

## ORDINANCE NO. \_\_\_\_\_

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP TO ADD A  
2 NEIGHBORHOOD PLAN COMBINING DISTRICT TO THE BASE ZONING  
3 DISTRICTS ON APPROXIMATELY 650.5 ACRES OF LAND GENERALLY  
4 KNOWN AS THE CRESTVIEW NEIGHBORHOOD PLAN AREA AND TO  
5 CHANGE THE BASE ZONING DISTRICTS ON 47 TRACTS OF LAND.

6  
7 **BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

8  
9 **PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to  
10 add a neighborhood plan (NP) combining district to each base zoning district within the  
11 property and to change the base zoning districts on 47 tracts of land within the property  
12 described in Zoning Case No.C14-04-0004.002, on file at the Neighborhood Planning and  
13 Zoning Department, as follows:

14  
15 Approximately 650.5 acres of land in the City of Austin, Travis County, Texas,  
16 more particularly described and identified in the attached Exhibit "A" incorporated  
17 into this ordinance, (the "Property"),

18  
19 generally known as the Crestview neighborhood plan combining district, locally known as  
20 the area bounded by Anderson Lane on the north, Lamar Boulevard on the east, Justin  
21 Lane on the south, and Burnet Road on the west, in the City of Austin, Travis County,  
22 Texas, and generally identified in the map attached as Exhibit "B".

23  
24 Except as provided in this ordinance, the existing base zoning districts and conditions  
25 remain in effect.

26  
27 **PART 2.** The base zoning districts for the 47 tracts of land are changed from family  
28 residence (SF-3) district, multifamily residence medium density (MF-3) district,  
29 multifamily residence moderate high density (MF-4) district, limited office (LO) district,  
30 limited office conditional overlay (LO-CO) combining district, neighborhood commercial  
31 (LR) district, community commercial (GR) district, community commercial conditional  
32 overlay (GR-CO) combining district, general commercial services (CS) district,  
33 commercial-liquor sales (CS-1) district, commercial-liquor sales conditional overlay (CS-  
34 1-CO) combining district, and limited industrial services (LI) district to family residence-  
35 neighborhood plan (SF-3-NP) combining district, multifamily residence medium density-  
36 neighborhood plan (MF-3-NP) combining district, limited office neighborhood plan (LO-  
37 NP) combining district, limited office conditional overlay neighborhood plan (LO-CO-NP)  
38 combining district, limited office mixed use neighborhood plan (LO-MU-NP) combining

district, limited office-mixed use-conditional overlay-neighborhood plan (LO-MU-CO-NP) combining district, neighborhood commercial-mixed use-conditional overlay-neighborhood plan (LR-MU-CO-NP) combining district, community commercial-conditional overlay-neighborhood plan (GR-CO-NP) combining district, community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district, general commercial services-neighborhood plan (CS-NP) combining district, general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district, general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district, commercial-liquor sales-conditional overlay-neighborhood plan (CS-1-CO-NP) combining district, commercial liquor sales-mixed use-conditional overlay-neighborhood plan (CS-1-MU-CO-NP) combining district, limited industrial services-planned development area-neighborhood plan (LI-PDA-NP) combining district, and public-neighborhood plan (P-NP) combining district, as more particularly described and identified in the chart below:

### TRACT CHART

101a	7825-7829 Burnet Rd; 2307 W Anderson Ln	CS	CS-CO-NP
101b	7801 Burnet Rd	CS	CS-CO-NP
102	2103-2301 W Anderson Ln, 7711-7799 Burnet Rd	CS, GR	CS-CO-NP
103	7601 Burnet Rd	GR, GR-CO	GR-CO-NP
104	2101 W Anderson Ln (S 505.6 FT OF LOT II NORTH VILLAGE NO 2)	GR	MF-3-NP
105	2001-2013 W Anderson Ln; 2101 W Anderson Ln (N 281.5 FT OF LOT II NORTH VILLAGE NO 2)	GR	GR-MU-CO-NP
106	1901-1911 W Anderson Ln	GR	GR-CO-NP
107	1817-1825 W Anderson Ln	GR	GR-CO-NP
108	1809-1815 W Anderson Ln	CS	CS-CO-NP
109	1701-1745 W Anderson Ln	GR	GR-CO-NP
110	1521 W Anderson Ln	GR	GR-CO-NP
111	1417-1519 W Anderson Ln	GR-CO, LR	GR-CO-NP
112	7800-7808 Northwest Dr & 7716 Robalo Rd	LR	LR-MU-CO-NP
113	1301 W Anderson Ln	LO	LO-MU-NP
114	1215 W Anderson Ln	GR	GR-CO-NP
115	1209 W Anderson Ln	CS	CS-CO-NP
116	1111-1205 W Anderson Ln	GR	GR-CO-NP
117	1105 W Anderson Ln	GR	GR-MU-CO-NP
119	1101 W Anderson Ln	GR	GR-CO-NP
120	917-1011 W Anderson Ln; 911 W Anderson Ln (N220 FT AV OF LOT 36-40 BLK D S175 FT AV OF LOT 19-24 BLK D NORTHGATE ADDN)	CS, CS-1, LO	CS-CO-NP
122	911 W Anderson Ln (N220 FT AV OF LOT 35 BLK D NORTHGATE ADDN)	LO	LO-MU-CO-NP

123	7700-7720 N Lamar Blvd; 822 Taulbee Ln	CS	CS-MU-CO-NP
124	7600-7630 N Lamar Blvd (Lots 1-7, Northgate Addn. less Tract 125)	CS	CS-MU-CO-NP
125	7600 N Lamar Blvd (5813.4 sq. ft. of Lots 1-5, Northgate Addn.)	CS-1-CO	CS-1-MU-CO-NP
126	812-818 Morrow St; 813-821 Taulbee Ln (LOT 17 & E 54.45 FT OF LOT 18 BLK B NORTHGATE ADDN)	CS	CS-MU-CO-NP
127	820-826 Morrow St; 823-901 Taulbee Ln (W54.45FT OF LOT 18 & LOT 2 LESS N 5' RESUB LOT 19 BLK B NORTHGATE ADDN)	CS	MF-3-NP
128a	7525-7575 Burnet Rd	CS, CS-1	CS-CO-NP
128b	7501-7511 Burnet Rd	CS, CS-1	CS-CO-NP
129	7415-7437 Burnet Rd	CS, GR	CS-CO-NP
130a	7401-7413 Burnet Rd	CS	CS-CO-NP
130b	2300 Pasadena Dr	CS	GR-MU-CO-NP
132	2205 Pasadena Dr	MF-3	SF-3-NP
133	2211 Pasadena Dr	GR	LR-MU-CO-NP
134	7115-7319 Burnet Rd, 7113 Burnet Rd (W 731.9 FT LESS 8880 SQ FT OF LOT 1 RONAN SUBD)	CS, GR	CS-CO-NP
135	7113 Burnet Rd (8880 SQ FT OF LOT 1 RONAN SUBD)	CS-1	CS-1-CO-NP
136	7113 Burnet Rd (E 247.9 SQ FT OF LOT 1 RONAN SUBD)	LO	LO-CO-NP
137	7101 Burnet Rd	GR-CO	GR-CO-NP
138	7001-7015 Burnet Rd	GR	GR-CO-NP
139	2106-2200 Cullen Ave	LO-CO	GR-MU-CO-NP
140	6901-6921 Burnet Rd	CS	CS-CO-NP
142	6909 Burnet Ln & 2000 Justin Ln (S 240.43 FT OF BLK 17 CRESTVIEW ADDN SEC 1)	SF-3	LO-NP
143	2000 Cullen Ave	MF-3, SF-3	MF-3-NP
145	1908-1916 Justin Ln	LO	LO-MU-NP
146	7100-7200 Woodrow Ave	CS	CS-CO-NP
147	6935 Ryan Dr	LI	CS-MU-CO-NP
148	910 Justin Ln	LI	P-NP
149	6926 N Lamar Blvd; 808 & 906 Justin Ln	LI, CS	CS-NP
150	7544 N Lamar Blvd	CS	CS-MU-CO-NP
151	813 Morrow St	CS	CS-MU-CO-NP
160a	7100-7400 N Lamar Blvd (11.499 AC OF ABS 679 SUR 7 SPEAR G W), 7414 N Lamar Blvd (31.887 AC OF ABS 789 SUR 57 SPEAR G W), 7500 N Lamar Blvd (LOT 2A RESUB OF LOTS 1-2 NORTHERN COMMERCIAL SUBD), 7520-7524 N Lamar Blvd (LOTS 1-4 BLK A NORTHGATE ADDN), 7526-7530 N Lamar Blvd (TRT 1-2 KIVLIN-SMITH SUBD), 810 Banyon St (LOT 3 NORTHERN COMMERCIAL SUBD), 904-910 Banyon St (LOTS 1-4 NORTHERN INDUSTRIAL SUBD), 1007-1019 Aggie Ln (LOTS 7-12 BLK A RESUB LOTS 21-23 NORTHGATE ADDN), 907 Morrow St (S 252 FT OF TRT 3 KIVLIN-SMITH SUBD)	LI, CS, CS-1, MF-4, MF-3, SF-3	LI-PDA-NP

160b	1016 Aggie Ln, 1001-1209 Morrow St (as described in exhibit "C")	LI, SF-3	LI-PDA-NP
160c	821-901 Morrow St, 907 Morrow St (N 149.84 FT OF TRT 3 KIVLIN-SMITH SUBD), 909-913 Morrow St	CS, MF-4, SF-3	LI-PDA-NP

**PART 3.** The following applies to an existing legal lot with single-family residential use or secondary apartment special use within the boundaries of the NP combining district:

1. The minimum lot area is 2,500 square feet.
2. The minimum lot width is 25 feet.
3. For a lot with an area of 4,000 square feet or less, the impervious coverage may not exceed 65 percent.

