Late Backup

Item # 33

ZONING CHANGE REVIEW SHEET

CASE: C814-88-0001.10
Canyons at Rob Roy Rezoning

Z. P. C. DATE: 11/05/13, 11/19/13, 12/03/13

ADDRESS: 800 N. Capital of Texas Highway

AREA: 16.82 acres

APPLICANT: Brandywine Acquisition Partners, LP
(Ralph Bistline)

AGENT: Armbrust & Brown, L.L.P.
(Amanda Morrow)

NEIGHBORHOOD PLAN AREA: N/A

CAPITOL VIEW: No

T.I.A.: Yes

HILL COUNTRY ROADWAY: Yes,
Low Intensity Zone

WATERSHED: Bee Creek – Water Supply Rural

DESIRED DEVELOPMENT ZONE: No

ZONING FROM: PUD – Planned Unit Development

ZONING TO: PUD – Planned Unit Development, to change a condition of zoning

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends Planned Unit Development (PUD) zoning with the following changes to Exhibit "H" of the PUD Land Use Plan -

1. Change the Overall Summary by General Land Use Table on Sheet 1 to reflect a change from office use to multifamily use; adjust the acreages accordingly.

2. Change the Land Use Summary Table on Sheet 1 to reflect the correct lot and change the proposed land use from office to multifamily.

3. Clarify Ordinance Compliance Note #1 on Sheet 2 to read "*Single family* residential areas are limited to a density of one unit per two acres of gross site area, with minimum one acre lots."

4. Change the Hill County Roadway Ordinance Calculations on Sheet 2 to deduct the site area calculations of Lot A-1.

5. Change the F.A.R & Parking Summary Table on Sheet 2 to reflect Lot A-1 as a multifamily project.

6. Change the diagram on Sheet 2 for Lot A-1 from "LO" to "MF-2".

7. Remove the floor to area multiplier calculations and the allowable square footage calculations on Sheet 3.

8. Change the proposed impervious cover from 3.16 acres to 3.50 acres on sheet 3.

9. Change the Impervious Cover Summary Table on Sheet 3 to reflect the proposed impervious cover and to account for a different building configuration and parking layout.

10. Remove the Hill County Roadway Ordinance Table on Sheet 3.

11. Change the Comprehensive Watershed Ordinance Table on Sheet 3 to reflect the proposed impervious cover.

12. Remove the diagram on Sheet 3 of the office project.

13. Add a note on Sheet 3 that clarifies the maximum height allowed on Lot A-1 is 35 feet.

14. Remove the note on Sheet 3 that reads "Due to the pitch of the roof design and height limitations the square footage of the third story of this building will be reduced by approximately 50% from the first two stories.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

November 5, 2013: The motion to postpone to November 19, 2013 by the request of the neighborhood was approved by Commissioner Patricia Seeger, Commissioner Gabriel Rojas seconded the motion on a vote of 7-0.

November 19, 2013: The motion to postpone to December 3, 2013 by the request of staff was approved by Commissioner Gabriel Rojas, Commissioner Patricia Seeger seconded the motion on a vote of 7-0.

December 3, 2013: The motion to approve staff's recommendation for PUD, Planned Unit Development to change a condition of zoning and to limit the number of units to 225 was approved by Commissioner Sean Compton's motion, Commissioner Patricia Seeger seconded the motion on a vote of 4-0; Commissioner's Rahm McDaniel, Gabriel Rojas and Jason Meeker were absent.

ISSUES:

A valid petition of 28.21% has been filed by the adjacent property owners in opposition to this rezoning request. Petition information is located at the back of the Staff report.

RELATED CASE: C814-88-0001(RCA) – Canyons at Rob Roy Rezoning (also known as Davenport Ranch West P.U.D.)

DEPARTMENT COMMENTS:

The site is located at 800 North Capital of Texas Highway and is currently undeveloped. The property is part of the Davenport Ranch West Planned Unit Development (PUD) that was approved by ordinance number 890202-B on February 2nd, 1989. The Davenport Ranch West PUD consists of approximately 113.46 acres. This tract is known as Lot A-1, Tract D, Section 1 of the Davenport Ranch West PUD. The site is currently designed as "office" under the Davenport Ranch West PUD. The applicant proposes to amend the PUD to allow multifamily residential use of the Property in accordance with multifamily residence low density "MF-2" district. The project will consist of a maximum of 245 dwelling units with structured parking on 16.29 acres. The project will comply with the height and impervious cover allowances for the Property as originally proposed and shown on the land use plan. The staff is

recommending approval of the change in land use since the proposed "multifamily" use is a less intense use than an "office" use as well as an overall vehicle trip reduction with the proposed "multifamily" use. In order to change the uses, the following changes need to be made to the PUD Land Use Plan. And they are as follows:

Exhibit "H" Land Use Plan. Change the Overall Summary by General Land Use Table on Sheet 1 to reflect a change from office use to multifamily use; adjust the acreages accordingly.

Justification. The Property was zoned for office use in 1988, since then it has remained undeveloped. West Austin lacks a sufficient supply of multifamily development for families looking to move to the area that otherwise might not be able to afford owning their own home. The few multifamily developments located in the surrounding area experience an occupancy rate of over 90%. Additionally, the proposed low density multifamily residential use provides a better transition between Capital Texas Highway located to the west and the residential uses located to the north and east of the site.

Exhibit "H" Land Use Plan. Change the Land Use Summary Table on Sheet 1 to reflect the correct lot and change the proposed land use from office to multifamily.

Justification. The Property was zoned for office use in 1988, since then it has remained undeveloped. West Austin lacks a sufficient supply of multifamily development for families looking to move to the area that otherwise might not be able to afford owning their own home. The few multifamily developments located in the surrounding area experience an occupancy rate of over 90%. Additionally, the proposed low density multifamily residential use provides a better transition between Capital Texas Highway located to the west and the residential uses located to the north and east of the site.

Exhibit "H" Land Use Plan. Clarify Ordinance Compliance Note #1 on Sheet 2 to read "*Single family*" residential areas are limited to a density of one unit per two acres of gross site area, with minimum one acre lots."

Justification. As supported by Section 1.04 of the Restrictive Covenant recorded in Volume 10909, Page 1601 of the Real Property Records of Travis County, Texas for the Davenport Ranch West Planned Unit Development Section One, this restriction was intended to apply solely to single family residential development. I have attached a copy of the Restrictive Covenant for your reference with the companion Restrictive Covenant Amendment case.

Exhibit "H" Land Use Plan. Change the Hill County Roadway Ordinance Calculations on Sheet 2 to deduct the site area calculations of Lot A-1.

Justification. Per the Hill County Roadway Ordinance the floor to area limitations only apply to nonresidential (defined as single family residences, two-family residence or duplex) buildings.

Exhibit "H" Land Use Plan. Change the F.A.R & Parking Summary Table on Sheet 2 to reflect Lot A-1 as a multifamily project.

Justification. The parking table only provides parking calculations associated with the office development on Tract D. Since the use is changing from office to multifamily we have updated the table accordingly.

Exhibit "H" Land Use Plan. Change the diagram on Sheet 2 for Lot A-1 from "LO" to "MF-2".

Justification. The Property was zoned for office use in 1988, since then it has remained undeveloped. West Austin lacks a sufficient supply of multifamily development for families looking to move to the area that otherwise might not be able to afford owning their own home. The few multifamily developments located in the surrounding area experience an occupancy rate of over 90%. Additionally, the proposed low density multifamily residential use provides a better transition between Capital Texas Highway located to the west and the residential uses located to the north and east of the site.

Exhibit "H" Land Use Plan. Remove the floor to area multiplier calculations and the allowable square footage calculations on Sheet 3.

Justification. Per the Hill County Roadway Ordinance the floor to area limitations only apply to nonresidential (defined as single family residences, two-family residence or duplex) buildings.

Exhibit "H" Land Use Plan. Change the proposed impervious cover from 3.16 acres to 3.50 acres.

Justification. While the proposed impervious cover is slightly more than the previous office project, this project is still under the 3.52 acres of impervious cover allowed for Lot A-1.

Exhibit "H" Land Use Plan. Change the Impervious Cover Summary Table on Sheet 3 to reflect the proposed impervious cover and to account for a different building configuration and parking layout.

Justification. While the proposed impervious cover is slightly more than the previous office project, this project is still under the 3.52 acres of impervious cover allowed for Lot A-1. The prior office project proposed a vast amount of surface parking with a small building footprint. Since the use of the site is changing from office to multifamily the size and configuration of the building and parking area must also change to accommodate a more user friendly development. The proposal is to provide a wrapped product type with structured parking within.

Exhibit "H". Land Use Plan. Remove the Hill County Roadway Ordinance Table on Sheet 3.

Justification. Per the Hill County Roadway Ordinance the floor to area limitations only apply to nonresidential (defined as single family residences, two-family residence or duplex) buildings.

Exhibit "H" Land Use Plan. Change the Comprehensive Watershed Ordinance Table on Sheet 3 to reflect the proposed impervious cover.

Justification. While the proposed impervious cover is slightly more than the previous office project, this project is still under the 3.52 acres of impervious cover allowed for Lot A-1.

Exhibit "H" Land Use Plan. Remove the diagram on Sheet 3 of the office project.

Justification. Zoning is used to establish the best use for a site and should not be used to dictate the location of site improvements. This should be deferred to the site development stage when engineered documents and related reports are available to assess the proper location of improvements based on site constraints. Also by removing the diagram from the land use plan it

prevents future amendments to the PUD should the location of the site improvements fluctuate slightly.

Exhibit "H" Land Use Plan. Add a note on Sheet 3 that clarifies the maximum height allowed on Lot A-1 is 35 feet.

Justification. There is no change from the previous proposal.

Exhibit "H" Land Use Plan. Remove the note on Sheet 3 that reads "Due to the pitch of the roof design and height limitations the square footage of the third story of this building will be reduced by approximately 50% from the first two stories.

Justification. This note is unnecessary since the building is limited to 35 feet with height limit exceptions, as prescribed by 25-2-531 of the City Code, for certain architectural elements including pitched roof designs.

BASIS FOR RECOMMENDATION:

1. *Zoning changes should promote compatibility with adjacent and nearby uses.*

Granting PUD zoning to change the land use from "Office" to "Multifamily" for the subject tract will be compatible with adjacent uses and adjacent zoning in the area to the north and west and act as a buffer for the adjacent uses from N. Capital of Texas Highway.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
SITE	PUD	Undeveloped
NORTH	PUD	Single family residential
SOUTH	LO	Office complex
EAST	SF-2	Undeveloped
WEST	SF-2	Single family residential

CASE HISTORIES:

CASE NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-93-0060	From SF-2 to P	Approved P [Vote: 7-0]	Approved P [Vote: 7-0]
C14-98-0180	From RR to SF-1	Approved SF-1 [Vote: 7-0]	Approved SF-1 [Vote: 7-0]

NEIGHBORHOOD ORGANIZATIONS:

- Austin Neighborhood Council
- Rob Roy HOA, Inc.

SCHOOLS:

Bridge Point Elementary School West Ridge Middle School West Lake High School

SITE PLAN:

SP 1. Site plans will be required for any new development other than single-family or duplex residential.

SP 2. Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

SP 3. There is currently a site plan application in review for office development on this tract, case number SPC-2013-0214C. Upon approval of this PUD Land Use Plan amendment to multifamily, the office site plan case must be withdrawn.

