

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



**AGENDA ITEM NO.: Z-5
AGENDA DATE: Thu 01/08/2004
PAGE: 1 of 1**

SUBJECT: C14-03-0151 - Allen Samuels Dodge - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 12301 Interstate Highway 35 North (Walnut Creek Watershed) from general office (GO) district zoning and limited office (LO) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant to community commercial-conditional overlay (GR-CO) combining district zoning. Applicant: Solo Star Realty, Inc. (William O. Welch). Agent: Lopez-Phelps & Associates (Amelia Lopez-Phelps). City Staff: Sherri Gager, 974-3057.

REQUESTING	Neighborhood Planning	DIRECTOR'S
DEPARTMENT:	and Zoning	AUTHORIZATION: <u>Greg Guernsey</u>

ZONING CHANGE REVIEW SHEET

CASE: C14-03-0151

Z.A.P. DATE: November 4, 2003
November 18, 2003
December 2, 2003

ADDRESS: 12301 Interstate Highway-35 North

OWNER/APPLICANT: Solo Star Realty, Inc. (William O. Welch)

AGENT: Lopez-Phelps & Associates (Amelia Lopez-Phelps)

ZONING FROM: GO, LO

TO: GR

AREA: 12.00 acres

SUMMARY STAFF RECOMMENDATION:

The staff's alternate recommendation is GR-CO (Community Commercial-Conditional Overlay) district zoning. The conditional overlay would limit the development intensity for the entire site to less than 2,000 vehicle trips per day.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

11/4/03: Postponed to November 18, 2003, by staff (9-0), J. Martinez-1st, J. Gohil-2nd.

11/18/03: Postponed to December 2, 2003, by applicant (9-0), J. Martinez-1st, J. Gohil-2nd.

12/2/03: Approved staff's recommendation of GR-CO zoning on consent, with the following prohibited uses:

- Cultural Services;
- Daycare Services (Commercial / General / Limited);
- Guidance Services;
- Hospital Services (Limited);
- Local Utility Services;
- Private Primary Educational Facilities;
- Private Secondary Educational Facilities;
- Public Primary Educational Facilities;
- Public Secondary Educational Facilities;
- College and University Facilities;
- Communication Service Facilities;
- Community Recreation (Private / Public);
- Congregate Living;
- Residential Treatment;
- Safety Services;
- Art and Craft Studio (Limited);
- Business or Trade School;
- Business Support Services;
- Communication Services;
- Drop-Off Recycling Collection Facility;
- Exterminating Services;

- Financial Services;
- Food Sales;
- Funeral Services;
- General Retail Sales (Convenience / General);
- Indoor Entertainment;
- Indoor Sports and Recreation;
- Medical Offices - not exceeding 5,000 sq. ft. of gross floor area;
- Medical Offices - exceeding 5,000 sq. ft. of gross floor area;
- Outdoor Sports and Recreation;
- Pawn Shop Services;
- Personal Improvement Services;
- Personal Services;
- Pet Services;
- Professional Office;
- Research Services;
- Restaurant (Drive-In, Fast Food);
- Restaurant (Limited / General);
- Service Station;
- Software Development;
- Theater;
- Hospital Services (General);
- Club or Lodge;
- Outdoor Entertainment;
- Plant Nursery;
- Special Use Historic

Vote: (9-0); K. Jackson-1st, J. Cortez-2nd.

ISSUES:

The agent provided the staff with a list of conditions that the applicant and neighborhood had agreed upon before the Zoning and Platting Commission hearing (Attachment B). The Zoning and Platting Commission adopted this list of prohibited uses in their motion, with the exception of Counseling Services, Hotel-Motel, and Telecommunications Tower.

DEPARTMENT COMMENTS:

The applicant is requesting GR, Community Commercial district, zoning for the property in question because they propose to develop the site with an automotive sales dealership. The staff is recommending GR-CO zoning for the site because the proposed zoning is compatible with the office uses to the north and south and the industrial uses to the west. In addition, the property in question fronts onto an interstate highway, and will be easily accessible to the public.

The applicant agrees with the staff recommendation.

While researching the land use history for this site, the staff discovered a public restrictive covenant within the area of the proposed zoning case (C14R-85-339 - Attachment A). The restrictive covenant for zoning case C14-85-339 encompasses property from Yager Lane, south to the single-family residential neighborhood (SF-2 zoned area), along Walnut Creek Drive. It appears that the property

in question may fall into the area shown as Lots 1 and 2, Block A and Lots 7 and 8, Block B on the restrictive covenant map. The requirements designated by this restrictive covenant do not impact the proposed rezoning request for this site, but are provided as information concerning future development restrictions for the property in question.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	GO	Undeveloped
<i>North</i>	MF-3-CO, GO-CO	Apartments, Baseball Field, Telecommunications Tower, V.F.W. Building
<i>South</i>	GO, LO	Undeveloped
<i>East</i>	LO, MF-2	Undeveloped
<i>West</i>	LI	Industrial Uses, Offices

AREA STUDY: N/A

TIA: Yes

WATERSHED: Walnut Creek

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
 511 - Austin Neighborhoods Council
 643 - North East Action Group
 937 - Taking Action Inc.

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-00-2150	GO, GR to MF-3	8/29/00: Approved staff rec. of MF-3-CO, w/conditions of no more than 18 units per acre and 2,000 vehicle trip limit (5-1, RV-Nay)	10/5/00: Approved MF-3-CO (5-0); all 3 readings
C14-00-2134	GO to LI	1/9/01- Case withdrawn by applicant	N/A
C14-00-2133	GO to LI	1/9/01- Case withdrawn by applicant	N/A
C14-00-2084	DR to GR	6/27/00: Approved staff rec. of GO-CO, w/2,000 vehicle trips per day limit, by consent (9-0):	8/3/00: Approved GO-CO (7-0); all 3 readings
C14-98-0149	LO to GR	10/27/98: Approved staff alternate rec. for GR-CO w/list of prohibited uses, 'LO' site development standards (6-0)	12/10/98: Case withdrawn by applicant

C14-92-0150	SF-2 to CS	4/20/93: Approved GR for depth of same GR tract to east, approved CS for remainder of tract (6-2)	5/6/93: Approved MF-3-CO, w/condition that multifamily development shall not exceed a density of 20 units per acre; (5-0-1, GG-abstain); 1 st reading 6/10/93: Approved MF-3-CO (5-0-1, GG-abstain); 2 nd reading 7/28/94: Approved MF-3-CO (6-0-1, GG-abstain); 3 rd reading
C14-85-339	?	3/4/86: Approved staff recommendation (6-1)	3/27/86: Approved GO, LO, P, SF-6 (5-2); 1 st reading 4/23/97: Approved GR, LR, GO, LO, MF-2, SF-6 (4-1); 2 nd reading 4/30/87: Approved GR, LR, GO, LO, MF-2, SF-6, w/public restrictive covenant (4-3); 3 rd reading

RELATED CASES: C14-85-339 (previous zoning case on site)

ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION	DAILY TRAFFIC
IH-35	300'	Varies	Arterial	147,000 ('97)
VFW Road	70'	Varies	Collector	N/A

CITY COUNCIL DATE: December 11, 2003

ACTION: Postponed to 1/8/04 at applicant's request (7-0)

