

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

# AGENDA



Thursday, November 16, 2006

+ Back Print

**Zoning and Neighborhood Plan Amendments  
(Public Hearings and Possible Action)  
RECOMMENDATION FOR COUNCIL ACTION**

ITEM No. 73

**Subject:** C14-06-0172 - Arboretum Retirement Community - Conduct a public hearing and approve and ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11601 Jollyville Road (Walnut Creek Watershed) from limited office (LO) district zoning to community commercial-mixed use (GR-MU) combining district zoning for Tract 1 and limited office-mixed use (LO-MU) combining district zoning for Tract 2 Staff Recommendation. To grant community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning for Tract 1 and limited office-conditional overlay (LO-CO) combining district zoning for Tract 2. Zoning and Platting Commission Recommendation Applicant JV Road Limited, Texas Limited Partnership (Michael R. Young). Agent. Land Strategies, Inc. (Paul W. Linehan) City Staff: Sherri Sirwaitis, 974-3057. A valid petition has been filed in opposition to this rezoning request.

**Additional Backup Material**

(click to open)

**Staff Report**

**For More Information:**

## ZONING CHANGE REVIEW SHEET

**CASE:** C14-06-0172

**Z.A.P. DATE:** October 3, 2006  
October 17, 2006

**ADDRESS:** 11601 Jollyville Road

**OWNER/APPLICANT:** JV Road Limited, Texas Limited Partnership (Michael R. Young)

**AGENT:** Land Strategies, Inc (Paul Linehan)

**ZONING FROM:** LO

**TO:** **Tract 1:** GR-MU (for 866 to 896 ft above sea level)      **AREA:** 1 570 acres  
MF-6 (for 896 to 986 ft above sea level)  
**Tract 2:** LO-MU (an area 120 ft in depth on the site from      0 424 acres  
the property line along Jollyville Road) Total.      1.994 acres

### **SUMMARY STAFF RECOMMENDATION:**

The staff's recommendation is grant GR-MU-CO, Community Commercial-Mixed Use-Conditional Overlay District, zoning for Tract 1 and LO-CO, Limited Office-Conditional Overlay District, zoning for Tract 2. The conditional overlay would limit the site to uses that generate no more than 2,000 vehicle trips per day.

### **ZONING AND PLATTING COMMISSION:**

10/05/06

**1st Motion:** To postpone the case for 12-weeks at the neighborhood's request (Vote 3-4, T Rabago/ J Martinez/ J. Gohil/ J Shieh-Nay, K Jackson/ J Pinnelli-absent), C Hammond-1<sup>st</sup>, S. Hale-2<sup>nd</sup>. {MOTION FAILED}

**2<sup>nd</sup> Motion:** To postpone to October 17, 2006 at the applicant's request (Vote 4-3, S Hale/ C Hammond/ B Baker-Nay, J. Pinnelli/ K Jackson-absent), J Martinez-1<sup>st</sup>, T Rabago-2<sup>nd</sup>. {MOTION FAILED}

**3<sup>rd</sup> Motion:** To postpone for 6-weeks to November 21, 2006 by ZAP Commission (Vote 7-0, J Pinnelli/ K Jackson-absent); J Martinez-1<sup>st</sup>, J Gohil-2<sup>nd</sup>

[Later in the evening after the neighborhood & staff had left the hearing, a 4th motion was made]

**4<sup>th</sup> Motion:** To Rescind and Reconsider previous action of postponement and postpone to October 17, 2006 (5-2, C Hammond/ B Baker-Nay, J Pinnelli/ K Jackson-absent), J Martinez-1<sup>st</sup>, J Gohil-2<sup>nd</sup>

10/17/06 Approved GR-MU-CO zoning on Tract 1 for an area 866 to 896 ft above sea level and MF-6-CO zoning for an area 896 to 926 ft above sea level, with conditions of a 60-foot height limit and 2,000 vehicle trip limit and approved LO-MU-CO zoning on Tract 2, with

conditions of 2,000 vehicle trip limit, limit site to 'LO' district uses and residential accessory uses (prohibiting dwelling units)

Vote 9-0, K Jackson-1<sup>st</sup>, J Martinez-2<sup>nd</sup>

### **ISSUES:**

On October 12, 2006, the staff received a petition from surrounding property owners ("Attachment A"). The GIS staff has verified that this petition is **valid at 34.16 %**. Therefore, the petition will require an affirmative vote of three-fourths of the members of Council to approve the applicant's request for the proposed rezoning.

The excerpt below is from the City of Austin's Land Development Code and explains when the City Council is subject to the three-fourths vote.

