

ORDINANCE NO. \_\_\_\_\_

1 **AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING FOR THE**  
2 **PROPERTY LOCATED AT 9710 AND 9718 ANDERSON MILL ROAD AND**  
3 **CHANGING THE ZONING MAP FROM INTERIM RURAL RESIDENCE (I-RR)**  
4 **DISTRICT TO GENERAL COMMERCIAL SERVICES-CONDITIONAL**  
5 **OVERLAY (CS-CO) COMBINING DISTRICT.**

6  
7  
8 **BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**  
9

10 **PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to  
11 change the base district from interim rural residence (I-RR) district to general commercial  
12 services-conditional overlay (CS-CO) combining district on the property described in  
13 Zoning Case No. C14-2008-0234, on file at the Neighborhood Planning and Zoning  
14 Department, as follows:

15  
16 A 5.760 acre tract of land, more or less, out of a portion of Lot 1, Z.F.B  
17 Subdivision, a subdivision in Williamson County, Texas, the tract of land being  
18 more particularly described by metes and bounds in Exhibit "A" incorporated into  
19 this ordinance (the "Property"),  
20

21 locally known as 9710 and 9718 Anderson Mill Road, in the City of Austin, Williamson  
22 County, Texas, and generally identified in the map attached as Exhibit "B".  
23

24 **PART 2.** The Property within the boundaries of the conditional overlay combining district  
25 established by this ordinance is subject to the following conditions:  
26

- 27 1. A site plan or building permit for the Property may not be approved,  
28 released, or issued, if the completed development or uses of the Property,  
29 considered cumulatively with all existing or previously authorized  
30 development and uses, generate traffic that exceeds 2,000 trips per day.  
31  
32 2. The following uses are prohibited uses of the Property:  
33  
34 Agricultural sales and services                      Art and craft studio (limited)  
35 Art and craft studio (general)                      Automotive rentals  
36 Automotive sales                                      Automotive washing (of any type)  
37 Building maintenance services                      Business or trade school

1 Business support services  
2 Commercial off-street parking  
3 Consumer convenience storage  
4 Drop-off recycling collection facility  
5 Equipment repair services  
6 Exterminating services  
7 Food sales  
8 General retail sales (convenience)  
9 Hotel-motel  
10 Kennels  
11 Monument retail sales  
12 Outdoor entertainment  
13 Pawn shop services  
14 Personal services  
15 Research services  
16 Restaurant (limited)  
17 Theater  
18 Veterinary services

Commercial blood plasma center  
Construction sales and services  
Consumer repair services  
Electronic prototype assembly  
Equipment sales  
Financial services  
Funeral services  
General retail sales (general)  
Indoor sports and recreation  
Laundry services  
Off-site accessory parking  
Outdoor sports and recreation  
Personal improvement services  
Pet services  
Restaurant (general)  
Service station  
Vehicle storage

19  
20  
21 Except as specifically restricted under this ordinance, the Property may be developed and  
22 used in accordance with the regulations established for the general commercial services  
23 (CS) base district, and other applicable requirements of the City Code.

24  
25 **PART 3.** This ordinance takes effect on \_\_\_\_\_, 2009.

26  
27  
28 **PASSED AND APPROVED**

29  
30  
31  
32 \_\_\_\_\_, 2009

§  
§  
§

\_\_\_\_\_  
Will Wynn  
Mayor

33  
34  
35  
36  
37 **APPROVED:** \_\_\_\_\_ **ATTEST:** \_\_\_\_\_

38 David Allan Smith  
39 City Attorney

Shirley A. Gentry  
City Clerk



**Professional Land Surveying, Inc.  
Surveying and Mapping**

Office: 512-443-1724

Fax: 512-389-0943

3500 McCall Lane  
Austin, Texas 78744

**5.760 ACRES  
WILLIAM FRAMPTON SURVEY NO. 122  
ZONING DESCRIPTION**

A DESCRIPTION OF A 5.760 ACRE (APPROXIMATELY 250,916 S.F.) TRACT OF LAND OUT OF THE WILLIAM FRAMPTON SURVEY NO. 122 IN WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF LOT ONE (1), Z.F.B. SUBDIVISION, A SUBDIVISION IN WILLIAMSON COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN CABINET J, SLIDE(S) 227-228 OF THE PLAT RECORDS OF WILLIAMSON COUNTY, TEXAS; SAID 5.760 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a 1" bolt found for the southwest corner of said Lot 1, Z.F.B. Subdivision, being also in the north right-of-way line of Anderson Mill Road, (County Road 187)(right-of-way width varies) and the southeast corner of a 15.172 acre tract recorded in Volume 1442, Page 109, of the Official Records of Williamson County, Texas;

**THENCE** North 15°27'16" West, leaving the north right-of-way line of Anderson Mill Road (CR 187) with the west line of Lot 1 Z.F.B. Subdivision, being also the east line of the 15.172 acre tract, a distance of 691.45 feet to a 1/2" rebar found for the northwest corner of Lot 1, Z.F.B. Subdivision, being also in the east line of the 15.172 acre tract, and in the south line of Acres West Section 2, a subdivision of record in Cabinet B, Slide 222 of the Plat Records of Williamson County, Texas, from which a 1/2" iron pipe found bears South 70°31'34" West, a distance of 22.64 feet;

**THENCE** North 69°26'37" East, with the common line of Lot 1, Z.F.B. Subdivision, and Acres West Section 2, a distance of 146.03 feet to a 1/2" rebar found;

**THENCE** with the south line of Acres West Section 2, over and across said Lot 1, Z.F.B. the following three (3) courses:

1. North 75°18'21" East, a distance of 109.30 feet to a 1/2" rebar with cap set;
2. North 68°45'21" East, a distance of 72.94 feet to a 1/2" rebar with cap set;
3. North 64°05'53" East, a distance of 145.74 feet to a nail found in the common line of Lot 1, Z.F.B. Subdivision, and Acres West Section 2;

**THENCE** North 64°35'47" East, with the common line of Lot 1, Z.F.B. Subdivision, and Acres West Section 2, a distance of 79.44 feet to a 1/2" iron pipe found for the northeast corner of Lot 1, Z.F.B. Subdivision, being also the southeast corner of Acres West Section 2, the southwest corner of Acres West, a subdivision of record in Cabinet 4, Slide 65, of the Plat Records of Williamson County, Texas and the northwest corner of Lot 2, Chapel of the Hills, a subdivision of record in Cabinet F, Slide 201, of the Plat Records of Williamson County, Texas;

**THENCE** South 14°49'39" East, with the east line of Lot 1, Z.F.B. Subdivision, being also the west line of Lot 2, Chapel of the Hills, a distance of 332.98 feet to a 1/2" rebar with cap set, from which a 1/2" rebar with cap set for a southeast corner of Lot 1, being also the northeast corner of Lot 2, Z.F.B. Subdivision, and in the west line of Lot 2, Chapel of the Hills, bears South 14°49'39" East, a distance of 180.00 feet;

**THENCE** over and across Lot 1, Z.F.B. Subdivision, the following three (3) courses and distances:

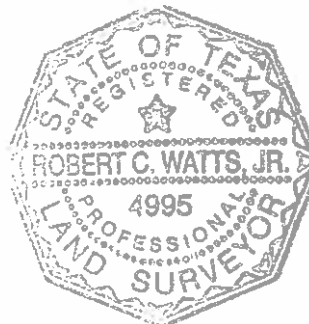
1. South 69°41'53" West, a distance of 505.54 feet to a calculated point;
2. South 15°27'16" East, a distance of 179.82 feet to a calculated point;
3. North 69°41'53" East, a distance of 313.45 feet to a 1/2" rebar found for an angle point in the south line of Lot 1, Z.F.B. Subdivision, being also the northwest corner of Lot 2, Z.F.B. Subdivision;

**THENCE** South 14°55'52" East, with the common line of Lots 1 and 2, Z.F.B. Subdivision, a distance of 199.91 feet to a 1" bolt found for the southeast corner of Lot 1, Z.F.B. Subdivision, being also the southwest corner of Lot 2, Z.F.B. and being in the north right-of-way line of Anderson Mill Road;

**THENCE** South 71°02'19" West, with the south line of Lot 1, Z.F.B., Subdivision, being also the north right-of-way line of Anderson Mill Road, a distance of 352.67 feet to the **POINT OF BEGINNING**, containing 5.760 acres of land, more or less.

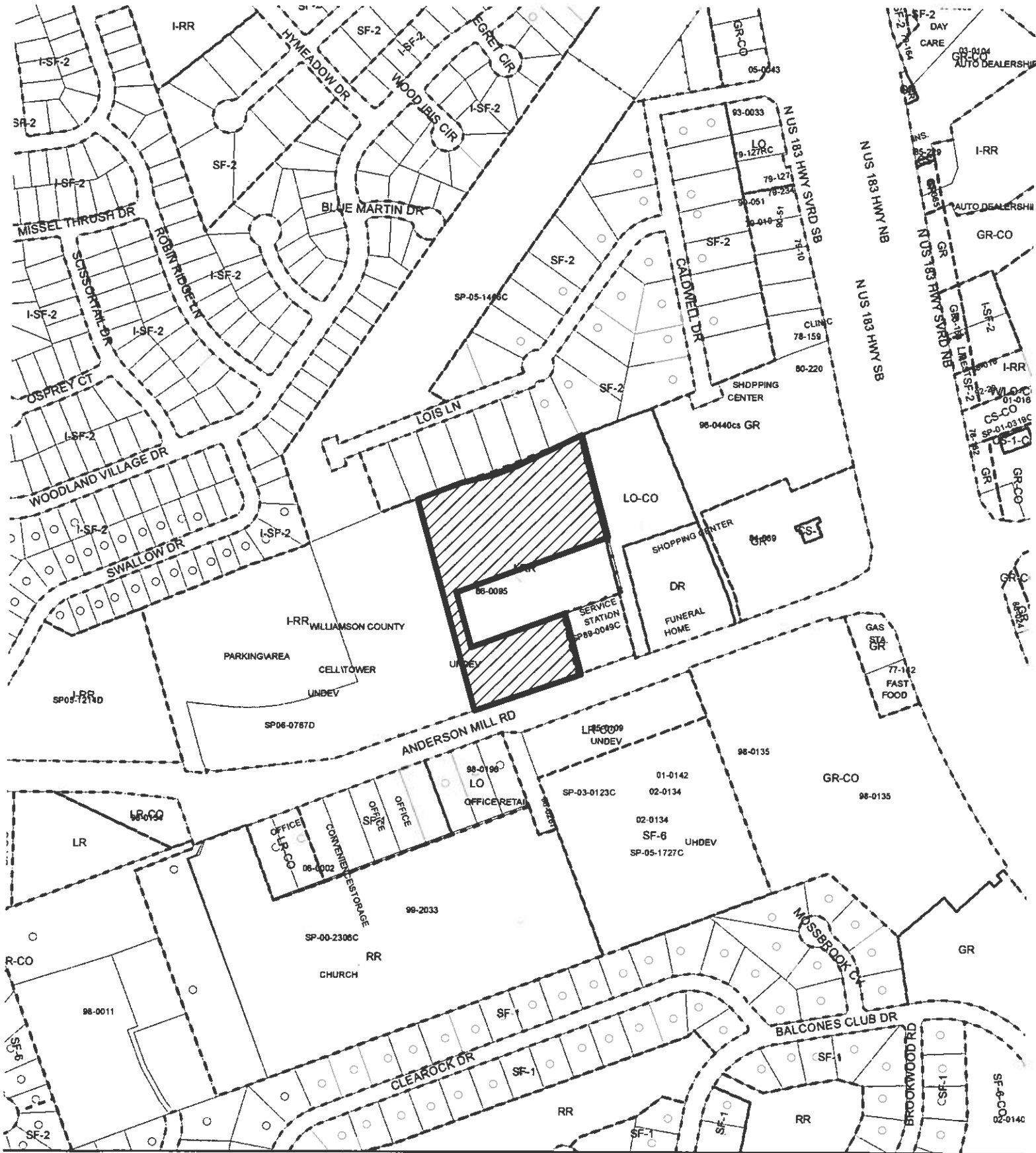
Surveyed on the ground May, 2007. Bearing basis: Grid Azimuth for Texas Central Zone state plane coordinates, based on GPS solutions from the National Geodetic Survey (NGS) on-line positioning user service (OPUS). Attachments: Survey Drawing 139-003-Z1.

 10.24.08  
Robert C. Watts, Jr. Date  
Registered Professional Land Surveyor  
State of Texas No. 4995



## **EXHIBIT LIST**

- Exhibit A(1) – Critical Environmental Feature Setback
- Exhibit A(2) - Critical Environmental Feature Setback - Detail
- Exhibit A(3) – Tract 2 Site Plan
- Exhibit A(4) – Tract 1 Site Plan
- Exhibit A(5) – Critical Environmental Feature Summary
  
- Exhibit B – CEF survey for 2.089 acre CEF buffer
- Exhibit C – CEF survey for 0.433 acre CEF buffer
- Exhibit D – Water Quality Treatment CEF Buffer Exhibit
- Exhibit E – CEF survey for 2.211 acre CEF buffer
- Exhibit F – CEF survey for 0.397 acre CEF buffer
  
- Exhibit G – Sinkhole CEF photos
- Exhibit H – Restrictive Covenant Agreement for Water Quality Drainage Easement and  
Critical Environmental Features
  
- Exhibit I – Resubdivision of Lot 1
- Exhibit J – Annexation Ordinance



**SUBJECT TRACT**



**ZONING BOUNDARY**

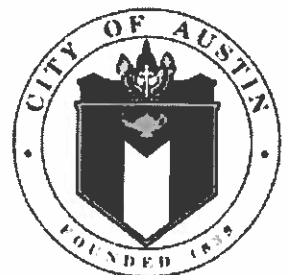


**PENDING CASE**

**OPERATOR: S. MEEKS**

**ZONING**

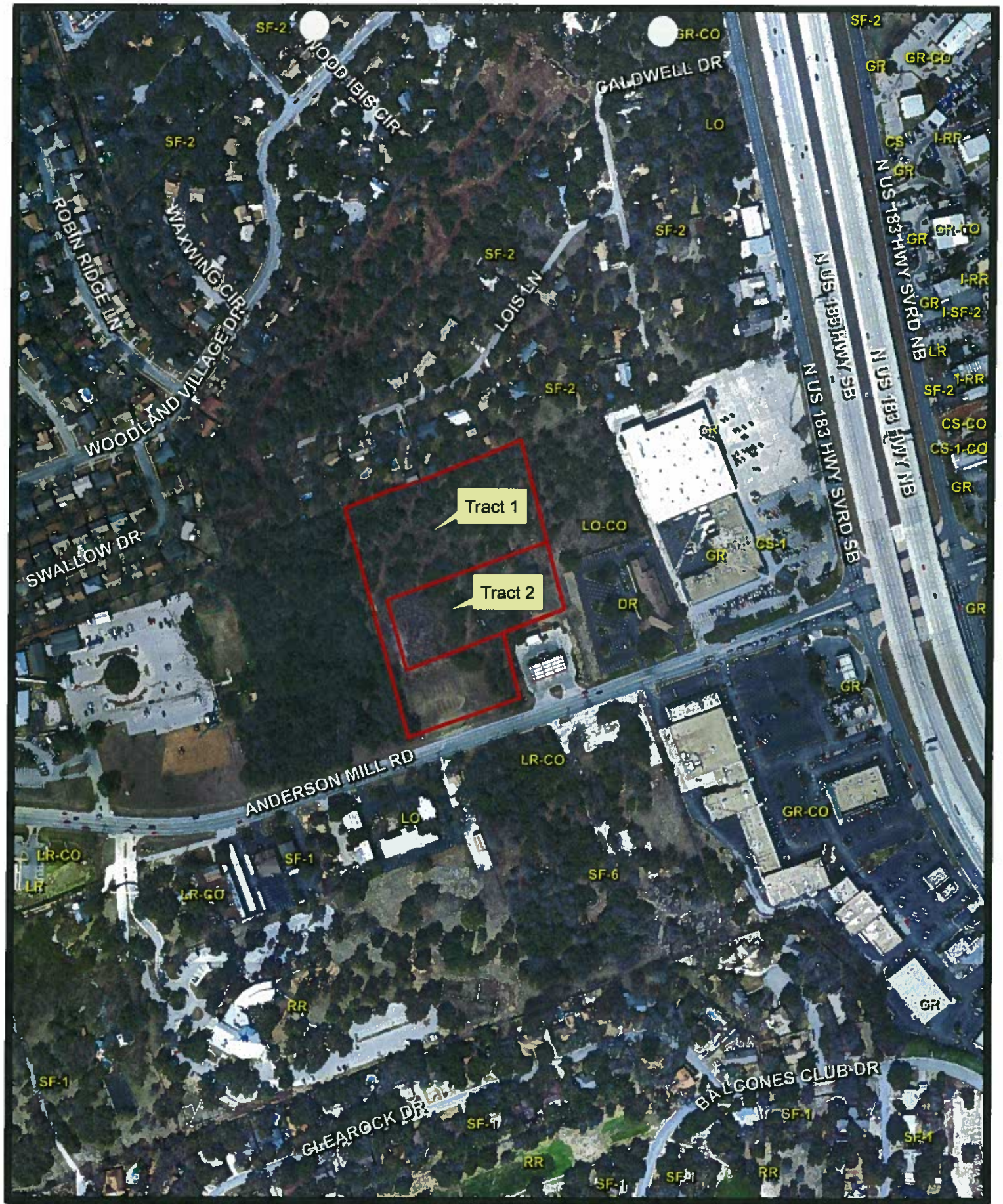
**ZONING CASE#:** C14-2008-0234  
**ADDRESS:** 9710 & 9718 ANDERSON MILL RD  
**SUBJECT AREA:** 5.760 ACRES  
**GRID:** F37 & F38  
**MANAGER:** J. RUSTHOVEN



1" = 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.



