

ZONING CHANGE REVIEW SHEET

CASE: C14-2015-0122 – Phase 5B Riverplace Center Rezoning

Z.A.P. DATE: January 5, 2016

ADDRESS: 10819 FM 2222

DISTRICT AREA: 6

OWNER/APPLICANT: C. Lee Family Corporation (Simon Lee)

AGENT: Land Answers (Jim Wittliff)

ZONING FROM: GR-CO

TO: GR-CO, to change a condition of zoning.

AREA: 3.761 acres (163,829 sq. ft.)

SUMMARY STAFF RECOMMENDATION:

Staff recommends general community commercial-conditional overlay (GR-CO) combining district zoning. The conditional overlay will:

1. Limit this tract to 2,100 trips, considered cumulatively with the remaining tract of zoning case C14-2013-0109.
2. Prohibit drive-in service use as an accessory use to commercial uses on the property.
3. Prohibit the following uses: custom manufacturing, automotive rentals, automotive sales, bail bond services, drop-off recycling collection facility, off-site accessory parking, pedicab storage and dispatch, alternative financial services, automotive repair services, automotive washing (of any type) commercial off-street parking, exterminating services, funeral services, guidance services, pawn shop services, service station.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

November 17, 2015;	<i>Postponed to December 1, 2015 as requested by Staff, per passage of the consent agenda [A. Denkler / B. Evans-2nd] (10-0).</i>
December 1, 2015;	<i>Postponed to December 15th as requested by the Neighborhood, per passage of the consent agenda [B. Evans / S. Harris-2nd] (10-0).</i>
December 15, 2015;	<i>Approved Staff's request for a postponement to January 5, 2016, per passage of the consent agenda [B. Evans / S. Lavani-2nd] (7-0).</i>
January 5, 2016;	<i>Approved the Staff recommendation of GR-CO zoning with the added condition that food sales uses will be limited to a maximum of 5,300</i>

*sq. ft., per passage of the consent agenda [T. Weber / A. Denkler-2nd]
(8-0). J. Goodman off the dais. S. Lavani – ABSENT.*

ISSUES: The Applicant and the Neighborhood (2222CONA and River Place HOA) have executed a private Restrictive Covenant for prohibiting specific uses (see Exhibit B.2).

DEPARTMENT COMMENTS:

The subject tract is 3.761 acres of undeveloped land located on the south side of FM 2222 and just west of River Place Boulevard. Surrounding uses include a Montessori school to the south, an auto repair shop to the west, undeveloped land to the north, and restaurant and medical offices to the east. The property has shared easement access to FM 2222 by an interior street of the larger development at the southwest corner of River Place Boulevard and FM 2222.

The applicant is requesting to change the conditions of zoning in order to allow food sales and general retail sales (convenience) uses.

The area for rezoning received permanent zoning in 1985. Since that time, the subject area has been through various re-zonings as a portion of larger tracts of land which is further explained in this report in *RELATED CASES*. The entire rezoning area is within the Hill Country Roadway Overlay and the northern portion of the rezoning area is also within the Scenic Roadways Overlay. Additionally, this location is within environmentally sensitive watersheds (see Environmental Review Comments). Staff finds that food sales and general retail services (convenience) uses are compatible and consistent with the surrounding office and commercial land uses. A development with these uses would be appropriate as long as the development can meet the requirements set forth in the Land Development Code and abide by the existing limit of 2100 trips per day, considered cumulatively with the Montessori School to the south. Therefore, Staff supports the request to allow food sales and general retail services (convenience) uses.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>		Undeveloped
<i>North</i>	LO	Undeveloped
<i>South</i>	GR-CO	Private Primary Educational Facility (School in the Hills Montessori)
<i>East</i>	LO & GR	Restaurant (Black Walnut Café) & Medical Offices
<i>West</i>	SF-2	Automotive Repair (Paul's Motor Werks)

NEIGHBORHOOD PLANNING AREA: N/A

TIA: An updated to the existing TIA may be required at the time of site plan.

WATERSHED: Bull and Panther Hollow

DESIRED DEVELOPMENT ZONE: No

CAPITOL VIEW CORRIDOR: No

HILL COUNTRY ROADWAY: Yes

NEIGHBORHOOD ORGANIZATIONS:

<i>Community Registry Name</i>	<i>ID #</i>
SEL Texas	1363
Austin Heritage Tree Foundation	1340
Friends of Austin Neighborhoods	1530
Steiner Ranch Community Association	762
River Place HOA	1463
Sierra Club, Austin Regional Group	1228
Bike Austin	1528
Lake Austin Collective	1169
Long Canyon Phase II & III Homeowners Assn. Inc.	416
Long Canyon Homeowners Assn.	269
2222 Coalition of Neighborhood Associations Inc	425
Glenlake Neighborhood Association	161
Bull Creek Foundation	475

SCHOOLS: Steiner Ranch Elementary, Canyon Ridge Middle, Vandegrift High

CASE HISTORIES:

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-2012-0142	LO & GR to GR		GR
C14-2012-0094	RR to GR		GR-CO; trips limited to 2K /day, uses prohibited -
C14-2009-0069	I-SF-2 to GR		GR-CO - 1 st only. Case expired CO was to limit trips to 2K/day
C14-03-0043	I-RR to GR		I-RR to GR-CO; limited trips to 2,000/day.
C14-97-0083	DR to LR		LR-CO; Service station prohibited
C14-94-0167	Tract 1: SF-5 & MF-2 to R&D-PDA Tract 2: MF-2 to GR-CO Tract 3: SF-5 & MF-2 to GO-CO Tract 4: SF-5 to R&D-PDA Tract 5: SF-2 to R&D-PDA		Tract 1: R&D-PDA Tract 2: GR-CO Tract 3: GO-CO Tract 4: R&D-PDA Tract 5: R&D-PDA

RELATED CASES:

On December 9, 1985, the subject property was part of a larger tract that was rezoned from I-SF to GR and LO under Ordinance No. 851219-DD (Exhibit C) which attached a zoning site plan to the property. On July 20, 1988, Ordinance No. 851219-DD was amended by Ordinance No. 880728-E

(Exhibit D). The zoning site plan was removed in 2008 by an approved zoning change executed by Ordinance No. 20080320-065 (Exhibit E). In December 2013, the subject tract was rezoned from GR and LO to GR-CO, as a portion of a larger tract known as Lot 7A, Resubdivision of Lot 1, Block "A", River Place at 2222 Subdivision by Ordinance No. 20131212-111 (Exhibit F). The conditional overlay established a 2,100 limit of vehicular trips per day, to be considered cumulatively with the remaining portion of Lot 7A. Additionally, the CO prohibited Drive-in service as an accessory use to commercial uses on the property. Other uses prohibited include custom manufacturing, automotive rentals, automotive sales, bail bond services, drop-off recycling collection facility, food sales, general retail services (convenience), off-site accessory parking, pedicab storage and dispatch, alternative financial services, automotive repair services, automotive washing (of any type) commercial off-street parking, exterminating services, funeral services, guidance services, pawn shop services, service station.