#### *Sec 25-2-284 REQUIREMENT FOR APPROVAL BY THREE-FOURTHS OF COUNCIL*

- (A) *The affirmative vote of three-fourths of the members of Council is required to approve a proposed rezoning if*
  - (1) *the Land Use Commission recommends denial of an application to rezone property to a planned unit development, or*
  - (2) *the proposed rezoning is protested in writing by the owners of not less than 20 percent of the area of land*
    - (a) *included in the proposed change, or*
    - (b) *immediately adjoining the area included in the proposed rezoning and extending 200 feet from the area*

In addition, the staff has received numerous letters /e-mails in regards to the proposed rezoning for the site under consideration. This information is included as "Attachment B" with the case report.

### **DEPARTMENT COMMENTS:**

The property in question is currently undeveloped and contains several large trees. This tract of land is located adjacent to/behind the Chuy's and Joe's Crab Shack restaurants, which front U. S. Highway 183 North. The agent for this case has stated that the applicant is requesting a rezoning on Tract 1 to GR-MU (for 866 to 896 ft above sea level) because they would like to develop the property with a parking garage structure that will service the existing Chuy's restaurant site to the north. In addition, the applicant is asking for MF-6 zoning (for 896 to 986 ft above sea level) to be developed above the proposed GR-MU zoning area to construct a 120-foot condominium tower. The proposed development would allow for a 12-story building, containing approximately 130 residential units to be marketed as an owner occupied retirement community. The applicant is requesting LO-MU zoning for Tract 2 so that they can develop amenities, such as a swimming pool, to provide services for the residential retirement condominium tower on Tract 1.

The staff recommends GR-MU-CO zoning for Tract 1 because the subject tract meets the intent of the 'GR' district as it will allow for uses that serve neighborhood and community needs and that are generally accessible from major traffic ways, such as Jollyville Road and U.S. Highway 183 North. The addition of the 'MU' combining district will permit a mixture of residential and commercial uses to be developed on the site.

The staff, however, does not recommend the applicant's request to create multilayered zoning on this tract by rezoning an area 896 to 986 feet above sea level for MF-6 uses. The property in question

does not meet the intent of the 'MF-6' district as the site under consideration is not located within the central city near a major institution or employment center. The recommended GR-MU-CO zoning will allow the applicant to develop Tract 1 with multifamily residential uses that equate with MF-4 district density in the Land Development Code. The applicant has stated that they are pursuing MF-6 zoning to get additional height on the property. Yet even with the 90 feet of height permitted by the MF-6 district, the applicant will still have to request variances to development standards at the Board of Adjustment to achieve the 12 story/120-foot residential condominium tower that they desire to construct on the property.

The staff is also recommending a 120-foot buffer of LO-CO zoning along Jollyville Road for Tract 2 in accordance with the intent of the U.S. 183/Jollyville Road Area Study. The policy of a 120-foot strip buffer of LO zoning along the east side of Jollyville Road has been consistently applied to date. The staff does not recommend the applicant's request to add an 'MU' combining district to the proposed 'LO' area because the purpose of the 120-foot strip was to allow for a buffer of office uses along Jollyville Road to separate the intensive commercial uses fronting U.S. Highway 183/Research Boulevard from the office and residential uses existing on the western side of Jollyville Road.

The applicant does not agree with the staff's recommendation.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	LO	Undeveloped
<i>North</i>	GR-CO	Restaurant-General uses (Chuy's, Joe's Crab Shack)
<i>South</i>	MF-2-CO	Multifamily Residential (Marquis Apartments)
<i>East</i>	GR, GR-CO, MH	Office, Automotive Repair, Office (Sunset Mortgage), Service Station (Chevron)
<i>West</i>	LO, LR	Office (Orthopedic Associates)

**AREA STUDY:** U.S. 183/Jollyville Road Area Study

(This Area Study designates the property in question for commercial/GR district uses. The U.S. 183 Study was approved by the City Council in November of 1978. The Area Study recommended that a 120-foot deep strip of land along Jollyville Road be zoned "O" Office zoning (which was converted to LO, Limited Office, in 1985) and that a 200 foot strip of land along the west side of Jollyville Road be zoned "A" Residence (which was converted to SF-3, Family Residence, in 1985). The policy of a 120-foot strip buffer of LO zoning along the east side of Jollyville Road has been consistently applied to date. The policy of SF-3 on the west side of Jollyville Road was never approved or implemented, and today the west side of Jollyville Road is primarily zoned office and multi-family, with the majority of office zoning being LO zoning. The recommendation for a 120-foot strip of LO zoning along the eastern portion of Jollyville Road was incorporated into the Jollyville Road Study, which was adopted in 1984.)

