

**ZONING REVIEW SHEET****CASE:** C14-2007-0050**Z.A.P. DATE:** May 15, 2007**ADDRESS:** 12201, 12203 and 12301 Tomanet Trail; 2312, 2316, 2400, 2402, and  
2404 Cedar Bend Drive**OWNER:** Austin Diagnostic Clinic Association  
(Robert Spurck)**AGENT:** Minter, Joseph & Thornhill, PC  
(John M. Joseph)**REZONING FROM:** GO-CO (General office – conditional overlay) district**TO:** GO-CO (General office – conditional overlay) district**AREA:** 1.73 Acres**SUMMARY STAFF RECOMMENDATION:****May 15, 2007: APPROVED STAFF'S RECOMMENDATION FOR GO-CO ZONING; BY  
CONSENT.[J.MARTINEZ, T.RABAGO 2<sup>ND</sup>] (8-0) K.JACKSON – NOT YET ARRIVED****SUMMARY STAFF RECOMMENDATION:**

Staff recommends the rezoning from GO-CO to GO-CO to modify conditions of zoning. The modified conditions shall be as follows:

1. Deletion of the 12-foot buffer zone required along and adjacent to the east property line as required by Ordinance No. 20060810-071, Part 2, Section 4. (Please see Attachment A).
2. The recommended conditional overlay shall also limit the daily vehicle trips to less than 2,000 per day per [LDC, 25-6-117].

The Staff recommendation is based on the following considerations:

- 1.) The removal of the existing condition contained in Ordinance No. 20060810-071 will allow for the unified redevelopment of the site along with the existing day care facility east of the subject property to incorporate shared parking;
- 2.) The proposed conditional overlay modification shall not have a land use impact on the established land uses per Ordinance No. 20060810-071;
- 3.) All other terms, conditions, and restrictions of Ordinance No. 20060810-071 shall be retained.

**DEPARTMENT COMMENTS:**

The subject rezoning area consists of an undeveloped 1.73 acre site fronting Cedar Bend Drive and Tomanet Trail zoned GO-CO. The property was rezoned from LO-CO to GO-CO by Ordinance No. 20060810-071 including the following conditions:

1. Vehicular access from the Property to Tomanet Trail is prohibited. All vehicular access to the Property shall be from other adjacent public streets or through other adjacent property.
2. The maximum height of a building or structure is 50 feet.
3. A 15-foot wide vegetative buffer shall be provided and maintained along and adjacent to the north property line.
4. A 12-foot wide vegetative buffer shall be provided and maintained along and adjacent to the east property line.

5. The vegetative buffers shall include trees as, an element of the landscaping. Improvements permitted within these buffer zones are limited to drainage, underground utility improvements or those improvements that may be otherwise required by the City of Austin or specifically authorized in this ordinance.
6. An 80 foot building setback shall be established from the north property line.
7. Vegetative screening shall be provided to screen the parking area from the view of the adjacent residential property to the east.
8. The following uses are prohibited uses of the Property:
  - Business or trade school Business support services
  - Off-site accessory parking Printing and publishing
  - Restaurant (limited) Guidance services
  - Personal services Hospital services (general).
9. The following uses are conditional uses of the Property:
  - College or university facilities Congregate living
  - Hospital services (limited) Private secondary educational facilities

The site is currently undeveloped land. The applicant proposes to rezone the property to GO-CO to Remove a condition of zoning addressing the placement of a 12-foot buffer zone required along and adjacent to the east property line as required by Ordinance No. 20060810-071. The buffer zone is proposed to be moved to the adjacent site to the east and placed along the easternmost property line abutting existing duplexes. This site is located within the North Lamar Study Area which recommends commercial development for this site.

### **BACKGROUND**

On November 30, 1995, the site was rezoned from SF-3 to LO-CO under Ordinance No. 951130-E (Please see Attachment B) and imposed the following restrictions:

- A landscape buffer 25 feet wide along:
  - (i) northern property line of Tract 1 and Tract 2, and
  - (ii) along the eastern property line of Tract 4;
- No vehicular access to Tomanet Trail. All vehicular access to the property shall be from adjacent public streets or other properties;
- NO (Neighborhood Office) site development standards; and
- A vehicle trip limitation of less than 700 per day

Furthermore, on November 21, 1996, the site was rezoned from LO-CO to LO-CO under Ordinance No. 961121-N (Please see Attachment C). The conditional overlay maintained the previous site development conditions and removed the vehicle trip limitation. The site is also subject to the provisions of the restrictive covenant under Document No. 12821-0028 (Please see Attachment D) which address the Traffic Impact Analysis (TIA) provisions.

