



Zoning
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION

AGENDA ITEM NO.: Z-4
AGENDA DATE: Thu 01/15/2004
PAGE: 1 of 1

SUBJECT: C14-03-0165 - Shaid Zoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 3206 West Slaughter Lane (Slaughter Creek Watershed-Barton Springs Zone) from interim-rural residence (I-RR) district zoning to townhouse & condominium residence (SF-6) district zoning. Zoning and Platting Commission Recommendation: To grant townhouse & condominium residence (SF-6) district zoning. Applicant: Orrin Shaid. Agent: Crocker Consultants (Sarah Crocker). City Staff: Wendy Walsh, 974-7719.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

ZONING CHANGE REVIEW SHEET

CASE: C14-03-0165

Z.P.C. DATE: December 2, 2003
December 16, 2003

ADDRESS: 3206 West Slaughter Lane

OWNER AND APPLICANT: Orrin Shaïd &
Orrin Shaïd III

AGENT: Crocker Consultants
(Sarah Crocker)

ZONING FROM: I-RR

TO: SF-6

AREA: 8.900 acres

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to grant townhouse and condominium residence (SF-6) district zoning.

ZONING & PLATTING COMMISSION RECOMMENDATION:

December 2, 2003: *POSTPONED TO 12/16/03 DUE TO NOTIFICATION PROBLEMS (STAFF)*
[J.M; J.G 2ND] (9-0)

December 16, 2003: *APPROVED STAFF'S RECOMMENDATION OF SF-6 ZONING; BY*
CONSENT.
[J.M; J.G 2ND] (8-0) C.H – ABSENT

ISSUES:

The applicant has entered into a Restrictive Covenant with the City that provides that at the time a site plan is submitted, it will include an Integrated Pest Management (IPM) Plan and a landscape plan for the use of native and adapted plant materials.

DEPARTMENT COMMENTS:

The subject property consists of one single family residence and otherwise undeveloped acreage on one platted lot, and is zoned interim – rural residence (I-RR) district. Access is taken to Slaughter Lane, an improved, 6- lane major arterial roadway. Please refer to Exhibits A and A-1.

The applicant proposes to rezone the property to the townhouse and condominium residence (SF-6) district and develop the property with townhouse / condominium uses.

This segment of West Slaughter Lane between West Gate Boulevard and Brodie Lane is in transition from undeveloped property and single family residences on large lots to multi-family residential (MF-4-CO) and commercial zoning (GR-CO, LR-CO) and development. The MF-4-CO property adjacent to the west as well as the proposed MF-3-CO property adjacent to the east have been approved with conditions including SF-6 density and uses. The applicant's request for SF-6 zoning is appropriate along West Slaughter Lane and will further diversify the range of housing choices available in the general area. Townhouse / condominiums are compatible with the surrounding zoning and development which includes a shopping center with a grocery store, bank, restaurant and other retail uses, proposed multi-family to the west, and proposed convalescent services facility to the east.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	I-RR	One single family residence; Undeveloped
<i>North</i>	P; RR; SF-2	Single family residences; Drainage area; Undeveloped
<i>South</i>	NO-CO; RR; I-RR; SF-1; SF-2; SF-3	Single family residence; Undeveloped; Rehabilitation center; Neighborhood park
<i>East</i>	MF-3-CO; LR-CO; GR-CO; RR; SF-1; GO-CO; SF-3	Single family residence proposed for Convalescent Services; Administrative and business office; Personal improvement services – athletic facility; Convenience storage; Medical office; Auto washing; Service station with auto washing; Church; Apartments; Undeveloped
<i>West</i>	MF-4-CO; GR-CO; RR	Undeveloped; Shopping center with food sales, financial services and restaurants

AREA STUDY: N/A**TIA:** Is not required**WATERSHED:** Slaughter Creek – Barton Springs Zone **DESIRED DEVELOPMENT ZONE:** No**CAPITOL VIEW CORRIDOR:** No**HILL COUNTRY ROADWAY:** No**NEIGHBORHOOD ORGANIZATIONS:**

217 – Tanglewood Forest Neighborhood Association 384 – Save Barton Creek Association
 385 – Barton Springs Coalition 405 – Residents of Oak Parke
 428 – Barton Springs / Edwards Aquifer Conservation District
 465 – Cherry Creek on Brodie Neighborhood Assn. 511 – Austin Neighborhoods Council
 918 – Davis Hills Estate HOA 943 – Save Our Springs Alliance
 959 – Villages Neighborhood Association

SCHOOLS:

Kocurek Elementary School

Bailey Middle School

Bowie High School

CASE HISTORIES:

NUMBER	REQUEST	ZONING AND PLATTING COMMISSION / PLANNING COMMISSION	CITY COUNCIL
C14-03-0143	I-RR to MF-3-CO	To Grant MF-3-CO with CO to include Convalescent Services as the only permitted MF-3 use and all other SF-6 uses.	Approved MF-3-CO as recommended by the Zoning and Platting Commission (12-11-03).
C14-02-0173	DR to GR	To Grant NO-CO with conditions of no additional impervious	Approved NO-CO as recommended by ZAP and a Restrictive

