



Zoning
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION

AGENDA ITEM NO.: Z-1
AGENDA DATE: Thu 05/12/2005
PAGE: 1 of 1

SUBJECT: C14-05-0014 - Harrell Tract - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 9900 South First Street (Slaughter Creek Watershed) from interim-rural residence (I-RR) district zoning to single family residence standard lot (SF-2) district zoning. Zoning and Platting Commission Recommendation: To grant single family residence standard lot (SF-2) district zoning, with conditions. Applicant: Ed Harrell. Agent: Carlson, Brigance & Doering, Inc. (Charles R. Brigance). City Staff: Wendy Walsh, 974-7719.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

ZONING CHANGE REVIEW SHEET

CASE: C14-05-0014

Z.P.C. DATE: April 5, 2005

ADDRESS: 9900 South First Street

OWNER: Ed Harrell

AGENT: Carlson, Brigrance & Doering, Inc.
(Charles R. Brigrance)

ZONING FROM: I-RR

TO: SF-2

AREA: 99.154 acres

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to grant single family residence standard lot (SF-2) district zoning.

The Restrictive Covenant includes all recommendations listed in the Traffic Impact Analysis memorandum, dated March 28, 2005, as provided in Attachment A.

ZONING & PLATTING COMMISSION RECOMMENDATION:

April 5, 2005: *APPROVED STAFF'S RECOMMENDATION FOR SF-2 DISTRICT ZONING WITH CONDITIONS; BY CONSENT.*

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

ISSUES:

None at this time.

DEPARTMENT COMMENTS:

The subject property is undeveloped, has access to South First Street and carries interim – rural residence (I-RR) district zoning since its annexation into the City in 1997. Mary Moore Searight Metropolitan Park is adjacent to the north and west, and the Knolls at Slaughter Creek, a single family residential subdivision is located to the south, across Slaughter Creek (SF-2; SF-1). Please refer to Exhibits A (Zoning Map), A-1 (Aerial View) and A-2 (Vicinity Map).

The applicant proposes to zone the property to the single family residence standard lot (SF-2) district and has submitted a Preliminary Plan that is in the initial stages of staff review for the development of 231 single family residences, to be known as the Oak at Twin Creeks. Please refer to Exhibit B. Staff recommends SF-2 zoning based on its compatibility with the single family residential subdivision to the south, access to a fully-improved South First Street, proximity to recreational space and planned commercial development on the west side of South First Street, along FM 1626 and the southbound IH-35 frontage road.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	I-RR	Undeveloped
<i>North</i>	P	Mary Moore Searight Metropolitan Park
<i>South</i>	I-RR; SF-2; SF-1	Greenbelt; Single family residences
<i>East</i>	LO-CO; GR-MU-CO; MF-2-CO; I-RR	Undeveloped; AISD – Akins High School
<i>West</i>	P	Mary Moore Searight Metropolitan Park

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 692 – Knolls at Slaughter Creek
 948 – South by Southeast Neighborhood Organization

SCHOOLS:

Williams Elementary School – 89% at capacity in 2005
 Paredes Middle School – 117% at capacity in 2005
 Charles Akins High School – 101 % at capacity in 2005

* Please also refer to e-mail correspondence from Mr. Dan Robertson, Director of Planning Services at Austin Independent School District, provided as Attachment B.

The optimal capacity is between 100% and 110% of permanent capacity. Those schools over 125% are considered to be in excess of the desired capacity and in need of relief. Source: Mr. Dan Robertson, Director of Planning Services at Austin Independent School District.

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-04-0126 (Harrell Tract #4)	I-RR to CS-CO	To Grant CS-CO with a Restrictive Covenant for the 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)
C14-04-0125 (Harrell Tract 2)	I-RR to MF-2	To Grant MF-2-CO with the CO for MF-1 density, and a Restrictive Covenant for the	Approved MF-2-CO, with a Restrictive Covenant for the TIA, as ZAP Commission

		conditions of the TIA.	recommended (12-2-04).
C14-04-0124 (Harrell Tracts 1A and 1B)	I-RR to GR-MU-CO for Tract 1A; CS-CO for Tract 1B	To Grant GR-MU-CO for Tract 1A; CS-CO for Tract 1B with CO for prohibited uses, with a Restrictive Covenant for the conditions of the TIA and establishing a minimum square footage for restaurant uses.	Approved GR-MU-CO zoning for Tract 1A and CS-CO district zoning for Tract 1B, with a Restrictive Covenant for the TIA and minimum square footage for restaurant uses, as ZAP Commission recommended (12-2-04).

RELATED CASES:

The subject property was annexed as interim – single family residence on December 31, 1997. The property is in review for a Preliminary Plan for 231 single family residences, to be known as The Oak at Twin Creeks. There are no site plan cases on the subject property.