ENVIRONMENTAL:

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Bee Creek Watershed of the Colorado River Basin, and is classified as a Water Supply Rural Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Drinking Water Protection Zone. Under the current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

Development Classification	*% of Net Site Area*	*% NSA with Transfers*	*Allowable Density*
One or Two Family Residential	n/a	n/a	1 unit/2 acres net site area
Multifamily Residential	20%	25%	n/a
Commercial	20%	25%	n/a

2. Single family or duplex development within a Water Quality Transition Zone may not exceed a density of one unit per three acres, exclusive of land within a 100-year floodplain, and must have a minimum lot size of 2 acres.

3. According to flood plain maps there is no flood plain in or within close proximity of the project location.

4. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

5. Numerous trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

6. Under current watershed regulations, development or redevelopment on this site will be subject to providing structural sedimentation and filtration basins with increased capture volume and 2 year detention.

7. The land use plan currently includes a map showing proposed commercial development along with undisturbed areas / downstream buffers. This map is proposed to be removed from the land use plan. If this map is to be removed, notes or a replacement map illustrating the undisturbed areas / downstream buffers must be added to the land use plan. The undisturbed areas / downstream buffers must be clearly shown in the land use plan revision.

TRANSPORTATION:

TR1. The Transportation Review Section has no objections to the proposed PUD amendment since the estimated traffic generation for the proposed MF-2 land use will be significantly less than the currently approved Office land use.

COMPREHENSIVE PLAN:

The Canyons at Rob Roy (a 16.29 acre parcel) is part of the Davenport Ranch PUD, which is a 444 acre mixed use project, containing single family houses, condos, multi-family apartments, offices, commercial land uses, and the St. Stephens School. The property is not located in the boundaries of an area with an adopted neighborhood plan and is located to the west of N. Capital of Texas Highway, south of Pascal Lane and east of St. Stephens School Road. The request is to construct a 245 unit multi-family apartment complex.

Imagine Austin

The following Imagine Austin policies are taken from Chapter 4 of the IACP, which specifically discusses mixed use development and promoting a compact and connected city:

- **LUT P3.** Promote development in compact centers, communities, or along corridors that are connected by roads and transit that are designed to encourage walking and bicycling, and reduce health care, housing and transportation costs.

- **LUT P5.** Create healthy and family-friendly communities through development that includes a mix of land uses and housing types and affords realistic opportunities for transit, bicycle, and pedestrian travel and provides both community gathering spaces, parks and safe outdoor play areas for children.

- **N P1.** Create complete neighborhoods across Austin that have a mix of housing types and land uses, affordable housing and transportation options, and access to schools, retail, employment, community services, and parks and recreation options.

Based on the property being located within a project that is developing into a complete community with a variety of residential and commercial uses, and the Imagine Austin policies

above that promote complete communities, staff believes that this proposed project is supported by the Imagine Austin Comprehensive Plan.

CITY COUNCIL DATE: December 12, 2013 — **ACTION:** Approved a Postponement request by the Neighborhood to January 23, 2014 (7-0).

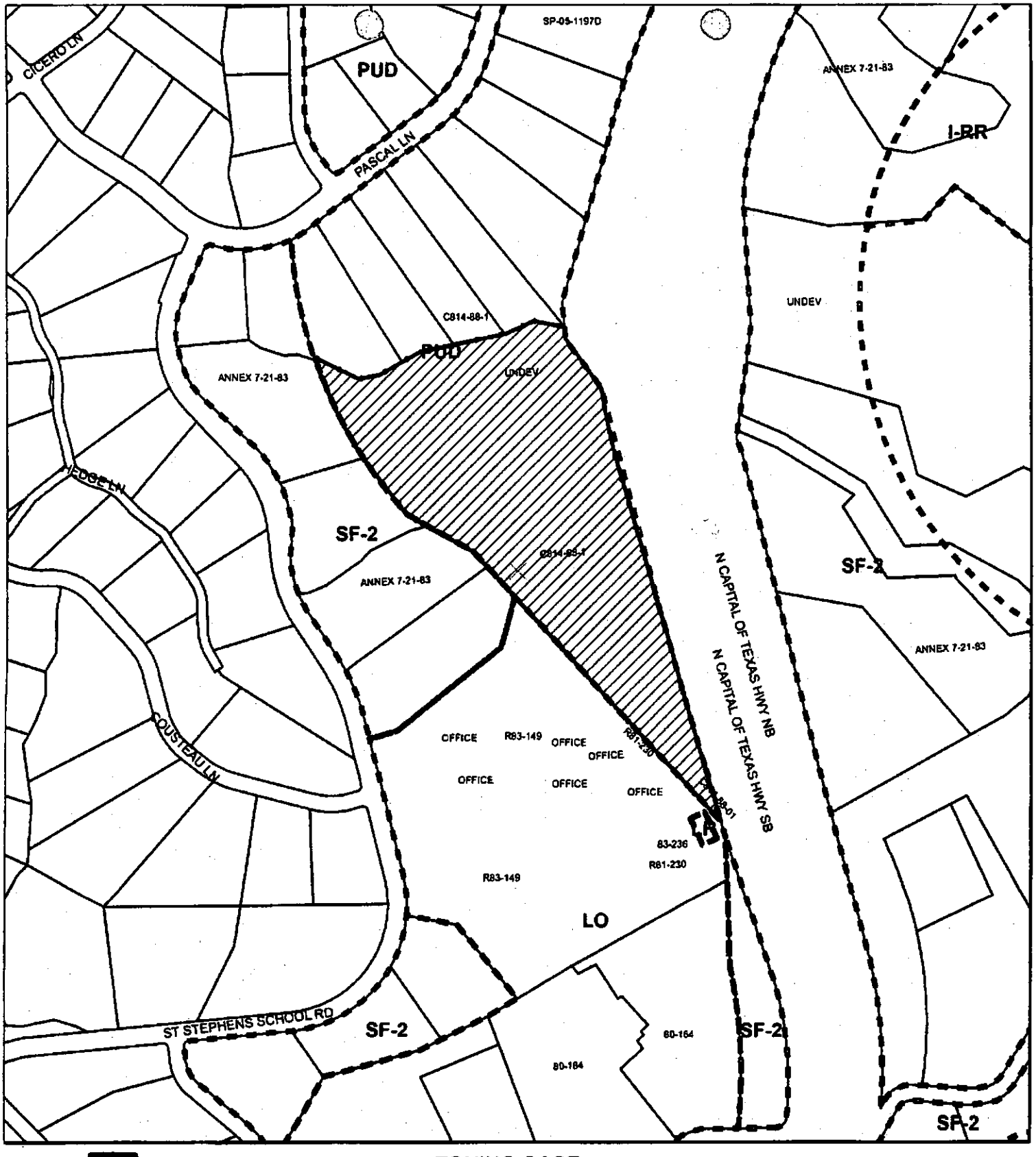
January 23, 2014 — Postponed to January 30, 2014 (6-0, Mayor Lee Leffingwell – off the dais).

January 30, 2014

ORDINANCE READINGS: 1ST 2ND 3RD

ORDINANCE NUMBER:

CASE MANAGER: Wendy Rhoades [redacted] **PHONE:** 512-974-7719



N

SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

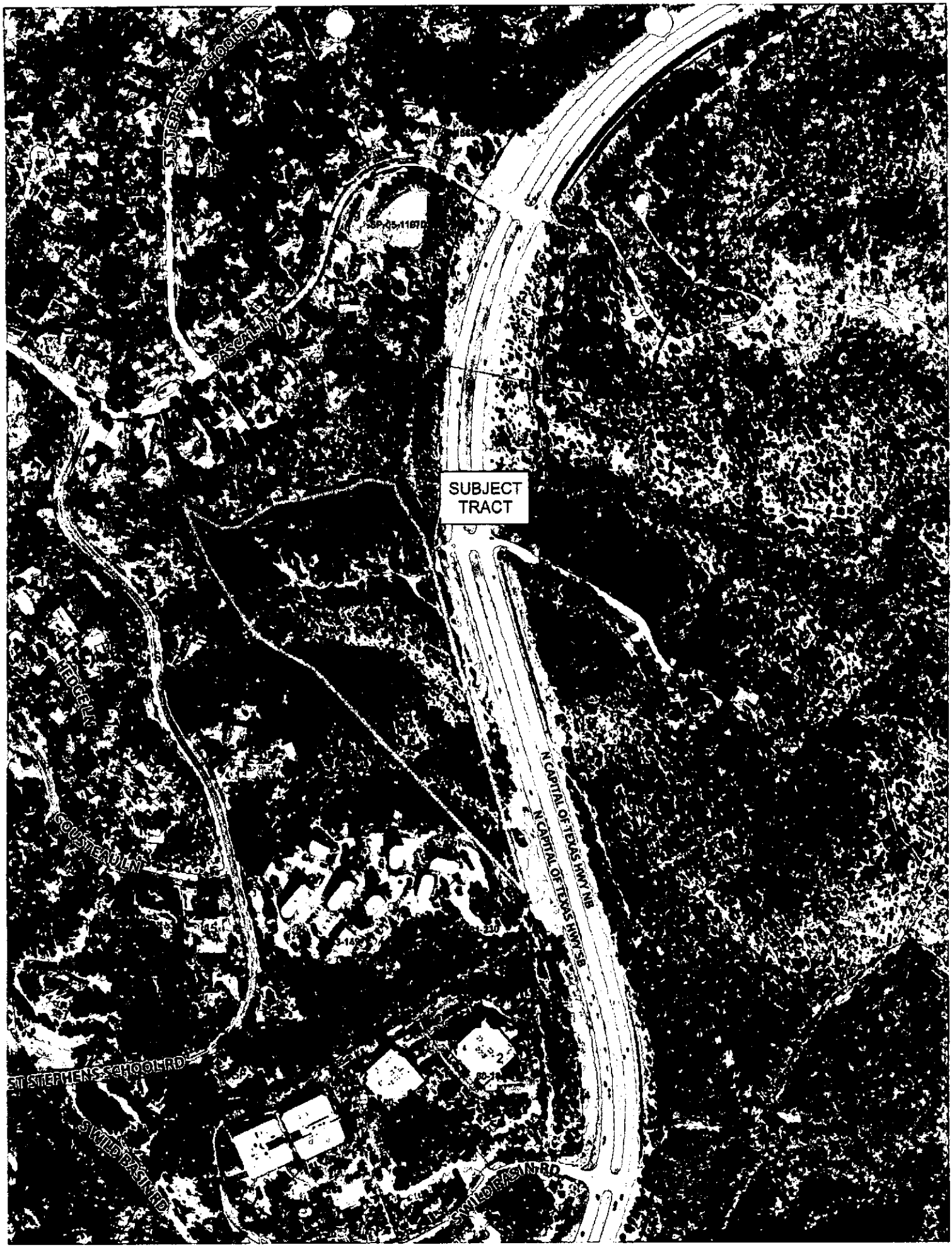
ZONING CASE

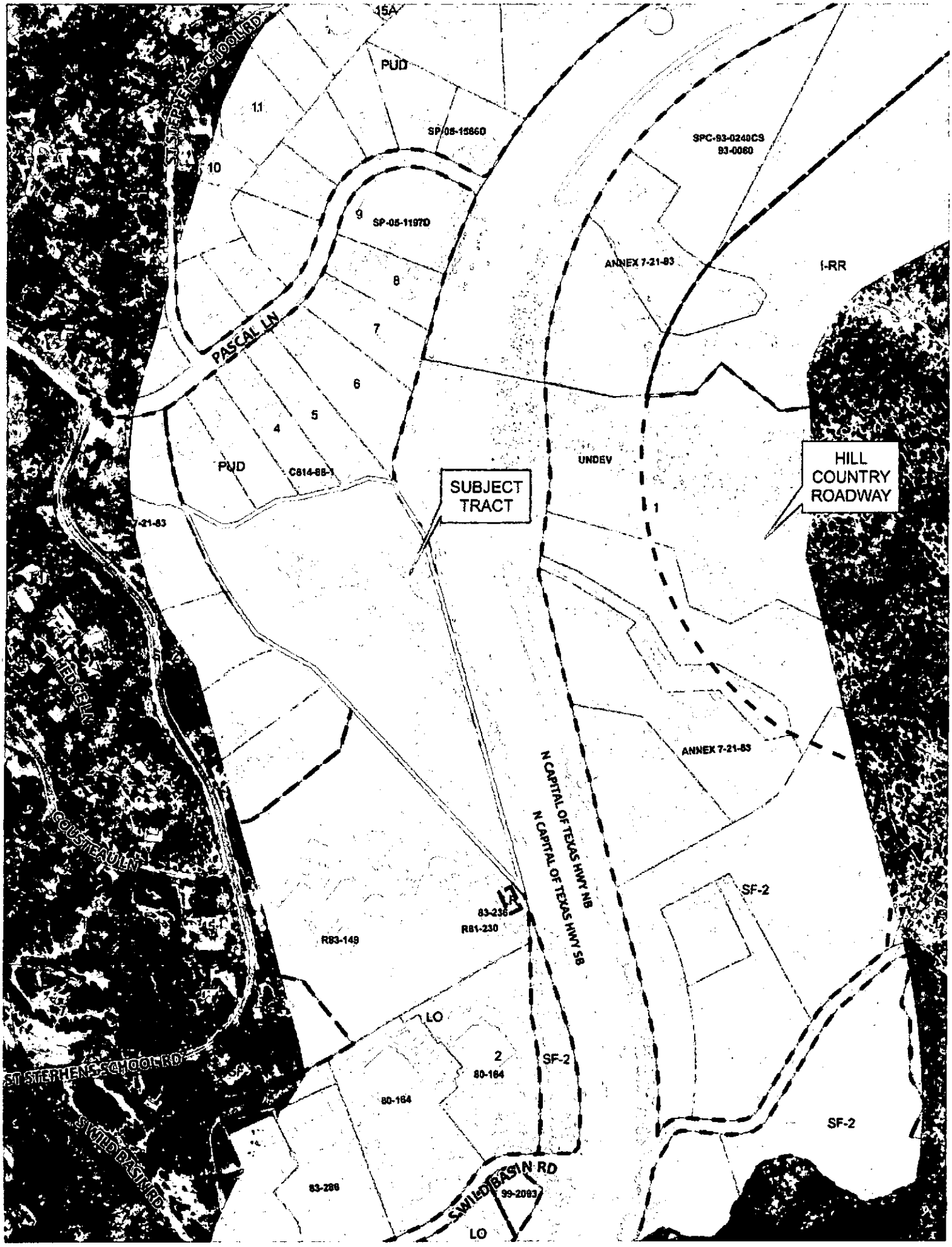
C814-88-0001.10

1 " = 400 '

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.


SUBJECT TRACT
N CAPITAL OF TEXAS HWY NB
N CAPITAL OF TEXAS HWY SB
E ST STEPHENS SCHOOL RD
W ST STEPHENS SCHOOL RD
PASCUAL LN
KEDGELN
GOUSTEAU LN
S WILD BASIN RD
E WILD BASIN RD


15A
PUD
11
10
9
8
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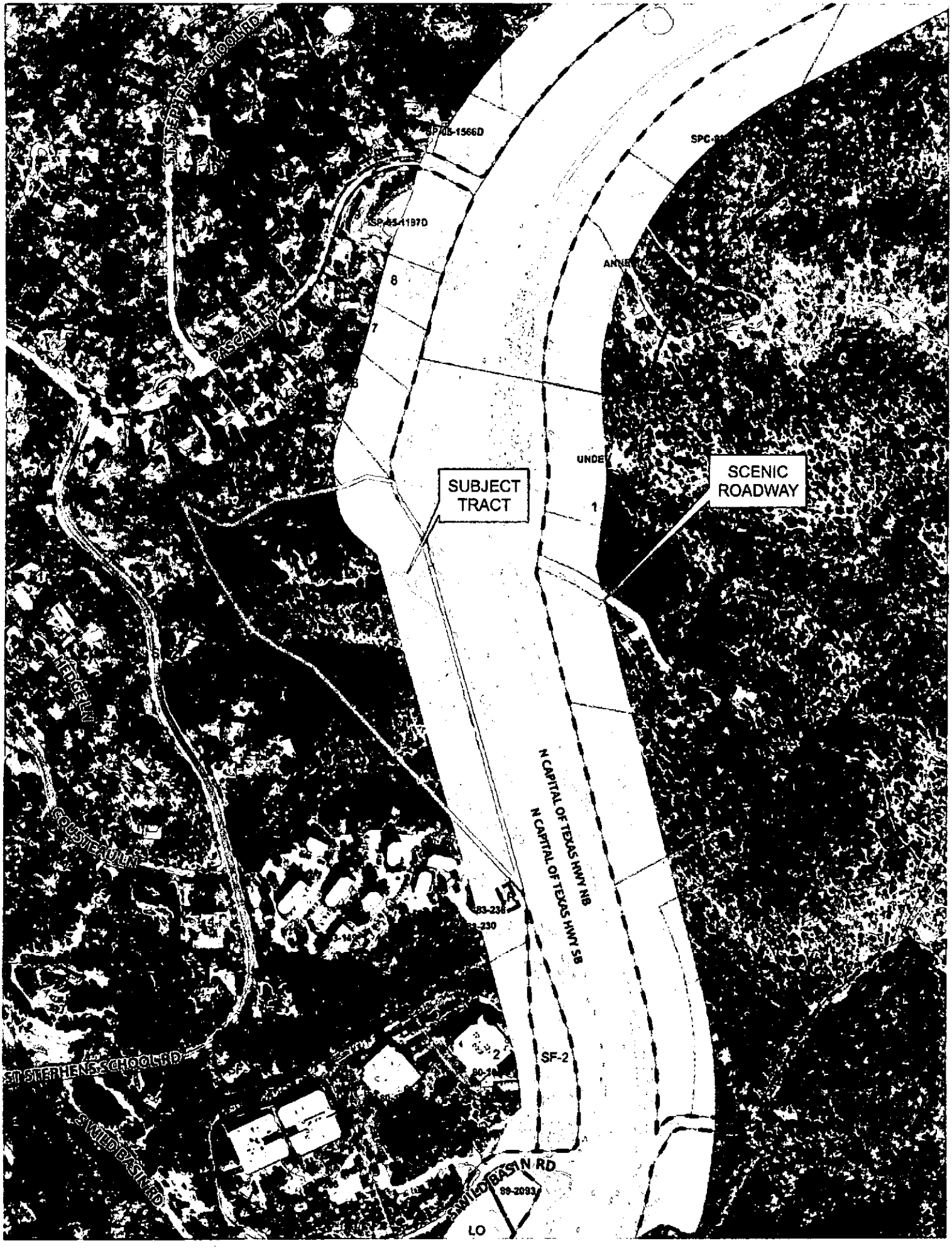
5
4
SP-05-1560
SP-05-1197D
SPC-83-0240CS
83-0060
ANNEX 7-21-83
I-RR
PASCAL LN
ST STEPHENS SCHOOL RD
PUD
C814-88-1
UNDEV
SUBJECT TRACT
HILL COUNTRY ROADWAY
1
ANNEX 7-21-83
N CAPITAL OF TEXAS HWY NB
N CAPITAL OF TEXAS HWY SB
SF-2
83-236
R81-230
R83-149
LO
2
SF-2
80-164
80-164
SF-2
SWILEY BASIN RD
83-286
99-2093
LO
HEDGELN
COUSTEAU LN
ST STEPHENS SCHOOL RD
SWILEY BASIN RD


SUBJECT TRACT
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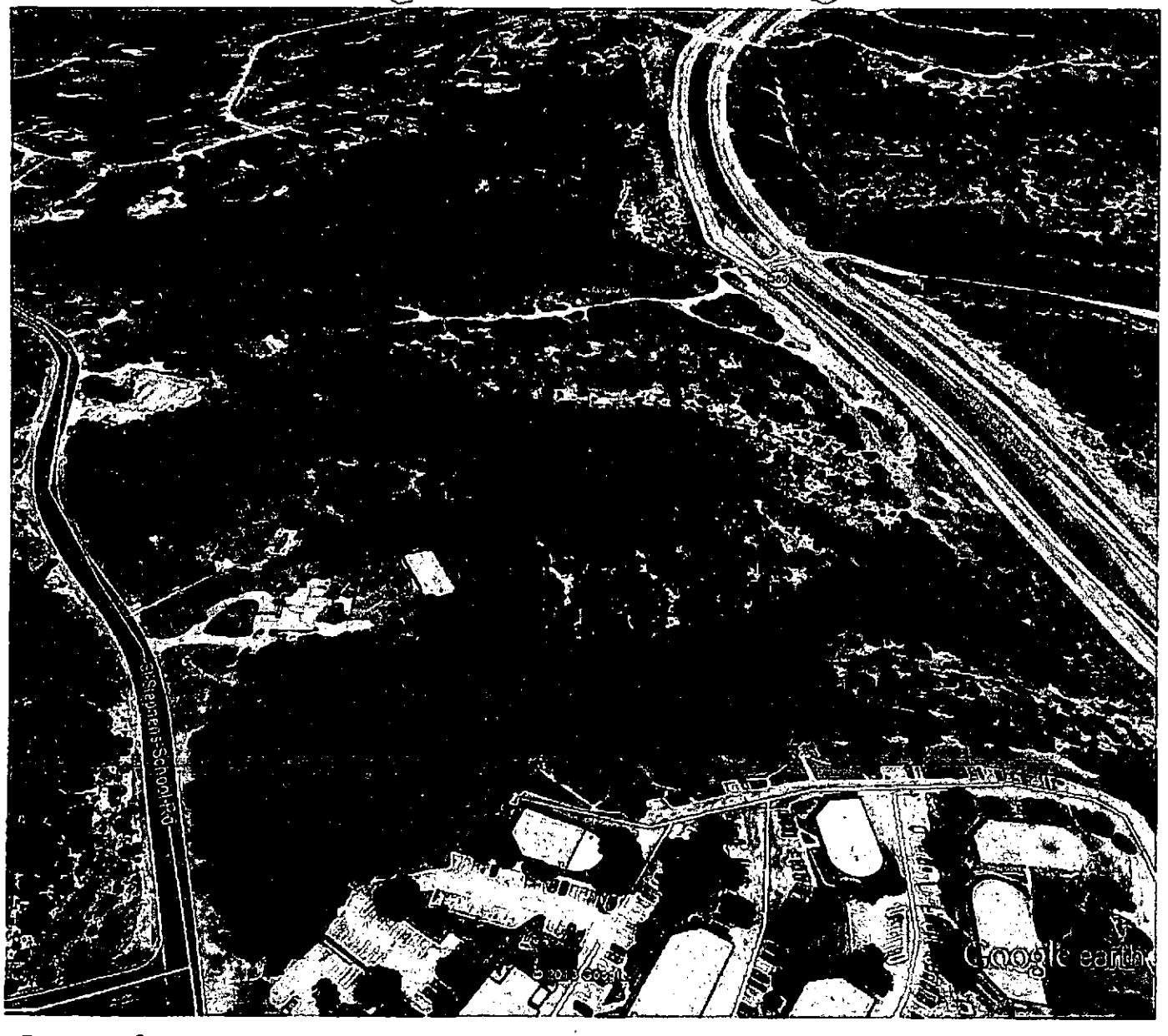
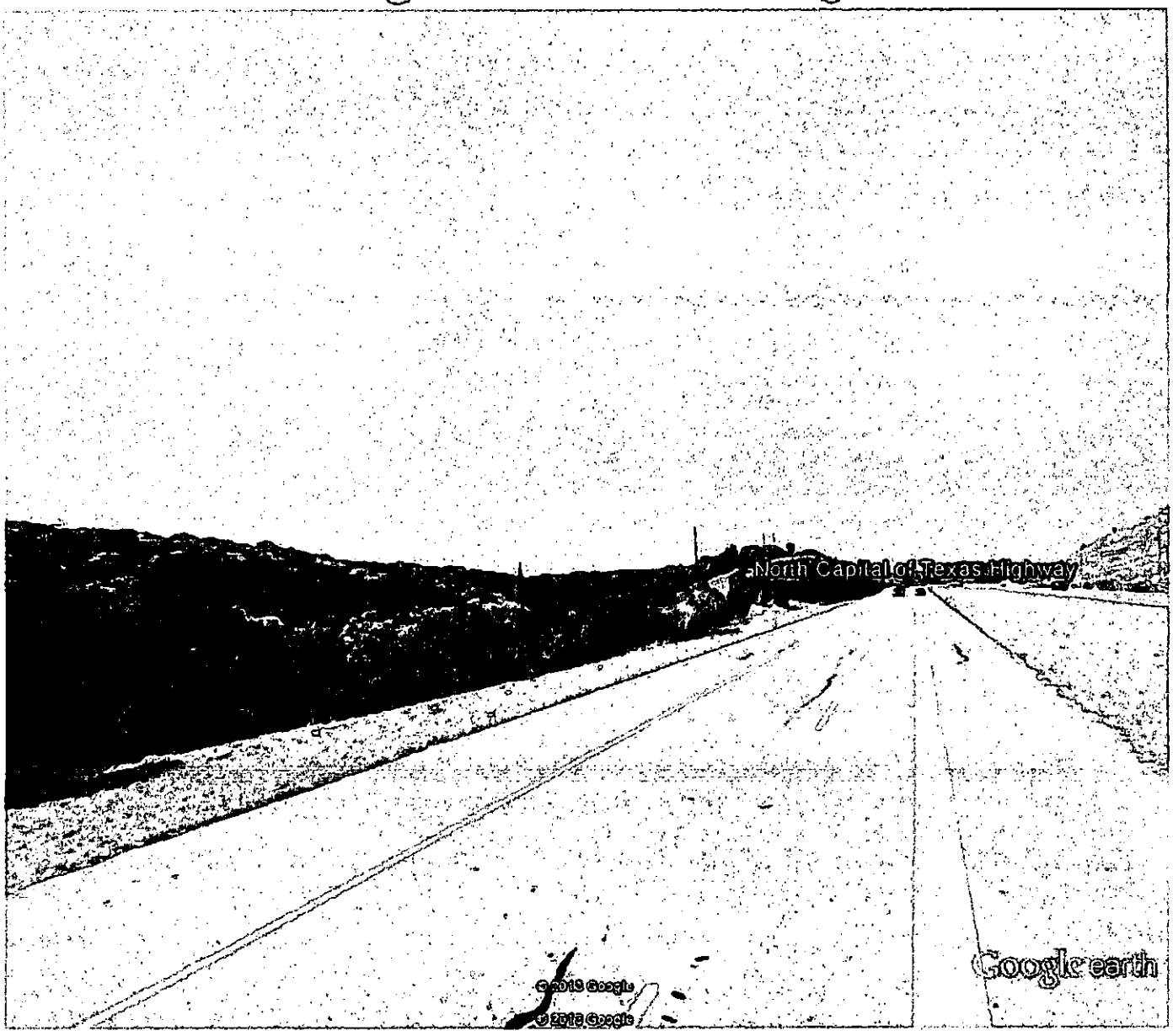
COUSTEAU LN
SWIFT BASIN RD



