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**ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2014-0088  
1023 Springdale **P.C. DATE:** September 9, 2014

**ADDRESS:** 1023 Springdale Road **AREA:** 9.976 acres

**OWNER:** Springdale Partners, LTD (Sid Orton)

**AGENT:** South Llano Strategies (Glen Coleman)

**FROM:** RR-CO-NP and GR-MU-CO-NP **TO:** CS-CO-NP

**NEIGHBORHOOD PLAN AREA:** Greater MLK Combined **TIA:** N/A

**WATERSHED:** Tannehill Branch and Boggy Creek **SCENIC ROADWAY:** No

**CAPITOL VIEW CORRIDOR:** No **DESIRED DEVELOPMENT ZONE:** Yes

**SUMMARY STAFF RECOMMENDATION:**

Staff recommends general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning. The conditional overlay would include the following:

1. Vehicular trips shall be less than 2,000 vehicles per day.
2. The following land uses shall be prohibited: Bed & breakfast (Group 1), Bed & breakfast (Group 2), Agricultural sales and services, Alternative financial services, Automotive rentals, Automotive repair services, Automotive sales, Automotive washing (of any type), Bail bond services, Building maintenance services, Campground, Commercial blood plasma center, Construction sales and services, Convenience storage, Day care services (Commercial), Day care services (General), Day care services (Limited), Drop-off recycling collection facility, Electronic proto type assembly, Electronic testing, Equipment repair services, Equipment sales, Exterminating services, Funeral services, Kennels, Medical offices (exceeding 5,000 square feet), Monument retail sales, Pawn shop services, Service station, Vehicle storage, Veterinary services, Club or lodge, Hospital services (General), Hospital services (Limited), Indoor crop production, Limited warehousing and distribution, Maintenance and service facilities, Private primary educational facilities, Private secondary educational facilities, Public primary educational facilities, Public secondary educational facilities, Transitional housing, and Transportation terminal.

**PLANNING COMMISSION RECOMMENDATION:**

September 9, 2014:

**ISSUES:**

The current zoning on the subject property, GR-MU-CO-NP and RR-CO-NP, was established with City File # C14-98-0065 in 1998. Floodplain existed on the property in 1998, necessitating RR zoning on a portion of the property, but no floodplain remains on the property, due to upstream improvements. The property is also part of what is commonly referred to as the Tank Farm, properties that were environmentally compromised by previous land uses. Environmental mitigation for the property has been required via a special warranty deed that includes a restrictive covenant prohibiting residential, automotive, and several other land uses.

The rezoning request proposes retaining the conditional overlays of the existing zoning, as well as complying with the existing public restrictive covenant and special warranty deed.

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**DEPARTMENT COMMENTS:**

**Existing Conditions.** The subject property is located on the east side of Springdale Road, approximately 750 feet north of the intersection with Airport Boulevard. The property is currently zoned RR-CO-NP and GR-MU-CO-NP, and is developed with a church and a mix of commercial and light industrial uses. North and east of the property is a residential neighborhood developed with single-family homes. South of the property are lots zoned RR-CO-NP and GR-MU-CO-NP, that are developed with a mix of office, commercial and light industrial uses. West of the subject property, across Springdale Road, are properties zoned CS-MU-CO-NP. The lot immediately across the street is undeveloped, and the other CS-MU-CO-NP properties are developed with a truck terminal and apartments. Please refer to *Exhibits A and B (Zoning Map and Aerial View)*.

**Existing Site Encumbrances.** As stated in the Issues section of this report, the subject property is currently encumbered with a conditional overlay and a special warranty deed. The proposed rezoning incorporates these items into the current rezoning.

The current zoning on the subject property, GR-MU-CO-NP and RR-CO-NP, was established with City File # C14-98-0065 in 1998 (Ord. # 980709-F). A corrective ordinance was passed in February 1998 to correct language that inadvertently prohibited all access to the property (Ord. #990204-O). Please refer to *Exhibits C and D (Zoning Ordinances)*. The RR-CO-NP was required due to floodplain on the property in 1998, but no floodplain remains on the property, due to upstream improvements. As shown on Exhibit B, the floodplain is approximately 300 feet south of the subject property. The current zoning also establishes the following conditional overlay for the subject tract:

1. Site development shall be limited to no more than 2,000 vehicle trips per day.
2. Vehicular access from the property to Don Ann Street is prohibited.

Additional conditions are listed, but they apply to other properties included in the 1998/1999 rezonings (access to Airport Boulevard, etc.).