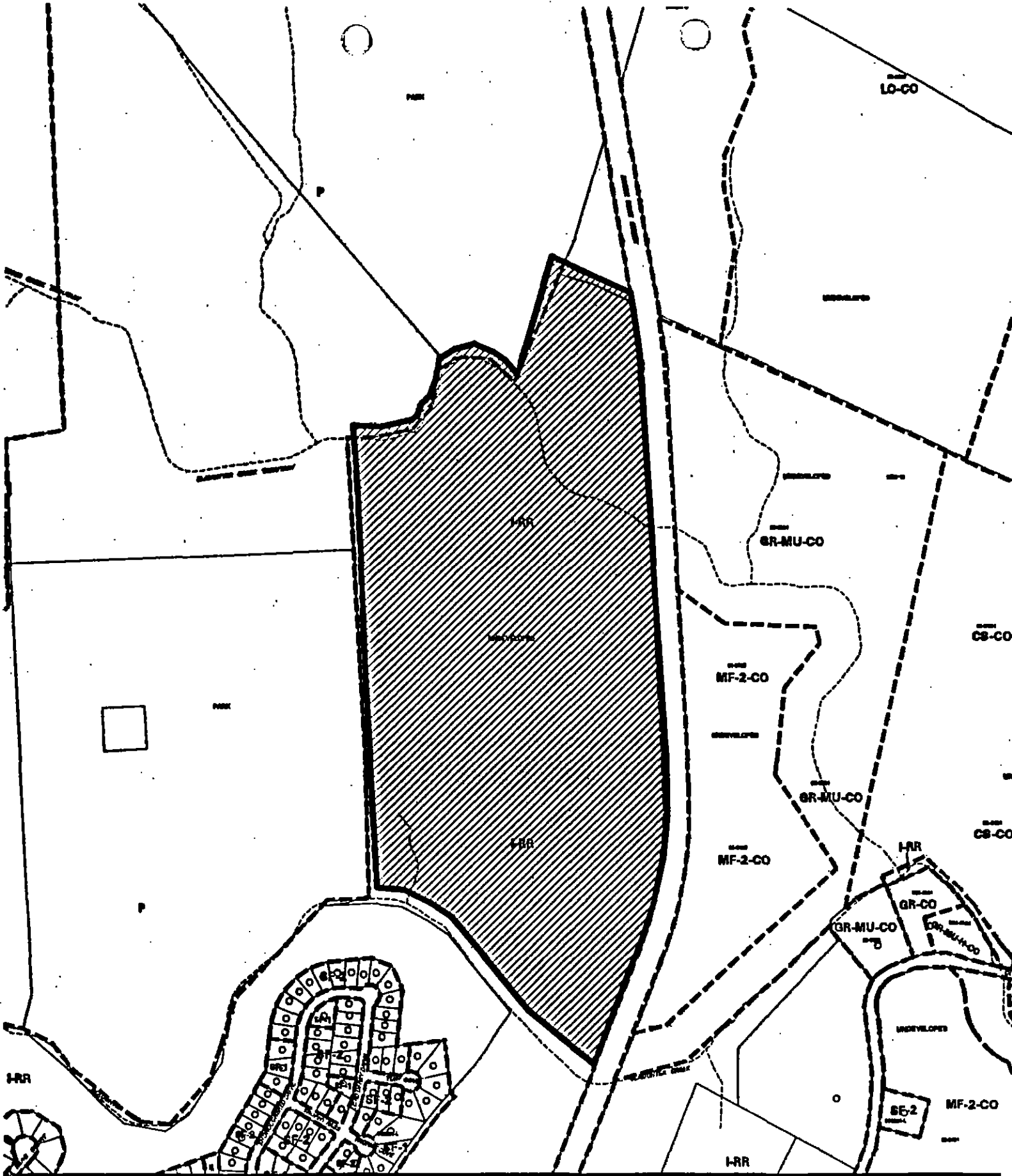
ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bus Route	Bike Route
South First Street				Yes	No	Bicycle Plan, Priority #2 bike route

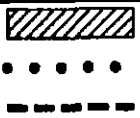
CITY COUNCIL DATE: May 12, 2005**ACTION:****ORDINANCE READINGS:** 1st2nd3rd**ORDINANCE NUMBER:**

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

PHONE: 974-7719



SUBJECT TRACT
 PENDING CASE
 ZONING BOUNDARY
 CASE MGR: W. WALSH



CASE #: C14-05-0014
 ADDRESS: 9900 S FIRST ST
 SUBJECT AREA (acres): 99.154

ZONING EXHIBIT A

DATE: 05-03
 INTLS: SM

CITY GRID
 REFERENCE
 NUMBER
 F12-13

1"=600'



