

ZONING CHANGE REVIEW SHEET

CASE: C14-2022-0175 – Airport 973 Addition

DISTRICT: 2

ZONING FROM: I-SF-2

TO: GR-CO

ADDRESS: 3178 and 3180 Eva Street

SITE AREA: 0.2916 acres (12,702 square feet)

PROPERTY OWNER: Sunoco Retail, LLC (Ola Faye Woods)

AGENT: Metcalfe Wolff Stuart & Williams, LLP (Michele Rogerson Lynch)

CASE MANAGER: Nancy Estrada (512-974-7617, nancy.estrada@austintexas.gov)

STAFF RECOMMENDATION:

The Staff recommendation is to grant community commercial – conditional overlay (GR-CO) combining district zoning. The Conditional Overlay does the following:

1) Establishes the following uses as conditional:

Alternative financial services	Community recreation (private)
Community recreation (public)	Hospital services (limited)
Medical offices (exceeding 5,000 square feet of gross floor area)	

2) Establishes the following uses as subject to LDC 25-2-587 (*Requirements for Certain Uses in the Neighborhood Commercial (LR) District*):

General retail sales (general)	Personal improvement services
Restaurant (general)	

3) Prohibits the following uses:

Automotive rentals	Automotive repair services
Automotive sales	Automotive washing (of any type)
Bail bond services	Business or trade school
Business support services	Commercial off-street parking
Communications services	Drop-off recycling collection facility
Exterminating services	Food preparation
Funeral services	Hotel-motel
Indoor entertainment	Indoor sports and recreation
Outdoor entertainment	Outdoor sports and recreation
Research services	Theater

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

ZONING AND PLATTING COMMISSION ACTION / RECOMMENDATION:

May 2, 2023

CITY COUNCIL ACTION:

ORDINANCE NUMBER:

ISSUES:

None at this time.

CASE MANAGER COMMENTS:

The subject rezoning area consists of two lots totaling .2916 acre located on Eva Street. These two lots will be added to an adjacent property as part of a unified development. ***Please refer to Exhibit B (Color Zoning Exhibit).*** The adjacent unified development consists of seven lots that were rezoned to GR-CO in 2021 (C14-2019-0059) in order to build a service station with food sales use. A site plan for these two uses and GR development regulations is currently under City review (SP-2022-0474C). Regarding this zoning request, vehicular access is proposed to be taken to Eva Street with one driveway.

There are manufactured homes, a church and a few single family residences to the north (I-SF-2), undeveloped land to the west and south (I-SF-2), and a few single family residences along Bessie Avenue to the east (I-SF-2).

The Applicant is requesting community commercial – conditional overlay (GR-CO) district zoning for this additional acreage. The Conditional Overlay will remain the same as the approved 2021 zoning case (C14-2019-0059). ***Please refer to Attachment B (Ordinance No. 20210902-075).***

BASIS OF 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.

2. *Zoning should promote the policy of locating retail and more intensive zoning near the intersections of arterial roadways or at the intersections of arterials and collectors.*

Per the previous zoning case (C14-2019-0059), staff recommended GR-CO zoning for the property based on the following considerations: 1) location at a signalized intersection of two arterials, 2) food sales and service station uses would be available to serve residents of the adjacent subdivisions, as well as capture “pass by” traffic on SH 71; 3) the Conditional Overlay restricts land uses to those permitted and conditional in the neighborhood commercial (LR) district which are appropriate near residential uses, and 4) the Neighborhood Traffic Analysis enhances connectivity options in the area and requires 4-foot wide sidewalks along Eva Street between FM 973 and Bessie Avenue, and along Bessie Avenue between the SH 71 frontage and Eva Street, and a 10-foot wide shared use path along SH 71 between FM 973 and Fallwell Lane as prescribed by the Austin Transportation Department. The proposed rezoning for the additional acreage of the two lots (3178 & 3180 Eva Street) would be added to this unified development.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	I-SF-2	Undeveloped
<i>North</i>	I-SF-2	Manufactured homes; Church; A few single family residences
<i>South</i>	GR-CO	Undeveloped
<i>East</i>	I-SF-2	Undeveloped; Single family residence and manufactured home
<i>West</i>	GR-CO	Undeveloped

NEIGHBORHOOD PLANNING AREA: Not Applicable

NEIGHBORHOOD TRAFFIC ANALYSIS: Required – Please refer to Attachment A

WATERSHED: Colorado River – Suburban

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

SCHOOLS:

The subject property is within the Del Valle Independent School District boundaries.

NEIGHBORHOOD ORGANIZATIONS:

511 – Austin Neighborhoods Council	627 – Onion Creek Homeowners Association
774 – Del Valle Independent School District	1005 – Elroy Neighborhood Association
1138 – Far Southeast Improvement Association	1195 – Imperial Neighborhood Association
1228 – Sierra Club, Austin Regional Group	1258 – Del Valle Community Coalition
1363 – SEL Texas	1528 – Bike Austin
1530 – Friends of Austin Neighborhoods	1550 – Homeless Neighborhood Association
1616 – Neighborhood Empowerment Foundation	1774 – Austin Lost and Found Pets

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2019-0059 – SH 71 and FM 973 – 3201 East SH 71 Service Road Westbound	I-SF-2 and GR-CO to GR-CO	To Grant GR-CO with conditions of a Restrictive Covenant for the NTA	Apvd GR-CO w/ an RC for the conditions of the NTA as the ZAP recommended (9-2-2021).
C14-2014-0197 – Callahans General Store of Austin Inc. – 3329 East SH 71 Westbound	I-SF-2 to LR	To Grant LR	Apvd LR as the ZAP recommended (2-26-2015).
C14-2008-0235 – Downstream 973-Mary Street – 3100 Mary St	I-SF-2 to GR	To Grant LR-CO with conditions of additional r-o-w on FM 973	Apvd LO-CO w/conds of right-of-way dedication on FM 973 as the ZAP recommended (4-23-2009).
C14-99-2052 and C14-99-2053 – Austin Interport (East and West) – Fallwell Ln. at SH 71 East	DR, I-SF-2, I-RR to LI-PDA	To Grant GR for Blk A & 1-2 of Blk H w/conds; GR for Blk C & 3-8 of Blk I w/conds; MF-3 for Blk B, 1 of Blk F, & 5 of Blk G w/conds; & numerous other apvls & conds too	Apvd LI-PDA with attached site development standards, RCs for 175' reservation of r-o-w on SH 71 (9-28-2000).

RELATED CASES:

There is a site plan in process for a service station and food sales use (SP-2022-0474C).

The property was annexed into the Full-purpose City limits on September 5, 2001 (C7A-01-002).

The property consists of lots out of the Davidson City Addition.

EXISTING STREET CHARACTERISTICS:

Name	ASMP Classification	ASMP Required ROW	Existing ROW	Existing Pavement	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Eva Street	Level 1 – Local Street	58'	50'	20'	No	No	No

OTHER STAFF COMMENTS:

Comprehensive Planning

Project Name and Proposed Use: 3178 & 3180 EVA ST. C14-2022-0175.

Project: Airport 973 Addition. 0.2916 acres from I-SF-2 to GR-CO.

Empty lot to convenience store. Dec 19, 2022

Yes	Imagine Austin Decision Guidelines
Complete Community Measures	
	Imagine Austin Growth Concept Map: Located within or adjacent to an Imagine Austin Activity Center, Imagine Austin Activity Corridor, or Imagine Austin Job Center as identified the Growth Concept Map. Name(s) of Activity Center/Activity Corridor/Job Center:
	Mobility and Public Transit: Located within 0.25 miles of public transit stop and/or light rail station.
	Mobility and Bike/Ped Access: Adjoins a public sidewalk, shared path, and/or bike lane.
1	Connectivity, Good and Services, Employment: Provides or is located within 0.50 miles to goods and services, and/or employment center.
	Connectivity and Food Access: Provides or is located within 0.50 miles of a grocery store/farmers market.
	Connectivity and Education: Located within 0.50 miles from a public school or university.
	Connectivity and Healthy Living: Provides or is located within 0.50 miles from a recreation area, park or walking trail.
	Connectivity and Health: Provides or is located within 0.50 miles of health facility (ex: hospital, urgent care, doctor's office, drugstore clinic, and/or specialized outpatient care.)
	Housing Affordability: Provides a minimum of 10% of units for workforce housing (80% MFI or less) and/or fee in lieu for affordable housing.
	Housing Choice: Expands the number of units and housing choice that suits a variety of household sizes, incomes, and lifestyle needs of a diverse population (ex: apartments, triplex, granny flat, live/work units, cottage homes, and townhomes) in support of Imagine Austin and the Strategic Housing Blueprint.
	Mixed use: Provides a mix of residential and non-industrial uses.
	Culture and Creative Economy: Provides or is located within 0.50 miles of a cultural resource (ex: library, theater, museum, cultural center).
	Culture and Historic Preservation: Preserves or enhances a historically and/or culturally significant site.
	Creative Economy: Expands Austin's creative economy (ex: live music venue, art studio, film, digital, theater.)
	Workforce Development, the Economy and Education: Expands the economic base by creating permanent jobs, especially in industries that are currently not represented in particular area or that promotes a new technology, and/or promotes educational opportunities and workforce development training.
	Industrial Land: Preserves or enhances industrial land.
1	Total Number of "Yes's"

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 Colorado River 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.