January 8, 2004

ACTION:

ORDINANCE READINGS: 1st

2nd

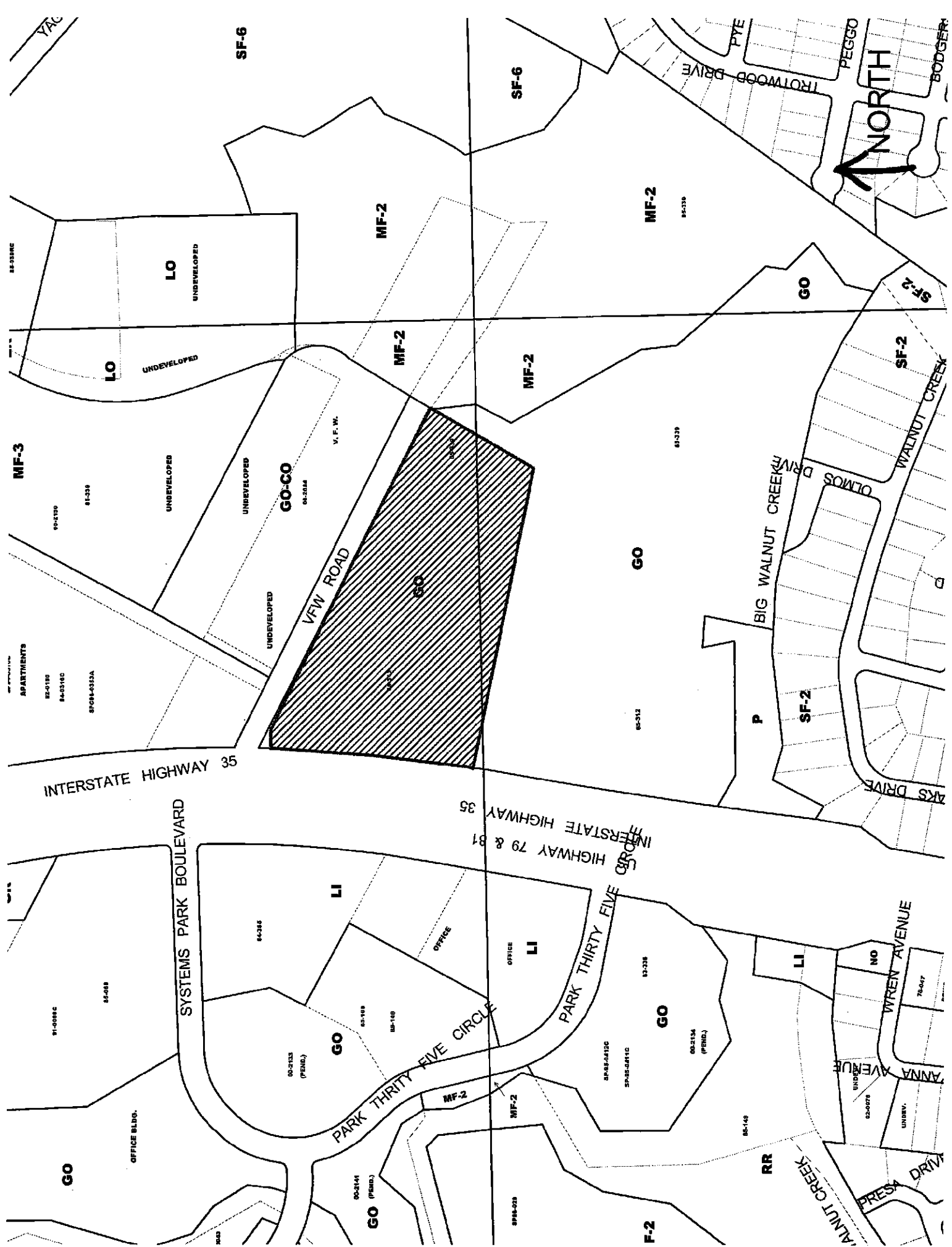
3rd

ORDINANCE NUMBER:

CASE MANAGER: Sherri Gager

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





STAFF RECOMMENDATION

The staff's alternate recommendation is GR-CO (Community Commercial-Conditional Overlay) district zoning. The conditional overlay would limit the development intensity for the entire site to less than 2,000 vehicle trips per day.

BACKGROUND

The applicant is requesting GR, Community Commercial district, zoning for the property in question because they propose to develop the site with an automotive sales dealership. The staff is recommending GR-CO zoning for the site because the proposed zoning is compatible with the office uses to the north and south and the industrial uses to the west. In addition, the property in question fronts onto an interstate highway, and will be easily accessible to the public.

The applicant agrees with the staff recommendation.

BASIS FOR RECOMMENDATION

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*

The Community Commercial (GR) district is the designation for an office or other commercial use that serves neighborhood and community needs and that generally is accessible from major traffic ways.

2. *The proposed zoning should promote consistency, and orderly planning.*

The GR-CO zoning district would promote orderly planning because it will allow for more intensive commercial uses along Interstate Highway-35, a major arterial roadway. The proposed rezoning would create a transition in the intensity land uses away from Interstate Highway-35, towards the River Oaks Single-Family Residential Neighborhood to the east (Commercial>Office>Multifamily>Single-Family Residential).

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

The GR-CO zoning district would allow for a fair and reasonable use of the site. The site exceeds the minimum size requirements for commercial development in the Community Commercial district. The GR-CO zoning district allows for commercial uses which provide services to the surrounding residential areas and are located along major roadways.

4. *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 property fronts onto the north bound service road of Interstate Highway-35 and is located to the south of West Yager Lane, an arterial roadway.

EXISTING CONDITIONS

Site Characteristics

The property in question is a large undeveloped tract of land that fronts onto the IH-35 North Bound Service Road. The site slopes to the east and densely vegetated.

Impervious Cover

The maximum impervious cover allowed by the GR zoning district would be 90%. However, because the Watershed impervious cover is more restrictive than the zoning district's allowable impervious cover, the impervious cover on this site would be limited by the watershed ordinance.

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 Net Site Area</i>	<i>% 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%

In the Water Quality Transition Zones, impervious cover is limited to 30%.

Note: The most restrictive impervious cover limit applies.

Environmental

The site is not located over the Edward's Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Walnut 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.

According to flood plain maps, there is no floodplain within, or adjacent to the project boundary.

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

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.

Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:

Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

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

Transportation

Additional right-of-way may be required with the subdivision and/or site plan.

The trip generation under the requested zoning is estimated to be 19,743 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

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]

I-35 is classified in the Bicycle Plan as a Priority 2 bike route (Route #370).
Capital Metro bus service is available along IH-35 (Route #75)

Existing Street Characteristics:

NAME	ROW	PAVEMENT	CLASSIFICATION	DAILY TRAFFIC
IH-35	300'	Varies	Arterial	147,000 ('97)
VFW Road	70'	Varies	Collector	N/A

Right of Way

The scope of this review is limited to the identification of needs for dedication and/or reservation of right-of-way for funded Capital Improvement Program (C.I.P.) Roadway Construction Projects and Transportation Systems Management (T.S.M.) Projects planned for implementation by the City of Austin. No aspect of the proposed project is being considered or approved with this review other than the need for right-of-way for City projects. There are separate right-of-way dedication and reservation requirements enforced by other Departments and other jurisdictions to secure right-of-way for roadway improvements contained in the Austin Metropolitan Area Roadway Plan, roadway projects funded by County and State agencies, and for dedication in accordance with the functional classification of the roadway.

