

ZONING CHANGE REVIEW SHEET

CASE: C14-85-366(RCA2)

Z.A.P. DATE: October 16, 2007

ADDRESS: 11301 Lakeline Boulevard

OWNER/APPLICANT: Simmons, Vedder & Company, Inc. (Gary Mefford)

AGENT: Carter & Burgess, Inc. (Will Schnier)

ZONING: CS-MU-CO

AREA: 7.01 acres

REQUEST: To amend a restrictive covenant to remove lots 9 and 10 from any limits or restrictions of the document.

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to grant the applicant's request to amend the public restrictive covenant associated with zoning case C14-85-366, which placed conditions on the property in question.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

10/16/07: Approved staff's recommendation to amend the restrictive covenant by consent (6-0, C. Hammond, J. Gohil-absent); J. Martinez-1st, S. Hale-2nd

DEPARTMENT COMMENTS:

The property in question is undeveloped and sparsely vegetated. The site is located across from an existing retail center that takes access to U.S. Highway 183 North, Lakeline Boulevard, and North Lake Creek Parkway (all arterial roadways). The property is directly to the west of the Leander Rehabilitation PUD and a recently approved Northwest Transit Oriented (TOD) site. Tract MU-CRE-8 of the Leander Rehabilitation PUD is currently planned for office and commercial development. There is a site plan for this property under review by the City of Austin (Case SP-07-0028C – Attachment B).

The staff recommends the applicant's request to amend the public restrictive covenant associated with zoning case C14-85-366 for Lots 9 and 10, as described in the document, because the covenant places conditions on filtration of the site and limits on the density, building square footage, and floor-to-area ratio, and impervious cover (65%) that are no longer applicable for this property. Since this restrictive covenant was recorded in 1987, the site under consideration has been rezoned from MF-3 to GO to CS-MU-CO. The restrictive covenant requires a 27-unit per acre limit and FAR limits for the MF-3 zoned property. However, conditions and permitted uses on Lots 9 and 10 have changed as these properties are no longer zoned MF-3. The requirement for stormwater filtration has become part of the City of Austin Land Development Code and impervious cover regulations are now governed by the comprehensive watershed ordinance. In addition, the conditions surrounding this property have changed with the state's approval of the high density Leander Rehabilitation PUD to the east and with the designation of this area as a transit oriented development site for the city. Therefore, the staff finds that the applicant's request is reasonable to remove the conditions of the restrictive covenant as they apply to this property.

The applicant agrees with the staff's recommendation.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	CS-MU-CO	Undeveloped
<i>North</i>	CS-MU-CO	Undeveloped
<i>South</i>	GR-MU	Undeveloped
<i>East</i>	PUD (Hog Farm PUD)	Undeveloped (According to the PUD Land Use Plan: Approved uses are for Mixed Use-Commercial Residential on tract MU-CRE-8)
<i>West</i>	GR	Retail Shopping Center (Kohl's Department Store, Oshman's Sports Store, Bed Bath & Beyond, Home Depot)

AREA STUDY: N/A

TIA: N/A

WATERSHED: Lake Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

NEIGHBORHOOD ORGANIZATIONS:

485 – Riviera Springs Community Development Association
 604 – Davis Spring HOA
 701 – Avery Ranch Neighborhood Association
 786 – Home Builders Association of Greater Austin
 1037 – Homeless Neighborhood Organization

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-04-0166	GO to CS	06/21/05: Approved CS-CO zoning with conditions to prohibit Pawn Shop Services, Exterminating Services, and Adult Oriented Businesses by consent (8-0, K. Jackson-absent); J. Martinez-1 st , J. Gohil-2 nd .	7/28/05: Approved CS-CO on all 3 readings (7-0)
C14-04-0165	GR to CS	06/21/05: Approved CS-MU-CO zoning with conditions to prohibit Pawn Shop Services, Exterminating Services, and Adult Oriented Businesses by consent (8-0, K. Jackson-absent); J. Martinez-1 st , J. Gohil-2 nd .	7/28/05: Approved CS-MU-CO on all 3 readings (7-0)
C14-04-0164	GO to CS	06/21/05: Approved CS-MU-CO zoning with conditions to prohibit Pawn Shop Services,	7/28/05: Approved CS-MU-CO on all 3 readings (7-0)

