

ZONING CHANGE REVIEW SHEET

CASE: C14-2021-0090 (620 Hill Country Center)

DISTRICT: 6

ADDRESS: 11624 ½ Anderson Mill Road

ZONING FROM: I-RR, LO-CO, LR-CO, GR-CO

TO: GR-MU

SITE AREA: Tract 1: 1.84 acres

Tract 2: 3.57 acres

5.409 acres

PROPERTY OWNER: Magna Properties, LTD (Elias Sarkas)

AGENT: Mathias Company (Richard Mathias)

CASE MANAGER: Sherri Sirwaitis (512-974-3057, sherri.sirwaitis@austintexas.gov)

STAFF RECOMMENDATION:

Staff recommends GR-MU-CO, Community Commercial-Mixed Use-Conditional Overlay Combining District, zoning. The conditional overlay will prohibit the following uses on the property: Automotive Rentals, Automotive Repair Services, Automotive Sales, Automotive Washing (of any type), Drop Off Recycling Collection Facility, Exterminating Services, Funeral Services, Service Station, Outdoor Entertainment and Outdoor Sports and Recreation. In addition, the owner shall maintain a 50-foot wide landscape buffer along the eastern property line adjacent to the single-family residential lots.

ZONING AND PLATTING COMMISSION ACTION / RECOMMENDATION:

July 20, 2021: Approved neighborhood postponement request to August 17, 2021 by consent (9-0, J. Kiolbassa and E. Ray-absent); H. Smith-1st, C. Acosta-2nd.

August 17, 2021

ORDINANCE NUMBER:

CITY COUNCIL ACTION:

ISSUES: N/A

CASE MANAGER COMMENTS:

The property in question is an undeveloped area that takes access Anderson Mill Road. The lots to the north are developed with single family residences. To the south, across Anderson Mill Road, there is a commercial retail center (Plaza Volente). To the east, there is a water tower and single-family residences (Anderson Mill Neighborhood). The property to the west fronting N. FM 620 Road is developed with a pharmacy (CVS), an general retail sales-convenience use (Advanced Auto Parts), two financial services uses (BVVA Compass Bank, Wells Fargo Bank), a food sales/services station use (7-Eleven) and an automotive repair business (Tuffy's). The applicant is requesting to zone/rezone the property to the GR-MU district to develop retail uses on Tract 1 and a maximum of 72 multifamily residential units on Tract 2.

The staff recommends GR-MU-CO, Community Commercial-Mixed Use-Conditional Overlay District, zoning. The property meets the intent of the GR-MU combining district designation as it is proposed to be developed with a combination of office, retail, commercial, and residential uses that will provide services to meet surrounding neighborhood and community needs. The property will take access to an arterial roadway, Anderson Mill Road, and is located adjacent to commercial uses that front FM 620 Road to the south and west. The proposed multifamily development on Tract 2 will provide for additional housing opportunities in this area of the City.

The staff is recommending a conditional overlay that will prohibit the more intensive commercial uses that are permitted in the Community Commercial district adjacent to the single-family residences to the north and east. In addition, the CO will maintain a 50-foot wide landscape buffer along the eastern property line adjacent to the single-family residential lots from the previous zoning case C14-95-0167 (*please see Ordinance No. 96-0229-B - Exhibit C*).

BASIS FOR RECOMMENDATION:

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

Community Commercial 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 traffic ways.

Mixed Use combining district is intended for combination with selected base districts, in order to permit any combination of office, retail, commercial, and residential uses within a single development.

Conditional Overlay 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.

2. The proposed zoning should promote consistency and orderly planning.

The proposed GR-MU-CO zoning will permit the property to be developed with a combination of office, retail, commercial, and residential uses that will provide services to meet surrounding neighborhood and community needs. The property will take access to an arterial roadway, Anderson Mill Road, and is located adjacent to commercial uses to the south and west. The proposed multifamily development on the northern portion of the site (Tract 2) will provide for additional housing opportunities in this area of the City.

3. Zoning should promote the policy of locating retail and more intensive zoning near the intersections of arterial roadways or at the intersections of arterials and major collectors.

The property in question is located near the southwest intersection of two major arterial roadways, North FM 620 Road and Anderson Mill Road. This tract of land will take access to Anderson Mill Road and it is located adjacent to commercial uses to the south and west. The site under consideration is 1.5 linear miles from the Lakeline Regional Center, as designated by the Imagine Austin Comprehensive Plan and is less than 525 linear feet from the FM 620, a major arterial highway.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	I-RR, LO-CO, LR-CO, GR-CO	Undeveloped, Water Tower
<i>North</i>	I-SF-2, I-RR	Single Family Residences (Anderson Mill Neighborhood), Elementary School (Purple Sage Elementary School)
<i>South</i>	GR-CO, CS, CS-1	Retail Center (Plaza Volente: HEB Plus, St. David's Urgent Care, Great Clips, Austin Pro Nails, Twin Liquors, Jersey Mike's Subs, T-Mobile, Mod Pizza, Orange Leaf Frozen Yogurt, Starbucks Coffee, Tomlinson's Pet Supplies, Hot Workx, Panda Express, Torchy's Tacos, Salon Lofts, Papa John's Pizza, Cedar Park Physician Associates, Chase Bank, etc.)
<i>East</i>	I-SF-2	Single Family Residential (Anderson Mill Neighborhood)
<i>West</i>	LR-CO, LO-CO, GR-CO	Retail Center (Hill Country Center: CVS Pharmacy, BVVA Compass Bank, Advanced Auto Parts, Wells Fargo Bank, 7-Eleven, Tuffy Auto Repair)

AREA STUDY: N/A

TIA: Deferred to Site Plan

WATERSHED: Lake Creek, Bull Creek

SCHOOLS: Austin I.S.D.

Pillow Elementary School
 Burnet Middle School
 Anderson High School

NEIGHBORHOOD ORGANIZATIONS:

Anderson Mill Neighborhood Association
 Austin Lost and Found Pets
 Bull Creek Foundation
 Canyon Creek H.O.A.
 Friends of Austin Neighborhoods
 Leander ISD Population and Survey Analysts
 Long Canyon Homeowners Association
 Long Canyon Phase II & LLL Homeowners Association
 Inc. Mountain Neighborhood Association (MNA)
 Neighborhood Empowerment Foundation
 SELTEXAS
 Sierra Club, Austin Regional Group
 TNR BCP – Travis County Natural Resources
 2222 Coalition of Neighborhood Associations, Inc. Volente
 Neighborhood Association

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2020-0012 (Plaza Volente Residential: 11405, 11409 and 11411 North FM 620 Road)	DR to MF-2	5/05/20: Approved the staff's recommendation for MF-2 zoning by consent (8-0, N. Barrera-Ramirez and J. Kiolbassa-absent); B. Evans-1st, H. Smith-2nd.	6/04/20: The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 202006040-035 for MF-2 district zoning was approved on Council Member Flannigan's motion, Council Member Ellis' second on a 10-0 vote. Council Member Harper-Madison was off the dais.
C14-2015-0031.SH (Azul 620: 11411 North FM 620 Road)	DR to MF-1	4/21/15: Postponed to July 7, 2015 at the applicant's request (6-0, S. Compton-absent); G. Rojas-1 st , P. Seeger-2 nd . 7/06/15: Case withdrawn by the applicant. No action required by	5/14/15: Postponed on consent to August 015 at the staff's request (11-0); D. Zimmerman-1 st , L. Pool-2 nd . N/A

		the Zoning and Platting Commission on July 7, 2015.	
C14-2011-0120 (Shops at Volente, Ltd.: 11416 North FM 620 Road)	I-RR to Tract 1: GR, Tract 2: CS-1	11/15/11: Approved staff's recommendation of GR-CO zoning for Tract 1 and CS-1-CO zoning for Tract 2, with 2,000 vtpd limit (6-0, G. Bourgeios-absent); G. Rojas-1 st , P. Seeger-2 nd .	12/08/11: Approved GR-CO zoning for Tract 1 and CS-1-CO zoning for Tract 2 on consent on all 3 readings (6-0, S. Cole-off dais); B. Spelman-1 st , L. Morrison-2 nd .
C14-2009-0097 (11505 Anderson Mill Road Rezone)	DR to LR	02/02/10: Approved LR-CO zoning by consent (7-0); D. Tiemann-1 st , S. Baldrige-2 nd , with the following conditions from the applicant's agreement with the neighborhood: 1) Limit the site the 1,333 vehicle trips per day; 2) Prohibit the following uses on the site: Consumer Convenience Services, Restaurant (Limited), Service Station; College and University Facility Facilities, Day Care Services (Commercial), Day Care Services (General), Day Care Services (Limited), Private Primary Educational Facilities, Private Secondary Educational Facilities, Public Primary Educational Facilities, Public Secondary Educational Facilities, Safety Services, Group Home, Class I (General), Group Home, Class II, Drive-In Services; 3) Prohibit buildings greater than 1-story to be located within 75 feet of the eastern property line; 4) Restrict the Food Sales, General Retail Sales (Convenience) and General Retail Sales (General) uses to hours of operation from 7:00 a.m. to 8:00 p.m. and limit these uses to ground/1st floor occupancy within a structure on the site.	2/11/10: Approved LR-CO zoning on consent (6-0, Cole-off dais); Spelman-1 st , Morrison-2 nd . 7/06/10: Approved LR-CO zoning by consent (7-0); 2 nd /3 rd readings
C14-2009-0038	DR to LR (On May 8, 2009, the agent for this	5/19/09: Approved staff's recommendation of LR-CO	6/11/08: Approved LR-CO with conditions on all 3 readings (6-0,

