ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING FOR THE PROPERTY LOCATED AT 160 WEST SLAUGHTER LANE AND CHANGING THE ZONING MAP FROM INTERIM RURAL RESIDENCE (I-RR) DISTRICT TO COMMUNITY COMMERCIAL-CONDITIONAL OVERLAY (GR-CO) COMBINING DISTRICT.

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 interim rural residence (I-RR) district to community commercial-conditional overlay (GR-CO) combining district on the property described in Zoning Case No. C14-06-0204, on file at the Neighborhood Planning and Zoning Department, as follows:

Lot 2, Block A, Tom F. Dunnahoo Subdivision, Replat of a portion of Lot 8, Tom F. Dunnahoo Subdivision, a subdivision in the City of Austin, Travis County, Texas, as described in a deed of record in Volume 96, Pages 11 and 12 of the Deed Records of Travis County, Texas (the "Property"),

locally known as 160 West Slaughter Lane, 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:

A. A 50-foot wide vegetative buffer shall be provided along the west property line where adjacent to or within 50 feet of a single family residential zoned property. Except as provided in Section 25-1-(27)(a) and (b), the buffer zone shall remain an undisturbed vegetative buffer.

B. A 25-foot wide vegetative buffer shall be provided and maintained along the west property line where adjacent to a detention pond. Except as provided in Section 25-1-(27)(a) and (b), the buffer zone shall remain an undisturbed vegetative buffer.

C. The maximum height of a building or structure developed on the Property is 35 feet from grade level.

D. The following uses are prohibited uses of the Property:

Automotive rentals	Automotive repair services
Automotive sales	Automotive washing (of any type)
Bail bond services	Bed and breakfast residential (Group 1)
Bed and breakfast (Group 2)	Club or lodge
Commercial off-street parking	Drop-off recycling collection facility
Exterminating services	Funeral services
Funeral services	Hotel-motel
Indoor entertainment	Indoor sports and recreation
Off-site accessory parking	Outdoor entertainment
Outdoor sports and recreation	Pawn shop services
Residential treatment	Restaurant (general)
Restaurant (limited)	Service station
Theater	Urban farm

