

July 27, 06
108

ORDINANCE NO. _____

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE
2 PROPERTY GENERALLY KNOWN AS NORWOOD TOWER LOCATED AT 114
3 WEST 7TH STREET FROM CENTRAL BUSINESS DISTRICT (CBD) DISTRICT
4 TO CENTRAL BUSINESS DISTRICT-HISTORIC (CBD-H) COMBINING
5 DISTRICT.
6

7 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:
8

9 PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to
10 change the base district from central business district (CBD) district to central business
11 district-historic (CBD-H) combining district on the property described in Zoning Case No.
12 C14H-06-0016, on file at the Neighborhood Planning and Zoning Department, as follows:
13

14 All that certain tract or parcel of land being Lots 9, 10, 11, and 12 and portions of
15 Lot 7 and 8, Block 83, Original City of Austin, Travis County, Texas, and also
16 being a portion of the Colorado Street and West Seventh Street rights-of-way,
17 described as Tract Number One as conveyed to Capital National Bank by deed
18 recorded in Volume 6448, Page 550 of the Deed Records of Travis County, Texas;
19 and including that portion of the Colorado Street right-of-way between the east
20 right-of-way of Colorado Street and the building line established by Resolution of
21 the City Council of Austin, Texas, dated May 6, 1926; all being that same tract of
22 land conveyed to Norwood Tower, L.P., by instrument recorded in Volume 13084,
23 Page 2188, of the Real Property Records of Travis County, Texas,
24

25 generally known as Norwood Tower, locally known as 114 West 7th Street, in the City of
26 Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "A".
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1 **PART 3.** This ordinance takes effect on _____, 2006.

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3
4 **PASSED AND APPROVED**

5
6
7
8 _____, 2006

§
§
§

9 Will Wynn
10 Mayor

11
12
13 **APPROVED:** _____

ATTEST: _____

14 David Allan Smith
15 City Attorney

Shirley A. Gentry
City Clerk

TRACT C

FIELD NOTES

FIELD NOTES OF A BOUNDARY SURVEY OF AN 8.436 ACRE TRACT OF LAND, A TRACT OF LAND OF RECORD IN AUSTIN, TRAVIS COUNTY, TEXAS, AS RECORDED INVOLUME 4659, PAGE 179, OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, SAID TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING FOR REFERENCE at an iron pipe found in the south right-of-way of East Riverside Drive, same being the most northeastern corner of said tract of land.

THENCE S 27° 44' 00" W, for a distance of 500.65 feet to an iron pin found;

THENCE N 59° 30' 26" W, for a distance of 290.34 feet to an iron pin found;

THENCE W 59° 21' 50" W, for a distance of 446.95 feet to an iron pin found;

THENCE N 28° 20' 20" W, for a distance of 500.26 feet to an iron pin found;

THENCE S 59° 25' 55" E, for a distance of 731.99 feet along the south right-of-way of East Riverside Drive to the POINT OF BEGINNING, and containing 8.436 acres of land.

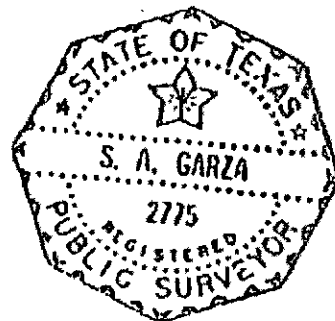
Surveyed on the ground and field notes prepared by S. A. GARZA ENGINEERS, INC., 401 West 29th Street, Austin, Texas, 78705, as recorded in S. A. GARZA Field Book #139, Pages 53-62.

S. A. Garza 10-14-83
S. A. GARZA, P.E.

DATE

REGISTERED PUBLIC SURVEYOR

NO. 2775



13272
EXHIBIT 13272 2599

- 1 c) Except for a parking structure, a building or structure may not be constructed
2 within a 50-foot wide building setback established along the south property
3 line.
4
5 d) Improvements permitted within the buffer zones are limited to drainage,
6 underground utility improvements or those improvements that may be
7 otherwise required by the City of Austin or specifically authorized in this
8 ordinance.
9

10 Except as specifically restricted under this ordinance, the Property may be developed and
11 used in accordance with the regulations established for the limited office (LO) base district
12 and other applicable requirements of the City Code.
13

14 **PART 3.** This ordinance takes effect on _____, 2006.
15
16

17 **PASSED AND APPROVED**
18
19

20 _____, 2006
21
22

§
§
§
Will Wynn
Mayor
23
24
25

26 **APPROVED:** _____
27
28

David Allan Smith
City Attorney

ATTEST: _____

Shirley A. Gentry
City Clerk

TRACT B

FIELD NOTES

FIELD NOTES OF A BOUNDARY SURVEY OF A 6.319 ACRE TRACT OF LAND, A TRACT OF LAND OF RECORD IN AUSTIN, TRAVIS COUNTY, TEXAS, AS RECORDED IN VOLUME 2659, PAGE 179, OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, SAID TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING FOR REFERENCE at an iron pipe found in the south right-of-way line of East Riverside Drive, same being the most northeasterly corner of the heretofore described tract;

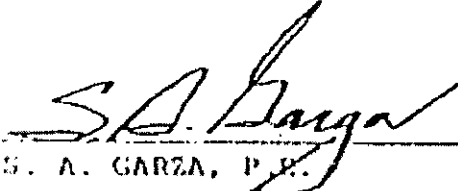
THENCE S 27° 27' 59" W, for a distance of 502.98 feet to an iron pipe found;

THENCE N 59° 30' 36" W, for a distance of 550.46 feet to an iron pin found;

THENCE N 27° 43' 25" E, for a distance of 500.51 feet to an iron pipe found;

THENCE S 59° 45' 23" E, for a distance of 548.09 feet along the south right-of-way of East Riverside Drive to the POINT OF BEGINNING, and containing 6.319 acres of land.

Surveyed on the ground and field notes prepared by S. A. GARZA ENGINEERS, INC 401 West 29th Street, Austin, Texas, 78705, as recorded in S. A. GARZA Field Book #139, Pages 53-62.

 10-14-83
S. A. GARZA, P.E. DATE
REGISTERED PUBLIC SURVEYOR
NO. 2775

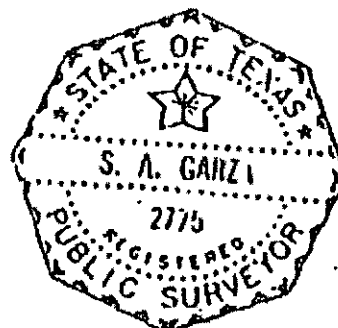


EXHIBIT "A"

13272

2600

public restrictive covenant at 2nd/3rd readings.

17. Development on Lots 2, 3, and 4 shall be subject to block length design standards.

18. Structures on Lots 2, 3 and 4 of the PUD shall be limited to two stories in height.

The Ordinance and public restrictive covenant reflect those conditions imposed by Council on 1st reading.

DEPARTMENT COMMENTS:

The staff contacted William Conrad, with the Balcones Canyon Land Preserve, to discuss the City Council's request to determine if there would be a way to develop a pedestrian linkage/trail along the edge of the BCP land and F.M. 2222 to allow for a connection between the residential tracts (Lots 1, 6, 7, and 8) and the commercial tracts (Lots 2, 3, and 4) within the PUD. Mr. Conrad stated the following,

"Our concerns with this trail are two fold. First this is in protected habitat. While the proposed site you discussed is in an area we consider a buffer, our greater concern is that this access site would be unstructured and unmanaged. Our experience demonstrates that this type of access always results in trail users venturing off of the trail to explore and seek additional recreational experiences. Because the Bull Creek area adjoining this site is our most sensitive Golden Cheeked Warbler habitat, this concerns us enormously.

From an administrative standpoint, our regional federal permit does not allow for access at this site. It currently "grandfathers" this type of access on selected sites only. To allow this trail now would require a permit amendment. We are currently working on a broader revision of our land management plans to allow us to consider additional public access on other sites. This would require US Fish and Wildlife Service approval too. However, our guidelines for this additional access require it to be very structured (defining where, when, and how access can occur with user limits and requirements for educational components), intensively managed, (operational controls such as guided access or other provisions to control where and how use occurs), and mitigation of potential impacts to protected species (such as additional monitoring, habitat restoration elsewhere, and/or seasonal access). This change is still in the planning phase and I don't foresee it being implemented before the end of the year at the earliest."

Therefore, the staff has determined that at this time there is no avenue to require a pedestrian trail in the PUD from the residential development on Lots 1, 6, 7, and 8 through Lot 5 (Nature Preserve) to connect to the proposed office/retail development on Lots 2, 3, and 4.

OWNER/APPLICANT: FM 2222/Jester, L.P. (Louis R. Williams)

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

DATE OF FIRST READING/VOTE: May 18, 2006 / Approved Zoning and Platting Commission's recommendation for PUD amendment with additional conditions: the applicant shall provide sidewalks to Jester Boulevard, no drive through services associated with restaurant uses; create a definition for fast food restaurants for the Council to consider in a restrictive covenant at 2nd/3rd readings; direct staff to pursue a pedestrian linkage along the BCP land at F.M.

