

SECOND / THIRD READINGS SUMMARY SHEET

ZONING CASE NUMBER: C14-2007-0105 – 3715 S. 1st Street

REQUEST:

Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3715 S. 1st Street (East Bouldin Creek Watershed) from Single Family Residence-Neighborhood Plan (SF-3-NP) combining district zoning to GO-V-CO-NP for tracts 1 & 2. Beyond 150 feet from the west property line development is limited to MF-3 or more restrictive uses. The impervious cover is limited to 65% across Tracts 1 & 2. On Tract 1, the V component includes additional uses in office districts, exemption from dimensional standards and 10% of rental units to be made available at 80% MFI. Any other items in the private restrictive covenant to be incorporated into the conditional overlay.

ISSUES: None.

APPLICANT: South First Baptist Church (Susan Maipalni)

AGENT: Drenner & Golden Stuart Wolff, LLP (Michele Rogerson)

DATE OF FIRST READING: July 24, 2008.

CITY COUNCIL HEARING DATE: August 21, 2008

CITY COUNCIL ACTION: First reading approved on July 24, 2008. Vote: 7-0

CASE MANAGER: Clark Patterson 974-7691 e-mail address: clark.patterson@ci.austin.tx.us

ZONING CHANGE REVIEW SHEET

CASE: C14-2008-0105

P.C. DATE: July 8, 2008

July 22, 2008

C.C. DATE: July 24, 2008

August 21, 2008

ADDRESS: 3715 S 1st Street

OWNER/APPLICANT: South First Baptist Church (Susan Maipalni)

AGENT: Drenner & Golden Stuart Wolff, LLP (Michele Rogerson)

ZONING FROM: SF-3-NP

TO: GO-V-NP

AREA: 6.364 acres

AREA STUDY: Dawson Neighborhood Plan

TIA: See comments.

WATERSHED: East Bouldin Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

SUMMARY STAFF RECOMMENDATION:

Staff alternatively recommends splitting the property into two tracts. The first tract would grant the applicant's request for GO-V-NP for the first 200' from South 1st Street. The second tract would be zoned MF-3 to offer a buffer to the single-family residences.

Tract 1 – First 200' from South 1st street – From SF-3-NP to GO-V-NP

Tract 2 – Remainder of site – From SF-3-NP to MF-3-NP

Additional conditions may be required depending on the outcome of the traffic impact analysis, which is currently being reviewed by city staff. The results of the analysis will be included as a staff memo.

PLANNING COMMISSION RECOMMENDATION:

The motion to approve GO-V-CO-NP for tracts 1 & 2. Beyond 150 feet from the west property line development is limited to MF-3 or more restrictive uses. The impervious cover is limited to 65% across Tracts 1 & 2. On Tract 1, the V component includes additional uses in office districts, exemption from dimensional standards and 10% of rental units to be made available at 80% MFI; Note included: Any other items in the private restrictive covenant to be incorporated into the conditional overlay. The motion was made by Commissioner Mandy Dealey, Commissioner Paula Hui second the motion on a vote of 9-0.

BASIS FOR RECOMMENDATION

1. *Zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character.*
2. *Zoning should promote the policy of locating retail and more intensive zoning near the intersections of arterial roadways or at the intersections of arterials and major collectors.*

The subject property fronts South 1st Street, a major arterial, where commercial base district zoning is most appropriate. For that section of the property, staff is entirely in agreement with the applicant's request for GO-V-NP zoning. The property is on a core transit corridor and meets the goals of the Dawson Neighborhood Plan to keep intense commercial uses along South 1st Street.

Staff is concerned about how far back the commercial development extends onto Post Road into the single-family residence. Staff recommends extending the GO base district zoning only 200' from the South 1st property, at which point, the property would be zoned MF-3-NP. Multi-family apartments would provide better transition to the single-family neighborhood than a large-scale, vertical mixed use building.

VERTICAL MIXED-USE BUILDING

For the vertical mixed-use overlay, staff recommends approval of the following components:

- The property is exempt from the dimensional standards identified in Article 4.3.3 E.2 (Dimensional and Parking Requirements).
- Ten percent of residential units available for rental in a vertical mixed-use building shall be reserved for households earning no more than 80 percent of the Annual Median Family Income.
- The property will be eligible for the following additional ground floor uses in an office zoning base district: consumer convenience services, food sales, general retail sales (convenience or general), and restaurant (limited and general) without drive-in services.

