

**ZONING CHANGE REVIEW SHEET****CASE:** C14-2014-0064 / Commodore Perry Estate**P.C. DATE:** May 27, 2014**ADDRESS:** 710 E. 41<sup>ST</sup> St.**AREA:** 5.692 acres**NEIGHBORHOOD PLAN AREA:** Hancock**OWNER:** Perry Estate, LLC (Clark Lyda)**APPLICANT:** Metcalfe, Wolff, Stuart & Williams, LLP (Michelle Rogerson Lynch)**ZONING FROM:** Community Commercial-Mixed Use-Conditional Overlay-Neighborhood Plan, GR-MU-CO-NP (Tracts 1 and 2) and Community Commercial-Mixed Use-Conditional Overlay-Historic Landmark-Neighborhood Plan, GR-MU-CO-H-NP (Tract 1A)**ZONING TO:** Community Commercial-Mixed Use-Conditional Overlay-Neighborhood Plan, GR-MU-CO-NP (Tracts 1 and 2) and Community Commercial-Mixed Use-Conditional Overlay-Historic Landmark-Neighborhood Plan, GR-MU-CO-H-NP (Tract 1A) to change conditions of zoning**RECENT DEVELOPMENTS:**

Subsequent to Planning Commission's recommendation of approval on the May 27, 2014 Consent agenda, the applicant has further refined both the access provisions and limits of the residential use only setback/buffer. First, the prohibition of access to Red River has been removed from the ordinance, as approved by the Commission. However, to reflect the intent of the original ordinance – and to align with the provisions of the private restrictive covenant, the applicant requests the following language be added to the ordinance:

Vehicular access from Tract 2 to East 41<sup>st</sup> Street is limited to residential uses, except for pedestrian, bicycle, and emergency ingress and egress. All non-residential vehicular access to Tract 2 shall be from other adjacent public streets or through other adjacent property.

Second, the language and associated exhibit recommended by the Commission corrected the eastern boundary of the residential use only setback along the northern edge of Tract 1. The language and exhibit also accounted for the fact that the depth of this setback varied, to account for existing trees. However, the depth measurement of this setback remained inaccurate. An updated exhibit (see Exhibit E of this document) depicts this same setback line visually; the setback line hasn't moved when compared with the current exhibit (see Exhibit D of this document). The change proposed is a correction in the call-out for the depth of the setback or residential only buffer as 75' and 53.' The applicant requests the following language be used in the ordinance as applies to Tract 1, and that the updated Exhibit replace the current Exhibit in the ordinance:

B. Only residential uses are permitted within 75 feet and 53 feet of the north zoning boundary line for those portions of Tract 1, beginning at the western edge of Tract 1 and ending at the shared lot line of Lots 32 and 33, Block 23, Perry Estates Subdivision, Book 3, Page 52, of the Plat Records of Travis County Texas, as Depicted on Exhibit E.

**SUMMARY STAFF RECOMMENDATION:**

To grant GR-MU-CO-NP (Tracts 1 and 2) and GR-MU-CO-H-NP (Tract 1A), to change conditions of zoning. Specifically, staff recommends changing the ordinance to clarify two conditions:

- 1) Access to Red River Street is not prohibited for either Tract 1 or Tract 2; and
- 2) The setback for residential-uses only along the northern property line of Tract 1 is a minimum of 75' feet, and the eastern edge of this setback is aligned with the shared lot line of Lots 32 and 33, Block 23 Perry Estates Subdivision. An Exhibit depicting the residential-only setbacks for Tracts 1 and 2 shall be attached to the revised ordinance.

**PLANNING COMMISSION RECOMMENDATION:**

May 27, 2014                      Recommended Approval of Staff's Recommendation [Consent Motion by R. Hatfield; Second: N. Zaragoza] 8-0-1 (Absent: J. Nortey)

**DEPARTMENT COMMENTS:**

The subject property is located north of the Hancock Golf Course, west of Red River Street (see Exhibits A). The property is currently developed with the Commodore Perry Estate which consists of numerous structures, the main building being a circa 1928 Italian Renaissance Revival mansion and associated gardens, a convent building, a chapel, a carriage house, a cottage, a school building and a bowling alley. The applicant previously proposed a boutique hotel with bungalow accommodations spread out on the property, a "farm-to-table" restaurant, and single family residential development on the west side of the property. None of these proposed uses has changed, and the rezoning requested to facilitate such redevelopment was granted by Council in January of this year.

The current rezoning request is, essentially, a correction to the ordinance adopted on January 30, 2014, and only impacts Tract 1 and 2. There are no proposed changes that impact Tract 1A, the Tract with the historic (H) designation.

The ordinance adopted in January (see Exhibit B) rezoned the property from SF-3-CO-NP to its existing GR-MU-CO-NP (Tracts 1 and 2) and GR-MU-CO-H-NP (Tract 1A). The property was divided into three tracts not only to account for the Historic Landmark designation of the southeast portion of the property, but also to specify height, use, and other restrictions for different portions of the rezoned property. Other conditions, such as maximum impervious cover and vehicle trips per day, were adopted across all three tracts.

**Vehicular Access Prohibited to Red River from Tract 2**

One set of those conditions relates to vehicular access to the site, and that is one of the clarifications sought in this rezoning.

As adopted, vehicular access to and from E 41<sup>st</sup> Street from Tract 1 was prohibited except for pedestrian, bicycle and emergency ingress and egress. Vehicular access to and from Red River Street from Tract 2 was prohibited except for pedestrian, bicycle and emergency ingress and egress. In both cases, vehicular access to the tracts was to be from other adjacent public streets or through other adjacent property, which is the standard ordinance language in access-prohibiting conditions (see Exhibit B-3, Page 3 of the Ordinance, Items "A").

In actuality, vehicular ingress and egress by means of Red River to the hotel uses on Tract 2 was contemplated. In the haste to adopt an ordinance, the language of the ordinance prohibits all

vehicular access, with the exception for emergencies, from Red River to Tract 2. As intended, and as is stated in a private restrictive covenant (RC) between the subject property's owner and 25 adjacent or nearby property owners, vehicular access to Red River is **required** for all non-residential service vehicles for Tract 1, and in fact, such access is limited to Red River exclusively. More importantly, service vehicles for hotel uses on Tract 2 are also required by the private RC to exclusively use Red River. Furthermore, hotel patrons and guests, who could be found on both Tracts 1 and 2, must use Red River because their access to Tract 2 is limited, as explained below.

Access to and from E 41<sup>st</sup> Street and Tract 1 is limited to only a crash gate for secondary emergency access as may be required by City code. Access to Tract 2 varies; for residential uses, whether service vehicles or otherwise, access is unrestricted. For hotel uses, however, access is again limited to only a crash gate for secondary emergency access as may be required by City code. In other words, the terms of the private RC mandate that all vehicles associated with the hotel or other non-residential use on Tract 2 must cross Tract 1, and do so from Red River.

As stated in the original staff report, "The proposed hotel and restaurant will only take access to Red River to discourage vehicular traffic from entering the neighborhood. The proposed residential properties to the west will only take access to 41<sup>st</sup> Street in order to discourage the mix of residential and commercial traffic."

The proposed rezoning, if granted, would clarify these intended vehicular access prohibitions.

### **Setback Measurement for Residential-Only Uses**

The second purpose of this rezoning request is to correct a setback measurement for residential-only uses. The original rezoning case excluded the northernmost 25 feet of the parent property, leaving this as SF-3-NP setback. An additional setback of 175 feet on the northern portion Tract 2 was established in which only residential uses would be allowed, with the exception that underground parking was permitted up to 75 feet from the rezoning boundary. Similarly, an additional 75 feet deep residential-use only setback was established along part of the northern portion of Tract 1, extending towards Red River (see Exhibit B-3, Page 3 of the Ordinance, Item "B"). The residential use-only setback or buffer on Tract 1 does not extend all the way to Red River, and in fact, such a prohibition was never intended, as can be seen from the ordinance that the setback excludes the eastern most portion of Tract 1.

Two clarifications are necessary. First, owing to existing buildings, this setback on Tract 1 will actually be deeper than 75 feet on its western side. Second, the eastern boundary of this setback was intended to align with the eastern property line of a residential property to the north (809 Park Boulevard); that is, the northeast corner of the setback would begin 25' south (and a smidge west) of the southeast corner of this lot. The course of the eastern edge would be a virtual extension of the eastern property line of 809 Park Boulevard. Because the lot lines are not oriented in a perfect north-south manner and the right-of-way of Red River is not parallel to this lot line, a specified setback distance from Red River, such as the 150' specified in the existing ordinance provides a guide, but it is inaccurate. The eastern edge of this setback will actually vary in terms of its distance from Red River, but would be perpendicular to the northern boundary of the zoning tract.

To clarify the location of the eastern edge of the residential-use only area, and to allow for that portion of the setback which exceeds 75 feet in depth, an Exhibit (see Exhibit D for a draft)

depicting its location and configuration is proposed to be included in the zoning ordinance, along with textual updates for clarification.

This Exhibit, representing the location and extent of the residential-use only setback, is also in conformance with the recorded private RC referenced above. Granting the rezoning would clarify the intent of the setback's location and extent, and remove any conflict between the ordinance and private RC.

#### **ABUTTING STREETS & TRANSIT:**

<b>Street Name</b>	<b>ROW Width</b>	<b>Pavement Width</b>	<b>Classification</b>	<b>Bicycle Route</b>	<b>Bus Service</b>	<b>Sidewalks</b>
Red River Street	80 feet	MAU 4 (approx. 60) feet	Arterial	Yes (Route 51)	Yes	Yes
E 41 <sup>st</sup> Street	60 feet	30 feet	Collector	Yes (Route 34)	No	No

#### **EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<b>SITE</b>	GR-MU-CO-NP (Tract 1 & 2); GR-MU-CO-H-NP (Tract 1A)	Former school
<b>NORTH</b>	SF-3-CO-NP	Single family residential
<b>SOUTH</b>	P-NP	E 41 <sup>st</sup> St ROW; Hancock golf course
<b>EAST</b>	CS-CO-NP; CS-1-CO-NP	Red River St ROW; Hancock shopping center
<b>WEST</b>	SF-3-CO-NP*	Former school

\* An application (C14-2014-0063) has been submitted to rezone the property, the remainder of the Commodore Perry Estate, to SF-6-CO-NP. A Neighborhood Plan Amendment application (NPA-2014-0019.01), to amend the Future Land Use Map from Civic to Higher Density Single Family, accompanies this rezoning request.