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

Impervious Cover

Within the suburban portion of the Colorado River watershed, the maximum impervious cover allowed by the *GR-MU zoning district is 80% (90% with transfers)*, which is based on the more restrictive *watershed* regulations.

PARD – Planning & Design Review

Parkland dedication fees may apply to any future site or subdivision applications resulting from this rezoning, GR-CO with a proposed convenience store use. As of January 1, 2023, new commercial uses are subject to parkland dedication requirements at the time of site plan and subdivision.

Site Plan and Compatibility Standards

A site plan will be required for any new development other than single-family, two-family or duplex residential.

Any new development is subject to the design standards in Subchapter E of the Land Development Code. Additional comments will be made when the site plan is submitted.

Any development which occurs in an SF-6 or less restrictive zoning district which is located 540 ft. or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

The site is subject to compatibility standards due to the presence of single-family zoning and land uses to the east and north. The following standards may apply:

- No structure in excess of two stories and 30 feet in height may be constructed within 50 feet of the property line of the compatibility-triggering property.
- No structure in excess of three stories and 40 feet in height may be constructed within 100 feet of the property line of the compatibility-triggering property.
- For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, the height is limited to 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, the height is limited to 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.
- Additional design regulations will be enforced at the time a site plan is submitted.

AIRPORT OVERLAY

The site is located within Austin-Bergstrom Airport Controlled Compatible Land Use Overlay. No use will be allowed that creates electrical interference with navigational signals or radio communications between airport and aircraft, makes it difficult for pilots to distinguish between the airport lights and others, results in glare in the eyes of pilots using the airport, impairs visibility in the vicinity of the airport, creates bird strike hazards or otherwise in any way endangers or interferes with the landing, taking off, or maneuvering of aircraft intending to use the Austin-Bergstrom Airport. Height limitations and incompatible uses with each Airport Overlay zone are established in the Airport Overlay Ordinance.

Airport Hazard Zoning Committee review may be required prior to Planning Commission Hearing.

Transportation

The Austin Strategic Mobility Plan (ASMP) calls for 58 feet of right-of-way for Eva Street. It is recommended that 29 feet of right-of-way from the existing centerline should be dedicated according to the Transportation Plan with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

Austin 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.

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.

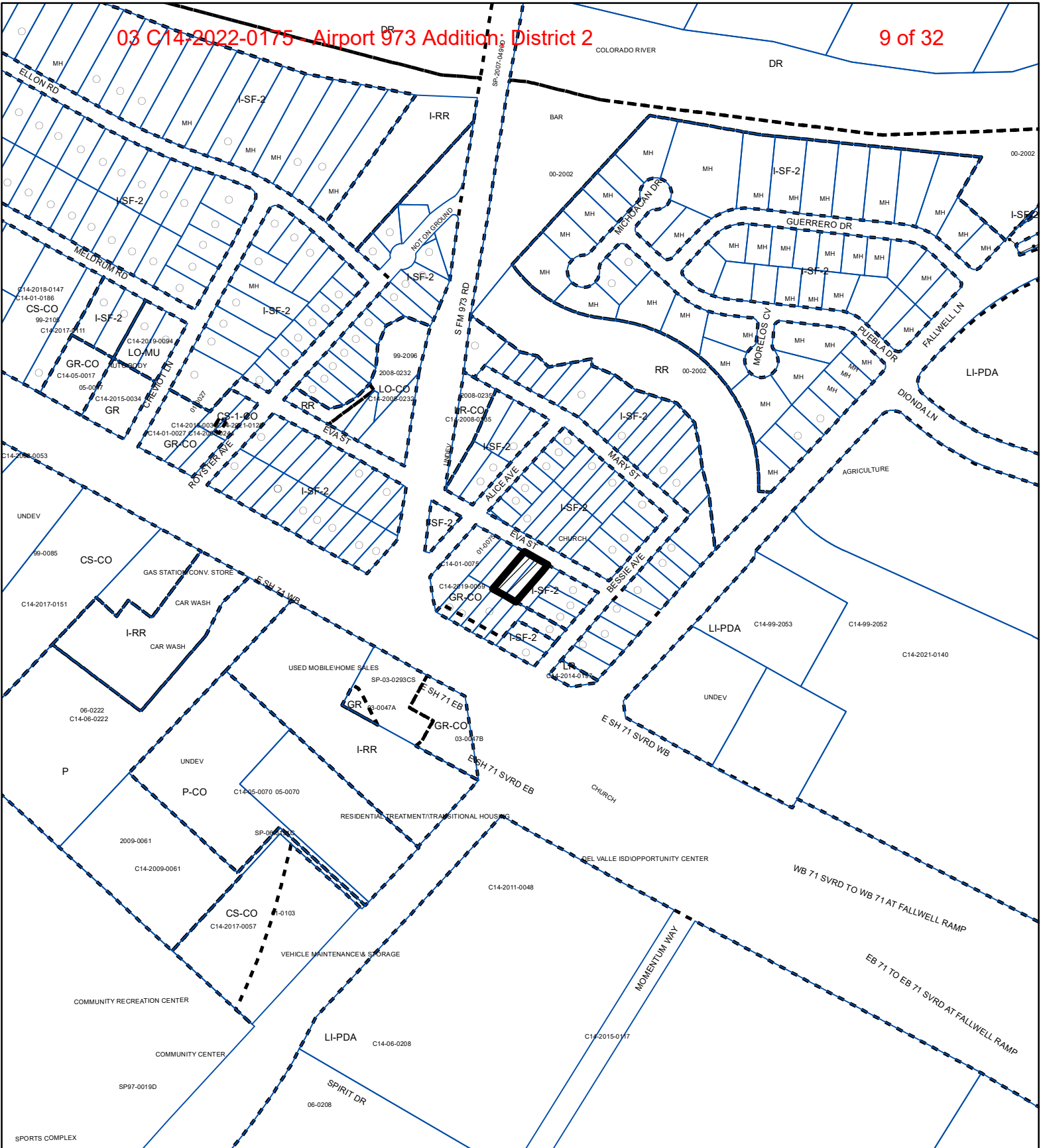
The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

INDEX OF EXHIBITS, CORRESPONDENCE AND ATTACHMENTS TO FOLLOW:

Exhibit A: Zoning Map
Exhibit A-1: Aerial Map
Exhibit B: Color Zoning Exhibit

Applicant Updated Summary Letter

Attachment A: Neighborhood Traffic Analysis
Attachment B: Ordinance No. 20210902-075 (C14-2019-0059)
Attachment C: Restrictive Covenant for Zoning Case No. C14-2019-0059



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

ZONING

ZONING CASE#: C14-2022-0175

Exhibit A



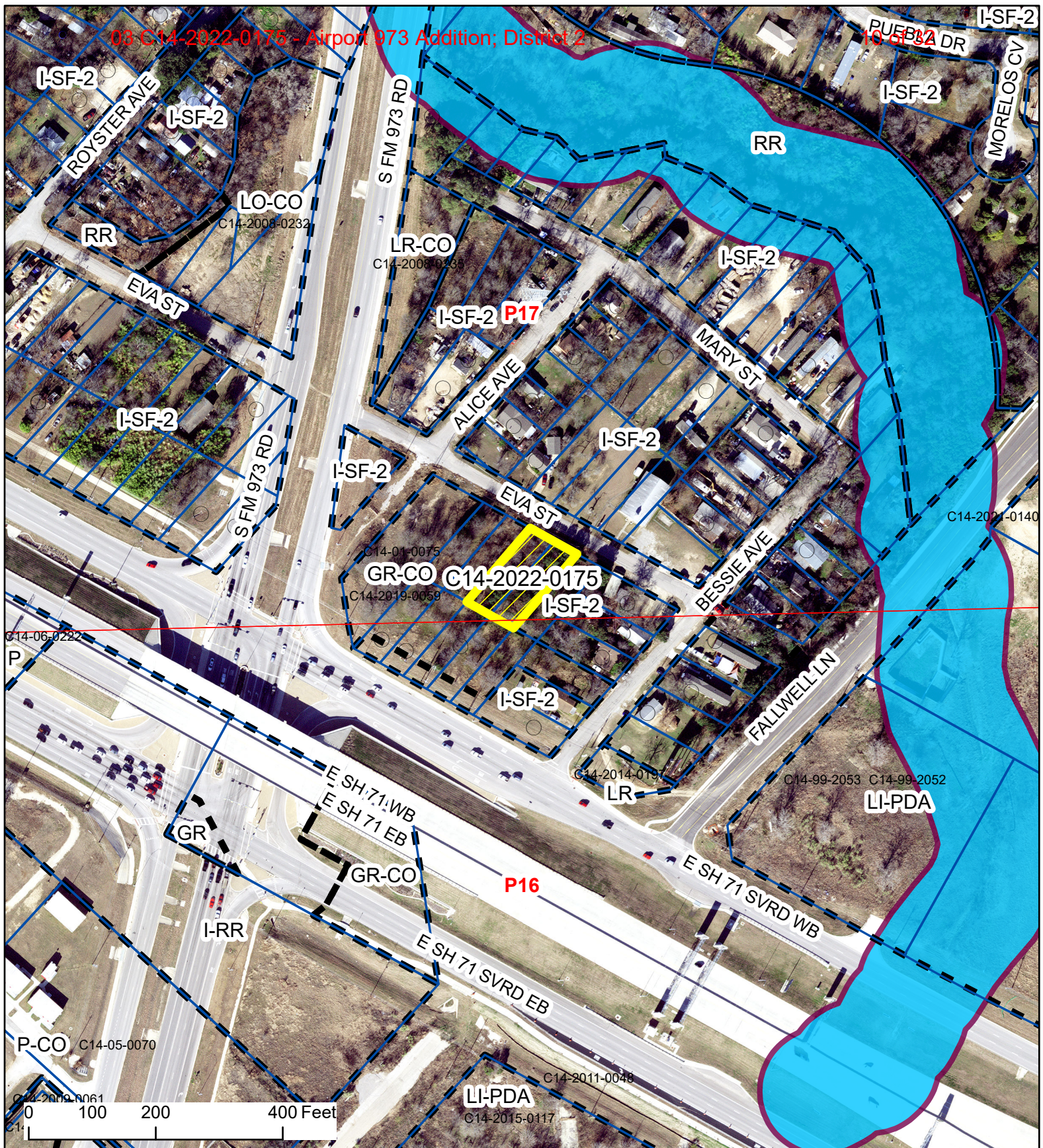
1" = 400'

