

Zoning Ordinance Approval
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION

AGENDA ITEM NO.: 47
AGENDA DATE: Thu 04/22/2004
PAGE: 1 of 1

SUBJECT: C14-03-0137- Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 500 East Ben White Boulevard (Blunn Creek Watershed) from family residence (SF-3) district zoning to general commercial services-conditional overlay (CS-CO) combining district zoning for Tract 1 and limited office-conditional overlay (LO-CO) combining district zoning for Tract 2. First reading on March 4, 2004. Vote: 6-0; McCracken absent. Conditions met as follows: Conditional Overlay and Restrictive Covenant incorporates the conditions imposed or accepted by City Council at first ordinance reading. Applicant: Galaxie Corporation. Agent: Doucet & Associates (Carol M. Stewart). City Staff: Annick Beaudet, 974-2975.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guemsey

SECOND/THIRD READING SUMMARY SHEET

ZONING CASE NUMBER: C14-03-0137

REQUEST:

Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code rezoning the property locally known as 500 East Ben White Boulevard from family residence (SF-3) district zoning to general commercial services-conditional overlay (CS-CO) combining district zoning for Tract 1 and limited office-conditional overlay (LO-CO) combining district zoning for Tract 2.

DEPARTMENT COMMENTS:

The CO would limit the property to an 80% impervious cover limit, prohibit access to Alpine Road, and prohibit the following uses- bail bond services, campground, commercial off street parking, construction sales and services, drop off recycling collection facility, equipment repair services, pawn shop services, vehicle storage, transitional housing, transportation terminal, adult oriented businesses. The property will be subject to the TIA reference and recommendations provided in the Memorandum attached as Exhibit A.

OWNER/APPLICANT: Galaxie Corporation

AGENT: Doucet & Associates (Carol M. Stewart)

DATE OF FIRST READING: March 4, 2004

CITY COUNCIL ACTION: Granted CS-CO for Tract 1; LO-CO for Tract 2 on 1st readings only. Vote: 6-0; McCracken absent)

CITY COUNCIL HEARING DATE: April 15, 2004: Postponed to 4/22/04 (by applicant). Vote: 7-0.

April 22, 2004:

ASSIGNED STAFF: Annick Beaudet, 974-2975

ORDINANCE NO. _____

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 500 EAST BEN WHITE BOULEVARD FROM FAMILY RESIDENCE (SF-3) DISTRICT TO GENERAL COMMERCIAL SERVICES-CONDITIONAL OVERLAY (CS-CO) COMBINING DISTRICT FOR TRACT ONE AND LIMITED OFFICE-CONDITIONAL OVERLAY (LO-CO) COMBINING DISTRICT FOR TRACT TWO.

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 on the property described in Zoning Case No. C14-03-0137, on file at the Neighborhood Planning and Zoning Department, as follows:

Tract One: From family residence (SF-3) district to general commercial services-conditional overlay (CS-CO) combining district.

A 9.410 acre tract of land, more or less, out of the Isaac Decker League in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance, and

Tract Two: From family residence (SF-3) district to limited office-conditional overlay (LO-CO) combining district.

A 1.413 acre tract of land, more or less, out of the Isaac Decker League in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "B" incorporated into this ordinance, (the "Property")

locally known as 500 East Ben White Boulevard, in the City of Austin, Travis County, Texas, and generally 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:

1. Vehicular access from the Property to Alpine Road is prohibited. All vehicular access to the Property shall be from other adjacent public streets or through other adjacent property.

1 2. The maximum impervious coverage for Tract One is 80 percent

2
3 3. The following uses are prohibited uses of Tract One:

4 Bail bond services

5 Commercial off-street parking

6 Drop-off recycling collection facility

7 Pawn shop services

8 Transitional housing

9 Adult oriented businesses

Campground

Construction sales and services

Equipment repair services

Vehicle storage

Transportation terminal

11
12 Except as specifically restricted under this ordinance, the Property may be developed and
13 used in accordance with the regulations established for the respective base districts and
14 other applicable requirements of the City Code.

15
16 **PART 3.** This ordinance takes effect on _____, 2004.

17
18
19 **PASSED AND APPROVED**

20
21 §
22 §
23 §

24 _____, 2004

25 Will Wynn
26 Mayor

27
28 **APPROVED:** _____

29 David Allan Smith
30 City Attorney

ATTEST: _____

Shirley A. Brown
City Clerk



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

EXHIBIT A

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

2807 Manchaca Road
Building One
Austin, Texas 78704

**ZONING DESCRIPTION
9.410 ACRES
ISAAC DECKER LEAGUE**

A DESCRIPTION OF 9.410 ACRES (409,905 S.F.) OF LAND OUT OF THE ISAAC DECKER LEAGUE IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT 16.094 ACRE TRACT CONVEYED TO GALAXIE CORPORATION IN A WARRANTY DEED DATED DECEMBER 28, 1962, RECORDED IN VOLUME 2564, PAGE 398, DEED RECORDS OF TRAVIS COUNTY, TEXAS; SAID 9.410 ACRES BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a calculated point in the west line of the 16.094 acre tract, being also in the east line of Block A, Twin Oaks Industrial Subdivision, a subdivision of record in Volume 37, Page 23, of the Plat Records of Travis County, Texas, from which a 1/2" rebar found for the northwest corner of a 1.115 acre tract recorded in Volume 13129, Page 443, of the Real Property Records of Travis County, Texas, in the north right-of-way line of US Highway 290, the northeast corner of a 0.619 acre tract recorded in Volume 11616, Page 699, of the Real Property Records of Travis County, Texas and being the southeast corner of the remainder of Lot 1, Block A, Twin Oaks Industrial Subdivision, bears South 27°06'19" West, a distance of 266.18 feet;

THENCE North 27°06'19" East, with the west line of the 16.094 acre tract and the east line of Block A, Twin Oaks Industrial Subdivision, passing at 1048.18 feet a 1/2" rebar found for the southeast corner of the termination of Alpine Road (80' right-of-way width), and continuing for a total distance of 1128.53 feet to a 1/2" rebar found in the west line of the 16.094 acre tract, being also the northeast corner of the termination of Alpine Road and the southeast corner of the Twin Oaks Associates tract recorded in Volume 10201, Page 185, of the Real Property Records of Travis County, Texas, from which a 1/2" iron pipe found bears North 27°00'21" East, a distance of 169.41 feet;

THENCE leaving the northeast corner of Twin Oaks Industrial Subdivision, South 57°33'28" East over the 16.094 acre tract, a distance of 370.25 feet to a calculated point in the east line of the remainder of the 16.094 acre tract, being also in the west right-of-way line of Payload Pass and the west line of a 25 foot wide strip of land recorded in Volume 2944, Page 2231 of the Deed Records of Travis County, Texas, from which a 1/2" rebar with cap set bears North 27°04'53" East, a distance of 131.99 feet;

THENCE South 27°04'53" West, crossing the 16.094 acre tract, a distance of 1093.94 feet to a calculated point, from which a 1/2" rebar with cap set for the intersecting cutback for the west right-of-way line of Payload Pass and the north right-of-way line of US Highway 290 bears South 27°04'53" West, a distance of 261.03 feet;