**TIA:** Waived at the time of the 2013 rezoning application (C14-2013-0040)

**WATERSHED:** Waller Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

**HILL COUNTRY ROADWAY:** No

#### **NEIGHBORHOOD ASSOCIATIONS & COMMUNITY ORGANIZATIONS:**

<b><u>COMMUNITY REGISTRY NAME</u></b>	<b><u>COMMUNITY REGISTRY ID</u></b>
Hancock Neighborhood Assoc.	31
North Austin Neighborhood Alliance	283
Austin Neighborhood Council	511
Austin Independent School District	742
CANPAC (Central Austin Neigh Plan Area Committee)	754
Homeless Neighborhood Association	1037
Bike Austin	1075
Super Duper Neighborhood Objectors and Appealers Organization	1200

Austin Monorail Project	1224
Sierra Club, Austin Regional Group	1228
The Real Estate Council of Austin, Inc.	1236
Signature Neighborhood Association	1287
Perry Neighborhood Assn.	1288
Austin Heritage Tree Foundation	1340
SelTexas	1363
Central Austin Community Development Corporation	1391
Friends of the Emma Barrientos MACC	1447

**SCHOOLS:** Austin ISD

Lee Elementary School

Kealing Middle School

McCallum High School

**CASE HISTORIES FOR THIS TRACT:**

<b>CASE NUMBER</b>	<b>REQUEST</b>	<b>LAND USE COMMISSION</b>	<b>CITY COUNCIL</b>
C14-2013-0040	SF-3-CO-NP to GR-MU-CO-NP (Tracts 1 & 2), to GR-MU-CO-H-NP (Tract 1A)	Recommended; 11/12/2013	Approved with amendments; 01/30/2014
NPA-2013-0019.01	From Civic to Mixed Use & Higher Density Single Family	Recommended; 11/12/2013	Approved; 01/30/2014

**ZONING CASE HISTORIES IN THE AREA:**

<b>CASE NUMBER</b>	<b>REQUEST</b>	<b>LAND USE COMMISSION</b>	<b>CITY COUNCIL</b>
1000 E 41 <sup>st</sup> C14-2008-0071	From CS-CO-NP to CS-1-CO-NP	Recommended; 05/13/2008	Approved; 06/05/2008 (CO limits uses, specifies conditional uses)
4007-4011 Red River C14-95-0075	From LR to GR-CO	Recommended; 06/27/1995	Approved; 08/03/1995 (CO limits vtd < 2000)

**CITY COUNCIL DATE:**

Scheduled for Consideration June 26, 2014

June 12, 2014

Postponed at the Request of the Applicant (Consent Motion: Councilmember Spellman; Second: Mayor Leffingwell) 7-0

**CITY COUNCIL ACTION:****ORDINANCE READINGS:**1<sup>st</sup>2<sup>nd</sup>3<sup>rd</sup>**ORDINANCE NUMBER:****CASE MANAGER:** Lee Heckman**PHONE:** 974-7604

e-mail address: lee.heckman@austintexas.gov

## **SUMMARY STAFF RECOMMENDATION**

### **BACKGROUND**

The ordinance (20140130-035) rezoning the subject tract was adopted by Council in January 2014. Between a recommendation for approval by the Planning Commission in November and approval by the Council, several additional conditions were added by Council. At the same time, a private restrictive covenant – to which the City is not a party – was executed between the property owner and the owners of 25 adjacent or nearby properties.

Two of the conditions, relating to vehicular access from the various tracts to adjacent streets and a residential use-only setback along the northern boundary of the rezoning tract, are addressed differently in the adopted ordinance. The purpose of this rezoning is solely to amend the existing ordinance to clarify these conditions, and to align them with the terms of the private restrictive covenant. No other changes are proposed, and these changes would only apply to Tracts 1 and 2, and not Tract 1A, which contains the Historic designation.

### **BASIS FOR RECOMMENDATION**

The original recommendation for rezoning was based primarily on the principal that the proposed zoning should be consistent with the goals and objectives of the City Council. Granting the requested zoning, it was stated, would be in keeping with the goals stated in the Central Austin Combined Neighborhood Plan. This Plan included goals to “Preserve the historic character and resources of the Central Austin Combined Neighborhood Planning Area neighborhoods” as well as “Allow mixed-use development along the existing commercial corridors that is pedestrian oriented, neighborhood friendly, neighborhood scaled, and serves neighborhood needs.” The zoning granted meets both of those goals.

No change to the uses or development standards is proposed with this rezoning. Rather, this rezoning is requested to clarify or correct language, and illustrate with a new exhibit, which could not be accomplished with a simple corrective ordinance. Because the proposed rezoning does not materially change any of the proposed or prohibited uses, or any of the site development standards, the original basis for recommendation still holds. As to the clarifications sought with this rezoning, staff thinks the amendments are entirely justified given our understanding of the intent of these provisions, and the support for these provisions, as evidenced by a private restrictive covenant with over two-dozen neighboring or nearby property owners.

## **EXISTING SITE CHARACTERISTICS AND REVIEW COMMENTS**

### **Site Characteristics**

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The property is currently developed with the Commodore Perry Estate which consists of numerous structures, the main building being a circa 1928 Italian Renaissance Revival mansion and associated gardens, a convent building, a chapel, a carriage house, a cottage, a school building and a bowling alley. The Perry Estate has been a fixture in the area for over eighty five years. As part of the 2013 rezoning request, the applicant sought, and was granted, Historic Landmark (H) Overlay zoning on the southeast portion of the property. The remainder of the property is in A National Register Historic District.

### **NPZ Comprehensive Planning Review (KF) (04/28/2014)**

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RE: Tracts 1, 1A, and Tract 2

The applicant has submitted a request to amend the conditional overlay for vehicular access (from Tract 2 to Red River), which does not change the 2013 staff recommendation for this property (RE: NPA-2013-0019.0) when an Neighborhood Plan Amendment was reviewed and approved by City Council, amending the Hancock NPA Future Land Use Map from Civic to Mixed Use.

### **Imagine Austin**

The comparative scale of the site relative to nearby housing and commercial uses, as well as the site not being located along an Activity Corridor or within an Activity Center as identified on the Imagine Austin Growth Concept Map, falls below the scope of Imagine Austin, which is broad in scope, and consequently the plan is neutral on the proposed rezoning.

### **NPZ Environmental Review (MM) (05/06/2014)**

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1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Waller Creek and Boggy Creek Watersheds of the Colorado River Basin, which are classified as Urban Watersheds by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.
2. Zoning district impervious cover limits apply in the Urban Watershed classification.
3. According to floodplain maps there is a floodplain adjacent to the project location. Based upon the location of the floodplain, offsite drainage should be calculated to determine whether a Critical Water Quality Zone exists within the project location.
4. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
5. Numerous trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

6. This site is required to provide on-site water quality controls (or payment in lieu of) for all development and/or redevelopment when 8,000 s.f. cumulative is exceeded, and on site control for the two-year storm.
7. 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.

#### **NPZ Site Plan Review (NH) (05/12/2014)**

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1. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.
  - a. It would appear the project will be over 5 acres, therefore the principal roadway would be an Internal Circulation Route.
2. The site is subject to compatibility standards. Along the north and west property lines; the following standards apply:
  - No structure may be built within 25 feet of the property line.
  - No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
  - No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
  - No parking or driveways are allowed within 25 feet of the property line.
  - In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
3. Additional design regulations will be enforced at the time a site plan is submitted.

#### **NPZ Transportation Review (IN) (05/20/2014)**

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##### **ZONING COMMENTS**

1. No additional right-of-way is needed at this time.
2. A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]
3. E. 41<sup>st</sup> Street is classified in the Bicycle Plan as Bike route No. 34. Red River Street is classified in the Bicycle Plan as Bike Route No. 51.
4. Capital Metro bus service (Route No. 338) is available along Red River Street. However, Capital Metro bus service is not available along E. 41st Street.
5. There are existing sidewalks along Red River Street. There are no existing sidewalks along E. 41st Street.
6. Eric Dusza in the Neighborhood Connectivity Division may provide additional comments regarding mobility enhancement and pedestrian facilities.
7. Existing Street Characteristics:



<b>Name</b>	<b>ROW</b>	<b>Pavement</b>	<b>Classification</b>	<b>ADT</b>
E. 41st Street	60'	27'	Collector	N/A
Red River Street	80'	MAU-4	Arterial	2,372

**NPZ Water Utility Review (BB) (04/28/2014)**

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WW1. 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 the Austin Water Utility 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.





# Commodore Perry Estate / C14-2014-0064



Aerial: 2012-01

## Exhibit A-1 Aerial & Zoning

0 50 100 200 Feet

1 inch = 200 feet



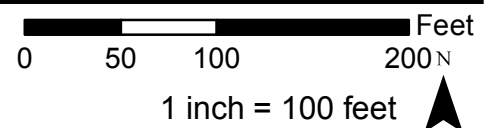


# Commodore Perry Estate / C14-2014-0064



Aerial: 2012-01

## Exhibit A-2 Existing Zoning Tracts





**ORDINANCE NO. 20140130-035**

**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 710 EAST 41<sup>ST</sup> STREET IN THE HANCOCK NEIGHBORHOOD PLAN AREA FROM FAMILY RESIDENCE-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (SF-3-CO-NP) COMBINING DISTRICT TO COMMUNITY COMMERCIAL-MIXED USE-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (GR-MU-CO-NP) COMBINING DISTRICT FOR TRACTS 1 AND 2; COMMUNITY COMMERCIAL-MIXED USE-CONDITIONAL OVERLAY-HISTORIC LANDMARK-NEIGHBORHOOD PLAN (GR-MU-CO-H-NP) COMBINING DISTRICT FOR TRACT 1A.**

**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 on the property (the "Property") described in Zoning Case No. C14-2013-0040, on file at the Planning and Development Review Department, as follows:

**TRACT 1:**

From family residence-conditional overlay-neighborhood plan (SF-3-CO-NP) combining district to community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district.

