



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

**AGENDA ITEM NO.: Z-7**  
**AGENDA DATE: Thu 04/01/2004**  
**PAGE: 1 of 1**

**SUBJECT:** C14-03-0149 - Carmel Valley - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 12000 Block of Dessau Road (Walnut Creek Watershed) from multi-family residence medium density-conditional overlay (MF-3-CO) combining district zoning to multi-family residence medium density (MF-3) district zoning. Zoning and Platting Commission Recommendation: To grant multi-family residence medium density (MF-3) district zoning with conditions. Applicant: Wayne Harwell Properties, inc. (Wayne Harwell). Agent: Urban Design Group (Ruth Belmarez). City Staff: Sherri Gager, 974-3057.

**REQUESTING** Neighborhood Planning  
**DEPARTMENT:** and Zoning

**DIRECTOR'S**  
**AUTHORIZATION:** Greg Guernsey

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-03-0149

**Z.A.P. DATE:** February 3, 2004

**ADDRESS:** 12000 Block of Dessau Road

**OWNER/APPLICANT:** Wayne Harwell Properties, Inc. (Wayne Harwell)

**AGENT:** Urban Design Group (Ruth Belmarez)

**ZONING FROM:** MF-3-CO    **TO:** MF-3

**AREA:** 19.638 acres

### **SUMMARY STAFF RECOMMENDATION:**

The staff alternate recommendation is for MF-3, Multi-Family Residence-Medium Density district, zoning. The site would be subject to the following conditions:

Limit the site development to uses and intensities that will not exceed or vary from the projected traffic conditions assumed in the final TIA (WHM Transportation Engineering Consultants, Inc.-September 29, 2003).

### **ZONING AND PLATTING COMMISSION:**

2/3/04: Approved staff's recommendation of MF-3 zoning, by consent (9-0); J. Martinez-1<sup>st</sup>, J. Gohil-2<sup>nd</sup>.

### **DEPARTMENT COMMENTS:**

The property in question is currently undeveloped. The applicant is planning to construct 348 multi-family/apartments on this site. He is requesting to rezone the property to remove a conditional overlay that limits this tract of land to 1,675 vehicle trips per day (Tract 2 in Ordinance No. 000309-76 for Case C14-99-0066- Attachment A). The staff is recommending the proposed rezoning of the property from MF-3-CO to MF-3 with the conditions designated by the Transportation Impact Analysis for this site (TIA Memorandum-Attachment B). The TIA analysis shows an increase of approximately 525 vehicle trips per day for the proposed development (2,200 total average daily trips).

The applicant agrees with staff's recommendation.

### **EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	MF-3-CO	Undeveloped
<i>North</i>	MF-3-CO	Undeveloped, Church
<i>South</i>	PUD	Undeveloped (Single-Family Residential Subdivision)
<i>East</i>	I-MF-3	Single-Family Residence/Farm
<i>West</i>	DR, SF-2	Undeveloped, Drainage Easement/City Greenbelt, Single-Family Residential Homes

**AREA STUDY:** N/A

**TIA:** Yes

**WATERSHED:** Walnut Creek

**DESIRED DEVELOPMENT ZONE:**

**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.

**SCHOOLS:**

Copperfield Elementary School  
Pflugerville Middle School  
Dobie Middle School  
Lanier High School

**CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>CITY COUNCIL</b>
C14-00-2241	GR-CO to GR-CO	1/9/01: Approved staff rec. of GR-CO w/conditions (8-0): 1) 2,000 vehicle trip limit per day 2) Prohibited Uses: Automotive Rentals; Automotive Repair Services; Automotive Sales; General Retail Sales (General); Hotel-Motel; Indoor Entertainment; Indoor Sports and Recreation; Outdoor Entertainment; Outdoor Sports & Recreation; Pawn Shop Services; Drop-off Recycling Collection Facility; Research Services; Theater; Hospital Services (General); Restaurant (General); Business or Trade School; Business Support Services; Commercial Off-street Parking; Personal Improvement Services; Exterminating Services; Funeral Services; Communications Services;	2/8/01: Approved GR-CO w/conditions (6-0); all 3 readings

		Restaurant (Drive-in, Fast food); General Retail Sales (Convenience)	
C14-00-2097	DR to GR	Approved staff rec. of GR-CO by consent (8-0); 1) 2,000 vehicle trip limit per day	8/24/00: Approved GR-CO w/ conditions (7-0); 1 <sup>st</sup> reading 10/5/00: Approved 2 <sup>nd</sup> /3 <sup>rd</sup> readings
C14-99-2028	DR to GR	9/21/99: Approved staff rec. of GR-CO w/conditions: Restaurant (General) as only permitted 'GR' use & the range of 'LR' uses permitted in the 'GR' district; (7-0-1, RC-abstained)  11/9/99: Leave previous motion of GR-CO in place (8-0); Prohibiting Restaurant (Drive-in, Fast Food)	12/2/99: Approved PC rec. of GR-CO w/conditions; but allow all restaurant types, including Restaurant (Drive-in, Fast Food); (5-1, GG-Nay, WL-absent); 1 <sup>st</sup> reading  12/16/99: Approved 2 <sup>nd</sup> /3 <sup>rd</sup> readings (7-0)
C14-99-0088	DR to SF-3	6/29/99: Approved staff rec. of SF-3 by consent (8-0)	8/19/99: Approved PC rec. of SF-3 (7-0); 1 <sup>st</sup> reading  9/9/99: Approved 2 <sup>nd</sup> /3 <sup>rd</sup> readings
C14-99-0066	DR, SF-2 to LO, MF-3	9/28/99: Approved staff rec. of MF-3-CO, RR for floodplain, and no density limit (5-0, BB/SA/BH/GW-absent): 1) 325 vehicle trips per day limit for Tract 1; 2) 1,675 vehicle trips per day limit for Tract 2	10/28/99: Approved MF-3-CO and RR for floodplain area; (5-0, WL/JG-absent); 1 <sup>st</sup> reading  3/2/00: Approved MF-3-CO (5-0); 2 <sup>nd</sup> reading  3/9/00: Approved 3 <sup>rd</sup> reading (7-0)
C14-96-0055	SF-2 to NO	6/25/96: Approved NO (7-0)	6/27/96: Approved PC rec. of NO (7-0) 8/8/96: Approved NO (7-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings
C14-94-0093	TR1: DR to LO TR2: DR to SF-2	7/26/94: Approved LO-CO & SF-2-CO by consent (6-0)	9/1/94: Approved LO-CO (TR1) & SF-2-CO (TR2); (6-0); 1 <sup>st</sup> reading 12/1/94: Approved LO-CO (TR1) & SF-2-CO (TR2); (7-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings
C14-90-0069	SF-2 to NO	12/11/90: Approved NO, subject to conditions (8-0)	1/10/91: Approved NO w/variance from ROW dedication approved (5-1); 1 <sup>st</sup> reading

