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

AGENDA

Thursday, November 16, 2006

Back Print

Zoning and Neighborhood Plan Amendments
(Public Hearings and Possible Action)
RECOMMENDATION FOR COUNCIL ACTION

ITEM No. 61

Subject: C14R-84-443(RCA) - North Fork - Conduct a public hearing and approve a restrictive covenant amendment for the property located at 3107 Oak Creek Drive (Walnut Creek Watershed). Staff Recommendation: To approve the restrictive covenant amendment. Zoning and Platting Commission Recommendation: To approve the restrictive covenant amendment. Applicant· Nana's Kids Ltd.; Realtrust Services, Inc. (Thurman Blackburn). Agent: Land Answers (Jim Wittliff). City Staff· Jorge E. Rousselin, 974-2975. City Staff: Jorge E. Rousselin, 974-2975.

Additional Backup Material
(click to open)
- Staff Report
- Restrictive Covenant

For More Information:

RESTRICTIVE COVENANT AMENDMENT REVIEW SHEET

CASE: C14R-84-443(RCA)

Z.A.P DATE: September 19, 2006
October 3, 2006
October 17, 2006

ADDRESS: 3107 Oak Creek Drive

OWNER: Nana's Kids Ltd ; Realtrust Services, Inc
(Thurman Blackburn)

AGENT: Land Answers
(Jim Witthff)

EXISTING ZONING: LO (Limited Office) and RR (Rural residential)

AREA: 7.654 Acres

REQUEST: Amend existing restrictive covenant under Document No. 00049460 which prohibits vehicular access on to Oak Creek Drive.

SUMMARY ZONING AND PLATTING COMMISSION:
October 17, 2006:
APPROVED STAFF'S RECOMMENDATION TO DELETE PORTION 1 OF EXISTING RESTRICTIVE COVENANT AND IMPOSE RESTRICTIONS:
SUBJECT TO CITY OF AUSTIN SITE PLAN APPROVAL:
A. INGRESS WILL BE GRANTED THROUGH A ONE WAY ENTRANCE DRIVE.
B. EGRESS WILL BE GRANTED THROUGH A ONE WAY, RIGHT TURN ONLY, EXIT DRIVE.
C. THERE WILL BE A MEDIAN OR OTHER SEPARATION BETWEEN THE INGRESS AND EGRESS DRIVES.
SUBJECT TO PRIVATE DEED RESTRICTIONS FILED ADDRESSING USE OF THE PROPERTY PRIOR TO COUNCIL ACTION; BY CONSENT.
[J.MARTINEZ, S.HALE 2ND] (9-0)

ISSUES
A petition has been filed with 319 signatures in opposition to this request The property owner and the neighborhood have entered into an agreement which addresses access issues and withdraws opposition to the applicant's request (Please see Attachment D)

SUMMARY STAFF RECOMMENDATION (PLEASE REFER TO EXHIBITS):

Staff recommends an Amendment of the Restrictive Covenant to delete Section # 1, pertaining to redevelopment of the property and vehicular access, as incorporated in Zoning Case # C14R-84-443 prohibiting access to Oak Creek Drive (Please see Attachment A)

DEPARTMENT COMMENTS:

The subject property is part of an original 14 33 acre platted lot known as Lot 1, North Fork Crossing Section 1 An approximate portion of 9 38 acres fall outside the 100-year floodplain and is subject to the conditions of the existing restrictive covenant under document No 00049460 (Please see Attachment A) At the time of the rezoning case, the subject property had an excess of 1,500 linear feet of frontage along North MoPac Expressway The property was rezoned from SF-6 to LO on March 10 1988 under Ordinance No 880310-L (Please see Attachment B) A Traffic Impact

Analysis (TIA) was for case C14R-84-443 was completed and a TIA memo issued by City Staff addressing access on to Oak Creek Drive (Please see Attachment C)

On July 25, 2002, the Texas Turnpike Authority, under condemnation proceedings acquired approximately 6 653 acres of Lot 1 Lot 1, North Fork Crossing Section 1 With the removal of this portion of land, the frontage along North MoPac Expressway has been significantly reduced. The applicant seeks to remove the prohibition of access onto Oak Creek Drive for the purposes of developing a 50,000 square foot office building with access to Oak Creek Drive.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	LO / RR	Undeveloped land
North	CS-CO	Private mini storage
South	SF-2-CO	Undeveloped land
East	LO	Undeveloped land / TXDOT Property
West	SF-2-CO	Undeveloped land

WATERSHED: Walnut Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

NEIGHBORHOOD ORGANIZATIONS:

52--Northwood Neighborhood Assn
55--Northwood Homeowners Assn
114--North Growth Corridor Alliance
742--Austin Independent School District
786--Home Builders Association of Greater Austin

SCHOOLS:
Austin Independent School District

- Summitt Elementary School
- Murchison Middle School
- Anderson High School

CASE HISTORIES:

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14R-84-443	SF-6 to LO	09/07/1982 PC Recommended O- Office subject to RC and Site Plan (7-0)	01/06/1983· APVD O, 1ST H&A, 3RD RDG
C14-85-149	North Lamar Study Area	12/15/98 APVD STAFF REC OF R C AMDMT (7-0)	01/14/99 APVD PC REC OF AMENDING R C W/CONDITIONS (7-0)

RELATED CASES:

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-00-2245	IP-CO to IP-CO	08/15/00. APVD STAFF REC OF IP-CO (8-0) W/CONDS THAT TERMS OF 12-20-99 MTG/AGREEMENT BETW AP & NEIGH ASSN BE PART OF THE ZONING (8-0); SA-OFF DAIS	09/28/00 APVD IP-CO (7-0) 1ST RDG 05/17/01 APVD IP-CO & RR (6-0), 2ND/3RD RDGS

CITY COUNCIL DATE
November 16, 2006

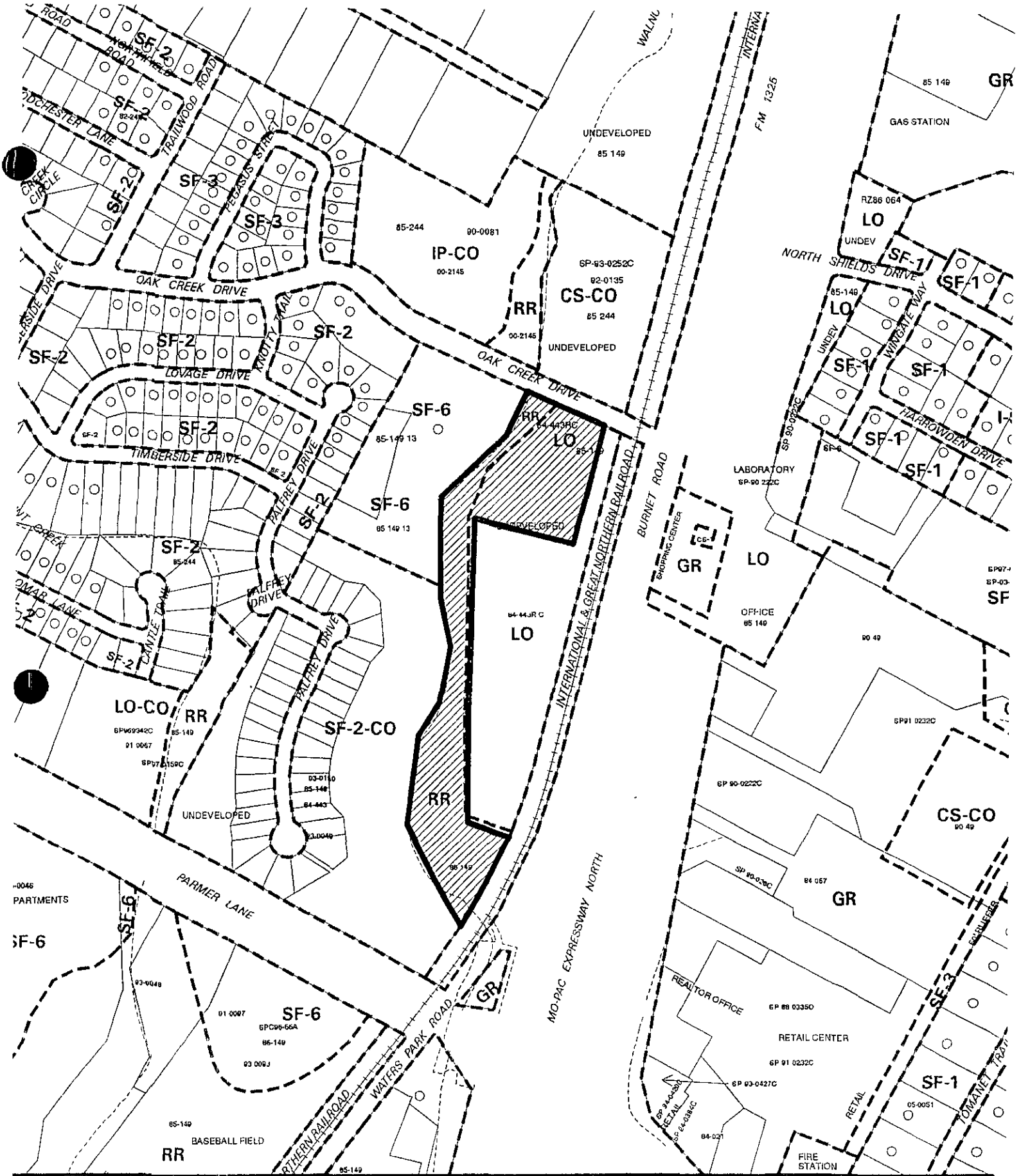
ACTION:

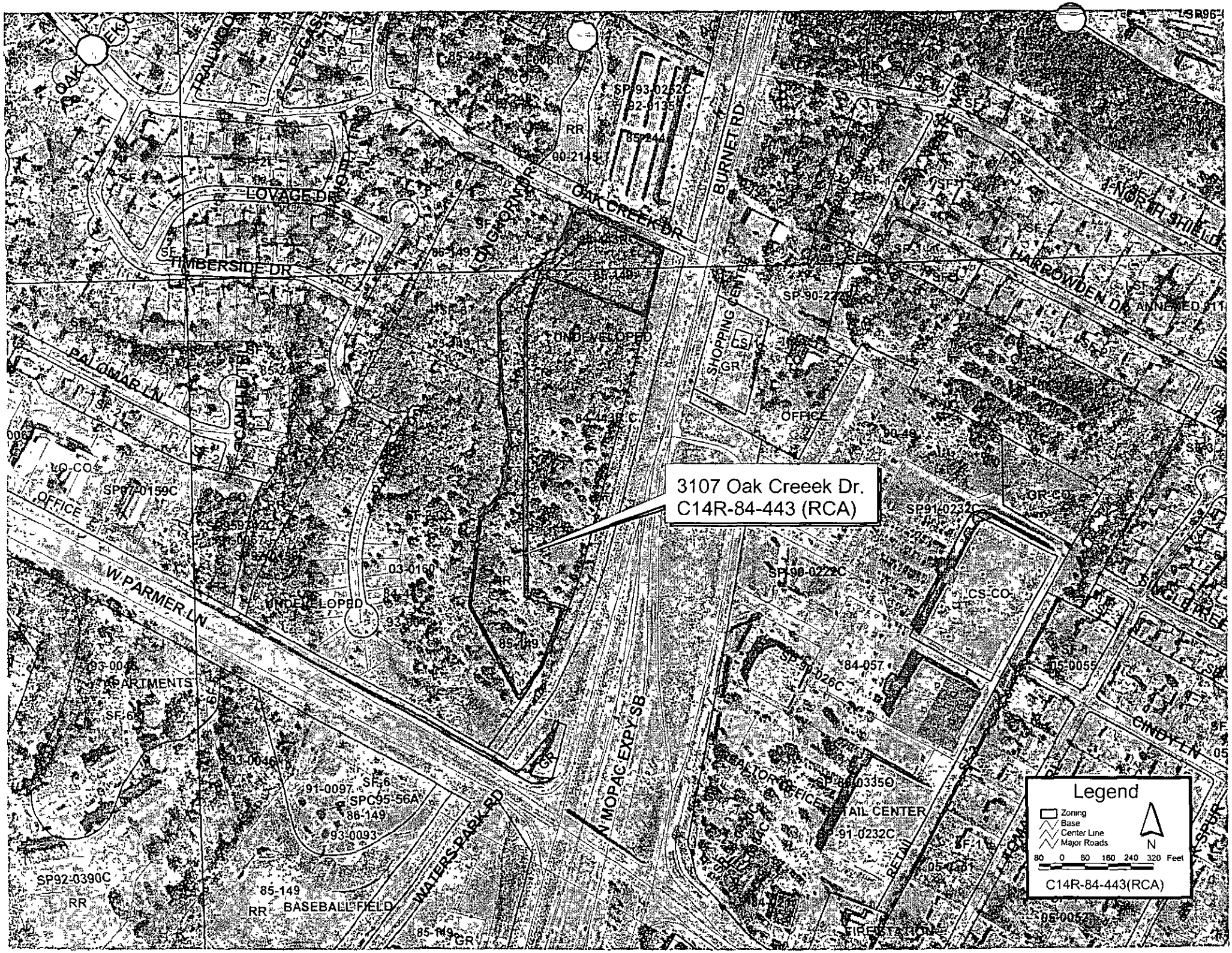
ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

