

SECOND AND THIRD READING SUMMARY SHEET

ZONING CASE NUMBER: C14-2018-0128 – 2323 South Lamar

DISTRICT: 5

REQUEST: Conduct a public hearing and approve second and third readings of an ordinance amending City Code Title 25 by rezoning property locally known as 2323 South Lamar Boulevard, 2421 Bluebonnet Lane, and 2315 South Lamar Boulevard (West Bouldin Creek Watershed). Applicant request: To rezone from limited office-conditional overlay (LO-CO) combining district zoning, community commercial-conditional overlay (GR-CO) combining district zoning, and community commercial-vertical mixed use-conditional overlay (GR-V-CO) combining district zoning to limited office-vertical mixed use-conditional overlay (LO-V-CO) combining district zoning and community commercial-vertical mixed use-conditional overlay (GR-V-CO) combining district zoning, as amended. First reading approved on September 19, 2019. Vote: 10-0; Pool- Off the dais. Owner/Applicant: 2323 South Lamar, LTD (Kirk Rudy). Agent: Armbrust and Brown (Richard Suttle). City Staff: Heather Chaffin, 512-974-2122.

DEPARTMENT COMMENTS: No conditions were added. Public hearing is left open.

OWNER/APPLICANT: 2323 South Lamar, LTD (Kirk Rudy)

AGENT: Armbrust and Brown (Richard Suttle)

DATE OF FIRST READING: First reading approved on September 24, 2019.

CITY COUNCIL HEARING DATES/ACTION:

October 3, 2019:

September 24, 2019: To grant GR-V-CO and LR-V-CO as recommended by Staff, (10-0)
[Kitchen- 1st, Pool- 2nd, Pool- Off the dais.

CITY COUNCIL ACTION:

ORDINANCE NUMBER:

ASSIGNED STAFF: Heather Chaffin

e-mail: heather.chaffin@austintexas.gov

ZONING CHANGE REVIEW SHEET

CASE: C14-2018-0128 – 2323 South Lamar

DISTRICT: 5

ZONING FROM: LO-CO, GR-CO and GR-V-CO, as amended

TO: LO-V-CO and GR-V-CO, as amended

SITE AREA: 1.858 Acres

ADDRESS: 2323 South Lamar Blvd., 2421 Bluebonnet Ln., and 2315 South Lamar Blvd.

PROPERTY OWNERS:

2323 South Lamar, LTD
(Kirk Rudy)

AGENT:

Armbrust & Brown, PLLC
(Richard Suttle)

CASE MANAGER: Heather Chaffin (512-974-2122, heather.chaffin@austintexas.gov)

STAFF RECOMMENDATION:

Staff supports the Applicant's request for rezoning from LO-CO, GR-CO and GR-V-CO to LO-V-CO and GR-V-CO, with the following conditions:

1. The following land uses shall be prohibited: automotive repair services, automotive sales, automotive rentals, automotive washing (of any type), pawn shop services, exterminating services, and funeral services.

2. The property will be subject to the conditions outlined in the attached Traffic Impact Analysis (TIA) Memorandum.

For a summary of the basis of staff's recommendation, see case manager comments on page 2.

PLANNING COMMISSION ACTION / RECOMMENDATION:

August 13, 2019: *TO GRANT LO-V-CO AND GR-V-CO AS RECOMMENDED BY STAFF WITH ADDITIONAL CONDITIONS.*

STAFF RECOMMENDATION INCLUDES THE FOLLOWING CONDITIONS:

1. THE FOLLOWING LAND USES SHALL BE PROHIBITED: ALTERNATIVE FINANCIAL SERVICES, AUTOMOTIVE REPAIR SERVICES, AUTOMOTIVE SALES, AUTOMOTIVE RENTALS, AUTOMOTIVE WASHING (OF ANY TYPE), BAIL BOND SERVICES, PAWN SHOP SERVICES, EXTERMINATING SERVICES, FUNERAL SERVICES, AND RESIDENTIAL TREATMENT.

2. THE PROPERTY WILL BE SUBJECT TO THE CONDITIONS OUTLINED IN THE ATTACHED TRAFFIC IMPACT ANALYSIS (TIA) MEMORANDUM.

CONDITIONS ADDED BY PLANNING COMMISSION INCLUDE:

1. THE FOLLOWING LAND USES SHALL BE PROHIBITED: ADULT-ORIENTED BUSINESSES, DRIVE-IN SERVICES, DROP-OFF RECYCLING COLLECTION FACILITY, SCRAP AND SALVAGE SERVICES, AND SERVICE STATION.

(9-0) [G. Anderson- 1st, C. Kenny- 2nd; A. Azhar, P. Howard, R. Schneider, P. Seeger- Absent]

July 23, 2019: *TO GRANT POSTPONEMENT TO AUGUST 13, 2019, AS REQUESTED BY STAFF, ON CONSENT.*

July 9, 2019: *TO GRANT POSTPONEMENT TO JULY 23, 2019, AS REQUESTED BY STAFF, ON CONSENT. (11-0). [SEEGAR- 1ST, SCHNEIDER-2ND; HOWARD, LLANES-PULIDO-- ABSENT]*

March 12, 2019: *TO GRANT APPLICANT'S REQUEST FOR INDEFINITE POSTPONEMENT APPROVED ON CONSENT, (12-0). [SEEGAR- 1ST, MCGRAW-2ND; DEHOYOS HART- ABSENT]*

February 26, 2019: *TO GRANT APPLICANT'S REQUEST FOR POSTPONEMENT TO MARCH 12, 2019, APPROVED ON CONSENT, (12-0). [SEEGAR- 1ST, ANDERSON-2ND; DEHOYOS HART- ABSENT]*

February 12, 2019: *NO ACTION TAKEN – NO QUORUM*

CITY COUNCIL ACTION:

September 19, 2019:

August 22, 2019: *TO GRANT POSTPONEMENT AS REQUESTED BY NEIGHBORHOOD TO SEPTEMBER 19, ON CONSENT (11-0)*

August 8, 2019: *TO GRANT POSTPONEMENT AS REQUESTED BY STAFF TO AUGUST 22, ON CONSENT (11-0) [Pool- 1st, Renteria-2nd]*

March 28, 2019: *TO GRANT INDEFINITE POSTPONEMENT AS REQUESTED BY APPLICANT, ON CONSENT (11-0) [Renteria- 1st, Flannigan-2nd]*

March 7, 2019: *TO GRANT POSTPONEMENT TO MARCH 28, 2019 AS REQUESTED BY STAFF, ON CONSENT (11-0) [Pool- 1st, Flannigan-2nd]*

ORDINANCE NUMBER:

ISSUES:

The rezoning request was originally filed to rezone 0.642 acres of land but has been revised to include an adjacent tract, totaling 1.858 acres. All three tracts are under the same ownership and are intended to be developed as a cohesive mixed use project. While a portion of the site already has GR-V-CO zoning, it has been brought into the application in order to address transportation and other issues in a cohesive manner that reflects the intensity of the overall project.

CASE MANAGER COMMENTS:

The proposed rezoning is for property at the northeast corner of Bluebonnet Lane and South Lamar Boulevard. The rezoning area is comprised of three separate lots that are under the same ownership. The rezoning request proposes adding vertical mixed use building (-V) to the existing zoning on the property, which is currently zoned LO-CO, GR-CO, and GR-V-CO zoning. The property is currently developed with an automotive repair shop, a disused parking lot and undeveloped land. Northeast of the rezoning tract is property zoned CS-V that is developed with affordable multifamily land use (Bluebonnet Studios). East of the rezoning tract is property zoned LO that is developed with multifamily land use. Southeast of the property is land zoned MF-2-CO that is currently under construction with multifamily land use. Further east of these properties are SF-3 lots developed with single family land uses. South and west of the property, across Bluebonnet Lane, are properties zoned LO-MU-CO and MF-2 that are each developed with multifamily land use. Northwest of the rezoning tract, also across Bluebonnet Lane, is limited retail land use (Walgreens). ***Please see Exhibits A and B—Zoning Map and Aerial Exhibit.***

The subject property was rezoned in 2008, and conditional overlays were attached. ***Please see Exhibit C- Zoning Ordinance.*** The Applicant proposes retaining the list of prohibited land uses from the current ordinance, which includes automotive repair services, automotive sales, automotive rentals, automotive washing (of any type), pawn shop services, exterminating services, and funeral services. A Traffic Impact Analysis (TIA) was created to address transportation issues that are currently addressed via a conditional overlay. The TIA will be attached to the rezoning ordinance via a public restrictive covenant. ***Please see Exhibit D- TIA Memorandum.***

A private restrictive covenant (RC) was also placed on the property in 2008. The RC is between the property owner and the South Lamar Neighborhood Association and is still binding. Since it is a private RC, the City is not responsible for enforcement. The RC establishes:

1. No “fast-food” restaurants;
2. Drive-thru facilities are prohibited (all types);
3. Buffering between Tract 1 and adjacent single family use (note- adjacent property is under construction as multifamily use);
4. Redevelopment shall comply with COA Neighborhood Compatibility Standards and Tree Ordinance; and,
5. At time of site development permitting, the owner shall work with COA staff to detain/grade to address site conditions and “make reasonable efforts to improve existing offsite drainage conditions.”

Staff has received correspondence regarding the requested rezoning, including questions about

existing encumbrances—liens, easements, deed restrictions, etc. The property owner has provided this information to Staff, and it has been passed on to the requestor(s). Staff is attaching a copy of the subdivision plat which shows all existing easements. ***Please see Exhibits E, F, and G- Correspondence, Private Restrictive Covenant, and Subdivision Plat.***

STAFF RECOMMENDATION:

Staff supports the requested rezoning to LO-V-CO and GR-V-CO, with the conditions listed above. Adding vertical mixed use on the rezoning tract will allow the rezoning tract to be redeveloped as single development with the remainder of the lots. If rezoned, the three lots would have more cohesive zoning that includes the V designation that is permitted along South Lamar Boulevard. This would allow redevelopment consistent with other mixed use and multifamily projects along this Core Transit Corridor.

BASIS OF RECOMMENDATION:

1. *Granting of the request should result in an equal treatment of similarly situated properties.*

Adding the V designation to the rezoning tract will result in equal treatment as the remainder of the lots they are a part of. The addition of V to these tracts reflects the similar treatment of several other properties in the vicinity, which is a Core Transit Corridor.

2. *The proposed zoning should be consistent with the goals and objectives of the City Council.*

Currently, the LO-CO and GR-CO zoning on the subject tract does not allow residential development. Adding the V designation will allow the development of a cohesive multifamily project along a Core Transit Corridor, meeting many of the goals of the Strategic Housing Blueprint.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	LO-CO, GR-CO	Undeveloped
North	GR-V-CO, CS-V	Parking lot, Automotive repair services
South	MF-2-CO, SF-3	Multifamily (under construction), Single family residential
East	LO, SF-3	Multifamily residential, Single family residential
West	GR-CO, LO-CO, LO-MU-CO, MF-2	Limited retail services, Multifamily residential

NEIGHBORHOOD PLANNING AREA: South Lamar Combined (Suspended)

TIA: See attached memorandum

WATERSHED: West Bouldin Creek

NEIGHBORHOOD ORGANIZATIONS:

Homeless Neighborhood Association
 Austin Neighborhoods Council
 Friends of Austin Neighborhoods
 Neighborhood Empowerment Foundation
 PERRY GRID 614
 Friends of Zilker
 South Lamar Neighborhood Association
 TNR BCP – Travis County Natural Resources

AISD
 Bike Austin
 Preservation Austin
 South Central Coalition
 Sierra Club
 Save our Springs Alliance
 The Village at Kinney Court
 SELTexas

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2008-0070 – South Lamar and Bluebonnet; 2323 and 2315 South Lamar Boulevard, 2421 Bluebonnet Lane	SF-2 and CS to GR	08-26-08- Rec LO-CO for Tract 1, GR-CO for Tract 2, GR-V-CO for Tract 3.	11-20-08 - LO-CO for Tract 1, GR-CO for Tract 2, GR-V-CO for Tract 3 (CO for 2,000 vpd, access to Bluebonnet limited to 1 driveway, prohibited uses –automotive, pawn shop, exterminating, funeral services)
C14-2008-0019 – South Lamar Vertical Mixed Use	CS to CS-V	05-13-08 - Rec CS-V	06-18-08 – Apvd CS-V
C14-2013-0056 – 2505 & 2507 Bluebonnet Rezoning	SF-3 to MF-2	09-10-13 –Rec MF-6-CO	10-17-13 – Approved MF-2-CO (CO – limit to 18 res units, 20 units/ acre, max height of 30 ft or 2 stories, rooftop access limited)
C14-2009-0039 Danziger 2 2305 Bluebonnet Lane	LO to MF-3-CO	06-23-09- Rec MF-3-CO (CO for bldg. coverage (50%) and impervious cover (65%).	07-23-09 – Approved MF-3-CO (CO for 200 trips, max of 7 res units, max bldg. coverage 50%, max impervious coverage 65%)

EXISTING STREET CHARACTERISTICS:

Name	ROW	Pavement	Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Bluebonnet Lane	Varies (55'-64')	25'	Collector	Yes	Yes, shared lane	Yes, Routes 3, 300, 484

OTHER STAFF COMMENTS:**COMPREHENSIVE PLANNING**

Connectivity: Public sidewalks are located along both sides of South Lamar Blvd. A Cap Metro Transit Stop is located less than 100 ft. away from the project area. Bike lanes are located intermittently along South Lamar Blvd. There is no urban trail within a quarter mile of this property. The Walkscore for this property 79/100, Very Walkable, meaning most errands may be accomplished on foot. The connectivity and mobility options in the area are above average. Imagine Austin: The Imagine Austin Growth Concept Map identifies this section of South Lamar Boulevard as an Activity Corridor. Activity corridors are the connections that link activity centers and other key destinations to one another and allow people to travel throughout the city and region by bicycle, transit, or automobile. Corridors are characterized by a variety of activities and types of buildings located along the roadway — shopping, restaurants and cafés, parks, schools, single-family houses, apartments, public buildings, houses of worship, mixed-use buildings, and offices. Along many corridors, there will be both large and small redevelopment sites. The following Imagine Austin policies are applicable to this case and support ‘complete communities.’