The subject rezoning area is included in a larger area that has an active site plan, SPC-2007-0561C. A TIA was submitted with the site plan in 2007. The site plan was granted an administrative extension to October, 2011. In October 2011, City Council approved a Managed Growth Agreement, thereby extending the site plan for an additional 5 years. The site plan is set to expire on October 3, 2016. The TIA is outdated and therefore any changes to the current site plan will likely require an update to the TIA (see transportation comments).

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
FM 2222 RD	130'	70'	Arterial	No	Yes; wide shoulder; Route # 419	No

CITY COUNCIL DATE:

December 10, 2015:

ACTION:

Approved postponement, requested by Staff, to February 11, 2016, per passage of the consent agenda [D. Zimmerman / D. Garza-2nd] (10-0). ABSENT – Mayor Adler.

February 11, 2016;

ORDINANCE READINGS: 1st

2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Victoria Haase

PHONE: 512-974-7691

EMAIL: tori.haase@austintexas.gov

STAFF RECOMMENDATION

Staff recommends general office-conditional overlay (GO-CO) combining district zoning. The conditional overlay will:

1. Limit this tract to 2,100 trips, considered cumulatively with the remaining tract of zoning case C14-2013-0109.
2. Prohibit drive-in service use as an accessory use to commercial uses on the property.
3. Prohibit the following uses: custom manufacturing, automotive rentals, automotive sales, bail bond services, drop-off recycling collection facility, off-site accessory parking, pedicab storage and dispatch, alternative financial services, automotive repair services, automotive washing (of any type) commercial off-street parking, exterminating services, funeral services, guidance services, pawn shop services, service station.

BASIS FOR RECOMMENDATION

1. *Zoning changes should promote compatibility with adjacent and nearby uses.*
2. *Zoning should promote the policy of locating retail and more intensive zoning near the intersections of arterial roadways or at the intersections of arterials and major collectors.*

The proposed changes to the conditions of zoning to add Food Sales and General Retail Services (convenience) uses are compatible with the existing commercial and office uses in the immediate area. Additionally, the subject rezoning area is located on an arterial road (FM 2222) and very near the intersection with a major collector (River Place Boulevard). Such sites are appropriate for uses permitted by the GR zoning district.

EXISTING CONDITIONS

Site Characteristics

The subject property is undeveloped land that is partially wooded with a number of well-established trees among larger, clear or open spaces. There does not appear to be any topographic constraints on the property.

Impervious Cover

The subject property is located in the Water Supply Rural and Water Supply Suburban Watersheds. Impervious cover limits will be established by the respective water sheds. For additional information, see Environmental Review Comment #2 and #3.

Note: The most restrictive impervious cover limit applies.

Comprehensive Planning – Kathleen Fox, 512-974-7877

This zoning case is located on the south side of FM 2222 Road on a property that is approximately 3.8 acres in size, and which is not located within the boundaries of an area with an adopted neighborhood plan. Surrounding land uses includes a gas station, pottery shop, and septic system installer to the north; a large office complex to the south; vacant land, an office complex, and a

restaurant to the east; and vacant land and an auto repair shop to the west. The proposed use is commercial.

Imagine Austin

The Imagine Austin Growth Concept Map identifies this property as just outside the boundaries (less than 1,000 ft.) to one of the five '*Activity Centers for Redevelopment (located) in an Environmentally Sensitive Area*' as identified on the Imagine Austin Growth Concept Map. This property is also situated within the boundaries of the Edwards Aquifer Recharge Zone. Page 106 of the Imagine Austin Comprehensive Plan states, "*Five centers are located over the recharge or contributing zones of the Barton Springs Zone of the Edwards Aquifer or within water-supply watersheds. These centers are located on already developed areas and, in some instances, provide opportunities to address long-standing water quality issues and provide walkable areas in and near existing neighborhoods. State-of-the-art development practices will be required of any redevelopment to improve stormwater retention and the water quality flowing into the aquifer or other drinking water sources. These centers should also be carefully evaluated to fit within their infrastructural and environmental context. One of the Land Use and Transportation policies, LUT P21 (p. 102), clarifies the intent, "Ensure that redevelopment in the Edwards Aquifer's recharge and contributing zones maintains the quantity and quality of recharge of the aquifer."*

Based on the scale of the site relative to other similar commercial and office developments in the area, which furthers the consistency among uses within the block, this case falls below the scope of Imagine Austin, and consequently the plan is neutral on the proposed rezoning. However, due to the site's location over an environmentally sensitive area, there will be at the site planning stage an environmental review to determine if any critical environmental features are located on the site. If any are located, mitigation and setbacks necessitated by the land development code will be required. Furthermore, although the site is not within a center, it is proximate to one, and this current review practice is in keeping with the discussion in Imagine Austin in environmentally sensitive areas.

Environmental – Mike McDougal, 512-974-6380

1. This site is located over the Edwards Aquifer Recharge Zone. This site is located partially within the Panther Hollow Watershed and partially within the Bull Creek Watershed, which are classified by the Chapter 25-8 of the City's Land Development Code as Water Supply Rural and Water Supply Suburban Watersheds, respectively. The property is located in the Drinking Water Protection Zone.
2. Within the Water Supply Rural Watershed, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% NSA with Transfers</i>	<i>Allowable Density</i>
One or Two Family Residential	n/a	n/a	1 unit/2 acres net site area
Multifamily Residential	20%	25%	n/a
Commercial	20%	25%	n/a

Single family or duplex development within a Water Quality Transition Zone may not exceed a density of one unit per three acres, exclusive of land within a 100-year floodplain.

3. Within the Water Supply Suburban Watershed, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% NSA with Transfers</i>
One or Two Family Residential	30%	40%
Multifamily Residential	40%	55%
Commercial	40%	55%

Development within a Water Quality Transition Zone is limited to 18%.

4. According to floodplain maps there is no floodplain within or adjacent to the project location.
5. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
6. 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 512-974-1876. 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.
7. Under current watershed regulations, development or redevelopment requires water quality control with increased capture volume and control of the 2 year storm on site.
8. 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.

DSD Transportation – Amanda Couch, 512-974-2881

- TR1. Additional right-of-way maybe required at the time of subdivision and/or site plan.
- TR2. As a condition of zoning, a conditional overlay limiting this tract to 2,100 trips, considered cumulatively with the remaining tract of zoning case C14-2013-0109 will be required.
- TR3. A TIA revision may be required at the time of site plan.
- TR4. Nadia Barrera, Urban Trails, Public Works Department and Nathan Wilkes, Bicycle Program, Austin Transportation Department may provide additional comments regarding bicycle and pedestrian connectivity per the Council Resolution No. 20130620-056.
- TR5. According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, a wide shoulder is recommended and existing for FM 2222.