Google earth

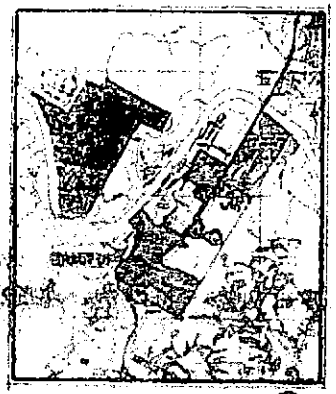
feet 700
meters 200



Google earth feet 10 meters 3

REDUCTION OF SHEET 1

TRACT D - SECTION 1 / TRACT C-3 - SECTION 2 INFORMATION



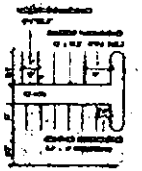
Location Map (N.T.S.)

CONTROLLING ORDINANCES

OVERALL ORDINANCE INFORMATION

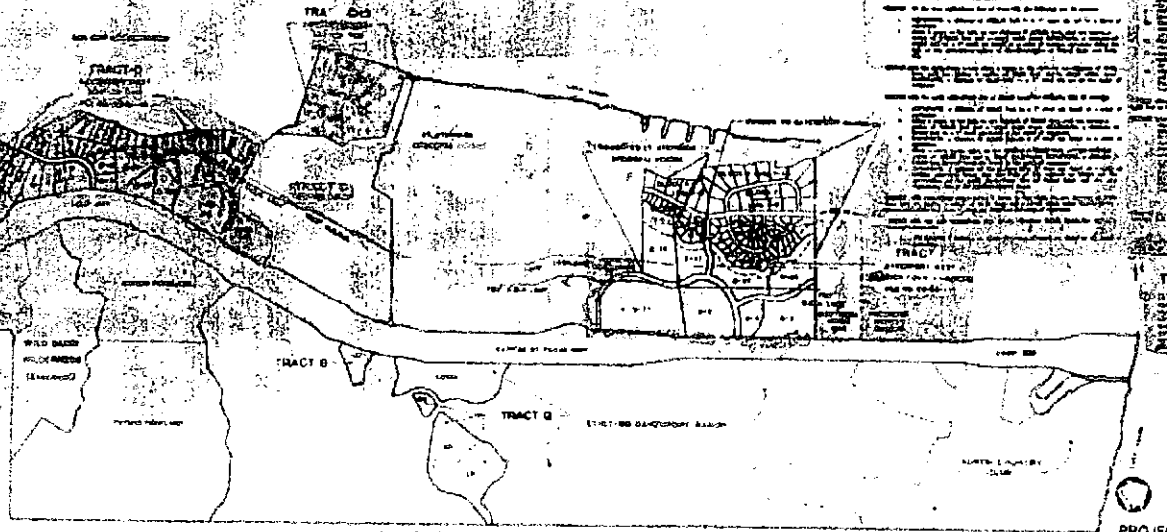
TYPICAL NOTES

TYPICAL PARKING BAY



SECTION 1 FIELD NOTES

APPROVAL BOX



MASTER INDEX & SURROUNDING LAND USE MAP (Scale 1" 800')

TYPICAL NOTES (cont.)

Davenport Ranch

PROJECT OWNER: WESTVIEW DEVELOPMENT INC.
5000 Plaza On The Lake, Suite 275 Austin, Texas 78746

C814-89-0047

LANDCORP

CANYON ENGINEERING INCORPORATED

DAVENPORT RANCH WEST
PLANNED UNIT DEVELOPMENT
TRACT D & TRACT C-3 SECTION 1 & 2

REDUCTION OF SHEET 2

REVISION OF SHEET 3

Lot	Land Use	Acreage
Entire	Office	3.37 ac.

Lot	Land Use	Acreage
Ph 7,	Condominium (70 unit	17.84 ac.
Sec 1,	Single-family	23.54 ac.
Lot 1	Conserv. Exmt	1.09 ac.
R.O.W.	Roadway	1.43 ac.
Total		43.90 acr

Copy of City of Austin originals

SEE SHEET 20

OFFICE	57.69 / 13.98
OFFICE/RETAIL	12.13
TOWNHOUSE/CONDOMINIUM	10.81 / 33.14
MULTIFAMILY	16.08
COMMERCIAL	1.84

MARY BY GENERAL LAND USE

Office	~~32.15 34.79 ac.~~
Office/Retail	~~20.79~~ ac.
Condominium	~~43.84~~ ac.
Single-family	182.10 ac.
St. Stephens School use	104.84 ac.
Conservation Easement	2.62 ac.
Right-of-way	21.60 ac.
Total project acreage	444.31 ac.

COPY OF CITY PLANNING ORIGIN

BURKS
Reprographics

LOPMENT INC.

, Suite 275 Austin, Texas 78741

REVISED: March 14, 2000

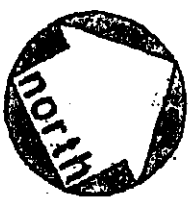
~~REVISED 22 DEC 1999~~

DAVENPORT RANCH WEST P.U.D.

MASTER INDEX P.U.D. SITE PLANS MAP

SHEET 1

venport Ranch



LAND STRATEGIES INC.
DEVELOPMENT CONSULTING & PROJECT MANAGEMENT
1712 RIO GRANDE ▫ AUSTIN, TEXAS 78701 ▫ 512/474-0974

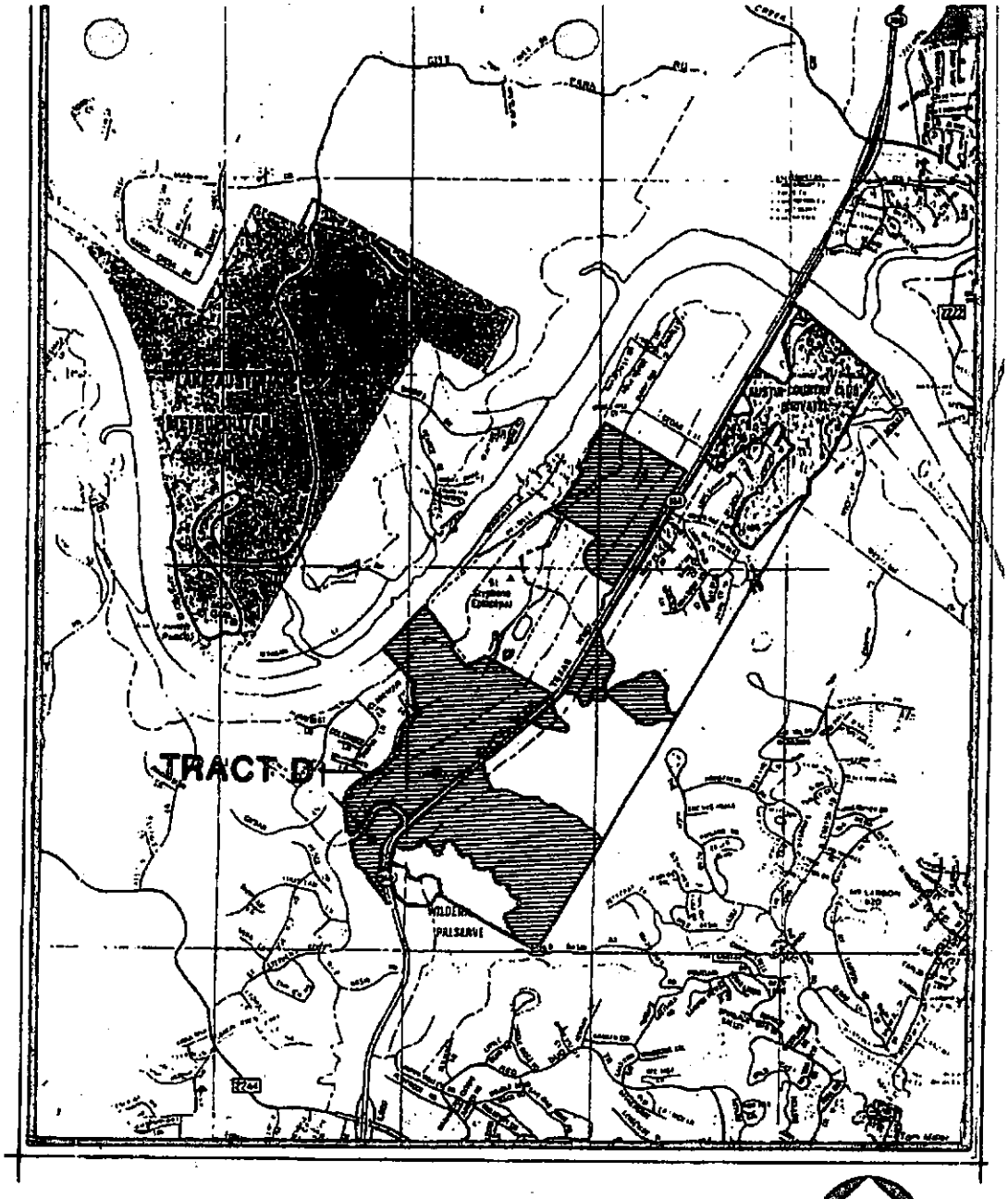
LAND USE SUMMARY - DAVENPORT WEST P.U.D.

