

## SECOND/THIRD READING SUMMARY SHEET

**ZONING CASE NUMBER:** C14-2014-0167 (Cantarra Mixed Use)

**DISTRICT AREA:** 1

**REQUEST:**

Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code, zoning the property locally known as 13007 Cantarra Drive from interim-rural residence-small lot (I-RR) district zoning to neighborhood commercial-mixed use-conditional overlay (LR-MU-CO) combining district zoning.

The ordinance and public restrictive covenant reflect the conditions imposed by the City Council on 1<sup>st</sup> reading.

**OWNER/APPLICANT:** Michael Jeter

**AGENT:** Alice Glasco Consulting (Alice Glasco)

**DEPARTMENT COMMENTS:**

The property in question is currently undeveloped. The applicant is requesting permanent zoning for this site. This property was annexed by the City of Austin on December 31, 2007 (Case C7a-07-024). Upon annexation, the property received interim Rural Residence zoning because the Zoning and Platting Commission approved single-family small lot subdivision for the portion of the property to the north on March 20, 2007 (Case C8J-05-0236.1A).

The staff recommends LR-MU-CO zoning for the site under consideration because the property meets the intent of the purpose statement for the LR-MU combining district. The proposed LR-MU-CO zoning would allow for a fair and reasonable use of the site because it will permit the applicant to develop low intensity office and commercial uses fronting an arterial roadway, East Howard Lane. The Neighborhood Commercial District zoning is intended to provide much needed easily accessible/walkable commercial services to the surrounding residentially zoned areas. In addition, the proposed "MU" combining district would permit the applicant to develop office, retail, commercial, and residential uses that could be combined in a single development at this location.

The applicant agrees with the City Council's recommendation at 1<sup>st</sup> reading.

**DATE OF FIRST READING/VOTE:** April 16, 2015 / Approved LR-MU-CO zoning,  
include the conditions of the Planning  
Commission recommendation, with the  
exception/removing the fencing  
prohibition, on first reading (11-0);  
G. Casar-1<sup>st</sup>, O. Houston-2<sup>nd</sup>.

**CITY COUNCIL DATE:** June 11, 2015

**CITY COUNCIL ACTION:**

**ASSIGNED STAFF:** Sherri Sirwaitis

**PHONE:** 512-974-3057  
sherri.sirwaitis@ austintexas.gov

## ZONING CHANGE REVIEW SHEET

**CASE:** C14-2014-0167 (Cantarra Mixed Use)

**Z.A.P. DATE:** March 3, 2015

**ADDRESS:** 13007 Cantarra Drive

**DISTRICT AREA:** 1

**OWNER/APPLICANT:** Michael Jeter

**AGENT:** Alice Glasco Consulting (Alice Glasco)

**ZONING FROM:** I-RR

**TO:** LR-MU\*

**AREA:** 2.386 acres

\*On February 18, 2015, the applicant stated in an e-mail that they would like to propose a conditional overlay for the property that would state that, "A fence or a wall is prohibited within 50 feet of Cantarra Drive and East Howard Lane." This 50 foot area is assigned as a landscape easement given to a third party by the previous property owner through a private restrictive covenant.

### **SUMMARY STAFF RECOMMENDATION:**

The staff's recommendation is to grant LR-MU-CO, Neighborhood Commercial-Mixed Use-Conditional Overlay Combining District, zoning for this property. The conditional overlay will limit the development intensity for the site to less than 2,000 vehicle trips per day and will include the applicant's request to prohibit a fence or a wall within 50 feet of Cantarra Drive and East Howard Lane.

In addition, the results of the neighborhood traffic analysis for this site (NTA Memorandum-Attachment A) shall be included in a public restrictive covenant that will be recorded prior to third reading of this case at City Council.

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

3/03/15: Approved staff's recommendation of LR-MU-CO zoning with conditions, adding a new condition to prohibit Off-Site Accessory Parking on the property (6-0, G. Rojas-absent); P. Seeger-1<sup>st</sup>, R. McDaniel-2<sup>nd</sup>.

### **ISSUES:**

On April 1, 2015, the staff received a petition from adjacent property owners who are opposed to any zoning classification other than SF-4A zoning on the site (Please see Attachment B-Petition Submittal). This property has interim zoning. Therefore, this property is not subject to petition rights. According to state law, a petition only affects the rezoning of a property not the initial zoning designation of land. The excerpt below is from the City of Austin's Land Development Code and explains when the City Council is subject to the three-fourths vote.

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

- (A) *The affirmative vote of three-fourths of the members of Council is required to approve a proposed **rezoning** if:*

- (1) the Land Use Commission recommends denial of an application to *rezone* property to a planned unit development; or
- (2) the proposed *rezoning* is protested in writing by the owners of not less than 20 percent of the area of land:
  - (a ) included in the proposed change; or
  - (b) immediately adjoining the area included in the proposed *rezoning* and extending 200 feet from the area.

**DEPARTMENT COMMENTS:**

The property in question is currently undeveloped. The applicant is requesting permanent zoning for this site. This property was annexed by the City of Austin on December 31, 2007 (Case C7a-07-024). Upon annexation, the property received interim Rural Residence zoning because the Zoning and Platting Commission approved single-family small lot subdivision for the portion of the property to the north on March 20, 2007 (Case C8J-05-0236.1A).

The staff recommends LR-MU-CO zoning for the site under consideration because the property meets the intent of the purpose statement for the LR-MU combining district. The proposed LR-MU-CO zoning would allow for a fair and reasonable use of the site because it will permit the applicant to develop low intensity office and commercial uses fronting an arterial roadway, East Howard Lane. The Neighborhood Commercial District zoning is intended to provide much needed easily accessible/walkable commercial services to the surrounding residentially zoned areas. In addition, the proposed "MU" combining district would permit the applicant to develop office, retail, commercial, and residential uses that could be combined in a single development at this location.

The applicant agrees with the staff's recommendation.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	I-SF-4A	Undeveloped
<i>North</i>	SF-4A	Single Family Residences (Cantarra Residential Neighborhood)
<i>South</i>	PUD	Single Family Residence, Undeveloped
<i>East</i>	SF-4A	Undeveloped
<i>West</i>	SF-4A, I-SF-4A, County	Single-Family Residence, Automotive Sales (Bocho Auto Sales)

**AREA STUDY:** N/A

**TIA:** Waived

**WATERSHED:** Harris Branch

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** N/A

**HILL COUNTRY ROADWAY:** N/A

**NEIGHBORHOOD ORGANIZATIONS:**

Austin Heritage Tree Foundation  
 Bike Austin  
 Cantarra Homeowners Association, Inc.  
 North Growth Corridor Alliance  
 Harris Branch Residential Property Owners Association

Pflugerville Independent School District  
 SELTEXAS  
 Sierra Club, Austin Regional Group  
 The Real Estate Council of Austin, Inc.

**CASE HISTORIES:**

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2008-0127 (Cantarra Commercial Zoning: 3112 ½ Gregg Lane)	I-SF-4A to GR* *On January 7, 2009, the staff received an e-mail from the applicant stating that they would like to amend their zoning request to the 'LR' district (Attachment A). Neighborhood Commercial zoning will permit the uses that they have listed on their TIA submittal for this case.	1/20/09: Approved staff recommendation of LR zoning with conditions by consent (4-0, K. Jackson, T. Rabago, R. Evans-absent)	2/26/09: The public hearing was closed neighborhood commercial (LR) district zoning with TIA conditions was approved on consent on Council Member Morrison's motion, Council Member Cole's second on a 6-0 vote. Mayor Wynn was off the dais.  2/25/10: <b>Case expired</b> per LDC Section 25-2- 246(B). The applicant did not submit Corporate Authorization information as to who could sign the public restrictive covenant document for the TIA for this case. Therefore, this zoning case was not scheduled for 2 <sup>nd</sup> /3 <sup>rd</sup> readings to approve an ordinance and public restrictive covenant at City Council.
C14-2008-0013 (Cantarra Zoning: Gregg Lane)	I-SF-4A to Tract 1: SF-4A and Tract 2: GR	5/20/08: Approved staff's recommendation for SF-4A zoning by consent (7-0, J. Martinez-absent); K. Jackson-1 <sup>st</sup> , T. Rabago-2 <sup>nd</sup> .	7/24/08 : Approved SF-4A zoning by consent (5-0, Cole and Shade-off the dais)

**RELATED CASES:** C8J-05-0236.1A (Subdivision Case)  
 C7a-07-024 (Annexation Case)

**ABUTTING STREETS:**

Cantarra Drive	64'	40'	Collector	No	No	No
E. Howard Lane	108'	70'	Arterial	Yes	Yes; dedicated bike lane	No

