

**Zoning Public Hearing
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**



**AGENDA ITEM NO.: Z-25
AGENDA DATE: Thu 07/28/2005
PAGE: 1 of 1**

SUBJECT: C814-88-0001.08 - Gables at Westlake - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3100-3320 North Capital of Texas Highway (Lake Austin Watershed) from planned unit development (PUD) district zoning to planned unit development (PUD) district zoning to change a condition of zoning. Zoning and Platting Commission Recommendation: To grant planned unit development (PUD) district zoning with conditions. Applicant: Protestant Episcopal School Council (Brad Powell). Agent: Drenner Stuart Metcalfe von Kreisler (Steve Drenner). City Staff: Glenn Rhoades, 974-2775.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

ZONING CHANGE REVIEW SHEET

CASE: C814-88-0001.08

Z.A.P. DATE: November 16, 2004

January 4, 2005

January 18, 2005

C.C. DATE: February 17, 2005

March 24, 2005

April 28, 2005

May 12, 2005

May 19, 2005

May 26, 2005

June 9, 2005

June 23, 2005

July 28, 2005

ADDRESS: 3100-3320 N. Capitol of Texas Hwy.

OWNER/APPLICANT: Protestant Episcopal Church
(Brad Powell)

AGENT: Drenner Stuart Wolff
Metcalf von Kriesler (Michele
Haussmann)

ZONING FROM: PUD

TO: PUD

AREA: 31.844 acres

ZONING AND PLATTING COMMISSION RECOMMENDATION:

January 4, 2005 – Approved the amendment to the P.U.D. with SF-6 development regulations; a maximum of 323 units; height limit of 40 feet; maximum building coverage limited to 20%; impervious coverage limited to 35%; no parking within the front setback so that there is a buffer between Westlake Loop and the development. Also include all of the Environmental Boards conditions and recommendations; applicant/project to be responsible for what is defined in the restrictive covenant as the Phase 3 Roadway Improvement; Applicant has to construct that intersection whether there is sufficient fiscal posting or not; applicant is responsible for the remaining cost of the intersection. Loop 360/Westlake, Phase 3 intersection be constructed prior to the CO on this site. As the agreement requires, to construct Westlake from Royal Approach, to construct an alternate entry to St. Stephen's school; Waymaker Way. Applicant to install traffic improvements on Royal Approach and Westlake Drive to prohibit the turning of vehicles into the neighborhood; TIA to be revised to reflect the new Waymaker Way intersection and that this provides a reduction of traffic into the neighborhood. In addition, 10% of the units must be affordable as defined by the City's Smart Housing Department.

January 18, 2005 – Brought back to rescind and reconsider. However, it failed to garner the required two Commissioners to sponsor rescinding and reconsideration.

ISSUES:

At this time the applicant and the neighborhood are working towards finalizing an agreement. The agreement consists of reducing the height and density of the current proposal. Staff is working with both parties in order to clarify language that may be added to create an ordinance reflecting what is to

be agreed upon. As of July 20, 2005, staff does not have a signed agreement. However, both parties agree that an agreement is close to being finalized.

The applicant in this case is proposing to change the existing Davenport Planned Unit Development (PUD) land use plan, which was approved on January 19, 1989. The PUD as it stands today, designates this portion of the PUD property as an office and retail use (see exhibit A) and the owner is proposing to amend the land plan in order to allow for multifamily residential. The applicant is proposing 328 dwelling units. In addition to amending the land plan to allow for multifamily, the applicant is requesting two variances from the Code for construction on steep slopes and to the cut and fill requirements. The variance requests were considered by the Environmental Board on October 6, 2004 and were recommended with conditions. The motion from the Environmental Board is attached (see exhibit C).

In addition to the application to amend the PUD land plan, the applicant has also filed an application to amend an associated restrictive covenant. There is a restrictive covenant that limits the property to commercial and single-family uses (see exhibit B). This must also be amended in order to allow a multifamily residential use.

There has been substantial neighborhood opposition to the proposed change and at the November 16, 2004 Zoning and Platting Commission hearing a subcommittee was formed to see if there could be any compromise between the neighborhood and the property owners. The first meeting was held on November 22, 2004 and several representatives from both sides were in attendance. At the meeting it was agreed that Mr. Steve Drenner, representative for the property owner, would forward a proposal to the neighborhood for review and the subcommittee would reconvene on December 13, 2004. The purpose of the second meeting was to find out if an agreement had been reached or if there was any room for compromise. At the end of the meeting it was determined that a compromise could not be reached at that time, but that dialogue between the neighborhood and the applicant would continue. Please attached signatures in opposition to the proposed change.

BASIS FOR RECOMMENDATION:

The proposed multifamily use is appropriate at this location. Generally, land uses transition from more intense uses to lower intensive uses between single-family neighborhoods and arterial roadways. The subject tract is adjacent to Capitol of Texas Highway to the east and a single-family neighborhood to the west. Presently, the property is proposed for an office/retail park and staff believes that a multifamily project would be more compatible with the single-family neighborhood to the west.

In addition, when the PUD was originally approved there was a Traffic Impact Analysis (TIA) that was conducted. The TIA allows 6,720 vehicle trips per day for the approved office retail complex. However, if the site were developed with 328 multifamily units, the trip generation would be significantly reduced to 2,070 vehicle trips per day (see transportation comments).

As previously stated, the applicant has requested two environmental variances from the Land Development Code, from cut and fill and building on steep slopes. The City's environmental staff recommended the variances to the Environmental Board and the Board has recommended their approval to City Council. The Board believes that the current proposal will "...provide for greater environmental protection than the approved PUD..." (see exhibit C).

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	PUD	Undeveloped
<i>North</i>	PUD	Commercial
<i>South</i>	PUD	Undeveloped
<i>East</i>	SF-1	Single Family
<i>West</i>	PUD	Single Family

AREA STUDY: N/A**TIA:** N/A**WATERSHED:** Lake Austin**DESIRED DEVELOPMENT ZONE:** No**CAPITOL VIEW CORRIDOR:** No**HILL COUNTRY ROADWAY:** Yes**NEIGHBORHOOD ORGANIZATIONS:**

#153 – Rob Roy Homeowners Association
#303 – Bridgehill Homeowners Association
#331 – Bunny Run Homeowners Association
#434 – Lake Austin Business Owners
#511 – Austin Neighborhoods Council
#605 – City of Rollingwood
#920 – The Island on Westlake Homeowners Association
#965 – Old Spicewood Springs Neighborhood Association

CASE HISTORIES:

There have been no recent zoning cases in the immediate vicinity.

RELATED CASES:

There is an associated restrictive covenant amendment (C814-88-0001(RCA)) that is to be heard concurrently with this application.

CITY COUNCIL DATE AND ACTION:

February 17, 2005 – Postponed at the request of the applicant until March 24, 2005 (Vote: 7-0).

March 24, 2005 – Postponed at the request of the neighborhood until April 21, 2005 (Vote: 7-0).

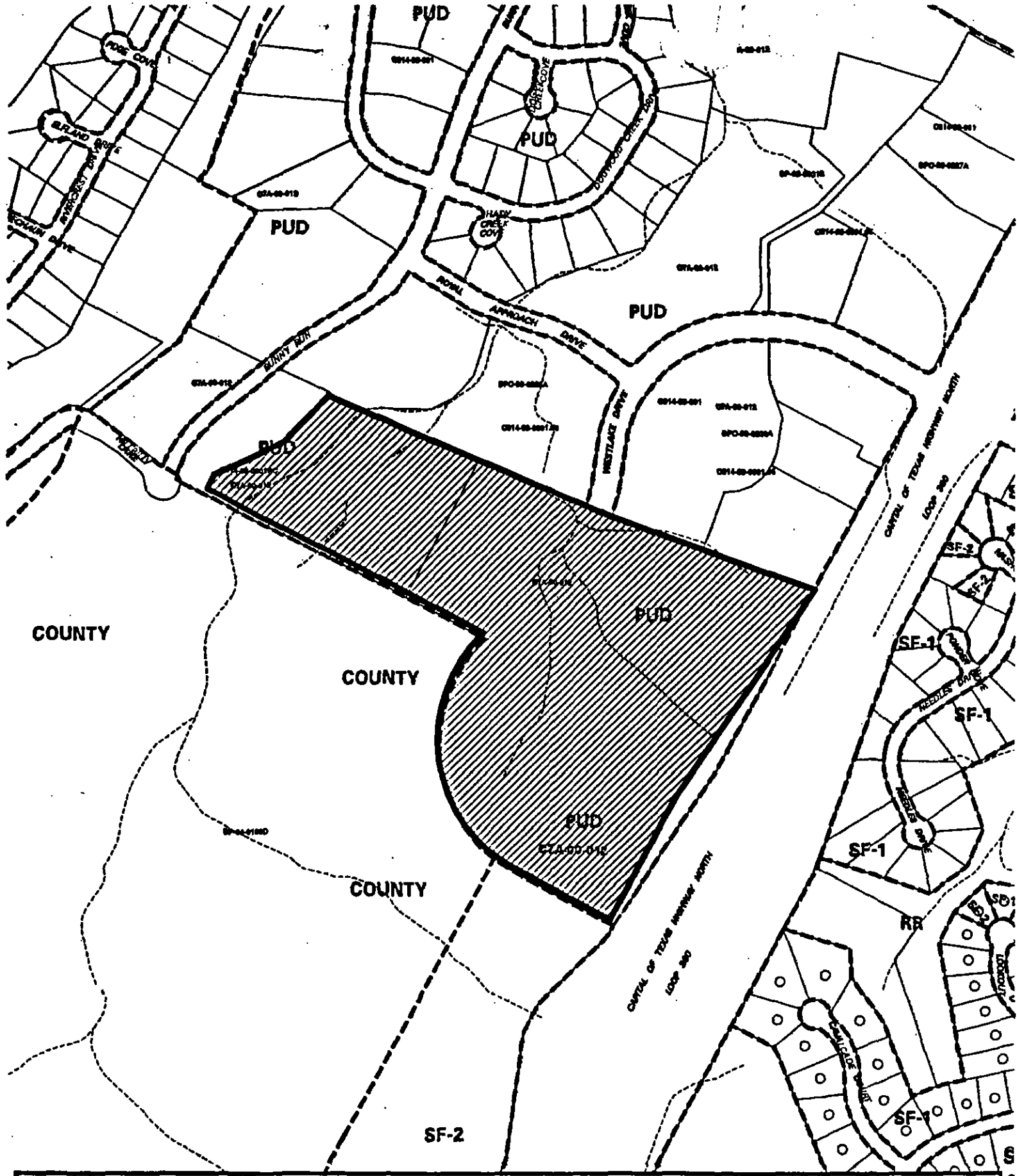
April 28, 2005 – Postponed at the request of the applicant until May 12, 2005 (Vote: 5-0, W. Wynn and B. McCracken – off dais).





May 12, 2005 – Postponed at the request of Council to May 19, 2005 (Vote: 7-0).

May 19, 2005 – Postponed at the request of staff to May 26, 2004 (6-1, D. Thomas – off dais).

May 26, 2005 – Postponed at the request of staff to June 9, 2005 (7-0).

E-MAIL: glenn.rhoades@ci.austin.tx.us



 1" = 400'	SUBJECT TRACT		PLANNED UNIT DEVELOPMENT		CITY GRID REFERENCE NUMBER F27
	PENDING CASE				
	ZONING BOUNDARY		CASE #: C814-88-0001.08	DATE: 04-06	
	CASE MGR: G. RHOADES		ADDRESS: N CAPITAL OF TEXAS HWY	INTLS: SM	
			SUBJECT AREA (acres): 31.844		

STAFF RECOMMENDATION

C814-88-0001.08

Staff recommends amending the Planned Unit Development to allow for multifamily residential.

BASIS FOR RECOMMENDATION

Staff believes the proposed multifamily use is appropriate at this location. Generally, land uses transition from more intense uses to lower intensive uses between single-family neighborhoods and arterial roadways. The subject tract is adjacent to Capitol of Texas Highway to the east and a single-family neighborhood to the west. Presently, the property is proposed for an office/retail park and staff believes that a multifamily project would be more compatible with the single-family neighborhood to the west.

In addition, when the PUD was originally approved there was a Traffic Impact Analysis (TIA) that was conducted. The TIA allows 6,720 vehicle trips per day for the approved office retail complex. However, if the site were developed with 328 multifamily units, the trip generation would be significantly reduced to 2,70 vehicle trips per day (see transportation comments).

As previously stated, the applicant has requested two environmental variances from the Land Development Code, from cut and fill and building on slopes. The City's environmental staff recommended the variances to the Environmental Board and the Board has recommended their approval to City Council. The Board believes that the current proposal will "...provide for greater environmental protection than the approved PUD..." Please see the attached recommendation from environmental staff and the motion from the Environmental Board.

Transportation

The proposed site generates significantly less trips than the originally approved use for this tract (office/retail). The TIA was waived for this revision because of the significantly reduced trips from the earlier application. The applicant is proposing to develop a multi family site with approximately 328 dwelling units which will generate approximately 2,070 trips per day. This is a difference of 4,650 vehicles per day less than what was approved with the original TIA. This site is still subject to all of the conditions assumed in the original TIA and will be required to post the appropriate pro rata share based on peak hour trips established with the TIA and as stated in the restrictive covenants and subsequent amendments.

Design and construction of the proposed Westlake Drive will be reviewed at the time of subdivision. At that time approval from TXDOT will be required and may modify the ultimate connection location between the proposed Westlake Drive and Capital of Texas Highway.

As stated in the summary letter no direct access to Capital of Texas Highway is proposed.

EXISTING CONDITIONS

Site Characteristics

The site is currently undeveloped.

ZAP RECOMMENDATION

ORDINANCE NO. _____

1 AN ORDINANCE AMENDING ORDINANCE NO. 890202-B TO MODIFY THE
2 LAND USE PLAN, TO REZONE AND CHANGE THE ZONING MAP FROM
3 PLANNED UNIT DEVELOPMENT (PUD) DISTRICT TO PLANNED UNIT
4 DEVELOPMENT (PUD) DISTRICT FOR LAND KNOWN AS THE DAVENPORT
5 RANCH WEST PLANNED UNIT DEVELOPMENT LOCATED AT 3100-3320
6 NORTH CAPITAL OF TEXAS HIGHWAY (LOOP 360).

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

9
10 PART 1. Davenport Ranch West planned unit development ("Davenport PUD") is
11 comprised of approximately 444.33 acres of land located generally in the vicinity of
12 Westlake Drive and Loop 360 and more particularly described by metes and bounds in the
13 Land Use Plan incorporated into Ordinance No. 890202-B.

14
15 PART 2. Davenport PUD was approved February 2, 1989, under Ordinance No. 890202-
16 B. (the "Original PUD Ordinance"), and amended under Ordinances No. 010719-28, No.
17 010719-115, and No. 021205-17.

18
19 PART 3. The zoning map established by Section 25-2-191 of the City Code is amended to
20 change the base district from planned unit development (PUD) district to planned unit
21 development (PUD) district on the property described by metes and bounds in Ordinance
22 No. 890202-B as approximately 444.33 acres of land that includes the following property
23 described in Zoning Case No. C814-88-0001.08, as follows:

24
25 A 31.844 acre tract of land, more or less, out of the Burke Trammell Survey No. 3
26 and the Antonio Rodriguez Survey No. 4 in Travis County, the tract of land being
27 more particularly described by metes and bounds in Exhibit "A" incorporated into
28 this ordinance (the "Property"),

29
30 the 31.844 acres being generally known as the Gables at Westlake project in the Davenport
31 Ranch West planned unit development, locally known as the property located at 3100-3320
32 North Capital of Texas Highway (Loop 360), in the City of Austin, Travis County, Texas,
33 and generally identified in the map attached as Exhibit "A".

34
35 PART 4. This ordinance, together with the attached Exhibits "A" and "B", shall constitute
36 the land use plan for the Davenport PUD (the "PUD") created by this ordinance. The PUD
37 shall conform to the limitations and conditions set forth in the ordinance and the Davenport

ZAP RECOMMENDATION

Ranch West planned unit development land use plan (the "PUD land use plan") on record at the Neighborhood Planning and Zoning Department in File No. C814-88-0001.08. If this ordinance and the attached exhibits conflict, the ordinance applies. Except as otherwise specifically provided by this ordinance, all other rules, regulations and ordinances of the City in effect on the effective date of this ordinance apply to the PUD.

PART 5. Certain Terms Defined.

Tract D-1 means Tract F, Block D, Lot 1 an office/retail and single family residential tract as shown on the PUD land use plan attached as Exhibit B.

Tract E-16 means Tract F, Block E, Lot 16, a single family residential tract as shown on the PUD land use plan attached as Exhibit B.

PART 6. The attached exhibits on file with the City of Austin Neighborhood Planning and Zoning Department in File No. C814-88-0001.08 are incorporated into this ordinance in their entirety as though set forth fully in the text of this ordinance. Exhibit H of Ordinance No. 890202-B is amended as shown on Exhibit B of this ordinance. The attached exhibits are as follows:

Exhibit A: Description of 31,844 acres and zoning map

Exhibit B: Amended Davenport PUD land use plan

PART 7. In accordance with Section 25-2-411(A) (*Planned Unit Development District Regulations*) of the City Code, the following regulations apply to the PUD instead of otherwise applicable City Code regulations.

- (A) A 50-foot wide vegetative buffer shall be provided and maintained adjacent to the proposed Westlake Drive beginning at its northwest corner at Loop 360 and continuing west and northwest to the furthestmost property line. Improvements permitted within the buffer zone are limited to drainage, underground utility improvements or those improvements that may be otherwise required by the City of Austin or specifically authorized in this ordinance.
- (B) Cut and fill shall be structurally contained.
- (C) Native grass/wildflower mix shall be used for restoration of disturbed natural area, including vegetative filter strips.

ZAP RECOMMENDATION

- (D) Replacement trees shall be Class I trees.
- (E) Water quality facilities are subject to current Code requirements.
- (F) A minimum of 12.7 acres shall be provided for Hill Country Natural Area.
- (G) At the time an application for approval of a site plan is submitted for development of the Property, or any portion of the Property, an Integrated Pest Management (IPM) plan shall be submitted to the Watershed Protection and Development Review Department for review and approval. The IPM plan shall comply with the guidelines in Section 1.6.9.2 (D) and (F) of the Environmental Criteria Manual that are in effect on the date of this ordinance.
- (H) Except as otherwise provided in this part, development of the Property shall comply with townhouse and condominium residence (SF-6) district site development regulations.
- (I) The maximum density is 323 residential units.
- (J) The maximum building height is 45 feet from ground level.
- (K) The maximum building coverage is 20 percent.
- (L) The maximum impervious cover is 35 percent.
- (M) Vehicular access from Tract D-1 shall be only to Loop 360 at one access point.

PART 9. Except as otherwise provided in this ordinance, the provisions of the Original PUD Ordinance, as amended, remain in effect.

ZAP RECOMMENDATION

PART 10. This ordinance takes effect on _____,
2005.

PASSED AND APPROVED

_____, 2005

§
§
§

Will Wynn
Mayor

APPROVED: _____

ATTEST: _____

David Allan Smith
City Attorney

Shirley A. Brown
City Clerk

RESTRICTIVE COVENANT

OWNER: The Protestant Episcopal Church Council of the Diocese of Texas

ADDRESS: 2900 Bunny Run, Austin, Texas 78746

CONSIDERATION: Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and sufficiency of which is acknowledged.

PROPERTY: A 31.844 acre tract of land, more or less, out of the Burke Trammell Survey No. 3 and the Antonio Rodriguez Survey No. 4 in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this covenant.

WHEREAS, the Owner of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions;

NOW, THEREFORE, it is declared that the Owner of the Property, for the consideration, shall hold, sell and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant. These covenants and restrictions shall run with the land, and shall be binding on the Owner of the Property, its heirs, successors, and assigns.

1. At least ten percent of the residential units constructed by the Owner on the Property shall be reasonably priced.

"Reasonably priced" is defined by the City of Austin's S.M.A.R.T. Housing Program as housing available to a family whose earnings do not exceed 80 percent of median family income.

2. If any person or entity shall violate or attempt to violate this agreement and covenant, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such agreement or covenant, to prevent the person or entity from such actions, and to collect damages for such actions.
3. If any part of this agreement or covenant is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full effect.
4. If at any time the City of Austin fails to enforce this agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.
5. This agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, and (b) by the owner(s) of the Property subject to the modification, amendment or termination at the time of such modification, amendment or termination.

EXECUTED this the _____ day of _____, 2005.

OWNER:

**The Protestant Episcopal Church Council
of the Diocese of Texas**

By: _____
Robert J. Biehl, Assistant Secretary

APPROVED AS TO FORM:

Assistant City Attorney
City of Austin

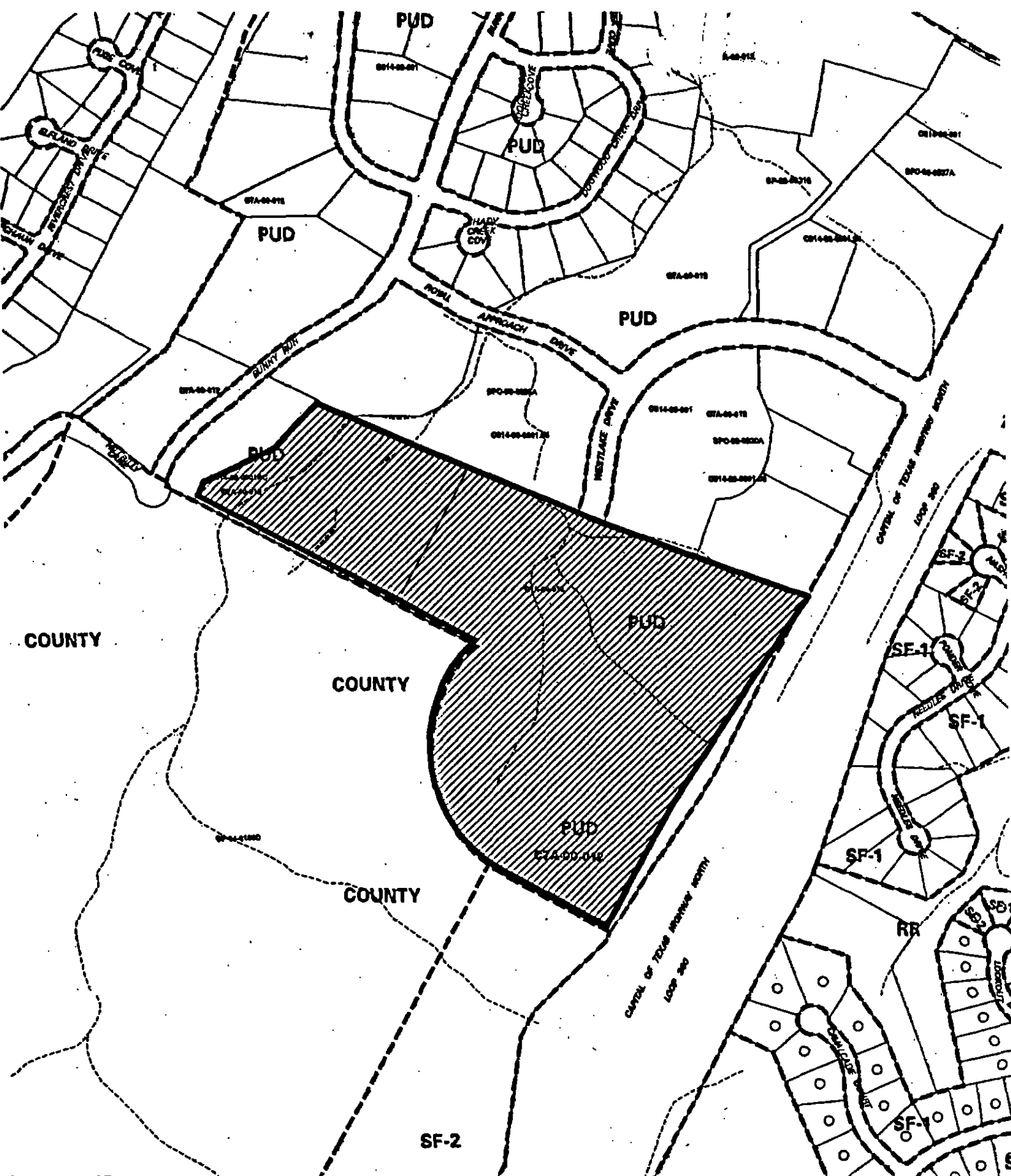
THE STATE OF TEXAS §





COUNTY OF _____ §

This instrument was acknowledged before me on this the _____ day of _____
2005, by Robert J. Biehl, Assistant Secretary of the Protestant Episcopal Church Council of the
Diocese of Texas, on behalf of the church council.

Notary Public, State of Texas

After Recording, Please Return to:
City of Austin
Department of Law
P. O. Box 1088
Austin, Texas 78767-8828
Attention: Diana Minter, Legal Assistant

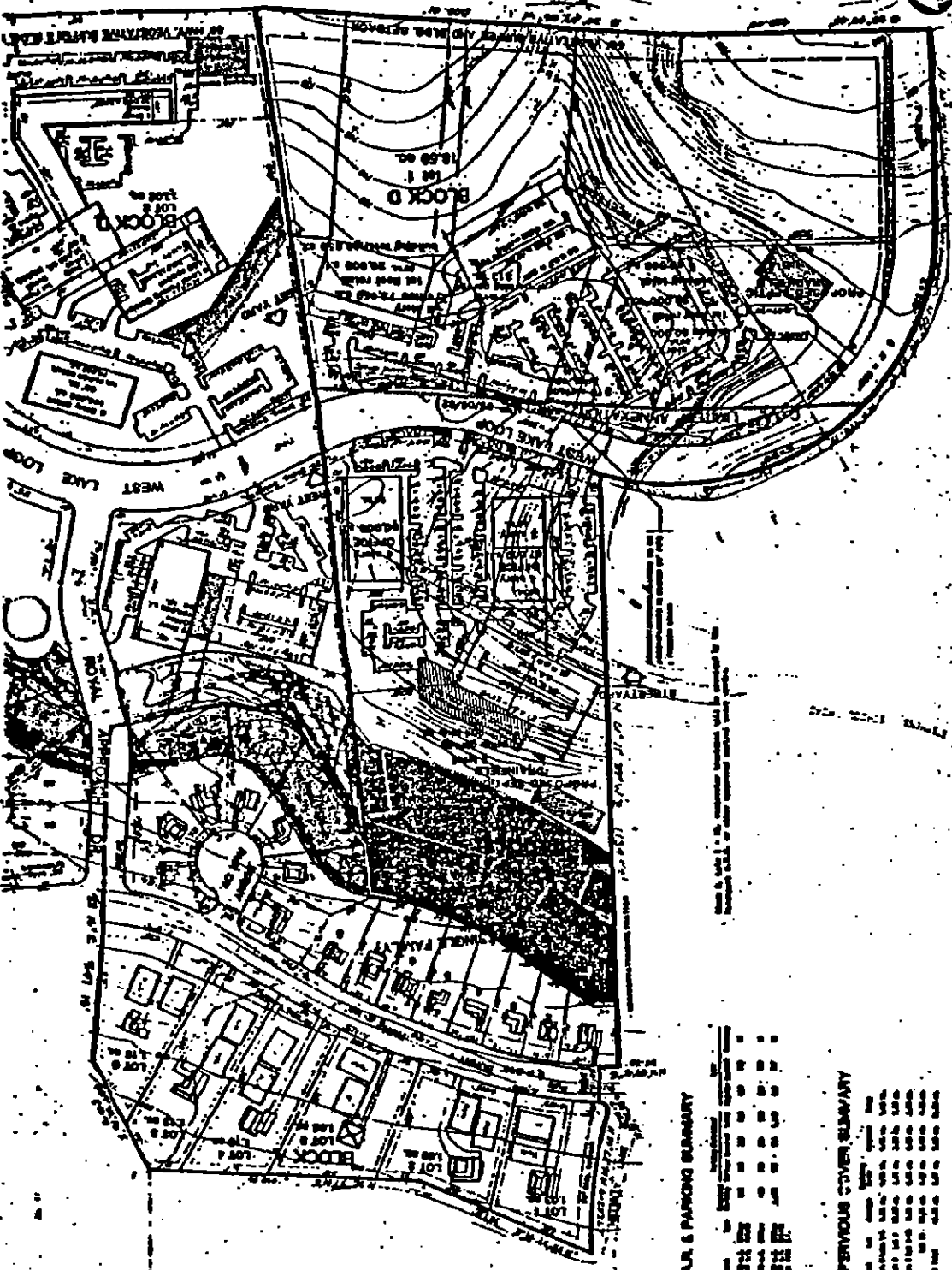


 1" = 400'	SUBJECT TRACT		PLANNED UNIT DEVELOPMENT		CITY GRID REFERENCE NUMBER F27
	PENDING CASE		CASE #: C814-88-0001.08		
	ZONING BOUNDARY		ADDRESS: N CAPITAL OF TEXAS HWY		
	CASE MGR: G. RHOADES	SUBJECT AREA (acres): 31.844			
			DATE: 04-06		
			INTLS: SM		

10. Zoning: C814-88-0001.08 - Gables at Westlake
Location: 3100-3320 North Capitol of Texas Highway, Lake Austin Watershed
Owner/Applicant: Protestant Episcopal School Council (Brad Powell)
Agent: Stuart Wolff Metcalfe von Kriesler (Michele Haussmann)
Request: PUD to PUD. To amend an existing PUD to allow for multifamily residential use.
Staff Rec.: Recommended
Staff: Glenn Rhoades, 974-2775, glenn.rhoades@ci.austin.tx.us
Neighborhood Planning and Zoning Department

APPROVED P.U.D. ZONING WITH ~~SF-6 DEVELOPMENT REGULATIONS~~; A MAXIMUM OF 323 UNITS; HEIGHT LIMIT OF 45'; MAXIMUM BUILDING COVERAGE LIMITED TO 20%; IMPERVIOUS COVERAGE LIMITED TO 35%; NO PARKING WITHIN THE FRONT YARD SETBACK SO THAT THERE'S A BUFFER BETWEEN WESTLAKE LOOP & THE DEVELOPMENT. ALSO INCLUDE ALL OF THE ENVIRONMENTAL BOARD'S CONDITIONS & RECOMMENDATIONS; APPLICANT/PROJECT TO BE RESPONSIBLE FOR WHAT IS DEFINED IN THE RESTRICTIVE COVENANT AS THE PHASE 3 ROADWAY IMPROVEMENT; APPLICANT HAS TO CONSTRUCT THAT INTERSECTION WHETHER THERE IS SUFFICIENT FISCAL POSTING OR NOT; APPLICANT IS RESPONSIBLE FOR THE REMAINING COST OF THE INTERSECTION. LOOP 360/WESTLAKE, PHASE 3 INTERSECTION, BE CONSTRUCTED PRIOR TO THE CO ON THIS SITE. AS THE AGREEMENT REQUIRES, TO CONSTRUCT WESTLAKE FROM ROYAL APPROACH, TO CONSTRUCT AN ALTERNATE ENTRY TO ST. STEPHEN'S SCHOOL; WAYMAKER WAY. APPLICANT TO INSTALL THE TRAFFIC IMPROVEMENTS ON ROYAL APPROACH & WESTLAKE DRIVE TO PROHIBIT THE TURNING OF VEHICLES INTO THE NEIGHBORHOOD; TIA BE REVISED TO REFLECT THE NEW WAYMAKER WAY INTERSECTION AND THAT THIS PROVIDES A REDUCTION OF TRAFFIC INTO THE NEIGHBORHOOD". IN ADDITION, 10% OF THE UNITS MUST BE AFFORDABLE AS DEFINED BY THE CITY'S SMART HOUSING DEPARTMENT.