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 the Housing and Planning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or

Created: 12/16/2022

03 C14-2022-0175 - Airport 973 Addition; District 2



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

Airport 973 Addition

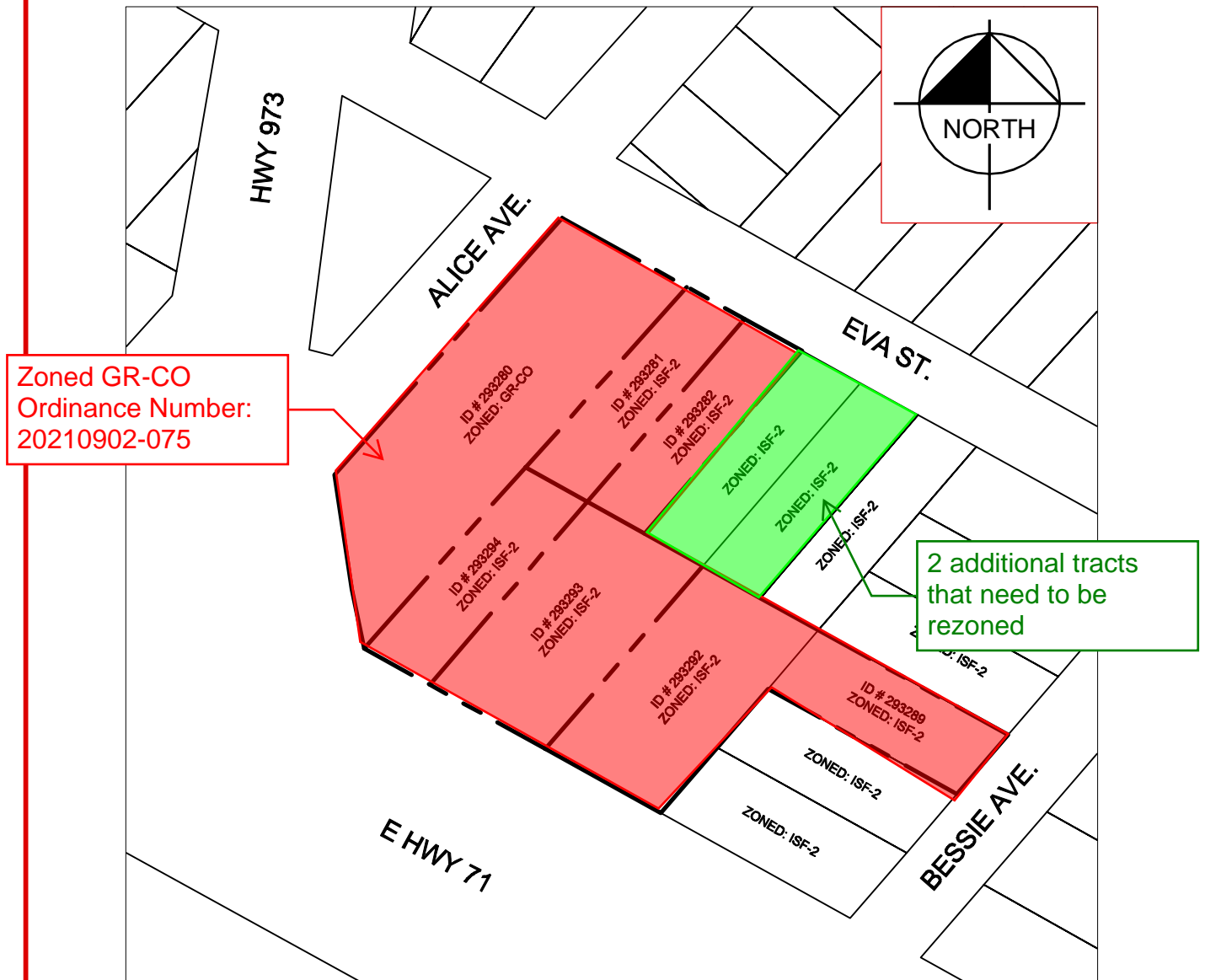
Exhibit A-1

ZONING CASE#: C14-2022-0175
LOCATION: 3178 & 3180 Eva Street
SUBJECT AREA: 0.2916 Acres
GRID: P17
MANAGER: Nancy Estrada



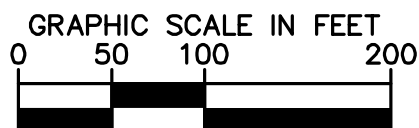
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Created: 12/21/2022



ZONING EXHIBIT

E TX HWY 71 & FM 973





METCALFE WOLFF
STUART & WILLIAMS, LLP

MICHELE ROGERSON LYNCH
Director of Land Use &
Entitlements

mlynch@mwswtexas.com
512-404-2251

November 29, 2022

Mr. Jerry Rusthoven, Zoning Officer
Housing and Planning Department
1000 East 11th Street
Austin, Texas 78702

Via Online Submittal

Re: Updated Application for Rezoning; 0.2916 acre, located at 3176 Eva Street (the
"Property")

Dear Mr. Rusthoven:

We recently submitted an Application for Rezoning for this Property. We would like to update the application to propose additional prohibited and conditional uses as noted below. This update allows for the Property to match the remainder of the overall development area that was zoned under Ordinance Number 20210902-075 and City of Austin Case Number C14-2019-0059):

PROHIBITED

Automotive Rentals	Automotive Repair Services	Automotive Washing (of any type)
Bail Bond Services	Business or Trade School	Business Support Services
Commercial Off Street Parking	Communications Services	Drop-Off Recycling Collection Facility
Exterminating Services	Food Preparation	Funeral Services
Hotel-Motel	Indoor Entertainment	Indoor Sports & Recreation
Outdoor Entertainment	Outdoor Sports & Recreation	Research Services
Theater		

CONDITIONAL

Alternative Financial Services	Community Recreation (Private)	Community Recreation (Public)
Hospital Services (Limited)	Medical Offices (exceeding 5,000 sq.ft.)	

USES SUBJECT TO 25-2-587 (requirements for uses in LR)

General Retail Sales-General	Personal Improvement Services	Restaurant (General)
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Page 2

If you have any questions about this updated Application for Rezoning or need additional information, please do not hesitate to contact me at your convenience. Thank you for your time and attention to this project.

Very truly yours,

A handwritten signature in black ink that reads "Michele Rogerson Lynch".

Michele Rogerson Lynch



MEMORANDUM

To: Santiago Araque, P.E. (Kimley-Horn)
CC: Curtis Beaty, P.E. (ATD); Joan Minyard EIT (ATD)
FROM: Justin Good, P.E. (ATD)
DATE: July 29, 2022
SUBJECT: Neighborhood Traffic Analysis for SH 71 & FM 973
Zoning Case Number C14-2019-0059

The Transportation Development Services (TDS) division has performed a Neighborhood Traffic Analysis (NTA) for the above referenced case and offers the following comments.

The 1.522-acre tract is located in southeast Austin near the intersection of SH 71 and FM 973 (see Figure 1). The site is currently zoned GR-CO and I-SF2 and the zoning request is for full GR-CO.