**PART 4.** The following applies to a single-family residential use, a duplex residential use, or a two-family residential use within the boundaries of the NP combining district:

1. Front porch setback applies as set forth in Section 25-2-1602 of the Code.
2. Impervious cover and parking placement restrictions apply as set forth in Section 25-2-1603 of the Code.
3. Garage placement restrictions apply as set forth in Section 25-2-1604 of the Code.

**PART 5.** Tract 160a may be developed as a residential infill special use as set forth in Section 25-2-1532 through 25-2-1534 of the Code.

**PART 6.** Tracts 101a, 105-111, 113-117, 119-126, 130b, 133, 137-139, 145, 147, 149, and 150, and 151 may be developed as a neighborhood mixed use building special use as set forth in Sections 25-2-1502 through 1504 of the Code.

**PART 7.** Tracts 101, 102, and 160a may be developed as a neighborhood urban center special use as set forth in Sections 25-2-1521 through 25-2-1524 of the Code.

**PART 8.** The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

1. The following uses are conditional uses of Tracts 101, 120, 128a, 130a, and 140:

Adult oriented businesses	Equipment sales
Commercial blood plasma center	Limited warehousing and distribution
Equipment repair services	Vehicle storage

2. The following uses are prohibited uses of Tracts 102, 129, 134, and 135:

Adult oriented businesses	Agricultural sales and services
Automotive rentals	Automotive sales
Bail bond services	Campground
Commercial blood plasma center	Construction sales and services
Convenience storage	Equipment repair services
Equipment sales	Kennels
Limited warehousing and distribution	Maintenance and service facilities
Monument retail sales	Outdoor entertainment
Pawn shop services	Vehicle storage

3. The following uses are prohibited uses of Tract 115:

Adult oriented businesses	Agricultural sales and services
Automotive rentals	Automotive sales
Bail bond services	Campground
Commercial blood plasma center	Convenience storage
Equipment repair services	Equipment sales
Kennels	Limited warehousing and distribution
Maintenance and service facilities	Monument retail sales
Outdoor entertainment	Pawn shop services
Vehicle storage	

4. The following uses are prohibited uses of Tract 103:

Automotive rentals	Automotive repair services
Automotive sales	Automotive washing (of any type)
Bail bond services	Commercial off-street parking
Funeral services	Exterminating services
Outdoor entertainment	Outdoor sports and recreation
Pawn shop services	Service station

1  
2 5. The following uses are conditional uses of Tracts 105, 107, 109, 110, 114-117, and  
3 119:

4  
5 Automotive rentals Automotive sales  
6 Automotive washing (of any type)

7  
8 6. The following uses are prohibited uses of Tract 106:

9  
10 Bail bond services Pawn shop services

11  
12 7. The following uses are conditional uses of Tract 108:

13  
14 Adult oriented businesses Automotive washing (of any type)  
15 Maintenance and service facilities Commercial blood plasma center  
16 Equipment sales Equipment repair services  
17 Limited warehousing and distribution Vehicle storage

18  
19 8. The following uses are prohibited uses of Tract 111:

20  
21 Automotive rentals Automotive repair services  
22 Automotive sales Automotive washing (of any type)  
23 Bail bond services Commercial off-street parking  
24 Drop-off recycling collection facility Funeral services  
25 Exterminating services Outdoor entertainment  
26 Outdoor sports and recreation Pawn shop services  
27 Service station

28  
29 9. The following uses are prohibited uses of Tract 112:

30  
31 College and university facilities Consumer convenience services  
32 Financial services Off-site accessory parking  
33 Service station

34  
35 10. The following uses are conditional uses of Tract 123:

36  
37 Adult oriented businesses Commercial blood plasma center  
38 Equipment repair Equipment sales  
39  
40  
41

1 11. The following uses are conditional uses of Tracts 124 and 150:

2	3 Adult oriented businesses	Commercial blood plasma center
4	Equipment repair	Equipment sales
5	Limited warehousing and distribution	Vehicle storage

6  
7 12. The following uses are prohibited uses of Tract 125:

8	9 Adult oriented businesses	Commercial blood plasma center
10	Equipment repair	Equipment sales
11	Limited warehousing and distribution	Vehicle storage
12	Cocktail lounge	Pawn shop services
13	Restaurant (general)	

14  
15 13. The following uses are prohibited uses of Tract 126:

16	17 Adult oriented businesses	Kennels
18	Agricultural sales and services	Limited warehousing and distribution
19	Campground	Maintenance and service facilities
20	Construction sales and services	Outdoor entertainment
21	Commercial blood plasma center	Pawn shop services
22	Convenience storage	Service station
23	Equipment repair services	Equipment sales

24  
25 14. The following uses are conditional uses of Tract 128b:

26	27 Adult oriented businesses	Equipment sales
28	Commercial blood plasma center	Vehicle storage
29	Equipment repair services	

30  
31 15. The following uses are prohibited uses of Tracts 137 and 139:

32	33 Automotive rentals	Indoor entertainment
34	Automotive repair services	Indoor sports and recreation
35	Automotive sales	Outdoor entertainment
36	Hotel-motel	Pawn shop services

16. The following uses are prohibited uses of Tract 146:

Adult oriented businesses  
Agricultural sales and services  
Art and craft studio (general)  
Automotive rentals  
Automotive sales  
Automotive washing (of any type)  
Building maintenance services  
Campground  
Commercial blood plasma center  
Construction sales and services  
Convenience storage  
Electronic prototype assembly

Equipment repair services  
Equipment sales  
Kennels  
Limited warehousing and distribution  
Maintenance and service facilities  
Monument retail sales  
Pawn shop services  
Transitional housing  
Transportation terminal  
Vehicle storage  
Veterinary services

17. The following uses are prohibited uses of Tract 147:

Adult oriented businesses  
Agricultural sales and services  
Art and craft studio (general)  
Automotive rentals  
Automotive sales  
Automotive washing (of any type)  
Building maintenance services  
Campground  
Commercial blood plasma center  
Convenience storage  
Electronic prototype assembly

Equipment repair services  
Equipment sales  
Kennels  
Laundry services  
Maintenance and service facilities  
Monument retail sales  
Pawn shop services  
Transitional housing  
Transportation terminal  
Veterinary services  
Vehicle storage

18. The following uses are prohibited uses of Tract 151:

Adult oriented businesses  
Agricultural sales and services  
Bail bond services  
Campground  
Convenience storage  
Service station  
Commercial blood plasma center

Equipment repair services  
Equipment sales  
Kennels  
Maintenance and service facilities  
Outdoor entertainment  
Pawn shop services

19. Automotive washing (of any type) is a conditional use of Tract 106.



- 1 20. Pawn shop services use is a prohibited use of Tracts 101, 105, 107-110, 114, 116, 117,  
2 119, 120, 123, 124, 128, 130a, 130b, 138, and 140.
- 3
- 4 21. Drive-in service use is prohibited as an accessory use to a commercial use of Tracts  
5 103, 111, 112, 146, and 147.
- 6
- 7 22. The following conditions apply to Tract 112:
- 8
- 9 A. The maximum building coverage is 40 percent.
- 10
- 11 B. The maximum floor-to-area (FAR) ratio is 0.35 to 1.0.
- 12
- 13 C. The maximum height of a building or structure is 30 feet from ground level.
- 14
- 15 D. A site plan or building permit for the property may not be approved, released,  
16 or issued, if the completed development or uses of the property, considered  
17 cumulatively with all existing or previously authorized development and uses,  
18 generate traffic that exceeds 300 trips per day for each lot.
- 19
- 20 23. The maximum height of a building or structure is 40 feet from ground level on Tracts  
21 111, 137, 139, 146 and 147.
- 22
- 23 24. The maximum impervious cover is 75 percent per tract on Tracts 137 and 139.
- 24
- 25 25. The maximum floor-to-area (FAR) ratio is 0.5 to 1.0 on Tract 146.
- 26
- 27 26. The maximum number of dwelling units is 27.2 units per acre on Tracts 105-111, 114-  
28 117, 119 and 120.
- 29
- 30 27. A site plan or building permit for Tract 125 may not be approved, released, or issued,  
31 if the completed development or uses of the property, considered cumulatively with  
32 all existing or previously authorized development and uses, generate traffic that  
33 exceeds 2,000 trips per day.
- 34
- 35 28. The following condition applies to Tracts 103, 120, 122, 128, and 133-136:
- 36
- 37 A 50-foot wide vegetative buffer shall be provided and maintained along and adjacent  
38 to a property line that adjoins an urban family residence (SF-5) or more restrictive  
39 district. Improvements permitted within the buffer zone are limited to drainage,  
40 underground utility improvements or those improvements that may be otherwise  
41 required by the City of Austin or specifically authorized in this ordinance.

