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## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2010-0034 – Stonegate Two

**Z.A.P. DATE:** August 3, 2010  
August 17, 2010

**ADDRESS:** 2500 West William Cannon Drive

**OWNER:** KC 1 Stonegate L.P.  
(John P. "Sean" Cummings, Jr.)

**AGENT:** Jim Bennett Consulting  
(Jim Bennett)

**ZONING FROM:** LO-CO

**TO:** LO-CO, to change a condition of zoning

**AREA:** 8.21 acres

### **SUMMARY STAFF RECOMMENDATION:**

The Staff's recommendation is to grant limited office – conditional overlay (LO-O) combining district zoning. The Conditional Overlay prohibits access to Aldford Drive and limits the number of daily vehicle trips to 2,509.

If the requested zoning is recommended for this site, then Staff recommends a Restrictive Covenant to include all recommendations listed in the Traffic Impact Analysis memorandum, dated July 8, 2010, as provided in Attachment A.

### **ZONING AND PLATTING COMMISSION RECOMMENDATION:**

August 3, 2010: *APPROVED A POSTPONEMENT REQUEST BY THE NEIGHBORHOOD TO AUGUST 17, 2010.*

*[D. TIEMANN; C. BANKS – 2ND] (6-0) T. RABAGO – ABSENT*

August 17, 2010:

### **ISSUES:**

At the time the property was rezoned to LO-CO in September 1996, the property owners entered into a private Restrictive Covenant with the Southwest Austin Neighborhood Association. The covenant generally covers property use, construction standards and restrictions, and includes a provision that no buildings may exceed one story or 18 feet in height. Attic spaces have been built and are used for storage purposes and mechanical equipment. A copy of the private Restrictive Covenant is provided as Attachment B.

### **DEPARTMENT COMMENTS:**

The subject property consists of one platted tract that takes access to West William Cannon Drive and was recently developed with a mixture of medical and professional office, although not all of the available space has been leased. The property was rezoned to the

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limited office – conditional overlay (LO-CO) combining district in October 1996. As shown in Exhibit D, the Conditional Overlay limited the number of daily vehicle trips to 2,000 and prohibited vehicular access from the property to Aldford Drive.

There is a duplex development under construction and single family residences within the Cherry Creek Phase 3, Section 3 subdivision to the north (SF-3; SF-2), duplexes and townhomes to the east (SF-3; LO-MU-CO); a medical and professional office development to the south (LO-CO), and offices and apartments to the west (LO; MF-2). Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

Although no additional building square footage is proposed, the current office development exceeds the 2,000 vehicle trip limit contained in the Conditional Overlay. Therefore, the Applicant has submitted a rezoning case with a Traffic Impact Analysis as the basis for modifying the Conditional Overlay to remove the 2,000 trip limit and increase the number of vehicle trips per day. The proposed figure of 2,509 vehicle trips per day accounts for a mix of up to 85% medical office and up to 15% professional office space. The other item contained in the Conditional Overlay that prohibits access to Aldford Drive would remain unchanged.

Following an evaluation of the Applicant's traffic impact analysis, the Staff recommendation contained in Attachment A includes increasing the number of daily vehicle to 2,509 with the requirement to post fiscal surety for the pro rata share of an additional east bound left turn lane at the West Gate Boulevard / West William Cannon Drive intersection. The number of daily vehicle trips and intersection improvements from this development will maintain acceptable traffic conditions on adjacent roadways and intersections, and therefore, the Staff recommends the Applicant's request.

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

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	LO-CO	Medical office and office development
<i>North</i>	SF-2; SF-3	Single family residences
<i>South</i>	LO-CO	Medical office and office development
<i>East</i>	SF-3; LO-MU-CO	Duplexes; Townhouses
<i>West</i>	LO; MF-2	Office; Apartments

**AREA STUDY:** N/A

**TIA:** Is required – please refer to Attachment A

**WATERSHED:** Williamson Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

**SCENIC ROADWAY:** No

#### **NEIGHBORHOOD ORGANIZATIONS:**

12 – Brodie Lane Homeowners Association  
461 – Cherry Creek Neighborhood Association

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511 – Austin Neighborhoods Council      627 – Onion Creek Homeowners Association  
 742 – Austin Independent School District  
 786 – Home Builders Association of Greater Austin  
 790 – Cherry Creek Village Neighborhood Association  
 943 – Save Our Springs Alliance      997 – Tanglewood Oaks Owners Association  
 1037 – Homeless Neighborhood Association      1075 – League of Bicycling Voters  
 1113 – Austin Parks Foundation  
 1134 – Oak Parke / Brodie Wild Preservation Group, Inc.  
 1200 Super Duper Neighborhood Directors and Appealers Organization  
 1224 – Austin Monorail Project      1228 – Sierra Club, Austin Regional Group  
 1236 – The Real Estate Council of Austin, Inc.

**SCHOOLS:**

Cunningham Elementary School      Covington Middle School      Crockett High School

**CASE HISTORIES:**

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2208-0142 – 6800 Manchaca Road	SF-3 to GR-CO for Tract 1, LO- MU-CO for Tract 2, as amended	To Grant GR-CO for Tract 1, LO-MU-CO for Tract 2, with the CO for a list of conditional and prohibited uses, and 2,000 trips per day, and additional r-o-w on Manchaca Road	Approved as Commission recommended (11-20- 08).
C14-2007-0064 – Laurel Meadows – South terminus of Blarwood Drive	SF-3 to MF-5	Applicant requested an indefinite postponement; Case expired	N / A
C14-96-0067 – Ford Tract South – West William Cannon Drive, between Westgate Boulevard and Whispering Oaks Drive	SF-3 to LO-CO	To Grant LO-CO	Approved LO-CO with CO prohibiting access to Watchwood Drive and limiting development to 2,000 trips per day (9-26-96).

**RELATED CASES:**

As shown in Exhibit B, the Applicant is property is platted as Tract II, Block B, Lot 1 of The Arbors at Cannon's Gate, a subdivision recorded in July 2002 (C8-01-0264.0A).

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The site plan approved on June 4, 2007 is for eight buildings and totals 71,697 square feet of gross floor area (SP-06-0462C). Please refer to Exhibit C.




A previous rezoning case from SF-3 to LO-CO was approved on October 3, 1996 (C14-96-0068). The Conditional Overlay limited the property to 2,000 trips and prohibited vehicular access to Alford Drive. Please refer to Exhibit D.

**ABUTTING STREETS:**

Name	ROW	Pavement	Class	Sidewalk?	Bus Route?	Bike Route?
West William Cannon Drive	120 feet	MAD 4	Arterial	Yes	103, 333	Yes

**CITY COUNCIL DATE:** August 26, 2010**ACTION:****ORDINANCE READINGS:** 1<sup>st</sup>2<sup>nd</sup>3<sup>rd</sup>**ORDINANCE NUMBER:****CASE MANAGER:** Wendy Rhoades  
e-mail: wendy.rhoades@ci.austin.tx.us**PHONE:** 974-7719



-  **SUBJECT TRACT**  
 **ZONING BOUNDARY**  
 **PENDING CASE**

## ZONING

**ZONING CASE#:** C14-2010-0034  
**ADDRESS:** 2500 W WILLIAM CANNON DR  
**SUBJECT AREA:** 8.21 ACRES  
**GRID:** E17 & F17  
**MANAGER:** WENDY RHOADES

