





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

AGENDA

			
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Wednesday, August 09, 2006

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**Zoning Ordinances / Restrictive Covenants
(HEARINGS CLOSED)
RECOMMENDATION FOR COUNCIL ACTION**

ITEM No. 6

Subject: C14-05-0177 - Shropshire Dessau Retail Tract 2 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11000 Block of Dessau Road (Walnut Creek Watershed) from development reserve (DR) district zoning to neighborhood commercial-conditional overlay (LR-CO) combining district zoning with conditions. First reading approved on May 18, 2006. Vote: 4-1 (Alvarez-Nay; Thomas, Kim off the dais). Applicant: Complete Real Estate SVC, Inc. (David Schoenemann). Agent: Thrower Design (Ron Thrower). City Staff: Sherri Sirwaitis, 974-3057.

Additional Backup Material

(click to open)

-  [Staff Report](#)
-  [Ordinance](#)

For More Information:

SECOND/THIRD READING SUMMARY SHEET

ZONING CASE NUMBER: C14-05-0177 (Shropshire Dessau Retail Tract 2)

REQUEST:

Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code, zoning the property locally known as 11000 Block of Dessau Road from DR, Development Reserve District, zoning to LR-CO, Neighborhood Commercial-Conditional Overlay District, zoning.

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

PROPERTY OWNER: Complete Real Estate SVC, Inc. (David Schoenemann)

AGENT: Thrower Design (Ron Thrower)

ISSUES:

After first reading of this case on May 18, 2006, the City of Austin Parks and Recreation Department contacted the Neighborhood Planning and Zoning staff to express an interest in acquiring public easements to the Walnut Creek greenbelt on the properties involved in the Shropshire rezoning cases. Ricardo Soliz, with the Parks and Recreation Department, met with the agent for cases C14-05-0176 and C14-05-0177 and Mr. Thrower agreed to provide PARD with a "Letter of Intent" stating that his client will agree to provide two entry points from the properties in question to allow the public to access this portion of the Walnut Creek Greenbelt system (Memorandum from PARD – Attachment D).

DEPARTMENT COMMENTS:

The property in question is undeveloped and moderately vegetated. The applicant is requesting a rezoning to develop retail uses, a convenience store and office use on the site.

The staff presents an alternate recommendation of LR, Neighborhood Commercial District, zoning for this tract of land because the location of the property meets the purpose statement of the LR district as it is situated at the entrance to a residential neighborhood. The LR district site development regulations and performance standards are designed to ensure that the use is compatible and complementary in scale and appearance with a residential environment. Neighborhood Commercial zoning would be appropriate at this location because the property is located at the intersection of a collector street and a major arterial roadway. The proposed commercial zoning will provide services to the surrounding residential areas to the northwest and southeast of Dessau Road. There is an existing creek bed located to the north of the site under consideration that will maintain a physical buffer for the proposed commercial uses from the single-family residential neighborhood to the north and west.

The applicant's transportation engineers have provided the staff with a Technical Memorandum regarding the City Council's questions at first reading (Attachment B). The staff has reviewed this information and has provided comments concerning the Council member's questions about transportation issues in this case in separate memos (Attachment C).

DATE OF FIRST READING/VOTE: May 18, 2006 / Approved ZAP recommendation of GR-CO zoning on first reading with additional conditions of 70% impervious cover maximum, make median cut on Shropshire compatible with driveway entrance to Tract 2, direct Transportation staff to analyze trip limitation for site and bring back information at 2nd/3rd readings (on June 22nd), and direct Transportation staff to bring back plan to lower the speed limit below 50 miles per hour on Dessau Road or to make a report to support the 50 miles per hour speed on Dessau Road at 2nd/3rd readings of the case (4-1, Thomas/Kim-off dais, Alvarez-nay); Leffingwell-1st, Dunkerley-2nd.

June 22, 2006 / Postponed to July 27, 2006 at Council's request by consent (5-0, Council Members Kim and McCracken-off the dais)

July 27, 2006 / Postponed to August 9, 2006 at the staff's request by consent (7-0)

CITY COUNCIL DATE: August 9, 2006

CITY COUNCIL ACTION:

ASSIGNED STAFF: Sherri Sirwaitis

PHONE: 974-3057

sherri.sirwaitis@ci.austin.tx.us

ZONING CHANGE REVIEW SHEET

CASE: C14-05-0177

Z.A.P. DATE: March 21, 2006
April 18, 2006

ADDRESS: 11000 Block of Dessau Road

OWNER/APPLICANT: Complete Real Estate SVC, Inc. (David Schoenemann)

AGENT: Thrower Design (Ron Thrower)

ZONING FROM: DR

TO: GR

AREA: 2.90 acres

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to grant LR, Neighborhood Commercial District, zoning. This recommendation includes a public restrictive covenant to encompass the Transportation Impact Analysis (TIA) recommendations provided in Attachment A.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

3/21/06: Postponed to April 18, 2006 by the neighborhood (8-0, J. Martinez-absent);
M. Hawthorne-1st, J. Pinnelli-2nd.

4/18/06: Approved LR-CO zoning with the following conditions: prohibit Financial Services and Service Station uses and include the TIA recommendations in a public restrictive covenant (7-0, S. Hale, J. Martinez-left early); K. Jackson-1st, J. Pinnelli-2nd.

DEPARTMENT COMMENTS:

The property in question is undeveloped and moderately vegetated. The applicant is requesting a rezoning to develop retail uses, a convenience store and office use on the site.

The staff presents an alternate recommendation of LR, Neighborhood Commercial District, zoning for this tract of land because the location of the property meets the purpose statement of the LR district as it is situated at the entrance to a residential neighborhood. The LR district site development regulations and performance standards are designed to ensure that the use is compatible and complementary in scale and appearance with a residential environment. Neighborhood Commercial zoning would be appropriate at this location because the property is located at the intersection of a collector street and a major arterial roadway. The proposed commercial zoning will provide services to the surrounding residential areas to the northwest and southeast of Dessau Road. There is an existing creek bed located to the north of the site under consideration that will maintain a physical buffer for the proposed commercial uses from the single-family residential neighborhood to the north and west.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	DR	Undeveloped
<i>North</i>	DR, SF-2	Undeveloped (Creek Bed-Existing Drainage Area), Single-Family Residential Uses
<i>South</i>	PUD	Detention Pond, Undeveloped Land (Pioneer Crossing PUD)
<i>East</i>	PUD	Single-Family Residential Uses (Recently developed in the Pioneer Crossing PUD)
<i>West</i>	DR, SF-2	Undeveloped Tract, Single-Family Residential Uses

AREA STUDY: N/A**TIA:** Required**WATERSHED:** Walnut Creek**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** N/A**HILL COUNTRY ROADWAY:** N/A**NEIGHBORHOOD ORGANIZATIONS:**

- 51 - Northeast Walnut Creek Neighborhood Association
- 64 - River Oaks Lakes Estates Neighborhood
- 114 - North Growth Corridor Alliance
- 511 - Austin Neighborhoods Council
- 643 - NorthEast Action Group
- 742 - Austin Independent School District
- 746 - Woodcliff Neighborhood Association
- 937 - Taking Action, Inc.

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-05-0124	I-RR to GR	Pending	Pending
C14-05-0065.SH	I-RR to MF-2	7/05/05: Approved staff's recommendation for MF-2-CO district zoning with the conditional overlay limiting the site to 2,000 vehicle trips per day, requiring the dedication of 70 feet of right-of-way from the existing/future centerline of Dessau Road in accordance with the Transportation Plan, and limiting development on the site to a maximum of 248 residential units (7-1, B. Baker-Nay, M. Whaley-Absent)	8/18/05: Approved ZAP recommendation of MF-2-CO (7-0); 1 st reading 8/25/05: Approved MF-2-CO with conditions by consent (7-0); 2 nd /3 rd readings
C14-05-0036	DR, DR-H, PUD to P-H	4/19/05: Approved staff rec. of P and P-H by consent (6-0-1, BB-abstain)	5/12/05: Approved P and P-H by consent (7-0); 1 st reading

C14-04-0056	I-RR to SF-2, SF-6, MF-3, CS	11/02/04: Approved staff's recommendation of SF-2-CO, SF-6, MF-3, LR, LR-MU, GR, GR-MU zoning by consent (9-0)	12/16/04: Granted SF-2-CO, SF-6, MF-3, LR-MU, GR and GR-MU (7-0); all 3 readings
C14-04-0127	GR-CO to GR	10/19/04: Approved staff's recommendation of GR-CO zoning by consent (9-0)	11/18/04: Granted GR-CO (7-0); all 3
C14-03-0001	DR to LO	1/28/03: Approved staff's recommendation of LO-CO zoning, w/2,000 trip limit (8-0, J. Donisi-absent)	2/27/03: Granted LO-CO on all 3 (6-0, Goodman-out of room)
C14-00-2241	GR to GR	1/09/01: Approved staff rec. of GR-CO, limiting the site to 2,000 vtpd and prohibiting Automotive Rentals, Automotive Repair Services, Automotive Sales, Business or Trade School, Business Support Services, Commercial Off-Street Parking, Communication Services, Drop-Off Recycling Collection Facility, Exterminating Services, Funeral Services, General Retail Sales (Convenience), General Retail Sales (General), Hotel/Motel, Hospital Services (General), Indoor Entertainment, Indoor Sports and Recreation, Outdoor Entertainment, Outdoor Sports and Recreation, Pawn Shop Services, Personal Improvement Services, Research Services, Theater, Restaurant (Drive-In, Fast Food), Restaurant (General); (8-0)	2/08/01: Approved GR-CO on all 3 readings (6-0)
C14-00-2101	DR to CS	8/1/00: Approved staff rec. w/ condition of no Adult Oriented Businesses (8-0)	9/28/00: Approved GR-CO w/ conditions on TR 1 & 2 (7-0); all 3 readings
C14H-00-0005	DR to DR-H	9/12/00: Approved staff rec. by consent (6-0)	10/5/00: approved DR-H (5-0); all 3 readings
C14-99-2028	DR to GR	9/21/99: Approved staff rec. of GR-CO, limiting the site to 2,000 vtpd and prohibiting Automotive Rentals, Automotive Repair Services, Automotive Sales, Automotive Washing, Business or Trade School, Business Support Services, Commercial Off-Street Parking, Communication Services, Drop-Off Recycling Collection Facility, Exterminating Services, Funeral Services, General Retail	12/02/99: Approved Commission Rec. of GR-CO, but modified rec. to allow Restaurants (5-1, GG-Nay. WL-absent); 1 st reading 12/16/99: Approved GR-CO (7-0); 2 nd /3 rd readings

		Services, Hotel/Motel, Hospital Services (General), Indoor Entertainment, Indoor Sports and Recreation, Outdoor Entertainment, Outdoor Sports and Recreation, Pawn Shop Services, Personal Improvement Services, Research Services, Restaurant (Drive-In, Fast Food), Theater; (8-0)	
C14-99-0006	I-RR to P	6/08/99: Approved staff rec. of P (6-0)	Approved PC rec. of P (5-0); 1 st reading 1/27/00: Approved P (5-0, Watson-absent, Lewis-out of room); 2 nd /3 rd readings
C14-98-0258	DR to MF-2	10/26/99: Approved staff rec. of MF-2-CO, w/ 400 unit limit, by consent (8-0, BH-off dias)	12/2/99: Approved PC rec. of MF-2-CO w/ conditions (6-0, WL-absent); 1 st reading 1/27/00: Approved 2 nd /3 rd readings by consent (6-0)
C14-98-0257	DR to GR	10/26/99: Approved staff rec. of LO-CO (TR 1, 2, 3) & GR (TR 4 & 5) by consent (8-0, BH-off dias)	12/2/99: Approved PC rec. of LO (TR1), LO-CO (TR 2 & 3) w/ conditions, and GR (TR 4 & 5) (6-0, WL-absent); 1 st reading 1/27/00: Approved 2 nd /3 rd readings by consent (6-0)
C14-98-0126	DR to GR	9/29/98: Approved LR-CO w/ conditions that uses limited to 'NO' uses (9-0)	11/5/98: Approved PC rec. of LR-CO (TRA) & LO-CO (TRB) w/ conditions (6-0); all 3 readings
C14-98-0046	DR to GR-CO	7/14/98: Approved GR-CO; limiting the site to 2,000 vtpd, limit the site to 70% impervious cover, structures 200 feet from the western property line shall not exceed 25 feet in height, and prohibiting Automotive Rentals, Automotive Repair Services, Automotive Sales Automotive Washing, Commercial Off-Street Parking, Pawn Shop Services, (8-0)	8/13/98: Approved PC rec. of GR-CO (6-0); 1 st reading 1/21/99: Approved GR-CO (7-0); 2 nd reading 2/04/99: Approved GR-CO (7-0); 2 nd /3 rd readings
C14-97-0126	DR to GR	12/9/97: Approved GR-CO w/ conditions (5-3)	2/5/98: Approved PC rec. of GR-CO w/ new conditions (5-0); 1 st reading 4/9/98: Approved GR-CO w/ conditions (7-0); 2 nd /3 rd readings

