

A U S T I N C I T Y C O U N C I L

## AGENDA

#72  
PH

Thursday, May 25, 2006

[← Back](#)**Zone Hearings/App Ordinances/Restrictive Covenants  
RECOMMENDATION FOR COUNCIL ACTION**

**Subject:** C14-06-0063 - Riddell Tract 2 Zoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11100 Block of South First Street (Onion Creek Watershed) from community commercial-conditional overlay (GR-CO) combining district zoning to community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning. Applicant: Riddell Family Limited Partnership (Wayne J. Riddell). Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Wendy Walsh, 974-7719.

**Additional Backup Material**

(click to open)

☐ Staff Report**For More Information: Wendy Walsh, 974-7719**

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-06-0063

**Z.P.C. DATE:** April 18, 2006

**ADDRESS:** 11100 Block of South First Street

**OWNER:** Riddell Family Limited Partnership  
(Wayne J. Riddell)

**AGENT:** Alice Glasco Consulting  
(Alice K. Glasco)

**ZONING FROM:** GR-CO

**TO:** GR-MU-CO

**AREA:** 27.964 acres

### **SUMMARY STAFF RECOMMENDATION:**

The Staff recommendation is to grant community commercial – mixed use – conditional overlay (GR-MU-CO) combining district zoning. The Conditional Overlay: 1) prohibits the following uses: automotive rentals; automotive sales; bail bond services; drop-off recycling collection facility; exterminating services; hotel-motel; indoor entertainment; outdoor entertainment; pawn shop services; residential treatment; and theater; 2) prohibits access to the existing Old San Antonio Road as shown in its existing configuration in Exhibit A-2; and 3) limits the density to 18 units per acre.

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

*April 18, 2006: APPROVED STAFF'S RECOMMENDATION FOR GR-MU-CO DISTRICT ZONING WITH ADDED CONDITION TO PROHIBIT ACCESS TO OLD SAN ANTONIO ROAD AS SHOWN IN ITS EXISTING CONFIGURATION; AND A MAXIMUM OF 430 UNITS ON THE PROPERTY; BY CONSENT.*

*[J. MARTINEZ, J. GOHIL 2<sup>ND</sup>] (9-0)*

### **ISSUES:**

The Applicant is in agreement with the recommendation of the Zoning and Platting Commission.

The Applicant provided letters of support from representatives of Centex Homes and Newmark Homes, which are attached at the back of the Staff report.

### **DEPARTMENT COMMENTS:**

The subject property consists of undeveloped land with vacant softball fields (not associated with Akins High School) and is zoned community commercial – conditional overlay (GR-CO) district by a 2004 case. The Conditional Overlay prohibits uses that are considered incompatible with the AISD high school adjacent to the north. The property has access to FM 1626, South First Street and Old San Antonio Road. Please refer to Exhibit A (Zoning Map), A-1 and A-2 (Aerials).

The Applicant proposes a mixed use development and change in the conditions of zoning to:

1. Add a mixed use (MU) district;
2. Add to the Conditional Overlay a limitation on density to 18 units per acre (within the range of MF-2 zoning); and
3. Amend the Conditional Overlay that prohibits vehicular access to Old San Antonio Road and that access must be taken from other adjacent public streets or through other adjacent property, *unless the current Old San Antonio Road is closed and the vacated right-of-way is conveyed to the landowner.*

All of the existing prohibited uses in the Conditional Overlay as well as the Restrictive Covenant items would remain intact. Staff recommends the addition of MU with density limitation as proposed in order to provide a residential component to this phase of Double Creek Village, and note that MF-2 zoning (up to 23 units per acre) was approved for a subsequent phase of this development, further south and bordering Onion Creek.

Regarding access to Old San Antonio Road, the conditional overlay contained in the existing ordinance for this tract reads as follows: "Vehicular access from the Property to Old San Antonio Road is prohibited. All vehicular access to the Property shall be from other adjacent public streets or through other adjacent property." The Staff recommends modifying the original conditional overlay language to prohibit access as shown in the configuration shown in Exhibit A-2. This will ensure that access to the area of a planned vacation of a segment of Old San Antonio Road extending north of FM 1626 is permitted, while access to the planned cul-de-sac at the northeast property line is prohibited.

#### **EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	GR-CO	Vacant baseball fields; Undeveloped land
<i>North</i>	I-RR; MF-2-CO; GR-MU-CO; GR-MU-H-CO	Charles Akins High School and associated sports facilities; proposed multifamily residences; proposed wedding and catered events facility
<i>South</i>	County	Undeveloped; Office – warehouse; Marble / granite company
<i>East</i>	GR-CO; CS-CO; SF-2	Single family residences; Undeveloped GR-CO and CS-CO for proposed commercial development (Phase I)
<i>West</i>	GR-CO; SF-2; I-RR; P	Undeveloped; Single family residences; Mary Moore Searight Park

**AREA STUDY:** N/A

**TIA:** Is not required

**WATERSHED:** Onion Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

**SCENIC ROADWAY:** No

**NEIGHBORHOOD ORGANIZATIONS:**

26 – Far South Austin Community Association

300 – Terrell Lane Interceptor Association

428 – Barton Springs / Edwards Aquifer Conservation District

499 – Park Ridge Owners Association      627 – Onion Creek Homeowner's Association

