

Zoning Ordinance Approval
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION



AGENDA ITEM NO.: 31
AGENDA DATE: Thu 05/13/2004
PAGE: 1 of 1

SUBJECT: C14-03-0120 - Centrum - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3413 North Hills Drive, 6415 Hart Lane and 6426 Mopac Expressway North (Shoal Creek Watershed) from limited office-conditional overlay (LO-CO) combining district zoning and general office-conditional overlay district zoning to general office-conditional overlay (GO-CO) combining district zoning on Tract A and community commercial-conditional overlay (GR-CO) combining district zoning on Tract B. First reading on February 12, 2004. Vote: 7-0. Second reading on April 1, 2004. Vote: 6-0, McCracken off the dais. Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council on second ordinance reading. Applicant: Balcones Centrum Ltd. (Gerald Kucera). Agent: Crocker Consultants (Sarah Crocker). City Staff: Glenn Rhoades, 974-2775.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guemsey

THIRD READING SUMMARY SHEET

ZONING CASE NUMBER: C14-03-0120

REQUEST:

Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code, zoning the property locally known as 3413 North Hills Drive, 6415 Hart Lane and 6426 Mopac Expressway from general office-conditional overlay (GO-CO) combining district zoning and limited office-conditional overlay (LO-CO) combining district zoning to community commercial-conditional overlay (GR-CO) combining district zoning for tract B and general office-conditional overlay (GO-CO) combining district zoning for tract A.

DEPARTMENT COMMENTS

The applicant and neighborhood are discussing an additional change to the minimum setback requirement adjacent to lot 4 of the Northwest Hills subdivision located at the northern end of the site. The amendment would allow for a slight encroachment into the setback area to accommodate the second floor of a proposed building. The applicant will provide Council and staff details of the modified setback prior to the Council meeting.

Previously, the applicant and several resident associations came to an agreement that was approved at Council on first ordinance reading (see attached agreement). The proposed change is for GO-CO for tract A and GR-CO for tract B with the following conditions:

For tract A only the following uses will be permitted:

- Medical Offices (over 5,000 square feet)
- Medical Offices (under 5,000 square feet)
- Hospital Services (limited)
- Professional Offices
- Administrative and Business Offices
- Software Development
- Churches

For tract B the only allowed GR use shall be for financial services and the permitted GO uses for tract A above.

In addition the following development standards will apply for both tracts:

- Access to Hart lane shall be prohibited.
- The minimum building setback from the west property line of Lots 2 and 3 of the Northwest Hills Section 15-A Subdivision is 55 feet (as amended by the applicant on April 27, 2004)
- The minimum building setback line of Lot 4 Northwest Hills Section 15-A Subdivision is 21 feet from the west property line (as amended by the applicant on April 27, 2004).

- The roof deck of any structure may not exceed 765 feet above sea level and the combined height of the roof deck and mechanical screening or parapet on any structure may not exceed 771 feet above sea level.

The applicant has also entered into a restrictive covenant, in order to comply with the recommendations set forth in the traffic impact analysis.

PROPERTY OWNER: The Kucera Company (Gerald Kucera)

AGENT: Crocker Consultants (Sarah Crocker)

DATE OF FIRST READING/VOTE:

Approved community commercial-conditional overlay (GR-CO) combining district zoning for tract B and general office-conditional overlay (GO-CO) combining district zoning for tract A (Vote: 7-0).

CITY COUNCIL DATE:

December 4, 2004 – Postponed at the request of the applicant to 2/5/04 (Vote: 6-0, J. Goodman – off dais).

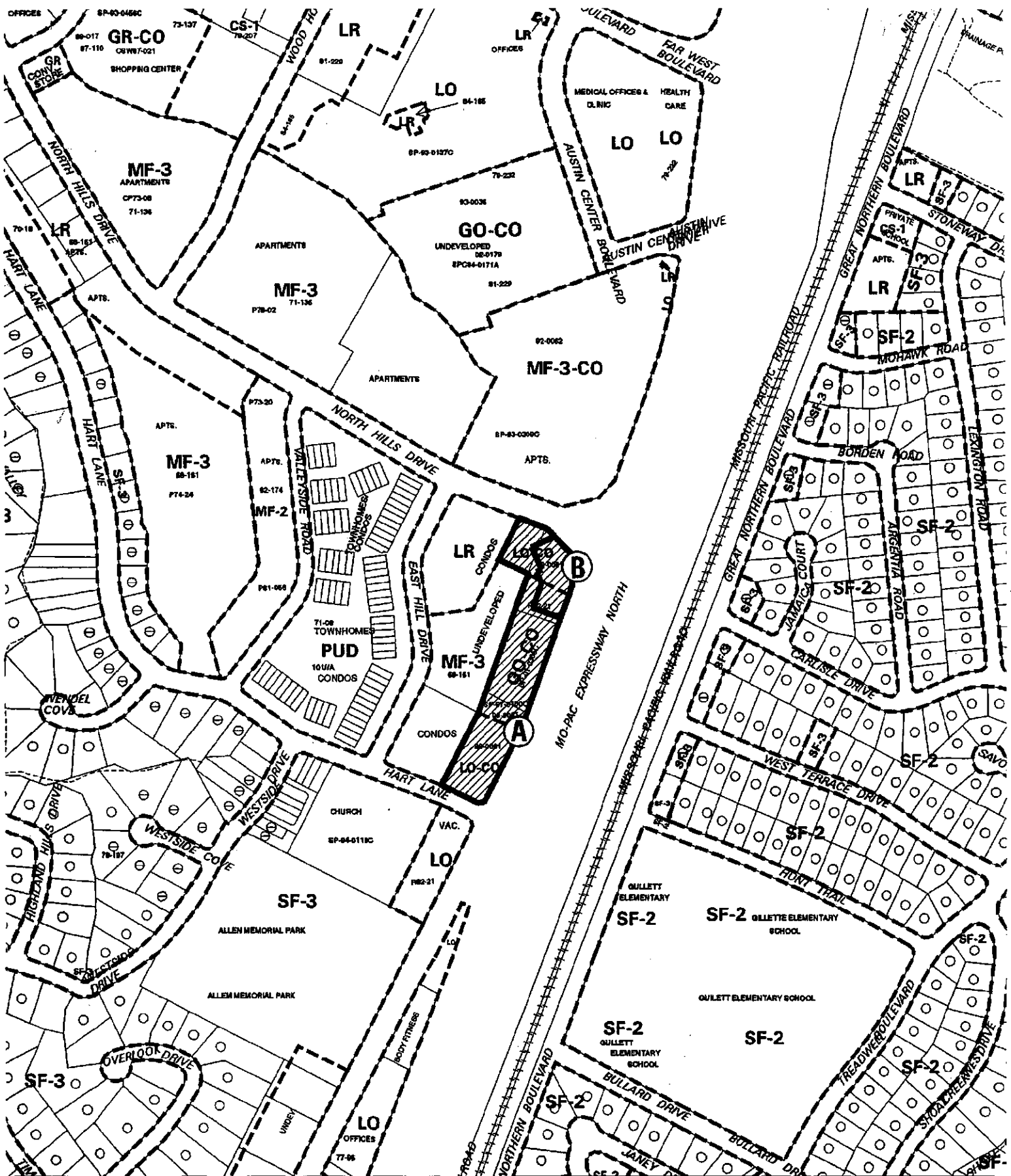
February 5, 2004 – Postponed at the request of Council to 2/12/04 (Vote: 6-0, D. Thomas – absent).





February 12, 2004 – Approved community commercial-conditional overlay (GR-CO) combining district zoning for tract B and general office-conditional overlay (GO-CO) combining district zoning for tract A (Vote: 7-0).

April 15, 2004 – Approved community commercial-conditional overlay (GR-CO) combining district zoning for tract B and general office-conditional overlay (GO-CO) combining district zoning for tract A on second reading (Vote: 7-0).

ASSIGNED STAFF: Glenn Rhoades

PHONE: 974-2775
glenn.rhoades@ci.austin.tx.us



 1" = 400'	SUBJECT TRACT		ZONING CASE #: C14-03-0120 ADDRESS: NORTH HILLS LA BETWEEN HART LA & N MO-PAC NB EXPY SUBJECT AREA (acres): 3.340	DATE: 04-02 INTLS: SM	CITY GRID REFERENCE NUMBER H29
	PENDING CASE				
	ZONING BOUNDARY				
	CASE MGR: G. RHOADES				

RECEIVED

APR 28 2004

Neighborhood Planning & Zoning

RECEIVED

APR 28 2004

Neighborhood Planning & Zoning

April 27th, 2004

The Honorable Mayor Will Wynn and Council Members
P.O. Box 1088
City of Austin
Austin, Texas
78767

RE: AMENDMENT TO LETTER OF AGREEMENT FOR ZONING CASE # C14-03-0120

Dear Mayor Wynn and Council Members,

In preparation for third reading of the above referenced case, all parties have agreed to the following amendment to our letter of agreement dated February 19th, 2004. This change is due to a portion of the second story of the bank building on Lot 4, Northwest Hills Subdivision that extends into the 55-foot setback along the rear property line that was incorporated into our previous agreement.

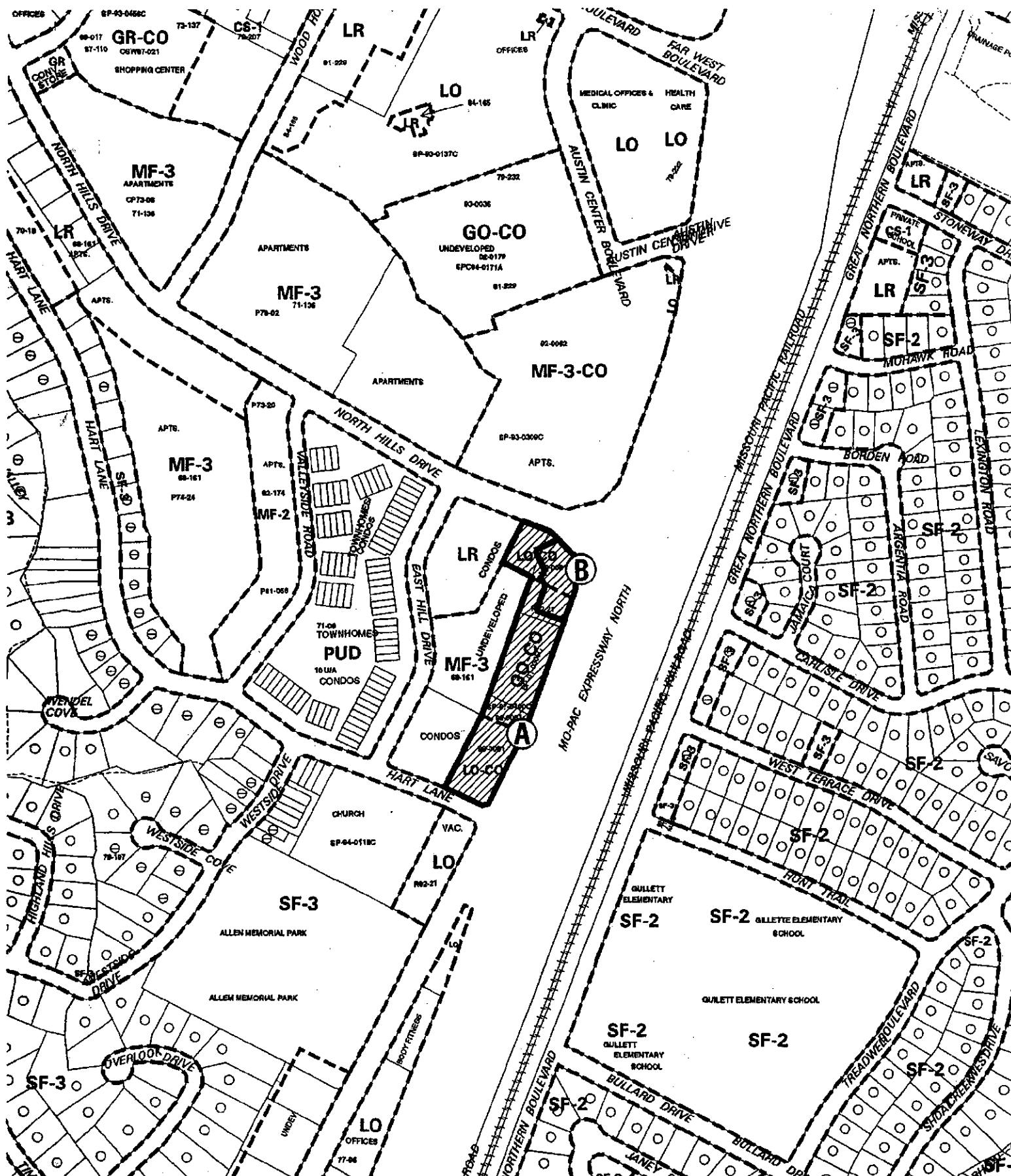
We request that this case be passed on third reading on May 6th incorporating this change in the ordinance.

