – OHAN 78737

708 – OHAN 78738

709 – OHAN 78739

710 – OHAN 78749

742 – Austin Independent School District

943 – Save Our Springs Alliance

947 – Deer Park at Maple Run

967 – Circle C Neighborhood Association

997 – Tanglewood Oaks Owners Association

SCHOOLS:

Sunset Valley Elementary School

Covington Middle School

Crockett High School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C814-98-0001.01 (Southwest Marketplace)	PUD to PUD, to change the conditions of zoning	To Grant PUD with the Restrictive Covenant for the Traffic Phasing Agreement	Approved PUD with conditions as recommended by the Environmental Board and ZAP (9-2-04).
C14-98-0068 (Garza Place)	DR; SF-2 to GR; MF-2; P (for r-o-w)	To Grant with conditions	Approved RR; MF-2-CO; LO-CO; GR-CO. Conditional Overlays pertain to permitted uses, fence, buffer, access, F.A.R. and number of dwelling units. Restrictive Covenant for hours of operation, and conditions for gas station storage sites (3-9-89).

RELATED CASES:

The subject rezoning area (37.540 acres) was Tract III of five tracts of land (totaling 424.781 acres) known as the Forum Planned Unit Development (C814-98-0001 – Ordinance # 990408 – 14). Tracts I, II and III are to be developed. Tract IV, located east of MoPac and south of William Cannon Drive, is a 147-acre Preserve tract, and also known as Mitigation Property that serves to offset impervious cover allowed on other developable tracts. Tract V (also known as the Blowing Sink Tract), located southwest of Deer Lane and Brodie Lane, consists of 165.27 acres and was dedicated to the City of Austin as Mitigation Property. The Blowing Sink Tract contains significant environmental recharge features.

City Council approved PUD zoning for these properties on April 8, 1999. Tract III consisted of Parcels F which carries LR base district zoning with additional permitted uses of convalescent services, general retail sales (general), medical offices (exceeding 5,000 square feet of gross floor area), outdoor sports and recreation, congregate living, and hospital

services (limited). Parcel J carried LO zoning with additional permitted uses of congregate living, outdoor sports and recreation and hospital services (limited). The accompanying Development Regulations included compliance with Green Builder Standards; required a 50-foot wide vegetative buffer abutting Convict Hill Road and a 100 foot-wide undisturbed buffer plus and a 50-foot wide vegetative buffer along the east property line; established allowable impervious cover; and established a 100,000 square foot of gross floor area cap for single-occupant commercial use.

As shown in Exhibit C, a site plan application consistent with the requested PUD amendments is presently in process (SP-06-0063C).

ABUTTING STREETS:

STREET	RIGHT-OF-WAY	PAVEMENT WIDTH	CLASSIFICATION	DAILY TRAFFIC
Brush Country Road	130-140 feet	40-60 feet	Minor Arterial	5,913 (2001)
William Cannon Drive	150 feet	2 @ 36 feet	Major Arterial	33,086 (2002)
Loop 1 (MoPac)	375 - 420 feet	2 @ 24 feet	Parkway	36,000 (2001)

- There are existing sidewalks along William Cannon Drive.
- Capital Metro bus service is available at the intersection of Convict Hill and Brush Country, adjacent to this tract.

CITY COUNCIL DATE: June 8, 2006 **ACTION:** Approved amendments to PUD district zoning as recommended by the Zoning and Platting Commission and the Environmental Board, on First Reading (7-0).

