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ABC
3

ZONING CHANGE REVIEW SHEET

CASE: C14-04-0184

Z.P.C. DATE: January 4, 2005

ADDRESS: 6001 West William Cannon Drive

APPLICANT: Benchmark Plaza, Ltd.
(David C. Mahn)

AGENT: Giss's Café (Valerie Gibbs)

ZONING FROM: LR

TO: GR

AREA: 0.048 acres (2,090.88 square feet)

SUMMARY STAFF RECOMMENDATION:

The staff's alternate recommendation is to grant community commercial – conditional overlay (GR-CO) combining district zoning. The Conditional Overlay: 1) prohibits the following uses: drive-in service as an accessory use to commercial uses; automotive rentals; automotive repair services; automotive sales; automotive washing; hotel-motel; indoor entertainment; indoor sports & recreation; business or trade school; business support services; commercial off-street parking; communications services; research services; theater; funeral services; personal improvement services; outdoor entertainment; outdoor sports & recreation; pawn shop services; drop-off recycling collection facility; exterminating services; general retail sales (general); 2) the Property shall be developed according to the LR site development regulations and performance standards under the Land Development Code: the maximum floor-to-area ratio is 0.5 to 1; the maximum building coverage is 50%; the maximum impervious cover is 80%; the maximum height is 40 feet; the minimum street front setback is 25 feet; and the minimum street side setback is 15 feet.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

January 4, 2005: APPROVED STAFF'S RECOMMENDATION OF GR-CO ZONING WITH A PUBLIC RESTRICTIVE COVENANT EXECUTED PRIOR TO 3RD READING, THAT LIMITS THE HOURS OF OPERATION (ALCOHOL IS LIMITED TO BEER & WINE) AND A ROLLBACK PROVISION TO LR IF THE RESTAURANT GENERAL USE CEASES.

[K.J. J.M 2ND] (9-0)

→ Private R.C.

ISSUES:

The City is unable to restrict the *type* of alcohol sold (i.e., beer, wine or hard liquor) through either the Zoning Ordinance or a public Restrictive Covenant, and staff has contacted the applicant and neighborhood with this information. The applicant and neighborhood have coordinated in capturing this issue in a private Restrictive Covenant, as provided near the back of the staff report.

The applicant is entering into a Restrictive Covenant with the City for an Integrated Pest Management (IPM) Plan, a landscape plan for the use of native and adapted plant materials and prohibits the use of coal tar based sealants.

The applicant is in agreement with the recommendation of the Zoning and Platting Commission and wishes to add two uses to the prohibited use list: bail bond services and residential treatment, in response to a Neighborhood request.

DEPARTMENT COMMENTS:

The subject rezoning area consists of a lease space occupied by a limited restaurant that is within an office / commercial center, and carries neighborhood commercial (LR) district zoning. The lease space has driveway access to William Cannon Drive, Escarpment Boulevard and Ridge Oak Road. The property is surrounded to the east and west by other office and commercial development within the center that includes a service station with convenience store and car wash, a flooring store, dentist's office, credit union and dry cleaning pick-up facility (LR, GR-CO). Directly south, there is a service driveway and a vegetative area associated with the office / commercial development, and further south (approximately 150 feet from the edge of the driveway) there are single family residences within the Legend Oaks subdivision. To the north, across William Cannon Drive, there is a credit union, an area under construction (with an approved site plan for medical offices), and a child care facility (zoned LR). Please refer to Exhibits A (Zoning Map), A-1 (Aerial View) and B (Approved Site Plan).

The applicant proposes to zone the lease space to the community commercial (GR) district for a general restaurant use that will provide the ability to serve beer and wine (first allowed in the GR district). According to the applicant, no expansion of the lease space is contemplated at this time. In consideration of this rezoning application, staff examined rezoning case histories within the surrounding area. The staff's alternate recommendation closely follows that of the automotive washing use that is also within this office / commercial development, and was approved for GR-CO zoning in 1999. The Conditional Overlay prohibits all of the same uses with the exception of restaurant (general), and also maintains the LR development standards. With these conditions, GR-CO zoning is appropriate for property that has access to two arterial roadways and a collector street, is compatible with other uses in the office / commercial center, and is buffered from the single family residences to the south.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	LR	Limited restaurant
<i>North</i>	LR	Parking areas within office development; Financial services; Child care facility
<i>South</i>	LR	Driveways and vegetative area within office development; Single family residences
<i>East</i>	LR	Offices; Financial services
<i>West</i>	LR; GR-CO	Offices; Service station with auto washing

AREA STUDY: N/A**TIA:** Is not required**WATERSHED:** Williamson Creek –
Barton Springs Zone**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** No**SCENIC ROADWAYS:** Yes, William
Cannon Drive and Escarpment Boulevard**NEIGHBORHOOD ORGANIZATIONS:**

297 – Oak Hill Association of Neighborhoods (OHAN)

384 – Save Barton Creek Association

385 – Barton Springs Coalition

428 – Barton Springs / Edwards Aquifer Conservation District

705 – OHAN 78735

706 – OHAN 78736

707 – OHAN 78737

708 – OHAN 78738

709 – OHAN 78739

710 – OHAN 78749

943 – Save Our Springs Alliance

967 – Circle C Neighborhood Association

SCHOOLS:

Patton Elementary School

Covington Middle School

Crockett High School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-02-0106 (William Cannon Office Park)	SF-3 to GO	To Grant GO-CO	Approved GO-CO with CO for 2,000 trips; Restrictive Covenant for IPM / Landscape Plan (10-24-02).
C14-98-0208 (Legend Oaks Office Park)	LO to GO	To Grant GO with conditions	Approved GO-CO with conditions; CO is to prohibit art & craft studio (limited); business or trade school; business support services; off-site accessory parking; guidance services; restaurant (limited); special use historic and hospital services (general) (3-25-99).
C14-98-0107 (Convenience Store)	LR to GR	To Grant GR-CO with conditions	Approved GR-CO with conditions. CO is for LR site development regulations; many prohibited uses. Private Restrictive Covenant with Legend Oaks HOA for screening (including vegetative plantings) and hours of operation for car wash (10-24-02).

