

ZONING CHANGE REVIEW SHEET

CASE: C14-95-0183(RCA)

Z.A.P. DATE: September 18, 2007
October 16, 2007

ADDRESS: 12801 Harris Ridge Boulevard

OWNER/APPLICANT: Ly and Nguyen, L.L.C.
(Kevin Nguyen)

AGENT: MWM Design Group
(Amelia Lopez-Phelps)

REQUEST: To amend the public restrictive covenant that applies to this property and the surrounding tracts to alter conditions of the Transportation Impact Analysis.

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is deny the applicant's request to amend the public restrictive covenant to remove condition #3(A, F & G) in the attached TIA Memorandum that requires the connection of Josh Ridge Boulevard to Harris Ridge Boulevard to the west [Please see TIA Memorandum-Attachment A].

ZONING AND PLATTING COMMISSION:

9/18/07: Postponed at the neighborhood's request to October 16, 2007 (7-0, B. Baker-absent);
J. Shieh-1st, K. Jackson-2nd.

10/16/07: Send to the City Council without a recommendation:

A substitute motion to approve the RCA failed by a vote of (2-4, Baker, Hale, Martinez, Rabago-No); K. Jackson-1st, J. Shieh-2nd.

The original motion to approve the staff's recommendation for denial of the RCA failed by a vote of (4-2, Jackson and Shieh-No); J. Martinez-1st, S. Hale-2nd

DEPARTMENT COMMENTS:

The applicant is requesting to amend the public restrictive covenant that was established with zoning case C14-95-0183 to remove conditions of a Transportation Impact Analysis (TIA) that require that Josh Ridge Boulevard to be extended to the west to connect with Harris Ridge Boulevard.

The staff's recommendation is to deny the applicant's request to amend the restrictive covenant to remove this condition because the requirement to extend Josh Ridge Boulevard to the west will provide needed connectivity for the single-family residential neighborhood to the north and east. The extension of Josh Ridge from Harris Glenn Drive to Harris Ridge Boulevard will create a residential collector for the neighborhood and reduce existing cut-through traffic on local streets. The potential reduction in cut-through traffic would reduce conflict points with the established school crossing on Harris Glenn Drive. In addition, the extension of Josh Ridge would provide a more direct route for the residents of both Harris Ridge and Harris Glenn neighborhoods to a major arterial.

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

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	RR	Undeveloped
<i>North</i>	LI-PDA, SF-2	Dell Computers, Single-Family Residences
<i>South</i>	GR, MF-2-CO	Undeveloped, Multi-family Residential (Apartments)
<i>East</i>	SF-2	Single-Family Residential Neighborhood
<i>West</i>	LI-PDA	Dell Computers

AREA STUDY: N/A**TIA:** Yes**WATERSHED:** Walnut Creek, Harris Branch**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** N/A**HILL COUNTRY ROADWAY:** N/A**NEIGHBORHOOD ORGANIZATIONS:**

64 – River Oaks Lakes Estates Neighborhood
 114 – North Growth Corridor Alliance
 393 – Harris Ridge Homeowners Association
 642 – Harris Glenn Homeowners Association
 643 – North East Action Group
 756 – Harris Ridge Phase IV
 786 – Home Builders Association of Greater Austin

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2007-0103	SF-2-CO, GR-MU, GR to MF-3	8/21/07: Approved staff's recommendation of MF-3 zoning by consent (7-0, K. Jackson-absent)	9/27/07: Granted MF-3 zoning by consent (6-0; B. Dunkerley-absent); all 3 readings
C14-2007-0087	RR to GR	10/16/07: Pending	10/18/07: Pending
C14-04-0056	I-RR to SF-2, SF-6, MF-3 and CS	11/02/04: Approved staff's recommendation of SF-2-CO, SF-6, MF-3, LR, LR-MU, GR, GR-MU zoning by consent (9-0)	12/16/04: Granted SF-2-CO, SF-6, MF-3, LR-MU, GR and GR-MU on all 3 readings (7-0)
C14-04-0127	GR-CO to GR	10/19/04: Approved staff's recommendation of GR-CO zoning by consent (9-0)	11/18/04: Granted GR-CO (7-0); all 3 readings
C14-03-0001	DR to LO	1/28/03: Approved staff's recommendation of LO-CO zoning, w/2,000 trip limit (8-0, J. Donisi-absent)	2/27/03: Granted LO-CO on all 3 (6-0, Goodman-out of room)
C14-00-2101	DR to CS	8/1/00: Approved staff rec. w/ condition of no Adult Oriented Businesses (8-0)	9/28/00: Approved GR-CO w/ conditions on TR 1 & 2 (7-0); all 3 readings
C14H-00-0005	DR to DR-H	9/12/00: Approved staff rec. by consent (6-0)	10/5/00: approved DR-H (5-0); all 3 readings