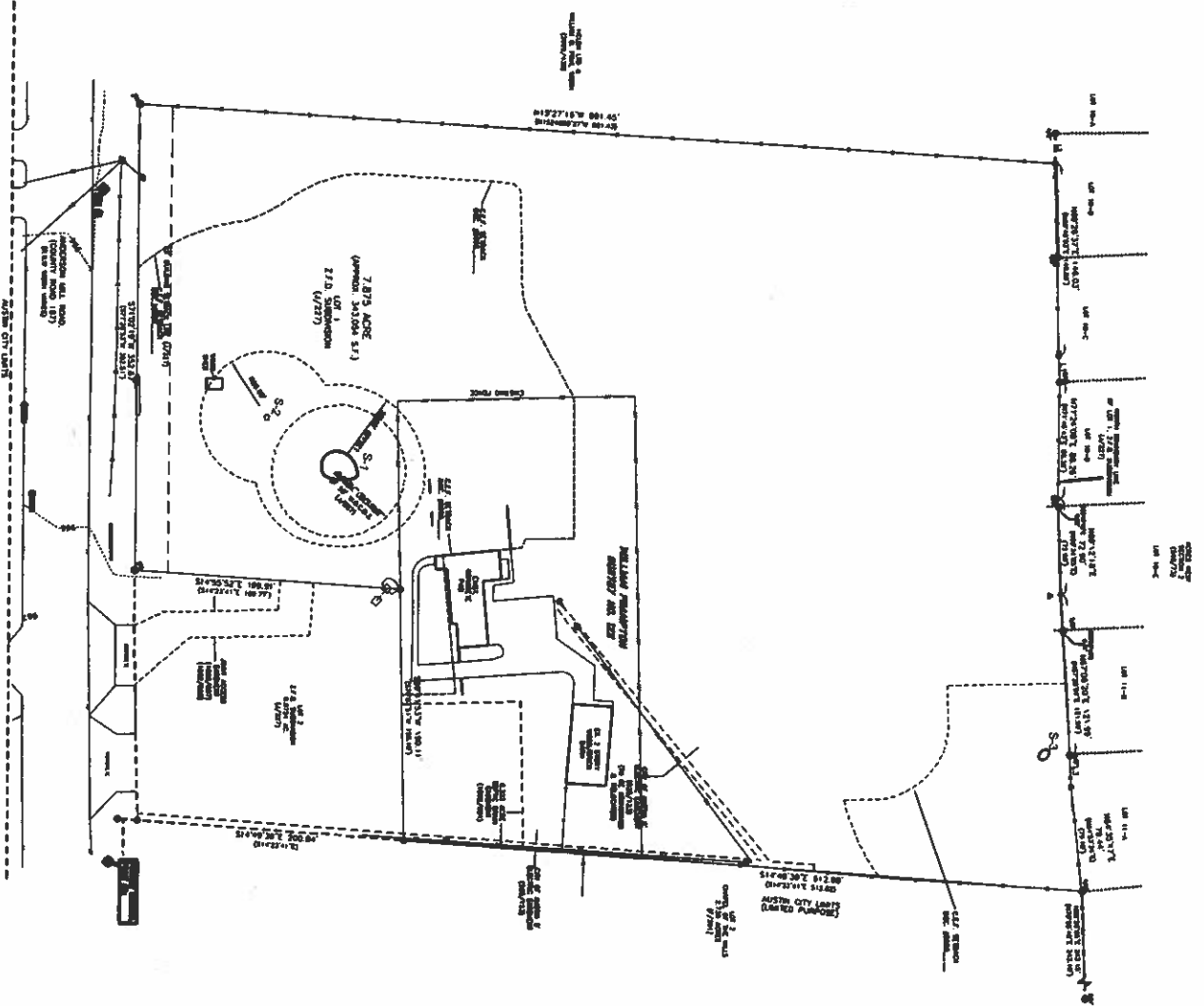


**C14-2008-0234 - ZFB, LTD. Rezoning  
From Development Reserve (DR) to CS (Commercial Services)  
and CR (Commercial Recreation) District Zoning**





Exhibit A  
(1)



**AMERICAN  
DESIGN  
GROUP**  
6, N. JEFFERSON AVE.  
LAWRENCE, KS 66044  
785/842-8121  
215/362-5911  
M/F 7:00A-5:00P  
www.amdesigngroup.com

**Thrower Design**  
2007 MacArthur Rd., Clark, IL • 815.436.1000 • 24hrs • 24hrs • 24hrs • 24hrs  
**LAND PLANNERS**

**MARQUIS RANCH  
SELF STORAGE - AUSTIN**  
5715 ANDERSON MILL RD.  
AUSTIN, TEXAS  
WILLIAMSON COUNTY

## EXHIBIT

**QUESTIONS**

87-2008-00000



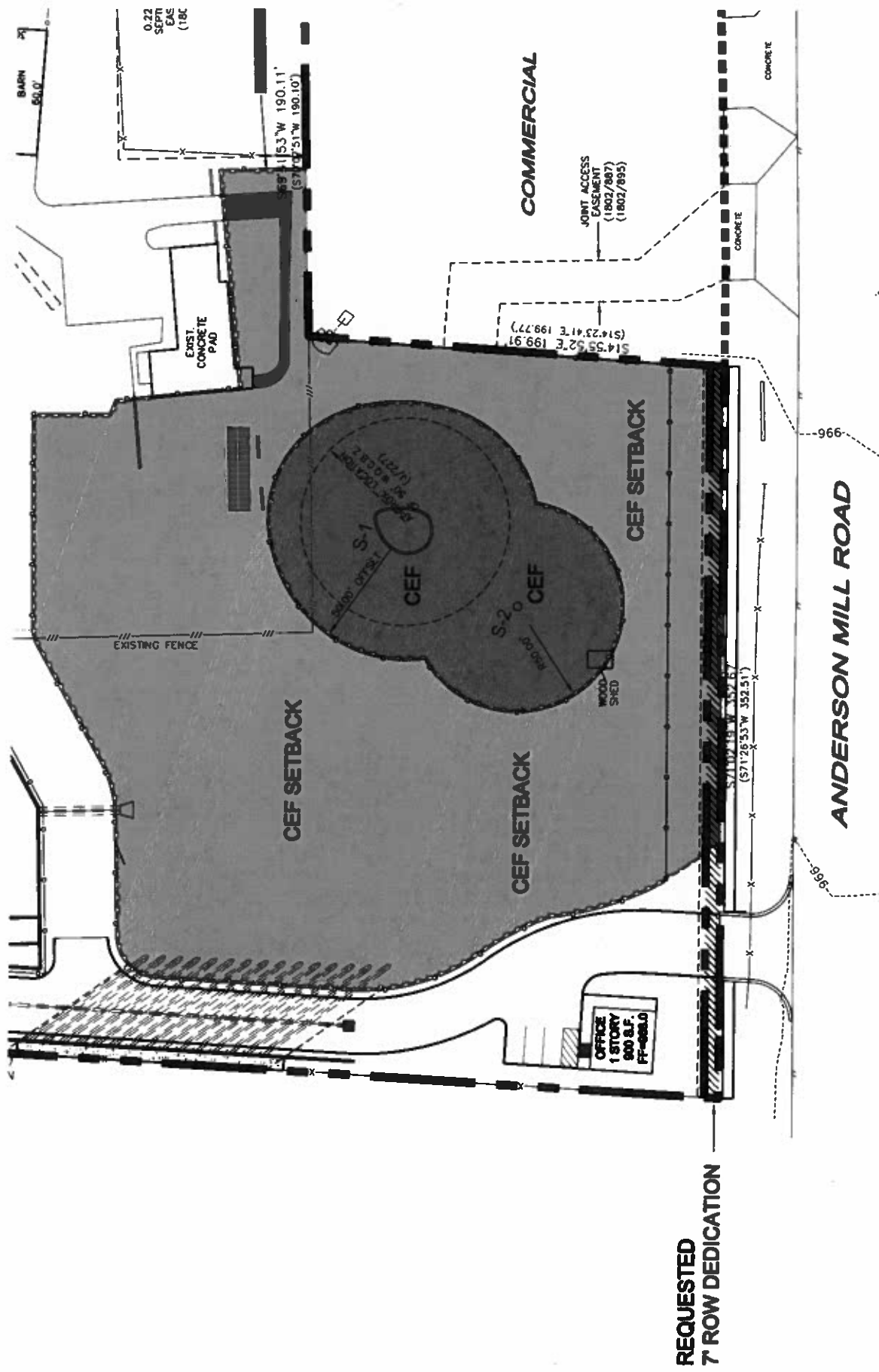
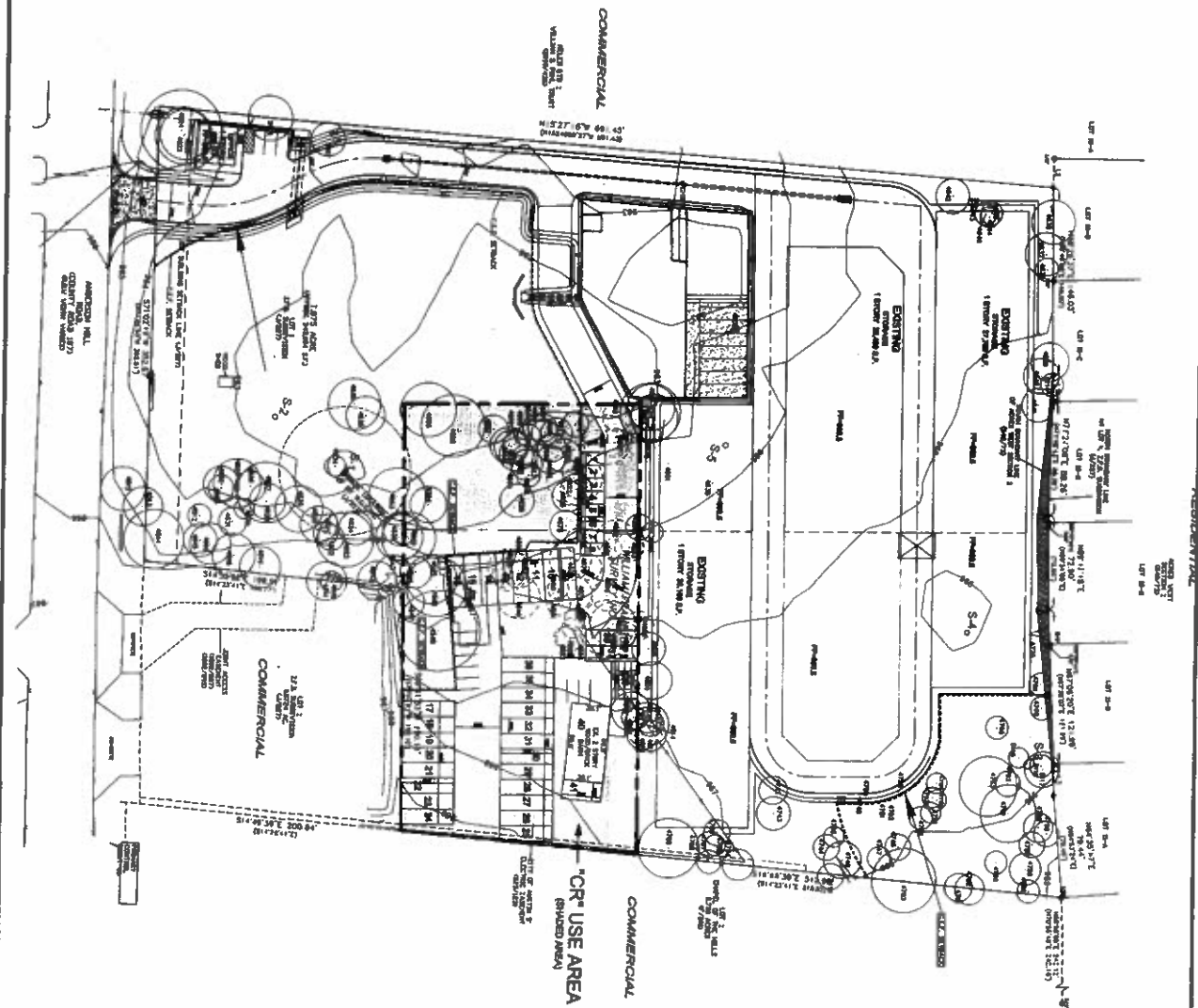


Exhibit A(2)



TABULATION			
NO.	DESCRIPTION	AMOUNT	UNIT
1	EXISTING BUILDING	1,000	SQ. FT.
2	NEW BUILDING	1,000	SQ. FT.
3	EXISTING PARKING	1,000	SQ. FT.
4	NEW PARKING	1,000	SQ. FT.
5	EXISTING DRIVEWAY	1,000	SQ. FT.
6	NEW DRIVEWAY	1,000	SQ. FT.
7	EXISTING FENCE	1,000	LINEAL FT.
8	NEW FENCE	1,000	LINEAL FT.
9	EXISTING UTILITY	1,000	LINEAL FT.
10	NEW UTILITY	1,000	LINEAL FT.
11	EXISTING LANDSCAPE	1,000	SQ. FT.
12	NEW LANDSCAPE	1,000	SQ. FT.
13	EXISTING SIGNAGE	1,000	SQ. FT.
14	NEW SIGNAGE	1,000	SQ. FT.
15	EXISTING ACCESS	1,000	SQ. FT.
16	NEW ACCESS	1,000	SQ. FT.
17	EXISTING DRIVE	1,000	SQ. FT.
18	NEW DRIVE	1,000	SQ. FT.
19	EXISTING SIDEWALK	1,000	SQ. FT.
20	NEW SIDEWALK	1,000	SQ. FT.
21	EXISTING CURB	1,000	SQ. FT.
22	NEW CURB	1,000	SQ. FT.
23	EXISTING GROUND	1,000	SQ. FT.
24	NEW GROUND	1,000	SQ. FT.
25	EXISTING TOTAL	1,000	SQ. FT.
26	NEW TOTAL	1,000	SQ. FT.
27	EXISTING TOTAL	1,000	SQ. FT.
28	NEW TOTAL	1,000	SQ. FT.
29	EXISTING TOTAL	1,000	SQ. FT.
30	NEW TOTAL	1,000	SQ. FT.

