

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



**AGENDA ITEM NO.: Z-20
AGENDA DATE: Thu 09/29/2005
PAGE: 1 of 1**

SUBJECT: C14-05-0081 - Freidrich Lane - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5200 Freidrich Lane (Williamson Creek Watershed) from neighborhood office-mixed use-neighborhood plan (NO-MU-NP) combining district zoning to limited industrial services-neighborhood plan (LI-NP) combining district zoning. Planning Commission Recommendation: To grant limited industrial services-neighborhood plan (LI-NP) combining district zoning. Applicant: Rick Park, Inc. (John H. Biggar). Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Wendy Walsh, 974-7719.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

**DIRECTOR'S
AUTHORIZATION:** Greg Guernsey

ZONING CHANGE REVIEW SHEET

CASE: C14-05-0081

P.C. DATE: August 9, 2005
August 23, 2005

ADDRESS: 5200 Freidrich Lane

OWNER: Rice Park, Inc. (John H. Biggar)

APPLICANT: Jim Bennett Consulting
(Jim Bennett)

ZONING FROM: NO-MU-NP **TO:** LI-CO-NP **AREA:** 7.400 acres

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to deny limited industrial services – neighborhood plan (LI-NP) combining district zoning and maintain neighborhood office – mixed use – neighborhood plan (NO-MU-NP) combining district zoning.

However, if the requested zoning is recommended for this site, then the Staff recommends a Conditional Overlay limiting development to less than 2,000 vehicle trips per day.

PLANNING COMMISSION RECOMMENDATION:

August 9, 2005: *APPROVED A POSTPONEMENT REQUEST TO AUGUST 23, 2005 (STAFF).*

VOTE: 8-0 (J. REDDY – 1st; J. M. CORTEZ – 2nd)

August 23, 2005: *RECOMMENDED THE APPLICANT'S REQUEST OF LI-CO-NP DISTRICT ZONING, WITH THE CO FOR THE FOLLOWING: 1) PROHIBIT THE FOLLOWING USES: ADULT-ORIENTED USES; AGRICULTURAL SALES AND SERVICES; AUTOMOTIVE RENTALS; AUTOMOTIVE REPAIR SERVICES; AUTOMOTIVE SALES; AUTOMOTIVE WASHING (OF ANY TYPE); BAIL BOND SERVICES; BASIC INDUSTRY; BUSINESS OR TRADE SCHOOL; CAMPGROUND; CLUB OR LODGE; COLLEGE OR UNIVERSITY FACILITIES; COMMERCIAL OFF-STREET PARKING; COMMUNITY RECREATION (PRIVATE); COMMUNITY RECREATION (PUBLIC); CONGREGATE LIVING; CONSUMER CONVENIENCE SERVICES; DAY CARE SERVICES - COMMERCIAL; DAY CARE SERVICES - GENERAL; DROP-OFF RECYCLING COLLECTION FACILITIES; EMPLOYEE RECREATION; EQUIPMENT REPAIR SERVICES; EQUIPMENT SALES; FOOD SALES; FUNERAL SERVICES; GENERAL RETAIL SALES - CONVENIENCE; GROUP HOME CLASS I (GENERAL); GROUP HOME - CLASS I (LIMITED); HOTEL-MOTEL; INDOOR ENTERTAINMENT; INDOOR SPORTS AND RECREATION; KENNELS; LIQUOR SALES; OFF-SITE ACCESSORY PARKING; OUTDOOR ENTERTAINMENT; OUTDOOR SPORTS AND RECREATION; RAILROAD FACILITIES; RECYCLING CENTER; RESIDENTIAL TREATMENT; RESOURCE EXTRACTION; RESTAURANT - GENERAL; SAFETY SERVICES; SCRAP AND SALVAGE; SERVICE STATION; THEATER; TRANSITIONAL*

HOUSING; TRANSPORTATION TERMINAL; VEHICLE STORAGE; AND VETERINARY SERVICES;

2) A MINIMUM 8' TALL FENCE MUST BE CONSTRUCTED AND MAINTAINED ALONG THE SOUTH PROPERTY LINE;

3) A 50' BUILDING SETBACK SHALL BE ESTABLISHED ALONG THE SOUTH PROPERTY LINE.

4) THE MAXIMUM BUILDING HEIGHT IS 20'.

5) EXTERIOR LIGHTING SHALL BE HOODED AND SHIELDED; AND

6) DEVELOPMENT OF THE PROPERTY IS LIMITED TO 2,000 VEHICLE TRIPS PER DAY.

THE APPLICANT AGREED TO INSTALL A SIDEWALK ALONG THE FREIDRICH LANE FRONTAGE, TO BE CAPTURED IN A PRIVATE RESTRICTIVE COVENANT.

VOTE: 9-0 (D. SULLIVAN – 1st, C. GALINDO – 2nd)

NOTE: THE PLANNING COMMISSION REQUESTED A PRESENTATION FROM PUBLIC WORKS / TRANSPORTATION STAFF REGARDING THE TIMETABLE FOR CONSTRUCTION OF THE PLEASANT VALLEY DRIVE EXTENSION.

ISSUES:

The Applicant is in agreement with the recommendation of the Planning Commission.

Letters of support for the Applicant's requested neighborhood plan amendment and rezoning cases from the Franklin Park Neighborhood Association, the Paisano Mobile Home Park Neighborhood Association and the Southeast Combined Neighborhood Area Plan Contact Team are attached at the back of the staff report.

DEPARTMENT COMMENTS:

The subject property is undeveloped and is zoned neighborhood office – mixed use – neighborhood plan (NO-MU-NP) by way of the Franklin Park rezonings associated with the Southeast Combined Neighborhood Plan completed in October 2002. The property has frontage along Freidrich Lane, a substandard collector street that terminates at the south property line where it becomes the driveway access serving Paisano Mobile Home Park. Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View), and Related Case Information on Page 3 for additional case histories.

The applicant proposes to rezone the property to the limited industrial services – neighborhood plan (LI-NP) district for the development of an office-warehouse project. The office-warehouses would be similar (but smaller in scale) to Southpark Commerce Center, located on Freidrich Lane north of Teri Road.

The surrounding land use and zonings for the subject rezoning provide transition from commercial development facing IH-35 (GR-NP), office zoning (LO-NP) at the intersection of Freidrich and Teri Road, the Ponciana Drive Park on the east side of Freidrich (P-NP) and

the Paisano Mobile Home Park south of the property (MH-CO-NP). To the east of Freidrich Lane / Ponciana Drive, there is an established single family residential neighborhood (SF-3-NP).

The Staff is unable to recommend LI-NP district zoning based on the following considerations: 1) Industrial development adjacent and in close proximity to residential uses creates a land use compatibility and does not promote an orderly relationship among land uses or the public health, safety and welfare, 2) locating an industrial use on a substandard collector road that presently only serves a residential development would create a potential safety hazard by mixing industrial and residential traffic; furthermore, the City is unlikely to make improvements to Freidrich Lane south of Teri in the foreseeable future because it does not carry through traffic; 3) it would set an undesirable precedent for other properties in the neighborhood or within other areas of the City.