	case sent the staff an e-mail amending the requested zoning from GR to LR)	zoning with conditions by consent (7-0); K. Jackson-1 st , T. Rabago-2 nd .	Cole-absent); B. McCracken-1 st , L. Morrison-2 nd .
C14-04-0028 (Jack Brown Cleaners: 11521 RM 620 Road North)	GR-CO to CS	3/16/04: Approved staff's recommendation of CS zoning by consent (8-0, K. Jackson-absent); J. Martinez-1 st , J. Gohil-2 nd .	4/15/04: Approved ZAP recommendation of CS zoning (7-0); 1 st reading 4/22/04: Approved CS zoning (6-0, McCracken-off dais); 2 nd /3 rd readings
C14-04-0027 (Twin Liquors: 11521 RM 620 Road North)	GR-CO to CS-1	3/16/04: Approved staff's recommendation of CS-1 zoning by consent (8-0, K. Jackson-absent); J. Martinez-1 st , J. Gohil-2 nd . 5/4/04: Approved staff's recommendation of CS-1 zoning by consent (5-0, J. Martinez, J. Pinnelli, C. Hammond-absent); J. Gohil-1 st , J. Donisi-2 nd .	4/15/04: Pulled off agenda. Case re- noticed and sent back to ZAP Commission. 6/10/04: Granted CS-1 (7-0); all 3 readings
C14-03-0146 (Plaza Volente: 11521 R.R. 620 North)	GR-CO to GR-CO	10/28/03: Approved the staff's recommendation for GR-CO zoning with conditions: 1) Limit the site development to conditions of TIA, 2) the area 300' (depth) x 400' parallel to R.R. 620 (Tract 2) will have 'LR' uses only, 3) prohibit the Pawn Shop Services, Adult Oriented uses and Automotive uses on the entire site, by consent (8-0, J. Martinez-absent); J. Gohil-1 st , J. Donisi-2 nd .	11/06/03: Granted ZAP Commission recommendation of GR-CO zoning, by consent (7-0); 1 st reading 11/20/03: Approved GR-CO (6-0, Goodman-off dais); 2 nd /3 rd readings
C14-03-0111	DR to GR-CO	8/26/03: Approved staff's recommendation of GR-CO zoning by consent (8-0, K. Jackson-absent)	9/25/03: Approved GR-CO & RC-for TIA recommendations (7-0); all 3 readings
C14-02-0041	SF-2, DR to GR	11/19/02: Approved staff's recommendation of GR-CO zoning with conditions of: <ul style="list-style-type: none"> 300' (depth) x 400' parallel to FM 620, will have 'LR' uses only (Tract 2); 	1/30/03: Granted GR-CO on 1 st reading (7-0) 3/6/03: Approved (7-0); 2 nd /3 rd readings

		<ul style="list-style-type: none"> • conditions set out by staff in the T.I.A.; • No Pawn Shop Services; • No Adult Oriented Businesses; • No Automotive Uses (Vote: 7-0, A. Adams-absent)	
C14-95-0167	SF-2 to MF-2	Approved GR-CO, LO-CO, and LR-CO w/ conditions (8-0)	<p>Approved GR-CO, LO-CO, & LR-CO subject to conditions (5-0); 1st reading</p> <p>Approved GR-CO (SW area); LO-CO (NE 300'); LR-CO (NW 300') (7-0); 2nd/3rd readings</p>
C14-94-0124	DR to SF-2	Approved SF-2-CO w/ conditions (9-0)	<p>Approved SF-2-CO w/ conditions (5-0); 1st reading</p> <p>Approved SF-2-CO (5-0); 2nd/3rd readings</p>
C14-93-0032	SF-2, DR to GR	Approved GR-CO as recommended	<p>Approved GR-CO w/ conditions (5-0), 1st reading</p> <p>Approved GR-CO (7-0); 2nd/3rd readings</p>

RELATED CASES:

C8J-03-0095.0A, C8-00-2115.0A -Subdivision Cases

C14-95-0167 – Previous Zoning Case

EXISTING STREET CHARACTERISTICS:

Name	ROW	Pavement	Class	Sidewalk?	Bus Route?	Bike Route?
North FM 620	145'	MAD 4	Arterial	No	No	No

OTHER STAFF COMMENTS:

Comprehensive Planning

This zoning case is located on the north side of Anderson Mills Road, on a property that is 5.41 acres in size and undeveloped. The property is located approximately 525 linear feet east of FM 620 and 1.5 linear miles from the **Lakeline Regional Center**. Surrounding land uses include retail, medical offices, a single family subdivision and an elementary school to the north; to the south is an HEB grocery store and other retail uses; to the east is a single family subdivision; and to the west are a variety of retail uses. The proposal is to obtain mixed use zoning to construct 72 townhouse/condos on 3.57 acres of the site and retail uses on the remaining 1.84 acres of the property.

Connectivity

Public sidewalks are located along both sides of this section of Anderson Mills Road. There are unmarked and unprotected bike lanes located partially along both side of this section of Anderson Mill Road. There are no public transit stops located within approximately 1.25 linear miles from the subject property but there is a signalized pedestrian crossing at FM 620 and Anderson Mill Road. The mobility options in this area are fair, while the connectivity options are excellent.

Imagine Austin

The **Lakeline Regional Center** is located approximately 1.5 linear miles mile away from the subject property, but it is less than 525 linear feet from the FM 620, a major arterial highway with a variety of goods and services along it. As for Anderson Mill Road, while it is not designated as an Activity Corridor, it too acts as a major arterial road in this area of Austin and also contains a variety of goods, services, civic uses, and residential housing.

The following Imagine Austin policies are applicable to this case:

- **LUT P5.** Create healthy and family-friendly communities through development that includes a mix of land uses and housing types and affords realistic opportunities for transit, bicycle, and pedestrian travel and provides both community gathering spaces, parks and safe outdoor play areas for children.
- **HN P5.** Promote a diversity of land uses throughout Austin to allow a variety of housing types including rental and ownership opportunities for singles, families with and without children, seniors, persons with disabilities, and multi-generational families.
- **HN P11.** Protect neighborhood character by directing growth to areas of change and ensuring context sensitive infill in such locations as designated redevelopment areas, corridors, and infill sites.

Based on the fair to excellent mobility and connectivity options in the area, the above referenced policies that support missing middle housing and mixed use, and the developer proposing a true mixed use project under a mixed use zoning category, this project supports the Imagine Austin Comprehensive Plan.

Environmental

The site is located over the North Edwards Aquifer Recharge Zone. The site is in the Lake Creek and Bull Creek Watersheds, which are classified as Suburban Watershed and Water Supply Suburban Watershed, respectively, by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone and Drinking Water Protection Zone. The Lake Creek Watershed is in the Desired Development Zone and the Bull Creek Watershed is in the Drinking Water Protection Zone.

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

Suburban Watershed

<i>Development Classification</i>	<i>% of Gross Site Area</i>	<i>% of Gross Site Area with Transfers</i>
Single-Family Residential (min. lot size 5750 sq. ft.)	45%	50%
One or Two Family Residential (lot size < 5750 sq. ft.)	55%	60%
Multifamily Residential	60%	65%
Commercial	65%	70%

Water Supply Suburban

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% NSA with Transfers</i>
One or Two Family Residential	30%	40%
Multifamily Residential	40%	55%
Commercial	40%	55%

Development within a Water Quality Transition Zone is limited to 18%.

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.

At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

Fire

No comment.

Parks and Recreation

Parkland dedication will be required for the new residential units proposed by this development, multifamily with GR-MU zoning, at the time of subdivision or site plan, per City Code § 25-1-601. Whether the requirement shall be met with fees in-lieu or dedicated land will be determined using the criteria in City Code Title 25, Article 14, as amended. Should fees in-lieu be required, those fees shall be used toward park investments in the form of land acquisition and/or park amenities within the surrounding area, per the Parkland Dedication Operating Procedures § 14.3.11 and City Code § 25-1-607 (B)(1) & (2).

