

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



**AGENDA ITEM NO.: 62
AGENDA DATE: Thu 01/26/2006
PAGE: 1 of 1**

SUBJECT: C14-04-0206 - Parke Corners Section 1 and the Parke Recreation Area, Phase A - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 7400 R.M. 620 North and 11620 Bullick Hollow Road (Lake Travis Watershed) from interim-rural residence (I-RR) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning with conditions. First reading approved on December 15, 2005. Vote: 7-0. Applicant: Parke Properties I, L.P. (Fred Purcell), GDF Realty Investment, LTD. (R. James George). Agent: Bennett Consulting (Jim Bennett). City Staff: Sherri Sirwaitis, 974-3057.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

**DIRECTOR'S
AUTHORIZATION:** Greg Guernsey

SECOND/THIRD READING SUMMARY SHEET

ZONING CASE NUMBER: C14-04-0206

REQUEST:

Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code, zoning the property locally known as 7400 R.M. 620 North and 11620 Bullick Hollow Road from I-RR, Interim-Rural Residence district, zoning to GR-CO, Community Commercial-Conditional Overlay district, zoning.

The ordinance and public restrictive covenant reflect those conditions imposed by Council on 1st reading.

PROPERTY OWNER: Parke Properties I, L.P. (Fred Purcell),
GDF Realty Investment, LTD. (R. James George)

AGENT: Bennett Consulting (Jim Bennett)

DEPARTMENT COMMENTS:

The property in question heavily wooded and undeveloped. The applicant is requesting CS-MU, General Commercial Services-Mixed Use District, zoning to develop a shopping center on this site. According to the Traffic Impact Analysis (TIA), the proposed uses on the property could include retail sales, a drive-in bank, a general restaurant, a fast food restaurant, a hotel, and a gas station.

The staff is recommending GR-CO zoning for this tract of land because the Community Commercial district will allow for commercial uses that will provide additional services to the surrounding residential developments. The property in question meets the intent of the GR zoning district as it has frontage on an arterial roadway, R.M. 620 North, with access to Vista Parke Drive and Bullick Hollow Road.. The staff's recommendation includes a prohibition on Service Station uses for this site because this tract of land surrounds critical environmental features (caves shown as out parcels on the zoning map) and there are several (4) gas stations located within less than a mile of this site. In addition, the staff does not recommend the MU, Mixed Use Combining District, for this property because in the TIA the applicant has not shown an intent to develop mixed use (residential) on this tract of land and there are adequate amounts of multifamily uses (numerous apartment complexes) located along R.M. 620 to the north.

The applicant agrees with the City Council's recommendation at first reading.

DATE OF FIRST READING/VOTE: December 15, 2005/Approved ZAP recommendation of GR-CO zoning by consent (7-0); 1st reading

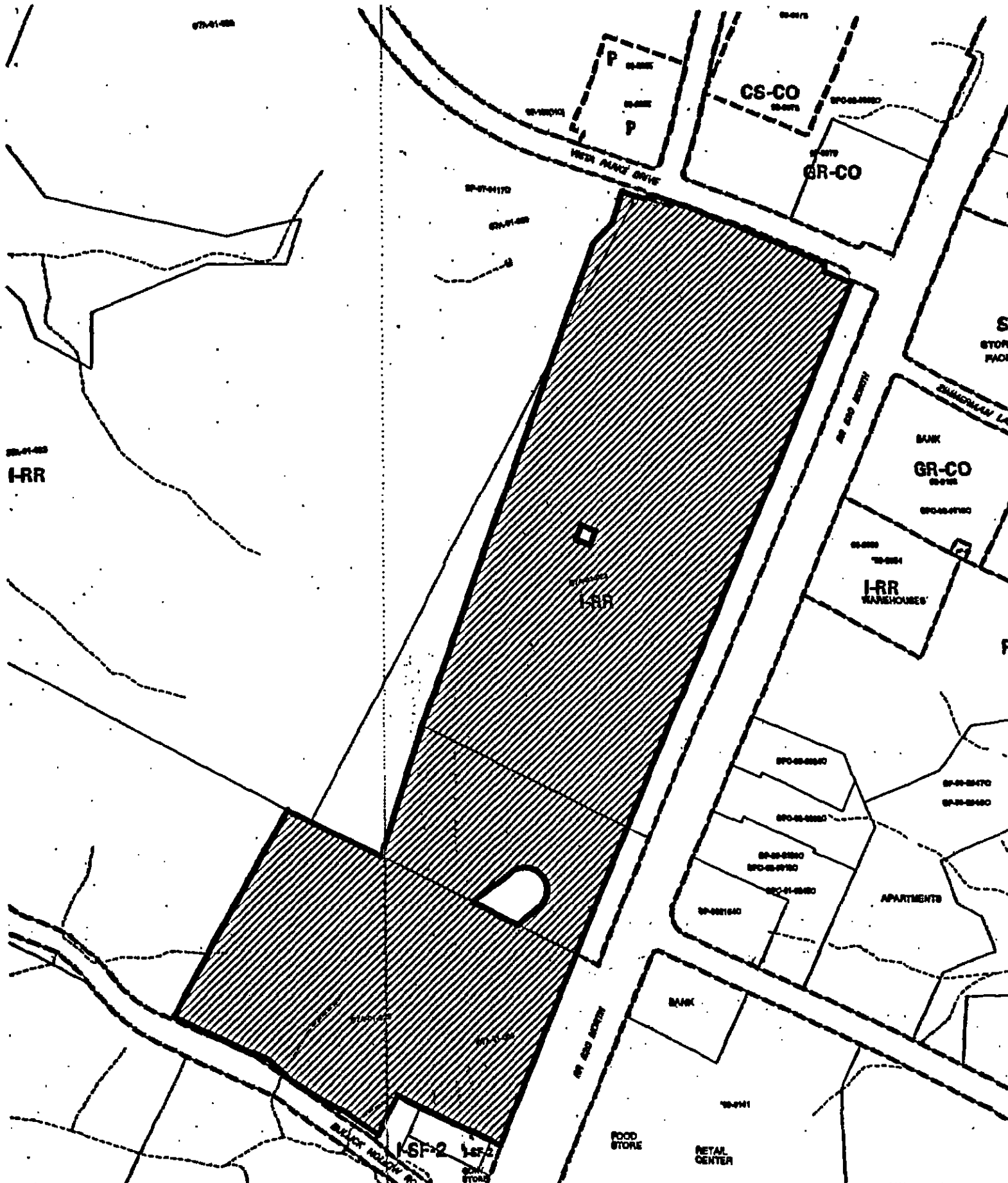
CITY COUNCIL DATE: January 26, 2006





CITY COUNCIL ACTION:

ASSIGNED STAFF: Sherri Sirwaitis

PHONE: 974-3057

sherri.sirwaitis@ci.austin.tx.us



 1" = 400'	SUBJECT TRACT PENDING CASE ZONING BOUNDARY CASE MGR: S. GAGER	  	ZONING EXHIBIT B CASE #: C14-04-0206 ADDRESS: N FM 820 RD @ BULLICK HOLLOW RD SUBJECT AREA (acres): 59.058	DATE: 05-01 INTLS: SM	CITY GRID REFERENCE NUMBER C34
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ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING FOR THE PROPERTY LOCATED AT 7400 R.M 620 NORTH AND 11620 BULLICK HOLLOW ROAD AND CHANGING THE ZONING MAP FROM INTERIM RURAL RESIDENCE (I-RR) DISTRICT TO COMMUNITY COMMERCIAL-CONDITIONAL OVERLAY (GR-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 interim rural residence (I-RR) district to community commercial-conditional overlay (GR-CO) combining district on the property described in Zoning Case No. C14-04-0206, on file at the Neighborhood Planning and Zoning Department, as follows:

A 59.658 acre tract of land, more or less, out of the Alexander Dunlap Survey No. 805, Abstract No. 224 in Travis County, being originally 60.347 acres of land, Save and Except a 0.6320 acre tract of land and a 0.0574 acre tract of land, the tracts of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance (the "Property"),

locally known as 7400 R. M. 620 North and 11620 Bullick Hollow Road, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

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

Service station use is a prohibited use of the Property.

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

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

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3
4 **PASSED AND APPROVED**

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6
7
8 _____, 2005

§
§
§

Will Wynn
Mayor

9
10
11
12
13 **APPROVED:** _____

David Allan Smith
City Attorney

ATTEST: _____

Shirley A. Brown
City Clerk



Professional Land Surveying, Inc.
Surveying and Mapping

EXHIBIT A

Office: 512-443-1724

Fax: 512-441-8987

2807 Manchaca Road
Building One
Austin, Texas 78704

ZONING DESCRIPTION

59.658 ACRES

ALEXANDER DUNLAP SURVEY No. 805

A DESCRIPTION OF 80.347 ACRES OF LAND OUT OF THE ALEXANDER DUNLAP SURVEY No. 805, ABSTRACT No. 224, BEING A PORTION OF A 17.02 ACRE TRACT (DESCRIBED AS TRACT 1), A PORTION OF A 8.74 ACRE TRACT (DESCRIBED AS TRACT 5), AND A PORTION OF A 10.98 ACRE TRACT (DESCRIBED AS TRACT 6) CONVEYED TO PARKE PROPERTIES I, LP., BY SPECIAL WARRANTY DEED DATED DECEMBER 31, 1997, RECORDED IN DOCUMENT No. 2000092411, OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF LOT O, BLOCK A, THE PARKE RECREATION AREAS PHASE A, A SUBDIVISION OF RECORD IN VOLUME 90, PAGE 275, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF LOT 1, BLOCK A, PARKE CORNERS SECTION 1, A SUBDIVISION OF RECORD IN VOLUME 93, PAGE 37, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS;

SAVE AND EXCEPT 0.6320 ACRES DESCRIBED IN A DEED OF GIFT TO THE TEXAS SYSTEM OF NATURAL LABORATORIES, INC. DATED JANUARY 1, 1990, OF RECORD IN VOLUME 11242, PAGE 4 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS;

AND SAVE AND EXCEPT 0.0574 ACRES DESCRIBED IN A DEED OF GIFT TO THE TEXAS SYSTEM OF NATURAL LABORATORIES, INC. DATED JANUARY 10, 1990, OF RECORD IN VOLUME 11238, PAGE 708 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS;

FOR A NET ACREAGE OF 59.658 ACRES (2,598,885 S.F.), BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" rebar with cap set in the north line of the 17.02 acre tract, being also the intersection of the west line of R.M. 620 (150' right-of-way width) and the south line of Pluma Parke Drive (a.k.a. Vista Parke Drive) (80' right-of-way width) for the northeast corner of the herein described tract, from which a Texas Department of Transportation (TxDOT) Type II highway monument found bears North 22°31'32" East, a distance of 647.28 feet;