CASE MANAGER: Jorge E Rousselin, NPZD **PHONE:** 974-2975

E-MAIL: jorge rousselin@ci austin tx us


OAK CREEK DRIVE
TIMBERSIDE DRIVE
LOVAGE DRIVE
KNOTTY TRAIL
PEGASUS STREET
TRAILWOOD ROAD
NORTHFIELD ROAD
DORCHESTER LANE
CREEK CIRCLE
TALFREY DRIVE
CANTLE TRAIL
OMAR LANE
PARMER LANE
WATERS PARK ROAD
BURNET ROAD
NORTH SHIELDS DRIVE
WINGATE WAY
HARROWDEN DRIVE
FM 1325
INTERNATIONAL & GREAT NORTHERN RAILROAD
MO-PAC EXPRESSWAY NORTH
UNDEVELOPED
GAS STATION
IP-CO
CS-CO
RR
LO
GR
SF-1
SF-2
SF-3
SF-6
LO-CO
SF-2-CO
LABORATORY
SHOPPING CENTER
OFFICE
REALTOR OFFICE
RETAIL CENTER
FIRE STATION
BASEBALL FIELD
APARTMENTS
SUBJECT TRACT
PENDING CASE
ZONING BOUNDARY
CASE MGR J ROUSSELIN
1" = 400'
RESTRICTIVE COVENANT AMENDMENT
CASE #: C14R-84-443(RCA)
ADDRESS: 3107 OAK CREEK DR
DATE 06-08
SUBJECT AREA (acres). 7 654
INTLS SM
CITY GRID REFERENCE NUMBER
L35


3107 Oak Creeek Dr.
C14R-84-443 (RCA)
Legend
Zoning
Base
Center Line
Major Roads
N
80 0 80 160 240 320 Feet
C14R-84-443(RCA)
OAK CREEK DR
BURNET RD
LOVAGE DR
TIMBERSIDE DR
HARROWDEN DR
PALOMAR LN
W PARMER LN
N MOPAC EXPY SB
WATERS PARK RD
CINDY LN
SHOPPING CENTER
OFFICE
UNDEVELOPED
APARTMENTS
BASEBALL FIELD
FIRE STATION
RETAIL CENTER
REALTOR OFFICE
SP 93-0252C
92-0135
85-244
00-2145
85-149
SP 90-222C
SP 97-0159C
03-0160
93-0046
91-0097
SPC95-56A
86-149
93-0093
SP92-0390C
SP 91-0232C
SP 90-0222C
84-057
SP 90-026C
05-0055
05-0052
05-0401
SP 88-0335O
91-0232C
LO-CO
CS-CO
GR-CO
SF-6
RR
GR
CS
LO

Transportation

1. No additional right-of-way is needed at this time

2 The trip generation under the requested zoning is estimated to be 3,185 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 applicant proposes to construct an office complex consisting of 50,000sf of professional office. This use and size would generate approximately 782 trips per day

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

4. The original zoning application prohibited access to Oak Creek Drive. Due to the adjacent railroad and TXDOT upgrades to the highway systems, access to MoPac from this lot is no longer permitted. The only access available for this site is to Oak Creek Drive. Staff is in support of the applicant's request to remove this restriction due to the changes to access MoPac.

NAME	ROW	PAVEMENT	CLASSIFICATION	BICYCLE PLAN	SIDEWALKS
Oak Creek Drive	80'	40'	Collector	No	Varies
MoPac (Loop 1)	Varies	Varies	Arterial	No	No

Site Plan

A site plan revision is currently under review for this case The revision will consist of the following.

- Removal of 3 office buildings and 2 parking structures,
- Add a 2-story office building (25,000 sf footprint) w/parking beneath the building;
- Revise access on to Oak Creek Drive, 4 Remove access onto Burnet Road (Mopac),
- Add Surface Parking,
- Relocate WQ pond,
- Revise impervious cover, and
- Revise legal description base on final plat and ROW condemnation

Zoning Case No. C14r-84-443

DOC. NO. 00049460

RESTRICTIVE COVENANT 00004367086

OWNER: Burnet Road Land Joint Venture, a joint venture

ADDRESS: 123 No. Post Oak Lane, Suite 400, Houston, Texas 77024

CONSIDERATION: One and No/100 Dollars ($1.00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and sufficiency of which is acknowledged.

PROPERTY: All that certain tract, piece or parcel of land, lying and being situated in the County of Travis, State of Texas, described in Exhibit "A" attached hereto and made a part hereof for all purposes, to which reference is here made for a more particular description of said property.

Owner of the Property, for the consideration, impresses the Property with these covenants and restrictions running with the land:

1. There will be no direct access from the Property to Oak Creek Drive. All direct vehicular access to the Property shall be from other adjacent public streets or through other adjacent property. If required, emergency access shall be permitted with an appropriate barrier gate and an emergency driveway paved with pervious pavers.

2. No improvements shall be made within 100 feet of the most easterly and southerly boundaries of Northwood Section 6, a subdivision in Austin, Texas, the plat of which is recorded in Volume 80, Pages 339-340, Plat Records of Travis County, Texas.

3. No structure of any kind erected within 250 feet of the most easterly and southerly boundaries of Northwood Section 6 shall be built to a height greater than 30 feet.

4. If any person or entity shall violate or attempt to violate this agreement and covenant, it shall be lawful for the City of Austin, a municipal corporation, its successors and assigns, 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.

5. If any part of this agreement or covenant shall be 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.

ATTACHMENT A

6. If at any time the City of Austin, its successors or assigns, 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.

7. 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, or such other governing body as may succeed the City Council of the City of Austin, and (b) by the owner(s) who are the owner(s) at the time of such modification, amendment or termination of the portion(s) of the Property which are directly affected by the proposed modification, amendment or termination.

All citations to the Austin City Code shall refer to the Austin City Code of 1981, as amended from time to time, unless otherwise specified.

When the context requires, singular nouns and pronouns include the plural.

EXECUTED this the 6th day of January, 1987.

Burnet Road Land Joint Venture

Lan Bentsen, Partner

THE STATE OF TEXAS §
§
COUNTY OF Harris §

This instrument was acknowledged before me on this the 6th day of January, 1987, by Lan Bentsen, partner, on behalf of Burnet Road Land Joint Venture, a joint venture.

Shirley C. Walker
Notary Public Signature

SHIRLEY C WALKER
Type or Print Notary Name
My Commission Expires: 9-14-91

WTB:IH8/12
C14r-84-443.rc

REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS

10704 1150

"FOR ZONING PURPOSES ONLY"

EXHIBIT "A"

Lan Bentsen Interests
Zoning Field Notes
Type of Zoning LO

FIELD NOTES

FIELD NOTES DESCRIBING A 9.38 ACRE OR 408,500 SQUARE FOOT TRACT OF LAND OUT OF AND BEING A PART OF THE FRANCISCO GARCIA SURVEY NO. 60, ABSTRACT 312, TRAVIS COUNTY, TEXAS AND BEING A PORTION OF LOT 1, NORTH FORK CROSSING, SECTION 1, A SUBDIVISION OF RECORD FILED IN BOOK 83, PAGE 87D AND 88A OF THE TRAVIS COUNTY PLAT RECORDS AND BEING MORE PARTICULARY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at the northeast corner of said Lot 1; being the intersection of the south R.O.W. line of Oak Creek Drive and the west R.O.W. line of the Southern Pacific Railroad;

THENCE, S. 17° 04' W 1084.56 with the west line of said Southern Pacific Railroad R.O.W. to a point for the P.C. of a curve to the right;

THENCE, continuing with the west R.O W. line of said southern Pacific Railroad and said curve to the right with a Delta angle of 08° 32' 49", a radius of 1860.08, an arc length of 277.47 and whose cord bears S 21° 21' 12" W a distance of 277.21 feet to a point for the southwest corner of the herein described tract;

THENCE, traversing the interior of said Lot 1, the following five (5) courses and distances;

1) N 68° 00' 00" W, 142.42 feet.
2) N 02° 55' 00" E, 359.57 feet;
3) N 04° 34' 00" E, 656.31 feet;
4) N 21° 37' 00" E, 167 63 feet;
5) N 49° 02' 00" E, 275.45 feet to a point in the north line of said Lot 1, said point also being the northwest corner of the herein described tract;

THENCE, with the north line of said Lot 1, S 62° 52' 00" E. 237.09 feet to the point of beginning and containing 408,500 square feet or 9.38 acres of land;

These field notes were prepared from record data and are for zoning purposes only.

Bobby J. May
Registered Public Survey No 4217

Job #121-0002.0300
July 22, 1987

REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS

10704 1151

STATE OF TEXAS
BOBBY J MAY
4217
REGISTERED PUBLIC SURVEYOR

FILED

88 JUN -6 PM 3:35

TRAVIS COUNTY, TEXAS

STATE OF TEXAS COUNTY OF TRAVIS

I hereby certify that this instrument was FILED on the date and at the time stamped hereon by me; and was duly RECORDED, in the Volume and Page of the named RECORDS of Travis County, Texas, on

JUN 6 1988

COUNTY CLERK
TRAVIS COUNTY, TEXAS

RECORDER'S MEMORANDUM-
At the time of recordation this instrument was found to be inadequate for the best photographic reproduction because of illegibility, carbon or photo copy, discolored paper, etc. All blockouts, additions, and changes were present at the time the instrument was filed and recorded.

Ret to

City of Austin
Dept of Law PO Box 1088
Austin, Texas 78701
ATTN: Gloria Veatch

REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS

10704 1152

ORDINANCE NO. 880310-L

AN ORDINANCE ORDERING A REZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 13-2A OF THE AUSTIN CITY CODE OF 1981 AS FOLLOWS: 9.38 ACRE (408,500 SQUARE FEET) TRACT OF LAND OUT OF THE FRANCISCO GARCIA SURVEY NO. 60, LOCALLY KNOWN AS 12650 BURNET ROAD, FROM "SF-6" TOWNHOUSE AND CONDOMINIUM RESIDENCE TO "LO" LIMITED OFFICE, SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; WAIVING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

PART 1. Chapter 13-2A of the Austin City Code of 1981 is hereby amended to change the base zoning district "SF-6" Townhouse and Condominium Residence to "LO" Limited Office on the property described in File C14r-84-443, as follows:

> 9.38 acre (408,500 square feet) tract of land out of the Francisco Garcia Survey No. 60, Abstract 312, Travis County, Texas, and being a portion of Lot 1, North Fork Crossing, Section 1, a subdivision of record filed in Book 83, Pages 87D and 88A of the Travis County Plat Records, said tract being more particularly described by metes and bounds in Exhibit "A," attached hereto and incorporated herein for all purposes; and,

locally known as 12650 Burnet Road in the City of Austin, Travis County, Texas.

PART 2. It is hereby ordered that the Zoning Map accompanying Chapter 13-2A of the Austin City Code of 1981 and made a part thereof shall be changed so as to record the change ordered in this ordinance.

