

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



**AGENDA ITEM NO.: Z-9
AGENDA DATE: Thu 11/04/2004
PAGE: 1 of 1**

SUBJECT: C14-04-0141 - Grandview Hills, Section 11B, Lot 1 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as North RM 620 at Wilson Parke Avenue (Lake Travis Watershed) from interim-rural residence (I-RR) 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. Applicant: Tomen-Parke Associates Ltd. (Tetsuo Hosohara). Agent: RVI Planners (D' Anne Williams). City Staff: Glenn Rhoades, 974-2775.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

ZONING CHANGE REVIEW SHEET

CASE: C14-04-0141

Z.A.P. DATE: October 5, 2004

C.C. DATE: November 4, 2004

ADDRESS: North RM 620 at Wilson Parke Avenue

OWNERS: Tomen-Parke Associates Ltd.
(Tetsuo Hosohara)

AGENT: RVI Planners
(D'Anne Williams)

ZONING FROM: I-RR

TO: GR-CO

AREA: 32.717 acres

SUMMARY STAFF RECOMMENDATION:

Staff recommends the proposed change to community commercial-conditional overlay (GR-CO) district zoning. The conditional overlay will prohibit the following:

Automotive rentals	Automotive repair services
Automotive sales	Commercial off-street parking
Convalescent services	Counseling services
Day care services (limited)	Drop-off recycling facility
Exterminating services	Funeral services
Guidance services	Outdoor entertainment
Residential treatment	

In addition, the applicant agrees to limit each single retail user to 100,000 square feet of floor space.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

October 5, 2004 – Approved GR-CO, General Commercial Services-Conditional Overlay district zoning (Vote: 9-0).

ISSUES:

A Traffic Impact Analysis (TIA) was waived for this site because the applicant has agreed to limit trips to 10,507 vehicle trips per day (as per a TIA from December 1999) and has agreed to post fiscal for signalization improvements at the intersection of Schlumberger Drive and RM 620 (see attached TIA report).

The applicant and has agreed to enter into a private restrictive covenant with the Parke Homeowners Association and the Ridge at Grandview Hills Neighborhood Association (see attached). Some of the items in the restrictive covenant can be included in the conditional overlay and are noted above. Other items relating to certain uses, buffers and lighting will be included in the restrictive covenant, to be signed and recorded by third ordinance reading. Staff has also received a letter of support from the Estates at Grandview Hills Homeowners Association.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	I-RR	Undeveloped
<i>North</i>	MF-2	Apartments
<i>South</i>	GR-CO	Undeveloped
<i>East</i>	MF-3 and MF-2	Apartments and Undeveloped
<i>West</i>	I-RR	Industry

AREA STUDY: N/A**TIA:** N/A**WATERSHED:** Lake Travis**DESIRED DEVELOPMENT ZONE:** No**CAPITOL VIEW CORRIDOR:** N/A**HILL COUNTRY ROADWAY:** Yes**NEIGHBORHOOD ORGANIZATIONS:**

- #190 – Middle Bull Creek Neighborhood Association
- #275 – Volente Neighborhood Association
- #426 – River Place Residential Community Association
- #439 – Concerned Citizens for the P & B of FM 2222
- #448 – Canyon Creek Homeowners Association
- #475 – Bull Creek Foundation
- #654 – The Parke Homeowners Association
- #965 – Old Spicewood Springs Road Neighborhood Association

CASE HISTORIES:

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-99-0012	GR, R&D and GO to MF-2	Approved MF-2 without conditions (Vote: 6-0). 3/9/99.	Approved PC recommendation (Vote: 6-0). 4/15/99
C14-99-0079	I-RR to GR-CO and GO-CO	Approved GR-CO for tract 1 and GO-CO for tract 2. The CO on tract 1 prohibits the following uses: automotive rentals, automotive repair, automotive sales, automotive washing, restaurant (drive-in, fast food), pawn shop services and exterminating services. In addition, retail use by a single tenant may not exceed 100,000 square feet and office uses for a single tenant may not exceed 65,000 square feet. For tract 2, the owner may not exceed 65,000 square feet for a single office tenant (Vote: 8-0). 10/26/99	Approved PC recommendation (Vote: 5-0). 3/2/00.
C14-02-0027	I-RR to MF-2	Approved MF-2 by consent (Vote: 9-0). 3/26/02	Approved PC recommendation (Vote: 7-0). 5/9/02

ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION
RM 620	160'	Varies	Major Arterial

CITY COUNCIL DATE: 11/4/04

ACTION:

ORDINANCE READINGS: 1st

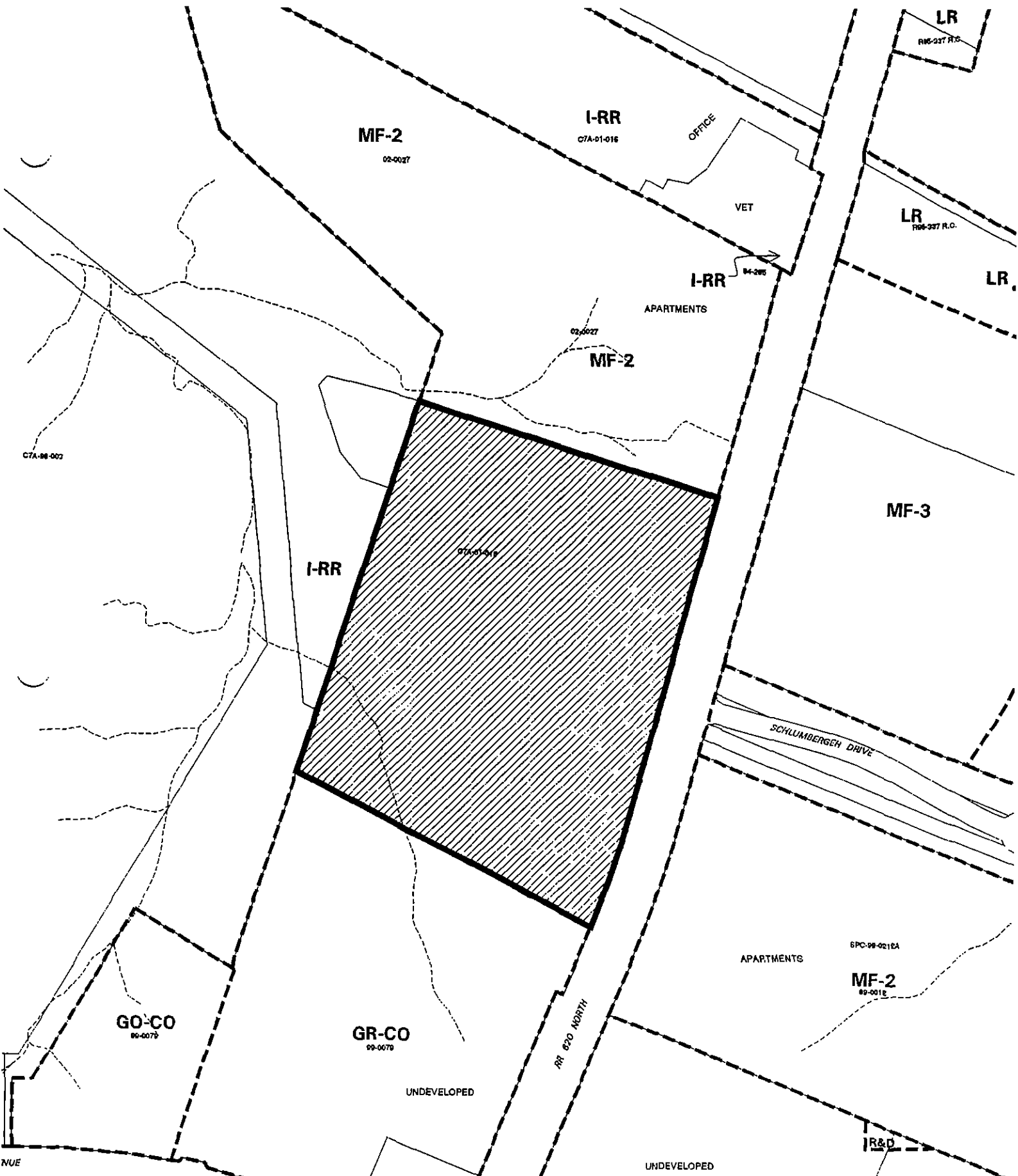
2nd




3rd

ORDINANCE NUMBER:

CASE MANAGER: Glenn Rhoades

PHONE: 974-2775

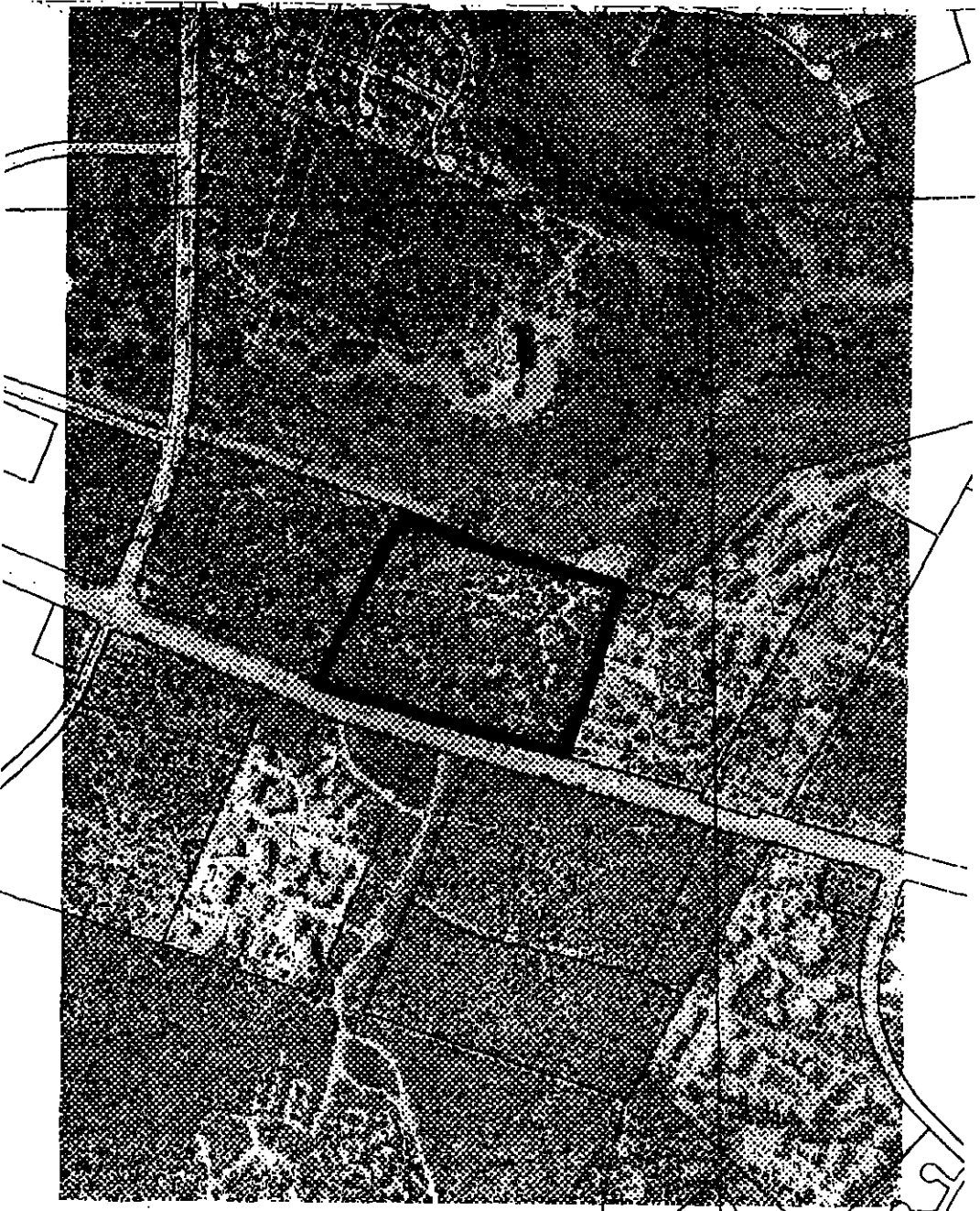


<p>SUBJECT TRACT </p> <p>PENDING CASE </p> <p>ZONING BOUNDARY </p> <p>CASE MGR: G. RHOADES</p>	<p>ZONING</p> <p>CASE #: C14-04-0141</p> <p>ADDRESS: N RM 620 RD @ WILSON</p> <p>PARKE AVE</p> <p>SUBJECT AREA (acres): 32.717</p> <p>DATE: 04-10</p> <p>INTLS: SM</p>	<p>CITY GRID</p> <p>REFERENCE</p> <p>NUMBER</p> <p>D35</p>
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City of Austin

Case C14-04-0141



zoning

Base

Center line



This map is a reproduction of a map created by the City of Austin, Texas, and is not a legal document. It is intended for informational purposes only. The City of Austin is not responsible for any errors or omissions in this map. The City of Austin is not responsible for any damages or losses resulting from the use of this map. The City of Austin is not responsible for any claims or liabilities resulting from the use of this map. The City of Austin is not responsible for any claims or liabilities resulting from the use of this map.

STAFF RECOMMENDATION

Staff recommends the proposed change to community commercial-conditional overlay (GR-CO) district zoning. The conditional overlay will prohibit the following:

Automotive rentals	Automotive repair services
Automotive sales	Commercial off-street parking
Convalescent services	Counseling services
Day care services (limited)	Drop-off recycling facility
Exterminating services	Funeral services
Guidance services	Outdoor entertainment
Residential treatment	

In addition, the applicant agrees to limit each single retail user to 100,000 square feet of floor space.

BASIS FOR RECOMMENDATION

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

GR – Community Commercial district zoning 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 traffic ways.

The Property fronts and will take access to RM 620, a major arterial roadway.

The proposed zoning should promote consistency, and orderly planning.

The proposed change is consistent with the nearby properties. The property to the south is zoned GR-CO, with similar conditions placed on the property, and further to the south a Home Depot is being constructed.

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

Given the similarly zoned properties to the south, the proposed change to GR-CO, would give the property owner a fair and reasonable use of the site.

EXISTING CONDITIONS

Site Characteristics

The property is currently undeveloped.

Transportation

No additional right-of-way is needed at this time. Additional right-of-way may be required at the time of subdivision or site plan.

The trip generation under the requested zoning is estimated to be 59,926 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

The traffic impact analysis for this site was waived because the applicant agreed to a trip limitation of 10,507 trips per day (as per a previous T.I.A.) and will cost participate in the signal improvements at the intersection of Schlumberger and RM 620.

Capital Metro bus service is not available within 1/4 mile of this property.

Impervious Cover

The site is located over the Edward's Aquifer Recharge Zone. The site is in the Lake Travis Watershed of the Colorado River Basin, and is classified as a Water Supply Rural Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Drinking Water Protection Zone. Under the 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>% NSA with Transfers</i>	<i>Allowable Density</i>
One or Two Family Residential	n/a	n/a	1 unit/2 acres net site area
Multifamily Residential	20%	25%	n/a
Commercial	20%	25%	n/a

Environmental

Single family or duplex development within a Water Quality Transition Zone may not exceed a density of one unit per three acres, exclusive of land within a 100-year floodplain, and must have a minimum lot size of 2 acres.

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

The site is located within the endangered species survey area and must comply with the requirements of Chapter 25-8 Endangered Species in conjunction with subdivision and/or site plan process.

