#### ZONING CHANGE REVIEW SHEET

CASE: C14-2018-0128 – 2323 South Lamar

**DISTRICT**: 5

**ZONING FROM**: LO-CO and GR-CO

TO: LO-V-CO and GR-CO

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

Boulevard

SITE AREA: 0.642 Acres

PROPERTY OWNERS:

AGENT: 2323 South Lamar, LTD Armbrust & Brown, PLLC

(Kirk Rudy) (Richard Suttle)

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

#### STAFF RECOMMENDATION:

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

- 1. Maximum of 2,000 vehicular trips per day,
- 2. Access to Bluebonnet Lane limited to one driveway,
- 3. 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.

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

#### PLANNING COMMISSION ACTION / RECOMMENDATION:

February 12, 2019:

CITY COUNCIL ACTION:

March 7, 2019:

**ORDINANCE NUMBER:** 

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#### CASE MANAGER COMMENTS:

The proposed rezoning is for property located on the east side of Bluebonnet Lane, slightly south of the intersection with South Lamar Boulevard. The property is currently undeveloped. The rezoning area is comprised of portions 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 and GR-CO zoning. The applicant proposes redevelopment of the three lots as a single mixed use/multifamily project. The remainder of the three lots is already zoned GR-V-CO and is located along South Lamar Boulevard, a Core Transit Corridor. The GR-V-CO portion of the lots, to the north, is currently developed with a disused parking lot and an automotive repair shop. 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. Also east 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 rezoning tract and the remainders of the lots were rezoned in 2008, and conditional overlays were attached. *Please see Exhibit C-Zoning Ordinance*. The Applicant proposes retaining all existing conditions on the rezoning tract, which includes the following:

- 1. Maximum of 2,000 vehicular trips per day;
- 2. Access to Bluebonnet Lane limited to one driveway; and,
- 3. 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.

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. *Please see Exhibit D-Private Restrictive Covenant.* 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 not received correspondence specifying support or opposition to the requested rezoning, but Staff has received correspondence regarding existing encumbrances—liens,

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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 D, E, and F- 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,	Limited retail services, Multifamily residential		
	LO-MU-CO, MF-2	, ,		

NEIGHBORHOOD PLANNING AREA: South Lamar Combined (Suspended)

TIA: N/A

WATERSHED: West Bouldin Creek

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#### **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%)

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#### **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

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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, 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.

#### **SITE PLAN**

- SP 1. Site plans will be required for any new development other than single-family or duplex residential.
- 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. A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC 25-6-113]
- TR3. Bluebonnet Lane requires 64 feet of right-of-way in accordance with the TCM. 32 feet of right-of-way should be dedicated from the centerline of Bluebonnet Lane in accordance with the TCM at the time of the subdivision and/or site plan application, whichever comes first. LDC 25-6-55; TCM, Tables 1-7, 1-12.
- TR4. Additional right-of-way maybe required at the time of subdivision and/or site plan.
- TR5. It is recommended that the applicant provide joint access for the three tracts to Bluebonnet Lane through one (1) driveway.
- TR6. 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.
- TR7. 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,

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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.

TR8. FYI – the existing driveways and sidewalks along Bluebonnet Lane will be required to be removed and/or reconstructed at the time of the site plan application in accordance with the Land Development Code and Transportation Criteria Manual.

