

## ZONING CHANGE REVIEW SHEET

CASE: C14-2020-0146 (11705 Research Blvd Zoning)      DISTRICT: 6

ZONING FROM: LI-CO

TO: LI

The applicant is requesting a rezoning to remove the conditional overlay that requires the following on the property:

- 1) Building height is limited to a maximum of 40 feet.
- 2) The following uses are prohibited:

Scrap and Salvage	Convenience Storage
Automotive Rentals	Automotive Repair
Automotive Sales	Automotive Washing
Resource Extraction	Hotel-Motel
Basic Industry	Vehicle Storage
- 3) The following uses shall be prohibited on approximately 1.67 acres on the rear portion of the property for a depth of 150 feet:

General Warehousing and Distribution	Equipment Sales
Equipment Repair Services	Kennels
- 4) Development on the property shall be subject to the conditions of the Transportation Impact Analysis (TIA) prepared by Watson, Hall and Machemekl Transportation Engineering Consultants, Inc. dated February 1989.
- 5) No building permit for construction on the property shall be issued unless at the time an application for a building permit is submitted all city requirements have been met and one of the following has occurred:
  - i. a site plan for development of the property or any portion of the property has been approved and released by the City of Austin or
  - ii. construction contracts have been awarded for roadway improvements along U.S. Highway 183 between the Williamson County Line and Balcones Drive.

ADDRESS: 11705 Research Boulevard Service Road Northbound

SITE AREA: 5.580 acres (243,065 sq. ft.)

PROPERTY OWNER: 3M Company

AGENT: Drenner Group, PC (Amanda Swor)

CASE MANAGER: Sherri Sirwaitis (512-974-3057, [sherri.sirwaitis@austintexas.gov](mailto:sherri.sirwaitis@austintexas.gov))

STAFF RECOMMENDATION:

**Staff recommends LI-CO, Limited Industrial Conditional Overlay Combining District, zoning. The conditional overlay will maintain the following conditions from the current zoning ordinance for this property (Ordinance No. 900118-B):**

- 1) The following uses are prohibited on the Property:  
Scrap and Salvage  
Resource Extraction  
Basic Industry  
Vehicle Storage
- 2) The following uses shall be prohibited on approximately 1.67 acres on the rear portion of the property for a depth of 150 feet:  
General Warehousing and Distribution  
Equipment Sales  
Equipment Repair Services  
Kennels

ZONING AND PLATTING COMMISSION ACTION / RECOMMENDATION:  
**April 20, 2021: Approved staff's request for a postponement to May 4, 2021, by consent (9-0, J. Kiolbassa – absent); H. Smith- 1st, D. King – 2nd.**

**May 4, 2021: Approved neighborhood's request for a postponement to June 1, 2021, by consent (8-0, C. Acosta and E. Ray-absent); H. Smith-1st, D. King-2nd.**

**June 1, 2021**

CITY COUNCIL ACTION:

ORDINANCE NUMBER:

ISSUES:

The staff and the applicant conducted research to find the Transportation Impact Analysis (TIA) prepared by Watson, Hall and Machemekl Transportation Engineering Consultants, Inc. dated February 1989, which is associated with the previous zoning case for this property (case C14-89-0009). In this rezoning application, the applicant is requesting to remove the conditional overlay in Ordinance No. 900118-B, which includes the TIA conditions for the site. The staff placed a public information request with the city to attempt to locate this information. However, the Austin Transportation Department and the Development Assistance Center were unable to find the original TIA document. The Development Services Department Transportation Review staff was only able to find the TIA memorandums for the original zoning case (*please see TIA Memos - Exhibit E*). As this is an old TIA, it is possible that the paper copy may have been misplaced with the move to the new PDC building.

The ATD staff has stated that the applicant will be required to conduct a new TIA at the site plan stage when the land use intensities and the site layout will be known. The ATD staff will be requiring a master TIA for the larger site with the first site plan application.

CASE MANAGER COMMENTS:

The property in question is a 5+ acre undeveloped tract of land that fronts onto U.S. Highway 183/Research Boulevard. This site is part of the 3M business campus, which surrounds this tract to the north and east. The lots to the west consist of a General Retail Sales use (Cash America Pawn), an office building, and a single-family residence. In this request, the applicant is asking to remove the existing conditional overlay that was placed on this property in zoning case C14-89-0009 through Ordinance No. 900118-B (*Please see Applicant's Request Letter – Exhibit C and the Current Zoning Ordinance – Exhibit D*). The intended use for the site is office/retail.

The staff recommends LI-CO zoning, with a conditional overlay to maintain some of the conditions from the current zoning ordinance for this property. The staff recommends prohibiting the Scrap and Salvage, Resource Extraction, Basic Industry and Vehicle Storage uses on the property. In addition, the staff recommends prohibiting General Warehousing and Distribution, Equipment Sales, Equipment Repair Services and Kennels uses approximately 1.67 acres on the rear portion of the property for a depth of 150 feet. Providing this conditional overlay will maintain a separation/transition between the industrial zoning and the single family residential development to the west.

The applicant agrees with the staff's recommendation.

BASIS OF RECOMMENDATION:

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

Limited Industrial Service district is intended as an area primarily for commercial services and limited manufacturing uses, generally on moderately sized sites. Conditional Overlay combining district may be applied in combination with any base district. The district is intended to provide flexible and adaptable use or site development regulations by requiring standards tailored to individual properties.

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

The proposed zoning is consistent with the LI zoning and uses surrounding this property to the north and east. The staff is recommending a conditional overlay that will restrict the more intensive industrial and commercial uses on the site while maintaining a separation/ transition between the industrial zoning and the single family residential development to the west.

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

I CO zoning will permit the applicant to develop additional uses on a 5+ acre undeveloped tract of land that fronts onto a major arterial roadway/highway (Research Boulevard/U.S. Highway 183 Northbound). The applicant will be required to conduct a new TIA or this project at the site plan stage when the land use intensities and the site layout will be known.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	LI-CO	Undeveloped Area
<i>North</i>	LI	Office (3M Company Buildings)
<i>East</i>	LI	Office (3M Company Buildings)
<i>South</i>	ROW	U.S. Highway 183
<i>West</i>	GR, SF-2, SF-3	General Retail Sales (Cash America Pawn), Office Building, Undeveloped, Single-Family Residence

NEIGHBORHOOD PLANNING AREA: N/A

TIA: Deferred to the time of Site Plan

WATERSHED: Walnut Creek

NEIGHBORHOOD ORGANIZATIONS:

Angus Valley Area Neighborhood Association  
 Austin Lost and Found Pets  
 Bike Austin  
 Bull Creek Foundation  
 Friends of Angus Valley  
 Friends of Austin Neighborhoods  
 Homeless Neighborhood Association  
 Long Canyon Homeowners Association  
 Mountain Neighborhood Association  
 Neighborhood Empowerment Foundation  
 North Oaks Neighborhood Association  
 Raintree Estates  
 SELTEXAS  
 Sierra Club, Austin Regional Group  
 Summit Oaks Neighborhood Association  
 TNR BCP-Travis County Natural Resources

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2017-0085 (Charles Ford Rezoning: 12101 ½ Conrad Road)	SF-2 to SF-3	<p>9/05/17: Motion to approve staff's recommendation of SF-3 zoning made by S. Lavani-1<sup>st</sup>, B. Evans-2<sup>nd</sup>.</p> <p>Substitute motion to approve SF-3 zoning, with a conditional overlay to prohibit Duplex Residential use and to provide on-site parking for accessory dwelling units made by A. Denkler, B. Evans-2<sup>nd</sup>. Vote: (5-6, D. King, A. Aguirre, J. Duncan, J. Kiolbassa, B. Greenberg, Y. Flores-No). The motion failed.</p> <p>Returned to the original motion to approve staff's recommendation of SF-3 zoning (4-7, D. King, A. Denkler, A. Aguirre, J. Duncan, J. Kiolbassa, B. Greenberg, Y. Flores-No). The motion failed.</p> <p>Case sent forward to the City Council without a recommendation.</p>	<p>10/12/17: Approved the staff's recommendation for SF-3 zoning on 1<sup>st</sup> reading (10-1, L. Pool-No); J. Flanningan-1<sup>st</sup>, D. Garza-2<sup>nd</sup>.</p> <p>11/09/17: Ordinance No. 20171109-063 for SF-3 district zoning was approved on Council Member Alter's motion, Council Member Houston's second on a 10-1 vote. Council Member Pool voted nay.</p>
C14-2007-0228 11722 Bell Avenue)	SF-2 to SF-3	12/18/07: Approved staff recommendation of SF-3 zoning by consent (8-0); K. Jackson-1 <sup>st</sup> , J. Shieh-2 <sup>nd</sup> .	1/17/08 : Approved SF-3 zoning by consent (7-0); all 3 readings

C14-00-2008 (Summit Oaks Office Park: Howlett Ct.)	SF-2 to LO	2/29/00: Approved staff recommendation of LO zoning, with prohibition on Medical Office uses and a 2,000 vehicle trip per day limit (7-0)	3/30/00: Approved LO-CO zoning, with conditions as recommended by Planning Commission on all 3 readings (6-0)
C14-98-0155 (Tweed Court: 12000 Block of Bell Avenue and Tweed Court)	LO, GR to LO-CO	11/10/98: Approved staff rec. of LO-CO, with conditions for no vehicular access to Bell Avenue, access to Tweed Court is permitted only if TxDoT prohibits access to U.S. 183 and a 2,000 vehicle trip per day limit (7-0)	1/14/99: Approved PC rec. of LO-CO zoning, with conditions (7-0); 1 <sup>st</sup> reading  3/25/99: Approved LO-CO zoning with conditions (6-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings
C14-89-0009 (Wilson Tract: 11805-11841 Block of North U.S. Highway 183)	LO to LI	6/27/89: Approved LI-CO zoning with conditions: 1) 40 foot height limit, 2) prohibit Scrap and Salvage Services, Convenience Storage, Automotive Rentals, Automotive Repair Services, Automotive Sales, Automotive Washing, Resource Extraction, Hotel-motel, Basic Industry and Vehicle Storage uses, 3) prohibit the following uses on the rear portion of the property for a depth of 150 feet: General Warehousing and Distribution, Equipment Sales, Equipment Repair Services and Kennels, and 4) the property is subject to TIA conditions.	7/27/89: Approved LI zoning, with conditions, on 1 <sup>st</sup> reading  1/18/90: Approved LI-CO zoning, with conditions, on 2 <sup>nd</sup> /3 <sup>rd</sup> readings

RELATED CASES:

C14-89-0009 - Previous Rezoning Case

EXISTING STREET CHARACTERISTICS:

Name	Existing ROW	ASMP Required ROW	Pavement	ASMP Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
RESEARCH BLVD SVRD NB	53'	Defer to TxDOT	39'	4	No	Yes	Yes

## OTHER STAFF COMMENTS:

### Comprehensive Planning

The subject property is 5.60 acres in size, which is located on the north side of Research Boulevard/SH 183 and is outside the boundaries of a small area plan area. The property is undeveloped and surrounded by an office park to the north; to the south is Research Boulevard/SH 183; to east is a 3M business park; and to the west is a pawn shop, single family housing and another office park. The proposed use 125,000 square feet of office space and 10,000 square feet of retail.