THENCE South 22°31'32" West, along the west line of R.M. 620, passing at 1852.69 feet a (TxDOT) Type II highway monument found, continuing along the west line of R.M. 620 for a total distance of 3029.00 feet to a 1/2" rebar with cap set in the south line of Lot 1, Block A, Parke Corners Section 1, being also in the north line of a 1.108 acre tract

Page 2
59.656 acres

recorded in Document No. 2000130093, of the Official Public Records of Travis County, Texas, from which a 1/2" rebar found for the southeast corner of Lot 1, Block A bears South 64°41'10" East, a distance of 3.02 feet;

THENCE leaving the west line of R.M. 620, and continuing along the common lines of Lot 1, Block A and the 1.109 acre tract the following two (2) courses:

1. North 64°41'10" West, a distance of 372.08 feet to a 1/2" rebar found for an interior corner of Lot 1, Block A, being also the northwest corner of the 1.109 acre tract;
2. South 26°03'02" West, a distance of 138.17 feet to a 1/2" rebar with cap set in the west line of Lot 1, Block A, being also in the east line of the 1.346 acre tract, the northwest corner of a 0.22 acre tract recorded in Volume 13095, Page 1285, of the Real Property Records of Travis County, Texas and the northeast corner of a 0.06 acre tract recorded in Volume 12906, Page 1730, of the Real Property Records of Travis County, Texas;

THENCE with the north line of the 0.06 acre tract, over and across Lot 1, Block A, the following three (3) courses:

1. North 54°59'04" West, a distance of 120.68 feet to a 1/2" rebar with cap set;
2. North 62°06'06" West, a distance of 102.01 feet to a 1/2" rebar with cap set;
3. North 58°26'11" West, a distance of 54.08 feet to a 1/2" rebar found in the south line of Lot 1, Block A, being also the west corner of the 0.06 acre tract and in the north line of Bullick Hollow Road;

THENCE North 55°25'50" West, along the south line of Lot 1, Block A and the north line of Bullick Hollow Road, a distance of 63.43 feet to a 1/2" rebar with cap set for the east corner of a 0.04 acre tract recorded in Volume 12906, Page 1730, of the Real Property Records of Travis County, Texas;

THENCE leaving the north line of Bullick Hollow Road, over and across Lot 1, Block A with the north line of the 0.04 acre tract, the following three (3) courses:

1. North 48°45'46" West, a distance of 87.80 feet to a 1/2" rebar found, from which a 1/2" rebar found bears South 33°49'18" West, a distance of 100.48 feet;
2. North 67°26'04" West, a distance of 101.58 feet to a 1/2" rebar found;

Page 3
59.858 acres

3. North 64°43'59" West, a distance of 234.11 feet to a 1/2" rebar with cap set in the west line of Lot 1, Block A, being also in the east line of a 46.74 acre tract recorded in Volume 1680, Page 17, of the Deed Records of Travis County, Texas, the northwest corner of the 0.04 acre tract and the northeast corner of a 0.27 acre tract recorded in Volume 12864, Page 1955, of the Real Property Records of Travis County, Texas, from which a 1/2" rebar found bears South 25°35'22" West, a distance of 102.24 feet;

THENCE North 29°11'31" West, along the common line of Lot 1, Block A, and the 46.74 acre tract, a distance of 768.47 feet to a 1/2" rebar found for the northwest corner of Lot 1, Block A, being also the northeast corner of the 46.74 acre tract and in the south line of a 73.80 acre tract (described as Tract 2) recorded in Document No. 2000092411;

THENCE South 63°17'16" East, along the north line of Lot 1, Block A, and south line of the 73.80 acre tract, a distance of 337.82 feet to a 1/2" rebar found in the north line of Lot 1, Block A, being also the southeast corner of the 73.80 acre tract and the southwest corner of Lot O, Block A;

THENCE North 17°37'25" East, along the west line of Lot O, Block A, and the east line of the 73.80 acre tract, a distance of 450.15 feet to a 1/2" rebar with cap set for the northwest corner of Lot O, Block A, being also the southwest corner of the 9.74 acre tract and in the east line of the 73.80 acre tract;

THENCE along the east line of the 73.80 acre tract, the west line of the 9.74 acre tract, the west line of the 10.96 acre tract and the west line of the 17.02 acre tract the following two (2) courses:

1. North 19°53'41" East, a distance of 1655.96 to a 1/2" rebar with cap set;
2. North 44°00'29" East, a distance of 92.00 to a 1/2" rebar found in the west line of the 17.02 acre tract, being also in the east line of the 73.80 acre tract and the southeast corner of a 0.2073 acre tract recorded in Volume 11238, Page 699, of the Real Property Records of Travis County, Texas;

THENCE North 18°08'47" East, along the west line of the 17.02 acre tract, the east line of the 73.80 acre tract and the east line of the 0.2073 acre tract, a distance of 109.88 feet to a 1/2" rebar with cap set for the northwest corner of the 17.02 acre tract, being also a northeast corner of the 73.80 acre tract, a northeast corner of the 0.2073 acre tract and in the south line of Pluma Parke Drive;

THENCE along the north line of the 17.02 acre tract, and the south line of Pluma Parke Drive, the following seven (7) courses:

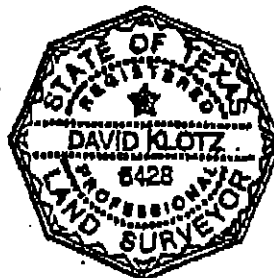
Page 4
59.658 acres

1. South $71^{\circ}52'55''$ East, a distance of 80.00 feet to a $1/2''$ rebar found for the beginning of a non-tangent curve to the right;
2. 31.38 feet along the arc of said curve to the right, having a radius of 20.00 feet, and through a central angle of $89^{\circ}49'45''$, the chord of which bears South $63^{\circ}08'48''$ East, a distance of 28.24 feet to a $1/2''$ rebar found, from which a $1/2''$ rebar found in the north line of Pluma Parke Drive, being also in the south line of Lot 2, Block A, Grandview Hills Section 10, a subdivision of record in Document No. 200000232, of the Official Public Records of Travis County, Texas bears North $18^{\circ}15'26''$ East, a distance of 79.95 feet;
3. South $71^{\circ}52'38''$ East, a distance of 68.36 feet to a $1/2''$ rebar found for the beginning of a curve to the right;
4. 188.19 feet along the arc of said curve to the right, having a radius of 2480.00 feet, and through a central angle of $04^{\circ}22'59''$, the chord of which bears South $69^{\circ}39'39''$ East, a distance of 188.14 feet to a $1/2''$ rebar found;
5. South $67^{\circ}31'16''$ East, a distance of 319.28 feet to a $1/2''$ rebar found for the beginning of a curve to the right, from which a $1/2''$ rebar found in the north line of Pluma Parke Drive, being also in the south line of Lot 1, Block A, Grandview Hills Section 10 bears North $22^{\circ}22'04''$ East, a distance of 80.07 feet;
6. 39.22 feet along the arc of said curve to the right, having a radius of 25.00 feet, and through a central angle of $89^{\circ}52'56''$, the chord of which bears South $22^{\circ}27'31''$ East, a distance of 35.32 feet to a $1/2''$ rebar found;
7. South $67^{\circ}35'43''$ East, a distance of 98.23 feet to the POINT OF BEGINNING, containing a gross area of 80.347 acres, for a net area of 59.658 acres of land, more or less.

Surveyed on the ground in March, 2003. Bearing basis is Grid Azimuth for Texas Central Zone, 1983/93 HARN values from LCRA control network. Attachments: Survey Drawing 188-017-ZN.


David Klotz
Registered Professional Land Surveyor
State of Texas No. 5428

05/01/03



AN EXHIBIT TO ACCOMPANY

A DESCRIPTION OF 80.347 ACRES OF LAND OUT OF THE ALEXANDER DUNLAP SURVEY No. 805, ABSTRACT No. 224, BEING A PORTION OF A 17.02 ACRE TRACT (DESCRIBED AS TRACT 1), A PORTION OF A 9.74 ACRE TRACT (DESCRIBED AS TRACT 5), AND A PORTION OF A 10.86 ACRE TRACT (DESCRIBED AS TRACT 6) CONVEYED TO PARKE PROPERTIES I, LP., BY SPECIAL WARRANTY DEED DATED DECEMBER 31, 1987, RECORDED IN DOCUMENT No. 2000092411, OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF LOT 0, BLOCK A, THE PARKE RECREATION AREAS PHASE A, A SUBDIVISION OF RECORD IN VOLUME 90, PAGE 275, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF LOT 1, BLOCK A, PARKE CORNERS SECTION 1, A SUBDIVISION OF RECORD IN VOLUME 93, PAGE 37, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS;

SAVE AND EXCEPT 0.6320 ACRES DESCRIBED IN A DEED OF GIFT TO THE TEXAS SYSTEM OF NATURAL LABORATORIES, INC. DATED JANUARY 1, 1990, OF RECORD IN VOLUME 11242, PAGE 4 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS;

AND SAVE AND EXCEPT 0.0574 ACRES DESCRIBED IN A DEED OF GIFT TO THE TEXAS SYSTEM OF NATURAL LABORATORIES, INC. DATED JANUARY 10, 1990, OF RECORD IN VOLUME 11238, PAGE 708 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS;

FOR A NET ACREAGE OF 59.658 ACRES (2,598,885 S.F.).



RING BASIS: GRID AZIMUTH FOR
AS CENTRAL ZONE, 1983/93 HARN
UES FROM LGRA CONTROL NETWORK

ACHMENTS: METES AND BOUNDS
SCRIPTION 168-017-ZN

Chaparral

PROJECT NO.: 168-017
DRAWING NO.: 168-017-ZN
DATE OF SURVEY: 03, 2003
PLOT DATE: 05/01/2003
SHEET 1 OF 5

LEGEND

- 1/2" REBAR FOUND
- 1/2" REBAR WITH CAP SET
- ⊙ TxDOT TYPE II DISK FOUND
- CONC. HIGHWAY MON. FOUND
- ▲ NAIL FOUND
- * COTTON SPINDLE FOUND

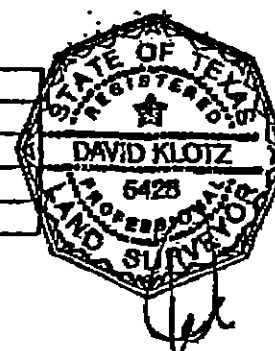
SCALE IN FEET



LINE TABLE			
No.	BEARING	LENGTH	(RECORD)
L1	S28°03'02"W	138.17'	S28°28'20"W
L2	N54°59'04"W	120.68'	S52°06'13"E 120.68'
L3	N62°06'06"W	102.01'	S59°13'15"E 102.01'
L4	N58°26'11"W	54.08'	S55°32'09"E 54.44'
L5	N55°25'50"W	63.43'	S53°06'49"E 63.58'
L6	N48°45'46"W	87.80'	S46°21'02"E 86.80'
L7	N67°26'04"W	101.58'	S65°01'20"E 102.35'
L8	N64°43'59"W	234.11'	S62°19'15"E 232.95'
L9	N44°00'29"E	92.00'	N46°27'47"E 92.02'
L10	N18°08'47"E	109.86'	N20°32'26"E 109.87'
L11	S71°52'55"E	80.00'	S69°27'34"E 80.00'
L12	S71°52'36"E	68.36'	S69°27'34"E 68.21'
L13	S67°31'16"E	319.28'	S65°04'45"E 319.33'
L14	S67°35'43"E	98.23'	S65°10'26"E
L15	S33°49'18"W	100.48'	
L16	S25°35'22"W	102.24'	
L17	N18°15'26"E	79.95'	
L18	N22°22'04"E	80.07'	