We have reviewed the proposed subdivision, site plan, or zoning case and anticipate no additional requirement for right-of-way dedication or reservation for funded C.I.P. or T.S.M. projects at this location.

Water and Wastewater

The site is served with City water and wastewater utilities. If water or wastewater utility improvements, or system upgrades, or relocation, or adjustments are required, the landowner will be responsible for all costs and providing. Also, the utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City's utility design criteria.

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 storm water runoff will be mitigated through on-site storm water detention ponds, or participation in the City of Austin Regional Stormwater Management Program, if available.

Compatibility Standards

This site is not subject to compatibility development regulations.

DISCUSSION AND ACTION ON ZONING CASES**CONTINUED CASES**

3. C14-03-0151 – SOLO STAR REALTY INC. (William O. Welch), By: Lopez-Phelps & Associates (Amelia Lopez-Phelps), 12301 Interstate Hwy 35 North. (Walnut Creek). **FROM GO TO GR. ALTERNATE RECOMMENDATION: GR-CO. City Staff: Sherri Gager, 974-3057. POSTPONED FROM 11-4 (STAFF), 11-18 (APPLICANT).**

APPROVED STAFF'S RECOMMENDATION OF GR-CO ZONING WITH THE CONDITIONS OF PROHIBITING:

- ***CULTURAL SERVICES;***
- ***DAY CARE SERVICES (COMMERCIAL / GENERAL / LIMITED);***
- ***GUIDANCE SERVICES;***
- ***HOSPITAL SERVICES LIMITED;***
- ***LOCAL UTILITY SERVICES;***
- ***PRIVATE PRIMARY EDUCATIONAL FACILITIES;***
- ***PRIVATE SECONDARY EDUCATIONAL FACILITIES;***
- ***PUBLIC PRIMARY EDUCATIONAL FACILITIES;***
- ***PUBLIC SECONDARY EDUCATIONAL FACILITIES;***
- ***COLLEGE AND UNIVERSITY FACILITIES;***
- ***COMMUNICATION SERVICE FACILITIES;***
- ***COMMUNITY RECREATION (PRIVATE / PUBLIC);***
- ***CONGREGATE LIVING;***
- ***RESIDENTIAL TREATMENT;***
- ***SAFETY SERVICES;***
- ***ART AND CRAFT STUDIO LIMITED;***
- ***BUSINESS OR TRADE SCHOOL;***
- ***BUSINESS SUPPORT SERVICES;***
- ***COMMUNICATIONS SERVICES;***
- ***DROP-OFF RECYCLING COLLECTION FACILITY;***
- ***EXTERMINATING SERVICES;***
- ***FINANCIAL SERVICES;***
- ***FOOD SALES;***
- ***FUNERAL SERVICES;***
- ***GENERAL RETAIL SALES (CONVENIENCE / GENERAL);***
- ***INDOOR ENTERTAINMENT;***
- ***INDOOR SPORTS AND RECREATION;***
- ***MEDICAL OFFICE – NOT EXCEEDING 5,000 SQ. FT. OF GROSS FLOOR AREA;***
- ***MEDICAL OFFICE – EXCEEDING 5,000 SQ. FT. OF GROSS FLOOR AREA;***
- ***OUTDOOR SPORTS AND RECREATION;***
- ***PAWN SHOP SERVICES;***
- ***PERSONAL IMPROVEMENT SERVICES;***
- ***PERSONAL SERVICES;***
- ***PET SERVICES;***

- **PROFESSIONAL OFFICE;**
- **RESEARCH SERVICES;**
- **RESTAURANT (DRIVE-IN, FAST FOOD)**
- **RESTAURANT (LIMITED / GENERAL);**
- **SERVICE STATION;**
- **SOFTWARE DEVELOPMENT;**
- **THEATER;**
- **HOSPITAL SERVICES (GENERAL);**
- **CLUB OR LODGE;**
- **OUTDOOR ENTERTAINMENT;**
- **PLANT NURSERY;**
- **SPECIAL USE HISTORIC**

[K.J; J.C 2ND] (9-0)

4. C14-03-0090.SH – KB SHELDON 230, By: KB Home Lone Star L.P. (John Zinsmeyer), Longaro & Clarke, Inc. (Alex Clarke), Southeast of Thaxton Road at Salt Springs Drive. (Onion Creek/Marble Creek). **FROM I-SF-2, SF-3, I-SF-4A TO RR, SF-2, SF-4A. RECOMMENDED WITH CONDITIONS OF THE TRAFFIC IMPACT ANALYSIS. City Staff: Wendy Walsh, 974-7719. POSTPONED FROM 11-18 (STAFF).**

APPROVED STAFF'S RECOMMENDATION FOR RR, SF-2 AND SF-4A WITH CONDITIONS OF THE T.I.A.

[K.J; J.C 2ND] (6-0-3) J.M; M.W; B.B – ABSTAINED

NEW CASES

5. C14-03-0164 – 4810 SPICEWOOD LTD. (Scott Morledge), By: Land Creek Development (Rick Lindley), 4810 Spicewood Springs Road, Bldg. B. (watershed). **FROM SF-3 TO LO. RECOMMENDATION PENDING. City Staff: Glenn Rhoades, 974-2775.**

POSTPONED TO 12/16/03 (STAFF)

DUE TO NOTIFICATION PROBLEMS.

[J.M; J.G 2ND] (9-0)

6. C14-03-0162 – LAMAR VENTURES PARTNERSHIP, LTD. (Michael Votickky), By: Land Answers (Jim Wittliff), 11800 North Lamar Blvd. (watershed). **FROM LO TO GR. RECOMMENDATION PENDING. City Staff: Glenn Rhoades, 974-2775.**

POSTPONED TO 12/16/03 (STAFF)

DUE TO NOTIFICATION PROBLEMS.

[J.M; J.G 2ND] (9-0)

4 22 9897

KNOWN ALL MEN BY THESE PRESENTS:

2114 FR 6967 3 3 47.00 INDZ
Texas, is Owner 05/14/87
6353.57-CHK#
: .99-0004

and,

WHEREAS, the City of Austin, Texas, and the Owner of the Property have agreed that the Property should be impressed with certain covenants and restrictions running with the land, and desire to set forth such agreement in writing;

NOW THEREFORE, in consideration of One and No/100 Dollars (\$1.00) and other good and valuable consideration paid by the City of Austin in hand to the Owner, the receipt and sufficiency of which is acknowledged, the Owner does hereby impress upon the Property, the following covenants and conditions which shall be considered to be covenants running with the land, and which shall be binding on the Owner, its successors and assigns, as follows:

- REAL PROPERTY RECORDS**
Travis County, Texas

9. If any person or entity shall violate or attempt to violate the foregoing agreement and covenant, it shall be lawful for the City of Austin, a municipal corporation, its successors and assigns, 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.