**TIA:** Not required

**WATERSHED:** Walnut Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** N/A

**HILL COUNTRY ROADWAY:** N/A

**REGISTERED NEIGHBORHOOD ORGANIZATIONS:**

46 - North Oaks Neighborhood Association  
 157 - Courtyard Homeowners Association  
 426 - River Place Residential Community Association, Inc.  
 475 - Bull Creek Foundation  
 724 - Austin Independent School District

**SCHOOLS:**

North Oaks Elementary School  
 Canyon Vista Middle School  
 Anderson High School

**CASE HISTORIES:**

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-06-0013	GR, SF-2 to MF-6* *On 4/27/06, the agent requested to amend the case to allow for a 65 foot strip of SF-3 zoning along the southeast property line	5/02/06: Motion to approve MF-6-CO zoning, with a 60 foot height limit, and SF-3 zoning for an area 65 feet from the southeastern property line (5-3, B. Baker, M Hawthorne, C Hammond-No, J Martinez-absent), K Jackson-1 <sup>st</sup> , B Baker-2 <sup>nd</sup>  Motion made to rescind and reconsider previous action (8-0, J Martinez-absent), K. Jackson-1 <sup>st</sup> , B Baker-2 <sup>nd</sup> .  Motion to deny the applicant's request for MF-6 zoning (6-2, J. Gohil, S. Hale-No, J. Martinez-absent), K Jackson-1 <sup>st</sup> , J Pinnelli-2 <sup>nd</sup>	6/22/06: Case withdrawn by applicant
C14-02-0088	LO to LR-CO	6/18/02 Approved staff's recommendation of LR-CO zoning, by consent (8-0. A Adams-absent)	7/18/02 Approved LR-CO, prohibiting the following uses as offered by the applicant Restaurant (Drive-in, Fast Food), Service Station, Counseling Services, Guidance Services, and Safety Services(7-0), all 3 readings
C14-01-0160	LO to GO	Withdrawn by applicant on 12/14/01	N/A
C14-99-0040	SF-2 to GO	4/06/99 Approved staff rec of LO (9-0)	5/06/99 Approved PC rec of LO (6-0), all 3 readings
C14-97-0118	SF-2 to SF-3	10/07/97 Approved staff's rec of SF-3 (8-0)	11/06/97 Approved PC rec of SF-3 (7-0); all 3 readings
C14-97-0067	LO, SF-2 to LO	7/22/97 Approved staff rec of LO by consent (8-0)	8/21/97 Approved LO (5-0), all 3 readings

C14-93-0141	SF-2 to GR	11/16/93. Approved LO and GR-CO. On Tract 2 - General Retail Sales (General and Convenience) uses shall be a max FAR of 13,269 sq ft., Restaurant (Drive-in, Fast Food) use shall be a max FAR of 3,163 sq ft., Restaurant (General) use shall be a max FAR of 9,735 sq ft., Food Sales use shall be a max FAR of 11,259 sq ft, Financial Services use shall be a max FAR of 11,500 sq ft	12/02/93: Approved LO and GR-CO (7-0); all 3 readings
C14-93-0070	LO to LI-PDA	7/20/93 Approved LI-PDA (9-0)	8/05/93. Approved LI-PDA (6-0), 1 <sup>st</sup> reading 12/16/93 Approved LI-PDA 6-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings
C14-92-0133	SF-2, SF-3, SF-6, LO, GO to MF-2	5/23/93: Approved MF-2 w/ conditions (6-0): limit density to 224 dwelling units; no structure shall be constructed within 50 feet of SF-2 zoning, any structure beyond the 50 foot setback, within 400 feet of Ladera Vista Drive shall not exceed 32 feet in height, allow only emergency access to Taylor Draper Lane, maintain a 50 foot vegetative buffer along Taylor Draper Lane, construct a six foot high privacy fence along Taylor Draper Lane; no structures within 220 feet of Taylor Draper Lane, any structure within 80 feet of the 220 foot setback shall not be 32 feet or higher within said 80 foot strip of land, construct a six foot high privacy fence along the property abutting single-family zoned lots	6/03/93: Approved MF-2-CO (6-0), 1 <sup>st</sup> reading  6/10/93: Approved MF-2-CO (5-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings
C14-92-0051	SF-2 to MF-2	8/27/92 Approved MF-2-CO limit density to 17 3 units per acre, driveway access for the property shall be reviewed and approved at the time of site plan be Transportation review	9/03/92 Approved MF-2-CO on all 3 readings
C14-90-0056	SF-2 to LO	10/09/90 Approved LO (6-0-2, SR/HG-abstain)	10/18/90 Approved LO (6-0), 1 <sup>st</sup> reading  1/10/91 Approved LO, 2 <sup>nd</sup> /3 <sup>rd</sup> readings