CURVE TABLE

NO.	DELTA	RADIUS	TAN	ARC	CHORD	BEARING	RECORD
C1	89°49'45"	20.00'	19.94'	31.36'	28.24'	S63°08'48"W	N65°32'26"E 28.26'
C2	4°22'59"	2460.00'	94.14'	188.19'	188.14'	N69°39'39"W	S67°16'10"E 188.03'
C3	89°52'56"	25.00'	24.95'	39.22'	35.32'	N22°27'31"W	S20°04'43"E 35.36'

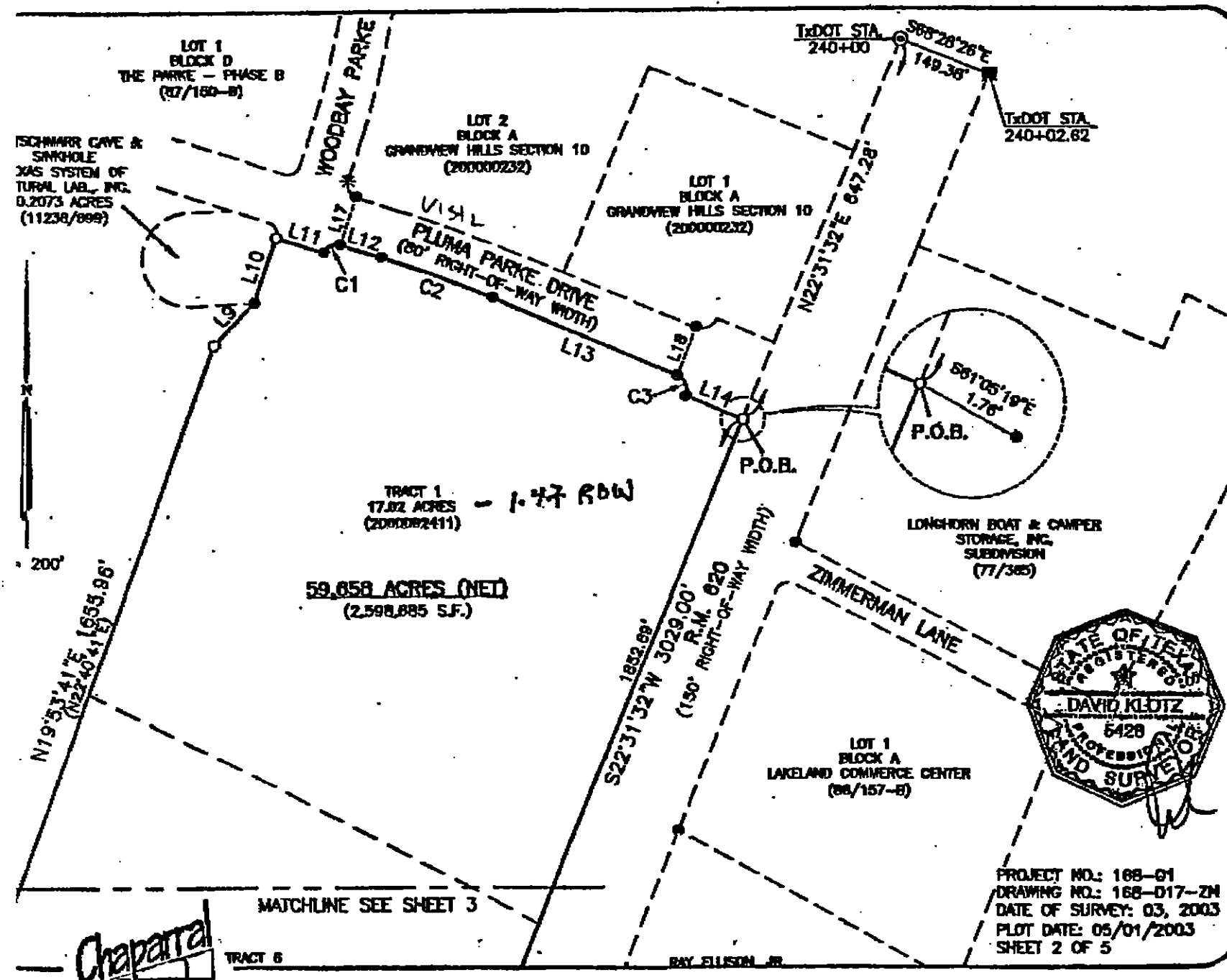


PROJECT NO.: 168-017
 DRAWING NO.: 168-017-ZN
 DATE OF SURVEY: 03, 2003
 PLOT DATE: 05/01/2003
 SHEET 5 OF 5

Chaparral

RING BASIS: GRID AZIMUTH FOR
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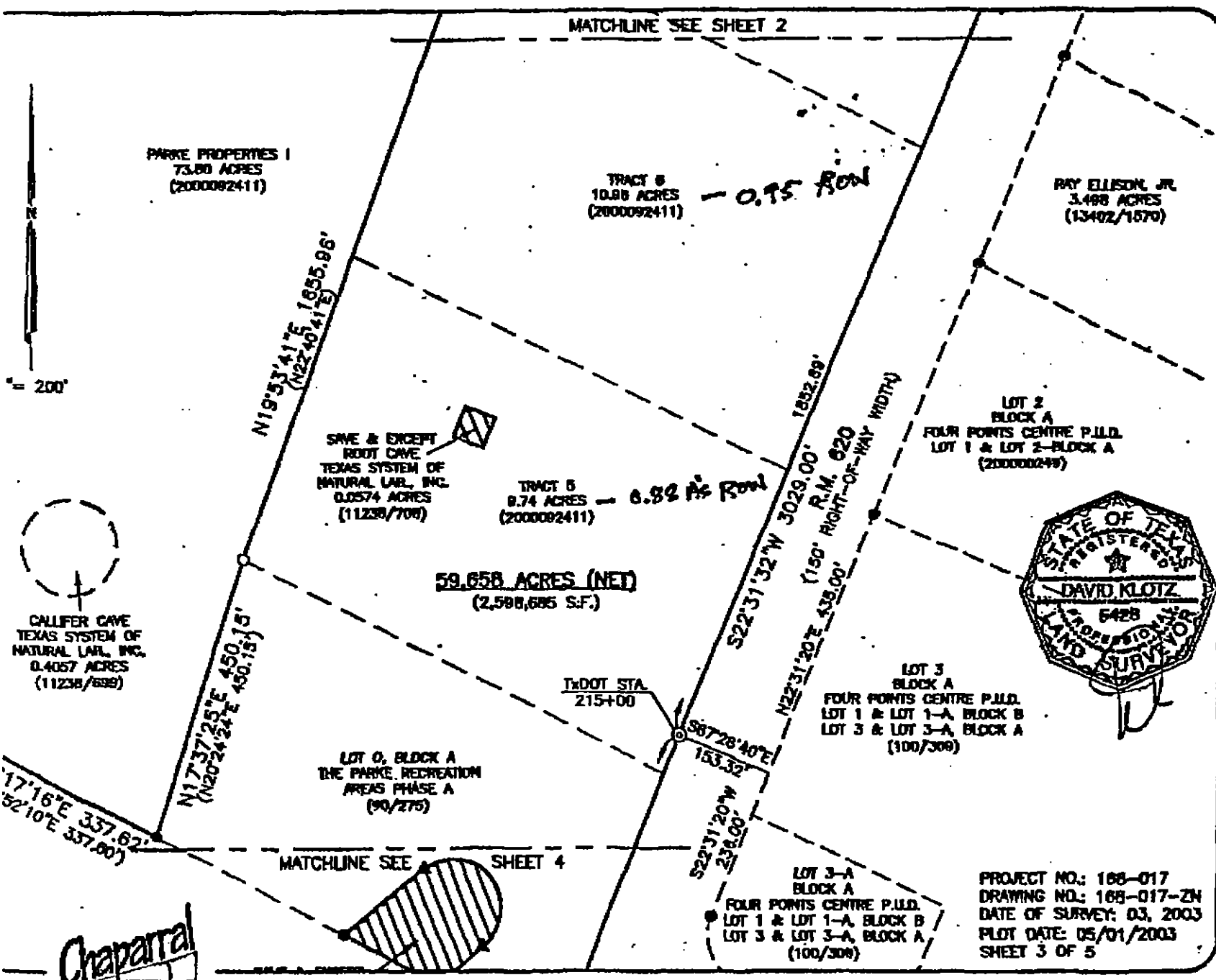
INCHMENTS: METES AND BOUNDS
 CRIPTION 168-017-ZN