		cover and prohibit access from Rocking Horse Road.	Covenant for IPM Plan and use of native / adapted plant materials (7-17-03)
C14-02-0118	LO-CO to GR	To Grant GR-CO with list of prohibited uses and 2,000 trips per day	Approved GR-CO as recommended by ZAP (7-31-03)
C14-02-0035	I-RR to MF-4	To Grant MF-4-CO with conditions: Restrict development to MF-3 development standards, except height – limit of 45 feet; SF-6 density; 2,000 vehicle trips per day; 300 foot wide buffer along the north property line.	Approved MF-4-CO with Conditional Overlay restricting development to MF-3 standards with exception of a 45' height limit; SF-6 density; 2,000 trips; 300' wide vegetative buffer along north property line, adjacent to adjoining residential district, with limited improvements allowed. A Restrictive Covenant requires the use of native plants and an IPM Plan. (11-21-02).
C14-02-0151	LR-CO to GR-CO	To GR-CO with CO limiting property to vehicle trips to 300 per day	Approved GR-CO, as recommended by ZAP (12-5-02)
C14-02-0197	LR-CO to LR-CO	To Grant LR-CO with CO for 2,700 trips per day and one berm sign	Approved LR-CO as recommended by ZAP (2-6-03)
C14-01-0159	LO-CO to SF-3	To Grant SF-3	Approved SF-3 (1-10-02)
C14-00-2032	LR-CO to LR-CO	To Grant LR-CO w/conds.	Approved LR-CO w/conds. (4-20-00)
C14-99-0070	I-RR to GO	To Grant GO-CO w/conds.	Approved GO-CO w/conds.(12-2-99)
C14-97-0156	I-RR and I-SF-2 to RR; SF-1; SF-2; SF-3; SF-4; SF-6; GR; P	To Grant RR; SF-2; SF-4A; LO; LR; and P	Approved RR; SF-2; SF-4A; LO; P w/conds. (6-25-98)
C14-96-0039	I-RR to GR; LR	To Grant GR-CO on Tract 1; LR-CO on Tract 2	Approved as per PC recommendation (5-23-96)

RELATED CASES:

The subject property was annexed into the City limits on December 31, 1992 (Ordinance Number 921210-A) and assigned I-RR district zoning.

The property is platted as Lot A of Trian Addition, recorded in May 1978 (C8s-78-073). Please refer to Exhibit B.

ABUTTING STREETS:

STREET	RIGHT-OF-WAY	PAVEMENT WIDTH	CLASSIFICATION	DAILY TRAFFIC
West Slaughter Lane	100 feet	2 @ 32 feet	Arterial	24,750 (1998)

** There is a funded Capital Improvement Project to widen the Slaughter / Brodie Lanes intersection by adding left-turn lanes.

There are no sidewalks along this portion of Slaughter Lane.

Capital Metro bus service is not available within 1/4 mile of this property.

Slaughter Lane between Brodie Lane and Manchaca Road is classified in the Bicycle Plan as a Priority 1 bike route (Route #86).

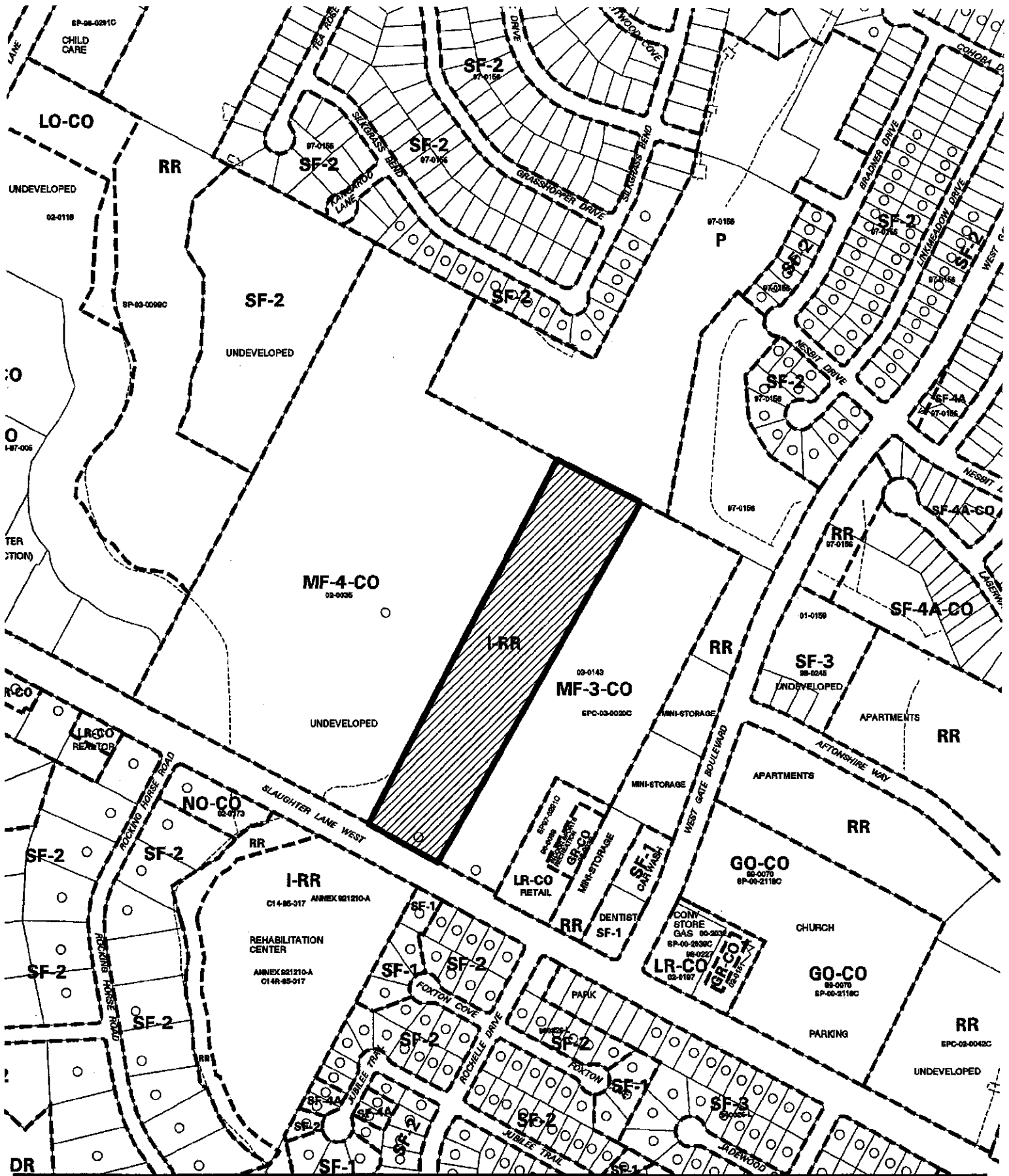
CITY COUNCIL DATE: January 15, 2004 **ACTION:**

ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

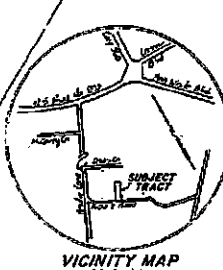
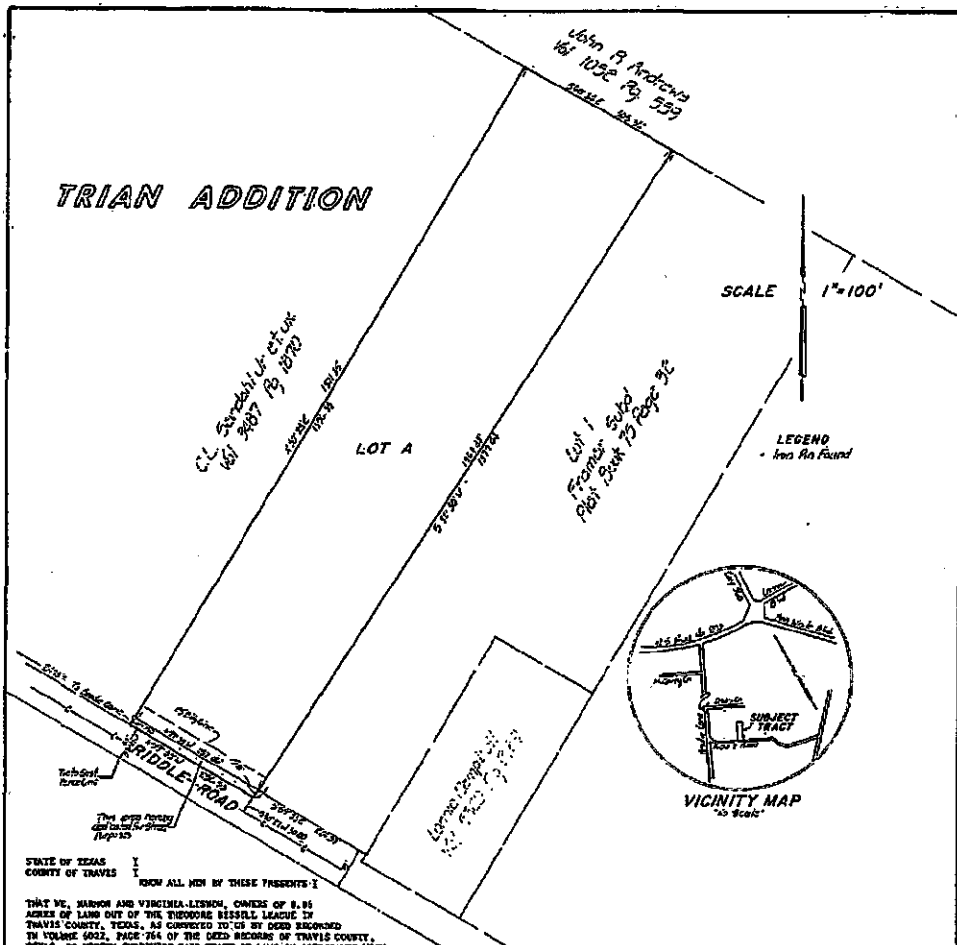
CASE MANAGER: Wendy Walsh
e-mail: wendy.walsh@ci.austin.tx.us

PHONE: 974-7719





TRIAN ADDITION



STATE OF TEXAS
COUNTY OF TRAVIS

KNOW ALL MEN BY THESE PRESENTS: I, HARRY AND VIRGINIA LISON, OWNERS OF 8.95 ACRES OF LAND OUT OF THE THEODORE BISSILL LEASE IN TRAVIS COUNTY, TEXAS, AS COMBINED TO US BY DEED RECORDED IN VOLUME 6022, PAGE 754 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, DO HEREBY SUBDIVIDE SAID TRACT OF LAND IN ACCORDANCE WITH THE PLAN AS SHOWN HEREON, SUBJECT TO ANY EASEMENT OR RESTRICTIONS HEREONTOF, GRANTED TO BE KNOWN AS TRIAN ADDITION AND DO HEREBY DEDICATE TO THE PUBLIC THE USE OF THE STREETS AND EASEMENTS AS SHOWN HEREON.

WITNESS OUR HANDS THIS 2nd DAY OF May, 1978, A.D.

STATE OF TEXAS
COUNTY OF TRAVIS

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED HARRY AND VIRGINIA LISON, KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 2nd DAY OF May, 1978, A.D.

APPROVED FOR ACCEPTANCE MAY 9, 1978, J.C.

ACCEPTED AND AUTHORIZED FOR RECORD BY THE CITY PLANNING COMMISSION, CITY OF AUSTIN, TEXAS, THIS 9TH DAY OF MAY, 1978, A.D.

