

## SECOND/THIRD READINGS SUMMARY SHEET

ZONING CASE NUMBER: C14-2010-0199 – C G & S Corral

REQUEST:

Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 402 Corral Lane (South Boggy Creek Watershed) from single family residence standard lot (SF-2) district zoning to general commercial services – mixed use – conditional overlay (CS-MU-CO) combining district zoning with conditions. The Conditional Overlay allows for administrative and business offices and construction sales and services uses; establishes a list of prohibited uses; limits the number of residential units allowed on the property to 3; limits the amount of building coverage to 14.34 percent; and limits the amount of impervious cover to 62 percent. The Restrictive Covenant limits the size of a waste container or dumpster on the property to no larger than 40 cubic yards, limits the size of a front loading container or dumpster to eight cubic yards, and prohibits 18-wheel trucks from hauling materials to and from the site.

DEPARTMENT COMMENTS:

The Conditional Overlay and the Restrictive Covenant incorporate the conditions imposed by the City Council at First Reading. The survey following this Summary Sheet shows the existing improvements on the site, and provides figures for building coverage and impervious cover.

The Applicant's agent has raised an issue about allowing residential uses to the –MU, mixed use component of CS-MU-CO zoning.

A valid petition of 32.05% has been filed by the adjacent property owners in opposition to this rezoning request. Petition information is located at the back of the Staff report.

Adjacent property owners have submitted a private restrictive covenant listing additional items that generally relate to the development and operational characteristics of the property. The private restrictive covenant follows the Summary Sheet.

Several neighbors of Circle S Ridge support the zoning change to CS-MU-CO as approved on First Reading. Their documentation of support also follows the Summary Sheet.

OWNER & APPLICANT: The Warrior Limited Liability Company (C. Wm. "Billy" Guerrero)

AGENT: Jim Bennett Consulting (Jim Bennett)

DATE OF FIRST READING: May 26, 2011, Approved CS-MU-CO combining district zoning with conditions, on First Reading (7-0).

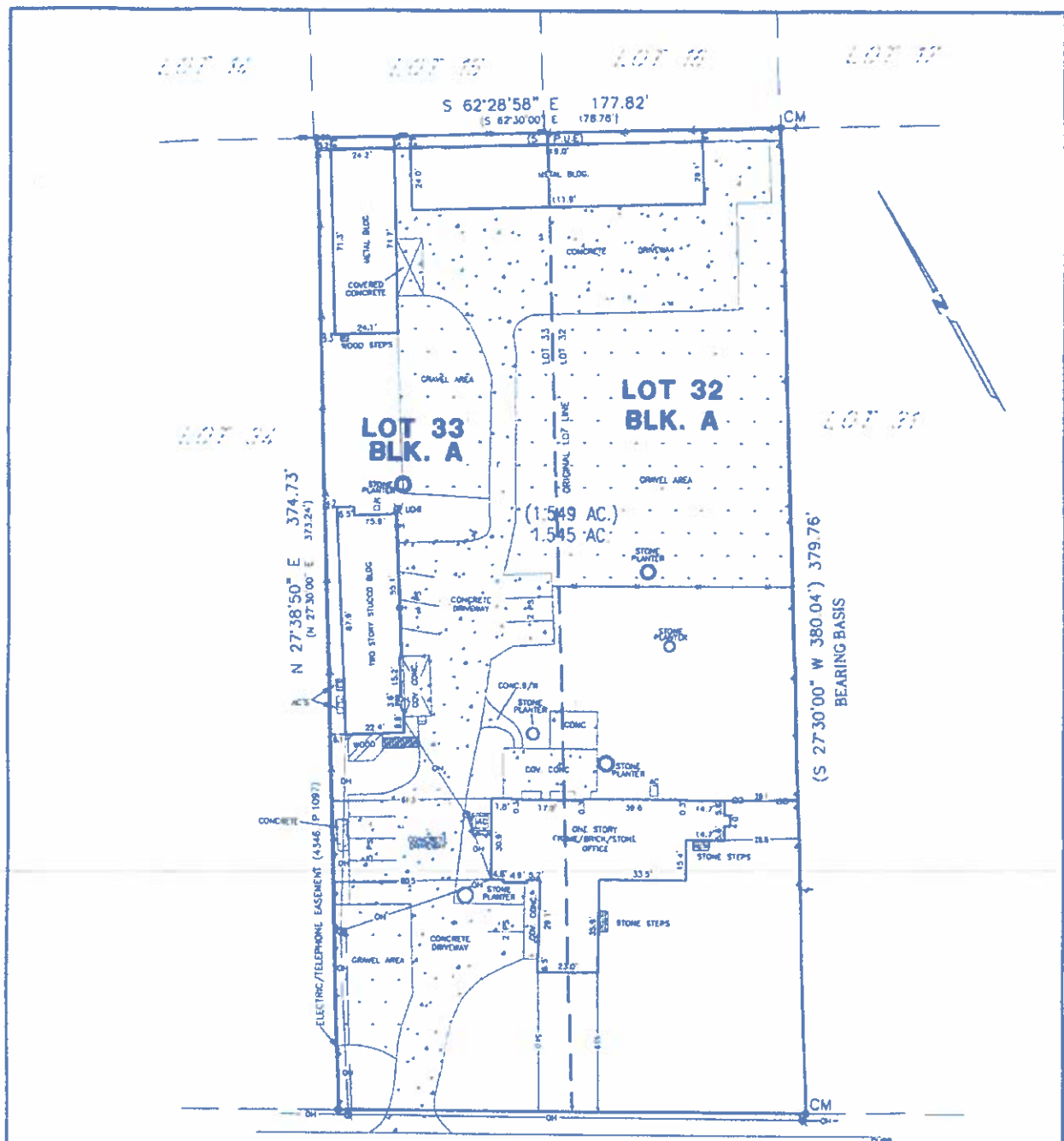
CITY COUNCIL HEARING DATE: June 23, 2011

CITY COUNCIL ACTION:

ORDINANCE NUMBER:

ASSIGNED STAFF: Wendy Rhoades  
e-mail: [wendy.rhoades@ci.austin.tx.us](mailto:wendy.rhoades@ci.austin.tx.us)

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IMPERVIOUS COVERAGE		
a. One Story Building	3336	sq. ft.
b. Two Story Building	1308	sq. ft.
c. Metal Buildings	4415	sq. ft.
d. Concrete Driveway	1473	sq. ft.
e. Covered Concrete & Concrete	1067	sq. ft.
f. Concrete Walk	111	sq. ft.
g. Stone Steps	27	sq. ft.
h. Stone Planters	66	sq. ft.
i. Wood Deck & Stairs & Steps = 19312 =	97	sq. ft.
k. AC's	18	sq. ft.
l. Gravel Area	15767	sq. ft.
IMPERVIOUS COVERAGE (a through l added) 41281		
LOT AREA 67302		
TOTAL IMPERVIOUS COVERAGE 82		
% of lot		

N 60°52'18" W 178.85'  
**CORRAL LANE**  
 (40' R/W)

40 0 40 80 120 Feet

**IMPORTANT NOTICE**  
 This Survey was prepared without the benefit of a title commitment. There may be additional setback lines, easements and interests which are relevant to this property and unknown to B & G SURVEYING, at the time of this survey.

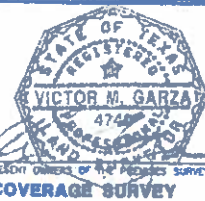
SUBDIVISION CIRCLE "S" RIDGE, SECTION 1  
 LOT: 32 & 33 BLOCK A VOLUME 4 PAGE 285 PLAT RECORDS  
 COUNTY TRAVIS STATE OF TEXAS STREET ADDRESS 402 CORRAL LANE  
 CITY AUSTIN REFERENCE NAME C.G. & S. DESIGN BUILD

**LEGEND**

- 1/2" REBAR FENCING
- TH FENCE
- CHAIN LINK FENCE
- WOOD FENCE
- METAL FENCE
- BUILDING LINE
- P.U.C. PUBLIC UTILITY EASEMENT
- D.T. DRAINAGE EASEMENT
- PER PLAT
- POWER POLE
- O.H. OVERHEAD UTILITIES
- C.M. CONTROL MONUMENT
- R.O.W. RIGHT OF WAY

**B&G Surveying, Inc.**  
 Dewey H. Burns & Associates  
 Surveyed by: B&G Surveying, Inc.  
 1404 West Marsh Lane Blvd  
 Austin, Texas 78728  
 Office 512-458-0665  
 Fax 512-458-1843

JOB # 00407511, TA  
 DATE 4-27-11  
 SCALE 1" = 40'



THIS AREA IS NOT DEPICTED AS BEING IN A SPECIAL FLOOD HAZARD AREA PER TEXAS FLOOD INSURANCE RATE MAP 5505-S OF GRID 6/1998-5. IT REPRESENTS AS IN FIGURE 1-2, VERTICAL AS PRESENT TIME, AND CIRCUMFERENTIAL, OR FLOOD STUDIES HAVE BEEN PERFORMED AND COMPARISON OF BATES DRAUGHT UPON THIS MAP, THE SURVEYOR DEED MAP RECORDS, AND ANY OTHER INFORMATION AVAILABLE TO THE SURVEYOR AND DOES NOT Warrant that the PROPERTY AROUND THE DRAINAGES THEREON WILL BE FREE OF FLOOD DAMAGE. FOR FURTHER INFORMATION CONTACT YOUR PLANNING DEPARTMENT.

FIELD WORK	JES/S	6-75-11
CALCULATIONS	VC	6-27-11
DRAFTING	MSJ	6-27-11
CORRECTIONS	MSJ	4-28-11
UP DATE		

TO THE OWNER AND / OR PRESENT OWNERS OF THE PROPERTY SURVEYED  
**IMPERVIOUS COVERAGE SURVEY**

June 14, 2011

Zoning Case no. C14-2010-0199

**Restrictive Covenant**

Owner: The Warrior Limited Liability Company, a Texas limited liability company.

Address: 1383 Rich Lane, Buda, Texas 78610

Property: Lots 32 and 33, Block A, Circle "S" Ridge Section 1 Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Volume 4, Page 285, Plat Records of Travis County, Texas.

The neighbors of Circle S Ridge would like the following restrictions and or modifications to Restrictive Covenant and the Ordinance Drafted June 6, 2011.

1. No dumpsters whatsoever (Only City issued waste receptacles ).
2. Restrict business hours to Monday thru Friday 8 am to 5 pm.
3. Limit trips to 50 per day.
4. No Mixed Use as part of rezoning on the east lot (Lot 32)
5. No additional business besides CG&S to operate from said property.
6. No big truck as described in the City Ordinance title 12, section 12-1-1 (excluding FedEx and UPS)
7. Only one dwelling unit on first floor of the triplex; the second story of said triplex is to remain unoccupied.
8. Warrior LLC shall initiate a rollback zoning case to SF-2 if ownership of the property is transferred or sold to any other person or entity.
9. Warrior Limited Liability Company/ Owner of property agrees to pay all legal and court fees, related to legal proceedings that are a result of disputes, violations or any other legal matters of the restrictive covenant.

June 9, 2011

**City Council**  
**City of Austin, Texas**

Re: Zoning case C14-2010-0199

Dear Mayor and Council members,

This letter is to document Circle S Ridge **neighbor support** for the zoning change at 402 Corral Lane from **SF-2 to CS-MU-CO**, with no change to the existing uses on site, no increase to the existing building cover and impervious cover, and with the public restrictive covenants to limit commercial trash receptacles to maximum 8 cubic yard containers, and prohibiting 18 wheel trucks from accessing the site.

