

ZONING CHANGE REVIEW SHEET

CASE: C14-2010-0199 – C G & S Corral

Z.A.P. DATE: February 15, 2011

March 1, 2011

March 15, 2011

April 19, 2011

ADDRESS: 402 Corral Lane

OWNER: C G & S Construction, Inc.
(C. Wm. "Billy" Guerrero)

AGENT: Jim Bennett Consulting
(Jim Bennett)

ZONING FROM: SF-2

TO: CS-MU-CO

AREA: 1.58 acres

SUMMARY STAFF RECOMMENDATION:

The Staff's recommendation is to deny general commercial services – mixed use – conditional overlay (CS-MU-CO) combining district zoning and to maintain single family residence standard lot (SF-2) district zoning.

If zoning that is less restrictive than SF-3 is granted for this site, then 35 feet of right-of-way from the existing centerline of Corral Lane should be dedicated in accordance with the Transportation Criteria Manual. LDC 25-6-55(b) and (c).

ZONING & PLATTING COMMISSION RECOMMENDATION:

February 15, 2011: *MEETING CANCELLED; CASE RE-NOTIFIED FOR MARCH 1, 2011*

March 1, 2011: *APPROVED A POSTPONEMENT BY THE APPLICANT TO MARCH 15, 2011*

[C. BANKS; G. BOURGEOIS – 2ND] (6-0) 1 VACANCY ON THE COMMISSION

March 15, 2011: *APPROVED A POSTPONEMENT BY THE STAFF TO APRIL 19, 2011*

[D. TIEMANN; P. SEEGER – 2ND] (6-0) 1 VACANCY ON THE COMMISSION

April 19, 2011:

ISSUES:

The Staff is requesting a postponement of the case until April 19, 2010 in order to further examine the issue of an amnesty Certificate of Occupancy.

A valid petition of 59.96% has been filed by the adjacent property owners in opposition to this rezoning request. Petition material is provided at the back of the packet.

On February 1, 2010, the Applicant submitted a site development exemption request for an amnesty certificate of occupancy for the construction sales and service use. (The purpose of an amnesty Certificate of Occupancy is to verify that the use existed prior to annexation in December 1975.) In the absence of official documentation that the use existed prior to annexation, the exemption request was denied by Staff on February 26, 2010. Several affidavits from persons familiar with the Guerrero family and their construction business dating back to the 1960's and 1970's are attached at the back of the Staff report.

On April 19, 2010, the property owner received a Notice of Violation for lacking a Certificate of Occupancy and using SF-2 zoned property for commercial purposes.

The Applicant would like to discuss the Staff recommendation.

DEPARTMENT COMMENTS:

The subject rezoning area consists of two platted lots located approximately mid-block on Corral Lane within the Circle S Ridge subdivision. Development on the property includes a three-unit apartment building, a contractor's office, construction sales and service use, and a warehouse (SF-2). The lots to the east and west on Corral Lane consist of single family residences (SF-2; SF-3). The land across Corral Lane to the south consists of undeveloped land, a general contracting company, a class ring company and accessory parking areas (LI). To the north there are single family residences and manufactured homes (SF-2) that front on Chaparral Road. The corner lots of Chaparral Road and Corral Lane at the IH 35 service road are developed with an automobile sales business and a convenience storage use, respectively. Please refer to Exhibits A and A-1.

The Applicant has requested general commercial services – mixed use – conditional overlay (CS-MU-CO) combining district zoning as a step towards clearing the Notice of Violation. A site plan showing the improvements and customer parking areas is a subsequent step in the development process. The construction sales and services use is first permitted as a conditional use in the warehouse / limited office (W/LO) district and allowed by right in the CS district.

In consideration of the Applicants' request, the Staff examined the existing land use character, Travis County Appraisal District (TCAD) records, aerial photography and reviewed previous rezoning cases on Chaparral Road and Corral Lane from the late 1970's forward. TCAD records indicate that a single family residence was constructed on the east lot in 1963, and a second, two-story residence (presently the three-unit apartment building) was constructed on the west lot in 1974, prior to annexation. (Aerial photography and zoning maps indicate that there was a residence on the west lot by the mid-1980's although it is unclear if it contained more than one unit.) TCAD records also indicate that the warehouse structure and a detached storage structure were built in 1977.

CS zoning was requested in ten of the twelve cases as summarized in the Case Histories table that begins on Page 3. With the exception of the two corner lots located at the IH-35 frontage road and Chaparral Road / Corral Lane, all other requests for CS zoning have not

been recommended by Staff on the basis that it would introduce intensive commercial zoning into an established single family residential neighborhood. To this end, Staff is unable to recommend the Applicant's request for CS zoning because the zoning and use is incompatible with the adjacent single family residences to the west and north, and would set precedent. The Circle "S" Ridge subdivision that contains the rezoning area was originally platted for residential development, and proposes some challenges in order to redevelop with commercial uses. If CS zoning is granted, this site will have to comply with CS site development standards, which includes a 25 feet setback from SF-6 or more restrictive district and any single family residence.

The Staff recommends maintaining SF-2 zoning on the basis that any additional residential units which can be proven to have existed prior to annexation would be considered a non-conforming use. Based on TCAD records, an office / construction sales and services use may have been located on the property shortly after annexation, but the type of development, associated activities, including truck traffic and vehicle trip generation are incompatible with the surrounding residences.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-2	Three-unit apartment building; Warehouse; Office; Construction sales and services
<i>North</i>	SF-2	Single family residences; Manufactured homes
<i>South</i>	LI	Class Ring company; General contractor; Parking areas
<i>East</i>	SF-2	Single family residences
<i>West</i>	SF-2	Single family residences

AREA STUDY: N/A

TIA: Is not required

WATERSHED: South Boggy Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

26 – Far South Austin Community Association
 511 – Austin Neighborhoods Council
 627 – Onion Creek Homeowners Association
 742 – Austin Independent School District
 786 – Home Builders Association of Greater Austin
 1037 – Homeless Neighborhood Association
 1075 – League of Bicycling Voters
 1113 – Austin Parks Foundation
 1200 – Super Duper Neighborhood Objectors and Appealers Organization
 1224 – Austin Monorail Project
 1228 – Sierra Club, Austin Regional Group
 1236 – The Real Estate Council of Austin, Inc.