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

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	GO-CO	Undeveloped land
<i>North</i>	SF-2	Single-family residences
<i>South</i>	GR	Medical center
<i>East</i>	SF-3	Daycare
<i>West</i>	LR-CO	Undeveloped land

**AREA STUDY:** North Lamar**TIA:** Waived (See Transportation comments)**WATERSHED:** Walnut Creek**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** N/A**HILL COUNTRY ROADWAY:** N/A**NEIGHBORHOOD ORGANIZATIONS:**

55--Northwood Homeowners Assn.  
 64--River Oaks Lakes Estates Neighborhood  
 114--North Growth Corridor Alliance  
 480--Scofield Farms Residents Assn.  
 511--Austin Neighborhoods Council  
 742--Austin Independent School District  
 786--Home Builders Association of Greater Austin

**SCHOOLS:**

Austin Independent School District

- Pillow Elementary School
- Burnet Middle School
- Anderson High School

**RELATED CASES:**

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-94-0174	SF-3 to LO	03/21/95: APVD LO-CO W/CONDS (8-0)	06/01/95: APVD LO-CO (5-0-2, RR/EM-ABSTAIN); 1ST RDG.  11/30/95: APVD LO-CO (6-0); 2ND/3RD RDG
C14-96-0112	LO-CO to LO-CO	10/22/96: APVD STAFF ALT REC OF LO-CO; (9-0)	11/21/96: APVD LO-CO SUBJ TO CONDS (6-0); (ALL 3 READINGS)
C14-06-0092	LO-CO to GO-CO	08/01/06: APVD GO-CO W/CONDS (6-1, JP-NO)	08/10/06: APVD GO-CO (7-0); ALL 3 RDGS

**CASE HISTORIES:**

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-96-0113	GO-CO to GO-CO	10/22/96: APVD STAFF ALT REC OF GO-CO (9-0)	11/21/96: APVD GO-CO SUBJ TO CONDS (6-0); (ALL 3 READINGS)
C14-96-0114	LR-CO to LR-CO	10/22/96: APVD STAFF ALT REC OF LR-CO (9-0)	10/21/96: APVD LR-CO SUBJ TO CONDS (6-0); ALL 3 READINGS

**ABUTTING STREETS:**

NAME	ROW	PAVEMENT	CLASSIFICATION	BICYCLE PLAN	CAPITAL METRO	SIDEWALKS
Tomanet Trail	70'	40'	Collector	No	No	No
Cedar Bend Drive	70'	40'	Collector	No	Yes	Yes

**CITY COUNCIL DATE:**

**June 7, 2007**

**ACTION:**

**ORDINANCE READINGS:**

**1<sup>st</sup>**

**2<sup>nd</sup>**

**3<sup>rd</sup>**

**ORDINANCE NUMBER:**

**CASE MANAGER:** Jorge E. Rousselin, NPZD

**PHONE:** 974-2975

**E-MAIL:** [jorge.rousselin@ci.austin.tx.us](mailto:jorge.rousselin@ci.austin.tx.us)



## ZONING

CASE#: C14-2007-0050

ADDRESS: 12203 Tomamet Trail

SUBJECT AREA: 1.730

GRID: L34

12201, 12203 and 12301 Tomamet Trail; 2312, 2316, 2400, 2402 and 2404 Cedar Bend Drive

1" = 200'

CASE MGR: J. ROUSSELIN

This map has been produced by G.I.S. Services for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



Zoning Boundary



Pending Cases







C14-07-0047

C14-07-0050

**Legend**

- Zoning
- Center Line
- Major Roads

60 0 60 120 180 Feet

**C14-07-0047**  
**C14-07-0050**

This map has been produced by the City of Austin as a working staff map and is not warranted for any other use. No warranty is made by the City regarding its accuracy or completeness.

## STAFF RECOMMENDATION

Staff recommends the rezoning from GO-CO to GO-CO to modify conditions of zoning. The modified conditions shall be as follows:

1. Deletion of the 12-foot buffer zone required along and adjacent to the east property line as required by Ordinance No. 20060810-071, Part 2, Section 4. (Please see Attachment A).
2. The recommended conditional overlay shall also limit the daily vehicle trips to less than 2,000 per day per [LDC, 25-6-117]

The Staff recommendation is based on the following considerations:

- 1.) The removal of the existing condition contained in Ordinance No. 20060810-071 will allow for the unified redevelopment of the site along with the existing day care facility east of the subject property to incorporate shared parking;
- 2.) The proposed conditional overlay modification shall not have a land use impact on the established land uses per Ordinance No. 20060810-071;
- 3.) All other terms, conditions, and restrictions of Ordinance No. 20060810-071 shall be retained.

## BASIS FOR RECOMMENDATION

1. *Zoning changes should promote compatibility with adjacent and nearby uses.*

The requested modification to the existing conditional overlay will not infringe on the established land uses at the subject site and will continue to promote land use compatibility. The subject property will be integrated into one unified development and will maintain established setbacks.

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

Established office uses along Cedar Bend Drive exists which contribute to the orderly planning of like land uses.

## EXISTING CONDITIONS

### Site Characteristics

The site is currently undeveloped land and is located within the North Lamar Study Area which recommends commercial development for this site. Access to the property is proposed off Cedar Bend Drive.

