

RESTRICTIVE COVENANT AMENDMENT REVIEW SHEET

CASE: C14-06-0144(RCA) – Rancho Alto Commercial **Z.A.P. DATE:** June 17, 2008

ADDRESS: Southeast corner of Frate Barker Road and Rancho Alto Road

OWNER: Rancho Alto Ventures, Ltd.
(Doyle Wilson)

APPLICANT: Carlson, Brigance &
Doering, Inc. (Debbie Guerra)

EXISTING ZONING: LR

AREA: 2.42 acres

SUMMARY STAFF RECOMMENDATION:

Staff recommends an Amendment to the Restrictive Covenant to clarify that its application is limited to the subject property.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

June 17, 2008:

ISSUES:

None at this time.

DEPARTMENT COMMENTS:

The subject property is undeveloped, is located at the southeast corner of Frate Barker Road and Rancho Alto Road, and is zoned neighborhood commercial (LR). There is undeveloped property to the east (I-RR), single family residences within the Rancho Alto subdivision to the south (SF-2), single family residences on large lots to the east (County) and single family residences within the Olympic Heights subdivision to the north (I-SF-4A). Please refer to Exhibit A (Zoning Map).

The original Restrictive Covenant addressed the Traffic Impact Analysis (TIA) that was completed for the zoning of the Rancho Alto subdivision, and included both the commercial and single family residential components. The Applicant is seeking an amendment of the Restrictive Covenant to clarify that its application is limited to this commercially-zoned property. Staff is recommending the Applicant's request because the single family residential portion of Rancho Alto has been platted and therefore, the level of residential traffic generation is fixed and has been accounted for within the existing TIA. Please refer to Exhibit B (Proposed Restrictive Covenant).

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	LR	Undeveloped
<i>North</i>	I-SF-4A	Park, detention pond and single family residences within the Olympic Heights subdivision
<i>South</i>	SF-2	Single family residences within the Rancho Alto subdivision
<i>East</i>	I-RR	Undeveloped
<i>West</i>	County	Single family residences on large lots

AREA STUDY: N / A**TIA:** Is not required**WATERSHED:** Bear Creek**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** No**SCENIC ROADWAY:** No**NEIGHBORHOOD ORGANIZATIONS:**

217 – Tanglewood Forest Neighborhood Association
 428 – Barton Springs / Edwards Aquifer Conservation District
 627 – Onion Creek Homeowners Association 742 – Austin Independent School District
 784 – Home Builders Association of Greater Austin
 959 – Villages Neighborhood Association 1037 – Homeless Neighborhood Association
 1113 – Austin Parks Foundation

SCHOOLS:

Menchaca Elementary School Paredes Middle School Charles Akins High School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-06-0104 – Olympic Heights West	I-RR to SF-4A	To Grant SF-2-CO for Tract 1 (12.5 acres) and SF-4A-CO for Tract 2; for Tract 1 the CO is for a 150' building setback along the north property line, a 100' setback along the west property line with a 25' vegetative buffer adjacent to a single family use, a 120' building setback along	Approved SF-2-CO for Tract 1 and SF-4A-CO for Tract 2, as ZAP recommended (8-31-06).

		the southeast property line; 1,500 trips across Tracts 1 & 2.	
C14-00-2073 – Pickard Tract, et al.	Unzoned to SF-2; SF-3; MF-2	Expired	Not Applicable

RELATED CASES:

This property was annexed into the Full-Purpose Jurisdiction on December 31, 2005.

The Preliminary Plan was approved by the Zoning and Platting Commission on May 3, 2005 (C8J-04-0188). Rancho Alto Phase II was recorded on September 7, 2006 (C8-04-0188.2A). Zoning for the subject property was approved on January 31, 2008 and represented a portion of one of a total of nine cases that were filed to provide permanent zoning to the Rancho Alto subdivision that is presently under construction (C14-06-0144 through C14-06-0152).