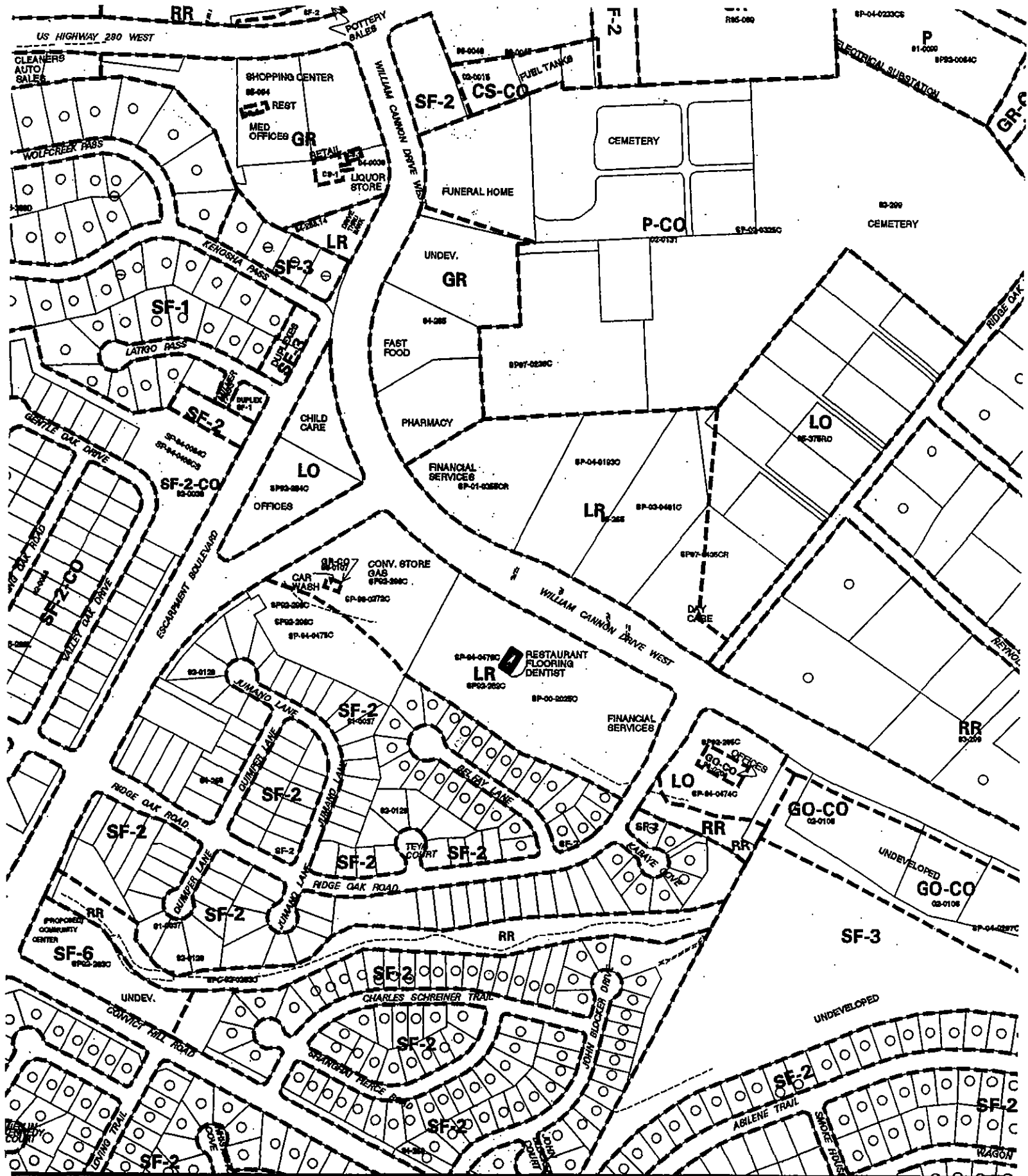
RELATED CASES:

The subject property is portion of Lot 1, Block A, Legend Oaks Section 7B. A copy of the Site Plan is provided as Exhibit B (SP-00-2025C).

ABUTTING STREETS:

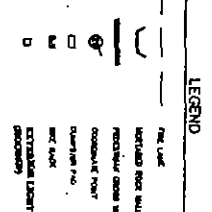
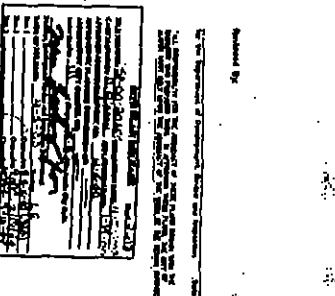
Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Bus Route
West William Cannon Drive	Varies	2 at 36 feet	Arterial	Yes	Route 80	No
Ridge Oak Road	Varies	Varies	Collector	Yes	No	No

CITY COUNCIL DATE: February 3, 2005**ACTION:****ORDINANCE READINGS:** 1st2nd3rd**ORDINANCE NUMBER:****CASE MANAGER:** Wendy Walsh
e-mail: wendy.walsh@ci.austin.tx.us**PHONE:** 974-7719



 1" = 400'	SUBJECT TRACT		ZONING EXHIBIT A CASE #: C14-04-0184 ADDRESS: 8001 W WILLIAM CANNON SUBJECT AREA (acres): 0.048 DATE: 04-12 INTLS: SM	CITY GRID REFERENCE NUMBER C19
	PENDING CASE			
	ZONING BOUNDARY			
	CASE MGR: W. WALSH			



[illegible]

Building Table
Qty: 2415 Actual
2400 Contract with Flaming
2400 61000 Cate

[illegible]

AUPPERLE COMPANY
Engineering, Planning & Development Services
10206 Orchard Drive Austin, Texas 78735 512 422-7828


	14	WHITE STRIPED CLOTHES
	20	AGE UNKNOWN - RACES CONTIGUOUS DURING TWO
	30	AGE UNKNOWN
	50	WHITE THERMAL, DEGREE 1000

Exhibit B
Approved
Site plan

SP-03-2025C

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to grant community commercial – conditional overlay (GR-CO) combining district zoning. The Conditional Overlay: 1) prohibits the following uses: drive-in service as an accessory use to commercial uses; automotive rentals; automotive repair services; automotive sales; automotive washing; hotel-motel; indoor entertainment; indoor sports & recreation; business or trade school; business support services; commercial off-street parking; communications services; research services; theater; funeral services; personal improvement services; outdoor entertainment; outdoor sports & recreation; pawn shop services; drop-off recycling collection facility; exterminating services; general retail sales (general); 2) the Property shall be developed according to the LR site development regulations and performance standards under the Land Development Code: the maximum floor-to-area ratio is 0.5 to 1; the maximum building coverage is 50%; the maximum impervious cover is 80%; the maximum height is 40 feet; the minimum street front setback is 25 feet; and the minimum street side setback is 15 feet.

BACKGROUND

The subject rezoning area consists of a lease space occupied by a limited restaurant that is within an office / commercial center, and carries neighborhood commercial (LR) district zoning. The lease space has driveway access to William Cannon Drive, Escarpment Boulevard and Ridge Oak Road. The property is surrounded to the east and west by other office and commercial development within the center that includes a service station with convenience store and car wash, a flooring store, dentist's office, credit union and dry cleaning pick-up facility (LR; GR-CO). Directly south, there is a service driveway and a vegetative area associated with the office / commercial development, and further south (approximately 150 feet from the edge of the driveway) there are single family residences within the Legend Oaks subdivision. To the north, across William Cannon Drive, there is a credit union, an area under construction (with an approved site plan for medical offices), and a child care facility (zoned LR).

The applicant proposes to zone the lease space to the community commercial (GR) district for a general restaurant use that will provide the ability to serve beer and wine (first allowed in the GR district). According to the applicant, no expansion of the lease space is contemplated at this time. In consideration of this rezoning application, staff examined rezoning case histories within the surrounding area. The staff's alternate recommendation closely follows that of the automotive washing use that is also within this office / commercial development, and was approved for GR-CO zoning in 1999. The Conditional Overlay prohibits all of the same uses with the exception of restaurant (general), and also maintains the LR development standards. With these conditions, GR-CO zoning is appropriate for property that has access to two arterial roadways and a collector street, is compatible with other uses in the office / commercial center, and is buffered from the single family residences to the south.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)*1. The proposed zoning should be consistent with the purpose statement of the district sought.*

The proposed GR, 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 trafficways. The property has access to West William Cannon Drive, an improved, 6-lane major arterial roadway, Escarpment Boulevard, an arterial roadway, and Ridge Oak Road, a collector street.

The office / commercial development borders on the established Legend Oaks neighborhood to the south and provides services to this neighborhood.

2. *Zoning changes should promote an orderly and compatible relationship among land uses.*

The staff's alternate recommendation closely follows that of the automotive washing use that is also within this office / commercial development, and was approved for GR-CO zoning was approved in 1999. The Conditional Overlay prohibits all of the same uses with the exception of restaurant (general), and also maintains the LR development standards. With these conditions, GR-CO zoning is appropriate for property that has access to two arterial roadways and a collector street, is compatible with other uses in the office / commercial center, and is buffered from the single family residences to the south.

EXISTING CONDITIONS

Site Characteristics

The rezoning area is developed with a limited restaurant and there appear to be no significant topographical constraints on the site.

Impervious Cover

The maximum impervious cover allowed by the approved site plan for Legend Oaks Section 7B is 42.5%.

Environmental

This site is located over the southern Edward's Aquifer Recharge Zone. The site is in the Williamson Creek Watershed of the Colorado River Basin, which is classified as a Barton Springs Zone (BSZ) watershed. The Site Plan was developed under the Williamson Creek Watershed Ordinance.

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

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

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

TPSD Right-of-Way

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

projects funded by County and State agencies, and for dedication in accordance with the functional classification of the roadway.