742 – Austin Independent School District

948 – South by Southeast Neighborhood Association

**SCHOOLS:**

Menchaca Elementary School

Paredes Middle School

Akins High School

**CASE HISTORIES:**

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-05-0175 (Newmark Homes)	I-RR to GR for Tract 1; SF-2 for Tract 2	To Grant GR-CO with the CO for prohibited uses and SF-2 for Tract 2, with a Restrictive Covenant for the conditions of the TIA and a private restrictive covenant to prohibit the installation of video games.	Approved GR-CO for Tract 1 and SF-2 for Tract 2 with a Restrictive Covenant as ZAP recommended (3-23-06).
C14-04-0020 (Double Creek Village Phase II – southwest corner of IH-35 and FM 1626)	I-RR (Upon Annexation) to CS-MU for Tract 1; MF-3 for Tract 2	To Grant CS-MU-CO with the CO for prohibited uses on Tract 1; MF-2 for Tract 2. The Restrictive Covenant is for the conditions of the TIA and a minimum square footage for restaurant uses.	Approved CS-MU-CO and MF-2 with Restrictive Covenant for the TIA and restaurant size, as ZAP recommended (6-17-04).
C14-04-0019 (Double Creek Village Phase II- northwest corner of IH-35 and 1626)	I-RR to CS	To Grant CS-CO with conditions. The CO is for a list of prohibited uses.	Approved CS-CO as ZAP recommended (6-17-04).
C14-03-0053 (Double Creek Village – east side of Old San Antonio	I-RR to CS	To Grant CS-CO for Tract 1; GR-CO for Tract 2, with conditions. CO is for	Approved ZAP recommendation (12-11-03).

Road)		list of prohibited uses; and prohibit access to Old San Antonio Road. Restrictive Covenant for the Traffic Impact Analysis.	
C14-02-0052 (Wedding Facility, Catering and Restaurant)	I-RR to GR-MU-CO	To Grant GR-MU-CO as requested, CO is for 35' height limit; 200 trips, 35% building coverage; GR limited to bed and breakfast, indoor / outdoor entertainment, General and limited restaurant and all NO uses, RR for floodplain; RC for reservation of r-o-w on Old San Antonio & types of gatherings; subdivision requirement.	Approved ZAP recommendation, less zoning the floodplain RR and the subdivision requirement (8-22-02).
C14H-01-0104 (Wedding / Catering Facility (Matthew Brown Homestead)	I-RR to GR-MU-CO-H for Tract 1; GR-CO for Tract 2	To Grant as requested, CO is for 35' height limit; 1,000 trips, 50% building coverage; 60% impervious cover; dedication of r-o-w on Old San Antonio; GR limited to bed and breakfast, with conditions, RC for types of gatherings.	Approved as recommended by ZAP, with reservation of r-o-w, additional GR uses of Limited and General Restaurant (12/6/01).
C14-00-2031 (Stablewood Apartments)	I-RR to MF-2	To Grant MF-2-CO w/conditions of no access to Old San Antonio; 15' vegetative buffer adjacent to SF zoned properties; 2,000 trips.	Approved MF-2-CO w/conditions as recommended by PC (8-17-00).

**RELATED CASES:**

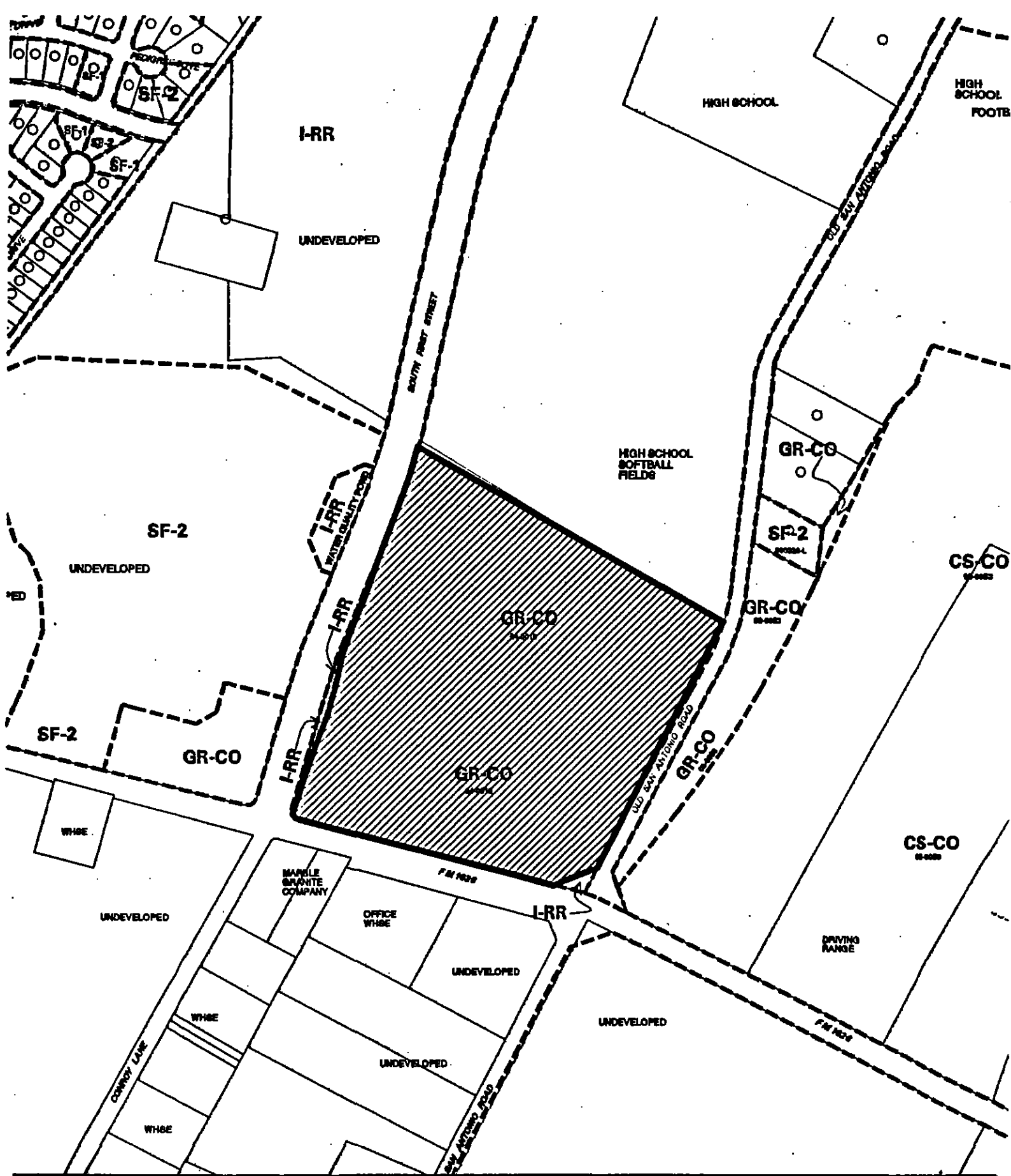
The subject property was annexed into the City limits on December 31, 1997. The property was zoned GR-CO by a 2004 case (C14-04-0018). The Conditional Overlay: 1) prohibits the following uses: automotive sales; automotive rentals; bail bond services; drop-off recycling

