



Zoning
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION

AGENDA ITEM NO.: Z-10
AGENDA DATE: Thu 06/10/2004
PAGE: 1 of 1

SUBJECT: C14-03-0156 - Escarpment Village - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5800 - 5948 West Slaughter Lane (Slaughter Creek Watershed - Barton Springs Zone) from neighborhood commercial-mixed use-conditional overlay (LR-MU-CO) combining district zoning to community commercial-conditional overlay (GR-CO) combining district zoning for Tract 1 and neighborhood commercial-conditional overlay (LR-CO) combining district zoning for Tract 2. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning for Tract 1 and neighborhood commercial-conditional overlay (LR-CO) combining district zoning for Tract 2, with conditions. Applicant: Escarpment Village, L.P. (John E. Baker). Agent: Drenner Stuart Wolff Metcalfe von Kreisler, L.L.P. (Michele Haussmann). City Staff: Wendy Walsh, 974-7719.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

ZONING CHANGE REVIEW SHEET

CASE: C14-03-0156

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

ADDRESS: 5800 – 5948 West Slaughter Lane

OWNER AND APPLICANT: Escarpment Village,
L.P. (John E. Baker)

AGENT: Drenner Stuart Metcalfe Wolff
Metcalfe von Kreisler, L.L.P.
(Michele Haussmann)

ZONING FROM: LR-MU-CO

TO: GR-CO for Tract 1; LR-CO for Tract 2

AREA: Tract 1: approximately 43 acres; Tract 2: approximately 17 acres
TOTAL: 60.469 acres

SUMMARY STAFF RECOMMENDATION:

The staff alternate recommendation is to grant community commercial – conditional overlay (GR-CO) combining district zoning for Tract 1 and neighborhood commercial – conditional overlay (LR-CO) combining district zoning for Tract 2 (425 feet from the north property line).

The Property within the boundaries of the conditional overlay combining district is subject to the following conditions for each tract:

1. A building or structure may not be constructed as follows:
 - Within 425 feet of platted single family lots located along the north property line;
 - Within 400 feet of platted single family lots located along the west property line north of the Phillips pipeline as described in instruments recorded in Volume 430, Page 4, Volume 430, Page 151, Volume 3750, Page 1563, Volume 3979, Page 2019, within 60 foot wide easement, Volume 5307, Page 1339, of the Travis County Deed Records. ("Phillips pipeline"); and
 - Within 100 feet of platted single family lots located along the east property line north of the Phillips pipeline.

Improvements permitted within these buffer zones are limited to nature trails, landscaping, picnic tables, benches, solid fences, small trash receptacles (i.e. 55 gallons or less), parking facilities unless otherwise provided in this section, detention and water quality re-irrigation facilities, utility improvements or those improvements that may be otherwise required by the City of Austin or specifically authorized in this ordinance.

2. A surface parking facility is prohibited as follows:
 - Within 375 feet of platted single family lots located along the north property line;
 - Within 375 feet of platted single family lots located along the west property line north of the Phillips pipeline; and

-Within 75 feet of platted single family lots located on the east property line along a line from the north property line to the Phillips pipeline.

3. A site plan or building permit for the Property may not be approved, released, or issued, before the dedication of right-of-way from the center line of Escarpment Boulevard as set forth in Section 25-6-55 of the Land Development Code.
4. The following uses are prohibited uses of the Property on Tract 1 (GR-CO tract):

- Bed and Breakfast (Group 1)
- Bed and Breakfast (Group 2)
- Drop-off Recycling Collection Facility
- Exterminating Services
- Funeral Services
- Hotel-Motel
- Off-site Accessory Parking
- Outdoor entertainment
- Pawn Shop Services
- Research Services
- Custom Manufacturing
- Urban Farm
- Communication Service Facilities
- Congregate Living
- Group Home, Class I (General)
- Group Home, Class I (Limited)
- Group Home, Class II
- Residential Treatment
- Automotive Sales
- Automotive Washing (of any type)
- Automotive Rentals
- Automotive Repair Services
- Service Station

5. The following uses are prohibited uses of the Property on Tract 2 (LR-CO tract):

- Bed and Breakfast (Group 1)
- Bed and Breakfast (Group 2)
- Off-site Accessory Parking
- Custom Manufacturing
- Urban Farm
- Communication Service Facilities
- Congregate Living
- Group Home, Class I (General)
- Group Home, Class I (Limited)
- Group Home, Class II
- Residential Treatment
- Service Station

6. The following uses are prohibited uses for a single occupant of any leaseable space over 36,750 square feet on Tract 1 (the GR-CO tract):

Private secondary education facilities	Group residential
Arts & crafts studio (limited)	Consumer convenience services
Financial services	Public primary educational facilities
General retail sales (convenience)	Off-site accessory parking
Personal services	Pet services
Plant nursery	Restaurant (limited)
Special use historic	Custom manufacturing
Club or lodge	College or university facilities
Public secondary education facilities	Community recreation (private)
Community recreation (public)	Counseling services
Cultural services	Day care services (commercial)
Day care services (general)	Day care services (limited)
Religious assembly	Private primary educational facilities
Guidance services	Hospital services (limited)
Safety services	Commercial off-street parking
General Retail Sales (general)	Indoor Entertainment
Outdoor Sports and Recreation	Restaurant (general)
Business Support Services	Communication Services
Indoor Sports and Recreation	Personal Improvement Services
Theater	Business of Trade School
Local Utility Services	Telecommunication Tower

7. The following uses are prohibited uses for a single occupant of any leaseable space over 36,750 square feet on Tract 2 (the LR-CO tract):

Private secondary education facilities	Group residential
Arts & crafts studio (limited)	Consumer convenience services
Financial services	Public primary educational facilities
General retail sales (convenience)	Off-site accessory parking
Personal services	Pet services
Plant nursery	Restaurant (limited)
Special use historic	Custom manufacturing
Club or lodge	College or university facilities
Public secondary education facilities	Community recreation (private)
Community recreation (public)	Counseling services
Cultural services	Day care services (commercial)
Day care services (general)	Day care services (limited)
Religious assembly	Private primary educational facilities
Guidance services	Hospital services (limited)
Safety services	Local Utility Services
Telecommunication Tower	

The Restrictive Covenant over the entire property would limit 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 (April 27, 2004).

ZONING & PLATTING COMMISSION RECOMMENDATION:

April 6, 2004: *POSTPONED TO 5-04-04 (STAFF)*
[J.M.; J.G 2ND] (7-0) K.J – ABSENT

May 4, 2004: *APPROVED GR-CO WITH CONDITIONS FOR TRACT 1; AND LR-CO WITH CONDITIONS FOR TRACT 2; BY CONSENT.*

STAFF READ INTO THE RECORD THAT LOCAL UTILITY SERVICES AND TELECOMMUNICATION TOWERS WERE REMOVED FROM THE LIST OF PROHIBITED USES AND TRANSFERRED INTO THE LIST OF USES GREATER THAN 36,750 SQUARE FEET THAT ARE PROHIBITED. THIS APPLIES TO BOTH TRACTS 1 AND 2.

[K.J; J.D 2ND] (5-0) J.M; C.H; J.P – ABSENT

ISSUES:

The applicant has met to discuss the project with adjacent neighborhood groups including: New Villages of Western Oaks (adjacent property to the north), Vintage Place (adjacent property to the west), Circle C North and Circle C (located south of Escarpment Boulevard), Wildflower Park (Circle C subdivision located on LaCrosse Avenue) and Capital Pacific Homes (adjacent property to the east). Letters of support for the rezoning and overall project are attached at the back of the staff report.

The Environmental Board voted 7-0 to recommend the applicant's proposed amendment to the Circle C Land Corp. agreement regarding Escarpment Village at their April 21, 2004 meeting. Please refer to the Board's Summary as well as correspondence from the Watershed Protection and Development Review Department regarding protection of critical environmental features (CEFs) that is provided as Attachment B.

There is a one acre tract near the center of the tract that is not a part of this rezoning application and thus, will retain LR-MU-CO district zoning. The tract has frontage on the Escarpment Boulevard extension and the property owner has chosen not to participate in the rezoning.

DEPARTMENT COMMENTS:

The subject property consists of undeveloped land and is zoned neighborhood commercial – mixed use – conditional overlay (LR-MU-CO) by way of a Year 2002 case. The property, also known as Circle C Tract 103, has access to West Slaughter Lane, a major arterial roadway, and includes a planned north-south extension of Escarpment Boulevard through the property, which is the final link in the planning and construction of this arterial roadway. Please refer to Exhibits A (Zoning Map), A-1 (Aerial View) and B (Vicinity Map showing other Circle C Tracts).

The applicant proposes to create two zoning tracts on the property to construct a food sales use (grocery store) greater than 36,750 square feet, as well as retail uses and restaurant (general) uses. The food sales, retail and restaurant uses would be situated on Tract 1, which has frontage on West Slaughter Lane, and is proposed to be rezoned to community commercial – conditional overlay (GR-CO) combining district. Neighborhood commercial – conditional overlay (LR-CO) is proposed for Tract 2, which is located within 425 feet of the north property line. The option for multi-family residential development to occur on this property is proposed to be deleted by removing the MU district.

The applicant has also proposed a Conditional Overlay related to: setbacks for buildings and structures; setbacks for surface parking facilities; timing of right-of-way dedication for Escarpment Boulevard; prohibited uses for Tracts 1 and 2; and prohibited uses for a single occupant of any leaseable space over than 36,750 square feet on Tracts 1 and 2. The Conditional Overlay reflects items that were approved with the 2002 rezoning case as well as items requested by representatives of adjacent neighborhoods. The staff recommendation on Pages 1-2 provides a detailed outline of the Conditional Overlay.

Staff supports the applicant's requested rezoning on the basis that the development will provide a shopping and services destination for the surrounding residential neighborhoods, incorporates buffers and setbacks for enhanced compatibility, and will be located at the intersection of two arterial roadways.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	LR-MU-CO	Undeveloped
<i>North</i>	SF-2	Single family residences
<i>South</i>	RR	Undeveloped; Park land
<i>East</i>	I-RR;	Single family residences under construction
<i>West</i>	I-RR; I-SF-2	Drainage / Water quality pond; Single family residences

AREA STUDY: N/A

TIA: Has been received by the
City – Please refer to Attachment A

WATERSHED: Slaughter Creek – Barton Springs Zone **DESIRED DEVELOPMENT ZONE:** No

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: Yes, both Slaughter Lane and Escarpment Boulevard are designated as Scenic Roadways.

NEIGHBORHOOD ORGANIZATIONS:

384 – Save Barton Creek Association

385 – Barton Springs Coalition

427 – Circle C Homeowners Association

428 – Barton Springs / Edwards Aquifer Conservation District

651 – The New Villages at Western Oaks Owners Association, Inc.

