



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

**AGENDA ITEM NO.: Z-11**  
**AGENDA DATE: Thu 10/21/2004**  
**PAGE: 1 of 1**

**SUBJECT:** C14-04-0075 - South Park Meadows - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9600 South IH-35 Service Road Southbound (Onion Creek and Slaughter Creek Watersheds) from limited office-conditional overlay (LO-CO) combining district zoning and commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning with conditions. Applicant: Abel J. and Mary Ann Theriot Family, LP (Suzanne Sanders). Agent: Cunningham-Allen, Inc. (Jana Rice). City Staff: Wendy Walsh, 974-7719.

<b>REQUESTING</b>	Neighborhood Planning	<b>DIRECTOR'S</b>
<b>DEPARTMENT:</b>	and Zoning	<b>AUTHORIZATION:</b> <u>Alice Glasco</u>

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-04-0075

**Z.P.C. DATE:** September 21, 2004

**ADDRESS:** 9600 South IH-35 Service Road Southbound

**OWNER AND APPLICANT:** Abel J. and Mary Ann  
Theriot Family, LP  
(Suzanne Sanders)

**AGENT:** Cunningham-Allen, Inc.  
(Jana Rice)

**ZONING FROM:** LO-CO; CS-1-CO

**TO:** GR

**AREA:** 60 acres

### **SUMMARY STAFF RECOMMENDATION:**

The staff's alternate recommendation is to grant community commercial–conditional overlay (GR-CO) combining district zoning. The Conditional Overlay prohibits the following uses on the property: pawn shop services, residential treatment and bail bond services.

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 (September 15, 2004).

### **ZONING & PLATTING COMMISSION RECOMMENDATION:**

September 21, 2004: *APPROVED STAFF'S RECOMMENDATION OF GR-CO ZONING; PROHIBITING EXTERMINATING SERVICES & ADULT ORIENTED BUSINESSES; BY CONSENT.*  
[J.M; M.W 2<sup>ND</sup>] (7-0) K.J – OFF DAIS; J.G – ABSENT

### **ISSUES:**

The Park Ridge Homeowners Association and the Onion Creek Homeowners Association have provided letters of support and are attached at the back of the staff report.

The applicant has offered to prohibit pawn shop services, residential treatment and bail bond services, as confirmed by letter attached to the back of the staff report. These uses have been incorporated into the Staff recommendation.

### **DEPARTMENT COMMENTS:**

The subject rezoning area consists of a portion of a 1999 case that was also known as Southpark Meadows. The remainder of Southpark Meadows is adjacent to the west. The Southpark Meadows property is undeveloped and was formerly used as an outdoor concert facility. The footprint of the concert facility is zoned commercial – liquor sales – conditional overlay (CS-1-CO) combining district and the surrounding area that was used for parking carried limited office – conditional overlay (LO-CO) combining district. Access is taken to the southbound IH-35 frontage road and Turk Lane. Within the past 1 ½ years, zoning for new commercial development and redevelopment has been approved on the south side of West Slaughter Lane in proximity to the IH-35 frontage road and extending south on the frontage road FM 1626 (zoned GR-CO – Wal-Mart and CS-CO – Double Creek Village). Please refer to Exhibits A (Zoning Map), A-1 (Aerial View) and A-2 (Vicinity Map).

The applicant proposes to rezone the tract to the community commercial (GR) district to accommodate the development of retail space featuring a 140,000 square foot discount club, as well as 395,000 square feet of shopping center space; a 20,000 square foot high turnover restaurant, and two fast food restaurants with drive-through services totaling 47,000 square feet. The conceptual site plan that accompanied the Traffic Impact Analysis is provided as Exhibit B.

Staff recommends GR-CO zoning based on the following considerations of the property: 1) location on the southbound IH-35 frontage road and Turk Lane both of which are suitable for commercial uses and have good transportation access; 2) properties to the north that access Slaughter Lane and south along the IH-35 frontage road are in the development process and carry CS-CO or GR-CO zoning; and 3) traffic improvements outlined in the Traffic Impact Analysis for the subject property and right-of-way will limit development to maintain acceptable traffic conditions on adjacent roadways and intersections.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	CS-1-CO; LO-CO	Undeveloped and formerly used as an outdoor concert facility and parking areas
<i>North</i>	RR; GR-CO	Agricultural; Discount superstore and retail center under construction
<i>South</i>	I-RR; CS-CO	Undeveloped; Automotive sales (vacant)
<i>East</i>	<i>Across IH-35:</i> I-RR; County; LI-CO; SF-2; CS-CO	Undeveloped; Equipment repair; Adult-oriented businesses; Convenience storage with truck rental
<i>West</i>	LO-CO	Undeveloped

**AREA STUDY:** N / A

**TIA:** Is required and has been prepared for this case and C14-04-0094 – Janssen Tract – please refer to Attachment A

**WATERSHED:** Onion / Slaughter Creeks

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

**SCENIC ROADWAY:** No

**NEIGHBORHOOD ORGANIZATIONS:**

26 – Far South Austin Community Association      300 – Terrell Lane Interceptor Association  
 428 – Barton Springs / Edwards Aquifer Conservation District  
 627 – Onion Creek Homeowners Association  
 948 – South by Southeast Neighborhood Organization  
 954 – East Slaughter Lane Neighborhood Association

**SCHOOLS:**

Williams Elementary School

Paredes Middle School

Akins High School

**CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>CITY COUNCIL</b>
C14-04-0126 (Harrell Tract #4)	I-RR to CS	Pending completion of the TIA	Pending
C14-04-0125 (Harrell Tract #3)	I-RR to MF-2	Pending completion of the TIA	Pending
C14-04-0124 (Harrell Tract #1)	I-RR to GR	Pending completion of the TIA	Pending
C14-04-0094 (Janssen Tract)	CS-CO to CS-CO to modify the Conditional Overlay	To Grant CS-CO to modify the Conditional Overlay, with conditions of the TIA	Scheduled for 10-21-04
C14-04-0059 (Harrell / Gatton)	I-RR to CS	Will be scheduled for ZAP October 5, 2004 so that case does not expire; Pending submittal of the TIA	Pending
C14-04-0037 (Slaughter @ Cullen Commercial)	RR to GR	To Grant GR-CO with a list of prohibited uses and conditions of the TIA (7-20-04)	Approved GR-CO with CO for a list of prohibited and conditional uses; the Restrictive Covenant is for the TIA (8-26-04).
C14-03-0186 (Tobin Tract)	SF-2 to GR-CO	To Grant GR-CO	Approved GR-CO with CO for list of prohibited uses, and exterior lighting requirements; fiscal surety (3-4-04).
C14-03-0066 (Wal-mart: IH-35 and Slaughter Lane)	RR; SF-2; LI-CO; CS-CO and CS to GR	To Grant GR-CO with conditions of the TIA	Approved GR-CO with CO provide a 6' fence and landscaping along Cullen Lane; 2) direct all traffic south on Cullen Lane by way of limited function driveways onto Cullen Lane that allow right-in and left-out movements only; 3) the use of shielded / hooded lights throughout the site; and, 4) a list of prohibited uses and one accessory use. The Restrictive Covenant is for the TIA memorandum and an Integrated Pest Management (IPM) Plan and a landscape plan for

			the use of native and adapted plant materials. (10-30-03)
C14-98-0230	I-RR to IP	Applicant requested indefinite postponement and case subsequently expired.	N/A

**RELATED CASES:**

The rezoning area represents the eastern portion of a 1999 case that Council approved for LO-CO and "footprint" CS-1-CO on November 18, 1999. The Conditional Overlay limits development of the property to 2,000 trips and requires a Traffic Impact Analysis if a use other than a cocktail lounge is developed within the CS-1-CO area; one berm sign, a maximum floor-to-area ratio of 0.0095 to 1; and provides a list of prohibited uses. A corresponding Restrictive Covenant states that if the cocktail lounge use is discontinued for 90 consecutive days, the Owner will not object to a City-initiated rollback case to the limited office (LO) district. A Restrictive Covenant Termination application accompanies this rezoning case (C14-99-0129 (RCT)).

A Traffic Impact Analysis has been prepared and covers the subject property, as well as the adjacent property to the south, known as the Janssen tract (C14-04-0094).

There are no related subdivision or site plan cases on the subject property.

**ABUTTING STREETS:**

STREET	RIGHT-OF-WAY	PAVEMENT WIDTH	CLASSIFICATION	DAILY TRAFFIC
IH-35 South frontage road – southbound	Varies	2 at 37 feet	Freeway, 6 lanes	115,000 (2000)
Turk Lane	50 feet	20 feet	Collector, 2 lanes	434 (2003)