C14-90-0050	LO to LI-PDA	9/11/90 Approved staff rec of LI-PDA (7-0)	9/13/90 Approved LI-PDA (6-0), 1 <sup>st</sup> reading  4/25/91 Approved LI-PDA on 2 <sup>nd</sup> /3 <sup>rd</sup> readings
C14-89-0024	SF-2, GO to GR	5/23/89 Approved GR & SF-2	6/29/89: Approved GR & SF-2 (6-0); 1 <sup>st</sup> reading  10/04/90 Approved GR & SF-2 (7-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings
C14-89-0022	LO to GR	6/27/89 Approved GR-CO and LR w/conditions: No direct vehicular access to Thunder Creek or Stanwood Road, Food Sales use shall be a max FAR of .041 to 1, General Retail Sales (General and Convenience) uses shall be a max FAR of .08 to 1; Restaurant (General and Limited) uses shall be a max FAR of .009 to 1; Restaurant (Drive-In, Fast Food) uses is restricted to a FAR of .003 to 1, FAR calculations shall be based on the combined area of Tract 1 (29 909 acres) and Tract 2 (1 482 acres), uses shall comply with the TIA	7/27/89. Approved GR-CO and LR w/conditions on 1 <sup>st</sup> reading  1/18/90. Approved GR-CO and LR-CO on 2 <sup>nd</sup> /3 <sup>rd</sup> readings

**RELATED CASES:** There are no pending related cases.

**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Sidewalks	Bus Route	Bike Route
Jollyville Road	106'	57'	Major Arterial	No	Yes	Priority 2