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 providing structural 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 preexisting approvals which would preempt current water quality or Code requirements.

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 subdivision, site plan, or zoning case and anticipate no additional requirement for right-of-way dedication or reservation for funded C.I.P. or T.S.M. projects at this location.

Water and Wastewater

The landowner intends to serve the site with City water and wastewater utilities. The landowner will be responsible for providing all water and wastewater utility improvements, offsite main extension, system upgrades, and utility relocation to serve the site and land use. The water and wastewater utility system serving this site must be in accordance with the City design criteria and specifications. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. The utility construction must be inspected by the City.

Compatibility Standards

This site is not subject to Compatibility development regulations.

The site is located within 1,000 feet of RM 620 and within a Hill Country Roadway Corridor. The site is located within the moderate intensity zone of the Hill Country Roadway. The site may be developed with the following maximum floor-to-area ratio (FAR):

Slope	Maximum FAR
0-15%	0.25
15-25%	0.10
25-35%	0.05

Except for clearing necessary to provide utilities or site access, a 100 foot vegetative buffer will be required along RM 620. At least 40% of the site (excluding dedicated right-of-way) must be left in a natural state. The allowable height is as follows: Within 200 feet of RM 620 the maximum height is 28 feet, and beyond 200 feet the maximum height is 40 feet.

Prior to the issuance of a building permit for the proposed use, a site plan must be approved by the Zoning & Platting Commission.

13. C814-88-0001.08 – PROTESTANT EPISCOPAL SCHOOL COUNCIL (Brad Powell), By: Stuart Wolff Metcalfe von Kriesler (Michele Haussmann), 3100 – 3320 North Capital of Texas Highway. (watershed). **FROM PUD TO PUD. RECOMMENDATION PENDING. City Staff: Glenn Rhoades, 974-2775. POSTPONED FROM 7-20 (STAFF). POSTPONED FROM 9-7 (STAFF).**

POSTPONED TO 10/19/04 (STAFF)
[J.M; J.G 2ND] (9-0)

NEW CASES

14. C14-04-0143 – HSU REALTY (Chi-koa Hsu), By: Land Answers (Jim Wittliff), 401, 403, 405 E. Rundberg Lane. (watershed). **FROM SF-3 TO LR. RECOMMENDATION PENDING. City Staff: Glenn Rhoades, 974-2775.**

POSTPONED TO 10/19/04 (NEIGHBORHOOD)
[J.M; J.G 2ND] (9-0)

15. C14-04-0107 – CITY OF AUSTIN, PARD (Sarah Campbell), By: City of Austin – PARD (Sarah Campbell), 12100 block Mopac / FM 1325 / Burnet Road. (watershed). **FROM RR; MF-2-CO TO P. RECOMMENDATION PENDING. City Staff: Glenn Rhoades, 974-2775.**

POSTPONED TO 10/19/04 (STAFF)
[J.M; J.G 2ND] (9-0)

16. C14-04-0141 – TOMEN-PARKE ASSOCIATES, LTD. (Tetsuo Hosohara), By: RVI (D'Anne Williams), N. FM 620 at Wilson Park Road. (watershed). **FROM I-RR TO GR-CO. RECOMMENDED. City Staff: Glenn Rhoades, 974-2775.**

APPROVED STAFF'S RECOMMENDATION FOR GR-CO ZONING.
[M.W; J.M 2ND] (9-0)

17. C14-04-0116 – CHAMPION ASSETS, LTD. (Josie Champion), By: Graves, Dougherty, Hearon & Moody, P.C., 5800-6802 FM 2222, 6100-6712 Loop 360, 6507 Winterberry Drive and 6702-6710 Capital of Texas Hwy. North. (watershed). **FROM MF-1-CO, LR-CO, GO-CO, SF-2-CO TO MF-1-CO, GR-MU-CO, GO-CO, SF-2-CO. RECOMMENDATION PENDING. City Staff: Glenn Rhoades, 974-2775.**

POSTPONED TO 10/19/04 (STAFF)
[J.M; J.G 2ND] (9-0)



Date: October 27, 2004
To: Glenn Rhoades, Case Manager
CC: Lynn Ann Carley, P.E., WHM Transportation Engineering
Carol Kaml, Fiscal Officer
Reference: Grandview Hills Section 11B TIA Waiver & Fiscal Requirement
C14-04-0141

The TIA requirement was waived for this property because the applicant agreed to limit the development to 10,507 trips per day and post fiscal for the 4th leg of the signal at the intersection of Schlumberger and FM 620. This improvement was identified in the previously approved Grandview Hills TIA. Based on information provided in that TIA and the actual development that has occurred the peak hour trips generated by the proposed development on Lot 11B have been accounted for. Attached is a summary from the transportation engineer showing the allocation of the trips throughout Grandview Hills.

Fiscal is required to be posted prior to 3rd Reading at City Council:

Intersection	Improvements	Total Cost	Pro Rata Share %	Pro Rata Share \$
Schlumberger and FM 620	Signal ~ 4 th Leg	\$110,000	25%	\$27,500

A handwritten signature in cursive script that reads "Emily M. Barton".

