

Rezoning Application of Abraham Birgani

Case No.: C14-2017-0042

**6610 McNeil Road/
12602 Blackfoot Trail**

**LEGAL DESCRIPTION:
LOT 2 OF INDIAN OAKS 2 SUBDIVISION**

- ❖ ALCOHOL SALES PROHIBITION,
- ❖ **CURRENT AMENDED PETITION,**
- ❖ HISTORY OF PETITIONS AND
- ❖ **AMENDED COVENANT ON INDIAN OAKS
2 DIVISION.**

- Mr. Birgani agrees with the Austin City Attorney that the sale of alcohol on a property within 300 feet of a child-care facility or school is prohibited under the current Austin City Code.
- There is no question that this ordinance applies to the subject property and that Stepping Stone School is covered by this ordinance.
- Although it is a near impossibility that City Counsel would grant a waiver to Mr. Birgani to allow the sale of alcohol and that the TABC would grant a license, Mr. Birgani has no objection prohibiting the sale of alcohol in any manner through an ordinance/conditional overlay.

**STEPPING STONE'S CURRENT AMENDED PETITION
DATED NOVEMBER 15, 2017
ADDRESSES ALCOHOL SALES AND INCLUDES A
STATEMENT SUPPORTING STAFF'S
RECOMMENDATION OF LR-MU-CO OR GR-MU-CO.**

AMENDED PETITION (Revised Petition B)

Date: November 15, 2017

File Number: C16-2317-0043

Address of Re-zoning Request: 6616 McNeil Drive/12602 Blackfoot Trail

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest any change in zoning that would permit or allow the sale of alcohol in any form.

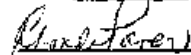
We support City staff's recommendation to zone the property LR-MU-CO or GR-MU-CO and request the conditional overlay prohibiting alcohol sales as an accessory use to a food sales use, prohibiting alcohol sales as an accessory use to a general retail sales (convenience) use, and prohibiting a restaurant (general) use.

We protest the requested zoning change because the change (1) would permit the sale of alcohol from a property adjacent to a daycare/private education facility for infants, toddlers, and children, (2) would permit the sale of alcohol from a property adjacent to neighborhood residences, (3) in regards to the sale of alcohol near a child care center, would result in detrimental impacts to the character of the neighborhood, and (4) in regards to the sale of alcohol near a child care center, would not promote any clearly identified community goal.

SIGNATURE

PRINTED NAME

ADDRESS



Rhonda Paver, on behalf of

Stepping Stone School – 6616 McNeil Dr., 78729

Paver Family Enterprises, LP – 1910 Justin Ln., 78757

AMENDED PETITION

RECEIVED

Date: November 15, 2017

File Number: C14-2017-3042

Address of Re-zoning Request: 6610 McNeil Drive/12603 Blackberry Trail

To: Austin City Council

Planning & Zoning Department

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest any change in zoning that would permit or allow the sale of alcohol in any form.

We support City staff's recommendation to zone the property LR-MU-CO or GR-MU-CO and request the conditional overlay prohibiting alcohol sales as an accessory use to a food sales use, prohibiting alcohol sales as an accessory use to a general retail sales (convenience) use, and prohibiting a restaurant (general) use.

We protest the requested zoning change because the change (1) would permit the sale of alcohol from a property adjacent to a daycare/private education facility for infants, toddlers, and children, (2) would permit the sale of alcohol from a property adjacent to neighborhood residences, (3) in regards to the sale of alcohol near a child care center, would result in detrimental impacts to the character of the neighborhood, and (4) in regards to the sale of alcohol near a child care center, would not promote any clearly identified community goal.

SIGNATURE

PRINTED NAME

ADDRESS

Rhonda Paver

Rhonda Paver, on behalf of:

Stepping Stone School - 6616 McNeil Dr., 78729

Paver Family Enterprises, LP - 1910 Justin Ln., 78757

Devon A Roberts

Devon A Roberts 12603 Blackberry Trail 78729

Pamela J Roberts

Pamela J Roberts 12603 Blackberry Trail 78729

Linda Trenholm

Linda Trenholm 7007 South Gray 78729

John Trenholm

John Trenholm 7006 South Gray 78729

Edith Pl. 22 - Glen M. Guire 12609 Blackfoot-TN 7872

W. S. Johnson - 7011 S. Sioux Ta. 78729

Maria Salinas 7889 J. Simpson St. 78729

Robert Johnson 7011 S. Sioux Ta. Austin 78729

Abel Salinas 7007 S. Sioux Austin 78729

Mike Miller Mike Miller 7008 S. Sioux Austin 78729

Tandy Ross Tandy Ross 7001 S. Sioux Austin 78729

Carol Buttery 7004 S. Sioux Ta. Austin 78729

➤ AS DISCUSSED BELOW, STEPPING STONE DOES NOT HAVE STANDING TO OBJECT TO ANY ZONING CLASSIFICATION EXCEPT AS IT RELATES TO THE SALE OF ALCOHOL.