Printed name

### Address

**Signature**

Printed name	Address	Signature
CLARKE HAMMOND	403 CHAPARRAL RD.	[Signature]
MONICA HAMMOND	403 Chaparral Rd	[Signature]
TROY SHURT	405 CHAPARRAL Rd.	[Signature]
JAMES STOLTZ	406 CHAPARRAL Rd	78745/area 887
JOHN E. SANCHEZ	503 Chaparral Rd.	[Signature]
WILL LARSON	402 CHAPARRAL RD	[Signature]
CLAUDIA ALARCÓN	402 CHAPARRAL RD	[Signature]

June 9, 2011

City Council  
City of Austin, Texas

Re: Zoning case C14-2010-0199

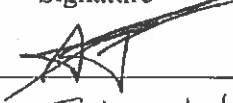
Dear Mayor and Council members,

This letter is to document Circle S Ridge neighbor support for the zoning change at 402 Corral Lane from SF-2 to CS-MU-CO, with no change to the existing uses on site, no increase to the existing building cover and impervious cover, and with the public restrictive covenants to limit commercial trash receptacles to maximum 8 cubic yard containers, and prohibiting 18 wheel trucks from accessing the site.

Printed name

Address

Signature

Andrew R. Thompson	400 Corral Ln	
John Mortland	200 Corral Ln.	John Mortland
Rick Criss	300 Corral Ln	Rick Criss

## **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:** The Warrior Limited Liability Company **AGENT:** Jim Bennett Consulting  
(C. Wm. "Billy" Guerrero) (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 – 2<sup>ND</sup>] (6-0) 1 VACANCY ON THE COMMISSION*

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

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

April 19, 2011: *TO GRANT CS-MU-CO DISTRICT ZONING ALLOWING CONSTRUCTION SALES AND SERVICES, ADMINISTRATIVE AND BUSINESS OFFICE, THE EXISTING RESIDENCES, AND LIMITED TO THE EXISTING BUILDING COVERAGE AND IMPERVIOUS COVER; RIGHT-OF-WAY DEDICATION IS NOT REQUIRED*

*[G. BOURGEOIS; S. BALDRIDGE – 2<sup>ND</sup>] (5-0-1) D. TIEMANN – ABSTAINED, 1 VACANCY ON THE COMMISSION*

**ISSUES:**

A valid petition of 32.05% has been filed by the adjacent property owners in opposition to this rezoning request. Petition material is provided at the back of the packet.

The Staff requested a postponement of the case until April 19, 2011 in order to further examine the issue of an amnesty Certificate of Occupancy. Staff has determined that most of the property cannot be grandfathered based on the information submitted by the Applicant and City records. Staff believes that a portion of the Guerrero residence was used as a construction sales and services use, but not all of the residential structure. In addition, the outbuildings permitted after December 1975 were represented to the City as a residential use and the outdoor storage areas were not established until after annexation.

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.

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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:**

	<b>ZONING</b>	<b>LAND USES</b>
<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	SF-2 to CS-CO	Approved staff recommendation to deny the proposed request (Vote: 8-0-	Expired administratively on 9-18-00.

lots on south side of Chaparral Rd		1, one abstention). 9-14-99.	
C14-79-061 – 2 lots on the south side of Chaparral Rd.	Interim “AA” Residence, First Height and Area to “C” Commercial, First Height and Area, as amended	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).
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	SF-2 to CS	Granted CS zoning (1-9-96)	Approved CS zoning (2-1-96)

corner of IH-35 and Chaparral Rd.			
C14-79-288 – Corner of IH-35 and Chaparral Rd.	Interim “A” Residence, Interim First Height and Area to “C” Commercial, First Height and Area	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 was approved for “A” Residence, First Height and Area	Approved PC recommendation (2-14-80)
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:** Approved a  
Postponement request by the  
Staff to May 12, 2011 (7-0).

May 12, 2011

Approved a Postponement request by the Applicant to May 26, 2011 (7-0).

May 26, 2011

Approval of CS-MU-CO district zoning as the Zoning and Platting Commission recommended, on First Reading, with a public Restrictive Covenant to limit the size of a trash receptacle on the property and prohibit 18-wheel trucks from accessing the site (7-0).

Note: Private Restrictive Covenant to prohibit certain types of administrative and business offices.

June 23, 2011

**ORDINANCE READINGS:** 1<sup>st</sup> May 26, 2011    2<sup>nd</sup>                      3<sup>rd</sup>

**ORDINANCE NUMBER:**

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

**PHONE:** 974-7719


$$1' = 400'$$

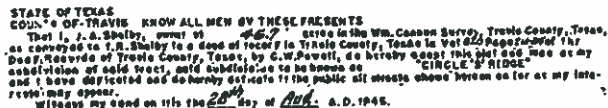
EXHIBIT A

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.









Emile Lumberg  
Miss Emile Lumberg, Clerk, County Court of Precinct 1, County, Texas.  
By: Edwin A. Smith  
Agent

Raymond Lueker  
Sales Public in and for Travis County, Texas.

STATE OF TEXAS  
COUNTY OF TARRANT, I, Miss Emma Limberg, Clerk of the County Court within and for the  
County set state aforesaid, do hereby certify that the within foregoing instrument was duly  
in the presence of a number of witnesses and that the same was signed by the said James H. Pugh  
at Lawrence in, and recorded on the 10th day of August in the year of 1908 at Midland Texas  
on the flat Record of said County to Plain Book Page 100 and the date last written above.  
Witness my hand and Seal of the County Court of said County the date last written above.

Emma Limberg  
Miss Emma Limberg, Clerk, County Court of Tarrant County, Texas.

At Lawrence Private  
County

APPROVED BY THE CITY PLANNING COMMISSION  
Date 9-24-46 H. F. Fisher  
Secretary  
Date 9-24-46 Walter Guttman  
Secretary

STATE OF TEXAS  
COUNTY OF TRAVIS  
I, Thos. H. Lister, County Clerk of Travis County, Texas,  
do hereby certify that on the 22 day of March, 1916 The  
Commissioners Court of Travis County, Texas, passed an order  
authorizing the filing of this plat, and that said  
authorizing order was entered in the minutes of said Court  
in Book No. 10 Page 20  
and sealed at office this 22 day of March, 1916  
Thos. H. Lister  
County Clerk, Travis County, Texas  
C. C. Lister

[illegible]

## SECTION 4

98-1946-1780

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.

