

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



**AGENDA ITEM NO.: Z-13
AGENDA DATE: Thu 09/29/2005
PAGE: 1 of 1**

SUBJECT: C14-05-0109 - Park Place at Anderson Mill - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9707 Anderson Mill Road (Bull Creek Watershed) from townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning to neighborhood commercial-conditional overlay (LR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant neighborhood commercial-conditional overlay (LR-CO) combining district zoning. Applicant: Equity Secured Capital (Vince DiMare). Agent: Ash Creek Homes, Inc. (Scott Morledge). City Staff: Sherri Sirwaitis, 974-3057.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

ZONING CHANGE REVIEW SHEET

CASE: C14-05-0109

Z.A.P. DATE: August 16, 2005

ADDRESS: 9707 Anderson Mill Road

OWNER/APPLICANT: Equity Secured Capital (Vince Di Mare)

AGENT: Ash Creek Homes, Inc. (Scott Morledge)

ZONING FROM: SF-6-CO

TO: LR-CO

AREA: 2.01 acres

SUMMARY STAFF RECOMMENDATION:

The staff recommends the applicant's request to grant LR-CO, Neighborhood Commercial-Conditional Overlay District, zoning. The conditional overlay will limit the development intensity for the entire site to less than 2,000 vehicle trips per day.

In addition, if the requested zoning is granted, the staff also recommends that 57-feet of right-of-way should be dedicated in accordance with the Roadway Plan through a street deed. [LDC, Sec. 25-6-51 and 25-6-55)

ZONING AND PLATTING COMMISSION:

8/16/05: Approved staff's recommendation for LR-CO zoning, with an added condition to prohibit Drive-Through Services, by consent (8-0, K. Jackson-absent); J. Gohil-1ⁿ, M. Hawthorne-2nd.

DEPARTMENT COMMENTS:

The eastern portion of the property in question contains a vacant slab and driveway that was previously developed with a day care facility. The remainder of the site is undeveloped and densely vegetated. The applicant is requesting LR, Neighborhood Commercial District, zoning because they would like to develop the property fronting Anderson Mill Road with office and retail uses. The applicant plans to develop the remainder of this tract of land with townhouses (7.708 acres to south currently zoned SF-6). A schematic drawing of the proposed layout for the site is included as Attachment A with this report.

The staff recommends the applicant's request to rezone the property to LR-CO zoning because this district will allow for commercial uses that will serve the surrounding residential areas. LR zoning will create a transition in the intensity of commercial uses to office uses along Anderson Mill Road to the west. The property in question is part of a larger 9.718 parcel of land that was previously zoned for Neighborhood Commercial District uses in 2001 (zoning case C14-01-0142).

The applicant agrees with staff's recommendation.

EXISTING ZONING AND LAND USES:

| | ZONING | LAND USES |
|--------------|------------------|--|
| <i>Site</i> | SF-6 | Undeveloped Tract (with vacant concrete slab where day care facility used to be) |
| <i>North</i> | County, GR | Undeveloped Tract, Service Station, Funeral Home |
| <i>South</i> | SF-1 | Single Family Residential Neighborhood |
| <i>East</i> | GR-CO | Retail Shopping Center |
| <i>West</i> | LR-CO, LO, LO-CO | Catering Business, Offices, Undeveloped |

AREA STUDY: N/A**TIA:** Waived**WATERSHED:** Bull Creek**DESIRED DEVELOPMENT ZONE:** No**CAPITOL VIEW CORRIDOR:** N/A**HILL COUNTRY ROADWAY:** N/A**NEIGHBORHOOD ORGANIZATIONS:**

2 - Acres West Homeowners Association
 157 - Courtyard Homeowner Association
 281 - Anderson Mill Neighborhood Association
 426 - River Place Residential Community Association, Inc.
 475 - Bull Creek Foundation

CASE HISTORIES:

| NUMBER | REQUEST | COMMISSION | CITY COUNCIL |
|---------------|----------------|---|--|
| C14-02-0140 | RR to SF-6 | 3/4/03: Approved SF-6-CO zoning with following conditions: 1) A fifteen-foot (15') vegetative buffer strip within the compatibility setback along the south and west property lines; 2) Fencing along the south and west property lines; 3) A unit limit of 12 residential units; (8-0, M. Whaley-absent) | 4/03/03: Granted SF-6-CO on all 3 readings (5-0-2, Wynn/Goodman of dias) |
| C14-02-0134 | LR-CO to SF-6 | 9/24/02: Approved staff's recommendation of SF-6 zoning, by consent (5-0, D. Castaneda, B. Baker- absent) | 10/24/02: Granted SF-6 on 1st reading - Staff to report back on flooding complaints: What s been done and what the applicant can do to help mitigate the situation. (5-0, Garcia-off dias, |