ZONING CHANGE REVIEW SHEET

CASE: C814-89-0006.03

Z.A.P. DATE: January 31, 2006
February 7, 2006
February 21, 2006
March 7, 2006
March 21, 2006

ADDRESS: 7300 F.M. 2222 Road, 6500 and 6508 Jester Boulevard

APPLICANT/OWNER: FM 2222/Jester, L.P. (Louis R. Williams)

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

ZONING FROM: PUD

TO: PUD

AREA: 56.950 acres

The applicant is requesting to amend the Canyon Ridge Planned Unit Development to add retail uses to Lots 2 and 4 and office uses to Lot 3 of the PUD Land Use Plan (Applicant Request Letter – Attachment A). In addition, the applicant is requesting the following alterations to the conditions for Lots 2, 3, and 4 of the approved PUD:

- 1) A variance from Sections 25-8-341 and 25-8-342 of the City of Austin Land Development Code to allow for more than four feet of cut and fill.
- 2) A variance from Section 25-8-302(A)(1) of the City of Austin Land Development Code to allow construction on slopes that have a gradient of more than 25 percent.
- 3) A variance from Section 25-8-302(B)(1) of the City of Austin Land Development Code to allow more than 10 percent impervious cover on slopes with gradients between 15-25 percent.
- 4) A waiver from Section 25-8-423(C) of the City of Austin Land Development Code to allow the construction of a water quality pond within the water quality transition zone of a Water Supply Suburban Watershed.
- 5) A waiver to allow for alternative landscaping compliance, per Section 25-2-1001 of the City of Austin Land Development Code and Section 2.5.0 of the Environmental Criteria Manual.
- 6) To amend the Land Use Plan to allocate 8.4315 acres of approved transfer rights within Lots 2, 3 and 4.
- 7) To allow a full service driveway with all turning movements from Jester Boulevard onto Lots 2, 3, and 4 of the PUD and to allow for a total of two driveway approaches within Lots 2, 3, and 4 onto Jester Boulevard.
- 8) To allow an overall parking ratio of 1 space to 275 square feet of development on Lots 2, 3, and 4 of the PUD.
- 9) To amend the Land Use Plan to increase the maximum height of a structure from 28 feet to 34 feet above ground level within Lots 2, 3, and 4 of the PUD.
- 10) A waiver to Sec. 25-2-1124 (Hill Country Roadway Corridor Building Height) of the City of Austin Land Development Code to waive the requirement that a person may not construct a building that is more than 28 feet in height, if the building is in a low intensity zone.
- 11) To amend the Land Use Plan to remove the maximum restriction of 4,000 square feet of gross floor area per building within Lots 2, 3, and 4 of the PUD. This will allow buildings to be placed closer together on the site.
- 12) To allow for the construction of drive through lanes Lots 2, 3, and 4 of the PUD.

SUMMARY STAFF RECOMMENDATION:

The staff's recommends approval of the proposed amendment to the Canyon Ridge PUD with the following conditions:

1. The applicant shall construct a 1-story parking garage that holds approximately 270 cars within Lots 2, 3, or 4 of the PUD. This will result in an additional reduction of impervious cover of 0.68 acres.
2. The applicant shall add a note #28 on the Land Use Plan that reads "Lots 2, 3, and 4 are hereby restricted to allow a maximum of 2.9617 acres of development rights from Lot 5 Area 1."
3. The applicant will implement an IPM program for development within the PUD.
4. The applicant shall provide a rainwater collection system for landscaping irrigation.
5. There will be structural containment of all unstable cuts.
6. The applicant will provide an individual knowledgeable in erosion control and tree protection to conduct daily inspections of the site during site development. This person will be responsible for maintaining a daily log to be kept on site and accessible to the city environmental inspector. The applicant will also utilize superior erosion controls, including multiple layers of silt fencing.
7. The applicant shall utilize 40% pervious pavers on all internal sidewalks for the development. (These sidewalks are included in the impervious cover calculations).
8. Section 25-2-1124 (Building Height) of the Land Development Code shall be modified to allow a maximum height of 34 feet, provided that any height in excess of 28 feet is allowed only if measured from an approved cut on the upslope side of a building.
9. The applicant will be required to screen all drive through lanes from F.M. 2222 (Hill Country Roadway Corridor).
10. The applicant will construct at minimum 5-foot sidewalks along the main-street with 6-inch caliper trees to be planted every 30 feet on center with attractive lighting spaces at a maximum of 50 feet apart.
11. The applicant will provide a 100-foot vegetative buffer zone along F.M. 2222 in order to comply with the intent of the Hill Country Roadway ordinance. The applicant is will restore this area to a moderate restoration level, per. Section 2.7.0 of the Environmental Criteria Manual and will incorporate multiple design elements, including stone veneer, colored concrete, raised flowerbeds and a design standards to reduce visual impact of the height of the water quality pond walls by meandering the pond walls facing F.M. 2222.
12. The applicant will provide the following alternative landscaping compliance for development on Lots 2, 3, and 4 of the PUD:
 - * All required shade trees across the site will be a 4-foot caliper minimum.
 - * The plant palette will only consist of native plant material.
 - * The applicant will exceed all screening requirements by 50%.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

1/31/06: Postponed to February 7, 2006 by staff by consent (8-0, J. Gohil-absent); J.Martinez-1st, M. Hawthorne-2nd.

2/07/06: Postponed to February 21, 2006 by the staff and the applicant (6-0, J. Martinez, K. Jackson, J. Gohil-absent); M. Hawthorne-1st, J. Pinnelli-2nd.

2/21/06: Postponed to March 3, 2006 by the staff (8-0, t. Rabago-not yet arrived); J. Martinez-1st, J. Gohil-2nd.

variances/waivers for cut and fill, construction on slopes, construction of a water quality pond within the water quality transition zone, for alternative landscaping compliance, to approve transfer rights, and to increase the maximum height of a structure from 28 feet to 34 feet above ground level on Lots 2, 3, and 4 of the PUD. The applicant is also requesting to amend the current PUD ordinance as it applies to Lots 2, 3, and 4 to allow for full service driveways from Jester Boulevard, to allow a parking ratio of 1 space to 275 square feet of development, to remove the maximum restriction of 4,000 square feet of gross floor area per building, to allow for drive through lanes, and to permit the Restaurant (General and Limited) uses.

While drafting a preliminary site plan layout for Lots 2, 3, and 4 of the PUD, the applicant discovered that there were discrepancies between the original topography maps and the new computer generated slope studies for this property. The original PUD ordinance and tables on Sheet 2 of the land use plan specifically state the slope calculations and development regulations governing the proposed locations of buildings within the PUD. Therefore, based on the new revised slope information, the applicant proposes to update the tables on Sheet 2 of the land use plan and is now requesting variances from LDC Section 25-8-302(A)(1) and Section 25-8-302(B)(1) to allow for construction on slopes and from LDC Sections 25-8-341 and 25-8-342 for more than four feet of cut and fill. The applicant has stated that these variances will allow the buildings to be distanced from water quality transition zone and tucked into the hillside so that they are located further away from F.M. 2222 and less visible from the Hill Country Roadway corridor.

Initially, the staff had believed that the property in question was subject to a 100-foot Hill Country Roadway vegetative buffer. However, after some research the staff has determined that the segment of F.M. 2222 from Riverplace Boulevard to Loop 360 was considered a 'parkway' by the Austin Metropolitan Area Transportation Plan (AMATP) in 1991 (this segment of F.M. 2222 was changed in the 1995 AMATP to a MAD 4 designation). The ordinance for the Canyon Ridge PUD states in Part 4 that the rules and regulations in effect in the 1981 Code of the City of Austin govern the property in this case. Section 13-2-781(D) of the 1981 Land Development Code states that, "Development on tracts abutting a Hill Country Roadway in segments designated in the Roadway Plan as 'parkway' is exempt from Section 13-7-66(B) (the 100-foot vegetative buffer requirement). Provided however, that on such tracts a minimum 25 foot natural or landscaped buffer shall be provided with no buildings located closer than 50 feet to the proposed right-of-way of the Hill Country Roadway." As a benefit to the proposed PUD amendment, the applicant has offered to provide a 100-foot vegetative buffer zone along F.M. 2222 in order to comply with the intent of the Hill Country Roadway ordinance. The applicant is willing restore this area to a moderate restoration level, per. Section 2.7.0 of the Environmental Criteria Manual and will incorporate multiple design elements, including stone veneer, colored concrete, raised flowerbeds and a design standards to reduce visual impact of the height of the water quality pond walls at the front of the site by meandering the pond walls facing F.M. 2222.

During deliberations on this case, the staff suggested that it would be a benefit to this request for the applicant to provide linkages to the existing residential neighborhood (Jester Estates Neighborhood Association) to the north and to the proposed residential uses on Lots 1, 6, 7 and 8 of the PUD. The applicant met with Butch Smith, from the City of Austin Parks and Recreation Department, and he stated that the land abutting Lots 2, 3, and 4 to the northwest (Lot 5-Area 1, Lot 5-Area 2, and Lots 5-Area 3) was mitigated to the Balcones Conservation Preserve (BCP) and then dedicated to the City of Austin for parkland dedication in 1991. Mr. Smith stated that the Parks and Recreation Department did not have an issue with the developer proposing to allow a nature trail to connect the condominium project currently under development on Lots 6, 7, and 8 of the PUD. However, the agent for the case spoke to Mr. Willy Conrad at the BCP and he indicated that this area is a prime habitat land for golden cheek warbler and that the BCP did not

AREA STUDY: N/A

TIA: N/A

WATERSHED: West Bull Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

HILL COUNTRY ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

98 – Lakewood Homeowners Association
157 – Courtyard Homeowners Association
184 – Bull Creek Homeowners Association
475 – Bull Creek Foundation
426 – River Place Residential Community Association, Inc.
434 – Lake Austin Business Owners
439 – Concerned Citizens for P & B of FM 2222
448 – Canyon Creek Homeowners Association
608 – Jester Homeowners Association, Inc.
742 – Austin Independent School District
965 – Old Spicewood Springs Road Neighborhood Association

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-03-0128	SF-2 to LO	10/14/03: Approved LO-CO with 'NO' development regulations, 2,000 vtpd limit, 35 foot building setback from south property line where it abuts a residential property, 6 foot high fence along south property line, 28 feet maximum height for structures (limit of 1-story), prohibit Art and Craft Studio (Limited), Communications Services, Convalescent Services, and Cultural Services uses	11/20/03: Approved ZAP rec. of LO-CO (6-0); all 3 readings 6/24/04: Approved Amending Ordinance 031120-Z17 to correct zoning conditions
C14-99-0133	LR to GR	9/14/99: Approved staff rec. of GR-CO; prohibiting Auto Rentals, Auto Sales, Auto Washing, Business or Trade School, Business Support Services, Commercial-Off Street Parking, Communications Services, Community Recreation (Private), Community Recreation (Public), Congregate Living, Drop-Off Recycling Collection Facility,	Approved PC rec. of GR-CO (5-0, WL/ JG-absent); all 3 readings

