

ZONING CHANGE REVIEW SHEETCASE: C14-2021-0142 (Perfect Cuts Landscaping)DISTRICT: 6ADDRESS: 13561 Pond Springs RoadZONING FROM: GR-COTO: CS-MU-CO*

*The applicant submitted an amendment letter on September 13, 2021 stating that they would add a conditional overlay to this request to maintain some of the prohibited uses and the 50-foot vegetative buffer along the eastern property line from the current zoning ordinance for this property (*Please see Applicant Amendment Letter - Exhibit C*).

SITE AREA: 1.772 acresPROPERTY OWNER: PC Land, LLC (Brandon Krause)AGENT: Husch Blackwell LLP (Nikelle Meade)CASE MANAGER: Sherri Sirwaitis (512-974-3057, sherri.sirwaitis@austintexas.gov)STAFF RECOMMENDATION:

The staff's recommendation is to grant GR-MU-CO, Community Commercial-Mixed Use-Conditional Overlay Combining District, zoning with the following conditions proposed by the applicant: 1) provide a 50-foot vegetative buffer along the eastern property line, 2) comply with Compatibility Standards (LDC Section 25-2, Article 10) for the residential properties to the east, 3) to prohibit the following uses: Automotive Repair Services, Automotive Rentals, Automotive Sales, Automotive Washing (of any type), Drop-Off Recycling Collection Facility, Exterminating Services, Outdoor Sports and Recreation, Pawn Shop Services, and Service Station, 5) to make Restaurant (General) and Restaurant (Limited) conditional.

ZONING AND PLATTING COMMISSION ACTION / RECOMMENDATION:**December 7, 2021**CITY COUNCIL ACTION:ORDINANCE NUMBER:

ISSUES:

This property was owned by Velda B. Wyche in 2014 when the previous zoning case for the plant nursery uses was conducted. PC Land, LLC purchased this property in 2016 and moved to this location from West Anderson Lane. It appears that the ownership and the use have changed and the property is no longer in conformance. According to the Austin Code Department, the applicant was originally cited on April 9, 2019 because a two-story building was being constructed on the property without a permit (*Please see Notices of Code Violations – Exhibit E*).

CASE MANAGER COMMENTS:

The property in question is currently utilized as a landscaping company (Construction Sales and Services use). This site was developed with a plant nursery use (Hill Country Garden Center) that was in existence when this tract of land was annexed by the City of Austin in 1998 (Ordinance No.19981210-L). The applicant is requesting CS-MU-CO, General Commercial Services-Mixed Use-Combining District, zoning to bring the current use on the property into conformance with land use regulations in the City of Austin Land Development Code.

The staff is recommending GR-MU-CO, Community Commercial-Mixed Use-Conditional Overlay Combining District, zoning. The proposed location meets the intent of the GR zoning district as the property fronts onto a minor arterial roadway, Pond Springs Road. GR-MU-CO zoning is consistent with zoning patterns in this area as there is GR-CO zoning to the north and west of this site. The property under consideration is surrounded by office/warehouse uses to the north (Springwoods Center), an automotive sales/repair use to the west (Nyle Maxwell Automotive Sales and Collision Center), single family residences to the east and a large water tower to the south, across Shady Oaks Drive. The staff's recommendation will maintain the list of prohibited uses, compliance with Compatibility Standards and the 50-foot wide vegetative buffer along the eastern property line adjacent to the existing residential uses in the county from the existing zoning ordinance (*Please see Ordinance No. 20150112-057 - Exhibit D*).

The applicant does not agree with the staff's recommendation.

BASIS OF RECOMMENDATION:

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

Community commercial (GR) district is the designation for an office or other commercial use that serves neighborhood and community needs and that generally is accessible from major traffic ways.

Mixed Use combining district is intended for combination with selected base districts, in order to permit any combination of office, retail, commercial, and residential uses within a single development.

Conditional Overlay 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.

2. *The proposed zoning should promote consistency and orderly planning.*

The GR-MU-CO zoning district would be compatible with the surrounding uses because there are existing office/warehouse uses to the north (Springwoods Center), an automotive sales/repair use to the west (Nyle Maxwell Automotive Sales and Collision Center) and a large water tower to the south of the proposed site. GR-MU-CO zoning is appropriate along this minor arterial roadway and it is consistent with the other GR-CO zoned properties to the north and west. This site does not meet the intent of the CS district as it is not located at a major intersection and the property in question backs up to residential uses to the east.

3. *The proposed zoning should allow for a reasonable use of the property.*

The GR-MU-CO zoning district would allow for a fair and reasonable use of the site that is located on a minor arterial roadway at the entrance to an established single family neighborhood. The staff supports the addition of the 'MU' combining district as this would allow for new residential development in this area. The Mixed Use Combining district will permit the applicant to develop a mixture of residential, civic and commercial uses on this property.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	GR-CO	Construction Sales and Services (Perfect Cuts Landscaping)
<i>North</i>	GR-CO	Office/Warehouse (Springwoods Center)
<i>South</i>	I-RR	Water Tower
<i>East</i>	County	Single Family Residences
<i>West</i>	GR-CO	Automotive Sales/Repair (Nyle Maxwell Automotive Sales and Collision Center)

NEIGHBORHOOD PLANNING AREA: N/A

TIA: Not Required

WATERSHED: Lake Creek

NEIGHBORHOOD ORGANIZATIONS:

Friends of Austin Neighborhoods
 Homeless Neighborhood Association
 Neighborhood Association of SW Williamson County
 Neighborhood Empowerment Foundation
 SELTEXAS
 Sierra Club, Austin Regional Group

SCHOOLS: Round Rock I.S.D.

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2014-0154 (13561 Pond Springs)	I-RR to GR-CO	10/21/14: Approved GR-CO zoning, with the following conditions proposed by the applicant: 1) provide a 50-foot vegetative buffer along the eastern property line, 2) comply with Compatibility Standards (LDC Section 25-2, Article 10) for the residential properties to the east, 3) to prohibit the following uses: Automotive Repair Services, Automotive Rentals, Automotive Sales, Automotive Washing (of any type), Drop-Off Recycling Collection Facility, Exterminating Services, Outdoor Sports and Recreation, Pawn Shop Services, and Service Station, 5) to make Restaurant (General) and Restaurant (Limited) conditional uses and 4) to limit development on the site to no more than 2,000 vehicle trips per day; on consent (5-0, P. Seeger and R. McDaniel-absent); C. Banks-1 st , B. Baker-2 nd .	11/20/14: Approved GR-CO zoning on consent on 1 st reading only (7-0) 2/12/15: Approved GR-CO zoning on consent on 2 nd /3 rd readings (11-0); A. Kitchen-1 st , S. Gallo-2 nd .
C14-2012-0129 (Public Storage: 13685 North U.S. Highway 183)	GR-CO to CS	12/18/12: Approved the staff's recommendation of CS-CO zoning on consent (6-0, R. McDaniel-absent); P. Seeger-1 st , G. Rojas-2 nd .	1/17/13: Approved CS-CO zoning by consent on 1 st reading (6-0, L. Leffingwell- absent); B. Spelman-1 st , L. Morrisson-2 nd . 3/07/13: Approved CS-CO zoning by consent on 2 nd /3 rd readings (7-0); B. Spelman-1 st , S. Cole-2 nd .