Water and Wastewater – Neil Kepple, 512-972-0077

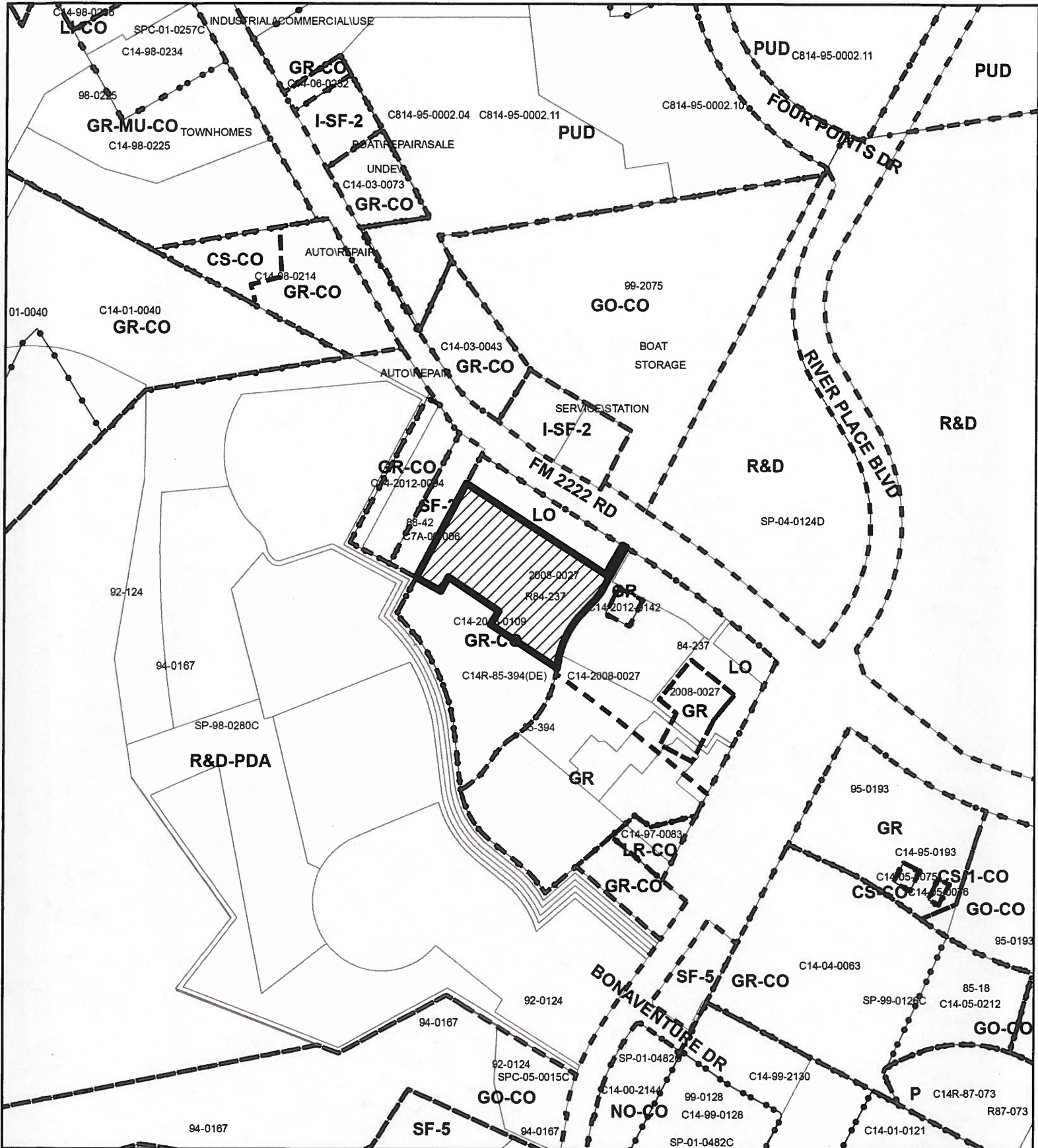
FYI: The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, water or wastewater easements, utility relocations and or abandonments required by the proposed land use. Depending on the development plans submitted, water and or wastewater service extension requests may be required. Water and wastewater utility plans must be reviewed and approved by the Austin Water Utility for compliance with City criteria and suitability for operation and maintenance. 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.




Storm Water Detention

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in storm water runoff will be mitigated through on-site storm water detention ponds, or participation in the City of Austin Regional Storm water Management Program if available.

Site Plan and Compatibility Standards – Michael Simmons-Smith, 512-974-1225

- SP 1. This property is located within the Hill Country Roadway Corridor, and for any site development permit plans submitted, Land Use Commission public hearing will be required for approval. For Hill Country Roadway site development regulations, refer to Land Development Code Sections 25-2-1104 to 25-2-1105 and 25-2-1021.
- SP 2. Development on this site will be subject to Subchapter E: Design Standards and Mixed Use.
- SP 3. Additional comments will be provided upon submittal of a site plan.



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

ZONING EXHIBIT A

CASE#: C14-2015-0122



1" = 400'