10. If any part of this agreement or covenant shall be 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.

11. If at any time the City of Austin, its successors or assigns, 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.

12. 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, or such other governing body as may succeed the City Council of the City of Austin, and (b) by the owner(s) of the Property at the time of such modification, amendment or termination.

EXECUTED this the 5 day of March, 1987.

VCMI INVESTMENTS

BY: VCM Corporation, Partner

Vance C. Miller
BY: Vance C. Miller
VCMI Corp., President

THE STATE OF TEXAS

COUNTY OF TRAVIS

This instrument was acknowledged before me on March 5, 1987, by Vance C. Miller, President of VCM Corporation, a Texas Corporation, on behalf of said corporation, and the corporation acknowledged this instrument as partner on behalf of VCMS INVESTMENTS, a partnership.

M. Louise KADYKO
Notary Public, State of Texas

M. Louise KADYKO
Notary's Name (Printed)

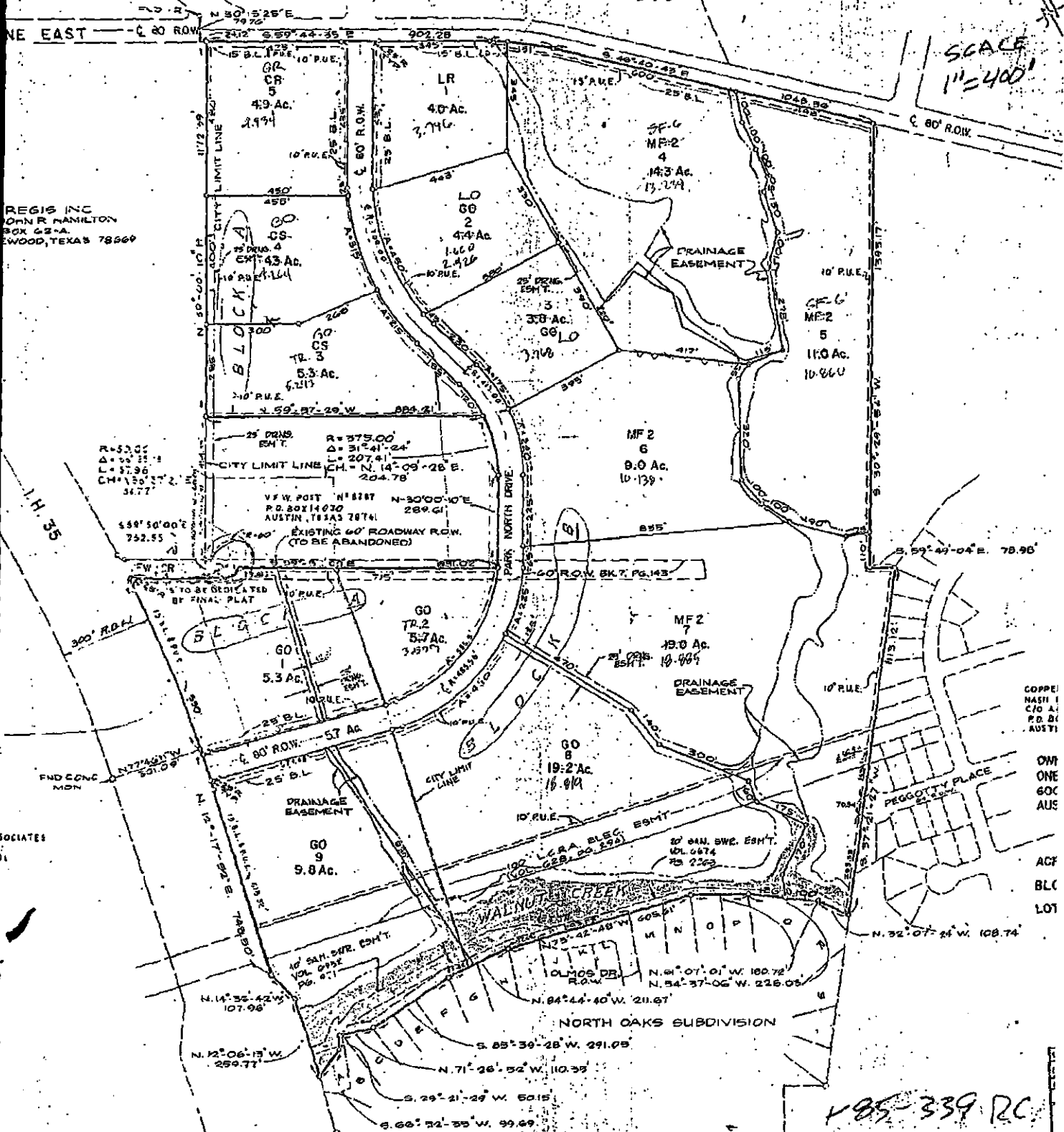
Notary's commission expires NOTARY SEAL

2-2-88

D SECTION 4
B/I COPUS INC
78741

PROPOSED 80' W. STREETS
(BY OTHERS TYP.)

COPPERFIELD SECTION 3A
NASH PHILLIPS / COPUS INC.
C/O AIA REALTY TAX CONSUL.
P.O. BOX 971
AUSTIN, TEXAS 78761



SCALE
1"=400'

COPPE
NASH I
C/O A
P.O. B
AUSTI

OW
ONE
60C
AUS

ACF
BL
LOT

185-339 RC

12-17-85



Allen Samuels AUTO GROUP

Attachment B

301 Owen Lane • Waco, Texas 76710
(254) 761-6800 • Fax (254) 761-6899
www.allensamuels.com

December 1, 2003

City of Austin Watershed Protection & Planning Department
Att: Sherri Gager
505 Barton Springs Road, 5th Floor
Austin, Texas 78704

RE: Approximately 12 acres located at IH-35 & VFW Road, Austin, TX

Dear Ms. Gager:

Please be advised that Allen Samuels Realty, Inc., the developer of the above referenced property, is seeking rezoning of the referenced property for purposes of construction of an automobile sales and service facility to be utilized by its affiliated company, Allen Samuels Dodge.

Accordingly, please take notice that the the Allowed Uses Under Consideration by Allen Samuels Dodge are listed under Part A.

Part A

- Automotive Rentals
- Automotive Repair Services
- Automotive Sales
- Automotive Washing
- Consumer Convenience Services (automotive related)
- Consumer Repair Services (automotive related)
- Administrative and Business Offices (automotive related)
- Commercial Off-Street Parking
- Off-Site Accessory Parking

Allen Samuels Chevrolet Houston	•	Allen Samuels Dodge Austin	•	Allen Samuels Dodge Houston
Allen Samuels Chevrolet-Mercedes Benz Waco	•	Allen Samuels East Texas Dodge Tyler	•	Allen Samuels Chrysler-Dodge-Jeep Port Arthur
Allen Samuels Chevrolet Corpus Christi	•	Allen Samuels Autoplex Linnis	•	Allen Samuels Dodge-Hyundai Fort Worth
Allen Samuels Dodge Katy	•	Allen Samuels Chrysler-Jeep Clear Lake	•	Allen Samuels Dodge at Alliance Fort Worth

Further, please take notice that the Restricted Uses Under Consideration by Allen Samuels Dodge are listed in the remaining list(s).

