

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:
2323 South Lamar, LTD
(Kirk Rudy)

AGENT:
Armbrust & Brown, PLLC
(Richard Suttle)

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

STAFF RECOMMENDATION:

Staff supports the Applicant's request for rezoning from LO-CO 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 26, 2019:

February 12, 2019: NO ACTION TAKEN – NO QUORUM

CITY COUNCIL ACTION:

March 7, 2019:

ORDINANCE NUMBER:

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,

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, LO-MU-CO, MF-2	Limited retail services, Multifamily residential

NEIGHBORHOOD PLANNING AREA: South Lamar Combined (Suspended)

TIA: N/A

WATERSHED: West Bouldin Creek

NEIGHBORHOOD ORGANIZATIONS:

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

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

AREA CASE HISTORIES:

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

EXISTING STREET CHARACTERISTICS:

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

OTHER STAFF COMMENTS:COMPREHENSIVE PLANNING

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

- ☐ LUT P3. Promote development in compact centers, communities, or along corridors that are connected by roads and transit that are designed to encourage walking and bicycling, and reduce health care, housing and transportation costs.
- ☐ HN P10. Create complete neighborhoods across Austin that have a mix of housing types and land uses, affordable housing and transportation options, and access to healthy food, schools, retail, employment, community services, and parks and recreation options.
- ☐ LUT P7. Encourage infill and redevelopment opportunities that place residential, work, and retail land uses in proximity to each other to maximize walking, bicycling, and transit opportunities.

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

ENVIRONMENTAL

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

- Watershed by Chapter 25-8 of the City's Land Development Code.
- 2. Zoning district impervious cover limits apply in the Urban Watershed classification.
- 3. According to floodplain maps there is no floodplain within or adjacent to the project location.
- 4. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
- 5. Some trees may be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, 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,

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:

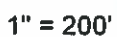
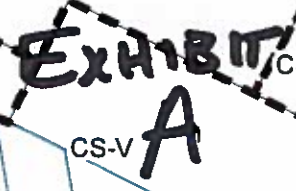
Name	ROW	Pavement	Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Bluebonnet Lane	Varies (55'-64')	25'	Collector	Yes	Yes, shared lane	Yes, Routes 3, 300, 484

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.