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

Transportation

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

The trip generation under the requested zoning is estimated to be 550 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

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

Water and Wastewater

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

Compatibility Standards

This tract is already developed with a site plan (SP-00-2025C) and the proposed zoning change is a footprint within the existing development. A change of use within the existing structure would not trigger compatibility development regulations. However, a restaurant with a late night hours (midnight to 2 a.m.) permit would trigger a conditional use permit.

FYI – This site is within the Barton Springs Zone, and both William Cannon Drive and Escarpment Boulevard are designated as scenic roadways.



NOTICE OF PUBLIC HEARING REZONING

Mailing Date: December 15, 2004

Case Number: C14-04-0184

Please be advised that the City of Austin has received an application for a zoning change.

Owner: Benchmark Plaza, Ltd. (David C. Mahn)

Telephone: 512-472-7455

Agent: Giss's Café (Valerie Gibbs)

Telephone: 326-2800

Address and/or Legal Description:
6001 West William Cannon Drive

Proposed Zoning Change

From LR – **Neighborhood Commercial district** is intended for neighborhood shopping facilities which provide limited business service and office facilities predominately for the convenience of residents of the neighborhood.

To GR – **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. *290=highway frontage, not neighborhood!*

This application is scheduled to be heard by the Zoning and Platting Commission on January 4, 2005. The meeting will be held at One Texas Center, 505 Barton Springs Road, Room 325 beginning at 6:00 PM.

You are being notified because City Ordinance requires that all property owners within 300 feet of the proposed development and affected neighborhood organizations be notified when an application is scheduled for a public hearing. If you have any questions concerning this application, please contact Wendy Walsh of the Neighborhood Planning and Zoning Department at (512) 974-7719 and refer to the Case Number at the top right of this notice. However, you may also find information on this case at our web site www.ci.austin.tx.us/gis/reviewcases/rcase_table_search.cfm.

For additional information on the City of Austin's land development process, please visit our web site www.ci.austin.tx.us/development.

Este aviso debe informarle de una audiencia pública que sobre un cambia de division por zonas dentro de 300 pies de su propiedad. Si usted desea tener una copia de este aviso en español, por favor llame (512) 974-7668.

→ call her (sign up to talk there Tuesday) 3min.
email members of comsu
they already applied for this!

NEIGHBORHOOD ALERT!!

Those of us within 300 feet of a proposed zoning change received letters from the City of Austin that a zoning change in liquor variance was being requested by Giss's Café. A few years ago, a general zoning change allowing the sale of alcohol was put to the neighborhood residents. We and a few neighbors got together and elicited over 200 signatures opposing this.

Time is short before this public hearing. What you should know is that the potential for the rezoning may be detrimental to your lifestyle and your property values. Once approved, the variance could pave the way for other establishments residing in that space to possess a full liquor license and operate a bar or liquor store. This could increase traffic, invite later hours, create additional noise, and perpetuate people driving through our neighborhood under the influence. All of these variables would contribute to lowering our property values and endangering our residents.

This rezoning request is scheduled to be heard by the Zoning and Planning Commission on Tuesday, January 4th at 6:00 p.m. at One Texas Center, 505 Barton Springs Road, Room 325. You can submit opposition to this rezoning request via written comments to the board or commission before or at the public hearing. The Case Number is C14-04-0184. The contact is Wendy Walsh Ph# 974-7719 or fax# 974-6054.

If you live within 300 feet of Giss's Café, you should have received a form to mail or fax your support or opposition to this rezoning request. **But either way, if you would like to have a copy of the form we received so that you can fax the City @ 974-6054 letting them know your opinion, please call us at 301-7171 and we will be glad to drop a copy off at your home.**

Thank you.

Randy & Cynthia
6020 Bel Fay
301-7171

PUBLIC HEARING INFORMATION

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.

For additional information on the City of Austin's land development process, visit our website:

www.ci.austin.tx.us/development

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: C14-04-0184

Contact: Wendy Walsh, (512) 974-7719

Public Hearing:

January 4, 2005 Zoning and Platting Commission

RANDY KRAWL

Your Name (please print)

☐ I am in favor
☒ I object

6020 Bel Fay Lane Austin, TX 78749

Your address(es) affected by this application

RJK

Signature

1/2/05

Date

Comments: We have, in the past, collected over 200 signatures from local homeowners stating their opposition to any zoning variance which would allow liquor sales by businesses on the south side of W. Canyon between Ridge Oak and Escarpment.

I am opposed to this variance on the grounds of increased noise, traffic, foul odors, vagrants and the potential for reckless drivers in our neighborhood. Additionally such zoning could negatively affect property values in our community.

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

City of Austin

Neighborhood Planning and Zoning Department

Wendy Walsh

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-04-0184

Contact: Wendy Walsh, (512) 974-7719

Public Hearing:

January 4, 2005 Zoning and Platting Commission

Cynthia Trew

Your Name (please print)

6020 Bel Fay Lane

Your address(es) affected by this application

Cynthia L. Trew

Signature

1/2/05

Date

Comments: If this variance is approved, it could pave the way for other establishments residing in that space to possess a full liquor license and operate a bar or liquor store. This could increase traffic, invite later hours, create additional noise, and increase # of people driving thru the neighborhood under the influence. We predict all these would endanger residents and

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

Lower

City of Austin

Neighborhood Planning and Zoning Department

Wendy Walsh

P. O. Box 1088

Austin, TX 78767-8810

☒ I am in favor
☐ Object

Property values.

To Wendy Walsh

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Case Number: C14-04-0184

Contact: Wendy Walsh, (512) 974-7719

Public Hearing:

January 4, 2005 Zoning and Platting Commission

Liming Wang
Your Name (please print)

☐ I am in favor
☒ I object

6031 Bel Fay Lane
Your address(es) affected by this application

Wang
Signature

1-2-05
Date

Comments:

Let's stop the liquor sale once
forever!

We didn't even like the cafe to be
in the area at the first time,
let alone the liquor sale.

Hopefully, this is the last time we have
to deal with the issue.

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

City of Austin

Neighborhood Planning and Zoning Department

Wendy Walsh

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-04-0184

Contact: Wendy Walsh, (512) 974-7719

Public Hearing:

January 4, 2005 Zoning and Platting Commission

Marsha + Eugene Calabro
Your Name (please print)

☐ I am in favor
☒ I object

6028 Bel Fay Lane
Your address(es) affected by this application

Marsha Adams Calabro 1/3/05
Signature Date

Comments: This application would
directly affect our neighborhood.
There are 3 liquor stores in a
mile radius plus 2 restaurants
in the area which already sell liquor.
This property is very close to Ridge Oak
which cuts through to Guadalupe
from Wm Cannon which would increase
traffic. Also there is a daycare (school
yard) directly across the street from this.

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

City of Austin

Neighborhood Planning and Zoning Department

Wendy Walsh

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-04-0184

Contact: Wendy Walsh, (512) 974-7719

Public Hearing:

January 4, 2005 Zoning and Platting Commission

Chris Hamilton

Your Name (please print)

☐ I am in favor
☒ Object

6040 Bel Fay Lane

Your address(es) affected by this application

Chris Hamilton

Signature

1-2-04

Date

Comments: We have many children living on Bel Fay Lane (the street behind Giss's Cafe). Please make the safety of our children and our neighbors children your number one priority. We are against the proposed development or change. Permitting liquor sale one street down invites drunk drivers, increases the rate of crime and interferes with neighborhood peace and privacy. Again, I OBJECT.

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

City of Austin

Neighborhood Planning and Zoning Department

Wendy Walsh

P. O. Box 1088

Austin, TX 78767-8810

PUBLIC HEARING INFORMATION

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www.ci.austin.tx.us/development

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Case Number: C14-04-0184

Contact: Wendy Walsh, (512) 974-7719

Public Hearing:

January 4, 2005 Zoning and Platting Commission

Gloria Garner

Your Name (please print)

5917 Kabaye Cv Austin TX 78749

Your address(es) affected by this application

Gloria Garner

Signature

☐ I am in favor
☒ I object

1/3/05

Date

Comments:

I object to any re-zoning that will
de-value my home property and bring
wreckless driving in our neighborhood.