CHAIRMAN Reginald A. Lamm SECRETARY James G. Vier

STATE OF TEXAS
COUNTY OF TRAVIS

I, DORIS SHROPSHIRE, CLERK OF THE COUNTY COURT, WITHIN AND FOR THE COUNTY AND STATE AFORESAID, DO HEREBY CERTIFY THAT THE WITHIN AND FOREGOING INSTRUMENT OF DIVISION WITH THE CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN THE OFFICE OF THE CLERK OF THE COUNTY COURT OF TRAVIS COUNTY, TEXAS, PASSES IN ORDER AUTHORIZING THE FILING FOR RECORD OF THIS PLAT AND THAT SAID ORDER HAS BEEN FILED IN THE RECORDS OF SAID COURT IN BOOK 1700, PAGE 331.

WITNESS MY HAND AND SEAL OF THE COUNTY COURT OF SAID COUNTY THIS 2nd DAY OF May, 1978, A.D.

STATE OF TEXAS
COUNTY OF TRAVIS

I, DORIS SHROPSHIRE, COUNTY CLERK OF TRAVIS COUNTY, TEXAS, DO HEREBY CERTIFY THAT ON THE 31st DAY OF May, 1978, A.D., THE COMMISSIONERS COURT OF TRAVIS COUNTY, TEXAS, PASSED AN ORDER AUTHORIZING THE FILING FOR RECORD OF THIS PLAT AND THAT SAID ORDER HAS BEEN FILED IN THE RECORDS OF SAID COURT IN BOOK 1700, PAGE 331.

WITNESS MY HAND AND SEAL OF THE COUNTY COURT OF SAID COUNTY THIS 31st DAY OF May, 1978, A.D.

FILED FOR RECORD ON THE 31 DAY OF May, 1978, A.D.

IN APPROVING THIS PLAT BY THE COMMISSIONERS COURT OF TRAVIS COUNTY, TEXAS, IT IS UNDERSTOOD THAT THE BUILDING OF ALL STREETS, ROADS OR OTHER PUBLIC THOROUGHFARES OR ANY BRIDGES OR CULVERTS NECESSARY TO BE PLACED ON SUCH ROADS, STREETS OR OTHER PUBLIC THOROUGHFARES SHALL BE THE RESPONSIBILITY OF THE OWNER AND/OR DEVELOPER OF THE TRACT OF LAND COVERED BY THIS PLAT AND IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS PRESCRIBED BY THE COMMISSIONERS COURT OF TRAVIS COUNTY, TEXAS, AND SAID COURT ASSUMES NO OBLIGATION TO BUILD ANY OF THE STREETS, ROADS OR OTHER PUBLIC THOROUGHFARES OR ANY BRIDGES OR CULVERTS IN CONNECTION THEREWITH.

THAT THE ACCEPTANCE FOR MAINTENANCE BY TRAVIS COUNTY, TEXAS, OF THE ROADS OR STREETS IN REAL-ESTATE SUBDIVISIONS DOES NOT OBLIGATE THE COUNTY TO INSTALL STREET MARKING STONES, AS THIS IS CONSIDERED TO BE A PART OF THE DEVELOPERS CONSTRUCTION, BUT THAT ERECTING SIGNS FOR TRAFFIC CONTROL SUCH AS FOR SPEED LIMITS AND STOP AND YIELD SIGNS, SHALL REMAIN THE RESPONSIBILITY OF THE COUNTY.

I, M. HARVEY SMITH, AN AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF SURVEYING AND HEREBY CERTIFY THAT THIS PLAT COMPLIES WITH CHAPTER 41-27 OF THE AUSTIN CITY CODE: IS TRUE AND CORRECT, AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUNDS.

FILED FOR RECORD ON THE 31 DAY OF May, 1978, A.D.

HEALTH DEPARTMENT RESTRICTIONS:

No structure in this subdivision shall be occupied until connected to an individual sewage disposal system which has been approved by the Austin-Travis County Health Department.

No structure in this subdivision shall be occupied until connected to a potable water supply from an individual well or an approved public water supply with adequate quantity for family use and operation of an approved septic tank system.

This subdivision is approved for individual water wells. No well may be installed within 150' of a septic system nor may a septic system be installed within 150' of a well.

NOTE: This subdivision is restricted to single family residences only until a public sewer system is available. Any restrictions are enforceable by the Austin-Travis County Health Department and/or the lot owner or developer.

This subdivision has been accepted for development for septic tank and/or private water wells by the Austin-Travis County Health Department.

HEALTH OFFICER Edward R. Gorman, R.S.

DATE 5-1-78

RECEIVED

MAY 2 1978

PLANNING DIV.

CRS-78-073

EXHIBIT B
RECORDED PLAT

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to grant townhouse and condominium residence (SF-6) district zoning.

BACKGROUND

The subject property consists of one single family residence and otherwise undeveloped acreage on one platted lot, and is zoned interim – rural residence (I-RR) district. Access is taken to Slaughter Lane, an improved, 6-lane major arterial roadway.

The applicant proposes to rezone the property to the townhouse and condominium residence (SF-6) district and develop the property with townhouse / condominium uses.

This segment of West Slaughter Lane between West Gate Boulevard and Brodie Lane is in transition from undeveloped property and single family residences on large lots to multi-family residential (MF-4-CO) and commercial zoning (GR-CO, LR-CO) and development. The MF-4-CO property adjacent to the west as well as the proposed MF-3-CO property adjacent to the east have been approved with conditions including SF-6 density and uses. The applicant's request for SF-6 zoning is appropriate along West Slaughter Lane and will further diversify the range of housing choices available in the general area. Townhouse / condominiums are compatible with the surrounding zoning and development which includes a shopping center with a grocery store, bank, restaurant and other retail uses, proposed multi-family to the west, and proposed convalescent services facility to the east.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

The SF-6, Townhouse and Condominium Residence District, is intended as an area for moderate density single family, duplex, two-family, townhouse and condominium use. The applicant intends to develop the property with a condominium project consisting of detached units.