		Exterminating Services, and Adult Oriented Businesses by consent (8-0, K. Jackson-absent); J. Martinez-1 st , J. Gohil-2 nd .	
C14-01-0173	DR to GR	1/15/02: Approved GR-CO zoning, with a condition prohibiting pawn shop services, by consent (8-0, K. Jackson-absent)	2/14/02: Approved GR-CO on 3 readings (7-0)
C14-00-2094	DR to GR	7/11/00: Approved staff rec. of GR by consent (7-0)	8/17/00: Approved GR on 1 st reading (6-0, Goodman-absent) 8/31/00: Approved 2 nd /3 rd readings (6-0, KW-absent)
C14-00-2107	MF-3 to GO	8/29/00: Approved staff rec. of GO by consent (7-1, RC-Nay)	9/7/00: Approved GO on 1 st reading only (7-0) 12/14/00: Approved GO (7-0); 2 nd /3 rd readings
C14-98-0266	DR to GR	3/2/99: Approved GR by consent (8-0)	12/2/99: Approved PC rec. of GR (6-0, WL-absent); 1 st reading 5/24/01: Approved GR (6-0); 2 nd /3 rd readings
C14-97-0041	GR to CS	6/3/97: Approved CS (5-0-1)	6/26/97: Approved CS (7-0); all 3 readings
C814-97-0001	I-RR to PUD	9/30/97: Approved PUD w/ conditions (6-3)	11/20/97: Denied PUD zoning because it does not conform to purpose and is not a superior development (7-0) 7/1/99: State over-rode/ Approved PUD
C14-95-0044	DR to GR	10/17/95: Approved CS, subject to ROW (5-0)	11/30/95: Approved CS, subject to ROW (6-0); 1 st reading 12/7/95: Approved CS (7-0); 2 nd / 3 rd reading
C14-94-0134	CH to GR	1/10/95: Approved GR-CO (7-0)	2/9/95: Approved GR w/ conditions (6-0); 1 st reading 2/29/95: Approved GR (6-0); 2 nd /3 rd readings
C14-94-0132	CH to GR GO to GR IP to GR LR to GR	12/20/94: Approved GR w/ conditions (7-0)	1/10/95: Approved GR w/ conditions (6-0); 1 st reading 2/9/95: Approved GR w/ conditions (6-0); 2 nd / 3 rd readings

RELATED CASES: C14-04-0164 (Previous Rezoning Case)
SP-07-0028C (Site Plan Under Review for this Property)

ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION
Lakeline Boulevard	120'	2@40'	Arterial
Lake Creek Parkway	140'	Varies	Arterial

CITY COUNCIL DATE: November 29, 2007

ACTION:

ORDINANCE READING:

ORDINANCE NUMBER:

CASE MANAGER: Sherri Sirwaitis

PHONE: 974-3057,
sherri.sirwaitis@ci.austin.tx.us

I-RR

STATE OFFICES
(UNDER CONSTRUCTION)

SP-2007-0272C
CS-CO
04-0166
85-366 RC

CS-MU-CO
04-0165
85-366 RC

LAKELINE BLVD

HOG FARM

SP07-0028C

PUD

UNDEVELOPED

STONEHEDGE DR

UNDEVELOPED

LAKELINE MALL DR

GR-MU
06-0212
98-0254
R85-360 RC

GR

GR
R85-360 RC

GR

98-0253

85-360 RC

NORTH LAKE CREEK PKWY
DETENTION AREA

RETAIL CENTERS
GR

R85-366 RC

R85-360 RC

UNDEVELOPED

SP-00-2295C

RESTAURANT BANK

GR-CO

SP-02-0052C

98-0266

GR

UNDEVELOPED

05-0006

GR

05-0140

SP-99-2041C

R85-360

CH

05-0058

N US 180 N. SRVD N6

 Subject Tract

 Zoning Boundary

 Pending Cases



1" = 400'