### Transportation

1. No additional right-of-way is needed at this time.
2. The applicant proposes to construct 27,000sf of medical office and 3,000sf of professional office which would generate approximately 1,066 trips per day.
3. Access to Tomanet Trail should be prohibited as a condition of zoning due to the residential nature of this street. The applicant is not proposing to take access to this roadway.
4. A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be

limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

### **Environmental and Impervious Cover**

1. The site is not located over the Edward's Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Walnut Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

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

2. According to flood plain maps, there is no floodplain within, or adjacent to the project boundary.
3. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
4. At this time, site specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.
5. Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:
  - Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.
6. At this time, no information has been provided as to whether this property has any pre-existing approvals that preempt current water quality or Code requirements.

### **Water and Wastewater**

1. 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 the water and wastewater utility improvements, offsite main extensions, system upgrades, utility relocation, and utility abandonment. The water and wastewater plan must be in accordance with the City of Austin utility design criteria. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.



**Site Plan and Compatibility Standards**

1. Any new development would be subject to compatibility standards. Along the north and east property lines, the following standards apply:
  - No structure may be built within 25 feet of the SF-2 or SF-3 property line.
  - No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
  - No parking or driveways are allowed within 25 feet of 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.
3. Additional design regulations will be enforced at the time a site plan is submitted.

**ORDINANCE NO. 20060810-071**

**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 12201, 12203 AND 12301 TOMANET TRAIL; 2312, 2316, 2400, 2402, AND 2404 CEDAR BEND DRIVE FROM LIMITED OFFICE-CONDITIONAL OVERLAY (LO-CO) COMBINING DISTRICT TO GENERAL OFFICE-CONDITIONAL OVERLAY (GO-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 limited office-conditional overlay (LO-CO) combining district to general office-conditional overlay (GO-CO) combining district on the property described in Zoning Case No. C14-06-0092, on file at the Neighborhood Planning and Zoning Department, as follows:

Lots 1, 2, 3, 4, 5, 6, and 7, Block D, The Centrum Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 86, Pages 115A-115D, of the Plat Records of Travis County, Texas (the "Property"),

locally known as 12201, 12203 and 12301 Tomanet Trail; 2312, 2316, 2400, 2402, and 2404 Cedar Bend Drive, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "A".

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

1. Vehicular access from the Property to Tomanet Trail is prohibited. All vehicular access to the Property shall be from other adjacent public streets or through other adjacent property.
2. The maximum height of a building or structure is 50 feet.
3. A 15-foot wide vegetative buffer shall be provided and maintained along and adjacent to the north property line.
4. A 12-foot wide vegetative buffer shall be provided and maintained along and adjacent to the east property line.

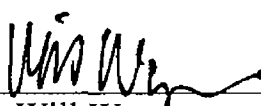
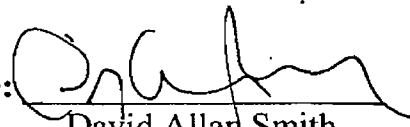
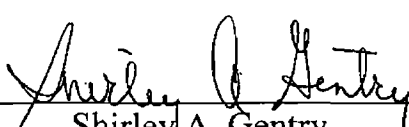
5. The vegetative buffers shall include trees as an element of the landscaping. Improvements permitted within these buffer zones are limited to drainage, underground utility improvements or those improvements that may be otherwise required by the City of Austin or specifically authorized in this ordinance.
6. An 80 foot building setback shall be established from the north property line.
7. Vegetative screening shall be provided to screen the parking area from the view of the adjacent residential property to the east.
8. The following uses are prohibited uses of the Property:

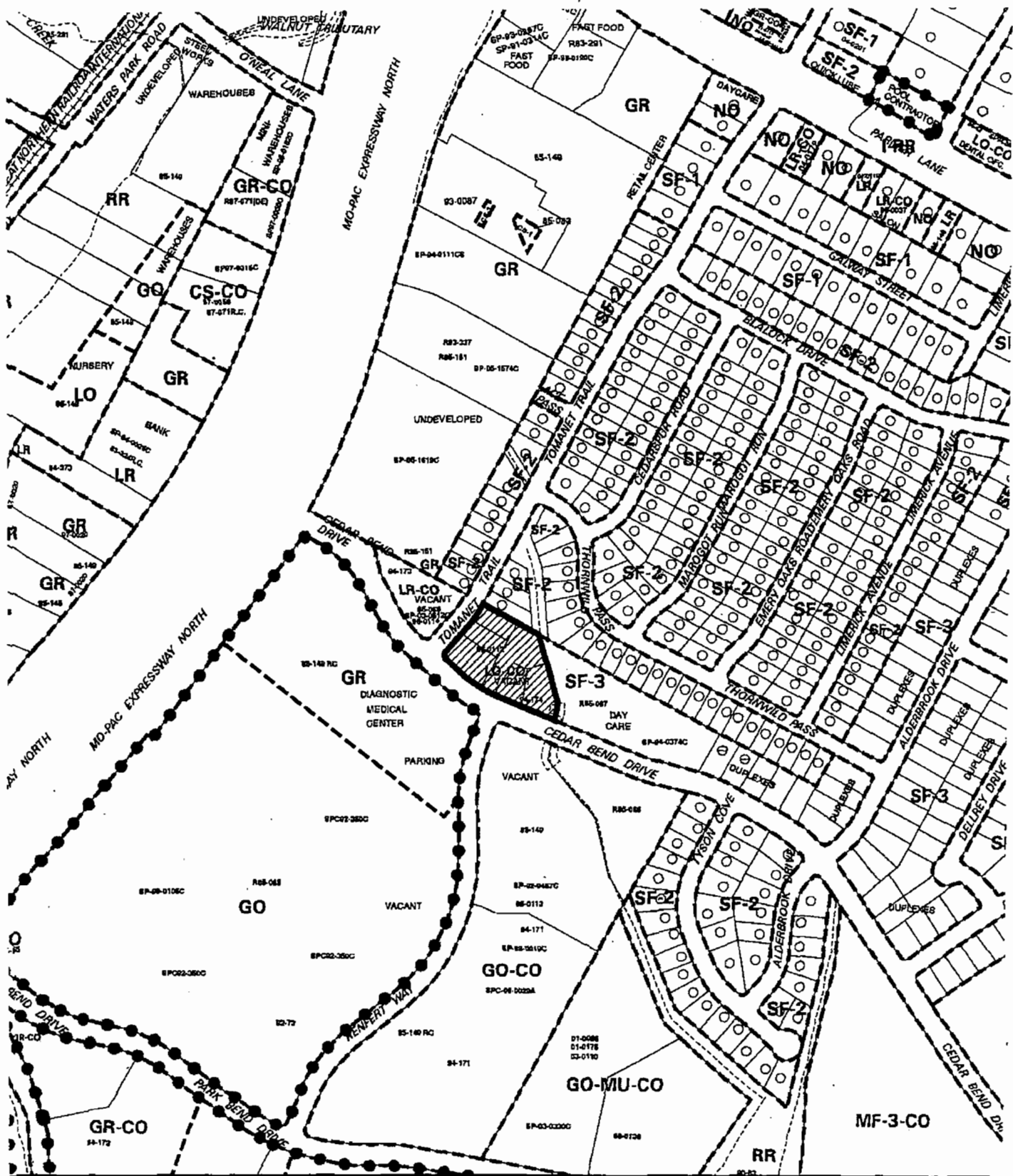
Business or trade school	Business support services
Off-site accessory parking	Printing and publishing
Restaurant (limited)	Guidance services
Personal services	Hospital services (general)
9. The following uses are conditional uses of the Property:

College or university facilities	Congregate living
Hospital services (limited)	Private secondary educational facilities
10. Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the limited office (LO) base district and other applicable requirements of the City Code.

**PART 3.** This ordinance takes effect on August 21, 2006.

**PASSED AND APPROVED**

August 10, 2006	§ § §	 _____ Will Wynn Mayor
APPROVED:  _____ David Allan Smith City Attorney	ATTEST:  _____ Shirley A. Gentry City Clerk	



 " = 400'	SUBJECT TRACT PENDING CASE ZONING BOUNDARY CASE MGR: J.ROUSSELIN	CASE #: C14-06-0092 ADDRESS: 12201, 12203 & 12301 TOMANET TRL.; DATE: 06-07 2312, 2316, 2400, 2402 & 2404 CEDAR BEND DR SUBJECT AREA (acres): 1.730	CITY GRID REFERENCE NUMBER L34
	ZONING EXHIBIT A		
	INTLS: SM		
	10-82		

CITY OF AUSTIN, TEXAS

ORDINANCE NO. 951130- E

AN ORDINANCE ORDERING A REZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 13-2 OF THE AUSTIN CITY CODE OF 1992 AS FOLLOWS:

TRACT 1: LOT 1, BLOCK D, THE CENTRUM SUBDIVISION, FROM "SF-3" FAMILY RESIDENCE DISTRICT TO "LO-CO" LIMITED OFFICE DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT; AND,

TRACT 2: LOT 5, BLOCK D, THE CENTRUM SUBDIVISION, FROM "SF-3" FAMILY RESIDENCE DISTRICT TO "LO-CO" LIMITED OFFICE DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT; AND,

TRACT 3: LOTS 2, 3, 4, AND 6, BLOCK D, THE CENTRUM SUBDIVISION, FROM "SF-3" FAMILY RESIDENCE DISTRICT TO "LO-CO" LIMITED OFFICE DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT; AND,

TRACT 4: LOT 7, BLOCK D, THE CENTRUM SUBDIVISION, FROM "SF-3" FAMILY RESIDENCE DISTRICT TO "LO-CO" LIMITED OFFICE DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT,

LOCALLY KNOWN AS 12201-12301 TOMANET TRAIL [ODD NUMBERS ONLY]; AND 2312-2404 CEDAR BEND DRIVE [EVEN NUMBERS ONLY], AS MORE PARTICULARLY IDENTIFIED IN THE MAP ATTACHED AS "EXHIBIT A" TO THIS ORDINANCE, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; WAIVING THE REQUIREMENTS OF SECTIONS 2-2-3, 2-2-5, AND 2-2-7 OF THE AUSTIN CITY CODE OF 1992; AND PROVIDING AN EFFECTIVE DATE.