**CITY COUNCIL DATE:** October 21, 2004

**ACTION:**

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

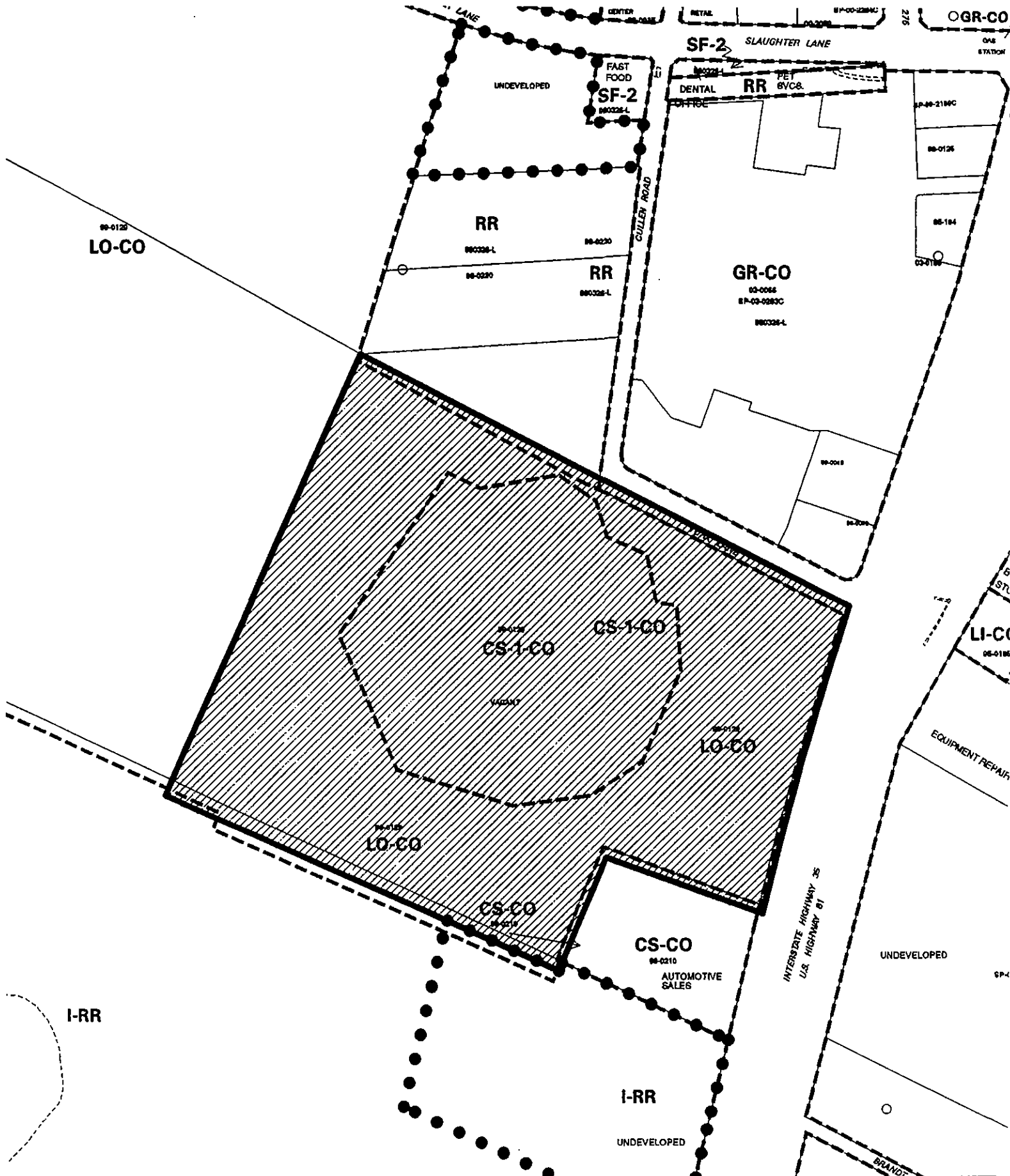
2<sup>nd</sup>

3<sup>rd</sup>

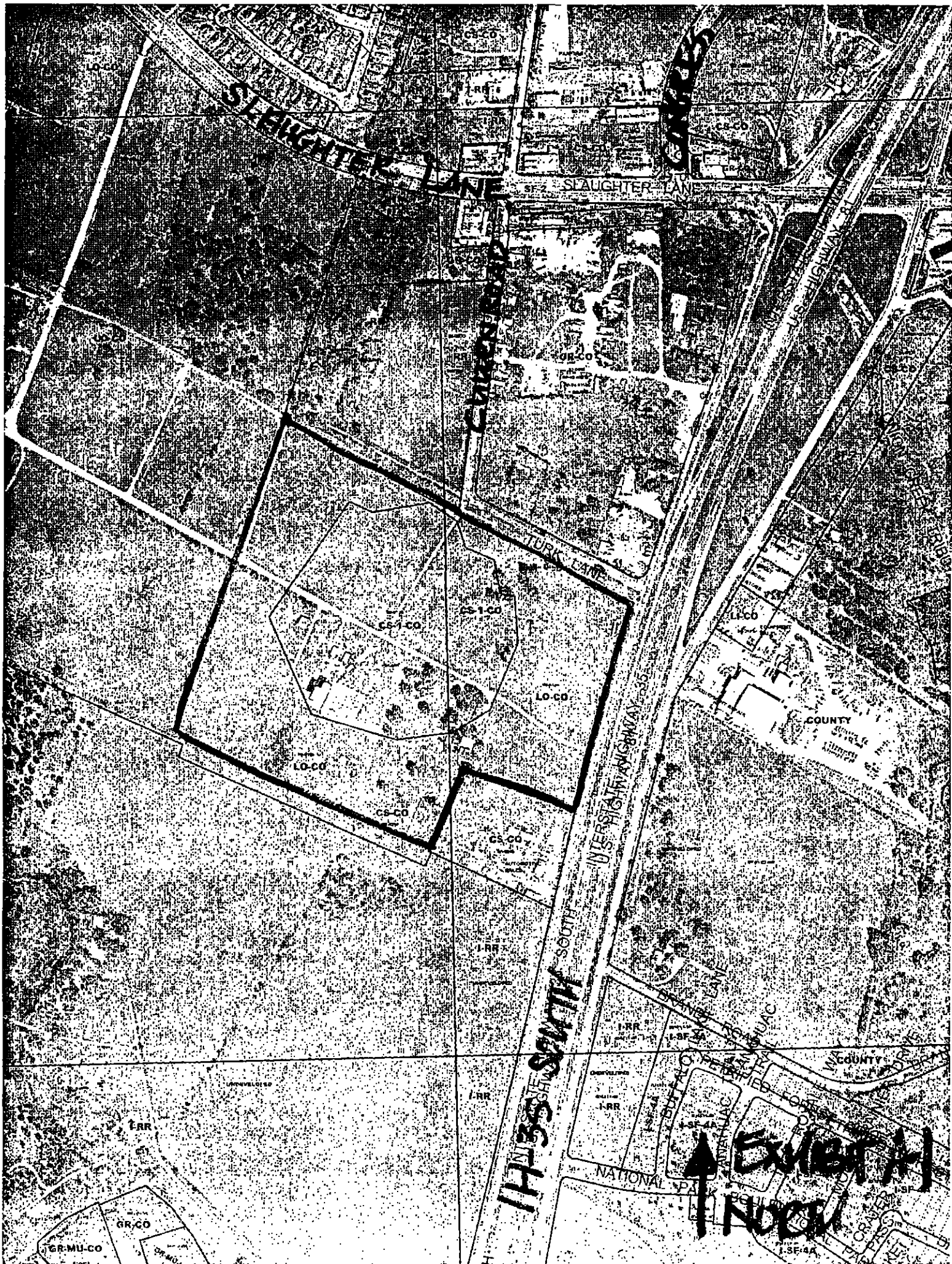
**ORDINANCE NUMBER:**

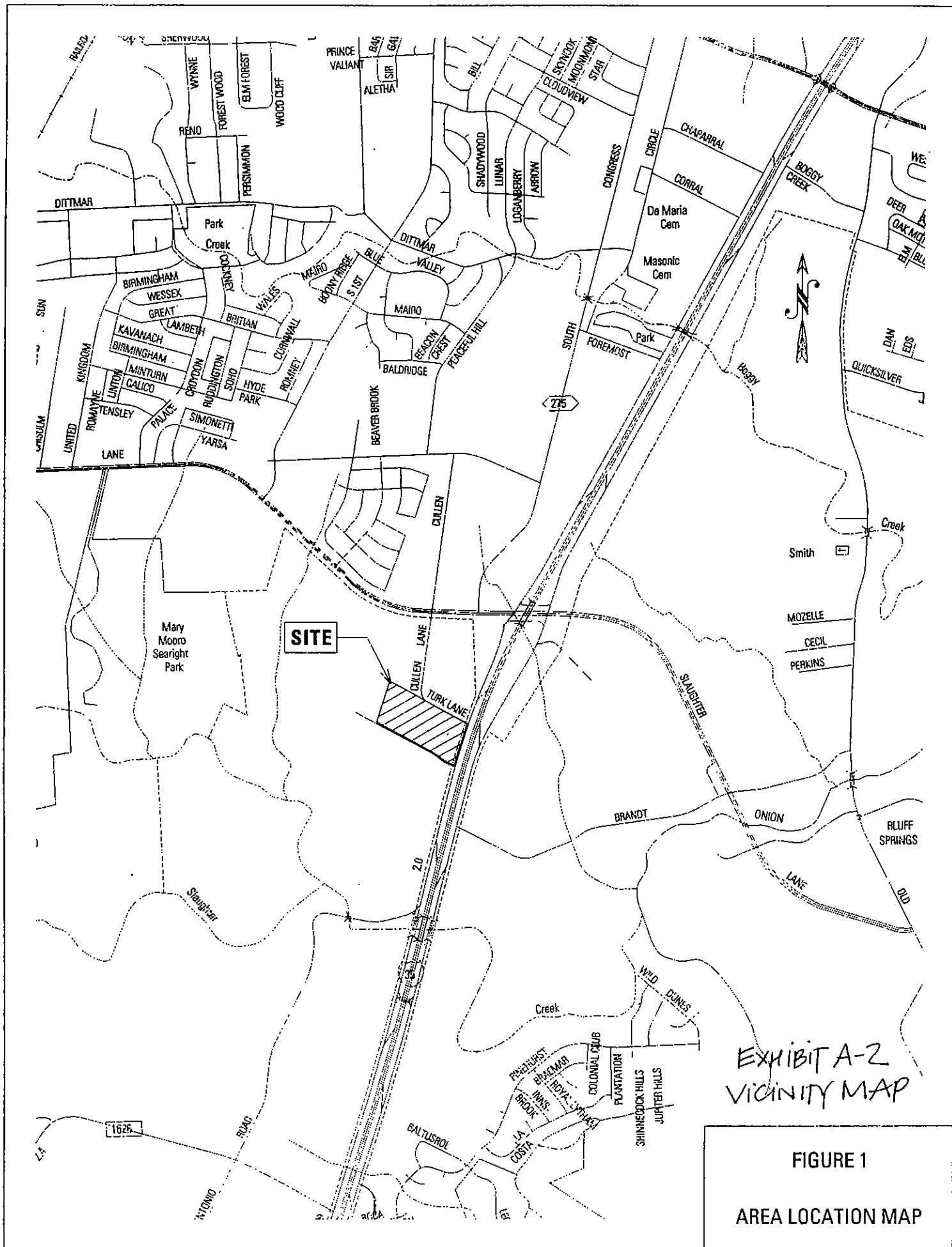
**CASE MANAGER:** Wendy Walsh  
e-mail: wendy.walsh@ci.austin.tx.us