OPERATOR: S. MEEKS

RESTRICTIVE COVENANT AMENDMENT

CASE#: C14R-85-366(RCA2)

ADDRESS: 11301 LAKELINE BLVD

SUBJECT AREA: 7.01 ACRES

GRID: F40

OPERATOR: S. SIRWAITIS



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

I-RR

STATE OFFICES

I-RR

UI

CAPITAL METRO PARK & RIDE

LAKELINE BOULEVARD

94-0134

R85-392

GO

SP-2007-0272C

04-0166

04-0165

UNDEVELOPED

HOG FARM

SP07-0028C

DETENTION AREA

94-0132

R85-355 RC SP97-0017C

UNDEVELOPED

LAKE CREEK PKWY

R86-029

UNDEVELOPED

97-0041

COMMERCIAL

98-0266

UNDEVELOPED

05-0006

R85-360

UNDEVELOPED

CS 95-0044

UNDEVELOPED

SP-98-0088C

95-0145

SP-02-0091C

86-162

SP-01-0334C 85-178

94-00134

R85-366 RC

RETAIL CENTERS

R85-360 RC

UNDEVELOPED

06-0212

R85-360 RC

GR

GR

LAKELINE MALL DRIVE GR

98-0253

R85-360 RC

LO

R85-360 RC

CH

03-0048

00-2094

04-0121

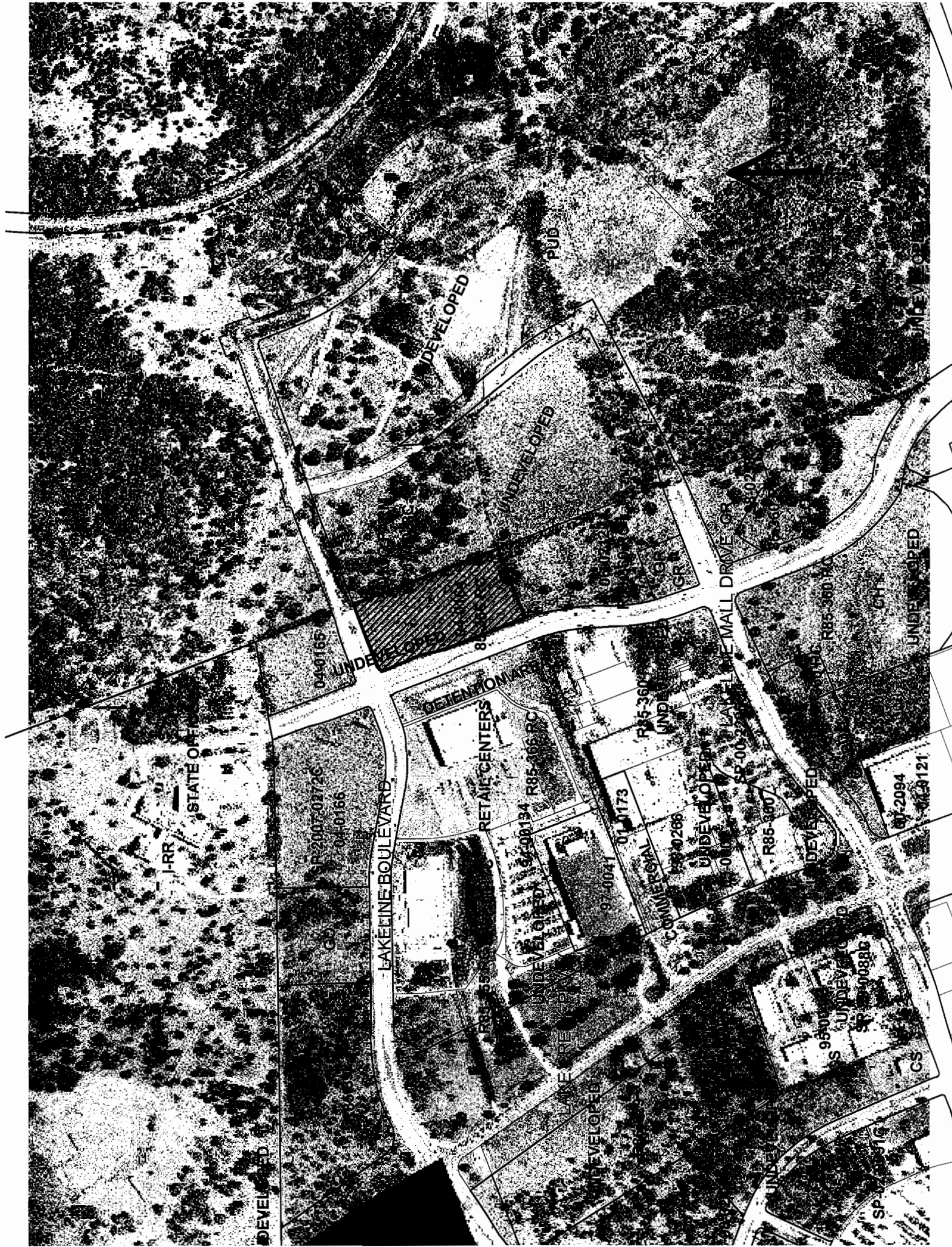
CH-PDA

UNDEVELOPED

C814-97-0001

NORTH

SP-04-0344C



RESTRICTIVE COVENANT

2492

THE STATE OF TEXAS

§

ZONING CASE NUMBER

COUNTY OF WILLIAMSON

§

C14r-85-366

§

WHEREAS, HRGM, Inc., is the owner of that certain tract of land in Austin, Williamson County, Texas, more fully described in Exhibit "A" attached hereto and incorporated herein by reference (the "Property"); and

WHEREAS, the City of Austin and the Owner has agreed that the above described property should be impressed with certain covenants and restrictions running with the land and desire to set forth such agreement in writing;