Environmental mitigation for the property has been required via a special warranty deed, established in 2000. Please refer to *Exhibit E (Special Warranty Deed)*. The conveyance portion of the special warranty deed included a sidewalk and public utility easement, as well as access to the property “to enter and perform corrective work with respect to certain environmental contamination” on the property. The warranty deed also includes a restrictive covenant prohibiting the following land uses on the property:

“(1) residential purposes, (2) any daycare, elementary, middle or high school use, either public or private, (3) for hospital purposes, (4) for the sales, consignment, storage or distribution of motor fuels, (5) as a retail outlet for the sale of motor fuels, (6) as any other type of commercial establishment that sells, consigns, stores, or distributes motor fuels; further, groundwater under the real property shall not be accessed, drilled for or used for any purpose whatsoever during such sixty (60) year period.”

**EXISTING ZONING AND LAND USES:**

	ZONING	LAND USES
<i>Site</i>	GR-MU-CO-NP, RR-CO-NP	Religious assembly, commercial, and limited industrial
<i>North</i>	SF-3-NP	Single family residences
<i>South</i>	GR-MU-CO-NP, RR-CO-NP	Office, commercial, and limited industrial
<i>East</i>	SF-3-NP	Single family residences
<i>West</i>	CS-MU-NP	

There have been no recent zoning cases filed in the vicinity of the subject property. The property is located in the East MLK Combined Neighborhood Plan area (City File # NP-02-0015), which was approved in 2011 (Ord. # 021107-Z-11).

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**ABUTTING STREETS:**

Name	ROW	Pavement	Class	Sidewalk	Bus Route	Bike Route
Springdale Road	66'	37'	Arterial	Yes, both sides	300-Govalle	Route # 63

**NEIGHBORHOOD ORGANIZATIONS:**

Del Valle Community Coalition  
 PODER  
 East Austin Conservancy  
 East MLK Combined Neighborhood Contact Team  
 M.E.T.S.A. Neighborhood Organization  
 East MLK Combined Neighborhood Association  
 FRS Property Owners Association  
 Friends of the Emma Barrientos MACC

**CITY COUNCIL DATE/ACTION:**

October 2, 2014:

**ORDINANCE READINGS:** 1<sup>st</sup> 2<sup>nd</sup> 3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Heather Chaffin  
 e-mail: [heather.chaffin@austintexas.gov](mailto:heather.chaffin@austintexas.gov)

**PHONE:** 974-2122

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/4**STAFF RECOMMENDATION:**

Staff recommends general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning. The conditional overlay would include the following:

1. Vehicular trips shall be less than 2,000 vehicles per day.
2. The following land uses shall be prohibited: Bed & breakfast (Group 1), Bed & breakfast (Group 2), Agricultural sales and services, Alternative financial services, Automotive rentals, Automotive repair services, Automotive sales, Automotive washing (of any type), Bail bond services, Building maintenance services, Campground, Commercial blood plasma center, Construction sales and services, Convenience storage, Day care services (Commercial), Day care services (General), Day care services (Limited), Drop-off recycling collection facility, Electronic proto type assembly, Electronic testing, Equipment repair services, Equipment sales, Exterminating services, Funeral services, Club or lodge, Hospital services (General), Hospital services (Limited), Maintenance and service facilities, Private primary educational facilities, Private secondary educational facilities, Public primary educational facilities, Public secondary educational facilities, Transitional housing, and Transportation terminal.

The proposed rezoning will align the conditions applied by private warranty deed more closely with the zoning category by prohibiting residential, school, daycare, and automotive land uses. The proposed rezoning also reflects the CS-MU-NP zoning that is located immediately across Springdale Road, and is more restricted than those nearby properties. The Applicant seeks to add land uses that are not permitted in GR, such as Custom manufacturing, as well as remove the inappropriate RR zoning. The residential areas along the north and east property lines will trigger compatibility requirements, which will increase setbacks, limit building height, and more. While the proposed CS rezoning is more intense than GR, the Staff recommendation would limit most CS uses, as well as some GR uses that are listed in the private warranty deed.

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

The proposed rezoning also reflects the CS-MU-NP zoning that is located immediately across Springdale Road, and would be more restricted than those nearby properties if the recommended conditional overlays are included.

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

The RR-CO-NP zoning located on approximately one-half of the property does not allow for reasonable use. The RR zoning is no longer appropriate since there is no floodplain on the property.

**COMPREHENSIVE PLAN**

The East MLK Neighborhood Plan (EMNP) Future Land Use Map (FLUM) designates this portion of the planning area (which begins at this parcel and extends past Airport Boulevard to the south) as 'Mixed Use.' Zone CS is permitted under the Mixed Use FLUM category. The following EMNP policies are applicable to this request:

Goal Two - Promote a mix of land uses that respect and enhance the existing neighborhood and address compatibility between residential, commercial, and industrial uses. (p 44)

Objective 2.1: Where appropriate, address mis-matches between desired land use and zoning.

Objective 2.2: Reduce the impact of commercial and industrial uses on residential areas.