| | | | |
|-------------|----------------|---|--|
| | | | Dunkerley- absent) 2/27/03: Approved (7-0); 2 nd /3 rd readings |
| C14-01-0142 | RR, SF-1 to LR | 1/22/02: Approved staff's rec. on LR-CO zoning. (8-0, A. Adams-absent) | 2/28/02: Approved LR-CO zoning by consent on first reading (6-0-1, Thomas-off dias) 3/21/02: Approved LR-CO (7-0); 2 nd /3 rd readings. |
| C14-99-2033 | RR to LO | 10/05/99: Approved LO-CO allowing only 'NO' uses w/ 'LO' site regulations (8-0) | 11/04/99: Approved PC rec. of LO-CO on 1 st reading (6-0); subject to current watershed regulations 3/30/00: Approved 2 nd / 3 rd readings (6-0) |
| C14-98-0267 | I-RR to GR | 3/02/99: Approved staff rec. of LR-CO (5-3, BB/ JM/ RV-Nay) | 4/01/99: Approved PC rec. of LR-CO w/ conditions (6-0), 1 st reading 5/06/99: Approved LR-CO w/ conditions (7-0); and/ 3 rd readings |
| C14-98-0196 | SF to GO | 12/08/98: Approved LO (8-0) | 1/07/99: Approved PC rec. of LO w/ conditions (7-0); 1 st reading 2/04/99: Approved LO (7-0); 2 nd / 3 rd readings |
| C14-98-0135 | I-RR to GR | 10/27/98: Approved staff rec. of GR-CO w/ conditions: 50' greenbelt maintained w/ no impervious cover (6-0) | 12/03/98: Approved PC rec. of GR-CO w/ conditions (6-0), 1 st reading 2/11/99: Approved GR-CO w/ conditions (6-0); 2 nd / 3 rd readings |

RELATED CASES: C14-02-0134
C14-01-0142

ABUTTING STREETS:

| NAME | ROW | PAVMENT | CLASSIFICATION | DAILY TRAFFIC |
|--------------------|------|---------|----------------|---------------|
| Anderson Mill Road | 100' | 50' | Major Arterial | N/A |

CITY COUNCIL DATE: September 29, 2005

ACTION:

ORDINANCE READINGS: 1st

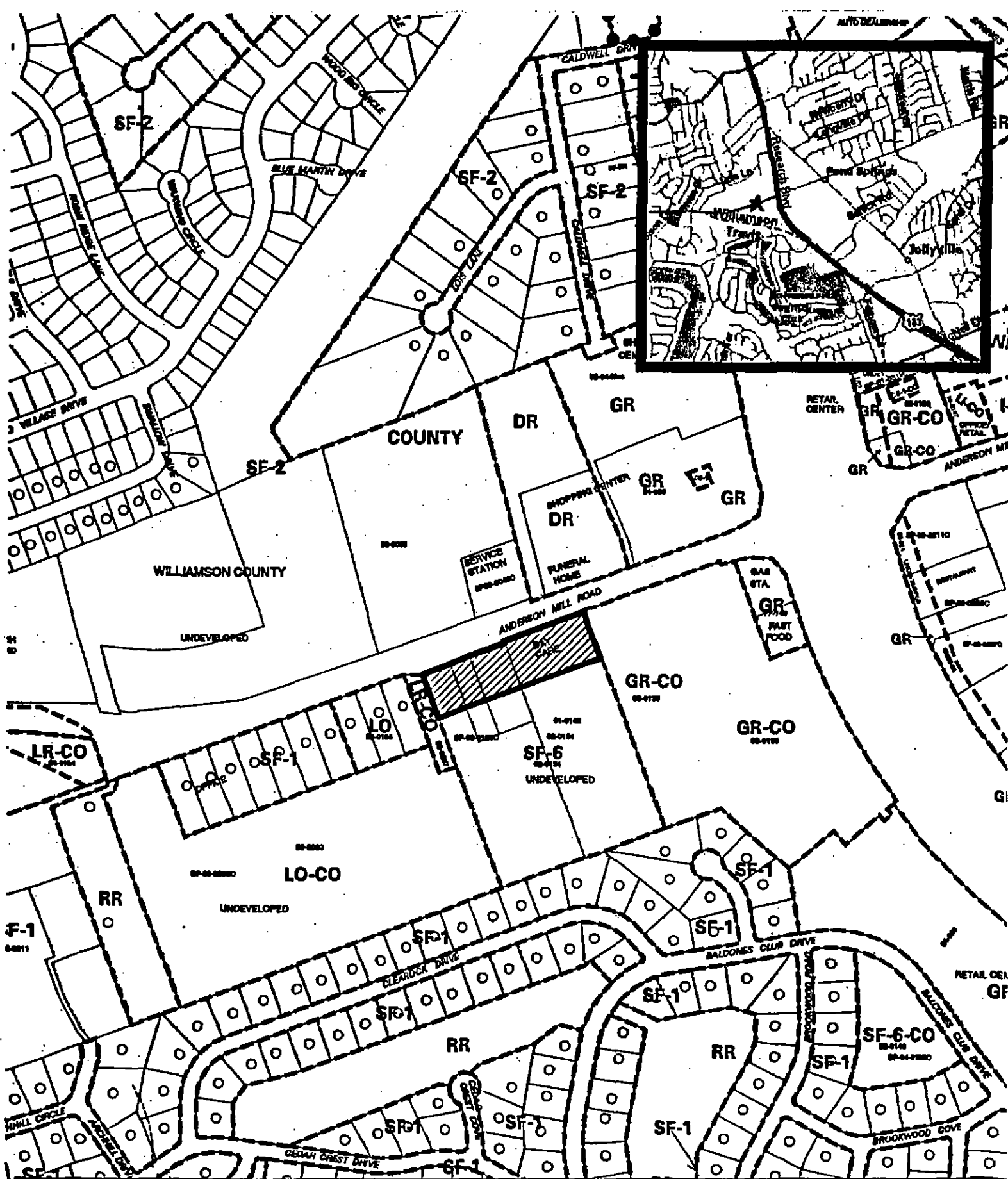
2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Sherri Sirwaitis