The language regarding the rear setback in the current draft ordinance currently reads as follows:

2. The minimum building setback is 55 feet from the west property line.

Proposed change to the current language:

- 2. The minimum building setback from the west property line of Lots 2 and 3 of the Northwest Hills Section 15-A Subdivision is 55 feet.*
- 3. The minimum building setback line of Lot 4 Northwest Hills Section 15-A Subdivision is 21 feet from the west property line.*



 1" = 400'	SUBJECT TRACT PENDING CASE ZONING BOUNDARY CASE MGR: G. RHOADES	 	CASE #: C14-03-0120 ADDRESS: NORTH HILLS LA BETWEEN HART LA & N MO-PAC NB EXPY SUBJECT AREA (acres): 3.340	ZONING DATE: 04-02 INTLS: SM	CITY GRID REFERENCE NUMBER H29
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ORDINANCE NO. _____

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 3413 NORTH HILLS DRIVE, 6415 HART LANE AND 6426 MOPAC EXPRESSWAY NORTH FROM LIMITED OFFICE-CONDITIONAL OVERLAY (LO-CO) COMBINING DISTRICT AND GENERAL OFFICE-CONDITIONAL OVERLAY (GO-CO) COMBINING DISTRICT TO GENERAL OFFICE-CONDITIONAL OVERLAY (GO-CO) COMBINING DISTRICT FOR TRACT A AND COMMUNITY COMMERCIAL-CONDITIONAL OVERLAY (GR-CO) COMBINING DISTRICT FOR TRACT B.

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 districts on the property described in Zoning Case No.C14-03-0120, on file at the Neighborhood Planning and Zoning Department, as follows:

Tract A: From limited office-conditional overlay (LO-CO) combining district and general office-conditional overlay (GO-CO) combining district to general office-conditional overlay (GO-CO) combining district.

A 2.764 acre tract of land, more or less, out of the T.J. Chambers Survey in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance; and

Tract B: From limited office-conditional overlay (LO-CO) combining district and general office-conditional overlay (GO-CO) combining district to community commercial-conditional overlay (GR-CO) combining district.

A 0.572 acre tract of land, more or less, out of the T.J. Chambers Survey 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 3413 North Hills Drive, 6415 Hart Lane and 6426 Mopac Expressway North, 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 Hart Lane is prohibited. All vehicular access to the Property shall be from other adjacent public streets or through other adjacent property.
2. The minimum building setback is 55 feet from the west property line of Lots 2 and 3, Northwest Hills Section 15-A Subdivision.
3. The minimum building setback line is 21 feet from the west property line of Lot 4, Northwest Hills Section 15-A Subdivision.
4. Except as provided in section 4, the maximum height of a building or structure is 765 feet above sea level.
5. The maximum height of a building or structure that includes an exception under Section 25-2-531 (*Height Limit Exceptions*) of the Code is 771 feet above sea level.
6. The following uses are prohibited uses of Tract A:

Bed and breakfast residential (Group 1)	Bed and breakfast residential (Group 2)
Art and craft studio (limited)	Business or trade school
Business support services	Communications services
Off-site accessory parking	Personal services
Restaurant (limited)	Special use historic
Club or lodge	College and university facilities
Communication service facilities	Community recreation (private)
Community recreation (public)	Congregate living
Convalescent services	Counseling services
Cultural services	Day care services (commercial)
Day care services (general)	Day care services (limited)
Family home	Group home class 1 (general)
Group home class 1 (limited)	Group home class 2
Guidance services	Hospital services (general)
Private primary educational facilities	Private secondary educational facilities
Public primary educational facilities	Public secondary educational facilities
Residential treatment	Safety services

7. The following uses are prohibited uses of Tract B:

Bed and breakfast residential (Group 1)	Bed and breakfast residential (Group 2)
Art and craft studio (limited)	Art and craft studio (general)
Automotive sales	Automotive rentals
Automotive repair services	Automotive washing (of any type)
Business or trade school	Business support services
Campground	Commercial off-street parking
Communications services	Consumer convenience services
Consumer repair services	Exterminating services
Food sales	Funeral services
General retail sales (convenience)	General retail sales (general)
Hotel-motel	Indoor entertainment
Indoor sports and recreation	Off-site accessory parking
Outdoor entertainment	Outdoor sports and recreation
Pawn shop services	Personal improvement services
Personal services	Pet services
Plant nursery	Research services
Restaurant (limited)	Restaurant (general)
Service station	Theater
Custom manufacturing	Urban farm
Special use historic	Club or lodge
College and university facilities	Communication service facilities
Community recreation (private)	Community recreation (public)
Congregate living	Convalescent services
Counseling services	Cultural services
Day care services (commercial)	Day care services (general)
Day care services (limited)	Family home
Group home class 1 (general)	Group home class 1 (limited)
Group home class 2	Guidance services
Hospital services (general)	Private primary educational facilities
Private secondary educational facilities	Public primary educational facilities
Public secondary educational facilities	Residential treatment
Safety services	

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

1
2 **PART 3.** This ordinance takes effect on _____, 2004.

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5 **PASSED AND APPROVED**

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7
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9 _____, 2004

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§

10
11 Will Wynn
Mayor

12
13
14 **APPROVED:** _____

ATTEST _____

15 David Allan Smith
16 City Attorney

Shirley A. Brown
City Clerk

On behalf of all the participants in this process we would request that Council direct staff to incorporate this change into the ordinance. This represents the only change to the Letter of Agreement dated, February 19th, 2004.

Sincerely,

Gerald Kucera
Balconies Centrum Ltd.
Applicant

William Bradley
President
Northwest Civic Association

Denese Mosley
President
Imperial Condominiums
Homeowners Association

Barbara Borden
President
Balcones Tower
Homeowners Association

Sarah Crocker
Authorized Agent for
Balconies Centrum Ltd.
Applicant

SARAH PUTNAM CROCKER
CONSULTANT
809 SOUTH LAMAR BLVD.
AUSTIN, TEXAS 78704

Rec 2-12-04

PHONE (512) 476-6598

FAX (512) 474-8050

February 11, 2004

The Honorable Mayor Will Wynn and Council Members
P.O. Box 1088
City of Austin
Austin, Texas
78767

RE: LETTER OF AGREEMENT FOR ZONING CASE # C14-03-0120

Dear Mayor Wynn and Council Members,

The applicant and the neighborhood have reached an agreement on the above referenced zoning case. We have met with Greg Guernsey and Deborah Thomas to discuss the manner in which the key points of our agreement can be included in the zoning ordinance. As per our discussion it is our understanding that all of these items can be included as part of the Conditional Overlay.

All parties have worked diligently to arrive at this agreement and we would respectfully request the Councils consideration and approval of this case on first (1st) reading.

- As per the attached exhibit the property be rezoned from LO-CO and GO-CO to GO-CO for Tract A and GR-CO for Tract B (footprint zoning for the proposed bank)
- That access to Hart Lane is prohibited.
- The trip limitation for this tract is 3230 trips per day which represents the maximum number of trips that will be generated by the proposed development (see attached memo from WHM traffic engineers)
- As per our negotiations we agree that the uses listed below shall be permitted for Tract A. All other uses in GO shall be prohibited.
 - a.) Medical offices up to 5000 sq.ft.
 - b.) Medical offices that exceed 5000 sq.ft.
 - c.) Hospital Services Limited
 - d.) Professional Offices
 - e.) Administrative and Business Offices
 - f.) Software Development
- As per our negotiations we agree that the uses listed below shall be permitted for Tract B. All other uses in GR shall be prohibited.
 - a.) Medical offices up to 5000 sq.ft.

- b.) Medical offices that exceed 5000 sq.ft.
 - c.) Hospital Services Limited
 - d.) Professional Offices
 - e.) Administrative and Business Offices
 - f.) Software Development
 - g.) Financial Services
- A 55-foot building setback shall be established along the rear (western) property boundary.
 - The following height restrictions shall apply to the entire tract:
 - a.) The roof deck of any structure may not exceed 765 feet above sea level
 - b.) The combined height of the roof deck and mechanical screening or parapet erected on any structure may not exceed 771 above sea level

This agreement represents the first time in almost twenty years that a zoning case will be presented to the City Council for this tract without a valid petition. On behalf of all the participants in this process, I would request that Council approve the zoning request on this tract with these conditions.

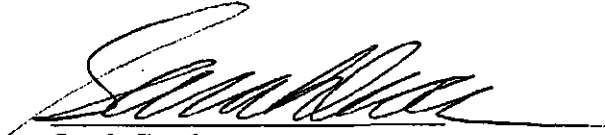
Sincerely,

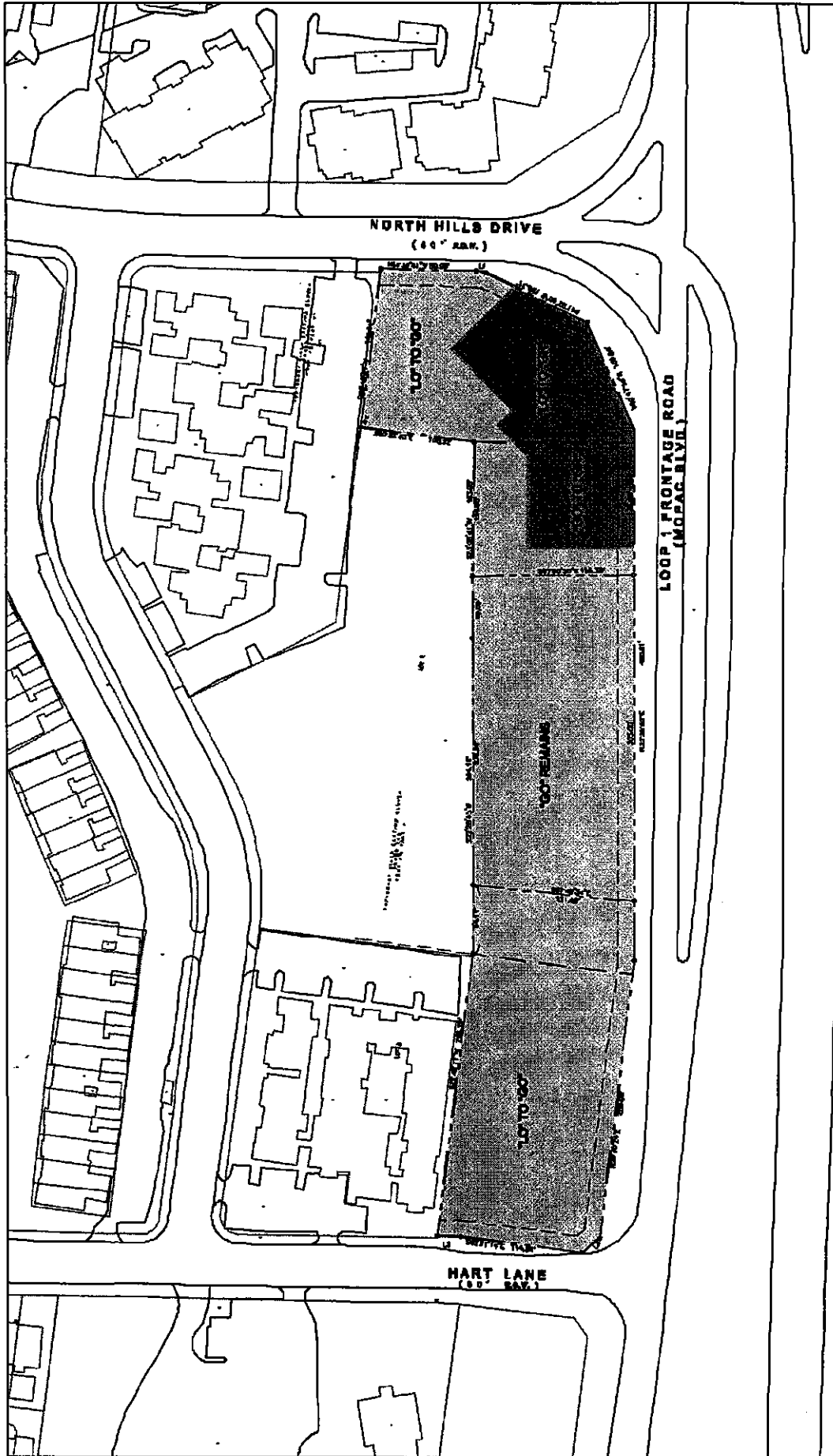
 Ted Mecklin for (Gerald Kucera)
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 Applicant