PART 3. That the development of the property herein described shall be accomplished with the site plan attached hereto as Exhibit "B," or as such site plan is subsequently adjusted or modified as provided by subsection 13-2A-6100 et seq., of the Austin City Code of 1981. Except to the extent that such site plan is inconsistent therewith, the development and use of the property described herein shall be in accordance with applicable ordinances of the City of Austin.

PART 4. The requirement imposed by Section 2-2-3 of the Austin City Code of 1981 that this ordinance be read on three (3) separate days shall be waived by the affirmative vote of five (5) members of the City Council to pass this ordinance through more than one reading on a single vote.

ATTACHMENT B 84-443

PART 5. This ordinance shall be effective ten (10) days following the date of its final passage.

PASSED AND APPROVED §
§
§
March 10, 1988 §

Frank C. Cooksey
Mayor

APPROVED: Jonathan Davis
Acting City Attorney

ATTEST: James E. Aldridge
City Clerk

10MAR88
SJH/gv
Exhibits
084443.r

"FOR ZONING PURPOSES ONLY"

EXHIBIT "A"

Lan Bentsen Interests
Zoning Field Notes
Type of Zoning LO

FIELD NOTES

FIELD NOTES DESCRIBING A 9.38 ACRE OR 408,500 SQUARE FOOT TRACT OF LAND OUT OF AND BEING A PART OF THE FRANCISCO GARCIA SURVEY NO. 60, ABSTRACT 312, TRAVIS COUNTY, TEXAS AND BEING A PORTION OF LOT 1, NORTH FORK CROSSING, SECTION 1, A SUBDIVISION OF RECORD FILED IN BOOK 83, PAGE 87D AND 88A OF THE TRAVIS COUNTY PLAT RECORDS AND BEING MORE PARTICULARY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at the northeast corner of said Lot 1; being the intersection of the south R.O.W. line of Oak Creek Drive and the west R.O.W. line of the Southern Pacific Railroad;

THENCE, S. 17° 04' W 1084.56 with the west line of said Southern Pacific Railroad R.O.W. to a point for the P.C. of a curve to the right;

THENCE, continuing with the west R.O.W. line of said southern Pacific Railroad and said curve to the right with a Delta angle of 08° 32' 49", a radius of 1860.08, an arc length of 277.47 and whose cord bears S 21° 21' 12" W a distance of 277.21 feet to a point for the southwest corner of the herein described tract;

THENCE, traversing the interior of said Lot 1, the following five (5) courses and distances;

1) N 68° 00' 00" W, 142.42 feet;
2) N 02° 55' 00" E, 359.57 feet;
3) N 04° 34' 00" E, 656.31 feet;
4) N 21° 37' 00" E, 167.63 feet;
5) N 49° 02' 00" E, 275.45 feet to a point in the north line of said Lot 1, said point also being the northwest corner of the herein described tract;

THENCE, with the north line of said Lot 1, S 62° 52' 00" E, 237.09 feet to the point of beginning and containing 408,500 square feet or 9.38 acres of land;

These field notes were prepared from record data and are for zoning purposes only.

Bobby J. May
Registered Public Survey No. 4217

Job #121-0002.0300
July 22, 1987

EXHIBIT "A"

STATE OF TEXAS
BOBBY J MAY

NORTH FORK CROSSING

A PROJECT OF LAN BENTSEN INTEREST

AUSTIN, TEXAS

DATE JULY 9 1985

REVISIONS FEBRUARY 25, 1986

APRIL 9, 1986

SEPTEMBER 10, 1986

JULY 19, 1987

SEPTEMBER 28, 1987

SITE PLAN RELEASE

PARKING LAYOUT B

LEVEL ONE (TYPICAL)

SCALE 1" = 40' 0"

LEVEL ONE 57 CARS

LEVEL TWO 57 CARS

LEVEL THREE 57 CARS

LEVEL FOUR 40 CARS

TOTAL 257 PARKING SPACES

cunningham - graves, inc

LANDSCAPE SUMMARY

LANDSCAPE NOTES

NOTE: ONLY 14 ICE TREE ARE LANDMARKS

TREE PROTECTION DETAIL

TREE PROTECTION NOTES

GENERAL NOTES

GENERAL NOTES (CONT)

SH

2 C

C14r-84-443

EXHIBIT "B"

K35
3p
L35
L36

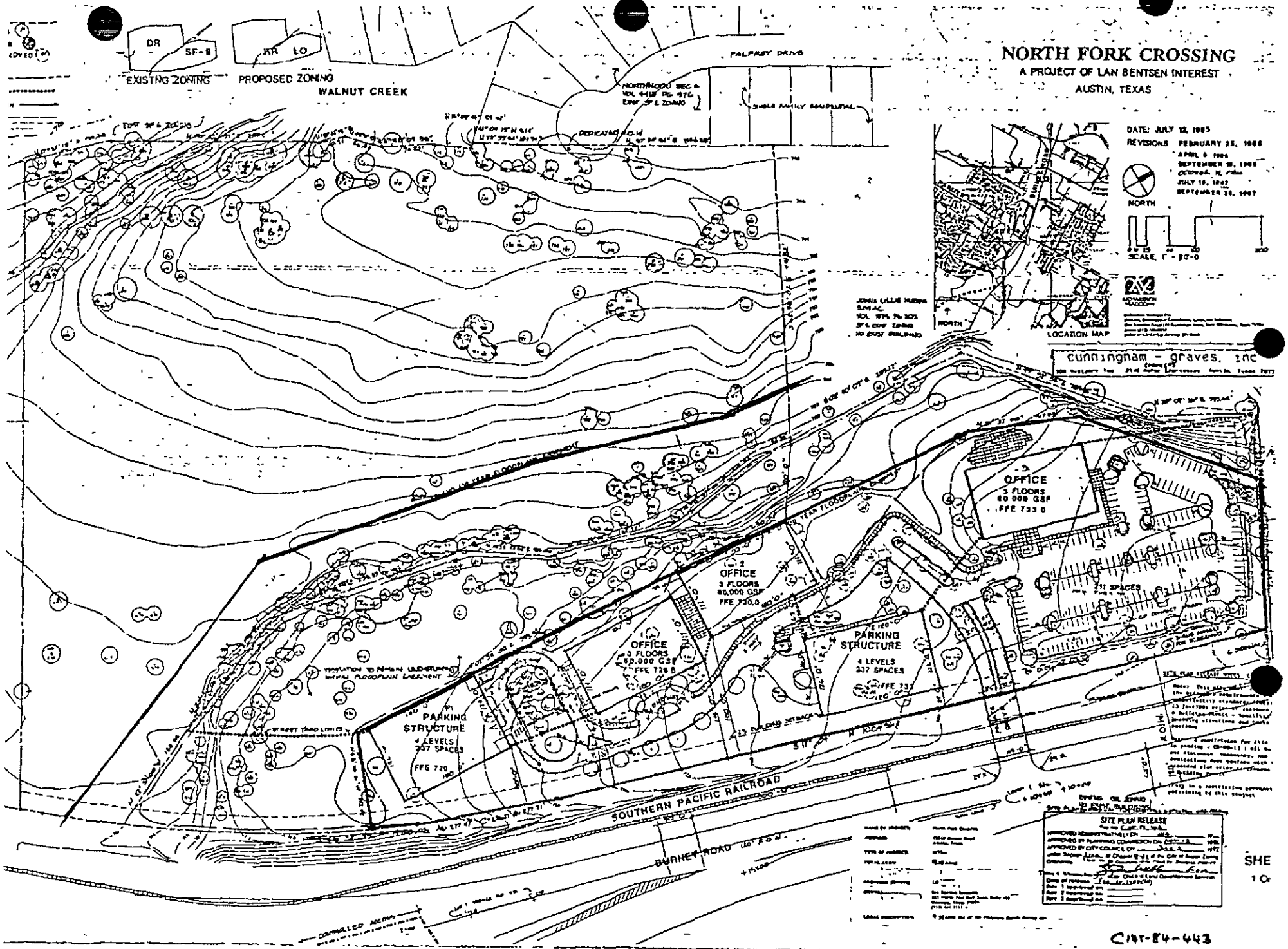
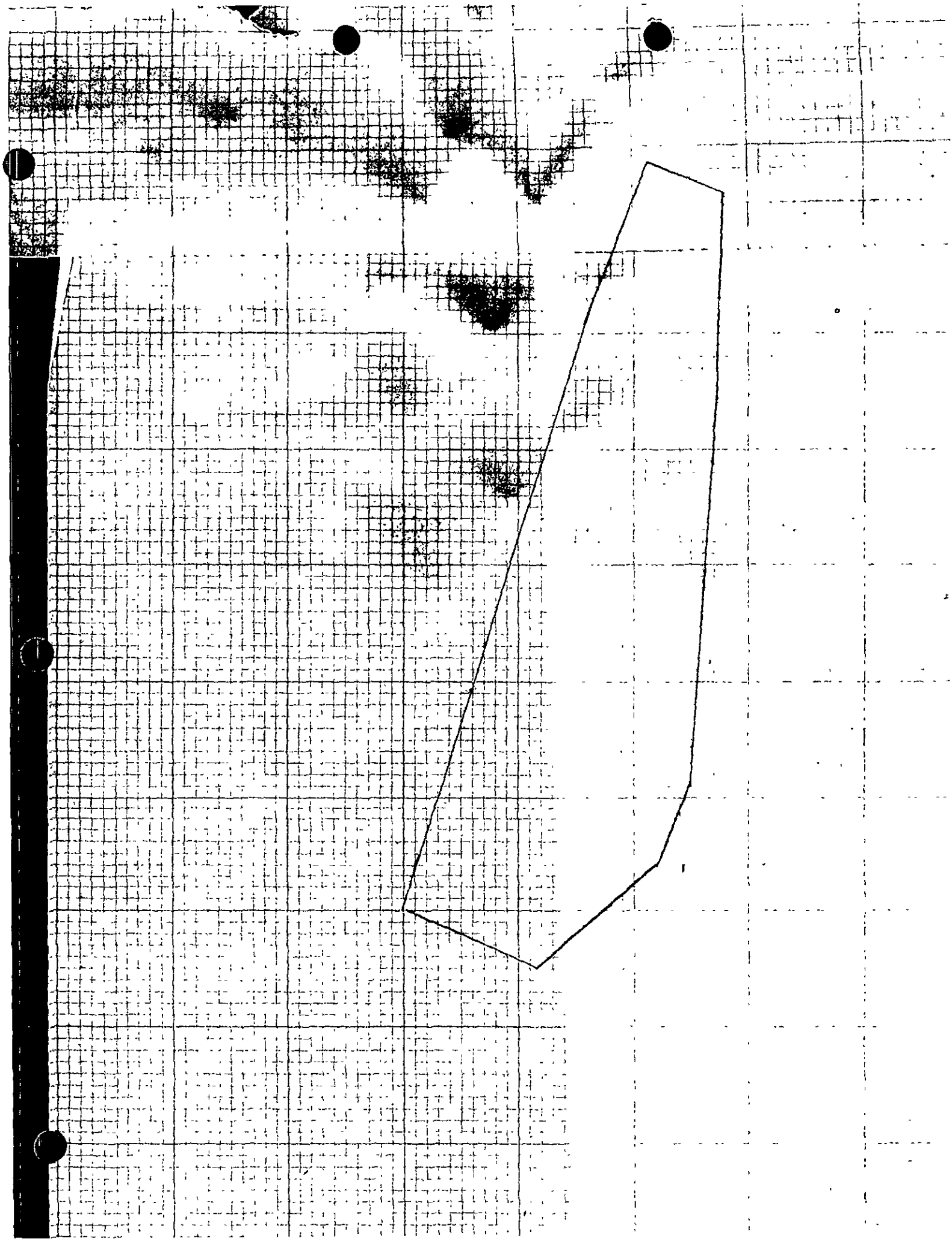
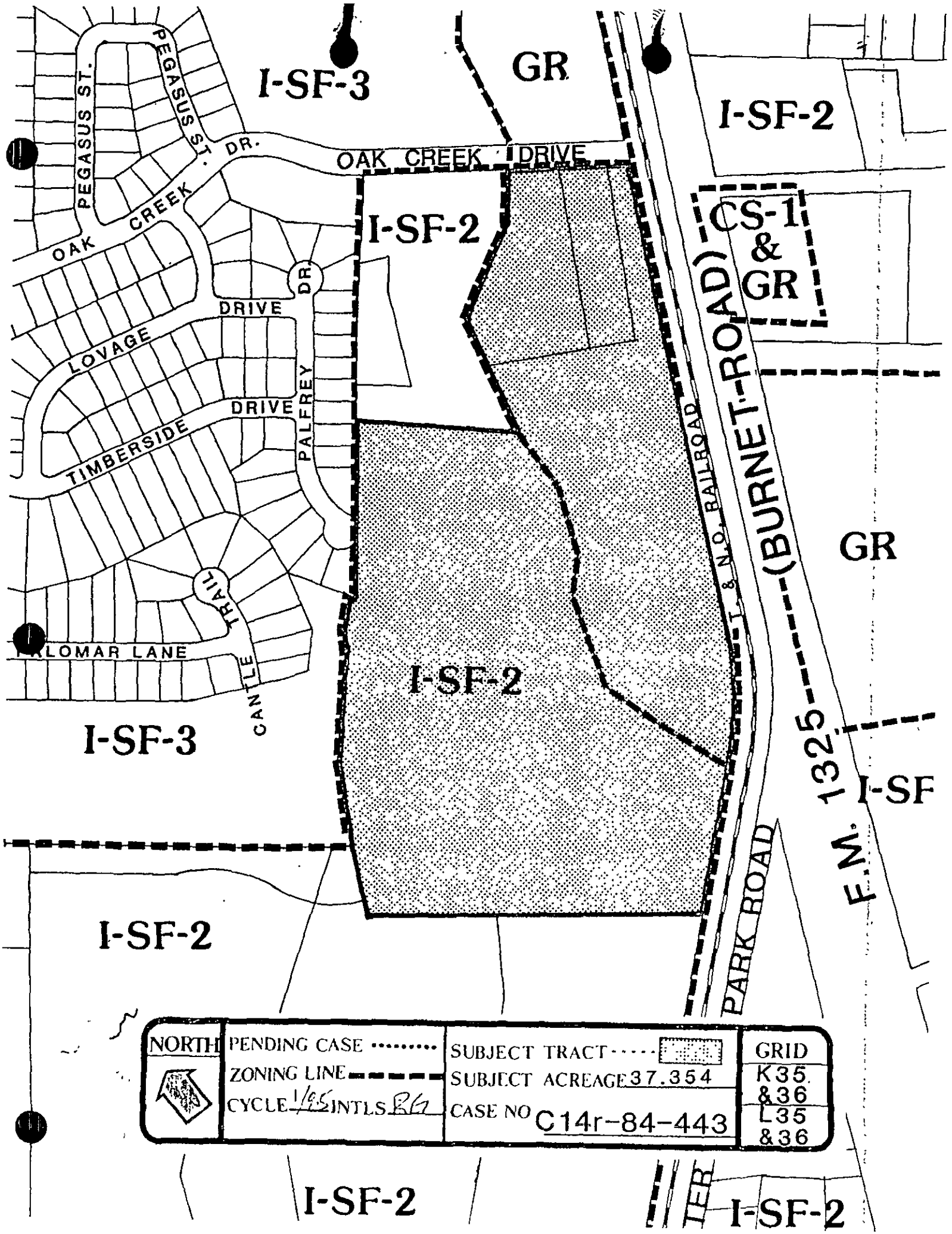