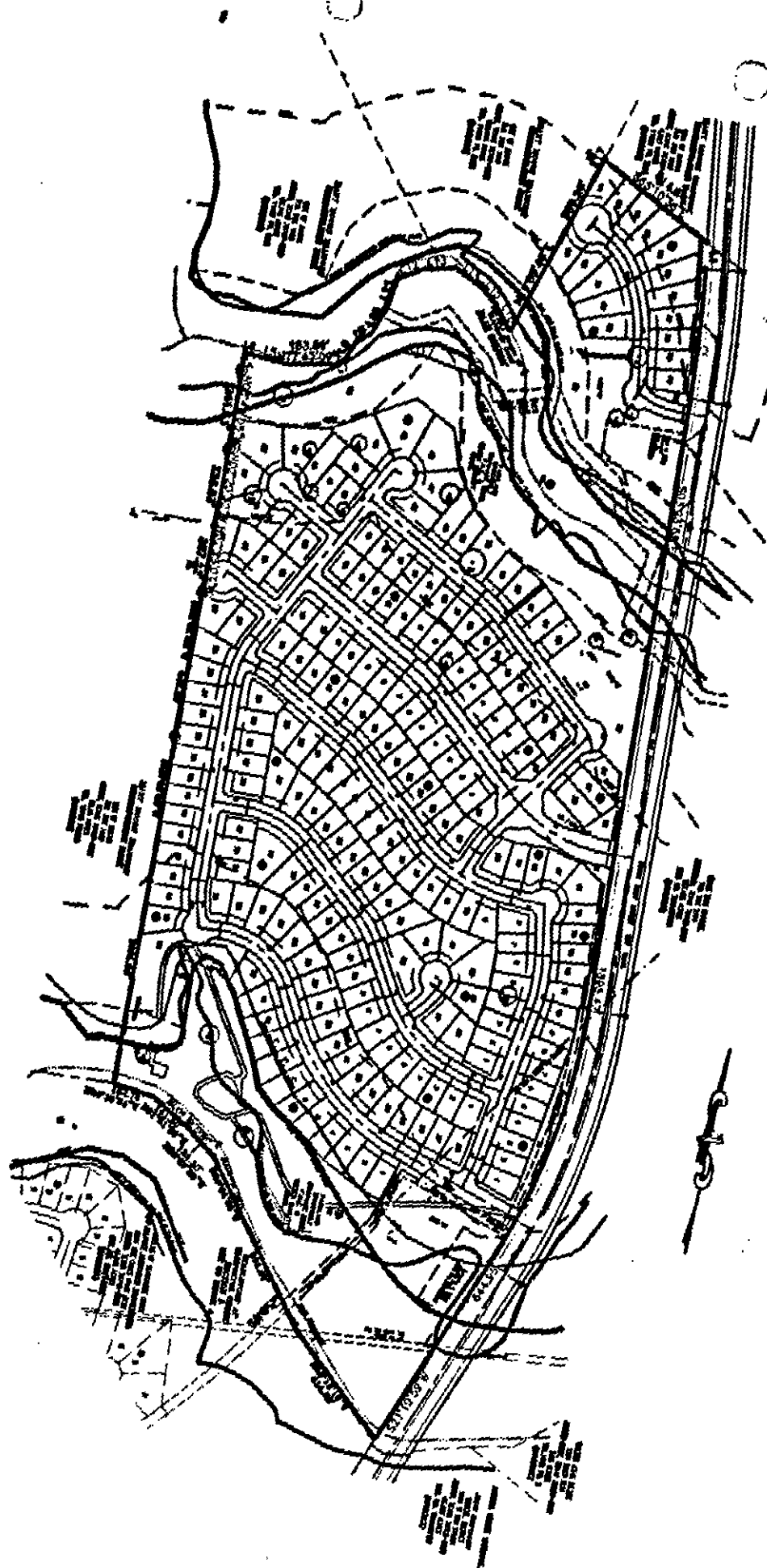


EXHIBIT B
PROPOSED PRELIMINARY
PLAN



Date: March 28, 2005
To: Wendy Walsh, Case Manager
CC: Robert Halls, Robert J. Halls and Associates
Reference: Harrell Tract (Oak at Twin Creek Subdivision) TIA, C14-05-0014

The Transportation Review Section has reviewed the Traffic Impact Analysis for the Harrell Tract (Oak at Twin Creek Subdivision), dated March 2005, prepared by Robert Halls, Robert J. Halls and Associates, and offers the following comments:

TRIP GENERATION

Harrell Tract is a 82.358-acre development located in south Austin on the west side of South First between Slaughter Lane and FM 1626.

The property is currently undeveloped and zoned Interim Rural Residence (I-RR). The applicant has requested a zoning change to Single Family Residence (SF-2). The estimated completion of the project is expected in the year 2008.