Part B

- Cultural Services
- Day Care Services (Commercial)
- Day Care Services (General)
- Day Care Services (Limited)
- ~~Family Home~~
- ~~Group Home Class I (Limited)~~
- ~~Group Home Class II~~
- Guidance Services
- Hospital Services (Limited)
- Local Utility Services
- Private Primary Educational Facilities
- Private Secondary Educational Facilities
- Public Primary Educational Facilities
- Public Secondary Educational Facilities
- College and University Facilities
- Communication Service Facilities
- Community Recreation (Private)
- Community Recreation (Public)
- Congregate Living
- ~~Counseling Services~~
- ~~Religious Assembly~~
- Residential Treatment
- Safety Services
- Art and Craft Studio (Limited)
- Business or Trade School
- Business Support Services
- Communications Services
- Drop-Off Recycling Collection Facility (P6 See Below)
- Exterminating Services
- Financial Services
- Food Sales
- Funeral Services
- General Retail Sales (Convenience)
- General Retail Sales (General)
- ~~Hotel/Motel~~
- Indoor Entertainment
- Indoor Sports and Recreation
- Medical Offices- not exceeding 5000 sq. ft. of gross floor area
- Medical Offices- exceeding 5000 sq. ft. of gross floor area

- Outdoor Sports and Recreation
- Pawn Shop Services
- Personal Improvement Services
- Personal Services
- Pet Services
- Professional Office
- Research Services
- Restaurant (Drive-In, Fast Food)
- Restaurant (Limited)
- Restaurant (General)
- Service Station
- Software Development
- Theater

~~C - CUP Planning Commission~~

Civic Uses:

- Hospital Services (General)
- Club or Lodge

Commercial Uses:

- Outdoor Entertainment
- Plant Nursery
- Special Use Historic

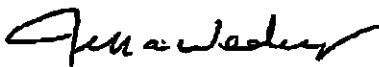
~~PC - Planning Commission Approval Requirement~~

Civic Uses:

- ~~• Telecommunication Tower~~

Should you have any questions, or need additional information, please feel free to contact me at your convenience.

Sincerely,



Jeff A. Wooley, CPA, Esq.
President / General Counsel

Secretary of Allen Samuels Realty, Inc.



WACO
KILLEEN
AUSTIN
DALLAS
ROUND ROCK

December 1, 2003

Mr. Mike Lee
Mr. Lester Johnson
Ms. Jeanette Klotz
Northeast Walnut Creek Neighborhood Association

Re: Allen Samuels Dodge - Zoning Discussion Items

On September 18th and 22nd meetings were held at Mr. Johnson's home to discuss the upcoming Allen Samuels Dodge zoning case. In attendance were:

Mike Lee, Lester Johnson, and Jeanette Klotz - N.E. Walnut Creek N.A.
David Smith, P.E. - The Wallace Group
Blair Ostenson - Allen Samuels Auto Group
Amelia Lopez-Phelps - Lopez-Phelps & Associates

The following items were discussed:

1. Use restriction list provided as attachment, which primarily includes automotive-related uses;
2. Distance from proposed site to nearest residential lot;
3. Access entry driveways from I-35 and VFW Road proposed. (pending approval from TxDOT and COA).
4. Landscaping primarily along the southern and eastern boundaries;
5. Site lighting will primarily comply with COA compatibility standards;
6. Stormwater detention for the 100-year storm will be provided on the site;
7. Water quality ponds will be provided on the site;
8. Site layout, including buildings, staff parking, client parking and display parking (pending Chrysler approval);
9. Distance from first proposed driveway to the Walnut Creek Bridge and the LCRA power lines located south of the site;
10. Days and hours of operation;
11. Traffic impact analysis will be provided pursuant to Conditional Overlay if vehicle trips exceed 2,000 per day;
12. Chrysler schedules;
13. Zoning schedules;
14. Subdivision schedules;
15. Site Plan schedules;
16. Construction schedules;
17. Tree and topographic survey and slope map;
18. Conveyance of existing ditch in a proposed underground pipe;

Sincerely,


David P. Smith, P.E.
The Wallace Group, Inc.

7718 Woodhollow Drive
Suite 100
Austin, Texas 78731

(512) 833-6828
Fax (512) 833-6811
www.wallace-group.com

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ORDINANCE NO. _____

1 **AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE**
2 **PROPERTY LOCATED AT 12301 IH-35 NORTH FROM GENERAL OFFICE**
3 **(GO) DISTRICT AND LIMITED OFFICE (LO) DISTRICT TO COMMUNITY**
4 **COMMERCIAL-CONDITIONAL OVERLAY (GR-CO) COMBINING DISTRICT.**

5
6 **BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

7
8 **PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to
9 change the base district from general office (GO) district and limited office (LO) district to
10 community commercial-conditional overlay (GR-CO) combining district on the property
11 described in Zoning Case No.C14-03-0151, on file at the Neighborhood Planning and
12 Zoning Department, as follows:

13
14 Tract One: A 11.017 acre tract of land, more or less, out of the J.A.G. Brooke
15 Survey No. 79 and the Louis Fritz Survey No. 291, in Travis County, the tract of
16 land being more particularly described by metes and bounds in Exhibit "A"
17 incorporated into this ordinance, and

18
19 Tract Two: A 0.984 acre tract of land, more or less, out of the J.A.G. Brooke
20 Survey No. 79, in Travis County, the tract of land being more particularly
21 described by metes and bounds in Exhibit "B" incorporated into this ordinance,
22 (the "Property")

23
24 locally known as 12301 IH-35 North, in the City of Austin, Travis County, Texas, and
25 generally identified in the map attached as Exhibit "C".

26
27 **PART 2.** The Property within the boundaries of the conditional overlay combining district
28 established by this ordinance is subject to the following conditions:

- 29
30 1. A site plan or building permit for the Property may not be approved, released, or
31 issued, if the completed development or uses of the Property, considered cumulatively
32 with all existing or previously authorized development and uses, generate traffic that
33 exceeds 2,000 trips per day.
34
35
36
37

2. The following uses are prohibited uses of the Property:

Cultural services	Day care services (commercial)
Day care services (general)	Day care services (limited)
Guidance services	Hospital services (limited)
Local utility services	Private primary educational facilities
Private secondary educational facilities	Public primary educational facilities
Public secondary educational facilities	College and university facilities
Communication service facilities	Community recreation (private)
Community recreation (public)	Congregate living
Residential treatment	Safety services
Art and craft studio (limited)	Business or trade school
Business support services	Communication services
Drop-off recycling collection facility	Exterminating services
Financial services	Food sales
Funeral services	General retail sales (convenience)
General retail sales (general)	Indoor entertainment
Indoor sports and recreation	Medical offices (not over 5,000 s.f.)
Medical offices (over 5000 s.f.)	Outdoor sports and recreation
Pawn shop services	Personal improvement services
Personal services	Pet services
Professional office	Research services
Restaurant (drive-in, fast food)	Restaurant (limited)
Restaurant (general)	Service station
Software development	Theater
Hospital services (general)	Club or lodge
Outdoor entertainment	Plant nursery
Special use historic	

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the community commercial (GR) base district and other applicable requirements of the City Code.

1 **PART 3.** This ordinance takes effect on _____, 2004.