AUSTIN, TX:
1710 Richcreek Rd. 78757
8419 Bowling Green Dr. 78757
8111 Shoal Creek Blvd. 78757
6618 McNeil Dr. 78729
9914 Woodland Village Dr. 78750
12301 Hymeadow Dr. 78750
7700 West Farmer Ln. 78729
2001 Wells Branch Pkwy. 78726
1007 E. 4th St. 78751
9405 Brodie Ln. 78748
0525 Alice Mae Ln. 78748

LEANDER, TX:
225 Black House Dr. 78641

KYLE, TX:
4624 Ransdiffe Dr. 78640
1020 Highfoot St. 78640

ROUND ROCK, TX:
7601 O'Connor Dr. 78661
2301 N. A.W. Grimes Blvd. 78665
651 Teravista Pkwy. 78665

COLLEGE STATION, TX:
900 University Oaks Blvd. 77840
205 Rock 7ealrie Rd. 77845

ADMINISTRATIVE OFFICE:
1910 Justin Ln. 78757
(512) 458-0258
Fax (512) 467-1824

www.SteppingStoneSchool.com

November 16, 2017

Planning & Zoning Dept.
c/o Ms. Sherri Sirwaltis - Case Manager
505 Barton Springs Rd.
Austin, TX 78704

Re: Case Number: 2017-042740 ZC or C14-2017-0042; Zoning/Rezoning

Dear Ms. Sirwaltis and Members of the City Council,

Enclosed please find an Amended Petition to be added to the case file referenced above. We formally request that our support (and signature) for the previous petition, dated October 21, 2017, be withdrawn and replaced by the attached November 15, 2017 version. It is my understanding that more signatures on this petition will be gathered by Mr. Clendenin, the HOA representative, in order to validate it.

If you have any questions, please feel free to contact me.

Sincerely,

Rhonda Paver

PETITION

Date: October 21, 2017

File Number: 074-267-4049

Address of Re-zoning Request: 8810 McNeil Drive/12602 Blackfoot Trail

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest any change of the Land Development Code that would zone the property to any classification other than L.R. MU-CC or GR-MU-CC with the conditional overlay prohibiting alcohol sales as an accessory use to a food sales use, prohibiting alcohol sales as an accessory use to a general retail sales (convenience) use, and prohibiting a restaurant (general) use.

We protest the requested zoning change because the change (1) would permit the sale of alcohol from a property adjacent to a day-care/private education facility for infants, toddlers, and children, (2) would permit the sale of alcohol from a property adjacent to neighborhood residences, (3) is unnecessary to permit reasonable business uses of the property, (4) would not satisfy any public need, (5) would set an undesirable precedent for other properties in the neighborhood surrounding the property, (6) would not promote compatibility with adjacent and nearby uses, (7) would result in detrimental impacts to the character of the neighborhood, (8) would not promote a transition between adjacent and nearby zoning districts, and (9) would not promote any clearly identified community goal.

SIGNATURE

PRINTED NAME

ADDRESS

✓ Rhonda Paver Rhonda Paver 6616 McNeil Dr.
Austin, TX 78729
For behalf of Paver Family Enterprises, L.P. corporate address -
1410 Justice Lane,
Austin, TX 78759

Emmalee S. Roberts EMMALEE S. ROBERTS
David A. Roberts DAVID A. ROBERTS 12607 Blackfoot TR
78129
Glen McGuire Glen McGuire 12607 Blackfoot Tr. TX 78129
Carol Gutierrez Carol Gutierrez 7004 S. Sierra Dr. 78129
Robert R. Jackson Robert Jackson 7011 S. Sierra Tr. 78129

Jan Fowler Jan Fowler 7101 N. Sioux Trl 78729

Linda Trenholm Linda Trenholm 7007 S. Sioux Trl 78729

✓ John Trenholm John Trenholm 7006 S. Sioux Trl 78729

✓ ~~E. Fehr~~ Scott Fehr 7005 S. Sioux Trl 78729

Bob King Bob King 7008 S. Sioux Trl 78729

✓ Maria Galaviz Maria Galaviz 7009 S. Sioux Trl 78729

~~Phil Stephens~~ CHAD STEPHENS 7010 S. Sioux Trl 78729

Contact Name: Jay Clendenin

Phone Number: 903-744-0406

Trudy Ross Trudy Ross 7001 S. Sioux Trl 78729

**COVENANT HISTORY OF INDIAN
OAKS 2 SUBDIVISION IN WHICH
STEPPING STONE AND BIRGANI
PROPERTIES ARE SITUATED ALLOW
THE USE OF THEIR PROPERTIES
“FOR ANY LAWFUL PURPOSE”.**

On April 29, 1985, an Amendment on Restrictions on all Indian Oaks 2 Subdivision abrogated all prior deed restrictions limiting the property use to residential purposes and allowed property within Indian Oaks 2 to “be used for any lawful purpose”. When Rhonda Paver and William J. Paver obtained title to Lot 3, Indian Oaks 2 on June 19, 1986, they bought it as a commercial property subject to use “for any lawful purpose”. **Their property is currently the Stepping Stone School.**

- **THEREFORE, THE ONLY USE PROHIBITED BY THE ABOVE AMENDMENT ON RESTRICTIONS IS THE SALE OF ALCOHOL TO WHICH MR. BIRGANI HAS NO OBJECTION SO LONG AS THE CURRENT STEPPING STONE PROPERTY IS USED AS A CHILD CARE FACILITY OF SCHOOL.**
- **BECAUSE ANY OTHER USE IS LAWFUL UNDER THE CURRENT CITY ORDINANCE, STEPPING STONE DOES NOT HAVE STANDING TO OBJECT TO ANY ZONING CLASSIFICATION SO LONG AS THE SALE OF ALCOHOL IS PROHIBITED.**

- THE NEIGHBORS IN INDIAN OAKS 2 WHO SIGNED THE CURRENT PETITION DATED NOVEMBER 15, 2017, ONLY CONSTITUTE 13.16 % OF THE PROPERTY WITHIN 200 FEET OF THE BRIGANI PROPERTY.
- THEY ALONE CANNOT CONSTITUTE A VALID PETITION.