collection facility; exterminating services; hotel-motel; indoor entertainment; outdoor entertainment; pawn shop services; residential treatment; and theater; and 2) prohibits access to Old San Antonio Road. The Restrictive Covenant covers the conditions of the Traffic Impact Analysis and prohibits restaurants with pad sites smaller than 300 square feet. Please refer to Exhibit B.

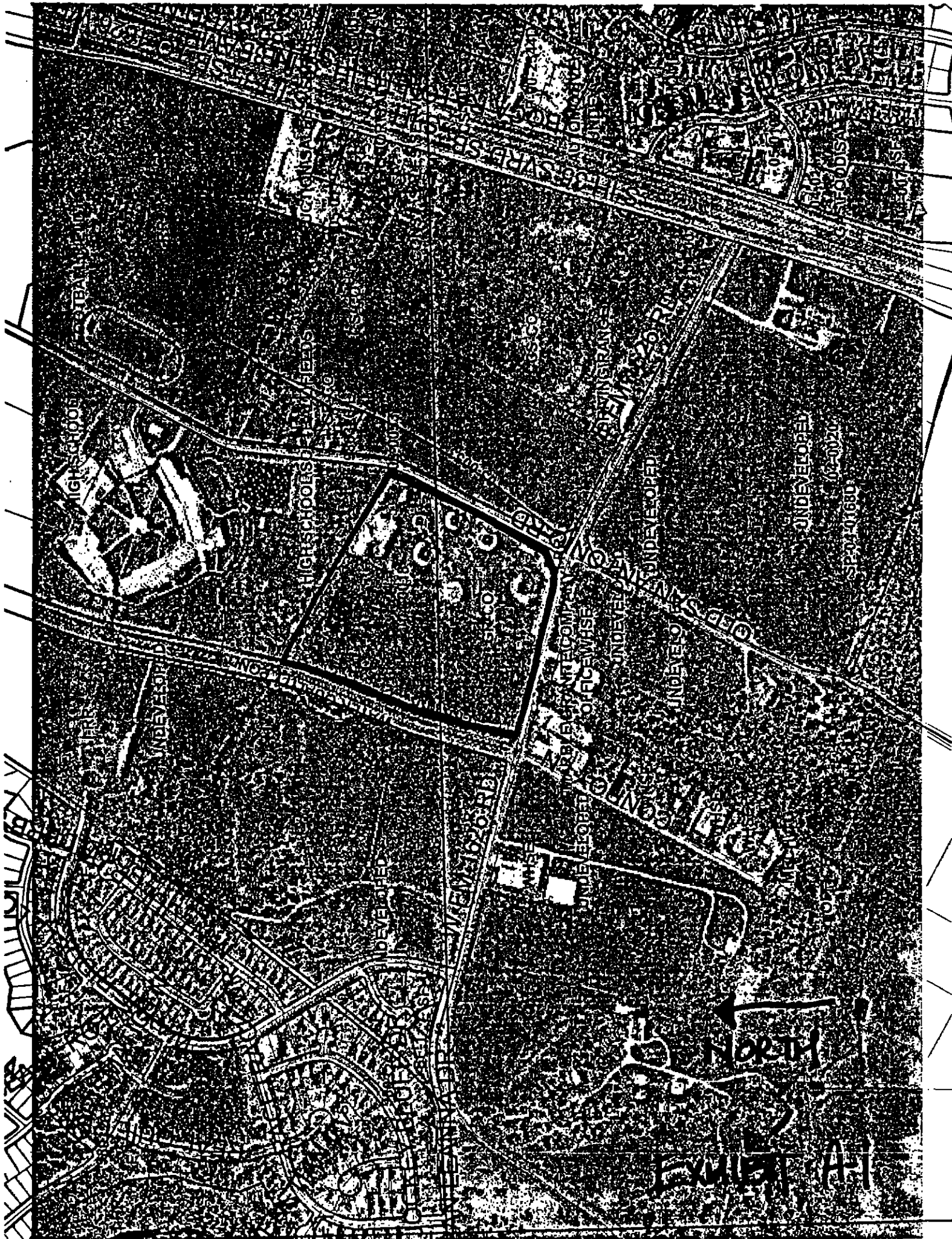
**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Sidewalks	Bus Route	Bike Route
South First Street	120 feet	2 @ 24 feet	Major Arterial	No	Yes	No
FM 1626	Varies	21 feet	Major Arterial	No	Yes	No
Old San Antonio Road	50 feet	23 feet	Collector	No	No	No

