



**Zoning**  
**CITY OF AUSTIN**  
**RECOMMENDATION FOR COUNCIL ACTION**

**AGENDA ITEM NO.: Z-14**  
**AGENDA DATE: Thu 05/06/2004**  
**PAGE: 1 of 1**

**SUBJECT:** C14-04-0034 - Oak Shadows Condominiums Rezoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 8515 Fathom Drive (Bull Creek and Rattan Creek Watersheds) from general office-conditional overlay (GO-CO) combining district zoning to multi-family residence low density (MF-2) district zoning. Zoning and Platting Commission Recommendation: To grant multi-family residence low density (MF-2) district zoning. Applicant: City of Austin. Agent: Neighborhood Planning & Zoning Department. City Staff: Sherri Gager, 974-3057.

**REQUESTING** Neighborhood Planning  
**DEPARTMENT:** and Zoning

**DIRECTOR'S**  
**AUTHORIZATION:** Greg Guernsey

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-04-0034

**Z.A.P. DATE:** April 6, 2004

**ADDRESS:** 8515 Fathom Drive

**OWNER:** Ken Brooks

**APPLICANT:** City of Austin

**AGENT:** City of Austin-Neighborhood Planning & Zoning Department

**ZONING FROM:** GO-CO

**TO:** MF-2

**AREA:** 1.092 acres

### **SUMMARY STAFF RECOMMENDATION:**

The staff's recommendation is to grant the MF-2, Multifamily Residence-Low Density District, zoning.

### **ZONING AND PLATTING COMMISSION RECOMMENDATION:**

4/6/04: Approved staff's recommendation of MF-2 by consent (7-0, K. Jackson-absent);  
J. Martinez-1<sup>st</sup>, J. Gohil-2<sup>nd</sup>.

### **DEPARTMENT COMMENTS:**

The property in question is currently undeveloped. On February 2, 2004, the staff received a letter from the Oak Shadows Condominiums Homeowners Association asking the city to initiate a zoning rollback for this tract of land (Attachment A). The property was initially rezoned to from MF-2 to GO-CO in zoning case C14-95-0134, on June 6, 1996 (Ordinance 960606-B – Attachment B). The conditions of zoning case C14-95-0134 included a public restrictive covenant (Attachment C) that states the following:

- “1. The Owner of the Property will not object to the City of Austin rezoning the Property to “MF-2” Multifamily Residence (Low Density) district as defined in Chapter 13-2 of the Austin City Code, if use of the Property for Off-site accessory parking uses is initiated but thereafter discontinued for 90 consecutive days. Normal, seasonal cessation of a use, or temporary discontinuance for purpose of maintenance or rebuilding of the Property after damage or destruction shall not be included in calculating the period of discontinuance.”

This site under consideration has not been utilized for an off-site accessory parking use and remains undeveloped. Therefore, the staff's recommendation is to grant MF-2 zoning for the property. The property meets the intent of the purpose statement for MF-2 zoning district and the site is located adjacent to other MF-2 zoned tracts to the south, east, and west.

The new owner of the property, Mr. Ken Brooks, is in favor of the rezoning of this tract of land to the MF-2, Multifamily Residence-Low Density District. He has stated that he plans to develop the site with multifamily residential units.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	GO-CO	Undeveloped
<i>North</i>	GR	Commercial/Retail
<i>South</i>	MF-2	Multifamily Residential/Condominiums
<i>East</i>	GR	Multifamily Residential/Condominiums
<i>West</i>	MF-2	Multifamily Residential/Condominiums

**AREA STUDY:** N/A**TIA:** Not Required**WATERSHED:** Bull Creek/Rattan Creek**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** N/A**HILL COUNTRY ROADWAY:** N/A**NEIGHBORHOOD ORGANIZATIONS:**

426 – River Place Residential Community Association, Inc.

475 – Bull Creek Foundation

**CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>CITY COUNCIL</b>
C14-03-0133	RR to GR-MU	9/23/03: Approved GR-CO, Community Commercial-Conditional Overlay, district zoning (9-0)	10/23/03: Granted GR-CO (6-0, Dunkerly-absent); all 3 readings
C14-99-2119	RR to LI-PDA	4/18/00: Approved staff rec. of GR-CO (TR1) & MF-3-CO (TR2); subject to onsite water detention by consent (7-1, RC-Nay)	5/18/00: Approved PC rec. of GR-MU-CO (TR1) & MF-3-CO (TR2) (6-0, Lewis-absent); on all 3 readings
C14-99-2218	I-RR, SF-2 to LI	4/18/00: Approved staff rec. of GR-MU subject to onsite water detention by consent (7-1, RC-Nay)	5/18/00: Approved GR-MU-CO as amended by applicant and recommended by the PC (6-0, Lewis-absent); on all 3 readings
C14-99-2217	RR to GR	4/18/00: Approved Staff rec. of GR-CO subject to onsite water detention, by consent (7-1, RC-Nay)	5/18/00: Approved PC rec. of GR-CO w/conditions (6-0, Lewis-absent); all 3 readings
C14-99-2085	I-RR to GR	12/7/99: Approved GR-CO (5-0); No additional expansion that will result in more impervious cover; 'GR' may remain as long as associated w/ Automotive Repair Services use, if use ceases then zoning shall rollback to 'LR', height limit of 40 feet; trip limit as set out in staff rec.	1/6/00: Approved staff rec. of GR-CO limiting development to less than 2,000 vehicle trips per day; (7-0); 1 <sup>st</sup> reading  3/30/00: Approved 2 <sup>nd</sup> /3 <sup>rd</sup> readings (6-0)