If the applicant wishes to discuss parkland dedication requirements in advance of site plan or subdivision applications, please contact this reviewer: thomas.rowlinson@austintexas.gov. At the applicant's request, PARD can provide an early determination of whether fees in-lieu of land will be allowed.

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.

Compatibility Standards

The site is subject to compatibility standards. Along the east property line, the following standards apply:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of property zoned SF-5 or more restrictive.
- 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 line.
- 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.
- No parking or driveways are allowed within 25 feet of the property line.

- A landscape area at least 25 feet wide is required along 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.
- An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.
- A landscape area at least 25 feet in width is required along the property line if the tract is zoned LR, GO, GR, L, CS, CS-1, or CH.

The site is subject to height compatibility standards. Along the northern property line, the following standards apply:

- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of property zoned SF-5 or more restrictive.
- 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 line.
- 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.

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.

Wildfire Urban Interface

This site is located within 150 feet of a wildland area, in the Wildland Urban Interface (WUI). Please see this website for more information about construction in the WUI:
<http://www.austintexas.gov/departments/wildland-urban-interface-code>

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

Transportation

The Austin Strategic Mobility Plan (ASMP), adopted 04/11/2019, identifies sufficient right-of-way for Anderson Mill Road. A traffic impact analysis is waived, the determination is deferred to site plan application, when land use and intensity will be finalized.

Name	Existing ROW	ASMP Required ROW	Pavement	ASMP Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Anderson Mill Rd	115'	104'	68'	3	Yes	Yes	No

Water Utility

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.

Based on current public infrastructure configurations, it appears that service extension requests (SER) will be required to provide service to this lot. City Council approval of the SER is required due to the property's location within the Drinking Water Protection Zone and outside the full purpose corporate limits (LDC 25-9-35). For more information pertaining to the Service Extension Request process and submittal requirements contact Alberto Ramirez with Austin Water, Utility Development Services at 625 E. 10th St., 7th floor. Ph: 512-972-0211.

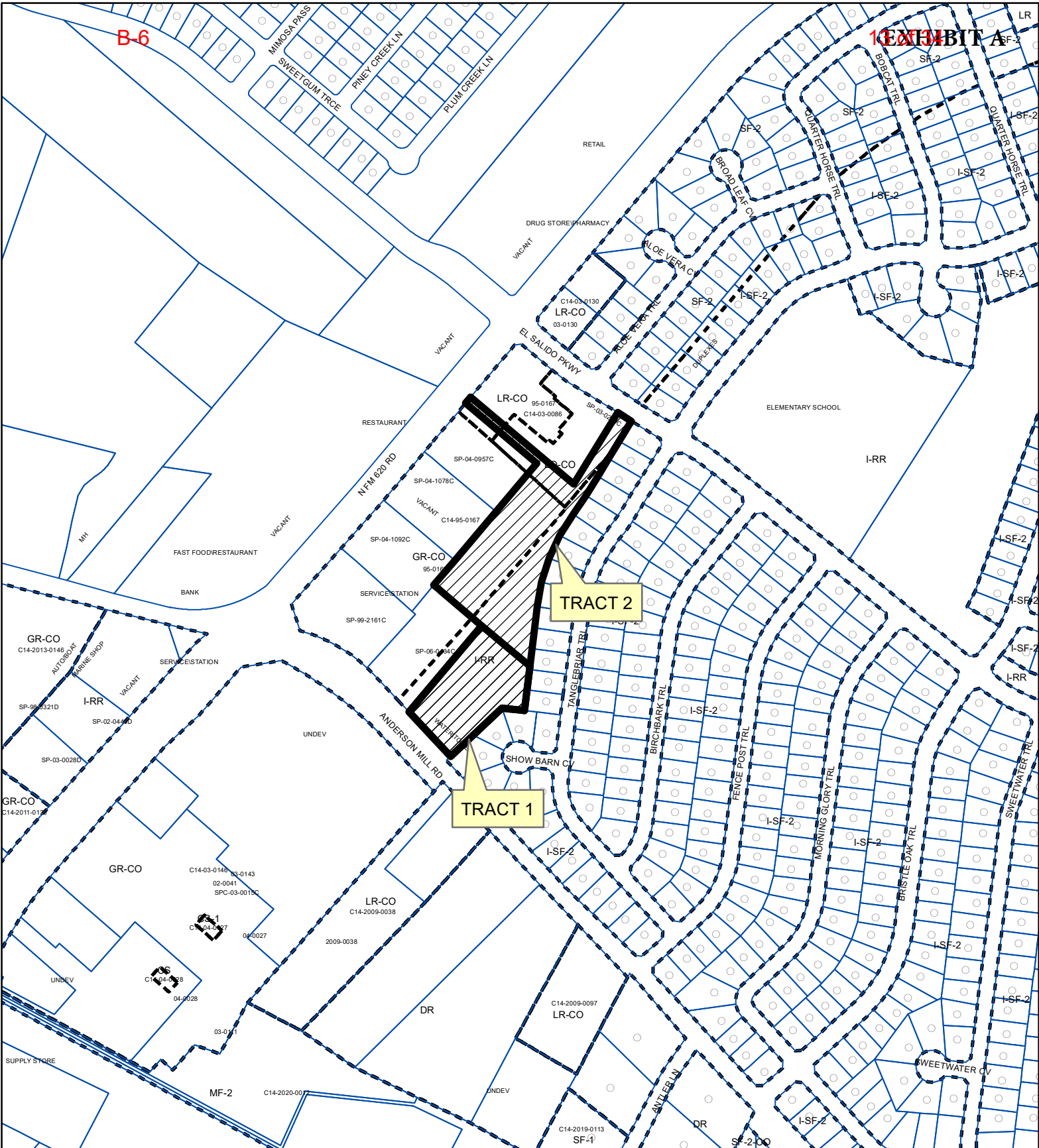
The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

INDEX OF EXHIBITS TO FOLLOW

- A: Zoning Map
- B. Aerial Map
- C. Zoning Ordinance No. 96-0229-B
- D. Restrictive Covenants on the Property (for information purposes)
- E. Correspondence Received

B-6

EXHIBIT A



ZONING

ZONING CASE#: C14-2021-0090



- SUBJECT TRACT
- PENDING CASE
- ZONING BOUNDARY

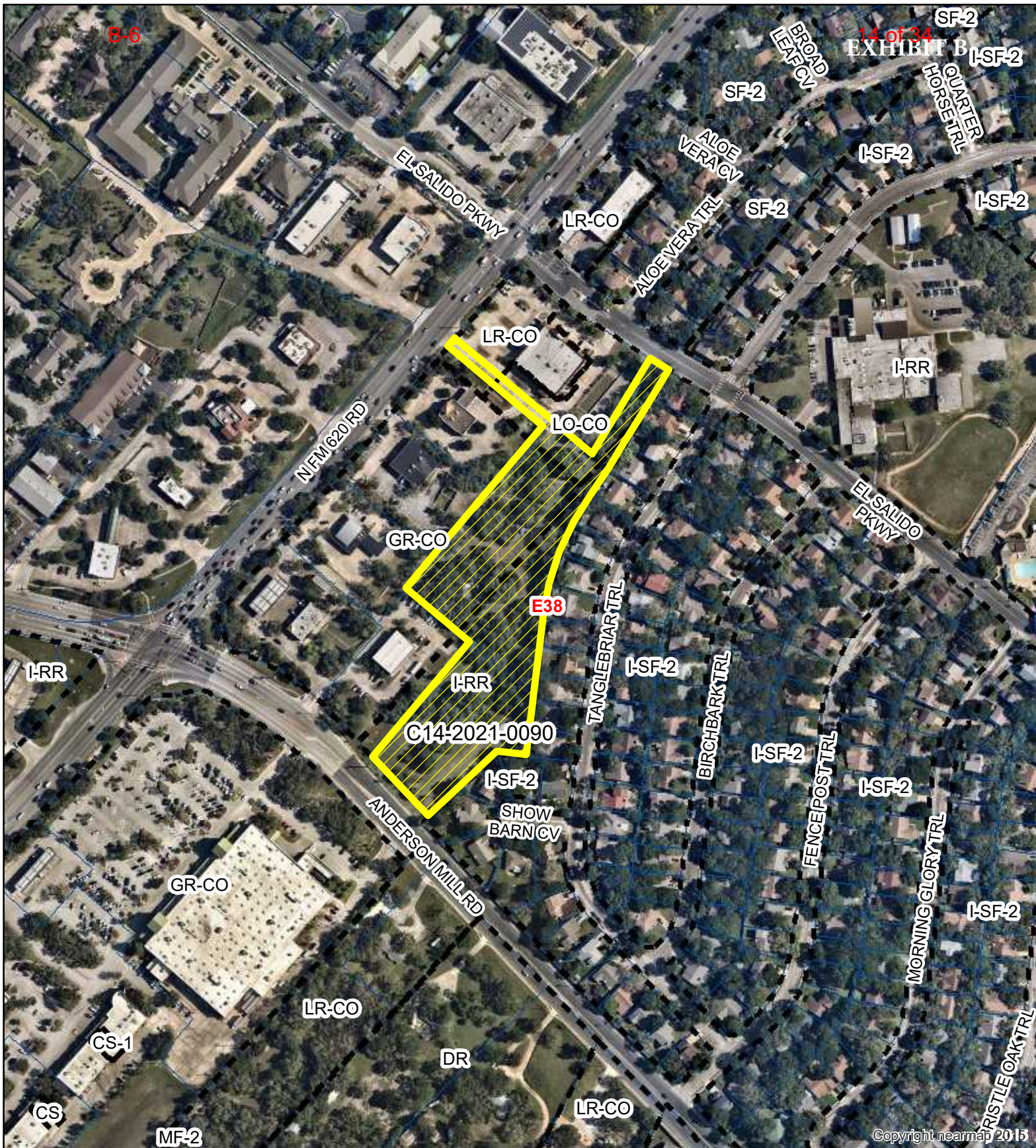
1" = 400'