PHONE: 974-3057,
sherri.sirwaitis@ci.austin.tx.us



| | | | | | |
|-----------------------------|-----------------------|--------------------------------|---------------------|-------------|---|
| 1" = 400' | SUBJECT TRACT | | ZONING | | CITY GRID REFERENCE NUMBER F37 |
| | PENDING CASE | | | | |
| | ZONING BOUNDARY | | CASE #: C14-05-0109 | DATE: 06-08 | |
| | CASE MGR: S.SIRWAITIS | ADDRESS: 9707 ANDERSON MILL RD | INTLS: SM | | |
| SUBJECT AREA (acres): 2.010 | | | | | |

STAFF RECOMMENDATION

The staff recommends the applicant's request to grant LR-CO, Neighborhood Commercial-Conditional Overlay District, zoning. The conditional overlay will limit the development intensity for the entire site to less than 2,000 vehicle trips per day.

In addition, if the requested zoning is granted, the staff also recommends that 57-feet of right-of-way should be dedicated in accordance with the Roadway Plan through a street deed. [LDC, Sec. 25-6-51 and 25-6-55]

BASIS FOR RECOMMENDATION

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

The LR (Neighborhood Commercial) district is the designation for a commercial use that provides business service and office facilities for the residents of a neighborhood.

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

The proposed zoning will promote consistency and orderly planning because there is GR-CO zoning to the east and LR-CO zoning adjacent to the west property line of the proposed site. The property in question is located across Anderson Mill Road from an existing service station and funeral home.

The staff recommends LR zoning for this site because this zoning district will allow for low intensity office and commercial uses that will serve the surrounding residential areas.

Neighborhood Commercial zoning is suitable for this site because it will allow for a transition in the intensity of commercial uses to office uses along Anderson Mill Road to the west.

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

The LR-CO zoning district would allow for a fair and reasonable use of the site. LR zoning is appropriate for this tract of land because it will allow for commercial development along Anderson Mill Road, a major arterial roadway.

EXISTING CONDITIONS

Site Characteristics

The eastern portion of the subject tract contains a vacant slab and driveway that was previously developed with a day care facility. The remainder of the site is undeveloped and densely vegetated.

Hill Country Roadway

The site is not within a Hill Country Roadway Corridor.

Impervious Cover

The maximum impervious cover allowed by the LR zoning district would be 80 %. However, because the Watershed impervious cover is more restrictive than the LR zoning district's allowable impervious cover, the impervious cover on this site would be limited by the watershed ordinance.

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> |
|-----------------------------------|---------------------------|-----------------------------|
| One or Two Family Residential | 30% | 40% |
| Multifamily Residential | 40% | 55% |
| Commercial | 40% | 55% |

Environmental

The site is located over the North Edward's Aquifer Recharge Zone, and lies in the Drinking Water Protection Zone. The site is in the Bull Creek Watershed of the Colorado River Basin, and is classified as a Water Supply Suburban Watershed by Chapter 25-8 of the City's Land Development Code.

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.

Transportation

The Austin Metropolitan Area Transportation Plan calls for 114 feet of right-of-way for Anderson Mill Road. If the requested zoning is granted for this site, then 57 feet of right-of-way from the existing centerline should be dedicated for Anderson Mill Road according to the Transportation Plan. [LDC, Sec. 25-6-51 and 25-6-55]

The trip generation under the requested zoning is estimated to be 3,722 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 proposed use of 24,000 sq. ft. of office would generate approximately 445 vehicle trips per day.

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]

Existing Street Characteristics:

| Name | ROW | Pavement | Classification | Sidewalks | Bus Route | Bike Route |
|--------------------|------------|-----------------|-----------------------|------------------|------------------|-------------------|
| Anderson Mill Road | Varies | 50' | Arterial | No | No | No |

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 each lot with City of Austin water and wastewater utilities. If water or wastewater utility improvements, or offsite main extension, or system upgrades, or utility relocation, or adjustment are required, the landowner, at own expense, will be responsible for providing. Also, the utility plan must be reviewed and approved by the Austin

Water Utility. The plan must be in accordance with the City design criteria. The utility construction must be inspected by the City. The landowner must pay the associated City fees.