	Lot	Land Use	Acreage
Section 1 (Tract D)	A 2-1	Office multifamily	16.29 ac.
	A 2-9	Single-family	18.48 ac.
	B 1-29	Single-family	58.73 ac.
	B 30	Conserv. Exmt	1.53 ac.
	B 33	Office	10.00 ac.
	B 34	Office	7.41 ac.
	R.O.W.	Roadway	3.02 ac.
	Total		113.46 ac.
Section 2 (Tract C-3)	Lot	Land Use	Acreage
	A 1 17	Single-family	32.47 ac.
	R.O.W.	Roadway	1.56 ac.
			34.03 ac.
Section 3 (Tract C)	Lot	Land Use	Acreage
	B 35	St. Stephens School	104.64 ac.
Section 4 & 5 (Tract F)	Lot	Land Use	Acreage
	A 1-18	Single-family	20.20 ac.
	B 1-36	Single-family	11.45 ac.
	B 37	Office	10.56 ac.
	B 38	Office	1.83 ac.
	B 39	Office	4.56 ac.
	B 40	Office	3.78 ac.
	B 41	Office	10.88 ac.

SHEET 1

SEE SHEETS 2 & 3

CANYON



Location Map (n.t.s.)

CONTROLLING ORDINANCES

Controlling Ordinances

Comprehensive Watershed Ordinance, as modified by the First Amendment to the Agreement Concerning Creation and Operation of Davenport Ranch M.U.D. (First Amendment)

Hill Country Roadway Ordinance (Low Intensity)

Ordinance Compliance Notes

1. Residential areas are limited to a density of one unit per two acres of gross site area, with minimum one acre lots.
2. Submission of detailed site plans, landscape plans and tree surveys will be postponed until final site development permitting, in accordance with the First Amendment.
3. Required parkland will come from Tract A-1 as depicted on Exhibit A of the First Amendment.

SHEET 2

TRACT ● - SECTI

OVERALL ORDINANCE INFORMATION

HILL COUNTRY ROADWAY ORDINANCE CALCULATIONS (Low Intensity with Bonus)

	0-15%	15-25%	25-35%	>35%	Total
Slope					
Area	11.28 ~~16.82 ac.~~	4.15 ~~10.59 ac.~~	1.30 ~~4.77 ac.~~	.68 ~~1.52 ac.~~	17.41 ~~33.70 ac.~~
F.A.R. Multiplier	0.25	0.08	0.04	0.00	
Allowable Square Feet	122,859.20 ~~183,170 s.f.~~	14,461.92 ~~36,804 s.f.~~	2,865.12 ~~8,311 s.f.~~	0 s.f. ~~228,385 s.f.~~	139,506.24
Proposed Square Feet					139,400 ~~228,200 s.f.~~
Required 40% Natural Area				13.48 ac.	
Natural Area Provided				19.57 ac.	

COMPREHENSIVE WATERSHED ORDINANCE CALCULATIONS (Includes R.O.W. of Santa Anita Cove)

	0-15%	15-25%	25-35%	>35%	Total
Slope					
Area	18.55 ac.	10.98 ac.	4.77 ac.	1.52 ac.	35.82 ac.
Net Site Area Multiplier	1.00	0.40	0.20	0.00	
Net Site Area	18.55 ac.	4.39 ac.	0.95 ac.	0.00 ac.	23.90 ac.

Allowable Impervious Cover Multiplier	0.40
Allowable Impervious Cover	9.56 ac.
Proposed Impervious Cover	9.44 ac.
Required Downstream Buffer	13.48 ac.
Downstream Buffer Provided	10.69 ac.

IMPERVIOUS COVER TRANSFERS

(For R.O.W. transfers only)

LOT	ALLOWABLE	PROPOSED	REMAINING
A-1	2.88 ac.	2.67 ac.	0.21 ac.
B-33	2.57 ac.	2.39 ac.	0.18 ac.
B-34	2.29 ac.	2.11 ac.	0.18 ac.
TOTAL	7.74 ac.	7.17 ac.	0.57 ac.

R.O.W.	ALLOWABLE	PROPOSED	REQUIRED TRANSFER
0-15%	0.71 ac.	0.91 ac.	0.20 ac.
>15%	0.04 ac.	0.41 ac.	0.37 ac.
TOTAL TRANSFER REQUIRED			0.57 ac.
TOTAL TRANSFER AVAILABLE			0.57 ac.

1. The 25' and 100 ' easements and greenl
2. Subdivision is class trainage or wastev Standards.
3. Roadways will be c the First Amendmen
4. All access to state acquired before fin
5. Water and Wastewa on site septic dispos
6. All greenbelts, pul easemen s will be association.
7. Access t drainage public streets.
8. Property owner sh be necessary and sh
9. No buildings, fen within any drainag by the City of Aus
10. There will be n drainage, or recrea
11. Prior to construct and Travis Count by ponding or oth site plans for appr
12. The responsibilit facilities lies wit the facilities are
13. Parking structure approval prior to
14. The Austin Fire or concrete as an
15. The required wi manner, includin appropriate actio shall be maintain

TYPICAL

REQU

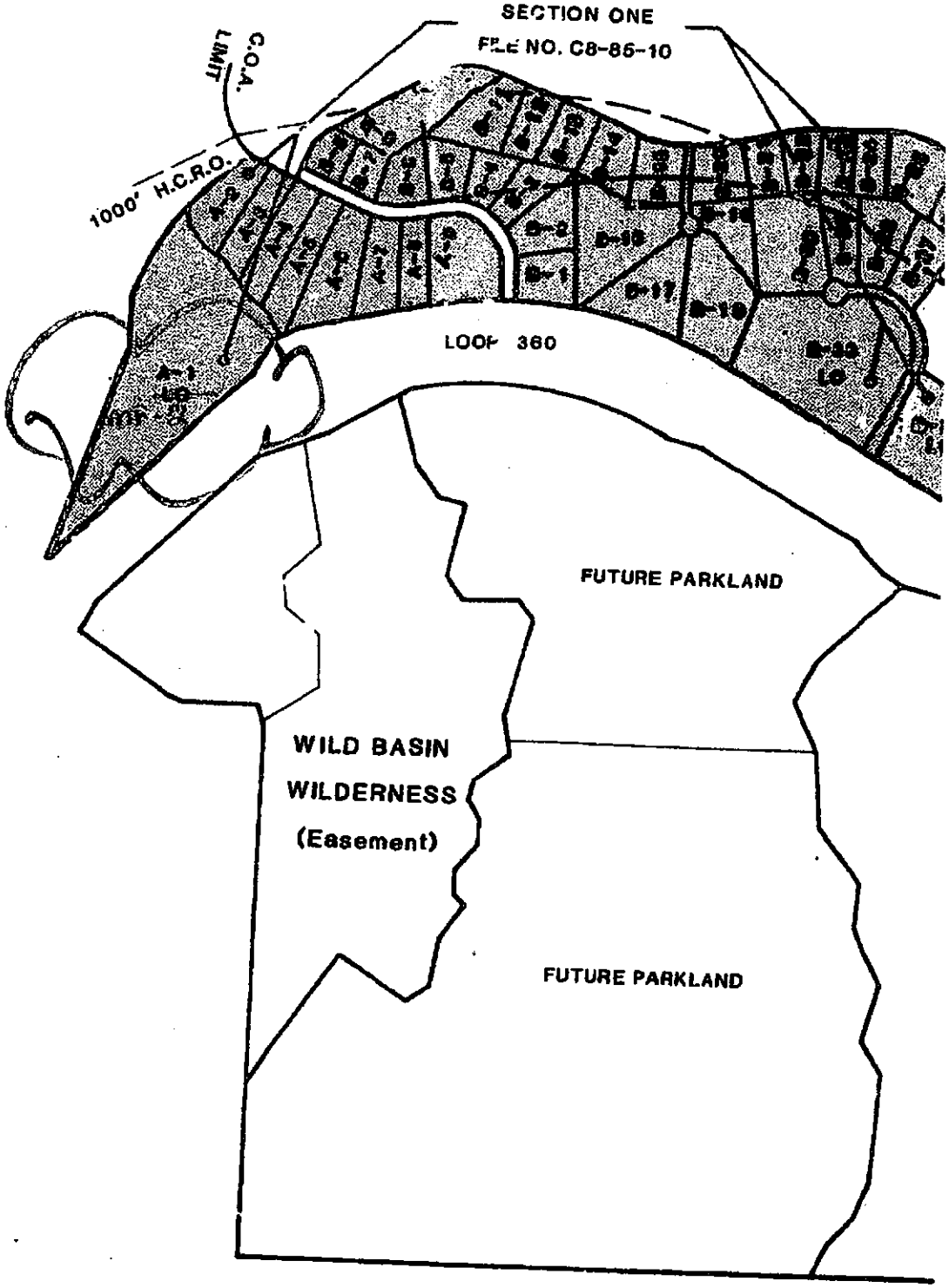
9'

SHEET 2

ROB ROY NEIGHBORHOOD

TRACT D

DAVENPORT WEST
SECTION ONE
FILE NO. C8-85-10



SHEET 2

ORDINANCE CALCULATION SUMMARY

Slope	0-15%	15-25%	25-35%	>35%	Total
Area	5.54 ac.	6.44 ac.	3.47 ac.	0.84 ac.	16.29 ac.
P.A.R. Multiplier	0.25	0.01	0.04	0.00	
Allowable Square Feet	60,331 s.f.	22,44 s.f.	6,046 s.f.	0 s.f.	88,819 s.f.
Proposed Square feet					434,200 ~~88,800 s.f.~~
Required 40% Natural Area				6.52 ac.	
Natural Area Provided				10.02 ac.	