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

This segment of West Slaughter Lane between West Gate Boulevard and Brodie Lane is in transition from undeveloped property and single family residences on large lots to multi-family residential (MF-4-CO) and commercial zoning (GR-CO, LR-CO) and development. The MF-4-CO property adjacent to the west as well as the proposed MF-3-CO property adjacent to the east have been approved with conditions including SF-6 density and uses. The applicant's request for SF-6 zoning is appropriate along West Slaughter Lane and will further diversify the range of housing choices available in the general area. Townhouse / condominiums are compatible with the surrounding zoning and development which includes a shopping center with a grocery store, bank, restaurant and other retail uses, proposed multi-family to the west, and proposed convalescent services facility to the east.

EXISTING CONDITIONS

Site Characteristics

The site consists of one single family residence and otherwise undeveloped acreage. The property slopes towards an unnamed tributary of Slaughter Creek, extending southwest to northeast through the west boundary.

Impervious Cover

The maximum impervious cover allowed by the SF-6 zoning district would be 15% within the Barton Springs Zone by way of the more restrictive watershed regulations.

Environmental

Based on City maps, all or a portion of this site is located over the Edward's Aquifer Recharge Zone. The site is in the Slaughter Creek of the Colorado River Basin. Any portion of the site that is within either the Recharge or Contributing Zone of the Edwards Aquifer is classified as a Barton Springs Zone (BSZ) watershed. Project applications at the time of this report are subject to the SOS Ordinance which allows 15% impervious cover in the recharge zone and 25% impervious cover in the contributing zone.

A determination of whether development of this property qualifies as a project in process and subject to the rules or regulations in effect at the time the original permit application was filed for development of this site, has not yet been made. The determination is made at the time of subdivision / site plan application.

According to flood plain maps, there is no flood plain within the project location.

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

Under current watershed regulations, development or redevelopment on this site will be subject to providing structural sedimentation and filtration basins with increased capture volume and 2 year detention. Runoff from the site is required to comply with pollutant load restrictions as specified in LDC Section 25-8-514.

Water Quality

The location of the boundary between the Recharge Zone and the suburban zone is important in determining how development on this site will occur. A geologic assessment will need to be completed and reviewed prior to initiating design of the site. Once the boundary is determined, then the water quality system can be established based on the regulations for each classification of watershed. Water quality systems in the Barton Springs Zone are typically designed for non-degradation. This is typically achieved by the use of retention ponds where the captured volume is spread over the site by the use of re-irrigation systems or infiltration systems.

Transportation

No additional right-of-way is needed at this time.

The trip generation under the requested zoning is estimated to be 774 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]

TPSD Right-of-Way

The scope of this review is limited to the identification of needs for dedication and/or reservation of right-of-way for funded Capital Improvement Program (C.I.P.) Roadway Construction Projects and Transportation Systems Management (T.S.M.) Projects planned for implementation by the City of Austin. No aspect of the proposed project is being considered or approved with this review other than the need for right-of-way for City projects. There are separate right-of-way dedication and reservation requirements enforced by other Departments and other jurisdictions to secure right-of-way for roadway improvements contained in the Austin Metropolitan Area Roadway Plan, roadway projects funded by County and State agencies, and for dedication in accordance with the functional classification of the roadway.

We have reviewed the proposed zoning case and anticipate no additional requirement for right-of-way dedication or reservation for funded C.I.P. or T.S.M. projects at this location.

Water and Wastewater

The landowner intends to serve the site with City water and wastewater utilities. If water or wastewater utility improvements, or offsite main extension, or system upgrades, or utility adjustments, or relocation are required, the landowner will be responsible for all costs and providing. Also, the utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City's utility design criteria.

Compatibility Standards

The site is subject to compatibility standards. Along portions of the north and south property lines, the following standards apply:

- No structure may be built within 25 feet of the property line zoned RR or SF-2.
- 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.
- Slaughter Lane is a scenic roadway.

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

You may send your written comments to the Zoning & Platting Commission Assistant, Neighborhood Planning & Zoning Department, P. O. Box 1088, Austin, TX 78767-8835.

File # C14-03-0165-WW

Zoning & Platting Commission Hearing Date: December 16, 2003

Name (please print)

CURT STEFKA, MAX JAMES, BOB PITTMAN

Address

3107 - 3111 SLAUGHTER LANE WEST

☒ I am in favor

(Estoy de acuerdo)

☐ I object

(No estoy de acuerdo)

WE REPRESENT THE ONE STORY AND TWO STORY
OFFICE ACROSS SLAUGHTER LN.

280-1094

You may send your written comments to the Zoning & Platting Commission Assistant, Neighborhood Planning & Zoning Department, P. O. Box 1088, Austin, TX 78767-8835.

File # C14-03-0165-WW

Zoning & Platting Commission Hearing Date: December 2, 2003

Name (please print)

Heidi + Chris Wolff

Address

3108 Foxton Cove

☐ I am in favor

(Estoy de acuerdo)

☒ I object

(No estoy de acuerdo)

We have enough traffic to contend with. no need to add more!

Strongly

Can't get out of our subdivision easily as it is

You may send your written comments to the Zoning & Platting Commission Assistant, Neighborhood Planning & Zoning Department, P. O. Box 1088, Austin, TX 78767-8835.