NOW, THEREFORE, the Owner for and in consideration of One and No/100 Dollars (\$1.00) and other good and valuable consideration in hand to the undersigned paid by the City of Austin, the receipt of which is hereby acknowledged, do hereby agree with respect to said property described in Exhibit "A", such agreement to be deemed and considered as a covenant running with the land, and which shall be binding on him, his successors and assigns, as follows, to wit:

1. Filtration for the first one-half inch of runoff shall be provided for each lot.
2. Lots 9 and 10 as shown on the Land Use Plan, which plan is attached hereto as Exhibit B, are zoned MF-3. Said lots shall be limited to twenty-seven (27) units per acre.

3. The FAR calculation and the Proposed Building Square Footage as shown on Exhibit C attached hereto shall be the maximum square footage and FAR for each lot delineated on Exhibit A.

4. If any person, persons, corporation or entity of any other character shall violate or attempt to violate the foregoing agreement and covenant, it shall be lawful for the City of Austin, a municipal corporation, its successors and assigns, to prosecute proceedings at law, or in equity, against said person, or entity violating or attempting to violate such agreement or covenant and to prevent said person or entity from violating or attempting to violate such agreement or covenant.

5. If any part or provision of this agreement or covenant herein contained shall be declared invalid, by judgment or court order, the same shall in nowise affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full force and effect.

6. The failure at any time to enforce this agreement by the City of Austin, its successors and assigns, whether any violations hereof are known or not, shall not constitute a waiver or estoppel of the right to do so.