C14-98-0258	DR to MF-2	10/26/99: Approved staff rec. of MF-2-CO, w/ 400 unit limit, by consent (8-0, BH-off dias)	12/2/99: Approved PC rec. of MF-2-CO w/ conditions (6-0, WL-absent); 1 st reading 1/27/00: Approved 2 nd /3 rd readings by consent (6-0)
C14-98-0257	DR to GR	10/26/99: Approved staff rec. of LO-CO (TR 1, 2, 3) & GR (TR 4 & 5) by consent (8-0, BH-off dias)	12/2/99: Approved PC rec. of LO (TR1), LO-CO (TR 2 & 3) w/ conditions, and GR (TR 4 & 5) (6-0, WL-absent); 1 st reading 1/27/00: Approved 2 nd /3 rd readings by consent (6-0)
C14-98-0126	DR to GR	9/29/98: Approved LR-CO w/ conditions that uses limited to 'NO' uses (9-0)	11/5/98: Approved PC rec. of LR-CO (TRA) & LO-CO (TRB) w/ conditions (6-0); all 3 readings
C14-97-0126	DR to GR	12/9/97: Approved GR-CO w/ conditions (5-3)	2/5/98: Approved PC rec. of GR-CO w/ new conditions (5-0); 1 st reading 4/9/98: Approved GR-CO w/ conditions (7-0); 2 nd /3 rd readings

RELATED CASES: C14-2007-0087 (Rezoning Case to the south)

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Bus Routes
Harris Ridge Blvd.	46'	30'	Arterial	Yes	No	No

CITY COUNCIL DATE: October 11, 2007

ACTION: Postponed at the staff's request to October 18, 2007 (7-0)

October 18, 2007

ACTION:

ORDINANCE READINGS: 1st

2nd

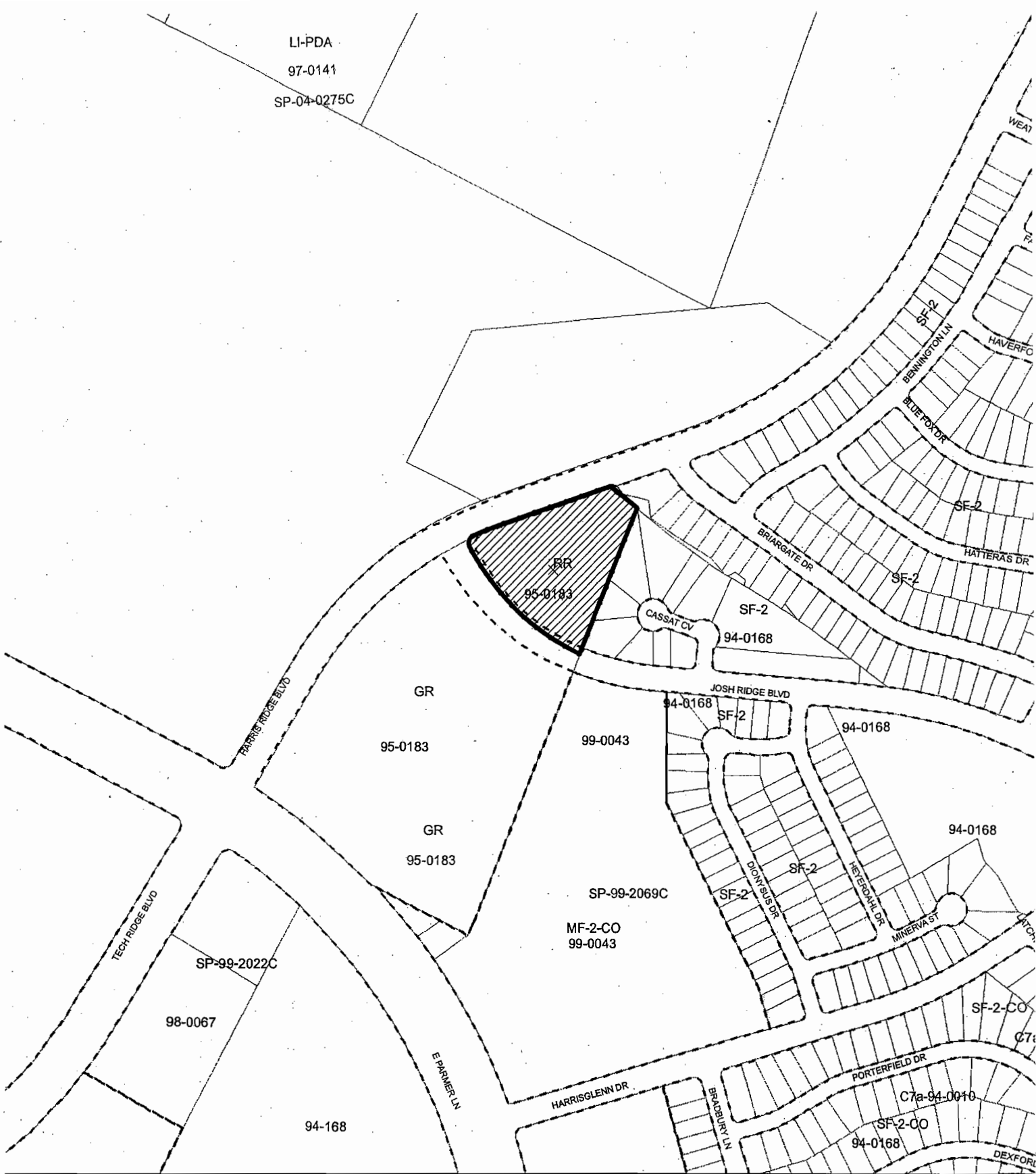
3rd

ORDINANCE NUMBER:

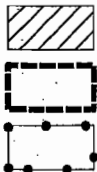
CASE MANAGER: Sherri Sirwaitis

PHONE: 974-3057,
sherri.sirwaitis@ci.austin.tx.us

LI-PDA
97-0141
SP-04-0275C



RESTRICTIVE COVENANT AMENDMENT

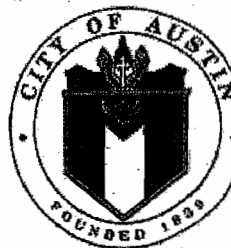


Subject Tract

Zoning Boundary

Pending Cases

ZONING CASE#: C14-95-0183(RCA)
ADDRESS: 12801 HARRIS RIDGE BLVD
SUBJECT AREA: 3.45 ACRES
GRID: N34
MANAGER: S. SIRWAITIS



1" = 400'

OPERATOR: SM

This map has been produced by G.I.S. Services for the sole purpose of geographic reference.
No warranty is made by the City of Austin regarding specific accuracy or completeness.

**MEMORANDUM**

TO: Sherry Sirwaitis, Case Manager
Members of the Zoning and Platting Commission

CC: Amelia Lopez-Phelps, MWM Design Group

DATE: October 12, 2007

SUBJECT: Request to Remove Restrictive Covenant
Case Number – C14-95-0183(RCA)

Recommendation: Disapproval

The applicant for the above referenced zoning case is requesting to remove a restrictive covenant requiring the extension of Josh Ridge Blvd through the site to Harris Ridge Blvd. Josh Ridge was originally planned as a collector between McCallen Pass and Dessau Road and now serves as a four lane divided residential collector within the Harris Ridge and Harrisglenn neighborhoods.

The 19-acre site is proposed for development as a specialty retail center to include a grocery market and commercial office and retail center. A TIA for this site was prepared with the assumption that the restrictive covenant requiring the construction of Josh Ridge Blvd was removed from the property. Staff's response to the TIA can be found with case C14-2007-0087 in a separate memo dated October 12, 2007.

Staff recommends disapproval of the request for the following reasons:

- The extension of Josh Ridge from Harrisglenn Drive to Harris Ridge Blvd will provide a residential collector for the neighborhood and reduce existing cut-through traffic on local streets Weatherford Dr., Bennington Lane, and Briargate Dr.
- While some median work may be required to provide adequate intersection sight distance, the topography along Harris Ridge Blvd does not prohibit the construction of Josh Ridge through the subject tract.
- The potential reduction in cut-through traffic would reduce conflict points with the established school crossing on Harrisglenn Drive between Weatherford Drive and Josh Ridge Blvd.
- The extension of Josh Ridge would provide a more direct route for the residents of both Harris Ridge and Harris Glenn neighborhoods to a major arterial.