SCHOOLS:

Pleasant Hill Elementary School

Bedichek Middle School

Crockett High School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-06-0135 – Private Mini Storage – 604 and 700 Corral Ln.; 7116 S IH 35 Service Road SB	SF-2; SF-3 to CS	Case withdrawn by the Applicant	Not Applicable
C14-03-0092 – Hackney No. 1 – 701 Chaparral Road	SF-2; SF-3 to LO-MU-CO, as amended from CS	To Grant LO-MU-CO with the CO prohibiting access to Chaparral.	Denied LO-MU-CO, therefore SF-2 and SF-3 are maintained (11-20-03).
C14-03-0091 – Hackney No. 2 – 700 Chaparral Rd., also rel. to C14-94-0084 and C14-99-0123	NO-MU-CO; SF-2 to GR-CO, as amended from CS	Approved GR-CO with CO prohibiting access to Chaparral Road and providing for a 2,000 trip limit (8-26-03).	Approved GR-CO for the easternmost lot only, with the CO for 2,000 trips and prohibiting access to Chaparral Road (11-20-03).
C14-99-0117 – 6 contiguous lots on south side of Chaparral Rd	SF-2 to CS-CO	Approved staff recommendation to deny the proposed request (Vote: 8-0-1, one abstention). 9-14-99.	Expired administratively on 9-18-00.
C14-79-061 – 2 lots on the south side of Chaparral Rd.	Interim “AA” Residence, First Height and Area to “C” Commercial,	To Deny “C” Commercial, First Height and Area, but to Grant “A” Residence, First Height and Area	Approved “AA” First Height and Area (5-17-79).

	First Height and Area, as amended		
C14-94-0084 – 3 lots on the north side of Chaparral Rd., also rel. to C14-99-0123 and C14-03-0091	SF-2 to NO-MU	Approved NO-MU-CO. The CO limits trips to 600 per day (Vote: 9-0). (8-23-94)	Approved P.C. recommendation (Vote: 5-0). (2-1-96).
C14-99-0123 – 3 lots on the north side of Chaparral Rd., also rel. to C14-94-0084 and C14-03-0091	NO-MU-CO to CS	Approved staff recommendation to deny the proposed request (Vote: 8-0). (10-26-99)	Expired administratively on 11-13-00.
C14-03-0091 – 4 lots on the north side of Chaparral Rd., also related to C14-94-0084 and C14-99-0123	NO-MU-CO; SF-2 to CS	Approved GR-CO with CO prohibiting access to Chaparral Road and providing for a 2,000 trip limit (8-26-03).	Approved GR-CO for the easternmost lot only, with the CO for 2,000 trips and prohibiting access to Chaparral Road (11-20-03).
C14-95-0184 – NW corner of IH-35 and Chaparral Rd.	SF-2 to CS	Granted CS zoning (1-9-96)	Approved CS zoning (2-1-96)
C14-79-288 – Corner of IH-35 and Chaparral Rd.	Interim "A" Residence, Interim First Height and Area to "C" Commercial,	Granted "C" Commercial, First Height and Area for all of property, save and except a 10 foot strip along the westernmost and northernmost boundaries that	Approved PC recommendation (2-14-80)

	First Height and Area	was approved for "A" Residence, First Height and Area	
C14-78-230 – Corner of IH-35 and Corral Ln.	Interim "AA" Residence, Interim First Height and Area to "C" Commercial, First Height and Area		Approved "C" Commercial, First Height and Area, save and except the western 10' and the southern 25' which was approved for A" Residence, First Height and Area (5-3-79).
C14-84-232 – 304 and 308 Corral Lane	Interim "AA" First Height and Area to "A" Residence, First Height and Area, as amended	Approved "A" Residence, First Height and Area (9/5/84)	Approved "A" Residence, First Height and Area (11/15/84).

RELATED CASES:

The property is platted as Lots 32 and 33, Block A of the Circle "S" Ridge Section 1 subdivision, recorded on September 1946 (C8-1946-1780). Please refer to Exhibit B.

The property was annexed on December 21, 1975.

ABUTTING STREETS:

Name	ROW	Pavement	Class	Sidewalk?	Bus Route?	Bike Route?
Corral Lane	50 feet	20 feet	Local	No	No	No

CITY COUNCIL DATE: March 24, 2011

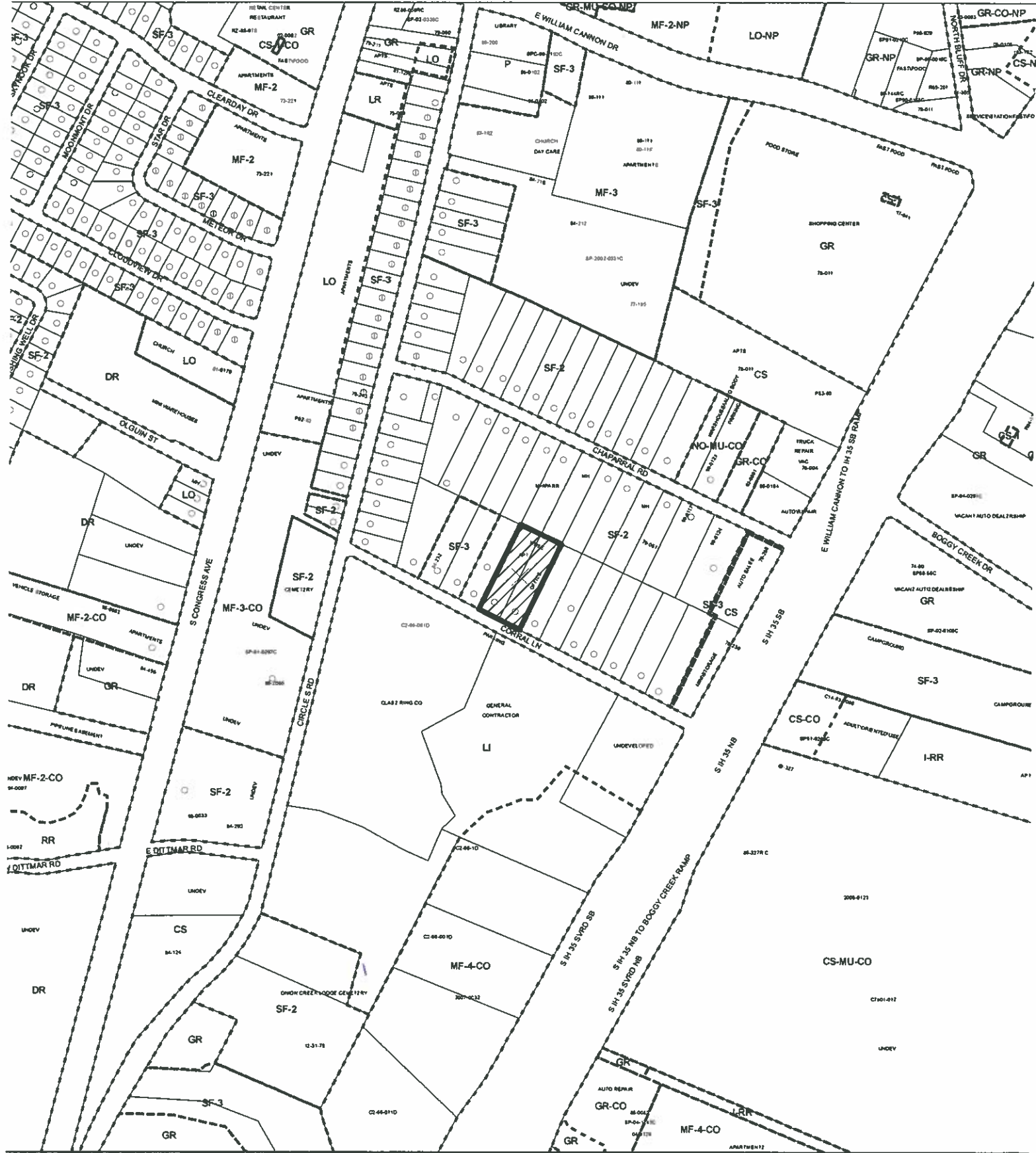
ACTION:

ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

CASE MANAGER: Wendy Rhoades
e-mail: wendy.rhoades@ci.austin.tx.us

PHONE: 974-7719



ZONING

Exhibit A

ZONING CASE#: C14-2010-0199
LOCATION: 402 CORRAL LN.
SUBJECT AREA: 1.58 AC.
GRID: G15
MANAGER: WENDY RHOADES

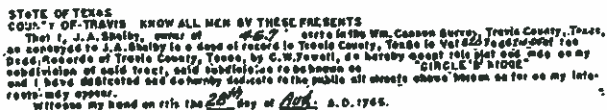


- SUBJECT TRACT
- PENDING CASE
- ZONING BOUNDARY

1' = 400'

This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.





Emilia Limberg
Miss Emilia Limberg, Clerk, County Court of Tarrant County, Texas.
By John A. Smith
Attorney

STATE OF TEXAS
COUNTY OF TRAVIS I, Miss Emilio Limero, Clerk of the County Court with and for the
county and state aforesaid, do hereby certify that the within foregoing instrument of writing with
its certificate of authentication was filed for record in my office on the 14 day of October A.D. 1968
at 11:00 a.m. and duly recorded in the 14 day of October A.D. 1968 of Book 2
in the 14th Record of said county in Plot Book 14 Page 265
Witness my hand and Seal of the County Court of said County the date last written above.

Miss Emma Limberg, Clerk, County Court of Travis County, Texas
By Edwin Pruitt
Deputy

APPROVED BY THE CITY PLANNING COMMISSION
Date 7-24-77 H. L. Lush
City Planner
Date 7-24-77 W. G. Gutterman
Commissioner

STATE OF TEXAS
COUNTY OF TEXAS
I, Richard L. Williams, County Clerk of Travis County, Texas.
do hereby certify that on the 14th day of January, 1946 The
Commissioners Court of Travis County, Texas, passed an order
authorizing the undersigned to place and seal a paper and
in the 14th day of January, 1946
at my hand and seal of office this 14th day of
January, 1946
Richard L. Williams
County Clerk, Travis County, Texas
By W. H. Williams

[illegible]

CIRCLE "S" RIDGE

68-1946-1780

EXHIBIT B
RECORDED PLAT

SUMMARY STAFF RECOMMENDATION:

The Staff's recommendation is to deny general commercial services – mixed use – conditional overlay (CS-MU-CO) district zoning and to maintain single family residence standard lot (SF-2) district zoning.

If zoning that is less restrictive than SF-3 is granted for this site, then 35 feet of right-of-way from the existing centerline of Corral Lane should be dedicated in accordance with the Transportation Criteria Manual. LDC 25-6-55(b) and (c).

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*

Applicant's Request: The general commercial services (CS) district is intended predominantly for commercial and industrial activities of a service nature having operating characteristics or traffic service requirements generally incompatible with residential environments. The CS district is best suited for uses located at intersections of arterial roadways or arterials with collector status. The intention is to promote safe and efficient use of transportation facilities. MU – Mixed Use combining district is intended for combination with selected base districts, in order to permit any combination of office, retail, commercial, and residential uses within a single development.

Staff recommendation: The single family residence standard lot (SF-2) district is intended for a moderate density single-family residential use on a lot that is a minimum of 5,750 square feet. This district is appropriate for existing single-family neighborhoods having moderate sized lots or to new development of single-family housing areas with minimum land requirements.

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

The Staff recommends maintaining SF-2 zoning on the basis that any additional residential units which can be proven to have existed prior to annexation would be considered a non-conforming use. Based on TCAD records, an office / construction sales and services use may have been located on the property after annexation, but the type of development, associated activities, including truck traffic and vehicle trip generation are incompatible with the surrounding residences.

EXISTING CONDITIONS**Site Characteristics**

The site consists of a three-unit apartment building, an office and construction sales and service use, and a warehouse.

Impervious Cover

Within the South Boggy Creek watershed, the maximum impervious cover allowed by the CS zoning district would be 80%, which is based on the more restrictive watershed regulations.

Environmental

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

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

According to flood plain maps there is no floodplain within or adjacent to the project boundary.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:

- Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

Transportation

Dedicate 35 feet of right-of-way from the existing centerline of Corral Lane in accordance with the Transportation Criteria Manual. LDC, 25-6-55(b),(c). Provide a set of sealed field notes showing right-of-way to be dedicated. Field notes must be verified before the deed is recorded.

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

Water and Wastewater

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility for compliance with City criteria. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

Site Plan and Compatibility Standards

After rezoning, the abutting lot lines for properties zoned or used for single family use will trigger compatibility setbacks and will limit height of any proposed projects.

The site is subject to compatibility standards. Along the north, east and west property lines, the following standards apply:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

Additional design regulations will be enforced at the time a site plan is submitted.

Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

TITLE STATE OF TEXAS }
COUNTY OF TRAVIS }

AFFIDAVIT

That I **LESTER CONLEY**, being the chief financial officer for Capital Company, located at 8723 North Lamar Blvd, Austin, TX 78753 which has been in business since 1960, on my oath deposes and say that:

" I am very familiar with the use and history of the property located at 402 Corral Lane, Austin, Travis County, Texas 78745.

I have known the Guerrero family and the current CG&S Construction, Inc. remodeling business since 1963 through the present time being 2010. Since 1963 to the present I have supplied sheet metal supplies to the Guerrero family and their business at their present location at 402 Corral Lane which they used as their construction and remodeling business.

They continue to this date to use the property and the improvements to store construction supplies, equipment and all other items necessary for the business, including working from this property.

