

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

# AGENDA



Thursday, January 25, 2007

+ Back Print

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

**ITEM No. 41**

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**Subject:** C14-06-0172 - 11601 Jollyville Road - Conduct a public hearing and approve an 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-conditional overlay (GR-MU-CO) combining district zoning for Tract 1; and limited office-conditional overlay (LO-CO) 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. 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. Applicant: JV Road Limited, Texas Limited Partnership (Michael R. Young). Agent: Land Strategies (Paul Linehan) City Staff: Tina Bui, 974-2755.

**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  
January 9, 2007

**ADDRESS:** 11601 Jollyville Road

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

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

**ZONING FROM:** LO

**\*\*\* The current rezoning request is a revision of the previous one. \*\*\***

**The valid petition against the previous rezoning request has been withdrawn.**

**TO:** Tract 1: GR-MU-CO  
Tract 2: LO-CO

**AREA:** 1 570 acres  
0 424 acres  
Total 1 994 acres

The applicant has proposed a conditional overlay (CO) that would

- Limit Tract 1 to uses that generate no more than 2,000 vehicle trips per day *and*
- Limit Tract 2 to uses that generate no more than 2,000 vehicle trips per day

### **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 *both* tracts to uses that generate no more than 2,000 vehicle trips per day.

### **ZONING AND PLATTING (ZAP) COMMISSION:**

01/09/07: Approved

- GR-MU-CO for Tract 1, with a CO that limits the uses on Tract 1 to those that generate no more than 2,000 vehicle trips per day, and
- LO-CO for Tract 2, with a CO that limits the uses on Tract 2 to those that generate no more than 2,000 vehicle trips per day

Vote: 6-0, J Pinelli-1<sup>st</sup>, C Hammond-2<sup>nd</sup> (B Baker, S Hale and J Martinez absent)

### **DEPARTMENT COMMENTS:**

This rezoning request is different from the request originally proposed by the applicant. The applicant originally requested '3-D zoning' for part of this property in which 'lower' levels of development on Tract 1 were proposed to be GR-MU and 'upper' levels of development were proposed to be MF-6. The applicant had also requested LO-MU zoning for Tract 2. The ZAP Commission considered this case on October 17, 2006 but when the case was to be heard by the City Council on December 14, 2006, the applicant withdrew the original request and submitted a revised request (letter attached).

**The applicant has revised his original request to the current:**

- GR-MU-CO zoning for Tract 1 and
- LO-CO zoning for Tract 2.

**The applicant has proposed a conditional overlay (CO) that would**

- Limit Tract 1 to uses that generate no more than 2,000 vehicle trips per day *and*
- Limit Tract 2 to uses that generate no more than 2,000 vehicle trips per day.

The request for more than 2,000 total trips over the entire rezoning site requires the City Council to waive Section 25-6-113 of the Land Development Code that states, "Except as otherwise provided in Section

25-6-117 (Waiver Authorized), a person submitting a site plan application or a zoning or rezoning application must submit a traffic impact analysis [TIA] to the department if the expected number of trips generated by a project exceeds 2,000 vehicle trips per day " While 25-6-117 authorizes the Director to waive the TIA requirement, the Staff does not support this waiver because of the consistent application of this section of the Code when rezoning cases are filed

**A valid petition had been submitted against the original rezoning case** Since MF-6 zoning is no longer being requested, **the petitioners have withdrawn that petition.** Attached are letters stating withdrawal of the petition and the original petition for reference

**Additionally, the neighborhood and surrounding landowners are supportive of the applicant's rezoning request and the request for 2,000 daily vehicle trips *per tract*.**

**The ZAP Commission recommended the rezoning request and an allowance of 2,000 trips *per tract*.**

**The staff supports the rezoning request but recommends that the conditional overlay limit *both tracts* to uses that generate no more than 2,000 vehicle trips per day**, as that is the standard trip limit for rezoning requests in which a Traffic Impact Analysis is not being performed

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)

The staff supports and recommends the 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

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

The staff also supports and recommends 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 purpose of the 120-foot strip is 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

#### EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	LO	Undeveloped
North	GR-CO	Restaurant-General uses (Chuy's, Joe's Crab Shack)
South	MF-2-CO	Multifamily Residential (Marquis Apartments)
East	GR, GR-CO, MH	Office, Automotive Repair, Office (Sunset Mortgage), Service Station (Chevron)
West	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	6/22/06: Case withdrawn by applicant

