



Zoning
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION

AGENDA ITEM NO.: Z-1
AGENDA DATE: Thu 03/10/2005
PAGE: 1 of 1

SUBJECT: C14-04-0059 - Harrell / Gatton - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 9800-9920 Block of South IH-35 Service Road Southbound (Slaughter Creek Watershed) from interim-rural residence (I-RR) district zoning to general commercial services-conditional overlay (CS-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning, with conditions. Applicant: C.M. Gatton. Agent: Drenner Stuart Wolff Metcalfe von Kreisler, L.L.P. (Michele Allen). City Staff: Wendy Walsh, 974-7719.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

ZONING CHANGE REVIEW SHEET

CASE: C14-04-0059

Z.P.C. DATE: October 15, 2004
February 15, 2005

ADDRESS: 9800-9920 Block of South I-35 Service Road Southbound

OWNER: C.M. Gattton

AGENT: Drenner Stuart Wolff Metcalfe
von Kreisler, L.L.P. (Michele Allen)

ZONING FROM: I-RR

TO: CS-CO

AREA: 14.674 acres

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to grant general commercial services (CS-CO) combining district zoning, with conditions. The Conditional Overlay prohibits the following uses: adult-oriented uses; agricultural sales and services; bail bond services; campground; commercial blood plasma center; drop-off recycling collection facility; equipment sales; exterminating services; laundry services; kennels; monument retail sales; pawn shop services; residential treatment; transitional housing; and transportation terminal.

The Restrictive Covenant: 1) includes all recommendations listed in the Traffic Impact Analysis memorandum, dated February 9, 2005, as provided in Attachment A, and 2) establishes the minimum square footage for a restaurant (limited) use and restaurant (general) use on a stand-alone pad site is 300 square feet.

ZONING & PLATTING COMMISSION RECOMMENDATION:

October 14, 2004: *RECOMMENDED AN INDEFINITE POSTPONEMENT, AS REQUESTED BY THE APPLICANT.*

[J.MARTINEZ; J.GOHIL - 2ND] (9-0)

February 15, 2005: *APPROVED STAFF'S RECOMMENDATION FOR CS-CO DISTRICT ZONING WITH CONDITIONS; BY CONSENT. AS OFFERED BY THE APPLICANT, THE FOLLOWING AUTO-RELATED USES ARE CONDITIONAL: AUTO REPAIR, AUTO WASHING OF ANY TYPE, AUTO RENTAL, AUTO SALES AND VEHICLE STORAGE.*

[J.MARTINEZ - 1ST; J.GOHIL - 2ND] (8-0) K.JACKSON - ABSENT

ISSUES:

The applicant is in agreement with the recommendation of the Zoning and Platting Commission.

The Onion Creek Homeowners Association has provided a letter of support for the zoning request, which is provided towards the back of the staff packet.

The Park Ridge Homeowners' Association has not taken a position for or against the rezoning request, as indicated by letter attached towards the back of the staff packet.

The applicant has also discussed this case with representatives of the Knolls at Slaughter Creek subdivision (southwest).

DEPARTMENT COMMENTS:

The subject rezoning area consists of a portion of the Harrell Ranch, is presently used for agricultural purposes, takes direct access to the IH-35 frontage road and is zoned interim – rural residence (I-RR) district. Within the past 1½ years, zoning for new commercial development and redevelopment has been approved on the south side of West Slaughter Lane along the IH-35 frontage road and extending south to FM 1626 (zoned GR-CO – Wal-Mart, South Park Meadows and CS-CO – Janssen Tract, Harrell Ranch Tracts 1B, 4 and 5, and Double Creek Village). Please refer to Exhibit A (Zoning Map), A-1 (Aerial View) and A-2 (Vicinity Map).

The applicant proposes to zone the property to the general commercial services – conditional overlay (CS-CO) combining district. The proposed development on the subject property consists of 130,000 square feet of shopping center space, 10,500 square feet of fast food restaurant with drive-through, and 7,000 square feet of high turnover (general) restaurant, and is intended to be developed in a unified manner with the balance of Harrell Ranch. As shown in Exhibit B, there is one driveway to the IH-35 frontage road for the subject property, with additional access points further south on IH-35, as well as to South First Street (west) and to Old San Antonio Road (south). The applicant has offered to prohibit several uses as well as establish a minimum square footage for restaurant uses, and these restrictions have been incorporated into the staff recommendation.

Staff recommends CS-CO zoning based on the following considerations of the property: 1) location on the southbound IH-35 frontage road, which is suitable for commercial uses; 2) properties to the north that access Slaughter Lane and south along the IH-35 frontage road are in the development process and have been approved for GR-CO or CS-CO zoning for similar commercial and retail development; and 3) traffic improvements outlined in the Traffic Impact Analysis for the subject property and right-of-way will limit development to maintain acceptable traffic conditions on adjacent roadways and intersections.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	I-RR	Agricultural
<i>North</i>	GR-CO; CS-CO	Vacant outdoor concert venue (approved for a discount club, shopping center space and fast food restaurants); Automobile sales
<i>South</i>	CS-CO; GR-MU-CO	Undeveloped (approved for shopping center space, general restaurants and fast food restaurant with drive-through)
<i>East</i>	N/A	IH-35 – frontage road and main lanes
<i>West</i>	CS-CO; GR-MU-CO	Undeveloped (approved for shopping center space, general restaurants and fast food restaurant with drive-through)

AREA STUDY: N/A**TIA:** Is required – please refer to Attachment A**WATERSHED:** Slaughter Creek**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** No**SCENIC ROADWAY:** No

NEIGHBORHOOD ORGANIZATIONS:

26 – Far South Austin Community Association 300 – Terrell Lane Interceptor Association
 428 – Barton Springs / Edwards Aquifer Conservation District
 627 – Onion Creek Homeowners Association
 948 – South by Southeast Neighborhood Organization
 954 – East Slaughter Lane Neighborhood Association

SCHOOLS:

Williams Elementary School

Paredes Middle School

Akins High School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-05-0002 (Quick Tract)	RR to CS	Approved GR-CO district zoning with CO for list of prohibited and conditional uses. Restrictive Covenant for the Traffic Impact Analysis.	Scheduled for CC meeting of 3-10-05.
C14-04-0204 (Northeast corner of -35 and Brandt Road)	Unzoned to GR	To Grant GR-CO for Tract 1; GO-CO for Tract 2; CO is for prohibited uses and limits driveways to one on Brandt Road	Approved GR-CO and GO-CO as ZAP recommended with additional prohibited uses of commercial off-street parking and off-site accessory parking on the GR-CO tract (2-17-05).
C14-04-0203 (Twin Liquors at Slaughter)	GR-CO to CS-1	To Grant CS-1	Approved CS-1 (2-10-05).
C14-04-0124 (Harrell Tract #1)	I-RR to GR-MU for Tract 1A; CS-CO for Tract 1B	To Grant GR-MU-CO for Tract 1A, CS-CO for Tract 1B with conditions of the TIA and establishing a minimum square footage for restaurant uses.	Approved GR-MU-CO for Tract 1A and CS-CO for Tract 1B, with CO for prohibited uses and with conditions, as ZAP recommended (12-2-04)
C14-04-0126 (Harrell Tract #4)	I-RR to CS-CO	To Grant CS-CO with conditions of the TIA and establishing a minimum square footage for restaurant uses.	Approved CS-CO with CO for prohibited uses and with conditions, as ZAP recommended (12-2-04)
C14-04-0104 (Parkside at Slaughter Creek, Section 1, Block A, Lot 19)	I-RR to GR	To Grant GR-CO	Approved GR-CO with prohibited uses: auto rentals; auto repair services; auto sales; auto washing; commercial

			off-street parking; drop-off recycling collection facility; exterminating services; hotel-motel; off-site accessory parking; outdoor entertainment; outdoor sports and recreation; pawn shop services; service station; congregate living; and residential treatment, as offered by the applicant. Restrictive Covenant for the TIA (11-4-04).
C14-04-0103 (Parkside at Slaughter Lot 127, Block C)	I-RR to GR	To Grant GR-CO	Approved GR-CO with CO for a list of prohibited uses and 2,000 trips (9-2-04).
C14-04-0094 (Janssen Tract)	CS-CO to CS	To Grant CS-CO with a Restrictive Covenant for the TIA	Approved CS-CO with a Restrictive Covenant for the TIA, as recommended by ZAP (10-21-04).
C14-04-0075 (Southpark Meadows)	LO-CO; CS-1-CO to GR	To Grant GR-CO with a Restrictive Covenant for the TIA	Approved CS-CO with a Restrictive Covenant for the TIA, as recommended by ZAP (10-21-04).
C14-99-0129 (RCT) (Southpark Meadows)	Terminate the Restrictive Covenant pertaining to a rollback to LO zoning	To Grant the Restrictive Covenant Termination	Approved the Restrictive Covenant Termination (10-21-04).
C14-03-0066 (Wal-mart: IH-35 and Slaughter Lane)	RR; SF-2; LI-CO; CS-CO and CS to GR	To Grant GR-CO with conditions of the TIA	Approved GR-CO with CO provide a 6' fence and landscaping along Cullen Lane; 2) direct all traffic south on Cullen Lane by way of limited function driveways onto Cullen Lane that allow right-in and left-out movements only; 3) the use of shielded / hooded lights throughout the site; and, 4) a list of

			prohibited uses and one accessory use. The Restrictive Covenant is for the TIA memorandum and an Integrated Pest Management (IPM) Plan and a landscape plan for the use of native and adapted plant materials (10-30-03).
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RELATED CASES:

The subject property was annexed into the City limits on December 31, 1997. There are no related subdivision or site plan cases on the subject property.

ABUTTING STREETS:

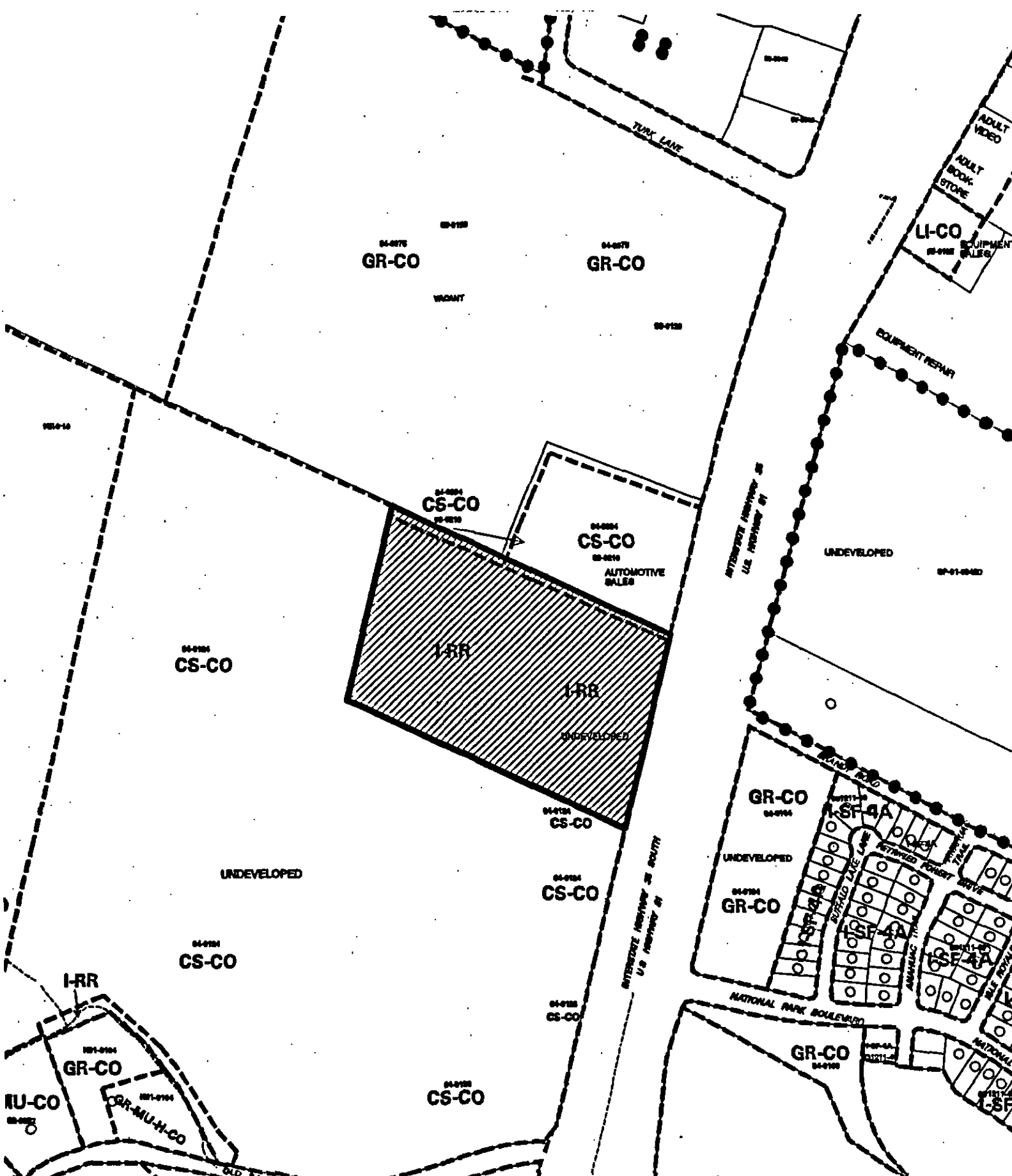
STREET	RIGHT-OF-WAY	PAVEMENT WIDTH	CLASSIFICATION	DAILY TRAFFIC
IH-35 frontage road	300 feet	250 feet	Freeway, 6 lanes	115,000 (2000)





