ORDINANCE NO.	NCE NO.
---------------	---------

AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING FOR THE PROPERTY LOCATED AT THE SOUTHWEST CORNER OF THAXTON ROAD AND PANADERO DRIVE, REZONING AND CHANGING THE ZONING MAP FROM INTERIM SINGLE FAMILY RESIDENCE STANDARD LOT (I-SF-2) DISTRICT AND FAMILY RESIDENCE (SF-3) 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 family residence (SF-3) district to community commercial-conditional overlay (GR-CO) combining district on the property described in Zoning Case No. C14-07-0005, on file at the Neighborhood Planning and Zoning Department, as follows:

A 4.709 acre tract of land, more or less, out of the Santiago Del Valle Grant, Abstract No. 24, Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance (the "Property"),

locally known as the property located at the southwest corner of Thaxton Road and Panadero Drive, in the City of Austin, Travis 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. The following site development standards apply to the Property:
 - 1. The maximum height is 40 feet from ground level.
 - 2. The minimum street side yard setback is 15 feet.
 - 3. The maximum building coverage is 50 percent.
 - 4. The maximum impervious cover is 80 percent.
 - 5. The maximum floor-to area ratio is 0.5 to 1.0.
 - B. A food sales use may not exceed 5,000 square feet of gross floor area.

Draft: 10/4/2007

C.	A loading facility is prohibited v	vithin 50 feet of the south property line.
	Driveways are prohibited betw building used for a commercial p	een the south property line and the rear of a purpose.
E.	The following uses are prohibite	ed uses of the Property:
Except as used in acc	-	Automotive rentals Automotive washing (of any type) Building maintenance services Commercial off-street parking Counseling services Exterminating services Hospital services (limited) Indoor entertainment Off-site accessory parking Pawn shop services Printing and publishing Residential treatment ordinance, the Property may be developed and stablished for the community commercial (GR) ents of the City Code.
PART 3.	This ordinance takes effect on	, 2007.
PASSED A	AND APPROVED , 2007	§ § § Will Wynn
		Mayor
APPROV	ED: David Allan Smith	ATTEST: Shirley A. Gentry
Draft: 10/4/2007	Page 2	of 3 COA Law Department

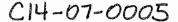
City Attorney

City Clerk

Draft: 10/4/2007

Page 3 of 3

COA Law Department





Professional Land Surveying, Inc. Surveying and Mapping

EKHIBIT A

Office: 512-443-1724 Fax: 512-441-6987

2807 Manchaca Road Building One Austin, Texas 78704

4.709 ACRES SANTIAGO DEL VALLE GRANT TRAVIS COUNTY, TEXAS

A DESCRIPTION OF 4.709 ACRES (APPROX. 205,144 S.F.) IN THE SANTIAGO DEL VALLE GRANT, ABSTRACT NO. 24, TRAVIS COUNTY, TEXAS, BEING A REMAINDER PORTION OF A 275.015 ACRE TRACT CONVEYED TO FC PROPERTIES ONE, LTD., IN A SPECIAL WARRANTY DEED DATED MARCH 20, 1998, RECORDED IN VOLUME 13147, PAGE 1555, OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS. SAID 4.709 ACRE BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" rebar with cap set in the said 275.015 acre tract, being also in the south line of Thaxton Road Street Dedication, a subdivision of record in Volume 87, Pages 24D-25A, Plat Records of Travis County, Texas, a northerly corner of a 236.54 acre tract recorded in Document No. 2003099256, of the Official Public Records of Travis County, Texas and being the northwest corner of the 4.712 acre Save and Except Tract Three recorded in Document No. 2003099256, of the Official Public Records of Travis County, Texas, from which a 1/2" rebar found bears North 66°58'41" West, a distance of 57.47 feet;

THENCE leaving the northerly corner of the 236.54 acre tract and along the common line of Thaxton Road Street Dedication, and the 4.712 acre tract, the following two (2) courses:

- 1. South 66°58'41" East, a distance of 42.79 feet to a 1/2" rebar found for the beginning of a curve to the left;
- 2. 528.59 feet along the arc of said curve to the left, having a radius of 1,862.18 feet, and through a central angle of 16°15'49", the chord of which bears South 73°32'44" East, a distance of 526.81 feet to a 1/2" rebar with cap set in the south line of Thaxton Road Street Dedication, being also in the west right-of-way line of Panadero Drive (64' right-of-way width) as dedicated in The Bend at Nuckols Crossing, a subdivision of record in Volume 88, pages 1-2, Plat Records of Travis County, Texas, and the northeast corner of the 4.712 acre tract, for the beginning of a reverse curve to the right;

THENCE leaving the south line of Thaxton Road Street Dedication, along the common line of Panadero Drive and the 4.712 acre tract the following three courses:

- 1. 38.53 feet along the arc of said curve to the right, having a radius of 25.00 feet, and through a central angle of 88°18'06", the chord of which bears South 37°31'36" East, a distance of 34.83 feet to a 1/2" rebar with cap set;
- 2. South 06°37'28" West, a distance of 145.61 feet to a 1/2" rebar with cap set for the beginning of a curve to the left;
- 3. 215.60 feet along the arc of said curve to the left, having a radius of 568.31 feet, and through a central angle of 21°44'10", the chord of which bears South 04°14'24" East, a distance of 214.31 feet to a 1/2" rebar found for the south corner of The Bend at Nuckols Crossing, being also a northwest corner of the Amended Plat of Sheldon 230, Section 2, Phase 1, a subdivision of record in Document No. 200400134, of the Official Public Records of Travis County, Texas, from which a 1/2" rebar found bears North 74°44'45" East, a distance of 64.10 feet;

THENCE along the east line of the 4.712 acre tract, over the Amended Plat of Sheldon 230, Section 2, Phase 1, the following two (2) courses:

- 1. South 15°12'04" East, a distance of 83.42 feet to a calculated point for the beginning of a curve to the right;
- 2. 31.43 feet along the arc of said curve to the right, having a radius of 468.00 feet, and through a central angle of 03°50'53", the chord of which bears South 13°16'38" East, a distance of 31.42 feet to a calculated point for the southeast corner of the 4.712 acre tract, being also in the Amended Plat of Sheldon 230, Section 2, Phase 1:

THENCE over the Amended Plat of Sheldon 230, Section 2, Phase 1, and along the line common to the 4.712 acre tract and Sheldon 230, Section 1, Phase 1, a subdivision of record in Document No. ,200500225, of the Official Public Records of Travis County, Texas the following three (3) courses:

- North 80°17'44" West, passing at 4.66 feet the northeast corner of Lot 7, Sheldon 230, Section 1, Phase 1, passing at 9.95 feet the northwest corner of Lot 7, and continuing for a total distance of 93.83 feet to a 1/2" rebar with cap set;
- 2. North 70°27'02" West, a distance of 50.98 feet to a 1/2" rebar with cap set;
- 3. North 63°40'40" West, a distance of 133.76 feet to a 1/2" rebar found for a southwest corner of the 4.712 acre tract, being also the northwest corner of Sheldon 230, Section 1, Phase 1, and in the east line of a 2.085 acre tract recorded in Document No. 2002000762, of the Official Public Records of Travis County, Texas, from which a 1/2" rebar found bears South 26°15'53" West, a distance of 155.57 feet;

THENCE along the common line of the 4.712 acre tract, and the 2.085 acre tract, the

following two (2) courses:

- 1. North 26°20'55" East, a distance of 82.00 feet to a 1" iron pipe found;
- 2. North 63°41'06" West, a distance of 346.94 feet to a 1/2" rebar found for the southwest corner of the 4.712 acre tract, being alos the northwest corner of the 2.085 acre tract and in the east line of the 236.54 acre tract;

THENCE along the common line of the 4.712 acre tract and the 236.54 acre tract, the following two (2) courses:

- 1. North 06°50'03" West, a distance of 135.18 feet to a 1/2" rebar with cap set;
- 2. North 11°34'31" West, a distance of 213.67 feet to the **POINT OF BEGINNING**, containing an area of 4.709 acres of land, more or less.

Surveyed on the ground in September 21, 2006. Bearing Basis: Grid Azimuth for Texas Central Zone, NAD 1983/93 HARN values from LCRA control network. Attachments:

Drawing 040-047-Z1.