C14-2012-0095 (Anderson Mill @ Pond Springs Road: 13427 Pond Springs Road)	GR-CO to CS	9/18/12: Approved staff's recommendation of CS-CO zoning, with conditional overlay to prohibit Automotive Rentals, Automotive Repair Services, Automotive Sales, Automotive Washing (of any type), Agricultural Sales and Services, Campground, Drop-off Recycling Collection Facility, Kennels, Laundry Services, Monument Retail Sales, Plant Nursery, Vehicle Storage, and Commercial Blood Plasma Center uses and limit development to the already existing conditional overlay approved with the original zoning case (C14-06-0066) which limits the number of trips generated by the subject tract as well as the original tract, by consent (4-0, G. Rojas, P. Seeger-absent)	9/27/12 : Approved CS-CO zoning on consent on 1 st reading (7-0); B. Spelman-1 st , S. Cole-2 nd . 10/18/12: Approved CS-CO zoning on consent on second/third readings (6-0, S. Cole-off dais); B. Spelman-1 st , C. Riley-2 nd .
C14-06-0006 (Training Room Sports, LLP: 13713 Research Boulevard or 12611 Hymeadow Drive)	GR, I-RR to GR	2/21/06: Approved staff's recommendation of GR-CO, w/ CO to limit site to 2,000 vtpd, by consent (8-0, T. Rabago-not yet arrived); J. Martinez-1 st , J. Pinnelli-2 nd .	3/23/06: Approved GR-CO zoning by consent (7-0); all 3 readings
C14-05-0143 (Quality Liquors: 13290-A Pond Springs Road)	Tract 1: I-RR to GR, Tract 2: I-RR to CS-1	9/20/05: Approved GR-CO for Tract 1 and CS-1-CO for Tract 2, prohibit on-site consumption, limit to 2,000 vehicle trips per day (9-0)	10/27/05: Approved GR-CO zoning for Tract 1, CS-1-CO zoning for Tract 2 by consent (6-0, Alvarez-off dais); all 3 readings
C14-03-0145 (Heritage Center Northwest-Block 2, Lot A: 13695 Research Boulevard)	I-RR to GR	10/28/03: Approved staff's recommendation of GR-CO zoning, w/ CO to limit site to 2,000 vtpd, by consent (8-0, J. Martinez-absent)	11/20/03: Granted GR-CO (6-0, Goodman- off the dais); all 3 readings
C14-03-0104 (Maxwell Auto Group: 13573 U.S. HWY 183 North)	I-RR, SF-2, GR, CS to GR-CO	8/12/03: Approved staff's recommendation of GR-CO zoning, w/ CO to limit site to 2,000 vtpd, by consent (9-0)	9/25/03: Granted GR-CO (7-0); all 3 readings
C14-02-0196 (Woodrow Lee Subdivision Rezoning: 10117 Lake Creek Parkway)	SF-2 to GR	1/28/03: Approved GR-CO zoning, prohibit all Automotive uses [Automotive Rentals, Automotive Repair Services, Automotive Sales, Automotive Washing (of any type)] (6-0, K.	2/27/03: Granted GR-CO on all 3 readings (6-0, Goodman-out of room)

		Jackson, J. Martinez -off dais, J. Donisi-absent)	
C14-02-0059 (Pond Springs Road Rezoning: 13498 Pond Springs Road)	I-RR to GR	6/04/02: Approved staff's recommendation of GR-CO zoning on consent, with 2,000 vtpd limit and added condition prohibiting the following uses: Automotive Rentals, Automotive Repair Services, Automotive Sales, and Automotive Washing (8-0, K. Jackson-absent)	7/11/02: Approved ZAP recommendation of GR-CO with conditions (7-0)
C14-01-0165 (Chris D. Jones: Approximately 400 feet northeast of the intersection of Anderson Mill Road and U.S. Hwy 183 North)	CS-CO to CS-CO	12/11/01: Approved staff's recommendation of CS-CO zoning (7-0, A. Adams-absent); the CO is for the following conditions: 1) Limit the site to Convenience Storage as the only CS use, 2) Allow all LR uses with the exception of a Service Station, 3) Limit the site to a maximum building height of 45 feet, and 4) Limit the development intensity to less than 2,000 vehicle trips per day.	1/17/02: Approved CS-CO on all 3 readings (6-0, Wynn out of room)
C14-01-0155 (13553 U.S. HWY 183 North)	I-RR to GR	11/27/01: Approved staff rec. of GR-CO zoning by consent (8-0, DC- absent); CO limits the development intensity to less than 2,000 vehicle trips per day.	1/10/02: Approved GR-CO on all 3 readings (6-0, Goodman out of room).
C14-00-2105 (13581 Pond Springs Road)	I-RR to GR	7/25/00: Approved staff rec. of GR-CO w/height limit of 35 ft. (7-1, BB-Nay)	8/24/00: Approved GR-CO zoning, with a conditional overlay to limit the site to 2,000 vtpd, limit the building height to 35-feet provide a 30-foot undisturbed buffer along the eastern property line and have a 75-foot building setback along and adjacent to the eastern property line (7-0); all 3 readings

RELATED CASES:

C14-2014-0154 – Previous Zoning Case

EXISTING STREET CHARACTERISTICS:

Name	ROW	Pavement	Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Pond Springs Road	102' – 106'	46'	Level 3	Yes	Bike Lane	Yes
Shady Oaks Drive	86'	38'	Level 1	No	None	Yes

OTHER STAFF COMMENTS:Comprehensive Planning

This zoning case is located on the northeast corner of Pond Springs Road and Shady Oaks Road, which contains a landscaping business with an office that is situated on a 1.77 acre parcel. The property is located approximately a half of a mile from the **Lakeline Station Regional Center**; 800 feet from the IH-35 frontage road; 1,550 feet from Anderson Mill Road; and is not located within the boundaries of a small area plan. Surrounding land uses include a single-family subdivision and an office center with a storefront church; to the south is a used car lot and an auto collision repair shop; to the east is a water tower; and to the west is an office center with a storefront church, and a Montessori school.

Request: Upzone the property from GR-CO to CS-MU, continue the existing landscaping business use with the option of building multifamily on the property.