Note: The applicant decided to not request the parking reduction after meeting with the registered neighborhood association.

DEPARTMENT COMMENTS:

The 6.364-acre property is zoned SF-3-NP (single-family residence – neighborhood plan) combining district zoning. The site is currently developed with a church and is heavily vegetated with trees along the northern property line.

According to the conceptual plan provided to staff, the applicant intends to rezone the property to GO-V-CO-NP (general office – vertical mixed use – conditional overlay) combining district to allow for the potential development of a mixed-use building with approximately 4,700 sq. ft. of retail uses and 310 apartment units. The conceptual plan also includes 1.86 acres of open space and a 0.51-acre detention pond.

The subject property fronts South 1st Street to the west and Post Road to the south. Ingress and egress are proposed to be taken from both roadways. A traffic impact analysis was provided by the applicant and is currently under review.

It is the understanding of city staff that the applicant has been meeting with the registered neighborhood association, Dawson, regularly. The Dawson Neighborhood Contact Team voted favorably for the applicant's request for rezoning and the change the future land use map. The applicant has more details on the terms of this agreement.

While staff greatly appreciates the applicant's willingness to meet with and agree to the requests of the registered neighborhood association, staff's recommendation will remain GO-V-NP combining district zoning along S. 1st Street and MF-3 district zoning towards the interior of the neighborhood. Staff is concerned about setting a precedent for commercial encroachment and the addition of significant density in the predominately single-family neighborhood.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-3-NP	Church
<i>North</i>	MF-3-NP	Apartments
<i>South</i>	LO-NP; NO-MU-CO-NP; SF-3-NP	Offices; Single-Family Residences
<i>East</i>	SF-3-NP	Single-Family Residences
<i>West</i>	GO-V-CO; P	Medical Offices; Local Utility Service

NEIGHBORHOOD ORGANIZATIONS:

Dawson Neighborhood Association
Austin Neighborhoods Council
Austin Independent School District
South Central Coalition
Barton Springs / Edwards Aquifer
Conservation District

Terrell Lane Interceptor Association
Home Builders Association of Greater Austin
CIM
Homeless Neighborhood Association

SCHOOLS:

Galindo Elementary School
Fulmore Middle School
Travis High School

CASE HISTORIES:

C14-2007-0236 – Dawson VMU Application

The vertical mixed-use opt-in / opt-out process was completed for the Dawson Neighborhood Planning Area on January 10, 2008. Most of the properties within the area were included for all of the additional bonus provisions allowed by the vertical mixed-use overlay. The neighborhood set the affordability level at 60% MFI to take advantage of the dimensional standards waiver.

PC: Approved neighborhood recommendation (VMU); (7-0)

CC: Approved Planning Commission recommendation (7-0); all 3 readings

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-04-0029	From LO-CO to GO-CO	APVD STAFF ALT REC OF GO-CO BY CONSENT W/AMDT TO NOT REQUIRE ROW AS COND OF ZONING; CO 2,000 TRIPS (8-0).	APVD GO-CO; CO 2,000 TRIPS (7-0)
C14-05-0125	From SF-3 to LO	APVD STAFF REC OF NO-MU-CO-NP; CO 2,000 TRIPS (7-0)	APVD NO-MU-CO-NP; CO 2,000 TRIPS (7-0)

RELATED CASES:

There are no pending or approved site plans at this time.

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Bus Routes
S. 1 st St.	80-90'	40-45'	Minor Arterial	Yes	No	10 – S 1 st 110 South Central Flyer 484 Night Owl 328 Ben White

EXISTING CONDITIONS

Site Plan

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

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

Compatibility Standards

The site is subject to compatibility standards. Along the South & East property lines, 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.
 - or a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
- No parking or driveways are allowed within 25 feet of the property line.
- A landscape area at least 25 feet wide is required along 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.

- An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.

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

This site will be subject to Subchapter E: Design Standards at time of site plan. This portion of S. 1st is a Core Transit Corridor. This site is located within the Dawson Neighborhood Planning Area.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the East Bouldin Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone. Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.

This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements. According to flood plain maps, there is no flood plain within the project area.