File # C14-03-0165-WW

Zoning & Platting Commission Hearing Date: December 16, 2003

Name (please print)

Heidi + Chris Wolff

Address

3108 Foxton Cove 78748

☐ I am in favor

(Estoy de acuerdo)

☒ I object

(No estoy de acuerdo)

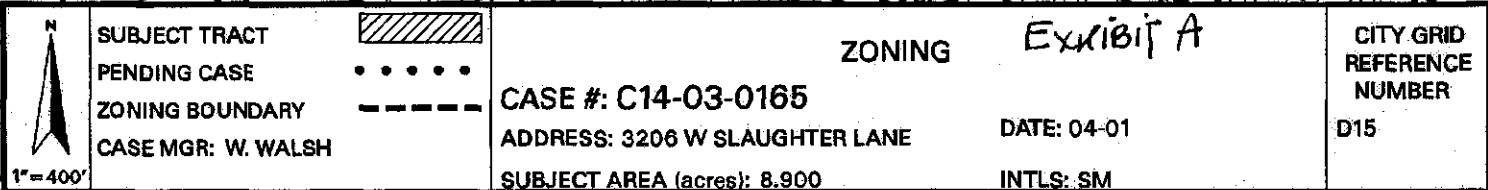
We have enough traffic already!

Strongly

Can't even get out of our subdivision without the fear of being hit. (No Traffic light)

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COA Law Department



RESTRICTIVE COVENANT

OWNER: Orrin Shaid and Orrin Shaid III

ADDRESS: 3206 West Slaughter Lane, Austin, TX 78748

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

PROPERTY: Lot A, Trian Addition Subdivision, a subdivision in the City of Austin, Travis County, according to the map or plat of record, in Plat Book 76, Page 331, of the Plat Records of Travis County, Texas.

WHEREAS, the Owner of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions;

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

1. At the time an application for approval of a site plan is submitted for development of the Property, or any portion of the Property, an Integrated Pest Management (IPM) plan shall be submitted to the Watershed Protection and Development Review Department for review and approval.
2. The IPM plan shall comply with the guidelines in Section 1.6.9.2 (D) and (F) of the Environmental Criteria Manual that are in effect on the date of this covenant.
3. At the time an application for approval of a site plan is submitted for development of the Property, or any portion of the Property, a landscape plan shall be submitted to the Watershed Protection and Development Review Department for review and approval. Ninety percent of the total plant material used, exclusive of turf, shall be native to Central Texas or on the Grow Green Native and Adapted Landscape Plants list, attached as Exhibit "A". Plants on the Invasive Species/Problem Plants list, attached as Exhibit "B", may not be included.
4. If any person or entity shall violate or attempt to violate this agreement and covenant, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such agreement or covenant, to prevent the person or entity from such actions, and to collect damages for such actions.
5. 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 effect.

6. If at any time the City of Austin fails to enforce this agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.
7. This agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, and (b) by the owner(s) of the Property subject to the modification, amendment or termination at the time of such modification, amendment or termination.

EXECUTED this the _____ day of _____, 2004.

OWNER:

Orrin Shaid

Orrin Shaid III

APPROVED AS TO FORM:

Assistant City Attorney
City of Austin

THE STATE OF TEXAS

COUNTY OF TRAVIS

§
§
§

This instrument was acknowledged before me on this the ____ day of _____, 2004, by Orrin Shaid.

Notary Public, State of Texas

THE STATE OF TEXAS

COUNTY OF TRAVIS

§
§
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§

This instrument was acknowledged before me on this the ____ day of _____,
2004, by Orrin Shaid III.

Notary Public, State of Texas

After Recording, Please Return to:
City of Austin
Department of Law
P. O. Box 1088
Austin, Texas 78767
Attention: Diana Minter, Legal Assistant

EXHIBIT A

Grow Green Native and Adapted Landscape Plants

Trees

Ash, Texas *Fraxinus texensis*
Arizona Cypress *Cupressus arizonica*
Big Tooth Maple *Acer grandidentatum*
Cypress, Bald *Taxodium distichum*
Cypress, Montezuma *Taxodium mucronatum*
Elm, Cedar *Ulmus crassifolia*
Elm, Lacebark *Ulmus parvifolia*
Honey Mesquite *Prosopis glandulosa*
Oak, Bur *Quercus macrocarpa*
Oak, Chinquapin *Quercus muhlenbergii*
Oak, Southern Live *Quercus virginiana*

Oak, Escarpment Live *Quercus fusiformis*
Oak, Lacey *Quercus glaucoides*
Oak, Monterey (Mexican White) *Quercus polymorpha*
Oak, Shumard *Quercus shumardii*
Oak, Texas Red *Quercus texana* (*Quercus buckleyi*)
Pecan *Carya illinoensis*
Soapberry *Sapindus drummondii*

Small Trees/Large Shrubs

Anacacho Orchit Tree *Bauhinia congesta*
Buckeye, Mexican *Ungnadia speciosa*
Buckeye, Rec *Aesculus pavia*
Caolina Buckthorn *Rhamnus caroliniana*
Cherry Laurel *Prunus caroliniana*
Crape Myrtle *Lagerstroemia indica*
Desert Willow *Chilopsis linearis*
Dogwood, Roughleaf *Cornus drummondii*
Escarpment Black Cherry *Prunus serotina* var. *eximia*
Eve's Necklace *Sophora affinis*
Goldenball Leadtree *Leucaena retusa*
Holly, Possumhaw *Ilex decidua*
Holly, Yaupon *Ilex vomitoria*
Mountain Laurel, Texas *Sophora secundiflora*