29. Off-site accessory parking use is prohibited on Tracts 137 through 139 for a use located in the community commercial (GR) or less restrictive district.

30. Vehicular access from Tracts 120 and 122 to Stobaugh Street is prohibited. All vehicular access to the tracts shall be from other adjacent public streets or through other adjacent property.

31. If Tract 139 is developed in conjunction with Tract 137 or Tract 138, then vehicular access from Tract 139 to Cullen Avenue is prohibited. All vehicular access to the tracts shall be from other adjacent public streets or through other adjacent property.

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

**PART 9.** Development of the property identified as Tracts 160a, 160b, and 160c located within the boundaries of the planned development area (PDA) combining district established by this ordinance is subject to the use and site development regulations set forth in this part.

1. Development of the Property shall comply with Section 25-2-648 (*Planned Development Area Performance Standards*) of the City Code.

2. Except as provided in Sections 3 to 7, all permitted and conditional limited industrial services LI uses are permitted and conditional uses of Tracts 160a, 160b and 160c.

3. The following uses are additional permitted uses of Tract 160a:

Administrative services	Park and recreation services (special)
Bed and breakfast residential (Group 1)	Research assembly services
Bed and breakfast residential (Group 2)	Research warehousing services
Consumer repair services	Retirement housing (large site)
Convalescent services	Retirement housing (small site)
Multifamily residential	Single family residential
Pet services	Townhouse residential
Park and recreation services (general)	Urban farm

4. The following uses are prohibited uses of Tracts 160a, 160b and 160c:

Agricultural sales and services	Kennels
Automotive repair services	Liquor sales
Automotive sales	Monument retail sales
Automotive washing (of any type)	Outdoor entertainment
Campground	Recycling center
Convenience storage	Resource extraction
Drop-off recycling collection facility	Scrap and salvage
Equipment repair services	Vehicle storage
Equipment sales	

5. The following uses are additional permitted uses of Tracts 160b and 160c:

Bed and breakfast residential (Group 1)	Bed and breakfast residential (Group 2)
Condominium residential	Park and recreation services (general)
Park and recreation services (special)	Retirement housing (small site)
Single family residential	Townhouse residential
Two-family residential	Urban farm

6. The following uses are prohibited uses of Tracts 160b and 160c:

Administrative and business offices	Art and craft studio (limited)
Art and craft studio (general)	Art and craft studio (industrial)
Automotive rentals	Bail bond services
Building maintenance services	Business or trade school
Business support services	Commercial off-street parking
Construction sales and services	Consumer convenience services
Electronic prototype assembly	Exterminating services
Financial services	Food sales
Funeral services	General retail sales (general)
General retail sales (limited)	Hotel-motel
Indoor entertainment	Indoor spots and recreation
Laundry services	Medical offices
Personal improvement services	Personal services
Plant nursery	Professional office
Research services	Restaurant (general)
Restaurant (limited)	Service station
Software development	Theater
Veterinary services	Basic industry
Custom manufacturing	General warehousing and distribution

1 Light manufacturing  
2 Counseling services  
3 Maintenance and service facilities  
4 Residential treatment  
5 Transportation terminal

Limited warehousing and distribution  
Congregate living  
Railroad facilities  
Transitional housing

7 7. The following uses are conditional uses of Tracts 160b and 160c:

9 College and university facilities  
10 Day care services (commercial)  
11 Local utility services  
12 Off-site accessory parking

Cultural services  
Day care services (general)  
Safety services

14 8. Calculations for zoning impervious cover, building coverage, and floor to area ratios  
15 shall be based cumulatively on the gross site area of the PDA Property.

17 9. Except as provided in Sections 11 to 14, the CS site development standards apply to  
18 Tract 160a.

20 10. Except as provided in Sections 11 and 12, the SF-6 site development standards apply  
21 to Tracts 160b and 160c.

23 11. The site development standards in Schedule 1, Column A, set forth in Section 23  
24 apply to a single family residential use.

26 12. The site development standards in Schedule 1, Column B, set forth in Section 23  
27 apply to a townhouse residential use or condominium residential use.

29 13. The uses identified in this section are subject to Section 14.

31 Congregate living  
32 Convalescent services  
33 Multifamily residential

Retirement housing (small site)  
Retirement housing (large site)

35 14. Except as provided in Section 15, development of the uses in Section 13 shall comply  
36 with the site development standards in Schedule 1, Column C.

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2  
3  
4 15. This section applies to a combination use building.  
5

6 A. A combination use building is a building that contains both a commercial use  
7 and (1) a residential use, or (2) a congregate living use or a convalescent  
8 services use.

9 B. A combination use building must comply with the following criteria.

10 1. The building must contain residential units above the ground floor.  
11

12 2. The square footage of the residential units on the ground floor may not  
13 exceed 50 percent of the gross floor area of the ground floor.  
14

15 3. The square footage of the non-residential units in the above-ground floor area  
16 may not exceed 50 percent of the gross floor area of the above-ground floor  
17 area.  
18

19 C. The CS site development standards apply to a combination use building.  
20

21  
22 16. The maximum density is 1,472 dwelling units for a residential use identified in this  
23 section.  
24

25 Bed and breakfast residential (Group 1)  
26 Condominium residential  
27 Group residential  
28 Multifamily residential  
29 Retirement housing (large site)  
30 Single family residential  
31 Townhouse residential  
32

Bed and breakfast residential (Group 2)  
Duplex residential  
Mobile home residential  
Retirement housing (small site)  
Single family attached residential  
Small lot single family residential  
Two-family residential

33 17. The uses identified in this section are subject to Sections 18 to 21.  
34

35 Basic industry  
36 Light manufacturing  
37

General warehousing and distribution

38 18. A building setback in Section 19 shall not apply to a use or zoning district identified  
39 in Section 19 that is located east of Lamar Boulevard or on Tracts 147, 148, and 149.  
40  
41

- 1  
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5 19. A 200-foot wide building setback shall be established between a use identified in  
6 Section 17 and:  
7  
8 A. A use identified in Section 13.  
9  
10 B. A residential use including a combination use building.  
11  
12 C. A multifamily residence highest density (MF-6) district or less restrictive  
13 zoning district.  
14  
15 20. Notwithstanding the requirements of this ordinance, development of the Property is  
16 subject to Chapter 25-2, Subchapter C, Article 10 (*Compatibility Standards*).  
17  
18 21. A use identified in Section 17 is a prohibited use of the property located in the vicinity  
19 of Banyon Street as shown in Exhibit "D".  
20  
21 22. A minimum 17.4 acres of the Property shall be open space. Open space may include a  
22 community recreation (private or public) use. Yard and setback areas may not be  
23 included as required open space except as required for a community recreation  
24 (private or public) use.  
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23. Schedule 1 Site Development Chart.

<b>Regulation</b>	<b>COLUMN A</b> SINGLE FAMILY RESIDENTIAL	<b>COLUMN B</b> TOWNHOUSE & CONDOMINIUM	<b>COLUMN C</b> ALL OTHER RESIDENTIAL USES
<b>Minimum Lot Size</b>	3,500 SF	2,000 SF	5,750 SF
<i>Minimum Lot Width</i>	30 FT	20 FT	50 FT
<i>Maximum Height</i>	35 FT	35 FT	60 FT
<i>Minimum Front Yard Setback</i>	10 FT	5 FT	5 FT
<i>Minimum Front Garage Setback</i>	20 FT	20 FT	-
<i>Minimum Street Side Yard Setback</i>	10 FT	10 FT	10 FT
<i>Minimum Interior Side Yard Setback</i>	5 FT	0 FT	5 FT
<i>Minimum Rear Yard Setback</i>	5 FT	5 FT	10 FT
<i>Maximum Building Coverage</i>	55%	70%	75%
<i>Maximum Impervious Cover</i>	65%	75%	80%

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

1  
2 **PART 10.** This ordinance takes effect on \_\_\_\_\_  
3 2004.  
4

5  
6 **PASSED AND APPROVED**  
7

8  
9  
10 \_\_\_\_\_, 2004

§  
§  
§

Will Wynn  
Mayor

11  
12  
13  
14  
15 **APPROVED:** \_\_\_\_\_

**ATTEST:** \_\_\_\_\_

16 David Allan Smith  
17 City Attorney

Shirley A. Brown  
City Clerk



Wooten

Item # 32

ORDINANCE NO. \_\_\_\_\_

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP TO ADD A  
2 NEIGHBORHOOD PLAN COMBINING DISTRICT TO THE BASE ZONING  
3 DISTRICTS ON APPROXIMATELY 626 ACRES OF LAND GENERALLY  
4 KNOWN AS THE WOOTEN NEIGHBORHOOD PLAN AREA AND TO CHANGE  
5 THE BASE ZONING DISTRICTS ON 59 TRACTS OF LAND.  
6

7 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:  
8

9 **PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to  
10 add a neighborhood plan (NP) combining district to each base zoning district within the  
11 property and to change the base zoning districts on 59 tracts of land within the property  
12 described in Zoning Case No.C14-04-0004.001; on file at the Neighborhood Planning and  
13 Zoning Department, as follows:  
14

15 Approximately 626.77 acres of land in the City of Austin, Travis County, Texas,  
16 more particularly described and identified in the attached Exhibit "A" incorporated  
17 into this ordinance, (the "Property"), and as follows:  
18