**RELATED CASES:** C14-99-0066 (previous zoning case)

**ABUTTING STREETS:**

NAME	ROW	PAVMENT	CLASSIFICATION	DAILY TRAFFIC
Dessau Road	120'	2@30'	Major Arterial	17,330 vpd

**CITY COUNCIL DATE:** March 4, 2004

**ACTION:** Postponed to April 1, 2004 at  
Neighborhood's 1<sup>st</sup> Request (6-0, McCracken-  
absent)

April 1, 2004

**ACTION:**

**ORDINANCE READINGS:** 1<sup>st</sup>

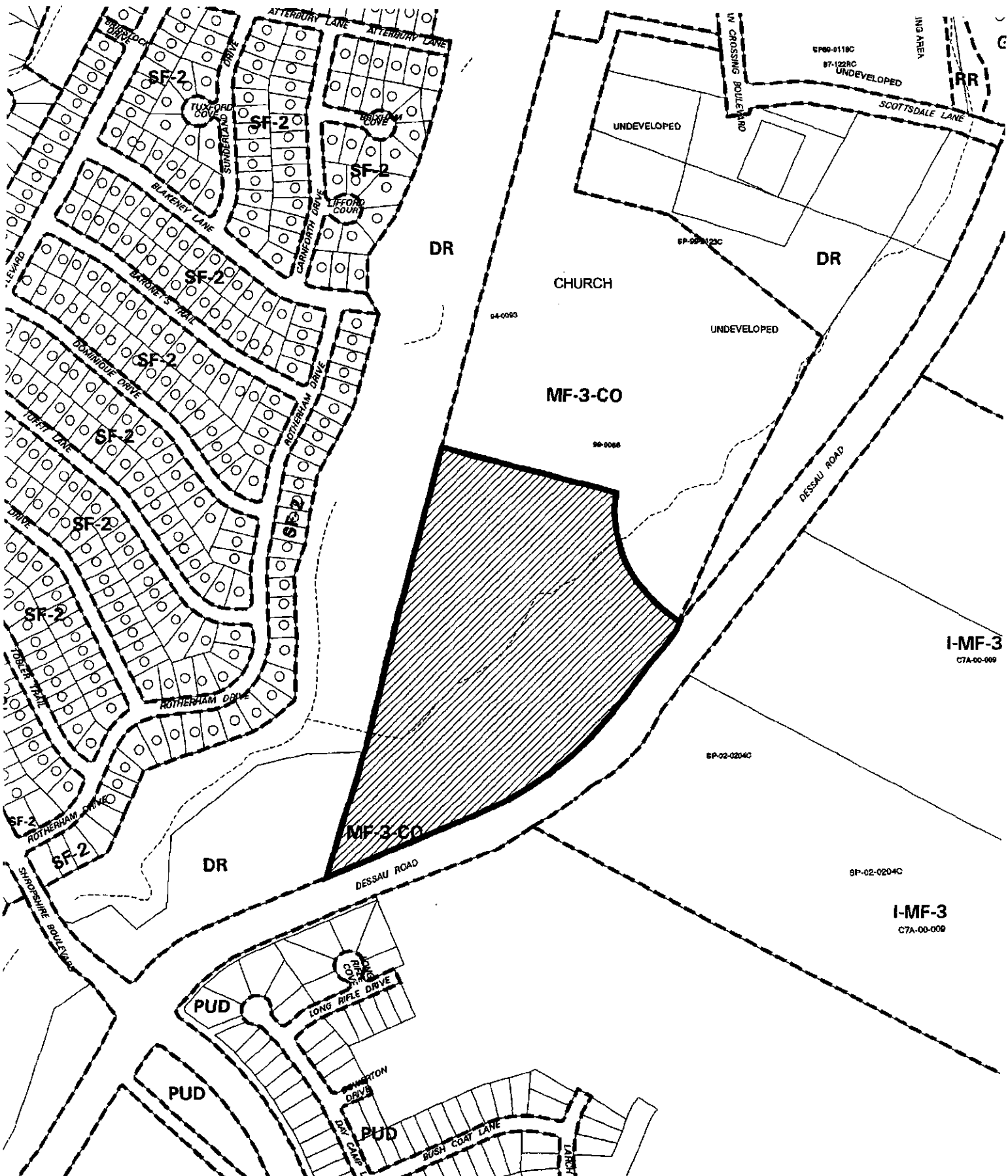
2<sup>nd</sup>

3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Sherri Gager

**PHONE:** 974-3057,  
[sherri.gager@ci.austin.tx.us](mailto:sherri.gager@ci.austin.tx.us)



	<p>SUBJECT TRACT </p> <p>PENDING CASE </p> <p>ZONING BOUNDARY </p> <p>CASE MGR: S. GAGER</p>	<p><b>ZONING</b></p> <p>CASE #: C14-03-0149</p> <p>ADDRESS: 12000 BLK DESSAU RD</p> <p>SUBJECT AREA (acres): 19.638</p> <p>DATE: 03-10</p> <p>INTLS: SM</p>	<p><b>CITY GRID</b></p> <p>REFERENCE NUMBER</p> <p>N31-32</p>
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## **STAFF RECOMMENDATION**

The staff alternate recommendation is for MF-3, Multi-Family Residence-Medium Density district, zoning. The site would be subject to the following conditions:

Limit the site development to uses and intensities that will not exceed or vary from the projected traffic conditions assumed in the final TIA (WHM Transportation Engineering Consultants, Inc.-September 29, 2003).

## **BACKGROUND**

The property in question is currently undeveloped. The applicant is planning to construct 348 multi-family/apartments on this site. He is requesting to rezone the property to remove a conditional overlay that limits this tract of land to 1,675 vehicle trips per day (Tract 2 in Ordinance No. 000309-76 for Case C14-99-0066- Attachment A). The staff is recommending the proposed rezoning of the property from MF-3-CO to MF-3 with the conditions designated by the Transportation Impact Analysis for this site (TIA Memorandum-Attachment B). The TIA analysis shows an increase of approximately 525 vehicle trips per day for the proposed development (2,200 total average daily trips).

The applicant agrees with staff's recommendation.

## **BASIS FOR RECOMMENDATION**

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

The MF-3 zoning district is intended for multifamily use with a maximum density for up to 36 units per acre, depending on unit size. The district may be applied in an area located near supporting transportation and commercial facilities in a centrally located area or in an area which medium density multi-family is desired.