EXISTING ZONING AND LAND USES:

| | ZONING | LAND USES |
|--------------|---------------------|---|
| <i>Site</i> | NO-MU-NP | Undeveloped |
| <i>North</i> | LO-NP | Undeveloped |
| <i>South</i> | MH-CO-NP; SF-3-H-NP | Mobile home park; Historic home within the park |
| <i>East</i> | P-NP; SF-3-NP | Ponciana Drive Park; Single family residences |
| <i>West</i> | GR-NP | General retail sales (vacant); Food sales |

NEIGHBORHOOD PLANNING AREA: **TIA:** Is not required
Southeast Combined Neighborhood Planning Area
(Franklin Park)

WATERSHED: Williamson Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

27 – Franklin Park Neighborhood Association
96 – Southeast Corner Alliance of Neighborhoods (SCAN)
176 – Kensington Park Homeowners Association
300 – Terrell Lane Interceptor Association
428 – Barton Springs / Edwards Aquifer Conservation District
511 – Austin Neighborhoods Council
688 – Southeast Neighborhood Planning Contact Team
742 – Austin Independent School District
743 – Southeast Austin Trails & Greenbelt Alliance
900 – Peppertree Parkway Neighborhood Association

SCHOOLS:

Houston Elementary School Mendez Middle School

Travis High School

CASE HISTORIES:

| NUMBER | REQUEST | COMMISSION | CITY COUNCIL |
|-------------|-------------------|-----------------------|--|
| C14-03-0022 | GR-NP to GR-CO-NP | To Grant GR-CO-NP | Approved GR-CO-NP with the CO establishing a setback that prohibits development for 50' in both directions from the centerline of an open waterway. (6-12-03). |
| C14-01-0149 | LO-CO to GO-CO | To Grant GO-CO | Approved GO-CO with CO for LO development standards except impervious cover, prohibit access to Pepper Lane and 2000 trips (1-17-02). |
| C14-95-0198 | I-SF-2 to LI | To Grant LI-CO; LO-CO | Approved LI-CO; LO-CO (9-26-95) |
| C14-95-0187 | SF-3 to LO | To Grant LO-CO | Approved LO-CO with CO for 2,000 trips (2-29-96). |
| C14-94-0135 | SF-2 to MH | To Grant MH-CO and RR | Approved MH-CO with CO limiting mobile homes to 153 and RR (1-26-95). |
| C14-88-0074 | MF-3; SF-2 to P | To Grant P | Approved P zoning (9-29-88). |

RELATED CASES:

The subject rezoning area consists of an unplatted tract. A Neighborhood Plan Amendment to change the Future Land Use Map (FLUM) from Mixed Use to Industrial is also being considered and was recommended by the Planning Commission (NPA-05-0014.01). There are no site plan applications on the subject property.

The Southeast Combined Neighborhood Plan was completed under the City of Austin's Neighborhood Planning Program and was adopted as part of the Austin Tomorrow

Comprehensive Plan on October 10, 2002 (C14-02-0128.03). Prior to the Southeast Combined Neighborhood Plan, the property was zoned family residence (SF-3) district.

ABUTTING STREETS:

| Name | ROW | Pavement | Classification | Sidewalks | Bus Route |
|----------------|---------|----------|----------------|-----------|---|
| Freidrich Lane | 50 feet | Varies | Collector | No | No, Capital Metro bus service is not within ¼ mile |

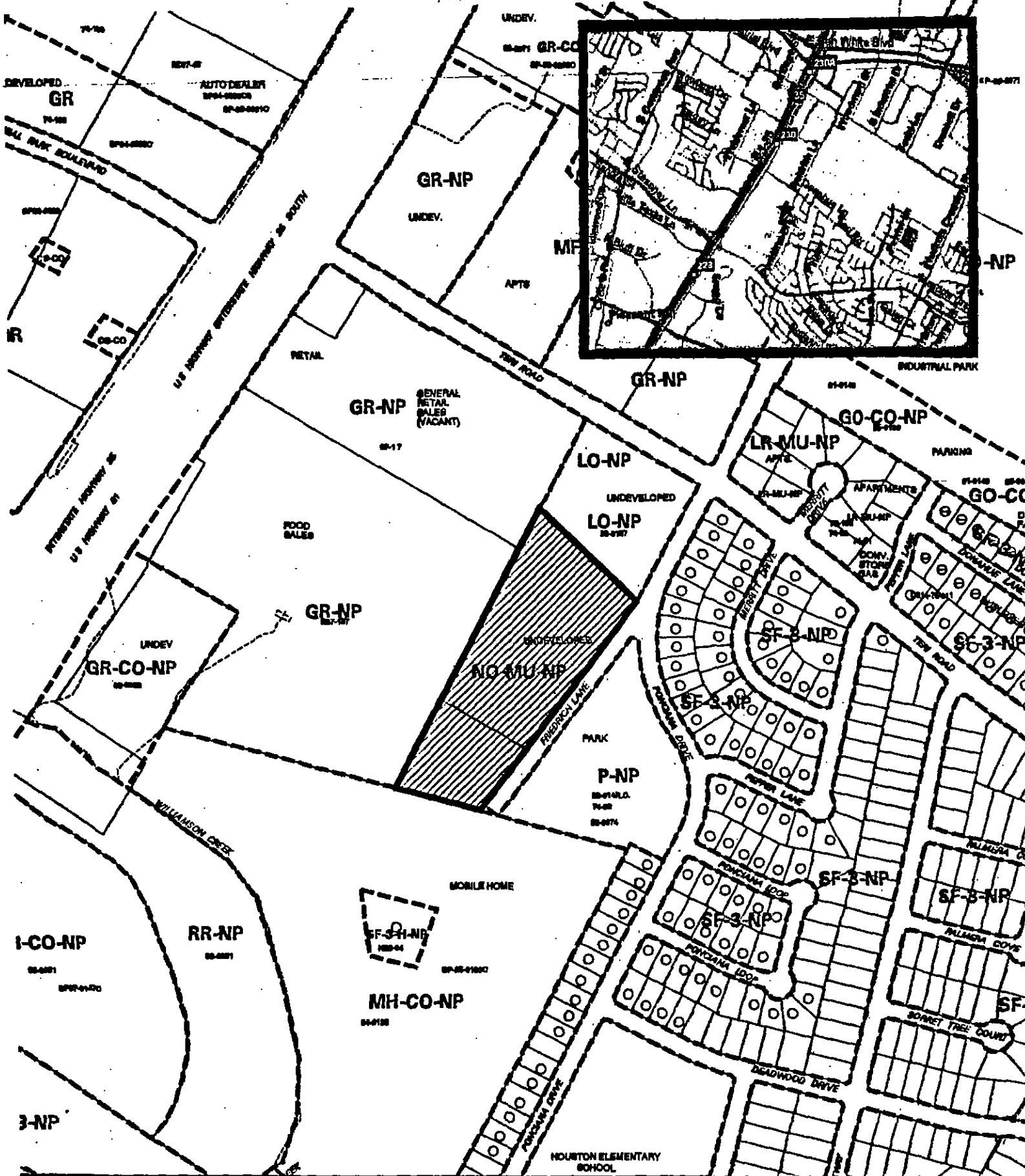
CITY COUNCIL DATE: September 29, 2005 **ACTION:**

ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

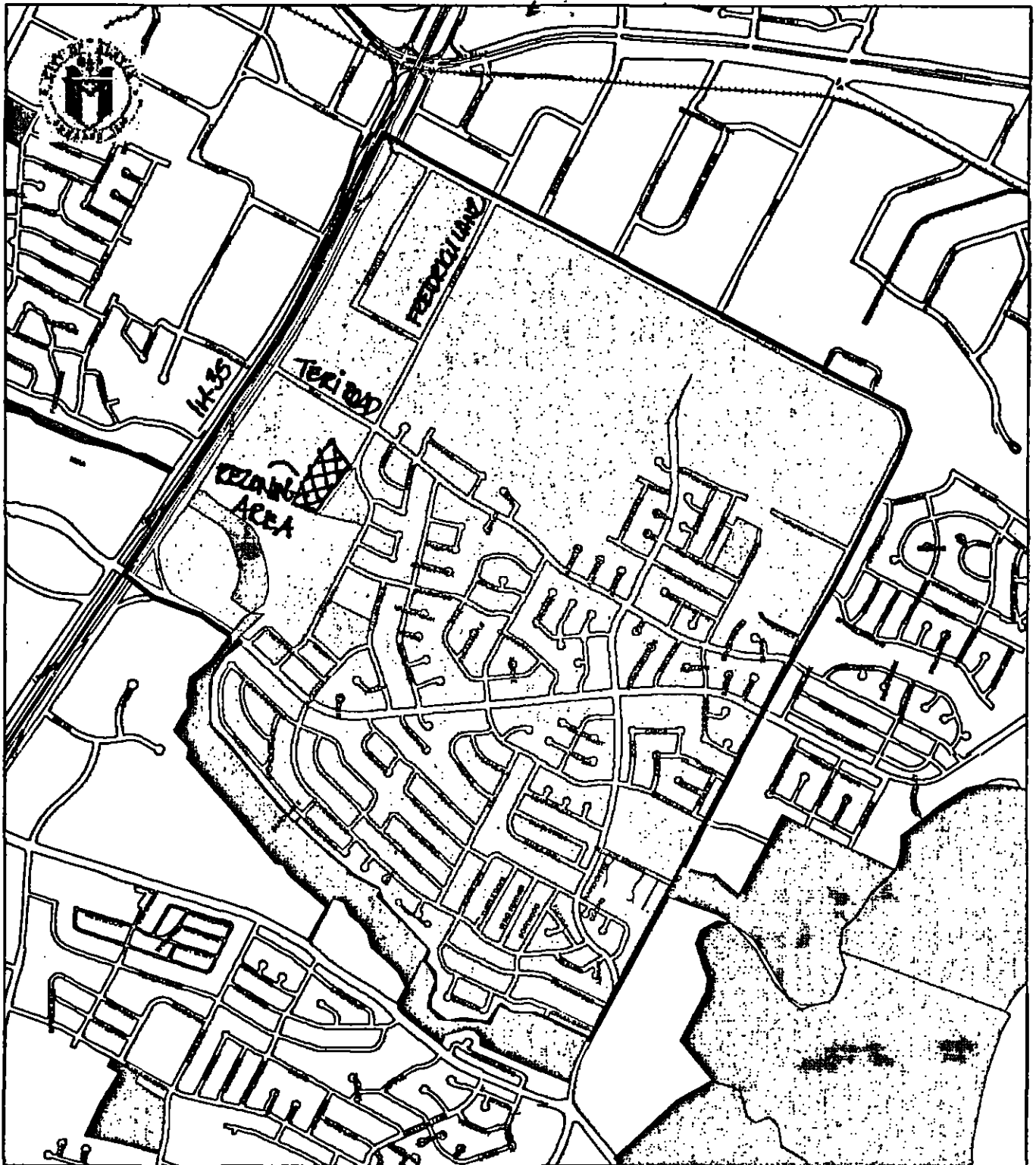
CASE MANAGER: Wendy Walsh
e-mail: wendy.walsh@ci.austin.tx.us

PHONE: 974-7719



| | | | | |
|---------------|--|---|-------------------------|---|
| 1" = 400' | SUBJECT TRACT PENDING CASE ZONING BOUNDARY CASE MGR: W. WALSH | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 10px; background: repeating-linear-gradient(45deg, transparent, transparent 2px, black 2px, black 4px); border: 1px solid black; margin-right: 5px;"></div> <div style="width: 20px; height: 10px; background: radial-gradient(circle, black 1px, transparent 1px); background-size: 4px 4px; border: 1px solid black; margin-right: 5px;"></div> <div style="width: 20px; border-top: 2px dashed black; margin-right: 5px;"></div> </div> | ZONING Exhibit A | CITY GRID REFERENCE NUMBER H10 |
| | CASE #: C14-05-0081 | | DATE: 05-08 | |
| | ADDRESS: 5200 FREIDRICH LANE | | INTLS: SM | |
| | SUBJECT AREA (acres): 7.400 | | | |





Franklin Park Neighborhood Planning Area

0.5 0 0.5 Miles

EXHIBIT B

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to deny limited industrial services – neighborhood plan (LI-NP) combining district zoning and maintain neighborhood office – mixed use – neighborhood plan (NO-MU-NP) combining district zoning.

However, if the requested zoning is recommended for this site, then the Staff recommends a Conditional Overlay limiting development to less than 2,000 vehicle trips per day.

BACKGROUND

The subject property is undeveloped and is zoned neighborhood office – mixed use – neighborhood plan (NO-MU-NP) by way of the Franklin Park rezonings associated with the Southeast Combined Neighborhood Plan completed in October 2002. The property has frontage along Freidrich Lane, a substandard collector street that terminates at the south property line where it becomes the driveway access serving Paisano Mobile Home Park.

The applicant proposes to rezone the property to the limited industrial services – neighborhood plan (LI-NP) district for the development of an office-warehouse project. The office-warehouses would be similar (but smaller in scale) to Southpark Commerce Center, located on Freidrich Lane north of Teri Road.

The surrounding land use and zonings for the subject rezoning provide transition from commercial development facing IH-35 (GR-NP), office zoning (LO-NP) at the intersection of Freidrich and Teri Road, the Ponciana Drive Park on the east side of Freidrich (P-NP) and the Paisano Mobile Home Park south of the property (MH-CO-NP). To the east of Freidrich Lane / Ponciana Drive, there is an established single family residential neighborhood (SF-3-NP).

The Staff is unable to recommend LI-NP district zoning based on the following considerations: 1) Industrial development adjacent and in close proximity to residential uses creates a land use compatibility and does not promote an orderly relationship among land uses or the public health, safety and welfare, 2) locating an industrial use on a substandard collector road that presently only serves a residential development would create a potential safety hazard by mixing industrial and residential traffic; furthermore, the City is unlikely to make improvements to Freidrich Lane south of Teri in the foreseeable future because it does not carry through traffic; 3) it would set an undesirable precedent for other properties in the neighborhood or within other areas of the City.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

The LI district designation is for a commercial service use or limited manufacturing use generally located on a moderately sized site.