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

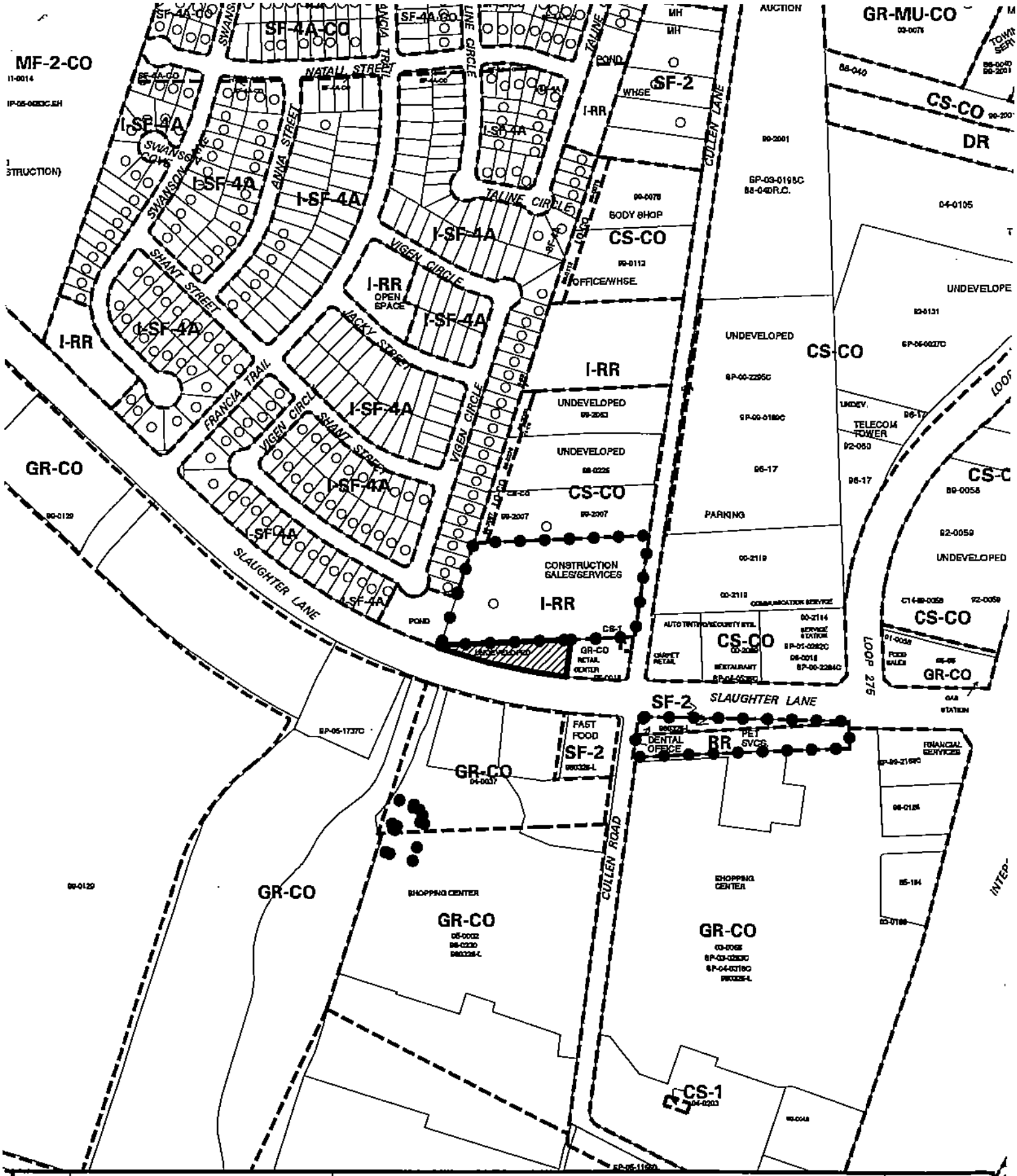
PART 3. This ordinance takes effect on _____, 2007.

PASSED AND APPROVED

§
§
_____, 2007 § _____
Will Wynn
Mayor

APPROVED: _____ **ATTEST:** _____
David Allan Smith
City Attorney

Shirley A. Gentry
City Clerk



N 1"=400'	SUBJECT TRACT PENDING CASE ZONING BOUNDARY CASE MGR: W. WALSH	ZONING EXHIBIT A CASE #: C14-06-0204 ADDRESS: 160 W SLAUGHTER LN SUBJECT AREA (acres): 0.735	DATE: 06-11 INTLS: SM	CITY GRID REFERENCE NUMBER F13, G13

Zoning Case No. C14-06-0203
Zoning Case No. C14-06-0204

RESTRICTIVE COVENANT

OWNER: Weldon J. Schmidt

ADDRESS: 9006 Cullen Lane, Austin, Texas 78748

OWNER: A. King Enterprises Management, Ltd., a Texas limited partnership

ADDRESS: 9605 Orchid Hill, Dallas, Texas 75243

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: Lot 6, Block A, Tom F. Dunnahoo Subdivision, a subdivision in the City of Austin, Travis County, Texas, as described in a deed of record in Volume 683, Page 1 of the Deed Records of Travis County, Texas; and

Lot 2, Block A, Tom F. Dunnahoo Subdivision, replat of a portion of Lot 8, Tom F. Dunnahoo Subdivision, a subdivision in the City of Austin, Travis County, Texas, as described in a deed of record in Volume 96, Pages 11 and 12 of the Deed Records of Travis County, Texas.

WHEREAS, the Owners of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions;

NOW, THEREFORE, it is declared that the Owners 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 Owners of the Property, its successors and assigns.