943 – Save Our Springs Alliance

967 – Circle C Neighborhood Association

SCHOOLS:

Mills Elementary School

Clint Small Middle School

Bowie High School

CASE HISTORIES:

NUMBER	REQUEST	ZONING AND PLATTING COMMISSION / PLANNING COMMISSION	CITY COUNCIL
C14-02-0040.107	I-RR to GR	To Grant GR-CO, subject to conditions	Approved GR-CO with CO for maximum height, and list of prohibited uses (8-1-02)
C14-02-0040.106	I-RR to GR	To Grant GR-CO, subject to conditions	Approved GR-CO, with CO for building and structure setbacks, LR development regulations, list of prohibited uses, including those for single occupants greater than 36,750 s.f. (7-18-02)
C14-02-0040.105	I-RR to RR	To Grant RR subject to CO prohibiting development	Approved RR (8-1-02)
C14-02-0040.104	I-RR to RR	To Grant RR subject to CO prohibiting development	Approved RR (8-1-02)
C14-97-0158 (Village at Western Oaks MUD)	I-RR; I-SF-2 to RR; SF-1; SF-2; SF-3; SF-4; SF-5; SF-6; MF-1; MF-2; MF-3; MF-4; NO; LO; GO; LR; GR; CS; & P	To Grant staff recommendation with conditions	Approved RR-CO; SF-2-CO; SF-4A-CO; SF-6-CO; MF-1-CO-CO; LO-CO; LR-CO; GR-CO. The CO is for xeriscaping on un-built land; IPM Plan; maximum number of dwelling units on various tracts; maximum building height; setbacks – front, street side, interior side, rear; maximum F.A.R.; and prohibits hard liquor sales in certain locations (4-16-98)

RELATED CASES:

The property was zoned LR-MU-CO (C14-02-0040.103) along with 14 other tracts in August 2002 concurrent with a Development Agreement between the City of Austin and Circle C Land Corp. The Conditional Overlay establishes setbacks for buildings or structures, prohibits surface parking within certain areas, requires the dedication of right-of-way for Escarpment Boulevard, prohibits multi-

family residential in certain areas, prohibits service station and restaurant (drive-in, fast food), and prohibits certain uses for a single occupant of any lease space over 36,750 square feet. (Ordinance # 020801-25).

The subject rezoning application is also related to the First Amendment to the Development Agreement that discusses development density, zoning and CEF setbacks, and a Second Amendment to Green Building Restrictive Covenant affecting only Tract 103. Both amendments will be considered concurrently with the rezoning.

An amendment to the Austin Metropolitan Area Transportation Plan to reduce the size of the right-of-way to its present width rather than what it was originally envisioned has also been approved by both the Urban Transportation Commission and the Planning Commission. The amendment was approved by the City Council on May 6, 2004.

ABUTTING STREETS:

STREET	RIGHT-OF-WAY	PAVEMENT WIDTH	CLASSIFICATION	DAILY TRAFFIC
West Slaughter Lane	130 feet	2 @ 46 feet	Major Arterial	23,500 (2003)
Escarpment Boulevard	0 feet	Not on Ground	Major Arterial	N / A

- There are no sidewalks along Slaughter Lane or Escarpment Boulevard. Sidewalks will be required at the time of site development.
- Slaughter Lane is included in the Austin Bicycle Plan. Bicycle lanes are also provided along Escarpment Boulevard.
- Capital Metro bus service is not available on Slaughter Lane or Escarpment Boulevard.
- No additional right-of way is needed at this time for Slaughter Lane. The required right-of-way for Escarpment according to the Austin Metropolitan Area Transportation Plan is 114 feet.

CITY COUNCIL DATE: June 10, 2004

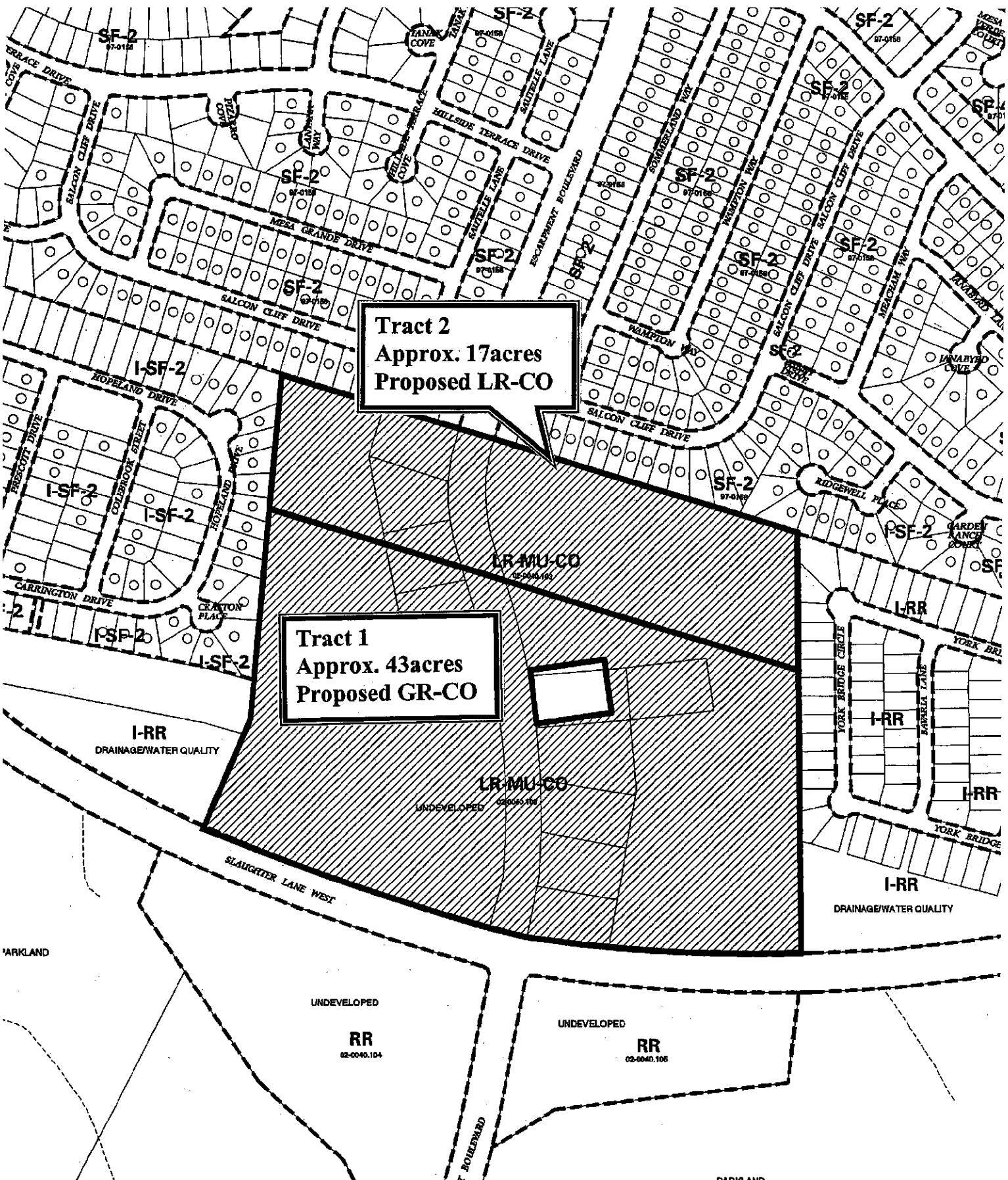
ACTION:

ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

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

PHONE: 974-7719



Tract 2
 Approx. 17 acres
 Proposed LR-CO

Tract 1
 Approx. 43 acres
 Proposed GR-CO

 1" = 400'	SUBJECT TRACT 	ZONING Exhibit A	CITY GRID REFERENCE NUMBER B16	
	PENDING CASE 			CASE #: C14-03-0156
	ZONING BOUNDARY 			ADDRESS: 5800-5948 W.SLAUGHTER LA
	CASE MGR: W.WALSH			DATE: 04-05 INTLS: TRC
SUBJECT AREA (acres): 60.649				



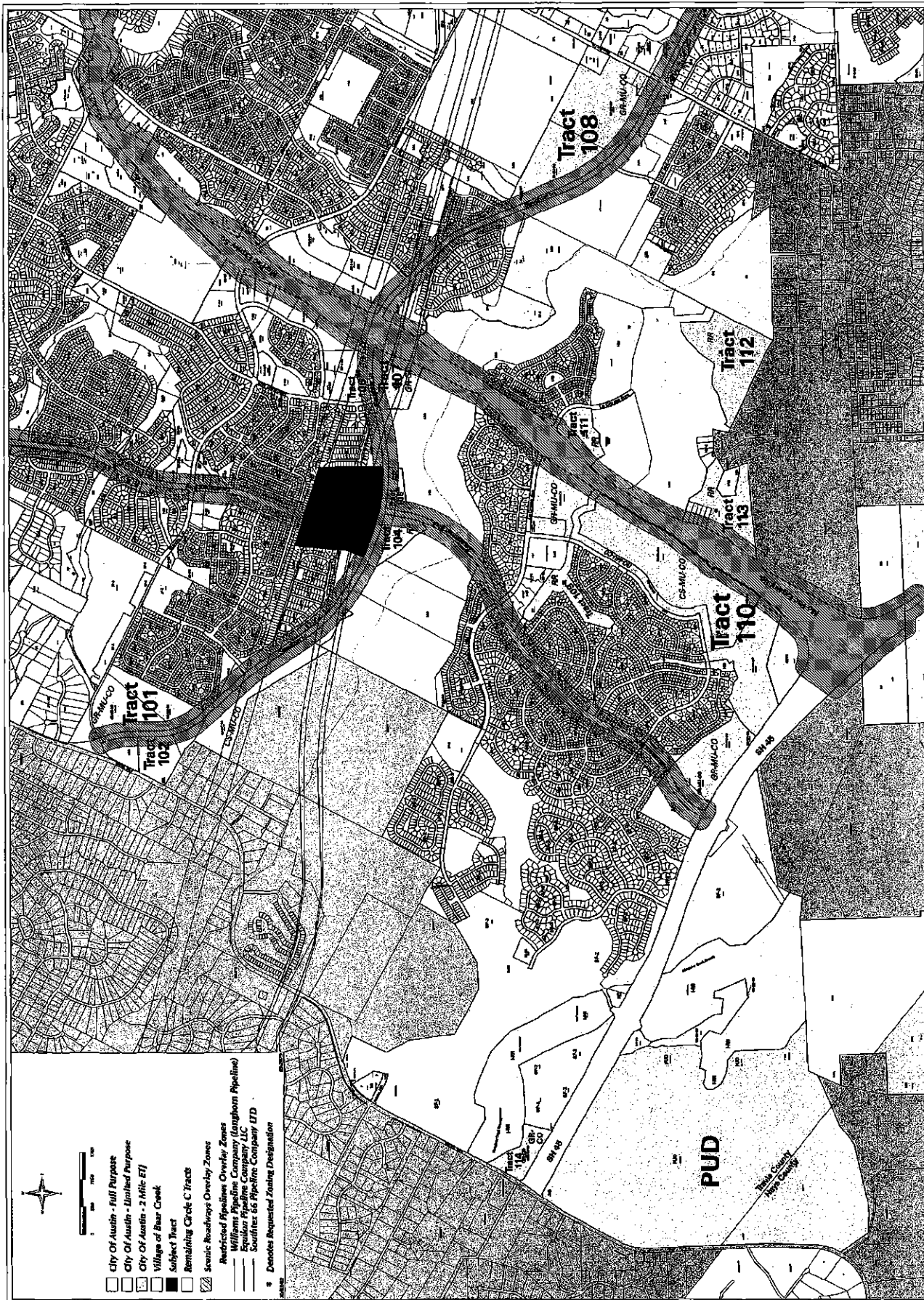


EXHIBIT B
GENERAL
VICINITY
MAP WITH
OTHER CIRCLE
C TRACT LOCATIONS



MEMORANDUM

To: Wendy Walsh, Case Manager
Neighborhood Planning and Zoning Department

From: George Zapalac
Watershed Protection and Development Review

Date: April 27, 2004

Subject: Escarpment Village Traffic Impact Analysis
C14-03-0156

The following are staff comments on the traffic impact analysis for the proposed Escarpment Village Traffic Impact Analysis, prepared by Wilbur Smith Associates in March, 2004.

TRIP GENERATION

Escarpment Village is a 60.649-acre tract located on the north side of Slaughter Lane on both sides of the future extension of Escarpment Blvd. The proposed development plans include a mix of retail, restaurant, and financial services, and project is proposed to be completed in 2005.

The TIA assumed that the proposed development would consist of the land uses identified in Table 1. Based on the standard trip generation rates established by the Institute of Transportation Engineers (ITE), the development will generate approximately 15,779 unadjusted daily trips (ADT). Of these, 675 trips will occur during the morning peak-hour and 1,548 will occur in the evening peak-hour. Table 1 summarizes the adjusted site trips by subtracting the internal capture and pass-by trips from the unadjusted trips.