C14-99-2079	GR-CO, I-RR to GR	12/7/99: Approved MF-4-CO w/ MF-3 density (8-1, RC-Nay)	2/3/00: Approved PC rec. of MF-4 (5-0); all 3 readings
C14-99-2078	I-RR to GR	12/7/99: Approved GR-CO (5-0); No additional expansion that will result in more impervious cover; height limit of 40 feet; and trip limit as set out in staff rec.	1/6/00: Approved staff rec. of GR-CO; limiting development to less than 2,000 vehicle trips per day; limiting impervious cover to no more than what currently exists per approved site plan; applicant should reserve 200 feet of ROW from the center line of HWY 183 prior to 3 <sup>rd</sup> reading (7-0); 1 <sup>st</sup> reading  3/30/00: Approved 2 <sup>nd</sup> /3 <sup>rd</sup> readings (6-0)
C14-99-2017	I-RR to RR	1/4/00: Approved staff rec. of RR (6-2-1, GW/BB-Nay, BH-abstain)	2/3/00: Approved PC rec. of RR (5-0); all 3 readings
C14-99-0067	I-RR to GR-CO	8/10/99: Approved GR-CO (5-0)	9/9/99: Approved GO-CO w/ conditions (7-0); all 3 readings
C14-98-0229	I-SF-2 to GR	1/19/99: Approved staff's rec. of GR-CO w/ 2,000 vehicle trip per day limitation (9-0)	2/25/99: Approved PC rec. of GR-CO w/ conditions (7-0); all 3 readings
C14-98-0199	I-RR to GR	1/12/99: Approved GR-CO, CO-2,000 vehicle trip per day limitation, by consent (5-0)	2/11/99: Approved PC rec. of GR-CO w/conditions (5-); all 3 readings
C14-98-0198	I-RR to GR	1/19/99: Approved staff's rec. of GR-CO w/ 2,000 vehicle trip per day limitation (9-0)	2/25/99: Approved PC rec. of GR-CO w/ conditions (7-0); all 3 readings
C14-98-0090	I-RR to GR	8/4/98: Approved GR by consent (9-0)	8/13/98: Approved PC rec. of GR (6-0); all 3 readings
C14-98-0081	I-RR, GR to GR	9/22/98: Approved GR by consent (8-0)	10/22/98: Approved PC rec. of GR (7-0); 1 <sup>st</sup> reading  11/19/98: Approved GR (7-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings
C14-96-0074	GR to CS	7/16/96: Approved CS-CO; subject to rollback 'GR' if use ceases (8-0)	8/8/96: Approved PC rec. of CS-CO; subject to conditions (6-0); all 3 readings
C14-96-0134	MF-2 to GO	11/7/95: Approved GO (8-0)	1/11/96: Approved GO-CO w/conditions (5-0); 1 <sup>st</sup> reading  6/6/96: Approved GO-CO w/conditions (6-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings
C14-95-0131	SF-2 to GO	11/7/95: Approved GO by consent (8-0)	12/7/95: Approved GO (6-0); 1 <sup>st</sup> reading  2/29/96: Approved GO (7-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings

C14-95-0036	DR to CS	8/1/95: Approved GR w/conditions & maintain existing GR (6-0); subject to TIA recommendations	9/7/95: Approved GR and DR w/conditions (7-0); 1 <sup>st</sup> reading  10/19/95: Approved GR and maintain existing GR portion (5-0-1, EM-abstain); 2 <sup>nd</sup> /3 <sup>rd</sup> readings
C14-95-0003	SF-2 to SF-6	5/16/95: Approved SF-6-CO w/conditions agreed to by applicant (7-0)	8/24/95: Approved SF-6 (6-0); 1 <sup>st</sup> reading  11/3/95: Approved SF-6 w/conditions (6-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings

**RELATED CASES:** C14-96-0134 (Previous Zoning Case)

**ABUTTING STREETS:**

NAME	ROW	PAVEMENT	CLASSIFICATION	DAILY TRAFFIC
Fathom Circle	60'	36'	Collector	N/A

