

ZONING CHANGE REVIEW SHEET

CASE: C14-2019-0103 – 9100 US-290 East

Z.A.P. DATE: January 7, 2020

ADDRESS: 9100 US Highway 290 East

AREA: 7.267 Acres

OWNER: COCO04 Austin TX LP c/o Gladstone Commercial Corporation

AGENT: Drenner Group PC (Dave Anderson)

FROM: LI-CO

TO: CS-CO

SUMMARY STAFF RECOMMENDATION:

Staff recommends CS-CO zoning, with conditions. The following conditions are proposed by the Applicant:

1. The following land uses shall be prohibited: Bed & breakfast (Group 1), Bed & breakfast (Group 2), Short term rental, Alternative financial services, Bail bond services, Commercial off-street parking, Drop-off recycling collection facility, Equipment sales, Funeral services, General retail sales (convenience), General retail sales (general), Hotel-motel, Indoor entertainment, Laundry services, Monument retail services, Off-site accessory parking, Pawn shop services, Pedicab storage and dispatch, Personal improvement services, Personal services, Plant nursery, Service station, Theater, Vehicle storage, Veterinary services, Transportation terminal, Automotive repair services, Automotive sales, Automotive washing (of any type), Campground, Kennels, Community events, Congregate living, Residential treatment, Transitional housing, Maintenance and service facilities, Outdoor entertainment, and Outdoor sports and recreation.

Staff also recommends that the Traffic Mitigation Memorandum prepared by City Staff be attached to the property via public restrictive covenant (RC).

CASE MANAGER: Heather Chaffin
e-mail: heather.chaffin@austintexas.gov

PHONE: 512-974-2122

Z.A.P. COMMISSION ACTION/RECOMMENDATION:

January 7, 2020: To grant CS-CO as recommended by Staff (10-0-1). [Evans- 1st, Tatkow- 2nd; Denkler- Abstain]

December 3, 2019: To grant postponement to January 7, 2020 as requested by Staff, on consent.

CITY COUNCIL ACTION:

March 12, 2020: To grant indefinite postponement as requested by Applicant on consent.

February 6, 2020: To grant postponement to March 12, 2020 as requested by Applicant on consent.

January 23, 2020: To grant postponement to February 6, 2020 as requested by Staff on consent.

ORDINANCE NUMBER:

ISSUES:

The Applicant proposes downzoning the subject property to allow a K-12 charter school to occupy an existing building on the site. The Applicant proposes carrying forward the prohibited land uses that were added with a zoning case in 2000, as well as adding more prohibited land uses. A public restrictive covenant (RC) was attached with that case that prohibits vehicular access to Springdale Road or Sansom Road, and assorted design and operation elements. The public RC remains in effect on the subject tract. ***Please see Exhibit E- Restrictive Covenant.***

DEPARTMENT COMMENTS:

The subject property is a 7.267 acre tract located in the Tuscany Business Park northeast of US 290 and Ed Bluestein Boulevard. The rezoning tract is zoned LI-CO and is developed with a vacant building. The most recent occupant of the building was a trade/business school. Immediately west of the tract is a truck supply and repair business, also zoned LI-CO. Immediately north of the tract is a warehousing and distribution business zoned LI-CO. Further west are properties zoned GR-CO and GR that contain fast-food restaurants, financial services, and a convenience store. The property is bounded to the east by Sansom Road and Springdale Road. The area northeast of Sansom Road is located in the City Extraterritorial Jurisdiction (ETJ) and is developed with single family residences. Across Springdale Road is a mix of commercial uses including food sales, alternative financial services, and automotive supply/repair. These properties are zoned DR and LO. The property has frontage on and takes vehicular access to the westbound frontage road of US-290. ***Please see Exhibits A and B- Zoning Map and Aerial Map.***

The subject property was zoned LI-CO in 2000 (City File #C14-00-2120). The conditions applied to the property included compliance with a traffic impact analysis (TIA), prohibited access to Springdale Road or Sansom Road, and a long list of prohibited land uses. A revised TIA has been approved by the City in conjunction with the proposed rezoning; the land uses prohibited in the 2000 ordinance are proposed to continue with the requested GR-CO. ***Please see Exhibits C and D- Zoning Ordinance and TIA Memorandum.***

As stated in the Issues section, there is an existing public RC on the subject property. The RC was established in conjunction with zoning case in 2000. The RC addresses items similar to compatibility standard along the eastern property line, across Sansom Road where the residential neighborhood is located. Since the neighborhood is in the ETJ, compatibility standards are not required by City Code. The RC also repeats the prohibition of vehicular access to Sansom Road or Springdale Road. ***Please see Exhibit E- Restrictive Covenant.***

Staff has received correspondence in opposition to the proposed rezoning. ***Please see Exhibit F- Correspondence.***

Staff supports the rezoning request, with the conditions listed on page 1. The prohibited uses offered by the Applicant reflect the existing conditions and the TIA Memorandum provides more up-to-date traffic information than the TIA associated with the existing zoning. LI zoning is more intense and permissive of most land uses but does not permit private K-12 education, as the Applicant proposes for the vacant building. Although the tract has access to Tuscany Way through internal driveway connections, primary access is to US-290. Per the TIA Memorandum, a Transportation Management Plan (TMP) will be required at time of site plan showing pick-up/drop-off locations, queuing, and internal circulation. Lastly, the proposed Land Development Code identifies this property and most of the Tuscany Business

Park as Industrial Flex, which permits private K-12 educational schools. *Please see Exhibit G- Draft Proposed LDC Zoning Exhibit.*

BASIS OF RECOMMENDATION:

1. *The proposed zoning should be consistent with the purpose statement of the district sought.* Community commercial (GR) district is the designation for an office or other commercial use that serves neighborhood and community needs and that generally is accessible from major traffic ways. The subject property is accessible from the US-290 westbound frontage road, and the proposed K-12 land use would provide a neighborhood and community service.