June 22, 2006

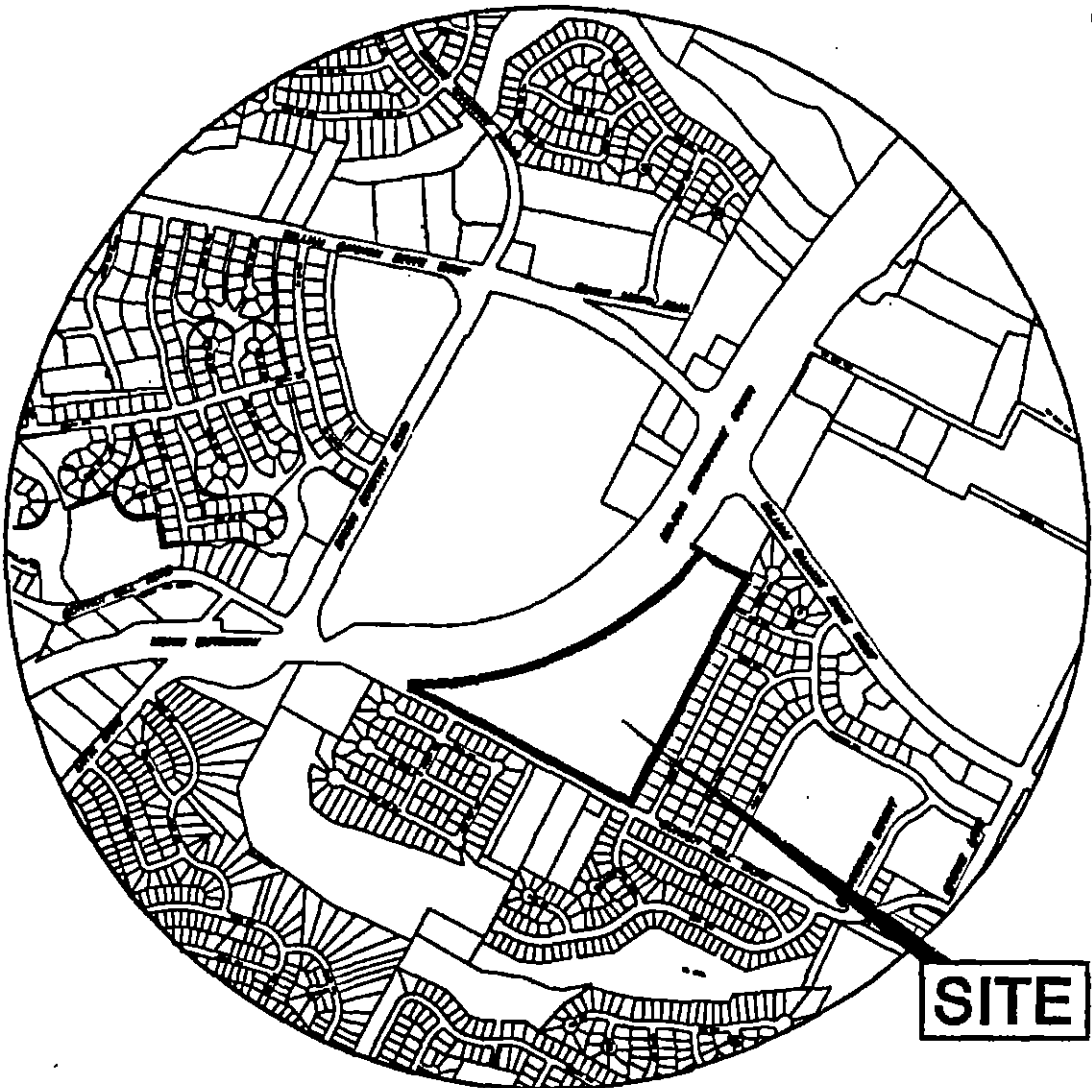
ORDINANCE READINGS: 1st June 8, 2006 2nd 3rd

ORDINANCE NUMBER:

CASE MANAGER: Wendy Walsh
e-mail: wendy.walsh@ci.austin.tx.us

PHONE: 974-7719





SITE

EXHIBIT A-2

VICINITY MAP

b 100% DEVELOPMENT
Engineering, Planning, and Architecture
1000 North Main Street, Suite 200
Tampa, FL 33602
Phone: (813) 281-1111
Fax: (813) 281-1112
www.bpa.com

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FILE: G:\1303\EXHIBITS\SITE ASSESSMENT\130303EXH02.dwg	PROJECT No.: 1303-03.07	DRAWN BY: JER	SCALE: N.T.S.
			DATE: 12/17/04

STAFF RECOMMENDATION

The Staff recommendation is to grant the Applicant's requested amendments to planned unit development (PUD) district zoning for Tract III (Parcels F and J) of the Forum PUD relating to square footage for a personal improvement services use, allowing a hike and bike trail within the vegetative buffer along Convict Hill Road, and clarifying the language regarding drainage facilities. Conditions of the Staff recommendation include: reductions in impervious cover; increasing capture volume for water quality pond(s); adopting Landscape and Exterior Design / Heat Island Reduction techniques; adopting additional Green Building standards; providing an environmental compliance person on-site during construction; and, establishing a building envelope, as further described on Page 2 of the Staff report.

BASIS FOR RECOMMENDATION

1. Zoning changes should promote an orderly and compatible relationship among land uses.

The current PUD proposal provides environmental benefits of reduced impervious cover, greater water quality capture volume, reduced light pollution; enhanced shading, heat island reduction and Green Building Standards, compared with the existing PUD approval.

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

The executed Traffic Phasing Agreement and conditions assumed in the Traffic Impact Analysis memo will address the traffic impact of this development.

EXISTING CONDITIONS

Site Characteristics

The property is undeveloped and gently slopes to the east.

Impervious Cover & Environmental

The proposed amendments to the Forum PUD land use plan and site development regulations will not directly effect environmental reviews of future site plans, as reviewed by the original ordinance.

This site is located over the Edward's Aquifer Recharge Zone. The site is in the Williamson Creek Watershed of the Colorado River Basin, which is classified as a Barton Springs Zone (BSZ) watershed. It is in the Drinking Water Protection Zone.

Project applications at the time of this report are subject to the Forum PUD ordinance that allows 65% impervious cover. Tract III is presently limited to 10.02 acres of impervious cover.

According to flood plain maps, there is no flood plain within the project location.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment. Per the Forum PUD ordinance, all landscaping will comply with the Green Building Standards.

Transportation

No additional right-of-way is needed at this time.

