

ZONING CHANGE REVIEW SHEET

CASE: C14-2020-0091 (Johnny Morris Road Light Industrial) DISTRICT: 1

ZONING FROM: LI-CO, W/LO-CO TO: LI

ADDRESS: 6215 ½ Johnny Morris Road

SITE AREA: 14.72 acres

PROPERTY OWNER: Texas Coldworks, LLC (Christian Garces)

AGENT: Kimley-Horn (Harrison M. Hudson, P.E.)

CASE MANAGER: Sherri Sirwaitis (512-974-3057, sherri.sirwaitis@austintexas.gov)

STAFF RECOMMENDATION:

Staff recommends LI-CO, Limited Industrial-Conditional Overlay Combining District, zoning. The conditional overlay will limit the site to uses permitted in the IP, Industrial Park, district and the Consumer Convenience Services use. Therefore, the CO would prohibit the following uses on the property:

**Automotive Washing
Campground
Commercial Off-Street Parking
Drop Off Recycling Collection Facility
Equipment Repair Services
Equipment Sales
Food Sales
Funeral Services
General Retail Sales (Convenience)
General Retail Sales (General)
Hotel-Motel
Kennels
Laundry Services
Liquor Sales
Monument Retail Sales
Personal Improvement Services
Scrap and Salvage
Vehicle Storage
Veterinary Services
Basic Industry
Recycling Center
Resource Extraction**

ZONING AND PLATTING COMMISSION ACTION / RECOMMENDATION:

November 4, 2020: Approved the staff's recommendation of LI-CO zoning, with condition to add that the property will be subject to LDC. Sec. 25-2-648 PDA Performance Standards (9-1, D. King-No); A. Denkler-1st, A. Aguirre-2nd.

CITY COUNCIL ACTION:

December 3, 2020

ORDINANCE NUMBER:ISSUES:

The Law Department has determined that the ZAP Commission's recommendation to add a condition to subject the property to LDC Sec. 25-2-648 PDA Performance Standards cannot be included in a conditional overlay in the draft ordinance. The PDA Performance Standards do not meet the requirements spelled out in Sec. 25-2-332 - Conditional Overlay (CO) Combining District Regulations of the Code. The PDA Performance Standards do not prohibit specific uses or restrict any specific site development regulation.

There is a public restrictive covenant on this property and the conditions in that RC will not be changing. As there was no request to amend/delete these conditions on the property, the public RC with the backup material for information purposes.

Please see Exhibit E.

CASE MANAGER COMMENTS:

The property in question is a moderately vegetated undeveloped 14+ acre area that fronts onto Johnny Morris Road. The tract of land to the north contains a mobile home park (Walnut Creek Mobile Home Park). To the south, there is a single-family residence with a barn and a manufactured home park. The property to the west, across Johnny Morris Road, consists of an undeveloped tract, a single family residence and an office/warehouse use. To the east, there is a rail line and a single-family residential neighborhood. The applicant is requesting to rezone the property from LI-CO and W/LO-CO to develop this site with a limited warehousing and distribution use.

BASIS OF RECOMMENDATION:

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

Limited Industrial Service district is intended as an area primarily for commercial services and limited manufacturing uses, generally on moderately sized sites.

The property in question is a 14+ acre area that is located on Johnny Morris Road, an arterial roadway, across from existing industrial uses.

2. *Zoning should allow for reasonable use of the property.*

LI-CO zoning will permit the applicant to develop this property with the warehousing and distribution uses that were permitted in the original zoning ordinance in 1988 (*Please see Exhibit D - Ordinance No. 891207- C*). The proposed conditional overlay will limit the site to IP, Industrial Park district, uses. This CO will prohibit the more intensive, obnoxious industrial and commercial uses on the site as there are residential uses to the north, south and east of this tract of land. The applicant has stated that they would like to maintain the Consumer Convenience Services use for future development on the property. This use is not permitted in the IP district. However, as this use is permitted in more restrictive zoning districts and provides for community services it would not be an inappropriate use at this location.

