

ZONING CHANGE REVIEW SHEET

CASE: C14-2019-0162 – Slaughter and Cullen

DISTRICT: 2

ZONING FROM / TO: GR-CO, to change a condition of zoning and remove restaurant (general) and restaurant (limited) uses from the prohibited use list

ADDRESS: 166 West Slaughter Lane and 9012 Cullen Lane

SITE AREA: 1.273 acres

PROPERTY OWNER: LG Slaughter and Cullen LLC
(Rob Pivnick)

AGENT: Husch Blackwell, LLP
(Nikelle Meade)

CASE MANAGER: Wendy Rhoades (512-974-7719, wendy.rhoades@austintexas.gov)

STAFF RECOMMENDATION:

The Staff recommendation is to grant community commercial – conditional overlay (GR-CO) combining district zoning and remove restaurant (general) and restaurant (limited) uses from the prohibited use list. The remainder of the –CO that applies to the property remain unchanged. *For a summary of the basis of Staff's recommendation, see page 2.*

ZONING AND PLATTING COMMISSION ACTION / RECOMMENDATION:

June 16, 2020: APPROVED GR-CO TO REMOVE RESTAURANT (GENERAL) AND RESTAURANT (LIMITED) FROM THE PROHIBITED USE LIST, AS STAFF RECOMMENDED

[B. EVANS; H. SMITH – 2ND] (6-3) A. AGUIRRE, D. KING J. KIOLBASSA – NAY; A. DENKLER – ABSENT; 1 VACANCY ON THE COMMISSION

June 2, 2020: APPROVED A POSTPONEMENT REQUEST BY THE NEIGHBORHOOD TO JUNE 16, 2020

[H. SMITH; B. EVANS – 2ND] (10-0) J. DUNCAN – NOT PRESENT FOR PASSAGE OF THE CONSENT AGENDA

CITY COUNCIL ACTION:

July 30, 2020:

ORDINANCE NUMBER:

ISSUES:

The Park Ridge Owners Association Board of Directors is opposed to the Applicant's request. Please refer to correspondence attached at the back of this packet.

CASE MANAGER COMMENTS:

The subject undeveloped, platted “L” shaped lot has dual frontage on West Slaughter Lane and Cullen Lane, and is zoned community commercial – conditional overlay (GR-CO) combining district covered by two 2007 cases. The western portion of the lot is moderately treed and there is a large tree at the southwest corner of the lot, along the Slaughter frontage. To the north and west there is undeveloped property with an approved site plan for retail uses; to the east and south is an office / commercial building at the intersection of Slaughter and Cullen (GR-CO; CS-1), across Cullen Lane to the east is a bank, restaurant and pharmacy (CS-CO); across Slaughter Lane to the south is the South Park Meadows shopping center (GR-CO); and further to the west is Park Ridge, a single family residential subdivision (I-SF-4A; I-RR). ***Please refer to Exhibits A and A-1 – Zoning Map and Aerial Exhibit.***

The Applicant proposes to rezone the property and modify the Conditional Overlay, specifically to remove the restaurant (general) and restaurant (limited) uses from the prohibited use list. Otherwise, the Council-approved Conditional Overlay including the prohibited use list, 35-foot height limit, vehicle trips per day, and the public Restrictive Covenant that places additional development restrictions on the property would remain unchanged. ***Please refer to Exhibit B – 2007 Rezoning Ordinances and Restrictive Covenant.***

A restaurant (general) use is defined as the use of a site for the preparation and retail sale of food and beverages and includes the sale and on-premises consumption of alcoholic beverages (less than 51 percent of gross income). Live entertainment is also permitted if the amplified sound does not exceed 70 decibels at the property line. A restaurant (limited) use excludes the sale of alcoholic beverages for on-premises consumption.

The Applicant anticipates that a restaurant would be located on the west side of the lot and front on Slaughter Lane. Due to an existing driveway serving the adjacent office / commercial property at the intersection and required 200-foot separation between driveways, access from this site would be taken from Cullen Lane.

BASIS FOR RECOMMENDATION

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

The proposed community commercial (GR) district is intended for office and commercial uses serving neighborhood and community needs, including both unified shopping centers and individually developed commercial sites, and typically requiring locations accessible from major trafficways. The Conditional Overlay (CO) combining district may be applied in combination with any base district. The district is intended to provide flexible and adaptable use or site development regulations by requiring standards tailored to individual properties. *The property has access to West Slaughter Lane, a major arterial roadway and Cullen Lane, a collector street.*

2. Zoning changes should promote compatibility with adjacent and nearby uses.

Staff recommends the Applicant's request to change the Conditional Overlay and remove restaurant (general) and restaurant (limited) from the prohibited use list based on the following considerations of the property: 1) location on an arterial roadway and a collector street (a signalized intersection); 2) a restaurant use is compatible with the adjacent GR-CO lots approved for office and retail uses; and 3) a restaurant use is approximately 240 feet from the closest residence in the Park Ridge subdivision.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	GR-CO	Undeveloped
<i>North</i>	GR-CO; CS-CO	Undeveloped (approved site plan for 1-story, 8,156 sf of retail); Club / lodge
<i>South</i>	GR-CO (Across Slaughter Ln)	Commercial shopping center with restaurants, financial services, retail and offices
<i>East</i>	GR-CO; CS-1; CS-CO	At corner: Professional offices; Medical offices; Across Cullen Lane: Financial services; Restaurant; Pharmacy; Construction sales and services
<i>West</i>	GR-CO; I-RR; I-SF-4A	Undeveloped (approved site plan for 1-story, 8,156 sf of retail); Pond; Single family residences in the Park Ridge subdivision

AREA STUDY: Not Applicable

TIA: Is not required

WATERSHED: Slaughter Creek – Suburban

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: Yes,
Slaughter Lane

SCHOOLS:

Williams Elementary School Bedichek Middle School Crockett High School

NEIGHBORHOOD ORGANIZATIONS:

242 – Slaughter Lane Neighborhood Association 511 – Austin Neighborhoods Council
 627 – Onion Creek Homeowners Association
 742 – Austin Independent School District 1228 – Sierra Club, Austin Regional Group
 1363 – SEL Texas 1424 – Preservation Austin
 1496 – Park Ridge Owners Association, Inc. 1528 – Bike Austin
 1530 – Friends of Austin Neighborhoods
 1531 – South Austin Neighborhood Alliance (SANA)
 1550 – Homeless Neighborhood Association
 1616 – Neighborhood Empowerment Foundation

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2018-0118 – 8900 South Congress	CS-CO to CS-CO to remove the 2,000 trips per day limit and replace w/the conds of a TIA	To Grant, as requested	Apvd (4-25-2019).
C14-06-0161 – Southpark Meadows Building 19 – 9200-9250 Cullen Ln	GR-CO to CS-1	To Grant CS-1 for 15,534 sf.	Apvd CS-1-CO w/CO to prohibit adult-oriented uses (11-2-2006).
C14-05-0171 – The Grove at Southpark Meadows – 301 W Slaughter Ln and 9501 S 1 st St	I-RR; LO-CO; CS-CO to GR-MU-CO for Tracts 1 and 2; SF-6 for Tract 3; SF-6-CO for Tract 4; GR-CO for Tract 5	To Grant GR-MU-CO for Tracts 1 and 2; SF-6 for Tract 3; SF-6-CO for Tract 4 and GR-CO for Tract 5, w/ addl prohibited uses and LR development standards, and the conditions of the TIA w/addl turning movements allowed	Apvd GR-MU-CO for Tracts 1 and 2, SF-6 for Tract 3 and GR-CO for Tract 5 as ZAP recommended; SF-4A for Tract 4. Restrictive Covenant for the TIA (5-18-2006).
C14-05-0002 – Quick Tract – 9420 Cullen Ln	RR to CS	Approved GR-CO w/ CO for list of prohibited and conditional uses. Restrictive Covenant for the TIA.	Apvd GR-CO as recommended by ZAP. Restrictive Covenant for the TIA (3-10-2005).
C14-04-0075 – Southpark Meadows – 9600 S IH 35 Service Rd SB	LO-CO; CS-1-CO to GR-CO	To Grant GR-CO w/ conds of the TIA	Apvd GR-CO with a Restrictive Covenant for the TIA, as recommended by ZAP (10-21-2004).
C14-99-0129 (RCT) - 9600 S IH 35 Service Rd SB	To Terminate the Restrictive Covenant which addresses the discontinuance of a cocktail lounge use.	To Grant a Termination of the Restrictive Covenant	Apvd a Termination of the Restrictive Covenant (10-21-2004).
C14-04-0037 Slaughter @ Cullen Commercial – 9200 Cullen Ln	RR to GR	To Grant GR-CO with a list of prohibited uses and conditions of the TIA	Apvd GR-CO w/CO for a list of prohibited and conditional uses. Restrictive Covenant

			for the TIA (8-26-2004).
C14-03-0066 – Wal-mart –IH-35 and Slaughter Lane	RR; SF-2; LI-CO; CS-CO and CS to GR	To Grant GR-CO w/ conds of the TIA	Apvd GR-CO w/CO for a 6' fence and landscaping along Cullen Ln; 2) direct all traffic south on Cullen Ln by way of limited function driveways onto Cullen Ln that allow right-in and left-out movements only; 3) the use of shielded / hooded lights throughout the site; and, 4) a list of prohibited uses and one accessory use. Restrictive Covenant for the TIA and an Integrated Pest Management (IPM) Plan and a landscape plan for the use of native and adapted plant materials (10-30-2003).
C14-99-2063 – 8900 Block of Cullen Lane	I-RR to CS for Tract 1; LO for Tract 2	To Grant CS-CO for Tract 1; LO-CO for Tract 2. (The CO is described below in C14-98-0226)	Apvd CS-CO for Tract 1; LO-CO for Tract 2 as Commission recommended (6-22-2000).
C14-99-2007 – 8916 Cullen Ln	I-RR to CS for Tract 1; LO for Tract 2	To Grant CS-CO for Tract 1; LO-CO for Tract 2. (The CO is described below in C14-98-0226)	Apvd CS-CO for Tract 1; LO-CO for Tract 2 as Commission recommended (1-27-2000).
C14-99-0112 – 8816 Cullen Ln	DR to CS for Tract 1; LO for Tract 2	To Grant CS-CO for Tract 1; LO-CO for Tract 2. (The CO is described below in C14-98-0226)	Apvd CS-CO for Tract 1; LO-CO for Tract 2 as Commission recommended (1-27-2000).
C14-99-0075 – 8810 Cullen Ln	DR to CS for Tract 1; LO for Tract 2	To Grant CS-CO for Tract 1; LO-CO for Tract 2, with LO-CO being a 40' wide	Apvd CS-CO for Tract 1; LO-CO for Tract 2 as Commission recommended

		landscaped buffer and a 6' solid fence along the west property line; CS-CO for list of prohibited uses; 30' height limit; 2,000 trips; rollback to W/LO if construction sales & service use is a permitted use in that district; r-o-w dedication on Cullen Lane (approx. 5').	(9-30-1999).
C14-98-0226 – 8908 Cullen Ln	I-RR to CS-CO	To Grant LO-CO	Apvd CS-CO for Tract 1 and LO-CO for Tract 2 with LO-CO being a 40' wide landscaped buffer and a 6' solid fence along the west property line; CS-CO for list of prohibited uses; 30' height limit; 2,000 trips; rollback to W/LO if construction sales & service use is a permitted use in that district; r-o-w dedication on Cullen Lane (approx.5') (10-7-1999).
C14-96-0015 – 9100 Cullen Ln	I-RR to GR; CS-1	To Grant CS-1-CO for Tract 1; GR-CO for Tract 2, w/CO for 2,000 trips	Apvd CS-1-CO for Tract 1; GR-CO for Tract 2 as recommended by Commission (4-25-1996).