If you have any further questions or required additional information, please contact me at 974-3428.

Amber Mitchell

Sr. Planner ~ Transportation Review
Watershed Protection & Development Review Department

RESTRICTIVE COVENANT

OWNER: RIDGE INVESTORS LIMITED, a Texas Limited Partnership

ADDRESS: 200 Concord Plaza Drive, Suite 1010, San Antonio, Texas 78216

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

PROPERTY: Approximately 130 acres of land out of the Alexander Walters Survey No. 67, in Travis County, Texas, said 130 acres divided into six tracts of land being more particularly described by metes and bounds in Exhibits "A" through "F" attached hereto and made a part of for all purposes.

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

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

1. Notwithstanding any other provision of the Land Development Code applicable to the Property on the effective date of this restrictive covenant, or at the time an application for approval of a site plan or building permit is submitted, no site plan for development of the Property or any portion of the Property may be approved or released, and no building permit for construction of a building on the Property, may be issued if the completed development or uses authorized by the proposed site plan or building permit, considered cumulatively with all existing or previously authorized development and uses of the Property, generates traffic exceeding the total traffic generation for the Property as specified in that certain Traffic Impact Analysis (the "TIA") prepared by Robert J. Halls & Associates, dated November 13, 1995, updated June 25, 1996, and subject to the recommendations contained in a memorandum from the Transportation Review Section of the Department of Review and Inspection, dated August 5, 1996, and updated September 16, 1996. The TIA shall be kept on file at the Department of Review and Inspection.
2. At the request of the Owner of the affected Property, an updated or amended TIA may be approved administratively by the Director of the Department of Review and Inspection.
3. At the time an application for approval of a site plan or building permit is submitted, no site plan for development of the Property or any portion of the Property may be approved or released, and no building permit for construction of a building on the Property may be issued unless and until the following conditions are met:

a) A north/south collector street stub-out is provided at the McAdams/Mueke property line along the northern edge of the Property (Tract 5). In the event that said collector street is not permitted by either the Texas Department of Transportation or the City of Austin then a local street stub-out will be provided along this property line; and

b) A street stub-out is provided at a point along the western boundary of the Property line to provide access from Tract 5 and the proposed Heatherwilde Boulevard, the exact alignment and size subject to City of Austin approval; and

The plans for such street extensions are presented for approval and receive approval by the Department of Review and Inspection or the Planning Commission as appropriate at the time the application for subdivision for the Property is submitted for approval.

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

Citations to the Austin City Code shall refer to the Austin City Code of 1992, as amended from time to time, unless otherwise specified. When the context requires, singular nouns and pronouns include the plural.

OWNER:

RIDGE INVESTORS LIMITED
a Texas limited partnership

By: RIDGE PROPERTIES LIMITED
a Texas limited partnership
General Partner

By: RIDGE MANAGEMENT COMPANY,
a Texas Corporation, General Partner

By: 
Darren B. Casey
President

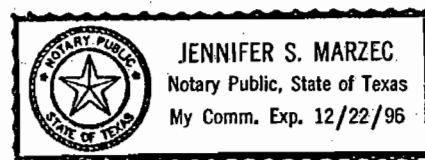
THE STATE OF TEXAS
COUNTY OF TRAVIS

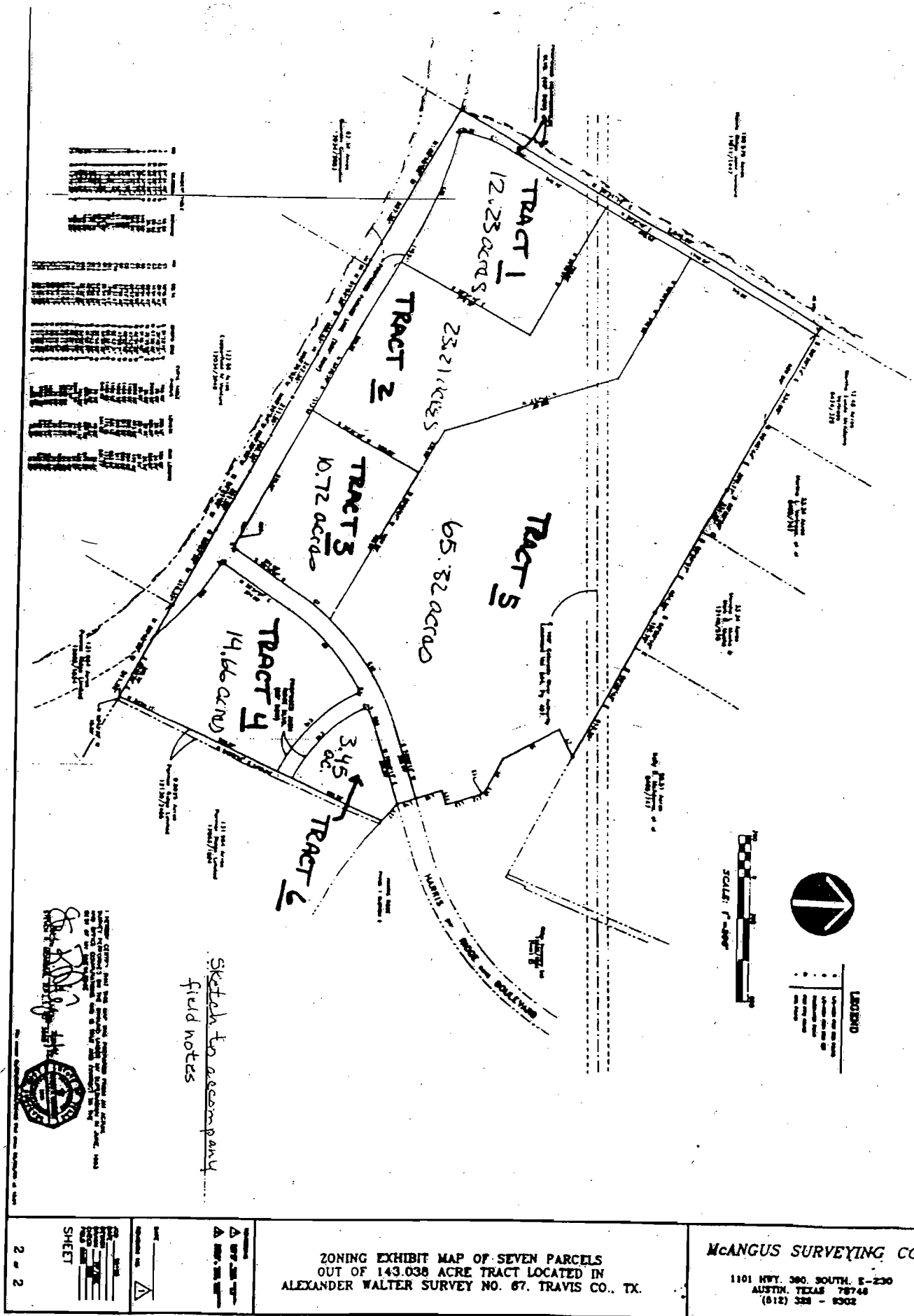
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This instrument was acknowledged before me on this the 3rd day of October, 1996, by DARREN B. CASEY, President of Ridge Management Company, a Texas Corporation, on behalf of said corporation, and the corporation acknowledged this instrument as General Partner on behalf of Ridge Properties Limited, a Texas Limited Partnership, General Partner of Ridge Investors Limited, a Texas Limited Partnership.

Jennifer S. Marzec
Notary Public, State of Texas

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





REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS

12791 0754

(No)

FILED

96 OCT 11 PM 1:58

DANA DE BEAUVOIR
COUNTY CLERK
TRAVIS COUNTY, TEXAS

STATE OF TEXAS

COUNTY OF TRAVIS

I hereby certify that this instrument was FILED on
the date and at the time stamped hereon by me; and
was duly RECORDED, in the Volume and Page of the
named RECORDS of Travis County, Texas, on

OCT 11 1996



Dana De Beauvoir
COUNTY CLERK
TRAVIS COUNTY, TEXAS

REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS

12791 0755

RECEIPT#: B00053835 TRANS#: B5184 DEPT: REGULAR RECORD \$41.00
CASHIER: KHFRI FILE DATE: 10/11/96 TRANS DATE: 10/11/96
PAID BY: VOUCHER# 05



MEMORANDUM

TO: David Wahlgren, Zoning Case Manager
Department of Development Review and Inspections

FROM: George Zapalac, Transportation Review Manager
Department of Development Review and Inspections

DATE: September 16, 1996

SUBJECT: Traffic Impact Analysis Review
Harris Ridge (C14-95-0183)

The Transportation Review Section has reviewed the Traffic Impact Analysis (TIA) for the above referenced project in conjunction with the zoning case and offer the following comments.

