

ORDINANCE NO. 20081016-056

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY COMMONLY KNOWN AS THE EAST RIVERSIDE PUD LOCATED AT 222 AND 300 EAST RIVERSIDE DRIVE IN THE SOUTH RIVER CITY NEIGHBORHOOD PLAN AREA, FROM LAKE COMMERCIAL-VERTICAL MIXED USE BUILDING-NEIGHBORHOOD PLAN (L-V-NP) COMBINING DISTRICT AND LAKE COMMERCIAL-NEIGHBORHOOD PLAN (L-NP) COMBINING DISTRICT TO PLANNED UNIT DEVELOPMENT-NEIGHBORHOOD PLAN (PUD-NP) 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 lake commercial-vertical mixed use building-neighborhood plan (L-V-NP) combining district and lake commercial-neighborhood plan (L-NP) combining district to planned unit development-neighborhood plan (PUD-NP) combining district on the property described in Zoning Case No. C814-2008-0165, on file at the Neighborhood Planning and Zoning Department, as follows:

Tract One: Lot 1, Riverside Square Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Document No. 200600245, of the Official Public Records of Travis County, Texas; and

Tract Two: A 3.889 acre tract of land, more or less, out of the Isaac Decker League, 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 222 and 300 East Riverside Drive, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

PART 2. This ordinance, together with the attached Exhibits A through C, are the land use plan for the East Riverside planned unit development district (the "PUD") created by this ordinance. The PUD shall conform to the limitations and conditions set forth in this ordinance and in the East Riverside planned unit development land use plan (the "Land Use Plan"). If this ordinance and the attached exhibits conflict, the ordinance applies. Except as otherwise specifically provided by this ordinance, all other rules, regulations and ordinances of the City effective as of the date of this ordinance, apply to the PUD.

In accordance with Part 3 of Ordinance No. 20080618-098, the PUD is subject to the standards in effect on June 18, 2008.

PART 3. The Property is subject to Ordinance No. 20050929-Z003 that established the South River City neighborhood combining district.

PART 4. The attached exhibits are incorporated into this ordinance in their entirety as though set forth fully in the text of this ordinance. The exhibits are as follows:

Exhibit A:	Description of Property
Exhibit B:	Zoning Map
Exhibit C:	Land Use Plan

PART 5. Definitions.

A. In this ordinance:

- 1) **PRIMARY SETBACK** means the Town Lake, East Bouldin Creek, and Riverside setbacks in the Waterfront Overlay District with the following prescribed distances:

Town Lake	150 feet
East Bouldin Creek	80 feet
Riverside	35 feet

- 2) **SECONDARY SETBACK** means the Town Lake, and East Bouldin Creek setbacks in the Waterfront Overlay District with the following prescribed distances:

Town Lake	50 feet
East Bouldin Creek	50 feet

B. All other terms have the meaning provided in the Code.

PART 6. Except as otherwise provided in this ordinance, the uses and site development regulations of the lake commercial (L) district apply to the PUD instead of otherwise applicable regulations.

A. Uses

The following uses are permitted uses of the PUD:

Condominium residential	Administrative and business offices
Electronic testing	Parks and recreational services
Cocktail lounge	Financial services
General retail sales (convenience)	Hotel-motel
Personal services	Restaurant (general)
Cultural services	Multifamily residential
Food sales	General retail sales (general)
Professional office	Restaurant (limited)
Medical offices (not exceeding 5000 sq. ft of gross floor area)	
Medical office (exceeding 5000 sq. ft. of gross floor area)	

B. Site Development regulations

- 1) Division 5, Subpart C, 3.2 (*Planned Unit Development Regulations*) of the City Code do not apply to the PUD.
- 2) The maximum height of a building or structure is 96 feet for the area outside the Waterfront Overlay District Setbacks.
- 3) Within the Town Lake and East Bouldin Creek Secondary Setbacks the maximum height of a building or structure is 35 feet.
- 4) Section 25-2-531 (*Height Limit Exceptions*) apply to the height limitations set forth in Part 6, Sections B.2 and B.3 above.
- 5) Section 25-2-1063 (*Height Limitations and Setbacks for Large Site*) and Section 25-2-1065 (*Scale and Clustering Requirements*) do not apply to the PUD.
- 6) Section 25-2-721(B) (*Waterfront Overlay (WO) Combining District Regulations*) is modified as follows:
 - a. Except as shown in (1) and (2) in this Subsection, development is prohibited in the Town Lake and East Bouldin Creek primary setback areas.

- (1) Park facilities, including picnic tables, observation decks, trails, and not more than two gazebos are allowed. Each gazebo may not exceed 650 square feet.
 - (2) An emergency access route, if constructed of pervious paving material with the appearance of vegetation or trail, is allowed. Except for emergency use, routine vehicular access use is not permitted.
- 7) Section 25-2-721(C) (*Waterfront Overlay (WO) Combining district Regulations*) is modified as follows:
 - a. A use permitted within the PUD may be located within the Town Lake and East Bouldin Creek secondary setback area.
 - b. Within the East Bouldin Creek secondary setback areas:

the maximum building coverage is 100 percent, and

the maximum impervious cover is 100 percent.
 - c. Within the Town Lake secondary setback area:

the maximum building coverage is 50 percent; and

the maximum impervious cover may not exceed 75 percent.
- 8) Section 25-2-744(C)(2) (*South Shore Central Subdistrict Regulations*) is modified as follows:

The secondary setback line is located 50 feet from the primary setback line parallel to the East Bouldin Creek centerline.
- 9) Subchapter E (*Design Standards and Mixed Use*) of Chapter 25-2 of the City Code does not apply to the PUD.