A 2.74 acre tract of land, more or less, being a portion of Outlot 14, Division "C" of the government outlots, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance.

**TRACT 2:**

From family residence-conditional overlay-neighborhood plan (SF-3-CO-NP) combining district to community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district.

A 1.73 acre tract of land, more or less, being a portion of Outlot 14, Division "C" of the government outlots, the tract of land being more particularly described by metes and bounds in Exhibit "B" incorporated into this ordinance.

**TRACT 1A:**

From family residence-conditional overlay-neighborhood plan (SF-3-CO-NP) combining district to community commercial-mixed use-conditional overlay-historic landmark-neighborhood plan (GR-MU-CO-H-NP) combining district.

A 1.21 acre tract of land, more or less, being a portion of Outlot 14, Division "C" of the government outlots, the tract of land being more particularly described by metes and bounds in Exhibit "C" incorporated into this ordinance.

locally known as 710 East 41<sup>st</sup> Street in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "D".

**PART 2.** Except as specifically provided in Part 3 and Part 4 of this ordinance, the Property may be developed and used in accordance with the regulations established for the community commercial (GR) base district and other applicable requirements of the City Code.

**PART 3.** The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

The following apply to Tracts 1, 1A and 2.

- A. 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 2,000 trips per day for the combined tracts.
- B. Development of the Property may not exceed an impervious coverage of 45 percent.
- C. The maximum height, as defined by City Code, of a building or structure on the property may not exceed two stories or 30 feet.
- D. The following uses are prohibited uses of the Property:

Administrative and business offices	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

**Exhibit B - 2**

Consumer convenience services  
 Drop off recycling collection facility  
 Financial services  
 Food sales  
 General retail sales (convenience)  
 Indoor sports and recreation  
 Medical offices (exceeding 5,000  
 sq. ft. gross floor area)  
 Outdoor sports and recreation  
 Pet services  
 Professional office  
 Restaurant (limited)  
 Software development  
 College and university facilities  
 Community events  
 Community recreation (public)  
 Cultural services  
 Day care services (limited)  
 Guidance services  
 Local utility services  
 Public secondary educational  
 facilities  
 Safety services

Consumer repair services  
 Exterminating services  
 Food preparation  
 Funeral services  
 General retail sales (general)  
 Off-site accessory parking  
 Medical offices (not exceeding  
 5,000 sq. ft. gross floor area)  
 Pawn shop services  
 Printing and publishing  
 Research services  
 Service station  
 Theater  
 Communication service facilities  
 Community recreation (private)  
 Counseling services  
 Day care services (commercial)  
 Duplex residential  
 Hospital services (limited)  
 Public primary educational facilities  
 Residential treatment

Access – Not Changing

The following applies to Tract 1:

A. Vehicular access from Tract 1 to 41<sup>st</sup> Street is prohibited, except for pedestrian, bicycle and emergency ingress and egress. All vehicular access to Tract 1 shall be from other adjacent public streets or through other adjacent property

B. Only residential uses are permitted within 75 feet of the north zoning boundary line except for the eastern most 150 feet, measured from the property line adjacent to Red River Street

The following applies to Tract 2:

A. Vehicular access from Tract 2 to Red River Street is prohibited, except for pedestrian, bicycle and emergency ingress and egress. All vehicular access to Tract 2 shall be from other adjacent public streets or through other adjacent property.

Setback - Changing

Access - Changing

Setback – Not Changing

- B. Only residential uses are allowed within 175 feet of the northern zoning boundary line, **SAVE AND EXCEPT** underground parking is permitted no closer than 75 feet to the northern zoning boundary line.

The following applies to Tracts 1 and 2:

- A. Development of Tracts 1 and 2 may not exceed a total of 75 residential units or hotel units. No more than 55 of the total units may be hotel units and no more than 20 hotel units may be located on Tract 2.
- B. A short term rental (type 2) use and short term rental (type 3) use are prohibited uses of the Property.

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) base district, the mixed use combining district, and other applicable requirements of the City Code.

**PART 4.** The Property is subject to Ordinance No. 040826-59 that established the Hancock neighborhood plan combining district.

**PART 5.** This ordinance takes effect on February 10, 2014.

**PASSED AND APPROVED**

January 30, 2014 §  
§  
§  
Lee Jeffingwell  
Mayor  
APPROVED: Karen M. Kennard 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

**2.743 ACRES  
ZONING DESCRIPTION  
CITY OF AUSTIN, TEXAS**

A DESCRIPTION OF 2.743 ACRES (APPROXIMATELY 119,481 SQ. FT.), BEING A PORTION OF OUTLOT 14, DIVISION "C" OF THE GOVERNMENT TRACT ADJOINING THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT ON FILE IN THE GENERAL LAND OFFICE OF THE STATE OF TEXAS, AND BEING A PORTION OF A 9.862 ACRE TRACT CONVEYED TO PERRY ESTATE, LLC IN A SPECIAL WARRANTY DEED WITH VENDOR'S LIEN DATED MARCH 4, 2011 AND RECORDED IN DOCUMENT NO. 2011032668 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 2.743 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**COMMENCING** at a found 1/2" hole drilled in the concrete cap of a rock post, for the southeast corner of said 9.862 acre tract, same being the southeast corner of said Outlot 14, also being the intersection of the north right-of-way line of East 41<sup>st</sup> Street (60' right-of-way width) and the west right-of-way line of East Red River Street (80' right-of-way width);

**THENCE** North 62°30'20" West, with the north right-of-way line of East 41<sup>st</sup> Street, same being the south line of said Outlot 14, also being the south line of said 9.862 acre tract, a distance of 307.00 feet to a calculated point for the southernmost corner of the herein described tract of land, and the true **POINT OF BEGINNING** hereof;

**THENCE** North 62°30'20" West, continuing with the north right-of-way line of East 41<sup>st</sup> Street, same being the south line of said Outlot 14, also being the south line of said 9.862 acre tract, a distance of 104.44 feet to a calculated point, from which a 1/2" rebar with "Chaparral" cap set for an angle point in the aforementioned line bears North 62°30'20" West, a distance of 150.02 feet;

**THENCE** over and across said 9.862 acre tract, the following six (6) courses and distances:

1. North 19°19'54" East, a distance of 405.32 feet to a calculated point;
2. South 62°23'58" East, a distance of 56.02 feet to a calculated point;
3. South 62°13'21" East, a distance of 60.03 feet to a calculated point;
4. South 62°40'54" East, a distance of 154.99 feet to a calculated point;

**Exhibit B - 5**

Exhibit A

5. North 27°21'46" East, a distance of 42.89 feet to a calculated point;
6. South 62°32'40" East, a distance of 142.14 feet to a calculated point in the west right-of-way line of East Red River Street, same being the east line of said 9.862 acre tract and the east line of said Outlot 14, from which a 1/2" iron pipe found for the northeast corner of said 9.862 acre tract bears North 21°46'50" East, a distance of 25.12 feet;

**THENCE** with the west right-of-way line of East Red River Street, same being the east line of said 9.862 acre tract and the east line of said Outlot 14, the following two (2) courses and distances:

1. South 21°46'50" West, a distance of 17.64 feet to a 3/4" iron pipe found for an angle point;
2. South 20°15'40" West, a distance of 286.09 feet to a calculated point, from which said 1/2" hole drilled in the concrete cap of a rock post bears South 20°15'40" West, a distance of 144.04 feet;

**THENCE** over and across said 9.862 acre tract, the following forty-three (43) courses and distances:

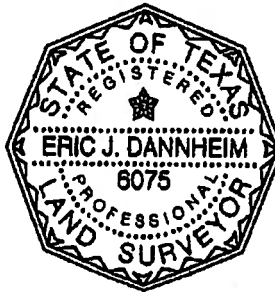
1. North 62°05'07" West, a distance of 55.53 feet to a calculated point;
2. With a curve to the left, having a radius of 7.19 feet, a delta angle of 93°19'33", an arc length of 11.71 feet, and a chord which bears North 20°19'06" West, a distance of 10.46 feet to a calculated point;
3. North 62°06'42" West, a distance of 10.59 feet to a calculated point;
4. With a curve to the left, having a radius of 7.54 feet, a delta angle of 84°41'44", an arc length of 11.14 feet, and a chord which bears South 74°13'44" West, a distance of 10.15 feet to a calculated point;
5. North 62°16'04" West, a distance of 116.29 feet to a calculated point;
6. North 27°37'04" East, a distance of 82.12 feet to a calculated point;
7. North 62°31'09" West, a distance of 17.93 feet to a calculated point;
8. North 27°28'51" East, a distance of 3.91 feet to a calculated point;
9. With a curve to the left, having a radius of 1.91 feet, a delta angle of 90°00'00", an arc length of 3.01 feet, and a chord which bears North 17°31'09" West, a distance of 2.71 feet to a calculated point;

10. North 62°31'09" West, a distance of 20.58 feet to a calculated point;
11. North 27°28'51" East, a distance of 1.70 feet to a calculated point;
12. North 17°49'17" West, a distance of 6.71 feet to a calculated point;
13. North 62°42'02" West, a distance of 8.56 feet to a calculated point;
14. North 27°17'58" East, a distance of 3.40 feet to a calculated point;
15. North 62°42'02" West, a distance of 23.82 feet to a calculated point;
16. South 27°17'58" West, a distance of 3.40 feet to a calculated point;
17. North 62°42'02" West, a distance of 8.56 feet to a calculated point;
18. South 72°23'48" West, a distance of 6.68 feet to a calculated point;
19. South 27°23'48" West, a distance of 1.70 feet to a calculated point;
20. North 62°36'12" West, a distance of 20.60 feet to a calculated point;
21. With a curve to the left, having a radius of 1.94 feet, a delta angle of 88°40'29", an arc length of 3.00 feet, and a chord which bears South 71°44'06" West, a distance of 2.71 feet to a calculated point;
22. South 27°23'51" West, a distance of 3.85 feet to a calculated point;
23. North 63°15'54" West, a distance of 17.07 feet to a calculated point;
24. North 27°22'55" East, a distance of 22.99 feet to a calculated point;
25. North 62°34'54" West, a distance of 19.37 feet to a calculated point;
26. South 27°22'55" West, a distance of 11.53 feet to a calculated point;
27. North 62°37'05" West, a distance of 1.75 feet to a calculated point;
28. South 27°22'55" West, a distance of 9.22 feet to a calculated point;
29. South 62°37'05" East, a distance of 1.75 feet to a calculated point;
30. South 27°22'55" West, a distance of 11.63 feet to a calculated point;
31. South 62°37'05" East, a distance of 18.55 feet to a calculated point;