☐ LUT P3. Promote development in compact centers, communities, or along corridors that are connected by roads and transit that are designed to encourage walking and bicycling, and reduce health care, housing and transportation costs.

☐ HN P10. Create complete neighborhoods across Austin that have a mix of housing types and land uses, affordable housing and transportation options, and access to healthy food, schools, retail, employment, community services, and parks and recreation options.

☐ LUT P7. Encourage infill and redevelopment opportunities that place residential, work, and retail land uses in proximity to each other to maximize walking, bicycling, and transit opportunities.

Based upon the property: (1) being located along a major Activity Corridor, which supports vertical mixed use and residential projects; (2) the project including an affordable housing component, which is much needed throughout Austin; and (3) the above average mobility and connectivity options in the area, contributing toward making this corridor a ‘complete community’ this proposed vertical mixed use project appears to support by the Imagine Austin Comprehensive Plan.

ENVIRONMENTAL

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the West Bouldin Creek Watershed of the Colorado River Basin, which is classified as an Urban

Watershed by Chapter 25-8 of the City's Land Development Code.

2. Zoning district impervious cover limits apply in the Urban Watershed classification.
3. According to floodplain maps there is no floodplain within or adjacent to the project location.
4. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
5. Some trees may be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, caves, sinkholes, and wetlands.
6. This site is required to provide on-site water quality controls (or payment in lieu of) for all development and/or redevelopment when 8,000 s.f. cumulative is exceeded, and on site control for the two-year storm.

SITE PLAN

- SP 1. Site plans will be required for any development other than single-family or duplex.
- SP 2. Any development which occurs in an SF-6 or less restrictive zoning district which is located 540 feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.
- SP 3. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

TRANSPORTATION

- TR1. Per Ordinance No. 20170302-077, off-site transportation improvements and mitigations will be required at the time of site plan application. Coordination will be required with Austin Transportation Department and Corridor Planning Office to determine the mitigations at the time of the site plan application.
- TR2. Additional right-of-way maybe required at the time of subdivision and/or site plan.
- TR3. Janae Spence, Urban Trails, Public Works Department, Mike Schofield, Bicycle Program, Austin Transportation Department may provide additional comments regarding bicycle and pedestrian connectivity per the Council Resolution No. 20130620-056.
- TR4. According to the Austin 2014 Bicycle Plan approved by Austin City Council in November, 2014, a bike lane is recommended for Bluebonnet Lane. Mike Schofield, Bicycle Program, Austin Transportation Department may provide additional comments and requirements for right-of-way dedication and bicycle facility construction in accordance with LDC 25-6-55 and LDC 25-6-101. Please review the Bicycle Master Plan for more information.
- TR5. Existing Street Characteristics:

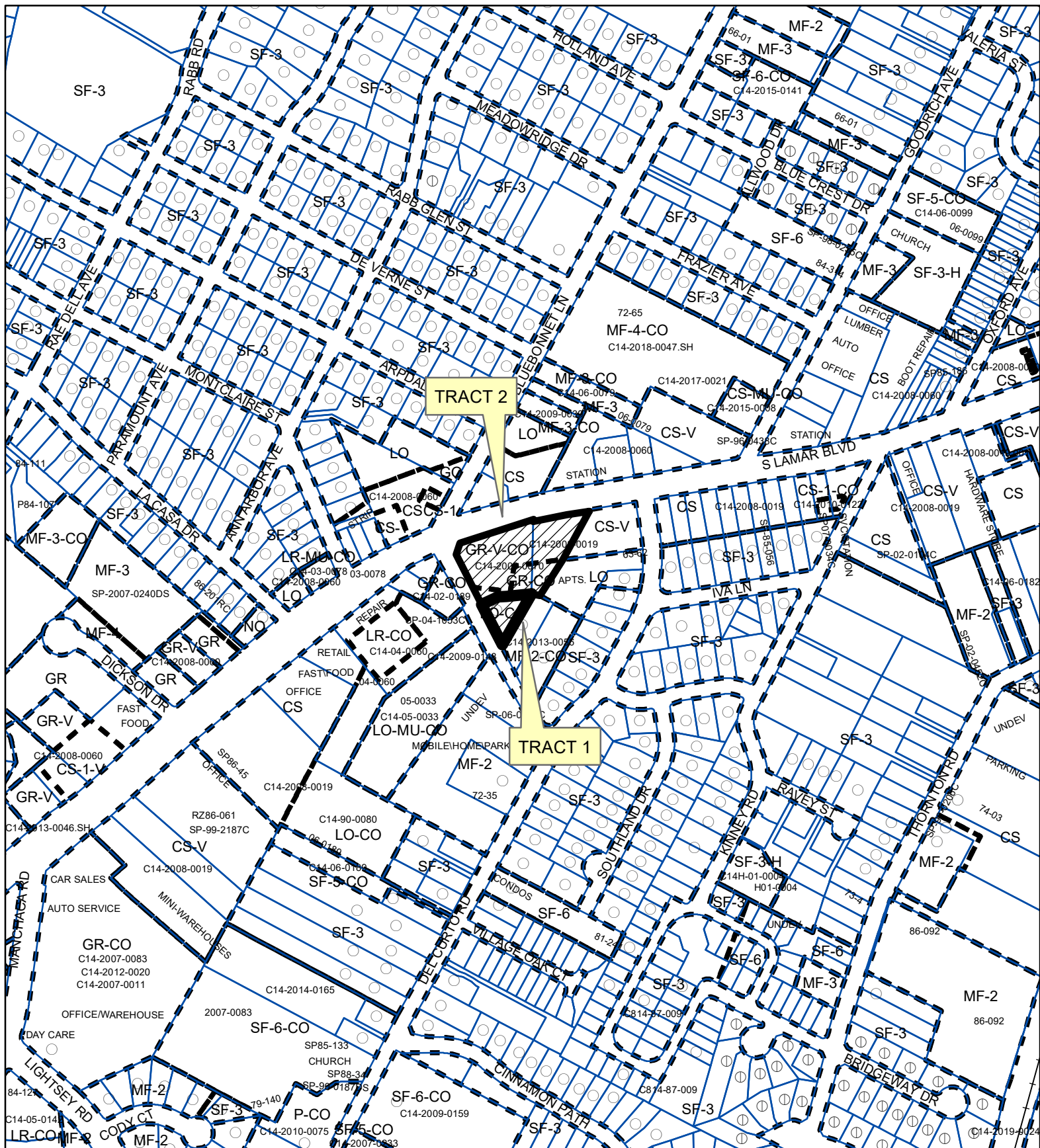
Name	ROW	Pavement	Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Bluebonnet Lane	Varies (55'-64')	25'	Collector	Yes	Yes, shared lane	Yes, Routes 3, 300, 484

WATER UTILITY

1. The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. Water and wastewater utility plans must be reviewed and approved by the Austin Water Utility for compliance with City criteria. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

INDEX OF EXHIBITS TO FOLLOW

- A: Zoning Map
- B. Aerial Exhibit
- C. Zoning Ordinance
- D. TIA Memorandum
- E. Correspondence
- F. Private Restrictive Covenant
- G. Subdivision Plat



ZONING

ZONING CASE#: C14-2018-0128

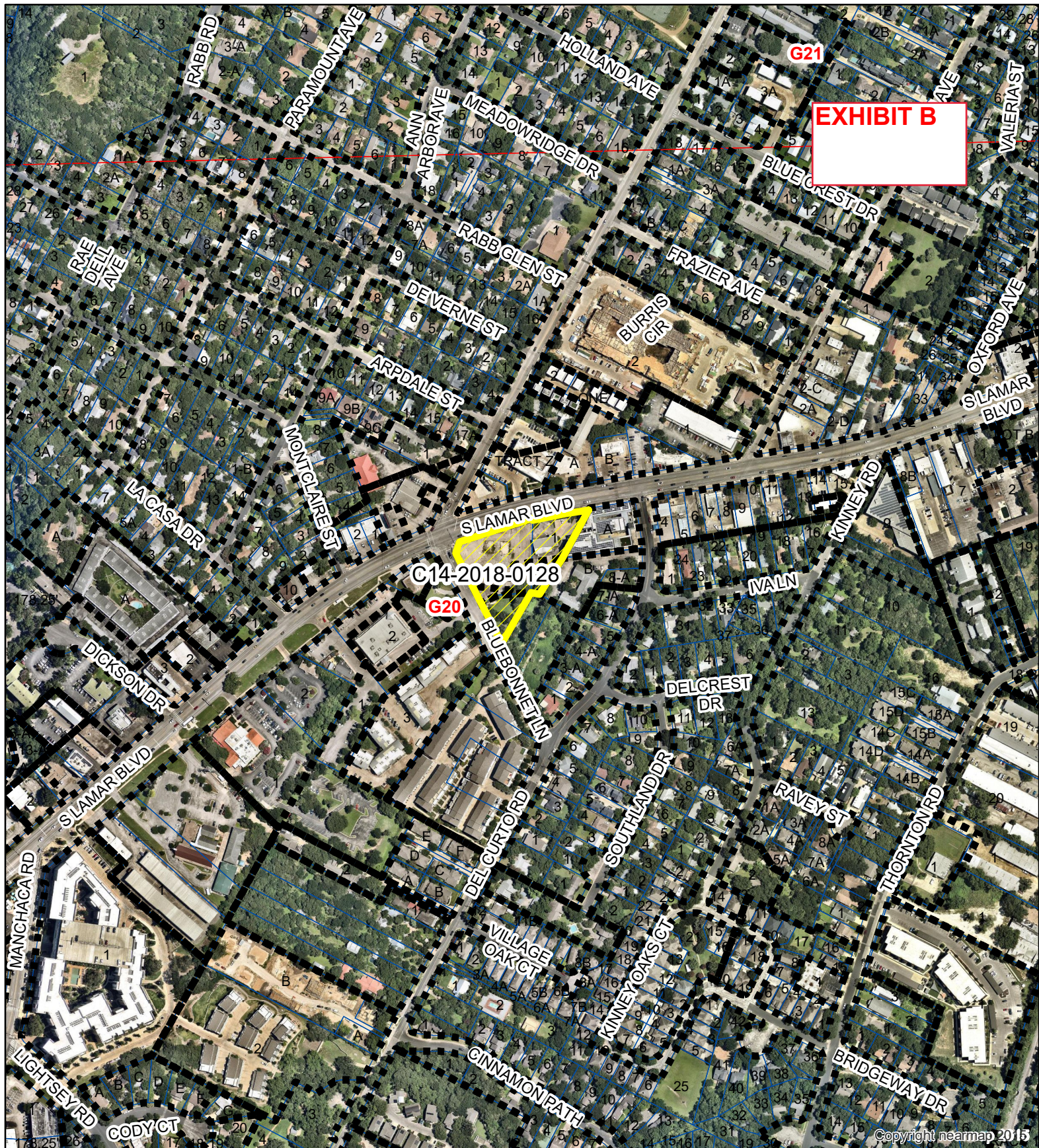


This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.





This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

Created: 8/27/2019

1" = 400'



2323 SOUTH LAMAR

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

ZONING CASE#: C14-2018-0128
 LOCATION: 2323 S. LAMAR
 SUBJECT AREA: .62 Acres
 GRID: G20
 MANAGER: Heather Chaffin



1" = 400'

This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 2323 SOUTH LAMAR BOULEVARD, 2315 SOUTH LAMAR BOULEVARD, AND 2421 BLUEBONNET LANE FROM FAMILY RESIDENCE (SF-2) DISTRICT AND GENERAL COMMERCIAL SERVICES (CS) DISTRICT TO LIMITED OFFICE-CONDITIONAL OVERLAY (LO-CO) COMBINING DISTRICT FOR TRACT ONE, COMMUNITY COMMERCIAL-CONDITIONAL OVERLAY (GR-CO) COMBINING DISTRICT FOR TRACT TWO, AND COMMUNITY COMMERCIAL-VERTICAL MIXED USE BUILDING-CONDITIONAL OVERLAY (GR-V-CO) COMBINING DISTRICT FOR TRACT THREE..

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 on the property described in Zoning Case No. C14-2008-0070, on file at the Neighborhood Planning and Zoning Department, as follows:

Tract One: From family residence (SF-3) district to limited office-conditional overlay (LO-CO) combining district.

A 0.295 acre (12,832 sq. ft.) tract of land, more or less, out of the Isaac Decker League, Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance;

Tract Two: From family residence (SF-3) district to community commercial-conditional overlay (GR-CO) combining district.