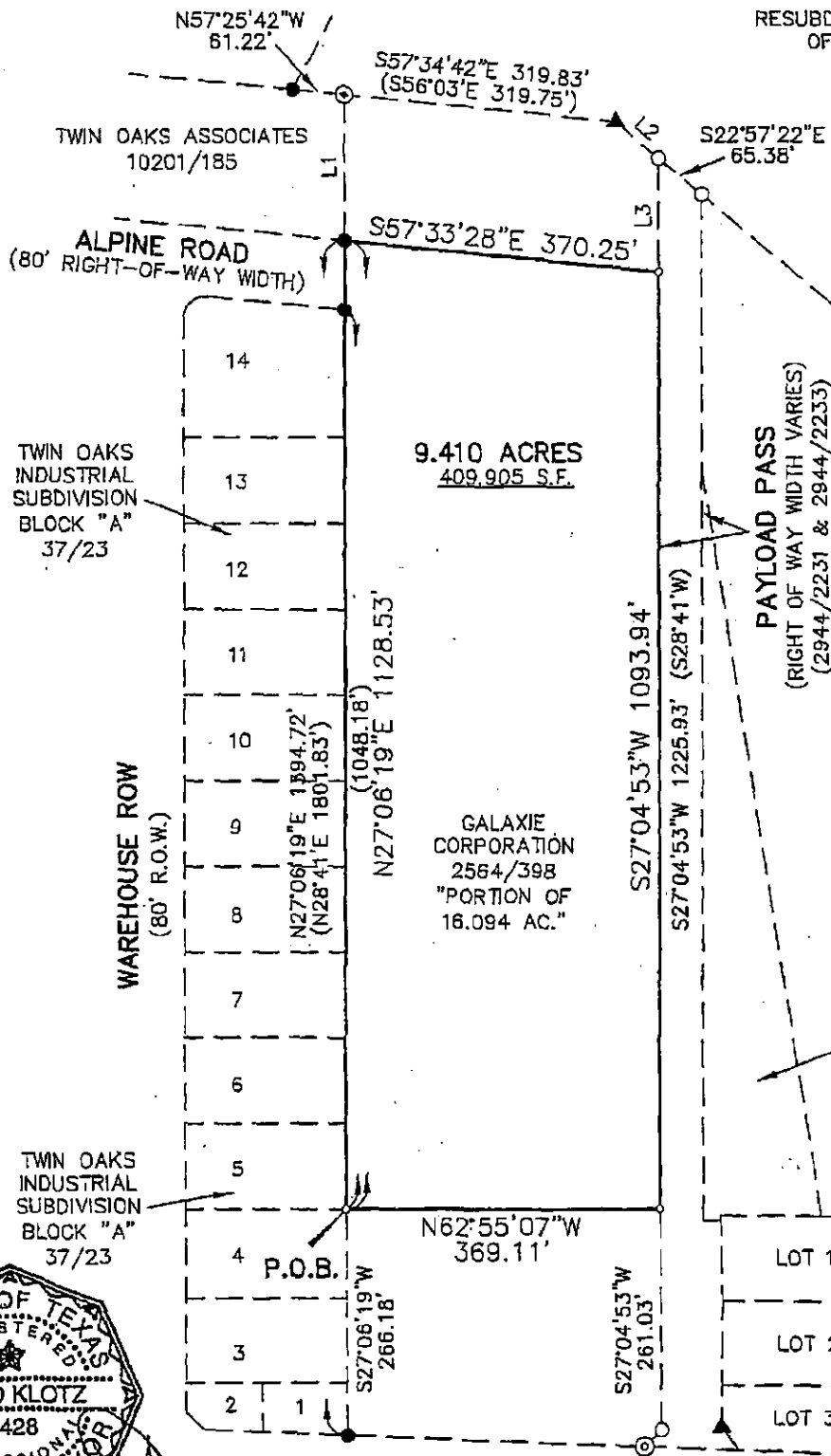
THENCE North 62°55'07" West, leaving the west right-of-way line of Payload Pass and the west line of the said 25 foot wide strip of land, over and across the 16.094 acre tract, a distance of 369.11 feet to the **POINT OF BEGINNING**, containing an area of 9.410 acres of land, more or less.

Prepared from a survey made on the ground May, 2003. Bearing basis is Grid Azimuth for the Texas Central Zone, 1983/93 HARN values from the LCRA survey control network. Attachments: Survey Drawing 400-001-ZN1.

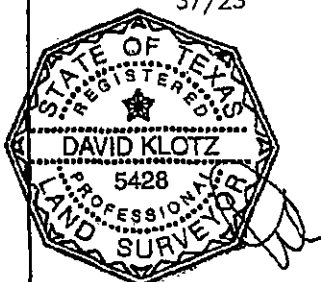

David Klotz

Registered Professional Land Surveyor
State of Texas No. 5428





SCALE: 1"=200'



PROJECT NO: 400-001
DRAWING NO: 400-001-ZN1
PLOT DATE: 03/01/04
DRAWN BY: DK
PAGE 1 OF 2

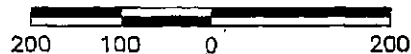
Chaparral

A SKETCH TO ACCOMPANY A DESCRIPTION OF 9.410 ACRES (409,905 S.F.) OF LAND OUT OF THE ISAAC DECKER LEAGUE IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT 18.094 ACRE TRACT CONVEYED TO GALAXIE CORPORATION IN A WARRANTY DEED DATED DECEMBER 28, 1962, RECORDED IN VOLUME 2564, PAGE 398, DEED RECORDS OF TRAVIS COUNTY, TEXAS.

LEGEND

- ⊙ 1/2" PIPE FOUND
- CALCULATED POINT
- ▲ 6CD NAIL FOUND
- 1/2" REBAR FOUND
- 1/2" REBAR W/CAP SET

SCALE IN FEET



LINE TABLE		
No.	BEARING	LENGTH
L1	N27°00'21"E	169.41'
L2	S22°57'22"E	65.77'
L3	N27°04'53"E	131.99'



PROJECT NO: 400-001
DRAWING NO: 400-001-ZN1
PLOT DATE: 03/01/04
DRAWN BY: DK
PAGE 2 OF 2

Chaparral

BEARING BASIS: GRID AZIMUTH FOR TEXAS CENTRAL ZONE, 1983/93
HARN VALUES FROM LCRA CONTROL NETWORK.

ATTACHMENTS: METES AND BOUNDS DESCRIPTION 400-001-ZN1.DOC



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

EXHIBIT B

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

2807 Manchaca Road
Building One
Austin, Texas 78704

**ZONING DESCRIPTION
1.413 ACRES
ISAAC DECKER LEAGUE**

A DESCRIPTION OF 1.413 ACRES (61,541 S.F.) OF LAND OUT OF THE ISAAC DECKER LEAGUE IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT 16.094 ACRE TRACT CONVEYED TO GALAXIE CORPORATION IN A WARRANTY DEED DATED DECEMBER 28, 1962, RECORDED IN VOLUME 2564, PAGE 398, DEED RECORDS OF TRAVIS COUNTY, TEXAS; SAID 1.413 ACRES BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a 1/2" rebar found in the west line of the 16.094 acre tract, being also the northeast corner of the termination of Alpine Road and the southeast corner of the Twin Oaks Associates tract recorded in Volume 10201, Page 185, of the Real Property Records of Travis County, Texas, from which a calculated point bears South 27°06'19" West, a distance of 1128.53 feet;

THENCE leaving the northeast corner of Twin Oaks Industrial Subdivision, North 27°00'21" East along the west line of the 16.094 acre tract and the east line of the Twin Oaks Associates tract, a distance of 169.41 feet to a 1/2" iron pipe found for the northwest corner of the 16.094 acre tract, being also the northeast corner of the Twin Oaks Associates tract and in the southwest line of Lot 1, Resubdivision of a Portion of Tract 2, Penick Subdivision, a subdivision of record in Volume 101, Page 41 of the Plat Records of Travis County, Texas, from which a 1/2" rebar found bears North 57°25'42" West, a distance of 61.22 feet;

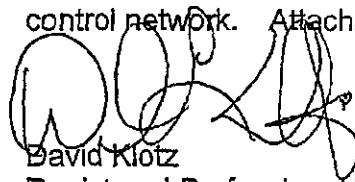
THENCE with the north line of the 16.094 acre tract and the south line of the Resubdivision of a Portion of Tract 2, Penick Subdivision, the following two (2) courses:

1. South 57°34'42" East, a distance of 319.83 feet to a 60d nail found;
2. South 22°57'22" East, a distance of 65.77 feet a 1/2" rebar with cap set for the northeast corner of the remainder of the 16.094 acre tract, being also in the south line of the Resubdivision of a Portion of Tract 2, the northwest corner of Payload Pass and the northwest corner of a 25 foot wide strip of land recorded in Volume 2944, Page 2231 of the Deed Records of Travis County, Texas, from which a 1/2" rebar set bears South 22°57'22" East, a distance of 65.38 feet;

THENCE South 27°04'53" West, along the west right-of-way line of Payload Pass and the west line of the said 25 foot wide strip of land, over and across the remainder of the 16.094 acre tract, a distance of 131.99 feet to a calculated point, from which a calculated point bears South 27°04'53" West, a distance of 1093.94 feet;

THENCE North 57°33'28" West, leaving the west right-of-way line of Payload Pass and the west line of the said 25 foot wide strip of land, over and across the 16.094 acre tract, a distance of 370.25 feet to the **POINT OF BEGINNING**, containing an area of 1.413 acres of land, more or less.

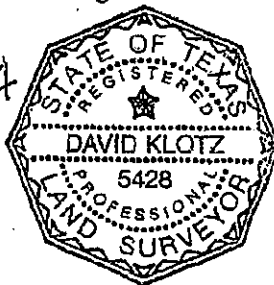
Prepared from a survey made on the ground May, 2003. Bearing basis is Grid Azimuth for the Texas Central Zone, 1983/93 HARN values from the LCRA survey control network. Attachments: Survey Drawing 400-001-ZN2.