**CITY COUNCIL DATE:** April 2, 2015

April 16, 2015

June 11, 2015

**ORDINANCE READINGS:** 1<sup>st</sup> 4/16/15

**ORDINANCE NUMBER:**

**CASE MANAGER:** Sherri Sirwaitis

**ACTION:** Postponed to April 16, 2015 at the neighborhood's request.

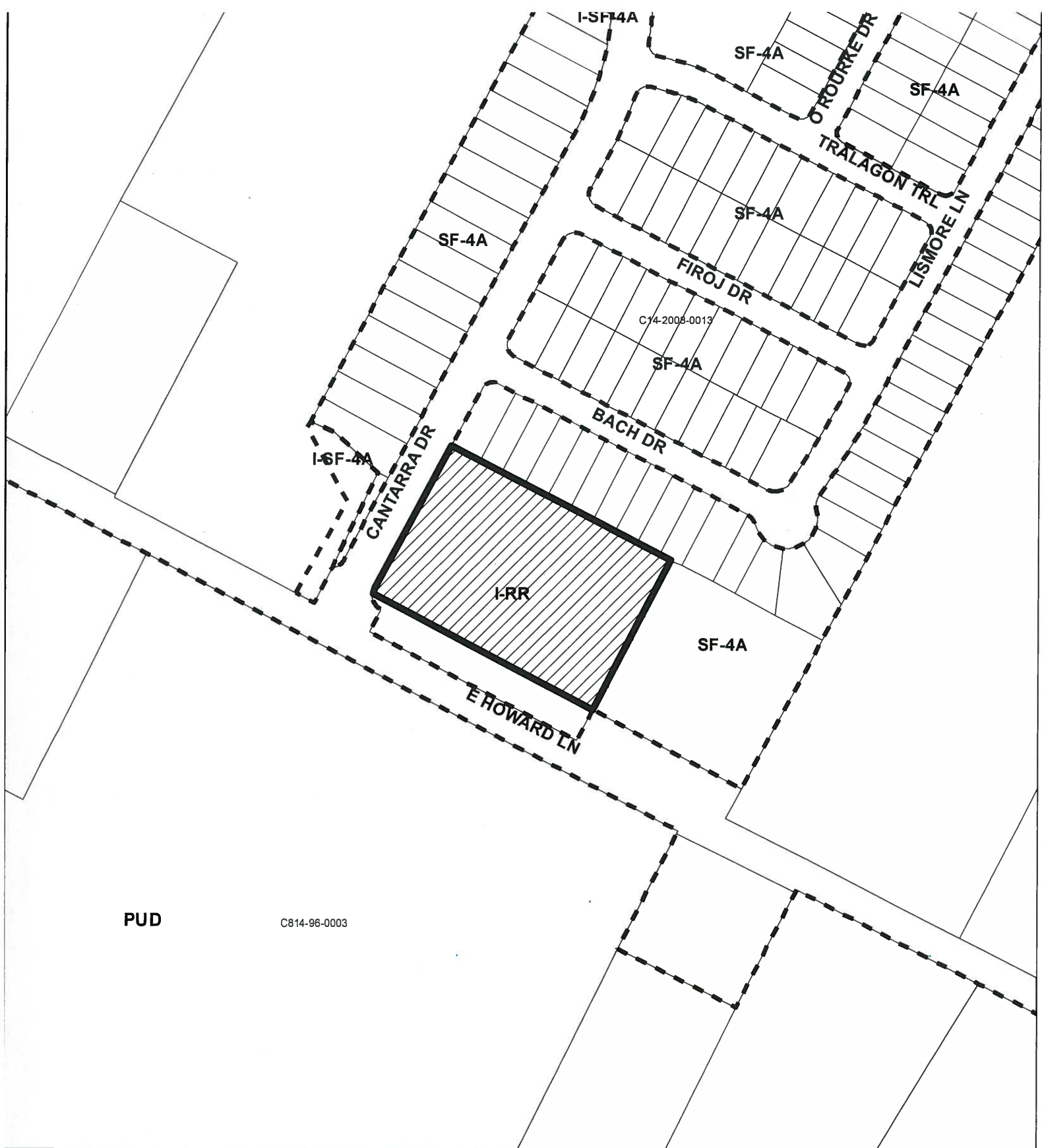
**ACTION:** Approved LR-MU-CO zoning, include the conditions of the Planning Commission recommendation, with the exception/removing the fencing prohibition, on first reading (11-0); G. Casar-1<sup>st</sup>, O. Houston-2<sup>nd</sup>.




**ACTION:**

2<sup>nd</sup>

3<sup>rd</sup>

**PHONE:** 512-974-3057,  
[sherri.sirwaitis@austintexas.gov](mailto:sherri.sirwaitis@austintexas.gov)



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

**ZONING**  
CASE#: C14-2014-0167



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.

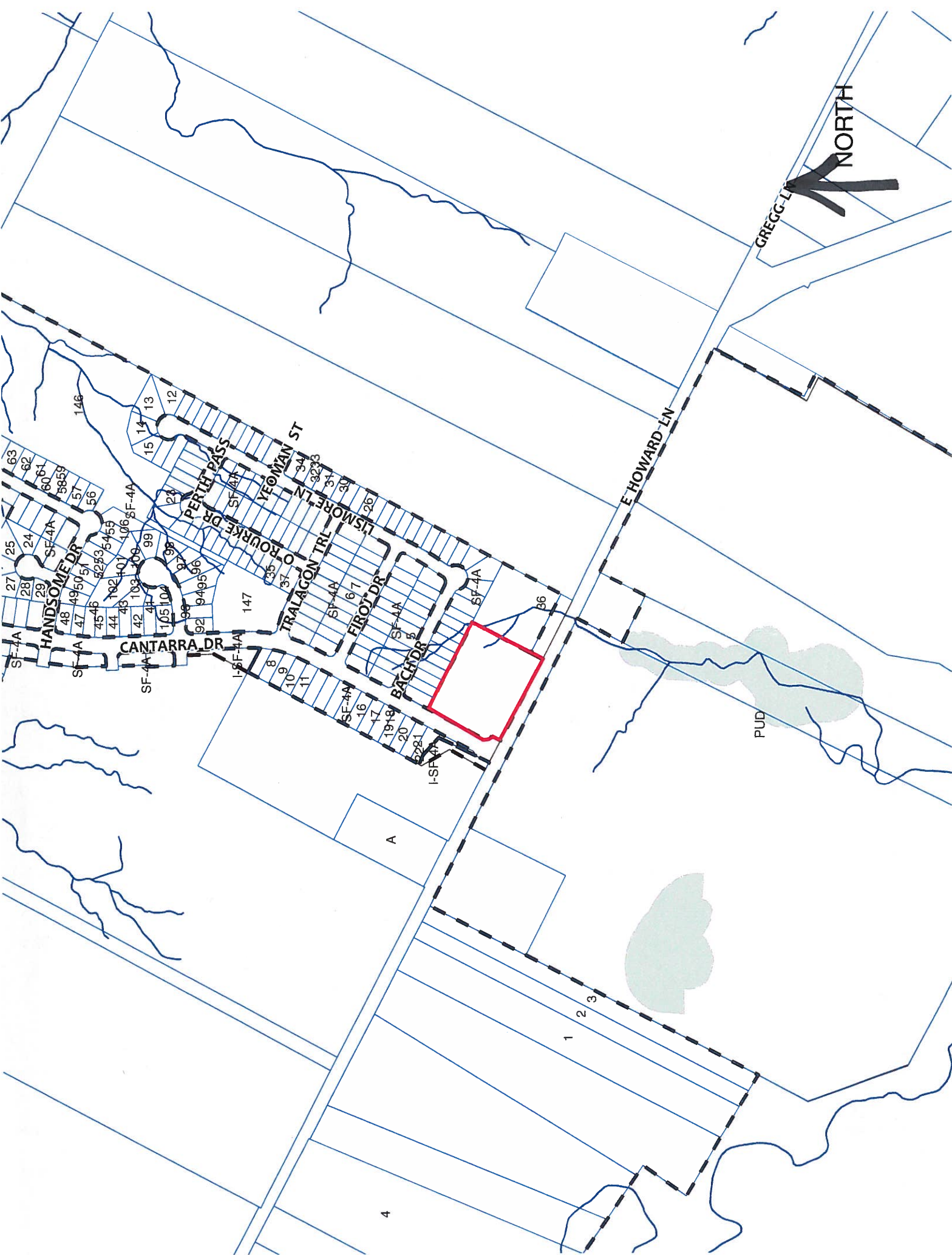
1" = 200'

NORTH

GREGG LN

E HOWARD LN

PUD





NORTH

## **STAFF RECOMMENDATION**

The staff's recommendation is to grant LR-MU-CO, Neighborhood Commercial-Mixed Use-Conditional Overlay Combining District, zoning for this property. The conditional overlay will limit the development intensity for the site to less than 2,000 vehicle trips per day and will include the applicant's request to prohibit a fence or a wall within 50 feet of Cantarra Drive and East Howard Lane.

In addition, the results of the neighborhood traffic analysis for this site (NTA Memorandum-Attachment A) shall be included in a public restrictive covenant that will be recorded prior to third reading of this case at City Council.

## **BASIS FOR RECOMMENDATION**

- 1. The proposed zoning is consistent with the purpose statement of the district sought.*

Neighborhood commercial (LR) district is the designation for a commercial use that provides business service and office facilities for the residents of a neighborhood. Site development regulations and performance standards applicable to a LR district use are designed to ensure that the use is compatible and complementary in scale and appearance with the residential environment.

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

- 2. The proposed zoning should allow for a reasonable use of the property.*

The LR-MU-CO zoning district would allow for a fair and reasonable use of the site because it will permit the applicant to develop a mixture of low intensity office, commercial, and/or residential uses fronting an arterial roadway, East Howard Lane, which will provide services to the developing residential areas to the north, south, east and west.

- 3. The proposed zoning should satisfy a real public need and not provide special privilege to the owner.*

Neighborhood Commercial District zoning is intended to provide much needed easily accessible/walkable commercial services to the surrounding residentially zoned areas.

## **EXISTING CONDITIONS**

### **Site Characteristics**

The site a under consideration is a sparsely vegetated, undeveloped tract of land.