### Connectivity

Public sidewalks are not located along this section of Research Boulevard, which has a metal guard rail abutting the north side. There are no bike lanes in the area. The closest public transit stop is located 0.26 miles west along Research Boulevard but navigating to that transit stop would be problematic due to the lack of public sidewalks. The mobility and connectivity options in the area are below average.

### Imagine Austin

The subject tract falls outside the boundaries of an Activity Center and is not near an Activity Corridor. However, Research Boulevard is a heavily travelled arterial road in north Austin, which abuts SH 183, and contains a variety of office, commercial and light industrial uses. The following Imagine Austin policies are applicable to this case:

- LUT P3. Promote development in compact centers, communities, or along corridors that are connected by roads and transit that are designed to encourage walking and bicycling, and reduce health care, housing and transportation costs.
- LUT P4. Protect neighborhood character by directing growth to areas of change that includes 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.

### Conclusion

Based on the subject tract being adjacent to three other office parks, but the lack of mobility and connectivity options in the area, this proposal only partially supports the policies of the Imagine Austin Comprehensive Plan.

### Environmental

The site is located over the Edwards Aquifer Recharge 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. The site is in the Desired Development Zone.

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 Gross Site Area</i>	<i>% of Gross Site Area 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 floodplain maps there is a floodplain within or adjacent to the project location. Based upon the location of the floodplain, offsite drainage should be calculated to determine whether a Critical Water Quality Zone exists within the project location. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

At this time, site specific information is unavailable regarding 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 requires water quality control with increased capture volume and control of the 2-year storm on site.

At this time, no information has been provided as to whether this property has any ls that preempt current water quality or Code requirements.

#### Fire

No comments.

#### Parks and Recreation

There are currently no parkland requirements for uses other than residential and hotel. Given that the application is for LI, there would not be parkland dedication requirements or parkland impacts at the time of site plan or subdivision.

#### Site Plan

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

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

- a. No structure may be built within 25 feet of the property line.
- b. No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.



- c. No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- d. No parking or driveways are allowed within 25 feet of the property line.
- e. A landscape area at least 25 feet wide 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.

#### Transportation

According to ASMP, right of way requirement for Research Blvd has been deferred to TXDOT and will be reviewed at the time of site plan application. The TIA is being deferred to site plan stage when the land use intensities and the site layout will be known. Staff is requiring a master TIA for the larger site with the first site plan application.

#### 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 Austin Water for compliance with City criteria and suitability for operation and maintenance.

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.

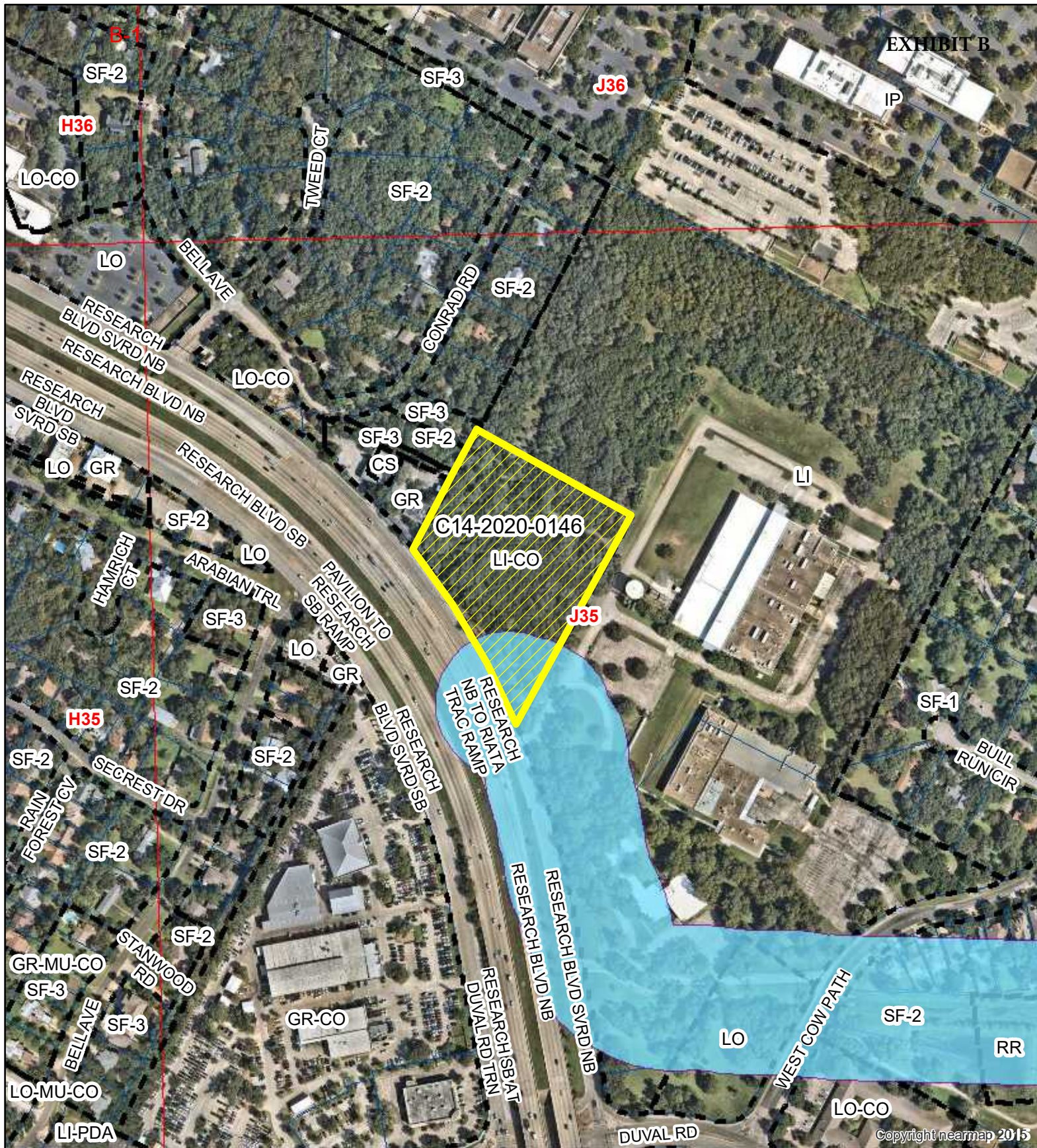
The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

#### INDEX OF EXHIBITS TO FOLLOW

- A: Zoning Map
- B. Aerial Map
- C. Applicant's Request Letter
- D. Current Zoning Ordinance - Ordinance No. 900118-B  
and Public Restrictive Covenant
- E. Original TIA Memorandums
- F. Petition Received
- G. Neighborhood's Postponement Request
- H. Correspondence Received







1" = 350'



SUBJECT TRACT



ZONING BOUNDARY



PENDING CASE



CREEK BUFFER

### 11705 Research Blvd

ZONING CASE#: C14-2020-0146

LOCATION: 11705 Research Blvd

SUBJECT AREA: 5.6 Acres

GRID: J35

MANAGER: Sherri Sirwaitis



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.



B-1

# DRENNER GROUP

Amanda Swor  
direct dial: (512) 807-2904  
aswor@drennergroupp.com

December 8, 2020

Ms. Rosie Truelove  
Housing and Planning Department  
City of Austin  
6310 Wilhelmina Delco Dr.  
Austin, TX 78752

Via Electronic Delivery

Re: 11705 Research Blvd. – Rezoning application for the 5.60-acre piece of property located at 11705 Research Blvd. in Austin, Travis County, Texas (the “Property”)

Dear Ms. Truelove:

As representatives of the owner of the Property, we respectfully submit the enclosed rezoning application package. The project is titled 11705 Research Blvd., consists of 5.60 acres, and is located on the east side of US 183 frontage, approximately 400 feet north of the intersection of Duval Road. The Property is currently undeveloped.

The site is currently zoned LI-CO, Limited Industrial Services – Conditional Overlay. The requested rezoning is from LI-CO to LI, Limited Industrial Services zoning district to remove the existing conditional overlay on the property. This request is consistent with surrounding uses.

The Property is not located within a Neighborhood Planning Area, therefore a Neighborhood Plan Amendment will not be required with this rezoning request.

A Traffic Impact Analysis (“TIA”) has been waived via a TIA Determination Form from Amber Mitchell dated December 1, 2020 with the note that a TIA determination is deferred until review of a site plan application when land use and intensity will be finalized.

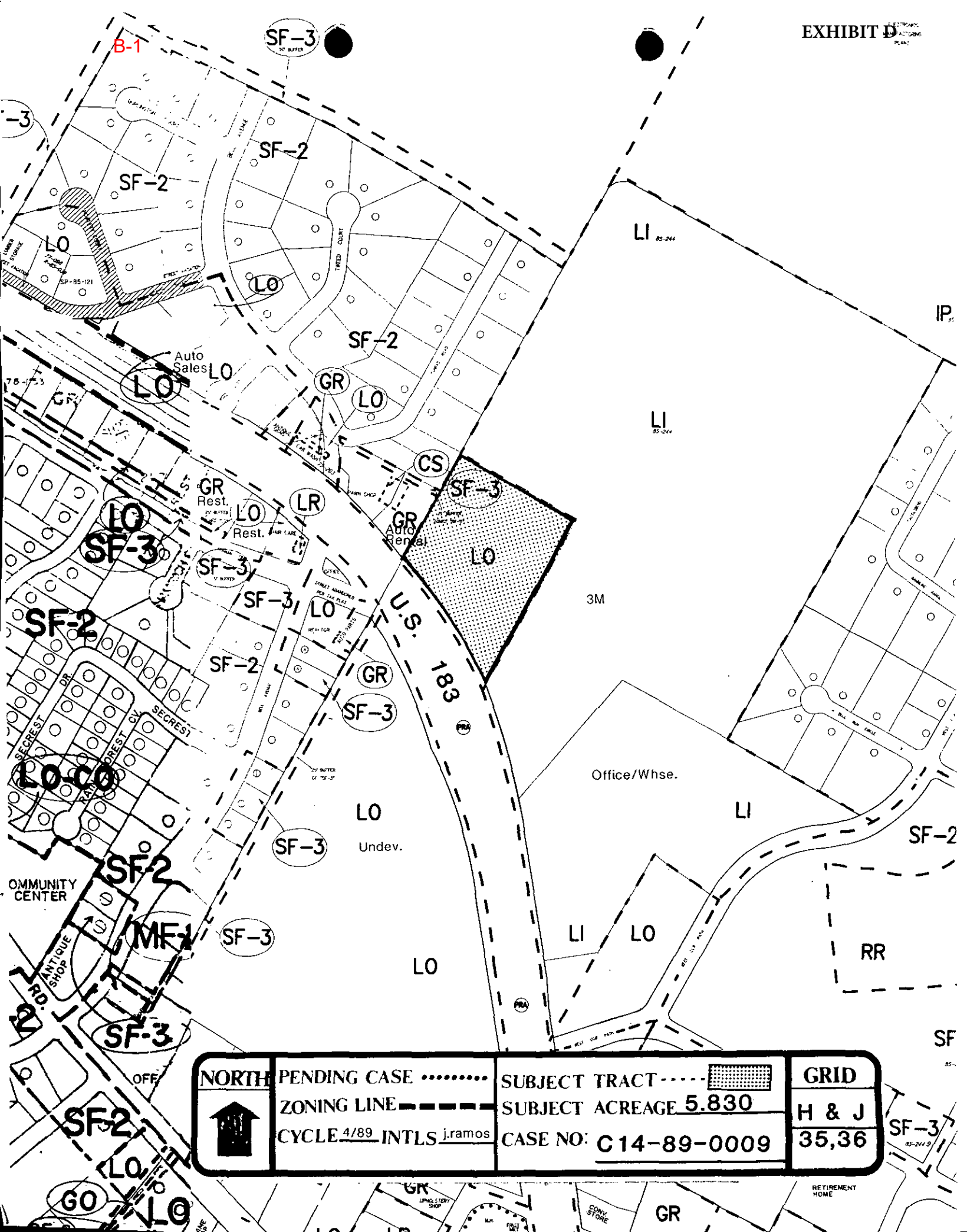
Please let me know if you or your team members require additional information or have any questions. Thank you for your time and attention to this project.