TRIP GENERATION

The proposed Harris Ridge development (the "Project") is a 129 acre multi-use project located in northeast Austin east of IH-35 and north of the future extension of Parmer Lane. This development is planned to be built in two phases with a projected completion by late 1999.

Background traffic included in the TIA estimated traffic volumes for appropriate levels of development for the following projects: Harris Ridge Phase II, Harris Ridge Revised, Scofield Farms, and Harris Ridge Phase III. Future traffic was assumed at a compound annual growth rate of 6% for Parmer Lane and I-35 and at 2% for all other roads.

Trip generation rates and trip reduction rates for pass-by capture were estimated based on data established by the Institute of Transportation Engineers. The unadjusted average daily site trip generation for this development is estimated at 34,463 vehicle trips per day (trips being defined as one-way) upon final build-out in late 1999. Adjustments to the vehicular trip generation estimate include pass-by capture (traffic accessing the site from the passing stream flow of traffic). No trip reductions were assumed for transit trips or internal capture.

As a result of the proposed development, the TIA indicates an adjusted estimate of 907 AM peak hour trips and 2,527 PM peak hour trips upon final build-out. A summary of the proposed

development is listed below:

Phase 1

- o Multi-family: 534 Units
- o Single family: 250 Units

Phase 2

- o General Retail: 490,050 SF

ROADWAYS

IH-35 - is classified in the Austin Metropolitan Area Transportation Plan (AMATP) as a freeway. It consists of three main lanes plus three frontage road lanes in each direction on variable right-of-way. Plans for improving this roadway have been under development for a number of years with no approved design as yet. The Transportation Plan currently proposes provisions for high occupancy vehicles (HOV) in this vicinity; however, this will require a major investment study (MIS) pursuant to federal requirements related to the Inter-modal Surface Transportation Efficiency Act (ISTEA).

Parmer Lane (FM 734) - is classified in the AMATP as a Major Arterial. It is currently built as a six-lane divided road westward from a diamond interchange on IH-35 west of the project. TxDOT plans to extend Parmer Lane from IH-35 to beyond Dessau Road as a divided, four-lane arterial. Construction of the first phase began last month and is scheduled to be completed by April of 1997.

Harris Ridge Boulevard - is classified in the AMATP as a Major Arterial. This arterial is built as a four-lane, divided road from West Dessau Road to the northeast corner of this development. This roadway is to be extended as part of this development onto Parmer Lane.

Heatherwilde Boulevard - is classified in the AMATP as a Major Arterial. Currently, this road exists only to the north of this with its southern terminus just south of Settlers Valley Road in Pflugerville. This roadway is to be extended onto Parmer Lane. Since the last segment of the extension will run along the western property line of this development, the developer will be responsible for half of its construction along the frontage of this development.

Josh Ridge Boulevard - is built as a four-lane, divided collector from Harris Glen Drive to a point just to the northeast of this development. This roadway is to be extended west through this development onto Heatherwilde Boulevard, and east onto Dessau Road.

INTERSECTIONS

The intersection levels of service (LOS) for signalized and

unsignalized intersections are provided below for both existing and proposed development conditions:

<u>Intersection</u>	<u>Existing</u>		<u>1999</u>	
	<u>a.m.</u>	<u>p.m.</u>	<u>a.m.</u>	<u>p.m.</u>
Parmer Lane/IH-35	B	D	D	D
Harris Ridge/W. Dessau Rd	1	1	B	B
Parmer Lane/Heatherwilde	2	2	A	B
Parmer Lane/Harris Ridge	2	2	A	C
Parmer Lane/Harrisglenn	2	2	A	C
Heatherwilde/Josh Ridge	2	2	A	A
Harris Ridge/Josh Ridge	2	2	A	B
Harrisglenn/Josh Ridge	2	2	A	A

- 1 = Unsignalized intersections.
2 = Streets not currently built.

TRAFFIC ANALYSIS

The Traffic Impact Analysis (TIA) identifies operational analyses performed for the AM and PM peak hours for existing conditions at the intersections listed above and at the time of build-out in 1999. Results of the analysis indicate that improvements will be necessary for both existing and future intersections to support this development and to be within acceptable levels of service (LOS). The recommended actions identified in the TIA are specified in the following section.