2. *Zoning should promote a transition between adjacent and nearby zoning districts, land uses, and development intensities.*

LI-CO zoned properties are located immediately north and west of the rezoning tract, but GR and GR-CO zoned properties are located around intersections (Tuscany Way, Springdale Road on the south side of US-290). Rezoning this tract to GR-CO would provide a similar pattern at the northwest intersection of US-290 and Springdale Road. This would also provide a transition between the LI-CO area and DR and LO tracts to the east, as well as the residential neighborhood located in the ETJ to the northeast.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	LI-CO	Vacant building
<i>North</i>	LI-CO, ETJ/Travis County	Warehouse/distribution, Mixed limited industrial, US Post Office, Residential neighborhood
<i>South</i>	GR-CO, GR, LI-CO, I-RR	Automotive repair, Automotive rental, Undeveloped
<i>West</i>	LI-CO, GR-CO, GR	Automotive repair services, Restaurant- Limited, Financial services
<i>East</i>	DR, LO, ETJ/Travis County	Food sales, Alternative financial services, Automotive repair services, Residential neighborhood

TRANSPORTATION

Name	ROW	Pavement	Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
US 290 Hwy	225'	Hwy multiple lanes	ASMP Level 4	Yes	Yes	Yes
Springdale Rd	100'	20'	ASMP Level 3	No	Yes	Yes
Sansom RD	80'	32'	ASMP Level 2	No	No	Yes

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2013-	I-RR to LI-CO Conditions: < 2,000	11/19/2013: To	12/12/2013:

0105 Central Freight Industrial Lot 8601 Tuscany Way	trips per day; no vehicular access from Sansom Road or Bosque Lane; shielded lighting adjacent to residential in county; prohibited uses: auto repair svcs., campground, equip. repair svcs., vehicle storage, retail sales (gen/conv.), resource extraction, kennels, residential treatment, outdoor sports & recreation, trans. housing, scrap & salvage, auto washing (any type), exterminating svcs., basic industry, railroad facilities, congregate living, outdoor entertainment, adult oriented businesses, food sales.	grant as recommended, w/ addition: prohibit adult oriented use	Approve as rec by ZAP Ord # 20131212-109
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TIA: See attached memorandum (Exhibit D)

WATERSHED: Walnut Creek

NEIGHBORHOOD ORGANIZATIONS:

Walnut Place Neighborhood Association
Harris Branch Residential Property Owners Association
North Growth Corridor Alliance
Harris Branch Master Association, Inc.
Austin Independent School District

OTHER STAFF COMMENTS:

COMPREHENSIVE PLAN

Connectivity - The Walkscore for this site is 23/10, Car Dependent, meaning almost errands require a car. There are public sidewalks and a lighted crosswalk located along this section of US 290, which is adjacent to this property. There are no public sidewalks located along this section of Springdale Road or Sansom Road. There are also no bike lanes in the area. A CapMetro Transit stop is located less than 200 feet from the subject property, along US 290. The mobility and connectivity options are average and is not reflected in the low Walkscore.

Imagine Austin - Imagine Austin identifies this property as being located along an 'Activity Corridor,' (Springdale Road) as identified on the Imagine Austin's Growth Concept Map. Activity Corridors are intended as locations for additional people and jobs above what currently exists on the ground. They are characterized by a variety of activities and types of buildings located along the roadway, and are intended to allow people to reside, work, shop, access services, people watch, recreate, and hang out without traveling far distances.

The following Imagine Austin text and policies are applicable to this case:

- Grow as a compact, connected city: Austin's long-term sustainability requires a fresh focus on redevelopment and infill within the city's developed areas. Favoring compact growth now provides a balance to earlier decades of sprawling, low-density development. More compact growth contains costs and limits the need for tax increases by capitalizing on the land and infrastructure already in place. It also enhances human connections, innovation, and urban vibrancy. Creating a more compact and efficient city is critical to our ability to connect people to homes, jobs, schools, and

other destinations with a more complete transportation system that is affordable to build, operate, and maintain.

□ LUT P4. Protect neighborhood character by directing growth to areas of change that include designated redevelopment areas, corridors and infill sites. Recognize that different neighborhoods have different characteristics and new and infill development should be sensitive to the predominant character of these communities.

□ HN P10. Create complete neighborhoods across Austin that have a mix of housing types and land uses, affordable housing and transportation options, and access to healthy food, schools, retail, employment, community services, and parks and recreation options.

There are a variety of mobility (public sidewalks, crosswalk and Cap Metro stop) and connectivity options (several restaurants, retail uses and a coffee shop) in the area. The proposed project appears to support the policies of the Imagine Austin Comprehensive Plan.

SITE PLAN

SP1. Site plans will be required for any new development other than single-family or duplex residential.

SP2. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

SP3. FYI: Additional design regulations will be enforced at the time a site plan is submitted.

SP4. FYI: The subject property is included in an approved site plan SP-00-2032C(XT4).

SP5. The applicant is responsible for requesting relocation and demolition permits once the site plan is approved. The City Historic Preservation Officer will review all proposed building demolitions and relocations prior to site plan approval. If a building meets city historic criteria, the Historic Landmark Commission may initiate a historic zoning case on the property.

TRANSPORTATION

Name	ROW	Pavement	Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
US 290 Hwy	225'	Hwy multiple lanes	ASMP Level 4	Yes	Yes	Yes
Springdale Rd	100'	20'	ASMP Level 3	No	Yes	Yes
Sansom RD	80'	32'	ASMP Level 2	No	No	Yes

ENVIRONMENTAL

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Walnut Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. 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%

2. According to floodplain maps there is no floodplain within or adjacent to the project location.
3. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
4. Under current watershed regulations, development or redevelopment requires water quality control with increased capture volume and control of the 2 year storm on site.