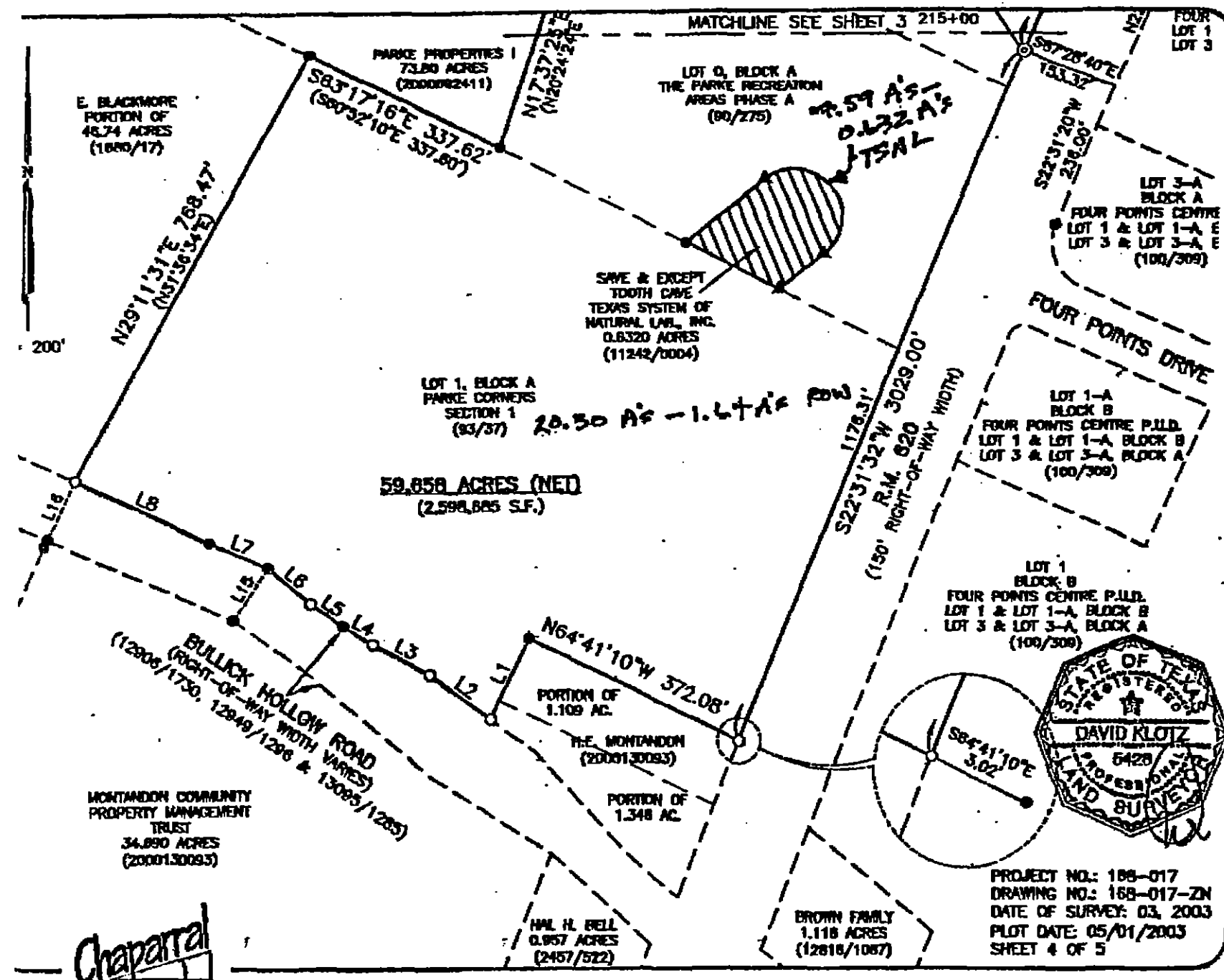


DEC-13-2004 MON 05:31 PM FROM:

PAY:

PAGE 7





RESTRICTIVE COVENANT

OWNER: Parke Properties II, L.P., a Texas limited partnership

ADDRESS: 5616 Scout Island Drive, Austin, Texas 78731-6504

OWNER: GDF Realty Investment Ltd., a Texas limited partnership

ADDRESS: 114 West 7th Street, Austin, Texas 78701

CONSIDERATION: Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and sufficiency of which is acknowledged.

PROPERTY: A 59.658 acre tract of land, more or less, out of the Alexander Dunlap Survey No. 805, Abstract No. 224 in Travis County, being originally 60.347 acres of land, Save and Except a 0.6320 acre tract of land and a 0.0574 acre tract of land, the tracts of land being more particularly described by metes and bounds in Exhibit "A" attached and incorporated into this covenant.

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

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

1. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generates traffic that exceeds the total traffic generation for the Property as specified in that certain Traffic Impact Analysis ("TIA") prepared by WHM Transportation Engineering Consultants, Inc., dated December 2005, or as amended and approved by the Director of the Watershed Protection and Development Review Department. Development on the Property is subject to the recommendations contained in the memorandum from the Transportation Review Section of the Watershed Protection and Development Review Department dated January 9, 2006. The TIA shall be kept on file at the Watershed Protection and Development Review Department.
2. If any person or entity shall violate or attempt to violate this agreement and covenant, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such agreement or covenant, to prevent the person or entity from such actions, and to collect damages for such actions.
3. If any part of this agreement or covenant is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full effect.
4. If at any time the City of Austin fails to enforce this agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.

5. This agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, and (b) by the owner(s) of the Property subject to the modification, amendment or termination at the time of such modification, amendment or termination.

EXECUTED to be effective the _____ day of _____, 2006.

OWNERS:

**Parke Properties II, L.P.,
a Texas limited partnership**

By: FP Properties, Inc.,
a Texas corporation,
its General Partner

By: _____
Fred A. Purcell,
President

**GDF Realty Investment, Ltd.,
a Texas limited partnership**

By: GDF Management, L.L.C.,
a Texas limited liability company,
its General Partner

By: _____
R. James George, Jr.,
Manager

APPROVED AS TO FORM:

Assistant City Attorney
City of Austin

**Restrictive covenant
Parke Corners**

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the ____ day of _____, 2006, by Fred P. Purcell, President of FP Properties, Inc., a Texas corporation, General Partner of Parke Properties II, L.P., a Texas limited partnership, on behalf of the corporation and the limited partnership.

Notary Public, State of Texas

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the ____ day of _____, 2006, by R. James George, Jr., Manager of GDF Management, L.L.C., a Texas limited liability company, General Partner of GDF Realty Investment, Ltd., a Texas limited partnership, on behalf of the limited liability company and the limited partnership.

Notary Public, State of Texas

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

Restrictive covenant
Parke Corners



Professional Land Surveying, Inc.
Surveying and Mapping

EXHIBIT A

Office: 512-443-1724
Fax: 512-441-8987

2807 Manchaca Road
Building One
Austin, Texas 78704

ZONING DESCRIPTION

59.658 ACRES

ALEXANDER DUNLAP SURVEY No. 805

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AND SAVE AND EXCEPT 0.0574 ACRES DESCRIBED IN A DEED OF GIFT TO THE TEXAS SYSTEM OF NATURAL LABORATORIES, INC. DATED JANUARY 10, 1990, OF RECORD IN VOLUME 11238, PAGE 708 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS;

FOR A NET ACREAGE OF 59.658 ACRES (2,598,685 S.F.), BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" rebar with cap set in the north line of the 17.02 acre tract, being also the intersection of the west line of R.M. 620 (150' right-of-way width) and the south line of Pluma Parke Drive (a.k.a. Vista Parke Drive) (80' right-of-way width) for the northeast corner of the herein described tract, from which a Texas Department of Transportation (TxDOT) Type II highway monument found bears North 22°31'32" East, a distance of 647.28 feet;

THENCE South 22°31'32" West, along the west line of R.M. 620, passing at 1852.69 feet a (TxDOT) Type II highway monument found, continuing along the west line of R.M. 620 for a total distance of 3029.00 feet to a 1/2" rebar with cap set in the south line of Lot 1, Block A, Parke Corners Section 1, being also in the north line of a 1.108 acre tract

Page 2
59.858 acres

recorded in Document No. 2000130093, of the Official Public Records of Travis County, Texas, from which a 1/2" rebar found for the southeast corner of Lot 1, Block A bears South 64°41'10" East, a distance of 3.02 feet;

THENCE leaving the west line of R.M. 620, and continuing along the common lines of Lot 1, Block A and the 1.109 acre tract the following two (2) courses:

1. North 64°41'10" West, a distance of 372.08 feet to a 1/2" rebar found for an interior corner of Lot 1, Block A, being also the northwest corner of the 1.109 acre tract;
2. South 26°03'02" West, a distance of 138.17 feet to a 1/2" rebar with cap set in the west line of Lot 1, Block A, being also in the east line of the 1.346 acre tract, the northwest corner of a 0.22 acre tract recorded in Volume 13095, Page 1285, of the Real Property Records of Travis County, Texas and the northeast corner of a 0.06 acre tract recorded in Volume 12906, Page 1730, of the Real Property Records of Travis County, Texas;

THENCE with the north line of the 0.06 acre tract, over and across Lot 1, Block A, the following three (3) courses:

1. North 54°59'04" West, a distance of 120.68 feet to a 1/2" rebar with cap set;
2. North 62°06'06" West, a distance of 102.01 feet to a 1/2" rebar with cap set;
3. North 58°26'11" West, a distance of 54.08 feet to a 1/2" rebar found in the south line of Lot 1, Block A, being also the west corner of the 0.06 acre tract and in the north line of Bullick Hollow Road;

THENCE North 55°25'50" West, along the south line of Lot 1, Block A and the north line of Bullick Hollow Road, a distance of 83.43 feet to a 1/2" rebar with cap set for the east corner of a 0.04 acre tract recorded in Volume 12906, Page 1730, of the Real Property Records of Travis County, Texas;

THENCE leaving the north line of Bullick Hollow Road, over and across Lot 1, Block A with the north line of the 0.04 acre tract, the following three (3) courses:

1. North 48°45'46" West, a distance of 87.80 feet to a 1/2" rebar found, from which a 1/2" rebar found bears South 33°49'18" West, a distance of 100.48 feet;
2. North 67°26'04" West, a distance of 101.58 feet to a 1/2" rebar found;

Page 3
59.658 acres

3. North 64°43'59" West, a distance of 234.11 feet to a 1/2" rebar with cap set in the west line of Lot 1, Block A, being also in the east line of a 46.74 acre tract recorded in Volume 1680, Page 17, of the Deed Records of Travis County, Texas, the northwest corner of the 0.04 acre tract and the northeast corner of a 0.27 acre tract recorded in Volume 12864, Page 1955, of the Real Property Records of Travis County, Texas, from which a 1/2" rebar found bears South 25°35'22" West, a distance of 102.24 feet;

THENCE North 29°11'31" West, along the common line of Lot 1, Block A, and the 46.74 acre tract, a distance of 768.47 feet to a 1/2" rebar found for the northwest corner of Lot 1, Block A, being also the northeast corner of the 46.74 acre tract and in the south line of a 73.80 acre tract (described as Tract 2) recorded in Document No. 2000092411;

THENCE South 63°17'16" East, along the north line of Lot 1, Block A, and south line of the 73.80 acre tract, a distance of 337.82 feet to a 1/2" rebar found in the north line of Lot 1, Block A, being also the southeast corner of the 73.80 acre tract and the southwest corner of Lot O, Block A;

THENCE North 17°37'25" East, along the west line of Lot O, Block A, and the east line of the 73.80 acre tract, a distance of 450.15 feet to a 1/2" rebar with cap set for the northwest corner of Lot O, Block A, being also the southwest corner of the 9.74 acre tract and in the east line of the 73.80 acre tract;

THENCE along the east line of the 73.80 acre tract, the west line of the 9.74 acre tract, the west line of the 10.96 acre tract and the west line of the 17.02 acre tract the following two (2) courses:

1. North 19°53'41" East, a distance of 1655.96 to a 1/2" rebar with cap set;
2. North 44°00'29" East, a distance of 92.00 to a 1/2" rebar found in the west line of the 17.02 acre tract, being also in the east line of the 73.80 acre tract and the southeast corner of a 0.2073 acre tract recorded in Volume 11238, Page 699, of the Real Property Records of Travis County, Texas;

THENCE North 16°08'47" East, along the west line of the 17.02 acre tract, the east line of the 73.80 acre tract and the east line of the 0.2073 acre tract, a distance of 109.86 feet to a 1/2" rebar with cap set for the northwest corner of the 17.02 acre tract, being also a northeast corner of the 73.80 acre tract, a northeast corner of the 0.2073 acre tract and in the south line of Pluma Parke Drive;