**CITY COUNCIL DATE:** October 19, 2006

**ACTION:** Postponed to November 16, 2006 at the neighborhood's request (7-0)

November 16, 2006

**ACTION:**

**ORDINANCE READINGS:** 1<sup>st</sup>

2<sup>nd</sup>

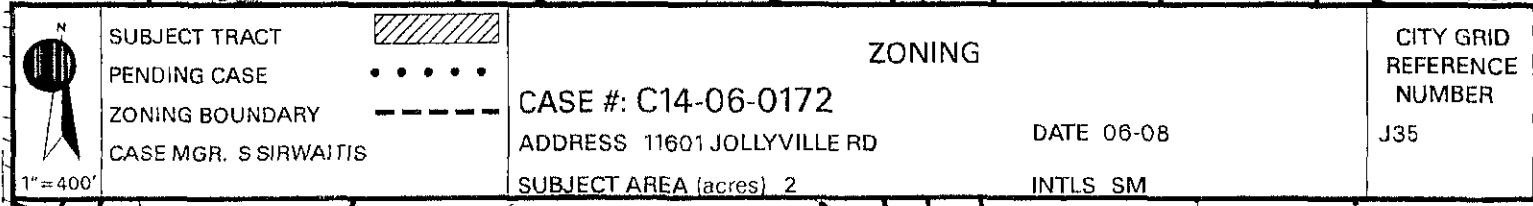
3<sup>rd</sup>

**ORDINANCE NUMBER:**

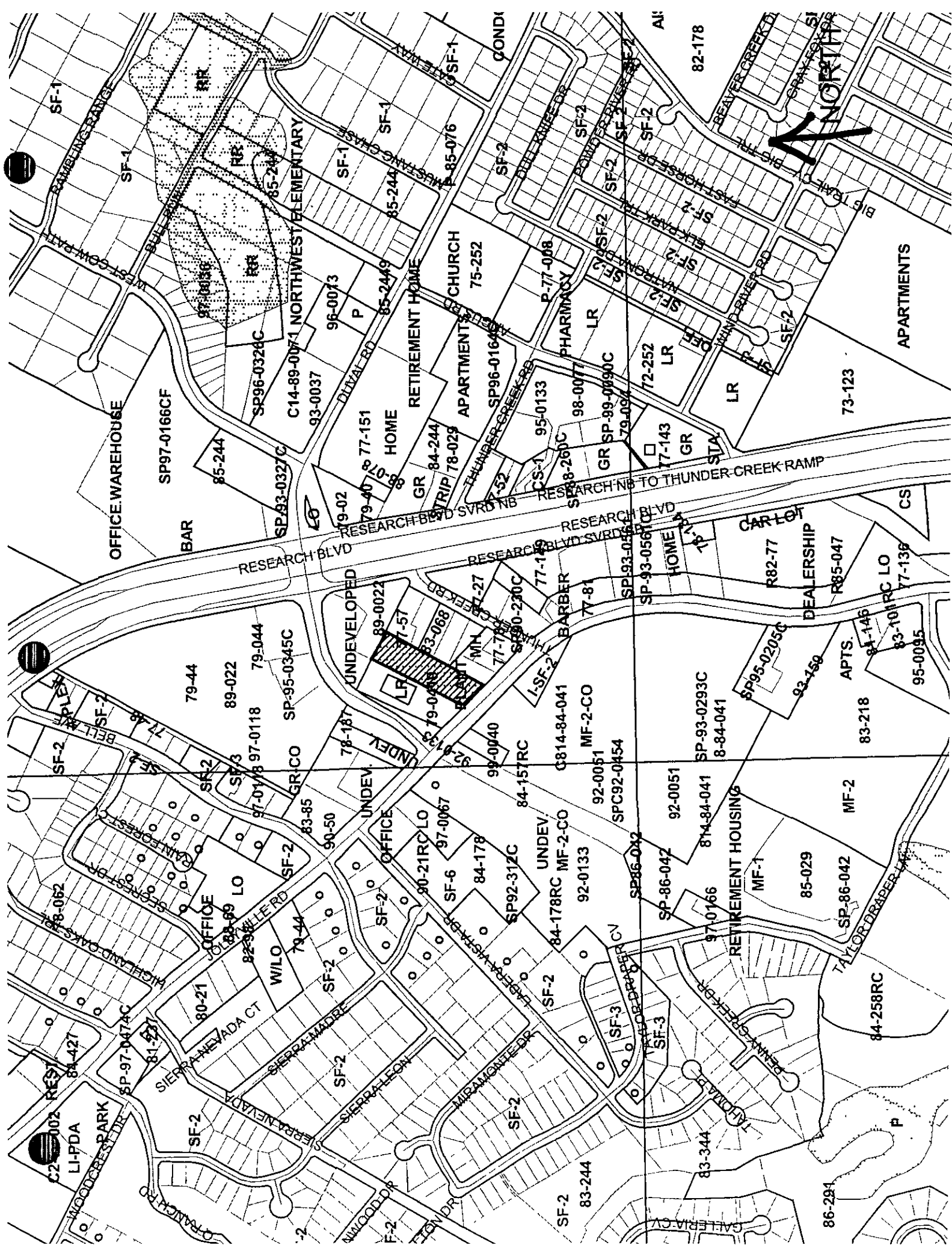
**CASE MANAGER:** Sherri Sirwaitis

**PHONE:** 974-3057.

[sherri.sirwaitis@ci.austin.tx.us](mailto:sherri.sirwaitis@ci.austin.tx.us)









## STAFF RECOMMENDATION

The staff's recommendation is grant GR-MU-CO, Community Commercial-Mixed Use-Conditional Overlay District, zoning for Tract 1 and LO-CO, Limited Office-Conditional Overlay District, zoning for Tract 2. The conditional overlay would limit the site to uses that generate no more than 2,000 vehicle trips per day

## BASIS FOR RECOMMENDATION

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*

The Land Development Code states that, "Community commercial (GR) district is the designation for an office or other commercial use that serves neighborhood and community needs and that generally is accessible from major traffic ways."

"The purpose of a mixed use (MU) combining district is to allow office, retail, commercial, and residential uses to be combined in a single development."

**The subject tract meets the intent of the 'GR' district as it will allow for uses that serve neighborhood and community needs and that are generally accessible from major traffic ways, such as Jollyville Road and U. S. Highway 183 North. The addition of the 'MU' combining district will permit a mixture of residential and commercial uses to be developed on the site that may provide services to this site and the surrounding areas.**

"Limited office (LO) district is the designation for an office use that serves neighborhood or community needs and that is located in or adjacent to residential neighborhoods. An office in an LO district may contain one or more different uses. Site development regulations and performance standards applicable to an LO district use are designed to ensure that the use is compatible and complementary in scale and appearance with the residential environment."

**The policy of a 120-foot strip buffer of LO zoning along the east side of Jollyville Road has been consistently applied to date to maintain a setback from the residential and office uses to the west.**

The property in question does **not** meet the intent of the MF-6 district. The purpose statement of the MF-6 zoning district declares, "Multifamily residence highest density district is the designation for multifamily and group residential use. An MF-6 district designation may be applied to a use in a centrally located area near supporting transportation and commercial facilities, an area adjacent to the central business district or a major institutional or employment center, or an area for which the high density multifamily use is desired." **The site under consideration is not located within the central city near a major institution or employment center.**

2. *The proposed zoning should promote consistency and orderly planning*

The staff's recommendation for GR-MU-CO zoning for Tract 1 will promote consistency and orderly planning because the subject tract is located adjacent to GR and GR-CO zoning to the north and east and to existing commercial uses office uses to the north, east and west

The LO-CO zoning proposed for Tract 2 will allow for a 120-foot buffer of office uses along Jollyville Road to separate the intensive commercial uses fronting U S Highway 183/Research

Boulevard from the office and residential uses existing on the western side of Jollyville Road. There is existing LO zoning to a depth of 120-feet adjacent to this tract to the east and the west that is consistent with the intent of the policies applied in the U.S. 183/Jollyville Road Area Study.