### **Comprehensive Planning**

This zoning case is located on the northeast corner of Cantarra Drive and E. Howard Lane. The property is approximately 2.38 acres in size, is undeveloped, and is not located within the boundaries of an area with an adopted neighborhood plan. Surrounding land uses includes a single family subdivision to the north, vacant land to the south and east, and a barn and auto sales use to the west. The proposed use is commercial and residential (mixed use).

### **Imagine Austin**

The Imagine Austin Growth Concept Map, found in the Imagine Austin Comprehensive Plan (IACP) identifies this project as being located along an **Activity Corridor** (E. Howard Lane). **Activity Corridors** are intended to allow people to **reside, work**, shop, access services, people watch, recreate, and hang out without traveling far distances. They are characterized by a variety of activities and types of buildings located along the roadway — shopping, restaurants and cafés, parks, schools, single-family houses, apartments, public buildings, houses of worship, **mixed-use buildings**, and offices. The following Imagine Austin policies are relevant to this case.

- **LUT P1.** Align land use and transportation planning and decision-making to achieve a compact and connected city in line with the growth concept map.
- **LUT P4.** Protect neighborhood character by directing growth to areas of change that includes designated redevelopment areas, **corridors** and infill sites. Recognize that different neighborhoods have different characteristics and new and infill development should be sensitive to the predominant character of these communities.
- **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 upon this property being: (1) situated along a **Activity Corridor** as designated on the Growth Concept Map; (2) located along E. Howard Lane, which contains a variety of commercial, residential and retail uses; and (3) the Imagine Austin policies referenced above that supports a variety of development, including mixed use in this area of the city, staff believes that this proposed project is supported by Imagine Austin.

### **Connectivity**

I have no comment for this zoning case for connectivity.

### **Environmental**

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Harris Branch Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. The site is in the Desired Development Zone.

According to floodplain maps there is no floodplain within or adjacent to the project location.

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

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 512-974-1876. 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.

Under current watershed regulations, development or redevelopment requires water quality control with increased capture volume and control of the 2 year storm on site.

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

### **Impervious Cover**

The maximum impervious cover allowed by the LR zoning district would be 80%. However, because the watershed impervious cover is more restrictive than the zoning district's allowable impervious cover, the impervious cover is limited by the watershed regulations.

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

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

Note: The most restrictive impervious cover limit applies.

### **Site Plan Comments**

Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

The site is subject to compatibility standards. Along the north and east property line, the following standards apply:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

Additional design regulations will be enforced at the time a site plan is submitted.

### **Stormwater Detention**

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

## **Transportation**

The Austin Metropolitan Area Transportation Plan calls for a total of 114 feet of right-of-way for E. Howard Lane. If the requested zoning is granted, then 57 feet of right-of-way should be dedicated existing centerline of E. Howard Lane in accordance with the Transportation Plan. [LDC, Sec. 25-6-51 and 25-6-55).\*

\*On February 4, 2015, the Transportation reviewer sent the staff an e-mail stating that the Austin Transportation Department has determined that no additional ROW will be required.

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

A Neighborhood Traffic Analysis (NTA) is required and will be performed for this project by the Transportation Review staff. Results will be provided in a separate memo. LDC, Sec. 25-6-114. (Please see NTA Memorandum – Attachment A).

Provide traffic counts, to this reviewer, for Cantarra Drive in order to conduct the NTA.

Please contact Nadia Barrera, Urban Trails, Public Works Department regarding pedestrian connectivity per the Council Resolution. According to Ms. Barrera, there are two proposed Urban Trails in the vicinity; the Gilliland Creek Trail and the MoKan Corridor connector. Developments in the area would benefit from providing trails that connect to these two larger components of the Urban Trail network. The Public Works Department asks the applicant to recognize the two potential Urban Trail connections and a commitment to seeking opportunities to coordinate the provision of recreational easements along with utility easements or dedication of ROW for the purposes of building trail connections. Additionally, the applicant may consider seeking opportunities to coordinate parkland dedication to provide for trails along linear greenbelts during the site plan review stage of development.

Existing Street Characteristics:

<b>Name</b>	<b>ROW</b>	<b>Pavement</b>	<b>Classification</b>	<b>Sidewalks</b>	<b>Bike Route</b>	<b>Capital Metro (within ¼ mile)</b>
Cantarra Drive	64'	40'	Collector	No	No	No
E. Howard Lane	108'	70'	Arterial	Yes	Yes; dedicated bike lane	No

## **Water and Wastewater**

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility for compliance with City criteria and suitability for operation and maintenance. Depending on

the development plans submitted, water and or wastewater service extension requests may be required. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.



# MEMORANDUM

**TO:** Sherri Sirwaitis, Case Manager  
**CC:** Alice Glasco (Applicant)  
**DATE:** February 4, 2015  
**SUBJECT:** Neighborhood Traffic Analysis (NTA) for Zoning Case # C14-2014-0167

The Transportation Section has performed a neighborhood traffic impact analysis for the above referenced case and offers the comments below. Cantarra Mixed Use is located in northeast Austin at the north east corner of Howard Lane and Cantarra Drive. The 2.4 acre tract which is currently zoned Interim-Single Family-4A (I-SF-4A) is requesting a zoning change to Neighborhood Commercial-Mixed Use (LR-MU). The tract will have vehicular access from two existing streets – Cantarra Drive and Howard Lane. Surrounding the tract to the north, east, and west is SF-4A zoning and to the south is Planned Unit Development (PUD) zoning.

## ROADWAY

The table below provides the street characteristics for the roadway to be analyzed: Cantarra Drive.

Name	ROW	Pavement	Classification
Cantara Drive	64'	40'	Collector

## Trip Generation and Traffic Analysis

Based on the ITE's publication Trip Generation, the proposed development at the time of site plan will generate a maximum of 2,232 vehicles per day (vpd). This trip generation is based on the assumption that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics). The applicant has agreed to limit the trips for this development to 2,000, therefore the NTA will be conducted under the assumption that the maximum vpd will be 2,000.

Land Use	Acres	Trips Per Day
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Commercial & Residential	2.4	2,000
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### **Trip Distribution and Assignment**

Distribution of trips was estimated as follows:

Street	Site Traffic
Cantarra Drive	20%
Howard Lane	80%

Below is a table containing the estimated number of trips that will affect each street:

Street	Existing Traffic	Site Traffic (vpd)	Total Traffic after Project
Cantarra Drive	1,725	400	2,125

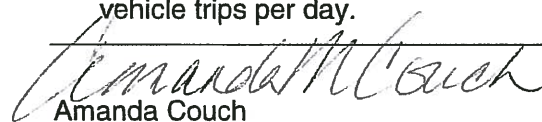
### **Desirable Operating Level**

The Land Development Code specifies desirable operating levels for certain streets in section 25-6-116. These levels are as follows:

Street	Site Traffic
Less than 30 feet	1,200
30 feet to 40 feet	1,800
40 feet or wider	4,000

### **CONCLUSIONS**

- 1) The neighborhood traffic analysis was triggered because the projected number of vehicle trips generated by the project exceeds the vehicle trips per day generated by existing uses by at least 300 trips per day, and the project has access to a local or residential collector street where at least 50 percent of the site frontage has an SF-5 or more restrictive zoning designation.
- 2) The traffic along Cantarra Drives does not exceed the minimum requirements established in Section 25-6-116.
- 3) The intensity and uses for this rezoning must be limited to less than 2,000 unadjusted vehicle trips per day.

  
Amanda Couch

Senior Planner, Transportation Review, WPDR

## 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:  
<http://www.austintexas.gov/development>.

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

**Case Number: C14-2014-0167**

**Contact: Sherri Sirwaitis, 512-974-3057**

**Public Hearing: Mar 3, 2015, Zoning and Planning Commission**

**April 2, 2015, City Council**

Cantarra Ventures, Ltd.

*Your Name (please print)*

c/o 1401 Burnham Drive, Plano, TX 75093

*Your address(es) affected by this application*

*Doreen Clark*

03-02-15

*Signature Katherine R. Sirwaitis* *Date*

Daytime Telephone: 972-964-9050, Ext. 123

Comments:

As developer of Cantarra Subdivision, Cantarra Ventures, Ltd. objects because the proposed zoning change will result in a much higher traffic pattern for this neighborhood. In addition, the proposed zoning category of LR

MU is too broad for residents to rely on any kind of specific use of said property, which is immediately adjacent to Cantarra Subdivision.

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

City of Austin

Planning & Development Review Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

☐ I am in favor  
☒ I object

**PETITION**

Date: March 27, 2015

File Number: C14-2014-0167

Address of Rezoning Request: 13007 Cantarra Drive

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than SF-4A.

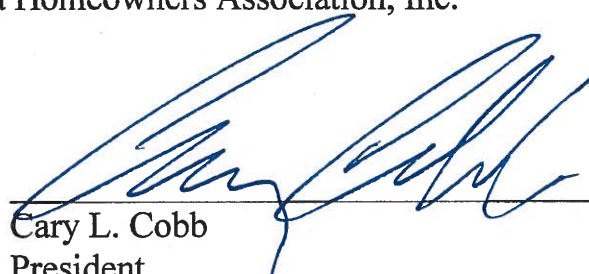
The proposed commercial zoning is inconsistent with the surrounding single-family residences.

Cantarra Homeowners Association, Inc.

By:

Name: Cary L. Cobb

Title: President

A handwritten signature in blue ink, appearing to read 'Cary L. Cobb', is written over a horizontal line.