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

MF-3 zoning would be appropriate for this location because it would provide a transition from more intensive residential uses along Dessau Road, an arterial roadway, to the single-family residential uses to the west. The drainage easement/city greenbelt located to the west of the site will provide a buffer from the subject tract to the single-family residential development.

3. *Intensive multi-family zoning should be located on major arterials and highways.*

The property in question is located on and will take access to Dessau Road, an arterial roadway. Dessau Road intersects with Parmer Lane, another major arterial roadway, to the north of this site.

4. *Zoning should allow for reasonable use of the property.*

The MF-3 zoning district would allow for a fair and reasonable use of the property. MF-3 zoning would allow for additional residential development closer to the Samsung manufacturing plant, which is about 1.3 miles away from the proposed site.



## **EXISTING CONDITIONS**

### **Site Characteristics**

The subject tract is undeveloped and sparsely vegetated. Between the SF-2 zoned residential development to the west and the subject property there is a drainage easement or city greenbelt. The undeveloped tract of land to the east of the site, across Dessau Road, is in the county's jurisdiction and is not subject to City of Austin land use controls. The property to the north of this site is developed with a church.

### **Hill Country Roadway**

The site is not within a Hill Country Roadway Corridor.

### **Impervious Cover**

The maximum impervious cover allowed by the MF-3 zoning district would be 65 %. However, because the watershed impervious cover is more restrictive than the zoning district's allowable impervious cover, the impervious cover is limited by the watershed regulations.

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 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 flood plain in, or within close proximity of, the project location.

The site is not located within the endangered species survey.

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.

### **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 will be provided in a separate memo (Attachment B).

### **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 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 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**