C14-96-0116	DR to GR	10/08/96: Approved staff rec: of GR (9-0)	10/24/96: Approved PC rec. of GR (6-0); 1 st reading 3/06/97: Approved GR (7-0); 2 nd / 3 rd readings
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RELATED CASES: N/A

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Daily Traffic	Bus Route	Bike Route
Dessau Road	Varies	2 @ 24 ft	MAD 4	1,473 (6/21/04)	Not available within 1/4 mile	Priority 1, Route 228

CITY COUNCIL DATE: May 18, 2006

ACTION: Approved ZAP recommendation of LR-CO on first reading with additional conditions of 70% impervious cover maximum, make median cut on Shropshire compatible with driveway entrance to Tract 2, direct Transportation staff to analyze trip limitation for site and bring back information at 2nd/3rd readings (on June 22nd), and direct Transportation staff to bring back plan to lower the speed limit below 50 miles per hour on Dessau Road or to make a report to support the 50 miles per hour speed on Dessau Road at 2nd/3rd readings of the case (4-1, Thomas/Kim-off dais, Alvarez-nay); Leffingwell-1st, Dunkerley-2nd.

June 22, 2006

ACTION: Postponed to July 27, 2006 at Council's request by consent (5-0, Council Members Kim and McCracken-off the dais)

July 27, 2006

ACTION: Postponed to August 9, 2006 at the staff request by consent (7-0)

August 9, 2006

ACTION:

ORDINANCE READINGS: 1st 5/18/06

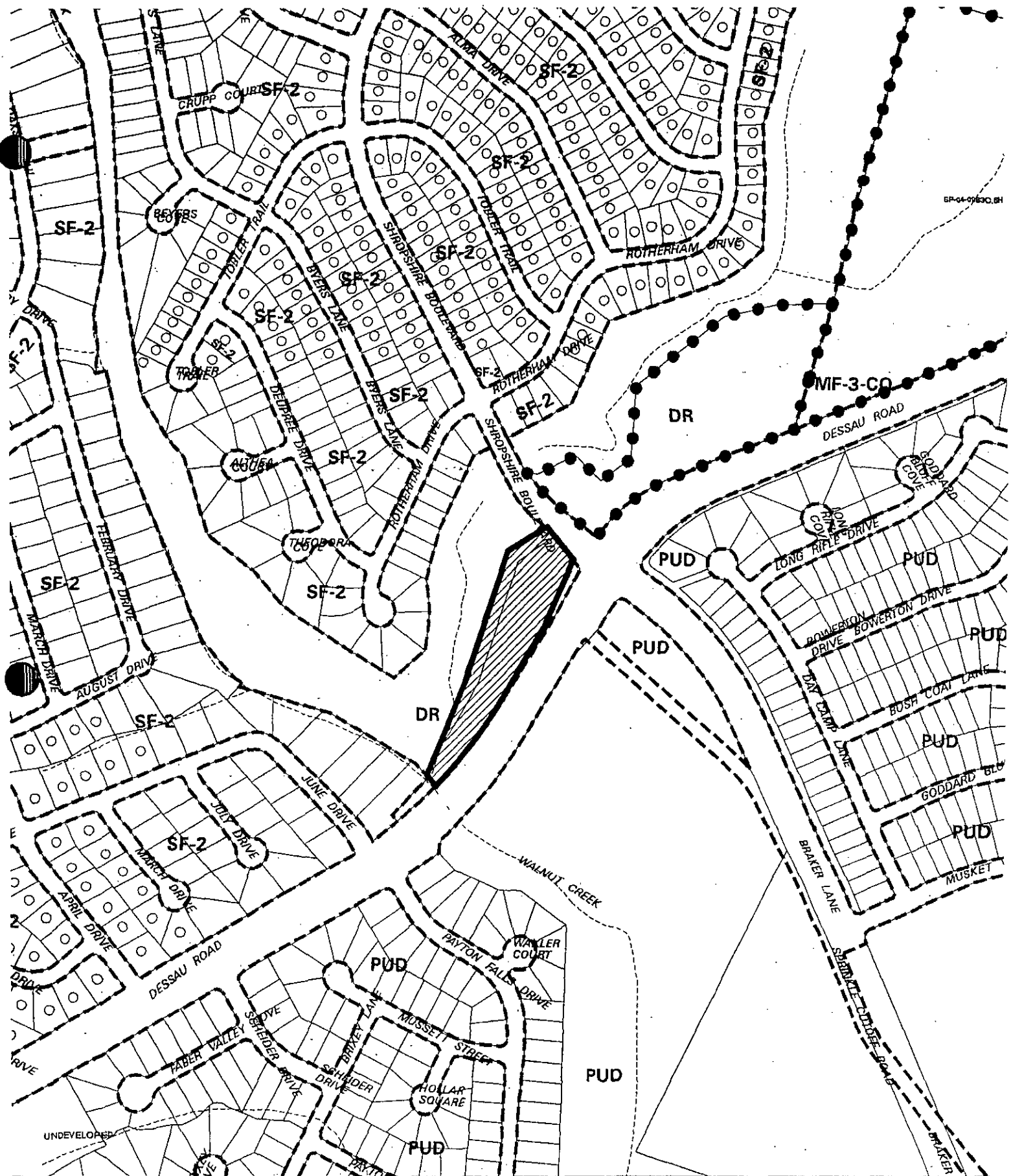
2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Sherri Sirwaitis

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

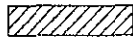


SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

CASE MGR: S. SIRWAITIS



CASE #: C14-05-0177

ADDRESS: 11000 BLOCK OF DESSAU

SUBJECT AREA (acres): 2.920

ZONING

DATE: 05-10

INTLS: SM

CITY GRID
REFERENCE
NUMBER

N31

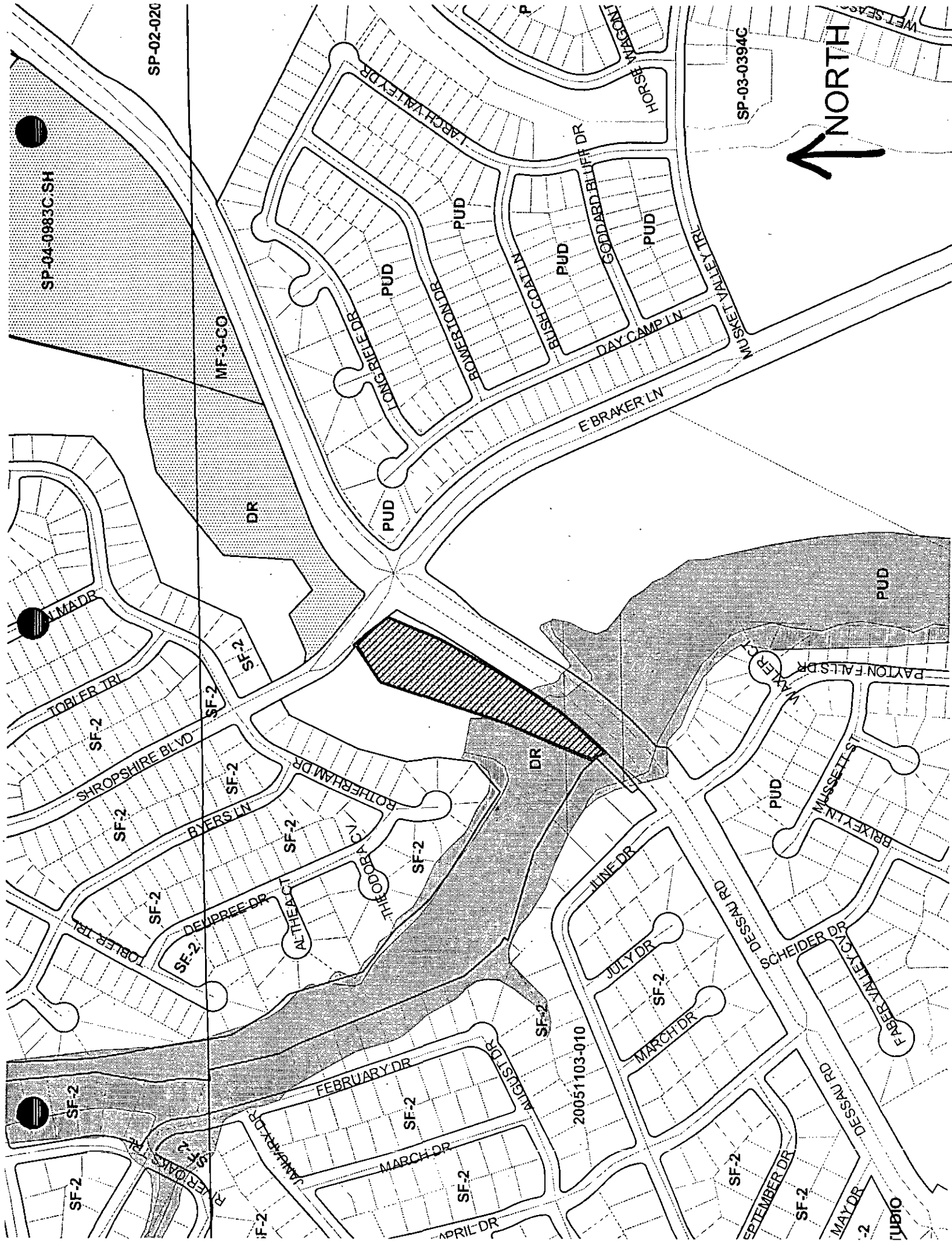
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SP-02-020

SP-04-0983C SH

MF-3-CO

SP-03-0394C





STAFF RECOMMENDATION

The staff's recommendation is to grant LR, Neighborhood Commercial District, zoning. This recommendation includes a public restrictive covenant to encompass the Transportation Impact Analysis (TIA) recommendations provided in Attachment A.

BASIS FOR RECOMMENDATION

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

Neighborhood commercial (LR) district is the designation for a commercial use that provides business service and office facilities for the residents of a neighborhood. Site development regulations and performance standards applicable to a LR district use are designed to ensure that the use is compatible and complementary in scale and appearance with the residential environment.

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

The proposed LR zoning is compatible with the surrounding uses because the property is located at the entrance to a residential neighborhood fronting Dessau Road, a major arterial roadway. LR zoning will allow for commercial development that will be compatible with the SF-2 and DR zoning to the north, the proposed LR zoning to the east and the PUD zoning to the south.

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

LR zoning will allow for a reasonable use of the property as it will permit a variety of retail and office uses that will provide services to the surrounding residential areas.

4. *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 proposed LR zoning will be located at the intersection of a major arterial roadway, Dessau Road, and a collector street, Shropshire Boulevard/Braker Lane.

EXISTING CONDITIONS

Site Characteristics

The site under consideration is currently undeveloped. The property slopes to the north and is moderately vegetated.

Hill Country Roadway

The site is not within a Hill Country Roadway Corridor.

Impervious Cover

The maximum impervious cover allowed by the GR zoning district would be 90%. However, because the watershed impervious cover is more restrictive than the zoning district's allowable impervious cover, the impervious cover is limited by the watershed regulations.