EXHIBIT A



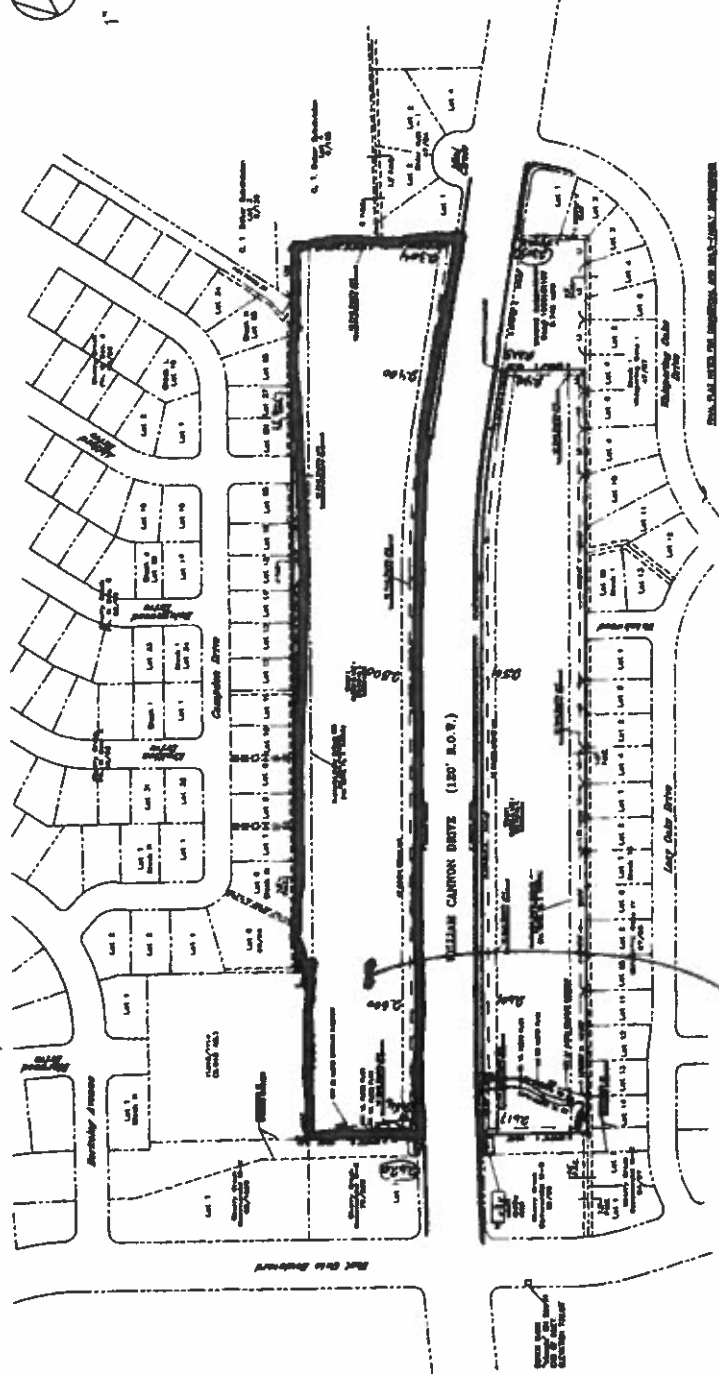
This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

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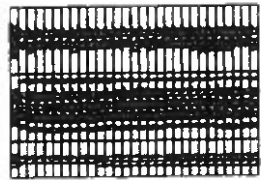
# THE ARBORS AT CANNON'S GATE FINAL PLAT



## DEVELOPER'S SURVEY PLAT

### LEGEND

- Lot and Block
- Easement
- Boundary
- Other



REZONING AREA

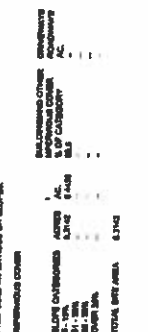
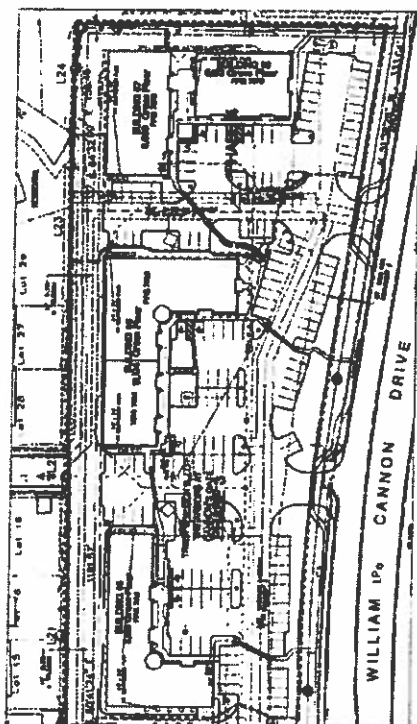
1. THIS PLAT, WITH THE EXEMPTIONS AND AMENDMENTS HEREIN, IS THE FINAL PLAT FOR THE DEVELOPMENT OF THE ARBORS AT CANNON'S GATE, A RESIDENTIAL DEVELOPMENT, LOCATED IN THE CITY OF CANNON, COUNTY OF CANNON, STATE OF TEXAS. THE DEVELOPMENT IS BEING DEVELOPED IN ACCORDANCE WITH THE SUBDIVISION MAP ACT, CHAPTER 201, TEXAS VEHICULAR CODE, AND THE SUBDIVISION MAP ACT, CHAPTER 202, TEXAS VEHICULAR CODE.
2. THE DEVELOPMENT IS BEING DEVELOPED IN ACCORDANCE WITH THE SUBDIVISION MAP ACT, CHAPTER 201, TEXAS VEHICULAR CODE, AND THE SUBDIVISION MAP ACT, CHAPTER 202, TEXAS VEHICULAR CODE.
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24. THE DEVELOPMENT IS BEING DEVELOPED IN ACCORDANCE WITH THE SUBDIVISION MAP ACT, CHAPTER 201, TEXAS VEHICULAR CODE, AND THE SUBDIVISION MAP ACT, CHAPTER 202, TEXAS VEHICULAR CODE.

Hill Country Environmental, Inc.  
C8-01-0264.0A  
SHEET 1 OF 2

EXHIBIT B  
RECORDED PLAT

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**STANDARD CONSTRUCTION ELEMENTS FOR CHAIR**

TABLE 6. JULY 2007 - MAY 2008

**000000**

800-378-6888 • 800-678-6788

ONLY A VOTING CARD WILL BE RETURNED

**NOTE**

UTILITIES INCLUDES THE WASTEWATER PLANT AND FORCEMAIN, AS WELL AS THE GAS WATERLINE AND HYDRAULIC MAINS, AND LANDSCAPE FOR BUILDINGS 1 AND 2. THE MINIMUM QUALITY PLAN WILL BE COMPLETED IN PHASE 1. UTILITIES, LANDSCAPE, AND PAVING FOR BUILDING 3 WILL BE COMPLETED IN PHASE 1. UTILITIES, LANDSCAPE, AND PAVING FOR BUILDINGS 4 AND 5 WILL BE COMPLETED IN PHASE 1. LANDSCAPE, AND PAVING FOR BUILDINGS 6 AND 8 WILL BE COMPLETED IN PHASE 1. ALL OTHER UTILITIES, PAVING, AND LANDSCAPE FOR BUILDINGS 7 AND 9 WILL BE COMPLETED IN PHASE 1.

ALL WATER QUALITY CONTROL FACILITIES AS IS KNOWN IN THE APPROVED WATER QUALITY CONTROL PLAN SHALL BE COMPLETELY OPERATIONAL PRIOR TO RELEASE OF THE FIRST

ALL DISTURBED AREAS WITHIN EACH PHASE OF THIS PROJECT SHALL BE RE-VEGETATED AND

U.S. PATENT AND TRADEMARK OFFICE CONTROLS WILL BE COMPLETED PRIOR TO THE  
ISSUANCE OF OCCUPANCY PERMITS FOR THESE BUILDINGS

1. THE DRAFT ENVIRONMENTAL IMPACT STATEMENT SHALL BE ADJUSTED AS NECESSARY PRIOR TO THE RELEASE TO PUBLIC THAT IS NEARLY FINAL. FROM THAT POINT, ANY CHANGES TO THE DRAFT STATEMENT SHALL BE LIMITED TO CORRECTIONS OF CLERICAL OR ADMINISTRATIVE ERRORS.

FOR INFORMATION ONLY: THIS INFORMATION IS NOT TO BE USED FOR ANY PURPOSES OTHER THAN FOR INFORMATIONAL PURPOSES ONLY. IT IS NOT TO BE USED FOR ANY PURPOSES OTHER THAN FOR INFORMATIONAL PURPOSES ONLY.

20444 TOWN OF  
NOT ADOPTED BY RESOLUTION  
IT IS HEREBY ORDERED THAT THE PROJECT WHICH IS  
BEING BROUGHT INTO COMPLIANCE WITH THE 2004  
TOWN OF

FINAL PHASE OF THIS PROJECT TO BE COMPLETED APR. 61. 3942

EXHIBIT C  
SITE PLAN

APPROVED



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**ORDINANCE NO. 961003-E**

**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 13-2 OF THE CITY CODE AS FOLLOWS:**

**8.211 ACRE TRACT OF LAND OUT OF THE THEODORE BISSELL LEAGUE IN TRAVIS COUNTY, TEXAS FROM "SF-3" FAMILY RESIDENCE DISTRICT TO "LO-CO" LIMITED OFFICE DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT, LOCALLY KNOWN AS THE PROPERTY LOCATED AT WEST WILLIAM CANNON DRIVE AND WESTGATE BOULEVARD, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS.**

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

**PART 1.** The Zoning Map established by Chapter 13-2-22 of the City Code is amended to change the base zoning district from "SF-3" Family Residence district to "LO-CO" Limited Office district-Conditional Overlay combining district on the property (the "Property") described in File C14-96-0068, as follows:

8.211 acre tract of land out of the Theodore Bissell League in Travis County, Texas, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance,

locally known as the property located at West William Cannon Drive and Westgate Boulevard, in the City of Austin, Travis County, Texas, and as more particularly identified in the map attached as Exhibit "B".