THE 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"

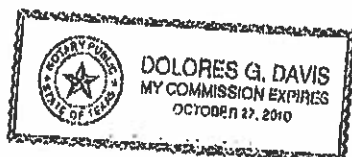
Dated: August 17, 2010.

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.

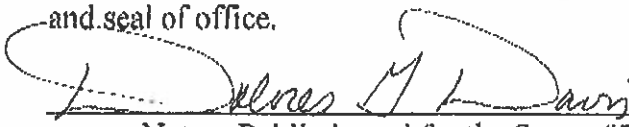
When I started working as a lead carpenter in 1972 they were operating their construction sales and service business as sole proprietors from this property. They used the property and the improvements to store construction supplies, equipment and all other items necessary for the business, including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

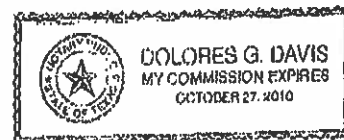
To my knowledge by my working for the Guerrero family that they openly did and still use the property since 1972 for the pursuance of the construction sales and service business."

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.

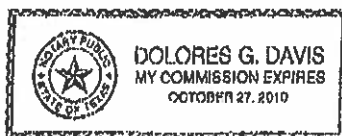
To my knowledge by my doing business with the Guerrero family that they openly did and still use the property for the pursuance of the construction sales and service business since I started doing business with them in 1964“

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 10<sup>th</sup>, 2010.

Steve Schutze  
**STEVE SCHUTZE**

SWORN TO AND SUBSCRIBED BEFORE ME by **STEVE SCHUTZE**  
this 10<sup>th</sup> 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 depose 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.

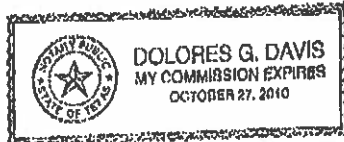
  
**GENE BLUMEYER**

  
**JOYCE BLUMEYER**



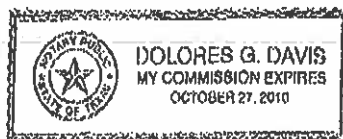
SWORN TO AND SUBSCRIBED BEFORE ME by **GENE BLUMEYER**  
this 12 day of August, 2010 to certify which witness my hand and seal of  
office.

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 6106 Club Terrace Montopolis. "

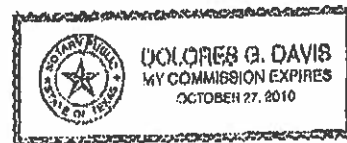
Dated: May August 11, 2010. Austin, Tx. 78741

Clarence Guerrero  
CLARENCE GUERRERO

Stella Guerrero  
STELLA GUERRERO

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

Dolores G. Davis

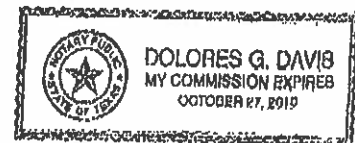


Notary Public in and for the State of Texas

SWORN TO AND SUBSCRIBED BEFORE ME by STELLA GUERRERO this  
11 day of ~~May~~<sup>August</sup>, 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.

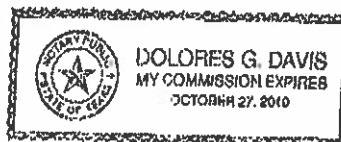
Therefore to my knowledge as stated in this Affidavit that prior to 1975 and to the present the property at 402 Corral Lane has always been owned and operated openly by the Guerrero family for the pursuance of the construction sales and service business."

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.

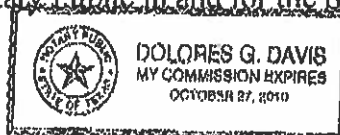
Therefore to my knowledge as stated in this Affidavit from 1963 to the present the property at 402 Corral Lane has always been owned and operated openly by the Guerrero family for the pursuance of the construction sales and service business."

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 HAFFELDER**, being a former member of the Austin, Texas police department from 1971 through 1995, and **MARGARET HAFFELDER**, 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."

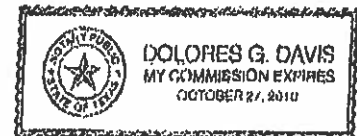
Dated: August 16, 2010.

Tommie Haffelder  
**TOMMIE HAFFELDER**

Margaret Haffelder  
**MARGARET HAFFELDER**

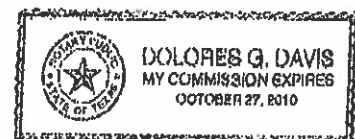
SWORN TO AND SUBSCRIBED BEFORE ME by **TOMMIE HAFFELDER** this 16 day of August, 2010 to certify which witness my hand and seal of office.

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



SWORN TO AND SUBSCRIBED BEFORE ME by **MARGARET HAFFELDER** 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



**Rhoades, Wendy**

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**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

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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', is written over a horizontal dashed line.



**Rhoades, Wendy**

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**From:** Rodney Bennett [mailto:rodney.bennett@jim-bennett.com]  
**Sent:** Tuesday, May 03, 2011 4:22 PM  
**To:** Rhoades, Wendy  
**Subject:** 402 Corral

Wendy, please accept this letter as a request for a postponement of the zoning case located at 402 Corral until May the 26th.