I moved to this address Oct 2004 &
was not forwarded 2 letters from the
City of Austin notifying me of this proposed
change.

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

City of Austin

Neighborhood Planning and Zoning Department

Wendy Walsh

P. O. Box 1088

Austin, TX 78767-8810

To: Wendy Walsh

FAX # 974-6054

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Case Number: C14-04-0184

Contact: Wendy Walsh, (512) 974-7719

Public Hearing:

January 4, 2005 Zoning and Platting Commission

CAROL A. LAWLOR

Your Name (please print)

☐ I am in favor
☒ I object

6039 BEL FAY LAKE AUSTIN TX 78749

Your address(es) affected by this application

Carol A. Lawlor

Signature

1/3/05

Date

Comments:

I am against this proposed zoning change and respectfully request that you do NOT allow it. It is an outrage that they (Giss', Benchmark Plaza & their reps) should move into our neighborhood and try to impose their business desires on our residential area. If the zoning is changed, I believe it will disturb our quality of life and infringe on the safety and security of our children and homes. I believe a zoning change will cause increased traffic, noise, bright lights, risk of burglary and open the door for additional businesses which will then create even higher traffic volume, noise, etc. Giss' Café can relocate their business to the zoning area they desire; they should not be given the ability to disturb the safety and peace of our families and neighborhood.

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

City of Austin

Neighborhood Planning and Zoning Department

Wendy Walsh

P. O. Box 1088

Austin, TX 78767-8810

To: Wendy Walsh Fax # 974-6054

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Case Number: C14-04-0184

Contact: Wendy Walsh, (512) 974-7719

Public Hearing:

January 4, 2005 Zoning and Platting Commission

William J. Lawlor

Your Name (please print)

☐ I am in favor
☒ I object

6039 Bel Fay Lane Austin, TX 78749

Your address(es) affected by this application

William J. Lawlor

Signature

1-3-05

Date

Comments:

I am against this proposed zoning change and respectfully request that you do NOT allow it. It is an outrage that they (Giss', Benchmark Plaza & their reps) should move into our neighborhood and try to impose their business desires on our residential area. If the zoning is changed, I believe it will disturb our quality of life and infringe on the safety and security of our children and homes. I believe a zoning change will cause increased traffic, noise, bright lights, risk of burglary and open the door for additional businesses which will then create even higher traffic volume, noise, etc. Giss' Café can relocate their business to the zoning area they desire; they should not be given the ability to disturb the safety and peace of our families and neighborhood.

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Wendy Walsh

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-04-0184

Contact: Wendy Walsh, (512) 974-7719

Public Hearing:

January 4, 2005 Zoning and Platting Commission

RICHARD NOVIGRAD

Your Name (please print)

☐ I am in favor
☒ I object

6008 BELFAY LN.
Your address(es) affected by this application

[Signature]
Signature

1-3-05
Date

Comments:

THEY ARE TOO CLOSE
TO OUR NEIGHBORHOOD
FOR THE ZONING CHANGE

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

City of Austin

Neighborhood Planning and Zoning Department

Wendy Walsh

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-04-0184

Contact: Wendy Walsh, (512) 974-7719

Public Hearing:

January 4, 2005 Zoning and Platting Commission

Michael Cloud

Your Name (please print)

☐ I am in favor
☒ I object

6016 BEL FAY LANE

Your address(es) affected by this application

Michael Cloud

Signature

1/4/04

Date

Comments:

DAVID MAHN CAN NOT BE TRUSTED!
HIS WORD IS USELESS!

If you use this form to comment, it may be returned to:
City of Austin
Neighborhood Planning and Zoning Department
Wendy Walsh
P. O. Box 1088
Austin, TX 78767-8810

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Case Number: C14-04-0184

Contact: Wendy Walsh, (512) 974-7719

Public Hearing:

January 4, 2005 Zoning and Platting Commission

Eugene Wiley

Your Name (please print)

☐ I am in favor
☒ I object

7128 Ridge Oak Rd Austin, TX 78749

Your address(es) affected by this application

[Signature]

Signature

1-04-05

Date

Comments:

I object to granting a liquor license.
Our street is already a short cut from
that shopping center. A liquor license would
allow for drinking drivers to use our street for
the "back road" to home. We have many
children which live on our street. This is
an unsafe situation.

Thanks Mr. Wiley.

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

City of Austin

Neighborhood Planning and Zoning Department

Wendy Walsh

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-04-0184

Contact: Wendy Walsh, (512) 974-7719

Public Hearing:

January 4, 2005 Zoning and Platting Commission

Kelly & Robert McDonald
Your Name (please print)

☐ I am in favor
☒ I object

7030 Ridge Oak Rd. Austin, TX 78749
Your address(es) affected by this application

Kelly McDonald Jan. 1, 2005
Signature Date

Comments:

We object to any change in
zoning. It was zoned this
way for a reason. We are
a quiet residential neighborhood
I want to keep things that
way.

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

City of Austin

Neighborhood Planning and Zoning Department

Wendy Walsh

P. O. Box 1088

Austin, TX 78767-8810

January 17, 2005
6142 Jumanos Lane
Austin, TX 78749-1947

zoning and Planning Commission
% Wendy Walsh
P.O. Box 1088
Austin, TX 78767

Re: Case Number C14-04-0184

I am opposed to the rezoning request
by Giss's Cafe because my residence
is located in Legend Oaks in Oakhill
and very near this location of the
cafe.

Corrine Hall

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Case Number: C14-04-0181.SH

Contact: Wendy Walsh, (512) 974-7719

Public Hearing:

December 14, 2004 Planning Commission

DIANNE T. MENDOZA

Your Name (please print)

☒ I am in favor
☐ I object

1750 Timberwood Drive Austin, TX 78741

Your address(es) affected by this application

Marie T. Mendoza

Signature

1-11-05

Date

Comments: _____

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

City of Austin

Neighborhood Planning and Zoning Department

Wendy Walsh

P. O. Box 1088

Austin, TX 78767-8810

Walsh, Wendy

From: Walsh, Wendy
Sent: Monday, January 10, 2005 3:28 PM
To: 'Steve and Mary Mendoza'; 'dmahn@austin.rr.com'
Subject: RE: Rezoning on Giss's Cafe

Hello David and Mary,

The Giss's Café case will be scheduled for the City Council meeting of February 3, 2005 at 4 p.m. and will be presented in accordance with the recommendation of the Zoning and Platting Commission, with the exception of the limitation on beer and wine sales. I have confirmed through our Legal Department that the City can either allow alcohol sales or prohibit it altogether, but cannot regulate the type of alcohol that is sold. Of course, the sale of certain types of alcohol can always be pursued as a private Restrictive Covenant, and since this was an issue with the neighborhood and noted by the Zoning and Platting Commission, I would request that David get in touch with Mary about capturing this concern in a private Restrictive Covenant. Please let me know if I can answer any questions.

Wendy Walsh

-----Original Message-----

From: Steve and Mary Mendoza [mailto:smendoza@austin.rr.com]
Sent: Monday, January 03, 2005 12:35 PM
To: Walsh, Wendy
Cc: smendoza@austin.rr.com
Subject: Rezoning on Giss's Cafe

Ms. Walsh – Per my phone message earlier today, I live on the street immediately behind Giss's and in addition I am president of the Legend Oaks II HOA, which includes the neighborhood immediately adjacent to Giss's. I have received a number of calls from concerned neighbors who oppose the change in the zoning at Giss's. I have a few specific questions:

1. What is being recommended in the GR-CO by the staff?
2. How much of the strip center is involved – just the footprint occupied by Giss's or the remainder of the strip center where Giss's is located?
3. What happens to the zoning when Giss's leaves or goes out of business? While they may be able to make claims about how they will operate, my understanding is that this zoning change is forever and the next tenant in there could be a use and a manner of operation totally inconsistent with the neighborhood.
4. Has there been any traffic study on how this will impact the neighborhood immediately behind Giss's? Unfortunately, the traffic pattern at this shopping center dictates that a lot of traffic entering and leaving the shopping center travels down Ridge Oak Road. This street is entirely residential, and we already have a traffic problem on the street. Extra traffic would only be a greater problem. The traffic situation has been made worse by recent "No U Turn" established at Ridge Oak and William Cannon.