32. South 27°22'55" West, a distance of 31.59 feet to a calculated point;
33. South 14°13'09" West, a distance of 24.86 feet to a calculated point;
34. With a curve to the left, having a radius of 30.17 feet, a delta angle of 75°23'22", an arc length of 39.69 feet, and a chord which bears South 23°28'33" East, a distance of 36.89 feet to a calculated point;
35. South 61°48'02" East, a distance of 18.79 feet to a calculated point;
36. With a curve to the left, having a radius of 12.22 feet, a delta angle of 48°29'07", an arc length of 10.34 feet, and a chord which bears South 08°18'14" East, a distance of 10.03 feet to a calculated point;
37. South 27°21'50" West, a distance of 34.45 feet to a calculated point;
38. With a curve to the right, having a radius of 376.44 feet, a delta angle of 09°32'05", an arc length of 62.65 feet, and a chord which bears South 34°28'00" West, a distance of 62.57 feet to a calculated point;
39. South 39°14'57" West, a distance of 10.91 feet to a calculated point;
40. South 26°55'55" West, a distance of 10.92 feet to a calculated point;
41. North 63°31'55" West, a distance of 2.24 feet to a calculated point;
42. With a curve to the left, having a radius of 8.00 feet, a delta angle of 86°42'40", an arc length of 12.10 feet, and a chord which bears South 70°42'59" West, a distance of 10.98 feet to a calculated point;
43. South 27°19'03" West, a distance of 2.70 feet to the **POINT OF BEGINNING**, containing 2.743 acres of land, more or less.

Surveyed on the ground March 3, 2011. Bearing Basis: The Texas Coordinate System of 1983, Central Zone, based on GPS solutions from the National Geodetic Survey (NGS) On-line Positioning User Service (OPUS). Attachments: Drawing 793-001-Z12.

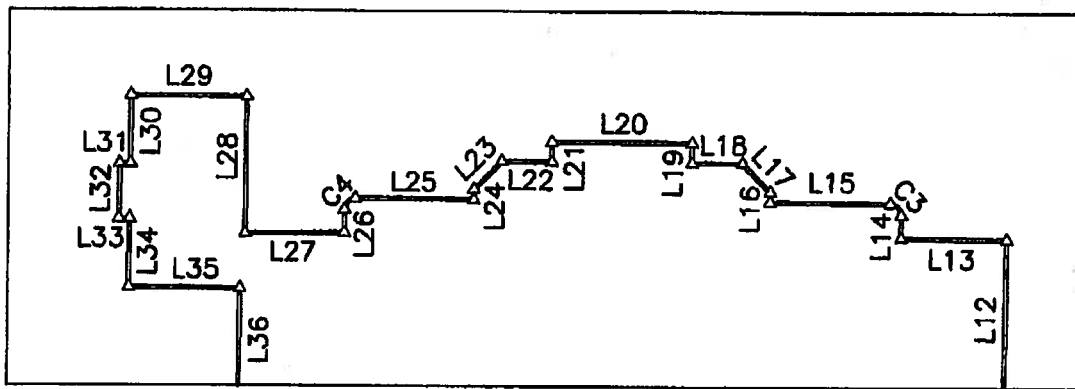
*Eric J. Dannheim* 9/05/2013  
Eric J. Dannheim  
Registered Professional Land Surveyor  
State of Texas No. 6075



SKETCH TO ACCOMPANY A DESCRIPTION OF 2.743 ACRES (APPROXIMATELY 119,481 SQ. FT.), BEING A PORTION OF OUTLOT 14, DIVISION "C" OF THE GOVERNMENT TRACT ADJOINING THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT ON FILE IN THE GENERAL LAND OFFICE OF THE STATE OF TEXAS, AND BEING A PORTION OF A 9.862 ACRE TRACT CONVEYED TO PERRY ESTATE, LLC IN A SPECIAL WARRANTY DEED WITH VENDOR'S LIEN DATED MARCH 4, 2011 AND RECORDED IN DOCUMENT NO. 2011032668 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

BEARING BASIS: THE TEXAS COORDINATE SYSTEM OF 1983, CENTRAL ZONE, BASED ON GPS SOLUTIONS FROM THE NATIONAL GEODETIC SURVEY (NGS) ON-LINE POSITIONING USER SERVICE (OPUS).

ATTACHMENTS: METES AND BOUNDS DESCRIPTION 793-001-Z12



DETAIL B  
(1"=30')

**LEGEND**

- 1/2" REBAR WITH "CHAPARRAL" CAP SET
- ⊙ IRON PIPE FOUND (SIZE NOTED)
- △ CALCULATED POINT
- ⊠ FOUND 1/2" HOLE DRILLED IN THE CONCRETE CAP OF A ROCK POST
- ⊗ PROPERTY OWNER INFORMATION

(N)

HAL F. MORRIS AND  
WIFE, LORIE FRIEND  
TRACT II  
(12239/1633)  
(DESCRIBED IN 8334/173)  
(915/249)

(Q)

MAYRENE HENDERSON  
(7978/982)  
(912/240)

(R)

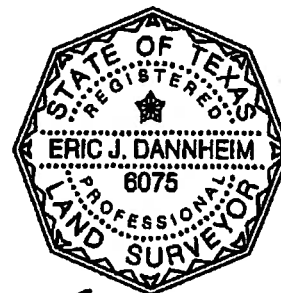
MICHAEL DONALD KITLEY  
SECOND TRACT  
(2003122977)  
(1152/544)

(O)

ALLAN HUGH COLE, JR.  
AND TRACEY M. COLE  
TRACT TWO  
(2003179008)  
(909/423)

(P)

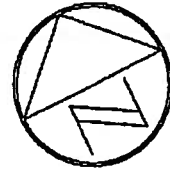
DANIEL LESTER SMITH  
AND LAURA HEATH SMITH  
TRACT TWO  
(8077/85)  
(915/47)



*Er* 9/05/2013

DATE OF SURVEY: 03/03/11  
PLOT DATE: 09/05/13  
DRAWING NO.: 793-001-Z12  
PROJECT NO.: 793-001  
DRAWN BY: EJD  
SHEET 1 OF 3

*Chaparral*



1" = 100'

BLOCK 23  
PERRY ESTATES  
(3/152)

LOT 28 LOT 29 LOT 30 LOT 31 LOT 32 LOT 33 LOT 34

(N)

(O)

(P)

(Q)

(R)

L2 L3 L4 L5

L6

L7

1/2"

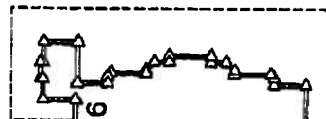
3/4"

25'

2.743 ACRES  
APPROX. 119,481 SQ. FT.

PERRY ESTATE, LLC  
9.862 ACRES  
(2011032668)

N19°19'54"E 405.32'



SEE DETAIL B  
(ON SHEET 1)

L10

L11

L9

S20°15'40"W 286.09'  
(S22°43'W 429.85')

EAST RED RIVER STREET  
(80' R.O.W. WIDTH)

S20°15'40"W 144.04'

N62°30'20"W 160.02'

P.O.B.

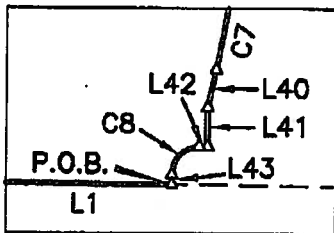
L1

(N60°03'W 561.46')

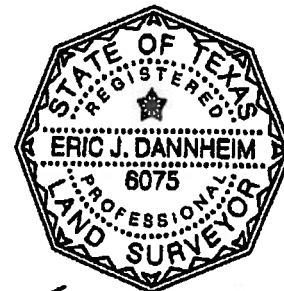
N62°30'20"W 307.00'

P.O.C.

EAST 41ST STREET  
(60' R.O.W. WIDTH)



DETAIL A  
(1"=50')



DATE OF SURVEY: 03/03/11  
PLOT DATE: 09/05/13  
DRAWING NO.: 793-001-Z12  
PROJECT NO.: 793-001  
DRAWN BY: EJD  
SHEET 2 OF 3

Chaparral

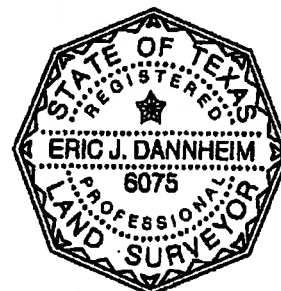
Exhibit B - 10

CURVE TABLE					
CURVE	RADIUS	DELTA	ARC	BEARING	CHORD
C1	7.19'	93°19'33"	11.71'	N20°19'06"W	10.46'
C2	7.54'	84°41'44"	11.14'	S74°13'44"W	10.15'
C3	1.91'	90°00'00"	3.01'	N17°31'09"W	2.71'
C4	1.94'	88°40'29"	3.00'	S71°44'06"W	2.71'
C5	30.17'	75°23'22"	39.69'	S23°28'33"E	36.89'
C6	12.22'	48°29'07"	10.34'	S08°18'14"E	10.03'
C7	376.44'	9°32'05"	62.65'	S34°28'00"W	62.57'
C8	8.00'	86°42'40"	12.10'	S70°42'59"W	10.98'

