

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



**AGENDA ITEM NO.: Z-6
AGENDA DATE: Thu 06/09/2005
PAGE: 1 of 1**

SUBJECT: C14-05-0067 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin city Code by rezoning property locally known as 10 North IH-35 Service Road South Bound (Tracts 1 and 2) from downtown mixed use-conditional overlay (DMU-CO) combining district zoning to central business district (CBD) zoning. Zoning and Platting Commission Recommendation: To be considered on June 7, 2005. Applicant and Property Owner: Calhoon Properties (Thomas Calhoon). City Staff: Jorge Rousselin, 974-2975.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

ZONING CHANGE REVIEW SHEET**CASE:** C14-05-0067**Z.A.P. DATE:** June 7, 2005**ADDRESS:** 10 North I-35 Service Road South Bound (Tracts 1 & 2)**OWNER:** Calhoon Properties
(Thomas Calhoon)**APPLICANT:** City of Austin,
Neighborhood Planning and
Zoning Department**ZONING FROM:** DMU-CO (Downtown Mixed-Use - Conditional Overlay)**TO:** CBD (Central Business District)**AREA:** Approx. 0.358 acres (15,600
square feet)
Tract 1: 13,629 sq. ft.
Tract 2: 1,971 sq. ft.**SUMMARY STAFF RECOMMENDATION:**

Staff recommends the proposed zoning change from DMU-CO (Downtown Mixed-Use - Conditional Overlay) to CBD (Central Business District) zoning on Tracts 1 and 2. The property owner agrees with the staff recommendation.

ZONING & PLATTING COMMISSION RECOMMENDATION

June 7, 2005:

ISSUES:

This case is the culmination of Council Resolution No. 040212-35 passed on February 12, 2004 (please see "Attachment I") including properties in the Rainey Street area. The resolution decreed that the Rainey Street Area, bounded by Cesar Chavez, Waller Creek, IH-35 and Town Lake be rezoned, and that staff conduct a comprehensive study on the best use of the properties in the Rainey Street Area.

The study for the Rainey Street Area sets several goals to be achieved through the proposed rezonings as follows:

- 1) "The preservation of trees and the unique historic character of the area."
- 2) "A strong mixed income residential component within the development."
- 3) "A pedestrian friendly environment."
- 4) "The use of green building techniques."
- 5) "The use of urban design criteria that are typically included in the City's performance based economic incentive policies."

DEPARTMENT COMMENTS:

The subject property is currently undeveloped land. An attempt to rezone the property in 1997 to allow high density residential uses ended in a withdrawal from the applicant. The current zoning is DMU-CO. The conditional overlay limits the property to 2,000 vehicle trips per day and all gross floor area constructed above an elevation of 60 feet above ground level shall be limited to residential development. The applicant is requesting the proposed rezoning to develop a mixed-use building to include retail uses at ground level and high-density multi-family residential units throughout the upper floors.

The staff recommends CBD zoning for this site because the property has frontage on I 35, and conforms with the purpose statement for the CBD. Furthermore, the property is located adjacent to existing CBD zoning with compatible land uses to the north.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	DMU-CO	Undeveloped land
<i>North</i>	CBD	Holiday Inn at Town Lake
<i>South</i>	P	North Shore – Town Lake
<i>East</i>	N/A	I-35 Main Lanes
<i>West</i>	P	North Shore – Town Lake

AREA STUDY: Rainey Street Area**TIA:** Waived (City initiated rezoning)**WATERSHED:** Town Lake**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** N/A**HILL COUNTRY ROADWAY:** N/A**NEIGHBORHOOD ORGANIZATIONS:**

300 – Terrell Lane Interceptor Association
 402 – Downtown Austin Neighborhood Association (DANA)
 438 – Downtown Austin Alliance
 477 – El Concilio, Coalition of Mexican American Neighborhood Associations
 511 – Austin Neighborhoods Council
 613 – Holly Street Association
 623 – City of Austin Downtown Commission
 960 – Lower Waller Creek
 744 – Sentral Plus East Austin Koalition (SPEAK)

SCHOOLS:

Austin Independent School District:

- Mathews Elementary School
- O. Henry Middle School
- Austin High School

CASE HISTORIES:

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-97-0114	CS to L	Withdrawn by applicant 09/18/97 prior to Commission recommendation.	N/A
C14-00-2007	CS to DMU For a multi-family development	Approved DMU with a height limitation of 90 feet. (Vote: 6-0). 07/18/00.	Approved DMU-CO. The conditional overlay limits the property to 2,000 vehicle trips per day. All gross floor area constructed above an elevation of 60 feet above ground level shall be limited to residential development. (Vote: 7-0). 11/30/00

RELATED CASES:**Rainey Street Area rezonings:**

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-04-0078	CBD-CURE, CS, MF-3, SF-3 to CBD	<p>PC – Approved staff recommendation of CBD (8-0) and extended Lambie Street to Red River; PC expressed reservations about items 3,6,& 10 in staff proposal and did not recommend them but are not opposed. (8-0) 09/14/04.</p> <p>ZAP – Approved CBD-CO with conditions. CO- limits property to DMU site regulations. Subject to compatibility standards unless incentives met. For homes in the National Register Historic District (NRHD), recommended GR-MU-CO; CO- prohibits demolition permit, relocation permit, and exterior remodel. (8-1) 10/05/04.</p>	Approved CBD. (7-0) 04/07/05
C14-04-0079	CS and SF-3 to CBD	PC – Approved staff recommendation of CBD (8-0) 09/14/04.	Approved CBD. (7-0) 04/07/05