Emily M. Barton
Sr. Planner ~ Transportation Review Staff
Watershed Protection and Development Review

Cc: Case files for C1499-0078 and C14-99-0079

**Watershed Protection and Development Review Department
CITY OF AUSTIN
TRAFFIC IMPACT ANALYSIS (TIA) DETERMINATION WORKSHEET**

APPLICANT MUST FILL IN WORKSHEET PRIOR TO SUBMITTING FOR TIA DETERMINATION

PROJECT NAME: Grandview Hills Section 11B
LOCATION: RM 620 @ Schlumberger Road
APPLICANT: Lynn Ann Carley, WHM Transportation Engineering **TELEPHONE NO.:** (512) 473-8343
Fax: (512) 473-8237
APPLICATION STATUS: ☐ **DEVELOPMENT ASSESSMENT** ☒ **ZONING** ☐ **SITE PLAN**

EXISTING: **FOR OFFICE USE ONLY**

TRACT NO.	TRACT ACRES	BUILDING SQ. FT.	ZONING	LAND USE	I.T.E. CODE	TRIP RATE	TRIPS PER DAY
1				Vacant			

0

PROPOSED **FOR OFFICE USE ONLY**

TRACT NO.	TRACT ACRES	BUILDING SQ. FT.	ZONING	LAND USE	I.T.E. CODE	TRIP RATE	TRIPS PER DAY
11B		196,000	CS	Shopping Center	820		10,507

10,507

ABUTTING ROADWAYS **FOR OFFICE USE ONLY**

STREET NAME	PROPOSED ACCESS?	PAVEMENT WIDTH	CLASSIFICATION
FM 620			Arterial

FOR OFFICE USE ONLY

 A traffic impact analysis is required. The consultant preparing the study must meet with a transportation planner to discuss the scope and requirements of the study before beginning the study.

 A traffic impact analysis is **NOT** required. The traffic generated by the proposal does not meet or exceed the thresholds established in the Land Development Code.

X The traffic Impact analysis has been waived for the following reason(s):

Applicant agrees to trip limitation of 10,507 trips per day and will cost participate in signal improvements at the intersection of Schlumberger and FM 620

 The traffic Impact analysis has been waived because the applicant has agreed to limit the intensity to 2,000 vehicle trips per day.

 A neighborhood traffic analysis will be performed by the City for this project. The applicant may have to collect existing traffic counts. See a transportation planner for information.

REVIEWED BY: [Signature] **DATE:** September 2, 2004
DISTRIBUTION: 2 FILE 1 CAP. METRO 1 TxDOT 1 TRANS. REV. 1 Travis Co./Williamson Co. 1 TPSD **COPIES:**

NOTE: A TIA determination must be made prior to submittal of any zoning or site plan application to Planning; therefore, this completed and reviewed form must accompany any subsequent application for the IDENTICAL project. CHANGES to the proposed project will REQUIRE a new TIA determination to be made.

June 24, 2004

Emily Barron

Watershed Protection and Development Review Department

City of Austin

505 Barton Springs Road, 4th Floor

Austin, Texas 78704

Dear Emily:

WHM completed the Traffic Impact Analysis (TIA) report for Grandview Hills project in December 1999. The TIA was completed for Sections 10 and 11A (C14-99-0078 & C14-99-0079) of the property for which zoning was sought. In addition to these two parcels, there were five other parcels (Sections 8, 9, 11B, 11C and 14), which were outside the City of Austin. Proposed development on these tracts consists of 38 single family residential dwelling units, 680 multifamily residential dwelling units, and 994,000 square feet of office. This land use plan for the five parcels was incorporated in the TIA as part of background traffic, in addition to the other projects listed in the scope by City staff. A copy of the trip generation from the Grandview Hills Technical Addendum for these parcels is attached for your review. The land uses assumed in the original Grandview Hills TIA as part of site and background traffic are summarized in Table 1.

Table 1.
Summary of Adjusted Daily and Peak Hour Trip Generation

Lot	Land Use	Size	24 Hour Two- Way Volume	AM Peak Period			PM Peak Period		
				Enter	Exit	Total	Enter	Exit	Total
8	Single Family Homes	38 DU	426	9	27	36	29	16	45
9	General Office	400,000 SF	3,464	446	61	507	81	394	475
10	High Turnover Rest	6,000 SF	446	17	15	32	22	15	37
10	Quality Rest	6,000 SF	324	0	0	0	18	9	27
10	Shopping Center	250,000 SF	8,109	111	71	182	364	395	759
11A	General Office	175,000 SF	1,836	230	32	262	42	206	248
11A	Shopping Center	125,000 SF	5,193	73	47	120	230	249	480
11A	Drive-in Bank	5,000 SF	729	19	15	35	75	75	151
11B	General Office	250,000 SF	2,414	307	41	348	55	268	323
11B	Apartment	680 DU	4,508	55	291	346	282	139	421
14	General Office	344,000 SF	3,085	395	54	449	71	347	419
Total			30,534	1,662	654	2,317	1,269	2,113	3,385

Subsequently, TIA waivers were submitted on February 9, 2001 and on April 3, 2003 and were approved by the City. These TIA waiver letters revised the TIA land uses to those shown in Table 2. Copies of these TIA waivers are attached for your review.