For Tracts I, II and III of the Forum PUD, the trip generation is estimated to be 18,166 trips per day, compared with 21,489 assumed in the September 2003 traffic impact analysis addendum. This site will comply with the conditions and regulations of the approved TIA and subsequent addendums.

A restrictive covenant was executed in 1998 with the zoning case requiring the developer to provide 100 percent of the cost of certain roadway improvements identified in the TIA. An administrative revision to an exhibit in this agreement is in process to reflect the different land uses now proposed and to modify the list of roadway improvements needed to mitigate the effects of the projected traffic. The applicant also requested that the improvements be phased to coincide with the development on the site, and a separate agreement executed on February 23, 2004 establishes the phasing schedule.

Electric

Austin Energy has no comments on this amendment to the Land Use Plan. Easement requirements and other comments will be generated on any site plans and plats for this project.

Water and Wastewater

The landowner intends to serve the site with City of Austin water and wastewater utilities. If water or wastewater utility improvements, or system upgrades, or utility adjustment are required, the landowner, at own expense, will be responsible for providing. Also, the water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City of Austin design criteria. The water and wastewater utility construction must be inspected by the City. The landowner must pay the associate City fees.

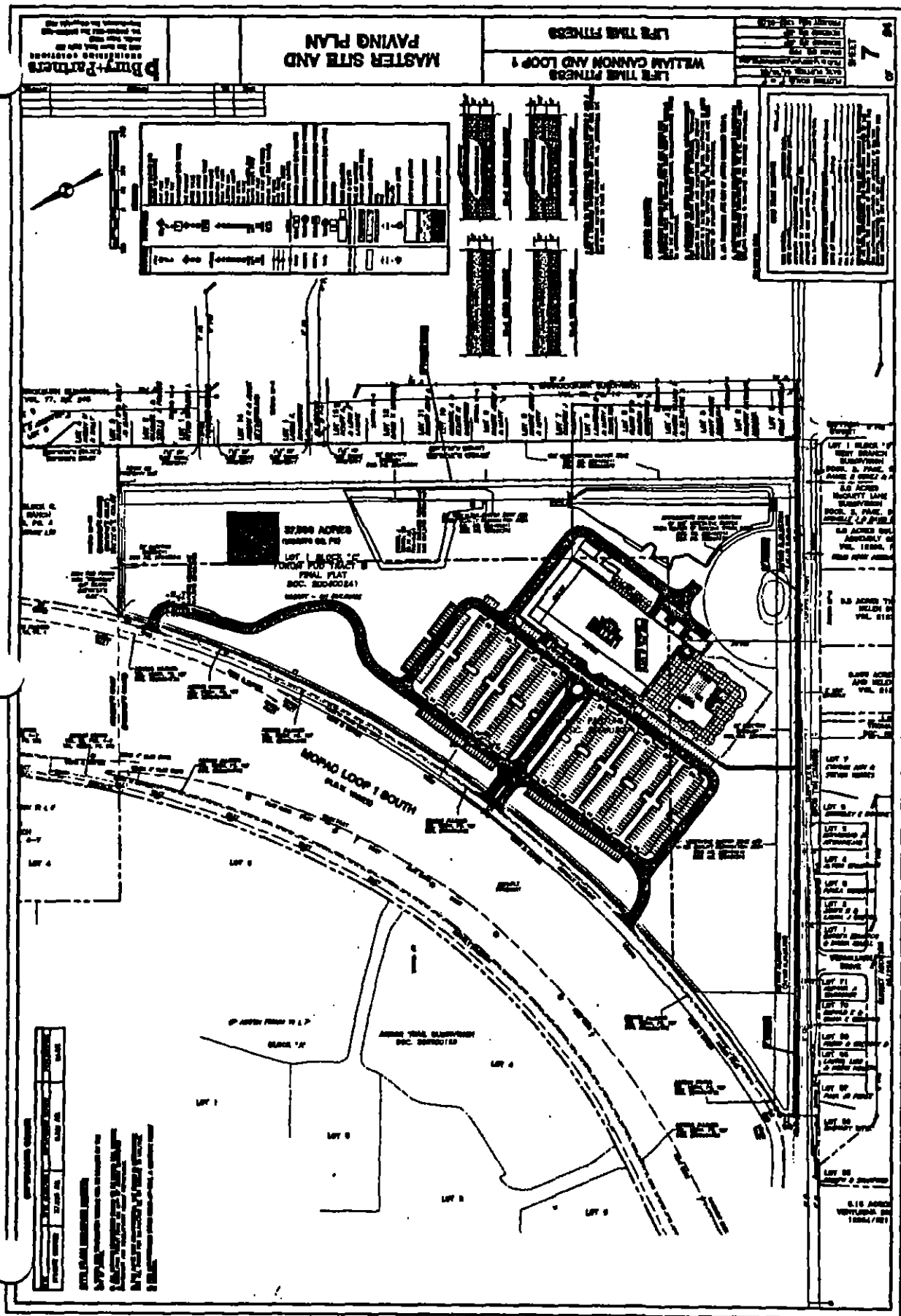


Exhibit C
Proposed Site Plan

EXHIBIT D
BUILDING ENVELOPE
EXHIBIT

roof.