Exhibit A(3)



**Critical Environmental Feature Summary**  
**ZFB Zoning application, Case No. C14-2008-0234**  
**(aka Marquis Ranch Self Storage site plan SP-2008-0090D)**  
**9718 Anderson Mill Road**

There are three (3) sinkhole Critical Environmental Features (S-1, S-2 and S-3) located on the ZFB tract. The largest sinkhole, S-1, has a drainage area of 28.59 acres. The rim of the collapse sink has the approximate dimensions of 25 feet long by 20 feet wide and is 8 feet deep. A probable cave passage is located at the northeast end of the collapse sink. The passage is blocked by debris and has not been entered by applicant's consultant or by City of Austin staff. Therefore, the full extent of the cave underlying the collapse sink is unknown. Although a sinkhole buffer of 300 feet radius is allowed by the Land Development Code (25-8-281 (C)), WPDRD staff compromised with the applicant to reduce the buffer to 50 feet up to 250 feet. The Texas Commission on Environmental Quality (TCEQ) required that the buffer be a minimum of 75 feet in all directions. This 75 feet requires the removal of a fence recently constructed at the perimeter of an interior lot.

Sinkhole S-2 is located approximately 45 feet southwest of the edge of S-1. This smaller sinkhole has the approximate dimensions of 6 feet long by 1.5 feet wide by 4 feet deep. There are two openings in the subsurface, one is 2 feet wide by 3 feet long by 4 feet deep and the second is 2 feet in diameter by 4.5 feet deep. The drainage area to this sinkhole has not been delineated separately from the drainage area of S-1. S-2 probably connects to a cave system thought to underlie the site.

Sinkhole S-3 is located in the northeastern corner of the site. It developed along a fracture into two solution cavities. Collectively, the sinkhole measures approximately 10 feet long by 4 feet wide by 4.5 feet deep. The drainage area to this sinkhole is approximately 50 feet by 80 feet by 120 feet.

S-1 and S-2 will be located within a 2.089-acre Critical Environmental Feature (CEF) buffer area. A 0.433 acre buffer area is required S-3. These buffers are shown on the site plan for Marquis Ranch Self Storage but were not shown on the zoning application. A restrictive covenant was required as part of the site plan review for the Marquis Ranch Self Storage site plan due to the complexity of discharging treated stormwater runoff into sinkholes S-1 and S-2 while trying to eliminate disturbance to the area adjacent to the sinkholes. The primary CEF protective measures of this restrictive covenant are:

- Installing and maintaining a chainlink protective fence at the outer perimeter of the CEF buffer to minimize disturbance other than water quality treatment;
- Installing and maintaining a chainlink protective fence at a distance of 50 feet radially from the edge of sinkholes S-1 and S-2 to limit disturbance to the native vegetation and to limit access;
- Removing organic debris (mulch, wood logs) and construction debris from the CEF buffer;



- Constructing, operating and maintaining a vegetative infiltration strip within the outer CEF buffer in order to provide additional treatment of stormwater discharged from the sedimentation/filtration basin.

**Recommendations for the Conditional Overlay associated with the Zoning application**

1. Identify the locations of sinkhole Critical Environmental Features S-1, S-2 and S-3 and their associated buffer areas. The locations of these features are shown in Exhibit "A." Metes and bounds descriptions for the 2.089 acre buffer for S-1 and S-2 are referenced as Exhibit "B" and metes and bounds descriptions for the 0.433 acre buffer of S-3 are referenced as Exhibit "C."
2. No construction or disturbance is allowed within the area within 50 feet of Critical Environmental Features S-1 and S-2. Metes and bounds descriptions for this 0.397 acre area are provided as Exhibit "F."
3. Allow only the construction, operation and maintenance of a vegetative infiltration strip within the outer Critical Environmental Feature buffer of S-1 and S-2, as shown in the shaded area displayed in Exhibit "D."
4. Restrict impervious cover to 65% (as proposed in SP-2008-0090D and allowed by ordinance).
5. Restrict land uses to those currently proposed in the site plan or existing. (storage units and boat storage and repair)
6. Apply all allowances, prohibitions and restrictions of the Restrictive Covenant for Lot 1 Block A of the ZFB Re-subdivision, Williamson County. Document # \_\_\_\_\_



**Professional Land Surveying, Inc.**  
**Surveying and Mapping**

Office: 512-443-1724  
Fax: 512-389-0943

3500 McCall Lane  
Austin, Texas 78744

Exhibit "B"

**2.089 ACRES**  
**WILLIAM FRAMPTON SURVEY NO. 122**

A DESCRIPTION OF A 2.089 ACRES (APPROXIMATELY 90,985 S.F.) OF LAND OUT OF THE WILLIAM FRAMPTON SURVEY NO. 122 IN WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF LOT ONE (1), Z.F.B. SUBDIVISION, A SUBDIVISION IN WILLIAMSON COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN CABINET J, SLIDE(S) 227-228 OF THE PLAT RECORDS OF WILLIAMSON COUNTY, TEXAS; SAID 2.089 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a calculated point in the south line of said Lot 1, Z.F.B. Subdivision, being also in the north right-of-way line of Anderson Mill Road, (County Road 187)(right-of-way width varies) for the beginning of a non-tangent curve to the right, from which a 1" bolt found, bears South 71°02'19" West, a distance of 123.62 feet;

**THENCE** leaving the north right-of-way line of Anderson Mill Road (CR 187) over and across Lot 1, Z.F.B. Subdivision, the following fifteen (15) courses:

1. Following said non-tangent curve to the right having a radius of 150.00 feet, a delta of 34°35'38", an arc distance of 90.57 feet, and a chord which bears, North 42°38'01" West, having a distance of 89.20 feet to a calculated for the beginning of a reverse curve to the left;
2. Following said reverse curve to the left having a radius of 131.00 feet, a delta of 16°23'52", an arc distance of 37.49 feet, and a chord which bears, North 46°46'45" West, having a distance of 37.36 feet to a calculated for the beginning of a reverse curve to the right;
3. Following said reverse curve to the right having a radius of 95.00 feet, a delta of 39°31'24", an arc distance of 65.53 feet, and a chord which bears, North 35°12'59" West, having a distance of 64.24 feet to a calculated point;
4. North 15°27'16" West, a distance of 92.84 feet to a calculated point for the beginning of a curve to the right;
5. Following said curve to the right having a radius of 20.00 feet, a delta of 85°09'10", an arc distance of 29.72 feet, and a chord which bears, North 27°07'19" East, having a distance of 27.06 feet to a calculated point;
6. North 69°41'53" East, a distance of 58.62 feet to a calculated point for the beginning of a curve to the left;

7. Following said curve to the left having a radius of 55.00 feet, a delta of  $27^{\circ}42'27''$ , an arc distance of 26.60 feet, and a chord which bears, North  $55^{\circ}50'40''$  East, having a distance of 26.34 feet to a calculated point;
8. North  $41^{\circ}59'27''$  East, a distance of 63.50 feet to a calculated point for the beginning of a curve to the right;
9. Following said curve to the right having a radius of 20.00 feet, a delta of  $28^{\circ}37'36''$ , an arc distance of 9.99 feet, and a chord which bears, North  $56^{\circ}18'14''$  East, having a distance of 9.89 feet to a calculated point;
10. North  $70^{\circ}37'02''$  East, a distance of 101.33 feet to a calculated point;
11. South  $19^{\circ}22'58''$  East, a distance of 36.64 feet to a calculated point;
12. South  $87^{\circ}47'18''$  East, a distance of 7.17 feet to a calculated point;
13. South  $24^{\circ}39'37''$  East, a distance of 59.83 feet to a calculated point;
14. North  $65^{\circ}20'23''$  East, a distance of 105.30 feet to a calculated point;
15. South  $20^{\circ}18'07''$  East, a distance of 40.63 feet to a calculated point in the south line of Lot 1 Z.F.B. Subdivision, being also the north line of Lot 2, Z.F.B. Subdivision, from which a 1/2" rebar with plastic cap stamped "Chaparral Boundary" set, bears North  $69^{\circ}41'53''$  East, a distance of 110.17 feet;

**THENCE** with the common lines of Lots 1 and 2, Z.F.B. Subdivision, the following two (2) courses:

1. South  $69^{\circ}41'53''$  West, a distance of 79.93 feet to a 1/2" rebar found;
2. South  $14^{\circ}55'52''$  East, a distance of 199.91 feet to a 1" bolt found for the southeast corner of Lot 1, Z.F.B. Subdivision, being also the southwest corner of Lot 2, Z.F.B. and in the north right-of-way line of Anderson Mill Road;

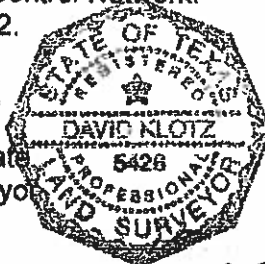
**THENCE** South  $71^{\circ}02'19''$  West, with the south line of Lot 1, Z.F.B., Subdivision, being also the north right-of-way line of Anderson Mill Road, a distance of 229.05 feet to the **POINT OF BEGINNING**, containing 2.089 acres of land, more or less.

Surveyed on the ground May, 2007. Bearing basis is Grid Azimuth for Texas Central Zone, 1983/93 HARN Values from LCRA Control Network.

Attachment: Drawing 139-003-CEF-2.

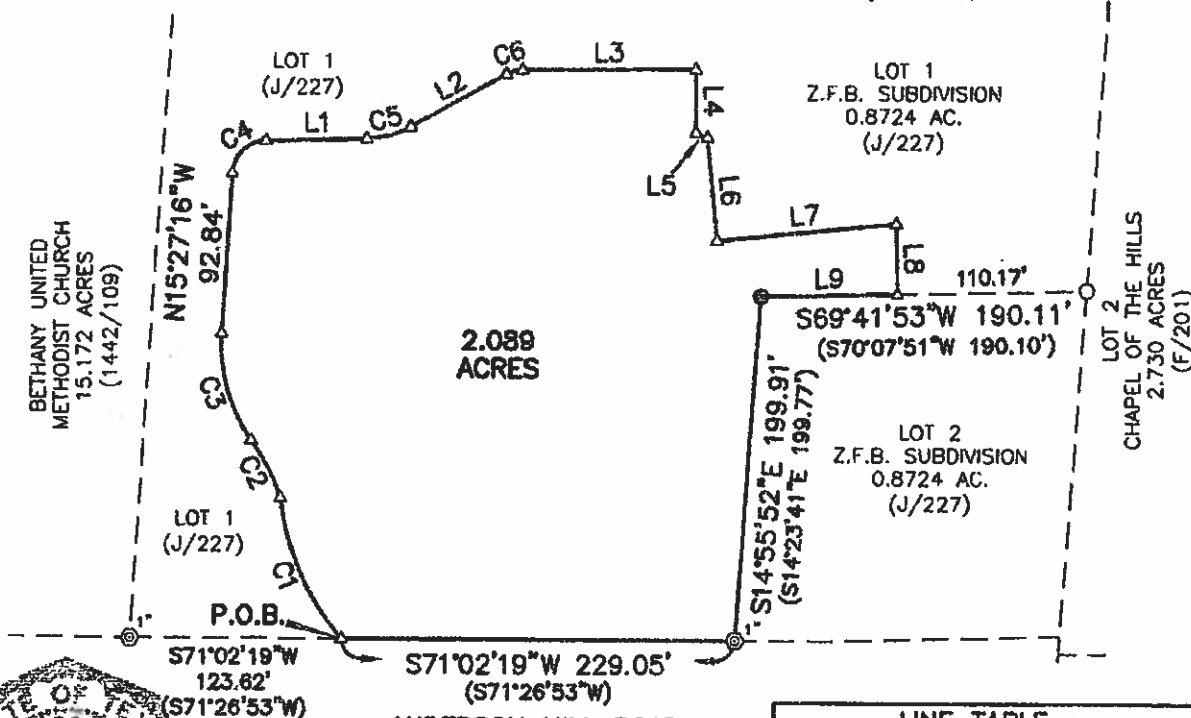
  
David Klotz  
Registered Professional Land Surveyor  
State of Texas No. 5428

Date

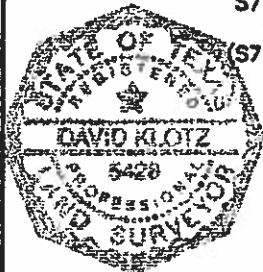


2 of 3

SKETCH TO ACCOMPANY A DESCRIPTION OF 2.089 ACRES (APPROXIMATELY 90,985 S.F.) OF LAND OUT OF THE WILLIAM FRAMPTON SURVEY NO. 122 IN WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF LOT ONE (1), Z.F.B. SUBDIVISION, A SUBDIVISION IN WILLIAMSON COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN CABINET J, SLIDE(S) 227-228 OF THE PLAT RECORDS OF WILLIAMSON COUNTY, TEXAS.



ANDERSON MILL ROAD,  
(COUNTY ROAD 187)  
(RIGHT-OF-WAY WIDTH VARIES)



WILLIAM FRAMPTON  
ABSTRACT NO. 230  
SURVEY NO. 122

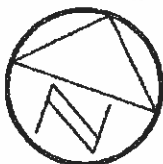
#### LEGEND

- 1/2" REBAR FOUND
- 1/2" REBAR WITH CAP SET
- ⊙ BOLT IN CONC FOUND
- △ CALCULATED POINT

#### LINE TABLE

No.	BEARING	LENGTH
L1	N69°41'53"E	58.62'
L2	N41°59'27"E	63.50'
L3	N70°37'02"E	101.33'
L4	S19°22'58"E	36.64'
L5	S87°47'18"E	7.17'
L6	S24°39'37"E	59.83'
L7	N65°20'23"E	105.30'
L8	S20°18'07"E	40.63'
L9	S69°41'53"W	79.93'

SCALE  
1"=100'



#### CURVE TABLE

NO.	DELTA	RADIUS	TAN	ARC	CHORD	BEARING
C1	34°35'38"	150.00'	46.71'	90.57'	89.20'	N42°38'01"W
C2	16°23'52"	131.00'	18.87'	37.49'	37.36'	N46°46'45"W
C3	39°31'24"	95.00'	34.13'	65.53'	64.24'	N35°12'59"W
C4	85°09'10"	20.00'	18.38'	29.72'	27.06'	N27°07'19"E
C5	27°42'27"	55.00'	13.56'	26.60'	26.34'	N55°50'40"E
C6	28°37'36"	20.00'	5.10'	9.99'	9.89'	N56°18'14"E

BEARING BASIS: GRID AZIMUTH FOR TEXAS CENTRAL ZONE,  
1983/93 HARN VALUES FROM LCRA CONTROL NETWORK.

ATTACHMENTS: METES AND BOUNDS DESCRIPTION  
139-003-CEF-2

DATE OF SURVEY: 07/12/07  
PLOT DATE: 02/09/09  
DRAWING NO.: 139-003-CEF-2  
PROJECT NO.: 139-003

Chaparral





**Professional Land Surveying, Inc.  
Surveying and Mapping**

Office: 512-443-1724  
Fax: 512-389-0943

3500 McCall Lane  
Austin, Texas 78744

Exhibit "C"

**0.433 ACRES  
WILLIAM FRAMPTON SURVEY NO. 122**

A DESCRIPTION OF A 0.433 ACRES (APPROXIMATELY 18,859 S.F.) OF LAND OUT OF THE WILLIAM FRAMPTON SURVEY NO. 122 IN WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF LOT ONE (1), Z.F.B. SUBDIVISION, A SUBDIVISION IN WILLIAMSON COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN CABINET J, SLIDE(S) 227-228 OF THE PLAT RECORDS OF WILLIAMSON COUNTY, TEXAS; SAID 0.433 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a 1/2" Iron pipe found for the northeast corner of said Lot 1, Z.F.B. Subdivision, being also the southeast corner of Acres West Section 2, a subdivision of record in Cabinet B, Slide 222 of the Plat Records of Williamson County, Texas, the southwest corner of Acres West, a subdivision of record in Cabinet 4, Slide 65, of the Plat Records of Williamson County, Texas and the Northwest corner of Lot 2, Chapel of the Hills, a subdivision of record in Cabinet F, Slide 201, of the Plat Records of Williamson County, Texas, from which a 3/4" iron pipe found bears, North 68°58'05" East, a distance of 242.15 feet;

**THENCE** South 14°49'39" East, with the east line of said Lot 1, Z.F.B. Subdivision, being also the west line of Lot 2, Chapel of the Hills subdivision, a distance of 154.31 feet to a calculated point for the beginning of a non-tangent curve to the right, from which a 1/2" rebar with plastic cap stamped "Chaparral Boundary" set, bears South 14°49'39" East, a distance of 358.67 feet;

**THENCE** leaving the west line of Lot 2 Chapel of the Hills subdivision, over and across said Lot 1, Z.F.B. Subdivision, the following six (6) courses:

1. Following said non-tangent curve to the right having a radius of 152.77 feet, a delta of 23°46'29", an arc distance of 63.39 feet, and a chord which bears, South 46°27'16" West, having a distance of 62.94 feet to a calculated point;
2. North 20°18'07" West, a distance of 21.98 feet to a calculated point for the beginning of a curve to the left;
3. Following said curve to the left having a radius of 58.00 feet, a delta of 82°29'00", an arc distance of 83.50 feet, and a chord which bears, North 61°32'36" West, having a distance of 76.47 feet to a calculated point;

4. South  $69^{\circ}31'13''$  West, a distance of 34.77 feet to a calculated point;
5. North  $20^{\circ}18'07''$  West, a distance of 84.30 feet to a calculated point in the south line of Acres West Section 2, from which a  $1/2''$  rebar with plastic cap stamped "Chaparral Boundary" set bears, South  $64^{\circ}05'53''$  West, a distance of 66.75 feet;
6. Continuing over and across Lot 1, Z.F.B. Subdivision, North  $64^{\circ}05'53''$  East, a distance of 78.99 feet to a nail found in the common line of said Lot 1, Z.F.B. Subdivision, and Acres West Section 2;

**THENCE** North  $64^{\circ}35'47''$  East, with the common line of Lot 1, Z.F.B. Subdivision, and Acres West Section 2, a distance of 79.44 feet to the **POINT OF BEGINNING**, containing 0.433 acres of land, more or less.