		Recycling Collection Facility, Exterminating Services, Funeral Services, General Retail Sales (General), Hotel-Motel, Hospital Services (Limited & General), Indoor Entertainment, Indoor Sports and Recreation, Medical Offices-greater than 5,000 sq. ft., Outdoor Entertainment, Outdoor Sports and Recreation, Personal Improvement Services, Pawn Shop Services, Research Services, Restaurant (Drive-In, Fast Food), Restaurant (General)- Tract 1 only, Residential Treatment, and Theater	
C14-95-0135	DR to SF-1	10/24/95: Approved staff rec. of SF-1 (7-1)	11/30/95: Approved SF-1 (6-0); all 3 readings
C814-89-0006	LR, SF-2 to PUD	5/28/91: Forwarded to CC with no recommendation	6/6/91: Approved PUD subject to conditions (5-1); 1 st reading 11/14/91: Approved PUD (6-0); 2 nd /3 rd readings
C814-89-0006.01	PUD to PUD (Amendment for office for Tracts 2, 3, and 4 – Applicant requested a variance to LDC Sec. 25-2-1124 to exceed 28 feet in height in HCR)	1/23/01: Postponed to 1/30/01 by the applicant (8-0)	1/30/01: Pulled, No Action – Case Expired
C814-89-0006.02	PUD to PUD	10/7/03: Administrative amendment approved by staff	

RELATED CASES: C814-89-0006



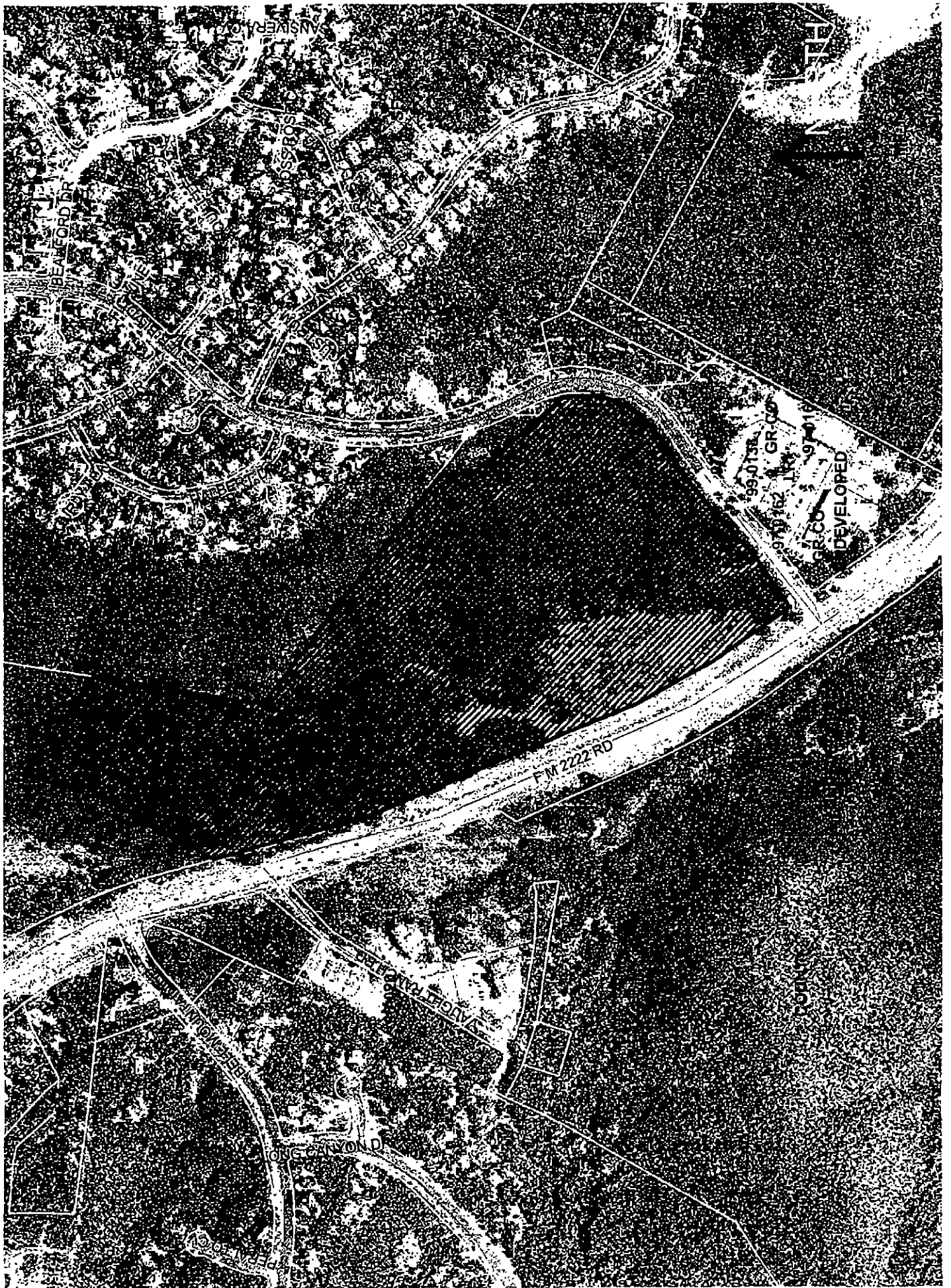
SUBJECT TRACT
 PENDING CASE
 ZONING BOUNDARY
 CASE MGR: S.SIRWAITIS

PLANNED UNIT DEVELOPMENT
 CASE #: C814-89-0006.03
 ADDRESS: 7300 FM 2222 RD AT
 JESTER BLVD
 SUBJECT AREA (acres): 56.950

DATE: 05-10

INTLS: SM

CITY GRID
 REFERENCE
 NUMBER
 F31



1-story parking structure holding approximately 270 vehicles, a 1:275 parking ratio, to incorporate shared parking agreement, a restriction of 2.9617 acres of development rights from Lot 5 Area 1, and to utilize 40% pervious pavers on all internal sidewalks. The applicant will also implement an IPM program, provide a rainwater collection system for landscaping irrigation, implement superior erosion controls during construction, utilize amenities such as 5-foot sidewalks along the main-street with 6-inch caliper trees to be planted every 30 feet on center with attractive lighting spaces at a maximum of 50 feet apart, and create dedicated picnic and seating areas around all office buildings developed on Lots 2, 3, and 4. In addition, the applicant will provide alternative landscaping compliance for development on Lots 2, 3, and 4 of the PUD and will comply with the intent of the Hill Country Roadway Corridor by re-vegetating a 100-foot area from F.M. 2222 to a moderate restoration level (per ECM Section 2.7.0).

2. *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 within the PUD.*

The proposed amendment #3 to the Canyon Ridge PUD will result in a superior development than that which could have occurred using conventional zoning. The proposed PUD will allow the applicant to develop a mixture of uses on Lots 2, 3, and 4 of the property that will provide additional services to the residential areas within an adjacent to the PUD.

In this amendment, the applicant will be reducing the overall impervious cover within the Hill Country Roadway corridor by 2.05 acres and by giving up development rights to an additional 4.6517 acres out of Lot 5-Area 1. The request will allow the applicant to locate building footprints further away from the Water Quality Transition Zone (WQTZ) and to reduce the amount of impervious cover within the WQTZ by approximately 2.6807 acres.

The proposed variances/waivers requested in this amendment will allow development on the Lots 2, 3, and 4 of the PUD to be terraced on the property. Therefore, buildings on the site shall be nestled into the hillside reducing the visibility of the structures from the Hill Country Roadway corridor/F.M. 2222.

Even though it has been determined that the applicant is only subject to a 25-foot natural/landscape buffer along F.M. 2222, the applicant has offered to comply with the intent of the Hill Country Roadway Corridor and proposes to re-vegetate a 100-foot area from F.M. 2222 to a moderate restoration level (per ECM Section 2.7.0). The applicant has also worked with the staff and the surrounding neighborhoods to lessen the appearance of the proposed water quality pond along F.M. 2222 by offering to incorporate multiple design elements, including stone veneer, colored concrete, raised flowerbeds and a design standards to reduce visual impact of the height of the water quality pond walls at the front of the site by meandering the pond walls facing F.M. 2222.

Existing Land Use

The property in question is part of an existing PUD that consists of approximately 137.5503 acres of land located at the northwest intersection of F.M. 2222 and Jester Boulevard. The 81.5754 site under consideration (Lots 2, 3, and 4 of the PUD) is currently undeveloped. The property has

Parks and Recreation

No comments on the proposed PUD amendment request.

Transportation

TR staff has no objections to the proposed amendment.

A shared parking study has been submitted and will be reviewed along with the site plan application.

The loading and parking space request will be reviewed with the site plan application.

Information for Zoning and Platting Commission:

Staff has no objection to the proposed additional curb cut and revision to allow a full access curb cut onto Jester Boulevard. The driveway spacing and sight distance will be verified with the site plan.

The traffic impact analysis for this site was waived because this site is subject to the original TIA for the property. The proposed land uses are consistent with the TIA completed for the original PUD zoning request in 1990 and will result in a lower number of peak hour trips. The proposed uses will generate approximately 10,882 unadjusted trips per day.

Existing Street Characteristics:

NAME	ROW	PAVEMENT	CLASSIFICATION	SIDEWALKS	CAPITAL METRO	BICYCLE ROUTE
RM 2222	Varies	Varies	Arterial	No	No	Yes
Jester Boulevard	110'	Varies	Collector	No	No	Yes

Water and Wastewater

No comments on the proposed amendment.

Water Quality

The City enforces the Land Development Code and Criteria through policies based on the City's interpretation of the Code and Criteria. In the case of LDC 25-8-423, the City's policy is that sedimentation/filtration ponds (water quality facilities) are not allowed in the water quality transition zone. Variation from this policy is addressed on a site specific basis.

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.