Thank you,

Rodney K. Bennett  
Jim Bennett Consulting  
11505 Ridge Dr.  
Austin, Texas 78748  
cell 512-627-7227  
fax 512-282-0959  
Jim 512-784-4961

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5/3/2011

## 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:** C14-2010-0199

**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)

501 Chapparal Rd.

Your address(es) affected by this application

Janet K. Lentz

Signature

Date

Daytime Telephone: 512-442-4532

Comments:

NONE

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

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

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**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

## 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.

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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, 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

Wendy Swafford  
Signature

2/9/11  
Date

470-4230  
Daytime Telephone

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

negotiation

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

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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 PD

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. Use these roads and this will put 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

## 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

Henry Swafford Sr.  
Your Name (please print)

7005 Lucile S Rd

Your address(es) affected by this application

Henry Swafford Sr.  
Signature

Date

Daytime Telephone: 410-4730

Comments: This will put <sup>more</sup> much traffic on these narrow roads - This area already has enough businesses than there 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	(Juanita) 600 Corral Lane	
3. Andrew Thompson	(400 Corral Ln)	
4. JERRY'S WICKFACER	308 B CORRAL LANE	Jerry Wickfacer
5. AM/ TRISTY & Chris	604 CORRAL LN	Tristy
6. Steve & Linda Coen	700 Corral Ln	
7. Rick Coen	300 Corral Ln	Rick Coen
8. ELSIE E THIEM	504 CORRAL LANE	Elsie E Thiem
9. John Mattblad	200 Corral Ln	John Mattblad
10. Jean O'Grady	305 Chaparral Rd.	Jean O'Grady
11. Mary Saucedo	308 Corral	Mary Saucedo

Alamo Title Company

Jeanie 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 Platting Commission

Mar. 24, 2011, City Council

Wesley Youngblood  
Your Name (please print)

☐ I am in favor  
☒ Object

302 Chapacca Rd.

Your address(es) affected by this application

Wesley Youngblood 2-21-11  
Signature Date

Daytime Telephone: 441-5361

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 & Platting 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 roadways too narrow for commercial traffic. We would like to keep this as residential neighborhood. If you make the property commercial others will want to get their property zoned as 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, 974-7719

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

Margie Swofford  
Your Name (please print)

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

2025 Cuale SR

Your address(es) affected by this application

Margie Swofford  
700 S. Guadalupe St.

2/22/11

Date

Signature

Daytime Telephone: 444-2124

Comments: These roads are to narrow

for the traffic this will bring

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, 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

4/4/2011  
Date

Daytime Telephone: 744-2129

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

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

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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)

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

Margie Swafford  
Signature

Daytime Telephone: 444-2129

Date

2/22/11

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. Gene Blumeyer	508 Corral	Gene Blumeyer
2. Joyce Blumeyer	(Guarita) 600 Corral Lane	
3. Andrew Thompson	(400 Corral Ln)	
4. JERRY & WACEK	308 B CORRAL LANE	John Engler
5. AM/PRST & Co	104 CORRAL LN	
6. Steve & Linda	700 Corral Ln	
7. Rick Cross	300 Corral Ln	Rick Cross
8. ELSIE E THIEM	504 CORRAL LANE	Elsie E Thiem
9. John Mottel	200 Corral Ln	John Mottel
10. Mark & Cindy	305 Chaparral Rd.	Mark & Cindy
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

received  
5.26.2011

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 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	(Juanita) 600 Corral Lane	
3. <del>Andrew Wagner</del>	<del>400 Corral Ln</del>	
4. <del>JERRY WICKER</del>	<del>302 F. Chaparral</del>	<del>Jerry Wicker</del>
5. AM/THAT: LINDA L. LAM	308 Corral Ln	
6. <del>Steve Linn</del>	<del>700 Corral Ln</del>	
7. <del>Rich Linn</del>	<del>300 Corral Ln</del>	
8. ELSIE E THIEB	504 CORRAL LANE	Elsie E. Thiem
9. John Hottel	200 Corral Ln	John Hottel
10. <del>44 C. Linn</del>	<del>300 Chaparral</del>	
11. <del>1000 S. Saucedo</del>	<del>400 Corral</del>	
12. CLARKE & MONICA HAMMONS	403 CHAPARRAL	Clarke & Monica Hammons
13. WILL LACSON	402 CHAPARRAL RD.	
14. <del>Orlinda Jones</del>	<del>505 Chaparral</del>	<del>Orlinda Jones</del>
15. Jose L. Antu	7103 Circle S Rd,	Jose L. Antu
16. Layne Wiegert	7001 Circle S Road	Layne Wiegert
17. Janet Lentz	501 Chaparral	Janet Lentz
18. Linda Youngblood	302 Chaparral Rd, Austin, TX 78745	
19. Margie Swafford	201, 209, 211, 211 1/2, (7005, 7007 Circle S)	Margie Swafford

PETITION

May 26, 2011

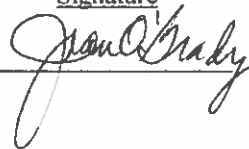
Austin City Council  
P.O. Box 1088  
Austin, Texas 78767

Planning and Development  
Review Department  
Zoning Division  
505 Barton Springs Road  
Austin, Texas 78704

RE: 402 Corral Lane, Austin, Texas 78745; Zoning Case C14-2010-0199

Dear Ladies and Gentlemen:

In regard to the petitions dated/submitted April 18, and May 18, 2011 in reference to the above Zoning Application, I wish to withdraw my name from said petition. I was misinformed and signed the petition dated above without knowing all of the facts. I wish to remain on the original petition dated February 10, 2011.

<u>Printed Name</u>	<u>Address</u>	<u>Signature</u>
1. JEAN OGRADY	305 CHAPARRAL Rd.	
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____
5. _____	_____	_____
6. _____	_____	_____
7. _____	_____	_____



Austin City Council  
P.O. Box 1088  
Austin, Texas 78767

May 23, 2011

Planning and Development  
Review Department  
Zoning Division  
505 Barton Springs Road  
Austin, Texas 78704

RE: 402 Corral Lane, Austin, Texas 78745; Zoning Case C14-2010-0199

Dear Ladies and Gentlemen:

In regards to the upcoming case referenced above scheduled to be heard by City Council, for the 26<sup>th</sup> of May 2011. The homeowners on Corral Lane want to set the record straight. Contrary to what has been stated in letters from an *unofficial* representative of the Circle S Ridge. The homeowners have met with CG&S, CG&S Design/Build, and Warrior Limited Liability Company on several occasions. The two neighbors that have been referenced not cooperating with CG&S; were the ones working diligently to solve this situation. Several meetings were held at the Pleasant Hill Library and at the Applicant's office. There can not be an opinion based on one letter written by an unofficial neighborhood representative referencing the traffic, noise, and after hours mischievous behavior by the tenants. You have to live on this street to experience it.