- There are no existing sidewalks along the IH-35 frontage road.
- IH-35 is classified in the Bicycle Plan as Priority 2 bike routes.
- Capital Metro bus service is not available along this segment of I-35.

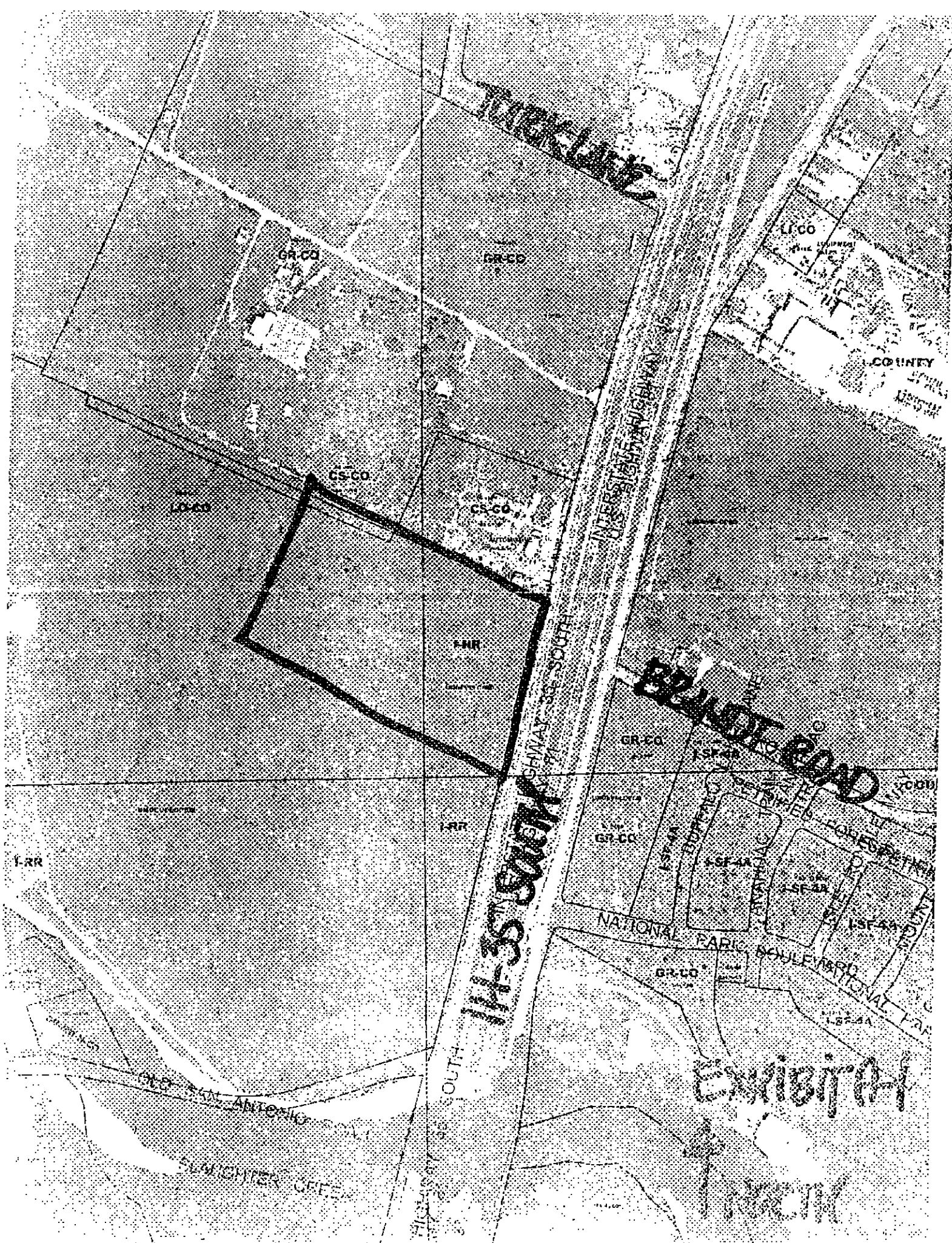
CITY COUNCIL DATE: March 10, 2005**ACTION:****ORDINANCE READINGS:** 1st2nd3rd**ORDINANCE NUMBER:**