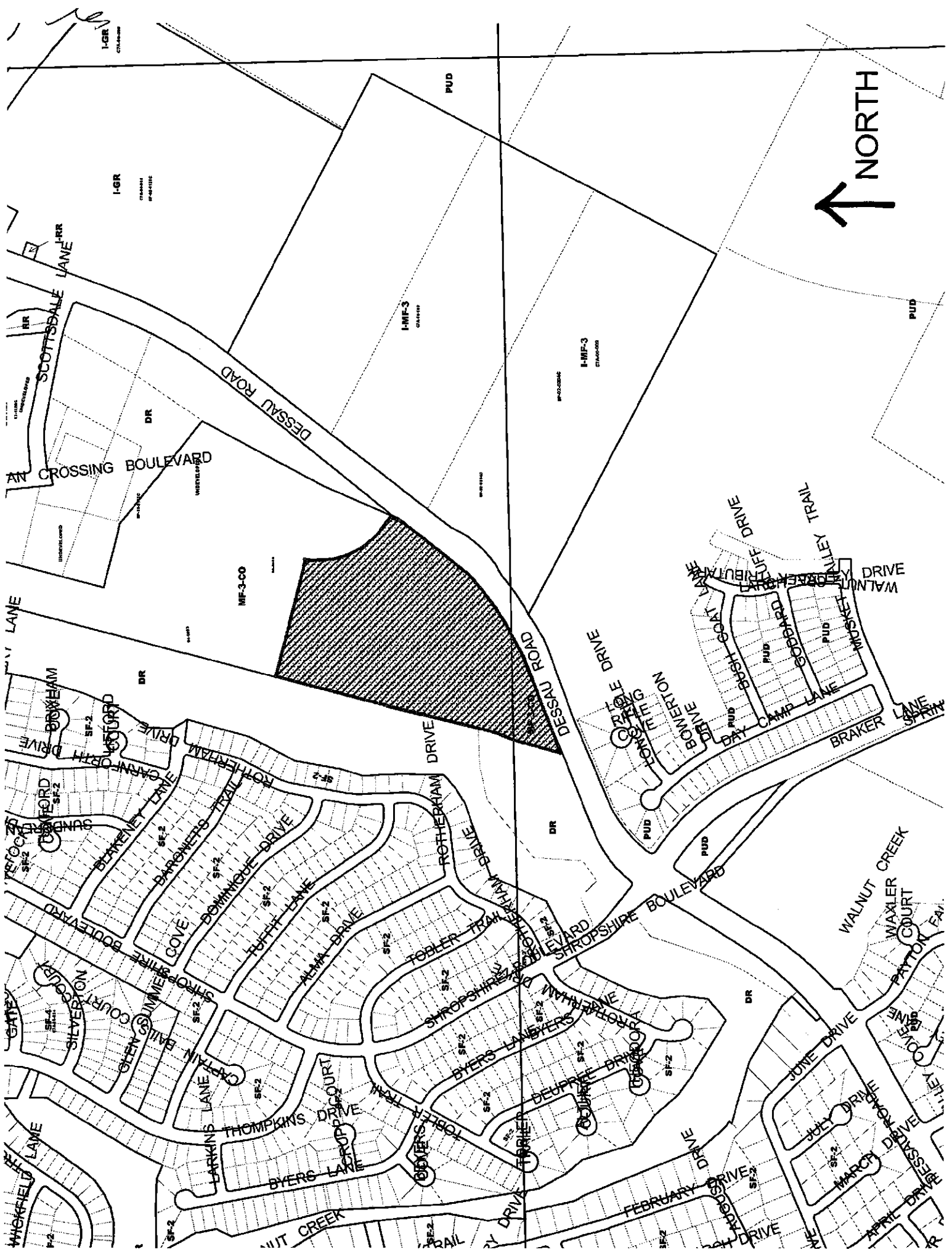
At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program, if available.

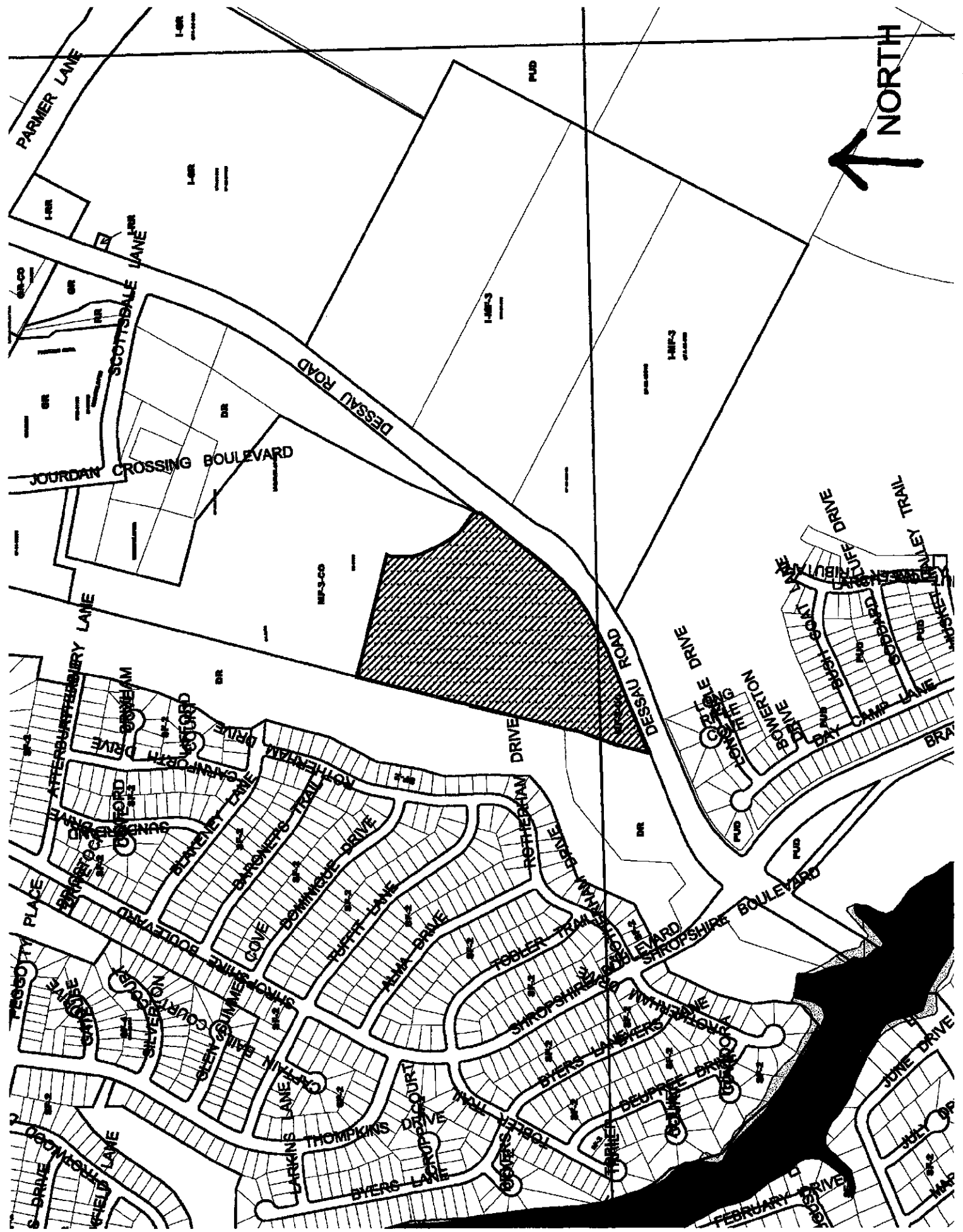
### **Compatibility Standards**

The site is subject to compatibility standards along the western and portions of the southern property line do to the presence of existing single-family development within 540-feet of the subject tract. Along those property lines, the following regulations will apply:

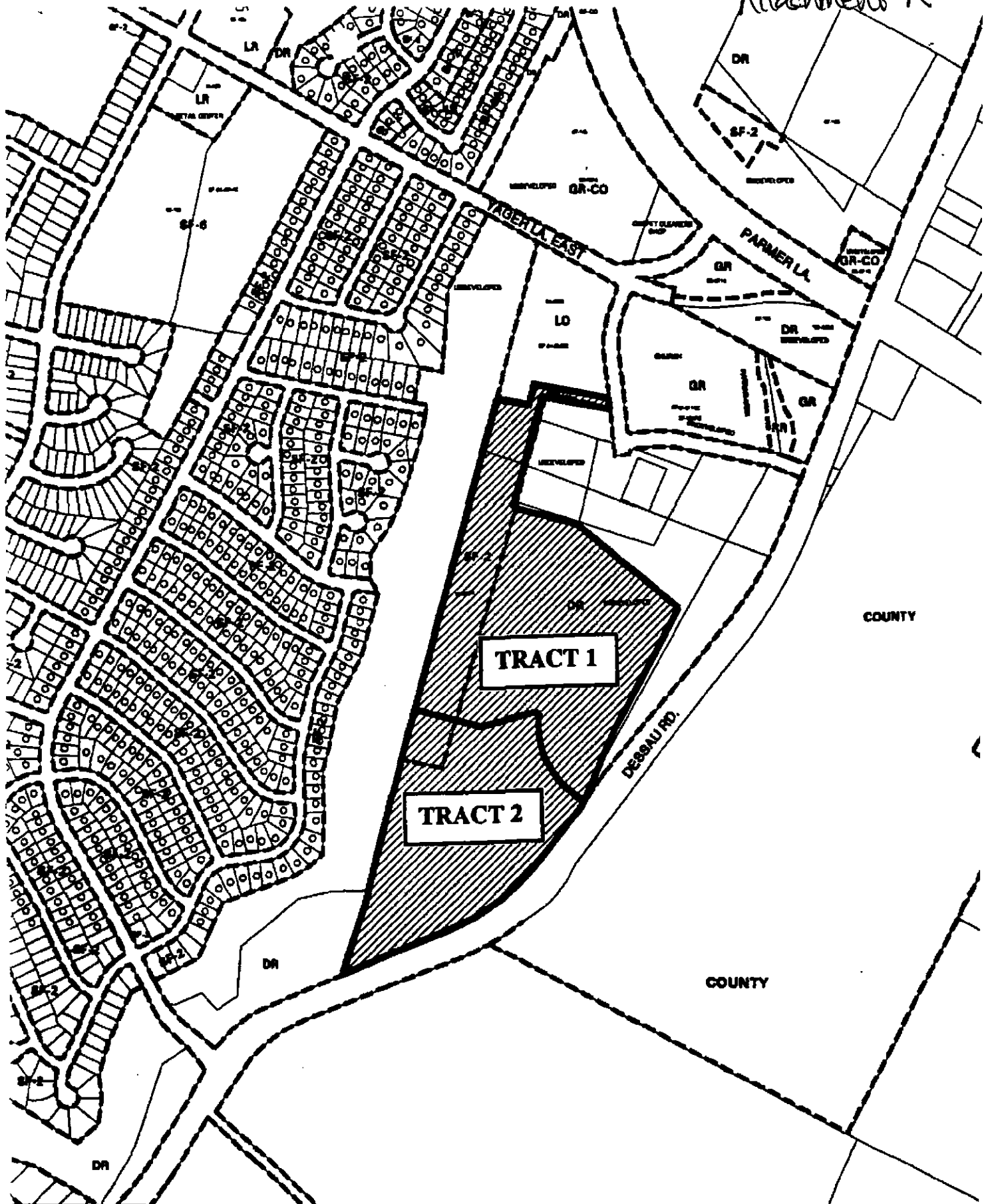
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the single-family property.
- For a structure more than 100 feet but not more than 300 feet from the property line, a structure may attain a height of 40 feet plus one foot for each 10 feet if distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
- For a structure more than 300 feet but not more than 540 feet from the property line, a structure may attain a height of 60 feet plus one foot for each four feet if distance in excess of 300 feet from the property zoned SF-5 or more restrictive.
- A fence, berm or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

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





Attachment A



	SUBJECT TRACT		<b>ZONING EXHIBIT C</b>	<b>CITY GRI REFERENCE NUMBER</b> N32
	PENDING CASE	.....		
	ZONING BOUNDARY	-----		
	CASE MGR: C. PATTERSON			
<b>CASE #: C14-99-0066</b> <b>ADDRESS: DESSAU RD. &amp; E. YAGER</b>			<b>DATE: 99-09</b>	