Address: Lot 23, Blk. R, Cantarra Section One (Landscape, Sidewalk & P.U.E.

Date: March 27, 2015

Contact Name: Doreen Clark

Phone Number: 972-964-9050 x. 123

**PETITION**

Date: March 27, 2015

File Number: C14-2014-0167

Address of Rezoning Request: 13007 Cantarra Drive

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than SF-4A.

The proposed commercial zoning is inconsistent with the surrounding single-family residences. Further, the proposed conditional overlay to prohibit fences on the subject tract wrongly attempts to extinguish a landscape easement Cantarra Ventures, Ltd. holds across the subject tract.

Cantarra Ventures, Ltd., a Texas Domestic Limited Partnership

By: Intermandeco GP, LLC, a Texas Limited Liability Company,  
Its General Partner,

By:

Name: Cary L. Cobb

Title: Director of Operations

Address: 1. 3520 ½ E. Howard Lane, Austin, TX 78660  
LOT 36, Blk Q, Cantarra Section 1 (Water Quality Easement &  
Drainage Easement);

2. Lots 17, 18, 20, 21 & 22 in Blk. R of Cantarra Section 1

Date: March 27, 2015

Contact Name: Doreen Clark

Phone Number: 972-964-9050 x 123

# PETITION

Date: \_\_\_\_\_

File Number: C14-2014-0167

Address of Rezoning Request: 13007 Cantarra Drive

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than SF-4A.

The proposed commercial zoning is inconsistent with the surrounding single-family residences.

Signature

Printed NameAddress

Victoria Duncan Victoria Duncan 3401 Bach Dr.

Date: \_\_\_\_\_

Contact Name: Doreen Clark

Phone Number: 972-964-9050 x. 123

**PETITION**

Date: \_\_\_\_\_

File Number: C14-2014-0167

Address of Rezoning Request: 13007 Cantarra Drive

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than SF-4A.

The proposed commercial zoning is inconsistent with the surrounding single-family residences.

Signature

Printed NameAddress

Julian Wheeler Yolana Wheeler 13/01 11:50 AM

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Date:

Contact Name: Doreen Clark

Phone Number: 972-964-9050 x. 123

# PETITION

Date: \_\_\_\_\_

File Number: C14-2014-0167

Address of Rezoning Request: 13007 Cantarra Drive

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than SF-4A.

The proposed commercial zoning is inconsistent with the surrounding single-family residences.

Signature

Printed Name

Address

*[Signature]*

Jacob Gonzales

3400 Bach Dr. 74600

Date: \_\_\_\_\_

Contact Name: Doreen Clark

Phone Number: 972-964-9050 x. 123

PETITION

Date: 3/28/15

File Number: C14-2014-0167

Address of Rezoning Request: 13007 Cantarra Drive

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than SF-4A.

The proposed commercial zoning is inconsistent with the surrounding single-family residences.

<u>Signature</u>	<u>Printed Name</u>	<u>Address</u>
<u>Melissa Phillips</u>	Melissa Phillips	3501 Bach Dr. TX 78660
<u>Francis Phillips</u>	Francis Phillips	3501 Bach Dr. Pflugerville TX 78660
<u>Steven M. Glendenning</u>	Steven Glendenning	13613 Coomer Path
<u>Humberto Flores</u>	Humberto Flores	13525 Coomer Path
<u>Jasmin Flores</u>	Jasmin Flores	13525 Coomer Path
<u>Vanessa Maidonado</u>	Vanessa Maidonado	13504 Coomer Path
<u>Angela C. Hall</u>	Angela C. Hall	3309 Handsome Drive
<u>Herbert E. W.</u>	Herbert E. W.	13529 Moun. CV 78660 Pflugerville, TX
<u>Jennifer Richards</u>	Jennifer Richards	3333 Handsome
<u>Jeffrey Resinos</u>	Jeffrey Resinos	3333 Handsome
<u>Mr. &amp; Mrs. Adam Thomas Murphy</u>	Mr. & Mrs. Adam Thomas Murphy	13685 Coomer Path
<u>Victor Chapparro</u>	Victor Chapparro	3221 Roundman Pk.

Date: 3/28/15

Contact Name: Doreen Clark

Phone Number: 972-964-9050 x. 123

**PETITION**

Date: 3/28/15

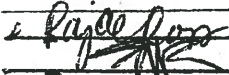
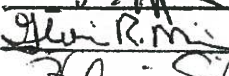
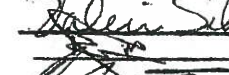
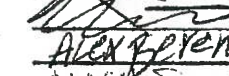
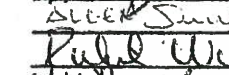
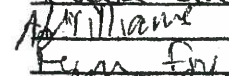
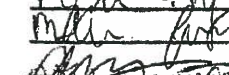
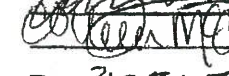
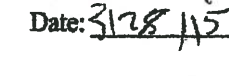





File Number: C14-2014-0167

Address of Rezoning Request: 13007 Cantarra Drive

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than SF-4A.

The proposed commercial zoning is inconsistent with the surrounding single-family residences.

<u>Signature</u>	<u>Printed Name</u>	<u>Address</u>
	Rajae Ross	12509 Cantarra Dr.
	Travis Ross	13509 Cantarra Dr.
	Gloria R. Mancini	3411 Bach Dr. ✓
	Valerie Silva	3421 Bach Dr. ✓
	Kadeck Masleg	3512 Bach Dr.
	Tommy Lamer	3609 Bach Dr. ✓
	Alex Berens	3529 Bach Dr. ✓
	Allen Smith	3204 Bach Dr. ✓
	Richard Wilson	3417 Bach Dr. ✓
	Williams	13212 Cantarra Dr.
	Ryan Frye	13216 Cantarra Dr.
	Michael Frye	13216 Cantarra Dr.
	Amy Thomas	13317 Shriver Dr.
	Colleen McCarthy	3325 Strick St.

Date: 3/28/15

Contact Name: Doreen Clark

Phone Number: 972-964-9050 x. 123

**PETITION**

Date: 3/28/15

File Number: C14-2014-0167

Address of Rezoning Request: 13007 Cantarra Drive

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than SF-4A.

The proposed commercial zoning is inconsistent with the surrounding single-family residences.

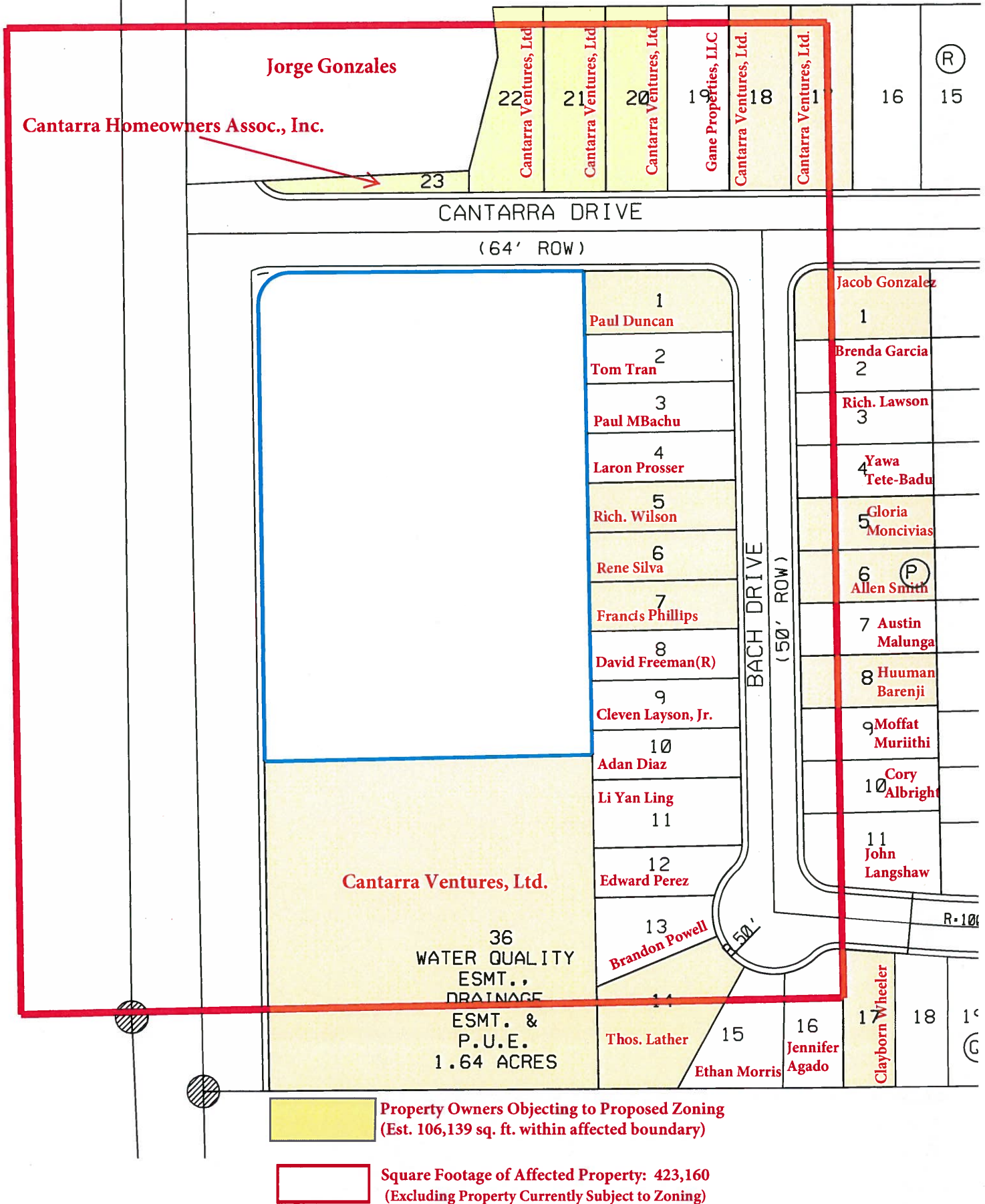
<u>Signature</u>	<u>Printed Name</u>	<u>Address</u>
	Janet Maldonado	3221 Pearman Dr
	Mitchell Goetz	3204 Mildura Cr
	Sherrita Morris	3204 Mildura Cr
	Adam Johnson	13600 Cantarra Dr
	REBECCA JOHNSON	13600 Cantarra Dr
	Emilia Zamora	3401 Stephens St
	Beatriz Villa	3401 Stephens St
	Jose Lopez-Lopez	3401 Stephens St
	Lauren Womack	3301 Mildura
	Ray Herrera	13437 Cantarra Drive
	WILMAR MATEIZA	3329 ST PRAT ST
	Shespi Sahle	3328 ST PRAT ST
	Gisela Mondragon	3529 ST PRAT ST
	Hector Garcia	13020 Cantarra