The proposed LI-CO zoning is appropriate for the site under consideration because it fronts onto and will access an arterial roadway across from LI-CO zoning to the west that is developed with a Limited Warehousing and Distribution use. The property is located within the Colony Park Station Neighborhood Activity Center and is 1,300 linear feet due south of the Loyola Lane Activity Corridor.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	LI-CO, W/LO-CO	Undeveloped
<i>North</i>	MH	Manufactured Homes (Walnut Creek Mobile Home Park)
<i>East</i>	ROW, SF-2, SF-4A	Rail line, Single-Family Residential Neighborhood
<i>South</i>	SF-3, MH	Single Family Residence with Barn, Manufactured Home Park
<i>West</i>	LI-CO, IP	Undeveloped Tract, Single Family Residence, Limited Warehousing and Distribution (United)

NEIGHBORHOOD PLANNING AREA: N/ATIA: Deferred to the time of Site PlanWATERSHED: Walnut CreekNEIGHBORHOOD ORGANIZATIONS:

Agave Neighborhood Association
 Austin Independent School District
 Austin Lost and Found Pets
 Austin Neighborhoods Council
 Bike Austin
 Colony Park Neighborhood Association
 Del Valle Community Coalition
 East MLK Combined Neighborhood Plan Contact Team
 Friends of Austin Neighborhoods
 Friends of Northeast Austin
 Homeless Neighborhood Association
 Neighborhood Empowerment Foundation
 Neighbors United for Progress
 SELTEXAS
 Sierra Club, Austin Regional Group

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2018-0117 (Loyola Lofts: 6420 Loyola Lane)	LR, SF-3 to GR-MU-CO	12/18/18: To grant staff's rec. of GR-MU-CO on consent, with a CO to prohibit Alternative financial services, Automotive	1/31/18:

		rentals, Automotive repair services, Automotive washing (of any type), Bail bond services, Drop-off recycling collection facility, Exterminating services, Funeral services, Pawn shop services, Pedicab storage and dispatch, Service station, and Custom Manufacturing and limiting the site to 2,000 vehicle trips per day (6-0-1) [B. King- 1 st , A. Aguirre- 2 nd ; Y. Flores- Abstain; B. Greenberg, S. Lavani, and D. Breithaupt- Absent]	
C14-06-0156.SH (6200 Loyola Lane)	MF-3-CO, GR-MU-CO to MF-3-CO	09/19/2006: MF-3-CO w/ max 2,000 v.p.d., max 254 d.u.	10/19/2006: Approved MF-3-CO as rec by ZAP, Ord # 20061019-062

RELATED CASES:

C14-88-0136 - Previous Rezoning Case
 SP-2020-0279C – Site Plan Case

EXISTING STREET CHARACTERISTICS:

Name	Existing ROW	ASMP Required ROW	Pavement	ASMP Classification	Existing Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Johnny Morris Road	~54'	120'	23'	3	No	Yes	Yes

OTHER STAFF COMMENTS:

Comprehensive Planning

The zoning case is located on the east side Johnny Morris Road, on an undeveloped 14.72 acre property. The property is located within the **Colony Park Station Neighborhood Activity Center** and is 1,300 linear feet due south of the **Loyola Lane Activity Corridor**. The property is not located within the boundaries of an existing neighborhood planning area. Surrounding land uses includes a mobile home park and vacant land to the north; to the south a large mobile home park and recreational soccer fields; to the east is a single family subdivisions and vacant land; and to west is an office/warehouse park and vacant land. The proposal calls for the construction of an undefined office/warehouse use and the removal of the existing Conditional Overlays, which include:

- uses of Tract 1 shall be restricted to the range of "IP" Industrial Park district uses that are permitted in "LI" Limited Industrial Service district as set forth in Sec. 13-2-221 of the Austin City Code.
- development shall conform to the site development regulations established for the "IP" Industrial Park District as set forth in Sections 13-2-630 of the Austin City Code, except the minimum lot size shall be restricted to 10,000 square feet;
- development shall be restricted to .096 to 1 floor to area ratio;
- development shall conform to the Planned Development Area (PDA) performance standards as defined in Section 13-2-269 of the Land Development Code of the City of Austin.

Connectivity: This portion of Johnny Morris Road is a narrow rural road with high weeds abutting right up against the road that has no berm to walk along or public sidewalk. There are no bike lanes along this road and public sidewalks are only located in front of the mobile home parks and next to a portion of the soccer fields. A Cap Metro transit stop is located less than 100 feet from the property on Johnny Morris Road but to access it, a pedestrian would have to walk on the road to reach it. The connectivity options in this area are below average while the mobility options are problematic because of the lack of public sidewalks and the narrow rural road that has no berm to reach the public transit stop.