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

1. Notwithstanding any other provision of the Land Development Code applicable to the Property on the effective date of this ordinance or at the time an application for approval of a site plan or building permit is submitted, no site plan for development of the Property, or any portion of the Property, may be approved or released, and no building permit for construction of a building on the Property, shall be issued if the completed development or uses authorized by the proposed site plan or building permit, considered cumulatively with

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all existing or previously authorized development and uses of the Property, generates traffic exceeding the total traffic generation of 2,000 vehicle trips per day.

2. There shall be no vehicular access from the Property to Alford Drive. All vehicular access to the Property shall be from other adjacent public streets or through other adjacent property.

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the "LO" base district and other applicable requirements of the Land Development Code.

**PART 3.** The Council waives the requirements of Sections 2-2-3, 2-2-5, and 2-2-7 of the City Code for this ordinance.

**PART 4.** This ordinance takes effect on October 14, 1996.

**PASSED AND APPROVED**

October 3

, 1996.

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Bruce Todd  
Mayor

APPROVED:



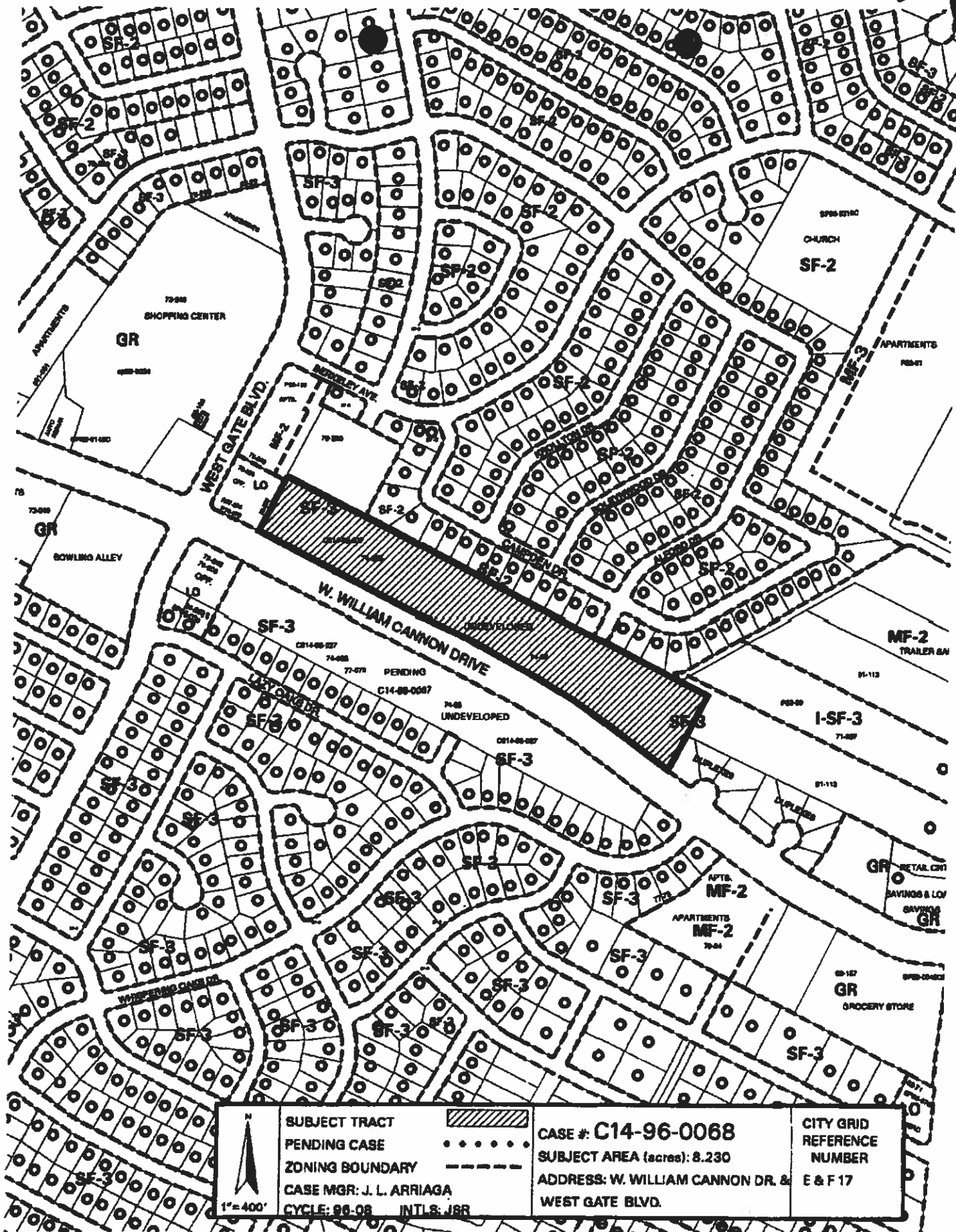
Andrew Martin  
City Attorney


ATTEST:



James E. Aldridge  
City Clerk

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 1" = 400'	<b>SUBJECT TRACT</b> <b>PENDING CASE</b> <b>ZONING BOUNDARY</b> <b>CASE MGR: J. L. ARRIAGA</b> <b>CYCLE: 96-08 INTLS: JRR</b>	<b>CASE #: C14-96-0068</b> <b>SUBJECT AREA (acres): 8.230</b> <b>ADDRESS: W. WILLIAM CANNON DR. &amp; WEST GATE BLVD.</b>	<b>CITY GRID REFERENCE NUMBER</b> <b>E &amp; F 17</b>
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12**Environmental**

The site is partially located over the Edwards Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Williamson Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

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

According to flood plain maps, there is a floodplain within or adjacent to the project boundary. Based upon the close proximity of flood plain, offsite drainage should be calculated to determine whether transition zone exists within the project location. If transition zone is found to exist within the project area, allowable impervious cover within said zone should be limited to 30%.

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

Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands

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

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

**Transportation**

A traffic impact analysis is required and has been received. Additional right-of-way, participation in roadway improvements, or limitations on development intensity may be recommended based on review of the TIA [LDC, Sec. 25-6-142]. Comments are provided in Attachment A.

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13**Water and Wastewater**

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at his own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility for compliance with City criteria. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

**Site Plan and Compatibility Standards**

FYI – Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made if a site plan is submitted.

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

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

FYI – This site is located within the future planning area of Garrison Park. For more information on the status of this neighborhood plan, please visit:  
[http://www.ci.austin.tx.us/planning/neighborhood/garrison\\_park.htm](http://www.ci.austin.tx.us/planning/neighborhood/garrison_park.htm).



**Date:** July 8, 2010  
**To:** Wendy Rhoades, Case Manager  
**CC:** Robert J. Halls, AICP, Robert J. Halls & Associates  
**Reference:** Stonegate Two, C14-2010-0034

The Transportation Review Section has reviewed the Traffic Impact Analysis for the Stonegate Two TIA (aka Arbor at Stonegate), dated February 2010, prepared by Joan G. Hudson Consulting, Inc. and Robert J. Halls Associates, and offers the following comments:

### **TRIP GENERATION**

Stonegate Two is a 75,000 square feet retail development located in south Austin on the north side of William Cannon Drive, between West Gate Boulevard and Manchaca Road.

The property is currently under construction and it is partially occupied with a mix of medical and professional offices. The existing zoning is Limited Office – Conditional Overlay (LO-CO). The applicant has requested a zoning change to remove the conditional overlay which currently limits vehicle trips to less than 2,000 unadjusted trips per day.

The current plans for the site call for a mixture of office space with up to 85% medical office and up to 15% professional office. Based on the standard trip generation rates established by the Institute of Transportation Engineers (ITE), the development will generate approximately 2,509 unadjusted average daily trips (ADT).