19 Fireside Loop Subdistrict area that includes the lots adjoining Fireside  
20 Drive, Hearthside Drive, Hearthstone Drive and Putnam Drive north of  
21 Joy Lane, as shown in the attached Exhibit "B",  
22

23 generally known as the Wooten neighborhood plan combining district, locally known as  
24 the area bounded by U.S. Highway 183 on the north, Anderson Lane on the south, Lamar  
25 Boulevard on the east and Burnet Road on the west, in the City of Austin, Travis County,  
26 Texas, and generally identified in the map attached as Exhibit "C".  
27

28 Except as provided in this ordinance, the existing base zoning districts and conditions  
29 remain in effect.  
30

31 **PART 2.** The base zoning districts for the 59 tracts of land are changed from interim  
32 family residence (I-SF-3) district, family residence (SF-3) district, multifamily residence  
33 low density (MF-2) district, multifamily residence medium density (MF-3) district,  
34 multifamily residence moderate high density (MF-4) district, limited office (LO) district,  
35 neighborhood commercial (LR) district, community commercial (GR) district, community  
36 commercial-conditional overlay (GR-CO) combining district, community commercial-  
37 mixed use (GR-MU) combining district, general commercial services (CS) district, general

commercial services-conditional overlay (CS-CO) combining district, commercial-liquor sales (CS-1) district, commercial-liquor sales-conditional overlay (CS-1-CO) combining district, and limited industrial services (LI) district to family residence-neighborhood plan (SF-3-NP) combining district, multifamily residence low density-neighborhood plan (MF-2-NP) combining district, multifamily residence medium density-neighborhood plan (MF-3-NP) combining district, multifamily residence moderate high density-neighborhood plan (MF-4-NP) combining district, limited office-mixed use-neighborhood plan (LO-MU-NP) combining district, limited office-mixed use-conditional overlay-neighborhood plan (LO-MU-CO-NP) combining district, community commercial-neighborhood plan (GR-NP) combining district, community commercial-conditional overlay-neighborhood plan (GR-CO-NP) combining district, community commercial-mixed use-neighborhood plan (GR-MU-NP) combining district, community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district, general commercial services-neighborhood plan (CS-NP) combining district, general commercial services-mixed use-neighborhood plan (CS-MU-NP) combining district, general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district, commercial-liquor sales-neighborhood plan (CS-1-NP) combining district, commercial-liquor sales-conditional overlay-neighborhood plan (CS-1-CO-NP) combining district, commercial liquor sales-mixed use-neighborhood plan (CS-1-MU-NP) combining district, limited industrial services-conditional overlay-neighborhood plan (LI-CO-NP) combining district, and public-neighborhood plan (P-NP) combining district, as more particularly described and identified in the chart below:

Tract	Address	From	To
1	8733-9034 Burnet Rd; 9000-9014 Research Blvd	LI, SF-3	CS-NP
2	8998 Research Blvd (0.1826 ac of Lot 1, Blk A, Domecq Subd.)	CS-1-CO	CS-1-CO-NP
3	8868-8990 Research Blvd; 8704-8720 Putnam Dr, 8898 Research Blvd (Lot 1, Blk A, Domecq Subd. less Tr. 2)	LI, CS	CS-NP
4	8724 Putnam Dr	SF-3	LO-MU-NP
5	2100 Polaris Ave	CS-CO	CS-MU-CO-NP
6	8711-8725 Burnet Rd	CS	CS-NP
7	1748 Ohlen Rd	LR, MF-2	MF-2-NP
8	8716 Research Blvd	LO	GR-CO-NP
9	1725 Ohlen Rd	GR	GR-MU-NP
10	8507 Kromer St	SF-3	MF-3-NP
11	8500 Research Blvd	LI	CS-NP
12	8400 Research Blvd	LI	LI-CO-NP
13	8200-8220 Research Blvd	CS	CS-MU-NP
14	8120 Research Blvd	CS-1	CS-1-MU-NP

15	7920-8000 Anderson Square Dr; 8120 Research Blvd	CS	CS-MU-NP
16	7950-8010 Research Blvd; 910-1100 W Anderson Ln	CS	CS-MU-NP
17	1220 Anderson Ln	LR	GR-MU-CO-NP
18	7929-7545 Gault St; 1220 Anderson Ln	CS	MF-4-NP
19	7908-7914 Gault St	CS	MF-4-NP
20	1300-1306 Anderson Ln	GR, LR	GR-CO-NP
21	1308 Anderson Ln	LR	GR-CO-NP
22	1400 Anderson Ln; 7907 Lazy Ln	MF-3	GR-MU-CO-NP
23	1500 Anderson Ln	SF-3	GO-CO-NP
24	1508 Anderson Ln	GR	GR-CO-NP
25	1542 Anderson Ln	GR	GR-CO-NP
26a	1700-1728 Anderson Ln	GR	GR-CO-NP
26b	1740-1810 Anderson Ln	GR	GR-CO-NP
26c	1814 Anderson Ln	GR	GR-CO-NP
27	1721-1841 Wooten Park Dr	GR	GR-MU-CO-NP
28	1710-1820 Wooten Park Dr	GR, LO	GR-MU-CO-NP
29	7914-7926 Mullen Dr	GR, LO	GR-MU-CO-NP
30	1900-2108 W Anderson Ln	GR	GR-CO-NP
31	2200-2004 W Anderson Ln	GR, GR-MU	GR-MU-CO-NP
32	2206-2210 W Anderson Ln	GR	GR-CO-NP
33	2300 W Anderson Ln, 7915-7925 Burnet Rd	CS	CS-NP
34	7929-7935 W Anderson Ln	GR	GR-NP
35	7941 Burnet Rd	CS-1	CS-1-NP
36	7951 Burnet Rd	CS	CS-NP
37	8001-8005 Burnet Rd	CS	CS-NP
38	8007 Burnet Rd (west 0.73 ac. of Lot 7, Blk H, Allendale North, Sec. 8 Subd.)	CS-1, SF-3	GR-MU-NP
40	8023-8105 Burnet Rd	GR, MF-4	GR-NP
41	8209-8211 Burnet Rd	CS, GR, MF-4	GR-NP
42	8221-8241 Burnet Rd	CS	CS-NP
43	2301 Ohlen Rd	CS	GR-MU-CO-NP
44	2205 Ohlen Rd	LO, SF-3	GR-MU-CO-NP
45	8301 Burnet Rd	MF-3	GR-MU-CO-NP
46	8301-8315 Burnet Rd	CS	CS-NP
47	8315 Burnet Rd	CS-1	CS-1-NP
48	8401-8425 Burnet Rd	CS	CS-NP
49	8501-8533 Burnet Rd	CS	CS-NP
50	8601-8613 Burnet Rd	CS	CS-NP
51	8617 Burnet Rd	CS-1	CS-1-NP
54	8401 Hathaway Dr	SF-3	P-NP
55	8501 1/2 Woodstone Dr	SF-3	P-NP
56	8000 Lazy Ln; 8001-8015 Burrell Dr	SF-3	P-NP

59	2303 Mahone Dr	I-SF-3	SF-3-NP
60	7909 Sales St	MF-3	SF-3-NP
61	7905 Brockman St	LO	LO-MU-CO-NP
62	7904 Brockman Ln	LO	LO-MU-CO-NP

**PART 3.** The following applies to an existing legal lot with single-family residential use or secondary apartment special use within the boundaries of the NP combining district:

1. The minimum lot area is 2,500 square feet.
2. The minimum lot width is 25 feet.
3. For a lot with an area of 4,000 square feet or less, the impervious coverage may not exceed 65 percent.

**PART 4.** The following applies to a single-family residential use, a duplex residential use, or a two-family residential use within the boundaries of the NP combining district:

1. Front porch setback applies as set forth in Section 25-2-1602 of the Code.
2. Impervious cover and parking placement restrictions apply as set forth in Section 25-2-1603 of the Code.

**PART 5.** Cottage special use is permitted on lots in residential districts within the boundaries of Fireside Loop Subdistrict as set forth in Section 25-2-1442 through 25-2-1444 of the Code.

**PART 6.** Urban home special use is permitted on lots in residential districts within the boundaries of Fireside Loop Subdistrict as set forth in Sections 25-2-1422 through 25-2-1424 of the Code.

**PART 7.** Secondary apartment special use is permitted on lots in residential districts within the boundaries of Fireside Loop Subdistrict as set forth in Sections 25-2-1462 through 25-2-1463 of the Code.

**PART 8.** Tracts 4-6, 8, 9, 13-17, 20-22, and 24-51 may be developed as a neighborhood mixed use building special use as set forth in Sections 25-2-1502 through 1504 of the Code.

**PART 9.** Tracts 1-3, 6, and 14-16 may be developed as a neighborhood urban center special use as set forth in Sections 25-2-1521 through 25-2-1524 of the Code.