To my knowledge by my doing business with the Guerrero family that they openly did and still use the property for the pursuance of the construction sales and service business since I started doing business with them in 1964"

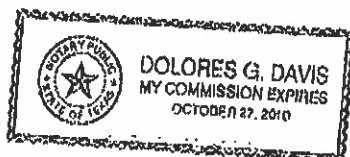
Dated: August 17, 2010.

Lester C. Conley
LESTER CONLEY

SWORN TO AND SUBSCRIBED BEFORE ME by **LESTER CONLEY**
this 17 day of August, 2010 to certify which witness my hand and seal of
office.

Dolores G. Davis

Notary Public in and for the State of Texas



THE STATE OF TEXAS }

COUNTY OF TRAVIS }

AFFIDAVIT

That I, **RICHARD J. LaFUENTE**, presently residing at 6106 Club Terrace, Austin, Texas 78741 on my oath deposes and say that:


"I am very familiar with the use and history of the property located at 402 Corral Lane, Austin, Travis County, Texas 78745.

From the years 1972 through 1980 I was the lead carpenter for the Guerrero family that operated their construction and remodeling business from the property at 402 Corral Lane.

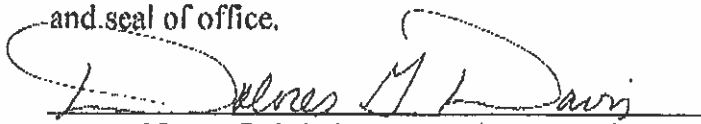
When I started working as a lead carpenter in 1972 they were operating their construction sales and service business as sole proprietors from this property. They used the property and the improvements to store construction supplies, equipment and all other items necessary for the business, including working from this property. When I left in 1980 the use of the property at 402 Corral Lane had not changed.

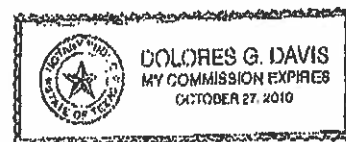
To my knowledge by my working for the Guerrero family that they openly did and still use the property since 1972 for the pursuance of the construction sales and service business."

Dated: August 13th 2010.


RICHARD J. LaFUENTE

SWORN TO AND SUBSCRIBED BEFORE ME by **RICHARD J. LaFUENTE** this _____ day of August, 2010 to certify which witness my hand and seal of office.


Notary Public in and for the State of Texas



THE STATE OF TEXAS }
COUNTY OF TRAVIS }

AFFIDAVIT

That I **JERRY BYRUM**, being the sales director for Ferguson Enterprises, Inc., located at 700 St. Elmo Road, Austin, Texas 78745 on my oath deposes and say that:

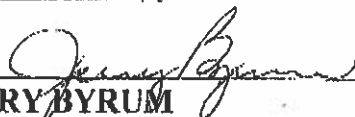
" I am very familiar with the use and history of the property located at 402 Corral Lane, Austin, Travis County, Texas 78745.

I have known the Guerrero family and the current CG&S Construction, Inc. remodeling business since 1963 through the present time being 2010. Since 1963 I have supplied plumbing supplies to the Guerrero family and their business at their present location at 402 Corral Lane which they used as their construction and remodeling business.

They continue to this date to use the property and the improvements to store construction supplies, equipment and all other items necessary for the business, including working from this property.


To my knowledge by my doing business with the Guerrero family that they openly did and still use the property for the pursuance of the construction sales and service business since I started doing business with them in 1964"

Dated: August 12, 2010.

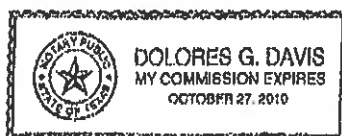


JERRY BYRUM

SWORN TO AND SUBSCRIBED BEFORE ME by **JERRY BYRUM** this 12 day of August, 2010 to certify which witness my hand and seal of office.



Notary Public in and for the State of Texas



THE STATE OF TEXAS }

COUNTY OF TRAVIS }

AFFIDAVIT

That I **STEVE SCHUTZE**, being the owner of The Schutze Agency, an insurance business, located at 1101 South Congress Avenue, Austin, Texas on my oath deposes and say that:

" I am very familiar with the use and history of the property located at 402 Corral Lane, Austin, Travis County, Texas 78745.

From the years 1970 through 1995 I placed general liability insurance for the Guerrero's and their company CG& S Construction, Inc. which was owned by the Guerrero family that operated their construction and remodeling business from the property at 402 Corral Lane.

In or about 1970 to my knowledge they were operating their construction sales and service business as sole proprietors from this property. They used the property and the improvements to store construction supplies, equipment and all other items necessary for the business, including working from this property. In 1987 they incorporated into CG& S Construction, Inc., with the CG&S standing for Clarence Guerrero and sons.

To my knowledge by my doing business with the Guerrero family that they openly did and still use the property for the pursuance of the construction sales and service since I started doing business with them in 1970. "

Dated: August 10th, 2010.

Steve Schutze
STEVE SCHUTZE

SWORN TO AND SUBSCRIBED BEFORE ME by **STEVE SCHUTZE**
this 10th day of August, 2010 to certify which witness my hand and seal of
office.

Janet W. Winkler
Notary Public in and for the State of Texas

THE STATE OF TEXAS }

COUNTY OF TRAVIS }

AFFIDAVIT

That we **GENE BLUMEYER** and **JOYCE BLUMEYER**, presently residing at 508 Corral Lane, Austin, Travis County, Texas 78745 on our oath deposes and say that:

“ We have been residing at 508 Corral Lane, Austin, Travis County, Texas 78745 continuously since the year 1967.

We are familiar with the Guerrero family and their construction businesses that they have operated continuously from and at 402 Corral Lane since we have been their neighbors since 1967. This included the use of the residence that was on the property in 1967, as well as their continued use of the property since 1967 to the present to use the property and the improvements to store construction supplies, equipment, other items necessary for the business, including working from this property as construction offices.

We are aware of the fact that an application of amnesty is being applied for by The Warrior Company, a Texas limited partnership owned by William and Mary Guerrero of this Guerrero family. We also have no objection as a neighbor residing by the subject property of such application.

Therefore to our knowledge as stated in this Affidavit from 1967 to the present the property at 402 Corral Lane has always been owned and operated openly by the Guerrero family for the pursuance of the construction sales and service business.”

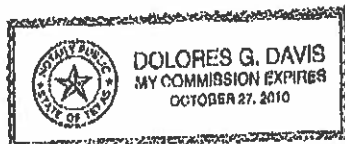
Dated: August 12, 2010.