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 the Housing and Planning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or



Created: 6/2/2021



620 Hill Country Center

ZONING CASE#: C14-2021-0090
 LOCATION: 11624-1/2 Anderson Mill Road and El Salido Parkway
 SUBJECT AREA: 5.41 Acres
 GRID: E38
 MANAGER: Sherri Sirwaitis



- SUBJECT TRACT
- ZONING BOUNDARY
- PENDING CASE
- CREEK BUFFER

1" = 300'

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.

CITY OF AUSTIN, TEXAS

ORDINANCE NO. 960229- B

AN ORDINANCE ORDERING A REZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 13-2 OF THE AUSTIN CITY CODE OF 1992 AS FOLLOWS:

TRACT 1: 2.215 ACRE TRACT OF LAND, FROM "SF-2" SINGLE-FAMILY RESIDENCE (STANDARD LOT) DISTRICT TO "LO-CO" LIMITED OFFICE DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT;

TRACT 2: 0.989 ACRE TRACT OF LAND, FROM "SF-2" SINGLE-FAMILY RESIDENCE (STANDARD LOT) DISTRICT TO "LR-CO" NEIGHBORHOOD COMMERCIAL DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT; AND,

TRACT 3: 8.741 ACRE TRACT OF LAND, FROM "SF-2" SINGLE-FAMILY RESIDENCE (STANDARD LOT) DISTRICT TO "GR-CO" COMMUNITY COMMERCIAL DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT,

LOCALLY KNOWN AS 11601-11805 NORTH F. M. 620 [ODD NUMBERS ONLY]; AND, 11612-11714 ANDERSON MILL ROAD [EVEN NUMBERS ONLY], IN THE CITY OF AUSTIN, WILLIAMSON COUNTY, TEXAS; WAIVING THE REQUIREMENTS OF SECTIONS 2-2-3, 2-2-5, AND 2-2-7 OF THE AUSTIN CITY CODE OF 1992; AND PROVIDING AN EFFECTIVE DATE.

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

PART 1. That Chapter 13-2 of the Austin City Code of 1992 is amended to change the respective base zoning districts and to establish a Conditional Overlay combining district on all of the property described in File C14-95-0167, as follows:

Tract 1: From "SF-2" Single-Family Residence (Standard Lot) district to "LO-CO" Limited Office district-Conditional Overlay combining district.

2.215 acre tract of land, said 2.215 acre tract of land being more particularly described by metes and bounds in "Exhibit A" attached and incorporated herein for all purposes.

Tract 2: From "SF-2" Single-Family Residence (Standard Lot) district to "LR-CO" Neighborhood Commercial district-Conditional Overlay combining district.

0.989 acre tract of land, said 0.989 acre tract of land being more particularly described by metes and bounds in "Exhibit B" attached and incorporated herein for all purposes.

Tract 3: From "SF-2" Single-Family Residence (Standard Lot) district to "GR-CO" Community Commercial district-Conditional Overlay combining district.

8.741 acre tract of land, said 8.741 acre tract of land being more particularly described by metes and bounds in "Exhibit C" attached and incorporated herein for all purposes.

[hereinafter referred to as the "Property"]

locally known as 11601-11805 North F. M. 620 [ODD NUMBERS ONLY]; and, 11612-11714 Anderson Mill Road [EVEN NUMBERS ONLY], in the City of Austin, Williamson County, Texas.

PART 2. That the Property within the boundaries of the Conditional Overlay combining district established by this ordinance is subject to the following conditions:

CITY OF AUSTIN, TEXAS

1. The following use shall be prohibited on the Property: Hospital services (limited).
2. Owner shall maintain a landscape buffer 50 feet wide on that portion of Tract 1 being more particularly described by metes and bounds in "Exhibit D" attached and incorporated to this ordinance. Improvements permitted on the landscape buffer identified on Tract 1 by "Exhibit D" shall be restricted to improvements relating to drainage, underground utility improvements, construction of a solid fence, or those improvements that may be otherwise required by the City of Austin. Construction of a solid fence shall be restricted to a height of six feet and shall be subject to review and approval by the Department of Development Services.

Except as specifically restricted by this ordinance, the Property may be developed and used in accordance with regulations established for the respective base districts and other applicable requirements of the Land Development Code.

PART 3. That it is ordered that the Zoning Map established by Section 13-2-22 of the Austin City Code of 1992 and made a part thereof shall be changed to record the amendment enacted by this ordinance.

PART 4. That the requirements imposed by Sections 2-2-3, 2-2-5, and 2-2-7 of the Austin City Code of 1992, as amended, regarding the presentation and adoption of ordinances are hereby waived by the affirmative vote of at least five members of the City Council.

PART 5. That this ordinance shall become effective upon the expiration of ten days following the date of its final passage, as provided by the Charter of the City of Austin.

PASSED AND APPROVED:

February 29, 1996

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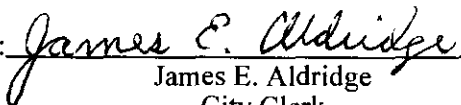
Bruce Todd
Mayor

APPROVED:



Andrew Martin
City Attorney

ATTEST:



James E. Aldridge
City Clerk

29Feb96
MT/jj

LO

FIELD NOTES

BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE LOT 1, HILL COUNTRY CENTER SECTION TWO, A SUBDIVISION OF RECORD IN CABINET E, SLIDE 29, WILLIAMSON COUNTY, TEXAS PLAT RECORDS, SAID TRACT OF LAND BEING 2.215 ACRES OF LAND MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a point on the southerly right-of-way line of El Salido Parkway, an existing public right-of-way of varied width, for the **POINT OF BEGINNING** and the northwest corner of the herein described tract, from which point, for a **POINT OF REFERENCE**, an iron pin found at the intersection of the said southerly right-of-way line of El Salido Parkway and the easterly right-of-way line of R. M. 620, an existing 100' public right-of-way, same point being the northwest corner of said Lot 1, Hill Country Center Section Two, bears N49°43'48"W, 129.11 feet and S84°59'30"W, 21.15 feet,

THENCE, following the south right-of-way line of said El Salido Parkway, the following three (3) courses and distances numbered 1 through 3,

1. S49°43'48"E, 15.34 feet to an iron pin found at the beginning of a curve,
2. with a curve to the left having a radius of 303.23 feet, an arc length of 45.54 feet and whose chord bears S54°01'50"E, 45.50 feet to an iron pin found at the end of said curve,
3. S58°20'24"E, 233.16 feet to an iron pin found at the northeast corner of said Lot 1, for the northeast corner of the herein described tract,

THENCE, leaving said right-of-way line, the following two (2) courses and distances numbered 1 and 2,

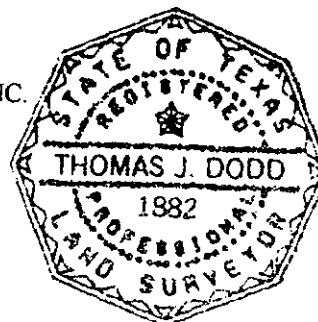
1. with the easterly line of said Lot 1, S31°32'40"W, 97.54 feet to a point,
2. leaving said easterly line, S40°13'45"W, 241.91 feet to a point, for the southeast corner of the herein described tract,

THENCE, N49°43'48"W, 306.00 feet to a point, for the southwest corner of the herein described tract,

THENCE, N40°13'45"W, 300.00 feet to the **POINT OF BEGINNING** containing 2.215 Acres Of Land.