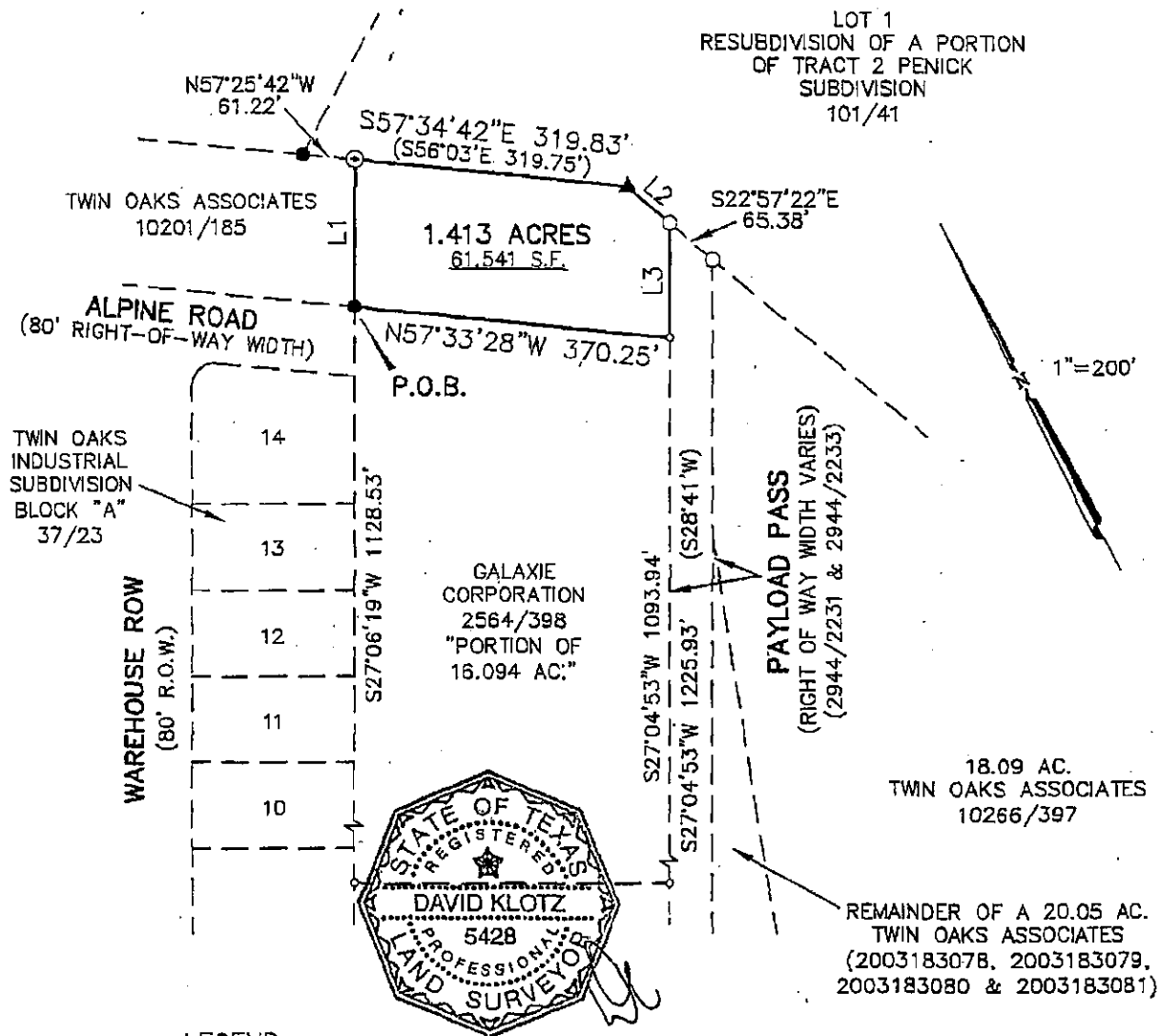
03/01/04

David Klotz

Registered Professional Land Surveyor
State of Texas No. 5428



A SKETCH TO ACCOMPANY A DESCRIPTION OF 1.413 ACRES (61,541 S.F.) OF LAND OUT OF THE ISAAC DECKER LEAGUE IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT 16.094 ACRE TRACT CONVEYED TO GALAXIE CORPORATION IN A WARRANTY DEED DATED DECEMBER 28, 1962, RECORDED IN VOLUME 2564, PAGE 398, DEED RECORDS OF TRAVIS COUNTY, TEXAS.



LEGEND

- ⊙ 1/2" PIPE FOUND
- CALCULATED POINT
- ▲ 60D NAIL FOUND
- 1/2" REBAR FOUND
- 1/2" REBAR W/CAP SET

LINE TABLE

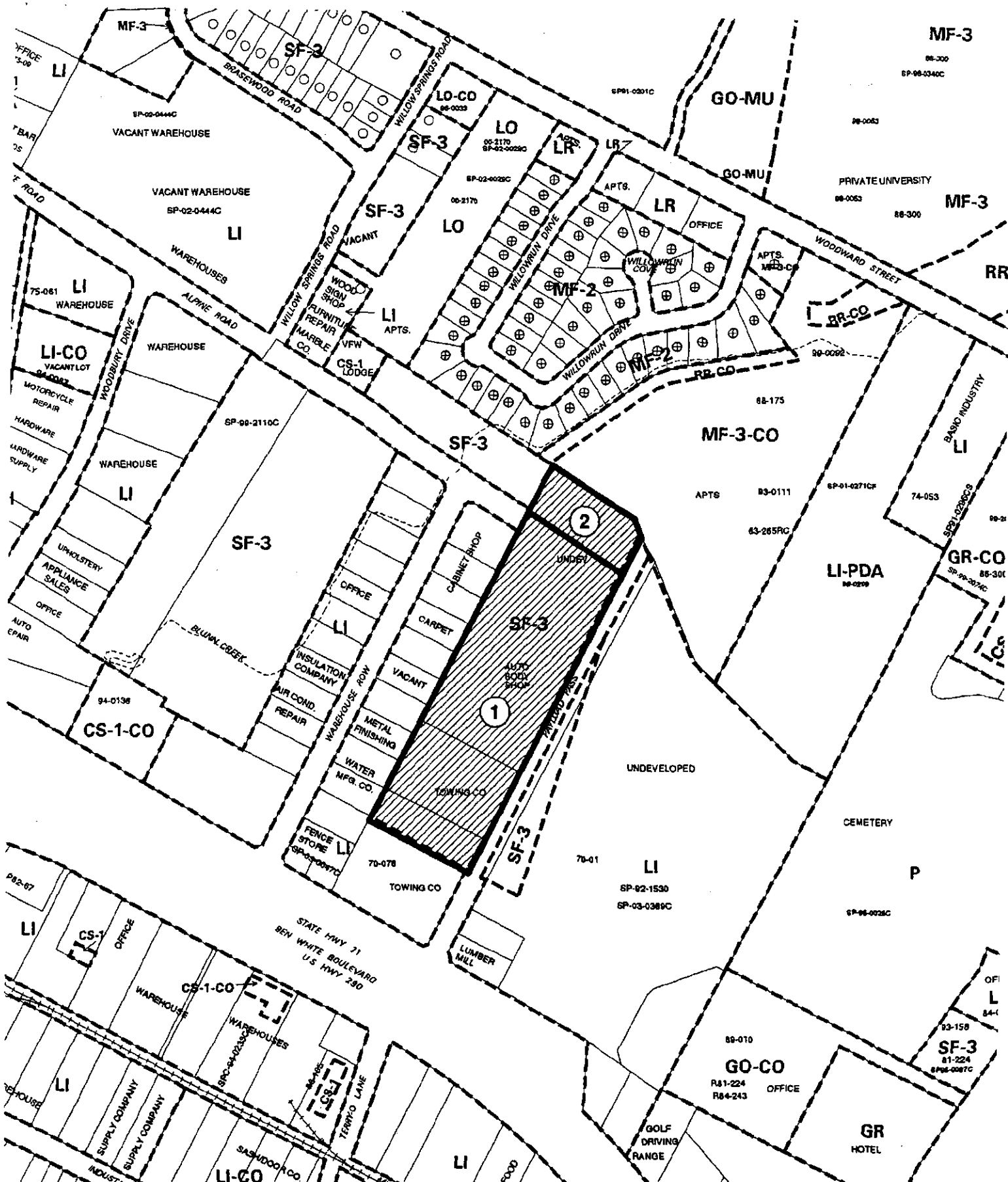
No.	BEARING	LENGTH
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L3	S27°04'53"W	131.99'



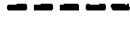
PROJECT NO: 400-001
DRAWING NO: 400-001-ZN2
PLOT DATE: 03/01/04
DRAWN BY: DK
PAGE 1 OF 1

BEARING BASIS: GRID AZIMUTH FOR
TEXAS CENTRAL ZONE, 1983/93
HARN VALUES FROM LCRA CONTROL
NETWORK.