TR9. 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**

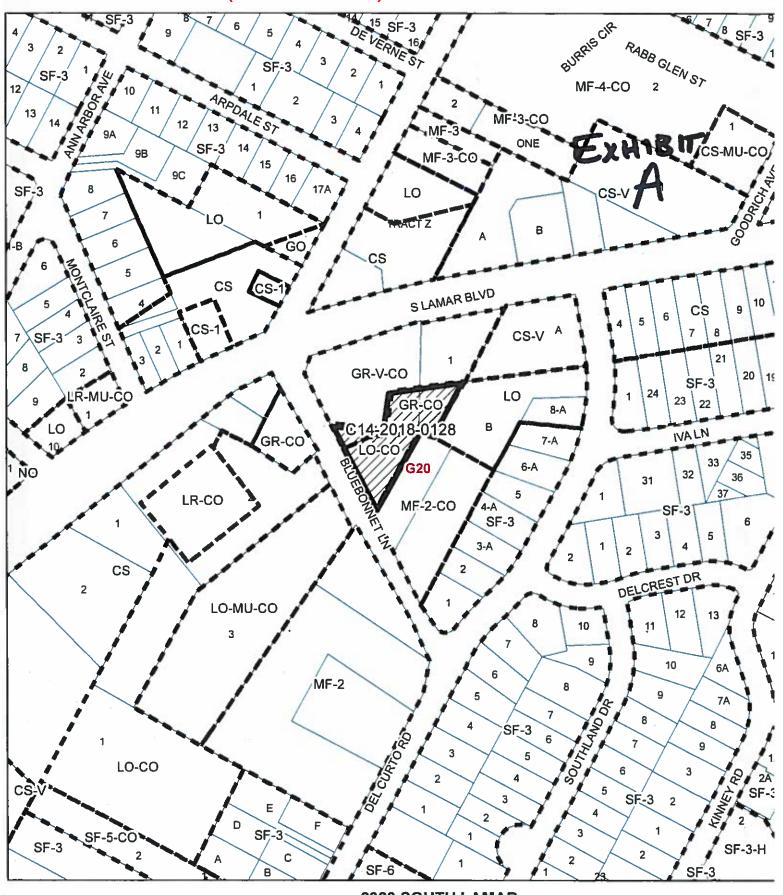
1. The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. Water 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.

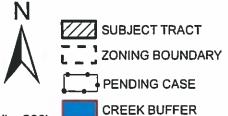
#### **INDEX OF EXHIBITS TO FOLLOW**

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

# Item C-16 (Addendum)

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1" = 200

#### 2323 SOUTH LAMAR

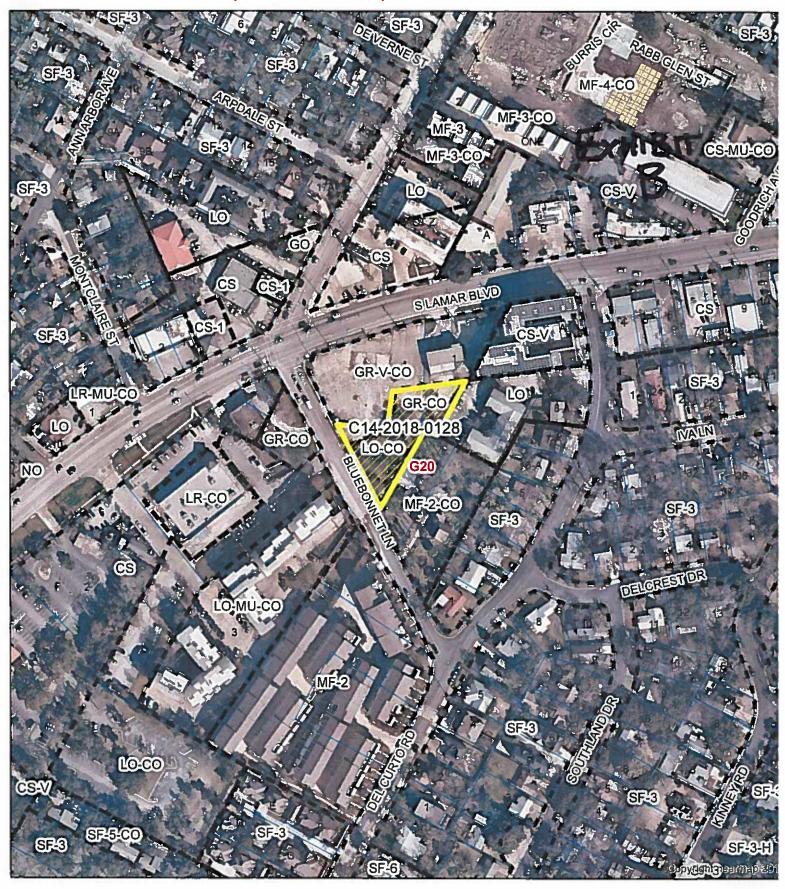
ZONING CASE#: C14-2018-0128 LOCATION: 2323 S. LAMAR SUBJECT AREA: .62 ACRES