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

Table 1. Trip Generation						
			AM Peak		PM Peak	
LAND USE	Size	ADT	Enter	Exit	Enter	Exit
Medical Office	60,775	2,270	119	32	54	145
Professional Office	10,725	239	28	4	15	75
Total		2,509	147	36	69	220

### **ASSUMPTIONS**

1. Traffic growth rates provided by CAMPO were as follows:

Table 2. Growth Rates per Year	
Roadway Segment	Annual %
William Cannon Drive	2.0
Brodie Lane	2.0
West Gate Boulevard	2.0

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Whispering Oaks Drive	0.5
Manchaca Drive	2.0

2. In addition to these growth rates, background traffic volumes for 2011 included estimated traffic volumes for the following projects:
  - 6500 Manchaca SP-2009-0165C (SP-2008-0278C)
3. No reductions were taken for pass-by trips.
4. No reductions were taken for internal capture.
5. No reductions were taken for transit use.

#### **EXISTING AND PLANNED ROADWAYS**

**William Cannon Drive** – William Cannon Drive is an arterial roadway that is currently built as a four lane divided section with additional improvements at various intersections in the study area. The CAMPO Mobility 2030 Plan shows a planned widening to a six lane section east of Brodie Lane, but no widening of the roadway was assumed by 2011 in the study. The roadway is included in the City's Bicycle Plan.

**Brodie Lane** – Brodie Lane is an arterial roadway that is currently built as a four lane divided section in the study area. The CAMPO Mobility 2030 Plan does not show any planned widening with the study area. The roadway is included in the City's Bicycle Plan.

**West Gate Boulevard** – West Gate Boulevard is an arterial roadway that is currently built as a four lane divided section in the study area. The CAMPO Mobility 2030 Plan does not show any planned improvements within the study area. The roadway is included in the City's Bicycle Plan.

**Manchaca Road** – Manchaca Road is an arterial roadway that is currently built as a four lane divided section in the study area. The CAMPO Mobility 2030 Plan shows a planned widening of the roadway to a six lane divided section south of William Cannon Drive; however, no widening is planned to occur by 2011. The roadway is included in the City's Bicycle Plan.

**Whispering Oaks Drive** – Whispering Oaks Drive is a residential collector street that extends from William Cannon Drive to Manassas Drive. No improvements were assumed for the roadway. It is not included in the City's Bicycle Plan.

#### **INTERSECTION LEVEL OF SERVICE (LOS)**

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

Table 4. Level of Service				
Intersection	2005 Existing		2008 Site + Forecasted	
	AM	PM	AM	PM
Brodie Lane/William Cannon Drive*	C	F	C	E
West Gate Boulevard/William Cannon Drive*	D	E	D	E



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Whispering Oaks Drive/William Cannon Drive				
▪ EB Left	B	B	B	B
▪ WB Left	B	B	A	B
▪ NB Left/Thru/Right	C	D	B	C
▪ SB Left/Thru/Right	D	C	C	C
Manchaca Road/William Cannon Drive*	D	D	D	D
Driveway 1/ William Cannon Dr.: ▪ SB Right			B	B
Driveway 2/William Cannon Dr.: ▪ SB Right			B	B
Driveway 3/ William Cannon Drive:				
▪ EB Left	B	B	B	B
▪ WB Left	B	C	A	B
▪ NB Left/Thru/Right	C	E	B	C
▪ SB Left/Thru/Right	D	C	C	F
Driveway 4/ William Cannon Drive: ▪ SB/Right	B	B	B	B

\* = SIGNALIZED

## RECOMMENDATIONS

- 1) Prior to 3<sup>rd</sup> reading at City Council, fiscal is required to be posted for the following improvements:

Intersection	Improvements	Pro Rata Share (%)
West Gate Boulevard and William Cannon Drive	Construct additional EB Left turn for L-L-T-TR	3.3

EB=Eastbound WB=Westbound NB=Northbound SB=Southbound

- Joint access is required to be provided between all commercial lots.
- Final approval from ATD ~ Signals is required prior to 1<sup>st</sup> Reading.
- For Information: Two copies of the final version of the TIA incorporating all corrections and additions must be submitted prior to final approval of the zoning case.
- Development of this property should be limited to uses and intensities which will not exceed or vary from the projected traffic conditions assumed in the TIA, including peak hour trip generations, traffic distribution, roadway conditions, and other traffic related characteristics.

C4  
17

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

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Shandrian Jarvis  
Sr. Planner - Transportation Review Staff  
City of Austin - Planning and Development Review Department

C4  
18



## MEMORANDUM

**To:** Fiscal Officer  
Planning & Development Review

**From:** Shandrian Jarvis  
Planning & Development Review Department

**Date:** August 11, 2010

**Subject:** Stonegate Two  
Case No. C14-2010-0034  
Fiscal Surety

### Fiscal Requirements:

Intersection	Improvements	Total Cost	Pro Rata Share %	Pro Rata Share \$
West Gate Boulevard and William Cannon Drive	Construct additional EB Left Turn for L-L-T-TR	\$162,254	3.3%	\$5,354.38
<b>TOTAL</b>		<b>\$162,254</b>		<b>\$5,354.38</b>

Fiscal estimates provided/sealed by Alan Hughes, P.E. on July 28, 2010.  
The fiscal for these improvements is required to be posted prior to 3<sup>rd</sup> Reading of the zoning case.

If you have any questions or require additional information, please do not hesitate to call me at 974-2628.

A handwritten signature in cursive script that reads "Shandrian Jarvis".

Shandrian Jarvis, Senior Planner  
Planning & Development Review Department  
Land Use Review Division/One Stop Shop/Transportation Review Section

c4  
19

**Alan C. Hughes, P.E.**  
Transportation Engineering

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MEMORANDUM

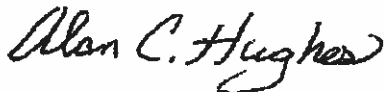
To: Robert J. Halls, AICP  
From: Alan C. Hughes, P.E.  
Date: July 28, 2010  
Subject: Stonegate Cost Estimate

A cost estimate has been developed for the installation of an additional left turn lane for eastbound traffic on William Cannon Drive at its intersection with Westgate Boulevard. This will convert the existing single left turn lane to a dual left turn lane at this location. The estimate is based on field observations only and was done without the benefit of a survey. The estimate does include the relocation of an overhead electric illumination pole as well as a traffic signal closed circuit camera and pole.

The total cost estimate is \$162,254. The 3.3% pro rata share amount is therefore \$5,354.38.

The details of the cost estimate are attached. Please let me know if you have any questions.

Sincerely,



Alan C. Hughes, P.E.  
Transportation Engineering

attachment

04/20

**Alan C. Hughes, P.E.**  
Transportation Engineering

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Cost estimate for additional eastbound left turn lane at the intersection of William Cannon Drive and Westgate Boulevard.

Item	Quantity	Unit	Unit Cost	Total
Remove Curb and Gutter	250	LF	\$11	\$2,750
Street Excavation 20"	2223	CY	\$14	\$31,122
12" Flexible base	1334	CY	\$24	\$32,016
HMAC 3.5" Type "C"	334	SY	\$11	\$3,674
HMAC 3.5" Type "D"	334	SY	\$11	\$3,674
Install Curb and Gutter	250	LF	\$20	\$5,000
Relocate Signal Camera Pole	1	EA	\$20,000	\$20,000
Relocate Luminary Pole	1	EA	\$20,000	\$20,000
				<u>\$118,236</u>
Engineering, Surveying, Inspection, and Testing (33%)				\$39,018
Traffic Control				\$5,000
		Total		<u>\$162,254</u>
	3.3% pro rata share			<u>\$5,354.38</u>

C4  
21

## DECLARATION OF PROTECTIVE COVENANTS

This declaration is made this 11<sup>th</sup> day of September, 1996, by the owners of that certain property more specifically described in Exhibit "A" (the Owners).

### Witnesseth

WHEREAS, the Owners own that certain property fronting on William Cannon Drive in Austin, Texas, (the Property) more specifically described in Exhibit "A" attached hereto and made a part of this declaration; and

WHEREAS, the Owners desire to adopt a uniform plan for the orderly development of the Property and wish to insure the preservation of that plan to protect and enhance the value of the Property for the benefit of the present and future owners of portions of the Property, and

WHEREAS, the Owners have filed a rezoning application with the City of Austin, Texas for the purpose of rezoning the Property from SF-3, Single Family Residence District to LO, Limited Office district or LO-CO, Limited Office Conditional Overlay district; and

WHEREAS, the Owners have sought the support of the Southwest Austin Neighborhood Association (hereinafter the "Association" or "SWANA") for the rezoning application; and

WHEREAS, the Association has agreed to support the rezoning of the Property from SF-3, Single Family Residence District to LO, Limited Office district or LO-CO, Limited Office Conditional Overlay district, subject to the adoption of a uniform plan of development and declaration of restrictive covenants; and

WHEREAS, the Owners and the Association desire to evidence their agreement in the form of restrictive covenants recorded in the real property records of Travis County, Texas;

NOW THEREFORE, Owners hereby adopt, and impose the following restrictions, covenants and conditions upon the Property which shall constitute covenants running with the land and shall be binding upon and inure to the benefit of and be a burden on Owners, their successors and assigns, and each Owner of any portion of the Property and each owner of property within 300 feet of the Property and each such owner's successors and assigns; and the Property shall be held, conveyed and occupied subject to the restrictions, covenants and conditions set forth herein.