Table 1. Proposed Trip Generation (adjusted)				
Land Use	Square feet	Daily Trips	AM Peak	PM Peak
Supermarket	93,000	5,514	207	604
Bank	4,550	516	34	90
Limited Restaurants	3,000	590	66	34
Sit-Down Restaurants	16,000	1,443	146	63
Specialty Retail	42,500	1,338	0	84
Total	159,050	9,401	453	875

ATTACHMENT A
PAGE 1

ASSUMPTIONS

A growth rate was developed using the roadway traffic volumes on FM 1826, located just west of the site, which were provided by the Texas Department of Transportation. Traffic volumes from the past 10 years yielded a 7.02% average annual growth rate, compounded annually. In addition, traffic from another previously approved project, the Deer Park at Maple Run commercial development at Loop 1 and Slaughter Lane, was added as background traffic. Traffic on the extension of Escarpment Blvd. was estimated using the CAMPO travel demand model.

EXISTING AND PROPOSED ROADWAYS

Loop 1 (MoPac Blvd.) exists as a 4-lane parkway to the east of the site. No improvements are currently funded in the vicinity of the site. Daily traffic volume was 28,000 vehicles per day in 2002.

Slaughter Lane exists as a 4-lane divided major arterial and borders the site on the south. No improvements are currently funded in the vicinity of the site. Daily traffic volume was 23,500 vehicles per day in 2003.

Escarpment Blvd. exists as a 4- to 6-lane divided major arterial north of the site and a two-lane undivided major arterial south of Slaughter Lane. In accordance with the 2002 settlement agreement between the City and Stratus Properties, Escarpment will be extended as a 4-lane divided roadway from its present terminus to Slaughter Lane. Traffic volume in 2003 was 10,200 vehicles per day south of Slaughter and 4,800 vehicles per day south of Davis.

Davis Lane exists as a 4-lane divided collector street to the north of the site. No changes to the current roadway are currently planned.

TRAFFIC ANALYSIS

The impact of site development traffic on the existing area roadways was analyzed for 2005 build-out conditions. 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
Slaughter Lane & Escarpment	A	A	C	D
Slaughter Lane & Loop 1 Southbound	B	C	C	C
Slaughter Lane & Loop 1 Northbound	B	B	C	B
Davis Lane & Escarpment	A	A	C	C

In addition, all driveways will operate at an acceptable level of service with the improvements assumed in the TIA.

ATTACHMENT A
PAGE 2

RECOMMENDATIONS

The developer should be responsible for the following improvements:

1. Dedicate right-of-way and construct Escarpment Blvd. as a 4-lane divided roadway through the tract, including a free right-turn lane, a through lane, and a left-turn lane on the southbound approach to Slaughter Lane. 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. Modify the northbound approach of Escarpment Blvd. at Slaughter Lane to accommodate two through lanes, a left-turn lane, and a bicycle lane. The developer's contribution to this improvement is 15.2%. A cost estimate and fiscal surety must be provided prior to third reading of the zoning.
3. Construct all driveways with the designs assumed in the TIA. This requirement will be addressed at the site plan phase.
4. 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 generation, traffic distribution, roadway conditions, and other traffic related characteristics.
5. Submit two copies of the final version of the TIA incorporating all corrections and additions 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
Michele Haussmann, Drenner Stuart
Carol Kaml, Fiscal Officer

ATTACHMENT A
PAGE 3



ENVIRONMENTAL BOARD MOTION 042104-D1

Date: April 21, 2004

Subject: Escarpment Village (Circle C Agreement)

Motioned By: Timothy Riley

Seconded By: Phil Moncada

Recommendation

Recommend approval of the proposed amendment to Circle C Land Corp. agreement regarding Escarpment Village.

Rationale

The proposed amendment provides greater aesthetic benefits and clustering of open space to the north of the property, generally increases vegetative buffers around adjacent residential land uses, and is expected to generate less vehicular traffic on roads in the immediate area, which reduces potential non-point source stormwater runoff pollution. Additionally, the proposed amendment increases setbacks from identified CEFs on tract 107. Finally, the proposed water quality pond on the site exceeds current SOS ordinance minimum standards.

Vote 7-0-0-1

For: Anderson, Ascot, Curra, Leffingwell, Maxwell, Moncada, Riley

Against: None

Abstain: None

Absent: Holder

Approved By:

Lee Leffingwell, Chair



MEMORANDUM

TO: Pat Murphy, Environmental Officer

FROM: David A. Johns, Hydrogeologist
Environmental Resources Management Division
Watershed Protection and Development Review Department

DATE: April 19, 2004

SUBJECT: Critical Environmental Features Protection on Stratus Properties Tracts
107 and 103

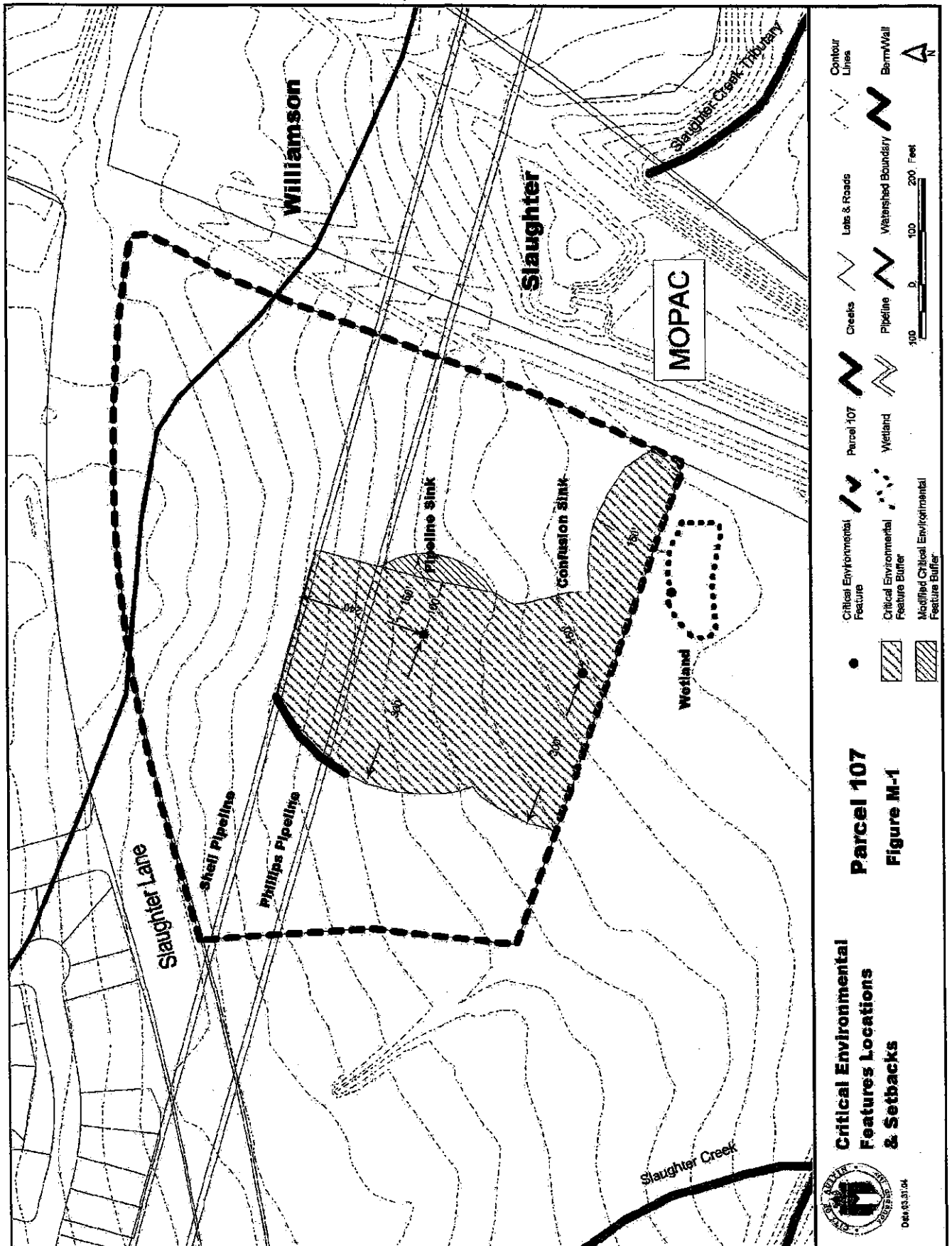
Staff has discussed increased environmental protection with Stratus Properties officials related to moving a proposed grocery store from tract 107 at Slaughter and MoPac to tract 103 at Slaughter and Escarpment. Increased environmental protection includes expanding the Critical Environmental Feature (CEF) buffer for Pipeline Sink on tract 107 by an additional 50 feet on the east side as shown on the attached map. In addition, Stratus agreed to help protect Grassy Cove Cave on tract 104 (turned over to the City of Austin) by constructing a soil berm to divert untreated stormwater runoff away from the entrance.

Staff has not examined tract 103 for CEFs.

If you have any questions concerning this information, please call me at 974-2781.

David A. Johns, Hydrogeologist
Environmental Resources Management Division
Watershed Protection and Development Review Department

ATTACHMENT B
PAGE 2



SUMMARY STAFF RECOMMENDATION:

The staff alternate recommendation is to grant community commercial – conditional overlay (GR-CO) combining district zoning for Tract 1 and neighborhood commercial – conditional overlay (LR-CO) combining district zoning for Tract 2 (425 feet from the north property line).

The Property within the boundaries of the conditional overlay combining district is subject to the following conditions for each tract:

1. A building or structure may not be constructed as follows:

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- Within 100 feet of platted single family lots located along the east property line north of the Phillips pipeline.

Improvements permitted within these buffer zones are limited to nature trails, landscaping, picnic tables, benches, solid fences, small trash receptacles (i.e. 55 gallons or less), parking facilities unless otherwise provided in this section, detention and water quality re-irrigation facilities, utility improvements or those improvements that may be otherwise required by the City of Austin or specifically authorized in this ordinance.

2. A surface parking facility is prohibited as follows:

- Within 375 feet of platted single family lots located along the north property line;
- Within 375 feet of platted single family lots located along the west property line north of the Phillips pipeline; and
- Within 75 feet of platted single family lots located on the east property line along a line from the north property line to the Phillips pipeline.

3. A site plan or building permit for the Property may not be approved, released, or issued, before the dedication of right-of-way from the center line of Escarpment Boulevard as set forth in Section 25-6-55 of the Land Development Code.

4. The following uses are prohibited uses of the Property on Tract 1 (GR-CO tract):

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Pawn Shop Services
 Research Services
 Custom Manufacturing
 Urban Farm
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 Group Home, Class I (General)
 Group Home, Class I (Limited)
 Group Home, Class II
 Residential Treatment
 Automotive Sales
 Automotive Washing (of any type)
 Automotive Rentals
 Automotive Repair Services
 Service Station

5. The following uses are prohibited uses of the Property on Tract 2 (LR-CO tract):

Bed and Breakfast (Group 1)
 Bed and Breakfast (Group 2)
 Off-site Accessory Parking
 Custom Manufacturing
 Urban Farm
 Communication Service Facilities
 Congregate Living
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6. The following uses are prohibited uses for a single occupant of any leaseable space over 36,750 square feet on Tract 1 (the GR-CO tract):

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Special use historic	Custom manufacturing
Club or lodge	College or university facilities
Public secondary education facilities	Community recreation (private)
Community recreation (public)	Counseling services
Cultural services	Day care services (commercial)
Day care services (general)	Day care services (limited)
Religious assembly	Private primary educational facilities
Guidance services	Hospital services (limited)
Safety services	Commercial off-street parking
General Retail Sales (general)	Indoor Entertainment
Outdoor Sports and Recreation	Restaurant (general)

Business Support Services
Indoor Sports and Recreation
Theater
Telecommunication Tower

Communication Services
Personal Improvement Services
Business of Trade School
Local Utility Services

7. The following uses are prohibited uses for a single occupant of any leaseable space over 36,750 square feet on Tract 2 (the LR-CO tract):

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General retail sales (convenience)
Personal services
Plant nursery
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Community recreation (public)
Cultural services
Day care services (general)
Religious assembly
Guidance services
Safety services
Local Utility Services

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Pet services
Restaurant (limited)
Custom manufacturing
College or university facilities
Community recreation (private)
Counseling services
Day care services (commercial)
Day care services (limited)
Private primary educational facilities
Hospital services (limited)
Telecommunication Tower

The Restrictive Covenant over the entire property would limit 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 (April 27, 2004).

