ZONING CHANGE REVIEW SHEET

CASE:  C14-2019-0162 – Slaughter and Cullen     DISTRICT:  2

ZONING FROM / TO:  GR-CO, to change a condition of zoning and remove restaurant (general) and restaurant (limited) uses from the prohibited use list

ADDRESS:  166 West Slaughter Lane and 9012 Cullen Lane

SITE AREA:  1.273 acres

PROPERTY OWNER:  LG Slaughter and Cullen LLC     AGENT: Husch Blackwell, LLP
              (Rob Pivnick)                               (Nikelle Meade)

CASE MANAGER:  Wendy Rhoades (512-974-7719, wendy.rhoades@austintexas.gov)

STAFF RECOMMENDATION:

The Staff recommendation is to grant community commercial – conditional overlay (GR-CO) combining district zoning and remove restaurant (general) and restaurant (limited) uses from the prohibited use list. The remainder of the –CO that applies to the property remain unchanged. For a summary of the basis of Staff’s recommendation, see page 2.

ZONING AND PLATTING COMMISSION ACTION / RECOMMENDATION:

June 2, 2020:

CITY COUNCIL ACTION:
Not yet scheduled

ORDINANCE NUMBER:

ISSUES:

The Park Ridge Owners Association Board of Directors is opposed to the Applicant’s request. Please refer to correspondence attached at the back of this packet.

CASE MANAGER COMMENTS:

The subject undeveloped, platted “L” shaped lot has dual frontage on West Slaughter Lane and Cullen Lane, and is zoned community commercial – conditional overlay (GR-CO) combining district covered by two 2007 cases. The western portion of the lot is moderately treed and there is a large tree at the southwest corner of the lot, along the Slaughter frontage. To the north and west there is undeveloped property with an approved site plan for retail uses; to the east and south is an office / commercial building at the intersection of Slaughter and Cullen (GR-CO; CS-1), across Cullen Lane to the east is a bank, restaurant and
pharmacy (CS-CO); across Slaughter Lane to the south is the South Park Meadows shopping center (GR-CO); and further to the west is Park Ridge, a single family residential subdivision (I-SF-4A; I-RR).  *Please refer to Exhibits A and A-1 – Zoning Map and Aerial Exhibit.*

The Applicant proposes to rezone the property and modify the Conditional Overlay, specifically to remove the restaurant (general) and restaurant (limited) uses from the prohibited use list. Otherwise, the Council-approved Conditional Overlay including the prohibited use list, 35-foot height limit, vehicle trips per day, and the public Restrictive Covenant that places additional development restrictions on the property would remain unchanged.  *Please refer to Exhibit B – 2007 Rezoning Ordinances and Restrictive Covenant.*

A restaurant (general) use is defined as the use of a site for the preparation and retail sale of food and beverages and includes the sale and on-premises consumption of alcoholic beverages (less than 51 percent of gross income). Live entertainment is also permitted if the amplified sound does not exceed 70 decibels at the property line. A restaurant (limited) use excludes the sale of alcoholic beverages for on-premises consumption.

The Applicant anticipates that a restaurant would be located on the west side of the lot and front on Slaughter Lane. Due to an existing driveway serving the adjacent office / commercial property at the intersection and required 200-foot separation between driveways, access from this site would be taken from Cullen Lane.

**BASIS FOR RECOMMENDATION**

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

The proposed community commercial (GR) district is intended for office and commercial uses serving neighborhood and community needs, including both unified shopping centers and individually developed commercial sites, and typically requiring locations accessible from major trafficways. The Conditional Overlay (CO) combining district may be applied in combination with any base district. The district is intended to provide flexible and adaptable use or site development regulations by requiring standards tailored to individual properties. *The property has access to West Slaughter Lane, a major arterial roadway and Cullen Lane, a collector street.*

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

Staff recommends the Applicant’s request to change the Conditional Overlay and remove restaurant (general) and restaurant (limited) from the prohibited use list based on the following considerations of the property: 1) location on an arterial roadway and a collector street (a signalized intersection); 2) a restaurant use is compatible with the adjacent GR-CO lots approved for office and retail uses; and 3) a restaurant use is approximately 240 feet from the closest residence in the Park Ridge subdivision.
EXISTING ZONING AND LAND USES:

<table>
<thead>
<tr>
<th>Site</th>
<th>ZONING</th>
<th>LAND USES</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>GR-CO; CS-CO</td>
<td>Undeveloped (approved site plan for 1-story, 8,156 sf of retail); Club / lodge</td>
</tr>
<tr>
<td>South</td>
<td>GR-CO (Across Slaughter Ln)</td>
<td>Commercial shopping center with restaurants, financial services, retail and offices</td>
</tr>
<tr>
<td>East</td>
<td>GR-CO; CS-1; CS-CO</td>
<td>At corner: Professional offices; Medical offices; Across Cullen Lane: Financial services; Restaurant; Pharmacy; Construction sales and services</td>
</tr>
<tr>
<td>West</td>
<td>GR-CO; I-RR; I-SF-4A</td>
<td>Undeveloped (approved site plan for 1-story, 8,156 sf of retail); Pond; Single family residences in the Park Ridge subdivision</td>
</tr>
</tbody>
</table>