RELATED CASES:

On May 3, 2007, Council approved GR-CO zonings and a public Restrictive Covenant for two cases that cover the lot proposed for rezoning (C14-06-0203 – Cullen Zoning and C14-06-0204 – Slaughter Zoning).

The rezoning area is platted as Lot 3, Resubdivision of Lot 2, Block A, Replat of a Portion of Lot 8 Tom F. Dunnahoo Subdivision and Lot 6, Tom F. Dunnahoo Subdivision, recorded on October 19, 2019 (C8-2019-0018.0A). ***Please refer to Exhibit C – Recorded Plat.***

EXISTING STREET CHARACTERISTICS:

Name	ROW	Pavement	Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
West Slaughter Lane	107 feet	92 feet	Level 4 (Major Arterial)	Yes	Buffered Bike Lane	Yes
Cullen Lane	48 – 58 feet	22 feet	Level 2 (Collector)	No	Shared Lane	Yes

OTHER STAFF COMMENTS:

Comprehensive Planning

The subject tract for this zoning case is located along the Imagine Austin **Slaughter Lane Activity Corridor and is within the Imagine Austin Southpark Meadows Town Center**. The subject property, which is 'L' shaped, is 1.273 acres in size and abuts Cullen Lane and Slaughter Lane and is not located within the boundaries of a small area plan. Surrounding land uses includes undeveloped land, a club, and a nursery school to the north; to the south is small shopping center and the Southpark Meadows Shopping Center; to the east is a bank and a restaurant and both uses have a drive thru; and to the west undeveloped land and single family houses. Cullen Lane is a narrow rural road with no curb or gutters. The proposed use is restaurant and the removal of some of the existing conditional overlays so that restaurant uses (Limited and General) would be a permitted use on this property. The remaining Conditional Overlays would still apply.

Existing conditional overlays on this site:

- A 50 foot vegetative buffer along the western property line where it is adjacent to or within 50 feet of a single family house.
- A 25 foot vegetative buffer along the western property line where adjacent to the detention pond.
- The maximum building height is no greater than 35 feet from grade level.
- Signage restrictions
- The Land Use shall not generate more than 3,000 trips per day.
- Prohibited uses below, which includes restaurants:

Automotive rentals	Automotive repair services
Automotive sales	Automotive washing (of any type)
Bail bond services	Bed and breakfast residential (Group 1)
Bed and breakfast (Group 2)	Club or lodge
Commercial off-street parking	Drop-off recycling collection facility
Exterminating services	Funeral services
Funeral services	Hotel-motel
Indoor entertainment	Indoor sports and recreation
Off-site accessory parking	Outdoor entertainment
Outdoor sports and recreation	Pawn shop services
Residential treatment	Restaurant (general)
Restaurant (limited)	Service station
Theater	Urban farm

Connectivity

Cullen Lane is a narrow rural road with no curb or gutters. The only public sidewalk is only located at the property that contains the bank. Public sidewalks are located along Slaughter Lane. A transit stop is located within 300 feet from the subject property, on Slaughter Lane. Bike lanes are located along both side of this portion of Slaughter Lane. The mobility and connectivity options in the area are average.

Imagine Austin

The subject tract falls within the boundaries of the **Imagine Austin Southpark Meadows Town Center**. Like many Imagine Austin Centers, this center is represented by a circle or globular shape that reflects the general location where the center should be located in the future. The center's actual boundaries would need to be clarified through a small area planning process. Town Centers are intended to have a variety of housing types and a range of employers with regional customer and employee bases, and provide goods and services for the center as well as the surrounding areas.

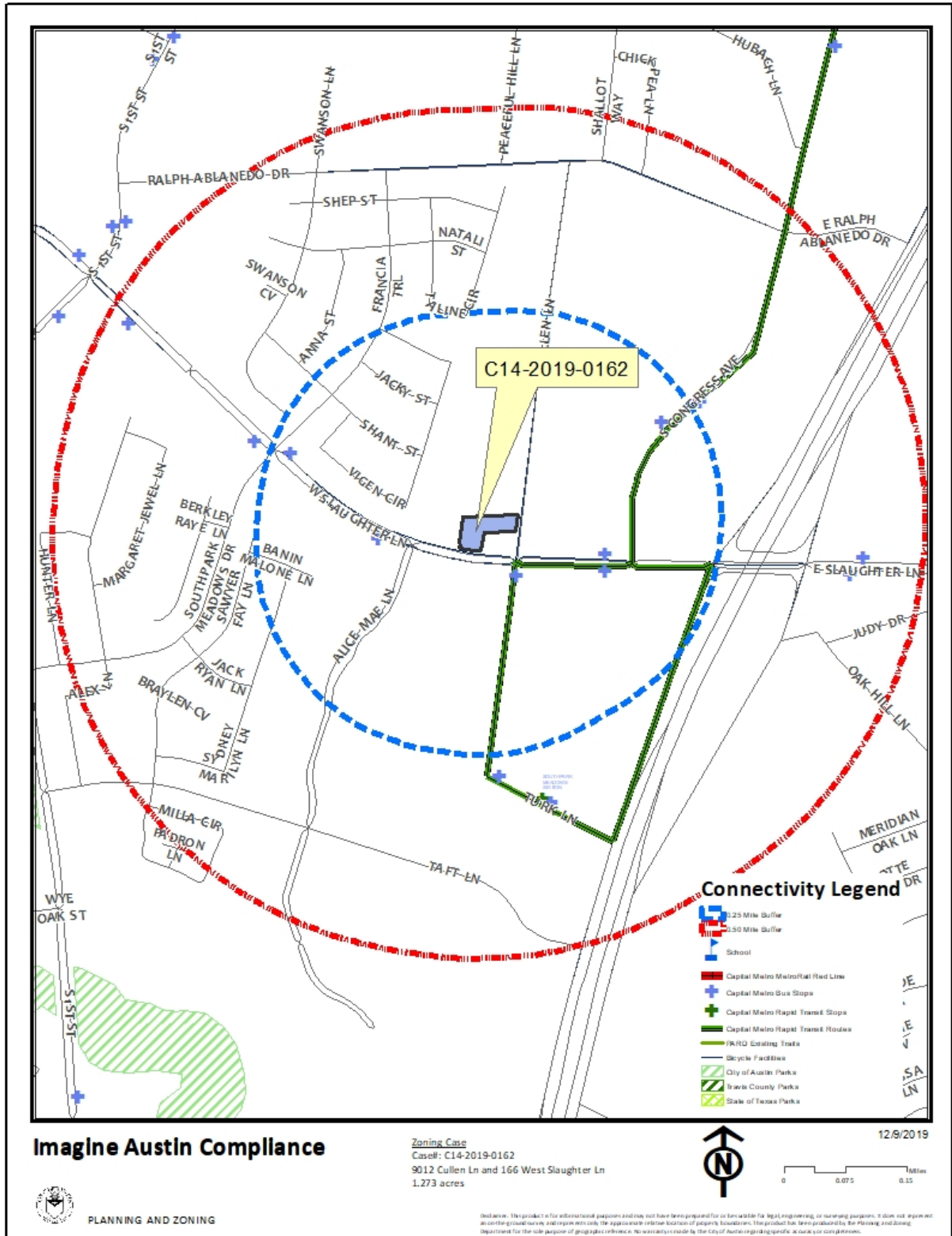
The project is also located along the West Slaughter Lane, an **Imagine Austin Corridor**. Activity Corridors are intended to allow people to reside, work, shop, access services, people watch, recreate, and hang out without traveling far distances. They are characterized by a variety of activities and 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.

The following Imagine Austin policies are applicable to this case:

- **LUT P1.** Align land use and transportation planning and decision-making to achieve a compact and connected city in line with the growth concept map.
- **LUT P3.** Promote development in compact centers, communities, or along corridors that are connected by roads and transit that are designed to encourage walking and bicycling, and reduce health care, housing and transportation costs.

- **LUT P4.** Protect neighborhood character by directing growth to areas of change that includes designated redevelopment areas, corridors and infill sites. Recognize that different neighborhoods have different characteristics and new and infill development should be sensitive to the predominant character of these communities.

Based on this property being situated within a **Town Center** and along **Activity Corridor**, which supports retail and commercial uses; the existing mobility options available in the area (public sidewalks, bike lanes, and a transit stop); and the Imagine Austin policies referenced above that supports a variety of development, including a retail/commercial uses along major corridors and centers, this project supports the Imagine Austin Comprehensive Plan.



Drainage

The developer is required to submit a pre- and post-development drainage analysis at the subdivision and site plan stage of the development process. The City's Land Development Code and Drainage Criteria Manual require that the Applicant demonstrate through engineering analysis that the proposed development will have no identifiable adverse impact on surrounding properties.

Environmental

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

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

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

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

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

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

Under current watershed regulations, development or redevelopment requires water quality control with increased capture volume and control of the 2 year storm on site.

Site Plan

Site plans will be required for any new development other than single-family or duplex residential.

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.

Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

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

FYI: A portion of the subject property is included in a site plan that is currently under review (SP-2018-0394C).