		Gohil, S Hale-No, J Martinez-absent), K Jackson-1 <sup>st</sup> , J Pinnelli-2 <sup>nd</sup> .	
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 or 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	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

		zoned lots	
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:** Postponed to December 14, 2006 at the owner's request (7-0)

December 14, 2006

**ACTION:** Applicant withdrew original rezoning request and submitted current revised request

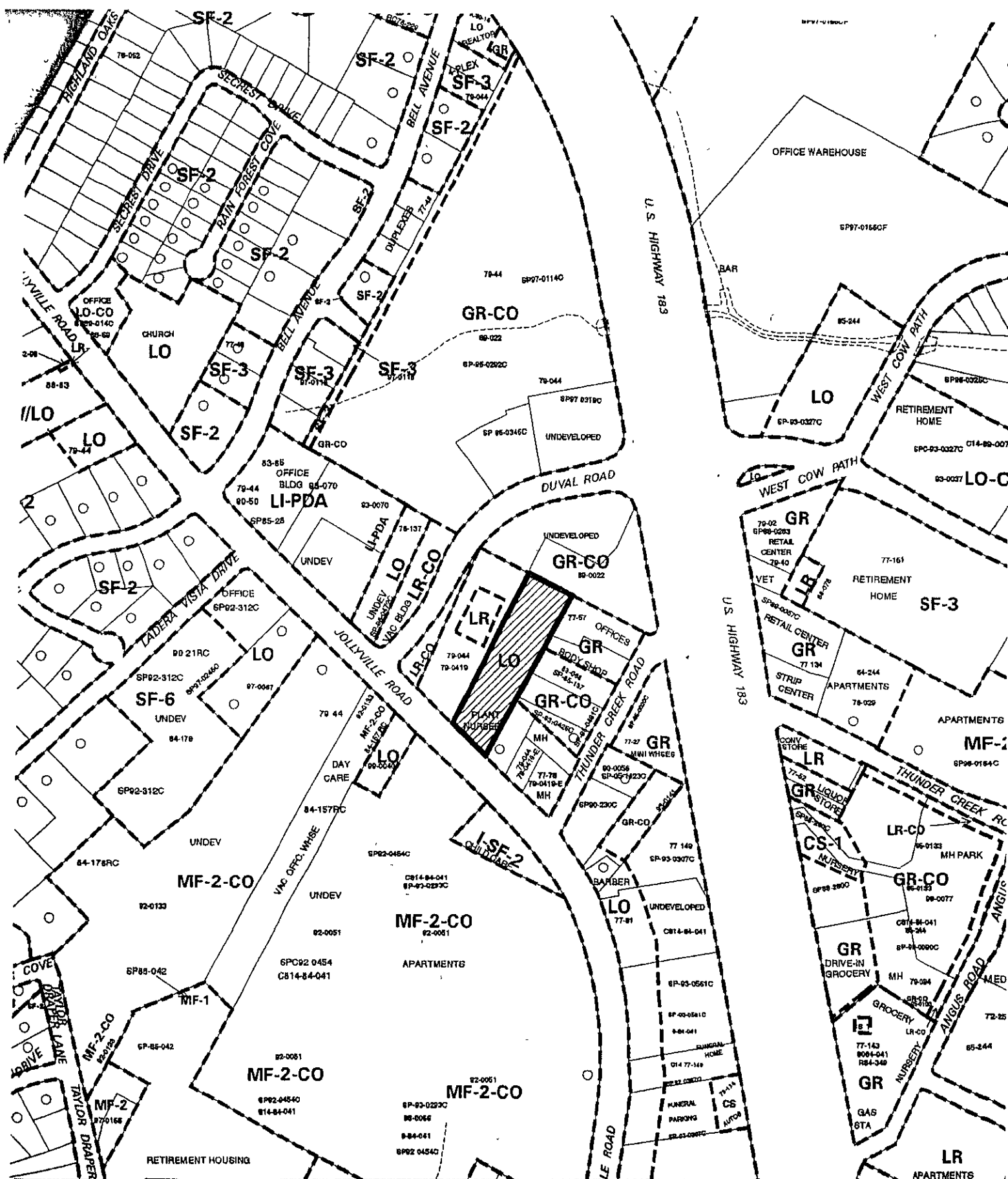
**ORDINANCE READINGS:** 1<sup>st</sup> January 25, 2007 2<sup>nd</sup> 3<sup>rd</sup>