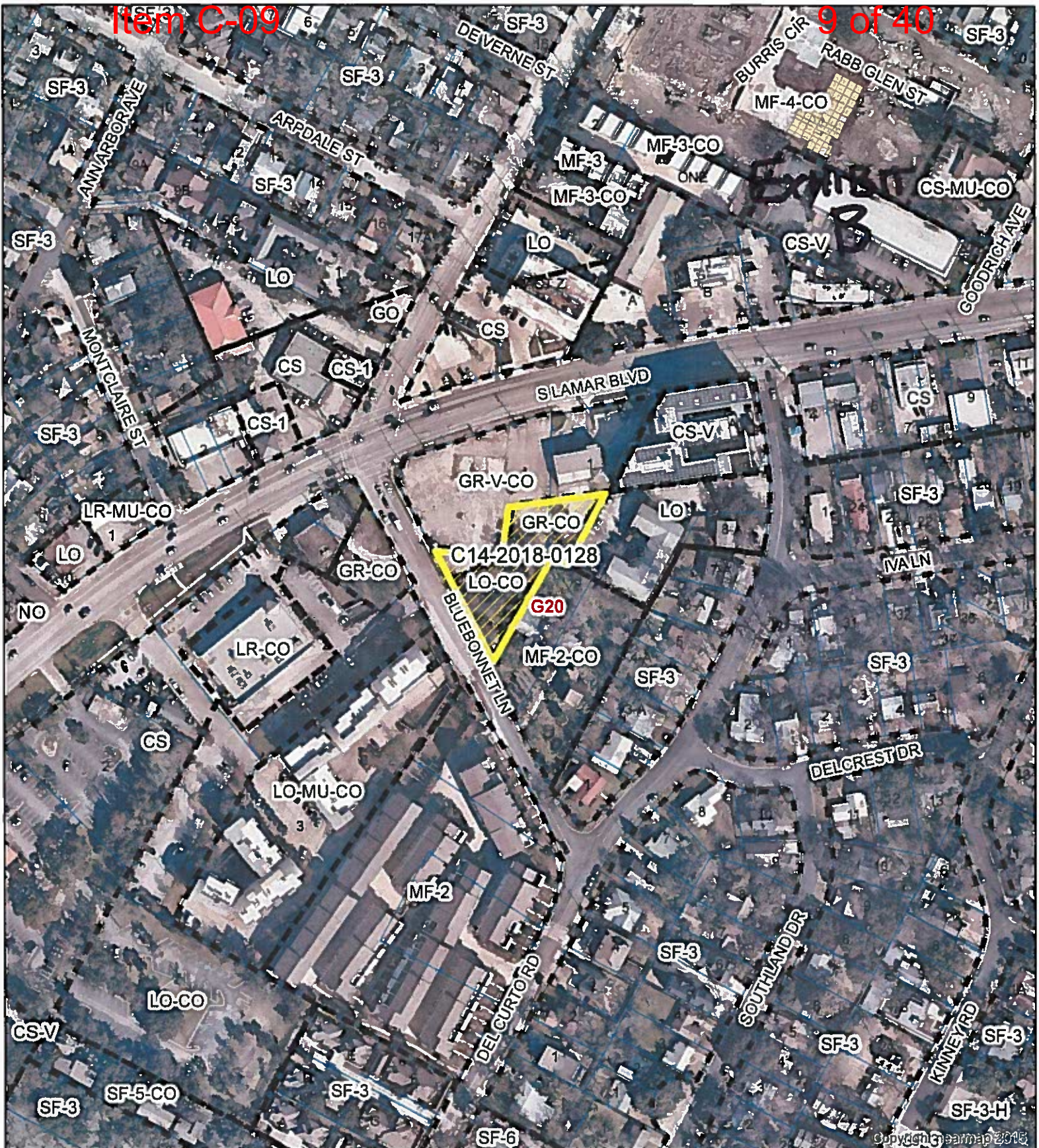
INDEX OF EXHIBITS TO FOLLOW

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



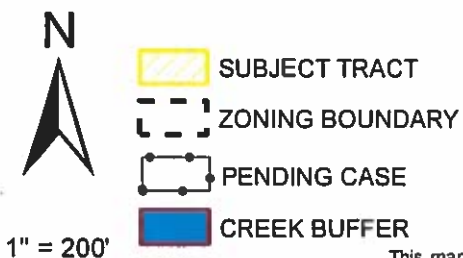
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This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made



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**EXHIBIT
C**

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

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

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district on the property described in Zoning Case No. C14-2008-0070, on file at the Neighborhood Planning and Zoning Department, as follows:

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

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

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

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

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

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

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

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

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

Automotive repair services
Automotive sales
Exterminating services
Pawn shop services

Automotive rentals
Automotive washing (of any type)
Funeral services

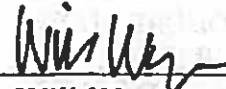
Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the respective base districts, and other applicable requirements of the City Code.

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

PASSED AND APPROVED

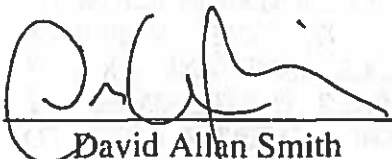
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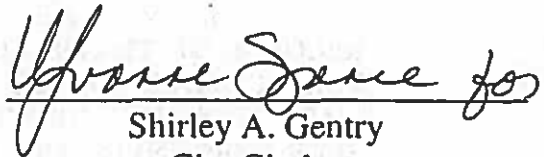
Will Wynn
Mayor

APPROVED:



David Allan Smith
City Attorney

ATTEST:



Shirley A. Gentry
City Clerk

EXHIBIT A

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

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

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

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

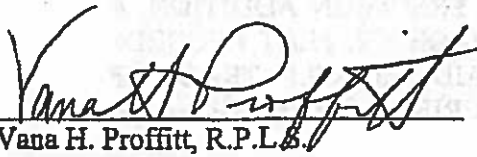
- 1) North 67 degrees 52 minutes 44 seconds East, a distance of 63.66 feet to a ½-inch iron rod found for an angle point of the herein described tract;
- 2) South 89 degrees 34 minutes 22 seconds East, a distance of 25.91 feet to a ½-inch iron rod with orange plastic cap stamped "Wallace Group" found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