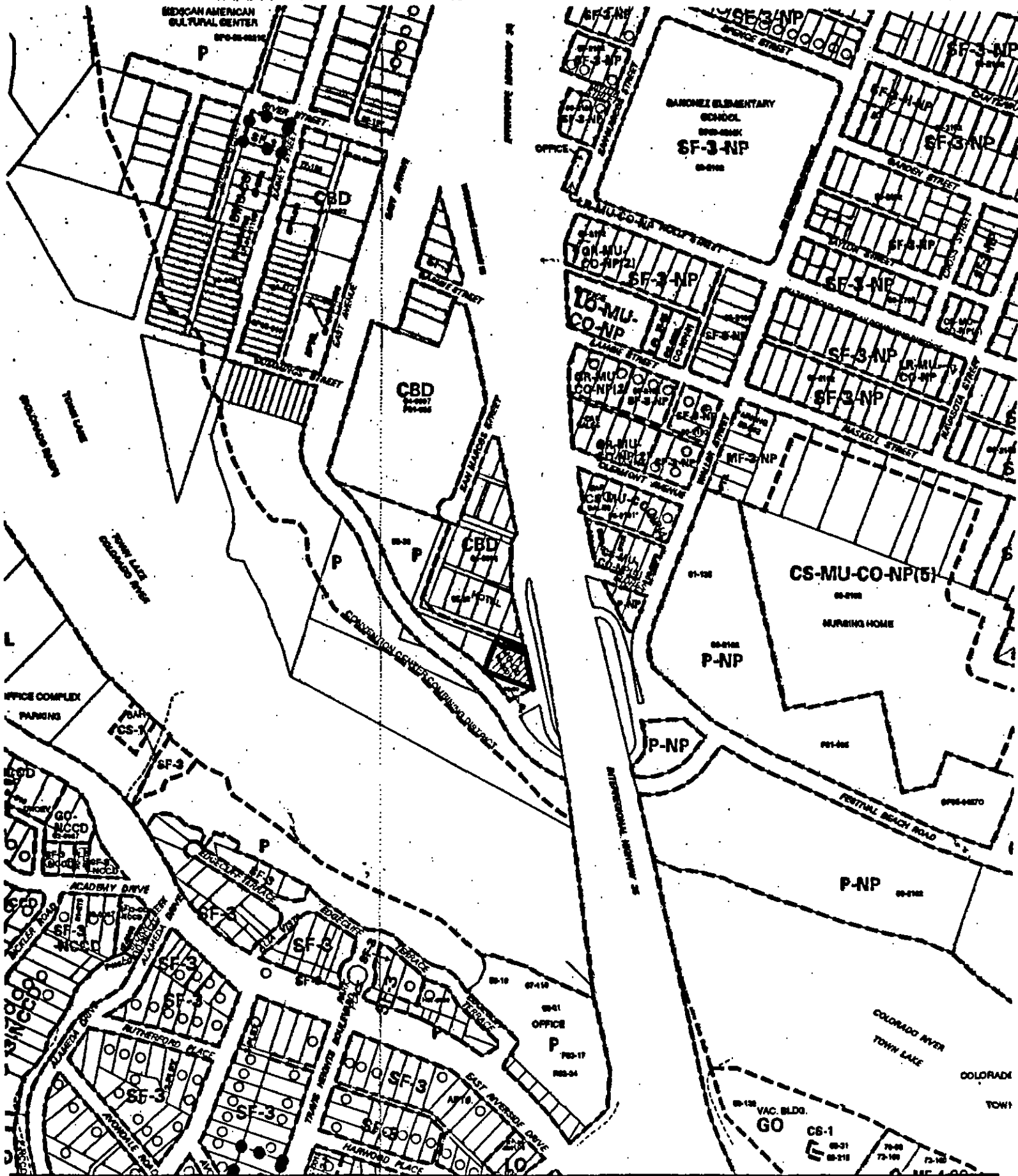
		ZAP – Approved CBD-CO with conditions. CO- limits property to DMU site regulations. Subject to compatibility standards unless incentives met. For homes in the National Register Historic District (NRHD), recommended GR-MU-CO; CO- prohibits demolition permit, relocation permit, and exterior remodel. (8-1) 10/05/04.	
C14-04-0080	GR-CO and CBD-CURE to CBD	<p>PC – Approved staff recommendation of CBD (8-0) 09/14/04.</p> <p>ZAP – Approved CBD-CO with conditions. CO- limits property to DMU site regulations. Subject to compatibility standards unless incentives met. (8-0) 10/05/04</p>	Approved CBD. (7-0) 04/07/05
C14-04-0081	CS-1, CS, GR, and SF-3 to CBD	<p>PC – Approved staff recommendation of CBD (8-0) 09/14/04.</p> <p>ZAP – Approved CBD-CO with conditions. CO- limits property to DMU site regulations. Subject to compatibility standards unless incentives met. For homes in the National Register Historic District (NRHD), recommended GR-MU-CO; CO- prohibits demolition permit, relocation permit, and exterior remodel. (7-2) 10/05/04.</p>	Approved CBD. (7-0) 04/07/05
C14-04-0082	CS, LO, and SF-3 to CBD	<p>PC – Approved staff recommendation of CBD (8-0) 09/14/04.</p> <p>ZAP – Approved staff recommendation of CBD (9-0) 10/05/04.</p>	Approved CBD. (7-0) 04/07/05
C14-04-0083	DMU-CO and SF-3 to	PC – Approved staff recommendation of CBD (8-0)	Approved CBD. (7-0) 04/07/05





	CBD	09/14/04. ZAP – Approved staff recommendation of CBD (8-1) 10/05/04.	
C14-04-0096	DMU-CO, CS, GR, and SF-3 to CBD	PC – Approved staff recommendation of CBD (8-0) 09/14/04. ZAP – Approved CBD-CO with conditions. CO- limits property to DMU site regulations. Subject to compatibility standards unless incentives met. (6-3) 10/05/04	Approved CBD. (7-0) 04/07/05
C14-04-0097	GR to CBD	PC – Approved staff recommendation of CBD (8-0) 09/14/04. ZAP – Approved CBD-CO with conditions. CO- limits property to DMU site regulations. Subject to compatibility standards unless incentives met. (5-4) 10/05/04	Approved CBD. (7-0) 04/07/05