AREA STUDY: Not Applicable
TIA: Is not required

WATERSHED: Slaughter Creek – Suburban

CAPITOL VIEW CORRIDOR: No
SCENIC ROADWAY: Yes, Slaughter Lane

SCHOOLS:
Williams Elementary School  Bedichek Middle School  Crockett High School

NEIGHBORHOOD ORGANIZATIONS:
242 – Slaughter Lane Neighborhood Association  511 – Austin Neighborhoods Council
627 – Onion Creek Homeowners Association  1228 – Sierra Club, Austin Regional Group
742 – Austin Independent School District  1524 – Preservation Austin
1363 – SEL Texas  1496 – Park Ridge Owners Association, Inc.
1496 – Sel – Slaughter Lane  1528 – Bike Austin
1530 – Friends of Austin Neighborhoods
1531 – South Austin Neighborhood Alliance (SANA)
1550 – Homeless Neighborhood Association
1616 – Neighborhood Empowerment Foundation

AREA CASE HISTORIES:

<table>
<thead>
<tr>
<th>NUMBER</th>
<th>REQUEST</th>
<th>COMMISSION</th>
<th>CITY COUNCIL</th>
</tr>
</thead>
<tbody>
<tr>
<td>C14-2018-0118 – 8900 South Congress</td>
<td>CS-CO to CS-CO to remove the 2,000 trips per day limit and replace w/the conds of a TIA</td>
<td>To Grant, as requested</td>
<td>Apvd (4-25-2019).</td>
</tr>
<tr>
<td>C14-06-0161 – Southpark</td>
<td>GR-CO to CS-1 for 15,534 sf.</td>
<td>To Grant CS-1 for 15,534 sf.</td>
<td>Apvd CS-1-CO w/CO to prohibit adult-</td>
</tr>
<tr>
<td>Description</td>
<td>Uses</td>
<td>Terminations</td>
<td></td>
</tr>
<tr>
<td>-----------------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>Meadows Building 19 – 9200-9250 Cullen Ln</td>
<td>I-RR; LO-CO; CS-CO to GR-MU-CO for Tracts 1 and 2; SF-6 for Tract 3; SF-6-CO for Tract 4; GR-CO for Tract 5</td>
<td>To Grant GR-MU-CO for Tracts 1 and 2; SF-6 for Tract 3; SF-6-CO for Tract 4 and GR-CO for Tract 5, w/ addl prohibited uses and LR development standards, and the conditions of the TIA w/addl turning movements allowed. Apvd GR-MU-CO for Tracts 1 and 2, SF-6 for Tract 3 and GR-CO for Tract 5 as ZAP recommended; SF-4A for Tract 4. Restrictive Covenant for the TIA (5-18-2006).</td>
<td></td>
</tr>
<tr>
<td>C14-05-0171 – The Grove at Southpark Meadows – 301 W Slaughter Ln and 9501 S 1st St</td>
<td>RR to CS</td>
<td>Approved GR-CO w/ CO for list of prohibited and conditional uses. Restrictive Covenant for the TIA. Apvd GR-CO as recommended by ZAP. Restrictive Covenant for the TIA (3-10-2005).</td>
<td></td>
</tr>
<tr>
<td>C14-04-0075 – Southpark Meadows – 9600 S IH 35 Service Rd SB</td>
<td>LO-CO; CS-1-CO to GR-CO</td>
<td>To Grant GR-CO w/ conds of the TIA. Apvd GR-CO with a Restrictive Covenant for the TIA, as recommended by ZAP (10-21-2004).</td>
<td></td>
</tr>
<tr>
<td>C14-99-0129 (RCT) - 9600 S IH 35 Service Rd SB</td>
<td>To Terminate the Restrictive Covenant which addresses the discontinuance of a cocktail lounge use.</td>
<td>To Grant a Termination of the Restrictive Covenant Apvd a Termination of the Restrictive Covenant (10-21-2004).</td>
<td></td>
</tr>
<tr>
<td>C14-04-0037 Slaughter @ Cullen Commercial – 9200 Cullen Ln</td>
<td>RR to GR</td>
<td>To Grant GR-CO with a list of prohibited uses and conditions of the TIA Apvd GR-CO w/CO for a list of prohibited and conditional uses. Restrictive Covenant for the TIA (8-26-2004).</td>
<td></td>
</tr>
<tr>
<td>C14-03-0066 – Wal-mart –IH-35 and Slaughter Lane</td>
<td>RR; SF-2; LI-CO; CS-CO and CS to GR</td>
<td>To Grant GR-CO w/ conds of the TIA Apvd GR-CO w/CO for a 6’ fence and landscaping along Cullen Ln; 2) direct all traffic south on Cullen Ln by way of limited function driveways onto Cullen Ln that allow right-in and left-</td>
<td></td>
</tr>
</tbody>
</table>
out movements only; 3) the use of shielded / hooded lights throughout the site; and, 4) a list of prohibited uses and one accessory use. Restrictive Covenant for the TIA and an Integrated Pest Management (IPM) Plan and a landscape plan for the use of native and adapted plant materials (10-30-2003).