**CITY COUNCIL DATE:** May 6, 2004

**ACTION:**

**ORDINANCE READINGS:** 1<sup>st</sup>

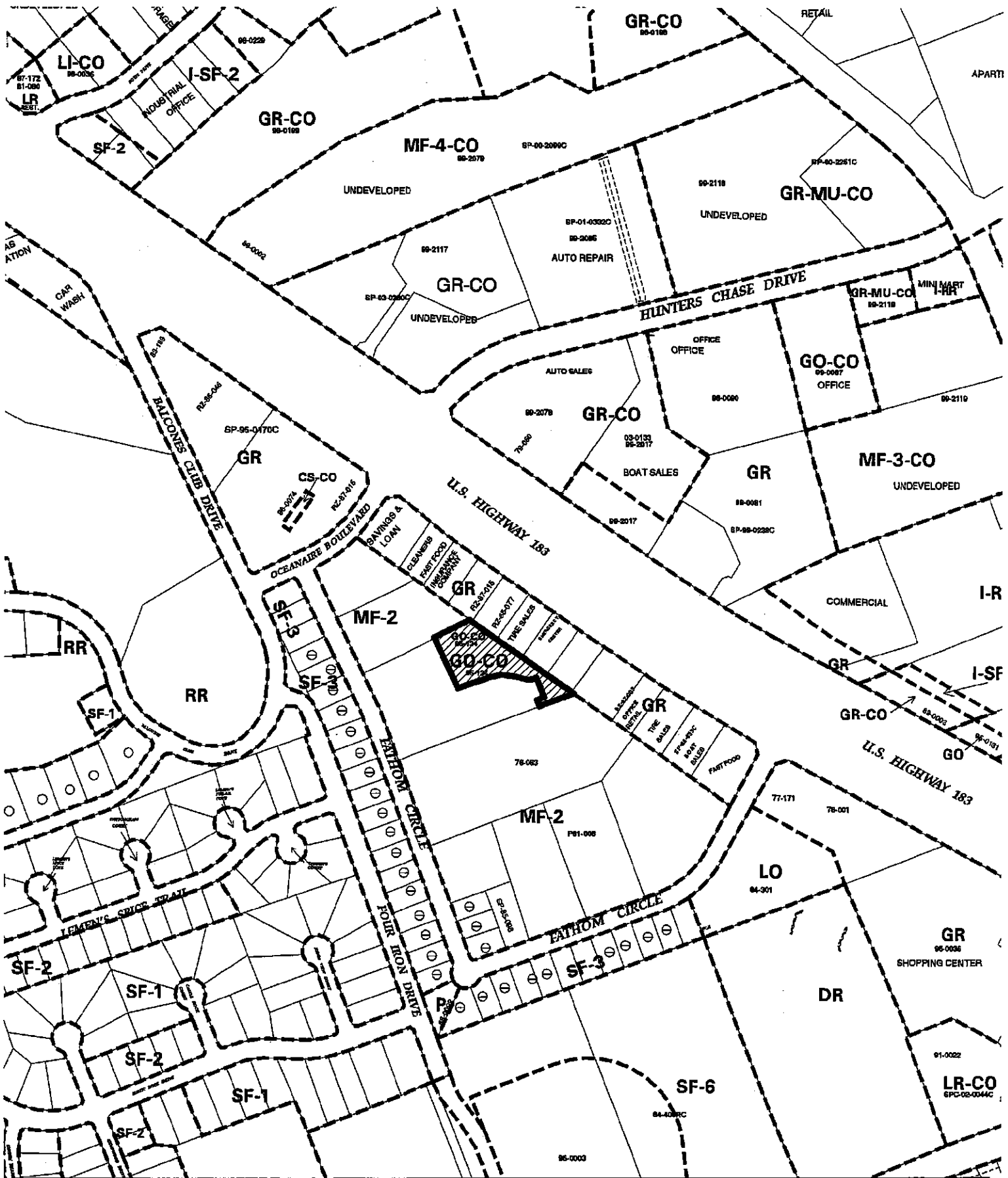
2<sup>nd</sup>


3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Sherri Gager

**PHONE:** 974-3057,  
[sherri.gager@ci.austin.tx.us](mailto:sherri.gager@ci.austin.tx.us)



 <p>1" = 400'</p> <p>SUBJECT TRACT PENDING CASE ZONING BOUNDARY CASE MGR: S.GAGGER</p>	<p><b>ZONING</b></p> <p>CASE #: C14-04-0034 ADDRESS: 8518 FATHOM DR. SUBJECT AREA (acres): 1.082</p> <p>DATE: 04-02 INTLS: TRC</p>	<p>CITY GRID REFERENCE NUMBER G36</p>
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## **STAFF RECOMMENDATION**

The staff's recommendation is to grant the MF-2, Multifamily Residence-Low Density District, zoning.

## **BACKGROUND**

The property in question is currently undeveloped. On February 2, 2004, the staff received a letter from the Oak Shadows Condominiums Homeowners Association asking the city to initiate a zoning rollback for this tract of land (Attachment A). The property was initially rezoned to from MF-2 to GO-CO in zoning case C14-95-0134, on June 6, 1996 (Ordinance 960606-B – Attachment B). The conditions of zoning case C14-95-0134 included a public restrictive covenant (Attachment C) that states the following:

- “1. The Owner of the Property will not object to the City of Austin rezoning the Property to “MF-2” Multifamily Residence (Low Density) district as defined in Chapter 13-2 of the Austin City Code, if use of the Property for Off-site accessory parking uses is initiated but thereafter discontinued for 90 consecutive days. Normal, seasonal cessation of a use, or temporary discontinuance for purpose of maintenance or rebuilding of the Property after damage or destruction shall not be included in calculating the period of discontinuance.”

This site under consideration has not been utilized for an off-site accessory parking use and remains undeveloped. Therefore, the staff's recommendation is to grant MF-2 zoning for the property. The property meets the intent of the purpose statement for MF-2 zoning district and the site is located adjacent to other MF-2 zoned tracts to the south, east, and west.

The new owner of the property, Mr. Ken Brooks, is in favor of the rezoning of this tract of land to the MF-2, Multifamily Residence-Low Density District. He has stated that he plans to develop the site with multifamily residential units.

## **BASIS FOR RECOMMENDATION**

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

Multifamily residence low density (MF-2) district is the designation for a multifamily use with a maximum density of up to 23 units per acre, depending on unit size. An MF-2 district designation may be applied to a use in a multifamily residential area located near single-family neighborhoods or in an area for which low density multifamily use is desired.

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

The MF-2 zoning district would be compatible and consistent with the surrounding uses because the site is adjacent to MF-2, Multifamily Residence-Low Density District, zoning to the south, east, and west. The proposed MF-2 zoning provides a transition in the intensity of uses from the GR commercial designation to the north, along U.S. Highway 183, to the SF-3 single-family residential designation, across Fathom Circle to the south.

3. *The proposed zoning should allow for a reasonable use of the property.*

The MF-2 zoning district would allow for a fair and reasonable use of the site because it will permit the development of additional multifamily residential units in this area.

## **EXISTING CONDITIONS**

### **Site Characteristics**

The property in question is currently an undeveloped tract of land.