GENE BLUMEYER


JOYCE BLUMEYER

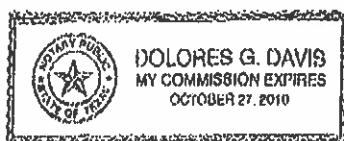
SWORN TO AND SUBSCRIBED BEFORE ME by **GENE BLUMEYER**
this 12 day of August, 2010 to certify which witness my hand and seal of
office.

Dolores G. Davis
Notary Public in and for the State of Texas



SWORN TO AND SUBSCRIBED BEFORE ME by **JOYCE BLUMEYER** this 12 day of August, 2010 to certify which witness my
hand and seal of office.

Dolores G. Davis
Notary Public in and for the State of Texas



THE STATE OF TEXAS }

COUNTY OF TRAVIS }

AFFIDAVIT

On this day CLARENCE GUERRERO and STELLA GUERRERO, being husband and wife ("Affiants"), whose present address is at 1401 Rich Lane, Buda, Hays County, Texas 78610 on our oath deposes and says that:

"We are the original owners of the property known as 402 Corral Lane, Austin, Travis County, Texas for which an application of amnesty is being applied for by The Warrior Company., a Texas limited partnership.

That we purchased the property on October 22, 1959, with a certified copy of the Deed attached hereto as Exhibit A.

That in 1963 we built a residence on the property and at that time we started a construction sales and service business as sole proprietors from this residence. We used the property and the improvements thereafter to store construction supplies, equipment and all other items necessary for the business, including working from this property. In 1987 on the advice of Theodore E. Comsudi, Attorney at Law, whose present address is at 5806 Mesa Drive, Suite 330, Austin, Texas 78731, after reviewing our personal income returns and this sole proprietorship listed on Schedule C of our return he advised us that it would be better if we incorporated this business located at 402 Corral Lane, Austin, Travis County, Texas 78745.

The business was incorporated on July 1, 1987 with us and our sons as the owners as CG&S Construction, Inc., being for Clarence Guerrero & Sons.

From 1963 to the present the property has always been owned and operated openly by our family for the pursuance of the construction sales and service. The use of this property for these purposes has been continuance since 1963 and well before the City of Austin annexation date of December 31, 1975.

Furthermore we had an employee being RICHARD LAFUENTE, who worked for us at this business property in this construction business from 1963 until 1975, who is still alive and residing at 4106 Club Terrace Montopolis."

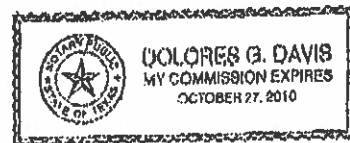
Dated: May August 11, 2010. Austin, Tx. 78741

Clarence Guerrero
CLARENCE GUERRERO

Stella Guerrero
STELLA GUERRERO

SWORN TO AND SUBSCRIBED BEFORE ME by CLARENCE
GUERRERO this 11 day of ~~May~~^{August}, 2010 to certify which witness my
hand and seal of office.

Dolores G. Davis

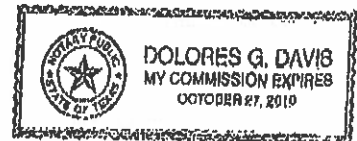


Notary Public in and for the State of Texas

SWORN TO AND SUBSCRIBED BEFORE ME by STELLA GUERRERO this
11 day of ~~May~~^{August}, 2010 to certify which witness my hand and seal of office.

Dolores G. Davis

Notary Public in and for the State of Texas



THE STATE OF TEXAS }
COUNTY OF TRAVIS }

AFFIDAVIT

That I **DARLENE MERCER** presently residing at 6801 Circle S Road, Austin, Travis County, Texas 78745 on my oath deposes and say that:

" I have been residing at 6801 Circle S Road, Austin, Travis County, Texas 78745 continuously since 1959 and am a neighbor to the property located at 402 Corral Lane, Austin, Texas 78745.

I am familiar with the Guerrero family and their construction business that they have operated continuously from and at 402 Corral Lane since I have been their neighbor since the 1950's. This included the use of the residence that was on the property in 1963, as well as their continued use of the property since 1963 to the present to use the property and the improvements to store construction supplies, equipment, other items necessary for the business.

Furthermore I have hired them on several occasions for remodeling projects.

I am aware of the fact that an application of amnesty is being applied for by The Warrior Company, a Texas limited partnership owned by William and Mary Guerrero of this Guerrero family. I also have no objection as a neighbor residing by the subject property of such application.

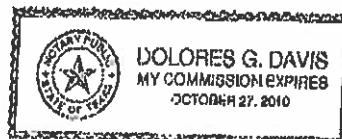
Therefore to my knowledge as stated in this Affidavit that prior to 1975 and to the present the property at 402 Corral Lane has always been owned and operated openly by the Guerrero family for the pursuance of the construction sales and service business."

Dated: August 16, 2010.

Darlene Mercer
DARLENE MERCER

SWORN TO AND SUBSCRIBED BEFORE ME by **DARLENE MERCER**
this 16 day of August, 2010 to certify which witness my
hand and seal of office.

Dolores G. Davis
Notary Public in and for the State of Texas



THE STATE OF TEXAS }

COUNTY OF TRAVIS }

AFFIDAVIT

That I **ELSIE THEIM** presently residing at 504 Corral Lane, Austin, Travis County, Texas 78745 on my oath deposes and say that:

" I have been residing at 504 Corral Lane, Austin, Travis County, Texas 78745 continuously since the 1950's.

I am familiar with the Guerrero family and their construction business that they have operated continuously from and at 402 Corral Lane since I have been their neighbor since the 1950's. This included the use of the residence that was on the property in 1963, as well as their continued use of the property since 1963 to the present to use the property and the improvements to store construction supplies, equipment, and other items necessary for the business.

I am aware of the fact that an application of amnesty is being applied for by The Warrior Company, a Texas limited partnership owned by William and Mary Guerrero of this Guerrero family. I also have no objection as a neighbor residing by the subject property of such application.

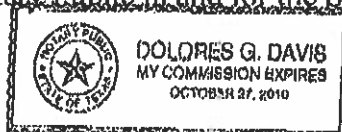
Therefore to my knowledge as stated in this Affidavit from 1963 to the present the property at 402 Corral Lane has always been owned and operated openly by the Guerrero family for the pursuance of the construction sales and service business."

Dated: August 16, 2010.

Elsie Theim
ELSIE THEIM

SWORN TO AND SUBSCRIBED BEFORE ME by **ELSIE THEIM** this 16 day of August, 2010 to certify which witness my hand and seal of office.