[K.J; T.R 2ND] (5-4)



CONCEPTUAL SITE PLAN
Davenport Ranch
 PROJECT OWNER: WESTVIEW DEVELOPMENT, INC.
 8000 Plaza Of The Lakes, Suite 250, Dallas, Texas 75248
 10/1/00

EX.A

EXHIBIT "H"

EAR & PARKING SUMMARY

Item	Area (Acres)	Volume (cu yd)
Grass	1.00	100,000
Gravel	0.50	50,000
Asphalt	0.25	25,000
Concrete	0.10	10,000
Other	0.05	5,000
Total	2.90	290,000

VEGETATION COVER SUMMARY

Item	Area (Acres)	Volume (cu yd)
Grass	1.00	100,000
Gravel	0.50	50,000
Asphalt	0.25	25,000
Concrete	0.10	10,000
Other	0.05	5,000
Total	2.90	290,000

ORDNANCE CALCULATIONS

Item	Area (Acres)	Volume (cu yd)
Grass	1.00	100,000
Gravel	0.50	50,000
Asphalt	0.25	25,000
Concrete	0.10	10,000
Other	0.05	5,000
Total	2.90	290,000

EX.B

developed according to City standards as if it were within the limited purpose jurisdiction of the City, as and to the extent expressly set forth in this Restriction. Declarant agrees that the Property may remain in the status of being within the jurisdiction of the City for limited purposes for forty (40) years from the effective date of this Restriction, and expressly waives the right to request and require annexation for full purposes within three (3) years of the annexation for limited purposes. The City may from time to time annex all or a portion of the Property for full purposes at any time provided that such annexations shall be in accordance with this Restriction and all statutory requirements of the State of Texas regarding annexation of territory for full purposes.

1.10 Commercial use within the Property shall be limited to the commercial portions of the Property (as identified on the Concept Plans). The remainder of the Property shall be developed for single family residential uses.

1.11 The uses of the Property shall not be more intensive than the uses, and shall be subject to the restrictions, set forth on Exhibit B attached hereto and made a part hereof for all purposes. As to portions of the Property within the city limits of the City, uses shall be in accordance with the permanent zoning classifications fixed in the above referenced City of Austin Zoning Case. Development intensities as set forth on the Concept Plans and on Exhibit B may be subject to reduction on a lot by lot basis upon submittal to and review by the City of final site development permit plans containing full vegetative and tree survey information and grading plans, based on such information and plans.

1.12 (a) The total developed area of the commercial portions of each Tract within the Property shall not exceed the floor-to-area ratio ("FAR") and the impervious cover ("Impervious Cover") as set forth on the Concept Plans.

EX-C
1



ITEM FOR ENVIRONMENTAL BOARD AGENDA

BOARD MEETING October 6, 2004
DATE REQUESTED:

NAME/NUMBER Davenport PUD (Gables Westlake)/C814-88-0001.08
OF PROJECT:

NAME OF APPLICANT Gables Residential
OR ORGANIZATION: Jim Knight (Agent), 328-0011

LOCATION: 3100-3320 North Capital of Texas Highway

PROJECT FILING DATE: June 9, 2004

WATERSHED PROTECTION Chris Dolan 974-1881
STAFF: chris.dolan@ci.austin.tx.us

CASE MANAGER: Glenn Rhoades 974-2775
glenn.rhoades@ci.austin.tx.us

WATERSHED: Lake Austin (Water Supply Rural)

ORDINANCE: West Davenport PUD (Ordinance # 890202-B)

REQUEST: Amendment to PUD Ordinance that includes exceptions (variances) from Lake Austin Ordinance Sections 9-10-383 (Construction on Slopes), and 9-10-409 (Cut/Fill).

STAFF RECOMMENDATION: RECOMMENDED WITH CONDITIONS.



Ex. C
2

MEMORANDUM

TO: Betty Baker
Chairman, City of Austin Zoning and Platting Commission

FROM: J. Patrick Murphy, Environmental Services Officer
Watershed Protection and Development Review Department

DATE: October 19, 2004

SUBJECT: Gables Westlake C814-88-0001.08

Description of Project Area

The proposed Gables residential project is located on Lot 1 of Block D and Lot 16 of Block E, within the Davenport West Planned Unit Development (PUD). The site is located within the full purpose jurisdiction of the City of Austin, on the west side of the Capital of Texas highway (Loop 360), just south of Westlake Drive. The referenced lots are currently zoned for office and retail development per the approved PUD Land Use Plan. The two lots have a combined acreage of 28.98 acres, and were allocated a total of 9.49 acres of impervious cover when the PUD Ordinance (89-02-02-B) was approved by City Council in 1989. The site is bordered by Loop 360 to the east, commercial development and undeveloped property to the north and west, and St Stephens School to the south. The site is within the Lake Austin Watershed, which is classified as a Water Supply Rural Watershed by the City's Land Development Code (LDC).

The lots in question (Lot 1, Block D; and Lot 16, Block E) are subject to the Lake Austin Ordinance (Ordinance Number 840301-F), as modified by the PUD Ordinance. Impervious cover limitations are dictated on an individual slope category basis for development subject to the Lake Austin Ordinance. Per the PUD Ordinance, allowable impervious cover is 5.13 acres for Lot 1, Block D, and 4.36 acres for Lot 16, Block E. In order to achieve the level of impervious cover allocated by the PUD Ordinance, exceptions (variances for cut/fill and construction on slopes) to the Ordinance requirements are being requested. The requested exceptions are typical for development sites in and adjacent to the Planned Unit Development. There is floodplain adjacent to St. Stephens Creek located at the west end of the site. No development is proposed within the floodplain.

EX.C
3

Existing Topography and Soil Characteristics

The topography of the site generally slopes to the west/northwest, away from Loop 360, and toward St. Stephens Creek. The majority of the steep slopes on the site are located between Loop 360 and the proposed development on Lot 1. The site includes some relatively small areas with slopes (most of which are in the 15-25% category) upon which some development must occur in order to achieve the impervious cover limit allocated by the PUD Land Use Plan. Elevations range from approximately 774 feet above mean sea level (MSL) at the east end of Lot 1, to approximately 634 feet above MSL at the north end of Lot 16.

The soils on the site are classified as Brackett and Volente series soils. The Brackett soils are shallow and well drained, and the Volente soils consist of deep, well drained, calcareous soils occupying long and narrow valleys.

Vegetation

The majority of the site is dominated by Ashe juniper/oak woodlands, with multi-trunked Ashe juniper (cedar) intermixed with spots of Live oak and Texas oak. The project was designed to preserve the mature oaks to the maximum extent that was feasible. A majority of the protected size oaks are located in the floodplain, and will not be disturbed by the proposed development. Shrubs on the site include persimmon, agarita, flaming sumac, greenbriar and Mexican buckeye.

Tree replacements will be installed on the site to the maximum extent that is practical. As a condition of staff support, all replacement trees will be container grown from native seed.

The Hill Country Roadway Corridor Ordinance (HCRC), as modified by the PUD Ordinance, requires that 7.44 acres of Lot 1, and 4.32 acres of Lot 16 (for a total of 11.76 acres) be set aside as HCRC Natural Area. This project proposes to set aside 12.7 acres of Natural Area. As a condition of staff support, all revegetation within disturbed Natural Areas (which will be limited to vegetative filter strip areas) will be specified to be with a native grass/wildflower mix.

Critical Environmental Features/Endangered Species

Based on an Environmental Assessment, as well as a site visits by Watershed Protection Staff, there are no critical environmental features located on, or within 150 feet of the limits of construction. The issue of endangered species was addressed during the PUD approval process, and on June 7, 1990 a letter from the United States Fish and Wildlife Service was provided, indicating that the property did not contain endangered species habitat.

Requested Exceptions to the PUD Ordinance Requirements

The exceptions to the PUD Ordinance that are being requested by this project are to Environmental Sections 9-10-383 (Construction on Slopes) and 9-10-409 (Cut/Fill) of the Lake Austin Watershed Ordinance (Ordinance Number 840301-F). As previously noted, the

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site is part of an approved PUD Land Use Plan for which impervious cover was allocated on an individual lot basis during the PUD Ordinance approval process. During the PUD approval process, a conceptual, zoning site plan for office/retail was approved for this site. In order to achieve the level of impervious cover allocated by the PUD Ordinance, the same exceptions (variances for cut/fill and construction on slopes) to the Ordinance requirements that would have been required for the approved conceptual office/retail plan are being requested for this PUD Amendment. While both the approved office/retail plan, and the proposed multi-family plan, would require the same cut/fill variance, the multi-family project will require less than one third of the cut, and just over half of the fill required by the approved office/retail plan. The majority of the proposed cut and fill would be from four to eight feet. There are small areas of cut (approximately 9,855 square feet) exceeding 8 feet, to a maximum of 16 feet. There are also a couple small areas of fill (4,995 square feet) exceeding 8 feet, to a maximum of 10 feet. All proposed cut/fill will be structurally contained.

Due to the topography of the site, as well as the proposed design that includes an improved WQ Plan, impervious cover for the 15-25% slope category exceeds what is allowable under the Lake Austin Ordinance (LAO). Allowable impervious cover for this slope category is .65 acres, and approximately .77 acres is proposed by the multi-family project. The applicant worked diligently with Staff to reduce impervious cover on the 15-25% slopes, and the resulting .12 acres (approximately 6100 square feet) that exceeds what is allowable under the LAO is still less than would have been requested with the office/retail plan. The applicant has worked closely with COA Water Quality Review Staff to provide a WQ Plan for the site that exceeds the Lake Austin Ordinance requirements. The proposed capture volume depth will be approximately double the requirement of the LAO. Water Quality for the multi-family plan will treat and remove pollutants for approximately 4.42 acres of TXDOT ROW, and 4.2 acres of the Westlake Drive extension ROW. The proposed multi-family plan will provide overland flow and grass lined channels over most of the site allowing the use of vegetative filter strips which, along with the standard WQ ponds, will result in an overall WQ Plan that meets current code requirements (as opposed to the less stringent requirements of the LAO). The vegetative filter strip areas will be restored with native vegetation, and an IPM Plan will be provided. In addition, the office/retail plan was approved with on-site wastewater treatment (septic), and the proposed multi-family project will convey wastewater to a COA wastewater treatment facility.

Lake Austin Watershed Ordinance, Section 9-10-383, Construction on Slopes

Section 9-10-383 of the Lake Austin Watershed Ordinance limits impervious based on individual slope category. Forty (40) percent impervious cover is allowed on slopes under 15%; ten (10) percent impervious cover is allowed on slopes between 15 and 25%; five (5) percent impervious cover is allowed on slopes between 25 and 35%.

Lake Austin Watershed Ordinance, Section 9-10-409, Cut and Fill Requirements

Section 9-10-409 of the Lake Austin Watershed Ordinance limits cut and fill, with the exception of what is required for structural excavation (defined as excavation required for building foundations), to 4 feet. The Ordinance also states that all slopes exceeding a 3 to 1

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ratio, that were generated by the cut and fill, shall be stabilized by a permanent structural means.

The proposed PUD Amendment, including exceptions to the standards of the PUD Ordinance, is recommended by Staff with conditions.

Conditions

1. All cut/fill to be structurally contained.
2. All restoration of disturbed natural areas (including vegetative filter strips) to be with native grass/wildflower mix.
3. Replacement trees to be a diverse selection of Class 1 trees, container grown from native seed.
4. Provide Water Quality measures that meet all current code requirements (as opposed to the less stringent requirements of the LAO).
5. Provide an IPM Plan.
6. Provide a minimum of 12.7 acres of Hill Country Natural Area (per the PUD Ordinance, only 11.76 acres are required).

If you have any questions or require further assistance, please contact Chris Dolan at 974-1881.

Patrick Murphy, Environmental Officer
Watershed Protection and Development Review Department

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LAKE AUSTIN WATERSHED ORDINANCE VARIANCES – FINDINGS OF FACT

Project: Gables at Westlake - VARIANCE #1
Ordinance Standard: LAO Section 9-10-384 to allow impervious cover for commercial development to exceed the allowable percentages within individual slope categories.

JUSTIFICATION

1. The variance shall be the minimum departure necessary to avoid such deprivation of privileges enjoyed by such other property and to facilitate a reasonable use, and which will not create significant probabilities of harmful environmental consequences.

Yes/ This project is subject to Lake Austin Ordinance (LAO), as amended by the Davenport West PUD (Ordinance #89-02-02-B). The Davenport West PUD Land Use Plan assigned design criteria (including impervious cover limitations) for each of the lots within the PUD. This site (Lot 1, Block D and Lot 16, Block E) was allocated 9.49 acres of IC. The site could not be developed to the allowable intensity without exceeding the impervious cover limitations (10%) of the 15-25% slopes. The applicant worked with Staff to reduce construction on the 15-25% slopes, while at the same time preserving as many mature, Class 1 trees as practical. Site visits the City's Environmental Resource Management Division indicated that no Critical Environmental Features were located on, or within 150 feet of the LOC.

2. The variance shall not provide the applicant with any special privileges not enjoyed by other similarly situated properties with similarly timed development.

Yes/ This variance will not provide the applicant with any special privileges not enjoyed by other projects in the area. Variances to allow construction to exceed impervious cover limitations for individual slope categories have been approved for other projects within the Lake Austin Watershed. As stated in the previous finding, this project is subject to Lake Austin Ordinance, as amended by the West Davenport PUD (Ordinance #89-02-02-B).

3. The variance shall not be based on a special or unique condition which was created as a result of the method by which a person voluntarily subdivides land after October 20, 1983.

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Yes/ Although site specific topography was not available to staff during the PUD (or preliminary plan) approval process, it was anticipated that impervious cover would need to exceed the limitations of individual slope categories in order to approach the allowable IC that was designated for this site at the time the PUD was approved.

To support granting a variance all applicable criteria must be checked "yes".

LAKE AUSTIN WATERSHED ORDINANCE VARIANCES – FINDINGS OF FACT

Project: Gables at Westlake - VARIANCE #2
Ordinance Standard: LAO Section 9-10-409 to allow cut and fill to exceed four feet.

JUSTIFICATION

4. The variance shall be the minimum departure necessary to avoid such deprivation of privileges enjoyed by such other property and to facilitate a reasonable use, and which will not create significant probabilities of harmful environmental consequences.

Yes/ This project is subject to Lake Austin Ordinance (LAO), as amended by the Davenport West PUD (Ordinance #89-02-02-B). The Davenport West PUD Land Use Plan assigned design criteria (including impervious cover limitations) for each of the lots within the PUD. This site (Lot 1, Block D and Lot 16, Block E) was allocated 9.49 acres of IC. The topography of the site dictates that a cut/fill variance would be required to allow any development to meet the West Davenport PUD design criteria. The development associated with the proposed PUD Amendment will require less cut/fill than the existing, approved zoning site plan for the site. In addition, the applicant worked closely with City Staff to produce a WQ Plan that exceeds the WQ requirements of the approved, zoning site plan. Site visits by the City's Environmental Resource Management Division indicated that no Critical Environmental Features were associated with the site. *All cut/fill will be structurally contained. that was associated with PUD requires a maximum of 24 feet of cut and 16 feet of fill. With the exception of a small portion of the parking lot, all of the required cut is associated with the Water Quality Pond located behind the building. The pond is sized to provide Water Quality that exceeds (by 25%) the required WQ volume.*

5. The variance shall not provide the applicant with any special privileges not enjoyed by other similarly situated properties with similarly timed development.

Yes/ The variance will not provide the applicant with any special privileges not enjoyed by other properties in the area. Numerous cut/fill variances have been approved within the Lake Austin Watershed. As stated in the previous finding, this project is subject to Lake Austin Ordinance, as amended by the West Davenport PUD (Ordinance #89-02-02-B).

6. The variance shall not be based on a special or unique condition which was created as a result of the method by which a person voluntarily subdivides land after October 20, 1983.

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Yes/ Based on the topography that was available to Staff at the time of PUD approval, it was anticipated that a cut/fill variance would be required to develop this site according to the criteria established by the PUD Ordinance (9.49 acres of IC). However, based on the previously referenced topography, Staff was unable to anticipate the maximum extent of the cut/fill at that time.

To support granting a variance all applicable criteria must be checked "yes".



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ENVIRONMENTAL BOARD MOTION 100604-B1

Date: October 6, 2004

Subject: Amendments to the Davenport PUD Ordinance # 890202-B

Motioned By: Tim Riley

Seconded By: Dave Anderson

Recommendation

The Environmental Board recommends **conditional approval** of the amendment to the Davenport PUD (Ordinance # 890202-B) including the exceptions to the Lake Austin Ordinance Sections 1) 9-10-383 – to allow construction on slopes and 2) 9-10-409 – to allow cut and fill in excess of 4' with the following conditions:

Staff Conditions

1. All cut/fill to be structurally contained;
2. All restoration of disturbed natural areas (including vegetative filter strips to be with native grass/wildflower mix;
3. All replacement trees to be Class I trees, container grown from native seed;
4. Provide water quality measures that meet all current code requirements (as opposed to the less stringent requirements of the LAO);
5. Provide an IPM Plan;
6. Provide a minimum of 12.7 acres of Hill Country Natural Area (per the PUD Ordinance, only 11.76 acres required).

Additional Board Conditions

7. The construction of the level spreaders and berms associated with the vegetative filter strips will be performed by non-mechanical equipment.
8. The project will comply with City of Austin Green Builder Program at a one star level.

Continued on back

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9. Require 194-3 inch container grown Class 1 trees. Trees will be selected to provide overall species diversity and shall have a 2-year fiscal posting (this Board condition supersedes Staff condition 3).
 10. Reduction of impervious cover for Westlake Drive by reducing the roadway lanes from four lanes to two lanes (with appropriate turn bays).
 11. Capture and treatment of 4.42 acres of right-of-way for Capital of Texas Highway (Loop 360).
 12. Coal-tar based sealants shall not be used.

Rationale

The proposed amendments, on balance, provide for greater environmental protection than the approved PUD Ordinance. The proposed amendments and conceptual design provide for greater protection of the existing tree canopy than the approved PUD Ordinance. The proposed multi-family plan provides for greater water quality protection through the use of sedimentation/filtration ponds and vegetative filter strips. Additionally, the applicant agrees with the staff condition that the development will meet current code requirements relative to water quality measures. The multi-family plan significantly reduces the required cut and fill needed as compared to the original approved office/retail plan. Also, the multi-family plan reduces impervious cover on slopes 15-25% and slopes greater than 35%. The applicant guarantees that 194 3" container grown Class 1 trees will be planted and that there will be a diversity of species incorporated into the site design. The applicant states that the multi-family plan will reduce traffic by 60%, thereby reducing associated non-point source pollution. The multi-family plan also reduces impervious cover by downsizing the Westlake Drive extension from 4-lanes to 2-lanes. The multi-family plan will also incorporate an Integrated Pest Management Program and will voluntarily comply with the City of Austin's Green Builder Program at the one star level.

Vote 7-0-0-1

For: Ascot, Anderson, Holder, Leffingwell, Maxwell, Moncada, Riley

Against: None

Abstain: None

Absent: Curra

Approved By:

Lee Leffingwell, Chair

**GABLES-WESTLAKE
DAVENPORT RANCH PALNNED UNIT DEVELOPMENT
CUT/FILL AREA COMPARISON**

MULTI FAMILY PLAN

<u>CUT (feet)</u>	<u>AREA (SF)</u>
4 - 6	31,050
6 - 8	10,650
8 - 10	5,025
10 - 12	2,025
12 - 14	1,395
14 - 16	<u>1,410</u>
	51,555 SF

<u>FILL (feet)</u>	<u>AREA (SF)</u>
4 - 6	67,950
6 - 8	11,470
8 - 10	<u>4,995</u>
	84,415 SF

OFFICE PLAN

<u>CUT (feet)</u>	<u>AREA (SF)</u>
4 - 8	85,700
8 - 12	52,600
12 - 16	23,550
16 - 20	14,400
20 - 24	<u>11,400</u>
	187,650 SF

<u>FILL (feet)</u>	<u>AREA (SF)</u>
4 - 8	100,000
8 - 12	55,200
12 - 16	<u>1,100</u>
	156,300 SF

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Davenport Ranch West PUD
Tract F, Block D, Lot 1 and Tract F, Block E, Lot 18

Land Use:	Original Approved Office/Retail Plan	Proposed Multi-Family Plan	Comparison
Office Retail Parking Garage Multi-Family	281,450 sf 40,000 sf 162,500 sf 0	0 sf 0 sf 0 sf 323 units	-
Water Quality Standards: <u>Onsite:</u> Methodology Capture Volume <u>Offsite:</u> Treating Loop 360 Treating Westlake Dr. Extension	60" French drain pipe 0.5" No No	Vegetative filter strips Sedimentation/filtration ponds 0.9"x1.0"	Multi-family plan provides approximately 23,300 cubic feet of additional water quality volume
Wastewater:	Onsite septic	Connecting to City of Austin enclosed system	-
Cut/Fill: Max. Cut Max. Fill	24 ft 16 ft	16 ft 10 ft - -	Office/Retail plan provides 3 1/4 times more total cut area than the proposed MF plan* Office/Retail plan provides 1 1/4 times more total fill area than the proposed MF plan* *See summary table
Impervious Cover on Slopes: 0 - 15% 15% - 25% 25 - 35% >35%	8.31 Ac 0.85 Ac.* 0.05 Ac. 0.02 Ac.* *Would require Env. Variances	8.41 Ac. 0.77 Ac.* 0.05 Ac. 0.00 Ac. *Requested variance (over by ±8,185 SF)	Multi-family plan reduces impervious cover on slopes 15-25% and slopes >35%
Tree Replacements:	No guarantee of tree replacement	194-3" container grown trees guaranteed	Multi-family plan guarantees 194-3" container grown trees.
Traffic:	6,720 trips per day 4-lane Westlake Dr. Extension cross-section	2,070 trips per day 2-lane Westlake Dr. Extension cross-section	Multi-family plan will reduce traffic (69%) and related pollutants. Reduce impervious cover for Westlake Drive Extension.
Integrated Pest Management Program:	No	Yes	
Green Builder Program:	No	Yes	

**Bunny Run Neighborhood Association
6604 Live Oak Drive
Austin, Texas 78746
512-917-3348**

HAND DELIVERED

July 29, 2 004

**Mr. Glenn Rhoades
Neighborhood Planning and Zoning Department
City of Austin**

Re: Gables Residential proposed zoning change /PUD amendment from office /retail to multi-family for the St. Stephens track off Westlake Drive

Dear Mr. Rhoades,

I am the president of the Bunny Run Neighborhood Association (BRNA). In our recent BRNA annual meeting, Steve Drenner on behalf of Gables Residential, made a presentation regarding the above-referenced project and elicited questions from the BRNA membership. Following this presentation, the BRNA membership discussed this proposed development project and concluded by unanimous vote that the proposed development was not in the best interest of the neighborhood. The neighborhood residents concluded that the original retail /office land use, as presently permitted, was preferable to the proposed multi family land use.

You may not be aware that the presently permitted retail/office zoning was the result of a lengthy negotiated process occurring in 1988 between the City of Austin, BRNA, Beth Moran of Davenport Ranch Westview Development Inc. and St. Stephens, the current owner of the property. These negotiations led to a neighborhood zoning plan and resulted in a settlement known as the "Davenport PUD/ St Stephen's land swap". As a part of the 1988 negotiations, the Davenport developer put forward a proposal for multifamily land use and the parties rejected it. As a result, this is why there is no multifamily zoning authorized in the agreement covering the Davenport PUD in our neighborhood (now Hill Partners "San Clemente") and the St Stephens track in question.

It is the opinion of the BRNA neighborhood that not only does the proposed zoning change negatively impact our neighborhood, it constitutes a breach of the agreed upon 1988 land uses for this tract of land. Please note BRNA's opposition to this development and notify us of any deadlines, hearing dates or other calendared items pertaining to this application.

Based on this historical information that I have now provided you, BRNA requests that the Neighborhood Planning and Zoning Department staff reconsider it's recommended approval of the proposed zoning change/PUD amendment. This proposed zoning change clearly violates and significantly changes our agreed to neighborhood zoning plan covering the Davenport PUD commercial property and the St. Stephens commercial track.

BRNA requests that Neighborhood Planning and Zoning honor the letter and the spirit of the 1988 deal between BRNA, Davenport and St. Stephens by recommending denial of Gables Residential's request that the zoning /PUD amendment be changed from office/retail to multifamily land use.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in cursive script that reads "Tom Burns".

Tom Burns
President,
Bunny Run Neighborhood Association

**HAND DELIVERED,
(COPY BY EMAIL)**

**Scott R. Crawley
3702 Rivercrest Drive
Austin, TX 78746**

December 27, 2004

**Mr. Glenn Rhoades
Neighborhood Planning and Zoning Department
City of Austin
505 Barton Springs Rd
Mail room 475
Austin, TX 78704**

Re. Gables Westlake-Case Number C814-88-0001.08

Mr. Rhoades:

My fellow residents on Rivercrest Drive (approximately 75 homes), in the absence of an official HOA, have asked me to write to you to voice and register our overwhelming opposition to the Gables Westlake's proposed zoning change in case number C814-88-0001.08.

After meetings with officials from Gables, discussions with city officials and careful review of the proposal and potential implications and impact on our neighborhood, the residents of Rivercrest Drive have concluded that the proposed development is not in the best interests of the neighborhood.

Our list of concerns is considerable and includes the certainty that the neighborhood will be adversely affected by issues related to safety, impervious land usage and adverse traffic patterns. In addition, we are yet to experience the full effect of several recently completed, currently under-occupied, high density housing developments in the area (at least one by Gables). Further to these concerns, I would ask you to make careful note of the following points:

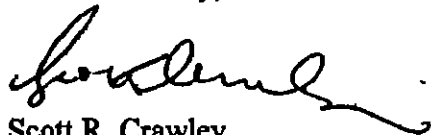
- The original 1988 agreement between St Stephens School, the Bunnyrun Neighborhood Association and the Owners/Developers of the land in question, granted specific consideration to each party in carefully planning and ultimately agreeing on equitable usage of the land. The consideration granted to the neighborhood was an agreement that the land would not be used for multi-family or high density housing. Any moves to discard this agreement or its intent would amount to a serious breach of contract.
- The increase in general residential development in the Davenport area and usage of the 360 corridor over the past few years has put an enormous strain on traffic in the neighborhood. What the neighborhood requires more than anything is more local commercial development to service the local community. Commercial development would have the added advantage of creating captive traffic within the neighborhood that would not require use of 360. I understand that minimizing or reducing traffic flow on 360 is one of the city's major concerns.

Consequently, the Residents of Rivercrest Drive have concluded that the original retail/office land use, as presently permitted is preferable to the proposed multi-family land use.

Please note the Rivercrest Drive residents' opposition to this development and notify us of any deadlines, hearing dates or other calendar items pertaining to this application.

Thank you for your assistance with this matter.

Yours Sincerely,



Scott R. Crawley

cc: Beverly Dorland
Hank Coleman
Steve Wagh

TERRENCE L. IRION**ATTORNEY AT LAW****3660 STONE RIDGE ROAD, STE. B-102****AUSTIN, TEXAS 78746**

TELEPHONE: (512) 847-9977

FAX (512) 847-7085

September 23, 2004

slleffingwell@austin.tx.com**AND U.S. MAIL****Mr. S. Lee Leffingwell****4001 Bradwood Road****Austin, Texas 78722**

Re: St. Stephen's School Property - Tract F, Block D, Lot 1 and Block E, Lot 16; C814-88-0001.08; Davenport PUD/Gables

Dear Mr. Leffingwell:

I represent the Creek at Riverbend Homeowners Association, Hunterwood Homeowners Association and an association of property owners living in the Bunny Run Peninsula, Rivercrest and Bridgehill neighborhoods.

Reference is made to my letter to Joe Pantaloni, et al., dated September 15, 2004, a copy of which is attached for your reference.

While I never received any response to this letter, item no. 2 from the September 15, 2004 Environmental Board Agenda entitled "Davenport PUD (Gables Westlake)" was pulled from that agenda. It has come to the attention of my clients that this item may be working its way back on to the Environmental Board Agenda of October 6, 2004.

The purpose of this letter is to request that you, as Chairman, direct that this matter be permanently removed from the agenda because it seeks an advisory opinion and recommendation regarding a re-zoning request which is outside the jurisdiction of the Environmental Board to consider.

By copy of this letter to David Smith, Austin City Attorney, I am requesting that he advise you on this matter.

The enclosed copy of my September 15, 2004 letter lays out the legal basis for this request; namely that i) the request requires a re-zoning from "non-residential PUD" to "residential PUD" before any site plan can be considered; ii) the Order or Process in Section 25-1-61 requires that approvals be obtained in the proper order; iii) no re-zoning application has ever been filed; iv) no site plan has been submitted to Watershed Protection Development Review and Inspection Department for a determination if the revised site plan and land use constitutes the same project with respect to the portion of the PUD which is being re-zoned.

The purpose of this letter is to give you a very brief background on the extensive stakeholder process that resulted in the original PUD zoning and why my clients feel so passionate about the maintenance of all land use designations in the PUD unless the re-zoning of the PUD is approved by the City Council after a public hearing process in which all the stakeholders in the original PUD

Mr. Leffingwell
September 23, 2004
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zoning case have had an opportunity to fully address their concerns with any proposed amendments to Zoning Ordinance No. 890202B.

The subject Tract F (Block D, Lot 1 and Block E, Lot 16) was zoned "non-residential" as a result of a land swap which involved St. Stephen's School, Davenport, Ltd. and the City of Austin. It included the following components:

1. Davenport Ltd., would sell 150 acres of land abutting Wild Basin, which was destined for commercial development, and donate an additional 60 acres for the proposed Wild Basin Preserve. This would remove almost all the commercial development from the Rob Roy neighborhood entrance.
2. Davenport Ltd. would swap 100 acres which abutted St. Stephen's School campus and which St. Stephen's School desired to protect as a view corridor in return for 75% of Tract F owned by St. Stephen's School at the extension of Westlake Drive west of Loop 360.
3. The Davenport Ltd. Wild Basin sale was conditioned on the City's approval of the Davenport West PUD, which would allow St. Stephen's and Davenport Ltd. to obtain commercial zoning on Tract F, including the subject Properties.
4. Each participant received something through the Agreement:
 - a) Davenport Ltd., by working with the City of Austin on the 200-acre Wild Basin set aside, could secure the right to develop the balance of the Davenport Ranch without U.S. Fish and Wildlife intervention.
 - b) The City of Austin, by purchasing 150 acres from Davenport Ltd. for \$2,000,000.00 and obtaining an additional 60-acre dedication from Davenport Ltd., could preserve the largest breeding colony of Black Capped Vireos in the world.
 - c) St. Stephen's School would benefit by being able to protect their view corridor along Loop 360 just north of the entrance to the Rob Roy neighborhood on Pascal Lane.

The original Concept Plan for the swapped land included multi-family high density residential along Bunny Run, multi-family where the Creek at Riverbend now exists, a hotel on Cedar Street, and other multi-family residential. These plans were opposed by the neighborhoods and the final approved PUD Zoning Ordinance resulted in agreements between the neighborhoods and Davenport Ltd. and St. Stephen's School which are reflected in the approved PUD. The land use designation on the PUD for Tract F was very intentionally designated "non-residential". It was not designated "commercial" because it was the intent of all parties participating in the original PUD hearings that Tract F would never be developed with "multi-family" and all parties wanted to make it clear that whether multi-family was considered "commercial" or not, it would not be developed with multi-family housing.

Mr. Leffingwell
September 23, 2004
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My clients feel like a deal was made; a deal in which St. Stephen's School and Davenport Ltd. participated and benefitted. The deal can not and should not now be undone by an administrative review process that looks only at environmental plan modifications to the existing PUD concept site plan; a PUD site plan that is not governed by the new Division V, Chapter 25-2, Section 25-2-391 et sequitur, as adopted by Ordinance No. 031211-11, because it was subject to the PUD requirements adopted before December 15, 1988.

The neighborhoods believe they are entitled to a full debate on the merits and equities of a wholesale change to the land use, which was approved through the consensus building process that resulted in PUD Zoning Ordinance No. 890202-B.

Finally, my clients believe that if the project changes from commercial to residential, the administrative process for determining whether the project retains its vested rights pursuant to H.B. 1704 should be followed. While zoning regulations are generally exempt from H.B. 1704 consideration, where they affect lot size, lot dimensions, lot coverage, building size, or development rights controlled by restrictive covenant, H.B. 1704 rights may be affected. It is our understanding from the limited review my clients have had of the multi-building apartment plan proposed by Gables, that it would require the use of the entire 40% impervious cover entitlements of the existing approved PUD. The irony is that my clients have hired their own experts to determine the economic feasibility of developing a residential project on the site that complies with current environmental ordinance requirements, and has found that such a plan is feasible.

The Gables Plan appears to be neither the most environmentally appropriate alternative to the existing approved project, nor anything close to resembling the agreed upon PUD land uses approved by all stakeholders in the 1989 PUD Ordinance.

Accordingly, we ask that you support our request that any change to the approved project as proposed by Gables go through the orderly process mandated by the Land Development Code and require a debate on the propriety of changing the land use through a re-zoning case before any site plan review is made to any Board or Commission.