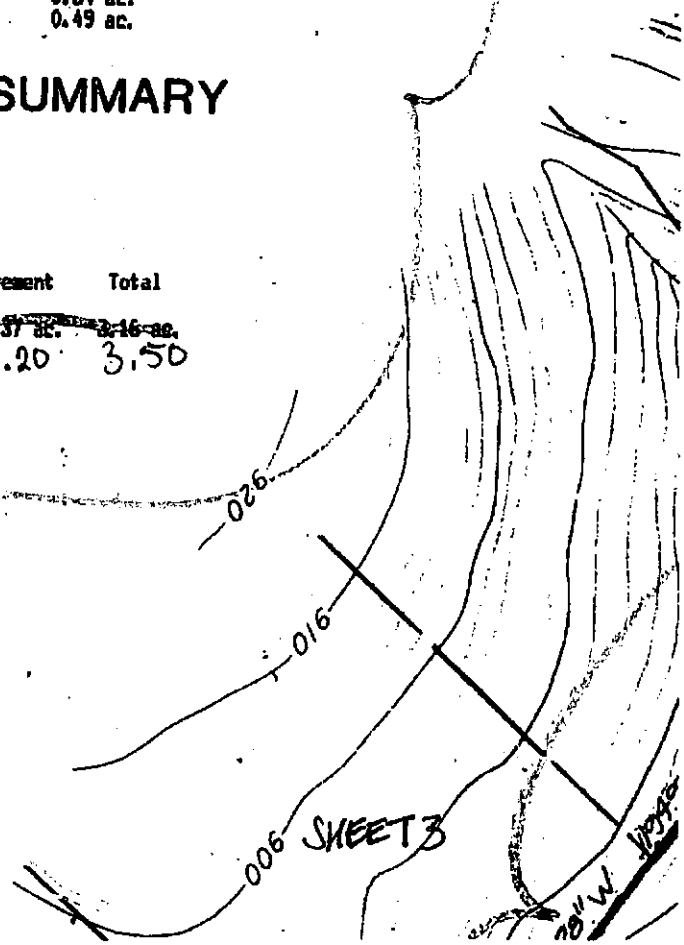
COMPREHENSIVE WATERSHED ORDINANCE CALCULATIONS

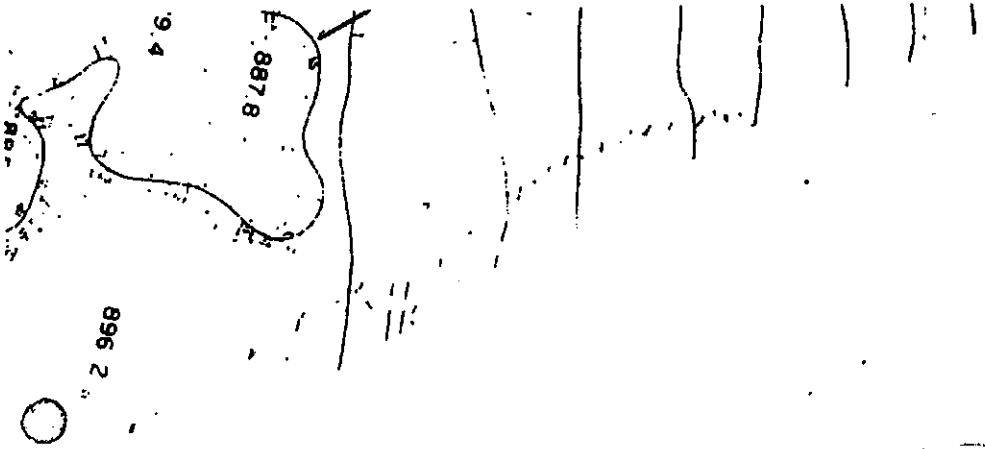
Slope	0-15%	15-25%	25-35%	>35%	Total
Area	5.54 ac.	6.44 ac.	3.47 ac.	0.84 ac.	16.29 ac.
Net Site Area Multiplier	1.00	0.40	0.20	0.00	
Net Site Area	5.54 ac.	2.58 ac.	0.69 ac.	0.00 ac.	8.81 ac.

Allowable Impervious Cover Multiplier	0.40
Allowable Impervious Cover	3.52 ac.
Proposed Impervious Cover	~~3.16 ac.~~ 3.50
Required Downstream Buffer	6.52 ac.
Downstream Buffer Provided	4.67 ac.
Allowable Imp. Cover on Slopes of 15-25%	0.64 ac.
Proposed Imp. Cover on Slopes of 15-25%	0.49 ac.

IMPERVIOUS COVER SUMMARY

Block	Lot	Acreage	Building Cover	Pavement	Total
Block A	Lot 1	16.29 ac.	~~0.79 ac.~~ 3.30	~~2.37 ac.~~ .20	~~3.16 ac.~~ 3.50





SHEET 3

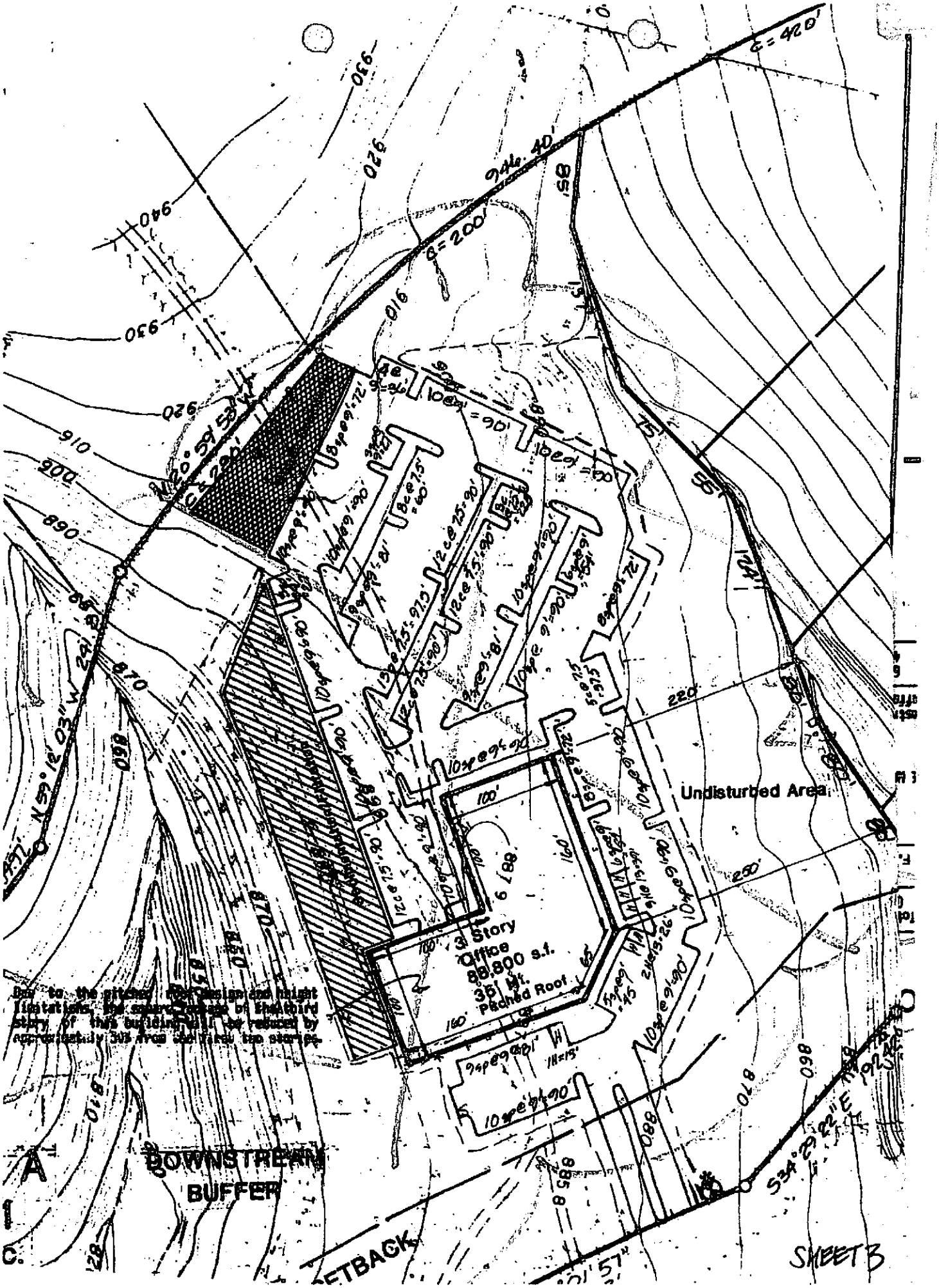
ORDINANCE CALCULATIONS

HILL COUNTRY ROADWAY ORDINANCE
(Low Intensity with Bonus)

Tract	0-15% Slope	15-25% Slope	25-35% Slope	>35% Slope	Total	Allowable F.A.R.	Natural Area	Total Development Overall F.A.R
Lot A - 1 Proposed	5.54	6.44	3.47	0.84	16.29	88,819 s.f. 88,800 s.f.	4.52 10.02	88,800 s.f. F.A.R. = 0.13

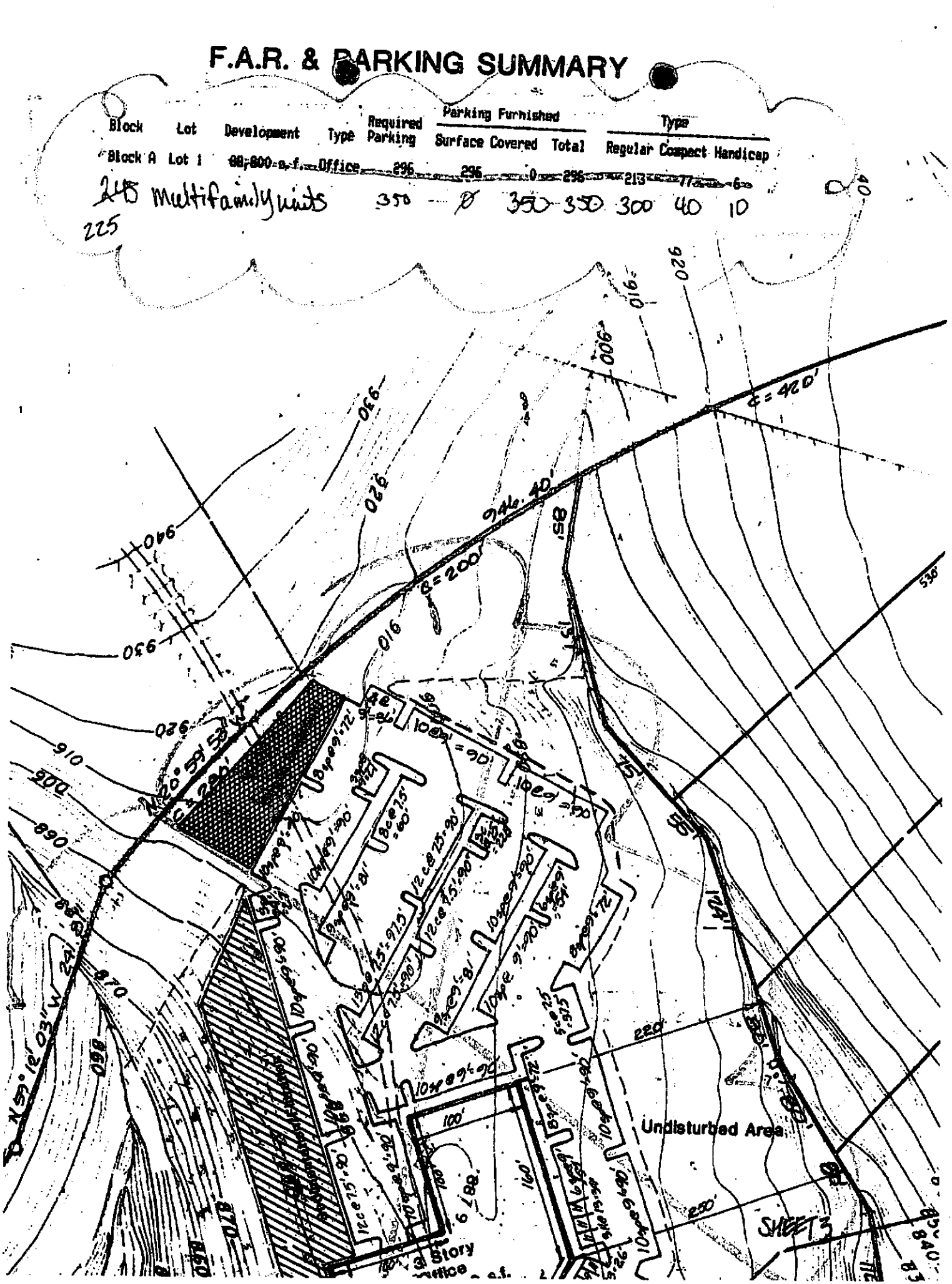
COMPREHENSIVE WATERSHED ORDINANCE

Lot or Tract	Tract Acreage	CWQZ Acreage	WQBZ Acreage	Uplands Zone Acreage: 0-15% Slope	15-25% Slope	25-35% Slope	>35% Slope	Zone Total	Downstream Buffer	Net Site Area	Impervious Cover: CWQZ	WQBZ	Uplands Transfer	Maximum	Special Categories of Impervious Cover: 15-25% Slopes	>25% Slopes	100 Yr Floodplain	TOTAL IMPERVIOUS COVER
Lot A - 1 Proposed	16.29	0.00	0.00	5.54	6.44	3.47	0.84	16.29	6.52 4.67	8.81	0.00 0.00	0.0 0.0	3.52	0.00	3.52 3.16 3.19	0.64 0.49	0.00 0.00	0.00 0.00	3.16 ac. 3.19