Based on the standard trip generation rates established by the Institute of Transportation Engineers (ITE), the development will generate approximately 2,320 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
Single Family	240	2,320	177	236

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*	C14-03-0053
Double Creek*	C14-04-0018, C14-04-0019, C14-04-0020
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

attachment a

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
Quick Tract*	C14-05-0002
Gatton Tract*	C14-04-0059

3. No reductions were taken for pass-by, internal capture or transit use.

EXISTING AND PLANNED ROADWAYS

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.

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.

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.

INTERSECTION LEVEL OF SERVICE (LOS)

The TIA analyzed 6 intersections, 3 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 3. Level of Service				
Intersection	2005 Existing		2006 Site + Forecasted	
	AM	PM	AM	PM
IH-35 EFR and Slaughter Lane*	E	C	F	D
IH-35 WFR and Slaughter Lane*	C	B	D	D
South 1st Street and Slaughter Lane*	C	D	C	D
Wye Oak Drive and South First Street			B	B
Oak Island Boulevard and South First Street			B	B
Camper Down Elm Drive and South First Street			B	B

* = SIGNALIZED

RECOMMENDATIONS

- 1) Additional right-of-way dedication and/or reservation may be required with the subdivision for boundary roadways including possible upgrades to existing facilities.
- 2) Two copies of the final TIA are required to be submitted prior to 3rd Reading at City Council.
- 3) 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

Walsh, Wendy

From: dlrobtso@austinsd.org
Sent: Thursday, March 31, 2005 1:23 PM
To: Walsh, Wendy
Cc: Guernsey, Greg
Subject: Your Request



COAZWalshreq.xls

Wendy - Attached is a spreadsheet giving the capacity for the current year for the cases you asked for.

Neither Harrell nor the Rosato/Main Street Case present problems. Akins is our fastest growing high school right now but we are scheduled to add classrooms there in the fall of 2007 and reassign some students who will attend the new elementary. Paredes is crowded, but I do not expect many students from the ~~new Casey~~ ^{development} on the Harrell tract.

The Taylor Estates case is a problem for Casey however because they have no planned relief at this point. It's approval will require a boundary change which will reassign the subdivision to Williams where I do have room I will recommend that to the Trustees for a next fall implementation.

Let me know if you need additional information before Tuesday night.

.(See attached file: COAZWalshreq.xls)

attachment B

Case Number	Name	Elementary	Middle	High
C-14-05-0019	Taylor Estates	Casey	Bedichek	Akins
Capacity		110%	83%	101%
C14-05-0014	Harrell	Williams	Paredes	Akins
Capacity		89%	117%	101%
C14-04-0034	St Rosato/Main Street	Williams	Bedichek	Akins
Capacity		89%	83%	101%

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to grant single family residence standard lot (SF-2) district zoning.

The Restrictive Covenant includes all recommendations listed in the Traffic Impact Analysis memorandum, dated March 28, 2005, as provided in Attachment A.

BACKGROUND

The subject property is undeveloped, has access to South First Street and carries interim - rural residence (I-RR) district zoning since its annexation into the City in 1997. Mary Moore Searight Metropolitan Park is adjacent to the north and west, and the Knolls at Slaughter Creek, a single family residential subdivision is located to the south, across Slaughter Creek (SF-2; SF-1

The applicant proposes to zone the property to the single family residence standard lot (SF-2) district and has submitted a Preliminary Plan that is in the initial stages of staff review for the development of 231 single family residences, to be known as the Oak at Twin Creeks. Please refer to Exhibit B. Staff recommends SF-2 zoning based on its compatibility with the single family residential subdivision to the south, access to a fully-improved South First Street, proximity to recreational space and planned commercial development on the west side of South First Street, along FM 1626 and the southbound IH-35 frontage road.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

The single family residence standard lot (SF-2) district is intended for a moderate density single-family residential use on a lot that is a minimum of 5,750 square feet. This district is appropriate for existing single-family neighborhoods having moderate sized lots or to new development of single-family housing areas with minimum land requirements.

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

Staff recommends SF-2 zoning based on its compatibility with the single family residential subdivision to the south, access to a fully-improved South First Street, proximity to recreational space and planned commercial development on the west side of South First Street, along FM 1626 and the southbound IH-35 frontage road.

EXISTING CONDITIONS**Site Characteristics**

The property is undeveloped and slopes towards Slaughter Creek which traverses the northern portion of the property and continues southeast.

Impervious Cover

The maximum impervious cover allowed by the SF-2 zoning district would be 45%, which is based on the more restrictive zoning 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.

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

According to flood plain maps, there is flood plain in, or within close proximity of, the project location. Based upon the close proximity of flood plain, offsite drainage should be calculated to determine whether transition zone exists within the project location. If transition zone is found to exist within the project area, allowable impervious cover within said zone shall be limited to 30%.