Sincerely,



Terrence L. Nixon

Attorney for Creek at Riverbend HOA, Hunterwood HOA and the Bunny Run Peninsula, Rivercrest and Bridgehill Neighborhoods

TLI:lm:Enclosure

cc: The Honorable Betty Baker
Chair, Zoning and Platting Commission

CASE # 814-88-0001.03

PETITION CONCERNING GABLES WESTLAKE PROPOSED P.U.D. AMENDMENT/ZONING CHANGE
FROM OFFICE/RETAIL TO MULTI-FAMILY

I live in the Davenport Ranch neighborhood across from the land subject to the above-referenced proposed P.U.D. Amendment. By my signature below I am stating my opposition to the proposed P.U.D. Amendment/Zoning Change. My reasons for this opposition include the following:

1. In 1988, the Bunny Run Neighborhood Association, on behalf of the entire neighborhood, entered into a Comprehensive Neighborhood Land Use Plan with the Davenport Ranch Westview Development Inc. and St. Stephen's Episcopal School which rejected proposed multi-family land use as part of the P.U.D. I continue to support the office/retail zoning on this tract authorized by the 1988 Comprehensive Neighborhood Land Use Plan.
2. It is my belief that the zoning authorized by the 1988 Comprehensive Neighborhood Land Use Plan is less intrusive on the neighborhood and best maintains the original rural/suburban character of this area.

PRINTED NAME	STREET ADDRESS	PHONE/EMAIL	SIGNATURE	DATE
Carol Driscoll	6104 Nashua Ct	732-7299	<i>[Signature]</i>	10/10/04
Jim Copeland	6106 Nashua Ct	329-9017	<i>[Signature]</i>	10/11/04
MARCIANNE KYER	6105 NASHUA CT	MEKAK@AOL.COM 327-9423	Marianne Kyer	10/11/04
CHARLES T. MANGUM	6103 NASHUA COURT	dman@texps.net 327-1225	Charles T. Mangum	10/11/04
DIANNE MANGUM	6103 NASHUA CT.	"	Dianne C. Mangum	10/11/04
Scott Bleck	3503 Needle Dr	732-8336 hcdie6@austin.rr.com	<i>[Signature]</i>	10/12/04
Betsy Davis	350a Native Dancer Court	330-9184 Bdavis@prodigy.net	Betsy Davis	10/12/04
Kristy Knippa	604 Gun Bow	7306-9748 KRISTY-KNIPPA@YAHOO.COM	<i>[Signature]</i>	10/12/04
Barbette Cooper	6105 Gun Bow Ct	329-0596 barbette@austin.rr.com	Barbette Cooper	10/12/04
John Cooper	6105 Gun Bow Ct	329-0596 jcooper@austin.rr.com	<i>[Signature]</i>	10/12/04

CASE # 814-88-0001.08
PETITION CONCERNING GABLES WESTLAKE PROPOSED P.U.D. AMENDMENT/ZONING CHANGE
FROM OFFICE/RETAIL TO MULTI-FAMILY

I live in the Davenport Ranch neighborhood across from the land subject to the above-referenced proposed P.U.D. Amendment. By my signature below I am stating my opposition to the proposed P.U.D. Amendment/Zoning Change. My reasons for this opposition include the following:

1. In 1988, the Bunny Run Neighborhood Association, on behalf of the entire neighborhood, entered into a Comprehensive Neighborhood Land Use Plan with the Davenport Ranch Westview Development Inc. and St. Stephen's Episcopal School which rejected proposed multi-family land use as part of the P.U.D. I continue to support the office/retail zoning on this tract authorized by the 1988 Comprehensive Neighborhood Land Use Plan.
2. It is my belief that the zoning authorized by the 1988 Comprehensive Neighborhood Land Use Plan is less intrusive on the neighborhood and best maintains the original rural/suburban character of this area.

PRINTED NAME	STREET ADDRESS	PHONE/EMAIL	SIGNATURE	DATE
RAYMOND DEVINE	6003 MESSENGER STAKES AUSTIN, TX 78746	RAYDEV@JUNO.COM	<i>Raymond Devine</i>	11/8/04
MARILYN DEVINE	" "	MARDEV@JUNO.COM	<i>Marilyn Devine</i>	11/8/04
JOAN LONGMIRE	6008 MESSENGER STAKE AUSTIN, TX 78746	JELIOS@AUSTIN.TX.RE.COM	<i>Joan Longmire</i>	11/17/04
LEO LONGMIRE	" "	"	<i>Leo Longmire</i>	11/17/04
Philip L. Spicer	6000 'MEXICO' STAKE AUSTIN, TX 78746	512-321-3030 PS76746@PS76746	<i>Philip L. Spicer</i>	11/17/04
Marie Carmen Lopez	6000 'MEXICO' STAKE AUSTIN, TX 78746	✓	<i>Marie Carmen Lopez</i>	11/17/04
Dan Sizemore	6001 Messenger Stakes Austin, TX 78746	512 732-8364 DLSizemore@aol.com	<i>Dan Sizemore</i>	11/17/04
Noel J. Sizemore	6001 Messenger Stakes Austin, TX 78746	512-732-8364 NJSizemore@aol.com	<i>Noel J. Sizemore</i>	11/17/04
Bob Fresch	6007 Messenger Stakes Austin TX 78746	512 306 0595	<i>Bob Fresch</i>	11/18/04
Tenny Fresch	6007 Messenger Stakes Austin TX 78746	"	<i>Tenny Fresch</i>	11/18/04


○

[illegible]

CASE # 814-88-0001.08
PETITION CONCERNING GABLES WESTLAKE PROPOSED P.U.D. AMENDMENT/ZONING CHANGE
FROM OFFICE/RETAIL TO MULTI-FAMILY

I live in the Davenport Ranch neighborhood across from the land subject to the above-referenced proposed P.U.D. Amendment. By my signature below I am stating my opposition to the proposed P.U.D. Amendment/Zoning Change. My reasons for this opposition include the following:

1. In 1988, the Bunch Run Neighborhood Association, on behalf of the entire neighborhood, entered into a Comprehensive Neighborhood Land Use Plan with the Davenport Ranch Westview Development Inc. and St. Stephen's Episcopal School which rejected proposed multi-family land use as part of the P.U.D. I continue to support the office/retail zoning on this tract authorized by the 1988 Comprehensive Neighborhood Land Use Plan.
2. It is my belief that the zoning authorized by the 1988 Comprehensive Neighborhood Land Use Plan is less intrusive on the neighborhood and best maintains the original rural/suburban character of this area.

PRINTED NAME	STREET ADDRESS	PHONE/EMAIL	SIGNATURE	DATE
STEVE STRATTON	4104 BELMONT PARK DR	347-8001	Steve A Stratton	10/23/04
SUZANNE STRATTON	4104 BELMONT PARK DR	347-8002	Suzanne Stratton	10/31/04
SEAN C FORBES	4100 BELMONT PARK DR	328-6703		11/03/04
BRENDA S FORBES	4100 BELMONT PARK DR	328-6703	Brenda S Forbes	11/07/04
DON TEIN	4107 BELMONT PARK	328-6730	Don Tein	12/1/04
BARBARA TEIN	4107 BELMONT PARK	328-6730	Barbara Tein	12/1/04

CASE # 814-88-0001.03
 PETITION CONCERNING GABLES WESTLAKE PROPOSED PUD AMENDMENT/
 ZONING CHANGE FROM OFFICE RETAIL TO MULTI-FAMILY

I live in the neighborhood adjoining the land subject to the above-referenced proposed PUD Amendment. By my signature below I wish to state my opposition to the proposed PUD Amendment/Zoning Change. My reasons for this opposition include the following:

1. In 1988, the Bunny Run Neighborhood Association, on behalf of the entire neighborhood, entered into a comprehensive neighborhood land use plan with the Davenport Ranch Westview Development Inc. and St. Stephens, which rejected proposed multi-family land use as part of the PUD. I continue to support the zoning authorized by the 1988 comprehensive neighborhood land use plan.
2. It is my belief that the zoning authorized by the 1988 comprehensive neighborhood land use plan is less intrusive on the neighborhood.

PRINTED NAME	STREET ADDRESS	PHONE # OR EMAIL	SIGNATURE	DATE
Ryan + Margaret Davenport	3602 Rivercrest	328-0328	Margaret Davenport	10/6/04
Frank Cole	3604 Rivercrest	328-8874	Frank Cole	10/6/04
Jane Coleman	3601 Rivercrest	328-5874	Jane Coleman	10/6/04
Jim Knox	2801 Rivercrest	328-3097	Jim Knox	10/6/04
ANGELA SMOGUR	3307 RIVERCREST	327-7926	Angela Smogur	10/6/04

CASE # 814-88-000168
 PETITION CONCERNING GABLES WESTLAKE PROPOSED PUD AMENDMENTS
 ZONING CHANGE FROM OFFICE RETAIL TO MULTI-FAMILY

I live in the neighborhood adjoining the land subject to the above-referenced proposed PUD Amendment. By my signature below I wish to state my opposition to the proposed PUD Amendment/Zoning Change. My reasons for this opposition include the following:

In 1988, the Bunny Run Neighborhood Association, on behalf of the entire neighborhood, entered into a comprehensive neighborhood land use plan with the Davenport Ranch Westview Development Inc. and St. Stephens, which rejected proposed multi-family land use as part of the PUD. I continue to support the zoning authorized by the 1988 comprehensive neighborhood land use plan.

2. It is my belief that the zoning authorized by the 1988 comprehensive neighborhood land use plan is less intrusive on the neighborhood.

PRINTED NAME	STREET ADDRESS	PHONE # OR EMAIL	SIGNATURE	DATE
Susie Bruu	3004 Rivercrest	jbru4@comcast.net	<i>[Signature]</i>	10/4/04
Jane Bruu	3004 Rivercrest	306.1557	<i>[Signature]</i>	10/4/04
TOE & LILLIE	3508 RIVERCREST	327-3275	<i>[Signature]</i>	10/5/04
Gillie Foster	3500 Rivercrest	327-3279	<i>[Signature]</i>	10/5/04
STEVE BECKMAN	6701 EIFFEL AVE	328-6603	<i>[Signature]</i>	10/5/04
PAUL HUNTER	6705 EIFFEL DR	328-1042	<i>[Signature]</i>	10/5/04
Lenae Ezell	6706 Eiffel Dr.	329-6101	<i>[Signature]</i>	10/5/04
Paul Graves	3511 Rivercrest	329-0857	<i>[Signature]</i>	10/5/04
ARTHUR THOMPSON	6703 Pipe Cove	327-4090	<i>[Signature]</i>	10-5-04
Wanda Thompson	6703 Pipe Cove	327-4090	<i>[Signature]</i>	10-5-04
MIKE D WOOD	6705 Pipe Cove	327-6705	<i>[Signature]</i>	10/5/04
Dana Crawley	3702 Rivercrest Dr.	304 0068	<i>[Signature]</i>	10/5/04

CASE # 814-88-0001.03
PETITION CONCERNING GABLES WESTLAKE PROPOSED P.U.D. AMENDMENT/ZONING CHANGE
FROM OFFICE/RETAIL TO MULTI-FAMILY

I live in the Devonport Ranch neighborhood across from the land subject to the above-referenced proposed P.U.D. Amendment. By my signature below I am stating my opposition to the proposed P.U.D. Amendment/Zoning Change. My reasons for this opposition include the following:

1. In 1988, the Bunny Run Neighborhood Association, on behalf of the entire neighborhood, entered into a Comprehensive Neighborhood Land Use Plan with the Devonport Ranch Westview Development Inc. and St. Stephen's Episcopal School which rejected proposed multi-family land use as part of the P.U.D.

I continue to support the office/retail zoning on this tract authorized by the 1988 Comprehensive Neighborhood Land Use Plan.

2. It is my belief that the zoning authorized by the 1988 Comprehensive Neighborhood Land Use Plan is less intrusive on the neighborhood and best maintains the original rural/suburban character of this area.

PRINTED NAME	STREET ADDRESS	PHONE/EMAIL	SIGNATURE	DATE
Michael Craig	2101 Far Gallant Dr.	512-330-9336	Michael Craig	10/18/04
Angela Craig	2101 Far Gallant Dr.	512-330-9336	Angela Craig	10/18/04
Karla Lee	3510 Needles Dr	512-329-0025	Karla Lee	10-18-04
M.V. Stephenan	6009 Long Champ	347-0374	M.V. Stephenan	10-20-04
John Vukovich	6009 Long Champ	347-0560	John Vukovich	10-20-04
Cory Stephenan	6009 Long Champ	347-0374	Cory Stephenan	10-20-04

CASE # 814-88-0001.08

PETITION CONCERNING GABLES WESTLAKE PROPOSED P.U.D. AMENDMENT/ZONING CHANGE
FROM OFFICE/RETAIL TO MULTI-FAMILY

I live in the Davenport Ranch neighborhood across from the land subject to the above-referenced proposed P.U.D. Amendment. By my signature below I am stating my opposition to the proposed P.U.D. Amendment/Zoning Change. My reasons for this opposition include the following:

1. In 1988, the Bunny Run Neighborhood Association, on behalf of the entire neighborhood, entered into a Comprehensive Neighborhood Land Use Plan with the Davenport Ranch Westview Development Inc. and St. Stephen's Episcopal School which rejected proposed multi-family land use as part of the P.U.D.

I continue to support the office/retail zoning on this tract authorized by the 1988 Comprehensive Neighborhood Land Use Plan.
2. It is my belief that the zoning authorized by the 1988 Comprehensive Neighborhood Land Use Plan is less intrusive on the neighborhood and best maintains the original rural/suburban character of this area.

PRINTED NAME	STREET ADDRESS	PHONE/EMAIL	SIGNATURE	DATE
H. H. Bee/s	3502 Riva Ridge Rd	327-4792	H. H. Bee/s	10/11
Sylvia Custer	3500 Riva Ridge Rd	328-0348	Sylvia Custer	10/11/04
Jennifer Chaudhry	2400 Canonevo Dr	569-1149	Jennifer Chaudhry	10/11/04
Sue J. Sait	3400 Riva Ridge	330 8420	Sue J. Sait	10/11/04
Mary A. Petrick	3308 Riva Ridge	327 3212	Mary A. Petrick	10/11/04
Naomi Tate	3210 Riva Ridge	329-5621	Naomi Tate	10-11-04
Nicki Schuman	3208 Riva Ridge	3061428	Nicki Schuman	10-11-04
SATISH BHATT	3204 Riva Ridge	327 2414	SATISH BHATT	10/11/04
Steve Werbe	3108 " "	732-0863	Steve Werbe	
Ling Arlen	3102 Cascade Ct	306-1726	Ling Arlen	10-11-04

CASE # 814-88-0001.08
PETITION CONCERNING GABLES WESTLAKE PROPOSED P.U.D. AMENDMENT/ZONING CHANGE
FROM OFFICE/RETAIL TO MULTI-FAMILY

I live in the Davenport Ranch neighborhood across from the land subject to the above-referenced proposed P.U.D. Amendment. By my signature below I am stating my opposition to the proposed P.U.D. Amendment/Zoning Change. My reasons for this opposition include the following:

1. In 1988, the Bunny Run Neighborhood Association, on behalf of the entire neighborhood, entered into a Comprehensive Neighborhood Land Use Plan with the Davenport Ranch Westview Development Inc. and St. Stephen's Episcopal School which rejected proposed multi-family land use as part of the P.U.D.

I continue to support the office/retail zoning on this tract authorized by the 1988 Comprehensive Neighborhood Land Use Plan.
 2. It is my belief that the zoning authorized by the 1988 Comprehensive Neighborhood Land Use Plan is less intrusive on the neighborhood and best maintains the original rural/suburban character of this area.

PRINTED NAME	STREET ADDRESS	PHONE/EMAIL	SIGNATURE	DATE
CINDY McANIN	1701 Real Wind Cove	415-3579	Cindy McAnin	10/11
Karen Boulton	1803 Real Wind Cove	328-1092	Karen Boulton	10/11
Kim Weatherford	3404 Riva Ridge	329-5508	Kim Weatherford	10/11
Brad Weatherford	3404 Riva Ridge	329-5508	Brad Weatherford	10/11
Rebecca White	6304 Ayres	328-8869	Rebecca White	10/11
Ragini Kharia	6320 Ayres Dr	329-6571 ragini@raustin.cc.com	Ragini Kharia	10/11
Joyce Turner	6328 Ayres Dr	328-5961	Joyce Turner	10/11
Earl Hanson	1904 Canonero	327-9652	Earl Hanson	10/11
Zula Hanson	1904 Canonero	327-9652	Zula Hanson	10-11
Tommy Hedgcock	1901 Canonero	328-7115	Tommy Hedgcock	10/11

PETITION CONCERNING GABLES WESTLAKE PROPOSED P.U.D. AMENDMENT/ZONING CHANGE

FROM OFFICE/RETAIL TO MULTI-FAMILY

I live in the Davenport Ranch neighborhood across from the land subject to the above-referenced proposed P.U.D. Amendment. By my signature below I am stating my opposition to the proposed P.U.D. Amendment/Zoning Change. My reasons for this opposition include the following:

1. In 1988, the Bunny Run Neighborhood Association, on behalf of the entire neighborhood, entered into a Comprehensive Neighborhood Land Use Plan with the Davenport Ranch Westview Development Inc. and St. Stephen's Episcopal School which rejected proposed multi-family land use as part of the P.U.D.

I continue to support the office/retail zoning on this tract authorized by the 1988 Comprehensive Neighborhood Land Use Plan.

2. It is my belief that the zoning authorized by the 1988 Comprehensive Neighborhood Land Use Plan is less intrusive on the neighborhood and best maintains the original rural/suburban character of this area.

PRINTED NAME STREET ADDRESS PHONE/EMAIL SIGNATURE DATE

ROSEMARY CARPENTER 6010 LONG CHAMP CT. #107
512-347-7672 - rosemarycarpenter@stglobal.net - Rosemary Carpenter - 10-23-04

M.H. Rhodes 6010 Long Champ CT 109
512 328 9857 Sig. M.H. Rhodes 10-25-2004

ELYANE MARTIN 6010 LONG CHAMP CT. #121
327-7490 Elyane F. Martin 10-26-04

LORI K. HOLLEMAN 6010 Long Champ Ct #115, Apt 78746
306-8786 L. Holleman 10/27/04

Deborah Belcher 6010 Long Champ Ct. 78746 #119
329-8505 10/28/04

(DEBORAH BELCHER)

PETITION CONCERNING GABLES WESTLAKE PROPOSED P.U.D. AMENDMENT/ZONING CHANGE

FROM OFFICE/RETAIL TO MULTI-FAMILY

I live in the Davenport Ranch neighborhood across from the land subject to the above-referenced proposed P.U.D. Amendment. By my signature below I am stating my opposition to the proposed P.U.D. Amendment/Zoning Change. My reasons for this opposition include the following:

1. In 1988, the Bunny Run Neighborhood Association, on behalf of the entire neighborhood, entered into a Comprehensive Neighborhood Land Use Plan with the Davenport Ranch Westview Development Inc. and St. Stephen's Episcopal School which rejected proposed multi-family land use as part of the P.U.D.

I continue to support the office/retail zoning on this tract authorized by the 1988 Comprehensive Neighborhood Land Use Plan.

2. It is my belief that the zoning authorized by the 1988 Comprehensive Neighborhood Land Use Plan is less intrusive on the neighborhood and best maintains the original rural/suburban character of this area.

PRINTED NAME STREET ADDRESS PHONE/EMAIL SIGNATURE DATE

JANE B THOMPSON

6010 LONG CHAMP CT 512-328-4675
#106

Jane B Thompson 10/25/04

Kirk Lawson

6010 Long Champ Ct #116 Austin, TX 78746

512-328-5482

Kirk W. Lawson

10/31/04

PENNY APPLEBY

6010 LONG CHAMP CT #108 306-8936

Penny Appleby 10/31/04

PETITION CONCERNING GABLES WESTLAKE PROPOSED P.U.D. AMENDMENT/ZONING CHANGE

FROM OFFICE/RETAIL TO MULTI-FAMILY

I live in the Davenport Ranch neighborhood across from the land subject to the above-referenced proposed P.U.D. Amendment. By my signature below I am stating my opposition to the proposed P.U.D. Amendment/Zoning Change. My reasons for this opposition include the following:

1. In 1988, the Bunny Run Neighborhood Association, on behalf of the entire neighborhood, entered into a Comprehensive Neighborhood Land Use Plan with the Davenport Ranch Westview Development Inc. and St. Stephen's Episcopal School which rejected proposed multi-family land use as part of the P.U.D.

I continue to support the office/retail zoning on this tract authorized by the 1988 Comprehensive Neighborhood Land Use Plan.

2. It is my belief that the zoning authorized by the 1988 Comprehensive Neighborhood Land Use Plan is less intrusive on the neighborhood and best maintains the original rural/suburban character of this area.

PRINTED NAME STREET ADDRESS PHONE/EMAIL SIGNATURE DATE

Sue Wells Bradford 6010 Long Champ Ct #111
327-1158 Sue Wells Bradford 11-3-2004

Halley Oren Bradford 6010 Long Champ Ct #111
327-1158 Halley Oren Bradford 11/3/04

Scott Olson 6010 Long Champ Ct #117

300-0054 Scott Olson 11/6/04

Jennette Olson 6010 Long Champ Ct #117

300-0054 Jennette Olson 11/6/04

CASE # 814-S3-0001.03
PETITION CONCERNING GABLES WESTLAKE PROPOSED P.U.D. AMENDMENT/ZONING CHANGE
FROM OFFICE/RETAIL TO MULTI-FAMILY

I live in the Davenport Ranch neighborhood across from the land subject to the above-referenced proposed P.U.D. Amendment. By my signature below I am stating my opposition to the proposed P.U.D. Amendment/Zoning Change. My reasons for this opposition include the following:

1. In 1988, the Bunny Run Neighborhood Association, on behalf of the entire neighborhood, entered into a Comprehensive Neighborhood Land Use Plan with the Davenport Ranch Westview Development Inc. and St. Stephen's Episcopal School which rejected proposed multi-family land use as part of the P.U.D. I continue to support the office/retail zoning on this tract authorized by the 1988 Comprehensive Neighborhood Land Use Plan.
2. It is my belief that the zoning authorized by the 1988 Comprehensive Neighborhood Land Use Plan is less intrusive on the neighborhood and best maintains the original rural/suburban character of this area.

PRINTED NAME	STREET ADDRESS	PHONE/EMAIL	SIGNATURE	DATE
Barbara Humphrey	3605 Needles Dr	328-4455 bhumphrey@austin.rr.com	Barbara Humphrey	10/17/04
Dennis Corkran	6100 Gun Bow Ct.	328-7603 drcorkran@austin.rr.com	Dennis Corkran	10/17/04
Peggy Corkran	6100 Gun Bow Ct.	328-7603 p1corkran@austin.rr.com	Peggy Corkran	10/17/04
Daniel Corkran	6100 Gun Bow Ct.	328-7603 drcorkran@austin.rr.com	Daniel Corkran	10/19/04
Jenny Humphrey	3602 Needles Dr	328-4455 bhumphrey@austin.rr.com	Jenny Humphrey	10/27/04
GERALD COX	3603 Needles Dr	327-0960 gcoxd@austin.rr.com	Gerald Cox	10/18/04
DONOREE A. COX	3603 Needles Dr	327-0960	Donoree A. Cox	10/18/04
BILL WILLIAMS	3701 NEEDLES	328-9222	Bill Williams	10/18/04
SHARON WILLIAMS	3701 NEEDLES	328-9222	Sharon Williams	10/18/04

I live in the Devonport Ranch neighborhood across from the land subject to the above-referenced proposed P.U.D. Amendment. By my signature below I am stating my opposition to the proposed P.U.D. Amendment/Zoning Change. My reasons for this opposition include the following:

1. In 1983, the Emory Run Neighborhood Association, on behalf of the entire neighborhood, entered into a Comprehensive Neighborhood Land Use Plan with the Devonport Ranch Westview Development Inc. and St. Stephen's Episcopal School which rejected proposed multi-family land use as part of the P.U.D. I continue to support the office/retail zoning on this tract authorized by the 1983 Comprehensive Neighborhood Land Use Plan.
2. It is my belief that the zoning authorized by the 1983 Comprehensive Neighborhood Land Use Plan is less intrusive on the neighborhood and best maintains the original rural/suburban character of this area.

[illegible]

CASE # 814-88-0001.08
 PETITION CONCERNING GABLES WESTLAKE PROPOSED P.U.D. AMENDMENT/ZONING CHANGE
 FROM OFFICE/RETAIL TO MULTI-FAMILY

I live in the Davenport Ranch neighborhood across from the land subject to the above-referenced proposed P.U.D. Amendment. By my signature below I am stating my opposition to the proposed P.U.D. Amendment/Zoning Change. My reasons for this opposition include the following:

1. In 1988, the Bunny Run Neighborhood Association, on behalf of the entire neighborhood, entered into a Comprehensive Neighborhood Land Use Plan with the Davenport Ranch Westview Development Inc. and St. Stephen's Episcopal School which rejected proposed multi-family land use as part of the P.U.D. I continue to support the office/retail zoning on this tract authorized by the 1988 Comprehensive Neighborhood Land Use Plan.
2. It is my belief that the zoning authorized by the 1988 Comprehensive Neighborhood Land Use Plan is less intrusive on the neighborhood and best maintains the original rural/suburban character of this area.

PRINTED NAME	STREET ADDRESS	PHONE/EMAIL	SIGNATURE	DATE
Karen Berns	3101 Riva Ridge Rd	328-6647	Karen Berns	10/11/04
Nicole Williams	3203 Riva Ridge Rd.	328-2767	Nicole Williams	10/11/04
Linda Williams	" " "	" "	Linda Williams	10/11/04
John Muste	3205 Riva Ridge	327-6772	John Muste	10/11/04
Mary Wilbur	3211 Riva Ridge	328-0899	Mary Wilbur	10/11/04
Claudia Woods	3305 Riva Ridge	327-0097	Claudia Woods	10/11/04
Scott Sechovet	3307 Riva Ridge	328-2641	Scott Sechovet	10/11/04
Stacie Fuwien	2902 Mill Reef Ct	330-9113	Stacie Fuwien	10-11-04

CASE # 814-88-0001.08

PETITION CONCERNING GABLES WESTLAKE PROPOSED P.U.D. AMENDMENT/ZONING CHANGE
FROM OFFICE/RETAIL TO MULTI-FAMILY

I live in the Davenport Ranch neighborhood across from the land subject to the above-referenced proposed P.U.D. Amendment. By my signature below I am stating my opposition to the proposed P.U.D. Amendment/Zoning Change. My reasons for this opposition include the following:

1. In 1988, the Bunny Run Neighborhood Association, on behalf of the entire neighborhood, entered into a Comprehensive Neighborhood Land Use Plan with the Davenport Ranch Westview Development Inc. and St. Stephen's Episcopal School which rejected proposed multi-family land use as part of the P.U.D.

I continue to support the office/retail zoning on this tract authorized by the 1988 Comprehensive Neighborhood Land Use Plan.

2. It is my belief that the zoning authorized by the 1988 Comprehensive Neighborhood Land Use Plan is less intrusive on the neighborhood and best maintains the original rural/suburban character of this area.

PRINTED NAME	STREET ADDRESS	PHONE/EMAIL	SIGNATURE	DATE
C. MAYERKAWA	3104 CAVALCADE CT AUSTIN	512-658-7020	<i>C. Mayerkawa</i>	10-2-04
Caroline Mabery	3106 Cavalcade Ct Austin	512-347-1510	<i>C. Mabery</i>	10-11-04
Nancy Wiskin	3116 Cavalcade Ct	329-8180	<i>Nancy Wiskin</i>	10/11/04
Trey Chambers	3111 Cavalcade Ct	512-327-1737	<i>Trey Chambers</i>	10-11-04

CASE # 814-58-0001.08
PETITION CONCERNING GABLES WESTLAKE PROPOSED P.U.D. AMENDMENT/ZONING CHANGE
FROM OFFICE/RETAIL TO MULTI-FAMILY

I live in the Davenport Ranch neighborhood across from the land subject to the above-referenced proposed P.U.D. Amendment. By my signature below I am stating my opposition to the proposed P.U.D. Amendment/Zoning Change. My reasons for this opposition include the following:

1. In 1988, the Barry Run Neighborhood Association, on behalf of the entire neighborhood, entered into a Comprehensive Neighborhood Land Use Plan with the Davenport Ranch Westview Development Inc. and St. Stephen's Episcopal School which rejected proposed multi-family land use as part of the P.U.D. I continue to support the office/retail zoning on this tract authorized by the 1988 Comprehensive Neighborhood Land Use Plan.
2. It is my belief that the zoning authorized by the 1988 Comprehensive Neighborhood Land Use Plan is less intrusive on the neighborhood and best maintains the original rural/suburban character of this area.

PRINTED NAME	STREET ADDRESS	PHONE/EMAIL	SIGNATURE	DATE
Anita Glickert	6905 Northern Dancer Dr.	328-1138	Anita Glickert	10-18-04
Louise Berndt	4101 Triple Crown	330-0527	Louise Berndt	10-18-04
Allyne Annand	6100 WASHA	327-2058	Allyne Annand	10-19-04
Rob Burrows	6106 WASHA	327-2058	Rob Burrows	10-19-04
George Dupere	3505 Needles Drive	328-5355	George Dupere	10/19/04
Sam Nielsen	3505 Needles Drive	328-5355	Sam Nielsen	10/19/04
Katherine Dupere	3505 Needles Dr.	328-5355	Katherine Dupere	10/19/04
Mark Dupere	3505 Needles Drive	328-5355	Mark Dupere	10/19/04
ALAN BURNS	3407 Needles Dr.	327-7667	ALAN BURNS	10/19/04

CASE # 814-88-0001.08
PETITION CONCERNING GABLES WESTLAKE PROPOSED P.U.D. AMENDMENT/ZONING CHANGE
FROM OFFICE/RETAIL TO MULTI-FAMILY

I live in the Davenport Ranch neighborhood across from the land subject to the above-referenced proposed P.U.D. Amendment. By my signature below I am stating my opposition to the proposed P.U.D. Amendment/Zoning Change. My reasons for this opposition include the following:

1. In 1988, the Bunny Run Neighborhood Association, on behalf of the entire neighborhood, entered into a Comprehensive Neighborhood Land Use Plan with the Davenport Ranch Westview Development Inc. and St. Stephen's Episcopal School which rejected proposed multi-family land use as part of the P.U.D. I continue to support the office/retail zoning on this tract authorized by the 1988 Comprehensive Neighborhood Land Use Plan.
2. It is my belief that the zoning authorized by the 1988 Comprehensive Neighborhood Land Use Plan is less intrusive on the neighborhood and best maintains the original rural/suburban character of this area.

PRINTED NAME	STREET ADDRESS	PHONE/EMAIL	SIGNATURE	DATE
Carolina Kander	1801 Canonero Dr	329-0566	Carolina Kander	10/11/04
Mita Thaker	1733 Canonero Dr	347-8855	Mita Thaker	10/11/04
Carolina Kander	1729 Canonero Dr	327-3995	Carolina Kander	10/11/04
Sarah Senterfitt	2820 Water Banker	328-7780	Sarah Senterfitt	10/11/04

I live in the Dawnport Ranch neighborhood across from the land subject to the above-referenced proposed P.U.D. Amendment. By my signature below I am stating my opposition to the proposed P.U.D. Amendment/Zoning Change. My reasons for this opposition include the following:

L. In 1988, the Bummy Run Neighborhood Association, on behalf of the entire neighborhood, entered into a Comprehensive Neighborhood Land Use Plan with the Davenport Ranch Westview Development Inc. and St. Stephen's Episcopal School which rejected proposed multi-family land use as part of the P.U.D. I continue to support the office/retail zoning on this tract authorized by the 1988 Comprehensive Neighborhood Land Use Plan.

2. It is my belief that the zoning authorized by the 1983 Comprehensive Neighborhood Land Use Plan is less intrusive on the neighborhood and best maintains the original rural/suburban character of this area.

[illegible]

CASE # 814-88-0001.08

PETITION CONCERNING GABLES WESTLAKE PROPOSED P.U.D. AMENDMENT/ZONING CHANGE
FROM OFFICE/RETAIL TO MULTI-FAMILY

I live in the Davenport Ranch neighborhood across from the land subject to the above-referenced proposed P.U.D. Amendment. By my signature below I am stating my opposition to the proposed P.U.D. Amendment/Zoning Change. My reasons for this opposition include the following:

1. In 1988, the Bunny Run Neighborhood Association, on behalf of the entire neighborhood, entered into a Comprehensive Neighborhood Land Use Plan with the Davenport Ranch Westview Development Inc. and St. Stephen's Episcopal School which rejected proposed multi-family land use as part of the P.U.D.