I appreciate your time and look forward to meeting you at tomorrow night's hearing.

1/10/2005

I can be reached at home today 301.0155 or tomorrow at my office, 867-8418.

Mary.

DECLARATION OF A RESTRICTIVE COVENANT

STATE OF TEXAS

§

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF TRAVIS

§

§

This Declaration of a Restrictive Covenant ("Declaration") is made by and between Benchmark Plaza, Ltd. a Texas limited partnership ("Declarant") and Legend Oaks Homeowners Association 2, Inc. a Texas corporation.

Whereas, Declarant is sole and current owner of a 7.316 acre tract of land, more or less, locally known as Legend Oaks Section 7B as recorded in Plat Book 92, Page 119-120 of the Real Property Records of Travis County Texas, same tract of land conveyed to Benchmark Plaza, Ltd. by deed as recorded in Document number 2004131808 of the Real Property Records of Travis County Texas; and

Whereas, Declarant is seeking a change in zoning to allow a tenant, Giss' Café, to sell alcohol (limited to beer and wine), which is not allowed under the current zoning; and

Whereas, Declarant intends to limit the Giss' Café alcohol sales to only beer and wine.

NOW, THEREFORE, for and in consideration of the mutual benefits to the Declarant and the adjacent property owners, and for other good and valuable consideration, the receipt and sufficiency of which is acknowledged, the undersigned hereby declare that the following restrictions are impressed upon the property, and restrictions shall be deemed and considered covenants running with the land, and shall be binding upon Declarant, its successors and assigns:

Section 1 RESTRICTION ON ALCOHOL SALES

Declarant will not permit and will expressly prohibit the sale of alcohol on the Property, except for the sale of beer and wine.

Section 2 OTHER PROVISIONS

In case any one or more of the provisions contained in this Declaration shall, for any reason, be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provisions of this Declaration. The provisions of this declaration may be modified, amended, or terminated only by joint actions of the current property owners of the property encumbered and the Legend Oaks Homeowners Association 2, Inc.

PRIVATE RESTRICTIVE
COVENANT - APPLICANT
+ NEIGHBORHOOD

EXECUTED this the ____ day of January, 2005,

BENCHMARK PLAZA, LTD.,
a Texas limited partnership

By: BENCHMARK LAND DEVELOPMENT, INC.,
a Texas corporation, general partner

By: _____
David C. Mahn, Vice President

LEGEND OAKS HOMEOWNERS ASSOCIATION 2, INC.

By: _____

Written name: _____

Its: _____

This instrument was acknowledged before me on the ____ day of January, 2005, by _____, Vice President of Benchmark Land Development, Inc., a Texas corporation on behalf of said corporation.

ORDINANCE NO. _____

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE
2 PROPERTY LOCATED AT 6001 WEST WILLIAM CANNON DRIVE FROM
3 NEIGHBORHOOD COMMERCIAL (LR) DISTRICT TO COMMUNITY
4 COMMERCIAL-CONDITIONAL OVERLAY (GR-CO) COMBINING DISTRICT.
5

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

8 **PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to
9 change the base district from neighborhood commercial (LR) district to community
10 commercial-conditional overlay (GR-CO) combining district on the property described in
11 Zoning Case No. C14-04-0184, on file at the Neighborhood Planning and Zoning
12 Department, as follows:
13

14 A 0.048 acre tract of land, more or less, out of the Thomas Anderson Survey No. 7,
15 in Travis County, the tract of land being more particularly described by metes and
16 bounds in Exhibit "A" incorporated into this ordinance, (the "Property")
17

18 locally known as 6001 West William Cannon Drive, in the City of Austin, Travis County,
19 Texas, and generally identified in the map attached as Exhibit "B".
20

21 **PART 2.** The Property within the boundaries of the conditional overlay combining district
22 established by this ordinance is subject to the following conditions:
23

24 1. The following uses are prohibited uses of the Property:
25

26 Automotive rentals	Automotive repair services
27 Automotive sales	Automotive washing (of any type)
28 Bail bond services	Hotel-motel
29 Indoor entertainment	Indoor sports and recreation
30 Business or trade school	Business support services
31 Commercial off-street parking	Communications services
32 Research services	Theater
33 Funeral services	Personal improvement services
34 Outdoor entertainment	Outdoor sports and recreation
35 Pawn shop services	Drop-off recycling collection facility
36 Residential treatment	Exterminating services
37 General retail sales (general)	

EXHIBIT "A"

**0.048 ACRE
(2080 SQUARE FEET)**

FIELD NOTES

BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE THOMAS ANDERSON SURVEY NO. 7, SITUATED IN TRAVIS COUNTY, TEXAS, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS BEING A PORTION OF LOT 1, BLOCK "A" OF LEGEND OAKS SECTION 7B, A SUBDIVISION RECORDED IN VOLUME 92, PAGE 119 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, SAID TRACT BEING 0.048 ACRE (2080 SQUARE FEET) OF LAND MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at an iron rod found at the northwest corner of said Lot 1, Block "A", being also at the northeast corner of Legend Oaks Section 7A, a subdivision recorded in Volume 92, Page 117 of the Plat Records of Travis County, Texas, being also in the south right-of-way line of William Cannon Drive West, a 120-foot wide right-of-way dedicated to the public, for the **POINT OF REFERENCE** of the herein described tract,

THENCE with the west line of said Lot 1, Block "A", S27°22'09"W, a distance of 119.88 feet to a point,

THENCE, crossing said Lot 1, Block "A", the following two (2) courses and distances, numbered 1 and 2,

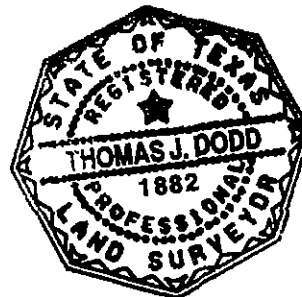
1. S57°28'24"E, a distance of 159.66 feet to a point, and
2. S57°28'24"E, a distance of 108.14 feet to a point, for the northwest corner and **POINT OF BEGINNING** of the herein described 0.048 acre tract of land,

THENCE, continuing across said Lot 1, Block "A", the following four (4) courses and distances, numbered 1 through 4,

1. S57°28'24"E, a distance of 32.00 feet to a point,
2. S32°31'36"W, a distance of 65.00 feet to a point,,
3. N57°28'24"W, a distance of 32.00 feet to a point, and
4. N32°31'36"E, a distance of 65.00 feet to the **POINT OF BEGINNING** and containing 0.048 Acre of Land.