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

PART 1. That Chapter 13-2 of the Austin City Code of 1992 is amended to change the respective base zoning districts and to establish a Conditional Overlay combining district on all of the property described in File C14-94-0174, as follows:

Tract 1: From "SF-3" Family Residence district to "LO-CO" Limited Office district-Conditional Overlay combining district.

Lot 1, Block D, The Centrum Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 86, Pages 115A-115D, of the Plat Records of Travis County, Texas.

Tract 2: From "SF-3" Family Residence district to "LO-CO" Limited Office district-Conditional Overlay combining district.

Lot 5, Block D, The Centrum Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 86, Pages 115A-115D, of the Plat Records of Travis County, Texas.

**CITY OF AUSTIN, TEXAS**

Tract 3: From "SF-3" Family Residence district to "LO-CO" Limited Office district-Conditional Overlay combining district.

Lots 2, 3, 4, and 6, Block D, The Centrum Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 86, Pages 115A-115D, of the Plat Records of Travis County, Texas.

Tract 4: From "SF-3" Family Residence district to "LO-CO" Limited Office district-Conditional Overlay combining district.

Lot 7, Block D, The Centrum Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 86, Pages 115A-115D, of the Plat Records of Travis County, Texas.  
*[hereinafter referred to as the "Property"]*

locally known as 12201-12301 Tomanet Trail [ODD NUMBERS ONLY]; and 2312-2404 Cedar Bend Drive [EVEN NUMBERS ONLY], as more particularly identified in the map attached as "Exhibit A" to this ordinance, in the City of Austin, Travis County, Texas.

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

1. Owner shall maintain a landscape buffer 25 feet wide (i) along the northern property line of Tract 1 and Tract 2, and (ii) along the eastern property line of Tract 4.
2. There will be no vehicular access from the Property to Tomanet Trail. All vehicular access to the Property shall be from other adjacent public streets or through other adjacent property.
3. Development of the Property shall conform to the site development regulations authorized for the "NO" Neighborhood Office district as set forth in Sec. 13-2-630 of the Land Development Code of the Austin City Code.
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 of 700 vehicle trips per day.

Except as specifically restricted by this ordinance, the property may be developed and used in accordance with regulations established for the respective base districts and other applicable requirements of the Land Development Code.

PART 3. That it is ordered that the Zoning Map established by Section 13-2-22 of the Austin City Code of 1992 and made a part thereof shall be changed to record the amendment enacted by this ordinance.

PART 4. That the requirements imposed by Sections 2-2-3, 2-2-5, and 2-2-7 of the Austin City Code of 1992, as amended, regarding the presentation and adoption of ordinances are hereby waived by the affirmative vote of at least five members of the City Council.



CITY OF AUSTIN, TEXAS

PART 5. That this ordinance shall become effective upon the expiration of ten days following the date of its final passage, as provided by the Charter of the City of Austin.

PASSED AND APPROVED:

November 30, 1995

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*Bruce Todd*

Bruce Todd  
Mayor

APPROVED:

*Andrew Martin*

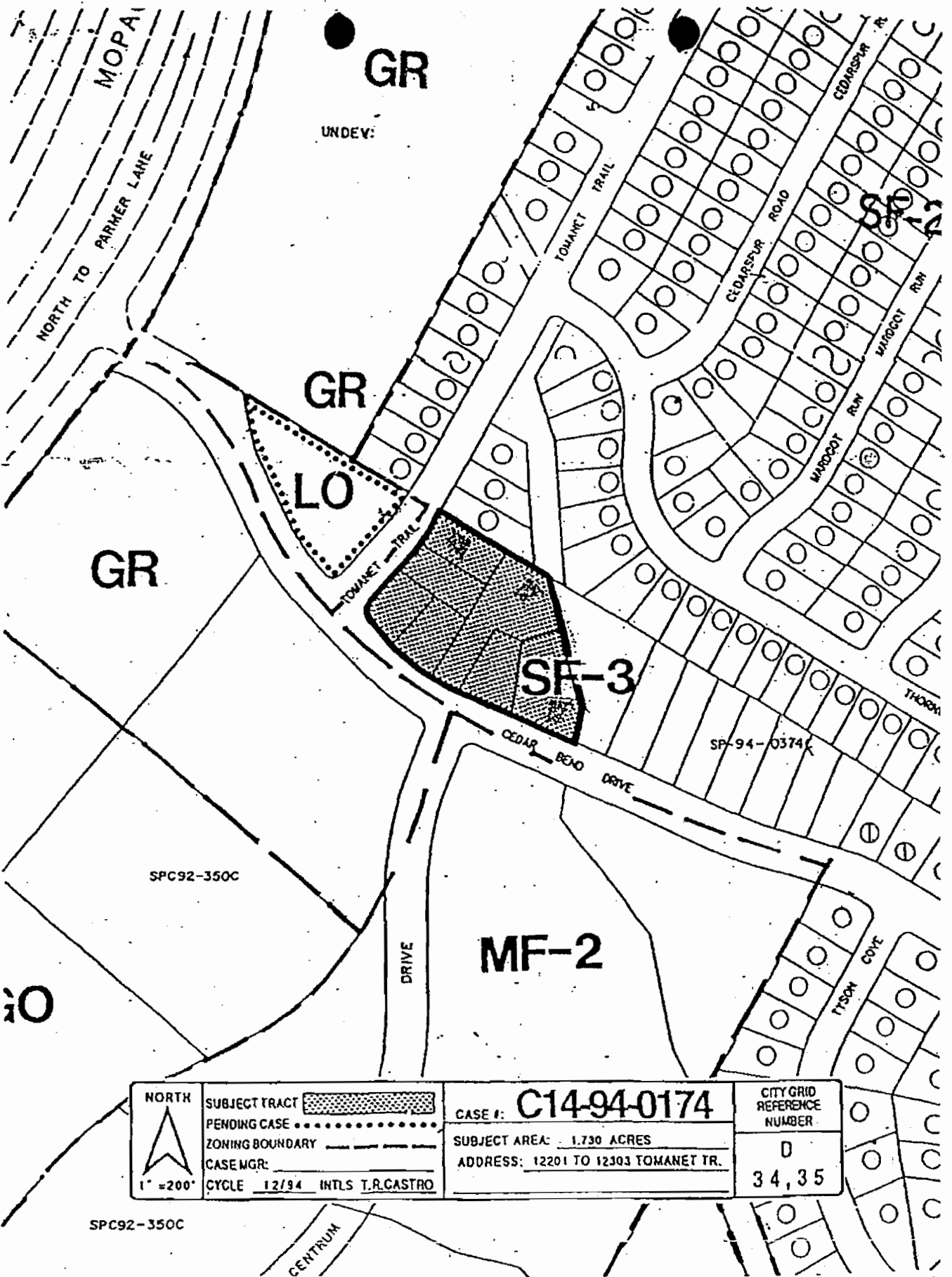
Andrew Martin  
City Attorney

ATTEST:

*James E. Aldridge*

James E. Aldridge  
City Clerk

30Nov95  
ME/jj



<p>NORTH</p> <p>1" = 200'</p>	SUBJECT TRACT		CASE #: <b>C14-94-0174</b>	CITY GRID REFERENCE NUMBER  <b>0 34,35</b>
	PENDING CASE .....		SUBJECT AREA: 1.730 ACRES	
	ZONING BOUNDARY .....		ADDRESS: 12201 TO 12303 TOMANET TR.	
	CASE MGR: _____			
CYCLE 12/94 INTLS T.R. CASTRO				

"Exhibit A"

**ORDINANCE NO. 961121-N**

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

**LOTS 1-7, BLOCK "D", THE CENTRUM SUBDIVISION, FROM "LO-CO" LIMITED OFFICE DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT TO "LO-CO" LIMITED OFFICE DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT,**

**LOCALLY KNOWN AS 12301 AND 12203 TOMANET TRAIL, 2312, 2316, 2400, 2402 AND 2404 CEDAR BEND DRIVE, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS.**

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

**PART 1.** The Zoning Map established by Chapter 13-2-22 of the City Code is amended to change the base zoning district from "LO-CO" Limited Office district-Conditional Overlay combining district to "LO-CO" Limited Office district-Conditional Overlay combining district on the property (the "Property") described in File C14-96-0112, as follows:

Lots 1-7, Block "D", The Centrum Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 86, Page 115A-D, of the Plat Records of Travis County, Texas,

locally known as 12301 and 12203 Tomanet Trail, 2312, 2316, 2400, 2402, and 2404 Cedar Bend Drive, in the City of Austin, Travis County, Texas, and as more particularly identified in the map attached as Exhibit "A".

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

1. Owner shall maintain a landscape buffer 25 feet wide (i) along the northern property line of Lots 1 and 5, and (ii) along the eastern property line of Lot 7.

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

3. Development of the Property shall conform to the site development regulations authorized for the "NO" Neighborhood Office district as set forth in Sec. 13-2-630 of the Land Development Code.

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

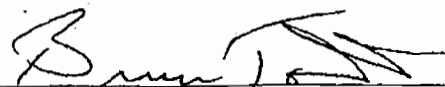
**PART 3.** The Council waives the requirements of Sections 2-2-3, 2-2-5, and 2-2-7 of the City Code for this ordinance.

**PART 4.** This ordinance takes effect on December 2, 1996.

**PASSED AND APPROVED**

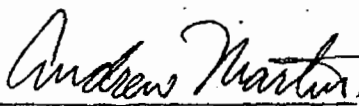
November 21, 1996.