ARMBRUST & BROWN, L.L.P.

ATTORNEYS AND COUNSELORS

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AUSTIN, TEXAS 78701-2744
512-435-2300

FACSIMILE 512-435-2360

RICHARD T. SUTTLE, JR.
(512) 435-2310
RSUTTLE@ABAUSTIN.COM

March 2, 2006

Joe Pantalion
Director, Watershed Protection
and Review Department
505 Barton Springs Road
Austin, Texas 78704

Re: Canyon Ridge Phase "B" PUD Amendment - C814-89-0006.03

Dear Mr. Pantalion:

This firm represents and I am writing this letter to you on behalf of the applicant in the above referenced zoning case. The following information is being provided to introduce the project and provide justification for the revised development regulations. Attached Exhibit 1 is a proposed site layout for the Canyon Ridge project. A chart comparing the approved PUD to the proposed PUD amendments is also included in Exhibit 2 for your review.

INTRODUCTION

The site is located at the intersection of Jester Boulevard and FM 2222. The original PUD includes approximately 137.5503 acres of land, as shown in Exhibit 3, of the approved Canyon Ridge PUD Land Use Plan. This project includes approximately 57 acres of land out of the 137.5503 acre PUD. Of the 57 acres, approximately 28 acres are currently dedicated to the Balcones Conservation Preserve, as shown in Exhibit 3, leaving approximately 29 acres, of which 13.8 acres will be developed. This site will consist of three office buildings, one mixed-use retail center, one restaurant pad site, and a drive through bank totaling 222,000 square feet of development.

WAIVER #1 HEIGHT - 28 FEET TO 34 FEET

We are requesting that the PUD be amended to allow a maximum overall height of 34 feet. The additional height would allow two-story structures, which were approved in the original PUD, and would provide visual aesthetics to screen mechanical equipment from homeowners in the area. By slightly increasing the height, the project would have a universally consistent height and feel throughout the entire development.

table areas. One goal of the project is to capture traffic onsite with the mix of office, retail, and restaurant uses. This will help reduce the amount of traffic onto FM 2222. A shared parking study was completed for the project, which shows that a parking ratio of 1:275 can be used to reduce code required parking.

Champion Partners, the developer of this project, is dedicated to innovative architectural, site planning, and land use design for this project. For example, their Addison Circle development, located in Addison, Texas, won the following awards:

1. 2004 Finalist, Best Site Plan Urban, Pillars of the Industry Awards, National Association of Homebuilders
2. 2002 The Congress for the New Urbanism Charter Award "the district"
3. 2001 The Associated Landscape Contractors of America Award
4. 1998 The International City/County Management Association Public/Private Partnership Award
5. 1997 The Local Government Commission Ahwahnee Award for best master planned community
6. 1996 The Dallas Chapter of the American Institute of Architects Merit Award

Based on past award winning projects, an innovative site plan that already has been approved by the Canyon Ridge PUD Association Architectural Control Committee, a copy of the support letter is attached for your review in Exhibit 5, this project will serve as an excellent example for subsequent development, as outlined in Section 25-2-1105(A)(2).

Criteria for Approval – Section 25-2-1105(A)(3)

This project also equals or exceeds a development that is in compliance with this article in terms of:

1. Environmental Protection:
 - a. Restoring the Hill Country Roadway Buffer Zone to a moderate restoration level, per Section 2.7.0 of the Environmental Criteria Manual;
 - b. Implementing an IPM program;
 - c. Rainwater collection for reirrigation;
 - d. Utilizing 40% pervious pavers on all internal sidewalks;
 - e. Providing individual knowledge in erosion control and tree protection to conduct daily inspections of the site during site development and
 - f. Utilizing multiple layers of silt fencing and compost bails;

doing so we have pushed the development further into the hillside. This site also has a peculiar configuration, which consists of a long and narrow tract, limiting the development area.

Based on these issues, this site has an undue hardship, as outlined in Section 25-2-1128(C)(1).

Innovative Architectural, Site Planning, or Land Use Design – Section 25-2-1128(C)(2)

The purpose of this project is to create a unique, pedestrian friendly, mixed-use project that will provide amenities for the users of the property and nearby neighborhoods. The project proposes to combine complementary uses of office and retail in a Town Center concept. All of the buildings are proposed in close proximity to the Main Street and at the same elevation. Each building is located to specifically retain many natural trees, including five large oak trees on the site. The site will also incorporate several amenity areas for the office tenants, including picnic table areas. One goal of the project is to capture traffic onsite with the mix of office, retail, and restaurant uses. This will help reduce the amount of traffic onto FM 2222. A shared parking study was completed for the project, which shows that a parking ratio of 1:275 can be used to reduce code required parking.

Criteria for Approval of a Development Bonus – Section 25-2-1129

This project also complies with at least 50 percent of the twelve criteria listed in Section 25-2-1129. The following list provides the criteria from the Land Development Code, which are proposed as part of this development. Also included is a description of how each of those criteria will be met within the project.

1. Increasing landscaping by more than 50 percent. This site is subject to a 25 foot vegetative buffer along 2222. However, we are proposing to increase the setback from 25 feet to 100 feet. In addition this area will be restored to a moderate restoration level, per Section 2.7.0 of the Environmental Criteria Manual. Also, Champion Partners is currently working with the adjacent homeowners to incorporate the remaining 15 acres into a greenbelt.
2. Reducing building mass by breaking up buildings. Instead of creating large mass buildings, the developer has chosen to construct three smaller office buildings, one mixed-use restaurant/retail building, one pad site, and one drive through bank. This site will consist of six smaller, separate buildings.
3. Using pervious pavers. The development will utilize 40% pervious pavers on all internal sidewalks. The sidewalks are included in the impervious cover calculations.
4. Using pitched roof design features. All buildings shall have pitched roof design features that will allow the mechanical equipment to be screened from the surrounding neighborhoods.
5. Including the construction of regional drainage facility. The detention pond located on this site will not only function as a detention basin for this

5. The cut and fill variance would allow the buildings to be located closer together to allow for a more pedestrian-oriented project.
6. The largest cut is located along the northern corner of office building one. The cut is required to save the Two large Live Oak trees and tuck the building further into the hillside, which would allow the building to be constructed closer and at the same elevation as the Main-Street. This would provide more of a pedestrian oriented feel. Again as mentioned above, a terracing affect will be utilized. This will allow natural sunlight into the bottom office unit.
7. The largest fill is located along the southern portion of the drive-in bank building. The location of the bank is in one of the lowest points on the site, nearest to the detention pond. The fill is needed to allow for enough queuing space around the drive-through area. Other locations were considered for the bank site. However, it is considered better design to locate the bank nearest the driveways at Jester Boulevard and FM 2222, since it would limit vehicular traffic for the bank from entering the remainder of the property.

Variances #3 and #4 for Construction on Slopes

In order to allow for greater construction on slopes, the following two variances, are also being requested, all slope categories have been identified on Exhibit 6.

A variance from Section 25-8-302(A)(1) is being requested to allow construction on slopes that have a gradient of more than 25 percent. This project is requesting approval to construct 0.15 acres on slopes 25-35 percent and 0.03 acres on slopes greater than 35 percent.

A variance from Section 25-8-302(B)(1) is being requested to allow more than 10 percent impervious cover on slopes with gradients between 15-25 percent. This project is requesting approval to construct 0.34 acres (or 1.27 percent) more than the 10 percent allowed in the Land Development Code.

Justification for the two above mentioned variances, which require Land Use Commission approval, are described as follows:

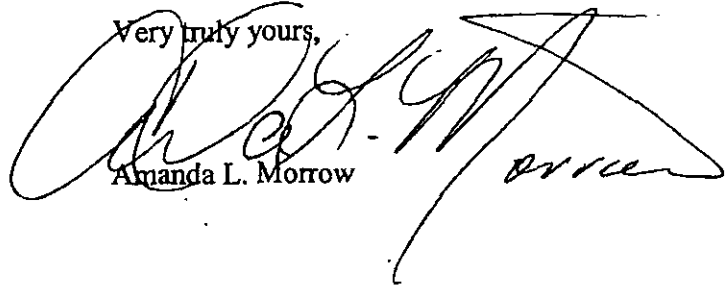
1. As mentioned above, this project constitutes an unusual circumstance, since the topography of the site includes 70 foot elevation changes. In addition, the topography maps completed with the original PUD in 1991 were done by hand. For this reason, there are discrepancies between the original topography maps when compared to the computer generated slope studies that are being used to design this development. If the original slope maps completed by hand in 1991 had been used to design this site, the amount of land requiring variances would be significantly reduced.
2. The buildings can be located further away from FM 2222 and the Water Quality Transition Zone (WQTZ).
3. The buildings will be less visible from FM 2222, by cutting into the Hillside.

AMBRUST & BROWN, L.L.P.