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 Barbara Borden
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 Balcones Tower
 Homeowners Association


 Sarah Crocker
 Authorized Agent for
 Balconies Centrum Ltd.
 Applicant



<p>TOTAL SITE AREA 3.335 ACRES</p>	<p>"GO" ZONING 2.768 ACRES</p>	<p>"GR" ZONING 0.568 ACRES</p>	<p>EXISTING ZONING BOUNDARY PROPOSED ZONING BOUNDARY ZONING SETBACK LINE</p>	<p>SCALE: 1" = 40'</p>	<p>BALCONES - CENTRUM BALCONES DRIVE & NORTHWEST HILLS DRIVE AUSTIN, TX</p> <p>Thruway Design LAND PLANNERS</p>
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Land Use and Trip Generation Summary
Centrum Zoning Case

Table
Summary of Unadjusted Daily and Peak Hour Trip Generation

Proposed Land Use	Size	24-Hour Two Way Volume	AM Peak Hour		PM Peak Hour	
			Enter	Exit	Enter	Exit
Medical/Dental Office Building	54,623 SF	1,974	106	27	47	127
General Office	2,000 SF	22	3	0	1	2
Drive-In Bank	3 Windows	1,234	40	31	95	95
	Total	3,230	149	58	143	224

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Tract B: From limited office-conditional overlay (LO-CO) combining district and general office-conditional overlay (GO-CO) combining district to community commercial-conditional overlay (GR-CO) combining district.

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3. Except as provided in section 4, the maximum height of a building or structure is 765 feet above sea level.
4. The maximum height of a building or structure that includes an exception under Section 25-2-531 (*Height Limit Exceptions*) of the Code is 771 feet above sea level.
5. The following uses are prohibited uses of Tract A:

Bed and breakfast residential (Group 1)

Art and craft studio (limited)

Business support services

Off-site accessory parking

Restaurant (limited)

Club or lodge

Communication service facilities

Community recreation (public)

Convalescent services

Cultural services

Day care services (general)

Family home

Group home class 1 (limited)

Guidance services

Private primary educational facilities

Public primary educational facilities

Residential treatment

Bed and breakfast residential (Group 2)

Business or trade school

Communications services

Personal services

Special use historic

College and university facilities

Community recreation (private)

Congregate living

Counseling services

Day care services (commercial)

Day care services (limited)

Group home class 1 (general)

Group home class 2

Hospital services (general)

Private secondary educational facilities

Public secondary educational facilities

Safety services

6. The following uses are prohibited uses of Tract B:

Bed and breakfast residential (Group 1)	Bed and breakfast residential (Group 2)
Art and craft studio (limited)	Art and craft studio (general)
Automotive sales	Automotive rentals
Automotive repair services	Automotive washing (of any type)
Business or trade school	Business support services
Campground	Commercial off-street parking
Communications services	Consumer convenience services
Consumer repair services	Exterminating services
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Hotel-motel	Indoor entertainment
Indoor sports and recreation	Off-site accessory parking
Outdoor entertainment	Outdoor sports and recreation
Pawn shop services	Personal improvement services
Personal services	Pet services
Plant nursery	Research services
Restaurant (limited)	Restaurant (general)
Service station	Theater
Custom manufacturing	Urban farm
Special use historic	Club or lodge
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Hospital services (general)	Private primary educational facilities
Private secondary educational facilities	Public primary educational facilities
Public secondary educational facilities	Residential treatment
Safety services	

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

PART 3. This ordinance takes effect on _____, 2004.

PASSED AND APPROVED

_____, 2004

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Will Wynn
Mayor

APPROVED:

David Allan Smith
City Attorney

ATTEST:

Shirley A. Brown
City Clerk

EXHIBIT A

FN-04-006-02-01
Proposed General Office (GO)
2.764 Acres
February 4, 2004

FIELD NOTE DESCRIPTION FOR A 2.764 ACRE PARCEL
(GO ZONING)

DESCRIPTION OF A 2.764 ACRE TRACT OF LAND, HEREIN IN THE T. J. CHAMBERS SURVEY IN TRAVIS COUNTY, TEXAS BEING PART OF THAT LOT 4 AND ALL OF LOTS 2 AND 3 OF NORTHWEST HILLS SECTION 15-A, A SUBDIVISION OF RECORD IN BOOK 86, PAGE 65A OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS AND BEING A PART OF THAT CERTAIN TRACT OF LAND AS DESCRIBED IN A DEED TO BALCONES CENTRUM, LTD., OF RECORD IN DOCUMENT NO. 2000042959 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 2.764 ACRE (24,906 SQUARE FEET) TRACT BEING DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND AS SHOWN ON THE ATTACHED SKETCH:

BEGINNING at a ½ inch iron rod found for the northwest corner of Lot 4 of said Northwest Hills Section 15-A, being also the northeast corner of Lot 1 of Northwest Hills, Section Eleven, Phase One, a subdivision of record in Book 40, Page 31 of the Plat Records of Travis County, Texas, being also in the south line of North Hills Drive, a 60 foot wide right-of-way, and being the northwest corner of the herein described tract, said point having a Texas State Plane Coordinates (Texas Central zone NAD83, U.S. Feet) values of N=10,099,701.06 and E=3,110,800.78;

THENCE with the north line of said Lot 4, the south line of said North Hills Drive, and the north line of the herein described tract, the following two (2) courses and distances;

1. S 69°10'42" E for a distance of 89.94 feet to a ½ inch iron rod found for an angle point, and
2. S 60°22'41" E for a distance of 9.84 feet to a concrete monument found for an angle point in the north line of said Lot 4 and being at the intersection of the south line of said North Hills Drive and the west line of Loop 1 Frontage Road (MoPac Boulevard) a varying width right-of-way;

THENCE S 43°37'52" E, with the northeast line of said Lot 4 and the west line of said Loop 1 Frontage Road, for a distance of 30.20 feet to a calculated point;

General Office Zoning (GO)
2.764 Acres

FN 04-006-02-01
February 04, 2004

THENCE departing the west line of said Loop 1 Frontage Road and over and across said Lot 4, the following six (6) courses and distances;

1. S 64°54'26" W for a distance of 83.79 feet to a calculated point,
2. S 25°05'34" E for a distance of 80.63 feet to a calculated point,
3. S 64°54'26" W for a distance of 19.82 feet to a calculated point,
4. S 25°05'34" E for a distance of 40.29 feet to a calculated point,
5. S 19°54'26" W for a distance of 85.50 feet to a calculated point, and
6. S 70°05'34" E for a distance of 98.37 feet to a calculated point in the east line of said Lot 4 and being in the west line of said Loop 1 Frontage Road;

THENCE S 19°54'26" W with the east line of said Lot 4, the west line of said Loop 1 Frontage Road and the east line of the herein described tract, at a distance of 24.99 feet pass a ½ inch iron rod found for the southeast corner of said Lot 4 and being the northeast corner of Lot 3 of said Northwest Hills Section 15-A, at a distance of 329.94 feet pass a cotton spindle found for the southeast corner of said Lot 3 and being the northeast corner of Lot 2 of said Northwest Hills Section 15-A, for a total distance of 385.76 feet to a concrete monument found for an angle point in the east line of said Lot 2, being also an angle point in the east line of the herein described tract and being an angle point in the west line of said Loop 1 Frontage Road;

THENCE continuing with the east line of said Lot 2, the east line of the herein described tract and the west line of said Loop 1 Frontage Road the following two (2) courses and distances;

1. S 27°03'48" W for a distance of 260.65 feet to a ½ inch iron rod found for an angle point, and
2. S 73°28'22" W for a distance of 20.78 feet to an "X" found marked in concrete at the intersection of said west line of Loop 1 Frontage Road and the north line of Hart Lane, a 60 foot wide right-of-way, being also the most southerly southeast corner of said Lot 2 and being the most southerly southeast corner of the herein described tract;

THENCE with the north line of said Hart Lane, the south line of said Lot 2 and the south line of the herein described tract, the following two (2) courses and distances;

1. N 62°53'45" W for a distance of 114.70 feet to a ½ inch iron rod found for an angle point, and

2. N 69°26'47" W for a distance of 21.48 feet to a ½ inch iron rod found for the southwest corner of said Lot 2, being also the southwest corner of the herein described tract and being the southeast corner of Lot 3 of Northwest Hills, Section Eleven, Phase Two, a subdivision of record in Book 42, Page 7 of the Plat Records of Travis County, Texas;

THENCE N 27°12'46" E, with the west line of said Lot 2, Northwest Hills Section 15-A, the west line of the herein described tract and the east line of said Lot 3, Northwest Hills Section Eleven, Phase Two, for a distance of 265.22 feet to a ½ inch iron rod found for an angle point in the west line of said Lot 2, Northwest Hills Section 15-A, being also an angle point in the west line of the herein described tract, being also the northeast corner of said Lot 3, Northwest Hills Section Eleven, Phase Two and being the southeast corner of Lot 2 of said Northwest Hills Section Eleven, Phase Two;

THENCE with the west line of said Lot 2, Northwest Hills Section 15-A, the west line of the herein described tract and the east line of said Lot 2, Northwest Hills Section Eleven, Phase Two, the following two (2) courses and distances;

1. N 19°51'32" E, at a distance of 64.06 feet pass a ½ inch iron rod found for the northwest corner of said Lot 2, Northwest Hills Section 15-A and being the southwest corner of said Lot 3, Northwest Hills Section 15-A, for a total distance of 294.13 feet to a ½ inch iron rod found for an angle point, and
2. N 20°33'36" E, at a distance of 58.99 feet pass a ½ inch iron rod found for the northwest corner of said Lot 3, Northwest Hills Section 15-A and being in the southwest corner of said Lot 4, Northwest Hills Section 15-A, for a total distance of 183.95 feet to a ½ inch iron rod found for the northeast corner of said Lot 2, Northwest Hills Section Eleven, Phase Two, being also an angle point in the west line of said Lot 4, Northwest Hills Section 15-A and being an angle point in the west line of the herein described tract;

THENCE N 63°09'05" W, with the north line of said Lot 2, Northwest Hills Section Eleven, Phase Two, and a south line of said Lot 4, Northwest Hills Section 15-A and a south line of the herein described tract, for a distance of 108.17 feet to a ½ inch iron rod found for the most westerly southwest corner of said Lot 4, Northwest Hills Section 15-A, being also an angle point in the west line of the herein described tract, being also the northwest corner of said Lot 2, Northwest Hills Section Eleven, Phase Two and being in the east line of said Lot 1, Northwest Hills Section Eleven, Phase One;

THENCE N 27°11'03" E, with the west line of said Lot 2, Northwest Hills Section 15-A, the west line of the herein described tract and the east line of said Lot 1, Northwest Hills Section Eleven, Phase One, for a distance of 149.95 feet to the POINT OF BEGINNING and containing 2.764 acres of land.

BEARING BASIS NOTE

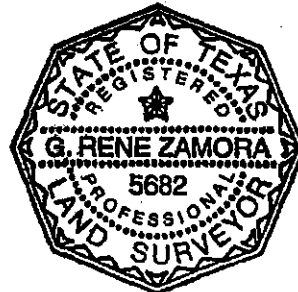
The bearings described herein are Texas State Plane Grid Bearings, Texas Central Zone (4203), NAD 83 (CORS). Project reference control points were established from and referenced to "Austin RRP" having coordinate values of N=10,086,515.87, E=3,109,682.56.

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

KNOW ALL MEN BY THESE PRESENTS:

That I, G. Rene Zamora, a Registered Professional Land Surveyor, do hereby state that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground during January, 2004 under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the 4th day of February 2004, A.D.