NORTH FORK CROSSING
A PROJECT OF LAN BENTSEN INTEREST
AUSTIN, TEXAS
DATE: JULY 12, 1983
REVISIONS FEBRUARY 23, 1984
APRIL 6 1984
SEPTEMBER 18, 1986
OCTOBER 16, 1986
JULY 10, 1987
SEPTEMBER 30, 1987
NORTH
SCALE 1" = 80'-0"
LOCATION MAP
cunningham - graves, inc
DR
SF-6
RR
LO
EXISTING ZONING
PROPOSED ZONING
WALNUT CREEK
FALFREY DRIVE
SINGLE FAMILY RESIDENTIAL
DEDICATED R.O.W.
OFFICE
3 FLOORS
60 000 GSF
FFE 733.0
OFFICE
3 FLOORS
80,000 GSF
FFE 730.0
OFFICE
3 FLOORS
60,000 GSF
FFE 728.5
PARKING
STRUCTURE
4 LEVELS
307 SPACES
FFE 720
PARKING
STRUCTURE
4 LEVELS
307 SPACES
231 SPACES
100 YEAR FLOODPLAIN
VEGETATION TO REMAIN UNDISTURBED
INITIAL FLOODPLAIN EASEMENT
SOUTHERN PACIFIC RAILROAD
BURNET ROAD
R.O.W.
SITE PLAN RELEASE
C14T-84-443

EXHIBIT "B"




I-SF-3
GR
I-SF-2
PEGASUS ST.
PEGASUS ST.
OAK CREEK DR.
OAK CREEK DRIVE
I-SF-2
CS-1 & GR
LOVAGE DRIVE
DR.
TIMBERSIDE DRIVE
PALFREY
T. & N.O. RAILROAD
(BURNET ROAD)
GR
TRAIL
PALOMAR LANE
CANTLE
I-SF-2
I-SF-3
F.M. 1325
I-SF
PARK ROAD
I-SF-2
NORTH
PENDING CASE
ZONING LINE
CYCLE 1/85 INTLS RG
SUBJECT TRACT
SUBJECT ACREAGE 37.354
CASE NO C14r-84-443
GRID
K35 &36
L35 &36
I-SF-2
I-SF-2

MEMORANDUM

TO: Duncan Muir, Division Planner, Office of Land Development Services

FROM: George Zapalac, Transportation Manager, Transportation Review Section

DATE: October 31, 1986

SUBJECT: Review of the Traffic Impact Analysis (TIA) for North Fork Crossing
Case #: C14R-84-443

The Transportation Section has reviewed the traffic impact analysis for North Fork Crossing. The primary issues involve access, traffic compatibility with the adjacent Northwood Subdivision and the timing of development to correspond with improvements to area roadways. The Transportation Section recommends limiting access to Burnet Road to one right-in, right-out driveway and providing a secondary access point to Oak Creek Drive to accommodate left turn maneuvers into the site. If access to Oak Creek is not approved, the zoning should be denied until adequate access can be provided to Farmer Lane. In addition, the proposed median that will be constructed along Burnet Road in conjunction with the Loop 1/Burnet Road interchange should be extended to the intersection of Burnet Road/Oak Creek Drive.

Trip Generation

Trip geneneration for the proposed site is projected to be 2,574 vehicle trips per day with 360 trips in the a.m. and 365 trips in the p.m. peak hours. These estimates are slightly less than what the consultant projected in the TIA.

Adjacent Roadways

Burnet Road-- is currently a five lane undivided arterial from Farmer Lane to Wells Branch Parkway. The Austin Metropolitan Roadway Plan proposes upgrading Burnet Road to a six-lane divided freeway. In the interim, Loop 1 will be extended north to Burnet Road. An interchange will be constructed by the State Highway Department at the intersection of these roadways. Construction of the interchange is in progress.

Farmer Lane-- is currently a two-lane, substandard, rural roadway from IH-35 to Burnet Road. The Austin Metropolitan Roadway Plan proposes upgrading this roadway to a six-lane, divided, major arterial and extending it west from Burnet Road into Williamson County. This proposed improvement is currently funded and construction is projected to begin within the next 2 to 4 years. The State Highway Department plans to have all improvements to Farmer Lane completed prior to beginning major construction on U.S. 183 so that traffic in Northwestern Travis and Williamson Counties will have an alternate route to U.S. 183.

Oak Creek Drive-- is a four lane, undivided, neighborhood collector street with 44 feet of pavement.

ATTACHMENT C

increased on Oak Creek Drive for the first few hundred feet, but it is unlikely that very much of this traffic would circulate into or through the neighborhood. Natural barriers such as the creek and several hundred feet (approx. 1,000') of relatively undeveloped frontage along Oak Creek Drive provide a buffer or transition between the proposed site and the single family homes in the Northwood Subdivision.

In addition, neighborhood residents are concerned about existing traffic conditions and travel patterns that occur in the rear of the subdivision via Amherst Drive, Yett Lane and Tamarack Trail (See Fig. 2). Tamarack Trail is 30 feet wide and currently serves as a secondary entrance to the subdivision. Silver Creek Drive is a neighborhood collector street (44' width) which was designed to provide access to the neighborhood. It stubs out, however, before connecting to an existing street. In the future, it will connect to Parmer Lane when Parmer Lane is extended, thereby reducing the traffic on Tamarack Trail and other local streets. After Parmer Lane is extended, traffic volumes will be reduced on Oak Creek Drive and increased on Silver Creek Drive to provide a more balanced distribution of traffic as was designed and intended by the original subdivision plat.

Traffic diversion and encroachment into neighborhoods occurs due to delays and congestion on nearby arterial streets. Adding another signal to Burnet Road and increasing the turning conflicts could result in a greater diversion of traffic into the neighborhood than if the left turn movements are accommodated on Oak Creek Drive. In order to alleviate some of the neighborhood residents fears, however, specialized median and traffic controls could be implemented along the future segment of Parmer Lane to reduce the liklihood of traffic diverting through the neighborhood. Channelized median breaks may be designed and located to restrict specific turning movements.

Railroad Crossings

The City of Austin recently acquired the Southern Pacific Railroad right-of-way for the potential use as a commuter rail or transit line. Several requests have been made since that time to provide private and public railroad crossings in order to improve the marketability of specific tracts along this line. In the interim, Northern and Western Railroad has been retained by the City to manage the railroad and advise officials on crossing requests, maintenance, etc. Dennis King of Northern and Western indicates that several contracts have been executed to increase the freight use of this rail segment. Additional crossings should be avoided to minimize the potential for vehicle-train conflicts that may result. If railroad crossings are permitted, however, the maximum protection in signal and warning systems should be installed to reduce the liklihood of accidents.

Recommendations

1. If the zoning is approved, limit access to one right-in, right-out driveway onto Burnet Road and a secondary access point to Oak Creek Drive to accommodate left turn maneuvers into the site. If access to Oak Creek is not approved, the zoning should be denied until access can be provided to Parmer Lane. In addition, the proposed median that will be constructed along Burnet Road in conjunction with the Loop 1/Burnet Road interchange should be extended

Road. There are five existing commercial driveways opposite the proposed site. The consultant is claiming that a continuous left turn lane is adequate to provide left turn access to both sides of Burnet Road without serious consequence. According to engineering standards, however, continuous left turn lanes are acceptable only as a retrofit solution along roadways with low to moderate travel speeds where there is adequate spacing between opposing driveways/streets so that conflicting turn movements are minimized. (Four accidents were recorded along this segment of Burnet Road in the last 12 month period. Two were related to driveway conflicts).

(3) Hazardous weaving and merging maneuvers will result between the Loop 1/Burnet Road interchange and the proposed Burnet Road entrance to the project. The northbound Loop 1 ramp is designed to enter Burnet Road from the outside lane. Site generated traffic from Loop 1 will have approximately 450 to 500 feet to weave across two lanes of northbound Burnet Road traffic and enter the left turn lane. If there is a queue of vehicles existing in the left turn lane, the distance to accomplish this maneuver will be reduced. A distance of 750 to 1,000 feet of weaving distance would be desirable, excluding the distance needed for left turn vehicle queuing.

If access onto Oak Creek Drive is provided, left turn maneuvers heading northbound on Burnet Road in the A.M. peak hour could be accommodated at the existing signalized intersection at Burnet Road/Oak Creek Drive with little or no reduction in level of service. This is because of the complementary nature of office and residential traffic patterns. Northbound left turns at the Burnet Rd./Oak Creek intersection could be made at the same time that residential traffic is turning right from Oak Creek Drive onto Burnet Road. Through traffic heading southbound on Burnet Road in the A.M. peak would not be delayed any longer than exists currently. In the P.M. peak hour, the traffic patterns would be reversed. Most of the traffic exiting the site would exit directly onto Burnet Road. Only the traffic exiting the site to head north on Burnet Road would use the Oak Creek Drive exit.