Very truly yours,

A handwritten signature in blue ink that reads "Amanda Swor". The signature is fluid and cursive, with the first name "Amanda" and last name "Swor" clearly distinguishable.

Amanda Swor

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



## CITY OF AUSTIN, TEXAS

ORDINANCE NO. 900118- B

AN ORDINANCE ORDERING A REZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 13-2 OF THE AUSTIN CITY CODE OF 1981 AS FOLLOWS: 5.83 ACRE TRACT OF LAND OUT OF THE F. SECREST SURVEY NO. 23, FROM "LO" LIMITED OFFICE DISTRICT TO "LI-CO" LIMITED INDUSTRIAL SERVICE DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT, LOCALLY KNOWN AS 11805-11841 NORTH U.S. HIGHWAY 183, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; WAIVING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

PART 1. Chapter 13-2 of the Austin City Code of 1981 is amended to change the base zoning district from "LO" Limited Office district to "LI-CO" Limited Industrial Service district-Conditional Overlay combining district on the property described in File C14-89-0009-CO, as follows:

5.83 acres of land out of the F. Secrest Survey No. 23, in Travis County, Texas, and being part of that certain tract described in Vol. 238, Page 464, Travis County Deed Records; described by metes and bounds as follows:

BEGINNING at a corner post at the intersection of the Northwest line of said tract described in Vol. 238, Page 464, Travis County Deed Records, with the Northeast line of U. S. Highway No. 183;

THENCE along the northwest fence line of said tract N. 29 degrees 36' E. 400.8 feet to an iron stake for corner;

THENCE along the property line of a 54.10 acre tract S. 60 degrees E. 487 feet to an iron stake for corner;

THENCE S. 29 degrees 43' W. 661.5 feet to an iron stake in the Northeast line of said Highway for corner;

THENCE along a curve to the left of the Northeast line of said Highway No. 31 degrees 49' W. a chord distance of 553 feet to the place of BEGINNING, containing 5.83 acres of land, ("Property")

locally known as 11805-11841 North U. S. Highway 183, in the City of Austin, Travis County, Texas.

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

1. No structure of any kind shall be built to a height greater than 40 feet above ground level on the Property, as measured from an elevation derived from the average of the highest and lowest grades adjacent to the structure.
2. The following uses shall be prohibited on the entirety of the Property:
 

<ol style="list-style-type: none"> <li>(a) Scrap and salvage services,</li> <li>(b) Convenience storage (mini-warehousing),</li> <li>(c) Automotive rentals,</li> <li>(d) Automotive repair services,</li> <li>(e) Automotive sales,</li> <li>(f) Automotive washing (automatic or mechanical),</li> </ol>	<ol style="list-style-type: none"> <li>(g) Automotive washing (self service),</li> <li>(h) Resource extraction,</li> <li>(i) Hotel-motel,</li> <li>(j) Basic industry,</li> <li>(k) Vehicle storage.</li> </ol>
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## CITY OF AUSTIN, TEXAS

3. The following uses shall be prohibited on approximately 1.67 acres on the rear portion of the property for a depth of 150 feet: (i) General warehousing and distribution, (ii) Equipment sales, (iii) Equipment repair services, and (iv) Kennels.
4. 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 shall 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 all existing or previously authorized development and uses of the Property, generates traffic exceeding the total traffic generation for the Property as specified in that certain Traffic Impact Analysis prepared by Watson, Hall, and Machemehl, Transportation Engineering Consultants, Inc., dated February, 1989, on file at the Department of Planning and Development, and submitted in support of the zoning request enacted by this ordinance.
5. No building permit for construction on the Property shall be issued by the City of Austin unless at the time an application for a building permit is submitted all City requirements have been met and one of the following has occurred:
  - (i) a site plan for development of the Property or any portion of the property has been approved and released by the City of Austin; or,
  - (ii) construction contracts have been awarded for roadway improvements along U. S. Highway 183 between the Williamson County Line and Balcones Drive.

If any one of the above referenced two conditions (i) and (ii) have been satisfied at the time an application for a building permit is submitted, the City of Austin shall issue a building permit provided all other City requirements are satisfied. Any building permit issued shall be in compliance with condition 4 as specified in this ordinance.

Except as specifically restricted pursuant to this ordinance, the property may be developed and used in accordance with the regulations established for the "LI" Limited Industrial Service base district and other applicable requirements of the Land Development Code.

PART 3. It is ordered that the Zoning Map established by Sec. 13-2-22 of the Austin City Code of 1981 and made a part thereof shall be changed to record the amendment enacted by this ordinance.

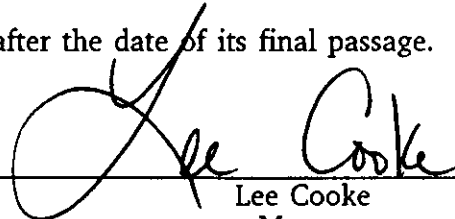
PART 4. The requirement imposed by Section 2-2-3 of the Austin City Code of 1981 that this ordinance be read on three separate days shall be waived by the affirmative vote of five members of the City Council to pass this ordinance through more than one reading on a single vote.

PART 5. This ordinance shall be effective ten days after the date of its final passage.

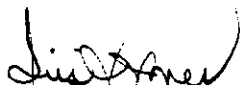
PASSED AND APPROVED

January 18, 1990

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§  
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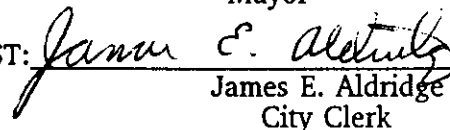
  
Lee Cooke  
Mayor

APPROVED:



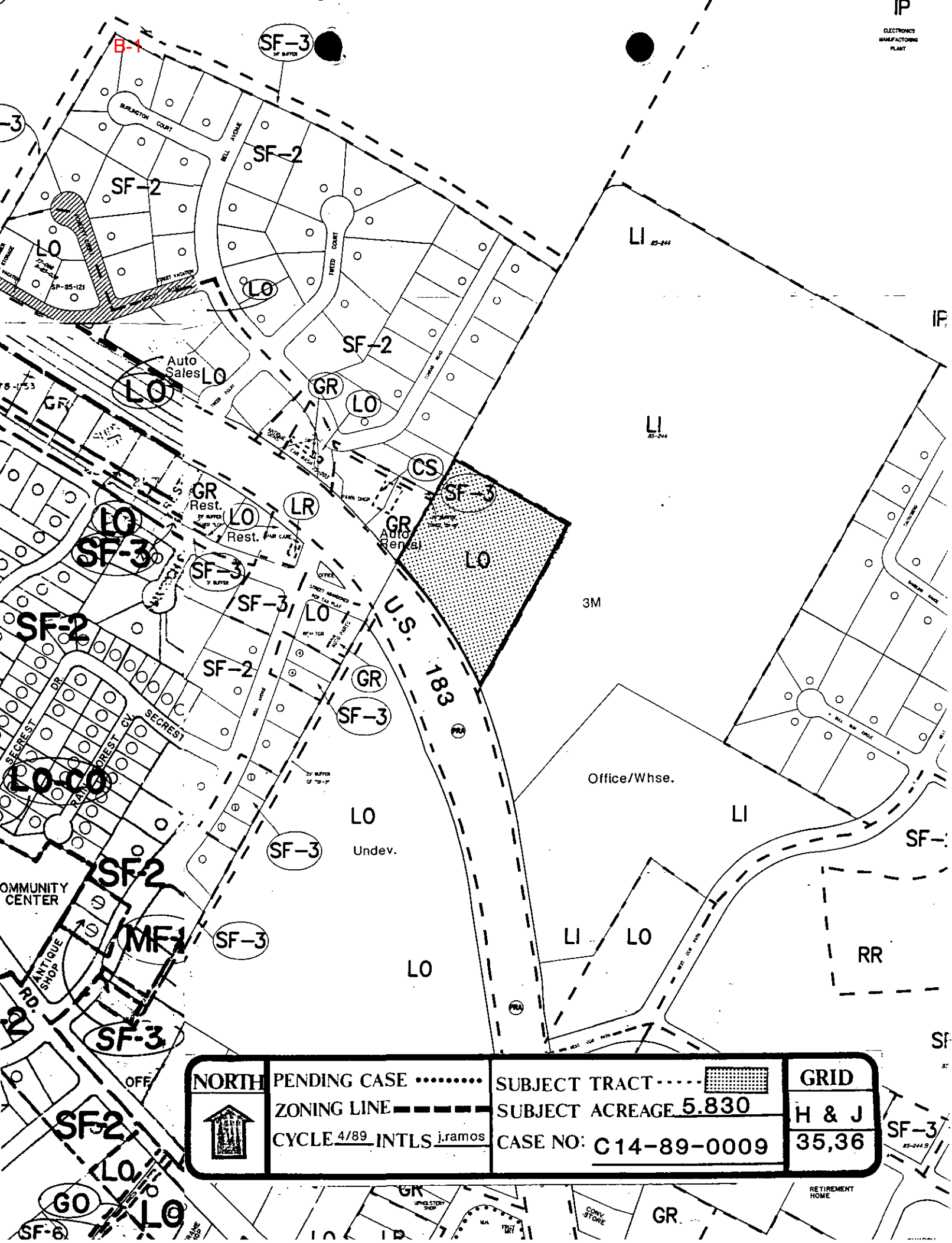
Iris J. Jones  
Acting City Attorney


ATTEST:

  
James E. Aldridge  
City Clerk

SS/jj





	NORTH	PENDING CASE .....	SUBJECT TRACT .....	GRID H & J 35,36
		ZONING LINE - - - - -	SUBJECT ACREAGE 5.830	
		CYCLE 4/89 INTLS j.ramos	CASE NO: C14-89-0009	

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Zoning Case No. C14-89-0009

SOC. NO.