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

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

Note: The most restrictive impervious cover limit applies.

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 Walnut 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.

According to flood plain maps, there is a floodplain within the project boundary. Based upon the close proximity of flood plain, offsite drainage should be calculated to determine the exact location of the boundaries. No development is permitted in the Critical Water Quality Zone, while impervious cover is limited to 30% in the Water Quality Transition Zone.

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

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.

Water and Wastewater

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

Stormwater Detention

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

Compatibility Standards

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

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- Additional design regulations will be enforced at the time a site plan is submitted.

Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

5. **Rezoning:** **C14-05-0176 - Shropshire Dessau Retail Tract 1**
Location: 11801 Block of Dessau Road, Walnut Creek Watershed
Owner/Applicant: Complete Real Estate SVC, Inc. (David Schoenemann)
Agent: Thrower Design (Ron Thrower)
Postponements: Postponed on 3/21/06 (neigh.)
Request: **DR to GR**
Staff Rec.: **RECOMMENDATION OF LR**
Staff: Sherri Sirwaitis, 974-3057, sherri.sirwaitis@ci.austin.tx.us
Neighborhood Planning and Zoning Department

APPROVED GR-CO DISTRICT ZONING; ONLY ALLOWABLE GR USES WILL BE RESTAURANT (GENERAL) & FINANCIAL SERVICES; NO DRIVE-THRU SERVICES FOR RESTAURANT (GENERAL OR LIMITED); CONDITIONS OF THE TRAFFIC IMPACT ANALYSIS; LR DEVELOPMENT REGULATIONS.

[K.JACKSON,-J.PINNELLI 2ND] (7-0) J.MARTINEZ, S.HALE - LEFT EARLY

***COMMISSIONER JACKSON DIRECTED STAFF TO DO MORE RESEARCH ON MEDIAN BREAKS ON DESSAU ROAD & ON THE TIMING OF SIGNALIZATION AT THE INTERSECTION.**

***COMMISSION WANTS STAFF TO HAVE A REPORT BACK ON JUNE 20, 2006.**

SUMMARY

*Commissioner Baker – Let's hear item #6 & #7 together.
Sherri Sirwaitis, staff, gave staff presentation.*

Commissioner Baker – Is the intersection with Dessau, Shropshire and Braker, is that a signalized intersection?

Mrs. Sirwaitis – Yes it is.

Commissioner Baker – The PUD across the street, is it developed?

Mrs. Sirwaitis – There is a detention pond in the front along Dessau Road and the rest of the tract is undeveloped.

Commissioner Baker – What would be the uses permitted on that PUD?

Mrs. Sirwaitis – Residential uses only.

Ron Thrower, representing the applicant – Made a PowerPoint presentation to the commission.

Commissioner Hammond – Do you have storm water collection?

Mr. Thrower – Those are items that we will address at the site plan stage, but it's my understanding that the drainage way does have regional detention available and if we can

qualify, then we can pay into the City fees and use that system. Water quality will be used on site for both tracts.

FAVOR

No Speakers.

OPPOSITION

Janet Klotz, representing the North Group Corridor Alliance – Spoke in opposition. Ms. Klotz stated that Dessau is an extremely dangerous section of road, with a speed limit of 50mph and the complication of elevation and curves. This would increase the risk and dangers for accidents, it would create U-turns on Dessau. These two tracts will be difficult to access; we believe that retail uses will have the greatest risks for accidents; there are also environment concerns. There is existing flooding and erosion along Walnut Creek and this is a major concern. Ms. Klotz stated that cut and fill is also an issue with the slopes on the tracts. The least intense zoning possible would be SF-6 zoning; but in reality it may not be feasible. The least intense of commercial zoning would be NO. There were further concerns regarding traffic.

Commissioner Martinez – Did the applicant meet with you?

Ms. Klotz – Yes we met with the applicant and it came down to the fact that retail at this location is extremely problematic and we could not see any way to justify it.

Lester Johnson – Spoke In opposition. Mr. Johnson expressed concerns regarding the impervious cover for the two proposed tracts.

Dennis Bruhn – Spoke in opposition. Mr. Bruhn showed pictures of Dessau Road to the commission. Mr. Bruhn expressed concern regarding the visibility of exiting or entering the proposed project. He stated that this project would increase traffic accidents and run off would create erosion.

Linda Jones – Spoke in opposition. Ms. Jones expressed concern about increased traffic. The four legs of the intersection at Shropshire and Dessau Road has medians in them; there's a long median that goes along Dessau Road, there's a median that goes up east Braker Lane, and a median that goes into the neighborhood on Shropshire. The median that goes into the neighborhood on Shropshire is the shortest of them medians that are there, and so we are imagining that there are going to be a lot of U-turns in our neighborhood because that would be the easiest place for people to make a U-turn; this would be very dangerous for the people who live in the neighborhood.

Celeste Scarborough – Spoke in opposition. Ms. Scarborough expressed concerns regarding traffic issues. Exiting our neighborhood, in order to head south on Dessau, we have to go to the light at Shropshire and Dessau and make a U-turn. Ms. Scarborough explained to the commission where someone would need to make U-turns to head south on Dessau, using a map. Ms. Scarborough also expressed concerns about flooding.

Mike Lemerise – Spoke in opposition. Mr. Lemerise stated that he opposes the project because of the recent FEMA flood maps; it affects this neighborhood greatly; and because of increased traffic. The TIA did not take into account how many homes were going to be built there.

Commissioner Hawthorne – How far do you have to go to buy milk?

Mr. Lemerise – We use the HEB at Parmer and I-35; and we have two convenient stores on Parmer and Dessau.

Jason Doyen – Spoke in opposition. Mr. Doyen expressed concerns regarding the medians and U-turns.

Michael Lee – Spoke in opposition. Mr. Lee expressed concerns regarding traffic generation. This location is better suited for offices and not retail because of access problems.

Wi Wyn – Spoke in opposition. He expressed concern regarding traffic on Dessau and U-turns. This is dangerous for the children in the area, this would cause traffic accidents.

Christina Zambrano – Spoke in opposition. Reiterated the previous speakers concerns; this project is not wanted and not needed.

REBUTAL

Ron Thrower – My client does believe that commercial services is a viable use of this property, we are located on a major arterial roadway. We have critical water quality zone that will never be developed, that is a 300-foot buffer. The flooding in the area is a situation that all of Austin is experiencing; we need to meet the criteria of the City of Austin to do commercial development on this property, which means we have to address the water run off of our site; if we cannot convey it and enter into the regional system for detention, then we will be providing it on-site; regardless, water quality will be provided on-site. There are a lot of trees on the property and that is a site development issue, that is an issue that we will address at the site development stage and we will be adhering to the landscape criteria of the City of Austin, as well as tree mitigation criteria for any larger trees that maybe removed. The T.I.A did take into account all the factors of the area. I offered a list of conditions of prohibited uses, to the neighborhood.

Commissioner Hawthorne – Are these lots already platted?

Mr. Thrower – The northern lot is platted; the southern lot is not.

Commissioner Hawthorne – Are they subject to 1704?

Mr. Thrower – I did not look at that date with specifics; I do not know.

Commissioner Hawthorne – What is the watershed impervious cover limit for these two tracts?

Mr. Thrower – It's classified as suburban watersheds and they are allowed 80% impervious coverage when they are inside the City Limits for commercial development under current rules.

Commissioner Hammond – Looking at the topography on that site, the buildings look like they would be below grade; am I reading that right?

Mr. Thrower – You are reading it correct; as I stated the high point of the property is along the Dessau frontage and it slopes north westward from there.

Commissioner Baker – What's the proposed density on the MF-3 zoned property on the map?

Mrs. Sirwaitis – 265 units.

Commissioner Baker – The PUD across from the smaller tract, through which Walnut Creek goes, is there a proposed development on that?

Mrs. Sirwaitis – Yes, there is residential uses proposed.

Commissioner Baker – Staff, you heard the concerns raised primarily to traffic; are there any plans to upgrade the intersection in the near future with Shropshire, Braker and Dessau?

Amy Link, transportation staff – This development proposes to restripe an existing right turn lane going east bound on Shropshire to the designated left turn lane; that is the only improvement that is proposed by this development. I do not know of any other improvements at that intersection.

Commissioner Baker – Was there consideration given to taking right-of-way off of both tracts to facilitate right turns onto Shropshire and right turns onto Dessau?

Ms. Link – No there was not.

Commissioner Hawthorne – So if you have a left hand turn and you have the median; are you proposing a median break in there to

Ms. Link – If you're going eastbound on Shropshire; and you're at the intersection of ...

Commissioner Hawthorne – I'm sorry, I'm not having a visualization after we've been talking about no medians, U-turns etc.

Ms. Link – It wouldn't change a median, there's an existing median on Shropshire in this location and there are currently three lanes (showing a map).

Discussion continued regarding median breaks and right-of-way.

Ms. Link – Right-of-way can also be acquired during the site plan stage.

Commissioner Baker – Will the applicant be willing to dedicate right-of-way from both tracts to permit right turns onto Shropshire and a right turn onto Dessau?

Mr. Thrower – Without consulting him directly, I do not have an answer for you this evening. I will tentatively say yes; but I do not have a firm commitment on that.

Commissioner Baker – We need to know whether it will facilitate the movement of traffic.

Ms. Link – If you have a designated right turn, it would facilitate the movement of traffic.

Scott, Alliance Transportation Group – The issue with an eastbound right turn onto Dessau from Shropshire, will be that that could conflict with the people from Pioneer Crossing West that already have to make the U-turn northbound to southbound.

Commissioner Jackson – Why do we not have cuts in the median? Why are we forcing all these U-turns?

Ms. Link – I don't have an answer.

Celeste Scarborough – We have discussed with Peter Marsh, for the past several years and have discussed several suggestions as to what we thought a safe cut through in a median would be; but Mr. Marsh rejected all of them and said that they are not safe.

Commissioner Pinnelli – A traffic light that would prohibit a right turn on red; I feel signalization will control this problem...but what do I know.

*Commissioner Jackson and Baker moved to close the public hearing.
Editorial comments were made by Commissioner Baker regarding the two tracts.*

Commissioner Jackson – Before I make a motion, I'd like to ask for staff to report back to us; to do a little research. I'm interested in why they are not more median breaks on Dessau Road and Braker. I'd also like for them to look at the timing of the signal at that intersection. My concern is that I think the neighborhood raised a very valid issue, with the conditions as they are today. I understand staff's reluctance to add median breaks, but I think we're creating additional hardship by not having median breaks and forcing all these U-turns, which I think are more detrimental than a median break. So I'd like a report back on that.

Mrs. Sirwaitis – I will pass that along to our Public Works Department who would be the one that will look into this issue.

Commissioner Jackson – My concern is that regardless of what we do with this tract, we already have a situation that these residents and neighbors have to go through. We also have a pending MF-3 project coming in, which will also boost traffic. This is a situation that we have to figure out how to deal with; I would say that I'd like a report back on June 20th.

Commissioner Jackson – With that said; I'll break this into two separate tracts and make a motion. The first motion on Item #6; I move to approve GR-CO with the only allowable GR uses would be restaurant general (no drive thru) and financial services; and all other LR uses; the conditions of the T.I.A; LR development regulations

Commissioner Hawthorne – Second.

Commissioner Jackson spoke to the first motion.

Motion carried. (7-0)

Commissioner Jackson – For the second tract, item #7; I'll make a motion to approve LR-CO, with the T.I.A requirements.

Commissioner Baker - Would you also delete the uses agreed to by the applicant?

Commissioner Jackson – Yes; staff has that list.

Mrs. Sirwaitis – A lot of those uses are not allowed in LR zoning; the only thing will be service station.

Commissioner Jackson – We'll prohibit service stations.

Commissioner Baker – I want to exclude financial services.

Commissioner Jackson – Then I will include that as a prohibited use.

Commissioner Pinnelli – Second.