Surveyed on the ground May, 2007. Bearing basis is Grid Azimuth for Texas Central Zone, 1983/93 HARN Values from LCRA Control Network.

Attachments: Drawing 139-003-CEF-1.



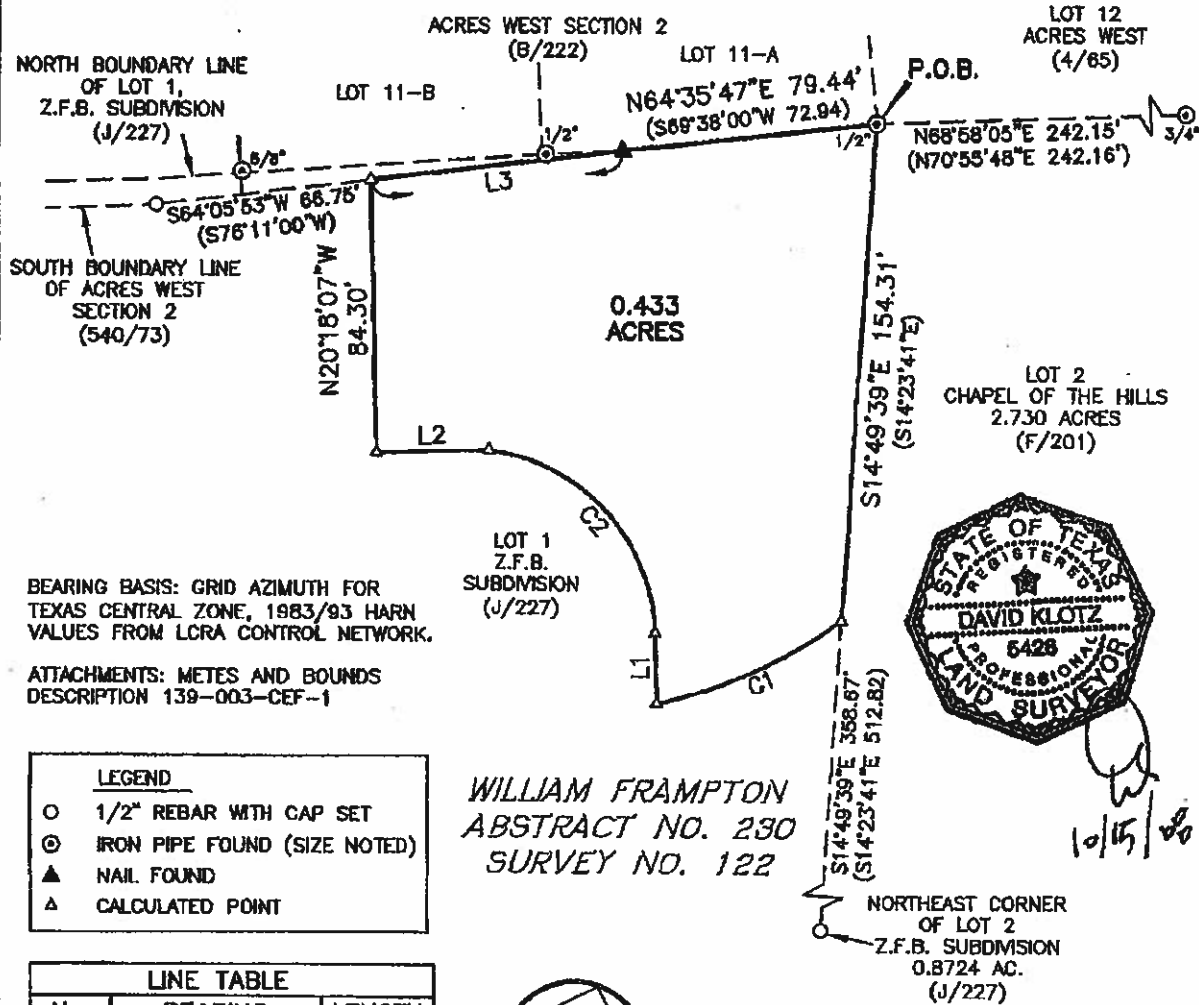
David Klotz  
Registered Professional Land Surveyor  
State of Texas No. 5428

Date

10/15/07



SKETCH TO ACCOMPANY A DESCRIPTION OF 0.433 ACRES (APPROXIMATELY 18,859 S.F.) OF LAND OUT OF THE WILLIAM FRAMPTON SURVEY NO. 122 IN WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF LOT ONE (1), Z.F.B. SUBDIVISION, A SUBDIVISION IN WILLIAMSON COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN CABINET J, SLIDE(S) 227-228 OF THE PLAT RECORDS OF WILLIAMSON COUNTY, TEXAS.



LINE TABLE		
No.	BEARING	LENGTH
L1	N20°18'07"W	21.98'
L2	S69°31'13"W	34.77'
L3	N64°05'53"E	78.99'

CURVE TABLE						
NO.	DELTA	RADIUS	TAN	ARC	CHORD	BEARING
C1	23°46'29"	152.77'	32.16'	63.39'	62.94'	S46°27'16"W
C2	82°29'00"	58.00'	50.85'	83.50'	76.47'	N61°32'36"W

DATE OF SURVEY: 07/12/07  
 PLOT DATE: 10/15/08  
 DRAWING NO.: 139-003-CEF-1  
 PROJECT NO.: 139-003

Chaparral  
 3 of 3

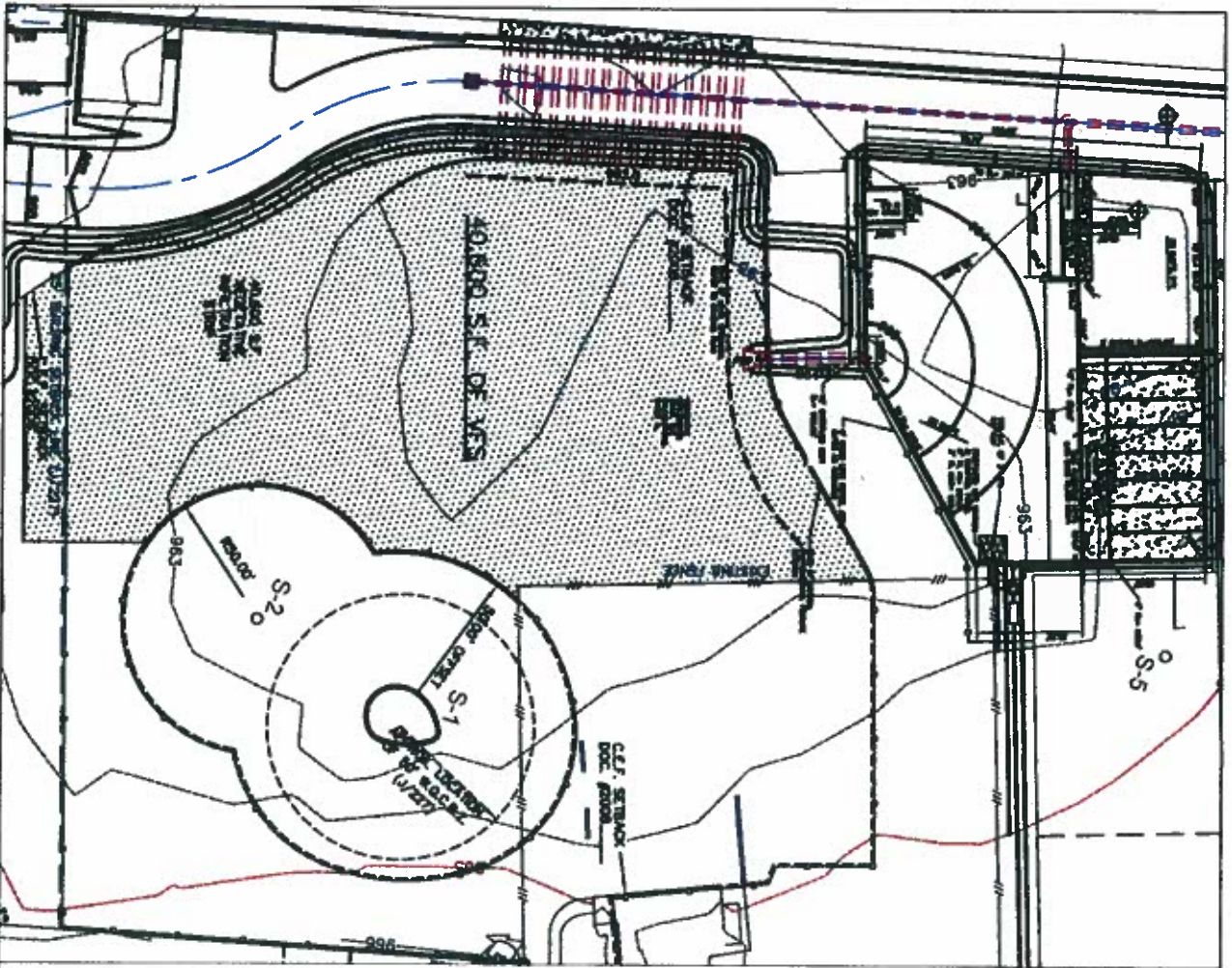


Exhibit "D"



Table with 4 columns: ELEV., AREA, PERCENT, and VOLUME. The table lists various data points for different areas of the site.

Table with 4 columns: ELEV., AREA, PERCENT, and VOLUME. This table provides additional data points for the site's elevation and volume calculations.

LANDSCAPE ARCHITECTURE  
 1. LANDSCAPE ARCHITECTURE  
 2. LANDSCAPE ARCHITECTURE  
 3. LANDSCAPE ARCHITECTURE  
 4. LANDSCAPE ARCHITECTURE  
 5. LANDSCAPE ARCHITECTURE  
 6. LANDSCAPE ARCHITECTURE  
 7. LANDSCAPE ARCHITECTURE  
 8. LANDSCAPE ARCHITECTURE  
 9. LANDSCAPE ARCHITECTURE  
 10. LANDSCAPE ARCHITECTURE

WATER QUALITY MODEL  
 1. WATER QUALITY MODEL  
 2. WATER QUALITY MODEL  
 3. WATER QUALITY MODEL  
 4. WATER QUALITY MODEL  
 5. WATER QUALITY MODEL  
 6. WATER QUALITY MODEL  
 7. WATER QUALITY MODEL  
 8. WATER QUALITY MODEL  
 9. WATER QUALITY MODEL  
 10. WATER QUALITY MODEL



08-000-0000

WATER QUALITY  
 FACILITIES  
 EXHIBIT

MARQUIS RANCH  
 SELF STORAGE - AUSTIN  
 6700 MARQUIS HILL RD.  
 AUSTIN, TEXAS  
 WILLIAMSON COUNTY

Table with 4 columns: ELEV., AREA, PERCENT, and VOLUME. This table provides additional data points for the site's elevation and volume calculations.

Thruway Design  
 LAND PLANNERS

AVI  
 DESIGN  
 GROUP





**Professional Land Surveying, Inc.  
Surveying and Mapping**

Office: 512-443-1724  
Fax: 512-389-0943

3500 McCall Lane  
Austin, Texas 78744

Exhibit "E"

**2.211 ACRES  
WILLIAM FRAMPTON SURVEY NO. 122**

A DESCRIPTION OF 2.211 ACRES (APPROXIMATELY 96,296 S.F.) OF LAND OUT OF THE WILLIAM FRAMPTON SURVEY NO. 122 IN WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF LOT ONE (1), Z.F.B. SUBDIVISION, A SUBDIVISION IN WILLIAMSON COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN CABINET J, SLIDE(S) 227-228 OF THE PLAT RECORDS OF WILLIAMSON COUNTY, TEXAS; SAID 2.211 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a calculated point in the south line of said Lot 1, Z.F.B. Subdivision, being also in the north right-of-way line of Anderson Mill Road, (County Road 187)(right-of-way width varies) for the beginning of a non-tangent curve to the right, from which a 1" bolt found, bears South 71°02'19" West, a distance of 123.62 feet;

**THENCE** leaving the north right-of-way line of Anderson Mill Road (CR 187) over and across Lot 1, Z.F.B. Subdivision, the following four (4) courses:

1. Following said non-tangent curve to the right having a radius of 150.00 feet, a delta of 34°35'38", an arc distance of 90.57 feet, and a chord which bears, North 42°38'01" West, having a distance of 89.20 feet to a calculated for the beginning of a reverse curve to the left;
2. Following said reverse curve to the left having a radius of 131.00 feet, a delta of 16°23'52", an arc distance of 37.49 feet, and a chord which bears, North 46°46'45" West, having a distance of 37.36 feet to a calculated for the beginning of a reverse curve to the right;
3. Following said reverse curve to the right having a radius of 95.00 feet, a delta of 30°05'14", an arc distance of 49.89 feet, and a chord which bears, North 39°56'04" West, having a distance of 49.32 feet to a calculated point;
4. North 54°28'36" West, a distance of 67.95 feet to a calculated point in the west line of Lot 1, being also in the east line of a 15.172 acre tract recorded in Volume 1442, Page 109, of the Official Records of Williamson County, Texas, from which a 1" bolt in concrete found bears South 15°27'16" East, a distance of 216.50 feet;

1 of 4

**THENCE** North 15°27'16" West, along the common line of Lot 1 and the 15.172 acre tract, a distance of 126.90 feet to a calculated point, from which a 1/2" rebar found bears North 15°27'16" West, a distance of 348.05 feet;

**THENCE** leaving the east line of the 15.172 acre tract, over and across Lot 1, the following 12 (twelve) courses:

1. South 54°28'32" East, a distance of 74.30 feet to a calculated point for the beginning of a non-tangent curve to the right;
2. Following said non-tangent curve to the right having a radius of 20.00 feet, a delta of 42°32'50", an arc distance of 14.85 feet, and a chord which bears, North 48°25'28" East, having a distance of 14.51 feet to a calculated point;
3. North 69°41'53" East, a distance of 58.62 feet to a calculated point for the beginning of a curve to the left;
4. Following said curve to the left having a radius of 55.00 feet, a delta of 27°42'27", an arc distance of 26.60 feet, and a chord which bears, North 55°50'40" East, having a distance of 26.34 feet to a calculated point;
5. North 41°59'27" East, a distance of 63.50 feet to a calculated point for the beginning of a curve to the right;
6. Following said curve to the right having a radius of 20.00 feet, a delta of 28°37'36", an arc distance of 9.99 feet, and a chord which bears, North 56°18'14" East, having a distance of 9.89 feet to a calculated point;
7. North 70°37'02" East, a distance of 101.33 feet to a calculated point;
8. South 19°22'58" East, a distance of 36.64 feet to a calculated point;
9. South 87°47'18" East, a distance of 7.17 feet to a calculated point;
10. South 24°39'37" East, a distance of 59.83 feet to a calculated point;
11. North 65°20'23" East, a distance of 105.30 feet to a calculated point;
12. South 20°18'07" East, a distance of 40.63 feet to a calculated point in the south line of Lot 1 Z.F.B. Subdivision, being also the north line of Lot 2, Z.F.B. Subdivision, from which a 1/2" rebar with plastic cap stamped "Chaparral Boundary" set, bears North 69°41'53" East, a distance of 110.17 feet;

**THENCE** with the common lines of Lots 1 and 2, Z.F.B. Subdivision, the following two (2) courses:

1. South  $69^{\circ}41'53''$  West, a distance of 79.93 feet to a 1/2" rebar found;
2. South  $14^{\circ}55'52''$  East, a distance of 199.91 feet to a 1" bolt found for the southeast corner of Lot 1, Z.F.B. Subdivision, being also the southwest corner of Lot 2, Z.F.B. and in the north right-of-way line of Anderson Mill Road;

**THENCE** South  $71^{\circ}02'19''$  West, with the south line of Lot 1, Z.F.B., Subdivision, being also the north right-of-way line of Anderson Mill Road, a distance of 229.05 feet to the **POINT OF BEGINNING**, containing 2.211 acres of land, more or less.