The NO, Neighborhood Office, district is intended for small office use and also allows for child care facilities that serves neighborhood or commercial needs, is located in or adjacent to a residential neighborhood and on a collector street that has a width of 40 feet or more, and does not unreasonably affect traffic. An office in an NO district may not contain more than one use. Site development regulations applicable to an NO district use are designed to preserve compatibility with existing neighborhoods through renovation and modernization of existing structures. The MU, Mixed-Use district is intended to allow for office, retail, commercial and residential uses to be combined in a single development.

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

The Staff is unable to recommend LI-NP district zoning based on the following considerations: 1) Industrial development adjacent and in close proximity to residential uses creates a land use compatibility and does not promote an orderly relationship among land uses or the public health, safety and welfare, 2) locating an industrial use on a substandard collector road that presently only serves a residential development would create a potential safety hazard by mixing industrial and residential traffic; furthermore, the City is unlikely to make improvements to Freidrich Lane south of Teri in the foreseeable future because it does not carry through traffic; 3) it would set an undesirable precedent for other properties in the neighborhood or within other areas of the City.

NO-MU-NP serves as a transitional zoning district between office zoning at the southwest corner of Teri and Freidrich (LO-NP) and the manufactured home park at the terminus of Freidrich Lane, is an appropriate use adjacent and in proximity to residential development, and low intensity office uses and traffic would not create the safety concerns and thus, the need for roadway improvements as LI zoning.

EXISTING CONDITIONS

Site Characteristics

The rezoning area is undeveloped. The site is relatively flat and there appear to be no significant topographical constraints on the site.

Impervious Cover

The maximum impervious cover allowed by the NO-MU-NP zoning district would be 60%, which is based on the more restrictive zoning regulations. The maximum impervious cover allowed by LI-NP zoning would be 80%, which is a consistent figure between the zoning and watershed regulations.

Environmental

The site is not located over the Edward's Aquifer Recharge Zone. The site is in the Williamson Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. Under current watershed

regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

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

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

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

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

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

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

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

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

Transportation

Additional right-of-way will be required at the time of subdivision and/or site plan.

The trip generation under the requested zoning is estimated to be 14,533 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).

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

Water and Wastewater

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extension, system upgrades, utility relocation, and utility adjustment to serve the site and land use. 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 design criteria. The water and wastewater utility construction must be inspected by the City. The landowner must pay the associated City fees.

Compatibility Standards

This site is located in the Franklin Park Neighborhood Plan. Please contact this reviewer for a copy of the recommended design guidelines.

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

- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the SF zoned 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.

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

www.ci.austin.tx.us/development

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-05-0081

Contact: Wendy Walsh, (512) 974-7719

Public Hearing:

August 9, 2005 Planning Commission

September 29, 2005 City Council

David Kirk

Your Name (please print)

3400 Friedrich Ln #43

Your address(es) affected by this application

David Kirk

Signature

Date

8/9/05



Comments:

I object to any development of
the property.

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Wendy Walsh

P. O. Box 1088

Austin, TX 78767-8810



Franklin Park Neighborhood Association
4803 Pewter Lane
Austin, TX 78744

May 11, 2005

Dear Mr. Bennett,

The Franklin Park Neighborhood Association is pleased to offer you and your client a letter of support for the zoning change you are requesting at the corner of Fredrich Lane and Teri Road. It is our understanding that your client wishes to place office warehouse buildings on this property. We feel that this is a good location for this and it would be an asset for the community. If you have any questions or need any other assistance please feel free to call me at 442-7837.

Sincerely,

Diane Sanders

Diane Sanders
President

CASE: C14-05-0081

ADDRESS: 5200 Freidrich Lane

OWNER: Rice Park, Inc. (John H. Biggar)

ZONING FROM: NO-MU-NP

ADJACENT PROPERTY: Paisano Mobile Home Park Neighborhood Association

ADDRESS: 5400 Freidrich Lane

P.C. DATE: August 23, 2005

AREA: 7.400 acres

APPLICANT: Jim Bennett Consulting (Jim Bennett)

TO: LI-CO-NP

RESIDENTS: 147 Homes/Families

OVERALL CONCERNS: We in Paisano Mobile Home Park have strived over the years to maintain a quiet, secluded, safe, crime-free neighborhood and maintain very strict rules within our boundaries to maintain this. We have worked with the city to encourage beautification of Ponciana Park on the east side of Freidrich Lane coming into Paisano (directly across the street from the property to be developed) and have continually worked to keep the area free from trash and abandoned cars.

We disagree with the Staff's recommendation to leave the zoning NO-MU-NP. We support the requested zoning change to LI-CO-NP with the Conditional Overlays set out below. We much prefer to have a light-traffic, day-use industrial neighbor that by the nature of the businesses we allow will make quiet, low-traffic use of this property, while enabling Rice Park, Inc. to build the kind of businesses that they specialize in. We as a neighborhood association do not want any possibility of more apartments, duplexes, or any type of residential use of this property which would insure more vehicular traffic and noise 24 hours a day. In addition, we don't feel that well-built and maintained industrial property would in any way be a danger to the public health, safety or welfare of the many families in Paisano Mobile Home Park or our neighbors on Ponciana Drive. Neither do we feel that this would be setting an undesirable precedent, as we have personally listened to the representatives of Franklin Park Neighborhood Association and Kensington Park Homeowners Association who are extremely pleased with the outstanding way in which they have been able to work with Limited Industry in their neighborhoods on a much larger scale than what we are recommending.

REGARDING TRAFFIC/ROAD IMPROVEMENTS: The Staff has called this 1/5-mile section of Freidrich Lane a "substandard collector street." For the last (at least) 10 years, repeated requests for improvements have gone unheeded. We feel that this part of Freidrich Lane is as important a city street as the north part and should be seriously looked at for improvement. It serves 147 families who pay city taxes and utilities and should, therefore, be given no less maintenance/importance than that stretch which goes in front of homes, business and apartments just north of Ponciana City Park.

Also to be considered, this strip of Freidrich along Ponciana City Park is virtually the only place that Ponciana City Park users can safely park to access the park, as there is no vehicular traffic allowed on the park property. The current stretch of Freidrich Lane (from where Freidrich Lane and Ponciana Drive split) is maintained at a very low level and there is barely enough space for two cars to meet. Pot holes, once filled in, wash out with the first hard rain. There is no safe place for pedestrians, bicyclists, or wheelchairs to travel. Numerous residents of Paisano walk to and from the bus stop at Freidrich and Teri daily. We feel that it is imperative to pursue funding for road improvement on this stretch of Freidrich Lane to upgrade it to curbs, gutters, and sidewalks like the north end of Freidrich Lane. Now that Rice Park, Inc. has indicated its willingness to pay for 1/2 of the improvements, this seems like an opportune time to look into finding funding for the other half. We are truly concerned about the additional traffic that will be inevitable with any development of 5200 Freidrich. But we don't feel that the property in question should be developed to match the low quality road. The addition of any additional traffic on this section only magnifies the need for road improvement. We will do what we can to assist Rice Park, Inc. in finding funds to make it safer.