Imagine Austin

The property is located within the **Colony Park Station Neighborhood Activity Center** and is 1,300 linear feet due south of the **Loyola Lane Activity Corridor**. Like many Imagine Austin Centers, this center is represented by a circle or globular shape that reflects the general location where the center should be located in the future. A Neighborhood Center, the smallest center in the Imagine Austin Comprehensive Plan, has a more local focus, and is intended for doctors and dentist offices, retail shops, branch libraries, dry cleaners, hair salons, coffee shops, restaurants, and other small and local businesses to generally serve the center and surrounding neighborhoods. The following IACP policies are also relevant to this case:

- **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.

- **LUT P4.** Protect neighborhood character by directing growth to areas of change that includes designated redevelopment areas, corridors and infill sites. Recognize that different neighborhoods have different characteristics and new and infill development should be sensitive to the predominant character of these communities.
- **LUT P20.** Locate industry, warehousing, logistics, manufacturing, and other freight-intensive uses in proximity to adequate transportation and utility infrastructure.
- **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 schools, retail, employment, community services, and parks and recreation options.**

Analysis: This area of Austin has large parcels of vacant land, mobile home parks, single family subdivisions and office/warehouse uses but is developing into a complete neighborhood because this Neighborhood Center contains a school, a park, some goods and services and employment opportunities to the north, along Loyola Lane.

As for light industrial and office/warehouse uses being located next to residential properties, this does have a potential for negative impact due to noise, light and/or pollution and noxious smells coming from the use. However, light industrial and office/warehouse uses are not only located outside 'Job Centers' but also along and outside Activity Corridors and Activity Centers. Based on the nearby light industrial and office/warehouses uses located across the street; the Imagine Austin policies above that recognize that different neighborhood have different characteristics; the potential creation of new jobs when this use is constructed; but the below average mobility and fair connectivity options in the area, this request partially supports the Imagine Austin Comprehensive Plan. Regarding the analysis to remove the existing Conditional Overlays on this site, this is beyond the purview of Imagine Austin Comprehensive Plan polices, which are broad in scope.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Walnut Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. The site is in the Desired Development Zone.

Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

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

According to floodplain maps there is no floodplain within or adjacent to the project location.

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

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

At this time, no information has been provided as to whether this property has any ls that preempt current water quality or Code requirements.

Fire

No comment.

Parks

There are currently no parkland dedication requirements for non-residential or non-hotel developments. The proposed use does not include any residential units or hotel/motel keys.

Site Plan

Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted. There is a site plan currently under review for this property (SP-2020-0279C) which provides for industrial uses, along with associated parking and drainage facilities.

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

- a. No structure may be built within 25 feet of the property line.
- b. No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- c. No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- d. No parking or driveways are allowed within 25 feet of the property line.
- e. A landscape area at least 25 feet wide is required along the property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

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

This site is subject to Limited Industrial District Regulations (25-2-601). The minimum interior yard setback and side yard setbacks are 50 feet, if adjacent to property zoned or used for a use permitted in an LA, RR, SF-1, SF-2, SF-3, SF-4,

SF-5, or SF-6 district.

Transportation

The Austin Strategic Mobility Plan (ASMP), adopted 04/11/2019, identifies 120' of right-of-way needed for Johnny Morris Road. Right-of-way dedication should be deferred to the time of subdivision or site plan. The traffic impact analysis should also be deferred to the time of site plan application when land uses and intensities will be known.

Name	Existing ROW	ASMP Required ROW	Pavement	ASMP Classification	Existing Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Johnny Morris Road	~54'	120'	23'	3	No	Yes	Yes