- Pervious pavement required for at least 50% of all surface parking areas where soil depths are greater than 4 feet.
 - Connecting paths for pedestrians and bikes will be decomposed granite, gravel or other pervious material, except where impervious pavement is required to meet applicable law, or where otherwise necessary to accommodate intended use.
 - Substitute natural-bottom vegetated channel drainage for storm drainage conveyance, unless alternative lining is required to obtain City approval.
 - Achieve impervious cover reductions through clustering, reduced parking requirements and/or narrower roadways.
 - Disconnect impervious cover by providing swales rather than pipe drainage, or by sloping roofs, driveways and parking areas to vegetated filter areas rather than storm sewers.
 - Achieve no decreased flow to Identified Aquifer Recharge Features.
- a. Mandatory
 - b. Documentation Requirement: Provide a narrative describing compliance with this standard, including, as appropriate, plans, materials lists, and/or calculations.

III. Landscape and Exterior Design/Heat Island Reduction

A. Shade

1. Do at least one of the following: (i) provide shade (within 15 years) on at least 30% of non-roof impervious surfaces on the Parcel, including parking lots, walkways, plazas, etc., using trees or trellises with vines from the approved plant list (see Appendix A), (ii) use light colored/high albedo materials (with a reflectance of at least 0.3) for 30% of the Parcel's non-roof impervious surfaces, (iii) place at least 50% of the parking spaces underground, or (iv) use pervious pavement where soils are 4 feet or greater in depth.
- a. Mandatory
 - b. Documentation Requirement: Depending on the option(s) chosen, provide (i) drawings showing 15-year shading plan with non-roof impervious surface calculations, (ii) specifications for high-albedo materials used and non-roof impervious surface calculations, (iii) parking plan with count of surface vs. underground spaces, or (iv) drawings showing areas of pervious pavement.

2. When considering placement of pedestrian and bicycle pathways on a Parcel, consider locating such pathways in existing shaded areas, and creating additional areas of shade, employing native trees and trellises with vines using plants from the approved list (see Appendix A), buildings, canopies, and/or any other permissible shade provider.

- a. Optional

- b. Documentation Requirement: Provide site plan and/or other drawings showing pedestrian and bicycle pathways and showing shade areas, with calculations.

B. Heat Island Reduction

1. Either (i) use ENERGY STAR Roof-compliant, high reflectance and high emissivity roofing (with initial reflectance of at least 0.65 and 3-year aged reflectance of at least 0.5 when tested in accordance with ASTM E903 and emissivity of at least 0.9 when tested in accordance with ASTM 408) for at least 75% of the roof surface, or (ii) install a vegetated roof for at least 50% of the roof area.

- a. Optional

- b. Documentation Requirement: Provide (i) specifications of materials and roof area calculations, or (ii) plans and roof area calculations.

2. Conduct a life cycle cost analysis for the use of concrete for all non-pervious paved parking and roadway surfaces.

- a. Mandatory

- b. Documentation Requirement: Provide a cost/benefit analysis for the anticipated life of the facility comparing construction and maintenance costs for concrete versus asphalt paving surfaces.

C. Exterior Light Pollution Reduction

1. In order to improve night sky access and reduce development impact on the nocturnal environment, do not exceed Illuminating Engineering Society of North America (IESNA) footcandle level requirements as stated in the IESNA's "Recommended Practice Manual: Lighting for Exterior Environments", and design interior and exterior lighting such that no direct-beam illumination leaves the building site.

- a. Mandatory

- b. Documentation Requirement: Provide exterior lighting design plan highlighting footcandle contours and demonstrating compliance w/TESNA requirements. Provide design narrative showing that no direct-beam illumination leaves site.
- 2. Develop an exterior lighting plan for all development that sets maximum lighting levels for commercial areas at three footcandles, average maintained, measured horizontally at finished ground level with a 4:1 illumination ratio.
 - a. Optional
 - b. Documentation Requirement: Provide exterior lighting design plan and narrative demonstrating compliance with this requirement.
- 3. If permissible by City Code, free standing light fixtures shall not exceed 30 feet measured from the ground/pavement to the bottom base of the fixture.
 - a. Optional
 - b. Documentation Requirement: Provide narrative including measurements.
- 4. Fixture wattage shall not exceed 350 lamp watts and shall contain the lowest available mercury content at the time of purchase, consistent with fulfilling performance requirements.
 - a. Optional
 - b. Documentation Requirement: Provide specifications regarding fixtures.
- 5. Fixtures shall be limited to two per pole, and shall have no uplight or lamps/light-refracting lenses extending below the plane of the lowest point of the fixture housing. Fixtures will provide a cutoff not to exceed 90 degrees from nadir so that light is not emitted above the horizontal plane.
 - a. Optional
 - b. Documentation Requirement: Provide exterior lighting design plan highlighting lighting fixtures and describing light emissions.
- 6. Building-mounted wall packs shall not exceed a lamp wattage of 200 watts and shall be mounted no higher than 28 feet from the ground/pavement to the bottom of the fixture. Wall packs shall be configured with a full front metal shield with a sharp cutoff of at least 85 degrees to block the lamp source from line of sight view. Open-faced wall packs of any wattage or size are prohibited.
 - a. Optional