1. Hours of construction are limited to 7:00 a.m. to 7:00 p.m.

2. A building for a single tenant shall not exceed 25,000 square feet.

3. A 24-hour business shall not operate within 200 feet of a single family residential property line.

4. Outdoor containers used for storage or display of merchandise are prohibited.

5. Dumpster placement shall be the more restrictive of: i) a minimum of 150 feet from the west property line, or, ii) that required under the Commercial Design Standards in Chapter 25-2, Subchapter E *(Design Standards and Mixed Use)* of the City Code.

6. Loading dock placement shall be the more restrictive of: i) a minimum of 100 feet from the west property line, or, ii) that required under the Commercial Design Standards in Chapter 25-2, Subchapter E *(Design Standards and Mixed Use)* of the City Code.

7. A loading dock located within 100 to 200 feet of the west property line may not be located on the west wall of a building.

8. Delivery hours are limited to 7:00 a.m. to 10:30 p.m.

9. The noise level of mechanical equipment including outdoor speakers may not exceed 70 decibels at the west property line. Any outdoor speakers shall either be oriented away from the single-family residential neighborhood to the west, or be screened by a device, wall, fence, structure, or other screening device..

10. Outdoor lighting shall be limited to 20 feet in height and all fixtures shall be fully shielded with full cut-off light fixtures.

11. At the time an application for approval of a site plan is submitted for development of the Property, or any portion of the Property, an Integrated Pest Management (IPM) plan shall be submitted to the Watershed Protection and Development Review Department for review and approval. The IPM plan shall comply with the guidelines in Section 1.6.9.2 (D) and (F) of the Environmental Criteria Manual that are in effect on the date of this covenant.

12. At the time an application for approval of a site plan is submitted for development of the Property, or any portion of the Property, a landscape plan shall be submitted to the Watershed Protection and Development Review Department for review and approval. Ninety percent of the total plant material used, exclusive of turf, shall be native to Central Texas or on the Grow Green Native and Adapted Landscape Plants list, attached as Exhibit "A". Plants on the Invasive Species/Problem Plants list, attached as Exhibit "B", may not be included.

13. 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.

14. 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.

15. 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.

16. 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 modification, amendment or termination at the time of such modification, amendment or termination.

EXECUTED this the _____day of _____, 2007.

OWNER:

_____
Weldon J. Schmidt

OWNER:

A. King Enterprises Management, Ltd.,
a Texas limited partnership

By: A. King Enterprises, Inc.,
a Texas corporation,
General Partner

By:_____
Alma King,
President

APPROVED AS TO FORM:

_____
Assistant City Attorney
City of Austin

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the ___ day of _____, 2007, by Weldon J. Schmidt.

_____
Notary Public, State of Texas

THE STATE OF TEXAS §

COUNTY OF _____ §

This instrument was acknowledged before me on this the ___ day of _____, 2007, by Alma King, President of A. King Enterprises, Inc., a Texas corporation, General Partner of A. King Enterprises Management, Ltd., a Texas limited partnership, on behalf of the corporation and the limited partnership.

_____
Notary Public, State of Texas

After Recording, Please Return to:
City of Austin
Department of Law
P. O. Box 1088
Austin, Texas 78767
Attention: Diana Minter, Paralegal

EXHIBIT A
Grow Green Native and Adapted Landscape Plants

Trees

Ash, Texas *Fraxinus texensis*
Arizona Cypress *Cupressus arizonica*
Big Tooth Maple *Acer grandidentatum*
Cypress, Bald *Taxodium distichum*
Cypress, Montezuma *Taxodium mucronatum*
Elm, Cedar *Ulmus crassifolia*
Elm, Lacebark *Ulmus parvifolia*
Honey Mesquite *Prosopis glandulosa*
Oak, Bur *Quercus macrocarpa*
Oak, Chinquapin *Quercus muhlenbergii*
Oak, Southern Live *Quercus virginiana*
Oak, Escarpment Live *Quercus fusilformis*
Oak, Lacey *Quercus glaucoides*
Oak, Monterey (Mexican White) *Quercus polymorpha*
Oak, Shumard *Quercus shumardii*
Oak, Texas Red *Quercus texana (Quercus buckleyi)*
Pecan *Carya illinoinensis*
Soapberry *Sapindus drummondii*