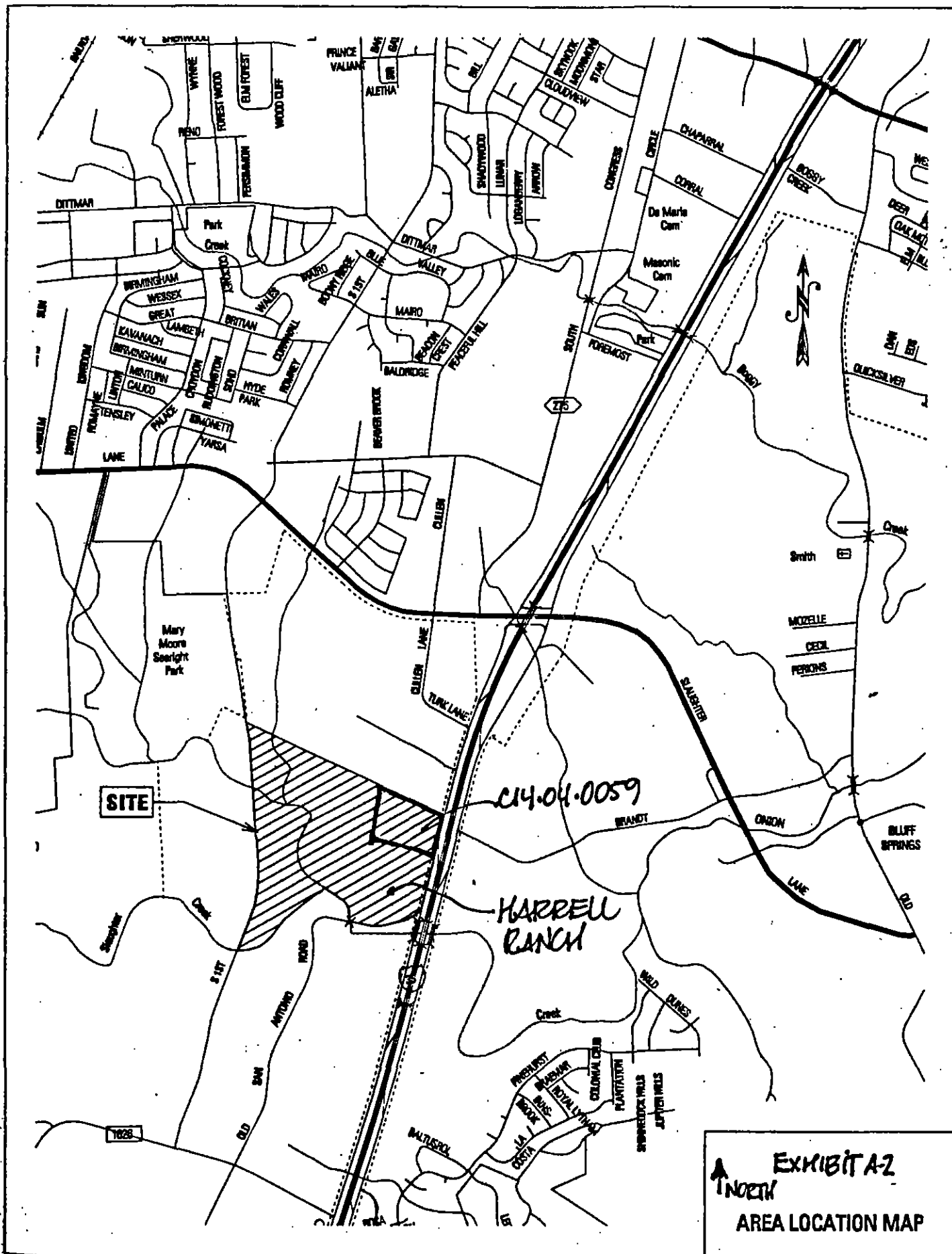
CASE MANAGER: Wendy Walsh
e-mail: wendy.walsh@ci.austin.tx.us

PHONE: 974-7719



 1" = 400'	SUBJECT TRACT 	ZONING EXHIBIT A		CITY GRID REFERENCE NUMBER F13 G13
	PENDING CASE 			
	ZONING BOUNDARY 	CASE #: C14-04-0059 ADDRESS: 8800-8920 BLK 6135 SVC RD 85 SUBJECT AREA (acres): 14.674	DATE: 05-02 INTLS: SM	
	CASE MGR: W. WALSH			





NORTH

South 1st Street

G

H

F

(WQTZ) 300'

(CWQZ) 200'

(CWQZ) 200'

SLAUGHTER
TRIBUTARY CENTERLINE

(WQTZ) 300'

(CWQZ) 100'

Old San Antonio Road

E

D

C

B

A

IH 35

(X) = SITE DRIVEWAY

EXHIBIT B

SITE PLAN

DE PROPOSED

SLAUGHTER
TRIBUTARY CENTERLINE



Date: February 9, 2005
To: Wendy Walsh, Case Manager
CC: Lynn Ann Carley, P.E. WHM Transportation Engineering
Carol Karnl, COA Fiscal Officer
Reference: Gatton Property TIA C14-04-0059

The Transportation Review Section has reviewed the Traffic Impact Analysis for the Gatton Property, dated December 2004, prepared by Lynn Ann Carley, P.E., WHM Transportation Engineering, and offers the following comments:

TRIP GENERATION

The Gatton Property is a 14.674-acre development located in south Austin at the northwest intersection of Old San Antonio Road and IH-35.

The property is currently undeveloped and zoned Interim Rural Residence (I-RR). The applicant has requested a zoning change to Commercial Services with a conditional overlay (CS-CO). The estimated completion of the project is expected in the year 2007.

Based on the standard trip generation rates established by the Institute of Transportation Engineers (ITE), the development will generate approximately 14,153 unadjusted average daily trips (ADT).

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

Table 1. Trip Generation				
LAND USE	Size	ADT	AM Peak	PM Peak
Shopping Center	130,000	8,054	182	744
High Turn Over Restaurant	7,000	809	44	39
Fast Food Restaurant with Drive Thru	10,500	5,209	255	164
Total		7,608	405	645

ASSUMPTIONS

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

Table 2. Growth Rates per Year	
Roadway Segment	%
All Roads	3%

2. In addition to these growth rates, background traffic volumes for 2004 included estimated traffic volumes for the following projects:

Double Creek Village
Double Creek

C14-03-0053
C14-04-0018, C14-04-0019, C14-04-0020

Attachment a

166 W Slaughter	C14-04-0036
Slaughter at Cullen Commercial	C14-04-0037
Tobin Tract	C14-03-0186
Slaughter Lane at South I-35	C14-03-0066/SP-03-0283C
Rhodes Congress Ave LTD	SP-03-0198C
Stone Creek Ranch Apartments	SP-02-0158C.SH; SP-01-0527D
Capital View Estates	SP-01-0354D
Fairfield at Slaughter	SP-01-0044C
Parkside at Slaughter Lane	C8J-02-0198
Brandt Road Industrial Park	C8J-03-0046
Slaughter Lane Commercial Park	C8-01-0074.0A
South Park Meadows Tract 1	C14-04-0075
Janssen Tract*	C14-04-0094
Euers	C14-04-0167

