



Zoning
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION

AGENDA ITEM NO.: Z-3
AGENDA DATE: Thu 05/13/2004
PAGE: 1 of 1

SUBJECT: C14-04-0018 - Double Creek Village, Tract 2 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 11001 - 11119 South First Street (Onion Creek Watershed) from interim-rural residence (I-RR) district zoning to community commercial (GR) district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning, with conditions. Applicant: Riddell Family Limited Partnership (Wayne Riddell). Agent: Drenner Stuart Wolff Metcalfe von Kreisler, LLP (Michele Rogerson Allen). City Staff: Wendy Walsh, 974-7719.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

ZONING CHANGE REVIEW SHEET

CASE: C14-04-0018

Z.P.C. DATE: April 6, 2004

ADDRESS: 11001 – 11119 South First Street

OWNER: Riddell Family Limited Partnership
(Wayne Riddell)

AGENT: Drenner Stuart Wolff Metcalfe
von Kreisler, LLP
(Michele Haussmann)

ZONING FROM: I-RR

TO: GR

AREA: 27.964 acres

SUMMARY STAFF RECOMMENDATION:

The staff alternate recommendation is to grant community commercial – conditional overlay (GR-CO) combining district zoning. The Conditional Overlay: 1) prohibits the following uses: Pawn Shop Services; Indoor Entertainment; Theater; Hotel-Motel; Bail Bond Services; Exterminating Services; Outdoor Entertainment; Residential Treatment; and Restaurant Limited and General (pad sites smaller than 300 square feet); 2) prohibits access to Old San Antonio Road; and 3) requires that a pedestrian and bicycle connection (easement) be provided between the end of a proposed cul-de sac for Old San Antonio Road and the proposed Stablewood Drive (FM 1626 and Stablewood Drive intersection).

The Restrictive Covenant limits the site development to uses and intensities that will not exceed or vary from the projected traffic conditions assumed in the final TIA memorandum provided as Attachment A (March 31, 2004).

ZONING & PLATTING COMMISSION RECOMMENDATION:

April 6, 2004: *APPROVED STAFF'S RECOMMENDATION OF GR-CO WITH CONDITIONS AND FOLLOWING ADDITIONAL PROHIBITED USES; BY CONSENT.*

- *AUTOMOTIVE RENTAL;*
- *AUTOMOTIVE SALES;*
- *DROP-OFF RECYCLING – COLLECTION FACILITY*

[J.M; J.G 2ND] (7-0) K.J – ABSENT

ISSUES:

With the zoning for Phase I of Double Creek Village (C14-03-0053), the applicant met with representatives of TXDoT and City staff to discuss the proposed transportation improvements for F.M. 1626, Old San Antonio Road, IH-35, the Slaughter Creek Overpass and the Onion Creek Overpasses. TXDoT has agreed to the widening and signalization of F.M. 1626 as warranted in exchange for the applicant's commitment to: 1) dedicate 120-feet of right-of-way for and construct a 4-lane divided road between F.M. 1626 and the Slaughter Creek Overpass following the general alignment of the proposed Stablewood Drive as shown on the approved preliminary plan; 2) dedicate 120-feet of right-of-way for Old San Antonio Road south of F.M. 1626 and construct a 4-lane divided road between F.M. 1626 and the Onion Creek Overpass; 3) provide preliminary schematic for the design of the upgraded Slaughter Creek Overpass; 4) dedicate 30-feet of right-of-way (70-feet from the centerline) of F.M. 1626 from Old San Antonio Road to IH-35; 5) reserve 50-feet of right-of-way

along the IH-35 frontage for future expansion of the IH-35 frontage road from 2 lanes to 3 lanes; and 6) dedicate 90-feet of right-of-way for and construct an Onion Creek Parkway extension from IH-35 to Old San Antonio Road.

At the time of construction, Old San Antonio Road north of F.M. 1626 will convert to a cul-de-sac and will no longer connect to F.M. 1626. Pedestrian and bicycle access via an easement will be provided to connect the cul-de-sac with F.M. 1626. The applicant will also be required to dedicate 70-feet of right-of-way from the centerline of F.M. 1626 from Old San Antonio Road to South First Street and post fiscal surety for the construction of an exclusive southbound left-turn lane at Driveway L along South First Street.

Please refer to Exhibit A-2 for an aerial depicting the transportation improvements, to Attachment A for the Staff TIA memorandum, and Attachments B and C for letters between TXDOT and applicant regarding the proposed improvements. The applicant proposes to construct the proposed transportation improvements with the development of Phase I (C14-03-0053).

The Director of Planning Services at the Austin Independent School District (AISD) has provided a letter of support for the applicant's project. The applicant is in agreement with the additional prohibited uses. Please refer to Attachment D.

The applicant has met with representatives of the Onion Creek Homeowner's Association and the Knolls at Slaughter Creek Homeowners Association following the rezoning of Phase I (C14-03-0053), and letters of support from both associations are attached at the back of the staff report.

DEPARTMENT COMMENTS:

The subject property consists of undeveloped land with vacant softball fields (not associated with Akins High School) and carries interim-rural residence (I-RR) district zoning, assigned upon its annexation in December 1997. The property has access to F.M. 1626, a major arterial roadway, South First Street, a minor arterial roadway and Old San Antonio Road, a collector. The proposed conditional overlay will prohibit access to Old San Antonio Road. Please refer to Exhibits A and A-1.

The applicant proposes to zone the property to the community commercial (GR) district. The property is proposed for the development of a mix of commercial uses including retail, restaurants and a grocery store. The proposed GR zoning and land uses are consistent with the zoning and uses approved for Phase I (C14-03-0053). The applicant has offered to prohibit the following uses:

GR-CO (27.964 acres)

Automotive Sales	Automotive Rentals	Pawn Shop Services
Indoor Entertainment	Bail Bond Services	Exterminating Services
Residential Treatment	Outdoor Entertainment	Hotel-Motel
Theater	Restaurant General (pad site smaller than 300 square feet)	
Restaurant Limited (pad site smaller than 300 square feet)		

Staff recommends the applicant's requested GR-CO district zoning based upon the following: 1) its frontage on the F.M. 1626, a major arterial, South First Street, a minor arterial and existing GR-CO zoning to the north and to the east with Phase I (C14-03-0053); 2) traffic improvements outlined in the Traffic Impact Analysis including right-of-way; 3) existing GR uses to the east; and 4) the conditional overlay will prohibit more intensive GR uses, consistent with that applied to other GR-CO zoned properties in the general vicinity.

conditional overlay will prohibit more intensive GR uses, consistent with that applied to other GR-CO zoned properties in the general vicinity.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	I-RR	Vacant baseball fields; Undeveloped land
<i>North</i>	I-RR; LO-CO; GR-CO; MF-2-CO; GR-MU-CO; GR-MU-H-CO	Undeveloped; Charles Akins High School and associated sports facilities; MF-2-CO for proposed multifamily residences; GR-MU-CO zoning for a proposed wedding and catered events facility; Southpark Meadows Amphitheatre; Retail shopping center
<i>South</i>	County	Undeveloped; Commercial; Office
<i>East</i>	GR-CO; CS-CO; I-RR; SF-2	Undeveloped; Single family residences; GR-CO and CS-CO for proposed commercial development (Phase I)
<i>West</i>	I-RR-SF-2; P	Undeveloped; Single-Family residences; Mary Moore Searight Park

AREA STUDY: N/A

TIA: Is required – Please refer to Attachment A

WATERSHED: Onion Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

HILL COUNTRY 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 Homeowner's Association
 948 – South by Southeast Neighborhood Association

SCHOOLS:

Menchaca Elementary School

Paredes Middle School

Akins High School

CASE HISTORIES:

NUMBER	REQUEST	ZONING AND PLATTING COMMISSION / PLANNING COMMISSION	CITY COUNCIL
C14-04-0020	I-RR (Upon Annexation) to CS-MU for Tract 1; MF-3 for Tract 2	To Grant CS-MU-CO with conditions of the TIA for Tract 1; MF-3 with conditions of the TIA for Tract 2. The CO on Tract 1 is for a list of prohibited uses.	Scheduled concurrently with C14-0018 and C14-04-0019.

C14-04-0019	I-RR to CS	To Grant CS-CO with conditions. The CO is for a list of prohibited uses.	Scheduled concurrently with C14-0018 and C14-04-0020.
C14-03-0053	I-RR to CS	To Grant CS-CO for Tract 1; GR-CO for Tract 2, with conditions. CO is for list of prohibited uses; and prohibit access to Old San Antonio Road. Restrictive Covenant for the Traffic Impact Analysis.	Approved ZAP recommendation (12-11-03).
C14-03-0066	RR; SF-2; CS-CO; CS; LI-CO to GR	To Grant GR-CO with staff recommendations of the TIA; 6' privacy fence and landscaping along Cullen Lane; use of native plants and IPM Plan; right-in, left-out driveways on Cullen Lane; use of shielded / hooded lights over entire property; and list of prohibited uses.	Approved GR-CO consistent with the ZAP recommendation (10-30-03)
C14-02-0052	I-RR to GR-MU-CO	To Grant GR-MU-CO as requested, CO is for 35' height limit; 200 trips, 35% building coverage; GR limited to bed and breakfast, indoor / outdoor entertainment, General and limited restaurant and all NO uses, RR for floodplain; RC for reservation of r-o-w on Old San Antonio & types of gatherings; subdivision requirement	Approved ZAP recommendation, less zoning the floodplain RR and the subdivision requirement (8-22-02)
C14-01-0104	I-RR to GR-MU-CO-H for Tract 1; GR-CO for Tract 2	To Grant as requested, CO is for 35' height limit; 1,000 trips, 50% building coverage; 60% impervious cover; dedication of r-o-w on Old San Antonio; GR limited to bed and breakfast, with conditions, RC for types of gatherings	Approved as recommended by ZAP, with reservation of r-o-w, additional GR uses of Limited and General Restaurant (12/6/01)

C14-00-2031	I-RR to MF-2	To Grant MF-2-CO w/conditions of no access to Old San Antonio; 15' vegetative buffer adjacent to SF zoned properties; 2,000 trips	Approved MF-2-CO w/ conditions as recommended by PC (8-17-00)
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RELATED CASES:

The subject property was annexed into the City limits on December 31, 1997, and assigned I-RR, Interim-Rural Residence district zoning (Ordinance #971211-B).