Small Trees/Large Shrubs

Anacacho Orchit Tree *Bauhinia congesta*
Buckeye, Mexican *Ungnadia speciosa*
Buckeye, Rec *Aesculus pavia*
Caolina Buckthorn *Rhamnus caroliniana*
Cherry Laurel *Prunus caroliniana*
Crape Myrtle *Lagerstroemia indica*
Desert Willow *Chilopsis linearis*
Dogwood, Roughleaf *Cornus drummondii*
Escarpment Black Cherry *Prunus serotina var. eximia*
Eve's Necklace *Sophora affinis*
Goldenball Leadtree *Leucaena retusa*
Holly, Possumhaw *Ilex decidua*
Holly, Yaupon *Ilex vomitoria*
Mountain Laurel, Texas *Sophora secundiflora*
Persimmon, Texas *Diospyros texana*
Pistachio, Texas *Pistacia texana*
Plum, Mexican *Prunus mexicana*
Pomegranate *Punica granatum*
Redbud, Mexican *Cercis canadensis 'mexicana'*
Redbud, Texas *Cercis canadensis var. 'texensis'*
Retama Jerusalem Thorn *Parkinsonia aculeata*
Senna, Flowering *Cassia corymbosa*
Smoke Tree, American *Cotinus obovatus*
Sumac, Flameleaf *Rhus lanceolata*
Viburnum, Rusty Blackhaw *Viburnum rufidulum*
Viburnum, Sandankwa *Viburnum suspensum*

Shrubs

Abelia, Glossy *Abelia grandiflora*
Agarita *Berberis trifoliata*
Agave (Century Plant) *Agave sp.*
American Beautyberry *Callicarpa americana*
Artemisia *Artemisia 'Powis Castle'*
Barbados Cherry *Malpighia glabra*
Barberry, Japanese *Berberis thunbergii 'Atropurpurea'*
Basket Grass (Sacahuista) *Nolina texana*
Black Dalea *Dalea frutescens*
Bush Germander *Teucrium fruticans*
Butterfly Bush *Buddleja davidii*
Butterfly Bush, Wooly *Buddleja marrubiifolia*
Coralberry *Symphoricarpos orbiculatus*
Cotoneaster *Cotoneaster sp.*
Eleagnus *Eleagnus pungens*
Esperanza/Yellow Bells *Tecoma stans*
Flame Acanthus *Anisacanthus quadrifidus var. wrightii*
Fragrant Mimosa *Mimosa borealis*
Holly, Burford *Ilex cornuta 'Burfordii'*
Holly, Dwarf Chinese *Ilex cornuta 'Rotunda nana'*
Holly, Dwarf Yaupon *Ilex vomitoria 'Nana'*
Jasmine, Primrose *Jasminum mesnyi*
Kidneywood *Eysenhardtia texana*
Lantana, Native *Lantana horrida*
Mistflower, Blue (Blue Boneset) *Eupatorium coelestinum*
Mistflower, White (Shrubby White Boneset) *Ageratina havanense*
Mock Orange *Philadelphus coronarius*
Nandina *Nandina domestica 'Compacta nana' 'Gulf Stream'*
Oleander *Nerium oleander*
Palmetto *Sabal minor*
Prickly Pear *Opuntia engelmannii var. lindheimeri*
Rose, Belinda's Dream *Rosa 'Belinda's Dream'*
Rose, Lamarne *Rosa 'Lamarne'*
Rose, Livin' Easy *Rosa 'Livin' Easy'*
Rose, Marie Pavie *Rosa 'Marie Pavie'*
Rose, Martha Gonzales *Rosa 'Martha Gonzales'*
Rose, Mutabilis *Rosa 'Mutabilis'*
Rose, Nearly Wild *Rosa 'Nearly Wild'*
Rose, Old Blush *Rosa 'Old Blush'*
Rose, Perle d'or *Rosa 'Perle d'or'*
Rock Rose *Pavonia lasiopetala*
Rosemary *Rosmarinus officinalis*
Sage, Mountain *Salvia regla*
Sage, Texas (Cenizo) *Leucophyllum frutescens*
Senna, Lindheimer *Cassia lindheimeriana*
Southern Wax Myrtle *Myrica cerifera*
Sumac, Evergreen *Rhus virens*
Sumac, Fragrant (Aromatic) *Rhus aromatica*
Texas Sotol *Dasylirion texanum*
Turk's Cap *Malvaviscus arboreus*
Yucca, Paleleaf *Yucca pallida*
Yucca, Red *Hesperaloe parviflora*
Yucca, softleaf *Yucca recurvifolia*
Yucca, Twistleaf *Yucca rupicola*