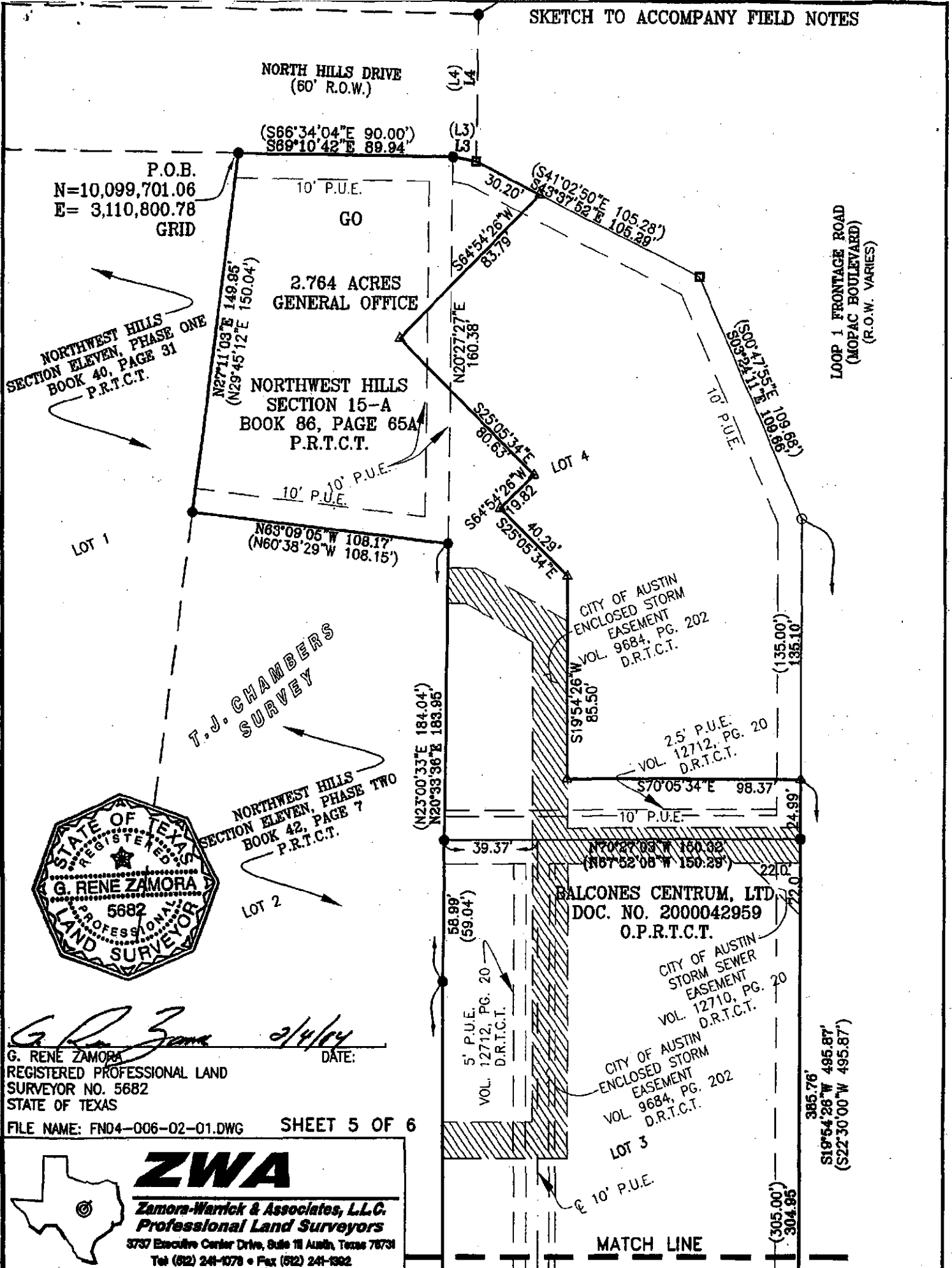
Zamora-Warrick and Associates, L.L.C
3737 Executive Center Drive, Suite 111
Austin, Texas 78731
512-241-1078

G. Rene Zamora 2/4/04
G. Rene Zamora
Registered Professional Land Surveyor
No. 5682 – State of Texas

REFERENCES

TCAD PARCEL NO. 0136010105
ZWA FIELD NOTE NO. FN 04-006-02-01

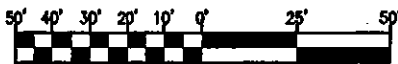
SKETCH TO ACCOMPANY FIELD NOTES



L1 S73°28'22"W 20.78'
 L2 N69°26'47"W 21.48'
 L3 S60°22'41"E 9.84'
 L4 N20°51'01"E 59.85'
 L5 N27°10'37"E 59.64'

(L1) S74°41'45"W 21.21'
 (L2) N66°38'00"W 21.45'
 (L3) S57°46'19"E 9.84'
 (L4) N23°27'52"E 60.06'
 (L5) N29°41'45"E 59.63'

NORTHWEST HILLS
 SECTION ELEVEN, PHASE TWO
 BOOK 42, PAGE 7
 P.R.T.C.T.



SCALE: 1" = 50'
 FEBRUARY, 2004
 TRAVIS COUNTY, TEXAS

LEGEND:

- CONCRETE MONUMENT FOUND
- 1/2" IRON ROD FOUND
- 1/2" IRON ROD W/CAP SET
- ✱ SPINDLE FOUND
- X 'X' IN CONCRETE FOUND
- △ CALCULATED POINT
- P.U.E. PUBLIC UTILITY EASEMENT
- S.E. SIDEWALK EASEMENT
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT
- P.R.T.C.T. PLAT RECORDS TRAVIS COUNTY, TEXAS
- D.R.T.C.T. DEED RECORDS TRAVIS COUNTY, TEXAS
- O.P.R.T.C.T. OFFICIAL PUBLIC RECORDS TRAVIS COUNTY, TEXAS
- () RECORD INFORMATION

BEARING BASIS:
 TEXAS STATE PLANE COORDINATE SYSTEM
 CENTRAL ZONE, N.A.D. 83 DATUM

HART LANE
 (60' R.O.W.)

ASCENSION LUTHERAN CHURCH SUBDIVISION
 BOOK 78, PAGE 162
 P.R.T.C.T.

NORTHWEST HILLS SECTION FIFTEEN
 BOOK 86, PAGE 64C
 P.R.T.C.T.

SHEET 6 OF 6

LOT 2

MATCH LINE

2.5' P.U.E.
 VOL. 12712, PG. 20
 D.R.T.C.T.

LOT 3

(N22°27'13"E 294.11')
 (N19°51'32"E 294.13')

40.28'

N64°25'21"W 151.54'
 (N61°49'20"W 151.51')

(55.87')
 (55.82')

LOT 3

GO

2.764 ACRES
 GENERAL OFFICE

LOT 2

(N29°49'06"E 265.22')
 (N27°12'46"E 265.22')

5' P.U.E.
 VOL. 12712, PG. 20
 D.R.T.C.T.

10' P.U.E.

2.5' P.U.E.
 VOL. 12712, PG. 20
 D.R.T.C.T.

S27°03'48"W 280.85'
 (S29°41'45"W 260.03')

130.0'
 5' P.U.E.
 20' P.U.E.

T.J. CHAMBERS
 SURVEY

5' P.U.E. & S.E.

N62°53'45"W 114.70'
 (N60°18'15"W 114.62')

L2
 (L2)

(L1)
 (L1)

(L5)
 (L5)

LOOP 1 FRONTAGE ROAD
 (MOPAC BOULEVARD)
 (R.O.W. VARIES)

EXHIBIT B

FIELD NOTE DESCRIPTION FOR A 0.572 ACRE PARCEL
(GR ZONING)

DESCRIPTION OF A 0.572 ACRE (24,906 SQUARE FEET) TRACT OF LAND, HEREIN IN THE T. J. CHAMBERS SURVEY IN TRAVIS COUNTY, TEXAS BEING PART OF THAT LOT 4 OF NORTHWEST HILLS SECTION 15-A, A SUBDIVISION OF RECORD IN BOOK 86, PAGE 65A OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS AND BEING A PART OF THAT CERTAIN TRACT OF LAND AS DESCRIBED IN A DEED TO BALCONES CENTRUM, LTD., OF RECORD IN DOCUMENT NO. 2000042959 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.572 ACRE (24,906 SQUARE FEET) TRACT BEING DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND AS SHOWN ON THE ATTACHED SKETCH:

COMMENCING at a ½ inch iron rod found for the northwest corner of Lot 4 of said Northwest Hills Section 15-A, being also the northeast corner of Lot 1 of Northwest Hills, Section Eleven, Phase One, a subdivision of record in Book 40, Page 31 of the Plat Records of Travis County, Texas and being in the south line of North Hills Drive, a 60 foot wide right-of-way;

THENCE with the north line of said Lot 4 and the south line of said North Hills Drive, the following two (2) courses and distances;

1. S 69°10'42" E for a distance of 89.94 feet to a ½ inch iron rod found for an angle point, and
2. S 60°22'41" E for a distance of 9.84 feet to a concrete monument found for an angle point in the north line of said Lot 4 and being at the intersection of the south line of said North Hills Drive and the west line of Loop 1 Frontage Road (MoPac Boulevard) a varying width right-of-way;

THENCE S 43°37'52" E, with the northeast line of said Lot 4 and the west line of said Loop 1 Frontage Road, for a distance of 30.20 feet to a calculated point for the POINT OF BEGINNING and the most northerly corner of the herein described tract, said point having a Texas State Plane Coordinates (Texas Central Zone, NAD83, U.S. Feet) values of N=10,099,642.36 and E=3,110,914.24;

General Retail Zoning (GR)
0.572 Acres

FN 04-006-02-02
February 04, 2004

THENCE continuing with the northeast and east lines of said Lot 4 and the west line of said Loop 1 Frontage Road right-of-way and with the east line of the herein described tract, the following three (3) courses and distances;

1. S 43°37'52" E for a distance of 75.09 feet to a concrete monument found,
2. S 03°24'11" E for a distance of 109.66 feet to a ½ inch iron rod with cap set for an angle point, and
3. S 19°54'26" W for a distance of 110.10 feet to a calculated point for the southeast corner of the herein described tract;

THENCE departing the west line of said Loop 1 Frontage Road and over and across said Lot 4, with the south and west lines of the herein described tract, the following six (6) courses and distances;

1. N 70°05'34" W for a distance of 98.37 feet to a calculated point,
2. N 19°54'26" E for a distance of 85.50 feet to a calculated point,
3. N 25°05'34" W for a distance of 40.29 feet to a calculated point,
4. N 64°54'26" E for a distance of 19.82 feet to a calculated point,
5. N 25°05'34" W for a distance of 80.63 feet to a calculated point, and
6. N 64°54'26" E for a distance of 83.79 feet to the POINT OF BEGINNING and containing 0.572 acres (24,906 square feet) of land.

BEARING BASIS NOTE

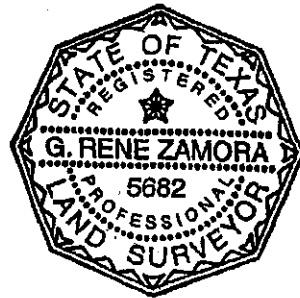
The bearings described herein are Texas State Plane Grid Bearings, Texas Central Zone (4203), NAD 83 (CORS). Project reference control points were established from and referenced to "Austin RRP" having coordinate values of N=10,086,515.87, E=3,109,682.56.

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §


KNOW ALL MEN BY THESE PRESENTS:

That I, G. Rene Zamora, a Registered Professional Land Surveyor, do hereby state that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground during January, 2004 under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the 4th day of February 2004, A.D.



Zamora-Warrick and Associates, L.L.C
3737 Executive Center Drive, Suite 111
Austin, Texas 78731
512-241-1078


G. Rene Zamora
Registered Professional Land Surveyor
No. 5682 – State of Texas

REFERENCES

TCAD PARCEL NO. 0136010105
ZWA FIELD NOTE NO. FN 04-006-02-02

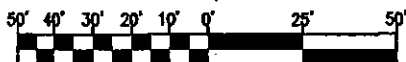
SKETCH TO ACCOMPANY LEGAL DESCRIPTION

NORTHWEST HILLS
SECTION ELEVEN, PHASE ONE
BOOK 40, PAGE 31
P.R.T.C.T.