The subject zoning area occupies the southern portion of the Preliminary Plan known as Stablewood at Slaughter Creek, Revision No. 2 and shown as Commercial use. This Preliminary Plan shows Stablewood Drive, as a loop street (90' r-o-w) extending between the overpass at IH-35 and FM 1626. The Preliminary Plan is for 229 lots, and includes 222 single family residences, 1 greenbelt and 6 Public Utility Easements, Signage and Landscape lots on 105.35 acres (C8-95-0211.03, approved by Planning Commission on March 20, 2001). Primary access is taken to F.M. 1626 and South First Street. Please refer to Exhibit B.

There are no active site plan applications on this property.

ABUTTING STREETS:

STREET	RIGHT-OF-WAY	PAVEMENT WIDTH	CLASSIFICATION	DAILY TRAFFIC
F.M. 1626	75 – 120 feet	30 – 44 feet	Major Arterial	9,308 (2003)
South First Street	120 feet	2 @ 27 feet	Minor Arterial	2,265 (2001)
Old San Antonio Road	50 feet	30 feet	Collector	635 (2003)

CITY COUNCIL DATE: May 13, 2004

ACTION:

ORDINANCE READINGS: 1st

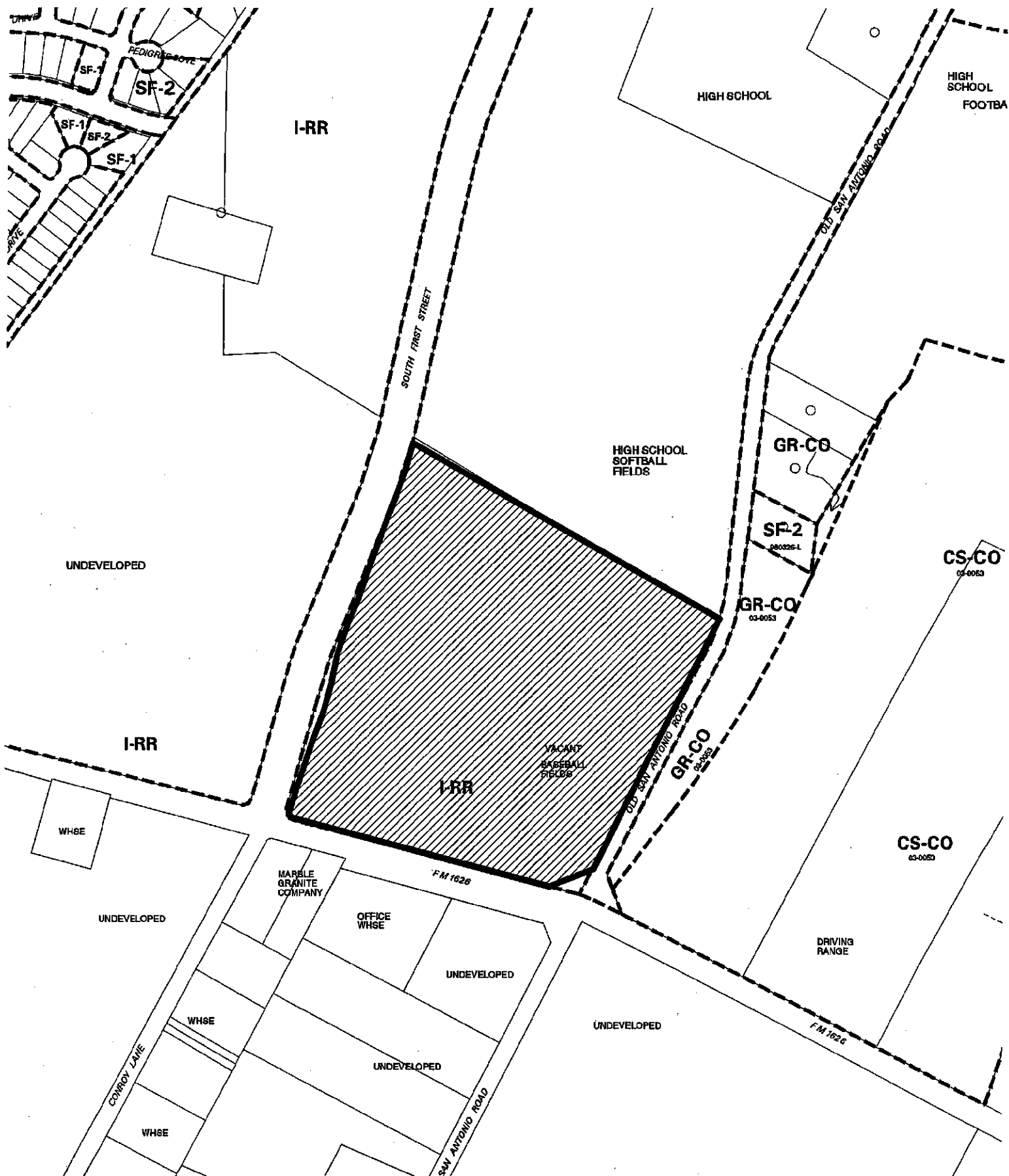
2nd

3rd

ORDINANCE NUMBER:

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

PHONE: 974-7719



 1" = 400' OFFICE	SUBJECT TRACT PENDING CASE ZONING BOUNDARY CASE MGR: W. WALSH	 	ZONING EXHIBIT A	CITY GRID REFERENCE NUMBER F11-12
	CASE #: C14-04-0018			DATE: 04-03
	ADDRESS: 11001-11119 S FIRST ST			INTLS: SM
	SUBJECT AREA (acres): 27.964			CS-MT MANUFACTURING