Undisturbed Area
3 Story
Office
88,800 s.f.
35' Ht.
Pitched Roof
DOWNSTREAM
BUFFER
SHEET B

F.A.R. & PARKING SUMMARY

Block	Lot	Development	Type	Required Parking	Parking Furnished			Type		
					Surface	Covered	Total	Regular	Compact	Handicap
Block A	Lot 1	~~88,800 s.f.~~	Office	296	296	0	296	213	77	6
248		Multifamily units		350	0	350	350	300	40	10



COATS | ROSE

A Professional Corporation

[redacted]
JOHN M. JOSEPH

[redacted]
Direct Dial
512.541.3593

November 5, 2013

VIA EMAIL
Ms. Betty Baker, Chair
Zoning and Platting Commission
City of Austin
P.O. Box 1088
Austin, Texas 78767

Re: Canyons @ Rob Roy Rezoning (C814-88-0001(RCA)); Postponement Request

Dear Madam Chair and Zoning and Platting Commissioners:

I am writing to you on behalf of our client, Rob Roy Homeowner's Association ("Client"), to formally request a postponement of the above-referenced case to the December 3, 2013 Zoning & Platting Commission hearing. Our Client would like to have additional time to work with the Applicant on the proposed revisions to the Restrictive Covenant. This is our Client's first request for a postponement.

Thank you for your immediate attention to this matter. Please feel free to contact me if you have any questions.

Sincerely,

John M. Joseph

cc: Clark Patterson, City of Austin
Jerry Rusthoven, City of Austin
Richard Suttle, Attorney for the Applicant

4811-8146-9202, v. 1

COATS | ROSE

A Professional Corporation

[redacted]

[redacted]
Direct Dial
512.541.3593

November 19, 2013

Via Email
Jim Williams
City of Austin
P.O. Box 1088
Austin, Texas 78767

Re: Case No. C814-88-0001(RCA)

Dear Mr. Williams,

On behalf of the Rob Roy Homeowners Association ("Rob Roy"), I am writing to object to the amendment of the above-referenced restrictive covenant by City Council. The amendment has been requested by Brandywine Acquisition Partners, LP (the "Applicant") in order to allow the development of a 16.82-acre tract at 800 N. Capitol of Texas Highway (the "Property") for 245 multi-family dwellings. The restrictive covenant limits the development of the Property to an 88,800 square foot building with limited office (LO) use. For the reasons explained below, the restrictive covenant cannot be amended without the agreement of all property owners directly affected by the amendment, which includes, at a minimum, the Rob Roy homeowners whose property is also subject to the restrictive covenant. Because the Applicant has not secured the agreement of these property owners, Staff should be directed to cease processing the restrictive covenant and the case should be indefinitely postponed.

The restrictive covenant is attached as Exhibit "1". It was executed in 1989 and recorded in the real property records of Travis County as Document No. 89027440. The restrictive covenant was executed by the developer of Davenport Ranch, Davenport Limited ("Davenport"), and the City of Austin. It burdens 113.5 acres of land in total, including the Property and other land that was subsequently platted as single-family lots and incorporated into the pre-existing Rob Roy Homeowners Association by agreement of Rob Roy.[1] These lots include all of the single-family lots abutting the northern and western boundaries of the Property, as well as other single family lots to the north of Pascal Lane.

[1] A map of the 35.3859 tract showing the Property and certain of these single-family lots prior to platting is attached to the restrictive covenant as Exhibit "A". For reference, attached as Exhibit "2" is a map of the current boundaries of the Property and surrounding single-family lots prepared by Staff.

To date, Staff has interpreted the language in bold as requiring *only* the consent of City Council and the Applicant, and continues to process the requested amendment without requiring the consent of other property owners. This is an unduly narrow interpretation of the restrictive covenant. The property owners whose homes adjoin or lie near the Property – all of whom, like Applicant, are bound by the restrictive covenant[3] – are "directly affected" by proposed changes in the intensity and scale of development on the Property. As noted above, the restrictive covenant permits only an 88,800 square foot limited office building. The Applicant is proposing to construct an apartment building with 245 units and structured parking, which inevitably will entail a structure at least three times the size of the permitted structure. The wholesale increase in the building's scale and bulk will impair the sightlines across the Property, increase the ambient lighting at night, and intensify the traffic in the evening and early morning hours. Each of these has a "direct effect" on nearby homeowners.

Each of these homeowners purchased his or her property subject to the restrictive covenant, and each is entitled to rely upon its protections. Allowing it to be amended solely upon the Applicant's request and the blessing of City Council would deprive these owners of their bargain and subvert one of the covenant's chief purposes. Staff's interpretation, in fact, would render the covenant's restrictions on use superfluous because the P.U.D. ordinance contains identical limitations on the size and use of development on the Property. Council actually adopted the P.U.D. zoning for the Property before the City (through the acting City Manager) executed the restrictive covenant. If the parties' intent had been to allow these restrictions to be removed at the sole discretion of Council (and the Applicant), there would have been no purpose in placing these restrictions in a covenant since any change to P.U.D. zoning restrictions automatically requires Council assent. The evident purpose in incorporating these restrictions into a restrictive covenant was instead to ensure that *other* property owners "directly affected" by the amendment must consent.

This interpretation is bolstered by contemporaneous agreements executed by the developer. On December 1, 1988, the Rob Roy Homeowners Association and Westview Development, Inc., the predecessor to Davenport, executed a Letter of Agreement (the "Rob Roy Agreement") that spelled out restrictions on the use of several Davenport Ranch tracts, including the Property. See Exhibit "5" hereto. Among other things, the Rob Roy Agreement specified a maximum of 88,800 square feet of commercial space on Tract D, Lot A-1 (the lot at issue), which matches the amount of development permitted by the concept plan approved by Council as part of the P.U.D. ordinance. See Exhibit "2". The Rob Roy Agreement further specified that "lot A-1 is to be L.O." see Rob Roy Agreement, ¶ 4, and that "[r]esidential areas of Tracts D and C-3 will be single family detached with an average over-all density of 2 acres per unit." Rob Roy Agreement, ¶ 7. The Rob Roy Agreement also set forth detailed restrictions to protect the sight lines of nearby residential development, implicitly acknowledging one of the many ways that development of the Property can "directly affect" surrounding homeowners. ¶ 6. Last, but not least, the Agreement provided for the creation of a Joint Architectural Control Committee, and required the Davenport developer to impose deed restrictions upon three commercial parcels – including the Property (Lot A-1) – which were to provide "that they cannot be amended without the consent of Rob Roy Homeowners Association, Inc." This Agreement simultaneously

[3] Inquiry with a title company has confirmed that the restrictive covenant appears as a restriction of record on each of the single-family homes adjoining the Property.

zoning case. Given the developer's extensive consultation and negotiation with Rob Roy concerning the use of the land, it would be nonsensical to interpret the restrictive covenant now to permit the restrictions to be removed without the consent of Rob Roy homeowners affected by the change.

Neither the Applicant nor Staff has obtained the consent of nearby property owners to the proposed amendment to the Restrictive Covenant. Council does not have the authority to amend the restrictive covenant without their consent. Rob Roy, which itself owns one of the parcels burdened by the restrictive covenant and which would be directly affected by the Applicant's proposed change, certainly objects. We know that most of the homeowners bordering the Property object as well. We accordingly asked you to instruct Staff to cease processing this amendment and to remove this matter from all Commission and Council agendas. Because the Applicant's concurrent P.U.D. zoning application is futile without an amendment of the restrictive covenant, we ask you to direct Staff to cease processing the zoning application as well.

Finally, I would also like to point out that the final plat for the subject Property contains a plat note restricting the Property from being developed for residential use. See Exhibit "8". The Applicant's attorney has informed me during informal discussions of this matter that he believes Staff will not enforce this restriction as long as the Applicant pays parkland dedication fees. We do not believe that staff has the authority to unilaterally disregard a plat note, however. We ask you to confirm that, even if the Applicant succeeds in amending the restrictive covenant and P.U.D. zoning, it must amend the plat to remove the note (including obtaining Travis County Commissioners Court approval) before submitting the site plan for approval.

Thank you in advance for your consideration.

Sincerely,

John M. Joseph

cc: Case Manager Clark Patterson, City of Austin
Richard Suttle
Betty Baker, Chair Zoning and Platting Commission
Zoning and Platting Commission Members

4817-9956-8150, v. 1

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

Case Number: C814-88-0001.10
Contact: Clark Patterson, 512-974-7691
Public Hearing: Nov 5, 2013, Zoning and Platting Commission
Dec 12, 2013, City Council

Sandra Ferguson
Your Name (please print)

☐ **I am in favor**
☑ **I object**

12 Hedge Lane
Your address(es) affected by this application

Sandra Ferguson — Oct 27, 2013
Signature — *Date*

Daytime Telephone:

Comments: Tufin Office Building

If you use this form to comment, it may be returned to:
City of Austin
Planning & Development Review Department
Clark Patterson
P. O. Box 1088
Austin, TX 78767-8810

PUBLIC HEARING INFORMATION

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

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

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

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

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

www.austintexas.gov

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

Case Number: C814-88-0001.10
Contact: Clark Patterson, 512-974-7691
Public Hearing: Nov 5, 2013, Zoning and Platting Commission
Dec 12, 2013, City Council

EDWARD and SHARON NEUSEL
Your Name (please print)

☐ I am in favor
☑ I object

14 PASCAL LN 78746
Your address(es) affected by this application

Edward A. Neusel
Signature

10/27/13.
Date

Daytime Telephone: 512 892 1406

Comments: The proposed development on N. Lamar Texas Highway will only add to the traffic and road congestion on this already saturated roadway. Traffic between 6:30 am - 9:30 am and 3:30 pm - 7 pm is unbearable. Additional traffic from this development consisting of office buildings will only make it worse. Please protect our quality of life and neighborhood. Do not approve this project.