3. *Intensive multi-family zoning should be located on major arterials and highways*

The property in question does **not** front onto U.S. Highway 183 North. The access for this property is located on Jollyville Road, across from a low density multifamily use, known as the Marquis Apartments. The staff's recommendation GR-MU-CO zoning for Tract 1 will allow the applicant to develop Tract 1 with multifamily residential uses that equate with MF-4, Multi-family Residence-Moderate-High Density District, zoning density in the Land Development Code. The MF-4 zoning district permits townhouse and apartment uses up to 54 units per acre. GR-MU zoning will allow for a maximum building height of 60 feet and a floor-to-area ratio of 1:1 on the site.

## EXISTING CONDITIONS

### Site Characteristics

The site under consideration is currently undeveloped and contains several large trees. This tract of land currently takes access to Jollyville Road. It is located behind the Chuy's and Joe's Crab Shack restaurants, which front U.S. Highway 183 North. There is a medical office use located to the west (Orthopedic Associates) and an administrative/business office use to the east (Sunset Mortgage). The property to the south, across Jollyville Road, is developed with a low density multifamily/ 'MF-2 district' use (Marquis Apartments).

### Hill Country Roadway

The site is not within a Hill Country Roadway Corridor.

### Impervious Cover

The maximum impervious cover allowed by the GR zoning district would be 90%, the MF-6 zoning district would be 80%, and the LO zoning district would be 70%. However, because the Watershed impervious cover is more restrictive than the zoning district's allowable impervious cover, the impervious cover on this site would be limited by the watershed ordinance.

Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits.

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

### **Environmental**

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

According to flood plain maps, there is no floodplain within, or adjacent to the project boundary. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

At this time, site specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements.

- Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

At this time, no information has been provided as to whether this property has any pre-existing approvals that preempt current water quality or Code requirements.

### **Transportation**

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

The trip generation under the requested zoning is estimated to be 5,617 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day [LDC, 25-6-117].

#### **Existing Street Characteristics**

<b>Name</b>	<b>ROW</b>	<b>Pavement</b>	<b>Classification</b>	<b>Sidewalks</b>	<b>Bus Route</b>	<b>Bike Route</b>
Jollyville Road	106'	57'	Major Arterial	No	Yes	Priority 2

### **Water and Wastewater**

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extension, system upgrades, and utility relocation. 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 water and wastewater utility design criteria. The water and wastewater utility construction must be inspected by the City. The landowner must pay all associated and applicable City fees.

### **Stormwater Detention**

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

### **Compatibility Standards**

The site is not subject to compatibility standards.

**ALDERMAN/PACCONI**  
ARCHITECTURE DESIGN PLANNING

8/10/2006

2708 South Lamar Blvd.  
Suite 200B  
Austin, Texas 78702

Amelia Lopez-Phelps  
611 S. Congress, Suite 340  
Austin, TX 78704

Dear Amelia,

Here is the breakdown you requested for the Arboretum Retirement Community zone change application:

ZONING	PARKING SQUARE FOOTAGE*	PARKING SPACES**	CONDOMINIUM SQUARE FOOTAGE	NUMBER OF UNITS	POOL AMENITIES SQUARE FOOTAGE
GR-MU	136,059	390			
MF-6			214,914	130	
LO-MU					7,350

\*3 Levels of Parking

\*\*290 for Condominiums/100 for Chuy's

Please let me know if you have any questions.

Best Regards,



Stuart M. Alderman, Architect

PROPOSED GR-MU TRACT DESCRIPTION:

From 866 to 896 feet above mean sea level:

BEGINNING at 1/2" rod found in the northerly right-of-way line of Jollyville Road for the southeasterly corner of the proposed LO-MU tract as described in attached Exhibit "A" LOCATE a STARTING POINT N 31°25'00" E a distance of 125.08 feet for the starting point of the proposed GR-MU tract:

THENCE N 42°11'21" W a distance of 155.69 feet:

THENCE N 30°00'43" E a distance of 421.32 feet to a 1/2" iron rod as described in attached Exhibit "A":

THENCE S 59°52'39" E a distance of 159.71 feet to a 1/2" iron rod as described in attached Exhibit "A":

THENCE S 31°25'00" W a distance of 468.74 feet to the STARTING POINT.