Note: The most recent TIA reflected the secondary entrance onto Oak Creek Drive. In order to assume a "worst case scenario" the consultant overestimated the traffic distribution from the south and thus, the number of site generated left turn movements from Burnet Road onto Oak Creek Drive by 150 to 200 turns. Almost 300 site generated left turn movements are projected in the A.M. according to the TIA. A more realistic projection would be 100 to 125 left turns based on market surveys and traffic projections provided for other office projects in the area.

Neighborhood Traffic Compatibility

Neighborhood residents from the Northwood Subdivision oppose any connection to Oak Creek Drive, stating that access will result in additional traffic into the neighborhood. According to the latest traffic counts, there are slightly over 3,000 vehicles per day on Oak Creek Drive just west of Burnet Road. The traffic compatibility standards in the Zoning Ordinance (Chapter 13-2A) indicate that roadways similar to Oak Creek Drive may carry up to 4,000 vehicles per day before traffic volumes are considered undesirable. Almost 40 percent of the site generated traffic would have to circulate through the neighborhood to reach this level. Staff acknowledges that traffic will be

The latest traffic volumes for the adjacent roadways are provided below. Traffic volumes along Burnet Road are expected to increase when the Loop 1/Burnet Road interchange is completed and Loop 1 is extended.

	ADT
Burnet Road (F.M. 1325)	32,400
Oak Creek Drive	3,020
Farmer Lane	N/A

Analysis of Access

Access is one of the primary factors in determining the appropriateness of a zoning change. The applicants, in this case, are requesting a zoning change for a tract which remains undeveloped after several years due to various access constraints. A segment of the Southern Pacific railroad extends parallel to Burnet Road and hinders access to Burnet Road. Oak Creek Drive abuts the property to the north and could serve as a secondary access point but residents in the Northwood neighborhood subdivision object to any access to Oak Creek Drive. Although the traffic characteristics of GO zoning and office uses are more compatible with the neighborhood than other uses, there are several safety and traffic control problems associated with providing direct access to Burnet Road unless the conflicting left turn movements are eliminated along Burnet Road.

If no access is provided to Oak Creek Drive, all of the left turn maneuvers will have to be accommodated on Burnet Road. Three undesirable conditions will occur, as a result.

(1). The driveway will have to be signalized to accommodate the left turn maneuvers in the A.M. peak, given the heavy inbound traffic on Burnet Road during the A.M. Approximately 350 to 400 feet of signal spacing will be provided between the proposed driveway and the existing Burnet Rd./Oak Creek Drive intersection. A spacing of 1,000 to 1,200 feet is normally required by the Urban Transportation Department in accordance with accepted traffic engineering standards. Although the TIA consultant correctly claims that the two signals can be timed and coordinated similar to other existing offset intersections in the City, it would be undesirable and inefficient. Offset signalized intersections with inadequate spacing are typically used only in retrofit situations. Examples of such intersections include M.L.K. Blvd./Guadalupe Street and Burnet Rd./Ohlen/Steck Ave. One result is a reduction in the number traffic movements that can be accommodated in the peak hour. Also, traffic congestion at one intersection often interferes with the operation of the adjacent intersection when adequate spacing is not provided.

Burnet Road is designated as a Principal Roadway Area (PRA) and increases in traffic along this segment are anticipated when Loop 1 is extended. As a result, any measures that might delay traffic or decrease roadway/intersection capacity should be considered undesirable.

(2) An increase in conflicting turning movements with opposing driveways along Burnet Road and the Burnet Rd/Oak Creek intersection (shown in Fig. 1) would increase the liklihood of high-speed, head-on collisions along Burnet

to the intersection of Burnet Road/Oak Creek Drive.

2. Require fiscal for improvements to Burnet Road/Oak Creek Drive. Such improvements should include construction of a narrow median to provide 300 feet of left turn storage and transition for northbound left turn movements from Burnet Road to Oak Creek Drive and an exclusive turn lane for eastbound right turn movements on Oak Creek Drive. Recommend dedicating 35 feet from the centerline of Oak Creek Blvd. for above improvements.

3. Provide 100 feet of left turn storage and transition on Oak Creek Drive at proposed site entrance.

4. Provide a written agreement and fiscal measures to construct the railroad/driveway crossing at Burnet Road in accordance with the requirements recommended by the Northern and Western Railroad and the Urban Transportation Department. Cost participation for improvements to the existing Oak Creek Drive Crossing should also be required.

5. Request the State Highway Department and the Urban Transportation Department to include neighborhood input in the median design for the future extension of Farmer Lane.

Please contact Carl McClendon at 499-2727 if you have any questions.

George Zapalac

George Zapalac
Transportation Manager

OFFICE OF LAND DEVELOPMENT SERVICES

Attachments

CASE NUMBER C14R-84-443(RCA)

AGREEMENT OF APPLICANT AND NEIGHBORHOOD

The Applicant, Nana's Kids, LTD, acting by and through it's General Partner, RealTrust Services, Inc., whose President is S. Thurman Blackburn, III, and the Neighborhood, Northwood Neighborhood Association, acting by and through it's President, Cheryl Vanek, have agreed to the following modifications to the existing Restrictive Covenant, and Neighborhood supports Applicant's request:

1. The access restriction to Oak Creek Drive will be removed.
2. Subject to City of Austin site plan approval:
   A. Ingress will be granted through a one way entrance drive.
   B. Egress will be granted through a one way, right turn only, exit drive.
   C. There will be a median or other separation between the ingress and egress drives.
3. Office building development on the property will be limited to a single building consisting of not more than two stories of office, with parking beneath the structure and on other parts of the site.
4. There will be no lighted signage on the west side of the building.
5. Occupancy by uses, other than those permitted by NO zoning, will be limited to no more than 25% of the building. This shall generally be construed to mean a limitation on Medical Office occupancy.
6. All future building owners will cause tenants to be encouraged to minimize their use of the neighborhood streets.

Agreed to this 16th day of October, 2006.

NORTHWOOD NEIGHBORHOOD ASSOCIATION

By:

Cheryl Vanek
President

NANA'S KIDS, LTD

By:

S. Thurman Blackburn, III
President
RealTrust Services, Inc , G P.

ATTACHMENT D

Rousselin, Jorge

From: Jeff & Cheryl Vanek[redacted]
Sent: Tuesday, September 12, 2006 3 10 PM
To: Rousselin, Jorge
Subject: Postponement Request - Case #C14-R-84-443 (RCA)

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SEP 1 2 2006
Neighborhood Planning & Zoning

Mr. Rousselin,

As discussed, the Northwood Neighborhood Association would like to request a postponement in the above-referenced case until October 3, 2006.

Thank you for your assistance.

Cheryl Vanek
President
Northwood Neighborhood Association

President
Cheryl Vanek 244-4368
NorthwoodPresident@gmail.com
Vice President
Cyndi Stein 255-5929
NorthwoodVicePresident@gmail.com

Treasurer
Nancy Grijalva 218-9492
NorthwoodTreasurer@gmail.com
Secretary
Rosalia Nassaux 826-3111
NorthwoodSecretary@gmail.com

www.main.org/northwood

September 11, 2006

Ms. Betty Baker, Chair
Zoning and Platting Commission
City of Austin
P.O. Box 1088
Austin, Texas 78767

RECEIVED
SEP 12 2006
Neighborhood Planning & Zoning

RE: Case # C14-84-443-RCA
Amendment of Restrictive Covenant

Dear Madam Chair:

The Northwood Neighborhood Association opposes the proposed amendment to the restrictive covenant agreement in the above-referenced case. The proposal would allow for a development to exit onto Oak Creek Drive, one of our neighborhood streets. ***We would like to request a postponement of this case,*** currently scheduled for September 19, so that we may have more time to find out more about this proposal, brief the residents of our neighborhood, and collect signatures on a petition.

Our neighborhood consists of over 625 homes located at the northwest corner of Parmer Lane and the Mopac (Loop 1) Expressway. The requested access onto Oak Creek Drive from a development consistent with LO (limited office) zoning causes us great concern. First of all, there is no current site plan on file and no traffic analysis. Although the developer's representative provided an estimate of a building with 25,000 sq.ft. and 300 vehicle trips per day, we believe that depending on the type of businesses who lease space, and taking into account commercial deliveries, visitors to the building and lunch trips by employees, the vehicle traffic would be much greater. Even the 300 vehicle trips per day estimated by the developer is objectionable.

The restrictive covenant prohibited access for good reason, presumably to protect our neighborhood from "cut-through" and commercial traffic. If allowed to exit the development onto Oak Creek, we believe that drivers will choose to avoid exiting onto the Mopac/Loop 1 frontage road (an intersection with no traffic signal), and choose instead to travel through our neighborhood to Parmer Lane. We also believe that persons coming to the property will enter our neighborhood on Silver Creek from Parmer Lane and travel our neighborhood streets in an effort to avoid the frontage road.

While we are sympathetic that the owners of the property no longer have access to the frontage road due to an eminent domain proceeding by the Texas Department of Transportation (TxDOT), we believe the owners should negotiate with TxDOT to regain the access envisioned in prior site plans. A commercial development should exit onto a frontage road rather than a neighborhood street, where unfortunately the temptation will be great to drive through our neighborhood.

We would also like to point out that the railroad tracks adjacent to the project will become more active in 2008, when the Capital Metro light rail system begins operating. The tracks cross Oak Creek Drive next to the subject property and are within yards of where the developers wish to place a driveway, causing yet another traffic hazard as the tracks create an impediment to reaching the frontage road.

We recognize the difficulty in visualizing the many issues described in this letter, so if you, Commission members or City staff would like to visit the area in question, we would be pleased to assist with a site visit.

Please contact me if you would like additional information. On behalf of the Northwood Neighborhood Association, thank you for your consideration.

Sincerely,

Cheryl Vanek

Cheryl Vanek, President
Northwood Neighborhood Association

cc: Mr. Jorge Rousselin
Case Manager

15

PETITION

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SEP 21 2006

Neighborhood Planning & Zoning

Date: September 2006
File Number: C14r-84-443 (RCA)
Address of
Rezoning Request: 3107 Oak Creek
aka 12650 Burnet Road

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the above-referenced file, do hereby protest against the proposed restrictive covenant amendment, which would allow the property owners direct access onto Oak Creek Drive.

The property, which the owners would like to develop under LO zoning, would greatly increase traffic through our neighborhood, which we find an unacceptable.

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature	Printed Name	Address
Cliona Gunter	Cliona Gunter	3705 Woodchester Ln. 78727
[illegible]	DUANE BRANDT	13104 Council Bluff 78727
[illegible]	INGEBORG CREITZ	4407 BRIDLEWOOD DR.
[illegible]	JOHN FRAHM	3904 WOODCHESTER 78727
Kimberly Carter	Kimberly Carter	4406 Bridlewood Dr 78727
Carol Green	Carol Green	4607 Bridlewood Dr Dr. 78727
Steve Shafighi	STEVE SHAFIGHI	4603 Bridlewood dr 78727
Deborah C. Osborn	Deborah C. Osborn	4500 BRIDLEWOOD 78727
Anthony Quedas	[illegible]	13107 Council Bluff D.
Mary Copeland	MARY COPELAND	13109 COUNCIL BLUFF DR. AUSTIN 78727
Jeff Siegel	JEFF SIEGEL	4601 BRIDLEWOOD AUSTIN TX 78727
Christi Siegel	CHRISTI SIEGEL	4601 Bridlewood Austin TX 78727
[illegible]	THOMAS GREER	13100 COUNCIL BLUFF DR 78727
[illegible]	Ruby Chaing	12912 Council Bluff Dr. 78727
[illegible]	DESI MORA	13004 Council Bluff Dr 78727
John Roznovsky	JOHN ROZNOVSKY	13000 COUNCIL BLUFF 78727

Date: 9-18-06

Contact Name Cheryl Vanek
Phone Number 512-244-4368

3802 only
13045

PETITION

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Signature	Printed Name	Address
Wayland C Kerr	WAYLAND C. KERR	3702 TAMARACK TRL
Macy Brennan-Kerr	Macy Brennan-Kerr	3702 Tamarack Trail
Mark Walters	MARK A. WALTERS	3700 TAMARACK TRAIL
Rikki L. Spear	Rikki L. Spear	3606 Tamarack Tr.
Henry Spear	Henry Spear (HANK)	3606 TAMARACK TR.
Hugh Krzyar	Hugh Krzyar	3710 Tamarack Tr.
Al Cuevas	AL CUEVAS	3804 TAMARACK TRL
Andrew Wilson	Andrew Wilson	3812 Tamarack trl
Curtis E Burson	CURTIS E BURSON	3904 TAMARACK TRL
Sheryl Cannon	Sheryl Cannon	3706 Tamarack TRL
Judy Warren	JUDY WARREN	3708 TAMARACK TRL
E.A. Brewer	E.A. BREWER	3902 TAMARACK TRL
Damond Benningfield	Damond Benningfield	4000 Tamarack Trl
Dan Drake	DAN DRAKE	4002 Tamarack Trl
Eleanora Robards	Eleanora Robards	4004 Tamarack Trail
Nancy Tunnell	Nancy Tunnell	3907 Tamarack Trail
Cindy Davis	Cindy Davis	3903 Tamarack Trl
Lockie Walker	Lockie Walker	3901 Tamarack Trail
Marilyn Denton	Marilyn Denton	13034 Silver Creek Dr.
Gary D. Wittie	Gary D. Wittie	13036 Silver Creek Dr.
Don C. Little	Don C. Little	13042 Silver Creek Dr.