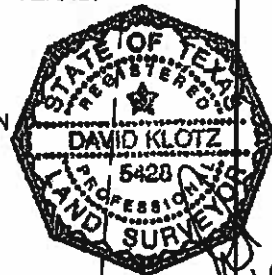
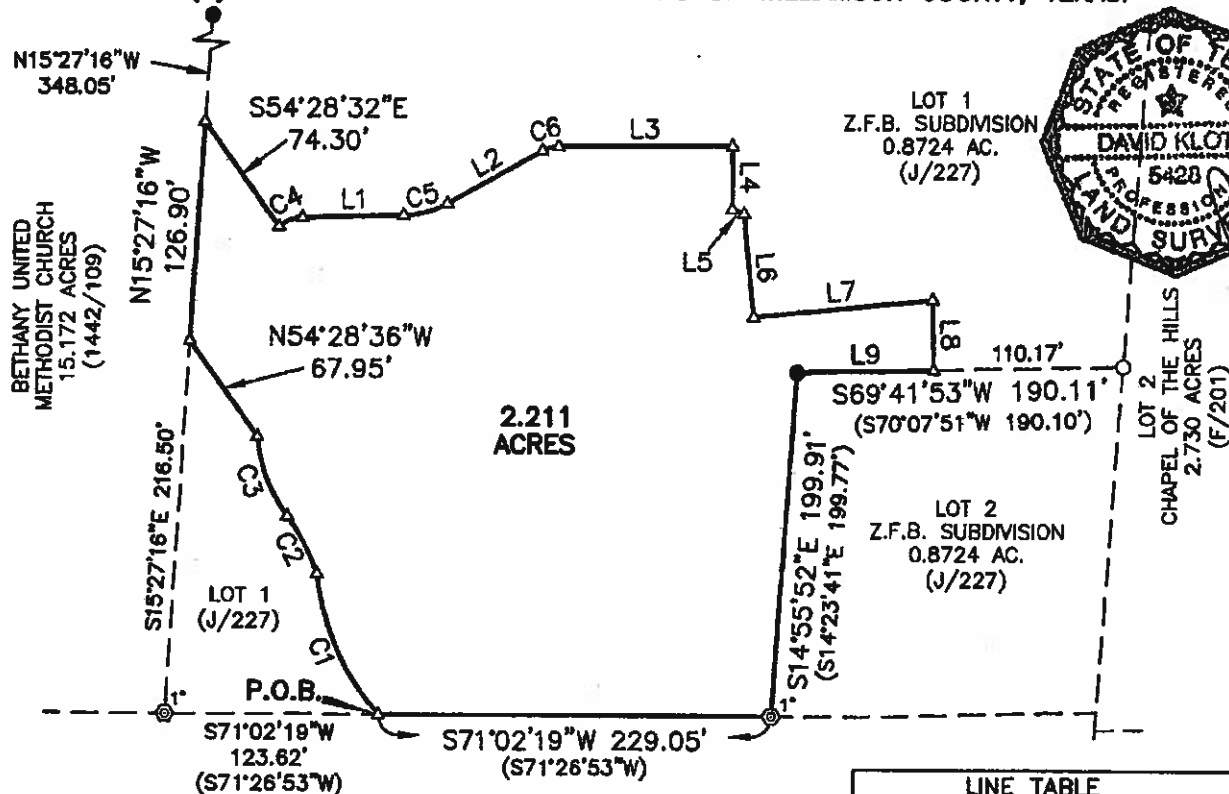
Surveyed on the ground May, 2007. Bearing basis is Grid Azimuth for Texas Central Zone, 1983/93 HARN Values from LCRA Control Network.

Attachment: Drawing 139-003-CEF-2-rev.

 2/10/09

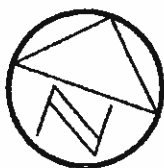
David Klotz                      Date  
Registered Professional Land Surveyor  
State of Texas No. 5428

SKETCH TO ACCOMPANY A DESCRIPTION OF 2.211 ACRES (APPROXIMATELY 96,296 S.F.) OF LAND OUT OF THE WILLIAM FRAMPTON SURVEY NO. 122 IN WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF LOT ONE (1), Z.F.B. SUBDIVISION, A SUBDIVISION IN WILLIAMSON COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN CABINET J, SLIDE(S) 227-228 OF THE PLAT RECORDS OF WILLIAMSON COUNTY, TEXAS.



WILLIAM FRAMPTON  
ABSTRACT NO. 230  
SURVEY NO. 122

SCALE  
1"=100'



ANDERSON MILL ROAD,  
(COUNTY ROAD 187)  
(RIGHT-OF-WAY WIDTH VARIES)

LEGEND

- 1/2" REBAR FOUND
- 1/2" REBAR WITH CAP SET
- ⊗ BOLT IN CONC FOUND
- △ CALCULATED POINT

LINE TABLE

No.	BEARING	LENGTH
L1	N69°41'53"E	58.62'
L2	N41°59'27"E	63.50'
L3	N70°37'02"E	101.33'
L4	S19°22'58"E	36.64'
L5	S87°47'18"E	7.17'
L6	S24°39'37"E	59.83'
L7	N65°20'23"E	105.30'
L8	S20°18'07"E	40.63'
L9	S69°41'53"W	79.93'

CURVE TABLE

NO.	DELTA	RADIUS	TAN	ARC	CHORD	BEARING
C1	34°35'38"	150.00'	46.71'	90.57'	89.20'	N42°38'01"W
C2	16°23'52"	131.00'	18.87'	37.49'	37.36'	N46°46'45"W
C3	30°05'14"	95.00'	25.53'	49.89'	49.32'	N39°56'04"W
C4	42°32'50"	20.00'	7.79'	14.85'	14.51'	N48°25'28"E
C5	27°42'27"	55.00'	13.56'	26.60'	26.34'	N55°50'40"E
C6	28°37'36"	20.00'	5.10'	9.99'	9.89'	N56°18'14"E

BEARING BASIS: GRID AZIMUTH FOR TEXAS CENTRAL ZONE,  
1983/93 HARN VALUES FROM LCRA CONTROL NETWORK.

ATTACHMENTS: METES AND BOUNDS DESCRIPTION  
139-003-CEF-2-rev

DATE OF SURVEY: 07/12/07  
PLOT DATE: 02/10/08  
DRAWING NO.: 139-003-CEF-2-rev  
PROJECT NO.: 139-003

Chaparral

4 of 4





**Professional Land Surveying, Inc.  
Surveying and Mapping**

Office: 512-443-1724  
Fax: 512-369-0943

3500 McCall Lane  
Austin, Texas 78744

Exhibit "E"

**0.397 ACRES  
WILLIAM FRAMPTON SURVEY NO. 122**

A DESCRIPTION OF 0.397 ACRES (APPROXIMATELY 17,291 S.F.) OF LAND OUT OF THE WILLIAM FRAMPTON SURVEY NO. 122, ABSTRACT NO. 230 IN WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF LOT ONE (1), Z.F.B. SUBDIVISION, A SUBDIVISION IN WILLIAMSON COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN CABINET J, SLIDE(S) 227-228 OF THE PLAT RECORDS OF WILLIAMSON COUNTY, TEXAS; SAID 0.397 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a calculated point in said Lot 1, Z.F.B. Subdivision for the beginning of a non-tangent curve to the right, from which a 1" bolt in concrete found for a southeast corner of Lot 1, being also the southwest corner of Lot 2, of the said Z.F.B. Subdivision and in the north right-of-way line of Anderson Mill Road (right-of-way width varies) bears South 55°15'48" East, a distance of 112.19 feet;

**THENCE** continuing over lot 1 the following seven (7) courses:

1. 202.03 feet along the arc of said non-tangent curve to the right, having a radius of 50.00 feet, and through a central angle of 231°30'43", the chord of which bears North 74°04'29" West, a distance of 90.07 feet to a calculated point for the beginning of a non-tangent compound curve to the right;
2. 78.52 feet along the arc of said non-tangent compound curve to the right, having a radius of 65.50 feet, and through a central angle of 68°41'18", the chord of which bears North 07°49'35" East, a distance of 73.90 feet to a calculated point for the beginning of a compound curve to the right;
3. 28.88 feet along the arc of said compound curve to the right, having a radius of 77.86 feet, and through a central angle of 21°14'55", the chord of which bears North 52°47'42" East, a distance of 28.71 feet to a calculated point for the beginning of a compound curve to the right;
4. 57.46 feet along the arc of said compound curve to the right, having a radius of 52.49 feet, and through a central angle of 62°43'12", the chord of which bears South 85°13'14" East, a distance of 54.64 feet to a calculated point for the

*Handwritten mark*

1 of 3

beginning of a compound curve to the right, from which a 1/2" rebar found for an interior corner of lot 1, being also the northwest corner of Lot 2 bears North 65°07'49" East, a distance of 44.00 feet;

5. 44.33 feet along the arc of said compound curve to the right, having a radius of 65.16 feet, and through a central angle of 38°58'39", the chord of which bears South 34°22'19" East, a distance of 43.48 feet to a calculated point for the beginning of a compound curve to the right;
6. 29.45 feet along the arc of said compound curve to the right, having a radius of 107.60 feet, and through a central angle of 15°40'57", the chord of which bears South 07°02'32" East, a distance of 29.36 feet to a calculated point for the beginning of a compound curve to the right;
7. 56.91 feet along the arc of said compound curve to the right, having a radius of 51.74 feet, and through a central angle of 63°01'33", the chord of which bears South 32°18'43" West, a distance of 54.09 feet to the **POINT OF BEGINNING**, containing an area of 0.397 acres of land, more or less.

Surveyed on the ground May, 2007. Bearing basis is Grid Azimuth for Texas Central Zone, 1983/93 HARN Values from LCRA Control Network.

Attachment: Drawing 139-003-CEF-3.



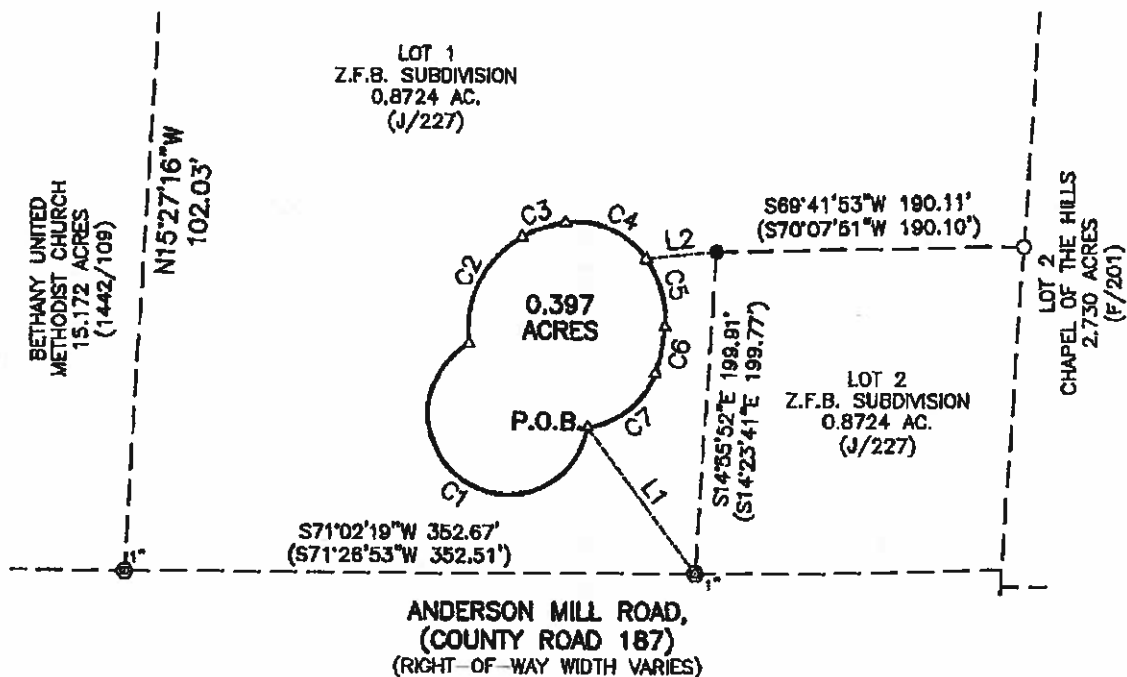
David Klotz  
Registered Professional Land Surveyor  
State of Texas No. 5428

12/16/08

Date



SKETCH TO ACCOMPANY A DESCRIPTION OF 0.397 ACRES (APPROXIMATELY 17,291 S.F.) OF LAND OUT OF THE WILLIAM FRAMPTON SURVEY NO. 122, ABSTRACT NO. 230 IN WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF LOT ONE (1), Z.F.B. SUBDIVISION, A SUBDIVISION IN WILLIAMSON COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN CABINET J, SLIDE(S) 227-228 OF THE PLAT RECORDS OF WILLIAMSON COUNTY, TEXAS.



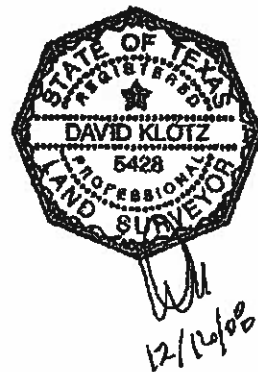
LINE TABLE		
No.	BEARING	LENGTH
L1	S55°15'48"E	112.19'
L2	N65°07'49"E	44.00'



SCALE 1"=100'

LEGEND	
●	1/2" REBAR FOUND
○	1/2" REBAR WITH CAP SET
⊗	BOLT IN CONC FOUND
△	CALCULATED POINT

CURVE TABLE						
NO.	DELTA	RADIUS	TAN	ARC	CHORD	BEARING
C1	231°30'43"	50.00'	103.63'	202.03'	90.07'	N74°04'29"W
C2	68°41'18"	65.50'	44.75'	78.52'	73.90'	N07°49'35"E
C3	21°14'55"	77.86'	14.61'	28.87'	28.71'	N52°47'42"E
C4	62°43'12"	52.49'	31.99'	57.46'	54.64'	S85°13'14"E
C5	38°58'39"	65.16'	23.06'	44.33'	43.48'	S34°22'19"E
C6	15°40'57"	107.60'	14.82'	29.45'	29.36'	S07°02'32"E
C7	63°01'33"	51.74'	31.72'	56.91'	54.09'	S32°18'43"W



BEARING BASIS: GRID AZIMUTH FOR TEXAS CENTRAL ZONE,  
1983/93 HARN VALUES FROM LCRA CONTROL NETWORK.