ATTACHMENTS: METES AND BOUNDS
DESCRIPTION 400-001-ZN2.DOC

Chaparral



SUBJECT TRACT 
 PENDING CASE 
 ZONING BOUNDARY 
 CASE MGR: A. BEAUDET

CASE #: C14-03-0137
 ADDRESS: 500 E BEN WHITE BLVD
 SUBJECT AREA (acres): 10.823

ZONING EXHIBIT C

DATE: 04-03
 INTLS: SM

CITY GRID
 REFERENCE
 NUMBER
 H18

RESTRICTIVE COVENANT

OWNER: Galaxie Corporation, a Texas corporation

ADDRESS: 6850 Austin Center Blvd., Suite 180, Austin, TX 78731

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 10.823 acre tract of land, more or less, out of the Isaac Decker League in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" 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, 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 August 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. At the time an application for approval of a site plan is submitted for development of the Property, or any portion of the Property, an Integrated Pest Management (IPM) plan shall be submitted to the Watershed Protection and Development Review Department for review and approval.
3. The IPM plan shall comply with the guidelines in Section 1.6.9.2 (D) and (F) of the Environmental Criteria Manual that are in effect on the date of this covenant.
4. At the time an application for approval of a site plan is submitted for development of the Property, or any portion of the Property, a landscape plan shall be submitted to the Watershed Protection and Development Review Department for review and approval. Ninety percent of the total plant material used, exclusive of turf, shall be native to Central Texas or on the Grow Green Native and Adapted Landscape Plants list, attached as Exhibit "B". Plants on the Invasive Species/Problem Plants list, attached as Exhibit "C", may not be included.

5. 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.
6. 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.
7. 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.
8. 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.

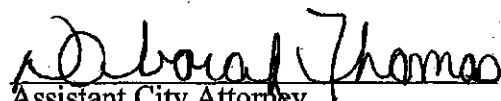
EXECUTED this the _____ day of _____, 2004.

OWNER:

Galaxie Corporation,
a Texas corporation

By: _____
Robert L. Armstrong
Vice 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 Robert L. Armstrong, Vice President of Galaxie Corporation, 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



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

EXHIBIT A

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

2807 Manchaca Road
Building One
Austin, Texas 78704

**ZONING DESCRIPTION
10.823 ACRES
ISAAC DECKER LEAGUE**

A DESCRIPTION OF 10.823 ACRES (471,446 S.F.) OF LAND OUT OF THE ISAAC DECKER LEAGUE IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT 16.094 ACRE TRACT CONVEYED TO GALAXIE CORPORATION IN A WARRANTY DEED DATED DECEMBER 28, 1962, RECORDED IN VOLUME 2564, PAGE 398, DEED RECORDS OF TRAVIS COUNTY, TEXAS; SAID 10.823 ACRES BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a calculated point in the west line of the 16.094 acre tract, being also in the east line of Block A, Twin Oaks Industrial Subdivision, a subdivision of record in Volume 37, Page 23, of the Plat Records of Travis County, Texas, from which a 1/2" rebar found in the west line of the 16.094 acre tract, being also the northwest corner of a 1.115 acre tract recorded in Volume 13129, Page 443, of the Real Property Records of Travis County, Texas, in the north right-of-way line of US Highway 290, the northeast corner of a 0.619 acre tract recorded in Volume 11616, Page 699, of the Real Property Records of Travis County, Texas and being the southeast corner of the remainder of Lot 1, Block A, Twin Oaks Industrial Subdivision, bears South 27°06'19" West, a distance of 266.18 feet;

THENCE North 27°06'19" East, with the west line of the 16.094 acre tract and the east line of Block A, Twin Oaks Industrial Subdivision, passing at 1048.18 feet a 1/2" rebar found for the southeast corner of the termination of Alpine Road (80' right-of-way width), and continuing for a total distance of 1128.53 feet to a 1/2" rebar found in the west line the 16.094 acre tract, being also the northeast corner of the termination of Alpine Road and the southeast corner of the Twin Oaks Associates tract recorded in Volume 10201, Page 185, of the Real Property Records of Travis County, Texas, from which a 1/2" iron pipe found bears North 57°33'25" West, a distance of 271.00 feet;

THENCE leaving the northeast corner of Twin Oaks Industrial Subdivision, North 27°00'21" East along the west line of the 16.094 acre tract and the east line of the Twin Oaks Associates tract, a distance of 169.41 feet to a 1/2" iron pipe found for the northwest corner of the 16.094 acre tract, being also the northeast corner of the Twin Oaks Associates tract and in the southwest line of Lot 1, Resubdivision of a Portion of Tract 2, Penick Subdivision, a subdivision of record in Volume 101, Page 41 of the Plat Records of Travis County, Texas, from which a 1/2" rebar found bears North 57°25'42" West, a distance of 61.22 feet;

THENCE with the north line of the 16.094 acre tract and the south line of the Resubdivision of a Portion of Tract 2, Penick Subdivision, the following two (2) courses:

1. South $57^{\circ}34'42''$ East, a distance of 319.83 feet to a 60d nail found;
2. South $22^{\circ}57'22''$ East, a distance of 65.77 feet a 1/2" rebar with cap set for the northeast corner of the remainder of the 16.094 acre tract, being also in the south line of the Resubdivision of a Portion of Tract 2, the northwest corner of Payload Pass and the northwest corner of a 25 foot wide strip of land recorded in Volume 2944, Page 2231 of the Deed Records of Travis County, Texas, from which a 1/2" rebar set bears South $22^{\circ}57'22''$ East, a distance of 65.38 feet;

THENCE South $27^{\circ}04'53''$ West, crossing the 16.094 acre tract, a distance of 1225.93 feet to a calculated point, from which a 1/2" rebar with cap set for the intersecting cutback for the west right-of-way line of Payload Pass and the north right-of-way line of US Highway 290 bears South $27^{\circ}04'53''$ West, a distance of 261.03 feet;

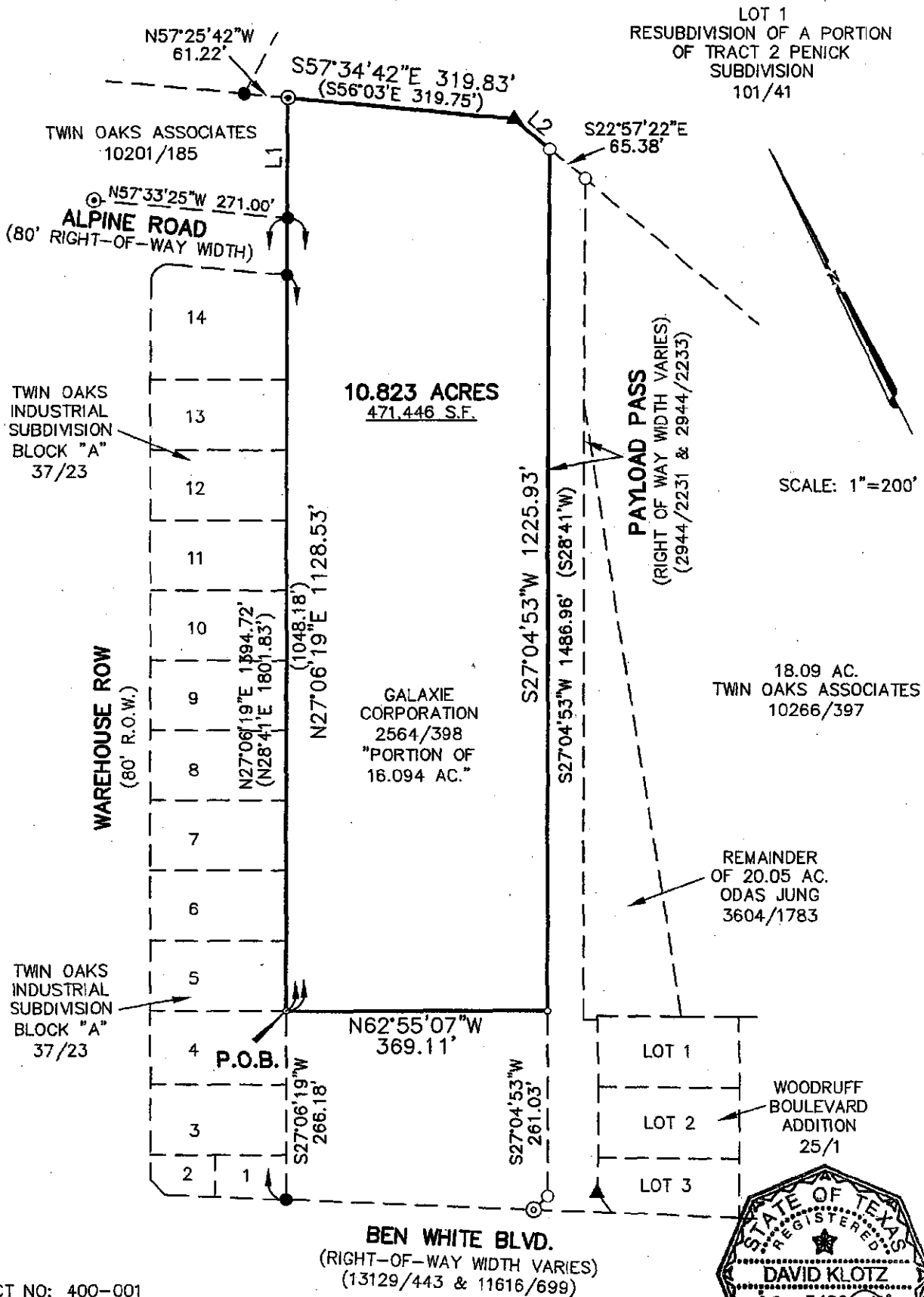
THENCE North $62^{\circ}55'07''$ West, leaving the west right-of-way line of Payload Pass and the west line of the said 25 foot wide strip of land, over and across the remainder of the 16.094 acre tract, a distance of 369.11 feet to the **POINT OF BEGINNING**, containing an area of 10.823 acres of land, more or less.