Page 9

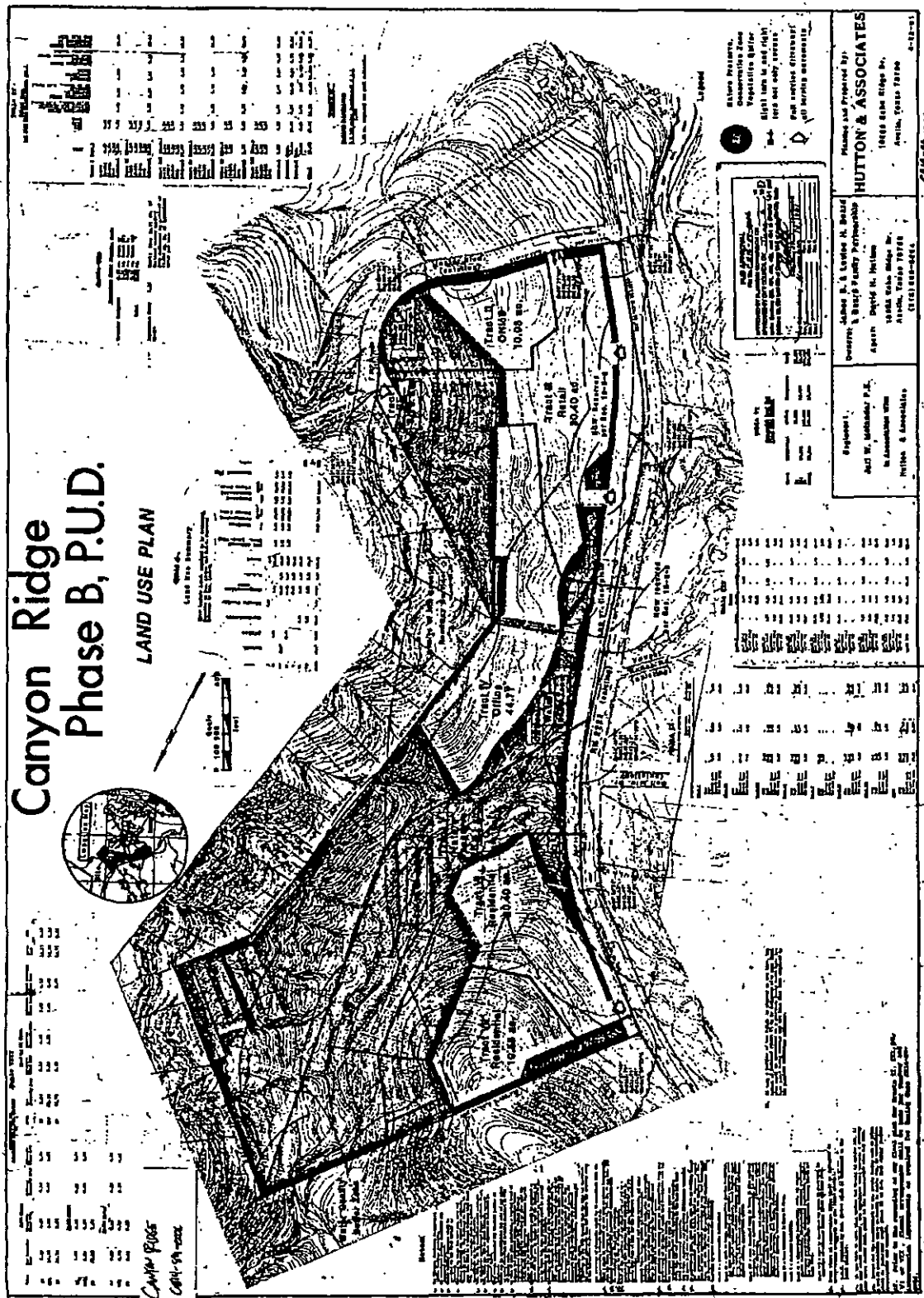
The proposed variances, waivers and PUD amendments included in this project will create a development that is superior to the original PUD. Should you have any questions or comments, please do not hesitate to contact me.

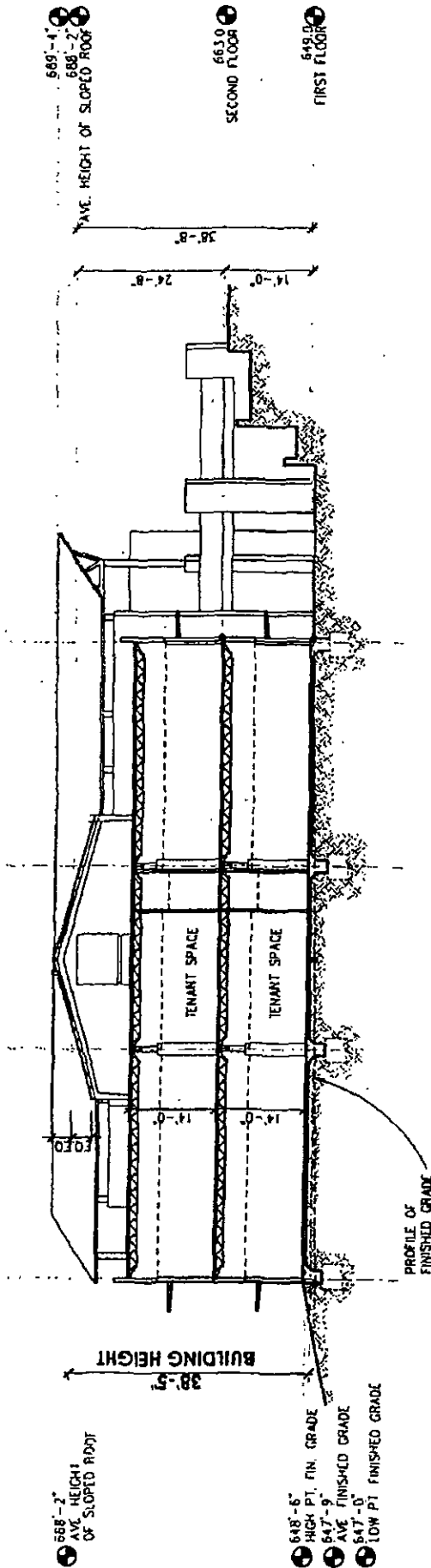
Very truly yours,

A large, stylized handwritten signature in black ink, appearing to read 'A. Morrow', is written over the typed name. To the right of the main signature, there is a smaller, more legible handwritten signature that also appears to read 'A. Morrow'.

Amanda L. Morrow

Enclosures





BUILDING HEIGHT
CALCULATION METHOD 2

BUILDING HEIGHT
CALCULATION METHOD 1

PERMITTED HEIGHT
CALCULATION FOR ALL
BUILDINGS

(*) 28'-0" (P.U.D. HEIGHT LIMIT)
X 1.15 (PER LDC 25-2-23(C))
= 32'-2" PERMITTED HEIGHT

OFFICE BUILDING 1 (BUILDING HEIGHT = 38'-2")	(*) 28'-0" (P.U.D. HEIGHT LIMIT) X 1.36 (36% INCREASE) = 38'-2" BUILDING HEIGHT	32'-2" PERMITTED HEIGHT + 6'-0" (ADDITIONAL HEIGHT) = 38'-2" BUILDING HEIGHT
OFFICE BUILDING 2 (BUILDING HEIGHT = 38'-2")	(*) 28'-0" (P.U.D. HEIGHT LIMIT) X 1.36 (36% INCREASE) = 38'-2" BUILDING HEIGHT	32'-2" PERMITTED HEIGHT + 6'-0" (ADDITIONAL HEIGHT) = 38'-2" BUILDING HEIGHT
OFFICE BUILDING 3 (BUILDING HEIGHT = 38'-5") (ILLUSTRATED ABOVE)	(*) 28'-0" (P.U.D. HEIGHT LIMIT) X 1.37 (37% INCREASE) = 38'-5" BUILDING HEIGHT	32'-2" PERMITTED HEIGHT + 6'-3" (ADDITIONAL HEIGHT) = 38'-5" BUILDING HEIGHT

OFFICE - FINISHED GRADE

OFFICE SECTION (BUILDING 3 SHOWN)

PRELIMINARY
NOT FOR CONSTRUCTION

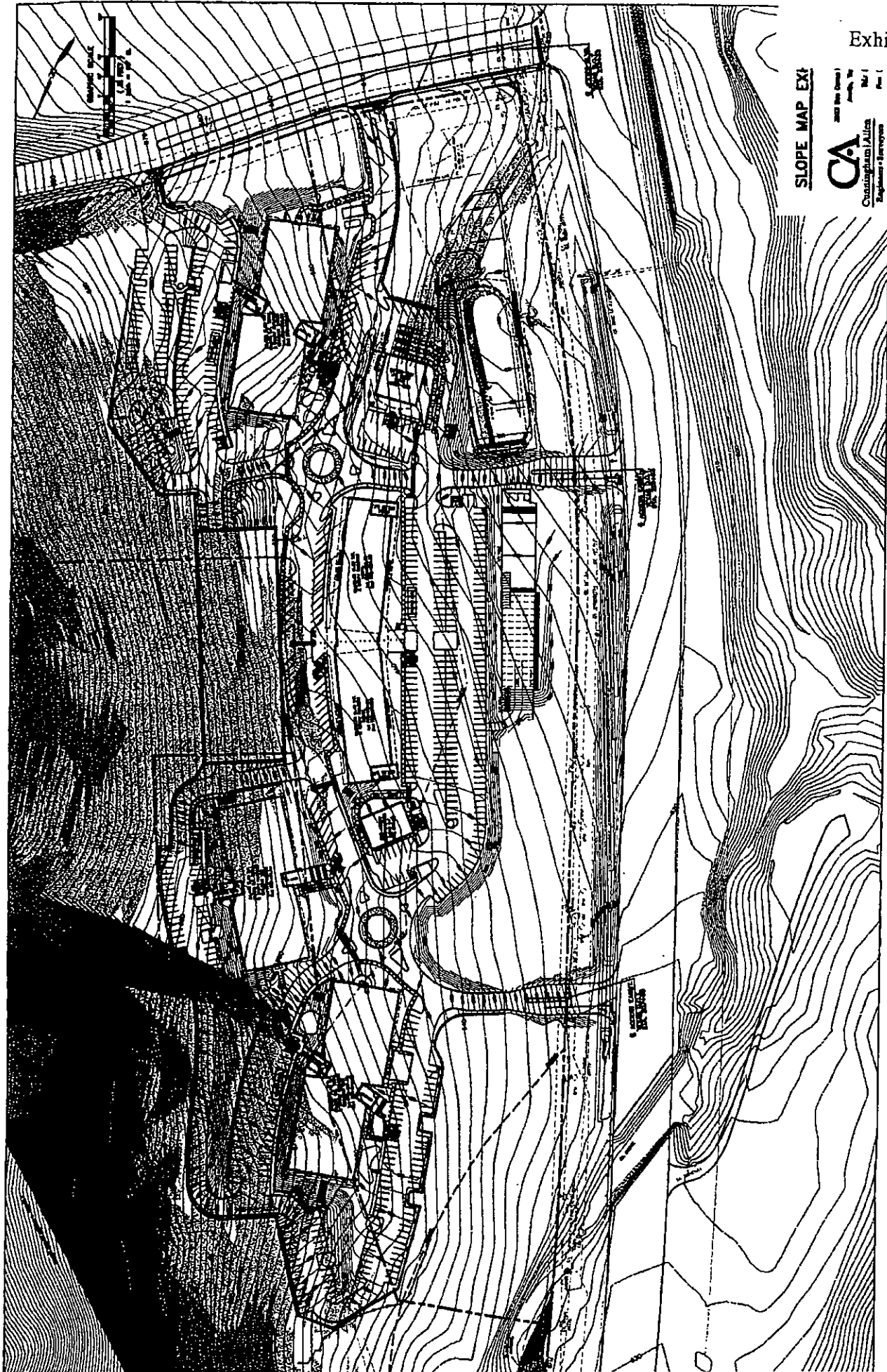


Exhibit 6

SLOPE MAP EX

CA
Crawford & Associates
Engineering & Surveying

E:\3610101\Drawings\Engineering Dept\Exhibits\Impervious Cover on Slopes-Exhibit.dwg, Layout1, 3/1/2006 5:26:54 PM, pthomas, 1050c Survey