SURVEYED BY:

[Signature]
 Thomas J. Dodd ~ R.P.L.S. No. 1882
 CARLSON ENGINEERING AND ASSOCIATES, INC.
 3401 Slaughter Lane West
 Austin, Texas, 78748
 Ph: (512) 280-5160 Fax: (512) 280-5165



File c:\winword\fieldnot\carlson\3489-020bdoc

"Exhibit A"

[SEE NEXT PAGE FOR SKETCH ACCOMPANYING LEGAL DESCRIPTION]

SKETCH TO ACCOMPANY FIELD NOTES FOR 2.215 ACRES OF LAND
OUT OF LOT 1, HILL COUNTRY CENTER SECTION TWO, CABINET E,
SLIDE 29, SITUATED IN WILLIAMSON COUNTY, TEXAS.

F. V. Ward
Vol. 2408 Pg. 179

Scale: 1" = 100'

● Iron Pin Found
○ Point

R. M. 620

(100' ROW)

Point Of Reference

Two 88°59'30"W
21.15'

(ROW VARIES)

Hill Country Center
Phase 1 Section 1
Cab. D Sl. 352

Point Of Beginning

R=303.23'
S54°01'50"E
A=45.54'
C=45.50'

El Salido Parkway

Village Nineteen at
Anderson Mill Phase Two
Cab. D Sl. 353

2.215 Ac.

CITY OF AUSTIN

WILLIAMSON COUNTY

S40°13'45"W

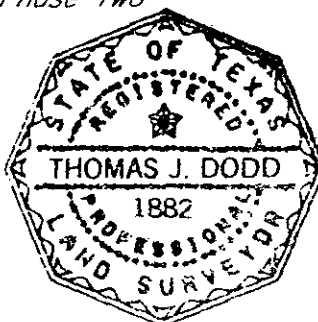
241.91'

97.54'
S31°32'40"W

Village Twenty at Anderson Mill Phase Two
Cab. E Sl. 38-39

SURVEYED BY:

Thomas J. Dodd ~ R.P.S. No. 1882
CARLSON ENGINEERING AND ASSOCIATES, INC.
3401 Slaughter Lane West
Austin, Texas 78748
Ph: (512) 280-5160 Fax: (512) 280-5165



LR

FIELD NOTES

BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE LOT 1, HILL COUNTRY CENTER SECTION TWO, A SUBDIVISION OF RECORD IN CABINET E, SLIDE 29, WILLIAMSON COUNTY, TEXAS PLAT RECORDS, SAID TRACT OF LAND BEING 0.989 OF AN ACRE OF LAND MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at an iron pin found at the intersection of the southerly right-of-way line of El Salido Parkway, an existing public right-of-way of varied width, and the easterly right-of-way line of R. M. 620, an existing 100' public right-of-way, same point being the northwest corner of said Lot 1, Hill Country Center Section Two, for the northwest corner and the **POINT OF BEGINNING** of the herein described tract,

THENCE, following the south right-of-way line of said El Salido Parkway, the following two (2) courses and distances numbered 1 and 2,

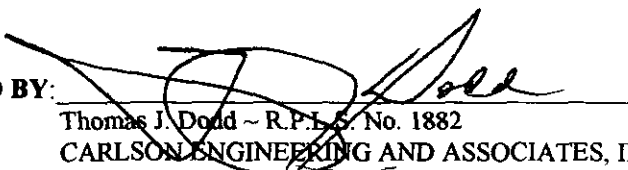
1. N84°59'30"E, 21.15 feet to an iron pin found,
2. S49°43'48"E, 129.11 feet to a point, for the northeast corner of the herein described tract,

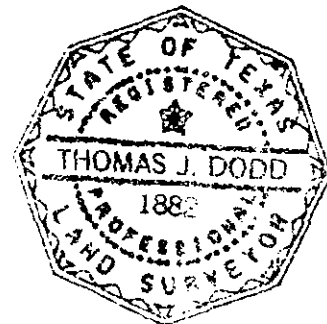
THENCE, leaving said right-of-way line, S40°13'45"W, 300.00 feet to a point for the southeast corner of the herein described tract,

THENCE, N49°43'48"W, 144.00 feet to a point in said the east right-of-way of said R. M. 620, same being the west line of said Lot 1, for the southwest corner of the herein described tract,

THENCE, following said right-of-way line, N40°13'45"W, 284.97 feet to the **POINT OF BEGINNING** containing 0.989 Of An Acre Of Land.

SURVEYED BY:


Thomas J. Dodd ~ R.P.L.S. No. 1882
CARLSON ENGINEERING AND ASSOCIATES, INC.
3401 Slaughter Lane West
Austin, Texas, 78748
Ph: (512) 280-5160 Fax: (512) 280-5165



File: c:\winword\fieldnot\carlson\3489-020a.doc

"Exhibit B"

[SEE NEXT PAGE FOR SKETCH ACCOMPANYING LEGAL DESCRIPTION]

SKETCH TO ACCOMPANY FIELD NOTES FOR 0.989 OF AN ACRE OF LAND
OUT OF LOT 1, HILL COUNTRY CENTER SECTION TWO, CABINET E,
SLIDE 29, SITUATED IN WILLIAMSON COUNTY, TEXAS.

F. V. Ward
Vol. 2408 Pg. 179

Scale: 1" = 100'

● Iron Pin Found
○ Point

R. M. 620
(100' ROW)

Point Of Beginning

N84°59'30"E
21.15'

N40°13'45"E
284.97'

Center Section Two
Slide 29
0.989 Ac.

N49°43'48"W
144.00'

El Salido Parkway

(ROW VARIES)

S49°43'48"E
129.11'

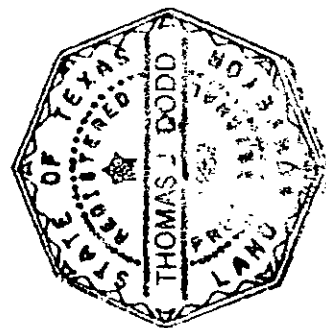
N35°44'15"W
135.34'

S40°13'45"W
300.00'

Lot 1
Hill Country
Cab. E

Hill Country Center
Phase 1 Section 1
Cab. D Sl. 352

Village Nineteen at
Anderson Mill Phase Two
Cab. D Sl. 353



SURVEYED BY:

Thomas J. Dodd ~ R.P.L.S. No. 1882
CARLSON ENGINEERING AND ASSOCIATES, INC.
3401 Slaughter Lane West
Austin, Texas 78748
Ph: (512) 280-5160 Fax: (512) 280-5165

G-R**FIELD NOTES**

BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE LOT 1, HILL COUNTRY CENTER SECTION TWO, A SUBDIVISION OF RECORD IN CABINET E, SLIDE 29, WILLIAMSON COUNTY, TEXAS PLAT RECORDS, SAID TRACT OF LAND BEING 8.741 ACRES OF LAND MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a concrete monument found at the intersection of the easterly right-of-way line of R. M. 620, an existing 100' public right-of-way, and the northerly right-of-way line of Anderson Mill Road, an existing 70' public right-of-way, same point being the southwest corner of said Lot 1, Hill Country Center Section Two, for the southwest corner and the **POINT OF BEGINNING** of the herein described tract,

THENCE, following said right-of-way line of R. M. 620, the following three (3) courses and distances numbered 1 through 3,

1. N44°26'35"E, 30.44 feet to a concrete monument found,
2. N41°45'10"E, 379.66 feet to a concrete monument found,
3. N40°13'45"E, 370.14 feet to a point, for the northwest corner of the herein described tract,

THENCE, leaving said right-of-way line, S49°43'48"E, 450.00 feet to a point for the northeast corner of the herein described tract,

THENCE, with the east line of the herein described tract, the following two (2) courses and distances numbered 1 and 2,

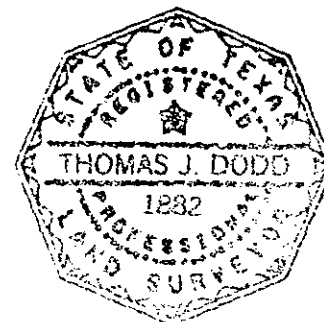
1. S40°13'45"W, 375.81 feet to a point,
2. S41°45'10"W, 447.92 feet to a point in the northerly right-of-way line of said Anderson Mill Road, same being the south line of said Lot 1, for the southeast corner of the herein described tract,

THENCE, following said right-of-way line, the following four (4) courses and distances numbered 1 through 4,

1. N43°05'21"W, 109.50 feet to the beginning of a curve,
2. with a curve to the left, having a radius of 473.24 feet, an arc length of 265.68 feet and whose chord bears N59°10'21"W, 262.21 feet to an iron pin found at the end of said curve,
3. N75°15'21"W, 8.97 feet,
4. N03°40'01"W, 108.00 feet to the **POINT OF BEGINNING** containing 8.741 Acres Of Land.