**PHONE:** 974-7719



 1" = 400'	SUBJECT TRACT PENDING CASE ZONING BOUNDARY CASE MGR: W. WALSH	CASE #: C14-04-0075 ADDRESS: 9600 S I 35 SVC RD SB SUBJECT AREA (acres): 60	ZONING Exhibit A DATE: 04-06 INTLS: SM	CITY GRID REFERENCE NUMBER F13 G13
---------------	--	---	---	---







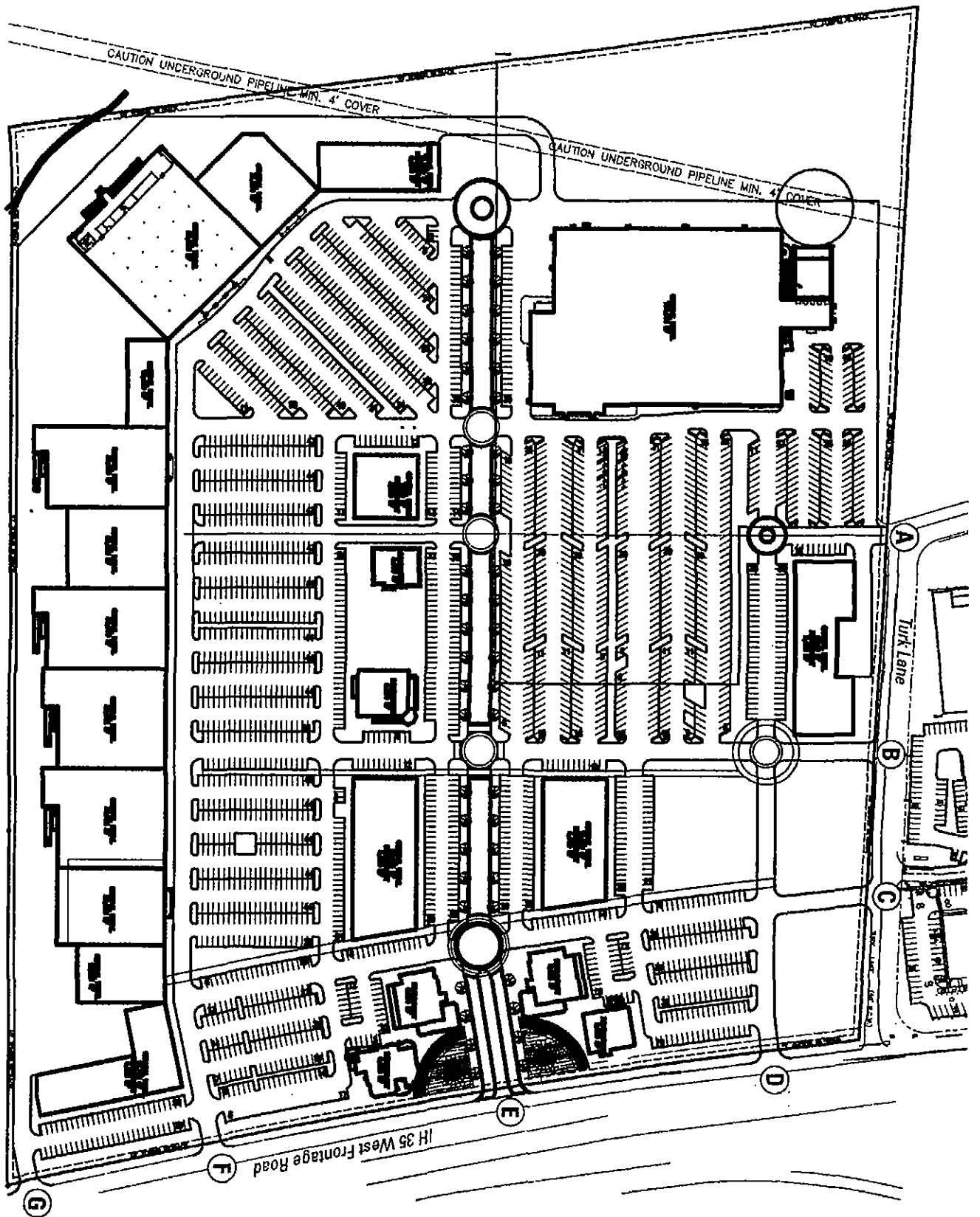


EXHIBIT B  
CONCEPTUAL SITE PLAN

FIGURE 2  
SITE PLAN

(X) = SITE DRIVEWAY



**Date:** September 15, 2004  
**To:** Wendy Walsh, Case Manager  
**CC:** Lynn Ann Carley, P.E. WHM Transportation Engineering  
**Reference:** Southpark Meadows TIA, C14-04-0075 and C14-04-0094

The Transportation Review Section has reviewed the Traffic Impact Analysis for the Southpark Meadows, dated May 2004, prepared by Lynn Ann Carley, P.E., WHM Transportation Engineering, and offers the following comments:

### **TRIP GENERATION**

Southpark Meadows/Janssen Tract is a 65.585-acre development located in south Austin at the southwest corner of IH-35 and Turk Lane.

The property is currently undeveloped and zoned Commercial Services – Conditional Overlay (CS-CO), Commercial Services-Liquor Sales – Conditional Overlay (CS-1-CO) and Limited Office – Conditional Overlay (LO-CO). The applicant has requested a zoning change to Commercial Services (CS), and Commercial Services-Liquor Sales (CS-1). 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 64,267 unadjusted average daily trips (ADT).

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

<b>Table 1. Trip Generation</b>						
			<b>AM Peak</b>		<b>PM Peak</b>	
<b>LAND USE</b>	<b>Size</b>	<b>ADT</b>	<b>Enter</b>	<b>Exit</b>	<b>Enter</b>	<b>Exit</b>
Discount Club	140,000sf	4,857	0	0	217	225
Shopping Center	450,400sf	13,961	192	122	627	679
High Turnover Restaurant	20,000sf	1,486	55	51	74	50
Fast Food Restaurant w/ Drive Thru	28,000sf	6,491	345	331	219	203
Fast Food Restaurant wo/ Drive Thru	29,000sf	9,702	370	247	174	168
<b>Total</b>		<b>36,497</b>	<b>962</b>	<b>741</b>	<b>1,311</b>	<b>1,325</b>

### **ASSUMPTIONS**

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

<b>Table 2. Growth Rates per Year</b>	
<b>Roadway Segment</b>	<b>%</b>
All Roads	3%

Attachment A

2. In addition to these growth rates, background traffic volumes for 2003 included estimated traffic volumes for the following projects:

Double Creek Village	C14-03-0053
Double Creek	C14-04-0018, C14-04-0019, C14-04-0020
166 W Slaughter	C14-04-0036
Slaughter at Cullen Commercial	C14-04-0037
Tobin Tract	C14-03-0186
Slaughter Lane at South I-35	C14-03-0066/SP-03-0283C
Rhodes Congress Ave LTD	SP-03-0198C
Stone Creek Ranch Apartments	SP-02-0158C.SH; SP-01-0527D
Capital View Estates	SP-01-0354D
Fairfield at Slaughter	SP-01-0044C
Parkside at Slaughter Lane	C8J-02-0198
Brandt Road Industrial Park	C8J-03-0046
Slaughter Lane Commercial Park	C8-01-0074.OA

3. Reductions were taken for pass-by for the following uses:

<b>Table 3. Summary of Pass-By and Internal Capture Reductions</b>		
<b>Land Use</b>	<b>Pass-By Reductions %</b>	
	<b>AM</b>	<b>PM</b>
Discount Club	0%	17%
Shopping Center	34%	34%
High Turnover Restaurant	43%	43%
Fast Food Restaurant w/ Drive Thru	49%	49%
Fast Food Restaurant wo/ Drive Thru	49%	50%

4. A 5% and 10% reduction was taken for internal capture during the am and pm peaks respectively for the fast food restaurant land uses.
5. No reductions were taken for transit use.

#### **EXISTING AND PLANNED ROADWAYS**

**Slaughter Lane** – Slaughter Lane is located north of the property. This roadway is classified as a six-lane divided major arterial between Manchaca Road and IH 35. The 1997 traffic volumes on Slaughter Lane were approximately 27,560 and 30,210 vehicles per day (vpd), respectively, east and west of South 1<sup>st</sup> Street. Slaughter Lane is in the Bicycle Plan as a priority 1 route.

**Cullen Lane** – This roadway forms the eastern border of the site and is classified as a collector street. The existing traffic volume for Cullen Lane south of Slaughter is 434vpd. The eastern half of Cullen Lane is being upgraded with the adjacent project and a northbound mandatory right turn lane will be installed at the intersection of Slaughter and Cullen Lane as part of a previous TIA.

**IH 35** – This roadway is classified as a six-lane freeway. The traffic volumes for year 2000 on IH 35 near Slaughter Lane were 115,000vpd. The Austin Metropolitan Area Transportation Plan classifies IH 35 as an eight-lane freeway with HOV lanes between William Cannon Drive and Slaughter Lane and as an eight-lane freeway between Slaughter Lane and FM 1626 in 2025. The southbound exit ramp south of Slaughter Lane near the intersection of Turk Lane will be extended by TXDOT. This roadway is in the Bicycle Plan as a priority 2 route.

**Congress Avenue** – This roadway is classified as a four-lane divided major arterial at its intersection with Slaughter Lane. Year 2000 traffic volumes for Congress Avenue between William Cannon and Slaughter were 4,800vpd.

**South 1<sup>st</sup> Street** – South 1<sup>st</sup> is located west of the site and is classified as a four-lane undivided minor arterial in the Roadway Plan. The traffic volume on South 1<sup>st</sup> Street north of Slaughter Lane was approximately 7,110vpd in 1997. This roadway is classified as a priority 2 route in the Bicycle Plan.