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

Tract 1
Page 2

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

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



02-01-2008

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



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

EXHIBIT B

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

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

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

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

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

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

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

Tract 2
Page 2

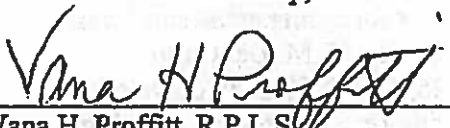
Block A of Delcrest Addition Section 2, of record in Book 17, Page 90, P.R.T.C.T.; from which point a cotton spindle found bears South 83°50'34" East, a distance of 0.34 feet;

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

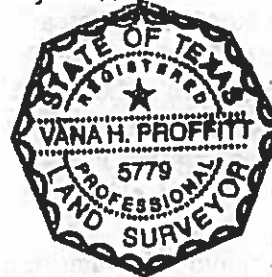
- 6) South 30°43'18" West, a distance of 125.65 feet to a ½-inch iron rod found;
- 7) South 15°26'52" West, a distance of 2.01 feet to a PK nail found in concrete footing of a rock wall at the southeast corner of said Lot 1, Precision Addition;

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

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


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

02-01-2008



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

EXHIBIT C

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

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

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

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

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

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

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

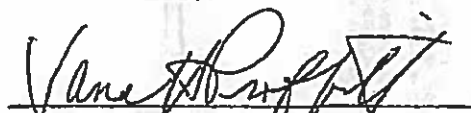
THENCE with the common line of the westerly line of said 46,513 s.f. tract and the easterly r.o.w. line of said Blue Bonnet Lane, by courses 5 and 6 as follows:

Tract 3
Page 2

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

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

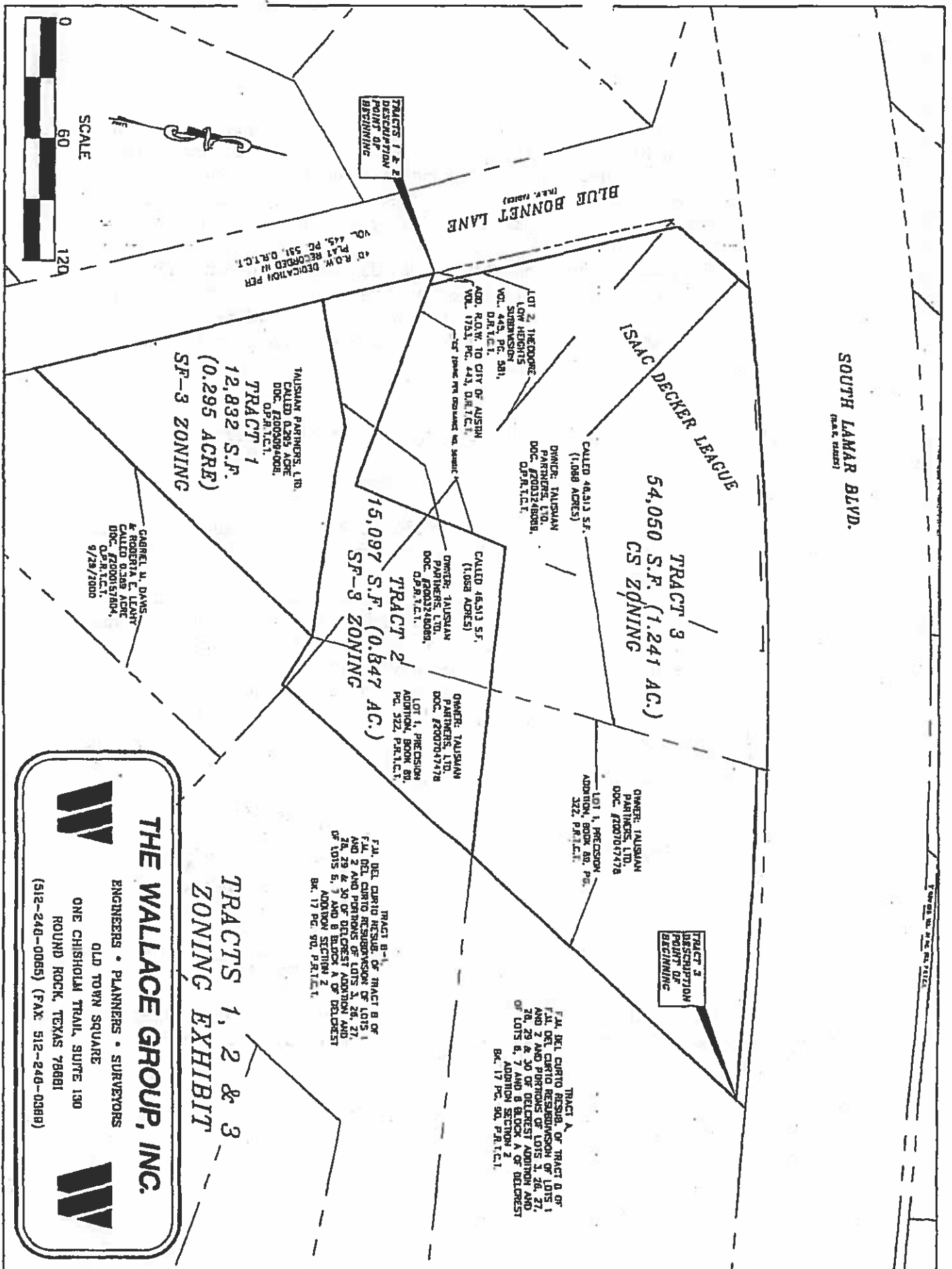
- 7) Along a curve to the right, with a radius of 1869.86 feet, an arc length of 238.75 feet, and a long chord bearing North 75 degrees 49 minutes 53 seconds East, a distance of 238.59 feet to a point for corner;
- 8) South 04 degrees 38 minutes 26 seconds West, a distance of 5.18 feet with the easterly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