3. Reductions were taken for pass-by for the following uses:

Table 3. Summary of Pass-By and Internal Capture Reductions		
Land Use	Pass-By Reductions %	
	AM	PM
Shopping Center	34%	34%
High Turnover Restaurant	43%	43%
Fast Food Restaurant w/ Drive Thru	49%	50%

4. A 10% reduction was taken for internal capture.

5. No reductions were taken for transit use.

EXISTING AND PLANNED ROADWAYS

Slaughter Lane – Slaughter Lane is located north of the property. This roadway is classified as a six-lane divided major arterial between Manchaca Road and IH 35. The 1997 traffic volumes on Slaughter Lane were approximately 27,560 and 30,210 vehicles per day (vpd), respectively, east and west of South 1st Street. Slaughter Lane is in the Bicycle Plan as a priority 1 route.

IH 35 – This roadway is classified as a six-lane freeway. The traffic volumes for year 2000 on IH 35 near Slaughter Lane were 115,000vpd. The Austin Metropolitan Area Transportation Plan classifies IH 35 as an eight-lane freeway with HOV lanes between William Cannon Drive and Slaughter Lane and as an eight-lane freeway between Slaughter Lane and FM 1626 in 2025. The southbound exit ramp south of Slaughter Lane near the intersection of Turk Lane will be extended by TXDOT. This roadway is in the Bicycle Plan as a priority 2 route.

South 1st Street – South 1st is located west of the site and is classified as a four-lane undivided minor arterial in the Roadway Plan. The traffic volume on South 1st Street north of Slaughter Lane was approximately 7,110vpd in 1997. This roadway is classified as a priority 2 route in the Bicycle Plan.

FM 1626 – This roadway is classified as a 2 lane undivided major arterial with traffic volumes of 8,500vpd in 2002. A portion of this roadway is planned to be widened as part of the Double Creek Village Phase II TIA. This roadway is classified as a Priority 2 route in the Bicycle Plan.

Old San Antonio Road – This roadway is a two lane undivided collector roadway. In 2000 the traffic volumes west of IH35 were approximately 1,194vpd. This roadway is not classified in the Austin Bicycle Plan.

INTERSECTION LEVEL OF SERVICE (LOS)

The TIA analyzed 16 intersections, 7 of which are or will be signalized. Existing and projected levels of service are as follows, assuming that all improvements recommended in the TIA are built:

Table 4. Level of Service				
Intersection	2004 Existing		2007 Site + Forecasted	
	AM	PM	AM	PM
IH-35 EFR and Slaughter Lane*	F	E	F	F
IH-35 WFR and Slaughter Lane*	B	B	C	D
South 1 st Street and Slaughter Lane*	D	D	C	D
IH-35 EFR and Slaughter Creek Overpass*	A	A	B	A
IH-35 WFR and Slaughter Creek Overpass*	A	A	C	C
IH-35 WFR and Old San Antonio Road	A	A	A	C
South 1 st Street and FM 1626*	A	A	A	A
Old San Antonio Road and FM 1626*	A	A	B	B
Driveway A and IH-35 WFR			A	C
Driveway B and IH-35 WFR			A	B
Driveway C and IH-35 WFR			A	B
Driveway D and Old San Antonio Road			A	B
Driveway E and Old San Antonio Road			A	A
Driveway F and South 1 st Street			A	A
Driveway G and South 1 st Street			A	A
Driveway H and South 1 st Street			A	A

* = SIGNALIZED

RECOMMENDATIONS

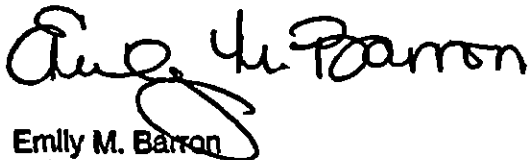
1) Prior to 3rd reading at City Council, fiscal is required to be posted for the following improvements:

Intersection	Improvements
Slaughter Ln. and IH-35	NB dual left turn lane
	NB right turn lane
	Restripe SB approach to provide 1 left and 1 left/through
South 1 st Street and Slaughter Lane	Construct southbound left turn lane
	Construct westbound right turn lane
	Construct add'l northbound left turn lane
	Construct eastbound right turn lane
	Optimize signal timing and phasing
Old San Antonio Road and FM 1626	Install a traffic signal

Slaughter Creek Overpass and IH-35	Restripe the southbound approach to provide 1 left turn lane and 1 through/right shared lane Install a traffic signal
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- 2) Additional right-of-way dedication and/or reservation may be required with the subdivision and/or site plan(s) for boundary roadways including possible upgrades to existing facilities. This includes right-of-way dedication for accel/decel lanes.
- 3) Driveway alignment and minimum widths are recommended as stated in the TIA.
- 4) Three copies of the final TIA are required to be submitted prior to 3rd Reading at City Council.
- 5) Final approval from DPWT ~ Signals and TXDOT is required prior to 1st Reading.
- 6) 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.

If you have any questions or require additional information, please contact me at 974-2788.



Emily M. Barron
Sr. Planner ~ Transportation Review Staff
Watershed Protection and Development Review

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to grant general commercial services (CS-CO) combining district zoning, with conditions. The Conditional Overlay prohibits the following uses: adult-oriented uses; agricultural sales and services; bail bond services; campground; commercial blood plasma center; drop-off recycling collection facility; equipment sales; exterminating services; laundry services; kennels; monument retail sales; pawn shop services; residential treatment; transitional housing; transportation terminal.

The Restrictive Covenant: 1) includes all recommendations listed in the Traffic Impact Analysis memorandum, dated February 9, 2005, as provided in Attachment A, and 2) establishes that the minimum square footage for a restaurant (limited) use and restaurant (general) use on a stand-alone pad site is 300 square feet.