At this time, site-specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

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

Water and Wastewater

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extensions, system upgrades, utility relocations and or abandonments required. The water and wastewater plan must be in accordance with the City of Austin utility design criteria. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. 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.

CITY COUNCIL DATE: July 24th, 2008

ACTION: Approved Planning Commission recommendation on first reading.

ORDINANCE READINGS: 1st, July 24, 2008 2nd 3rd

ORDINANCE NUMBER:

CASE MANAGER: Clark Patterson

PHONE: 974-7691



STAFF RECOMMENDATION



14 July 2008

Mr. Jerry Rusthoven, Case Manager
City of Austin
Neighborhood Planning & Zoning Department
505 Barton Springs Road
Austin, TX 78704

RE: Oak Meadows Project located at 3715 S 1st Street
Case No. C14-2008-0105, Rezoning from SF-3 to GO-V and
Case No. NPA-2008-0001.01 Future Land Use Map
Amendment from Civic to Mixed Use

Dear Mr. Rusthoven,

I am writing on behalf of the Dawson Neighborhood Planning Team (DNPT) regarding the rezoning and FLUM amendment for the Oak Meadows project noted above.

We met with Cypress Real Estate Advisors on several occasions and on April 28, 2008, the DNPT voted to approve the rezoning and FLUM amendment requests based upon several conditions. Cypress Real Estate Advisors presented us with a restrictive covenant, which outlines the conditions and a unanimous vote to recommend the language in the covenant was held on July 7, 2008.

The rezoning allows for the Vertical Mixed Use (VMU) exemption of dimensional standards that are inline with the other VMU zoned properties in the Neighborhood, with several exceptions. The Oak Meadows site will not be allowed to use the VMU parking reductions and will be subject to an affordability level of ten percent (10%) of residential units for households earning no more than eighty percent (80%) Median Family Income (MFI).

We support the rezoning and FLUM amendment requests based on the restrictive covenant and agreement by Cypress Real Estate Advisors to not utilize the parking reductions allowed under VMU.

Thank you for your assistance in accommodating the DNPT. If you have any questions please feel free to contact me.

Sincerely,



Kate Meehan
President
Dawson Neighborhood Planning Team



Date: August 14, 2008
To: Clarke Patterson, Case Manager
CC: Jeremy Klop, P.E. Fehr and Peers
Reference: Oak Meadows TIA \ C14-2008-0105

The Transportation Review Section has reviewed the Traffic Impact Analysis for the Oak Meadows dated June, 2008, prepared by Eric Guderian, P.E., Fehr and Peers, and offers the following comments:

TRIP GENERATION

Oak Meadows is a 6.36-acre development located in south Austin north of the intersection of South First Street and Ben White Blvd.

The property is currently undeveloped and zoned Single Family Residential-Neighborhood Planning Combining District (SF-3-NP). The applicant is requesting General Office – Vertical Mixed Use (GO-VMU) zoning and is proposing 4,700 ft² of specialty retail and a 310 unit apartment complex. The estimated completion of the project is expected in the year 2010.

Based on the standard trip generation rates established by the Institute of Transportation Engineers (ITE), the development will generate approximately 2,221 unadjusted average daily trips (ADT).

The table below shows the adjusted trip generation by land use for the proposed development:

Table 1. Trip Generation						
			AM Peak		PM Peak	
LAND USE	Size	ADT	Enter	Exit	Enter	Exit
Specialty Retail Center	4,700 SF	199	N/A	N/A	6	7
Apartments	310 Units	1912	30	118	122	66
Total		2,111	30	118	128	73

ASSUMPTIONS

1. Traffic growth rates provided by the City of Austin were as follows:

Table 2. Growth Rates per Year	
Roadway Segment	%
All Roads	5%

2. In addition to these growth rates, background traffic volumes for 2010 included estimated traffic volumes for the following projects:

The Sycamore
707 Cardinal Lane

SP-06-0571C
SP-05-1656C

3. No reductions were taken for pass-by trips.
4. No reductions were taken for internal capture.
5. A 5% reduction was taken for transit use.