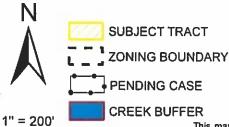
GRID: G20

MANAGER: HEATHER CHAFFIN



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





#### 2323 SOUTH LAMAR

ZONING CASE#: C14-2018-0128 LOCATION: 2323 S. LAMAR SUBJECT AREA: .62 ACRES

GRID: G20

MANAGER: HEATHER CHAFFIN



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# ORDINANCE NO. 20081120-096 EXHIBH

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. SENSON Set to see a summarial problem of the later of the second of the second

#### 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 commercialconditional 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

Mayor

APPROVED:

David Allan Smith City Attorney

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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 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 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.

Vana H. Proffitt, R.P.L.S.

The Wallace Group, Inc.
1 Chisholm Trail, Suite 130
Round Rock, Texas 78681

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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 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), 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 1/2-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;
- 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 1/2-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 1/2-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 1/2-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.

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 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:

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 comer;
- 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

- North 25 degrees 04 minutes 00 seconds West, a distance of 124.80 feet to a 1/2-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.);
- 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;

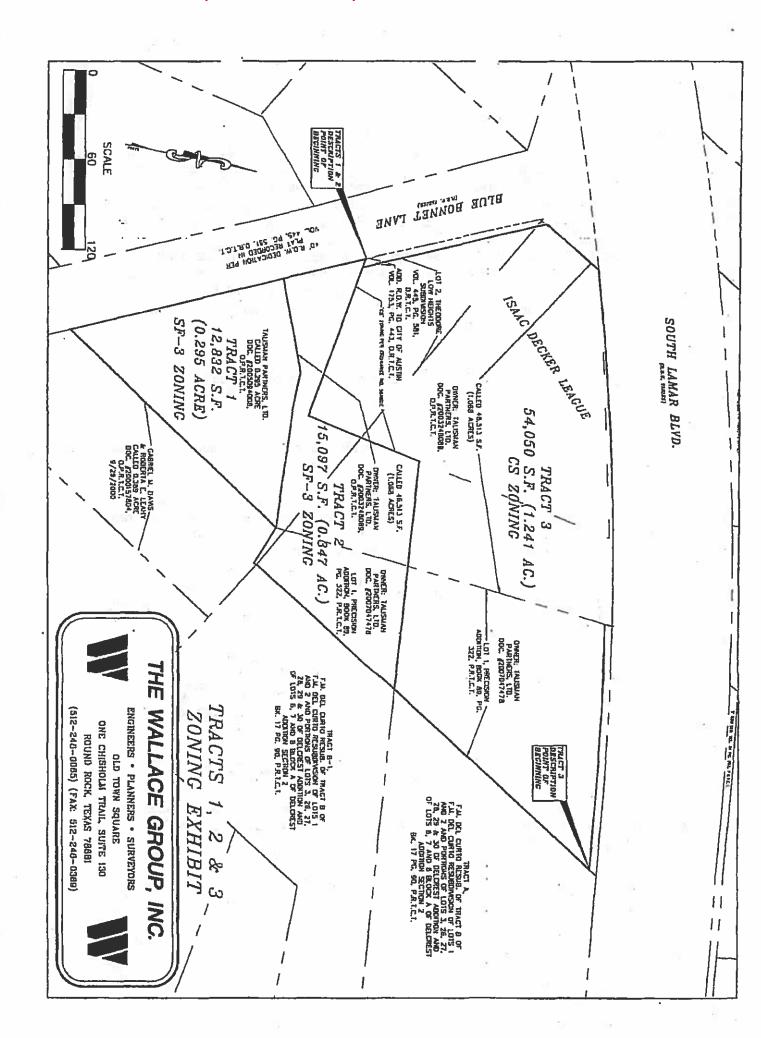
THENCE with the common line of the southerly r.o.w. line of said South Lamar Boulevard and the northerly and easterly line of said 46,513 square feet tract and the northerly line of said Lot 1, Precision Addition by courses 7 - 10 as follows:

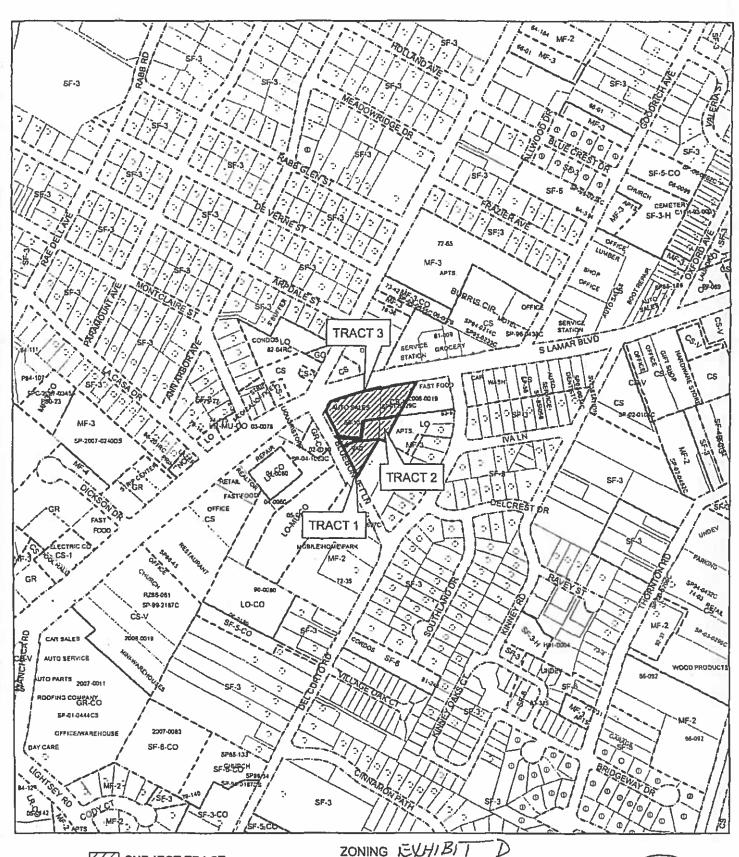
- 7) Along a curve to the right, with a radius of 1869.86 feet, an arc length of 238.75 feet, and a long chord bearing North 75 degrees 49 minutes 53 seconds East, a distance of 238.59 feet to a point for corner;
- 8) South 04 degrees 38 minutes 26 seconds West, a distance of 5.18 feet with the easterly 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;
- 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.

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 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;





N

SUBJECT TRACT

ZONING BOUNDARY

PENDING CASE

ZONING CASE#: C14-2008-0070

ADDRESS: 2323 S LAMAR BLVD SUBJECT AREA: 1.883 ACRES

GRID: G20

MANAGER: C. PATTERSON

OPERATOR: S. MEEKS
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.



1" = 400"

#### Chaffin, Heather

Subject:

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

EXHIBIT

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)

1



RESTRICT 2009003056



Zoning Case No. C14-2008-0070 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.

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 nonfreestanding 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

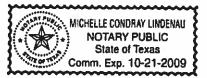
James T. Ross

Its: President

THE STATE OF TEXAS

COUNTY OF TRAVIS

This instrument was acknowledged before me on this the <u>20th</u> day of <u>November</u>, 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.



My Commission Expues 10-21-09

After Recording, Please Return to:

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

# TRACT I 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 10563, PAGE 197, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, SAVE AND EXCEPT THAT CERTAIN CALLED 227 S.F. TRACT QUITCLABMED 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 TRAVIE COUNTY, TEXAS (O.P.R.T.C.T.); SAID 12,832 SQUARE FERT (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 Lans (a variable width r.o.w. at this location), for the northwest corner of said 0.295 acra 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 Permers 0.295 acre tract and the southerly line of said 46,513 s.f. tract the following two (2) courses and distances:

- North 67 degrees 52 minutes 44 seconds Heat, a distance of 63.66 feet to a 1/2-inch iron rod found for an angle point of the herein described tract;
- 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 B. Lealy by deed of record in Document No. 2000157804, O.P.R.T.C.T. to a 14-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 Bounet 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 Waliace 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 feat.;

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

DESCRIBING A 15,097 SQUARE FEST (0.347 ACRE) TRACT OF LAND SITUATED IN THE ISAAC DECKER LEAGUE, CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A FORTION 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 MBTES 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), 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 comer 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:

- North 25'05'13" West, a distance of 56.68 feet to a 15-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.;
- 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

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" Bast, a distance of 0.34 feet;

THENCE with the sest line of said Lot 1, Precision Addition courses 6 and7 as follows:

South 30°43°18" West, a distance of 125.65 feet to a 14-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. treat by courses 8-11 as follows:

North 70°17°27" West, a distance of 28.10 feet to a 1/2-inch fron rod found;

 South &6"17"25" 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;

 North 89"34'22" West, a distance of 25.91 fest to a 1/2-inch iron rod found at an angle point;

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.