7. 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 owners of the above described property at the time of such modification, amendment or termination.

EXECUTED, this the 8th day of DECEMBER, 1986.

Kath B. Reynolds
HRGM, Inc.
Katherine B. Reynolds,
President

CITY OF AUSTIN

By: _____
JORGE CARRASCO,
City Manager

THE STATE OF TEXAS §
§
COUNTY OF TRAVIS §

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared KATHERINE B. REYNOLDS known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 8th day of December, 1986.

Shelia D. Altum
Notary Public in and for the
State of Texas

Shelia D. Altum
(Name - Typed or Printed)
My Commission Expires: 9-24-89

THE STATE OF TEXAS §
COUNTY OF TRAVIS §

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared JORGE CARRASCO, City Manager of the City of Austin, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the ____ day of _____, 19 ____.

Notary Public in and for the
State of Texas

(Name - Typed or Printed)

My Commission Expires: _____

LAND USE TABULATIONS

PARKLINE

NON RESIDENTIAL

Lot or Parcel No.	Proposed Use	Field Proposed Zoning	Lot/Parcel Acreage (incl. ROW)	FAR	Proposed Building sq. ft.	Proposed Impervious Cover
Lot 1	Hotel Office Retail	CII	26.9265	26.51	79	916,500 s.f. 60%
Lot 2	Office	CH	9.3434	9.11	.55	220,000 s.f. 75%
Lot 3	Office	GO-6-7074	6.78	.35	103,368 s.f.	62%
Lot 4	Retail	LR	.7415	.85	.15	5,625 s.f. 50%
Lot 5	Office Warehouse	IP	5.2694	5.31	.29	67,078 s.f. 70%
Lot 6	Office Warehouse	IP	4.6586	4.79	.24	50,000 s.f. 70%
Lot 7	Retail	GR	4.7060	5.05	.18	39,600 s.f. 72%
Lot 8	Office	GO	5.3467	5.34	.25	58,153 s.f. 60%
Lot 11	Retail	GR	5.4103	5.71	.15	37,300 s.f. 73%
Lot 12	Office	GO	12.6602	13.05	.40	227,383 s.f. 60%
TOTAL NON RESIDENTIAL			82.50 ac.	.48%	1,725,007 s.f.	65%

Exhibit C

RESIDENTIAL

Lot or Parcel No.	Proposed Use	Proposed Zoning	Lot/Parcel Acreage	Field Note Acres	Density	Proposed Dwelling Units	Proposed Impervious Cover
Lot 9	multi-family	MF-3	3.75	4.2128	27 du/ac.	101	65%
Lot 10	multi-family	MF-3	3.75	4.6117	27 du/ac.	101	65%
TOTAL RESIDENTIAL			7.50 ac.	27 du/ac.		202 du	

90.00 90.0225

STATE OF TEXAS COUNTY OF WILLIAMSON
I hereby certify that this Instrument was FILED
on the date and at the time stamped hereon
by me; and was duly RECORDED, in the Volume
and Page of the named RECORDS of Williamson
County, Texas, as stamped hereon by me, on

JAN 20 1987



James S. Rappaport
COUNTY CLERK
WILLIAMSON COUNTY, TEXAS

FILED FOR RECORD
WILLIAMSON COUNTY, TEXAS
JAN 19 8 52 AM '87

FIRST AMENDMENT OF RESTRICTIVE COVENANT
FOR
ZONING CASE: C14R-85-366

Owner: PARKLINE 183 VENTURE
 Address: 8235 Douglas Ave., Suite 1300, Dallas, Texas 75225
 Owner: SPF JOINT VENTURE
 Address: 807 Brazos Street, Suite 314, Austin, Texas 78701-2508
 City: The City of Austin, a home-rule city, municipal corporation and political subdivision of the State of Texas, in Travis County, Texas.
 City Council: The City Council of the City of Austin.
 Consideration: Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by the Owner to the City of Austin, the receipt and sufficiency of which is acknowledged.