A 0.347 acre (15,097 sq. ft.) tract of land, more or less, out of the Isaac Decker League, Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "B" incorporated into this ordinance; and,

Tract Three: From general commercial services (CS) district to community commercial-vertical mixed use building-conditional overlay (GR-V-CO) combining district.

A 1.241 acre (54,038 sq. ft.) tract of land, more or less, out of the Isaac Decker League, Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "C" incorporated into this ordinance (the "Property"),

locally known as 2323 South Lamar Boulevard, 2315 South Lamar Boulevard, and 2421 Bluebonnet Lane, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "D".

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

- A. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 2,000 trips per day.
- B. Access from the Property to Bluebonnet Lane is limited to one driveway cut.
- C. The following uses are prohibited uses of Tracts Two and Three:

Automotive repair services
Automotive sales
Exterminating services
Pawn shop services

Automotive rentals
Automotive washing (of any type)
Funeral services

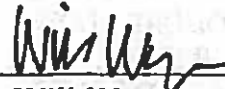
Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the respective base districts, and other applicable requirements of the City Code.

PART 3. This ordinance takes effect on December 1, 2008.

PASSED AND APPROVED

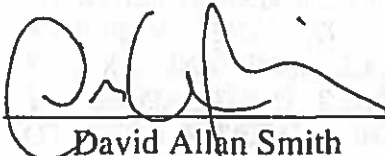
_____, November 20, 2008

§
§
§



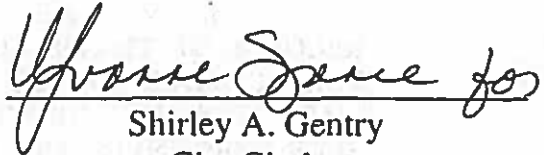
Will Wynn
Mayor

APPROVED:



David Allan Smith
City Attorney

ATTEST:



Shirley A. Gentry
City Clerk

EXHIBIT A

TRACT 1
FIELD NOTE DESCRIPTION OF A
12,832 SQUARE FEET (0.295 ACRE) TRACT OF LAND

DESCRIBING A 12,832 SQUARE FEET (0.295 ACRE) TRACT OF LAND SITUATED IN THE ISAAC DECKER LEAGUE, CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PORTION OF LOT 2, THEODORE LOW HEIGHTS SUBDIVISION OF RECORD IN VOLUME 445, PAGE 581, DEED RECORDS OF TRAVIS COUNTY, TEXAS (D.R.T.C.T.), AND BEING ALL OF THAT CERTAIN CALLED 0.30 ACRE TRACT OF LAND DESCRIBED IN A WARRANTY DEED TO MARY JEANNETTE JOHNSON ROUW OF RECORD IN VOLUME 10663, PAGE 197, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, SAVE AND EXCEPT THAT CERTAIN CALLED 227 S.F. TRACT QUITCLAIMED BY MARY JEANNETTE JOHNSON ROUW AND ROBERT H. ROUW TO BLUE EYED INVESTMENTS CORPORATION AND R.L. WHEAT ENTERPRISES, INC. BY QUITCLAIM DEED OF RECORD IN DOCUMENT NO. 2003216109, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS (O.P.R.T.C.T.); SAID 12,832 SQUARE FEET (S.F.) TRACT OF LAND HAVING BEEN CONVEYED TO TALISMAN PARTNERS, LTD. BY SPECIAL WARRANTY DEED OF RECORD IN DOCUMENT NO. 2005094008, O.P.R.T.C.T. AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½-inch iron rod found in the easterly right-of-way (r.o.w.) line of Blue Bonnet Lane (a variable width r.o.w. at this location), for the northwest corner of said 0.295 acre tract, same being the southwest corner of that certain called 46,513 s.f. tract conveyed to Talisman Partners, Ltd. of record in Document No. 2003248089, O.P.R.T.C.T.;

THENCE departing the easterly R.O.W. line of said Blue Bonnet Lane, with the common line of the northerly line of said Talisman Partners 0.295 acre tract and the southerly line of said 46,513 s.f. tract the following two (2) courses and distances:

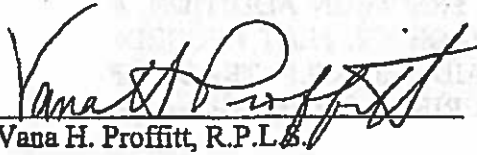
- 1) North 67 degrees 52 minutes 44 seconds East, a distance of 63.66 feet to a ½-inch iron rod found for an angle point of the herein described tract;
- 2) South 89 degrees 34 minutes 22 seconds East, a distance of 25.91 feet to a ½-inch iron rod with orange plastic cap stamped "Wallace Group" found for an angle point of the herein described tract;

THENCE North 86 degrees 17 minutes 26 seconds East, a distance of 79.13 feet with the common line of the northerly line of the herein described tract and the southerly line of said 46,513 s.f. tract;

Tract 1
Page 2

THENCE South 32 degrees 09 minutes 57 seconds West, a distance of 191.29 feet with the southeast line of said 0.295 acre Talisman tract, same being the northwest line of that certain called 0.389 acre tract conveyed to Gabriel M. Davis and Roberta E. Leahy by deed of record in Document No. 2000157804, O.P.R.T.C.T. to a ½-inch iron rod found in the easterly R.O.W. of said Blue Bonnet Lane for the most southerly corner of the herein described tract;

THENCE North 24 degrees 59 minutes 41 seconds West, a distance of 146.77 feet with the easterly R.O.W. line of said Blue Bonnet Lane, same being the westerly line of said 0.295 acre Talisman tract and the herein described tract to the POINT OF BEGINNING of the herein described tract, delineating and encompassing within the metes recited 12,832 square feet (0.295 acre) of land, more or less, based on the survey made by The Wallace Group, Inc. on December 23, 2003 and March 30, 2007.



02-01-2008

Vana H. Proffitt, R.P.L.S.
The Wallace Group, Inc.
1 Chisholm Trail, Suite 130
Round Rock, Texas 78681



Bearings based on deed calls for the westerly line of the adjacent tract to the north recorded in Document No. 2000133679, O.P.R.T.C.T., same being the easterly line of Blue Bonnet Lane having a deed call bearing and distance of North 25 degrees 04 minutes West, 124.82 feet.;

EXHIBIT B

TRACT 2
FIELD NOTE DESCRIPTION OF A
15,097 SQUARE FEET (0.347 ACRE) TRACT

DESCRIBING A 15,097 SQUARE FEET (0.347 ACRE) TRACT OF LAND SITUATED IN THE ISAAC DECKER LEAGUE, CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN CALLED 46,513 S.F. TRACT OF LAND DESCRIBED IN A SPECIAL WARRANTY DEED TO TALISMAN PARTNERS, LTD., RECORDED IN DOCUMENT NO. 2003248089, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS (O.P.R.T.C.T.), AND BEING A PORTION OF LOT 2, THEODORE LOW HEIGHTS SUBDIVISION OF RECORD IN VOLUME 445, PAGE 581, DEED RECORDS OF TRAVIS COUNTY, TEXAS (D.R.T.C.T.); SAID 15,097 S.F. TRACT ALSO BEING A PORTION OF LOT 1, PRECISION ADDITION, A SUBDIVISION OF RECORD IN VOLUME 89, PAGE 322, PLAT RECORDS OF TRAVIS COUNTY, TEXAS (P.R.T.C.T.); SAID 15,097 S.F. TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½-inch iron rod found in the easterly right-of-way (r.o.w.) line of Blue Bonnet Lane (a variable width r.o.w. at this location), at the northwest corner of a called 12,832 square feet (0.295 acre) tract of land having been conveyed to Talisman Partners, Ltd. by Special Warranty Deed of record in Document No. 2005094008, O.P.R.T.C.T.; same being the southwest corner of that certain called 46,513 s.f. tract conveyed to Talisman Partners, Ltd. of record in Document No. 2003248089, O.P.R.T.C.T.; and from said beginning point run the following eleven (11) courses and distances:

THENCE with the east line of Blue Bonnet Lane, a variable width right-of-way (r.o.w.) and the west line of said 46,513 s.f. tract, same being the west line of said Lot 2, Theodore Low Heights Subdivision by courses 1 and 2 as follows:

- 1) North 25°05'13" West, a distance of 56.68 feet to a ½-inch iron rod found at the southwest corner of a r.o.w. widening tract recorded in Volume 1753, Page 443, D.R.T.C.T.;
- 2) South 82°24'47" East, a distance of 6.02 feet to a ½-inch iron rod found at the southeast corner of said r.o.w. widening tract;

THENCE through the interior of said 46,513 s.f. tract and Lot 1, Precision Addition by courses 3 - 5 as follows:

- 3) South 81°26'52" East, a distance of 105.38 feet to a point for an interior ell corner;
- 4) North 10°27'00" East, a distance of 80.36 feet to a point for an exterior ell corner;
- 5) North 84°16'14" East, a distance of 155.08 feet to a point for the northeast corner of the herein described tract, same being the southwest corner of Tract A, F.M. Del Curto Resubdivision of Tract B of F.M. Del Curto Resubdivision of Lots 1 and 2 and Portions of Lots 3, 26, 27, 28, 29 & 30 of Delcrest Addition and of Lots 6, 7 and 8

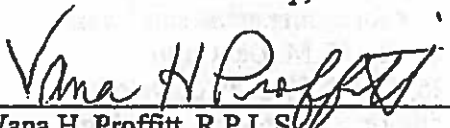
Block A of Delcrest Addition Section 2, of record in Book 17, Page 90, P.R.T.C.T.; from which point a cotton spindle found bears South 83°50'34" East, a distance of 0.34 feet;

THENCE with the east line of said Lot 1, Precision Addition courses 6 and 7 as follows:

- 6) South 30°43'18" West, a distance of 125.65 feet to a ½-inch iron rod found;
- 7) South 15°26'52" West, a distance of 2.01 feet to a PK nail found in concrete footing of a rock wall at the southeast corner of said Lot 1, Precision Addition;

THENCE with the south line of said Lot 1, Precision Addition, and said 46,513 s.f. tract by courses 8-11 as follows:

- 8) North 70°17'27" West, a distance of 28.10 feet to a ½-inch iron rod found;
- 9) South 86°17'26" West, a distance of 79.13 feet to a ½-inch iron rod found with plastic cap stamped "Wallace Group" at an angle point;
- 10) North 89°34'22" West, a distance of 25.91 feet to a ½-inch iron rod found at an angle point;
- 11) South 67°52'44" West, a distance of 63.66 feet to the POINT OF BEGINNING of the herein described tract, delineating and encompassing within the metes recited 15,097 square feet (0.347 acres) of land, more or less, based on a survey made by The Wallace Group, Inc. on March 30, 2003 and January 30, 2007.


Vana H. Proffitt, R.P.L.S.
The Wallace Group, Inc.
1 Chisholm Trail, Suite 130
Round Rock, Texas 78681

02-01-2008



Bearings based on the westerly line of said tract as called for in deed of record in Document No. 2000133679, same being the easterly line of Blue Bonnet Lane having a deed call bearing and distance of North 25 degrees 04 minutes West, 124.82 feet;

EXHIBIT C

TRACT 3
FIELD NOTE DESCRIPTION OF A
54,038 SQUARE FEET (1.241 ACRE) TRACT

DESCRIBING A 54,038 SQUARE FOOT (S.F.) TRACT OF LAND SITUATED IN THE ISAAC DECKER LEAGUE, CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN CALLED 46,513 S.F. TRACT OF LAND DESCRIBED IN A SPECIAL WARRANTY DEED TO TALISMAN PARTNERS, LTD., RECORDED IN DOCUMENT NO. 2003248089, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS (O.P.R.T.C.T.), AND BEING A PORTION OF LOT 2, THEODORE LOW HEIGHTS SUBDIVISION OF RECORD IN VOLUME 445, PAGE 581, DEED RECORDS OF TRAVIS COUNTY, TEXAS (D.R.T.C.T.); SAID 54,038 S.F. TRACT ALSO BEING A PORTION OF LOT 1, PRECISION ADDITION, A SUBDIVISION OF RECORD IN VOLUME 89, PAGE 322, PLAT RECORDS OF TRAVIS COUNTY, TEXAS (P.R.T.C.T.); SAID 54,038 S.F. TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a cotton spindle found at the northeast corner of said Lot 1, Precision Addition; and from said beginning point run the following ten (10) courses and distances:

THENCE with the east line of said Lot 1, Precision Addition by course 1 as follows:

- 1) South 30°43'18" West, a distance of 176.32 feet to a point for corner at the southwest corner of Tract A, F.M. Del Curto Resubdivision of Tract B of F.M. Del Curto Resubdivision of Lots 1 and 2 and Portions of Lots 3, 26, 27, 28, 29 & 30 of Delcrest Addition and of Lots 6, 7 and 8 Block A of Delcrest Addition Section 2, of record in Book 17, Page 90, P.R.T.C.T.; from which point a cotton spindle found bears South 83°50'34" East, a distance of 0.34 feet;

THENCE through the interior of said Lot 1, Precision Addition, and said 46,513 s.f. tract by courses 2 - 4 as follows:

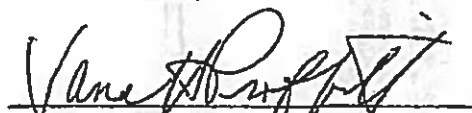
- 2) South 84°16'14" West, a distance of 155.08 feet to a point for an interior ell corner;
- 3) South 10°27'00" West, a distance of 80.36 feet to a point for an exterior ell corner;
- 4) North 81°26'52" West, a distance of 105.38 feet to a ½-inch iron rod found in asphalt in the east right-of-way (r.o.w.) line of Blue Bonnet Lane, a variable width roadway, as partially widened by instrument of record in Volume 1753, Page 443, D.R.T.C.T.; from which point a ½-inch iron rod found in the west line of said Lot 2, Theodore Low Heights Subdivision at the southwest corner of said r.o.w. widening tract recorded in Volume 1753, Page 443, D.R.T.C.T. bears North 82°24'47" West, a distance of 6.02 feet;

THENCE with the common line of the westerly line of said 46,513 s.f. tract and the easterly r.o.w. line of said Blue Bonnet Lane, by courses 5 and 6 as follows:

- 5) North 25 degrees 04 minutes 00 seconds West, a distance of 124.80 feet to a ½-inch iron rod found for the most southerly northwest corner of the herein described tract and said 46,513 s.f. tract, said point marking the southerly end of the cutback corner at the intersection of the easterly r.o.w. line of said Blue Bonnet Lane and the southerly r.o.w. line of South Lamar Boulevard (a roadway with a variable width r.o.w.);
- 6) North 29 degrees 02 minutes 50 seconds East, a distance of 46.15 feet to a ½-inch iron rod found for the most northerly northwest corner of the herein described tract and said 46,513 s.f. tract, said point marking the northerly end of the cutback corner at the intersection of the easterly r.o.w. line of said Blue Bonnet Lane and the southerly r.o.w. line of said South Lamar Boulevard, said point also being the beginning of a curve to the right;

THENCE with the common line of the southerly r.o.w. line of said South Lamar Boulevard and the northerly and easterly line of said 46,513 square feet tract and the northerly line of said Lot 1, Precision Addition by courses 7 - 10 as follows:

- 7) Along a curve to the right, with a radius of 1869.86 feet, an arc length of 238.75 feet, and a long chord bearing North 75 degrees 49 minutes 53 seconds East, a distance of 238.59 feet to a point for corner;
- 8) South 04 degrees 38 minutes 26 seconds West, a distance of 5.18 feet with the easterly line of said 46,513 s.f. tract to a cotton spindle found at the northwest corner of said Lot 1, Precision Addition; said point also being in the south line of a 5 foot wide r.o.w. strip dedicated per said Precision Addition plat;
- 9) Along a curve to the right, with a radius of 1864.86 feet, an arc length of 111.30 feet, and a long chord bearing North 81°05'01" East, a distance of 111.28 feet to the POINT OF BEGINNING of the herein described tract, delineating and encompassing within the metes recited 54,038 square feet (1.241 acres) of land, more or less, based on a survey made by The Wallace Group, Inc. on March 30, 2003 and January 30, 2007.


Vana H. Proffitt, R.P.L.S.
The Wallace Group, Inc.
1 Chisholm Trail, Suite 130
Round Rock, Texas 78681

02-01-2008



Bearings based on the westerly line of said tract as called for in deed of record in Document No. 2000133679, same being the easterly line of Blue Bonnet Lane having a deed call bearing and distance of North 25 degrees 04 minutes West, 124.82 feet;

SOUTH LAMAR BLVD.
(P&C MAPS)

TRACT 3
54,050 S.F. (1.241 AC.)
CS ZONING

TRACT 3
DESCRIPTION
POINT OF
BEGINNING

OWNER: TULSANY
PARTNERS, LTD.
DOC. #200104778
LOT 1, PRECISION
ADDITION, BOOK 80, PG.
322, P.L.C.T.

TRACT A
F.M. DEL CORTO RESUB. OF TRACT A OF
F.M. DEL CORTO RESUBDIVISION OF LOTS 1
AND 2 AND PORTIONS OF LOTS 1, 26, 27,
28, 29 & 30 OF DELCREST ADDITION AND
OF LOTS 6, 7 AND 8 BLOCK A OF DELCREST
ADDITION SECTION 2
BK. 17 PG. 90, P.L.C.T.

BLUE BONNET LANE
(P&C MAPS)

LOT 2, THEODORE
LOW HEIGHTS
SUBDIVISION
VOL. 445, PG. 581,
ADD. ROW TO CITY OF AUSTIN
VOL. 1751, PG. 413, D.E.I.C.T.
OF TOWNSHIP 10S, RANGE 10E, SEC. 36E, T.10S, R.10E, S.36E

CALLID 16,313 S.F.
(1,068 ACRES)
OWNER: TULSANY
PARTNERS, LTD.
DOC. #200324808,
O.P.A.L.C.T.

OWNER: TULSANY
PARTNERS, LTD.
DOC. #200704778
LOT 1, PRECISION
ADDITION, BOOK 80,
PG. 322, P.L.C.T.

TRACT 2
15,097 S.F. (0.347 AC.)
SF-3 ZONING

TRACT B-1
F.M. DEL CORTO RESUB. OF TRACT B OF
F.M. DEL CORTO RESUBDIVISION OF LOTS 1
AND 2 AND PORTIONS OF LOTS 1, 26, 27,
28, 29 & 30 OF DELCREST ADDITION AND
OF LOTS 6, 7 AND 8 BLOCK A OF DELCREST
ADDITION SECTION 2
BK. 17 PG. 90, P.L.C.T.

TULSANY PARTNERS, LTD.
CALLED 0.285 ACRE
DOC. #2003084008,
O.P.A.L.C.T.


TRACT 1
12,832 S.F.
(0.295 ACRE)
SF-3 ZONING

GABRIEL N. DAVIS
& ROBERT E. LEAHY
CALLED 0.106 ACRE
DOC. #200057804,
O.P.A.L.C.T.
9/29/2000


TRACTS 1 & 2
DESCRIPTION
POINT OF
BEGINNING

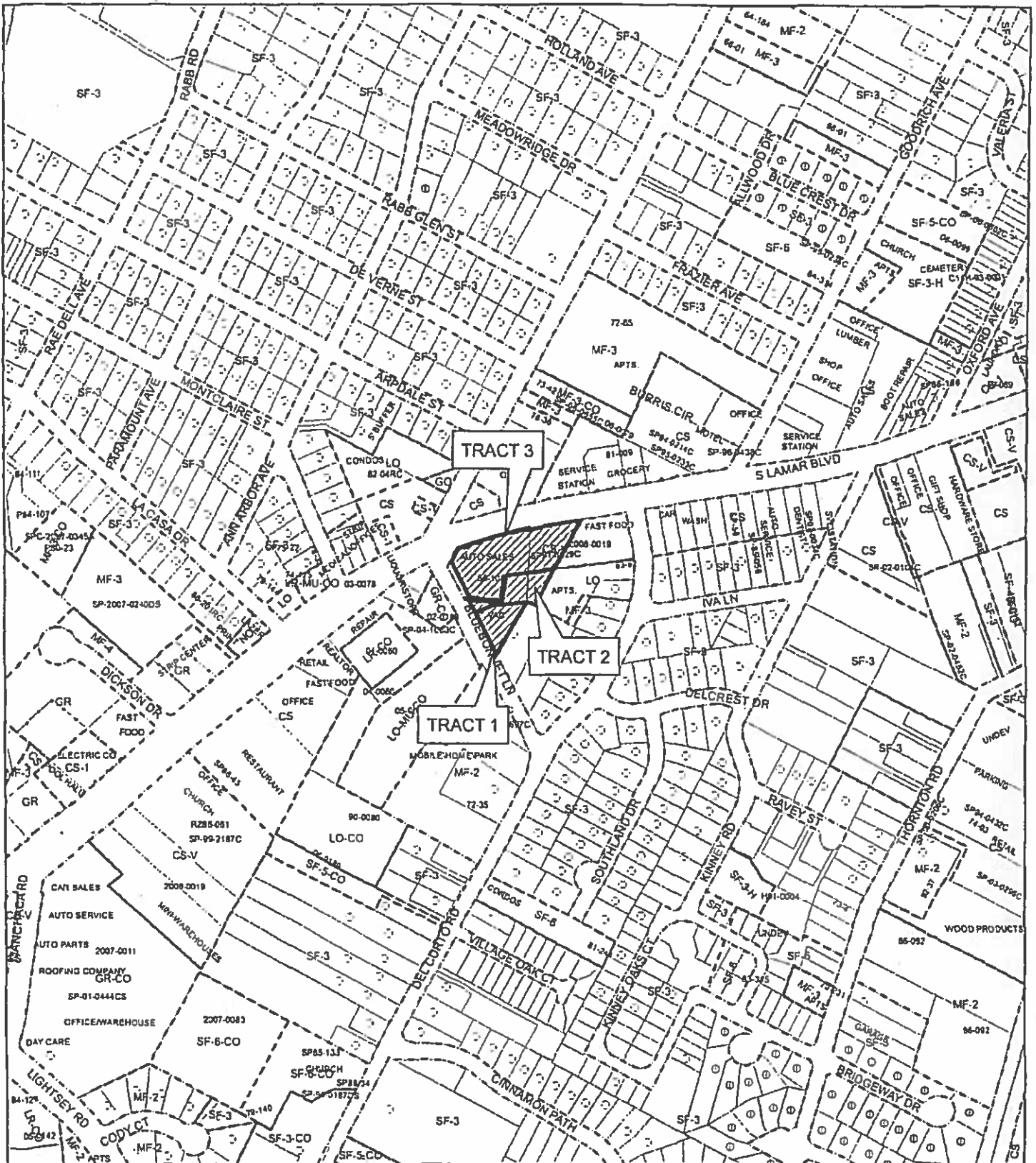
OF R.O.W. DEDICATION PER
VOL. 445, PG. 581, O.P.A.L.C.T.








THE WALLACE GROUP, INC.
ENGINEERS • PLANNERS • SURVEYORS
OLD TOWN SQUARE
ONE CHISHOLM TRAIL, SUITE 130
ROUND ROCK, TEXAS 78681
(512-248-0065) (FAX: 512-248-0388)





ZONING EXHIBIT D



-  SUBJECT TRACT
-  ZONING BOUNDARY
-  PENDING CASE

OPERATOR: S. MECKS

ZONING CASE#: C14-2008-0070
 ADDRESS: 2323 S LAMAR BLVD
 SUBJECT AREA: 1.883 ACRES
 GRID: G20
 MANAGER: C. PATTERSON



1" = 400'

This map has been produced by G.I.S. Services for the sole purpose of geographic reference.
 No warranty is made by the City of Austin regarding specific accuracy or completeness.



EXHIBIT D

MEMORANDUM

Date: July 17, 2019
To: Heather Chaffin, Zoning Case Manager
CC: Kathy Smith, P.E., PTOE, HDR Engineering, Inc
Eric Bollich, P.E., PTOE, Austin Transportation Department
Upal Barua, P.E., P. Eng., PTOE, Austin Transportation Department
Reference: 2323 South Lamar Boulevard
Transportation Impact Analysis Final Memo
C14-2018-0128

Summary of the Transportation Impact Analysis (TIA):

The Austin Transportation Department (ATD) has thoroughly reviewed the “2323 South Lamar Alternant TIA” dated June 8, 2019, prepared by HDR Engineering, Inc. The proposed development includes about 205 units of multifamily housing (mid-rise) and 25,000 square feet of shopping center at the southeast corner of South Lamar Boulevard and Bluebonnet Lane, in southwest Austin. The development is anticipated to be completed by 2021.

Below is a summary of our review findings and recommendations:

1. The applicant shall design and construct the improvements identified in Table 2. below as part of their site development application. Improvements to be built by the applicant should be included with the site plan. No temporary certificate of occupancy (TCO) or certificate of occupancy (CO) shall be issued until the construction of the identified improvements is complete. Note: Cost estimates **should not** be assumed to represent the maximum dollar value of improvements the applicant may be required to construct. If improvement's identified for construction have been built or are in construction as part of the South Lamar Corridor Improvement Project at the time of site development permit, an additional fee in-lieu shall be paid to the city to reimburse the construction cost of these improvements.
2. Fee in-lieu contribution to the City of Austin shall be made for the improvements identified in Table 2. totaling \$266,000.00, before the site development permit is issued.
3. The applicant is required to achieve a vehicle trip reduction as described in Table 1. The applicant commits to implement the Transportation Demand Management measures to achieve the identified reduction. A site plan application submitted under this zoning should provide a memorandum demonstrating compliance with

the TDM reduction requirement. If reduction targets are not met, a new TIA may be required.

4. Development of this property should not vary from the approved uses or deviate from the approved intensities and estimated traffic generation assumptions within the finalized TIA document, including land uses, trip generation, trip distribution, traffic controls, driveway locations, and other identified conditions. Any change in the assumptions made to the TIA document shall be reviewed by ATD and may require a new or updated TIA/addendum.
5. The applicant shall provide two copies of the final, updated version of the TIA before 3rd reading, matching Council's approved intensity recommendation.
6. City of Austin reserves the right to reassign any or all the monies to one or more of the identified improvements in the TIA.
7. The findings and recommendations of this TIA memorandum remain valid until five (5) years from the date of this memo, after which a revised TIA or addendum may be required.