02-01-200B

Vana H. Proffitt, R.P.I.SW The Wallace Group, Inc. 1 Chisholm Trail, Suita 130 Round Rock, Texas 78681

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 Bounet Lane having a deed call bearing and distance of North 25 degrees 04 minutes West, 124.82 feet;

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

DESCRIBING A \$4,038 SQUARE FOOT (3.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 8.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 (0.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 8.F. TRACT ALSO BEING A PORTION OF LOT 1, PRECISION ADDITION, A SUBDIVISION OF RECORD IN VOLUME 9, 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:

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:

- South 84°16'14" West, a distance of 155.08 feet to a point for an interior eli 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 %-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 %-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

- North 25 degrees 04 minutes 00 seconds West, a distance of 124.80 feet to a ¼-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 Bounet 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 Bine Bounet 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 are 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 comer;
- 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 feet 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 meter 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.

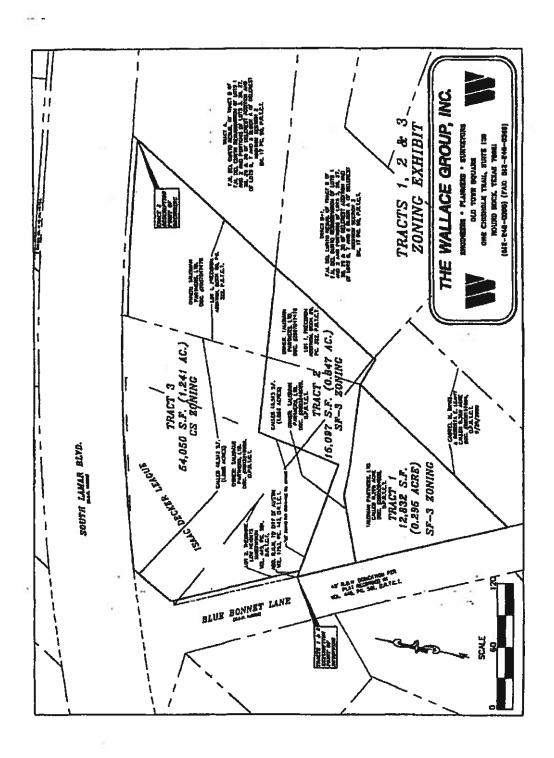
02-01-2008

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

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

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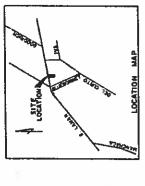
DANA DEBEAUVOIR COUNTY CLERK

TRAVIS COUNTY TEXAS

# PRECISION ADDITION 16/20/91

4555

THE REPORT OF THE PERSON AND PERSONS ASSESSED.



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SCALE I" . 100'

WINDSON SAYANGS ASSOCIATION SANGES

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SIATE OF TEXAS

COUNTY OF TRAVIS

REFORE PE, the undersigned authority, a Motary Public in and for the State of Teas, on this day personally appared R. B. Besten, known to see to be the person whose name is subscribed to the foregoing instrument of writing and he actronisedged to see that he executed the same for purposes and considerations therein empreyed and in the capacity therein stated.

OF THE SHIP INVENTION AND BEN OF OFFICE, THIS ST



No building will be built and no structure will be occupied until the building or structure is comected to the City of Austin water and wallewater utility system.

"this subdivision plat was approved and recorded before the construction and acceptance of street and other subdivision improvements. Persons to the terms of a Subdivision Construction Agreement between the subdivider and the Elty of Austin dated (Name 2, 4, 18 9), the subdivider is responsible for the construction of all threets and facilities needed to Ever the followithin the subdivision. This capons ballity 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  $\|X_{k}\|_{2}^{2}$ , Page  $\|Y_{k}\|_{2}^{2}$ , in the Deed Records of Irvis County, leas."