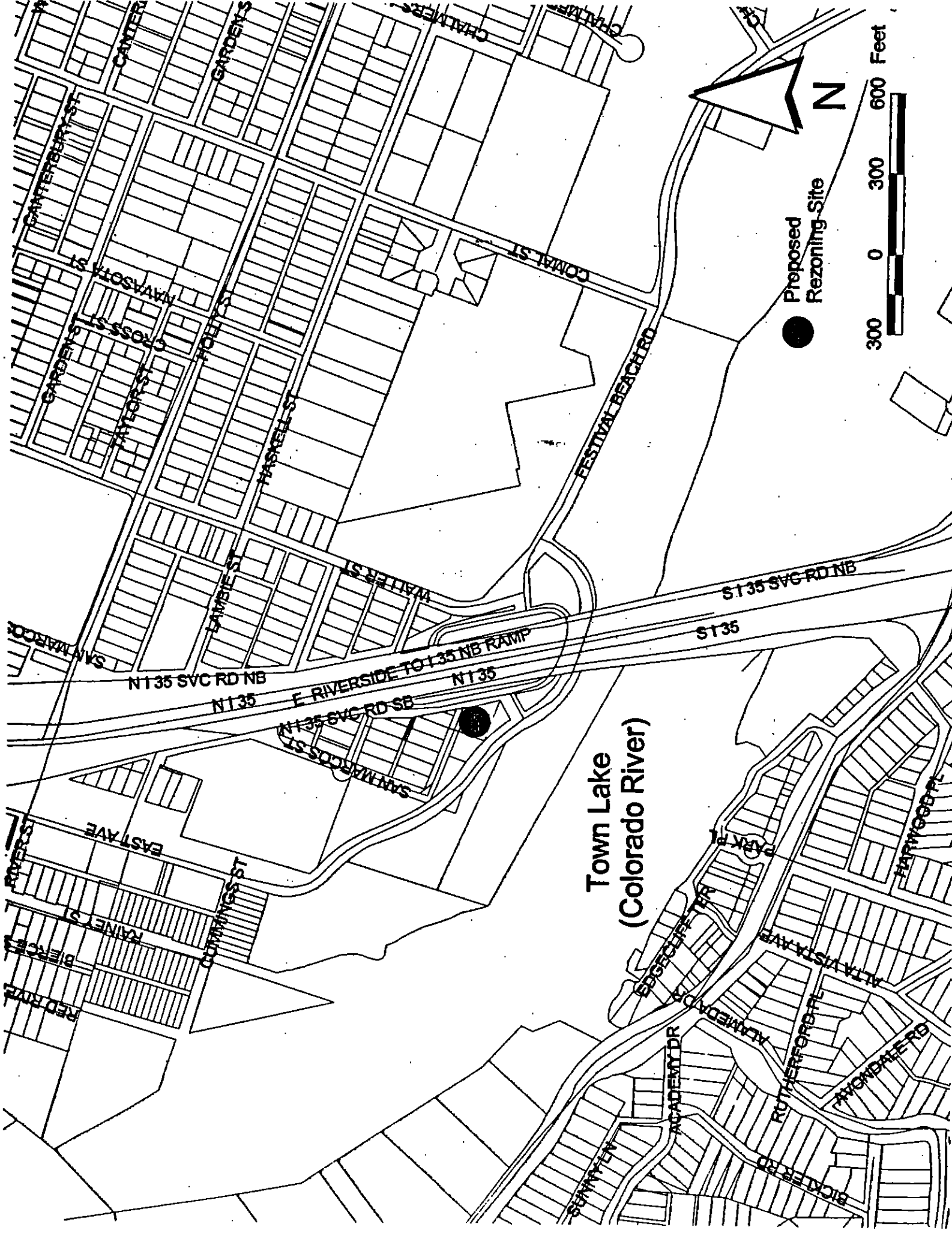
ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION
IH-35	Varies	Varies	Major Arterial
East Avenue	60'	26'	Collector

CITY COUNCIL DATE: June 9, 2005**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



 1" = 400'	SUBJECT TRACT		ZONING CASE #: C14-05-0067 ADDRESS: 10 N 135 SVC RD SE SUBJECT AREA (acres): 0.358	DATE: 05-04 INTLS: SM	CITY GRID REFERENCE NUMBER J21
	PENDING CASE				
	ZONING BOUNDARY				
	CASE MGR: J. ROUSSELIN				

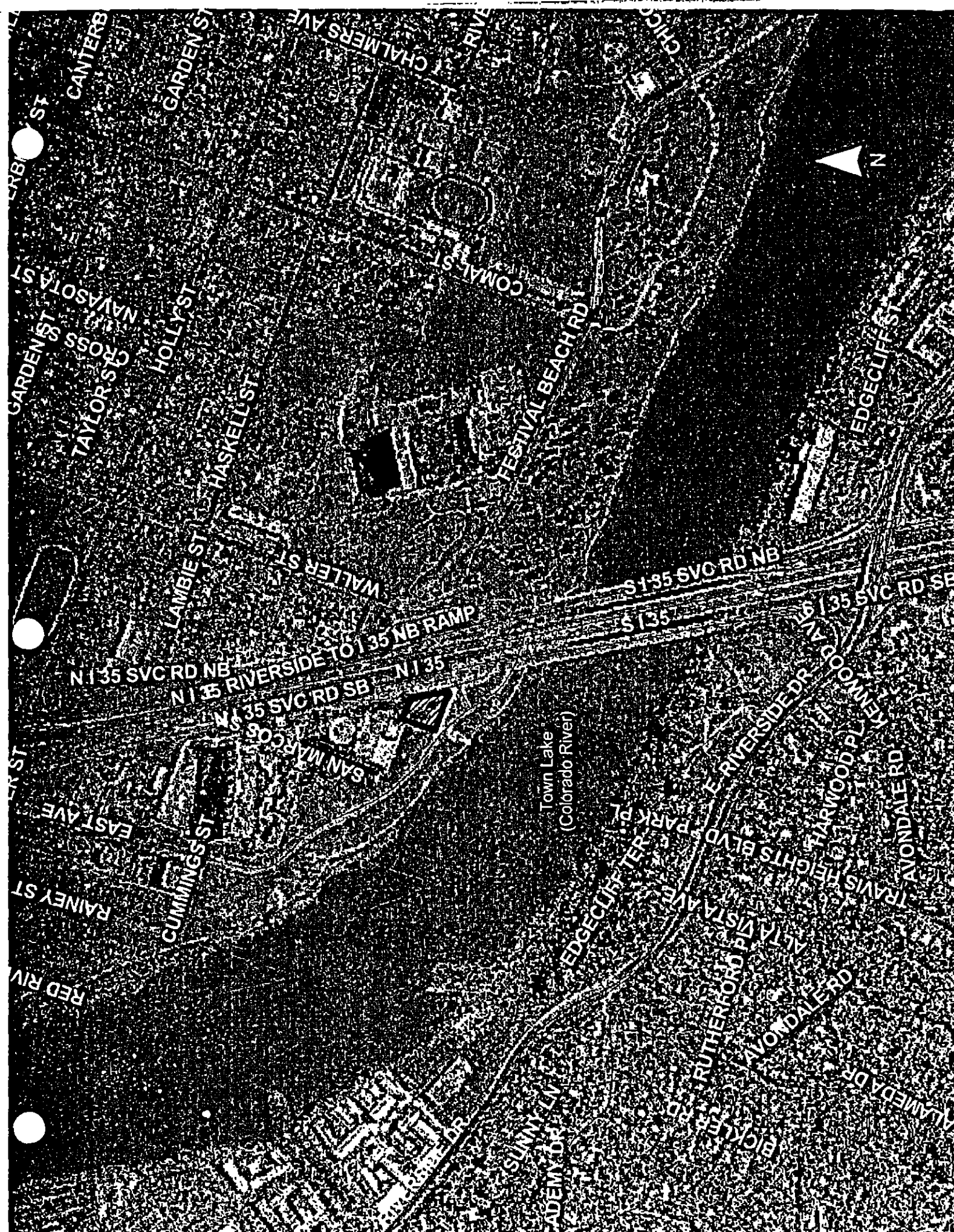


Proposed
Rezoning Site

N



Town Lake
(Colorado River)



STAFF RECOMMENDATION

Staff recommends the proposed zoning change from DMU-CO to CBD.