Table 2.
Summary of Adjusted Daily and Peak Hour Trip Generation

Lot	Land Use	Size	24 Hour Two- Way Volume	AM Peak Period			PM Peak Period		
				Enter	Exit	Total	Enter	Exit	Total
TIA Waiver Approved									
8	Single Family Homes	45 DU	497	10	31	41	33	19	52
9	General Office	400,000 SF	3,464	446	61	507	81	394	475
10	High Turnover Rest	6,000 SF	446	17	15	32	22	15	37
10	Quality Rest	6,000 SF	324	0	0	0	18	9	27
10	Shopping Center	113,000 SF	4,867	69	44	114	216	234	449
10	Home Improvement	140,000 SF	2,552	58	49	108	98	111	209
11A	General Office	175,000 SF	1,836	230	32	262	42	206	248
11A	Shopping Center	125,000 SF	5,193	73	47	120	230	249	480
11A	Drive-in Bank	5,000 SF	729	19	15	35	75	75	151
11B	General Office	250,000 SF	2,414	307	41	348	55	268	323
11B	Apartment	536 DU	3,554	44	230	274	223	110	333
14	General Office	382,784 SF	3,349	430	59	489	77	380	457
	Total		29,224	1,704	625	2,328	1,172	2,070	3,242

Our client plans to submit a zoning application for Section 11B, Lot 1, as shown on the attached figure. The land uses modeled in the TIA are slightly different than the ones to be submitted on the latest zoning case. In the previously approved Grandview Hills TIA, the land use in Section 11B, Lot 1 of the development was assumed to be 250,000 square feet of general office. However, the developer currently plans to construct 196,000 square feet of shopping center. Given this revision, it was necessary to re-evaluate trip generation impacts of the land use change, and document the difference.

A comparison of trips that would be generated by the approved uses to those that would be generated by the proposed shopping center was conducted to determine the effect of the land use change. Vehicle trips were estimated using the microcomputer program "Trip Generation" by Microtrans Corporation, which is based on recommendations and data contained in the Institute of Transportation Engineers' report Trip Generation, Sixth Edition. Table 3 shows estimated trip generation for each development scenario.

Table 3.
Summary of Unadjusted Daily and Peak Hour Trip Generation (ITE 6th Ed.)

Section	Land Use	Size	24 Hour Two-Way Volume	AM Peak Period			PM Peak Period		
				Enter	Exit	Total	Enter	Exit	Total
Previously Approved									
11B Lot 1	General Office	250,000 SF	2,682	341	46	387	61	298	359
Proposed									
11B Lot 1	Shopping Center	196,000 SF	10,507	146	93	239	470	509	979
	Difference in Trips		-7,825	195	-47	148	-409	-211	-620

The same pass-by and internal capture reductions applied in the Grandview Hills TIA were applied to the proposed land uses. The pass-by assumptions are as follows:

Shopping Center	34 percent AM peak, 34 percent PM peak
General Office	0 percent AM peak, 0 percent PM peak

A ten percent internal capture reduction was assumed for the general office land uses. No internal capture reductions were assumed for the quality restaurant or shopping center land uses. Table 4 shows estimated adjusted daily and peak hour trip generation based on the assumptions described previously.

Table 4.
Summary of Adjusted Daily and Peak Hour Trip Generation (ITE 6th Ed.)

Section	Land Use	Size	24 Hour Two-Way Volume	AM Peak Period			PM Peak Period		
				Enter	Exit	Total	Enter	Exit	Total
Previously Approved									
11B Lot 1	General Office	250,000 SF	2,414	307	41	348	55	268	323
Proposed									
11B Lot 1	Shopping Center	196,000 SF	6,935	96	61	157	310	336	646
	Difference in Trips		-4,521	211	-20	191	-255	-68	-323

Based on the above table, the number of additional trips required to construct the proposed shopping center in Section 11B, Lot 1 is 4,521 daily trips and 323 PM peak trips. The site has 191 AM peak trips more than are needed for the proposed land use.

Currently, there is an excess number of trips on Section 9 and Section 10, Lot 2, based on proposed development plans. Therefore, the developer would like to reallocate the excess trips from Section 9 and Section 10, Lot 2 to Section 11B, Lot 1. Table 5 documents the reallocation of trips from Section 9 and Section 10, Lot 2.

Table 5.
Summary of Adjusted Daily and Peak Hour Trip Generation

Section	Land Use	Size	24 Hour Two- Way Volume	AM Peak Period			PM Peak Period		
				Enter	Exit	Total	Enter	Exit	Total
Proposed Section 11B, Lot 1									
	Shopping Center	196,000 SF	6,935	96	61	157	310	336	646
Less Previously Approved Section 11B, Lot 1									
11B Lot 1	General Office	250,000 SF	2,414	307	41	348	55	268	323
Less Trips Allocated to Tomen from Section 10, Lot 2									
			2,247	15	6	21	65	68	133
Less Trips Allocated to Tomen from Section 9									
9	General Office	120,000 SF	1,374	171	23	194	32	159	191
Remaining Trips Needed for Section 11B, Lot 1			900	-397	-9	-406	158	-159	-1

Based on the above table, the number of additional trips required to construct the proposed shopping center in Section 11B, Lot 1 is 900 daily trips. The site has 406 AM peak trips and one PM peak trip more than are needed for the proposed land use.

I hereby request a waiver for the TIA requirement for the proposed shopping center development in Section 11B, Lot 1. Please feel free to contact Benedict Patrick or me if you have any questions or need additional information to approve this TIA waiver request.