I continue to support the office/retail zoning on this tract authorized by the 1988 Comprehensive Neighborhood Land Use Plan.

2. It is my belief that the zoning authorized by the 1988 Comprehensive Neighborhood Land Use Plan is less intrusive on the neighborhood and best maintains the original rural/suburban character of this area.

PRINTED NAME	STREET ADDRESS	PHONE/EMAIL	SIGNATURE	DATE
R. Michael Allen	1902 Cannon Park	329-8302	R. Michael Allen	10/14/04
Andrew Burtress	5901 Sir Ivor Cove	347-1151	A. Burtress	10/14/04
Louise Slaughter	5923 Bold Ruler Way	732-2157	Louise Slaughter	10/14/04
Blake Byram	5902 Bold Ruler Way	452-8626	Blake Byram	10/14/04
Monica Byram	5910 Bold Ruler Way	452-8626	Monica Byram	10/14/04
Felixii Hayden	2212 Fox Gallant Dr	330-9535	Felixii Hayden	10/14/04
Lynne Duff	2208 Fox Gallant Dr	732-2442	Lynne Duff	10/14/04
Vish Prabh	2106 Fox Gallant Drive	323-0862	Vish Prabh	10/14/04
Allen Enold	2105 Fox Gallant Dr	328-0989	Allen Enold	10/14/04
Bob Enold	2105 Fox Gallant	328-0989	Bob Enold	10-14-04

CASE # 814-83-0001.08
PETITION CONCERNING GABLES WESTLAKE PROPOSED P.U.D. AMENDMENT/ZONING CHANGE
FROM OFFICE/RETAIL TO MULTI-FAMILY

I live in the Davenport Ranch neighborhood across from the land subject to the above-referenced proposed P.U.D. Amendment. By my signature below I am stating my opposition to the proposed P.U.D. Amendment/Zoning Change. My reasons for this opposition include the following:

1. In 1988, the Bunny Run Neighborhood Association, on behalf of the entire neighborhood, entered into a Comprehensive Neighborhood Land Use Plan with the Davenport Ranch Westview Development Inc. and St. Stephen's Episcopal School which rejected proposed multi-family land use as part of the P.U.D. I continue to support the office/retail zoning on this tract authorized by the 1988 Comprehensive Neighborhood Land Use Plan.
2. It is my belief that the zoning authorized by the 1988 Comprehensive Neighborhood Land Use Plan is less intrusive on the neighborhood and best maintains the original rural/suburban character of this area.

PRINTED NAME	STREET ADDRESS	PHONE/EMAIL	SIGNATURE	DATE
Donald Kelley	2113 Far Gallant Dr	858-4632	<i>Donald Kelley</i>	10/14/04
Sharon Austin	2209 Far Gallant Dr	347-7990	<i>Sharon Austin</i>	10/14/04
Sandy Allen	1908 Canonero Dr	329-8302	<i>Sandy Allen</i>	10/14/04
Sam Gambarese	1816 Far Gallant Dr.	329 8626	<i>Sam Gambarese</i>	10/16/04
Kim Gambarese	1816 Far Gallant Dr	329 6626	<i>Kim Gambarese</i>	10/16/04
Wendy Golderberg	2413 Newer Bend Cv.	329-3277	<i>W. Golderberg</i>	10/16/04
Tyler Golderberg	2413 Newer Bend Cv	329-3277	<i>Tyler Golderberg</i>	10/16/04
Sue Ornelas	2408 Newer Bend Cv	328 8680	<i>Sue Ornelas</i>	10/16/04
Stacy Finemery	5605 Claxon Cove	732-2336	<i>Stacy Finemery</i>	10/16/04
Steve Finemery	5605 Claxon Cove	732-2336	<i>Steve Finemery</i>	10/16/04

CASE # 814-88-0001.08
PETITION CONCERNING GABLES WESTLAKE PROPOSED P.U.D. AMENDMENT/ZONING CHANGE
FROM OFFICE/RETAIL TO MULTI-FAMILY

I live in the Davenport Ranch neighborhood across from the land subject to the above-referenced proposed P.U.D. Amendment. By my signature below I am stating my opposition to the proposed P.U.D. Amendment/Zoning Change. My reasons for this opposition include the following:

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2. It is my belief that the zoning authorized by the 1988 Comprehensive Neighborhood Land Use Plan is less intrusive on the neighborhood and best maintains the original rural/suburban character of this area.

PRINTED NAME	STREET ADDRESS	PHONE/EMAIL	SIGNATURE	DATE
Michelle Bjork	5609 Clarion Cr.	Mbjork@Comcast.net	Michelle Bjork	10/16
David Bjork	5609 Clarion Cove	DJBjork@austin.rr.com	David Bjork	10/16
Lynn Jones	5606 Clarion Cove	Lynette@Sbcglobal.net	Lynn Jones	10/16
Kenneth Jones	5616 Clarion Cove	Kenneth-Jones@Comcast.net	Kenneth Jones	10/16
Laura Spratlin	5612 Clarion Cove		Laura Spratlin	10/16
John Spratlin	5612 Clarion Cove	johnspratlin@comcast.net	John Spratlin	10/16
Jeff Muradian	5600 Clarion Cove	jeff.muradian@att.net	Jeff Muradian	10/16
Claire Meredith	2900 WaterBank Cr.	cmmeredith@austin.rr.com	Claire Meredith	10/16
Gina Zedeck	2904 WaterBank Cr.	ginazedeck@sbcglobal.net	Gina Zedeck	10/16
Paul Ardic	2908 WaterBank Cr.	spardic@sbcglobal.net	Paul Ardic	10/16

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1. In 1988, the Bunny Run Neighborhood Association, on behalf of the entire neighborhood, entered into a Comprehensive Neighborhood Land Use Plan with the Davenport Ranch Westview Development Inc. and St. Stephen's Episcopal School which rejected proposed multi-family land use as part of the P.U.D. I continue to support the office/retail zoning on this tract authorized by the 1988 Comprehensive Neighborhood Land Use Plan.
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[illegible]

CASE # 814-88-0001.08
PETITION CONCERNING GABLES WESTLAKE PROPOSED P.U.D. AMENDMENT/ZONING CHANGE
FROM OFFICE/RETAIL TO MULTI-FAMILY

I live in the Davenport Ranch neighborhood across from the land subject to the above-referenced proposed P.U.D. Amendment. By my signature below I am stating my opposition to the proposed P.U.D. Amendment/Zoning Change. My reasons for this opposition include the following:

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I continue to support the office/retail zoning on this tract authorized by the 1988 Comprehensive Neighborhood Land Use Plan.

2. It is my belief that the zoning authorized by the 1988 Comprehensive Neighborhood Land Use Plan is less intrusive on the neighborhood and best maintains the original rural/suburban character of this area.

PRINTED NAME	STREET ADDRESS	PHONE/EMAIL	SIGNATURE	DATE
Khandala Holmes	603 Gumbos	Sami, M. at home 789-7979	[Signature]	10/12/04
Scott W. Brennan, Jr.	3402 Needles Dr.	328-2290 BILLY302@AOL.COM	[Signature]	10/12/04
Linda Broadus	3402 Needles Dr.	328-2290 LBROADUS@MSN.COM	[Signature]	10/12/04
Gina Schroeder	3515 Needles Dr.	327-9205 ginschroeder@AOL.COM	[Signature]	10/12/04
Jamie Schroeder	3515 Needles Dr.	327-9205 jschroeder@C.1100@AOL.COM	[Signature]	10/12/04
Sarah Malik	3601 Needles Dr.	329-0666 sarahshahband@nba.com	[Signature]	10/12/04
Sarah Tapley	3107 Riva Ridge Dr.	327-0068	[Signature]	10/14/04
JERRY TAPLEY	3107 Riva Ridge Dr.	327-0068	[Signature]	10/14/04
John B. Mayo	2204 Far Gallant Dr.	Unlisted	[Signature]	10/14/04
NITA LOUISE MAYO	2204 FAR GALLANT DR.	"	[Signature]	10/14/04

CASE # 814-88-0001.03

**PETITION CONCERNING GABLES WESTLAKE PROPOSED P.U.D. AMENDMENT/ZONING CHANGE
FROM OFFICE/RETAIL TO MULTI-FAMILY**

I live in the Davenport Ranch neighborhood across from the land subject to the above-referenced proposed P.U.D. Amendment. By my signature below I am stating my opposition to the proposed P.U.D. Amendment/Zoning Change. My reasons for this opposition include the following:

1. In 1988, the Bunny Run Neighborhood Association, on behalf of the entire neighborhood, entered into a Comprehensive Neighborhood Land Use Plan with the Davenport Ranch Westview Development Inc. and St. Stephen's Episcopal School which rejected proposed multi-family land use as part of the P.U.D.

I continue to support the office/retail zoning on this tract authorized by the 1988 Comprehensive Neighborhood Land Use Plan.

2. It is my belief that the zoning authorized by the 1988 Comprehensive Neighborhood Land Use Plan is less intrusive on the neighborhood and best maintains the original rural/suburban character of this area.

PRINTED NAME	STREET ADDRESS	PHONE/EMAIL	SIGNATURE	DATE
Scott Wells	2201 Far Gallant Dr., Austin	306-1355	[Signature]	10/25/04
MARY WELLS	2201 Far Gallant Dr.	306-1355	[Signature]	10/25/04
Lucia Duecy	2009 FAR Gallant	325-5654	[Signature]	10/27/04
Michael Duecy	2009 FAR Gallant	325-5654	[Signature]	10/27/04
Katherine Martinez	5621 Claron Cv	329 9221	[Signature]	11-1-04
Carlos Martinez	5621 Claron Cv	329 9221	[Signature]	11-1-04

CASE # 814-88-0001.03
PETITION CONCERNING GABLES WESTLAKE PROPOSED P.U.D. AMENDMENT/ZONING CHANGE
FROM OFFICE/RETAIL TO MULTI-FAMILY

I live in the Davenport Ranch neighborhood across from the land subject to the above-referenced proposed P.U.D. Amendment. By my signature below I am stating my opposition to the proposed P.U.D. Amendment/Zoning Change. My reasons for this opposition include the following:

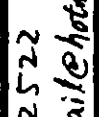



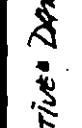

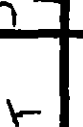

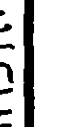
1. In 1988, the Bunsy Run Neighborhood Association, on behalf of the entire neighborhood, entered into a Comprehensive Neighborhood Land Use Plan with the Davenport Ranch Westview Development Inc. and St. Stephen's Episcopal School which rejected proposed multi-family land use as part of the P.U.D. I continue to support the office/retail zoning on this tract authorized by the 1988 Comprehensive Neighborhood Land Use Plan.
2. It is my belief that the zoning authorized by the 1988 Comprehensive Neighborhood Land Use Plan is less intrusive on the neighborhood and best maintains the original rural/suburban character of this area.

PRINTED NAME	STREET ADDRESS	PHONE/EMAIL	SIGNATURE	DATE
Hestley Sackville	1720 Fairmount Dr.	327-5380	[Signature]	10/16/04
Marcia Moore	3307 Lookout Lane	327-3434	[Signature]	10/16/04
MCARDRESS	3309 Lookout Ln	327-0092	[Signature]	10/16/04
Mary Arcadis	3309 Lookout Ln.	329-8054	[Signature]	10/16/04
Brach Spradley	3313 Lookout Ln.	329-8054	[Signature]	10/16/04
Suzanne Spradley	3313 Lookout Ln.	329-8054	[Signature]	10/16/04
BRENT KOBAYASHI	3315 LOOKOUT LN	732-0639	[Signature]	10/16/04
SERENA SCOTT	3315 LOOKOUT LN	732-0639	[Signature]	10/16/04
MARIS SPA OSIMOVIC	3317 LOOKOUT LN	327-7112	[Signature]	10-16-04
JAY SCHUTTANE	3317 LOOKOUT LN	327-7112	[Signature]	10/16/04

CASE # 814-88-0001.08
PETITION CONCERNING GABLES WESTLAKE PROPOSED P.U.D. AMENDMENT/ZONING CHANGE
FROM OFFICE/RETAIL TO MULTI-FAMILY

I live in the Davenport Ranch neighborhood across from the land subject to the above-referenced proposed P.U.D. Amendment. By my signature below I am stating my opposition to the proposed P.U.D. Amendment/Zoning Change. My reasons for this opposition include the following:

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PRINTED NAME	STREET ADDRESS	PHONE/EMAIL	SIGNATURE	DATE
MICHAEL AYER	3502 NATIVE DANCER COVE AUSTIN, TX 78746	328-2522 drna.miller@hotmail.com		10/10/04
Ruby Ayer	3502 Native Dancer Cove Austin, TX 78746			10-10-04
Diane Davidson	3507 NATIVE DANCER AUSTIN, TX	329-3730 dianem.davidson@austin.rr.com		10/10/04
Amy Baker	3511 NATIVE DANCER AUSTIN, TX	328-4732 amy.baker@bbs@aol.com		10/10/04
CLAUDE DUCLOUX	3512 NATIVE DANCER	327 6534 cdcloux@comcast.net		10/10/04
SUSAN DUCLOUX	3512 NATIVE DANCER	327 6536 susan.ducloux@austin.rr.com		10/10/04
STEVE BROWN	3506 NATIVE DANCER COVE	306 8477 japethood@earthlink.net		10/10/04
MARY THERIOT	3702 Needles Dr AUSTIN TX 78746	328-2648 merry348@aol.com		10/11/04
JOE THERIOT	3702 Needles Dr Austin, TX 78746	328-2648 joe.theriot@aol.com		10/11/04
Kristine Holland	6102 Nashua Ct Austin, TX 78746	329-9981 KHolland@austin.rr.com		10/11/04

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1. In 1988, the Bunny Run Neighborhood Association, on behalf of the entire neighborhood, entered into a Comprehensive Neighborhood Land Use Plan with the Davenport Ranch Westview Development Inc. and St. Stephen's Episcopal School which rejected proposed multi-family land use as part of the P.U.D. I continue to support the office/retail zoning on this tract authorized by the 1988 Comprehensive Neighborhood Land Use Plan.
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CASE # 814-88-0001.03
 PETITION CONCERNING GABLES WESTLAKE PROPOSED P.U.D. AMENDMENT/ZONING CHANGE
 FROM OFFICE/RETAIL TO MULTI-FAMILY

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PRINTED NAME	STREET ADDRESS	PHONE/EMAIL	SIGNATURE	DATE
Wendi Armons	5800 Carry Back Lane	328-7279	Wendi Armons	10-24-04
Becky Henley	3511 RIVA RIDGE	732-2058	Becky Henley	10-24-04
Julia Benish	6006 Carry Back	328-0970	Julia Benish	10-24-04
DONNA TARBOX	5908 CARRY BACK	321-1090	D. Donlan	10-24-04
John Tarbox	5908 Carry Back Lane	913-9888	John Tarbox	10-24-04
Harold Benish	10006 Carry Back Ln	328-0970	Harold Benish	10-24-04
Ferry White	3981 Westlake Dr.	327-7507	Ferry White	10-24-04
Brian McClure	5907 CARRY BACK	327-5638	Brian McClure	10-24-04
Pat Wheeler	5903 Carry Back	328-3707	Pat Wheeler	10/24/04
Gabrielle Hornwood	5811 Carry Back Lane	328-4554	Gabrielle Hornwood	10/24/04

CASE # 814-88-0001.08
PETITION CONCERNING GABLES WESTLAKE PROPOSED P.U.D. AMENDMENT/ZONING CHANGE
FROM OFFICE/RETAIL TO MULTI-FAMILY

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PRINTED NAME	STREET ADDRESS	PHONE/EMAIL	SIGNATURE	DATE
ERIK NELSON	3401 DAY STAR COVE AUSTIN, TX	347-7775		10/10
Sherrri Pullen	3409 Day Star Cove AUSTIN, TX 78746	732-2682		10/10
Nancy Lewis	3412 Day Star Cove AUSTIN TX 78746	347-8811		10/10
Glenda Rhynes	3410 Day Star Cove AUSTIN TX 78746	327-8396	Glenda Rhynes	10/10
Thomas Rhynes	"	327-8396	Tom Rhynes	10/10
Robyn Gill	3401 Day Star Cove AUSTIN, TX 78746	328-7999		10/10
Lisa Cohen	6305 SPRINGWOOD CV AUSTIN TX 78731	537-8897		10/10
CARRIE DENISON	2882 BARTON SKWY AUSTIN, TX 78746	203-4175		10/10
Sam Price	3402 Day Star Cove AUSTIN, TX 78746	347-7811	Sam Price	10/10
Billy Kuykendall	3500 Day Star Cove AUSTIN TX 78746	327 2-839	Billy Kuykendall	10/10

Original

CASE # 814-88-0001.08

PETITION CONCERNING GABLES WESTLAKE PROPOSED P.U.D. AMENDMENT/ZONING CHANGE
FROM OFFICE/RETAIL TO MULTI-FAMILY

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PRINTED NAME	STREET ADDRESS	PHONE/EMAIL	SIGNATURE	DATE
Edward Grober	4100 TRIPLE CROWN AUSTIN TX 78746	512 306 1419 edgrober@aol.com	Edward Grober	10/3/04
Elaine Coffman	4103 Triple Crown Austin TX 78746	512 347 9007	Elaine Coffman	10/3/04
Deanna King	4009 Belmont Park Dr. Austin TX 78746	732 0787 kingdea@aatt.net	Deanna King	11/1/04
Kathy Grober	4100 Triple Crown Austin TX 78746	306 1419	Kathy Grober	10/31/04
JON VIRSTEK	4105 Triple Crown Austin TX 78746	732 0504	Jon Virstek	10/3/04
DAYE VIRSTEK	4105 Triple Crown Austin TX 78746	732 0504	Daye Virstek	10/31/04
Nancy Blackburn	4102 Triple Crown Austin TX 78746	328-8557	Nancy Blackburn	10/31/04

PETITION CONCERNING GABLES WESTLAKE PROPOSED P.U.D. AMENDMENT/ZONING CHANGE FROM OFFICE/RETAIL TO MULTI-FAMILY

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2. It is my belief that the zoning authorized by the 1988 Comprehensive Neighborhood Land Use Plan is less intrusive on the neighborhood and best maintains the original rural/suburban character of this area.

PRINTED NAME	STREET ADDRESS	PHONE/EMAIL	SIGNATURE	DATE
Buddy Patten	4201 Churchill Downs Austin, TX 78746	328 5533 bpatten@intellink.com	Buddy Patten	10-31-04
Tracey Springer	4102 Churchill Downs Austin, TX 78746	413-2134	Tracey Springer	10-31-04
Tommy K. Garver	4106 Churchill Downs Austin, TX 78746	Tom. Garver westlake@att.net	Tom K. Garver	10-31-04
VA Lambros	4301 Churchill Downs Austin, TX 78746	Vince@lambros.com 413-2134	Vince Lambros	10-31-04
Carolyn Lambros	4305 Churchill Downs Austin, TX 78746	alicia-davis@ell.com	Carolyn Lambros	10-31-04
Alicia Davis	4306 Churchill Downs Austin, TX 78746	347-0082	Alicia Davis	10-31-04
Cary McNair	4307 Churchill Downs Austin, TX 78747	327-2584	Cary McNair	10/31/04
Bob Chen	4200 Churchill Downs Austin, TX 78746	306-7311	Bob Chen	10/31/04
Carl Everett	4311 Churchill Downs Austin, TX 78746	330-0548	Carl Everett	11/1/04
Don Williams	4109 Churchill Downs Austin, TX 78746	732-0258	Don Williams	11/1/04

Original

CASE # 814-88-0001.08

PETITION CONCERNING GABLES WESTLAKE PROPOSED P.U.D. AMENDMENT/ZONING CHANGE FROM OFFICE/RETAIL TO MULTI-FAMILY.

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PRINTED NAME	STREET ADDRESS	PHONE/EMAIL	SIGNATURE	DATE
Perry Rose	4000 Belmont Park Dr	328-2930 P.ROSE246@AOL.COM	<i>[Signature]</i>	10/29/04
Corinne Rose	4000 Belmont Park Dr.	"	Corinne Rose	10-29-04
Tanima Gupta	5813 Kentucky Derby Ct	329-6011 tanimgupta@hotmail.com	<i>[Signature]</i>	10/29/04
Neeraj Gupta	5813 Kentucky Derby Ct.	"	<i>[Signature]</i>	10/29/04
ANA ROYAL	5902 CANEFACE CT	330 0101 ANAR@DUARROYAL.COM	<i>[Signature]</i>	10/29/04
Ken Shih	4004 Belmont Park Dr.	404-328-8320 Shih@Physics.Utexas.edu	<i>[Signature]</i>	10/30/04
Alice Shih	4004 Belmont Park Dr.	"	<i>[Signature]</i>	10/30/04
JOHN PESCE	5903 CANEFACE CT	R.PESCE@AOL.COM	<i>[Signature]</i>	11/01/04
ROBIN PESCE	5903 CANEFACE CT	512 330 0014	<i>[Signature]</i>	11/01/04
STEPHEN SCUMIAK	5904 CANEFACE CT	512 306 9513 shuman@windstream.net	<i>[Signature]</i>	11/01/04

CASE # 814-88-0001.08

PETITION CONCERNING GABLES WESTLAKE PROPOSED P.U.D. AMENDMENT/ZONING CHANGE
FROM OFFICE/RETAIL TO MULTI-FAMILY

I live in the Davenport Ranch neighborhood across from the land subject to the above-referenced proposed P.U.D. Amendment. By my signature below I am stating my opposition to the proposed P.U.D. Amendment/Zoning Change. My reasons for this opposition include the following:

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2. It is my belief that the zoning authorized by the 1988 Comprehensive Neighborhood Land Use Plan is less intrusive on the neighborhood and best maintains the original rural/suburban character of this area.

PRINTED NAME	STREET ADDRESS	PHONE/EMAIL	SIGNATURE	DATE
LAURIE WHEELER	5809 CARRYBACK LANE	327-3012	Laurie Wheeler	
SHANNON ZAPATA	5801 BUCKPASSER CV	327-8838	Shannon Zapata	
Andrea B...	5803 Buckpasser cv	329-0639	Andrea B...	
Moore DeLeon	5803 Buckpasser Cr	329-0639	Moore DeLeon	10/28/04
ALLEN HARDIN	5804 BUCKPASSER CV	329 5274	Allen Hardin	10
Bryant Dunning	5808 Buckpasser CV	306 1006	Bryant Dunning	
Scott Hylan	5710 Carry Back Ln	327 0922	Scott Hylan	10/28/04
Brian Price	3402 Daystar Cove	347-7811	Brian Price	10/25/04

CASE # 814-88-0001.08
**PETITION CONCERNING GABLES WESTLAKE PROPOSED FUD AMENDMENT/
ZONING CHANGE FROM OFFICE RETAIL TO MULTI-FAMILY**

I live in the neighborhood adjoining the land subject to the above-referenced proposed PUD Amendment. By my signature below I am stating my opposition to the proposed PUD Amendment/Zoning Change. My reasons for this opposition include the following:

1. In 1988, the Bunny Run Neighborhood Association, on behalf of the entire neighborhood, entered into a comprehensive neighborhood land use plan with the Davenport Ranch Westview Development Inc. and St. Stephens, which rejected proposed multi-family land use as part of the PUD. I continue to support the office/retail zoning on this tract authorized by the 1988 comprehensive neighborhood land use plan.
2. It is my belief that the zoning authorized by the 1988 comprehensive neighborhood land use plan is less intrusive on the neighborhood and best maintains the original rural/suburban character of the greater Bunny Run Neighborhood area.

[illegible]

original

CASE # 814-88-0001.08
PETITION CONCERNING GABLES WESTLAKE PROPOSED P.U.D. AMENDMENT/ZONING CHANGE
FROM OFFICE/RETAIL TO MULTI-FAMILY

I live in the Davenport Ranch neighborhood across from the land subject to the above-referenced proposed P.U.D. Amendment. By my signature below I am stating my opposition to the proposed P.U.D. Amendment/Zoning Change. My reasons for this opposition include the following:

1. In 1988, the Bunny Run Neighborhood Association, on behalf of the entire neighborhood, entered into a Comprehensive Neighborhood Land Use Plan with the Davenport Ranch Westview Development Inc. and St. Stephen's Episcopal School which rejected proposed multi-family land use as part of the P.U.D. I continue to support the office/retail zoning on this tract authorized by the 1988 Comprehensive Neighborhood Land Use Plan.
2. It is my belief that the zoning authorized by the 1988 Comprehensive Neighborhood Land Use Plan is less intrusive on the neighborhood and best maintains the original rural/suburban character of this area.

PRINTED NAME	STREET ADDRESS	PHONE/EMAIL	SIGNATURE	DATE
Ewell Muse	5902 Kentucky Derby Ct	512/322-1832	Ewell Muse	1 Nov 04
Ewell Muse	5802 Kentucky Derby Ct	512/322-1832	Ewell Muse	1 Nov 04
Jim Cartwright	5804 Kentucky Derby Ct	512/328-4373	Jim Cartwright	1 Nov 04
Josephine Cartwright	5804 Kentucky Derby Ct	512/328-4373	Josephine Cartwright	1 Nov 04
Betty Gordon	5805 Kentucky Derby Ct	512/328-5814	Betty Gordon	1 Nov 04
Herbert Gordon	5805 Kentucky Derby Ct	512/328-5814	Herbert P. Gordon	1 Nov 04
Charles D. Moran	5809 Kentucky Derby Ct	512/306-9978	Charles D. Moran	11-1-04
Betty O. Oman	5809 Kentucky Derby Ct	512/306-7978	Betty Oman	11-1-04
Stuart Swinacss	5811 Kentucky Derby Ct	512/349-2630	Stuart Swinacss	11-2-04
Joan Swinacss	5811 Kentucky Derby Ct	512/349-2630	Joan Swinacss	11-2-04

CASE # 814-88-0001.08

PETITION CONCERNING GABLES WESTLAKE PROPOSED P.U.D. AMENDMENT/ZONING CHANGE
FROM OFFICE/RETAIL TO MULTI-FAMILY

I live in the Davenport Ranch neighborhood across from the land subject to the above-referenced proposed P.U.D. Amendment. By my signature below I am stating my opposition to the proposed P.U.D. Amendment/Zoning Change. My reasons for this opposition include the following:

1. In 1988, the Bunny Run Neighborhood Association, on behalf of the entire neighborhood, entered into a Comprehensive Neighborhood Land Use Plan with the Davenport Ranch Westview Development Inc. and St. Stephen's Episcopal School which rejected proposed multi-family land use as part of the P.U.D. I continue to support the office/retail zoning on this tract authorized by the 1988 Comprehensive Neighborhood Land Use Plan.
2. It is my belief that the zoning authorized by the 1988 Comprehensive Neighborhood Land Use Plan is less intrusive on the neighborhood and best maintains the original rural/suburban character of this area.

PRINTED NAME	STREET ADDRESS	PHONE/EMAIL	SIGNATURE	DATE
Louise Meyer	6006 Ascot Cove 78746	347-8150 / LMeyer@dustin.r.com	Louise Meyer	10/26/04
Jeanne Leggett	6004 Ascot Cv. 78746	732-2716 / leggett@comcast.net	J. Leggett	10/26/04
Brenda Nickens	6002 Spear Cove 78746	328-2973	B. Nickens	10/26/04
MESSALEVINE	6001 Ascot Cove 78746	658-8952 / mellevine@comcast.net	M. Levine	10/26/04
Sara Crawford	5900 Saratoga Cv.	328-8638	Sara Crawford	10/26/04
Michael Bethe	6003 Ascot Cv 78746	328-8453	Michael Bethe	10/26/04
Matt Clend	5900 Saratoga Cove	328-8628	Matt Clend	10/27/04
Veronica Leggett	6004 ASCOT COVE	327-3125	V. Leggett	11/01/04
Jess Leggett	6004 Ascot Cove	327-3125	J. Leggett	
Claudia Leggett	6004 ASCOT COVE	327-3125	C. Leggett	11/11/04

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original

CASE # 814-88-0001.08
PETITION CONCERNING GABLES WESTLAKE PROPOSED P.U.D. AMENDMENT/ZONING CHANGE
FROM OFFICE/RETAIL TO MULTI-FAMILY

I live in the Davenport Ranch neighborhood across from the land subject to the above-referenced proposed P.U.D. Amendment. By my signature below I am stating my opposition to the proposed P.U.D. Amendment/Zoning Change. My reasons for this opposition include the following:

1. In 1988, the Bunny Run Neighborhood Association, on behalf of the entire neighborhood, entered into a Comprehensive Neighborhood Land Use Plan with the Davenport Ranch Westview Development Inc. and St. Stephen's Episcopal School which rejected proposed multi-family land use as part of the P.U.D. I continue to support the office/retail zoning on this tract authorized by the 1988 Comprehensive Neighborhood Land Use Plan.
2. It is my belief that the zoning authorized by the 1988 Comprehensive Neighborhood Land Use Plan is less intrusive on the neighborhood and best maintains the original rural/suburban character of this area.

PRINTED NAME	STREET ADDRESS	PHONE/EMAIL	SIGNATURE	DATE
Lynn L. Nelson	4022 Hambletonian Ct.	512-327-0288	[Signature]	11/1/04
AMY B NELSON	4022 Hambletonian Ct.	512-327-0288	[Signature]	11/1/04
Mary Jane Lang	4008 Hambletonian Ct.	512-329-5208	[Signature]	11/1/04
Beth Spangenberg Beth Spangenberg	4007 Hambletonian Ct.	(512) 423-4829	[Signature]	11/6/04
ANNETTE JENNINGS	4003 Hambletonian Ct.	328-8477	[Signature]	11/6/04
GARY R JENNINGS	4003 Hambletonian Ct.	(512) 328-8477	[Signature]	11/6/04
M/ALICE DUKAN	4001 Hambletonian	Dixon/Dukhan	[Signature]	11/6-04
John P. Lang	4008 Hambletonian Ct.	512-329-5208	[Signature]	11/7/04
Sara Dawson	4009 Hambletonian Ct.	512-306-7213	[Signature]	11/7/04
Bill Dawson	4009 Hambletonian Ct.	512-306-7213	Bill Dawson	11/7/04

original

CASE # 814-88-0001.08

PETITION CONCERNING GABLES WESTLAKE PROPOSED P.U.D. AMENDMENT/ZONING CHANGE FROM OFFICE/RETAIL TO MULTI-FAMILY

I live in the Davenport Ranch neighborhood across from the land subject to the above-referenced proposed P.U.D. Amendment. By my signature below I am stating my opposition to the proposed P.U.D. Amendment/Zoning Change. My reasons for this opposition include the following:

1. In 1988, the Bunny Run Neighborhood Association, on behalf of the entire neighborhood, entered into a Comprehensive Neighborhood Land Use Plan with the Davenport Ranch Westview Development Inc. and St. Stephen's Episcopal School which rejected proposed multi-family land use as part of the P.U.D. I continue to support the office/retail zoning on this tract authorized by the 1988 Comprehensive Neighborhood Land Use Plan.
2. It is my belief that the zoning authorized by the 1988 Comprehensive Neighborhood Land Use Plan is less intrusive on the neighborhood and best maintains the original rural/suburban character of this area.

PRINTED NAME	STREET ADDRESS	PHONE/EMAIL	SIGNATURE	DATE
Charles G. Chaffin	5806 Kentucky Derby ^{Austin 78746}	328-2784	Charles G. Chaffin	11-4-04
Nathaniel H. Chaffin	5806 Kentucky Derby ^{Austin 78746}	512-328-2784	Nathaniel H. Chaffin	11-4-04
GILBERT Kuykendall	5800 KENTUCKY DERBY	328 4430	Gilbert Kuykendall	11-5-04
JEAN KUYKENDALL	5800 KENTUCKY DERBY	328 4430	Jean Kuykendall	11-5-04
James C. Hay	4002 Hambletonian Ct.	512-327-7824	James C. Hay	11-7-04
Betty S. Hay	4002 Hambletonian Ct.	512-327-7824	Betty S. Hay	11-7-04
Kimberly Kohlhaas	4105 Belmont Park Dr.	329-5122	Ky N. Kohlhaas	11-7-04

CASE # 814-88-0001.08
**PETITION CONCERNING GABLES WESTLAKE PROPOSED PUD AMENDMENT/
 ZONING CHANGE FROM OFFICE RETAIL TO MULTI-FAMILY**

- I live in the neighborhood adjoining the land subject to the above-referenced proposed PUD Amendment. By my signature below I am stating my opposition to the proposed PUD Amendment/Zoning Change. My reasons for this opposition include the following:
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 2. It is my belief that the zoning authorized by the 1988 comprehensive neighborhood land use plan is less intrusive on the neighborhood and best maintains the original rural/suburban character of the greater Bunny Run Neighborhood area.