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N62°30'20"W	104.44'
L2	S62°23'58"E	56.02'
L3	S62°13'21"E	60.03'
L4	S62°40'54"E	154.99'
L5	N27°21'46"E	42.89'
L6	S62°32'40"E	142.14'
L7	N21°46'50"E	25.12'
L8	S21°46'50"W	17.64'
L9	N62°05'07"W	55.53'
L10	N62°06'42"W	10.59'
L11	N62°16'04"W	116.29'
L12	N27°37'04"E	82.12'
L13	N62°31'09"W	17.93'
L14	N27°28'51"E	3.91'
L15	N62°31'09"W	20.58'
L16	N27°28'51"E	1.70'
L17	N17°49'17"W	6.71'
L18	N62°42'02"W	8.56'
L19	N27°17'58"E	3.40'
L20	N62°42'02"W	23.82'
L21	S27°17'58"W	3.40'
L22	N62°42'02"W	8.56'
L23	S72°23'48"W	6.68'
L24	S27°23'48"W	1.70'
L25	N62°36'12"W	20.60'

LINE TABLE		
LINE	BEARING	DISTANCE
L26	S27°23'51"W	3.85'
L27	N63°15'54"W	17.07'
L28	N27°22'55"E	22.99'
L29	N62°34'54"W	19.37'
L30	S27°22'55"W	11.53'
L31	N62°37'05"W	1.75'
L32	S27°22'55"W	9.22'
L33	S62°37'05"E	1.75'
L34	S27°22'55"W	11.63'
L35	S62°37'05"E	18.55'
L36	S27°22'55"W	31.59'
L37	S14°13'09"W	24.86'
L38	S61°48'02"E	18.79'
L39	S27°21'50"W	34.45'
L40	S39°14'57"W	10.91'
L41	S26°55'55"W	10.92'
L42	N63°31'55"W	2.24'
L43	S27°19'03"W	2.70'

DATE OF SURVEY: 03/03/11  
PLOT DATE: 09/05/13  
DRAWING NO.: 793-001-Z12  
PROJECT NO.: 793-001  
DRAWN BY: EJD  
SHEET 3 OF 3



*Er* 9/05/2013  
**Exhibit B - 11**

*Chaparral*



Professional Land Surveying, Inc.  
Surveying and Mapping

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

3500 McCall Lane  
Austin, Texas 78744

**1.730 ACRES  
ZONING DESCRIPTION  
CITY OF AUSTIN, TEXAS**

A DESCRIPTION OF 1.730 ACRES (APPROXIMATELY 75,345 SQ. FT.), BEING A PORTION OF OUTLOT 14, DIVISION "C" OF THE GOVERNMENT TRACT ADJOINING THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT ON FILE IN THE GENERAL LAND OFFICE OF THE STATE OF TEXAS, AND BEING A PORTION OF A 9.862 ACRE TRACT CONVEYED TO PERRY ESTATE, LLC IN A SPECIAL WARRANTY DEED WITH VENDOR'S LIEN DATED MARCH 4, 2011 AND RECORDED IN DOCUMENT NO. 2011032668 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 1.730 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a 1/2" rebar with "Chaparral" cap set for an angle point in the north right-of-way line of East 41st Street (60' right-of-way width), same being the south line of said Outlot 14, also being the south line of said 9.862 acre tract, from which a 1/2" rebar found for the southwest corner of said 9.862 acre tract, same being the southeast corner of a tract described in a deed recorded in Volume 12627, Page 1577 of the Real Property Records of Travis County, Texas, and conveyed to Karen Killeen in a deed recorded in Document No. 2002043761 of the Official Public Records of Travis County, Texas, bears North 62°19'14" West, a distance of 470.67 feet;

**THENCE** over and across said 9.862 acre tract, the following twenty-two (22) courses and distances:

1. North 09°13'25" West, a distance of 18.31 feet to a calculated point;
2. North 27°23'33" East, a distance of 42.52 feet to a calculated point;
3. North 14°57'13" East, a distance of 17.49 feet to a calculated point;
4. North 04°52'47" East, a distance of 20.12 feet to a calculated point;
5. North 24°52'40" East, a distance of 27.54 feet to a calculated point;
6. North 14°14'45" East, a distance of 57.42 feet to a calculated point;
7. North 02°45'08" East, a distance of 53.61 feet to a calculated point;



8. North 31°06'04" West, a distance of 28.66 feet to a calculated point;
9. North 04°27'21" East, a distance of 14.82 feet to a calculated point;
10. North 28°25'03" East, a distance of 35.29 feet to a calculated point;
11. North 23°31'14" West, a distance of 17.18 feet to a calculated point;
12. North 04°34'46" East, a distance of 15.28 feet to a calculated point;
13. North 21°32'20" West, a distance of 17.73 feet to a calculated point;
14. North 03°52'39" West, a distance of 28.67 feet to a calculated point;
15. North 17°40'08" West, a distance of 18.29 feet to a calculated point;
16. North 31°09'31" West, a distance of 35.33 feet to a calculated point;
17. North 27°32'30" West, a distance of 33.03 feet to a calculated point;
18. South 62°28'12" East, a distance of 123.75 feet to a calculated point;
19. South 62°28'41" East, a distance of 75.56 feet to a calculated point;
20. South 63°25'03" East, a distance of 86.64 feet to a calculated point;
21. South 62°23'58" East, a distance of 13.46 feet to a calculated point;
22. South 19°19'54" West, a distance of 405.32 feet to a calculated point in the north right-of-way line of East 41st Street, same being the south line of said Outlot 14, also being the south line of said 9.862 acre tract, from which a found 1/2" hole drilled in the concrete cap of a rock post, for the southeast corner of said 9.862 acre tract, same being the intersection of the north right-of-way line of East 41<sup>st</sup> Street and the west right-of-way line of East Red River Street (80' right-of-way width), bears South 62°30'20" East, a distance of 411.44 feet;

**THENCE** North 62°30'20" West, with the north right-of-way line of East 41st Street, same being the south line of said Outlot 14, also being the south line of said 9.862 acre tract, a distance of 150.02 feet to the **POINT OF BEGINNING**, containing 1.730 acres of land, more or less.

Surveyed on the ground March 3, 2011. Bearing Basis: The Texas Coordinate System of 1983, Central Zone, based on GPS solutions from the National Geodetic Survey (NGS) On-line Positioning User Service (OPUS). Attachments: Drawing 793-001-Z10.

*EW* 8/15/2013

Eric J. Dannheim  
Registered Professional Land Surveyor  
State of Texas No. 6075



SKETCH TO ACCOMPANY A DESCRIPTION OF 1.730 ACRES (APPROXIMATELY 75,345 SQ. FT.), BEING A PORTION OF OUTLOT 14, DIVISION "C" OF THE GOVERNMENT TRACT ADJOINING THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT ON FILE IN THE GENERAL LAND OFFICE OF THE STATE OF TEXAS, AND BEING A PORTION OF A 9.862 ACRE TRACT CONVEYED TO PERRY ESTATE, LLC IN A SPECIAL WARRANTY DEED WITH VENDOR'S LIEN DATED MARCH 4, 2011 AND RECORDED IN DOCUMENT NO. 2011032668 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

BEARING BASIS: THE TEXAS COORDINATE SYSTEM OF 1983, CENTRAL ZONE, BASED ON GPS SOLUTIONS FROM THE NATIONAL GEODETIC SURVEY (NGS) ON-LINE POSITIONING USER SERVICE (OPUS).

ATTACHMENTS: METES AND BOUNDS DESCRIPTION 793-001-Z10



*EW*  
8/15/2013

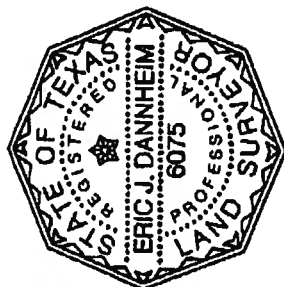
LEGEND	
●	1/2" REBAR FOUND (OR AS NOTED)
○	1/2" REBAR WITH "CHAPARRAL" CAP SET
△	CALCULATED POINT
☒	FOUND 1/2" HOLE DRILLED IN THE CONCRETE CAP OF A ROCK POST
⊗	PROPERTY OWNER INFORMATION, SEE SHEET 3 OF 3

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N09°13'25"W	18.31'
L2	N27°23'33"E	42.52'
L3	N14°57'13"E	17.49'
L4	N04°52'47"E	20.12'
L5	N24°52'40"E	27.54'
L6	N14°14'45"E	57.42'
L7	N02°45'08"E	53.61'
L8	N31°06'04"W	28.66'
L9	N04°27'21"E	14.82'
L10	N28°25'03"E	35.29'
L11	N23°31'14"W	17.18'
L12	N04°34'46"E	15.28'
L13	N21°32'20"W	17.73'
L14	N03°52'39"W	28.67'
L15	N17°40'08"W	18.29'
L16	N31°09'31"W	35.33'
L17	N27°32'30"W	33.03'
L18	S62°28'12"E	123.75'
L19	S62°28'41"E	75.56'
L20	S63°25'03"E	86.64'
L21	S62°23'58"E	13.46'
L22	S19°19'54"W	405.32'
L23	N62°30'20"W	150.02'

Exhibit B - 15

DATE OF SURVEY: 03/03/11  
PLOT DATE: 08/15/13  
DRAWING NO.: 793-001-Z10  
PROJECT NO.: 793-001  
DRAWN BY: CWW & EJD  
SHEET 1 OF 3