Sincerely,

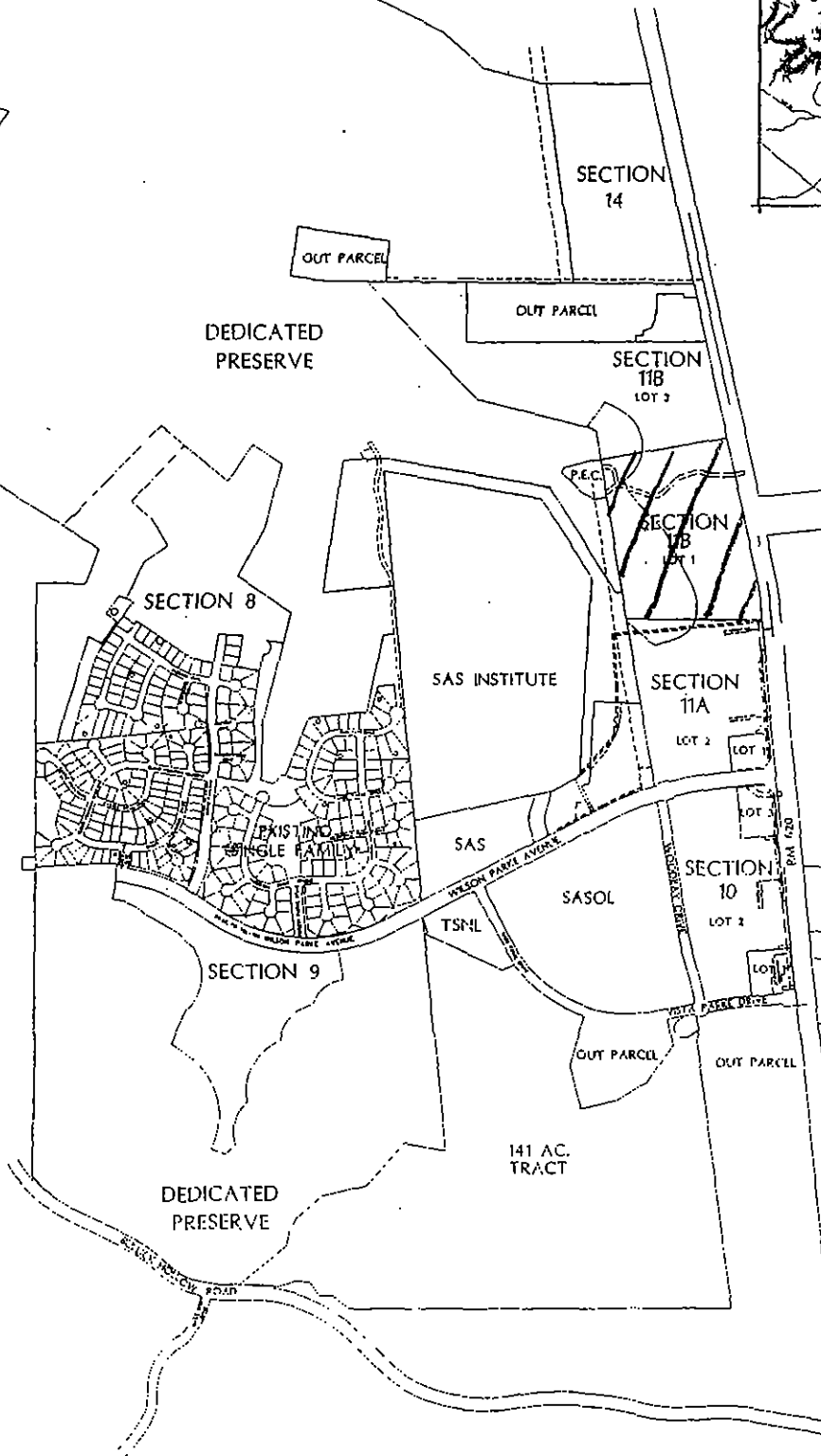
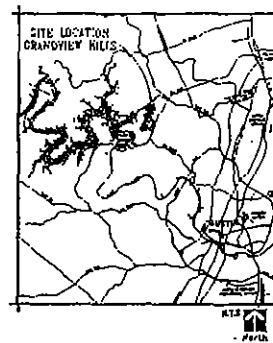
A handwritten signature in black ink that reads "Mike McInturff". The signature is written in a cursive, flowing style.

Mike McInturff, P.E., PTOE

Principal

Enclosures

BP



Independent investigation of these services and an accuracy of representation of them by a third party is not to be relied upon. The land use map is a representation of the land use and does not constitute any regulatory approval. Land plot is subject to change.

GRANDVIEW
HILLS

Tomen-Parke Associates, Ltd.

June 4, 2003
Land Use Map



Scale: 1" = 400'
0 200 400 600 800 1000 1200



RESTRICTIVE COVENANT

Date: _____, 2004.

Owner: Tomen-Parke Associates, Ltd., a Texas limited partnership.

Consideration: Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by The Parke Homeowners Association, Inc., a Texas non-profit corporation and The Ridge at Grandview Hills (hereinafter collectively called the "Associations") to the Owner, the receipt and sufficiency of which is acknowledged.