BACKGROUND

The subject property consists of undeveloped land and is zoned neighborhood commercial – mixed use – conditional overlay (LR-MU-CO) by way of a Year 2002 case. The property, also known as Circle C Tract 103, has access to West Slaughter Lane, a major arterial roadway, and includes a planned north-south extension of Escarpment Boulevard through the property, which is the final link in the planning and construction of this arterial roadway.

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The applicant has also proposed a Conditional Overlay related to: setbacks for buildings and structures; setbacks for surface parking facilities; timing of right-of-way dedication for Escarpment Boulevard; prohibited uses for Tracts 1 and 2; and prohibited uses for a single occupant of any leaseable space over than 36,750 square feet on Tracts 1 and 2. The Conditional Overlay reflects items that were approved with the 2002 rezoning case as well as items requested by representatives of

adjacent neighborhoods. The staff recommendation on Pages 8-9 provides a detailed outline of the Conditional Overlay.

Staff supports the applicant's requested rezoning on the basis that the development will provide a shopping and services destination for the surrounding residential neighborhoods, incorporates buffers and setbacks for enhanced compatibility, and will be located at the intersection of two arterial roadways.

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 West Slaughter Lane, an arterial roadway. A planned segment of Escarpment Boulevard also extends through the property and will be constructed as an arterial roadway.

The LR, Neighborhood Commercial District is intended for shopping facilities that provide limited business services and offices to the residents of the neighborhood, such as consumer repair services, food sales, service stations, and pet services.

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

Staff supports the applicant's requested rezoning on the basis that the development will provide a shopping and services destination for the surrounding residential neighborhoods, incorporates buffers and setbacks for enhanced compatibility, and will be located at the intersection of two arterial roadways.

EXISTING CONDITIONS

Site Characteristics

The site consists of undeveloped acreage. There appear to be no topographical constraints on this tract.

Impervious Cover

The maximum impervious cover allocated to Tract 103 is 18.75 acres (32% of 60.469 acres), as established by the Development Agreement between the City of Austin and Circle C Land Corp, effective as of August 15, 2002. No changes to the allocated impervious cover are contemplated with the rezoning application.

Environmental

This site is located over the Edward's Aquifer Recharge Zone. The site is in the Slaughter Creek Watershed of the Colorado River Basin, which is classified as a Barton Springs Zone (BSZ) watershed. Project applications at the time of this report are subject to the Development Agreement between The City Of Austin and Circle C Land Corporation.

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

Standard landscaping and tree protection will be required in accordance with LDC 25-2, 25-8 and Circle C Agreement 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 rim rock, caves sinkholes, and wetlands.

Under current Circle C Agreement, development or redevelopment on this site will be subject to providing structural sedimentation, filtration and/or re-irrigation basins per Section 7 of the Agreement.

Transportation

A traffic impact analysis has been prepared by the applicant and reviewed by staff. 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 rezoning 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 are required. The landowner will be responsible for all costs and providing.

The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City's utility design criteria.

Compatibility Standards

This site is subject to the Stratus Settlement Agreement, which includes additional restrictions on allocation of impervious coverage and density.

This site is subject to the Hazardous Pipeline Ordinance. Development in a restricted pipeline area is regulated by Sec. 25-2-516. Additional design regulations will be enforced at the time a site plan is submitted.

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

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- Slaughter Lane is a scenic roadway. A landscape area at least 25 feet wide is required along the property line if the tract is zoned GR.
- 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.

Walsh, Wendy

From: Ted [Ted@wholelifebooks.org]
Sent: Wednesday, March 31, 2004 3:38 PM
To: wendy.walsh@ci.austin.tx.us
Subject: File C14-03-0156

Thanks for returning my call. I'm glad you had a chance to talk to my wife who feels very passionately about the land behind our house.

We walked over most of that land before the first road ever came in. Before we invested all that effort we went to see Brandon Bailey at the city to see what was going to be behind us. He told us that it was zoned RR which meant there could be no more than one house per acre.

We would not have bought the property if we had known we would be backed up to a shopping center.

This comes on top of the problem with the pipeline. Would we have bought a lot next to a gasoline pipeline?

Houses, yes. Shopping center, No.

Thank You

Ted Lanier
5953 Salcon Cliff Dr
Austin, TX 78749

3/31/2004

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

File # C14-03-0156-WW

Zoning & Platting Commission Hearing Date: April 6, 2004

Name (please print) TONY MARCIANO

Address 6003 SALCON CLIFF DRIVE
AUSTIN, TX 78749

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

1

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

File # C14-03-0156-WW

Zoning & Platting Commission Hearing Date: April 6, 2004

Name (please print) Russell S. Johnson

Address 6203 Mesa Grande

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

1

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

File # C14-03-0156-WW

Zoning & Platting Commission Hearing Date: April 6, 2004

Name (please print) Desmond Ng

Address 9235 Ridgewell Pl, Austin TX 78749

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

1

Zoning Department, P. O. Box 1088, Austin, TX 78767-8835.

File # C14-03-0156-WW

Zoning & Platting Commission Hearing Date: April 6, 2004

Name (please print) Cindy Ballou

Address 5947 Salcon Cliff
Austin, TX 78749

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

1

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

File # C14-03-0156-WW

Zoning & Platting Commission Hearing Date: April 6, 2004

Name (please print) BISHENG Gu

Address 6105 Mesa Grande Drive, Austin, TX 78749

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

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

File # C14-03-0156-WW

Zoning & Platting Commission Hearing Date: April 6, 2004

Name (please print) Timothy Cheng

Address 6103 Mesa Grande Drive, Austin, TX 78749

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

*Beau
Tract 103 file*

CIRCLE C HOMEOWNERS ASSOCIATION, INC.
5919 LA CROSSE AVENUE, SUITE 100 • AUSTIN, TEXAS 78739 • (512) 288-8663

March 24, 2004

Mr. Beau Armstrong
Stratus Properties
98 San Jacinto, Suite 200
Austin, Texas 78701

Dear Beau:

As you know, the Circle C Homeowners Association appointed an ad hoc committee for the purpose of reporting to the Board of Directors regarding the proposed zoning change for the northern portion of Tract 103.

We have received the report from the committee and they strongly recommend that the CCHOA support this zoning change. At the Board of Directors meeting on March 22, 2004, we voted to do so.

We understand that certain commitments have been made by Stratus to adjacent property owners and the CCHOA. These are well documented in the report, and we would like to thank you for working with our residents on the many issues that were brought to your attention during the process.

We are looking forward to an outstanding project that will bring long awaited services to Circle C.

Sincerely,



On behalf of:

Circle C Homeowners Association
Board of Directors

Jim O'Reilly, President
Ken Rigsbee, Vice-President
Quentin Fennessy, Secretary/Treasurer

Attachments: Report from the ad hoc committee on Tract 103



CIRCLE C HOMEOWNERS ASSOCIATION, INC.
5919 LA CROSSE AVENUE, SUITE 100 • AUSTIN, TEXAS 78739 • (512) 288-8663

March 19, 2004

Jim O'Reilly, President
Ken Rigsbee, Vice President
Quentin Fennessy, Secretary /Treasurer

Dear CCHOA Board of Directors:

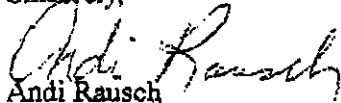
Please find attached the report of the ad hoc committee on the proposed change in zoning to the northern portion of Tract 103 to accommodate an HEB grocery and retail shopping center.

The committee is recommending approval of the zoning proposal and encourages the Board to support it on behalf of the members of the Association. After extensive review and discussion with Stratus, we believe it to be in the best interest of the neighborhood to support retail shops and services as opposed to multi-family housing on this tract.

The ad hoc committee is currently working on preparing design guidelines, reviewing the green builder covenant, and the commercial property deed restrictions that apply to this tract. Stratus will be forwarding all of the plans, designs and landscape plans for the committee's review.

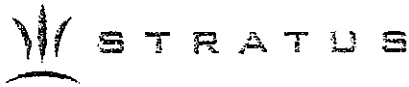
Please let me know if you need any further information at this point.

Sincerely,


Andi Rausch

Chair, ad hoc committee on the HEB





W. H. ARMSTRONG III
PRESIDENT & CEO

March 4, 2004

STRATUS PROPERTIES INC.
93 SAN JACINTO, SUITE 230
AUSTIN, TEXAS 78701
T: 512.478.5788
F: 512.478.5340

VIA FACSIMILE

Mr. Jim O'Reilly
Mr. Ken Rigsbee
Mr. Quentin Fennessy
CCHOA Board
5919 LaCrosse, Ste. 100
Austin, Texas 78739

Re: Architectural Review Process/Tract 103

Gentlemen:

After meeting several times with the CCHOA Ad hoc committee and others regarding the architectural review of Escarpment Village (Tract 103), we propose the following:

- 1) Before plans related to signage, landscaping and building aesthetics for Tract 103 are voted on by the Architectural Control Committee (ACC) established in the 2002 Settlement Agreement, they will be reviewed by the Architectural Ad hoc Committee (AAHC) chaired by Andi Rausch. Additionally, through this process, we agree that we will produce a document that governs aesthetics of the tract and includes the design and green building guidelines and deed restrictions applicable to the property.
- 2) This process would also apply to tracts 106 and 107 as well.
- 3) Stratus will present a proposal for community directional signage around all of our retail tracts that will also be reviewed by the AAHC and possibly be used as part of the master plan for Circle C.
- 4) A sign will be placed at the exit from Escarpment Village along Slaughter Lane prohibiting eighteen-wheeler delivery trucks exiting the HEB from turning left onto Slaughter Lane and crossing the median break onto eastbound Slaughter between the hours of 7:00 and 9:00 a.m. and 4:00 and 7:00 p.m.

Please let us know if this proposal regarding outstanding issues meets with your approval.

Sincerely,

William H. Armstrong III

CCHOA

Ad Hoc Committee on Tract 103, Proposed HEB and retail center

History and Background

In 2002, the CCHOA, after extensive community input, supported the settlement agreement between Stratus Properties and the City of Austin. Through a course of numerous informal and formal meetings with the Circle C homeowners, the northern portion of Tract 103 was designated as multi-family in the settlement. Clearly, this was the least favorite choice of the residents, who encouraged the leadership of the Association to eliminate as much multi-family as possible. The City Manager, however, insisted that some tracts remain multi-family as designated on the original City of Austin Municipal Utility District land use plan, which was the norm for land use adaptations after annexation of such areas. The area south of the pipeline on Tract 103 was designated retail during the Stratus settlement, and there is no proposed zoning change requested for the southern portion of the tract.

There is no request for a change in impervious cover, nor any environmental controls or standards as part of the re-zoning proposal.

A tract covenant to specify buffers, heights and landscaping was adopted for this site during the settlement agreement.

Stratus designated Tract 107 as a retail shopping center with a grocery; however, after further examination of the Tract, there were limitations in terms of access. Further, a major environmental feature is located on Tract 107, and it required extensive buffers.