Dolores G. Davis
Notary Public in and for the State of Texas



THE STATE OF TEXAS }
COUNTY OF TRAVIS }

AFFIDAVIT

That we **TOMMIE HAFELDER**, being a former member of the Austin, Texas police department from 1971 through 1995, and **MARGARET HAFELDER**, presently residing at 265 Union Chapel Road, Cedar Creek, Texas 78612 on our oath deposes and say that:

" We are familiar with the Guerrero family and their construction businesses that they have operated continuously from and at 402 Corral Lane since we have known them prior to 1975. This included the use of the residence that was on the property in 1967, as well as their continued use of the property since 1967 to the present to use the property and the improvements to store construction supplies, equipment, other items necessary for the business, including working from this property as construction offices.

We are aware of the fact that an application of amnesty is being applied for by The Warrior Company, a Texas limited partnership owned by William and Mary Guerrero of this Guerrero family.

Therefore to our knowledge as stated in this Affidavit from 1967 to the present the property at 402 Corral Lane has always been owned and operated openly by the Guerrero family for the pursuance of the construction sales and service business."

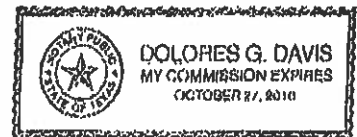
Dated: August 16, 2010.

Tommie Hafelder
TOMMIE HAFELDER

Margaret Hafelder
MARGARET HAFELDER

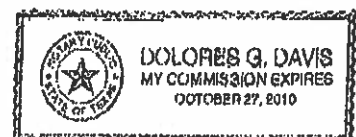
SWORN TO AND SUBSCRIBED BEFORE ME by **TOMMIE HAFELDER** this
16 day of August, 2010 to certify which witness my hand and seal of office.

Dolores G. Davis
Notary Public in and for the State of Texas



SWORN TO AND SUBSCRIBED BEFORE ME by **MARGARET HAFELDER** this
16 day of August, 2010 to certify which witness my hand and seal of office.

Dolores G. Davis
Notary Public in and for the State of Texas



PUBLIC HEARING INFORMATION

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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.

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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: C14-2010-0199

Contact: Wendy Rhoades, 974-7719

**Public Hearing: Mar. 1, 2011, Zoning and Platting Commission
Mar. 24, 2011, City Council**

JANET K. LENTZ
Your Name (please print)

50 Chapparal Rd.
Your address(es) affected by this application

Janet K. Lentz
Signature

512-442-4532
Daytime Telephone

NONE
Comments

☒ I am in favor
☐ I object

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

City of Austin
Planning & Development Review Department
Wendy Rhoades
P. O. Box 1088
Austin, TX 78767-8810

PUBLIC HEARING INFORMATION

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Case Number: C14-2010-0199

Contact: Wendy Rhoades, 512-974-7719

Public Hearing: Feb. 15, 2011, Zoning & Platting Commission

Mar. 24, 2011, City Council

Rolando & Beatriz Jaimes

Your Name (please print)

☒ I am in favor
☐ I object

400 Chaparral Rd.

Your address(es) affected by this application

Beatriz Jaimes

Signature

3/7/11

Date

Daytime Telephone: (512) 233-6161

Comments: Other properties I own in the area
are:

* 202 Chaparral Rd.

* 200 Chaparral Rd.

* 6909 Circle S Rd.

I am in favor of 402 Corral Ln. zone change from
SF-2 to CS-MU-CO.

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

City of Austin

Planning & Development Review Department

Wendy Rhoades

P. O. Box 1088

Austin, TX 78767-8810

Rhoades, Wendy

From: Jose Antu [REDACTED]
Sent: Sunday, December 19, 2010 12:24 PM
To: Rhoades, Wendy
Cc: Will Larson
Subject: Rezoning at 402 cirral Ln.

Wendy Rhoades,

I have concerns with this rezoning, the streets around here are narrow and do not have sidewalks. Guerrero has a construction company and I have seen dump trucks go through our streets (I do not know if they are related to his business) and an increase number of other vehicles trying to avoid Wm Cannon and Congress during traffic rush hours. Unfortunately this is usually the same time that some of our children are walking to school at Pleasant Hill Elementary or others that live in the duplexes walking to the bus stop at Circle S and Wm. Cannon. Circle S is already too dangerous for pedestrians (Too narrow, no sidewalks and speeding traffic; speed limit is 30mph few obey the limit police do not police) so any additional traffic will only add to the problems we already have. The narrow streets around this area do lend themselves for any additional traffic. Please do not allow this zoning change with the infrastructure the way it is.

Jose Antu
7103 Circle S Road
Austin, TX 78745

12/20/2010

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Case Number: C14-2010-0199

Contact: Wendy Rhoades, 512-974-7719

Public Hearing: Feb. 15, 2011, Zoning & Platting Commission

Mar. 24, 2011, City Council

Henry Swafford Sr.
Your Name (please print)

7001 Circle S Rd
Your address(es) affected by this application

Henry Swafford
Signature

2/9/11
Date

Daytime Telephone: 470-4230

Comments: This will put much more traffic on these narrow roads. This area already has enough businesses using these roads and this will just add to the congestion

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

City of Austin

Planning & Development Review Department

Wendy Rhoades

P. O. Box 1088

Austin, TX 78767-8810

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

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Case Number: C14-2010-0199

Contact: Wendy Rhoades, 512-974-7719

Public Hearing: Feb. 15, 2011, Zoning & Platting Commission

Mar. 24, 2011, City Council

Henry Swofford SR.
Your Name (please print)

☐ I am in favor
☒ I object

24 Chaparral Rd

Your address(es) affected by this application

Henry Swofford Jr.
Signature

2/9/11
Date

Daytime Telephone: 470-4230

Comments:

This will put more traffic on these narrow roads and this area has enough businesses. Adding these roads and this will just add to the congestion.

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

City of Austin

Planning & Development Review Department

Wendy Rhoades

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2010-0199

Contact: Wendy Rhoades, 512-974-7719

Public Hearing: Feb. 15, 2011, Zoning & Platting Commission

Mar. 24, 2011, City Council

Henry Swafford SR.
Your Name (please print)

2005 Circle S Rd

Your address(es) affected by this application

Henry Swafford SR.
Signature

Date

Daytime Telephone: 420-4230

Comments: This will put ^{more} ~~much~~ traffic on these narrow roads - This area already has enough businesses along these roads and this will just add to the congestion

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

City of Austin

Planning & Development Review Department

Wendy Rhoades

P. O. Box 1088

Austin, TX 78767-8810

February 10, 2011
To: City Council
Re: C14-2010-0199

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 SF-2.

Currently there is an ongoing commercial business(es) and rental property at this address that is in court/ violation with Code Compliance. There have been several calls to 911 regarding the traffic and the noise generated by the business and the tenants. Since this is already a business and rental property, we ask that they be made to comply with the current zoning of SF-2 and that it remain that way.