Goal Four - Promote the development and enhancement of the neighborhood's major corridors. (p 45)

Objective 4.1: Allow mixed use development along major corridors and intersections

Lower Tannehill Branch Text (p 71) – (an excerpt) Few neighborhood-serving businesses exist in the neighborhood, but there are opportunities to encourage new businesses at the existing commercial nodes on Springdale Road.

The policies and text of the EMNP and the FLUM support Mixed Use and commercial uses in this portion of the planning area, especially if they transition into neighborhood serving and enhance the planning area.

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The property is located within the boundaries of 'Neighborhood Center' and along an 'Activity Corridor', as identified on the Imagine Austin's Growth Concept Map. A Neighborhood Center is the smallest and least intense of the three types of activity centers outlined in the Growth Concept Map, with a focus on creating local businesses and services—including doctors and dentists, shops, branch libraries, dry cleaners, hair salons, coffee shops, restaurants, and other small and local businesses that generally serve the center and surrounding neighborhoods. Activity corridors are characterized by a variety of activities and types of buildings located along the roadway, and are intended to allow people to reside, work, shop, access services, people watch, recreate, and hang out without traveling far distances. The following IACP policies are also relevant to this case:

- LUT P1. Align land use and transportation planning and decision-making to achieve a compact and connected city in line with the growth concept map.
- 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.

Based on this property being: (1) within an area designated as Mixed Use on the EMNP, which supports commercial uses; (2) located within the boundaries of a 'Neighborhood Center' and along an 'Activity Corridor', as identified on the Imagine Austin Growth Concept Map that supports commercial uses, including warehouse/offices; and (3) the Imagine Austin policies referenced above that supports the a variety of land uses including warehouse/offices, staff believes that the existing and proposed land use are supported by the Imagine Austin Comprehensive Plan.

#### SITE PLAN

SP 1 Site plans will be required for any new development.

The site is subject to compatibility standards. Along the North and East property lines, the following standards apply:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- 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.
- for a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
- An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.

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

SP 2 FYI - This site is located in the E. MLK Combined Neighborhood Plan. Please see the City's website <http://www.austintexas.gov/department/neighborhood-planning> for a copy of the recommended design guidelines.

SP 3 Additional design regulations will be enforced at the time a site plan is submitted.

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TR1. A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

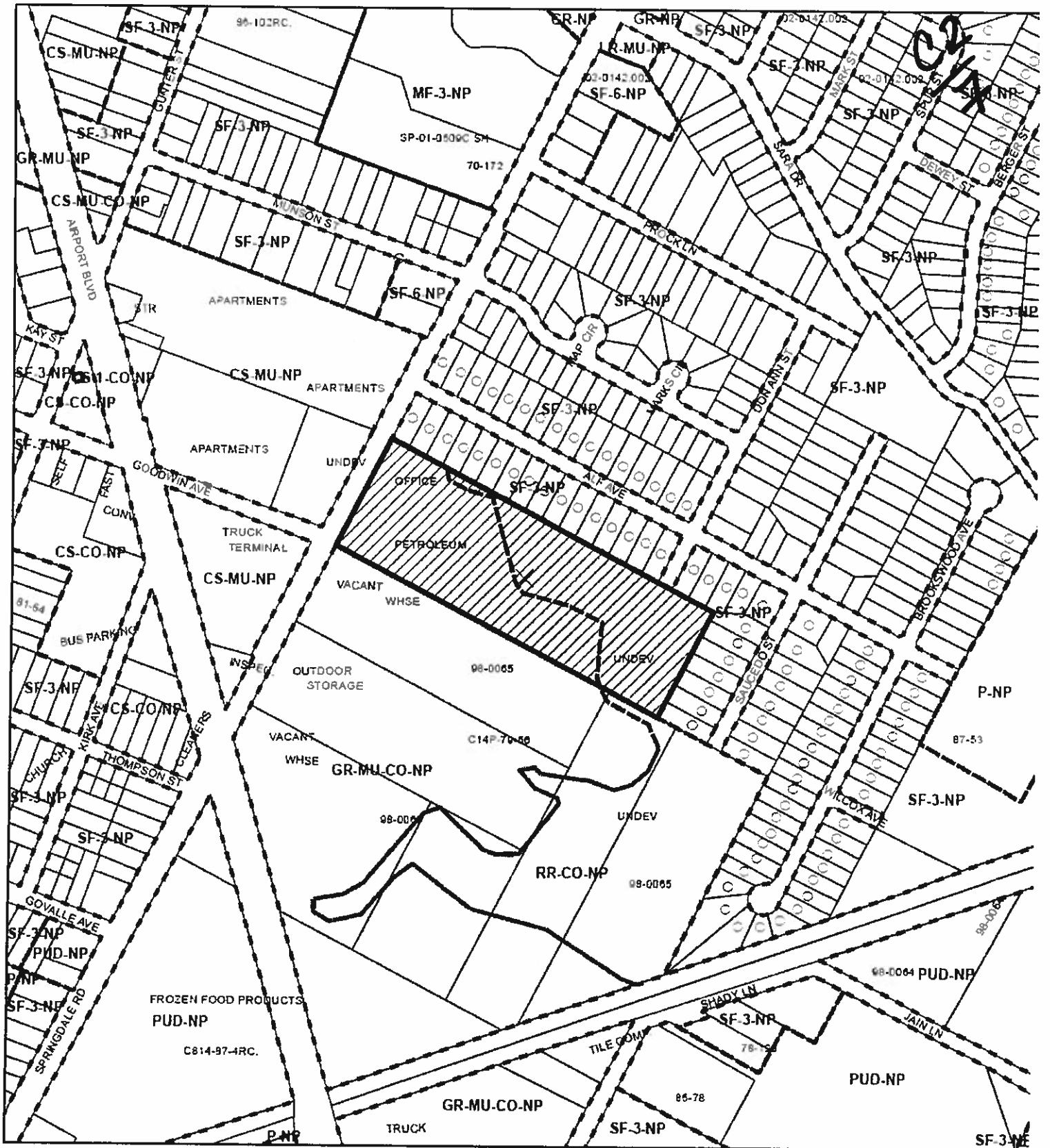
TR2. According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, bicycle facilities exist and/or recommended along the adjoining streets as follows: Springdale Road serves route no. 63 with an existing bicycle lane.