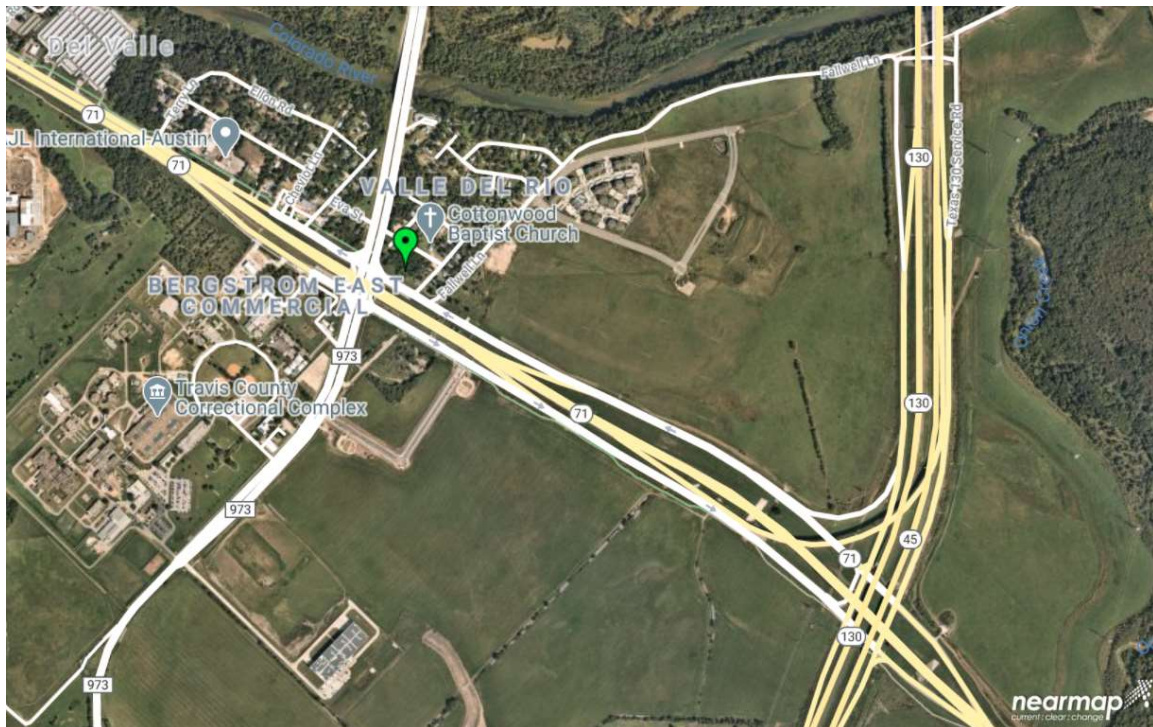


Figure 1: Local Map

Roadways

The development proposes right-in only access from the SH 71 westbound frontage road and full purpose access to Eva Street and Bessie Avenue. SH 71 is classified as a freeway and matters concerning right-of-way are deferred to TxDOT. The SH 71 westbound frontage road has a u-turn lane, left-turn only lane, three through lanes, right-turn only lane, curb and gutter, and a 6'-wide sidewalk. Eva Street and Bessie Avenue are classified as residential local streets and both currently have 50 feet of right-of-way, 20 feet of pavement width, and two unstriped travel lanes. There is no curb and gutter, sidewalk, or bicycle facilities on either street.

As SH 71 is a TxDOT facility, this memo focuses on the traffic impacts to City roads Eva Street and Bessie Avenue. The 24-hour traffic volumes on Eva Street and Bessie Avenue were 276 vehicles per day and 195 vehicles per day, respectively, based on traffic counts collected October 28, 2020. Previously, daily traffic count data was collected on Eva Street on April 3, 2019 and showed a 24-hour traffic volume of 286 vehicles per day. In order to account for reduced daily traffic volumes due to the ongoing COVID-19 pandemic, an adjustment factor of 1.04 was calculated based on the difference in traffic on Eva Street between 2019 and 2020. Applying the adjustment factor to the October 28, 2020 daily traffic volume on Bessie Avenue results in an adjusted daily traffic volume of 202 vehicles per day.

Trip Generation and Traffic Analysis

This zoning case assumes a gasoline station with convenience market with twelve vehicle fueling positions (ITE Code 945). Based on the Institute of Transportation Engineer's Trip Generation Manual, 10th Edition, the proposed development will generate 2,464 vehicle trips per day. See Table 1 for a detailed breakdown of the trip generation.

Table 1 – Trip Generation		
Land Use	Size	Unadjusted Trip Generation
Gasoline Station with Convenience Market	12 vehicle fueling positions	2,464
TOTAL		2,464

Table 2 provides the expected distribution of site trips. The right-in only driveway off SH 71 is anticipated to be the primary entrance point to the site with vehicles exiting via Eva Street and Bessie Avenue.

Table 2 – Trip Distribution	
Street	Traffic Distribution by Percent
SH 71	85% (in), 0% (out)
Eva Street	10% (in), 25% (out)
Bessie Avenue	5% (in), 75% (out)

Table 3 represents a breakdown of traffic on Eva Street and Bessie Avenue: existing traffic, proposed site traffic, total traffic after development, and percentage increase in traffic. The

“Proposed New Site Traffic to Roadway” was calculated assuming a 50% in/50% out split of the total daily trips.

Table 3 – Traffic Summary				
Street	Existing Traffic (vpd)	Proposed New Site Traffic to Roadway	Overall Traffic	Percentage Increase in Traffic
Eva Street	286 (2019)	123 (in) + 308 (out) = 431	717	250.7%
Bessie Avenue	202 (adjusted)	62 (in) + 924 (out) = 986	1,188	588.1%

According to Section 25-6-116 of the Land Development Code, streets which have pavement width of less than 30 feet are considered to be operating at an undesirable traffic level if the average daily traffic volume for such roadway exceeds 1,200 vehicles per day. Eva Street and Bessie Avenue are currently operating at a desirable level and will continue to do so with the addition of site traffic.

Recommendations/Conclusions

Based on the results of the NTA and an assessment of the pedestrian, bicycle, and transit infrastructure in the surrounding area, ATD has the following recommendations and conclusions.

1. At time of subdivision or site plan, construct a 4'-wide sidewalk on the south side of Eva Street between FM 973 and Bessie Avenue with associated pedestrian curb ramps.
2. At time of subdivision or site plan, construct a 4'-wide sidewalk on the west side of Bessie Avenue between the SH 71 westbound frontage road and Eva Street with associated pedestrian curb ramps.
3. At time of subdivision or site plan, remove the existing sidewalk along the north side of the SH 71 westbound frontage road between FM 973 and Fallwell Lane and construct a 10'-wide shared-use path with associated pedestrian curb ramps.
4. Coordinate with TxDOT regarding driveway access along SH 71 and any right-of-way needs along FM 973 or SH 71.
5. If the land use intensity proposed in Table 1 is exceeded, the TDS division may be required to reassess the NTA. If at time of subdivision or site plan a TIA is required per LDC 25-6-113, the recommendations identified in this NTA memo may be revised. The final decision on mitigation recommendations shall defer to the TIA.
6. The City Council may deny an application if the neighborhood traffic analysis demonstrates that the traffic generated by the project combined with existing traffic exceeds the desirable operating level established on a residential local or collector street in the neighborhood traffic analysis study area.

If you have any questions or require additional information, please contact me at 974-1449.

A handwritten signature in black ink, appearing to read 'Justin Good', with a stylized, cursive script.

Justin Good, P.E.
Transportation Development Engineer – Lead: South
Austin Transportation Department

ORDINANCE NO. 20210902-075

AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING FOR THE PROPERTY LOCATED AT 3201, 3203, 3205, 3209, AND 3211 1/2 EAST STATE HIGHWAY 71 SERVICE ROAD WESTBOUND; 3214 BESSIE AVENUE; AND 3174 AND 3176 EVA STREET AND CHANGING THE ZONING MAP FROM INTERIM-SINGLE FAMILY RESIDENCE STANDARD LOT (I-SF-2) DISTRICT AND COMMUNITY COMMERCIAL-CONDITIONAL OVERLAY (GR-CO) COMBINING 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-single family residence standard lot (I-SF-2) district and community commercial-conditional overlay (GR-CO) combining district to community commercial-conditional overlay (GR-CO) combining district on the property described in Zoning Case No. C14-2019-0059, on file at the Housing and Planning Department, as follows:

Tract 1:

0.510 acre (called .509 acre) tract of land situated in Travis County, Texas, out of the Santiago Del Valle Survey, Abstract No. 24, Travis County, Texas being the remainder of Tract "A", DAVIDSON CITY ADDITION, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 4, Page 176, Plat Records of Travis County, Texas, said .510 acres of land being more particularly described by metes and bounds in **Exhibit "A"** incorporated into this ordinance, and

Tract 2

Lot 1, Block 1, Tract "B", RESUBDIVISION OF TRACT "B" and TRACT "C" OF DAVIDSON CITY ADDITION, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 719, Page 1, of the Plat Records of Travis County, Texas, SAVE and EXCEPT a 0.029 acre parcel of land conveyed to the State of Texas in Deed recorded in Document No. 2013182042, in the Official Public Records of Travis County, Texas, and

Tract 3

Lot 2, Block 1, Tract "B", RESUBDIVISION OF TRACT "B" & "C" OF DAVIDSON CITY ADDITION, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 719, Page 1, Plat Records of Travis County, Texas, SAVE

and EXCEPT a 0.029 acre parcel of land conveyed to the State of Texas in Deed recorded in Document No. 2013219837, in the Official Public Records of Travis County, Texas, and

Lot 3, Block 1, Tract "B", RESUBDIVISION OF TRACT "B" & "C" OF DAVIDSON CITY ADDITION, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 719, Page 1, Plat Records of Travis County, Texas, SAVE and EXCEPT a 0.029 acre parcel of land conveyed to the State of Texas in Document No. 2013219835, in the Official Public Records of Travis County, Texas, and

Tract 4

Lot 1, Block 1, Tract "C", RESUBDIVISION OF TRACT "B" & "C" OF DAVIDSON CITY ADDITION, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 719, Page 1, Plat Records of Travis County, Texas, SAVE and EXCEPT a 0.03 acre parcel of land conveyed to the State of Texas in Document Nos. 2015059076 and 2017159365, in the Official Public Records of Travis County, Texas, and