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



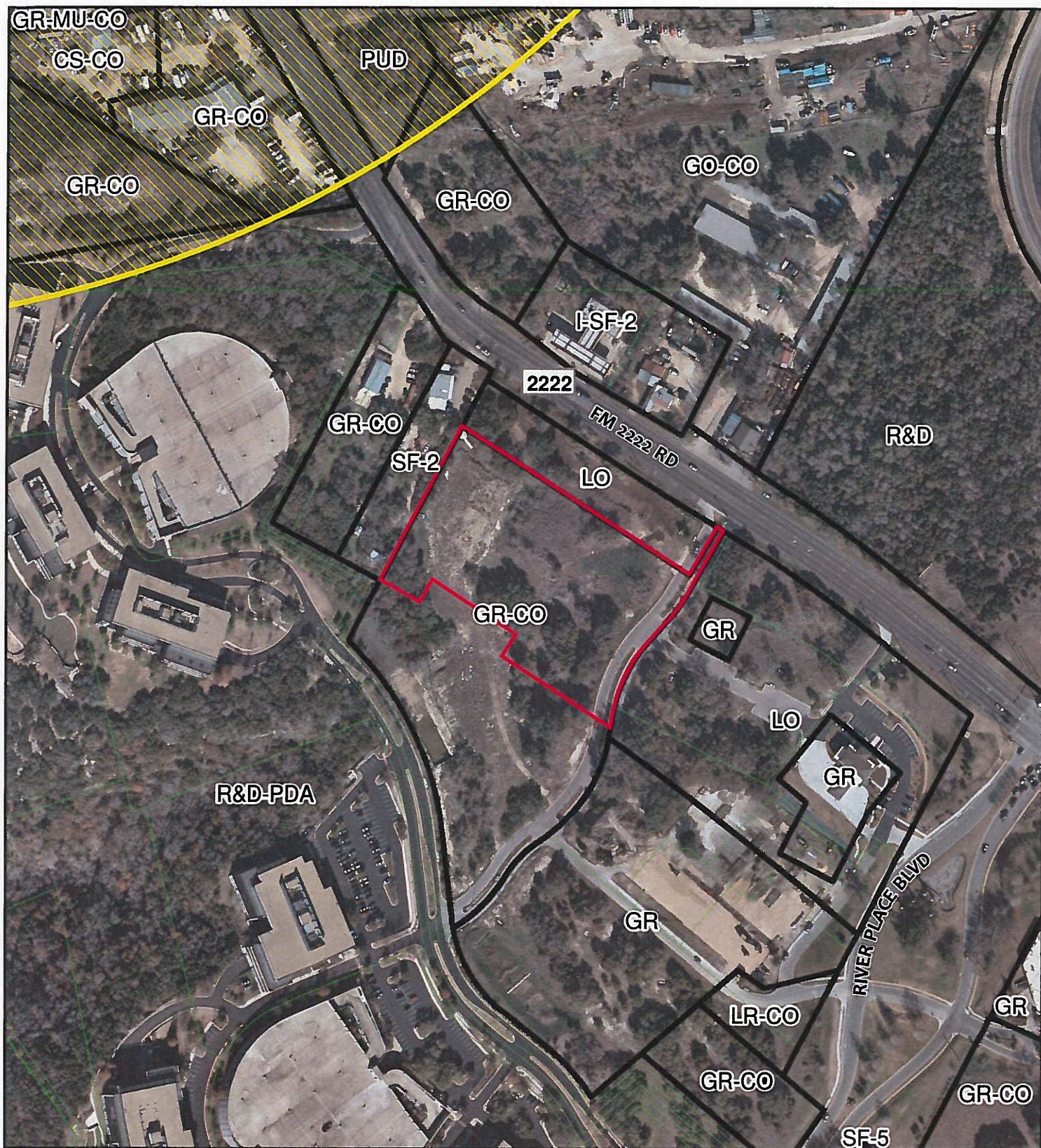


 Subject Property
 City of Austin Base Map





AERIAL MAP - EXHIBIT B
ZONING CASE#: C14-2015-0122
ZONING CHANGE: GO TO GO, to change
a condition of zoning
LOCATION: 10819 FM 2222 Rd
SUBJECT AREA: 3.761 ACRES



This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



1' = 400'

-  IMAGINE AUSTIN - Activity Center
-  Subject Property
-  City of Austin Base Map
-  Zoning Boundary

AERIAL MAP - EXHIBIT B.1

ZONING CASE#: C14-2015-0122
 ZONING CHANGE: GO TO GO, to change
 a condition of zoning
 LOCATION: 10819 FM 2222 Rd
 SUBJECT AREA: 3.761 ACRES



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Private RC
Exhibit B.2

**RIVER PLACE CENTER REZONING
2015 RESTRICTIVE COVENANT**

STATE OF TEXAS
COUNTY OF TRAVIS

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RECITALS

WHEREAS, C. Lee Family Corporation, a Georgia S Corporation ("Owner"), is the owner of a 3.761 acre portion of Lot 7A, Resubdivision of Lot 1, River Place Center, Lot 1, Block A Four Points South and Lot 1, Block "A", River Place at 2222, a subdivision as recorded in Document No. 200800201 of the Official Public Records of Travis County, Texas (the "Property") and as described in field notes and the survey sketch attached as Exhibit A; and having an address of 10819 RM 2222, Austin, Texas 78730;

WHEREAS, Owner has applied to the City of Austin to change the zoning of the Property;

WHEREAS, 2222 Coalition of Neighborhood Associations, Inc., a Texas non-profit corporation ("2222 CONA"), is organized and operates as an advocate to various governmental agencies for the interests of owners of lots in residential subdivisions located in the vicinity of the Property;

WHEREAS, River Place Residential Community Association, Inc., a Texas non-profit corporation ("RPRCA"), represents the interests of owners of lots in the residential subdivisions of River Place located adjacent to the River Place commercial tracts within which the Property is located;;

WHEREAS, Owner, 2222 CONA and RPRCA have agreed that the Property should be impressed with certain covenants and restrictions running with the land and desire to set forth such agreement in writing.

AGREEMENT

NOW, THEREFORE, Owner, for and in consideration of Ten and No/100 dollars (\$10.00), the assent of 2222 CONA and RPRCA to the zoning changes proposed by Owner, and other good and valuable consideration in hand paid, the receipt of which is hereby acknowledged, does hereby agree with respect to the Property, said agreement to be deemed and considered as a covenant running with the land which shall be binding upon Owner, its successors and assigns, as follows:

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1. Convenience/Grocery Store. No portion of the Property shall be used, developed or operated as a convenience retail/grocery store, which the City of Austin classifies as a Food Sales land use. Other Food Sales uses, as specified by the City of Austin Land Development Code as of December 1, 2015, including delicatessens, meat markets, retail bakeries and candy shops will be allowed.

2. Food Sales Limitation. The combined area of all Food Sales establishments on the Property shall not exceed 5300 square feet.

3. Automotive Parts and Accessories Sales. No establishment on the Property shall provide sales of automotive parts and accessories utilizing more than 10% of the floor area of the establishment.

4. Amplified Outdoor Music. No establishment on the Property shall provide amplified outdoor music at any time.

5. Vehicle Trip Limitation. The vehicle trips per day associated with the Property combined with the vehicle trips per day associated with the adjoining remainder of Lot 7A shall not exceed 2100 in total, as specified in City of Austin Ordinance Number 20131212-111.

6. Approval of Zoning Change for the Property. In consideration for Owner agreeing to and being bound along with its successors and assigns to the restrictions set forth in this Restrictive Covenant, 2222 CONA and RPRCA agree to support and to not oppose the approval of the zoning changes in City of Austin Case C14-2015-0122 so long as they do not conflict with the provisions of this Restrictive Covenant.

7. Effective Date. The Effective Date of this Restrictive Covenant is the date the last party signs this Restrictive Covenant. An executed copy may be submitted via telefax or email, followed by submittal of originals, and may be executed in multiple parts.

8. Enforcement. The parties agree that the restrictions herein imposed on the Property are for the benefit of adjacent land including land owned by the members of RPRCA and 2222 CONA; the legal interests in land held respectively by 2222 CONA and RPRCA or owned by their individual members are rendered more valuable by virtue of these restrictions.

The terms and conditions of this Restrictive Covenant may be enforced, individually or in concert, by: (i) 2222 CONA under authority of the board of directors or by 2222 CONA's successors or assigns; or (ii) River Place Residential Community Association, Inc. (RPRCA) under authority of the board of directors or by RPRCA's successors or assigns.