Prepared by:

Thomas J. Dodd - R.B.L.S. No. 1882
Carlson, Brigrance & Doering, Inc.
 3401 Slaughter Lane West
 Austin, TX 78748 (512) 280-5160



SKETCH TO ACCOMPANY FIELD NOTES

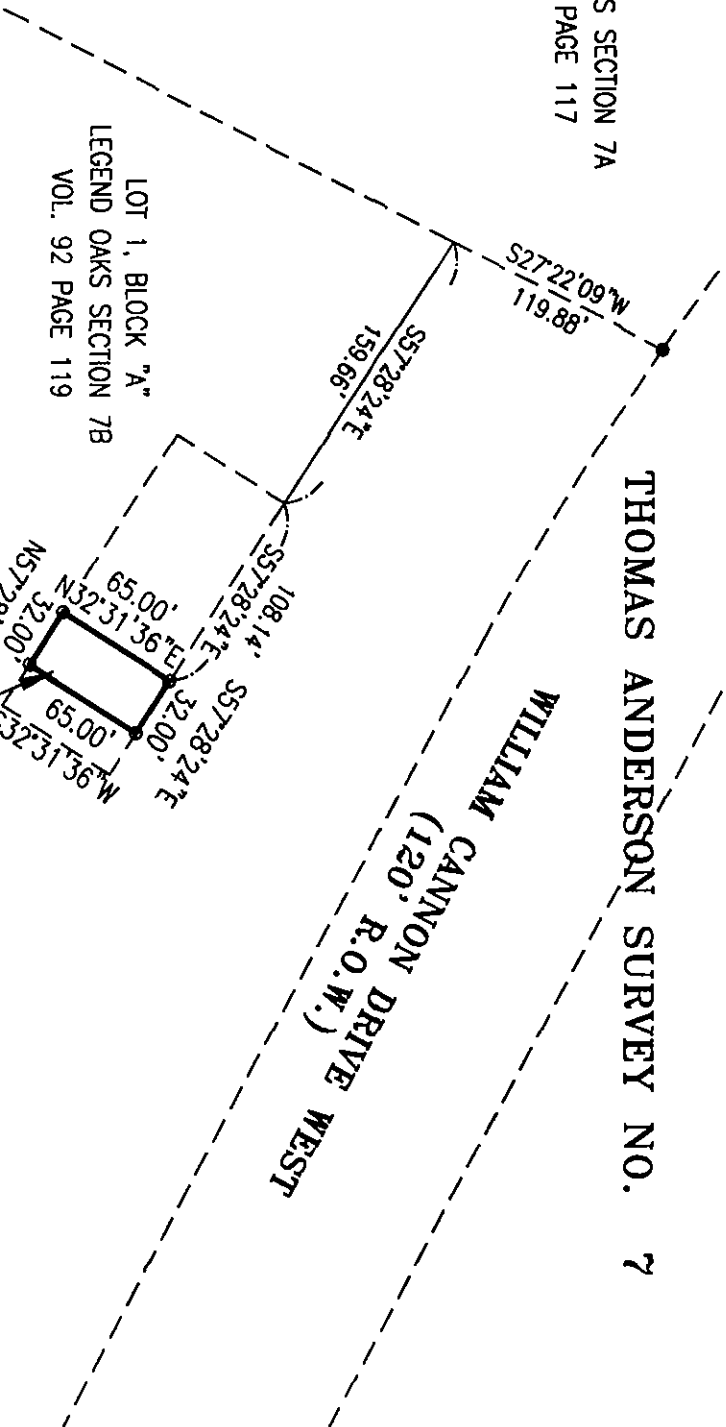
LEGEND OAKS SECTION 7A
VOL. 92 PAGE 117



SCALE: 1" = 100'

LEGEND

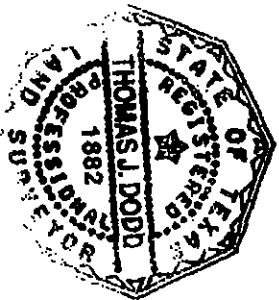
- POINT
- IRON PIN FOUND



PREPARED BY

[Signature]

THOMAS J. DODD, R.P.L.S., NO. 1882
CARLSON BRIGANCE & DOERING, INC.
3401 SLAUGHTER LANE WEST
AUSTIN, TEXAS 78748
PH. (512) 280-5160 FAX (512) 280-5165

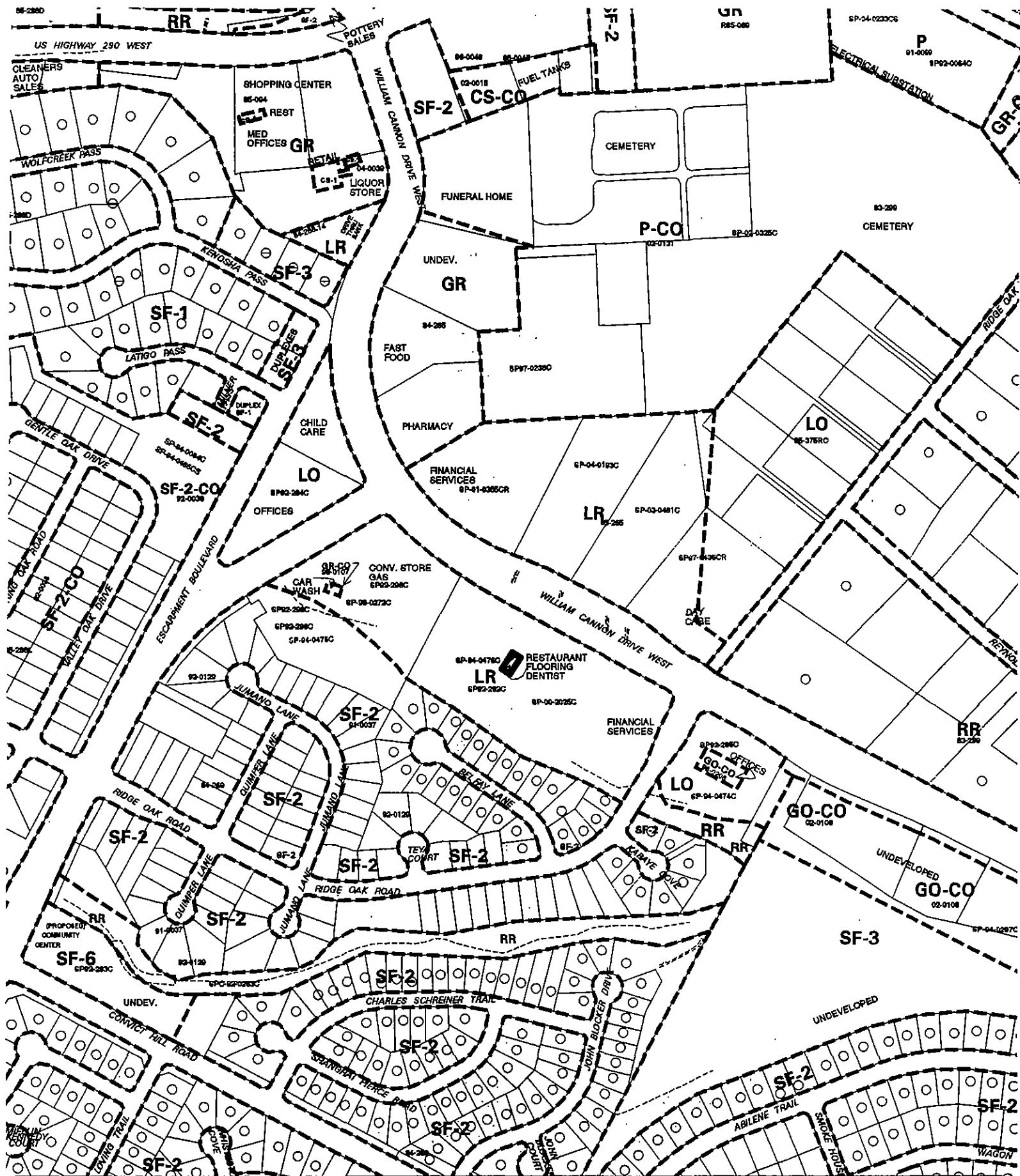


0.048 ACRE (2080 SQUARE FEET)
ONE-STORY ROCK/CINDERBLOCK/METAL
FRAME RETAIL BUILDING



Carlson, Brigance & Doering, Inc.