WHEREAS, HRGM, Inc., as owner of all that certain property described in Zoning File No. C14R-85-366, consisting of approximately 90 acres of land (the "Property"), as more particularly described in the restrictive covenant recorded in the Official Records of Williamson County, Texas, in Volume 1474, Page 560, (the "Restrictive Covenant") imposed certain restrictions and covenants on the Property by the Restrictive Covenant of record; and,

WHEREAS, the Restrictive Covenant provided that the covenant could be modified, amended, or terminated by joint action of both (a) a majority of the members of the City Council and (b) the Owner of the Property at the time of such modification, amendment or termination; and,

WHEREAS, Parkline 183 Venture, and SPF Joint Venture are the current owners (the "Owners") of the Property on the date of this Amendment and desire to amend the Restrictive Covenant; and,

WHEREAS, the City Council and the Owners agree the Restrictive Covenant should be amended;

NOW, THEREFORE, for and in consideration of the premises and mutual promises, covenants, and agreements hereinafter set forth, the CITY OF AUSTIN and the Owners, agree as follows:

1. Paragraph 3 of the Restrictive Covenant is deleted in its entirety and replaced by the following:

3. The FAR calculation and the Proposed Building Square Footage as shown in Exhibit C attached to the covenant shall be the maximum building square footage and FAR permitted individually for each of lots 9, 10, 11 and 12, as delineated in Exhibit A. Notwithstanding anything to the contrary contained on Exhibit C, lots 1 through 8 (as delineated in Exhibit A) shall not be subject to a separate maximum square footage or maximum FAR on a lot-by-lot basis, but rather lots 1 through 8 taken as a whole shall be subject to (i) a maximum building square footage equal to the sum of the individual square footage shown in Exhibit C for each of lots 1 through 8 (i.e., 1,460,324 square feet), and (ii) a maximum FAR based on the weighted average of the individual FARs shown for such lots on Exhibit C (i.e., 0.532).

THE STATE OF TEXAS
COUNTY OF TRAVIS

This instrument was acknowledged before me on this the 9th day of August, 1997, by
VAUGHAN B. MEYER, General Partner, on behalf of **SPF JOINT VENTURE**, a Texas Joint
Venture.



Darlene A. Clark
Notary Public, State of Texas
Darlene A. Clark

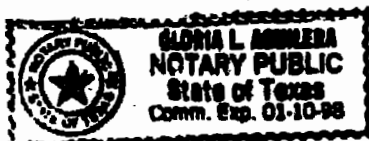
CITY OF AUSTIN:

By: *Toby Hammett Futrell*
TOBY HAMMETT FUTRELL,
ASSISTANT CITY MANAGER
CITY OF AUSTIN

THE STATE OF TEXAS
COUNTY OF TRAVIS

RECORDERS MEMORANDUM
All or parts of the text on this page was not
clearly legible for satisfactory recordation.

This instrument was acknowledged before me on this the 14 day of November, 1997,
by **TOBY HAMMETT FUTRELL**, as **ASSISTANT CITY MANAGER OF THE CITY OF AUSTIN**,
a municipal corporation, on behalf of said municipal corporation.



Gloria L. Aguilera
Notary Public, State of Texas

① AFTER RECORDING RETURN TO:
CITY OF AUSTIN LAW DEPARTMENT
P.O. BOX 1546
AUSTIN, TX 78767-1546
ATTN: DIANA MINTER, PARALEGAL

RECORDERS MEMORANDUM
All or parts of the text on this page was not
clearly legible for satisfactory recordation.

Doc# 9753702
Pages: 3
Date : 11-20-1997
Time : 11:50:42 A.M.
Filed & Recorded in
Official Records
of WILLIAMSON County, TX.
ELAINE RIZZELL
COUNTY CLERK
Rec. \$ 13.00