STEPPING STONE/PAVERS HAVE A HISTORY OF REPEATEDLY FILING PETITIONS IN OPPOSITION TO MR. BIRGANI'S ZONING APPLICATIONS

Ms. Rhonda Paver, Paver's enterprises LLC. and stepping stone owners' **BASELESS** petitions have caused major financial and emotional damages to Mr. Birgani over last 20 years

On August 8, 2014, when Mr. Birgani met with neighbors about his intent to apply for a zoning change, Stepping Stone School, through Rhonda G. Paver, wrote him a letter indicating that she did not want to stand in the way of his request for a zoning change but wanted to stay neutral because she did not want to involve her school in a dispute between Mr. Birgani and the neighbors in Indian Oaks 1.



AUSTIN, TX:

1710 Richcreek Rd. 78757
8416 Bowing Green Dr. 78757
6121 Shoal Creek Blvd. 78757
6616 McNeil Dr. 78729
9912 Woodland Village Dr. 78750
1020 Fynwood Dr. 78750
7700 West Palmer Ln. 78729
2201 West French Pkwy. 78728
1313 Red River St. Ste. 3-1 78701
1007 E. 40th St. 78751
6405 Brodie Ln. 78748

LEANDER, TX:

275 Black House Dr. 78641

KYLE, TX:

2124 Ratcliffe Dr. 78540

ROUND ROCK, TX:

7601 O'Connor Dr. 78681
2301 N. A.W. Grimes Blvd. 78665
651 Teravista Pkwy. 78665

COLLEGE STATION, TX:

900 University Oaks Blvd. 77840
205 Rock Prairie Rd. 77845

ADMINISTRATIVE OFFICE:

1910 Justin Ln. 78737
(512) 459-0258
Fax (512) 457-8222

August 8, 2014

Dear Mr. Birgani:

I am in receipt of your inquiry as to whether I would be willing to support your efforts to change the zoning on your property located at 12601 Blackfoot Trail/6610 McNeil Drive in Austin.

While I will not stand in your way in regard to the zoning change, I will not sign a form saying that I support or agree with the zoning change either.

I wish to stay neutral in this matter and do not want to involve Stepping Stone School in a zoning dispute with the City and neighborhood.

I would however like to receive a drawing or better description of what you have planned for your property.

Best regards,

Rhonda G. Paver, MA

CC: Stepping Stone School Corporate Counsel

- On May 5, 2017, Stepping Stone School (Rhonda Paver) and other neighbors filed a Petition protesting any zoning classification other than LR-CO/SF-2.

First
Valid Petition

PETITION

Date: May 5, 2017
File Number: C14-2017-0042

Address of Re-zoning Request: 6610 McNeil Drive/12602 Blackfoot Trail

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest any change of the Land Development Code which would zone the property to any classification other than LR-CO/SF 2.

We protest the requested zoning change because the change (1) would permit the sale of alcohol from a property adjacent to a daycare and neighborhood residences, (2) is unnecessary to permit reasonable business uses of the property, (3) would not satisfy any public need, (4) would set an undesirable precedent for other properties in the neighborhood surrounding the property, (5) would not allow for a reasonable use of the property, (6) would not promote compatibility with adjacent and nearby uses and would result in detrimental impacts to the neighborhood character, (7) would not promote a transition between adjacent and nearby zoning districts, (8) would not promote the policy of locating retail near the intersections of arterial roadways, and (9) would not promote any clearly identified community goal.

SIGNATURE	PRINTED NAME	ADDRESS
<i>Rhonda Paver</i>	Rhonda Paver	1910 Justin Lane ✓
<i>John Trankler</i>	John Trankler	7006 S. Sioux ✓
<i>Glenn McSwine</i>	Glenn McSwine	12602 Blackfoot Trl
<i>David A. Roberts</i>	DAVID A. ROBERTS	12607 Blackfoot Trl
<i>Angela S. Roberts</i>	ANGELA S. ROBERTS	12607 Blackfoot Trl
<i>Scott Papp</i>	SCOTT PAPP	78729 South Hill
<i>Chad Stephens</i>	CHAD STEPHENS	7010 S. Sioux Trl
<i>Kyle Stephens</i>	Kyle Stephens	700 S. South Hill 78729
<i>Linda Trankler</i>	Linda Trankler	7008 S. Sioux 78729
<i>Linca King</i>	LINCA KING	7008 S. Sioux 78729
<i>Abel Galaviz</i>	ABEL GALAVIZ	7009 S. Sioux 78729 ✓
<i>Maria B. Galaviz</i>	Maria B. Galaviz	7009 S. Sioux 78729 ✓

Date: _____ Contact Name: Jay Clendenin
Linda Trankler Phone Number: 983-744-0406
Linda Trankler 7007 South Hill 78729

- On May 16, 2017, Mr. Birgani changed his application from CS1 to CS.
- On June 1, 2017, Rhonda Paver withdrew the May 5, 2017 Petition on the basis that Mr. Birgani advised that he would not seek a classification that would allow the sale of alcohol.