**CITY COUNCIL DATE:** May 25, 2006**ACTION:****ORDINANCE READINGS:** 1<sup>st</sup>2<sup>nd</sup>3<sup>rd</sup>**ORDINANCE NUMBER:****CASE MANAGER:** Wendy Walsh  
e-mail: wendy.walsh@ci.austin.tx.us**PHONE:** 974-7719



 1" = 400' OFFICE	SUBJECT TRACT PENDING CASE ZONING BOUNDARY CASE MGR: W.WALSH	CASE #: C14-06-0063 ADDRESS: 11100 BLOCK OF 9 1ST ST SUBJECT AREA (acres): 27.864	ZONING <b>Exhibit A</b> DATE: 06-04 INTLS: SM CS-MIO-CO	CITY GRID REFERENCE NUMBER F11
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# DOUBLE CREEK VILLAGE - ZONING

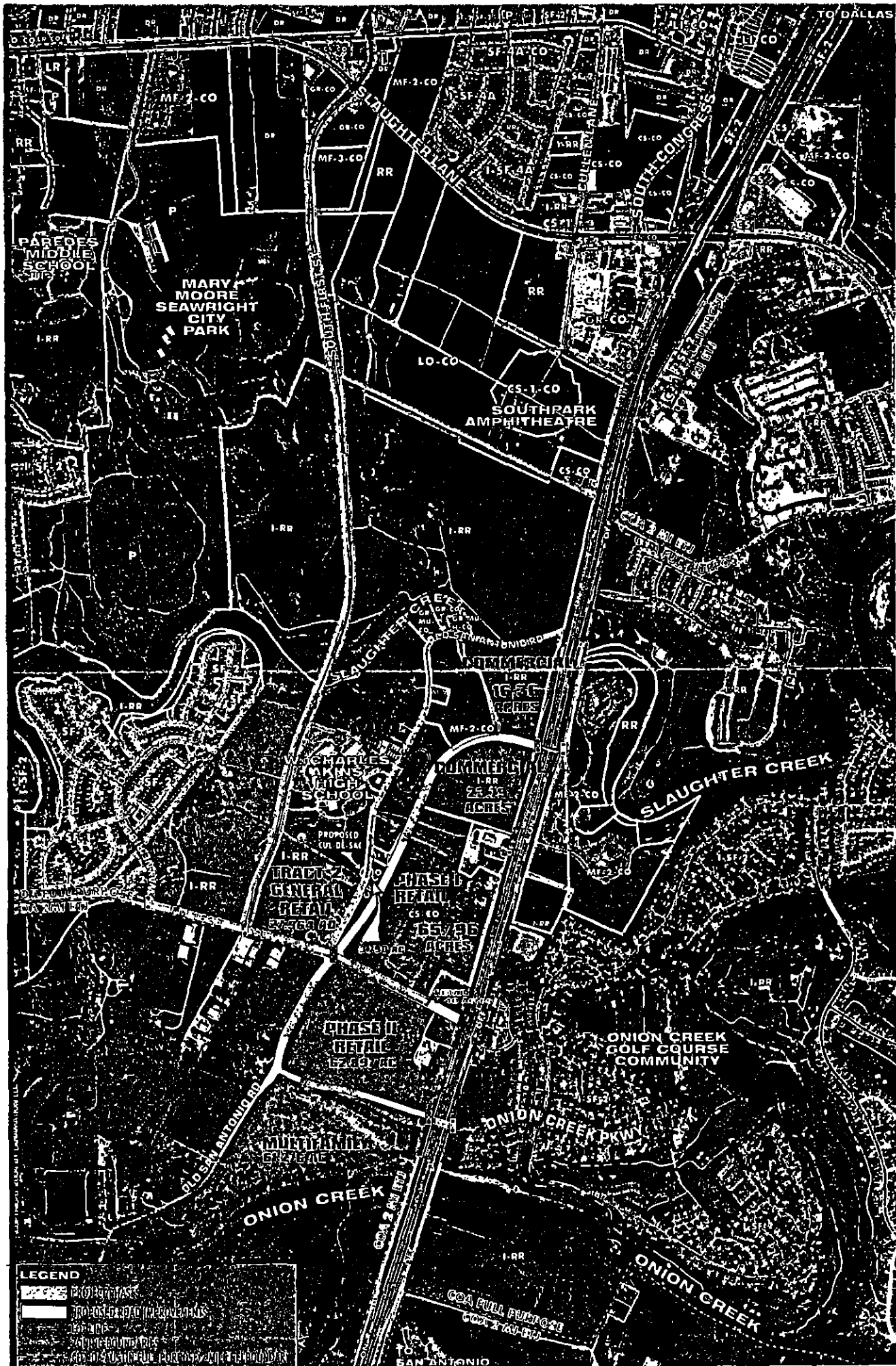


EXHIBIT A-2

**ORDINANCE NO. 040617-Z-6**

**AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING FOR THE PROPERTY LOCATED AT 11001-11119 SOUTH FIRST STREET 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.C14-04-0018, on file at the Neighborhood Planning and Zoning Department, as follows:

A 27.964 acre tract of land, more or less, out of the S.F. Slaughter League No. 1, in Travis 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 11001-11119 South First Street, 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:

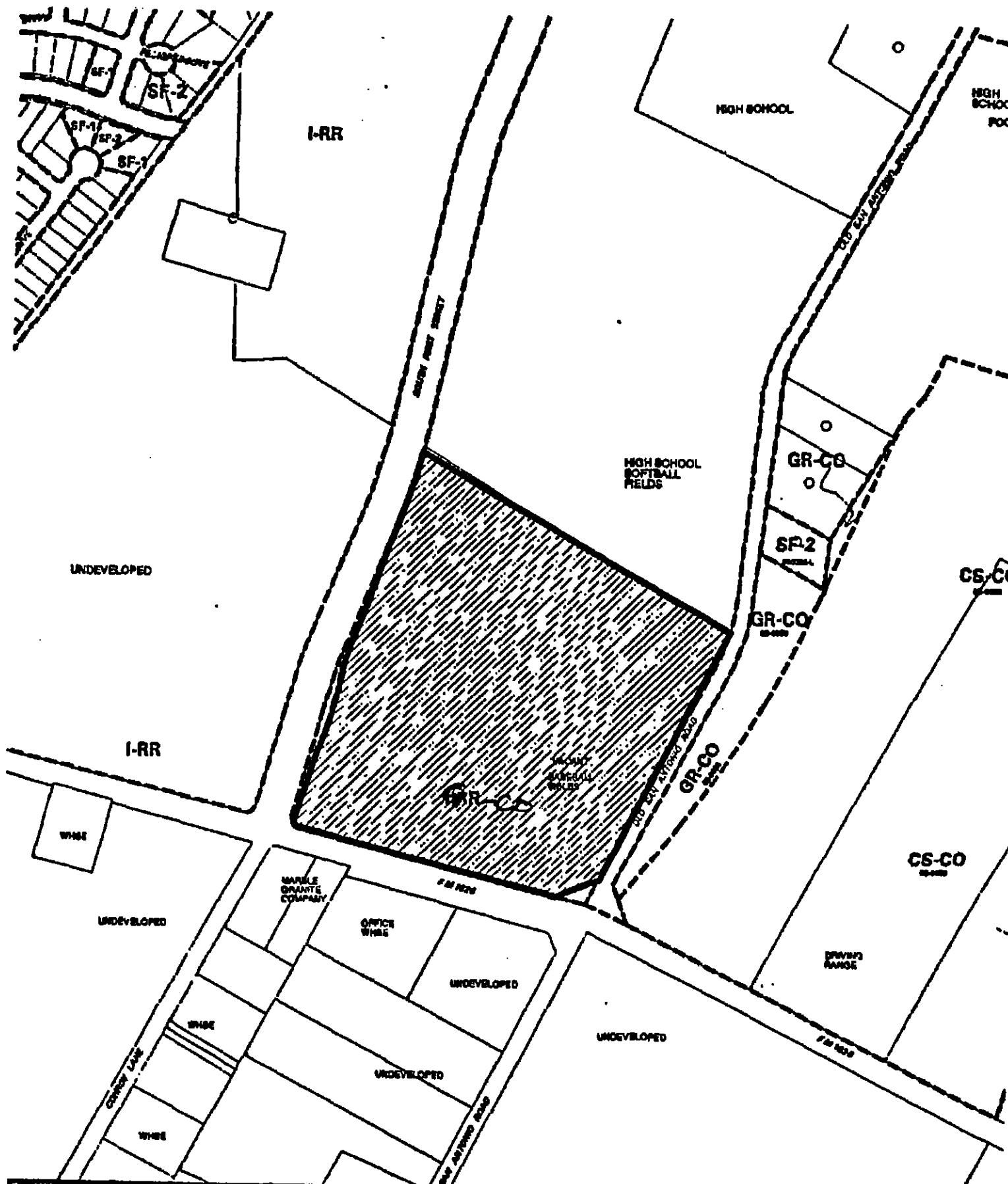
1. The following uses are prohibited uses of the Property:



Automotive rentals  
Drop-off recycling collection facility  
Indoor entertainment  
Hotel-motel  
Exterminating services  
Residential treatment

Automotive sales  
Pawn shop services  
Theater  
Bail bond services  
Outdoor entertainment

2. Vehicular access from the Property to Old San Antonio Road is prohibited. All vehicular access to the Property shall be from other adjacent public streets or through other adjacent property.

Page 2 of 2



 1" = 400' OFFICE	SUBJECT TRACT	 ..... -----	<b>ZONING EXHIBIT B</b>		CITY GRID REFERENCE NUMBER <b>F11-12</b>
	PENDING CASE				
	ZONING BOUNDARY		CASE #: C14-04-0018	DATE: 04-03	
	CASE MGR: W. WALSH		ADDRESS: 11001-11119 S FIRST ST	INTLS: 8M	
SUBJECT AREA (acres): 27.864					

COMM. MANUFACTURE



Zoning Case No. C14-04-0018

**RESTRICTIVE COVENANT**

**OWNER:** Riddell Family Limited Partnership, a Texas limited partnership

**ADDRESS:** 3028 East Ben White Blvd., Suite 508, Austin, TX 78741

**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 27.964 acre tract of land, more or less, out of the S.F. Slaughter League No. 1, in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this covenant, and

**WHEREAS,** the Owner 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 Owner of the Property, for the consideration, shall hold, sell and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant. These covenants and restrictions shall run with the land, and shall be binding on the Owner of the Property, its 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, generate traffic that exceeds the total traffic generation for the Property as specified in that certain Traffic Impact Analysis ("TIA") prepared by Wilbur Smith Associates, dated February 2004, or as amended and approved by the Director of the Watershed Protection and Development Review Department. All 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 June 16, 2004. The TIA shall be kept on file at the Watershed Protection and Development Review Department.
2. The minimum square footage for a restaurant (limited) use and restaurant (general) use on a stand-alone pad site is 300 square feet.
3. 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.
4. 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.
5. 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.

6-18-04  
# 8-6

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

EXECUTED this the 14th day of June, 2004.