Date 9/03/06

Contact Name: Cheryl Vanek
Phone Number: 512-244-4368

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(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature	Printed Name	Address
Jennifer Morgan	Jennifer Morgan	12807 Poquoson

Date _____

Contact Name Cheryl Vanek
Phone Number 512-244-4368

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Signature	Printed Name	Address
	Linda P. Ellzey	12903 Trailwood Rd.
	Raymond Fullerton	12902 Trailwood Rd
	Judith Johnston	3902 Westchester Lane
	LAURE KNOER	3401 NORTHFIELD Rd
	Emmy Burnett	13001 Trailwood Rd
	CHRIS KAUFFMAN	12913 TRAILWOOD RD
	Joan Yaffe	12911 Trailwood Rd
	Lynn McConnell	12909 TRAILWOOD RD
	Don Hammond	12905 Trailwood Rd.
	Janet Barrett	12904 Trailwood Rd.
same house	Jean Alexander	12907 Trailwood Rd
	Dave Alexander	12907 Trailwood Rd
	BRIAN HARRY	12910 Trailwood Rd.
	Hazel Ward	12900 Trailwood Rd.

Date _____

Contact Name Cheryl Vanek
Phone Number 512-244-4368

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Signature	Printed Name	Address
	Tim McDonald	12815 Poquoson Dr
	Tina Ross	12813 Poquoson Dr
	Jeanie Tull	12811 Poquoson
	Carolyn Robinett	4002 Bearcansdale Dr
	Charles Koonce	12711 Poquoson
	BILL MILLNER	12705 POQUOSON DR.
	BURNELL S. JONES	12814 POQUOSON DR
	Kemp H. Bowden	12810 Poquoson Dr.
	Marjorie Webb	12808 Poquoson Dr.
	Elly Thomas	12806 Poquoson Dr
	ROBERT J BRADEN	12804 POQUOSON DR.
	Carolyn Fox	12802 Poquoson Dr.
	Brenda Reeves	12800 Poquoson Dr.
	Rusty Shelton	12710 Poquoson Dr
	PATRICK B. SHEEHAN	12704 Poquoson Dr
	BRIAN Kelly	12702 Poquoson
	~~[illegible]~~	~~[illegible]~~
	THERESA PIERSALL	12700 Poquoson Dr
	FRANCES Blackloch	12701 Poquoson Dr
	C.O. Mueller, Jr.	12703 Poquoson Dr.

Date _____

Contact Name Cheryl Vanek

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Signature	Printed Name	Address
Charles Kroll	Charles Kroll	12804 Oak Bend Cove
Yvonne Fuller	Yvonne Fuller	3905 Northfield
Mark Levbarg	MARK Z LEVBARG	12906 OAK BEND DR.
K Zeigler	K Zeigler	3807 Northfield Rd.
Myrl Walden	MYRL WALDEN	3802 NORTHFIELD RD
Sandra Meyer	Sandra Meyer	12800 Stepping Stone Cv.
Craig Charlton	Craig Charlton	12803 Stepping Stone Cv.
Debbie Marott	Debbie Marott	12910 Oak Bend Dr Austin TX
~~[illegible]~~	~~[illegible]~~	
Lisa Sanford	Lisa Sanford	3706 Northfield Rd

Date: _____

Contact Name: Cheryl Vanek
Phone Number: 512-244-4368

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Signature	Printed Name	Address
Maria E Murillo	MARIA E MURILLO	3907 PALOMAR LN.
Jimmie Schulz-Behrend	JIMMIE SCHULZ-BEHREND	3901 PALOMAR LN
Margaret Bishop	MARGARET BISHOP	3803 PALOMAR LANE
JOHN SHERRIELD	JOHN SHERRIELD	3801 PALOMAR LANE
Rebecca G. Maddox	Rebecca G. Maddox	3906 Beaconsdale Dr.
Larmon J. Maddox	LARMON J. MADDOX	3906 Beaconsdale Dr
[illegible]	MAURICE LAYMAN	13028 SILVER CREEK LANE
[illegible]	Pat Baca	13026 Silver Creek Dr.
[illegible]	HAROLD AMBLER	13020 SILVER CREEK DR.
Dyanne Williams	DYANNE WILLIAMS	13018 Silver Creek Dr.
David C Troeger	DAVID TROEGER	13016 Silver Creek Dr
Janice Treadwell	JANICE TREADWELL	13014 Silver Creek Dr
[illegible]	MARY JORDAN	13011 Silver Cr. Dr.
Michael Davis	MICHAEL DAVIS	13010 Silver Creek Dr
[illegible]	DARYL CARDOSA	13001 Silver Creek
Rasa Sittler	Rasa Sittler	13013 Silver Creek Dr.
Greg Schroen	Greg Schroen	13013 Silver Creek Dr.
Ana Sarmiento	Ana Sarmiento	13013 Silver Creek Dr.
Pete Solano	Pete Solano	13021 Silver Creek Dr
Jerry W Bryant	JERRY W BRYANT	13031 Silver Creek Dr
Monte Cook	MONTE COOK	13033 Silver Creek Dr

18

Date. 9/16/06

Contact Name Cheryl Vanek

Phone Number: 512-244-4368

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Signature	Printed Name	Address
Philip Carinhas	PHILIP CARINHAS	4002 BURR OAK LN
[illegible]	IKA CARINHAS	4002 BURR OAK LN
Paul Rheinlander	PAUL RHEINLANDER	4004 BURR OAK
[illegible]	PATRICK NICHOLSON	4003 BURR OAK LANE
Heike Phoenix	HEIKE PHOENIX	4001 BURR OAK LN.
Rebecca Roberts	Rebecca Roberts	3907 Burr Oak Ln
C. King	CHUCK KIGHLM	3905 BURR OAK
[illegible]	Gene Honeyman	3903 Burr Oak Ln
[illegible]	Gray Wool	3807 Burr Oak Lane
Geoffrey Wool	[illegible]	3807 Burr Oak Lane
Brandy Chase	Brandy Chase	3805 Burr Oak Lane
Jorge Guerra	Jorge Guerra	3904 Burr OAK Ln
Steve Chappell	Steve Chappell	12805 Silver Creek Dr
[illegible]	Tom Smith	3906 Tamarack Tr.
Anne Chappell	ANNE CHAPPELL	12805 SILVER CREEK DR

Date. _____

Contact Name. Cheryl Vanek

Phone Number 512-244-4368

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Signature	Printed Name	Address
	Riccardo A Garcia	4507 Bridlewood Drive
	PENNY PAINTER	3901 WOODCHESTER LN.
	Barbara Griffin	3809 Woodchester Ln.
	Sandra West	3807 Woodchester Ln.
	Sally Kelly	3805 Woodchester Ln.
	Harold A Zimmermann	3803 Woodchester Ln.
	Mark Arthur	3800 Woodchester Ln.
	TONY LINS	3802 WOODCHESTER LN
	Tyson Wynia	3806 Woodchester LN
	FLORA BATTS	3808 WOODCHESTER LN
	YVONNE DAVIN	3905 WOODCHESTER LN
	ED White	13108 Council Bluff Dr
	Aaron Haecker	13201 Council Bluff Dr.
	KRISTEN NOLTE	4600 Bridlewood Dr.
	Seth Paskin	4504 Bridlewood Dr.
	Lori Ellen Legaton	4502 Bridlewood Dr.
	RUTH ERB	4410 Bridlewood Dr
	Thomas F Rodriguez	4402 Bridlewood
	JUDY Strange	4503 Bridlewood
	TERRY HAIR	4505 BRIDLEWOOD
	GARY LILJA	4506 BRIDLEWOOD DR

Date 9/17/06

Contact Name Cheryl Vanek
Phone Number 512-244-4368

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aka 12650 Burnet Road

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the above-referenced file, do hereby protest against the proposed restrictive covenant amendment, which would allow the property owners direct access onto Oak Creek Drive.

The property, which the owners would like to develop under LO zoning, would greatly increase traffic through our neighborhood, which we find unacceptable.

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature	Printed Name	Address
Jeff Vanek	JEFF VANEK	4509 OAK CREEK DR.
[illegible]	George Grimmer Jr.	4605 OAK CREEK DR.
[illegible]	Sherry Nemeth	4600 Oak Creek Dr
[illegible]	Angela Zimmerman	4601 Oak Creek DR
[illegible]	HEIDA CRAVEN	4504 Oak Creek Dr.
[illegible]	KATHY STONE	4409 OAK CREEK DR
[illegible]	BILL BASSETT	4403 OAK CREEK DR
[illegible]	SCOTT HERMESMEYER	4306 Oak Creek DR.
Laura Messina	Laura Messina	4402 Oak Creek DR.
Martha Jackson	MARTHA JACKSON	4604 OAK CREEK DR
[illegible]	ROSE MARIE STEENBURG	4505 OAK CREEK DR.
[illegible]	JAMES M WEST	4303 OAK CREEK DR
[illegible]	ANITA ZUKOWSKI	4207 OAK CREEK DR.
[illegible]	NEFELIE KUDELA	4103 OAK CREEK DR.
[illegible]	EDWARD L CRAIN	4100 OAK CREEK DR.
[illegible]	Brian Spencer	4102 oak creek DR.
[illegible]	KARIN HENDRICKS	4105 OAK CREEK DR
Pat Prather	PAT PRATHER	4300 Oak Creek Dr
[illegible]	Karen J. Elez	4304 Oak Creek Drive
[illegible]	ALVIN CLOER	4507 OAK CREEK DR

Date: 9/17/2006

Contact Name. Cheryl Vanek
Phone Number: 512-244-4368

20

PETITION

RECEIVED

SEP 21 2006

Neighborhood Planning & Zoning

Date: September 2006
File Number: C14r-84-443 (RCA)
Address of
Rezoning Request: 3107 Oak Creek
aka 12650 Burnet Road

To: Austin City Council

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(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature	Printed Name	Address
	JEAN HENRY	12608 Red Clover
	Andrea Walsh	3605 Palomar Ln.
	Gail Snodgrass	3601 Palomar Ln
	Kerry Westbrook	3507 Palomar Ln
	VINH NGUYEN	3505 Palomar Ln
	Don Grimes	3405 Palomar
	CECILY MOREAU	12609 Cantle Trail
	Camille Reeder	12611 Cantle Trail
	Jennifer Bown	12705 Cantle Trail
	Margaret Crockett	12707 Cantel Trail
	DAVID M. LANG	12709 CANTLE TR.
	MITCHELL YOUNG	3500 PALOMAR LN
	Randy Ramos	3602 Palomar Ln
	PAUL TRUEMAN	3700 PALOMAR LN
	Stella Hernandez	3702 Palomar Ln.
	Richard Small, Jr.	3804 Palomar Ln
	Constance Pechal	3904 Palomar Ln
	GREG MORGAN	4004 PALOMAR LN.
	Mary C. Langley	4005 Palomar Ln.
	THOMAS PFERSICH	4001 PALOMAR LN