Persimmon, Texas *Diospyros texana*
Pistachio, Texas *Pistacia texana*
Plum, Mexican *Prunus mexicana*
Pomegranate *Punica granatum*
Redbud, Mexican *Cercis canadensis* 'mexicana'
Redbud, Texas *Cercis canadensis* var. 'texensis'
Retama Jerusalem Thorn *Parkinsonia aculeata*
Senna, Flowering *Cassia corymbosa*
Smoke Tree, American *Cotinus obovatus*
Sumac, Flameleaf *Rhus lanceolata*
Viburnum, Rusty Blackhaw *Viburnum rufidulum*
Viburnum, Sandankwa *Viburnum suspensum*

Shrubs

- Abelia, Glossy *Abelia grandiflora*
 Agarita *Berberis trifoliata*
 Agave (Century Plant) *Agave sp.*
 American Beartyberry *Callicarpa americana*
 Artemisia *Artemisia 'Powis Castle'*
 Barbados Cherry *Malpighia glabra*
 Barberry, Japanese *Berberis thunbergii 'Atropurpurea'*
 Basket Grass (Sacahuista) *Nolina texana*
 Black Dalea *Dalea frutescens*
 Bush Germander *Teucrium fruticans*
 Butterfly Bush *Buddleja davidii*
 Butterfly Bush, Wooly *Buddleja marrubifolia*
 Coralberry *Symphoricarpos orbiculatus*
 Cotoneaster *Cotoneaster sp.*
 Eleagnus *Eleagnus pungens*
 Esperanza/Yellow Bells *Tecoma stans*
 Flame Acanthus *Anisacanthus quadrifidus var. wrightii*
 Fragrant Mimosa *Mimosa borealis*
 Holly, Burford *Ilex cornuta 'Burfordii'*
 Holly, Dwarf Chinese *Ilex cornuta 'Rotunda nana'*
 Holly, Dwarf Yaupon *Ilex vomitoria 'Nana'*
 Jasmine, Primrose *Jasminum mesnyi*
 Kidneywood *Eysenhardtia texana*
 Lantana, Native *Lantana horrida*
 Mistflower, Blue (Blue Boneset) *Eupatorium coelestinum*
 Mistflower, White (Shrubby White Boneset) *Ageratina havanense*
 Mock Orange *Philadelphus coronarius*
 Nandina *Nandina domestica 'Compacta nana' 'Gulf Stream'*
 Oleander *Nerium oleander*
 Palmetto *Sabal minor*
 Prickly Pear *Opuntia engelmannii var. lindheimeri*
 Rose, Belinda's Dream *Rosa 'Belinda's Dream'*
 Rose, Lamarne *Rosa 'Lamarne'*
 Rose, Livin' Easy *Rosa 'Livin' Easy'*
 Rose, Marie Pavie *Rosa 'Marie Pavie'*
 Rose, Martha Gonzales *Rosa 'Martha Gonzales'*
 Rose, Mutabilis *Rosa 'Mutabilis'*
 Rose, Nearly Wild *Rosa 'Nearly Wild'*
 Rose, Old Blush *Rosa 'Old Blush'*
 Rose, Perle d'or *Rosa 'Perle d'or'*
 Rock Rose *Pavonia lasiopetala*
 Rosemary *Rosmarinus officinalis*
 Sage, Mountain *Salvia regia*
 Sage, Texas (Cenizo) *Leucophyllum frutescens*
 Senna, Lindheimer *Cassia lindheimeriana*
 Southern Wax Myrtle *Myrica cerifera*
 Sumac, Evergreen *Rhus virens*
 Sumac, Fragrant (Aromatic) *Rhus aromatica*
 Texas Sotol *Dasylirion texanum*
 Turk's Cap *Malvaviscus arboreus*
 Yucca, Paleleaf *Yucca pallida*
 Yucca, Red *Hesperaloe parviflora*
 Yucca, softleaf *Yucca recurvifolia*
 Yucca, Twistleaf *Yucca rupicola*

Perennials

- Black-eyed Susan *Rudbeckia hirta*
 Bulbine *B. frutescens* or *caulescens*
 Bush Morning Glory *Ipomoea fistulosa*
 Butterfly Weed *Asclepias tuberosa*
 Butterfly Weed 'Mexican' *Asclepias curassivica*
 Cast Iron Plant *Aspidistra elatior*
 Chile Pequin *Capsicum annuum*
 Cigar Plant *Cuphea micropetala*
 Columbine, Red *Aquilegia canadensis*
 Columbine, Yellow *Aquilegia chrysantha* 'Texas Gold'
 Coreopsis *Coreopsis lanceolata*
 Daisy, Blackfoot *Melampodium leucanthum*
 Daisy, Copper Canyon *Tagetes lemmonii*
 Damiantia *Crysactina mexicana*
 Fall Aster *Aster oblongifolius*
 Fern, River *Thelypteris kunthii*
 Firebush *Hamelia patens*
 Gaura *Gaura lindeheimeri*
 Gayfeather *Liatris mucronata*
 Gregg Dalea *Dalea greggii*
 Hibiscus, Perennial *Hibiscus moscheutos*, *Hibiscus coccineus*
 Honeysuckle, Mexican *Justicia spicigera*
 Hymenoxys (Four Nerve Daisy) *Tetranneuris scaposa*
 Indigo Spires *Salvia* 'Indigo Spires'
 Iris, Bearded *Iris albicans*
 Iris, Butterfly/Bicolor (African) *Dietes sp.*
 Lamb's Ear *Stachys byzantina*
 Lantana *Lantana x hybrida* (many varieties)
 Lantana, Trailing *Lantana montevidensis*
 Marigold, Mexican Mint *Tagetes lucida*
 Obedient Plant, Fall *Physostegia virginiana*
 Oregano, Mexican *Polioanthus longiflora*
 Penstemon *Penstemon sp.*
 Phlox, Fragrant *Phlox pilosa*
 Pink Skullcap *Scutellaria suffrutescens*
 Plumbago *Plumbago auriculata*
 Poinciana, Red Bird of Paradise, Pride of Barbados
Caesalpinia pulcherrima
 Primrose, Missouri *Oenothera macrocarpa*
 Purple Coneflower *Echinacea purpurea*
 Ruellia *Ruellia brittoniana*
 Sage, Cedar *Salvia roemeriana*
 Sage, Jerusalem *Phlomis fruticosa*
 Sage, Majestic *Salvia guaranitica*
 Sage, Mealy Blue *Salvia farinacea*
 Sage, Mexican Bush *Salvia leucantha*
 Sage, Penstemon, Big Red Sage *Salvia penstemonoides*
 Sage, Russian *Perovskia atricplifolia*
 Sage, Scarlet or 'Tropical' *Salvia coccinea*
 Salvia, Gregg (Cherry Sage) *Salvia greggii*
 Shrimp Plant *Justicia brandegeana*
 Texas Betony *Stachys coccinea*
 Verbena, Prairie *Verbena bipinnatifida*
 Yarrow *Achillea millefolium*
 Zexmenia *Wedelia texana*