THENCE along the north line of the 17.02 acre tract, and the south line of Pluma Parke Drive, the following seven (7) courses:

Page 4
69.658 acres

1. South 71°52'55" East, a distance of 80.00 feet to a 1/2" rebar found for the beginning of a non-tangent curve to the right;
2. 31.36 feet along the arc of said curve to the right, having a radius of 20.00 feet, and through a central angle of 89°49'45", the chord of which bears South 63°08'48" East, a distance of 28.24 feet to a 1/2" rebar found, from which a 1/2" rebar found in the north line of Pluma Parke Drive, being also in the south line of Lot 2, Block A, Grandview Hills Section 10, a subdivision of record in Document No. 200000232, of the Official Public Records of Travis County, Texas bears North 18°15'28" East, a distance of 79.95 feet;
3. South 71°52'36" East, a distance of 68.36 feet to a 1/2" rebar found for the beginning of a curve to the right;
4. 188.19 feet along the arc of said curve to the right, having a radius of 2480.00 feet, and through a central angle of 04°22'59", the chord of which bears South 69°39'39" East, a distance of 188.14 feet to a 1/2" rebar found;
5. South 67°31'16" East, a distance of 319.28 feet to a 1/2" rebar found for the beginning of a curve to the right, from which a 1/2" rebar found in the north line of Pluma Parke Drive, being also in the south line of Lot 1, Block A, Grandview Hills Section 10 bears North 22°22'04" East, a distance of 80.07 feet;
6. 39.22 feet along the arc of said curve to the right, having a radius of 25.00 feet, and through a central angle of 89°52'56", the chord of which bears South 22°27'31" East, a distance of 33.32 feet to a 1/2" rebar found;
7. South 67°35'43" East, a distance of 98.23 feet to the POINT OF BEGINNING, containing a gross area of 80.347 acres, for a net area of 69.658 acres of land, more or less.

Surveyed on the ground in March, 2003. Bearing basis is Grid Azimuth for Texas Central Zone, 1983/93 HARN values from LCRA control network. Attachments: Survey Drawing 168-017-PN.


David Klotz
Registered Professional Land Surveyor
State of Texas No. 5428

05/01/03



AN EXHIBIT TO ACCOMPANY

A DESCRIPTION OF 60.347 ACRES OF LAND OUT OF THE ALEXANDER DUNLAP SURVEY No. 805, ABSTRACT No. 224, BEING A PORTION OF A 17.02 ACRE TRACT (DESCRIBED AS TRACT 1), A PORTION OF A 9.74 ACRE TRACT (DESCRIBED AS TRACT 5), AND A PORTION OF A 10.98 ACRE TRACT (DESCRIBED AS TRACT 6) CONVEYED TO PARKE PROPERTIES I, LP., BY SPECIAL WARRANTY DEED DATED DECEMBER 31, 1997, RECORDED IN DOCUMENT No. 2000092411, OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF LOT 0, BLOCK A, THE PARKE RECREATION AREAS PHASE A, A SUBDIVISION OF RECORD IN VOLUME 90, PAGE 275, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF LOT 1, BLOCK A, PARKE CORNERS SECTION 1, A SUBDIVISION OF RECORD IN VOLUME 93, PAGE 37, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS;

SAVE AND EXCEPT 0.6320 ACRES DESCRIBED IN A DEED OF GIFT TO THE TEXAS SYSTEM OF NATURAL LABORATORIES, INC. DATED JANUARY 1, 1990, OF RECORD IN VOLUME 11242, PAGE 4 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS;

AND SAVE AND EXCEPT 0.0574 ACRES DESCRIBED IN A DEED OF GIFT TO THE TEXAS SYSTEM OF NATURAL LABORATORIES, INC. DATED JANUARY 10, 1990, OF RECORD IN VOLUME 11238, PAGE 708 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS;

FOR A NET ACREAGE OF 59.658 ACRES (2,598,685 S.F.).



PROJECT NO.: 168-017
DRAWING NO.: 168-017-ZN
DATE OF SURVEY: 03, 2003
PLOT DATE: 05/01/2003
SHEET 1 OF 5

ARING BASIS: GRID AZIMUTH FOR
XAS CENTRAL ZONE, 1983/93 HARN
LUES FROM LCRA CONTROL NETWORK.

TACHMENTS: METES AND BOUNDS
SCRIPTION 168-017-ZN

Chaparral

LEGEND

- 1/2" REBAR FOUND
- 1/2" REBAR WITH CAP SET
- ⊙ TxDOT TYPE II DISK FOUND
- CONC. HIGHWAY MON. FOUND
- ▲ NAIL FOUND
- * COTTON SPINDLE FOUND

SCALE IN FEET



LINE TABLE

No.	BEARING	LENGTH	(RECORD)
L1	S26°03'02"W	138.17'	S28°28'20"W
L2	N54°59'04"W	120.68'	S52°08'13"E 120.68'
L3	N62°06'06"W	102.01'	S59°13'15"E 102.01'
L4	N58°28'11"W	54.08'	S55°32'09"E 54.44'
L5	N55°25'50"W	63.43'	S53°06'49"E 63.58'
L6	N48°45'46"W	87.80'	S46°21'02"E 88.80'
L7	N67°26'04"W	101.58'	S85°01'20"E 102.35'
L8	N64°43'59"W	234.11'	S62°19'15"E 232.95'
L9	N44°00'29"E	92.00'	N46°27'47"E 92.02'
L10	N18°08'47"E	109.88'	N20°32'26"E 109.87'
L11	S71°52'55"E	80.00'	S69°27'34"E 80.00'
L12	S71°52'36"E	68.36'	S69°27'34"E 68.21'
L13	S87°31'16"E	319.28'	S65°04'45"E 319.33'
L14	S67°35'43"E	98.23'	S65°10'28"E
L15	S33°49'18"W	100.48'	
L16	S25°35'22"W	102.24'	
L17	N18°15'26"E	79.95'	
L18	N22°22'04"E	80.07'	

CURVE TABLE

NO.	DELTA	RADIUS	TAN	ARC	CHORD	BEARING	RECORD
C1	89°49'45"	20.00'	19.94'	31.36'	28.24'	S63°08'48"W	N85°32'26"E 28.26'
C2	4°22'59"	2460.00'	84.14'	188.19'	188.14'	N69°39'39"W	S67°16'10"E 188.03'
C3	89°52'56"	25.00'	24.95'	39.22'	35.32'	N22°27'31"W	S20°04'43"E 35.36'



Chaparral

ARING BASIS: GRID AZIMUTH FOR
KAS CENTRAL ZONE, 1983/83 HARN
LINES FROM LCRA CONTROL NETWORK

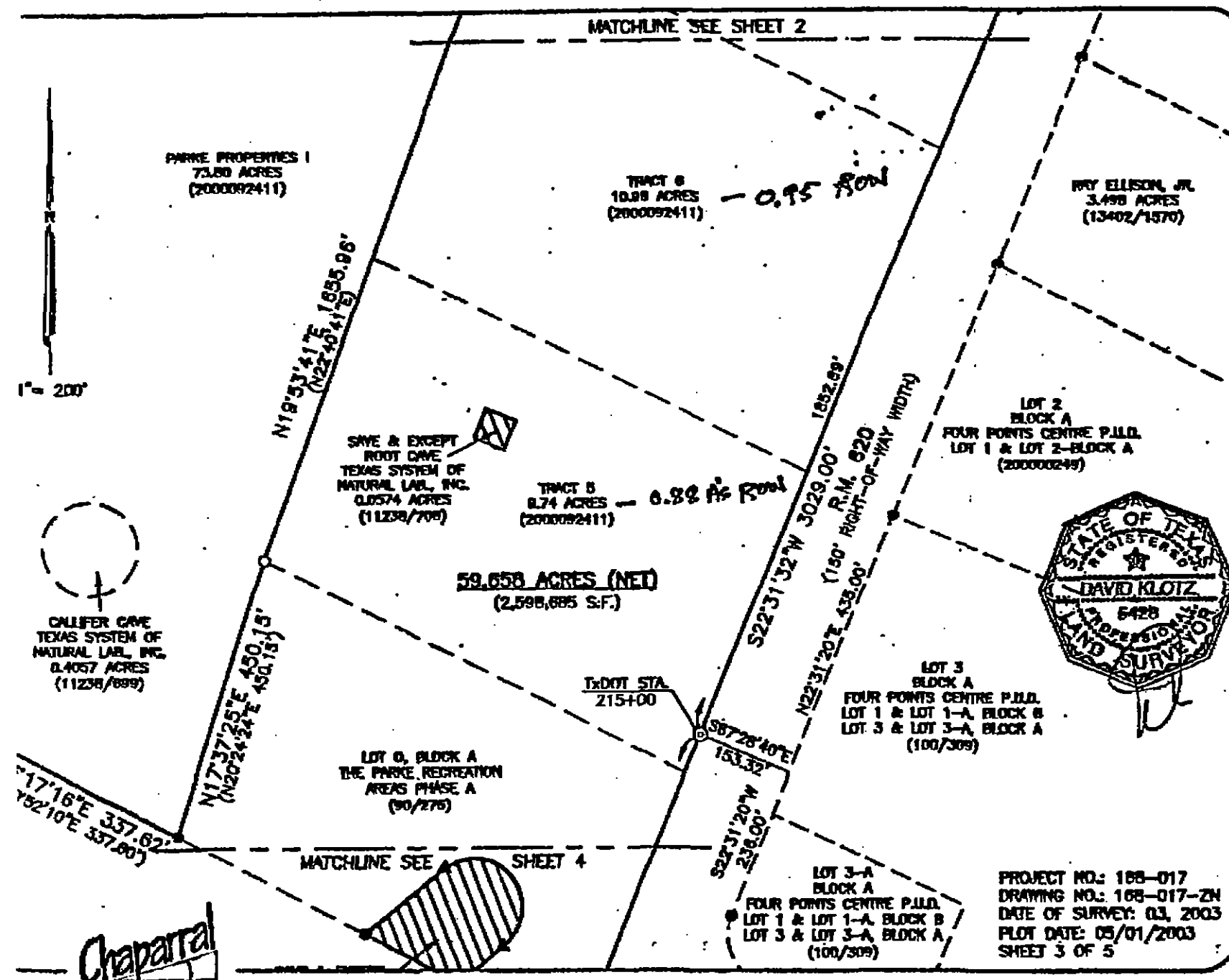
TACHIMENTS: METES AND BOUNDS
SCRIPTION 188-017-ZN