ATTACHMENTS: METES AND BOUNDS DESCRIPTION  
139-003-CEF-3

DATE OF SURVEY: 07/12/07  
PLOT DATE: 12/16/08  
DRAWING NO.: 139-003-CEF-3  
PROJECT NO.: 139-003

*Chaparral*

3 of 3



Sinkhole S-1. 9708 Anderson Mill Road. Lot 1 Block A of the ZFB subdivision. Approximate collapse sinkhole dimensions are 25 feet long by 20 feet wide by 8 feet deep.





Sinkhole S-2. 9708 Anderson Mill Road. Lot 1 Block A of the ZFB subdivision. Approximate dimensions are 6 feet long by 1.5 feet wide by 4 feet deep.



Sinkhole S-3. 9708 Anderson Mill Road. Lot 1 Block A of the ZFB subdivision. Approximate dimensions are 10 feet long by 1.5 feet wide by 4 feet deep.

**WATER QUALITY DRAINAGE EASEMENT AND RESTRICTIVE COVENANT  
AGREEMENT FOR CRITICAL ENVIRONMENTAL FEATURES**

THE STATE OF TEXAS

§

KNOW ALL BY THESE PRESENTS:

COUNTY OF WILLIAMSON

§

§

THIS WATER QUALITY DRAINAGE EASEMENT AND RESTRICTIVE COVENANT AGREEMENT FOR CRITICAL ENVIRONMENTAL FEATURES (this "Easement and Restrictive Covenant") is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2009, by and between ZFB, Ltd., a Texas limited partnership ("Owner"), and the City of Austin, Texas ("City").

**RECITALS:**

A. Owner solely owns in fee simple certain real property in the City of Austin, Williamson County, Texas, as more particularly described as Lot 1 Block A, ZFB Re-subdivision, a subdivision plat recorded in Cabinet \_\_, Slide \_\_, Williamson County Plat Records (the "Property").

B. Located on the Property are three (3) unique geological features one of which is known as a sink hole. The geological features are identified as "S-1", "S-2", and "S-3" and located on the Property generally in the location as shown in Exhibit A attached hereto and incorporated herein by reference (each such geologic feature is a "CE Feature", collectively "CE Features") and are deemed sensitive by the City.

C. It is the purpose and the intent of this Easement and Restrictive Covenant to protect the CE Features and establish an additional area on the Property, as more particularly described in Exhibit B and Exhibit C attached hereto and incorporated herein by reference (collectively the "Buffer Areas"), that will be retained and maintained predominantly in a vegetative and natural condition in order to retain or protect the natural aspects of the CE Features and allow overland storm water runoff through the Buffer Areas and into the CE Features.

D. In addition the Owner must construct, operate, maintain, replace, upgrade, repair and make connections with level flow spreaders and related drainage facilities on the Property that convey and receive the natural flow of overland storm water runoff from the Property and adjacent sites and that are more particularly described on Exhibit D attached and incorporated by reference (the "Water Quality Facilities").

D. The City of Austin has required the execution of this Easement and Restrictive Covenant as a condition to its approval of the site plan submitted by Owner in City of Austin File No. SP-2008-0090D (the "Site Plan").

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 Easement and 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.



## **AGREEMENT AND RESTRICTIVE COVENANTS:**

1. **Easement to City of Austin.** Owner hereby grants and conveys and by these presents does GRANT AND CONVEY unto the City of Austin, whose address is Post Office Box 1088, Austin, Texas 78767-1088, Attn: Watershed Protection and Development Review Department, an exclusive easement located in the Buffer Areas, including the CE Feature Areas, and a non-exclusive easement located in an additional area on the Property as more particularly described in Exhibit E (collectively, the "Drainage Easement Area") to inspect, monitor, construct, operate, maintain, replace, upgrade, repair and make connections with, as applicable, the Water Quality Facilities in, under, upon and across portions of the Property.

TO HAVE AND TO HOLD the same perpetually to the City of Austin and its successors and assigns, together with the privilege at any and all times to enter the Property to access the Drainage Easement Area to inspect, monitor, construct, operate, maintain, replace, upgrade, repair and make connections with, as applicable, the Water Quality Facilities. Unless waived or consented to by the holder of the encumbrance, this easement is made and accepted subject to all easements, covenants, restrictions, liens, and other encumbrances of record in Williamson County, Texas affecting the Drainage Easement Area.

2. **Permitted Uses.** Except as provided herein or as shown on the Site Plan, and except to the extent approved by the City or otherwise allowed by law, the Buffer Areas are restricted to use for the preservation and protection of the CE Features, for the preservation of water quality of storm water runoff, and for the protection of flora and fauna associated with the CE Features. The Buffer Areas may be also used as follows:

(a) Within the Drainage Easement Area, Owner shall be allowed to use the Buffer Areas for the continued natural-flow and overland drainage of storm water runoff from the Property and adjacent sites. Also, except for the area that is within fifty (50) feet of the sink holes more particularly described on Exhibit F attached hereto and incorporated herein (the "Inner Buffer Area"), the Owner shall be allowed to use the Buffer Areas to construct, operate, maintain, repair, replace and upgrade the Water Quality Facilities in, under, and across the Buffer Areas, together with the right to make connections therewith.

3. **Prohibited Uses.** Except as provided herein or as shown on the Site Plan, and except to the extent approved by the City or otherwise allowed by law, any activity on or use of the Buffer Areas inconsistent with the purpose of this Easement and Restrictive Covenant is prohibited, including without limitation, the following activities and uses which are expressly prohibited:

(a) Construction or placing buildings, roads, signs, billboards or other advertising, utilities or other structures on or above the ground.

(b) Except for the placement of soil as part of a City approved water quality facility, dumping or placing soil or other substance or material as landfill or dumping or placing of trash, waste or unsightly or offensive materials.

(c) Except for removing soil in connection with the regrading and subsequent placement of soil as part of a City approved water quality facility, excavating, dredging or removing loam, peat, gravel, soil, rock or other material substances in such a manner as to affect the surface.

(d) Except for purposes that permit the land or water area to remain predominantly in its natural condition or for use as a City approved water quality facility, surface use.

(e) Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife habitat preservation.

4. Protection of Critical Environmental Features during Development Construction. Owner shall implement the temporary erosion control and site construction plan for the protection and management of portions of the Property during the period that construction of improvements occurs (such as pavement, utility lines, drainage structures, buildings and other improvements) described in the Temporary Erosion Control Plan as shown on the Site Plan (the "Temporary EC Plan"). In addition to the requirements of the City for erosion controls applicable to similar construction activities, the Temporary EC Plan shall require the following during construction of the improvements:

(a) Installation and maintenance of (i) permanent continuous fencing around the outside perimeter of the Buffer Areas shall be provided and shall be at least a chain link fence no less than 6 feet in height, meet ASTM standards for the fence material selected (the "Fence Type Requirements") and include a minimum ten (10) foot wide access gate with a lockable latch, and (ii) permanent continuous fencing around the perimeter of the Inner Buffer Area shall be provided in accordance with the Fence Type Requirements, including a minimum four (4) foot wide access gate with a lockable latch (collectively, the "Fencing").

(b) Regular inspection of all erosion controls adjacent to and within the Buffer Areas, and repair or replacement of all poorly functioning controls.

(c) Daily inspections of the Buffer Areas and immediate removal of any construction or other materials or substances that may be an ecological or safety threat, and repair of any damage to Fencing or drainage structures.

(d) Identification of an environmental site manager, operating independently from the construction contractor to conduct the inspections described in section 4(b) and 4(c).

(e) All fill material placed on the Property should meet the Texas Commission on Environmental Quality criteria of uncontaminated earthen material (30 Tex. Admin. Code Section 330.4 (f) and Inert (30 Tex. Admin. Code Section 330.2 (61)) and essentially insoluble (30 Tex. Admin. Code Section 330.2 (44)). Also, a Backfill Load Certificate (as described in the City's Environmental Criteria Manual Section 1.3.4.2 I) must be obtained from the driver for each truck load of fill material and must be kept by the contractor onsite until the end of construction.

(f) All mulch, fill and other debris that has been deposited on the Property in the area upslope of any CE Feature must be removed, including all trash and debris within the CE Features must be rehabilitated to Environmental Criteria Manual §1.6.7(B) criteria as a vegetated filter strip and re-vegetated with City of Austin Standard Specification 609s.

5. Permanent Protection of Critical Environmental Features after Construction. Except as provided herein or as shown on the Site Plan, and except to the extent approved by the City or otherwise allowed by law, Owner, in cooperation with the City, shall follow the following guidelines for the long term implementation of the preservation of the CE Features on the Property:

(a) Maintenance of a natural setting within the Buffer Areas, including provisions for vegetation management.

(b) Maintain, repair and replace, as necessary, the Fencing.

(c) Any future pavement installed on the Property shall be concrete cement pavement. Asphaltic concrete pavement and other petroleum based pavement products are prohibited.

(d) All fill material placed on the Property should meet the Texas Commission on Environmental Quality criteria of uncontaminated earthen material (30 Tex. Admin. Code Section 330.4 (f) and Inert (30 Tex. Admin. Code Section 330.2 (61)) and essentially insoluble (30 Tex. Admin. Code Section 330.2 (44)). Also, a Backfill Load Certificate (as described in the City's Environmental Criteria Manual Section 1.3.4.2 I) must be obtained from the driver for each truck load of fill material and must be kept by the contractor onsite until the end of construction.

(e) Maintain the vegetated filter strips and level spreaders described on the Site Plan so that they provide water quality treatment, and re-vegetate whenever any bare areas greater than 10 square feet occur.

(f) Remove trash from within the Buffer Areas on a weekly basis.

(g) Inspect the vegetation and land surface within fifty (50) feet of each CE Feature on a monthly basis. Report the development of new openings, such as small sink holes, to the City within 30 calendar days. Report to Geologist, Environmental Resources Management Division, Watershed Protection and Development Review Department, P.O. Box 1088, Austin TX 78767 or such other division City designates in writing to Owner.

5. Rights of Access and Entry by the City. To accomplish the purposes stated herein, Owner conveys the following rights to the City:

(a) To enter upon and to go upon the Buffer Areas in a reasonable manner and at all reasonable times to determine if Owner or its successors and assigns are complying with the covenants and prohibitions contained in this Easement and Restrictive Covenant or to inspect, and to take actions including, but not limited to, scientific or educational observations and studies, and collection of samples.

(b) To proceed at law or in equity to enforce the provisions of this Easement and Restrictive Covenant and the covenants set forth herein, to prevent the occurrence of any of the prohibited activities set forth herein, and require the restoration of areas or features of the Buffer Areas that may be damaged by any activity inconsistent with this Easement and Restrictive Covenant.

Notwithstanding anything forgoing to the contrary, the public shall not have the right to enter upon or to go upon the Buffer Areas. Nothing herein shall be construed as granting or dedicating any portion of the Property to the public.

6. Notice of City Entry. The City shall give the Owners seven (7) calendar days' prior written notice of the City's intent to enter all or part of the Drainage Easement Area for the purpose of operating, maintaining, replacing, upgrading, or repairing, as applicable, the Water Quality Facilities;

provided, however, that in the event of an emergency, the City shall be required to give prior notice within a reasonable period of time. Reasonableness shall be determined in accordance with the nature of circumstances of the emergency. The City shall have the right to enter the Drainage Easement Area without prior written notification for the purpose of monitoring and inspection only.

7. Reserved Rights. Notwithstanding the prohibited activities described in this Easement and Restrictive Covenant, Owner reserves unto itself, and its successors and assigns, all rights accruing from its ownership of the Buffer Areas, including the right to engage in or permit or invite others to engage in all uses of the Property that are not expressly prohibited herein and are not inconsistent with the purpose of this Easement and Restrictive Covenant, or that are approved by the City or otherwise allowed by law.

8. Assignability; Successors. This Easement and Restrictive Covenant shall bind and inure to the benefit of the parties and their respective successors and assigns and the rights and obligations created herein that concern the Property shall run with the Property. Notwithstanding anything forgoing to the contrary, it is understood that this Easement and Restrictive Covenant and any obligations under this Easement and Restrictive Covenant shall not be assigned by City, except to another organization qualified to hold such interest under the laws of the State of Texas.

9. Amendment. This Easement and Restrictive Covenant may be amended or modified, and any of the terms, provisions, covenants or conditions hereof may be waived only by a written instrument executed by Owner and the City, or their successors and assigns.

10. Severability. If any of the provisions of this Easement and Restrictive Covenant or any paragraph, sentence, clause, phrase or word or the application thereof in any circumstances be invalidated, such invalidity shall not affect the validity of the remainder of this Easement and Restrictive Covenant and the application of any such provision, paragraph, sentence, clause, phrase or word in any other circumstances shall not be affected thereby.

11. Number and Gender. Unless the context otherwise requires, the singular shall include the plural, and the plural shall include the singular, and the use of any gender shall include all genders.

12. Applicable Law. This Easement and Restrictive Covenant shall be subject to, construed in accordance with and governed by the laws of the State of Texas, without resort to conflicts of law principles. This Easement and Restrictive Covenant shall be filed in the Official Records, and it is agreed that the proper jurisdiction and venue of any action pertaining to the interpretation or enforcement of this Easement and Restrictive Covenant shall be in the District Court of Williamson County, Texas.

13. Interpretation. The provisions of this Easement and Restrictive Covenant shall be liberally construed to effectuate the purposes set forth in the Recitals hereof. This Easement and Restrictive Covenant shall be subject to, construed and governed under the Laws of the State of Texas.

14. Captions. All captions and titles used in this Easement and Restrictive Covenant are intended solely for convenience of reference and shall not enlarge, limit or otherwise affect the meaning of the text set forth in any paragraph, section or article hereof.

15. Exhibits. All exhibits attached to this Easement and Restrictive Covenant are a part of, and are hereby incorporated into, this Easement and Restrictive Covenant.

Executed to be effective this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

**OWNER:**

ZFB, Ltd., a Texas limited partnership

By: \_\_\_\_\_  
William B. Pohl, General Partner

**CITY:**

City of Austin

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**THE STATE OF TEXAS** §

**COUNTY OF** \_\_\_\_\_ §

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2009 by William B. Pohl, General Partner of ZFB, Ltd., a Texas limited partnership, on behalf of said partnership.

\_\_\_\_\_  
Notary Public Signature

**THE STATE OF TEXAS** §

**COUNTY OF** \_\_\_\_\_ §

This instrument was acknowledged before me on \_\_\_\_\_, 2009, by \_\_\_\_\_, as \_\_\_\_\_ of \_\_\_\_\_, City of Austin, a Texas municipal corporation, on behalf of said corporation.

\_\_\_\_\_  
Notary Public, State of Texas

**APPROVED AS TO FORM:**

By: \_\_\_\_\_  
James M. Williams, Sr.  
Assistant City Attorney

**AFTER RECORDING, RETURN TO:**

City of Austin

P.O. Box 1088

Austin, Texas 78767

Project Name: \_\_\_\_\_

Attn: \_\_\_\_\_ [Project Manager]

Case No. SP-2008-0090D



**Z.F.B./ANDERSON MILL SUBDIVISION**  
A RESUBDIVISION OF LOT 1, Z.F.B. SUBDIVISION

[illegible]

**Chaparral**  
Professional Land Surveying, Inc.  
Surveying and Mapping  
3300 Macale Lane  
Austin, Texas 78744  
311-4426-1784

[illegible]

# Exhibit I

**ORDINANCE NO. 20081120-028**

**AN ORDINANCE ANNEXING, FOR FULL PURPOSES, ADDITIONAL TERRITORY ADJACENT TO THE CITY LIMITS OF THE CITY OF AUSTIN REFERRED TO AS THE "ANDERSON MILL ROAD AND U.S. 183 ANNEXATION AREA", CONSISTING OF APPROXIMATELY 74 ACRES OF LAND OUT OF THE WILLIAM FRAMPTON SURVEY NO. 122, ABSTRACT NO. 230 IN WILLIAMSON COUNTY, TEXAS; AND APPROVING A SERVICE PLAN.**

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

**PART 1.** The Council finds that:

- (A) Notice of the two public hearings concerning annexation of the territory described in Exhibit A was published in a newspaper of general circulation in the City of Austin and in the area to be annexed, and on the City of Austin internet website.
- (B) The public hearings were held on October 16, 2008 and October 23, 2008 at the Austin City Hall, 301 West 2<sup>nd</sup> Street, Austin, Texas.
- (C) The public hearings were concluded after providing an opportunity for all persons present to be heard with respect to the proposed annexation. A proposed Service Plan was made available and explained at the public hearings required by state law.
- (D) The annexation, for full purposes, of the territory described in Exhibit A serves the interest of the current and future residents of the City of Austin.
- (E) All procedural requirements imposed by state law for the full purpose annexation of the territory described in Exhibit A have been met.