Water Utility

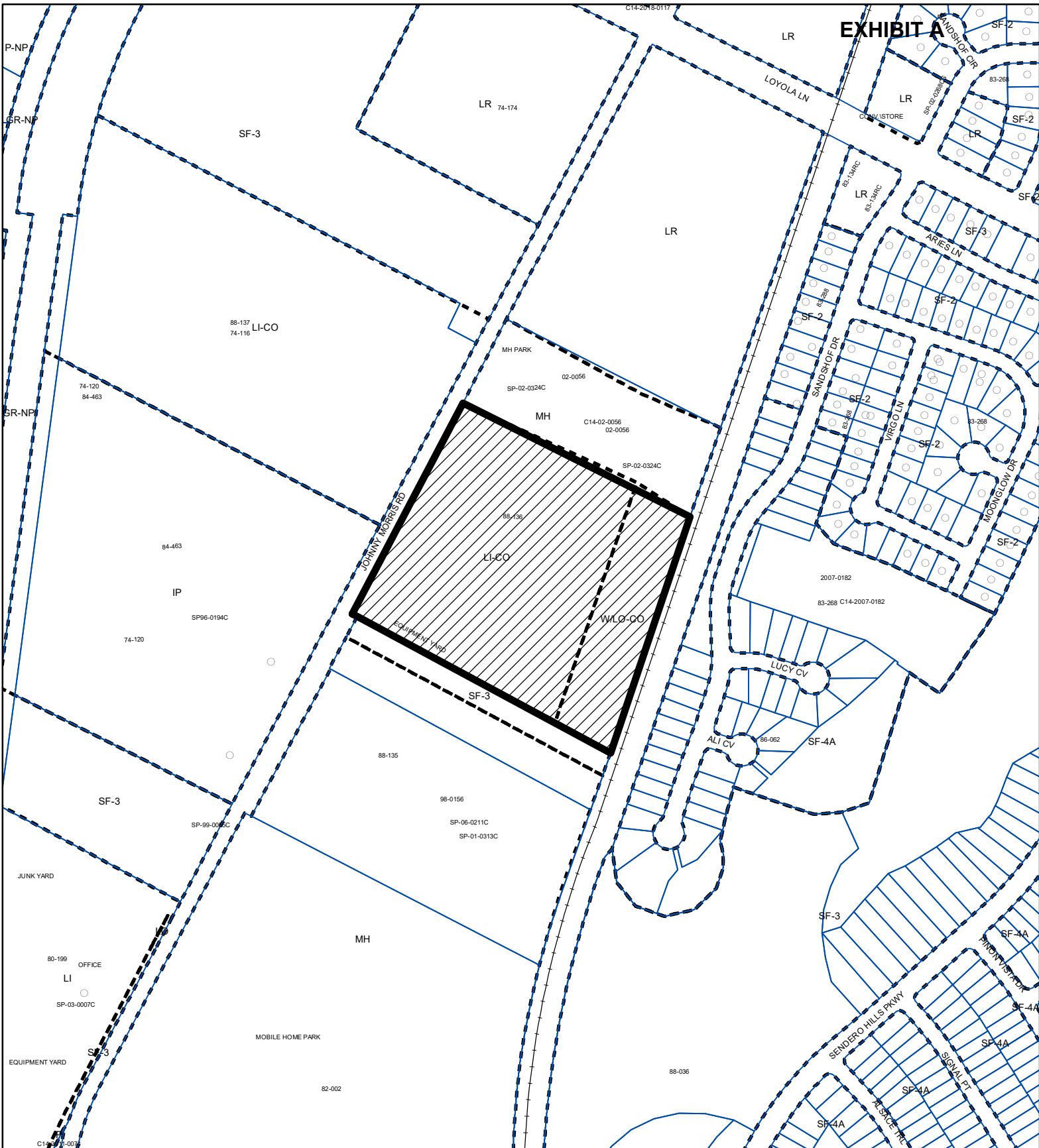
The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by Austin Water for compliance with City criteria and suitability for operation and maintenance.

Service Extension Requests 4804 and 4805 are currently in review and must be approved prior to development plan or plat approval. For status, contact Cole Huggins at 512-972-0250. Depending on the development plans submitted, revisions to the water and or wastewater service extension requests may be required. 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 Map
- C. Applicant's request letter
- D. Current zoning ordinance
- E. Current public restrictive covenant



ZONING

ZONING CASE#: C14-2020-0091

N

SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

1" = 400'

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: 8/11/2020



1" = 400'

- SUBJECT TRACT
- ZONING BOUNDARY
- PENDING CASE

 PENDING CASE
- CREEK BUFFER

Johnny Morris Light Industrial

ZONING CASE#: C14-2020-0091
 LOCATION: 6215 1/2 Johnny Morris Rd.
 SUBJECT AREA: 14.72 ACRES
 GRID: N24
 MANAGER: Sherri Sirwaitis



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.