**Turk Lane** – Turk Lane is classified as a two-lane collector. West of IH 35, the existing traffic count is 138 vehicles per day. The northern half of Turk Lane is being upgraded with the adjacent project.

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

The TIA analyzed 13 intersections, 6 of which are or will be signalized. Existing and projected levels of service are as follows, assuming that all improvements recommended in the TIA are built:

<b>Table 4. Level of Service</b>				
<b>Intersection</b>	<b>2004 Existing</b>		<b>2005 Site + Forecasted</b>	
	<b>AM</b>	<b>PM</b>	<b>AM</b>	<b>PM</b>
IH-35 EFR and Slaughter Lane*	F	E	E	F
IH-35 WFR and Slaughter Lane*	B	B	B	D
Congress Avenue and Slaughter Lane*	C	D	C	D
South 1 <sup>st</sup> Street and Slaughter Lane*	D	D	C	C
Cullen Road and Slaughter Lane	A	F	F	F
IH-35 WFR and Turk Lane	A	A	A	C
IH-35 EFR and Slaughter Creek Overpass	A	A	C	B
IH-35 WFR and Slaughter Creek Overpass	A	A	C	D
Driveway A and Turk Lane			A	A
Driveway B and Turk Lane			E	E
Driveway C and IH-35			D	D
Driveway D and IH-35			D	D
Driveway E and IH-35			E	E

\* = SIGNALIZED

#### **RECOMMENDATIONS**

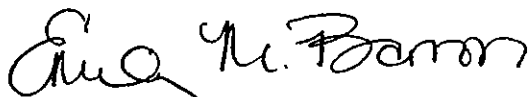
- 1) Prior to 3<sup>rd</sup> reading at City Council, fiscal is required to be posted for the following improvements:

<b>Intersection</b>	<b>Improvements</b>
Slaughter Ln. and Congress Ave	Lengthen EB left turn bay
	Restripe SB approach to provide 2 left turn lanes and 1 through/right
Slaughter Ln. and IH-35	NB dual left turn lane
	NB right turn lane
	Restripe SB approach to provide 1 left and 1 left/through

Turk Lane and IH-35	Installation of a southbound deceleration lane
South 1 <sup>st</sup> Street and Slaughter Lane	Construct southbound left turn lane
	Construct westbound right turn lane
Slaughter Creek Overpass and IH-35	Restripe the southbound approach to provide 1 left turn lane and 1 through/right shared lane
	Install a traffic signal
<b>Total</b>	

- 2) Half of Turk Lane will be required to be upgraded along the property frontage at the time of subdivision construction or site plan.
- 3) Intersection improvements at Cullen and Slaughter Lane are required to be finalized and approved by DPWT ~ Signals prior to 1<sup>st</sup> Reading at City Council.
- 4) The applicant is required to enter into an Advanced Funding Agreement with TXDOT for construction of deceleration lanes along the site frontage and for the deceleration lane referenced above at the intersection of Turk Lane and IH-35. This agreement is required to be completed prior to approval of any site development permit.
- 5) Right-of-way dedication will be required at the time of site plan for the deceleration lanes along the IH-35 frontage road.
- 6) Final approval from DPWT ~ Signals and TXDOT is required prior to 1<sup>st</sup> Reading.
- 7) Development of this property should be limited to uses and intensities which will not exceed or vary from the projected traffic conditions assumed in the TIA, including peak hour trip generations, traffic distribution, roadway conditions, and other traffic related characteristics.

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

**SUMMARY STAFF RECOMMENDATION:**

The staff's alternate recommendation is to grant community commercial–conditional overlay (GR-CO) combining district zoning. The Conditional Overlay prohibits the following uses on the property: pawn shop services, residential treatment and bail bond services.

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 (September 15, 2004).

**BACKGROUND**

The subject rezoning area consists of a portion of a 1999 case that was also known as Southpark Meadows. The remainder of Southpark Meadows is adjacent to the west. The Southpark Meadows property is undeveloped and was formerly used as an outdoor concert facility. The footprint of the concert facility is zoned commercial – liquor sales – conditional overlay (CS-1-CO) combining district and the surrounding area that was used for parking carried limited office – conditional overlay (LO-CO) combining district. Access is taken to the southbound IH-35 frontage road and Turk Lane. Within the past 1 ½ years, zoning for new commercial development and redevelopment has been approved on the south side of West Slaughter Lane in proximity to the IH-35 frontage road and extending south on the frontage road FM 1626 (zoned GR-CO – Wal-Mart and CS-CO – Double Creek Village).

The applicant proposes to rezone the tract to the community commercial (GR) district to accommodate the development of retail space featuring a 140,000 square foot discount club, as well as 395,000 square feet of shopping center space; a 20,000 square foot high turnover restaurant, and two fast food restaurants with drive-through services totaling 47,000 square feet. A conceptual site plan accompanying along with the Traffic Impact Analysis is provided.

Staff recommends GR-CO zoning based on the following considerations of the property: 1) location on the southbound IH-35 frontage road and Turk Lane both of which are suitable for commercial uses and have good transportation access; 2) properties to the north that access Slaughter Lane and south along the IH-35 frontage road are in the development process and carry CS-CO or GR-CO zoning; 3) traffic improvements outlined in the Traffic Impact Analysis for the subject property and right-of-way will limit development to maintain acceptable traffic conditions on adjacent roadways and intersections.

**BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)**

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

The purpose statement per the City of Austin Land Development Code states: “The proposed GR, Community Commercial district is intended for office and commercial uses serving neighborhood and community needs, including both unified shopping centers and individually developed commercial sites, and typically requiring locations accessible from major trafficways.”

The property has frontage on the southbound IH-35 frontage road and Turk Lane.

2. *Zoning changes should promote an orderly and compatible relationship among land uses.*

Staff recommends GR-CO zoning based on the following considerations of the property: 1) location on the southbound IH-35 frontage road and Turk Lane both of which are suitable for

commercial uses and have good transportation access; 2) properties to the north that access Slaughter Lane and south along the IH-35 frontage road are in the development process and carry CS-CO or GR-CO zoning; 3) traffic improvements outlined in the Traffic Impact Analysis for the subject property and right-of-way will limit development to maintain acceptable traffic conditions on adjacent roadways and intersections.

## **EXISTING CONDITIONS**

### **Site Characteristics**

The site was formerly used as an outdoor concert facility and there appear to be no significant topographical constraints on the site.

### **Impervious Cover**

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

### **Environmental**

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

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

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

According to flood plain maps, there is flood plain in, or within close proximity of, the project location. Based upon the close proximity of flood plain, offsite drainage should be calculated to determine whether transition zone exists within the project location. If transition zone is found to exist within the project area, allowable impervious cover within said zone shall be limited to 30%.

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

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

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

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

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

### **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.

### **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 are provided in Attachment A.

### **Water and Wastewater**

The landowner intends to serve the site with City water and wastewater utilities. Water and wastewater utility improvements, system upgrades, and offsite main extension are necessary to serve the site, each lot, and land use. 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 and specifications.

### **Compatibility Standards**

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

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

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





Cunningham | Allen

May 28, 2004

Ms. Wendy Walsh  
Neighborhood Planning and Zoning Department  
City of Austin  
P.O. Box 1088  
Austin, Texas 78767

RE: Request for Zoning Change  
South Park Meadows (59.925 acres)  
9600 IH 35 South  
Tract 1  
CAI No. 277-1001

Dear Ms. Walsh:

Please allow this letter to serve as a summary of the proposed zoning change. The subject site is within the full-purpose jurisdiction of the City of Austin, and is currently zoned **LO-CO** (Limited Office with conditional overlay) and **CS-1-CO** (Commercial Services-Liquor Sales with a conditional overlay). There are some old existing buildings on the site including a concession/ticket stand and stage. The site has been used for large outdoor concerts in the past. Our clients would like to change the zoning of this entire 59.925-acre tract to **CS-1**. This zoning classification would allow our clients to construct a commercial retail shopping center with a discount store of 140,000 SF, anchor stores and specialty retail totaling 395,000 SF, high turnover restaurants totaling 20,000 SF, fast food restaurants with drive thru totaling 23,000 SF, and fast food restaurants without drive thru totaling 24,000 SF.

The property is located approximately 1800 feet south of the intersection of Slaughter Lane and IH 35. It is bordered on the north by Turk Lane and on the east by the frontage road of IH 35 southbound. Land to the north of the site along IH 35 to its intersection with Slaughter Lane is zoned GR-CO and is under construction for the development of a shopping center. Land to the west is zoned LO-CO. One area directly to the south of the subject tract is zoned I-RR and is currently undeveloped. The other tract located directly south of the site is a +/- 5.6 acre tract with IH 35 frontage that is zoned CS-CO.

The site is within the suburban watersheds of Slaughter and Onion Creeks. Allowable impervious cover for commercial uses is 80% of the net site area. Topography of the site is almost completely within the 0-15% category and there is minimal tree cover. Vegetation is sparse as the site has been cleared for cattle grazing and has been used as an outdoor concert site.

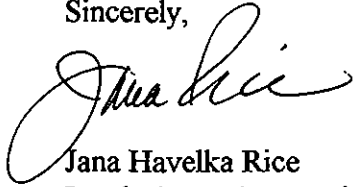
The property has few topographical constraints, has access to a major highway, is located within the general proximity of a major arterial and major highway intersection and has utility availability.

Ms. Wendy Walsh  
59.925 Acre Tract 1  
May 28, 2004  
Page 2 of 2

It is for these reasons that we think the site could accommodate uses of commercial, specialty retail and restaurants and we therefore request CS-1 zoning.

If there are any further questions regarding this request, or if any additional information is required, please do not hesitate to call.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jana Rice', written in a cursive style.

Jana Havelka Rice  
Land Planner/Processing Specialist

JHR/



Cunningham | Allen

September 8, 2004

Ms. Wendy Walsh  
Neighborhood Planning and Zoning Department  
City of Austin  
P.O. Box 1088  
Austin, Texas 78767

RE: Southpark Meadows Zoning Case  
COA Case #: C14-04-0075  
CAI No.: 277-1001

Dear Ms. Walsh:

Concerning the Southpark Meadows Zoning Case located at 9600 IH 35 South, we respectfully request the exclusion of the following uses from the GR zoning category:

Pawn Shop  
Residential Treatment Center  
Bail bonds

Thank you for your consideration in this matter and if there are any further questions regarding this request, or if any additional information is required, please do not hesitate to call.