WATER UTILITY

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing 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. Depending on the development plans submitted, water and or wastewater service extension requests may be required. 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.

INDEX OF EXHIBITS TO FOLLOW

- A: Zoning Map
- B. Aerial Exhibit
- C. Zoning Ordinance
- D. TIA Memorandum
- E. Restrictive Covenant
- F. Correspondence
- G. Draft Proposed LDC Zoning Exhibit

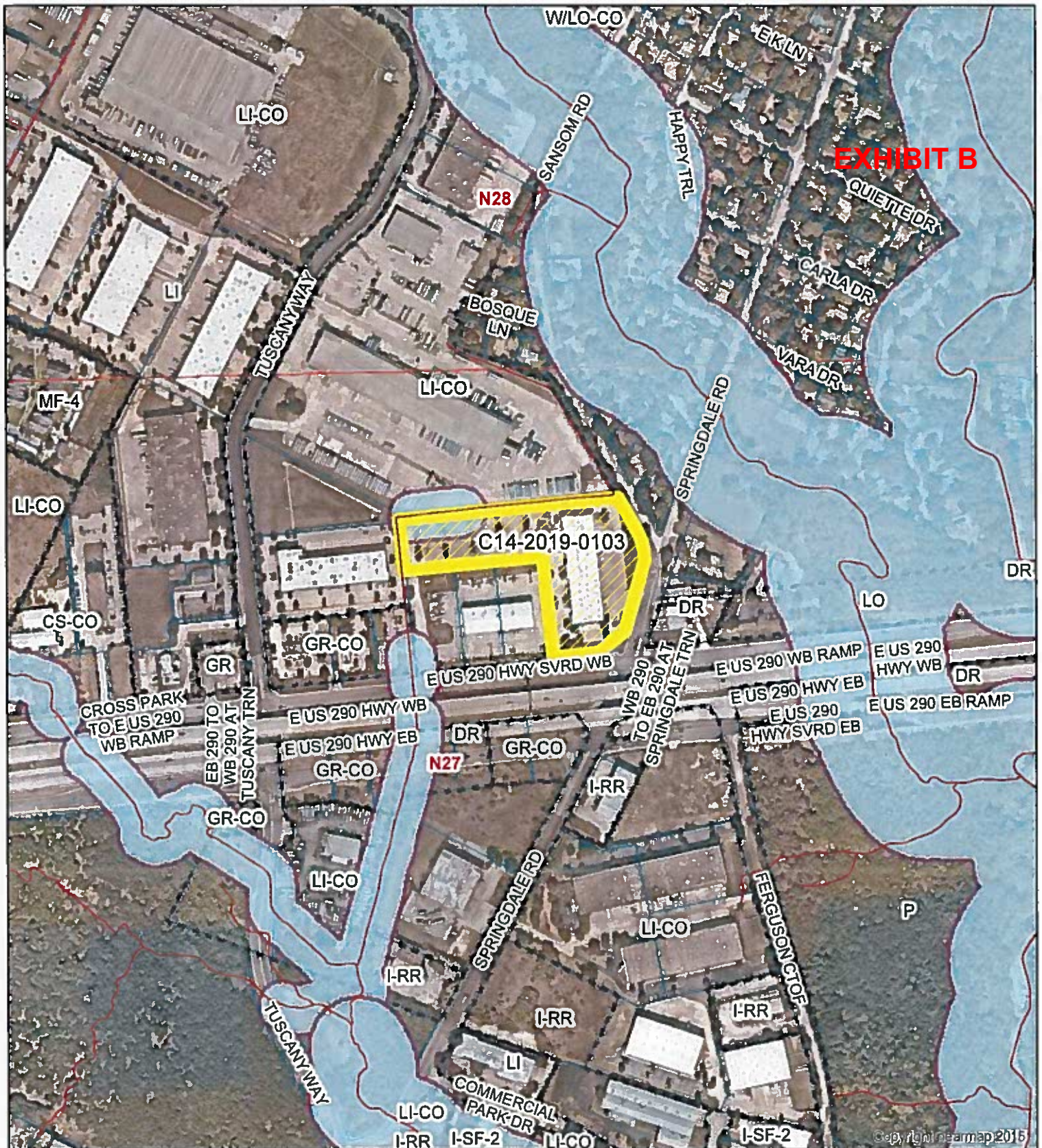


EXHIBIT B

9100 US - 290 East

ZONING CASE#: C14-2019-0103
 LOCATION: 9100 E US 290 Service Rd WB
 SUBJECT AREA: 7.267 Acres
 GRID: N27
 MANAGER: Heather Chaffin



- SUBJECT TRACT
- ZONING BOUNDARY
- Utility Easements
- CREEK BUFFER

1" = 500'

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.

ORDINANCE NO. 001207-10

EXHIBIT C

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 25-2 OF THE CITY CODE AS FOLLOWS:

LOTS 4, 5, AND 6 BLOCK "B", TUSCANY BUSINESS PARK SUBDIVISION, FROM COMMUNITY COMMERCIAL-CONDITIONAL OVERLAY (GR-CO) COMBINING DISTRICT TO LIMITED INDUSTRIAL SERVICES--CONDITIONAL OVERLAY (LI-CO) COMBINING DISTRICT, LOCALLY KNOWN AS 8331 TUSCANY WAY, 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 Section 25-2-191 of the City Code is amended to change the base district from community commercial-conditional overlay (GR-CO) combining district to limited industrial services-conditional overlay (LI-CO) combining district on the property described in File C14-00-2120, as follows:

Lots 4, 5, and 6, Block "B" Tuscanay Way Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Document No. 199900261 of the Real Property Records of Travis County, Texas, (the "Property")

locally known as 8331 Tuscanay Way, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "A".