ENVIRONMENTAL

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Tannehill Branch and Boggy Creek Watersheds of the Colorado River Basin, which are classified as Urban Watersheds by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.
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. Trees will likely 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 512-974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, 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.
7. At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

WATER UTILITY

FYI: 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 proposed land use. Depending on the development plans submitted, water and or wastewater service extension requests may be required. 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.



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

**ZONING CASE**  
C14-2014-0088

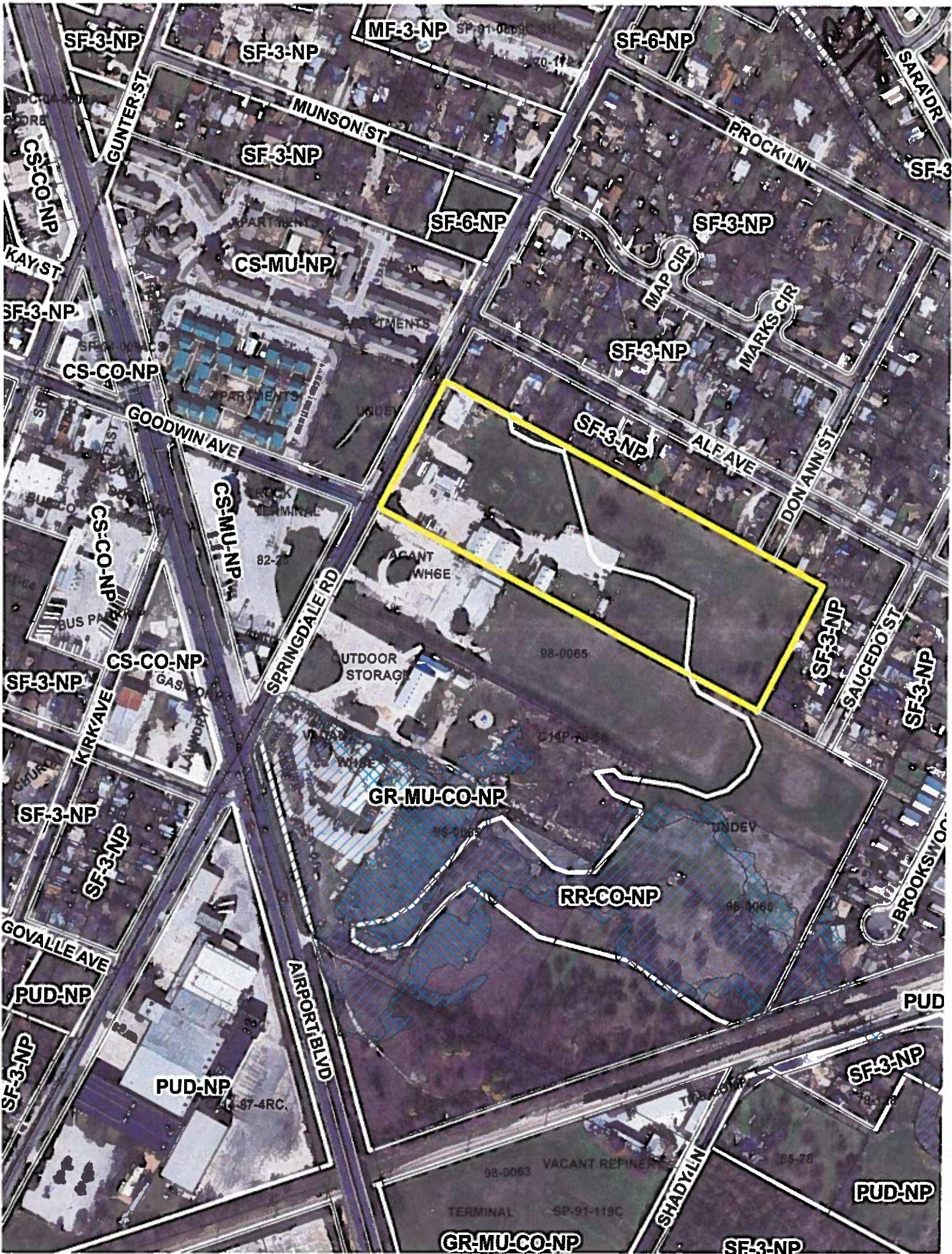
1" = 400'