PRINTED NAME	STREET ADDRESS	PHONE # OR EMAIL	SIGNATURE	DATE
Madeline Hardy	4210 Aqua Verde Dr.	albridge@earthlink.net	Madeline Hardy	8/26/04
Dora T. Carson	4512 Aqua Verde Dr.	306-8700	Dora Carson	8-26-04
Lisa Marie Pinner	4505 Aqua Verde Dr.	329-8389	Lisa Pinner	8/26/04
Jane Huang	4509 Aqua Verde Dr.	330-9594	Jane Huang	8/26/04
Becky McKinn	4502 AQUA VERDE	329-6780	Becky McKinn	8/26/04
Joseph Kalmanowitz	" "	" "	Joseph Kalmanowitz	8-26-04
Catherine Buchman	4305 Aqua Verde	306-0186	Catherine Buchman	8-26-04
Jeannie Lightsey	4301 Aqua Verde Dr.	lightsey@aush.com	Jeannie Lightsey	8/26/04
Nassor Sabir	4203 Aqua Verde	347-8577	Nassor Sabir	8/26/04
Susan Norton	4102 Aqua Verde Dr.	328-3780	Susan Norton	8/26/04
Elizabeth Hunter	4105 Aqua Verde Dr.	327-5697	Elizabeth Hunter	8/26/04
Greg Kohn	4104 Aqua Verde	328-3030	Greg Kohn	8/26/04

CASE # 814-88-0001.08
 PETITION CONCERNING GABLES WESTLAKE PROPOSED PUD AMENDMENT/
 ZONING CHANGE FROM OFFICE RETAIL TO MULTI-FAMILY

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2. It is my belief that the zoning authorized by the 1988 comprehensive neighborhood land use plan is less intrusive on the neighborhood and best maintains the original rural/suburban character of the greater Bunny Run Neighborhood area.

PRINTED NAME	STREET ADDRESS	PHONE # OR EMAIL	SIGNATURE	DATE
DAVID DIMSTON	4405 Bunny Run	306-0878 dimstone@astn.vr.com	<i>David Dimston</i>	8-29-04
Don Wilhelm	4509 Bunny Run IV	dwilhelm@quest.nrr.com	<i>Don Wilhelm</i>	8-29-04
GEOFF FINDLAM	4303 Agua Verde	347-1136	<i>Geoff Findlam</i>	8-29-04
Traciella L. Foster	4302 Agua Verde	327-1182	<i>Traciella L. Foster</i>	8-29-04
Daniel Bates	4414 Bunny Run	327-5579	<i>Daniel Bates</i>	8/29/04
Karen Chitwood	4205 Agua Verde	328 2446	<i>Karen Chitwood</i>	8-29-04
Alexandra Simko	4504 Bunny Run	328-2950	<i>Alexandra Simko</i>	8-29-04
LILLIAN LARSEN	3806 BUNNY RUN	347-7837	<i>L. Larsen</i>	9-02-04
Erika Burneister	1821 Westlake Dr	347-2415	<i>Erika Burneister</i>	9-2-04
ZVI YANIV	4610 Agua Verde Dr	349-2043	<i>Zvi Yaniv</i>	9-2-04
MORICA YANIV	- - -	349-2043	<i>Morica Yaniv</i>	9-2-04
DAVE Siegel	4940 Bunny Run	680-6340	<i>Dave Siegel</i>	9-2-04

CASE # 814-88-0001.08
PETITION CONCERNING GABLES WESTLAKE PROPOSED PUD AMENDMENT/
ZONING CHANGE FROM OFFICE RETAIL TO MULTI-FAMILY

I live in the neighborhood adjoining the land subject to the above-referenced proposed PUD Amendment. By my signature below I am stating my opposition to the proposed PUD Amendment/Zoning Change. My reasons for this opposition include the following:

1. In 1988, the Bunny Run Neighborhood Association, on behalf of the entire neighborhood, entered into a comprehensive neighborhood land use plan with the Davenport Ranch Westview Development Inc. and St. Stephens, which rejected proposed multi-family land use as part of the PUD. I continue to support the office/retail zoning on this tract authorized by the 1988 comprehensive neighborhood land use plan.

2. It is my belief that the zoning authorized by the 1988 comprehensive neighborhood land use plan is less intrusive on the neighborhood and best maintains the original rural/suburban character of the greater Bunny Run Neighborhood area.

PRINTED NAME	STREET ADDRESS	PHONE # OR EMAIL	SIGNATURE	DATE
Laurie Reece	4400 Bunny Run 18746	327-5523	<i>Laurie Reece</i>	8-29-04
CONNIE L. REECE	4400 BUNNYRUN 78746	327-5523	<i>Connie L. Reece</i>	8-29-04
Daniel Holmes	4603 Charles Ave. 78746	<i>327-5523</i>	<i>Daniel Holmes</i>	8-29-04
BILL HANSPAN	4401 AQUA VERDE DR 78746	328-4741	<i>Bill Hanspan</i>	8-29-04
MARJORIE HANSPAN	4401 AQUA VERDE	328-4741	<i>Marjorie Hanspan</i>	8-29-04
Benita Dwyden	4311 Bunny Run	330-0525	<i>Benita Dwyden</i>	8-29-04
Paula Vetterly	4314 Bunny Run	328-4465	<i>Paula Vetterly</i>	8-29-04
Tom Carter	4400 Bunny Run	324-0177	<i>T.J. Carter</i>	8-29-04
Teresa Carter	4600 Bunny Run	329-0177	<i>Teresa Carter</i>	8/29/04
Anna Gillette	5207 Arvee Crest	328-4668	<i>Anna Gillette</i>	9/1/04
TERREN A. POTTS	4500 AQUA VERDE DR.	306-0821	<i>Terrence A. Potts</i>	9/1/04

CASE # 814-88-0001.08
 PETITION CONCERNING GABLES WESTLAKE PROPOSED PUD AMENDMENT/
 ZONING CHANGE FROM OFFICE RETAIL TO MULTI-FAMILY

I live in the neighborhood adjoining the land subject to the above-referenced proposed PUD Amendment. By my signature below I am stating my opposition to the proposed PUD Amendment/Zoning Change. My reasons for this opposition include the following:

1. In 1988, the Bunny Run Neighborhood Association, on behalf of the entire neighborhood, entered into a comprehensive neighborhood land use plan with the Davenport Ranch Westview Development Inc. and St. Stephens, which rejected proposed multi-family land use as part of the PUD. I continue to support the office/retail zoning on this tract authorized by the 1988 comprehensive neighborhood land use plan.
2. It is my belief that the zoning authorized by the 1988 comprehensive neighborhood land use plan is less intrusive on the neighborhood and best maintains the original rural/suburban character of the greater Bunny Run Neighborhood area.

PRINTED NAME	STREET ADDRESS	PHONE # OR EMAIL	SIGNATURE	DATE
Karen Hackett	4110-9 Bunny Run	Karen Hackett, name	<i>Karen Hackett</i>	8/29/04
Don Hackett	4110-9 Bunny Run	Don Hackett, name	<i>Don Hackett</i>	8-29-04
Maggie Scaff	4110-10 Bunny Run	maggie@scaff.com	<i>Maggie Scaff</i>	8/20-04
Roger Gannon	4110-7 Bunny Run	Roger Gannon	<i>Roger Gannon</i>	8/30/04
Laura Gannon	4110-7 Bunny Run	lgannon2choes@phd.com	<i>Laura Gannon</i>	8-30-04
Carol Call	4110-1 Bunny Run	ccall@keystone-media.com	<i>Carol Call</i>	8-30-04
Roger Gannon	4110-7 Bunny Run	rgannon@australia.com	<i>Roger Gannon</i>	8/30/04
Lynn Neely	4110-4 Bunny Run	lneely@neel.com	<i>Lynn Neely</i>	9/2/04
Brian Scaff	4110-10 Bunny Run	scaff@scaff.com	<i>Brian Scaff</i>	9/2/04

**PETITION CONCERNING GABLES WESTLAKE PROPOSED FUD AMENDMENT/
ZONING CHANGE FROM OFFICE RETAIL TO MULTI-FAMILY**

I live in the neighborhood adjoining the land subject to the above-referenced proposed PUD Amendment. By my signature below I am stating my opposition to the proposed PUD Amendment/Zoning Change. My reasons for this opposition include the following:

1. In 1988, the Bunny Run Neighborhood Association, on behalf of the entire neighborhood, entered into a comprehensive neighborhood land use plan with the Davenport Ranch Westview Development Inc. and St. Stephens, which rejected proposed multi-family land use as part of the PUD. I continue to support the office/retail zoning on this tract authorized by the 1988 comprehensive neighborhood land use plan.
2. It is my belief that the zoning authorized by the 1988 comprehensive neighborhood land use plan is less intrusive on the neighborhood and best maintains the original rural/suburban character of the greater Bunny Run Neighborhood area.

[illegible]

Q

1. In 1988, the Bunny Run Neighborhood Association, on behalf of the entire neighborhood, entered into a comprehensive neighborhood land use plan with the Davenport Ranch Westview Development Inc. and St. Stephens, which rejected proposed multi-family land use as part of the FUD. I continue to support the office/retail zoning on this tract authorized by the 1988 comprehensive neighborhood land use plan.

-
2. It is my belief that the zoning authorized by the 1988 comprehensive neighborhood land use plan is less intrusive on the neighborhood and best maintains the original rural/suburban character of the greater Bunny Run Neighborhood area.

[illegible]

CASE # 814-88-000108
 PETITION CONCERNING GABLES WESTLAKE PROPOSED PUD AMENDMENT/
 ZONING CHANGE FROM OFFICE RETAIL TO MULTI-FAMILY

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2. It is my belief that the zoning authorized by the 1988 comprehensive neighborhood land use plan is less intrusive on the neighborhood and best maintains the original rural/suburban character of the greater Bunny Run Neighborhood area.

PRINTED NAME	STREET ADDRESS	PHONE # OR EMAIL	SIGNATURE	DATE
HILARY PICKETT	4500 BUNNY RUN	328-5461	<i>Hilary Pickett</i>	8/28/04
LEAH PETRI	4509 BUNNY RUN #1	347-0337	<i>Leah Petri</i>	8/28/04
TERRY HELLER	4401 AQUA VERDE	328-1688	<i>Terry Heller</i>	8/28/04
Rhea Copening	4401 Aqua Verde Drive	rheacopeni@earthlink.net	<i>Rhea Copening</i>	8/28/04
Rachel Sandoval	4509 Bunny Run - 1	328-5028	<i>Rachel Sandoval</i>	8/28/04
Tony Sandoval	4509 Bunny Run - 2	"	"	8/28/04
GREG BLACKMAN	4902 TRIPLE CROWN	328-8557	<i>Greg Blackman</i>	8/28/04
Wayne Radwanski	4502 BUNNY RUN	327-8126	<i>Wayne Radwanski</i>	8/29/04
LINDA RADWANSKI	4502 BUNNY RUN	327-6124	<i>Linda Radwanski</i>	8/29/04
TREV SEYMOUR	4501 BUNNY RUN	327-2246	<i>Trev Seymour</i>	8/29/04
DAN W STEINIE	4403 AQUA VERDE DR.	dws@steinglobal.net	<i>Dan W Steinie</i>	8/29/04
CONNIE M. REECE	4607 LIVE OAK DR	327-2004	<i>Connie M. Reece</i>	8/29/04

CASE # 814-88-0001.08
 PETITION CONCERNING GABLES WESTLAKE PROPOSED PUD AMENDMENT/
 ZONING CHANGE FROM OFFICE RETAIL TO MULTI-FAMILY

I live in the neighborhood adjoining the land subject to the above-referenced proposed PUD Amendment. By my signature below I am stating my opposition to the proposed PUD Amendment/Zoning Change. My reasons for this opposition include the following:

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PRINTED NAME	STREET ADDRESS	PHONE # OR EMAIL	SIGNATURE	DATE
PS Lowell	3308 Rivercrest	327-5570	<i>PS Lowell</i>	6 Aug 04
UM Smokey	3307 Rivercrest Dr	327-5570	<i>UM Smokey</i>	8/6/04
PA Sanger	6707 Troll Haven	329-9812	<i>PA Sanger</i>	8/6/04
G Karin	6702 Troll Haven	329-0330	<i>G Karin</i>	8/6/04
D. H. Ayres	6700 Troll Haven	327-1611	<i>D. H. Ayres</i>	8-6-04
J. Haynie	6700 Troll Haven	327-1611	<i>J. Haynie</i>	8-6-04
Jeanette G. G. G.	3300 Rivercrest Dr	327-8401	<i>Jeanette G. G. G.</i>	8-6-04
ARVA Reyna	3302 Rivercrest Dr	330-1766	<i>ARVA Reyna</i>	8-7-04
David Chamberlain	"	"	<i>David Chamberlain</i>	8-7-04
Jim Root	3304 Rivercrest	328-3624	<i>Jim Root</i>	8-7-04
Ann Root	3304 Rivercrest	328-3624	<i>Ann Root</i>	8-7-04
Lisa Lowell	3308 Rivercrest	327-5570	<i>Lisa Lowell</i>	8-7-04
Logan Lowell	3308 Rivercrest Dr.	327-5570	<i>Logan Lowell</i>	8/2/04

CASE # 814-98-0001.08
 PETITION CONCERNING GABLES WESTLAKE PROPOSED PUD AMENDMENT/
 ZONING CHANGE FROM OFFICE RETAIL TO MULTI-FAMILY

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PRINTED NAME	STREET ADDRESS	PHONE # OR EMAIL	SIGNATURE	DATE
Jennifer Findlay	4303 Agua Verde	347-1136	Jennifer Findlay	9/18/04
Dan Gardner	4201 Agua Verde Dr	327-1548	Dan Gardner	9/19/04
Pam Gardner	4201 Agua Verde Dr	327-1548	Pam Gardner	9/19/04
LYNN KEE	4503 CHARLES AVE.	327-7375	Lynn Kee	9/20/04
MARK HORTON	4503 Agua Verde Dr	327-9609	Mark Horton	9/20/04
Josée C. Ramirez	4104 Rivercrest Dr	306-1302	Josée Ramirez	9/21/04
Renee Peaslee	"	"	Renee Peaslee	9/21/04
SARA DINSTON	4405 BUNNY RUN	306-0878	Sara Dinston	9/21/04
MARJORIE HANSHAW	4101 AGUA VERDE Dr.	320-4741	Marjorie Hanshaw	9/24/04

CASE # 814-98-0001.08
 PETITION CONCERNING GABLES WESTLAKE PROPOSED PUD AMENDMENT/
 ZONING CHANGE FROM OFFICE RETAIL TO MULTI-FAMILY

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PRINTED NAME	STREET ADDRESS	PHONE # OR EMAIL	SIGNATURE	DATE
Lynn Perry	3106 Rivercrest Dr.	Lynn-M-Perry @dtk400.com	<i>Lynn Perry</i>	9-13-04
Leslie Brown	4312 Bunny Run	1 Brown 34 @ austia.ccc.edu	<i>Leslie Brown</i>	9-13-04
Greg Crouch	3206 Rivercrest Dr.	gregcc @vaughnswanet.com	<i>Greg Crouch</i>	9-14-04
Eileen F. Steiner	4403 Aqua Verde Dr	e7505be global.net	<i>Eileen F. Steiner</i>	9-15-04
NADEAN PHILIPS	4306 AQUA VERDE DR	327-3715	<i>Nadean Philips</i>	9-15-04
RALPH PHILIPS	4306 AQUA VERDE DR	327-3715	<i>Ralph Philips</i>	9-15-04
Sally Perry	3106 Rivercrest Dr.	---	<i>Sally Perry</i>	9-15-04
Jerry C. Blair	4312 Bunny Run	327-0755	<i>Jerry C. Blair</i>	9-16-04
ANITA SMOGUR	3307 Rivercrest	347 7926	<i>Anita Smogur</i>	9/17/04
STEPHEN A. WAGH	3500 Upper Rivercrest Dr.	347-1812	<i>Stephen A. Wagh</i>	9/18/04
VICKIE WAGH	3500 Upper Rivercrest Dr.	347-1812	<i>Vickie Wagh</i>	9-18-04
Bill Hanshaw	4101 Aqua Verde Dr.	328-4741	<i>Bill Hanshaw</i>	9-18-04

CASE # 814-88-0001.08
 PETITION CONCERNING GABLES WESTLAKE PROPOSED PUD AMENDMENT/
 ZONING CHANGE FROM OFFICE RETAIL TO MULTI-FAMILY

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2. It is my belief that the zoning authorized by the 1988 comprehensive neighborhood land use plan is less intrusive on the neighborhood and best maintains the original rural/suburban character of the greater Bunny Run Neighborhood area.

PRINTED NAME	STREET ADDRESS	PHONE # OR EMAIL	SIGNATURE	DATE
Huayen Wen	4110 Bunny Run	280-6339	Huayen Wen	9/2/2004
Kathy Johnstone	4007 Bunny Run	347-8589	Kathy Johnstone	9/3/2004
Jim Johnstone	4007 Bunny Run	"	Jim Johnstone	9/6/2004
Doogie Cima	4207 Agua Verde Dr.	328-8438	Doogie Cima	9/6/2004
Pat Cima	4207 Agua Verde Dr.	328-8438	Pat Cima	9/6/2004
Tom Winkley	4202 Agua Verde	327-4144	Tom Winkley	9/7/04
JENNIFER NICHOLS	4202 Agua Verde	329-8464	JENNIFER NICHOLS	9/7/04

HW

CASE #814-88-0001.08

**PETITION CONCERNING GABLES WESTLAKE PROPOSED PUD AMENDMENT/
ZONING CHANGE FROM OFFICE RETAIL TO MULTI-FAMILY**

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PRINTED NAME	STREET ADDRESS	PHONE # OR EMAIL	SIGNATURE	DATE
✓ JOHN + Carolyn WILKINSON	3710 Hunterwood	306-9617	<i>[Signature]</i>	8/19/04
✓ Robert + Deborah Canby	3701 Hunterwood	306-9241	<i>[Signature]</i>	8/19/04
✓ Cheryl + Ro Parra	3725 Hunterwood Pt.	771-2917	<i>[Signature]</i>	8/19/04
✓ Erik + Sheri Munich	3801 Hunterwood Pt.	329-5568	<i>[Signature]</i>	8/19/04
✓ Kim + Steve Widner	3807 Hunterwood Pt.	347-7717	<i>[Signature]</i>	8/19/04
✓ Annie + Brian Zucker	3887 Hunterwood Pt.	328-6444	<i>[Signature]</i>	8/22/04
✓ STEVE + STACY PRICE	3845 HUNTERWOOD PT. AUSTIN 78746	328-0221	<i>[Signature]</i>	8/22/04
✓ Jay WESTERMAN	3844 HUNTERWOOD	329-9973	<i>[Signature]</i>	8/22/04
✓ SHANNON + BETTY WONG	3878 Hunterwood Dr.	330-9893	<i>[Signature]</i>	8-22-04
✓ Jennie Munich	3870 Hunterwood Pt.	<i>[Signature]</i>	<i>[Signature]</i>	8/22/04
✓ Jimmy + Sarah Mansour	3824 Hunterwood	328-5609	<i>[Signature]</i>	8/22/04

**PETITION CONCERNING GABLES WESTLAKE PROPOSED PUD AMENDMENT/
ZONING CHANGE FROM OFFICE RETAIL TO MULTI-FAMILY**

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[illegible]

RC

CASE # 814-88-0001.08
 PETITION CONCERNING GABLES WESTLAKE PROPOSED PUD AMENDMENT/
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Sandra Balarsky	2108 Real Catorce Austin TX 78746	(512) 736-5778	Sandra Balarsky	9/27/04
Brian Balarsky	2198 RETAIL CATORCE AUSTIN 78746	Brian Balarsky.com	Brian Balarsky	9/27/04
Gary Little	2806 Rivercrest Austin TX 78746	692220 AOL.com	[Signature]	9/27/04
Francie Little	2806 Rivercrest Dr. Austin TX 78746	Flittle@aol.com	Francie Little	9/27/04
AL Bentley	3306 Rivercrest Dr	306 8710	Al Bentley	9-27-04
John Bentley	3306 Rivercrest Dr	306 8710	John Bentley	9-27-04
Paul Mizell	3007 Rivercrest Austin TX 78746	3273373	Paul Mizell	10.1.04
FREDERICK KOPEC	2800 Rivercrest Austin TX 78746	328-4811	Frederick Kopec	10-2-04

X

CASE # 814-88-0001.08
**PETITION CONCERNING GABLES WESTLAKE PROPOSED PUD AMENDMENT/
ZONING CHANGE FROM OFFICE RETAIL TO MULTI-FAMILY**

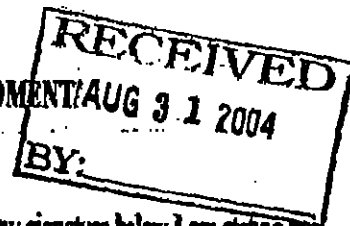
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CASE #814-88-0001.08

PETITION CONCERNING GABLES WESTLAKE PROPOSED PUD AMENDMENT/
ZONING CHANGE FROM OFFICE RETAIL TO MULTI-FAMILY



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PRINTED NAME	STREET ADDRESS	PHONE # OR EMAIL	SIGNATURE	DATE
ED BUSTER	6709 BRIDGEHILL	328-1174	[Signature]	8/4/04
WITCHER McCullough	6707 Bridge Hill Cove	327-2044	[Signature]	8/4/04
Buster, Dana	6709 Bridge Hill	328-1174	Dana B. Buster	8-7-04
Lebhar Levari	6700 Bridge Hill Cove	329-5005	Lebhar Levari	8-7-04
Lisa Thomas	6701 Bridgehill Gv. 78746	328-3965	Lisa Thomas	8-7-04
Liz Blah	6706 Bridgehill Cv	329-8127	[Signature]	8-7-04
Jeff Blah	6706 Bridgehill Cv.	329-8127	[Signature]	8/7/04
PAT THARTS	6701 Bridgehill	328-3965	[Signature]	8/8/04
Barry McCullough	6707 Bridgehill Cove	327-2044	Barry McCullough	8/8/04
Rosemarie Durbin	6708 Bridgehill	328-8416	Rosemarie Durbin	8/8/04
Stephanie Wolrich	6705 Bridgehill	328-1000	Stephanie Wolrich	8/10/04

CASE # 814-88-0001.08
**PETITION CONCERNING GABLES WESTLAKE PROPOSED PUD AMENDMENT/
ZONING CHANGE FROM OFFICE RETAIL TO MULTI-FAMILY**

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CASE # 214-88-0001.08
**PETITION CONCERNING GABLES WESTLAKE PROPOSED PUD AMENDMENT/
 ZONING CHANGE FROM OFFICE RETAIL TO MULTI-FAMILY**

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[illegible]

Creek at Riverbend

CASE # 814-88-0001.08

PETITION CONCERNING GABLES WESTLAKE PROPOSED FUD AMENDMENT/ ZONING CHANGE FROM OFFICE RETAIL TO MULTI-FAMILY

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	PRINTED NAME	STREET ADDRESS	PHONE # OR EMAIL	SIGNATURE	DATE-
Marcus	Janey Marcus	3800 Meandering Creek Cove	633 7006 Janey	gmc	8/5/04
Wilson	Kerome Wilson	6704 DOGWOOD CREEK DR AUSTIN TX 78746	329 9974	[Signature]	8/6/04
Wilson	Danya Wilson	6704 DOGWOOD CREEK DR AUSTIN TX 78746	329 9974	[Signature]	8/6/04
West	Tom West	3704 Dogwood Creek AUSTIN TX 78746	347-7758	[Signature]	8/6/04
West	Quint West	3704 Dogwood Creek AUSTIN TX 78746	347-7756	[Signature]	8/6/04
Magee	Don Magee	3700 Dogwood Creek Cove AUSTIN TX 78746	330 0522	Don H. Magee	8-6-04
Magee	Shannon Magee	3700 Dogwood Creek Cove AUSTIN TX 78746	330-0528	Shannon M. Magee	8/6/04
Dorland	Mark Dorland	6657 Dogwood & Creek Dr. Austin, TX 78746	330-9808	Mark A Dorland	8/6/04
Woodard	Sabrina Woodard	3705 Dogwood Creek Cove AUSTIN TX 78746	347-9905	Sabrina Woodard	8/10/04
Holzman	Grace Holzman	6624 Dogwood Creek Dr. Austin, TX 78746	328-8222	[Signature]	8/10/04
Holzman	Sterea Holzman	"	"	[Signature]	8/10/04

Creek at Riverbend

CASE # 814-88-0001.88

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	PRINTED NAME	STREET ADDRESS	PHONE # OR EMAIL	SIGNATURE	DATE
Borland	Beverly Dorland	6637 Dogwood Creek Dr NE	bdorland@juno.com	B. Dorland	8/4/04
Woodard	Shayne Woodard	3705 Dogwood Creek Core	shayne.woodard@sbccglobal.net	Shayne Woodard	8/4/04
Gruber	Ranger Gruber	6625 Dogwood Creek Drive Austin	rgruber@excite.com	R. Gruber	8/4/04
Hillary	Dawn Hillary	6619 Dogwood Cr Drive Austin	dawn.hillary@rr.com	Dawn Hillary	8/5/04
Hillary	[Signature]	6619 Dogwood Cr Drive Austin		[Signature]	8/5/04
Bordas	Mark Bordas	6609 Dogwood Creek Dr Austin TX 78746	236-9242	M. Bordas	
Bordas	DENISE BORDAS	6609 Dogwood Creek Dr Austin, TX 78746	347-7735	D. Bordas	8/5/04
Gauthreaux	Tamie Gauthreaux	6601 Dogwood Creek	306-9916	[Signature]	8/5/04
Gauthreaux	Kyle Gauthreaux	6601 Dogwood Creek 78746	306-9916	[Signature]	8/5/04
Gutierrez	G. Gutierrez	3601 Shady Creek Cr.	genaro.jg@mail.utexas.edu	G. Gutierrez	8/5/04
Gutierrez	G. Gutierrez	3601 Shady Creek Cr	3060143	Gutierrez	8/5/04

Creek at Riverbend

CASE # 814-88-0001.08

PETITION CONCERNING GABLES WESTLAKE PROPOSED PUD AMENDMENT/ ZONING CHANGE FROM OFFICE RETAIL TO MULTI-FAMILY

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Stupeck	Thomas Stupeck	6616 Dogwood Creek Dr Austin, TX 78746	512 327-7361	Thomas Stupeck	8/5/04
Stupeck	Jill Stupeck	6616 Dogwood Creek Austin, TX 78746	"	Jill Stupeck	8-5-04
Rose	DEAN ROSE	6628 Dogwood Creek Dr Austin, TX 78746	PFA @ AUSTIN. TX.COM	Dean W. Rose	8-5-04
Scholar	Jonathan & Marilyn Scholar	6640 Dogwood Creek Austin, TX 78746	347-8833	Jonathan Scholar	8/5/04
	Chris & Stefanie March	6632 Dogwood Creek Dr Austin, TX 78746	732-2104	Stefanie March	8-5-04
Payley	Robin Payley	6631 Dogwood Creek DR AUSTIN TX 78746	347-0813	Robin Payley	8/5/04
Ward	Holly Ward	3805 Meandering Creek Austin 78746	306-7919	H Ward	8/5/04
Pullen	Sherri & Corey Pullen	3409 Daystar Cove Austin 78746	732-2682	Sherri Pullen	8/6/04
Loeffel	Karen Loeffel	3801 Meandering Creek Austin, TX 78746	347-9380	Karen Loeffel	8/6/04
Loeffel	ERIC LOEFFEL	3801 Meandering Creek Austin, TX 78746	747-9380	Eric Loeffel	8/6/04
Narcus	ANDREW NARCUS	3800 MEANDERING CREEK AUSTIN, TX 78746	330-0007	Andrew Narcus	8/6/04

**PETITION CONCERNING GABLES WESTLAKE PROPOSED PUD AMENDMENT/
ZONING CHANGE FROM OFFICE RETAIL TO MULTI-FAMILY**

*Creek at
Riverside*

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FRANK D. HANZLIK	3702 EDWARD CREEK	512-347-7832	<i>[Signature]</i>	8/15/04
TINA C HANZLIK	3709 Dogwood Creek Core	512-347-7832	<i>Tina C Hanzlik</i>	8/15/04
Sue Snyder	6615 Dogwood	512-347-7320	<i>[Signature]</i>	8/15/04
Alyson Perrine	6612 Dogwood Creek	512-347-8799	<i>Alyson Perrine</i>	8/15/04
Michael Perrine	6612 Dogwood Creek	512-347-8799	<i>Mike Perrine</i>	8-15-04
Peter Miller	3605 Shady Creek Cr.	512-826-3038 347-9478	<i>Pete Miller</i>	8/15/04
Linda Miller	3605 Shady Creek Cr.	347-9478	<i>Linda Miller</i>	8/15/04
SCOTT SNYDER	6615 DOGWOOD CREEK	347-7320	<i>[Signature]</i>	8/15/04
Luann Dunn	6605 Dogwood Cr.	329-3250	<i>Luann Dunn</i>	8/15/04
D Nick Dunn	-	-	<i>[Signature]</i>	8/15/04
Paul Pagley	6631 Dogwood Creek	347-8813	<i>Paul Pagley</i>	8/15/04

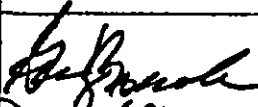
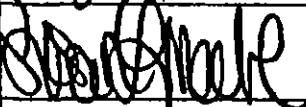
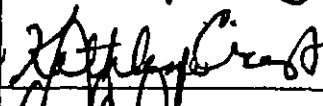
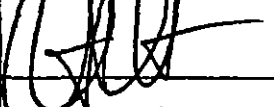
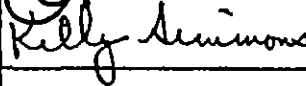
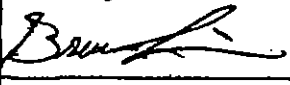
Creek at
Limestone

CASE # 814-88-0001.08

PETITION CONCERNING GABLES WESTLAKE PROPOSED PUD AMENDMENT/
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Greg Meserle	3600 Shady Creek Ct Austin TX 78746	512- 347-7724		8/15/04
Susie Meserle	3600 Shady Creek Ct. Austin TX 78746	512- 347-7724		8/15/04
Kathlene Crist	6620 Dogwood Cr. Austin, TX	328-6212		8/15/04
David Crist	6620 Dogwood Cr. Austin, TX	328-6212		8/15/04
Kelly Simmons	6636 Dogwood Cr. Austin, TX 78746	347-0904		8/16/04
Bruce Simmons	6636 Dogwood Cr. Austin, TX 78746	347-0904		8/16/04

**PETITION CONCERNING GABLES WESTLAKE PROPOSED PUD AMENDMENT/
ZONING CHANGE FROM OFFICE RETAIL TO MULTI-FAMILY**

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Carol Driscoll	1604 Nashua Ct.	32-7299	[Signature]	8/21/04
Julia Lydich	3711 Westlake		[Signature]	8/21/04
Hallie Ferguson Smith	5425 Pallicoat Ln.	347-1963	[Signature]	8/20/04
Padmaja Man	3108 Crowheaven		[Signature]	8/20/04
Tracy Anderson	4505 Charles Ave	304-8752	[Signature]	8/20/04
Kayla Stone	5900 Wharmaker	306-0473	[Signature]	8/20/04
J. Matton	5701 Mary Ann	329-0916	[Signature]	
Lynn Jones	5616 Clarion Ave	330-0684	[Signature]	8-20-04
Kelly Sakai	4700 Mantle Dr	347-8575	[Signature]	8/20/04
Obi Dickey	2902 Trailview	732-2293	[Signature]	8/20/04
Louise Meyer	6006 Ascot Cv.	347-0150	[Signature]	8/20/04

CASE # 814-88-0001.08

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[illegible]

**PETITION CONCERNING GABLES WESTLAKE PROPOSED FUD AMENDMENT/
ZONING CHANGE FROM OFFICE RETAIL TO MULTI-FAMILY**

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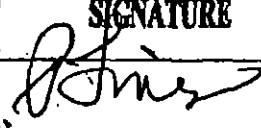
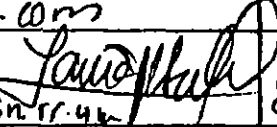
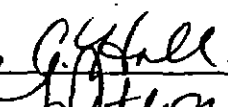


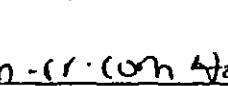
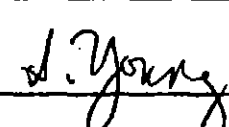
1. In 1988, the Bunny Run Neighborhood Association, on behalf of the entire neighborhood, entered into a comprehensive neighborhood land use plan with the Davenport Ranch Westview Development Inc. and St. Stephens, which rejected proposed multi-family land use as part of the FUD. I continue to support the office/retail zoning on this tract authorized by the 1988 comprehensive neighborhood land use plan.
2. It is my belief that the zoning authorized by the 1988 comprehensive neighborhood land use plan is less intrusive on the neighborhood and best maintains the original rural/suburban character of the greater Bunny Run Neighborhood area.