20

Date. 9-8-06

Contact Name Cheryl Vanek
Phone Number 512-244-4368

PETITION

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SEP 21 2006

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(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature	Printed Name	Address
[illegible]	Thomas A. Mirandy	4604 Tamarack Trl
[illegible]	Nancy L Carijalva	4507 Tamarack Tr
[illegible]	MARY A HODGES	4602 TAMARACK
[illegible]	James Lylloh	4605 Tamarack
[illegible]	Sandra E Parks	4506 Tamarack Tr
[illegible]	GEORGE J KEMERLING	4408 TAMARACK TR
[illegible]	~~450 [illegible]~~ [illegible]	4501 [illegible]
Walter T Cook	4402 Tamarack Trail	WALTER TERRY COOK
[illegible]	Jennifer Williams	4408 Tamarack
[illegible]	TRAVIS LADUC	4308 Tamarack
[illegible]	HERBERT R. KANTZ	4200 TAMARACK TR.
[illegible]	Clayton Kennedy	4400 Tamarack
[illegible]	Vicki Maxson	4401 Tamarack Trl
[illegible]	LAUREN BAUER	4405 TAMARACK TL.
[illegible]	Daniel [illegible]	4503 Tamarack Tr
[illegible]	Robert L Anderson	4307 Tamarack Trail
[illegible]	Loretta Mach	4407 Tamarack Tr
[illegible]	JoLynn Hargrove	4504 Tamarack Trail
[illegible]	Christopher Hamm	4303 Tamarack Trail

Date: 9-9-06

Contact Name: Cheryl Vanek
Phone Number: 512-244-4368

7

RECEIVED

SEP 2 1 2006

Neighborhood Planning & Zoning

PETITION

Date. September 2006

File Number: C14r-84-443 (RCA)

Address of

Rezoning Request· 3107 Oak Creek
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To. Austin City Council

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(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature	Printed Name	Address
[illegible]	PERCY E. CASEY	3708 NFLD
[illegible]	ROBERT R. RENNER	3703 NORTHFIELD RD.
[illegible]	Barbara Neill	3801 Northfield Rd.
[illegible]	Edward M. Mayle	3804 Northfield Rd.
[illegible]	Gary L. Hoes	3806 Northfield Rd.
[illegible]	Tommy Silvers	3800 Northfield Rd
[illegible]	BILL PILSON	3700 NORTHFIELD RD

Date _____

Contact Name Cheryl Vanek

Phone Number 512-244-4368

10

PETITION

RECEIVED

SEP 21 2006

Neighborhood Planning & Zoning

Date: September 2006
File Number: C14r-84-443 (RCA)
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(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature	Printed Name	Address
	Steve Evans	4007 Beaconsdale Dr
	Johnny Lonsdall Cook	3905 Beaconsdale Dr
	Kay Sandler	3903 Beaconsdale Dr.
ANNA Dodd	ANNA K. DODD	12601 Beaconsdale Cir.
	Pamela Mason	12602 Barricks Cove
	Holly Jones	3804 Beaconsdale
	Sandra Stubbs	3900 Beaconsdale
	NATHAN HALL	12604 BARRICKS Cv
	MARK WILKINSON	4000 Beaconsdale Dr.
	Colleen Debner	4006 Beaconsdale Dr

Date: 9-12-06

Contact Name: Cheryl Vanek
Phone Number: 512-244-4368

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RECEIVED

SEP 21 2006

Neighborhood Planning & Zoning

PETITION

Date: September 2006
File Number. C14r-84-443 (RCA)
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Rezoning Request: 3107 Oak Creek
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Signature	Printed Name	Address
JoAnn Bredl	JoAnn Bredl	3615 Oak Creek Drive
Melissa Smith	Melissa Smith	3613 Oak Creek Drive
Weldon Kidd	Weldon Kidd	3611 Oak Creek Drive
Betty Taylor	Betty Taylor	12801 Oak Creek Cove
Bill Smith	Bill Smith	12800 Oak Creek Cove
Pat Gustafson	Pat Gustafson	3802 Oak Creek Dr.
Joan Balash	Joan Balash	12902 Oak Creek Cir
David Abraham	David T. Abraham	12904 Oak Creek Cir
Ken Hensley	Ken Hensley	3801 Oak Creek Dr. 78727
Scott Carruth	J. Scott Carruth	3805 Oak Creek Dr 78727
Fred Fasel	Fred Fasel	12900 Oak Bend Dr. 78727
[illegible]	David Fenwick	3900 Oak Creek Dr 78727
Jason Mathias	Jason Mathias	12901 Oak Creek Cove 78727
Lisa Neason	Lisa Neason	3617 Oak Creek Dr 78727
Rhett Grametbauer	Rhett Grametbauer	3605 Oak Creek Dr 78727
Bob White	Bob White	3401 Oak Creek Dr 78727
David A. Hernandez	David A. Hernandez	3600 Oak Creek Dr 78727
Eric Lacey	Eric Lacey	12900 Pegasus St. 78727
William Wardrop	William Wardrop	12902 Pegasus St. 78727
Gillian Hopson	Gillian Hopson	12906 Pegasus 78727
Kathleen A Brennan	Kathleen A Brennan	12907 Pegasus 78727

Date _____

Contact Name. Cheryl Vanek

Phone Number 512-244-4368

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Signature	Printed Name	Address
	CAROL LAWRENCE	12802 Oak Creek Cv
	Nelda S. Salinas	12909 Pegasus St.
	WALTER DONNELLY	12911 PEGASUS ST
	Mohammad Shoghi	12912 Pegasus
	ESTHER V. BROWN	12920 Pegasus
	STEPHEN POLK	12929 PEGASUS
	JOSH PEISE	12932 Pegasus St
	Christy Montemayor	12931 Pegasus St.
	ROD CHERVENKA	3503 OAK CREEK DR.
	JOHN West	3507 LOVAGE DR.
	Karen Zabreznik	3509 Lovage Dr.
	Tom HUBIK	3506 Lovage DR
	MARIAN MANSPERGER	3510 LOVAGE DR.
	Debra Janet Shobe	3511 Lovage Drive
	Brenda Shortnacy	3600 Lovage Dr.
	RUSSELL STOLLE	3610 LOVAGE DR.
	JAMES PRICE	12904 PEGASUS ST
	GENE J. STEVENS	12916 PEGASUS ST.
	Mitch Shelton	12918 Pegasus St.
	Larry Long	12925 Pegasus

Date: _____

Contact Name Cheryl Vanek
Phone Number 512-244-4368

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Neighborhood Planning & Zoning

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Signature	Printed Name	Address
Lea Ann Graham	LEA ANN GRAHAM	12933 PEGASUS
Randy Coppedge	RANDY COPPEDGE	12807 KNOTTY TRAIL
[illegible]	MICHAEL PARSON	3510 OAK CREEK DR
[illegible]	MIKE WITT	12801 KNOTTY TRAIL
[illegible]	Gwendolyn Mask	3508 Lovage Dr.
[illegible]	Richard C Barrere	3605 Lovage Dr
Morgan Groves	MORGAN GROVES	3604 Lovage Dr
[illegible]	Sharon Lucas	3616 Lovage Dr
[illegible]	CANDACE CLIFTON	3905 OAK CREEK DR.
[illegible]	Mary Gordon	3904 Oak Creek Dr.
[illegible]	RONALD NEWMAN	3902 OAK CREEK DR.
Rena Crawford	Rena Crawford	3806 Oak Creek Dr
[illegible]	Faith Price	3612 Lovage Dr
Trisha Brock	Trisha Brock	3606 Lovage Dr.
[illegible]	SCOTT PORTER	3607 Oak Creek Dr.
[illegible]	ANNA HELGREN	12926 Pegasus Dr
Sonia Jurado Mercado	SONIA ALICIA JURADO MERCADO	12935 PEGASUS ST
Terry A McCoy	Terry A. McCoy	12900 Oak Creek Circle
Lori Michele Evans	Lori Michele Evans	12930 Pegasus St.
Brenda Johnson	Brenda Johnson	3901 Oak Creek Dr.
Josephine Bruskewitz	Josephine Bruskewitz	12803 Oak Creek Cv.

Date _____

Contact Name Cheryl Vanek
Phone Number 512-244-4368

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Signature	Printed Name	Address
Sherman Brand	Sherman Brand	12804 Timberside Dr.
Martha England	Martha England	12812 Timberside
Betty T. Gordon	BETTY T. GORDON	12809 TIMBERSIDE DR.
Cynthia Stein	Cynthia Stein	12807 Timberside Dr
Juan Sanchez	JUAN SANCHEZ	12803 TIMBERSIDE DR.
Jim Farrington	Jim Farrington	12724 Timberside
Linda Holmbeck	Linda Holmbeck	12800 Timberside Drive
Michael McAuliffe	Michael McAuliffe	12718 Timberside Drive
Wayne Woelfel	Wayne Woelfel	12717 Timberside Dr.
Janett Kearbey	JANETT KEARBEY	12806 Timberside DR.

Date September 10, 2006

Contact Name: Cheryl Vanek
Phone Number 512-244-4368

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Signature	Printed Name	Address
Christine W. McClellan	Christine W. McClellan	12706 Palfrey Drive
Kelly Ragsdale	Kelly Ragsdale	12704 Palfrey Drive
Andrea Simpson	Andrea Simpson	12801 Palfrey Drive
Lisa Vines	LISA VINES	12713 Palfrey Dr
Nancy Grace Howard	NANCY GRACE HOWARD	12709 Palfrey Dr
ED Hoffman		12809 Palfrey Dr 78727
Charlotte Lacy	CHARLOTTE LACY	12807 PALFREY DR 78727
Katherine Kaehn	Katherine Kaehn	12711 Palfrey Dr 78727
Mike Allison	Mike Allison	12707 Palfrey DR 78727
Michelle Gilson	Michelle Gilson	12712 Palfrey Dr 78727
Paula Barr	PAULA BARR	12708 PALFREY DRIVE 78727
Eddie J Malish	Eddie J MALISH	12805 Palfrey 78727
Chris Watson	CHRIS WATSON	12810 PALFREY DR.
Lori Murchison	Lori Murchison	12808 Palfrey 78727

Date _____

Contact Name. Cheryl Vanek
Phone Number: 512-244-4368

PETITION

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(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature	Printed Name	Address
Thomas Cooper Jr	Thomas Cooper, Jr	13044 Silver Creek Drive
[illegible]	BOBBY THIBODAUX	13046 SILVER CREEK DR
Carolyn Bliss	Carolyn Bliss	13048 Silver Creek Drive
Deborah Cox	Deborah Cox	13102 Silver Creek Dr
[illegible]	SCOTT SELLERS	13105 SILVER CREEK DR
Lorraine Schnelle	LORRAINE SCHNELLE	13051 Silver Creek
Stan Guzick	STAN GUZICK	13047 SILVER CREEK
Nikole Smith	Nikole Smith	13043 Silver Creek
Scott Mueller	Scott Mueller	13041 Silver Creek

Date. 9/16/06

Contact Name. Cheryl Vanek
Phone Number: 512-244-4368

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Signature	Printed Name	Address
	DONNA BLUMBERG	13025 SILVER CREEK
	Olivia Walker	12905 Silver Creek Dr.
	STEVEN COLLIER	12812 SILVER CREEK DR.
	Kevin Hawkins	12901 Silver Creek DR.
	Becky Cheney	12810 Silver Creek
	Cindy Layton	12806 Silver Creek
	IAN LAYTON	12806 SILVER CREEK.
	JON RICKETTS	12802 SILVER CREEK
	Gene Feldy	12800 Silver creek Rd
	Marvin Scott Sledge	12702 Silver Creek Dr
	Bobby + Wilma PLACKER	12605 SILVER CR DR.
	Frederick Winkler	12604 Silver Creek Dr.
	David Leal	12703 Silver Creek Dr.
	PAT DRAKE	12705 SILVER CREEK DR
	Marcella Rothrock	12807 Silver Cr Dr
	Barbara Evans	12803 Silver Creek
	JANIE McMahon	12907 Silver Creek Dr.