COMPATIBILITY STANDARDS

The site is subject to compatibility standards due to proximity of SF-4A to the west. The following standards apply:

- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, height limitation is 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
- For a structure more than 300 feet but not more than 540 feet from property zoned SF-5 or more restrictive, 60 feet plus one foot for each four feet of distance in excess of 300 feet from the property zoned SF-5 or more restrictive.
- An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from property in an SF-5 or more restrictive zoning district.

DEMOLITION AND HISTORIC RESOURCES

The applicant is responsible for requesting relocation and demolition permits once the site plan is approved. The City Historic Preservation Officer will review all proposed building demolitions and relocations prior to site plan approval. If a building meets city historic criteria, the Historic Landmark Commission may initiate a historic zoning case on the property.

Transportation

A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 3,000 vehicle trips per day as stated in the 2007 zoning ordinances.

The Austin Strategic Mobility Plan (ASMP) adopted April 11, 2019, calls for 120 feet of right-of-way for West Slaughter Lane and 78 feet for Cullen Lane. It is recommended that 60 feet of right-of-way from the existing centerline W Slaughter and 39 feet from the existing centerline of Cullen should be dedicated according to the Transportation Plan with the submittal of a subdivision or site plan application [LDC 25-6-51 and 25-6-55].

Water / Wastewater

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

Depending on the development plans submitted, water and or wastewater service extension requests may be required. All water and wastewater construction must be inspected by the City of Austin.

The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

INDEX OF EXHIBITS TO FOLLOW

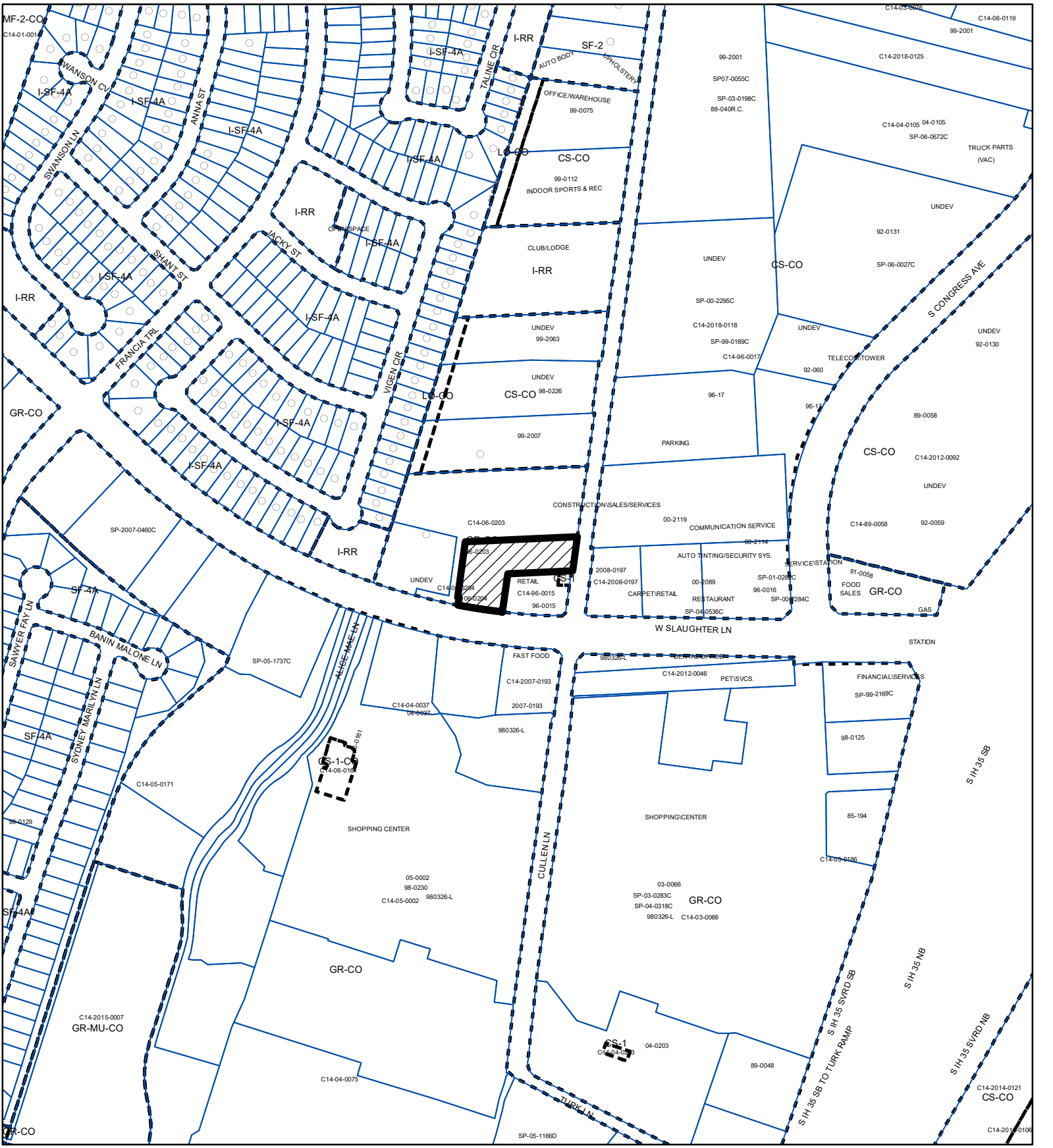
A: Zoning Map




A-1: Aerial Map

B: 2007 Rezoning Ordinances and public Restrictive Covenant

C: Recorded Plat

Correspondence Received



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

ZONING

Exhibit A

ZONING CASE#: C14-2019-0162

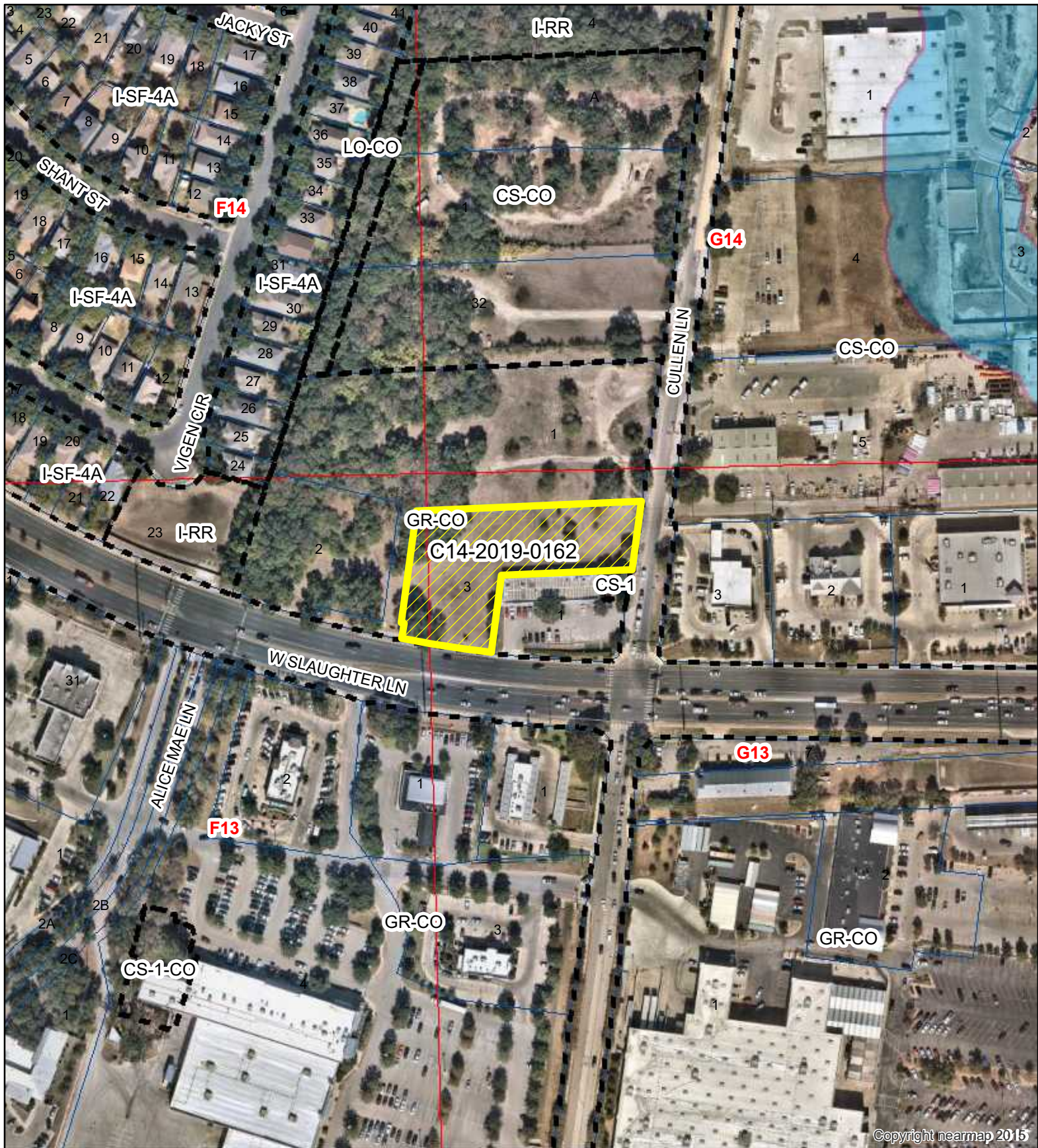
1" = 400'

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

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



Created: 12/5/2019



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SLAUGHTER AND CULLEN

Exhibit A - 1

ZONING CASE#: C14-2019-0162
 LOCATION: 166 W, SLAUGHTER LANE;
 9012 CULLEN LANE
 SUBJECT AREA: 1.273 Acres
 GRID: G13
 MANAGER: Wendy Rhoades



1" = 200'

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

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

ORDINANCE NO. 20070503-047

AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING FOR THE PROPERTY LOCATED AT 9006 CULLEN LANE AND CHANGING THE ZONING MAP FROM INTERIM RURAL RESIDENCE (I-RR) DISTRICT TO COMMUNITY COMMERCIAL-CONDITIONAL OVERLAY (GR-CO) COMBINING DISTRICT.