Connectivity

There is a public sidewalk located along one side of this portion of Pond Springs Road and unprotected bike lanes situated along both sides of this street. Shady Oaks Lane does not have any public sidewalks, curbing or bike lanes. The closest public transit stop is located approximately 0.50 miles from the subject property. A park is also located approximately 0.50 miles from the property. This area contains a variety of offices, retail and auto serving commercial, civic (churches and a private school) and residential uses. Mobility and connectivity options in this area are fair.

Imagine Austin

This area is not located along an Activity Corridor or Center but is located a half of a mile from a Regional Center. IH-35 and Anderson Mill Road are located within walking distance to this property.

The following Imagine Austin policies are applicable to this case:

- **LUT P3** Promote development in compact centers, communities or along corridors that are connected by roads and transit, are designed to encourage walking and bicycling, and reduce healthcare, 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 schools, retail, employment, community services, and parks and recreation options.

Based on comparative scale of the site relative to other office, commercial and residential uses located along this portion of Pond Spring Road, the nearby major arterial corridors, and the policies above, this project supports policies in the Imagine Austin Comprehensive Plan.

Environmental

The site is located over the North Edwards Aquifer Recharge Zone. The site is in the Lake Creek Watershed, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. It 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 Residential (min. lot size 5750 sq. ft.)	45%	50%
One or Two Family Residential (lot size < 5750 sq. ft.)	55%	60%
Multifamily Residential	60%	65%
Commercial	65%	70%

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.

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

Fire

No comments.

Parks and Recreation

There are currently no parkland requirements for uses other than residential and hotel. Given that the application proposes plant nursery and office as uses, there would not be parkland dedication requirements or parkland impacts at the time of site plan or subdivision.

If, however, residential uses are later contemplated with the –MU designation, then parkland dedication will be required for any new residential units proposed by such development at the time of subdivision or site plan, per City Code § 25-1-601. Whether the requirement shall be met with fees in-lieu or dedicated land will be determined using the criteria in City Code Title 25, Article 14, as amended.

If the applicant wishes to discuss parkland dedication requirements in advance of site plan or subdivision applications, please contact this reviewer: thomas.rowlinson@austintexas.gov.

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.

Transportation

Assessment of required transportation mitigation, including the potential dedication of right of way and easements and participation in roadway and other multi-modal improvements, will occur at the time of site plan application. A traffic impact analysis shall be required at the time of site plan if triggered per LDC 25-6- 113.

Water Utility

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

Based on current public infrastructure configurations, it appears that service extension requests (SER) will be required to provide service to this lot. For more information

pertaining to the Service Extension Request process and submittal requirements contact the Austin Water SER team at ser@austintexas.gov.

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

INDEX OF EXHIBITS TO FOLLOW

- A: Zoning Map
- B. Aerial Map
- C. Applicant's Amendment Letter
- D. Current Zoning Ordinance No. 20150112-057
- E. Notices of Code Violations



Created: 9/10/2021

$$1'' = 400'$$



SUBJECT TRACT



ZONING BOUNDARY



PENDING CASE



CREEK BUFFER

$$1'' = 200'$$

PERFECT CUTS LANDSCAPING

ZONING CASE#: C14-2021-0142
LOCATION: 13561 Pond Springs Road
SUBJECT AREA: 1.772 Acres
GRID: G38
MANAGER: Sherri Sirwaitis



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

HUSCH BLACKWELL

Nikelle S. Meade
Partner

111 Congress Avenue, Suite 1700
Austin, Texas 78701
Direct/Mobile: 512.992.6001
nikelle.meade@huschblackwell.com

September 13, 2021

VIA EMAIL – sherri.sirwaitis@austintexas.gov

Sherri Sirwaitis
City of Austin
Housing and Planning Department
1000 E. 11th Street
Austin, Texas 78702

Re: Amendment to Zoning Application – C14-2021-0142; 13561 Pond Springs Road

Dear Sherri:

By this letter I am amending the above-referenced application. Rather than CS-MU, we are hereby requesting CS-MU-CO with the following conditions:

1. A 50-foot wide vegetative buffer shall be provided and maintained along and adjacent to the eastern property line. Improvements permitted within the buffer zone are limited to drainage, underground utility improvements or those improvements that may be otherwise required by the City of Austin or specifically authorized in this ordinance.
2. The following uses are prohibited uses of the Property:
 - Auto Repair
 - Auto Rental
 - Auto Sales
 - Drop-off Recycling
 - Exterminating Services
 - Outdoor Sports and Recreation
 - Pawn Shop Services
 - Service Station

Please let me know if anything further is needed from me to codify this request. Thank you.

Sincerely,



Nikelle S. Meade

EXHIBIT D

ORDINANCE NO. 20150212-057**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 13561 POND SPRINGS ROAD 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. C14-2014-0154, on file at the Planning and Development Review Department, as follows:

1.769 acre tract of land, more or less, out of the Elisha Allen Survey, Abstract No. 18 the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance (the "Property"),

locally known as 13561 Pond Springs Road in the City of Austin, Williamson County, Texas, and generally identified in the map attached as Exhibit "B".

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. A 50-foot wide vegetative buffer shall be provided and maintained along and adjacent to the eastern property line. Improvements permitted within the buffer zone are limited to drainage, underground utility improvements or those improvements that may be otherwise required by the City of Austin or specifically authorized in this ordinance.
- C. Development along the eastern property line of the Property will comply with City Code Section 25-2, Article 10 (*Compatibility Standards*).

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

Restaurant (general)
Restaurant (limited)

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

Automotive repair services	Automotive rentals
Automotive sales	Automotive washing (of any type)
Exterminating services	Drop-off recycling collection facility
Outdoor sports and recreation	Pawn shop services
Service station	

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 February 23, 2015.

PASSED AND APPROVED

February 12, 2015

§
§
§

Steve Adler
Mayor

APPROVED:

Karen M. Kennard
City Attorney

ATTEST:

Jannette S. Goodall
City Clerk

EXHIBIT A - METES AND BOUNDS DESCRIPTION

BEING 1.769 ACRES, MORE OR LESS, OUT OF THE ELISHA ALLEN SURVEY, ABSTRACT NO. 18, IN WILLIAMSON COUNTY, TEXS, AND BEING THAT SAME TRACT OF LAND CONVEYED TO VELMA B. WYCHE BY DEED RECORDED IN VOLUME 1017, PAGE 75 OF THE WILLIAMSON COUNTY DEED RECORDS, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1" iron pipe found on the east right-of-way line of Pond Springs Road (formerly State Highway 29), at the northwest corner of said Wyche property, also the southwest corner of the TCP Springwood Partners, Ltd. 6.29 acres described in Volume 2065, Page 270 of the Williamson County Deed Records, for the northwest corner and **PLACE OF BEGINNING** hereof, from which point a ½" rebar found, capped "McGray and McGray", on the east line of Pond Springs Road, at the northwest corner of said 6.29 acres, bears N 48°41'17" W 445.00 feet;