DOUBLE CREEK VILLAGE - ZONING

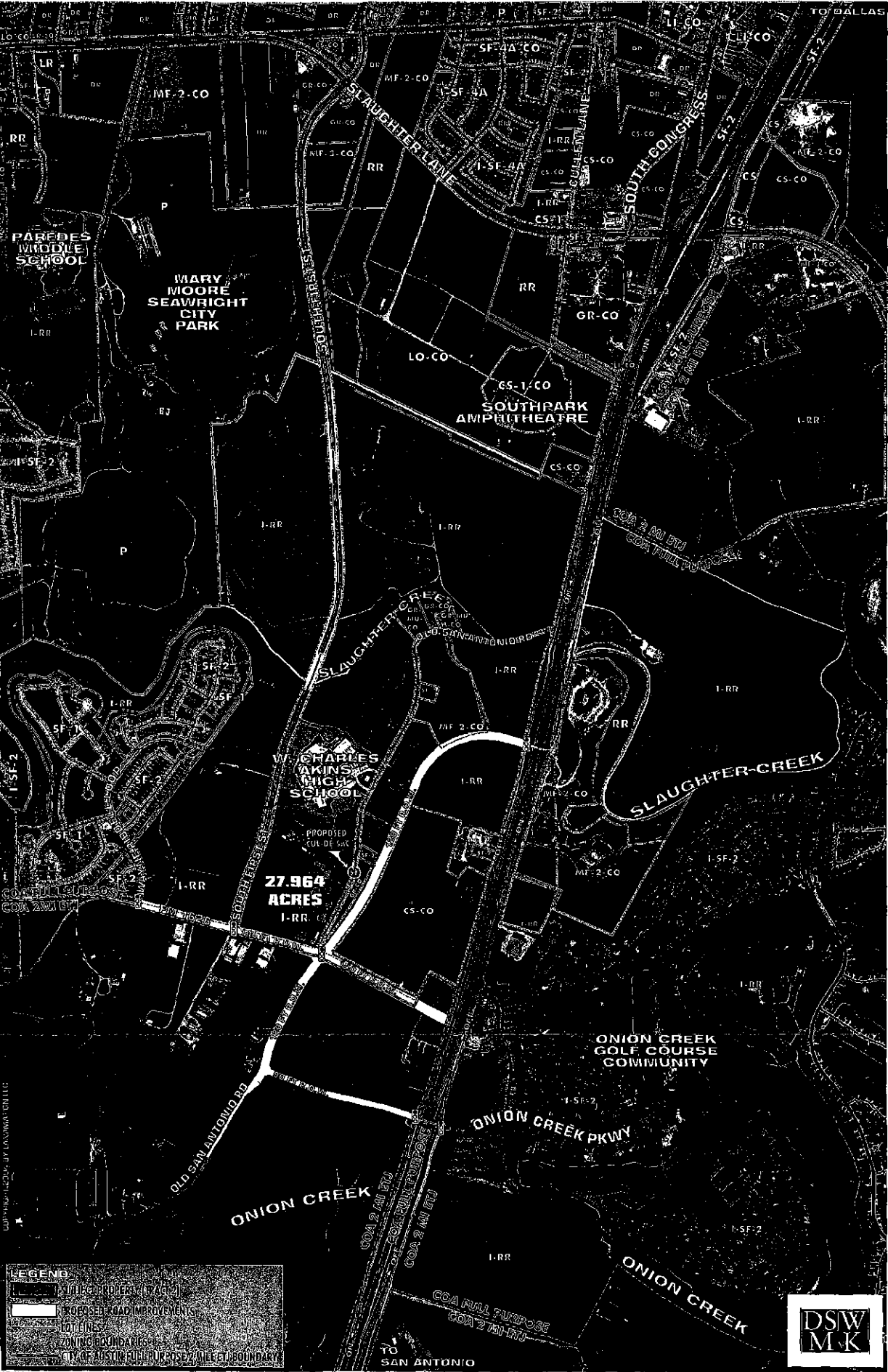
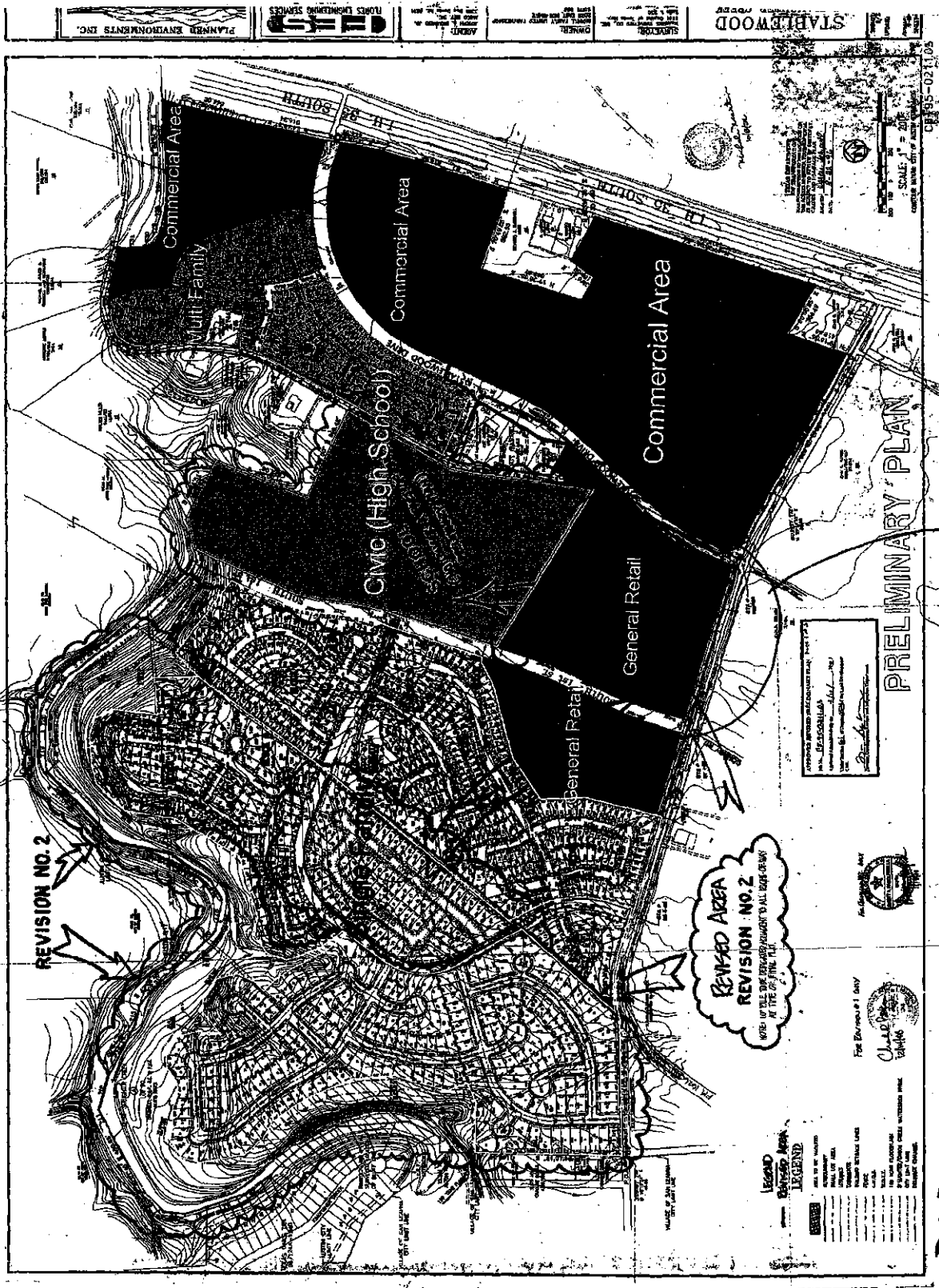


EXHIBIT A-2



INTEROFFICE MEMORANDUM



Date: March 29, 2004
To: Wendy Walsh, Case Manager
Reference: Double Creek Village – Tract 2
C14-04-0018
Traffic Impact Analysis

The following are staff comments on the traffic impact analysis for the proposed Double Creek Village Tract 2 development.

TRIP GENERATION

Double Creek Village Tract 2 is a 27.964-acre multi-use development located at the northeast quadrant of FM 1626 and South First St. The proposed development plans include a mix of retail and restaurant, and the proposed completion of the project will be expected in the year 2005. Wilber Smith Associates prepared the TIA for the project in February, 2004.

The TIA assumed that the proposed development would consist of the following land uses:

Supermarket	80,000 s.f.
Shopping Center	111,100 s.f.
Fast Food with Drive-thru Window	10,000 s.f.
High Turnover Sit-Down Restaurant	11,000 s.f.
Specialty Retail	17,500 s.f.

Based on the standard trip generation rates established by the Institute of Transportation Engineers (ITE), the development will generate approximately 20,340 unadjusted daily trips (ADT). Of these, 1,056 trips will occur during the morning peak-hour and 1,789 will occur in the evening peak-hour.

Below, Table 1 summarizes the adjusted site trips by subtracting the internal capture and pass-by trips from the unadjusted trips.

Table 1. Trip Generation Proposed (adjusted)						
			AM Peak		PM Peak	
Land Use	Square feet	ADT	Enter	Exit	Enter	Exit
Supermarket	80,000	4,498	111	56	183	168
Shopping Center	111,100	3,579	63	37	136	152
Fast-Food Restaurants	10,000	2,778	166	154	92	78
Sit-Down Restaurants	13,000	1,336	70	64	62	34
Specialty Retail	17,500	620	0	0	16	20
Total	231,600	12,811	410	311	489	452

ATTACHMENT A

ASSUMPTIONS

A composite growth rate was developed using the adjacent roadways traffic volumes, which were provided by the Transportation Planning Programming Division of the Texas Department of Transportation. Traffic volumes from 1998 to 2001 yielded a 5.7% average annual growth rate. With the extension of South 1st Street to FM1626, the annual growth rate was increased to 6.5% to account for the additional trip diversion. It should be noted that the background traffic growth for the Knolls at Slaughter Creek was determined separately and applied as background traffic since the subdivision is expected to double in size over the next two years. In addition, traffic from several other previously approved projects, including Phase I of Double Creek Village, was included as background traffic. Some traffic on FM 1626 was also redistributed due to the anticipated construction of Stablewood Dr.

EXISTING AND PROPOSED ROADWAYS

FM 1626 - exists as a two-lane roadway and is classified as a Major Arterial in the Austin Metropolitan Area Transportation Plan. Average daily traffic in 2003 is approximately 9,300 vehicles per day. TXDOT is developing plans to widen the road with a variable cross-section (3 to 5 lanes with shoulders) between proposed SH 45 and IH-35. However, this improvement is not yet funded. TXDOT has also committed to installing additional traffic signals along FM 1626 as traffic warrants.

Wayne Riddell Loop – provides direct access to the Knolls at Slaughter Creek Subdivision. The roadway exists and is classified as a neighborhood collector street. The 24-hour traffic count on Wayne Riddell was 1,469.

South 1st Street - The roadway exists in a four-lane divided configuration and is classified as a Minor Arterial roadway by the City of Austin Metropolitan Area Transportation Plan. The traffic count for S. 1st Street is 3,254 south of Slaughter Lane. TXDOT has funding approved to install a traffic signal at S. 1st and FM 1626.

IH-35 Southbound Frontage Road at FM 1626 – is included in the City of Austin Metropolitan Area Transportation Plan. The IH-35 Southbound Frontage Road is constructed as a 2-lane one-way roadway.

IH-35 Northbound and Southbound Frontage Roads at Onion Creek Parkway – Onion Creek Parkway is constructed with a northbound turnaround lane, a shared thru and left turn lane (northbound) and an east bound thru lane, which leads to the entrance of the Onion Creek Golf Course Community. In addition, a one westbound lane exists in order to allow traffic to turn left (south) on to the IH-35 Southbound Frontage Road.

IH-35 Northbound and Southbound Frontage Roads at Slaughter Creek Overpass – Slaughter Creek Overpass is constructed with a left turn lane (southbound) and an east bound thru lane and left turn lane (northbound). TXDOT is developing plans to reconstruct and expand the overpass and to widen the southbound frontage road to three lanes; however, this project is not yet funded. TXDOT is also committed to installing additional traffic signals along the IH-35 frontage road as traffic warrants.

Old San Antonio Road - The traffic volume for the road is 1,194 west of IH-35. The roadway is a 2-lane collector between IH-35 and FM 1327. In the Stablewood Subdivision preliminary plan, Old San Antonio Rd. is shown to be terminated in a cul-de-sac south of Charles Akins High School. The TIA did not propose any direct access to this road from the Double Creek Village site. The applicant is proposing to widen the portion of Old San Antonio Rd. south of FM 1626 to a 4-lane divided roadway, to connect with an extension of Onion Creek Parkway.

Stablewood Dr. – is part of the approved preliminary plan called Stablewood at Slaughter Creek (C8-95-0211.03). The proposed roadway would be built by the applicant as a 4-lane divided collector street, beginning at the existing intersection of Old San Antonio Road and RM 1626. It will follow the existing alignment of Old San Antonio Road for a short distance north of FM 1626 and then diverge to a parallel route and connect with IH-35 at the Slaughter Creek Overpass.

Onion Creek Parkway – currently exists east of IH-35. The applicant is proposing to extend it westward as a 4-lane collector street to a connection with Old San Antonio Rd.