Sincerely,

Jana Havelka Rice  
Land Planner/Processing Specialist

JHR/

e:\2771001\documents\processing\2771001 zoning category exclusions-southpark meadows.doc

# Park Ridge Homeowners Association

C/O Liddiard Management Co.  
12335 Hymeadow Dr., Suite 300  
Austin, Texas 78750

May 21, 2004

Wendy Walsh, Neighborhood Planning and Zoning Department  
Ms. Betty Baker, Chair  
Mr. Joseph Martinez, Vice Chair  
Mr. Keith Jackson, Parliamentarian  
Ms. Melissa Whaley  
Ms. Janis Pinnelli  
Mr. Clarke Hammond  
Mr. Jay A. Gohil  
Mr. John Phillip Donisi  
Mr. John-Michael Vincent Cortez

Re: Zoning change proposal for the 54 acre parcel known as Southpark Meadows (South of proposed Wal-Mart Super Center at Slaughter and I-35)

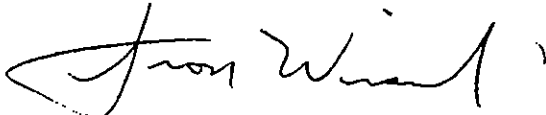
---

Members of the Zoning and Platting Commission,

I would like to register Park Ridge's support for the zoning case requested by Endeavor Real-estate Group.

The proposed development plans put desirable retail further down I-35 than the Wal-Mart Super Center development, yet within driving distance of various residential areas. Endeavor has a track record of high-quality centers with a good mix of vendors. For our neighborhood, this kind of development, further down I-35, is a welcome one.

Thank you,



Aron Wisneski  
President, Park Ridge Homeowners Association  
Cell - (512) 470-7216

# ONION CREEK

## HOMEOWNERS ASSOCIATION

10816 Crown Colony, Suite 205

Austin, Texas 78747

Tel: 512.280.8110

Fax: 512.280.8162

September 21, 2004

Ms Wendy Walsh  
Neighborhood Planning & Zoning Department  
City of Austin  
PO Box 1088  
Austin, Texas 78767-8835

Re: Case No. C14-04-0075 (South Park Meadows)  
Case No. C14-04-0094 (Janssen Tract)

Dear Ms Walsh:

On behalf of the HOA, we support the zoning applications referenced above. We also support and thank the staff and Committee members for the added conditional overlays. For your information we have a side agreement concerning landscaping of the projects to help ensure compatibility with nearby development and residential areas.

Please don't hesitate to contact us if there are any questions, and you can reach me anytime by calling 636-4499

Sincerely,



John McNabb  
President

Cc: Andrew R. Pastor, Principal, Endeavor Real Estate Group

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

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE  
2 PROPERTY LOCATED AT 9600 SOUTH IH-35 SERVICE ROAD SOUTHBOUND  
3 FROM LIMITED OFFICE-CONDITIONAL OVERLAY (LO-CO) COMBINING  
4 DISTRICT AND COMMERCIAL-LIQUOR SALES-CONDITIONAL OVERLAY  
5 (CS-1-CO) COMBINING DISTRICT TO COMMUNITY COMMERCIAL-  
6 CONDITIONAL OVERLAY (GR-CO) COMBINING DISTRICT.

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

9  
10 **PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to  
11 change the base district from limited office-conditional overlay (LO-CO) combining  
12 district and commercial-liquor sales-conditional overlay (CS-1-CO) combining district to  
13 community commercial-conditional overlay (GR-CO) combining district on the property  
14 described in Zoning Case No. C14-04-0075, on file at the Neighborhood Planning and  
15 Zoning Department, as follows:

16  
17 A 59.925 acre tract of land, more or less, out of the Santiago Del Valle Grant and  
18 the S.F. Slaughter League in Travis County, the tract of land being more  
19 particularly described by metes and bounds in Exhibit "A" incorporated into this  
20 ordinance, (the "Property");

21  
22 locally known as 9600 South IH-35 Service Road Southbound, in the City of Austin,  
23 Travis County, Texas, and generally identified in the map attached as Exhibit "B".

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

27  
28 The following uses are prohibited uses of the Property:

29  
30 Adult-oriented businesses

Bail bond services

31 Exterminating service

Pawn shop services

32 Residential treatment

33  
34 Except as specifically restricted under this ordinance, the Property may be developed and  
35 used in accordance with the regulations established for the community commercial (GR)  
36 base district and other applicable requirements of the City Code.  
37

1 **PART 3.** This ordinance takes effect on \_\_\_\_\_, 2004.

2  
3  
4 **PASSED AND APPROVED**

5  
6  
7  
8 \_\_\_\_\_, 2004

§  
§  
§

Will Wynn  
Mayor

9  
10  
11  
12  
13 **APPROVED:** \_\_\_\_\_

David Allan Smith  
City Attorney

**ATTEST:** \_\_\_\_\_

Shirley A. Brown  
City Clerk

CITICORP  
GRILL WITH BUNDLES  
59.925 ACRES

Abel J. and Mary Ann Theriot  
Family Limited Partnership  
S.F. Slaughter League Survey No. 1 and  
The Santiago del Valle Grant  
Travis County, Texas

DESCRIPTION

DESCRIPTION OF 59.925 ACRES OF LAND SITUATED IN THE S. F. SLAUGHTER LEAGUE SURVEY NO. 1 AND THE SANTIAGO DEL VALLE GRANT, IN TRAVIS COUNTY, TEXAS, BEING A PART OF THAT CERTAIN TRACT OF LAND DESCRIBED IN DEED TO ABEL J. AND MARY ANN THERIOT FAMILY LIMITED PARTNERSHIP OF RECORD IN DOCUMENT NUMBER 1999055181 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY TEXAS; SAID 59.925 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 3/4 inch iron pipe found the west right-of-way of Interstate Highway No. 35 (IH 35) (R. O. W. varies) for the northeast corner of that certain tract of land described in deed to Eldon Wayne Janssen and Dawn Janssen of record in Volume 12702, Page 1549 of the Real Property Records of Travis County, Texas, the most easterly southeast corner of said Theriot tract, and the most easterly southeast corner of the herein described tract, from which a 5/8 inch iron rod found in said west right-of-way of said IH 35 at Texas Department of Transportation (TxDOT) Station 1300+00, bears with the arc of a curve to the left a distance of 114.48 feet, having a radius of 11631.71 feet, and a chord which bears S13°13'58"W a distance of 114.48 feet;

THENCE with the north line of said Janssen tract, the most easterly south line of said Theriot tract, and the most easterly south line of the herein described tract, N69°18'03"W a distance of 538.86 feet to a steel spike with aluminum washer set for the northwest corner of said Janssen tract and an interior ell corner of the herein described tract;

THENCE with the west line of said Janssen tract, the most southerly east line of said Theriot tract, and the most southerly east line of the herein described tract, S22°57'41"W a distance of 399.75 feet to a 1/2 inch iron rod found in the north line of that certain tract of land described in deed to Edwin Tabb Harrell of record in Volume 13125, Page 203 of the Real Property Records of Travis County, Texas, for the southwest corner of said Janssen tract, the most southerly southeast corner of said Theriot tract, and the most southerly southeast corner of there herein described tract, from which a 5/8 inch iron rod found in the west right-of-way of said IH 35 for



the southeast corner of said Janssen tract and the northeast corner of said Harrell tract, bears S65°02'26"E a distance of 617.36 feet;

THENCE with the north line of said Harrell tract, the south line of said Theriot tract, and the south line of the herein described tract, N65°11'44"W a distance of 1405.15 feet to a 1/2 inch iron rod with plastic cap set for the southwest corner of the herein described tract, from which a 1/2 inch iron rod found in the east right-of-way of South First Street (80 foot R.O.W.) for the southwest corner of said Theriot tract and the northwest corner of said Harrell tract bears, N65°11'44"W a distance of 1443.78 feet;

THENCE over and across said Theriot tract, with the west line of the herein described tract, N24°19'48"E a distance of 1562.46 feet to a 3/4 inch iron pipe found in the north line of said Theriot tract, for the southwest corner of Lot 16 of the TOM F. DUNNAHOO SUBDIVISION according to the map or plat thereof recorded in Volume 683, Page 1 of the Deed Records of Travis County, Texas, same being that certain tract of land described in deed to T. P. Wingo and Arlene Wingo, Trustees, of record in Volume 13006, Page 203 of the Real Property Records of Travis County, Texas, and for the northwest corner of the herein described tract;

THENCE with the south line of Lot 16 of said TOM F. DUNNAHOO SUBDIVISION, the south line of said Wingo tract, the north line of said Theriot tract, and the north line of the herein described tract, S61°59'27"E a distance of 879.40 feet to a 3/4 inch iron pipe found at the intersection of the west right-of-way of Cullen Road (60 foot R.O.W.) and the south right-of-way of Turk Lane (60 foot R.O.W.), for the southeast corner of Lot 16 of said TOM F. DUNNAHOO SUBDIVISION and the southeast corner of said Wingo Tract, from which a 1/2 inch iron rod found in the west right-of-way of said Cullen Road for the northeast corner of Lot 12 and the southeast corner of Lot 10 of said TOM F. DUNNAHOO SUBDIVISION and the northeast corner of said Wingo tract, bears N07°48'45"E a distance of 991.49 feet;

THENCE with the south right-of-way of said Turk Lane, the north line of said Theriot tract, and the north line of the herein described tract, S62°09'45"E passing at a distance of 907.39 feet a 3/8 inch iron rod found, in all a distance of 908.25 feet to a point in the west right-of-way of said IH 35, for the northeast corner of said Theriot tract and the northeast corner of the herein described tract;

59.925 ACRES  
Abel J. and Mary Ann Theriot  
Family Limited Partnership  
S.F. Slaughter League Survey No. 1 and  
The Santiago del Valle Grant  
Travis County, Texas

THENCE with the east line of said Theriot tract, the east line of the herein described tract, same being the curving west right-of-way of said IH 35, said curve to the left having a radius of 11631.71 feet, an arc length of 1039.44 feet, the chord of which bears S16°04'29"W a distance of 1039.10 feet to the POINT OF BEGINNING, containing 59.925 ACRES of land, more or less, within these metes and bounds.