BASIS FOR RECOMMENDATION

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

CBD – Central Business District zoning is intended for the commercial core area of Austin, permitting a wide variety of office, commercial, residential and civic activities commensurate with the regional and statewide significance of downtown Austin and the adjacent State Capitol.

The proposed change meets the purpose statement set forth in the Land Development Code. The properties are within the boundaries recognized by the City of Austin as downtown. The boundaries are: Town lake to the south, IH-35 to the east, Lamar Blvd. to the west and Martin Luther King Jr. Blvd. to the north.

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

The proposed change is compatible with the surrounding area. Adjacent properties have been rezoned by the City to promote CBD zoning, high density residential development, and mixed-use redevelopment in this area.

The Holiday Inn, a high-rise building, is located along I-35. Further into the neighborhood along Rainey Street properties have been rezoned by the City to CBD allowing a mixture of land uses.

The area has been slowly changing to higher densities and the proposed zoning would be consistent with the present trend.

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

The proposed CBD zoning district would allow for a fair and reasonable use of the site. CBD zoning is appropriate for this location because of the existing CBD abutting the property and will follow the character of the area. The property fronts onto I-35, a major freeway.

EXISTING CONDITIONS

Site Characteristics

The subject property is undeveloped land with an area of approximately 0.358 acres (approx. 15,600 square feet) and lies within the Convention Center and Waterfront Overlays.

Impervious Cover

Under the current DMU-CO zoning, the maximum impervious cover and maximum building coverage allowed is 100% with an F.A.R. of 5:1. The maximum impervious cover and maximum building coverage allowed under CBD zoning is 100% with an F.A.R. of 8:1.

Transportation

1. No additional right-of-way is needed at this time.
2. The trip generation under the requested zoning is estimated to be 7,841 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).
3. A traffic impact analysis was not required for this case because this is a City initiated case. However, should the site development with land use intensities that generate more than 2,000 trips per day a traffic impact analysis will be required at that time.
4. Capital Metro bus service is available along IH-35.
5. East Avenue is classified in the Bicycle Plan as a Priority 1 bike route.

Environmental

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Town Lake Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.
2. Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.
3. This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.
4. According to flood plain maps, there is flood plain within the project area.
5. 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.

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

Right of Way

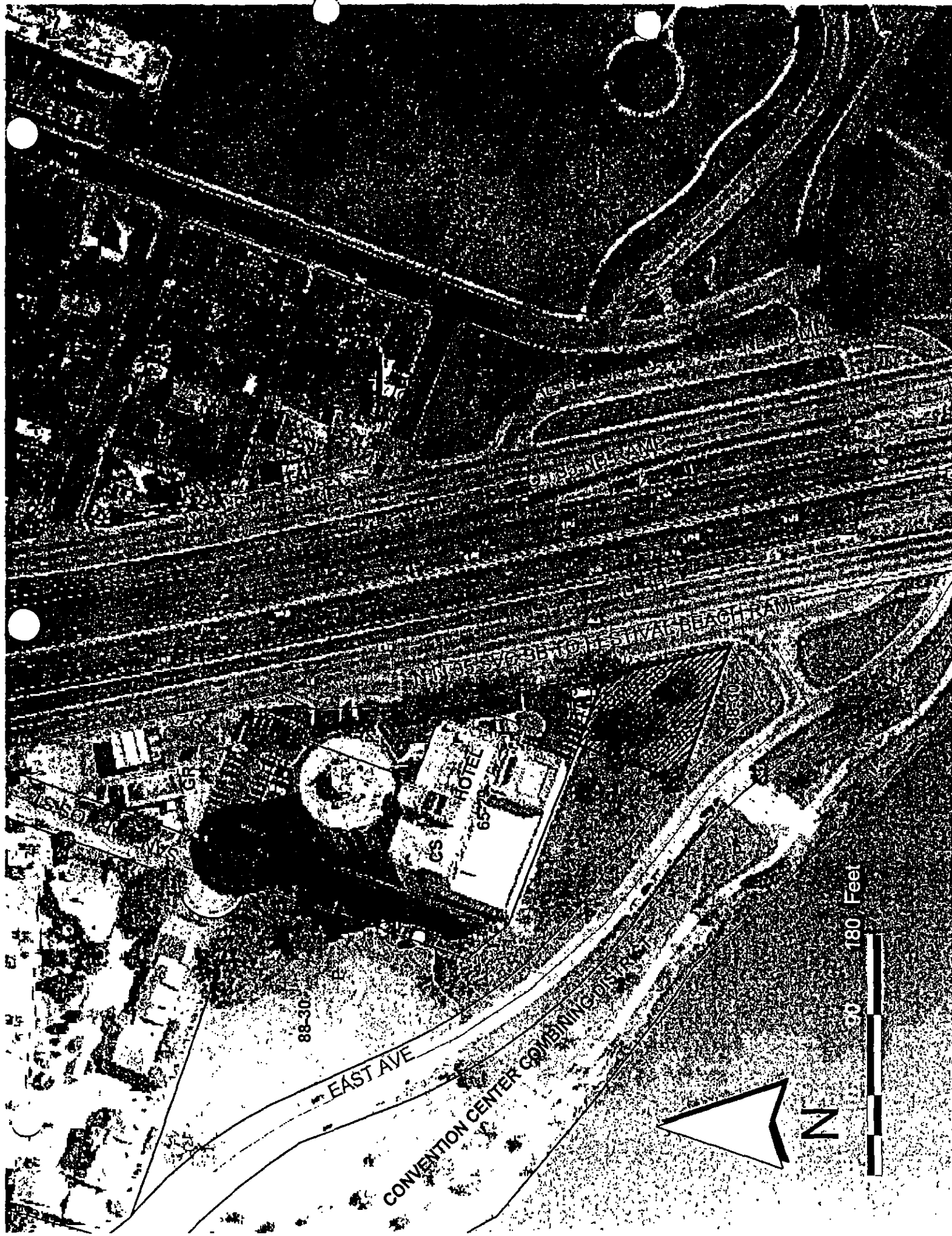
1. The scope of this review is limited to the identification of needs for dedication and/or reservation of right-of-way for funded City of Austin Capital Improvement Program (C.I.P.) Roadway Construction Projects and Transportation Systems Management (T.S.M.) projects only. A comment from this reviewer that no right-of-way is needed applies only to needs for these categories, and does not preclude the need to dedicate right-of-way to satisfy requirements by others. There are separate right-of-way dedication and reservation requirements enforced by other City Departments and other governmental jurisdictions to secure right-of-way for roadway improvements contained in the Austin Metropolitan Area Roadway Plan that may not yet be funded, roadway projects funded by County and State agencies, and for dedication in accordance with the functional classification of the roadway.
2. No aspect of the proposed project is being considered or approved as part of this review other than the need for right-of-way for City-funded roadway projects. If the configuration of the site/subdivision/plan will require any variances to Transportation Criteria Manual standards, the variance request(s) must be submitted separately through the assigned City of Austin case manager.