"Prior to contruction on last in this subdivision, drainage plant vill be studited to the City of Austin for review. Mainfail ren-off studing the below to the amount entiting at undereloged status by ponding or other approved methods. All proposed construction or or its approved on Lot I requires approval of a seperate Maintanay Development Permit."

This subdivision is hereby restricted to other than residential development. 3

5.) All streets will be constructed to City of Austin standards.

6.) Sidewalks are required on the subdivision side of Precision Addition.

1991 A.D.

WINESS IN HAND this the 200 day of 200 L

"Sidewalks shall be completed prior to the acceptance of any lype i, lype ii, or lype if driveway approach and issuance of a certificate of compliance or occupancy."

B.) Off-street loading and unloading facilities shall be provided on Lot 1

9.) This subdivision is in the West Rouldin Urban Natershed

10.) Building setback line shall be in conformance with City of Austin roung ordinance requirements.

11.) "Water and Mastewater systems terving this subdivision shall be designated and installed in accordance with the City of Martin and State health Department plans and specifications. Plans and specifications shall be stubmitted to the City of Martin, Mater and Wastewater Department for review.

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

STATE OF IFTAS

20009119182 20009119182-Vol. 89 Page 322 COMIN OF TRAVIS

1, NAMA DETECNOIR, CLETE OF TRAVIS COUNTY, TEAR DO TEMPER CENTIFY THAT THE TEMPERATURENT DETECTION OF THE THE THAT THE THE THAT THE THAT HE THAT HE THAT HE THAT HE THAT HE THAT HAS THAT HAS THAT HAS THAT HE THAT HAS THAT HAS THAT HE THAT HE THAT HE THAT HAS THAT HE THAT HAS THAT HE THAT HAS THAT HE THAT HE THAT HAS THAT HE THAT HE THAT HAS THAT HE THAT HAS THAT HE T

INNA DEBENAUIM, COUNTY CLEMA

It " Jyne Cott

DIRECTOR
PLANTING AND DEVELOPMENT DEPARTMENT

I, DAWN DEDEANOIR, CLER OF THE COUNTY COUNTY, OF TRANSS COUNTY, TEARS OF MENOY CERTIFYS THAT ON THE TONG OF THAT THE THAT THAT THAT THAT THAT SALD DEDER HAND DESCRIBED THAT THE THAT THE DEDER HAND DEDER HAND DESCRIBED.

MITNESS NY INVOIDANCE OF DEFICE OF THE COURTY COUNTY OF SAID

DANA DEBEAVOIR, CLERK, COLNIY COLIT TRAVIS COUNTY, TEXAS

he portion of this tract is within the designated fload haged area as when on the Federal Flood Inturence Acain; stranged app 480424 - 00808 Travis Caunty, lesse, Dated 4-2-81.

COUNTY OF TRAVIS

I, David Bell, Registered Professional Land design as authorized under the lane of the State of Teas to rest profession of land murwying, and at herman cardy hand plat complex with the surveying portions of Title of funcil ELY Code, and its true and correct to the best of howeledge and was propared from an actual survey of the performed under my direction and supervising, on the precorded under my direction and supervising, on the propagation. CENTIFIED TO THIS ZON, day of A

American Surveying Company BIZ San Antonio St. Suite 6-17 Austin, Texas 78701

MISC FILH COOK

PILLED FOR RECORD

COUNTY OF TRAVIS SIAIE OF TELAS

### 3 LAMA R. J. EN OU CONTO RESUBBINISH OF TRACE B OF THE RESUBBINISHON OF OU. CREAT AND B LDTS & J. O. DEL CREAT AND ACET. 2. 16/12/1/20 A .... 36 A ... Life of WINDSON SAVANDS ASSOCIATION VALUE OF N. 10 P. 1 N 81° 30' 24" E C+ 110.38 A+ 110.33 T+ 35.18 R+ ( 949.86 101 B4 S 19° 32' 22' W 7 LEGGHD VI IR NET Printer From Services Company Commany resolutes of per Commany resolutes of SCALE I . 100

Width ALL MEN DV THEEE PRESENTS: That Realty Alliance of Texas, Listed and Sect. 2.