Lot 2, Block 1, Tract "C", RESUBDIVISION OF TRACT "B" & "C" OF DAVIDSON CITY ADDITION, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 719, Page 1, Plat Records of Travis County, Texas, SAVE and EXCEPT 0.03 acre parcel of land conveyed to the State of Texas in Document No. 2015093699, in the Official Public Records of Travis County, Texas, and

Tract 5

Lot 3, Block 8, DAVIDSON CITY ADDITION, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 4, Page 176, Plat Records of Travis County, Texas, and

Tract 6

Lots 5 & 6, Block 1, Tract "B", RESUBDIVISION OF TRACT "B" & TRACT "C" OF DAVIDSON CITY ADDITION, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 719, Page 1, Deed Records of Travis County, Texas (cumulatively referred to as the "Property"),

locally known as 3201, 3203, 3205, 3209, and 3211 1/2 East State Highway 71 Service Road Westbound; 3214 Bessie Avenue; and 3174 and 3176 Eva Street in the City of Austin, Travis County, Texas, 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) The following uses are prohibited uses on the Property:

Automotive rentals	Automotive repair services
Automotive sales	Automotive washing (of any type)
Bail bond services	Business or trade school
Business support services	Commercial off-street parking
Communications services	Drop-off recycling collection facility
Exterminating services	Food preparation
Funeral services	Hotel-motel
Indoor entertainment	Indoor sports and recreation
Outdoor entertainment	Outdoor sports and recreation
Research services	Theater

(B) The following uses are conditional uses of the Property:

Alternative financial services	Community recreation (private)
Community recreation (public)	Hospital services (limited)
Medical offices (exceeding 5,000 square feet of gross floor area)	

(C) The following land uses on the Property are subject to City Code Section 25-2-587 (*Requirements for Certain Uses in a Neighborhood Commercial (LR) District*):

General retail sales-general	Personal improvement services
Restaurant (general)	

PART 3. 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) district and other applicable requirements of the City Code.

PART 4. This ordinance takes effect on September 13, 2021.

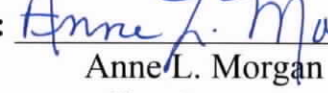
PASSED AND APPROVED

September 2, 2021

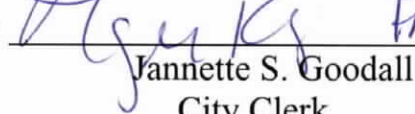
§
§
§



Steve Adler
Mayor

APPROVED: 

Anne L. Morgan
City Attorney

ATTEST: 

Jannette S. Goodall
City Clerk



Professional Land Surveying, Inc.
Surveying and Mapping

Office: 512-443-1724
Fax: 512-389-0943

3500 McCall Lane
Austin, Texas 78744

**0.510 ACRES
TRAVIS COUNTY, TEXAS
SANTIAGO DEL VALLE SURVEY, ABSTRACT 24**

LEGAL DESCRIPTION OF A 0.510 ACRE (CALLED 0.509 ACRE) TRACT OF LAND SITUATED IN TRAVIS COUNTY, TEXAS, OUT OF THE SANTIAGO DEL VALLE SURVEY, ABSTRACT 24, TRAVIS COUNTY, TEXAS, BEING THE REMAINDER OF TRACT "A" OF THE DAVIDSON CITY ADDITION, ACCORDING TO THE ESTABLISHED MAP AND PLAT THEREOF RECORDED IN VOLUME 4, PAGE 176 OF THE PLAT RECORDS, TRAVIS COUNTY, TEXAS, AND BEING THE REMAINDER OF THAT SAME TRACT OF LAND DESCRIBED BY DEED DATED APRIL 11, 2001, CONVEYED FROM FRANCES STEWART, EXECUTOR TO DON BLACKMON AS RECORDED IN INSTRUMENT NO. 2001055262 OF THE OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, AND LATER CONVEYED TO STRIPES LLC IN DOCUMENT NO. 2016030955; SAID 0.509 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2-inch iron pipe found in the southwesterly right-of-way line of Eva Street (50-foot R.O.W.) for the east corner of said 0.509 acre tract, same being the north corner of Lot 6, Block 1, Resubdivision of Tract B and C of the Davidson City Addition, a subdivision recorded in Volume 719, page 1, Plat Records of Travis County, Texas;

THENCE, S 41°52'05" W a distance of **277.91 feet** to a TXDOT 1/2" iron rod with aluminum cap for the south corner of said 0.509 acre tract and the west corner of Lot 1, Block 1 of said Resubdivision of Tract B and C; same also being the north corner of that certain 0.029 acre tract described as Parcel 58 conveyed to the State of Texas for right-of-way purposes in Document No. 2013182042 of the Official Public Records of Travis County, Texas;

THENCE, with the northeasterly right-of-way line of State Highway 71 (R.O.W. varies), **N 60°57'58" W** a distance of **29.21 feet** to a cut-back corner in said R.O.W. line for an angle point of said 0.509 acre tract;

THENCE, N 05°38'00" W a distance of **61.03 feet** to a 1/2" iron rod set with cap stamped "Chaparral" at the south corner of that certain 0.0022 acre tract described as Parcel 20-Part 1 conveyed to the State of Texas in Document 2014116365 for another cut-back corner in said R.O.W. line and an angle point of said 0.509 acre tract;

THENCE, with the common line of said Parcel 20-Part 1 and said 0.509 acre tract, **N 13°47'42" E** a distance of **30.00 feet** to a 1/2" iron rod set with cap stamped "Chaparral" at a cut-back corner of the northeasterly intersection of said SH 71 and Alice Avenue (50-foot R.O.W.), from which a TXDOT Type II Monument at the west corner of said Parcel 20-Part 1 bears S 41°58'27" W a distance of 13.51 feet;

THENCE, with the southeasterly right-of-way line of said Alice Avenue and the northwesterly line of said 0.509 acre tract **N 41°58'27" E** a distance of **197.01 feet** to a 1/2" Iron pipe found in the southwesterly right-of-way line of said Eve Street for the north corner of said 0.509 acre tract;

THENCE, with said southwesterly right-of-way line of said Eve Street **S 60°51'14" E** a distance of **89.42 feet** to the **POINT OF BEGINNING**, containing 0.509 acre of land, more or less.

Surveyed on the ground August 13, 2021.

Bearing Basis: The Texas Coordinate System of 1983 (NAD83), Central Zone (4203).

Paul J. Flugel 8-16-2021

Paul J. Flugel
Registered Professional Land Surveyor
State of Texas No. 5096
TBPELS Firm No. 10124500



AN ALTA/NSPS LAND TITLE SURVEY AND TOPOGRAPHIC & TREE SURVEY OF 1.573 ACRES (APPROXIMATELY 68,531 SQ. FT.) IN THE SANTIAGO DEL VALLE SURVEY ABSTRACT 24, TRAVIS COUNTY, TEXAS, CONSISTING OF:

TRACT 1: BEING A 0.12 ACRE TRACT OF LAND SITUATED IN TRAVIS COUNTY, TEXAS, OUT OF THE SANTIAGO DEL VALLEY SURVEY, ABSTRACT 24, TRAVIS COUNTY, TEXAS, BEING THE REMAINDER OF LOT 1, BLOCK 1, TRACT "B" OF THE RESUBDIVISION OF TRACT "B" & TRACT "C", DAVIDSON CITY ADDITION, ACCORDING TO THE ESTABLISHED MAP AND PLAT THEREOF RECORDED **VOLUME 719, PAGE 1** OF THE DEED RECORDS, TRAVIS COUNTY, TEXAS, AND BEING THE SAME TRACT OF LAND DESCRIBED BY WARRANTY DEED DATED APRIL 4, 2008, CONVEYED FROM JOHNNIE MAE EAKLES TO BENNY HOWARD AS RECORDED IN INSTRUMENT NO. **2008056657** OF THE OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS.

TRACT 2: BEING A 0.509 ACRE TRACT OF LAND SITUATED IN TRAVIS COUNTY, TEXAS, OUT OF THE SANTIAGO DEL VALLE SURVEY, ABSTRACT 24, TRAVIS COUNTY, TEXAS, BEING THE REMAINDER OF TRACT "A" OF THE DAVIDSON CITY ADDITION, ACCORDING TO THE ESTABLISHED MAP AND PLAT THEREOF RECORDED IN **VOLUME 4, PAGE 176** OF THE PLAT RECORDS, TRAVIS COUNTY, TEXAS, AND BEING THE REMAINDER OF THAT SAME TRACT OF LAND DESCRIBED BY DEED DATED APRIL 11, 2001, CONVEYED FROM FRANCES STEWART, EXECUTOR TO DON BLACKMON AS RECORDED IN INSTRUMENT NO. **2001055262** OF THE OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS.

TRACT 3: BEING A 0.243 ACRE TRACT OF LAND SITUATED IN TRAVIS COUNTY, TEXAS, OUT OF THE SANTIAGO DEL VALLE SURVEY, ABSTRACT 24, TRAVIS COUNTY, TEXAS, BEING THE REMAINDER OF LOTS 2 & 3, BLOCK 1, TRACT "B" OF THE RESUBDIVISION OF TRACT "B" & TRACT "C", DAVIDSON CITY ADDITION, ACCORDING TO THE ESTABLISHED MAP AND PLAT THEREOF RECORDED IN **VOLUME 719, PAGE 1** OF THE DEED RECORDS, TRAVIS COUNTY, TEXAS, AND BEING THE SAME TRACT OF LAND DESCRIBED BY GENERAL WARRANTY DEED DATED JULY 15, 2015, CONVEYED FROM JONAH M. HUTCHINS, ET AL TO DON BLACKMON AS RECORDED IN INSTRUMENT NO. **20151116715** OF THE OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS.