July 10, 2020

City of Austin
Development Services Department
505 Barton Springs Road
Austin, TX 78704

Re: *Zoning Summary Letter*
6125 ½ Johnny Morris Road
Austin, Texas 78724

To Whom It May Concern:

On behalf of the owner, please accept the enclosed Zoning Application for the project referenced above. The owner seeks to unify the zoning category across the property and remove the Conditional Overlay Item 2.i of the prior zoning case (C14-88-0136) so that the property can be developed for modern light industrial uses. No modifications are requested to the existing Restrictive Covenant Agreement. The applicant intends to comply with the applicable environmental and zoning regulations including commercial compatibility and site lighting components.

If you have any questions or comments regarding this request, please contact me at 512-418-1771.

Sincerely,

A handwritten signature in blue ink, appearing to read "Joel Wixson".

Joel M. Wixson, P.E.
Project Manager

CITY OF AUSTIN, TEXAS

ORDINANCE NO. 891207-C

AN ORDINANCE ORDERING A REZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 13-2 OF THE AUSTIN CITY CODE OF 1981 AS FOLLOWS:

TRACT 1: 11.492 ACRE TRACT OF LAND OUT OF THE JAMES BURLESON LEAGUE, FROM "SF-3" FAMILY RESIDENCE DISTRICT TO "LI-CO" LIMITED INDUSTRIAL SERVICES DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT,

TRACT 2: 3.584 ACRE TRACT OF LAND OUT OF THE JAMES BURLESON LEAGUE, FROM "SF-3" FAMILY RESIDENCE DISTRICT TO "W/LO-CO" WAREHOUSE/LIMITED OFFICE DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT,

LOCALLY KNOWN AS 6100-6200 JOHNNY MORRIS ROAD, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; WAIVING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

PART 1. Chapter 13-2 of the Austin City Code of 1981 is amended to change the respective base zoning districts and to establish a Conditional Overlay combining district on all of the property described in File C14-88-0136-CO, as follows:

TRACT 1: FROM "SF-3" FAMILY RESIDENCE DISTRICT TO "LI-CO" LIMITED INDUSTRIAL SERVICES DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT.

11.492 acre tract of land out of the James Burleson League, said 11.492 acre tract of land being more particularly described by metes and bounds in "Exhibit A" attached and incorporated herein for all purposes.

TRACT 2: FROM "SF-3" FAMILY RESIDENCE DISTRICT TO "W/LO-CO" WAREHOUSE/LIMITED OFFICE DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT.

3.584 acre tract of land out of the James Burleson League, said 3.584 acre tract of land being more particularly described by metes and bounds in "Exhibit B" attached and incorporated herein for all purposes.

locally known as 6100-6200 Johnny Morris Road, in the City of Austin, Travis County, Texas.

PART 2. Notwithstanding any use or site development regulations of the respective base zoning districts to the contrary, all of the property within the boundaries of the Conditional Overlay combining district established by this ordinance is subject to the following conditions:

1. The following conditions shall apply only to Tract 1:

- (i) Uses of Tract 1 shall be restricted to the range of "IP" Industrial Park district uses that are permitted in "LI" Limited Industrial Service district as set forth in Sec. 13-2-221 of the Austin City Code.

- (ii) Development shall conform to the site development regulations established for the "IP" Industrial Park District as set forth in Sections 13-2-630 of the Austin City Code, except that the minimum lot size shall be restricted to 10,000 square feet.
2. The following conditions shall apply to Tracts 1 and 2:
- (i) Development shall be restricted to .096 to 1 floor to area ratio.
 - (ii) Development shall conform to the Planned Development Area (PDA) performance standards as defined in Section 13-2-269 of the Land Development Code of the City of Austin.

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

PART 3. It is ordered that the Zoning Map established by Sec. 13-2-22 of the Austin City Code of 1981 and made a part thereof shall be changed to record the amendment enacted by this ordinance.

PART 4. The requirement imposed by Section 2-2-3 of the Austin City Code of 1981 that this ordinance be read on three separate days shall be waived by the affirmative vote of five members of the City Council to pass this ordinance through more than one reading on a single vote.

PART 5. This ordinance shall be effective ten days after the date of its final passage.