Fall, 2003

Stratus Properties notified the CCHOA that they had interest from HEB for Tract 103. This would require a zoning change. They proposed no change in impervious cover or environmental conditions for this site. They proposed increased buffers and setbacks for the west side, and various landscape requirements for the east side of the tract. They notified the New Villages of Western Oaks and negotiated many points regarding operation of the HEB and other items.

The CCHOA placed a conceptual site plan and information about the proposed zoning change in the November, 2003 newsletter and asked for input. A number of e-mails supporting the HEB were presented and some not supporting were also acknowledged. They are attached to this report.

A December newsletter update was given, with a further request for input from residents. A survey, produced by Stratus, was included in the newsletter, and numerous residents filled out their request for types of retail services.

Meetings with adjacent neighbors

The first step in the process was for Stratus to meet with the adjacent neighbors to explain the project. A meeting was held in Vintage Place at Alan Young's home, where Stratus gave a presentation and answered questions.

The site was walked with Andrea Mangum from Capital Pacific Homes, property owner of the property located on the east side of Tract 103. Stratus agreed to various landscape requirements in this area.

HEB Ad Hoc Committee

An HEB ad hoc committee was formed in early December. The committee is chaired by Andi Rausch, and includes Alan Young, Vintage Place, Tony Gendron, Circle C North, Trent Rush, Circle C, Ronnie Stafford, Wildflower Park, and Felix Manka, Circle C.

The committee has met regularly and reviewed all input from residents, visited with various professionals from Stratus, and developed a strategy for input into the Architectural Review Process.

Meetings

Two public meetings for Circle C residents were held in January. Attendance was approximately 40 persons at each meeting and representatives from Stratus and HEB gave presentations and answered questions.

Feedback from residents

Most residents who communicated with the CCHOA or attended a meeting were concerned about the size of the HEB. This was a non-negotiable point with HEB. Their new prototype store is 93,000 square feet and includes larger produce, tortilla and sushi bars and wider aisles. Upon hearing this, a number of residents were highly in favor of the larger store.

Many residents commented that they were very much looking forward to a long time desire to have retail and neighborhood shopping in the immediate neighborhood, and felt it would enhance property values.

Many residents e-mailed their support of an HEB and shopping. A desire to have it well designed was expressed. Overall there were approximately 45 positive e-mails.

Some residents favored nothing at all on the site, citing more traffic as a concern. Some people who opposed the Wal-Mart expressed opposition to any retail on Slaughter Lane. Overall there were approximately 7 negative e-mails.

A group of residents submitted a petition asking a registered arborist to be involved in the project, and that great care be taken with the trees.

Over 350 residents participated in the retail survey conducted by Stratus through the newsletter and expressed their interest in a variety of retail shops and services.

The Parks and Infrastructure Committee reviewed the proposal from a traffic point of view, had a meeting with the project manager from Stratus and expressed their concerns, which were addressed.

Dave Ruchlman from Stratus spent time with several residents explaining the necessity and design of the filtration pond at Slaughter/Escarpment, after which they expressed agreement.

Additional considerations

As part of the zoning request, Stratus is also requesting an amendment to the AMATP plan (formerly CAMPO plan) to size the future recommended size of Escarpment down to its "as built" size from Slaughter Lane to SH 45. The amendment also sized down the northern portion of Escarpment from Slaughter to Salcon Cliff, and asked for a lower speed limit in this area. The CCHOA has issued a letter supporting this amendment.

Agreements with Stratus

1. Stratus agreed to walk the property with any residents in Vintage Place who were concerned. To our knowledge this has been done and various individual concerns have been addressed.
2. Stratus agreed to extend the buffer on the east side of Vintage Place to 400 feet.
3. Stratus agreed to landscape requirements between Stratus and Capital Pacific Homes for the east side of the properties.
4. Stratus agreed to work have the ad hoc committee review plans related to signage, landscaping, and building aesthetics and produce a document that governs aesthetics of the tract and includes the design and green building guidelines as well as applicable deed restrictions. This document will be used for Tracts 106 and 107 as well.
5. Stratus will present a proposal for community directional signage for the retail tracts that might also be used as community wide signage.
6. Delivery trucks will be prohibited from existing left onto Slaughter Lane from 7-9 a.m. and 4-7 p.m.

7. Operational and other site agreements developed by Stratus and the New Villages of Western Oaks, as attached and agreeable to the CCHOA ad hoc committee on the HEB will be adopted.
8. Stratus walked the tract with Circle C resident Susan Schaffel to review the trees. Stratus has agreed to hire a Registered Consulting Arborist, per the request of the petition to develop a Tree Preservation Program as documented in the attached letter.

Recommendation of the Committee

The ad hoc committee has met regularly since early December and reviewed all of the comments and concerns expressed by residents. The committee sponsored two meetings between residents and representatives from Stratus and HEB. Clearly, no residents strongly favor multi-family on the site. Further, there was significant input from homeowners regarding the types of retail residents would like to see.

The committee successfully negotiated all of the outstanding points that were formally proposed by residents or through the committee's review. We have received confirmation in writing of all of these points from Stratus. The adjacent property owners are satisfied with their request, and to our knowledge, Susan Schaffel, who initially contacted us regarding the tree situation is also.

The CCHOA has already issued a letter in support of the AMATP amendment with regard to the downsizing and reduced speed on Escarpment.

We strongly recommend that the CCHOA endorse the re-zoning proposal and fully support it before all City of Austin Boards and Commissions and the Austin City Council.

Attachments:

1. List of agreed upon issues generated by the New Villages of Western Oaks
2. Letter regarding Registered Consulting Arborist
3. Letter to Capital Pacific Homes
4. Letter regarding other issues of import to the CCHOA
5. AMATP plan amendment and CCHOA supporting letter
6. Questions and Answers as posted on the CCHOA website

Dear Ms. Swan:

On November 13, our HOA voted to support the proposed Escarpment Village development. While our neighborhood would prefer that the land be developed at 15% impervious cover and the HEB be 85,000 square feet or less, our support will be given based on the following conditions.

All CEF setbacks on tract 107 are increased by a minimum of 50 feet

Burms will be built on tracts 104 and 105 as necessary to divert stormwater run-off from any CEFs

No single or related occupant on tract 107 can exceed 50,000 square feet

Other than a grocery store, no single or related occupant can exceed 35,000 square feet on tract 103

The building setback on tract 103 must be at least 425 feet from the northern property line

The parking setback on tract 103 must be at least 375 feet from the northern property line

Setback on the east side of Escarpment must be left in natural state

Setback on the west side of Escarpment must be maintained as an open area that the public can access

A playscape will be constructed in the setback on the west side of Escarpment, but no closer than 350 feet to the northern property line

The building heights must not exceed 40 feet

The buildings must be no more than 2 stories high on the east side of Escarpment

The buildings must be no more than 1 story high on the west side of Escarpment

The signage must be monument style and not exceed 8 feet in height on Slaughter and 6 feet on Escarpment

No neon signage will be allowed

All lighting must be downhooded and no taller than 30 feet

The delivery hours for the grocery must begin no earlier than 5 am and must cease no later than 10 pm

A sound barrier wall, at least 8 feet in height, must be constructed on the northern side of the grocery store loading docks. This wall can be in the form of a retaining wall.

The grocery store must open no earlier than 5 am and must close by midnight

The site must be laid out such that no large trucks are allowed on Escarpment Blvd.

Trash collection for the development must not begin before 7 am and must cease by 10 pm

No drive through fast food restaurant can be located on tract 103, with the exception of a drive through coffee service.

Landscaping plants must be at least 70% native and 30% adapted

Escarpment Blvd. must be built as a divided road with a landscaped median

Sidewalks must be built on both sides of Escarpment

Bike lanes must be striped on Escarpment so that bike lanes north of Davis and south of Slaughter are connected to provide access to the Veloway

A pedestrian crossing must be installed at the corner of Escarpment and Slaughter to allow pedestrians to gain access to trails south of Slaughter

Stratus must agree to place solar powered speed monitors on Escarpment near Mills Elementary

The city must place a school zone on Escarpment near Mills

The following uses must be prohibited on tract 103

- Bed and Breakfast (group 1 or 2)
- Drop-off recycling
- Exterminating services
- Fast food services
- Funeral services
- Hotel-motel
- Off-site accessory parking
- Outdoor entertainment
- Pawn shop services
- Plant nursery - unless organic
- Research services
- Custom Manufacturing
- Urban Farm
- Communication service facility
- Congregate living
- Group home (class I or class II)
- Local utility services
- Residential treatment services
- Telecommunications tower
- Automotive services, including the sale of gasoline
- Fast food restaurant



W. H. ARMSTRONG III
PRESIDENT & CEO

STRATUS PROPERTIES INC.
98 SAN JACINTO, SUITE 220
AUSTIN, TEXAS 78701
T: 512.478.5788
F: 512.478.6340

January 12, 2004

Ms. Stephani Stone
New Villages of Western Oaks Homeowners Association
6305 La Carman
Austin, Texas 78749

Dear Ms. Stone:

We received your letter of December 9, a copy of which is attached, outlining the conditions necessary to obtain the support of the New Villages of Western Oaks for the rezoning of Tract 103 in Circle C Ranch from LR/MU/CO to GR/CO and LR/CO.

The terms of your letter are acceptable to Stratus. While I am confident that the City of Austin will not have a problem with the conditions of our agreement, I think it's important to note that we do not control their process. If we do learn of a problem or conflict, we will contact you immediately, and urge you to do the same.

Finally, as the zoning case moves forward through the City Boards and Commissions, it is our understanding that your Homeowner's Association will be publicly supportive of the zoning change, and that representatives will appear at the hearings to state your support.

We greatly appreciate your cooperation, and look forward to working with you.

Sincerely,

Beau Armstrong

March 31, 2004

Stratus Properties, Inc.
Attn: Laurie Swan
98 San Jacinto, Suite 220
Austin, Texas 78701

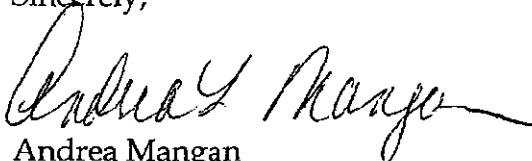
Dear Laurie:

Capital Pacific Homes is the adjacent owner of the parcel of land located to the east of Tract 103. This section is currently being marketed to prospective homebuyers.

As the owners, we have met with representatives of your company. We have agreed upon landscape and related issues affecting the property. Based upon the agreements made by Stratus and ourselves, we support the proposed zoning change for the northern portion of Tract 103.

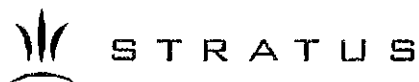
Should you have any questions, or need further assistance in any way, please do not hesitate to contact me.