Date: 3/28/15

Contact Name: Doreen Clark

Phone Number: 972-964-9050 x. 123

1" = 100'



## 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:  
<http://www.austintexas.gov/development>.

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

**Case Number: C14-2014-0167**

**Contact: Sherri Sirwaitis, 512-974-3057**

**Public Hearing: Mar 3, 2015, Zoning and Planning Commission  
April 2, 2015, City Council**

Cantarra Homeowners Association, Inc.

*Your Name (please print)*

c/o 1401 Burnham Drive, Plano, TX 75093

*Your address(es) affected by this application*

*Doreen Clark*

03-02-15

*Signature* *Witnessed* *Left* *Right* *Minute* *Date*

Daytime Telephone: 972-964-9050, Ext. 123

Comments:

Cantarra Homeowners Association, Inc. objects because the proposed zoning change will result in a much higher traffic pattern for this neighborhood. In addition, the proposed zoning category of LR-

MU is too broad for residents to rely on any kind of specific use of said property, which is immediately adjacent to Cantarra Subdivision.

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

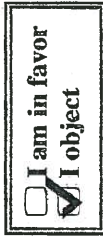
City of Austin

Planning & Development Review Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810



# COATS | ROSE

*A Professional Corporation*

JOHN M. JOSEPH

Direct Dial  
512.541.3593

April 15, 2015

VIA EMAIL

Greg Guernsey, Director  
Planning & Development Review Department  
City of Austin  
P.O. Box 1088  
Austin, Texas 78767

RE: Cantarra Mixed Use; C14-2014-0167

Dear Mr. Guernsey:

On behalf of our client, Cantarra Ventures, Ltd., we object to the conditional overlay proposed by the Applicant and recommended by Staff in Case Number C14-2014-0167, which is set for consideration by Council on April 16, 2015. The proposed overlay -- which would ban fences, but no other structures, within 50 feet of Howard Lane and Cantarra Drive -- is an attempt by the Applicant to extinguish an easement encumbering his property. We submit that Council should not be involved in readjusting property interests that property owners have freely conveyed to one another.

The subject tract sits at the intersection of East Howard Lane and Cantarra Drive, at the entrance to the Cantarra subdivision, a small-lot, residential subdivision developed by Cantarra Ventures, Ltd. Cantarra Ventures holds a 50-foot landscape easement across the tract, as shown on Exhibit "A". Cantarra Ventures acquired this easement in 2006 in conjunction with its development of the Cantarra subdivision. The easement grants Cantarra Ventures "the **unrestricted right** to install, construct, maintain, repair and replace landscaping, screening and all related improvements thereon . . . including without limitation, **signage, monuments, fencing [and] retaining walls . . .**" (emphasis added). The Applicant purchased the property subject to the easement, which is recorded in the Travis County property records. The easement is also shown on the Applicant's 2014 survey. See Exhibit "B."

Cantarra Ventures currently uses the rights afforded by the easement for marketing and branding improvements, including its subdivision monuments. When Cantarra learned in March of the Applicant's attempt to nullify the easement, Cantarra constructed a fence -- as the easement explicitly allows -- in order to preserve and protect its easement rights.

Barton Oaks Plaza, 901 South MoPac Expressway, Building 1 Suite 500, Austin, Texas 78746

Phone: 512-469-7987 Fax: 512-469-9408

Web: [www.coatsrose.com](http://www.coatsrose.com)

HOUSTON | AUSTIN | DALLAS | SAN ANTONIO | NEW ORLEANS

4852-3901-1362.v1

April 15, 2015

Page 2

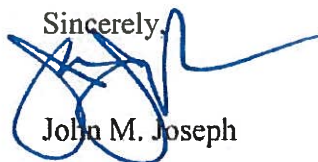
This unorthodox use of a conditional overlay has no sound *zoning* justification. When the Applicant's agent made the request to Staff in February 2015, the only justification she offered -- other than Applicant's bald desire to be freed of the encumbrance -- was to provide "safe sight clearance/visibility at the intersection." See Exhibit "C." The Transportation Department has made no determination that such a setback is necessary, however. The fence is setback from the street farther than the setbacks required by either the current zoning (15 feet for interim SF4A) or the proposed zoning (25 feet for LR). Applicant has not demonstrated, and cannot demonstrate, why zoning setbacks that provide adequate visibility for thousands of intersections in the city are inadequate for a hum-drum intersection in the suburbs. We also note that, despite the Applicant's purported concern for "visibility," the Applicant's request prohibits *only* fences and no other structures, such as the 35-foot tall buildings that would be allowed as of right on this tract.

Cantarra believes the existing fence is protected by an array of rights, including its grandfathering rights under state law, its nonconforming use and noncomplying structure rights under Sections 25-2-947 and 25-2-963 of the Austin City Code, and its statutory right to continue pre-annexation uses under Section 43.002 of the Local Government Code. Because easements are vested property interests, Cantarra also reserves the right to assert a takings claim if its rights are expropriated through a conditional overlay.

Finally, we note that many of the surrounding homeowners have objected to the proposed rezoning, as shown by their signatures on a petition. The petitions are attached as Exhibit "D." Staff excluded this evidence of local opposition from Council backup, evidently on the ground that state law does not recognize valid petitions opposing initial (rather than interim) zoning. But the petition nevertheless documents significant public opposition to the rezoning and should have been disclosed to Council.

Thank you in advance for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "John M. Joseph", with a stylized flourish extending to the right.

John M. Joseph

cc: Sherri Sirwaitis, Case Manger  
Jerry Rusthoven, Manager  
City Council  
Alice Glasco

RET. ALAMO TILE CO.



EASE

2006068759

5 PGS

LANDSCAPE EASEMENT

THE STATE OF TEXAS §  
COUNTY OF TRAVIS §

KNOW ALL MEN BY THESE PRESENTS:

5

THAT Compass Bank, successor by merger to Horizon Bank and Trust, SSB, as Custodian for the Robert E. Johnson, Jr. SEP IRA Account and the Gordon R. Johnson SEP IRA Account, hereinafter called "Grantor", for and in consideration of the sum on Ten Dollars and 00/100 (\$10.00) and other good and valuable consideration, to Grantor in hand paid by Cantarra Ventures, Ltd., Grantee, the receipt and sufficiency of which is hereby acknowledged, does hereby grant, bargain, sell and convey to Grantee and its assigns hereinafter called "Grantee", the easement and right of ingress and egress upon and across the real property located in Travis County, Texas, as more particularly described in Exhibit "A" which is attached hereto and incorporated herein by reference as if fully set forth herein, the "Easement Property", for the purpose of and with the unrestricted right to install, construct, maintain, repair and replace landscaping, screening and all related improvements thereon, including without limitation, irrigation, drainage improvements, turf, berms, trees, shrubs, annual and perennial plantings, ground cover, signage, monuments, fencing, retaining wall(s), and similar landscape or screening improvements (the "Facilities") within the Easement Property.


TO HAVE AND TO HOLD the same perpetually to Grantee and its successors and assigns, and Grantor hereby binds Grantor, together with its successors and assigns, to warrant and forever defend this easement and the rights granted herein unto Grantee, its successors and assigns against every person whomsoever lawfully claiming or attempting to claim the same or any part thereof, by, through, or under Grantor, but not otherwise. Further, Grantor does hereby grant to Grantee the right and privilege at all times to enter the Easement Property, or any part thereof, and with the right of access across Grantor's adjacent property for ingress and egress to the Easement Property as is reasonably necessary for the purpose of constructing, installing, operating, maintaining, replacing, upgrading and repairing said Facilities, and all incidental improvements.

This Easement may be assigned in whole or in part.

EXECUTED this 13 day of April, 2006.