**ORDINANCE NUMBER:**

**CASE MANAGER:** Tina Bui

**PHONE:** 974-2755

**E-MAIL:** tina.bui@ci.austin.tx.us



 1" = 400'	<b>SUBJECT TRACT</b> <b>PENDING CASE</b> <b>ZONING BOUNDARY</b> <b>CASE MGR: S.SIRWAITIS</b>	<b>ZONING</b> <b>CASE #:</b> C14-06-0172 <b>ADDRESS:</b> 11601 JOLLYVILLE RD <b>SUBJECT AREA (acres):</b> 2	<b>CITY GRID REFERENCE NUMBER</b> J35
	<b>DATE:</b> 06-08 <b>INTLS:</b> SM		
	<b>MF-2</b>		



# PROPOSED GR-MU-CO TRACT DESCRIPTION

COMMENCING for POINT OF REFERENCE at a point on the north right-of-way line of Jollyville Road, said point also being the southeast corner of the proposed LO-CO tract, THENCE N 31°25'00" E a distance of 125.08 feet to the southeast corner and POINT OF BEGINNING of the herein described tract,

THENCE N 42°11'27" W a distance of 155.69 feet to a point for the southwest corner of this tract,

THENCE N 30°00'43" E a distance of 421.32 feet to a point for the northwest corner of this tract,

THENCE S 59°52'39" E a distance of 159.71 feet to a point for the northeast corner of this tract,

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



**Tract 1  
Proposed  
GR-MU-CO  
1.576 ac.**

## PROPOSED LO-CO TRACT DESCRIPTION

BEGINNING at a point on the north right-of-way line of Jollyville Road for the southeast corner and POINT OF BEGINNING of this tract,

THENCE, with the north right-of-way line of said Jollyville Road, N 42°11'27" W a distance of 152.45 feet to a point for the southwest corner of this tract,

THENCE N 30°00'43" E a distance of 126.03 feet to a point for the northwest corner of this tract;

THENCE S 42°11'27" E a distance of 155.69 feet to a point for the northeast corner of this tract;

THENCE S 31°25'00" W a distance of 125.08 feet to the POINT OF BEGINNING

**Tract 2  
Proposed  
LO-CO  
0.424 ac.**

**JOLLYVILLE ROAD**

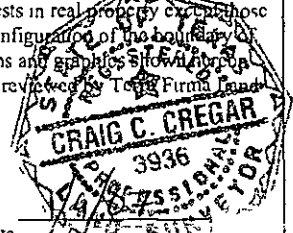
POINT OF BEGINNING (TRACT 2)  
POINT OF REFERENCE (TRACT 1)