Prepared from a survey made on the ground May, 2003. Bearing basis is Grid Azimuth for the Texas Central Zone, 1983/93 HARN values from the LCRA survey control network. Attachments: Survey Drawing 400-001-ZN.


David Klotz

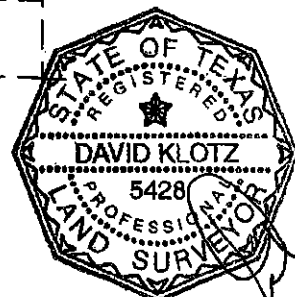
Registered Professional Land Surveyor
State of Texas No. 5428





PROJECT NO: 400-001
DRAWING NO: 400-001-ZN
PLOT DATE: 07/28/03
DRAWN BY: DK
PAGE 1 OF 2

Chaparral

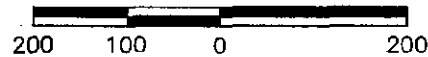


A SKETCH TO ACCOMPANY A DESCRIPTION OF 10.823 ACRES (471,446 S.F.) OF LAND OUT OF THE ISAAC DECKER LEAGUE IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT 16.094 ACRE TRACT CONVEYED TO GALAXIE CORPORATION IN A WARRANTY DEED DATED DECEMBER 28, 1962, RECORDED IN VOLUME 2564, PAGE 398, DEED RECORDS OF TRAVIS COUNTY, TEXAS.

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SCALE IN FEET



LINE TABLE		
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L2	S22°57'22"E	65.77'



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PAGE 2 OF 2

Chaparral

BEARING BASIS: GRID AZIMUTH FOR TEXAS CENTRAL ZONE, 1983/93 HARN VALUES FROM LCRA CONTROL NETWORK.

ATTACHMENTS: METES AND BOUNDS DESCRIPTION 400-001-ZN.DOC

EXHIBIT B

Grow Green Native and Adapted Landscape Plants

Trees

Ash, Texas *Fraxinus texensis*
 Arizona Cypress *Cupressus arizonica*
 Big Tooth Maple *Acer grandidentatum*
 Cypress, Bald *Taxodium distichum*
 Cypress, Montezuma *Taxodium mucronatum*
 Elm, Cedar *Ulmus crassifolia*
 Elm, Lacebark *Ulmus parvifolia*
 Honey Mesquite *Prosopis glandulosa*
 Oak, Bur *Quercus macrocarpa*
 Oak, Chinquapin *Quercus muhlenbergii*
 Oak, Southern Live *Quercus virginiana*

Oak, Escarpment Live *Quercus fusiformis*
 Oak, Lacey *Quercus glaucoides*
 Oak, Monterey (Mexican White) *Quercus polymorpha*
 Oak, Shumard *Quercus shumardii*
 Oak, Texas Red *Quercus texana* (*Quercus buckleyi*)
 Pecan *Carya illinoensis*
 Soapberry *Sapindus drummondii*

Small Trees/Large Shrubs

Anacacho Orchit Tree *Bauhinia congesta*
 Buckeye, Mexican *Ungnadia speciosa*
 Buckeye, Rec *Aesculus pavia*
 Caolina Buckthorn *Rhamnus caroliniana*
 Cherry Laurel *Prunus caroliniana*
 Crape Myrtle *Lagerstroemia indica*
 Desert Willow *Chilopsis linearis*
 Dogwood, Roughleaf *Cornus drummondii*
 Escarpment Black Cherry *Prunus serotina* var. *eximia*
 Eve's Necklace *Sophora affinis*
 Goldenball Leadtree *Leucaena retusa*
 Holly, Possumhaw *Ilex decidua*
 Holly, Yaupon *Ilex vomitoria*
 Mountain Laurel, Texas *Sophora secundiflora*

Persimmon, Texas *Diospyros texana*
 Pistachio, Texas *Pistacia texana*
 Plum, Mexican *Prunus mexicana*
 Pomegranate *Punica granatum*
 Redbud, Mexican *Cercis canadensis* 'mexicana'
 Redbud, Texas *Cercis canadensis* var. 'texensis'
 Retama Jerusalem Thorn *Parkinsonia aculeata*
 Senna, Flowering *Cassia corymbosa*
 Smoke Tree, American *Cotinus obovatus*
 Sumac, Flameleaf *Rhus lanceolata*
 Viburnum, Rusty Blackhaw *Viburnum rufidulum*
 Viburnum, Sandankwa *Viburnum suspensum*

Shrubs

- Abelia, Glossy *Abelia grandiflora*
 Agarita *Berberis trifoliata*
 Agave (Century Plant) *Agave sp.*
 American Beautyberry *Callicarpa americana*
 Artemisia *Artemisia 'Powis Castle'*
 Barbados Cherry *Malpighia glabra*
 Barberry, Japanese *Berberis thunbergii*
'Atropurpurea'
 Basket Grass (Sacahuista) *Nolina texana*
 Black Dalea *Dalea frutescens*
 Bush Germander *Teucrium fruticans*
 Butterfly Bush *Buddleja davidii*
 Butterfly Bush, Woolly *Buddleja marrubifolia*
 Coralberry *Symphoricarpos orbiculatus*
 Cotoneaster *Cotoneaster sp.*
 Eleagnus *Eleagnus pungens*
 Esperanza/Yellow Bells *Tecoma stans*
 Flame Acanthus *Anisacanthus quadrifidus var. wrightii*
 Fragrant Mimosa *Mimosa borealis*
 Holly, Burford *Ilex cornuta 'Burfordii'*
 Holly, Dwarf Chinese *Ilex cornuta 'Rotunda nana'*
 Holly, Dwarf Yaupon *Ilex vomitoria 'Nana'*
 Jasmine, Primrose *Jasminum mesnyi*
 Kidneywood *Eysenhardtia texana*
 Lantana, Native *Lantana horrida*
 Mistflower, Blue (Blue Boneset) *Eupatorium coelestinum*
 Mistflower, White (Shrubby White Boneset) *Ageratina havanense*
 Mock Orange *Philadelphus coronarius*
 Nandina *Nandina domestica 'Compacta nana' 'Gulf Stream'*
 Oleander *Nerium oleander*
 Palmetto *Sabal minor*
 Prickly Pear *Opuntia engelmannii var. lindheimeri*
 Rose, Belinda's Dream *Rosa 'Belinda's Dream'*
 Rose, Lamarne *Rosa 'Lamarne'*
 Rose, Livin' Easy *Rosa 'Livin' Easy'*
 Rose, Marie Pavie *Rosa 'Marie Pavie'*
 Rose, Martha Gonzales *Rosa 'Martha Gonzales'*
 Rose, Mutabilis *Rosa 'Mutabilis'*
 Rose, Nearly Wild *Rosa 'Nearly Wild'*
 Rose, Old Blush *Rosa 'Old Blush'*
 Rose, Perle d'or *Rosa 'Perle d'or'*
 Rock Rose *Pavonia lasiopetala*
 Rosemary *Rosmarinus officinalis*
 Sage, Mountain *Salvia regia*
 Sage, Texas (Cenizo) *Leucophyllum frutescens*
 Senna, Lindheimer *Cassia lindheimeriana*
 Southern Wax Myrtle *Myrica cerifera*
 Sumac, Evergreen *Rhus virens*
 Sumac, Fragrant (Aromatic) *Rhus aromatica*
 Texas Sotol *Dasylirion texanum*
 Turk's Cap *Malvaviscus arboreus*
 Yucca, Paleleaf *Yucca pallida*
 Yucca, Red *Hesperaloe parviflora*
 Yucca, softleaf *Yucca recurvifolia*
 Yucca, Twistleaf *Yucca rupicola*