Water and Wastewater

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

Compatibility Standards

The site lies in the Convention Overlay & Waterfront Overlays. Furthermore, CBD zoning exists to the north, compatibility would not be triggered.



TRACT 1: 13,629 SQUARE FEET OF LAND, BEING A PORTION OF OUTLOT 71, DIVISION "O" OF THE GOVERNMENT OUTLOT ADJOINING THE ORIGINAL CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT ON FILE IN THE GENERAL LAND OFFICE OF THE STATE OF TEXAS.

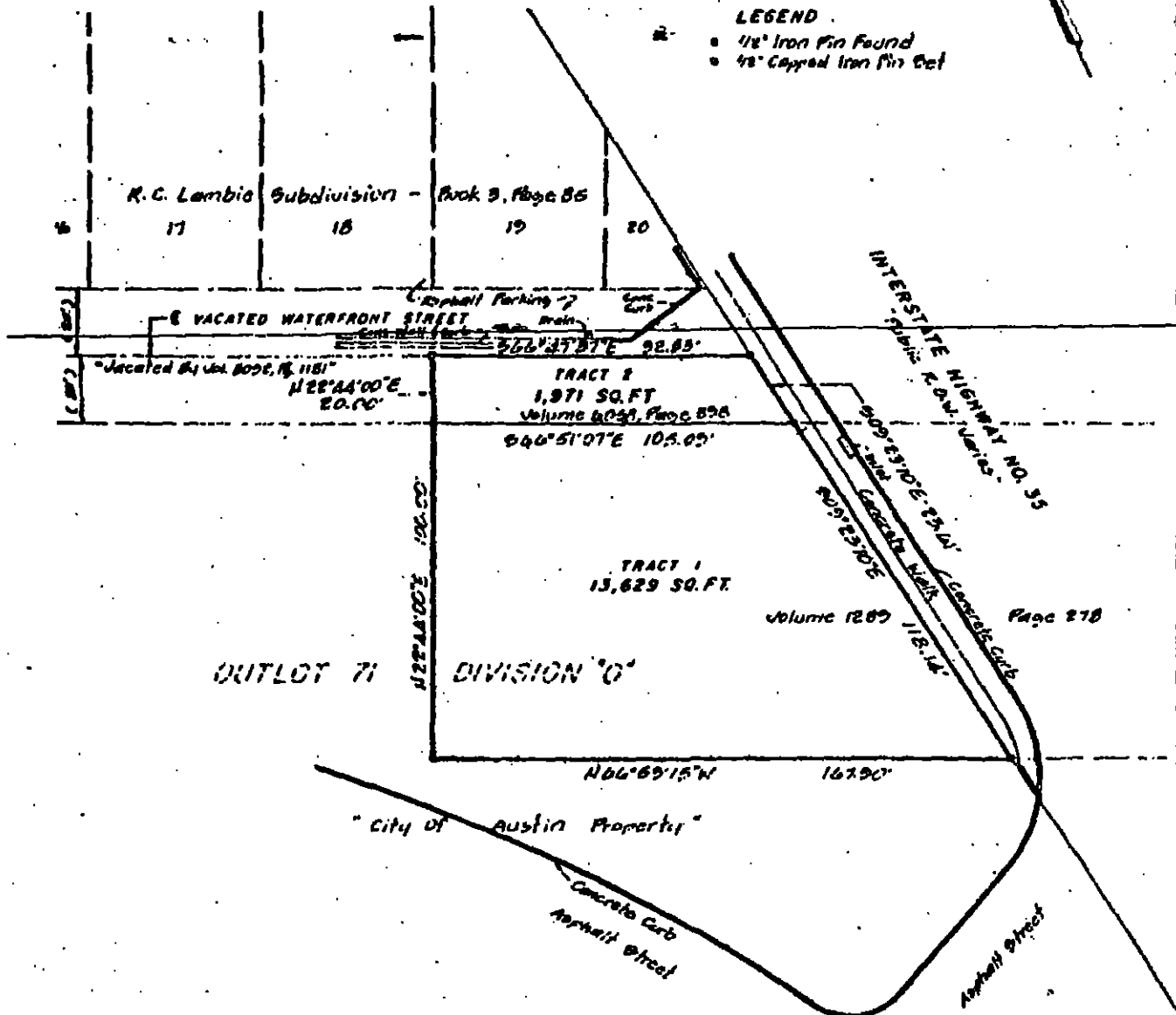
TRACT 2: 1,971 SQUARE FEET OF LAND, BEING A PORTION OF THAT CERTAIN VACATED WATERFRONT STREET, A STREET IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AS SHOWN ON PLAT OF R.C. LAMBIE SUBDIVISION IN TRAVIS COUNTY, TEXAS, AS RECORDED IN BOOK 3, PAGE 85 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, SAID STREET HAVING BEEN VACATED BY INSTRUMENT RECORDED IN VOLUME 3892, PAGE 1181, DEED RECORDS OF TRAVIS COUNTY, TEXAS.

New

SCALE 1" = 30'

LEGEND

- 1/2" Iron Pin Found
- 1/2" Capped Iron Pin Set



For: Juan Creixell, and/or assigns,
Marion B. Hall and
Fidelity National Title Insurance Company

The undersigned does hereby certify that this survey was this day made on the ground of the property legally described hereon and in respect and that there are no visible discrepancies, dead line encroachments, encroachments, overlapping of improvements, visible utility easements or roadways, except as shown hereon and that said property has frontage on a public roadway, except as shown hereon.

SURVEYED BY
ROY D. SMITH SURVEYORS, P.C.

Roy D. Smith
ROY D. SMITH
Registered Professional Surveyor
1214 West 5th Street
Austin, Texas 78703
PH (512) 478-4401



To: The Lien Holders and/or the owners of the premises surveyed:
Location of the property described hereon is within the boundaries of the 100 Year Flood Plain as identified by the National Flood Insurance Program Flood Insurance Rate Map for Travis County, Texas, and Incorporated Areas, dated June 14, 1983.