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, none of which are signalized. Existing and projected levels of service are as follows with the proposed improvements mentioned in the TIA. All intersections will operate at an acceptable level with the improvements assumed in the TIA.

Table 2. Level of Service				
Intersection	2003		2005	
	AM	PM	AM	PM
Wayne Riddell/FM 1626	C	C	B	B
South First/FM 1626	C	C	A	A
Old San Antonio Rd/FM 1626	C	C	C	C
IH-35 SBFR/FM 1626	C	C	A	A
IH-35 SBFR/Onion Creek Overpass	A	A	A	A
IH-35 NBFR/Onion Creek Overpass	A	A	A	A
IH-35 SBFR/Slaughter Creek Overpass	B	B	B	B
IH-35 NBFR/Slaughter Creek Overpass	B	B	B	C

DRIVEWAY CAPACITY ANALYSIS

The table below summarizes the driveway LOS for the am & pm peak future year 2005. All driveways will operate at an acceptable level of service with the improvements assumed in the TIA.

Driveway	AM	PM
Driveway L at S. First St.	A	A
Driveway M at FM 1626	B	D
Driveway N at Stablewood Dr.	B	A

ROADWAY CAPACITY ANALYSIS

The table below summarizes the roadway level of service for the year 2005. FM 1626 will operate at an unacceptable level of service during the PM peak hour. TXDOT has agreed to widen the road to a 3-lane cross-section to mitigate this condition.

Roadway Section	AM Peak Hour	PM Peak Hour
FM 1626 between S. 1 st & IH-35	D	E
Old San Antonio Rd. between FM 1626 & Onion Creek Pkwy.	C	C

OTHER TRANSPORTATION MODES

Capital Metro bus service is available to Akins High School, which abuts the property to the north. However, for the purpose of the TIA no deductions in traffic were assumed for transit ridership.

Old San Antonio Rd. is a popular route for bicyclists. Because the developer plans to terminate the road north of FM 1626, provisions should be made to maintain a bicycle and pedestrian route through the tract. This issue should be addressed during the subdivision process at the time the street vacation is processed.

RECOMMENDATIONS

The TIA assumes that a number of improvements will be made to area roadways by the time the project is completed. Discussions between the applicant and TXDOT resulted in a commitment from TXDOT to provide many of the recommended improvements in the TIA without cost participation by the developer (see attached memo). Consequently, the developer should be subject to the following requirements:

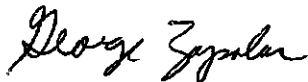
1. Dedicate 120-feet of right-of-way and construct a 4-lane divided roadway along the general alignment of Stablewood Dr. as shown on the approved preliminary plan, between FM 1626 and the Slaughter Creek interchange at IH-35. This requirement will be addressed with the final subdivision plat on the property, and the road will be constructed with the site plan for development of the tract. The road should be completed and open to traffic prior to the issuance of any certificates of occupancy on the tract.
2. Provide exclusive left-turn lanes at all site driveways along Stablewood Drive, as well as exclusive right-turn lanes on the northbound and southbound approaches at Driveway N. This requirement will be addressed during review of the subdivision construction plans for Stablewood Drive.
3. Dedicate 70 feet of right-of-way from the centerline of FM 1626 from Old San Antonio Rd. to S. First St. This requirement will be addressed with the final subdivision plat on the property.
4. Motor vehicle access to Old San Antonio Road in its present configuration should be prohibited. A portion of Old San Antonio Road will be replaced by Stablewood Drive and realigned to connect to IH-35. Once this realignment occurs, the existing segment of Old San Antonio Rd. should be vacated from FM 1626 to Charles Akins High School. Provision should be made for continuation of bicycle and pedestrian access between Old San Antonio Rd. and FM 1626, with the location and design of the access to be approved by the Transportation, Planning, and Sustainability Department. This requirement should be addressed with the final subdivision plat on the property

5. Post fiscal surety (100%) prior to final reading of the zoning ordinance for an exclusive southbound left-turn lane at Driveway L along South First St. Construction of the turn lane is subject to approval by the Transportation, Planning, and Sustainability Department at the time of site plan review. If approved by TPSD, the turn lane should be completed and open to traffic prior to issuance of any certificates of occupancy on the tract.

6. Development of this property should be limited to uses and intensities which will not exceed or vary from the projected traffic conditions assumed in the TIA, including peak hour trip generations, traffic distribution, roadway conditions, and other traffic related characteristics.

7. Submit two copies of the final version of the TIA incorporating all corrections and additions. The TIA should be submitted before third reading of the zoning.

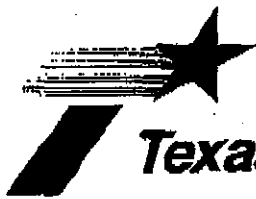
If you have any questions or require additional information, please contact me at 974-2725.



George Zapalac

Watershed Protection and Development Review Department

CC: Bob Hamm, Wilber Smith Associates
Carol Kaml, Fiscal Surety Officer
Linda DuPriest, Bicycle and Pedestrian Coordinator



Texas Department of Transportation

P.O. DRAWER 15426 • AUSTIN, TEXAS 78761-5426 • (512) 832-7000

October 15, 2003

Mr. Bill Walters
Walters Southwest
1100 Nucces
Austin, Texas 78701

Dear Mr. Walters,

Over the past several months we have been working together to address the best transportation access and circulation solutions for the area around FM 1626 and IH-35. TxDOT strongly supports the proposal to build a "backage road" which would loop around your development and connect with the Slaughter Creek Overpass and the Onion Creek Overpass. We think this internal four-lane roadway will better distribute regional traffic, improve access to the high school, and reduce congestion along the existing IH-35 frontage road system.

As part of the transportation solution, TxDOT is developing several projects in the area which will be facilitated by your right of way donation and proposed designs. These improvements include:

- Widening FM 1626 to a variable cross-section (3 lanes to 5 lanes) with shoulders between proposed SH 45 and IH-35;
- Reconstruction and expansion of the Slaughter Creek Overpass;
- Installation of a traffic signal at FM 1626 and South 1st Street (this is already approved and funded);
- Installation of additional traffic signals along FM 1626 or the IH 35 frontage road system, as traffic warrants; and,
- Reconstruction and expansion of southbound IH-35 frontage road to 3 lanes as traffic warrants.

Please note that only the signal project at FM 1626 at South 1st Street is funded for construction.

Last, the Austin District would be supportive of Travis County Commissioner Daugherty's efforts to secure CAMPO STP-MM funding for portions of the "backage road" loop system or any of the other area projects the Austin District is developing.

If you have any questions, please let me know.

Sincerely,

Donald E. Nyland, P.E.
Area Engineer

cc: Robert B. Daigh, P.E., TxDOT, Austin District Engineer
Robert L. Stuard, P.E., TxDOT, Austin District Director of Transportation

An Equal Opportunity Employer



November 12, 2003

Mr. Don Nyland, P.E.
TxDOT, South Austin Area Office
2800 S. IH-35, Ste. 100
Austin, Texas 78704

Re: Revision to Letter of October 28, 2003 regarding Double Creek Village
Transportation Improvements

Dear Mr. Nyland,

I want to thank you for the time you have spent with my consultant team and me reviewing the proposed transportation improvements for FM 1626 and IH-35 around Double Creek Village. After working with your office it has been determined that we should not realign existing FM 1626 to tie into the Slaughter Creek Overpass. Instead, it has been determined that an internal 4-lane divided city street, connecting both the Slaughter Creek Overpass and the Onion Creek Overpass, would provide the best regional and local access while reducing the traffic impacts along the IH-35 frontage road. The backage road would intersect FM 1626 at the existing Old San Antonio Road intersection and utilize short segments of Old San Antonio Road.

As a result of our meetings, I propose to provide the following improvements, at no cost to the State, as part of the Double Creek Village development:

- Provide 120' of right of way and construct 4-lane divided "backage road" between FM 1626 and Slaughter Creek Overpass.
- Provide preliminary schematic for ultimate location and design of relocated/upgraded Slaughter Creek Overpass.
- Donate 30 feet of right of way, between existing Old San Antonio and IH-35 frontage road, for FM 1626.
- Reserve 50' of right of way along IH-35 frontage, controlled by Double Creek Village, for future expansion of IH-35 frontage road from 2 lanes to 3 lanes.
- Continue to work with the school district, Travis County, and area property owners to complete the "backage road" between FM 1626 and Onion Creek Overpass.

REAL ESTATE INVESTMENTS

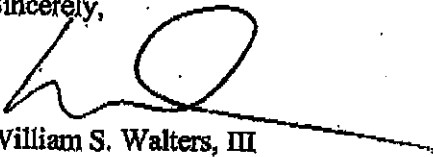
1100 NUECES STREET
AUSTIN, TEXAS 78701
PHONE: 512-481-0404
FAX: 512-481-0444

EMAIL: waltersw@swbell.net

ATTACHMENT C

Thank you again for your time and recommendations to address both the local and regional access and circulation issues in the area.