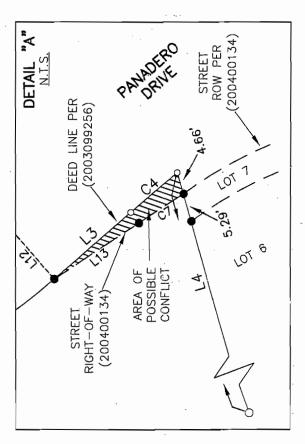
Bavid Kiolz

Registered Professional Land Surveyor

10/10/06

State of Texas No. 5428

SKETCH TO ACCOMPANY A DESCRIPTION OF 4.709 ACRES (APPROX. 205,144 S.F.) IN THE SANTIAGO DEL VALLE GRANT, ABSTRACT NO. 24, TRAVIS COUNTY, TEXAS, BEING A REMAINDER PORTION OF A 275.015 ACRE TRACT CONVEYED TO FC PROPERTIES ONE, LTD., IN A SPECIAL WARRANTY DEED NATFO MARCH 20. 1998. RECORDED IN VOLUME 13147, PAGE 1555, OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS



	RECORD	(S64*29'26"E 42.59')	(S09'11'34"W 145.52')	(S12'32'56"E 83.42')	(N77'44'13"W 93.72')	(N67.53'31"W 50.98')	(N61'07'09"W 133.76')	(N28'52'51"E 82.24')	(NO414'29"W 135.18')	(S28'52'51"W 155.55!)	(S28'52'51"W 155.55')		(N77'27'05"W 64.00')	(N10'25'04"W 83.23')
	LENGTH	42.79'	145.61	83.42	93.83	50.98	133.76	82.00	135.18	155.57	64.40,	64.14	64.10'	83.02'
LINE TABLE	BEÁRING	S66°58'41"E	S06.37'28"W	S15'12'04"E	N80°17'44"W	N70°27'02"W	N63'40'40"W	N26.20'55"E	W., E0, 03, W	S26.15'53"W	N24"18"07"E	NO8.22,36"E	N74°44'45"E	N13°08'11"W
	No.		L2	. L3	. L4	15	97	Ľ7	- R3	F3	L10	L11	L12	.L13

	Τ.		Τ	Ţ		T	Т	Т
	RECORD CHORD	(S70'56'33"E 526.90')	(S34'56'33"E 34.82')	(S01'40'41"E 214.36')	(S10'36'27"E 31.71")		(S00'27'13"E 101.67')	
	BEARING	9. 1862.18 266.08 528.59 526.81 S73.32'44"E	25.00' 24.27' 38.53' 34.83' S37'31'35"E	568.31' 109.11' 215.60' 214.31' 504"14"24"E	468.00' 15.72' 31.43' 31.42' S13'16'38"E	22°54'00" 1798.18' 364.21' 718.70' 713.92' S77°30'58"E	468.00' 51.27' 102.14' 101.94' S03°01'20"E	468.00' 15.00' 29.99' 29.99' N10*48'51"W
	CHORD	526.81'	34.83'	214.31	31.42	713.92	101.94"	29.99
CURVE TABLE	ARC	528.59'	38.53	215.60'	31.43	718.70'	102.14	29.99'
	TAN	266.08	24.27	109.11	15.72	364.21	51.27	15.00,
	RADIUS TAN	1862.18		568.31	468.00,	1798.18	468.00,	468,00,
	DELTA	16'15'49"	88'18'06"	21.44'10"	3,50,53"	22.54,00"	12.30,17"	3.40'18"
	NO.	[C2	C3	C4	C2	90	C7