90007041

RESTRICTIVE COVENANT

9:31 AM 6468

7.00 IND  
2 2 01/23/9  
900070.41-DGK

OWNER: ROBERT C. WILSON and CONNIE WILSON ROBERTS

ADDRESS: c/o Brown Maroney and Oaks Hartline, 1400 Franklin Plaza, 111 Congress Avenue, Austin, Texas 78701, Attn: Jerry Harris.

CONSIDERATION: Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and sufficiency of which is acknowledged.

PROPERTY: 5.83 acres of land out of the F. Secrest Survey No. 23, in Travis County, Texas, and being part of that certain tract described in Vol. 238, Page 464, Travis County Deed Records; described by metes and bounds as follows:

BEGINNING at a corner post at the intersection of the Northwest line of said tract described in Vol. 238, page 464, Travis County Deed Records, with the Northeast line of U. S. Highway No. 183;

THENCE along the northwest fence line of said tract N. 29 degrees 36' E. 400.8 feet to an iron stake for corner;

THENCE along the property line of a 54.10 acre tract S. 60 degrees E. 487 feet to an iron stake for corner;

THENCE S. 29 degrees 43' W. 661.5 feet to an iron stake in the Northeast line of said Highway for corner;

THENCE along a curve to the left of the Northeast line of said Highway No. 31 degrees 49' W. a chord distance of 553 feet to the place of BEGINNING, containing 5.83 acres of land.

WHEREAS, the Owner of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions as conditions of zoning for the Property;

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. Owner shall construct an eight foot chain link fence along the Property line abutting the property located at the following addresses: (i) 12101 Conrad Road, and (ii) 12101 1/2 Conrad Road sufficient to deter access between the Property and the two lots and thereafter shall properly maintain the fence.

2. Owner shall reserve 150 feet of right-of-way from center line of U. S. Highway 183 for future right-of-way, pursuant to Section 13-5-8 of the Austin City Code. No structure shall be erected nor shall improvements be made within the reserved right-of-way as determined by the Transportation and Public Safety Department.
3. Prior to the date on which construction contracts are awarded for roadway improvements along U. S. Highway 183 between the Williamson County Line and Balcones Drive, Owners agree that they will not submit a site plan application to the City of Austin for all or a portion of the Property until and unless any such site plan has been submitted by the Owners to the Summit Oaks Neighborhood Association and until any such site plan has been approved in writing by said Summit Oaks Neighborhood Association.
4. If any person or entity shall violate or attempt to violate this agreement and covenant, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such agreement or covenant, to prevent the person or entity from such actions, and to collect damages for such actions.
5. If any part of this agreement or covenant 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.
6. If at any time the City of Austin fails to enforce this agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.
7. This agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, and (b) by the owner(s) of the Property at the time of such modification, amendment or termination.

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

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

EXECUTED this the 9<sup>th</sup> day of January, 1990.

Robert C. Wilson  
ROBERT C. WILSON

THE STATE OF TEXAS                   §  
COUNTY OF Harris                   §

NOTARY SEAL

This instrument was acknowledged before me on this the 9<sup>th</sup> day of January, 1990, by ROBERT C. WILSON.

Ellen D. Cain  
Notary Public Signature

Ellen D. Cain  
Type or Print of Notary  
My Commission Expires: October 2, 1993

REAL PROPERTY RECORDS  
TRAVIS COUNTY, TEXAS

11108 0025

*Connie Wilson Roberts*

CONNIE WILSON ROBERTS

THE STATE OF TEXAS  
COUNTY OF *Gregg*

§  
§

This instrument was acknowledged before me on this the 9 day  
of January, 1990, by CONNIE WILSON ROBERTS.

10-06-92 *Vera M. Gallough*  
Notary Public Signature

Type or Print of Notary

My Commission Expires: 10-06-92

MY COMMISSION EXPIRES 10-06-92  
VERA M. GALLOWAY

NOTARY SEAL

*After recording, returns to:*  
CITY OF AUSTIN  
DEPT. OF LAW  
P. O. BOX 1088  
AUSTIN, TEXAS 78767  
*Attn: Martha Becker*

FILED  
JAN 23 9 27 AM '90  
DANA S. HARRISON  
COUNTY CLERK  
TRAVIS COUNTY, TEXAS

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

JAN 23 1990



*Dana S. Harrison*  
COUNTY CLERK  
TRAVIS COUNTY, TEXAS

REAL PROPERTY RECORDS  
TRAVIS COUNTY, TEXAS

11108 0026

## M E M O R A N D U M

TO: Jim Huber, Zoning Division

FROM: George Zapalac, Transportation Review Section

DATE: March 30, 1989

SUBJECT: Response to the Traffic Impact Analysis (TIA) for the Wilson Tract  
Case #: C14-89-0009

The Transportation Section has reviewed the traffic impact analysis for the Wilson Tract and recommends

Trip Generation

Based upon the land use proposed in the TIA, the proposed project will generate approximately 6,400 vehicle trips (unadjusted) per day upon final build-out. An estimated 150 trips will occur in the a.m. peak hour and 550 in the p.m. peak hour. The proposed year of build-out is 1992. An annual traffic growth rate of two and one-half percent was assumed for area roadways. A retail use of 80,000 square feet is the assumed maximum build-out of the tract.

Roadways

U.S. 183--is a six lane divided arterial that is proposed to be upgraded to a six-lane freeway with frontage roads. Construction for the segment adjacent to this tract is projected to begin in March, 1990 and end in 1992. Grade separated interchanges will be constructed at Duval Road and Oak Knoll. The at-grade intersection at Bell Avenue will be redesigned to intersect the northbound frontage road. According to the right-of-way maps provided by the State Department of Highways and Public Transportation, an additional 63 feet of right-of-way will be required from this tract.

Duval Road--is designated as a minor arterial according to the Roadway Plan. It is currently constructed as four-lanes, undivided from U.S. 183 to Whispering Valley Drive. No additional improvements are proposed for this segment.

Oak Knoll Drive--is a neighborhood collector street. The roadway is constructed as four-lanes, undivided from U.S. 183 to Jollyville Road. It intersects U.S. 183 opposite the Texas Instruments main entrance which is currently signalized.

Bell Avenue--is a local street with stop(sign)-controlled approaches at the intersection of U.S. 183. It is currently constructed as a two-lane roadway with a 30 foot pavement width.



## M E M O R A N D U M

TO: Amelia Sondgeroth, Zoning Planner

FROM: George Zapalac, Transportation Review Manager

DATE: May 15, 1989

SUBJECT: Review of the Traffic Impact Analysis for the Wilson Tract  
Case #: C14-89-009

The Transportation Section reviewed the traffic impact analysis in conjunction with the proposed rezoning of the Wilson Tract. Although the intersections are projected to operate at an unacceptable level of service in 1990, the adjacent segment of U.S. 183 is proposed to be reconstructed to a freeway beginning in March, 1990. All of the intersections are expected to operate at an acceptable level of service after U.S. 183 is upgraded to a freeway in 1992. Consequently, rezoning of the Wilson Tract and development of the tract as assumed in the TIA will result in a relatively short interval for which adjacent intersections will operate at an unacceptable level of service.

Trip Generation

Based upon the land use proposed in the TIA, the Wilson Tract will generate approximately 6,400 vehicle trips (unadjusted) per day upon final build-out. An estimated 150 trips will occur in the a.m. peak hour and 550 trips in the p.m. peak hour. A projected build-out date of 1992 is assumed in the TIA. An annual traffic growth rate of two and one-half percent was assumed for area roadways which is consistent with traffic growth in recent years. A retail use of 80,000 square feet is the assumed maximum build-out of the tract.

Roadways

U.S. 183 (Research Blvd.)-- is currently a six-lane divided arterial that is proposed to be upgraded to a six-lane freeway with frontage roads. Construction for the segment adjacent to this tract is projected to begin in March, 1990 and end in 1992. Grade separated interchanges will be constructed at Duval Road and Oak Knoll. The at-grade intersection at Bell Avenue will be redesigned to intersect the northbound frontage road. According to the right-of-way maps provided by the State Department of Highways and Public Transportation, an additional 63 feet of right-of-way will be required from this tract.

Duval Road--is designated as a minor arterial according to the Roadway Plan. It is currently constructed as four-lanes, undivided from U.S. 183 to Whispering Valley Drive. No additional improvements are proposed for this segment.

Oak Knoll Drive--is a neighborhood collector street. The roadway is constructed as four-lanes, undivided from U.S. 183 to Jollyville Road. It intersects U.S. 183 opposite the Texas Instruments main entrance which is currently signalized.

Bell Avenue--is a local street with stop (sign) controlled approaches at the intersection of U.S. 183. It is currently constructed as a two-lane



roadway with a 30 foot pavement width.

### Intersection Levels of Service

The intersection levels of service are provided below for existing and proposed conditions.

	Existing		1990		1992	
	<u>A.M.</u>	<u>P.M.</u>	<u>A.M.</u>	<u>P.M.</u>	<u>A.M.</u>	<u>P.M.</u>
U.S. 183/Duval Rd	C/19.6	E/45.7	C/22.4	F/73.8	D/25.6	D/37.1
U.S. 183/Oak Knoll	C/24.9	E/45.7	D/37.3	F/61.6	D/29.2	D/30.9

### Traffic Analysis

Results of the traffic impact analysis indicate that the adjacent intersections at U.S. 183/Duval Rd. and U.S. 183/Oak Knoll will operate at an unacceptable level of service during the p.m. peak hours in 1990 before U.S. 183 is upgraded to a freeway. Due to the time lag for development of the site, final build-out is not expected to occur until late 1990. Roadway improvements to the adjacent segment of U.S. 183 are projected to be under construction by that time with completion expected in 1992. If construction schedules are maintained for the proposed roadway improvements, there may be an approximate one to two year period in which the intersections will operate at an unacceptable level. Restrictions on the density and phasing of this development beyond what is assumed in the TIA do not appear reasonable given the relatively short time frame before construction of the freeway is initiated.