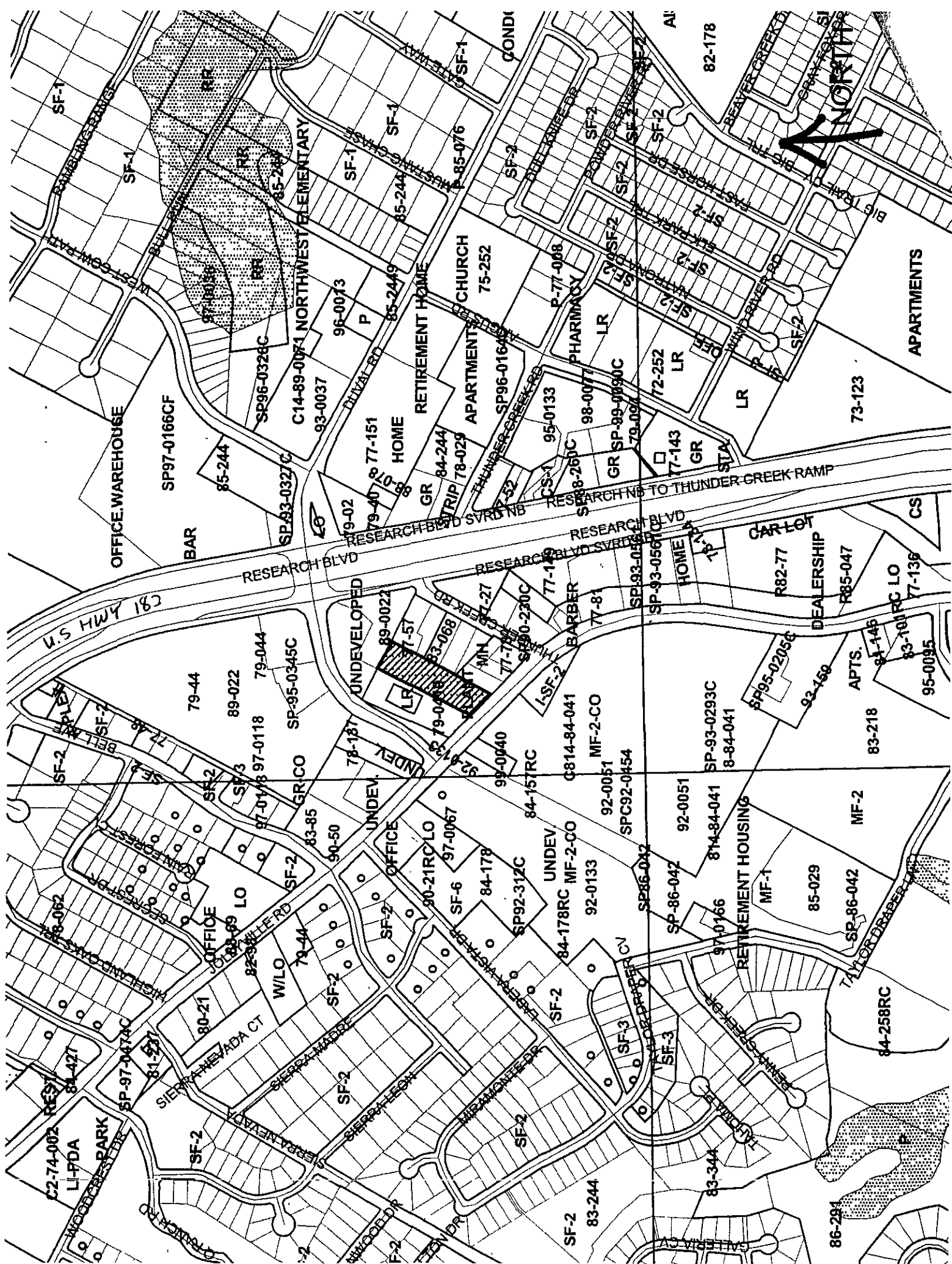
POINT OF BEGINNING  
(TRACT 1)

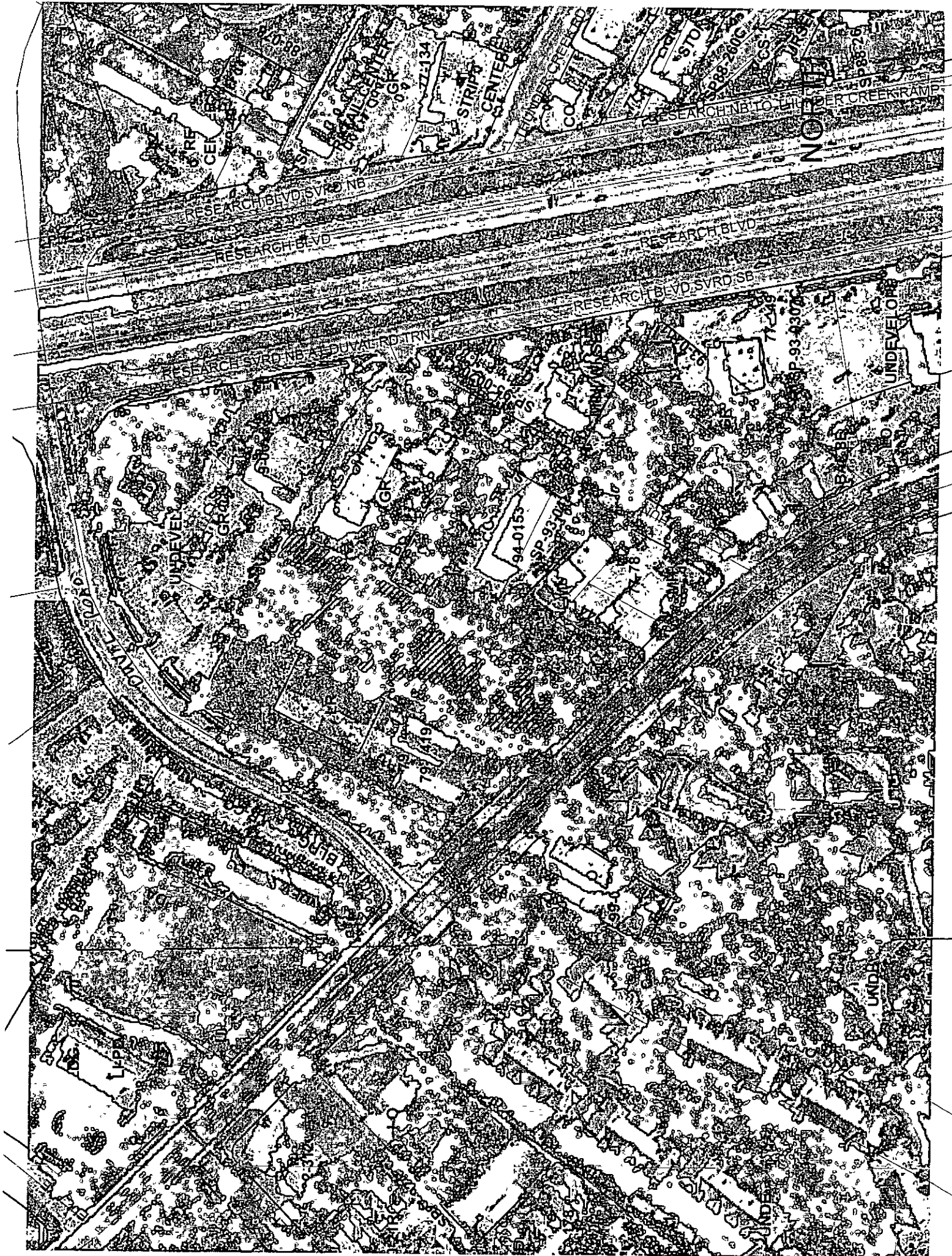
This document was prepared under 22 TAC 663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it is prepared. The calculations and graphics shown herein were prepared by others and their mathematical verification was reviewed by Terra Firma Land Surveying for accuracy only.