AUSTIN, TX:

1710 Richcreek Rd. 78757
8419 Bowling Green Dr. 78757
8121 Shoal Creek Blvd. 78757
6616 McNeil Dr. 78729
9914 Woodland Village Dr. 78750
12301 Hymenodow Dr. 78750
7700 West Farmer Ln. 78729
2001 Wells Branch Pkwy. 78728
1007 E. 40th St. 78751
9405 Brodie Ln. 78748
9325 Alice Mae Ln. 78748

LEANDER, TX:

225 Black House Dr. 78641

KYLE, TX:

4824 Ratchffe Dr. 78040
1620 Lightfoot St. 78640

ROUND ROCK, TX:

7601 C'Connor Dr. 78682
2301 N. A.W. Grimes Blvd. 78665
651 Tecavista Pkwy. 78665

COLLEGE STATION, TX:

900 University Oaks Blvd. 77840
205 Rock Prairie Rd. 77845

ADMINISTRATIVE OFFICE:

1910 Justin Ln. 78757
(512) 459-0258
Fax (512) 467-1824

www.SteppingStoneSchool.com

June 1, 2017

Planning & Zoning Dept.
c/o Ms. Sherri Sirwaitis – Case Manager
505 Barton Springs Rd.
Austin, TX 78704

Re: Case Number: 2017-042740 ZC or C14-2017-0042; Zoning/Rezoning

Dear Ms. Sirwaitis,

After discussions with the property owner, Mr. Birgani, where he indicated he would not seek a zoning classification that allows for the sale of alcohol, we withdraw our formal opposition to the pending application.

If you have any questions, please feel free to contact me.

Sincerely,

Rhonda Paver

- When Mr. Birgani filed his previous application for rezoning back in 1999, Rhonda and Bill Paver filed a Petition objecting to any zoning classification other than NO-CO-TR2, SF2-TR1 with 11 restrictions/conditional overlays.

P E T I T I O N

Date: 1/4/99

File Number: C14-98-0186

Address of
Rezoning Request: 12602 Blackfoot Trail

To: Austin City Council

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 NO-CO-FR2 SFR-TR1 - See Attached conditional Use/overlay.

(STATE REASONS FOR YOUR PROTEST) - See Attached

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

[illegible]

Date: _____

Contact Name: _____

Phone Number:

- On March 9, 1999, Rhonda Paver withdrew her Petitions on the basis that City Council approve GR zoning with LR restriction excepting Home Improvements and deleting the conditional overlays above.
- Later in March 1999, then again changed their mind and changed their petition.



Administrative Office
1500 South Loop
Austin, Texas 78704-2411
Phone: (512) 459-0259
Fax: (512) 457-1824
NAEYC Accredited



1710 Rockwood
Austin, Texas 78757
(512) 459-0247

3419 Denning Court
Austin, Texas 78738
(512) 493-2251



6616 McNeil Drive
Austin, Texas 78729
(512) 258-5161



9916 Woodland Village
Austin, Texas 78734
(512) 258-4810

3381 Wells Branch Place
Austin, Texas 78738
(512) 992-0244

12301 Hymusone
Austin, Texas 78759
(512) 331-4611

1661 O'Connor Drive
Round Rock, Texas 78665
(512) 245-8344

8121 Steel Creek
Austin, Texas 78757
(512) 371-1233

900 University Oaks Blvd
College Station, Texas 77840
(409) 693-0274

225 Blockhouse Dr.
Llano, Texas 78641
(512) 249-3422



Support
"A STEP AHEAD"

March 9, 1999

Mr. David Wahlgren
Case Manager
City of Austin
P. O. Box 1088
Austin, Texas 78767

RE: File Number: C14-98-0146 (DW1)

Dear Mr. Wahlgren:

We are writing regarding the Petition for this case. We are requesting our name be removed from the petition.

We are doing so with the request the City Council will approve GR zoning with LR restrictions, excepting Home Improvement, with a Conditional Overlay deleting the following uses;

Guidance Services, Residential Treatment, Convenience Food Stores, Food Sales, Pawn Shop Services, Restaurant - of any type, Service Station, Massage Parlors, Gun Shops, Pet Services, Video Arcade.

We have been in communication with our neighbors and with the applicant, Mr. Abraham Birgani. By signature below he indicates that he accepts the proposed zoning.

Sincerely,

Rhonda G. Paver / William J. Paver 2/10/99
Rhonda G. Paver / William J. Paver
Owners of 6616 McNeil Road
Applicant
cc: Kenneth Richey, Attorney for Rhonda & William Paver

**ORIGINAL PRESENTATION ON FIRST
READING**

Rezoning Application of Abraham Birgani

Case No.: C14-2017-0042

**6610 McNeil Road/
12602 Blackfoot Trail**

**LEGAL DESCRIPTION:
LOT 2 OF INDIAN OAKS 2 SUBDIVISION**

- Property consists of **one building**, the front part facing McNeil and side extending onto Blackfoot Trail located in Williamson County and has been **commercialized since 1985**
- When purchased in **December 1989**, it was zoned entirely commercial **WITHOUT ANY RESTRICTIVE COVENANT**
- Existing Building - reconstructed from **1990** and completed **1992**
- Until the City of Austin **annexed** it **early January 1998**
- **Prior to annexation**, Mr. Birgani had all the permits and Austin city approved site plan for parking lot only (**December 31, 1997**), consisting of elaborate drainage structure and parking lot— **Site plan permit #SP- 97-0439D**

March, 1998, Unbeknownst to Mr. Birgani, city zoned entire property SF-1 (residential), and red-tagged his entire business, stopped construction parking lots and drainage system, **revoked** all his permits and revoked approved **site plan #SP-97-0439D**

Faced with **tremendous financial loss**, Mr. Birgani was **compelled** to enter an onerous zoning agreement with city:

1.City drew artificial property line through part of building and forced him to submit another site plan which was approved **3** years later - (**The site plan # SP-99-2171C**)

2.Zoned front portion (1416 SF) as **LR-CO** and back portion (2380 SF2), **64 feet** from north of property line as **SF2**. Also imposed with impossible conditions in **restrictive covenant** and in Ordinance No. 9907722-46), severely **PROHIBITING** use of property.