An enforcement action may be brought only after written notice of violation has been sent to Owner, or its successors or assigns, per Section 9 of this Restrictive Covenant and only if the noticed violation has not been cured within thirty (30) business days after the date said notice is sent to Owner, its successors or assigns. If Owner can demonstrate that all reasonable

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efforts to cure the violation have been initiated within the written notice period, Owner may request before the 30-day-deadline a reasonable extension to cure, and such extension shall not be unreasonably withheld by 2222 CONA and RPRCA. In any suit or action brought for enforcement of this Restrictive Covenant, the prevailing party in the enforcement suit shall be entitled to recover its reasonable attorneys' fees and costs of court.

9. Notices. All notices, requests, demands or other communications hereunder shall be in writing and shall be delivered by personal delivery, overnight mail or delivery service, facsimile, or email, addressed as follows:

If to Owner: C. Lee Family Corporation
4309 Four Acre Place
Valdosta, GA 31601
Fax:
Email:

If to 2222 CONA: 2222 CONA
10601 FM 2222, Suite R #11
Austin, TX 78730
Attention: President
Fax:
Email:

If to RPRCA: River Place Residential Community Association, Inc.
c/o Certified Management of Austin
9600 Great Hills Trail
Suite 100E
Austin, TX 78759
Fax:
Email:

or to such other address as any party may from time to time designate by notice in writing to the other parties. Any such notice, request, demand or communication shall be deemed to have been given on the date of mailing.

10. Authority. Each signatory represents and promises that he or she has been given authority by the party he or she purports to represent to bind the represented party to this Restrictive Covenant.

11. Binding Effect; Appurtenance. This Restrictive Covenant shall be binding upon and inure to the benefit of Owner, 2222 CONA and RPRCA and their respective successors and assigns, including successors in title. The rights and privileges granted and conveyed hereunder shall exist for the benefit of, and be a burden upon, the Property and shall run with

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title to, and be appurtenant to, such Property. The signatory below for Owner represents and promises that there are no encumbrances or contracts that would prevent this Restrictive Covenant from being fully binding on present and future owners of this Property. This Restrictive Covenant shall be filed in the Travis County Public Records.

12. Violations. Violations of this Restrictive Covenant may be remedied by temporary and/or permanent injunctive relief without the need to post bond or prove imminent harm, irreparable injury or any other injury, or damages. Injunctive relief may be in addition to alternative remedies or any other relief available under equity or law. Exclusive venue for all proceedings at law or in equity shall be Travis County, Texas

The filing of any application with the City of Austin that would permit a use in violation of this Restrictive Covenant constitutes a violation of this Restrictive Covenant, notwithstanding that such application has not been finally acted upon by the City of Austin.

13. Amendment. The terms and conditions of this Restrictive Covenant may be modified, amended or terminated only upon the written consent of all the parties hereto at the time, i.e.:

- a. The Owner of the Property or its successors and assigns;
- b. The board of directors of 2222 CONA, acting by majority vote, or its successors and assigns; and
- c. The board of directors of RPRCA, acting by majority vote, or its successors and assigns.

14. Waiver. Each and every covenant and agreement contained herein shall be for any and all purposes hereof construed as separate and independent and the breach of any covenant by any party shall not release or discharge such party from its obligations hereunder. No delay or omission by any party to exercise its rights accruing upon any noncompliance or failure of performance by any party shall impair any such right or be construed to be a waiver thereof. A waiver by any party hereto of any of the covenants, conditions or agreements to be performed by any other party shall not be construed to be a waiver of any succeeding breach of any other covenants, conditions or agreements contained herein.

15. Severability. All rights, powers and remedies provided herein may be exercised only to the extent that the exercise thereof does not violate any then applicable law and shall be limited to the extent necessary to render the covenants herein valid and enforceable. If any term, provision, covenant or agreement contained herein or the application thereof to any person, entity or circumstance shall be held to be invalid, illegal or unenforceable, the validity of the remaining terms, provisions, covenants or agreements or the application of such term, provision, covenant or agreement to persons, entities or circumstances other than those to which it is held invalid or unenforceable shall not be affected thereby.


16. Continuation Notwithstanding Breach. It is expressly agreed that no breach of this

Restrictive Covenant shall entitle any party hereto to cancel, rescind or otherwise terminate this Restrictive Covenant. Such limitation, however, shall not affect in any manner any other rights or remedies that such party may have hereunder by reason of such breach.

17. Entire Agreement; Construction; Governing Law. This Restrictive Covenant and the attachments and exhibits attached hereto contain the entire agreement between the parties hereto with respect to the subject matter hereof. The provisions of this Restrictive Covenant shall be construed as a whole according to their common meaning and not strictly for or against any party hereto. This Restrictive Covenant shall be construed in accordance with the laws of the State of Texas, without regard to conflicts laws or choice of law rules thereof.

IN WITNESS WHEREOF. Owner, 2222 CONA and RPRCA have each caused this Restrictive Covenant to be executed as of the Effective Date.

SEPARATE SIGNATURE PAGES FOLLOW

S.L. 
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C. Lee Family Corporation
A Georgia S Corporation

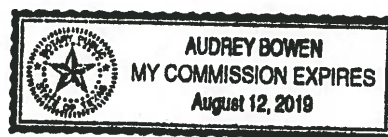
By: Simon Lee
Simon Lee, CEO

Date: 12/30/15

Texas
STATE OF ~~Georgia~~ §
COUNTY OF ~~LOWDYES~~ §
Travis

This instrument was acknowledged before me on December 30th, 2015, by Simon Lee, CEO of C. Lee Family Corporation, on behalf of said corporation.

[Signature]
Notary in and for the State of ~~Georgia~~
Texas



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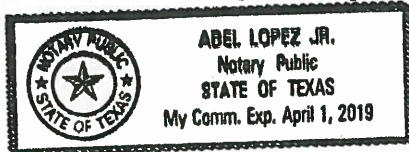
**2222 COALITION OF NEIGHBORHOOD
ASSOCIATIONS, INC.,**
a Texas non-profit corporation

By: Peter Torgrimson
Peter Torgrimson, President of the Board of Directors

Date: 1/4/2016

STATE OF TEXAS §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on January 4th, 2016, by Peter Torgrimson, President of the Board of Directors of 2222 Coalition of Neighborhood Associations, Inc., a Texas non-profit corporation, on behalf of said corporation.



[Signature]
Notary Public, State of Texas

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**RIVER PLACE RESIDENTIAL COMMUNITY
ASSOCIATION, INC.,**

a Texas non-profit corporation

By: _____

Scott Crosby, President of the Board of Directors

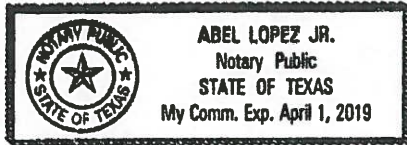
Date: _____

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STATE OF TEXAS
COUNTY OF TRAVIS

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This instrument was acknowledged before me on January 4th, 2016, by Scott Crosby, President of the Board of Directors of River Place Residential Community Association, Inc., a Texas non-profit corporation, on behalf of said corporation.