Craig C. Cregar  
Registered Professional Land Surveyor No. 3936

Date







## 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 *both* tracts 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.**

### *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. Granting of the request should result in an equal treatment of properties. Zoning changes should promote compatibility with adjacent and nearby uses.*

The subject property is bordered on its northern boundary and part of its eastern boundary by other properties already zoned GR-and GR-CO. Granting GR-MU-CO zoning for Tract 1 would be consistent with these existing zoning districts. The MU overlay would allow for residential uses that equate with MF-4 density, a fairly dense residential district that permits up to 54 units per acre. This

level of density would be compatible with the nearby office and retail uses that future residents could also utilize.

Retaining the LO zoning on Tract 2 would also be consistent with the existing LO buffer-zoning that has been applied along much of Jollyville Road in accordance with the intent of the U.S. 183/Jollyville Road Area Study. This LO buffer creates compatibility between the intensive commercial uses fronting U S. Highway 183/Research Boulevard and the office and residential uses existing on the western side of Jollyville Road.

## **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.

**Leslie Henges Dolliver**  
**Attorney at Law**

First National Bank Building  
1110 RR 620 South, Suite B  
Lakeway, Texas 78734  
512-  
Leslie Dolliver@

January 5, 2007

Via email to:

Jerry Resthoven  
City of Austin Neighborhood Planning & Zoning Department

Copy via email to: Tina Bui, Dr. & Mrs. Henges, Mr. & Mrs. Kirkby, Paul Linehan, Brad & Jenny Shafer, Ashley Forbes, Charles Peterson, Skip Cameron

Re: Case # C14-06-0172, 11601 Jollyville Road

Dear Jerry

I wanted to update you on our position regarding the Jollyville Road zoning application filed by Mr. Young. Mr. Linehan met with a group of the neighborhood representatives last night (including me and my parents) and explained the possible plans for the above property and the zoning request that is going before the ZAP Commission on the 9<sup>th</sup>. Mr. Linehan did a great job of answering our questions and understanding our concerns.

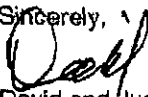
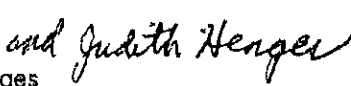
After speaking with Mrs. Kirkby this morning, I am happy to let you know that we are withdrawing our valid petition. We withdraw our petition with the understanding that Mr. Linehan will be asking the ZAP Commission to go with the staff recommendation of GR-MU-CO (with a height of no more than 60 feet) for Tract 1 and LO-CO for Tract 2.