TRACT 4: BEING A 0.249 ACRE TRACT OF LAND SITUATED IN TRAVIS COUNTY, TEXAS, OUT OF THE SANTIAGO DEL VALLE SURVEY, ABSTRACT 24, TRAVIS COUNTY, TEXAS, BEING THE REMAINDER OF LOTS 1 & 2, BLOCK 1, TRACT "B" & TRACT "C" OF THE RESUBDIVISION OF TRACT "B" & TRACT "C", DAVIDSON CITY ADDITION, ACCORDING TO THE ESTABLISHED MAP AND PLAT THEREOF RECORDED IN **VOLUME 719, PAGE 1** OF THE DEED RECORDS, TRAVIS COUNTY, TEXAS, AND BEING THE SAME TRACT OF LAND DESCRIBED BY WARRANTY DEED WITH VENDOR'S LIEN DATED JANUARY 10, 1977, CONVEYED FROM LIMUEL HUNTER TO PETRA COLUNGA AND FRANK FLORES AS RECORDED IN **VOLUME 5686, PAGE 496** OF THE DEED RECORDS, TRAVIS COUNTY, TEXAS.

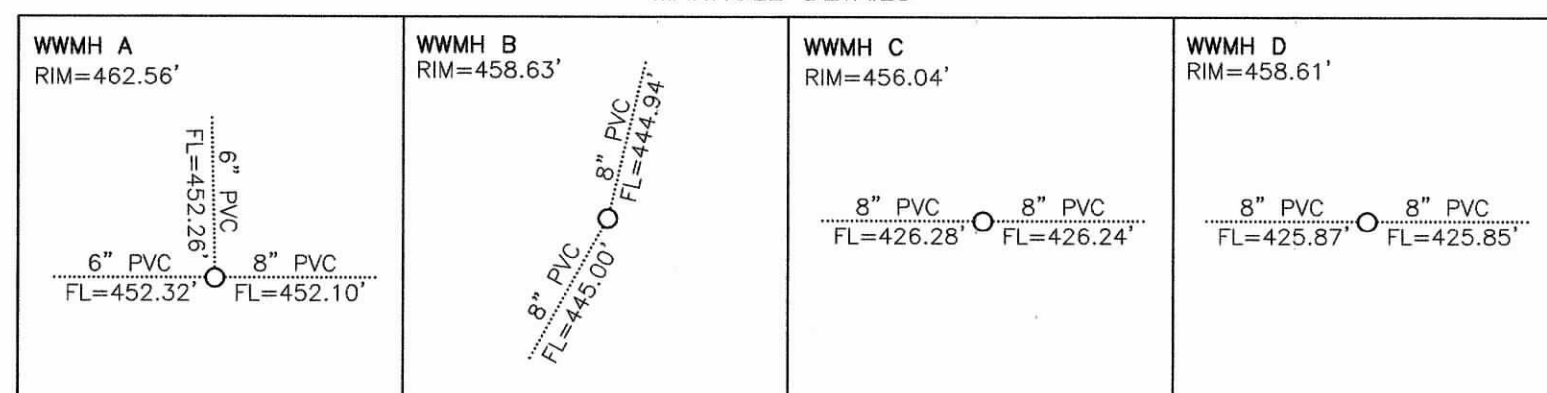
TRACT 5: BEING A 0.300 ACRE TRACT OF LAND SITUATED IN TRAVIS COUNTY, TEXAS, OUT OF THE SANTIAGO DEL VALLE SURVEY, ABSTRACT 24, TRAVIS COUNTY, TEXAS, BEING LOTS 5 & 6, BLOCK 1, TRACT "B" OF THE RESUBDIVISION OF TRACT "B" & TRACT "C", DAVIDSON CITY ADDITION, ACCORDING TO THE ESTABLISHED MAP AND PLAT THEREOF RECORDED IN **VOLUME 719, PAGE 1** OF THE DEED RECORDS, TRAVIS COUNTY, TEXAS, AND BEING THE SAME TRACT OF LAND DESCRIBED BY DEEDS DATED AUGUST 22, 1996, CONVEYED FROM DEL VALLE I.S.D., TRUSTEE TO PETRA C. FLORES AS RECORDED IN **VOLUME 12757, PAGES 800 AND 803**, RESPECTIVELY, OF THE REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS.

TRACT 6: BEING A 0.15 ACRE TRACT OF LAND SITUATED IN TRAVIS COUNTY, TEXAS, OUT OF THE SANTIAGO DEL VALLE SURVEY, ABSTRACT 24, TRAVIS COUNTY, TEXAS, BEING LOT 3, BLOCK 8 OF THE DAVIDSON CITY ADDITION ACCORDING TO THE ESTABLISHED MAP AND PLAT THEREOF RECORDED IN **VOLUME 4, PAGE 176** OF THE PLAT RECORDS, TRAVIS COUNTY, TEXAS, AND BEING THE SAME TRACT OF AND DESCRIBED BY WARRANTY DEED DATED JANUARY 20, 1995, CONVEYED FROM JULIA PETRA COLUNGA FLORES AS RECORDED IN **VOLUME 12358, PAGE 5** OF THE REAL PROPERTY RECORDS, TRAVIS, COUNTY, TEXAS.

MANHOLE AND INLET NOTE:

THIS SURVEY SHOWS FIELD MEASURED SIZES AND DEPTHS AS OBSERVED FROM GROUND LEVEL OPINIONS. EXACT MEASUREMENTS AND DEPTHS, PARTICULARLY IN CRITICAL AREAS, SHOULD BE VERIFIED WITH UTILITY RECORD MAPS AND/OR FIELD VERIFICATION PRIOR TO FINAL PLANNING OR CONSTRUCTION.

MANHOLE DETAILS



BENCHMARK INFORMATION:

BM #1: SQUARE CUT ON END OF CURB AT NORTHWEST CORNER OF INTERSECTION OF S.H. 71 AND BESSIE AVENUE
ELEVATION = 459.69'
VERTICAL DATUM: NAVD 88 (GEOID 128)

LEGEND

- ⊙ 1/2" IRON PIPE FOUND (OR AS NOTED)
- ⊙ 1/2" REBAR FOUND (OR AS NOTED)
- ⊙ 1/2" REBAR WITH "TXDOT" CAP FOUND
- ⊙ 1/2" REBAR WITH "URBAN SURVEYING" CAP FOUND
- ⊙ 1/2" REBAR WITH "CHAPARRAL" CAP SET
- CONCRETE HIGHWAY MONUMENT FOUND
- WATER METER
- WATER VALVE
- FIRE HYDRANT
- WATER MANHOLE
- VENT PIPE
- UTILITY POLE
- GUY WIRE
- OVERHEAD UTILITIES
- ELECTRIC UTILITY
- ELECTRIC PULL BOX
- LIGHT POLE
- CROSSWALK SIGNAL POLE
- TRAFFIC SIGNAL POLE
- CROSSWALK SIGNAL POLE
- SIGNAL BOX
- TELEPHONE UTILITY
- UNDERGROUND FIBER OPTIC MARKER
- GAS UTILITY
- GAS VALVE
- AC PAD
- CLEANOUT
- WOOD WASTEWATER CLEANOUT
- WMMH WASTEWATER MANHOLE
- CSMMH STORMSEWER MANHOLE
- SIGN
- MAILBOX
- EDGE OF ASPHALT PAVEMENT
- BARB WIRE FENCE
- CHAIN LINK FENCE
- WOOD FENCE
- ACCESS DENIAL LINE
- T.W.S.E. TEMPORARY WORKING SPACE EASEMENT
- R.O.E. & P. RIGHT OF ENTRY AND POSSESSION
- E.L. & S. ELECTRIC LINES AND SYSTEMS AND T.L.E. TELEPHONE LINES EASEMENT
- W.W.E. WASTEWATER EASEMENT
- () RECORD INFORMATION

TREE INDEX

- TAG NO. TYPE INDICATES MULTI TRUNK
- 514 LO 17 14 11
- INDIVIDUAL TRUNK DIA. (IN INCHES)
- CRITICAL ROOT ZONES (TREE CIRCLES) ARE SHOWN USING THE COA FORMULA FOR SINGLE AND MULTI TRUNK TREES.
- PEC = PECAN
HB = HACKBERRY
CB = CHINABERRY
RD = RED OAK
ASH = GREEN ASH
AL = AMERICAN ELM
LG = WAXLEAF LIGSTRUM
- THE SPECIES OF TREES SHOWN WERE DETERMINED TO THE BEST OF OUR ABILITIES BY THE GROUND SURVEY CREW, NOT A CERTIFIED ARBORIST. CONSULT A CERTIFIED ARBORIST FOR FINAL DETERMINATION OF SPECIES.
- NOTE ABOUT DEAD TREES: IF THE TREE APPEARED TO BE DEAD, THEN IT HAS BEEN NOTED AS DEAD. HOWEVER, SUCH DETERMINATION IS SUBJECT TO VERIFICATION BY A QUALIFIED ARBORIST.