SURVEYED BY:

Thomas J. Dodd
 Thomas J. Dodd ~ R.P.L.S. No. 1882
 CARLSON ENGINEERING AND ASSOCIATES, INC.
 3401 Slaughter Lane West
 Austin, Texas, 78748
 Ph: (512) 280-5160 Fax: (512) 280-5165



File: c:\winword\fieldnot\carlson\3489-020c.doc

"Exhibit C"

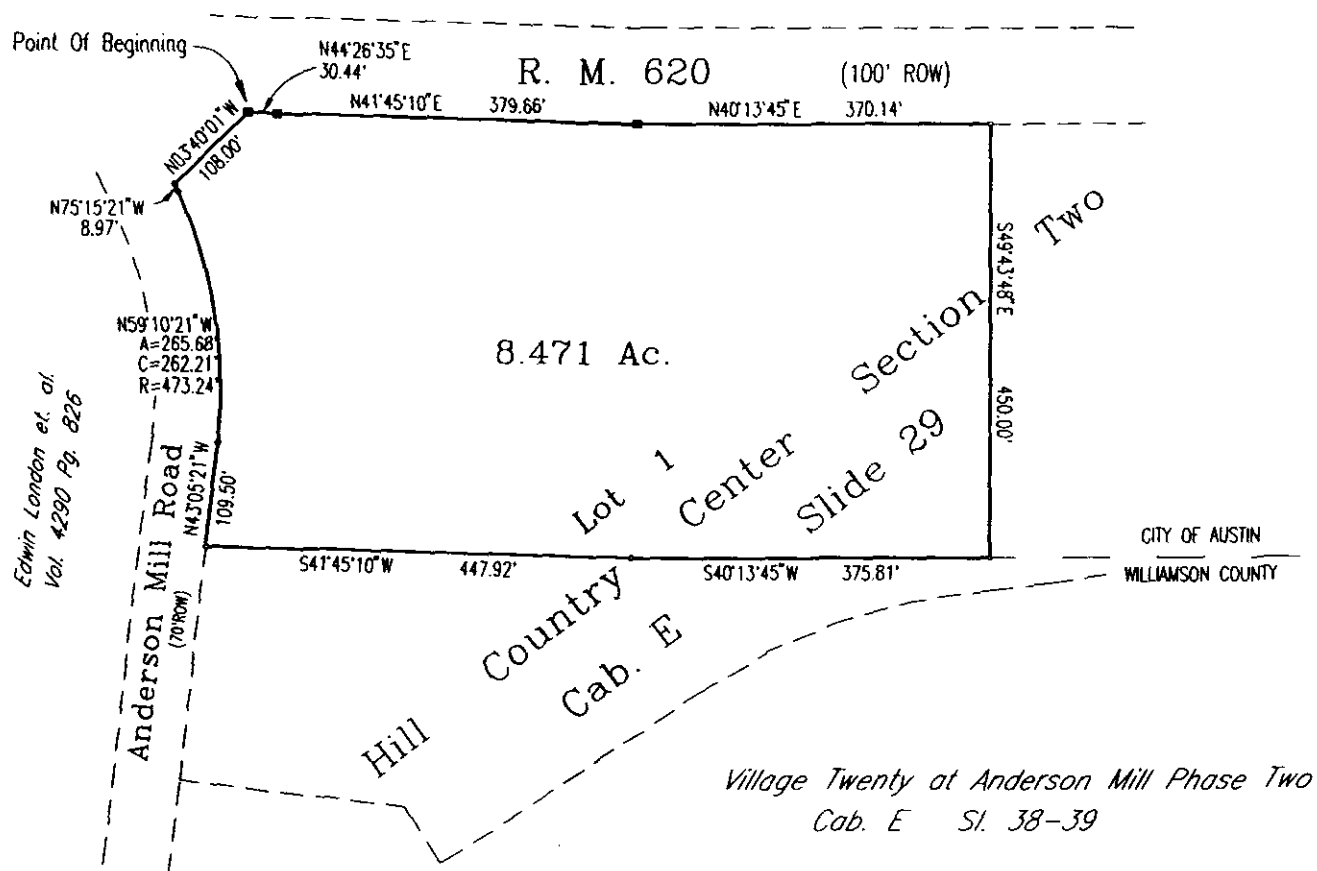
[SEE NEXT PAGE FOR SKETCH ACCOMPANYING LEGAL DESCRIPTION]

SKETCH TO ACCOMPANY FIELD NOTES FOR 8.741 ACRES OF LAND
OUT OF LOT 1, HILL COUNTRY CENTER SECTION TWO, CABINET E,
SLIDE 29, SITUATED IN WILLIAMSON COUNTY, TEXAS.

Scale: 1"=200'

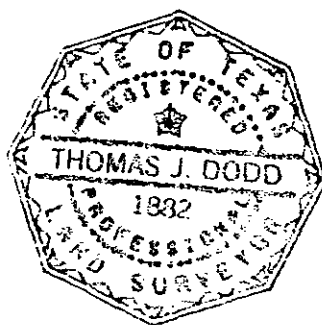
- Iron Pin Found
- Point

F. V. Ward
Vol. 2408 Pg. 179



SURVEYED BY:

Thomas J. Dodd ~ R.P.C.S. No. 1882
CARLSON ENGINEERING AND ASSOCIATES, INC.
3401 Slaughter Lane West
Austin, Texas 78748
Ph:(512) 280-5160 Fax:(512) 280-5165



Job No. 3489-020

FIELD NOTES

BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE LOT 1, HILL COUNTRY CENTER SECTION TWO, A SUBDIVISION OF RECORD IN CABINET E, SLIDE 29, WILLIAMSON COUNTY, TEXAS PLAT RECORDS, SAID TRACT OF LAND BEING 0.287 OF AN ACRE OF LAND MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at an iron pin found on the southerly right-of-way line of El Salido Parkway, an existing public right-of-way of varied width, same point being the northeast corner of said Lot 1, Hill Country Center Section Two, for the **POINT OF BEGINNING** and the northeast corner of the herein described tract,

THENCE, leaving said right-of-way line, the following two (2) courses and distances numbered 1 and 2,
1. with the easterly line of said Lot 1, S31°32'40"W, 97.54 feet to an iron pin set,
2. leaving said easterly line, S40°13'45"W, 241.91 feet to an iron pin set, for the southeast corner of the herein described tract,


THENCE, N49°43'48"W, 16.47 feet to an iron pin set, for the southwest corner of the herein described tract,

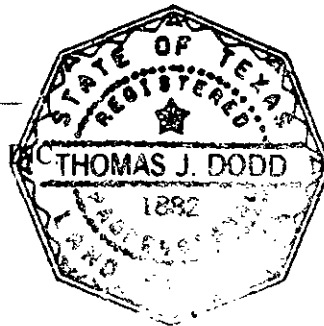
THENCE, with the west line of the herein described tract, the following two courses and distances numbered 1 and 2,

1. N34°10'33"E, 61.07 feet to an iron pin set,
2. N31°32'40"E, 273.26 feet to an iron pin set in the southerly right-of-way line of said El Salido Parkway, same being the north line of said Lot 1, for the northwest corner of the herein described tract,

THENCE, following said line, S58°20'24"E, 50.00 feet to the **POINT OF BEGINNING** containing 0.287 Of An Acre Of Land.

SURVEYED BY:


Thomas J. Dodd ~ R.P.L.S. No. 1882
CARLSON ENGINEERING AND ASSOCIATES, INC.
3401 Slaughter Lane West
Austin, Texas, 78748
Ph: (512) 280-5160 Fax: (512) 280-5165



File: c:\winword\fieldnot\carlson\3489-0204.doc

"Exhibit D"

[SEE NEXT PAGE FOR SKETCH ACCOMPANYING LEGAL DESCRIPTION]