**PART 10.** The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

1. Adult oriented business use is a prohibited use of Tract 2.

2. The following uses are prohibited uses of Tract 5:

Agricultural sales and services	Automotive rentals
Automotive repair services	Automotive sales
Automotive washing (of any type)	Bail bond services
Business or trade school	Campground
College and university facilities	Commercial blood plasma center
Commercial off-street parking	Construction sales and services
Consumer convenience services	Consumer repair services
Drop-off recycling collection facilities	Equipment repair services
Equipment sales	Exterminating services
Financial services	Food sales
Funeral services	General retail sales (convenience)
General retail sales (general)	Guidance services
Hospital services (general)	Hospital services (limited)
Hotel-motel	Indoor entertainment
Indoor sports and recreation	Kennels
Laundry services	Maintenance and service facilities
Medical offices	Monument retail sales
Outdoor entertainment	Outdoor sports and recreation
Pawn shop services	Personal Improvement services
Personal services	Professional office
Research services	Residential treatment
Restaurant (limited)	Restaurant (general)
Service station	Software development
Theater	Transitional housing
Transportation terminal	Vehicle storage
Veterinary services	

3. The following uses are prohibited uses of Tracts 8, 17, 20 and 21:

Automotive rentals

Automotive sales

Bail bond services

Drop-off recycling collection facilities

Exterminating services

Outdoor sports and recreation

Service station

Automotive repair services

Automotive washing (of any type)

Commercial off-street parking

Funeral services

Outdoor entertainment

Pawn shop services

4. The following uses are prohibited uses of Tract 12:

Recycling center

Scrap and salvage

Resource extraction

5. The following uses are prohibited uses of Tract 22:

Automotive rentals

Automotive sales

Bail bond services

Drop-off recycling collection facilities

Exterminating services

Outdoor sports and recreation

Service station

Residential treatment

Automotive repair services

Automotive washing (of any type)

Commercial off-street parking

Funeral services

Outdoor entertainment

Pawn shop services

Congregate living

6. Pawn shop services use is a prohibited use of Tracts 24-26a, 26c, and 30-32.

7. Automotive washing (of any type) use is a conditional use of Tracts 24 and 26c.

8. The following uses are conditional uses of Tracts 25, 26a, 26b, and 30-32:

Automotive sales

Automotive washing (of any type)

Automotive rentals

9. The following uses are prohibited uses of Tracts 27-29, and 43-45:

Automotive rentals	Automotive repair services
Automotive sales	Automotive washing (of any type)
Bail bond services	Business or trade school
Business support services	College and university facilities
Commercial off-street parking	Communications services
Custom manufacturing	Drop-off recycling collection facilities
Funeral services	Exterminating services
Financial services	Hospital services (general)
Hotel-motel	Indoor entertainment
Indoor sports and recreation	Medical offices (exceeding 5,000 sq. ft.)
Outdoor entertainment	Outdoor sports and recreation
Pawn shop services	Plant nursery
Research services	Services station
Theater	Urban farm

10. The following conditions apply to Tract 5:

- A. A six foot wide vegetative buffer shall be provided and maintained along and adjacent to the west property line. Improvements permitted within the buffer zone are limited to drainage, underground utility improvements or those improvements that may be otherwise required by the City of Austin or specifically authorized in this ordinance.
- B. The maximum height of a building or structure is 40 feet from ground level.
- C. The maximum impervious cover is 75 percent.
- D. The maximum number of dwelling units is 13.5 units per acre.
- E. If the property is developed with a plant nursery use or a building maintenance services use, then all soils storage runoff must be contained on-site.

11. The following conditions apply to Tracts 27-29, and 43-45:

- A. The maximum height of a building or structure is 40 feet from ground level.
- B. A general retail (general) use or general retail (convenience) use is prohibited for an area greater than 10,000 square feet of gross floor area.

12. Drive-in service use is prohibited as an accessory use to commercial uses on Tracts 8, 17, 20-22, 27-29, and 43-45.
13. The maximum number of dwelling units is 27.2 units per acre on Tracts 20-22, 24-26, and 30-32.
14. Vehicular access from Tract 23 to Anderson Lane is prohibited. All vehicular access to the Tract 23 shall be from other adjacent public streets or through other adjacent property.
15. The following conditions apply to Tracts 61 and 62:
- A. The maximum building coverage is 40 percent.
  - B. The maximum floor-to-area (F.A.R.) ratio is 0.35 to 1.0.
  - C. The maximum height of a building or structure is 30 feet from ground level.
  - D. A site plan or building permit for the property may not be approved, released, or issued, if the completed development or uses of the property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 300 trips per day.