Sincerely,



Andrea Mangan
Senior Vice President
Capital Pacific Homes

Texas Division
3809 Juniper Trace Road · Suite 100
Austin, Texas 78738
P 512-320-8888
F 512-320-0897
capitalpacifichomes.com



March 4, 2004

STRATUS PROPERTIES INC.
98 SAN JACINTO, SUITE 220
AUSTIN, TEXAS 78701
T: 512.478.5788
F: 512.478.6340

Andrea Mangan
Capital Pacific Homes
3809 Juniper Trace Road
Austin, Texas 78738

Re: Escarpment Village/Park Place

Dear Andrea:

I am writing to you in connection with the proposed shopping center known as "Escarpment Village" to be built at the intersection of Slaughter Lane and Escarpment Boulevard. This letter will confirm Stratus Properties' agreement to do the following:

1. In order to provide screening of Escarpment Village from the homes located on Lots 32 and 36 in Capital Pacific's Park Place development, three shade trees will be planted behind each home on these two lots, and the trees will be within 20 feet of the most western property line of each lot, a minimum of 14 feet in height and have at least a five foot canopy; and on Lots 33, 34 and 35, one shade tree will be planted behind each home on such lots, such trees to be within 25 feet of the most western property line of each lot, a minimum of 14 feet in height and have at least a five foot canopy; and additionally, two smaller (i.e., understory) trees will be planted on Lots 32, 34 and 36. A rough sketch of location of the proposed trees on the Park Place subdivision layout for Block H and the abovementioned lots is attached. All the trees must come from the list of approved trees in the 2002 Stratus Properties Circle C/City of Austin Development Agreement, also attached;
2. Prior to the construction of a sound wall between the proposed grocery store to be located within Escarpment Village and the most eastern property line of the project, we will provide Capital Pacific Homes a drawing showing the general dimensions of the wall. Capital Pacific Homes shall have the right to review and comment on the drawing, including the location of the wall and its dimensions, with any comments to be delivered to Stratus Properties and the Trammell Crow Company within 15 days of the delivery of the drawing to Capital Pacific Homes;
3. We will provide Capital Pacific Homes copies of any deed restrictions or design guidelines that provide limitations or guidelines for the development of Escarpment Village.



March 4, 2004

Page 2

Stratus Properties' agreement to do any of the foregoing is conditioned upon (a) the full and complete approval from all governmental authorities to construct Escarpment Village in accordance with the applications submitted for that project and (b) the favorable support for Escarpment Village, as reflected in the applications submitted for such project, by Capital Pacific Homes.

Please let me know if you have any questions or need any additional information.

Sincerely,

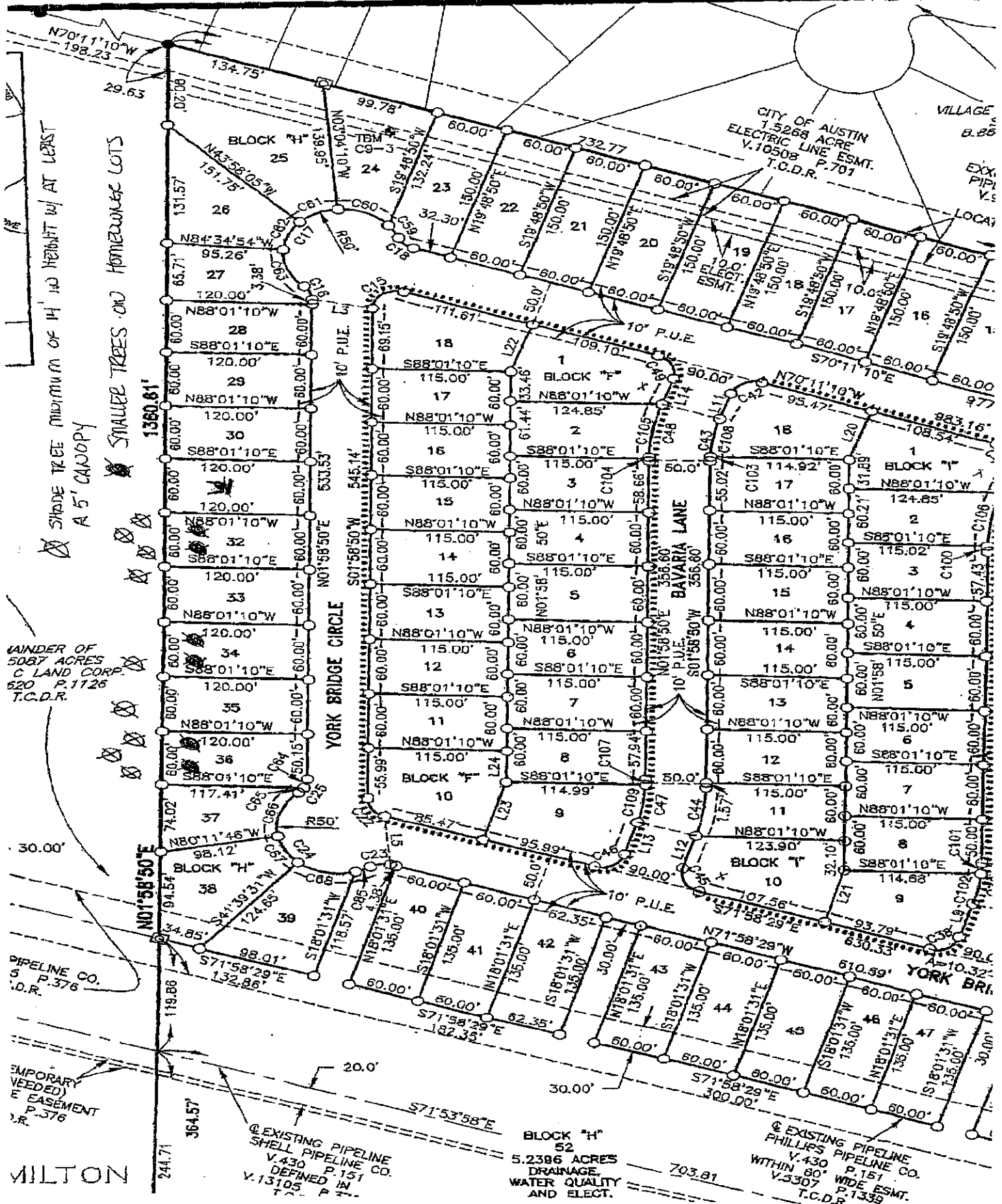


William H. Armstrong III

Cc: Jon Andrus, Trammell Crow Company
Dave Ruehlman
Laurie Swan
Ken Jones, Armbrust & Brown
Steve Drenner, Drenner, Stuart, Wolfe et al.
Andi Rausch, Circle C Homeowners Association

TO: LAURIE SWAN

"Park Place"



SHADE TREE MINIMUM OF 14' IN HEIGHT w/ AT LEAST A 5' CANOPY

SMALLER TREES AND HOMEOWNERS LOTS

LAND OF 50.87 ACRES C LAND CORP. 520 P.1126 T.C.D.R.

PIPELINE CO. S P.376 T.C.D.R.

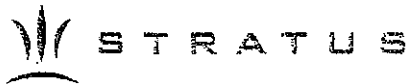
EMPOARY (VEEDED) EASEMENT P.376 T.C.D.R.

MILTON

EXISTING PIPELINE SHELL PIPELINE CO. V.430 P.151 DEFINED IN V.13105 P.11

BLOCK "H" 52 5.2386 ACRES DRAINAGE, WATER QUALITY AND ELECT.

EXISTING PIPELINE PHILLIPS PIPELINE CO. V.430 P.151 WITHIN 80' WIDE ESMT. V.5307 P.1339 T.C.D.R.



W. H. ARMSTRONG III
PRESIDENT & CEO

STRATUS PROPERTIES INC.
98 SAN JACINTO, SUITE 200
AUSTIN, TEXAS 78701
T: 512.478.5722
F: 512.478.5340

March 2, 2004

VIA FIRST CLASS MAIL

Ms. Susan Schaffel
11105 Bexley Lane
Austin, Texas 78739

Re: Circle C Land, L.P. - Circle C: Escarpment Village; Consulting Arborist

Dear Susan:

Please allow this letter to confirm that, prior to commencement of construction, Circle C Land, L.P. will engage a qualified Registered Consulting Arborist ("RCA") to develop a Tree Preservation Program ("TPP") for our Escarpment Village project on Tract 103 at Circle C. The RCA will utilize Best Management Practices in developing the TPP. The TPP will include a tree inventory, a strategy for maximizing ecological benefits of undisturbed areas, and a preservation protocol for project contractors and subcontractors. The TPP will be submitted to and approved by the RCA prior to commencement of construction.

If you have any questions, please let me know. Once again, thank you for helping us develop an environmentally sensitive project for the Circle C neighborhood.

Sincerely,

William H. Armstrong, III

cc: Andi Rausch - Fax: 288-6488

ORDINANCE NO. _____

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 5800-5948 WEST SLAUGHTER LANE FROM NEIGHBORHOOD COMMERCIAL-MIXED USE-CONDITIONAL OVERLAY (LR-MU-CO) COMBINING DISTRICT TO COMMUNITY COMMERCIAL-CONDITIONAL OVERLAY (GR-CO) FOR TRACT ONE AND NEIGHBORHOOD COMMERCIAL-CONDITIONAL OVERLAY (LR-CO) COMBINING DISTRICT FOR TRACT TWO.

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

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base districts on the property described in Zoning Case No.C14-03-0156, on file at the Neighborhood Planning and Zoning Department, as follows:

Tract One: From neighborhood commercial-mixed use-conditional overlay (LR-MU-CO) combining district to community commercial-conditional overlay (GR-CO) combining district.

Approximately 43.0 acres of land, out of a 60.649 acre tract of land, more or less, out of the Samuel Hamilton Survey No. 16 in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance, SAVE AND EXCEPT the property identified as Tract Two in this ordinance,

Tract Two: From neighborhood commercial-mixed use-conditional overlay (LR-MU-CO) combining district to neighborhood commercial-conditional overlay (LR-CO) combining district.

A 17.0 acre tract of land, more or less, out of a 60.649 acre tract out of the Samuel Hamilton Survey No. 16 in Travis County, the tract of land beginning at the north property line of Tract One and continuing south for a distance of approximately 425 feet (the "Property")

locally known as 5800-5948 West Slaughter Lane, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

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

1. A building or structure may not be constructed as follows:

- Within 425 feet of platted single family lots located along the north property line;
- Within 400 feet of platted single family lots located along the west property line north of the Phillips pipeline as described in instruments recorded in Volume 430, Page 4, Volume 430, Page 151, Volume 3750, Page 1563, Volume 3979, Page 2019, within 60 foot wide easement, Volume 5307, Page 1339, of the Travis County Deed Records. ("Phillips pipeline"); and
- Within 100 feet of platted single family lots located along the east property line north of the Phillips pipeline.

Improvements permitted within these buffer zones are limited to nature trails, landscaping, picnic tables, benches, solid fences, small trash receptacles, (i.e. 55 gallons or less), parking facilities unless otherwise provided in this section, detention and water quality re-irrigation facilities, utility improvements or those improvements that may be otherwise required by the City of Austin or specifically authorized in this ordinance.

2. A surface parking facility is prohibited as follows:

- Within 375 feet of platted single family lots located along the north property line;
- Within 375 feet of platted single family lots located along the west property line north of the Phillips pipeline; and
- Within 75 feet of platted single family lots located on the east property line along a line from the north property line to the Phillips pipeline.