### **Impervious Cover**

The maximum impervious cover allowed by the MF-2 zoning district would be 60%. However, because the Watershed impervious cover is more restrictive than the zoning district's allowable impervious cover, the impervious cover on this site would be limited by the watershed ordinance. Under the current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

#### **Water Supply Suburban**

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

#### **Suburban**

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

Note: The most restrictive impervious cover limit applies.

### **Environmental**

The site is located over the Northern Edward's Aquifer Recharge Zone. The site is in both the Bull Creek and Rattan Creek Watersheds of the Colorado River Basin, and is classified as a Water Supply Suburban and Suburban Watershed, respectively, by Chapter 25-8 of the City's Land Development Code. A geological survey should be conducted in order to determine the exact location of these watershed boundaries.

According to flood plain maps, there is no flood plain in, or within close proximity of, the project location.

The site is located within the endangered species survey area and must comply with the requirements of Chapter 25-8 Endangered Species in conjunction with subdivision and/or site plan process.



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

At this time, site-specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment on this site will be subject to providing structural sedimentation and filtration basins with increased capture volume and 2 year detention.

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

### **Transportation**

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

The trip generation under the requested zoning is estimated to be 197 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]

There are existing sidewalks along Fathom Circle.

Capital Metro bus service is available along US Hwy 183 within 1/4 mile of this property.

Existing Street Characteristics:

NAME	ROW	PAVEMENT	CLASSIFICATION	DAILY TRAFFIC
Fathom Circle	60'	36'	Collector	N/A

### **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 subdivision, site plan, or zoning case and anticipate no additional requirement for right-of-way dedication or reservation for funded C.I.P. or T.S.M. projects at this location.

### **Water and Wastewater**

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

### **Stormwater Detention**

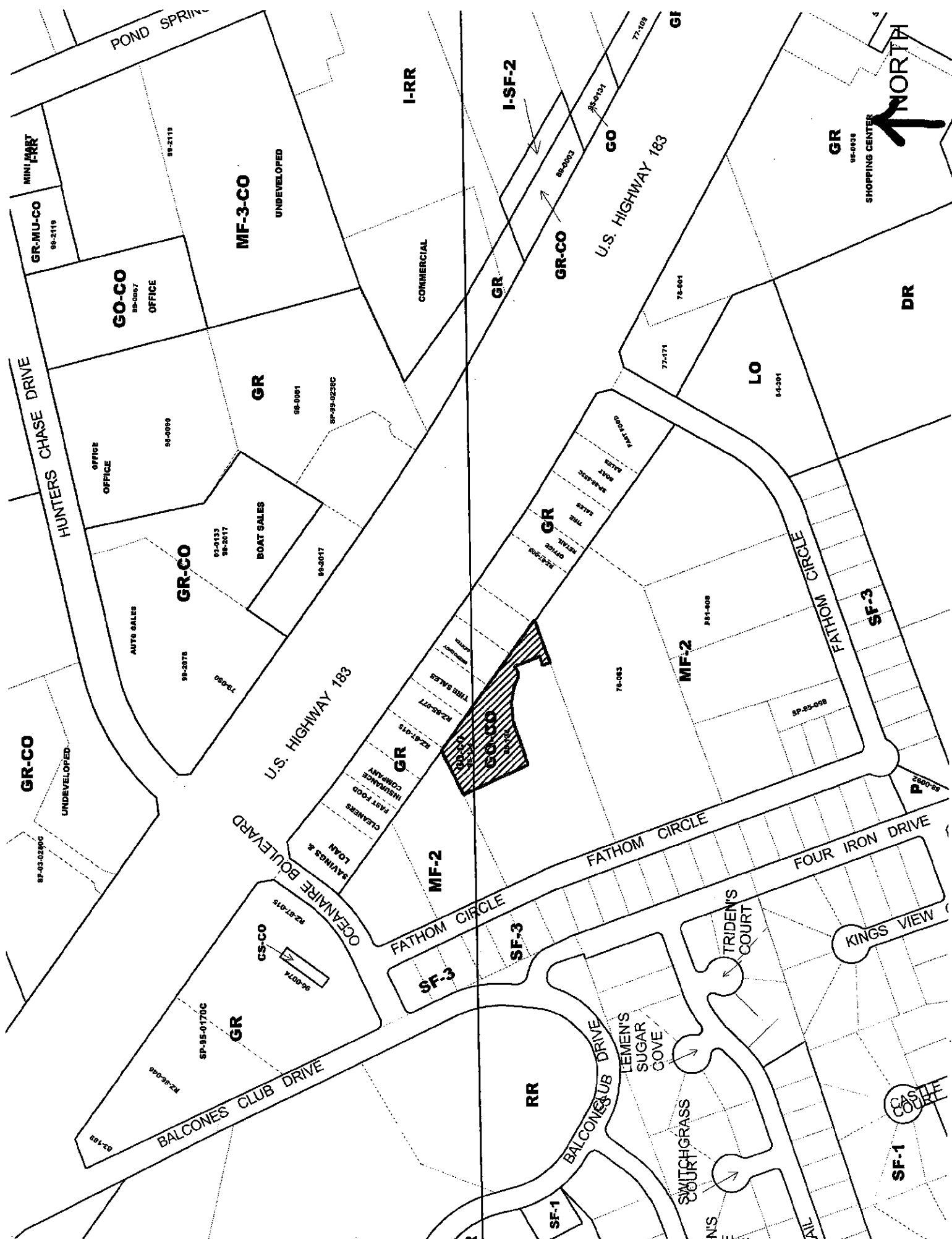
At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in storm water runoff will be mitigated through on-site storm water detention ponds, or participation in the City of Austin Regional Stormwater Management Program, if available.