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

**PART 11.** This ordinance takes effect on \_\_\_\_\_, 2004.

**PASSED AND APPROVED**

\_\_\_\_\_, 2004

§  
§  
§  
§

Will Wynn  
Mayor

**APPROVED:**

David Allan Smith  
City Attorney

**ATTEST:**

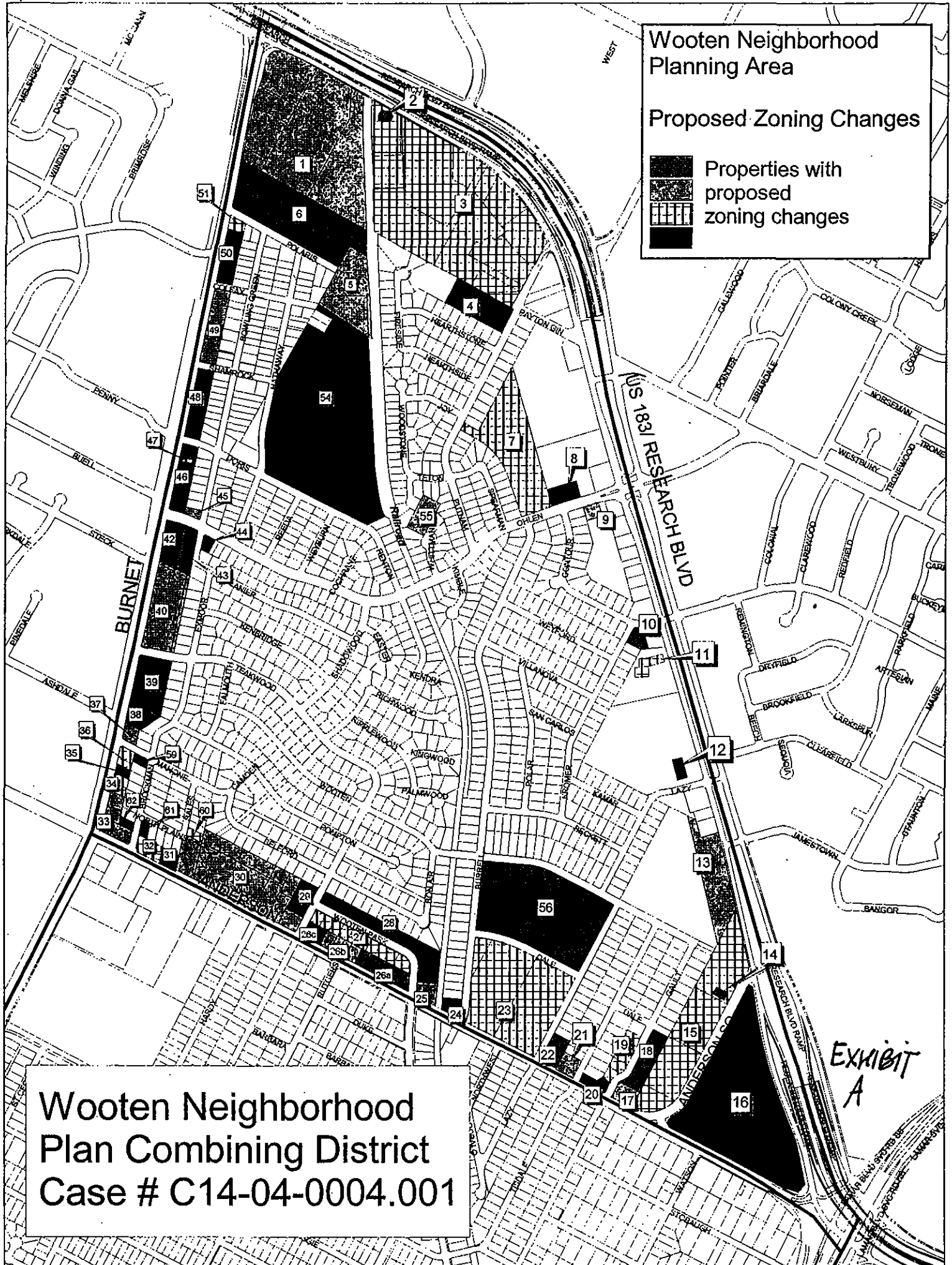
Shirley A. Brown  
City Clerk



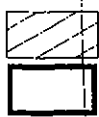
# Wooten Neighborhood Planning Area

## Proposed Zoning Changes

Properties with  
proposed  
zoning changes



Wooten Neighborhood  
Plan Combining District  
Case # C14-04-0004.001



Fireside Loop Subdistrict

Wooten Neighborhood Planning Area

Railroad

RESEARCH BLVD

PAYTON GIN

PUTNAM

HEARTHSTONE

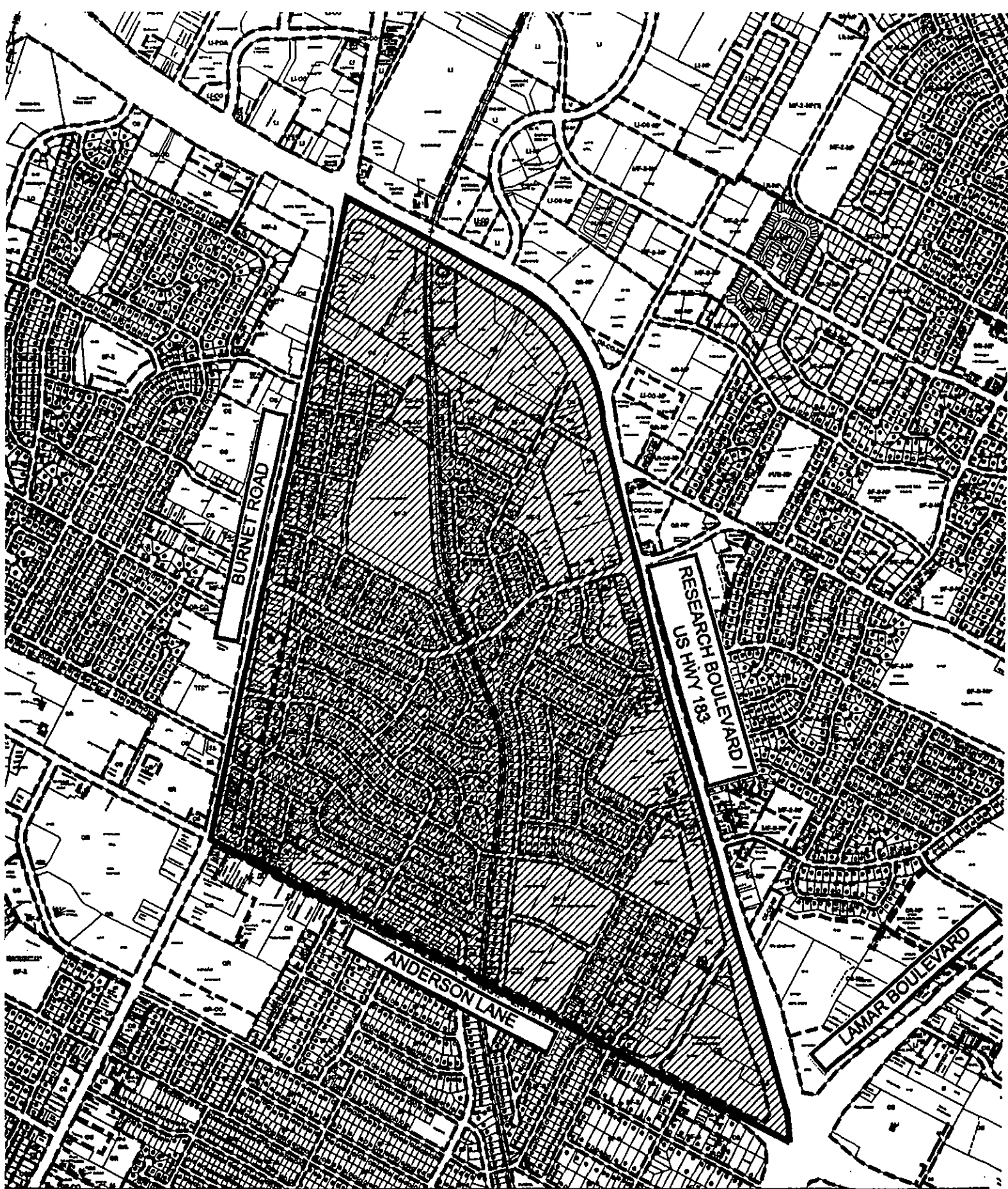
HEARTHSIDE



JOY

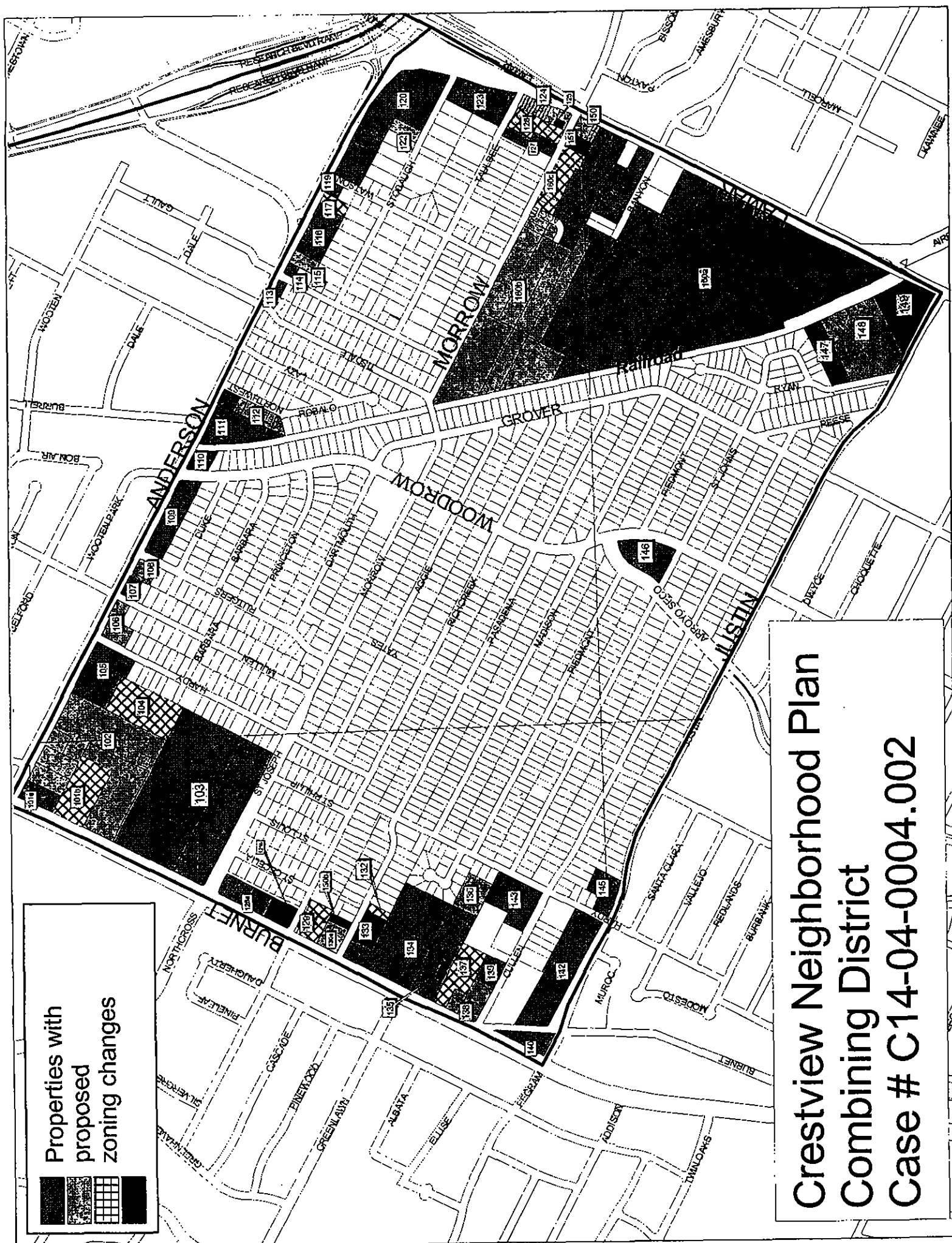
FIRESIDE

WOODSTONE

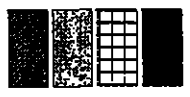
Exhibit B : Fireside Loop Subdistrict



 1" = 1200'	SUBJECT TRACT 	ZONING Exhibit C	CITY GRID REFERENCE NUMBER J28-30 K28-3 1	
	PENDING CASE . . . . .			CASE #: C14-04-0004.001
	ZONING BOUNDARY - - - - -			ADDRESS: WOOTEN COMBINED NEIGHBORHOOD PLANNING AREA
	CASE MGR: W. WALSH			DATE: 04-02 INTLS: SM



Properties with  
proposed  
zoning changes



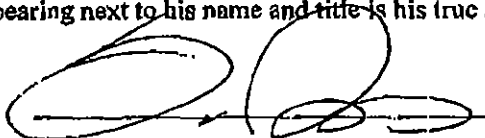
Crestview Neighborhood Plan  
Combining District  
Case # C14-04-0004.002

**CERTIFICATE OF ASSISTANT SECRETARY  
OF  
HUNTSMAN PETROCHEMICAL CORPORATION**

I, J. Todd Zagorec, the undersigned Assistant Secretary of Huntsman Petrochemical Corporation, a corporation duly organized and existing under the laws of the State of Delaware (the "Corporation"), hereby certify that:

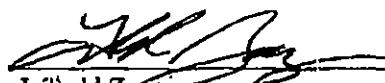
1. Sean Douglas is the duly elected and acting Vice President and Treasurer of the Corporation and the signature appearing next to his name and title is his true and genuine signature:

Sean Douglas  
Vice President and Treasurer



2. Attached hereto as Exhibit "A" is a true, correct, and complete copy of a Power of Attorney, dated March 31, 2004, executed by Sean Douglas on behalf of the Corporation; by his signature alone, he has the power to bind the Corporation to such Power of Attorney; and such Power of Attorney has not been revoked, modified, amended, or rescinded and is in full force and effect as of this date.

IN WITNESS WHEREOF, I have hereunto signed my name this 31<sup>st</sup> day of March, 2004.

  
J. Todd Zagorec  
Assistant Secretary

STATE OF UTAH                    )  
  : ss.  
COUNTY OF SALT LAKE        )

SUBSCRIBED AND SWORN TO before me this 31<sup>st</sup> day of March, 2004.