4. **Sidewalk or trail system linking Jester Estates** – Champion Partners has inspected the area immediately adjacent to Jester Boulevard, and have spoken with our civil engineers numerous times on the steep slopes. They are extremely concerned about building a sidewalk on such a steep grade, but we are pursuing ways to do this. One thought would be to coordinate with the land owner on the opposite side of Jester Boulevard, where the existing sidewalk ends to complete the connection to Jester Estates.
5. **Restaurant music levels** - Champion Partners agrees to add a provision within the restrictive covenant that will prohibit outdoor music after a certain time and limit the outdoor music to a certain decibel level, as restricted within the Land Development Code.
6. **Rainwater Capture** – Champion Partners will utilize rainwater collection system.
7. **Building Roofs** - All mechanical equipment will be screened using pitched roofs and all roofing material will be earth toned so that the view from above will be appealing. Considerable care has been taken to minimize the visual impacts of the roofs from the surrounding neighbors and from 2222.
8. **Warning light on Jester Boulevard** - Champion Partners has agreed to install a solar powered, blinking warning/traffic light, up the hill on our property. We will commit to include this as part of the site plan stage and will consult with Dale and Pate on the type of light and location, when the appropriate time arises.
9. **Landscaping along Jester Boulevard** – Champion Partners intends to incorporate any design elements that the neighborhood group desires to incorporate into the landscape buffer off of Jester Boulevard.
10. **Plant Rescue** - Any trees or plants that are not designed to be incorporated into the project can be relocated.
11. **Light Pollution/Shielded lights** – Use light shields and special bulbs to avoid and minimize any light pollution.
12. **Garbage and delivery service restrictions** – Limit trash pick ups to no earlier than 7 am and no later than 7 pm, spaced no greater than 4 days apart.
13. **Construction Staging** – Agreed to include in the general contractor's contract that all construction traffic, and specifically concrete trucks, be restricted to an agreed upon route into and out of the project, this will help minimize traffic onto Jester and avoid any dangerous situations. All trucks will have a wash off area on site and will not track mud and debris onto the roads. This will be a condition of the GC's contract.
14. **Deceleration Lane Along 2222** – Construction of a deceleration lane located between the two driveway's along 2222.

[illegible][illegible][illegible]

The image shows a historical ledger or account book. The top section is a header with columns for 'DATE', 'DESCRIPTION', 'AMOUNT', 'BALANCE', and 'TOTAL'. The main body of the document contains several rows of handwritten entries, each starting with a date and followed by a description and an amount. The handwriting is in cursive and somewhat faded. The document is placed on a light-colored surface.

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TABLE 19 NON-RESIDENTIAL F.A.R.							
CALCULATED F.A.R. SEC. 13-3, 197							
LOT	LOW INTENSITY	ALTERNATE FLOOR AREA	HIGHWAY INTERMIT AREA	ALTERNATE FLOOR AREA	TOTAL ALTERNATE FLOOR AREA	GOODS AREA	F.A.R.
1	0.33	0.07	4.24	1.00			
2	14.77	2.48	2.79	3.09			
3	10.77	3.84					
4							
5	34.32	0.04	4.44	2.11			
6	1.90	0.13	2.50	0.73			
7	1.51	0.78	0.77	0.07			
8	18.58	1.49					
9	21.62	1.8	2.10	0.27			
10	0.04	0.04	0.18	0.01			
11	4.73	0.19	9.10	0.04			
12	3.41	0.22					
13	31.17	0.45	0.18	0.07			
14	2.84	0.24	4.85	1.27	1.58	10.17	0.13
15	22.55	3.32	1.53	1.04	4.40	30.40	0.14
16	43.71	5.05			9.40	48.17	0.15
17	35.19	9.21	11.24	2.4	11.81	65.24	0.14

- [illegible]



MEMORANDUM

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

FROM: Betty Lambright, Environmental Review Specialist Sr.
Watershed Protection and Development Review Department

DATE: March 1, 2006

SUBJECT: Canyon Ridge PUD Amendment/C814-89-0006.03

Description of Project Area

F M 2222 Jester LP is requesting an amendment to the existing Planned Unit Development (PUD) #911114-F. Phase B consists of 3 lots (Lots 2, 3, and 4) covering approximately 57 acres of land on the northwest corner of the intersection of RM 2222 and Jester Boulevard in the City of Austin's full purpose jurisdiction. Since West Bull Creek flows through the southwest corner of the property, this project is located in a Water Supply Suburban Watershed and in the Drinking Water Protection Zone. The property contains floodplain, but is not located over the Edwards Aquifer Recharge Zone. The site is currently undeveloped. Surrounding land use consists of undeveloped land, commercial, and single-family residential development.

The applicant is proposing to construct three 2-story office buildings, a 2-story multi-use retail building, bank, restaurant, storm water facilities, structured and surface parking. The impervious cover allocations for each of the 3 lots are defined in the Land Use Plan approved with the PUD. Development allocations pertaining to Lot 4, Block A, correspond directly to the dedication of Lot (Area 1), Block A, of the Canyon Ridge Phase B Subdivision to the City of Austin as per the approved PUD. The applicant is requesting that all impervious cover calculations be evaluated on the basis of a comprehensive unified development.

LDC Section 25-8-302(B)(1) states that a person may construct a building or parking structure on a slope with a gradient of more than 15% and not more than 25% if the requirements of this subsection are met: Impervious cover on slopes with a gradient of more than 15% may not exceed 10% of the total area of the slopes. The applicant is requesting approval to construct 0.53 acres more than the 10% allowed in the LDC.

LDC Section 25-8-341 and 342 limit cut/fill for projects in all watersheds (other than urban watersheds) to 4 feet, with the following exceptions:

- In a roadway right-of-way (ROW),
- For the structural excavation of a building, and
- For utility construction or a wastewater drain field.
- All cuts/fills must be stabilized.

The applicant is requesting approval for cut up to 18' and fill up to 16'.

The applicant argues that the original slope maps (from 1991) were drawn by hand and created the perception of more developable areas in the 0-15% range, so the need for the exceptions were not considered during the crafting of the original PUD. However, staff contends that accepting that justification for the need of the proposed exceptions would trigger a review of the whole PUD with the new technology.

This is a summary of the proposed changes reviewed by staff:

- An overall reduction in impervious cover by 2.1 acres (15.9 acres allowed)
- A reduction of 2.6 acres impervious cover in the WQTZ (6.3 acres allowed)
- A reduction of 2.6 acres impervious cover on 0-15% slopes
- An increase of 0.35 acres impervious cover on 15-25% slopes
- An increase of 0.15 acres impervious cover on 25-35% slopes
- An increase of 0.03 acres impervious cover on 35%+ slopes
- An increase of cut from the allowed 4' up to 18'
- An increase of fill from the allowed 4' up to 16'

To summarize, the original PUD set aside nearly 55 acres of the total 138 acres as a nature preserve. In addition, the development was clustered to minimize further environmental impacts. The proposed PUD amendment provides additional benefits by an overall reduction in impervious cover, and a further reduction of allowed impervious cover in the Water Quality Transition Zone. This pushed the development toward the northern part of the site and resulted in a small encroachment (.53 acres) onto the steeper slopes, and the associated cut/fill increases.