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 City of Austin Capital Improvement Program (C.I.P.) Roadway Construction Projects and Transportation Systems Management (T.S.M.) projects. A comment from this reviewer that no right-of-way is needed applies only to needs for these categories, and does not preclude the need to dedicate right-of-way to satisfy requirements by others. There are separate right-of-way dedication and reservation requirements enforced by other City Departments and other governmental jurisdictions to secure right-of-way for roadway improvements contained in the Austin Metropolitan Area Roadway Plan that may not yet be funded, roadway projects funded by County and State agencies, and for dedication in accordance with the functional classification of the roadway.

No aspect of the proposed project is being considered or approved as part of this review other than the need for right-of-way for City-funded projects. If the configuration of the site/subdivision/plan will require any variances to Transportation Criteria Manual standards, the variance request(s) must be submitted separately through the assigned City of Austin case manager.

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. If water or wastewater utility improvements, or offsite main extension, or system upgrades, or utility relocation, or utility adjustment are required, the landowner, at own expense, will be responsible for providing. Also, the utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City design criteria. The landowner must pay the associated City fees.

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

A zoning change to SF-2 does not trigger the application of compatibility standards.

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING FOR THE PROPERTY LOCATED AT 9900 SOUTH FIRST STREET AND CHANGING THE ZONING MAP FROM INTERIM RURAL RESIDENCE (I-RR) DISTRICT TO SINGLE-FAMILY RESIDENCE STANDARD LOT (SF-2) DISTRICT.

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

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from interim rural residence (I-RR) district to single-family residence standard lot (SF-2) district on the property described in Zoning Case No. C14-05-0014, on file at the Neighborhood Planning and Zoning Department, as follows:

A 99.154 acres tract of land, more or less, out of the Stephen F. Slaughter Survey No. 1, Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance,

locally known as 9900 South First Street in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B"

PART 2. This ordinance takes effect on _____, 2005.

PASSED AND APPROVED

_____, 2005

§
§
§

Will Wynn
Mayor

APPROVED:

David Allan Smith
City Attorney

ATTEST:

Shirley A. Brown
City Clerk

EXHIBIT A
FIELD NOTES

BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE STEPHEN F. SLAUGHTER SURVEY NO. 1, ABSTRACT 20, SITUATED IN TRAVIS COUNTY, TEXAS, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS BEING OUT OF AND A PART OF THAT CERTAIN TRACT OF LAND CONVEYED BY WARRANTY DEED TO EDWIN TABB HARRELL, RECORDED IN DOCUMENT NO. 2003177350 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID TRACT BEING 99.154 ACRES OF LAND MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at an iron rod set in the west right-of-way line of South 1st Street, a 120-foot wide right-of-way dedicated to the public and recorded in Document No. 1999143398 of the Official Public Records of Travis County, Texas, being also the southeast corner of that certain tract of land described as Tract 6 in a deed to the City of Austin, recorded in Volume 11532, Page 2203 of the Real Property Records of Travis County, Texas, for the northeast corner and the **POINT OF BEGINNING** of the herein described 99.154 acre tract of land,

THENCE, with the west right-of-way line of said South 1st Street, being also the east line of the herein described tract, the following five (5) courses and distances, numbered 1 through 5,

1. S09°16'50"E, a distance of 81.10 feet to an iron rod found at a point of curvature to the right,
2. with said curve to the right having a radius of 3832.91 feet, an arc length of 393.49 feet and whose chord bears, S06°20'23"E, a distance of 393.32 feet to an iron rod set at the point of tangency,
3. S03°23'55"E, a distance of 1895.47 feet to an iron rod set at a point of curvature to the right,
4. with said curve to the right having a radius of 1940.00 feet, an arc length of 837.40 feet and whose chord bears, S08°58'02"W, a distance of 830.91 feet to the point of tangency, and
5. S21°19'59"W, a distance of 644.95 feet to a point in the approximate centerline of Slaughter Creek, being at the northeast corner of that certain tract of land described in a deed to the Riddell Family Limited Partnership, recorded in Volume 12246, Page 585 of the Real Property Records of Travis County, Texas, for the southeast corner of the herein described tract,

THENCE, departing the west right-of-way line of said South 1st Street, with the approximate centerline of said Slaughter Creek, being also the south line of said Harrell tract, and being also the north line of said Riddell tract and the north line of Lot 90, Block A of Stablewood at Slaughter Creek, Section Four, a subdivision recorded in Document No. 200100108 of the Official Public Records of Travis County, Texas, the following five (5) courses and distances, numbered 1 through 5,

1. N50°15'10"W, a distance of 414.22 feet to a point,
2. N39°04'05"W, a distance of 591.67 feet to a point,
3. N55°37'35"W, a distance of 123.30 feet to a point,
4. N61°51'30"W, a distance of 141.00 feet to a point, and

5. N84°10'34"W, a distance of 132.76 feet to a point at the southeast corner of that certain tract of land described in a deed to the City of Austin, recorded in Volume 10795, Page 535 of the Real Property Records of Travis County, Texas, for the southwest corner of the herein described tract,