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

02-01-2008



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





ZONING EXHIBIT D



- SUBJECT TRACT
- ZONING BOUNDARY
- PENDING CASE

OPERATOR: S. MECKS

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



1" = 400'

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

Chaffin, Heather

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

**EXHIBIT
D**

From: latherton

Sent: Sunday, January 20, 2019 4:08 PM

To: Chaffin, Heather <Heather.Chaffin@austintexas.gov>

Cc: Jeff Jack ; District 5 <District5@austintexas.gov>

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

Ms. Chaffin:

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

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

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

Thank you,

Lorraine Atherton

2009 Arpdale

Austin, TX 78704

(District 5 resident)

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website: www.austintexas.gov/planning.

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

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

Robert Simmon S
Your Name (please print)
☐ I am in favor
☒ I object

2525 S. LAMAR BLVD
Your address(es) affected by this application
[Signature]
Signature
2/6/19
Date

Daytime Telephone: 512-826-8889

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

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

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



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

February 8, 2019

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

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

Specifically, but not exhaustively,

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

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

Regards,
Brian Chappell

Brian B Chappell
President, SNLA

Zilker Neighborhood Association

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

February 8, 2019

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

To: City of Austin Planning Commission

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

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

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

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

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

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

Chaffin, Heather

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

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

Good morning, Heather.

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

All the best,

Lorraine Atherton

For the Zilker Neighborhood Association Zoning Committee

UNRESOLVED QUESTIONS, FEB 12, 2019

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

(To add V overlay and change existing CO on GR and LO parcels to accommodate a VMU project with 180 residential units) *received 2/19/2019 HC*

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

- a) Why did the City of Austin impose these restrictions on this subdivision?
- b) What is the procedure for removing or amending subdivision notes?
- c) Does the Planning Commission need to consider the subdivision amendments concurrently with the rezoning?

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

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

- a) How many VMU residential units can be built on this property under the existing 2,000-trip limit? What is the minimum nonresidential use required for a VMU project? In other words, how would one maximize the residential component and minimize the commercial traffic to keep the project within the 2,000-trip limit?
- b) What is the current vpd estimate for Walgreens, the other existing uses on Bluebonnet, and the 18 residential units proposed at 2505 Bluebonnet? Is the western part of the street already maxed out at 4,000 vpd?
- c) Are the eastern part of Bluebonnet and all of Del Curto still rated as residential collectors with a limit of 1,200 vpd?
- d) Is the Transportation Department moving forward with the left-turn restrictions proposed in the South Lamar Corridor plan, detouring all southbound traffic to a new traffic signal at Del Curto? How does that change the 70/30 split for Lamar/Bluebonnet trips at this property?
- e) Will the policy of eliminating all driveways on South Lamar be applied to the VMU project (or any other project) proposed at this site? If so, will an additional driveway be required on Bluebonnet?
- f) Where and when does the City expect to acquire additional rights-of-way to widen Bluebonnet and Del Curto, reconfigure the intersection of Bluebonnet and Del Curto, and reconfigure the intersection of Bluebonnet and South Lamar, as proposed in the South Lamar Corridor Improvement Program? What portion of the \$1.45 million cost will be contributed by this property, and will that cost change if the 2,000-trip limit is removed from this site?