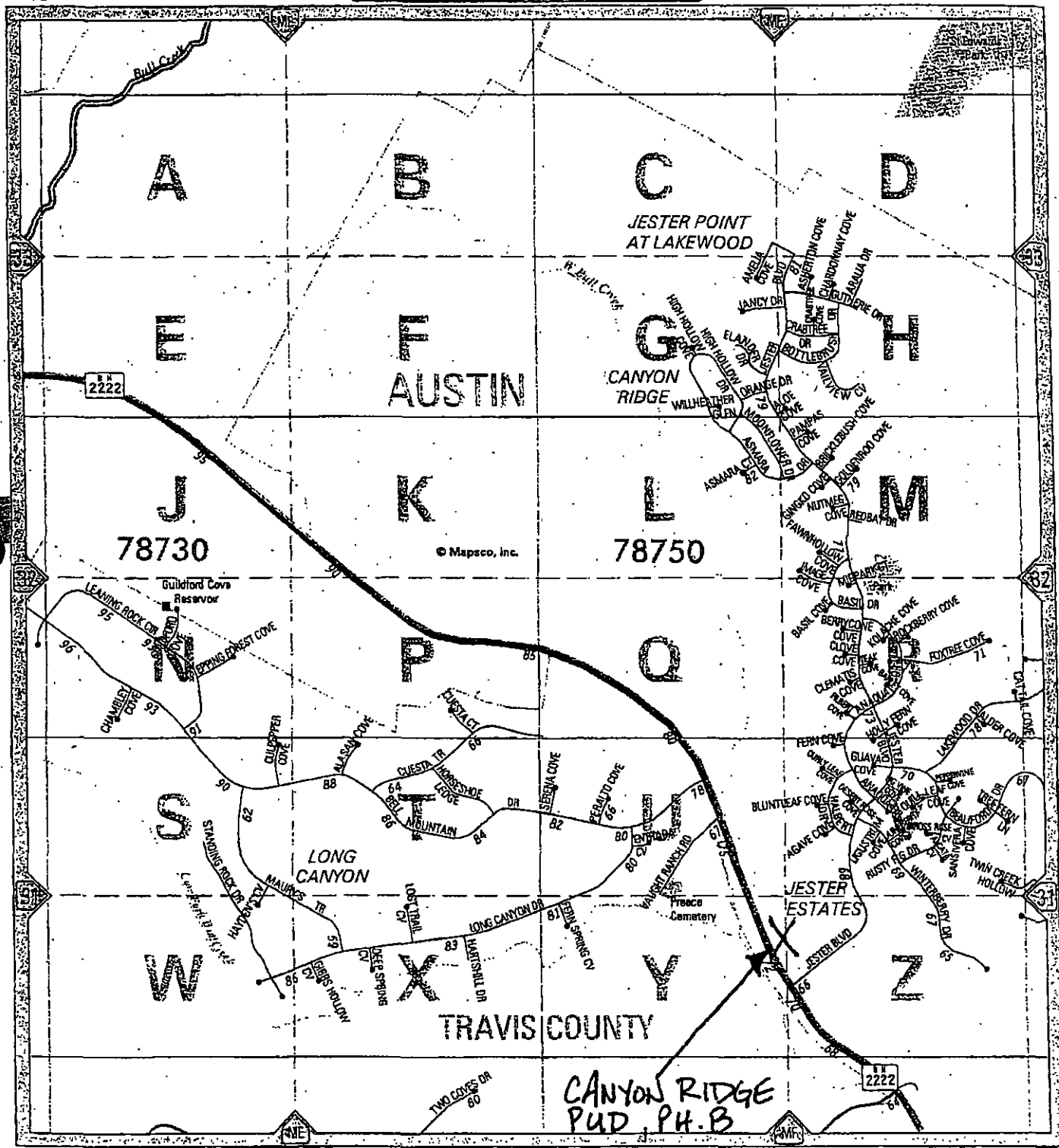
At this time, staff agrees with the progress made by the applicant to address environmental issues surrounding the requested variances. The applicant has agreed to the following conditions for staff support of the variances:

1. Provide a parking garage that holds approximately 270 cars. This will result in an additional reduction of impervious cover of 0.68 acres.

FROM CAPITAL OF TEXAS HIGHWAY, GO WEST ON RM 2222
TO THE INTERSECTION OF JESTER BLVD.



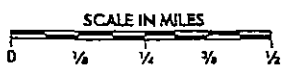
CONTINUED ON MAP 493



CONTINUED ON MAP 492

CONTINUED ON MAP 523

CONTINUED ON MAP 494



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Canyon Ridge Phase B, P.U.D. Architectural Control Committee

Sherri Sirwaitis
Neighborhood Planning & Zoning Department
505 Barton Springs Road
Austin, Texas 78704

Re: Canyon Ridge Phase "B" PUD Amendment; C814-89-006.03

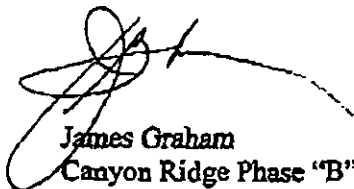
Dear Ms. Sirwaitis:

As members of the Architectural Control Committee that was formed when the original Canyon Ridge Phase "B" PUD was approved, we have reviewed and approved the proposed preliminary site layout. Based on our review of the plan, we support the surface parking layout as proposed since it will create a much more pedestrian friendly main-street concept, along with the unique architectural design. In addition, we support the height increase, because it will allow two-story structures as the original agreement called for and at the same time provide the visual aesthetics needed to cover the mechanical equipment from view from the home owners above.

The Architectural Control Committee supports the Canyon Ridge Phase "B" PUD amendment, along with its proposed variances.

Should you have any questions, please do not hesitate to contact me.

With highest regards,



James Graham
Canyon Ridge Phase "B" Architectural Committee

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.

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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: C814-0006.03

Contact: Sherri Sirwaitis, (512) 974-3057

Public Hearing:

January 31, 2006 Zoning and Platting Commission

☒ I am in favor
☐ I object

Trip Reano for Reano Eleven LP
Your Name (please print)

05-07 Tersten Blvd.

Your address(es) affected by this application

[Signature]
Signature

1/24/06
Date

Comments:

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

City of Austin
Neighborhood Planning and Zoning Department
Sherri Sirwaitis
P. O. Box 1088
Austin, TX 78767-8810

PUBLIC HEARING INFORMATION

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Case Number: C814-0006.03

Contact: Sherri Sirwaitis, (512) 974-3057

Public Hearing:

January 31, 2006 Zoning and Platting Commission

☐ I am in favor
☒ I object

Your Name (please print)
Edward McGinn

6900 AGAVE COVE, AUSTIN TX 78750

Your address(es) affected by this application

1/30/06

Signature

Date

Comments:

WE ARE AGAINST ALL PROPOSED VARIANCES
AND AMENDMENTS TO THE CURRENT PUD ZONING.
IN PARTICULAR, WE ARE AGAINST ALLOWING
CONSTRUCTION ON CADIGENTS OF MOUNT ZHAN
25 PERCENT ANY FURTHER INCREASING THE MAXIMUM
HEIGHT OF STRUCTURES FROM 28' TO 39'

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

City of Austin
Neighborhood Planning and Zoning Department
Sherri Sirwaitis
P. O. Box 1088
Austin, TX 78767-8810

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Case Number: C814-0006.03

Contact: Sherri Sirwaitis, (512) 974-3057

Public Hearing:

January 31, 2006 Zoning and Platting Commission

☐ I am in favor
☒ I am against

MARK CLARY
Your Name (please print)

Bull Creek Homeowners Association

Your address(es) affected by this application

Mark Clary - 1-21-06
Signature Date

Comments: RUD Revisions Requested AEC

Pushing the land use beyond what is appropriate for the topography and location of the property. Too much cut and fill, too much general construction, too much impervious cover on slopes etc. These things are the result are completely without regard to the proximity to Bull Creek and the watershed. We strongly object to this Re-zoning.

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

City of Austin

Neighborhood Planning and Zoning Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

PUBLIC HEARING INFORMATION

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Case Number: C814-0006.03

Contact: Sherri Sirwaitis, (512) 974-3057

Public Hearing:

January 31, 2006 Zoning and Platting Commission

☐ I am in favor
☒ I object

Your Name (please print)

BOB RICHARDSON

Your address(es) affected by this application

6903 AVALON COVE

Your address(es) affected by this application

6903 AVALON COVE

Your address(es) affected by this application

6903 AVALON COVE

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6903 AVALON COVE

Your address(es) affected by this application

6903 AVALON COVE

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

City of Austin

Neighborhood Planning and Zoning Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

Sirwaitis, Sherri

From: Peter Torgrimson [peter@prodigy.net]
Sent: Tuesday, March 21, 2006 4:41 PM
To: Betty Baker; Melissa Hawthorne; Jay A. Gohil; Clarke Hammond; Janis Pinnelli; Keith Jackson; Joseph Martinez; Teresa Rabago; Stephanie Hale
Cc: Sirwaitis, Sherri
Subject: Please Deny Canyon Ridge PUD Amendment 3/21/2006 Agenda Item 8 Case C814-89-0006.03

Honorable Chairwoman and Commissioners,

Please deny the Canyon Ridge PUD Amendment, agenda item 8, at the March 21, 2006 Zoning and Platting Commission hearing.

2222 CONA, an association of neighborhoods along the RM 2222 Corridor, has been working with the developer for the last several months on this development.

The proposed development is a major change from the original PUD. The developer wants the largest development possible and the neighborhoods have been continually evaluating elements of the development and trading off desirable and undesirable factors. In these last weeks we have been negotiating elements important to the neighborhoods and these negotiations have finally broken down at approximately 4:00 pm today.

Given this situation, our only course of action at this point is to oppose the entire development. Please deny this amendment.

respectfully,

Peter Torgrimson
2222 CONA
Long Canyon Homeowners Association
6104 Maury's Trail
Austin, TX 78730
512-338-4722

Sirwaitis, Sherri

From: James L. Machin [jlmachin@rjbco.com]

Sent: Tuesday, March 21, 2006 5:08 PM

To: Sirwaitis, Sherri; info@swhconsulting.com; trabago@austin.rr.com; josephmartinez@yahoo.com; kbjackson@pbsj.com; Pinnelli@flash.net; chammond1@austin.rr.com; jay@jaygohilrealty.com; apsinc@bga.com; bbaker@austintexas.org

Subject: Please Deny Canyon Ridge PUD Amendment 3/21/2006 Agenda Item 8 Case C814-89-0006.03

Zoning & Platting Commissioners,

Years ago, when this development was originally platted, Long Canyon representatives worked extensively with the developers to come up with a detailed plan that was acceptable to all parties. That plan was filed as the plat. To change that now would fly in the face of all the work and agreements that were worked out.

The developer has apparently broken off negotiations with the neighborhoods. That shows bad faith.

Please deny this Amendment.

Respectfully,

James L. Machin
8409 Bell Mountain Drive
Austin, TX 78730 (Long Canyon)

4/7/2006

Sirwaitis, Sherri

From: james grant [jcgaustin@msn.com]
Sent: Tuesday, March 21, 2006 5:56 PM
To: Betty Baker; Melissa Hawthorne; Jay A. Gohil; Clarke Hammond; Janis Pinnelli; Keith Jackson; Joseph Martinez; Teresa Rabago; Stephanie Hale
Cc: Sirwaitis, Sherri
Subject: Please Deny Canyon Ridge PUD Amendment 3/21/2006 Agenda Item 8 Case C814-89-0006.03

Please deny the Canyon Ridge PUD Amendment, agenda item 8, at the March 21, 2006 Zoning and Platting Commission hearing.