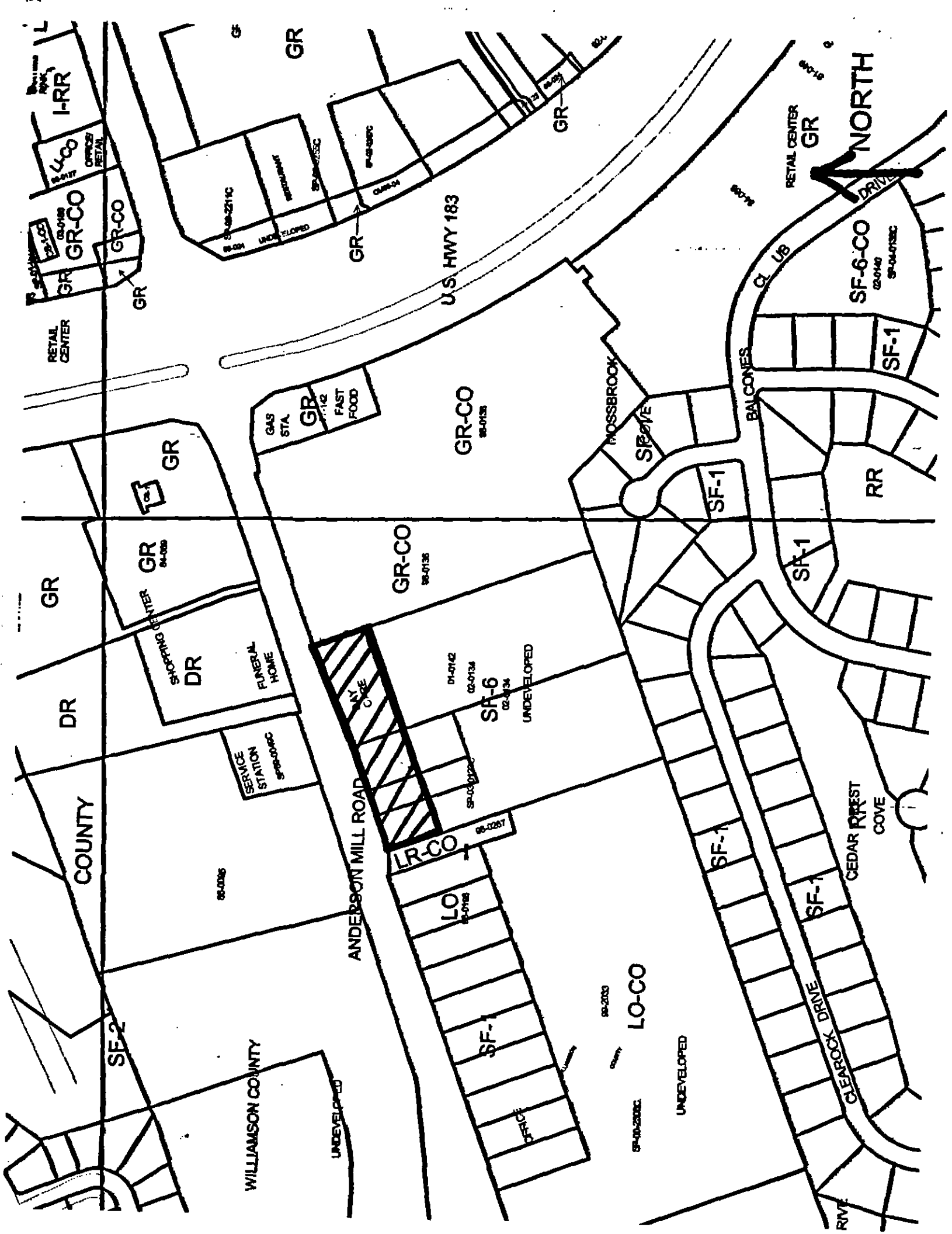
Stormwater Detention

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

Compatibility Standards









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

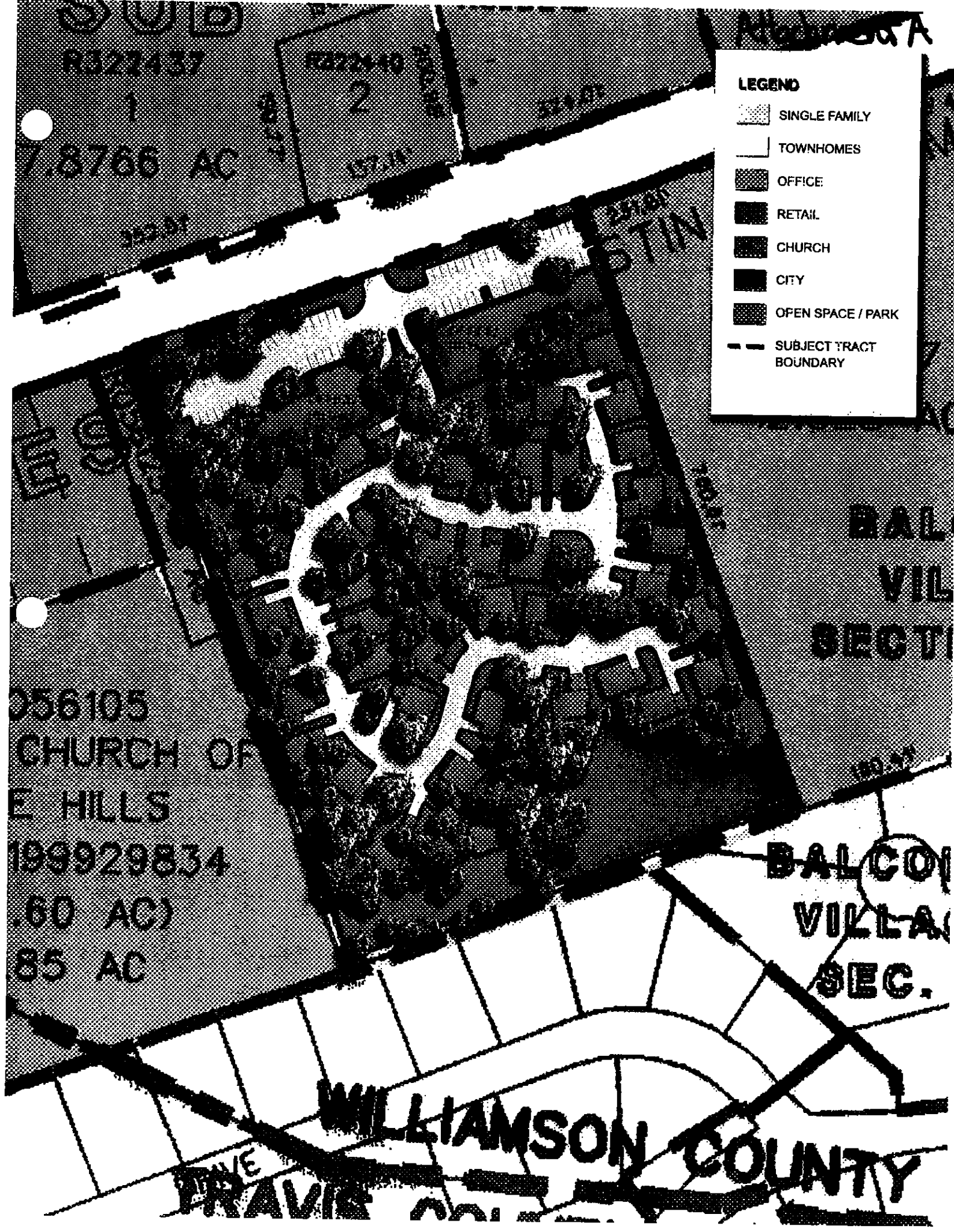
- No structure may be built within 25 feet of the property line.
 - No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
 - No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
 - No parking or driveways are allowed within 25 feet of the property line.
 - 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.





LEGEND

-  SINGLE FAMILY
-  TOWNHOMES
-  OFFICE
-  RETAIL
-  CHURCH
-  CITY
-  OPEN SPACE / PARK
-  SUBJECT TRACT BOUNDARY



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: C14-05-0109
Contact: Sherri Sirwaitis, (512) 974-3057
Public Hearing:

August 16, 2005 Zoning and Platting Commission

Jeanne Metz
Your Name (please print)

9115 Balcones Club Dr
Your address(es) affected by this application

Young Metz 8/10/05
Signature Date

| |
|---|
| <input checked="" type="checkbox"/> I am in favor |
| <input type="checkbox"/> I object |

Comments:

If water retention ponds
are built, then I am in favor
of this rezoning.

Also if it is NOT going to
be HUD -
and really neighborhood
shopping with restrictions on
the height of the buildings -
then we are in favor.

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

City of Austin
Neighborhood Planning and Zoning Department
Sherri Sirwaitis
P. O. Box 1088
Austin, TX 78767-8810

Trammell Crow Company

Item A10

Certified Mail #7003 2260 0003 0508 6068
Return Receipt Requested

August 5, 2005

City of Austin
Neighborhood Planning and Zoning Department
Sherri Sirwaitis
505 Barton Springs Road
Austin, Texas 78704

RE: Case Number C14-05-0109

Dear Ms. Sirwaitis:

On behalf of The Woodland Shopping Center, Ltd., I am writing to inform you of the owner's desire to protest the proposed rezoning change of the above referenced Case Number. The owner does not agree that this is a good use for this property due to increased traffic and additional congestion it would cause at the 183 Hwy. N. and Anderson Mill intersection. This intersection is already over burdened and in need of expansion.

Also, the area is saturated with retail centers with Plaza 183 on the SW corner, Anderson Arbor Shopping Center on the SW corner, The Compass Bank Center on the NE corner and The Woodland Shopping Center on the NW corner. Additional retail in the area would only create unnecessary competition and potentially hurt the sales of existing small businesses.

