

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



**AGENDA ITEM NO.: 64  
AGENDA DATE: Thu 09/01/2005  
PAGE: 1 of 1**

**SUBJECT:** C14-05-0015 - Jelson Commercial Development - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6941 West U.S. Highway 290 (Williamson Creek-Barton Springs Zone) from rural residence (RR) district zoning to general commercial services (CS) district zoning. First reading approved on April 14, 2005. At first reading the City Council approved neighborhood commercial (LR) district zoning. Vote: 7-0. Applicant: Convict Hill Development, L.L.C. (William K. Reagan, II). Agent: Brown McCarroll, L.L.P. (Nikelle S. Meade). City Staff: Wendy Walsh, 974-7719.

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

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

## SECOND / THIRD READINGS SUMMARY SHEET

**ZONING CASE NUMBER:** C14-05-0015

**REQUEST:**

Approve second / third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6941 West U.S. Highway 290 (Williamson Creek Watershed-Barton Springs Zone) from rural residence (RR) district zoning to general commercial services (CS) district zoning. City Council approved neighborhood commercial (LR) district zoning at first ordinance reading.

**DEPARTMENT COMMENTS:**

The Applicant would like the Council to consider CS-CO district zoning, as the Zoning and Platting Commission and Staff recommended.

The Applicant is willing to prohibit 1) service station and 2) drive-in services as an accessory use to a restaurant (limited) use, and 3) establish a 2,000 trip limitation through a Conditional Overlay. The Applicant has also entered into the Restrictive Covenant with the City that requires an Integrated Pest Management Plan, and a landscape plan for the use of native and adapted plant materials, and prohibits the use of coal tar based asphalt sealants.

The adjacent property to the west was part of a Preliminary Plan of Wedgewood, which was approved in 1967. A final plat, known as Oak Hill "Y" Section One was submitted on August 7, 1992 one day before the SOS Ordinance took effect. Two watershed variances were approved by Planning Commission: 1) to allow impervious cover in excess of 15% on slopes, and 2) to allow driveways on slopes in excess of 15%. The plat was recorded on July 29, 1993. Plat notes on the final plat indicate that water quality easements and controls of the development must achieve those prescribed by the Composite Ordinance, as per Mr. Pat Murphy of the Watershed Protection Department. The Composite Ordinance allows for 65% impervious cover on the commercial property.

Rezoning from Interim-RR to CS-CO for Tracts 1 and 2 (contiguous) and SF-6-CO for Tract 3, approved on January 5, 1989 (C14r-85-369). The CO establishes the following conditions on the property: 1. Prohibits a used car dealership on Tract 1; 2. Combined gross floor area for Tracts 1 and 2 shall not exceed 187,500 square feet; 3. Prohibits the following uses on Tract 2: used car dealership; outside storage; pawn shop services; restaurant (drive-in, fast food); service station, hotel-motel; convenience storage; kennels and commercial off-street parking; 4. For Tract 3: 25 foot height limit; number of dwelling units cannot exceed four units per acre; 25 foot wide undisturbed buffer adjoining single family lots; construct and maintain emergency access to Noma Drive; and, 45% masonry requirement for each structure; and 5. Reservation of additional right-of-way for U.S. Highway 290 as required by TXDOT and the City of Austin at the time of site plan approval.

There is a Restrictive Covenant with the zoning, establishing the following additional conditions on Tract 2 (zoned CS-CO): 1. Prohibits business operations between 12 a.m. and 6 p.m. and 2. Prior to final platting of the property, the Owner shall: 1) post a letter of credit for \$30,000 for intersection improvements at U.S. Highway 290 and SH71; 2) submit plans for the driveway onto U.S. 290 for review by the City and TXDOT; and 3) provide a secondary driveway from the property to Wolfcreek Pass.

A Site Plan for Wedgewood Center was for a gas station with convenience store and fast food restaurant. It was withdrawn at the request of the Applicant on May 29, 1996.