<table>
<thead>
<tr>
<th>Description</th>
<th>Action</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>C14-99-2063 – 8900 Block of Cullen Lane</td>
<td>I-RR to CS for Tract 1; LO for Tract 2</td>
<td>To Grant CS-CO for Tract 1; LO-CO for Tract 2. (The CO is described below in C14-98-0226) Apvd CS-CO for Tract 1; LO-CO for Tract 2 as Commission recommended (6-22-2000).</td>
</tr>
<tr>
<td>C14-99-2007 – 8916 Cullen Ln</td>
<td>I-RR to CS for Tract 1; LO for Tract 2</td>
<td>To Grant CS-CO for Tract 1; LO-CO for Tract 2. (The CO is described below in C14-98-0226) Apvd CS-CO for Tract 1; LO-CO for Tract 2 as Commission recommended (1-27-2000).</td>
</tr>
<tr>
<td>C14-99-0112 – 8816 Cullen Ln</td>
<td>DR to CS for Tract 1; LO for Tract 2</td>
<td>To Grant CS-CO for Tract 1; LO-CO for Tract 2. (The CO is described below in C14-98-0226) Apvd CS-CO for Tract 1; LO-CO for Tract 2 as Commission recommended (1-27-2000).</td>
</tr>
<tr>
<td>C14-99-0075 – 8810 Cullen Ln</td>
<td>DR to CS for Tract 1; LO for Tract 2</td>
<td>To Grant CS-CO for Tract 1; LO-CO for Tract 2, with LO-CO being a 40’ wide landscaped buffer and a 6’ solid fence along the west property line; CS-CO for list of prohibited uses; 30’ height limit; 2,000 trips; rollback to W/LO if construction sales &amp; service use is a permitted use in that district; r-o-w Apvd CS-CO for Tract 1; LO-CO for Tract 2 as Commission recommended (9-30-1999).</td>
</tr>
<tr>
<td>Case Number</td>
<td>Description</td>
<td>Zoning Details</td>
</tr>
<tr>
<td>-----------------------------</td>
<td>-----------------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>C14-98-0226 – 8908 Cullen Ln</td>
<td>I-RR to CS-CO</td>
<td>To Grant LO-CO for Tract 1 and LO-CO for Tract 2 with LO-CO being a 40’ wide landscaped buffer and a 6’ solid fence along the west property line; CS-CO for list of prohibited uses; 30’ height limit; 2,000 trips; rollback to W/LO if construction sales &amp; service use is a permitted use in that district; r-o-w dedication on Cullen Lane (approx. 5’) (10-7-1999).</td>
</tr>
<tr>
<td>C14-96-0015 – 9100 Cullen Ln</td>
<td>I-RR to GR; CS-1</td>
<td>To Grant CS-1-CO for Tract 1; GR-CO for Tract 2, w/CO for 2,000 trips</td>
</tr>
</tbody>
</table>

**RELATED CASES:**

On May 3, 2007, Council approved GR-CO zonings and a public Restrictive Covenant for two cases that cover the lot proposed for rezoning (C14-06-0203 – Cullen Zoning and C14-06-0204 – Slaughter Zoning).

The rezoning area is platted as Lot 3, Resubdivision of Lot 2, Block A, Replat of a Portion of Lot 8 Tom F. Dunnahoo Subdivision and Lot 6, Tom F. Dunnahoo Subdivision, recorded on October 19, 2019 (C8-2019-0018.0A). *Please refer to Exhibit C – Recorded Plat.*

**EXISTING STREET CHARACTERISTICS:**

<table>
<thead>
<tr>
<th>Name</th>
<th>ROW</th>
<th>Pavement</th>
<th>Classification</th>
<th>Sidewalks</th>
<th>Bicycle Route</th>
<th>Capital Metro (within ¼ mile)</th>
</tr>
</thead>
<tbody>
<tr>
<td>West Slaughter Lane</td>
<td>107 feet</td>
<td>92 feet</td>
<td>Level 4 (Major Arterial)</td>
<td>Yes</td>
<td>Buffered Bike Lane</td>
<td>Yes</td>
</tr>
<tr>
<td>Cullen Lane</td>
<td>48 – 58 feet</td>
<td>22 feet</td>
<td>Level 2 (Collector)</td>
<td>No</td>
<td>Shared Lane</td>
<td>Yes</td>
</tr>
</tbody>
</table>
OTHER STAFF COMMENTS:

Comprehensive Planning

The subject tract for this rezoning case is located along the Imagine Austin Slaughter Lane Activity Corridor and is within the Imagine Austin Southpark Meadows Regional Center. The subject property, which is ‘L’ shaped, is 1.273 acres in size and abuts Cullen Lane and Slaughter Lane and is not located within the boundaries of a small area plan. Surrounding land uses includes undeveloped land, a club, and a nursery school to the north; to the south is small shopping center and the Southpark Meadows Shopping Center; to the east is a bank and a restaurant and both uses have a drive thru; and to the west undeveloped land and single family houses. Cullen Lane is a narrow rural road with no curb or gutters. The proposed use is restaurant and the removal of some of the existing conditional overlays so that restaurant uses (Limited and General) would be permitted uses on this property. The remaining Conditional Overlays would still apply.