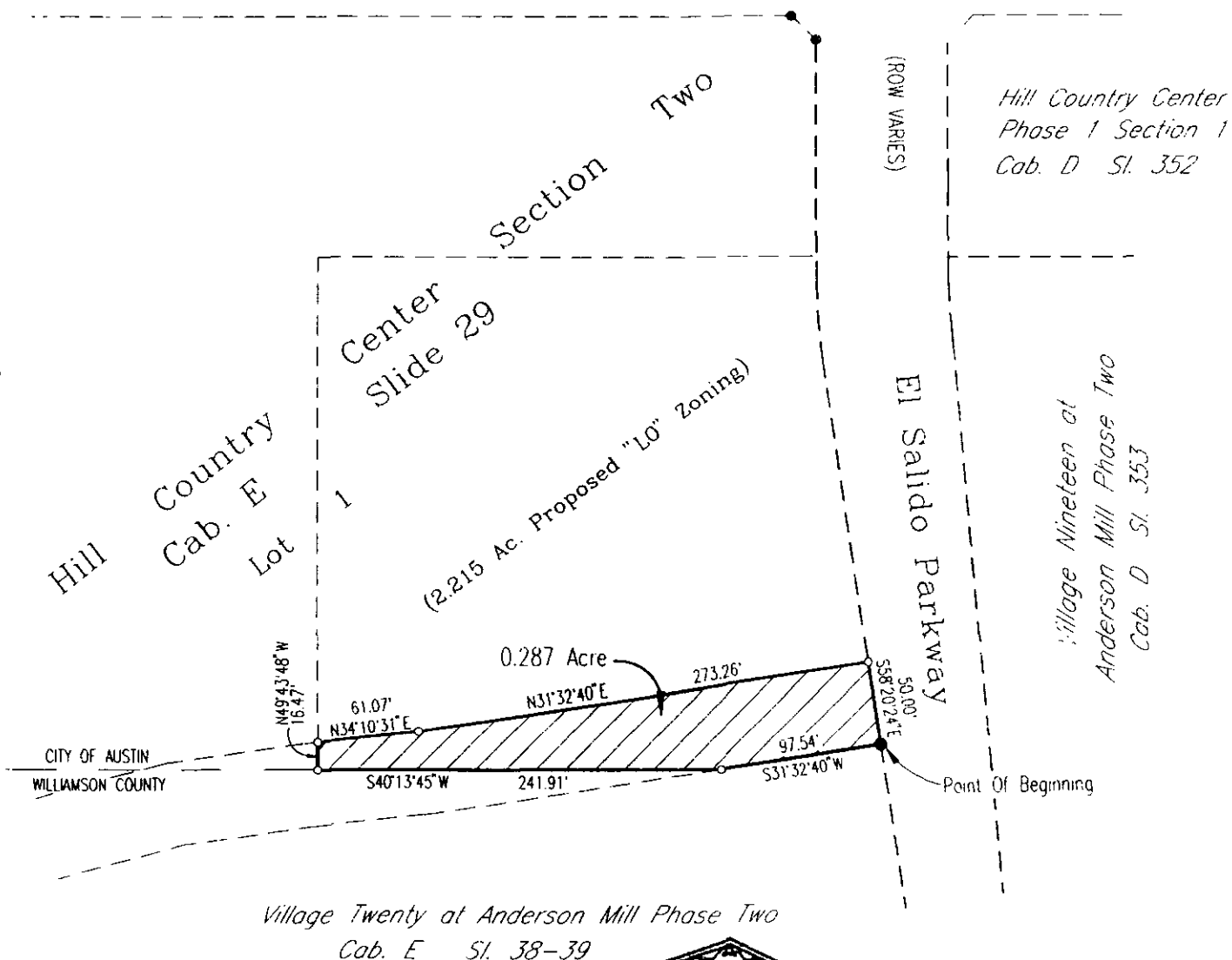
SKETCH TO ACCOMPANY FIELD NOTES FOR 0.287 OF AN ACRE OF LAND
OUT OF LOT 1, HILL COUNTRY CENTER SECTION TWO, CABINET E,
SLIDE 29, SITUATED IN WILLIAMSON COUNTY, TEXAS.

F. V. Ward
Vol. 2408 Pg. 179

Scale: 1" = 100'

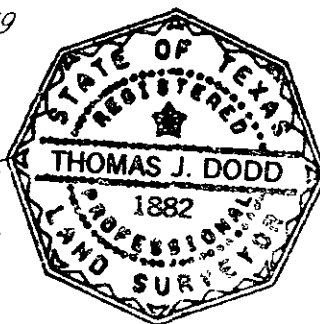
● Iron Pin Found
○ Point

R. M. 620 (100' ROW)



SURVEYED BY:

Thomas J. Dodd ~ R.P.L.S. No. 1882
CARLSON ENGINEERING AND ASSOCIATES, INC.
3401 Slaughter Lane West
Austin, Texas 78748
Ph: (512) 280-5160 Fax: (512) 280-5165



Ad ID#: 3BM401300Acct #: 4992499

Austin American-Statesman

Acct. Name: City Clerk

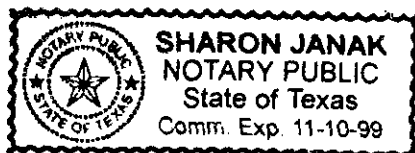
AFFIDAVIT OF PUBLICATION

THE STATE OF TEXAS
COUNTY OF TRAVIS

Before me, the undersigned authority, a Notary Public in and for the County of Travis, State of Texas, on this day personally appeared:

Rebecca FruitClassified Advertising Agent of the *Austin American-Statesman*, a daily newspaper published in said County and State that is generally circulated in Travis, Hays, Burnet and Williamson Counties, who being duly sworn by me, states that the attached advertisement was published in said newspaper on the following dates, to wit:Date (s): March 12th, 1996Class: 9980 Lines: 38 Cost: \$93.48

and that the attached is a true copy of said advertisement.

R. JaitSWORN AND SUBSCRIBED TO BEFORE ME, this the 12th day of Mar, 1996.

 A handwritten signature of Sharon Janak in cursive script.

Notary Public in and for
TRAVIS COUNTY, TEXAS

Sharon Janak
(Name of Notary)
My Commission Expires: 11/10/99

ORDINANCE NO. 960229-B
AN ORDINANCE ORDERING A RE-
ZONING AND CHANGING THE ZON-
ING MAP ACCOMPANYING
CHAPTER 13-2 OF THE AUSTIN CITY
CODE OF 1992 AS FOLLOWS:
TRACT 1: 2.216 ACRE TRACT OF
LAND FROM "SF-2" SINGLE-FAMILY
RESIDENCE (STANDARD LOT) DIS-
TRICT TO "LO-CO" LIMITED OFFICE
DISTRICT-CONDITIONAL OVERLAY
COMBINING DISTRICT;
TRACT 2: 0.989 ACRE TRACT OF
LAND FROM "SF-2" SINGLE-FAMILY
RESIDENCE (STANDARD LOT) DIS-
TRICT TO "LO-CO" NEIGHBOR-
HOOD COMMERCIAL DISTRICT-
CONDITIONAL OVERLAY
COMBINING DISTRICT; AND
TRACT 3: 8.741 ACRE TRACT OF
LAND FROM "SF-2" SINGLE-FAMILY
RESIDENCE (STANDARD LOT) DIS-
TRICT TO "GR-CO" COMMUNITY
COMMERCIAL DISTRICT-CONDI-
TIONAL OVERLAY COMBINING DIS-
TRICT, LOCALLY KNOWN AS 11601-
11805 NORTH F.M. 620 (ODD
NUMBERS ONLY) AND 11612-11714
ANDERSON MILL ROAD (EVEN NUM-
BERS ONLY), IN THE CITY OF AUSTIN,
WILLIAMSON COUNTY, TEXAS;
HAVING THE REQUIREMENTS OF
SECTIONS 2-2-3, 2-2-5 AND 2-2-7 OF
THE AUSTIN CITY CODE OF 1992
AND THE CONSTITUTION OF THE
STATE OF TEXAS.

RESTRICTIVE COVENANTS

Date: November 28, 1995

Owner: **Lumbermen's Investment Corporation**

Owner's Address: **P. O. Box 2030
Austin, Texas 78768**

Consideration: **One and No/100 Dollars (\$1.00) and other good and valuable consideration paid to the Owner, the receipt and sufficiency of which is acknowledged.**

Property: **A tract of land described as Lot 1, Hill Country Center, Section Two, a subdivision in Williamson County, Texas, according to the map or plat thereof recorded in Cabinet E, Slide 29, Williamson County Plat Records ("Property").**

Owner of the Property, for the consideration, impresses the Property with these covenants and restrictions running with the land:

1. Development and use of the Property shall be subject to the following covenants and restrictions:

- a. The maximum floor to area ratio shall be 0.3 to 1.0, calculated according to City of Austin standards.**
- b. No building on the Property shall be more than 3 stories in height.**
- c. A wood privacy fence of six (6) feet in height shall be constructed and maintained along the rear property line of the Property, being the property line which abuts the adjoining lots which front on Tanglebriar Trail and Show Barn Cove. Such fence shall be completed not later than 90 days after the inception of construction on any part of the Property, excluding governmental road or utility work.**
- d. A minimum of 50 feet from the rear property line of the Property, being the property line which abuts the adjoining lots which front on Tanglebriar Trail and Show Barn Cove, shall be "Landscaped Area" which shall mean an area devoted to and consisting of plant material, including without limitation grass, trees, shrubs, flowers, vines and other groundcover, and native plant materials. Provided, nothing herein shall be construed to diminish the rights of the Anderson Mill Municipal Utility District under that certain Easement recorded at Vol. 1582, Page 372 of the Official Records of Williamson County, Texas, to maintain the existing water storage tank**

and related appurtenances, or replacements thereof, within the Landscaped Area. Nor shall anything herein be construed to prohibit the construction of the fencing described in the preceding subparagraph or the installation of irrigation, sprinkler, drainage or water quality preservation systems in the Landscaped Area.