C4  
22

Property Use, Construction Standards and Restrictions

1. No buildings on the Property may exceed one story or eighteen feet in height. Building height shall be measured in accordance with Section 13-2-1 of the Austin City Code, or any successor regulations adopted by the City (from an elevation derived from the average of the highest and lowest grades adjacent to the building).

2. That portion of the property described in Exhibit B attached hereto and made a part of this declaration is hereby designated as an undisturbed greenbelt area (the Greenbelt). Except for those improvements relating to utility service and a new privacy fence, described in Sections 3 and 4 of this declaration (the Excepted Improvements), no development shall be permitted on the Greenbelt. If the Owners of the Property or any part thereof attempts to construct or build any improvements in the Greenbelt other than the Excepted Improvements, the owner of the property sharing a property line with the Property may require that Owner to remove the prohibited improvements from the Greenbelt at the sole cost of that Owner. However, notwithstanding anything to the contrary herein, the Owners of the Property (or any applicable part thereof) are obligated to perform or cause to be performed minor maintenance within the portion of the Greenbelt Area owned by said Owners, said maintenance to include the periodic removal of dead or dying trees, refuse, and dead animals. In no event shall such minor maintenance be construed to allow structures or parking within the Greenbelt Area. //

3. For purposes of the definition of Excepted Improvements, the phrase "utility service" shall mean underground water and wastewater pipes, electrical lines, gas lines and any other underground public utility lines, and shall not include detention ponds, or any other similar above surface improvements and facilities. Any Owner of the Property who shall construct any underground utility lines within the Greenbelt shall (1) exercise such Owner's best efforts to preserve the natural vegetation and growth within the Greenbelt and (2) restore any area of the Greenbelt that has been disturbed by the construction of utility lines to a condition reasonably equivalent to its original state.

4. Before development of the Property, Owners of the Property shall install a 6 foot wooden privacy fence along the rear property line of the Property (the line of the Property separating the Property from adjacent residential property). If a privacy fence already exists along said rear property line, the Owners of the Property shall install a new privacy fence on the Property immediately adjacent to the existing fence. To the extent legally permissible, the Owners shall strive to ensure that, despite differences in ground elevation on portions of the Property, the finished height and profile of the new privacy fence for the entire Property shall be as uniform as reasonably possible. The intent of the preceding sentence is to afford the owners of residential property to the rear of the Property the benefit of uniform six-foot high privacy fence despite small differences in elevation on the Property and the Owners acknowledge that such intent may involve the use of longer fence posts or longer fence slats to accommodate differences in elevation on the Property. Maintenance of the new privacy fence shall be the responsibility of the Owner of the respective portion of the Property upon which the new privacy fence is located.



C4  
23

5. Development of the Property shall be limited to the following uses:

- a. Administrative and Business Offices
- b. Medical Offices
- c. Professional Offices
- d. Software Development
- e. Special Use Historic
- f. Communication Service Facilities
- g. Cultural Services
- h. Local Utility Services
- i. Religious Assembly
- j. Safety Services
- k. Group Home Class I (Limited)
- l. Group Home Class I (General)
- m. Group Home Class II

Definitions for the above uses shall be as defined in Chapter 13-2 of the 1992 Austin City Code or any successor law adopted by the City.

The definitions for the above uses as currently provided for in Chapter 13-2 of the 1992 Austin City Code are as follows:

(a) **Administrative and Business Offices** means the use of a building or a portion of a building for the provision of executive, management, or administrative services. Typical uses include administrative offices and services including real estate, insurance, property management, investment, personnel, travel, secretarial services, telephone answering, photocopy and reproduction, and business offices of public utilities, organizations and associations, or other use classifications when the service rendered is that customarily associated with administrative office services.

(b) **Medical Offices** means a use providing consultation, diagnosis, therapeutic, preventive, or corrective personal treatment services by doctors, dentists, medical and dental laboratories or similar practitioners of medical and healing arts for humans licensed for such practice by the State.

(c) **Professional Offices** means a use providing professional or consulting services in the fields of law, architecture, design, engineering, accounting, and similar professions.

(d) **Software Development** means development and testing of computer software packages including magnetic disks, tapes and associated operating manuals and software duplication. This definition explicitly excludes printing, distribution, and software manufacturing.

(e) **Specific Use Historic** means a use which satisfies all of the following:

- (1) The structure and land use are zoned historic.

C4  
24

(2) The property is zoned and operated by an non-profit entity.  
(3) The property is directly accessible from a street which a minimum of 40 ft. of paving.

(4) The site has a minimum of 43,560 sq. ft. of contiguous land area.  
(5) At least 80% percent of the required parking is onsite.  
(6) Offsite parking has been approved by the Transportation Review Section of the Department of Planning and Development, or its successor in function.  
(7) No single commercial use occupies more than 25% percent of the gross floor area, and civic use is occupied at least 50% percent of the gross floor area.  
(8) There is no discrimination on the basis of race, color, religion, sex, national origin, sexual orientation, age, or physical disability in leasing of the property.

(f) Communication Service Facilities means a facility or use of building or structure to provide for the transmission, transfer, and distribution of telephone service and related activities.

(g) Cultural Services means a library, museum, or similar registered nonprofit organizational use displaying, preserving, and exhibiting objects of community and cultural interest in one or more of the arts and sciences.

(h) Local Utility Services means services which are necessary to support principal development and involve only minor structures such as lines and poles

(i) Religious Assembly means a use located in a permanent or temporary building and providing regular organized religious worship and religious education incidental thereto, but excluding private, primary or secondary educational facilities, community recreational facilities, day care facilities, and parking facilities. A property tax exemption obtained pursuant to State law shall constitute prima facie evidence of religious assembly use.

(j) Safety Services means facilities for conduct of public safety and emergency services, including police and fire protection services and emergency medical and ambulance services.

(k) Group Home Class I (Limited) means a family-based facility providing 24-hour care in a protective living arrangement for not more than six residents and two supervisory personnel. The classification includes foster homes, congregate living facilities for persons 60 years of age or older, and maternity homes. This classification also includes a home for persons with any physical or mental impairments not listed in the definition for family home use, as well as a home for persons with impairments listed in the definition of family home when the family home is located within one-half mile of a previously existing family home use. Persons with physical or mental impairments are persons whose impairments substantially limit one or more of such person's major life activities who have a record of such impairment or who are regarded as having such impairment, as defined in 29 U.S.C. Section 706(8)(B).

C4  
25

(l) Group Home Class I (General) means a family-based facility providing 24-hour care in a protective living arrangement for not more than six but no more than fifteen residents and not more than three supervisory personnel. This classification includes foster homes, homes for the physically and mentally impaired, homes for the developmentally disabled, congregate living facilities for persons 60 years of age or older, and maternity homes. This classification also includes emergency shelter during crisis intervention for not more than fifteen victims of crime, abuse or neglect, and residential rehabilitation for alcohol and chemical dependence for fifteen or fewer individuals.

(m) Group Home Class II means a family-based facility providing 24-hour care in a protective living arrangement for not more than fifteen residents and not more than three supervisory personnel. This classification includes homes for juvenile delinquents, halfway houses providing residence in lieu of institutional sentencing, and halfway houses providing residence to those needing correctional and mental institutionalization.

6. The Owners hereby acknowledge that there is no intention on their part to use any of the Property for the uses defined above as Group Home Class I (Limited), Group Home Class I (General), and Group Home Class II. The Owners acknowledge that the only reason such uses appear on the list of permissible uses of the Property in Section 5, above, is that they have been advised that excluding such uses is not legally permissible.

7. All dumpsters and any permanently placed refuse receptacles shall be located a minimum of 50 ft. from the rear boundary line of the Property.

8. Exterior finishes for all buildings constructed on the Property must contain at least 50 percent stone, stucco or other masonry. Exterior building materials with high gloss finishes or of bright primary, or other high intensity colors shall be prohibited. Highly reflective building surfaces or roofing materials shall be prohibited. All buildings and materials shall be generally consistent as to colors and materials, and sharp contrasts of colors or materials shall be prohibited.

9. Ingress and egress for the Property shall be limited to William Cannon Drive. All driveways shall be permanently paved. All parking lots shall be paved, curbed and internally drained.