Existing conditional overlays on this site:
- A 50 foot vegetative buffer along the western property line where it is adjacent to or within 50 feet of a single family house.
- A 25 foot vegetative buffer along the western property line where adjacent to the detention pond.
- The maximum building height is no greater than 35 feet from grade level.
- Signage restrictions
- The Land Use shall not generate more than 3,000 trips per day.
- Prohibited uses below, which includes restaurants:

<table>
<thead>
<tr>
<th>Automotive rentals</th>
<th>Automotive repair services</th>
</tr>
</thead>
<tbody>
<tr>
<td>Automotive sales</td>
<td>Automotive washing (of any type)</td>
</tr>
<tr>
<td>Bail bond services</td>
<td>Bed and breakfast residential (Group 1)</td>
</tr>
<tr>
<td>Bed and breakfast (Group 2)</td>
<td>Club or lodge</td>
</tr>
<tr>
<td>Commercial off-street parking</td>
<td>Drop-off recycling collection facility</td>
</tr>
<tr>
<td>Exterminating services</td>
<td>Funeral services</td>
</tr>
<tr>
<td>Funeral services</td>
<td>Hotel-motel</td>
</tr>
<tr>
<td>Indoor entertainment</td>
<td>Indoor sports and recreation</td>
</tr>
<tr>
<td>Off-site accessory parking</td>
<td>Outdoor entertainment</td>
</tr>
<tr>
<td>Outdoor sports and recreation</td>
<td>Pawn shop services</td>
</tr>
<tr>
<td>Residential treatment</td>
<td>Restaurant (general)</td>
</tr>
<tr>
<td>Restaurant (limited)</td>
<td>Service station</td>
</tr>
<tr>
<td>Theater</td>
<td>Urban farm</td>
</tr>
</tbody>
</table>
Connectivity
Cullen Lane is a narrow road with no curb or gutters. The only public sidewalk is located at the property that contains the bank. Public sidewalks are located along Slaughter Lane. A transit stop is located within 300 feet from the subject property, on Slaughter Lane. Bike lanes are located along both side of this portion of Slaughter Lane. The mobility and connectivity options in the area are average.

Imagine Austin
The subject tract falls within the boundaries of the Imagine Austin Southpark Meadows Regional Center. Like many Imagine Austin Centers, this center is represented by a circle or globular shape that reflects the general location where the center should be located in the future. The center’s actual boundaries would need to be clarified through a small area planning process. A Regional Center is the most urban of the three activity centers outlined in the growth concept map. These centers are the places where the greatest density of people and jobs and the tallest buildings in the region will be located.

The project is also located along the West Slaughter Lane, an Imagine Austin Corridor. Activity Corridors are intended to allow people to reside, work, shop, access services, people watch, recreate, and hang out without traveling far distances. They are characterized by a variety of activities and types of buildings located along the roadway — shopping, restaurants and cafés, parks, schools, single-family houses, apartments, public buildings, houses of worship, mixed-use buildings, and offices. The following Imagine Austin policies are applicable to this case:

- **LUT P1.** Align land use and transportation planning and decision-making to achieve a compact and connected city in line with the growth concept map.

- **LUT P3.** Promote development in compact centers, communities, or along corridors that are connected by roads and transit that are designed to encourage walking and bicycling, and reduce health care, housing and transportation costs.

- **LUT P4.** Protect neighborhood character by directing growth to areas of change that includes designated redevelopment areas, corridors and infill sites. Recognize that different neighborhoods have different characteristics and new and infill development should be sensitive to the predominant character of these communities.

Based on this property being situated within a Regional Center and along Activity Corridor, which supports retail and commercial uses in both centers and corridors; the existing mobility options available in the area (public sidewalks, bike lanes, and a transit stop); and the Imagine Austin policies referenced above that supports a variety of development, including a retail/commercial uses along major corridors, this project supports the Imagine Austin Comprehensive Plan.
Drainage

The developer is required to submit a pre- and post-development drainage analysis at the subdivision and site plan stage of the development process. The City’s Land Development Code and Drainage Criteria Manual require that the Applicant demonstrate through engineering analysis that the proposed development will have no identifiable adverse impact on surrounding properties.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Slaughter 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. The site is in the Desired Development Zone.

Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<table>
<thead>
<tr>
<th>Development Classification</th>
<th>% of Gross Site Area</th>
<th>% of Gross Site Area with Transfers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-Family (minimum lot size 5750 sq. ft.)</td>
<td>50%</td>
<td>60%</td>
</tr>
<tr>
<td>Other Single-Family or Duplex</td>
<td>55%</td>
<td>60%</td>
</tr>
<tr>
<td>Multifamily</td>
<td>60%</td>
<td>70%</td>
</tr>
<tr>
<td>Commercial</td>
<td>80%</td>
<td>90%</td>
</tr>
</tbody>
</table>

According to floodplain maps there is no floodplain within or adjacent to 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.

At this time, site specific information is unavailable regarding 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 requires water quality control with increased capture volume and control of the 2 year storm on site.

Site Plan

Site plans will be required for any new development other than single-family or duplex residential.

Any development which occurs in an SF-6 or less restrictive zoning district which is located 540 feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.
Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

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

FYI: A portion of the subject property is included in a site plan that is currently under review (SP-2018-0394C).

COMPATIBILITY STANDARDS
The site is subject to compatibility standards due to proximity of SF-4A to the west. The following standards apply:

- 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.
- For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, height limitation is 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
- For a structure more than 300 feet but not more than 540 feet from property zoned SF-5 or more restrictive, 60 feet plus one foot for each four feet of distance in excess of 300 feet from the property zoned SF-5 or more restrictive.
- An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from property in an SF-5 or more restrictive zoning district.