- e. All exterior lighting on the Property shall be hooded or shielded so that the light source is not directly visible from adjacent residential properties.
 - f. The noise level of mechanical equipment shall not exceed 70 db at the Property line.
 - g. The use of highly reflective surfaces, such as reflective glass and reflective metal roofs whose pitch is more than a run of seven to a rise of 12, shall be prohibited on the Property. This requirement shall not apply to solar panels and to copper or painted metal roofs.
 - h. No adult-oriented businesses shall be allowed on the Property. Adult-oriented businesses shall mean those types of uses described by Sec. 13-2-265 of the Austin City Code of 1992, as the same may be amended from time to time, which shall be incorporated herein by this reference.
 - i. No bars, taverns or similar establishments predominately engaged in the sale and service of alcoholic beverages for on-premise consumption shall be allowed on the Property. This restriction is not intended to prohibit the on-premise sale, service and consumption of alcoholic beverages as an accessory and secondary use within a restaurant meeting the criteria of Sec. 13-2-263 of the Austin City Code of 1992, as the same may be amended from time to time, which shall be incorporated herein by this reference.
2. If any person or entity shall violate or attempt to violate this agreement and covenant, it shall be lawful for Owner, its successors and assigns, the Anderson Mill Municipal Utility District, any owner of real property which directly abuts the Property, or their successors and assigns, to prosecute proceedings at law or in equity, against such person or entity violating or attempting to violate such agreement or covenants, to prevent the person or entity from such actions, and to collect damages for such actions.
 3. If any part of this agreement or covenant shall be 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.
 4. The failure to enforce this agreement, whether or not any violations of it are known, shall not constitute a waiver or estoppel of the right to enforce it.

5. This agreement may be modified, amended, or terminated only by further agreement of the following: (a) the owners of a majority of the lots which directly abut the Property and (b) the owner(s) of the Property at the time of such modification, amendment or termination.

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

EXECUTED this 29TH day of NOVEMBER, 1995.

LUMBERMEN'S INVESTMENT
CORPORATION

By: *James M. Lassiter*
Name: JAMES M. LASSITER
Its: SENIOR VICE PRESIDENT

STATE OF TEXAS

§
§
§

COUNTY OF Travis

This instrument was acknowledged before on November 28, 1995 by James M. Lassiter, Senior Vice President of Lumbermen's Investment Corporation, on behalf of said corporation.

Sarah T. Smith
Notary Public - State of Texas
Sarah T. Smith
Notary's Name (Printed)



My Commission Expires: July 27, 1996

DSI-AUS-13828-1UMN
7278 71

- ① After recording return to:
Mr. James M. Nias
Small, Craig & Werkenthin
100 Congress Avenue
Suite 1100
Austin, Texas 78701

3

Doc# 9610736
Pages: 3
Date : 03-04-1996
Time : 12:02:19 P.M.
Filed & Recorded in
Official Records
of WILLIAMSON County, TX.
ELAINE BIZZELL
COUNTY CLERK
Rec. \$ 13.00

From: [Sirwaitis, Sherri](#)
To: [Randy Lawson](#)
Subject: RE: 620 Hill Country Center (Case # C14-2021-0090) Rezoning Case
Date: Monday, June 28, 2021 2:02:00 PM

Hi Mr. Lawson,

Yes, the applicant just informed me that he received the notice and that the property is incorrect. Therefore, the city will have to renotify the case for the July 20, 2021 Zoning and Platting Commission meeting.

Thank you,

Sherri Sirwaitis

City of Austin

Housing & Planning Department

sherri.sirwaitis@austintexas.gov

512-974-3057(office)

From: Randy Lawson <>
Sent: Monday, June 28, 2021 1:07 PM
To: Sirwaitis, Sherri <Sherri.Sirwaitis@austintexas.gov>
Subject: Re: 620 Hill Country Center (Case # C14-2021-0090) Rezoning Case

*** External Email - Exercise Caution ***

Ms Sirwaitis, thank you for your response. You probably are not aware that the Notice of Public Hearing for Rezoning (case # C14-2021-0090) which you attached in your email is incorrect. It shows a project location of: 11405, 11409, 11411 North FM 620 Road, but those are not the correct addresses for this rezoning case project which should show 11624-1/2 Anderson Mill Rd and El Salido Pkwy as the project location. I had a telephone conversation this morning with Mr Richard Mathias of the Mathias Company and pointed out to him the error in this public hearing notice. I asked him on behalf of my Canyon Creek HOA to request a postponed ZAPCO hearing date until at least late July 2021. I believe you will likely get a request from hMr Mathias or the owner, Magna Properties, confirming a request for postponement and reposting of this public hearing notice in the near future. Would appreciate hearing back from you on this public hearing postponement and new notice of a public hearing.

Thanks,
Randy Lawson

On Sat, Jun 26, 2021 at 2:19 PM Randy Lawson <> wrote:

Ms Sirwaitis:

The applicant, Mathias Company, is requesting two tracts to be rezoned. My HOA is not as concerned about the retail tract rezoning request to GR-MU as much as we are about the proposed "multifamily" rezoning request which is apparently being proposed to go from I-RR to GR-MU. From what I know about the Austin LDC, GR-MU zoning is a big "upzoning" that is not necessary for a 72 condo unit tract. SF-5 or SF-6 zoning would be the normal zoning for a multifamily condo tract. We are concerned about an unnecessary upzoning above SF-5 or SF-6 because GR-MU will allow a huge amount of additional uses (besides multifamily) such as various retail and commercial uses that are not needed or wanted by nearby neighborhoods such as ours in order to accomodate a condo zoning district. Upzoning beyond normal zoning districts should not be allowed just because a developer/applicant asks for it. What are my HOA's options for protesting the upzoning to GR-MU? I assume that the Zoning and Platting commission will hear this case at some point in the future. Has that ZAPCO public hearing date been set yet? Are ZAPCO public hearings now back to "in person" hearings or is it still virtual? I would appreciate your feedback on this..

Thanks,

Randy Lawson - Director, Canyon Creek HOA

512-922-8184

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 cybersecurity@austintexas.gov.

PUBLIC HEARING INFORMATION

³⁴
^{1 of 3}
This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

^{B-6}
For additional information on the City of Austin's land development process, visit our website:

www.austintexas.gov/planning.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2021-0090

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: July 06, 2021, Zoning and Platting Commission

Your Name (please print)

Daniel Webber

☐ I am in favor
☒ object

Your address(es) affected by this application

*11704 Tascblair Trail
Austin, TX 78750*

Signature

[Signature]

Date

7-5-21

Daytime Telephone: *512-877-0058*

Comments:

*My family objects to
any Rezoning*

*It will be detrimental to our
property value, traffic, quality of
life*

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

City of Austin

Housing & Planning Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

From: Jim Howard
To: [Sirwaitis, Sherri](#)
Subject: Proposed zoning change for 11405,1149,11411 north fm 620
Date: Tuesday, July 6, 2021 12:08:19 PM

*** External Email - Exercise Caution ***

Hello Ms Sirwaitis,

I am writing to object to the proposed zoning changes for the addresses above, located at or near the intersection of FM620 and El Salido.

In particular, I strongly object to any multifamily projects in these lots. Such a project will place heavy traffic loads on El Salido which is already a high traffic street. Adjacent to the lots in question is the Purple Sage Elementary School and the Anderson Mill pool, park, and recreation area. Many children from the surrounding streets cross El Salido daily, they don't need to be exposed to even more heavy traffic.

There are duplexes across from Purple Sage and many nearby apartments and townhomes existing in the Anderson Mill limited District. Persons wanting multifamily homes can easily find them in our neighborhood.

The owners of these properties should develop using the zoning that was in place when they purchased the property.

Respectfully,

James Howard

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From: Micah Porter
To: [Sirwaitis, Sherri](#)
Subject: Case # C14-2021-0090
Date: Wednesday, July 14, 2021 12:47:21 PM

*** External Email - Exercise Caution ***

I object to rezoning tract 1 and 2 in case number C14-2021-0090. My name is Michalyn Porter, and I live at 11616 Birchbark Trail. My phone number is (512) 994-7292.

I object based on my assumption this green space will be wiped out and filled with parking lots or similar, to accommodate the expansion of FM 620. Those of us in the neighborhood don't need the additional noise and fumes from the cars. The green space is home to birds, raccoons, opossums (who eat tons of ticks and other pests!), bats (who eat thousands of mosquitos!), squirrels, and other wildlife. The plants cool the environment around them and help reduce flooding. We should have MORE green space, not less.

Sincerely, Michalyn Porter

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 cybersecurity@austintexas.gov.

Note: Should additional backup be submitted after the online publishing of this staff report, it may be found at the following link:

https://www.austintexas.gov/cityclerk/boards_commissions/meetings/54_1.htm