EXISTING AND PLANNED ROADWAYS

South First Street – South First Street forms the western boundary of the subject site. This roadway is currently classified as a four-lane minor arterial from Barton Sprints Rd to US 290. The 2008 daily traffic volume on S First north of Center Street was approximately 28,000 vehicles per day. The City plans to construct a 250 foot southbound right turn lane on S First at US 290 WB (Ben White Blvd). The improvement is projected to be complete by 2009.

US-290 (Ben White Blvd) - The 2025 AMATP identifies US 290 as a six lane freeway between Manchaca Rd and S Congress Ave. TxDOT Traffic Counts in 2006 along US 290 between S First St and S Congress Ave were reported to be approximately 84,000 vehicles per day. The City and TxDOT currently have no further plans to improve this segment of US-290.

Post Road – Post Rd is a 2-lane collector that abuts the project site. The project will take access to Post Road via one undivided driveway. The existing traffic volume on Post in 2008 was approximately 250 vehicles per day.

Center Street – Center Street is a two lane collector directly west of the project's proposed access drive onto S. First St. Traffic volume for 2008 on Center St west of S First Street was approximately 2,600 vehicles per day.

Alpine Road – Alpine Rd is a two lane local street south of the site. The existing traffic volume on Alpine Rd in 2007 was approximately 1,500 vehicles per day.

Cardinal Lane – Cardinal is a two-lane collector north of the site.

Lightsey Road – Lightsey is a two-lane collector north of the site.

INTERSECTION LEVEL OF SERVICE (LOS)

The TIA analyzed 7 intersections, 3 of which are signalized. Existing and projected levels of service are as follows, assuming that all improvements recommended in the TIA are built:

Table 3. PM Peak Level of Service			
Intersection	2008 Existing	2010Forecasted (Without Site)	2010 Site + Forecasted
S First St/Ben White Blvd EB*	E	E	E

S First St/Ben White Blvd WB*	E	E	E
S First St/Post Rd	B	B	F
S First St/Center St	F	F	A
S First St /Alpine Rd	F	F	A
S First St/Cardinal Ln	E	F	F
S First St/Lightsey Rd*	B	B	B

* = SIGNALIZED

NEIGHBORHOOD IMPACT ANALYSIS

A neighborhood traffic analysis was triggered because the projected number of vehicle trips generated by this 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.

Table 4 represents a breakdown of existing traffic on Post Road, proposed site traffic, total traffic after development and percentage increase in traffic for each roadway.

Table 4.					
Roadway	Traffic Distribution	Trips (Adjusted)	Existing Traffic (2008)	Forecasted + Site Traffic (2010)	Percentage Increase
Post Road	5%	106	290	420	31%

According to Section 25-6-116 of the Land Development Code, streets which are less than 30 feet in width are considered to be operating at an undesirable traffic level if the average daily traffic volume for such roadways exceeds 1,200 vehicles per day. Per these standards, Post Road (28' of pavement) will continue to operate at a desirable level.

RECOMMENDATIONS

- 1) Prior to site plan approval, fiscal is required to be posted for the following improvements:

Intersection	Improvements	Pro Rata Share (%)
S First Street/Center Street/Site Driveway	Southbound Left turn lane	100
	Signal Installation	25.0
	Northbound left turn lane	5.2
South First/Cardinal Road	75-foot right-turn pocket for eastbound approach	2.0
South First/Alpine Road	Signal Installation	2.0

-
- 2) Cost estimates for the above improvements must be approved prior to site plan approval.
 - 3) Driveways should be constructed to the widths and cross-sections recommended in the TIA.
 - 4) For information: Two copies of the final version of the TIA incorporating all corrections and additions must be submitted prior to final approval of the zoning case.
 - 5) Development of this property should be limited to uses and intensities which will not exceed or vary from the projected traffic conditions assumed in the TIA, including peak hour trip generations, traffic distribution, roadway conditions, and other traffic related characteristics.
 - 6) Intersection improvement plans for the signal installation and left turn lanes at S. First St./Center Dr./ Site Driveway must be approved by the Public Works and Watershed Protection and Development Review Departments prior to site plan approval.
 - 7) The access drive to the Austin EMS station at S. First Street and Center Drive must be adequately addressed in the construction plans for the S. First St./Center Dr./Site Driveway intersection improvements.