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 from interim rural residence (I-RR) district to community commercial-conditional overlay (GR-CO) combining district on the property described in **Zoning Case No C14-06-0203**, on file at the Neighborhood Planning and Zoning Department, as follows

Lot 6, Block A, Tom F Dunnahoo Subdivision, a subdivision in the City of Austin, Travis County, Texas, as described in a deed of record in Volume 683, Page 1 of the Deed Records of Travis County, Texas (the "Property"),

locally known as 9006 Cullen Lane, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "A"

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 50-foot wide vegetative buffer shall be provided along the west property line where adjacent to or within 50 feet of a single family residential zoned property Except as provided in Section 25-1-(27)(a) and (b), the buffer zone shall remain an undisturbed vegetative buffer
- B A 25-foot wide vegetative buffer shall be provided and maintained along the west property line where adjacent to a detention pond Except as provided in Section 25-1-(27)(a) and (b), the buffer zone shall remain an undisturbed vegetative buffer
- C Section 25-10-124 (*Scenic Roadway Sign District Regulations*) applies to the Property

- D The maximum height of a building or structure developed on the Property is 35 feet from grade level
- E If the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 3,000 trips per day, a site plan or building permit for the Property may not be approved, released, or issued, until a traffic impact analysis ("TIA") is submitted to and approved by the Watershed Protection and Development Review Department
- F The following uses are prohibited uses of the Property

Automotive rentals	Automotive repair services
Automotive sales	Automotive washing (of any type)
Bail bond services	Bed and breakfast residential (Group 1)
Bed and breakfast (Group 2)	Club or lodge
Commercial off-street parking	Drop-off recycling collection facility
Exterminating services	Funeral services
Funeral services	Hotel-motel
Indoor entertainment	Indoor sports and recreation
Off-site accessory parking	Outdoor entertainment
Outdoor sports and recreation	Pawn shop services
Residential treatment	Restaurant (general)
Restaurant (limited)	Service station
Theater	Urban farm

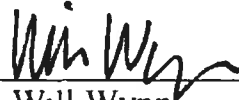
Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the community commercial (GR) base district and other applicable requirements of the City Code

PART 3. This ordinance takes effect on May 14, 2007

PASSED AND APPROVED

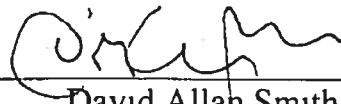
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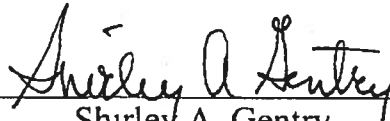
Will Wynn
Mayor

APPROVED:

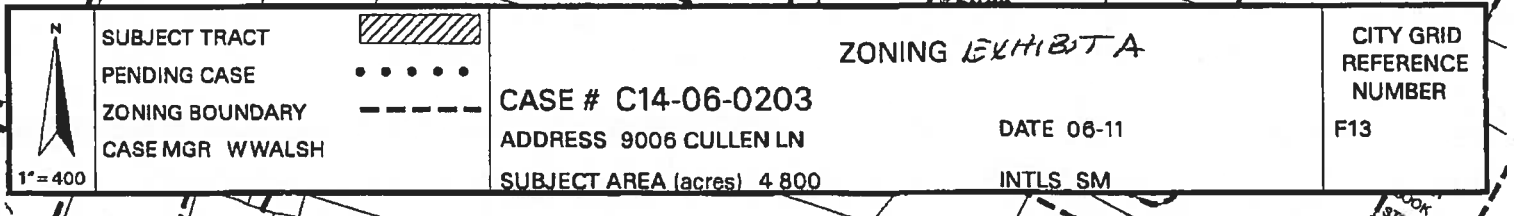


David Allan Smith
City Attorney

ATTEST:



Shirley A. Gentry
City Clerk



ORDINANCE NO. 20070503-048

AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING FOR THE PROPERTY LOCATED AT 160 WEST SLAUGHTER LANE AND CHANGING THE ZONING MAP FROM INTERIM RURAL RESIDENCE (I-RR) DISTRICT TO COMMUNITY COMMERCIAL-CONDITIONAL OVERLAY (GR-CO) COMBINING DISTRICT.

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 from interim rural residence (I-RR) district to community commercial-conditional overlay (GR-CO) combining district on the property described in **Zoning Case No. C14-06-0204**, on file at the Neighborhood Planning and Zoning Department, as follows:

Lot 2, Block A, Tom F. Dunnahoo Subdivision, Replat of a portion of Lot 8, Tom F. Dunnahoo Subdivision, a subdivision in the City of Austin, Travis County, Texas, as described in a deed of record in Volume 96, Pages 11 and 12 of the Deed Records of Travis County, Texas (the "Property"),

locally known as 160 West Slaughter Lane, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "A".

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 50-foot wide vegetative buffer shall be provided along the west property line where adjacent to or within 50 feet of a single family residential zoned property. Except as provided in Section 25-1-(27)(a) and (b), the buffer zone shall remain an undisturbed vegetative buffer.
- B. A 25-foot wide vegetative buffer shall be provided and maintained along the west property line where adjacent to a detention pond. Except as provided in Section 25-1-(27)(a) and (b), the buffer zone shall remain an undisturbed vegetative buffer.
- C. The maximum height of a building or structure developed on the Property is 35 feet from grade level.

D. The following uses are prohibited uses of the Property:

Automotive rentals
Automotive sales
Bail bond services
Bed and breakfast (Group 2)
Commercial off-street parking
Exterminating services
Funeral services
Indoor entertainment
Off-site accessory parking
Outdoor sports and recreation
Residential treatment
Restaurant (limited)
Theater

Automotive repair services
Automotive washing (of any type)
Bed and breakfast residential (Group 1)
Club or lodge
Drop-off recycling collection facility
Funeral services
Hotel-motel
Indoor sports and recreation
Outdoor entertainment
Pawn shop services
Restaurant (general)
Service station
Urban farm

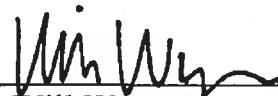
Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the community commercial (GR) base district and other applicable requirements of the City Code.

PART 3. This ordinance takes effect on May 14, 2007.

PASSED AND APPROVED

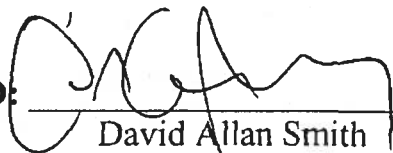
_____, 2007

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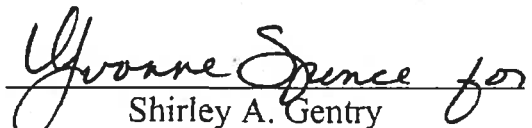
Will Wynn
Mayor

APPROVED:



David Allan Smith
City Attorney

ATTEST:



Shirley A. Gentry
City Clerk



RESTRICT 2007883652

11 PDS

11

Zoning Case No. C14-06-0203

Zoning Case No. C14-06-0204

RESTRICTIVE COVENANT

OWNER: Weldon J. Schmidt

ADDRESS: 9006 Cullen Lane, Austin, Texas 78748

OWNER: A. King Enterprises Management, Ltd., a Texas limited partnership

ADDRESS: 9605 Orchid Hill, Dallas, Texas 75243

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

PROPERTY: Lot 6, Block A, Tom F. Dunnahoo Subdivision, a subdivision in the City of Austin, Travis County, Texas, as described in a deed of record in Volume 683, Page 1 of the Deed Records of Travis County, Texas; and

Lot 2, Block A, Tom F. Dunnahoo Subdivision, replat of a portion of Lot 8, Tom F. Dunnahoo Subdivision, a subdivision in the City of Austin, Travis County, Texas, as described in a deed of record in Volume 96, Pages 11 and 12 of the Deed Records of Travis County, Texas.

WHEREAS, the Owners of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions;

NOW, THEREFORE, it is declared that the Owners 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 Owners of the Property, its successors and assigns.

1. Hours of construction are limited to 7:00 a.m. to 7:00 p.m.
2. A building for a single tenant shall not exceed 25,000 square feet.
3. A 24-hour business shall not operate within 200 feet of a single family residential property line.
4. Outdoor containers used for storage or display of merchandise are prohibited.
5. Dumpster placement shall be the more restrictive of: i) a minimum of 150 feet from the west property line, or, ii) that required under the Commercial Design Standards in Chapter 25-2, Subchapter E (*Design Standards and Mixed Use*) of the City Code.

5-3-07
47, 48

6. Loading dock placement shall be the more restrictive of: i) a minimum of 100 feet from the west property line, or, ii) that required under the Commercial Design Standards in Chapter 25-2, Subchapter E (*Design Standards and Mixed Use*) of the City Code.
7. A loading dock located within 100 to 200 feet of the west property line may not be located on the west wall of a building.
8. Delivery hours are limited to 7:00 a.m. to 10:30 p.m.
9. The noise level of mechanical equipment including outdoor speakers may not exceed 70 decibels at the west property line. Any outdoor speakers shall either be oriented away from the single-family residential neighborhood to the west, or be screened by a device, wall, fence, structure, or other screening device..
10. Outdoor lighting shall be limited to 20 feet in height and all fixtures shall be fully shielded with full cut-off light fixtures.
11. At the time an application for approval of a site plan is submitted for development of the Property, or any portion of the Property, an Integrated Pest Management (IPM) plan shall be submitted to the Watershed Protection and Development Review Department for review and approval. The IPM plan shall comply with the guidelines in Section 1.6.9.2 (D) and (F) of the Environmental Criteria Manual that are in effect on the date of this covenant.
12. At the time an application for approval of a site plan is submitted for development of the Property, or any portion of the Property, a landscape plan shall be submitted to the Watershed Protection and Development Review Department for review and approval. Ninety percent of the total plant material used, exclusive of turf, shall be native to Central Texas or on the Grow Green Native and Adapted Landscape Plants list, attached as Exhibit "A". Plants on the Invasive Species/Problem Plants list, attached as Exhibit "B", may not be included.
13. If any person or entity shall violate or attempt to violate this agreement and covenant, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such agreement or covenant, to prevent the person or entity from such actions, and to collect damages for such actions.
14. 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.
15. If at any time the City of Austin fails to enforce this agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.

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

EXECUTED this the 25 day of April, 2007.

OWNER:


Weldon J. Schmidt


OWNER:

A. King Enterprises Management, Ltd.,
a Texas limited partnership

By: A. King Enterprises, Inc.,
a Texas corporation,
General Partner

By: _____
Alma King,
President

APPROVED AS TO FORM:


Assistant City Attorney
City of Austin

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

EXECUTED this the _____ day of _____, 2007.

OWNER:

Weldon J. Schmidt

OWNER:

A. King Enterprises Management, Ltd.,
a Texas limited partnership

By: A. King Enterprises, Inc.,
a Texas corporation,
General Partner

By: Alma King
Alma King,
President

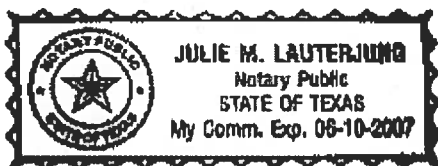
APPROVED AS TO FORM:

Delia Thomas
Assistant City Attorney
City of Austin

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 25TH day of April, 2007, by Weldon J. Schmidt.