Motion carried. (7-0)

6. Rezoning:	C14-05-0177 - Shropshire Dessau Retail Tract 2
Location:	11000 Block of Dessau Road, Walnut Creek Watershed
Owner/Applicant:	Complete Real Estate SVC, Inc. (David Schoenemann)
Agent:	Thrower Design (Ron Thrower)
Postponements:	Postponed on 3/21/06 (neigh.)
Request:	DR to GR
Staff Rec.:	RECOMMENDATION OF LR
Staff:	Sherri Sirwaitis, 974-3057, sherri.sirwaitis@ci.austin.tx.us Neighborhood Planning and Zoning Department

APPROVED LR-CO DISTRICT ZONING; PROHIBIT SERVICE STATIONS AND FINANCIAL SERVICES; CONDITIONS OF THE TRAFFIC IMPACT ANALYSIS. [K.JACKSON, J.PINNELLI 2ND] (7-0) S.HALE, J.MARTINEZ – LEFT EARLY

***COMMISSIONER JACKSON DIRECTED STAFF TO DO MORE RESEARCH ON MEDIAN BREAKS ON DESSAU ROAD & ON THE TIMING OF SIGNALIZATION AT THE INTERSECTION.**

***COMMISSION WANTS STAFF TO HAVE A REPORT BACK ON JUNE 20, 2006.**

[See item #6 for minutes]



Date: June 15, 2006
To: Sherri Sirwaitis, Case Manager
CC: Scott Feldman, Alliance Transportation Group
Reference: Shropshire-Dessau Retail Tract TIA, C14-05-0176/-0177

The Transportation Review Section has reviewed the Traffic Impact Analysis for the Shropshire-Dessau Retail Tract, dated September 2005, prepared by Scott Feldman of Alliance Transportation Group and offers the following comments:

TRIP GENERATION

The Shropshire-Dessau Retail Tract is a 9.59-acre development located in north Austin at the intersection of Shropshire/Braker Lane and Dessau Road.

The property is currently undeveloped and zoned Development Reserve (DR). The applicant has requested a zoning change to Community Commercial (GR) for the entire tract. The estimated completion of the project is expected in the year 2007.

Based on the standard trip generation rates established by the Institute of Transportation Engineers (ITE), the development will generate approximately 4,809 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
General Office	8,000sf	180	25	82
Shopping Center	20,300sf	2,262	60	145
Convenience Store Open 15-16 hours	3,418sf	1,970	336	92
Drive In Bank	2,400sf	488	30	58
High Turn-Over Sit Down Restaurant	4,000sf	474	46	26
Total		5,374	497	403

ASSUMPTIONS

- Background traffic volumes for 2005 included estimated traffic volumes for the following projects:
 - Carmel Valley C14-03-0149
 - Pioneer Crossing C8-98-0115
 - Parmer Park SP-03-0125C
- A growth rate of 1.8% was assumed for all roadways within the study area.

3. Pass-by and internal capture reductions were taken for the following uses:

Land Use	Pass-By Reductions		Internal Capture Reductions	
	AM	PM	Enter	Exit
General Office	0%	0%	4.0%	4.0%
Shopping Center	0%	34%	0%	0%
Convenience Store open 15-16 hours	0%	61%	4.0%	4.0%
Drive In Bank	0%	47%	0%	0%
High Turn-Over Sit Down Restaurant	0%	43%	0%	0%

4. No reductions were taken for transit use.

EXISTING AND PLANNED ROADWAYS

Dessau Road – Dessau Road forms the eastern boundary for this site and is currently constructed as a six-lane major divided arterial. Traffic volumes for Dessau Road south of Parmer Lane were 24,842vpd in 2004.

Shropshire Boulevard – This roadway bisects the proposed site and is currently classified as a 2-lane collector. Adjacent to the subject tracts, Shropshire Boulevard is divided with 20 feet of pavement in the westbound lane and 30 feet of pavement in the eastbound lane. West of the proposed site, Shropshire becomes undivided with a total of 40 feet of pavement. 2005 traffic volumes on Shropshire Boulevard were 3,829vpd.

Braker Lane – Braker Lane forms the eastern leg of the intersection of Dessau Road and Shropshire/Braker. Braker Lane is currently classified as a 4-lane major arterial and the Roadway Plan calls for Braker Lane to be upgraded to a 6-lane major divided roadway by 2025.

INTERSECTION LEVEL OF SERVICE (LOS)

The TIA analyzed 8 intersections, 3 of which are signalized. Existing and projected levels of service are as follows, assuming that all improvements recommended in the TIA are built:

Table 3. Level of Service				
Intersection	2005 Existing		2007 Site + Forecasted	
	AM	PM	AM	PM
Dessau Road and Parmer Lane*	F	E	D	D
Dessau Road and Shropshire/Braker Lane*	C	C	D	D
Dessau Road and Braker Lane*	C	C	D	D
Dessau Road and Driveway 1			A	A
Shropshire Boulevard and Driveway 2			A	A
Shropshire Boulevard and Driveway 3			A	A
Dessau Road and Driveway 4			A	A
Dessau Road and Driveway 5			A	A

*= SIGNALIZED

NEIGHBORHOOD IMPACT ANALYSIS

A neighborhood traffic impact analysis was performed for the portion of Shropshire Boulevard between Dessau Road and Alma Drive. This segment of Shropshire Boulevard is considered a residential collector because at least 50% of the frontage located within 1500 feet or less from the proposed project's property line has an urban family residential district (SF-5) or more restrictive zoning designation. Shropshire Boulevard is currently divided with 20 feet of pavement in the westbound lane and 30 feet of pavement in the eastbound lane directly adjacent to the subject tract. West of the proposed site, Shropshire becomes undivided with a total of 40 feet of pavement. The current traffic volume on Shropshire Boulevard west of Dessau Road is 3,829 vpd. Applying the assumed 1.8% growth rate, in 2007 the traffic volume on Shropshire will be 3,968 vpd.

Section 25-6-116 of the Land Development Code states that traffic on a residential collector street 40 feet or wider is operating at a desirable level if it does not exceed 4,000 vehicle trips per day. Based upon existing and projected traffic volumes on Shropshire Boulevard, the street is currently operating at a desirable level. With the inclusion of site traffic, total traffic on Shropshire west of Dessau will be 4,208 vpd. Site traffic results in a 5.7% increase in total traffic on Shropshire. It is estimated that this new site traffic will exist on Shropshire with or without the two proposed driveways to Shropshire, due to the assumption that the majority of this site traffic will be generated by the adjacent neighborhood. Therefore, elimination of the two driveways proposed to Shropshire will not eliminate the 5.7% increase in total traffic on Shropshire. As a requirement of this development, fiscal will be posted to restripe the eastbound leg of the intersection of Shropshire and Dessau to provide a designated left turn.

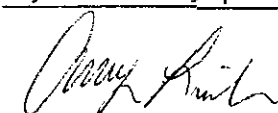
RECOMMENDATIONS

- 1) Prior to 3rd Reading at City Council, fiscal is required to be posted for the following improvements:

Intersection	Improvement	Pro Rata Share Percentage
Dessau Road and Parmer Lane	Add an eastbound left turn lane	4.5%
Dessau Road and Shropshire/Braker Lane	Restripe eastbound thru lane as a left turn lane	67%

- 2) If a median break is proposed in conjunction with access to Driveway 3 from Shropshire Boulevard, the developer is responsible for median break improvements during the site plan process.
- 3) Submittal of 3 copies of the final version of the TIA is required prior to 3rd Reading at City Council.
- 4) 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 974-2628.



Amy Link
Sr. Planner - Transportation Review Staff
Watershed Protection and Development Review



TECHNICAL MEMORANDUM

To: Amy Link, Senior Planner
Watershed Development and Development Review Department
505 Barton Springs Road
Austin, Texas 78704

From: Arthur F. Gamble, III, P.E.
Alliance Transportation Group, Inc.
100 East Anderson Lane, Suite 300
Austin, Texas 78752



Date: June 12, 2006

Re: Shropshire Boulevard Driveway Evaluation

Introduction

Alliance Transportation Group, Inc. (ATG) has been contracted to evaluate the impact of moving the northern driveway taking access to Shropshire Boulevard to the northwest edge of the property and constructing a median break to allow left turns. This site is located at the corner of Dessau Road and Shropshire Boulevard in Austin, Texas. The purpose of this study is to determine whether there is adequate sight distance and evaluate the operational level of service of the driveway. **Figure 1** shows the intersection of Shropshire and Dessau, property lines, and the proposed driveway location.

Figure1. Proposed Driveway Location



Sight Distance Requirements

AASHTO's A Policy on Geometric Design of Highways and Streets, (the "Green Book") defines sight distance as "... the distance along a roadway that an object of specified height is continuously visible to the driver." For this study, an object height of 4.25 feet is adopted, as specified in the Green Book. The height of the driver's eye is considered to be 3.50 feet above the road surface, with the lateral position of the driver's eye in the stopped vehicle being 14 feet behind the edge of pavement.

Where traffic on the minor road of an intersection is controlled by stop signs, the driver of the vehicle on the minor road must have sufficient sight distance for a safe departure from the stopped position, even though the approaching vehicle comes in view as the stopped vehicle begins its departure movements. There are two basic maneuvers that occur at the average three-legged intersection. These maneuvers are:

- A. To turn left into the crossing roadway by first clearing traffic on the left and then to enter the traffic stream with vehicle from the right; and
- B. To turn right into the intersecting roadway by entering the traffic stream with vehicles from the left.

Sight distances for each maneuver depend on several variables, including the design speed on the major roadway and characteristics of the design vehicle. The speed on the major roadway in this study is posted at 45 mph. The design vehicle is the standard passenger car.

The intersection sight distance requirement for vehicles turning from the minor street onto the major street can be calculated using the following equation

$$ISD = 1.47 * V * T \quad (\text{Ref 1})$$

ISD = Intersection Sight Distance (feet)

V = Speed of major street traffic (mph)

T = Time Gap for minor street vehicles to enter major roadway (seconds).

The sight distance varies for vehicles turning right or left onto the major roadway. Field studies have shown that vehicles turning left onto a major roadway require a larger gap between vehicles than vehicles turning right onto the major roadway. **Table 1** shows the required typical gap acceptance time for vehicles turning onto a major roadway

Table 1: Gap Acceptance Time

Design Vehicle	Gap Acceptance Time Left Turn (sec.)	Gap Acceptance Time Right Turn (sec.)
Passenger Car	7.5	6.5
Single-unit truck	9.5	8.5
Combination truck	11.5	11.5

Note: Time gaps are for a stopped vehicle to turn right or left onto a two lane highway with no median and grades 3 percent or less. The tables require adjustment as follows:

For multilane highways:

For left or right turns onto two-way highways with more than two lanes, add 0.5 seconds for passenger cars.

For minor road approach grades:

If the approach grade is an upgrade that exceeds 3 percent; add 0.2 seconds for each percent grade for left turns.

Shropshire is a two lane divided collector, with a posted speed limit of 30 mph. This speed is used to calculate the required intersection sight distance at Shropshire and the driveway.

For **Case A**, the intersection sight distance requirement for vehicles turning left from a minor street onto the major street can be expressed by the following equation:

Gap acceptance time = 7.5 seconds
 Major Street Speed = 30 mph

$ISD = 1.47 * 7.5 \text{ seconds} * 30 \text{ mph}$
 $ISD = 331 \text{ feet}$

For **Case B**, the intersection sight distance requirement for vehicles turning right from a minor street onto the major street can be expressed by the following equation:

Gap acceptance time = 6.5 seconds
 Major Street Speed = 30 mph

$ISD = 1.47 * 6.5 \text{ seconds} * 30 \text{ mph}$
 $ISD = 287 \text{ feet}$

Sight Distance Measurement

The measured sight distance in the field was 612 feet to the northwest and 290 feet to the southeast towards the intersection of Shropshire with Dessau. The measured values shown in **Table 2** exceed the calculated minimum sight distance referenced in the AASHTO Green Book. In addition, vehicles turning from Dessau onto Shropshire are visible from the proposed driveway location as they make the turn and vehicles crossing Dessau from East Braker Lane to Shropshire are visible from the proposed driveway location as they clear the intersection.