C. Transportation

Section 25-6-113 (*Traffic Impact Analysis Required*) is modified as follows:

If the expected number of trips generated by the project exceeds 5,730 trips per day, a traffic impact analysis ("TIA") shall be provided prior to site plan approval to the Watershed Protection and Development Review Department, or its successor department, of the City of Austin. All development on the Property shall be subject to the requirements of the TIA as set forth in Section 25-6, Article 3 (*Traffic Impact Analysis*) of the City Code and Section 2 of the Transportation Criteria Manual.

D. Parkland Dedication

- 1) Prior to the issuance of a certificate of occupancy for the first building in the PUD, approximately 1.5 acres of parkland shall be dedicated. The parkland shall be located within the primary setback areas depicted on Exhibit C (*Land Use Plan*). Underground parking is not permitted in the dedicated parkland area.
- 2) Within the dedicated parkland, a hike and bike trail shall be constructed along Town Lake and East Bouldin Creek between the westernmost property line to the southeast corner area of the property at East Riverside Drive and shall be maintained by the owner of the Property.
- 3) The dedication of parkland and construction of the hike and bike trail shall satisfy all parkland dedication and fee requirements and open space requirements for development within the PUD.
- 4) All development rights within the parkland area may be used for development within the PUD. For purposes of site plan approvals, the area dedicated as parkland shall be included in the site calculations. The joinder of the City of Austin in any site plan application is not required notwithstanding the inclusion of the parkland area within the site plan.

EXHIBIT A

A DESCRIPTION OF 3.889 ACRES OF LAND SITUATED IN THE ISAAC DECKER LEAGUE, TRAVIS COUNTY, TEXAS BEING ALL OF THAT CERTAIN 3.888 ACRES OF LAND DESCRIBED IN EXHIBIT A OF A SPECIAL WARRANTY DEED TO VINLAND RIVERSIDE PARTNERS, L.P. RECORDED IN VOLUME 10504, PAGE 1261 OF THE REAL PROPERTY RECORDS OF SAID COUNTY, SAID 3.889 ACRES, AS SHOWN ON RAMSEY LAND SURVEYING'S MAP NO. 322-01, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2 inch iron rod found for the northwest corner of said 3.888 acres being an interior ell corner on the east right-of-way (R.O.W.) line of East Riverside Drive (R.O.W. varies);

THENCE along the north line of said 3.888 acres being the south line of that certain tract of land, designated as Tract Three, conveyed to Garwald Company, Inc. by deed recorded in Volume 10565, Page 321 of the said Real Property Records N56°14'00"E, 612.29 feet to a 1/2 inch iron rod found for the northeast corner of said 3.888 acres, the southeast corner of said Tract Three on a boundary line agreement recorded in Volume 2221, Page 69 of the Deed Records of said County;

THENCE, departing the north line of said 3.888 acres and the south line of said Tract Three, along the east line of said 3.888 acres and said boundary line agreement the following two (2) courses:

1. S06°42'55"E, 248.81 feet to a metal fence post found, and
2. S30°30'17"E, 78.88 feet to a cotton gin spindle found for the southeast corner of said 3.888 acres, the northeast corner of that certain tract of land, designated as Tract Two, conveyed to Garwald Company, Inc. by deed recorded in Volume 10565, Page 321 of the said Real Property Records and the northeast corner of an eighty (80) foot wide drainage easement recorded in Volume 1484, Page 532 of the said Deed Records;

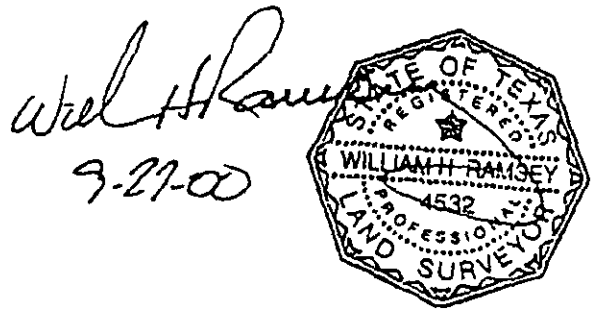
THENCE, departing the east line of said 3.888 acres and said boundary line agreement, along the south line of said 3.888 acres, the north line of said Tract Two and the north line of said drainage easement the following two (2) courses:

1. S56°08'51"W, 165.82 feet to a 1 inch iron pipe found, and

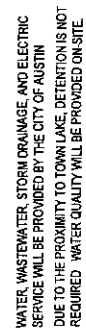
- Documents provided by the State of Texas are not to be used for any purpose other than the one for which they were provided.
2. S56°13'27"W, 366.75 feet to a 1/2 inch iron rod found for the southwest corner of said 3.888 acres and an exterior ell corner on the said east R.O.W. line;

THENCE, departing the south line of said 3.888 acres, the north line of said Tract Two and the north line of said drainage easement, along the west line of said 3.888 acres and the said east R.O.W. line the following two (2) courses:

1. a distance of 160.49 feet along the arc of a curve to the right whose radius is 981.32 feet, central angle is 09°22'14" and whose chord bears N28°51'04"W, 160.31 feet to an "X" cut in concrete, and
2. N24°01'42"W, 142.99 feet to the POINT OF BEGINNING containing 3.889 acres of land more or less.



EAST RIVERSIDE PUD - 6.88 ACRES



LADY BIRD LAKE



222 E RIVERSIDE
2.981 ACRES
TRACT 2
LOT 1 RIVERSIDE SQUARE SUBDIVISION

100 E RIVERSIDE
3.889 ACRES
TRACT 1

VOL. 12504, PG. 1261
(3,000 AC.)
OUT OF THE ISAAC DECKER LEAGUE SURVEY
CITY OF AUSTIN, TRAVIS COUNTY, TEXAS

5.01130 5811511

EAST RIVERSIDE DRIVE (35 ROOM)

EXHIBIT C