PRINTED NAME	STREET ADDRESS	PHONE # OR EMAIL	SIGNATURE	DATE
Elena McAllister	4701 Rae Pipe Path		Elena McAllister	8/18/04
Joy Butler	4800 Monte Dr.	patricia@yahoo.com	Joy Butler	8/18/04
Lisa Larson	309 N Western Dr		Lisa Larson	8/18/04
Chris O'Connell	2801 Calan Cove	694-1854	Chris O'Connell	8/18/04
Cheryl Vallar	2800-28 Waymote	784-0791	Cheryl Vallar	8/18/04
Joyce Turner	6322 Ayres Dr.	328-5901	Joyce Turner	"
Cynthia Liddell	9800 Vista Vista	996-9152	Cynthia Liddell	8/18/04
Daniela Knight	3200 Kittowa CV	327-2754	Daniela Knight	8/18/04
Staci Barton	4010 Longchamp	329-6109	Staci Barton	8/18/04
Karen Berns	3101 Riva Ridge	328-6647	Karen Berns	8/18/04
Lisa Savage	6000 Northern	327-7304	Lisa Savage	8/18/04
	Dancer			

**PETITION CONCERNING GABLES WESTLAKE PROPOSED PUD AMENDMENT/
ZONING CHANGE FROM OFFICE RETAIL TO MULTI-FAMILY**

I live in the neighborhood adjoining the land subject to the above-referenced proposed PUD Amendment. By my signature below I am stating my opposition to the proposed PUD Amendment/Zoning Change. My reasons for this opposition include the following:

1. In 1988, the Bunny Run Neighborhood Association, on behalf of the entire neighborhood, entered into a comprehensive neighborhood land use plan with the Davenport Ranch Westview Development Inc. and St. Stephens, which rejected proposed multi-family land use as part of the PUD. I continue to support the office/retail zoning on this tract authorized by the 1988 comprehensive neighborhood land use plan.
2. It is my belief that the zoning authorized by the 1988 comprehensive neighborhood land use plan is less intrusive on the neighborhood and best maintains the original rural/suburban character of the greater Bunny Run Neighborhood area.

PRINTED NAME	STREET ADDRESS	PHONE # OR EMAIL	SIGNATURE	DATE
Polly Limes	#7 Eurlich Rd	plimes@austin.rr.com		8/18/04
TANIA SCHWARTZ	4136 WESTLAKE DR	twiaschwartz@austin.rr.com		8/19/04
CHRISTINE HALL	2011 FAISANO RD	blanchehall@yahoo.com		8/15/04
Tracey Petersen	3501 Native Dancer	tpetersen@austin.rr.com		8/18/04
Ann Stott	4104 Shadow Oak Ln	astott@austin.rr.com		8/18/04
Holley Boyd	3987 Westlake	holleyboyd@austin.rr.com		8/18/04
Sue Young	2906 Mill Reef Cove	syoung@austin.rr.com		8/18/04

Rhoades, Glenn

From: LeAnn Gillette [LGILLETTE@austin.rr.com]
Sent: Wednesday, August 04, 2004 3:59 PM
To: Rhoades, Glenn; Ramirez, Diana
Cc: tburns@swsoft.com
Subject: The St Stephens/ Gables Westlake Apartment zoning --

Dear Mr. Rhoades and Ms. Ramirez:

As a member of the Bunynrun/Rivercrest Neighborhood Association my husband and I have the following objections to the shift from office to multi-family zoning on the Gables Westlake project.

Last year our family moved back to Austin after 12 years in the congested Washington DC area. We were so glad to be back in Austin in a lovely old quiet one-street neighborhood with minimal traffic. Therefore, we were surprised and dismayed at the zoning change proposal.

First, a change to multi-family zoning will create a serious traffic issue. With the possibility of 2 cars per unit, that means close to 700 more cars on Bunyn Run and Royal Approach. Neither of these roads can accommodate this type of increase. Bunyn Run and Royal Approach already have severe traffic congestion due to St. Stephen's morning and afternoon traffic.

Furthermore we are concerned with more cars, joggers, and bike riders going down Hillbilly Lane to Rivercrest Drive to see the lake. The increase in traffic on the narrow winding Hillbilly Lane will badly alter the original character and intended use of the street from residential access to a congested dangerous route.

We respectfully and strongly request you reconsider your proposal and keep this project zoned as office only. Please put us on the email list relating the Gables Westlake project. Thank you.

Sincerely,

Michael and LeAnn Gillette
3207 Rivercrest Drive
328-4668

8/5/2004

Rhoades, Glenn

From: Elizabeth Baskin [ebaskin@baskin.com]

Sent: Wednesday, August 04, 2004 12:20 PM

To: Rhoades, Glenn; Ramirez, Diana

Subject: Gables Westlake Project

Please be advised that there is much opposition in our neighborhood to the proposed zoning change from office/retail to multi-family on the St. Stephens tract. We are strongly opposed to this change and would like to be informed regarding any meetings or new information on this project. The increased traffic in our neighborhood would be a disaster. The traffic created by St. Stephens School is pushing the limit during peak times as it now stands. The loss of natural green space would be tragic. Thank you for registering our opinion on this matter and keeping us informed.

Very truly yours,
Elizabeth Baskin
4110-2 Bunny Run
Austin, TX 78746

8/4/2004

Rhoades, Glenn

From: CDALAMO@aol.com
Sent: Tuesday, August 03, 2004 1:40 PM
To: Rhoades, Glenn
Cc: tburns@swsoft.com
Subject: St. Stephens/Gables Apts

Dear Mr. Rhoades,
As a homeowner at 4204 Aqua Verde in the Bunny Run neighborhood, I strongly oppose the zoning change of the St. Stephens' property from retail/office to residential.

The number of single dwelling homes will be overwhelmed by the number of multi-family homes west of 360 between Lake Austin and Westlake. The multi-housing development will squeeze out the value and the feel of our neighborhood, making us a small, odds-out strip of homes between the Lake and the apartments.

The zoning change also means the change of the value, the texture, and the tone of this long established and respected neighborhood.

Please let us assimilate the new apartments just south of the Lake before making this decision that is monumental to the many families who live here.

Please let us assimilate the new threat of making 360 a toll road (without the voice of the people) before making this decision that is monumental to the many families who live here.

I am new to Austin and am constantly amazed at the number of old-time Austinites from all over town who know Bunny Run Road and its history. It is part of the legacy of Austin.

We bought our properties in good faith, under the current zoning restrictions. Please help us maintain this historical patch of Austin.

Debbie Fisher

Rhoades, Glenn

From: Cathy Romano [cathyr@austin.rr.com]

Sent: Saturday, July 31, 2004 9:12 PM

To: Rhoades, Glenn

Subject: Rivercrest opposes zoning changes

Glen,

I know you've heard from me before about issues that involve Rivercrest, but now I am asking you to hear me about another issue that also involves everyone who lives down here. We are all, and I feel confident that I speak for all 74 homeowners on our street, opposed to the proposed apartments that are supposed to be built above us for the following reasons:

1. Increased traffic problems, as apartment dwellers will be on the same schedule as those of us who live here and already deal with the huge lines of cars coming and going into St. Stephens school and leaving the elementary school and our neighborhoods.

2. More transients in our neighborhood. We are experiencing this already, as the hot weather has drawn many people to our street. Many joggers and bikers have already discovered Rivercrest and if 300 or more families rent apartments, then they, too, will add to the congestion which already exists making both Bunny Run and Rivercrest less safe.

3. Additional families adding to our already overcrowded Eanes School District, namely Bridgepoint Elementary. The numbers that we received from the developers were not accurate and I would urge you to call the school at 732-9200 and find out for yourself just how crowded the school is. Add 300 more families, plus the 250 from the other apartment complex just south of the 360 bridge, and the classrooms will be even more crowded than they are now. Teachers will get frustrated, kids won't be able to learn.

4. Environmental issues--where will the animals live? Less trees mean less oxygen. Soil erosion and land alterations lead to run-offs and who is at greatest risk here since we live at the bottom of it all? Rivercrest.

Glen, despite what you may have already heard, we are *all* opposed of the zoning change from commercial to multi-family. Please come visit the area and I think you will be shocked at the amount of growth that has occurred and the increased joggers, bikers, walkers, dogs, kids and students commuting to school presently. An increase in those numbers and a dangerous situation will exist, if it doesn't already. If you would like me to organize a neighborhood meeting so that you can come speak to the group, I'd be happy to do that and I'm sure you will be amazed at the opposition to the proposed project by all who will attend. And for this issue, you will get a tremendous turn-out from folks who want their voices heard and their safety and lifestyles considered before it is too late.

Please don't hesitate to call me if you have any questions. We have circulated a petition that should arrive in your office sometime this week.

Cathy Romano
cathyr@austin.rr.com
(512)329-5111

Rhoades, Glenn

From: Brian Scaff [scaff@scaff.com]
Sent: Monday, August 02, 2004 7:49 AM
To: Rhoades, Glenn
Cc: Tom Burns
Subject: RE: Westlake Gables

Just wanted to let you know I OPPOSE the change of zoning. Please leave it as planned.

Brian Scaff
4110 Bunny Run #10

Rhoades, Glenn

From: carter@trilogy.com

Sent: Sunday, August 01, 2004 10:17 PM

To: Rhoades, Glenn; Ramirez, Diana

Subject: proposed zoning change could reduce home values by \$100,000 per home

My name is Tom Carter, and I live at 4800 Bunny Run. I am writing to voice my objection to the proposed zoning change of the St. Stephen's property because I believe such a change may reduce the local home values by as much as \$100,000 per home in as little as 5 years.

The overwhelming majority of my neighbors, perhaps even 100%, oppose the zoning change for one reason or another. I'm sure you've heard many of the reasons, from subjective analyses of traffic patterns to the lack of proper support (sidewalks, park/open area, etc.) on Bunny Run for additional families. I'm sure many of the complaints have appeared to be subjective, perhaps with a tone of whining. Please allow me a moment to make a simple economic argument against the zoning change. I believe an economic view of this is the most objective way for you to make your decision and recommendation.

My argument starts with the assertion that housing prices are largely a function of supply & demand. I hope that is a basic enough principal that you would agree with that statement. Assuming that to be true, let's individually look at what will happen to the supply and demand for housing in our neighborhood if the zoning is changed.

First, let's look at the future demand for homes in this area based on the current zoning agreement for commercial development. Assuming some number of businesses occupy the St. Stephen's land, then I believe it is a fair assumption that demand would increase because some percentage of the employees that would work in the area would also want to live in the area. When fully developed into business property, the development will easily support hundreds and possibly a thousand or more employees. These employees are likely to be well-paid professionals who could certainly afford to live in our neighborhood, and I believe many would like to live in the neighborhood. The building of businesses on the St. Stephen's land would generate a much greater demand for our houses, and in turn should raise property values by a significant amount.

By contrast, a change in the zoning from commercial development will eliminate the future employees that will want homes in our neighborhood, resulting in a reduction in the future demand for our homes. By eliminating the future commercial development, the future employees, and the future demand, our property values will decrease compared to the current expectation based on the 1988 zoning agreement.

Now let's look at the future supply for homes in the area if the zoning is changed to allow multi-family homes. That change will increase the number of residences in our neighborhood by ~350, a figure that has been provided by the potential developers. This is in fact more residences that we currently have in the neighborhood. The supply of residences in the area will increase dramatically with the building of multi-family homes, lowering the current homeowners' property values.

The net of this is that a change to the zoning of the St. Stephen's land doubly punishes our neighborhood both by denying us an increase in demand for our homes and by increasing the supply of other homes. Based on what I have seen in the neighborhood over the past several years as other housing areas have been added to Bunny Run, I believe that your decision will directly affect the value of my home by at least \$100,000 over the next 5 years. My house is one of the oldest and least expensive in the neighborhood, so I believe that this estimate may in fact be low when considering the greater number of more expensive homes in the neighborhood. A change in the current zoning could collectively inflict tens of millions of dollars of damage to the property values in this neighborhood.

While my financial estimates may be subjective and open to discussion, I believe every economist in the world would agree with the basic premise that a dramatic increase in supply and a concurrent reduction in demand will have a damaging effect on our home values. Are you really prepared to take away what could be tens of

millions of dollars from the individual homeowners? We're no longer talking about subjective opinions on traffic. We're talking about a large economic impact on the current neighborhood.

I believe the proposed zoning change would amount to the opposite of the Robin Hood principle. A zoning change will effectively steal money from individual home owners and give money to the very large businesses of St. Stephen's and Gables. If the current zoning was already stated to be multi-family, I could understand why you might resist taking action to change it, since it's always easier to leave things as they stand. However, the current neighborhood zoning plan was explicitly put in place back in 1988. That 1988 agreement involved a much broader view of the entire area and a plan for the area's future. Who is St. Stephen's and Gables to revisit just one little piece of that larger plan and agreement? Do you believe the conditions of the 1988 agreement have changed radically enough to justify revisiting that entire decision?

St. Stephen's and Gables will (of course) only present their limited view of their impact on the neighborhood, but I believe you have a responsibility to the community. St. Stephen's and Gables are putting up a smoke-screen by getting people to focus only on subjective matters like the impact on traffic, but you need to see through their smoke screen, be objective, and look at the economic impact to the area. The community spoke and made a decision back in 1988 which did consider the future of our neighborhood. The community is speaking again. We stand to lose a tremendous amount on our property values with a change that would allow multi-family homes. Please be objective and listen to the full story.

I don't know if anyone has presented this argument to you until now. I would like to give you the benefit of the doubt and believe you simply have not been fully aware of the economic consequences of your decisions and recommendations. Now that you are aware of those consequences, I ask that you strongly support the individual property owners of the area and object to the proposed zoning change. Will you support the wishes of the individual property owners in their decision in 1988 and their decision today?

I stand ready to discuss and defend my assertions. Please contact me personally if you have even the smallest inclination to go against the wishes of every individual property owner and allow the zoning change. We can get past this event without lawyers if we all try to remain objective, understand the history of the 1988 decision, and look at the true economic impact of any zoning change to the neighborhood. That is the best way to decide the proper future for our neighborhood.

Sincerely,

Thomas Carter
carter@trilogy.com
4600 Bunny Run
Austin, TX 78746
(512) 874-3140 w
(512) 329-0177 h

Rhoades, Glenn

From: Dave Kolar [davekolar@yahoo.com]
Sent: Monday, August 02, 2004 4:26 PM
To: Rhoades, Glenn; Ramirez, Diana
Cc: Tom Burns
Subject: Opposition to Gables Westlake project

Mr Rhoades and Ms. Ramirez,

I am a resident in the Bunny Run neighborhood and would like to tell you my family and I are opposed to your proposed "high density" zoning change regarding the Gables Westlake project. We would like to see you make your investment in another neighborhood. I would like to ask you to put me on the email list regarding this project.

Dave Kolar, 4405 Aqua Verde Ln

Rhoades, Glenn

From: Jim Johnstone [jjohnstone@austin.tx.com]
Sent: Saturday, July 31, 2004 7:02 PM
To: Rhoades, Glenn
Subject: Gables Westlake Project

I am a resident of Bunny Run and I am opposed to the zoning change that permits the Gables Westlake apartment Project over the Commercial office building that is already approved for this tract.

Adding apartments in an area already glutted by apartments at the corner of 2222 and 360 does not seem like a great idea. A condo project is also just being completed on 360 near the river.

I believe the apartments will lower my property value more than the commercial development that is approved. The traffic generated by the Apartments may be less but it will be 24x7 whereas the office complex would be heaviest twice a day for 5 days a week when traffic is already heavy due to St Stephens School.

I hope you are listening to the Bunny Run Neighbors who recently met to hear about the Gables project from its developers. We had a lengthy discussion of this topic which led me to oppose this zoning change.

Regards

Jim Johnstone
4007 Bunny Run
Austin, Tx 78746

Rhoades, Glenn

From: Kateva Rossi [kateva@austin.rr.com]
Sent: Monday, August 02, 2004 6:53 AM
To: Rhoades, Glenn; Ramirez, Diana; glen.rhoades@ci.austin.tx.us
Cc: tburns@swsoft.com
Subject: Zoning Change for the Bunny Run/Rivercrest Neighborhood Area

Dear Mr. Rhoades and Ms. Rameriz,

My husband and I purchased our home on Rivercrest Drive ten years ago in order to enjoy a quiet life in the city and to have a place that would hold its value so that we could eventually sell our investment and use the proceeds to retire. We were fully prepared for the growth that would come around 360 and later were aware of the area that was zoned office retail and were prepared for the impact that would have on our investment.

It is our understanding that you do not believe that the neighborhood objects to the zoning change from office to multi-family. You couldn't be more wrong. Please add me to your e mail list regarding the Gables West Lake project so I can be informed about this issue.

We are very concerned that, if you allow this zoning change to take place, that our most important investment will suffer a significant loss. We currently have a wonderful, quiet place where children can grow up in a comfortable, safe, and secure group of families who know and care about each other. Having an office building where you have people in and out of the neighborhood during the day is one thing; but adding 350 families to a quiet neighborhood as this in such a small space will change it forever, destroy our way of life, and plummet our property values.

Personally, if the value of our home is negatively impacted, retirement will be out of the question.

For every story like ours, there is another family with another similar story. Please, before you change all of our ways of life with your action, visit Rivercrest. See if you don't agree that it is a special place and look at the surrounding area to see if you really believe you can make your zoning change without damaging a lot of families.

Growth is important, but neighborhoods need to be protected. We feel it is your responsibility to help us protect ours.

Kateva Rossi
3101 Rivercrest Drive
Austin, Texas 78746
512 327-1969

Rhoades, Glenn

From: Kathy Johnstone [kjohnstone@austin.rr.com]

Sent: Monday, August 02, 2004 8:57 AM

To: Rhoades, Glenn; Ramirez, Diana

Cc: tburns@swsoft.com

Subject: St. Stephens zoning issue

To: Glenn Rhodes
Diana Ramirez

Subject: proposed St. Stephens zoning change

I am Kathy Johnstone, and I live at 4007 Bunny Run.

I know that the Bunny Run Neighborhood Association, as well as individual neighbors, have written to express opposition to the re-zoning of the St. Stephens property. I would like to add my comments as well.

In addition to the probable loss of property values that would be caused by the change of zoning from commercial to residential (see Tom Carter's email to you), this change would negatively affect the quality of life in our neighborhood.

For example, we already get very heavy traffic from St. Stephens parents dropping off their children each morning and picking them up each afternoon. For those St. Stephens families arriving from Loop 360 heading south, instead of staying on Loop 360 through the line waiting for an extra traffic light (at Westlake Dr./360) these people take a right turn (thus also avoiding the light at Cedar/360) and travel down Bunny Run. By making this turn on Cedar, the motorists also save themselves waiting at a very long line of traffic waiting to turn left from Royal Approach onto Bunny Run.

Now imagine what this traffic each day does to those of us who are trying to get out of our driveways to leave for work each morning! Then, trying to return home in the afternoon can also be difficult due to St. Stephens people exiting the Bunny Run area.

Now add the traffic caused by residents of the proposed apartment complex to the existing traffic. This would be intolerable.

Due to the major increase of residents to this area, the "rural" atmosphere of this neighborhood will be ruined if this zoning change is permitted.

After the slap in the face Austin residents received when their elected officials didn't listen to opposition to toll roads, it would be salt in the wound for the city once again to ignore the voices of the residents of the Bunny Run area in their opposition to this zoning change.

A couple of years ago my section of Bunny Run was annexed into the city. This has caused a major increase in our taxes and even in an increase of our garbage pick-up fees (for less service, I might add). One saving grace for the price we are paying for residing within the city limits of Austin could be that at least our city acts on the concerns and values of its residents.

Please do not abandon our 1988 agreement to allow this zoning change.

Kathy Johnstone
4007 Bunny Run
347-8589

Rhoades, Glenn

From: lbemis [lbemis@brrlaw.com]
Sent: Monday, August 02, 2004 7:51 PM
To: Rhoades, Glenn
Subject: St Stephens/ Gables Westlake Apartment zoning case

Dear Mr. Rhoades,

I am the Vice-President of the Bunny Run Neighborhood Association and a resident of the Bunny Run neighborhood. My wife and I are both opposed to the proposed change of development of the St. Stephens' property from office-retail to multi-family. This proposal will lead to a significant decline in our neighborhood and all of the neighbors with whom I have discussed the matter share this opinion.

My concerns are heightened by the fact that the Gables Company has not demonstrated themselves to be a good steward of the lands which they have previously developed. Their development on the corner of 360 and 2222 demonstrates their disregard for both Austin's landscape and the ability of our fire and emergency services to adequately respond to a fire or other emergency at this facility.

We are also concerned that if this development is allowed it will discourage neighborhoods and owners from working together to arrive at an agreed development plan. When this site was originally allowed to be zoned as office-retail development it was the result of an agreement between the neighborhood and St. Stephens in the late 1980's. It is my understanding that the original developer also sought multi-family zoning, but it was rejected by the neighborhood and St. Stephens. St. Stephens, by its proposed development plan with Gables, is now seeking to breach its original agreement with the neighborhood. While it appears that St. Stephens now feels that its development profits will be maximized by multi-family development, this does not justify a breach of the original development agreement.

Please advise me of any hearing dates or other deadlines that I will need to calendar to pursue a protest of this proposal.

Sincerely,

Lloyd E. Bemis, III
Bemis, Roach and Reed
4100 Duval Rd., Building 1, Suite 200
Austin, Texas 78759
Phone (512) 454-4000
Facsimile (512) 453-6335

8/3/2004

Rhoades, Glenn

From: lightsey@csr.utexas.edu
Sent: Monday, August 02, 2004 11:19 AM
To: Rhoades, Glenn; Ramirez, Diana
Cc: tburns@swsoft.com
Subject: AGAINST proposed St. Stephens zoning change

Dear Mr. Rhoades and Ms. Ramirez,

Despite the fact that my family and I are presently out of the state on vacation, I wanted to take the time to assure you that we are strongly opposed to the proposed St. Stephens/Gables Westlake Apartments re-zoning from residential to commercial. We think this proposal, if approved, would significantly damage our quality of life, our environment, and our family values that we have grown to cherish about our neighborhood. We are much more willing to accept the currently zoned office/commercial development of the property. The differences have to do with the density of population and housing, land and water quality, the impacts on our schools and other community services, and additional traffic that a residential project of this size would bring to the area. As I am sure that you know, the Loop 360 area within a mile of the proposed site has already added several new apartment and single home complexes, and the additional residential growth would not be helpful to the neighborhood.

The president of our Bunny Run Neighborhood Association, Mr. Tom Burns, has told us that you stated you heard little from our neighborhood about this proposal. I would like to witness that I was present at one of the largest meetings of the BRNA that I have ever seen (more than 100 households present), and everyone there was unanimously opposed to the re-zoning proposal. We are all united in our belief that the proposed re-zoning is not in the best long term interests of the neighborhood and the community at large. I hope that you will take this into consideration when you make your decision.

Sincerely,

Glenn and Jeannie Lightsey
4301 Aqua Verde Dr.

Rhoades, Glenn

From: Matthew O'Hayer [matthew@ohayer.com]

Sent: Monday, August 02, 2004 10:00 PM

To: Rhoades, Glenn; Ramirez, Diana

Subject: proposed zoning change for St. Stephens

My name is Matthew O'Hayer and I live at 4100 Rivercrest Drive in the Sunny Run neighborhood. I am writing to voice my objection to the proposed zoning change of the St. Stephen's property. This is a travesty. If you like to hear my litany of reasons, feel free to reply. But, I am sure that you have heard them from my neighbors. We appear to be 100% against it. I am sure we will all be asking for reductions in our property taxes if this goes through, since it will kill the value of our homes.

8/3/2004

Rhoades, Glenn

From: Paula Mizell [pmizell@austin.rr.com]
Sent: Saturday, July 31, 2004 1:02 PM
To: Rhoades, Glenn; Ramirez, Diana
Cc: tburns@swsoft.com
Subject: Proposed St. Stephen's/Gables apartments

As a Rivercrest subdivision resident, I strongly oppose the apartments/zoning change proposed on the former St. Stephen's land. This feels as though it is being swept through the process without outside opinion solicitation. There will be increased traffic issues, increased resource depletion, property value decreases, etc. We all oppose this change. Please let me know what we can do to stop this.

Thank you-
Paula Mizell 3007 Rivercrest Drive

Rhoades, Glenn

From: pcbeaman@juno.com
Sent: Saturday, July 31, 2004 9:59 PM
To: Rhoades, Glenn; Ramirez, Diana
Cc: tburns@swsoft.com; cathy@austin.rr.com
Subject: St Stephens/Gables Apt Zoning

Dear Mr Rhoades,

I live in the Rivercrest subdivision and want to let you know I think a serious mistake will be made if the St Stephens track is rezoned for Apts.

There are many reasons that are frequently discussed, however there is one that may be overlooked. That is the fact that Austin needs to work to balance the traffic flow so that everyone will not be headed to and from downtown at the same period. That can be accomplished if offices are built miles from downtown. Then some of the traffic flow will be in the reverse from normal and some will never have to jam the streets going downtown or other neighborhoods to go to work.

The constraint of the amount of traffic that can be accommodated by the loop 360 bridge and the number of cars that can travel down 2222 and 2244 make this site ideal for an office where people living west of 360 and north and south of Westlake Dr can avoid adding to the congestion on those roads and Mopac.

Building apartments in this area is a very bad idea and will not add to the liveability of Austin.

I am interested in this project so please let me know when this case will be coming up.

Paul Beaman
3001 Rivercrest Dr. 78746

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Rhoades, Glenn

From: Ramirez, Diana
Sent: Tuesday, August 03, 2004 7:22 AM
To: Rhoades, Glenn
Subject: FW: St Stephens/ Gables Westlake Apartment zoning case

-----Original Message-----

From: lbemis [mailto:lbemis@brrlaw.com]
Sent: Monday, August 02, 2004 7:52 PM
To: Ramirez, Diana
Subject: St Stephens/ Gables Westlake Apartment zoning case

Dear Ms. Ramirez,

I am the Vice-President of the Bunny Run Neighborhood Association and a resident of the Bunny Run neighborhood. My wife and I are both opposed to the proposed change of development of the St. Stephens' property from office-retail to multi-family. This proposal will lead to a significant decline in our neighborhood and all of the neighbors with whom I have discussed the matter share this opinion.

My concerns are heightened by the fact that the Gables Company has not demonstrated themselves to be a good steward of the lands which they have previously developed. Their development on the corner of 360 and 2222 demonstrates their disregard for both Austin's landscape and the ability of our fire and emergency services to adequately respond to a fire or other emergency at this facility.

We are also concerned that if this development is allowed it will discourage neighborhoods and owners from working together to arrive at an agreed development plan. When this site was originally allowed to be zoned as office-retail development it was the result of an agreement between the neighborhood and St. Stephens in the late 1980's. It is my understanding that the original developer also sought multi-family zoning, but it was rejected by the neighborhood and St. Stephens. St. Stephens, by its proposed development plan with Gables, is now seeking to breach its original agreement with the neighborhood. While it appears that St. Stephens now feels that its development profits will be maximized by multi-family development, this does not justify a breach of the original development agreement.

Please advise me of any hearing dates or other deadlines that I will need to calendar to pursue a protest of this proposal.

Sincerely,

Lloyd E. Bemis, III
Bemis, Roach and Reed
4100 Duval Rd., Building 1, Suite 200
Austin, Texas 78759
Phone (512) 454-4000
Facsimile (512) 453-6335

8/3/2004

Rhoades, Glenn

From: Rich Witek [rich_witek@mac.com]
Sent: Saturday, July 31, 2004 8:10 PM
To: Rhoades, Glenn; Ramirez, Diana
Subject: St. Stephens / Gables zoning

I live a 4110-6 Bunny run. I was not able to make the open meeting on this but am opposed and want you to know this. I would much rather have an office building then the planned appts. I have expressed this at the meetings at st. stephens on with the developers. they tried to make an office building sound bad. I use to work on plaza on the lake and biked to work. I would love to see more office/home mixes in the area.

Please do not change the zoning.

Rich Witek
4110-6 Bunny Run

Rhoades, Glenn

From: Sybil Raney [sybillraney@hotmail.com]
Sent: Sunday, August 01, 2004 2:55 PM
To: Rhoades, Glenn; dlana.ramierz@cl.austin.tx.us
Cc: tburns@swsoft.com; cathy@austin.rr.com
Subject: Opposition to Westlake Gables

Dear Mr. Rhoades and Ms. Ramierz,

We are distressed upon hearing of the proposed zoning change from office/retail to multifamily of the area between Royal Approach and Bunny Run to accomodate the Westlake Gables project. This area by no means can handle the amount of people and traffic that are part and parcel of an apartment complex of this size. Surely both of you, who have served us well in the past, have overlooked the impact this will have on our tiny neighborhood. Please reconsider the effects of changing the zoning to accomodate this behemoth! We are very concerned as are all our neighbors!

Sincerely,

Sybil and Jim Raney
3704 Rivercrest Dr.
Austin, Tx. 78746

8/3/2004

Rhoades, Glenn

From: Sybil Raney [sybilraney@hotmail.com]
Sent: Sunday, August 01, 2004 3:01 PM
To: Rhoades, Glenn
Cc: thums@awsoft.com; cathy@austin.rr.com
Subject: Opposition to Westlake Gables

Dear Mr. Rhoades and Ms. Ramierz,

We are distressed upon hearing of the proposed zoning change from office/retail to multifamily of the area between Royal Approach and Bunny Run to accomodate the Westlake Gables project. This area by no means can handle the amount of people and traffic that are part and parcel of an apartment complex of this size. Surely both of you, who have served us well in the past, have overlooked the impact this will have on our tiny neighborhood. Please reconsider the effects of changing the zoning to accomodate this behemoth! We are very concerned as are all our neighbors!

Sincerely,

Sybil and Jim Raney
3704 Rivercrest Dr.
Austin, Tx. 78746

CASE # 81488-0001.08
 PETITION CONCERNING GABLES WESTLAKE PROPOSED PUD AMENDMENT/
 ZONING CHANGE FROM OFFICE RETAIL TO MULTI-FAMILY

I live in the neighborhood adjoining the land subject to the above-referenced proposed PUD Amendment. By my signature below I am stating my opposition to the proposed PUD Amendment/Zoning Change. My reasons for this opposition include the following:

1. In 1988, the Bunny Run Neighborhood Association, on behalf of the entire neighborhood, entered into a comprehensive neighborhood land use plan with the Davenport Ranch Westview Development Inc. and St. Stephens, which rejected proposed multi-family land use as part of the PUD. I continue to support the office/retail zoning on this tract authorized by the 1988 comprehensive neighborhood land use plan.

2. It is my belief that the zoning authorized by the 1988 comprehensive neighborhood land use plan is less intrusive on the neighborhood and best maintains the original rural/suburban character of the greater Bunny Run Neighborhood area.