RECOMMENDATIONS

1. Development of this property should be limited to land uses and intensities which will not exceed or significantly vary from the projected traffic conditions assumed in the Traffic Impact Analysis. Such assumptions include peak hour trip generation, traffic distribution, roadway conditions, and other traffic related characteristics.
2. For Phase 1, no development shall take place on Tracts 2, 5, and 6, as shown in Exhibit "A", until the following conditions are met:
 - A) The completion of the extension of Parmer Lane from the IH-35 East Service Road to Harris Ridge Boulevard which is currently under construction by the Texas Dept. of Transportation.
 - B) The completion of a north-south collector street from the Project's northern property line to Parmer Lane as noted in both the Planning Commission's recommendation to the City Council, and in the first and second readings of the zoning case.
 - C) The completion of the extension of Harris Ridge Blvd. from the Project's northern property line to Parmer Lane.

D) The completion of Josh Ridge Boulevard from Harris Ridge Blvd. to Heatherwilde Blvd.

E) The future intersection at Parmer Lane and Harris Ridge Blvd. will require a traffic signal as soon as both roads are constructed and all warrants for signalization are met. The applicant should post the entire fiscal based on a pro-rata share of the cost of the signal installation based upon the highest contribution of site traffic to the p.m. peak hour. The required fiscal amount has been calculated at 34% of the cost for signalizing this intersection.

3. For Phase 2, no development shall take place on Tracts 1, 3, and 4, as shown in Exhibit "A", until the following conditions are met:

A) The completion of the extension of Josh Ridge Blvd. from the Project's eastern property line to Harris Ridge Blvd., Harrisglenn Drive, and at least half of Heatherwilde Blvd. from the Project's northern property line to Parmer Lane.

B) The interchange at Parmer Lane and IH-35 will require restriping the Parmer Lane cross-over for eight lanes to provide dual left lanes and dual through lanes in each direction. Additionally, all approaches to this overpass would need to be modified accordingly.

C) The intersection at West Dessau Road and Harris Ridge Boulevard will require striping Harris Ridge Blvd. to show separate through lanes. Additionally, the installation of a traffic signal will be required as soon as all warrants for signalization are met.

D) The future intersection at Parmer Lane and Heatherwilde Blvd. will require a traffic signal as soon as all warrants for signalization are met.

E) The future intersection at Parmer Lane and Harrisglenn Drive will require a traffic signal as soon as all warrants for signalization are met.


F) The future intersections at Harris Ridge Boulevard and Josh Ridge Blvd. and at Harrisglenn Drive and Josh Ridge Boulevard will require two-way stop control.

G) The future intersection at Josh Ridge Blvd. and Driveway C will require a westbound limited service median break along Josh Ridge Blvd. to allow for left turns into the driveway.

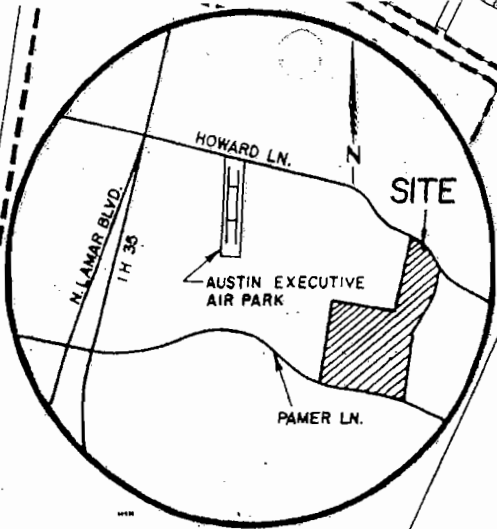
4. Require the applicant to submit a cost estimate during the subdivision review process for the recommended actions identified in the TIA. These recommended improvements would need to be coordinated with the Texas Department of Trans-

portation (TxDOT) and the City of Austin Department of Public Works and Transportation. Prior to the approval of any final plats in Phase 2, the applicant will be required to post the remainder of the total fiscal amount based on a pro-rata share of the cost for constructing those identified traffic control improvements. The cost estimate will require the approval from the Dept. of Development Review and Inspections and the Texas Department of Transportation.