ADDITIONALLY, RESTRICTIVE COVENANTS WERE
IMPOSED ON JULY 22, 1999

The most onerous restriction imposed “hours-of-operation restriction:

- ❖ Monday through Friday 8:00 a.m. until 8:00 p.m.
- ❖ Saturdays – 8:00 a.m. until 12:00 noon
- ❖ Sunday- CLOSED
- ❖ 17 Restrictions imposed on LR-CO
- ❖ Due to such extreme restrictions, it remained vacant for 14 of 20 past years.

102 FEET

64 FEET

12604 Blackfoot

LOT 2

LOT 1

12602 Blackfoot Trail
12602 Blackfoot Trail

BIRGANI'S
PROPERTY

TRACT 2

& TRACT 1

McNeil & Blackfoot



LOT 4

W/L-CO

6702 McNeil Dr

Stepping stone

LOT 3

6616 McNeil Dr

LOT 2

12602

BLACKFOOT

LOT 1

12604

BLACKFOOT

INDIAN
OAKS-2-
SUBDIVISION

McNeil Dr & BLACKFOOT TRAIL

Google Earth

4 LOTS OF INDIAN OAKS 2
SUBDIVISION

GATE

STORAGE

NO

DAKOTA

Stepping
stone

LOT1

12605

12602 Blackfoot Trail
12602 Blackfoot Trail

12603

CS-CO

CAR
WASH

MEDICAL
OFFICE

NO

GR-CO

LOT4

W/L-CO

LOT3

LOT2

McNeil Dr

LI

LI

12602 BLACKFOOT

THE PROPERTY FOR REZONING

© 2017 Google

Google Earth

INDIAN OAKS 2 SUBDIVISION CREATED IN 1977 & IT has 4 LOTS (LOT1, LOT2, LOT3, & LOT4)

- COMMERCIAL
ZONED SINCE 1985
- MR. BIRGANI OWNS
LOTS 1 & LOT 2

INDIAN OAKS 2

See Amended Plat of Lots 2, 3 & 4
Ch. 2, Slide 264

SCALE: 1"=100'
S = 1/8" F.S.B.
D = 1/8" S.B.T

TRACT: MURIL
APRIL ROAD
LOCATION

EXISTING
S.E. 1/4
S. 1/2
S. 1/4
S. 1/8
S. 1/16
S. 1/32
S. 1/64
S. 1/128
S. 1/256
S. 1/512
S. 1/1024
S. 1/2048
S. 1/4096
S. 1/8192
S. 1/16384
S. 1/32768
S. 1/65536
S. 1/131072
S. 1/262144
S. 1/524288
S. 1/1048576
S. 1/2097152
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S. 1/16777216
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S. 1/67108864
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S. 1/268435456
S. 1/536870912
S. 1/1073741824
S. 1/2147483648
S. 1/4294967296
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1985- The undersigned agree that the restriction imposed upon the property are hereby amended and modified to provide that the property is no longer restricted to use for residential purpose only and may be used for ANY LAWFUL PURPOSE

AMENDMENT OF RESTRICTIONS Vol 1186

18833

STATE OF TEXAS §
 §
COUNTY OF WILLIAMSON §

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, by Deed recorded in Volume 500, Page 496, of the Deed Records of Williamson County, Texas, a copy of which is attached hereto as Exhibit "A", RAYMOND FLOYD DAVIS and wife, ALINE DAVIS, and BEULAH DAVIS, as Grantors, did convey to ROSCOE E. MILLEGAN and wife, ANNIE MILLEGAN, as Grantees, those six (6) tracts of land situated in Williamson County, Texas, as are more fully described on Exhibit "A"; and

WHEREAS, BEULAH DAVIS is now deceased and DIANA EICHSTATDT, joined herein by her husband, DONALD L. EICHSTATDT, is her only heir; and

WHEREAS, ELAINE BARNES, wife of DALE BARNES, is now deceased; and

WHEREAS, RICHARD BOUTON and wife, DIANE BOUTON, CRAIG H. SHERPERT and wife, BARBARA SHERPERT, DALE BARNES and FRANK C. WOLCHICK, JR., are successors in title to portions of the hereinabove referenced property; and

WHEREAS, the above named MILLEGANS, BOUTONS, BARNES, SHERPERTS and WOLCHICK constitute all of the parties with any interest in and to the property described on Exhibit "A"; and

WHEREAS, the Deed attached as Exhibit "A" contains certain restrictions restricting the use of the property for residential purposes only, and the parties hereto now desire to amend said restrictions to permit any lawful use;

NOW THEREFORE, for and in consideration of the sum of TEN AND 00/100 DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the undersigned agree that the restrictions imposed upon the property are hereby amended and modified to provide that the property is no longer restricted to use for residential purposes only and may be used for any lawful purpose.

EXECUTED this 21st day of April, 1985.