2
3
4 **PASSED AND APPROVED**

5
6
7
8 _____, 2004

§
§
§

9 _____
10 Will Wynn
11 Mayor

12
13 **APPROVED:** _____

14 David Allan Smith
15 City Attorney

ATTEST: _____

Shirley A. Brown
City Clerk

TRACT 1

FIELD NOTE DESCRIPTION OF A 11.017 ACRE TRACT OF LAND OUT OF THE SOLO STAR REALTY, INC. TRACT, TRAVIS COUNTY, TEXAS

BEING a 11.017 acre (479,881 square feet) tract of land situated in the J.A.G. Brooke Survey No. 79, Abstract No. 69, and the Louis Fritz Survey No. 291, Abstract No. 279, City of Austin, Travis County, Texas; also being a portion of that certain called 103.397 acre tract of land described in a Special Warranty Deed (With Vendor's Lien) to Solo Star Realty, Inc., executed October 14, 1993, and recorded in Volume 12056, Page 1563, of the Real Property Records of Travis County, Texas (R.P.R.T.C.T.); said 11.017 acre tract of land being more particularly described by metes and bounds as follows:

COMMENCING at a 1-inch iron pipe (Control Monument) found marking an interior corner of said 103.397 acre tract, same being the most southerly corner of a road (known as V.F.W. Road) dedicated in Plat Book 7, Page 143, of the Plat Records of Travis County, Texas (P.R.T.C.T.), and filed for record on February 21, 1956;

THENCE, North 59 degrees 50 minutes 00 seconds West, with the common southwesterly right-of-way (R.O.W.) line of said V.F.W. Road (a 60 foot wide R.O.W. at this location per said plat) and a northeasterly line of said 103.397 acre tract, a distance of 657.44 feet to a 1/2-inch iron rod with orange plastic cap stamped "Wallace Group" (hereafter referred to as "Wallace Group cap") set for the **POINT OF BEGINNING** and easternmost corner of the herein described tract of land, said point also being the beginning of a tangent curve to the right from which the radius point bears North 56 degrees 07 minutes 35 seconds West, at 445.77 feet;

THENCE, departing said common line, and crossing through the interior of said 103.397 acre tract, the following four (4) calls:

- 1) In a westerly direction, with said curve to the right, through a central angle of 71 degrees 25 minutes 26 seconds, an arc length of 555.69 feet, and a chord bearing and distance of South 69 degrees 35 minutes 08 seconds West - 520.40 feet to a calculated point for a corner of the herein described tract and being the end of said curve;
- 2) North 74 degrees 42 minutes 08 seconds West, a distance of 37.10 feet to a calculated point for a corner of the herein described tract;
- 3) South 12 degrees 17 minutes 53 seconds West, a distance of 51.88 feet to a calculated point for a corner of the herein described tract;

EXHIBIT A

Tract 1 continued
Description of 11.017 acre tract

- 4) North 73 degrees 29 minutes 17 seconds West, a distance of 601.73 feet to a 1/2-inch iron rod with Wallace Group cap set for the westernmost corner of the herein described tract, said point being on the common easterly R.O.W. line of Interstate Highway 35 (a 300 foot wide R.O.W. at this location) and a westerly line of said 103.397 acre tract;

THENCE, North 12 degrees 15 minutes 27 seconds East, with said common line, a distance of 62.19 feet to a concrete monument found and as called for in the deed for said 103.397 acre tract for corner of the herein described tract, said point also being the beginning of a non-tangent curve to the left from which the radius point bears North 77 degrees 46 minutes 39 seconds West, at 3,969.72 feet;

THENCE, in a northerly direction, continuing with said common line, and with said curve to the left, through a central angle of 07 degrees 50 minutes 06 seconds, an arc length of 542.85 feet, and a chord bearing and distance of North 08 degrees 18 minutes 18 seconds East - 542.42 feet to a 1/2-inch iron rod with Wallace Group cap set for the northernmost corner of the herein described tract;

THENCE, South 88 degrees 15 minutes 36 seconds East, departing said common line, and crossing through the interior of said 103.397 acre tract, a distance of 84.82 feet to a 1/2-inch iron rod with Wallace Group cap set for an angle point and corner of the herein described tract, said point being on the common southwesterly R.O.W. line of said V.F.W. Road and a northeasterly line of said 103.397 acre tract;

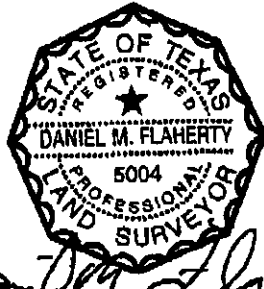
THENCE, South 59 degrees 50 minutes 00 seconds East, with said common line, at a distance of 554.20 feet passing a truck axle (Control Monument) found and as called for on the plat for said road dedicated in Plat Book 7, Page 143, P.R.T.C.T., and continuing in all a total distance of 1,081.62 feet to the POINT OF BEGINNING of the herein described tract, delineating and encompassing within the metes recited 11.017 acres (479,881 square feet) of land, more or less, based on a survey performed by The Wallace Group, Inc., Round Rock, Texas in June of 2003.

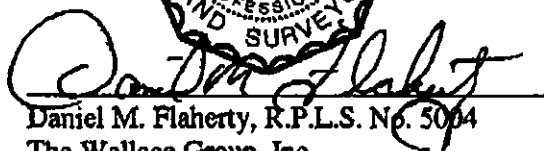
An exhibit drawing of even survey date herewith accompanies this field note description.

Tract 1 continued
Description of 11.017 acre tract

NOTE: This document is not to be used to convey real property

I, Daniel M. Flaherty, Registered Professional Land Surveyor No. 5004, State of Texas, do hereby certify that this field note description and the exhibit drawing attached hereto were prepared from an actual survey of the property performed on the ground and that the same is true and correct.