ABUTTING STREETS:

Name	ROW	Classification
Frate Barker Road	70 feet	Two lane minor arterial
Rancho Alto Road	60 feet	Collector

CITY COUNCIL DATE: June 18, 2008

ACTION:

ORDINANCE NUMBER:

CASE MANAGER: Wendy Rhoades
e-mail: wendy.rhoades@ci.austin.tx.us

PHONE: 974-7719



RESTRICTIVE COVENANT AMENDMENT

EXHIBIT A



SUBJECT TRACT



ZONING BOUNDARY



PENDING CASE

ZONING CASE#: C14-06-0144(RCA)
 ADDRESS: 12112 RANCHO ALTO RD
 SUBJECT AREA: 2.42 ACRES
 GRID: D12
 MANAGER: W. RHOADES

OPERATOR: S. MEEKS



1" = 400'

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.

COPY

CORRECTION
RESTRICTIVE COVENANT

THIS CORRECTION RESTRICTIVE COVENANT IS BEING MADE IN PLACE OF AND IN LIEU OF THAT CERTAIN RESTRICTIVE COVENANT FILED FOR RECORD FEBRUARY 13, 2008, RECORDED IN INSTRUMENT NO. 2008022496, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, WHEREIN THE EXHIBIT "A" TO SAID DOCUMENT INCLUDED CERTAIN RESIDENTIAL LOTS IN RANCHO ALTO SUBDIVISION, WHEN IN FACT IT SHOULD HAVE ONLY INCLUDED THE COMMERCIAL TRACT OF LAND BEING DESCRIBED AS A 2.42 ACRE TRACT OF LAND IN THE WALKER WILSON SURVEY NO. 2, ABSTRACT 27, TRAVIS COUNTY, TEXAS, ATTACHED HERETO AND MADE A PART HEREOF.

OWNER: RANCHO ALTO VENTURES, LTD.
A Texas limited partnership

ADDRESS: 1401 Burnham Drive, Plano, Texas 75093

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

PROPERTY: A 2.42 acre tract of land, more or less, consisting of a certain parcel of land out of the Walker Wilson Survey No. 2, Travis County, Texas, the tract of land being more particularly described 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 Owners of the Property, its heirs, successors and assigns.

1. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds the total traffic generation of the Property as specified in that certain Traffic Impact Analysis ("TIA") prepared by Alliance Transportation Group, dated March 2006, or as amended by the landowner, and then approved by the Director of the Watershed Protection and Development Review Department, or its successor department, of the City of Austin. 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 January 31, 2007. The TIA shall be

EXHIBIT B

kept on file at the Watershed Protection and Development Review Department, or its successor department, of the City of Austin.

2. If any person or entity shall violate or attempt to violate this agreement and covenant, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity knowingly violating or attempting to knowingly violate such agreement or covenant, to prevent the person or entity from such actions, and to collect damage for such actions.
3. If any part of this agreement or covenant is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full effect.
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(s) of the Property subject to the modification, amendment or termination.

EXECUTED this the 22nd day of May, 2008

OWNER:

RANCHO ALTO VENTURES, LTD.
A Texas limited partnership

By: Intermandeco, LTD.
A Texas limited partnership
Its: general partner

By: Intermandeco GP, LLC.
A Texas limited liability company,
Its: general partner

By: Issam Karanovich, Manager

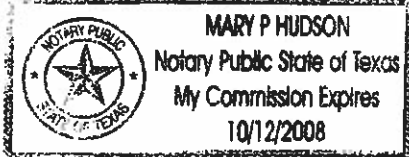
APPROVED AS TO FORM:

[Signature]
Assistant City Attorney
City of Austin

STATE OF TEXAS §

COUNTY OF COLLIN §

This Instrument was acknowledged before me on this the 21 day of May, 2008, by Issam Karanouh, as Manager of Intermandeco GP, LLC, a Texas limited liability company, General Partner of Intermandeco, Ltd, a Texas limited partnership, General Partner of Rancho Alto Ventures, Ltd, a Texas limited partnership, on behalf of the limited liability company, and the limited partnerships.