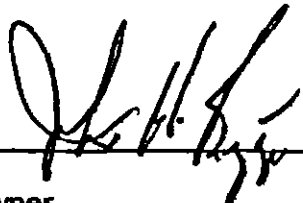
CONDITIONAL OVERLAYS: Under Limited Industrial (LI), here are the only categories we find unacceptable: There will be no Agricultural Sales and Services, Automotive Rentals, Automotive Repair Services, Automotive Sales, Automotive Washing of Any Type, Bail Bond Services, Basic Industry, Business or Trade School, Campground, Club or Lodge C, College and University Facilities, Commercial Off-Street Parking, Community Recreation - Private, Community Recreation - Public, Congregate Living, consumer Convenience Services, Day Care Services - commercial, Day Care Services - General, Drop-Off Recycling Collection Facilities, Employee Recreation - Non-Profit, Equipment Repair Services, Equipment Sales, Food Sales, Funeral Services, General Retail Sales - Convenience, Group Home Class I - General, Group Home Class I - Limited, Hotel-Motel, Indoor Entertainment, Indoor Sports and Recreation, Kennels, Liquor Sales C, Local Utility Services, Off-Site Accessory Parking, Outdoor Entertainment C, Outdoor Sports and Recreation, Railroad Facilities, Recycling Center, Religious Assembly, Residential Treatment, Resource Extraction, Restaurant - General, Safety Services, Scrap and Salvage C, Service Station, Theater, Transitional Housing C, Transportation Terminal C, Vehicle Storage, or Veterinary Services. Not seen listed but not acceptable - Adult XXX, Adult Book Stores.

ADDITIONAL AGREED-ON RESTRICTIONS, TO BE INCORPORATED AS CONDITIONAL OVERLAYS TO THE EXTENT POSSIBLE

Existing undergrowth and scrub trees will be cleaned out [with the input/approval from Paisano Mobile Home Park Neighborhood Association representative(s)], poison ivy and dead trees removed, etc. from the southern boundary chain link fence and an 8' fence built parallel to the existing fence and native trees planted strategically along the southern boundary that will form a vegetative buffer to eventually take the place of the existing hackberry, mesquite and other scrub trees that are deteriorating. Water retention ponds, burns, etc. required by the City Staff may be placed along the southern end of the property to insure that no buildings will be closer than a minimum setback distance of 50' from the southern border. Rice Park, Inc. will be solely responsible for landscaping the eastern and southern borders of their property and will be required to maintain all existing and newly planned landscaping for the entire property. Buildings will be a maximum of 20' in height. Lighting shall be covered/hooded or other type of downward-pointing lighting. Buildings will be located on the property so that only the fronts or sides of the buildings are seen from the Freidrich Lane. If there is any outside storage necessary for one of the approved industries, it must be screened and fenced from view of surrounding neighborhoods and be located totally behind the building, not extend past or above the building, and be completely out of sight from the East (Freidrich Lane). Any elevated docks are to be on the west side of the buildings and therefore serviced from the west and completely out of view from the East (Freidrich Lane). Sidewalks will be constructed, per the City of Austin guidelines, along the East property line by the Owner.

We note that the Staff is recommending that if LI zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day and we feel that would be an important conditional overlay.

Lastly, we of Paisano Mobile Home Park Neighborhood Association greatly appreciate the support from Kensington Park Homeowners Association, Franklin Park Neighborhood Association, and Peppertree Parkway Neighborhood Association. We also appreciate and support the years of work that they have invested in the Southeast Combined Neighborhood Plan completed in October 2002. We fully support their continued insistence that the Pleasant Valley dead end be funded to continue and meet up with Todd Lane to form a throughway in this extremely congested section of Austin.

 8-29-05
/Date

Owner
Rice Park, Inc. by John H. Biggar, President

 8/29/05
/Date

Paisano Mobile Home Park Neighborhood Association
by Linda Ranney Hendry, Representative

**4202 Afton Lane
Austin, Texas 78744
18 August 2005**

**Chairman and Members of the City of Austin Planning Commission
Mayor and Members of the Austin City Council**

**RE: Request for Zoning Change and Land Use Change
Case No. C14-05-0081**

Gentlemen:

The membership of the Southeast Combined Neighborhood Area Plan Contact Team is in support of the change of zoning from NO-MU-NP to LI-NP with the conditional overlays (COs) and restrictions formally agreed to by the residents of Poinciana Park and the Applicant. The vote supporting this position is 2 in favor, 1 in abstention, and 1 in opposition.

The only reservation and objection to support for this change by all the members of the Contact Team is the current lack of appropriate ingress-egress and connectivity to this area of Southeast Austin and concerns about the additional burden that development of this tract would impose on the already overburdened local arterial traffic system.

To that end, the Contact Team unanimously requests and urges City Council and Staff to unambiguously commit, with a date certain, to the opening of the Pleasant Valley Road arterial between Button Bend and East St. Elmo Road. The completion and opening of this vital arterial link will significantly improve access in and out of this area of Austin and allow for the orderly development of property in this area to the benefit of developers and residents alike.

Sincerely,

**M. L. Sloan
Member
Southeast Combined Neighborhood Area Plan Contact Team**

MEETING SUMMARY

CITY PLANNING COMMISSION

August 23, 2005

City Hall – Council Chambers

301 W. 2nd Street

1st Floor

CALL TO ORDER – 6:00 P.M. COMMENCE 6:10PM; ADJOURN ~9:15PM

ALL PRESENT

____ John-Michael Cortez

____ Mandy Dealey

____ Cid Galindo

____ Keith L. Jackson

____ Gary Stegeman

____ Matthew Moore

____ Jay Reddy

____ Chris Riley - Chair

____ Dave Sullivan - Parliamentarian

6:00 P.M.

PUBLIC HEARING

A. REGULAR AGENDA

EXECUTIVE SESSION (No public discussion)

The Planning Commission will announce it will go into Executive Session, if necessary, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel on matters specifically listed on this agenda. The Planning Commission may also announce it will go into Executive Session, if necessary, to receive advice from Legal Counsel regarding any other item on this agenda.

Private Consultation with Attorney – Section 551.071

CITIZEN COMMUNICATION:

1. The first four (4) speakers signed up to speak will each be allowed a three-minute allotment to address their concerns regarding items *not* posted on the agenda.

APPROVAL OF MINUTES

2. Approval of minutes from August 9, 2005.

MOTION: APPROVE BY CONSENT

VOTE: 8-0 (JR-1st, DS-2nd; MD-ARRIVED LATER)

DISCUSSION AND ACTION CASE

includes seal coat, overlay and crack sealing (See Attachment D for graph of different funding scenarios).

10. Convention Center – recommend that the roof project for the Convention Center be a Green Roof project. The Convention Center is working with Austin Energy to develop an energy efficient project. The Convention Center did examine the possibility of a 'roof garden' type project, but found that it would not be feasible for the existing roof. A retrofit of the existing roof to accommodate such a type of project was considered cost prohibitive.