- 12430 PEC 22
12431 HB 18
12432 HB 17
12433 CB 12
12434 HB 9
12435 HB 15 (DEAD)
12436 HB 8
12437 HB 10
12438 CB 11 (DEAD)
12439 HB 9
12440 HB 20
12441 HB 9
12442 HB 9
12443 HB 20
12444 HB 16
12445 HB 18
12446 HB 16
12447 HB 17
12448 HB 17
12449 HB 14
12450 HB 15
12451 HB 18
12452 HB 12
12453 HB 13
12454 HB 14 (DEAD)
12455 HB 13
12456 HB 12
12457 PEC 15
12458 CB 15
12459 RO 17
12460 ASH 24
12461 HB 11 8
12462 HB 13
12463 PEC 20
12464 ASH 23
12465 ASH 23 (DEAD)
12466 PEC 11
12467 HB 18 (DEAD)
12468 HB 9
12469 CB 22
12470 AE 18
12471 HB 11
12472 AE 28
12473 HB 13
12474 ASH 14 (DEAD)
12475 ASH 25
12476 LG 21 (MULTI)

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 "P875".

MAG NAIL W/ "CHAPARRAL" WASHER SET

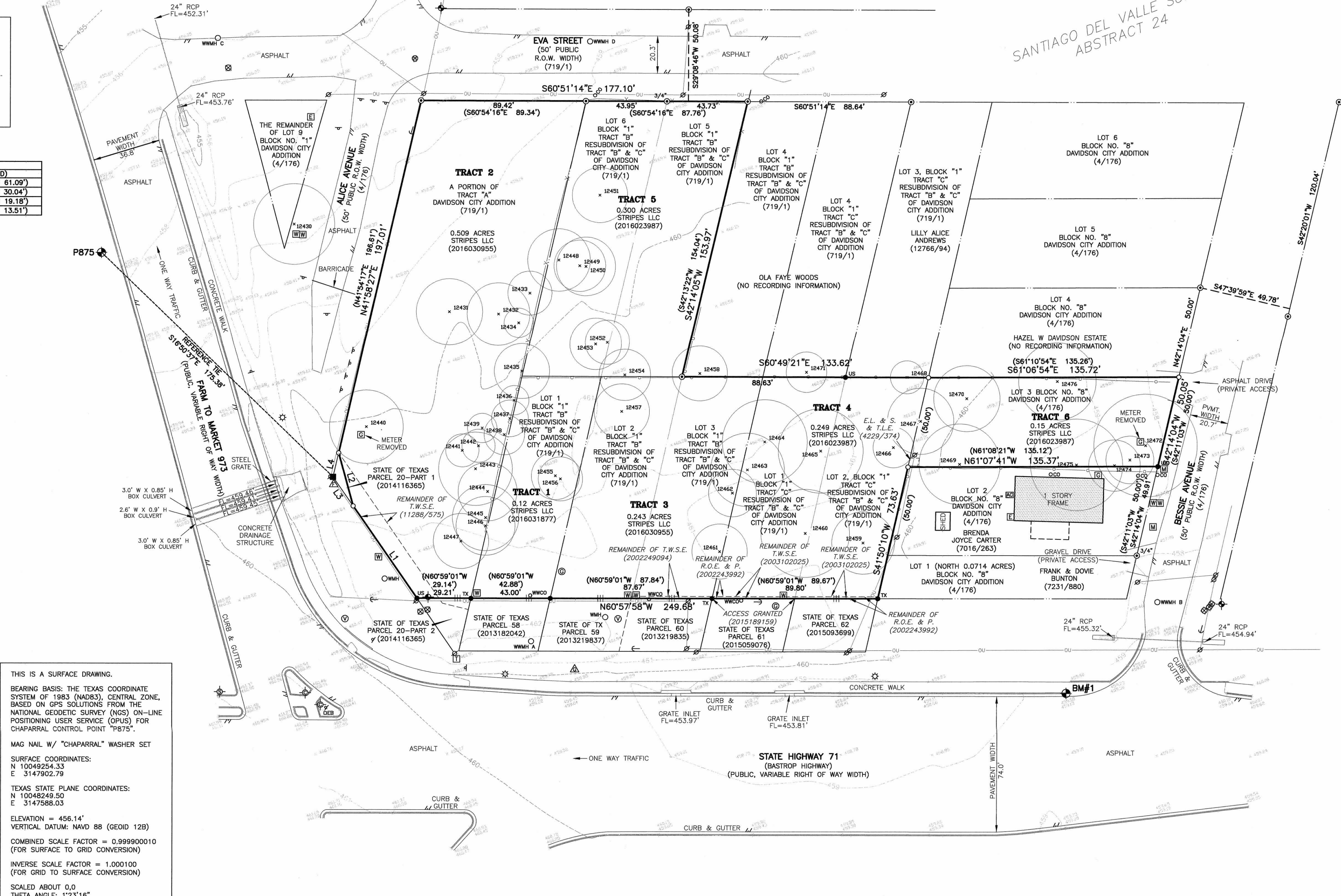
SURVEY COORDINATES:
N 10049254.33
E 3147902.79

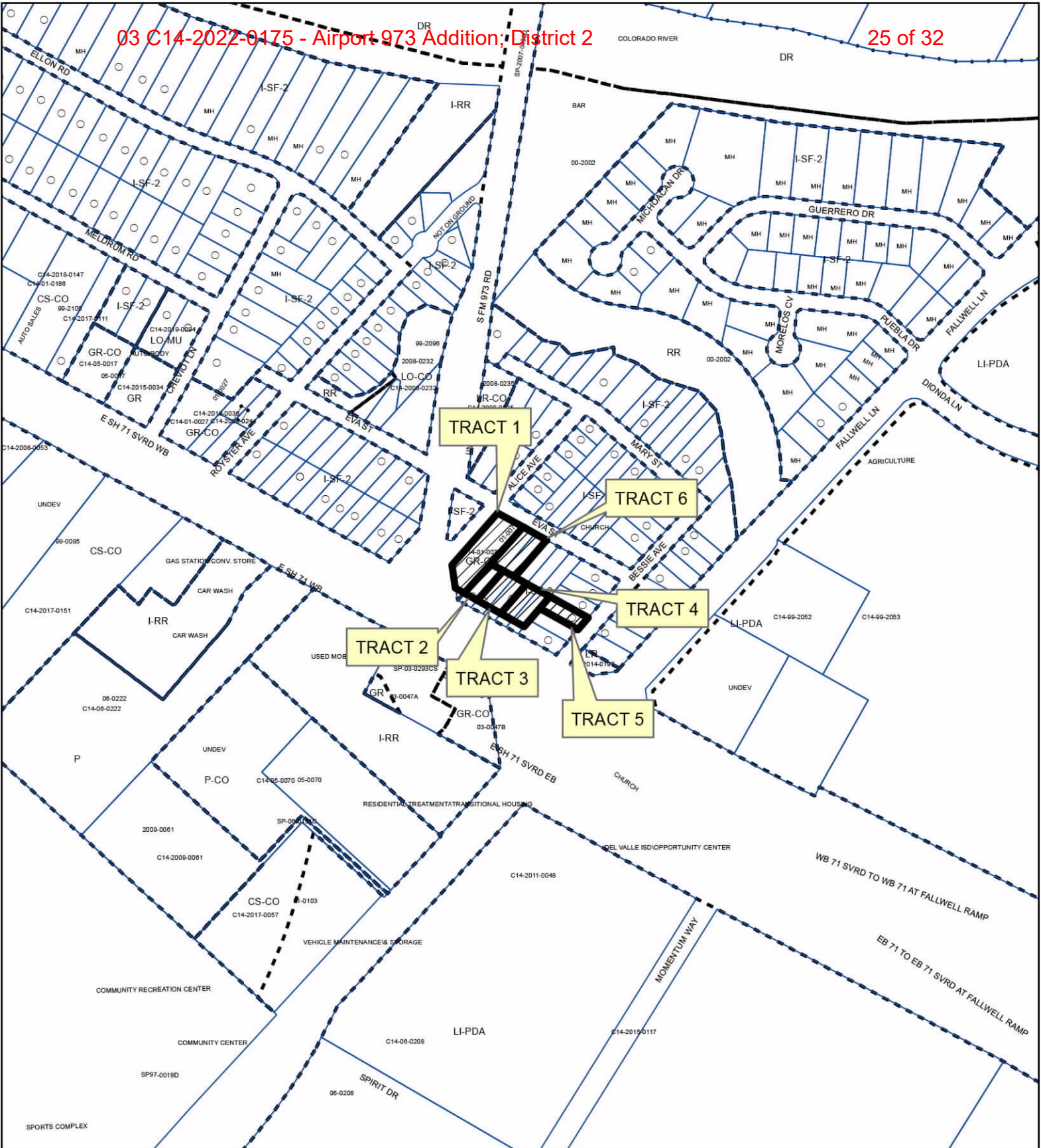
TEXAS STATE PLANE COORDINATES:
N 10049249.50
E 3147988.03




COMBINED SCALE FACTOR = 0.999900010 (FOR SURFACE TO GRID CONVERSION)

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

SCALED ABOUT 0.0
THETA ANGLE: 1°23'16"





-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

ZONING

ZONING CASE#: C14-2019-0059

Exhibit B

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 the Housing and Planning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or



Created: 8/10/2021

Zoning Case No. C14-2019-0059

RESTRICTIVE COVENANT

OWNER: Sunoco Retail, LLC, a Pennsylvania limited liability company

OWNER ADDRESS: 8111 Westchester Drive
Dallas, Texas 75225

CITY: **CITY OF AUSTIN, TEXAS**, a Texas home-rule municipal corporation situated in the counties of Hays, Travis, and Williamson

CITY's ADDRESS: P.O. Box 1088
Austin, Travis County, Texas 78767-1088

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 are acknowledged.