Perennials

- Black-eyed Susan *Rudbeckia hirta*
 Bulbine *B. frutescens* or *caulescens*
 Bush Morning Glory *Ipomoea fistulosa*
 Butterfly Weed *Asclepias tuberosa*
 Butterfly Weed 'Mexican' *Asclepias curassivica*
 Cast Iron Plant *Aspidistra elatior*
 Chile Pequin *Capsicum annum*
 Cigar Plant *Cuphea micropetala*
 Columbine, Red *Aquilegia canadensis*
 Columbine, Yellow *Aquilegia chrysantha* 'Texas Gold'
 Coreopsis *Coreopsis lanceolata*
 Daisy, Blackfoot *Melampodium leucanthum*
 Daisy, Copper Canyon *Tagetes lemmonii*
 Damiantia *Crysactina mexicana*
 Fall Aster *Aster oblongifolius*
 Fern, River *Thelypteris kunthii*
 Firebush *Hamelia patens*
 Gaura *Gaura lindeheimeri*
 Gayfeather *Liatris mucronata*
 Gregg Dalea *Dalea greggii*
 Hibiscus, Perennial *Hibiscus moscheutos*, *Hibiscus coccineus*
 Honeysuckle, Mexican *Justicia spicigera*
 Hymenoxys (Four Nerve Daisy) *Tetaneuris scaposa*
 Indigo Spires *Salvia* 'Indigo Spires'
 Iris, Bearded *Iris albicans*
 Iris, Butterfly/Bicolor (African) *Dietes sp.*
 Lamb's Ear *Stachys byzantina*
 Lantana *Lantana x hybrida* (many varieties)
 Lantana, Trailing *Lantana montevidensis*
 Marigold, Mexican Mint *Tagetes lucida*
 Obedient Plant, Fall *Physostegia virginiana*
 Oregano, Mexican *Poliomintha longiflora*
 Penstemon *Penstemon sp.*
 Phlox, Fragrant *Phlox pilosa*
 Pink Skullcap *Scutellaria suffrutescens*
 Plumbago *Plumbago auriculata*
 Poinciana, Red Bird of Paradise, Pride of Barbados *Caesalpinia pulcherrima*
 Primrose, Missouri *Oenothera macrocarpa*
 Purple Coneflower *Echinacea purpurea*
 Ruellia *Ruellia brittoniana*
 Sage, Cedar *Salvia roemeriana*
 Sage, Jerusalem *Phlomis fruticosa*
 Sage, Majestic *Salvia guaranitica*
 Sage, Mealy Blue *Salvia farinacea*
 Sage, Mexican Bush *Salvia leucantha*
 Sage, Penstemon, Big Red Sage *Salvia penstemonoides*
 Sage, Russian *Perovskia atricplifolia*
 Sage, Scarlet or 'Tropical' *Salvia coccinea*
 Salvia, Gregg (Cherry Sage) *Salvia greggii*
 Shrimp Plant *Justicia brandegeana*
 Texas Betony *Stachys coccinea*
 Verbena, Prairie *Verbena bipinnatifida*
 Yarrow *Achillea millefolium*
 Zexmenia *Wedelia texana*

ZONING CHANGE REVIEW SHEET

CASE: C14-03-0137

ZPC DATE: February 3, 2004

ADDRESS: 500 East Ben White Boulevard

OWNER/APPLICANT: Galaxie Corporation **AGENT:** Doucet & Associates (Carol M. Stewart)

ZONING FROM: SF-3 **TO:** LI **AMENDED TO (1-28-04):** CS-CO

AREA: 10.823 acres

SUMMARY STAFF RECOMMENDATION:

Staff's alternate recommendation is general commercial services-conditional overlay combining district zoning (CS-CO) for Tract 1 and limited office-conditional overlay district zoning (LO-CO) for Tract 2 (see staff map labeled "staff recommendation"). The staff does not object to the applicant's conditions: 80% impervious cover limit, no access to Alpine Road, and to prohibit the following uses- bail bond services, campground, commercial off street parking, construction sales and services, drop off recycling collection facility, equipment repair services, pawn shop services, vehicle storage, transitional housing, transportation terminal, adult oriented businesses. The property will be subject to the TIA reference and recommendations provided in the Memorandum attached as Exhibit A.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

February 3, 2004: To approve the staff recommendation, on consent, of general commercial services-conditional overlay combining district zoning (CS-CO) for Tract 1 and limited office-conditional overlay district zoning (LO-CO) for Tract 2 and the applicant's conditions of: 80% impervious cover limit, no access to Alpine Road, and to prohibit the following uses- bail bond services, campground, commercial off street parking, construction sales and services, drop off recycling collection facility, equipment repair services, pawn shop services, vehicle storage, transitional housing, transportation terminal, adult oriented businesses. And, the property will be subject to the TIA reference and recommendations provided in the Memorandum attached as Exhibit A. Vote: 9-0.

ISSUES:

The neighborhood and applicant have agreed upon certain conditions relating to the development of this property. The conditions are listed in Exhibit B of this report. Staff is currently working with the Watershed Protection and Development Review Department and the Law Department to determine which conditions, if any, could be placed in the zoning ordinance or within a public restrictive covenant. Many of the items will need to be in a private restrictive covenant that the applicant has agreed to execute prior to 3rd ordinance reading.

DEPARTMENT COMMENTS:

After meeting with neighborhood stakeholders, the applicant has offered the following conditions of zoning: Prohibited uses- bail bond services, campground, commercial off street parking, construction sales and services, drop off recycling collection facility, equipment repair services, pawn shop services, vehicle storage, transitional housing, transportation terminal, adult oriented businesses, no motor vehicle access to Alpine Road, and to limit impervious cover to 80%.

The staff does not object to the applicant's proposed conditions.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-3	Undeveloped, auto repair
<i>North</i>	MF-3-CO, MF-2	Undeveloped
<i>South</i>	LI	Motor vehicle towing company, auto sales
<i>East</i>	LI	Undeveloped (proposed General Retail Sales use)
<i>West</i>	LI, SF-3	Warehouses (water bottling company, metal finishing, carpet sales and manufacturing), undeveloped

AREA STUDY: Ben White Area Study **TIA:** Yes.

WATERSHED: Blunn Creek **DESIRED DEVELOPMENT ZONE:** Yes.

CAPITOL VIEW CORRIDOR: No. **HILL COUNTRY ROADWAY:** No.

NEIGHBORHOOD ORGANIZATIONS:

South River City Citizens Association
 Terrell Lane Interceptor Association
 Barton Springs/Edwards Aquifer Conservation District
 South Central Coalition
 Austin Neighborhoods Council
 South Austin Commercial Alliance

CASE HISTORIES:

NUMBER	REQUEST	ZONING AND PLATTING COMMISSION	CITY COUNCIL
C14-03-0119	SF-3 to LI	10-14-03: Approve LI (5-4).	12-11-03: Approved LI.
C14-94-0136	LI to CS-1	1-10-95: Approve CS-1-CO w/conditions.	6-29-04: Approved CS-1-CO.
C14-70-01	Ben White Area Study		

RELATED CASES:

There are no site plan or subdivision applications currently under review by the City of Austin.

ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION	DAILY TRAFFIC
Payload Pass	60'	Varies	Collector	N/A

CITY COUNCIL DATE: March 4, 2004

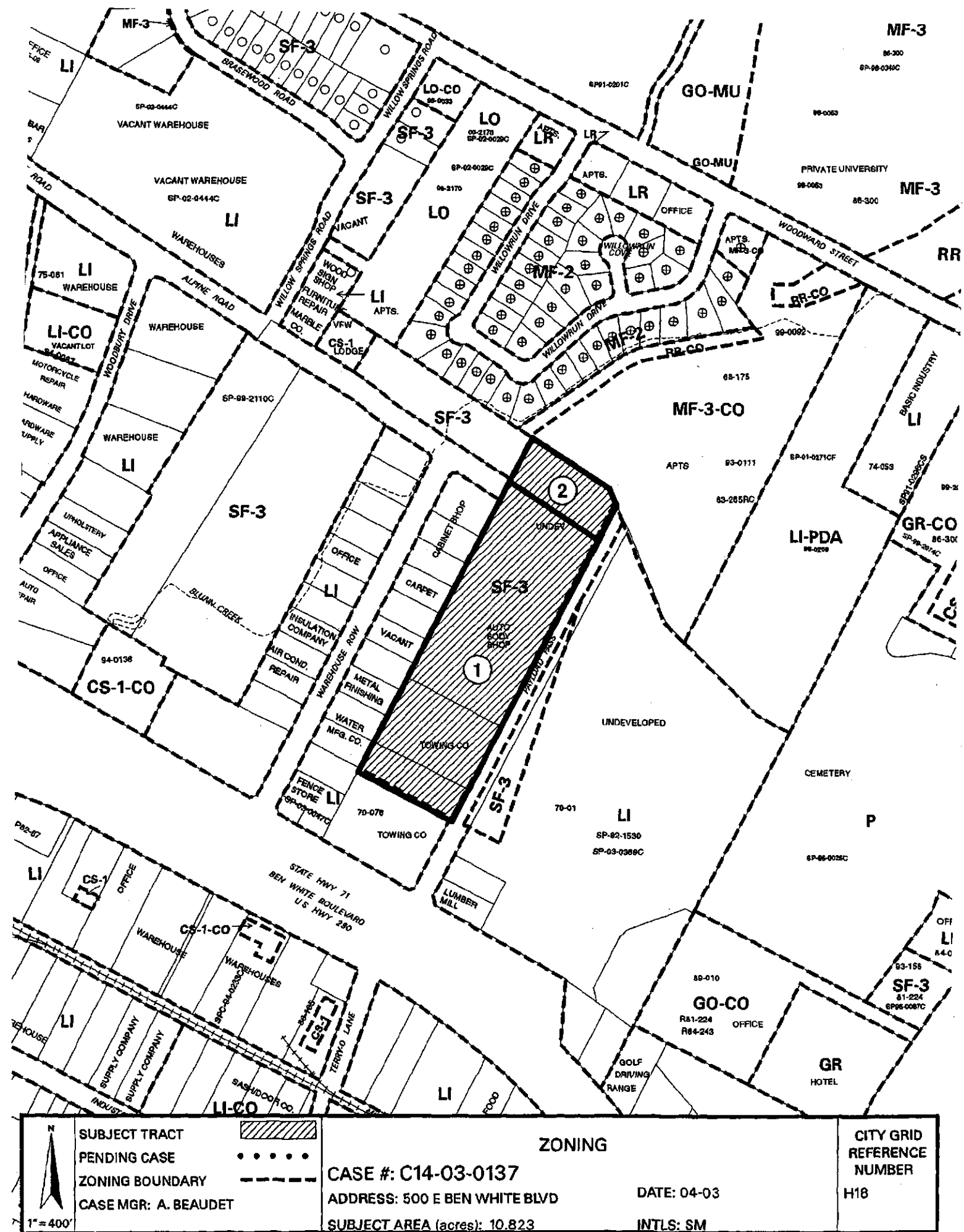
ACTION: Granted CS-CO for Tract 1; LO-CO for Tract 2 on 1st readings only.
Vote: 6-0; McCracken absent.

ORDINANCE READINGS: 1st March 4, 2004 2nd 3rd

ORDINANCE NUMBER:

CASE MANAGER: Annick Beaudet

PHONE: 974-2975





STAFF RECOMMENDATION

C14-03-0137

Staff's alternate recommendation is general commercial services-conditional overlay combining district zoning (CS-CO) for Tract 1 and limited office-conditional overlay district zoning (LO-CO) for Tract 2 (see staff map labeled "staff recommendation"). The staff does not object to the applicant's conditions: 80% impervious cover limit, no access to Alpine Road, and to prohibit the following uses- bail bond services, campground, commercial off street parking, construction sales and services, drop off recycling collection facility, equipment repair services, pawn shop services, vehicle storage, transitional housing, transportation terminal, adult oriented businesses.

BACKGROUND

An area study for this area was done in the 1970's (The Ben White Area Study). The area in which the subject property is located is recommended as an industrial area per the recommendations of that study.

BASIS FOR RECOMMENDATION

1. The zoning is consistent with an adopted area study (The Ben White Area Study) which recommends industrial zoning for the subject tract.
2. The requested CS-CO zoning is compatible with nearby and adjacent zoning categories, uses and proposed uses. In addition, the LO-CO will provide a transition of zoning intensities between the CS-CO and the existing MF-3-CO zoning and apartment use.
3. The subject tract meets the purpose statement of the CS district by not being located near any primarily low density residential areas and by having access only to a major highway.

EXISTING CONDITIONS

Site Characteristics

The site is undeveloped with light naturally occurring vegetation.

Impervious Cover

The maximum impervious cover allowed by the CS zoning district would be 95%. 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. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Blunn Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone. Impervious cover is not limited in this watershed class. Therefore the impervious cover established by the base zoning district will apply.

Environmental

This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm.

According to flood plain maps, there is no flood plain within the project area.

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

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

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

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.

Water and Wastewater

The landowner intends to serve the site with City water and wastewater utilities. The landowner will be responsible for providing water and wastewater utility improvements, offsite main extension, system upgrades, utility adjustment, and relocation. The water and wastewater utility system serving the subdivision must be in accordance with the City utility design criteria. The water and wastewater utility plan must be reviewed and approved by the City of Austin Water and Wastewater Utility.

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 a small portion of the north-western property line, the following standards apply:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection. Additional design regulations will be enforced at the time a site plan is submitted.

Compatibility is also triggered across Payload Pass for a small tract zoned SF-3, but there is a current zoning request to change it to LI.

DEPARTMENT COMMENTS

After meeting with neighborhood stakeholders, the applicant has offered the following conditions of zoning: Prohibited uses- bail bond services, campground, commercial off street parking, construction sales and services, drop off recycling collection facility, equipment repair services, pawn shop services, vehicle storage, transitional housing, transportation terminal, adult oriented businesses, no motor vehicle access to Alpine Road, and to limit impervious cover to 80%.

The staff does not object to the applicant's proposed conditions.



Date: January 29, 2004
To: Annick Beaudet, Case Manager
CC: Members of the Zoning and Platting Commission
Lynn Ann Carley, P.E. WHM Transportation Engineering
Reference: Ben White/Payload Pass TIA, C14-03-0137

The Transportation Review Section has reviewed the Traffic Impact Analysis Addendum for Ben White/Payload Pass, dated August 2003, and offers the following comments:

TRIP GENERATION

Ben White/Payload Pass is a 10.823-acre development located in south Austin at the northwest corner of the intersection of Ben White and Payload Pass. The TIA for the project was prepared by Lynn Ann Carley, P.E., WHM Transportation Engineering in August of 2003.

The proposed development consists of the following land uses:

- 90,000sf Shopping Center
- 10,000sf Medical/Dental Office
- 8,000sf of Fast Food Restaurant with Drive Thru

The property is currently partially developed and zoned Single Family Residence (SF-3). The applicant has requested a zoning change to Limited Industrial (LI). The estimated completion of the project is expected in the year 2004.

Based on the standard trip generation rates established by the Institute of Transportation Engineers (ITE), the development will generate approximately 10,700 unadjusted average daily trips (ADT).

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

Table 1. Adjusted Trip Generation						
			AM Peak		PM Peak	
LAND USE	Size SF	ADT	Enter	Exit	Enter	Exit
Shopping Center	90,000	3,784	93	90	63	58
Medical/Dental Office	10,000	343	55	35	167	181
Fast Food Restaurant with Drive Thru	8,000	1,804	18	5	10	26
TOTAL		5,931	166	130	239	265

ASSUMPTIONS

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

Table 2. Growth Rates per Year	
Roadway Segment	%
All Roads	6 %

Exhibit A

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

Sachem, Inc.	SP-01-0271CF
Junior Volleyball Association of Austin	SP-02-0029C
South Congress Apartments	SP-03-0032C

3. Reductions were taken for pass-by capture and internal capture:

Table 3. Summary of Pass-By and Internal Capture Reductions

<u>Land Use</u>	<u>Pass-By</u>		<u>Internal Capture</u>	
	<u>Reductions %</u>		<u>Reduction %</u>	
	<u>AM Peak</u>	<u>PM Peak</u>	<u>AM Peak</u>	<u>PM Peak</u>
Shopping Center	34	34	10	10
Medical/Dental Office	0	0	5	5
Fast Food w/ Drive-Thru	49	50	10	10

4. No reductions were taken for transit use.

EXISTING AND PLANNED ROADWAYS

IH-35 – This roadway is classified as a six-lane freeway between Cesar Chavez and Ben White Boulevard. The traffic volume on IH-35 was approximately 167,000 vehicles per day (vpd) north of US Hwy 290 in 2000. This roadway is classified as a priority 2 route in the Bicycle Plan (Route #421).

