

1                                   **ORDINANCE NO. \_\_\_\_\_**  
2  
3

4   **AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE**  
5   **PROPERTY LOCATED AT 2301, 2303 AND 2305 WESTERN TRAILS**  
6   **BOULEVARD FROM FAMILY RESIDENCE (SF-3) DISTRICT TO**  
7   **NEIGHBORHOOD OFFICE-MIXED USE-CONDITIONAL OVERLAY (NO-MU-**  
8   **CO) COMBINING DISTRICT.**  
9

10       **BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**  
11

12   **PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to  
13   change the base district from family residence (SF-3) district to neighborhood office-mixed  
14   use-conditional overlay (NO-MU-CO) combining district on the property described in  
15   Zoning Case No. C14-2010-0044, on file at the Planning and Development Review  
16   Department, as follows:  
17

18       Lots 14, 15 and 16, Block F, Western Trails Section 9 Subdivision, a subdivision  
19       in the City of Austin, Travis County, Texas, according to the map or plat of record  
20       in Plat Book Volume 21, Page 29, of the Plat Records of Travis County, Texas (the  
21       “Property”),  
22

23       locally known as 2301, 2303 and 2305 Western Trails Boulevard in the City of Austin,  
24       Travis County, Texas, and generally identified in the map attached as Exhibit “A”.  
25

26   **PART 2.** The Property within the boundaries of the conditional overlay combining district  
27   established by this ordinance is subject to the following conditions:  
28

29       A site plan or building permit for the Property may not be approved, released, or issued,  
30       if the completed development or uses of the Property, considered cumulatively with all  
31       existing or previously authorized development and uses, generate traffic that exceeds  
32       2,000 trips per day.  
33

34       Except as specifically restricted under this ordinance, the Property may be developed and  
35       used in accordance with the regulations established for the neighborhood office (NO) base  
36       district, and other applicable requirements of the City Code.  
37  
38  
39  
40