Table 2: Sight Distance

Movement	Minimum Required Sight Distance	Measured Sight Distance
Left-turn	331 feet	612 feet
Right-turn	287 feet	290 feet

Operational Study

The current roadway network was studied to establish baseline conditions. This analysis calculates existing intersection Levels of Service and traffic flow in and around the study area. In addition, current intersection deficiencies can be identified during this analysis.

AM and PM peak hour (7-9 am and 4-6 pm) turning movement counts were obtained in August of 2005 at the following intersection. These counts are included in the **Appendix**.

- Shropshire and Dessau

Analysis

As shown in the original TIA, the proposed land use evaluated in this study consists of a mix of retail and office. The expected completion date for the project is 2007. Background traffic volumes for 2007 are based on existing traffic counts collected in August of 2005. Historical traffic data were reviewed to calculate an annual growth rate to apply to the existing counts. This growth rate was determined to be 1.8 percent. The growth rate was applied to the existing counts to arrive at 2007 background traffic.

Entering and exiting volumes were calculated using information from *ITE's Trip Generation Manual, 7th edition*⁽²⁾ and are shown in **Table 3**. The reported volumes are for the peak generation hours for the Shropshire-Dessau Retail Site.

Table 3: Unadjusted ITE Trip Generation

ITE DESCRIPTION	DAILY	AM PEAK VOLS.			PM PEAK VOLS.		
	Total	Total	Enter	Exit	Total	Enter	Exit
General Office	191	25	22	3	88	15	73
Shopping Center	2,409	60	37	23	219	105	114
Convenience Store open 15-16 hours	No data	334	167	167	243	119	124
Drive in Bank	592	30	17	13	110	55	55
Fast Food w/ Drive-Thru	1,617	173	88	85	113	59	54
	4,809	622	331	291	773	353	420

Pass-by trips and internal capture can account for a significant portion of a site's generated traffic. Pass-by trips are attracted to the site from traffic passing on an adjacent street. Internal Capture trips are attracted to the site from other land uses on the site. Due to the site lay out and land uses within this site, adjustments for pass-by trips and internal capture were applied to the data shown in **Table 3** and are shown in **Table 4**. The adjusted volumes are shown in **Table 5**.

Table 4: Pass-by and Internal Capture Rates

ITE DESCRIPTION	PASS-BY		INTERNAL CAPTURE-PM	
	AM	PM	Enter	Exit
General Office	0%	0%	26.7%	2.7%
Shopping Center	0%	34%	0.0%	0.0%
Convenience Store open 15-16 hours	0%	61%	1.7%	3.2%
Drive in Bank	0%	47%	0.0%	0.0%
Fast Food w/ Drive-Thru	49%	50%	0.0%	0.0%

Table 5: Adjusted ITE Trip Generation

ITE DESCRIPTION	DAILY VOLS.	AM PEAK VOLS.			PM PEAK VOLS.		
	Total	Total	Enter	Exit	Total	Enter	Exit
General Office	186	25	22	3	82	11	71
Shopping Center	2,200	60	37	23	145	68	77
Convenience Store open 15-16 hours	No Data	334	167	167	93	44	49
Drive in Bank	444	30	17	13	58	29	29
Fast Food w/ Drive-Thru	1,292	89	46	43	57	31	26
	4,122	538	289	249	435	183	252

Trip distribution is also the same as that shown in the original TIA. The intersection analyses performed for this study are based on the *Highway Capacity Manual, 2000, (HCM)*⁽¹⁾, chapters sixteen and seventeen (16 & 17). These sections discuss the methodology used to determine Level of Service at signalized and unsignalized intersections. SynchroTM version 6.0 is used to evaluate future conditions.

A summary of the analysis results is shown in **Table 6**. Analysis worksheets are provided in the **Appendix**.

Table 6: LOS Analysis

INTERSECTION	PEAK PERIOD	INTERSECTION DELAY	LOS
Shropshire & Dessau	AM	48.4	D
	PM	54.4	D
Shropshire & Driveway	AM	1.1	A
	PM	2.5	A

As indicated in the above table, acceptable operations are projected for the intersections of Dessau and Shropshire as well as Shropshire and the proposed driveway.

Findings and Recommendations

This study has analyzed the proposed driveway relocation on Shropshire for the year 2007. The relocation of this driveway is shown to have little to no impact on the surrounding roadway network and does not require any additional traffic control to operate at an acceptable Level of Service for the 2007 future year.

The measured sight distance at the intersection of the proposed driveway and Shropshire was found to be greater than the minimum calculated sight distance referenced in the AASHTO Green Book.

Based on the analysis performed in this study, it is our recommendation that the driveway location be approved as planned.

If you have any questions related to this matter, please contact me at 821-2081.

Attachments:

Turning Movement Counts
Operational Analysis

Shropshire @ Dessau AM Peak

StartTime	StopTime	NL	NT	NR	SL	ST	SR	EL	ET	ER	WL	WT	WR	Total	NApproach	SApproach	EApproach	WApproach
7:00 AM	7:15 AM	17	88	4	24	424	7	8	6	61	19	2	10	670	109	455	75	31
7:15 AM	7:30 AM	17	131	12	21	479	4	7	8	68	18	4	25	794	160	504	83	47
7:30 AM	7:45 AM	32	134	23	27	446	7	10	8	62	15	4	13	781	189	480	80	32
7:45 AM	8:00 AM	17	141	22	28	485	7	8	3	85	25	6	13	840	180	520	96	44
8:00 AM	8:15 AM	21	203	19	15	261	3	14	14	38	25	13	7	633	243	279	66	45
8:15 AM	8:30 AM	9	144	3	46	224	2	10	18	21	9	7	5	498	156	272	49	21
8:30 AM	8:45 AM	14	79	4	15	145	3	5	8	14	21	8	1	317	97	163	27	30
8:45 AM	9:00 AM	14	103	10	11	137	8	3	1	18	16	0	16	337	127	156	22	32

Peak Hour

7:00 AM	8:00 AM	83	494	61	100	1834	25	33	25	276	77	16	61	3085	638	1959	334	154
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Shropshire @ Dessau PM Peak

StartTime	StopTime	NL	NT	NR	SL	ST	SR	EL	ET	ER	WL	WT	WR	Total	NApproach	SApproach	EApproach	WApproach
4:00 PM	4:15 PM	18	185	3	11	75	8	2	6	13	8	10	14	353	206	94	21	32
4:15 PM	4:30 PM	33	260	10	24	153	5	4	5	23	14	7	34	572	303	182	32	55
4:30 PM	4:45 PM	45	284	9	32	178	13	2	4	11	13	9	15	615	338	223	17	37
4:45 PM	5:00 PM	58	293	8	18	135	14	4	4	11	10	6	22	583	359	167	19	38
5:00 PM	5:15 PM	35	384	14	15	112	10	8	7	10	3	1	7	606	433	137	25	11
5:15 PM	5:30 PM	42	553	15	15	150	9	12	13	15	17	15	28	884	610	174	40	60
5:30 PM	5:45 PM	72	454	12	15	140	9	8	4	32	18	16	37	827	1548	164	44	71
5:45 PM	6:00 PM	62	422	23	24	200	13	9	7	19	12	10	31	832	507	237	35	53

Peak Hour

5:00 PM	6:00 PM	211	1823	64	69	602	41	37	31	76	50	42	103	3149	2098	712	144	195
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Dessau - Shropshire Driveway Analysis
8: Shropshire Boulevard & Dessau Road

AM Peak
Build Out Conditions

	↖	→	↘	↙	←	↖	↗	↑	↘	↙	↓	↖
Lane Configurations	↖	↑	↖	↙	↖	↖	↑↑	↑↑	↖	↑↑	↑↑	↖
Total Lost Time (s)	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Satd. Flow (prot)	1770	1863	1583	3433	1626	0	1770	4917	0	1770	5070	0
Flt Permitted	0.950			0.950			0.950			0.950		
Satd. Flow (perm)	1770	1863	1583	3433	1626	0	1770	4917	0	1770	5070	0
Satd. Flow (RTOR)			130		127			78			4	
Volume (vph)	165	38	287	349	21	117	146	681	195	223	2388	47
Lane Group Flow (vph)	179	41	312	379	150	0	159	952	0	242	2647	0
Turn Type	Prot		Perm	Prot			Prot			Prot		
Protected Phases	7	4		3	8		5	2		1	6	
Permitted Phases			4									
Detector Phases	7	4	4	3	8		5	2		1	6	
Minimum Initial (s)	5.0	12.0	12.0	5.0	12.0		5.0	30.0		5.0	30.0	
Minimum Split (s)	11.0	18.0	18.0	11.0	18.0		11.0	36.0		11.0	36.0	
Total Split (s)	16.0	18.0	18.0	16.0	18.0	0.0	14.0	48.0	0.0	28.0	62.0	0.0
Total Split (%)	14.5%	16.4%	16.4%	14.5%	16.4%	0.0%	12.7%	43.6%	0.0%	25.5%	56.4%	0.0%
Yellow Time (s)	4.0	4.0	4.0	4.0	4.0		4.0	4.0		4.0	4.0	
All-Red Time (s)	2.0	2.0	2.0	2.0	2.0		2.0	2.0		2.0	2.0	
Lead/Lag	Lead	Lag	Lag	Lead	Lag		Lead	Lag		Lead	Lag	
Lead-Lag Optimize?	Yes	Yes	Yes	Yes	Yes		Yes	Yes		Yes	Yes	
Recall Mode	None	None	None	None	None		None	Min		None	None	
Act Effct Green (s)	12.0	14.0	14.0	12.0	14.0		10.0	48.0		20.0	58.0	
Actuated g/C Ratio	0.11	0.13	0.13	0.11	0.13		0.09	0.44		0.18	0.53	
v/c Ratio	0.93	0.17	0.99	1.01	0.47		0.99	0.43		0.75	0.99	
Control Delay	97.9	44.9	77.4	98.5	16.6		118.9	21.0		50.6	41.2	
Queue Delay	0.0	0.0	0.0	0.0	0.0		0.0	0.0		0.0	0.0	
Total Delay	97.9	44.9	77.4	98.5	16.6		118.9	21.0		50.6	41.2	
LOS	F	D	E	F	B		F	C		D	D	
Approach Delay		81.8			75.3			35.0			42.0	
Approach LOS		F			E			C			D	