If you use this form to comment, it may be returned to:
City of Austin
Planning & Development Review Department
Clark Patterson
P. O. Box 1088
Austin, TX 78767-8810

COATS | ROSE

A Professional Corporation

KELLY WRIGHT

kwright@coatsrose.com
Direct Dial
512.541.3599

November 19, 2013

VIA HAND DELIVERY
Mr. Clark Patterson
City of Austin
P.O. Box 1088
Austin, Texas 78767

Re: Case Nos. C814-88-0001.10 and C814-88-0001(RCA)

Dear Mr. Patterson,

Enclosed please find the original signatures on a Petition for the above-referenced cases. Please contact me with any questions.

Sincerely,

Kelly Wright

Kelly Wright

ACKNOWLEDGED:

_____

Enclosures

PETITION

Date: 4 November 2013
File Number: C814-88-0001.10

Address of
Rezoning Request: 800 N. Capitol of Texas Highway

To: Austin City Council

We, the undersigned owners of property within 200 feet of the property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code, including any change to the Planned Unit Development regulations for the property, which would permit any use other than office on the property.

Since 1988, the use of the property has been limited to office by a PUD, a Letter Of Agreement with the Rob Roy Homeowners Association, and a restrictive covenant. These allowed an 88,000 square foot, 35 foot high office building to be built on the referenced property. We bought our homes on the understanding that the property was restricted in this way. The requested zoning change to multi-family to allow the construction of a 245-unit apartment complex will impact our home values by putting adjacent to our neighborhood a facility three times the size of the office building, will impact the already overcrowded traffic on 360 and impact our already crowded neighborhood schools much more than the office building.

Signature	Printed Name	Address
[signature]	William Frank King	24 Pascal Ln Austin TX
[signature]	Grova F. Jones	22 Pascal Lane 78746
[signature]	Damon A. Davis	18 Pascal Lane Austin TX 78746

Edward C. Hensel DDS	EDWARD NEVSEL	[redacted] PASCAL LN
Jenna Salwen	Jenna Salwen	12 Pascal LN
Terri Harris	Terri HARRIS	16 PASCAL LN
Russ Harris	Russ HARRIS	16 PASCAL LN

Date: W. F. King Contact Name:

512 567-7125 Phone Number:

From: Mike Killfoil [redacted]
Subject: Re: Petition
Date: November 19, 2013 at 2:42 PM
To: william king [redacted]
Cc: Mike [redacted]

Attached is my signed petition form.

I do feel some of the main points to be talked about at ZAPCO should be revised.

Point 1: Perfect
Point 2: Traffic is always getting worse along 360 as more people move in to Travis County. Maybe saying an apartment complex will make 360 more dangerous since people will be entering/leaving 24/7 as opposed to an office building schedule of 9 to 5 pm.
Point 3: Again, schools are always getting more crowded everywhere as more people move to Austin. That's another issue I think.
Point 4: I agree. Those 240 units will be nice and shiny for a few years but will eventually deteriorate and command much less rent in the future and become sort of an affordable housing complex for transitional people. I also think noise issues will be a concern. Apartment sponsored weekend pool parties with DJ's to lure tenants or people blaring music in the middle of the night from their balconies will be a major nuisance by being so close which would negatively impact property values.
Point 5: Security Issues: I agree that security issues will get worse everywhere nearby. With an apartment complex it's just a lot of transitional people who are moving into the complex for a year or two and then moving out. I don't think they really care about the community or schools for the short time they live in the area. I also think an apartment complex could be a potential fire hazard. Just drive around any apartment complex and look at all the illegal Barbecue Grills on balconies...even though they are banned by apartments.

I would love an office building instead. Maybe people who worked there would move closer, buy a house and become involved in the community by volunteering, etc. and make the area even better than it is now.

Reina Killfoil
20 Pascal Lane
Austin, TX 78746

See More from william king

PETITION

Date: 4 November 2013
File Number: C814-88-0001.10

Address of
Rezoning Request: 800 N. Capitol of Texas Highway

To: Austin City Council

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Signature	Printed Name	Address
[signature]	Reina Killeen	20 Pascal Lane, Austin Tx 78746

PETITION

Date: 4 November 2013
File Number: C814-88-0001.10

Address of
Rezoning Request: 800 N. Capitol of Texas Highway

To: Austin City Council

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Signature	Printed Name	Address	Date
	Linda Cheng	27 St. Stephen's Blvd	12/03/20 B

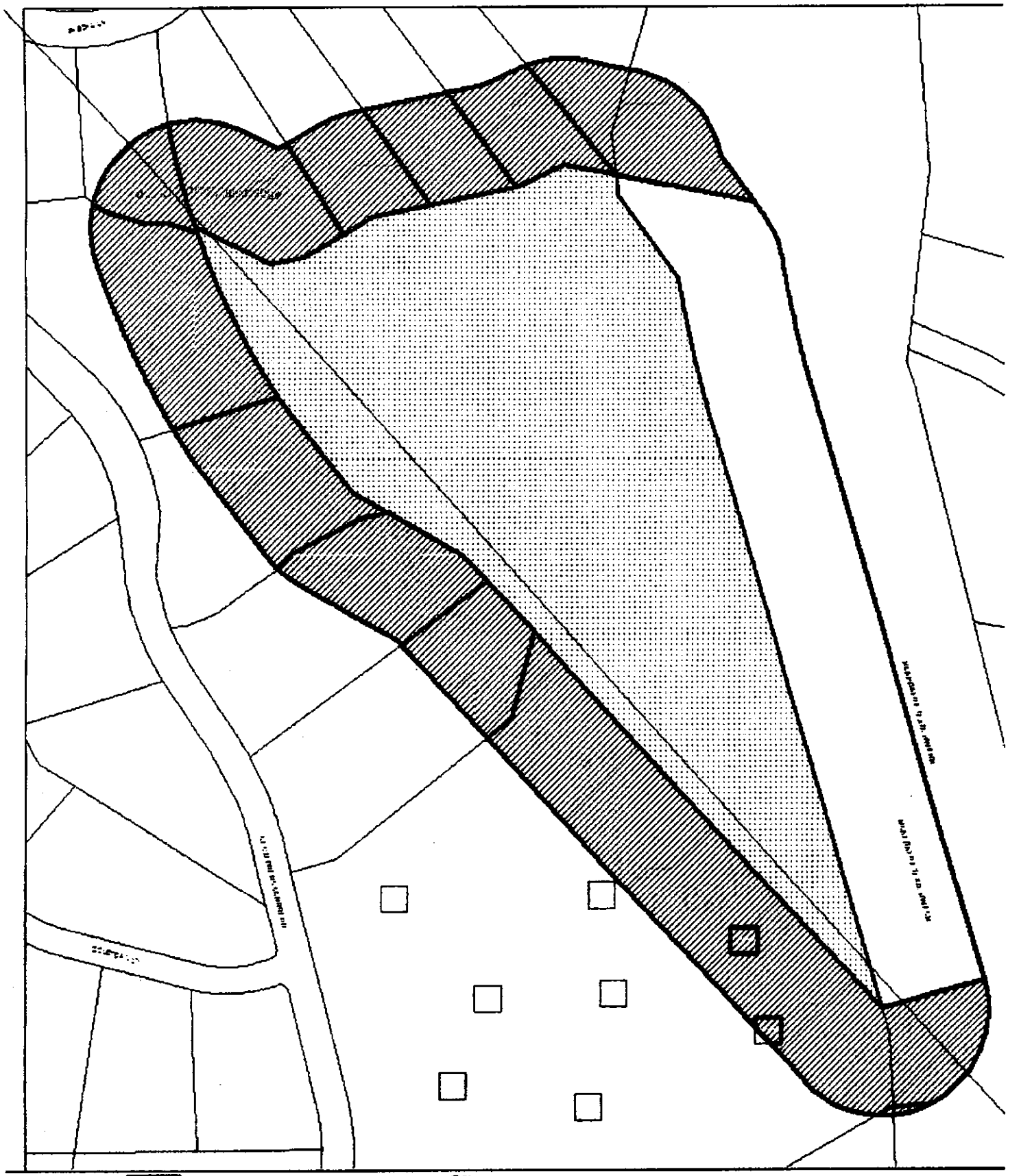
PETITION

Case Number: **C814-88-0001** Date: 12/3/2012

Total Square Footage of Buffer:	1022751.14
Percentage of Square Footage Owned by Petitioners Within Buffer:	28.21%

Calculation: The total square footage is calculated by taking the sum of the area of all TCAD Parcels with valid signatures including one-half of the adjacent right-of-way that fall within 200 feet of the subject tract. Parcels that do not fall within the 200 foot buffer are not used for calculation. When a parcel intersects the edge of the buffer, only the portion of the parcel that falls within the buffer is used. The area of the buffer does not include the subject tract.

#	TCAD ID	Address	Owner	Signature	Petition Area	Percent
1	0123230305	20 PASCAL LN 78746	KILLFOIL REINA E	yes	33346.78	3.26%
2	0123230304	22 PASCAL LN 78746	JONES TRENNIS L & GROVA L	yes	55334.98	5.41%
3	0121230305	29 ST STEPHENS SCHOOL RD 78746	CAMPA INVESTMENTS L L C	no	60257.48	0.00%
4	0123230303	24 PASCAL LN 78746	KING WILLIAM FRANK III & JAN & JAN OWINGS KING	yes	22705.53	2.22%
5	0121230309	500 N CAPITAL OF TX HY 78746	BAT CONSERVATION INTERNATIONAL INC	no	2501.01	0.00%
6	0121230304	27 ST STEPHENS SCHOOL RD 78746	CHENG LINDA Y H	yes	53425.80	5.22%
7	0121230310	500 N CAPITAL OF TX HY 78746	D&KRE LTD THE RESERVE BLDG 2	no	2061.93	0.00%
8	0123230307	16 PASCAL LN 78746	HARRIS TERRI	yes	34695.54	3.39%
9	0123230308	14 PASCAL LN 78746	NEUSEL SHARON R & EDWARD A	yes	56131.24	5.49%
10	0123230306	18 PASCAL LN 78746	DAVIS DAMON A & AMY E	yes	32857.19	3.21%
11	0121230308	Address Not Found		no	230547.42	0.00%
12	0121230306	31 ST STEPHENS SCHOOL RD 78746	EPSTEIN STEPHAN B & MARILYN	no	79384.65	0.00%
13	0121230303	25 ST STEPHENS SCHOOL RD 78746	SOYYAR ALFRED M	no	39631.48	0.00%
14	0119230203	108 N WILD BASIN RD 78746	WILD BASIN I & II INVESTORS LP	no	985.27	0.00%
						Total %
						28.21%



N

BUFFER

PROPERTY_OWNER

SUBJECT_TRACT

PETITION

CASE#: C814-88-0001

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

1 " = 238 '

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or

COATS | ROSE

A Professional Corporation

JOHN M. JOSEPH

[redacted]
Direct Dial
512.541.3593

December 5, 2013

VIA EMAIL
Mr. Greg Guernsey, Director
Planning & Development Review Department
City of Austin
505 Barton Springs, 5th Floor
Austin, Texas 78704

Re: Canyons @ Rob Roy (C814-88-0001.10 and C814-88-0001(RCA)); Postponement Request

Dear Mr. Guernsey:

I am writing to you on behalf of our client, Rob Roy Homeowner's Association ("Client"), to formally request a postponement of the above-referenced case to the January 23, 2014 City Council hearing. A large number of my Clients (residents of Rob Roy) are abroad and are not able to attend the public hearing scheduled for December 12, 2013. This is our Client's first request for a postponement.

Thank you for your immediate attention to this matter. Please feel free to contact me if you have any questions.

Sincerely,

John M. Joseph

cc: Mayor & City Council Members
Clark Patterson, City of Austin
Jerry Rusthoven, City of Austin

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