The only difference that Mr. Linehan mentioned is that he is requesting **2,000 trips per day for each tract**, not for the 2 tracts together as city staff is recommending. After discussing this with Mr. Linehan, the neighborhood and surrounding landowners (who had filed the valid petition) have decided to **support Mr. Linehan in his request for the 2,000 trips per day per tract**. We understand that Mr. Young really needs to have trips for the Chuy's parking coming from the backside of the property for that tract. I think the neighbors, many of whom eat at Chuy's, would be happy to have a better parking situation there.

I am sorry that I couldn't write this letter to you sooner, so this could be included in the packet you prepare for the ZAP Commission, but I didn't feel I could write to you until the neighbors met with Mr. Linehan and I knew everyone was agreeable with their plans for the property.

I look forward to seeing you next week. If it is possible to put this on the consent agenda, please do so. I expect you'll receive a few letters of support from the neighborhood associations. I plan to be at the hearing on the 9<sup>th</sup>, as do my parents and the Shafers, to show support for the revised project. We are so happy that the tide has turned.

Sincerely,

 and   
David and Judith Henges

**Leslie Henges Dolliver****Attorney at Law**

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Lakeway, Texas 78734  
512-~~512-512-512~~  
Leslie.Dolliver@~~leslie.dolliver.com~~

January 5, 2007

Via email to:

Jerry Roathman  
City of Austin Neighborhood Planning & Zoning Department

Copy via email to: Tina Gai, Dr. & Mrs. Henges, Mr. & Mrs. Kirkby, Paul Linehan, Brad & Jenny Shafer, Ashley Forbes, Charles Peterson, Skip Cameron

Re: Case # C14-06-0172; 11601 Jollyville Road

Dear Jerry:

I wanted to update you on our position regarding the Jollyville Road zoning application filed by Mr. Young. Mr. Linehan met with a group of the neighborhood representatives last night (including me and my parents) and explained the possible plans for the above property and the zoning request that is going before the ZAP Commission on the 9<sup>th</sup>. Mr. Linehan did a great job of answering our questions and understanding our concerns.

After speaking with Mrs. Kirkby this morning, I am happy to let you know that we are withdrawing our valid petition. We withdraw our petition with the understanding that Mr. Linehan will be asking the ZAP Commission to go with the staff recommendation of GR-MU-CO (with a height of no more than 80 feet) for Tract 1 and LQ-CO for Tract 2.

The only difference that Mr. Linehan mentioned is that he is requesting 2,000 trips per day for each tract, not for the 2 tracts together as city staff is recommending. After discussing this with Mr. Linehan, the neighborhood and surrounding landowners (who had filed the valid petition) have decided to support Mr. Linehan in his request for the 2,000 trips per day per tract. We understand that Mr. Young really needs to have trips for the Chuy's parking coming from the backside of the property for that tract. I think the neighbors, many of whom eat at Chuy's, would be happy to have a better parking situation there.

I am sorry that I couldn't write this letter to you sooner, so this could be included in the packet you prepare for the ZAP Commission, but I didn't feel I could write to you until the neighbors met with Mr. Linehan and I knew everyone was agreeable with their plans for the property.

I look forward to seeing you next week. If it is possible to put this on the consent agenda, please do so. I expect you'll receive a few letters of support from the neighborhood associations. I plan to be at the hearing on the 9<sup>th</sup>, as do my parents and the Shafers, to show support for the revised project. We are so happy that the tide has turned.

Sincerely,

*Kern Kirkby*

*Ann Kirkby*

Leslie Henges Dolliver

Kern Kirkby

Ann Kirkby



RECEIVED

001 1 2 2006

## Neighborhood Planning & Zoning

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

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).

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.