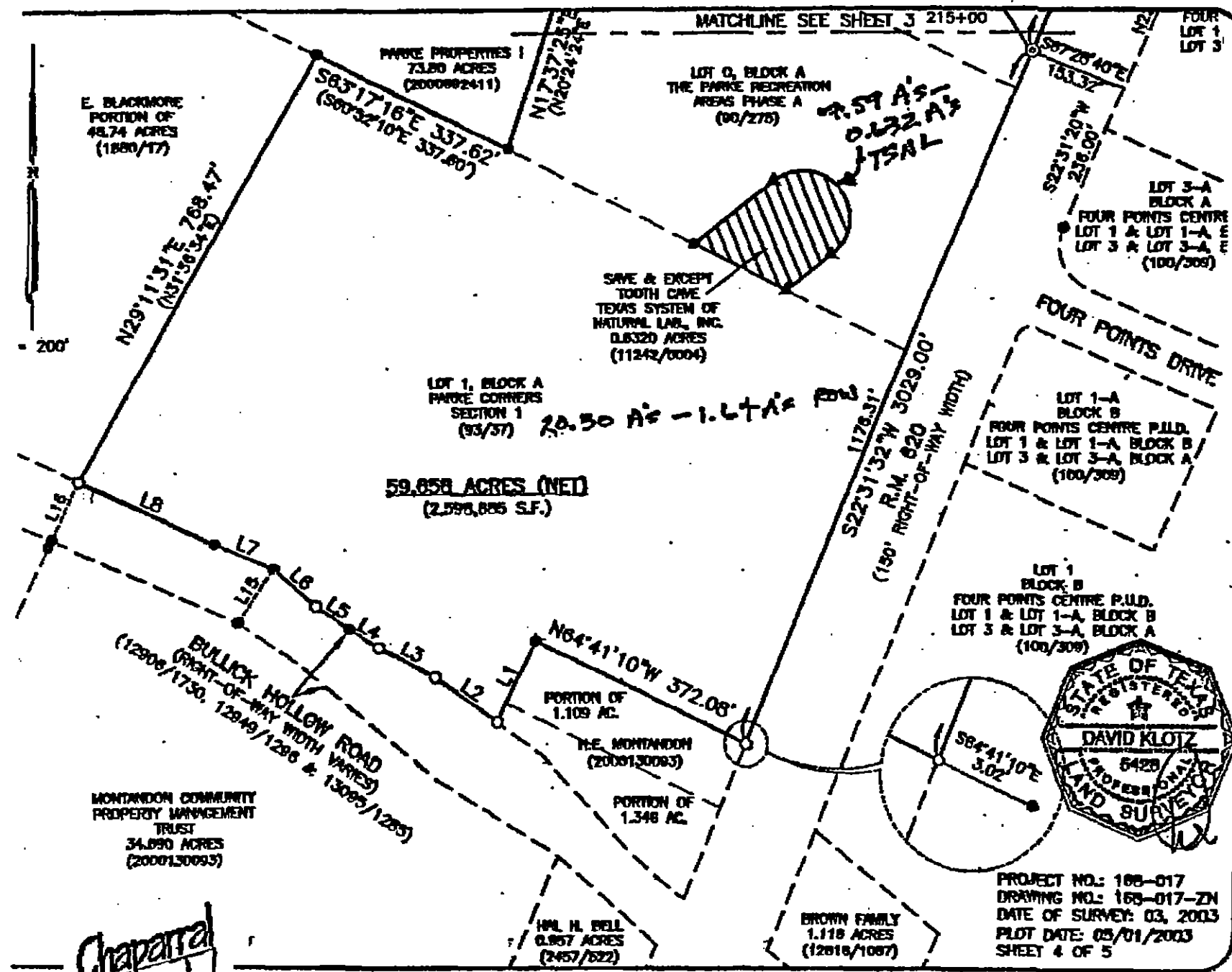
PROJECT NO.: 188-017
DRAWING NO.: 188-017-ZN
DATE OF SURVEY: 03, 2003
PLOT DATE: 05/01/2003
SHEET 5 OF 5

DEC-13-2004 MON 05:31 PM FROM:

PLAN:

PAGE 7





Chaparral

ZONING CHANGE REVIEW SHEET

CASE: C14-04-0206

Z.A.P. DATE: November 15, 2005

ADDRESS: 7400 R.M. 620 North and 11620 Bullick Hollow Road

OWNER/APPLICANT: Parke Properties I, L.P. (Fred Purcell),
GDF Realty Investment, LTD. (R. James George)

AGENT: Bennett Consulting (Jim Bennett)

ZONING FROM: I-RR

TO: CS-MU

AREA: 59.658 acres

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to grant GR-CO, Community Commercial-Conditional Overlay District, zoning. The proposed conditional overlay will prohibit the Service Station use for this property.

The staff's recommendation includes a public restrictive covenant to encompass the Transportation Impact Analysis Recommendations provided in Attachment A.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

11/15/05: Approved staff's recommendation of GR-CO zoning by consent (7-0, J. Martinez, J. Gohil-absent); K. Jackson-1st, M. Hawthorne-2nd.

DEPARTMENT COMMENTS:

The property in question heavily wooded an undeveloped. The applicant is requesting CS-MU, General Commercial Services-Mixed Use District, zoning to develop a shopping center on this site. According to the Traffic Impact Analysis (TIA), the proposed uses on the property could include retail sales, a drive-in bank, a general restaurant, a fast food restaurant, a hotel, and a gas station.

The staff is recommending GR-CO zoning for this tract of land because the Community Commercial district will allow for commercial uses that will provide additional services to the surrounding residential developments. The property in question meets the intent of the GR zoning district as it is has frontage on an arterial roadway, R.M. 620 North, with access to Vista Parke Drive and Bullick Hollow Road.. The staff's recommendation includes a prohibition on Service Station uses for this site because this tract of land surrounds critical environmental features (caves shown as out parcels on the zoning map) and there are several (4) gas stations located within less than a mile of this site. In addition, the staff does not recommend the MU, Mixed Use Combining District, for this property because the in the TIA the applicant has not shown an intent to develop mixed use (residential) on this tract of land and there are adequate amounts of multifamily uses (numerous apartment complexes) located along R.M. 620 to the north.

The applicant agrees with the staff's recommendation.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	I-RR	Undeveloped
North	P, GR-CO	Electric Substation, Undeveloped, Home Depot, Vacant Retail Strip Center
South	County, I-SF-2	Restaurant (Thundercloud Subs), Service Station (Diamond Shamrock), Check Cashing (Double-B Check Cashing), Restaurant (Smokey J's Barb-q), Convenience Store (7-Eleven), Service Station (Citgo), Contractor's Office (New Austin Homes Custom Builders)
East	GR-CO, I-RR, PUD (Four Points Centre PUD), GR-CO	Restaurant (Rudy's Barb-q), Service Station (Shell), Warhouses, Multifamily (Jefferson Lakes Apartments), Auto Service (Lamb's Tire & Auto), Restaurants (Taco Bell, McDonald's), Undeveloped Tract, Financial Services (Compass Bank), Commercial Retail Center, Food Sales (HEB Grocery Store), Service Station (HEB Gas), Financial Services (Bank of America)
West	County	Undeveloped

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

190 – Middle Bull Creek Neighborhood Association
 194 – 2222 Property Owners Association
 260 - Comanche Trail Community Association
 275 – Volente Neighborhood Association
 426 – River Place Residential Community Association, Inc.
 439 – Concerned Citizens For 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	COMMISSION	CITY COUNCIL
C14-04-0043	DR to SF-6* * Amended to SF-2 by the applicant on 4/30/04	4/20/04: Approved staff's recommendation for SF-2 zoning by consent (7-0, B. Baker-absent)	5/27/04: Approved SF-2 (6-); all 3 readings

C14-03-0102	LR to GR	9/23/03: Approved staff's recommendation of GR-CO zoning, with conditions: Improve Zimmerman Lane through the first driveway on the site, at the time of site plan (9-0)	10/23/03: Granted GR-CO with a restrictive covenant requiring the widening of Zimmerman Lane according to specifications approved by the City of Austin, from the intersection of FM 620 North and Zimmerman Lane, through the first driveway cut on the property (6-0, Dunkerly-absent); all 3 readings
C14-03-0072	GR-CO to CS	6/24/03: Approved staff rec. of CS-CO w/ footprint (7-0); prohibiting the following uses: Agricultural Sales and Services, Adult Oriented Businesses, Automotive Rental, Automotive Repair Services, Automotive Sales, Automotive Washing, Art and Craft Studio (general), Building Maintenance Services Campground, Commercial Blood Plasma Center, Convenience Storage, Drop-Off Recycling Collection Facility, Electronic Prototype Assembly, Equipment Repair Services, Equipment Sales, Kennels Laundry Services, Monument Retail Sales, Vehicle Storage, Veterinary Services, Limited Warehousing and Distribution, Maintenance and Service Facilities, Custom Manufacturing, Transitional Housing, Transportation Terminal, Scrap and Salvage, Pawn Shop Services, Exterminating Services Restaurant (drive-in, fast food)	8/28/03: Approved CS-CO (7-0); all 3 readings [Note: Private RC prohibits use/sale of coal-tar containing pavement sealers]
C14-00-2055	R&D to P	5/9/00: Approved staff rec. of 'P' by consent (8-0)	6/8/00: Approved PC rec. of 'P' on all 3 readings (7-0)
C14-99-2062	RR to LI	11/16/99: Approved RR (8-0); (Staff alternate rec. was CS-CO, Applicant's request was for LI)	1/13/00: Approved W/LO, w/ conditions as rec. by staff (6-0, KW-out of room); 1 st reading 2/3/00: Approved W/LO-CO; Limiting vehicle trips to 250 per day & 50 ft reservation of FM 620 to be placed on plat or site plan (5-0); 2 nd reading 3/30/00: Approved 3 rd reading (6-0)

C14-99-0079	I-RR to GR	10/26/99: Approved GR-CO. The CO limited the site to LR uses and GR development regulations (8-1)	1/13/00: Approved GR-CO. The CO prohibited the following uses: Automotive Rentals, Auto Repair, Auto Washing, Restaurant (drive-in, fast food), Pawn Shop Services, Exterminating Services. In addition, retail by a single tenant may not exceed 100,000 square feet of gross floor area and office use by a single tenant may not exceed 65,000 square feet (6-0)
C14-99-0078	I-RR to GR	10/26/99: Approved 'GR' with 'LR' uses (8-1, RC-Nay); Quality restaurant allowed, prohibit Fast Food Restaurants, Pawn Shops, Automotive Uses, Exterminating Services, permit 'LO' uses, and add conditions as per Neighborhood/Applicant agreement.	12/2/99: Approved PC rec. of GR w/ conditions (6-0, WL-absent); 1 st reading 1/13/00: Approved; subject to limitation of 100,000 sq. ft. of retail and 65,000 sq. ft. of office (6-0, KW-out of room); 2 nd reading 3/2/00: Approved 3 rd reading (5-0)
C14-99-0011	GR to MF-2	3/9/99: Approved staff rec. of MF-2 by consent (6-0)	4/15/99: Approved PC rec. of MF-2 (7-0); all 3 readings
C14-98-0108	I-RR to CS	10/27/98: Approved W/LO for front 615 ft., LR-MU footprint for 1500 ft., remainder of site as CS (6-0)	12/3/98: Approved PC rec. of W/LO-CO, LR-MU-CO, and CS-CO w/conditions (6-0); 1 st reading 9/30/00: Approved W/LO-CO, LR-MU-CO, and CS-CO; 2 nd /3 rd rdgs.
C14-98-0002	I-SF-2, I-RR to MF-2	2/17/98: Approved MF-2 (7-0)	3/26/98: Approved PC rec. of MF-2 w/ conditions (6-0); all 3 readings
C814-95-0002.04	PUD to PUD	2/4/03: Approved staff rec. of PUD by consent (7-0)	3/6/03: Approved PUD (6-0, Dunkerley-absent); 1 st reading 4/24/03: Approved PUD (6-0-1, Garcia-absent)

RELATED CASES: There are no pending related cases.