Reference is herein made to the Land Title Survey accompanying this metes and bounds description.

Bearing Reference: Grid North, Texas State Plane coordinate system NAD83 (CORS) Central Zone.

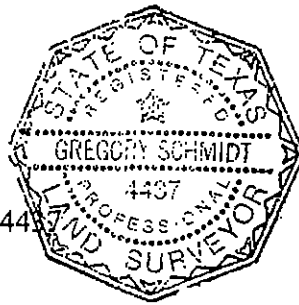
I hereby certify that this description was prepared from the results of a survey made on the ground under my supervision.

CUNNINGHAM-ALLEN, INC.



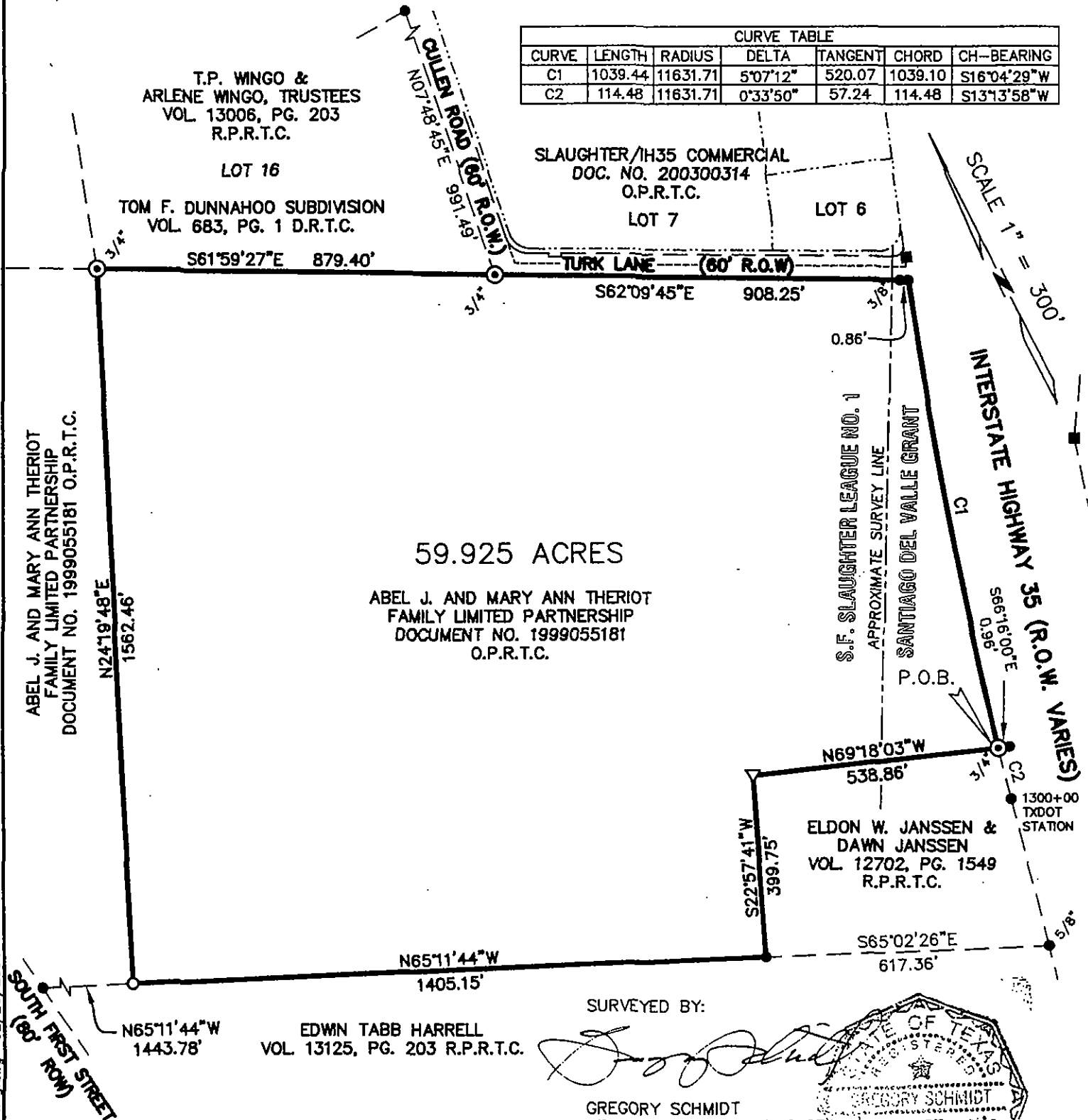
Gregory Schmidt,  
Registered Professional Land Surveyor No. 4437

Date: 2/20/04



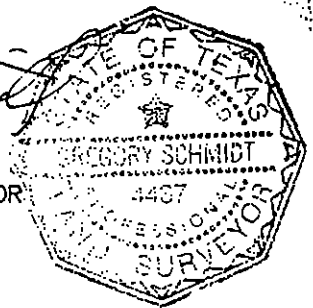
# SKETCH 7 ACCOMPANY FIELD NOTES

CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD	CH-BEARING
C1	1039.44	11631.71	5°07'12"	520.07	1039.10	S16°04'29"W
C2	114.48	11631.71	0°33'50"	57.24	114.48	S13°13'58"W



SURVEYED BY:

GREGORY SCHMIDT  
 REG. PROF. LAND SURVEYOR  
 NO. 4437  
 DATE: 2/20/04



**CA**

**Cunningham | Allen**

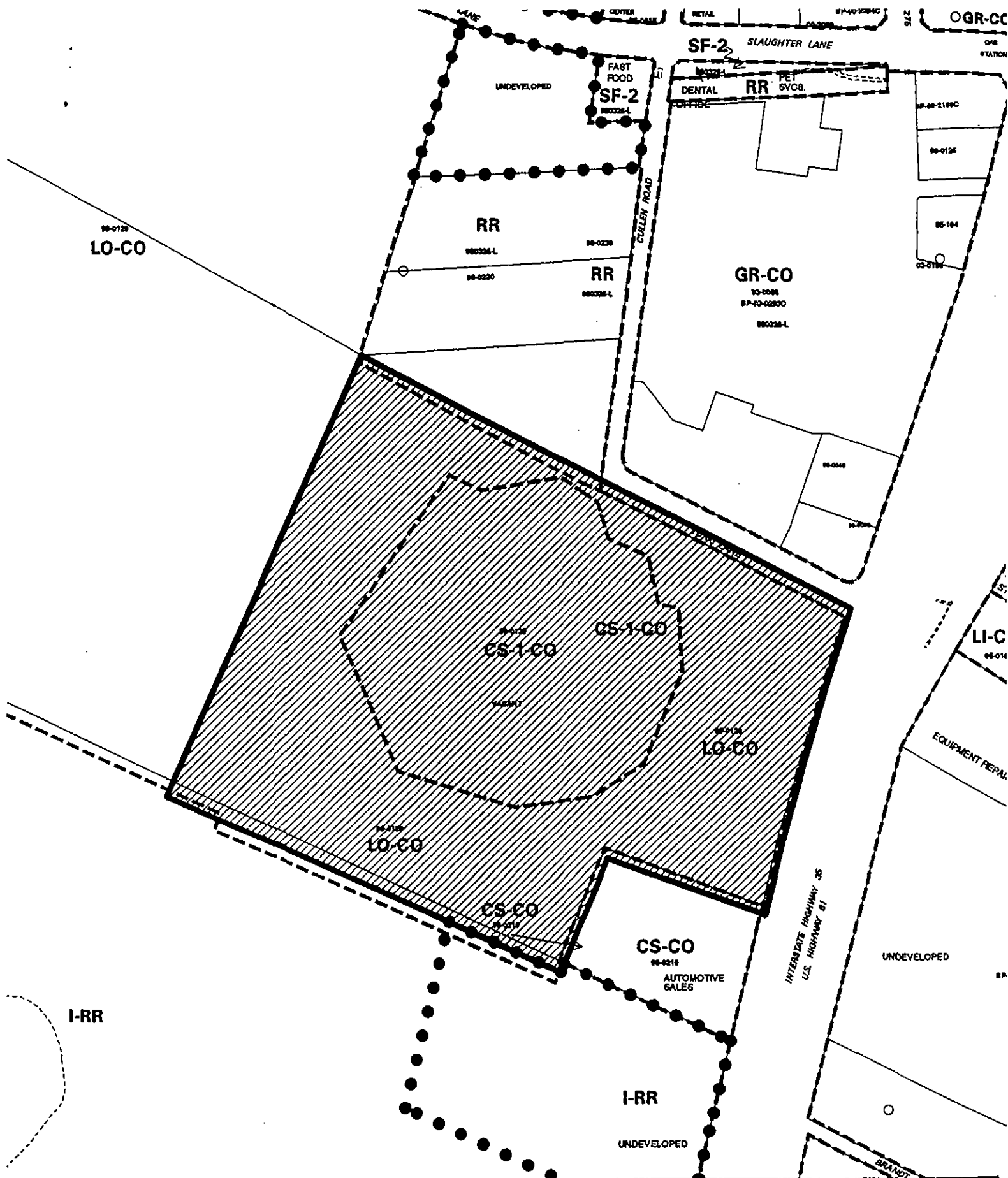
Engineers • Surveyors

3103 Bee Cave Road, Suite 202

Austin, Texas 78746-6819

Tel.: (512) 327-2946

Fax: (512) 327-2973



 1" = 400'	SUBJECT TRACT		<b>ZONING EXHIBIT B</b> CASE #: C14-04-0075 ADDRESS: 9600 S I 35 SVC RD SB SUBJECT AREA (acres): 80	DATE: 04-06 INTLS: SM	CITY GRID REFERENCE NUMBER F13 G13
	PENDING CASE				
	ZONING BOUNDARY				
	CASE MGR: W. WALSH				

**RESTRICTIVE COVENANT**

OWNER: ABEL J. AND MARY ANN THERIOT FAMILY LIMITED PARTNERSHIP, a Texas limited partnership

ADDRESS: 4917 Congress Avenue, Austin, Texas 78745-2306

OWNER: ELDON WAYNE JANSSEN AND DAWN JANSSEN

ADDRESS: 10115 Bradshaw Road, Austin, Texas 78747

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 59.925 acre tract of land, more or less, out of the Santiago Del Valle Grant and the S.F. Slaughter League in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" attached and incorporated into this covenant (the Theriot Property); and

A 5.579 acre tract of land, more or less, out of the Santiago Del Valle Grant and the S.F. Slaughter League in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "B" attached and incorporated into this covenant (the Janssen Property).