Notary Public, State of Texas

AFTER RECORDING RETURN TO:

Brad Rockwell

Frederick Perales Allmon & Rockwell, P.C.
707 Rio Grande, Suite 200
Austin, Texas 78701

DAH

EXHIBIT A

**FIELD NOTES
PROPOSED ZONING BOUNDARY**

ALL THAT CERTAIN PARCEL OR TRACT OF LAND OUT OF THE WILLIAM BELL SURVEY NO. 802, CITY OF AUSTIN; TRAVIS COUNTY, TEXAS; BEING A PORTION OF LOT 7A, RESUBDIVISION OF LOT 1, RIVER PLACE CENTER, LOT 1, BLOCK A, FOUR POINTS SOUTH AND LOT 1, BLOCK "A", RIVER PLACE AT 2222, A SUBDIVISION AS RECORDED IN DOCUMENT NO. 200800201 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; ALSO BEING ALL OF UNIT 2 "BUILDING SITE", CAPELLA 7A RIVERPLACE CONDOMINIUM, AS RECORDED IN DOCUMENT NO. 2014094904 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID LOT 7A BEING CONVEYED TO CAPELLA COMMERCIAL-RIVERPLACE, LLC BY SPECIAL WARRANTY DEED RECORDED IN DOCUMENT NO. 2012104497 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½" iron rod set with cap stamped TERRA FIRMA at the most northerly corner of the above described Lot 7A, also being the most westerly corner of Lot 8A of the above described Resubdivision of Lot 1, River Place Center, Lot 1, Block A, Four Points South and Lot 1, Block "A", River Place at 2222, for the most northerly corner and POINT OF BEGINNING OF the herein described tract, from which a ½" iron rod found on the southwest right-of-way line of R.M. Highway No. 2222 at the most northerly corner of said Lot 8A bears N27°54'36"E a distance of 100.37 feet;

THENCE, with the south line of said Lot 8A and a north line of said Lot 7A, S57°08'48"E a distance of 525.80 feet to a ½" iron rod set with cap stamped TERRA FIRMA at an inside corner of said Lot 7A, at the most southerly corner of said Lot 8A;

THENCE, with an easterly line of said Lot 8A and a westerly line of said Lot 7A, N30°23'38"E a distance of 105.51 feet to a ½" iron rod set with cap stamped TERRA

FIRMA on the southwest right-of-way line of said R.M. Highway No. 2222 at the common north corner of said Lots 7A and 8A;

THENCE, with the southwest right-of-way line of said R.M. Highway No. 2222, S59°43'24"E a distance of 15.00 feet to a ½" Iron rod set with cap stamped TERRA FIRMA at the common north corner of said Lot 7A and Lot 5A of said Resubdivision of Lot 1, River Place Center, Lot 1, Block A, Four Points South and Lot 1, Block "A", River Place at 2222 for the most easterly corner of this tract;

THENCE, with the easterly line of said Lot 7A and the westerly line of said Lot 5A, the following five (5) courses:

- 1) S30°23'38"W a distance of 145.21 feet to a PK Nail set at a point of curvature of a curve to the right;
- 2) Along said curve to the right an arc distance of 66.86 feet, having a radius of 287.00 feet, and a chord which bears S37°04'04"W a distance of 66.71 feet to a PK Nail set at for corner;
- 3) S43°44'31"W a distance of 37.01 feet to a PK Nail set at a point of curvature of a curve to the left;
- 4) Along said curve to the left an arc distance of 171.45 feet, having a radius of 287.00 feet, and a chord which bears S26°37'34"W a distance of 168.92 feet to a ½" iron rod set with cap stamped TERRA FIRMA for corner; and
- 5) S09°30'03"W a distance of 21.43 feet to a calculated point at the most southerly corner of said Unit 2 "Building Site", for the most southerly corner of this tract;

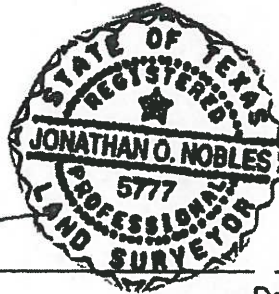
THENCE, with the southerly line of said Unit 2 "Building Site" and the northerly line of Unit 1 "Building Site" of said Capella 7A Riverplace Condominium, the following five (5) courses:

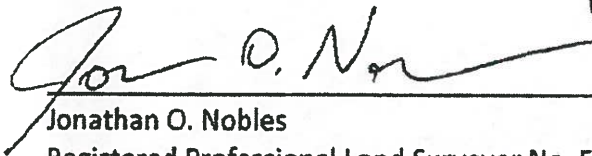
- 1) N56°57'45"W a distance of 251.17 feet to a calculated point;
- 2) N33°03'11"E a distance of 49.90 feet to a calculated point;
- 3) N56°59'51"W a distance of 193.32 feet to a calculated point;

- 4) S28°31'50"W a distance of 49.93 feet to a calculated point; and
- 5) N61°12'50"W a distance of 88.17 feet to a ½" iron rod found on the west line of said Lot 7A, at the southeast corner of Lot 2, Bull Creek Place as recorded in Book 77, Page 68 of the Plat Records of Travis County, Texas;

THENCE, with the west line of said Lot 7A and the east line of said Lot 2, Bull Creek Place, N27°54'36"E a distance of 335.54 feet to the POINT OF BEGINNING, and containing 3.761 acres of land, more or less.

I HEREBY CERTIFY that these notes were prepared by Terra Firma Land Surveying from a survey made on the ground on July 18, 2008 under my supervision and are true and correct to the best of my knowledge. This document was prepared under 22 TAC §663.21 and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared. A sketch accompanies this description.