DISCUSSION AND ACTION CASES

CODE AMENDMENT

4. Code C20-05-009 -
Amendment:
Request: Conduct a public hearing to consider amending Title 30 of the City Code relating to the single office manager and staff review responsibilities; subdivision review fees; vacating, replatting, and amending plats; and staff review time periods
Staff: Trann Lackey, 974-3341, trann.lackey@ci.austin.tx.us
Watershed Protection Development Review Department

MOTION: APPROVE BY CONSENT

VOTE: 8-0 (JR-1st, DS-2nd; MD-ARRIVED LATER)

NEIGHBORHOOD AMENDMENTS

5. Neighborhood NPA-05-0014.01 - Freidrich Lane
Plan Amendment:
Location: 5200 Freidrich Lane, Williamson Creek Watershed, Southeast Combined Neighborhood Planning Area (Franklin Park) NPA
Owner/Applicant: Rice Park, Inc. (John H. Biggar)
Agent: Jim Bennett Consulting (Jim Bennett)
Request: Mixed Use to Industrial
Staff Rec.: **NOT RECOMMENDED.**
Staff: Kathleen Welder, 974-2856, kathleen.welder@ci.austin.tx.us
Neighborhood Planning and Zoning Department

Items # 5 and # 7 were taken up together.

Ms. Welder presented the Neighborhood Plan amendment request and Ms. Walsh presented the rezoning request.

Commissioner Sullivan asked about the reasons for the neighborhood supporting the request, and Ms. Walsh stated that she has heard in conversations that they support the request because the MU combining district would be removed, and apartments would not be permitted.

Commissioner Stegeman asked why the applicant was not requesting W/LO zoning, and Ms. Walsh stated that W/LO does not permit land uses that are expected for the site.

APPLICANT

Jim Bennett, representing the applicant, said that the requested zoning is on the periphery of the neighborhood, not within the neighborhood. Compatibility can be achieved by working with the neighborhood. He does not believe there are speakers here against the request. The operation is about 8am-5pm, and so this would probably be a better operation for the neighborhood. They are requesting LI zoning because some of their uses are not permitted in W/LO. They are willing to prohibit certain industrial uses not planned for the site. He feels it is an enhancement for the neighborhood.

Commissioner Galindo asked if the applicant would have to improve Friedrich Lane. Mr. Bennett said they have agreed to make improvements on their half of the street if the City can improve the other half. Commissioner Galindo asked if the street is adequate to serve the proposed use, and Mr. Bennett said that the traffic going to the site in the morning will not conflict with the traffic leaving from the residential area.

Commissioner Riley asked if sidewalks will be required and staff indicated yes.

Commissioner Stegeman asked if there will be truck traffic. Mr. Bennett said that the truck traffic will be during the day, not during the peak times. Commissioner Stegeman said he is considering the current condition of the road and whether it will support trucks. Mr. Bennett said that the road can support truck traffic.

Ms. Welder clarified that sidewalks are required as a matter of policy, but it is at the transportation reviewer's discretion, so it cannot be said for sure that sidewalks will be provided on the site.

FOR

Linda Hendry said they support the zoning request. She said that the neighborhood association does not want apartments in the area because it would be more traffic and noise. In addition, she feels it would not be setting an undesirable land use precedent. Regarding the traffic and road improvements, it is a substandard section of Friedrich Lane. The association feels it is time to make the street safer for pedestrians. There are many people using the street to go to the commercial area and the bus stop. They would like to see this section of Friedrich Lane improved.

Mr. Bennett said that the owner will provide sidewalks.

John Blggar, owner of the business requesting the zoning, said his business his father and son and has been in business for 35 years. He said they build attractive buildings with landscaping. He enjoys working with the neighborhoods.

Commissioner Galindo asked about the number of jobs to be generated at this site. Mr. Biggar said that there will be sales tax, property tax and electric department revenue increases. Commissioner Galindo asked him approximately how many employees would be working in the facility, and Mr. Biggar said they estimate 3 per 1000sf of warehouse/office space. He said they do not know how much building they are going to have.

Commissioner Galindo asked how much square footage he can get on the site and Mr. Biggar said that he thinks about 70,000-80,000sf. He does not know for sure.

Commissioner Reddy asked Mr. Biggar about allowing retail and restaurant type uses on the site. Mr. Biggar said the neighborhood has concerns about retail and restaurant.

Commissioner Dealey asked if there will be parking for all the employees, which she estimates at 200 people. Mr. Biggar said that he does not expect traffic issues.

Commissioner Riley asked Mr. Biggar if he plans to install a sidewalk on Friedrich Lane and Mr. Biggar says he is willing to install a sidewalk.

AGAINST

Jack Howison said that he is a 35-year resident of the area. He participated in the 9 month neighborhood planning process. He is the dissenting opinion on the letter from the Neighborhood Plan Contact Team. He expressed concern for the lack of connectivity in the area as a result of not having Pleasant Valley Drive completed. He was told that the extension of Pleasant Valley Drive would be done in 2006. He has decided not to support a neighborhood plan amendment or request until there is a commitment from the City to extend Pleasant Valley Drive. He pointed out that the neighborhood and the property owner have worked well together. He has watched the new neighborhood group work with the developer in meetings to develop a proposal they can accept. He stands alone in requesting the extension of Pleasant Valley Drive. He asks the Planning Commission that they make a notation on their recommendation about the lack of connectivity in the area.

Commissioner Sullivan asked about the level of support. Mr. Howison said that those near the dead-end do not support the change because they know there will be an increase in traffic. Mr. Biggar said that the design and build out puts the traffic on the side streets instead of on Pleasant Valley. He said he thinks support is from those waiting on Stassney Lane to get to IH-35. Commissioner Sullivan mentioned that there are plans to extend Pleasant Valley however a portion of it is not funded. Mr. Howison said that it has been a planned item for 18 years. At the time added, it did not take into consideration wetland needs.

REBUTTAL

Mr. Bennett said that Jack's position is not a surprise to them. They have had an open discussion with Mr. Howison about the issues with Pleasant Valley Drive. He said that the stakeholders and the neighborhood association support the request, and this should be recommended to the Council.

MOTION: CLOSE THE PUBLIC HEARING

Facilitator: Katie Larsen 974-6413; katie.larsen@ci.austin.tx.us
City Attorney: Sharon Smith, 974-7773; or Marty Terry, 974-2974.

VOTE: 9-0 (JR-1st, KJ-2nd)

Commissioner Reddy asked if it's possible to have mixed-use on the site and Ms. Walsh explained that mixed-use would only be allowed through an LI-PDA zoning since MU cannot be added to the LI zoning district.

Ms. Walsh said that this is a legal tract so not required to go through the subdivision process. Commissioner Galindo asked about who is responsible for the construction of the roadway. Ms. Walsh said that the policy is that the City maintains the surface of the roadway for rideability.

Mr. Bennett said that they can incorporate the requirement for sidewalks into a private restrictive covenant.

Commissioner Reddy asked how long it would take to re-notice for an LI-PDA zoning. Ms. Walsh said at least a month in order to give the applicant time to develop additional conditions for the PDA.

Commissioner Galindo asked how the restrictive covenant addresses the additional ROW. Ms. Walsh said that the City would require the additional ROW for Freidrich Lane, at the site plan stage.