  
NOTARY PUBLIC

### **POWER OF ATTORNEY**

We, HUNTSMAN PETROCHEMICAL CORPORATION, a Delaware corporation, whose principal place of business is 3040 Post Oak Blvd., Houston, Texas, USA, (the "Corporation") hereby authorize and appoint MIKE T. MERONEY to be our attorney ("Attorney") and as agent on our behalf and in our name or otherwise to approve and to sign any and all documents, to take such steps, and do such other acts and things, on behalf of said Corporation, as in his or her judgment may be necessary, appropriate or desirable in connection with any Agreement entered into with the City of Austin affecting the following-described real property:

Two tracts of land consisting of an 11.499 acre tract and a 31.887 acre tract, more or less, out of the George W. Spear League in Travis County, the tracts of land being more particularly described by notes and bounds in an instrument recorded in Volume 10701, Page 256, of the Real Property Records of Travis County, (7100-7400 North Lamar Boulevard; and

The following described properties in the City of Austin, Travis County, Texas recorded as shown, in the Plat Records of Travis County, Texas:

Lot 2A, Resubdivision of Lots 1 and 2, Northern Commercial Subdivision, Plat Book 32, Page 13 (7500 North Lamar Blvd.)

Lots 1-4, Block A, Northgate Addition, Plat Book 3, Page 196 (7520-7524 North Lamar Blvd.)

Tracts 1 and 2, and Tract 3, Kivlin-Smith Subdivision, plat Book 29, Page 43 (7526-7530) North Lamar Blvd. and 907 Morrow St.)

Lot 3, Northern Commercial Subdivision, Plat Book 9, Page 66 (810 Banyon St.)

Lots 1-4, Northern Industrial Subdivision Section 1, Plat Book 8, Page 16 (904-910 Banyon St.)

Lots 7-12, Block A, Resubdivision of Lots 21-23 Northgate Addition, Plat Book 4, Page 292 (1007-1019 Aggie Lane).

We ratify and confirm any and all transactions with the City of Austin involving any Agreement affecting the above-referenced real property done in good faith by our Attorney, officers or representatives of the Corporation in its name and for its account.

This Power of Attorney will remain in effect until midnight on the 15<sup>th</sup> day of April, 2004.

Witness my hand and the seal of the Corporation this 31<sup>st</sup> day of March, 2004.

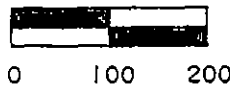
HUNTSMAN PETROCHEMICAL CORPORATION

  
Sean Douglas  
Vice President and Treasurer



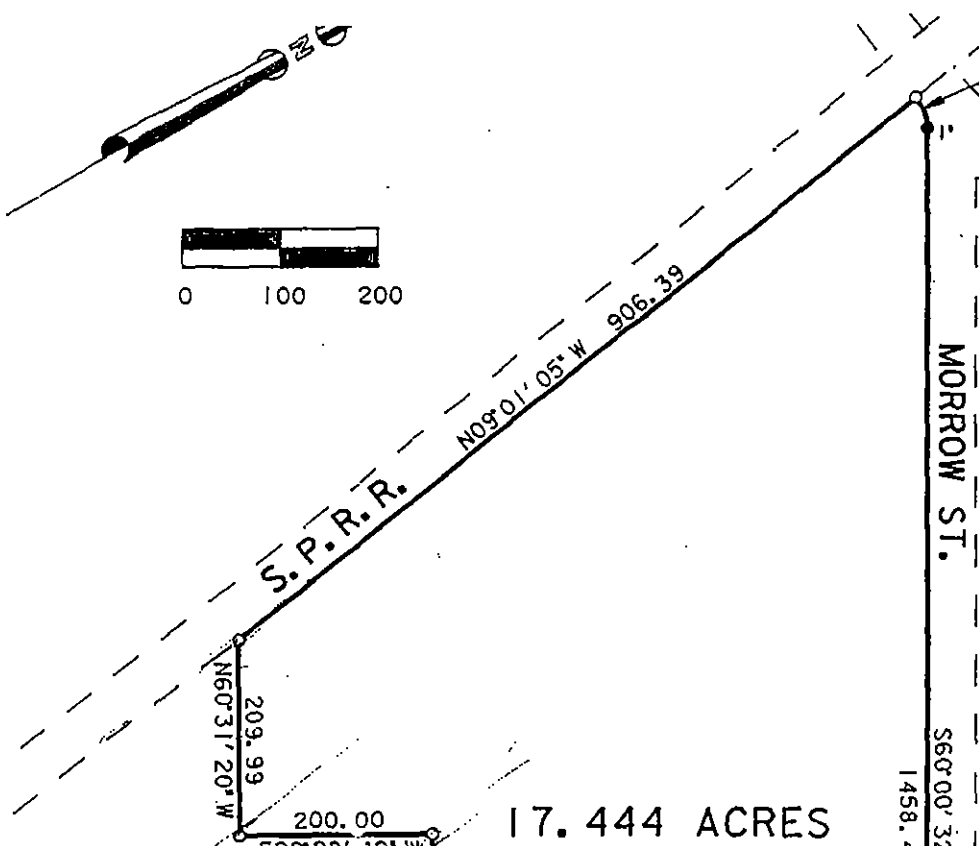
A=35.08  
D=39°01'07"  
CB=S79°31'05"E

TISDALE DR.



LEGEND

- = 1/2" IRON ROD FOUND  
UNLESS OTHERWISE NOTED
- = CONCRETE MONUMENT FOUND
- = 5/8" IRON ROD SET  
WITH PLASTIC CAP STAMPED  
"L/JA INC. RPLS 4532"



17.444 ACRES

TEXACO CHEMICAL COMPANY  
VOL. 10701, PG. 256

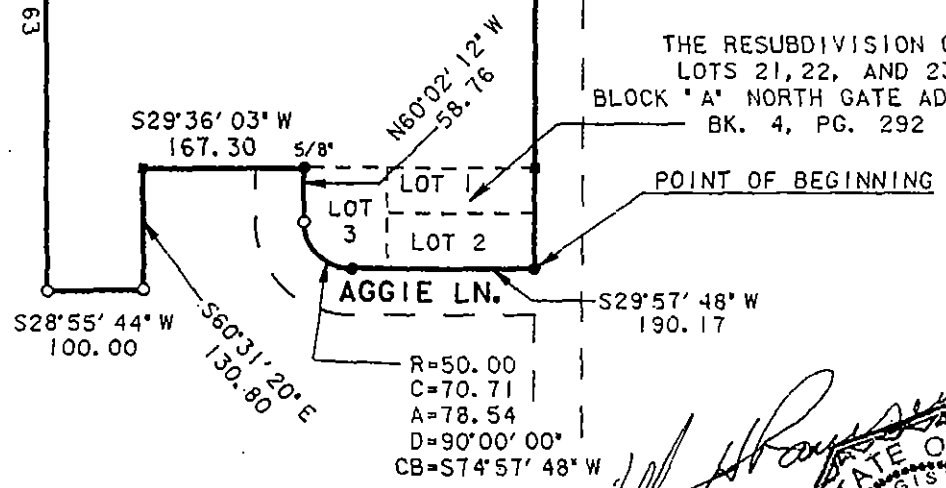
LEAGUE

WATSON ST.

GEORGE W SPEAR

MORROW ST.

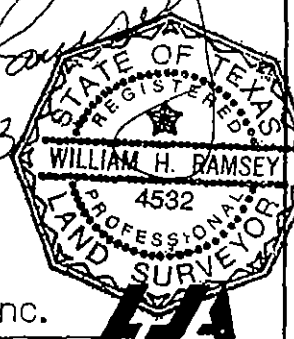
THE RESUBDIVISION OF  
LOTS 21, 22, AND 23  
BLOCK "A" NORTH GATE ADDITION  
BK. 4, PG. 292



R=50.00  
C=70.71  
A=78.54  
D=90°00'00"  
CB=S74°57'48"W

POINT OF BEGINNING

AGGIE LN.