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

1. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds the total traffic generation for the Property as specified in that certain Traffic Impact Analysis ("TIA") prepared by WHM Transportation Engineering Consultants, Inc., dated October 1998, or as amended and approved by the Director of the Development Review and Inspection Department. All development on the Property is subject to the recommendations contained in the memorandum from the Transportation Review Section of the Development Review and Inspection

Department, dated May 11, 1999. The TIA shall be kept on file at the Development Review and Inspection Department.

2. Vehicular access from the Property to Sansom Road and Springdale Road is prohibited. All vehicular access to the Property shall be from other adjacent public streets or through other adjacent property.
3. The following uses of the property are prohibited on Lot 6, Block "B":

Agricultural sales and services
Automotive repair services
Campground
Construction sales and services
Drop-off recycling collection facility
Financial services
Funeral services
General retail sales (general)
Indoor entertainment
Kennels
Medical offices-any size
Off-site accessory parking
Personal improvement services
Plant nursery
Research services
Restaurant (general)
Services station
Vehicle storage
Basic industry
General warehousing and distribution
Congregate living
Maintenance and service facilities
Residential treatment

Automotive rentals
Automotive sales
Commercial off-street parking
Consumer convenience services
Equipment sales
Food sales
General retail sales (convenience)
Hotel-motel
Indoor sports and recreation
Laundry service
Monument retail sales
Outdoor sports and recreation
Personal services
Professional office
Restaurant (drive-in, fast food)
Restaurant (limited)
Theater
Veterinary services
Recycling center
Resource extraction
Employee recreation
Railroad facilities

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the limited industrial services (LI) base district and other applicable requirements of the City Code.

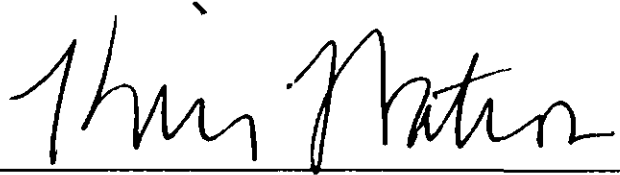
PART 3. The Council waives the requirements of Section 2-2-3, 2-2-5, and 2-2-7 of the City Code for this ordinance.

PART 4. This ordinance takes effect on December 18, 2000.

PASSED AND APPROVED

December 7, 2000

§
§
§



Kirk Watson
Mayor

APPROVED:  ATTEST: 
Andrew Martin
City Attorney
Shirley A. Brown
City Clerk

I-RR

00-2077
(PENDING)

07-00-2100C

07-0077

LI

ANNEX 011210-A

WAREHOUSING
AND DISTRIBUTION

07-00-2032C
00-0100

I-RR

MF-4

00-0027

07-00-2032C

LI

00-0100

CONVENIENCE
STORE

GR

04-100

OS-CO

00-0070

LOTS 4+5

I-RR

LOT 6

LI-CO

00-0100

BODY SHOP

GR-CO

00-0100

FAST
FOOD

COUNTY

SPRINGDALE RD.

DR

WAREHOUSE

CARLA DRIVE

VARA DRIVE

VARA DR.

SANSON RD.

U.S. HWY 290 EAST

DR

GR-CO

07-0111

07-0111

LI-CO

07-0111

GR-CO

00-0130

SP07-00700

07-0111

DR

FOOD
SALES

CONV
STORE

GAS

GR

DR

SPRINGDALE RD.

FERGUSON CUTOFF



1" = 400'

SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

CASE MGR: C.PATTERSON



001207-10

ZONING EXHIBIT A

CASE #: C14-00-2120

ADDRESS: 8331 TUSCANY WAY

SUBJECT AREA (acres): 16.850

DATE: 00-08

INTLS: TRC

CITY GRID
REFERENCE
NUMBER

N27



MEMORANDUM

Date: December 6, 2019,
To: Heather Chaffin, Zoning Case Manager
CC: Dan Hennessey, P.E., PTOE, WGI
Reference: 9100 US 290
Transportation Impact Analysis Final Memo
C14-2019-0103

Summary of the Transportation Impact Analysis (TIA):

The Austin Transportation Department has reviewed the November 7, 2019 (received November 8, 2019) "9100 US 290 East Re-Zoning, Transportation Impact Study", prepared by WGI for Gladstone Commercial. The proposed land use consists of a K-12 charter school with a maximum enrollment of 900 students. The development is located on the northwest corner of Springdale Road and US 290 Westbound Frontage Road. Construction is expected to be completed in fall 2020.

Below is a summary of our review findings and recommendations:

1. A Transportation Management Plan (TMP) showing pick-up/drop-off locations, queuing analysis, and internal circulation routes shall be required with the site plan application for this zoning case. The TMP to be implemented by the applicant should be re-analyzed and alternative TMPs should be submitted to the City of Austin for review and approval to restrict spillback onto City, County and TxDOT roadways. Transportation mitigations will be reassessed at the time of site plan.
2. Development of this property should not vary from the approved uses and estimated traffic generation assumptions within the finalized TIA document, including land uses, trip generation, trip distribution, traffic controls, and other identified conditions. Any change in the assumptions made to the TIA document shall be reviewed by ATD and may require a new or updated TIA/addendum.
3. The applicant shall provide two copies of the final, updated version of the TIA within ten business days after the 3rd reading, matching Council's approved intensity recommendation.
4. The findings and recommendations of this TIA memorandum remain valid until five (5) years from the date of this memo, after which a revised TIA or addendum may be required.