10. Lighting fixtures shall be located so as to minimize glare onto adjacent properties. Exposed flood lighting on or from buildings walls, signs, or trees shall not be permitted. No sign, either temporary or permanent, on any portion of the Property, shall use flashing, blinking, intermittent or moving light or other source of illumination, nor shall any sign create or attempt to create the effect of flashing, intermittent, or moving light or other source of illumination by mechanical or other means.

11. No temporary structure of any kind shall be erected or placed upon the Property except as hereinafter provided. Any builder or developer employed by an Owner to construct improvements on the Property may conduct its construction operations and activities on the Property and, in connection therewith, do all things reasonably necessary to most expeditiously

C4  
26

commence, continue and complete such construction operations, specifically including, but not limited to, construction and maintenance of temporary buildings or trailers for storage of construction materials and equipment and open storage or uncovered building material. All construction operations and storage shall be confined solely within the boundaries of the Property. All temporary structures shall be removed and cleared from the Property with ten days of the completion of construction.

12. All non-paved space outside of the Greenbelt shall remain as nearly possible in its natural state or shall be landscaped. Each Owner, contemporaneously with the completion of the building improvements upon a portion of the Property, shall complete the landscaping of any portion of the Property not left in its natural state, including the planting of hedges, shrubs and trees and installation of appropriate irrigation.

13. Increase of surface stormwater drainage onto adjacent property is prohibited. Control of stormwater runoff is the responsibility of each Owner and shall be controlled in the manner and at the rates established by the City of Austin.

14. Impervious cover shall be limited to 67.5 percent of the surface of the Property.

15. No Owner of the Property may sell a portion of the Property in a lot smaller than 32,500 square feet.

16. No illegal, noxious or offensive activity or nuisance of any kind shall be conducted or permitted on the Property. No use shall be permitted that is offensive by reason of odor, fumes, vibrations, dust, smoke, vision, bright light, radiation, noise or pollution, or that is hazardous by reason of excessive danger of fire or explosion or that causes the discharge of toxic or noxious matter in such concentration as to be detrimental to or endanger the public health, safety or welfare or cause injury to the surrounding property or its residents or that causes or produces a nuisance as to any other portion of the Property. Outdoor loudspeakers are prohibited.

#### General Provisions

17. The obligations of Owners are expressly contingent upon a final approval of the rezoning of the Property from "SF-3" to "LO," Limited Office district or "LO-CO," Limited Office-Conditional Overlay district by the City Council of Austin, Texas.

18. The Owners and the Association stipulate, covenant, and agree that there is privity of estate between the Owners of the property and the owners of each lot within 300 feet of the Property and that the covenants, conditions, and restrictions herein are and shall be deemed and considered to be real covenants running with the land and shall be binding on the Owners, the Association, each owner of a lot within 300 feet of the Property and their respective heirs and assigns.

19. These covenants may be enforced by the Owners, the Association, and each owner of a lot within 300 feet of the Property and their respective heirs and assigns. No failure to exercise, and no delay in exercising any right hereunder shall operate as a waiver thereof, nor shall any

C4  
27

single or partial exercise thereof preclude any other further exercise thereof or the exercise of any other right.

20. If any person entitled to enforce these covenants undertakes procedures in law or in equity to prevent or terminate their violation, such person shall be entitled to seek injunctive relief, damages, and such other relief as may be available at law or in equity. The prevailing party in any action arising in connection with these covenants shall be entitled to receive reasonable attorneys' fees.

21. In the event any one or more of the provisions contained herein shall, for any reason, be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or lack of enforceability shall not affect any other provision hereof.

22. The covenants and restrictions within these declarations shall run with and bind the Property. These covenants may not be amended or modified, nor may any of the terms hereof be waived, except by written instruments signed by the Owner and 75 percent of the owners of property within 300 feet of the Property. These covenants shall be effective for a term of forty years from the date hereof, after which time they shall be automatically extended for successive ten-year periods, unless terminated or amended by a written instrument signed by the Owners and 75 percent of the owners of property within 300 feet of the Property and recorded in the Real Property Records of Travis County, Texas.

23. By acceptance of a deed or by the acquiring of any ownership interest in any portion of the Property, each person or entity for himself or itself, his heirs, personal representatives, successors, and assigns binds himself, his heirs, personal representatives, successors, and assigns to all of the provisions, restrictions, covenants and conditions imposed by this declaration, and any future amendments thereto. Notwithstanding anything to the contrary contained in this Agreement, any Owner of all or any portion of the Property shall not have any liability or obligation with respect to a violation of the declaration by any other Owner.

24. "Owner" and "Owners" shall mean any current or future record owner, whether one or more persons or entities, to the fee simple title to any portion of the Property.

25. "Association" or "SWANA" means the Southwest Austin Neighborhood Association, the neighborhood association whose boundaries include the Property or any successor organization.

#### OWNERS

  
Diane Wommack Wicker

C4  
28

Virginia Gail Wommack Williams

Virginia Gail Wommack Williams

Williams

Diane W. Wicker

Diane W. Wicker, as a Co-Trustee of the Tom Houston Daniel 1987 Trust; Matthew John Williams 1987 Trust; Virginia Ford Williams 1987 Trust; and Catherine Campbell Williams 1987 Trust

Gail Wommack Williams

Gail Wommack Williams, as a Co-Trustee of the Tom Houston Daniel 1987 Trust; Matthew John Williams 1987 Trust; Virginia Ford Williams 1987 Trust; and Catherine Campbell Williams 1987 Trust

John S. Burns, Jr.

John S. Burns, Jr.

William H. Burns

William H. Burns

Hallie Houston Burns Eads

Hallie Houston Burns Eads

James A. Hill

James Abraham Hill

Malone Vincent Hill

Malone Vincent Hill

C4  
29

David Gaffey Ford  
David Gaffey Ford

Anne Russell Ford Parrigin  
Anne Russell Ford Parrigin

Mark Rylander  
Phillip Mark Rylander, as the Independent Executor  
of the Estate of Norman Rylander, Deceased

Eleanor G. Ford Little  
Eleanor G. Ford Little, Individually and as a Co-  
Trustee of the David D. Ford Testamentary Trust,  
for the benefit of Eleanor G. Ford Little

Kris Horduff  
Frost National Bank of San Antonio (successor to  
City National Bank of Austin); as a Co-Trustee of the  
David D. Ford Testamentary Trust, for the benefit of  
Eleanor G. Ford Little

Kris Horduff  
Frost National Bank of San Antonio (successor to  
City National Bank of Austin), as Trustee of the Don  
Russell Rylander Testamentary Trust, for the benefit  
of Joan Elaine Loffland Rylander

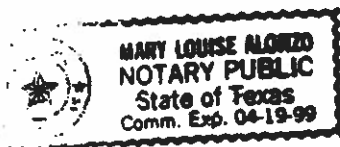
Cynthia Ford Brown  
Cynthia Ford Brown



C4  
30

STATE OF TEXAS §  
COUNTY OF TRAVIS §

This instrument was acknowledged before me on the 29th day of August, 1996, by Diane Wommack Wicker.



Mary Louise Alonzo

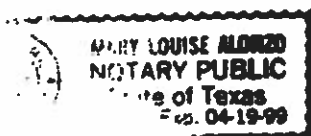
Notary Public in and for  
the State of Texas

MARY LOUISE ALONZO  
Notary Public Typed or Printed Name

My Commission expires:  
4-19-99

STATE OF TEXAS §  
COUNTY OF TRAVIS §

This instrument was acknowledged before me on the 29th day of August, 1996, by Virginia Gail Wommack Williams.



Mary Louise Alonzo

Notary Public in and for  
the State of Texas

MARY LOUISE ALONZO  
Notary Public Typed or Printed Name

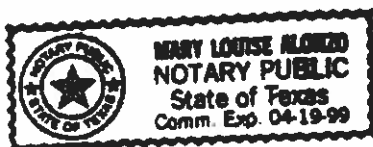
My Commission expires:  
4-19-99



C4  
31

STATE OF TEXAS     §  
                             §  
COUNTY OF TRAVIS   §

This instrument was acknowledged before me on the 29th day of August, 1996, by Diane W. Wicker, as a Co-Trustee of the Tom Houston Daniel 1987 Trust; Matthew John Williams 1987 Trust; Virginia Ford Williams 1987 Trust; and Catherine Campbell Williams 1987 Trust.