Intersection Summary

Cycle Length: 110

Actuated Cycle Length: 110

Natural Cycle: 110

Control Type: Actuated-Uncoordinated

Maximum v/c Ratio: 1.01

Intersection Signal Delay: 48.1

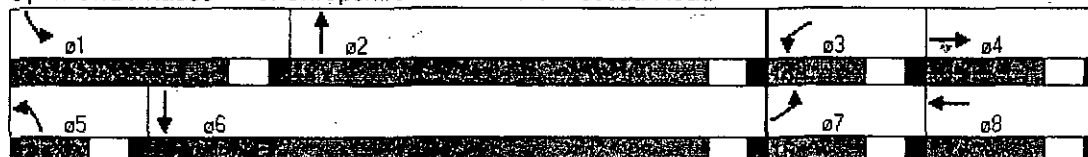
Intersection LOS: D

Intersection Capacity Utilization 88.6%

ICU Level of Service E

























Analysis Period (min) 15

Splits and Phases: 8: Shropshire Boulevard & Dessau Road



Dessau - Shropshire Driveway Analysis
8: Shropshire Boulevard & Dessau Road

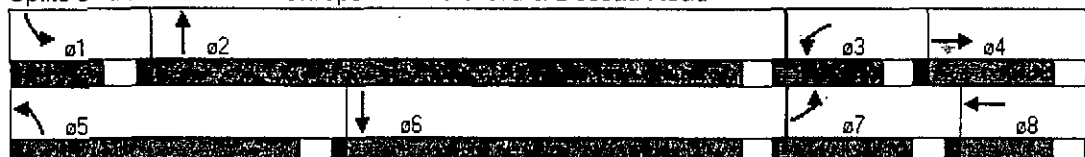
PM Peak
Build Out Conditions

												
Lane Configurations												
Total Lost Time (s)	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Satd. Flow (prot)	1770	1863	1583	3433	1643	0	1770	5009	0	1770	5009	0
Flt Permitted	0.950			0.950			0.950			0.950		
Satd. Flow (perm)	1770	1863	1583	3433	1643	0	1770	5009	0	1770	5009	0
Satd. Flow (RTOR)			91		105			21			16	
Volume (vph)	240	43	84	191	51	187	309	2286	245	168	886	98
Lane Group Flow (vph)	261	47	91	208	258	0	336	2751	0	183	1070	0
Turn Type	Prot		Perm	Prot			Prot			Prot		
Protected Phases	7	4		3	8		5	2		1	6	
Permitted Phases			4									
Detector Phases	7	4	4	3	8		5	2		1	6	
Minimum Initial (s)	5.0	12.0	12.0	5.0	12.0		5.0	30.0		5.0	30.0	
Minimum Split (s)	11.0	18.0	18.0	11.0	18.0		11.0	36.0		11.0	36.0	
Total Split (s)	22.0	22.0	22.0	18.0	18.0	0.0	43.0	82.0	0.0	18.0	57.0	0.0
Total Split (%)	15.7%	15.7%	15.7%	12.9%	12.9%	0.0%	30.7%	58.6%	0.0%	12.9%	40.7%	0.0%
Yellow Time (s)	4.0	4.0	4.0	4.0	4.0		4.0	4.0		4.0	4.0	
All-Red Time (s)	2.0	2.0	2.0	2.0	2.0		2.0	2.0		2.0	2.0	
Lead/Lag	Lead	Lag	Lag	Lead	Lag		Lead	Lag		Lead	Lag	
Lead-Lag Optimize?	Yes	Yes	Yes	Yes	Yes		Yes	Yes		Yes	Yes	
Recall Mode	None	None	None	None	None		None	Min		None	None	
Act Effct Green (s)	18.0	18.4	18.4	13.6	14.0		31.6	78.0		14.0	60.4	
Actuated g/C Ratio	0.13	0.13	0.13	0.10	0.10		0.23	0.56		0.10	0.43	
v/c Ratio	1.14	0.19	0.32	0.62	1.00		0.84	0.98		1.03	0.49	
Control Delay	157.0	56.9	13.4	68.8	91.6		60.1	43.5		136.8	30.1	
Queue Delay	0.0	0.0	0.0	0.0	0.0		0.0	0.0		0.0	0.0	
Total Delay	157.0	56.9	13.4	68.8	91.6		60.1	43.5		136.8	30.1	
LOS	F	E	B	E	F		E	D		F	C	
Approach Delay		112.4			81.4			45.3			45.7	
Approach LOS		F			F			D			D	

Intersection Summary:

Cycle Length: 140
Actuated Cycle Length: 140
Natural Cycle: 140
Control Type: Actuated-Uncoordinated
Maximum v/c Ratio: 1.14
Intersection Signal Delay: 53.8
Intersection Capacity Utilization 99.8%
Analysis Period (min) 15
Intersection LOS: D
ICU Level of Service F

Splits and Phases: 8: Shropshire Boulevard & Dessau Road



Dessau - Shropshire Driveway Analysis
21: Shropshire Boulevard & Driveway 3

AM Peak
Build Out Conditions



Lane Configurations						
Sign Control	Free	Free		Stop		
Grade	0%	0%		0%		
Volume (veh/h)	6	379	150	24	43	2
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	7	412	163	26	47	2
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type				None		
Median storage veh						
Upstream signal (ft)		209				
pX, platoon unblocked						
vC, conflicting volume	189			601	176	
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	189			601	176	
tC, single (s)	4.1			6.4	6.2	
tC, 2 stage (s)						
tF (s)	2.2			3.5	3.3	
p0 queue free %	100			90	100	
cM capacity (veh/h)	1385			461	867	

Direction Lane: EB WB SB			
Volume Total	418	189	49
Volume Left	7	0	47
Volume Right	0	26	2
cSH	1385	1700	471
Volume to Capacity	0.00	0.11	0.10
Queue Length 95th (ft)	0	0	9
Control Delay (s)	0.2	0.0	13.5
Lane LOS	A		B
Approach Delay (s)	0.2	0.0	13.5
Approach LOS			B

Intersection Summary			
Average Delay		1.1	
Intersection Capacity Utilization	34.7%	ICU Level of Service	A
Analysis Period (min)	15		

Dessau - Shropshire Driveway Analysis
21: Shropshire Boulevard & Driveway 3

PM Peak
Build Out Conditions



Lane Configurations						
Sign Control		Free	Free		Stop	
Grade		0%	0%		0%	
Volume (veh/h)	4	188	333	91	98	15
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	4	204	362	99	107	16
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type					None	
Median storage veh						
Upstream signal (ft)			209			
pX, platoon unblocked						
vC, conflicting volume	461				624	411
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	461				624	411
tC, single (s)	4.1				6.4	6.2
tC, 2 stage (s)						
tF (s)	2.2				3.5	3.3
p0 queue free %	100				76	97
cM capacity (veh/h)	1100				447	640

Direction	EB	WB	SB
Volume Total	209	461	123
Volume Left	4	0	107
Volume Right	0	99	16
cSH	1100	1700	466
Volume to Capacity	0.00	0.27	0.26
Queue Length 95th (ft)	0	0	26
Control Delay (s)	0.2	0.0	15.5
Lane LOS	A		C
Approach Delay (s)	0.2	0.0	15.5
Approach LOS			C

Intersection Summary			
Average Delay		2.5	
Intersection Capacity Utilization	36.1%	ICU Level of Service	A
Analysis Period (min)	15		



MEMORANDUM

TO: Sherri Sirwaitis, Case Manager
Members of the City Council

FROM: Amy Link, Transportation Review

DATE: July 19, 2006

SUBJECT: Median Break in Shropshire Blvd/Trip Generation Recommendation
Case Number – C14-05-0176 and C14-05-0177

In response to questions raised by the City Council regarding a possible median break in Shropshire Boulevard and possible reduction in the proposed trip generation for these tracts, the following information is provided.

Shropshire Median Break

Based upon information provided by Trey Gamble, P.E., of Alliance Transportation Group, if driveway access from the northern tract to Shropshire Boulevard was shifted further west to align with a possible median break in Shropshire Boulevard, adequate sight distance is currently available to accommodate traffic accessing this driveway.

Sight Distance		
Movement	Minimum Required Site Distance	Measured Sight Distance
Left Turn	352 feet	612 feet
Right Turn	287 feet	290 feet

An intersection analysis of the relocated driveway as well as the intersection of Shropshire Boulevard and Dessau Road was also performed to assess the impact of a full function driveway resulting from the addition of a median break in Shropshire Boulevard. As depicted in the following table, the level of service will remain acceptable.

Level of Service		
Intersection	2007 Site + Forecasted	
	AM	PM
Shropshire and Dessau	D	D
Shropshire and Driveway 3	A	A

To assess the impacts to Shropshire Boulevard from a proposed full function driveway, the neighborhood traffic analysis for Shropshire Boulevard was revisited. Section 25-6-116 of the Land Development Code states that traffic on a residential collector street 40

feet or wider is operating at a desirable level if it does not exceed 4,000 vehicle trips per day. Based upon updated information provided by Alliance Transportation assuming a full function driveway to Shropshire from the northern tract, the desirable operating level for Shropshire Boulevard will go from a forecasted 3,968 vehicles per day in 2007 to 4,198 vehicles per day with the addition of site traffic in 2007. This results in a 5.5% increase in total traffic on Shropshire Boulevard and a slight exceedence of the 4,000 vehicle per day desirable operating level.

Trip Generation

Based upon the Zoning and Platting Commission's recommendation to prohibit fast food restaurant, the trip regeneration has been modified and updated as follows:

Trip Generation				
LAND USE	Size	ADT	AM Peak	PM Peak
General Office	8,000sf	180	25	82
Shopping Center	20,300sf	2,262	60	145
Convenience Store Open 15-16 hours	3,418sf	1,970	336	92
Drive In Bank	2,400sf	488	30	58
High Turn-Over Sit Down Restaurant	4,000sf	474	46	26
Total		5,374	497	403

By changing the fast food use to a high turn-over sit down restaurant use, the combined overall trip generation for the two sites has decreased by 864 vehicle trips per day.

In addition to the Zoning and Platting Commission recommendation, staff was instructed to provide trip generation comparison information for various uses and intensities. Table 1 depicts total trip generation assuming the maximum floor-to-area ratio (FAR) for each zoning category. Table 2 depicts total trip generation assuming the FAR of a typical development for each zoning category based upon the FAR Study completed in 1986.

Table 1				
Tract	Zoning Classification	Use	Max FAR (.7 for LO, .5 for LR)	Total Trip Generation
Northern Tract 6.49acres	LR	Retail	8,504	13,564
Southern Tract 2.92 acres	LR	Retail	5,060	
Northern Tract 6.49acres	LO	Administrative Office	2,256	3,476
Southern Tract 2.92 acres	LO	Administrative Office	1,220	
Northern Tract 6.49acres	LO	Medical Office	7,877	11,303
Southern Tract 2.92 acres	LO	Medical Office	3,426	

Table 2					
Tract	Zoning Classification	Use	.35 FAR	.27 FAR	Total Trip Generation
Northern Tract 6.49 acres	LR	Retail		5,698	9,088
Southern Tract 2.92 acres	LR	Retail		3,390	
Northern Tract 6.49 acres	LO	Administrative Office	1,323		2,038
Southern Tract 2.92 acres	LO	Administrative Office	715		
Northern Tract 6.49 acres	LO	Medical Office	3,831		5,436
Southern Tract 2.92 acres	LO	Medical Office	1,605		

Based upon the information provided in Tables 1 and 2, only an administrative office use would generate less vehicle trips per day than the uses proposed in the TIA for these tracts. Therefore, it is recommended that these tracts be limited to the uses and development intensities which will not exceed or vary from the projected traffic conditions assumed in the TIA.

If you have any questions or require additional information, please contact me at 974-2628.



Amy Link
Senior Planner~ Transportation Review Staff



MEMORANDUM

To: Mayor and Council

From: Sondra Creighton, P.E., Director
Public Works Department

Date: June 26, 2006

Subject: Dessau Road, Speed Limits

At the May 18, 2006 City Council meeting, Council considered two zoning cases (Items 56 and 57) for two tracts located on the northwest and southwest corners of the Shropshire Boulevard / Dessau Road intersection.

An issue was raised by Councilmember McCracken during the discussion related to the posted speed limit on Dessau Road. Councilmember McCracken requested a plan for a lower speed limit on Dessau Road, or a report on why the current speed limit should be maintained.

Dessau Road, from Rundberg Lane to Parmer Lane, is classified in the CAMPO plan and the City of Austin's AMATP as a 6-lane divided major arterial street, and was designed and constructed as a 6-lane divided arterial. The design speed for a 6-lane divided arterial street in the City's Transportation Criteria Manual is 50 mph. The improvements to Dessau Road to upgrade it to a 6-lane divided arterial were constructed by Travis County prior to being annexed into the City of Austin in April 1997. Travis County posted the 50 mph speed limit after the construction was completed. At the time of annexation, the existing 50 mph speed limit was reviewed by city staff and found to be appropriate and subsequently incorporated into the City of Austin Code.

Following Councilmember McCracken's request to review the 50 mph speed limit on Dessau Road, speed and volume data were collected at nine locations along Dessau Road. The 85th percentile traffic speeds ranged from 54 mph to 67 mph. The 85th percentile speed is that speed at which or below 85% of the traffic is traveling. The 85th percentile speed, described further below, is uniformly used throughout the United States to determine posted speed limits. In accordance with the state criteria for establishing speed limits, this range of speed indicates that the 50 mph speed limit is appropriate for this classification of road, a major divided arterial street. There were, however, three segments of Dessau Road where the 85th percentile speeds were significantly higher than the posted speed limit. Public Works Transportation Division staff has contacted APD and requested enforcement of the speed limit in those areas.