PASSED AND APPROVED

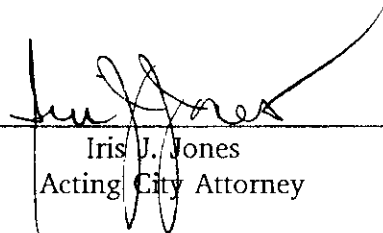
December 7, 1989

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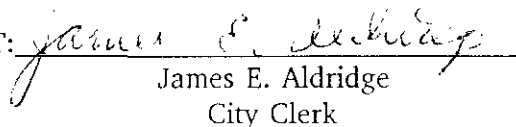

Lee Cooke

Mayor

APPROVED:


Iris J. Jones
Acting City Attorney

ATTEST:


James E. Aldridge
City Clerk

SS/jj

Prelim.

SF-3

SF-3

IP

IP

SF-3

LO

LI

SF-3

MOBILE HOME PARK

SF-3

LR

LR

SF-2

SF-2

SF-4A

TR. #1

SF-3

TR. #2

MOBILE HOME PARK

NORTH



PENDING CASE

ZONING LINE - - - - -

CYCLE^{12/88} INTLS j. ramos

SUBJECT TRACT

SUBJECT ACREAGE 15.076

CASE NO: C14-88-0136

GRID

N

24,25

ZONING CASE NO. C14-88-0136
ZONING: IP USES ALLOWED IN
LI

BEING A 11.492 ACRE PORTION OF THAT CERTAIN 15.076 ACRE TRACT OF LAND OUT OF THE JAMES BURLESON LEAGUE IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AS DESCRIBED IN A DEED TO CAREY LEGETT JR, ET. UX., RECORDED IN VOLUME 7634, PAGE 137 OF THE TRAVIS COUNTY DEED RECORDS, SAID 11.492 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a point in the southeasterly r.o.w. line of Johnny Morris Lane at the most northerly corner of the above described 15.076 acre tract of land for the northerly corner hereof;

THENCE with the northeast line of said tract of land S 60° 44' E 594.37 feet to the most easterly corner hereof;

THENCE crossing said 15.076 acre tract, with a line 200 feet west of and parallel with the west r.o.w. line of the Southern Pacific Railroad, S 21° 18' W 778.59 feet to the southwesterly line of said 15.076 acre tract of land for the most southerly corner hereof;

THENCE with the southwesterly line of said tract of land N 59° 36' W 716.81 feet to the most westerly corner hereof;

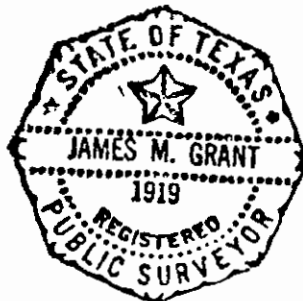
THENCE with the southeasterly r.o.w. line of Johnny Morris Lane and the northwesterly line of said 15.076 acre tract of land N 30° 24' E 439.16 feet and N 30° 20' E 318.38 feet to the POINT OF BEGINNING and containing 11.492 acres of land, more or less.

AS PREPARED FROM RECORDS BY RALPH HARRIS SURVEYOR, INC.

James M. Grant
JAMES M. GRANT
R.P.S. NO. 1919

APRIL 21, 1989

NS19:15027C.M&B



ZONING CASE NO. C14-88-0136
ZONING: WLO

BEING A 3.584 ACRE PORTION OF THAT CERTAIN 15.076 ACRE TRACT OF LAND OUT OF THE JAMES BURLESON LEAGUE IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AS DESCRIBED IN A DEED TO CAREY LEGGETT JR, ET. UX., RECORDED IN VOLUME 7634, PAGE 137 OF THE TRAVIS COUNTY DEED RECORDS, SAID 3.584 ACRE TRACT OF LAND BEING A STRIP OF LAND 200 FEET IN WIDTH MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING FOR REFERENCE at a point in the southeasterly r.o.w. line of Johnny Morris Lane at the most northerly corner of the above described 15.076 acre tract of land;

THENCE with the northeast line of said tract of land S 60° 44' E 594.37 feet to the most northerly corner and POINT OF BEGINNING hereof;

THENCE continuing with the northeast line of said 15.076 acre tract of land S 60° 44' E 201.95 feet to the most easterly corner of said tract for the most easterly corner hereof;

THENCE with the northwesterly r.o.w. line of the Southern-Pacific Railroad S 21° 18' W 782.64 feet to the most southerly corner of said 15.076 acre tract of land for the most southerly corner hereof;

THENCE with the southwesterly line of said tract of land N 59° 36' W 202.55 feet to the most westerly corner hereof;

THENCE with a line 200 feet northwest of and parallel with the northwesterly r.o.w. line of the Southern-Pacific Railroad N 21° 18' E 778.59 feet to the POINT OF BEGINNING and containing 3.584 acres of land, more or less.