BACKGROUND

The subject rezoning area consists of a portion of the Harrell Ranch, is presently used for agricultural purposes, takes direct access to the IH-35 frontage road and is zoned interim – rural residence (I-RR) district. Within the past 1½ years, zoning for new commercial development and redevelopment has been approved on the south side of West Slaughter Lane along the IH-35 frontage road and extending south to FM 1626 (zoned GR-CO – Wal-Mart, South Park Meadows and CS-CO – Janssen Tract, Harrell Ranch Tracts 1B, 4 and 5, and Double Creek Village).

The applicant proposes to zone the property to the general commercial services – conditional overlay (CS-CO) combining district. The proposed development on the subject property consists of 130,000 square feet of shopping center space, 10,500 square feet of fast food restaurant with drive-through, and 7,000 square feet of high turnover (general) restaurant, and is intended to be developed in a unified manner with the balance of Harrell Ranch. There is one driveway to the IH-35 frontage road for the subject property, with additional access points further south on IH-35, as well as to South First Street (west) and to Old San Antonio Road (south). The applicant has offered to prohibit several uses as well as establish a minimum square footage for restaurant uses, and these restrictions have been incorporated into the staff recommendation.

Staff recommends CS-CO zoning based on the following considerations of the property: 1) location on the southbound IH-35 frontage road, which is suitable for commercial uses; 2) properties to the north that access Slaughter Lane and south along the IH-35 frontage road are in the development process and have been approved for GR-CO or CS-CO zoning for similar commercial and retail development; and 3) traffic improvements outlined in the Traffic Impact Analysis for the subject property and right-of-way will limit development to maintain acceptable traffic conditions on adjacent roadways and intersections.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)***1. The proposed zoning should be consistent with the purpose statement of the district sought.***

CS, Commercial Services, zoning is intended for commercial or industrial uses that typically have operating characteristics or traffic service requirements generally incompatible with residential environments.

The property has access to the IH-35 frontage road, a freeway with additional access points further south on IH-35, as well as to South First Street (west) and to Old San Antonio Road (south).

2. Zoning changes should promote an orderly and compatible relationship among land uses.

Staff recommends CS-CO zoning based on the following considerations of the property: 1) location on the southbound IH-35 frontage road, which is suitable for commercial uses; 2) properties to the north that access Slaughter Lane and south along the IH-35 frontage road are in the development process and have been approved for GR-CO or CS-CO zoning for similar commercial and retail development; and 3) traffic improvements outlined in the Traffic Impact Analysis for the subject property and right-of-way will limit development to maintain acceptable traffic conditions on adjacent roadways and intersections.

EXISTING CONDITIONS

Site Characteristics

The property is presently used for agricultural purposes. The site is relatively flat and there appear to be no significant topographical constraints on the site.

Impervious Cover

The maximum impervious cover allowed by the CS-CO zoning district would be 80%, which is based on the more restrictive watershed regulations.

Environmental

The site is not located over the Edward's Aquifer Recharge Zone. The site is in the Slaughter 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. 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%.

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

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

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 which preempt current water quality or Code requirements.

TPSD 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 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.

Transportation

A traffic impact analysis is required and has been received. Additional right-of-way, participation in roadway improvements, or limitations on development intensity may be recommended based on review of the TIA. [LDC, Sec. 25-6-142]. Comments are provided in Attachment A.

Water and Wastewater

The landowner intends to serve the site with City water and wastewater utilities. Water and wastewater utility improvements, offsite main extensions are required for City water and wastewater utility service. The landowner will be responsible for all costs and providing.

In order to obtain City water and wastewater utility service, the landowner must obtain City approval of a Service Extension Request. For more information pertaining to the process and submittal requirements, contact Phillip Jaeger, Austin Water Utility, 625 East 10th Street, 5th Floor Waller creek Center. The Austin Water utility reserves the right to make additional comments and to establish other requirements with the Service Extension Request.

The water and wastewater utility system serving this site must be in accordance with the City's design criteria and specifications. The water and wastewater utility plan must be reviewed approved by the Austin Water Utility. The utility construction must be inspected by the City. The landowner must pay the City inspection and plan review fee.

The landowner must pay the tap and impact fee once the landowner makes an application for a City water and wastewater utility tap permit.

Compatibility Standards

There are no compatibility issues with the surrounding uses or zoning.

Harrell/Gatton

List of Proposed Prohibited Uses

C14-04-0059

Proposed Prohibited Uses

CS (14.674 acres)

Pawn Shop Services	Campground
Bail Bond Services	Kennels
Commercial Blood Plasma Center	Adult Oriented Uses
Exterminating Services	Monument Retail Sales
Residential Treatment	Transitional Housing
Drop-Off Recycling Collection Facility	Equipment Sales
Agricultural Sales and Services	Laundry Service
Transportation Terminal	

Prohibit via TIA Restrictive Covenant:

The minimum square footage for a Restaurant (Limited) use and Restaurant (General) use on a stand-alone pad site is 300 square feet.

ONION CREEK

HOMEOWNERS ASSOCIATION

10816 Crown Colony, Suite 205

Austin, Texas 78747

Tel: 512.280.8110

Fax: 512.280.8162

February 11, 2005

Ms Wendy Walsh
Neighborhood Planning & Zoning Department
City of Austin
PO Box 1088
Austin, Texas 78767-8835

Re: Case No. C14-04-0059 (Gatton Tract)

Dear Ms Walsh:

On behalf of the HOA, we support the zoning application referenced above. We also support and thank the applicant for the added conditional overlays.

Please don't hesitate to contact us if there are any questions, and you can reach me anytime by calling 636-4499

Sincerely,



John McNabb
President

Cc: Andrew R. Pastor, Principal, Endeavor Real Estate Group

Michele Rogerson Allen, Drenner Stuart Wolff Metcalfe von Kreilser

PARK RIDGE HOMEOWNERS ASSOCIATION

Property Manager:
Liddard Management Company
12335 Lymeadow Drive, Suite 300
Austin, TX 78750
(512) 219-1927

Association President:
René Lara renelara@aol.com

Board Members:
Michael Borwick miborwick@austin.rr.com
J.D. Macias smjdm@yahoo.com



Dear ZAP Board Members:

The Park Ridge Homeowners' Association has not taken a position for or against the zoning application for the Harrell/Garton and the Quick tracts. The Park Ridge HOA Board will take an official position in the next few weeks after notifying neighborhood residents of its recommendation regarding this zoning application.