1 **PART 3.** This ordinance takes effect on \_\_\_\_\_, 2010.  
2  
3

4 **PASSED AND APPROVED**  
5

6 \_\_\_\_\_, 2010  
7

§  
§  
§

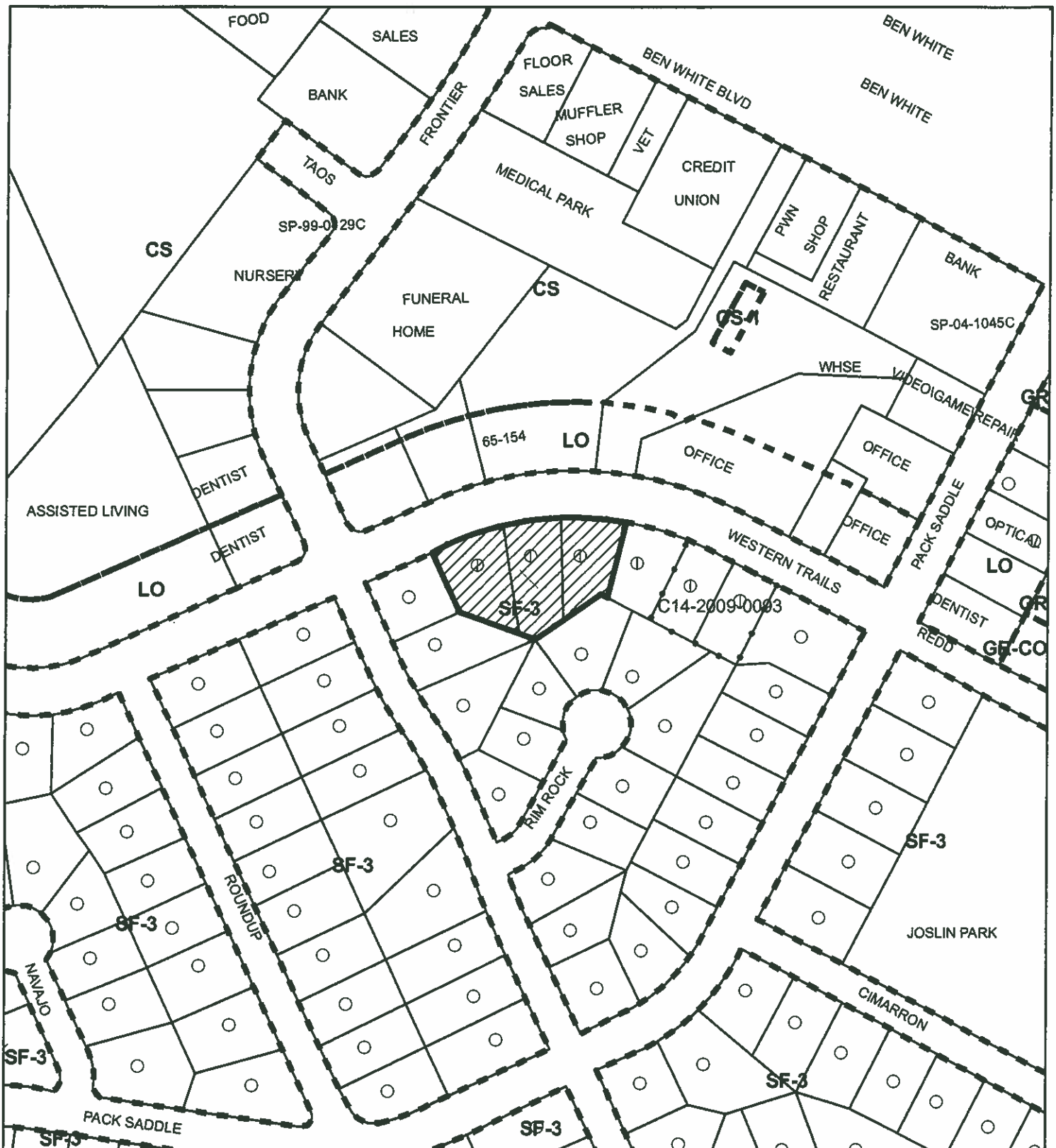
Lee Leffingwell  
Mayor

10 **APPROVED:** \_\_\_\_\_  
11  
12




Karen M. Kennard  
Acting City Attorney

**ATTEST:** \_\_\_\_\_

Shirley A. Gentry  
City Clerk



# Legend

-  SUBJECT TRACT
-  PENDING CASE
-  ZONING

SCALE: 1" = 200'

## ZONING

CASE NUMBER: C14-2010-0044  
 ADDRESS: 2301, 2303 & 2305 WESTERN TRAILS BLVD  
 AREA: 0.7903 AC.  
 GRID: F19  
 CASE MGR: W. RHOADES



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

**RESTRICTIVE COVENANT**

OWNER(S): Kristine Alpert  
Wilfred W. Kellas, Jr.  
Janet D. Sullivan and Joe M. Sullivan, Jr.

ADDRESS: See Below

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

PROPERTY: Lots 14, 15, and 16, Block F, Western Trails Section 9 Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Volume 21, Page 29, of the Plat Records of Travis County, Texas.

WHEREAS, the Owners (the "Owner", whether one or more) of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions;

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

1. A site plan or building permit for the Property may not be approved, released, or issued, if construction of any additional parking area does not comply with the criteria set forth in Section 1.6.7.E of the Environmental Criteria Manual (*Porous Pavement for Pedestrian Use*).
2. If any person or entity shall violate or attempt to violate this Agreement, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such Agreement, to prevent the person or entity from such actions, and to collect damages for such actions.
3. If any part of this Agreement is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this Agreement, and such remaining portion of this Agreement shall remain in full effect.
4. If at any time the City of Austin fails to enforce this Agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.

5. This Agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, and (b) by the owner(s) of the Property, or a portion of the Property, subject to the modification, amendment or termination at the time of such modification, amendment or termination.

EXECUTED this the \_\_\_\_\_ day of \_\_\_\_\_, 2010.

**OWNER:**

\_\_\_\_\_  
Kristine Alpert

Address: 8000 Landsman Dr.  
Austin, TX 78736

\_\_\_\_\_  
Wilfred W. Kellas, Jr.

Address: 5904 Burleson Rd.  
Austin, TX 78744

\_\_\_\_\_  
Joe M. Sullivan, Jr.

\_\_\_\_\_  
Janet D. Sullivan

Address: 1004 Lorrain St.  
Austin, TX 78703

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Assistant City Attorney  
City of Austin

COUNTY OF TRAVIS §

**Notary Public, State of Texas**

COUNTY OF TRAVIS §

Notary Public, State of Texas

COUNTY OF TRAVIS §

Notary Public, State of Texas

COUNTY OF TRAVIS §

**Notary Public, State of Texas**

### Restrictive covenant-Western Trails