THENCE, departing the approximate centerline of said Slaughter Creek, with the west line of said Harrell tract, being also the east line of said City of Austin tract and the east and north lines of that certain tract of land described as Tract 1 in a deed to the City of Austin, recorded in Volume 11427, Page 1721 of the Real Property Records of Travis County, Texas, the following fifteen (15) courses and distances, numbered 1 through 15,

1. N02°45'08"W, a distance of 1081.36 feet to an iron pipe found,
2. N02°01'28"W, a distance of 447.10 feet to an iron pipe found,
3. N02°29'07"W, a distance of 207.22 feet to an iron rod set,
4. N02°20'32"W, a distance of 238.83 feet to an iron pipe found,
5. N03°42'05"W, a distance of 241.53 feet to an iron pipe found,
6. N03°40'57"W, a distance of 54.65 feet to a point in the approximate centerline of Nichols Creek,
7. continuing with the approximate centerline of said Nichols Creek, S89°46'22"E, a distance of 23.13 feet to a point,
8. S88°04'18"E, a distance of 113.75 feet to a point,
9. N77°43'09"E, a distance of 153.89 feet to a point,
10. N52°04'12"E, a distance of 35.20 feet to a point,
11. N20°11'05"E, a distance of 56.81 feet to a point,
12. N45°43'57"E, a distance of 60.37 feet to a point,
13. N20°00'39"E, a distance of 90.83 feet to a point,
14. N07°15'25"E, a distance of 93.81 feet to a point, and
15. N58°16'12"E, a distance of 89.82 feet to a point at the most easterly corner of said City of Austin tract recorded in Volume 11427, Page 1721, being also the southwest corner of that certain tract of land described as Tract 2 in a deed to the City of Austin, recorded in Volume 11532, Page 2222 of the Real Property Records of Travis County, Texas,

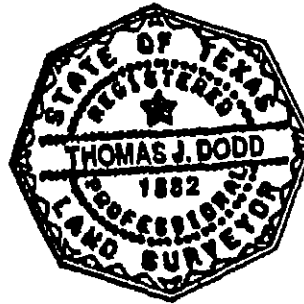
THENCE, with the south and east lines of said City of Austin tract recorded in Volume 11532, Page 2222, being also the north line of said Harrell tract, the following six (6) courses and distances, numbered 1 through 6,

1. N75°09'35"E, a distance of 97.98 feet to a point,
2. S66°22'48"E, a distance of 96.48 feet to a point,
3. S54°54'14"E, a distance of 69.25 feet to a point,
4. S41°32'33"E, a distance of 95.42 feet to a point,
5. N16°55'46"E, a distance of 588.26 feet to a 60d nail found, and
6. N17°33'10"E, a distance of 7.66 feet to a point at the southeast corner of said City of Austin tract recorded in Volume 11532, Page 2203, for the most northerly corner of the herein described tract,

**THENCE, with the north line of said Harrell tract, S65°10'36"E, a distance of 414.94 feet to
POINT OF BEGINNING and containing 99.154 acres of land.**