Thank you,
Mary Saucedo
308 Corral Ln.
Austin, Texas 78745
512-443-2077

Name	Address	Signature
1. Gene Blumeyer	508 Corral	Gene Blumeyer
2. Joyce Blumeyer	(Guanita) 600 Corral Lane	
3. Andrew Thompson	(400 Corral Ln)	
4. JERRY E. WICKFARCE	308 B CORRAL LANE	Jan Engler
5. AMY TRIST & Chris May	604 CORRAL LN	
6. Steve & Linda Coen	700 Corral Ln	
7. Rick Cross	300 Corral Ln	Rick Cross
8. ELSIE E THIEM	504 CORRAL LANE	Elsie E Thiem
9. John Matthead	200 Corral Ln	John Matthead
10. Jean O'Grady	315 Chaparral Rd.	Jean O'Grady
11. Mary Saucedo	308 Corral	Mary Saucedo

Alamo Title Company

Jeannie O'Grady
305 Chaparral
401
lots 13 & 14
she owns both properties

PUBLIC HEARING INFORMATION

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Case Number: C14-2010-0199

Contact: Wendy Rhoades, 974-7719

Public Hearing: Mar. 1, 2011, Zoning and Planning Commission

Mar. 24, 2011, City Council

Wesley Youngblood
Your Name (please print)

302 Chaparral Rd.

Your address(es) affected by this application

Wesley Youngblood
Signature

Date

Daytime Telephone: 441-5361

☐ I am in favor
☒ Object

Comments: The neighborhood roads are not
meant for heavy commercial traffic.
all the properties next to & behind are
residential. We would like to keep
this a residential neighborhood.
We have lived here many years.
If this property is made commercial
others will also want to be commercial

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

City of Austin
Planning & Development Review Department
Wendy Rhoades
P. O. Box 1088
Austin, TX 78767-8810

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Case Number: C14-2010-0199

Contact: Wendy Rhoades, 512-974-7719

Public Hearing: Feb. 15, 2011, Zoning & Planning Commission

Mar. 24, 2011, City Council

Linda Youngblood
Your Name (please print)

☐ I am in favor
☐ I object

302 Chaparral Rd

Your address(es) affected by this application

Linda Youngblood

Signature

2-21-11

Date

Daytime Telephone: 444 5361

Comments: neighborhood road use too narrow for commercial traffic. We would like to keep this in a residential neighborhood. If you make the property commercial others will want to get their property zoned in commercial

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Planning & Development Review Department

Wendy Rhoades

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2010-0199

Contact: Wendy Rhoades, 974-7719

Public Hearing: Mar. 1, 2011, Zoning and Platting Commission
Mar. 24, 2011, City Council

Marqie Swofford
Your Name (please print)

☐ I am in favor
☒ I object

1005 Cuale S Rd

Your address(es) affected by this application

Marqie Swofford
700 S. Cuale S Rd

Signature

Date

Daytime Telephone: 444-2024

Comments: These roads are to narrow
for the traffic this will bring

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

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Planning & Development Review Department
Wendy Rhoades
P. O. Box 1088
Austin, TX 78767-8810

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Case Number: C14-2010-0199

Contact: Wendy Rhoades, 974-7719

Public Hearing: Mar. 1, 2011, Zoning and Platting Commission
Mar. 24, 2011, City Council

Margie Swafford
Your Name (please print)

211 Chaparral Rd
Your address(es) affected by this application

Margie Swafford
Signature

2/22/11
Date

Daytime Telephone: 444-2120

Comments: These roads are to narrow
for the traffic this will bring

☐ I am in favor
☒ object

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

City of Austin
Planning & Development Review Department
Wendy Rhoades
P. O. Box 1088
Austin, TX 78767-8810

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

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: C14-2010-0199

Contact: Wendy Rhoades, 974-7719

Public Hearing: Mar. 1, 2011, Zoning and Platting Commission
Mar. 24, 2011, City Council

Margie Swafford
Your Name (please print)

7007 Cuales Rd
Your address(es) affected by this application

Margie Swafford
Signature

Daytime Telephone: 444-2129

2/22/11
Date

Comments: These roads are to narrow for
the traffic this will bring

☐ I am in favor
☒ I object

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

City of Austin
Planning & Development Review Department
Wendy Rhoades
P. O. Box 1088
Austin, TX 78767-8810

February 10, 2011
To: City Council
Re: C14-2010-0199

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 SF-2.

Currently there is an ongoing commercial business(es) and rental property at this address that is in court/ violation with Code Compliance. There have been several calls to 911 regarding the traffic and

the noise generated by the business and the tenants. Since this is already a business and rental property, we ask that they be made to comply with the current zoning of SF-2 and that it remain that way.

Thank you,
Mary Saucedo
308 Corral Ln.
Austin, Texas 78745
512-443-2077

Name	Address	Signature
1. Rene Blumeyer	508 Corral	Rene Blumeyer
2. Joyce Blumeyer	(Guanita) 600 Corral Lane	
3. Andrew Thompson	(400 Corral Ln)	
4. JERRY E WICKENET	306 B CORRAL LANE	Jerry Wickenet
5. AM/ TRIST & HILL	604 CORRAL LN	
6. Steven Linn	700 Corral Ln	
7. Rick Cross	300 Corral Ln	Rick Cross
8. ELSIE E THIEM	504 CORRAL LANE	Elsie E Thiem
9. John Marshall	200 Corral Ln	John Marshall
10. Mark C. Gandy	305 Chaparral Rd.	Mark C. Gandy
11. Mary Saucedo	308 Corral	Mary Saucedo
12. CLARKE & MONICA HAMMONS	403 CHAPARRAL	Clarke & Monica Hammons
13. WILL LACSON	402 CHAPARRAL RD.	
14. Beth Jones	505 Chaparral Rd	Beth Jones

PETITION

Case Number: **C14-2010-0199** Date: March 2, 2011

402 CORRAL LN

Total Area Within 200' of Subject Tract 347802.91

1	<u>0424070210</u>	THOMPSON ANDREW R & SLOAN A	<u>35121.67</u>	<u>10.10%</u>
2	<u>0424070208</u>	THIEM ELSIE	<u>35607.35</u>	<u>10.24%</u>
3	<u>0424070206</u>	BLUMEYER GENE R & JUANITA J	<u>44985.00</u>	<u>12.93%</u>
4	<u>0424070212</u>	ENGLER JERRY J & JANICE K APT B	<u>8197.03</u>	<u>2.36%</u>
5	<u>0424070211</u>	SAUCEDO HECTOR & MARY A	<u>35,075.49</u>	<u>10.08%</u>
6	<u>0424070225</u>	O GRADY JEAN T	<u>30,332.20</u>	<u>8.72%</u>
7	<u>0424070226</u>	HAMMOND MONICA	<u>18,152.17</u>	<u>5.22%</u>
8	<u>0424070229</u>	GONZALES ARTHUR C	<u>1,081.35</u>	<u>0.31%</u>
9				<u>0.00%</u>
10				<u>0.00%</u>
11				<u>0.00%</u>
12				<u>0.00%</u>
13				<u>0.00%</u>
14				<u>0.00%</u>
15				<u>0.00%</u>
16				<u>0.00%</u>
17				<u>0.00%</u>
18				<u>0.00%</u>
19				<u>0.00%</u>
20				<u>0.00%</u>
21				<u>0.00%</u>
22				<u>0.00%</u>
23				<u>0.00%</u>
24				<u>0.00%</u>