GRANTOR:

Compass Bank, successor by merger to Horizon Bank and Trust, SSB, as Custodian for the Robert E. Johnson, Jr. SEP IRA Account and the Gordon R. Johnson SEP IRA Account

  
\_\_\_\_\_

By: Bruce Irick

Its: Senior Vice President

EXHIBIT  
"A"

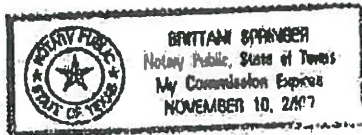
STATE OF TEXAS

§  
§  
§

COUNTY OF TRAVIS

Before me on this day personally appeared Bruce Clark  
of Compass Bank, known to me to be the person whose name is subscribed to the  
foregoing instrument; and he/she acknowledged to me that Compass Bank, successor by merger to  
Horizon Bank and Trust, SSB, is the Custodian for the Robert E. Johnson, Jr. SEP IRA Account and  
the Gordon R. Johnson SEP IRA Account, and he/she executed said instrument for the purposes and  
consideration therein expressed on behalf of said parties.

Given under my hand and seal of office this 13<sup>th</sup> day of April, 2006.



Brittani Springer  
Notary Public in and for the State of Texas

AFTER RECORDING RETURN TO:

Cantarra Ventures, Ltd.  
1401 Burnham Drive  
Plano, Texas 75093

RETURN TO:  
ALAMO TITLE COMPANY  
901 S. MOPAC EXPRESSWAY  
BLDG. III, SUITE 100  
AUSTIN, TEXAS 78746-5776

GP# 06-7310998-12

EXHIBIT "A"

0.717 ACRE (31,234 SQUARE FEET)  
50' WIDE LANDSCAPE EASEMENT  
MARIGUITA CASTRO LEAGUE SURVEY NO. 50, ABSTRACT NO. 160  
TRAVIS COUNTY, TEXAS

**FIELD NOTES**

**BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE MARIGUITA CASTRO LEAGUE SURVEY NO. 50, ABSTRACT 160 SITUATED IN TRAVIS COUNTY, TEXAS, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS BEING A PORTION OF THAT CERTAIN TRACT OF LAND DESCRIBED AS 145.072 ACRES, CONVEYED TO HORIZON BANK AND TRUST, S&B IN VOLUME 12839, PAGE 1191 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, SAID TRACT OF LAND BEING 0.717 ACRE OF LAND MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**BEGINNING**, at an iron rod found in the north right-of-way line of Gregg Lane, at the most southerly corner of said Horizon Bank tract, being also the most westerly corner of that certain tract of land described as 24.906 acres, conveyed to Ada M. Ellison in Volume 11688, Page 462 of the Real Property Records of Travis County, Texas, for the **POINT OF COMMENCEMENT**,

**THENCE**, with the north right-of-way line of said Gregg Lane, being also the south line of said Horizon Bank tract, N59°22'39"W, a distance of 265.21 feet to a point,

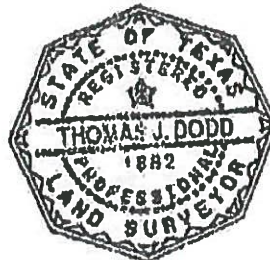
**THENCE**, departing the north right-of-way line of said Gregg Lane, and crossing said Horizon Bank tract, N30°36'38"E, a distance of 39.94 feet to an iron rod set for the **POINT OF BEGINNING** of the herein described tract,

**THENCE**, continuing across said Horizon Bank tract, the following eight (8) courses and distances, numbered 1 through 8;

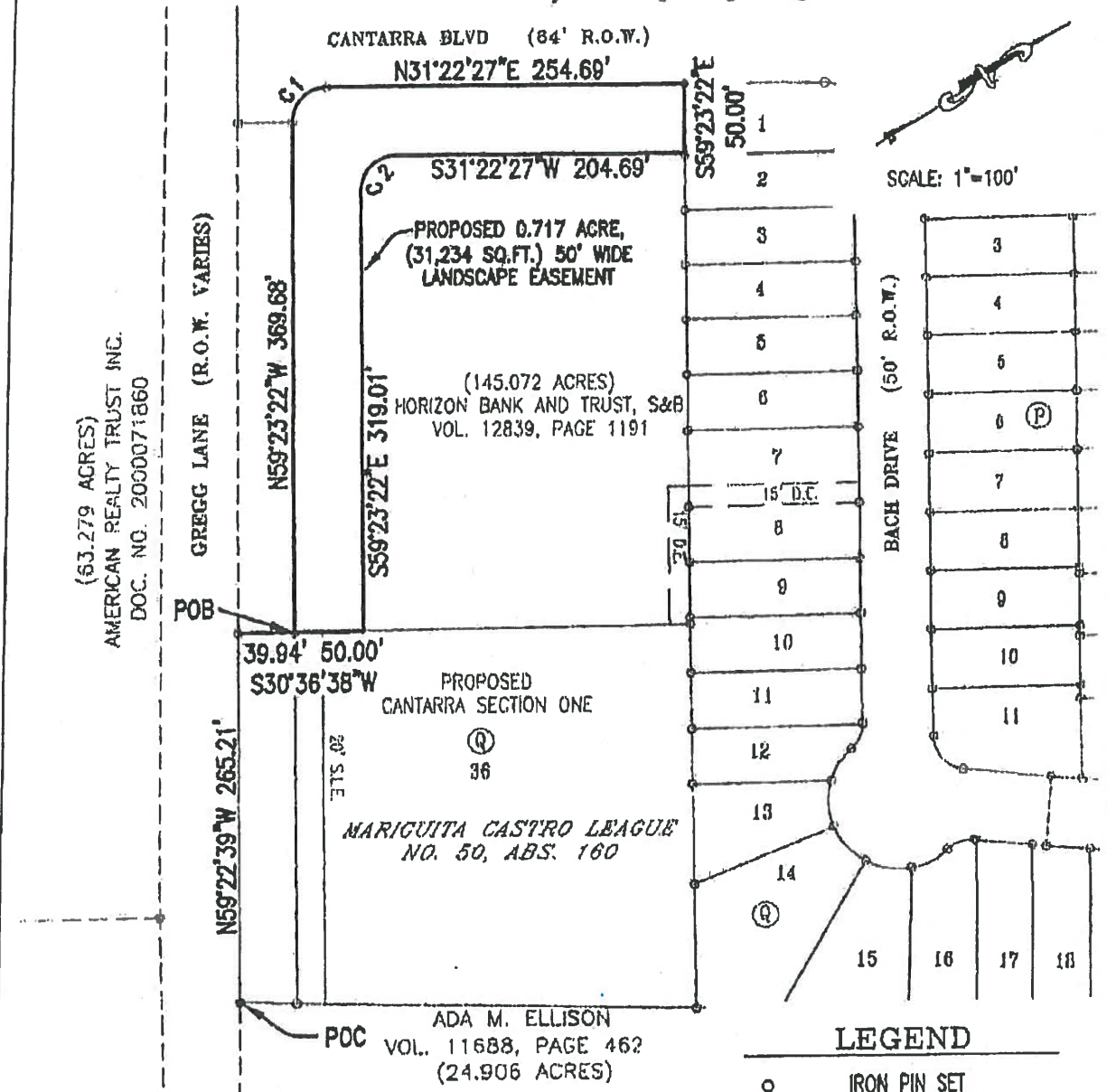
1. N59°23'22"W, a distance of 369.68 feet to an iron rod set,
2. with a curve to the right having a radius of 25.00 feet, an arc length of 39.60 feet and whose chord bears, N14°00'27"W, a distance of 35.59 feet to an iron rod set,
3. N31°22'27"E, a distance of 254.69 feet to an iron rod set,
4. S59°23'22"E, a distance of 50.00 feet to an iron rod set,
5. S31°22'27"W, a distance of 204.69 feet to a point,
6. with a curve to the left having a radius of 25.00 feet, an arc length of 39.60 feet and whose chord bears, S14°00'27"E, a distance of 35.59 feet to a point,
7. S59°23'22"E, a distance of 319.01 feet to a point, and
8. S30°36'38"W, a distance of 50.00 feet to the **POINT OF BEGINNING** and containing 0.717 acre of land.

Prepared By:

Thomas J. Dodd, - R.P.L.S. No. 1882  
CARLSON, BRIGANCE & DOERING, INC.  
3401 Slaughter Land West  
Austin, Texas 78748  
(512) 280-5160 Fax: (512) 280-5165



# SKETCH TO ACCOMPANY FIELD NOTES



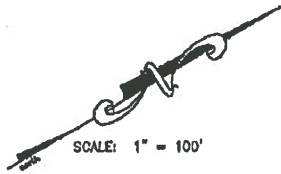
CURVE TABLE						
CURVE	RADIUS	ARC	BEARING	CHORD	TANGENT	DELTA
C1	25.00'	39.60'	N14°00'27"W	35.59'	25.34'	90°45'49"
C2	25.00'	39.60'	S14°00'27"E	35.59'	25.34'	90°45'49"

**Carlson, Brigrance & Doering, Inc.**  
Civil Engineering • Surveying  
3401 Slaughter Lane West • Austin, Texas 78748  
PH: (512) 280-5160 • FAX: (512) 280-5165

PATH:- J:\AUTOCAD2004LP\4198\DWG\ESMT-LSE.DWG

- ## LEGEND
- IRON PIN SET
  - IRON PIN FOUND
  - P.U.E. PUBLIC UTILITY EASEMENT
  - D.E. DRAINAGE EASEMENT
  - S.L.E. SIGHT LINE EASEMENT
  - 1 LOT NUMBER
  - (A) BLOCK NUMBER
  - EASEMENT LINE
  - POB POINT OF BEGINNING
  - POC POINT OF COMMENCEMENT

**TITLE SURVEY OF 2.386 ACRES OF LAND RECORDED IN DOCUMENT NUMBER 2013203647 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING SITUATED IN THE MARIGUITA CASTRO LEAGUE NUMBER 50, ABSTRACT 160, IN TRAVIS COUNTY, TEXAS**



**LEGEND**

- IRON ROD SET
- IRON ROD FOUND
- ⦿ POWER POLE
- ⦿ GUY ANCHOR
- [E] ELECTRIC METER
- (E) ELECTRIC MANHOLE
- WATER METER
- 8 LOT NUMBER
- ① BLOCK
- //— WOOD FENCE
- ou— OVERHEAD UTILITY
- L.E. LANDSCAPE EASEMENT
- SCV SPRINKLER CONTROL VALVE
- BOC BACK OF CURB
- P.O.B. POINT OF BEGINNING
- R.O.W. RIGHT OF WAY

TO: DANIEL R. RENNER, SELF DIRECTED IRA SERVICES, INC., CUSTODIAN FBO MICHAEL RAY JETER ROTH IRA #201001423 AND SELF DIRECTED IRA SERVICES, INC., CUSTODIAN FBO KATHERINE SUE JETER IRA #201312627 AND HERITAGE TITLE OF AUSTIN, INC.