- b. Documentation Requirement: Provide exterior lighting design plan highlighting lighting fixtures.
- 7. All lighting fixtures to illuminate outdoor advertising shall utilize downlighting, backlighting, or internal illumination (using lamps of 100 watts or less).
 - a. Mandatory
 - b. Documentation Requirement: Provide exterior lighting design plan highlighting lighting fixtures and a narrative showing that no direct-beam illumination leaves site.
- 8. Lamp wattage for outdoor advertising signs constructed of translucent materials and wholly illuminated from within shall not exceed 75 watts.
 - a. Optional
 - b. Documentation Requirement: Provide specifications regarding fixtures and lamps.
- 9. If and to the extent that Owner chooses to pursue an optional standard under these Part C Exterior Light Pollution Reduction provisions, and such option is in conflict with otherwise applicable provisions of the City of Austin's Code, Owner will seek to obtain a waiver of or variance from such conflicting Code provisions, as appropriate.
 - a. Mandatory
 - b. Documentation Requirement: Provide such documentation to the City as is necessary under applicable law to obtain the waiver or variance in question. In pursuit of such waiver or variance, Owner may rely on the advice of legal counsel rather than only a licensed engineer, licensed architect, or LEED accredited professional as described herein.
- 11. For a Parcel with zoning allowing a service station, all luminaires mounted on the undersurface of service station canopies shall be fully shielded and utilize flat glass or flat plastic covers. The total light output used for illuminating service station canopies, defined as the sum of all under-canopy initial bare-lamp outputs in lumens, shall not exceed forty (40) lumens per square foot of canopy. All lighting mounted under the canopy, including but not limited to luminaires mounted on the lower surface of the canopy and auxiliary lighting within signs or panels over the pumps, is to be included toward the total outdoor light output for the Parcel.
 - a. Optional

- b. **Documentation Requirement:** Provide exterior lighting design plan highlighting luminaries and specifications regarding fixtures.

IV. Water Efficiency

A. Water Efficient Landscaping

1. Use either (i) high efficiency irrigation technologies that are in keeping with the scale and requirements of the landscaped areas, or (ii) captured rain or recycled water, in either event to reduce potable water consumption for irrigation by 50% over conventional irrigation methods.
 - a. **Mandatory**
 - b. **Documentation Requirement:** Provide plans or a design narrative, including calculations, demonstrating compliance with this requirement.
2. Use captured rain or recycled water to eliminate potable water consumption for irrigation.
 - a. **Optional**
 - b. **Documentation Requirement:** Provide plans or a design narrative demonstrating compliance with this standard.
3. In order to preserve existing plant material, Owner shall (i) use reasonable efforts to select building, road, and parking sites from locations with the least ecological health rather than disturb places in the best health, (ii) if not in an area to be landscaped under City Code, restore healthy soils, native plant communities and fauna habitat in areas temporarily disturbed by construction activity, and (iii) have a tree and plant survey performed by a qualified professional, which may include a representative of the Lady Bird Johnson Wildflower Center (hereinafter referred to as TWC), which survey must include:
 - A field survey;
 - A species list;
 - Recommendations for rare, unique, or valuable plant recovery and reuse;
 - An evaluation of all trees 19 inches and larger in diameter performed in accordance with Section 3.5.1 of the City's Environmental Criteria Manual;
 - Recommendations for protection of significant trees during construction; and
 - Recommendations for long-term site management to protect the tree



ITEM FOR ENVIRONMENTAL BOARD AGENDA

**BOARD MEETING
DATE REQUESTED:** April 5, 2006

**NAME AND NUMBER
OF PROJECT:** Life Time Fitness/Forum PUD Amendment
C814-98-0001.02

**NAME OF APPLICANT
OR ORGANIZATION:** Lower Pasture, LTD.
Richard Suttle (Agent) 435-2310

LOCATION: 7101 S. Mopac Expressway

PROJECT FILING DATE: December 28, 2005

**WPDR/ENVIRONMENTAL
STAFF:** Betty Lambright, 974-2696
betty.lambright@ci.austin.tx.us

**WPDR/
CASE MANAGER** Wendy Walsh, 974-7719
wendy.walsh@ci.austin.tx.us

WATERSHED: Williamson Creek
Barton Springs Zone

ORDINANCE: Forum PUD Ordinance # 990408-14

REQUEST: Amendment to PUD Ordinance to allow one single
occupant commercial user a maximum of 111,000
square feet on Parcels F and J combined.