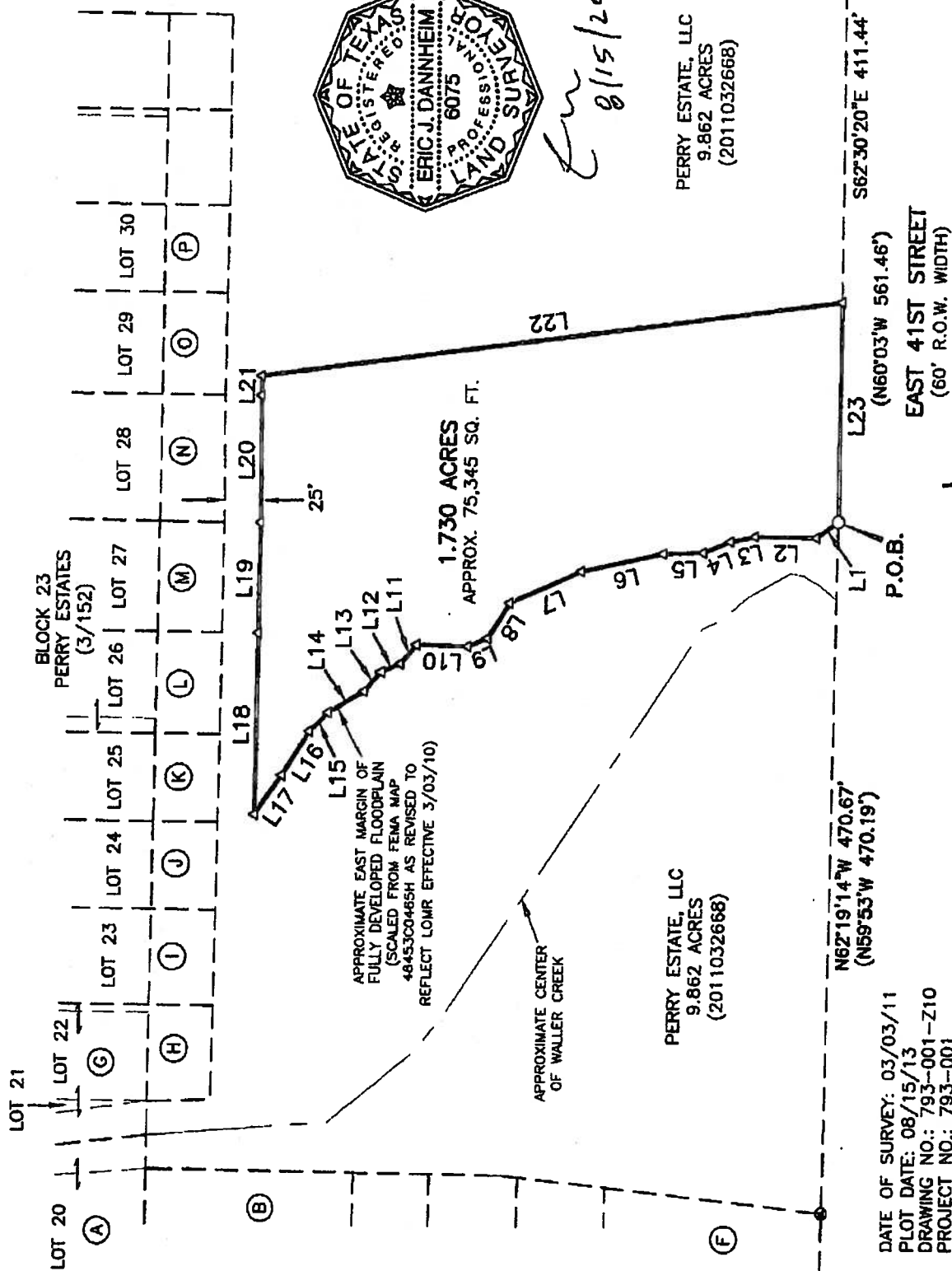
*Chaparral*



EAST RED RIVER STREET  
(80' R.O.W. WIDTH)

8/15/2013

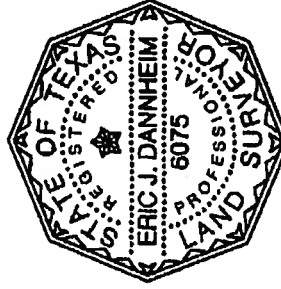
PERRY ESTATE, LLC  
9.862 ACRES  
(2011032668)



Chaparral

DATE OF SURVEY: 03/03/11  
PLOT DATE: 08/15/13  
DRAWING NO.: 793-001-Z10  
PROJECT NO.: 793-001  
DRAWN BY: CWW & EJD  
SHEET 2 OF 3

- (A) THE EAST 7.5 FEET OF LOT 18 AND ALL OF  
LOTS 19 AND 20, TOGETHER WITH ADJACENT  
WEST HALF OF WALLER CREEK  
HENDERSON LIVING TRUST DATED MAY 3, 2008  
(2008132042)
- (B) HENDERSON LIVING TRUST DATED MAY 3, 2008  
29,456 SQUARE FEET  
(DOC. NO. 2008132040)  
(DESCRIBED IN 3388/29)
- (C) KAREN KILLEEN  
(2002043761)  
(DESCRIBED IN 12627/1577)
- (D) LOTS 21 AND 22 AND THE  
WEST 5 FEET OF LOT 23,  
TOGETHER WITH THE  
EAST 1/2 OF WALLER CREEK  
BRUCE H. FAIRCHILD  
AND WIFE, CATHY M. FAIRCHILD  
(7234/42)
- (E) BRUCE H. FAIRCHILD  
AND WIFE, CATHY M. FAIRCHILD  
TRACT TWO  
(7234/42)  
(914/257)
- (F) GEORGE A. ELDER, JR. AND  
ELIZABETH R. SANSON ELDER  
SECOND TRACT  
(11306/333)  
(DESCRIBED IN 2566/210)
- (G) LAYERNE HENDERSON  
SECOND TRACT  
(11101/965)  
(915/416)
- (H) RUSSELL E. SCHULZ  
(13181/1946)  
(1109/86)
- (I) LEA C. NOELKE AND SPOUSE,  
HOLLY C. NOELKE  
TRACT 2  
(2007102194)  
(DESCRIBED IN 10760/610)
- (J) PATTYE HENDERSON  
14,446 SQUARE FEET  
(10035/165)  
(913/33)
- (K) HAL F. MORRIS AND  
WIFE, LORIE FRIEND  
TRACT II  
(12239/1633)  
(DESCRIBED IN 8334/173)  
(915/249)
- (L) ALLAN HUGH COLE, JR.  
AND TRACEY M. COLE  
TRACT TWO  
(2003179008)  
(909/423)
- (M) DANIEL LESTER SMITH  
AND LAURA HEATH SMITH  
TRACT TWO  
(8077/85)  
(915/47)
- (N) ERIC J. DANNHEIM  
5075  
PROFESSIONAL  
LAND SURVEYOR



*for* 8/15/2013

DATE OF SURVEY: 03/03/11  
PLOT DATE: 08/15/13  
DRAWING NO.: 793-001-Z10  
PROJECT NO.: 793-001  
DRAWN BY: CWV & EJD  
SHEET 3 OF 3

**Chaparral**



**Professional Land Surveying, Inc.  
Surveying and Mapping**

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

3500 McCall Lane  
Austin, Texas 78744

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**1.219 ACRES  
ZONING DESCRIPTION  
OUTLOT 14, DIVISION "C"**

A DESCRIPTION OF 1.219 ACRES OF LAND (APPROXIMATELY 53,092 SQ. FT.), BEING A PORTION OF OUTLOT 14, DIVISION "C" OF THE GOVERNMENT TRACT ADJOINING THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT ON FILE IN THE GENERAL LAND OFFICE OF THE STATE OF TEXAS, AND BEING A PORTION OF A 9.862 ACRE TRACT CONVEYED TO PERRY ESTATE, LLC IN A SPECIAL WARRANTY DEED WITH VENDOR'S LIEN DATED MARCH 4, 2011 AND RECORDED IN DOCUMENT NO. 2011032668 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 1.219 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a found 1/2" hole drilled in the concrete cap of a rock post for the intersection of the north right-of-way line of East 41<sup>st</sup> Street (60' right-of-way width) and the west right-of-way line of East Red River Street (80' right-of-way width), for the southeast corner of said 9.862 acre tract;

**THENCE** North 62°30'20" West, with the north right-of-way line of East 41<sup>st</sup> Street, same being the south line of said 9.862 acre tract, a distance of 307.00 feet to a calculated point, from which, a 1/2" rebar with Chaparral cap set for an angle point in the aforementioned line bears North 62°30'20" West, a distance of 254.46 feet;

**THENCE** crossing said 9.862 acre tract, the following forty-three (43) courses and distances:

1. North 27°19'03" East, a distance of 2.70 feet to a calculated point;
2. With a curve to the right, having a radius of 8.00 feet, a delta angle of 86°42'40", an arc length of 12.10 feet, and a chord which bears North 70°42'59" East, a distance of 10.98 feet to a calculated point;
3. South 63°31'55" East, a distance of 2.24 feet to a calculated point;
4. North 26°55'55" East, a distance of 10.92 feet to a calculated point;
5. North 39°14'57" East, a distance of 10.91 feet to a calculated point;
6. With a curve to the left, having a radius of 376.44 feet, a delta angle of

**Exhibit B - 18**

Exhibit C

- 09°32'05", an arc length of 62.65 feet, and a chord which bears North 34°28'00" East, a distance of 62.57 feet to a calculated point;
7. North 27°21'50" East, a distance of 34.45 feet to a calculated point;
  8. With a curve to the right, having a radius of 12.22 feet, a delta angle of 48°29'07", an arc length of 10.34 feet, and a chord which bears North 08°18'14" West, a distance of 10.03 feet to a calculated point;
  9. North 61°48'02" West, a distance of 18.79 feet to a calculated point;
  10. With a curve to the right, having a radius of 30.17 feet, a delta angle of 75°23'22", an arc length of 39.69 feet, and a chord which bears North 23°28'33" West, a distance of 36.89 feet to a calculated point;
  11. North 14°13'09" East, a distance of 24.86 feet to a calculated point;
  12. North 27°22'55" East, a distance of 31.59 feet to a calculated point;
  13. North 62°37'05" West, a distance of 18.55 feet to a calculated point;
  14. North 27°22'55" East, a distance of 11.63 feet to a calculated point;
  15. North 62°37'05" West, a distance of 1.75 feet to a calculated point;
  16. North 27°22'55" East, a distance of 9.22 feet to a calculated point;
  17. South 62°37'05" East, a distance of 1.75 feet to a calculated point;
  18. North 27°22'55" East, a distance of 11.53 feet to a calculated point;
  19. South 62°34'54" East, a distance of 19.37 feet to a calculated point;
  20. South 27°22'55" West, a distance of 22.99 feet to a calculated point;
  21. South 63°15'54" East, a distance of 17.07 feet to a calculated point;
  22. North 27°23'51" East, a distance of 3.85 feet to a calculated point;
  23. With a curve to the right, having a radius of 1.94 feet, a delta angle of 88°40'29", an arc length of 3.00 feet, and a chord which bears North 71°44'06"