PRINTED NAME	STREET ADDRESS	PHONE # OR EMAIL	SIGNATURE	DATE
Lyle Bonis	4508 Agua Verde	343-6116	[Signature]	8-26-04
Charles Smith	4504 Agua Verde	322-1757	[Signature]	8-26-04
Lisa Roth	4500 Agua Verde	306-0824	[Signature]	8-26-04
Renee D. [Signature]	4402 Agua Verde	527-5634	[Signature]	8-26-04
Robert Foster	4302 Agua Verde	327-1122	[Signature]	8-26-04
D. Fisher	4204 Agua Verde	732-2733	[Signature]	8-26-04
C. Fisher	4204 AGUA VERDE	732-2733	[Signature]	8-26-04
C. Petri	4509 Bunny Run #	347-0337	[Signature]	8-28-04
W. Nahl	4507 Bunny Run	347-7800	[Signature]	8-28-04
G. [Signature]	4509 Bunny Run	328-9980	[Signature]	8-28-04
Ginny Gorton	4509-V Bunny Run	347-0454	[Signature]	8/28/04
Laura Colangelo	4507 Agua Verde	328-1878	[Signature]	8/28/04

I live in the neighborhood adjoining the land subject to the above-referenced proposed PUD Amendment. By my signature below I am stating my opposition to the proposed PUD Amendment/Zoning Change. My reasons for this opposition include the following:

1. In 1988, the Bunny Rim Neighborhood Association, on behalf of the entire neighborhood, entered into a comprehensive neighborhood land use plan with the Davenport Ranch Westview Development Inc. and St. Stephens, which rejected proposed multi-family land use as part of the PUD. I continue to support the office/retail zoning on this tract authorized by the 1988 comprehensive neighborhood land use plan.

2. It is my belief that the zoning authorized by the 1988 comprehensive neighborhood land use plan is less intrusive on the neighborhood and best maintains the original rural/suburban character of the greater Bunny Run Neighborhood area.

[illegible]

CASE # 814-88-0001.08
 PETITION CONCERNING GABLES WESTLAKE PROPOSED PUD AMENDMENT/
 ZONING CHANGE FROM OFFICE RETAIL TO MULTI-FAMILY

I live in the neighborhood adjoining the land subject to the above-referenced proposed PUD Amendment. By my signature below I am stating my opposition to the proposed PUD Amendment/Zoning Change. My reasons for this opposition include the following:

1. In 1988, the Bunny Run Neighborhood Association, on behalf of the entire neighborhood, entered into a comprehensive neighborhood land use plan with the Davenport Raach Westview Development Inc. and St. Stephens, which rejected proposed multi-family land use as part of the PUD. I continue to support the office/retail zoning on this tract authorized by the 1988 comprehensive neighborhood land use plan.

2. It is my belief that the zoning authorized by the 1988 comprehensive neighborhood land use plan is less intrusive on the neighborhood and best maintains the original rural/suburban character of the greater Bunny Run Neighborhood area.

PRINTED NAME	STREET ADDRESS	PHONE # OR EMAIL	SIGNATURE	DATE
Carol Winkley	4202 Aqua Verde	327-4144	<i>Carol Winkley</i>	8/30/04
DAVID REICHERT	4508 BUNNY RUN	327-2522	<i>David Reichert</i>	8/31/04
JAM BATES	4614 Bunny Run	327-5579	<i>Jam Bates</i>	8/31/04
BILL WALKER	4615 Bunny Run	327-2666	<i>Bill Walker</i>	8/31/04
CHRISTINE WALKER	" "	"	<i>Christine Walker</i>	8/31/04

Duplicate

BILL WALKER
 Christine Walker

CASE # 814-88-0001.03
 PETITION CONCERNING GABLES WESTLAKE PROPOSED PUD AMENDMENT/
 ZONING CHANGE FROM OFFICE RETAIL TO MULTI-FAMILY

I live in the neighborhood adjoining the land subject to the above-referenced proposed PUD Amendment. By my signature below I am stating my opposition to the proposed PUD Amendment/Zoning Change. My reasons for this opposition include the following:

1. In 1988, the Bunny Run Neighborhood Association, on behalf of the entire neighborhood, entered into a comprehensive neighborhood land use plan with the Davenport Ranch Westview Development Inc. and St. Stephens, which rejected proposed multi-family land use as part of the PUD. I continue to support the office/retail zoning on this tract authorized by the 1988 comprehensive neighborhood land use plan.
2. It is my belief that the zoning authorized by the 1988 comprehensive neighborhood land use plan is less intrusive on the neighborhood and best maintains the original rural/suburban character of the greater Bunny Run Neighborhood area.

PRINTED NAME	STREET ADDRESS	PHONE # OR EMAIL	SIGNATURE	DATE
Cathy Romano	3006 Rivercrest Dr.	cathy.romano@comcast.net	Cathy Romano	8-5-04
Robert Romano	3006 Rivercrest Dr.	rrromano@aol.com	Robert Romano	8-5-04
Dulce Bohn	3201 Rivercrest	327 1614	Dulce Bohn	8-7-04
Conrad Bohn	3201 Rivercrest	327 1616	Conrad Bohn	8-7-04
MIL RHODES	6708 Lejacman	milrhodes@aol.com	MIL RHODES	8-7-4
DWANE RHODES	6708 Lejacman	"	D1 Rhodes	8-7-4
John Ripley	3003 Rivercrest Drive	jrip@earthlink.net	John Ripley	8-7-4
Paul BEAMAN	3001 Rivercrest Dr.	PEBEAM@comcast.net	Paul Beaman	8-7-4
Marilyn Beaman	3001 Rivercrest Dr.	306-1557	Marilyn Beaman	8-7-4
John Allan	3005 Rivercrest	john.allan@comcast.net	John Allan	8-7-4
Susie Bruce	3004 Rivercrest	john.allan@comcast.net	Susie Bruce	8-7-04
James Bruce	3004 Rivercrest	306-1557	James Bruce	8-7-04

MEMORANDUM

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

FROM: Dora Anguiano, ZAP Commission Coordinator
Neighborhood Planning and Zoning Department

DATE: February 15, 2005

SUBJECT: ZAP Commission Summary

Attached is a ZAP Commission summary, which will be forwarded to the City Council.

CASE # C814-88-0001.08; C814-88-0001(RCA) DRAFT MINUTES

10. **Zoning:** C814-88-0001.08 - Gables at Westlake
Location: 3100-3320 North Capitol of Texas Highway, Lake Austin Watershed
Owner/Applicant: Protestant Episcopal School Council (Brad Powell)
Agent: Stuart Wolff Metcalfe von Kriesler (Michele Haussmann)
Request: PUD to PUD. To amend an existing PUD to allow for multifamily residential use.
Staff Rec.: Recommended
Staff: Glenn Rhoades, 974-2775, glenn.rhoades@ci.austin.tx.us
Neighborhood Planning and Zoning Department

APPROVED P.U.D. ZONING WITH SF-6 DEVELOPMENT REGULATIONS; A MAXIMUM OF 323 UNITS; HEIGHT LIMIT OF 45'; MAXIMUM BUILDING COVERAGE LIMITED TO 20%; IMPERVIOUS COVERAGE LIMITED TO 35%; NO PARKING WITHIN THE FRONT YARD SETBACK SO THAT THERE'S A BUFFER BETWEEN WESTLAKE LOOP & THE DEVELOPMENT. ALSO INCLUDE ALL OF THE ENVIRONMENTAL BOARD'S CONDITIONS & RECOMMENDATIONS; APPLICANT/PROJECT TO BE RESPONSIBLE FOR WHAT IS DEFINED IN THE RESTRICTIVE COVENANT AS THE PHASE 3 ROADWAY IMPROVEMENT; APPLICANT HAS TO CONSTRUCT THAT INTERSECTION WHETHER THERE IS SUFFICIENT FISCAL POSTING OR NOT; APPLICANT IS RESPONSIBLE FOR THE REMAINING COST OF THE INTERSECTION. LOOP 360/WESTLAKE, PHASE 3 INTERSECTIONS, BE CONSTRUCTED PRIOR TO THE CO ON THIS SITE. AS THE AGREEMENT REQUIRES, TO CONSTRUCT WESTLAKE FROM ROYAL APPROACH, TO CONSTRUCT AN ALTERNATE ENTRY TO ST. STEPHEN'S SCHOOL; WAYMAKER WAY. APPLICANT TO INSTALL THE TRAFFIC IMPROVEMENTS ON ROYAL APPROACH & WESTLAKE DRIVE TO PROHIBIT THE TURNING OF VEHICLES INTO THE NEIGHBORHOOD; TIA BE REVISED TO REFLECT THE NEW WAYMAKER WAY INTERSECTION AND THAT THIS PROVIDES A REDUCTION OF TRAFFIC INTO THE NEIGHBORHOOD". IN ADDITION, 10% OF THE UNITS MUST BE AFFORDABLE AS DEFINED BY THE CITY'S SMART HOUSING DEPARTMENT.

[K.J; T.R 2ND] (3-4) C.H; J.M; B.B; J.P - NAY

11. **Restrictive Covenant Amendment:** C814-88-0001(RCA) - Gables at Westlake
Location: 3100-3320 North Capitol of Texas Highway, Lake Austin Watershed
Owner/Applicant: Protestant Episcopal School Council (Brad Powell)
Agent: Drenner Stuart Wolff Metcalfe von Kriesler (Michele Haussmann)
Request: To amend an existing restrictive covenant to allow for multifamily residential use, and to amend the peak hour trips as defined by the restrictive covenant
Staff Rec.: Recommended
Staff: Glenn Rhoades, 974-2775, glenn.rhoades@ci.austin.tx.us
Neighborhood Planning and Zoning Department

MOTION MADE TO AMEND THE EXISTING RESTRICTIVE COVENANT TO BRING THEM INTO CONFORMANCE WITH THE ACTION ABOVE; ITEM #10; AMENDING THE PUD.

[K.J; T.R 2ND] (3-4) C.H; J.M; B.B; J.P - NAY

DRAFT MINUTES

SUMMARY

Glenn Rhoades, staff – Gave his presentation to the commission. “This is for Items #10 & #11; the applicant is proposing to change an existing plan unit development land use plan. The PUD as it stands today, designates this portion of the property as office and retail use, as well as single-family. The owner is proposing to amend the land plan in order to allow for multi-family residential. In addition to amending the land plan to allow for multi-family, the applicant is requesting two variances from the code for construction on steep slopes and cut/fill requirements; the variances were considered by the Environmental Board on October 6, 2004, and were recommended with conditions. Item #11, the applicant has filed an application to amend an associated restrictive covenant; the restrictive covenant limits the property to commercial office and single-family uses and must also be amended in order to allow for multi-family residential use. Staff does recommend the proposed change, we believe it’s appropriate at this location; generally land uses transition for more intense uses to lower intense uses between single-family neighborhoods and arterial roadways. The subject tract is adjacent to Capital of Texas Highway to the east; presently the property is proposed for an office retail park and staff believes that the multi-family project would be compatible with the single-family neighborhood to the west. In addition, the property is allowed 6,700 trips per day and the proposed multi-family would generate 2,070 trips, which would be a substantial reduction. I would like to make a correction to the posting for the restrictive covenant amendment, when that was first posted at one time we thought that there was an exhibit within the restrictive covenant that dealt with peak hour trips and we thought that would have to be amended, but it turns out that it does not need to be, so all that is being requested is to change the use to allow for multi-family”.

Commissioner Baker – “This is something that was not or could not have been administratively approved?”

Mr. Rhoades – “That is correct”.

Commissioner Baker – “So it is a change in use?”

Mr. Rhoades – “Yes”.

Commissioner Martinez – “This is a change to a PUD, the vote here tonight and its interaction with City Council; what happens if we vote yes or no either way or we take no vote?”

Mr. Rhoades – “I believe if you vote against it, that it would require a 6/7 majority whenever it does go to City Council; if you send it with no recommendation, I believe we would need a simple majority; or Ms. Terry can explain it”.

Marty Terry, City Attorney – “I will need to look it up and give you an answer later”.

Steve Drenner, applicant – Gave his presentation to the commission. Mr. Drenner gave a Power Point presentation. “You have 5 projects in that 11,000 acres, you have a total of 650 apartment units, if you a person who is looking for that sort of a housing prospect you can not find it unless you’re fortunate enough to be able to buy 650 units. So I do think it provides and satisfies a real public need. Zoning change should provide compatibility with adjacent nearby uses, it should not result in detrimental impacts to the neighborhood character. I do think we are compatible with the neighborhood. The property is not bounded by any current single-family residence, the closest one is more than 500-feet away; the majority of the folks live more than ¼ a mile away from this site; so it is not as if we are putting an apartment project in the middle of a single-family area; it’s the tract that has direct access to the major arterials. Zoning changes should promote the health, welfare and safety and fulfill the purposes of zoning set forth in the local government code. The fact that we are changing from office retail to multi-family reduces the traffic from this project by 60%. We will be building this loop road that connects back to 360; it does provide relief for this office project to the north. We will build a new entrance from St. Stephen’s, so that all the traffic that presently goes down Bunny Runny and Royal Approach and Westlake Drive will be directly fed on Loop 360. We will build additional turning capacity to allow northbound and an additional turn lane to get out and additional turn lane to get into the neighborhood for those traveling from the south. Finally, because we have heard a lot about potential cut through traffic that might leave this project and go through the neighborhood, frankly we see very little chance that that can happen, but to make sure that it would not happen we would propose this sort of traffic impediment that prohibits left turn from our project into the neighborhood”. Mr. Drenner continued with his presentation speaking on traffic reduction. “You’ll hear about the concept about “a deal is a deal”; there was NO deal with regard to this tract of land, there was a deal with regard to other tracts of land. There was a letter agreement that was entered into in ’88 and it referred to property that fronts on Bunny Run, there was a map attached to that, the property that the Diocese was to own, this is the tract that we’re talking about, it does not front on Bunny Run. It called out those tracts specifically; it calls for Block A and lots 1-15 on Block E that was what was reflected in their deal. The tract that we’re talking about was not a part of that. The deal has been honored by St. Stephen’s and will continue to be so; there has been some confusion with regard to the restrictive covenant and PUD notes; that’s not a deal; that document clearly reflects the idea that you can change things. There wasn’t a deal”.

Commissioner Whaley – “How are do you live from this tract?”

Mr. Drenner – “I live down Westlake Drive to the east, probably 3 or 4 miles, I use this intersection and traffic artery quite a bit”.

FAVOR

Roger Boel, Head of St. Stephen’s – Spoke in favor of the proposal.

Rick Whitley, Legal Council for St. Stephen's – "I was involved with the land swap back in the late 80's, I can attest that St. Stephen's did enter into an agreement with the neighborhood regarding the land that was part of the Davenport West PUD, but no part of that agreement dealt with the land that's in question tonight". "There was an agreement with St. Stephen's contracted with Davenport to trade this 98 acre tract for 104 acre tract to the south, as part of that contract, Davenport was to obtain entitlements that Steve described earlier on this tract as well as entitlements on the 46 acres. The proposed PUD dealt with 100's of acres up and down 360 and the part that is west of 360, was called Tract F; there was a Davenport portion of Tract F and a St. Stephen's portion of Tract F. The surrounding neighbors had a number of issues with the Davenport proposal as it came forward. There were numerous meetings and I was active in attending those meetings. Both St. Stephen's and Davenport reached an agreement with the neighborhood in writing; there was a St. Stephen's agreement with the neighborhood and there was a Davenport portion of Tract F and there was a St. Stephen's portion of Tract F, those were two separate agreements". Mr. Whitley continued speaking about the agreement.

Christine Aubrey, Former member of St. Stephen's Board of Trustees – Spoke in favor. Ms. Aubrey spoke about the deal between St. Stephen's and the neighborhood.

Mike McKedda , Board of Trustees at St. Stephen's – Spoke in favor. Spoke in regards to the "deal" between St. Stephen's and the neighborhood.

Lynn Meredith, Board of Trustees – Spoke in favor. Spoke about the land and the history of the land.

Jim Knight, Project Engineer – Spoke in favor. Spoke about the Environmental Board's action and things that they want to accomplish on the proposed site. Mr. Knight spoke in regards to water quality.

Alice Tucker, teacher at St. Stephen's – Spoke in favor. Ms. Tucker spoke about the history of Bunny Run and St. Stephen's School.

Owen Linch, Teacher at St. Stephen's – Spoke in favor.

Lawrence Sampleton, Director of Admissions at St. Stephen's – Spoke in favor.

(inaudible), Parent of a student at St. Stephen's – Spoke in favor.

Mike Davis, Head of School – Spoke in favor.

Catherine Resbess, Former President of St. Stephen's Neighborhood Association – Spoke in favor.

Brad Powell – Spoke in favor.

Commissioner Hammond – “Can you tell us why this land sell is so important to the current finances of St. Stephen’s?”

Mr. Powell – “St. Stephen’s is looking to plan for the future and gain financial stability and this is a method of us to do so; so that we could continue to education kids at the level that we have been educating them for 50 years. It gives us that ability to do that”.

Commissioner Hammond – “Thank you”.

Jack Holford – Spoke in favor.

James Vaughn – Spoke in favor.

Commissioner Martinez – “If that young man is an indication of the kinds of young people that St. Stephen’s is preparing to move into our communities, wherever they are, all of us in this room, not just the St. Stephen’s folks but everyone in this room should be very proud”.

Alexa Knight, Gables residential – Spoke in favor.

Paul Hornsby - Spoke in favor.

Jerry Winethrob, Real Estate Broke – Spoke in favor.

Barney Knight – Spoke in favor.

Harry Lorenz, parent – Spoke in favor.

Michael Whalen, behalf of St. Stephen’s – Spoke in favor.

Commissioner Baker – “Do you have an answer to Commissioner Martinez’s question?”

Marty Terry, City Attorney – “The Code’s language in that provision is that the affirmative vote of 3/4th of the members of Council is required to approve a proposed zoning if, 1; the land use commission recommends denial of an application to rezone property to a planned unit development. It does not speak to denial only; it does not require 3/4th vote in the event you send up a “no recommendation”. Since it is a PUD to PUD, we are talking about rezoning this PUD, so we are talking about the 3/4th vote being triggered at City Council by denial of the request of rezoning”.

Commissioner Baker – “Thank you”.

A motion was made and seconded to continue pass 10:00 p.m.

OPPOSITION

Sarah Crocker, representing 1400 homeowners, Davenport & Bunny Run Defense Alliance – Spoke in regards to comments that have been made about the neighborhood. Ms. Crocker stated that the comments were untrue and that her clients were not confused. [Technical Problems occurred]..... “You will hear from several people. No one has ever said that St. Stephen’s does not have the right to rezone their property, all the documents that Mr. Drenner referred to are standard language and restrictive covenants. It would be illegal for the City to tell anybody that they couldn’t rezone their property. What that RC does is the same thing that a zoning case does, zoning cases don’t permit all the time and most of the time they prohibit in regard to uses, but it would be illegal for anybody to come in and file a zoning case and have the city put in there “sorry this is what you get and you’ll never get anything else”, I’ve never seen that and nobody has ever contended that; no one has ever said that St. Stephen’s couldn’t come in and make an application to rezone their property. They have to go through the process just like everyone else”. Ms. Crocker spoke on impervious cover, traffic and number of units being proposed on the property. “Bottom line is we have to have a zoning change in order to have multi-family; there isn’t one GO use prohibited in the PUD. My clients accepted all of the GR uses and all of the GO uses, but the one thing they didn’t want was multi-family. I guess a preliminary plan is not a legal document either; there’s a lot more to this, this is not a bunch people who are against development; they support it. Nobody has anything against St. Stephen’s, they are a great school, but they have more than adequate uses to market this property. This is more to me perhaps marketing failure; an inability to get out and sell your property and get fair market value for it”.

John Hickman – Spoke in opposition. Spoke in regards to transportation, traffic issues.

Speaking about a chart that was handed to the commission:

Commissioner Jackson – “You think the best case is Scenario #4?”

Mr. Hickman – “I like #4, yes”.

Commissioner Jackson – “So when we look at the entering in the A.M, you have 394 vs. 32; if you compare it to the multi-family”.

Mr. Hickman - “Correct”.

Commissioner Jackson – “On the exiting, you have 64 vs. 130; which I think correlates to the 66 that Mr. Drenner told us about”.

Discussion continued in regards to the entering and exiting peaks of traffic in the A.M and P.M.

Paul Linehan – Spoke in opposition. Mr. Linehan gave an overall prospective of the proposal and the agreement that was made between St. Stephen’s and the neighborhood.

Commissioner Baker – “They are proposing a change from office retail to multi-family; does that change the requirements and the needs for LUE’s?”

Mr. Linehan – “Yes, in 1997, there was an agreement worked out with the City of Austin regarding the participation agreement, that was done on November 4, 1997. It was a Waste Water agreement that was done at that time, that would allow for 145 LUE’s to St. Stephen’s, that agreement has been changed; I talked to city staff and those LUE’s for St. Stephen’s has been knocked up to 205. It was my understanding that when St. Stephens extend that waste water line to their site that there would be about 24 LUE’s that would need to be reserved for St. Stephen’s. So you would have to deduct that amount from the 205. It went from 145 in 1997 to 205 in a revision to that agreement in 2003. Is there enough to do 323 apartments?? I’m not an engineer, but I do multiples of .7 for LUE’s for apartments and that would not allow for 323 apartments to be built with the number of LUE’s that are done without doing a service extension request; that would have to go to City Council”.

Commissioner Baker – “So basically, you do not professionally feel that there is sufficient LUE’s for the proposed multi-family?”

Mr. Linehan – “I do not believe that there is enough LUE’s”.

Commissioner Hammond – “What are the significance of the PUD notes from a legal point of view?”

Mr. Linehan – “I’m not an attorney; the notes that I put on a plan are based on the agreements we have; I never planned multi-family on the St. Stephen’s school tract, that is true. I had three other sites that I was trying to get multi-family approved on; when the agreement was reached that End of tape. “We agreed that we would not put anymore multi-family on the plans; so when we did the PUD plans there was no multi-family”.

Commissioner Jackson – “Over your years of doing PUD’s in the City of Austin, how many of your PUD’s have you gone back and changed?”

Mr. Linehan – “Probably every one of them; as far as how I changed them, it has not been a land use change; they are administrative changes”.

Rocky Klossner, Water and Wastewater – “Mr. Linehan was correct about the 1997 agreement; the city originally had about 55% of the capacity. This tract and one other has taken part of that capacity, the city shares just less than ½ ; this tract has submitted service extension requests. I believe they have been approved; as far as the utility is concerned, there is capacity and they can obtain enough LUE’s to service the property”.

Commissioner Baker – “Thank you”.

Tom Burns, President of Bunny Run Neighborhood Association – Spoke in opposition. Mr. Burns spoke in regards to the agreement that was made between the neighborhood and St. Stephen's.

Jimmy Mansour – Spoke in opposition.

Commissioner Whaley – “What did you think about the traffic improvements that were proposed with the Gable's plan for the moving of the entrance; does any of that have any appeal?”

Mr. Mansour – “The neighborhood is open always to work with the developer. Sarah will talk to that”.

Mike Hare – Spoke in opposition.

Lloyd Beamus, Vice-President of Bunny Run – Spoke in opposition.

Beverly Dorland – Spoke in opposition. Ms. Dorland spoke in regards to traffic; she spoke about how the applicant did not meet with the neighborhood in a proper way, no maps were provided to them. Ms. Dorland spoke about the failing intersection, Westlake Drive.

Steve Way, resident – Spoke in opposition.

Peter Gaylord, resident – Spoke in opposition. Stated that no a lot of information was presented to the neighborhood.

Ralph Bissard, resident – Spoke in opposition. Spoke in regards how the neighborhood lacks diversity and the neighborhood's character.

Jack Williams, Past President of Bunny Run – Spoke in opposition.

Jorge Ramirez, resident – Spoke in opposition.

Meredith Landry – Spoke in opposition.

Hank Coleman – Spoke in opposition.

[End of tape; Technical difficulties]

REBUTAL

Steve Drenner, applicant – “With respect to traffic, there is a little bit of frustration, I will admit. What we have is, some experts that would disagree with have one set of numbers that has been looked at and approved by the city staff, and I should suggest to you that they should carry more weight. I would also suggest to you that traffic is not about just

the particular numbers, it's to some degree a common sense issue. I think with respect to the traffic improvements, it doesn't take much beyond common sense to say "if we're providing a new entrance for St. Stephen's, surely that's having a positive traffic impact. It's not just a traffic impact for the school or the neighborhood; it's for this entire area. We talked about providing a traffic signal, so instead of taking that scary move that the lady who spoke is talking about, we're going to enhance traffic safety, assuming that TXDOT would warrant the signal as we believe that they will. With regard to environmental issues, we started this process understanding that in order to have an economically viable process we couldn't reduce the impervious cover to current code. Our first conversation with city staff, we told them that, we asked what else we could do; we talked about doing SOS style water quality. They said that they would rather we do this style of water quality; they want us to look at the run off from Loop 360. There was been signs all around the neighborhood that says "our neighborhood is at risk", we continue to ask "at risk from what?" "Is it the traffic improvements that we're going to make that's going to make it safer; it is the fact that we're going to have a more environmentally sensitive project that otherwise would be built...at risk from what? Tonight, I got my first answer, at risk from student parties. Looking back at planning principles and what this area needs, not just this particular neighborhood, what this neighborhood needs is housing alternatives; that's exactly what we're offering to provide".

Commissioner Jackson – "There was a gentleman that was talking about property values; did I hear it wrong?"

Mr. Drenner – "No, he had it backwards, he looked at it two ways, it looked at the impact of the apartments out at Barton Creek, on the residential and he found no negative impact, in fact the sales for the area close to the apartments were slightly higher than the area down the street. Then he looked at the Lost Creek impact and he found a very slight 3 to 7% negative impact on the neighborhood".

Commissioner Jackson – "I understand from your investment if you start taking a 7% lost, that's ..."

Mr. Drenner – "According to Mr. Hornsby study they would experience the 7% lose if that office project is built".

Commissioner Martinez – "What were you going to say about affordability?"

Mr. Drenner – "To some agree as we began the conversations with the neighbors; we started talking with this neighborhood far before we ever filed a zoning application; I would tell you that from the outset we heard "oh my gosh, we have problems with apartments" and it was a question about quality; and we tried to assure folks that we were going to build a quality project. If you would like to condition any recommendation on our ability to meet the city's affordable standards and their SMART Housing standards, we would be happy to do that; if I understand, that's 10% of the units must be affordable

by people making 80% of the median income in the city; we'll be pleased to have that as part of our conditions".

Commissioner Whaley and Martinez moved to close the public hearing.

Commissioner Baker – "How did staff look at the projected traffic for the retail?"

Emily Barron, staff – "Generally, as a rule, staff looks at shopping centers; we generally don't take into account specialty retail unless we know a specific user. The code allows for a wide variety of square footages in shopping centers for a small shopping center to a million square foot shopping center. So we have used shopping center and office and compare that with the apartments".

Commissioner Baker – "So you took the high end?"

Ms. Barron – "Correct".

Commissioner Martinez – "I want clarification in terms of our vote tonight, so I clearly understand what it does. If we vote yes to do the rezoning, does it go to Council?"

Ms. Terry – "It does go to Council".

Commissioner Martinez – "If we vote no.."

Ms. Terry – "It still goes to Council; it requires a super majority vote".

Commissioner Martinez – "A super majority vote on the "no".

Ms. Terry – "That's correct".

Commissioner Martinez – "If it's a tie or if someone abstains?"

Ms. Terry – "No, super majority vote".

Commissioner Baker – "So commissioners, what's your pleasure?"

Commissioner Donisi – "I was going to ask, was there a recommendation or any outcome from the subcommittee meetings?"

Commissioner Baker – "I think the best way to describe the subcommittee would be frustration. All commissioners who were not aware of some of the discussions, we heard a lot of what we heard tonight, at our last meeting, it became very apparent that we were totally at a standoff. Whatever issue you wanted to bring, whether it was traffic or apartments, there was no compromise. The Chair just decided that it was not being productive and that we would just come back to the full commission and punt; I'm sorry, we tried".

Commissioner Jackson – “I want to clear up some numbers. Glenn, we saw a slide from the neighborhood that showed that when this deal was put together, it reduced the office square footage from 1.6 million square feet of office on this site to 1 million square feet; then I heard from another speaker that Hill Partners, on their site alone has 1 million square feet and this particular site has 300,000 square feet, is that right?”

Mr. Rhoades – “I think when that was discussed they were talking about negotiations that went on back in the 80’s”.

Commissioner Jackson – “Yes”.

Mr. Rhoades – “In '88 I was 17 yrs old, I don't remember anything"... [Laughter]

Commissioner Jackson – “I think the better question to ask is, the total office that Hill Partners site has and this site, what is that total square footage?”

Mr. Rhoades – “I just know that this site has 321,000 of office and retail; I don't know what the other site has”.

Commissioner Baker – “Commissioner Whaley, you have been indirectly involved in the Hill Partners square footage....”

Commissioner Whaley – “Why not ask Mr. Linchan or Mr. Drenner?”

Mr. Drenner – “The portion that's built is 27,000 feet of retail; what is unbuilt and approved is 774,000 feet of office”.

Mr. Linchan – “I agree”.

Commissioner Martinez – “I want to thank all the individuals who came out this evening and who has been involved in their neighborhood”. Commissioner Martinez commented and praised the neighborhood; Mr. Martinez spoke about the neighborhood he grew up in. “I make a motion to deny the zoning change”.

Commissioner Pinnelli – “I'll second. I feel like this is a big change in use of the land; I can see why it passed the environmental board, but I do feel that this is a change in use and that it should come under current regulation”.

Commissioner Jackson – “I'd like to make a substitute motion. I want to thank all of you here; as contested as this case has been; it's been civil here tonight and through emails. I appreciate the vain in which that was offered, they were well written. I would like to make a substitute motion that we zone the property SF-6 and it be developed under SF-6 development regulations; that there be a maximum of 323 units on this 31 acre site. A height limitation of 45-feet; they be allowed to develop with one site development permit; the maximum building coverage be limited to a maximum of 20% impervious

cover; limited to 35%; no parking within the front yard setback so you have a buffer between Westlake Loop and the development; incorporating all the environmental board conditions. This project be responsible for or be defined in the restrictive covenant, as the Phase 3 roadway improvements; I'm saying that the applicant has to construct that intersection whether there is sufficient fiscal posted or not; they are responsible for the remaining cost to construct that intersection. And that intersection is constructed prior to the CO on this site; the Loop 360 and Westlake intersection, what's defined in the Phase 3 improvements of the covenant. As the agreement requires, they construct Westlake Drive from Royal Approach to Loop 360, that they construct an alternate entry to St. Stephen's school via Way Maker Way; I'd like to impose that they have to do a traffic signal, but that has to be warranted by TxDot. That the applicant installs the traffic improvements on Royal Approach and Westlake Drive to prohibit the turning movement back into the neighborhood; that the TIA be revised to reflect the new Way Make Way intersection and that this provide a reduction of traffic back into the neighborhood and that it is approved by the city staff'.

Commissioner Rabago – "I'll second the motion".

Commissioner Jackson – Spoke to his motion.

Commissioner Baker – "Would you include in your motion; the SMART Housing and the Affordable Housing that's volunteered by Mr. Drenner?"

Commissioner Jackson – "Yes".

Commissioner Rabago – "I certainly would accept that".

Mr. Rhoades – "Just to clarify, we are still going from PUD to PUD; what could be said is that you wish to go from PUD to PUD with SF-6 developments regulations and all the conditions".

Commissioner Jackson – "Yes, sorry I wasn't clear there".

Commissioner Rabago – Spoke to her second to motion.

Commissioner Hammond – Spoke in opposition the motion.

Commissioner Gohil – Spoke in favor of the motion.

Commissioner Donisi – Spoke in favor of the motion.

Commissioner Whaley – Spoke in favor of the motion.

Commissioner Baker – Spoke in opposition to the motion. "I don't know of anything that has been more difficult; as this came forward, it didn't get any easier, it got worse. I have respect for everyone who spoke. Mr. Linehan and I do not agree on a lot of things, but I

Davenport Bunny Run Alliance / Gables Residential Terms of Agreement

Draft 5/20/05 - 4:30 p.m.

For purposes of this document, the following terms shall be defined as noted:

"Apartment Tract" shall mean Tract E-16, save and except the Service Station Tract (as hereinafter defined)

"Gables" shall mean Gables Residential REIT

"Height" shall mean the height as measured pursuant to the City Code of the City of Austin

"Neighborhood" shall mean Davenport/Bunny Run Alliance, a Texas non-profit corporation

"Project" shall mean the Gables Westlake apartment project

"Property" shall mean Tract E-16 and Tract D-1 collectively

"Service Station Tract" shall mean the approximately 1.5-acre parcel at the southeast corner of the Apartment Tract, as shown in Exhibit _____

"Single-Family Tract" shall mean Tract D-1

GENERAL DEVELOPMENT

1. There shall be only single-family housing on the Single-Family Tract.
2. There shall be no more than 175 apartment units on the Apartment Tract, and at least 15 of the total number of apartment units on the Apartment Tract must be single units placed over remote garages.
3. There shall be no commercial development on the Apartment Tract.