OWNER:

Riddell Family Limited Partnership,  
a Texas limited partnership

By: Wayne J. Riddell  
Wayne J. Riddell  
General Partner

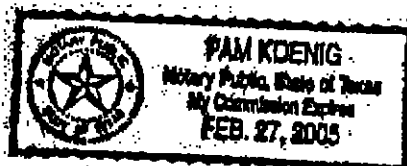
APPROVED AS TO FORM:

Debra Thomas  
Assistant City Attorney  
City of Austin

THE STATE OF TEXAS

COUNTY OF TRAVIS

This instrument was acknowledged before me on this the 14th day of June, 2004 by Wayne J. Riddell, General Partner on behalf of Riddell Family Partnership, a Texas limited partnership.



Pam Koening  
Notary Public, State of Texas

**SUMMARY STAFF RECOMMENDATION:**

The Staff recommendation is to grant community commercial – mixed use – conditional overlay (GR-MU-CO) combining district zoning. The Conditional Overlay: 1) prohibits the following uses: automotive rentals; automotive sales; bail bond services; drop-off recycling collection facility; exterminating services; hotel-motel; indoor entertainment; outdoor entertainment; pawn shop services; residential treatment; and theater; 2) prohibits access to the Old San Antonio Road as shown in its existing configuration; and 3) limits the density to 18 units per acre.

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

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

The community commercial (GR) district is intended for an office or other commercial use that serves neighborhood and community needs and is generally accessible from major traffic ways. The mixed use (MU) district is intended to allow for office, retail, commercial and residential uses to be combined in a single development.

This property is accessible from South First Street and FM 1626. These roadways are situated away from nearby residential development.

- 2. Zoning changes should promote compatibility with adjacent and nearby uses.*

Staff recommends the addition of MU with density limitation as proposed in order to provide a residential component to this phase of Double Creek Village, and note that MF-2 zoning (up to 23 units per acre) was approved for a subsequent phase of this development, further south and bordering Onion Creek. However, Staff is unable to recommend a change to the existing access restriction because a portion of Old San Antonio Road is proposed to be replaced by a 4-lane roadway and realigned to connect to IH-35. Once this realignment occurs, the existing segment of Old San Antonio Road should be vacated from FM 1626 to Charles Akins High School. Old San Antonio Road would then be terminated in a cul-de-sac just north of this proposed tract. Possible access to the future cul-de-sac is not recommended based on the fact that Old San Antonio Road is currently substandard with 21 feet of pavement and does not contain the necessary right-of-way to accommodate proposed traffic from this tract. Therefore, Staff recommends leaving the original condition regarding access to Old San Antonio Road intact.

**EXISTING CONDITIONS****Site Characteristics**

The site consists of vacant baseball fields and undeveloped land. There appear to be no significant topographical constraints on the site.

### **Impervious Cover**

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

### **Environmental**

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

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

According to flood plain maps, there is no floodplain within, or adjacent to the project boundary.

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

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

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

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

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

### **Transportation**

No additional right-of-way is needed at this time. **FYI: Dedication of additional right-of-way along FM 1626 will be required during the subdivision review process.**

The trip generation under the requested zoning is estimated to be 34,485 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 uses as assumed in the TIA previously approved for this site will generate approximately 12,811 vehicle trips per day.

The traffic impact analysis for this site was waived because this site is subject to the TIA and Restrictive Covenant associated with zoning case C14-04-0018. Any modification to the assumptions in the previously approved TIA may require an addendum to the TIA at the time of site plan review.

A portion of Old San Antonio Road is proposed to be replaced by a 4-lane roadway and realigned to connect to IH-35. Once this realignment occurs, the existing segment of Old San Antonio Road should be vacated from FM 1626 to Charles Akins High School. Old San Antonio Road would then be terminated in a cul-de-sac just north of this proposed tract. Possible access to the future cul-de-sac is not recommended based on the fact that Old San Antonio Road is currently substandard with 21 feet of pavement and does not contain the necessary right-of-way to accommodate proposed traffic from this tract. Therefore, Staff recommends leaving the original condition regarding access to Old San Antonio Road intact.

#### **Water and Wastewater**

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at his own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extension, system upgrades, utility adjustment, and utility relocation. Also, the water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City design criteria. The water and wastewater utility construction must be inspected by the City. The landowner must pay all associated and applicable City fees.

#### **Compatibility Standards**

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

- No structure may be built within 25 feet of the property lines.
- 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.
- A landscape area at least of 5 feet wide is required along 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.

# Alice Glasco Consulting

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5117 Valburn Court, Suite A  
Austin, TX 78731  
aliceglasco@mindspring.com  
512-231-8110 • 512-857-0187 Fax

March 24, 2006

Greg Guernsey, Director  
Neighborhood Planning and Zoning Department  
505 Barton Spring Road, Suite 500  
Austin, Texas 78704

RE: Riddell, Tract 2 Rezoning

Dear Greg:

I represent Bill Walters in the rezoning of tract 2, Double Creek Village. The tract has GR-CO zoning approved under case number C14-04-0018. With the new application, we are simply adding MU, Mixed Use to allow for a mixed use development.

The existing GR-CO zoning has two conditions: a list of prohibited uses, which we will incorporate into the new zoning case (see attached ordinance from previous case), but would like to modify the second condition by adding the following sentence: ... unless the current Old San Antonio Road is closed and the vacated Right-of-Way (ROW) is conveyed to the land owner. Therefore, the revised condition, in its entirety, will read as follows:

**Vehicular access from the Property to Old San Antonio Road is prohibited. All vehicular access to the Property shall be from other adjacent public streets or through other adjacent property, unless the current Old San Antonio Road is closed and the vacated Right-of-Way is conveyed to the land owner.**

Additionally, we would like to limit multifamily density to 18 units per acre as indicated in the attached letters of support. We appreciate a positive staff recommendation.