L3 S60°22'41"E 9.84'
L4 N20°51'01"E 59.85'
(L3) S57°46'19"E 9.84'
(L4) N23°27'52"E 60.06'



LOT 1

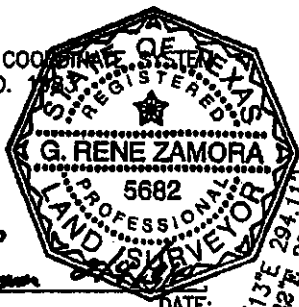


SCALE: 1" = 50'
FEBRUARY, 2004
TRAVIS COUNTY, TEXAS

LEGEND:

- CONCRETE MONUMENT FOUND
- 1/2" IRON ROD FOUND
- 1/2" IRON ROD W/CAP SET
- ⊗ SPINDLE FOUND
- X 'X' IN CONCRETE FOUND
- △ CALCULATED POINT
- P.U.E. PUBLIC UTILITY EASEMENT
- S.E. SIDEWALK EASEMENT
- P.R.T.C.T. PLAT RECORDS TRAVIS COUNTY, TEXAS
- D.R.T.C.T. DEED RECORDS TRAVIS COUNTY, TEXAS
- O.P.R.T.C.T. OFFICIAL PUBLIC RECORDS TRAVIS COUNTY, TEXAS
- () RECORD INFORMATION
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT

BEARING BASIS:
TEXAS STATE PLANE COORDINATE SYSTEM
CENTRAL ZONE, N.A.D.



G. RENE ZAMORA
REGISTERED PROFESSIONAL LAND
SURVEYOR NO. 5682
STATE OF TEXAS

FILE NAME: FN04-006-02-02.DWG



ZWA

Zamora-Warrick & Associates, LLC.
Professional Land Surveyors

3737 Executive Center Drive, Suite 111 Austin, Texas 78731

Tel (512) 241-1078 • Fax (512) 241-1392

NORTH HILLS DRIVE
(60' R.O.W.)

THE AUSTIN CENTER
PHASE TWO

P.O.B.
N=10,099,642.36
E= 3,110,914.24
GRID

P.O.C.

NORTHWEST HILLS
SECTION 15-A
BOOK 86, PAGE 65A
P.R.T.C.T.

LOT 4

BALCONES CENTRUM, LTD.
DOC. NO. 2000042959
O.P.R.T.C.T.

LOT 2

0.572 ACRES
24,906 SQ. FT.
GENERAL RETAIL

T.J. CHAMBERS
SURVEY

CITY OF AUSTIN
ENCLOSED STORM
EASEMENT
VOL. 9684, PG. 202
D.R.T.C.T.

2.5' P.U.E.
VOL. 12712, PG. 20
D.R.T.C.T.

LOT 3

CITY OF AUSTIN
STORM SEWER
EASEMENT
VOL. 12710, PG. 20
D.R.T.C.T.

CITY OF AUSTIN
ENCLOSED STORM
EASEMENT
VOL. 9684, PG. 202
D.R.T.C.T.

LOOP 1 FRONTAGE ROAD
(MOPAC BOULEVARD)
(R.O.W. VARIES)

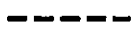


SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

CASE MGR: G. RHOADES



CASE #: C14-03-0120

ADDRESS: NORTH HILLS LA BETWEEN
HART LA & N MO-PAC NB EXPY
SUBJECT AREA (acres): 3.340

ZONING

DATE: 04-02

INTLS: SM

**CITY GRID
REFERENCE
NUMBER**

H29

RESTRICTIVE COVENANT

OWNER: Balcones Centrum, Ltd., a Texas limited partnership

ADDRESS: 7200 N. Mopac Expressway, Suite 450, 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: Two tracts of land consisting of a 2.764 acre tract and a 0.572 acre tract, more or less, out of the T.J. Chambers Survey in Travis County, the tracts of land being more particularly described by metes and bounds in Exhibits "A" and "B", 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 July 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 March 22, 2004. The TIA shall be kept on file at the Watershed Protection and Development Review Department.
2. If any person or entity shall violate or attempt to violate this agreement and covenant, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such agreement or covenant, to prevent the person or entity from such actions, and to collect damages for such actions.
3. If any part of this agreement or covenant is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full effect.
4. If at any time the City of Austin fails to enforce this agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.

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

EXECUTED this the _____ day of _____, 2004.

OWNER:

Balcones Centrum, Ltd.,
a Texas limited partnership

By: BCGP Management, LLC,
a Texas limited liability company,
its General Partner

By: _____
Gerald Kucera
Manager

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 Gerald Kucera, Manager, of BCGP Management, LLC, a Texas limited liability company, on behalf of the company, and the company acknowledged this instrument as General Partner, on behalf of Balcones Centrum, Ltd., a Texas limited partnership.

Notary Public, State of Texas

EXHIBIT A

FN-04-006-02-01
Proposed General Office (GO)
2.764 Acres
February 4, 2004

FIELD NOTE DESCRIPTION FOR A 2.764 ACRE PARCEL
(GO ZONING)

DESCRIPTION OF A 2.764 ACRE TRACT OF LAND, HEREIN IN THE T. J. CHAMBERS SURVEY IN TRAVIS COUNTY, TEXAS BEING PART OF THAT LOT 4 AND ALL OF LOTS 2 AND 3 OF NORTHWEST HILLS SECTION 15-A, A SUBDIVISION OF RECORD IN BOOK 86, PAGE 65A OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS AND BEING A PART OF THAT CERTAIN TRACT OF LAND AS DESCRIBED IN A DEED TO BALCONES CENTRUM, LTD., OF RECORD IN DOCUMENT NO. 2000042959 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 2.764 ACRE (24,906 SQUARE FEET) TRACT BEING DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND AS SHOWN ON THE ATTACHED SKETCH:

BEGINNING at a ½ inch iron rod found for the northwest corner of Lot 4 of said Northwest Hills Section 15-A, being also the northeast corner of Lot 1 of Northwest Hills, Section Eleven, Phase One, a subdivision of record in Book 40, Page 31 of the Plat Records of Travis County, Texas, being also in the south line of North Hills Drive, a 60 foot wide right-of-way, and being the northwest corner of the herein described tract, said point having a Texas State Plane Coordinates (Texas Central zone NAD83, U.S. Feet) values of N=10,099,701.06 and E=3,110,800.78;

THENCE with the north line of said Lot 4, the south line of said North Hills Drive, and the north line of the herein described tract, the following two (2) courses and distances;

1. S 69°10'42" E for a distance of 89.94 feet to a ½ inch iron rod found for an angle point, and
2. S 60°22'41" E for a distance of 9.84 feet to a concrete monument found for an angle point in the north line of said Lot 4 and being at the intersection of the south line of said North Hills Drive and the west line of Loop 1 Frontage Road (MoPac Boulevard) a varying width right-of-way;

THENCE S 43°37'52" E, with the northeast line of said Lot 4 and the west line of said Loop 1 Frontage Road, for a distance of 30.20 feet to a calculated point;

General Office Zoning (GO)
2.764 Acres

FN 04-006-02-01
February 04, 2004

THENCE departing the west line of said Loop 1 Frontage Road and over and across said Lot 4, the following six (6) courses and distances;

1. S 64°54'26" W for a distance of 83.79 feet to a calculated point,
2. S 25°05'34" E for a distance of 80.63 feet to a calculated point,
3. S 64°54'26" W for a distance of 19.82 feet to a calculated point,
4. S 25°05'34" E for a distance of 40.29 feet to a calculated point,
5. S 19°54'26" W for a distance of 85.50 feet to a calculated point, and
6. S 70°05'34" E for a distance of 98.37 feet to a calculated point in the east line of said Lot 4 and being in the west line of said Loop 1 Frontage Road;

THENCE S 19°54'26" W with the east line of said Lot 4, the west line of said Loop 1 Frontage Road and the east line of the herein described tract, at a distance of 24.99 feet pass a ½ inch iron rod found for the southeast corner of said Lot 4 and being the northeast corner of Lot 3 of said Northwest Hills Section 15-A, at a distance of 329.94 feet pass a cotton spindle found for the southeast corner of said Lot 3 and being the northeast corner of Lot 2 of said Northwest Hills Section 15-A, for a total distance of 385.76 feet to a concrete monument found for an angle point in the east line of said Lot 2, being also an angle point in the east line of the herein described tract and being an angle point in the west line of said Loop 1 Frontage Road;

THENCE continuing with the east line of said Lot 2, the east line of the herein described tract and the west line of said Loop 1 Frontage Road the following two (2) courses and distances;

1. S 27°03'48" W for a distance of 260.65 feet to a ½ inch iron rod found for an angle point, and
2. S 73°28'22" W for a distance of 20.78 feet to an "X" found marked in concrete at the intersection of said west line of Loop 1 Frontage Road and the north line of Hart Lane, a 60 foot wide right-of-way, being also the most southerly southeast corner of said Lot 2 and being the most southerly southeast corner of the herein described tract;

THENCE with the north line of said Hart Lane, the south line of said Lot 2 and the south line of the herein described tract, the following two (2) courses and distances;

1. N 62°53'45" W for a distance of 114.70 feet to a ½ inch iron rod found for an angle point, and

2. N 69°26'47" W for a distance of 21.48 feet to a ½ inch iron rod found for the southwest corner of said Lot 2, being also the southwest corner of the herein described tract and being the southeast corner of Lot 3 of Northwest Hills, Section Eleven, Phase Two, a subdivision of record in Book 42, Page 7 of the Plat Records of Travis County, Texas;

THENCE N 27°12'46" E, with the west line of said Lot 2, Northwest Hills Section 15-A, the west line of the herein described tract and the east line of said Lot 3, Northwest Hills Section Eleven, Phase Two, for a distance of 265.22 feet to a ½ inch iron rod found for an angle point in the west line of said Lot 2, Northwest Hills Section 15-A, being also an angle point in the west line of the herein described tract, being also the northeast corner of said Lot 3, Northwest Hills Section Eleven, Phase Two and being the southeast corner of Lot 2 of said Northwest Hills Section Eleven, Phase Two;

THENCE with the west line of said Lot 2, Northwest Hills Section 15-A, the west line of the herein described tract and the east line of said Lot 2, Northwest Hills Section Eleven, Phase Two, the following two (2) courses and distances;

1. N 19°51'32" E, at a distance of 64.06 feet pass a ½ inch iron rod found for the northwest corner of said Lot 2, Northwest Hills Section 15-A and being the southwest corner of said Lot 3, Northwest Hills Section 15-A, for a total distance of 294.13 feet to a ½ inch iron rod found for an angle point, and
2. N 20°33'36" E, at a distance of 58.99 feet pass a ½ inch iron rod found for the northwest corner of said Lot 3, Northwest Hills Section 15-A and being in the southwest corner of said Lot 4, Northwest Hills Section 15-A, for a total distance of 183.95 feet to a ½ inch iron rod found for the northeast corner of said Lot 2, Northwest Hills Section Eleven, Phase Two, being also an angle point in the west line of said Lot 4, Northwest Hills Section 15-A and being an angle point in the west line of the herein described tract;

THENCE N 63°09'05" W, with the north line of said Lot 2, Northwest Hills Section Eleven, Phase Two, and a south line of said Lot 4, Northwest Hills Section 15-A and a south line of the herein described tract, for a distance of 108.17 feet to a ½ inch iron rod found for the most westerly southwest corner of said Lot 4, Northwest Hills Section 15-A, being also an angle point in the west line of the herein described tract, being also the northwest corner of said Lot 2, Northwest Hills Section Eleven, Phase Two and being in the east line of said Lot 1, Northwest Hills Section Eleven, Phase One;

THENCE N 27°11'03" E, with the west line of said Lot 2, Northwest Hills Section 15-A, the west line of the herein described tract and the east line of said Lot 1, Northwest Hills Section Eleven, Phase One, for a distance of 149.95 feet to the POINT OF BEGINNING and containing 2.764 acres of land.

BEARING BASIS NOTE

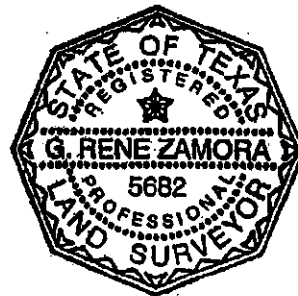
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THE STATE OF TEXAS §
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COUNTY OF TRAVIS §

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WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the 4th day of February 2004, A.D.