APARTMENTS

1. There shall be a maximum of eight (8) apartment buildings on the Property and each building shall contain no more than twenty-two (22) dwelling units.
2. No buildings on the Apartment Tract shall contain more than three stories, excluding any and all basement units. Four (4) of the buildings will be 2-story plus a basement, and four (4) of the buildings will be 3-story plus a basement.
3. No buildings on the Apartment Tract shall be taller than 47 feet in height. Height shall be measured pursuant to the City of Austin Land Development Code.
4. All main apartment buildings shall be constructed with substantially similar design features and architectural style as depicted in Exhibit _____.

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5. There shall be a minimum of 1.75 off-street parking spaces per apartment unit. Gables shall not designate parking spaces along Westlake Loop or Capital of Texas Highway as resident or guest parking spaces.
6. The leasing office building and the clubhouse building on the Apartment Tract shall contain no more than two stories and shall be no taller than thirty (30) feet in height. A property maintenance office may be maintained in the basement of the leasing office building.

REMOTE GARAGES ON APARTMENT TRACT

1. There shall be a maximum of fifteen (15) remote garage buildings on the Property.
2. Each remote garage building shall contain no more than one (1) dwelling unit.
3. There shall be a maximum of four (4) vehicle spaces in each remote garage.
4. Each remote garage shall contain no more than two stories and shall be no taller than thirty (30) feet in height.
5. All remote garage buildings shall have exteriors, materials, appearance, facades, and roof lines similar to and of the same architectural style as the apartment buildings.

ARCHITECTURAL AND AESTHETIC

1. All roofs of all buildings on the Property shall be clay or concrete tile.
2. No parapets or towers shall be placed on the tops of any buildings on the Property except the leasing office building and the clubhouse building on the Apartment Tract.
3. All roofs shall have a mix of gables and/or dormers throughout and shall have roof lines with gables and hip roofs substantially similar to the elevations shown in Exhibit ____.
4. All roofs shall have a 6:12 pitch, except in cases where a 5:12 pitch may be appropriate for aesthetic/architectural style or height restrictions.
5. All building exterior surfaces shall be 100% masonry and shall be constructed of either stone, brick, or at least ¾" stucco. Visible building exteriors may include up to five percent (5%) Hardiplank™ (or equivalent material).
6. At least 50% of the exterior of all buildings must be composed of stone or brick.
7. An Architectural Committee composed of one (1) representative appointed by the Neighborhood (the "Neighborhood Representative"), one (1) representative appointed by Gables (the "Gables Representative"), and one representative appointed by mutual agreement of the Neighborhood Representative and the Gables Representative shall be created prior to application for any site development permit related to the Project. The

purpose of the committee shall be to determine whether all visible, exterior aesthetic, or architectural, landscaping and other design requirements addressed in the settlement agreement or the restrictive covenant the parties shall enter into based upon the agreement terms set forth herein are being complied with. In the event the Neighborhood Representative and the Gables Representative are unable to agree to a third person to serve on the Architectural Committee, each shall submit to mediator Eric Galton of Galton, Cunningham & Bourgeois, P.L.L.C., Lakeside Mediation Center, 3825 Lake Austin Boulevard, Suite 403, Austin, Texas 78703, or, in the event Eric Galton is unavailable or unwilling to be involved, to a mediator selected by mutual agreement of the Neighborhood Representative and the Gables Representative, the names of three (3) persons who may serve on the Architectural Committee and Galton or the selected mediator shall, in his or her sole discretion, choose one of the three persons based on Galton's or the selected mediator's determination of which person will be the most qualified to serve and will not be biased to either Gables or the Neighborhood in its decision-making. If Galton or the selected mediator determines that none of the persons listed are suitable to serve on the Architectural Committee, the mediator may select any other person the mediator chooses.

All issues presented to the Architectural Committee must be approved by a majority of the members serving on the committee or are rejected. Any issue that the Architectural Committee is unable to decide by a majority vote shall be submitted to binding arbitration held by an independent arbitrator selected by mutual agreement of the committee members.

6. All gates and fences erected in connection with the Project and on the Property or in the right of way adjacent to the Property shall be constructed of materials and in a design similar to other existing gates into multifamily projects or single family subdivisions within the vicinity of the Project, and said materials and design shall be approved by the Architectural Committee prior to construction of said gates and/or fences.

TRAFFIC/ROADWAY IMPROVEMENTS

1. Prior to securing a certificate of occupancy for any building on the Property, Gables shall construct a two-lane extension of Westlake Drive (the "Westlake Drive Extension") as depicted in Exhibit ____.
2. Prior to securing a certificate of occupancy for any building on the Property and in connection with the construction of the Westlake Drive Extension, Gables shall construct a median prohibiting vehicular left turns from northbound Westlake Drive Extension to westbound Royal Approach.
3. Prior to securing a certificate of occupancy for any building on the Property, Gables shall construct a new entrance for access to and from St. Stephen's Episcopal School ("St. Stephen's") to Westlake Drive Extension (the "New St. Stephen's Entrance").

4. Access from Bunny Run to St. Stephen's shall be open only for emergency vehicular traffic and, by electronically-secured access only, for St. Stephen's maintenance vehicles. In the event the New St. Stephen's Entrance becomes unusable or unsafe due to flooding by water, unrestricted access from Bunny Run to St. Stephens shall be permitted for the duration of the flooding incident.
5. St. Stephens shall construct an emergency gate for St. Stephens at the intersection of Bunny Run Road and Hillbilly Lane, including a turnaround area for automobiles.
6. For safety and traffic reasons, the Project shall have one two-way entrance/exit onto Capital of Texas Highway, and that entrance/exit shall be the primary entrance for the Project. The Project shall also have one restricted entrance/exit onto Westlake Loop in the design and in the location shown in Exhibit _____. The entrance/exit from the Project onto Westlake Drive Extension shall be right-out, left-out, and right-in only and shall be located directly across from the New St. Stephen's Entrance.
7. Prior to securing a certificate of occupancy for any building on the Property, Gables shall construct the intersection improvements on Westlake Drive west of Capital of Texas Highway as shown in Exhibit _____.
8. Prior to securing a certificate of occupancy for any building on the Property, Gables shall submit a schematic design for construction of the roadway improvements to Capital of Texas Highway shown in Exhibit _____, and shall post fiscal surety for the costs of such construction as determined by the City and TxDOT.
9. Subject to securing funding (either through cash, rebates, fee waivers, or some other means) from the City of Austin to cover the cost of the improvements shown on Exhibit _____, (Additional improvements on Capital of Texas Highway and on Westlake Drive east of Capital of Texas Highway) Gables shall post cash or fiscal surety equal to one-hundred percent (100%) of the value of said funding with an escrow agent to be identified by the parties and shall use good faith efforts to cause said improvements to be constructed. Gables shall have no obligation to provide funds either for the design or the construction of such improvements unless and until the City has adequately identified a mechanism for reimbursing costs or waiving equivalent fees such that Gables has no net costs therefor. Gables shall have no obligation to construct such improvements in any event.

SERVICE STATION

1. A service station and convenience store (the "Service Station") shall be permitted on the Service Station Tract, which tract is located at the northwest corner of Capital of Texas Highway and Westlake Loop.
2. Gables shall secure zoning for the Service Station sufficient to allow a gas island with no fewer than 8 self-service fueling positions, a building with no fewer than 2 auto repair /auto service bays, and a grocery/convenience store no smaller than 3000 square feet in size, provided, however, that the auto repair/auto service bay use shall not be required.

The service station may have a car wash.

3. The Service Station Tract must include an indoor grocery/convenience market no smaller than 3000 square feet in size and said market must sell basic grocery and dry goods items (similar to the current Jester Market at FM 2222). Gables shall have no obligation to build a service station, but if a service station is built on the Service Station Tract it will include the convenience market.
4. The building exterior, lighting, and roof specifications of the Service Station, including all canopies covering fueling stations on the property, must have exteriors, appearance, facades, and roof lines similar to and of the same architectural style as the apartment buildings on the Apartment Tract and shall be constructed with similar architectural features and materials as the apartment buildings, except that the canopies covering the gasoline fueling positions may be either pitched or flat.
5. The Service Station Tract shall have access to Capital of Texas Highway via a two-way, unrestricted entrance/exit onto Capital of Texas Highway and access to Westlake Loop via a two-way, right-in, right-out entrance/exit.
6. For an option fee of One Hundred and NO/100 Dollars (\$100.00), and pursuant to a separate agreement, Gables shall grant a 60-day option to Mike Ayer to purchase and develop the Service Station Tract for a purchase price of \$1,300,000.00. The option period shall commence upon third reading of the zoning ordinance by the City Council whether an option agreement has been signed by then or not. Closing must occur prior to the expiration of the option period. If the Service Station Tract has not been platted by the end of the option period, the purchaser of the tract under the option must deposit the full purchase price into escrow with Heritage Title Company by the end of the option period. The sale will be made on an as is, where is basis, with no representations or warranties from Gables to Mike Ayer.
7. Manned hours of operation of the Service Station shall not be earlier than 6:00 a.m. nor later than 10:00 p.m. The Neighborhood agrees that pumps may be operable (via self-service) outside of these hours.

LANDSCAPING/SCREENING

1. In addition to the preservation of existing trees, Gables shall plant evergreen trees capable of reaching heights of at least thirty feet (30') along the perimeter of the Project bordering Westlake Drive Extension. Gables may use natural vegetated areas as a screening buffer along the Westlake Drive Extension, provided that where such natural areas are not at least fifty feet (50') deep from the Westlake Drive Extension, Gables shall also plant minimum three inch (3") caliper trees on a twenty-five foot (25') center.
2. Gables shall use its best efforts to preserve existing trees for screening, and trees will be removed only where necessary. Where trees are removed, new trees shall be planted so

that there is a generally continuous landscape buffer screening the Project from both Capital of Texas Highway and Westlake Loop.

3. Gables shall construct a stone or rock wall along Westlake Loop in the location shown in Exhibit ____ and of the materials listed in Exhibit _____. This wall shall be between six (6) and eight (8) feet in height. At the unilateral option of the Neighborhood (the "Second Wall Option") and within six (6) months of the neighborhood's request to Gables, Gables shall construct an additional wall along Westlake Loop in the location shown in Exhibit _____. Upon the completion of the construction of the apartment buildings labeled as Building ____ and Building ____ on Exhibit ____, Gables shall send written notice (the "Building ____ and ____ Completion Notice") to the Neighborhood that the construction of said buildings is complete. From the date the Neighborhood receives the Building ____ and Building ____ Completion Notice, the Neighborhood shall have forty-five (45) days to exercise its Second Wall Option and may do so by sending a written notice to Gables stating that the Neighborhood, by that notice, exercises said option.
4. There shall be no surface parking areas located within fifty feet of the Westlake Drive Extension.

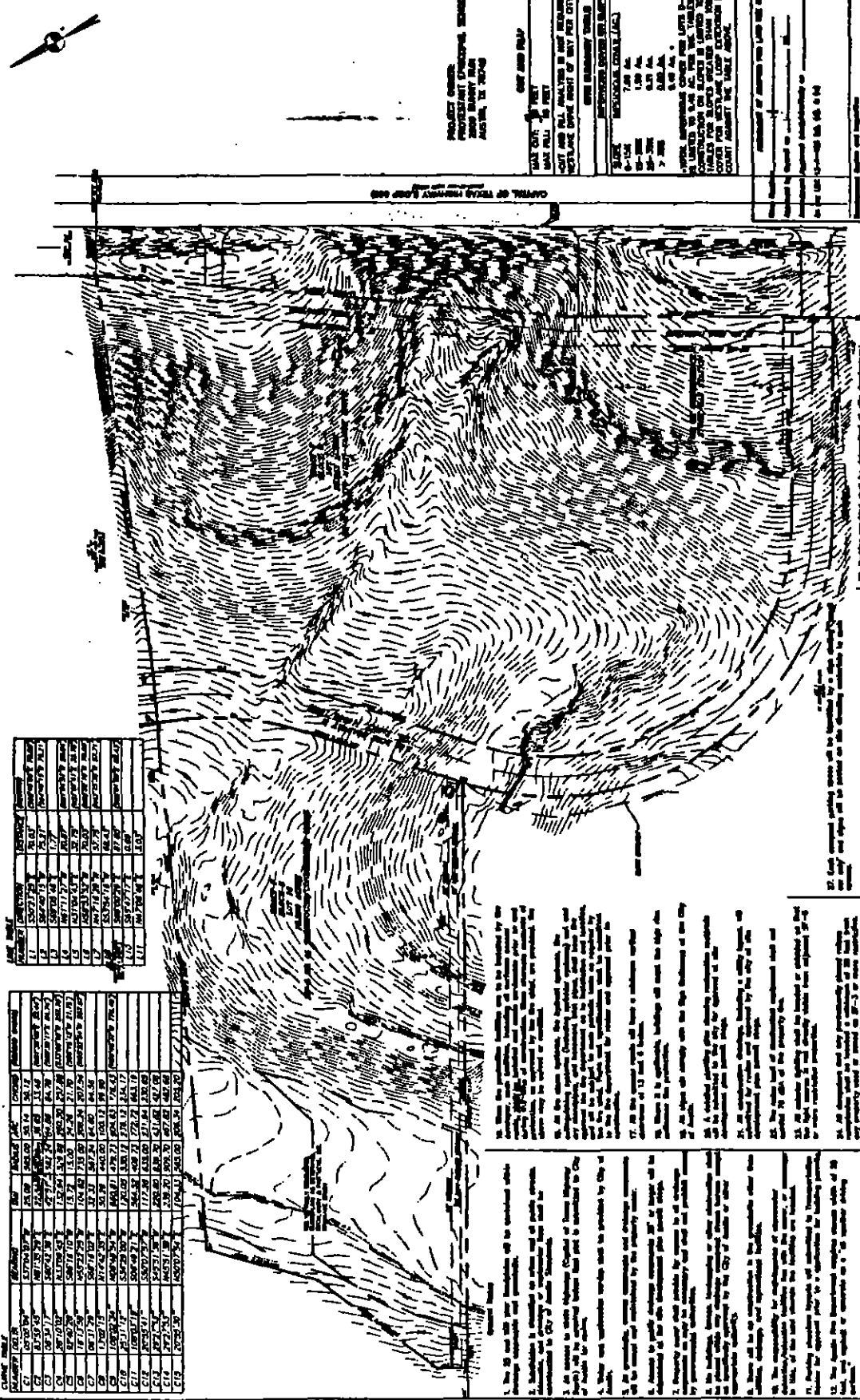
SINGLE-FAMILY TRACT

1. There shall be no more than forty-one (41) dwelling units on the Single-Family Tract.
2. The homes on the Single-Family Tract shall comply with items 1,2, and 4-6 of the Architectural/Aesthetics section above.
3. The minimum size for each dwelling unit on the Single-Family Tract shall be two-thousand three hundred (2300) square feet.
4. All buildings on the Single-Family Tract must have clay or concrete tile roofs.
5. Each dwelling unit on the Single-Family Tract must have at least one enclosed two-car garage.
6. For an option fee of One Hundred and NO/100 Dollars (\$100.00), and pursuant to a separate agreement, Gables shall grant a 60-day option to the Davenport/Bunny Run Alliance to purchase and develop the Single Family Tract for a purchase price of \$3,300,000.00. The option period shall commence upon third reading of the zoning ordinance by the City Council whether an option agreement has been signed by then or not. Closing must occur prior to the expiration of the option period. If the Single Family Tract has not been platted by the end of the option period, the purchaser of the tract under the option must deposit the full purchase price into escrow with Heritage Title Company by the end of the option period. The sale will be made on an as is, where is basis, with no representations or warranties from Gables to the Davenport/Bunny Run Alliance.

MISCELLANEOUS

1. The Parties agree that, upon pleading and proof, a violation of the terms and conditions of the settlement agreement and the restrictive covenant will entitle the prevailing party to injunctive relief, damages, or both. Additionally, the prevailing party shall be entitled to recover their attorneys' fees. No Party will be entitled to an *ex parte* temporary restraining order, but instead agrees to give the opposing party in any litigation under this Agreement at least three business days' notice of any hearing in which a restraining order or injunctive relief will be sought.
2. Exclusive, mandatory venue for any litigation arising under or related to the Agreement and the restrictive covenant shall be the state district courts of Travis County, Texas.
3. Upon execution of the Agreement, and a final unappealable approval of the zoning case by the Austin City Council, Gables shall pay to the Neighborhood cash in the amount of one hundred seventy thousand and No/100 Dollars (\$170,000.00).

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Case	Year	Age	Sex	Occupation	Education	Marital Status	Religion	Political Party	Income	Assets	Liabilities	Net Worth	Assets	Liabilities	Net Worth
1	1968	35	M	Engineer	High School	Married	Catholic	Democrat	\$12,000	\$10,000	\$2,000	\$12,000	\$10,000	\$2,000	
2	1969	42	F	Teacher	College	Single	Protestant	Republican	\$8,000	\$5,000	\$3,000	\$8,000	\$5,000	\$3,000	
3	1970	28	M	Student	High School	Single	Jewish	Democrat	\$4,000	\$2,000	\$2,000	\$4,000	\$2,000	\$2,000	
4	1971	55	F	Homemaker	High School	Married	Catholic	Democrat	\$6,000	\$4,000	\$2,000	\$6,000	\$4,000	\$2,000	
5	1972	38	M	Manager	College	Married	Protestant	Republican	\$10,000	\$8,000	\$2,000	\$10,000	\$8,000	\$2,000	
6	1973	45	F	Teacher	College	Single	Jewish	Democrat	\$9,000	\$7,000	\$2,000	\$9,000	\$7,000	\$2,000	
7	1974	32	M	Engineer	High School	Married	Catholic	Democrat	\$11,000	\$9,000	\$2,000	\$11,000	\$9,000	\$2,000	
8	1975	48	F	Homemaker	High School	Married	Protestant	Republican	\$7,000	\$5,000	\$2,000	\$7,000	\$5,000	\$2,000	
9	1976	30	M	Student	High School	Single	Jewish	Democrat	\$5,000	\$3,000	\$2,000	\$5,000	\$3,000	\$2,000	
10	1977	50	F	Teacher	College	Married	Catholic	Democrat	\$8,000	\$6,000	\$2,000	\$8,000	\$6,000	\$2,000	
11	1978	35	M	Manager	College	Married	Protestant	Republican	\$10,000	\$8,000	\$2,000	\$10,000	\$8,000	\$2,000	
12	1979	40	F	Homemaker	High School	Married	Catholic	Democrat	\$6,000	\$4,000	\$2,000	\$6,000	\$4,000	\$2,000	
13	1980	33	M	Engineer	High School	Married	Protestant	Republican	\$11,000	\$9,000	\$2,000	\$11,000	\$9,000	\$2,000	
14	1981	43	F	Teacher	College	Single	Jewish	Democrat	\$9,000	\$7,000	\$2,000	\$9,000	\$7,000	\$2,000	
15	1982	37	M	Manager	College	Married	Catholic	Democrat	\$10,000	\$8,000	\$2,000	\$10,000	\$8,000	\$2,000	
16	1983	47	F	Homemaker	High School	Married	Protestant	Republican	\$7,000	\$5,000	\$2,000	\$7,000	\$5,000	\$2,000	
17	1984	31	M	Student	High School	Single	Jewish	Democrat	\$5,000	\$3,000	\$2,000	\$5,000	\$3,000	\$2,000	
18	1985	51	F	Teacher	College	Married	Catholic	Democrat	\$8,000	\$6,000	\$2,000	\$8,000	\$6,000	\$2,000	
19	1986	36	M	Manager	College	Married	Protestant	Republican	\$10,000	\$8,000	\$2,000	\$10,000	\$8,000	\$2,000	
20	1987	41	F	Homemaker	High School	Married	Catholic	Democrat	\$6,000	\$4,000	\$2,000	\$6,000	\$4,000	\$2,000	
21	1988	34	M	Engineer	High School	Married	Protestant	Republican	\$11,000	\$9,000	\$2,000	\$11,000	\$9,000	\$2,000	
22	1989	44	F	Teacher	College	Single	Jewish	Democrat	\$9,000	\$7,000	\$2,000	\$9,000	\$7,000	\$2,000	
23	1990	39	M	Manager	College	Married	Catholic	Democrat	\$10,000	\$8,000	\$2,000	\$10,000	\$8,000	\$2,000	
24	1991	49	F	Homemaker	High School	Married	Protestant	Republican	\$7,000	\$5,000	\$2,000	\$7,000	\$5,000	\$2,000	
25	1992	32	M	Student	High School	Single	Jewish	Democrat	\$5,000	\$3,000	\$2,000	\$5,000	\$3,000	\$2,000	
26	1993	52	F	Teacher	College	Married	Catholic	Democrat	\$8,000	\$6,000	\$2,000	\$8,000	\$6,000	\$2,000	
27	1994	37	M	Manager	College	Married	Protestant	Republican	\$10,000	\$8,000	\$2,000	\$10,000	\$8,000	\$2,000	
28	1995	42	F	Homemaker	High School	Married	Catholic	Democrat	\$6,000	\$4,000	\$2,000	\$6,000	\$4,000	\$2,000	
29	1996	34	M	Engineer	High School	Married	Protestant	Republican	\$11,000	\$9,000	\$2,000	\$11,000	\$9,000	\$2,000	
30	1997	44	F	Teacher	College	Single	Jewish	Democrat	\$9,000	\$7,000	\$2,000	\$9,000	\$7,000	\$2,000	
31	1998	39	M	Manager	College	Married	Catholic	Democrat	\$10,000	\$8,000	\$2,000	\$10,000	\$8,000	\$2,000	
32	1999	49	F	Homemaker	High School	Married	Protestant	Republican	\$7,000	\$5,000	\$2,000	\$7,000	\$5,000	\$2,000	
33	2000	32	M	Student	High School	Single	Jewish	Democrat	\$5,000	\$3,000	\$2,000	\$5,000	\$3,000	\$2,000	
34	2001	52	F	Teacher	College	Married	Catholic	Democrat	\$8,000	\$6,000	\$2,000	\$8,000	\$6,000	\$2,000	
35	2002	37	M	Manager	College	Married	Protestant	Republican	\$10,000	\$8,000	\$2,000	\$10,000	\$8,000	\$2,000	
36	2003	42	F	Homemaker	High School	Married	Catholic	Democrat	\$6,000	\$4,000	\$2,000	\$6,000	\$4,000	\$2,000	
37	2004	34	M	Engineer	High School	Married	Protestant	Republican	\$11,000	\$9,000	\$2,000	\$11,000	\$9,000	\$2,000	
38	2005	44	F	Teacher	College	Single	Jewish	Democrat	\$9,000	\$7,000	\$2,000	\$9,000	\$7,000	\$2,000	
39	2006	39	M	Manager	College	Married	Catholic	Democrat	\$10,000	\$8,000	\$2,000	\$10,000	\$8,000	\$2,000	
40	2007	49	F	Homemaker	High School	Married	Protestant	Republican	\$7,000	\$5,000	\$2,000	\$7,000	\$5,000	\$2,000	
41	2008	32	M	Student	High School	Single	Jewish	Democrat	\$5,000	\$3,000	\$2,000	\$5,000	\$3,000	\$2,000	
42	2009	52	F	Teacher	College	Married	Catholic	Democrat	\$8,000	\$6,000	\$2,000	\$8,000	\$6,000	\$2,000	
43	2010	37	M	Manager	College	Married	Protestant	Republican	\$10,000	\$8,000	\$2,000	\$10,000	\$8,000	\$2,000	
44	2011	42	F	Homemaker	High School	Married	Catholic	Democrat	\$6,000	\$4,000	\$2,000	\$6,000	\$4,000	\$2,000	
45	2012	34	M	Engineer	High School	Married	Protestant	Republican	\$11,000	\$9,000	\$2,000	\$11,000	\$9,000	\$2,000	
46	2013	44	F	Teacher	College	Single	Jewish	Democrat	\$9,000	\$7,000	\$2,000	\$9,000	\$7,000	\$2,000	
47	2014	39	M	Manager	College	Married	Catholic	Democrat	\$10,000	\$8,000	\$2,000	\$10,000	\$8,000	\$2,000	
48	2015	49	F	Homemaker	High School	Married	Protestant	Republican	\$7,000	\$5,000	\$2,000	\$7,000	\$5,000	\$2,000	
49	2016	32	M	Student	High School	Single	Jewish	Democrat	\$5,000	\$3,000	\$2,000	\$5,000	\$3,000	\$2,000	
50	2017	52	F	Teacher	College	Married	Catholic	Democrat	\$8,000	\$6,000	\$2,000	\$8,000	\$6,000	\$2,000	
51	2018	37	M	Manager	College	Married	Protestant	Republican	\$10,000	\$8,000	\$2,000	\$10,000	\$8,000	\$2,000	
52	2019	42	F	Homemaker	High School	Married	Catholic	Democrat	\$6,000	\$4,000	\$2,000	\$6,000	\$4,000	\$2,000	
53	2020	34	M	Engineer	High School	Married	Protestant	Republican	\$11,000	\$9,000	\$2,000	\$11,000	\$9,000	\$2,000	
54	2021	44	F	Teacher	College	Single	Jewish	Democrat	\$9,000	\$7,000	\$2,000	\$9,000	\$7,000	\$2,000	
55	2022	39	M	Manager	College	Married	Catholic	Democrat	\$10,000	\$8,000	\$2,000	\$10,000	\$8,000	\$2,000	
56	2023	49	F	Homemaker	High School	Married	Protestant	Republican	\$7,000	\$5,000	\$2,000	\$7,000	\$5,000	\$2,000	
57	2024	32	M	Student	High School	Single	Jewish	Democrat	\$5,000	\$3,000	\$2,000	\$5,000	\$3,000	\$2,000	
58	2025	52	F	Teacher	College	Married	Catholic	Democrat	\$8,000	\$6,000	\$2,000	\$8,000	\$6,000	\$2,000	
59	2026	37	M	Manager	College	Married	Protestant	Republican	\$10,000	\$8,000	\$2,000	\$10,000	\$8,000	\$2,000	
60	2027	42	F	Homemaker	High School	Married	Catholic	Democrat	\$6,000	\$4,000	\$2,000	\$6,000	\$4,000	\$2,000	
61	2028	34	M	Engineer	High School	Married	Protestant	Republican	\$11,000	\$9,000	\$2,000	\$11,000	\$9,000	\$2,000	
62	2029	44	F	Teacher	College	Single	Jewish	Democrat	\$9,000	\$7,000	\$2,000	\$9,000	\$7,000	\$2,000	
63	2030	39	M	Manager	College	Married	Catholic	Democrat	\$10,000	\$8,000	\$2,000	\$10,000	\$8,000	\$2,000	
64	2031	49	F	Homemaker	High School	Married	Protestant	Republican	\$7,000	\$5,000	\$2,000	\$7,000	\$5,000	\$2,000	
65	2032	32	M	Student	High School	Single	Jewish	Democrat	\$5,000	\$3,000	\$2,000	\$5,000	\$3,000	\$2,000	
66	2033	52	F	Teacher	College	Married	Catholic	Democrat	\$8,000	\$6,000	\$2,000	\$8,000	\$6,000	\$2,000	
67	2034	37	M	Manager	College	Married	Protestant	Republican	\$10,000	\$8,000	\$2,000	\$10,000	\$8,000	\$2,000	
68	2035	42	F	Homemaker	High School	Married	Catholic	Democrat	\$6,000	\$4,000	\$2,000	\$6,000	\$4,000	\$2,000	
69	2036	34	M	Engineer	High School	Married	Protestant	Republican	\$11,000	\$9,000	\$2,000	\$11,000	\$9,000	\$2,000	
70	2037	44	F	Teacher	College	Single	Jewish	Democrat	\$9,000	\$7,000	\$2,000	\$9,000	\$7,000	\$2,000	
71	2038	39	M	Manager	College	Married	Catholic	Democrat	\$10,000	\$8,000	\$2,000	\$10,000	\$8,000	\$2,000	
72	2039	49	F	Homemaker	High School	Married	Protestant	Republican	\$7,000	\$5,000	\$2,000	\$7,000	\$5,000	\$2,000	
73	2040	32	M	Student	High School	Single	Jewish	Democrat	\$5,000	\$3,000	\$2,000	\$5,000	\$3,000	\$2,000	
74	2041	52	F	Teacher	College	Married	Catholic	Democrat	\$8,000	\$6,000	\$2,000	\$8,000	\$6,000	\$2,000	
75	2042	37	M	Manager	College	Married	Protestant	Republican	\$10,000	\$8,000	\$2,000	\$10,000	\$8,000	\$2,000	
76	2043	42	F	Homemaker	High School	Married	Catholic	Democrat	\$6,000	\$4,000	\$2,000	\$6,000	\$4,000	\$2,000	
77	2044	34	M	Engineer	High School	Married	Protestant	Republican	\$11,000	\$9,000	\$2,000	\$11,000	\$9,000	\$2,000	
78	2045	44	F	Teacher	College	Single	Jewish	Democrat	\$9,000	\$7,000	\$2,000	\$9,000	\$7,000	\$2,000	
79	2046	39	M	Manager	College	Married	Catholic	Democrat	\$10,000	\$8,000	\$2,000	\$10,000	\$8,000	\$2,000	
80	2047	49	F	Homemaker	High School	Married	Protestant	Republican	\$7,000	\$5,000	\$2,000	\$7,000	\$5,000	\$2,000	
81	2048	32	M	Student	High School	Single	Jewish	Democrat	\$5,000	\$3,000	\$2,000	\$5,000	\$3,000	\$2,000	
82	2049	52	F	Teacher	College	Married	Catholic	Democrat	\$8,000	\$6,000	\$2,000	\$8,000	\$6,000	\$2,000	
83	2050	37	M	Manager	College	Married	Protestant	Republican	\$10,000	\$8,000	\$2,000	\$10,000	\$8,000	\$2,000	
84	2051	42	F	Homemaker	High School	Married	Catholic	Democrat	\$6,000	\$4,000	\$2,000	\$6,000	\$4,000	\$2,000	
85	2052	34	M	Engineer	High School	Married	Protestant	Republican	\$11,000	\$9,000	\$2,000	\$11,000	\$9,000	\$2,000	
86	2053	44	F	Teacher	College	Single	Jewish	Democrat	\$9,000	\$7,000	\$2,000	\$9,000	\$7,000	\$2,000	
87	2054	39	M	Manager	College	Married	Catholic	Democrat	\$10,000	\$8,000	\$2,000	\$10,000	\$8,000	\$2,000	
88	2055	49	F	Homemaker	High School	Married	Protestant	Republican	\$7,000	\$5,000	\$2,000	\$7,000	\$5,000	\$2,000	
89	2056	32	M	Student	High School	Single	Jewish	Democrat	\$5,000	\$3,000	\$2,000	\$5,000	\$3,000	\$2,000	
90	2057	52	F	Teacher	College	Married	Catholic	Democrat	\$8,000	\$6,000	\$2,000	\$8,000	\$6,000	\$2,000	
91	2058	37	M	Manager	College	Married	Protestant	Republican	\$10,000	\$8,000	\$2,000	\$10,000	\$8,000	\$2,000	
92	2059	42	F	Homemaker	High School	Married	Catholic	Democrat	\$6,000	\$4,000	\$2,000	\$6,000	\$4,000	\$2,000	
93	2060	34	M	Engineer	High School	Married	Protestant	Republican	\$11,000	\$9,000	\$2,000	\$11,000	\$9,000	\$2,000	
94	2061	44	F	Teacher	College	Single	Jewish	Democrat	\$9,000	\$7,000	\$2,000	\$9,000	\$7,000	\$2,000	
95	2062	39	M	Manager	College	Married	Catholic	Democrat	\$10,000	\$8,000	\$2,000	\$10,000	\$8,000	\$2,000	
96	2063	49	F	Homemaker	High School	Married	Protestant	Republican	\$7,000	\$5,000	\$2,000	\$7,000	\$5,000	\$2,000	
97	2064	32	M	Student	High School	Single	Jewish	Democrat	\$5,000	\$3,000	\$2,000	\$5,000	\$3,000	\$2,000	
98	2065	52	F	Teacher	College	Married	Catholic	Democrat	\$8,000	\$6,000					

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