<u>ROSCOE E. MILLEGAN</u> ROSCOE E. MILLEGAN	<u>ANNIE MILLEGAN</u> ANNIE MILLEGAN
<u>DIANA EICHSTATDT</u> DIANA EICHSTATDT	<u>DONALD L. EICHSTATDT</u> DONALD L. EICHSTATDT
<u>RICHARD BOUTON</u> RICHARD BOUTON	<u>DIANE BOUTON</u> DIANE BOUTON
<u>CRAIG H. SHERPERT</u> CRAIG H. SHERPERT	<u>BARBARA J. SHERPERT</u> BARBARA J. SHERPERT
<u>FRANK C. WOLCHICK, JR.</u> FRANK C. WOLCHICK, JR.	<u>DALE BARNES</u> DALE BARNES

STATE OF TEXAS §
 §
COUNTY OF TEXAS §

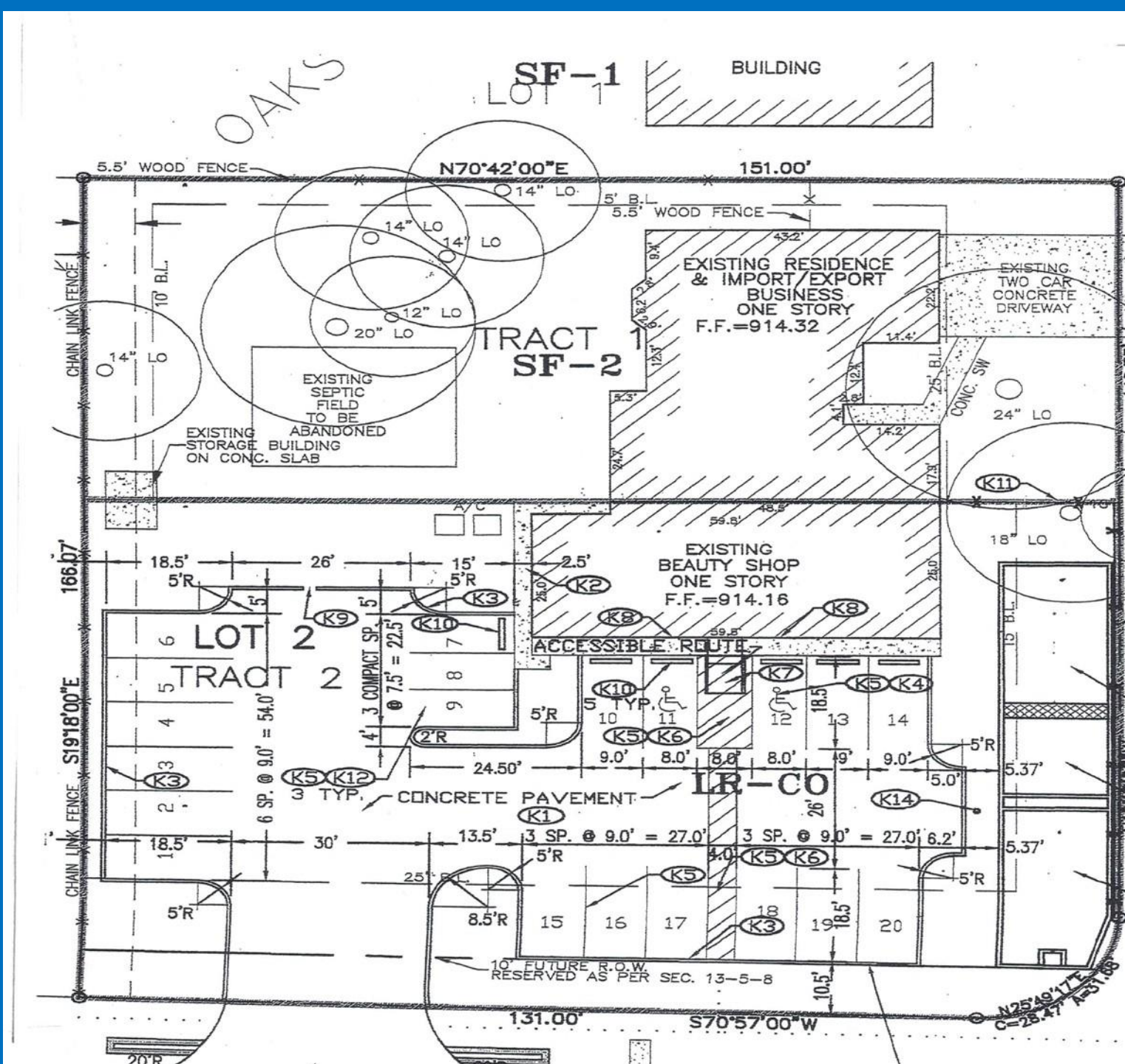
This instrument was acknowledged before me on APRIL 21, 1985, by