Validated By:

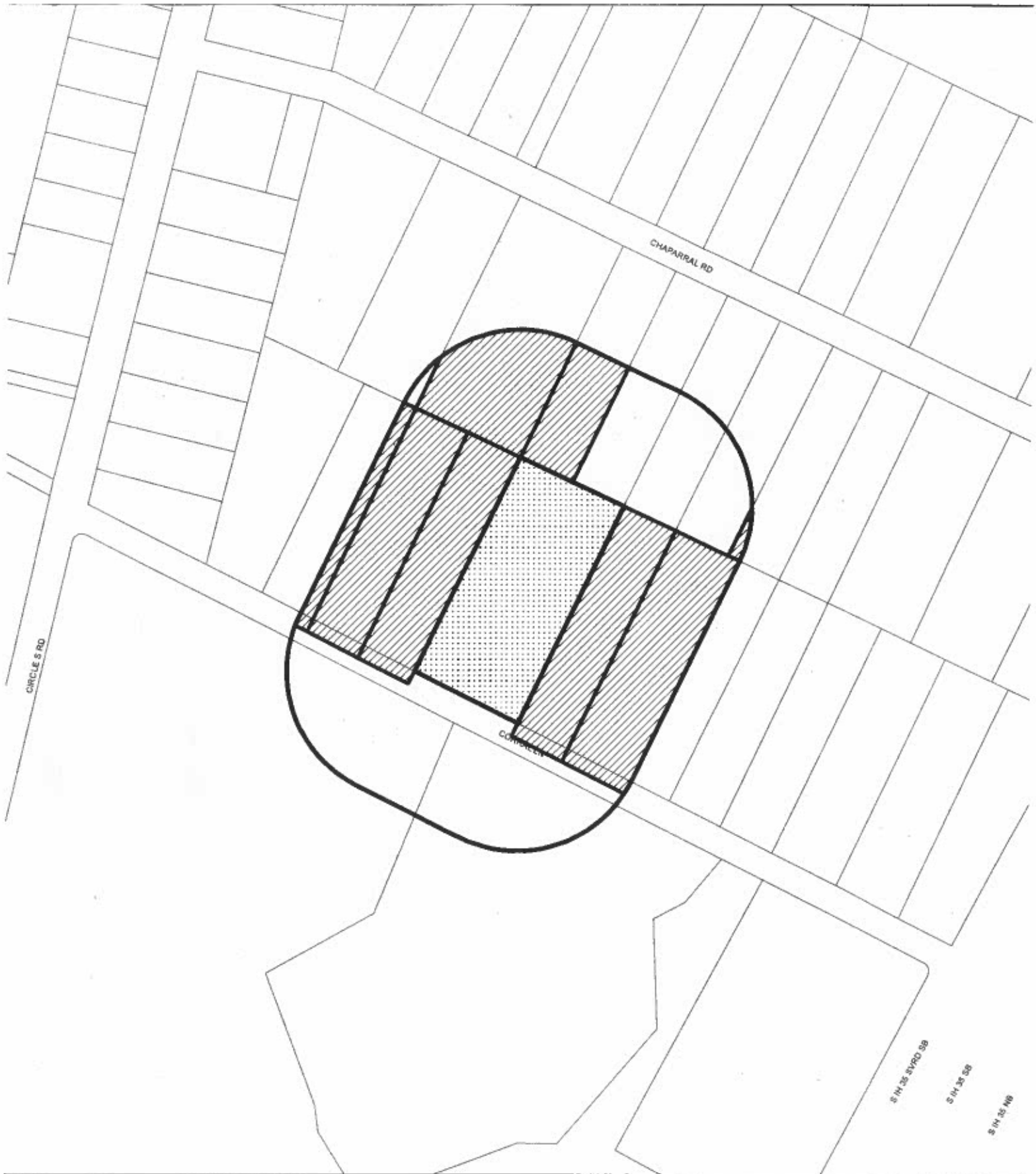
Stacy Meeks




Total Area of Petitioner:

208,552.25

Total %

59.96%



-  BUFFER
-  PROPERTY_OWNER
-  SUBJECT_TRACT

PETITION

CASE#: C8-2010-0199
ADDRESS: 402 CORRAL LN
GRID: G15
CASE MANAGER: WENDY 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.

Rhoades, Wendy

From: Terry Irion [tirion@tirionlaw.com]
Sent: Tuesday, March 01, 2011 12:05 PM
To: Rhoades, Wendy
Cc: stewart.davis@cgsdb.com; willywerks@sbcglobal.net; clarke.hammond@gmail.com;
jb.rbconsulting@yahoo.com
Subject: Postponement at ZAPCO

Dear Wendy:

This is to request a two week postponement of C14 2010-0199 (402 Corral Lane) on the March 1, 2011 ZAPCO agenda. Please confirm by replying to "all" that this item will be marked for a 2-week postponement on tonight's agenda. Thank you for your attention to this matter.

Sincerely,

Terrence L. Irion
Law Office of Terrence L. Irion
1250 S. Capital of Texas Highway
3 Cielo Center, Suite 601
Austin, Texas 78746
(512) 347-9977
(512) 306-8903-fax
tirion@tirionlaw.com

3/1/2011

To: Chairman Baker and Members of the Zoning and Platting Commission

From: Clarke Hammond, Circle S Ridge Neighborhood Association Representative

Subject: Postponement Request from CG&S Design/Build (Case #2)

Date: March 1, 2011

As a representative of the Circle S Ridge Neighborhood Association, I am writing to confirm that our neighborhood has no objections to the postponement request from CG&S Design/Build. They are requesting a 2 week postponement and this seem reasonable.

Thank you for your service to the citizens of Austin as a Commissioner and we will be present on March 15 to present our best arguments for not changing the zoning on this site on Corral Road in South Austin.

Sincerely,
Clarke Hammond

A handwritten signature in dark ink, appearing to read 'Clarke Hammond', with a large, stylized loop at the end.