Perennials

Black-eyed Susan *Rudbeckia hirta*
Bulbine *B. frutescens or caulescens*
Bush Morning Glory *Ipomoea fistulosa*
Butterfly Weed *Asclepias tuberosa*
Buterfly Weed 'Mexican' *Asclepias curassivica*
Cast Iron Plant *Aspidistra elatior*
Chile Pequin *Capsicum annuum*
Cigar Plant *Cuphea micropetala*
Columbine, Red *Aquilegia canadensis*
Columbine, Yellow *Aquilegia chrysantha 'Texas Gold'*
Coreopsis *Coreopsis lanceolata*
Daisy, Blackfoot *Melampodium leucanthum*
Daisy, Copper Canyon *Tagetes lemmonii*
Damiantia *Crysactina mexicana*
Fall Aster *Aster oblongifolius*
Fern, River *Thelypteris kunthii*
Firebush *Hamelia patens*
Gaura *Gaura lindeheimeri*
Gayfeather *Liatris mucronata*
Gregg Dalea *Dalea greggii*
Hibiscus, Perennial *Hibiscus moscheutos, Hibiscus coccineus*
Honeysuckle, Mexican *Justicia spicigera*
Hymenoxys (Four Nerve Daisy) *Tetraneuris scaposa*
Indigo Spires *Salvia 'Indigo Spires'*
Iris, Bearded *Iris albicans*
Iris, Butterfly/Bicolor (African) *Dietes sp.*
Lamb's Ear *Stachys byzantina*
Lantana *Lantana x hybrida (many varieties)*
Lantana, Trailing *Lantana montevidensis*
Marigold, Mexican Mint *Tagetes lucida*
Obedient Plant, Fall *Physostegia virginiana*
Oregano, Mexican *Poliomintha longiflora*
Penstemon *Penstemon sp.*
Phlox, Fragrant *Phlox pilosa*
Pink Skullcap *Scutellaria suffrutescens*
Plumbago *Plumbago auriculata*
Poinciana, Red Bird of Paradise, Pride of Barbados
Caesalpinia pulcherrima
Primrose, Missouri *Oenothera macrocarpa*
Purple Coneflower *Echinacea purpurea*
Ruellia *Ruellia brittoniana*
Sage, Cedar *Salvia roemeriana*
Sage, Jerusalem *Phlomis fruticosa*
Sage, Majestic *Salvia guaranitica*
Sage, Mealy Blue *Salvia farinacea*
Sage, Mexican Bush *Salvia leucantha*
Sage, Penstemon, Big Red Sage *Salvia penstemonoides*
Sage, Russian *Perovaskia atriciplifolia*
Sage, Scarlet or 'Tropical' *Salvia coccinea*
Salvia, Gregg (Cherry Sage) *Salvia greggii*
Shrimp Plant *Justicia brandegeana*
Texas Betony *Stachys coccinea*
Verbena, Prairie *Verbena bipinnatifida*
Yarrow *Achillea millefolium*
Zexmenia *Wedelia texana*