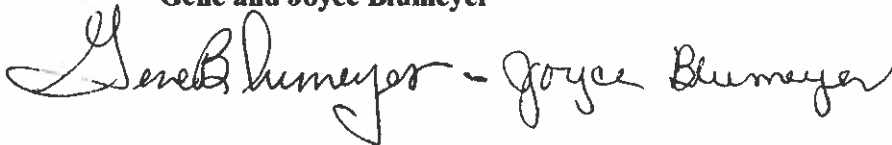
The Circle S Ridge homeowners do not like, or want to see a company go out of business. But at the same time we need to preserve what is left of our neighborhood. There seem to be numerous home offices in the neighborhood and another one would not be a problem. However, a major construction company in the middle of the street is. A Neighborhood Office(N/O) option was put forth on the table to CG&S and it was not accepted.

There is a valid petition that has been signed by the neighbors of Circle S Ridge. Contrary to what has been written, the valid petition was not signed prematurely. What is, is the highly questionable methods of how they were removed.

Sincerely,  
Hector and Mary Saucedo

Handwritten signatures of Hector and Mary Saucedo in cursive script.

Gene and Joyce Blumeyer

Handwritten signatures of Gene and Joyce Blumeyer in cursive script.

PETITION

April 18, 2011

March \_\_, 2011

Austin City Council  
P.O. Box 1088  
Austin, Texas 78767

Planning and Development  
Review Department  
Zoning Division  
505 Barton Springs Road  
Austin, Texas 78704

RE: 402 Corral Lane, Austin, Texas 78745; Zoning Case C14-2010-0199

Dear Ladies and Gentlemen:

In regard to the Protest Petition dated February 10, 2011 regarding the above referenced Zoning Application, I wish to withdraw my name from the Petition.

I also understand that there has not been a code violation adjudicated by any court with regard to the property as stated in the Petition.

	<u>Printed Name</u>	<u>Address</u>	<u>Signature</u>
1.	Andrew R Thompson	400 Corral Dr	Andrew R Thompson
2.	ELSIE E THIEM	504 Corral Lane	Austin, Texas Elsie E Thiem
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			

## Hammond, Clarke

---

**From:** Hammond, Clarke  
**Sent:** Tuesday, April 19, 2011 5:35 PM  
**To:** Rhoades, Wendy  
**Cc:** 'Betty Baker'  
**Subject:** PLEASE WITHDRAW CLARKE AND MONICA HAMMOND FROM THE VALID PETITION AGAINST CG&S Design/

Wendy,

Please withdraw Monica and Clarke Hammond's name on the valid petition against the CG&S Design/Build request for a change of zoning. The applicant has bent over backwards to accomodate the neighborhood and unfortunately a couple of neighbors will not negotiate and it has gotten a lot more personal than it needs to be. I notified the neighbors over a month ago that I would stay on the petition until the case went to Zoning and Platting but the fact that CG&S has been so accomodating and has a sincere desire to work with the neighborhood to gain support has led us to change our minds.

I realize that just 2 of our neighbors have over 20% even if everyone drops off the petition and they seem to have no desire to work out an agreement. I was hoping that Greg Guemsey would find a way to grant CG&S the Amnesty that they requested but the burden of proof seems very high.

Thank you for the hard work you do everyday!

Clarke Hammond and Monica Hammond  
403 Chaparral Road  
Austin

---

4/19/2011

**Clarke and Monica Hammond**  
**403 Chaparral Road**

Date: April 20, 2011

Subject: Application for rezoning CG&S Design Build

Dear Chairman Baker and Commissioners,

As a former four term member and officer of your Commission, I appreciate the difficult job you have in deciding the proper precedents for zoning. We are direct neighbors of CG&S Design/Build which is #1 on tonight's agenda. CG&S has been operating as a Hispanic, family owned, construction business on this site since the early 1960's, nearly 50 years of being good neighbors, contributing to the growth of Austin and creating good paying jobs for the hard working Hispanic tradesmen who built this City.

Our neighborhood, Circle S Ridge, is a small neighborhood in deep South Austin (only 3 streets, 20 foot wide asphalt covered streets, no storm drains, only bar ditches, and probably a few 50+ year old septic systems in the backyards). This was in the country and the southernmost subdivision in Austin 50 to 60 years ago. Many of the lots in the neighborhood are huge and still retain buildings that obviously supported commercial type home businesses at one time or the other. We like our neighbors on Circle S, Chaparral, and Corral and feel lucky to have many of them as friends.

The property in question tonight abuts our property. Our home is a mere 8 lots from the busiest highway in North America, IH-35. We get a lot of cut-through traffic. Crime is a concern. But we love having nearly one acre and a charming little house. We want to share our experiences briefly with you and hope that you will factor this into your decision process tonight:

1. **The neighborhood signed a Valid Petition prior to the commencement of negotiations with the applicant.** This was premature and we are withdrawing our opposition to this case tonight.
2. **Many of us had never had any problems with the company and they maintain a site that is indistinguishable from the single family homes** in our little neighborhood. In fact, it is probably better well kept than half of the homes in the entire neighborhood.
3. **The applicant not only met with all the concerned parties collectively and privately but was very proactive in seeking input and attempting to gain support.** In my 10 years serving as a board member on ZAP and the BOA, I have seldom seen such a desire to cooperate from an applicant. I never heard them say they were unwilling to do something that we asked for.
4. **The applicant put everything asked for by our neighborhood into a Restrictive Covenant** which is beneficial to the neighborhood, gives us protection for the future, and exhibits a high degree of willingness on the applicant's part to be a good neighbor.
5. **Yet there were a few neighbors who remained intractable.** I am sympathetic to their concerns but the world is changing. How can CG&S Design/Build

negotiate with neighbors who only will say no? CG&S Design/Build has no control over cut-through traffic coming off William Cannon and IH-35. I have never heard a sound coming from their property. They have offered to do whatever it took to win support of the neighbors but there is still opposition from two neighboring properties.