ABUTTING STREETS: Please see TIA Memorandum (Attachment A)

CITY COUNCIL DATE: December 15, 2005

ACTION: Approved ZAP recommendation of GR-CO zoning by consent (7-0); 1st reading

January 26, 2006

ACTION:

ORDINANCE READINGS: 1st 12/15/05

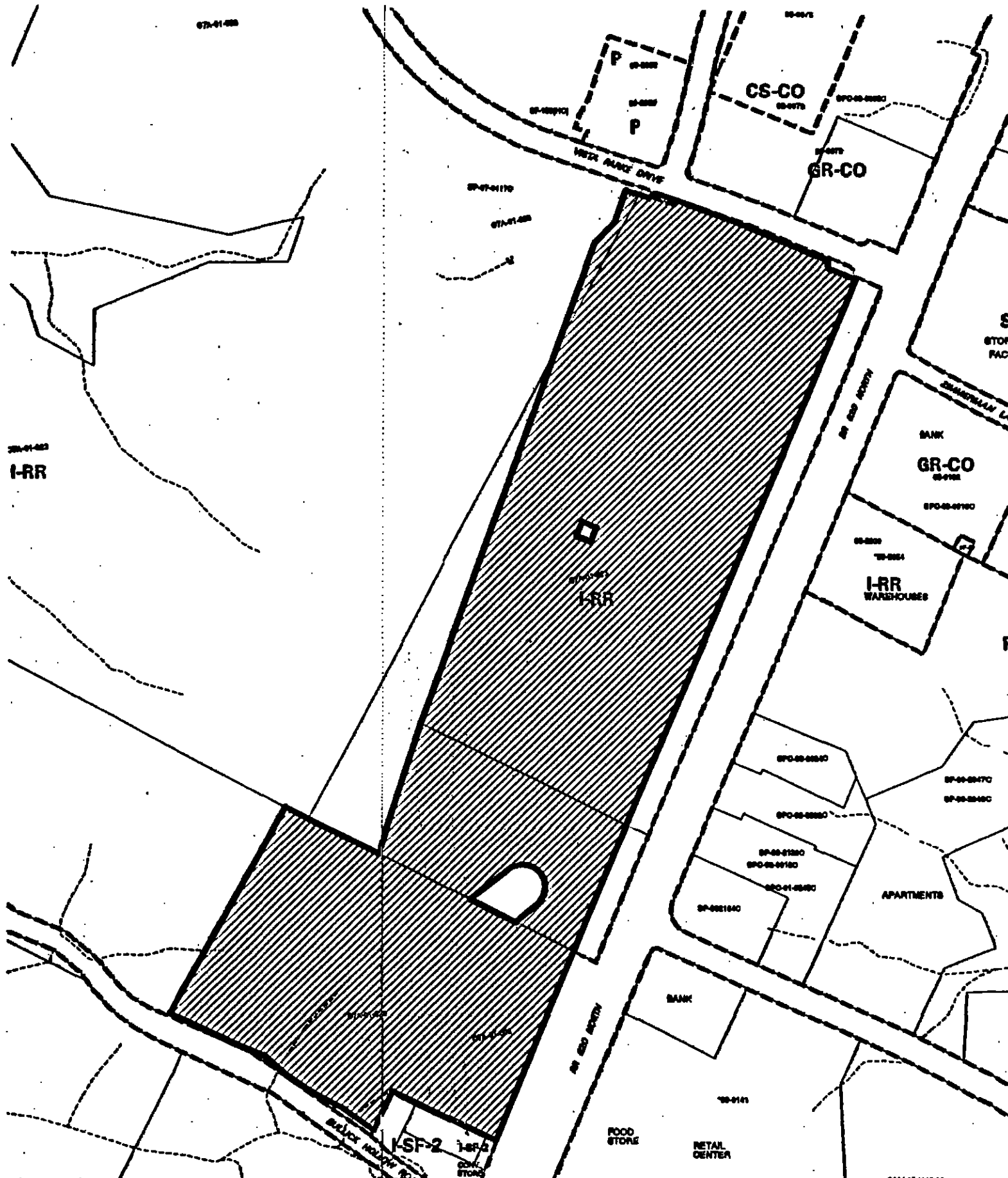
2nd





3rd

ORDINANCE NUMBER:

CASE MANAGER: Sherri Sirwaitis

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



 1" = 400'	SUBJECT TRACT		ZONING CASE #: C14-04-0206 ADDRESS: N FM 620 RD @ BULLICK HOLLOW RD SUBJECT AREA (acres): 59.058	DATE: 05-01 INTLS: SM	CITY GRID REFERENCE NUMBER C34
	PENDING CASE				
	ZONING BOUNDARY				
	CASE MGR: S. GAGER				

STAFF RECOMMENDATION

The staff's recommendation is to grant GR-CO, Community Commercial-Conditional Overlay District, zoning. The proposed conditional overlay will prohibit the Service Station use for this property.

The staff's recommendation includes a public restrictive covenant to encompass the Transportation Impact Analysis Recommendations provided in Attachment A.

BASIS FOR RECOMMENDATION

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

The Community Commercial (GR) zoning district is the designation for an office or other commercial use that serves neighborhood and community needs and that generally is accessible from major traffic ways.

The proposed change meets the purpose statement set forth in the Land Development Code. The property is a 59 acre tract of land that is located on a major arterial roadway, R.M. 620 North, with access to Vista Parke Drive and Bullock Hollow Road.

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

The proposed zoning would be consistent with the existing CS-CO (which allows Construction Sales and Services and all other GR uses) and GR-CO zoning to the north and east of the site. The Four Points Centre PUD, across R.M. 620 to the east, was approved for GR (retail) district uses on the lots that front R.M. 620 North.

The property in question is located adjacent to developed commercial uses to the north, south and east.

- 3. Zoning should promote the policy of locating retail and more intensive zoning near the intersections of arterial roadways or at the intersections of arterials and major collectors.*

The property in question fronts onto and will take access from R.M. 620, a major arterial roadway. The site is located at the northwest corner of the intersection of R.M. 620 north and F.M. 2222 (Bullick Hollow Road).

EXISTING CONDITIONS

Site Characteristics

The site under consideration is heavily wooded and undeveloped. This tract of land surrounds several critical environmental features (caves that are shown as out parcels on the zoning map). The property to the north is developed with a Construction Sales and Services use (Home Depot) with a vacant retail strip center. There is a restaurant/service station use (Rudy's Bar-b-q, Shell) located at the southeast corner of R.M. 620 and Zimmerman Lane. In addition, to the east there is an office warehouse use, multifamily use (Jefferson Lakes Apartments), automotive repair use (Lamb Tire & Auto), limited restaurant uses (Taco Bell, Mc Donald's), financial services uses (Compass Bank, Bank of America), commercial uses (a retail center with numerous tenants), a food sales use (HEB), and another service station use (HEB Gas). The property to the south, to the north of Bullick Hollow

Road, consists of an undeveloped tract, a convenience store (7-Eleven), a service station (Citgo), and a contractor's office (New Austin Homes Custom Home Builders). The tracts of land to the west are currently undeveloped.

Impervious Cover

The maximum impervious cover allowed by the CS zoning district would be 95%. However, because the Watershed impervious cover is more restrictive than the 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:

Development Classification	% of Net Site Area	% NSA with Transfers
One or Two Family Residential	30%	40%
Multifamily Residential	40%	55%
Commercial	40%	55%

Note: The most restrictive impervious cover limit applies.

Environmental

The site is located over the North Edward's Aquifer Recharge 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 that would preempt current water quality or Code requirements.

Transportation

A traffic impact analysis is required and has been received. Additional right-of-way, participation in roadway improvements, or limitations on development intensity may be recommended based on

review of the TIA. [LDC, Sec. 25-6-142]. Comments will be provided in a separate memo (Attachment A).

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, 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 system 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 water and wastewater utility construction must be inspected by the City. The landowner must pay the associated City fees.

The landowner must pay the tap and impact fee once the landowner makes an application for a City water and wastewater utility tap permit.

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 storm water runoff will be mitigated through on-site storm water detention ponds, or participation in the City of Austin Regional Stormwater Management Program, if available.

Site Plan Requirements

A portion of 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):

<u>Slope</u>	<u>Maximum FAR</u>
0-15%	.25:1
15-25%	.10:1
25-35%	.05:1

Except for clearing necessary to provide utilities or site access, a 100/50-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 right-of-way 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 and Platting Commission.