THENCE with Wyche's north line, N 65°56'18" E 593.61 feet to a ½" rebar found at Wyche's northeast corner, on the west line of Lot 1, Block A of "Village Oaks Section One", a subdivision in Williamson County, Texas as recorded in Cabinet B, Slide 224 of the Williamson County Plat Records, for the northeast corner hereof;

THENCE S 16°51'53" E 140.77 feet to a ½" rebar found on the north right-of-way line of Shady Oaks Drive, at the common southerly corner between Wyche and Lot 1 Block A, Village Oaks Section One, for the southeast corner hereof;

THENCE with Wyche's south line, also the north line of Shady Oaks Drive, S 65°59'17" W 512.16 feet to a ½" rebar set, capped "Harris-Grant", on the east right-of-way line of Pond Springs Road, for the southwest corner hereof;

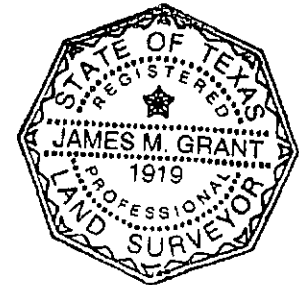
THENCE with Wyche's west line, also the east right-of-way line of Pond Springs Road, N 48°41'17" W 153.15 feet to the **PLACE OF BEGINNING** and containing 1.769 acres of land, more or less.

HARRIS-GRANT SURVEYING, INC.

(TBPLS Firm No. 10036100)

P.O. BOX 807, MANCHACA TEXAS 78652

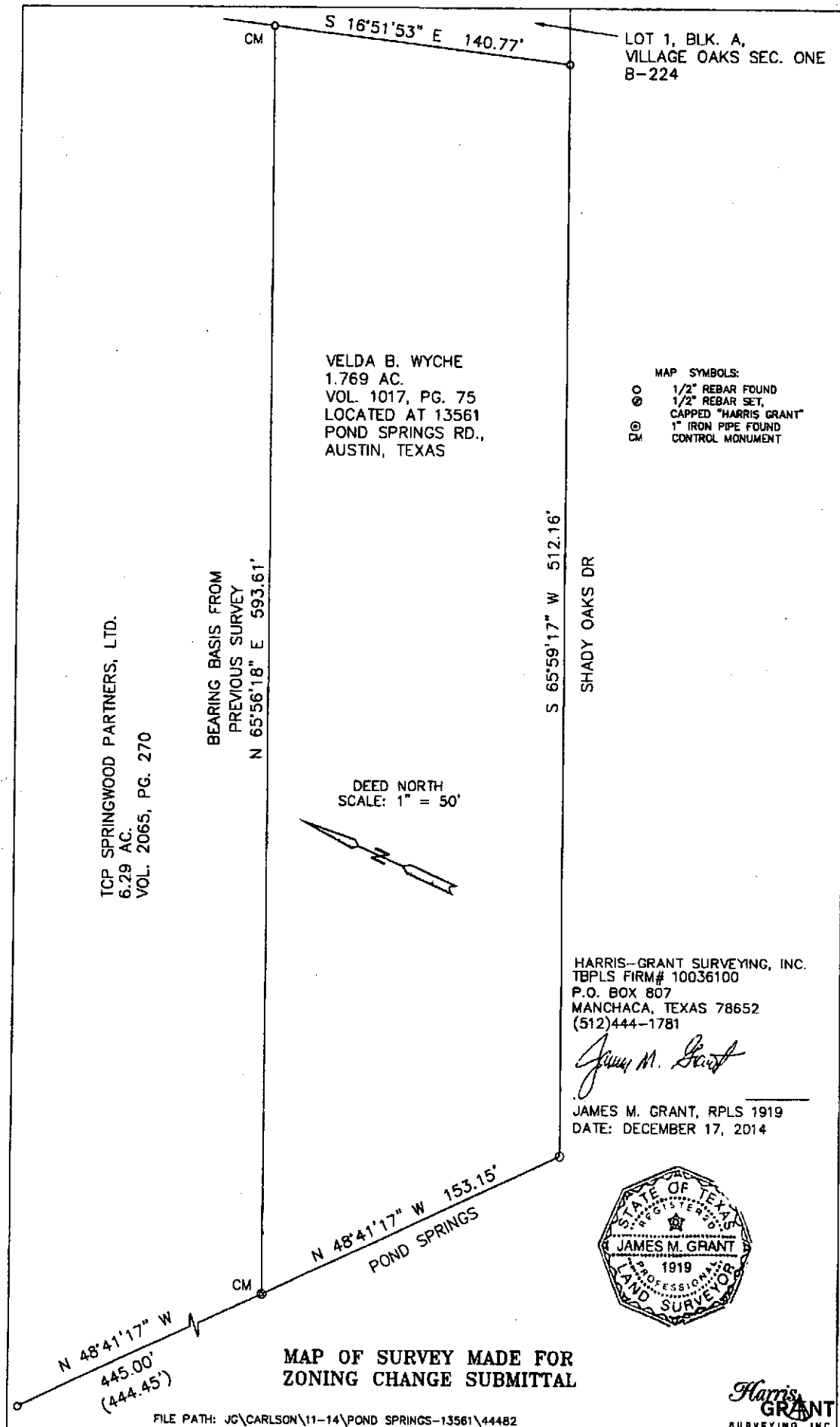
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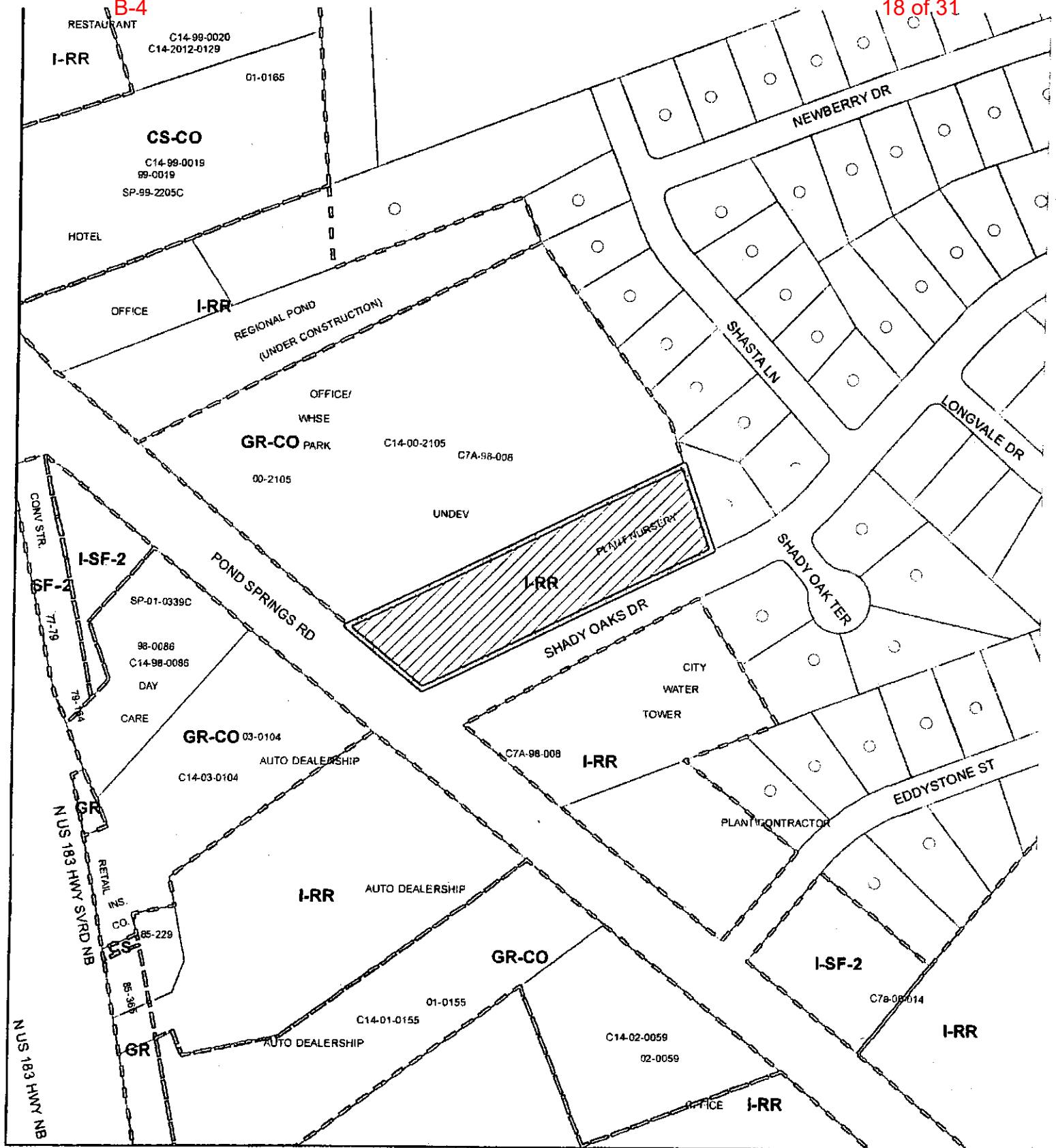