Site Location and Existing Conditions

The proposed site is located at 2323 South Lamar Boulevard, which falls in the south east quadrant of the intersection of South Lamar Boulevard and Bluebonnet Lane. The site has proposed access on Bluebonnet Lane and South Lamar Boulevard. The surrounding roadways are described further below.

South Lamar Boulevard is a four-lane divided major arterial road (ASMP: Level 3) that provides north-south movements; but due to the skew at the intersection located near the proposed development, it appears to be functioning as an east-west roadway. The posted speed limit on South Lamar Boulevard between West Oltorf Road and Manchaca Road is 40 miles-per-hour (mph). Based on TxDOT's traffic counts database, average daily traffic (ADT) south of Dickson Drive was approximately 42,900 vpd for the year 2017. Sidewalks and bike lanes currently exist on South Lamar Boulevard. The ASMP recommends wider sidewalks and protected bike lanes along South Lamar Boulevard and in the vicinity of the site. Some of the key improvements identified in the corridor plan are:

- Construction of a median and removal of the two-way center left-turn lane.
- Construction of shared use paths along both sides of the roadway.
- Construction of protected bike lanes, where feasible.
- Construction of an eastbound right-turn lane at Bluebonnet Lane.
- Construction of a median on Bluebonnet Lane, east of S. Lamar Boulevard to prohibit left-turn movements onto S. Lamar Boulevard.
- Installation of a traffic signal at S. Lamar Boulevard and Del Corto Road.

Bluebonnet Lane is a two-lane undivided collector (ASMP: Level 3) that provides east-west movements (due to skew) in the vicinity of the Project. The posted speed limit on Bluebonnet Lane is 30 mph. Based on TxDOT's traffic counts database, ADT west of South Lamar Boulevard was approximately 4,700 vpd for the year 2015. As per the ASMP plan, protected bike lanes are recommended along Bluebonnet Lane.

Del Corto Road is a two-lane undivided collector that connects South Lamar Boulevard and Bluebonnet Lane near the southern side the Project. The posted speed limit on Del Corto Road is 30 mph. Based on TxDOT's traffic counts database, ADT east of South Lamar Boulevard was approximately 1,900 vpd for the year 2015. As per the ASMP plan,

protected bike lanes are recommended along Del Corto Road. The corridor plan also proposes a roundabout at the intersection of Bluebonnet Lane and Del Corto Road to improve traffic safety.

Assumptions:

1. The development will be built by the year 2021.
2. Internal capture rate for the site is 10% reduction during the PM peak hour.
3. 34% pass-by reduction for shopping center during the PM peak hour.
4. Transportation Demand Management (TDM) measures would reduce trips by 15%.

Proposed Conditions:

Trip Generation and Land Use

Based on the Institute of Transportation Engineers (ITE) Trip Generation Manual (10th Edition), the development will generate approximately 3,458 unadjusted average daily vehicles trips (ADT) at full build out.

Due the significant number of vehicle trips and the anticipated traffic load on the roadway network, the applicant has committed to a Transportation Demand Management (TDM) Plan to reduce their site vehicle trips by 15%. Table 1 shows the adjusted trip generation after applying pass-by, internal capture and transit reductions.

Table 1: Adjusted Trip Generation						
Proposed Land Use		Size / Unit		24-Hour Two Way Volume (Approximate)	AM	PM
221	Multifamily Housing (Mid-Rise)	205	DU	1007	66	75
820	Shopping Center	25	KSF	1773	156	110
Total Overall Proposed				2780	222	185

Transportation Demand Management (TDM)

The applicant has committed to a 15% TDM reduction to meet certain vehicle trip reduction targets. In the TDM plan the applicant has identified several measures that could be done with the site to achieve the vehicle trip reduction. Additionally, the applicant has identified and committed to active and transit improvements for a 5% TDM reduction.

The applicant has identified the following key TDM measures that may be used to achieve additional 10% reduction to reach the 15% reduction target.

- Provide Bicycle Parking
- Limit Parking Supply all land use types
- Car Share Parking
- Priced Parking all land use types
- Unbundled parking for all land use types

The applicant has the flexibility to pick and choose other relevant TDM measures at the time of site plan.

Transit

To facilitate transit, the South Lamar Corridor Bond Project plans to install a bus queue jump at multiple intersections along the corridor including one at the intersection of South Lamar Boulevard and Bluebonnet Lane. Additional improvements include constructing northbound right-turn lane, curb-ramps, removal and replacement of bus stops, etc.

The applicant will contribute \$266,000 towards these improvements since the intersection is adjacent to the proposed site. The identified improvements can be seen in Table 4.

Improvements to Active Modes (Pedestrian and Bicycle Infrastructure)

Currently, there exists infrastructure for pedestrians and bicyclists in the area with gaps in the connectivity. The analysis further identified many active modes infrastructure needs that would help to meet the goals of Austin Strategic Mobility Plan (ASMP) and also fill the gaps to provide seamless connectivity for pedestrians and bicyclists. The following were identified as needs in the area based on City identified plans and studies.

1. Curb-ramps reconstruction at:
 - a. S. Lamar Boulevard and Bluebonnet Lane – southwest and southeast corners.
 - b. S. Lamar Boulevard and Goodrich Avenue – northwest corner.
 - c. S. Lamar Boulevard and La Casa Drive – southwest corner.
 - d. Bluebonnet Lane (West) – 14 locations between S. Lamar Boulevard and Zilker Elementary
2. Pedestrian and bicyclists connectivity as required by the South Lamar Boulevard Corridor plan.

As part of the proposed site construction, the applicant shall construct the South Lamar Corridor Bond improvements behind the curb along the site frontage. These improvements include a 7-foot sidewalk along northern and western project boundary as shown in S. Lamar Blvd. Corridor Plan. Including curb ramps at the intersection on the development's frontage. The applicant shall also construct protected bike lane along northern project boundary as shown in S Lamar Blvd Corridor Plan. ROW may also need to be provided at the time of site plan.

Summary of Recommended Improvements:

Table 2: Recommended Improvements and Applicant's Share		
Intersection	Improvements	Applicant's Requirement
S. Lamar Boulevard and Bluebonnet Lane	Construction of a northbound right-turn lane including bus pad/bus stop remove and replace.	\$253,240 (Fee In-Lieu)
	Reconstruction of curb ramps (4 ramps) on the northeast and northwest corners of the intersection.	\$12,760 (Fee In-Lieu)
Along S. Lamar Boulevard and Project Boundaries	Reconstruct sidewalk along northern and western project boundary as shown in S Lamar Blvd Corridor Plan. Sidewalks along the western boundary need to be extended south until the site boundary. Including curb ramps at the intersection on the development's frontage.	Construction
	Reconstruct protected bike lane along northern project boundary as shown in S Lamar Blvd Corridor Plan	Construction
	Total Fee Amount	\$266,000

If you have any questions or require additional information, please contact me at 512-974-1449.



Austin Jones, P.E.
Austin Transportation Department

Chaffin, Heather

Subject: FW: rezoning C14-2018-0128, 2323 S Lamar

EXHIBIT E

From: latherton
Sent: Sunday, January 20, 2019 4:08 PM
To: Chaffin, Heather <Heather.Chaffin@austintexas.gov>
Cc: Jeff Jack ; District 5 <District5@austintexas.gov>
Subject: rezoning C14-2018-0128, 2323 S Lamar

Ms. Chaffin:

This is regarding the rezoning application C14-2018-0128, submitted for two parcels on Bluebonnet with the address 2323 S Lamar.

I am requesting that Kirk Rudy, the owner's representative, provide copies of the subdivision plat notes, deed restrictions, and/or restrictive covenants that apply to this property and that they be included in the case file and staff report submitted to the Planning Commission.

I have copied this message to Jeff Jack, another nearby resident who is interested in this rezoning.

Thank you,
Lorraine Atherton
2009 Arpdale
Austin, TX 78704
(District 5 resident)

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.austintexas.gov/planning.

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

Case Number: C14-2018-0128
Contact: Heather Chaffin, 512-974-2122
Public Hearing: Feb 12, 2019, Planning Commission
Mar 7, 2019, City Council

Robert Simmon S
Your Name (please print)

☐ I am in favor
☒ I object

2525 S. LAMAR BLVD

Your address(es) affected by this application

[Signature]

Signature

2/6/19

Date

Daytime Telephone: 512-826-8889

Comments: NO more development on South LAMAR BLVD!! Access to this property from Bluebonnet Lane should be eliminated. Completely. Developers destroy the roadway w/ utility "improvements" & the taxpayer covers the cost of re-paving. Infrastructure on S. LAMAR hasn't changed in 20 years while business & residential density has grown out of control.

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

City of Austin
Planning & Zoning Department
Heather Chaffin
P. O. Box 1088
Austin, TX 78767-8810

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.austintexas.gov/planning.

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

Case Number: C14-2018-0128

Contact: Heather Chaffin, 512-974-2122

Public Hearing: July 09, 2019, Planning Commission
August 08, 2019, City Council

Lorraine Atherton

Your Name (please print)

2009 Arpdale

Your address(es) affected by this application

L. Atherton

Signature

July 2, 2019

Date

Daytime Telephone: 512-447-7681

Comments: More than 200 apartments could be built under the current zoning within the 2000-sq-ft limit. Rezoning would allow the applicant to replace much-needed housing units with high-volume traffic generators (restaurants) at a dysfunctional intersection. The CO should be rewritten to require a minimum of 180 housing units and a maximum of 4000 sq ft retail.

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

City of Austin
Planning & Zoning Department
Heather Chaffin
P. O. Box 1088
Austin, TX 78767-8810

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.austintexas.gov/planning.

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

Case Number: C14-2018-0128

Contact: Heather Chaffin, 512-974-2122

Public Hearing: July 09, 2019, Planning Commission

August 08, 2019, City Council

Camille M. Perry

Your Name (please print)

2211 Iva Lane, Austin, TX 78704-4911

Your address(es) affected by this application

Camille M. Perry

Signature

Date

Daytime Telephone: (512) 444-0754

Comments: Present infrastructure (traffic/streets) and (drainage issues/storm drain) insufficient to support proposed changes and need to be remedied before proposed considered or they will be detrimental to surrounding area. →

Present infrastructure (for traffic and drainage) is insufficient to support proposed changes and need to be remedied before proposed changes are considered or they will be detrimental to surrounding area.

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

City of Austin
Planning & Zoning Department
Heather Chaffin
P. O. Box 1088
Austin, TX 78767-8810



South Lamar Neighborhood Association
2302 Del Curto Rd Austin TX 78704 512-589-0184

February 8, 2019

Re: C14-2018-0128, 2323 S. Lamar, rezoning hearing, Feb. 12, 2019
To: City of Austin Planning Commission

In the case of C14-2018-0128, 2323 S. Lamar, the South Lamar Neighborhood Association (SLNA) requests a two-week postponement of the hearing from February 12. The zoning outcome stands to have a powerful impact on the neighborhood and time is needed to discuss and document many factors that would generally come up during the site plan. Some items we have been unable to get concrete answers from City of Austin staff and the applicant. Whatever agreements we can get included in the zoning case before Planning Commission review will be improving the process going forward for all parties involved.

Specifically, but not exhaustively,

- The size of the project will trigger the transportation impact analysis, and our concern is the attenuation could negatively affect residential streets by channeling of traffic. Of course, it is our goal not to have that outcome.
- The proposed unit count has been presented and discussed in vague and ambiguous terms. Parkland fee-in-lieu has stated 180 units.
- That all below ground parking will support the number of vehicles on the property. Both customer/guest, as well as worker and residents. We understand there are two different 20% parking reductions allowed by code, but we want to warrant that both are not applied jointly.
- Storm water management and mitigation.
- General confusion and disagreement between the intentions of the applicant and the City of Austin's South Lamar Corridor Plan, including right-of-way acquisition and allowed curb cuts/drives on Lamar and Bluebonnet as well as the location of left turns out of the neighborhood

SLNA is collaborating with both the Zilker Neighborhood Association and the office of Council member Ann Kitchen to consolidate a list of open questions to enlist response from the Zoning and Review Department. We hope to see those answers before this case goes to hearing at the Planning Commission.

Regards,
Brian Chappell

Brian B Chappell
President, SNLA

Zilker Neighborhood Association

2009 Arpdale • Austin, TX 78704 • 512-447-7681

February 8, 2019

Re: C14-2018-0128, 2323 S. Lamar, rezoning hearing, Feb. 12, 2019

To: City of Austin Planning Commission

In the case of the rezoning hearing for 2323 S. Lamar, the Zoning Committee of the Zilker Neighborhood Association (ZNA) requests a postponement to the Planning Commission's next meeting, on February 26.

ZNA appreciates the cooperation among the South Lamar Neighborhood Association (SLNA), City of Austin staff, and the previous owner during the rezoning of this site in 2008. That effort produced a well-calibrated set of conditions designed to balance neighborhood and developer interests in providing more multifamily housing on South Lamar with the urgent need to correct major problems of the drainage and street systems on and surrounding the property. The agreement is documented in the existing zoning ordinance and in a private restrictive covenant, which should be carefully considered in this new rezoning request.