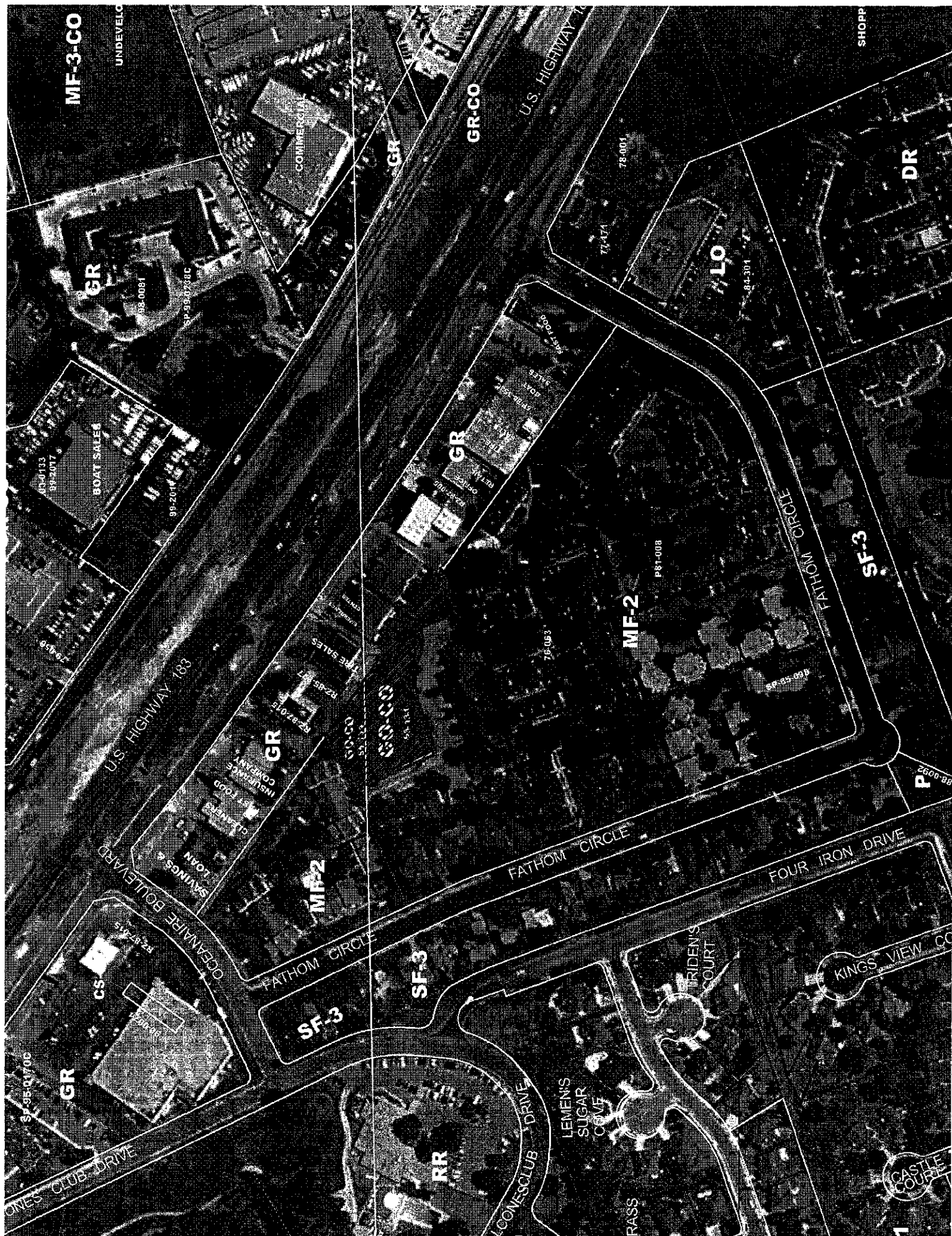
### **Compatibility Standards**

The site is subject to compatibility standards due to the existing single-family development less than 540-feet to the west of the site.

- A structure may attain a height of 60 feet plus one foot for each four feet if distance in excess of 300 feet from the property zoned SF-5 or more restrictive.

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





Attachment A

January 23, 2004

Ms. Sherri Gager  
City of Austin Neighborhood Planning & Zoning Department  
505 Barton Springs Road-5<sup>th</sup> Floor  
Austin, Texas 78767

RE: Zoning Rollback Request  
Oak Shadows Condos, Phase 3  
8518 Fathom Circle  
Austin, TX  
FHI Job No. 22159-AR-CITY

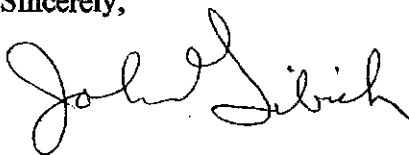
Dear Ms. Gager,

On behalf of Oak Shadows Condominiums Homeowners Association, I hereby request the City of Austin to initiate a zoning rollback as stated in the attached zoning ordinance dated 6/96.

In accordance with Zoning Case Number-C14-95-0134 as related to Ordinance NO. 96-0606-B, the property was to rollback from GO-CO to MF-2 if the off-site accessory parking use was discontinued or not developed for 90 consecutive days. As of today, the property remains vacant and was never developed.