Assumptions:

1. The development will be built by the year 2020.
2. Increase in volumes were assumed for intersection data collected in July 2019 to account for school traffic:

- AM: 25 % increase in volume
 PM: 5% increase in volume
 Afternoon Peak Hour: No increase
3. An annual growth rate of 2% was assumed.
 1. No internal capture, pass-by, or TDM reductions were applied.

Proposed Conditions:

Trip Generation and Land Use

Based on the Institute of Transportation Engineers (ITE) Trip Generation Manual (10th Edition), the development will generate approximately 1,665 unadjusted average daily vehicles trips (ADT) at full build out. Table 1 shows the unadjusted trip generation.

Table 1: Adjusted Trip Generation							
Proposed Land Use		Size / Unit		24-Hour Two Way Volume (Approximate)	AM Peak	Afternoon Peak	PM Peak
537	Private School K-12	900	Students	1,665	1019	582	126

If you have any questions or require additional information, please contact me at 512-974-4073.



Nazlie Saeedi, P.E.
 Austin Transportation Department

EXHIBIT E

Zoning Case No. C14-00-2120

RESTRICTIVE COVENANT

Return to
Development Review & I.
505 Barton Springs
Austin Tx 78701
Attn Clark Patterson

OWNER(S): Tuscany Business Park 1 & 5, L.P

ADDRESS: 3101 Bee Cave Road, Suite 301, Austin, Texas 78746

CONSIDERATION: Ten and No/100 Dollars (\$10 00) and other good and valuable consideration paid by the City of Austin to Owner, the receipt and sufficiency of which is acknowledged.

PROPERTY: Tract 1 Lot Four (4), Block "B" Tuscany Business Park, a subdivision in Travis County, Texas, according to the map or plat filed for record under Instrument File Number 199900261, Official Public Records of Travis County, Texas, and Lot Five (5), Block "B", amended plat of Lots 5 and 6, Block "B" of Tuscany Business Park, a subdivision in Travis County, Texas, according to the map or plat filed for record under Instrument File Number 200000189, Official Public Records of Travis County, Texas,

Tract 2: Lot Six (6) Block "B", amended plat of Lots 5 and 6, Block "B" of Tuscany Business Park, a subdivision in Travis County, Texas, according to the map or plat filed for record under Instrument File Number 2000000189, Official Public Records of Travis County, Texas (located on U S Highway 290 East, Springdale Road and Sansom Road, Austin, Travis County, Texas)

WHEREAS, the Owner of the Property has agreed that the Property should be impressed with certain covenant and restrictions

NOW, THEREFORE, it is declared that the Owner of the Property, for the consideration, shall hold, sell and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant. These covenants and restrictions shall run with the land, and shall be binding on the Owner of the Property, its heirs, successors, and assigns.

1. Notwithstanding any other provision of the City Code applicable to the Property on the effective date of this restrictive covenant or at the time an application for approval of a site development plan or building permit is submitted, no site plan for development of the Property or any portion of the Property shall be approved or released unless the site plan or permit contains the following:
 - A No access for vehicles shall be provided to Tract 1 or Tract 2 from Springdale Road or Sansom Road

B. No development on Tract 1 or Tract 2 shall include exterior pay phones or exterior public address or exterior sound broadcasting device.

C. All lighting within Tracts 1 and 2 shall be directed so that the lighting will not shine toward adjoining neighborhoods

D. Owners and Tenants of the Property shall not conduct any truck activity (including but not limited to loading/unloading, detaching/attaching trailers, arriving/departing) between the hours of 10 00 o'clock p.m. and 6 00 o'clock a.m.

E. Construction of a four foot high berm (which may vary in height in according to City of Austin requirements) above the paved parking lot surface on Tract 2. The berm will commence at the midpoint where Tract 2 faces Springdale Road and run North to the Northeast corner of the Property and shall then continue in a generally Westerly direction for approximately 50 feet on the Property boundary line. The Owner of the Property shall erect and maintain a 6 foot high privacy fence and shall plant and maintain an evergreen buffer on and along the berm.

2. All restrictive covenants in Zoning Case C14-98-0188 and C14-98-0189 shall continue to be applicable to Tract 1 and Tract 2 except where inconsistent with this restrictive covenant

3. If any part of this agreement or covenant is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full effect.

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

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

EXECUTED this the 5th day of December, 2000

OWNERS:

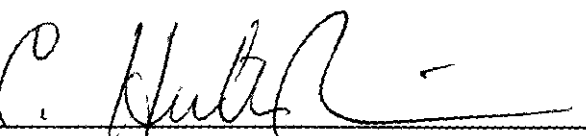
TUSCANY BUSINESS PARK 1 & 5, L.P

By. Tuscany Business Park Holdings, L.L.C , its
general partner

By. Midtown 3100, L.P , its sole member

By. Donegal Development Corp ,
its general partner

By



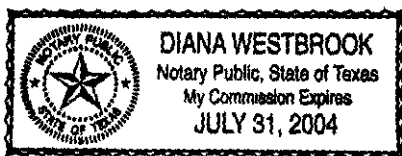
Its.

C. Hunter Barrier
Authorized Signatory

STATE OF TEXAS

COUNTY OF Travis

This instrument was acknowledged before me on this the 5th day
of December, 2000, by C. Hunter Barrier,
Managing General Partner of Tuscany Business Park 1 & 5, LP, a
Donegal Development Corp. partnership, on behalf of said
partnership

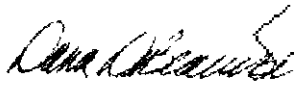



Notary Public, State of Texas

Diana Westbrook
(Printed or Stamped Name of Notary)

My Commission Expires 07-31-2004

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS


02-08-2001 08 18 AM 2001020322
NARVAEZJ \$13 00
DANA DEBEAUVOIR, COUNTY CLERK
TRAVIS COUNTY, TEXAS



INLAND TRUCK PARTS COMPANY EXHIBIT F

7015 College Blvd. Suite 650 - Overland Park, KS 66211
Phone: 913-345-9664

December 2, 2019

Ms. Heather Chaffin
City of Austin
Planning & Zoning Department
PO Box 1088
Austin, TX. 78767-8810

Re: Rezoning Application of 9100 E US. 290 Hwy SVRD WB
Case Number: C14-2019

Dear Ms. Chaffin:

The purpose and intent of this letter is to share with staff and members of the Planning Commission the concerns we have regarding the above referenced Rezoning Application.