MOTION: RECOMMENDED THE APPLICANT'S REQUESTS FOR A NEIGHBORHOOD PLAN AMENDMENT TO INDUSTRIAL AND FOR LI-CO-NP ZONING, WITH THE CO FOR THE FOLLOWING:

- 1) Prohibit the following uses: Adult-oriented Uses; Agricultural Sales and Services; Automotive Rentals; Automotive Repair Services; Automotive Sales; Automotive Washing (of any type); Bail Bond Services; Basic Industry; Business or Trade School; Campground; Club or Lodge; College or University Facilities; Commercial Off-Street Parking; Community Recreation (private); Community Recreation (public); Congregate Living; Consumer Convenience Services; Day Care Services - Commercial; Day Care Services - General; Drop-off Recycling Collection Facilities; Employee Recreation; Equipment Repair Services; Equipment Sales; Food Sales; Funeral Services; General Retail Sales - Convenience; Group Home Class I (general); Group Home - Class I (limited); Hotel-Motel; Indoor Entertainment; Indoor Sports and Recreation; Kennels; Liquor Sales; Off-Site Accessory Parking; Outdoor Entertainment; Outdoor Sports and Recreation; Railroad Facilities; Recycling Center; Residential Treatment; Resource Extraction; Restaurant - General; Safety Services; Scrap and Salvage; Service Station; Theater; Transitional Housing; Transportation Terminal; Vehicle Storage; and Veterinary Services;***
- 2) A minimum 8' tall fence must be constructed and maintained along the south property line;***
- 3) A 50' building setback shall be established along the south property line.***
- 4) The maximum building height is 20'.***
- 5) Exterior lighting shall be hooded and shielded;***
- 6) Development of the property is limited to 2,000 vehicle trips per day.***

The Applicant agreed to install a sidewalk along the Freidrich Lane frontage, to be captured in a private Restrictive Covenant.

NOTE: The Planning Commission requested a presentation from Public Works / Transportation staff regarding the timetable of construction for the Pleasant Valley Drive extension.

VOTE: 9-0 (DS-1st, CG-2nd)

Commissioner Sullivan said that LI does not have to be incompatible with neighborhoods if treated appropriately. Commissioner Galindo said that he agrees with Commissioner Sullivan and likes that the site will create jobs appropriate for those in the neighborhood.

Commissioner Riley asked Commissioner Sullivan if funding for Pleasant Valley could be added to the motion. Commissioner Sullivan said he did not think it was germane to the case.

DISCUSSION AND ACTION ON ZONING CASES

- 6. Rezoning (Neighborhood Plan Combining District):** C14-05-0113 - Pleasant Valley Neighborhood Plan Combining District--Tract 301
- Location:** 1020 Grove Blvd., Colorado River, Country Club, Town Lake Watershed, Pleasant Valley NPA
- Owner/Applicant:** City of Austin
- Agent:** Neighborhood Planning & Zoning Department
- Request:** RR, SF-6, MF-2, MF-3, LO-MU, GO-MU, and LR to GO-CO-NP
- Staff Rec.:** POSTPONEMENT REQUEST TO 10-11-05 (STAFF)
- Staff:** Robert Heil, 974-2330, Robert.Heil@ci.austin.tx.us
Jackie Chuter, 974-2613, Jackie.Chuter@ci.austin.tx.us
NPZD

MOTION: POSTPONE TO 10-11-2005 (STAFF) BY CONSENT

VOTE: 8-0 (JR-1st, DS-2nd; MD-ARRIVED LATER)

- 7. Rezoning:** C14-05-0081 - Freidrich Lane
- Location:** 5200 Freidrich Lane, Wiilliamson Creek Watershed, Southeast Combined Neighborhood Planning Area (Franklin Park) NPA
- Owner/Applicant:** Rice Park, Inc. (John H. Biggar)
- Agent:** Jim Bennett Consulting (Jim Bennett)
- Request:** NO-MU-NP to LI-NP
- Staff Rec.:** NOT RECOMMENDED.
- Staff:** Wendy Walsh, 974-7719, wendy.walsh@ci.austin.tx.us
Neighborhood Planning and Zoning Department

REFER TO DISCUSSION AND ACTIONS TAKEN UNDER ITEM #5.

ORDINANCE NO. _____

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 5200 FREIDRICH LANE IN THE FRANKLIN PARK NEIGHBORHOOD PLAN AREA FROM NEIGHBORHOOD OFFICE-MIXED USE-NEIGHBORHOOD PLAN (NO-MU-NP) COMBINING DISTRICT TO LIMITED INDUSTRIAL SERVICES-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (LI-CO-NP) COMBINING DISTRICT.

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

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from neighborhood office-mixed use-neighborhood plan (NO-MU-NP) combining district to limited industrial service-conditional overlay-neighborhood plan (LI-CO-NP) combining district on the property described in Zoning Case No. C14-05-0081, on file at the Neighborhood Planning and Zoning Department, as follows:

A 7.4045 acres tract of land, more or less, out of the Santiago Del Valle Grant, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance (the "Property"),

locally known as 5200 Freidrich Lane in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

PART 2. Except as specifically provided in Part 3 and Part 4, the Property may be developed and used in accordance with the regulations established for the limited industrial service (LI) base district and other applicable requirements of the City Code.

PART 3. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

1. A fence with a minimum height of 8 feet shall be constructed and maintained along the south property line.
2. A 50 foot building setback shall be established along the south property line.
3. The maximum height of a building or structure is 20 feet from ground level.

1 4. A site plan or building permit for the Property may not be approved, released, or issued,
2 if the completed development or uses of the Property, considered cumulatively with all
3 existing or previously authorized development and uses, generate traffic that exceeds
4 2,000 trips per day.

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6 5. Exterior lighting on the Property must be hooded or shielded so that the light source is
7 not directly visible from adjacent properties.

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9 6. The following uses are prohibited uses of the Property:

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|----|-------------------------------|--|
| 10 | Adult-oriented businesses | Agricultural sales and services |
| 11 | Automotive rentals | Automotive repair services |
| 12 | Automotive sales | Automotive washing (of any type) |
| 13 | Bail bond services | Basic industry |
| 14 | Business or trade school | Campground |
| 15 | Club or lodge | College or university facilities |
| 16 | Commercial off-street parking | Community recreation (private) |
| 17 | Community recreation (public) | Congregate living |
| 18 | Consumer convenience services | Day care services (commercial) |
| 19 | Day care services (general) | Drop-off recycling collection facilities |
| 20 | Employee recreation | Equipment repair services |
| 21 | Equipment sales | Food sales |
| 22 | Funeral services | General retail sales (convenience) |
| 23 | Group home, Class I (general) | Group home, Class I (limited) |
| 24 | Hotel-motel | Indoor entertainment |
| 25 | Indoor sports and recreation | Kennels |
| 26 | Liquor sales | Off-site accessory parking |
| 27 | Outdoor entertainment | Outdoor sports and recreation |
| 28 | Railroad facilities | Recycling center |
| 29 | Residential treatment | Resource extraction |
| 30 | Restaurant (general) | Safety services |
| 31 | Scrap and salvage | Service station |
| 32 | Theater | Transitional housing |
| 33 | Transportation terminal | Vehicle storage |
| 34 | Veterinary services | |

1 **PART 4.** The Property is subject to Ordinance No. 021010-12a that established the
2 Franklin Park neighborhood plan combining district.