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

Bed and breakfast residential (Group 1)	Drop-off recycling collection facility
Bed and breakfast residential (Group 2)	Exterminating services
Funeral services	Hotel-motel
Off-site accessory parking	Outdoor entertainment
Pawn shop services	Research services
Custom manufacturing	Urban farm

1 Communication service facilities
2 Group home, Class I (general)
3 Group home, Class II
4 Automotive sales
5 Automotive rentals
6 Service station

Congregate living
Group home, Class I, (limited)
Residential treatment
Automotive washing (of any type)
Automotive repair services

7
8 4. The following uses are prohibited uses of Tract Two:

9
10 Bed and breakfast residential (Group 1)
11 Off-site accessory parking
12 Urban farm
13 Congregate living
14 Group home, Class I, (limited)
15 Residential treatment

Bed and breakfast residential (Group 2)
Custom manufacturing
Communication service facilities
Group home, Class I (general)
Group home, Class II
Service station

16
17 5. The following uses are prohibited uses for a single occupant of any lease space over
18 36,750 square feet on Tract One:

19
20 Private secondary educational facilities
21 Arts & crafts studio (limited)
22 Financial services
23 General retail sales (convenience)
24 Personal services
25 Plant nursery
26 Special use historic
27 Club or lodge
28 Public secondary educational facilities
29 Community recreation (public)
30 Cultural services
31 Day care services (general)
32 Religious assembly
33 Guidance services
34 Safety services
35 General retail sales (general)
36 Outdoor sports and recreation
37 Business support services
38 Indoor sports and recreation
39 Theater
40 Telecommunication tower

Group residential
Consumer convenience services
Public primary educational facilities
Off-site accessory parking
Pet services
Restaurant (limited)
Custom manufacturing
College and university facilities
Community recreation (private)
Counseling services
Day care services (commercial)
Day care services (limited)
Private primary educational facilities
Hospital services (limited)
Commercial off-street parking
Indoor entertainment
Restaurant (general)
Communication services
Personal improvement services
Business or trade school
Local utility services

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- Group residential
- Consumer convenience services
- Public primary educational facilities
- Off-site accessory parking
- Pet services
- Restaurant (limited)
- Custom manufacturing
- College and university facilities
- Community recreation (private)
- Counseling services
- Day care services (commercial)
- Day care services (limited)
- Private primary educational facilities
- Hospital services (limited)
- Local utility services

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PASSED AND APPROVED

222

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ATTEST:

Shirley A. Brown
City Clerk

C14-03-0156
GR-CO for Tract 1;
LR-CO for Tract 2

AUGUST 26, 2003 JOB NO. 536-13
CLIENT: STRATUS PROPERTIES

FIELD NOTE NO. 536-01
PROJECT: 60.649 AC.
COA GRID NO. B-16

EXHIBIT A

FIELD NOTES

A DESCRIPTION PREPARED IN THE OFFICE FROM PUBLIC INFORMATION OF 60.649 ACRES OF LAND SITUATED IN THE SAMUEL HAMILTON SURVEY NO. 16, TRAVIS COUNTY, TEXAS BEING A PORTION OF THAT CERTAIN 538.5087 ACRES OF LAND CONVEYED TO CIRCLE C LAND CORP. BY DEED RECORDED IN VOLUME 11620, PAGE 1126 OF THE REAL PROPERTY RECORDS OF SAID COUNTY, SAID 60.649 ACRES, AS SHOWN ON THE ACCOMPANYING SKETCH, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2 inch iron rod on the northerly right-of-way (R.O.W.) line of Slaughter Lane (120' R.O.W.) as described in a deed recorded in Volume 9457, Page 80 of the said Real Property Records for the southeast corner of Circle C Ranch Phase B Section 20-A a subdivision whose plat is recorded in Document No. 199900388 of the Official Public Records of said County;

THENCE crossing said 538.5087 acres along the east line of said Circle C Ranch Phase B Section 20-A the following two (2) courses:

1. N25°17'57"E, 385.00 feet to a 1/2 inch iron rod, and
2. N07°48'54"E, 1118.58 feet to a 1/2 inch iron rod for the northeast corner of said Circle C Ranch Phase B Section 20-A on the northerly line of said 538.5087 acres and the southerly line of Village at Western Oaks, Section 16-A a subdivision whose plat is recorded in Volume 86, Pages 62A-62D of the Plat Records of said county;

THENCE, departing the east line of said Circle C Ranch Phase B Section 20-A, along the northerly line of said 538.5087 acres and the southerly line of said Village at Western Oaks, Section 16-A S70°11'10"E, at 716.79 feet pass a 1/2 inch iron rod for the southeast corner of said Village at Western Oaks, Section 16-A and the southwest corner of Village at Western Oaks, Section 15-A, a subdivision whose plat is recorded in Volume 86, Pages 77C-77D of the said Plat Records, continuing with the northerly line of said 538.5087 acres and the southerly line of said Village at Western Oaks, Section 15-A at 1551.73 feet pass a 1/2 inch iron rod for the southeast corner of said Village at Western Oaks, Section 15-A and the southwest corner of Village at Western Oaks, Section 15-B, a subdivision whose plat is recorded in Volume 86, Pages 89B-90A of the said Plat Records, continuing with the northerly line of said 538.5087 acres and the southerly line of

said Village at Western Oaks, Section 15-B for 1749.96 feet to a 1/2 inch iron rod for the northwest corner of Circle C Ranch Phase C, Section Nine a subdivision whose plat is recorded in Document No. 200200245 of the said Official Public Records;

THENCE, departing the northerly line of said 538.5087 acres and the southerly line of said Village at Western Oaks, Section 15-B, crossing said 538.5087 acres along the westerly line of said Circle C Ranch Phase C, Section Nine S01°58'50"W, 1360.61 feet to a 1/2 inch iron rod for the southwest corner of said Circle C Ranch Phase C, Section Nine on the northerly line of said Slaughter Lane;

THENCE, departing the westerly line of said Circle C Ranch Phase C, Section Nine, along the northerly line of said Slaughter Lane a distance of 1995.04 feet along the arc of a curve to the right whose radius is 4580.00 feet, central angle is 24°57'29" and whose chord bears N75°27'59"W, 1979.30 feet the POINT OF BEGINNING containing 61.649 acres of land more or less SAVE AND EXCEPT that certain 1.000 acre of land conveyed to Daniel J. Brustkern by deed recorded in Volume 11740, Page 324 of the said Real Property Records leaving a net area of 60.649 acres of land more or less herein described.

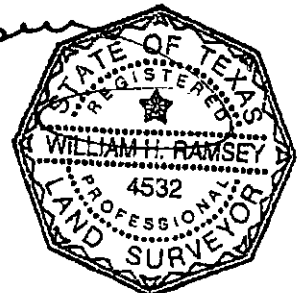
REFERENCES

TCAD NO. 04-2347-01-220000

BEARING BASIS

North line of the 538.5087 acres recorded in Volume 11620, Page 1126 of the Real Property Records of Travis County, Texas.

William H. Ramsey
10-2-03



CURVE	LENGTH	DELTA	RADIUS	DIRECTION	CHORD
C1	1995.04	24° 57' 29"	4580.00	N75° 27' 59" W	1979.30

VILLAGE AT WESTERN
OAKS SECTION 16-A
VOL.86, PGS.62A-62D
TCPR

BEARING BASIS
S70° 11' 10" E
716.79

ESCARPMENT
BOULEVARD
(120' R.O.W.)

VILLAGE AT WESTERN
OAKS SECTION 15-A
VOL.86, PGS.77C-77D
TCPR

VILLAGE AT WESTERN
OAKS SECTION 15-B
VOL.86, PGS.89B-90A
TCPR

CIRCLE C RANCH
PHASE B SECTION 20-A
DOC. NO.199900388
OPRTC

118.58
N07° 48' 54" E
00.00
N25° 17' 57" E
385.00

POINT OF
BEGINNING

CIRCLE C LAND CORP.
REMAINDER OF 538.5087 ACRES
VOL.11620, PG.1126
TCRPR



SAMUEL HAMILTON SURVEY NO. 16

DANIEL J. BRUSTKERN
1.000 ACRE
VOL.11740, PG.324
TCRPR

TOTAL AREA 61.649 ACRES
SAVE & EXCEPT - 1.000 ACRES (VOL.11740, PG.324)
NET AREA 60.649 ACRES

SLAUGHTER LANE
(120' R.O.W.)

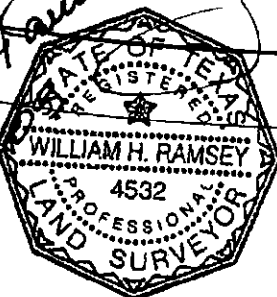
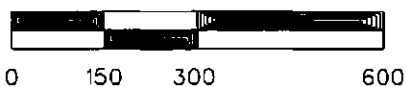
C1

198.23
19.09C1
M.05.85.10S

CIRCLE C RANCH
PHASE C, SECTION NINE
DOC. NO.200200245
OPRTC

LEGEND

● = 1/2" IRON ROD
TCPR = TRAVIS COUNTY PLAT RECORDS
TCRPR = TRAVIS COUNTY REAL PROPERTY RECORDS
OPRTC = OFFICIAL PUBLIC RECORDS TRAVIS COUNTY



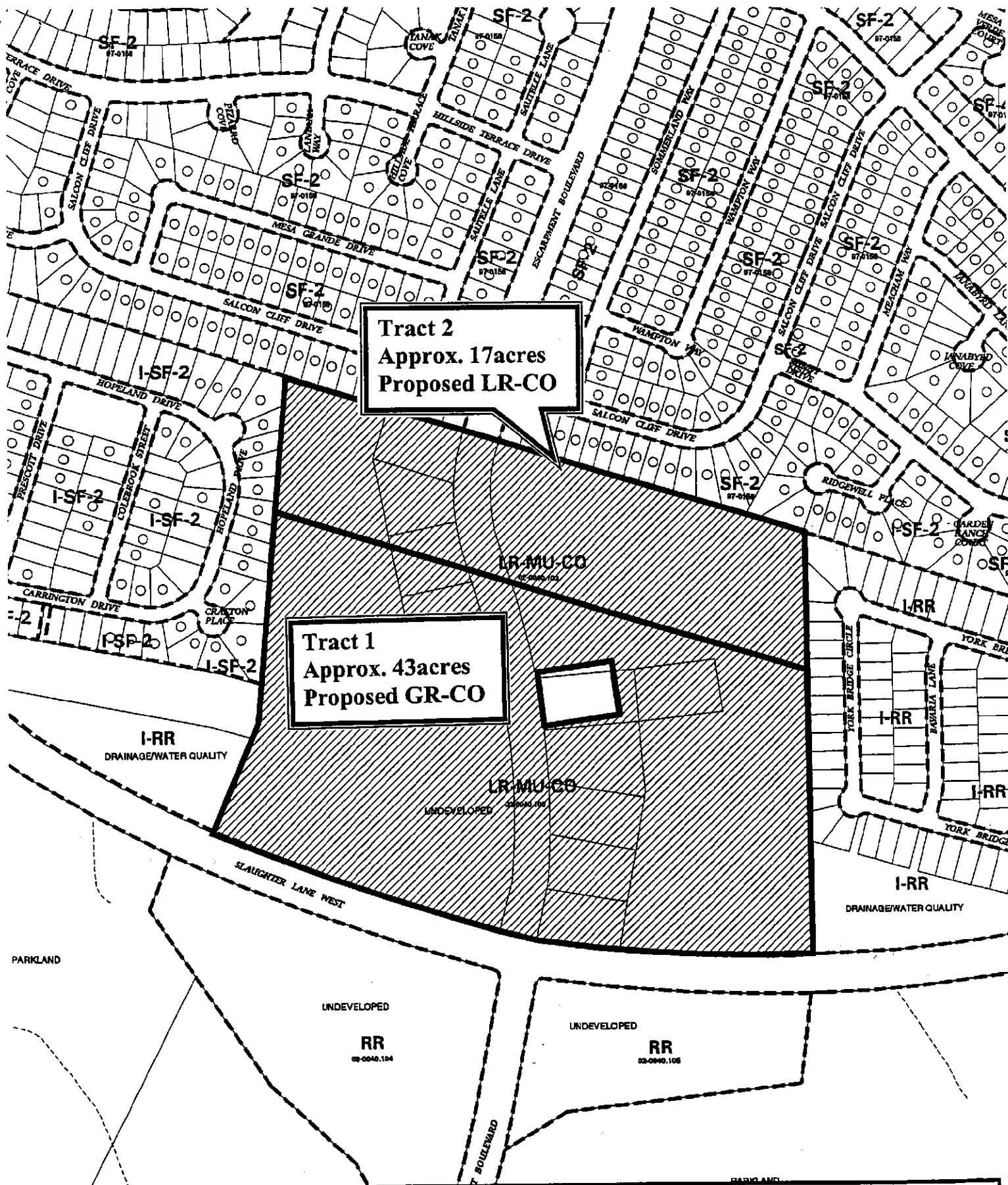
RAMSEY LAND SURVEYING, L.L.C.