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.









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**ORDINANCE NO. 980709-F**

**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 13-2 OF THE CITY CODE ON ALL THAT CERTAIN PROPERTY INCLUDED IN ZONING CASE NO. C14-98-0065, CONSISTING OF APPROXIMATELY 49 ACRES OF LAND, AS FOLLOWS: TRACT 1, FROM "LI" LIMITED INDUSTRIAL DISTRICT TO "GR-MU-CO" COMMUNITY COMMERCIAL-MIXED USE DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT, AND TRACT 2, FROM "LI" LIMITED INDUSTRIAL DISTRICT TO "RR-CO" RURAL RESIDENCE DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT, BOTH TRACTS IDENTIFIED ON THE MAP ATTACHED AND INCORPORATED INTO THIS ORDINANCE, LOCALLY KNOWN AS 1149 TO 1199 AIRPORT BOULEVARD AND 1005 TO 1023 SPRINGDALE ROAD, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS.**

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

**PART 1.** The Zoning Map established by Chapter 13-2-22 of the City Code is amended to change the base zoning district on all that certain property (the "Property") consisting of approximately 49 acres of land, included in zoning case No. C14-98-0065, identified on the map attached and incorporated into this ordinance as Exhibit "A", as follows:

**Tract 1:** From "LI" Limited Industrial district to "GR-MU-CO" Community Commercial-Mixed Use district-Conditional Overlay combining district, and

**Tract 2:** From "LI" Limited Industrial district to "RR-CO" Rural Residence district-Conditional Overlay combining district,

locally known as 1149 to 1199 Airport Boulevard and 1005 to 1023 Springdale Road, in the City of Austin, Travis County, Texas.

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

1. Notwithstanding any other provision of the Land Development Code applicable to the Property on the effective date of this ordinance or at the time an application for approval of a site plan or building permit is submitted, no site plan for development of the Property, or

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any portion of the Property, may be approved or released, and no building permit for construction of a building on the Property, may be issued if the completed development or uses authorized by the proposed site plan or building permit, considered cumulatively with all existing or previously authorized development and uses of the Property, generates traffic exceeding the total traffic generation of 2,000 vehicle trips per day.

2. There shall be no vehicular access from the Property to Airport Boulevard. All other vehicular access to the Property from other adjacent public streets or through other adjacent property is prohibited.

3. Vehicular access from the Property to Don Ann Street and Saucedo Street is limited to single-family residential use.

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 Land Development Code.