• 1/2" REBAR FOUND
O 1/2" REBAR WITH CAP SET
O 1" IRON PIPE FOUND

LEGEND

CALCULATED POINT

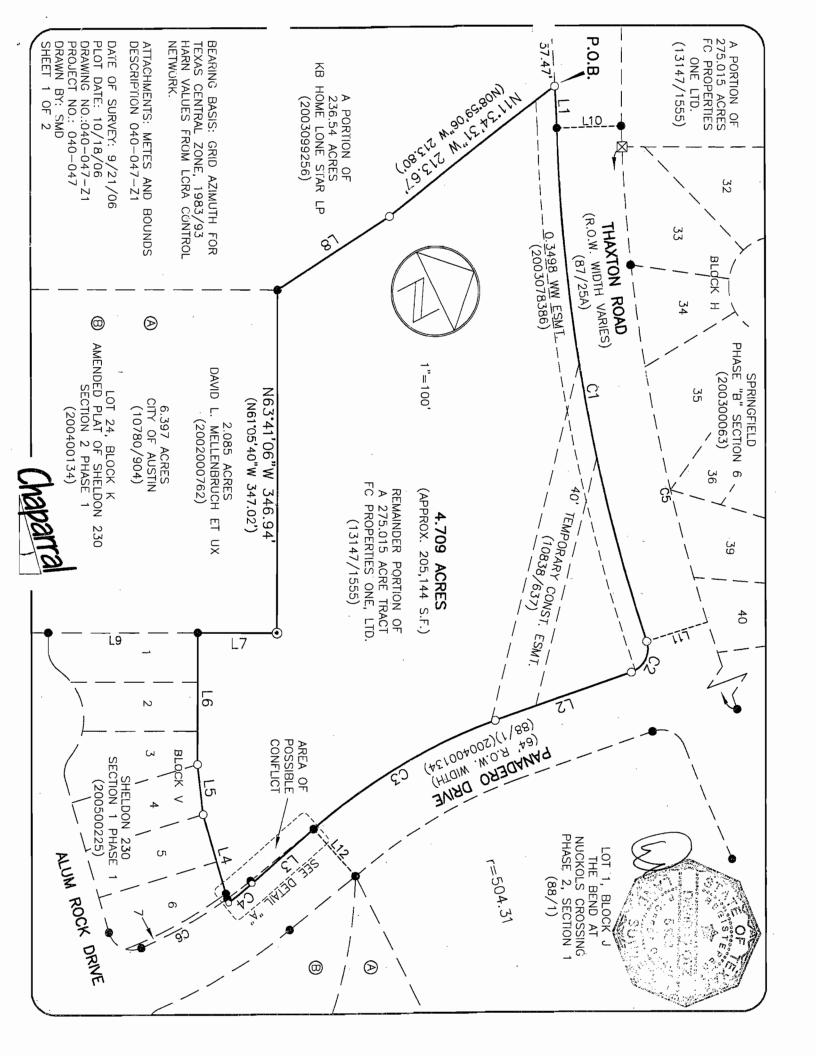
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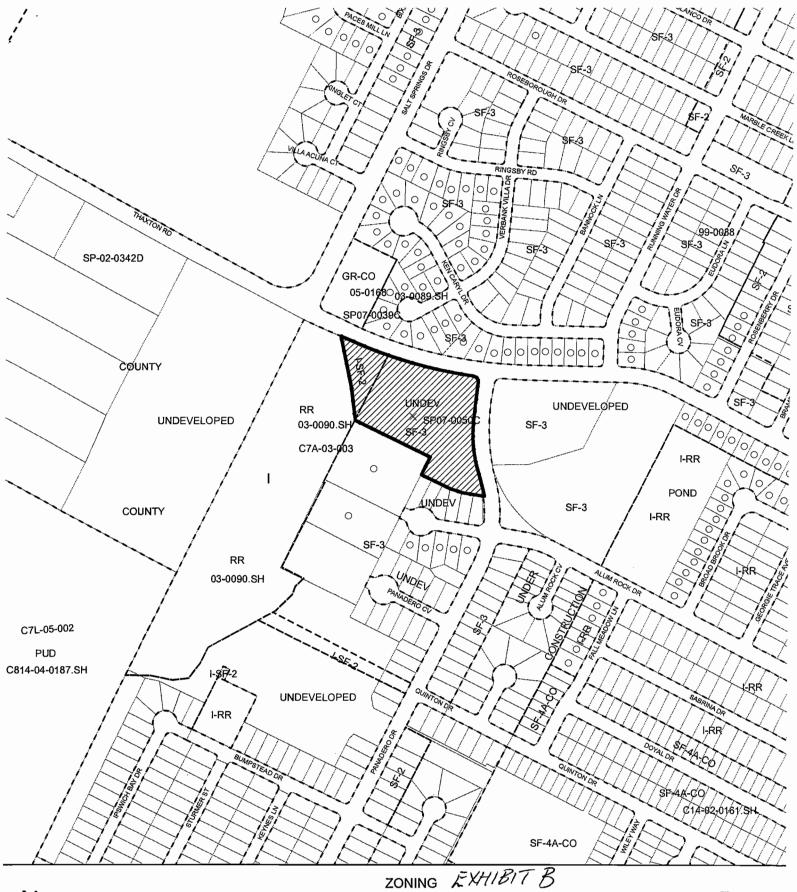
DATE OF SURVEY: 9/21/06 PLOT DATE: 10/18/06