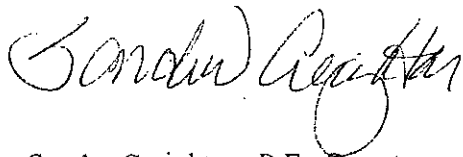
I would like to take this opportunity to explain how speed limits are established. The Texas traffic laws are based on the fundamental principal of the American system of government and law that the behavior of the majority of people is reasonable, and that laws are written to single out the unreasonable behavior of a minority of the population. The law states, in part, that "An operator may not drive at a speed greater than is reasonable and prudent under the circumstances then existing". On any section of road reasonable drivers will select a speed that they are comfortable with, not too slow or too fast, but a speed that will get them where they want to go safely and without undue delay; in selecting their speed reasonable drivers will intuitively consider things like roadway geometry, traffic conditions, weather, pedestrians, and the like.

Speed limits are not intended to force reasonable motorists to drive at speeds they consider unreasonably too high or too low. Research studies have shown that most drivers drive at speeds they consider to be comfortable, regardless of the posted speed limit, and that arbitrarily raising or lowering the numbers on the speed limit sign has little or no effect on the actual speed of the traffic.

The procedures used to set speed limits are the results of years of research and experience. The "85th percentile speed" is used as the basic factor in establishing speed limits, this is the speed at, or below, which 85 percent of the vehicles are traveling, and is used as an indication of the speed most drivers feel is reasonable and safe. The remaining 15% of speeds above the 85th percentile are indicative of the minority of drivers who are considered to be exceeding a reasonable speed.

Under Texas law the maximum speed limit is 70 mph daytime and 65 nighttime. Certain prima facie speed limits are established by State law, such as the 30 mph speed limit in business districts and residential streets, and the 15 mph speed limit in alleys. Outside those areas, speed limits are established on the basis of traffic engineering studies, which include the determination of the 85th percentile speed of the traffic, and consider other factors such as an analysis of the roadway geometry, reported accidents, adjacent development, pedestrian activity, etc. The City of Austin uses the Texas Department of Transportation's (TxDOT) "Procedures for Establishing Speed Zones - October 1997" as the guideline for establishing speed limits. These procedures are intended to provide the state, cities, and counties with a consistent method of determining speed limits throughout Texas.

Based on the speed data collected and the guidelines in Texas Department of Transportation's "Procedures for Establishing Speed Zones" the 50 mile per hour speed limit can be substantiated for Dessau Road.



Sondra Creighton, P.E., Director
Public Works Department



Memorandum

To: Sherri Sirwaitis, Senior Planner, NPZD

From: Ricardo Soliz, Division Manager, PARD

Subject: Zoning Cases: C-14-05-0176; C-14-01-0177

Date: July 18, 2006

The Parks Department wants to ensure that a **"Letter of Intent"** is provided by the property owner of the two zoning cases described above for a public easement to Walnut Creek Greenbelt. The first public easement would be to access the greenbelt just north of Shropshire Blvd. and the second on the most southern end of the property near the Dessau Road bridge. The agreement to provide these two entry points, will allow the public to access this portion of the greenbelt system.

If you have any questions, please contact me at 974-6765.

ORDINANCE NO. _____

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE
2 PROPERTY LOCATED AT THE 11000 BLOCK OF DESSAU ROAD FROM
3 DEVELOPMENT RESERVE (DR) DISTRICT TO NEIGHBORHOOD
4 COMMERCIAL-CONDITIONAL OVERLAY (LR-CO) COMBINING DISTRICT.
5

6 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:
7

8 PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to
9 change the base district from development reserve (DR) district to neighborhood
10 commercial-conditional overlay (LR-CO) combining district on the property described in
11 Zoning Case No. C14-05-0177, on file at the Neighborhood Planning and Zoning
12 Department, as follows:
13

14 A 2.92 acre tract of land, more or less, out of the Thomas H. Mays Survey No. 89,
15 Travis County, the tract of land being more particularly described by metes and
16 bounds in Exhibit "A" incorporated into this ordinance (the "Property"),
17

18 locally known as 11000 Block of Dessau Road, in the City of Austin, Travis County,
19 Texas, and generally identified in the map attached as Exhibit "B".
20

21 PART 2. The Property within the boundaries of the conditional overlay combining district
22 established by this ordinance is subject to the following conditions:
23

24 1. Development on the Property may not exceed 70 percent impervious cover.
25

26 2. The following uses are prohibited uses of the Property:
27

28 Financial services

Service station
29

30 Except as specifically restricted under this ordinance, the Property may be developed and
31 used in accordance with the regulations established for the neighborhood commercial (LR)
32 base district and other applicable requirements of the City Code.
33
34
35
36
37

PART 3. This ordinance takes effect on _____, 2006.

PASSED AND APPROVED

_____, 2006

§
§
§

Will Wynn
Mayor

APPROVED:

David Allan Smith
City Attorney

ATTEST:

Shirley A. Gentry
City Clerk

EXHIBIT A
CARSON AND BUSH
PROFESSIONAL SURVEYORS, INC.
1904 FORTVIEW ROAD
AUSTIN, TX 78704
TELEPHONE: (512) 442-0990
FACSIMILE: (512) 442-1084

May 16, 2005

FIELD NOTE DESCRIPTION OF 2.92 ACRES OF LAND OUT OF THE THOMAS H. MAYS SURVEY NO. 89, ABSTRACT NO. 562, IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN (181.94 ACRE) TRACT OF LAND AS CONVEYED TO B.R. PAYTON BY DEED RECORDED IN VOLUME 419, PAGE 230 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a square head bolt found in the Southwest right-of-way line of Shropshire Boulevard, recorded as Copperfield, Section One, Phase F, according to the map or plat thereof recorded in Volume 85, Page 97D of the Plat Records of Travis County, Texas, same being a point in the Southeasterly line of that certain (178.12 acre) tract of land as conveyed to Davidson & Associates VII, by deed recorded in Volume 3638, Page 275 of the Deed Records of Travis County, Texas and the most Northerly corner and **PLACE OF BEGINNING** of the herein described tract, from which a square head bolt found in the Southwest right-of-way line of said Shropshire Boulevard bears, N50 deg. 50'00"W 79.82 feet;

THENCE with the Southwest right-of-way line of Shropshire Boulevard, same being the Southeast line of said Davidson & Associates VII (178.12 acre) tract, **S36 deg 56'30"E 138.09 feet** to a 1/2" iron rod set with a plastic cap imprinted "Carson and Bush Professional Surveyors, Inc.", for the Southeast corner of Shropshire Boulevard, same being a point in the West right-of-way line of Dessau Road and the Northeast corner of the herein described tract, from which a PK nail found for the most Westerly corner of Lot 25, Block A, Pioneer Crossing, Section 2, according to the map or plat thereof recorded in Document No. 200200323 of the Official Public Records of Travis County, Texas, bears, N80 deg. 30'48"E 226.10 feet (direct tie);

THENCE leaving the Southeast line of said Davidson & Associates VII (178.12 acre) tract and crossing the interior of said Payton (181.94 acre) tract with the West right-of-way line of Dessau Road, **S27 deg. 17'51"W 233.09 feet**, to a 1/2" iron rod set with a plastic cap imprinted "Carson and Bush Professional Surveyors, Inc.", for the most northerly corner of that certain (5445 square feet) tract of land as conveyed to Travis County, Texas, by deed recorded in Volume 10807, Page 1659 of the Real Property Records of Travis County, Texas;

THENCE continuing across the interior of said Payton (181.94 acre) tract with the West right-of-way line of Dessau Road and the East line of said Travis County (5445 square feet) tract, the following two courses:

1.) **S33 deg. 47'05"W 258.98 feet**, to a ½" iron rod set with a plastic cap imprinted "Carson and Bush Professional Surveyors, Inc." for a point of curvature;

2.) following along a curve to the right whose radius is 1577.02 feet, for an arc length of 370.30 feet, and which chord bears, **S40 deg. 30'42" W 369.45 feet** to a point in the approximate centerline of Walnut Creek, from which a ½" iron rod found for the most Northerly corner of Lot 1, Block A, Pioneer Crossing, Phase A, Section 2, according to the map or plat thereof recorded in Document No: 1999000176 of the Official Public Records of Travis County, Texas., bears, **S07 deg. 42'12"W 179.62 feet** (direct tie);

THENCE leaving the West right-of-way line of Dessau Road with the approximate centerline of Walnut Creek, **N38 deg. 26'01"W 44.66 feet** to a point for the most Southerly Southeast corner of said Davidson & Associates VII (178.12 acre) tract, same being the most Southwesterly corner of the herein described tract;

THENCE leaving the approximate centerline of Walnut Creek, with the Southeasterly line of said Davidson & Associates VII (178.12 acre) tract, the following three courses:

1.) following along a branch of Walnut Creek, **N25 deg. 32'30"E 323.00 feet** to a 60D nail found at the top of a bluff;

2.) **N21 deg. 30'41"E** passing a square head bolt at a distance of 38.91 feet, from which a square head bolt found bears, **N16 deg. 50'27"W 27.51 feet**, continuing along said bearing for a total distance of **446.72 feet** to a 60D nail found in the Northwest face of a 36" Live Oak tree;

3.) **N61 deg. 37'44"E 150.71 feet**, to the **PLACE OF BEGINNING** and containing 2.92 acres of land.

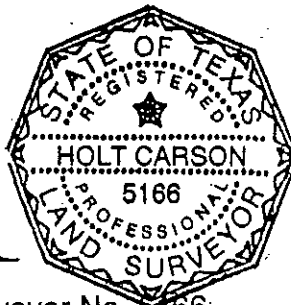
SURVEYED: May 19, 2005

BY:

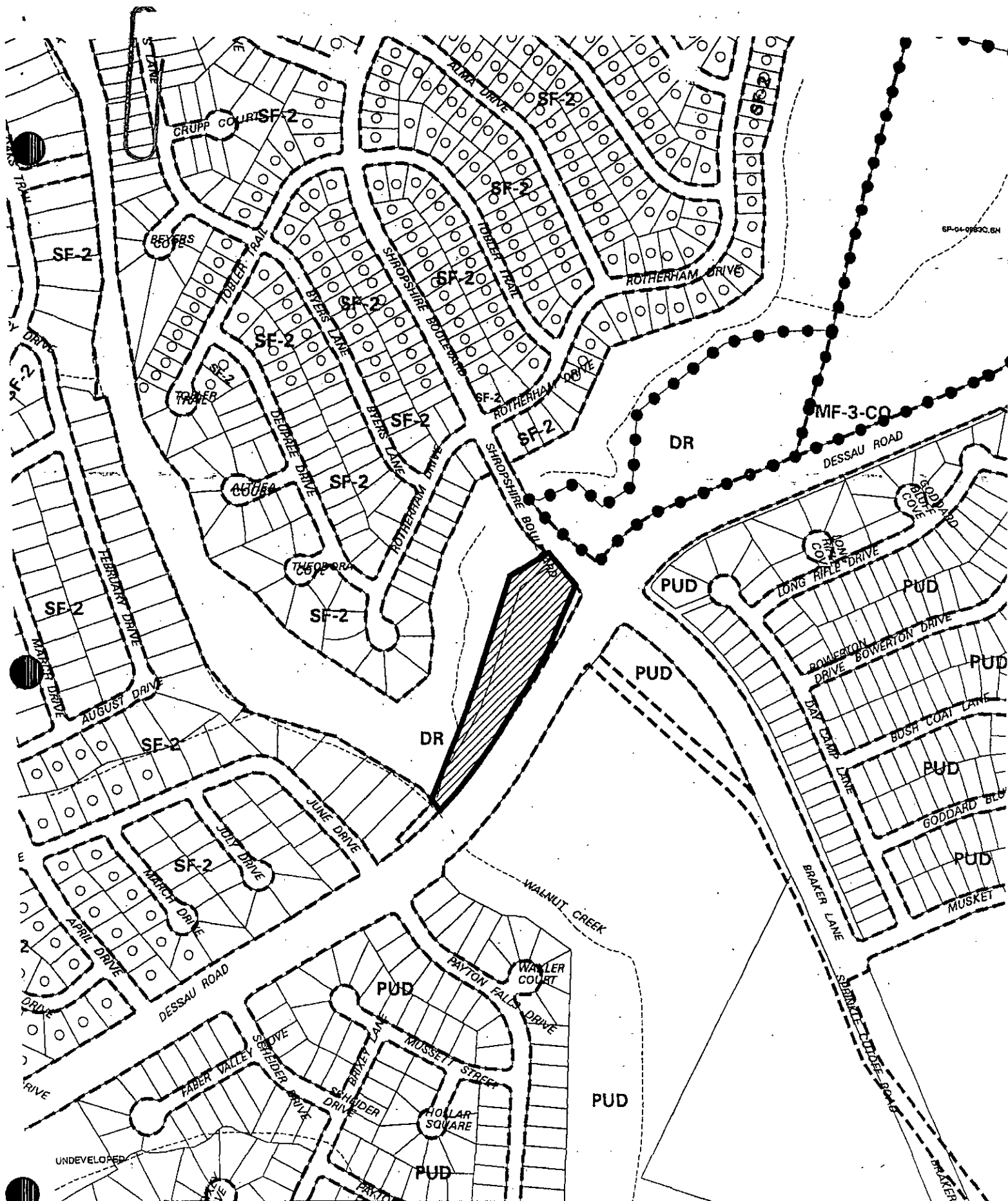
Holt Carson

Holt Carson

Registered Professional Land Surveyor No. 5166






see accompanying map: B 748002



SP-04-09630.GM



1" = 400'