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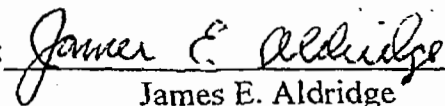
Bruce Todd  
Mayor

APPROVED:

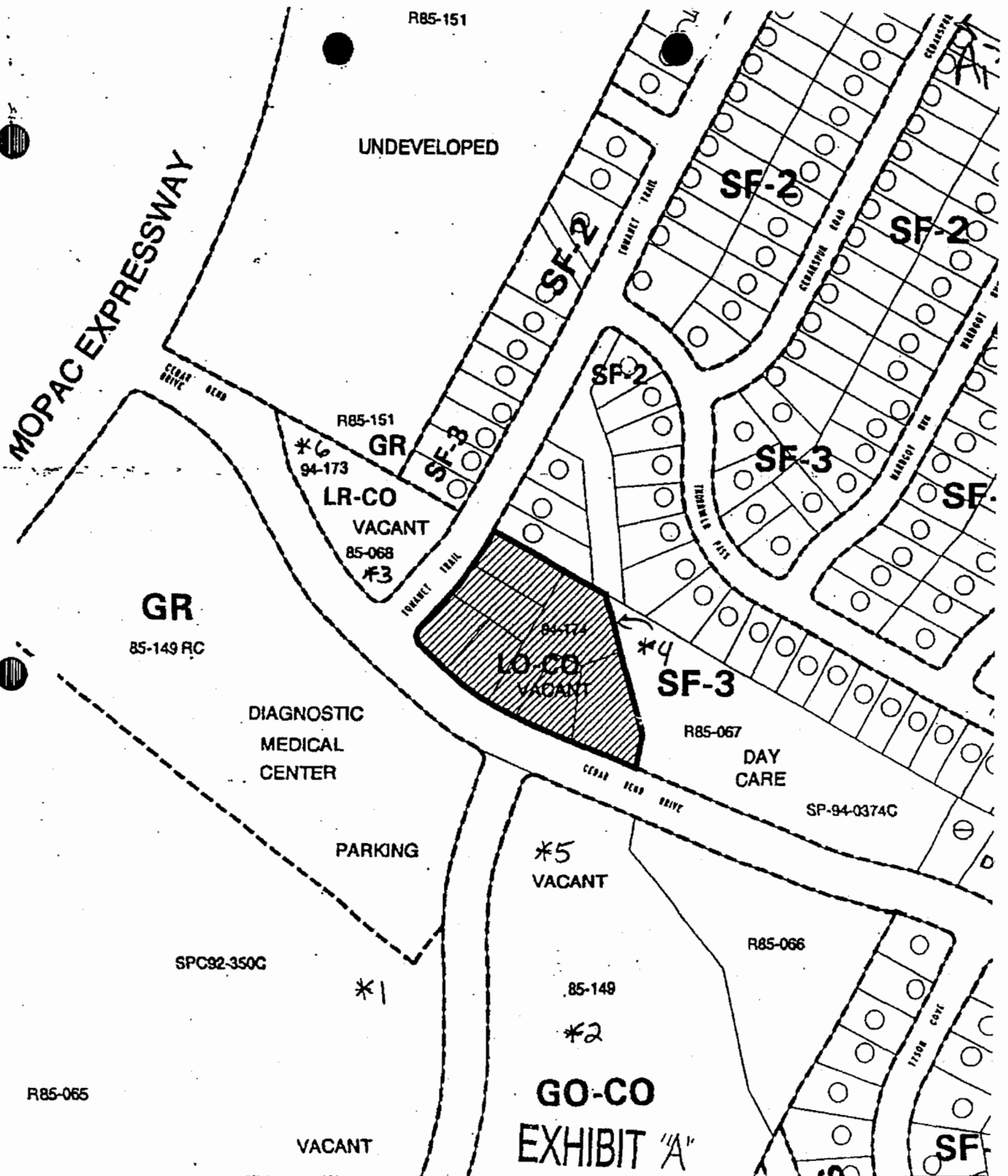


Andrew Martin  
City Attorney


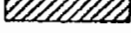
ATTEST:



James E. Aldridge  
City Clerk



SPC92-350C

 1" = 200'	SUBJECT TRACT PENDING CASE ZONING BOUNDARY CASE MGR: M. JOHNSON CYCLE: 96-10 INTLS: TRC	 CASE #: C14-96-0112 SUBJECT AREA (acres): 1.840 ADDRESS: TOMANET TR. & CEDAR BEND DR.	CITY GRID REFERENCE NUMBER L34
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FILM CODE  
00005514372

Zoning Case No. C14-96-0112  
C14-96-0113  
C14-96-0114

RESTRICTIVE COVENANT

OWNER: THE AUSTIN DIAGNOSTIC CLINIC ASSOCIATION,  
a Texas professional association

ADDRESS: 12221 Mopac Expressway North, Austin, Texas 78758

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 1, Block C, and Lots 1-7, Block D, The Centrum Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 86, Page 115A-D, of the Plat Records of Travis County, Texas.