DEMOLITION AND HISTORIC RESOURCES
The applicant is responsible for requesting relocation and demolition permits once the site plan is approved. The City Historic Preservation Officer will review all proposed building demolitions and relocations prior to site plan approval. If a building meets city historic criteria, the Historic Landmark Commission may initiate a historic zoning case on the property.

Transportation
A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 3,000 vehicle trips per day as stated in the 2007 zoning ordinances.

The Austin Strategic Mobility Plan (ASMP) adopted April 11, 2019, calls for 120 feet of right-of-way for West Slaughter Lane and 78 feet for Cullen Lane. It is recommended that 60 feet of right-of-way from the existing centerline W Slaughter and 39 feet from the existing centerline of Cullen should be dedicated according to the Transportation Plan with the submittal of a subdivision or site plan application [LDC 25-6-51 and 25-6-55].
**Water / 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 Austin Water for compliance with City criteria and suitability for operation and maintenance.

Depending on the development plans submitted, water and or wastewater service extension requests may be required. 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.

**INDEX OF EXHIBITS TO FOLLOW**

A: Zoning Map  
A-1: Aerial Map  

B: 2007 Rezoning Ordinances and public Restrictive Covenant  

C: Recorded Plat  

Correspondence Received
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

Created: 12/5/2019
SLAUGHTER AND CULLEN  

Exhibit A - 1

ZONING CASE#: C14-2019-0162  
LOCATION: 166 W, SLAUGHTER LANE; 9012 CULLEN LANE  
SUBJECT AREA: 1.273 Acres  
GRID: G13  
MANAGER: Wendy Rhoades  

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.
ORDINANCE NO. 20070503-047

AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING FOR THE PROPERTY LOCATED AT 9006 CULLEN LANE AND CHANGING THE ZONING MAP FROM INTERIM RURAL RESIDENCE (I-RR) DISTRICT TO COMMUNITY COMMERCIAL-CONDITIONAL OVERLAY (GR-CO) COMBINING DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from interim rural residence (I-RR) district to community commercial-conditional overlay (GR-CO) combining district on the property described in Zoning Case No. C14-06-0203, on file at the Neighborhood Planning and Zoning Department, as follows

Lot 6, Block A, Tom F Dunnahoo Subdivision, a subdivision in the City of Austin, Travis County, Texas, as described in a deed of record in Volume 683, Page 1 of the Deed Records of Travis County, Texas (the “Property”), locally known as 9006 Cullen Lane, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit “A”

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

A A 50-foot wide vegetative buffer shall be provided along the west property line where adjacent to or within 50 feet of a single family residential zoned property. Except as provided in Section 25-1-(27)(a) and (b), the buffer zone shall remain an undisturbed vegetative buffer

B A 25-foot wide vegetative buffer shall be provided and maintained along the west property line where adjacent to a detention pond. Except as provided in Section 25-1-(27)(a) and (b), the buffer zone shall remain an undisturbed vegetative buffer

C Section 25-10-124 (Scenic Roadway Sign District Regulations) applies to the Property

Page 1 of 3
D The maximum height of a building or structure developed on the Property is 35 feet from grade level

E If the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 3,000 trips per day, a site plan or building permit for the Property may not be approved, released, or issued, until a traffic impact analysis ("TIA") is submitted to and approved by the Watershed Protection and Development Review Department

F The following uses are prohibited uses of the Property

- Automotive rentals
- Automotive sales
- Bail bond services
- Bed and breakfast (Group 2)
- Commercial off-street parking
- Exterminating services
- Funeral services
- Indoor entertainment
- Off-site accessory parking
- Outdoor sports and recreation
- Residential treatment
- Restaurant (limited)
- Theater

- Automotive repair services
- Automotive washing (of any type)
- Bed and breakfast residential (Group 1)
- Club or lodge
- Drop-off recycling collection facility
- Funeral services
- Hotel-motel
- Indoor sports and recreation
- Outdoor entertainment
- Pawn shop services
- Restaurant (general)
- Service station
- Urban farm

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the community commercial (GR) base district and other applicable requirements of the City Code.
PART 3. This ordinance takes effect on May 14, 2007

PASSED AND APPROVED

May 3, 2007

Will Wynn
Mayor

APPROVED: David Allan Smith
City Attorney

ATTEST: Shirley A. Gentry
City Clerk
ORDINANCE NO. 20070503-048

AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING FOR THE PROPERTY LOCATED AT 160 WEST SLAUGHTER LANE AND CHANGING THE ZONING MAP FROM INTERIM RURAL RESIDENCE (I-RR) DISTRICT TO COMMUNITY COMMERCIAL-CONDITIONAL OVERLAY (GR-CO) combINING DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from interim rural residence (I-RR) district to community commercial-conditional overlay (GR-CO) combining district on the property described in Zoning Case No. C14-06-0204, on file at the Neighborhood Planning and Zoning Department, as follows:

Lot 2, Block A, Tom F. Dunnahoo Subdivision, Replat of a portion of Lot 8, Tom F. Dunnahoo Subdivision, a subdivision in the City of Austin, Travis County, Texas, as described in a deed of record in Volume 96, Pages 11 and 12 of the Deed Records of Travis County, Texas (the "Property"),

locally known as 160 West Slaughter Lane, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "A".