Please allow this letter to serve as formal notification of our protest.

Feel free to contact me should you have any questions regarding this matter.

Sincerely,

TRAMMELL CROW COMPANY
As Agent

Donna Pollard
Donna Pollard
Property Manager

- 10. Rezoning:** C14-05-0109 - Park Place at Anderson Mill
Location: 9707 Anderson Mill Road, Bull Creek Watershed
Owner/Applicant: Equity Secured Capital (Vince Di Mare)
Agent: Ash Creek Homes, Inc. (Scott Morledge)
Request: SF-6 to LR-CO
Staff Rec.: RECOMMENDED
Staff: Sherri Sirwaitis, 974-3057, sherri.sirwaitis@ci.austin.tx.us
 Neighborhood Planning and Zoning Department

APPROVED STAFF'S RECOMMENDATION FOR LR-CO ZONING; ADD CONDITION TO PROHIBIT DRIVE-THRU SERVICES; BY CONSENT.
[J.G; M.H 2ND] (8-0) K.J - ABSENT

- 11. Zoning:** C14-05-0119 - P.C.W. Construction Equipment & Sales
Location: 10704 South IH-35 Service Road Southbound, Onion Creek Watershed
Owner/Applicant: P.C.W. Inc. (Rolando A. Jaimes)
Agent: DST Realty (Maggie Trevino)
Request: I-RR to CS
Staff Rec.: RECOMMENDATION OF CS-CO
Staff: Wendy Walsh, 974-7719, wendy.walsh@ci.austin.tx.us
 Neighborhood Planning and Zoning Department

APPROVED STAFF'S RECOMMENDATION FOR CS-CO ZONING; BY CONSENT.
[J.G; M.H 2ND] (8-0) K.J - ABSENT

- 12. Zoning:** C14-04-0211 - Onion Creek RV
Location: 10815 Bradshaw Road, Rinard Creek Watershed
Owner/Applicant: Hector Aguirre
Agent: Jim Bennett Consulting (Jim Bennett)
Postponements: Postponed from 02/15/05 (neighborhood); 04/05/05 (applicant); 05/17/05 (applicant & neighborhood); 07/19/05 (applicant); 08/02/05 (neighborhood)
Request: I-RR to LR
Staff Rec.: NOT RECOMMENDED; RECOMMENDATION OF LO-CO
Staff: Wendy Walsh, 974-7719, wendy.walsh@ci.austin.tx.us
 Neighborhood Planning & Zoning

APPROVED LR-CO ZONING WITH 2000 VEHICLE TRIPS PER DAY.

- RESTRICTIVE COVENANT TO BE FILED PRIOR TO 3RD READING AT CITY COUNCIL**
[M.H; J.M 2ND] (8-0) K.J - ABSENT

ORDINANCE NO. _____

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 9707 ANDERSON MILL ROAD FROM TOWNHOUSE AND CONDOMINIUM RESIDENCE-CONDITIONAL OVERLAY (SF-6-CO) COMBINING DISTRICT TO NEIGHBORHOOD COMMERCIAL-CONDITIONAL OVERLAY (LR-CO) 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 townhouse and condominium residence-conditional overlay (SF-6-CO) combining district to neighborhood commercial-conditional overlay (LR-CO) combining district on the property described in Zoning Case No. C14-05-0109, on file at the Neighborhood Planning and Zoning Department, as follows:

A 2.01 acre tract of land, more or less, out of the J.C. Irvine Survey in Williamson County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance (the "Property").

locally known as 9707 Anderson Mill Road, in the City of Austin, Williamson County, Texas, and generally identified in the map attached as Exhibit "B".

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

1. A 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, generate traffic that exceeds 2,000 trips per day.
2. Drive-in Service is prohibited as an accessory use to commercial uses.

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the neighborhood commercial (LR) base district and other applicable requirements of the City Code.

1 **PART 3.** This ordinance takes effect on _____, 2005.
2
3

4 **PASSED AND APPROVED**
5
6

7 _____, 2005
8
9

§
§
§

Will Wynn
Mayor

10
11
12
13 **APPROVED:**

David Allan Smith
City Attorney

ATTEST:

Shirley A. Brown
City Clerk

EXHIBIT A

FIELD NOTES

JOB NO: Z:\Projects_Engl\Engl_022230A_BRIGHTSTAR_RECOVERED\DOCUMENTS\REZONING_JN_062706.doc

DATE: July 26, 2005

PAGE: 1 OF 2 (Exhibit Attached)

2.01 ACRES (87604 SQ. FT.)

All that certain tract or parcel of land situated in Williamson County, Texas out of the J.C. Irvine Survey, and being 2.01 acres (87604 sq. ft.) out of a portion of those tracts described as Tract I and Tract II in a Substitute Trustee's Deed granted to Equity Secured Capital, L.P., dated December 7, 2004 and recorded as Document No. 2004084402, Official Public Records of Williamson County, Texas, said Tract I also being Lots 1-3, Bright Star Estates, a subdivision in Williamson County, Texas according to the map or plat thereof recorded in Cabinet E, Slides 223-224, Plat Records of Williamson County, Texas, and further described by metes and bounds as follows:

BEGINNING at a 1/2" iron pin found in the south margin of Anderson Mill Road (right-of-way varies) and in the east line of that tract described as 0.45 acres in a Warranty Deed granted to Robert Nozick, et ux, dated October 24, 1983 and recorded in Volume 949, Page 248, Deed Records of Williamson County, Texas, for the northwest corner of said Lot 1, Bright Star Estates, said Equity Secured Capital tract and this tract;

THENCE: N 89°30'12" E with the south margin of said Anderson Mill Road and the north line of said Bright Star Estates, passing the northeast corner of said Lot 1 and the northwest corner of said Lot 2 at 96.81 feet and passing the northeast corner of said Lot 2 and the northwest corner of said Lot 3 at 166.71 feet, in all 266.68 feet to a 1/2" iron pin found in the west line of said Equity Secured Capital tract (Tract 2), for the northeast corner of said Lot 3 and an interior all corner of this tract;

THENCE: N 20°25'55" W 8.18 feet continuing with the south margin of said Anderson Mill Road and the west line of said Equity Secured Capital tract (Tract 2) to a 1/2" iron pin found, for the northwest corner of said Equity Secured Capital tract (Tract 2) and an exterior all corner of this tract;

THENCE: N 69°37'30" E 275.26 feet continuing with the south margin of said Anderson Mill Road and the north line of said Equity Secured Capital tract (Tract 2) to a 1/2" iron pin found in the west line of that tract described as 12.623 acres in a Special Warranty Deed granted to Synergy Center Ltd., dated October 26, 2004 and recorded as Document No. 2004087968 of said official public records, for the northeast corner of said Equity Secured Capital tract (Tract 2) and this tract, from which a 1/2" iron pin found in the south margin of said Anderson Mill Road for the northwest corner of said Synergy Center Ltd. tract bears N 20°20'20" W 4.38 feet;

THENCE: S 20°20'20" E 168.64 feet with the west line of said Synergy Center Ltd. tract and the east line of said Equity Secured Capital tract (Tract 2) and this tract to a calculated point for the southeast corner of this tract;

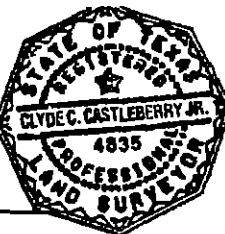
THENCE: S 69°36'35" W with the south line of this tract and into and across said Equity Secured Capital tract, passing the west line of said Tract 2 and the east line of said Lot 3 at 276.03 feet, passing the west line of said Lot 3 and the east line of said Lot 2 at 395.00 feet and passing the west line of said Lot 2 and the east line of said Lot 1 at 464.89 feet, in all 561.82 feet to a calculated point in the east line of said Nozick tract, for the southwest corner of this tract;

THENCE: N 20°22'55" W 152.91 feet with the east line of said Nozick tract and the west line of said Lot 1 and this tract to the point of Beginning, containing 2.01 acre (87604 sq. ft.) of land.

Bearings cited hereon based on Grid Azimuth Texas State Plane Coordinate System (SPCS), Texas Central Zone, NAD 83(93).

This document was prepared under 22 TAC §863.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

Castleberry Surveying, Ltd.
3613 Williams Drive, Suite 903
Georgetown, Texas 78626



Clyde C. Castleberry, Jr.
Registered Professional Land Surveyor No. 4835

CCC/jto

2.01 ACRES (57604 SQ.FT.) OUT OF A PORTION OF THOSE TRACTS DESCRIBED AS TRACT 1 AND TRACT II IN A SUBSTITUTE TRUSTEE'S DEED GRANTED TO EQUITY SECURED CAPITAL, L.P., DATED DECEMBER 7, 2004 AND RECORDED AS DOCUMENT 2004094402, OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS, SAID TRACT I ALSO BEING LOTS 1-3, BRIGHT STAR ESTATES, A SUBDIVISION IN WILLIAMSON COUNTY, TEXAS ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN CABINET E, SLIDES 223-224, PLAT RECORDS OF WILLIAMSON COUNTY TEXAS.

| | | |
|---------------|--|--|
| | | |
| ● | 1/2" IRON PIN FOUND | |
| LEGEND | | |
| | | |
| + | CALCULATED POINT | |
| D.R.T.C. | DEED RECORDS WILLIAMSON CO., TX | |
| P.H.T.C. | PLAT RECORDS WILLIAMSON CO., TX | |
| O.P.B.T.C. | OFFICIAL PUBLIC RECORDS WILLIAMSON CO., TX | |

SYNERGY CENTER LTD. &
DOC# 2004087968
O.P.R.W.C.
BALCONES VILLAGE SECTION TWELVE-A
CAB. J. SLIDES 389-392
P.R.W.C.