### Recommendations

If the rezoning is approved, the Transportation Section recommends the following as a condition of approval.

1. Require reservation of up to 150 feet of right-of-way from the future centerline of U.S. 183.
2. If the rezoning is approved, the uses and densities should be restricted to the land use assumptions stated in the TIA, unless the applicant can demonstrate that the trip characteristics of the proposed use(s) will not create a level of impact beyond what was analyzed in the TIA.

Please contact Carl McClendon at 499-2727 if you have any questions or need additional information.



George Zapalac  
Transportation Review Manager

PLANNING DEPARTMENT

GZ:CCM





### Intersection Levels of Service

The intersection levels of service are provided below for existing and proposed conditions as stated in the TIA.

	Existing		Proposed (1992)	
	<u>A.M.</u>	<u>P.M.</u>	<u>A.M.</u>	<u>P.M.</u>
U.S. 183/Duval Road	B	C	C	C
U.S. 183/Bell Avenue*	N/A	N/A	N/A	N/A
U.S. 183/Oak Knoll	B	D	C	C

\* The intersection at U.S. 183/Bell Avenue is not currently signalized. In the future, when U.S. 183 is upgraded to a freeway, Bell Avenue will intersect the northbound frontage road.

### Traffic Analysis

If the complete build-out of development is deferred until after U.S. 183 is upgraded to a freeway, it appears that the traffic impacts will be relatively minor. Due to the omissions and deficiencies in the TIA report, however, it is difficult to fully analyze the impact of the proposed development.

The TIA report assumes a maximum build-out of 80,000 square feet of retail use. LI zoning permits other more intense uses such as restaurants and convenience stores which have much higher traffic generation rates. Uses with higher traffic rates than that assumed in the TIA should be prohibited. Also, the zoning approval should be limited to the intensity assumed in the TIA report.

The estimated annual increase in background traffic of 2.5 percent appears to be low. According to the report, the consultant based the background traffic growth rate on volumes collected over a two year period from 1986 to 1988. Traffic volumes along U.S. 183 near this project have increased an average of 17.5 percent over a 12 year period from 1976 to 1988. On Bell Avenue, traffic volumes increased an average of 5 percent per year from 1976 to 1984. Oak Knoll volumes increased an average of 47 percent from 1980 to 1984.

Trip generation for the site was adjusted or reduced to account for passerby traffic. In other words, a specific percentage of the site generated traffic will come from the existing stream of traffic along U.S. 183. An adjustment rate of 30 percent was applied which is acceptable based upon information provided in Trip Generation: An Informational Report. In addition, it was assumed that only 25 percent of the traffic along U.S. 183 would occur on the frontage road after the freeway had been completed in 1992. Although this assumption appears reasonable, there is no documentation to support the claim.

The TIA recommends two driveway approaches to the proposed site but provides no analysis of driveway conditions. Site generated peak hour turning movements are not provided and there is no information provided on spacing or location of adjacent driveways or future access ramps. All site generated turning movements should be accounted for from the site to the intersections identified in the scope of study. If a percentage of site traffic is projected to access the future main lanes, these movements should be shown.

The TIA consultant provided no worksheets for the intersection analyses. As required by the Transportation Criteria Manual, the applicant is responsible for documenting all assumptions regarding cycle length, phasing, G/C ratios, etc. It is not clear whether the consultant used the existing timing and phasing conditions for signalized intersections to analyze the existing and 1990 intersection levels of service.

The geometric conditions shown on Figure 12 of the TIA provide for triple left turns for the future southbound frontage road of U.S. 183 at Duval Road. Construction plans from the State Department of Highways and Public Transportation indicate that dual left turn lanes will be provided for this intersection. The intersection analyses should be revised to account for the proposed geometric conditions, unless the applicant is requesting modifications to the intersection.

#### Recommendations

1. It is recommended that the case be postponed until the consultant can provide additional information to address the issues stated above.

Please contact Carl McClendon at 499-2727 if you have any questions or need additional information.



George Zapalac  
Transportation Review Section

PLANNING DEPARTMENT

PETITION

Date: 4/24/2021

File Number: C14-2020-0146

Address of

Rezoning Request: 11705 Research Blvd SVRD NB

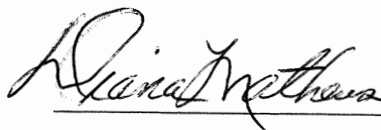
To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than "LI-CO".

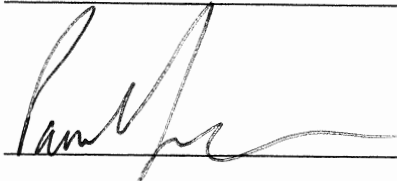
***We oppose rezoning at 11705 Research Blvd that would remove restrictions on traffic volume, increase the height of buildings, or allow more types of development on the property.***


(PLEASE USE BLACK INK WHEN SIGNING PETITION)

SignaturePrinted NameAddress

 DIANA MATHIEWS 12104 Bell Ave Austin TX 78727

 GERARD ROSET 12103 Bell Ave, Austin, TX 787

 Paul Jacobs 12201 Bell Ave 78722

 Rudolph Munguia 5905 Burlington St 78722

**PETITION**

Date: 4/24/2021

File Number: C14-2020-0146

Address of

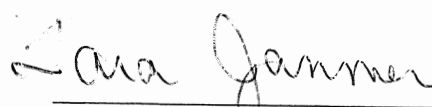

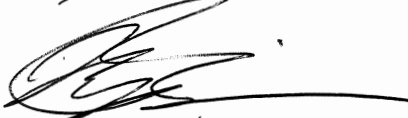
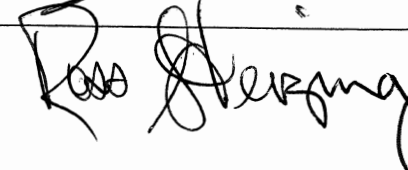

Rezoning Request: 11705 Research Blvd SVRD NB

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than "LI-CO".

***We oppose rezoning at 11705 Research Blvd that would remove restrictions on traffic volume, increase the height of buildings, or allow more types of development on the property.***

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

<u>Signature</u>	<u>Printed Name</u>	<u>Address</u>
	Tara Janner	5907 Burlington Ct. Austin, TX 78727
	BERNARD M. WONG	5902 Burlington Ct Austin, TX 78727
	BERNARD M. WONG	5903 Burlington Ct Austin, TX 78727
	ROSS STERZING	12108 BEL AVE AUSTIN, TEX 78727
	Dale McConnell	12106 Bell Ave Austin TX 78727

**P E T I T I O N**Date: March 21, 2021File Number: C14-2020-0146

Address of

Rezoning Request: 11705 Research Blvd SVRD NB

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than "LI-CO".

***We oppose rezoning at 11705 Research Blvd that would remove restrictions on traffic volume, increase the height of buildings, or allow more types of development on the property.***

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

SignaturePrinted NameAddress

Steven W. Schrader Steven W. Schrader 12108 Conrad Rd

Elizabeth W. Schrader Elizabeth W. Schrader 12108 Conrad Rd

Janet Roset JANET ROSET 12103 Bell

Leonard Schluter LEONARD SCHLUTER 12102 Conrad Rd

Marie Moore Marie Moore 12202 Conrad Rd

William D. Clifford

WILLIAM D. CLIFFORD

12106 TWEGD COURT



PETITION

Date: 4/23/2021

File Number: C14-2020-0146

Address of

Rezoning Request: 11705 Research Blvd SVRD NB

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than "LI-CO".

***We oppose rezoning at 11705 Research Blvd that would remove restrictions on traffic volume, increase the height of buildings, or allow more types of development on the property.***

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

SignaturePrinted NameAddress

*Patricia Wilson* PATRICIA WILSON 12107 Tweed Ct  
Garden

*John W. Boulton* John W Boulton 12107 Tweed Ct.  
12109 Tweed Ct.  
12111 Tweed Ct

*Jonathan A. Thompson* Jonathan A. Thompson

12107 Bell  
Avenue

*Lon D Lang* Lon D Lang 12107 Bell  
Avenue

PETITIONDate: March 21, 2021File Number: C14-2020-0146

Address of

Rezoning Request: 11705 Research Blvd SVRD NB

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than "LI-CO".

***We oppose rezoning at 11705 Research Blvd that would remove restrictions on traffic volume, increase the height of buildings, or allow more types of development on the property.***

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

SignaturePrinted NameAddress

Charles Ford Charles Ford 12103 Conrad Rd  
Admin for Charles Ford Family TRUST

Charles Ford Charles Ford 12101 1/2 Conrad Rd  
Admin for Charles Ford Family Trust

Manuel De Luna Manuel De Luna 12104 Conrad Rd

Jake Toups Jake Toups 12102 Conrad Rd.



**P E T I T I O N**Date: March 21, 2021File Number: C14-2020-0146

Address of

Rezoning Request: 11705 Research Blvd SVRD NB

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than "LI-CO".

***We oppose rezoning at 11705 Research Blvd that would remove restrictions on traffic volume, increase the height of buildings, or allow more types of development on the property.***

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

SignaturePrinted NameAddress

Meredith O'Reilly Meredith O'Reilly 12111 Conrad Rd  
Austin TX 78727

Kelly T Henley Kelly T. Henley 12201 Conrad Rd  
Austin TX 78727

MICHAEL O'REILLY MICHAEL O'REILLY 12111 CONRAD RD.  
AUSTIN, TX 78727

Richard Bean Richard Bean 12106 Conrad Rd  
Austin, TX 78727

## P E T I T I O N

Date: 4/26/2021

File Number: C14-2020-0146

Address of

Rezoning Request: 11705 Research Blvd SVRD NB

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than "LI-CO".

***We oppose rezoning at 11705 Research Blvd that would remove restrictions on traffic volume, increase the height of buildings, or allow more types of development on the property.***

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature

Printed Name

Address

*Brendan K. Puthoff*

Brendan Puthoff

11855 Research Blvd.

### 3M Company Case C14-2020-0146

#### Properties Within 200-foot Radius

<u>Street Address</u>			<u>Parcel Number</u>	<u>Property Owner</u>	<u>Signed</u>
12101	CONRAD	RD	164010115	3M COMPANY	No
12101 1/2	CONRAD	RD	164010111	FORD CHARLES FAMILY TRUST	Yes
12103	CONRAD	RD	164010111	FORD CHARLES FAMILY TRUST	Yes
12111	CONRAD	RD	164010112	OREILLY MICHAEL O & MEREDITH E	Yes
11855	RESEARCH	BLVD	166010102	EARTHTECH INTERNATIONAL INC	Yes
11857	RESEARCH	BLVD	166010106	PAWN TX INC	No
11766	RESEARCH	BLVD	166010122	3M COMPANY	No

Contact:

Steven W. Schrader  
 12108 Conrad Rd  
 512 250 5635

Case Number:  
**C14-2020-0146**

## PETITION

Date: 4/28/2021

Total Square Footage of Buffer: 541631.7163

Percentage of Square Footage Owned by Petitioners Within Buffer: 0.47%

Calculation: The total square footage is calculated by taking the sum of the area of all TCAD Parcels with valid signatures including one-half of the adjacent right-of-way that fall within 200 feet of the subject tract. Parcels that do not fall within the 200 foot buffer are not used for calculation. When a parcel intersects the edge of the buffer, only the portion of the parcel that falls within the buffer is used. The area of the buffer does not include the subject tract.