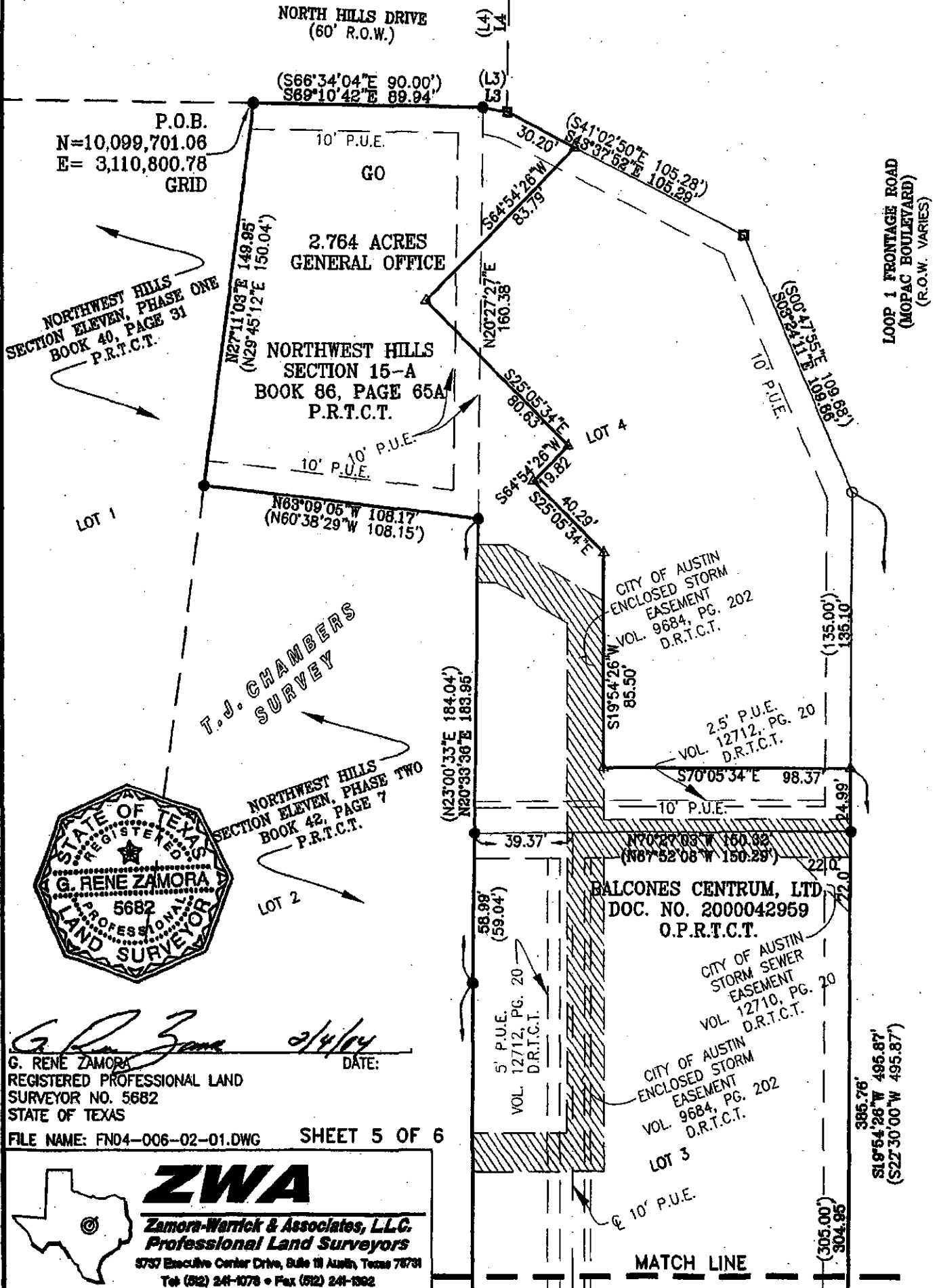
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512-241-1078

G. Rene Zamora 2/4/04
G. Rene Zamora
Registered Professional Land Surveyor
No. 5682 – State of Texas

REFERENCES

TCAD PARCEL NO. 0136010105
ZWA FIELD NOTE NO. FN 04-006-02-01

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L1 S73°28'22"W 20.78'
 L2 N68°26'47"W 21.48'
 L3 S60°22'41"E 9.84'
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 L5 N27°10'37"E 59.64'

(L1) S74°41'45"W 21.21'
 (L2) N66°38'00"W 21.45'
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 (L4) N23°27'52"E 60.06'
 (L5) N29°41'45"E 59.63'

NORTHWEST HILLS
 SECTION ELEVEN, PHASE TWO
 BOOK 42, PAGE 7
 P.R.T.C.T.



SCALE: 1" = 50'
 FEBRUARY, 2004
 TRAVIS COUNTY, TEXAS

LEGEND:

- CONCRETE MONUMENT FOUND
- 1/2" IRON ROD FOUND
- 1/2" IRON ROD W/CAP SET
- ⊕ SPINDLE FOUND
- X 'X' IN CONCRETE FOUND
- Δ CALCULATED POINT
- P.U.E. PUBLIC UTILITY EASEMENT
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- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT
- P.R.T.C.T. PLAT RECORDS TRAVIS COUNTY, TEXAS
- D.R.T.C.T. DEED RECORDS TRAVIS COUNTY, TEXAS
- O.P.R.T.C.T. OFFICIAL PUBLIC RECORDS TRAVIS COUNTY, TEXAS
- () RECORD INFORMATION

BEARING BASIS:
 TEXAS STATE PLANE COORDINATE SYSTEM
 CENTRAL ZONE, N.A.D. 83 DATUM

HART LANE
 (60' R.O.W.)

ASCENSION LUTHERAN CHURCH SUBDIVISION
 BOOK 76, PAGE 162
 P.R.T.C.T.

NORTHWEST HILLS SECTION FIFTEEN
 BOOK 85, PAGE 64C
 P.R.T.C.T.

SHEET 6 OF 6

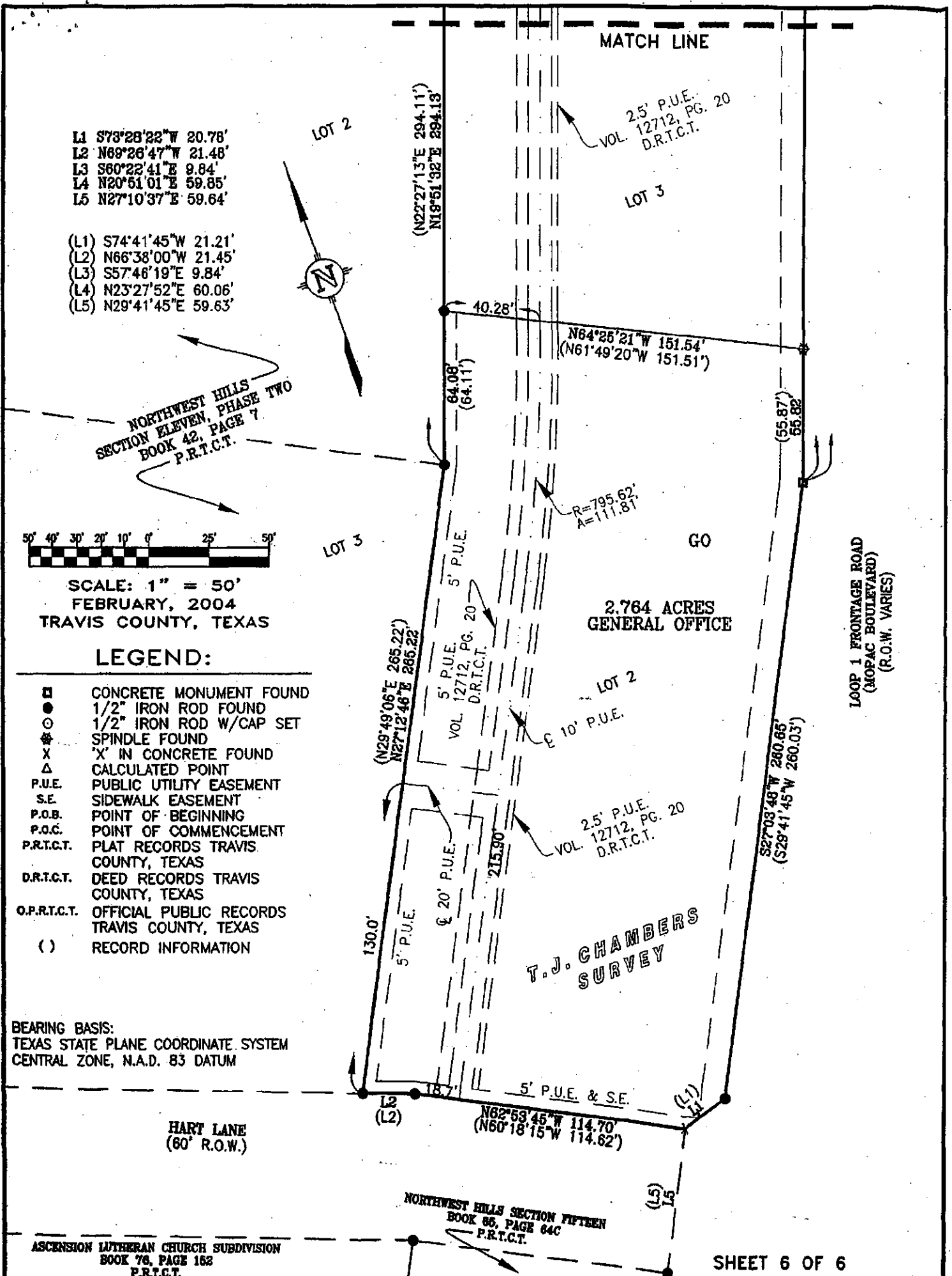


EXHIBIT B

FIELD NOTE DESCRIPTION FOR A 0.572 ACRE PARCEL
(GR ZONING)

DESCRIPTION OF A 0.572 ACRE (24,906 SQUARE FEET) TRACT OF LAND, HEREIN IN THE T. J. CHAMBERS SURVEY IN TRAVIS COUNTY, TEXAS BEING PART OF THAT LOT 4 OF NORTHWEST HILLS SECTION 15-A, A SUBDIVISION OF RECORD IN BOOK 86, PAGE 65A OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS AND BEING A PART OF THAT CERTAIN TRACT OF LAND AS DESCRIBED IN A DEED TO BALCONES CENTRUM, LTD., OF RECORD IN DOCUMENT NO. 2000042959 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.572 ACRE (24,906 SQUARE FEET) TRACT BEING DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND AS SHOWN ON THE ATTACHED SKETCH:

COMMENCING at a ½ inch iron rod found for the northwest corner of Lot 4 of said Northwest Hills Section 15-A, being also the northeast corner of Lot 1 of Northwest Hills, Section Eleven, Phase One, a subdivision of record in Book 40, Page 31 of the Plat Records of Travis County, Texas and being in the south line of North Hills Drive, a 60 foot wide right-of-way;

THENCE with the north line of said Lot 4 and the south line of said North Hills Drive, the following two (2) courses and distances;

1. S 69°10'42" E for a distance of 89.94 feet to a ½ inch iron rod found for an angle point, and
2. S 60°22'41" E for a distance of 9.84 feet to a concrete monument found for an angle point in the north line of said Lot 4 and being at the intersection of the south line of said North Hills Drive and the west line of Loop 1 Frontage Road (MoPac Boulevard) a varying width right-of-way;

THENCE S 43°37'52" E, with the northeast line of said Lot 4 and the west line of said Loop 1 Frontage Road, for a distance of 30.20 feet to a calculated point for the POINT OF BEGINNING and the most northerly corner of the herein described tract, said point having a Texas State Plane Coordinates (Texas Central Zone, NAD83, U.S. Feet) values of N=10,099,642.36 and E=3,110,914.24;

THENCE continuing with the northeast and east lines of said Lot 4 and the west line of said Loop 1 Frontage Road right-of-way and with the east line of the herein described tract, the following three (3) courses and distances;

1. S 43°37'52" E for a distance of 75.09 feet to a concrete monument found,
2. S 03°24'11" E for a distance of 109.66 feet to a ½ inch iron rod with cap set for an angle point, and
3. S 19°54'26" W for a distance of 110.10 feet to a calculated point for the southeast corner of the herein described tract;

THENCE departing the west line of said Loop 1 Frontage Road and over and across said Lot 4, with the south and west lines of the herein described tract, the following six (6) courses and distances;

1. N 70°05'34" W for a distance of 98.37 feet to a calculated point,
2. N 19°54'26" E for a distance of 85.50 feet to a calculated point,
3. N 25°05'34" W for a distance of 40.29 feet to a calculated point,
4. N 64°54'26" E for a distance of 19.82 feet to a calculated point,
5. N 25°05'34" W for a distance of 80.63 feet to a calculated point, and
6. N 64°54'26" E for a distance of 83.79 feet to the POINT OF BEGINNING and containing 0.572 acres (24,906 square feet) of land.