S 20°20'29" E
158.64'

TRACT 2

2.01 ACRES
87604 sq. ft.

LOT 3

LOT 2 |
-STATES 274

LOT 1

ROBERT NOZICK, et ux
VOL 849-PG. 248
D.R.W.C.

20.8.1951 W 53.95.59 S

EQUITY DOC# 2004-2007 O.P.R.W.C.

BEARINGS BASED ON GRID AZIMUTH TEXAS
STATE PLANE COORDINATE SYSTEM (SPCS),
TEXAS CENTRAL ZONE, NAD 83(93)

FIELD NOTES ATTACHED

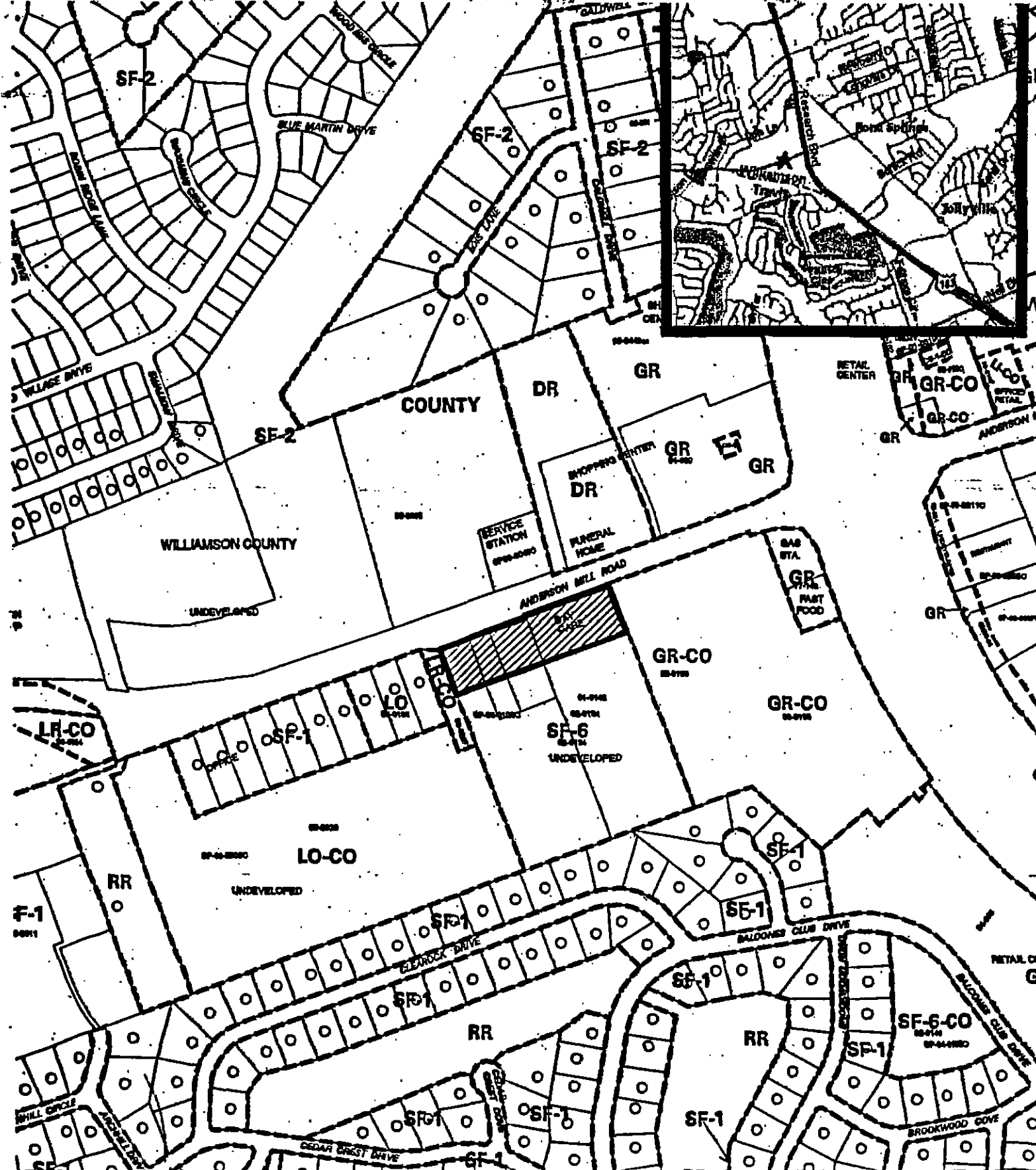
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Castleberry Surveying, Ltd

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(512) 930-1000/(512) 930-9388 fax
www.assthebarrysurveying.com

This document was prepared under 22 USC §60321, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.



SUBJECT TRACT 
 PENDING CASE 
 ZONING BOUNDARY 
 CASE MGR: S.BIRWAITIS

ZONING EXHIBIT R
 CASE #: C14-05-0108
 ADDRESS: 8707 ANDERSON MILL RD
 SUBJECT AREA (acres): 2.010
 DATE: 05-08
 INTLS: 6M

CITY GRID
 REFERENCE
 NUMBER
 F37