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4 **PART 5.** This ordinance takes effect on _____, 2005.
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7 **PASSED AND APPROVED**
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11 _____, 2005

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§
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12 Will Wynn
13 Mayor
14

15
16 **APPROVED:** _____

17 David Allan Smith
18 City Attorney

ATTEST: _____

Shirley A. Brown
City Clerk

METCALFE & SANDERS, INC., LAND SURVEYORS

4800 SOUTH CONGRESS
AUSTIN, TEXAS 78745
(512) 442-3363

SURVEYS & RECORDS SINCE 1904

EXHIBIT A

METES AND BOUNDS DESCRIPTION OF A SURVEY OF 7.4045 ACRES OF LAND, A PORTION OF THE SANTIAGO DEL VALLE GRANT, ABSTRACT NO. 24, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, SAID 7.4045 ACRES OF LAND BEING ALL OF THAT FIRST TRACT OF 2.36 ACRES OF LAND AND ALL OF THAT SECOND TRACT OF 5 ACRES OF LAND, AS CONVEYED IN A DEED FROM T. W. DAVIDSON AND WIFE, JO L. DAVIDSON TO JACK H. HOUSTON AND WIFE, ANNA MARIE HOUSTON IN VOLUME 1881, PAGE 69, DEED RECORDS OF TRAVIS COUNTY, TEXAS, SAID FIRST TRACT OF 2.36 ACRES OF LAND BEING THAT SAME 2.36 ACRE TRACT, A PORTION OF THE SAID SANTIAGO DEL VALLE GRANT, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AS DESCRIBED IN A DEED FROM OLEN E. LEONARD AND WIFE, ELIZABETH LEONARD TO T. W. DAVIDSON IN VOLUME 1064, PAGE 477, DEED RECORDS OF TRAVIS COUNTY, TEXAS, SAID SECOND TRACT OF 5 ACRES OF LAND BEING ALL OF THAT 5 ACRE TRACT, A PORTION OF THE SAID SANTIAGO DEL VALLE GRANT, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AS DESCRIBED IN A DEED FROM OLEN LEONARD AND WIFE, ELIZABETH LEONARD TO T. W. DAVIDSON AND JO L. DAVIDSON IN VOLUME 1418, PAGE 29, DEED RECORDS OF TRAVIS COUNTY, TEXAS, AS SURVEYED FOR ANNA MARIE HOUSTON BY METCALFE & SANDERS, INC., LAND SURVEYORS, 4800 SOUTH CONGRESS AVENUE, AUSTIN, TEXAS, SAID 7.4045 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 3/4" steel pin found in the northwest line of Freidrich Lane at the east corner of that 5 acre tract, a portion of the Santiago del Valle Grant, Abstract No. 24, in the City of Austin, Travis County, Texas, designated as Second Tract and conveyed in a deed from T. W. Davidson and wife, Jo L. Davidson to Jack H. Houston and wife, Anna Marie Houston in Volume 1881, Page 69, Deed Records of Travis County, Texas and at the southeast corner of that 3.6645 acre tract, a portion of the said Santiago del Valle Grant, in the City of Austin, Travis County, Texas, as described in a Special Warranty Deed with Vendor's Lien from Robert Lawson Boothe, et al to Grocer's Enterprise, Inc. in Document Number 2002123329, Official Public Records of Travis County, Texas, for the **POINT OF BEGINNING** and east corner of the herein described tract;

(1) **THENCE** with the northwest line of Freidrich Lane and the southeast line of the said Houston Second Tract of 5 acres, being also with the southeast line of that 2.36 acre tract, a portion of the said Santiago del Valle Grant, in the City of Austin, Travis County, Texas, designated as First Tract and conveyed in said deed from T. W. Davidson and wife, Jo L. Davidson to Jack H. Houston and wife, Anna Marie Houston in Volume 1881, Page 69, Deed Records of Travis County, Texas, S 38°55'05" W 843.49 feet to a 1/2" steel pin with plastic cap set for an angle point in the northwest line of Freidrich Lane and for the southeast corner of the said Houston First Tract of 2.36 acres, said 1/2" steel pin with plastic cap set being also in the north line of that 9,568 square foot tract, a portion of the said Santiago del Valle Grant, in the City of Austin, Travis County, Texas, as described in a Street Deed from Harry R. Sindorf to the

City of Austin in Volume 3946, Page 1787, Deed Records of Travis County, Texas, for the southeast corner of the herein described tract;

(2) THENCE with the northwest line of Freidrich Lane and the south line of the said Houston First Tract of 2.36 acres, being also with the north line of the said City of Austin 9,568 square foot tract and a north line of that 29.57 acre tract, described as 29.72 acres of land, less and except 9,568 square feet of land, a portion of the said Santiago del Valle Grant, in the City of Austin, Travis County, Texas, and conveyed in an Assumption Warranty Deed (undivided 1.25% interest) from Nueva Verde Investments, LLC to Familia, L.P. in Volume 12947, Page 442, Real Property Records of Travis County, Texas, N 72°57'20" W at 5.53 feet passing a 1/2" steel pin found at an angle point in the northwest line of Freidrich Lane, the northwest corner of the said City of Austin 9,568 square foot tract and a northeast corner of the said Familia L.P. 29.57 acre tract, in all 283.00 feet to a 2" iron pipe found at the southwest corner of the said Houston First Tract of 2.36 acres and the southeast corner of Lot 1, Wal-Mart Subdivision, a subdivision of a portion of the said Santiago del Valle Grant, in the City of Austin, Travis County, Texas, of record in Plat Book 87, Pages 174A, 174B, Plat Records of Travis County, Texas, for the southwest corner of the herein described tract;

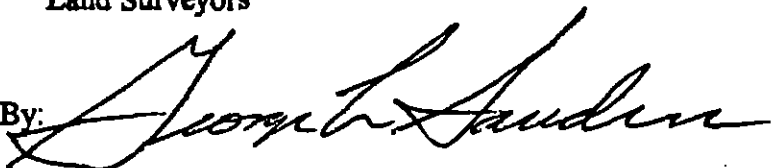
(3) THENCE with the west line of the said Houston First Tract of 2.36 acres and the west line of the said Houston Second Tract of 5 acres, being also with the east line of said Lot 1 and the east line of Lot 2 of said Wal-Mart Subdivision, N 29°22'25" E at 868.15 feet passing a 1/2" steel pin found 0.22 of one foot west of line at the northeast corner of said Lot 1 and the southeast corner of said Lot 2, Wal-Mart Subdivision, in all 1017.37 feet to a 1/2" steel pin found at the northwest corner of the said Houston Second Tract of 5 acres and the west or southwest corner of the said Grocer's Enterprise, Inc. 3.6645 acre tract, for the northwest corner of the herein described tract;

(4) THENCE with the northeast line of the said Houston Second Tract of 5 acres and the southwest line of the said Grocer's Enterprise, Inc. 3.6645 acre tract, S 43°54'00" E 434.72 feet to the POINT OF BEGINNING of the herein described tract, containing 7.4045 acres of land.

Survey Completed March 11, 2004

METCALFE & SANDERS, INC.
Land Surveyors



By: 

George L. Sanders
Texas Registered Professional
Land Surveyor No. 1838

Note: The plastic cap on the steel pin set is inscribed with "M & S 1838".

Plan 9871

FB 845, P 51-57 & DC

Ref: Plan 7713A
Plan 7713

Job No. 04048.01

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