**OWNER/APPLICANT:** Convict Hill Development, L.L.C. (William K. Reagan, II)

**AGENT:** Brown McCarroll, L.L.P. (Nikelle S. Meade)

**DATE OF FIRST READING:** April 14, 2005, approved LR district zoning, on 1<sup>st</sup> Reading (7-0).

**CITY COUNCIL HEARING DATE:** September 1, 2005

**CITY COUNCIL ACTION:**

**ORDINANCE NUMBER:**

**ASSIGNED STAFF:** Wendy Walsh  
e-mail: wendy.walsh@ci.austin.tx.us

**RESTRICTIVE COVENANT**

**OWNER:** Convict Hill Development, L.L.C., a Texas limited liability company

**ADDRESS:** 9211 U.S. Highway 290 East, Austin, Texas 78724

**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 0.350 acre tract of land (15,242 square feet), more or less, out of the Jesse Williams Survey No. 62, in Travis County, the tract being more particularly described by metes and bounds in Exhibit "A" attached and incorporated into this covenant.

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

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

1. The use of coal tar based asphalt sealants for construction or repair of asphaltic concrete paving is prohibited on the Property.
2. 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.
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, 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", may not be included.
4. 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.
5. 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.

6. 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.
7. 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 6th day of April, 2005.

**OWNER:**

Convict Hill Development, L.L.C.,  
a Texas limited liability company

By   
William K. Reagan II,  
Manager

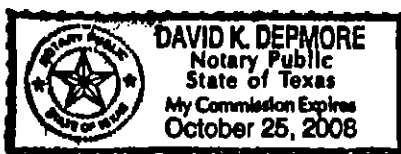
**APPROVED AS TO FORM:**

  
Assistant City Attorney  
City of Austin

**THE STATE OF TEXAS §**

**COUNTY OF TRAVIS §**

This instrument was acknowledged before me on this the 6th day of April, 2005, by William K. Reagan II, Manager of Convict Hill Development, L.L.C., a Texas limited liability company, on its behalf.



  
Notary Public, State of Texas

**METES AND BOUNDS DESCRIPTION**  
**0.350 ACRES (15,242 SQUARE FEET)**  
**JESSE WILLIAMS SURVEY NO. 62**  
**CITY OF AUSTIN**  
**TRAVIS COUNTY, TEXAS**

Being a tract containing 0.350 of one acre (15,242 square feet) of land situated in the Jesse Williams Survey No. 62, Travis County, Texas and being the same tract of land as recorded in Document No. TRV 2001016320 of the Official Public Records of Travis County, Texas (O.P.R.T.C.T.). Said 0.350 of one acre (15,242 square feet) tract being more particularly located and described as follows with all bearings based on the right-of-way map (Control Number 0113, Section Number 08 and Job Number 039) for United States Highway Number 290 West (US 290) (right-of-way varies) as supplied by the Texas Department of Transportation (TxDOT).

**BEGINNING** at a 1/2-inch iron rod with a plastic cap stamped "GARZA ENG" found on the southerly right-of-way line of said US 290 for the westernmost corner of Lot 19-A, Wedgewood Commercial Section One Subdivision as recorded in Book 59, Page 63 of the Travis County Plat Records (T.C.P.R.) and the northernmost corner and **POINT OF BEGINNING** of the herein described tract;

**THENCE**, South 42°06'41" East, (South 40°07'22" East), along the common line of said Lot 19-A and said 0.350 acre tract, a distance of 191.88 feet (191.90 feet) to a 1/2-inch iron rod found for a corner of Lot 2, Oak Hill "Y" Section One Subdivision as recorded in Book 92, Pages 22 and 23, T.C.P.R. and the easternmost corner of this tract;

**THENCE**, South 89°51'11" West, (South 88°09'30" West), along a common line of said Lot 2 and said 0.350 acre tract, a distance of 130.38 feet to a cotton spindle found for a common corner;

**THENCE**, North 39°01'19" West, (North 37°02'00" West), along common lines of Lot 3 of said Oak Hill "Y" Section One, said Lot 2 and said 0.350 acre tract, a distance of 129.69 feet to a 1/2-inch iron rod with a TxDOT aluminum cap found on the arc of a non-tangent curve to the right being the southerly right-of-way line of said U.S. Highway 290 West, for the westernmost corner of this tract;

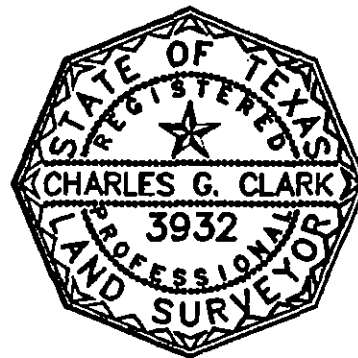
THENCE Northeasterly, an arc distance of 93.31 feet, along the southerly right-of-way line of said US 290 with said curve to the right having a Radius of 2,291.83 feet, a Delta of  $02^{\circ}19'58''$  and a Chord Bearing and Distance of North  $63^{\circ}18'02''$  East, 93.31 feet (Chord: North  $65^{\circ}17'22''$  East, 93.33 ft.), to the POINT OF BEGINNING and containing a computed area of 0.350 of one acre (15,242 square feet) of land.