Lot 1, 2 and 3, Block E, Resubdivision of The Centrum Subdivision Block B and Block E, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 91, Page 197, of the Plat Records of Travis County, Texas.

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. Notwithstanding any other provision of the Land Development Code applicable to the Property on the effective date of this restrictive covenant 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 ("TIA") prepared by WHM Transportation Engineering Consultants, Inc., dated November, 1996, or as amended by the Director of the Department of Review and Inspection. The TIA shall be kept on file at the Department of Review and Inspection.
2. At the request of the Owner of the affected Property, an updated or amended TIA may be approved administratively by the Director of the Department of Review and Inspection.
3. 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.




4. 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.
5. 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.
6. 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 19<sup>th</sup> day of November, 1996.

OWNER:

THE AUSTIN DIAGNOSTIC CLINIC ASSOCIATION  
a Texas Professional Association

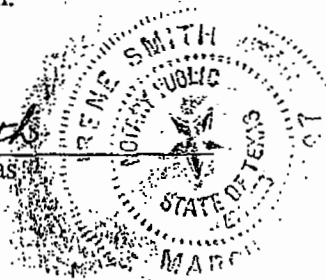
By:  ROBERT SPURCK, Chief Executive Officer

THE STATE OF TEXAS  
COUNTY OF TRAVIS

§  
§

This instrument was acknowledged before me on this the 19<sup>th</sup> day of November, 1996, by ROBERT SPURCK, CHIEF EXECUTIVE OFFICER of THE AUSTIN DIAGNOSTIC CLINIC ASSOCIATION, a Texas Professional Association, on behalf of said association.

  
Notary Public, State of Texas



AFTER RECORDING RETURN TO:  
City of Austin  
Law Department  
P.O. Box 1088  
Austin, Texas 78767-8828  
Attn: Diana Minter, Paralegal

MT/dwm

**FILED**

96 NOV 25 AM 11:52

DANA DEBEAUVOIR  
COUNTY CLERK  
TRAVIS COUNTY, TEXAS

STATE OF TEXAS COUNTY OF TRAVIS  
I hereby certify that this instrument was FILED on  
this 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

NOV 25 1996



*Dana Debeauvoir*  
COUNTY CLERK  
TRAVIS COUNTY, TEXAS

RECEIPT#: A00053772 TRANS#: A5275 DEPT: REGULAR RECORD \$13.00  
CASHIER: BAHON FILE DATE: 11/25/96 TRANS DATE: 11/25/96  
PAID BY: CASH, CHECK# 12381123511304 REAL PROPERTY RECORDS  
TRAVIS COUNTY, TEXAS

12821 0030

## PUBLIC HEARING INFORMATION

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

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

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

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

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

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

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

**RECEIVED**

**Case Number:** C14-2007-0050

**Contact:** Jorge Rousselin, (512) 974-2975

**Public Hearing:**

May 15, 2007 Zoning and Platting Commission

**Neighborhood Planning & Zoning**

☐ I am in favor  
☒ I am in object

Debbie Tucker Rippetoe  
Your Name (please print)

2319 Thornwild Pass

Your address(es) affected by this application

Debbie J. Rippetoe 5/7/07  
Signature Date

Comments: When I purchased my home,  
the land behind me was to be  
residential - single family or duplex.  
If a multi-story office building  
goes there, my back yard becomes  
public - in view of all offices  
above 1 story in height. We have  
enough multi-story office buildings  
around here. Keep it to one story  
and I will not object.

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

City of Austin

Neighborhood Planning and Zoning Department

Jorge Rousselin

P. O. Box 1088

Austin, TX 78767-8810

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**Contact:** Jorge Rousselin, (512) 974-2975

**Public Hearing:**

May 15, 2007 Zoning and Platting Commission

<input type="checkbox"/> I am in favor
<input checked="" type="checkbox"/> I object

*Kasha Birote*

Your Name (please print)

*2307 Thorawild Pass Austin, TX 78758*

Your address(es) affected by this application

*K Birote*

Signature

Comments: *I strongly object this*

Date

*5/14/07*

*going request for a change! This parcel*

*of land is located behind my*

*fence / backyard.*

**RECEIVED**

**MAY 15 2007**

**Neighborhood Planning & Zoning**

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Neighborhood Planning and Zoning Department

Jorge Rousselin

P. O. Box 1088

Austin, TX 78767-8810

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**Contact:** Jorge Rousselin, (512) 974-2975

**Public Hearing:**

May 15, 2007 Zoning and Platting Commission

☒ I am in favor  
☐ I object

Jeffrey West  
Your Name (please print)

2331 Thornwild Pass  
Your address(es) affected by this application

Jeffrey West  
Signature

May 16 2007  
Date

Comments:

We Already Have Plenty  
Of Apts. & Duplexes In The Area  
This Would Be A Welcomed Addition.

**RECEIVED**

**MAY 15 2007**

**Neighborhood Planning & Zoning**

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Neighborhood Planning and Zoning Department  
Jorge Rousselin  
P. O. Box 1088  
Austin, TX 78767-8810