We know this Commission does not want to see the Guerrero family and their very small business put out of business. **Tonight is the night to settle what probably began as a mistake or oversight by the City over 35 years ago, was never corrected and now has come to a point where the business may have to close their doors, and move their business somewhere else, perhaps to Hays County.**

I cannot imagine that this Commission and the City Council will want to deal a death blow to a hard working, productive, Hispanic owned small business that has been in business at this same site for it's entire history of nearly 50 years. Please grant them the zoning requested, put appropriate conditions on it, and urge the parties concerned to sign the Restrictive Covenant. This is not a Dollar General Store or a Self Storage Facility being stuck in the middle of a block of residential homes, it is a low impact construction business run by a family that has helped build Austin, with their hands, one home at a time for nearly 50 years.

Thank you for your hard work on this Commission,

Clarke and Monica Hammond

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PETITION

March \_\_, 2011

Submitted to  
Wendy Rhoades  
May 18, 2011

Austin City Council  
P.O. Box 1088  
Austin, Texas 78767

Planning and Development  
Review Department  
Zoning Division  
505 Barton Springs Road  
Austin, Texas 78704

RE: 402 Corral Lane, Austin, Texas 78745; Zoning Case C14-2010-0199

Dear Ladies and Gentlemen:

In regard to the Protest Petition dated February 10, 2011 regarding the above referenced Zoning Application, I wish to withdraw my name from the Petition.

I also understand that there has not been a code violation adjudicated by any court with regard to the property as stated in the Petition.

<u>Printed Name</u>	<u>Address</u>	<u>Signature</u>
1. John Northland	200 Corral Lane	John Northland
2. JEAN O'GRADY	305 CHAPARRAL RD.	Jean O'Grady
3. RICK CROSL	300 Corral Ln	Rick Cros
4. JEFF ENGLER	306 B CORRAL W	Jeff Engler
5.		
6.		
7.		
8.		
9.		

## PETITION

Case Number:

**C14-2010-0199**

Date:

June 9, 2011

**402 CORRAL LN**

Total Area Within 200' of Subject Tract

347802.91

1	<u>0424070206</u>	<u>BLUMEYER GENE R &amp; JUANITA J</u>	<u>44985.00</u>	<u>12.93%</u>
2	<u>0424070211</u>	<u>SAUCEDO HECTOR &amp; MARY A</u>	<u>35,075.49</u>	<u>10.08%</u>
3	<u>0424070229</u>	<u>GONZALES ARTHUR C</u>	<u>1,081.35</u>	<u>0.31%</u>
4	<u>0424070225</u>	<u>O GRADY JEAN T</u>	<u>30332.20</u>	<u>8.72%</u>
5	<u>                    </u>	<u>                                    </u>	<u>                    </u>	<u>0.00%</u>
6	<u>                    </u>	<u>                                    </u>	<u>                    </u>	<u>0.00%</u>
7	<u>                    </u>	<u>                                    </u>	<u>                    </u>	<u>0.00%</u>
8	<u>                    </u>	<u>                                    </u>	<u>                    </u>	<u>0.00%</u>
9	<u>                    </u>	<u>                                    </u>	<u>                    </u>	<u>0.00%</u>
10	<u>                    </u>	<u>                                    </u>	<u>                    </u>	<u>0.00%</u>
11	<u>                    </u>	<u>                                    </u>	<u>                    </u>	<u>0.00%</u>
12	<u>                    </u>	<u>                                    </u>	<u>                    </u>	<u>0.00%</u>
13	<u>                    </u>	<u>                                    </u>	<u>                    </u>	<u>0.00%</u>
14	<u>                    </u>	<u>                                    </u>	<u>                    </u>	<u>0.00%</u>
15	<u>                    </u>	<u>                                    </u>	<u>                    </u>	<u>0.00%</u>
16	<u>                    </u>	<u>                                    </u>	<u>                    </u>	<u>0.00%</u>
17	<u>                    </u>	<u>                                    </u>	<u>                    </u>	<u>0.00%</u>
18	<u>                    </u>	<u>                                    </u>	<u>                    </u>	<u>0.00%</u>
19	<u>                    </u>	<u>                                    </u>	<u>                    </u>	<u>0.00%</u>
20	<u>                    </u>	<u>                                    </u>	<u>                    </u>	<u>0.00%</u>
21	<u>                    </u>	<u>                                    </u>	<u>                    </u>	<u>0.00%</u>
22	<u>                    </u>	<u>                                    </u>	<u>                    </u>	<u>0.00%</u>
23	<u>                    </u>	<u>                                    </u>	<u>                    </u>	<u>0.00%</u>
24	<u>                    </u>	<u>                                    </u>	<u>                    </u>	<u>0.00%</u>

Validated By:

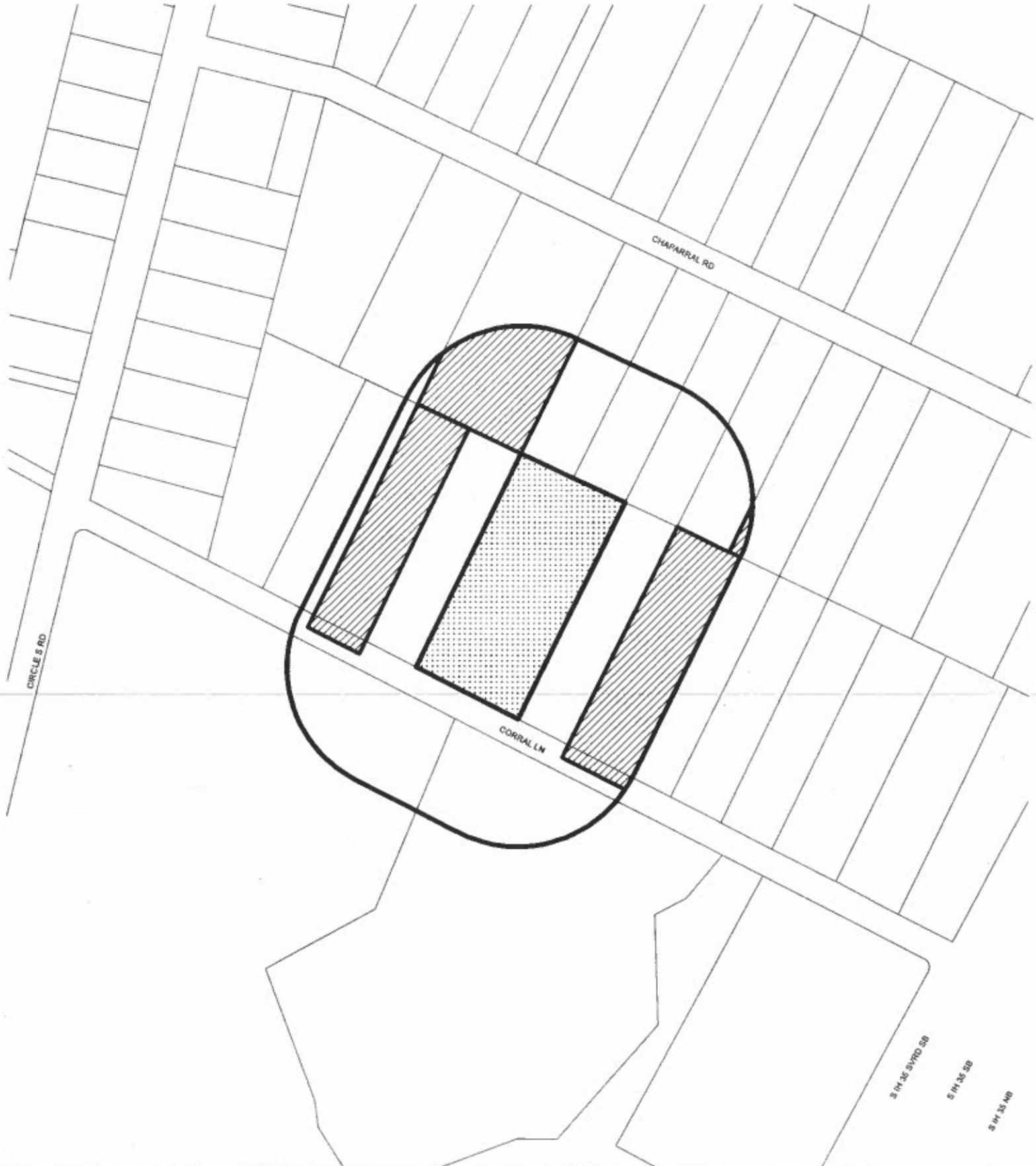
Total Area of Petitioner:




Total %

Stacy Meeks

111,474.04

32.05%



-  BUFFER
-  PROPERTY\_OWNER
-  SUBJECT\_TRACT

### PETITION

CASE#: C14-2010-0199  
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.



## **RESTRICTIVE COVENANT**

**OWNER:** The Warrior Limited Liability Company

**ADDRESS:** 402 Corral Lane  
Austin, Travis County, Texas 78745

**CONSIDERATION:** Ten and No/100 Dollars (\$10.00) and other good and valuable consideration in hand paid.

**PROPERTY:** 1.58 acre tract of land and legally described as Lots 32 & 33 , Block A, Circle S Ridge Section 1, according to the map or plat thereof in Volume 4, Page 385, Plat Records of Travis County, Texas.

**WHEREAS**, the Owner of the Property and the Circle S Ridge Neighborhood Association have agreed that the Property should be impressed with certain covenants and restrictions as conditions for zoning of the Property;

**NOW, THEREFORE**, it is declared that the Owner of the Property, for the consideration, shall hold, sell and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant. For so long as CG&S Construction, Inc., d/b/a CG&S Design Build, occupies the Property and uses it in connection with the Guerrero Family owned construction sales and service business, the following covenants shall be maintained:

1. Screen fencing 6-feet in height along the west side of the property from Corral Lane in a northerly direction to the front line of the triplex shall be installed and maintained to screen the construction sales and multi-family uses from the adjacent single family residential use to the west.
2. Screen fencing shall be maintained between the triplex and the construction service yard to the north and an automatic gate shall be erected and made operable to limit access to the service yard to use in conjunction with the family owned business and the construction sales and service use.
3. Landscaping shall be maintained to the south of the fence screening the service yard.
4. Upon termination of the current construction sales and service use for a period in excess of three months, or upon transfer of title to the Property from The Warrior Limited Liability Company to a third party, the Grantor agrees that the legal non-conforming use as a construction sales and service use shall cease to operate on the Property and all future uses shall be limited to those authorized by the zoning on the Property.

5. If any person or entity shall violate or attempt to violate this agreement and covenant, it shall be lawful for the Owner of any portion of the subject Property or the lawfully constituted Circle S Ridge Neighborhood Association to prosecute proceedings in equity against such person or entity violating or attempting to violate such agreement or covenant, to prevent and enjoin the person or entity from such violation and to award attorneys' fees to the prevailing party.
6. If any part of this agreement or covenant is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full force and effect.

When the context requires, singular nouns and pronouns include the plural.

EXECUTED THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2011.

**THE WARRIOR LIMITED LIABILITY COMPANY**

By: \_\_\_\_\_  
Clarence William Guerrero, Member

THE STATE OF TEXAS        §  
   §  
COUNTY OF TRAVIS       §

This instrument was acknowledged before me on this the \_\_\_\_\_ day of \_\_\_\_\_, 2011, by Clarence William Guerrero, Member of The Warrior Limited Liability Company, on behalf of said entity.

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