Mary Louise Alonzo  
Notary Public in and for  
the State of Texas

MARY LOUISE ALONZO  
Notary Public Typed or Printed Name

My Commission expires:  
4-19-99

STATE OF TEXAS     §  
                             §  
COUNTY OF TRAVIS   §

This instrument was acknowledged before me on the 29th day of August, 1996, by Gail Wommack Williams, as a Co-Trustee of the Tom Houston Daniel 1987 Trust; Matthew John Williams 1987 Trust; Virginia Ford Williams 1987 Trust; and Catherine Campbell Williams 1987 Trust.

Mary Louise Alonzo  
Notary Public in and for  
the State of Texas

MARY LOUISE ALONZO  
Notary Public Typed or Printed Name

My Commission expires:  
4-19-99

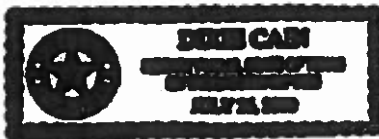


C4  
32

STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on the 30 day of August, 1996, by John S. Burns, Jr..



Dixie Cain  
Notary Public in and for  
the State of Texas

Dixie Cain  
Notary Public Typed or Printed Name

My Commission expires:

7-26-2000

STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on the 30 day of August, 1996, by William H. Burns.



Dixie Cain  
Notary Public in and for  
the State of Texas

Dixie Cain  
Notary Public Typed or Printed Name

My Commission expires:

7-26-2000

C4  
33

STATE OF TEXAS     §  
                             §  
COUNTY OF TRAVIS   §

This instrument was acknowledged before me on the 30 day of August, 1996, by Hallie Houston Burns Eads.



Dixie Cain

Notary Public in and for  
the State of Texas

Dixie Cain

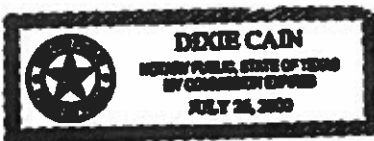
Notary Public Typed or Printed Name

My Commission expires:

7-26-2000

STATE OF TEXAS     §  
                             §  
COUNTY OF TRAVIS   §

This instrument was acknowledged before me on the 30 day of August, 1996, by James Abraham Hill.



Dixie Cain

Notary Public in and for  
the State of Texas

Dixie Cain

Notary Public Typed or Printed Name

My Commission expires:

7-26-2000

C4  
34

STATE OF TEXAS     §  
                             §  
COUNTY OF TRAVIS   §

This instrument was acknowledged before me on the 16th day of September 1996, by Malone Vincent Hill.

Marsha B. Kinlaw

Notary Public in and for  
the State of Texas



Notary Public Typed or Printed Name

My Commission expires:

\_\_\_\_\_

STATE OF TEXAS     §  
                             §  
COUNTY OF TRAVIS   §

This instrument was acknowledged before me on the 29th day of August 1996, by David Gaffey Ford.

Mary Louise Alonzo

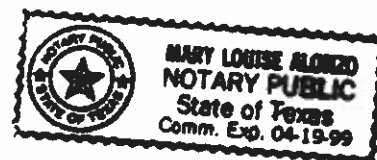
Notary Public in and for  
the State of Texas

MARY LOUISE ALONZO  
Notary Public Typed or Printed Name

My Commission expires:

4-19-99

\_\_\_\_\_



C4  
35

STATE OF TEXAS §  
COUNTY OF TRAVIS §

This instrument was acknowledged before me on the 30 day of August, 1996, by Anne Russell Ford Parrigin.



Dixie Cain  
Notary Public in and for  
the State of Texas

Dixie Cain  
Notary Public Typed or Printed Name

My Commission expires:

7-26-00

STATE OF TEXAS §  
COUNTY OF TRAVIS §

This instrument was acknowledged before me on the 10 day of September, 1996, by Phillip Mark Rylander, as the Independent Executor of the Estate of Norman Rylander, Deceased.



Dixie Cain  
Notary Public in and for  
the State of Texas

Dixie Cain  
Notary Public Typed or Printed Name

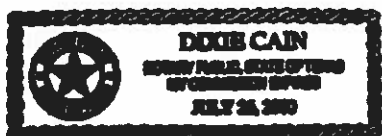
My Commission expires:

7-26-00

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36

STATE OF TEXAS §  
§  
COUNTY OF TRAVIS §

This instrument was acknowledged before me on the 30 day of August, 1996, by Eleanor G. Ford Little, Individually and as a Co-Trustee of the David D. Ford Testamentary Trust, for the benefit of Eleanor G. Ford Little.



Dixie Cain

Notary Public in and for  
the State of Texas

Dixie Cain

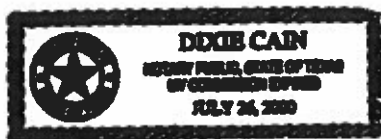
Notary Public Typed or Printed Name

My Commission expires:

7-26-00

STATE OF TEXAS §  
§  
COUNTY OF TRAVIS §

This instrument was acknowledged before me on the 30 day of August, 1996, by Frost National Bank of San Antonio (successor to City National Bank of Austin); as a Co-Trustee of the David D. Ford Testamentary Trust, for the benefit of Eleanor G. Ford Little.



Dixie Cain

Notary Public in and for  
the State of Texas

Dixie Cain

Notary Public Typed or Printed Name

My Commission expires:

7-26-00



C4  
37

STATE OF TEXAS       §  
                                  §  
COUNTY OF TRAVIS   §

This instrument was acknowledged before me on the 11 day of September, 1996, by Frost National Bank of San Antonio (successor to City National Bank of Austin), as Trustee of the Don Russell Rylander Testamentary Trust, for the benefit of Joan Elaine Loffland Rylander.



Dixie Cain  
Notary Public in and for  
the State of Texas

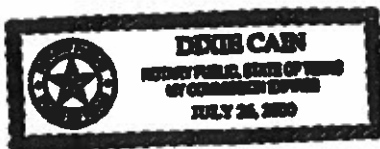
Dixie Cain  
Notary Public Typed or Printed Name

My Commission expires:

7-26-00

STATE OF TEXAS       §  
                                  §  
COUNTY OF TRAVIS   §

This instrument was acknowledged before me on the 30 day of August, 1996, by Cynthia Ford Brown.



Dixie Cain  
Notary Public in and for  
the State of Texas

Dixie Cain  
Notary Public Typed or Printed Name

My Commission expires:

7-26-00

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## EXHIBIT "A"

### **BUSH SURVEYING, INC.**

1904 Fortview Road  
Austin, Texas 78704  
Phone (512) 443-0090  
Fax (512) 443-1004

JUNE 18, 1996

**FIELD NOTE DESCRIPTION OF 8.211 ACRES OF LAND OUT OF THE THEODORE BISSELL LEASE IN TRAVIS COUNTY, TEXAS, BEING ALL OF THAT CERTAIN (6.800 ACRE) TRACT OF LAND DESCRIBED AS "TRACT II", AND AS CONVEYED TO JOHN S. BURNS, JR., ET AL, BY DEED RECORDED IN VOLUME 7769 PAGE 356 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**BEGINNING** at a 1/2" iron rod found in the North right-of-way line of William Cannon Drive for the Southwest corner of Lot 1, Shier Cliff -I, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 47 Page 84 of the Plat Records of Travis County, Texas, and for the Southeast corner of that certain (8.223 acre) tract of land described as "Tract II" and as conveyed to John S. Burns, Jr., et al, by deed recorded in Volume 7769 Page 356 of the Deed Records of Travis County, Texas, and being the Southeast corner and **PLACE OF BEGINNING** of the herein described tract, and from which a 1/2" iron rod found in the South right-of-way line of William Cannon Drive for the Northwest corner of Lot 1, Block 1, Whispering Oaks -I, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 47 Page 67 of the Plat Records of Travis County, Texas, and for the Northeast corner of that certain (6.800 acre) tract of land described as "Tract I", and as conveyed to John S. Burns, Jr., et al, by deed recorded in said Volume 7769 Page 356 bears S 29 deg. 43' 00" W 121.37 ft.;

**THENCE** with the North right-of-way line of William Cannon Drive and the South line of said Burns (8.223 acre) tract, the following three (3) courses and distances;

- 1) N 31 deg. 36' 05" W 312.98 ft. to a round-headed bolt found for a point of curvature;
- 2) along a curve to the left with a radius of 1970.06 ft. for an arc length of 294.33 ft. and which chord bears N 33 deg. 31' 04" W 294.26 ft. to a round-headed bolt found for a point of tangency;
- 3) N 60 deg. 11' 05" W 1030.85 ft. to a 1/2" iron rod found for the Southwest corner of Lot 1, Cherry Creek Commercial III-S, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 79 Page 285 of the Plat Records of Travis County, Texas, and for the Southwest corner of said Burns (8.223 acre) tract, and being the Southwest corner of this tract, and from which a 1/2" iron rod found in the South right-of-way line of William Cannon Drive for the Northeast corner of Block C, Cherry Creek Commercial III, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 69 Page 23 of the Plat Records of Travis County, Texas, and for the Northwest corner of the aforementioned Burns (6.800 acre) tract, bears S 29 deg. 27' 16" W 120.00 ft.;