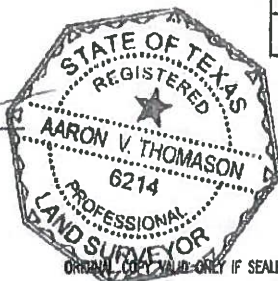
(GF # 201400822, EFFECTIVE DATE: APRIL 3, 2014)

STATE OF TEXAS:  
COUNTY OF TRAVIS:

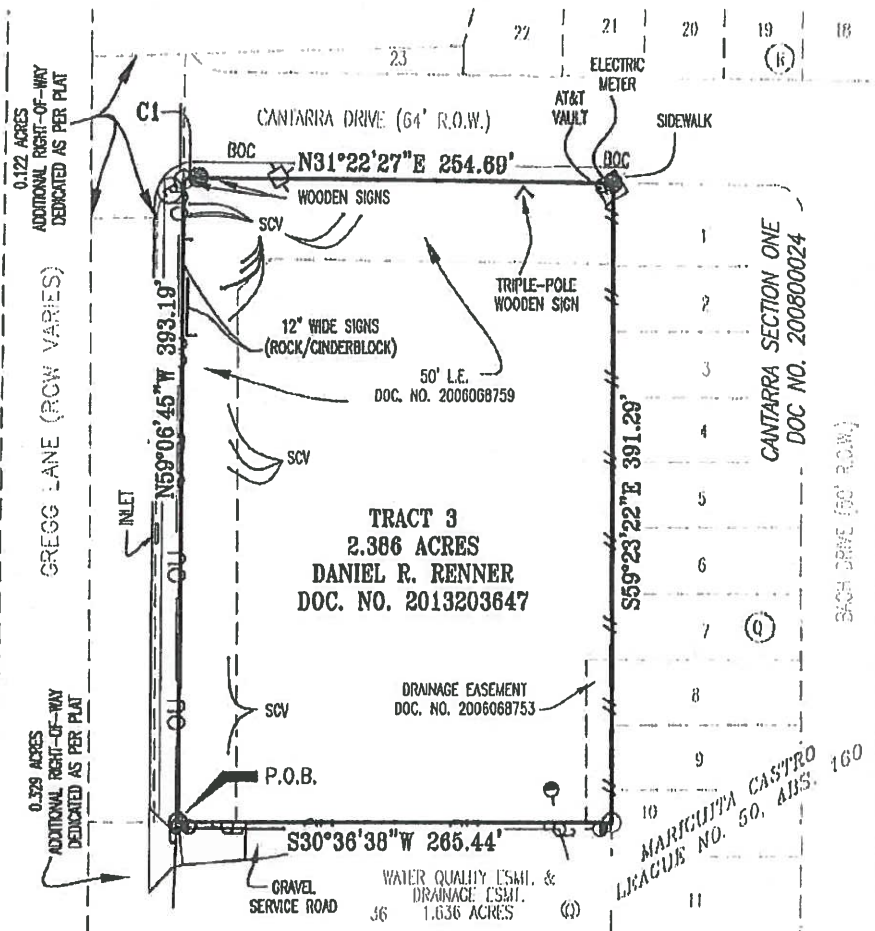
I, the undersigned, do hereby certify that this survey was this day made on the ground of the property legally described hereon and is correct, and that there are no discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping of improvements, visible utility easements or roadways, except as shown hereon and that said property has access to and from a dedicated roadway except as shown hereon. The legally described property is NOT within a special flood hazard area as designated by the Department of Housing and Urban Development Federal Insurance Administration Flood Hazard Boundary Map Number 48453C 0290H for Travis County, Texas, dated September 26, 2008.

Dated, this the 22 day of January, 2014.

AARON V. THOMASON, RPLS# 6214  
Carlson, Brigrance and Doering, Inc.  
5501 West William Cannon  
Austin, Texas 78749  
(512) 280-5160 (512) 280-5165 (fax)  
aaron@cbdeng.com



ORIGINAL COPY VALID ONLY IF SEALED IN RED INK



THIS TRACT IS SUBJECT TO:

1. RESTRICTIVE COVENANTS AS THOSE RECORDED IN VOL. 8600, PG. 14 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS.

10a) LANDSCAPE EASEMENT GRANTED TO CANTARRA VENTURES, LTD., BY INSTRUMENT DATED APRIL 13, 2008, RECORDED UNDER DOCUMENT NO. 2006068759 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS. - as shown on drawing

10b) LANDSCAPE EASEMENT 50 FEET IN WIDTH ALONG THE FRONT AND SIDE PROPERTY LINE(S) AS SHOWN BY PLAT RECORDED UNDER DOCUMENT NO. 200800024 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS. - as shown on drawing

10c) DRAINAGE EASEMENT 15 FEET IN WIDTH ALONG THE REAR PROPERTY LINE(S), AS SHOWN BY THE PLAT RECORDED UNDER DOCUMENT NO. 200800024 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

**Curve Table**

Curve #	Length	Radius	Chord Direction	Chord Length	Tangent	DELTA
C1	9.05	25.00	N21°00'18"E	9.00	4.57	20°44'18"



Carlson, Brigrance & Doering, Inc.

PERM ID #13791

RJG # 10024900

Civil Engineering  
5501 West William Cannon  
Phone No. (512) 280-5160

Surveying  
Austin, Texas 78749  
Fax No. (512) 280-5165

PATH-J:4056/DWG/TITLE SURVEY-2

**EXHIBIT  
"B"**

---

**Subject:**

FW: C14- 2014-0167 - Cantarra Mixed Use

---

**From:** Sirwaitis, Sherri [mailto:Sherri.Sirwaitis@austintexas.gov]

**Sent:** Wednesday, February 18, 2015 11:35 AM

**To:** Alice Glasco

**Subject:** RE: C14- 2014-0167 - Cantarra Mixed Use

No, I think this e-mail should suffice.

Thanks,

***Sherri Sirwaitis***

*City of Austin*

*Planning & Development Review Department*

*[sherri.sirwaitis@austintexas.gov](mailto:sherri.sirwaitis@austintexas.gov)*

*512-974-3057(office)*

---

**From:** Alice Glasco [REDACTED]

**Sent:** Wednesday, February 18, 2015 11:34 AM

**To:** Sirwaitis, Sherri

**Cc:** Rusthoven, Jerry

**Subject:** RE: C14- 2014-0167 - Cantarra Mixed Use

Sherri,

Yes – that is what we are requesting – to prohibit a fence or wall within 50 feet of Cantarra Drive and E. Howard Lane ( the 50 feet is the area assigned as a landscape easement given to a third party by the previous property owner).

Sorry for not running it by your first – I intended to , I learned of my client's desire last Thursday before the city council meeting and so I asked Jerry about it since he was at city hall. **Do you need a letter from me?**

=====

Alice Glasco, President

Alice Glasco Consulting

512-231-8110 W

512-626-4461 C

Email: [REDACTED]

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**From:** Sirwaitis, Sherri [mailto:Sherri.Sirwaitis@austintexas.gov]

**Sent:** Wednesday, February 18, 2015 11:28 AM

EXHIBIT  
"C"

**To:** Alice Glasco  
**Subject:** RE: C14- 2014-0167 - Cantarra Mixed Use

So you are requesting to amend your zoning request to LR-MU-CO to add a conditional overlay stating that, " A fence is prohibited along the property line adjacent to Howard Lane."? It was unclear as you have not discussed this with me before.

Thanks,

***Sherri Sirwaitis***

*City of Austin  
Planning & Development Review Department  
[sherri.sirwaitis@austintexas.gov](mailto:sherri.sirwaitis@austintexas.gov)  
512-974-3057(office)*

---

**From:** Alice Glasco [ma [REDACTED]]  
**Sent:** Wednesday, February 18, 2015 10:05 AM  
**To:** Sirwaitis, Sherri  
**Cc:** Rusthoven, Jerry  
**Subject:** RE: C14- 2014-0167 - Cantarra Mixed Use

Sherri,

Thank you for the follow-up. Please see the attached ordinance for Elm Terrace as an example of prohibiting a fence. I our request – we are asking the fence or wall not be allowed within 50 feet of the two roadways. Should I come and meet with you and Jerry, again?