Inland Truck Parts Company is an employee owned business which owns and operates 40 truck service centers within a 13-state region in the central US. Our operating facilities include our Austin Facility which is located on the property at 9,000 E US 290 Hwy SVRD WB., Our facility in Austin is immediately adjacent to the subject property.

The original concept of the Tuscany Business Park included 4 similar office/warehouse/showroom buildings that shared access, auto parking and truck courts. The property was zoned for commercial and light industrial use. In 2004 the property was re-platted to subdivide and separate out several lots for sale. Inland purchased lots 5, 7 and 8 in the Tuscany Business Park in 2010 because of a number of factors including its visible location along Hwy 290, ease of access to local highways, and because of its light industrial zoning, which is appropriate for our use.

We obtained permits to build our current facility in 2013 and opened for business in early 2014. Conditions of our project approval included limiting our access to two shared entrance drives along the frontage road. We were required to allow traffic to access both entrances and through our front parking lot.

We oppose the proposed re-zoning for a number of reasons that I will elaborate on herein.

1. We believe the proposed use as a K-12 school and zoning change is inconsistent incompatible with the original intent of the development.

2. While the previous occupant of the building on Lot 6 was a technical school, their population was limited to college age and older students plus faculty. During this period, we had daily issues student traffic driving too fast through our front parking lot putting both our employees and customers at risk. Our concern for safety led us to install speed bumps to force traffic to slow down as it passed through our parking lot. With the proposed use as a K-12 school, and the driver population now including high school aged drivers, we are concerned that this will become a more serious issue if approved.
3. We are concerned that the fact that we share common entrance drives, coupled with the short depth of those drives will create severe congestion during morning and afternoon inbound and outbound traffic generated by students, faculty parents dropping off and picking up children. The lack of appropriate inbound and outbound stack space will not only impact our ability to use those entrance drives but will also impact the traffic along 290 frontage road.
4. We feel our traffic is incompatible with traffic associated with any K-12 facility. The predominance of our traffic will always be large trucks. We have a single bay loading dock where we have several daily inbound and outbound shipments via tractor trailers. The majority of our truck traffic however is bound for our Service Shop where we service a variety of large diesel trucks. We service everything from light duty pickup trucks to over the road trucks, transit busses and fire trucks.
5. Nobody wants to even think about the potential safety risk this presents to small, impulsive children being so close to a use like ours and the large truck terminal that occupies the property to the immediate north.

In summary, while we are open to almost any compatible commercial or light industrial use, we feel very strongly that with the proposed use being a K-12 school there is just too much potential for conflict between our use and theirs to enable us to be compatible neighbors. Some areas are just not appropriate for small children to be near.

We would never have selected this site to develop for our use with a K-12 school right next door, nor do we believe our use would have been approved had they been there. For the above referenced reasons, we respectfully object to the proposed zoning change. Please don't hesitate to contact me if you have concerns that we need to discuss.



Michael F. Pollard - Architect
Inland Truck Parts Company
7015 College Blvd., Suite 650
Overland Park Kansas 66211
Office [REDACTED]
Cell Phone [REDACTED]

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.austintexas.gov/planning.

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: C14-2019-0103

Contact: Heather Chaffin, 512-974-2122

**Public Hearing December 03, 2019, Zoning and Platting Commission
January 03, 2020, City Council**

Michael F. Pollard

Your Name (please print)

9000 E. Hwy 290, Austin, Tx

Your address(es) affected by this application

Michael F. Pollard

Signature

☐ I am in favor
☒ I object

12-8-2019

Date

Daytime Telephone: 816-516-9299

Comments:

See Attached letter.

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

City of Austin

Planning & Zoning Department

Heather Chaffin

P. O. Box 1088

Austin, TX 78767-8810

Chaffin, Heather

Subject: FW: Case Number C14-2019-0103
Attachments: 0909_001.pdf; 2004 Re-Plat (200400360) - 4848362v1.pdf; Original Development Plan.pdf

From: Mike Pollard
Sent: Tuesday, October 01, 2019 2:25 PM
To: heather.chaffin@austintexas.gov
Cc: Greg Klein
Subject: Case Number C14-2019-0103

Ms. Chaffin

I left you a phone message to request information about the above referenced proposed zoning change. We received the attached initial Notice of Filing of Application rezoning and we were able to download what information that was available through the link provided on the notice. The notice states that we will receive a separate notice of any scheduled hearing regarding this application. We have received no such notice specifying a hearing date.

We would like to make sure we have an opportunity to attend, and speak before the Planning Commission and oppose this proposed change.

The Notice of Filing made us aware of the proposed change to the zoning, without specific reference to the intended use, but we have since learned of the intent to turn this building into a K-12 charter school.

Our local manager was contacted recently by a Mr. Perry Finney with Gladstone Commercial to discuss their intent with this property. During a brief conference call, Mr. Finney advised us of their intent to utilize parking on our property at their convenience, and also stated their desire to restrict the use of our east entrance drive that is currently shared with their property.

The Tuscany Business Park has quite a long history dating back to 2003 when it was originally planned and approved as a light industrial type business park that included office / showroom / warehouse uses. The initial site plan (attached) incorporated 4 similarly designed buildings to be constructed in several phases that shared auto parking and truck loading / maneuvering areas between the buildings.