The neighborhoods have worked with the developer for months. It has become more clear, with breakdown of negotiations today, that the developer is not interested in any accommodation to neighborhood interests.

Thus, I am opposed to the entire development. Please deny this amendment

Thank you,

Jim & Carolyn Grant
6303 Fern Spring Cove
Austin, Texas 78730
512-794-5848
Long Canyon

4/7/2006

**JESTER HOMEOWNERS ASSOCIATION, INC.
P. O. BOX 202101
AUSTIN, TX 78720**

March 31, 2006

Sherri Sirwaitis
Neighborhood Planning Department
City of Austin
One Texas Center
505 Barton Springs Rd.
Austin, TX 78704

Rezoning: C814-89-0006.03 - Canyon Ridge PUD Amendment #3

Dear Ms. Sirwaitis:

Several months ago and much earlier in the process of consideration of the proposed development at Jester Blvd. and RM2222, we sent you a letter supporting the development. That support was based largely on the general information we had been provided by the developer.

We now have much more detailed information about the proposed development and the many variances being requested by the developer. We have met many times with the developer in an effort to reach agreement about many issues. While we have had some success, it appears we are currently at an impasse concerning a number of issues of great concern to the Jester neighborhood. We cannot accept the developers proposals regarding noise restrictions, drive thru provisions, restaurant restrictions and other items of great concern to our neighborhood.

Also, if we had known at the beginning what we know now, we would not have sent our December 2005 letter of support. Among other things, we did not know the PUD drawings were based on inaccurate topographical maps or that the traffic analysis was 17 years old.

Therefore, the Jester Homeowners Association, Inc. withdraws its support for the Canyon Ridge Development at this time. We do however, support continued

May 3, 2006

Ms. Sherri Sirwaitis
Watershed Protection and Review Department
505 Barton Springs Road
Austin, TX 78704

Re: Canyon Ridge Phase "B" PUD Amendment – C814-89-0006.03

Dear Ms. Sirwaitis:

On behalf of 2222 Coalition of Neighborhood Associations, Inc. (2222 CONA), I am writing to you regarding certain representations which have been made by the developer's agent, Armbrust & Brown, L.L.P. in their letter (The Letter) dated March 2, 2006 from the office of Richard T. Suttle and signed by Amanda L. Morrow. The Letter appears in the backup material for the April 20, 2006 City Council meeting.

Page 8 of The Letter references Exhibit 7 which contains "a summary of project improvements and item's agreed to with the adjoining neighborhood associations."

The referenced Exhibit 7 contains a list of items which the developer has discussed with 2222 CONA. No formal agreement has been made concerning any of the items in this list. Contrary to claims made in The Letter, there is significant disagreement regarding several of these items. These disagreements have prevented formal agreement on any of the issues. Negotiations have been stalled and we currently are attempting to re-establish negotiations with the developer.

In several places, Exhibit 7 refers to changes to the existing restrictive covenant for this PUD, and changes to this existing restrictive covenant have been proposed by the developer as an appropriate document for formal agreement of items desired by 2222 CONA. However, any provisions which would be added to the restrictive covenant could be nullified by a variance procedure controlled by the owner representatives on the Canyon Ridge Phase "B" PUD Architectural Control Committee (ACC) which controls the restrictive covenant. Thus any provisions in the restrictive covenant which appear to be to the benefit of the neighborhood associations provide no actual benefit to the neighborhood associations because they can be nullified by variance at any time without agreement of the neighborhood associations' representative on the ACC.

Any formal agreement between the property owners and the neighborhood associations must be in an independent restrictive covenant not under the control of the property owners.

In several of the items in the list, the letter claims that there is agreement with 2222 CONA where there actually is disagreement. Specifics of these items appear below:

PETITION

Case Number:

C814-89-0006.01

Date:

May 12, 2006

Total Area within 200' of subject tract: (sq. ft.)

1,642,893.00

1	01-4513-0529	NASTA DEEP & LAJ	11,002.08	0.67%
2	01-4513-0531	WASMUTH ROBERT E	3,494.90	0.21%
3	01-4513-0603	& ALINA RAMOS	14,977.77	0.91%
		HATCH KURT & JAMI		
4	01-4513-0605	OWEN CHARLES	41,266.59	2.51%
		LANE & DANIELE		
5	01-4513-0617	PAULOS JOHN	63,755.10	3.88%
		JAMES & SUSAN K		
6	01-4515-0101	KRIGER WINSTON A	20,829.44	1.27%
		& RUTH M		
7	01-4515-0102	KONIGSBURG BRIAN	92,474.38	5.63%
		R & JOYCE A		
8	01-4515-0103	PARKER LAWRENCE	1,387.93	0.08%
		M & PATRICIA S		
		STEVENSON ROBERT		
9	01-4515-0109	L & SUSAN D	31,118.34	1.89%
		MCGLYNN EDWARD		
10	01-4515-0115	R & JESSICA	86,087.04	5.24%
		KUTA DAVID R &		
11	01-4515-0116	JOAN E	57,450.61	3.50%
12	01-4515-0120	PRATER DON & DANA	28,836.75	1.76%
13				0.00%
14				0.00%
15				0.00%
16				0.00%
17				0.00%
18				0.00%
19				0.00%
20				0.00%
21				0.00%
22				0.00%
23				0.00%
24				0.00%
25				0.00%

Validated By:

Stacy Meeks

Total Area of Petitioner:

452,680.91

Total %

27.55%

File Number: C 814-89-0006.03

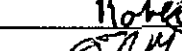
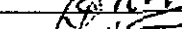






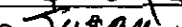




Rezoning Request: 7300 FM 2222

6500 + 6508 Jester Blvd.

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than _____.

We are protesting the Canyon Ridge PUD changes in hours of operation, outdoor music and/or external speakers not necessary for security, the addition of a driveway on Jester Blvd., allowing the increase of fast food limited restaurant floor space, the separate pad for limited restaurant and drive thru lanes as an addition to principal use.

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

<u>Signature</u>	<u>Printed Name</u>	<u>Address</u>
	Robert Wassmuth	6767 Jester Blvd
	Ed McGlynn	6900 AGAVE COVE
	Lisa & Terry Pike	6902 Agave Cove
	Lawrence & PARKER	7305 Bluntley cone
	Don Prater	7311 Halbert Dr.
	FRED NORTON	7407 CURLY LEAF CV
	Kurt HASCH	6801 Jester Blvd
	SUSAN STEVENSON	7309 Halbert Dr.
	Winston A. Kriger	7304 Bluntley Cove
	DANIELE A. OWEN	6730 Jester Blvd
	JERRY D. GONDER	7408 CURLY LEAF COVE
	DAVID R KUTA	6901 AGAVE COVE
	KATHY RICHARDSON	6903 AGAVE COVE

Date: 4-14-06

Contact Name: Dale Bulla
Phone Number: 345-9528

AMERICAN PSYCHOLOGICAL ASSOCIATION
1000 17th Street, N.W.
Washington, D.C. 20036
202-336-6000
www.apa.org

[illegible]

P E T I T I O N

Date: 4-14-06

File Number: C 814-89-0006.03

Address of

Rezoning Request: 7300 Fm 2222 ,
6500 & 6508 Jester Blvd.

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than _____.

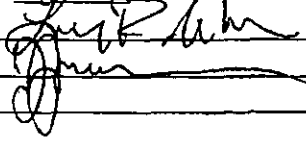
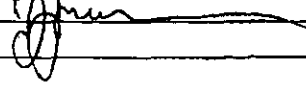
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(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature

Printed Name

Address

	<u>LORY JOHNSON</u>	<u>7805 Bell Mountain Dr.</u>
	<u>Jeff Johnson</u>	<u>Austin, TX 78730</u>
		<u>7805 Bell Mountain Dr</u>
		<u>Austin, TX 78730</u>

Date: 4-14-06

Contact Name: Deb D. Bull

Phone Number: 345-9528

P E T I T I O N

Date: 4-19-2006

File Number: C 814 - 89 - 0006.03

Address of

Rezoning Request: 7300 FM 2222

6500 + 6508 Jester Blvd

To: Austin City Council

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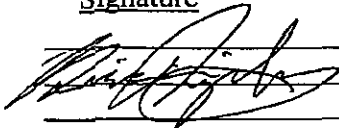
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(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature

Printed Name

Address



BRIAN KOWIGSBURG

7306 Bluntleaf Cove

Date: 4-19-06

RECEIVED

Contact Name: Dale Bulla

Phone Number: 345-9528

APR 26 2006

Neighborhood Planning & Zoning

P E T I T I O N

Date: 4-20-06

File Number: C814 - 89 - 0006, 03

Address of

Rezoning Request: 7300 FM 2222

6500 + 6508 Jordan Blvd.

To: Austin City Council

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(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature

Printed Name

Address

~~John J. Paulos~~ John J. Paulos 6722 Jester Blvd.
mailing address 6309 W. Courtyard Dr, 78730
Susan K. Paulos Susan K. Paulos 6722 Jester Blvd.
mailing address 6309 W. Courtyard Dr, 78730
PID: 145130617

Date: 21-20-04

Contact Name: Dale Bulla

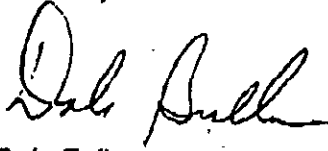
Phone Number: 345-9528

RECEIVED

APR 26 2006

Neighborhood Planning & Zoning

Sincerely,



Dale Bulla
Jester Homeowners Association Board
Architectural Control Chair
7202 Foxtree Cove
Austin, TX 78750
dale-bulla@pobox.com
Office phone or fax 512/345-9502

Cc Nancy Cothran, 346-5871, fax
James Graham, 372-9990, fax
Amanda Morrow, 435-2360, fax
Sherry Sirwaitis, 974-2269, fax

PART 4. This ordinance takes effect on _____, 2006.

PASSED AND APPROVED

§
§
§

_____, 2006

Will Wynn
Mayor

APPROVED:

David Allan Smith
City Attorney

ATTEST:

Shirley A. Gentry
City Clerk