A lot has changed since 2008, but the infrastructure problems persist, affecting:

1. access to Zilker Elementary School on Bluebonnet for families in both ZNA and SLNA,
2. everyone's access to businesses and transit on South Lamar, including residents in the Foundation Communities permanent supportive housing next door to this site and in the 120-unit apartment building under construction for the Housing Authority of the City of Austin (HACA) on the ZNA side of South Lamar Blvd.
3. impervious cover and flood mitigation in a 100-year inundation zone extending from the ZNA side of South Lamar Blvd. through the site in question all the way to West Bouldin Creek.

Now that both the Del Curto Storm Sewer Improvement project and a reconfiguration of the intersection at Bluebonnet and South Lamar (described in the South Lamar Corridor Plan) are poised to move from the planning stages to engineering and implementation, ZNA is eager to work with our SLNA neighbors and city staff to assure that redevelopment of this problematic site is consistent with those long-term infrastructure projects. We would hate to see this property come up for site plan review with features that interfere with or preclude the completion of capital improvement projects in which the community is already heavily invested. These issues should be dealt with now, in connection with the zoning, and not left to the site plan stage. That is why we are working with SLNA to examine the status of transportation and drainage projects directly affecting this property. ZNA volunteers are also meeting with the owner's agent the week of February 11.

With the help of the office of Council Member Ann Kitchen, we expect to have clearer answers to our questions later this month. A two-week postponement of the Planning Commission hearing would be much appreciated.

Chaffin, Heather

Subject: FW: 2323 South Lamar
Attachments: 2323 SLamar Qs 2019Feb13.docx

From: latherton
Sent: Tuesday, February 19, 2019 11:25 AM
To: Chaffin, Heather <Heather.Chaffin@austintexas.gov>; 'David Piper'
Cc: Jeff Jack <>; 'Richard Suttle, Jr.'; Tiemann, Donna <Donna.Tiemann@austintexas.gov>; 'Nancy MacLaine'
Subject: RE: 2323 South Lamar

Good morning, Heather.

Attached is a list of questions that the SLNA and ZNA zoning committees are discussing with the applicant's agent and Council Member Kitchen's office. In light of the magnitude of the issues listed, I hope you will reconsider your decision to move forward on this case without a traffic analysis.

All the best,

Lorraine Atherton

For the Zilker Neighborhood Association Zoning Committee

UNRESOLVED QUESTIONS, FEB 12, 2019

Rezoning request at 2323 South Lamar, Case C14-2018-0128

(To add V overlay and change existing CO on GR and LO parcels to accommodate a VMU project with 180 residential units)

1. Prohibition of residential development. Existing subdivision notes restrict these parcels “to other than residential development.”

- a) Why did the City of Austin impose these restrictions on this subdivision? **Additional research would be required to determine the issues in this specific case, but this note was typically added to plats to avoid paying parkland dedication fees at time of subdivision.**
- b) What is the procedure for removing or amending subdivision notes? **An amended plat would be required.**
- c) Does the Planning Commission need to consider the subdivision amendments concurrently with the rezoning? **No, they can occur after zoning and prior to/concurrent with site plan approval.**

2. Limits on Bluebonnet traffic. Existing CO restricts the entire property (total 1.86 acres in three parcels) to 2,000 trips per day, “considered cumulatively with all existing or previously authorized development and uses,” and limits access to Bluebonnet to one driveway cut.

The conditions reflect a neighborhood traffic analysis in June 2008. The analysis assumed that the site would be developed with only 3,800 sf of retail use (no residential), which would generate 1,026 vehicle trips per day (vpd). In 2008, Bluebonnet and Del Curto were rated as residential collector streets with pavement widths of only 20 feet, which means they were limited to 1,200 vpd under LDC 25-6-116. The analysis calculated that 70% of trips would be on Lamar and 30% would be on Bluebonnet, with 540 vehicles turning right toward Lamar and 60 turning left to Del Curto. It also assumed that Bluebonnet would be widened from the driveway to Lamar, increasing the operating capacity on that part of the street to 4,000 vpd.

- a) How many VMU residential units can be built on this property under the existing 2,000-trip limit? **It is unclear exactly how many residential units could be built as it depends on the other uses associated with the development. The first floor of the development would not allow residential units. What is the minimum nonresidential use required for a VMU project? The non-residential use would be on the first floor and potentially the second floor. It is unclear at this time what the minimum use or associated vehicle trips would be. The combination of the residential trips and vehicle trips could not exceed 2,000 trips with the conditional overlay.** In other words, how would one maximize the residential component and minimize the commercial traffic to keep the project within the 2,000-trip limit? **There are too many variables to make a reasonable determination. To get a better idea, 2,000 daily vehicle trips = 367 dwelling units of 221 mid-rise apartments or 270 DU of 220 low-rise apartments using standard ITE trip generation rates. Realistically, 250-300 DU might be a best guess for the maximum amount of residential.**
- b) What is the current vpd estimate for Walgreens, **very rough estimate at between 1300 – 1600 daily trips using ITE rates. It would be expected that much of this traffic comes in off Lamar.** the other existing uses on Bluebonnet, **More specifics are required to determine which developments that the public is interested in; also more time would be required to research the size and specifics of each land use, and the 18 residential units proposed at 2505 Bluebonnet, produce 95 daily trips?** Is the western part of the street

already maxed out at 4,000 vpd? It is unclear as traffic counts would be required to determine the existing traffic. More time is required to determine if counts are available or previous traffic studies have been conducted on the street.

- c) Are the eastern part of Bluebonnet and all of Del Curto still rated as residential collectors with a limit of 1,200 vpd? Both street would be rate Level 2 (functionally a collector) per the draft Austin Street Design Guide, with a typical ADT range of 2000 – 5000 vpd.
- d) Is the Transportation Department moving forward with the left-turn restrictions proposed in the South Lamar Corridor plan, detouring all southbound traffic to a new traffic signal at Del Curto? How does that change the 70/30 split for Lamar/Bluebonnet trips at this property? Yes, this is the Austin Transportation Department's plan going forward. Any westbound left-turn traffic on Bluebonnet would re-route and use the new signal at Del Curto to make the left.
- e) Will the policy of eliminating all driveways on South Lamar be applied to the VMU project (or any other project) proposed at this site? If so, will an additional driveway be required on Bluebonnet? It is anticipated that driveway access would not be allowed on Lamar and that only one access would be permitted onto Bluebonnet. However, this determination would be made with a site plan.
- f) Where and when does the City expect to acquire additional rights-of-way to widen Bluebonnet and Del Curto, reconfigure the intersection of Bluebonnet and Del Curto, and reconfigure the intersection of Bluebonnet and South Lamar, as proposed in the South Lamar Corridor Improvement Program? There is not specific plan at this time other than what is mentioned in the South Lamar Boulevard Corridor Improvement Program Final Report. The ROW may be required of developments at the intersection as mitigation. What portion of the \$1.45 million cost will be contributed by this property, and will that cost change if the 2,000-trip limit is removed from this site? The determination of cost participation would be determined as a non-tia mitigation at the time of site plan. If the 2,000-trip limit is removed a TIA would be required and the mitigations would likely be greater.
- g) Will the applicant be required to pay most of the \$600,000 cost of constructing a northbound right-turn bay and bus queue jump at Bluebonnet and South Lamar, as estimated in Table 7-1 of the South Lamar Corridor Improvement Program? How much, and when? Will that cost change if the 2,000-trip limit is removed from this site? The fiscal requirements of the development would not be determined with this zoning change and a 2,000-trip limit. The required mitigations and fiscal participation would be determined at site plan as non-tia mitigations following the mitigation ordinance. If the 2,000-trip limit is removed, the applicant would have to go through the TIA process to determine their mitigations. This is a zoning case, and it is difficult to determine mitigations until more specifics of the site are established with the site plan.

3. Need for additional drainage easements. Existing regulations, the private restrictive covenant, and the Del Curto Storm Drainage Improvement Project effectively prevent any construction on much of the unpaved portion of the southeastern parcel. If most of that parcel must be dedicated to stormwater detention and drainage, rezoning it would be pointless.

- a) Where is the existing easement?

There is an existing 10 foot easement along the existing storm drain pipe along the southern portion of the property. The screen capture below indicates the approximate location of the storm drain pipe.



b) Where is the City planning to acquire additional easements?

As part of the Del Curto storm drain project, the City proposes to acquire an additional 15 feet along the existing easement.

c) How much detention is required, and where is the best location for that detention?

The size and location of required detention will be determined by the design engineer in accordance with the Land Development Code, which includes additional detention requirements in this geographic area as per section 25-7-66 of the LDC.

d) Where is the proposed parking garage to be located on the site, and will it conflict with the stormwater detention and drainage easements?

The location of the proposed parking garage will be determined by the design engineer. If the proposed location conflicts with the existing or proposed drainage easements, the design engineer may offer a different location for the drainage easement if it satisfies the intent of the drainage easement.

We have met with the developer and design engineer to discuss the drainage requirements regarding the drainage easement and Del Curto storm drain project. We anticipate that these discussions will continue as the site design progresses.

4. Inconsistencies in conditional and Vertical Mixed Use overlays. The conditional overlay in the current zoning ordinance applies to all three parcels, but the ordinance does not state the affordability levels or the parking reduction attached to the existing VMU overlay.

a) Can the conditional overlay (for example, the 2,000-trip limit) be changed on one of the parcels without rezoning the other two parcels? **Yes.** If the CO is changed, will the case have to be reposted to include the entire property (not just the rear parcel)? **If the Applicant requests changing the trip limit CO for the entire tract, that will be an additional zoning case. The Applicant is not requesting that the trip limit be removed at this time on the proposed rezoning tract.**

- b) Does the existing overlay require 10% of new residential units to be available at 80% MFI or 60% MFI? **80%**
- c) Must the existing VMU overlay be extended as is to the rear parcels, or may the City Council approve additional affordability on the rear parcels? **Council cannot require affordability on the rear parcels unless the project is participating in a density bonus program like VMU.** May the City Council approve changes to the VMU overlay on the front of the property without reposting the rezoning case? (Same question as 4a above.) **No, any modification of zoning, including VMU, would need to be a new case since the front property is not part of this rezoning request.**
- d) Does the existing overlay allow a parking reduction to 60% or only 80%? **60%**
- e) May the City Council change the parking requirement as it applies to the entire property (not just the two non-VMU parcels)? **No, any modification of zoning, including VMU, would need to be a new case since the front property is not part of this rezoning request.**



RESTRICT 2009003056

11 PGS

EXHIBIT F

Zoning Case No. C1

PRIVATE
RESTRICTIVE COVENANT

OWNER: Talisman Partners, Ltd., a Texas limited partnership

ADDRESS: 2323 and 2315 South Lamar Boulevard and 2421 Bluebonnet Lane,
Austin Texas

CONSIDERATION: Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by the South Lamar Neighborhood Association to the Owner, the receipt and sufficiency of which is acknowledged.

PROPERTY: Tract One: A 0.295 acre (12,832 sq. feet) tract of land, more or less, out of the Isaac Decker League, Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" attached hereto and incorporated herein;

Tract Two: A 0.347 acre (15,097 sq ft.) tract of land, more or less, out of the Isaac Decker League, Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "B" attached hereto and incorporated herein; and

Tract Three: A 1.241 acre (54,038 sq. ft.) tract of land, more or less, out of the Isaac Decker League, Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "C" attached hereto and incorporated herein.

Collectively, Tracts One, Two, and Three are referred to herein as "the Property".

WHEREAS, the Owner of the Property and the South Lamar Neighborhood Association 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. Drive Thru facilities are prohibited as an accessory to freestanding fast-food restaurants on the Property. Fast-food restaurants shall be limited to those restaurants that are commonly known as fast food restaurants: McDonalds, Burger King, Wendy's, Jack in the Box, Kentucky Fried Chicken, Taco Bell, and similar restaurants. Drive Thru facilities are expressly permitted for non-freestanding fast food restaurants and all other types of retail or commercial uses permitted by the zoning for the Property.

2. Owner shall provide buffering between Tract One and the adjacent single family use which shall consist of landscaping and/or a privacy wall or other buffering technique as determined by the Owner.
3. Development of the Property shall comply with the City of Austin's Neighborhood Compatibility Standards and the City's Tree Ordinance requirements as such are in effect on the date of this Restrictive Covenant.
4. Owner agrees to work with City of Austin Development Staff at time of Administrative Site Plan application to provide on site detention and grading that not only addresses site conditions but will make reasonable efforts to improve existing offsite drainage conditions.
5. If any person or entity shall violate or attempt to violate this agreement and covenant, it shall be lawful for the South Lamar Neighborhood Association 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. This agreement may be modified, amended, or terminated only by joint action of both, (a) the South Lamar Neighborhood Association or its successor in interest 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 20th day of November, 2008.

OWNER:

**Talisman Partners, Ltd
A Texas limited partnership**

By: Talisman Group, Inc., its General Partner

By: 
James T. Ross

Its: President

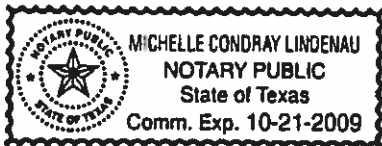
THE STATE OF TEXAS

§

COUNTY OF TRAVIS

§

This instrument was acknowledged before me on this the 20th day of November, 2008, by James T. Ross, President of Talisman Group, Inc., the General Partner of Talisman Partners, Ltd, a Texas limited partnership, on behalf of said limited partnership.