**PART 3.** The Council waives the requirements of Sections 2-2-3, 2-2-5, and 2-2-7 of the City Code for this ordinance.

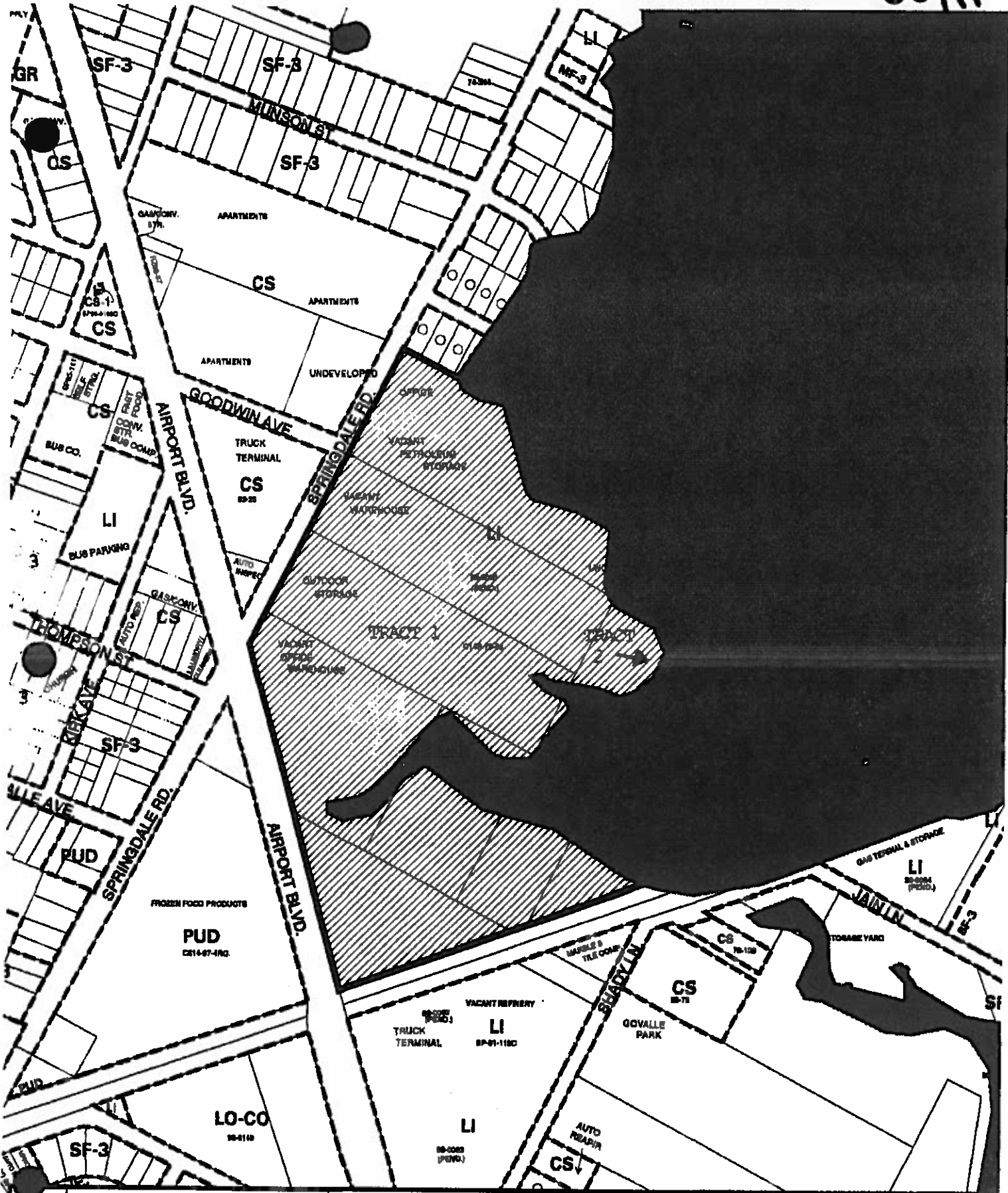
**PART 4.** This ordinance takes effect on July 20, 1998.




**PASSED AND APPROVED**

\_\_\_\_\_ July 9 \_\_\_\_\_, 1998.      §  
   §      Kirk Watson  
   §      Kirk Watson  
        Mayor

APPROVED: Andrew Martin      ATTEST: Betty G. Brown  
                                 Andrew Martin      Betty G. Brown  
                                 City Attorney      Deputy City Clerk

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SUBJECT TRACT   
 PENDING CASE   
 ZONING BOUNDARY   
 CASE MGR: I.NARANJO

**ZONING**

**CASE #: C14-98-0065**  
 ADDRESS: 1149-1199 AIRPORT BLVD.  
 1095-1023 SPRINGDALE RD.  
 SUBJECT AREA (ACRES): 49.846

DATE: 98-08  
 INTLS: TRC

CITY GRID  
 REFERENCE  
 NUMBER  
 L22

1" = 400'

0707

21

# Austin American-Statesman

PO#: 980709F  
Ad ID#: 7LM400800  
Acct#: 5124992499  
Account Name: CITY CLERKS OFFICE

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CITY CLERKS OFFICE  
PO BOX 1088  
AUSTIN, TX 78767

### 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:

SHARON JANAK

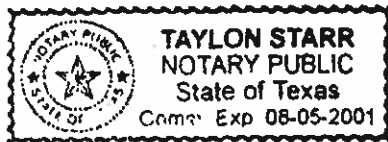
Classified Advertising Agent of the Austin American-Statesman, a daily newspaper  
published in said County and State that is generally circulated in Travis, Hays, Burnet  
and Williamson Counties, who being duly sworn by me, states that the attached  
advertisement was published in said newspaper on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

First Published:	7/24/98	Last Published:	7/24/98
Times Published:	1	Classification:	9980
Lines:	29	Cost:	\$80.91