**STAFF
RECOMMENDATION:** Recommended with conditions.

ATTACHMENT A



MEMORANDUM

TO: Mr. David Anderson, Chair of the Environmental Board and
Environmental Board members

FROM: Betty Lambright, Watershed Protection and Development Review Department
Wendy R. Walsh, Neighborhood Planning and Zoning Department *(initials)*

DATE: March 30, 2006

RE: Life Time Fitness – C814-98-0001.02 – located at 7101 South MoPac
Expressway Northbound

Staff received a rezoning application for the above-mentioned case (representing a portion of the Forum Planned Unit Development) on December 28, 2005 that proposes amendments to the land uses and development standards approved for Parcels F and J to accommodate the construction of a fitness center. Four amendments are proposed by the Applicant:

- Increase the approved square footage of gross floor area for one single tenant from 100,000 to a maximum of 111,000 to facilitate the development of a personal improvement services use (Life Time Fitness);
- To allow the personal improvement services use on Parcels F and J;
- To allow a hike and bike trail (pedestrian connection) through the 50 foot wide vegetative buffer along Convict Hill Road; and
- Clarify the language regarding drainage facilities to allow for the construction of either one or separate facilities.

Staff from the Watershed Protection and Development Review and Neighborhood Planning and Zoning departments have worked with the Applicant to provide additional benefits in site development as support for the proposed amendments:

- Reduces impervious cover by 6.2% (0.5 acres) from 10.02 acres to 9.52 acres;

- Increases the capture volume for water quality pond(s) by 25% over what the Land Development Code requires (from 1.06 inches to 1.33 inches);
- Adopts the Exterior Light Pollution Reduction techniques consistent with that approved for Southwest Marketplace (Costco – Forum PUD, Tract 2). These techniques involve design and implementation of interior and exterior lighting so that no direct-beam illumination leaves the building site;
- Adopts the Landscape and Exterior Design / Heat Island Reduction requirements consistent with that approved for Southwest Marketplace (Costco – Forum PUD, Tract 2); Available shading options include: additional plantings, using light colored materials on non-roof impervious surfaces, providing underground parking or using pervious pavement where soils are four feet or greater in depth. Available heat island reduction options include using energy efficient or vegetated roofing materials, and conducting a life cycle cost analysis for the use of concrete for all non-pervious paved parking and roadway surfaces;
- Provides additional Green Building Standards over and above those already approved for the Forum PUD;
- Provides an Environmental Compliance person on-site during construction; and
- Establishes a building envelope location.

The Staff and the Applicant are presently discussing the removal of all other “Additional Permitted Uses” presently permitted on Parcels F and J. These uses include: Convalescent Services; General Retail Sales (General); Medical Offices (exceeding 5,000 square feet gross floor area); Congregate Living; and Hospital Services (Limited).

The Applicant has provided additional information to City transportation review staff showing that the proposed modifications to the PUD result in a decrease in traffic (122 unadjusted trips per day) compared with the previous Traffic Impact Analysis addendum prepared in September 2003.

Following a series of discussions with the Applicant and with their subsequent amendments to the PUD application, the Watershed Protection and Development Review Department and the Neighborhood Planning and Zoning Department support the PUD application. The current PUD proposal provides environmental benefits of reduced impervious cover, greater water quality capture volume, reduced light pollution; enhanced shading, heat island reduction and Green Building Standards, compared with the existing PUD approval.

The Life Time Fitness PUD may be scheduled for consideration by the Zoning and Platting Commission at their April 20, 2006 meeting.

CC: Jerry Rusthoven, Manager, Neighborhood Planning and Zoning Department



ENVIRONMENTAL BOARD MOTION 040506 B-4

Date: April 05, 2006

Subject: Life Time Fitness / Forum PUD Amendment

Motioned By: Phil Moncada

Seconded By: Rodney Ahart

Recommendation:

The Environmental Board recommends approval with conditions to ordinance number 990408-14. – To allow one single occupant commercial user a maximum of 111,000 square ft. on parcels f. & J. combined.

DRAFT

Staff Conditions:

A.

1. Clarify language in the PUD to state that the water quality facilities for all of the tracts , which related to Parcels B, C, D, and E.
2. Allow a personal improvement services land use to have a maximum building gross floor area 111.000 square feet larger than is currently allowed in the Forum PUD. This would allow the building for personal improvement service land use to be a maximum of 111,000 square feet on Parcels F and J. combined.
3. Allow the land use of personal improvement services on Parcel F.
4. Allow the land use of personal improvement on services on Parcel J.
5. Allow a hike and bike (pedestrian connection) through the 50 foot vegetative buffer along Convict Hill Road. This PUD amendment was added based on feedback received from adjacent neighborhood groups.

Rationale:

1. Design the water quality pond to capture 25 percent more runoff than what is required by code
2. Confine the building location to the area shown within the attached "Building Envelope" exhibit.
3. Reduce the amount of impervious cover allowed on the property by 0.5 acres.
4. Allow a hike and bike (pedestrian connection) through the 50 foot vegetative buffer along Convict Hill Road.
5. Provide an Environmental Compliance person on-site during construction.
6. Adopt the Exterior Light Pollution Reduction requirements shown on Pages 11-14 of the southwest Marketplace PUD ordinance.
7. Adopt the Shade and heat island reduction requirements shown on Pages 10-11 of the Southwest Marketplace PUD ordinance.
8. Provide twice the number of points required for a one star rating or 16 points, based on Austin Energy's current "Green Building" program point value system.
 - Reduced impervious cover by ½ acre. Capture 25% more runoff that code requires. Land use issue.