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

Phone Number: 512-██████████

Withdrawn via letter  
dated Jan 5, 2007

## PETITION

Case Number:

**C14-06-0172**

Date:

Oct 19, 2006

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

415,735.86

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

Validated By:

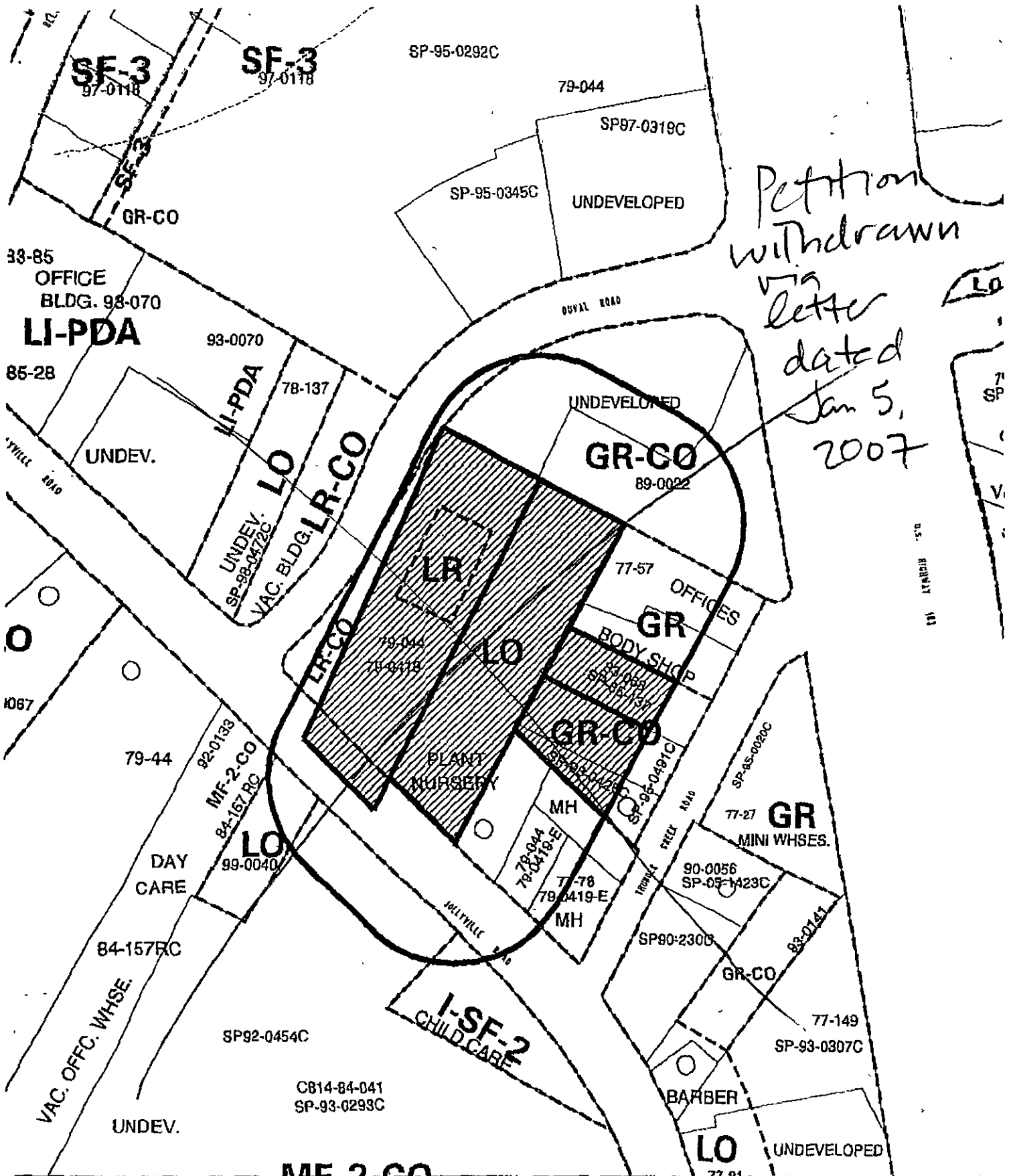
Stacy Meeks

Total Area of Petitioner:

142,004.33

Total %

34.16%



 1" = 200'	SUBJECT TRACT		<b>PETITIONS</b>  CASE #: C14-06-0172 ADDRESS: 11601 JOLLYVILLE RD SUBJECT AREA (acres): 2	DATE: 06-10  INTLS SM	CITY GRID REFERENCE NUMBER 135
	PENDING CASE				
	ZONING BOUNDARY				
	CASE MGR: SSIRWAITIS				

JShafer [REDACTED]