Michelle Condray Lindenau
Notary Public, State of Texas

My Commission Expires 10-21-09

After Recording, Please Return to:

Henry H. Gilmore
DuBois Bryant & Campbell, LLP
700 Lavaca, Ste. 1300
Austin, Texas 78701

TRACT 1
FIELD NOTE DESCRIPTION OF A
12,832 SQUARE FEET (0.295 ACRE) TRACT OF LAND

DESCRIBING A 12,832 SQUARE FEET (0.295 ACRE) TRACT OF LAND SITUATED IN THE ISAAC DECKER LEAGUE, CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PORTION OF LOT 2, THEODORE LOW HEIGHTS SUBDIVISION OF RECORD IN VOLUME 445, PAGE 581, DEED RECORDS OF TRAVIS COUNTY, TEXAS (D.R.T.C.T.), AND BEING ALL OF THAT CERTAIN CALLED 0.30 ACRE TRACT OF LAND DESCRIBED IN A WARRANTY DEED TO MARY JEANNETTE JOHNSON ROUW OF RECORD IN VOLUME 10663, PAGE 197, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, SAVE AND EXCEPT THAT CERTAIN CALLED 227 S.F. TRACT QUITCLAIMED BY MARY JEANNETTE JOHNSON ROUW AND ROBERT H. ROUW TO BLUE EYED INVESTMENTS CORPORATION AND R.L. WHEAT ENTERPRISES, INC. BY QUITCLAIM DEED OF RECORD IN DOCUMENT NO. 2003216109, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS (O.P.R.T.C.T.); SAID 12,832 SQUARE FEET (S.F.) TRACT OF LAND HAVING BEEN CONVEYED TO TALISMAN PARTNERS, LTD. BY SPECIAL WARRANTY DEED OF RECORD IN DOCUMENT NO. 2005094008, O.P.R.T.C.T. AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2-inch iron rod found in the easterly right-of-way (r.o.w.) line of Blue Bonnet Lane (a variable width r.o.w. at this location), for the northwest corner of said 0.295 acre tract, same being the southwest corner of that certain called 46,513 s.f. tract conveyed to Talisman Partners, Ltd. of record in Document No. 2003248089, O.P.R.T.C.T.;

THENCE departing the easterly R.O.W. line of said Blue Bonnet Lane, with the common line of the northerly line of said Talisman Partners 0.295 acre tract and the southerly line of said 46,513 s.f. tract the following two (2) courses and distances:


- 1) North 67 degrees 52 minutes 44 seconds East, a distance of 63.66 feet to a 1/2-inch iron rod found for an angle point of the herein described tract;
- 2) South 89 degrees 34 minutes 22 seconds East, a distance of 25.91 feet to a 1/2-inch iron rod with orange plastic cap stamped "Wallace Group" found for an angle point of the herein described tract;

THENCE North 86 degrees 17 minutes 26 seconds East, a distance of 79.13 feet with the common line of the northerly line of the herein described tract and the southerly line of said 46,513 s.f. tract;

Tract 1
Page 2

THENCE South 32 degrees 09 minutes 57 seconds West, a distance of 191.29 feet with the southeast line of said 0.295 acre Talisman tract, same being the northwest line of that certain called 0.389 acre tract conveyed to Gabriel M. Davis and Roberta E. Leahy by deed of record in Document No. 2000157804, O.P.R.T.C.T. to a 1/2-inch iron rod found in the easterly R.O.W. of said Blue Bonnet Lane for the most southerly corner of the herein described tract;

THENCE North 24 degrees 59 minutes 41 seconds West, a distance of 146.77 feet with the easterly R.O.W. line of said Blue Bonnet Lane, same being the westerly line of said 0.295 acre Talisman tract and the herein described tract to the POINT OF BEGINNING of the herein described tract, delineating and encompassing within the metes recited 12,832 square feet (0.295 acre) of land, more or less, based on the survey made by The Wallace Group, Inc. on December 23, 2003 and March 30, 2007.


Vana H. Proffitt, R.P.L.S.
The Wallace Group, Inc.
1 Chisholm Trail, Suite 130
Round Rock, Texas 78681

02-01-2008



Bearings based on deed calls for the westerly line of the adjacent tract to the north recorded in Document No. 2000133679, O.P.R.T.C.T., same being the easterly line of Blue Bonnet Lane having a deed call bearing and distance of North 25 degrees 04 minutes West, 124.82 feet;

**TRACT 2
FIELD NOTE DESCRIPTION OF A
15,097 SQUARE FEET (0.347 ACRE) TRACT**

DESCRIBING A 15,097 SQUARE FEET (0.347 ACRE) TRACT OF LAND SITUATED IN THE ISAAC DECKER LEAGUE, CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN CALLED 46,513 S.F. TRACT OF LAND DESCRIBED IN A SPECIAL WARRANTY DEED TO TALISMAN PARTNERS, LTD., RECORDED IN DOCUMENT NO. 2003248089, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS (O.P.R.T.C.T.), AND BEING A PORTION OF LOT 2, THEODORE LOW HEIGHTS SUBDIVISION OF RECORD IN VOLUME 445, PAGE 581, DEED RECORDS OF TRAVIS COUNTY, TEXAS (D.R.T.C.T.); SAID 15,097 S.F. TRACT ALSO BEING A PORTION OF LOT 1, PRECISION ADDITION, A SUBDIVISION OF RECORD IN VOLUME 89, PAGE 322, PLAT RECORDS OF TRAVIS COUNTY, TEXAS (P.R.T.C.T.); SAID 15,097 S.F. TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/4-inch iron rod found in the easterly right-of-way (r.o.w.) line of Blue Bonnet Lane (a variable width r.o.w. at this location), at the northwest corner of a called 12,832 square feet (0.295 acre) tract of land having been conveyed to Talisman Partners, Ltd. by Special Warranty Deed of record in Document No. 2005094008, O.P.R.T.C.T.; same being the southwest corner of that certain called 46,513 s.f. tract conveyed to Talisman Partners, Ltd. of record in Document No. 2003248089, O.P.R.T.C.T.; and from said beginning point run the following eleven (11) courses and distances:

THENCE with the east line of Blue Bonnet Lane, a variable width right-of-way (r.o.w.) and the west line of said 46,513 s.f. tract, same being the west line of said Lot 2, Theodore Low Heights Subdivision by courses 1 and 2 as follows:

- 1) North 25°05'13" West, a distance of 56.68 feet to a 1/4-inch iron rod found at the southwest corner of a r.o.w. widening tract recorded in Volume 1753, Page 443, D.R.T.C.T.;
- 2) South 82°24'47" East, a distance of 6.02 feet to a 1/4-inch iron rod found at the southeast corner of said r.o.w. widening tract;

THENCE through the interior of said 46,513 s.f. tract and Lot 1, Precision Addition by courses 3 - 5 as follows:

- 3) South 81°26'52" East, a distance of 105.38 feet to a point for an interior ell corner;
- 4) North 10°27'00" East, a distance of 80.36 feet to a point for an exterior ell corner;
- 5) North 84°16'14" East, a distance of 155.08 feet to a point for the northeast corner of the herein described tract, same being the southwest corner of Tract A, F.M. Del Curto Resubdivision of Tract B of F.M. Del Curto Resubdivision of Lots 1 and 2 and Portions of Lots 3, 26, 27, 28, 29 & 30 of Delcrest Addition and of Lots 6, 7 and 8

Tract 2
Page 2


Block A of Delcrest Addition Section 2, of record in Book 17, Page 90, P.R.T.C.T.; from which point a cotton spindle found bears South 83°50'34" East, a distance of 0.34 feet;

THENCE with the east line of said Lot 1, Precision Addition courses 6 and 7 as follows:

- 6) South 30°43'18" West, a distance of 125.65 feet to a 1/4-inch iron rod found;
- 7) South 15°26'52" West, a distance of 2.01 feet to a PK nail found in concrete footing of a rock wall at the southeast corner of said Lot 1, Precision Addition;

THENCE with the south line of said Lot 1, Precision Addition, and said 46,513 s.f. tract by courses 8-11 as follows:

- 8) North 70°17'27" West, a distance of 28.10 feet to a 1/4-inch iron rod found;
- 9) South 86°17'26" West, a distance of 79.13 feet to a 1/4-inch iron rod found with plastic cap stamped "Wallace Group" at an angle point;
- 10) North 89°34'22" West, a distance of 25.91 feet to a 1/4-inch iron rod found at an angle point;
- 11) South 67°52'44" West, a distance of 63.66 feet to the POINT OF BEGINNING of the herein described tract, delineating and encompassing within the metes recited 15,097 square feet (0.347 acres) of land, more or less, based on a survey made by The Wallace Group, Inc. on March 30, 2003 and January 30, 2007.


Vana H. Proffitt, R.P.L.S.
The Wallace Group, Inc.
1 Chisholm Trail, Suite 130
Round Rock, Texas 78681

02-01-2008



Bearings based on the westerly line of said tract as called for in deed of record in Document No. 2000133679, same being the easterly line of Blue Bonnet Lane having a deed call bearing and distance of North 25 degrees 04 minutes West, 124.82 feet;

TRACT 3
FIELD NOTE DESCRIPTION OF A
54,038 SQUARE FEET (1.241 ACRE) TRACT

DESCRIBING A 54,038 SQUARE FOOT (S.F.) TRACT OF LAND SITUATED IN THE ISAAC DECKER LEAGUE, CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN CALLED 46,513 S.F. TRACT OF LAND DESCRIBED IN A SPECIAL WARRANTY DEED TO TALISMAN PARTNERS, LTD., RECORDED IN DOCUMENT NO. 2003248089, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS (O.P.R.T.C.T.), AND BEING A PORTION OF LOT 2, THEODORE LOW HEIGHTS SUBDIVISION OF RECORD IN VOLUME 445, PAGE 581, DEED RECORDS OF TRAVIS COUNTY, TEXAS (D.R.T.C.T.); SAID 54,038 S.F. TRACT ALSO BEING A PORTION OF LOT 1, PRECISION ADDITION, A SUBDIVISION OF RECORD IN VOLUME 89, PAGE 322, PLAT RECORDS OF TRAVIS COUNTY, TEXAS (P.R.T.C.T.); SAID 54,038 S.F. TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a cotton spindle found at the northeast corner of said Lot 1, Precision Addition; and from said beginning point run the following ten (10) courses and distances:

THENCE with the east line of said Lot 1, Precision Addition by course 1 as follows:

- 1) South 30°43'18" West, a distance of 176.32 feet to a point for corner at the southwest corner of Tract A, F.M. Del Curto Resubdivision of Tract B of F.M. Del Curto Resubdivision of Lots 1 and 2 and Portions of Lots 3, 26, 27, 28, 29 & 30 of Delcrest Addition and of Lots 6, 7 and 8 Block A of Delcrest Addition Section 2, of record in Book 17, Page 90, P.R.T.C.T.; from which point a cotton spindle found bears South 83°50'34" East, a distance of 0.34 feet;

THENCE through the interior of said Lot 1, Precision Addition, and said 46,513 s.f. tract by courses 2 - 4 as follows:

- 2) South 84°16'14" West, a distance of 155.08 feet to a point for an interior ell corner;
- 3) South 10°27'00" West, a distance of 80.36 feet to a point for an exterior ell corner;
- 4) North 81°26'52" West, a distance of 105.38 feet to a 1/2-inch iron rod found in asphalt in the east right-of-way (r.o.w.) line of Blue Bonnet Lane, a variable width roadway, as partially widened by instrument of record in Volume 1753, Page 443, D.R.T.C.T.; from which point a 1/2-inch iron rod found in the west line of said Lot 2, Theodore Low Heights Subdivision at the southwest corner of said r.o.w. widening tract recorded in Volume 1753, Page 443, D.R.T.C.T. bears North 82°24'47" West, a distance of 6.02 feet;

THENCE with the common line of the westerly line of said 46,513 s.f. tract and the easterly r.o.w. line of said Blue Bonnet Lane, by courses 5 and 6 as follows:

Tract 3
Page 2

- 5) North 25 degrees 04 minutes 00 seconds West, a distance of 124.80 feet to a 1/4-inch iron rod found for the most southerly northwest corner of the herein described tract and said 46,513 s.f. tract, said point marking the southerly end of the cutback corner at the intersection of the easterly r.o.w. line of said Blue Bonnet Lane and the southerly r.o.w. line of South Lamar Boulevard (a roadway with a variable width r.o.w.);
- 6) North 29 degrees 02 minutes 50 seconds East, a distance of 46.15 feet to a 1/2-inch iron rod found for the most northerly northwest corner of the herein described tract and said 46,513 s.f. tract, said point marking the northerly end of the cutback corner at the intersection of the easterly r.o.w. line of said Blue Bonnet Lane and the southerly r.o.w. line of said South Lamar Boulevard, said point also being the beginning of a curve to the right;

THENCE with the common line of the southerly r.o.w. line of said South Lamar Boulevard and the northerly and easterly line of said 46,513 square feet tract and the northerly line of said Lot 1, Precision Addition by courses 7 - 10 as follows:

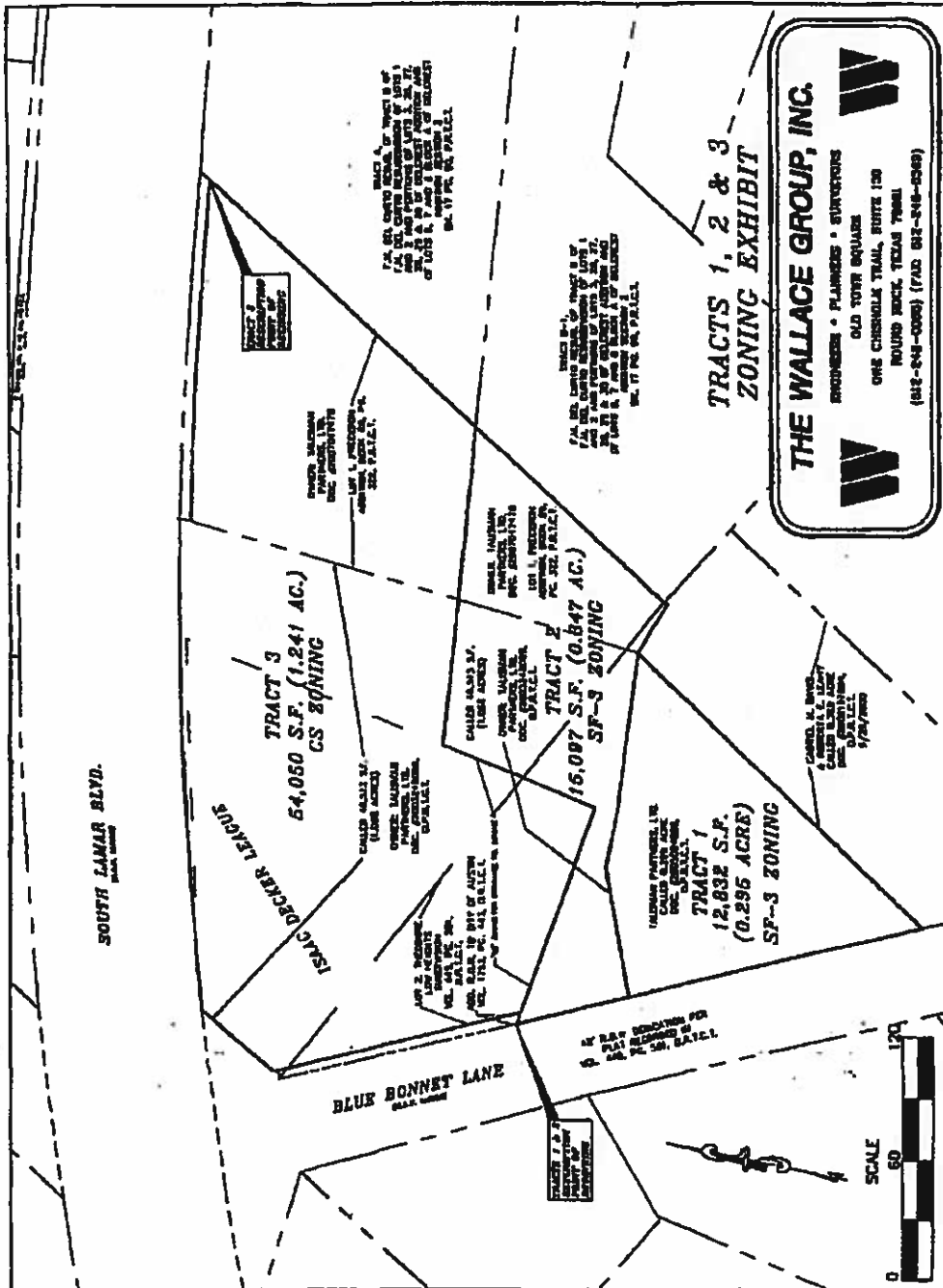
- 7) Along a curve to the right, with a radius of 1869.86 feet, an arc length of 238.75 feet, and a long chord bearing North 75 degrees 49 minutes 53 seconds East, a distance of 238.59 feet to a point for corner;
- 8) South 04 degrees 38 minutes 26 seconds West, a distance of 5.18 feet with the easterly line of said 46,513 s.f. tract to a cotton spindle found at the northwest corner of said Lot 1, Precision Addition; said point also being in the south line of a 5 foot wide r.o.w. strip dedicated per said Precision Addition plat;
- 9) Along a curve to the right, with a radius of 1864.86 feet, an arc length of 111.30 feet, and a long chord bearing North 81°05'01" East, a distance of 111.28 feet to the POINT OF BEGINNING of the herein described tract, delineating and encompassing within the metes recited 54,038 square feet (1.241 acres) of land, more or less, based on a survey made by The Wallace Group, Inc. on March 30, 2003 and January 30, 2007.


Vana H. Proffitt, R.P.L.S.
The Wallace Group, Inc.
1 Chisholm Trail, Suite 130
Round Rock, Texas 78681

02-01-2008



Bearings based on the westerly line of said tract as called for in deed of record in Document No. 2000133679, same being the easterly line of Blue Bonnet Lane having a deed call bearing and distance of North 25 degrees 04 minutes West, 124.82 feet;



Recorders Memorandum-At the time of recordation this instrument was found to be inadequate for the best reproduction, because of illegibility, carbon or photocopy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded.

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

A handwritten signature in black ink, reading "Dana DeBeauvoir". The signature is written in a cursive, flowing style.

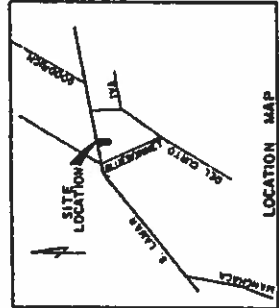
2009 Jan 09 11:05 AM 2009003056

BARTHOD \$56.00

DANA DEBEAUVOIR COUNTY CLERK

TRAVIS COUNTY TEXAS

PRECISION ADDITION



STUDY

- 1.) no building will be built and no structure will be occupied until the building or structure is connected to the City of Austin water and wastewater utility system.
- 2.) "this subdivision plat was approved and recorded before the construction and acceptance of street and other subdivision improvements. Pursuant to the terms of a Subdivision Construction Agreement between the subdivider and the City of Austin dated August 26, 1993, the subdivider is responsible for the construction of all streets and facilities needed to serve the lots within the subdivision. This responsibility may be assigned in accordance with the terms of that agreement.
- For the construction agreement pertaining to this subdivision, see separate instrument recorded in Volume 11547, Page 116, in the Deed Records of Travis County, Texas."
- 3.) "Prior to construction on lots in this subdivision, drainage plans will be submitted to the City of Austin for review. Relief (if any) shall be held to the amount existing at undeveloped status by ponding or other approved methods. All proposed construction or site alteration on Lot 1 requires approval of a separate Waterway Development Permit."
- 4.) This subdivision is hereby restricted to other than residential development.
- 5.) All streets will be constructed to City of Austin standards.
- 6.) Sidewalks are required on the subdivision side of Precision Addition.
- 7.) "Sidewalks shall be completed prior to the acceptance of any Type 1, Type II, or Type III driveway approach and issuance of a certificate of compliance or occupancy."
- 8.) Off-street loading and unloading facilities shall be provided on Lot 1
- 9.) This subdivision is in the West Boulder Urban Watershed
- 10.) Building setback line shall be in conformance with City of Austin zoning ordinance requirements.
- 11.) "Water and Wastewater Systems serving this subdivision shall be designated and installed in accordance with the City of Austin and State Health Department plans and specifications. Plans and specifications shall be submitted to the City of Austin, Water and Wastewater Department for review."
- 12.) All signs shall comply with the Austin Sign Ordinance.

12.) All signs shall comply with the Austin Sign Ordinance.

Legend

1. $\frac{1}{2} \times 10 = 5$
 2. $\frac{1}{2} \times 10 = 5$
 3. $\frac{1}{2} \times 10 = 5$
 4. $\frac{1}{2} \times 10 = 5$
 5. $\frac{1}{2} \times 10 = 5$
 6. $\frac{1}{2} \times 10 = 5$
 7. $\frac{1}{2} \times 10 = 5$
 8. $\frac{1}{2} \times 10 = 5$
 9. $\frac{1}{2} \times 10 = 5$
 10. $\frac{1}{2} \times 10 = 5$

KNOW ALL MEN BY THESE PRESENTS That Realty Alliance of Texas Limited, a Texas limited partnership, acting by and through its General Manager, R. B. Benton, owner of that Certain Oil Lease, as Vice President, R. B. Benton, owner of that Certain Oil Lease, consisting of land out of the Isaac Becker League #0.938 acre being part of Travis County, Texas, a portion thereof, do hereby dedicate said land to the City of Austin, Travis County, Texas.

Lot E, Theodore, a portion of Block 76, Addition No. 13, Subdivision according to the map or plat of record in Volume 443 page 581; Deed Records of Travis County, said 0.938 acre of land having been conveyed to said partnership by deed of record in Volume 10782 page 75, Real Property Records of Travis County, said property having been zoned for usage other than one or more residential units per lot for the immediate preceding subdivision years, and there being no restrictions precedent to said subdivision to one or more residential units pursuant to Section 5, Chapter 97A, Local Government Code, Texas Civil Statutes, approved for redissubmission pursuant to the public notification and hearing provision of Chapter 21E, Local Government Code, as amended, Texas Civil Statutes, do hereby dedicate said 0.938 acre of land in accordance with the attached plat to be known as THE PRECISION ADDITION, and do hereby dedicated to the public all streets and easements shown herein, subject to any assessments or restrictions heretofore granted and not released.

WITNESS MY HAND this 2nd day of MAY A.D. 1991.

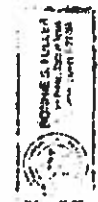
restrictions heretofore granted and not released.
UNLESS MY HAND this the 2nd day of MAY, 1991 A.D.

R. B. Benton
R. B. Benton
1717 MAIN STREET
DALLAS TEXAS 75201

STATE OF TEXAS
COUNTY OF TRAVIS

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared R. B. Benton, known to me to be the person whose name is subscribed to the foregoing instrument of writing and he acknowledged to me that he executed the same for purposes and considerations therein expressed and in the capacity therein stated.

WITNESS MY HAND AND SEAL OF OFFICE, this 2nd day
of May, 1971 A.D.



Bonnie S. Fulmer
Notary public in and for the State
of Tennessee

Bonnie S. Fuller
PRINT NAME

00161150000

Vol. 89 Page 322
P.A. SECOND, TAMES COUNTY, IOWA

BIENVENUE AU MINISTRE
DES AFFAIRES INDIGENES

1. JOHN DEWEENEY, CLERK OF TRAVIS COUNTY, BEARS NO KNOWLEDGE OF ANY CERTIFICATES THAT THE FURNISHING INSTRUMENT OF WRITING AND ITS CONTENTS WERE SUBMITTED FOR NOTIFICATION AND FILING IN HIS OFFICE.

2. THE DAY OF DECEMBER, 1941, A.M., AND ONLY RECORDED ON THE 14TH DAY OF DECEMBER, 1941, AT 10:30 A.M., PLAT RECORDS OF SAID COUNTY AND STATE IN PLAT BOOK NO. 89, PAGE(S) 322.

WITNESS MY HAND AND SEAL OF THE COUNTY CLERK,
 TIME -- 21st DAY OF -- June --, 1991, A.D.

DAVID DEBEAUX, CINCINNATI
TRAVIS COUNTY, TEXAS

DEPUTY
accepted & authorized for record by the Director of the Department of Planning & Development, City of Austin, County of Travis, this the 10th day of June, 1991 A.D.

17 June 1961

**DIRECTOR
PLANNING AND DEVELOPMENT DEPARTMENT**



FILED FOR RECORD
At 10-45 a.m. A
27th day of October 19
Dennis DeBevoise

By K. Tenell, Deputy
K. TENELL

STATE OF TEXAS
COUNTY OF TRAVIS

_____, DANA DEBEAUNIOR, CLERK OF THE COUNTY COURT, OF TRAVIS COUNTY, TEXAS DO HEREBY CERTIFY THAT ON THE _____ DAY OF _____, 19____, A.D., THE FOREGOING COURT OF TRAVIS COUNTY, TEXAS PASSED AN ORDER AUTHORIZING THE FILING FOR RECORD OF THIS PLAT AND THAT SAID ORDER WAS FULLY ENTERED IN THE MINUTES OF SAID COURT, IN BOOK _____, PAGE 18.

WITNESS MY HAND AND SEAL OF OFFICE OF THE COUNTY COURT OF SAID COUNTY, THE _____ DATE OF _____, 1941, A.D.

ANNA DEBEAUVIR, CLERK, COUNTY CLERK
TARRANT COUNTY, TEXAS

Answer

No portion of this tract is within the designated flood hazard area as shown on the Federal Flood Insurance Administration rate map 48064's - 00808 Travis County, Texas, Dated 9-2-81.

STATE OF TEXAS

COUNTY OF TRAVIS

I, David Bell, Registered Professional Land Surveyor, am authorized under the laws of the State of Texas to practice the profession of land surveying, and do hereby certify that this plat complies with the surveying portions of Title 13 of the Austin City Code, and is true and correct to the best of my knowledge and was prepared from an actual survey of the property performed under my direction and supervision, on the island.

CERTIFIED TO THIS 2nd day of April, 1971 A.D.

David Bell, R.P.L.S., 133m
State of Texas
American Surveying Company
812 So. Antonio St., Suite 9-17
Austin, Texas 78701