**PART 2.** The present boundary limits of the City are amended to include the following territory which is within the extraterritorial jurisdiction and adjacent to the city limits of the City of Austin in Williamson County, Texas, and which is annexed into the City for the full purposes:

Two tracts of land containing 74 acres of land, more or less, the tract hereinafter described as Tract One containing approximately 14 acres of land out of the William Frampton Survey No. 122, Abstract No. 230 in Williamson County, Texas; and the tract hereinafter described as Tract Two containing approximately 60 acres of land out of the William Frampton Survey No. 122, Abstract No. 230 in

Williamson County, Texas; said 74 acres of land, more or less, being more particularly described in Exhibit A.

**PART 3.** The Service Plan attached as Exhibit B is approved as the Service Plan for the area.

**PART 4.** The City Council declares that its purpose is to annex to the City of Austin each part of the area described in Exhibit A as provided in this ordinance, whether any other part of the described area is effectively annexed to the City. If this ordinance is held invalid as to any part of the area annexed to the City of Austin, that invalidity does not affect the effectiveness of this ordinance as to the remainder of the area.

If any area or lands included within the description of the area set out in Exhibit A are: (1) presently part of and included within the general limits of the City of Austin; (2) presently part of and included within the limits of any other city, town, or village; or (3) are not within the jurisdiction or power of the City of Austin to annex, then that area is excluded and excepted from the area annexed.

**PART 5.** This ordinance takes effect on December 31, 2008.

**PASSED AND APPROVED**

\_\_\_\_\_, November 20\_\_\_\_\_, 2008

§  
§  
§



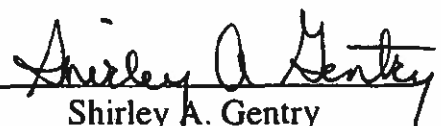
Will Wynn  
Mayor

**APPROVED:**



David Allan Smith  
City Attorney

**ATTEST:**



Shirley A. Gentry  
City Clerk

**Rye, Stephen**

---

**From:** McManus, Teri  
**Sent:** Friday, February 20, 2009 11:34 AM  
**To:** Jarvis, Shandrian  
**Cc:** Derr, Gordon; Marsh, Peter; Stoll, Garner; Guernsey, Greg; Gutshall, Caleb; Purcell, Allan  
**Subject:** RE: ZFB - Marquis Ranch- 9708 Anderson Mill Rd (C14-2008-0234)

Shandrian, At our meeting last week, you coordinated a review of the request with WP&DR, NPZD & Trans./PW staff. I appreciate you bringing us together so we could discuss the request & the site plan issues.

I'm sending this to confirm NPZD is unable to support the request to not dedicate 7-feet of additional ROW for Anderson Mill Road. This is based on the administrative variance authority granted in LDC Ch. 25-6-51, Div. 2, "Reservation of Right-of-Way", (A)(1), and Ch. 25-6-86, Div.2, "Variance From Dedication Requirements", (A)(1) and (2). We did not find the dedication request placed "undue hardship on the property owner because of special circumstances applicable to the property" or "render the property unsuitable for an economically feasible use."

I should point out the TCM currently has cross-sections for a 4-lane divided arterial requiring less than 114-feet. Design discretion is also granted to the Public Works Director regarding. Also, I'd like to emphasize this is a multi-jurisdictional roadway, and we have successfully coordinated ROW & alignment issues with Travis & Williamson Counties for a number of years. I suggest we continue to do so.

The applicant may appeal the denial of a variance to the council. NPZD staff does recommend consideration of a code amendment, if it may be beneficial to allow administrative authority for variances due to significant, negative environmental impacts. This could be incorporated in the recommendation to the City Council.

Teri L. McManus  
Principal Planner, Neighborhood Planning & Zoning  
One Texas Center, 5th Floor, #529  
City of Austin, P.O. Box 1088, Austin, Texas 78767-1088  
Direct 512.974.6447  
Fax 512.974.2269

---

**From:** Jarvis, Shandrian  
**Sent:** Friday, February 20, 2009 9:33 AM  
**To:** Marsh, Peter; McManus, Teri  
**Cc:** Derr, Gordon  
**Subject:** RE: ZFB - Marquis Ranch- 9708 Anderson Mill Rd (C14-2008-0234)

Thanks Peter.

Shandrian

---

**From:** Marsh, Peter  
**Sent:** Friday, February 20, 2009 9:32 AM  
**To:** Jarvis, Shandrian; McManus, Teri  
**Cc:** Derr, Gordon  
**Subject:** ZFB - Marquis Ranch- 9708 Anderson Mill Rd (C14-2008-0234)

Shandrian:

3/3/2009

Gordon Derr forwarded your e-mail to me to respond.

As you know the City recently annexed Anderson Mill Road, the eastern section where this property is located is currently an un-improved rural cross-section. I can be anticipated that sometime in the future this section will be improved, in which case the full 114 feet right-of-way width will be required.

The dedication of 7'-0" of right-of-way should not have any substantial impact on this development and could be critical to any future road improvements projects.

I understand that there are environmental features on the property, however any future road improvement projects will likely include the constriction of curb and gutter and a stormwater collection system that would provide additional protection to the sinkhole from run-off.

I cannot support a waiver from the dedication requirements of 7'-0" of right-of-way to provide for a full 114'-0" width.

Peter Marsh, P.E., Acting Supervising Engineer North Austin  
Transportation Department

---

**From:** Jarvis, Shandrian  
**Sent:** Wednesday, February 11, 2009 3:43 PM  
**To:** McManus, Teri; Derr, Gordon  
**Cc:** Almazan, Joe  
**Subject:** FW: ZFB - Marquis Ranch- 9708 Anderson Mill Rd (C14-2008-0234)

Teri/Gordon,

The owner for the above referenced property is requesting a waiver from right of way dedication requirements. The AMATP identifies a need for 114 ft. of ROW. Currently, there is 100 ft. of ROW available. There is a sink hole located on the property and it is currently buffered from the Anderson Mill ROW. Dedication of the 7 feet will reduce the buffer and likely increase drainage from the road into the sinkhole (according to the staff hydrogeologist).

I would like to recommend a waiver from dedication requirements. Do you have any objections?



**Shandrian Jarvis, AICP**  
**Senior Planner**  
Watershed Protection & Development Review Department  
505 Barton Springs Rd., 4th floor  
Tel: (512) 974-2628  
Fax: (512) 974-3010  
Email: [shandrian.jarvis@ci.austin.tx.us](mailto:shandrian.jarvis@ci.austin.tx.us)

---

**From:** Ron Thrower [<mailto:Ron@throwerdesign.com>]  
**Sent:** Wednesday, February 11, 2009 1:19 PM  
**To:** Jarvis, Shandrian  
**Cc:** Pope, Sylvia  
**Subject:** ZFB - Marquis Ranch

Shandrian,

I believe you are asking my client to dedicate 7' of right-of-way on Anderson Mill Road in accordance with the

3/3/2009

roadway plan. My client's property has been through review for a site plan which a Critical Environmental Feature is found and the City has asked for an extensive setback. This setback extends all the way to the right-of-way and we have but a small section of frontage which provides reasonable access to the rear of the property. I would venture that if Anderson Mill was not located here that the buffer would be even greater.

So my issue with giving the land to the city is – If my client can not build on the land then why should the city ever have the right to build on it? I think it would be best for the City to eventually acquire all the necessary right-of-way from the south side of Anderson Mill and leave my client's property intact.

I'm copying Sylvia Pope on this as she was deeply involved with setback issues during the site plan review.

**Ron Thrower**

*Thrower Design*

4608-A South Lamar Blvd.  
Austin, Texas 78745  
512/476-4456  
512/476-4454 fax

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3/3/2009



**Rye, Stephen**

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**From:** Marsh, Peter  
**Sent:** Friday, February 20, 2009 9:32 AM  
**To:** Jarvis, Shandrian; McManus, Teri  
**Cc:** Derr, Gordon  
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**Shandrian Jarvis, AICP**  
**Senior Planner**

Watershed Protection & Development Review Department  
505 Barton Springs Rd., 4th floor  
Tel: (512) 974-2628  
Fax: (512) 974-3010

3/3/2009

Email: shandrian.jarvis@ci.austin.tx.us

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**To:** Jarvis, Shandrian  
**Cc:** Pope, Sylvia  
**Subject:** ZFB - Marquis Ranch

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**Ron Thrower**

*Thrower Design*

4608-A South Lamar Blvd.  
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3/3/2009



## **MEMORANDUM**

**DATE:** February 26, 2009  
**SUBJECT:** Zoning Case # C14-2009-0003

---

Notes: 2/26/08, 2:00PM

Notes from Shandrian Jarvis' telephone conversation with R.L. Heinrichs

Mr. Heinrichs expressed concerned about the safety of motorist along the section of Anderson Mill Road that serves the ZFB property. He says that recent accident data show a significant number of accidents related to turning movements associated with the Valero Service Station. He supports upgrading the facility to a five-lane section with a center turn lane. He does not support the request for a right of way waiver.

**Rye, Stephen**

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**From:** SMorledge [REDACTED]  
**Sent:** Thursday, January 29, 2009 8:38 PM  
**To:** Rye, Stephen  
**Subject:** 9708 Anderson Mill Rd Zoning Case

Steve,

I am the president of the Arboretum Park Residential Condominium Association, located at 9707 Anderson Mill Rd. Our thirty-nine detached single family homes are located directly across the street from the proposed "CS" zoning request at 9708 Anderson Mill. We are opposed to the intensity of this zoning category locating across the street from our homes.

As stated in your notice, "CS" zoning has "operating characteristics or traffic service requirements **generally incompatible with residential environments**" Hopefully, this language from your zoning manual, and our obvious proximity, are reason enough to choose a more compatible zoning designation. In addition, the rear of the site is also bordered by a neighborhood of single family homes which will be equally impacted.

Just so we are not misunderstood, we are not at all opposed to development of the site. In fact, our condominium association will gladly support any residential zoning request on the property, and or a neighborhood office (NO) or neighborhood commercial (LR) designation.

Please forward these concerns to the zoning commission members prior to their consideration of this case, and please keep me apprised of any changes in this case.

Thank You.

Scott Morledge

PS: Please forward your list of contacts so we can confirm that all of our residents are on your notification list.

---

**Know Your Numbers:** Get [tips and tools](#) to help you improve your credit score.

1/30/2009

## 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.

**Case Number:** C14-2008-0234

**Contact:** Steve Rye, 512-974-7604

**Public Hearing:**

February 17, 2009 Zoning and Planning Commission

Your Name (please print)

ELSIE E SIMINS

☐ I am in favor  
☒ I object

Your address(es) affected by this application AUSTIN, TX 78750

9107 ANDERSON MILL Rd. #37

Elaine Anne Signature " " 1/21/09 Date

Comments: Traffic is a nightmare in front of Anderson Mill Park. Just turning into the community, going west, with no left turn lane is very dangerous. I always hold my breath that I won't be hit in the night. My car is waiting to turn. I've been here for 20 years. Full capacity (39 total homes) with only about 1/3 homeowners living here so far.

I do not want more businesses with the extra people all converging in this area in front of Anderson Park.

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

City of Austin

Neighborhood Planning and Zoning Department

Steve Rye, j

P. O. Box 1088

Austin, TX 78767-8810

Could get a lot worse if this passed!

## PUBLIC HEARING INFORMATION

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Case Number: C14-2008-0234

Contact: Steve Rye, 512-974-7604

Public Hearing:

February 17, 2009 Zoning and Platting Commission

RACHEL GRESS - AM DENTAL

Your Name (please print)

9801 AMY CARSON MIL #109 AUSTIN 78759

Your address(es) affected by this application

Rachel Molina Gress

Signature

Date

2-13-09

Comments: TRAFFIC CONCERNS WITH TRUCKS  
& LARGER VEHICLES & BOATS WOULD  
CREATE SERIOUS PROBLEMS ON ANDERSON  
MIL ROAD. IT IS 4 LANES & NO  
MIDDLE TURN LANE & TRAFFIC IS  
VERY CONGESTED DUE TO THE  
PROJECTS PROXIMITY TO 183 (HIGHWAY)  
BIG COMMERCIAL AREA TO OFFICES & 2 BIG  
CHURCHES & MOST TRAVELED WAY FROM  
183 TO 620. NOT GOOD AT ALL!

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

City of Austin

Neighborhood Planning and Zoning Department

Steve Rye,}

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2008-0234

Contact: Steve Rye, 512-974-7604

Public Hearing:

February 17, 2009 Zoning and Platting Commission

Carolyn & Joe Pils

Your Name (please print)

13509 Lois Ln.

Your address(es) affected by this application

Signature

Date

2-13-09

Comments: We strongly object to changing the zoning for these Tracts of land to C-3 & C-4 because any type of commercial business can be built on that land. C-3-C-4 is much more preferable and is much more compatible with our neighborhood.

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City of Austin

Neighborhood Planning and Zoning Department

Steve Rye, }

P. O. Box 1088

Austin, TX 78767-8810

☐ I am in favor  
☒ I object



## INFORMACIÓN DE AUDIENCIA PÚBLICA

Esta petición de zonificación / rezonificación será repasada y acción será tomada de acuerdo a dos audiencias públicas: ante la Comisión de Usos Urbanos y el cabildo municipal. Aunque solicitantes y/o su(s) agente(s) se les requiere atender la audiencia pública, usted no esta bajo requisito de atender. De todos modos, si usted atiende la audiencia pública, tendrá la oportunidad de hablar a FAVOR o EN CONTRA al propuesto desarrollo urbano o cambio de zonificación. Usted también puede contactar a una organización de protección al medio ambiente u organización de vecinos que haya expresado interés en la aplicación teniendo implicaciones a su propiedad.

Durante la audiencia pública, la comisión podría postergar o continuar audiencia del caso en una fecha futura, o puede evaluar la recomendación de los oficiales municipales y las del público al mismo tiempo mandando su recomendación al cabildo municipal. Si la comisión anuncia una fecha y hora específica para postergar o continuar discusión, y no se extiende más de 60 días, no tendrá obligación de otra notificación pública.

El cabildo municipal, durante su audiencia pública, puede otorgar o negar una petición de zonificación, rézonificar el terreno a una clasificación de zonificación menos intensiva que lo que es pedida. En ningún caso se otorgara una clasificación de zonificación más intensiva de la petición.

Para otorgar un desarrollo de usos urbanos mixtos, el cabildo municipal puede agregar la designación USO MIXTO (MU) DISTRITO COMBINADO, *Mixed-use (MU) Combining District*, a ciertos usos urbanos de comercio. La designación MU- Distrito Combinado simplemente permite usos urbanos residenciales en adición a los usos ya permitidos el los siete distritos con zonificación para comercio. Como resultado, la designación MU- Distrito Combinado, otorga la combinación de oficinas, comercio, y usos urbanos residenciales en el mismo sitio.

Para más información acerca del proceso de desarrollo urbano de la ciudad de Austin, por favor visite nuestra página de la Internet:

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

Comentarios escritos deberán ser sometidos a la comisión (o a la persona designada en la noticia oficial) antes o durante la audiencia pública. Sus comentarios deben incluir el nombre de la comisión, la fecha de la audiencia pública, y el número de caso de la persona designada en la noticia oficial.