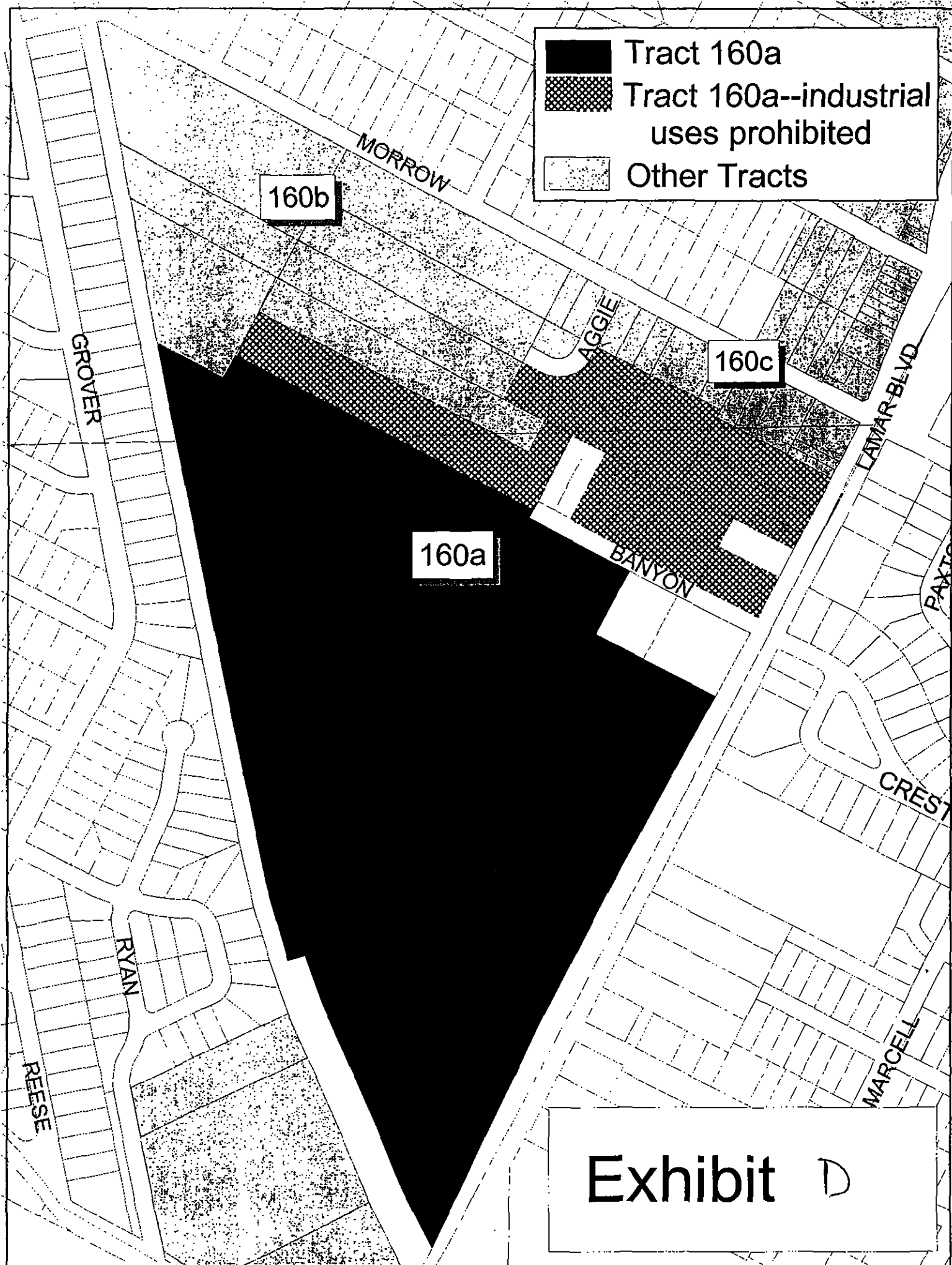
*Will H Ramsey*  
3-25-93

Exhibit C

DATE: MARCH 22, 1993  
JOB NO.: 21-0886-0001-0005

Lichter/Jameson & Associates, Inc.  
CONSULTING ENGINEERS AND PLANNERS







**RESTRICTIVE COVENANT**

OWNER: Huntsman Petrochemical Corporation, a Delaware corporation

ADDRESS: 7114 North Lamar Blvd., Austin, Texas 78752

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: Two tracts of land consisting of a 11.499 acre tract and a 31.887 acre tract, more or less, out of the George W. Spear League in Travis County, the tracts of land being more particularly described by metes and bounds in an instrument recorded in Volume 10701, Page 256, of the Real Property Records of Travis County, incorporated into this covenant, (7100-7400 North Lamar Blvd. and 7414 North Lamar Blvd.); and

The following described properties in the City of Austin, Travis County, Texas, recorded as shown, in the Plat Records of Travis County, Texas:

Lot 2A, Resubdivision of Lots 1 and 2, Northern Commercial Subdivision, Plat Book 32, Page 13 (7500 North Lamar Blvd.)

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Lot 3, Northern Commercial Subdivision, Plat Book 9, Page 66 (810 Banyon St)

Lots 1-4, Northern Industrial Subdivision Section 1, Plat Book 8, Page 16 (904-910 Banyon St)

Lots 7-12, Block A, Resubdivision of Lots 21-23 Northgate Addition, Plat Book 4, Page 292 (1007-1019 Aggie Lane)

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

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

1. The cumulative storage area on the Property for a hazardous material defined in Chapter 14-3 of the Code may not exceed 12.8 million cubic feet.

2. 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.
3. 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.
4. 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.
5. 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 31<sup>st</sup> day of March, 2004.

**OWNER:**

Huntsman Petrochemical Corporation,  
a Delaware corporation

By: Mike Meroney  
Mike T. Meroney,  
Agent

APPROVED AS TO FORM:

\_\_\_\_\_  
Assistant City Attorney  
City of Austin

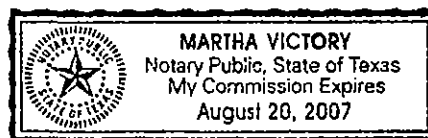
THE STATE OF TEXAS §  
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 31<sup>st</sup> day of March, 2004,  
by Mike T. Meroney of Huntsman Petrochemical Corporation, a Delaware corporation, on behalf  
of the corporation.

Martha Victory  
Notary Public Signature

MARTHA VICTORY  
Printed name of notary  
My commission expires 8/20/2007

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

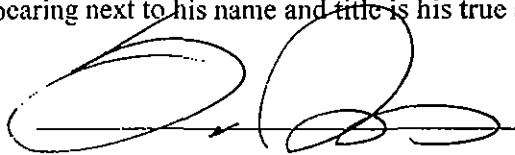


**CERTIFICATE OF ASSISTANT SECRETARY  
OF  
HUNTSMAN PETROCHEMICAL CORPORATION**

I, J. Todd Zagorec, the undersigned Assistant Secretary of Huntsman Petrochemical Corporation, a corporation duly organized and existing under the laws of the State of Delaware (the "Corporation"), hereby certify that:

1. Sean Douglas is the duly elected and acting Vice President and Treasurer of the Corporation and the signature appearing next to his name and title is his true and genuine signature:

Sean Douglas  
Vice President and Treasurer



2. Attached hereto as Exhibit "A" is a true, correct, and complete copy of a Power of Attorney, dated March 31, 2004, executed by Sean Douglas on behalf of the Corporation; by his signature alone, he has the power to bind the Corporation to such Power of Attorney; and such Power of Attorney has not been revoked, modified, amended, or rescinded and is in full force and effect as of this date.

IN WITNESS WHEREOF, I have hereunto signed my name this 31<sup>st</sup> day of March, 2004.



J. Todd Zagorec  
Assistant Secretary

STATE OF UTAH                    )  
  : ss.  
COUNTY OF SALT LAKE        )

SUBSCRIBED AND SWORN TO before me this 31<sup>st</sup> day of March, 2004.

  
NOTARY PUBLIC



## POWER OF ATTORNEY

We, HUNTSMAN PETROCHEMICAL CORPORATION, a Delaware corporation, whose principal place of business is 3040 Post Oak Blvd., Houston, Texas, USA, (the "Corporation") hereby authorize and appoint MIKE T. MERONEY to be our attorney ("Attorney") and as agent on our behalf and in our name or otherwise to approve and to sign any and all documents, to take such steps, and do such other acts and things, on behalf of said Corporation, as in his or her judgment may be necessary, appropriate or desirable in connection with any Agreement entered into with the City of Austin affecting the following-described real property:

Two tracts of land consisting of an 11.499 acre tract and a 31.887 acre tract, more or less, out of the George W. Spear League in Travis County, the tracts of land being more particularly described by metes and bounds in an instrument recorded in Volume 10701, Page 256, of the Real Property Records of Travis County, (7100-7400 North Lamar Boulevard; and

The following described properties in the City of Austin, Travis County, Texas recorded as shown, in the Plat Records of Travis County, Texas:

Lot 2A, Resubdivision of Lots 1 and 2, Northern Commercial Subdivision, Plat Book 32, Page 13 (7500 North Lamar Blvd.)

Lots 1-4, Block A, Northgate Addition, Plat Book 3, Page, 196 (7520-7524 North Lamar Blvd.)

Tracts 1 and 2, and Tract 3, Kivlin-Smith Subdivision, plat Book 29, Page 43 (7526-7530) North Lamar Blvd. and 907 Morrow St.)

Lot 3, Northern Commercial Subdivision, Plat Book 9, Page 66 (810 Banyon St.)

Lots 1-4, Northern Industrial Subdivision Section 1, Plat Book 8, Page 16 (904-910 Banyon St.)

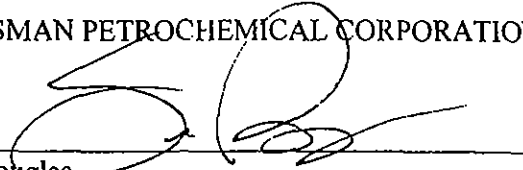
Lots 7-12, Block A, Resubdivision of Lots 21-23 Northgate Addition, Plat Book 4, Page 292 (1007-1019 Aggie Lane).

We ratify and confirm any and all transactions with the City of Austin involving any Agreement affecting the above-referenced real property done in good faith by our Attorney, officers or representatives of the Corporation in its name and for its account.

This Power of Attorney will remain in effect until midnight on the 15<sup>th</sup> day of April, 2004.

Witness my hand and the seal of the Corporation this 31<sup>st</sup> day of March, 2004.

HUNTSMAN PETROCHEMICAL CORPORATION



Sean Douglas  
Vice President and Treasurer

SEAL