Ben White Boulevard – This roadway is the southern boundary of the site and is classified as a six lane divided major arterial between South Congress Avenue and IH-35. The 2000 traffic volume for this facility was approximately 80,000vpd west of IH-35 and 71,000vpd east of IH-35. This roadway is classified as a priority 2 route in the Bicycle Plan (Route #450).

Congress Avenue – This roadway is classified as four lane divided and undivided major arterial from Oltorf to US 290 (W). The traffic volume for Congress Avenue in 2000 was approximately 21,000vpd south of US 290. This roadway is classified as a priority 1 route in the Bicycle Plan (Route #47).

Woodward Street – This roadway is classified as a two lane minor arterial between South Congress Avenue and IH-35. This roadway is classified as a priority 1 route in the Bicycle Plan (Route #70).

Payload Pass – This roadway serves as the eastern boundary of the site and is classified as a collector.

Alpine Road – This roadway is classified as a collector roadway.

Willow Springs Road – This roadway is classified as a 2-lane roadway.

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
- 2004 Build-Out Conditions

INTERSECTION LEVEL OF SERVICE (LOS)

The TIA analyzed 11 intersections, 4 of which are 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	2003		2004	
	AM	PM	AM	PM
IH-35 WFR @ Ben White NFR*	A	A	B	B
IH-35 EFR @ Ben White NFR*	B	C	A	A
IH-35 WFR @ Ben White SFR*	B	E	B	C
IH-35 EFR @ Ben White SFR*	B	C	B	B
Payload Pass and Ben White NFR	A	A	A	A
Congress Avenue and Alpine Road	A	A	A	F
Willow Springs Road and Woodward Street	A	A	A	A
Payload Pass @ Driveway A			A	A
Payload Pass @ Driveway B			A	A
Payload Pass @ Driveway C			A	A
Driveway D @ Ben White NFR			A	A

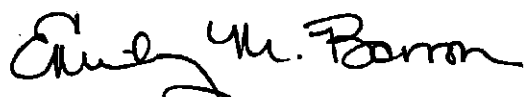
* = SIGNALIZED

Note: The Ben White/Payload Pass site has a slight impact on the existing intersection of Alpine and Congress Avenue evaluated in the TIA with less than 2% of the total forecasted traffic. The failing LOS is due mostly to the amount of background traffic generated in the area.

RECOMMENDATIONS

- 1) Payload Pass will be required to be upgraded. Additional right-of-way for Payload Pass will be evaluated with the subdivision and/or site plan as well as the upgrade of this roadway.
- 2) Driveways A, B and C should be constructed with a minimum 36' cross-section, to include 2 outbound and 1 inbound lane.
- 3) Driveway D should be constructed with a minimum 30' cross-section, to include 1 outbound and 1 inbound lane.
- 4) The Texas Department of Transportation has approved this TIA.
- 5) 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.
- 6) 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

THE STAINBACK ORGANIZATION

January 30, 2004

Mr. Tim Mahoney, President
South River City Citizens Committee
P.O. Box 1961
Austin, TX 78767

Re: 500 East Ben White, Austin, Texas
Zoning Case C14-03-0137

Dear Tim:

Thank you for the opportunity to meet with the South River City Citizens Neighborhood representatives. I thought the meeting went well and your involvement in protecting water quality in Blunn Creek is to be commended. We too want to be good environmentally-conscious neighbors while trying to balance a reasonable market oriented development plan.

KMS Interests, Inc. (KMS) has contracted to purchase 13.7 acres at 500 E. Ben White from the Galaxie Corporation. On behalf of Galaxie, KMS has requested a zoning change on approximately 10.8 acres (the Property) from SF-3 to Limited Industrial. This 10.8 acres is bounded on three sides by LI zoning. After meeting with the SRCC, we have agreed to change our request from LI to CS-CO (Commercial Services) and restrict some of the uses that KMS and SRCC deem undesirable for this location. KMS does not own the land at this time it cannot encumber the property; however, this letter is intended to set forth a memorandum of understanding that evidences a spirit of cooperation between KMS and SRCC. As a result of these efforts, KMS requests that the SRCC endorse and support the request for zoning at the Zoning and Platting Commission (ZAPCo) meeting and at Council meetings, and the subsequent administrative site plan approval.

This letter covers the issues that were discussed at the meeting on January 8th at Mrs. Koch's house. For the sake of discussion, I have numbered the issues and attached a heading simply for reference purposes. The following is our intention of how we propose to handle the issues. It is our understanding that some conditions will be part of the COA zoning process and others can be handled by private restrictive covenants that run with the land.

1. Commercial Services Zoning

KMS will ask the City to zone the Property CS-CO (Commercial Services) with an eighty (80) percent impervious coverage limitation.

Exhibit B

8. Water Quality Control Maintenance

The Water Quality pond shall be maintained by the Property Owners Association (POA) of our development. It is the intention of KMS to create and maintain said pond in a reasonably attractive park-like setting notwithstanding governmental regulation and liability issues. KMS will agree to provide weekly litter removal during the warm seasons and bi-weekly during cold seasons. We further will agree to quarterly inspections by the POA representative, and repair any clogged infiltration devices, eroding surfaces, or failing splitter box, inlet or outlet structure within a reasonable time period. KMS will permit SRCC and/or its agents permission to make periodic inspections of the Water Quality Controls.

9. Water Quality Control and Detention Pond Infiltration

KMS agrees to incorporate infiltration techniques similar to what Wal-Mart has designed for their project to be located underneath the water quality controls and detention pond.

10. Parking Lot Infiltration

KMS agrees to install infiltration areas within the landscape areas of the Property located 350 feet north of Ben White west-bound service road. Said infiltration areas shall cumulatively cover 10% of the parking areas of this northern portion of the Property and be a minimum of 25,000 square feet in cumulative areas. This infiltration structure will be designed to recharge the ground water with storm water runoff. Runoff from roofs and pavement will be routed to the infiltration areas to the greatest extent practicable.

11. Exterior Illumination

Site lighting will not exceed thirty (30) feet in height and feature flat glass fixtures or other mutually acceptable fixtures of 400 watt or less that will not direct light beams in a manner that extends beyond the Property line or is projected skyward.

12. SRCC Overview

KMS will allow SRCC's agents and consultants to inspect construction of temporary and permanent storm water control and infiltration systems. KMS's contractor shall have plans of such work available for review by SRCC during construction.

13. All paving on the property will be
Concrete. BJ

~~13.~~ Information Review

14.

KMS will deliver a copy our site development submittal and any subsequent updates to SRCC and/or it agents for review and comments at the time of submittal to the City of Austin.

15. *KMS agrees to utilize IPM plan and to utilize the City of Austin Grow Green Plant list.* *BJ*

Tim, we are planning to present our project at the SRCC meeting on Monday, February 2nd. We are also scheduled to be heard at ZAPCo on February 3rd. We appreciate your time and the efforts of SRCC. We look forward to continuing to work with you. With our commitment evidenced by this letter, I hope we can count on your support for our case. Please call me if you have any questions.

Sincerely,



Bill Foote, President
KMS Interests, Inc.

Cc: Mrs. Carol Stewart
Doucet & Associates

Lynn Ann Carley
WHM Traffic Consultant

Exhibit "A"
Commercial Service
Uses Prohibited by Conditioned Overlay Zoning

Bail Bond Services
Campground
Commercial Off Street Parking
Construction Sales & Services
Drop off Recycling Collection Facility
Equipment Repair Services
Pawn Shop Services
Vehicle Storage
Transitional Housing
Transportation Terminal

Also restricted shall be:

Liquor Stores
Sexually Oriented Businesses
Stores or businesses whose primary business is selling, renting or displaying obscene and pornographic material videos, books, movies, tapes or other devices.
Topless Dance Clubs
Nightclubs, bars, and/or dance halls unless such activity is part of a restaurant use whose primary business is the food service.

File # C14-03-0137-AB

Zoning & Platting Commission Hearing Date: February 3, 2004

Name (please print) JOE C JUNG

Address 400 E. ST. ELMO RD
AUSTIN, TEXAS 78745

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

1

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 # C14-03-0137-AB

Zoning & Platting Commission Hearing Date: February 3, 2004

Name (please print) Scott Jung

Address 10401 La Costa Drive

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

1

File # C14-03-0137-AB

Zoning & Platting Commission Hearing Date: February 3, 2004

Name (please print) Sylvia C. Jung

Address PO Box 164197, Austin, Tx 78716

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