Mary P Hudson
Notary Public, STATE OF TEXAS

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

EXHIBIT "A"

2.42 ACRES
WALKER WILSON SURVEY NO. 2, ABS. 27
TRAVIS COUNTY, TEXAS

FIELD NOTES

BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE WALKER WILSON SURVEY NO. 2, ABSTRACT 27, SITUATED IN TRAVIS COUNTY, TEXAS, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS BEING OUT OF AND A PART OF THAT CERTAIN TRACT OF LAND CONVEYED BY SPECIAL WARRANTY DEED TO RANCHO ALTO VENTURES, LTD., RECORDED IN DOCUMENT NO. 2005151022 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID TRACT BEING 2.42 ACRES OF LAND MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a 1" iron pipe found in the south line of a varying width right-of-way of Frate Barker Road, and the east line of a 50 foot right-of-way of Rancho Alto Road, as dedicated in a deed to the Public by Volume 3605, Page 2345 of the Deed Records of Travis County, Texas, for the northwest corner and **POINT OF COMMENCING** of the herein described 2.42 acre tract of land,

THENCE, with the south right-of-way line of said Frate Barker Road, being also the north line of said Rancho Alto tract, S89°24'10"E, a distance of 5.00 feet to an iron rod found, for the **POINT OF BEGINNING** of the herein described tract,

THENCE, continuing, with the south right-of-way line of said Frate Barker Rd, being also the north line of said Rancho Alto Ventures tract, S89°24'10"E, a distance of 355.35 feet to an iron pipe found, for the N.E. corner of the herin described tract, being also the N.W. corner of that certain tract of land described in a deed to D.L. Herrin, recorded in Doc# 2002090485 of the official public record of Travis County, Texas.

THENCE, crossing said Rancho Alto tract, the following three (3) courses and distances, numbered 1 thru three,

1. S00°05'02"E, a distance of 295.67 feet to an iron rod found,
2. N89°04'51"W, a distance of 360.52 feet to an iron rod found, and
3. N00°55'09"E, a distance of 293.63 feet to the **POINT OF BEGINNING** and containing 2.42 Acres of Land.

Surveyed by: *DR* 10-30-06

DOUGLAS R. RUMMEL, JR., R.P.L.S. No. 5780

Carlson, Brigrance & Doering, Inc.

5501 West William Cannon Drive

Austin, TX 78749

Phone: (512) 280-5160



PATH: G:\DOCS\4142\FN-Ranch Alto Commercial Tract.DOC

45 | 44 | 43 | 42 | 41 | 40 | 39 | 38 | 37 | 36

(T)

OLYMPIC HEIGHTS SECTION 2
DOC. NO. 200200216

P.O.C.

P.O.B.

FRATE BARKER ROAD
(VARYING R.O.W.)

LEGEND

- IRON ROD FOUND
- IRON ROD SET
- P.O.C. POINT OF COMMENCEMENT
- P.O.B. POINT OF BEGINNING

50.02'
N89°35'06"W

S89°24'10"E 355.35'

S89°24'10"E
5.00'

RANCHO ALTO VENTURES, LTD.
DOC. NO. 2005151022
(50.658 ACRES)

2.42 Acres
COMMERCIAL TRACT

(50' R.O.W.)
RANCHO ALTO ROAD
Vol. 3805 pg. 2345
N00°55'09"E 293.63'

295.67'
S00°05'02"E
D.L. HERRIN, INC. DOC. NO. 2002090485

N89°04'51"W 360.52'



3 4 5 6
RANCHO ALTO VENTURES, LTD.
DOC. NO. 200600281

(A)

JIM CRAIG COURT (50'



Carlson, Brigance & Doering, Inc.

Civil Engineering • Surveying
5501 West William Cannon • Austin, Texas 78749
PH: (512) 280-5160 • FAX: (512) 282-0170