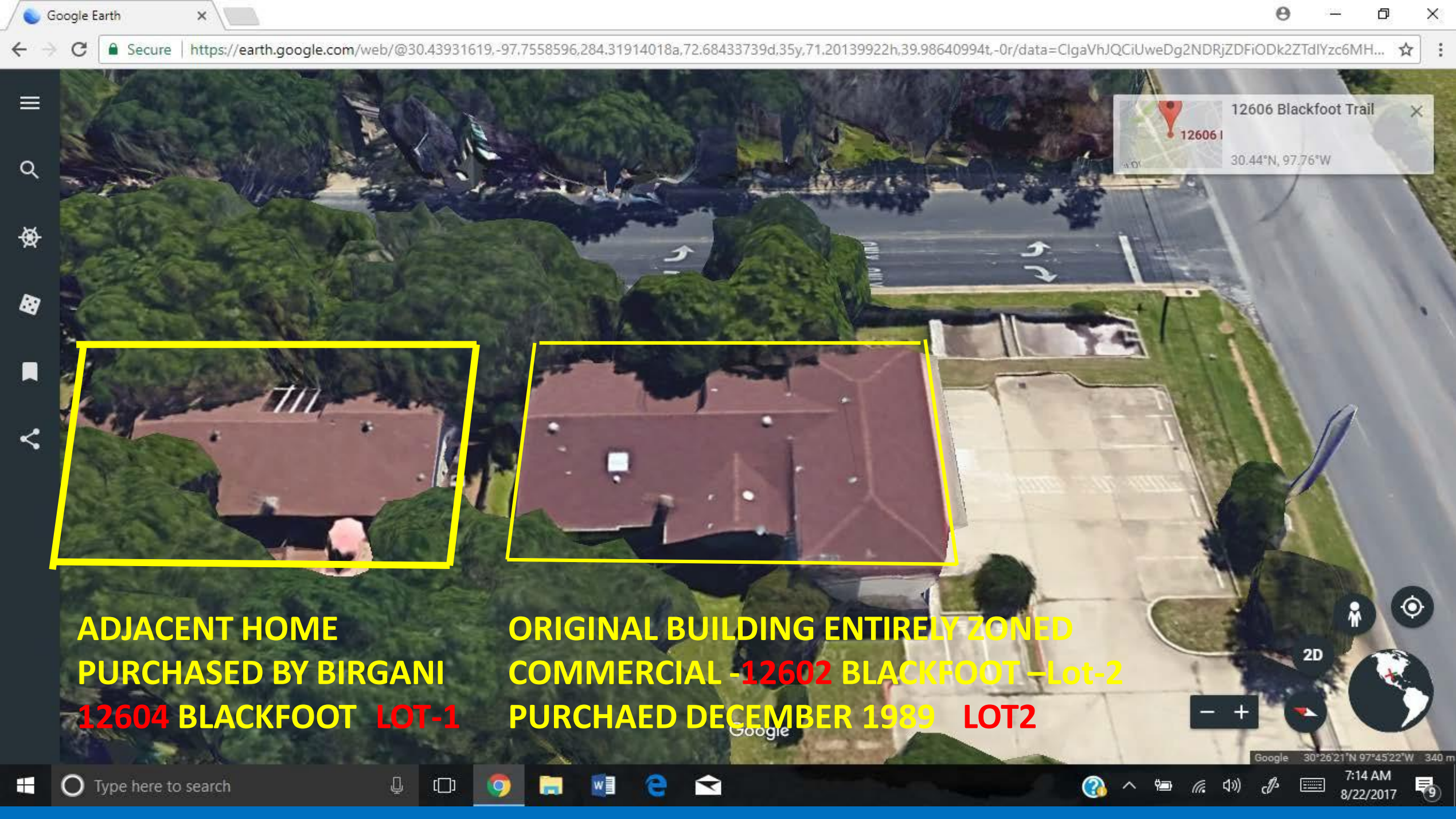


SIDE VIEW FROM BLACKFOOT

CURRENTLY THE SITE DEVELOPED
BASED ON CITY APPROVED SITE
SECOND PLAN SP-99-2171C. FOR
ENTIRE PROPERTY.

1. TOTAL AREA OF THE SITE 25,039 SF
2. TOTAL AREA BEING DEVELOPED =
17,287 SF -- 69%
3. IMPERVIOUS COVER LIMIT UNDER
RATTAN CREEK WATERSHED IS 65%
4. IF PROPERTY DIVIDED IN TWO TRACTS,
THE TRACT 2 IMPERVIOUS COVER
BECOME 92% WHICH IS OVER
DEVELOPED AND MUST BE REDUCED
BY 27%