Sincerely,



William S. Walters, III

cc: Commissioner Gerald Daugherty, Travis County Precinct 3
Bob Hamm, P.E. Wilbur Smith & Associates
Mike Weaver, Prime Strategies, Inc.
Michele Allen, Drenner-Stuart Wolff Metcalfe von Kreisler, LLP
Dan Robertson, AISD

Austin ISD

Date: 3/08/04
To: Wendy Walsh, Neighborhood Planning and Zoning Department COA
Cc: Curt Shaw, Director of Construction Management
From: Dan Robertson, Director of Planning Services
RE: C14-04-0018

BACKGROUND

In 1998, AISD was in need of a high school site to provide relief for overcrowded high schools in south Austin. A number of sites were under consideration at that time. The District eventually entered into an agreement with the Riddell Family Partnership (Riddell) to acquire the current location of Akins High School on South First Street. Mr. Riddell was initially not well disposed to the location of a high school on his tract. He had an approved preliminary plan for his property, the Cascades at Slaughter Creek, Case no. C8-95-0211 - now known as Stablewood at Slaughter Creek. That plan contemplated a somewhat dense residential development and would have been more appropriate for an elementary school than a high school in Mr. Riddell's estimation. Because of the agreement between the City of Austin and AISD to pursue an extension of South First Street and the associated water and waste water infrastructure as a Smart Growth Project, Riddell agreed to the location of a high school in the hope that the planned improvements would result in a better return for his remaining land. With his cooperation, AISD was able to enter into an agreement and a "friendly condemnation" which resulted in a timely acquisition of the site and the successful opening of the high school needed by AISD. (See the Attached Agreement, AGREEMENT IN CONNECTION WITH AISD ACQUISITION OF RIDDELL TRACT) With respect to future development issues in the Agreement, AISD gave approval for the

contemplated use of a grocery store and agreed to exclude certain non-school uses from the high school tract. Riddell agreed to submit proposed changes in the approved preliminary plan to AISD for review and approval.

CASE # C14-04-0018

As in the previous case # C14-03-0053, the instant case can be said to be the beginning of the fulfillment of the agreement from Riddell's point of view and interest. As you will note in the agreement, the AISD and Riddell contemplated that there would be certain uses and that their nature, intensity and location in relation to the high school would be topics of continuing mutual interest with involvement and review by both parties. We are continuing to have good communication with Mr. Walters, who is representing Mr. Riddell. The requested zoning is consistent with the use discussed with Mr. Riddell at the time the Agreement was concluded in 1998. In addition, we have a pledge from those representing Mr. Riddell that the practice of consultation with the District is to continue throughout the process of developing these and additional tracts. Consequently, AISD is in support of the current zoning request

We believe that the staff and applicant are aware of the importance of the uses adjacent to the high school property along Old San Antonio Road. We are also relying on the representation of the applicant and the terms of our Agreement (See Paragraph 7) to ensure that we continue to have input on the adjacent uses, particularly when changes in the preliminary plan are contemplated or required.

Let me know if you need additional information.

XC: Michelle C. Haussmann, Drenner Stuart Wolff Metcalfe von Kreisler, LLP

SUMMARY STAFF RECOMMENDATION:

The staff alternate recommendation is to grant community commercial – conditional overlay (GR-CO) combining district zoning. The Conditional Overlay: 1) prohibits the following uses: Pawn Shop Services; Indoor Entertainment; Theater; Hotel-Motel; Bail Bond Services; Exterminating Services; Outdoor Entertainment; Residential Treatment; and Restaurant Limited and General (pad sites smaller than 300 square feet); 2) prohibits access to Old San Antonio Road; and 3) requires that a pedestrian and bicycle connection (easement) be provided between the end of a proposed cul-de sac for Old San Antonio Road and the proposed Stablewood Drive (FM 1626 and Stablewood Drive intersection).

The Restrictive Covenant limits the site development to uses and intensities that will not exceed or vary from the projected traffic conditions assumed in the final TIA memorandum provided as Attachment A (March 31, 2004).

BACKGROUND

The subject property consists of undeveloped land with vacant softball fields (not associated with Akins High School) and carries interim-rural residence (I-RR) district zoning, assigned upon its annexation in December 1997. The property has access to F.M. 1626, a major arterial roadway, South First Street, a minor arterial roadway and Old San Antonio Road, a collector. The proposed conditional overlay will prohibit access to Old San Antonio Road.

The applicant proposes to zone the property to the community commercial (GR) district. The property is proposed for the development of a mix of commercial uses including retail, restaurants and a grocery store. The proposed GR zoning and land uses are consistent with the zoning and uses approved for Phase I (C14-03-0053). The applicant has offered to prohibit the following uses:

GR-CO (27.964 acres)

Automotive Sales	Automotive Rentals	Pawn Shop Services
Indoor Entertainment	Bail Bond Services	Exterminating Services
Residential Treatment	Outdoor Entertainment	Hotel-Motel
Theater	Restaurant General (pad site smaller than 300 square feet)	
Restaurant Limited (pad site smaller than 300 square feet)		

Staff recommends the applicant's requested GR-CO district zoning based upon the following: 1) its frontage on the F.M. 1626, a major arterial, South First Street, a minor arterial and existing GR-CO zoning to the north and to the east with Phase I (C14-03-0053); 2) traffic improvements outlined in the Traffic Impact Analysis including right-of-way; 3) existing GR uses to the east; and 4) the conditional overlay will prohibit more intensive GR uses, consistent with that applied to other GR-CO zoned properties in the general vicinity.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

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

This property is accessible from South First Street and FM 1626. These roadways are situated away from nearby residential development.

2. Zoning changes should promote compatibility with adjacent and nearby uses.

Staff recommends GR-CO district zoning based upon the following: 1) its frontage on the F.M. 1626, a major arterial, South First Street, a minor arterial and existing GR-CO zoning to the north and to the east with Phase I (C14-03-0053); 2) traffic improvements outlined in the Traffic Impact Analysis including right-of-way; 3) existing GR uses to the east; and 4) the conditional overlay will prohibit more intensive GR uses, consistent with that applied to other GR-CO zoned properties in the general vicinity.

EXISTING CONDITIONS

Site Characteristics

The site consists of vacant baseball fields and undeveloped land. There appear to be no significant topographical constraints on the site.

Impervious Cover

The maximum impervious cover allowed by the GR zoning district would be 80%, which is based on the more restrictive watershed regulations as shown in the table below.

Environmental

The site is not located over the Edward's Aquifer Recharge Zone. The site is in the Onion Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

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

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

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

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

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

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

Transportation

The Texas Department of Transportation has identified a need for 140 feet of right-of-way for FM 1626. If the requested zoning is granted for this site, then 70 feet of right-of-way from the existing centerline should be dedicated for FM 1626 according to the Transportation Plan. [LDC, Sec. 25-6-51 and 25-6-55]. This requirement will be addressed with the final subdivision plat.

If the requested zoning is recommended for this site, 120 feet of right-of-way should be dedicated for the proposed Stablewood Drive to the east of this site, in order to accommodate traffic anticipated to be generated by this site. [LDC, 25-6-55; TCM, Tables 1-7, 1-12]. This requirement will be addressed with the final subdivision plat.

The applicant intends to terminate Old San Antonio Road near Charles Akins High School and construct a new road known as Stablewood Drive along a parallel alignment connecting FM 1626 to IH-35 at the Slaughter Creek overpass. Vacation of a portion of Old San Antonio Rd. will occur during the subdivision process. It is recommended that a pedestrian and bicycle connection be provided between the end of Old San Antonio Road and Stablewood Drive in order to maintain convenient access for students and cyclists to the school and to other popular cycling routes in the area. The location and design of the pedestrian and bicycle facility must be approved by the City of Austin during then subdivision process.

Access from the site to Old San Antonio Road should be prohibited. Old San Antonio Road should be terminated with a cul-de-sac turnaround north of the site and the portion along the eastern boundary of this site should be vacated.

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.

TPSD Right-of-Way

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

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

Water and Wastewater

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

The water and wastewater utility system serving this subdivision must be in accordance with the City's utility design criteria. The utility plan must be reviewed and approval by the Austin Water Utility. The utility system construction must be inspected by the City.

Compatibility Standards

The site is subject to compatibility standards. Along the east property line, the following standards apply:

- For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
- 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.

April 21, 2004

Ms. Wendy Walsh, Case Manager
City of Austin
Watershed Protection and Development Review
505 Barton Springs Rd.
Austin, Texas 78767

Re: Double Creek Village, Phase II and Tract 2
(Approximately 155 acres, Multi-use Commercial and Residential Development)
Case #'s C14-04-0018; C14-04-0019 and C14-04-0020
Traffic Impact Analysis (TIA)
Knolls of Slaughter Creek Neighborhood Support

Ms. Walsh:

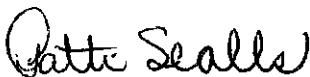
We are writing on behalf of the Advisory Committee regarding the approximately 155 acre multi-use commercial and residential development being proposed for zoning at the northwest area at FM1626 and the southbound frontage of IH-35 called Double Creek Village, Phase II and Tract 2.

After meeting with Walters Southwest regarding the proposed development we the members of the Knolls of Slaughter Creek Advisory Committee are in support of the proposed development provided all of the following improvement items recommended in the TIA occur concurrently with the development of the 69-acre Double Creek Village, Phase I improvements and in place by the time of the approximately 155-acre Double Creek Village, Phase II and Tract 2 improvements. The TIA recommends improvements along FM 1626 and at intersections along FM 1626, namely Old San Antonio Road, South First Street and Wayne Riddell.

We reiterate, we support the development only if, all of the TIA recommendations are constructed and/or installed concurrently with the development of the 69-acre Double Creek Village, Phase I improvements and in place by the time of the approximately 155-acre Double Creek Village, Phase II and Tract 2 improvements.

If you have questions regarding this letter please contact Mr. Steven B. Sylliaasen, P.E. at 708-9322.