Julie M. Lauterjung
Notary Public, State of Texas

THE STATE OF TEXAS §

COUNTY OF _____ §

This instrument was acknowledged before me on this the _____ day of _____, 2007, by Alma King, President of A. King Enterprises, Inc., a Texas corporation, General Partner of A. King Enterprises Management, Ltd., a Texas limited partnership, on behalf of the corporation and the limited partnership.

Notary Public, State of Texas

After Recording, Please Return to:
City of Austin
Department of Law
P. O. Box 1088
Austin, Texas 78767
Attention: Diana Minter, Paralegal

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the _____ day of _____, 2007, by Weldon J. Schmidt.

Notary Public, State of Texas

THE STATE OF TEXAS §

COUNTY OF DALLAS §

This instrument was acknowledged before me on this the 21st day of April, 2007, by Alma King, President of A. King Enterprises, Inc., a Texas corporation, General Partner of A. King Enterprises Management, Ltd., a Texas limited partnership, on behalf of the corporation and the limited partnership.

Mary Alice Garcia

Notary Public, State of Texas

After Recording, Please Return to:
City of Austin
Department of Law
P. O. Box 1088
Austin, Texas 78767
Attention: Diana Minter, Paralegal

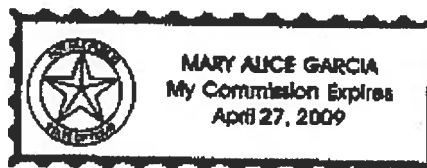


EXHIBIT A Grow Green Native and Adapted Landscape Plants

Trees

Ash, Texas <i>Fraxinus texensis</i>	Oak, Escarpment Live <i>Quercus fusiformis</i>
Arizona Cypress <i>Cupressus arizonica</i>	Oak, Lacey <i>Quercus glaucoides</i>
Big Tooth Maple <i>Acer grandidentatum</i>	Oak, Monterey (Mexican White) <i>Quercus polymorpha</i>
Cypress, Bald <i>Taxodium distichum</i>	Oak, Shumard <i>Quercus shumardii</i>
Cypress, Montezuma <i>Taxodium mucronatum</i>	Oak, Texas Red <i>Quercus texana</i> (<i>Quercus buckleyi</i>)
Elm, Cedar <i>Ulmus crassifolia</i>	Pecan <i>Carya illinoensis</i>
Elm, Lacebark <i>Ulmus parvifolia</i>	Soapberry <i>Sapindus drummondii</i>
Honey Mesquite <i>Prosopis glandulosa</i>	
Oak, Bur <i>Quercus macrocarpa</i>	
Oak, Chinquapin <i>Quercus muhlenbergii</i>	
Oak, Southern Live <i>Quercus virginiana</i>	

Small Trees/Large Shrubs

Anacacho Orchid Tree <i>Bauhinia congesta</i>	Persimmon, Texas <i>Diospyros texana</i>
Buckeye, Mexican <i>Ungnadia speciosa</i>	Pistachio, Texas <i>Pistacia texana</i>
Buckeye, Rec <i>Aesculus pavia</i>	Plum, Mexican <i>Prunus mexicana</i>
Carolina Buckthorn <i>Rhamnus caroliniana</i>	Pomegranate <i>Punica granatum</i>
Cherry Laurel <i>Prunus caroliniana</i>	Redbud, Mexican <i>Cercis canadensis 'mexicana'</i>
Crape Myrtle <i>Lagerstroemia indica</i>	Redbud, Texas <i>Cercis canadensis</i> var. <i>'texensis'</i>
Desert Willow <i>Chilopsis linearis</i>	Retama Jerusalem Thorn <i>Parkinsonia aculeata</i>
Dogwood, Roughleaf <i>Cornus drummondii</i>	Senna, Flowering <i>Cassia corymbosa</i>
Escarpment Black Cherry <i>Prunus serotina</i> var. <i>eximia</i>	Smoke Tree, American <i>Cotinus obovatus</i>
Eve's Necklace <i>Sophora affinis</i>	Sumac, Flameleaf <i>Rhus lanceolata</i>
Goldenball Leadtree <i>Leucaena retusa</i>	Viburnum, Rusty Blackhaw <i>Viburnum rufidulum</i>
Holly, Possumhaw <i>Ilex decidua</i>	Viburnum, Sandankwa <i>Viburnum suspensum</i>
Holly, Yaupon <i>Ilex vomitoria</i>	
Mountain Laurel, Texas <i>Sophora secundiflora</i>	

Shrubs

- Abelia, Glossy *Abelia grandiflora*
 Agarita *Berberis trifoliata*
 Agave (Century Plant) *Agave sp.*
 American Beautyberry *Callicarpa americana*
 Artemisia *Artemisia 'Powis Castle'*
 Barbados Cherry *Malpighia glabra*
 Barberry, Japanese *Berberis thunbergii 'Atropurpurea'*
 Basket Grass (Sacahuista) *Nolina texana*
 Black Dalea *Dalea frutescens*
 Bush Germander *Teucrium fruticans*
 Butterfly Bush *Buddleia davidii*
 Butterfly Bush, Woolly *Buddleia marrubifolia*
 Coralberry *Symphoricarpos orbiculatus*
 Cotoneaster *Cotoneaster sp.*
 Eleagnus *Eleagnus pungens*
 Esperanza/Yellow Bells *Tecoma stans*
 Flame Acanthus *Anisacanthus quadrifidus var. wrightii*
 Fragrant Mimosa *Mimosa borealis*
 Holly, Burford *Ilex cornuta 'Burfordii'*
 Holly, Dwarf Chinese *Ilex cornuta 'Rotunda nana'*
 Holly, Dwarf Yaupon *Ilex vomitoria 'Nana'*
 Jasmine, Primrose *Jasminum mesnyi*
 Kidneywood *Eysenhardtia texana*
 Lantana, Native *Lantana horrida*
 Mistflower, Blue (Blue Boneset) *Eupatorium coelestinum*
 Mistflower, White (Shrubby White Boneset) *Ageratina havanense*
 Mock Orange *Philadelphus coronarius*
 Nandina *Nandina domestica 'Compacta nana' 'Gulf Stream'*
 Oleander *Nerium oleander*
 Palmetto *Sabal minor*
 Prickly Pear *Opuntia engelmannii var. lindheimeri*
 Rose, Belinda's Dream *Rosa 'Belinda's Dream'*
 Rose, Lamarne *Rosa 'Lamarne'*
 Rose, Livin' Easy *Rosa 'Livin' Easy'*
 Rose, Marie Pavie *Rosa 'Marie Pavie'*
 Rose, Martha Gonzales *Rosa 'Martha Gonzales'*
 Rose, Mutabilis *Rosa 'Mutabilis'*
 Rose, Nearly Wild *Rosa 'Nearly Wild'*
 Rose, Old Blush *Rosa 'Old Blush'*
 Rose, Perle d'or *Rosa 'Perle d'or'*
 Rock Rose *Pavonia lasiopetala*
 Rosemary *Rosmarinus officinalis*
 Sage, Mountain *Salvia regia*
 Sage, Texas (Cenizo) *Leucophyllum frutescens*
 Senna, Lindheimer *Cassia lindheimeriana*
 Southern Wax Myrtle *Myrica cerifera*
 Sumac, Evergreen *Rhus virens*
 Sumac, Fragrant (Aromatic) *Rhus aromatica*
 Texas Sotol *Dasylirion texanum*
 Turk's Cap *Malvaviscus arboreus*
 Yucca, Paleleaf *Yucca pallida*
 Yucca, Red *Hesperaloe parviflora*
 Yucca, softleaf *Yucca recurvifolia*
 Yucca, Twistleaf *Yucca rupicola*

Perennials

- Black-eyed Susan *Rudbeckia hirta*
 Bulbine *B. frutescens* or *caulescens*
 Bush Morning Glory *Ipomoea fistulosa*
 Butterfly Weed *Asclepias tuberosa*
 Butterfly Weed 'Mexican' *Asclepias curassavica*
 Cast Iron Plant *Aspidistra elatior*
 Chile Pequin *Capsicum annuum*
 Cigar Plant *Cuphea micropetala*
 Columbine, Red *Aquilegia canadensis*
 Columbine, Yellow *Aquilegia chrysantha* 'Texas Gold'
 Coreopsis *Coreopsis lanceolata*
 Daisy, Blackfoot *Melampodium leucanthum*
 Daisy, Copper Canyon *Tagetes lemmonii*
 Damiantia *Crysactina mexicana*
 Fall Aster *Aster oblongifolius*
 Fern, River *Thelypteris kunthii*
 Firebush *Hamelia patens*
 Gaura *Gaura lindeheimeri*
 Gayfeather *Liatris mucronata*
 Gregg Dalea *Dalea greggii*
 Hibiscus, Perennial *Hibiscus moscheutos*, *Hibiscus coccineus*
 Honeysuckle, Mexican *Justicia spicigera*
 Hymenoxys (Four Nerve Daisy)
Tetranneuris scaposa
 Indigo Spires *Salvia 'Indigo Spires'*
 Iris, Bearded *Iris albicans*
 Iris, Butterfly/Bicolor (African) *Dietes* *sp.*
 Lamb's Ear *Stachys byzantina*
 Lantana *Lantana x hybrida* (many varieties)
 Lantana, 'Trailing' *Lantana montevidensis*
 Marigold, Mexican Mint *Tagetes lucida*
 Obedient Plant, Fall *Physostegia virginiana*
 Oregano, Mexican *Poliomntha longiflora*
 Penstemon *Penstemon sp.*
 Phlox, Fragrant *Phlox pilosa*
 Pink Skullcap *Scutellaria suffrutescens*
 Plumbago *Plumbago auriculata*
 Poinciana, Red Bird of Paradise, Pride of Barbados
Caesalpinia pulcherrima
 Primrose, Missouri *Oenothera macrocarpa*
 Purple Coneflower *Echinacea purpurea*
 Ruellia *Ruellia brittoniana*
 Sage, Cedar *Salvia roemeriana*
 Sage, Jerusalem *Phlomis fruticosa*
 Sage, Majestic *Salvia guaranitica*
 Sage, Mealy Blue *Salvia farinacea*
 Sage, Mexican Bush *Salvia leucantha*
 Sage, Penstemon, Big Red Sage *Salvia penstemonoides*
 Sage, Russian *Perovskia atricplifolia*
 Sage, Scarlet or 'Tropical' *Salvia coccinea*
 Salvia, Gregg (Cherry Sage) *Salvia greggii*
 Shrimp Plant *Justicia brandegeana*
 Texas Betony *Stachys coccinea*
 Verbena, Prairie *Verbena bipinnatifida*
 Yarrow *Achillea millefolium*
 Zexmenia *Wedelia texana*