WHEREAS, the Owners 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 Owners 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 Owners 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 May 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 September 15, 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.

**OWNERS:**

\_\_\_\_\_  
ELDON WAYNE JANSSEN

\_\_\_\_\_  
DAWN JANSSEN

(for the Janssen Property)

ABEL J. AND MARY ANN THERIOT  
FAMILY LIMITED PARTNERSHIP,  
A Texas limited partnership

By: A.J. and M.A. Theriot, LLC,  
A Texas limited liability company,  
General Partner

By: \_\_\_\_\_  
Suzanne Sanders, Manager

(for the Theriot Property)

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 Eldon Wayne Janssen.

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

**THE STATE OF TEXAS   §**  
**COUNTY OF TRAVIS   §**

This instrument was acknowledged before me on this the \_\_\_\_ day of \_\_\_\_\_,  
2004, by Dawn Janssen.

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

**THE STATE OF TEXAS   §**  
**COUNTY OF TRAVIS   §**

This instrument was acknowledged before me on this the \_\_\_\_ day of \_\_\_\_\_,  
2004, by Suzanne Sanders, Manager of the A.J. and M.A. Theriot, LLC, a Texas limited  
liability company, on behalf of the company, and the company acknowledged this  
instrument as General Partner on behalf of Abel J. and Mary Ann Theriot Family Limited  
Partnership, a Texas limited partnership.

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

C14.04.0075  
GR. CO WITH CONDITIONS

59.925 ACRES

Abel J. and Mary Ann Theriot  
Family Limited Partnership  
S.F. Slaughter League Survey No. 1 and  
The Santiago del Valle Grant  
Travis County, Texas

DESCRIPTION

DESCRIPTION OF 59.925 ACRES OF LAND SITUATED IN THE S. F. SLAUGHTER LEAGUE SURVEY NO. 1 AND THE SANTIAGO DEL VALLE GRANT, IN TRAVIS COUNTY, TEXAS, BEING A PART OF THAT CERTAIN TRACT OF LAND DESCRIBED IN DEED TO ABEL J. AND MARY ANN THERIOT FAMILY LIMITED PARTNERSHIP OF RECORD IN DOCUMENT NUMBER 1999055181 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY TEXAS; SAID 59.925 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 3/4 inch iron pipe found the west right-of-way of Interstate Highway No. 35 (IH 35) (R. O. W. varies) for the northeast corner of that certain tract of land described in deed to Eldon Wayne Janssen and Dawn Janssen of record in Volume 12702, Page 1549 of the Real Property Records of Travis County, Texas, the most easterly southeast corner of said Theriot tract, and the most easterly southeast corner of the herein described tract, from which a 5/8 inch iron rod found in said west right-of-way of said IH 35 at Texas Department of Transportation (TxDOT) Station 1300+00, bears with the arc of a curve to the left a distance of 114.48 feet, having a radius of 11631.71 feet, and a chord which bears S13°13'58"W a distance of 114.48 feet;

THENCE with the north line of said Janssen tract, the most easterly south line of said Theriot tract, and the most easterly south line of the herein described tract, N69°18'03"W a distance of 538.86 feet to a steel spike with aluminum washer set for the northwest corner of said Janssen tract and an interior ell corner of the herein described tract;

THENCE with the west line of said Janssen tract, the most southerly east line of said Theriot tract, and the most southerly east line of the herein described tract, S22°57'41"W a distance of 399.75 feet to a 1/2 inch iron rod found in the north line of that certain tract of land described in deed to Edwin Tabb Harrell of record in Volume 13125, Page 203 of the Real Property Records of Travis County, Texas, for the southwest corner of said Janssen tract, the most southerly southeast corner of said Theriot tract, and the most southerly southeast corner of there herein described tract, from which a 5/8 inch iron rod found in the west right-of-way of said IH 35 for



the southeast corner of said Janssen tract and the northeast corner of said Harrell tract, bears S65°02'26"E a distance of 617.36 feet;

THENCE with the north line of said Harrell tract, the south line of said Theriot tract, and the south line of the herein described tract, N65°11'44"W a distance of 1405.15 feet to a 1/2 inch iron rod with plastic cap set for the southwest corner of the herein described tract, from which a 1/2 inch iron rod found in the east right-of-way of South First Street (80 foot R.O.W.) for the southwest corner of said Theriot tract and the northwest corner of said Harrell tract bears, N65°11'44"W a distance of 1443.78 feet;

THENCE over and across said Theriot tract, with the west line of the herein described tract, N24°19'48"E a distance of 1562.46 feet to a 3/4 inch iron pipe found in the north line of said Theriot tract, for the southwest corner of Lot 16 of the TOM F. DUNNAHOO SUBDIVISION according to the map or plat thereof recorded in Volume 683, Page 1 of the Deed Records of Travis County, Texas, same being that certain tract of land described in deed to T. P. Wingo and Arlene Wingo, Trustees, of record in Volume 13006, Page 203 of the Real Property Records of Travis County, Texas, and for the northwest corner of the herein described tract;

THENCE with the south line of Lot 16 of said TOM F. DUNNAHOO SUBDIVISION, the south line of said Wingo tract, the north line of said Theriot tract, and the north line of the herein described tract, S61°59'27"E a distance of 879.40 feet to a 3/4 inch iron pipe found at the intersection of the west right-of-way of Cullen Road (60 foot R.O.W.) and the south right-of-way of Turk Lane (60 foot R.O.W.), for the southeast corner of Lot 16 of said TOM F. DUNNAHOO SUBDIVISION and the southeast corner of said Wingo Tract, from which a 1/2 inch iron rod found in the west right-of-way of said Cullen Road for the northeast corner of Lot 12 and the southeast corner of Lot 10 of said TOM F. DUNNAHOO SUBDIVISION and the northeast corner of said Wingo tract, bears N07°48'45"E a distance of 991.49 feet;

THENCE with the south right-of-way of said Turk Lane, the north line of said Theriot tract, and the north line of the herein described tract, S62°09'45"E passing at a distance of 907.39 feet a 3/8 inch iron rod found, in all a distance of 908.25 feet to a point in the west right-of-way of said IH 35, for the northeast corner of said Theriot tract and the northeast corner of the herein described tract;

Abel J. and Mary Ann Theriot  
Family Limited Partnership  
S.F. Slaughter League Survey No. 1 and  
The Santiago del Valle Grant  
Travis County, Texas

THENCE with the east line of said Theriot tract, the east line of the herein described tract, same being the curving west right-of-way of said IH 35, said curve to the left having a radius of 11631.71 feet, an arc length of 1039.44 feet, the chord of which bears S16°04'29"W a distance of 1039.10 feet to the POINT OF BEGINNING, containing 59.925 ACRES of land, more or less, within these metes and bounds.

Reference is herein made to the Land Title Survey accompanying this metes and bounds description.

Bearing Reference: Grid North, Texas State Plane coordinate system NAD83 (CORS) Central Zone.

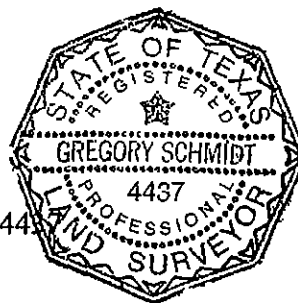
I hereby certify that this description was prepared from the results of a survey made on the ground under my supervision.

CUNNINGHAM-ALLEN, INC.



Gregory Schmidt,  
Registered Professional Land Surveyor No. 4437

Date: 2/20/04



# SKETCH TO ACCOMPANY FIELD NOTES

CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD	CH-BEARING
C1	1039.44	11631.71	5°07'12"	520.07	1039.10	S16°04'29"W
C2	114.48	11631.71	0°33'50"	57.24	114.48	S13°13'58"W

T.P. WINGO &  
ARLENE WINGO, TRUSTEES  
VOL. 13006, PG. 203  
R.P.R.T.C.

LOT 16

TOM F. DUNNAHOO SUBDIVISION  
VOL. 683, PG. 1 D.R.T.C.

S61°59'27"E 879.40'

SLAUGHTER/1H35 COMMERCIAL  
DOC. NO. 200300314  
O.P.R.T.C.

LOT 7

LOT 6

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

S62°09'45"E 908.25'

SCALE 1" = 300'

59.925 ACRES

ABEL J. AND MARY ANN THERIOT  
FAMILY LIMITED PARTNERSHIP  
DOCUMENT NO. 1999055181  
O.P.R.T.C.

ABEL J. AND MARY ANN THERIOT  
FAMILY LIMITED PARTNERSHIP  
DOCUMENT NO. 1999055181 O.P.R.T.C.

N24°19'48"E  
1562.46'

S.F. SLAUGHTER LEAGUE NO. 1  
APPROXIMATE SURVEY LINE  
SANTIAGO DEL VALLE GRANT

P.O.B.

N69°18'03"W  
538.86'  
ELDON W. JANSSEN &  
DAWN JANSSEN  
VOL. 12702, PG. 1549  
R.P.R.T.C.