This Metes and Bounds description is accompanied by a Survey of the same date.  
Calls in parenthesis denote record information.

*Charles G. Clark 3/4/03*

Charles G. Clark                      Date  
Registered Professional Land Surveyor  
Texas Registration Number 3932

SURVCON INC.  
400 West 15th St., Suite 1030  
Austin, TX 78701  
(512) 457-7870  
March 2003



# U.S. HIGHWAY 290 WEST

0.150 ACRE  
STATE OF TEXAS  
(VOL. 11824, PG. 22, R.P.R.T.C.T.)

## POINT OF BEGINNING

FOUND 1/2" IRON ROD  
WITH PLASTIC CAP  
STAMPED "GARZA ENG"

R.O.W. LINE U.S. 290 WEST

$R = 2291.83'$   
 $L = 93.31'$   
 $\Delta = 219.58^\circ$   
Chord =  $N63^\circ18'02"E$   
 $93.31'$

FOUND 1/2" IRON  
ROD WITH TxDOT  
ALUMINUM CAP

(CHORD:  $N85^\circ17'22"E$   $93.33'$ )

LOT 19-A  
WEDGEWOOD COMMERCIAL,  
SECTION ONE  
(BOOK 59, PAGE 63, T.C.P.R.)

0.350 ACRE

LOT 3  
OAK HILL "Y"  
SECTION ONE  
(BOOK 92, PAGE  
22-23, T.C.P.R.)

LOT LINE

$N39^\circ01'19"W$   
 $129.69'$   
 $N37^\circ02'00"W$

ELEVATED  
BILLBOARD

( $S88^\circ09'30"W$ )  
 $S89^\circ51'11"W$

130.38'

FOUND 1/2"  
IRON ROD

FOUND COTTON  
SPINDLE

LOT 2  
OAK HILL "Y" SECTION ONE  
(BOOK 92, PAGE 22-23, T.C.P.R.)

### NOTES:

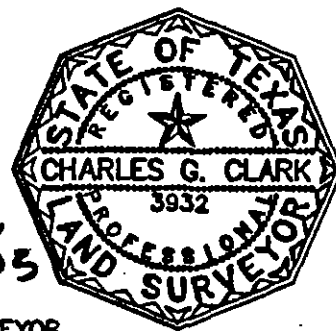
1. BEARING BASIS: RIGHT-OF-WAY MAP (CSJ NO. 0113 08 039) OF U.S. HIGHWAY 290 WEST AS PROVIDED BY TxDOT.
2. TOP OF SIGN IS 56.9 FEET ABOVE THE MAIN TRAVEL LANES OF U.S. HIGHWAY 290.
3. THIS SURVEY IS ACCOMPANIED BY A NARRATIVE METES AND BOUNDS DESCRIPTION.
4. CALLS IN PARENTHESIS DENOTE RECORD INFORMATION.
5. R.P.R.T.C. = REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS.
6. T.C.P.R. = TRAVIS COUNTY PLAT RECORDS.
7. O.P.R.T.C.T. = OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.
8. THIS TRACT LIES WITHIN ZONES X AND AE ACCORDING THE F.E.M.A. FLOOD INSURANCE RATE MAP (F.I.R.M.) COMMUNITY PANEL NO. 48453C0255F, REVISED JUNE 5, 1997.