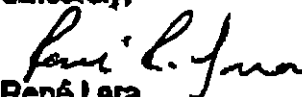
Park Ridge HOA Board members met with representatives of Endeavor Real Estate on February 9, 2005. The board members agreed not to oppose Endeavor's proposed development south of the tract which is currently anchored by Walmart (corner of Slaughter and IH-35) in exchange for Endeavor's support of Park Ridge neighborhood's application for a traffic light at the exit of Francia onto Slaughter Lane. Endeavor representatives have also agreed to cooperate in good faith with Park Ridge neighborhood in the development of future tracts in the general vicinity of both parties in a manner that will not endanger, and perhaps even improve, neighborhood residents' home property values.

The Park Ridge neighborhood wishes to achieve the following long-term goals:

- (1) manage the explosion of traffic due to new development in a manner that maintains traffic safety and reduces major inconveniences for residents wishing to exit or enter their neighborhood
- (2) maintain and improve home property values
- (3) reduce noise and light pollution from new businesses and other developments

We request that the members of the Zoning and Platting Commission assist our neighborhood in meeting the goals set forth above.

Sincerely,


René Lara
President
Park Ridge HOA

DISCUSSION AND ACTION ON ZONING CASES

4. **Rezoning:** C14-05-0010 - 5805 Nancy
Location: 5805 Nancy Drive, Williamson Creek Watershed
Owner/Applicant: Valiant Homes, Inc. (Ken Brooks)
Agent: Aries Partners, Inc. (Nick Nelson)
Request: MH to SF-3
Staff Rec.: RECOMMENDED
Staff: Wendy Walsh, 974-7719, wendy.walsh@ci.austin.tx.us
 Neighborhood Planning & Zoning

APPROVED STAFF'S RECOMMENDATION OF SF-3 ZONING; BY CONSENT.
[J.M.; J.G 2ND] (8-0) K.J - ABSENT

5. **Rezoning:** C14-04-0202 - 102 Herrera
Location: 102 Herrera Street, Colorado River Watershed
Owner/Applicant: Bodyguard Armoring (Wayne E. Brown)
Agent: N/A
Request: SF-3 TO GR
Staff Rec.: NOT RECOMMENDED; ALTERNATE RECOMMENDATION:
 NO-CO
Staff: Wendy Walsh, 974-7719, wendy.walsh@ci.austin.tx.us
 Neighborhood Planning & Zoning

APPROVED GR-CO ZONING WITH CONDITIONS: 300 VEHICLE TRIP LIMIT; AND IF THE USE CEASES, ROLLBACK ZONING TO LR ZONING WITH NO DRIVE THROUGH SERVICES.
[J.M.; M.W 2ND] (8-0) K.J - ABSENT

6. **Rezoning:** C14-04-0059 - Harrell / Gatton
Location: 9800 - 9920 Block South I-35 Service Road Southbound, Slaughter Creek Watershed
Owner/Applicant: C.M. Gatton
Agent: Drenner Stuart Wolff Metcalfe von Kreisler, L.L.P. (Michele Allen)
Request: I-RR to CS-CO
Staff Rec.: RECOMMENDED, WITH CONDITIONS
Staff: Wendy Walsh, 974-7719, wendy.walsh@ci.austin.tx.us
 Neighborhood Planning & Zoning

APPROVED STAFF'S RECOMMENDATION FOR CS-CO DISTRICT ZONING WITH CONDITIONS. AS OFFERED BY THE APPLICANT, THE FOLLOWING AUTO-RELATED USES ARE CONDITIONAL: AUTO REPAIR, AUTO WASHING OF ANY TYPE, AUTO RENTAL, AUTO SALES AND VEHICLE STORAGE.
[J.M.; J.G 2ND] (8-0) K.J - ABSENT

ORDINANCE NO. _____

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE
2 PROPERTY LOCATED AT THE 9800-9920 BLOCK OF SOUTH IH-35
3 SOUTHBOUND SERVICE ROAD, FROM INTERIM RURAL RESIDENCE (I-RR)
4 DISTRICT TO GENERAL COMMERCIAL SERVICES-CONDITIONAL
5 OVERLAY (CS-CO) COMBINING DISTRICT.
6

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

9 PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to
10 change the base district from interim rural residence (I-RR) district to general commercial
11 services-conditional overlay (CS-CO) combining district on the property described in
12 Zoning Case No. C14-04-0059, on file at the Neighborhood Planning and Zoning
13 Department, as follows:
14

15 A 14.674 acre tract of land, more or less, out of the S.F. Slaughter Survey No. 1,
16 and the Santiago del Valle Grant Abstract No. 24, Travis County, the tract of land
17 being more particularly described by metes and bounds in Exhibit "A"
18 incorporated into this ordinance (the "Property")
19

20 locally known as the 9800-9920 block of south IH-35, southbound service road, in the City
21 of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit
22 "B".
23

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

27 1. The following uses are prohibited uses of the Property:
28

29 Adult oriented businesses
30 Bail bond services
31 Commercial blood plasma center
32 Equipment sales
33 Laundry services
34 Monument retail sales
35 Residential treatment
36 Transportation terminal
37

Agricultural sales and services
Campground
Drop-off recycling collection facility
Exterminating services
Kennels
Pawn shop services
Transitional housing

1
2 2. The following uses are conditional uses of the Property:

3
4 Automotive rentals
5 Automotive sales
6 Vehicle storage

Automotive repair services
Automotive washing (of any type)

7
8 Except as specifically restricted under this ordinance, the Property may be developed and
9 used in accordance with the regulations established for the general commercial services
10 (CS) base district and other applicable requirements of the City Code.

11
12 **PART 3.** This ordinance takes effect on _____, 2005.