TCAD ID	Address	Owner	Signature	Petition Area	Percent
0164010122	11765 RESEARCH BLVD 78727	3M COMPANY	no	302645.65	0.00%
0164010115	12101 CONRAD RD 78727	3M COMPANY	no	15128.44	0.00%
0164010102	11855 RESEARCH BLVD AUSTIN 78727	EARTHTECH INTERNATIONAL LLC	no	56385.93	0.00%
0164010111	12103 CONRAD RD AUSTIN 78727	FORD CHARLES FAMILY TRUST	no	41952.63	0.00%
0164010112	12111 CONRAD RD 78727	OREILLY MICHAEL O & MEREDITH E	yes	2531.12	0.47%
0164010106	11857 RESEARCH BLVD 78727	PAWN TX INC	no	11309.47	0.00%
<b>Total</b>				<b>429953.24</b>	<b>0.47%</b>

B-1

BELL AVE

CONRAD RD

RESEARCH BLVD NB

RESEARCH BLVD NB

RESEARCH BLVD SB

RESEARCH BLVD SB

ARABIAN TRL

BELL AVE

N



BUFFER

PROPERTY\_OWNER

SUBJECT\_TRACT

## PETITION

Case#: C14-2020-0146

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by the Housing and Planning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



1" = 200'

**From:** Steven Schrader  
**To:** [Sirwaitis, Sherri](#)  
**Cc:** [i](#)  
**Subject:** Postponement Request Zoning and Platting Commission Case C14-2020-0146  
**Date:** Wednesday, April 28, 2021 2:29:41 PM

---

\*\*\* External Email - Exercise Caution \*\*\*

Ms. Sirwaitis,

I sent this email to Andrew Rivera because I understand that he is the liaison for the Zoning and Platting Commission. If it needs to be addressed to someone else, to properly request the postponement, please let me know.

**Mr. Rivera,**

***I am requesting a 4-week postponement of the Zoning and Platting Commission hearing on Case C14-2020-0146. I represent the Summit Oaks Neighborhood Association and our organization needs more time to obtain and review information on the zoning case. Specifically, we have requested information from the Austin Transportation Department on the impact of traffic on our neighborhood that will result from eliminating the conditional overlay, which is the subject of the rezoning case. In addition, we are still attempting to locate the specific Traffic Impact Analysis document cited in the conditional overlay, which we have been told is not available from the applicant or the city. We also need time to schedule a meeting with Councilwoman Kelly and her staff to provide them information on our issues as well as time to communicate with the Zoning and Platting Commissioners.***

***Sincerely,***

***Steven W. Schrader***

***President, Summit Oaks Neighborhood Association***

**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 [cybersecurity@austintexas.gov](mailto:cybersecurity@austintexas.gov).

B-1

**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 participate in a public hearing, you are not required to participate. This meeting will be conducted online and you have the opportunity to speak FOR or AGAINST the proposed development or change. Contact the case manager for information on how to participate in the public hearings online. 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](http://www.austintexas.gov/planning).

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before the 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: C14-2020-0146**

**Contact: Sherri Sirwaitis, 512-974-3057**

**Public Hearing: April 20, 2021, Zoning and Platting Commission**

BERNARD SCHLUETER

Your Name (please print)

☐ I am in favor  
☒ I object

12107 CONRAD RD

Your address(es) affected by this application

Bernard Schluter

Signature

Date

Daytime Telephone: 512-258-6290

Comments: See Attached

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

City of Austin, Planning & Zoning Department

Sherri Sirwaitis

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

Or email to:

[sherri.sirwaitis@austintexas.gov](mailto:sherri.sirwaitis@austintexas.gov)



	4/19/2021	9/17/2012
		Monday
		mow yards
I am objecting to the project for the following reasons:		
the building height is too high.		
there will be a marked increase of traffic, getting out of our neighborhood will become impossible.		
there must be a 50 ft setback from the residential properties in the summit oaks area		
if trees are to be removed, they must be replaced with trees – not twigs.		
from the overall draft it looks like many trees will be remove for other buildings. How many of those are protected?		
Leonard Schlueter		



# Rezoning Case Number C14-2020-0146

## 3M Company

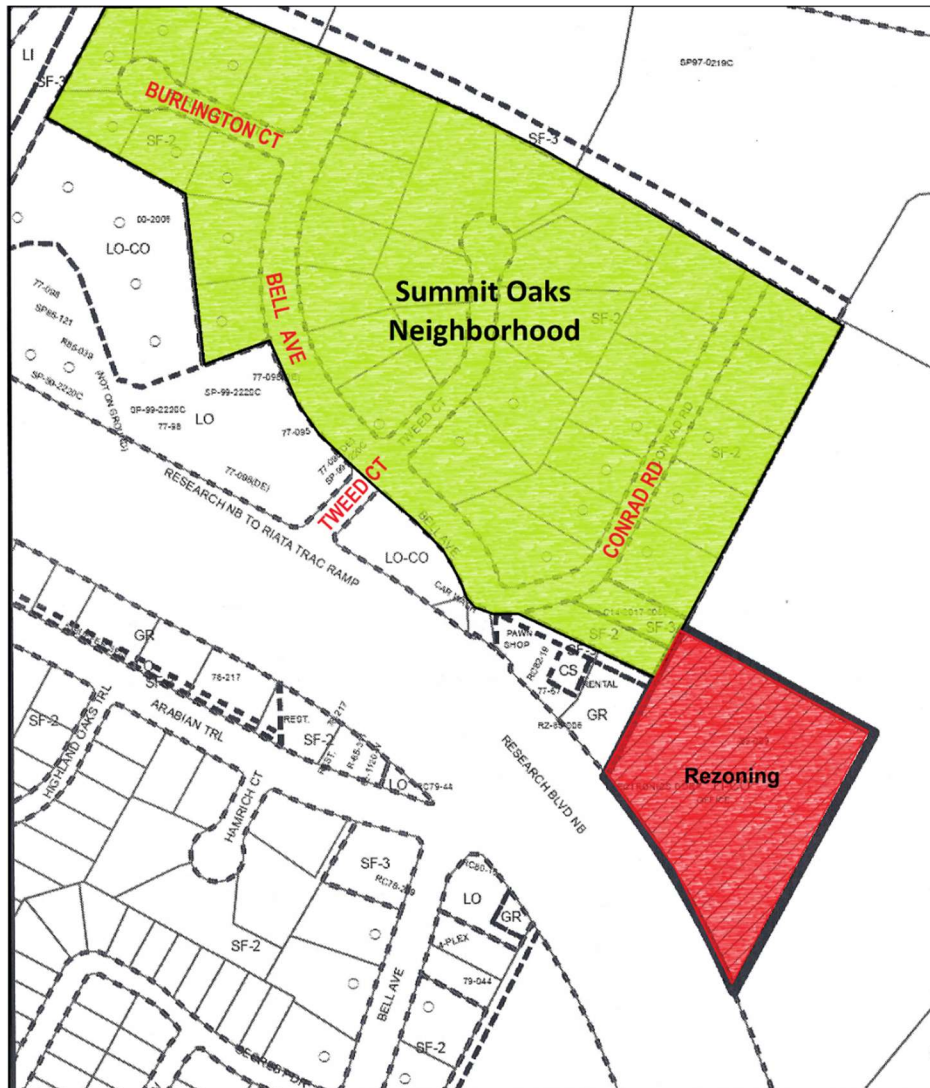
SUMMIT OAKS  
NEIGHBORHOOD ASSOCIATION

Tuesday May 25, 2021

This document is intended to present information about the Summit Oaks neighborhood and provide context for our opposition to the rezoning of the adjoining property.

## History of Summit Oaks Neighborhood

We are a small neighborhood that is almost 60 years old and is located immediately to the north and west of the 5.6-acre 3M property (referred to here as the 3M tract). The 5.6-acre tract is undeveloped but, is part of a much larger property owned by 3M Company and now planned for redevelopment.