DRAFT

Vote: 6-0-1-2

For: Anderson, Moncada, Curra, Maxwell, Ahart and Jenkins

Against: None

Abstain: Ascot

Absent: Gilani *Dupnik

Approved By:

Dave Anderson, PE, CFM
Chair

***Board Member Dupnik recused himself from the discussion due to a conflict of interest.**

ARMBRUST & BROWN, L.L.P.

ATTORNEYS AND COUNSELORS

100 CONGRESS AVENUE, SUITE 1300
AUSTIN, TEXAS 78701-2744
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LYNN ANN CARLEY
512-435-2378
lcarley@abaustin.com

March 30, 2006

Wendy Walsh
City of Austin
Neighborhood Planning and Zoning Department
505 Barton Springs Road, 5th Floor
Austin, Texas 78704

Re: Life Time Fitness (C814-98-0001.02) Project Summary

Dear Ms. Walsh:

This firm represents and this letter is submitted on behalf of the applicant in the above referenced application. The following information is a description of the project, the PUD amendments being requested by the applicant, and the additional PUD benefits that have been offered in exchange for staff and neighborhood support.

Project Description

The project site is located on the northeast corner of Mopac Boulevard and Convict Hill Road, as shown in the attached preliminary site plan. This property consists of Parcels F and J (Tract 3) of the original Forum PUD. The following section outlines the five PUD amendments being requested by the applicant. It should be noted that no environmental variances or waivers are being requested. All PUD amendments relate to zoning and land use issues.

PUD Amendments

The five PUD amendments being requested by the applicant are listed as follows:

1. Clarify language in the PUD to state that the water quality facilities for all of the tracts within the original Forum PUD may use either one facility or have separate facilities. (This same language was used in a previously approved Forum PUD amendment called Southwest Marketplace, which related to Parcels B, C, D, and E.)
2. Allow a personal improvement services land use to have a maximum building gross floor area 11,000 square feet larger than is currently allowed in the Forum PUD. This

would allow the building for a personal improvement services land use to be a maximum of 111,000 square feet on Parcels F and J combined.

3. Allow the land use of personal improvement services on Parcel F.
4. Allow the land use of personal improvement services on Parcel J.
5. Allow a hike and bike (pedestrian connection) through the 50 foot vegetative buffer along Convict Hill Road. This PUD amendment was added based on feedback received from adjacent neighborhood groups.

Additional PUD Benefits

In exchange for approval of the PUD amendments being requested, the applicant has offered to include the additional benefits within the PUD ordinance. The following benefits make this PUD amendment superior to the existing PUD.

1. Design the water quality pond to capture 25 percent more runoff than what is required by code.
2. Confine the building location to the area shown within the attached "Building Envelope" exhibit.
3. Reduce the amount of impervious cover allowed on the property by 0.5 acres.
4. Allow a hike and bike (pedestrian connection) through the 50 foot vegetative buffer along Convict Hill Road.
5. Provide an Environmental Compliance person on-site during construction.
6. Adopt the Exterior Light Pollution Reduction requirements shown on Pages 11-14 of the Southwest Marketplace PUD ordinance.
7. Adopt the Shade and Heat Island Reduction requirements shown on Pages 10-11 of the Southwest Marketplace PUD ordinance.
8. Provide twice the number of points required for a one star rating or 16 points, based on Austin Energy's current "Green Building" program point value system.

City staff has requested that the applicant remove the following "Additional Permitted Uses" allowed on the property: convalescent services, general retail sales (general), medical offices (exceeding 5,000 square feet of gross leaseable area), outdoor sports & recreation, congregate living, and hospital services (limited).

Life Time Fitness is willing to remove the "Additional Permitted Uses" on this site. However, they currently do not own this property. Life Time Fitness has been in discussions

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with the seller of the property to remove the "Additional Permitted Uses" and is continuing these discussions.

If you have any questions, please feel free to contact me.

Sincerely,



Lynn Ann Carley
Senior Land Development Consultant

Enclosures

ARMBRUST & BROWN, L.L.P.

ATTORNEYS AND COUNSELORS

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LYNN ANN CARLEY
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lcarley@ablaw.com

April 12, 2006

Wendy Walsh
City of Austin
Neighborhood Planning and Zoning Department
505 Barton Springs Road, 5th Floor
Austin, Texas 78701

Re: Life Time Fitness (C814-98-0001.02) – Proposed PUD Language

Dear Ms. Walsh:

This firm represents and this letter is submitted on behalf of the applicant in the above referenced application. Based on our discussions with the Western Oaks Neighborhood Association, we are requesting specific language be included within the PUD ordinance to address the maximum single commercial user amendment and building envelope restriction. The language that we propose for these two PUD amendments is described as follows:

"For Parcels F and J, a single occupant of a personal improvement service use may exceed the 100,000 square foot maximum size outlined in Note 38 by no more than 11,000 square feet. All other single occupant office or commercial users must comply with note 37 or 38 of the original Forum PUD."

and

"Development of Parcels F and J is confined to the area identified on Attachment No. 5 of this ordinance. Administrative revisions to this building envelope which attempt to add a structure outside of the building area are not allowed."