Monday, January 08, 2007 3:40 PM

bbaker@austintexas.org, chammond1@austin.rr.com, Pinnelli@flash.net; jay@jaygohilrealty.com, josephmartinez@yahoo.com; kbjackson@pbsj.com; info@swhconsulting.com, trabago@austin.rr.com, Martinez, Mike [Council Member], shieh1@aol.com; Cole, Sheryl; Wynn, Will, Dunkerley, Betty; McCracken, Brewster; Kim, Jennifer, Leffingwell, Lee, richard.arellano@ci.austin.tx.us, Aguilera, Gloria; Bailey, Rich, matt.curtis@ci.austin.tx.us, Levinski, Robert, Corpus, Grace, Futrell, Toby, [REDACTED] Haines, Dina, Mormon, Andy; May, Rachel, Robert.A.Garza@ci.austin.tx.us; Moore, Andrew, Robbins, Beverly; Thompson, Kenny; Sirwaitis, Sherri, Rusthoven, Jerry, Bui, Tina

**Cc:** leslie.dolliver@ [REDACTED]; BShafer@ [REDACTED]; plinehan@landstrat.com, ewelch@landstrat.com; djhenges@ [REDACTED]; scameron@ [REDACTED]

**Subject:** C14-06-172 -- Formerly "Arboretum Tower Part II" Case

#### **Austin City Leaders,**

On Tuesday, this case will again appear before the zoning commission. The Jollyville Research Neighborhood Coalition has been diligent in ensuring that zoning in our area remains responsible and compatible with the existing single-family neighborhoods. Most recently, we spoke against spot-zoning this particular property to pave the way for a high-rise condominium. We spent a year attempting to work with the previous agent, who refused to compromise or work with the neighborhood associations.

However, by working with Paul Linehan, the new agent for the property, we believe we have come to a reasonable compromise that benefits the land-owner as well as the surrounding neighborhoods. Mr. Linehan scheduled a meeting last week to discuss his plans for rezoning the property to the staff recommendation and to listen to the concerns of the surrounding neighborhoods. We had 4 neighborhood associations represented in that meeting and all attendees were in agreement that his request was reasonable.

**I would like to register my support for rezoning this property from LO to the staff recommendation of GR-MU with a CO limiting the maximum height to 60-feet (with the well-established LO buffer along Jollyville). The only deviation from the staff-recommendation was an increase in the maximum trips per day from 2,000 total to 2,000 for each of the two tracts. We do not oppose this change.**

Thank you for your time and your work to keep new growth in Austin responsible

**Brad and Jenny Shafer  
Raintree Estates- President  
Jollyville Research Neighborhood Coalition  
78759**

PAUL LINEHAN & ASSOCIATES

December 12, 2006

Attn: Mr. Jerry Rusthoven  
City of Austin  
505 Barton Springs Road, 5<sup>th</sup> Floor  
Austin, Texas 78704

Re: Arboretum Retirement Community  
C14-06-0172

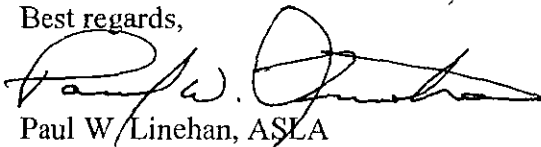
Dear Jerry:

On behalf of landowner JV Road, Ltd. (Mike Young), Land Strategies, Inc. respectfully requests an amendment to the original zoning change request for the referenced property. The original zoning request was to change the existing zoning from LO to GR-MU and MF-6 (Tract 1), and from LO to LO-MU (Tract 2). Presently, as the applicant's agent, I am now requesting to amend the original zoning request (described above) to the City staff recommendation of GR-MU-CO for the approximately 1.58-acre Tract 1 and LO-CO for the approximately 0.42-acre Tract 2. The Conditional Overlay pertains to a traffic limitation of 2,000 vehicle trips per day for each tract, which was the approval condition placed on the tracts by the Zoning & Planning Commission. Attached you will find an exhibit which reflects this amended zoning request.

Based on correspondence with City staff, it is my understanding that the City Council public hearing for this zoning case will be indefinitely postponed from the December 14<sup>th</sup> agenda, and will be placed on the January 9, 2007 Zoning & Planning Commission agenda, and the subsequent City Council agenda on January 25, 2007 for all three readings.

Please feel free to contact me should you have any questions or need additional information.

Best regards,



Paul W. Linehan, ASLA  
President

PWL enw

Attachment

cc. Mike Young  
Michael Hatcher  
Leslie Dolliver  
Brad Schafer  
Ann Vanderburg