James M. Grant
JAMES M. GRANT
R.P.L.S. 1919

jg\carlson\11-14\44482\M&B




December 15, 2014




$$1'' = 200'$$

ZONING

CASE#: C14-2014-0154

-  SUBJECT TRACT
 PENDING CASE
 ZONING BOUNDARY

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 information. The City of Austin does not warrant the accuracy or completeness of the information by the City of Austin regarding specific accuracy or completeness.



Exhibit B



City of Austin

P.O. Box 1088, Austin, TX, 78767

AUSTIN CODE DEPARTMENT

NOTICE OF VIOLATION

Case Number: CV-2019-053560

via Certified Mail # 7019 1640 0001 2756 8595

February 5, 2021

PC Land, LLC % Brandon L. Krause
13561 POND SPRINGS ROAD
Austin TX 78729

RE: 13561 POND SPRINGS RD AUSTIN TX 78729
Locally known as 13561 POND SPRINGS RD AUSTIN TX 78729
Legally described as AW0018 AW0018 - Allen, E. Sur., ACRES 1.772
Zoned as GR-CO
Parcel Number R055014

Dear PC Land, LLC % Brandon L. Krause:

The City of Austin Code Department investigated the property described above. Austin City Code violations were found that require your immediate attention. A description of the violation(s) and compliance timeframe(s) are provided in the attached violation report.

After receipt of this Notice, and until compliance is attained, the Austin City Code prohibits the sale, lease, or transfer of this property unless:

- You provide the buyer, lessee, or other transferee a copy of this Notice of Violation; and
- You provide the name and address of the buyer, lessee, or other transferee to the Code Official.

For additional information, I can be reached at 512-560-5923 or William.Evans@austintexas.gov. Please reference **case number** CV-2019-053560. Hours of operation are: Monday – Friday, 7:30 a.m. - 4:00 p.m. If I am unavailable, contact the Code Connect line at (512) 974-CODE (2633) or codeconnect@austintexas.gov.

Para obtener más información, llame al 512-560-5923 o enviar un correo electrónico a William.Evans@austintexas.gov. Por favor, consulte **caso número** CV-2019-053560. El horario de atención es: lunes a viernes, 7:30 a.m. - 4:00 p.m. Si no estoy disponible, comuníquese con Code Connect marcando al (512) 974-CODE (2633) o por correo electrónico codeconnect@austintexas.gov.

Sincerely,

William Evans, Austin Code Officer
City of Austin Code Department



FOR CODE QUESTIONS, CONTACT:
512.974.CODE (2633)
CODECONNECT@AUSTINTEXAS.GOV
MONDAY - FRIDAY 8:00 AM - 4:00 PM

VIOLATION REPORT

Date of Notice: February 5, 2021

Code Officer: William Evans

Case Number: CV-2019-053560

Property Address: 13561 POND SPRINGS RD AUSTIN TX 78729
Locally known as 13561 POND SPRINGS RD AUSTIN TX 78729
Zoned as GR-CO

The items listed below are violations of the Austin City Code, and require your immediate attention. If the violations are not brought into compliance within the timeframes listed in this report, enforcement action may be taken. Timeframes start from the Date of Notice.

*Due to the ongoing Declaration of Local Disaster, the Austin Code Department understands that additional time may be required to comply with this notice. **If additional time is required, please contact your Code Officer to request an extension.** Extensions will be considered after evaluating the severity and frequency of the violation, available resources to correct the violation, and the impact of the continued violation on the public health and safety.*

Violation Type: LAND USE

Austin City Code Section: Zoning (§25-2)

Description of Violation: The use of this property as a landscape service company is not allowed in GR Zoning.

Date Observed: 02/05/2021

Timeframe to Comply: 30 Day(s)

Recommended Resolution: Contact Development Services and obtain a change of zoning to allow this use.

Austin City Code Section: Building Permit Requirement (§25-11-32)

Description of Violation: Commercial construction being performed without required permit(s).

Date Observed: 04/08/2019

Timeframe to Comply: 30 Day(s)

Recommended Resolution: Obtain the building permit(s) for the construction that is in process of the structure being constructed on the property.

Notes: Permit violations require the permit(s) to be issued and all required inspections to be completed to attain compliance. For questions concerning land use violations, please contact the Development Services Department at 311. You can also visit <http://www.austintexas.gov/departments/development-services> for more information.