It is our understanding that the City's legal department will have to review and approve this specific language. However, the wording of these two PUD amendments is important to the applicant and the Western Oaks Neighborhood Association. Based on this information, we

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hereby request City staff include the specific language above within the Life Time Fitness PUD amendment. If you have any questions, please feel free to contact me.

Sincerely,



Lynn Ann Carley
Senior Land Development Consultant

Enclosure

Westcreek Neighborhood ASSOCIATION

P.O. Box 91373
Austin, TX 78709-1373
<http://westcreekna.org/>

January 17, 2006

Ms. Wendy Walsh
Neighborhood Planning & Zoning Department
505 Barton Springs Road, 5th Floor
Austin, TX 78704

Re: Life Time Fitness Amendments to The Forum PUD, Tract 3

Dear Ms. Walsh:

The Westcreek Neighborhood Association supports the proposed amendments to The Forum PUD, which have been submitted by Life Time Fitness.

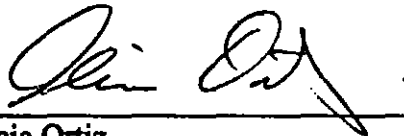
According to the presentation made to our association by the applicant, the proposed amendments meet SOS standards and will result in a project producing less traffic than standards established in the original PUD documents. We understand city staff members agree with the traffic generation projection. The Life Time Fitness project would result in establishment of additional needed services close to our neighborhood.

This statement of position complies with Article VI of the Bylaws of the Westcreek Neighborhood Association, which requires the signatures of two officers on zoning policy documents.

Respectfully submitted,



Bob Shrader
President



Alicia Ortiz
Vice President

April 17, 2006

Wendy Walsh
Neighborhood Planning & Zoning Department
505 Barton Springs Road, 5th Floor
Austin, Texas 78704

Re: Letter of Support for Life Time Fitness
Case # C814-98-0001.02

Dear Ms. Walsh:

On behalf of the Western Oaks Property Owner's Association, this letter serves to convey our support regarding the proposed The Forum PUD amendments which would allow Life Time Fitness to construct the project they have presented to us.

We have reviewed the proposed rezoning amendments. They include allowing the land use of personal improvement services and permitting a single commercial use of approximately 111,000 square feet on Tract 3 of The Forum PUD. The agreement does not allow for mitigation or any other development tool which would allow any other construction on this tract in perpetuity even though the PUD allows more square footage to be developed.

The proposed amendment will also add a pedestrian link through the vegetative buffer adjacent to Convict Hill Road. This pedestrian link will provide an amenity not only for Life Time Fitness but for the surrounding neighborhoods and community. We believe that this project will positively impact our neighborhood by adding services, reducing traffic, and complying with SOS requirements.

We look forward to working with you to ensure that Life Time Fitness is a success. Please feel free to contact me with any questions.

Sincerely,

Chris Harrison
President, Western Oaks Property Owners Association

3901 Glasgow Drive
Austin, TX 78749

April 14, 2006

Wendy Walsh
Neighborhood Planning & Zoning Department
505 Barton Springs Road, 5th Floor
Austin, Texas 78704

Re: Life Time Fitness (C814-98-0001.02)

Dear Ms. Walsh:

The Bannockburn Neighborhood Association supports the Life Time Fitness project proposed to be located on the northeast corner of Mopac Boulevard and Convict Hill Road. Our neighborhood association has worked closely with the developer to amend the private restrictive covenant between our neighborhood and the landowner. This restrictive covenant has already been amended and recorded with Travis County to allow a personal improvement service land use of approximately 111,000 square feet on this property.

It is with pleasure that I inform you that our organization is in support of the proposed Forum PUD amendments, which would allow Life Time Fitness to join our neighborhood. We feel that this single commercial user is an attractive and creative response to the challenges of developing that piece of property, and believe it will likely be a benefit to our neighborhood.

We look forward to working with you to ensure that Life Time Fitness is a success. Please feel free to contact me with any questions. I will be out of the country until June 6, but will response to any queries when I get back.

Sincerely,



Elisabeth Piedmont-Marton
Bannockburn Neighborhood
Association

899-1625

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

www.ci.austin.tx.us/development

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C814-98-0001.02

Contact: Wendy Walsh, (512) 974-7719

Public Hearing:

April 18, 2006 Zoning and Platting Commission

Paula White
Your Name (please print)

4216 Triboro Trail

Your address(es) affected by this application

FW

Signature

5/29/06

Date

☐ I am in favor
☒ I object

Comments:

This will negatively affect my
property value if road is
widened & shopping center
opens to road.
I have no objection if Convent Hill
Road is left untrucked & trees
remain on the road side.

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Wendy Walsh

P. O. Box 1088

Austin, TX 78767-8810