SHEET 1 OF 1

NO PART OR PARTS OF THIS DRAWING MAY BE REPRODUCED OR RETRANSMITTED IN ANY WAY OR FORM (ELECTRONIC, MECHANICAL, PHOTOCOPYING, OR OTHERWISE) WITHOUT THE EXPRESS WRITTEN PERMISSION OF SURVCON INC.  
DRAWING: Z:\490601 Reagan Sign\dwg\490601.dwg  
PLOTTED: Mar 04, 2003 - 10:52am

*Chas G Clark 3/4/03*

CHARLES G. CLARK  
REGISTERED PROFESSIONAL LAND SURVEYOR  
TEXAS REGISTRATION NUMBER 3932



**BOUNDARY & IMPROVEMENT SURVEY**  
BEING 0.350 ACRES (15,242 SQ. FT.) OF LAND IN  
THE JESSE WILLIAMS SURVEY NO. 62, TRAVIS  
COUNTY, TEXAS AS RECORDED IN DOC. TRV  
2001016320, O.P.R.T.C.T.



**SURVCON INC.**  
PROFESSIONAL SURVEYORS  
400 WEST 15th STREET, SUITE 1030  
AUSTIN, TEXAS 78701  
PH. (512) 457-7870  
www.survcon.com

SCALE:	1"=50'	JOB NO.	4906-01
DATE:	MARCH 4, 2003	F.B. NO.	1187
DRAWN BY:	P. Yglesias	PAGE	3 OF 3



## EXHIBIT B

# Grow Green Native and Adapted Landscape Plants

### Trees

Ash, Texas *Fraxinus texensis*  
 Arizona Cypress *Cupressus arizonica*  
 Big Tooth Maple *Acer grandidentatum*  
 Cypress, Bald *Taxodium distichum*  
 Cypress, Montezuma *Taxodium mucronatum*  
 Elm, Cedar *Ulmus crassifolia*  
 Elm, Lacebark *Ulmus parvifolia*  
 Honey Mesquite *Prosopis glandulosa*  
 Oak, Bur *Quercus macrocarpa*  
 Oak, Chinquapin *Quercus muhlenbergii*  
 Oak, Southern Live *Quercus virginiana*

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

### Small Trees/Large Shrubs

Anacacho Orchit Tree *Bauhinia congesta*  
 Buckeye, Mexican *Ungnadia spectiosa*  
 Buckeye, Rec *Aesculus pavia*  
 Caolina Buckthorn *Rhamnus caroliniana*  
 Cherry Laurel *Prunus caroliniana*  
 Crape Myrtle *Lagerstroemia indica*  
 Desert Willow *Chilopsis linearis*  
 Dogwood, Roughleaf *Cornus drummondii*  
 Escarpment Black Cherry *Prunus serotina* var. *extima*  
 Eve's Necklace *Sophora affinis*  
 Goldenball Leadtree *Leucaena retusa*  
 Holly, Possumhaw *Ilex decidua*  
 Holly, Yaupon *Ilex vomitoria*  
 Mountain Laurel, Texas *Sophora secundiflora*

Persimmon, Texas *Diospyros texana*  
 Pistachio, Texas *Pistacia texana*  
 Plum, Mexican *Prunus mexicana*  
 Pomegranate *Punica granatum*  
 Redbud, Mexican *Cercis canadensis* 'mexicana'  
 Redbud, Texas *Cercis canadensis* var. 'texensis'  
 Retama Jerusalem Thorn *Parkinsonia aculeata*  
 Senna, Flowering *Cassia corymbosa*  
 Smoke Tree, American *Cotinus obovatus*  
 Sumac, Flameleaf *Rhus lanceolata*  
 Viburnum, Rusty Blackhaw *Viburnum rufidulum*  
 Viburnum, Sandankwa *Viburnum suspensum*

## Shrubs

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

## Perennials

- Black-eyed Susan *Rudbeckia hirta*  
 Bulbine *B. frutescens* or *caulescens*  
 Bush Morning Glory *Ipomoea fistulosa*  
 Butterfly Weed *Asclepias tuberosa*  
 Butterfly Weed 'Mexican' *Asclepias curassivica*  
 Cast Iron Plant *Aspidistra elatior*  
 Chile Pequin *Capiscum 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 *Hamella 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 *Polliomntha 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 *Perovaskia 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*  
*latifolium*

Mexican Feathergrass (Wiregrass) *Stipa*  
*temulissima*  
 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*  
 Horsetail *Calypocarpus 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', 'Palls'