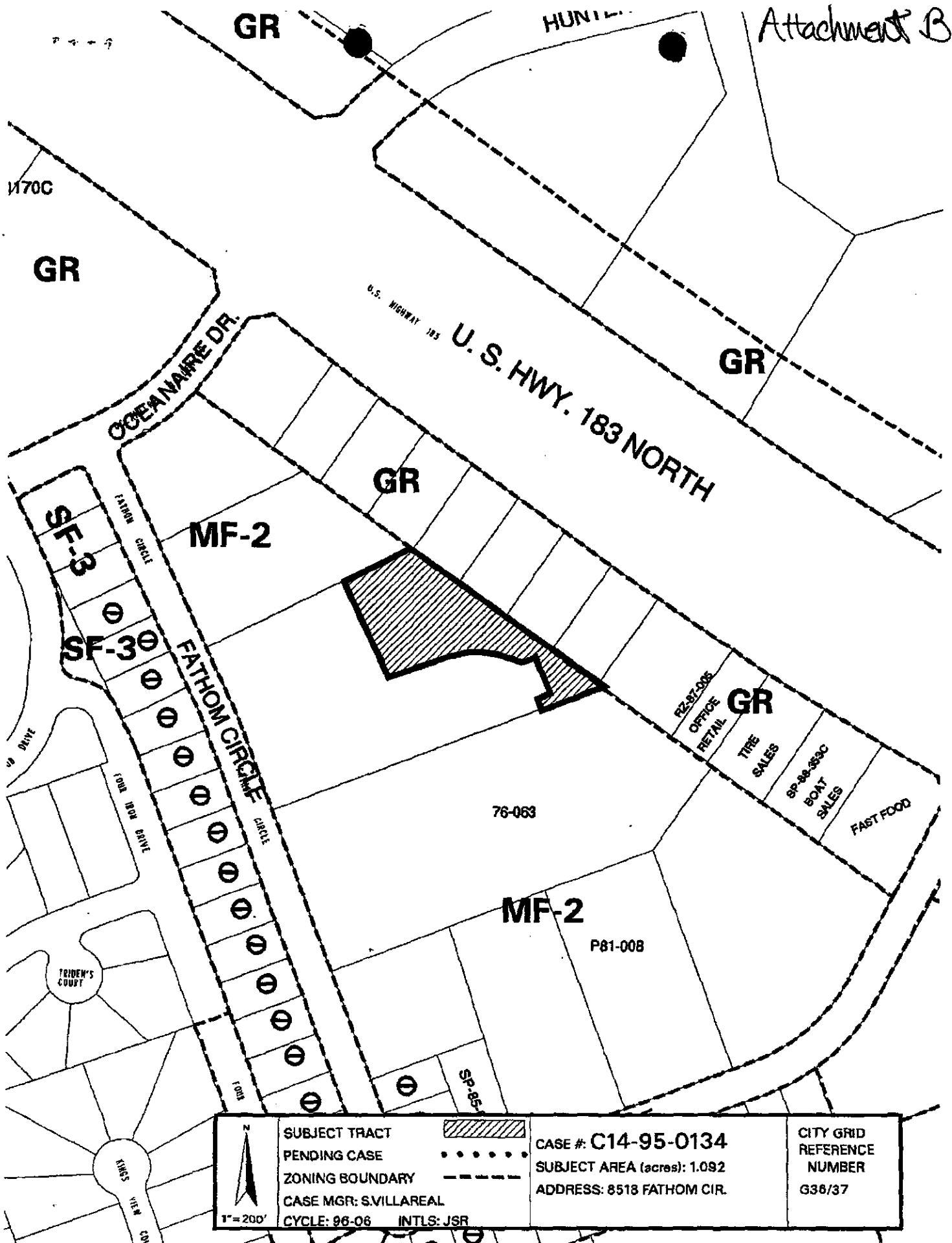
Thank you for your consideration and timely response to this request. If you have any questions, please contact Tony Edwards at 331-8595.

Sincerely,

A handwritten signature in black ink, appearing to read "John Gibich". The signature is fluid and cursive, with the first name "John" and last name "Gibich" clearly distinguishable.

Oak Shadows Condominiums Homeowners Association  
John Gibich, Pres.

Attachment B



CITY OF AUSTIN, TEXAS

ORDINANCE NO. 96- 0606-B

AN ORDINANCE ORDERING A REZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 13-2 OF THE AUSTIN CITY CODE OF 1992 AS FOLLOWS: 1.092 ACRE TRACT OF LAND, PART OF LOT 20, BLOCK G, SONESTA WEST SECTION ONE A, IN TRAVIS COUNTY, TEXAS, FROM "MF-2" MULTIFAMILY RESIDENCE (LOW DENSITY) DISTRICT TO "GO-CO" GENERAL OFFICE DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT, LOCALLY KNOWN AS THE REAR PORTION OF 8518 FATHOM CIRCLE, AS MORE PARTICULARLY IDENTIFIED IN THE MAP ATTACHED AS EXHIBIT "A" TO THIS ORDINANCE, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; WAIVING THE REQUIREMENTS OF SECTIONS 2-2-3, 2-2-5, AND 2-2-7 OF THE AUSTIN CITY CODE OF 1992; AND PROVIDING AN EFFECTIVE DATE.

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

**PART 1.** That Chapter 13-2 of the Austin City Code of 1992 is amended to change the base zoning district from "MF-2" Multifamily Residence (Low Density) district to "GO-CO" General Office district-Conditional Overlay combining district on the property described in File C14-95-0134, as follows:

1.092 acre tract of land, part of Lot 20, Block "G" Sonesta West Section One A, in Travis County, Texas, said 1.092 acre tract of land being more particularly described by metes and bounds in Exhibit "B" attached and incorporated herein for all purposes,  
*[hereinafter referred to as the "Property"]*

locally known as the rear portion of 8518 Fathom Circle, as more particularly identified in the map attached as Exhibit "A" to this ordinance, in the City of Austin, Travis County, Texas.