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

CASE #: C14-05-0177

ADDRESS: 11000 BLOCK OF DESSAU

SUBJECT AREA (acres): 2.920

ZONING EXHIBIT B

DATE: 05-10

INTLS: SM

CITY GRID
 REFERENCE
 NUMBER
 N31

RESTRICTIVE COVENANT

OWNER: Retail Group, Inc., a Texas corporation

ADDRESS: P.O. Box 91176, Austin, Texas 78709-1176

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: Tract One: A 6.29 acre tract of land, more or less, out of Lot 1, Block A, Copperfield Section 1, Phase G Subdivision, the tract of land being more particularly described by metes and bounds in Exhibit "A" attached and incorporated into this covenant.

Tract Two: A 2.92 acre tract of land, more or less, out of the Thomas H. Mays Survey No. 89, Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "B" attached and incorporated into this covenant.

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 Alliance Transportation Group, Inc., dated September 2005, 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 15, 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 this the _____ day of _____, 2006.

OWNER:

**Retail Group, Inc.,
a Texas corporation**

By: _____
H. Michael Giles,
President

APPROVED AS TO FORM:

Assistant City Attorney
City of Austin

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the ____ day of _____, 2006, by H. Michael Giles, President of Retail Group, Inc., a Texas corporation, on behalf of the corporation.

Notary Public, State of Texas

Restrictive covenant-Retail Group Inc

EXHIBIT "A"
LEGAL DESCRIPTION

FIELD NOTES DESCRIBING 6.49 ACRES OF LAND, BEING ALL OF LOT ONE (1), BLOCK A, COPPERFIELD SECTION ONE, PHASE G, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, RECORDED IN VOLUME 85, PAGE 197D OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, SAID 6.49 ACRES OF LAND TO BE MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at an iron rod found at a point in a curve of the northeast right-of-way line of Shropshire Boulevard at a corner point of that certain N. P. C. Tract recorded in Volume 6859, Page 106 of the Deed Records of said county, for the northwest corner of said 6.49 acres and for the POINT OF BEGINNING hereof;

THENCE with the south line of said N. P. C. Tract and the north line of said Lot 1, the following eight (8) courses;

- 1) North 79 degrees 20 minutes 00 seconds East a distance of 36.95 feet to a point;
- 2) North 66 degrees 10 minutes 00 seconds East a distance of 140.00 feet to a point;
- 3) South 45 degrees 10 minutes 00 seconds East a distance of 113.00 feet to a point;
- 4) North 55 degrees 50 minutes 00 seconds East a distance of 120.00 feet to a point;
- 5) North 04 degrees 25 minutes 00 seconds East a distance of 236.00 feet to a point;
- 6) North 52 degrees 44 minutes 43 seconds East a distance of 363.71 feet to a point;
- 7) North 77 degrees 45 minutes 00 seconds East a distance of 170.00 feet to a point;
- 8) North 88 degrees 37 minutes 45 seconds East a distance of 176.18 feet to an iron rod found at a point in the west line of that certain Clinton P. Sayers, Trustee tract recorded in Volume 8561, Page 795 of said records, for the northeast corner of said 6.49 acres and for the northeast corner hereof;

THENCE with the west line of said Sayers tract and the east line of said Lot 1, the following three (3) courses;

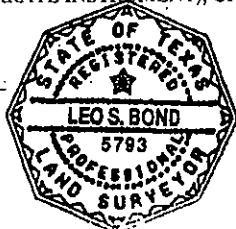
- 1) South 17 degrees 30 minutes 16 seconds West a distance of 76.91 feet to an iron rod set;
- 2) South 18 degrees 49 minutes 06 seconds West a distance of 162.98 feet to an iron rod found;
- 3) South 18 degrees 11 minutes 57 seconds West a distance of 186.30 feet to an iron rod set at a point in the north right-of-way line of Dessau Road, for the southeast corner of said 6.49 acres and for the southeast corner hereof;

THENCE with said right-of-way line and the south line of said Lot 1, the following two (2) courses;

- 1) South 68 degrees 11 minutes 08 seconds West a distance of 421.67 feet to an iron rod set at a point of curvature of a curve to the left;
 - 2) with said curve, whose radius is 556.31 feet, an arc distance of 289.54 feet and a chord bearing of South 53 degrees 16 minutes 23 seconds West a distance of 286.28 feet to an iron rod set at a point of reverse curve at the intersection of said Dessau Road and said Shropshire Boulevard, for the southwest corner of said 6.49 acres and for the southwest corner hereof;
- THENCE with said Boulevard the following three (3) courses;
- 1) with said curve, to the right whose radius is 15.00 feet an arc distance of 23.76 feet and a chord bearing of South 83 degrees 45 minutes 08 seconds West a distance of 21.35 feet to an iron rod found at a point of tangent;
 - 2) North 50 degrees 50 minutes 00 seconds West a distance of 156.65 feet to an iron rod found at a point of curvature of a curve to the right;
 - 3) with said curve, whose radius is 525.65 feet, an arc distance of 141.14 feet and a chord bearing of North 43 degrees 09 minutes 07 seconds West a distance of 140.71 feet to the POINT OF BEGINNING and containing 6.49 acres of land, more or less.

THIS LEGAL DESCRIPTION IS TO BE USED IN CONJUNCTION WITH THE ATTACHED SURVEY PLAT (BY SEPARATE INSTRUMENT), ONLY.

Leo S. Bond
Leo S. Bond
TX R.P.L.S. No. 5793
Job No. A0923105



September 29, 2005
Date

EXHIBIT B
CARSON AND BUSH
PROFESSIONAL SURVEYORS, INC.

1904 FORTVIEW ROAD
AUSTIN, TX 78704
TELEPHONE: (512) 442-0990
FACSIMILE: (512) 442-1084

May 16, 2005

FIELD NOTE DESCRIPTION OF 2.92 ACRES OF LAND OUT OF THE THOMAS H. MAYS SURVEY NO. 89, ABSTRACT NO. 562, IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN (181.94 ACRE) TRACT OF LAND AS CONVEYED TO B.R. PAYTON BY DEED RECORDED IN VOLUME 419, PAGE 230 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a square head bolt found in the Southwest right-of-way line of Shropshire Boulevard, recorded as Copperfield, Section One, Phase F, according to the map or plat thereof recorded in Volume 85, Page 97D of the Plat Records of Travis County, Texas, same being a point in the Southeasterly line of that certain (178.12 acre) tract of land as conveyed to Davidson & Associates VII, by deed recorded in Volume 3638, Page 275 of the Deed Records of Travis County, Texas and the most Northerly corner and **PLACE OF BEGINNING** of the herein described tract, from which a square head bolt found in the Southwest right-of-way line of said Shropshire Boulevard bears, N50 deg. 50'00"W 79.82 feet;

THENCE with the Southwest right-of-way line of Shropshire Boulevard, same being the Southeast line of said Davidson & Associates VII (178.12 acre) tract, **S36 deg 56'30"E 138.09 feet** to a ½" iron rod set with a plastic cap imprinted "Carson and Bush Professional Surveyors, Inc.", for the Southeast corner of Shropshire Boulevard, same being a point in the West right-of-way line of Dessau Road and the Northeast corner of the herein described tract, from which a PK nail found for the most Westerly corner of Lot 25, Block A, Pioneer Crossing, Section 2, according to the map or plat thereof recorded in Document No. 200200323 of the Official Public Records of Travis County, Texas, bears, N80 deg. 30'48"E 226.10 feet (direct tie);

THENCE leaving the Southeast line of said Davidson & Associates VII (178.12 acre) tract and crossing the interior of said Payton (181.94 acre) tract with the West right-of-way line of Dessau Road, **S27 deg. 17'51"W 233.09 feet**, to a ½" iron rod set with a plastic cap imprinted "Carson and Bush Professional Surveyors, Inc.", for the most northerly corner of that certain (5445 square feet) tract of land as conveyed to Travis County, Texas, by deed recorded in Volume 10807, Page 1659 of the Real Property Records of Travis County, Texas;

THENCE continuing across the interior of said Payton (181.94 acre) tract with the West right-of-way line of Dessau Road and the East line of said Travis County (5445 square feet) tract, the following two courses:

1.) **S33 deg. 47'05"W 258.98 feet**, to a ½" iron rod set with a plastic cap imprinted "Carson and Bush Professional Surveyors, Inc." for a point of curvature;

2.) following along a curve to the right whose radius is 1577.02 feet, for an arc length of 370.30 feet, and which chord bears, **S40 deg. 30'42" W 369.45 feet** to a point in the approximate centerline of Walnut Creek, from which a ½" iron rod found for the most Northerly corner of Lot 1, Block A, Pioneer Crossing, Phase A, Section 2, according to the map or plat thereof recorded in Document No: 1999000176 of the Official Public Records of Travis County, Texas., bears, **S07 deg. 42'12"W 179.62 feet** (direct tie);

THENCE leaving the West right-of-way line of Dessau Road with the approximate centerline of Walnut Creek, **N38 deg. 26'01"W 44.66 feet** to a point for the most Southerly Southeast corner of said Davidson & Associates VII (178.12 acre) tract, same being the most Southwesterly corner of the herein described tract;

THENCE leaving the approximate centerline of Walnut Creek, with the Southeasterly line of said Davidson & Associates VII (178.12 acre) tract, the following three courses:

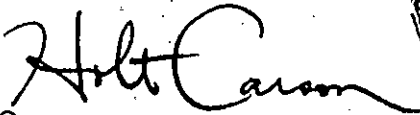
1.) following along a branch of Walnut Creek, **N25 deg. 32'30"E 323.00 feet** to a 60D nail found at the top of a bluff;

2.) **N21 deg. 30'41"E** passing a square head bolt at a distance of 38.91 feet, from which a square head bolt found bears, **N16 deg. 50'27"W 27.51 feet**, continuing along said bearing for a total distance of **446.72 feet** to a 60D nail found in the Northwest face of a 36" Live Oak tree;

3.) **N61 deg. 37'44"E 150.71 feet**, to the **PLACE OF BEGINNING** and containing 2.92 acres of land.

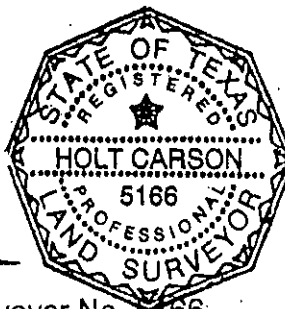
SURVEYED: May 19, 2005

BY:



Holt Carson

Registered Professional Land Surveyor No. 5166



see accompanying map: B 748002

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