IMPORTANT INFORMATION**Failure to Correct**

If the violations are not brought into compliance within the timeframes listed in the violation report, enforcement action may include:

- Criminal charges in the City of Austin Municipal Court subjecting you to fines of up to \$2,000 per violation, per day.

- Civil penalties in an Administrative Hearing subjecting you to fines of up to \$1,000 per violation, per day, along with additional fees.
- Suspension or cancellation of existing site plan, permit or certificate of occupancy. If the site plan, permit or certificate of occupancy is suspended or revoked, the utility service to this property may be disconnected.
- Civil injunctions or penalties in State court.
- For dangerous or substandard buildings, the City of Austin may also take action with the Building and Standards Commission (BSC) to order the vacation, relocation of occupants, securing, repair, removal or demolition of a building, and civil penalties.

Ownership Information

According to the records of the County, you own the property described in this notice. If this property has other owners, please provide me with this information. If you no longer own this property, you must execute an affidavit form provided by our office. This form should state that you no longer own the property, the name of the new owner, and their last known address. The affidavit must be delivered in person or by certified mail, with return receipt requested, to the Austin Code Department office no later than 20 days after you receive this notice. If you do not submit an affidavit, it will be presumed that you own the property described in this notice.

An affidavit form is available at www.austintexas.gov/code-resources, or at the office at 5202 E. Ben White Blvd. Unit 5, Suite 550, Austin, TX 78741. The completed affidavit should be mailed to: **City of Austin Code Department, P.O. Box 1088, Austin, Texas 78767.**

Complaints

You may file a written complaint or commendation regarding an Austin Code Department Officer no later than 3 days after you receive this notice. Please reference your case number. The complaint or commendation should be mailed to: **City of Austin Code Department, ATTN: Code Official, P.O. Box 1088, Austin, Texas 78767.**

Community Resources

Austin Code Department aims to bring our communities to a safe standard for Austin residents and visitors. This list of community resources is available to help Austin residents resolve potential hazards.

General Information

- **Austin 311** · A single point of contact for every City department 24 hours a day, 7 days a week. Dial: 311 or visit austintexas.gov/department/311
- **Texas 2-1-1** · Free information from state and local health and human services programs, 24 hours a day 7 days a week. Dial: 211, or 877-541-7905 or visit www.211texas.org.
- **Travis County Resources** · Direct services or through non-profit sectors that address community, family support services, weatherization and home repair. Phone numbers by zip **(78701)** 512-854-4120, **(78653)** 512-854-1520, **(78704)** 512-854-1550, **(78645)** 512-854-9130, **(78735)** 512-854-1500, **(78660)** 512-854-2130 or 512-854-1530 or visit www.traviscountytexas.gov/health-human-services/divisions/family-support-services.
- **United Way / Connect ATX** · Free or reduced cost services like medical care, food, job training and more www.unitedwayaustin.org/connectatx.

Housing

- **Neighborhood Housing & Community Development (NHCD)** · (*Austin*) Provides housing and community development services to eligible residents. Dial: 512-974-3100 or visit austintexas.gov/department/housing
- **Development Services Department (DSD)** · (*Austin*) Collects and reviews zoning fees & expired permits, building inspections form requests. Dial: 512-978-4000 or visit austintexas.gov/department/development-assistance-center
- **Building and Strengthening Tenant Action (BASTA)** · Helps renters work with their neighbors to improve conditions in their homes by providing one-on-one guidance and group training in outreach methods, facilitation techniques, negotiation strategy, campaign planning, and property research. Dial: 512-522-9984 or visit www.bastaustin.org
- **Austin Tenants Council** · Protects tenant's rights and educates the community on fair housing to advocate for safe, decent and affordable housing for all. Dial: 512-474-6000 or visit www.housing-rights.org
- **Austin Area Urban League** · Provides home repairs, advocacy, financial empowerment and workforce and career development. Dial: 512-478-7176 or visit <http://aaul.org>.

Health and safety

- **Austin Public Health's (APH)** • Assists with Graffiti removal, rodent control, swimming pool/spa inspections, health screening and free social services. Neighborhood centers provide basic needs (food pantry), seasonal program services (Christmas Bureau application) and crisis intervention. Dial: 512-972-5000 or visit: austintexas.gov/department/health.
- **Texas Department of Family and Protective Services (DFPS)** • Provides investigative services for abuse, neglect or financial exploitation for persons aged 65 or older or if age 18-65, with mental, physical or developmental disabilities. Visit www.dfps.state.tx.us.
- **Easter Seals Central Texas** • Supports those with disabilities, supplies summer camps and employment opportunities. Offer a community for women with disabilities and adult day care services as well as in-home care, therapy and mental health programs. Dial: 512-615-6820 or visit www.easterseals.com/centraltx
- **Meals on Wheels Central Texas** • Provides resources including home care, veteran services, home repair, treatment for depression and quality meals. Dial: 512-476-6325 or visit www.mealsonwheelscentraltexas.org.
- **Texas Department on Aging and Disability Services (DADS)** • Offers community partner, faith and community-based programs that support the needs of aging adults. Dial: 1-855-937-2372 or www.dads.state.tx.us
- **Texas Health and Human Rights Services department** • Provides advice and advocacy for those experiencing discrimination or abuse in nursing homes, assisted living facilities, home health or hospice settings. Dial: 1-800-458-9858 or visit www.dads.state.tx.us/services/crs.

Legal assistance

- **Texas RioGrande Legal Aid (TRLA)** • Free civil legal services for residents and represents migrant or seasonal workers. Operates public defender programs that represent low-income and indigent people in areas including family, employment, foreclosure, bankruptcy, subsidized housing, farmworker, civil rights, and environmental law. Dial: 1-888-988-9996 or visit www.tria.org/office/austin.

For more information about the Austin Code Department, check out our websites:

www.austintexas.gov/code | <http://austincodeit.github.io/open.html>

Recursos Comunitarios

El Departamento de Códigos de Austin tiene como objetivo llevar a nuestras comunidades un estándar seguro para los que viven y visitan Austin. Esta lista de recursos comunitarios está disponible para resolver posibles peligros.

Información General

- **Austin 311** · Un punto de contacto para cada departamento de la ciudad disponible 24 horas del día, 7 días de la semana. Marque 311 o visite austintexas.gov/department/311
- **Texas 2-1-1** · Información fácil de encontrar programas estatales y locales de salud y servicios humanos. Los servicios son gratuitos y anónimos, incluyendo una línea directa de servicio social las 24 horas del día los 7 días de la semana. Marque: 211, o 877-541-7905 o visite www.211texas.org.
- **Recursos del Condado de Travis** · Proporciona servicios directos o a través de sectores sin fines de lucro de apoyo familiar, climatización y reparación de viviendas. Números de teléfono por código postal **(78701)** 512-854-4120, **(78653)** 512-854-1520, **(78704)** 512-854-1550, **(78645)** 512-854-9130, **(78735)** 512-854-1500, **(78660)** 512-854-2130 o 512-854-1530 o visite www.traviscountytx.gov/health-human-services/divisions/family-support-services.
- **United Way / Connect ATX** · Servicios gratuitos o de costo reducido como atención médica, alimentos, capacitación laboral y más www.unitedwayaustin.org/connectatx.