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



Amber Mitchell

Sr. Planner ~ Transportation Review Staff

City of Austin – Watershed Protection and Development Review Department

ORDINANCE NO. _____

1 **AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE**
2 **PROPERTY LOCATED AT 3715 SOUTH 1ST STREET IN THE DAWSON**
3 **NEIGHBORHOOD PLAN AREA FROM FAMILY RESIDENCE-**
4 **NEIGHBORHOOD PLAN (SF-3-NP) COMBINING DISTRICT TO GENERAL**
5 **OFFICE-VERTICAL MIXED USE BUILDING-CONDITIONAL OVERLAY-**
6 **NEIGHBORHOOD PLAN (GO-V-CO-NP) COMBINING DISTRICT.**

7
8 **BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**
9

10 **PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to
11 change the base district from family residence-neighborhood plan (SF-3-NP) combining
12 district to general office-vertical mixed use building-conditional overlay-neighborhood
13 plan (GO-V-CO-NP) combining district on the property (the "Property") described in
14 Zoning Case No. C14-2008-0105, on file at the Neighborhood Planning and Zoning
15 Department, as follows:

16
17 Approximately 6.26 acres of land composed of
18

19 Lots 1-3, Block A, Williamson Subdivision Section 2 Subdivision, a subdivision in
20 the City of Austin, Travis County, Texas, according to the map or plat of record in
21 Plat Book 7, Page 179;
22

23 The south one-half of Lot 3, Fortview Subdivision, a subdivision in the City of
24 Austin, Travis County, Texas, according to the map or plat of record in Book Z,
25 Page 606, Deed Records of Travis County, Texas; and,
26

27 1.03 acres of land, more or less, out of Block 4, Fortview Subdivision, a
28 subdivision in the City of Austin, Travis County, Texas, according to the map or
29 plat of record in Book Z, Page 606, Deed Records of Travis County, Texas,
30

31 locally known as 3715 South 1st Street, in the City of Austin, Travis County, Texas, and
32 generally identified in the map attached as Exhibit "A".
33
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35
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37

1
2
3
4 **PART 2.** Except as specifically provided in Part 3 and Part 4 of this ordinance, the
5 Property may be developed and used in accordance with the regulations established for the
6 general office (GO) base district, and other applicable requirements of the City Code.
7

8 **PART 3.** The Property is subject to Chapter 25-2, Subchapter E, Article 4.3 (*Vertical*
9 *Mixed Use Buildings*) as follows:
10

- 11 A. The property is exempt from the dimensional standards identified in Article
12 4.3.3 E.2 (*Dimensional and Parking Requirements*).
13
14 B. For property in office districts, the additional uses allowed under Article 4.3.3.
15 C.2 (*Ground-Floor Commercial Uses Allowed*) apply.
16
17 C. Ten percent of residential units available for rental in a vertical mixed use
18 building shall be reserved for households earning no more than 80 percent of
19 the Annual Median Family Income.
20

21 **PART 4.** The Property within the boundaries of the conditional overlay combining district
22 established by this ordinance is subject to the following conditions:
23

- 24 A. The maximum impervious cover is 65 percent.
25
26 B. Access from the Property to Post Road Drive is limited to one drive-way cut.
27
28 C. The following uses are prohibited uses of the entire Property:
29

30 Urban farm	Congregate living
31 Counseling services	Guidance services
32 Communication services	Convalescent services
33 Hospital services (limited)	Communication service facilities
34 Medical offices (exceeding 5,000	
35 sq. ft. gross floor area)	
36	
37	
38	
39	
40	

1
2
3
4 D. For the area beginning at a point 150 feet from the right-of-way of South 1st
5 Street and beyond, the following conditions apply.
6

7 1) The following uses are prohibited uses of the property:
8

9 Administrative & business offices Art gallery
10 Art workshop Business or trade school
11 Business support services Off-site accessory parking
12 Medical offices (not exceeding Personal services
13 5,000 sq. ft. gross floor area) Printing and publishing
14 Professional office Software development
15 Hospital services (general)
16

17 2) The following uses are conditional uses of the property:
18

19 College and university facilities Cultural services
20 Day care services (commercial) Local utility services
21 Private primary educational facilities Safety services
22 Private secondary educational facilities
23

24 **PART 5.** The Property is subject to Ordinance No. 011206-10 that established the Dawson
25 neighborhood plan combining district.
26