Property: Lot 1, Block A Section 11B Grandview Hills, a subdivision in Travis County, Texas, according to the map or plat thereof, recorded in Document No. 200000285 of the Official Public Records of Travis County, Texas.

WHEREAS, the Owner of the Property and the Associations have agreed that the Property should be impressed with certain covenants and restrictions for the benefit and better development of the Property, and as a condition of obtaining the Associations' support for the rezoning and development of the Property which is desired by Owner.

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 successors and assigns.

1. The Property shall be subject to the covenants and restrictions set forth in this Paragraph 1. The various types of land uses described herein shall have the meanings given to them by Title 25 of the Austin City Code as of the date hereof.

A. Prohibited Land Uses. The following types of land uses are prohibited:

- (1) Automotive rentals.
- (2) Automotive repair service.
- (3) Automotive sales.
- (4) Commercial off-street parking.
- (5) Convalescent services.
- (6) Counseling services.
- (7) Day care services (limited).

- (8) Drop-off recycling collection facility. ➔
- (9) Exterminating services.
- (10) Funeral services.
- (11) Guidance services.
- (12) Outdoor entertainment.
- (13) Residential treatment.

B. Additional Restrictions on Land Uses. The following restrictions shall apply:

- (1) Automotive washing shall be allowed only as part of a service station use and only a single lane drive through automotive washing facility shall be permitted.
- (2) No automotive repair services shall be permitted in connection with service station uses.
- (3) No automobile storage or overnight parking of campers, mobile homes, boats, trailers, recreational vehicles, or motor homes shall be permitted.
- (4) Indoor sports and recreation uses shall not include bowling alleys, billard parlors, ice skating rinks, roller skating rinks, penny arcades or electronic video arcades.
- (5) Hotel-motel uses shall be limited to three (3) stories.
- (6) Any towers erected in connection with communication service, communications facilities or telecommunications tower uses shall be limited to 110 feet in height.

C. Site Development Requirements. The following requirements shall apply:

- (1) Setbacks and/or screening
 - (a) The Associations will provide written support for a variance to the City of Austin's Hill Country Roadway Ordinance, as requested by the Owner, to allow for a minimum 50 foot natural or manicured vegetative setback/buffer along RM 620.
 - (b) The purpose of the vegetative buffers is to establish a continuous band of planting, combining both existing and newly planted

material, with sufficient canopy and understory to visually screen the proposed development on Property from the adjacent roadways. The vegetation shall be generally distributed in an informal arrangement to give the appearance of predominately natural planting.

(c) The vegetative buffers will be implemented per the following criteria:

- (i) Selective removal of noxious species (excluding cedar trees taller than 10 feet in height or greater than 4 inch caliper), trees smaller than 2 inch caliper, and trees and shrubs which are in poor condition or which create a safety hazard (e.g. sight distance, vehicular clearance) shall be allowed.
- (ii) The species composition of newly planted vegetation shall be selected from the City of Austin Preferred Plant List referred to in the City Environmental Criteria Manual - Section 2 Landscape - Appendix N. Species will be comprised of a minimum of 75% native or indigenous species and 50% evergreen species, resulting in the following planting density for every 20 linear feet of roadway frontage, the combined existing and newly planted vegetation will include a minimum of 2 large trees (minimum 2 inch caliper when planted and 20 feet in height at maturity), 3 small trees (minimum 6 feet in height when planted), and 8 large shrubs (5 gallon when planted and minimum 5 feet at maturity). An existing cedar tree of 3 to 8 feet in height can be substituted for a large shrub.
- (iii) Trees, shrubs, groundcover, and turf areas may be maintained with selective pruning, mowing, fertilization and irrigation.

2. Lighting

- (a) *In all parking and vehicular circulation areas.*
 - (i) The height of pole mounted lights is limited to 35 feet and lights shall be shielded downward and away from the perimeter of the site.
 - (ii) Lighting shall maintain a maximum horizontal five foot candle averaging.

AGREED AND ACCEPTED:

The Parke Homeowners Association, Inc.
a Texas non-profit corporation

AGREED AND ACCEPTED

The Ridge at Grandview Hills

By:

Name: _____
Its: _____

Date: _____

By:

Name: _____
Title: _____

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on _____, 2004, by
_____, President of The Parke Homeowners Association, Inc., a Texas
non-profit corporation, on behalf of said corporation.

Notary Public - State of Texas

THE STATE OF TEXAS §
 §
COUNTY OF _____ §

This instrument was acknowledged before me on _____, 2004, by
_____, President of The Ridge at Grandview Hills, a homeowner's
association.

Notary Public - State of Texas

**the Verandah companies**

May 17, 2004

The Honorable Will Wynn, Mayor
City of Austin
124 Eighth St. Room 103
Austin, Texas 78701

RE: Zoning for Grandview Hills Section 11B, Lot 1

Dear Mayor and City Council Members,

On behalf of the Estates of Grandview Hills Home Owner Association (HOA), I am writing this letter to support the zoning of the above-mentioned tract of Grandview Hills. We feel it is appropriate for GR – general retail use along FM 620.

I will not be in attendance at the zoning hearings but you can call me if you have any questions or would like further information. Thank you for your concern for the wishes of our neighborhood.

Sincerely,

Robert Stratton
President
Estates of Grandview Hills HOA