=====

Alice Glasco, President  
Alice Glasco Consulting  
512-231-8110 W  
512-626-4461 C  
Email: [REDACTED]

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**From:** Sirwaitis, Sherri [<mailto:Sherri.Sirwaitis@austintexas.gov>]  
**Sent:** Wednesday, February 18, 2015 10:00 AM  
**To:** Alice Glasco  
**Subject:** RE: C14- 2014-0167 - Cantarra Mixed Use

Hi Alice,

I am not sure I understand. You cannot prohibit a fence on a property through a zoning case. You can create a buffer area or setback in a zoning case. Is that what you are asking to do through a conditional overlay for the case ?

Thank you,

***Sherri Sirwaitis***

*City of Austin*

*Planning & Development Review Department*

*[sherri.sirwaitis@austintexas.gov](mailto:sherri.sirwaitis@austintexas.gov)*

*512-974-3057(office)*

**From:** Alice Glasco [REDACTED]  
**Sent:** Friday, February 13, 2015 8:56 AM  
**To:** Sirwaitis, Sherri  
**Cc:** Rusthoven, Jerry; Thomas J Anker [REDACTED] Bill L Barton [REDACTED] Richard Maier - D. R. Horton [REDACTED]  
**Subject:** FW: C14- 2014-0167 - Cantarra Mixed Use

Sherri,

I spoke to Jerry Rusthoven yesterday at city hall about the property owner's wish to voluntarily prohibit a fence or wall within 50 feet of East Howard Lane and Cantarra Drive. This restriction would ensure safe sight clearance/visibility at the intersection for the residences of the subdivision. The attached private landscape easement allows a third party, who does not own the land, to possibly erect a tall fence or wall that would inhibit visibility and thus affect the motoring public. Please let me know if you have any questions or need more information.

**Jerry:** please confirm your concurrence with our request per our meeting yesterday. Thanks a bunch!

=====

Alice Glasco, President

Alice Glasco Consulting

512-231-8110 W

512-626-4461 C

Email: [REDACTED]

**PETITION**

Date: March 27, 2015

File Number: C14-2014-0167

Address of Rezoning Request: 13007 Cantarra Drive

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than SF-4A.

The proposed commercial zoning is inconsistent with the surrounding single-family residences.

Cantarra Homeowners Association, Inc.

By:   
Name: Cary L. Cobb  
Title: President

Address: Lot 23, Blk. R, Cantarra Section One (Landscape, Sidewalk & P.U.E.

Date: March 27, 2015

Contact Name: Doreen Clark

Phone Number: 972-964-9050 x. 123

**PETITION**

Date: March 27, 2015

File Number: C14-2014-0167

Address of Rezoning Request: 13007 Cantarra Drive

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than SF-4A.

The proposed commercial zoning is inconsistent with the surrounding single-family residences. Further, the proposed conditional overlay to prohibit fences on the subject tract wrongly attempts to extinguish a landscape easement Cantarra Ventures, Ltd. holds across the subject tract.

Cantarra Ventures, Ltd., a Texas Domestic Limited Partnership

By: Intermandeco GP, LLC, a Texas Limited Liability Company,  
Its General Partner,

By: 

Name: Cary L. Cobb

Title: Director of Operations

Address: 1. 3520 ½ E. Howard Lane, Austin, TX 78660  
LOT 36, Blk Q, Cantarra Section 1 (Water Quality Easement &  
Drainage Easement);

2. Lots 17, 18, 20, 21 & 22 in Blk. R of Cantarra Section 1

Date: March 27, 2015

Contact Name: Doreen Clark

Phone Number: 972-964-9050 x 123

**PETITION**

Date: 3/28/15

File Number: C14-2014-0167

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To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than SF-4A.

The proposed commercial zoning is inconsistent with the surrounding single-family residences.

<u>Signature</u>	<u>Printed Name</u>	<u>Address</u>
<i>Melissa Phillips</i>	Melissa Phillips	3501 Bach Dr. TX 78660
<i>Francis Phillips</i>	Francis Phillips	3501 Bach Dr. Pflugerville TX 78660
<i>Steven Glen</i>	Steven Glen	13613 Coomer Path
<i>Humberto Flores</i>	Humberto Flores	13505 Coomer Path
<i>Jessica Flores</i>	Jessica Flores	13525 Coomer Path
<i>Wanda Flores</i>	Wanda Flores	13501 Coomer Path
<i>Vanessa Hayden</i>	Vanessa Hayden	13504 Coomer Path
<i>Angela C. Hall</i>	Angela C. Hall	3309 Handsome Drive
<i>Herbert F. W.</i>	Herbert F. W.	13509 Mowbray Dr 78660 Pflugerville, TX
<i>Jennifer Rich</i>	Jennifer Rich	3333 Handsome
<i>Reynolds</i>	Reynolds	3333 Handsome
<i>Mrs. Adams</i>	Mrs. Adams	13605 Coomer Path
<i>Vietor Chaves</i>	Vietor Chaves	3300 Pearlman Dr.

Date: 3/28/15

Contact Name: Doreen Clark

Phone Number: 972-964-9050 x. 123

**PETITION**

Date: 3/28/15

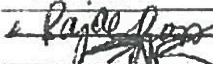

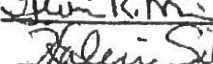


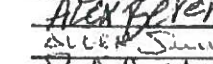
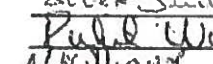
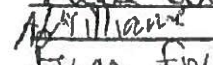
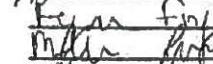
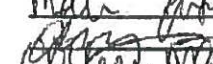
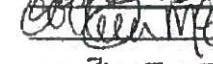
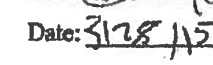


File Number: C14-2014-0167

Address of Rezoning Request: 13007 Cantarra Drive

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than SF-4A.

The proposed commercial zoning is inconsistent with the surrounding single-family residences.

<u>Signature</u>	<u>Printed Name</u>	<u>Address</u>
	Rajae Ross	12509 Cantarra Dr
	Travis Ross	13509 Cantarra Dr.
	Gloria R. Morris	3411 Bach Dr.
	Valerie Silva	3421 Bach Dr.
	Rodrick Masley	3512 Arch Dr.
	Tommy Lamm	3609 Arch Dr.
	Alex Berens	3509 Arch Dr.
	Allen Smith	3204 Arch Dr.
	Richard Wilson	3417 Arch Dr.
	Williams, A	13212 Cantarra Dr
	Ryan Frye	13216 Cantarra Dr.
	Michael Frye	13216 Cantarra Dr.
	Anna James	13317 Stratford Dr.
	Colleen McCarthy	3325 Stratford St.

Date: 3/28/15

Contact Name: Doreen Clark

Phone Number: 972-964-9050 x. 123

**PETITION**

Date: 3/28/15

File Number: C14-2014-0167

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<u>Signature</u>	<u>Printed Name</u>	<u>Address</u>
	Janet Maldonado	3221 Parliament Dr.
	Mitchell Goetz	3204 Mildred Ct
	Shauria Lewis	3204 Mildred Ct
	Adrian Johnson	13600 Cantarra Dr
	REBECCA JOHNSON	13600 Cantarra Dr
	Emilia Zannos	3401 Stephens St
	Beatriz Villa	3401 Stephens St
	Jose Lopez	3401 Stephens St
	Lauren Womack	3301 Mildred
	Ray Herrera	13437 Cantarra Drive
	WILMA TABERA	3324 ST PRAT ST
	Steve Spindler	3328 ST PRAT ST
	Amanda Winderem	3329 ST PRAT ST
	Hector Garcia	13320 Cantarra

Date: 3/28/15

Contact Name: Doreen Clark

Phone Number: 972-964-9050 x. 123

# PETITION

Date: \_\_\_\_\_

File Number: C14-2014-0167

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The proposed commercial zoning is inconsistent with the surrounding single-family residences.

Signature

Printed Name

Address

*[Signature]*

Isach Gonzales

3400 Bkch Dr. 72600

Date: \_\_\_\_\_

Contact Name: Doreen Clark

Phone Number: 972-964-9050 x. 123

# PETITION

Date: \_\_\_\_\_

File Number: C14-2014-0167

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The proposed commercial zoning is inconsistent with the surrounding single-family residences.

Signature

Printed Name \_\_\_\_\_

Address

Victoria Anne

Victoria Duncan

3401 Bach Dr.

Date: \_\_\_\_\_

Contact Name: Doreen Clark

Phone Number: 972-964-9050 x. 123

# PETITION

Date: \_\_\_\_\_

File Number: C14-2014-0167

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The proposed commercial zoning is inconsistent with the surrounding single-family residences.

Signature

Printed Name

Address

Helinaeuter Juliana (Heiter) 13/01 1996 in

[illegible]

Date: \_\_\_\_\_

Contact Name: Doreen Clark

Phone Number: 972-964-9050 x. 123

## PETITION

Date: \_\_\_\_\_

File Number: C14-2014-0167

Address of Rezoning Request: 13007 Cantarra Drive

To: Austin City Council

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The proposed commercial zoning is inconsistent with the surrounding single-family residences.

Signature

Printed Name \_\_\_\_\_

### Address

Law

Maurice Raymond Cene

13020 Cantarra Dr.  
Pflugerville, TX 78661

Date: \_\_\_\_\_

Contact Name: Doreen Clark

Phone Number: 972-964-9050 x. 123