27 **PART 6.** This ordinance takes effect on _____, 2008.
28

29 **PASSED AND APPROVED**
30

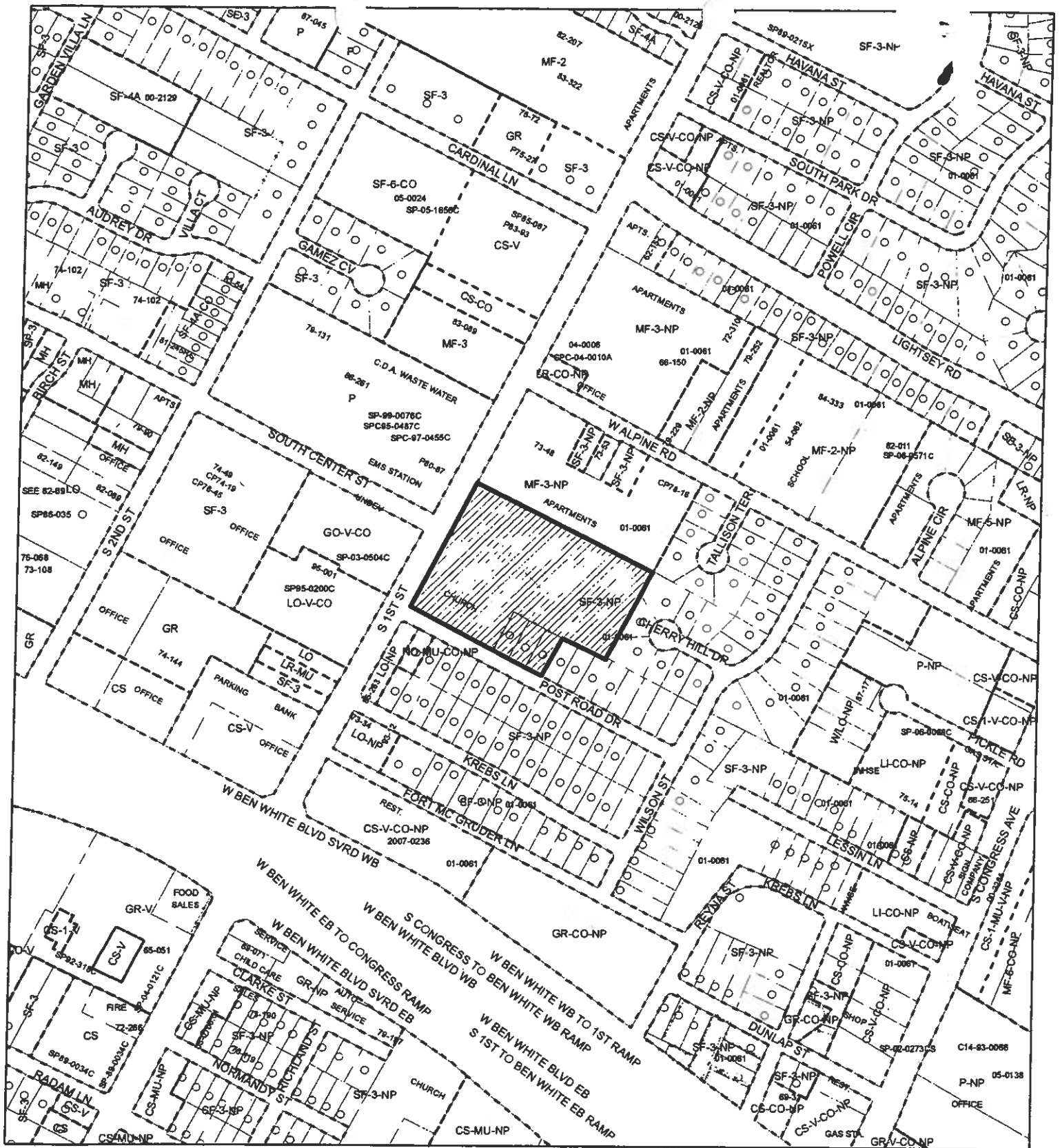
31 §
32 §
33 _____, 2008 § _____
34

35 Will Wynn
36 Mayor
37

38 **APPROVED:** _____ **ATTEST:** _____
39




40 David Allan Smith
City Attorney

Shirley A. Gentry
City Clerk



ZONING



-  SUBJECT TRACT
-  ZONING BOUNDARY
-  PENDING CASE

ZONING CASE#: C14-2008-0105
 ADDRESS: 3715 S 1ST ST
 SUBJECT AREA: 6.364 ACRES
 GRID: H19
 MANAGER: R. LEVINSKI

EXHIBIT "A"



OPERATOR: S. MEEKS

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.