BEARING BASIS NOTE

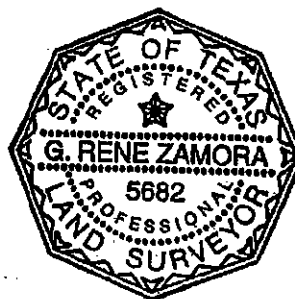
The bearings described herein are Texas State Plane Grid Bearings, Texas Central Zone (4203), NAD 83 (CORS). Project reference control points were established from and referenced to "Austin RRP" having coordinate values of N=10,086,515.87, E=3,109,682.56.

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

KNOW ALL MEN BY THESE PRESENTS:

That I, G. Rene Zamora, a Registered Professional Land Surveyor, do hereby state that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground during January, 2004 under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the 4th day of February 2004, A.D.



Zamora-Warrick and Associates, L.L.C
3737 Executive Center Drive, Suite 111
Austin, Texas 78731
512-241-1078

G. Rene Zamora 2/4/04
G. Rene Zamora
Registered Professional Land Surveyor
No. 5682 – State of Texas

REFERENCES
TCAD PARCEL NO. 0136010105
ZWA FIELD NOTE NO. FN 04-006-02-02

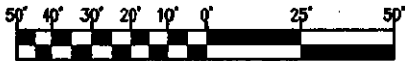
SKETCH TO ACCOMPANY LEGAL DESCRIPTION

NORTHWEST HILLS
SECTION ELEVEN, PHASE ONE
BOOK 40, PAGE 31
P.R.T.C.T.

L3 S60°22'41"E 9.84'
L4 N20°51'01"E 59.85'
(L3) S57°46'19"E 9.84'
(L4) N23°27'52"E 60.06'



LOT 1

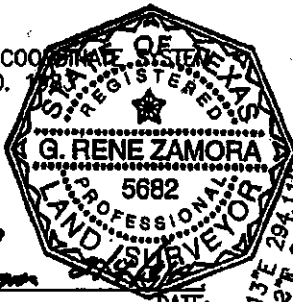


SCALE: 1" = 50'
FEBRUARY, 2004
TRAVIS COUNTY, TEXAS

LEGEND:

- CONCRETE MONUMENT FOUND
- 1/2" IRON ROD FOUND
- 1/2" IRON ROD W/CAP SET
- ✱ SPINDLE FOUND
- X 'X' IN CONCRETE FOUND
- △ CALCULATED POINT
- P.U.E. PUBLIC UTILITY EASEMENT
- S.E. SIDEWALK EASEMENT
- P.R.T.C.T. PLAT RECORDS TRAVIS COUNTY, TEXAS
- D.R.T.C.T. DEED RECORDS TRAVIS COUNTY, TEXAS
- O.P.R.T.C.T. OFFICIAL PUBLIC RECORDS TRAVIS COUNTY, TEXAS
- () RECORD INFORMATION
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT

BEARING BASIS:
TEXAS STATE PLANE COORDINATE SYSTEM
CENTRAL ZONE, N.A.D.



G. RENE ZAMORA
REGISTERED PROFESSIONAL LAND
SURVEYOR NO. 5682
STATE OF TEXAS

FILE NAME: FN04-006-02-02.DWG



ZWA

Zamora-Warrick & Associates, L.L.C.
Professional Land Surveyors

3737 Executive Center Drive, Suite 111 Austin, Texas 78731
Tel (512) 241-1078 • Fax (512) 241-1392

NORTH HILLS DRIVE
(60' R.O.W.)

THE AUSTIN CENTER
PHASE TWO

P.O.B.
N=10,099,642.36
E= 3,110,914.24
GRID

P.O.C.

NORTHWEST HILLS
SECTION 15-A
BOOK 86, PAGE 65A
P.R.T.C.T.

BALCONES CENTRUM, LTD.
DOC. NO. 2000042959
O.P.R.T.C.T.

0.572 ACRES
24,906 SQ. FT.
GENERAL RETAIL

T.J. CHAMBERS
SURVEY

CITY OF AUSTIN
ENCLOSED STORM
SEWER EASEMENT
VOL. 9684, PG. 202
D.R.T.C.T.

2.5' P.U.E.
VOL. 12712, PG. 20
D.R.T.C.T.

CITY OF AUSTIN
STORM SEWER
EASEMENT
VOL. 12710, PG. 20
D.R.T.C.T.

CITY OF AUSTIN
ENCLOSED STORM
SEWER EASEMENT
VOL. 9684, PG. 202
D.R.T.C.T.

LOOP 1 FRONTAGE ROAD
(MOPAC BOULEVARD)
(R.O.W. VARIES)

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

ZONING CHANGE REVIEW SHEET

CASE: C14-03-0120

Z.A.P. DATE: November 18, 2003

C.C. DATE: December 4, 2003

February 5, 2004

February 12, 2004

April 1, 2004

April 15, 2004

May 6, 2004

ADDRESS: 3413 North Hills Dr., 6415 Hart Lane and 6426 Mopac Expressway

OWNER/APPLICANT: Balcones Centrum Ltd.
(Gerald Kucera)

AGENT: Crocker Consultants
(Sarah Crocker)

ZONING FROM: LO-CO and GO-CO

TO: CS-MU
Amended to GR-MU by
applicant.

AREA: 3.34 acres

SUMMARY STAFF RECOMMENDATION:

Staff's alternate recommendation is to maintain the existing LO-CO, Limited Office-Conditional Overlay district zoning and GO-CO, General Office-Conditional Overlay district zoning. If the proposed zoning is granted, staff requests that the recommendations put forth in the attached Traffic Impact Analysis be incorporated into the ordinance.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

November 18, 2003 – To approve LR-MU-CO, Neighborhood Commercial-Mixes Use-Conditional Overlay district zoning. The conditional overlay limits the uses to financial services as the only allowable LR use and all GO uses with the exception of guidance services, personal services. Limit height to the most restrictive height between the 795 and 765 mean sea level on the two tracts. Height is not to exceed 40 feet of the median sea level measurements. In addition, the property will be limited to the vehicle trips set out in the TIA. (Vote: 9-0).

ISSUES:

Due to a notification error, staff requests a postponement until December 11, 2003.

The property has been the subject of two zoning cases in the recent past. The first was in 1997 (C14-96-0151), and the request was from LO to CS-CO. The conditional overlay would have limited the site to convenience storage as the only allowable CS use and all GO uses as well a 24-foot height limit and a 2,000 vehicle trip limit. At the time, the neighborhood submitted a valid petition that was calculated at 39.26%. It was denied by the Planning Commission and was eventually withdrawn.

The second case, establishing the zoning on the property that exists today (C14-99-0081, see exhibit A) rezoned the property from LO to GO-CO for tract A and LO-CO for tract B and C. Tract A is subject to the following conditions:

1. The total building square footage may not exceed 126,000 square feet.
2. A structure or portion of any structure may not exceed a height of 795 feet above sea level

3. The following uses will be prohibited:

Business Support Services	Campground
Off-Site Accessory Parking	Personal Services
Guidance Services	Restaurant (Limited)
Hospital Services (general)	College and University Facilities
Private Secondary Educational Facilities	

Tract B is subject to the following conditions:

1. A structure or portion of a structure may not exceed 765 feet above sea level.
2. Vehicle access to tract B from Hart Lane shall be by right turn-in entry lane only.

Tract C is subject to the following conditions:

1. A structure or portion of a structure may not exceed a height of 765 feet above sea level

In addition, the site is limited to 2,000 trips per day.

The property owner requested GO-CO for the entirety of the property in 1999. The neighborhood at that time submitted a valid petition to the City of Austin against rezoning the property to GO. The existing zoning is a compromise between the neighborhood and property owner.

Regarding the current case, staff has received a letter from applicant amending the case from CS-MU to GR-MU (see attached letter). In addition, the applicant is meeting with the neighborhood in the hopes of coming to an agreement.

DEPARTMENT COMMENTS:

The applicant is proposing the zoning change to develop the site with medical offices, general offices and a drive through bank.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	GO-CO and LO-CO	Undeveloped
<i>North</i>	MF-3-CO	Apartments
<i>South</i>	LO SF-3	Undeveloped Church
<i>East</i>	Not Zoned	Mopac Expressway
<i>West</i>	MF-3 and LR	Townhomes and Condominiums, County Park

AREA STUDY: N/A

TIA: See TIA memo

WATERSHED: Shoal Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

NEIGHBORHOOD ORGANIZATIONS:

#053 – Northwest Austin Civic Association
#283 – North Austin Neighborhood Alliance
#313 – Parmer/Avery Island Neighborhood Association
#511 – Austin Neighborhoods Council

CASE HISTORIES:

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-02-0179	GO-CO to GO-CO	The applicant's request was to change the requirements of the conditional overlay. The property was originally subject to a FAR limitation in order to limit trips. Also, there was a height limit of 40 feet. The FAR limit was removed and the height was increased to 45 feet (Vote: 9-0). 12/17/03	Approved ZAP recommendation (Vote: 7-0). 2/13/03

ABUTTING STREETS:

Please see attached T.I.A. memo.

CITY COUNCIL DATE: December 4, 2003

ACTION: Postponed at the request of the applicant (Vote: 6-0, J. Goodman) to 2/5/04.

February 5, 2004

Postponed at the request of Council (Vote: 6-0, D. Thomas-off dais) to 2/12/04

February 12, 2004

Approved GO-CO for tract 1 and GR-CO for tract 2 (Vote: 7-0) on 1st reading.

April 15, 2004

Approved GO-CO for tract 1 and GR-CO for tract 2 (Vote: 7-0) on 2nd reading.