## **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

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

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-05-0015

**Z.P.C. DATE:** March 1, 2005

**ADDRESS:** 6941 West U.S. Highway 290

**OWNER:** Convict Hill Development, L.L.C.  
(William K. Reagan, II)

**AGENT:** Brown McCarroll, L.L.P.  
(Nikelle S. Meade)

**ZONING FROM:** RR

**TO:** CS

**AREA:** 0.350 acres (15,246 square feet)

### **SUMMARY STAFF RECOMMENDATION:**

The staff's recommendation is to grant general commercial services – conditional overlay (CS-CO) combining district zoning. The Conditional Overlay: 1) prohibits the following uses: automotive sales; automotive repair services; automotive rentals; automotive washing (of any type); commercial off-street parking; convenience storage; equipment repair; equipment sales; exterminating services; hotel-motel; kennels; off-site accessory parking; pawn shop services; and service station; 2) prohibit drive-in services as an accessory use to a restaurant (general) use or a restaurant (limited) use; and 3) limits development of the property to 2,000 motor vehicles per day.

### **ZONING & PLATTING COMMISSION RECOMMENDATION:**

March 1, 2005: *APPROVED STAFF RECOMMENDATION OF CS-CO DISTRICT ZONING. AS AGREED BETWEEN THE APPLICANT AND STAFF, RESTAURANT (LIMITED) AND RESTAURANT (GENERAL) WERE REMOVED AS PROHIBITED USES, AND INSTEAD, DRIVE-IN SERVICES ARE PROHIBITED AS AN ACCESSORY USE TO A RESTAURANT (LIMITED) OR A RESTAURANT (GENERAL) USE.*

*[J. MARTINEZ; J. GOHIL 2<sup>ND</sup>] (8-0) K. JACKSON – ABSENT*

### **ISSUES:**

The Applicant would like the Council to consider CS-CO district zoning, as the Zoning and Platting Commission and Staff recommended.

The applicant is in agreement with the staff's recommendation and has discussed this case with representatives of the Convict Hill Neighborhood Association and the Oak Hill Association of Neighborhoods (OHAN).

The applicant has indicated his willingness to enter into a Restrictive Covenant with the City that provides that at the time a site plan is submitted, it will include an Integrated Pest Management (IPM) Plan, and a landscape plan for the use of native and adapted plant materials, and also prohibits the use of coal tar sealants.

### **DEPARTMENT COMMENTS:**

The subject property consists of undeveloped land with a billboard and carries rural residence (RR) district zoning. The property has access to the eastbound lanes of West U.S. Highway 290, a major arterial. The property is adjacent to undeveloped property to the south and southwest (zoned CS-CO), and office and automotive uses are directly east (LR-CO; GR-CO; LR; I-SF-2). The Convict Hill neighborhood is situated further south, and primarily consists of single family residences (SF-2; SF-

1), one duplex (SF-3) and undeveloped SF-5 and SF-6 zoned properties as well. Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

The applicant proposes to rezone the property to the general commercial services (CS) district so that it has the opportunity to be combined with the adjacent CS-CO zoned property to the southwest. In consideration of the applicant's rezoning request, Staff researched this 1988-1989 zoning case. The Conditional Overlay for the commercial tracts prohibited several land uses and these have been incorporated into the staff's alternate recommendation.

Staff recommends the applicant's request for CS zoning with a Conditional Overlay based upon the following considerations of the property: 1) it is compatible with the adjacent zoning and uses along West U.S. 290 between Wolfcreek Pass and Hill Oaks Drive and is situated away from residential uses; 2) the Conditional Overlay is consistent with that approved for the adjacent CS-CO zoned property, with the addition of automotive and equipment-related uses in recognition of its location over the Edwards Aquifer Recharge Zone; 3) its frontage on a major arterial roadway, and, 4) an established maximum number of daily vehicle trips that will limit development to maintain acceptable traffic conditions on adjacent roadways and intersections.

#### **EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	RR	Undeveloped with a billboard
<i>North</i>	N / A	West U.S. Highway 290 and West State Highway 71
<i>South</i>	CS-CO; SF-6-CO; SF-1	Undeveloped; Single family residences
<i>East</i>	LR-CO; GR-CO; SF-3; I-SF-2; LR; NO; DR	Office; Automotive repair; Undeveloped; Automotive sales
<i>West</i>	CS-CO; NO; SF-5	Undeveloped