1" = 400'

RESTRICTIVE COVENANT

OWNER: Oak Meadow Baptist Church, Austin, Texas,
a Texas non-profit corporation,
(formerly South First Baptist Church, Austin, Texas)

ADDRESS: 3715 South 1st Street, Austin Texas 78704

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 6.26 acres of land composed of:

Lots 1-3, Block A, Williamson Subdivision Section 2 Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 7, Page 179;

The south one-half of Lot 3, Fortview Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Book Z, Page 606, Deed Records of Travis County, Texas; and,

1.03 acres of land, more or less, out of Block 4, Fortview Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Book Z, Page 606, Deed Records of Travis County, Texas.

WHEREAS, the Owner (the "Owner", whether one or more) of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions;

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

1. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds the total traffic generation for the Property as specified in that certain Traffic Impact Analysis ("TIA") prepared by Fehr and Peers Transportation Consultants, dated June 2008, or as amended and approved by the Director of the Watershed Protection and Development Review Department. All development on the Property is subject to the recommendations contained in the memorandum from the Transportation Review Section of the Watershed Protection and Development Review Department, dated August 14, 2008. The TIA shall be kept on file at the Watershed Protection and Development Review Department.

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

EXECUTED this the _____ day of _____, 2008.

OWNER:

**Oak Meadow Baptist Church, Austin, Texas,
a Texas non-profit corporation,
(formerly South First Baptist Church, Austin,
Texas)**

By: _____
Susan Majdalani,
Secretary

APPROVED AS TO FORM:

Assistant City Attorney
City of Austin

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the _____ day of _____, 2008, by Susan Majdalani, Secretary of Oak Meadow Baptist Church, Austin, Texas, a Texas non-profit corporation, (formerly South First Baptist Church, Austin, Texas), on behalf of the corporation.

Notary Public, State of Texas

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



Date: August 14, 2008
To: Clarke Patterson, Case Manager
CC: Jeremy Klop, P.E. Fehr and Peers
Reference: Oak Meadows TIA \ C14-2008-0105

The Transportation Review Section has reviewed the Traffic Impact Analysis for the Oak Meadows dated June, 2008, prepared by Eric Guderian, P.E., Fehr and Peers, and offers the following comments:

TRIP GENERATION

Oak Meadows is a 6.36-acre development located in south Austin north of the intersection of South First Street and Ben White Blvd.

The property is currently undeveloped and zoned Single Family Residential-Neighborhood Planning Combining District (SF-3-NP). The applicant is requesting General Office – Vertical Mixed Use (GO-VMU) zoning and is proposing 4,700 ft² of specialty retail and a 310 unit apartment complex. The estimated completion of the project is expected in the year 2010.

Based on the standard trip generation rates established by the Institute of Transportation Engineers (ITE), the development will generate approximately 2,221 unadjusted average daily trips (ADT).

The table below shows the adjusted trip generation by land use for the proposed development:

Table 1. Trip Generation						
			AM Peak		PM Peak	
LAND USE	Size	ADT	Enter	Exit	Enter	Exit
Specialty Retail Center	4,700 SF	199	N/A	N/A	6	7
Apartments	310 Units	1912	30	118	122	66
Total		2,111	30	118	128	73

ASSUMPTIONS

1. Traffic growth rates provided by the City of Austin were as follows:

Table 2. Growth Rates per Year	
Roadway Segment	%
All Roads	5%

2. In addition to these growth rates, background traffic volumes for 2010 included estimated traffic volumes for the following projects:

The Sycamore	SP-06-0571C
707 Cardinal Lane	SP-05-1656C

3. No reductions were taken for pass-by trips.
4. No reductions were taken for internal capture.
5. A 5% reduction was taken for transit use.