Sincerely,

  
Alice Glasco

Cc: William Walters, Walters Southwest  
Kirk M. Slack, CCIM, Walters, Southwest  
Jerry Rusthoven, Zoning Division Manager  
Wendy Walsh, Senior Planner

Attachments

# CENTEX HOMES

February 16, 2006

Mr. Bill Walters  
Walters Southwest  
1100 Nueces St.  
Austin, TX 78701

Dear Mr. Walters,

I am writing to inform you that Centex Homes is in support of the rezoning of the northeast corner of South First Street and FM 1626 from the current zoning of GR to GR-MU. Centex Homes is giving its support with the understanding that the multi-family residential component of the tract will not exceed 18 units per acre. Should you have any questions please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Jay Gillilan". The signature is fluid and cursive, with the first name "Jay" being more prominent and the last name "Gillilan" written in a continuous script.

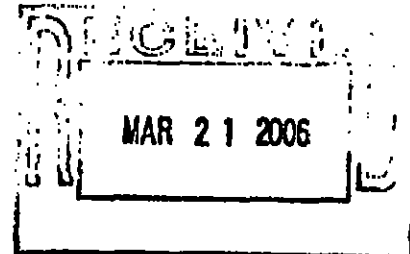
Jay Gillilan  
Director of Land Acquisition

12301 B Riata Trace Parkway • Building 2 • Austin, Texas 78727 • (512) 795-0170

**50 PLUS YEARS OF HOMEBUILDING**



a member of the house ↑ family



February 7, 2006

Mr. Bill Walters  
Walters Southwest  
1100 Nueces St.  
Austin, TX 78701

Dear Mr. Walters,

I am writing to inform you that Newmark Homes is in support of the rezoning of the northeast corner of South First Street and FM 1626 from the current zoning of GR to GR-MU. Newmark Homes is giving its support with the understanding that the residential component of the tract will not exceed 18 units per acre. Should you have any questions please feel free to contact me.

Sincerely,



Steven Krassoff  
Newmark Homes

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

**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 11100 BLOCK OF SOUTH FIRST STREET FROM COMMUNITY COMMERCIAL-CONDITIONAL OVERLAY (GR-CO) COMBINING DISTRICT TO COMMUNITY COMMERCIAL-MIXED USE-CONDITIONAL OVERLAY (GR-MU-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 community commercial-conditional overlay (GR-CO) combining district to community commercial-mixed use-conditional overlay (GR-MU-CO) combining district on the property described in Zoning Case No. C14-06-0063, on file at the Neighborhood Planning and Zoning Department, as follows:

A 27.964 acre tract of land, more or less, out of the S.F. Slaughter League No. 1, Travis 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 the property located at the 11100 Block of South First Street, 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:

1. The following uses are prohibited uses of the Property:

Automotive rentals	Automotive sales
Bail bond services	Drop-off recycling collection facility
Exterminating services	Hotel-motel
Indoor entertainment	Outdoor entertainment
Pawn shop services	Residential treatment
Theater	

2. The maximum number of residential units on the Property is 430 units.

1  
2 3. Vehicular access to the portion of Old San Antonio Road north of the Property is  
3 prohibited. Vehicular access to the section of Old San Antonio Road to the east of the  
4 Property is prohibited until the road is upgraded to City standards and realigned to  
5 provide a direct connection to IH-35 at the Slaughter Creek overpass.  
6

7 Except as specifically restricted under this ordinance, the Property may be developed and  
8 used in accordance with the regulations established for the community commercial (GR)  
9 base district and other applicable requirements of the City Code.  
10

11 **PART 3.** This ordinance takes effect on \_\_\_\_\_, 2006.  
12

13  
14 **PASSED AND APPROVED**  
15

16  
17  
18 \_\_\_\_\_, 2006

§  
§  
§  
\_\_\_\_\_  
19 Will Wynn  
20 Mayor  
21

22  
23 **APPROVED:** \_\_\_\_\_

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

24 David Allan Smith  
25 City Attorney

Shirley A. Gentry  
City Clerk

27.964 ACRES  
PORTION OF RIDDELL : CT  
ZONING TRACT 3

W. NO. 02-320(MJJ)  
NOVEMBER 8, 2002  
BPI JOB NO. 652-39.08

**EXHIBIT A**  
**DESCRIPTION**

OF A 27.964 ACRE TRACT OF LAND OUT OF THE S.F. SLAUGHTER LEAGUE NO. 1, SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN 229.899 ACRE TRACT OF LAND CALLED "TRACT ONE" CONVEYED TO THE RIDDELL FAMILY LIMITED PARTNERSHIP BY DEED OF RECORD IN VOLUME 12246, PAGE 585 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 27.964 ACRE TRACT OF LAND BEING DESCRIBED MORE PARTICULARLY BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a concrete monument found in the northerly line of F.M. 1626 (R.O.W. varies - Hwy. Sta. 107+01.3), being the southeasterly corner of the remaining portion of said "Tract One", for the southeasterly corner hereof;

THENCE, N75°06'11"W, along the northerly line of F.M. 1626, being the southerly line of the remaining portion of said "Tract One" and the southerly line hereof, a distance of 861.72 feet to a 1/2 inch iron rod with cap set at the intersection of the northerly line of F.M. 1626 with the easterly line of South First Street (120' R.O.W.), for the southwesterly corner hereof;