**ORDINANCE NO. 000309-76**

**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 25-2 OF THE CITY CODE AS FOLLOWS:**

**A 45.020 ACRE TRACT OF LAND CONSISTING OF TWO PARCELS OUT OF THE THOMAS H. MAYS SURVEY NO. 84 AND THE SAMUEL CUSHING SURVEY FROM DEVELOPMENT RESERVE (DR) DISTRICT AND SINGLE FAMILY RESIDENCE STANDARD LOT (SF-2) DISTRICT TO MULTI-FAMILY RESIDENCE MEDIUM DENSITY-CONDITIONAL OVERLAY (MF-3-CO) COMBINING DISTRICT, LOCALLY KNOWN AS THE PROPERTY LOCATED ALONG THE WEST SIDE OF DESSAU ROAD, SOUTH OF YAGER LANE EAST, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS.**

**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 Development Reserve (DR) district and Single Family Residence Standard Lot (SF-2) district to Multi-Family Residence Medium Density-Conditional Overlay (MF-3-CO) combining district on the property described in File C14-99-0066, as follows:

Tract 1: A 25.382 acre tract of land out of the Thomas H. Mays Survey No. 84 and the Samuel Cushing Survey in Travis County, Texas, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance;

Tract 2: A 19.638 acre tract of land out of the Thomas H. Mays Survey No. 84 and the Samuel Cushing Survey in Travis County, Texas, the tract of land being more particularly described by metes and bounds in Exhibit "B" incorporated into this ordinance, (the "Property")

locally known as the property located along the west side of Dessau Road, south of Yager Lane East, in the City of Austin, Travis County, Texas, and as more particularly identified in the map attached as Exhibit "C".

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

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 use, generates traffic that exceeds 325 trips per day for Tract 1 and 1,675 trips per day for Tract 2.

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the Multi-Family Residence Medium Density (MF-3) base district and other applicable requirements of the City Code.


**PART 3.** The Council waives the requirements of Section 2-2-3, 2-2-5, and 2-2-7 of the City Code for this ordinance.

**PART 4.** This ordinance takes effect on March 20, 2000.

**PASSED AND APPROVED**

March 9, 2000

§  
§  
§



Kirk Watson  
Mayor

APPROVED:



Andrew Martin  
City Attorney

ATTEST:



Shirley A. Brown  
City Clerk





Attachment B

**Date:** January 29, 2004  
**To:** Sherri Gager, Case Manager  
**CC:** Members of the Zoning and Platting Commission  
Lynn Ann Carley, P.E. WHM Transportation Engineering  
Carol Kaml, COA Fiscal Officer  
**Reference:** Carmel Valley TIA, C14-03-0148

The Transportation Review Section has reviewed the Traffic Impact Analysis Addendum for Carmel Valley, dated September 2003, and offers the following comments:

**TRIP GENERATION**

Carmel Valley is a 19.638-acre development located in north Austin on Dessau Road just south of the intersection of Dessau Road and Parmer Lane. The TIA for the project was prepared by Lynn Ann Carley, P.E., WHM Transportation Engineering in September of 2003.

The proposed development consists of the following land uses:

- 348du of Multi-Family

The property is currently undeveloped and zoned Multi-Family Residence with a Condition Overlay (MF-3-CO). The applicant has requested a zoning change to Multi-Family Residence (MF-3). The estimated completion of the project is expected in the year 2005.

Based on the standard trip generation rates established by the Institute of Transportation Engineers (ITE), the development will generate approximately 2,220 unadjusted average daily trips (ADT).

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

Table 1. Trip Generation						
			AM Peak		PM Peak	
LAND USE	Size SF	ADT	Enter	Exit	Enter	Exit
Multi Family	348	2,220	28	148	139	68

**ASSUMPTIONS**

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

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

2. In addition to these growth rates, background traffic volumes for 2002 included estimated traffic volumes for the following projects:

Wendy's	C14-00-2097
Exxon	C14-00-2241
Yager Lane	C14-01-0051

Parmer and Dessau Section One	C8-95-0217.0A
Parmer and Dessau Section Two	C8-95-0218.0A
Pioneer Crossing	C814-96-0003
1625 E. Parmer Lane	SP-00-2330C
Vistoria Glen Condos	SP-01-0229C
Jack in the Box	SP-01-0294D
High Point Fellowship	SP-01-0298C
Bristol Park	SP-01-0433C
Amli at Parmer Park	SP-02-0204C
Samsung Fab Expansion	SP-02-0319C
Parmer Park	SP-03-0125C

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

### **EXISTING AND PLANNED ROADWAYS**

**Parmer Lane** – This roadway is classified as a four lane divided major arterial within the vicinity of the project. The traffic volume for Parmer Lane was approximately 16,500 vehicles per day (vpd) east of IH-35 in 2000.

**Dessau Road** – This roadway is classified as a major arterial and serves as the eastern boundary to the site. The 2000 traffic volume for Dessau south of Sprinkle Cut-Off in 1997 was 17,330vpd.

**Shropshire Boulevard/East Braker Lane** – This roadway has just been upgraded and is classified as a major arterial east of Dessau Road.