13
14
15 **PASSED AND APPROVED**

16
17
18
19 _____, 2005

Will Wynn
Mayor

20
21
22
23 **APPROVED:**

David Allan Smith
City Attorney

ATTEST:

Shirley A. Brown
City Clerk



**Professional Land Surveying, Inc.
Surveying and Mapping**

614-04-0057

Office: 512-443-1724
Fax: 512-441-6987

2807 Manchaca Road
Building One
Austin, Texas 78704

**14.674 ACRES
EDWIN TABB HARRELL**

A DESCRIPTION OF A 14.674 ACRE (639,216 S.F.) TRACT OF LAND OUT OF THE S.F. SLAUGHTER SURVEY NO. 1, AND THE SANTIAGO DEL VALLE GRANT ABSTRACT NO. 24, TRAVIS COUNTY, TEXAS, BEING A PORTION OF A 285.4 ACRE TRACT OF LAND AS CONVEYED TO EDWIN TABB HARRELL BY QUITCLAIM DEED DATED FEBRUARY 13, 1998, AND RECORDED IN VOLUME 13125, PAGE 503 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS; SAID 14.674 ACRES BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a 1/2" rebar with cap set in the east line of the 285.4 acre Harrell tract, being also in the west line of Interstate Highway 35 (IH35) (right-of-way width varies) and being the southeast corner of the herein described tract, from which a 1/2" rebar found bears South 12°57'42" West, a distance of 647.36 feet;

THENCE leaving the west line of Interstate Highway 35, over and across the 285.4 acre Harrell tract, the following two (2) courses:

1. North 65°06'06" West, a distance of 1000.00 feet to a 1/2" rebar with cap set for the southwest corner of the herein described tract;
2. North 12°57'42" East, a distance of 653.00 feet to a 1/2" rebar with cap set in the north line of the 285.4 acre Harrell tract, being also in the south line of a 22.91 acre tract recorded in Volume 12125, Page 101, of the Real Property Records of Travis County, Texas, from which a 1/2" rebar found bears North 65°12'08" West, a distance of 560.11 feet;

THENCE South 65°12'08" East, with the north line of the 285.4 acre Harrell tract, and the south line of the 22.91 acre tract, a distance of 383.45 feet, to a 1/2" rebar found in the north line of the 285.4 acre Harrell tract, being also the southeast corner of the 22.91 acre tract, and the southwest corner of a 5.59 acre tract recorded in Volume 12702, Page 1549, of the Real Property Records of Travis County, Texas;


THENCE South 65°02'21" East, along the north line of the 285.4 acre Harrell tract, and the south line of the 5.59 acre tract, a distance of 616.55 feet to a 1/2" rebar with cap set for the northeast corner of the 285.4 acre Harrell tract, being also the southeast corner of the 5.59 acre tract and in the west line of Interstate Highway 35 (IH35), from which a PK nail found in the center of a Texas Department of Transportation (TxDOT) type I concrete monument (destroyed) bears North 12°57'42" East, 334.20 feet, and South 77°02'21" East, 0.75 feet;

EXHIBIT 'A'

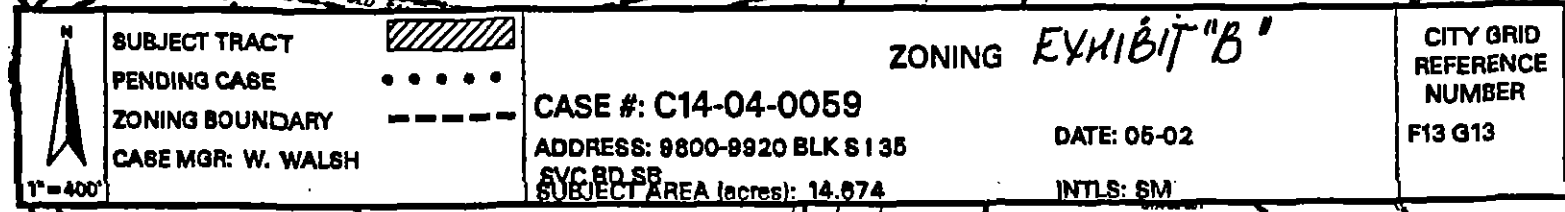
THENCE South $12^{\circ}57'42''$ West, along the east line of the 285.4 acre Harrell tract, and the west line of Interstate Highway 35 (IH35), a distance of 300.34 feet to a 1/2" rebar found at TxDOT Station 1300+00, from which a 1/2" rebar found in the east right-of-way line of IH35 bears South $77^{\circ}03'12''$ East, a distance of 299.86 feet;

THENCE continuing South $12^{\circ}57'42''$ West, along the east line of the 285.4 acre Harrell tract, and the west line of Interstate Highway 35 (IH35), a distance of 352.66 feet to the **POINT OF BEGINNING**, containing 14.674 acres of land, more or less.

Prepared from a survey made on the ground February, 2004. Attachments: Survey Drawing 040-028-BD1. Bearing basis: Grid azimuth for Texas central zone, 1983/93 HARN values from LCRA control network


David Klotz
Registered Professional Land Surveyor
State of Texas No. 5428





RESTRICTIVE COVENANT

OWNER: C.M. Gatton, Trustee of the Carol Martin Gatton Trust

ADDRESS: 1000 West State Street, Bristol, Tennessee 37620

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: A 14.674 acre tract of land, more or less, out of the S.F. Slaughter Survey No. 1 and the Santiago del Valle Grant Abstract No.24, Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" attached to and incorporated into this covenant.

WHEREAS, the Owner 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 WHM Transportation Engineering Consultants, Inc., dated December, 2004, 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 February 9, 2005. The TIA shall be kept on file at the Watershed Protection and Development Review Department.
2. The minimum square footage for a restaurant (limited) use and restaurant (general) use on a stand-alone pad site is 300 square feet.
3. 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.
4. 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.

5. 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.
6. 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 _____, 2005.

OWNER:

**C.M. Gatton,
Trustee of the Carol Martin Gatton Trust**

By: _____
C.M. Gatton, Trustee

APPROVED AS TO FORM:

Assistant City Attorney
City of Austin

THE STATE OF TENNESSEE §

COUNTY OF _____ §

This instrument was acknowledged before me on this the _____ day of _____, 2005 by C.M. Gatton, Trustee of the Carol Martin Gatton Trust.

Notary Public Signature

Name of Notary: _____

My Commission Expires: _____

After Recording, Please Return to:

City of Austin

Department of Law

P. O. Box 1088

Austin, Texas 78767

Attention: Diana Minter, Legal Assistant



**Professional Land Surveying, Inc.
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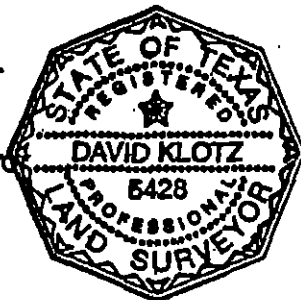
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