Ornamental Grasses

Bluestem, Blg *Andropogon gerardii*
 Bluestem, Bushy *Andropogon*
glomeratus
 Bluestem, Little *Schizachyrium*
scoparium
 Fountain Grass, Dwarf *Pennisetum*
alopecuroides
 Indian Grass *Sorghastrum nutans*
 Inland Sea Oats *Chasmanthium*
latifolium

Mexican Feathergrass (Wiregrass) *Stipa*
tenuissima
 Muhly, Bamboo *Muhlenbergia dumosa*
 Muhly, Big *Muhlenbergia lindheimeri*
 Muhly, Deer *Muhlenbergia rigens*
 Muhly, Gulf *Muhlenbergia capillaris*
 Muhly, Scep *Muhlenbergia reverchonii*
 Sideoats Grama *Bouteloua curtipendula*
 Wild Rye *Elymus canadensis*

Vines

Asian Jasmine *Trachelospermum*
asiaticum
 Carolina Jessamine *Gelsemium*
sempervirens
 Coral Vine *Antigonon leptopus*
 Crossvine *Blignonia capreolata*
 Fig Vine *Ficus pumila*

Honeysuckle, Coral *Lonicera*
sempervirens
 Lady Banksia Rose *Rosa banksiae*
 Passion Vine *Passiflora incarnata*
 Trumpet Vine *Campsis radicans*
 Virginia Creeper *Parthenocissus*
quinquefolia

Groundcover

Aztec Grass *Ophiopogon japonicus*
 Frogfruit *Phyla incisa*
 Horserb *Calypocarpus vialis*
 Leadwort *Plumbago Ceratostigma*
plumbaginoides
 Liriope *Liriope muscari*
 Monkey Grass (Mondo Grass)
Ophiopogon japonicus
 Oregano *Origanum vulgare*
 Periwinkle, Littleleaf *Vinca minor*
 Pigeonberry *Rivina humilis*

Purple Heart *Secreasea pallida*
 Santolina (Lavender Cotton) *Santolina*
chamaecyparissus
 Sedge, Berkeley *Carex tumulicola*
 Sedge, Meadow *Carex perdentata*
 Sedge, Texas *Carex texensis*
 Sedum (Stonedrop) *Sedum nuttallianum*
 Silver Ponyfoot *Dichondra argentea*
 Wooly Stemodia *Stemodia lanata*
(Stemodia tomentosa)

Turf Grasses

Bermuda 'Tif 419', 'Sahara', 'Baby',
 'Common'
 Buffalo '609', 'Stampede', 'Prairie'
 St. Augustine 'Baby', 'Common',
 'Ruleigh', 'Delmar'

Zoysia, Fine Leaf 'Matrella', 'Emerald',
 'Zorro'
 Zoysia, Coarse Leaf 'Japonica', 'Jamur',
 'El Toro', 'Palis'

EXHIBIT B

Invasive Species/Problem Plants

PLANTS TO AVOID

INVASIVES

(Plants that are non-native to the Central Texas ecosystem and tend to out-compete native species)

Do Not Plant

(Travel by seeds, berries, and spores so can be transported long distances. They have already invaded preserves and greenbelts):

- Arizona Ash
- Chinaberry
- Chinese Pistache
- Chinese Tallow
- Chinese Privet
- Elephant Ear
- Holly Fern
- Japanese Honeysuckle
- Ligustrum, Wax Leaf
- Mimosa
- Mulberry, Paper
- Nandina (large, berrying varieties)
- Photinia, Chinese
- Pyracantha
- Tamarisk
- Tree of Heaven

Do Not Plant Near

Parks/Preserves/Greenbelts

(travel by runners, rhizomes, and stems so only invade neighboring areas):

- Bamboo
- English Ivy
- Vinca (Periwinkle)

Restrictive covenant
Schmidt/King

PROBLEM TREES AND SHRUBS

(Typically fast-growing, highly adaptable, but often have weak wood and are short-lived. Most are susceptible to insect and disease problems.)

- Arizona Ash
- Azalea (not adapted to Austin soils)
- Boxelder
- Camellia
- Chinaberry
- Chinese Privet
- Chinese Tallow
- Cottonwood
- Ligustrum
- Lombardy Poplar
- Mimosa
- Mulberry, Paper
- Photinia, Chinese
- Siberian Elm
- Silver Maple
- Sweetgum
- Sycamore
- Tree of Heaven

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

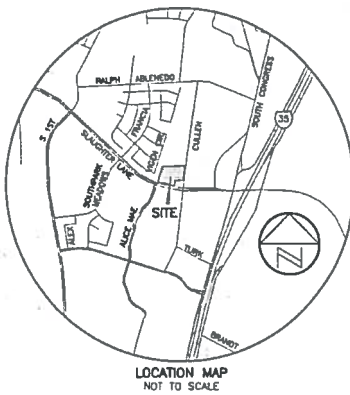
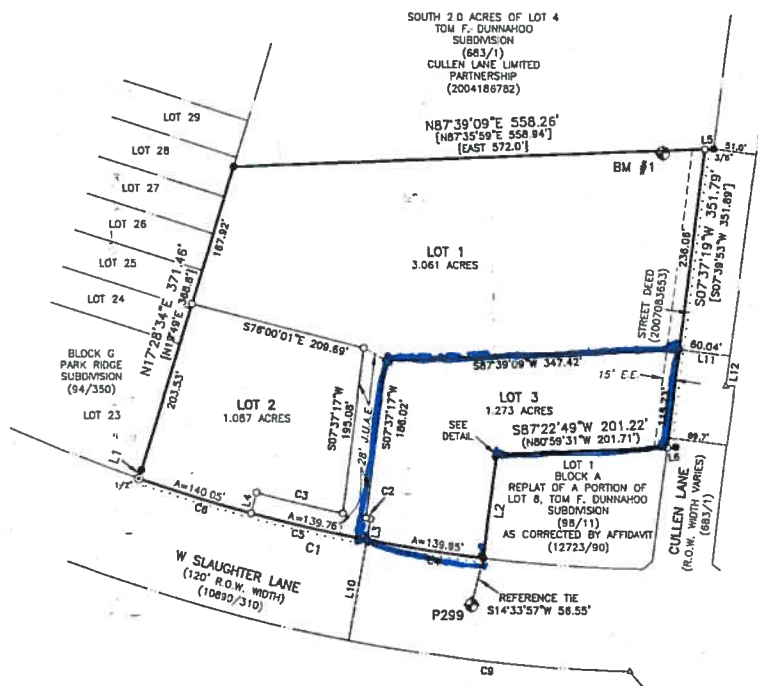
Dana DeBeauvoir

2007 May 08 03:44 PM 2007083652

RANEYJ \$55.00

DANA DEBEAUVOIR COUNTY CLERK
TRAVIS COUNTY TEXAS

RESUBDIVISION OF LOT 2, BLOCK A, REPLAT OF A PORTION OF LOT 8 TOM F. DUNNAHOO SUBDIVISION AND LOT 6, TOM F. DUNNAHOO SUBDIVISION

LOCATION MAP
NOT TO SCALE

THIS IS A SURFACE DRAWING.

BEARING BASIS: THE TEXAS COORDINATE SYSTEM OF 1983 (NAD83), CENTRAL ZONE, BASED ON GPS SOLUTIONS FROM THE NATIONAL GEODETIC SURVEY (NGS) ON-LINE POSITIONING USER SERVICE (OPUS) FOR CHAPARRAL CONTROL POINT P299.

MAG NAIL WITH WASHER SET IN CONCRETE

SURFACE COORDINATES:
N 10034750.02
E 3100031.79

TEXAS STATE PLANE COORDINATES:
N 10033746.85
E 3099721.82

ELEVATION = 663.28'
VERTICAL DATUM: NAVD 88 (GEOID 99)

COMBINED SCALE FACTOR = 0.99990001
(FOR SURFACE TO GRID CONVERSION)

INVERSE SCALE FACTOR = 1.000100
(FOR GRID TO SURFACE CONVERSION)

SCALED ABOUT 0.0
THETA ANGLE: 1°18'33"

LEGEND

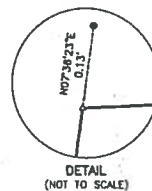
- 1/2" REBAR FOUND (OR AS NOTED)
- 1/2" REBAR WITH "CHAPARRAL" CAP SET
- ⊙ IRON PIPE FOUND (SIZE NOTED)
- △ CALCULATED POINT
- ⊕ CONTROL POINT/BENCHMARK LOCATION
- SIDEWALK
- E.E. ELECTRIC EASEMENT
- J.U.A.E. JOINT USE ACCESS EASEMENT
- () RECORD INFORMATION OR RECORD CALL 95/11
- [] RECORD CALL 2007083653
- | | RECORD CALL 683/1

BENCHMARK INFORMATION:

BM #1: COTTON SPINDLE SET IN LIVE OAK (#20944 - WITH TRUNKS MEASURING 27" & 23" AT THE TIME OF SURVEY) ALONG NORTH PROPERTY LINE APPROX. 75' WEST OF THE NORTHEAST PROPERTY CORNER.