- East, a distance of 2.71 feet to a calculated point;
24. South  $62^{\circ}36'12''$  East, a distance of 20.60 feet to a calculated point;
  25. North  $27^{\circ}23'48''$  East, a distance of 1.70 feet to a calculated point;
  26. North  $72^{\circ}23'48''$  East, a distance of 6.68 feet to a calculated point;
  27. South  $62^{\circ}42'02''$  East, a distance of 8.56 feet to a calculated point;
  28. North  $27^{\circ}17'58''$  East, a distance of 3.40 feet to a calculated point;
  29. South  $62^{\circ}42'02''$  East, a distance of 23.82 feet to a calculated point;
  30. South  $27^{\circ}17'58''$  West, a distance of 3.40 feet to a calculated point;
  31. South  $62^{\circ}42'02''$  East, a distance of 8.56 feet to a calculated point;
  32. South  $17^{\circ}49'17''$  East, a distance of 6.71 feet to a calculated point;
  33. South  $27^{\circ}28'51''$  West, a distance of 1.70 feet to a calculated point;
  34. South  $62^{\circ}31'09''$  East, a distance of 20.58 feet to a calculated point;
  35. With a curve to the right, having a radius of 1.91 feet, a delta angle of  $90^{\circ}00'00''$ , an arc length of 3.01 feet, and a chord which bears South  $17^{\circ}31'09''$  East, a distance of 2.71 feet to a calculated point;
  36. South  $27^{\circ}28'51''$  West, a distance of 3.91 feet to a calculated point;
  37. South  $62^{\circ}31'09''$  East, a distance of 17.93 feet to a calculated point;
  38. South  $27^{\circ}37'04''$  West, a distance of 82.12 feet to a calculated point;
  39. South  $62^{\circ}16'04''$  East, a distance of 116.29 feet to a calculated point;
  40. With a curve to the right, having a radius of 7.54 feet, a delta angle of  $84^{\circ}41'44''$ , an arc length of 11.14 feet, and a chord which bears North  $74^{\circ}13'44''$  East, a distance of 10.15 feet to a calculated point;
  41. South  $62^{\circ}06'42''$  East, a distance of 10.59 feet to a calculated point;



42. With a curve to the right, having a radius of 7.19 feet, a delta angle of  $93^{\circ}19'33''$ , an arc length of 11.71 feet, and a chord which bears South  $20^{\circ}19'06''$  East, a distance of 10.46 feet to a calculated point;

43. South  $62^{\circ}05'07''$  East, a distance of 55.53 feet to a calculated point in the west right-of-way line of East Red River Street, same being the east line of said 9.862 acre tract, from which, a  $\frac{3}{4}$ " iron pipe found for angle point in same line bears North  $20^{\circ}15'40''$  East, a distance of 286.09 feet;

**THENCE** South  $20^{\circ}15'40''$  West, with the west right-of-way line of East Red River Street, same being the east line of said 9.862 acre tract, a distance of 144.04 feet to the **POINT OF BEGINNING**, containing 1.219 acres of land, more or less.

Surveyed on the ground March 3, 2011. Bearing Basis: The Texas Coordinate System of 1983, Central Zone, based on GPS solutions from The National Geodetic Survey (NGS) On-line Positioning User Service (OPUS). Attachments: Drawing 793-001-Z4.

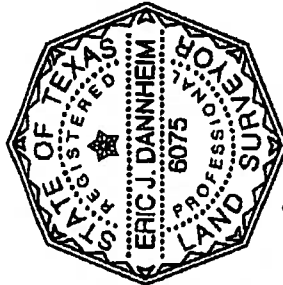
*EW* 1/28/13

Eric J. Dannheim  
Registered Professional Land Surveyor  
State of Texas No. 6075



A SKETCH TO ACCOMPANY A DESCRIPTION OF 1.219 ACRES OF LAND (APPROXIMATELY 53,092 SQ. FT.), BEING A PORTION OF OUTLOT 14, DIVISION "C" OF THE GOVERNMENT TRACT ADJOINING THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT ON FILE IN THE GENERAL LAND OFFICE OF THE STATE OF TEXAS, AND BEING A PORTION OF A 9.862 ACRE TRACT CONVEYED TO PERRY ESTATE, LLC IN A SPECIAL WARRANTY DEED WITH VENDOR'S LIEN DATED MARCH 4, 2011 AND RECORDED IN DOCUMENT NO. 2011032668 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

LEGEND	
△	CALCULATED POINT
○	IRON PIPE FOUND (SIZE NOTED)
○	1/2" REBAR WITH CHAPARRAL CAP SET
⊠	FOUND 1/2" DRILLED HOLE IN CONCRETE CAP OF ROCK POST
( )	RECORD INFORMATION



*EW* 1/28/13

BEARING BASIS: THE TEXAS COORDINATE SYSTEM OF 1983, CENTRAL ZONE, BASED ON GPS SOLUTIONS FROM THE NATIONAL GEODETIC SURVEY (NGS) ON-LINE POSITIONING USER SERVICE (OPUS).

ATTACHMENTS: METES AND BOUNDS DESCRIPTION 793-001-Z4

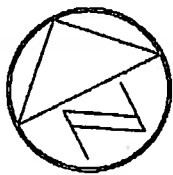
DATE OF SURVEY: 03/03/11  
 PLOT DATE: 01/25/13  
 DRAWING NO.: 793-001-Z4  
 PROJECT NO.: 793-001  
 DRAWN BY: CWB  
 SHEET 1 OF 2

CURVE TABLE						
CURVE	RADIUS	DELTA	ARC	BEARING	CHORD	TANGENT
C1	8.00'	86°42'40"	12.10'	N70°42'59"E	10.98'	7.55'
C2	376.44'	9°32'05"	62.65'	N34°28'00"E	62.57'	31.40'
C3	12.22'	48°29'07"	10.34'	N08°18'14"W	10.03'	5.50'
C4	30.17'	75°23'22"	39.69'	N23°28'33"W	36.89'	23.31'
C5	1.94'	88°40'29"	3.00'	N71°44'06"E	2.71'	1.89'
C6	1.91'	90°00'00"	3.01'	S17°31'09"E	2.71'	1.91'
C7	7.54'	84°41'44"	11.14'	N74°13'44"E	10.15'	6.87'
C8	7.19'	93°19'33"	11.71'	S20°19'06"E	10.46'	7.62'

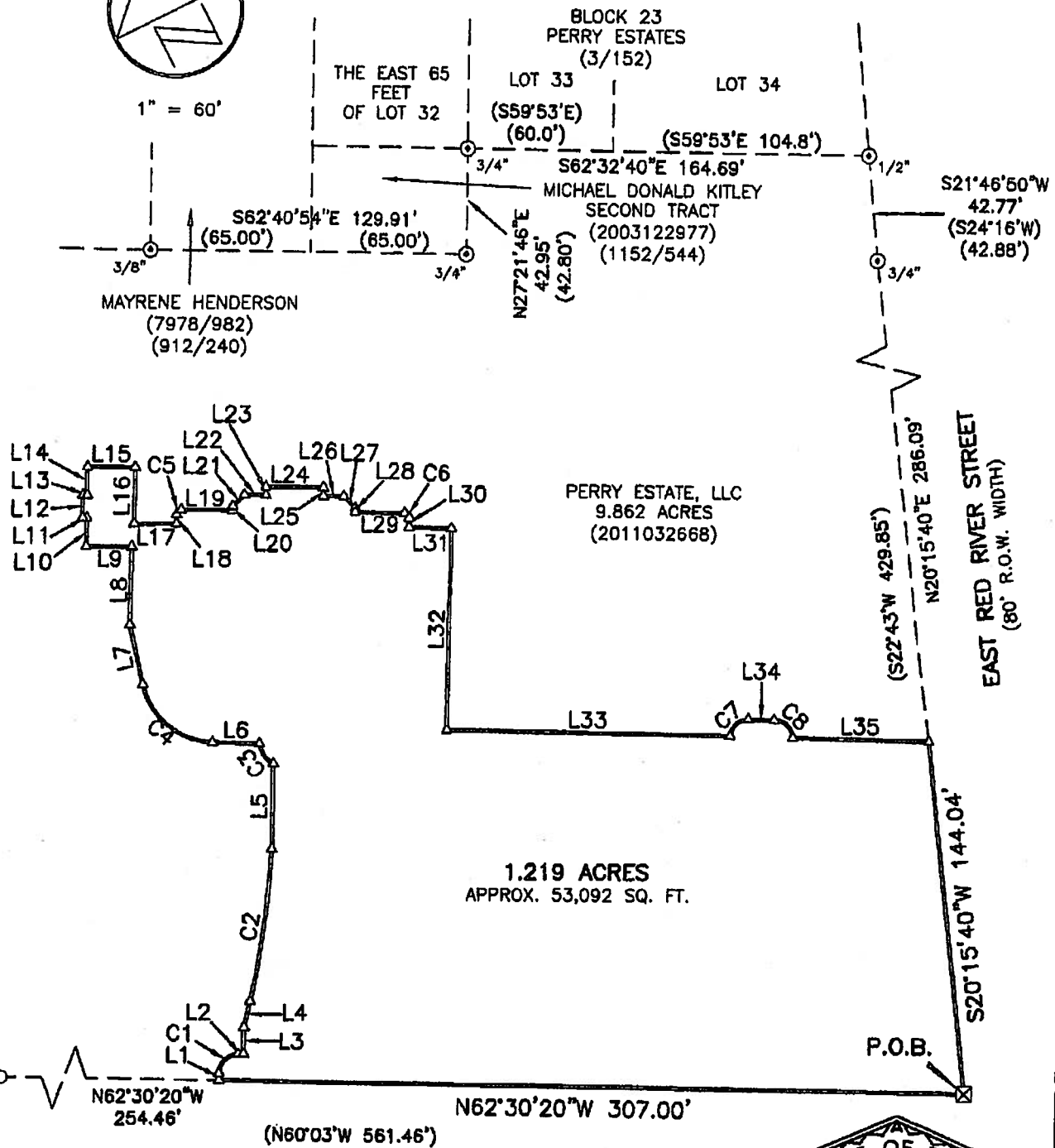
LINE TABLE		
LINE	BEARING	DISTANCE
L20	N27°23'48"E	1.70'
L21	N72°23'48"E	6.68'
L22	S62°42'02"E	8.56'
L23	N27°17'58"E	3.40'
L24	S62°42'02"E	23.82'
L25	S27°17'58"W	3.40'
L26	S62°42'02"E	8.56'
L27	S17°49'17"E	6.71'
L28	S27°28'51"W	1.70'
L29	S62°31'09"E	20.58'
L30	S27°28'51"W	3.91'
L31	S62°31'09"E	17.93'
L32	S27°37'04"W	82.12'
L33	S62°16'04"E	116.29'
L34	S62°06'42"E	10.59'
L35	S62°05'07"E	55.53'