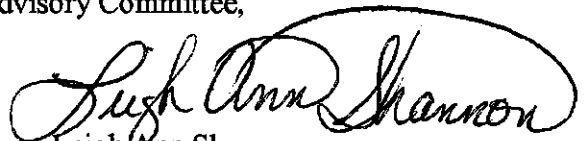
Thank you for your assistance in accommodating our Advisory Committee,



Patti Sealls
President,
Knolls of Slaughter Creek
Advisory Committee



Steve Sylliaasen, P.E.
Vice President,
Knolls of Slaughter Creek
Advisory Committee



Leigh Ann Shannon
Secretary
Knolls of Slaughter Creek
Advisory Committee

ONION CREEK
HOMEOWNERS ASSOCIATION
10816 Crown Colony, Suite 205
Austin, Texas 78747
(512) 280-8110

April 6, 2004

Michele Rogerson Allen
Senior Development Planner
Drenner Stuart Wolff Metcalfe von Kreisler
301 Congress, Suite 1200
Austin, Texas 78701

Re: Zoning requests C14-04-0018, 19 and 20

Dear Ms Allen,

Thank you for conveying our additional requests to your client and to them for adding appropriate ones to the list of proposed prohibited uses. We also look forward to working with you on appropriate restrictions on some of the authorized uses.

Please consider this correspondence as a letter of support from the Onion Creek Homeowners Association for the referenced zoning requests.

It's been a pleasure working with you, and we look forward to working with you and the Double Creek Village development in the future.

Sincerely,



John McNabb
President

CC:
Ms Wendy Walsh
Neighborhood Planning and Zoning Department
City of Austin

ORDINANCE NO. _____

1 AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING FOR THE
2 PROPERTY LOCATED AT 11001-11119 SOUTH FIRST STREET AND
3 CHANGING THE ZONING MAP FROM INTERIM RURAL RESIDENCE (I-RR)
4 DISTRICT TO COMMUNITY COMMERCIAL-CONDITIONAL OVERLAY (GR-
5 CO) COMBINING DISTRICT.
6

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

9 **PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to
10 change the base district from interim rural residence (I-RR) district to community
11 commercial-conditional overlay (GR-CO) combining district on the property described in
12 Zoning Case No.C14-04-0018, on file at the Neighborhood Planning and Zoning
13 Department, as follows:
14

15 A 27.964 acre tract of land, more or less, out of the S.F. Slaughter League No. 1, in
16 Travis County, the tract of land being more particularly described by metes and
17 bounds in Exhibit "A" incorporated into this ordinance, (the "Property")
18

19 locally known as 11001-11119 South First Street, in the City of Austin, Travis County,
20 Texas, and generally identified in the map attached as Exhibit "B".
21

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

25 1. The following uses are prohibited uses of the Property:
26

27 Automotive rentals	Automotive sales
28 Drop-off recycling collection facility	Pawn shop services
29 Indoor entertainment	Theater
30 Hotel-motel	Bail bond services
31 Exterminating services	Outdoor entertainment
32 Residential treatment	

33

34 2. Vehicular access from the Property to Old San Antonio Road is prohibited. All
35 vehicular access to the Property shall be from other adjacent public streets or through
36 other adjacent property.
37

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

PART 3. 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

27.964 ACRES
PORTION OF RIDDELL : CT
ZONING TRACT 3

FN. NO. 02-320(MJJ)
NOVEMBER 8, 2002
BPI JOB NO. 652-39.08

EXHIBIT A
DESCRIPTION

C14-04-0018
GR-CO district zoning
with conditions

OF A 27.964 ACRE TRACT OF LAND OUT OF THE S.F. SLAUGHTER LEAGUE NO. 1, SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN 229.899 ACRE TRACT OF LAND CALLED "TRACT ONE" CONVEYED TO THE RIDDELL FAMILY LIMITED PARTNERSHIP BY DEED OF RECORD IN VOLUME 12246, PAGE 585 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 27.964 ACRE TRACT OF LAND BEING DESCRIBED MORE PARTICULARLY BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a concrete monument found in the northerly line of F.M. 1626 (R.O.W. varies - Hwy. Sta. 107+01.3), being the southeasterly corner of the remaining portion of said "Tract One", for the southeasterly corner hereof;

THENCE, N75°06'11"W, along the northerly line of F.M. 1626, being the southerly line of the remaining portion of said "Tract One" and the southerly line hereof, a distance of 861.72 feet to a 1/2 inch iron rod with cap set at the intersection of the northerly line of F.M. 1626 with the easterly line of South First Street (120' R.O.W.), for the southwesterly corner hereof;

THENCE, leaving the northerly line of F.M. 1626, along a portion of the easterly line of South First Street, along a curve to the right having a radius of 30.00 feet, a central angle of 50°43'12", an arc length of 26.56 feet and a chord which bears N50°45'33"W, a distance of 25.70 feet to a 1/2 inch iron rod with cap found at the southeasterly corner of that certain 0.380 acre tract of land conveyed to the City of Austin by deed of record in Document No. 2000101517 of the Official Public Records of Travis County, Texas, for an angle point hereof;

THENCE, along the easterly line of said 0.380 acre tract, being the westerly line hereof, the following ten (10) courses and distances:

- 1) N17°34'51"E, a distance of 149.60 feet to a 1/2 inch iron rod with cap found for an angle point;
- 2) N18°18'33"E, a distance of 100.18 feet to a 1/2 inch iron rod with cap found for an angle point;
- 3) N20°43'32"E, a distance of 98.79 feet to a 1/2 inch iron rod with cap found for an angle point;
- 4) N14°53'19"E, a distance of 101.78 feet to a 1/2 inch iron rod with cap found for an angle point;
- 5) N11°30'51"E, a distance of 91.70 feet to a 1/2 inch iron rod with cap set for an angle point;
- 6) N18°59'26"E, a distance of 98.16 feet to a 1/2 inch iron rod with cap found for an angle point;
- 7) N22°15'57"E, a distance of 99.98 feet to a 1/2 inch iron rod with cap set for an angle point;

- 8) N18°50'00"E, a distance of 100.16 feet to a 1/2 inch iron rod with cap found for an angle point;
- 9) N20°09'06"E, a distance of 100.03 feet to a 1/2 inch iron rod with cap found for an angle point;
- 10) N20°28'36"E, a distance of 156.34 feet to a 1/2 inch iron rod with cap found in the easterly line of South First Street, being the most northerly corner of said 0.380 acre tract for the point of curvature of a curve to the left;

THENCE, along the easterly line of South First Street, being a portion of the westerly line hereof, along said curve to the left having a radius of 1060.00 feet, a central angle of 09°44'30", an arc length of 180.23 feet and a chord which bears N17°23'05"E, a distance of 180.01 feet to a 1/2 inch iron rod with cap set at the southwesterly corner of the remaining portion of that certain 51.126 acre tract of land conveyed to the Austin Independent School District by deed of record in Document No. 2000022808 of said Official Public Records, for the northwesterly corner hereof;

THENCE, S60°13'41"E, leaving the easterly line of South First Street, along the southerly line of the remaining portion of said 51.126 acre tract, being the northerly line hereof, a distance of 1157.19 feet to a 1/2 inch iron rod found in the westerly line of Old San Antonio Road (R.O.W. varies), being the southeasterly corner of the remaining portion of said 51.126 acre tract, for the northeasterly corner hereof;

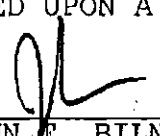
THENCE, S26°30'11"W, along the westerly line of Old San Antonio Road, being the easterly line of the remaining portion of said "Tract One" and the easterly line hereof, a distance of 912.56 feet to a concrete monument found at the intersection of the westerly line of Old San Antonio Road with the northerly line of F.M. 1626;

THENCE, S68°34'49"W, along the westerly right-of-way cut-back line of F.M. 1626, being the easterly line of the remaining portion of said "Tract One" and a portion of the easterly line hereof, a distance of 156.54 feet to the **POINT OF BEGINNING**, containing an area of 27.964 acres (1,218,118 sq. ft.) of land, more or less, within these metes and bounds.

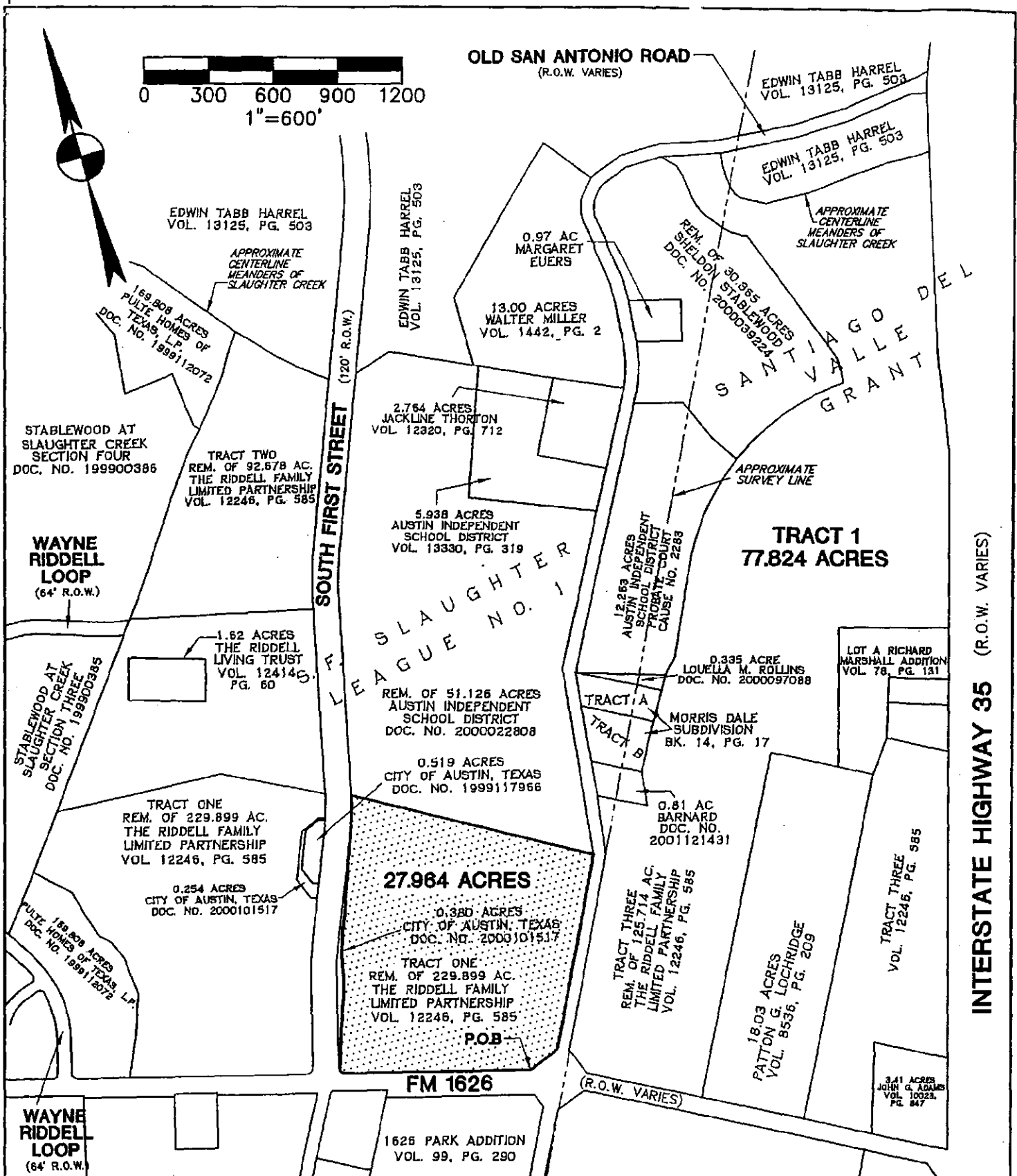
BEARING BASIS IS TEXAS CENTRAL ZONE NAD83. CONTROL MONUMENTS USED FOR THIS SURVEY ARE CITY OF AUSTIN AND LOWER COLORADO RIVER AUTHORITY MONUMENTATION.