ELEVATION = 659.90'
VERTICAL DATUM: NAVD 88 (GEOID 09)

LINE	BEARING	DISTANCE	RECORD LINE
L1	N18°06'09"E	10.33'	(N29°12'38"E 10.52')
L2	S07°36'23"W	122.20'	
L3	S10°37'17"W	25.00'	
L4	S14°44'57"W	25.00'	
L5	N87°39'09"E	10.15'	(N87°35'59"E 10.16')
L6	N87°22'49"E	10.16'	(N87°19'29"E 10.17')
L7	S18°06'09"W	10.65'	
L8	S17°28'34"W	100.67'	
L9	S17°28'34"W	245.70'	
L10	S10°37'19"W	120.00'	
L11	S82°08'36"E	60.04'	
L12	S07°51'24"W	35.19'	

DETAIL
(NOT TO SCALE)

CURVE	RADIUS	DELTA	ARC	BEARING	CHORD	RECORD CHORD
C1	1940.00'	12°23'50"	419.76'	N77°18'48"W	418.94'	(N65°42'28"W 418.86')
C2	1915.00'	0°10'05"	5.61'	S79°17'41"E	5.61'	
C3	1915.00'	3°07'14"	104.29'	N76°48'40"W	104.28'	
C4	1940.00'	4°08'00"	139.95'	N81°26'43"W	139.92'	
C5	1940.00'	4°07'40"	139.76'	N77°18'53"W	139.73'	
C6	1940.00'	4°08'10"	140.05'	N73°10'58"W	140.02'	
C7	50.00'	59°56'13"	52.30'	S47°30'28"W	49.95'	
C8	1940.00'	0°44'18"	25.00'	S71°29'02"E	25.00'	
C9	2060.01'	9°19'07"	335.04'	S84°02'15"E	334.67'	

EXHIBIT C
RECORDED
PLAT

CB-2019.0018.0A

Chaparral
Professional Land Surveying, Inc.
Surveying and Mapping
3500 McCall Lane
Austin, Texas 78744
512-443-1724
Firm No. 10124500

PROJECT NO.:
236-047
DRAWING NO.:
236-047-PL
PLOT DATE:
8/21/19
PLOT SCALE:
1" = 100'
DRAWN BY:
JDB
SHEET
01 OF 02

Rhoades, Wendy

From: Susan Hambright [REDACTED]
Sent: Friday, January 24, 2020 7:12 PM
To: Rhoades, Wendy
Subject: C14-2019-0162 - 166 West Slaughter

*** External Email - Exercise Caution ***

Hi Wendy,

Pursuant to our communications regarding the referenced application, the Park Ridge Owners Association Board of Directors objects to the request to removed the prohibited use of restaurants (limited and general). The Board and the affected neighbors request that the ordinances 20070503-047 and -048 that established permanent zoning on the property remain in place with all prohibited uses untouched.

Best,

Susan Hambright, Director
On behalf of the Board of Directors
Park Ridge Owners Association, Inc.

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Correspondence Received

Rhoades, Wendy

From: Stephanie Lindholm [REDACTED]
Sent: Friday, January 03, 2020 3:19 PM
To: Rhoades, Wendy
Subject: C14-2019-0162

*** External Email - Exercise Caution ***

Hi there,

My name is Stephanie Lindholm and I live at 9121 Vigen Circle in the Park Ridge neighborhood. My house borders the land on Cullen that is applying for restaurant use on that property. I am writing to you to let you know that I very much object to the removal of land use restrictions for that property in case number C14-2019-0162. A restaurant would cause excessive noise, smell and traffic, not to mention vermin. I work from my home so these would inevitably effect me constantly. I hope the board decides to reject this application.

Thank you for your time and consideration,

Stephanie Lindholm

--

Stephanie Lindholm

512-662-1508
[REDACTED]

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Rhoades, Wendy

From: shirley masterson <shirleymasterson1@gmail.com>
Sent: Friday, January 03, 2020 6:23 PM
To: Rhoades, Wendy
Subject: [Released] Re: cas # C14-2019-0162 rezoning application

*** External Email - Exercise Caution ***

I am writing to object to the removal of restricted uses.

I live in Park Ridge and I definitely don't want a restaurant in our backyard

Shirley Masterson

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Rhoades, Wendy

From: Kaysie Fernandez <[REDACTED]>
Sent: Tuesday, January 14, 2020 9:52 PM
To: Rhoades, Wendy
Subject: C14-2019-0162 - Rezoning Application

*** External Email - Exercise Caution ***

Dear Wendy Rhoades,

I object to the removal of the restricted uses. I will look for the notice for public input. Please let me know if there is anything else I need to do to make sure my voice is heard.

All the best,
K. Fernandez
9117 Vigen Circle
Austin, Th 78748

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From: [shirley_masterson](#)
To: [Rhoades, Wendy](#)
Subject: C142019-0162
Date: Wednesday, May 27, 2020 9:13:59 AM

*** External Email - Exercise Caution ***

Good morning Wendy, I am writing to oppose the the building of a restaurant at Slaughter and Cullen Street ...case number above.

My name is Shirley Masterson I live at 9201 Vigen Circle and I'm objecting because my property is on the western boundary of the property.

Thank you

Shirley Masterson

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From: jbaert@austin.rr.com
To: [Rhoades, Wendy](#)
Subject: C14-2019-0163 - 166 West Slaughter
Date: Wednesday, May 27, 2020 10:47:22 AM

*** External Email - Exercise Caution ***

I am requesting that the ordinance 2007053-047 and 048 remain in place. This ordinance established permanent zoning on the property and I would like to keep it that way. Nothing has changed since 2007, except for the developer who just wants to make money at the expense of our neighborhood.

I understand that the restaurant being considered in Raisin Cane. I checked online and the Raisin Cane on Riverside stays open until 1:00 a.m. and the Raisin Cane on MLK is open until 2:00 a.m. This type of business is not something we want in our backyard. We would have to deal with the traffic and noise in the wee hours of the morning, not to mention the trash bins and rats.

Please consider this old lady's request and prevent any restaurant from occupying this property.

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From: [Kaysie Fernandez](#)
To: [Rhoades, Wendy](#)
Subject: Case Number: C14-2019-0162
Date: Monday, June 1, 2020 9:22:02 AM

*** External Email - Exercise Caution ***

Good morning Wendy Rhoades,

I hope you are well.

This email is to object to case number C14-2019-0162 a request to modify the list of prohibited uses to allow for restaurants use. This request is too close to my and other homes and will negatively impact the quality of our living area with in increase in rodents, bugs, noise and smell. I will attend the public hearing on June 2, 2020 to voice my concerns.

Thank you,
Katherine Fernandez
9117 Vigen Circle
Austin, Tx 78748

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From: [Rhoades, Wendy](#)
To: [Rhoades, Wendy](#)
Subject: FW: C14-2019-0162 Slaughter and Cullen at ZAP June 2,
Date: Tuesday, June 2, 2020 11:35:59 AM

From: Susan Hambright
Sent: Tuesday, June 2, 2020 11:28 AM
To: Rhoades, Wendy <Wendy.Rhoades@austintexas.gov>
Cc: Jeanne M. Baert; Sharon Scott; Shirley Masterson; Kaysie Fernandez; Rivera, Andrew <Andrew.Rivera@austintexas.gov>
Subject: Re: C14-2019-0162 Slaughter and Cullen at ZAP June 2,

Wendy, thank you very much. I take full responsibility for misreading the date for signing up and it will not happen again. Do we need to "appear" tonight or do anything else for the postponement or is it automatic? We appreciate Staff and Applicant's agreeing to the postponement.

Best, Susan

On Tuesday, June 2, 2020, 11:21:55 AM CDT, Rhoades, Wendy <wendy.rhoades@austintexas.gov> wrote:

Hello All,

I confirmed that speaker registration is closed and that the Law Department is not flexible with allowing sign-up after the posted cut-off time. I regret the circumstances and will forward the Neighborhood's request for postponement to the Tuesday, June 16th ZAP meeting. The Applicant does not object to the Neighborhood's request for postponement.

Next Friday, June 12th I will forward the updated Staff report, the ZAP agenda and instructions for speaker registration (with deadlines!) to the group listed above. If you would like to send additional correspondence regarding this case, please send to me by the close of business next Tuesday, June 9th.

Sincerely,

Wendy Rhoades

From: Susan Hambright <austinsus@att.net>
Sent: Tuesday, June 2, 2020 10:52 AM

To: Rhoades, Wendy <Wendy.Rhoades@austintexas.gov>; Rivera, Andrew <Andrew.Rivera@austintexas.gov>
Cc: Jeanne M. Baert; Sharon Scott; Shirley Masterson; Kaysie Fernandez
Subject: Re: C14-2019-0162 Slaughter and Cullen at ZAP June 2,

Good morning, Wendy and Andrew. Have you revisited our ability to speak at the hearing tonight?

I apologize for misreading the message in the first place, but I truly believed we had until today to sign up and had passed that info on to our group when we met this weekend. It will cause prejudice to our neighborhood if we are unable to speak to the commission, and will give an unfair advantage to Applicant. Since the agenda for the hearing tonight is not lengthy, there will be no unfair advantage to anyone to allow us to speak. Even though I misread the information provided on the first page of the agenda, in the notice of the hearing that was provided to affected property owners and our board, a link to the following information on the comment process was provided. There appears to be no deadline for signing up to speak, and it is preferred that a request for postponement be given the day before, not it is not required.

[Zoning and Platting Commission](#)

Meeting information (agenda, time, date) is at this [link](#).

Contact [Andrew Rivera](#), Planning and Zoning Department - 5th Floor, One Texas Center, 505 Barton Springs Road , (512) 974-6508

It is preferred that anyone requesting a postponement of a public hearing put the request in writing to the Commission Liaison by 10:00 a.m. the Tuesday before the Zoning and Platting Commission meeting. The request for postponement should reflect how long the item should be postponed and the reasons for the postponement ([Rules of Procedure Article VI. \(A\)](#)).

If we are not allowed to speak, we respectfully by this writing request a postponement of this matter until such time as the Commission may hear from everyone regarding this matter. Since we were unaware until late last night that we were not going to be allowed to speak, we did not intend to seek a postponement. I will also seek a waiver from the planning commissioners.

Please advise at your early opportunity. Thanks very much.

Best, Susan Hambright

On Monday, June 1, 2020, 09:35:45 PM CDT, Susan Hambright wrote:

Andrew, in the flurry of emails between Wendy, myself and our group, I misread Wendy's email and thought it was noon tomorrow. Our group met virtually this weekend and we have information to provide to the Commission that is important in their determination. In normal times, we would not even have to sign up until we arrived at City Hall. Wendy, please tell me we will still be able to speak tomorrow night? Otherwise, we will need to ask for a postponement of the hearing. We'd all rather not do that.

Thanks again.

Best, Susan

On Monday, June 1, 2020, 09:31:27 PM CDT, Rivera, Andrew <andrew.rivera@austintexas.gov> wrote:

Hello Ms. Hambright:

As reflected on the posted agenda, the time to sign up to speak has expired.

Link to agenda:

<http://www.austintexas.gov/edims/document.cfm?id=341131>

At this time, I'm happy to pass along information to the Zoning and Platting Commission.