RESOLUTION NO. 040212-35

WHEREAS, in June 1999, Council adopted a resolution directing the City Manager to work with residents, business owners, and property owners in the Rainey Street Area to facilitate discussions to develop land use objectives and priorities for the area; and

WHEREAS, in March 2000, the Rainey Street Neighborhood Association presented to the City the results of these discussions in the Rainey Street Neighborhood Redevelopment Strategy; and

WHEREAS, in 2003 the Downtown Commission facilitated a community dialogue regarding Rainey Street redevelopment options and prepared a detailed report outlining its recommendations; and

WHEREAS, the Downtown Commission report recommends a review and revision of the regulations applicable to the Rainey Street subdistrict of the waterfront overlay; and

WHEREAS, voters have approved funding for the development of the Mexican American Cultural Center in the Rainey Street Area; and

WHEREAS, the City has created a Mexican American Cultural Center Advisory Board to make recommendations on issues affecting the development and operations of the center; NOW, THEREFORE,

"ATTACHMENT F"

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

Council initiates the rezoning of properties in the Rainey Street Area, which is bounded on the west by Waller Creek, the south by Town Lake, the east by IH-35, and the north by Cesar Chavez Street. The City Manager is directed to develop zoning recommendations for presentation to Council. The City Manager is also directed to review the regulations applicable to the Rainey Street subdistrict of the waterfront overlay combining district and present recommended amendments to Council. The City Manager shall consider the recommendations of the Rainey Street Redevelopment Strategy, the Downtown Commission, and the development plans of the Mexican American Cultural Center when making recommendations on rezoning the Rainey Street Area property and revising the Rainey Street subdistrict regulations. The City Manager shall present recommendations on both items on or before June 10, 2004.

The City Manager shall also present the recommendations on zoning and the Rainey Street subdistrict regulations to the following boards and commissions: the Downtown Commission, the Design Commission, the Mexican American Cultural Center Advisory Board, the Parks and Recreation Advisory Board, and the Historic Landmark Commission. Each board and commission shall forward its recommendation to the Zoning and Platting Commission. The Zoning and Platting Commission shall present the zoning and the Rainey Street subdistrict regulations to Council. If Council determines that amendments to the Rainey Street subdistrict regulations are appropriate, Council will forward the amendments to the Planning Commission.

BE IT FUTHER RESOLVED:

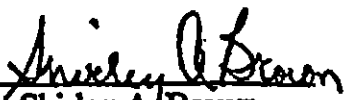
Council directs the City Manager to conduct an analysis of the infrastructure within the Rainey Street Area and to provide a summary of the current development restrictions within the Rainey Street Area.

BE IT FURTHER RESOLVED:

Council requests that the above-named boards and commissions recommend a development incentive proposal for the Rainey Street Area that that promotes the following types of goals: 1. the preservation of trees and the unique and historic character of the area; 2. a strong mixed-income residential component within the development; 3. a pedestrian-friendly environment; 4. the use of green building techniques; and 5. the use of urban design criteria that are typically included in the City's performance-based economic incentive policies.

ADOPTED: February 12, 2004

ATTEST:


Shirley A. Brown
City Clerk

Calhoon PROPERTIES

315 LAVADA STREET
AUSTIN, TEXAS 78701
PHONE: 512.784-6400
FAX: 512.482-8990
TDC@CALHOONPROPERTIES.COM

5/18/05

City of Austin
505 Barton Springs Rd.
Austin, Texas 78701

Regarding: *Zoning Support Letter*

To Whom It May Concern,

This letter is written to confirm that I am in support of the City Staff initiated re-zoning of my property located at 10 IH-35 North from DMU-CQ to CBD.

Following the zoning change, development of the property will be in accordance with the CBD zoning regulations and the recently adopted Waterfront Overlay District regulations pertaining to the Rainey Street Subdistrict.

Regards,



Thomas Calhoon, CCIM

ORDINANCE NO. _____

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE
2 PROPERTY LOCATED AT 10 NORTH IH-35 SERVICE ROAD SOUTHBOUND
3 IN THE RAINEY STREET SUBDISTRICT OF THE WATERFRONT OVERLAY
4 COMBINING DISTRICT, FROM DOWNTOWN MIXED USE-CONDITIONAL
5 OVERLAY (DMU-CO) COMBINING DISTRICT TO CENTRAL BUSINESS
6 DISTRICT (CBD).

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

9
10 PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to
11 change the base district from downtown mixed use-conditional overlay (DMU-CO)
12 combining district to central business district (CBD) on the property described in Zoning
13 Case No. C14-05-0067, on file at the Neighborhood Planning and Zoning Department, as
14 follows:

15
16 A 0.358 acre tract of land, more or less, consisting of two parcels of land identified
17 as:

18
19 Tract One: A 13,629 square foot tract of land, more or less, out of Outlot 71,
20 Division O of the Government Outlots, Original City of Austin, Travis County, the
21 tract of land being more particularly described by metes and bounds in Exhibit "A"
22 incorporated into this ordinance; and

23
24 Tract Two: A 1,971 square foot tract of land, more or less, being a portion of that
25 certain vacated Waterfront Street, a street in the R.C. Lambie Subdivision, Original
26 City of Austin, Travis County, the tract of land being more particularly described
27 by metes and bounds in Exhibit "B" incorporated into this ordinance (the
28 "Property"),

29
30 locally known as 10 North IH-35 Service Road Southbound, in the Rainey Street
31 subdistrict of the waterfront overlay combining district in the City of Austin, Travis
32 County, Texas, and generally identified in the map attached as Exhibit "C".
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34
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1
2 **PART 2.** This ordinance takes effect on _____, 2005.

3
4
5 **PASSED AND APPROVED**

6
7
8
9 _____, 2005

§
§
§

Will Wynn
Mayor

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

David Allan Smith
City Attorney

ATTEST: _____

Shirley A. Brown
City Clerk

FIELD NOTES
FOR

EXHIBIT A

13.629 SQUARE FEET - TRACT 1

ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND BEING A PORTION OF OUTLOT 71, DIVISION "O" OF THE GOVERNMENT OUTLOTS ADJOINING THE ORIGINAL CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT ON FILE IN THE GENERAL LAND OFFICE OF THE STATE OF TEXAS, AND BEING A PORTION THAT CERTAIN TRACT OF LAND DESCRIBED IN VOLUME 1289, PAGE 278 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, THE HEREIN DESCRIBED TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2 inch iron pin found at the Northwest corner of said tract described in Volume 1289, Page 278, being in the South r.o.w. line of vacated Waterfront Street, a street in the City of Austin, Travis County, Texas, vacated by instrument recorded in Volume 3092, Page 1181 of the Deed Records of Travis County, Texas, for the Northwest corner and PLACE OF BEGINNING hereof;

THENCE along the North line of said tract described in Volume 1289, Page 278, being along the South r.o.w. line of vacated Waterfront Street, S 66°51'07" E for a distance of 105.09 feet to a 1/2 inch iron pin found in the West r.o.w. line of Interstate Highway No. 35, for the Northeast corner hereof;

THENCE along the West r.o.w. line of Interstate Highway No. 35, S 09°23'10" E for a distance of 118.14 feet to a 1/2 inch iron pin found in the South line of said tract described in Volume 1289, Page 278, for the Southeast corner hereof;

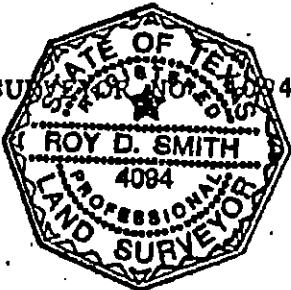
THENCE along the South line of said tract described in Volume 1289, Page 278, N 66°59'15" W for a distance of 167.90 feet to a 1/2 inch iron pin found at the Southwest corner of said tract, for the Southwest corner hereof;

THENCE along the West line of said tract described in Volume 1289, Page 278, N 22°44'00" E for a distance of 100.00 feet to the PLACE OF BEGINNING and containing 13,629 square feet of land, more or less.