**AREA STUDY:** N / A

**TIA:** Is not required

**WATERSHED:** Williamson Creek --  
Barton Springs Zone

**DESIRED DEVELOPMENT ZONE:** No

**CAPITOL VIEW CORRIDOR:** No

**SCENIC ROADWAY:** No

#### **NEIGHBORHOOD ORGANIZATIONS:**

177 – Convict Hill Neighborhood Association  
 298 – Oak Hill Association of Neighborhoods (OHAN)  
 384 – Save Barton Creek Association                      385 – Barton Springs Coalition  
 428 – Barton Springs / Edwards Aquifer Conservation District  
 605 – City of Rollingwood  
 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

Small Middle School

Austin High School



**CASE HISTORIES:**

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-02-0139	SF-1 to SF-3	Sent to the City Council without a recommendation	Applicant withdrew the case (3-6-03).
C14-99-2013	DR to GR	To Grant LR for Tract 1 and GR for Tract 2, In Tract 2, GR limited to car wash footprint only; max. of 2,000 trips per day; no access to Hill Oaks Drive.	Approved PC recommendation of LR-CO w/conditions for Tract 1; GR-CO w/conditions for Tract 2 (footprint only) (1/27/00).
C14r-85-389-CO	I-RR to SF-6; CS		Approved CS-CO for Tracts 1 and 2; SF-6-CO for Tract 3. Conditions include prohibited uses, gross floor area; structure height; buffering; emergency access, and r-o-w dedication. Note: No site plan attached to ordinance (1/5/89).
C14-85-288.D (A part of Tract 101)	I-SF-2 to SF-3	To Grant SF-3	Approved SF-3 (1986).

**RELATED CASES:**

The subject property was converted from interim – rural residence to rural residence district zoning in October 1987 (C14-85-288.L). There are no related subdivision or site plan cases on the subject property.

**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Sidewalks	Bus Route	Bike Route
U.S. 290 West	Varies	2 @ 24 feet	Major Arterial	No	Route # 171 & 133	No

**CITY COUNCIL DATE:** April 7, 2005

**ACTION:** Approved a Postponement to 04-14-05 (6-0, McCracken off the dais)

\*Staff to research previous approvals on the adjacent property to the west.

April 14, 2005

Approved LR district zoning, on First Reading (7-0).

August 18, 2005

Approved a Postponement request by the Staff to September 1, 2005 (7-0).