- g) Will the applicant be required to pay most of the \$600,000 cost of constructing a northbound right-turn bay and bus queue jump at Bluebonnet and South Lamar, as estimated in Table 7-1 of the South Lamar Corridor Improvement Program? How much, and when? Will that cost change if the 2,000-trip limit is removed from this site?

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

- a) Where is the existing easement?
- b) Where is the City planning to acquire additional easements?
- c) How much detention is required, and where is the best location for that detention?
- d) Where is the proposed parking garage to be located on the site, and will it conflict with the stormwater detention and drainage easements?

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

- a) Can the conditional overlay (for example, the 2,000-trip limit) be changed on one of the parcels without rezoning the other two parcels? If the CO is changed, will the case have to be reposted to include the entire property (not just the rear parcel)?
- b) Does the existing overlay require 10% of new residential units to be available at 80% MFI or 60% MFI?
- c) Must the existing VMU overlay be extended as is to the rear parcels, or may the City Council approve additional affordability on the rear parcels? May the City Council approve changes to the VMU overlay on the front of the property without reposting the rezoning case? (Same question as 4a above.)
- d) Does the existing overlay allow a parking reduction to 60% or only 80%?
- e) May the City Council change the parking requirement as it applies to the entire property (not just the two non-VMU parcels)?



RESTRICT 2009003056

11 PGS

**EXHIBIT
E**

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.

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

2. Owner shall provide buffering between Tract One and the adjacent single family use which shall consist of landscaping and/or a privacy wall or other buffering technique as determined by the Owner.
3. Development of the Property shall comply with the City of Austin's Neighborhood Compatibility Standards and the City's Tree Ordinance requirements as such are in effect on the date of this Restrictive Covenant.
4. Owner agrees to work with City of Austin Development Staff at time of Administrative Site Plan application to provide on site detention and grading that not only addresses site conditions but will make reasonable efforts to improve existing offsite drainage conditions.
5. If any person or entity shall violate or attempt to violate this agreement and covenant, it shall be lawful for the South Lamar Neighborhood Association to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such agreement or covenant, to prevent the person or entity from such actions, and to collect damages for such actions.
6. If any part of this agreement or covenant is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full effect.
7. This agreement may be modified, amended, or terminated only by joint action of both, (a) the South Lamar Neighborhood Association or its successor in interest and (b) by the owner(s) of the Property subject to the modification, amendment or termination at the time of such modification, amendment or termination.

EXECUTED this the 20th day of November, 2008.

OWNER:

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

By: Talisman Group, Inc., its General Partner

By: 
James T. Ross

Its: President

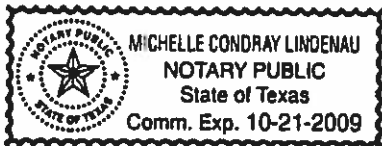
THE STATE OF TEXAS

§

COUNTY OF TRAVIS

§

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



Michelle Condray Lindenau
Notary Public, State of Texas

My Commission Expires 10-21-09

After Recording, Please Return to:

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

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

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

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

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

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


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

EXHIBIT A

Tract 1
Page 2

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

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


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

02-01-2008



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

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

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

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

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

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

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

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

Tract 2
Page 2

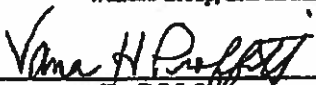
Block A of Delcrest Addition Section 2, of record in Book 17, Page 90, P.R.T.C.T.; from which point a cotton spindle found bears South 83°50'34" East, a distance of 0.34 feet;