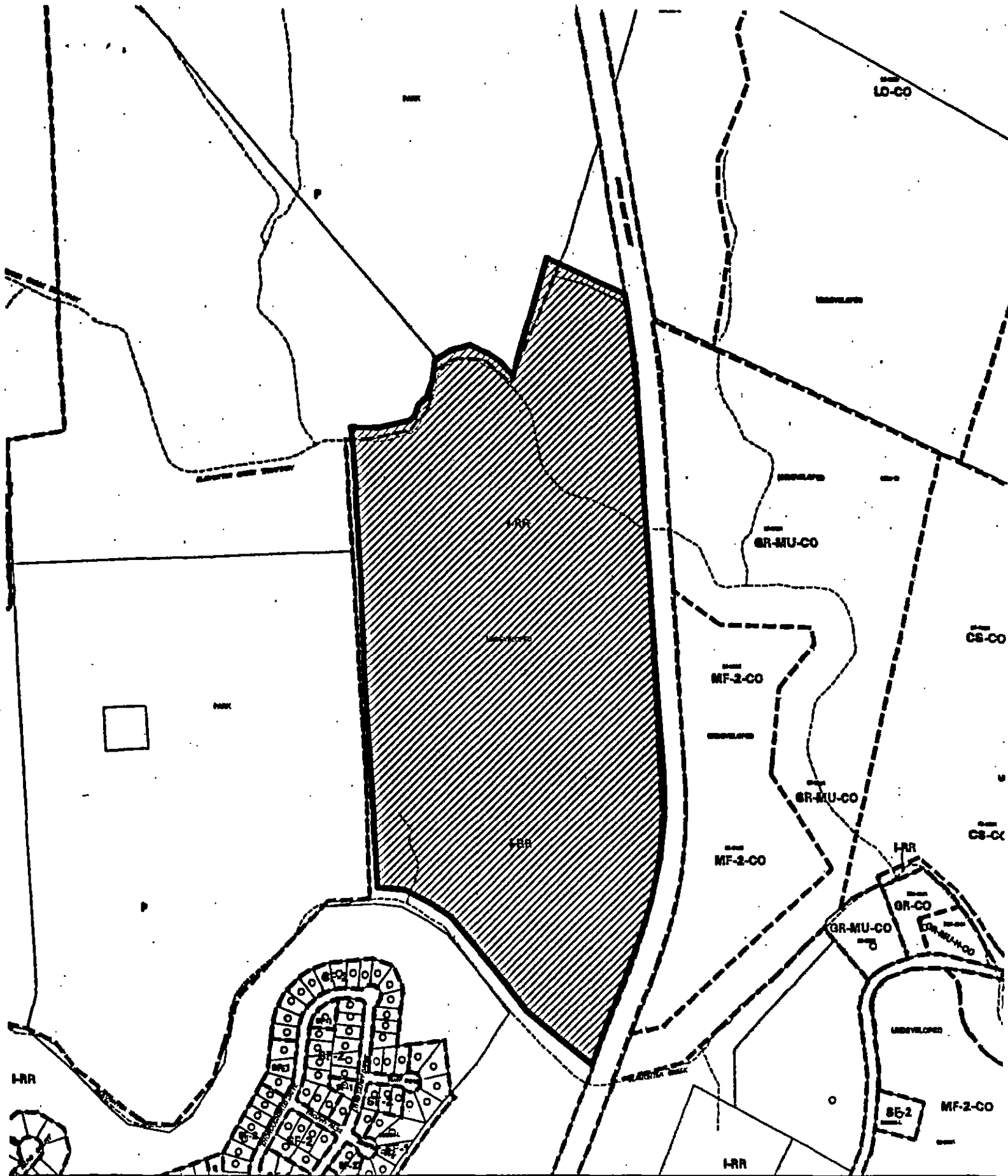
Surveyed by:

Thomas J. Dodd ~ R.F.L.S. No. 1882
Carlson, Brigance & Doering, Inc.
3401 Slaughter Lane West
Austin, TX 78748 (512) 280-5160



G:\Mocs\4041\m-title.doc

Bearing basis is from alignment of South 1st Street



SUBJECT TRACT
 PENDING CASE
 ZONING BOUNDARY
 CASE MGR: W. WALSH

CASE #: C14-05-0014
 ADDRESS: 9900 S FIRST ST
 SUBJECT AREA (acres): 99.154

ZONING EXHIBIT B

DATE: 05-03
 INTLS: SM

CITY GRID
 REFERENCE
 NUMBER
 F12-13

RESTRICTIVE COVENANT

OWNER: Edwin Tabb Harrell

ADDRESS: P.O. Box 2184, Manchaca, Texas 78652

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 99.154 acres tract of land, more or less, out of the Stephen F. Slaughter Survey No. 1, Travis County, Texas, the tract being more particularly described by metes and bounds in Exhibit "A" attached 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 Robert J. Halls and Associates, dated March 2005, 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 March 28, 2005. 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 _____, 2005.

OWNER:

Edwin Tabb Harrell

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 _____, 2005 by Edwin Tabb Harrell.

Notary Public, State of Texas

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

C14-05-0014
SF-2 zoning

EXHIBIT A
FIELD NOTES

BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE STEPHEN F. SLAUGHTER SURVEY NO. 1, ABSTRACT 20, SITUATED IN TRAVIS COUNTY, TEXAS, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS BEING OUT OF AND A PART OF THAT CERTAIN TRACT OF LAND CONVEYED BY WARRANTY DEED TO EDWIN TABB HARRELL, RECORDED IN DOCUMENT NO. 2003177350 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID TRACT BEING 99.154 ACRES OF LAND MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at an iron rod set in the west right-of-way line of South 1st Street, a 120-foot wide right-of-way dedicated to the public and recorded in Document No. 1999143398 of the Official Public Records of Travis County, Texas, being also the southeast corner of that certain tract of land described as Tract 6 in a deed to the City of Austin, recorded in Volume 11532, Page 2203 of the Real Property Records of Travis County, Texas, for the northeast corner and the **POINT OF BEGINNING** of the herein described 99.154 acre tract of land,

THENCE, with the west right-of-way line of said South 1st Street, being also the east line of the herein described tract, the following five (5) courses and distances, numbered 1 through 5,