Listed, a Texas listed partnership, acting by and trough lits vice presidents. 8. Bendon, owner of that Certain 0.333 acre by the president, 8. B. Bendon, owner of that Certain 0.333 acre being to the and of last of last Defect League in the EIVy of Austin, Travis County, Texas, a portion of asid 0.333 acre being out of the least Defect League in the EIVy of Austin, Travis County, Texas of December of the west of the West December of the west of the West December of the west of the West December of Travis County, said 0.333 acre of land having Deem Conveyed to asig partnership by qued of received in Volume 10782 page 731, Page 174, P WITNESS MY HAND THIS THE 220 day of 224 ..... 1991 A.D.

STATE OF 1EXAS

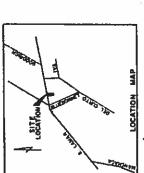
COUNTY OF TRAVIS

Benton, the State of Teach, on this day perionally appeared R. B. Benton, thereway to me the person whose name is subscribed to the foregoing instrument of writing and he actrosladged to see that he executed the same on purposes and considerations therein expressed and in the capacity therein existed.

UTTERSTRY HAND AND SEAL OF OFFICE, TAIS 200



# PRECISION ADDITION



he building will be built and no structure will be occupied until the building or structure is converted to the City of Austin water and wastewater willity system.

"like subdivision plat was approved and recorded before the construction that acceptance of sirect and other was an arrestant to the terms of a Subdivision Construction Agreemant between the subdivider and the City of Assis and the City of City of Assis and City of City of Assis and City of City of Assis and City of 7:

for the construction apresent pertaining to this subdivision, see seperate instrument recorded in Yolume MMI, Pape  $M_{\rm e}$ , in the Deed Records of Iradis Coulty, Eass."

\*Prior to construction on lots in this subdivision, drainage plans will be subditted to the City of Austin for review. Reinfall run-olf that be held to the amount esisting at undereloped status by ponding or other approved methods. All proposed construction or site alteration as Lot I proposed construction for its proposed construction. Brail stress approval of a supersite Waterbay Revelopment Brail.\* 3

This sabdivision is hereby restricted to ather than residential development. 3

5.) All streets will be constructed to City of Austin slandards.

6.) Sidewalks are required on the subdivision side of Precision Addition.

"Sidewalks shall be completed prior to the acceptance of any Type II, Type II, or Type IV drivensy approach and issuance of a certificate of compliance or occupancy."

Off-street loading and unloading facilities shall be provided on Lot 1 8,

9.) This subdivision is in the West Bowldin Urban Watershed

10.) Building setbath line shall be in conformance with City of Austin coning ordinance requirements.

11.) Putter and Misterater 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, Walter and Wastewater Department for review.

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

oco 4/14/82 Vol. 84 Page 322 CHAPITY OF TRAVIS STATE OF 1FEAS

HISC FILM COOF

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HAVIS COUNTY, TEIRS

Accepted E sutherized refrences by the Director of the Desteamt of Finning & Brestopeant, City of Natio. County of Travis. this the 1970, and of Travis. this the 1970 and 197

II TYPE COR

CHOCKER RECORD

COLNIY OF TRAVIS

STATE OF TETAS

DAMA DEBENDIR, CLERK, COLMIY COLMIT TRAVIS COLMIY, TEXAS

No portion of this tract is within the designated flees hazard area as whom on the Federal Flood insurance Adelnistration rate map 480424 - 00808 Iravia Caunty, Irasa, Dated 4-2-81.

STATE OF TELAS

COUNTY OF TRAVIS

i, David Bell, Registered Preferational Land Eurweer, as authorized under the land of the State of Teast to precifice the profession of land surveying, and do briefs, carily that this plat complies with the surveying portions of Tille 13 of the fuelth City Code, and it true and correct to the bask of the provisions and was propined from an actual survey of the property performed under my direction and supervision, but its property.

1941 A.D

L day or A

CENTIFIED TO THIS 2

American Surveying Company BIR San Antonio St. Suite E-17 Austin, Tozas 1870