AS PREPARED FROM RECORDS BY RALPH HARRIS SURVEYOR, INC.

James M. Grant
JAMES M. GRANT
R.P.S. NO. 1919

APRIL 21, 1989

NS19:15027A.M&B

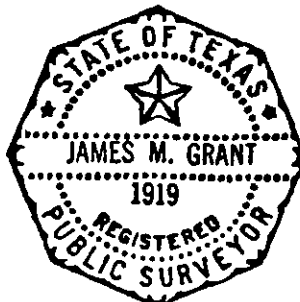


EXHIBIT "B"

AFFIDAVIT OF PUBLICATION

THE STATE OF TEXAS
COUNTY OF TRAVIS

Before me, the undersigned authority, a Notary Public in and for the County of Travis, State of Texas, on this day personally appeared:

James R. Frizzell

Classified Advertising Agent of the Austin American-Statesman, a daily newspaper published in said County and State, who being duly sworn by me, states that the attached advertisement was published in said newspaper on the following dates, to wit:

December 19th, 1989

and that the attached is a true copy of said advertisement.

SWORN AND SUBSCRIBED TO BEFORE ME, this the 19th

Day of December A.D. 1989.

Tina M. Cook
(Type or Print Name of)

ORDINANCE NO. 891207-C
AN ORDINANCE ORDERING A REZON-
ING AND CHANGING THE ZONING
MAP ACCOMPANYING CHAPTER 13-
2 OF THE AUSTIN CITY CODE OF 1981
AS FOLLOWS:
TRACT 1: 11.492 ACRE TRACT OF
LAND OUT OF THE JAMES BURLISON
LEAGUE, FROM "SF-3" FAMILY RESI-
DENCE DISTRICT TO "U-CO" WARE-
HOUSE/LIMITED OFFICE DISTRICT-
CONDITIONAL OVERLAY COVERING
DISTRICT.
TRACT 2: 3.584 ACRE TRACT OF
LAND OUT OF THE JAMES BURLISON
LEAGUE, FROM "SF-3" FAMILY RESI-
DENCE DISTRICT TO "W/O-CO"
WAREHOUSE/LIMITED OFFICE DIS-
TRICT-CONDITIONAL OVERLAY
COVERING DISTRICT.
LOCALLY KNOWN AS 6100-6200
JOHNNY MORRIS ROAD, IN THE CITY
OF AUSTIN, TRAVIS COUNTY, TEXAS.
WAIVING THE RULE REGARDING THE
READING OF ORDINANCES ON THREE
SEPARATE DAYS, AND PROVIDING
AN EFFECTIVE DATE.
Mayor *Tina M. Cook*,
Austin, Texas

Tina M. Cook
Notary Public in and for
TRAVIS COUNTY, TEXAS

10/20/90
(My Commission Expires:)

00004548746

DOC. NO.
89108799

Zoning Case No. C14-88-0136

RESTRICTIVE COVENANT

1:42 PM 0969

7.00 IND
3 3 12/18/8
891087.99-DOC

OWNER: CAREY LEGETT, JR., ET UX, GEORGIA FELTER LEGETT

ADDRESS: 2904 Swisher, Austin, Texas 78705

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

PROPERTY: TRACT 2: 3.584 acre tract of land out of the James Burleson League, said 3.584 acre tract of land being more particularly described by metes and bounds in "Exhibit A" attached and incorporated herein for all purposes.

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

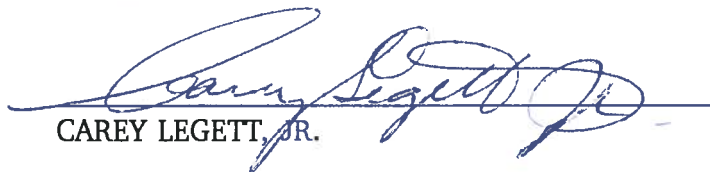
NOW, THEREFORE, it is declared that the Owner of the Property, for the consideration, shall hold, sell and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant. These covenants and restrictions shall run with the land, and shall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

1. The buildings on the Property shall be designed to insure that no loading docks for truck loading or delivery face the rear lots lines of the residential lots fronting Sandshof Drive.
2. If any person or entity shall violate or attempt to violate this agreement and covenant, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such agreement or covenant, to prevent the person or entity from such actions, and to collect damages for such actions.
3. If any part of this agreement or covenant is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full effect.
4. If at any time the City of Austin fails to enforce this agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.