1. S09°16'50"E, a distance of 81.10 feet to an iron rod found at a point of curvature to the right,
2. with said curve to the right having a radius of 3832.91 feet, an arc length of 393.49 feet and whose chord bears, S06°20'23"E, a distance of 393.32 feet to an iron rod set at the point of tangency,
3. S03°23'55"E, a distance of 1895.47 feet to an iron rod set at a point of curvature to the right,
4. with said curve to the right having a radius of 1940.00 feet, an arc length of 837.40 feet and whose chord bears, S08°58'02"W, a distance of 830.91 feet to the point of tangency, and
5. S21°19'59"W, a distance of 644.95 feet to a point in the approximate centerline of Slaughter Creek, being at the northeast corner of that certain tract of land described in a deed to the Riddell Family Limited Partnership, recorded in Volume 12246, Page 585 of the Real Property Records of Travis County, Texas, for the southeast corner of the herein described tract,

THENCE, departing the west right-of-way line of said South 1st Street, with the approximate centerline of said Slaughter Creek, being also the south line of said Harrell tract, and being also the north line of said Riddell tract and the north line of Lot 90, Block A of Stablewood at Slaughter Creek, Section Four, a subdivision recorded in Document No. 200100108 of the Official Public Records of Travis County, Texas, the following five (5) courses and distances, numbered 1 through 5,

1. N50°15'10"W, a distance of 414.22 feet to a point,
2. N39°04'05"W, a distance of 591.67 feet to a point,
3. N55°37'35"W, a distance of 123.30 feet to a point,
4. N61°51'30"W, a distance of 141.00 feet to a point, and

5. N84°10'34"W, a distance of 132.76 feet to a point at the southeast corner of that certain tract of land described in a deed to the City of Austin, recorded in Volume 10795, Page 535 of the Real Property Records of Travis County, Texas, for the southwest corner of the herein described tract,

THENCE, departing the approximate centerline of said Slaughter Creek, with the west line of said Harrell tract, being also the east line of said City of Austin tract and the east and north lines of that certain tract of land described as Tract 1 in a deed to the City of Austin, recorded in Volume 11427, Page 1721 of the Real Property Records of Travis County, Texas, the following fifteen (15) courses and distances, numbered 1 through 15,

1. N02°45'08"W, a distance of 1081.36 feet to an iron pipe found,
2. N02°01'28"W, a distance of 447.10 feet to an iron pipe found,
3. N02°29'07"W, a distance of 207.22 feet to an iron rod set,
4. N02°20'32"W, a distance of 238.83 feet to an iron pipe found,
5. N03°42'05"W, a distance of 241.53 feet to an iron pipe found,
6. N03°40'57"W, a distance of 54.65 feet to a point in the approximate centerline of Nichols Creek,
7. continuing with the approximate centerline of said Nichols Creek, S89°46'22"E, a distance of 23.13 feet to a point,
8. S88°04'18"E, a distance of 113.75 feet to a point,
9. N77°43'09"E, a distance of 153.89 feet to a point,
10. N52°04'12"E, a distance of 35.20 feet to a point,
11. N20°11'05"E, a distance of 56.81 feet to a point,
12. N45°43'57"E, a distance of 60.37 feet to a point,
13. N20°00'39"E, a distance of 90.83 feet to a point,
14. N07°15'25"E, a distance of 93.81 feet to a point, and
15. N58°16'12"E, a distance of 89.82 feet to a point at the most easterly corner of said City of Austin tract recorded in Volume 11427, Page 1721, being also the southwest corner of that certain tract of land described as Tract 2 in a deed to the City of Austin, recorded in Volume 11532, Page 2222 of the Real Property Records of Travis County, Texas,

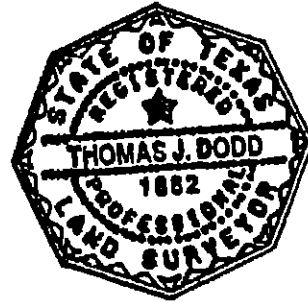
THENCE, with the south and east lines of said City of Austin tract recorded in Volume 11532, Page 2222, being also the north line of said Harrell tract, the following six (6) courses and distances, numbered 1 through 6,

1. N75°09'35"E, a distance of 97.98 feet to a point,
2. S66°22'48"E, a distance of 96.48 feet to a point,
3. S54°54'14"E, a distance of 69.25 feet to a point,
4. S41°32'33"E, a distance of 95.42 feet to a point,
5. N16°55'46"E, a distance of 588.26 feet to a 60d nail found, and
6. N17°33'10"E, a distance of 7.66 feet to a point at the southeast corner of said City of Austin tract recorded in Volume 11532, Page 2203, for the most northerly corner of the herein described tract,

**THENCE, with the north line of said Harrell tract, S65°10'36"E, a distance of 414.94 feet to
POINT OF BEGINNING and containing 99.154 acres of land.**

Surveyed by:

Thomas J. Dodd - R.F.L.S. No. 1882
Carlson, Brigrance & Doering, Inc.
3401 Slaughter Lane West
Austin, TX 78748 (512) 280-5160



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Bearing basis is from alignment of South 1st Street