**Sprinkle Cutoff Road** – This roadway is classified as a 2 lane collector roadway. This roadway will not intersect with Dessau Road after the completion of the extension of Braker Lane

### **TRAFFIC ANALYSIS**

The impact of site development traffic on the existing area roadways was analyzed. Two time periods and travel conditions were evaluated:

- 2003 Existing Conditions
- 2005 Build-Out Conditions

### **INTERSECTION LEVEL OF SERVICE (LOS)**

The TIA analyzed 8 intersections, 2 of which are signalized. Existing and projected levels of service are as follows, assuming that all improvements recommended in the TIA are built:

<b>Table 4. Level of Service</b>				
<b>Intersection</b>	<b>2003</b>		<b>2005</b>	
	<b>AM</b>	<b>PM</b>	<b>AM</b>	<b>PM</b>
Parmer Lane and Dessau Road*	F	F	D	D
Dessau Road and Shropshire/E Braker Lane*	A	A	B	B
Dessau Road and Sprinkle Cutoff Road	A	A		
Dessau Road and Private Road	A	A	F	D
Dessau Road and Driveway A			F	F

Dessau Road and Driveway B		A	A
Driveway C and Private Road		A	A
Driveway D and Private Road		A	A

\* = SIGNALIZED

## **RECOMMENDATIONS**

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

<b>Intersection</b>	<b>Improvements</b>	<b>Total Cost</b>	<b>Pro Rata Share %</b>	<b>Pro Rata Share \$</b>
Dessau Road and Shropshire Boulevard/E. Braker Lane	SB Left Turn Bay and install WB signal approach to intersection	\$11,229	2.2%	\$249
Dessau Road and Parmer Lane	NB Left turn bay, Right turn bay SB Through Lane EB Through Lane WB Through Lane	\$200,422	2.0%	\$4,008
<b>Total</b>				<b>\$4,257</b>

- 2) At the time of site plan sight distance calculations will be reviewed for Driveway A. The final location and possible re-analysis of Driveway A may be required at that time.
- 3) The Texas Department of Transportation has approved this TIA.
- 4) For information: Three copies of the final version of the TIA incorporating all corrections and additions must be submitted prior to final reading of the zoning case.
- 5) Development of this property should be limited to uses and intensities assumed in the TIA. The use and intensities 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  
Transportation Review Staff  
Watershed Protection and Development Review



City of Austin, Neighborhood Planning & Zoning Department  
505 Barton Springs Road / P.O. Box 1088 / Austin, Texas 78767-8835

## NOTICE OF ZONING & PLATTING COMMISSION PUBLIC HEARING FOR A PROPOSED ZONING CHANGE

Este aviso es para informarles de una junta pública tocante a un cambio en el uso de la propiedad indicada así abajo. Si quiere una copia de este aviso en español, hable al teléfono (512) 974-2680.

Mailing Date of this Notice: January 23, 2004  
Mailing Date of First Notice: October 8, 2003

File Number: C14-03-0149

ADDRESS AND/OR LEGAL DESCRIPTION OF PROPOSED ZONING CHANGE (See Map) 12000 Block of Dessau Road

### PROPOSED ZONING CHANGE:

FROM: MF-3--Multifamily Residence (Medium Density) district is intended to accommodate multifamily use with a maximum density of up to 36 units per acre, depending on unit size. This district is appropriate for multifamily residential areas located near supporting transportation and commercial facilities, generally in more centrally located areas, and in other selected areas where medium density multiple use is desirable. CO--Conditional Overlay combining district may be applied in combination with any base district. The district is intended to provide flexible and adaptable use or site development regulations by requiring standards tailored to individual properties.

TO: MF-3--Multifamily Residence (Medium Density) district is intended to accommodate multifamily use with a maximum density of up to 36 units per acre, depending on unit size. This district is appropriate for multifamily residential areas located near supporting transportation and commercial facilities, generally in more centrally located areas, and in other selected areas where medium density multiple use is desirable.

OWNER: Wayne Harwell Properties Inc. (Wayne Harwell)

PHONE: (210) 829-7272

AGENT: Urban Design Group (Ruth Belmarez)

PHONE: (512) 347-0040

ZONING & PLATTING COMMISSION HEARING DATE: February 3, 2004 TIME: 6:00 PM

LOCATION: 505 Barton Springs Road, One Texas Center 3<sup>rd</sup> Floor, Training Room #325, Austin

If you have any questions concerning this notice, please contact Sherri Gager at the City of Austin, Neighborhood Planning & Zoning Department, (512) 974-3057. Office hours are 7:45 a.m. to 4:45 p.m. Please be sure to refer to the File Number at the top of the page when you call. See enclosed sheet for more information on public hearings.

You may send your written comments to the Zoning & Platting Commission Assistant, Neighborhood Planning & Zoning Department, P. O. Box 1088, Austin, TX 78767-8835.

File # C14-03-0149-SG

Zoning & Platting Commission Hearing Date: February 3, 2004

Name (please print)

Wayne Harwell / Wayne Harwell Prop, Inc.

Address

P.O. Box 17065 - San Antonio, TX 78217

☒ I am in favor  
(Estoy de acuerdo)  
☐ I object  
(No estoy de acuerdo)

**ORDINANCE NO.** \_\_\_\_\_

**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 12000 BLOCK OF DESSAU ROAD FROM MULTIFAMILY RESIDENCE MEDIUM DENSITY-CONDITIONAL OVERLAY (MF-3-CO) COMBINING DISTRICT TO MULTIFAMILY RESIDENCE MEDIUM DENSITY (MF-3) 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 multifamily residence medium density-conditional overlay (MF-3-CO) combining district to multifamily residence medium density (MF-3) district on the property described in Zoning Case No.C14-03-0149, on file at the Neighborhood Planning and Zoning Department, as follows:

Lot 2, Block A, High Pointe Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Document No. 200000097 of the Official Public Records of Travis County, Texas,

locally known as the property located at the 12000 block of Dessau Road, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "A".