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

1. The following uses shall be prohibited on the Property:

- |  |   |
|--|---|
| (a) Administrative and business offices, | (l) Cultural services,                        |
| (b) Art and craft studio (limited),      | (m) Day care services (general),              |
| (c) Business or trade school,            | (n) Day care services (limited),              |
| (d) Business support services,           | (o) Day care services (commercial),           |
| (e) Communications services,             | (p) Hospital services (general),              |
| (f) Medical offices,                     | (q) Hospital services (limited),              |
| (g) Personal services,                   | (r) Local utility services,                   |
| (h) Professional office,                 | (s) Private primary educational facilities,   |
| (i) Software development,                | (t) Private secondary educational facilities, |
| (j) College and university facilities,   | (u) Safety services, and,                     |
| (k) Counseling services,                 | (v) Convalescent Services.                    |

2. There will be no vehicular access from the Property to Fathom Circle. All vehicular access to the Property shall be from other adjacent public streets or through other adjacent property.

Except as specifically restricted pursuant to this ordinance, the Property may be developed and used in accordance with the regulations established for the "GO" General Office base district and other applicable requirements of the Land Development Code.

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

## CITY OF AUSTIN, TEXAS

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

**PART 5.** That this ordinance shall become effective upon the expiration of 10 days following the date of its final passage, as provided by the Charter of the City of Austin.

**PASSED AND APPROVED:**

June 6, 1996

**www.pearson.com**

*Bruno T. A.*

**Bruce Todd  
Mayor**

**APPROVED:**

Andrew Martin

**Andrew Martin**  
**City Attorney**

**ATTEST:**

James E. Aldridge

**James E. Aldridge**  
**City Clerk**

06June96  
MT/dwm



Attachments <sup>P. 3</sup> C  
13  
V

FILM CODE

Zoning Case No. C14-95-0134  
00005447903

**RESTRICTIVE COVENANT**

**OWNER and ADDRESS:** LOUIS R. WILLIAMS, TRUSTEE, 5351 Thunder Creek Road, Austin, Texas 78759  
HENRY B. MAYES, 5351 Thunder Creek Road, Austin, Texas 78759

**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:** 1.092 acre tract of land, said 1.092 acre tract of land being more particularly described by metes and bounds in "Exhibit A" attached and incorporated herein for all purposes.

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

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 Owner of the Property will not object to the City of Austin rezoning the Property to "MF-2" Multifamily Residence (Low Density) district as defined in Chapter 13-2 of the Austin City Code, if use of the Property for Off-site accessory parking uses is initiated but thereafter discontinued for 90 consecutive days. Normal, seasonal cessation of a use, or temporary discontinuance for purpose of maintenance or rebuilding of the Property after damage or destruction shall not be included in calculating the period of discontinuance.
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.

All citations to the Austin City Code shall refer to the Austin City Code of 1992, as amended from time to time, unless otherwise specified. When the context requires, singular nouns and pronouns include the plural.

BY: *Louis R. Williams* Date: April 4, 1996.  
LOUIS R. WILLIAMS

BY: *Henry B. Mayes* Date: April 4, 1996.  
Henry B. Mayes  
THE STATE OF TEXAS  
COUNTY OF TRAVIS

This instrument was acknowledged before me on this the 4 day of April, 1996,  
by LOUIS R. WILLIAMS, TRUSTEE.

*Kathleen M. Mayes*  
Notary Public Signature



Type or Print of Notary  
My Commission Expires: \_\_\_\_\_

THE STATE OF TEXAS  
COUNTY OF TRAVIS

This instrument was acknowledged before me on this the 4 day of April, 1996,  
by HENRY B. MAYES.

*Pam D. Williams*  
Notary Public Signature



Type or Print of Notary  
My Commission Expires: \_\_\_\_\_

AFTER RECORDING RETURN TO:

LAW DEPARTMENT  
CITY OF AUSTIN  
P.O. BOX 1088  
AUSTIN, TEXAS 78767  
ATTN: DIANA MAYER

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

File # C14-04-0034-SG

Zoning & Platting Commission Hearing Date: April 6, 2004

Name (please print) SUSAN E. ANDREWS

☒ I am in favor  
(Estoy de acuerdo)

Address 8518 FATHOM CIR #108, AUSTIN TX 78750

☐ I object  
(No estoy de acuerdo)

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

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 8515 FATHOM DRIVE FROM GENERAL OFFICE-CONDITIONAL OVERLAY (GO-CO) COMBINING DISTRICT TO MULTIFAMILY RESIDENCE LOW DENSITY (MF-2) DISTRICT.

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

**PART 1.** The zoning map established by Section 25-2.191 of the City Code is amended to change the base district from general office-conditional overlay (GO-CO) combining district to multifamily residence low density (MF-2) district on the property described in Zoning Case No.C14-04-0034, on file at the Neighborhood Planning and Zoning Department, as follows:

A 1.0927 acre tract of land, more or less, out of Lot 20, Block G, Sonesta West Section One-A Subdivision, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance,

locally known as 8515 Fathom Drive, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

**PART 2.** 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

FIELD NOTES:

EXHIBIT A

Part of Lot 20, Block G, Sonesta West Sec. One A, as recorded in Plat Book 75, page 63, Travis County Plat Records; described by metes and bounds as follows:

BEGINNING at pin found at the most Easterly corner of said Lot 20;

THENCE with the south line of said Lot 20, S70°25'53"W 118.96 ft to pin set for corner;