Jonathan O. Nobles

8/13/2015
Date

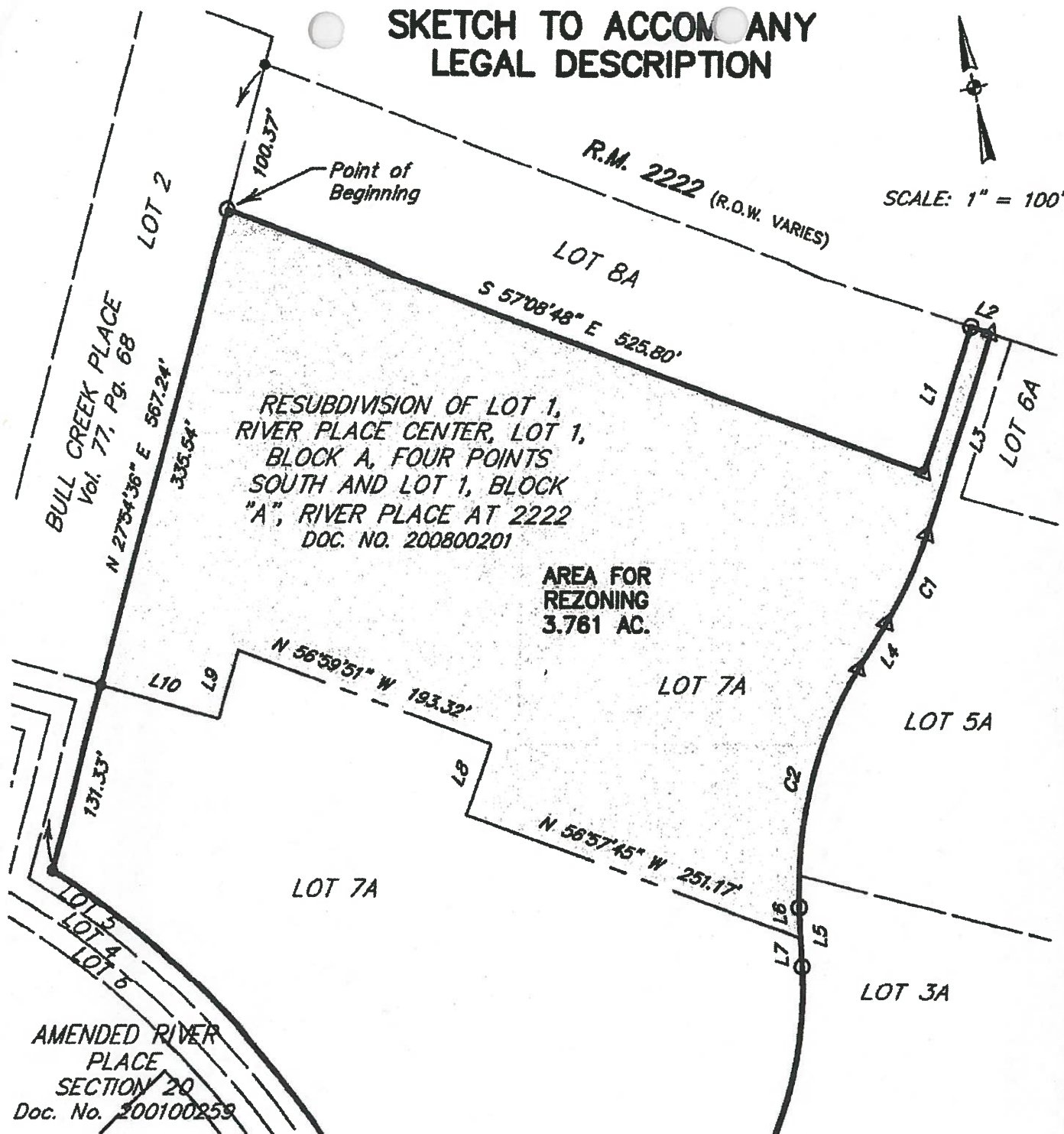
Registered Professional Land Surveyor No. 5777

Client: Land Answers, Inc.
Date: August 13, 2015
Job No.: 0A434-002-15
FB: 590/55
File: J:\Projects\A434\002-15\Survey\Legal Desc\A434-002-07 Zoning-FN.doc

SKETCH TO ACCOMPANY LEGAL DESCRIPTION



SCALE: 1" = 100'



LEGEND

- 1/2" IRON ROD FOUND
- 1/2" IRON ROD SET W/CAP
STAMPED "TERRA FIRMA"
- △ P-K NAIL SET

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 30°23'38" E	105.51'
L2	S 89°43'24" E	15.00'
L3	S 30°23'38" W	145.21'
L4	S 43°44'31" W	37.01'
L5	S 09°30'03" W	40.90'
L6	S 09°30'03" W	21.43'
L7	S 09°30'03" W	19.47'
L8	N 33°03'11" E	48.90'
L9	S 28°31'50" W	48.93'
L10	N 61°12'30" W	88.17'

CURVE TABLE				
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	287.00'	66.88'	66.71'	N 37°04'04" E
C2	287.00'	171.45'	188.92'	S 26°37'34" W



JONES & CARTER

Texas Board of Professional Engineers Registration No. P-439
1701 Directors Boulevard, Suite 400 • Austin, Texas 78744 • TEL (512) 328-8373 • FAX (512) 448-2268