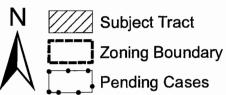
PLOT DATE: 10/18/06 DRAWING NO.:040-047-Z1 PROJECT NO.: 040-047 DRAWN BY; SMD

DRAWN BY: SMU SHEET 2 OF 2









ZONING CASE#: C14-07-0005

ADDRESS: SW CORNER THAXTON

RD & PANADERO DR

SUBJECT AREA: 4.709 ACRES

GRID: J31-33 K31-34 L33-34

MANAGER: J. ROUSSELIN



RESTRICTIVE COVENANT

OWNER:

RKS Texas Investments, L.P., a Texas limited partnership

ADDRESS:

601 Sonterra Boulevard, San Antonio, Texas 78258

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

sufficiency of which is acknowledged.

PROPERTY:

A 4.709 acre tract of land, more or less, out of the Santiago Del Valle Grant, Abstract No. 24, Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated

into this covenant.

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

- A site plan or building permit for the Property may not be approved, released, or issued, if 1. the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds the total traffic generation for the Property as specified in that certain Traffic Impact Analysis ("TIA") prepared by HDR/WHM Transportation Engineering, dated January 8, 2007, or as amended and approved by the Director of the Watershed Protection and Development Review Department. All development on the Property is subject to the recommendations contained in the memorandum from the Transportation Review Section of the Watershed Protection and Development Review Department, dated August 30, 2007. The TIA shall be kept on file at the Watershed Protection and Development Review Department.
- If any person or entity shall violate or attempt to violate this agreement and covenant, it 2. shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such agreement or covenant, to prevent the person or entity from such actions, and to collect damages for such actions.
- If any part of this agreement or covenant is declared invalid, by judgment or court order, 3. 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.	a majority of the members of the	mended, or terminated only by joint action of both (a) City Council of the City of Austin, and (b) by the o the modification, amendment or termination at the ent or termination.
	EXECUTED this theday	of, 2007.
		OWNER:
		RKS Texas Investments, L.P., a Texas limited partnership
		By:Rick Sheldon, Partner
APPR	OVED AS TO FORM:	
Assist City o	ant City Attorney f Austin	
THE	STATE OF TEXAS	§
COU	NTY OF	§
2007, partne	by Rick Sheldon, Partner, on behal	before me on this the day of, If of RKS Texas Investments, L.P., a Texas limited
		Notary Public, State of Texas
City of Departu P. O. Bo Austin,	ment of Law	

Restrictive covenant-RKS TX Investments LP



Professional Land Surveying, Inc. Surveying and Mapping

EXHIBIT A

Office: 512-443-1724 Fax: 512-441-6987

C14-07-0005

2807 Manchaca Road Building One Austin, Texas 78704

4.709 ACRES SANTIAGO DEL VALLE GRANT TRAVIS COUNTY, TEXAS

A DESCRIPTION OF 4.709 ACRES (APPROX. 205,144 S.F.) IN THE SANTIAGO DEL VALLE GRANT, ABSTRACT NO. 24, TRAVIS COUNTY, TEXAS, BEING A REMAINDER PORTION OF A 275.015 ACRE TRACT CONVEYED TO FC PROPERTIES ONE, LTD., IN A SPECIAL WARRANTY DEED DATED MARCH 20, 1998, RECORDED IN VOLUME 13147, PAGE 1555, OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS. SAID 4.709 ACRE BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

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THENCE over the Amended Plat of Sheldon 230, Section 2, Phase 1, and along the line common to the 4.712 acre tract and Sheldon 230, Section 1, Phase 1, a subdivision of record in Document No. ,200500225, of the Official Public Records of Travis County, Texas the following three (3) courses:

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- 3. North 63°40'40" West, a distance of 133.76 feet to a 1/2" rebar found for a southwest corner of the 4.712 acre tract, being also the northwest corner of Sheldon 230, Section 1, Phase 1, and in the east line of a 2.085 acre tract recorded in Document No. 2002000762, of the Official Public Records of Travis County, Texas, from which a 1/2" rebar found bears South 26°15'53" West, a distance of 155.57 feet;

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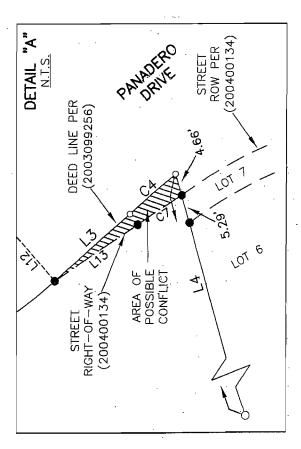
Surveyed on the ground in September 21, 2006. Bearing Basis: Grid Azimuth for Texas Central Zone, NAD 1983/93 HARN values from LCRA control network. Attachments:

Drawing 040-047-Z1.

Registered Professional Land Surveyor

State of Texas No. 5428

205,144 S.F.) IN THE SANTIAGO DEL VALLE GRANT, ABSTRACT NO. 24, TRAVIS COUNTY, TEXAS, BEING A REMAINDÉR PORTION OF A 275.015 ACRE TRACT CONVEYED TO FC PROPERTIES ONE, LTD., IN A SPECIAL WARRANTY DEED IN VOLUME 13147, PAGE 1555, OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS. SKETCH TO ACCOMPANY A DESCRIPTION OF 4.709 ACRES (APPROX. DATED MARCH 20, 1998, RECORDED



	LINE TABLE		
No	BEÁRING	LENGTH	RECORD
L1	S66°58'41"E	42.79'	(S64'29'26"E 42.59')
L2	S06:37'28"W	145.61	(S09'11'34"W 145.52')
L3	S1512'04"E	83.42	(S12'32'56"E 83.42')
. L4	N80°17'44"W	93.83	(N77*44'13"W 93.72')
	N70°27'02"W	50.98	(N67'53'31"W 50.98')
L6	N63.40'40"W	133.76	(N61'07'09"W 133.76')
Ľ7	N26.20'55"E	82.00	(N28'52'51"E 82.24')
- 8	N06.50'03"W	135.18	(N04'14'29"W 135.18')
67	S26:15'53"W	155.57	(S28'52'51"W 155.55')
L10	N24"18"07"E	64.40,	(S28'52'51"W 155.55')
L11	N08"22"36"E	64.14,	
L12	N74°44'45"E	64.10'	(N77'27'05"W 64.00')
L13	N13.08,11,M	83.02'	(N10'25'04"W 83.23')

	RECORD CHORD	(S70'56'33"E 526.90')	(S34*56'33"E 34.82')	(S01'40'41"E 214.36')	(S10'36'27"E 31.71')		(S00'27'13"E 101.67')	
	BEARING	1862.18' 266.08' 528.59' 526.81' S73.32'44"E	24.27' 38.53' 34.83' S37'31'35"E	109.11' 215.60' 214.31' S04'14'24"E	S13'16'38"E	S77.30,58"E	S03.01,20"E	29.99° N10*48'51"W
	CHORD	526.81	34.83'	214.31	31.42	713.92	102.14, 101.94,	29.99
BLE	ARC	528.59	38.53	215.60	468.00' 15.72' 31.43'	718.70	102.14	29.99'
CURVE TABLE	TAN	266.08'	24.27	109.11	15.72	364.21	468.00' 51.27'	468,00' 15.00'
)	RADIUS TAN	1862.18	25.00,	568.31	468.00	00" 1798.18' 364.21' 718.70' 713.92'	468.00,	
	DELTA	1615'49"	÷.	21.44,10"	3.50,53"	22.54,00"	12.30,17"	3.40,18"
	ON N	5	C2	C3	C4	CS	90	C7

DATE OF SURVEY: 9/21/06 PLOT DATE: 10/18/06 DRAWING NO.:040-047-Z1

PROJECT NO.: 04 DRAWN BY; SMD SHEET 2 OF 2

1/2" REBAR WITH CAP SET " IRON PIPE FOUND CALCULATED POINT 0

1/2" REBAR FOUND

0

LEGEND