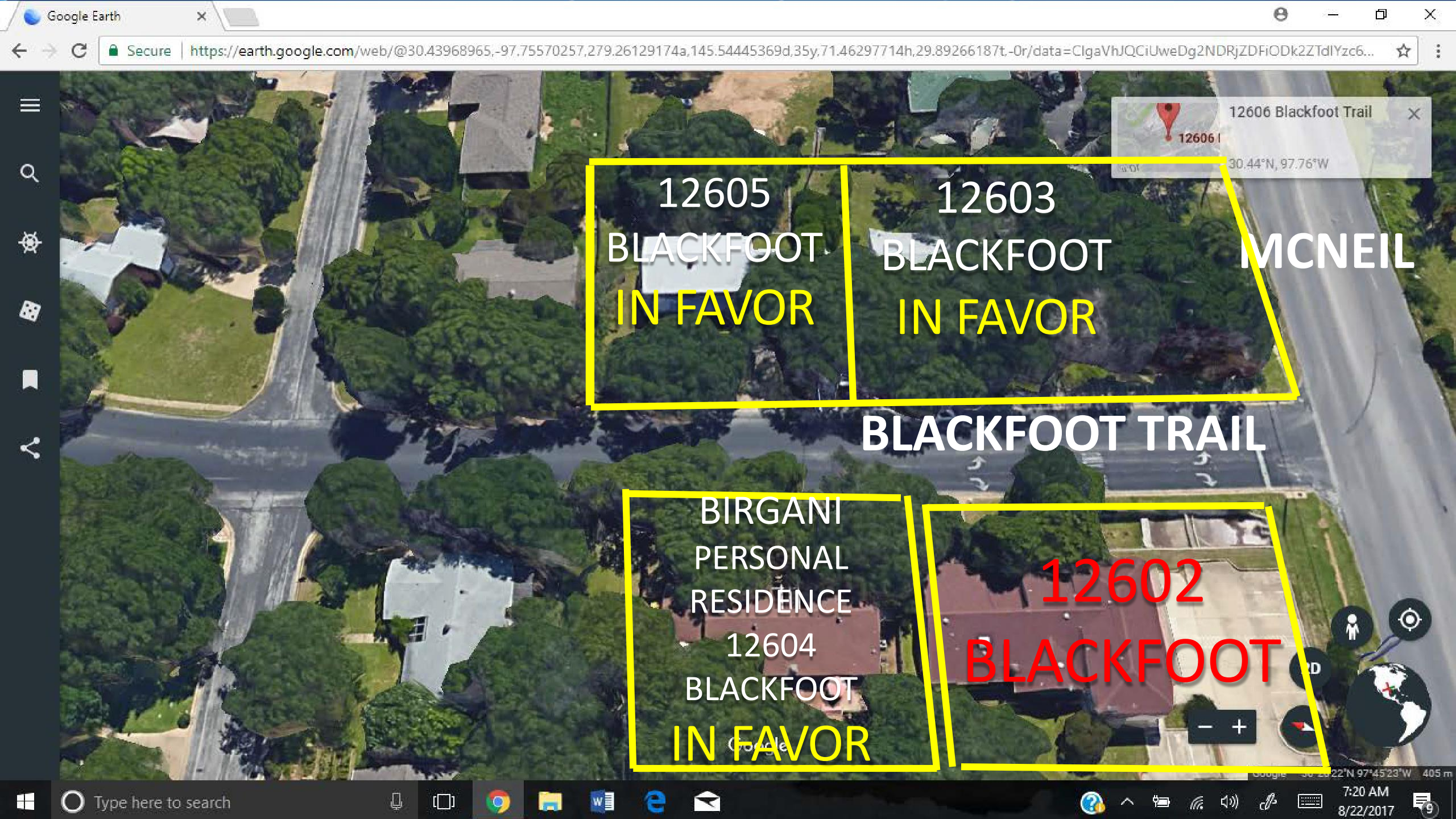




12606 Blackfoot Trail
12606
30.44°N, 97.76°W

ADJACENT HOME
PURCHASED BY BIRGANI
12604 BLACKFOOT LOT-1

ORIGINAL BUILDING ENTIRELY ZONED
COMMERCIAL -12602 BLACKFOOT –Lot-2
PURCHAED DECEMBER 1989 LOT2



12605
BLACKFOOT
IN FAVOR

12603
BLACKFOOT
IN FAVOR

MCNEIL

BLACKFOOT TRAIL

BIRGANI
PERSONAL
RESIDENCE
12604
BLACKFOOT
IN FAVOR

12602
BLACKFOOT

12602 Blackfoot

McNeil & BLACKFOOT

GATE



CS-CO

6514 Mcneil DR

STORAGE

CAR WASH

© 2017 Google

Google Earth



MEDICAL OFFICES

McNeil Dr & DAKOTA LN



GR-CO

6410

McNeil Dr

OFFICES

GAS
STATION

GR-CO

6750

CORPUS CHRISTI DR

McNeil Dr & CORPUS CHRISTI Dr

An aerial photograph of a property. A large white building with a flat roof is visible in the upper right. To its right is a smaller red structure. The property is heavily wooded with green trees. A yellow rectangular box highlights the central area of the image. The text '6702 McNeil Dr' is overlaid in yellow, and 'W/L-CO' is overlaid in red.

6702 McNeil Dr

W/L-CO

STEPPING STONE DAYCARE
(SCHOOL)

© 2017 Google

Google Earth

An aerial photograph of a residential neighborhood. A yellow rectangular box highlights a specific property in the upper left quadrant. The property is densely wooded with green trees. To the right of the highlighted area, there are several houses with grey roofs and some commercial buildings. A road runs horizontally across the middle of the image, with several cars parked along the side. The overall scene is a typical suburban or urban residential area.

GR-CO

6914

McNeil Dr

McNeil Dr & LOS INDIOS TRAIL

McNeil Dr & LOS INDIOS
TRAIL



CS-CO & GR-CO

7318 McNeil Dr



MEDICAL
OFFICES

McNeil & SAN FELIPE BLVED



GR-CO

7308 McNeil Dr.

An aerial photograph of a commercial property. A yellow rectangular box highlights a specific area containing a parking lot with several cars and a building. The text 'CS-CO' is written in large red letters, and '7200 McNeil Dr' is written in yellow letters, both within the highlighted area. The surrounding area includes other commercial buildings, parking lots, and residential houses with swimming pools.

CS-CO

7200 McNeil Dr

© 2017 Google

Google Earth

An aerial photograph of a suburban neighborhood. A yellow rectangular box highlights a white building with a curved driveway, identified as a Sonic restaurant. The surrounding area includes several large houses with grey roofs, green lawns, and trees. A road is visible on the left side of the image.

GR-CO
6818 McNeil Dr

SONIC
RESTUARANT

© 2017 Google

Google Earth

1. FOUNDATION AUTO REPAIR - 6750 Corpus Christi Drive/McNeil **GR-CO** Adjacent to 4 residence
2. NEWIMAGE HAIR SALON - 6410 McNeil Drive/Dakota **GR-CO** – Adjacent to one residence
3. JOHNSON CUSTOM POOLS - 6514 McNeil Drive **CS-CO** – adjacent to 5 residence
4. DAC INTERNATIONAL-AEROSPACE ENGINEERING - 6702 McNeil Drive **W/L-CO** – adjacent to 2 residence
5. NOT YET DEVELOPED - 6810 McNeil Drive –**GR-CO** – Recently zoned and across from apartment homes

6. 6914 McNeil Drive - Recently zoned as GR-CO – adjacent to apartment home and retirement home
7. VIDA MOTOR (auto sales) -7224 McNeil Drive - Zoned as CS-CO – adjacent to a residence
8. ADVANCED AUTO PARTS - 7308 McNeil Drive/San Filipe - Zoned as GR-CO- adjacent to a residence
9. MULTIPLE RESTAURANTS ETC. - 7318 McNeil Drive/San Filipe - Zoned as GR-CO and CS-CO – adjacent to apartment and retired homes

**THANK YOU FOR OPPORTUNITY
HEARING US**