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

A. A 50-foot wide vegetative buffer shall be provided along the west property line where adjacent to or within 50 feet of a single family residential zoned property. Except as provided in Section 25-1-(27)(a) and (b), the buffer zone shall remain an undisturbed vegetative buffer.

B. A 25-foot wide vegetative buffer shall be provided and maintained along the west property line where adjacent to a detention pond. Except as provided in Section 25-1-(27)(a) and (b), the buffer zone shall remain an undisturbed vegetative buffer.

C. The maximum height of a building or structure developed on the Property is 35 feet from grade level.
D. The following uses are prohibited uses of the Property:

Automotive rentals
Automotive sales
Bail bond services
Bed and breakfast (Group 2)
Commercial off-street parking
Exterminating services
Funeral services
Indoor entertainment
Off-site accessory parking
Outdoor sports and recreation
Residential treatment
Restaurant (limited)
Theater
Automotive repair services
Automotive washing (of any type)
Bed and breakfast residential (Group 1)
Club or lodge
Drop-off recycling collection facility
Funeral services
Hotel-motel
Indoor sports and recreation
Outdoor entertainment
Pawn shop services
Restaurant (general)
Service station
Urban farm

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the community commercial (GR) base district and other applicable requirements of the City Code.

PART 3. This ordinance takes effect on May 14, 2007.

PASSED AND APPROVED

May 3, 2007

Will Wynn
Mayor

APPROVED:
David Allan Smith
City Attorney

ATTEST: Shirley A. Gentry
City Clerk
RESTRICTIVE COVENANT

OWNER: Weldon J. Schmidt
ADDRESS: 9006 Cullen Lane, Austin, Texas 78748
OWNER: A. King Enterprises Management, Ltd., a Texas limited partnership
ADDRESS: 9605 Orchid Hill, Dallas, Texas 75243

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 6, Block A, Tom F. Dunnahoo Subdivision, a subdivision in the City of Austin, Travis County, Texas, as described in a deed of record in Volume 683, Page 1 of the Deed Records of Travis County, Texas; and

Lot 2, Block A, Tom F. Dunnahoo Subdivision, replat of a portion of Lot 8, Tom F. Dunnahoo Subdivision, a subdivision in the City of Austin, Travis County, Texas, as described in a deed of record in Volume 96, Pages 11 and 12 of the Deed Records of Travis County, Texas.

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

NOW, THEREFORE, it is declared that the Owners 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 Owners of the Property, its successors and assigns.

1. Hours of construction are limited to 7:00 a.m. to 7:00 p.m.

2. A building for a single tenant shall not exceed 25,000 square feet.

3. A 24-hour business shall not operate within 200 feet of a single family residential property line.

4. Outdoor containers used for storage or display of merchandise are prohibited.

5. Dumpster placement shall be the more restrictive of: i) a minimum of 150 feet from the west property line, or, ii) that required under the Commercial Design Standards in Chapter 25-2, Subchapter E (Design Standards and Mixed Use) of the City Code.

5-3-07
47,48

Restrictive covenant
Schmidt/King
6. Loading dock placement shall be the more restrictive of: i) a minimum of 100 feet from the west property line, or, ii) that required under the Commercial Design Standards in Chapter 25-2, Subchapter E (Design Standards and Mixed Use) of the City Code.

7. A loading dock located within 100 to 200 feet of the west property line may not be located on the west wall of a building.

8. Delivery hours are limited to 7:00 a.m. to 10:30 p.m.

9. The noise level of mechanical equipment including outdoor speakers may not exceed 70 decibels at the west property line. Any outdoor speakers shall either be oriented away from the single-family residential neighborhood to the west, or be screened by a device, wall, fence, structure, or other screening device.

10. Outdoor lighting shall be limited to 20 feet in height and all fixtures shall be fully shielded with full cut-off light fixtures.

11. 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. The IPM plan shall comply with the guidelines in Section 16.9.2 (D) and (F) of the Environmental Criteria Manual that are in effect on the date of this covenant.

12. 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.

13. 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.

14. 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.

15. 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.
16. 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 25 day of April, 2007.

OWNER:

[Signature]

Weldon Schmidt

OWNER:

A. King Enterprises Management, Ltd.,
a Texas limited partnership

By: A. King Enterprises, Inc.,
a Texas corporation,
General Partner

By: __________________________
    Alma King,
    President

APPROVED AS TO FORM:

[Signature]

Assistant City Attorney
City of Austin
16. 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 ________, 2007.

OWNER:

________________________
Weldon J. Schmidt

OWNER:

A. King Enterprises Management, Ltd.,
a Texas limited partnership

By: A. King Enterprises, Inc.,
a Texas corporation,
General Partner

By: ______________________
Alma King,
President

APPROVED AS TO FORM:

________________________
Assistant City Attorney
City of Austin

Restrictive covenant
Schmidt/King
THE STATE OF TEXAS

COUNTY OF TRAVIS

This instrument was acknowledged before me on this the 25TH day of APR. 2007, by Weldon J. Schmidt.

Notary Public, State of Texas

THE STATE OF TEXAS

COUNTY OF ____________

This instrument was acknowledged before me on this the _____ day of 2007, by Alma King, President of A. King Enterprises, Inc., a Texas corporation, General Partner of A. King Enterprises Management, Ltd., a Texas limited partnership, on behalf of the corporation and the limited partnership.