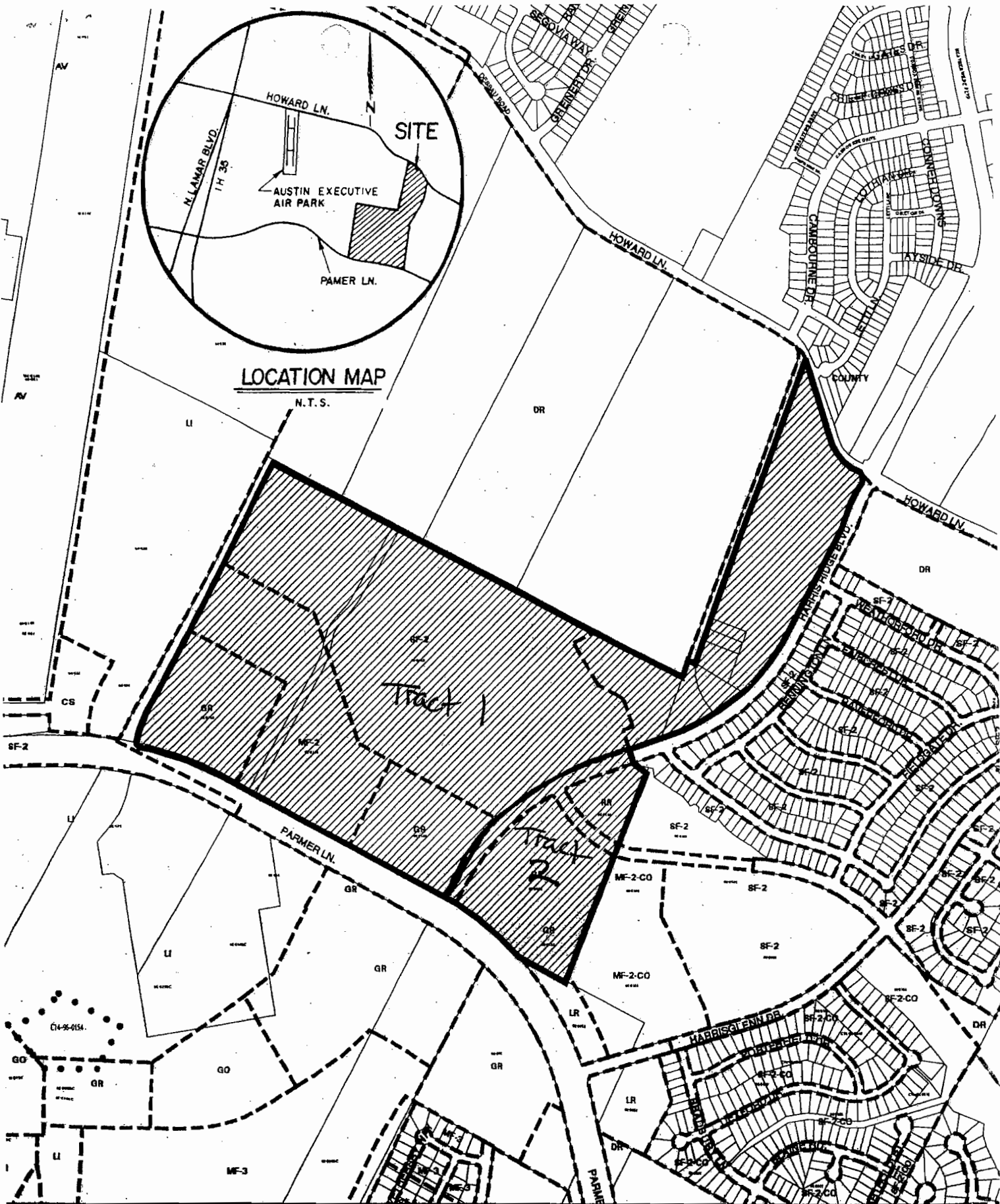
If you have any questions or require additional information, please contact Ivan Naranjo, the assigned transportation reviewer, at 499-2724.




George Zapalac, Manager
Transportation Review Section
DEPARTMENT OF DEVELOPMENT REVIEW AND INSPECTIONS



LOCATION MAP




 1" = 800'
 SUBJECT TRACT
 PENDING CASE
 ZONING BOUNDARY
 CASE MGR: C.ALTER

RESTRICTIVE COVENANT AMENDMENT
CASE #: C14-95-0183
 ADDRESS: W.PARMER LN. AND HARRIS
 RIDGE BLVD.
 SUBJECT AREA (acres): 143.038
 DATE: 97-12
 INTLS: TRC

CITY GRID
 REFERENCE
 NUMBER
 N34