Número de caso: C14-2008-0234

Persona designada: Steve Rye, 512-974-7604

Audiencia Pública:

February 17, 2009 Zoning and Platting

Commission

☐ I am in favor  
☒ I object

Brenda Snow + Carl Snow

Su nombre (en letra de molde)

13510 Caldwell Dr

Su domicilio(s) afectado(s) por esta solicitud

Firma

Fecha

Comments:

Across West neighbors on Lars Lane  
directly share the boundaries.  
Any "Equipment Maintenance"  
will generate noise (air  
impact wrenches, etc) that will  
significantly impact our  
quality. Noise issues are a  
priority & should not be allowed

Si usted usa esta forma para proveer comentarios, puede retornarlos

a: City of Austin

Neighborhood Planning & Zoning Department

Steve Rye,

P. O. Box 1088

Austin, TX 78767-8810

on properties that  
share share boundaries

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Case Number: C14-2008-0234

Contact: Steve Rye, 512-974-7604

Public Hearing:

February 17, 2009 Zoning and Platting Commission

Howard Feinstein

Your Name (please print)

12103 Swallow Drive Austin

Your address(es) affected by this application

Howard Feinstein

Signature

Date

2-17-09

Comments:

I object to the zoning  
change to CS as by  
definition, it is incompatible  
with residential environments

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

City of Austin

Neighborhood Planning and Zoning Department

Steve Rye,}

P. O. Box 1088

Austin, TX 78767-8810

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**Case Number:** C14-2008-0234

**Contact:** Steve Rye, 512-974-7604

**Public Hearing:**

February 17, 2009 Zoning and Platting Commission

CINDY BARRON

Your Name (please print)

☐ I am in favor  
☒ I object

13602 CALDWELL DRIVE

Your address(es) affected by this application

C. Barron

Signature

2/9/09

Date

Comments:

CS + CR zoning is too  
intense for this property  
because of the residential  
properties that adjoin the  
rear property lines and  
the critical environmental  
features (5 sinkholes) that  
are contained within these  
tracks.

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

City of Austin

Neighborhood Planning and Zoning Department

Steve Rye,}

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2008-0234

Contact: Steve Rye, 512-974-7604

Public Hearing:

February 3, 2009 Zoning and Platting Commission

☐ I am in favor  
☒ I am in object

Bethany UMC  
Your Name (please print)

10010 ANDERSON MILL RD  
Your address(es) affected by this application

Signature

1/3/09  
Date

Comments:

Our concern is how the overall presentation and look of our neighborhood would be affected for the worse.

Property valuation is also a concern.

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

City of Austin

Neighborhood Planning and Zoning Department

Steve Rye,}

P. O. Box 1088

Austin, TX 78767-8810

## PETITION

February 17, 2008

C14-2008-0234

9710 & 9718 Anderson Mill Road

ZFB Subdivision Lot 1

To: Austin City Council

Cc: Zoning & Platting Commission

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 LO-CO.

The CS zoning request for Tract 1 by COA definition is intended predominately for commercial and industrial activities of a service nature having operating characteristics or traffic service requirements generally *incompatible* with residential environments. This tract is bounded on the north by residential properties. Allowing CS zoning would not comply with COA's objectives to provide an acceptable transition from commercial uses to residential properties. The proposed site plan (SP-2008-0090D submitted in the final months prior to full-purpose annexation with the intent to establish an existing use) offers virtually no buffer for the residents located along the northern boundary.

The CR zoning request for Tract 2 by COA definition is intended to provide for the commercial services and recreational needs of tourists and visitors to major recreational areas such as *Lake Travis* or *Lake Austin*. Site development regulations applicable to a CR district use are designed to minimize visual and environmental disruptions of scenic views. This tract is basically hidden from public view and located miles from Lake Austin and quite some distance from Lake Travis; i.e, no scenic views to disrupt and no recreational need established. Again, CR zoning would not be compatible with the surrounding residential, church(s), funeral home, daycare, condo and office properties.

Five sinkholes have been located on these tracts. At least one has been identified by city hydrogeologists to capture and feed stormwater runoff directly into the Edwards Aquifer. Any development or zoning designation should be restricted to protect these critical environmental features. It is critical that restrictive covenants and conditional overlays be referenced and incorporated into the zoning ordinance during this stage of the process to ensure protection of these environmentally sensitive features.

The property in this case is located in the Williamson County portion of Anderson Mill Road (recently annexed 12/31/08) that has not yet been widened and improved. Any new development in this area will, no doubt, impact the safety of anyone who travels this roadway. It's important to note that the current level of traffic accidents in this area averages about three per month due primarily to the fact that there is no center turn lane. Current driveway approaches are too many, too close, and too confusing.

LO permitted uses should be limited to administrative and business offices, art galleries and workshops, professional offices, software development, family home, and religious assembly.

Contact: Cindy Barron 258.2142

C14-2008-0234

R319889

ALLEN, WILLIAM G ETUX

13409 LOIS LN

AUSTIN, TX 78750-2211

S3013 - Acres West Sec 2

2/15/09

R319890

ROBERTSON, KATHLEEN

13411 LOIS LN

AUSTIN, TX 78750-2211

S3013 - Acres West Sec 2

Kathleen Robertson 2/15/09

R319891

STANFORD, ZELMA CASTANEDA &amp; ROBERT STEPHEN

13413 LOIS LN

AUSTIN, TX 78750

S3013 - Acres West Sec 2

Zelma C. Stanford  
Robert S. Stanford 2/15/09

R319893

SMITH, SAMUEL WM

13415 LOIS LN

AUSTIN, TX 78750-2211

S3013 - Acres West Sec 2

Samuel W. Smith  
by  
Barbara Smith 2/15/09

R319892

PAHL, JANET BROWN

13501 LOIS LN

AUSTIN, TX 78750-2213

S3013 - Acres West Sec 2

R056739

BAYLON, ANGELO S &amp; JO ANN

13503 LOIS LN

AUSTIN, TX 78750

S3012 - Acres West

Angelo Baylon 512-250-0782  
Jo Ann Baylon  
2/15/09

R093216  
COOK-WALDEN CHAPEL OF HILLS  
C/O SERV CORP INTL/TAX, FL 8,  
P.O. BOX 130548  
HOUSTON, TX 77219-0548  
9700 ANDERSON MILL RD  
AUSTIN, TX 78750  
S3381 - Chapel Of The Hills, Lot 2

R093218  
REALTEX VENTURES LP  
12880 W STE #D PIONEER PKWY  
ARLINGTON, TX 76013  
9706 ANDERSON MILL RD  
AUSTIN, TX 78750  
S3381 - Chapel Of The Hills, Lot 1

R462469  
BETHANY UNITED METHODIST CHURCH OF AUSTIN  
10010 ANDERSON MILL RD  
AUSTIN, TX 78750-2127  
S8748 - BETHANY TWO

R319887  
MCCORMICK, SEAN  
13405 LOIS LN  
AUSTIN, TX 78750  
S3013 - Acres West Sec 2

*Sean McCormick*

*2/15/09*

R319888  
SHAW, CLIFFORD W & PEGGY A  
13407 LOIS LN  
AUSTIN, TX 78750-2211  
S3013 - Acres West Sec 2

*Clifford W Shaw*  
*Peggy A Shaw*

*2/15/09*



R485525

VEGA, JOHN F

13604 CALDWELL DR UNIT #34

AUSTIN, TX 78750

S9336 - COTTAGES AT LAKE CREEK CONDO

R485526

WEST, JOHNNY F &amp; STARR

13604 CALDWELL DR UNIT #35

AUSTIN, TX 78750

S9336 - COTTAGES AT LAKE CREEK CONDO

Johnny F. + Starr West  
2/16/09

R485527

WALLA, EVA

13604 CALDWELL DR UNIT #36

AUSTIN, TX 78750

S9336 - COTTAGES AT LAKE CREEK CONDO

Eva Walla  
2/18/09

R485528

SCHMITT, THOMAS JAMES &amp; BRENDA SUZAN

13604 CALDWELL DR UNIT #37

AUSTIN, TX 78750

S9336 - COTTAGES AT LAKE CREEK CONDO

Brenda Suzan Schmitt  
2/19/09

R485529

KHAN, ARSHAD &amp; ZARQUA

4308 SINCLAIR AVE

AUSTIN, TX 78756


13604 CALDWELL DR UNIT #38

AUSTIN, TX 78750

S9336 - COTTAGES AT LAKE CREEK CONDO

R056740  
GREEN, WANDA  
13505 LOIS LN  
AUSTIN, TX 78750  
S3012 - Acres West

R056746  
HARDEMAN, BRETT  
13506 CALDWELL DR  
AUSTIN, TX 78750  
S3012 - Acres West

Brett Hardemon 2/15/09  


R493430  
ARBORETUM PARK LTD  
8500 #B101 BLUFFSTONE CV  
AUSTIN, TX 78759  
9719 ANDERSON MILL RD  
AUSTIN, TX 78750  
S9596 - ARBORETUM PARK MASTER CONDO

R056125  
ROWSHAN, ESMAEIL  
6214 NORTHERN DANCER  
AUSTIN, TX 78746  
9725 ANDERSON MILL RD  
AUSTIN, TX 78750  
AW0334 - Irvine, J.C. Sur.

R062053  
UTOPIA VILLAGES LP  
5306 MIDDLE FISKVILLE RD  
AUSTIN, TX 78751  
9801 ANDERSON MILL RD  
AUSTIN, TX 78750  
S3537 - Davis Acres

# PETITION

RE: City of Austin Case #C14-2008-0234

February 17, 2009

Lot/ Block	Wms. Co. ID	Last Name	First Name(s)	Address	Signature(s)	Date
Lt18/BlkA	R056745	Snow	Carl	13510 Caldwell Drive	<i>Carl Snow</i>	
		Snow	Brenda		<i>Brenda Snow</i>	
Lts15-16/BlkB	R056776	Smith	Dan	13511 Caldwell Drive		
		Smith	Barbara			
Lt17/BlkA	R056744	Rotholf	Charlotte	13514 Caldwell Drive	<i>Charlotte Rotholf</i>	2/15/09
Lts13-14/BlkB	R056774	Dittrich	Fred	13515 Caldwell Drive	<i>Fred Dittrich</i>	2/15/09
		Dittrich	Lottie		<i>Lottie Dittrich</i>	2/15/09
Lt16/BlkA	R056743	Porter	Dale	13516 Caldwell Drive	<i>Dale Porter</i>	2/15/09
		Porter	Esther		<i>Esther Porter</i>	2/15/09
Lt12/BlkB	R056773	Stark	Mike	13517 Caldwell Drive	<i>Paul Farmer</i>	2/15/09
		Stark	Cecelia	<i>Cecelia Stark</i>	<i>Paul Farmer</i>	2/15/09
Lt13/BlkA	R056734	Farmer	Paul	13600 Caldwell Drive	<i>Paul Farmer</i>	2/15/09
		Farmer	Dorothy		<i>Dorothy Farmer</i>	2/15/09
Lt11/BlkB	R056772	Morse	Bleeker	13601 Caldwell Drive	<i>Bleeker Morse</i>	2/15/09
		Morse	Catherine		<i>Catherine Morse</i>	2/15/09
Lt2/BlkA	R056733	Barron	Garry	13602 Caldwell Drive	<i>Garry Barron</i>	2/17/09
		Barron	Cindy		<i>Cindy Barron</i>	2/15/09
Lt9/BlkB	R056770	Coffey	Joe	13609 Caldwell Drive		
		Coffey	Sandy			
Lt9B, BlkA, Sec2	R319886	Adams	Austin	13410 Lois Lane	<i>Adams</i>	2/15/09
Lt9A, BlkA, Sec2	R319884	Rinehart	Mark	13412 Lois Lane	<i>Mark Rinehart</i>	2/15/09
		Rinehart	Rebecca		<i>Rebecca Rinehart</i>	2/15/09
Lt8A, BlkA, Sec2	R319883	Herring	Gene	13504 Lois Lane	<i>Gene Herring</i>	2/15/09
		Herring	Jan		<i>Jan Herring</i>	2/15/09
Lt6, BlkA	R056737	McGriff	Mary Kay	13508 Lois Lane	<i>Mary Kay McGriff</i>	2/15/09
Lt15, BlkA	R056742	Pils	Joe	13509 Lois Lane	<i>Joe Pils</i>	2/15/09
		Pils	Carolyn		<i>Carolyn C Pils</i>	2/15/09

NAME <u>Judy Miller</u> ADDRESS <u>13604 Caldwell Dr #1</u> SIGNATURE/DATE <u>J Miller</u> <u>2/16/09</u> HOME # _____ OFC # _____ CELL # <u>512 947-0130</u> E-MAIL <u>judy.miller@pac.com</u>	NAME _____ ADDRESS _____ SIGNATURE/DATE _____ HOME # _____ OFC # _____ CELL # _____ E-MAIL _____
NAME <u>Meagan McKeeman</u> SIGNATURE/DATE <u>2-16-09</u> ADDRESS <u>13604 Caldwell Dr.</u> HOME # <u>52</u> OFC # _____ CELL # <u>512-331-7321</u> E-MAIL <u>Meagan.McKeeman</u>	NAME _____ SIGNATURE/DATE _____ ADDRESS _____ HOME # _____ OFC # _____ CELL # _____ E-MAIL _____
NAME <u>Christine Bechtel</u> SIGNATURE/DATE <u>2/16/09</u> ADDRESS <u>13604 Caldwell Dr #12</u> HOME # <u>22 512-358-2248</u> OFC # _____ CELL # <u>470-7820</u> E-MAIL _____	NAME _____ SIGNATURE/DATE _____ ADDRESS _____ HOME # _____ OFC # _____ CELL # _____ E-MAIL _____
NAME <u>Betty Courtney</u> SIGNATURE/DATE <u>2/16/09</u> ADDRESS <u>13604 Caldwell Dr #63</u> HOME # <u>512 200-2560</u> OFC # _____ CELL # <u>731-9726</u> E-MAIL <u>Betty.Courtney@ny.net.com</u>	NAME _____ SIGNATURE/DATE _____ ADDRESS _____ HOME # _____ OFC # _____ CELL # _____ E-MAIL _____
NAME <u>Christine Scherwin</u> SIGNATURE/DATE <u>2-16-09</u> ADDRESS <u>13604 Caldwell Dr #69</u> HOME # <u>512 394-5884</u> OFC # <u>Same</u> CELL # <u>Same</u> E-MAIL <u>Chris.scherwin@</u> <u>mccombs.utexas.edu</u>	NAME _____ SIGNATURE/DATE _____ ADDRESS _____ HOME # _____ OFC # _____ CELL # _____ E-MAIL _____
NAME <u>JOHN GUSKY</u> SIGNATURE/DATE <u>John G</u> <u>2/16/09</u> ADDRESS <u>13604 Caldwell Dr</u> HOME # <u>39</u> OFC # <u>454-2083</u> CELL # <u>944-5193</u> E-MAIL <u>JOHNGUSKY@KVUD.COM</u>	NAME _____ SIGNATURE/DATE _____ ADDRESS _____ HOME # _____ OFC # _____ CELL # _____ E-MAIL _____

NAME <u>David T. Jr.</u> ADDRESS <u>13604 Caldwell Dr. #47 Austin TX 78750</u> SIGNATURE/DATE <u>[Signature] 2/16/09</u> HOME # <u>47</u> OFC # _____ CELL # <u>512-942-496</u> E-MAIL _____	NAME _____ ADDRESS _____ SIGNATURE/DATE _____ HOME # _____ OFC # _____ CELL # _____ E-MAIL _____
NAME <u>Claude E Peggy Karstendiek</u> SIGNATURE/DATE <u>[Signature] 2/16/09</u> ADDRESS <u>13604 Caldwell Unit 48</u> HOME # <u>48 (512) 358-1817</u> OFC # _____ CELL # <u>(989) 430-9339</u> E-MAIL <u>pkarstendiek@att.net</u>	NAME _____ SIGNATURE/DATE _____ ADDRESS _____ HOME # _____ OFC # _____ CELL # _____ E-MAIL _____
NAME <u>Monther Wahhab</u> SIGNATURE/DATE <u>[Signature] 2/16/09</u> ADDRESS <u>13604 Caldwell Dr #70</u> HOME # <u>(512) 331-6014</u> OFC # _____ CELL # <u>(512) 663-1972</u> E-MAIL <u>wahhabm@hotmail.com</u>	NAME _____ SIGNATURE/DATE _____ ADDRESS _____ HOME # _____ OFC # _____ CELL # _____ E-MAIL _____
NAME _____ SIGNATURE/DATE _____ ADDRESS _____ HOME # _____ OFC # _____ CELL # _____ E-MAIL _____	NAME _____ SIGNATURE/DATE _____ ADDRESS _____ HOME # _____ OFC # _____ CELL # _____ E-MAIL _____
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