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, Paralegal

Restrictive covenant
Schmidt/King
THE STATE OF TEXAS §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the _____ day of ______________________, 2007, by Weldon J. Schmidt.

Notary Public, State of Texas

THE STATE OF TEXAS §
COUNTY OF DALLAS §

This instrument was acknowledged before me on this the 26 day of April, 2007, by Alma King, President of A. King Enterprises, Inc., a Texas corporation, General Partner of A. King Enterprises Management, Ltd., a Texas limited partnership, on behalf of the corporation and the limited partnership.

Notary Public, State of Texas

MARY ALICE GARCIA
My Commission Expires
April 27, 2009

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

Restrictive covenant
Schmidt/ King
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 muehlenbergii*
Oak, Southern Live *Quercus virginiana*

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

Small Trees/Large Shrubs
Anacacho Orchid Tree *Bauhinia congestu*
Buckeye, Mexican *Ungnadia speciosa*
Buckeye, Rec *Aesculus pavia*
Carolina Buckthorn *Rhamnus caroliniana*
Cherry Laurel *Prunus caroliniana*
Crape Myrtle *Lagerstroemia indica*
Desert Willow *Chilopsis linearis*
Dogwood, Roughleaf *Corylus drummondii*
Escarpment Black Cherry *Prunus serotina var. extima*
Eve’s Necklace *Sophora affinis*
Goldenball Leadtree *Leucaena retusa*
Holly, Possumhaw *Ilex decidua*
I 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 Beautyberry Callicarpa americana
Artemisia Artemisia ‘Pawis Castle’
Barbados Cherry Malpighia glabra
Barberry, Japanese Berberis thunbergii ‘Atropurpurea’
Basket Grass (Sacahuista) Nolina texana
Black Dalesia Dalea frutescens
Bush Germander Teucrium fruticans
Butterfly Bush Buddleia davidii
Butterfly Bush, Wooly Buddleia marrubiifolia
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 coelestimum
Mistflower, White (Shrubby White Boneset) Agaritina havanae
Mock Orange Philadelphus coronarius

Nandina Nandina domestica ‘Compacta nana’ ‘Gulf Stream’
Oleander Nerium oleander
Palmetto Sabal minor
Frickly Pear Opuntia engelmannii var. lindheimeri
Rose, Belinda’s Dream Rosa ‘Belinda’s Dream’
Rose, Lamarque Rosa ‘Lamarque’
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 viscosa
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, Twisleaf 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 curassavica*
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*
Damiana *Crysocoma mexicana*
Fall Aster *Aster oblongifolius*
Fern, River *Thelypteris kunthii*
Firebush *Hamelia patens*
Gaura *Gaura lindheimeri*
Gayfeather *Liatris mucronata*
Gregg Dales *Dalea greggii*
Hibiscus, Perennial *Hibiscus moscheutos, Hibiscus coccineus*
Honeysuckle, Mexican *Justicia spicigera*
Hymenoxys (Four Nerve Daisy) *Hymenoxys scaposa*
Indigo Spires *Salvia 'Indigo Spires'*
Iris, Bearded *Iris albicans*
Iris, Butterfly/Bicolor (African) *Dietes sp.*
Lamb's Ear *Stachys byzantina*
Lantana, Trailing *Lantana montevidensis*
Lantana, Mexican Mint *Lantana x hybridra (many varieties)*
Lantana, Mexican Mint *Lantana montevidensis*
Lantana, Mexican Mint *Lantana x hybridra (many varieties)*
Marigold, Mexican Mint *Tagetes lucida*
Obedient Plant, Fall *Physostegia virginiana*
Oregano, Mexican *Poliomintha longiflora*
Penstemon *Penstemon sp.*
Phlox, Fragrant *Phlox pilosa*
Pink Skullcap *Scutellaria suffruticosa*
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 *Salvia pensemonoides*
Sage, Russian *Perovskia atriplicifolia*
Sage, Scarlet or 'Tropical' *Salvia coccinea*
Salvia, Gregg (Cherry Sage) *Salvia greggii*
Shrimp Plant *Justicia hrandegeana*
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) *Slinia tenuissima*
Muhly, Bamboo *Muhlenbergia dumosa*
Muhly, Big *Muhlenbergia lindheimeri*
Muhly, Deer *Muhlenbergia rigens*
Muhly, Gulf *Muhlenbergia capillaris*
Muhly, Scew *Muhlenbergia reverchonii*
Side oats 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 *Calypicarpus vialis*
Leadwort Plumbago *Ceratostigma plumbaginoides*
Liriopoe *Liriopoe muscari*
Monkey Grass (Mondo Grass) *Ophiopogon japonicus*
Oregano *Origanum vulgare*
Periwinkle, Littleleaf *Vinca minor*
Pigeonberry *Rivina humilis*

Purple Heart *Scaevola pallida*
Santolina (Lavender Cotton) *Santolina chamaecyparissus*
Sedge, Berkeley *Carex tufulicola*
Sedge, Meadow *Carex perdentata*
Sedge, Texas *Carex texensis*
Sedum (Stonecrop) *Sedum nutallianum*
Silver Ponyfoot *Dichandra argentea*
Wooly Stensdia *Stenodia lanata* *(Stenodia 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', 'Janum', 'El Toro', 'Palis'

Restrictive covenant
Schmidt/King
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

Restrictive covenant
Schmidt/King
RESUBDIVISION OF LOT 2, BLOCK A, REPLAT OF A PORTION OF LOT 8 TOM F. DUNNAHOO SUBDIVISION AND LOT 6, TOM F. DUNNAHOO SUBDIVISION

This is a surface drawing. THe Texas Coordinate System of 1983 (NAD83), Zone, Zone, Zone, based on GPS solutions from 1993, may not be precise. Surface drawing (GPS) for Chapparal Control Point (CPT).