Compatibility Standards

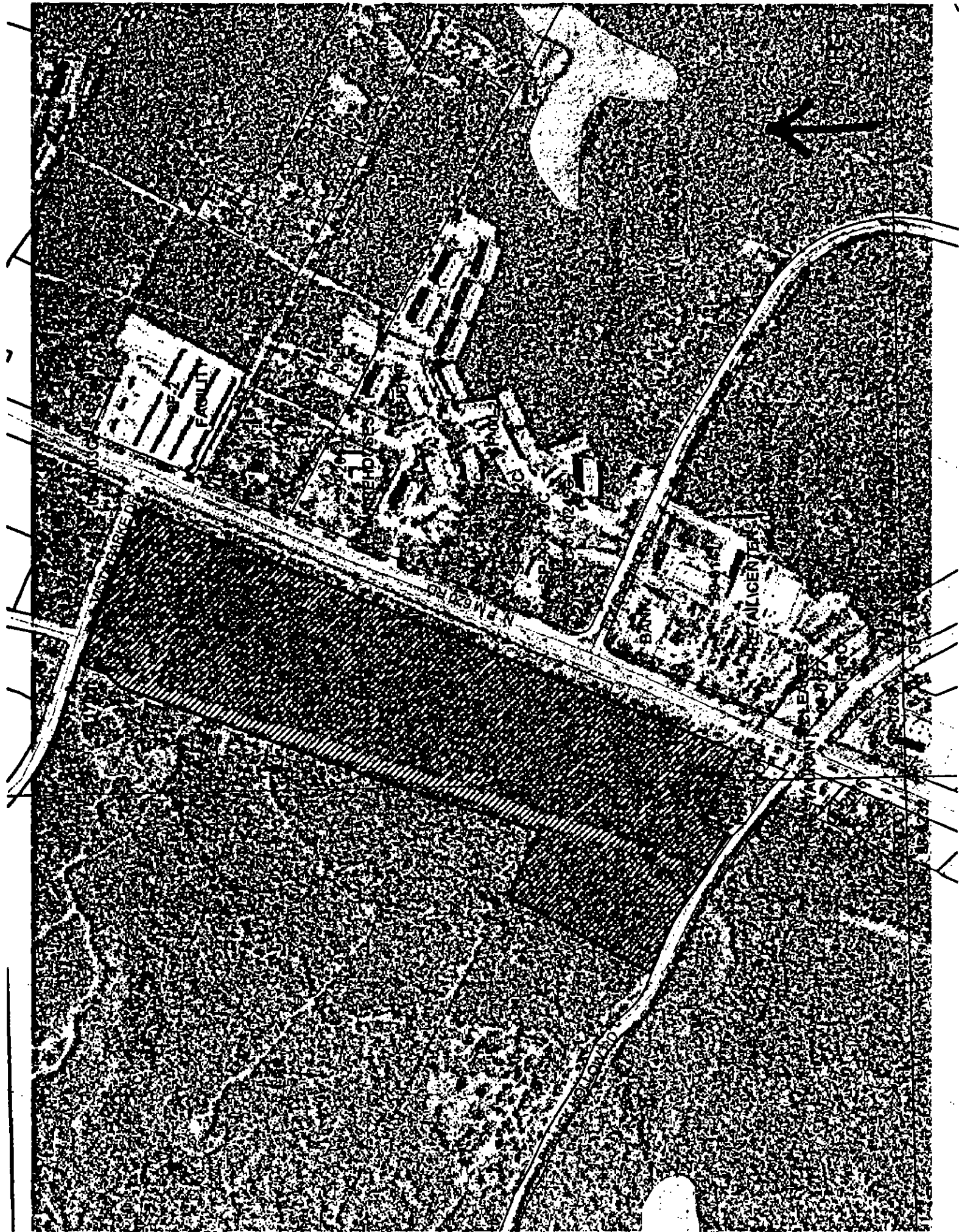
The site is subject to compatibility standards. Along the east property line, the following standards apply:

- 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.

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

- For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
- An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-2 property.
- No parking or driveways are allowed within 25 feet of the property line
- A landscape area at least 15 feet in width is required along the property line if tract is zoned MF-3, MF-4, MF-5, MH, NO, or LO.
- A landscape area at least 25 feet in width is required along the property line if the tract is zoned LR, GO, GR, L, CS, CS-1, or CH.
- 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.

This site is on a Scenic Roadway.





Attachment A

Date: January 9, 2006
To: Sherri Sirwaitis, Case Manager
CC: Rashed Islam, P.E. WHM Transportation Engineering
Carol Barnes, COA Fiscal Officer
Reference: Four Points Retail TIA C14-04-0206

The Transportation Review Section has reviewed the Traffic Impact Analysis for Four Points Retail site, dated December 2005, prepared by Rashed Islam, P.E., WHM Transportation Engineering, and offers the following comments:

TRIP GENERATION

The Four Points Retail Tract is located at the northwest corner of RM 2222 and RM 620 in northwest Austin.

The property is currently undeveloped and zoned Interim Rural Residence (I-RR). The applicant has requested a zoning change to Commercial Services Mixed Use (CS-MU). The estimated completion of the project is expected in the year 2008.

Based on the standard trip generation rates established by the Institute of Transportation Engineers (ITE), the development will generate approximately 30,498 unadjusted average daily trips (ADT).

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

Table 1. Trip Generation				
LAND USE	Size	ADT	AM Peak	PM Peak
Shopping Center	620,000sf	13,206	277	1,239
Drive-In Bank	3 windows	589	27	74
High Turnover Restaurant	25,000sf	1,631	148	141
Hotel	180rooms	1,324	91	95
Fast Food w/ Drive Thru	4,800sf	1,082	117	75
Total		17,832	661	1,624

ASSUMPTIONS

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

Table 2. Growth Rates per Year	
Roadway Segment	%
All Roads	2%

2. In addition to these growth rates, background traffic volumes for 2004 included estimated traffic volumes for the following projects:

Comanche Canyon PUD	C814-01-0114
Home Depot Grandview Hills	SPC-03-0008C
Target at Four Points Centre	SPC-02-0375C
Four Points Car Wash	SPC-02-0008C
McDonald's at Four Points Centre	SPC-02-0018C
Cypress Creek Baptist Church	SPC-02-0012C

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

Table 3. Summary of Pass-By and Internal Capture Reductions		
Land Use	Pass-By Reductions %	
	AM	PM
Shopping Center	34	34
Drive-In Bank	47	47
High Turnover Restaurant	43	43
Fast Food Restaurant w/ Drive Thru	49	50

4. A 10% reduction was taken for internal capture.
5. No reductions were taken for transit use.

EXISTING AND PLANNED ROADWAYS

RM 620 – This roadway is classified as a four lane divided major arterial from Quinlan Park Road to Anderson Mill Road. The traffic volumes in 2003 were 28,000 vehicles per day (vpd) and 30,000vpd north and south of RM 2222, respectively. RM 620 is in the Bicycle Plan as a Priority 2 Route.

RM 2222/Bulllick Hollow Road – RM 2222 is a four lane divided major arterial from RM 620 to River Place Boulevard and a two lane minor arterial from RM 620 north to FM 2769. The 2003 traffic volumes 29,000vpd east of RM 620. RM 2222 is in the Bicycle Plan as a Priority 1 Route.

Four Points Drive – This roadway is classified as a four lane divided collector. In 1997 the traffic volumes were 1,840 east of RM 620.

River Place Boulevard – River Place Boulevard is a two lane undivided major arterial from Four Points Drive to RM 2222. The traffic volumes for this roadway in 2003 north and south of Four Points Drive were 150 and 7,370vpd, respectively. This roadway is in the Bicycle Plan as a Priority 2 Route.

Wilson Parke Avenue – This roadway is a four lane divided collector. The traffic volumes for this roadway east and west of Vista Parke Drive were 2,000 and 2,239vpd respectively in 2003.

Vista Parke Drive – Vista Parke Drive is classified as a two lane collector.

Woodbay Parke Drive – This roadway is classified as a two lane collector roadway.

Rock Harbour Drive – This roadway is a two lane collector roadway.

INTERSECTION LEVEL OF SERVICE (LOS)

The TIA analyzed 14 intersections, 5 of which are or will be signalized. Existing and projected levels of service are as follows, assuming that all improvements recommended in the TIA are built:

Table 4. Level Of Service				
Intersection	Existing 2003		Site + Forecasted 2008	
	AM	PM	AM	PM
RM 620 and RM 2222*	F	E	F	E
RM 620 and Wilson Parke Avenue*	B	A	B	B
RM 620 and Four Points Drive/Driveway E*	B	E	D	D
River Place Boulevard and RM 2222*	E	C	D	D
RM 620 and Vista Parke Drive*	A	A	B	B
Woodbay Parke Drive and Wilson Parke Ave.	A	A	A	A
Woodbay Parke Drive and Vista Parke Drive	A	A	A	A
Driveway A and Vista Parke Drive			A	A
Driveway B and Vista Parke Drive			A	A
RM 620 and Driveway C			A	A
RM 620 and Driveway D/Apartment Driveway			A	D
RM 620 and Driveway F			A	A
Driveway G and Bullick Hollow Road			A	B
• Driveway H and Bullick Hollow Road			A	A

* = SIGNAL

RECOMMENDATIONS

1) Prior to 3rd Reading at City Council fiscal ls required to be posted for the following Improvements:

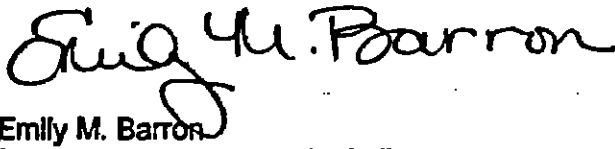
Intersection	Improvement	Pro Rata Share (%)	Pro Rata Share (\$)
RM 620 and RM 2222	Northbound Approach ~ Construction of and additional right turn lane	11%	\$4,468
	Southbound Approach ~ Restriping to provide separate right turn lanes	59%	\$1,842
	Eastbound Approach ~ Left turn lane	49%	\$45,384
	Westbound Approach ~ Additional Left turn lane and additional right turn lane	11%	\$23,505
RM 620 and Four Points Drive/Driveway E	Westbound Approach ~ Right turn lane	1%	\$375
	Northbound Approach ~ Restriping for Left turn lane	100%	\$6,027
	4 th Leg of Signal	25%	\$6,875
River Place Boulevard and RM 2222	Southbound Approach ~ Construct a separate right turn lane by modifying the median	34%	\$7,013
	Eastbound Approach ~ Construction of right turn lane	19%	\$6,819
RM 620 and Vista Parke Drive	Install a traffic signal*	15%	\$12,375
	Eastbound approach ~ Install pavement markings to provide 1 left turn lane and 1 right turn lane	73%	\$11,226
Woodbay Parke Drive and Wilson Parke Avenue	Westbound approach ~ Install pavement markings to delineate the left turn lane	14%	\$140
TOTAL			\$126,049

* A signal will be installed at this intersection only when warrants are met as determined by COA DPWT and TXDOT

- 2) Minimum driveway widths and lane assignments as stated in the TIA.
- 3) Driveway A may align with Woodbay Parke Drive if it is determined that the environmental features on site will not be effected. It should be noted that if Driveway A can not be aligned with Woodbay Parke Drive that appropriate spacing from the intersection of Woodbay Parke Drive and Vista Parke Drive be in place to prevent unsafe maneuvers from Driveway A to Woodbay Parke Drive.
- 4) DPWT and TXDOT have approved this TIA.

-
- 5) Development of this property should be limited to uses and intensities which will not exceed or vary from the projected traffic conditions assumed in the TIA, including peak hour trip generations, traffic distribution, roadway conditions, and other traffic related characteristics.

If you have any questions or require additional information, please contact me at 974-2788.



Emily M. Barron
Sr. Planner - Transportation Review Staff
Watershed Protection and Development Review

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: C14-04-0206

Contact: Sherri Sirwaitis, (512) 974-3057

Public Hearing:

November 15, 2005 Zoning and Platting Commission

DIRK A. DOZIER

Your Name (please print)

☒ I am in favor
☐ I object

7515 FM 520 NORTH
Your address(es) affected by this application

[Signature]
Signature

11-10-05
Date

Comments:

DIRK A. DOZIER, MANAGER
AREPL II MANAGEMENT, INC.
GENERAL PARTNER OF
AUSTAKO II REAL ESTATE PARTNERS LTD.

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