I, JOHN T. BILNOSKI, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY STATE THAT THIS DESCRIPTION IS BASED UPON A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION.

BURY & PARTNERS, INC.
ENGINEERS-SURVEYORS
3345 BEE CAVES ROAD, SUITE 200
AUSTIN, TEXAS 78746


JOHN T. BILNOSKI
NO. 4998
STATE OF TEXAS





Bury+ Partners
Consulting Engineers and Surveyors
Austin, Texas Tel 512/328-0911 Fax 512/328-0325
Bury+Partners, Inc. ©Copyright 2002

SKETCH TO ACCOMPANY DESCRIPTION
OF 27.964 ACRES OF LAND OUT OF THE S.F.
SLAUGHTER LEAGUE NO. 1, SITUATED IN TRAVIS
COUNTY, TEXAS, BEING A PORTION OF THAT
CERTAIN TRACT OF LAND CALLED "TRACT ONE" OF
RECORD IN VOLUME 12246, PAGE 585 OF THE REAL
PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS.

**RIDDELL
FAMILY
PARTNERSHIP**

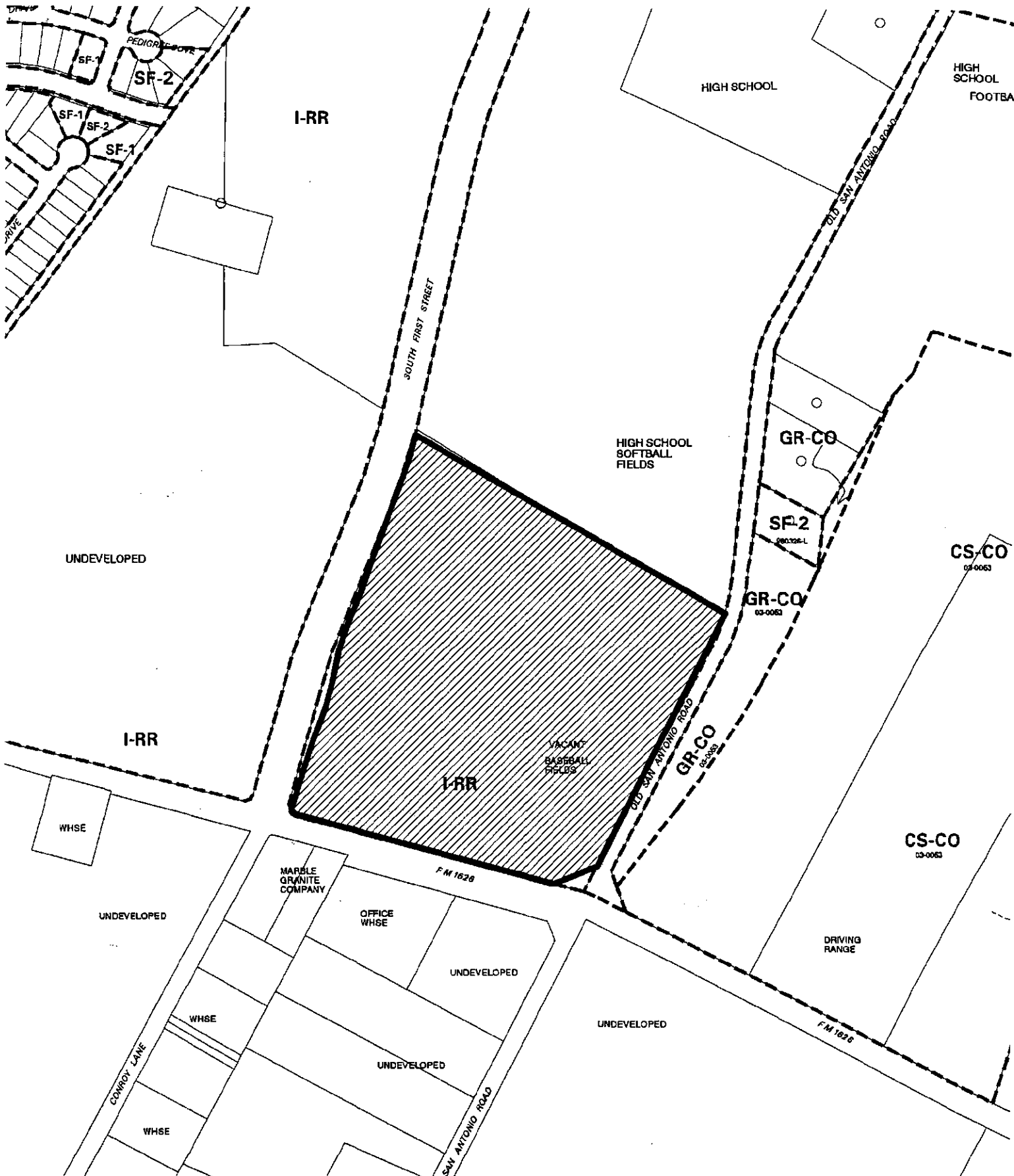
DATE: 11/08/02

FILE: H:\652\39\65239EX7.dwg

FN No.: FN02-320(MJJ)

DRAWN BY: MJJ

PROJ. No: 652-39.08



 1" = 400' OFFICE	SUBJECT TRACT PENDING CASE ZONING BOUNDARY CASE MGR: W. WALSH	<div style="display: flex; align-items: center;"> <div style="width: 20px; height: 10px; background: repeating-linear-gradient(45deg, transparent, transparent 2px, black 2px, black 4px); border: 1px solid black; margin-right: 5px;"></div> <div style="width: 20px; height: 10px; border-top: 1px dotted black; border-bottom: 1px dotted black; border: 1px solid black; margin-right: 5px;"></div> <div style="width: 20px; height: 10px; border-top: 1px dashed black; border-bottom: 1px dashed black; border: 1px solid black; margin-right: 5px;"></div> </div>	ZONING EXHIBIT B CASE #: C14-04-0018 ADDRESS: 11001-11119 S FIRST ST SUBJECT AREA (acres): 27.964	DATE: 04-03 INTLS: SM	CITY GRID REFERENCE NUMBER F11-12
	LIGHT MANUFACTURING				

RESTRICTIVE COVENANT

OWNER: Riddell Family Limited Partnership, a Texas limited partnership

ADDRESS: 2028 East Ben White Blvd., Suite 508, Austin, TX 78741

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 27.964 acre tract of land, more or less, out of the S.F. Slaughter league No. 1, in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this covenant, and

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 Wilber Smith Associates, dated February 2004, or as amended and approved by the Director of the Watershed Protection and Development Review Department. All development on the Property is subject to the recommendations contained in the memorandum from the Transportation Review Section of the Watershed Protection and Development Review Department, dated March 31, 2004. The TIA shall be kept on file at the Watershed Protection and Development Review Department.
2. The minimum square footage for a restaurant (limited) use and restaurant (general) use on a stand-alone pad site is 300 square feet.
3. If any person or entity shall violate or attempt to violate this agreement and covenant, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such agreement or covenant, to prevent the person or entity from such actions, and to collect damages for such actions.
4. If any part of this agreement or covenant is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full effect.
5. If at any time the City of Austin fails to enforce this agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.

6. This agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, and (b) by the owner(s) of the Property subject to the modification, amendment or termination at the time of such modification, amendment or termination.

EXECUTED this the _____ day of _____, 2004.

OWNER:

**Riddell Family Limited Partnership,
a Texas limited partnership**

By: _____
Wayne J. Riddell,
General Partner

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 Wayne J. Riddell, General Partner on behalf of Riddell Family Partnership, a Texas limited partnership.