SURVEYED BY:
ROY D. SMITH SURVEYORS, P.C.

Roy D. Smith
ROY D. SMITH
REGISTERED PROFESSIONAL SURVEYOR
July 21, 1999

Job No. 2262



FIELD NOTES
FOR

EXHIBIT B

1971 SQUARE FEET - TRACT 2

ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND BEING A PORTION OF THAT CERTAIN VACATED WATERFRONT STREET, A STREET IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AS SHOWN ON PLAT OF R.C. LAMBIE SUBDIVISION IN TRAVIS COUNTY, TEXAS, AS RECORDED IN Book 3, PAGE 85 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, SAID STREET HAVING BEEN VACATED BY INSTRUMENT RECORDED IN VOLUME 3092, PAGE 1181 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING THAT SAME TRACT OF LAND DESCRIBED IN VOLUME 6058, PAGE 898 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, THE HEREIN DESCRIBED TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2 inch iron pin found in the South r.o.w. line of vacated Waterfront Street, being at the Southwest corner of said tract described in Volume 6058, Page 898 for the Southwest corner and PLACE OF BEGINNING hereof;

THENCE along the West line of said tract described in Volume 6058, Page 898, N 22°44'00" E for a distance of 20.00 feet to a 1/2 inch capped iron pin set at the Northwest corner of said tract, being in the centerline of said vacated Waterfront Street, for the Northwest corner hereof;

THENCE along the centerline of said vacated Waterfront Street, S 66°47'37" E for a distance of 92.53 feet to a 1/2 inch iron pin found in the West r.o.w. line of Interstate Highway No. 35 for the Northeast corner hereof;

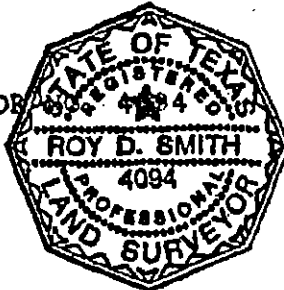
THENCE along the West r.o.w. line of Interstate Highway No. 35, S 09°23'10" E for a distance of 23.61 feet to a 1/2 inch iron pin found at the Southeast corner of said tract described in Volume 6058, Page 898, being in the South r.o.w. line of vacated Waterfront Street, for the Southeast corner hereof;

THENCE along the South r.o.w. line of vacated Waterfront Street, N 66°51'07" W for a distance of 105.09 feet to the PLACE OF BEGINNING and containing 1971 square feet of land, more or less.

SURVEYED BY:
ROY D. SMITH SURVEYORS, P.C.

Roy D. Smith
ROY D. SMITH
REGISTERED PROFESSIONAL SURVEYOR
July 21, 1999

Job No. 2262



TRACT 1: 13,629 SQUARE FEET OF LAND, BEING A PORTION OF OUTLOT 71, DIVISION "O" OF THE GOVERNMENT OUTLOT ADJOINING THE ORIGINAL CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT ON FILE IN THE GENERAL LAND OFFICE OF THE STATE OF TEXAS.

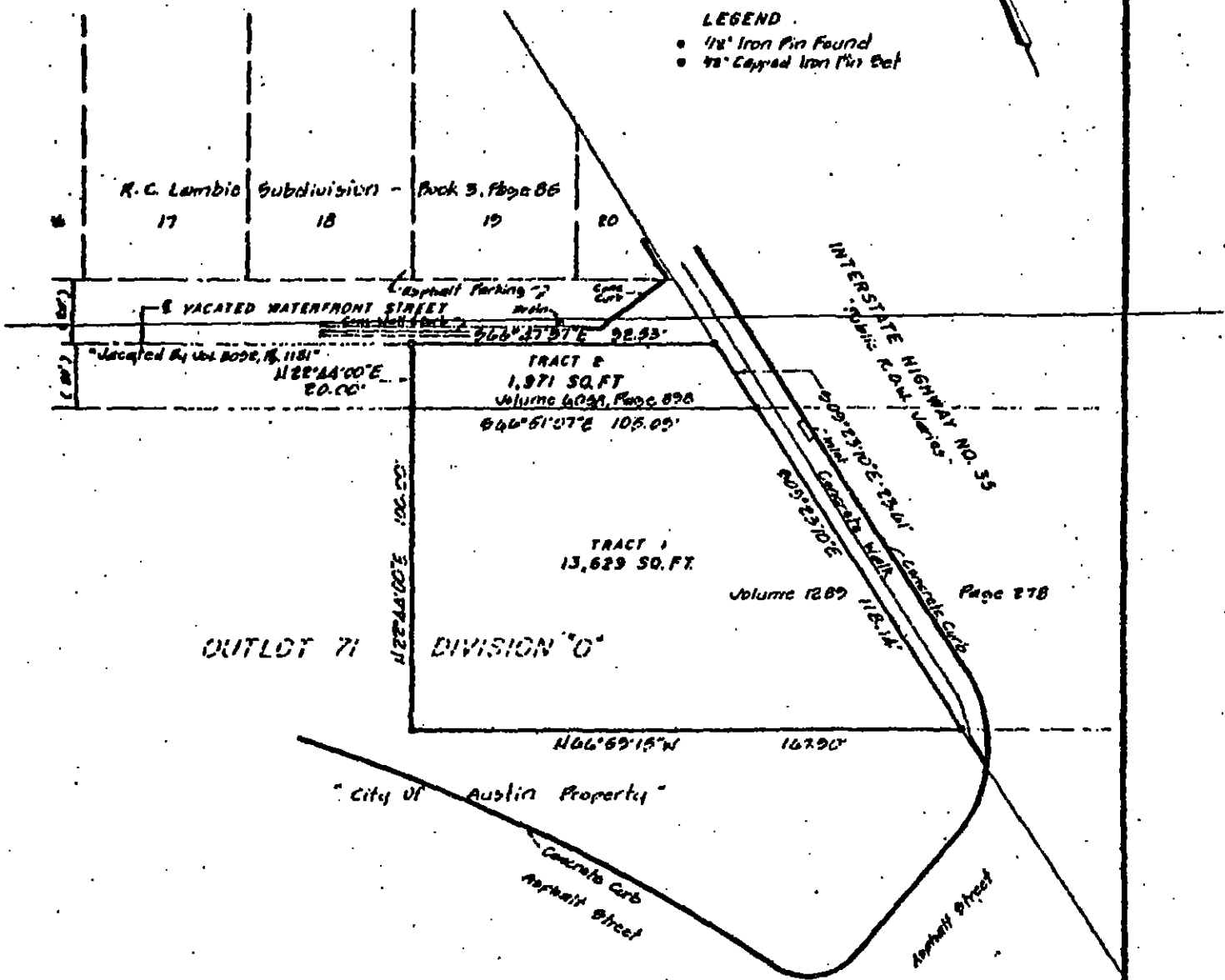
TRACT 2: 1,971 SQUARE FEET OF LAND, BEING A PORTION OF THAT CERTAIN VACATED WATERFRONT STREET, A STREET IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AS SHOWN ON PLAT OF R.C. LAMBIE SUBDIVISION IN TRAVIS COUNTY, TEXAS, AS RECORDED IN BOOK 3, PAGE 86 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, SAID STREET HAVING BEEN VACATED BY INSTRUMENT RECORDED IN VOLUME 1289, PAGE 1181, DEED RECORDS OF TRAVIS COUNTY, TEXAS.