Civil Engineering Surveying
3401 Slaughter Lane West Austin, Texas 78748
Phone No. (512) 280-5160 Fax No. (512) 280-5165



<p>1" = 400'</p>	SUBJECT TRACT 	ZONING EXHIBIT B		CITY GRID REFERENCE NUMBER C19
	PENDING CASE 			
	ZONING BOUNDARY 	CASE #: C14-04-0184	DATE: 04-12	
	CASE MGR: W. WALSH	ADDRESS: 6001 W WILLIAM CANNON	INTLS: SM	

RESTRICTIVE COVENANT

OWNER: Benchmark Plaza, Ltd., a Texas limited partnership

ADDRESS: 6001 West William Cannon Dr., Bldg. 2, Suite 201, Austin, Texas 78749

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: A 0.048 acre tract of land, more or less, out of the Thomas Anderson Survey No. 7, in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" attached and incorporated into this covenant; and

WHEREAS, the Owner, whether one or more, 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. If use of the Property as a restaurant use is discontinued for 90 consecutive days, the Owner of the Property will not object to the City of Austin rezoning the Property to neighborhood commercial (LR) district as defined in Chapter 25-2 of the City Code. Normal seasonal cessation of a use, or temporary discontinuance for purposes of maintenance or rebuilding of the Property after damage or destruction may not be used in calculating of the period of discontinuance.
2. Hours of operation for a business located on the Property are limited to the hours of 7:00 a.m. to 11:00 p.m.
3. At the time an application for approval of a site plan is submitted for development of the Property, or any portion of the Property, an Integrated Pest Management (IPM) plan shall be submitted to the Watershed Protection and Development Review Department for review and approval. The IPM plan shall comply with the guidelines in Section 1.6.9.2 (D) and (F) of the Environmental Criteria Manual that are in effect on the date of this covenant.
4. At the time an application for approval of a site plan is submitted for development of the Property, or any portion of the Property, a landscape plan shall be submitted to the Watershed Protection and Development Review Department for review and approval. Ninety percent of the total plant material used, exclusive of turf, shall be native to Central Texas or on the Grow Green Native and Adapted Landscape Plants list, attached as Exhibit "B". Plants on the Invasive Species/Problem Plants list, attached as Exhibit "C".

5. 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.
6. 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.
7. 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.
8. This agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, and (b) by the owner(s) of the Property subject to the modification, amendment or termination at the time of such modification, amendment or termination.

EXECUTED this the _____ day of _____, 2005.

OWNER:

**Benchmark Plaza, Ltd.,
a Texas limited partnership**

By: Benchmark Land Development, Inc.,
a Texas corporation,
General Partner

By: _____
David C. Mahn,
Vice President

APPROVED AS TO FORM:

Assistant City Attorney
City of Austin

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the ____ day of _____, 2005, by David C. Mahn, Vice President of Benchmark Land Development, Inc., a Texas corporation, and the corporation acknowledged this instrument as General Partner on behalf of Benchmark Plaza, Ltd., a Texas limited partnership.

Notary Public, State of Texas

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

EXHIBIT B

Grow Green Native and Adapted Landscape Plants

Trees

Ash, Texas <i>Fraxinus texensis</i>	Oak, Escarpment Live <i>Quercus fusiformis</i>
Arizona Cypress <i>Cupressus arizonica</i>	Oak, Lacey <i>Quercus glaucoides</i>
Big Tooth Maple <i>Acer grandidentatum</i>	Oak, Monterey (Mexican White) <i>Quercus polymorpha</i>
Cypress, Bald <i>Taxodium distichum</i>	Oak, Shumard <i>Quercus shumardii</i>
Cypress, Montezuma <i>Taxodium mucronatum</i>	Oak, Texas Red <i>Quercus texana</i> (<i>Quercus buckleyi</i>)
Elm, Cedar <i>Ulmus crassifolia</i>	Pecan <i>Carya illinoensis</i>
Elm, Lacebark <i>Ulmus parvifolia</i>	Soapberry <i>Sapindus drummondii</i>
Honey Mesquite <i>Prosopis glandulosa</i>	
Oak, Bur <i>Quercus macrocarpa</i>	
Oak, Chinquapin <i>Quercus muhlenbergii</i>	
Oak, Southern Live <i>Quercus virginiana</i>	

Small Trees/Large Shrubs

Anacacho Orchit Tree <i>Bauhinia congesta</i>	Persimmon, Texas <i>Diospyros texana</i>
Buckeye, Mexican <i>Ungnadia speciosa</i>	Pistachio, Texas <i>Pistacia texana</i>
Buckeye, Rec <i>Aesculus pavia</i>	Plum, Mexican <i>Prunus mexicana</i>
Caolina Buckthorn <i>Rhamnus caroliniana</i>	Pomegranate <i>Punica granatum</i>
Cherry Laurel <i>Prunus caroliniana</i>	Redbud, Mexican <i>Cercis canadensis</i> 'mexicana'
Crape Myrtle <i>Lagerstroemia indica</i>	Redbud, Texas <i>Cercis canadensis</i> var. 'texensis'
Desert Willow <i>Chilopsis linearis</i>	Retama Jerusalem Thorn <i>Parkinsonia aculeata</i>
Dogwood, Roughleaf <i>Cornus drummondii</i>	Senna, Flowering <i>Cassia corymbosa</i>
Escarpment Black Cherry <i>Prunus serotina</i> var. <i>eximia</i>	Smoke Tree, American <i>Cotinus obovatus</i>
Eve's Necklace <i>Sophora affinis</i>	Sumac, Flameleaf <i>Rhus lanceolata</i>
Goldenball Leadtree <i>Leucaena retusa</i>	Viburnum, Rusty Blackhaw <i>Viburnum rufidulum</i>
Holly, Possumhaw <i>Ilex decidua</i>	Viburnum, Sandankwa <i>Viburnum suspensum</i>
Holly, Yaupon <i>Ilex vomitoria</i>	
Mountain Laurel, Texas <i>Sophora secundiflora</i>	

Shrubs

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

Perennials

Black-eyed Susan *Rudbeckia hirta*
 Bulbine *B. frutescens* or *caulescens*
 Bush Morning Glory *Ipomoea fistulosa*
 Butterfly Weed *Asclepias tuberosa*
 Butterfly Weed 'Mexican' *Asclepias curassivica*
 Cast Iron Plant *Aspidistra elatior*
 Chile Pequin *Capsicum annuum*
 Cigar Plant *Cuphea micropetala*
 Columbine, Red *Aquilegia canadensis*
 Columbine, Yellow *Aquilegia chrysantha* 'Texas Gold'
 Coreopsis *Coreopsis lanceolata*
 Daisy, Blackfoot *Melampodium leucanthum*
 Daisy, Copper Canyon *Tagetes lemmonii*
 Damiantia *Crysactina mexicana*
 Fall Aster *Aster oblongifolius*
 Fern, River *Thelypteris kunthii*
 Firebush *Hamelia patens*
 Gaura *Gaura lindeheimeri*
 Gayfeather *Liatris mucronata*
 Gregg Dalea *Dalea greggii*
 Hibiscus, Perennial *Hibiscus moscheutos*, *Hibiscus coccineus*
 Honeysuckle, Mexican *Justicia spicigera*
 Hymenoxys (Four Nerve Daisy) *Tetranneuris scaposa*
 Indigo Spires *Salvia 'Indigo Spires'*
 Iris, Bearded *Iris albicans*
 Iris, Butterfly/Bicolor (African) *Dietes* sp.
 Lamb's Ear *Stachys byzantina*
 Lantana *Lantana x hybrida* (many varieties)

Lantana, Trailing *Lantana montevidensis*
 Marigold, Mexican Mint *Tagetes lucida*
 Obedient Plant, Fall *Physostegia virginiana*
 Oregano, Mexican *Poliomintha longiflora*
 Penstemon *Penstemon* sp.
 Phlox, Fragrant *Phlox pilosa*
 Pink Skullcap *Scutellaria suffrutescens*
 Plumbago *Plumbago auriculata*
 Poinciana, Red Bird of Paradise, Pride of Barbados
Caesalpinia pulcherrima
 Primrose, Missouri *Oenothera macrocarpa*
 Purple Coneflower *Echinacea purpurea*
 Ruellia *Ruellia brittoniana*
 Sage, Cedar *Salvia roemeriana*
 Sage, Jerusalem *Phlomis fruticosa*
 Sage, Majestic *Salvia guaranitica*
 Sage, Mealy Blue *Salvia farinacea*
 Sage, Mexican Bush *Salvia leucantha*
 Sage, Penstemon, Big Red Sage *Salvia penstemonoides*
 Sage, Russian *Perovskia atricplifolia*
 Sage, Scarlet or 'Tropical' *Salvia coccinea*
 Salvia, Gregg (Cherry Sage) *Salvia greggii*
 Shrimp Plant *Justicia brandegeana*
 Texas Betony *Stachys coccinea*
 Verbena, Prairie *Verbena bipinnatifida*
 Yarrow *Achillea millefolium*
 Zexmenia *Wedelia texana*