PROPOSED MF-6 TRACT DESCRIPTION:

Same as above EXCEPT, 896 to 926 feet above mean sea level.



547.35' N 30 d 00' 43" E  
421.32' N 30 d 00' 43" E

PROPOSED  
**GR-MU**  
**68,644.70 sf**  
From 866 to 896 feet above mean sea level

PROPOSED  
**MF-6**  
**68,644.70 sf**  
From 896 to 926 feet above mean sea level

PROPOSED  
LO-MU TRACT DESCRIPTION:

BEGINNING at 1/2" rod found in the northerly right-of-way line of Jollyville Road for the southeasterly corner of the proposed LO-MU tract as described in attached Exhibit "A":

THENCE N 31°25'00" E a distance of 125.08 feet:

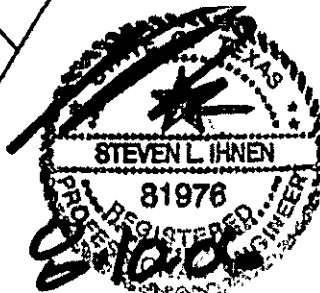
THENCE N 42°11'21" W a distance of 155.69 feet:

THENCE S 30°00'43" W a distance of 126.03 feet to a 1/2" iron rod as described in attached Exhibit "A".

THENCE S 42°11'21" E a distance of 152.45 feet to the STARTING POINT.

120'-0" N 30 d 00' 43" E  
155.69' N 42 d 11' 21" W  
152.45' N 42 d 11' 21" W  
126.03' N 30 d 00' 43" E  
JOLLYVILLE ROAD

PROPOSED  
**LO-MU**  
**18,487.12 sf**



Certified lot lines and  
proposed zoning line location

8-10-06  
JOB NUMBER: 05062  
**FIELD NOTES**  
**ALDERMAN/PACONE ARCHITECTS**



UC 1 2 2006

# P E T I T I O N

Date. October 13, 2006

File Number C14-06-0172

**Address of Rezoning Request:** 11601 Jollyville Road

To: Austin City Council

## Neighborhood Planning & Zoning

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 GR-MU (With a CO of 60' height maximum)

**We sign this petition in protest for the following reasons:**

- 1 The property in question does NOT meet the intent of the MF-6 district.
- 2 The site under consideration is not located within the central city near a major institution or employment center.
- 3 To approve the applicant's request for MF-6 zoning in this area would set a dangerous precedent MF-6 should be used only as it was intended To allow the applicant to seek a variance through the Board of Adjustment does not follow the spirit of the law They would have to prove hardship (and not financial hardship) They have no valid basis for their application.

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature	Printed Name	Address
<i>David F. Henges</i>	DAVID F. HENGES	11603 Jollyville Rd #101
<i>Mrs. Judith Henges</i>	Mrs. Judith Henges	11603 Jollyville Rd, Ste #101
<i>MARIO MANTUERO</i>	MARIO MANTUERO	5338 Thunder Creek Rd.
<i>Kenneth W Kirby</i>	Kenneth W Kirby	5346 Thunder Creek Rd

Date October 13, 2006

Contact Name: Leslie Henges Dolliver

Phone Number: 512-263-5665

# PETITION

Case Number

**C14-06-0172**

Date

Oct 19, 2006

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

415,735.86

1	<u>01-6201-0912</u>	<u>HENGES DAVID</u>	<u>97,784.49</u>	<u>23.52%</u>
2	<u>01-6201-0906</u>	<u>FAULKNER &amp; JUDITH</u>	<u>26,212.32</u>	<u>6.31%</u>
3	<u>01-6201-0904</u>	<u>KIRKBY KENNETH W</u>	<u>18,007.52</u>	<u>4.33%</u>
4		<u>&amp; ANN MARIE</u>		<u>0.00%</u>
5		<u>KIRKBY KENNETH W</u>		<u>0.00%</u>
6		<u>&amp; ANN MARIE K</u>		<u>0.00%</u>
7				<u>0.00%</u>
8				<u>0.00%</u>
9				<u>0.00%</u>
10				<u>0.00%</u>
11				<u>0.00%</u>
12				<u>0.00%</u>
13				<u>0.00%</u>
14				<u>0.00%</u>
15				<u>0.00%</u>
16				<u>0.00%</u>
17				<u>0.00%</u>
18				<u>0.00%</u>
19				<u>0.00%</u>
20				<u>0.00%</u>
21				<u>0.00%</u>
22				<u>0.00%</u>
23				<u>0.00%</u>
24				<u>0.00%</u>
25				<u>0.00%</u>