Notary Public, State of Texas

27.964 ACRES
PORTION OF RIDDELL CT
ZONING TRACT 3

EN. NO. 02-320 (MJJ)
NOVEMBER 8, 2002
BPI JOB NO. 652-39.08

EXHIBIT A
DESCRIPTION

C14-04-0018
GR-CO DISTRICT zoning
with conditions

OF A 27.964 ACRE TRACT OF LAND OUT OF THE S.F. SLAUGHTER LEAGUE NO. 1, SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN 229.899 ACRE TRACT OF LAND CALLED "TRACT ONE" CONVEYED TO THE RIDDELL FAMILY LIMITED PARTNERSHIP BY DEED OF RECORD IN VOLUME 12246, PAGE 585 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 27.964 ACRE TRACT OF LAND BEING DESCRIBED MORE PARTICULARLY BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a concrete monument found in the northerly line of F.M. 1626 (R.O.W. varies - Hwy. Sta. 107+01.3), being the southeasterly corner of the remaining portion of said "Tract One", for the southeasterly corner hereof;

THENCE, N75°06'11"W, along the northerly line of F.M. 1626, being the southerly line of the remaining portion of said "Tract One" and the southerly line hereof, a distance of 861.72 feet to a 1/2 inch iron rod with cap set at the intersection of the northerly line of F.M. 1626 with the easterly line of South First Street (120' R.O.W.), for the southwesterly corner hereof;

THENCE, leaving the northerly line of F.M. 1626, along a portion of the easterly line of South First Street, along a curve to the right having a radius of 30.00 feet, a central angle of 50°43'12", an arc length of 26.56 feet and a chord which bears N50°45'33"W, a distance of 25.70 feet to a 1/2 inch iron rod with cap found at the southeasterly corner of that certain 0.380 acre tract of land conveyed to the City of Austin by deed of record in Document No. 2000101517 of the Official Public Records of Travis County, Texas, for an angle point hereof;

THENCE, along the easterly line of said 0.380 acre tract, being the westerly line hereof, the following ten (10) courses and distances:

- 1) N17°34'51"E, a distance of 149.60 feet to a 1/2 inch iron rod with cap found for an angle point;
- 2) N18°18'33"E, a distance of 100.18 feet to a 1/2 inch iron rod with cap found for an angle point;
- 3) N20°43'32"E, a distance of 98.79 feet to a 1/2 inch iron rod with cap found for an angle point;
- 4) N14°53'19"E, a distance of 101.78 feet to a 1/2 inch iron rod with cap found for an angle point;
- 5) N11°30'51"E, a distance of 91.70 feet to a 1/2 inch iron rod with cap set for an angle point;
- 6) N18°59'26"E, a distance of 98.16 feet to a 1/2 inch iron rod with cap found for an angle point;
- 7) N22°15'57"E, a distance of 99.98 feet to a 1/2 inch iron rod with cap set for an angle point;

- 8) N18°50'00"E, a distance of 100.16 feet to a 1/2 inch iron rod with cap found for an angle point;
- 9) N20°09'06"E, a distance of 100.03 feet to a 1/2 inch iron rod with cap found for an angle point;
- 10) N20°28'36"E, a distance of 156.34 feet to a 1/2 inch iron rod with cap found in the easterly line of South First Street, being the most northerly corner of said 0.380 acre tract for the point of curvature of a curve to the left;

THENCE, along the easterly line of South First Street, being a portion of the westerly line hereof, along said curve to the left having a radius of 1060.00 feet, a central angle of 09°44'30", an arc length of 180.23 feet and a chord which bears N17°23'05"E, a distance of 180.01 feet to a 1/2 inch iron rod with cap set at the southwesterly corner of the remaining portion of that certain 51.126 acre tract of land conveyed to the Austin Independent School District by deed of record in Document No. 2000022808 of said Official Public Records, for the northwesterly corner hereof;

THENCE, S60°13'41"E, leaving the easterly line of South First Street, along the southerly line of the remaining portion of said 51.126 acre tract, being the northerly line hereof, a distance of 1157.19 feet to a 1/2 inch iron rod found in the westerly line of Old San Antonio Road (R.O.W. varies), being the southeasterly corner of the remaining portion of said 51.126 acre tract, for the northeasterly corner hereof;


THENCE, S26°30'11"W, along the westerly line of Old San Antonio Road, being the easterly line of the remaining portion of said "Tract One" and the easterly line hereof, a distance of 912.56 feet to a concrete monument found at the intersection of the westerly line of Old San Antonio Road with the northerly line of F.M. 1626;

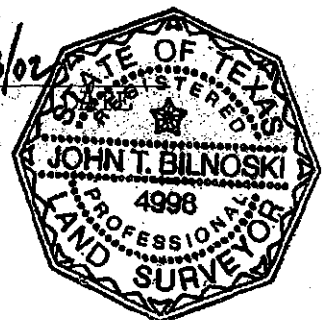
THENCE, S68°34'49"W, along the westerly right-of-way cut-back line of F.M. 1626, being the easterly line of the remaining portion of said "Tract One" and a portion of the easterly line hereof, a distance of 156.54 feet to the **POINT OF BEGINNING**, containing an area of 27.964 acres (1,218,118 sq. ft.) of land, more or less, within these metes and bounds.

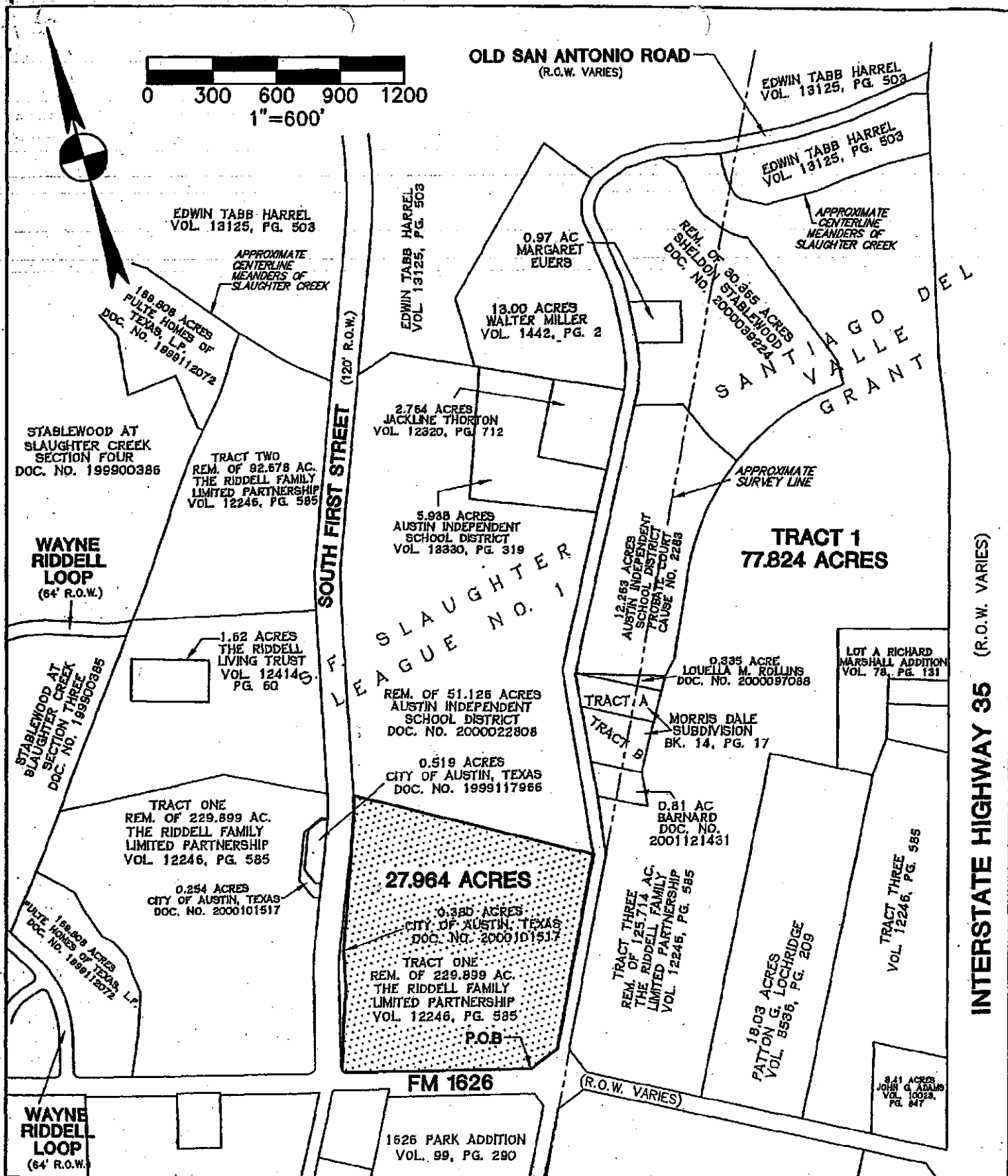
BEARING BASIS IS TEXAS CENTRAL ZONE NAD83. CONTROL MONUMENTS USED FOR THIS SURVEY ARE CITY OF AUSTIN AND LOWER COLORADO RIVER AUTHORITY MONUMENTATION.

I, JOHN T. BILNOSKI, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY STATE THAT THIS DESCRIPTION IS BASED UPON A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION.

BURY & PARTNERS, INC.
ENGINEERS-SURVEYORS
3345 BEE CAVES ROAD, SUITE 200
AUSTIN, TEXAS 78746


JOHN T. BILNOSKI
NO. 4998
STATE OF TEXAS





SKETCH TO ACCOMPANY DESCRIPTION
OF 27.964 ACRES OF LAND OUT OF THE S.F.
SLAUGHTER LEAGUE NO. 1, SITUATED IN TRAVIS
COUNTY, TEXAS, BEING A PORTION OF THAT
CERTAIN TRACT OF LAND CALLED "TRACT ONE" OF
RECORD IN VOLUME 12246, PAGE 585 OF THE REAL
PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS.

**RIDDELL
FAMILY
PARTNERSHIP**

Bury+Partners
Consulting Engineers and Surveyors
Austin, Texas Tel 512/328-0011 Fax 512/328-0325
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DATE: 11/08/02

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FN No.: FN02-320(MJJ)

DRAWN BY: MJJ

PROJ. No: 652-39.08