ORDINANCE READINGS: 1st

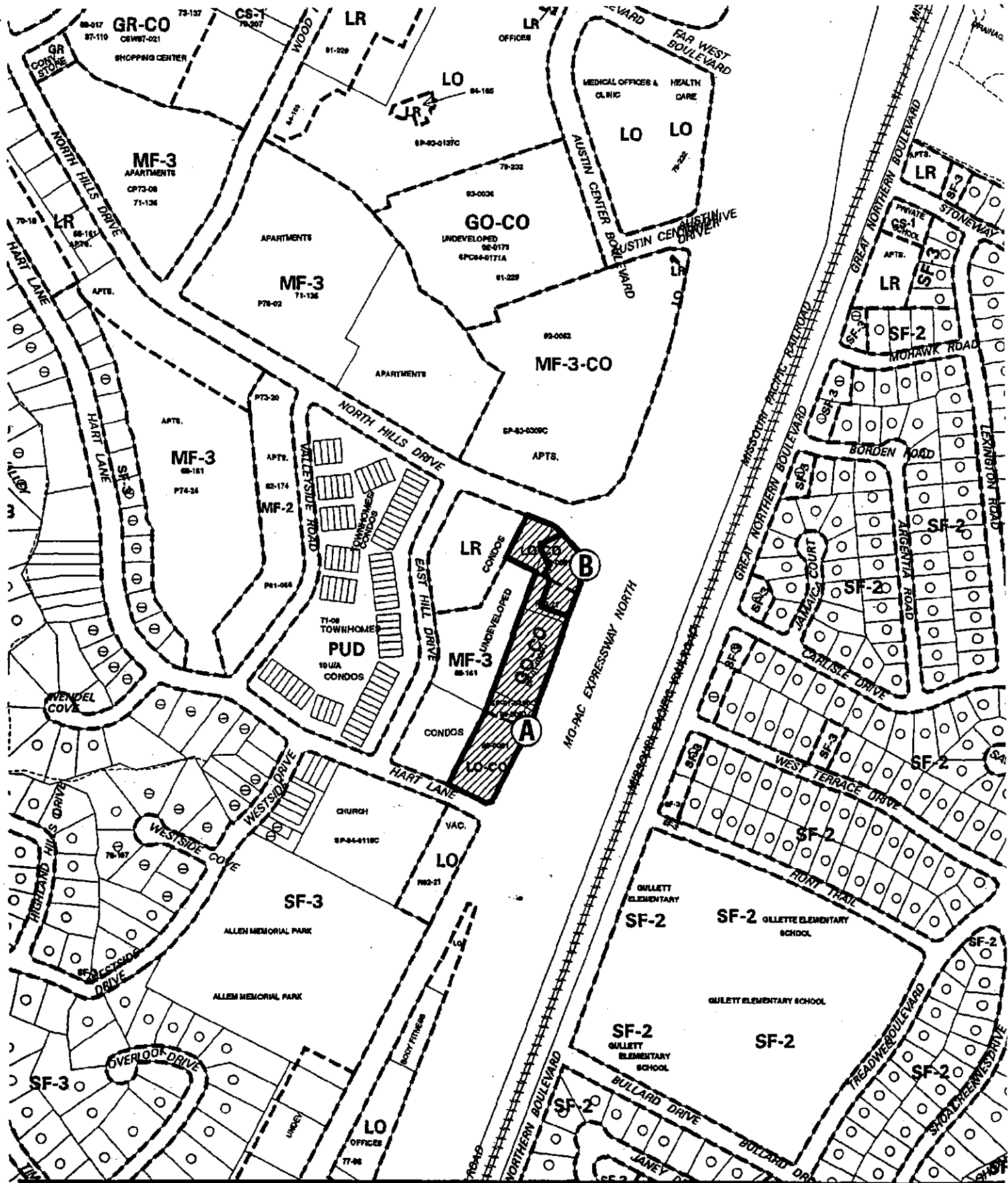
2nd

3rd

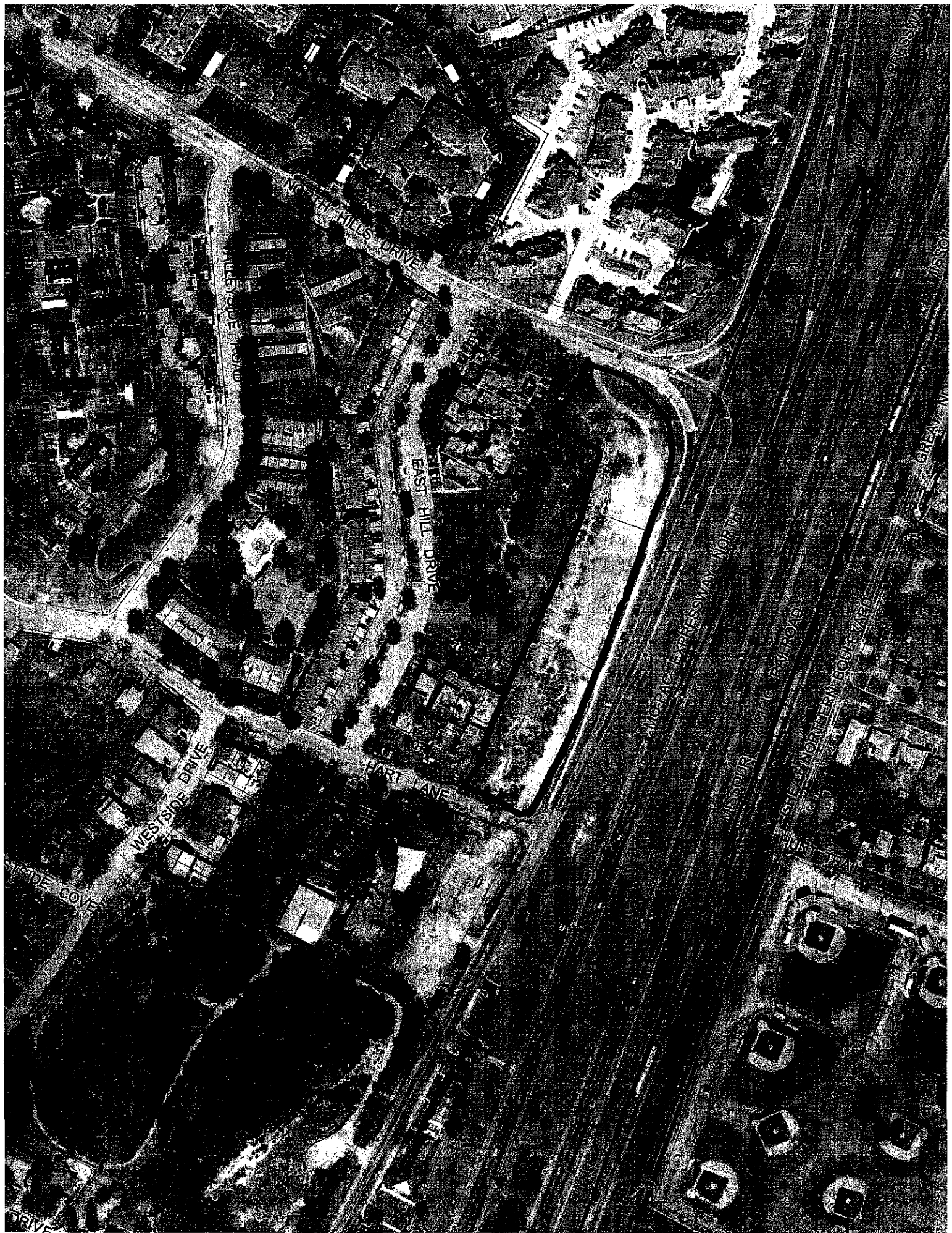
ORDINANCE NUMBER:

CASE MANAGER: Glenn Rhoades

PHONE: 974-2775



 1" = 400'	SUBJECT TRACT 	ZONING EXHIBIT C		CITY GRID REFERENCE NUMBER H29
	PENDING CASE 			
	ZONING BOUNDARY 	CASE #: C14-03-0120	DATE: 04-02	
	CASE MGR: G. RHOADES	ADDRESS: NORTH HILLS LA BETWEEN HART LA & N MO-PAC NB EXPY SUBJECT AREA (acres): 3.340	INTLS: SM	



STAFF RECOMMENDATION

Staff's alternate recommendation is to maintain the existing LO-CO, Limited Office-Conditional Overlay district zoning and GO-CO, General Office-Conditional Overlay district zoning.

BASIS FOR RECOMMENDATION

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

The existing zoning of GO-CO and LO-CO is more appropriate at this location. Land uses and zoning on the surrounding tracts have not changed since the existing zoning was granted by City Council on May 11, 2000. Along this portion of Mopac Expressway there is only one CS-1 tract on the east side. The properties on this portion of Mopac are developed with office uses as well as apartments and condominiums. Although the property faces Mopac, access will be limited to Balcones Drive.

Staff does not believe that conditions have changed significantly enough to warrant a change to the applicant's request of GR-MU.

3. *The proposed zoning should allow for a reasonable use of the property.*

Staff's alternate recommendation of LO-CO and GO-CO would allow a fair and reasonable use of the site. The property in the area is predominantly used for office and residential. Commercial, retail zoning and uses do not exist along this section of Mopac.

4. *Zoning should promote the policy of locating retail and more intensive zoning near the intersections of arterial roadways or at the intersections of arterials and major collectors.*

Although the subject tract faces Mopac, vehicle access to and from the property is limited to Balcones Drive, a two lane one-way collector, as well as Hart Lane. and North Hills Dr., also classified as collectors.

EXISTING CONDITIONS

Site Characteristics

The site is currently undeveloped, and used annually for a Christmas tree sales use.

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.

Impervious Cover

The maximum impervious cover allowed under GR is 90%.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Shoal 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. 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.

Water and Wastewater

The landowner intends to serve the site with City water and wastewater utilities. If water or wastewater utility improvements, or offsite main extension, or system upgrades, or utility relocation, or adjustment are required, the landowner will be responsible for all costs and providing. Also, the water and wastewater utility plan must be reviewed and approved by the City of Austin Water and Wastewater Utility. The plan must be in accordance with the City's utility design criteria.

Stormwater Detention

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

Compatibility Standards

The site is subject to compatibility standards due to the presence of SF-3 zoned property less than 540-feet to the south of the site. The following regulations apply to the portion of the tract within 110-feet of the southern property line:

- A structure may attain a height of 60 feet plus one foot for each four feet if distance in excess of 300 feet from the property zoned SF-5 or more restrictive.

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



Date: March 22, 2004
To: Glenn Rhoades, Case Manager
CC: Rashed Islam, WHM Transportation Engineering Consultants
Reference: Centrum Zoning Case, TIA, C14-03-0120

The Transportation Review Section has reviewed the Traffic Impact Analysis for Centrum zoning case, dated July 2003, and offers the following comments:

TRIP GENERATION

Centrum Zoning is a 3.34-acre development located in central Austin at the southwest corner of the intersection of Balcones Drive and North Hills Drive. The TIA for the project was prepared by Rashed Islam, WHM Transportation Engineering Consultants in July of 2003.

The proposed development consists of the following land uses:

- 60,000 square feet of Medical-Dental Office
- 3,000 square feet of Office
- 3 window drive thru Bank

The property is currently undeveloped and zoned General Office – Conditional Overlay (GO-CO) and Limited Office – Conditional Overlay (LO-CO). The applicant has requested a zoning change to General Office – Conditional Overlay (GO-CO) for Tract A and Community Commercial (GR-CO) for Tract B. The estimated completion of the project is expected in the year 2005.

Based on the standard trip generation rates established by the Institute of Transportation Engineers (ITE), the development will generate approximately 3,396 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				
LAND USE	Size SF	ADT	AM Peak	PM Peak
Medical-Dental Office	60,000	2,239	145	189
General Office	3,000	33	5	5
Drive-In Bank	3 window	654	37	100
TOTAL		2,926	187	294

ASSUMPTIONS

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

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

3. Reductions were taken for pass-by capture:

Table 3. Summary of Pass-By and Internal Capture Reductions	
Land Use	Pass-By Reductions %
Drive-In Bank	47%

4. No reductions were taken for internal capture or transit use.

EXISTING AND PLANNED ROADWAYS

Loop 1 (MoPAC) – This roadway is classified as a six lane divided parkway. In 2000 the traffic volumes north of Northland Drive were 147,000 vehicles per day (vpd). The Austin Bicycle Plan recommends a Priority 2 Route 434 for this roadway.

Northland Drive – This roadway is classified as a four lane undivided major arterial from Loop 360 to Loop 1. The 2000 traffic volumes were 29,000 vpd west of Loop 1. The Austin Bicycle Plan recommends a Priority 2 Route 419 for Northland Drive from Mesa Drive to Loop 1. The Austin Metropolitan Area Plan recommends upgrading this road to a four lane divided arterial by the year 2025.

Balcones Drive – This roadway is classified as a 2-lane collector. The 1997 traffic volumes were 17,600vpd north of FM 2222.

Hart Lane – This roadway is classified as a collector roadway with 6,440 vpd in 1997.

North Hills Drive – This roadway is a two lane roadway and classified as a collector with 7,270 vpd in 1997.

TRAFFIC ANALYSIS

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

- 2003 Existing Conditions
- 2005 Build-Out Conditions

INTERSECTION LEVEL OF SERVICE (LOS)

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

Table 4. Level of Service				
Intersection	2003		2005	
	AM	PM	AM	PM
Loop 1 West Frontage Road and Northland Drive	D	C	D	C
Balcones Drive and Northland Drive	C	C	D	C
Balcones Drive and Loop 1 Frontage Connector	A	A	A	A
Balcones Drive and Hart Lane	A	A	A	A
Balcones Drive and North Hills Drive	A	A	B	A
Driveway A @ North Hills Drive			A	A
Driveway B @ Balcones Drive			A	A
Driveway C @ Balcones Drive			A	A

* = SIGNALIZED

RECOMMENDATIONS

- 1) The applicant should, **prior** to third reading, post fiscal for:
 - a) Hart Lane and Balcones Drive – Striping the eastbound approach to provide one left turn lane and one right turn lane
- 2) The Department of Public Works – Signals has approved this TIA.
- 3) 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.
- 4) 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