PROPERTY: **Tract 1:** 0.510 acre (called .509 acre) tract of land situated in Travis County, Texas, out of the Santiago Del Valle Survey, Abstract No. 24, Travis County, Texas being the remainder of Tract "A", DAVIDSON CITY ADDITION, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 4, Page 176, Plat Records of Travis County, Texas, said .510 acres of land being more particularly described by metes and bounds in the attached Exhibit "A", and

Tract 2: Lot 1, Block 1, Tract "B", RESUBDIVISION OF TRACT "B" and TRACT "C" OF DAVIDSON CITY ADDITION, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 719, Page 1, of the Plat Records of Travis County, Texas, SAVE and EXCEPT a 0.029 acre parcel of land conveyed to the State of Texas in Deed recorded in Document No. 2013182042, in the Official Public Records of Travis County, Texas, and

Tract 3: Lot 2, Block 1, Tract "B", RESUBDIVISION OF TRACT "B" & "C" OF DAVIDSON CITY ADDITION, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 719, Page 1, Plat Records of Travis County, Texas, SAVE and EXCEPT a 0.029 acre parcel of land conveyed to the State of Texas in Deed recorded in Document No.

2013219837, in the Official Public Records of Travis County, Texas, and

Lot 3, Block 1, Tract "B", RESUBDIVISION OF TRACT "B" & "C" OF DAVIDSON CITY ADDITION, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 719, Page 1, Plat Records of Travis County, Texas, SAVE and EXCEPT a 0.029 acre parcel of land conveyed to the State of Texas in Document No. 2013219835, in the Official Public Records of Travis County, Texas, and

Tract 4: Lot 1, Block 1, Tract "C", RESUBDIVISION OF TRACT "B" & "C" OF DAVIDSON CITY ADDITION, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 719, Page 1, Plat Records of Travis County, Texas, SAVE and EXCEPT a 0.03 acre parcel of land conveyed to the State of Texas in Document Nos. 2015059076 and 2017159365, in the Official Public Records of Travis County, Texas, and

Lot 2, Block 1, Tract "C", RESUBDIVISION OF TRACT "B" & "C" OF DAVIDSON CITY ADDITION, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 719, Page 1, Plat Records of Travis County, Texas, SAVE and EXCEPT 0.03 acre parcel of land conveyed to the State of Texas in Document No. 2015093699, in the Official Public Records of Travis County, Texas, and

Tract 5: Lot 3, Block 8, DAVIDSON CITY ADDITION, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 4, Page 176, Plat Records of Travis County, Texas, and

Tract 6: Lots 5 & 6, Block 1, Tract "B", RESUBDIVISION OF TRACT "B" & TRACT "C" OF DAVIDSON CITY ADDITION, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 719, Page 1, Deed Records of Travis County, Texas (cumulatively referred to as the "Property").

WHEREAS, the Owner 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 Owner of the Property, for the consideration, shall hold, sell, and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant ("Agreement"). These covenants and

restrictions shall run with the land and shall be binding on the Owner of the Property, its heirs, successors, and assigns.

1. Development on the Property is subject to the recommendations contained in the Neighborhood Traffic Analysis ("NTA") memorandum from the Transportation Development Services division of the Austin Transportation Department (the "Department"), dated April 14, 2021. The NTA memorandum shall be kept on file at the Department.
2. If any person or entity shall violate or attempt to violate this Agreement, 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, to prevent the person or entity from such actions, and to collect damages for such actions.
3. If any part of this Agreement 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.
4. 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.
5. 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 of the Property, or a portion of the Property, subject to the modification, amendment, or termination at the time of such modification, amendment or termination.

EXECUTED this the _____ day of _____, 2021.

Owner:

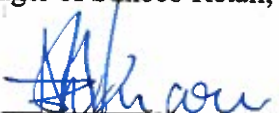
Sunoco Retail, LLC, a Pennsylvania limited liability company



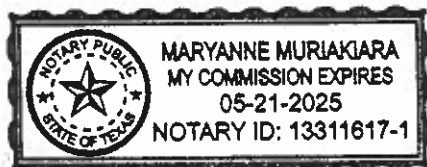
Vincent Record, Senior Manager

THE STATE OF TEXAS §
COUNTY OF _____ §

This instrument was acknowledged before me on this the 30 day of August 2021, by Vincent Record, as Senior Manager of Sunoco Retail, LLC, a Pennsylvania liability company, on behalf of said company.



Notary Public, State of Texas





Professional Land Surveying, Inc.
Surveying and Mapping

Office: 512-443-1724
Fax: 512-389-0943

3500 McCall Lane
Austin, Texas 78744

**0.510 ACRES
TRAVIS COUNTY, TEXAS
SANTIAGO DEL VALLE SURVEY, ABSTRACT 24**

LEGAL DESCRIPTION OF A 0.510 ACRE (CALLED 0.509 ACRE) TRACT OF LAND SITUATED IN TRAVIS COUNTY, TEXAS, OUT OF THE SANTIAGO DEL VALLE SURVEY, ABSTRACT 24, TRAVIS COUNTY, TEXAS, BEING THE REMAINDER OF TRACT "A" OF THE DAVIDSON CITY ADDITION, ACCORDING TO THE ESTABLISHED MAP AND PLAT THEREOF RECORDED IN VOLUME 4, PAGE 176 OF THE PLAT RECORDS, TRAVIS COUNTY, TEXAS, AND BEING THE REMAINDER OF THAT SAME TRACT OF LAND DESCRIBED BY DEED DATED APRIL 11, 2001, CONVEYED FROM FRANCES STEWART, EXECUTOR TO DON BLACKMON AS RECORDED IN INSTRUMENT NO. 2001055262 OF THE OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, AND LATER CONVEYED TO STRIPES LLC IN DOCUMENT NO. 2016030955; SAID 0.509 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2-inch iron pipe found in the southwesterly right-of-way line of Eva Street (50-foot R.O.W.) for the east corner of said 0.509 acre tract, same being the north corner of Lot 6, Block 1, Resubdivision of Tract B and C of the Davidson City Addition, a subdivision recorded in Volume 719, page 1, Plat Records of Travis County, Texas;

THENCE, S 41°52'05" W a distance of **277.91 feet** to a TXDOT 1/2" iron rod with aluminum cap for the south corner of said 0.509 acre tract and the west corner of Lot 1, Block 1 of said Resubdivision of Tract B and C; same also being the north corner of that certain 0.029 acre tract described as Parcel 58 conveyed to the State of Texas for right-of-way purposes in Document No. 2013182042 of the Official Public Records of Travis County, Texas;

THENCE, with the northeasterly right-of-way line of State Highway 71 (R.O.W. varies), **N 60°57'58" W** a distance of **29.21 feet** to a cut-back corner in said R.O.W. line for an angle point of said 0.509 acre tract;

THENCE, N 05°38'00" W a distance of **61.03 feet** to a 1/2" iron rod set with cap stamped "Chaparral" at the south corner of that certain 0.0022 acre tract described as Parcel 20-Part 1 conveyed to the State of Texas in Document 2014116365 for another cut-back corner in said R.O.W. line and an angle point of said 0.509 acre tract;

THENCE, with the common line of said Parcel 20-Part 1 and said 0.509 acre tract, **N 13°47'42" E** a distance of **30.00 feet** to a 1/2" iron rod set with cap stamped "Chaparral" at a cut-back corner of the northeasterly intersection of said SH 71 and Alice Avenue (50-foot R.O.W.), from which a TXDOT Type II Monument at the west corner of said Parcel 20-Part 1 bears **S 41°58'27" W** a distance of 13.51 feet;

THENCE, with the southeasterly right-of-way line of said Alice Avenue and the northwesterly line of said 0.509 acre tract **N 41°58'27" E** a distance of **197.01 feet** to a 1/2 Iron pipe found in the southwesterly right-of-way line of said Eva Street for the north corner of said 0.509 acre tract;

Page 2 of 2

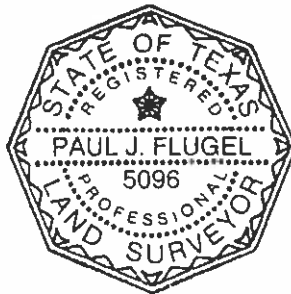
THENCE, with said southwesterly right-of-way line of said Eve Street **S 60°51'14" E** a distance of **89.42 feet** to the **POINT OF BEGINNING**, containing 0.509 acre of land, more or less.

Surveyed on the ground August 13, 2021.

Bearing Basis: The Texas Coordinate System of 1983 (NAD83), Central Zone (4203).

Paul J. Flugel 8-16-2021

Paul J. Flugel
Registered Professional Land Surveyor
State of Texas No. 5096
TBPELS Firm No. 10124500



APPROVED AS TO FORM:

Name:

Assistant City Attorney

City of Austin

After Recording, Please Return to:

City of Austin

Law Department

P. O. Box 1088

Austin, Texas 78767

Attention: C. Curtis, Paralegal