In 2004, the property was re-subdivided and re-platted to separate out lots 5,7 and 8 from the remaining portions of the development and subsequently a large shared auto parking lot was constructed on the northern portion of the development.

In 2010, Inland Truck Parts Company purchased the remaining lots 5,7, and 8 and developed it as it currently stands. We occupied our building in early 2014. Our process also included another re-plat of lots 5,7 and 8 into one piece of property. The applicant maintains they have the right to use our parking freely. Our records show that, while joint use of the entrance drives is allowed, nothing in the plat makes reference to our parking spaces being reciprocal.

We want to be clear in our opposition to this proposed zoning change for a number of reasons as described below.

1. We think the proposed use, being a K-12 Charter School, is very inconsistent with the intent of the original planned and approved development being a combination of Light Industrial and Commercial uses.
2. While the previous occupant of the building on Lot 6 was a technical school, their population was limited to college age and older students and faculty drivers. Their hours of operation included daytime and evening hours.
3. We believe that allowing a K-12 public or private school in an area predominantly developed with Industrial uses such as ours and the large motor freight facility to the immediate north creates a serious conflict of use and presents an inherent safety risk for the students.
4. Since we share common entrance drives with the subject property, mixing heavy trucks with K-12 associated traffic is inappropriate.
5. The current design and short depth of our shared entrance drive will not be able to accommodate peak morning and afternoon traffic generated by students, faculty and parents dropping off and picking up children. We believe it will not only impact our ability to use those entrance drives, but will negatively impact traffic along 290 Frontage Road. This entrance has an inappropriately short stack space for incoming traffic that will lead to daily backups that extend out onto the Frontage Road.
6. When the same facility was previously occupied by a technical school, we did have daily issues with student traffic driving too fast through our front parking lot putting our customers and employees at risk. This safety concern led us to install speed bumps in our lot to force traffic to slow down in our lot. In our opinion, this problem only be magnified with the introduction of younger high school aged drivers.
7. Using this facility for a K-12 school is not, in our opinion, the highest and best use for this property. It would be much more appropriately used as originally intended for some light industrial or commercial use.
8. From the date of its original approval, the property and development has changed and evolved in a number of ways that, when combined with the current proposal, raises concerns with us, especially when the applicant approaches us and announces their intent to utilize parking spaces on our property. As originally proposed and approved, the development included 205,739 SF of building, 434 auto parking spaces on 16.839 acres. With our purchase of 5.035 acres, that leaves a remaining development area of 11.804 acres. With the large auto parking lot added north of us, combined with the parking reconfiguration changes made to the "truck court" on Lot 6 where the Charter School is proposed to go, they now have 504 available auto parking spaces. This represents a 65% increase in parking density on a per acre basis, and over a 225% parking increase as it relates to the building area served. All of this is exclusive of our parcel. While it doesn't really affect us, it should be noted that when the approved truck court immediately east of the Tech School was converted to auto parking, they merely re-stripped the lot and disregarded the requirements for interior landscaping that was required of the entire original development.
9. Rather than approach us to find mutually acceptable solutions and find a way that we can peacefully co-exist as neighbors, the applicant's approach to this point has been to come in and tell our local manager how **they** plan to change and impact our ability to use a facility that we have occupied for the past 5 plus years.

In summary, we feel strongly that there is just too much potential for conflict between our use and theirs to enable us to be compatible neighbors. We would never have selected this site to develop for our use with a K-12 school right next door, nor do we believe we would have been approved had they been there. For the above referenced reasons, we respectfully object to the proposed zoning change.

Please note that I have copied Inland's President / CEO on this email. It will be our intent to have a representative in attendance to speak in opposition at any public hearing regarding this matter. Please make sure that further notices with regard to this and other matters are sent to my attention at Inland's corporate headquarters.

Thank you and please do not hesitate to contact me if you wish to discuss my email and our concerns.

Michael F. Pollard - Architect
Inland Truck Parts Company
7015 College Blvd., Suite 650
Overland Park Kansas 66211

Office 913-345-9664 Ext 11161

Cell Phone 816-516-9299



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CAUTION: This email was received at the City of Austin, from an EXTERNAL source. Please use caution when clicking links or opening attachments. If you believe this to be a malicious and/or phishing email, please forward this email to CSIRT@austintexas.gov.

DRENNER GROUP

October 31, 2019

Ms. Denise Lucas
Planning and Zoning Department
City of Austin
505 Barton Springs Road
Austin, TX 78704

Via Hand Delivery

Re: 9100 US-290 East – Rezoning application for the 7.267 acres piece of property located at 9100 US-290 East, in Austin, Travis County, Texas (the “Property”)

Dear Ms. Lucas:

As representatives and the Authorized Agent for Gladstone Commercial Corporation, the owner of the above-referenced Property, we respectfully submit the enclosed rezoning application package.

The project is titled 9100 US-290 East and consists of 7.267 acres of previously developed property located within the full purpose jurisdiction of the City of Austin. The Property is currently zoned LI-CO (Limited Industrial Services – Conditional Overlay) and was previously home to a trade school use, but the existing building is currently unoccupied.