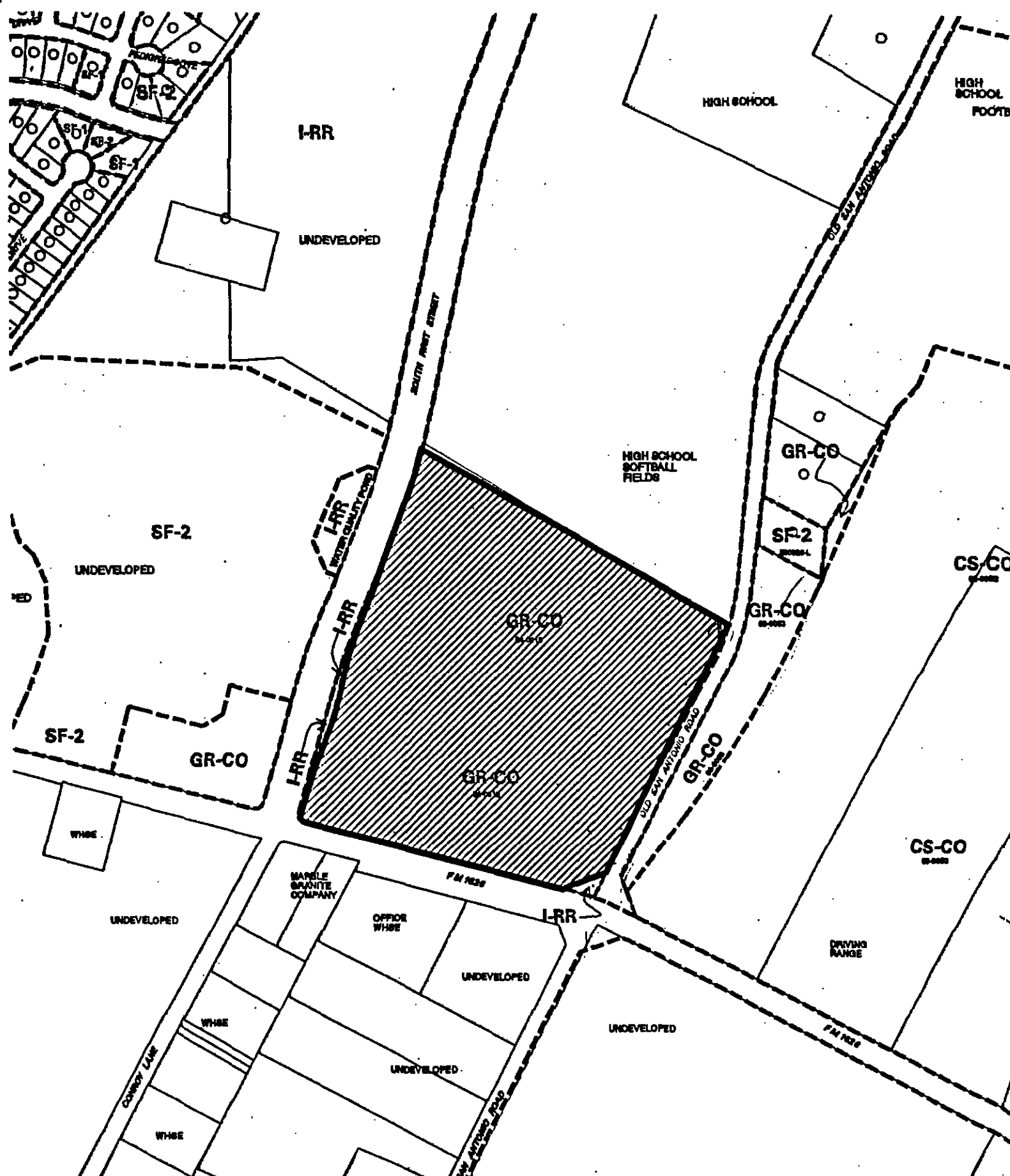
THENCE, leaving the northerly line of F.M. 1626, along a portion of the easterly line of South First Street, along a curve to the right having a radius of 30.00 feet, a central angle of 50°43'12", an arc length of 26.56 feet and a chord which bears N50°45'33"W, a distance of 25.70 feet to a 1/2 inch iron rod with cap found at the southeasterly corner of that certain 0.380 acre tract of land conveyed to the City of Austin by deed of record in Document No. 2000101517 of the Official Public Records of Travis County, Texas, for an angle point hereof;

THENCE, along the easterly line of said 0.380 acre tract, being the westerly line hereof, the following ten (10) courses and distances:

- 1) N17°34'51"E, a distance of 149.60 feet to a 1/2 inch iron rod with cap found for an angle point;
- 2) N18°18'33"E, a distance of 100.18 feet to a 1/2 inch iron rod with cap found for an angle point;
- 3) N20°43'32"E, a distance of 98.79 feet to a 1/2 inch iron rod with cap found for an angle point;
- 4) N14°53'19"E, a distance of 101.78 feet to a 1/2 inch iron rod with cap found for an angle point;
- 5) N11°30'51"E, a distance of 91.70 feet to a 1/2 inch iron rod with cap set for an angle point;
- 6) N18°59'26"E, a distance of 98.16 feet to a 1/2 inch iron rod with cap found for an angle point;
- 7) N22°15'57"E, a distance of 99.98 feet to a 1/2 inch iron rod with cap set for an angle point;







 1" = 400' OFFICE	<b>SUBJECT TRACT</b> 	<b>ZONING EXHIBIT P</b>		<b>CITY GRID REFERENCE NUMBER</b> F11
	<b>PENDING CASE</b> 			
	<b>ZONING BOUNDARY</b> 	<b>CASE #:</b> C14-06-0063	<b>DATE:</b> 06-04	
	<b>CASE MGR:</b> W.WALSH	<b>ADDRESS:</b> 11100 BLOCK OF S 1ST ST	<b>INTLS:</b> 6M CS-MU-CO	
<b>SUBJECT AREA (acres):</b> 27.964				