September 1, 2005

**ORDINANCE READINGS:** 1<sup>st</sup> April 14, 2005

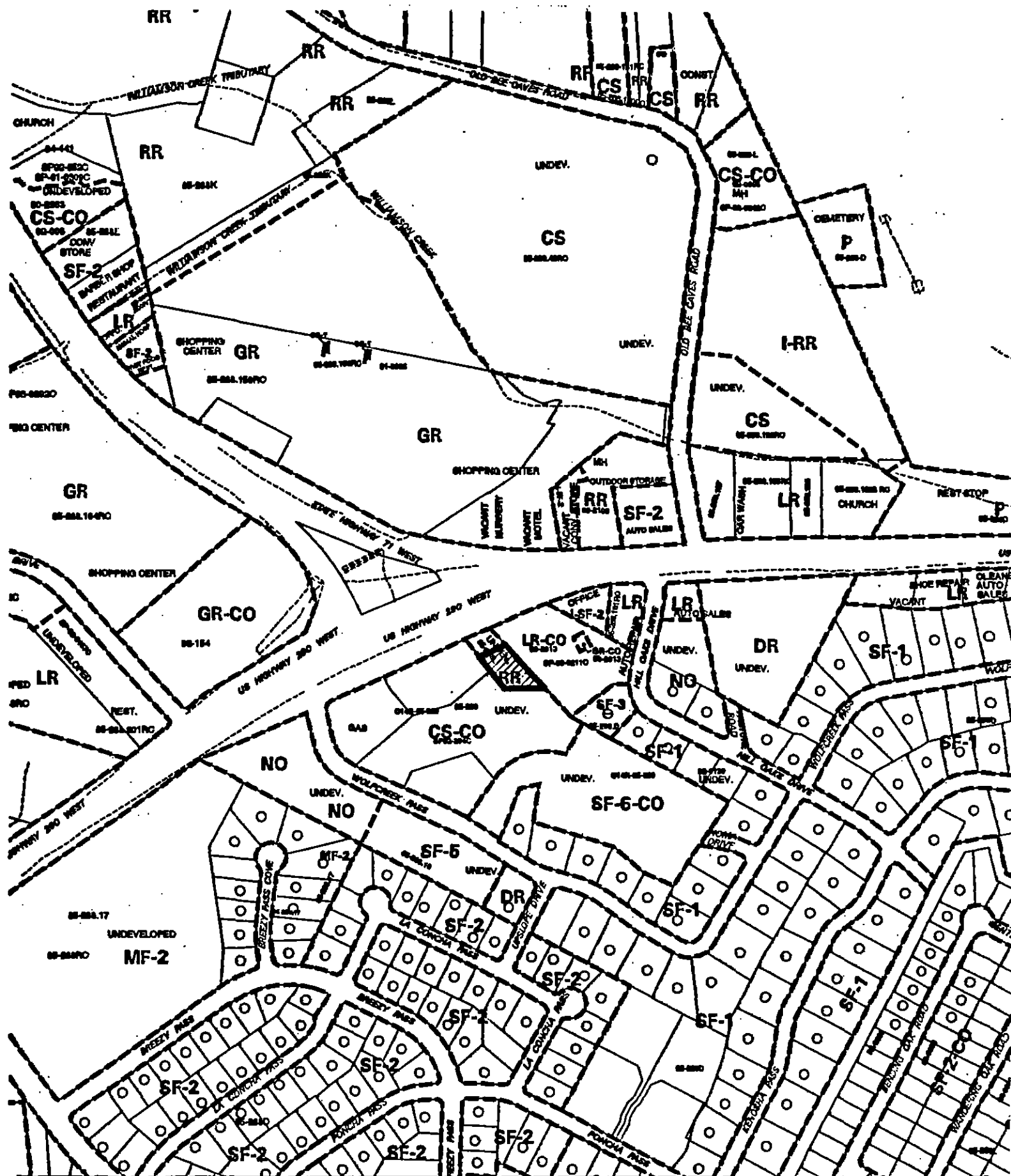
2<sup>nd</sup>





3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Wendy Walsh  
e-mail: wendy.walsh@ci.austin.tx.us

**PHONE:** 974-7719



 1" = 400'	SUBJECT TRACT		<b>ZONING EXHIBIT A</b>  <b>CASE #: C14-05-0015</b> <b>ADDRESS: 0941 W US HWY 200</b> <b>SUBJECT AREA (acres): 0.350</b>	<b>DATE: 05-02</b>  <b>INTLS: SM</b>	<b>CITY GRID REFERENCE NUMBER</b>  <b>C18</b>
	PENDING CASE				
	ZONING BOUNDARY				
	CASE MGR: W. WALSH				

GR

UNDEV.

288.150RC

UNDEV.

SHOPPING CENTER

OUTDOOR STORAGE

SF-2

AUTO SALES

OFFICE

I-SF-2

LR

LR

AUTO SALES

LR-CO

88-2013

GR-CO

89-2013

SF08-0211C

RR

NO

C14R-85-189

85-288

GAS

CS-CO

88-2013

SF-3

85-288D

NO

SF-1

UNDEV.

C14R-85-389

02-0113

UNDEV.

NO

SF-6-CO

MF-2

SF-5

UNDEV.

DR

SF-2

SF-2

**SUMMARY STAFF RECOMMENDATION:**

The staff's recommendation is to grant general commercial services – conditional overlay (CS-CO) combining district zoning. The Conditional Overlay: 1) prohibits the following uses: automotive sales; automotive repair services; automotive rentals; automotive washing (of any type); commercial off-street parking; convenience storage; equipment repair; equipment sales; exterminating services; hotel-motel; kennels; off-site accessory parking; pawn shop services; and service station; 2) prohibit drive-in services as an accessory use to a restaurant (general) use or a restaurant (limited) use; and 3) limits development of the property to 2,000 motor vehicles per day.

**BACKGROUND**

The subject property consists of undeveloped land with a billboard and carries rural residence (RR) district zoning. The property has access to the eastbound lanes of West U.S. Highway 290, a major arterial. The property is adjacent to undeveloped property to the south and southwest (zoned CS-CO), and office and automotive uses are directly east (LR-CO; GR-CO; LR; I-SF-2). The Convict Hill neighborhood is situated further south, and primarily consists of single family residences (SF-2; SF-1), one duplex (SF-3) and undeveloped SF-5 and SF-6 zoned properties as well.