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

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

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

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


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

02-01-2008



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

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

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

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

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

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

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

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

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

Tract 3
Page 2

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

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

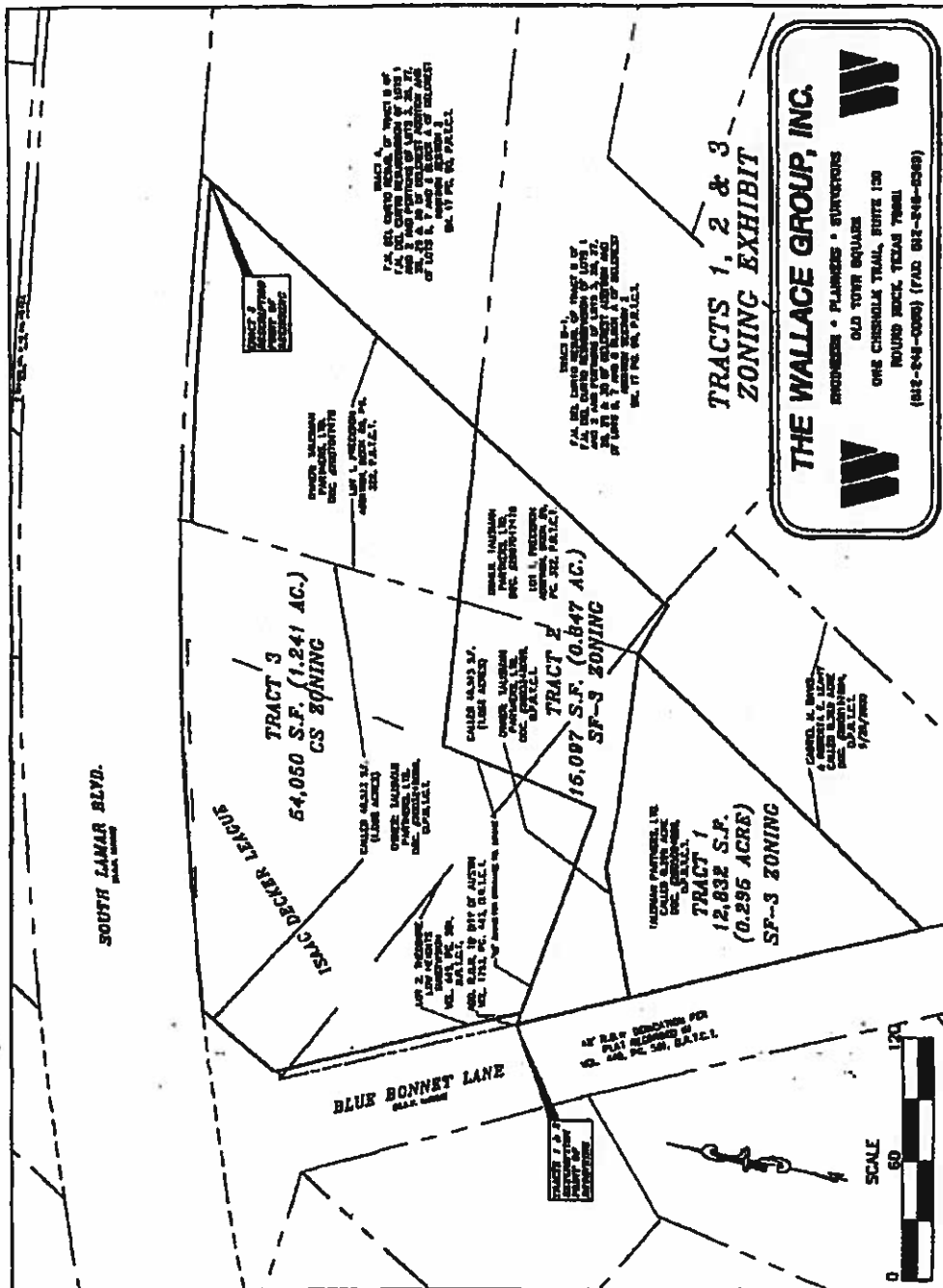
- 7) Along a curve to the right, with a radius of 1869.86 feet, an arc length of 238.75 feet, and a long chord bearing North 75 degrees 49 minutes 53 seconds East, a distance of 238.59 feet to a point for corner;
- 8) South 04 degrees 38 minutes 26 seconds West, a distance of 5.18 feet with the easterly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


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

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OFFICIAL PUBLIC RECORDS



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DANA DEBEAUVOIR COUNTY CLERK

TRAVIS COUNTY TEXAS