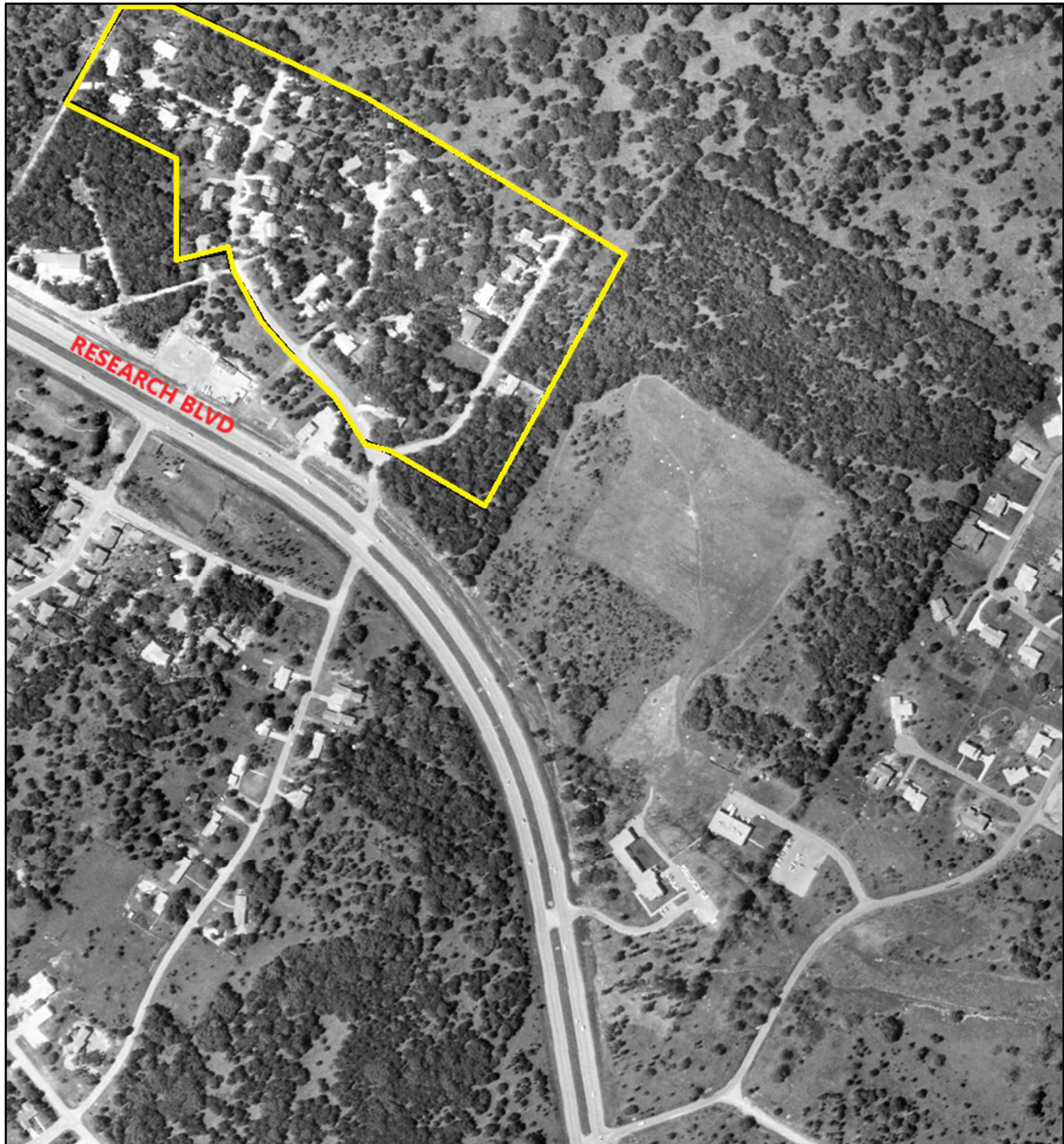
## Summit Oaks Location

The Summit Oaks neighborhood was originally platted in 1956 prior to the realignment of U.S. 183 from Jollyville Rd to its current location. The first houses were built in our neighborhood in the early 1960s and it is actually the oldest development along the Research Blvd corridor west of Mopac. The neighborhood consists of mostly medium-sized homes built on large lots that are heavily wooded. The aerial photos of the neighborhood in 1967 and 1973 show the early history of the area.



**Summit Oaks Neighborhood - 1967**





### **Summit Oaks Neighborhood – 1973**

The neighborhood originally had access to U.S. 183 via Bell Ave. Following recommendations in the city of Austin's 1977 "Summit Oaks Neighborhood" plan the Bell Ave access was closed and Tweed Ct was extended to intersect the

highway and provide access. Tweed Ct remains the only entrance/exit to the Summit Oaks neighborhood.

Since the neighborhood was established and the highway was realigned, we have seen the steady development of surrounding properties both before and after annexation by the city of Austin, including Texas Instruments, 3M Company, Riata Corporate Park, Riata Apartments, and the offices of the Texas Association of School Boards (TASB). We have worked closely with the developers and the city to ensure that our residential character is protected.

#### History of Surrounding Zoning and Neighborhood Protection

Restrictions on development surrounding Summit Oaks including height limitations, use restrictions, and no-disturb buffer zones have been consistently applied by the city to maintain the character of the original residential neighborhood. For example:

1. In 1976 Texas Instruments (TI) executed a restrictive covenant establishing a 100-foot building setback along the northern border of Summit Oaks. Also in 1976, the city of Austin rezoned a 50-foot wide strip of the TI property to residential zoning to establish a buffer between Summit Oaks and TI.
2. In 1977, the city of Austin rezoned two lots fronting on Research Blvd adjacent to Summit Oaks from residential to retail with the inclusion of a 25-foot residential buffer between the Summit Oaks lots and the retail zoning. The two lots were limited to a single driveway to access the highway. The lots were eventually developed with a 15-foot tall retail business (1982) and a 25-foot tall office building (1985) at 11857 and 11855 Research Blvd, respectively and are now occupied by Cash America and EarthTech International.
3. In December 1979, the city of Austin rezoned eight lots adjacent to Tweed Ct and Bell Ave from interim residential to "O" Office subject to the "U.S. 183 Study". The "U.S. 183 Study Area Report", prepared by the city of Austin Departments of Planning and Urban Transportation was approved by city council in June 1979. The report concluded that "*Zoning ... policies*

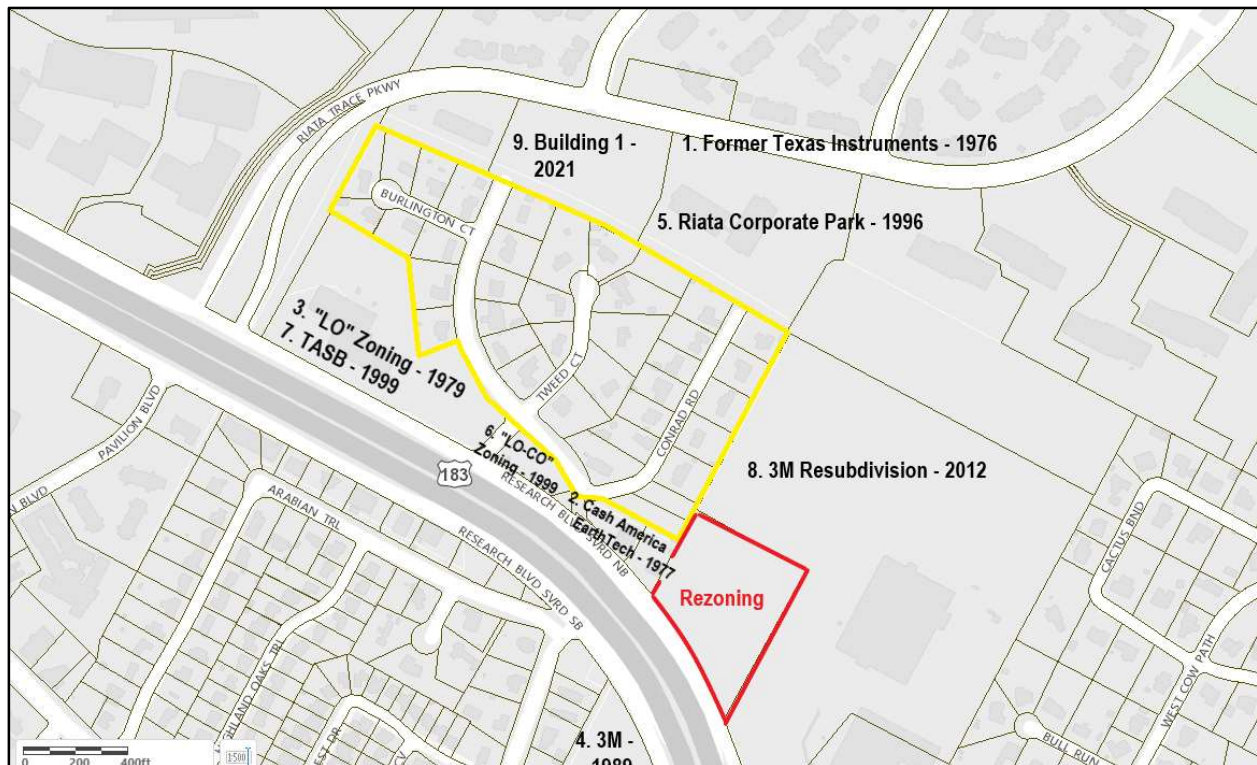


*should encourage land use patterns which promote safety, convenience, and compatibility. Specifically, land uses should not contribute to traffic hazards or detract from or conflict with more restrictive adjacent uses".*

4. In 1989, as part of rezoning, 3M Company executed a restrictive covenant on property located at 11750 Research Blvd that established "an undisturbed vegetative buffer 50 feet wide" to protect the single-family residential neighborhood to the west. The property was eventually developed in 1997 with buildings 26 feet tall.
5. In 1996 the original 100-foot building setback and the 50-foot "no-disturb" buffer established by TI were incorporated into the development of the Riata Corporate Park. Those offices are 57 feet tall, but are effectively shielded from the Summit Oaks residences immediately to the south.
6. In 1999, the city of Austin approved rezoning of three lots immediately south of Summit Oaks, at 11877 Research Blvd to "LO-CO" to establish restrictions on use and a height limitation of 40 feet that protect the residences on Bell Avenue and the rest of Summit Oaks Neighborhood. These lots remain undeveloped.
7. In 1999, the city of Austin approved the partial vacation of five residential lots from the Summit Oaks Subdivision subject to Private Land Use Regulations (PLUR) as part of an agreement between Summit Oaks and the developers. The property was rezoned "LO-CO" and the PLUR established no-disturb buffer zones adjacent to the neighborhood immediately north and east of what is now the 40-foot tall office building owned by the Texas Association of School Boards (TASB) at 12007 Research Blvd.
8. In 2012, 3M Company filed a plat for re-subdivision of the 35.2-acre portion of Lot 1 immediately east of Summit Oaks. The plat established a 50-foot residential buffer defined as a "no-disturb" zone where native trees and shrubs are preserved. The height of the existing Building 3 is 24 feet.
9. In April 2021, the Zoning and Platting Commission approved a site plan extension for Building 1 on the remaining undeveloped lot in Riata Corporate Park on the northern border of Summit Oaks. The site plan is

approved for a 40-foot tall building, also with the same 100-foot building setback and 50-foot “no-disturb” buffer zone requirements.

None of the buildings adjoining Summit Oaks are more than 40 feet tall with the exception of the Riata Corporate Park buildings 2 and 3, which are shielded by a 50-foot non-disturb buffer and are set back from the property line by over 100 feet.



## Surrounding Properties

### History of Zoning for 3M Tract

When the property (5.6-acre 3M tract) was annexed into the city of Austin in 1976, residential zoning of interim “AA” was applied. In 1980 the property was rezoned to “O” Office as part of rezoning of the Golden Triangle Area. Then the “O” zoning was changed to “LO” Limited Office when that category was added to designate development predominately serving neighborhood or community needs.

In November of 1980 the city of Austin and the property owner executed a restrictive covenant to *“include driveway and sign performance standards set forth in the U.S. 183 Recommendations...”* The “U.S. 183 Area Study” established driveway standards addressing interval spacing and requirements for a continuous right turn lane. Although the “U.S. 183 Area Study” was primarily focused on managing traffic on the highway, land use and neighborhood protection were also important elements.

In 1989 the owners of the subject tract proposed a rezoning of the property from “LO” to “LI” Limited Industrial. After some negotiations, the neighborhood and the property owner agreed to the current “LI” zoning that included restrictions in a Conditional Overlay (CO) combining district. It should be noted that the agreement with the neighborhood at that time provided the property owner significant increases in allowable impervious cover, building cover, and floor area. We continue to feel that the restrictions in the CO were an equitable arrangement for agreeing to the relaxed zoning in 1989.