Map map with waker set in concrete.

Surface Coordinating:

- R: 10551316.22 E: 1451670.24
- Texas State Plane Coordinating:
  - R: 10551316.22 E: 1451670.24

Elevation = 662.00' Vertical Datum = NGVD 88 (DDOS 92)

Corrected Scale Factor = 0.9999290 (For Use to Surface Conversion)

Scale about 1/1000

Theba Angle = 1.33'

Legend:

- 1/2" Redrawn From (As Recorded)
- 1/2" Redrawn with "Chapparal" Cap Set
- 1/2" Redrawn From (As Recorded)
- Calculated Point
- Control Point/Benchmark Location
- Sidewalk
- E.E. Electric Easement
- Subdivision Joint Use Access Easement

[Records Information or Records Call 85/11]
[Records Call 2857638153]
[Records Call 681/]

Chaparral
Professional Land Surveying, Inc.
Surveying and Mapping
3500 McConnell Lane
Austin, Texas 78744
512-443-1724
Fax No. 512/443-1723

Exhibit C
Recorded Plat

CURVE TABLE

<table>
<thead>
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<th>CURVE</th>
<th>RADIUS</th>
<th>DELTA</th>
<th>ARC</th>
<th>BEARING</th>
<th>CHORD</th>
<th>RECORDED CHORD</th>
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<td>1940.00</td>
<td>12°23'</td>
<td>5°17'</td>
<td>N77°19'48&quot;</td>
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<td>334.87</td>
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</tbody>
</table>
Hi Wendy,

Pursuant to our communications regarding the referenced application, the Park Ridge Owners Association Board of Directors objects to the request to removed the prohibited use of restaurants (limited and general). The Board and the affected neighbors request that the ordinances 20070503-047 and -048 that established permanent zoning on the property remain in place with all prohibited uses untouched.

Best,

Susan Hambright, Director
On behalf of the Board of Directors
Park Ridge Owners Association, Inc.

CAUTION: This email was received at the City of Austin, from an EXTERNAL source. Please use caution when clicking links or opening attachments. If you believe this to be a malicious and/or phishing email, please forward this email to CSIRT@austintexas.gov.
Hi there,

My name is Stephanie Lindholm and I live at 9121 Vigen Circle in the Park Ridge neighborhood. My house borders the land on Cullen that is applying for restaurant use on that property. I am writing to you to let you know that I very much object to the removal of land use restrictions for that property in case number C14-2019-0162. A restaurant would cause excessive noise, smell and traffic, not to mention vermin. I work from my home so these would inevitably effect me constantly. I hope the board decides to reject this application.

Thank you for your time and consideration,

Stephanie Lindholm

--

Stephanie Lindholm
512-662-1508

CAUTION: This email was received at the City of Austin, from an EXTERNAL source. Please use caution when clicking links or opening attachments. If you believe this to be a malicious and/or phishing email, please forward this email to CSIRT@austintexas.gov.
Rhoades, Wendy

From: shirley masterson
Sent: Friday, January 03, 2020 6:23 PM
To: Rhoades, Wendy
Subject: [Released] Re: cas # C14-2019-0162 rezoning application

*** External Email - Exercise Caution ***

I am writing to object to the removal of restricted uses.
I live in Park Ridge and I definitely don't want a restaurant in our backyard
Shirley Masterson

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Rhoades, Wendy

From: Kaysie Fernandez <kay.sf@cityofaustin.com>
Sent: Tuesday, January 14, 2020 9:52 PM
To: Rhoades, Wendy
Subject: C14-2019-0162 - Rezoning Application

*** External Email - Exercise Caution ***

Dear Wendy Rhoades,

I object to the removal of the restricted uses. I will look for the notice for public input. Please let me know if there is anything else I need to do to make sure my voice is heard.

All the best,
K. Fernandez
9117 Vigen Circle
Austin, Th 78748

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Good morning Wendy, I am writing to oppose the building of a restaurant at Slaughter and Cullen Street ... case number above. My name is Shirley Masterson I live at 9201 Vigen Circle and I'm objecting because my property is on the western boundary of the property. Thank you Shirley Masterson

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I am requesting that the ordinance 2007053-047 and 048 remain in place. This ordinance established permanent zoning on the property and I would like to keep it that way. Nothing has changed since 2007, except for the developer who just wants to make money at the expense of our neighborhood.

I understand that the restaurant being considered in Raisin Cane. I checked online and the Raisin Cane on Riverside stays open until 1:00 a.m. and the Raisin Cane on MLK is open until 2:00 a.m. This type of business is not something we want in our backyard. We would have to deal with the traffic and noise in the wee hours of the morning, not to mention the trash bins and rats.

Please consider this old lady's request and prevent any restaurant from occupying this property.

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