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N27°19'03"E	2.70'
L2	S63°31'55"E	2.24'
L3	N26°55'55"E	10.92'
L4	N39°14'57"E	10.91'
L5	N27°21'50"E	34.45'
L6	N61°48'02"W	18.79'
L7	N14°13'09"E	24.86'
L8	N27°22'55"E	31.59'
L9	N62°37'05"W	18.55'
L10	N27°22'55"E	11.63'
L11	N62°37'05"W	1.75'
L12	N27°22'55"E	9.22'
L13	S62°37'05"E	1.75'
L14	N27°22'55"E	11.53'
L15	S62°34'54"E	19.37'
L16	S27°22'55"W	22.99'
L17	S63°15'54"E	17.07'
L18	N27°23'51"E	3.85'
L19	S62°36'12"E	20.60'

*Chaparral*



1" = 60'



DATE OF SURVEY: 03/03/11  
PLOT DATE: 01/25/13  
DRAWING NO.: 793-001-Z4  
PROJECT NO.: 793-001  
DRAWN BY: CWW  
SHEET 2 OF 2

EAST 41ST STREET  
(60' R.O.W. WIDTH)

Chaparral

*fu*  
1/28/13





**Residential Use Only Buffers – Tract 1 and Tract 2**

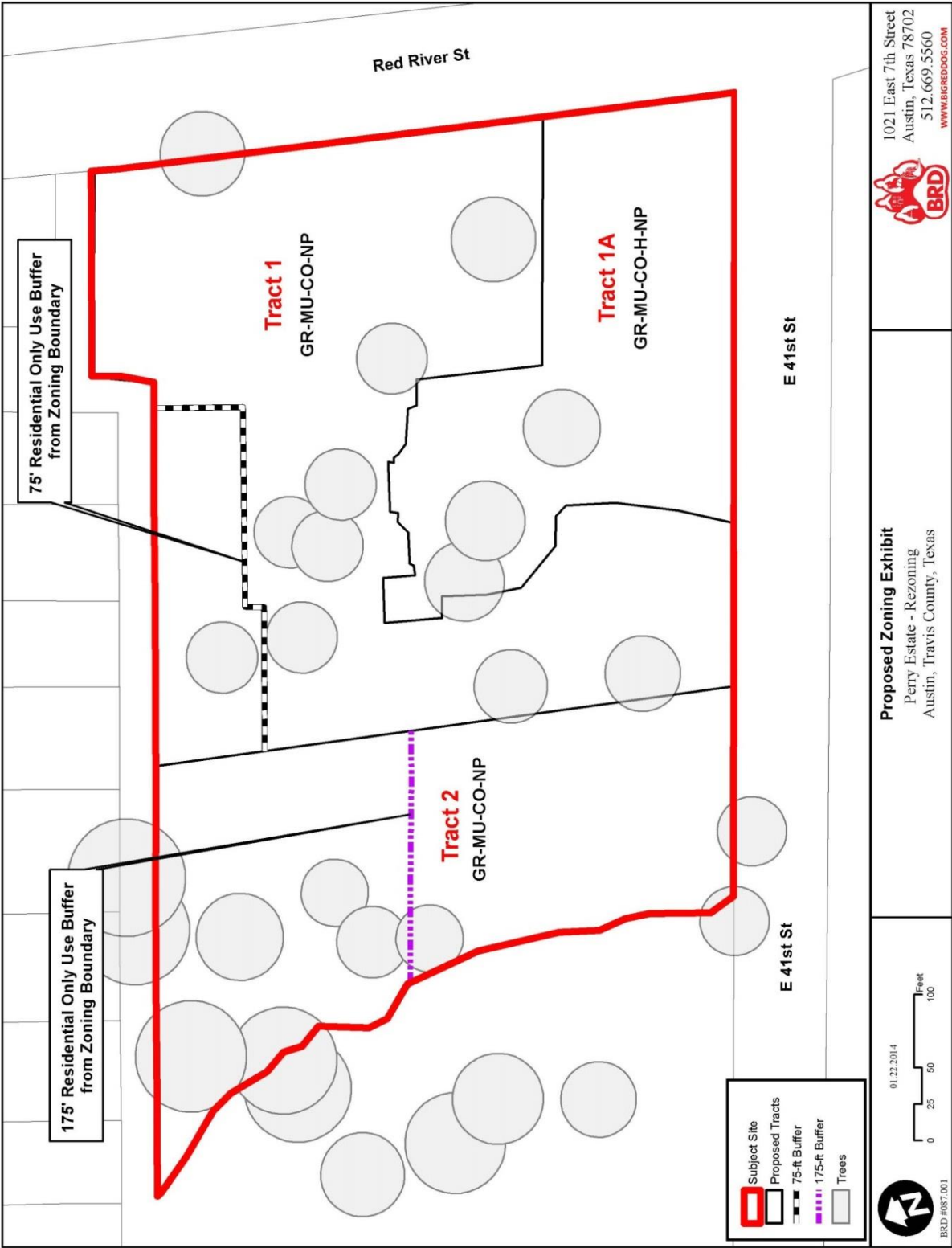
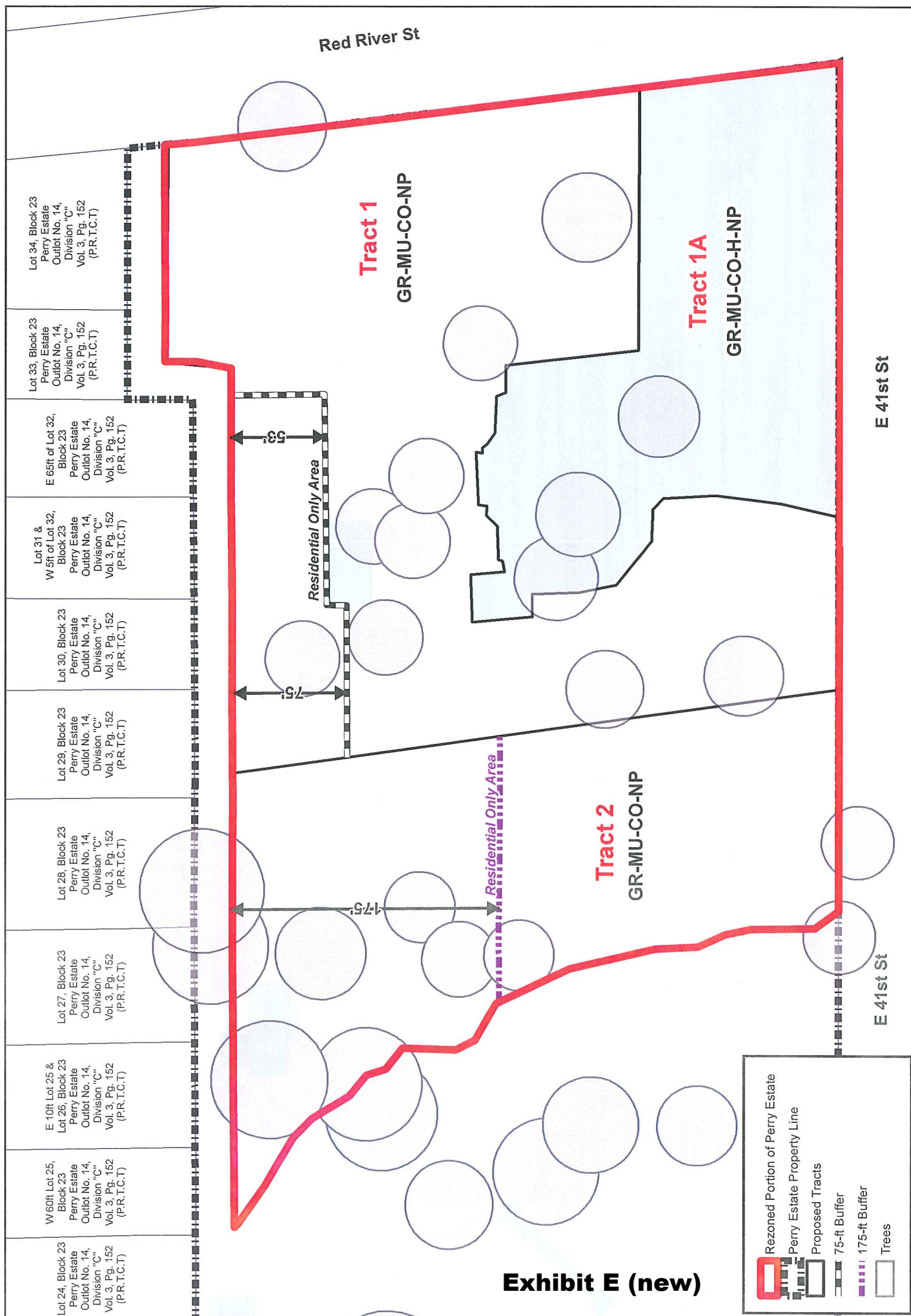


Exhibit D



### Exhibit E (new)