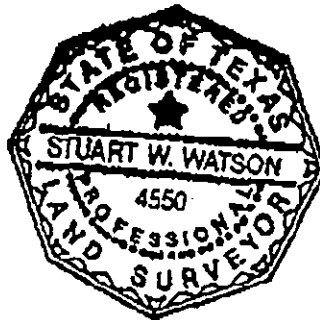
THENCE N20°39'50"W 21.28 ft to pin set for corner;

THENCE along a sidewalk the following 9 courses: 1) N68°01'11"E 25.19 ft to pin set, 2) N21°40'35"W 69.20 ft to spindle set, 3) S68°09'16"W 16.06 ft to pin set, 4) S87°42'10"W 14.48 ft to pin set, 5) N74°31'23"W 47.15 ft to pin set, 6) N83°27'30"W 39.34 ft to pin set, 7) S80°13'10"W 35.44 ft to pin set, 8) S71°43'46"W 114.78 ft to concrete nail set, 9) N24°40'57"W 183.53 ft to spindle set in the north line of said Lot 20 for corner;

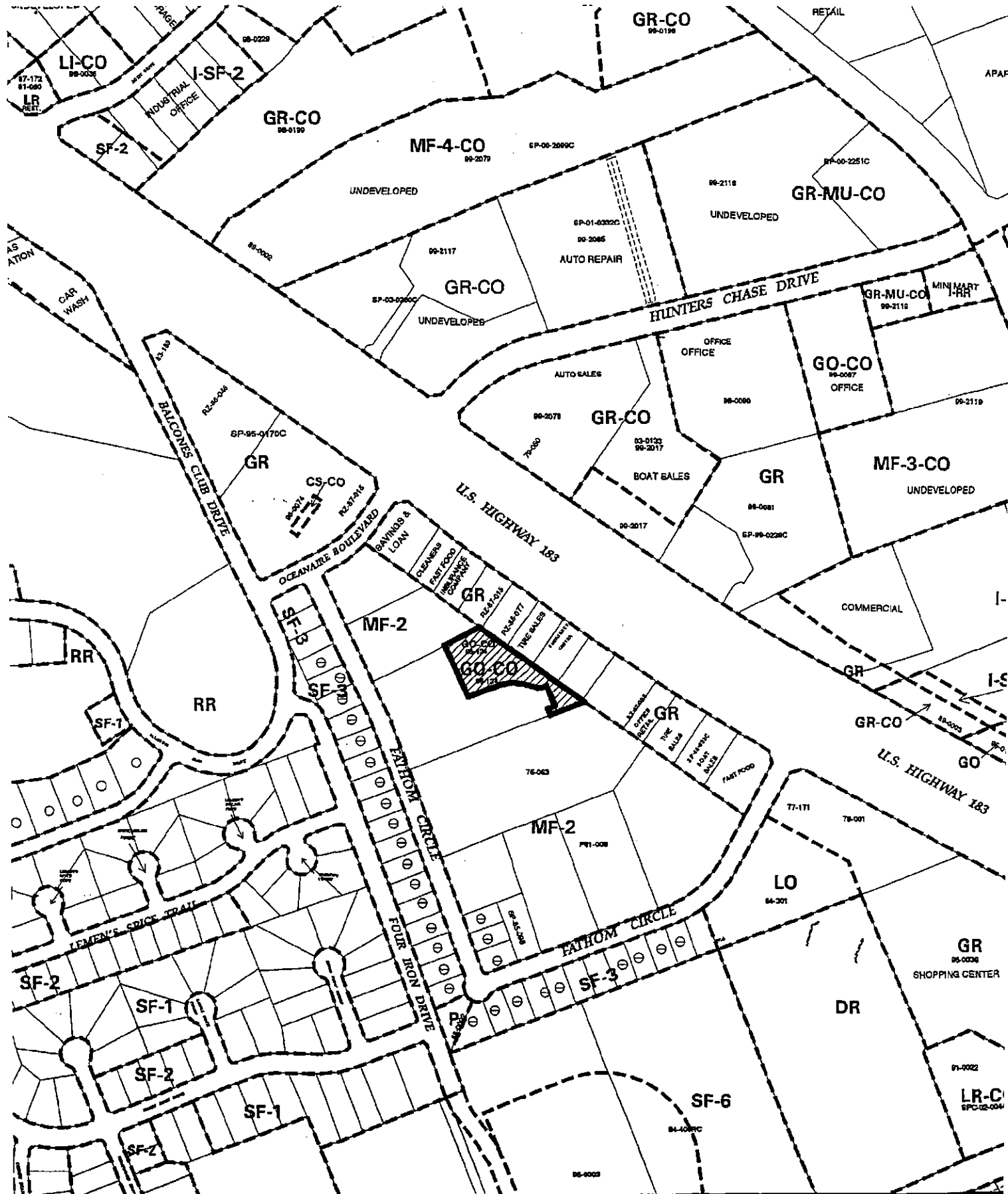
THENCE with the north line of said Lot 20, N64°49'E 130.64 ft to most northerly corner of said Lot 20 for corner;




THENCE with the northeast line of said Lot 20, S54°06'22"E 417.29 ft to the place of BEGINNING, containing 1.0927 acres of land.

Surveyed on the ground Aug. 25, 1992



By: Stuart Watson  
Stuart W. Watson RPLS 4550



N  
 SUBJECT TRACT   
 PENDING CASE   
 ZONING BOUNDARY   
 CASE MGR: S.GAGGER  
 1"=400'

CASE #: C14-04-0034  
 ADDRESS: 8518 FATHOM DR.  
 SUBJECT AREA (acres): 1.092

ZONING EXHIBIT B  
 DATE: 04-02  
 INTLS: TRC

CITY GRID  
 REFERENCE  
 NUMBER  
 G36