#### Building Height Restriction

Restriction No. 1 in the CO set a limit on the height of buildings to 40 feet. This limit maintained the building height under the prior “LO” zoning. We consider the 40-foot height limit to be compatible and complementary in scale and appearance with the residential environment of our neighborhood. With the exception of the Riata Corporate Park office buildings immediately north of Summit Oaks, none of the development surrounding our neighborhood is over 40 feet tall. Although the Riata Corporate Park office buildings *were* built to a height of 60 feet, the impact on our neighborhood from the buildings is effectively minimized by a 100-foot building setback and a neighborhood buffer which is defined as a 50' (foot) wide vegetation buffer strip where native trees, shrubbery and grasses are to be preserved. Without the 40-foot height limitation or a combination of a no-disturb buffer plus a 100-foot building setback, which is equivalent to the existing Riata Corporate Park offices, the proposed

rezoning will detract from and conflict with the livability of our neighborhood.

#### Prohibited Uses

Restrictions No. 2 and No. 3 contain a list of uses that were prohibited under previous “LO” zoning, which the prior property owner agreed to restrict. If allowed, the currently prohibited uses would impact our neighborhood with objectionable noise, odors, and trash. Lighting of such commercial development typically shines all night and would be a constant intrusion, even if it “shielded” as required by compatibility standards.

Also, we believe that the development of the property for uses such as automotive sales, automotive rental, service, etc. would damage our property values. For comparison, a portion of the original Summit Oaks subdivision (now known as Raintree Estates) on the opposite side of Research Blvd was affected by the construction of a new car dealership in 1997 directly adjoining the residential lots on the east side of Bell Avenue. As a result, property values adjoining the car dealership are significantly less than comparable properties further removed from the car lot.

#### Traffic Impacts

Restriction No. 4 addresses limitations on the traffic volume from the property. In 1989 traffic congestion on Research Blvd was a serious problem. The current zoning was established just before construction began on U.S. 183 to create a freeway with adjacent service roads. Restriction No. 4 references a Traffic Impact Analysis (TIA) that established a maximum traffic volume to be allowed from the eventual development with the expectation that the highway would alleviate congestion. Unfortunately, the TIA report has gone missing and the specific limits it established are not known.

Thirty years after the previous rezoning, we are now in a very similar situation with another highway expansion, known as the “U.S. 183 North Mobility Project” set to begin in the very near future. The requested rezoning and the highway expansion project raise issues that will directly impact our neighborhood.

#### Traffic Volume – Northbound Service Road

TxDOT reports the 2019 annual average daily traffic volume was more than 17,400 vehicles per day on the service road in front of the 3M tract. That traffic merges with more than 7,700 vehicles per day using the northbound Oak Knoll Dr exit ramp onto the service road, directly across from Tweed Ct. The average weekday traffic volume could be about 10 percent more according to the Transportation Research Board (HCM 2000).

The combined weekday volume of more than 27,400 trips per day travels on the service road past Tweed Ct. and the TASB offices before reaching Riata Trace Parkway, which then contributes more traffic from large multifamily and office developments, especially during peak afternoon periods. Current (pre-pandemic) traffic often causes bumper to bumper congestion on the service road at the intersection of Tweed Ct during peak weekday afternoon periods.

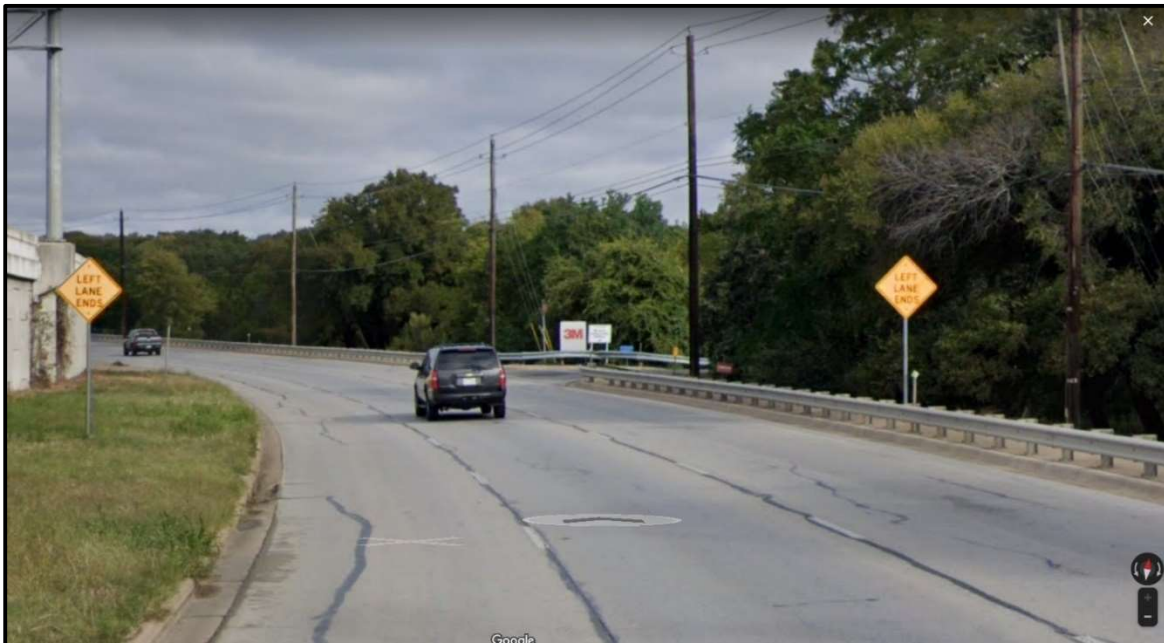
In the TIA Determination Worksheet, the rezoning application lists a proposed volume of over 2,500 trips per day from development of the 3M tract. However, a TIA document prepared for the eventual development of the entire 3M property indicates that there will be over 13,300 trips generated each weekday following the final phase of the entire development in 2028. Even if only 40 percent of the site traffic enters and exits from the service road, that amounts to over 5,000 additional trips, half of which will exit northbound. Including an expected increase in traffic of one percent per year, the total weekday volume will be over 32,000 vehicles per day on the service road between Tweed Ct and Riata Trace Pkwy after the final phase of the development of the entire 3M property. Additional redevelopment of Research Park in the area of Oak Knoll Dr and Research Blvd is very likely to result in even higher traffic volumes.



Service Road Configuration

Starting in front of the 3M tract, the northbound service road narrows from three lanes down to two lanes, providing a protected lane for the traffic exiting the freeway at Tweed Ct (Oak Knoll Dr Exit). The capacity of the service road is effectively less than three lanes between Tweed Ct and Riata Trace Pkwy because the right lane is occupied by vehicles turning into Summit Oaks, the TASB offices, and onto Riata Trace Pkwy which have no deceleration lane. There are also Capital Metro bus stops in front of TASB and near Riata Trace Pkwy that block the right lane on a regular schedule. There are no signals at Tweed Ct or Riata Trace Pkwy. No mitigation is currently being proposed for the service road to accommodate the increased traffic from the 3M property.

The Zoning Change Review Sheet reports in the table EXISTING STREET CHARACTERISTICS that the pavement width is 39 feet. This is very misleading because the left lane ends, causing traffic to merge into the two right lanes before approaching the 3M tract. The effective pavement width is only 27 feet because essentially all the traffic on the service road merges into two lanes in front of the 3M tract.



**Left Lane Ends at Approach to 3M Tract on Northbound Service Road**

Furthermore, CTRMA will reduce the width of the service road lanes by several feet as part of the U.S. 183 North Mobility Project to accommodate additional main lanes in the freeway. No additional lanes are envisioned for the service road according to the conceptual layout drawings for the project.

#### Traffic Patterns on the Service Road

Vehicles exiting the main lanes of the freeway traveling north toward Oak Knoll Dr. must weave with traffic accessing the freeway entrance ramp from the service road north of Duval Rd. Future traffic from the 3M tract will cross two lanes to enter the freeway entrance ramp. Worse, many cars from Riata Trace Pkwy travel straight across all three lanes of the service road to reach the freeway entrance ramp. At the same time, many vehicles that use the Oak Knoll Dr. exit must veer across three lanes to reach the driveways of TASB and Riata Trace Pkwy. This multi-lane weaving over a relatively short distance makes for a dangerous and chaotic traffic pattern. The traffic impact analysis performed for the entire 3M property did not analyze the effects of additional traffic at the intersections of Tweed Ct or Riata Trace Pkwy.



#### **Service Road Configuration between Tweed Ct and Riata Trace Pkwy**

Right Turn Onto the Service Road

Vehicles that enter the service road from Tweed Ct, TASB, and Riata Trace Pkwy must wait for a gap in the traffic traveling from the south. During average traffic conditions, a gap is usually provided by the upstream signalized intersection at Duval Rd. Future traffic from the 3M tract will fill available gaps and prevent right turns onto the service road from our neighborhood. The effect on access to the service road from Tweed Ct, TASB, and Riata Trace Pkwy should be analyzed and considered in the approval of rezoning and redevelopment of the property.

The expected increase in traffic volume and the existing configuration of the street intersections, driveways, and highway ramps raise serious doubts about the safety of the northbound service road and the capacity of the roadway to handle the traffic, especially during peak afternoon hours.

Summary

The neighborhood believes that conditions should be applied in this rezoning case that are equivalent to other developments adjoining our neighborhood. We also believe that the commissioners would benefit from a comprehensive traffic study in their decision whether to approve the rezoning and we do not support a waiver of the TIA until the site plan stage. We request that the commissioners:

1. Deny the request to remove the height limitation of 40 feet,
2. Deny the request to remove restrictions on uses listed in the Conditional Overlay, and
3. Require a comprehensive Traffic Impact Analysis as part of the rezoning application that:
  - a. Includes the entire 3M property,
  - b. Analyzes all traffic impacts along northbound service road, including impacts on traffic turning onto the service road from EarthTech / Cash America, Tweed Ct, TASB, and Riata Trace Pkwy,
  - c. Considers the additional traffic from redevelopment of 179 acres planned by the Karlin Research Park Development LLC at 12455-12517 ½ Research Blvd (Case Number C14-2021-0112),

- d. Analyzes the traffic impacts at the Oak Knoll Dr – U.S. 183 intersection,
- e. Evaluates mitigation options including;
  - i. Deceleration lanes including a waiver of City of Austin restrictions on construction in a critical water quality zone,
  - ii. Safety measures such as flashing warning signals and reduced speed limits on the northbound service road between Duval Rd and Oak Knoll Dr,
  - iii. Acquisition of access easement or right-of-way between 3M property and Riata Trace Pkwy, through Riata Corporate Park, and
  - iv. Reduced density of development.

We recognize the need for more office space in northwest Austin and we consider office development to be the preferred use of the properties adjacent to our neighborhood. However, we expect there to be a balance between the existing residential areas and commercial development that recognizes and maintains the value of adjacent housing, particularly since the neighborhood was present before any of the other development.

Over the years, developers and the city staff have been respectful of the need to preserve the residential character of our neighborhood. Our hope is to continue that trend with the eventual development of the 3M property.