Vivienda

- **Departamento de Vivienda Comunitaria y Desarrollo Comunitario (NHCD)** · (Austin) provee servicios de vivienda y desarrollo comunitario a personas elegibles. Marque: 512-974-3100 o visite austintexas.gov/department/housing
- **Departamento de Servicios de Desarrollo (DSD)** · (Austin) Cobra y revisa tarifas de zonificación y permisos vencidos, inspecciones de edificios y solicitudes. Marque: 512-978-4000 o visite austintexas.gov/department/development-assistance-center
- **BASTA - Organizando inquilinos de Austin para hogares saludables y asequibles** · Ayuda a inquilinos a trabajar con sus vecinos para mejorar las condiciones en sus hogares proporcionando orientación personal y capacitación grupal en métodos de extensión, técnicas de facilitación, estrategia de negociación, planificación de campañas e investigación de propiedades. Marque: 512-522-9984 o visite www.bastaaustin.org
- **El Consejo de Inquilinos de Austin (ATC)** · Protege los derechos de inquilinos y educa a la comunidad sobre la vivienda justa para abogar por una vivienda segura, decente y asequible para todos. Marque: 512-474-6000 o visite www.housing-rights.org
- **La Liga Urbana de Área de Austin (AAUL)** – Proporciona reparaciones en el hogar, promoción, empoderamiento financiero y desarrollo de la fuerza de trabajo y Carrera. Marque al 512-478-7176 o visite <http://aaul.org>.

Salud y Protección

- **Departamento de Salud Pública (APH)** • Ayuda con la eliminación de grafiti, control de roedores, inspecciones de piscina/spa, exámenes de salud y servicios sociales gratuitos. Los centros comunitarios proporcionan necesidades básicas (despensa de alimentos), servicios de programa estacionales (aplicación de la Oficina de Navidad) servicios sociales como intervención de crisis. marque: 512-972-5000 o visite: austintexas.gov/department/health.
- **El Departamento de Servicios para la Familia y de Protección (DFPS)** • Servicios de investigación por abuso, negligencia o explotación financiera de personas de 65 años o más o si tienen entre 18 y 65 años, con discapacidades mentales, físicas o del desarrollo. Visite www.dfps.state.tx.us.
- **Easter Seals del Centro de Texas** • Apoyo para personas con discapacidades, ofrece campamentos de verano y oportunidades de empleo. Ofrecer una comunidad para mujeres con discapacidades y servicios de guardería para adultos y programas de atención en el hogar, terapia y salud mental. Marque: 512-615-6820 o visite www.easterseals.com/centraltx
- **Meals on Wheels del Centro de Texas** • Proporciona recursos que incluyen atención domiciliaria, servicios para veteranos, reparación del hogar, tratamiento para depresión y comida. Marque: 512-476-6325 o visite www.mealsonwheelscentraltexas.org.
- **Departamento de Servicios para Adultos Mayores y Personas con Discapacidades (DADS)** • Ofrece a un socio comunitario, programas basados en la comunidad y basados en la comunidad que apoyan las necesidades de los adultos mayores. Marque: 1-855-937-2372 o www.dads.state.tx.us
- **Departamento de Servicios de Salud y Derechos Humanos de Texas (DADS)** • Proporciona asesoramiento y defensa para aquellos que sufren discriminación o abuso en hogares de ancianos, centros de vida asistida, salud en el hogar o entornos de hospicio. Marque: 1-800-458-9858 o visite www.dads.state.tx.us/services/crs.

Asistencia Legal

- **Texas RioGrande Legal Aid (TRLA)** • Proporciona servicios legales civiles gratuitos a los residentes y representa a los trabajadores migrantes o estacionales. Opera programas de defensa pública que representan a personas indigentes y de bajos ingresos en áreas como la familia, el empleo, la ejecución hipotecaria, la quiebra, la vivienda subvencionada, el trabajador agrícola, los derechos civiles y la ley ambiental. Marque: 1-888-988-9996 o visite www.tria.org/office/austin.

Para obtener más información sobre el Departamento de Código de Austin, consulte nuestros sitios web:
www.austintexas.gov/code | <http://austincodeit.github.io/open.html>



City of Austin

P.O. Box 1088, Austin, TX, 78767

AUSTIN **CODE** DEPARTMENT

NOTICE OF VIOLATION

Case Number: CV-2019-053560

Via Certified Mail # 7014 1200 0000 1726 3693

August 5, 2019

PC LAND LLC
PO BOX 9742
AUSTIN TX 78766

RE: 13561 POND SPRINGS RD AUSTIN TX 78729
Locally known as 13561 POND SPRINGS RD AUSTIN TX 78729
Legally described as AW0018 AW0018 - Allen, E. Sur., ACRES 1.772
Zoned as GR-CO
Parcel Number R055014

Dear PC LAND LLC:

The City of Austin Code Department investigated the property described above. Austin City Code violations were found that require your immediate attention. A description of the violation(s) and compliance timeframe(s) are provided in the attached violation report.

After receipt of this Notice, and until compliance is attained, the Austin City Code prohibits the sale, lease, or transfer of this property unless:

- You provide the buyer, lessee, or other transferee a copy of this Notice of Violation; and
- You provide the name and address of the buyer, lessee, or other transferee to the Code Official.

For additional information, I can be reached at 512-974-1955 or William.Evans@austintexas.gov. Please reference **case number** CV-2019-053560. Hours of operation are: Monday – Friday, 7:30 a.m. - 4:00 p.m. If I am unavailable, contact the Code Connect line at (512) 974-CODE (2633) or codeconnect@austintexas.gov.

Para obtener más información, llame al 512-974-1955 o enviar un correo electrónico a William.Evans@austintexas.gov. Por favor, consulte **caso número** CV-2019-053560. El horario de atención es: lunes a viernes, 7:30 a.m. - 4:00 p.m. Si no estoy disponible, comuníquese con Code Connect marcando al (512) 974-CODE (2633) o por correo electrónico codeconnect@austintexas.gov.