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8.211 acres

THENCE with the East line of said Lot 1, Cherry Creek Commercial III-2, and with the West line of said Burns (8.223 acre) tract, N 29 deg. 23' 28" E 187.68 ft. to a 1/2" iron rod found in concrete for the Northeast corner of said Lot 1 and for the Northwest corner of said Burns (8.223 acre) tract, and being the Southwest corner of that certain (2.043 acre) tract of land as conveyed to Carlo J. Mazzucco by deed recorded in Volume 11315 Page 1114 of the Real Property Records of Travis County, Texas, and being the Northwest corner of that certain (19.39 acre) tract of land as conveyed to Austex Development Co., Ltd., by deed recorded in Volume 3787 Page 2288 of the Deed Records of Travis County, Texas, same being the Northwest corner of this tract, and from which a 1/2" iron rod found for an angle corner in the East line of Lot 2, Cherry Creek Commercial III-X, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 81 Page 1838 of the Plat Records of Travis County, Texas, and in the West line of said Mazzucco (2.043 acre) tract, bears N 29 deg. 10' 00" E 20.66 ft.;

THENCE with the North line of said Burns (8.223 acre) tract and the North line of said Austex Development Co., Ltd. (19.39 acre) tract and with the South line of said Mazzucco (2.043 acre) tract, S 60 deg. 42' 26" E 107.47 ft. to a 1/2" iron rod found for the Southeast corner of said Mazzucco (2.043 acre) tract, and from which a 1/2" iron rod found for the Southwest corner of Lot 3, Block M, Cherry Creek Phase III, Section Two, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 62 Page 98 of the Plat Records of Travis County, Texas, bears N 29 deg. 08' 32" E 18.22 ft.;

THENCE continuing with the North line of said Burns (8.223 acre) tract and with the North line of said Austex Development Co., Ltd. (19.39 acre) tract, the following two courses and distances;

- 1) S 60 deg. 39' 49" E 1191.42 ft. to a 600 nail set in a root between two 4" Elm trees for an angle corner;
- 2) S 64 deg. 28' 06" E 118.30 ft. to a 1/2" iron rod found in concrete for the Northeast corner of said Burns (8.223 acre) tract and for the Northeast corner of said Austex Development Co., Ltd. (19.39 acre) tract, and being an angle corner of that certain (116.912 acre) tract of land as conveyed to J.E. Ford, et al, by deed recorded in Volume 1499 Page 603 of the Deed Records of Travis County, Texas, and being an angle corner in the West line of Lot 4, C.T. Baker Subdivision, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 6 Page 120 of the Plat Records of Travis County, Texas, same being the Northeast corner of this tract, and from which a 1/2" iron rod found for the westerly Southwest corner of said Lot 4 and for the Southernmost corner of a "Private Lane" as shown on said subdivision plat of recorded in Volume 6 Page 120, and also being the Southeast corner of Lot 25, Cherry Creek Phase III Section Four, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 63 Page 68 of the Plat Records of Travis County, Texas, and also being an angle corner of said Ford (116.912 acre) tract, bears N 58 deg. 41' 40" W 104.33 ft.;

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Page 3  
8.211 acres

THENCE with the East line of said Burns (8.223 acre) tract and the East line of said Austex Development Co., Ltd. (19.99 acre) tract and the West line of said Lot 4, S 30 deg. 02' 44" W 139.28 ft. to a 1/2" iron rod found in concrete for the southerly Southwest corner of said Lot 4 and the Northwest corner of the aforementioned Lot 1, Shier Cliff - 1, same being an angle corner of this tract;

THENCE with the East line of said Burns (8.223 acre) tract and the East line of said Austex Development Co., Ltd. (19.99 acre) tract and the West line of said Lot 1, Shier Cliff - 1, S 30 deg. 21' 12" W 138.95 ft. to the PLACE OF BEGINNING, containing 8.211 acres of land.

SURVEYED: May 29, 1936.



J. Leroy Bush  
Registered Professional Land Surveyor No. 1828

512118



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## EXHIBIT B

### GREENBELT

The Greenbelt shall be a 30 foot wide strip of the Property adjacent to and running parallel to the rear boundary line of the Property. The rear boundary line of the Property shall be the boundary line separating the Property from the adjacent single family residential property fronting on Campden Drive.

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After recording, return original to:

Henry H. Gilmore  
Jenkins & Gilchrist  
600 Congress, Suite 2200  
Austin, Texas 78701  
(512) 499-3800

ORIGINAL  
FILED FOR RECORD  
At 95 OCT 24 0'clock PM 7:14 19 M.  
DANA DeBEAUVOIR  
County Clerk, Travis County, Texas  
This instrument has not been compared  
with the original  
TRAVIS COUNTY, TEXAS

## PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

[www.ci.austin.tx.us/development](http://www.ci.austin.tx.us/development)

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2010-0034

Contact: Wendy Rhoades, 512-974-7719

Public Hearing: Aug. 3, 2010, Zoning & Platting Commission  
Aug. 26, 2010, City Council

Barbara E. Johnson

Your Name (please print)

2403 Campden

Your address(es) affected by this application

B. Johnson

Signature

7-27-10

Date

Daytime Telephone: 512-397-3002

Comments:

If you use this form to comment, it may be returned to:

City of Austin

Planning & Development Review Department

Wendy Rhoades

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2010-0034

Contact: Wendy Rhoades, 512-974-7719

Public Hearing: Aug. 3, 2010, Zoning & Platting Commission

Aug. 26, 2010, City Council

Claudia N. Wenzel

Your Name (please print)

6909 Blarwood Dr.

Your address(es) affected by this application

Chwenzel

Signature

7-25-2010

Date

Daytime Telephone: 512 441 3285

Comments: Strongly Object! 500 more cars is absurd. They should have done the math better when they originally submitted the plan to the city. As a reminder, traffic from this project impacts the Wm. Cannon Westgate intersection. Except for the fact more trees should have been SAVED, the project is attractive and well done. No more pollution from 500 additional cars, please!

If you use this form to comment, it may be returned to:

City of Austin

Planning & Development Review Department

Wendy Rhoades

P. O. Box 1088

Austin, TX 78767-8810

Thank you

SEY



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Case Number: C14-2010-0034

Contact: Wendy Rhoades, 512-974-7719

Public Hearing: Aug. 3, 2010, Zoning & Planning Commission  
Aug. 26, 2010, City Council

Michael & Veronica Ruppert  
Your Name (please print)

2312 Aldford Dr Austin, TX 78745  
Your address(es) affected by this application

Michael Ruppert 8-7-10  
Signature Date

Daytime Telephone: 512-296-7549

Comments: We are not against development per say, but  
who approved the building of offices which had windows  
facing overlooking people's backyard? There privacy is  
gone, value of property declines (who wants a 2 storyed  
office bld. with windows looking into their backyard?) would  
you like that? That affects the entire neighborhood. I  
feel sorry for those people whose homes face these 2 storyed  
office buildings with windows looking down on them. Who  
approved that? The builder should be forced to close these

If you use this form to comment, it may be returned to: windows and restore those  
City of Austin homeowners privacy,  
Planning & Development Review Department property value...

Wendy Rhoades  
P. O. Box 1088  
Austin, TX 78767-8810

Michael Ruppert

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Case Number: C14-2010-0034

Contact: Wendy Rhoades, 512-974-7719

Public Hearing: Aug. 3, 2010, Zoning & Platting Commission

Aug. 26, 2010, City Council

Michael Ruppert

Your Name (please print)

2302 Campden DR Austin, TX 78745

Your address(es) affected by this application

Michael Ruppert

Signature

Date

Daytime Telephone: 512-296-7549

Comments: My Major objection to the development is who/how where they allowed to have windows in the office facing overlooking people's backyard??  
would you want an office Building with windows facing your private backyard - where everyone can see everything you do? These are 2 storyed Bldg in a neighbor hood that is only single storyed homes, so these office windows overshadow your backyard. It devalues your home, eliminates any privacy and reduces your resale value.

If you use this form to comment, it may be returned to:

City of Austin

Planning & Development Review Department

Wendy Rhoades

P. O. Box 1088

Austin, TX 78767-8810

Michael Ruppert

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5/6