Ornamental Grasses

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

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

Vines

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

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

Groundcover

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

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

Turf Grasses

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

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

EXHIBIT C

Invasive Species/Problem Plants

PLANTS TO AVOID

INVASIVES

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

Do Not Plant

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

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

Do Not Plant Near

Parks/Preserves/Greenbelts

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

- Bamboo
- English Ivy
- Vinca (Periwinkle)

PROBLEM TREES AND SHRUBS

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

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

EXHIBIT "A"

**0.048 ACRE
(2080 SQUARE FEET)**

FIELD NOTES

BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE THOMAS ANDERSON SURVEY NO. 7, SITUATED IN TRAVIS COUNTY, TEXAS, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS BEING A PORTION OF LOT 1, BLOCK "A" OF LEGEND OAKS SECTION 7B, A SUBDIVISION RECORDED IN VOLUME 92, PAGE 119 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, SAID TRACT BEING 0.048 ACRE (2080 SQUARE FEET) OF LAND MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at an iron rod found at the northwest corner of said Lot 1, Block "A", being also at the northeast corner of Legend Oaks Section 7A, a subdivision recorded in Volume 92, Page 117 of the Plat Records of Travis County, Texas, being also in the south right-of-way line of William Cannon Drive West, a 120-foot wide right-of-way dedicated to the public, for the **POINT OF REFERENCE** of the herein described tract,

THENCE with the west line of said Lot 1, Block "A", S27°22'09"W, a distance of 119.88 feet to a point,

THENCE, crossing said Lot 1, Block "A", the following two (2) courses and distances, numbered 1 and 2,

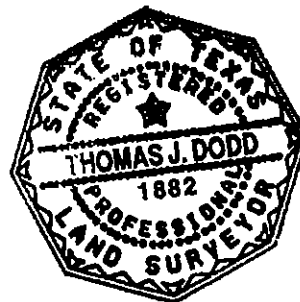
1. S57°28'24"E, a distance of 159.66 feet to a point, and
2. S57°28'24"E, a distance of 108.14 feet to a point, for the northwest corner and **POINT OF BEGINNING** of the herein described 0.048 acre tract of land,

THENCE, continuing across said Lot 1, Block "A", the following four (4) courses and distances, numbered 1 through 4,

1. S57°28'24"E, a distance of 32.00 feet to a point,
2. S32°31'36"W, a distance of 65.00 feet to a point,,
3. N57°28'24"W, a distance of 32.00 feet to a point, and
4. N32°31'36"E, a distance of 65.00 feet to the **POINT OF BEGINNING** and containing 0.048 Acre of Land.

Prepared by:

Thomas J. Dodd ~ R.P.L.S. No. 1882
Carlson, Briggance & Doering, Inc.
 3401 Slaughter Lane West
 Austin, TX 78748 (512) 280-5160



SKETCH TO ACCOMPANY FIELD NOTES

LEGEND OAKS SECTION 7A
VOL. 92 PAGE 117

THOMAS ANDERSON SURVEY NO. 7

WILLIAM CANNON DRIVE WEST
(120' R.O.W.)

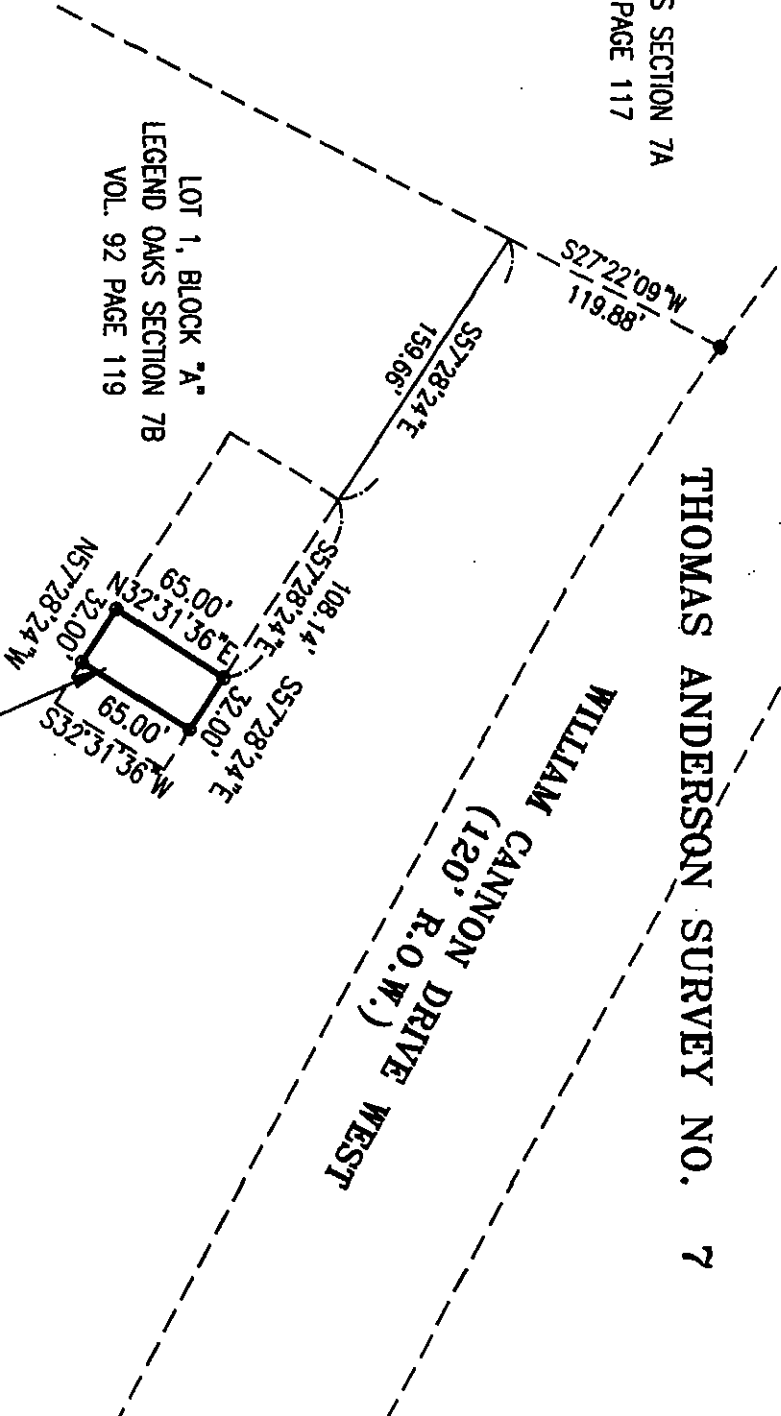


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LEGEND

- POINT
- IRON PIN FOUND

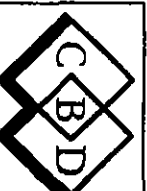
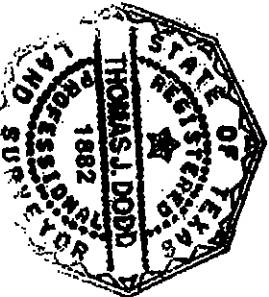
LOT 1, BLOCK "A"
LEGEND OAKS SECTION 7B
VOL. 92 PAGE 119



0.048 ACRE (2080 SQUARE FEET)
ONE-STORY ROCK/CINDERBLOCK/METAL
FRAME RETAIL BUILDING

PREPARED BY

THOMAS J. DODD, R.P.L.S. NO. 1882
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Attention: Diana Minter, Legal Assistant