

ORDINANCE NO. _____

1 **AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE**
2 **PROPERTY LOCATED AT 8524 PEACEFUL HILL LANE FROM SINGLE**
3 **FAMILY RESIDENCE STANDARD LOT (SF-2) DISTRICT TO WAREHOUSE**
4 **LIMITED OFFICE-CONDITIONAL OVERLAY (W/LO-CO) COMBINING**
5 **DISTRICT.**

6
7 **BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

8
9 **PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to
10 change the base district from single family residence standard lot (SF-2) district to
11 warehouse limited office-conditional overlay (W/LO-CO) combining district on the
12 property described in Zoning Case No. C14-2008-0217, on file at the Neighborhood
13 Planning and Zoning Department, as follows:

14
15 Lot 1-A, Resubdivision of Lot 1 of a Resubdivision of a portion of R.A. Nowlin's
16 Subdivision, a subdivision in the City of Austin, Travis County, Texas, according
17 to the map or plat of record in Plat Book 47, Page 35, of the Plat Records of Travis
18 County, Texas (the "Property"),

19
20 locally known as 8524 Peaceful Hill Lane, in the City of Austin, Travis County, Texas, and
21 generally identified in the map attached as Exhibit "A".

22
23 **PART 2.** The Property within the boundaries of the conditional overlay combining district
24 established by this ordinance is subject to the following conditions:

25
26 A. The following uses are prohibited uses of the Property:

27
28 Business or trade school
29 Club or lodge
30 Communication services
31 Community events
32 Community recreation (public)
33 Construction sales & services
34 Convenience storage
35 Electronic prototype assembly
36 Equipment repair services
37 Food preparation
38 Printing & publishing

Business support services
College & university facilities
Communication service facilities
Community recreation (private)
Congregate living
Convalescent services
Custom manufacturing
Electronic testing
Exterminating services
Limited warehousing & distribution
Private secondary educational facilities

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

PASSED AND APPROVED




www

APPROVED:

ATTEST:

COA Law Department



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

OPERATOR: S. MEEKS

ZONING CASE#: C14-2008-0217
ADDRESS: 8524 PEACEFUL HILL LANE
SUBJECT AREA: 0.68 ACRES
GRID: G14
MANAGER: W. RHOADES


$$1'' \approx 400'$$

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.

RESTRICTIVE COVENANT

OWNER: Randall L. Smitheal Family Trust

ADDRESS: 16807 Trail of the Woods, Austin, Texas 78734-1157

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-A, Resubdivision of Lot 1 of a Resubdivision of a portion of R.A. Nowlin's Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 47, Page 35, of the Plat Records of Travis County, Texas.

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

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

1. Hours of operation for a business located on the Property are limited to between 6:00 a.m. and 8:00 p.m., Monday through Saturday.
2. Construction activities are permitted only between 8:00 a.m and 7:00 p.m., Monday through Friday.
3. Exterior lighting fixtures may not exceed a height of 20 feet. All exterior lighting must be full cut-off fixtures and be hooded or shielded so that the light source is not directly visible from adjacent properties.
4. The installation and use of exterior loudspeakers is prohibited.
5. 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.
6. 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.
7. 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.

8. 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 _____, 2009.

OWNER:

Randall L. Smitheal Family Trust

By: _____
Randall L. Smitheal, Trustee

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 _____, 2009, by Randall L. Smitheal, as Trustee, of the Randall L. Smitheal Family Trust.

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, Legal Assistant