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

ORDINANCE NO. 980709-F  
AN ORDINANCE REZONING AND  
CHANGING THE ZONING MAP AC-  
COMPANYING CHAPTER 13-2 OF  
THE CITY CODE ON ALL THAT CER-  
TAIN PROPERTY INCLUDED IN ZON-  
ING CASE NO. C14-98-0066,  
CONSISTING OF APPROXIMATELY 69  
ACRES OF LAND, AS FOLLOWS:  
TRACT 1, FROM 1/4 LIMITED INDUS-  
TRIAL DISTRICT TO "GR-NLU-CO"  
COMMUNITY COMMERCIAL-MIXED  
USE DISTRICT-CONDITIONAL OVER-  
LAY CORNERING DISTRICT AND  
TRACT 2, FROM 1/4 LIMITED INDUS-  
TRIAL DISTRICT TO "GR-NLU-CO"  
RURAL RESIDENCE DISTRICT-CONDITIONAL  
OVERLAY CORNERING DISTRICT,  
BOTH TRACTS IDENTIFIED ON THE  
MAP ATTACHED AND INCORPORAT-  
ED INTO THIS ORDINANCE, LOCALLY  
KNOWN AS 1140 TO 1190 AIRPORT  
BOULEVARD AND 1025 TO 1029  
BRINGDALE ROAD, IN THE CITY OF  
AUSTIN, TRAVIS COUNTY, TEXAS.  
Mayor, Kirk Watson  
City of Austin

SWORN AND SUBSCRIBED TO BEFORE ME, this the 20<sup>th</sup> day of July 1998



Taylor Starr  
Notary Public in and for  
TRAVIS COUNTY, TEXAS

305 South Congress Ave., P.O. Box 670, Austin, Texas 78767-0670 512-445-3541



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ORDINANCE NO. 990204-0

AN ORDINANCE AMENDING ORDINANCE NO. 980709-F TO REVISE A CONDITION OF ZONING FOR THE PROPERTY DESCRIBED IN ZONING FILE NO. C14-98-0065, LOCALLY KNOWN AS 1149 TO 1199 AIRPORT BOULEVARD AND 1005 TO 1023 SPRINGDALE ROAD, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS.

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

PART 1. Part 2 subparagraph 2 of Ordinance No. 980709-F is amended to read as follows:

2. There shall be no vehicular access from the Property to Airport Boulevard. ~~All other vehicular access to the Property from other adjacent public streets or through other adjacent property is prohibited.~~

PART 2. In all other respects this correction ordinance is the same as the original.

PART 3. The Council waives the requirements of Sections 2-2-3 and 2-2-7 of the City Code for this ordinance.

PART 4. This ordinance takes effect on February 15, 1999.

PASSED AND APPROVED

February 4, 1999. § Kirk Watson §  
Kirk Watson  
Mayor

APPROVED: Andrew Martin ATTEST: Shirley A. Brown  
Andrew Martin Shirley A. Brown  
City Attorney City Clerk

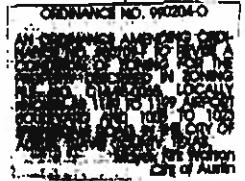
# Austin American-Statesman

PO#: 9902040  
Ad ID#: 2OM700600  
Acct#: 5124992499  
Account Name: CITY CLERKS OFFICE

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TH

CITY CLERKS OFFICE  
PO BOX 1088  
AUSTIN, TX 78767

## 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:

Terri Miller

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

First Published:	2/27/99	Last Published:	2/27/99
Times Published:	1	Classification:	9980
Lines:	13	Cost:	\$40.17

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

Terri Miller

SWORN AND SUBSCRIBED TO BEFORE ME, this the 1st day of March 1999



Sharon Janak  
Notary Public in and for  
TRAVIS COUNTY, TEXAS

305 South Congress Ave., P.O. Box 670, Austin, Texas 78767-0670 512-445-3541



**SPECIAL WARRANTY DEED**

THE STATE OF TEXAS §  
  §     KNOW ALL MEN BY THESE PRESENTS:  
COUNTY OF TRAVIS §

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Bj

THAT THE UNDERSIGNED, CHEVRON U.S.A INC., a Pennsylvania corporation, hereinafter referred to as "Grantor," whether one or more, for and in consideration of the sum of TEN DOLLARS (\$10.00) cash, and other good and valuable consideration in hand paid by the Grantee, herein named, the receipt and sufficiency of which is hereby fully acknowledged and confessed, and for which no lien is retained or exists, has GRANTED, SOLD and CONVEYED, and by these presents does hereby GRANT, SELL and CONVEY unto SPRINGDALE PARTNERS, LTD., a Texas Limited Partnership, whose General Partner is Springdale Park, Inc., a Texas corporation, whose address is 1106 Blackacre Trail, Austin, Texas 78746, herein referred to as "Grantee," whether one or more, the real property described as follows:

All that certain parcel or tract of land out of the J. C. Tannehill League No. 29, City of Austin, Travis County, Texas; being all of Lot 1 of a subdivision of a portion of the J. C. Tannehill League No. 29, Travis County, Texas, as recorded in Volume 313, Page 276, Deed Records of Travis County, Texas; and being all of a 10-acre tract as conveyed to Gulf Oil Corporation by deed recorded in Volume 871, Page 416 of the Deed Records of Travis County, Texas, and being more particularly described by metes and bounds on the attached Exhibit "A" and made a part hereof for all intents and purposes.

together with all easements and appurtenances thereto, all improvements located thereon, and the personal property thereon.

The conveyance here is made free and clear of all liens, easements, covenants, rights-of-way, reservations, restrictions, tenancies, mineral interests and any other encumbrances of whatsoever nature except the following:

1. A 7.5 foot sidewalk and public utility easement along the northwest property line, as set out in instrument recorded in Volume 7080, Page 1942 of the Deed Records of Travis County, Texas.
2. The restrictions hereinafter provided
3. That Easement agreement executed on the same date hereof, wherein the Grantee herein grants to the Grantor herein certain easement and related rights to enter and perform corrective work with respect to certain environmental contamination on, over or under the property herein conveyed

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TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said Grantee, Grantee's successors and/or assigns forever; and Grantor does hereby bind Grantor, Grantor's successors and/or assigns to WARRANT AND FOREVER DEFEND all and singular the said premises unto the said Grantee, Grantee's successors and/or assigns, against every person whomsoever claiming or to claim the same or any part thereof, by through, or under Grantor, but not otherwise.

**RESTRICTIVE COVENANT**

Unless sooner released by the Grantor herein, for a period of sixty (60) years from and after the date of this deed, the real property herein conveyed shall be RESTRICTED AGAINST use, by any owner or tenant, for (1) residential purposes, (2) any daycare, elementary, middle or high school use, either public or private, (3) for hospital purposes; (4) for the sale, consignment, storage or distribution of motor fuels, (5) as a retail outlet for the sale of motor fuels, (6) as any other type of commercial establishment that sells, consigns, stores or distributes motor fuels; further, groundwater under the real property shall not be accessed, drilled for or used for any purpose whatsoever during such sixty (60) year period. This restriction shall run with the property, and be binding on successors and assigns of the Grantee herein.

Current ad valorem taxes on said property having been prorated, and the payment thereof is assumed by Grantee

EXECUTED this 22 day of June, 2000

**GRANTOR**

**CHEVRON U.S.A. INC.,**  
a Pennsylvania corporation

By: Steven A. Berg

Name: Steven A. Berg

Title: Assistant Secretary

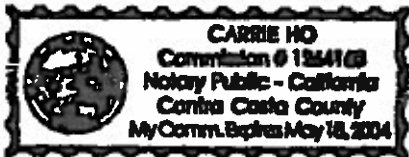


C2  
17

STATE OF California §  
COUNTY OF Contra Costa §

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared Steven Berg, Assistant Secretary of Chevron U.S.A., Inc., a Pennsylvania Corporation, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged he to me that he executed the same for the purposes and considerations therein expressed, as the act and deed of said corporation and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 22 day of June, 2000



Carrie Ho  
Notary Public in and for  
The State of California  
Carrie Ho  
Notary's printed name  
My Commission Expires May 18, 2004

GRANTEE'S ADDRESS:  
SPRINGDALE PARTNERS, LTD.  
% W. D. Luther  
Attorney at Law, P.C.  
P. O. Box 90399  
Austin, Texas 78709-0399  
Phone 512-288-5555  
Fax 512-288-2722

AFTER RECORDING  
RETURN TO:  
GRACY TITLE COMPANY- DOWNTOWN OFFICE  
ATTN: SUSIE MCCREARY GF#00020690  
220 West Seventh Street  
Austin, Texas 78701

**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:  
<http://www.austintexas.gov/development>.

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

Case Number: C14-2014-0088  
 Contact: Heather Chaffin, 512-974-2122  
 Public Hearing: Sep 9, 2014, Planning Commission  
 Oct 2, 2014, City Council

Dorothy M BURTON  
 Your Name (please print)

I am in favor  
 I object

4601 MURKIN AUSTIN TEXAS 78744  
 Your address(es) affected by this application

Deborah M Burton 8.30.14  
 Signature Date

Daytime Telephone: 512-926-4737

Comments: No comments

If you use this form to comment, it may be returned to:  
 City of Austin  
 Planning & Development Review Department  
 Heather Chaffin  
 P. O. Box 1088  
 Austin, TX 78767-8810

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