Date _____

Contact Name. Cheryl Vanek

Phone Number: 512-244-4368

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(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature	Printed Name	Address
Evelyn J. Carlisle	Evelyn J. Carlisle	12708 Poquoson Dr.
[illegible]	[illegible]	3704 Talmack Tr.
Barbara Heltiad	Barbara Heltiad	13008 Council Bluff

Date: 09/17/06

Contact Name Cheryl Vanek
Phone Number 512-244-4368

Texas Department of Transportation

1421 WELLS BRANCH PARKWAY, BLDG 1, SUITE 107 PFLUGERVILLE, TX 78660 (512) 225-1300

October 2, 2006

County. TRAVIS
Project: LOOP 1
CSJ: 3136-01-124
Limits: From FM 734 (Parmer Lane) to State Highway 45
Parcel: 33

Cheryl J. Vanek
4509 Oak Creek Drive
Austin, Texas, TX 78727

Re. Parcel 33

We received your letter, regarding Parcel 33 on Loop 1, requesting information involving the property identified above.

The parent parcel consisted of 33.098 acres, out of which the State acquired 6.653 acres. This letter will confirm that the amount mentioned in your letter was the amount negotiated and paid by the State, for the property, including damages to the remainder.

Although this parcel was acquired under the threat of Eminent Domain, the acquisition was successfully negotiated and condemnation was not necessary. Compensation, in the form of damages, was paid to the owner. This compensation was due to the loss of access, changes in the highest and best use, and other damages to the remaining property

If you have any questions, please contact me at (512) 225-1361

Sincerely,

Don Toner, SR/WA
Right of Way Administrator
Austin District

RESTRICTIVE COVENANT

THIS RESTRICTIVE COVENANT is executed by **Nana's Kids, Ltd.**, a Texas limited partnership ("*Grantor*") for the benefit of **Northwood Neighborhood Association, Inc.**, a Texas non-profit corporation (the "*Association*"), to be effective as of October 16, 2006 (the "*Effective Date*").

WHEREAS, Grantor is the owner of that certain 7.654 acre tract located in the Francisco Garcia Survey, Abstract No. 60, Travis County, Texas, being a portion of Lot 1, North Fork Crossing Section 1, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Book 83, Page 87D-88A of the Plat Records of Travis County, Texas, as more particularly described in Exhibit "A" attached hereto and made a part hereof for all purposes (the "*Property*").

WHEREAS, the Property is partially adjacent to NORTHWOOD SECTION 6 (the "*Subdivision*"), a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 80, Pages 339-340 of the Plat Records of Travis County, Texas.

WHEREAS, the Property is encumbered with a Restrictive Covenant dated January 6,1988 and recorded in Volume 10704, Page 1149 of the Real Property Records of Travis County Texas (the "Prior Restrictive Covenant") that was entered into by the then owner of the Property as part of the rezoning of the Property;

WHEREAS, the Prior Restrictive Covenant imposed certain obligations on the Property that the Grantor is seeking to amend;

WHEREAS, in connection with the amendment of the Prior Restrictive Covenant and in return for the Association's support of such amendment, Grantor has agreed to restrict the use and development of the Property for the benefit of the Subdivision, as set forth in this Restrictive Covenant.

NOW, THEREFORE, in consideration of the premises and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor agrees, with respect to the Property, as follows, and such agreements shall be deemed and considered as a covenant running with the land which shall be binding on Grantor and Grantor's successors and assigns:

1. **Development**. Construction of a building on the Property must comply with the following limitations: (a.) the maximum number of buildings allowed to be constructed on the Property shall be one (1) building; and, (b.) the building built on the Property shall not exceed a height of more than two (2) stories, with parking to be located beneath the building and on other parts of the Property.

2. **Signage** There shall be no lighted signage on the west side of any building now or hereafter located on the Property.

3. **Occupancy**. For a building constructed on the Property, which is currently zoned Limited Office ("LO"), occupancy for medical office purposes, or for any other uses other than those permitted by Neighborhood Office ("NO") zoning, shall be limited to no more than twenty-five percent (25%) of the total square footage of the building. The term Limited Office zoning shall mean Limited Office District as defined in Section 25-2-34 of the Austin City Code, the term "medical office" shall have the meaning set forth in Section 25-2-4(B)(42) of the version of the Austin City Code

existing as of the Effective Date (the "Code") and the term Neighborhood Office zoning shall mean Neighborhood Office District as defined in Section 25-2-93 of the Code

4. **Access**. Grantor and all future owners of the Property shall encourage all tenants and occupants of the Property to minimize the use of streets within the Subdivision for access to and from the Property.

5. **Enforcement**. If any person or entity shall violate or attempt to violate this Restrictive Covenant, it shall be lawful for the Association, acting by and through its Board of Directors, 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. If the Association shall be terminated and dissolved, then the rights to enforce this Restrictive Covenant may be exercised by the City Council of Austin, Texas, on behalf of and for the benefit of property owners within the Subdivision.

6. **Miscellaneous**.

(a) Severability. If any part or provision of this Restrictive Covenant shall be declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this Restrictive Covenant, and such remaining portion of this Restrictive Covenant shall remain in full force and effect.

(b) No Waiver Any failure by the Association, or its successors and assigns hereunder, to enforce this Restrictive Covenant and the covenants contained herein, whether such violations are known or not, will not constitute a waiver or estoppel of any right to do so.

(c) Amendment. This Restrictive Covenant may be modified, amended or terminated only by the joint action of both the owner of the Property and the Association (or, upon termination and dissolution of the Association, the City Council of Austin, Texas), or their respective successors or assigns.

(d) Applicable Law. This Restrictive Covenant shall be governed by and construed in accordance with the laws of the State of Texas and the laws of the United States of America applicable to transactions in Texas.

(e) Successors and Assigns; No Third Party. This Agreement shall be binding upon and inure to the benefit of Grantor, the Association, and their respective successors and assigns This Agreement is not intended to confer on any person other than Grantor, the Association, and their successors and assigns, any rights, obligations, remedies, or liabilities.

EXECUTED as of the date of the acknowledgment set forth below, to be effective as of the Effective Date.

(THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK)

GRANTOR:

Nana's Kids, Ltd.
(a Texas limited partnership)

By: RealTrust Services, Inc.
(a Texas corporation)
Its General Partner

By: _____
S. Thurman Blackburn, III
President

ACKNOWLEDGED AND APPROVED AS TO FORM on the date of the acknowledgement set forth below, to be effective as of the Effective Date.

ASSOCIATION:

Northwood Neighborhood Association, Inc.
(a Texas non-profit corporation)

By: _____
Cheryl Vanek
President

STATE OF TEXAS §
§
COUNTY OF TRAVIS §

This instrument was acknowledged before me on the 30th day of October, 2006, by S. Thurman Blackburn, III, President of RealTrust Services, Inc., a Texas corporation, as General Partner of **Nana's Kids, Ltd.**, a Texas limited partnership, on behalf of said corporation and partnership.

CHRISTINE MIZE
Notary Public, State of Texas
My Commission Expires
March 12, 2008

_____
Notary Public ★ State of Texas

STATE OF TEXAS §
§
COUNTY OF TRAVIS §

This instrument was acknowledged before me on the 31st day of October, 2006, by Cheryl Vanek, President of **Northwood Neighborhood Association, Inc.**, a Texas non-profit corporation, on behalf of said non-profit corporation.

SAMM HAMMOND
Notary Public, State of Texas
My Commission Expires
April 11, 2009

_____
Notary Public ★ State of Texas

FIELD NOTES

DESCRIPTION OF A 7.654 ACRE TRACT LOCATED IN THE FRANCISCO GARCIA SURVEY, ABSTRACT NUMBER 60, TRAVIS COUNTY, TEXAS. SAID 7.654 ACRE TRACT BEING A PORTION OF LOT 1, NORTH FORK CROSSING SECTION 1, A SUBDIVISION OF RECORD IN BOOK 83 PAGE 87D-88A, PLAT RECORDS TRAVIS COUNTY, TEXAS. SAID 7.654 ACRE TRACT, AS SHOWN ON THE ACCOMPANYING PLAT, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½-inch iron rod found in the south right-of-way (ROW) line of Oak Creek Drive, same being the northeast corner that 5.876 acre tract conveyed to Lillie and Paula Huber and recorded in Document Number 2000083385, Official Public Records, Travis County, Texas, same being the northwest corner of said Lot 1, and also being the northwest corner of this tract and the **POINT OF BEGINNING**;

THENCE continuing with said ROW line and the north line of said Lot 1 S65°43'41"E a distance of 275.03 feet to a Texas Department of Transportation (TXDOT) brass disk found for the northwest corner of a 6.653 acre tract described in a deed to the Texas Turnpike Authority and recorded in Document Number 2002176478, Official Public Records, Travis County, Texas, from which a TXDOT brass disk found bears S65°43'41"E a distance of 57.75 feet;

THENCE with the west and north lines of the said 6.653 acre tract the following (5) five courses and distances;

1. S14°15'01"W a distance of 392.06 feet to a TXDOT brass disk found,
2. N75°46'38"W a distance of 330.15 feet to a TXDOT brass disk found,
3. S01°42'50"W a distance of 633.29 feet to a TXDOT brass disk found,
4. S00°13'38"W a distance of 359.08 feet to a TXDOT brass disk found, and
5. S70°52'05"E a distance of 142.59 feet to a TXDOT brass disk found in the east line of said Lot 1, same being the west line of that tract of land conveyed to the City of Austin (COA) and recorded in Volume 9837 Page 414, Real Property Records, Travis County, Texas;

THENCE with the west line of the said COA tract, same being the east line of said Lot 1, with the arc of a curve to the right, a distance of 332.15 feet through a central angle of 10°13'53", having a radius of 1860.08 feet, and whose chord bears S27°50'17"W a distance of 331.71 feet to a 1/2-inch iron rod found at the south corner of said Lot 1, same being an east corner of that called 33.098 acre tract described in a deed to Saginaw Partners, Ltd. and recorded in Volume 11863 Page 1797 Real Property Records, Travis County, Texas;

THENCE continuing with the east line of said Saginaw Partners tract and the west line of said Lot 1 the following (7) seven courses and distances;

1. N30°19'34"W a distance of 180.59 feet to the centerline of a manhole cover,
2. N26°19'11"W a distance of 198.36 feet to the centerline of a manhole cover,
3. N07°21'05"E a distance of 293.80 feet to the centerline of a manhole cover,
4. N32°34'04"E a distance of 125.59 feet to the centerline of a manhole cover,
5. N10°57'50"E a distance of 182.75 feet to the centerline of a manhole cover,
6. N11°27'10"W a distance of 163.52 feet to a ½-inch iron rod with 'Delta Survey' cap set, and
7. N00°20'31"W a distance of 42.59 feet to a ½-inch iron rod with 'Delta Survey' cap set, for the northeast corner of said Saginaw Partners tract, same being the southeast corner of said 5.876 acre Huber tract;

THENCE continuing with the east line of said Huber tract and the west line of said Lot 1 the following (3) three courses and distances;

1. N00°20'31"W a distance of 289.59 feet to the centerline of a manhole cover,
2. N47°03'20"E a distance of 289.32 feet to the centerline of a manhole cover, and
3. N25°18'41"E a distance of 159.53 feet to the **POINT OF BEGINNING** and containing 7.654 acres of land, more or less.

BEARING BASIS: Texas State Plane Coordinate System, Central Zone, NAD83/HARN

I, John E Brautigam hereby certify that the foregoing description represents an on-the-ground survey performed under my direction and supervision during September 2003, and is true and correct to the best of my knowledge and belief.

John E Brautigam
Registered Professional Land Surveyor
No. 5057-State of Texas

Delta Survey Group, Inc.
8213 Brodie Lane, Suite 102
Austin, Texas 78745

10/7/03
Date

STATE OF TEXAS
REGISTERED
JOHN E BRAUTIGAM
5057
PROFESSIONAL
LAND SURVEYOR