8718 SOUTHWEST PARKWAY
P.O. BOX 92768
AUSTIN, TEXAS 78709-2768
PHONE (512) 301-9398
FAX (512) 301-9395
rlsurvey@flash.net

SKETCH TO ACCOMPANY
FIELD NOTE NO. 536-01

JOB NO. 536-01

COA GRID NO. B-16



 1" = 400'	<p>SUBJECT TRACT </p> <p>PENDING CASE </p> <p>ZONING BOUNDARY </p> <p>CASE MGR: W.WALSH</p>	<p align="center">ZONING EXHIBIT B</p> <p>CASE #: C14-03-0156</p> <p>ADDRESS: 5800-5948 W.SLAUGHTER</p> <p>SUBJECT AREA (acres): 60.649</p> <p>DATE: 04-05</p> <p>INTLS: TRC</p>		<p>CITY GRID REFERENCE NUMBER</p> <p align="center">B16</p>
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RESTRICTIVE COVENANT

OWNER: Escarpment Village, L.P., a Texas limited partnership,
ADDRESS: 98 San Jacinto Blvd., Suite 220, Austin, TX 78701
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 60.649 acre tract of land, more or less, out of the Samuel Hamilton Survey No. 16 in Travis County, the tracts of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this covenant.

WHEREAS, the Owner of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions;

NOW, THEREFORE, it is declared that the Owner of the Property, for the consideration, shall hold, sell and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant. These covenants and restrictions shall run with the land, and shall be binding on the Owner of the Property, its heirs, successors, and assigns.

1. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generates traffic that exceeds the total traffic generation for the Property as specified in that certain Traffic Impact Analysis ("TIA") prepared by Wilbur Smith Associates, dated January 2004, 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 April 27, 2004. The TIA shall be kept on file at the Watershed Protection and Development Review Department.
2. Owner will dedicate right-of-way and construct Escarpment Boulevard as a four-lane divided roadway through the Property, and include a free right-turn lane, a through-lane and a left-turn lane on the southbound approach to Slaughter Lane. This Owner shall address this requirement with the final subdivision plat on the Property and the road shall be constructed with the site plan for development of the Property. The Owner acknowledges and agrees that the City will not issue a certificate of occupancy for any building or structure on the Property until the road is completed and open to traffic
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:


Escarpment Village, L.P.,
a Texas limited partnership,

By: Escarpment Village Management, L.L.C.,
a Texas limited liability company,
its sole General Partner

By: Stratus Properties Inc.,
a Delaware corporation,
its sole Member

By: _____
John E. Baker,
Senior Vice President

APPROVED AS TO FORM:


Assistant City Attorney
City of Austin

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the ____ day of _____, 2004, by John E. Baker, Senior Vice President of Stratus Properties Inc., a Delaware corporation, sole Member of Escarpment Village Management L.L.C., a Texas limited liability company, sole General Partner of Escarpment Village, L.P., a Texas limited partnership, on behalf of the corporation, limited liability company and partnership.

Notary Public, State of Texas

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

C14-03-0156
GR-co for Tract 1,
LR-co for Tract 2

AUGUST 26, 2003 JOB NO. 536-13
CLIENT: STRATUS PROPERTIES

FIELD NOTE NO. 536-01
PROJECT: 60.649 AC.
COA GRID NO. B-16

EXHIBIT A

FIELD NOTES

A DESCRIPTION PREPARED IN THE OFFICE FROM PUBLIC INFORMATION OF 60.649 ACRES OF LAND SITUATED IN THE SAMUEL HAMILTON SURVEY NO. 16, TRAVIS COUNTY, TEXAS BEING A PORTION OF THAT CERTAIN 538.5087 ACRES OF LAND CONVEYED TO CIRCLE C LAND CORP. BY DEED RECORDED IN VOLUME 11620, PAGE 1126 OF THE REAL PROPERTY RECORDS OF SAID COUNTY, SAID 60.649 ACRES, AS SHOWN ON THE ACCOMPANYING SKETCH, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2 inch iron rod on the northerly right-of-way (R.O.W.) line of Slaughter Lane (120' R.O.W.) as described in a deed recorded in Volume 9457, Page 80 of the said Real Property Records for the southeast corner of Circle C Ranch Phase B Section 20-A a subdivision whose plat is recorded in Document No. 199900388 of the Official Public Records of said County;

THENCE crossing said 538.5087 acres along the east line of said Circle C Ranch Phase B Section 20-A the following two (2) courses:

1. N25°17'57"E, 385.00 feet to a 1/2 inch iron rod, and
2. N07°48'54"E, 1118.58 feet to a 1/2 inch iron rod for the northeast corner of said Circle C Ranch Phase B Section 20-A on the northerly line of said 538.5087 acres and the southerly line of Village at Western Oaks, Section 16-A a subdivision whose plat is recorded in Volume 86, Pages 62A-62D of the Plat Records of said county;

THENCE, departing the east line of said Circle C Ranch Phase B Section 20-A, along the northerly line of said 538.5087 acres and the southerly line of said Village at Western Oaks, Section 16-A S70°11'10"E, at 716.79 feet pass a 1/2 inch iron rod for the southeast corner of said Village at Western Oaks, Section 16-A and the southwest corner of Village at Western Oaks, Section 15-A, a subdivision whose plat is recorded in Volume 86, Pages 77C-77D of the said Plat Records, continuing with the northerly line of said 538.5087 acres and the southerly line of said Village at Western Oaks, Section 15-A at 1551.73 feet pass a 1/2 inch iron rod for the southeast corner of said Village at Western Oaks, Section 15-A and the southwest corner of Village at Western Oaks, Section 15-B, a subdivision whose plat is recorded in Volume 86, Pages 89B-90A of the said Plat Records, continuing with the northerly line of said 538.5087 acres and the southerly line of

said Village at Western Oaks, Section 15-B for 1749.96 feet to a 1/2 inch iron rod for the northwest corner of Circle C Ranch Phase C, Section Nine a subdivision whose plat is recorded in Document No. 200200245 of the said Official Public Records;

THENCE, departing the northerly line of said 538.5087 acres and the southerly line of said Village at Western Oaks, Section 15-B, crossing said 538.5087 acres along the westerly line of said Circle C Ranch Phase C, Section Nine S01°58'50"W, 1360.61 feet to a 1/2 inch iron rod for the southwest corner of said Circle C Ranch Phase C, Section Nine on the northerly line of said Slaughter Lane;

THENCE, departing the westerly line of said Circle C Ranch Phase C, Section Nine, along the northerly line of said Slaughter Lane a distance of 1995.04 feet along the arc of a curve to the right whose radius is 4580.00 feet, central angle is 24°57'29" and whose chord bears N75°27'59"W, 1979.30 feet the POINT OF BEGINNING containing 61.649 acres of land more or less SAVE AND EXCEPT that certain 1.000 acre of land conveyed to Daniel J. Brustkern by deed recorded in Volume 11740, Page 324 of the said Real Property Records leaving a net area of 60.649 acres of land more or less herein described.

REFERENCES

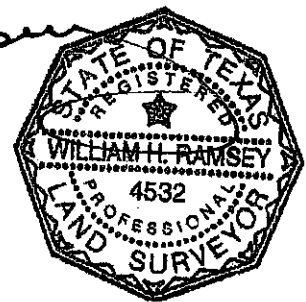
TCAD NO. 04-2347-01-220000

BEARING BASIS

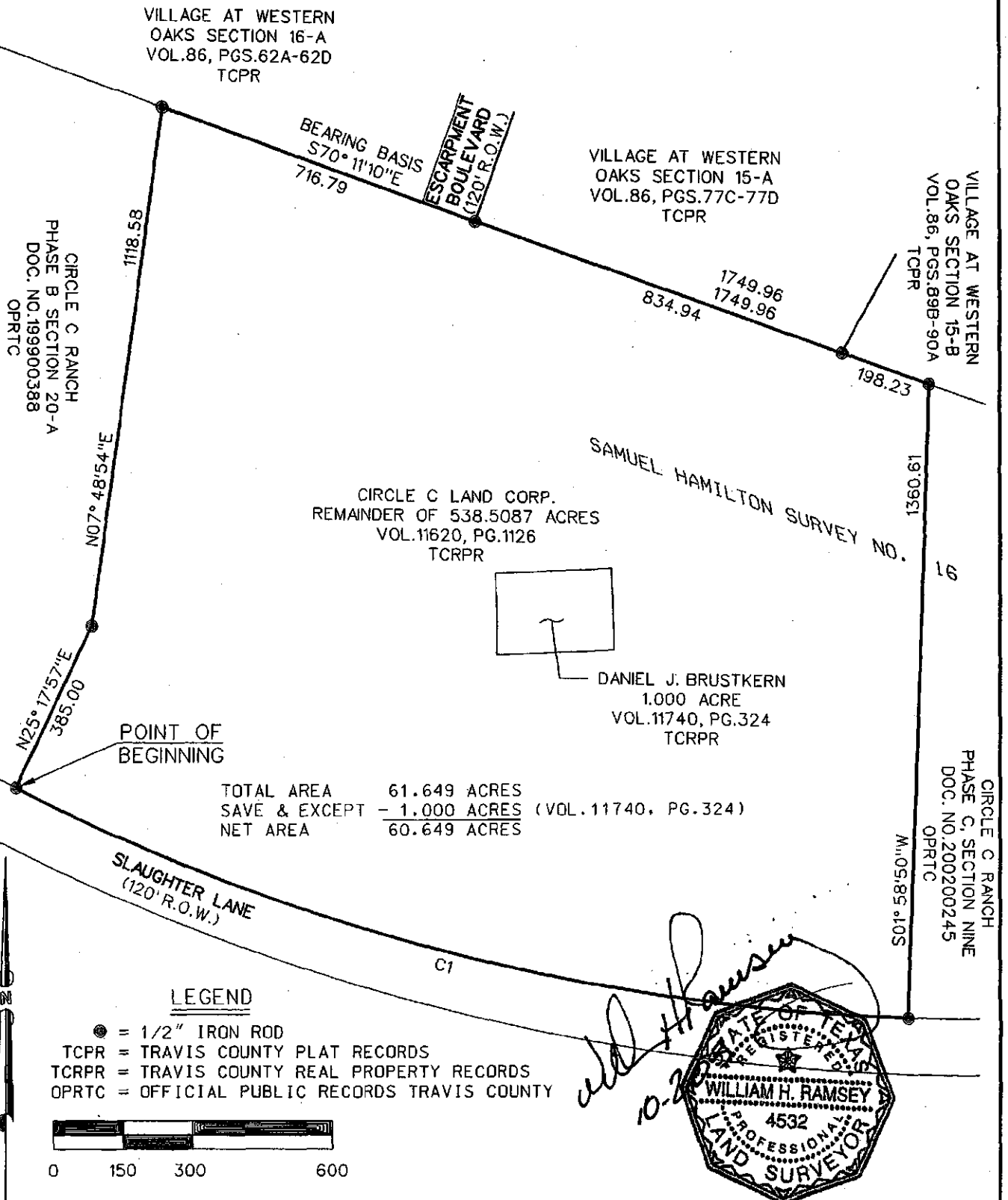
North line of the 538.5087 acres recorded in Volume 11620, Page 1126 of the Real Property Records of Travis County, Texas.

William H. Ramsey

10-2-03



CURVE	LENGTH	DELTA	RADIUS	DIRECTION	CHORD
C1	1995.04	24° 57' 29"	4580.00	N75° 27' 59" W	1979.30



RAMSEY LAND SURVEYING, L.L.C.

8718 SOUTHWEST PARKWAY
P.O. BOX 92768
AUSTIN, TEXAS 78709-2768
PHONE (512) 301-9398
FAX (512) 301-9395
r1survey@flash.net

SKETCH TO ACCOMPANY
FIELD NOTE NO. 536-01

JOB NO. 536-01

COA GRID NO. 8-16