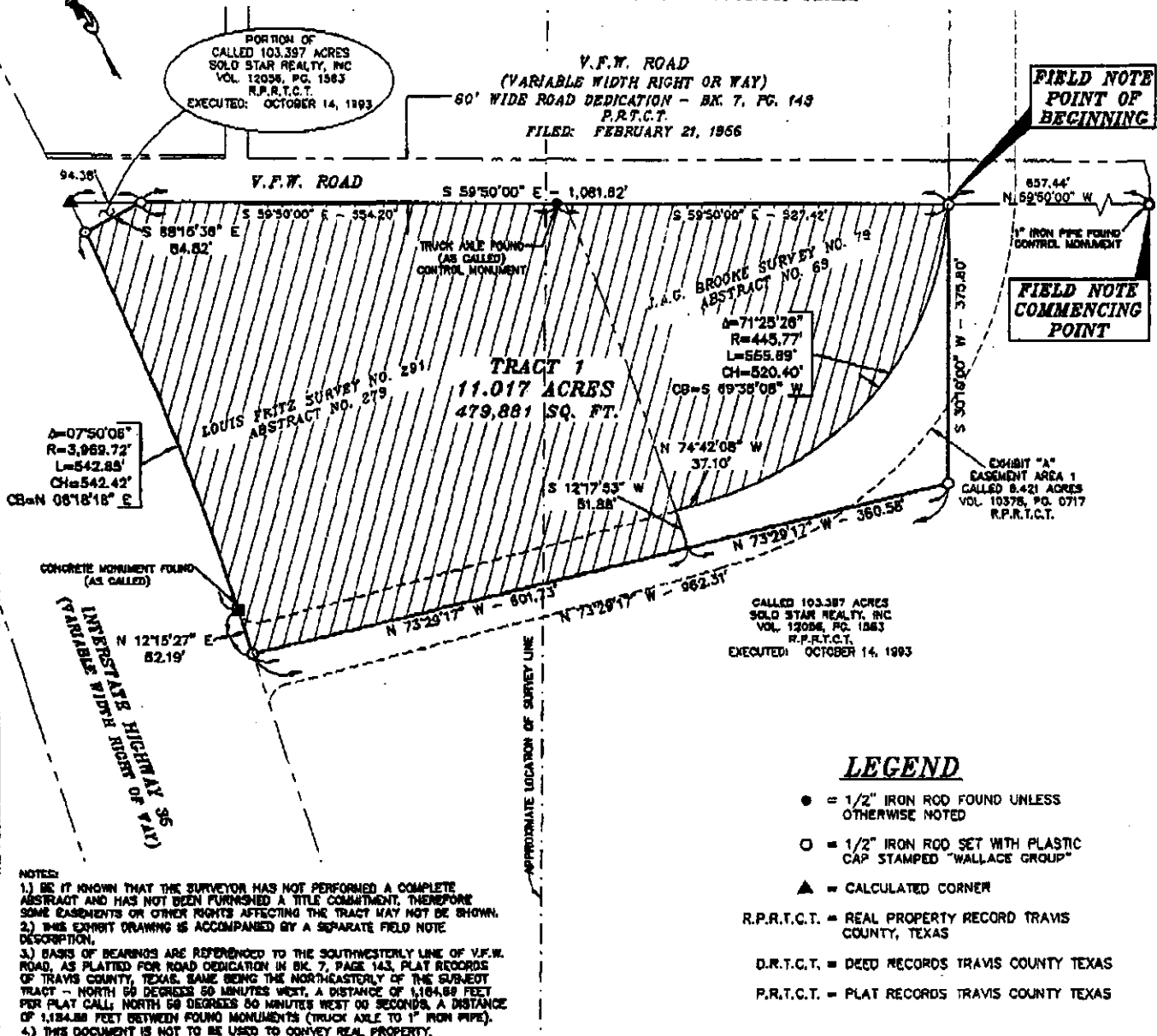

Daniel M. Flaherty, R.P.L.S. No. 5004

The Wallace Group, Inc.
One Chisholm Trail, Suite 130
Round Rock, Texas 78681
Work Order No. 16094
(512) 248-0065

See attached plat RR A-4099
16094-FN03.doc

TRACT 1

DRAWING TO ACCOMPANY FIELD NOTE DESCRIPTION
OF A 11.017 ACRE TRACT OF LAND IN THE J.A.G. BROOKE SURVEY NO. 79, ABSTRACT NO. 69 AND THE LOUIS FRITZ SURVEY NO. 291, ABSTRACT NO. 279, TRAVIS COUNTY, TEXAS, BEING A PORTION OF A 103.397 ACRE TRACT OF LAND RECORDED IN VOLUME 12056, PAGE 1563, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS



LEGEND

● = 1/2" IRON ROD FOUND UNLESS OTHERWISE NOTED

○ = 1/2" IRON ROD SET WITH PLASTIC CAP STAMPED "WALLACE GROUP"

▲ = CALCULATED CORNER

R.P.R.T.C.T. = REAL PROPERTY RECORD TRAVIS COUNTY, TEXAS

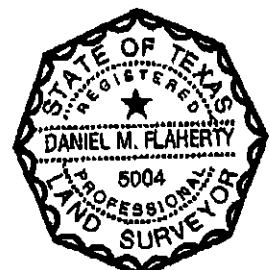
D.R.T.C.T. = DEED RECORDS TRAVIS COUNTY TEXAS

P.R.T.C.T. = PLAT RECORDS TRAVIS COUNTY TEXAS



The Wallace Group, Inc.

1 Chisholm Trail Suite 130, Round Rock, Texas 78681 (512) 248-0085
Engineers • Architects • Planners • Surveyors
Waco • Killeen • Austin • Dallas • Round Rock

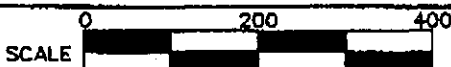


I HEREBY STATE THAT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF THAT THIS PLAT AND THE SURVEY UPON WHICH IT IS BASED MEETS THE REQUIREMENTS FOR LAND SURVEYS IN THE STATE OF TEXAS. THIS THE 2ND DAY OF DECEMBER, 2003.

SURVEYED: 5-20-03

DANIEL M. FLAHERTY, R.P.L.S. NO. 5004

4 OF 4



PLAT NO. RR A-4099

DRAFT DATE 12-02-03

DRAWN BY MJM

WORK ORDER NO. 16094

FIELDBOOK/PG. RR 27/18-39

TAB # ZONING

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DIGITAL FILE

16094ZONING2

F/N #

16094-FN03

TRACT 2

FIELD NOTE DESCRIPTION OF A 0.984 ACRE TRACT OF LAND OUT OF THE SOLO STAR REALTY, INC. TRACT, TRAVIS COUNTY, TEXAS

BEING a 0.984 acre (42,845 square feet) tract of land situated in the J.A.G. Brooke Survey No. 79, Abstract No. 69, City of Austin, Travis County, Texas; also being a portion of that certain called 103.397 acre tract of land described in a Special Warranty Deed (With Vendor's Lien) to Solo Star Realty, Inc., executed October 14, 1993, and recorded in Volume 12056, Page 1563, of the Real Property Records of Travis County, Texas (R.P.R.T.C.T.); said 0.984 acre tract of land being more particularly described by metes and bounds as follows:

COMMENCING at a 1-inch iron pipe (Control Monument) found marking an interior corner of said 103.397 acre tract, same being the most southerly corner of a road (known as V.F.W. Road) dedicated in Plat Book 7, Page 143, of the Plat Records of Travis County, Texas (P.R.T.C.T.), and filed for record on February 21, 1956;

THENCE, North 59 degrees 50 minutes 00 seconds West, with the common southwesterly right-of-way (R.O.W.) line of said V.F.W. Road (a 60 foot wide R.O.W. at this location per said plat) and a northeasterly line of said 103.397 acre tract, a distance of 657.44 feet to a 1/2-inch iron rod with orange plastic cap stamped "Wallace Group" (hereafter referred to as "Wallace Group cap") set for the **POINT OF BEGINNING** and easternmost corner of the herein described tract of land;

THENCE, departing said common line, and crossing through the interior of said 103.397 acre tract, the following five (5) calls:

- 1) South 30 degrees 10 minutes 00 seconds West, a distance of 375.80 feet to a 1/2-inch iron rod with Wallace Group cap set for the southernmost corner of the herein described tract;
- 2) North 73 degrees 29 minutes 17 seconds West, a distance of 360.58 feet to a calculated point for the westernmost corner of the herein described;
- 3) North 12 degrees 17 minutes 53 seconds East, a distance of 51.88 feet to a calculated point for a corner of the herein described tract;
- 4) South 74 degrees 42 minutes 08 seconds East, a distance of 37.10 feet to a calculated point for a corner of the herein described tract, said point also being the beginning of a tangent curve to the left from which the radius point bears North 15 degrees 17 minutes 51 seconds East, at 445.77 feet;

EXHIBIT B

Tract 2 continued
Description of 0.984 acre tract

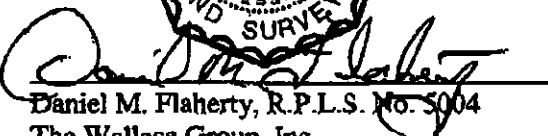
- 5) In a easterly direction, with said curve to the left, through a central angle of 71 degrees 25 minutes 26 seconds, an arc length of 555.69 feet, and a chord bearing and distance of North 69 degrees 35 minutes 08 seconds East - 520.40 feet to the POINT OF BEGINNING of the herein described tract, delineating and encompassing within the metes recited 0.984 acre (42,845 square feet) of land, more or less, based on a survey performed by The Wallace Group, Inc., Round Rock, Texas in June of 2003.