EXISTING AND PLANNED ROADWAYS

South First Street – South First Street forms the western boundary of the subject site. This roadway is currently classified as a four-lane minor arterial from Barton Sprints Rd to US 290. The 2008 daily traffic volume on S First north of Center Street was approximately 28,000 vehicles per day. The City plans to construct a 250 foot southbound right turn lane on S First at US 290 WB (Ben White Blvd). The improvement is projected to be complete by 2009.

US-290 (Ben White Blvd) - The 2025 AMATP identifies US 290 as a six lane freeway between Manchaca Rd and S Congress Ave. TxDOT Traffic Counts in 2006 along US 290 between S First St and S Congress Ave were reported to be approximately 84,000 vehicles per day. The City and TxDOT currently have no further plans to improve this segment of US-290.

Post Road – Post Rd is a 2-lane collector that abuts the project site. The project will take access to Post Road via one undivided driveway. The existing traffic volume on Post in 2008 was approximately 250 vehicles per day.

Center Street – Center Street is a two lane collector directly west of the project's proposed access drive onto S. First St. Traffic volume for 2008 on Center St west of S First Street was approximately 2,600 vehicles per day.

Alpine Road – Alpine Rd is a two lane local street south of the site. The existing traffic volume on Alpine Rd in 2007 was approximately 1,500 vehicles per day.

Cardinal Lane – Cardinal is a two-lane collector north of the site.

Lightsey Road – Lightsey is a two-lane collector north of the site.

INTERSECTION LEVEL OF SERVICE (LOS)

The TIA analyzed 7 intersections, 3 of which are signalized. Existing and projected levels of service are as follows, assuming that all improvements recommended in the TIA are built:

Table 3. PM Peak Level of Service			
Intersection	2008 Existing	2010Forecasted (Without Site)	2010 Site + Forecasted
S First St/Ben White Blvd EB*	E	E	E

S First St/Ben White Blvd WB*	E	E	E
S First St/Post Rd	B	B	F
S First St/Center St	F	F	A
S First St /Alpine Rd	F	F	A
S First St/Cardinal Ln	E	F	F
S First St/Lightsey Rd*	B	B	B

* = SIGNALIZED

NEIGHBORHOOD IMPACT ANALYSIS

A neighborhood traffic analysis was triggered because the projected number of vehicle trips generated by this 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.

Table 4 represents a breakdown of existing traffic on Post Road, proposed site traffic, total traffic after development and percentage increase in traffic for each roadway.

Table 4.					
Roadway	Traffic Distribution	Trips (Adjusted)	Existing Traffic (2008)	Forecasted + Site Traffic (2010)	Percentage Increase
Post Road	5%	106	290	420	31%

According to Section 25-6-116 of the Land Development Code, streets which are less than 30 feet in width are considered to be operating at an undesirable traffic level if the average daily traffic volume for such roadways exceeds 1,200 vehicles per day. Per these standards, Post Road (28' of pavement) will continue to operate at a desirable level.

RECOMMENDATIONS

- 1) Prior to site plan approval, fiscal is required to be posted for the following improvements:

Intersection	Improvements	Pro Rata Share (%)
S First Street/Center Street/Site Driveway	Southbound Left turn lane	100
	Signal Installation	25.0
	Northbound left turn lane	5.2
South First/Cardinal Road	75-foot right-turn pocket for eastbound approach	2.0
South First/Alpine Road	Signal Installation	2.0

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- 2) Cost estimates for the above improvements must be approved prior to site plan approval.
 - 3) Driveways should be constructed to the widths and cross-sections recommended in the TIA.
 - 4) For information: Two copies of the final version of the TIA incorporating all corrections and additions must be submitted prior to final approval of the zoning case.
 - 5) Development of this property should be limited to uses and intensities which will not exceed or vary from the projected traffic conditions assumed in the TIA, including peak hour trip generations, traffic distribution, roadway conditions, and other traffic related characteristics.
 - 6) Intersection improvement plans for the signal installation and left turn lanes at S. First St/Center Dr/ Site Driveway must be approved by the Public Works and Watershed Protection and Development Review Departments prior to site plan approval.
 - 7) The access drive to the Austin EMS station at S. First Street and Center Drive must be adequately addressed in the construction plans for the S. First St./Center Dr./Site Driveway intersection improvements.

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



Amber Mitchell

Sr. Planner ~ Transportation Review Staff

City of Austin – Watershed Protection and Development Review Department