The requested rezoning is from LI-CO to CS-CO (General Commercial Services – Conditional Overlay) zoning district to allow for the use of the property as a private charter school. The proposed CS zoning subdistrict would include a new Conditional Overlay prohibiting the following uses:

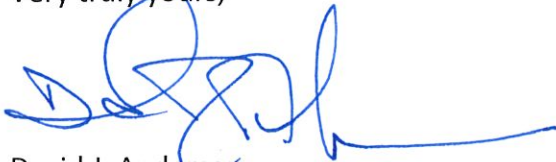
- Bed & Breakfast (Group 1)
- Bed & Breakfast (Group 2)
- Short Term Rental
- Alternate Financial Services
- Automotive Repair Services
- Automotive Sales
- Automotive Washing
- Campground
- Commercial Off-Street Parking
- Drop-Off Recycling Collection Facility
- Funeral Services
- Hotel-Motel

- Kennels
- Laundry Services
- Monument Retail Services
- Off-Site Accessory Parking
- Outdoor Sports and Recreation
- Outdoor Entertainment
- Pawn Shop Services
- Pedicab Storage and Dispatch
- Plant Nursery
- Service Station
- Theater
- Vehicle Storage
- Veterinary Services
- Congregate Living
- Residential Treatment
- Transitional Housing
- Transportation Terminal
- Alternative Financial Services
- Automotive Washing
- Outdoor Entertainment
- Automotive rentals
- Bail Bond Services
- Equipment Sales
- General Retail Stores (Convenience)
- General Retail Sales (General)
- Indoor Entertainment
- Personal improvement Services
- Personal Services
- Community Events
- Family Home
- Group Home, Class I (General)
- Group Home, Class I (Limited)
- Group Home, Class II
- Maintenance and Service Facilities
- Telecommunication Tower

Further, in consultation with the Walnut Place Neighborhood Association, we want to reiterate that no access for vehicles will be taken from either Springdale Road or Sansom Road per the Restrictive Covenant recorded as part of Zoning Case No. C14-00-2120 and recorded in the Official Public Records of Travis County, Texas Document No. 2001020322.

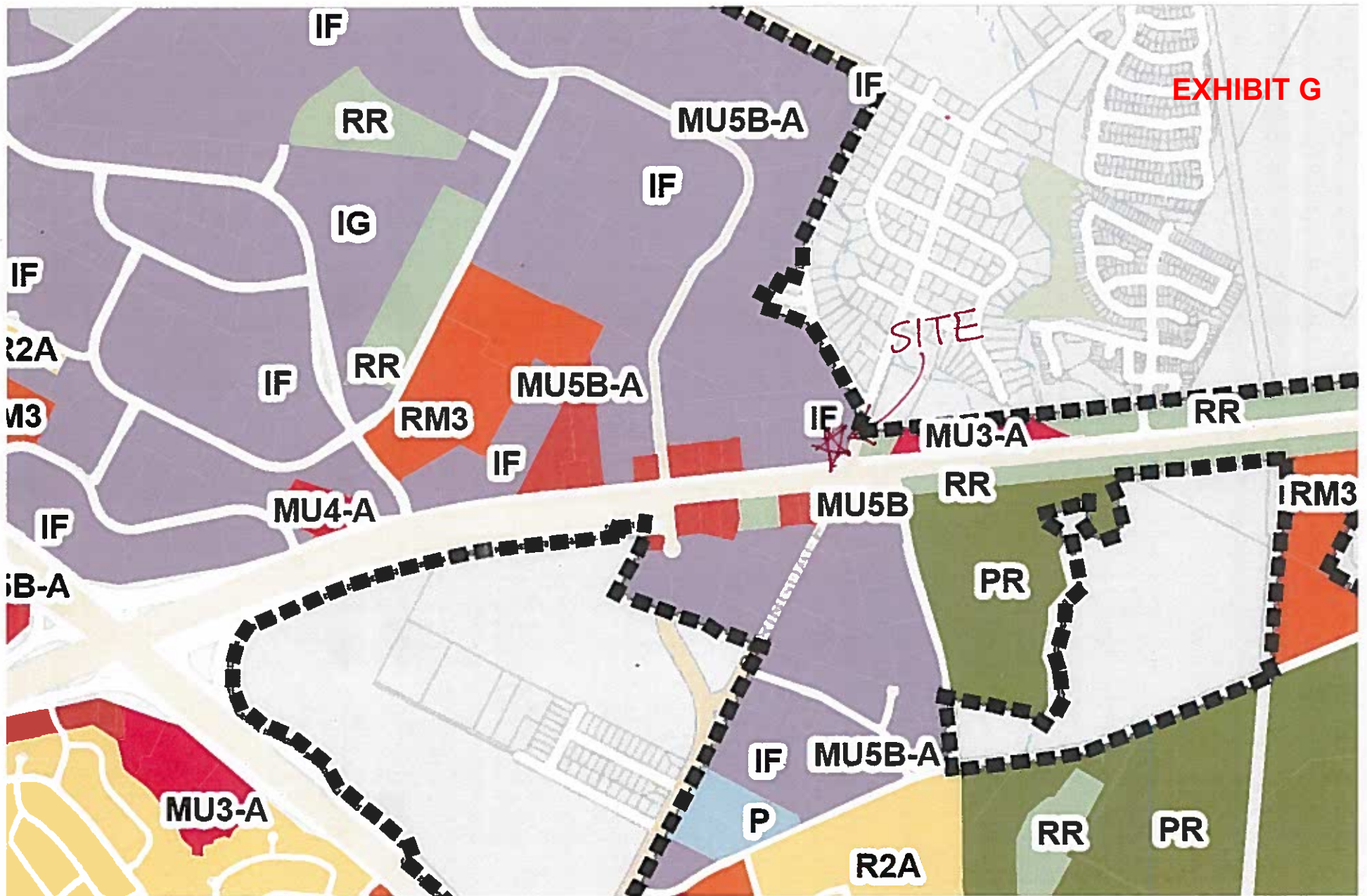
Please let me know if you or your team members require additional information or have any questions. Thank you for your time and attention to this matter.

Very truly yours,



David J. Anderson
Director of Land Use
Drenner Group, P.C.

cc: Joi Harden, Planning and Zoning Review Department (*via electronic delivery*)
Heather Chaffin, Planning and Zoning Review Department (*via electronic delivery*)



DRAFT PROPOSED LDC ZONING