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

When the context requires, singular nouns and pronouns include the plural.

EXECUTED this the 3rd day of October, 1989.


CAREY LEGETT, JR.

THE STATE OF TEXAS

§

COUNTY OF TRAVIS

§

§

This instrument was acknowledged before me on this the 3rd day of October, 1989, by CAREY LEGETT, JR..


Notary Public Signature

JOANN HENSLEY
Type or Print of Notary
My Commission Expires: 5-27-92

NOTARY SEAL


GEORGIA FELTER LEGETT

THE STATE OF TEXAS

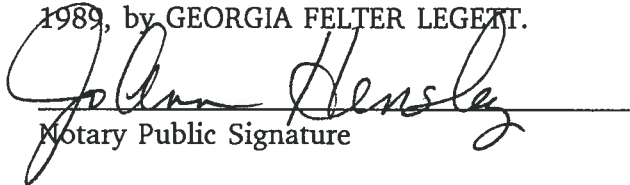
§

COUNTY OF TRAVIS

§

§

This instrument was acknowledged before me on this the 3rd day of October, 1989, by GEORGIA FELTER LEGETT.


Notary Public Signature

JOANN HENSLEY
Type or Print of Notary
My Commission Expires: 5-27-92

NOTARY SEAL

ZONING CASE NO. C14-88-0136
ZONING: WLO

BEING A 3.584 ACRE PORTION OF THAT CERTAIN 15.076 ACRE TRACT OF LAND OUT OF THE JAMES BURLESON LEAGUE IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AS DESCRIBED IN A DEED TO CAREY LEGGETT JR, ET. UX., RECORDED IN VOLUME 7634, PAGE 137 OF THE TRAVIS COUNTY DEED RECORDS, SAID 3.584 ACRE TRACT OF LAND BEING A STRIP OF LAND 200 FEET IN WIDTH MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING FOR REFERENCE at a point in the southeasterly r.o.w. line of Johnny Morris Lane at the most northerly corner of the above described 15.076 acre tract of land;

THENCE with the northeast line of said tract of land S 60° 44' E 594.37 feet to the most northerly corner and POINT OF BEGINNING hereof;

THENCE continuing with the northeast line of said 15.076 acre tract of land S 60° 44' E 201.95 feet to the most easterly corner of said tract for the most easterly corner hereof;

THENCE with the northwesterly r.o.w. line of the Southern-Pacific Railroad S 21° 18' W 782.64 feet to the most southerly corner of said 15.076 acre tract of land for the most southerly corner hereof;

THENCE with the southwesterly line of said tract of land N 59° 36' W 202.55 feet to the most westerly corner hereof;

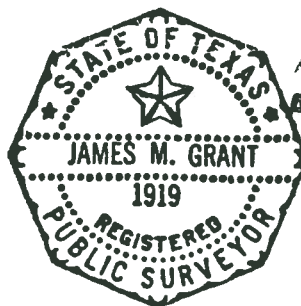
THENCE with a line 200 feet northwest of and parallel with the northwesterly r.o.w. line of the Southern-Pacific Railroad N 21° 18' E 778.59 feet to the POINT OF BEGINNING and containing 3.584 acres of land, more or less.

AS PREPARED FROM RECORDS BY RALPH HARRIS SURVEYOR, INC.

James M. Grant
JAMES M. GRANT
R.P.S. NO. 1919

APRIL 21, 1989

NS19:15027A.M&B



Return to
CITY OF AUSTIN
DEPT. OF LAW
P. O. BOX 1088
AUSTIN, TEXAS 78767
Attn: Martha Risher

STATE OF TEXAS COUNTY OF TRAVIS
I hereby certify that this instrument was FILED on
the date and at the time stamped hereon by me, and
was duly RECORDED, in the Volume and Page of the
named RECORDS of Travis County, Texas, on

DEC 18 1989

FILED
89 DEC 18 PM 1:42

DANA DEBEAUVOIR
COUNTY CLERK
TRAVIS COUNTY, TEXAS



Dana Debeauvoir
COUNTY CLERK
TRAVIS COUNTY, TEXAS

EXHIBIT "A"

REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS

11086 0612