Ornamental Grasses

Bluestem, Big *Andropogon gerardii*
Bluestem, Bushy *Andropogon glomeratus*
Bluestem, Little *Schizachyrium scoparium*
Fountain Grass, Dwarf *Pennisetum alopecuroides*
Indian Grass *Sorghasturm nutans*
Inland Sea Oats *Chasmanthium latifolium*
Mexican Feathergrass (Wiregrass) *Stipa tenuissima*
Muhly, Bamboo *Muhlenbergia dumosa*
Muhly, Big *Muhlenbergia lindheimeri*
Muhly, Deer *Muhlenbergia rigens*
Muhly, Gulf *Muhlenbergia capillaris*
Muhly, Seep *Muhlenbergia reverchonii*
Sideoats Grama *Bouteloua curtipendula*
Wild Rye *Elymus canadensis*

Vines

Asian Jasmine *Trachelospermum asiaticum*
Carolina Jessamine *Gelsemium sempervirens*
Coral Vine *Antigonon leptopus*
Crossvine *Bignonia capreolata*
Fig Vine *Ficus pumila*
Honeysuckle, Coral *Lonicera sempervirens*
Lady Banksia Rose *Rosa banksiae*
Passion Vine *Passiflora incarnata*
Trumpet Vine *Campsis radicans*
Virginia Creeper *Parthenocissus quinquefolia*

Groundcover

Aztec Grass *Ophiopogon japonicus*
Frogfruit *Phyla incisa*
Horseherb *Calyptocarpus vialis*
Leadwort Plumbago *Ceratostigma plumbaginoides*
Liriope *Liriope muscari*
Monkey Grass (Mondo Grass) *Ophiopogon japonicus*
Oregano *Origanum vulgare*
Periwinkle, Littleleaf *Vinca minor*
Pigeonberry *Rivina humilis*
Purple Heart *Secreasea pallida*
Santolina (Lavender Cotton) *Santolina chamaecyparissus*
Sedge, Berkeley *Carex tumulicola*
Sedge, Meadow *Carex perdentata*
Sedge, Texas *Carex texensis*
Sedum (Stonedrop) *Sedum nuttallianum*
Silver Ponyfoot *Dichondra argentea*
Wooly Stemodia *Stemodia lanata (Stemodia tomentosa)*

Turf Grasses

Bermuda *'Tif 419', 'Sahara', 'Baby', 'Common'*
Buffalo *'609', 'Stampede', 'Prairie'*
St. Augustine *'Baby', 'Common', 'Raleigh', 'Delmar'*
Zoysia, Fine Leaf *'Matrella', 'Emerald', 'Zorro'*
Zoysia, Coarse Leaf *'Japonica', 'Jamur', 'El Toro', 'Palis*

EXHIBIT B

Invasive Species/Problem Plants

PLANTS TO AVOID

INVASIVES
(Plants that are non-native to the Central Texas ecosystem and tend to out-compete native species)

Do Not Plant
(Travel by seeds, berries, and spores so can be transported long distances. They have already invaded preserves and greenbelts):

- Arizona Ash
- Chinaberry
- Chinese Pistache
- Chinese Tallow
- Chinese Privet
- Elephant Ear
- Holly Fern
- Japanese Honeysuckle
- Ligustrum, Wax Leaf
- Mimosa
- Mulberry, Paper
- Nandina (large, berrying varieties)
- Photinia, Chinese
- Pyracantha
- Tamarisk
- Tree of Heaven

Do Not Plant Near Parks/Preserves/Greenbelts
(travel by runners, rhizomes, and stems so only invade neighboring areas):

- Bamboo
- English Ivy
- Vinca (Periwinkle)

PROBLEM TREES AND SHRUBS
(Typically fast-growing, highly adaptable, but often have weak wood and are short-lived. Most are susceptible to insect and disease problems.)

- Arizona Ash
- Azalea (not adapted to Austin soils)
- Boxelder
- Camellia
- Chinaberry
- Chinese Privet
- Chinese Tallow
- Cottonwood
- Ligustrum
- Lombardy Poplar
- Mimosa
- Mulberry, Paper
- Photinia, Chinese
- Siberian Elm
- Silver Maple
- Sweetgum
- Sycamore
- Tree of Heaven