Thank you,

Andrew

Get [Outlook for iOS](#)

From: Susan Hambright
Sent: Monday, June 1, 2020 9:23:45 PM
To: Rhoades, Wendy <Wendy.Rhoades@austintexas.gov>; Rivera, Andrew <Andrew.Rivera@austintexas.gov>
Cc: Jeanne M. Baert; Sharon Scott; Shirley Masterson; Kaysie Fernandez <
Subject: C14-2019-0162 Slaughter and Cullen at ZAP June 2,

*** External Email - Exercise Caution ***

Hi Wendy. When you have the instructions for calling in to the hearing tomorrow night, could you please copy all of this group? Also if you could send a link to the live hearing if any portion of it is on ATV, that would be appreciated. I will be on a conference most of the morning and don't want to miss getting the info to everyone.

Andrew, at a minimum, can you please add me and Kaysie Fernandez to the list of speakers. I am asking the others in the group to also send you an email by noon tomorrow, Tuesday, June 2 that they plan to speak. Please let us know when we should call. Will be all be queued up? I will be the lead speaker.

Thank you both, as always, for your help.

Best,

Susan Hambright

Director, Park Ridge Owners Association, Inc.

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Dear Commissioners:

The Park Ridge Owners Association ("Park Ridge") asks that you consider the following information prior to the zoning hearing on the subject property (the "Property") that will be held next Tuesday, June 16. I will not have adequate speaking time to provide you with the background history on this matter that the neighbors believe is very important to your deliberations.

2007 Ordinances and Covenants

In 2007, the neighbors in Park Ridge that were adjacent to this property and board members began discussions with the former owner regarding uses we believed would provide disruption and intrusion into our daily lives and our right to peaceful enjoyment of our homes. We were unable to reach accord on the uses we wished to restrict, with restaurant uses (both limited and general) being at the very top of our list of prohibited uses. At the first zoning hearing, several of the commissioners voiced their belief that there was sufficient cause to delay ruling on the matter at the first hearing, and the Chair of that commission, the legendary Ms. Betty Baker, formed a "task force" of commissioners, Applicant and neighborhood representatives. The following list of prohibited uses is contained in Ordinance Nos. 20070503-047 and 20070503-048 (the "Cullen and Slaughter Ordinances") and was agreed upon by Applicant and the Neighborhood as a result of the task force meetings. It was and remains our position that restaurants, especially fast food restaurants, would be detrimental to our neighbors whose properties are adjacent. After a round of kumbaya at the second hearing, the Commission ruled and the property was encumbered by the following list of prohibited uses pursuant to the Cullen and Slaughter Ordinances.

F The following uses are prohibited uses of the Property

Automotive rentals	Automotive repair services
Automotive sales	Automotive washing (of any type)
Bail bond services	Bed and breakfast residential (Group 1)
Bed and breakfast (Group 2)	Club or lodge
Commercial off-street parking	Drop-off recycling collection facility
Exterminating services	Funeral services
Funeral services	Hotel-motel
Indoor entertainment	Indoor sports and recreation
Off-site accessory parking	Outdoor entertainment
Outdoor sports and recreation	Pawn shop services
Residential treatment	Restaurant (general)
Restaurant (limited)	Service station
Theater	Urban farm

Current Application to Remove Restaurants from Prohibited Use.

Fast forward to 2020, and a new Applicant, who purchased the property at least five years ago, is seeking to rezone the property, and seeks to remove only restaurant uses from the prohibited

list. Literally **nothing** has changed since 2007 that would make a restaurant use now attractive to Park Ridge neighbors. We have the same homes, many of the same owners, and the old and new homeowners of those residences still object to restaurant uses being adjacent to their homes.

Applicant advises that its proposed tenant will be a fast food fried chicken chain restaurant called "Raising Cane's Chicken Fingers." Their sole function is fried chicken, and some of their locations are open until **3:30 a.m.** The recommendation for approval of the zoning request is because the restaurant will be one lot away from any home. However, what has not been addressed is that the Property has topography that is higher than Park Ridge, so the smells, sights and sounds will be above, and thereby on top of our neighborhood. No landscaping border that is not at least 100 feet high will prevent the sights, sounds and smells from emanating into our neighborhood.

There is no use in the ordinance that is less compatible with a neighborhood than a fast food restaurant that is open until the wee hours of the morning. Ironically, a Chik Filet (another fried chicken fast food chain) is directly across the street from the Property and has two lanes of traffic wrapped around its building at all open hours. Constant traffic through a drive-through window is not neighborhood friendly.

The ordinances and covenants under which the Property is encumbered contain other restrictions that would make it nearly impossible for a fast food restaurant to be in compliance with, including lighting, dumpster placement and landscaping buffer. Applicant was aware of the restrictions when it purchased the property several years ago.

Access to Property at Cullen and Slaughter

Access to the Property will be via Slaughter Lane and Cullen Lane. Slaughter is one of Austin's most dangerous and aptly named thoroughfares in Austin, and contains three of the City's most dangerous intersections (I-35, Congress, Cullen and Menchaca). Cullen at Slaughter is NUMBER 7 on the most deadly list. The number of businesses that are now using Cullen as an access road is astonishing, considering it is a substandard two lane road with no improvements other than a turn lane at one of the newer access points. A fried chicken fast food restaurant is not neighborhood friendly or environmentally friendly, especially not for the Park Ridge neighbors.

Imagine Austin

References to the guidelines in Imagine Austin is being used to recommend approval for the removal of the prohibited use. To quote, Imagine Austin believes "a community is "complete" when it provides access by foot, bike, transit and car to jobs, shopping, learning, open space, recreation, and other amenities and services. That means no matter what part of Austin you live in—north, south, east, west, or central—nearby amenities help you **in the pursuit of your desired quality of life**. Simultaneously, we want complete communities that preserve identity, culture, and sense of place.

The plan states: *These communities will be for Austinites of all ages. They will provide environments that support children at every stage of their development, young adults beginning their professional lives and families, and seniors aging gracefully in the neighborhoods where they raised their families.*

If Imagine Austin is to be used as the framework for our neighborhood, it needs to be used in its totality. Slaughter Lane is not walker friendly and crossing at any intersection is done at your own risk and peril. Indeed, in images, from iterations of Imagine Austin, people are shown dining at quaint little bistros with outside tables, near locally owned custom boutiques. Unfortunately, that Austin is not reachable for many of its citizens and it is not the reality that Slaughter Lane has become.

Plea

The neighbors and members of the board of Park Ridge are tax-paying citizens who ask that you deny the request for removal of restaurant uses on the Property by an out-of-town investor Applicant. If every Commissioner cannot come to consensus on denial after learning the history, we ask that you delay ruling on the matter in the same vein as the wise commissioners before you so that we may look for a way to move forward that will not be detrimental to our neighborhood. The current rezoning request does not protect us and allowing a fast food restaurant frying chicken from sunrise to sunrise would negatively impact our quality of life, our right to peaceful enjoyment of our homes, and would undoubtedly negatively affect our property values. Imagine Austin should also apply to our neighborhood.

We will be happy to discuss in more detail at the hearing.

Kind regards,

Susan Hambright, a representative of the
Park Ridge Owners Association Board of Directors
and on behalf of and with the Neighbors Adjacent to the Property.

From: [Rhoades, Wendy](#)
To: [King, David - BC](#)
Cc: [Rivera, Andrew](#); [Kiolbassa, Jolene - BC](#)
Subject: RE: Item. B-1 - C14-2019-0162 – Slaughter and Cullen - District 2
Date: Monday, June 15, 2020 6:43:12 PM
Attachments: [RE Item. B-1 - C14-2019-0162 – REVISED COMPLIANCE REPORT.pdf](#)

Hi David,

Yes, the Staff is still recommending this rezoning request. I confirmed with Comprehensive Long Range Planning Staff that the property is actually located in an Imagine Austin Town Center (rather than a Regional Center or a Neighborhood Center) and along an Activity Corridor. Town Centers and Activity Corridors support retail and commercial uses, which includes restaurants. Revised comments from Comprehensive Planning are attached and will be incorporated into future editions of the Staff report.

The Long Range Planning staff has responded that there is no existing plan, nor plan in progress for the Southpark Meadows Center identified in the Imagine Austin Comprehensive Plan.

Sincerely,
Wendy Rhoades

From: King, David - BC <BC-David.King@austintexas.gov>
Sent: Monday, June 15, 2020 1:01 PM
To: Rhoades, Wendy <Wendy.Rhoades@austintexas.gov>
Cc: Kiolbassa, Jolene - BC <bc-Jolene.Kiolbassa@austintexas.gov>; Ramirez, Nadia - BC <BC-Nadia.Ramirez@austintexas.gov>; Aguirre, Ana - BC <BC-Ana.Aguirre@austintexas.gov>; Rivera, Andrew <Andrew.Rivera@austintexas.gov>
Subject: Re: Item. B-1 - C14-2019-0162 – Slaughter and Cullen - District 2

Hi, Wendy,

I'm replying to all on this email thread because I intended to copy Andrew.

Thank you,
David

David King

Zoning and Platting Commission - District 5

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<https://www.surveymonkey.com/r/BCVisitorLog>

From: King, David - BC

Sent: Monday, June 15, 2020 12:56 PM

To: Rhoades, Wendy <Wendy.Rhoades@austintexas.gov>

Cc: Kiolbassa, Jolene - BC <bc-Jolene.Kiolbassa@austintexas.gov>; Ramirez, Nadia - BC <BC-Nadia.Ramirez@austintexas.gov>; Aguirre, Ana - BC <BC-Ana.Aguirre@austintexas.gov>

Subject: Item. B-1 - C14-2019-0162 – Slaughter and Cullen - District 2

Hello, Wendy,

As, I understand, the backup for this case indicates that the site is located in the Southpark Meadows Regional Center. The backup defines a Regional Center as:

"the most urban of the three activity centers outlined in the growth concept map. These centers are the places where the greatest density of people and jobs and the tallest buildings in the region will be located."

The Growth Concept map on pages A-30 and A-31 of the Imagine Austin Comprehensive Plan (IACP) shows Southpark Meadows as a Neighborhood Center.

The IACP defines a Neighborhood Center as:

"the smallest and least intense of the three types of activity centers outlined in the Growth Concept Map."

Given that this site is located in a Neighborhood Center and not a Regional Center, does staff still recommend this zoning request? Why or why not?

How may the public obtain a copy of the Southpark Meadows Neighborhood Center plan?

Thank you,
David

David King

Zoning and Platting Commission - District 5

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<https://www.surveymonkey.com/r/BCVisitorLog>

David King
Boards and Commissions

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