An exhibit drawing of even survey date herewith accompanies this field note description.

NOTE: This document is not to be used to convey real property

I, Daniel M. Flaherty, Registered Professional Land Surveyor No. 5004, State of Texas, do hereby certify that this field note description and the exhibit drawing attached hereto were prepared from an actual survey of the property performed on the ground and that the same is true and correct.

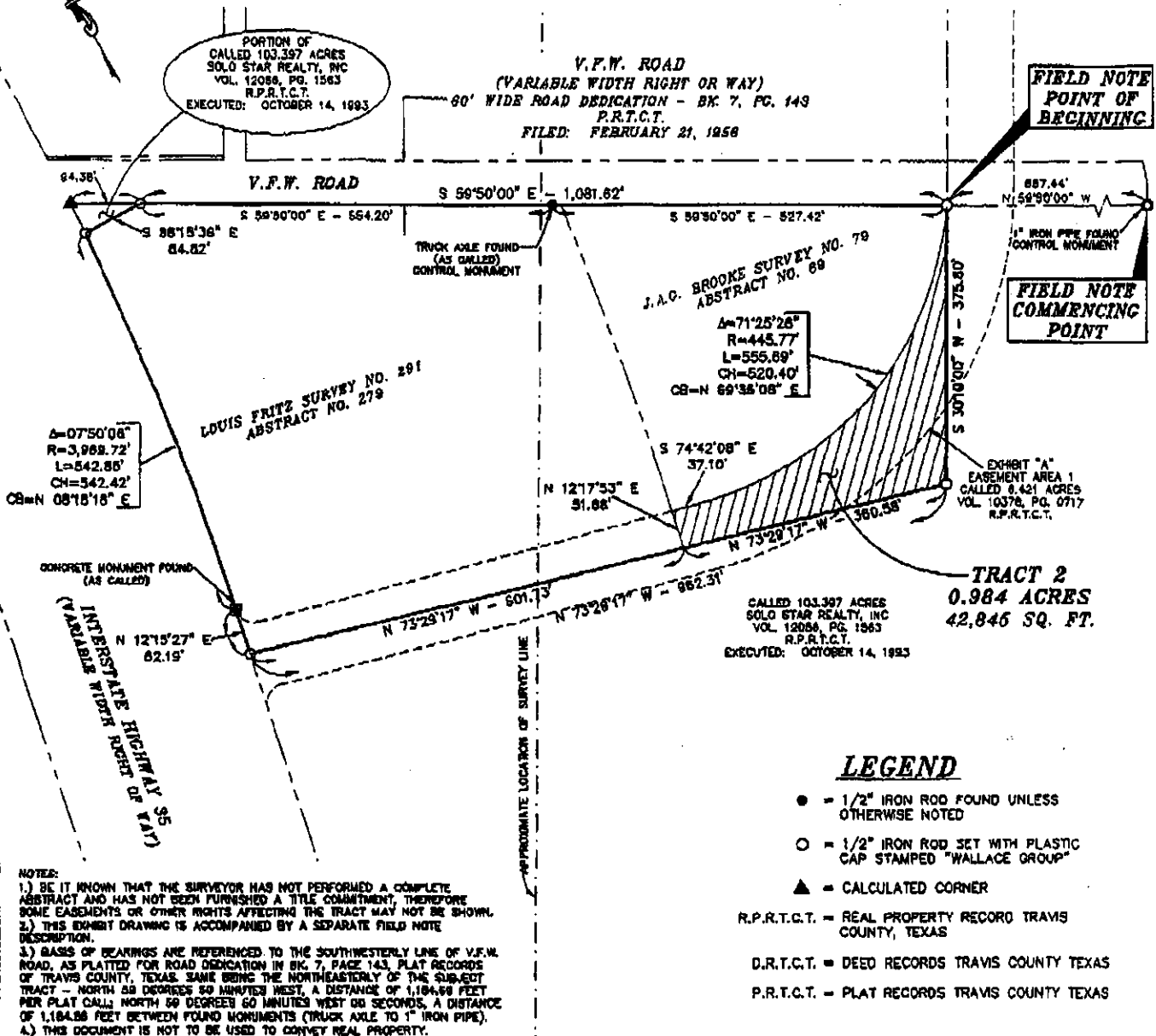



Daniel M. Flaherty, R.P.L.S. No. 5004
The Wallace Group, Inc.
One Chisholm Trail, Suite 130
Round Rock, Texas 78681
Work Order No. 16094
(512) 248-0065

See attached plat RR A-4100
16094-FN04.doc

TRACT 2

DRAWING TO ACCOMPANY FIELD NOTE DESCRIPTION
OF A 0.984 ACRE TRACT OF LAND IN THE J.A.G. BROOKE SURVEY NO. 79,
ABSTRACT NO. 89, TRAVIS COUNTY, TEXAS, BEING A PORTION OF A
103.397 ACRE TRACT OF LAND RECORDED IN VOLUME 12058, PAGE 1563,
REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS



LEGEND

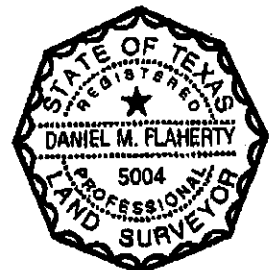
- = 1/2\"/>



The Wallace Group, Inc.

1 Chisholm Trail Suite 130, Round Rock, Texas 78681 (512) 248-0065
Engineers ■ Architects ■ Planners ■ Surveyors
Waco ■ Killeen ■ Austin ■ Dallas ■ Round Rock

I HEREBY STATE THAT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF THAT THIS PLAT AND THE SURVEY UPON WHICH IT IS BASED MEETS THE REQUIREMENTS FOR LAND SURVEYS IN THE STATE OF TEXAS. THIS THE 2ND DAY OF DECEMBER 2003.



SURVEYED: 5-20-03

DANIEL M. FLAHERTY, R.P.L.S. No. 5004

3 OF 3



PLAT NO. RR A-4100

DRAFT DATE 12-02-03

DRAWN BY MJM

WORK ORDER NO. 16094

FIELDBOOK/PG. RR 27/18-39

TAB # ZONING

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16094ZONING2

F/N #

16094-FN04