1300+00  
TxDOT  
STATION

S22°57'41"W  
389.75'

S65°02'26"E  
617.36'

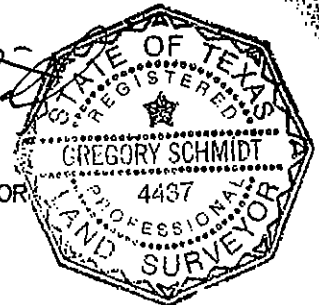
N65°11'44"W  
1405.15'

N65°11'44"W  
1443.78'

EDWIN TABB HARRELL  
VOL. 13125, PG. 203 R.P.R.T.C.

SURVEYED BY:

GREGORY SCHMIDT  
REG. PROF. LAND SURVEYOR  
NO. 4437  
DATE: 2/20/04



3103 Bee Cave Road, Suite 202

Austin, Texas 78746-6819

Tel.: (512) 327-2946

Fax: (512) 327-2973

CA

Cunningham | Allen

Engineers • Surveyors

## LEGEND

- 1/2" IRON ROD FOUND (UNLESS STATED)
- ⊙ IRON PIPE FOUND (SIZE AS STATED)
- 1/2" IRON ROD W/CAP SET (UNLESS STATED)
- △ STEEL SPIKE WITH ALUMINUM WASHER SET
- CONCRETE HWY. MONUMENT FOUND (TYPE I)
- R.P.R.T.C. REAL PROPERTY RECORDS OF TRAVIS COUNTY
- O.P.R.T.C. OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY
- P.O.B. POINT OF BEGINNING

DESCRIPTION

DESCRIPTION OF 5.579 ACRES OF LAND SITUATED IN THE SANTIAGO DEL VALLE GRANT AND THE S.F. SLAUGHTER LEAGUE IN TRAVIS COUNTY, TEXAS, BEING ALL OF THAT CERTAIN TRACT OF LAND DESCRIBED IN DEED TO ELDON WAYNE JANSSEN AND WIFE, DAWN JANSSEN, OF RECORD IN VOLUME 12702, PAGE 1549, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 5.579 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 3/4" iron pipe found in the west right-of-way line of Interstate Highway No. 35 (R.O.W. width varies) for the northeast corner of said Janssen tract, same being the most easterly southeast corner of that certain tract of land described in deed to Abel J. and Mary Ann Theriot Family Limited Partnership, of record in Document No. 1999055181, Official Public Records of Travis County, Texas;

THENCE with the curving west right-of-way line of Interstate Highway No. 35 and the east line of said Janssen tract, with said curve to the left an arc length of 114.48 feet, the radius of which curve is 11,631.71 feet, the chord of which arc bears S13°13'58"W a distance of 114.48 feet to a 5/8" iron rod found at the end of said curve;

THENCE continuing with the west right-of-way line of Interstate Highway No. 35 and the east line of said Janssen tract, S12°55'33"W a distance of 334.79 feet to the southeast corner of said Janssen tract, same being the northeast corner of that certain tract of land described in deed to Edwin Tabb Harrell, of record in Volume 13125, Page 203, Real Property Records of Travis County, Texas, from which a 1/2" iron rod found bears S65°02'26"E a distance of 0.88 feet;

THENCE with the south line of said Janssen tract and the north line of said Harrell tract, N65°02'26"W a distance of 616.48 feet to a 1/2" iron rod found for the southwest corner of said Janssen tract and the most southerly southeast corner of said Theriot tract;

THENCE with the west line of said Janssen tract and an east line of said Theriot tract, N22°57'41"E a distance of 399.75 feet to a steel spike with aluminum washer set for the northwest corner of said Janssen tract and an interior ell corner of said Theriot tract;

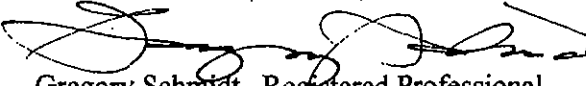
THENCE with the north line of said Janssen tract and a south line of said Theriot tract, S69°18'03"E a distance of 538.86' to the POINT OF BEGINNING and containing 5.579 Acres of Land within these metes and bounds.

Bearing Reference: Grid North, Texas State Plane Coordinate System NAD83 (CORS) Central Zone.

Reference is herein made to the Sketch accompanying this metes and bounds description.

The undersigned hereby certifies that this description was prepared from the results of a survey made on the ground under my supervision.

CUNNINGHAM | ALLEN, INC.

  
Gregory Schmidt, Registered Professional  
Land Survey No. 4437

April 1, 2004

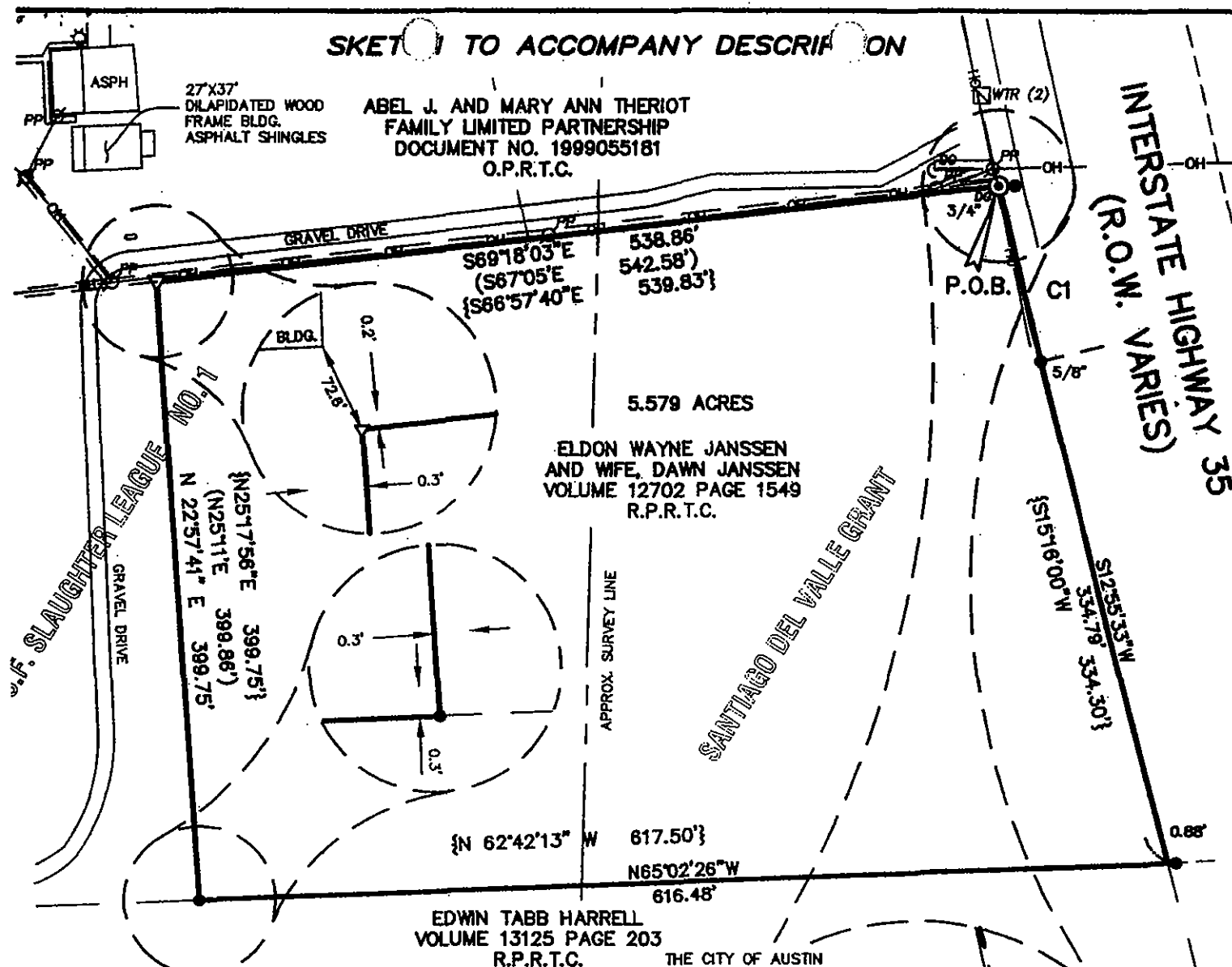


E:\2770901\\_Documents\Surveying Dept\janssen Tract desc for Zoning.doc

# SKETCH TO ACCOMPANY DESCRIPTION

ABEL J. AND MARY ANN THERIOT  
FAMILY LIMITED PARTNERSHIP  
DOCUMENT NO. 1999055181  
O.P.R.T.C.

INTERSTATE HIGHWAY 35  
(R.O.W. VARIES)



## LEGEND

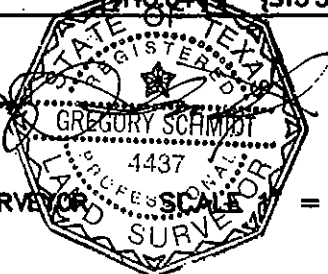
- 1/2" IRON ROD FOUND (UNLESS STATED)
- ⊙ IRON PIPE FOUND (SIZE AS STATED)
- ▽ STEEL SPIKE WITH ALUMINUM WASHER SET

### CURVE TABLE

CURVE	RADIUS	LENGTH	CHORD	CHORD BRG.
C1	11831.71'	114.48'	114.48'	S13°13'58"W
	{11609.20'}			{S15°33'W}

SURVEYED BY:

GREGORY SCHMIDT  
REG. PROF. LAND SURVEYOR  
NO. 4437  
DATE: 04/01/04



3103 Bee Cave Road, Suite 202

Austin, Texas 78746-6819

Tel.: (512) 327-2946

Fax: (512) 327-2973

**CA**  
Cunningham | Allen  
Engineers • Surveyors

BEARING REFERENCE: GRID NORTH, TEXAS  
STATE PLANE COORDINATE SYSTEM NAD83  
(CORS) CENTRAL ZONE.

© COPYRIGHT 2004 CUNNINGHAM-ALLEN, INC.

**After Recording, Please Return to:**  
**City of Austin**  
**Department of Law**  
**P. O. Box 1546**  
**Austin, Texas 78767-1546**  
**Attention: Diana Minter, Legal Assistant**