Validated By:

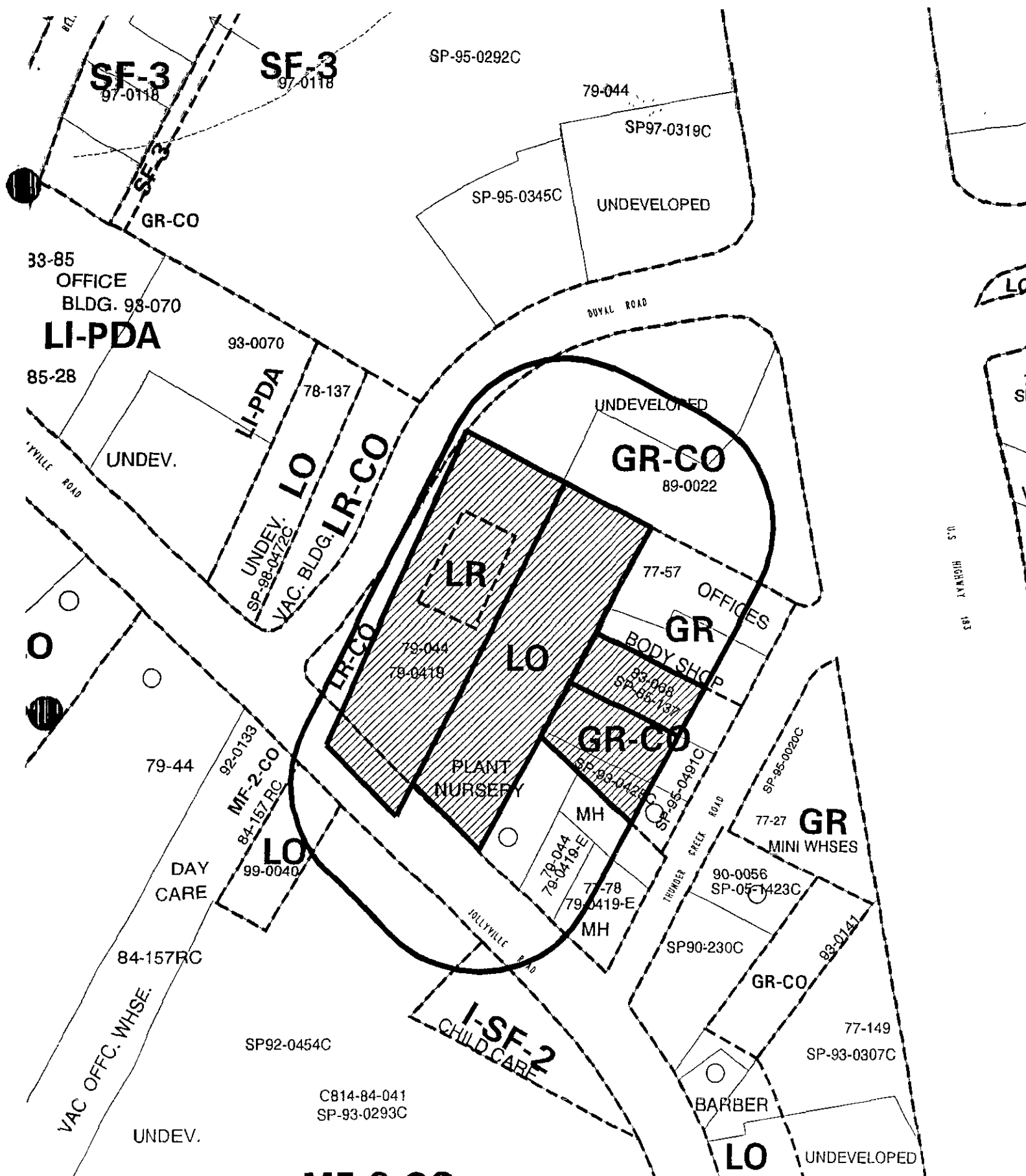
Stacy Meeks


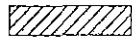


Total Area of Petitioner:

142,004.33

Total %

34.16%



 1" = 200'	SUBJECT TRACT		PETITIONS  CASE #: C14-06-0172 ADDRESS: 11601 JOLLYVILLE RD SUBJECT AREA (acres) 2	CITY GRID REFERENCE NUMBER  J35
	PENDING CASE?			
	ZONING BOUNDARY			
	CASE MGR S SIRWAITIS			
DATE 06-10-			INTLS SM	