New

SCALE 1" = 30'

LEGEND

- 1/4" Iron Pin Found
- 7/8" Capped Iron Pin Set



For: Juan Cruzell, and/or assigns,
 Maurice D. Hall and
 Fidelity National Title Insurance Company

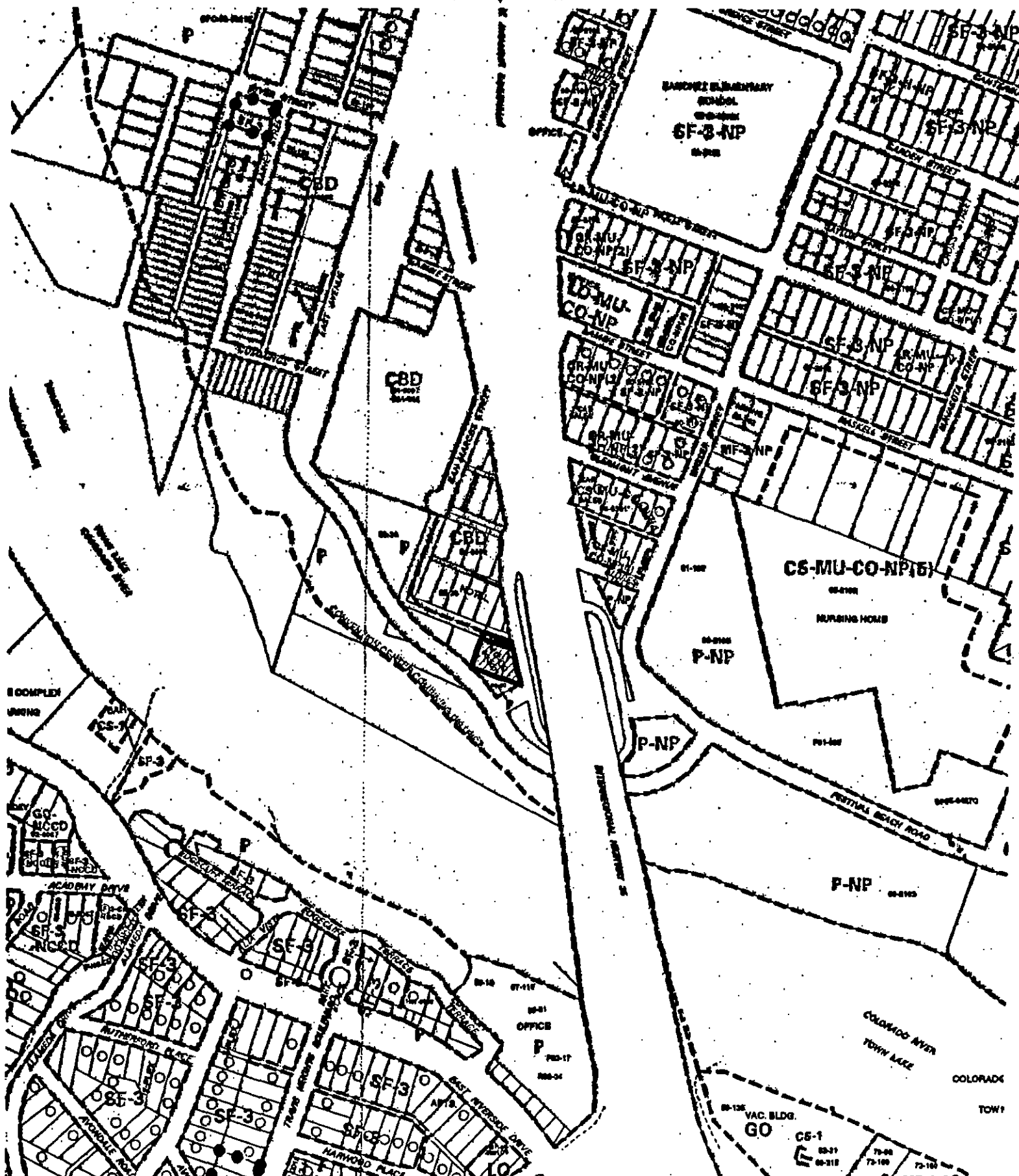
The undersigned does hereby certify that this survey was this day made on the ground of the property legally described hereon and is correct and that there are no visible discrepancies, dead line conflicts, encroachments, overlapping of improvements, visible utility easements or roadways, except as shown hereon and that said property has frontage on a public roadway, except as shown hereon.

SURVEYED BY
 ROY D. SMITH SURVEYORS, P.C.

To: The Lien Holders and/or the owners of the premises surveyed:
 Location of the property described hereon is within the boundaries of the 100 Year Flood Plain as identified by the National Flood Insurance Program Flood Insurance Rate Map for Travis County, Texas, and Incorporated Areas, dated June 12, 1983.

Roy D. Smith
 ROY D. SMITH
 Registered Professional Surveyor
 1214 West 5th Street
 Austin, Texas 78703
 511-1101 ATX-4401





<p>SUBJECT TRACT</p> <p>PENDING CASE</p> <p>ZONING BOUNDARY</p> <p>CASE MGR: J. ROUSSELIN</p>	<p>CASE #: C14-05-0067</p> <p>ADDRESS: 10 N 135 SVC RD SB</p> <p>SUBJECT AREA (acres): 0.358</p>	<p>ZONING EXHIBIT C</p> <p>DATE: 05-04</p> <p>INTLS: SM</p>	<p>CITY GRID REFERENCE NUMBER</p> <p>J21</p>
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