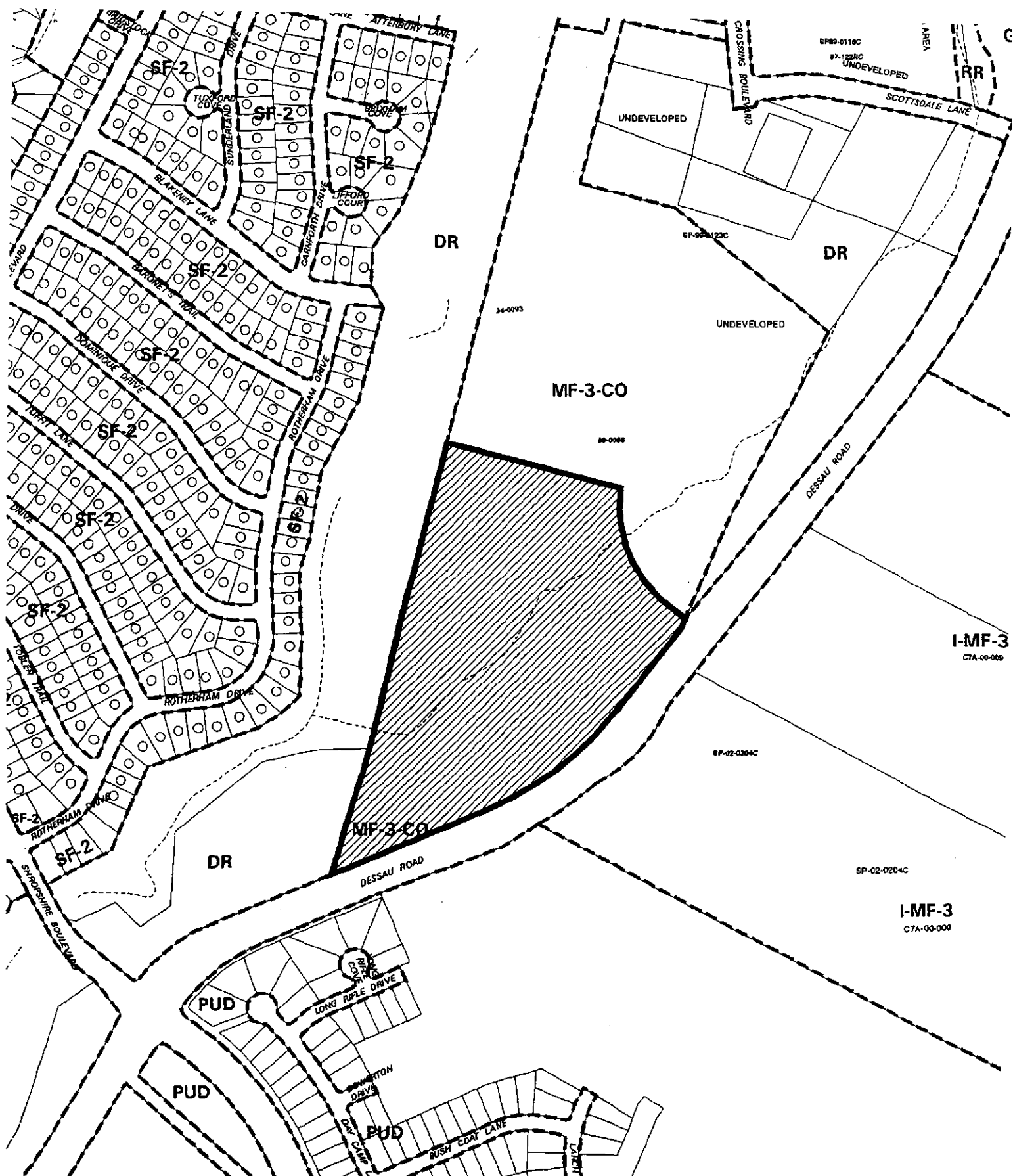
**PART 2.** This ordinance takes effect on \_\_\_\_\_, 2004.





**PASSED AND APPROVED**

§  
§  
§, 2004

Will Wynn  
Mayor

**APPROVED:** \_\_\_\_\_ **ATTEST:** \_\_\_\_\_  
David Allan Smith Shirley A. Brown  
City Attorney City Clerk



 1" = 400'	SUBJECT TRACT		<b>ZONING EXHIBIT A</b>  <b>CASE #: C14-03-0149</b> ADDRESS: 12000 BLK DESSAU RD SUBJECT AREA (acres): 19.638 DATE: 03-10 INTLS: SM	CITY GRID REFERENCE NUMBER N31-32
	PENDING CASE			
	ZONING BOUNDARY			
	CASE MGR: S. GAGER			

**RESTRICTIVE COVENANT**

OWNER: Wayne Harwell Properties, Inc., a Texas corporation

ADDRESS: 100 NE Loop 410, Suite 1220, San Antonio, TX 78216

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

PROPERTY: Lot 2, Block A, Highpointe Subdivision, a subdivision in the City of Austin, Travis County, according to the map or plat of record in Document No. 200000097, Official Public Records of Travis County, Texas.

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, generates 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 September 2003, or as amended and approved by the Director of the Watershed Protection and Development Review Department. 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 January 29, 2004. 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 \_\_\_\_\_, 2004.

**OWNER:**

Wayne Harwell Properties, Inc.  
a Texas corporation

By: \_\_\_\_\_  
N. Wayne Harwell,  
President

**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 \_\_\_\_\_, 2004, by N. Wayne Harwell, President of Wayne Harwell Properties, Inc., a Texas corporation, on behalf of the corporation.

\_\_\_\_\_  
Notary Public, State of Texas

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