Sincerely,

William Evans, Austin Code Officer
City of Austin Code Department



FOR CODE QUESTIONS, CONTACT:
512.974.CODE (2633)
CODECONNECT@AUSTINTEXAS.GOV
MONDAY - FRIDAY 8:00 AM - 4:00 PM



VIOLATION REPORT

Date of Notice: August 5, 2019

Code Officer: William Evans

Case Number: CV-2019-053560

Property Address: 13561 POND SPRINGS RD AUSTIN TX 78729
Locally known as 13561 POND SPRINGS RD AUSTIN TX 78729
Zoned as GR-CO

The items listed below are violations of the Austin City Code, and require your immediate attention. If the violations are not brought into compliance within the timeframes listed in this report, enforcement action may be taken. Timeframes start from the Date of Notice.

Violation Type: LAND USE

Austin City Code Section: Zoning (§25-2)

Description of Violation: Work in Progress without a permit(s).

Date Observed: 04/08/2019

Timeframe to Comply: 30 Day(s)

Recommended Resolution: Obtain the appropriate building permit(s) for the structure under construction.

Austin City Code Section: Building Permit Requirement (§25-11-32)

Description of Violation: Commercial construction being performed without required permit(s).

Date Observed: 04/08/2019

Timeframe to Comply: 30 Day(s)

Recommended Resolution: Obtain the building permit(s) for the construction that is in process of the structure being constructed on the property.

Notes: Permit violations require the permit(s) to be issued and all required inspections to be completed to attain compliance. For questions concerning land use violations, please contact the Development Services Department at 311. You can also visit <http://www.austintexas.gov/department/development-services> for more information.

IMPORTANT INFORMATION**Failure to Correct**

If the violations are not brought into compliance within the timeframes listed in the violation report, enforcement action may include:

- Criminal charges in the City of Austin Municipal Court subjecting you to fines of up to \$2,000 per violation, per day.
- Civil penalties in an Administrative Hearing subjecting you to fines of up to \$1,000 per violation, per day, along with additional fees.
- Suspension or cancellation of existing site plan, permit or certificate of occupancy. If the site plan, permit or certificate of occupancy is suspended or revoked, the utility service to this property may be disconnected.
- Civil injunctions or penalties in State court.
- For dangerous or substandard buildings, the City of Austin may also take action with the Building and Standards Commission (BSC) to order the vacation, relocation of occupants, securing, repair, removal or demolition of a building, and civil penalties.

Ownership Information

According to the records of the County, you own the property described in this notice. If this property has other owners, please provide me with this information. If you no longer own this property, you must execute an affidavit form provided by our office. This form should state that you no longer own the property, the name of the new owner, and their last known address. The affidavit must be delivered in person or by certified mail, with return receipt requested, to the Austin Code Department office no later than 20 days after you receive this notice. If you do not submit an affidavit, it will be presumed that you own the property described in this notice.

An affidavit form is available at www.austintexas.gov/code-resources, or at the office at 5202 E. Ben White Blvd. Unit 5, Suite 550, Austin, TX 78741. The completed affidavit should be mailed to: **City of Austin Code Department, P.O. Box 1088, Austin, Texas 78767.**

Complaints

You may file a written complaint or commendation regarding an Austin Code Department Officer no later than 3 days after you receive this notice. Please reference your case number. The complaint or commendation should be mailed to: **City of Austin Code Department, ATTN: Code Official, P.O. Box 1088, Austin, Texas 78767.**



City of Austin

P.O. Box 1088, Austin, TX, 78767

AUSTIN **CODE** DEPARTMENT

NOTICE OF VIOLATION

Case Number: CV-2019-053560

Via Certified Mail # 7017 0190 0000 3848 1377

April 9, 2019

PC Land LLC
% Brandon L Krause
13561 Pond Springs Road
Austin TX 78729

RE: 13561 POND SPRINGS RD AUSTIN TX 78729
Locally known as 13561 POND SPRINGS RD., AUSTIN TX 78729
Legally described as AW0018 AW0018 - Allen, E. Sur., ACRES 1.772
Zoned as GR-CO
Parcel Number R055014

Dear PC Land, LLC % Brandon L Krause:

The City of Austin Code Department investigated the property described above. Austin City Code violations were found that require your immediate attention. A description of the violation(s) and compliance timeframe(s) are provided in the attached violation report.

After receipt of this Notice, and until compliance is attained, the Austin City Code prohibits the sale, lease, or transfer of this property unless:

- You provide the buyer, lessee, or other transferee a copy of this Notice of Violation; and
- You provide the name and address of the buyer, lessee, or other transferee to the Code Official.

For additional information, I can be reached at (512)974-9099 or phillip.bossley@austintexas.gov. Please reference **case number** CV-2019-053560. Hours of operation are: Monday – Friday, 7:30 a.m. - 4:00 p.m.

Para obtener más información, llame al (512)974-9099 o enviar un correo electrónico a phillip.bossley@austintexas.gov. Por favor, consulte caso número CV-2019-053560. El horario de atención es: lunes a viernes, 7:30 a.m. - 4:00 p.m.

Sincerely,

Phillip Bossley, Austin Code Officer
City of Austin Code Department

VIOLATION REPORT

Date of Notice: April 9, 2019

Code Officer: Phillip Bossley

Case Number: CV-2019-053560

Property Address: 13561 POND SPRINGS RD., AUSTIN TX 78729
Locally known as 13561 POND SPRINGS RD., AUSTIN TX 78729
Zoned as GR-CO

The items listed below are violations of the Austin City Code, and require your immediate attention. If the violations are not brought into compliance within the timeframes listed in this report, enforcement action may be taken. Timeframes start from the Date of Notice.

Violation Type: LAND USE

Austin City Code Section: Zoning (§25-2)

Description of Violation: Work in Progress without a permit(s).

Date Observed: 04/08/2019

Timeframe to Comply: 30 Day(s)

Recommended Resolution: Obtain the appropriate building permit(s) for the structure under construction.

Austin City Code Section: Building Permit Requirement (§25-11-32)

Description of Violation: Commercial construction being performed without required permit(s).

Date Observed: 04/08/2019

Timeframe to Comply: 30 Day(s)

Recommended Resolution: Obtain the building permit(s) for the construction that is in process of the structure being constructed on the property.

Notes: Permit violations require the permit(s) to be issued and all required inspections to be completed to attain compliance. For questions concerning land use violations, please contact the Development Services Department at 512-978-4000. You can also visit

<http://www.austintexas.gov/department/development-services> for more information.

IMPORTANT INFORMATION**Failure to Correct**

If the violations are not brought into compliance within the timeframes listed in the violation report, enforcement action may include:

- Criminal charges in the City of Austin Municipal Court subjecting you to fines of up to \$2,000 per violation, per day.
- Civil penalties in an Administrative Hearing subjecting you to fines of up to \$1,000 per violation, per day, along with additional fees.
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An affidavit form is available at www.austintexas.gov/code-resources, or at the office at 1520 Rutherford Lane. The completed affidavit should be mailed to: **City of Austin Code Department, P.O. Box 1088, Austin, Texas 78767.**

Complaints

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