Ornamental Grasses

Bluestem, Big *Andropogon gerardii*
 Bluestem, Bushy *Andropogon glomeratus*
 Bluestem, Little *Schizachyrium scoparium*
 Fountain Grass, Dwarf *Pennisetum alopecuroides*
 Indian Grass *Sorghastrum nutans*
 Inland Sea Oats *Chasmanthium latifolium*

Mexican Feathergrass (Wiregrass) *Stipa tenuissima*
 Muhly, Bamboo *Muhlenbergia dumosa*
 Muhly, Big *Muhlenbergia lindheimeri*
 Muhly, Deer *Muhlenbergia rigens*
 Muhly, Gulf *Muhlenbergia capillaris*
 Muhly, Seep *Muhlenbergia reverchonii*
 Sideoats Grama *Bouteloua curtipendula*
 Wild Rye *Elymus canadensis*

Vines

Asian Jasmine *Trachelospermum asiaticum*
 Carolina Jessamine *Gelsemium sempervirens*
 Coral Vine *Antigonon leptopus*
 Crossvine *Bignonia capreolata*
 Fig Vine *Ficus pumila*

Honeysuckle, Coral *Lonicera sempervirens*
 Lady Banksia Rose *Rosa banksiae*
 Passion Vine *Passiflora incarnata*
 Trumpet Vine *Campsis radicans*
 Virginia Creeper *Parthenocissus quinquefolia*

Groundcover

Aztec Grass *Ophiopogon japonicus*
 Frogfruit *Phyla incisa*
 Horseherb *Calypocarpus vialis*
 Leadwort Plumbago *Ceratostigma plumbaginoides*
 Liriope *Liriope muscari*
 Monkey Grass (Mondo Grass) *Ophiopogon japonicus*
 Oregano *Origanum vulgare*
 Periwinkle, Littleleaf *Vinca minor*
 Pigeonberry *Rivina humilis*

Purple Heart *Secreasea pallida*
 Santolina (Lavender Cotton) *Santolina chamaecyparissus*
 Sedge, Berkeley *Carex tumulicola*
 Sedge, Meadow *Carex perdentata*
 Sedge, Texas *Carex texensis*
 Sedum (Stonedrop) *Sedum nuttallianum*
 Silver Ponyfoot *Dichondra argentea*
 Woolly Stemodia *Stemodia lanata*
 (*Stemodia tomentosa*)

Turf Grasses

Bermuda 'Tif 419', 'Sahara', 'Baby', 'Common'
 Buffalo '609', 'Stampede', 'Prairie'
 St. Augustine 'Baby', 'Common', 'Raleigh', 'Delmar'

Zoysia, Fine Leaf 'Matrella', 'Emerald', 'Zorro'
 Zoysia, Coarse Leaf 'Japonica', 'Jamur', 'El Toro', 'Palisade'

EXHIBIT B

Invasive Species/Problem Plants

PLANTS TO AVOID

INVASIVES

(Plants that are non-native to the Central Texas ecosystem and tend to out-compete native species)

Do Not Plant

(Travel by seeds, berries, and spores so can be transported long distances. They have already invaded preserves and greenbelts):

- Arizona Ash
- Chinaberry
- Chinese Pistache
- Chinese Tallow
- Chinese Privet
- Elephant Ear
- Holly Fern
- Japanese Honeysuckle
- Ligustrum, Wax Leaf
- Mimosa
- Mulberry, Paper
- Nandina (large, berrying varieties)
- Photinia, Chinese
- Pyracantha
- Tamarisk
- Tree of Heaven

Do Not Plant Near

Parks/Preserves/Greenbelts

(travel by runners, rhizomes, and stems so only invade neighboring areas):

- Bamboo
- English Ivy
- Vinca (Periwinkle)

PROBLEM TREES AND SHRUBS

(Typically fast-growing, highly adaptable, but often have weak wood and are short-lived. Most are susceptible to insect and disease problems.)

- Arizona Ash
- Azalea (not adapted to Austin soils)
- Boxelder
- Camellia
- Chinaberry
- Chinese Privet
- Chinese Tallow
- Cottonwood
- Ligustrum
- Lombardy Poplar
- Mimosa
- Mulberry, Paper
- Photinia, Chinese
- Siberian Elm
- Silver Maple
- Sweetgum
- Sycamore
- Tree of Heaven