The applicant proposes to rezone the property to the general commercial services (CS) district so that it has the opportunity to be combined with the adjacent CS-CO zoned property to the southwest. In consideration of the applicant's rezoning request, Staff researched this 1988-1989 zoning case. The Conditional Overlay for the commercial tracts prohibited several land uses and these have been incorporated into the staff's alternate recommendation.

Staff recommends the applicant's request for CS zoning with a Conditional Overlay based upon the following considerations of the property: 1) it is compatible with the adjacent zoning and uses along West U.S. 290 between Wolfcreek Pass and Hill Oaks Drive and is situated away from residential uses; 2) the Conditional Overlay is consistent with that approved for the adjacent CS-CO zoned property, with the addition of automotive and equipment-related uses in recognition of its location over the Edwards Aquifer Recharge Zone; 3) its frontage on a major arterial roadway, and, 4) an established maximum number of daily vehicle trips that will limit development to maintain acceptable traffic conditions on adjacent roadways and intersections.

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

CS, Commercial Services, zoning is intended for commercial or industrial uses that typically have operating characteristics or traffic service requirements generally incompatible with residential environments.

The property has access to West U.S. Highway 290, a major arterial, is in proximity to other commercial and office uses, and is situated away from residential development.

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

Staff recommends the applicant's request for CS zoning with a Conditional Overlay based upon the following considerations of the property: 1) it is compatible with the adjacent zoning and uses along West U.S. 290 between Wolfcreek Pass and Hill Oaks Drive and is situated away from residential uses; 2) the Conditional Overlay is consistent with that approved for the adjacent CS-

CO zoned property, with the addition of automotive and equipment-related uses in recognition of its location over the Edwards Aquifer Recharge Zone; 3) its frontage on a major arterial roadway, and, 4) an established maximum number of daily vehicle trips that will limit development to maintain acceptable traffic conditions on adjacent roadways and intersections.

## **EXISTING CONDITIONS**

### **Site Characteristics**

The property is undeveloped. The site slopes upwards to the west and there appear to be no significant topographical constraints on the site.

### **Impervious Cover**

The maximum impervious cover allowed by the CS-CO zoning district would be 25%, which is based on the more restrictive watershed regulations described below.

### **Environmental**

This site is located over the 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. It is in the Drinking Water Protection Zone. Project applications at the time of this report are subject to the SOS Ordinance that allows 15% impervious cover in the Recharge Zone, 20% impervious cover in the Barton Creek watershed and 25% impervious cover in the Contributing Zone. This tract lies in the Contributing Zone.

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.

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. Runoff from the site is required to comply with pollutant load restrictions as specified in LDC Section 25-8-514.

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 regulations.

### **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 City of Austin Capital Improvement Program (C.I.P.) Roadway Construction Projects and Transportation Systems Management (T.S.M.) projects. A comment from this reviewer that no right-of-way is needed applies only to needs for these categories, and does not preclude the need to dedicate right-of-way to satisfy requirements by others. There are separate right-of-way dedication and reservation requirements enforced by other City Departments and other governmental

jurisdictions to secure right-of-way for roadway improvements contained in the Austin Metropolitan Area Roadway Plan that may not yet be funded, roadway projects funded by County and State agencies, and for dedication in accordance with the functional classification of the roadway.

No aspect of the proposed project is being considered or approved as part of this review other than the need for right-of-way for City-funded projects. If the configuration of the site/subdivision/plan will require any variances to Transportation Criteria Manual standards, the variance request(s) must be submitted separately through the assigned City of Austin case manager.

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**

The Austin Metropolitan Area Transportation Plan calls for a total of 400 feet of right-of-way for US 290 West. Reservation of additional right-of-way may be required during the subdivision or site plan process in accordance with the Transportation Plan. [LDC, Sec. 25-6-51 and 25-6-55]

The trip generation under the requested zoning is estimated to be 3,138 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 waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

### **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 utility 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 design criteria. The utility construction must be inspected by the City. The landowner must pay the associated City fees.

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

### **Compatibility Standards**

This tract is undeveloped with a billboard. However, any new construction on this site would be subject to compatibility development regulations due to the existing SF-2 zoned property to the south, east and west, and would be subject to the following requirements:

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

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.

• No parking or driveways are allowed within 25 feet of the property line.  
In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

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

The property lies in an overlay of the Barton Springs Zone.