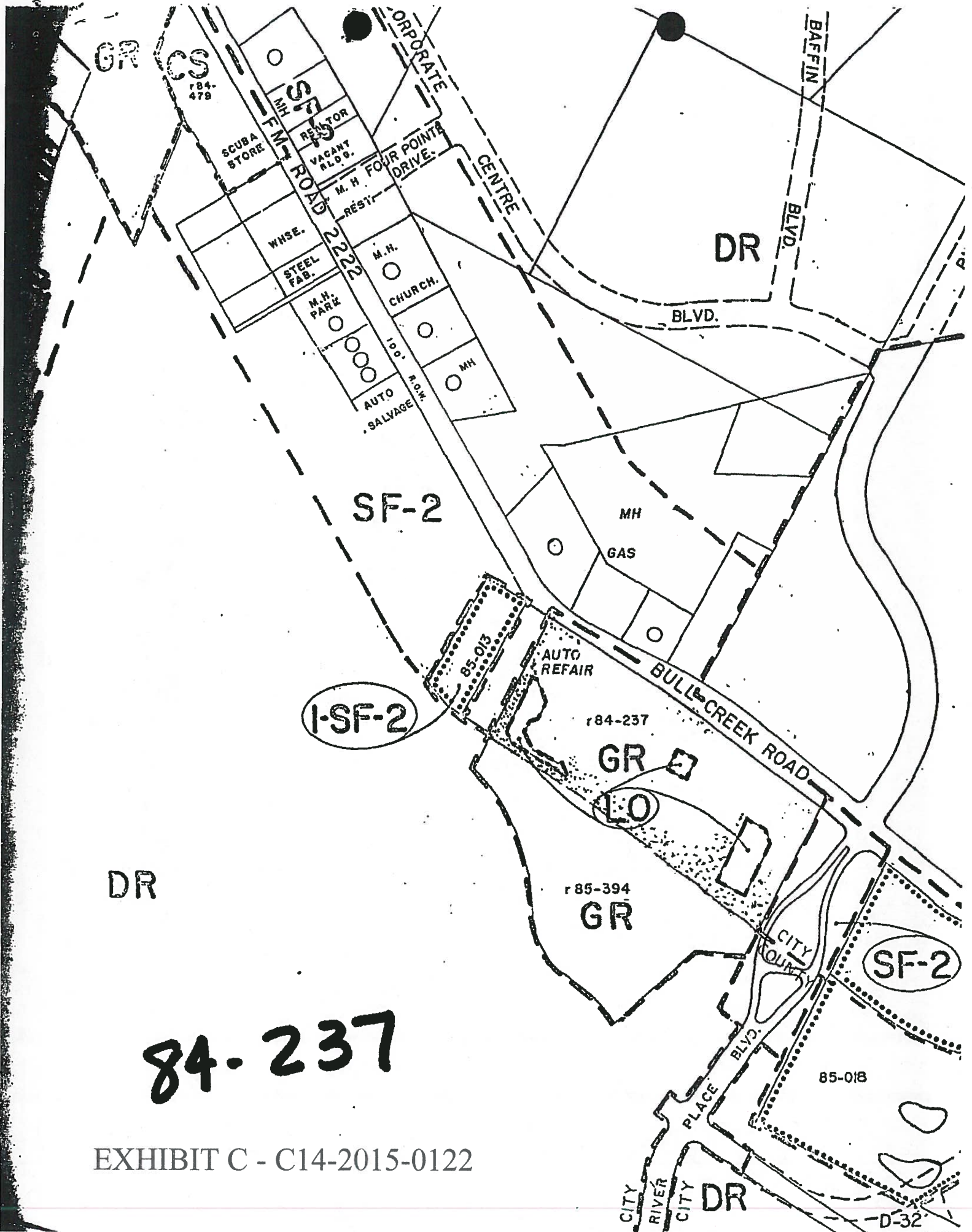
**terra
firma**

LAND SURVEYING

TEXAS BOARD OF PROFESSIONAL LAND SURVEYING REGISTRATION NO. 10048101

1701 DIRECTORS BOULEVARD, SUITE 400 • AUSTIN, TEXAS 78744
TEL (512) 328-8373 • FAX (512) 448-2268

Client : Land Answers, Inc.
Date : August 13, 2015
Office : J. Nobles, M. Carney
Job No : 0A434-002-08
File : J:\Projects\A434\002-08\Survey\Drawing Files\0A434-0002-15_Zoning.dwg
J:\Projects\A434\002-08\Survey\Point Files\0A434-002-08.ord



84-237

EXHIBIT C - C14-2015-0122

RECEIVED

ORDINANCE NO. 88 0728-E

JAN 10 1989

L/NO DEV. SERV.

AN ORDINANCE AMENDING ORDINANCE NO. 851219-DD, ENACTED BY THE CITY COUNCIL DECEMBER 19, 1985, BY CORRECTING THE USE DESIGNATION OF CERTAIN PROPERTY LOCATED AT 10909 F.M. 2222 IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS (ZONING CASE NO. C14r-84-237); WAIVING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Ordinance No. 851219-DD, Zoning Case C14r-84-237, enacted by the City Council on December 19, 1985, is hereby corrected by deleting, in its entirety, the caption in said ordinance and substituting the following section to read as follows:

AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 13-2A OF THE AUSTIN CITY CODE OF 1981 AS FOLLOWS:

TRACT 1: 11.80 ACRES OF LAND, MORE OR LESS, SAVE AND EXCEPT THE FOLLOWING THREE TRACTS, IN THE WILLIAM BELL SURVEY NO. 802 AND THE BANYON PAYNE SURVEY NO. 288 FROM INTERIM "SF-2" SINGLE FAMILY RESIDENCE (STANDARD LOT) TO "LO" LIMITED OFFICE;

TRACT 2: 0.15 ACRES OF LAND, MORE OR LESS, IN THE WILLIAM BELL SURVEY NO. 802 AND THE BANYON PAYNE SURVEY NO. 288 FROM INTERIM "SF-2" SINGLE FAMILY RESIDENCE (STANDARD LOT) TO "GR" COMMUNITY COMMERCIAL;

TRACT 3: 0.64 ACRES OF LAND, MORE OR LESS, IN THE WILLIAM BELL SURVEY NO. 802 AND THE BANYON PAYNE SURVEY NO. 288 FROM INTERIM "SF-2" SINGLE FAMILY RESIDENCE (STANDARD LOT) TO "GR" COMMUNITY COMMERCIAL;

TRACT 4: 0.45 ACRES OF LAND, MORE OR LESS, IN THE WILLIAM BELL SURVEY NO. 802 AND THE BANYON PAYNE SURVEY NO. 288 FROM INTERIM "SF-2" SINGLE FAMILY RESIDENCE (STANDARD LOT) TO "GR" COMMUNITY COMMERCIAL;

LOCALLY KNOWN AS 10909 F.M. 2222; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

PART 2. Part 1 of Ordinance No. 851219-DD, Zoning Case C14r-84-237, enacted by the City Council on December 19, 1985, is corrected by deleting the following sections:

TRACT 1. From Interim "SF-2" Single Family Residence (Standard Lot) to "GR" Community Commercial.

TRACT 2. From Interim "SF-2" Single Family Residence (Standard Lot) to "LO" Limited Office.

TRACT 3. From Interim "SF-2" Single Family Residence (Standard Lot) to "LO" Limited Office.

TRACT 4. From Interim "SF-2" Single Family Residence (Standard Lot) to "LO" Limited Office.

and substituting the following sections to read as follows:

TRACT 1. From Interim "SF-2" Single Family Residence. (Standard Lot) to "LO" Limited Office.

TRACT 2. From Interim "SF-2" Single Family Residence (Standard Lot) to "GR" Community Commercial.

TRACT 3. From Interim "SF-2" Single Family Residence (Standard Lot) to "GR" Community Commercial.

TRACT 4. From Interim "SF-2" Single Family Residence (Standard Lot) to "GR" Community Commercial.

PART 3. Ordinance No. 851219-DD, Zoning Case C14r-84-237, enacted by the City Council on December 19, 1985, is hereby corrected by deleting PART 4 in its entirety in said ordinance and substituting the following section to read as follows:

PART 4. This application for rezoning was filed prior to the effective date of Chapter 13-2A of the Austin City Code of 1981, at which time the property was zoned Interim "AA", First Height and Area District, and the applicant sought rezoning to "GR" General Retail, First Height and Area District. Notwithstanding the rezoning herein to "LO" Limited Office for Tract 1 and "GR" Community Commercial for Tracts 2-4, the property owner shall be permitted to obtain a building permit subject to the provisions of Chapter 13-2 and as permitted under a zoning classification thereunder of "O-1" First Height and Area District for Tract 1 and "GR" General Retail for Tract 2-4 in accordance with the provisions of Section 1051 of Chapter 13-2A of the Austin City Code of 1981.

PART 4. It is ordered that the Zoning Map established by Sec. 13-2-22 of the Austin City Code of 1981 and made a part thereof shall be changed so as to record the amendment enacted in this ordinance.

PART 5. The requirement imposed by Section 2-2-3 of the Austin City Code of 1981 that this ordinance be read on three separate

days shall be waived by the affirmative vote of five members of the City Council to pass this ordinance through more than one reading on a single vote.

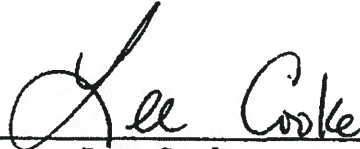
PART 6. This ordinance shall be effective ten days following the date of its final passage.

PASSED AND APPROVED

July 28

, 1988

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§



Lee Cooke
Mayor

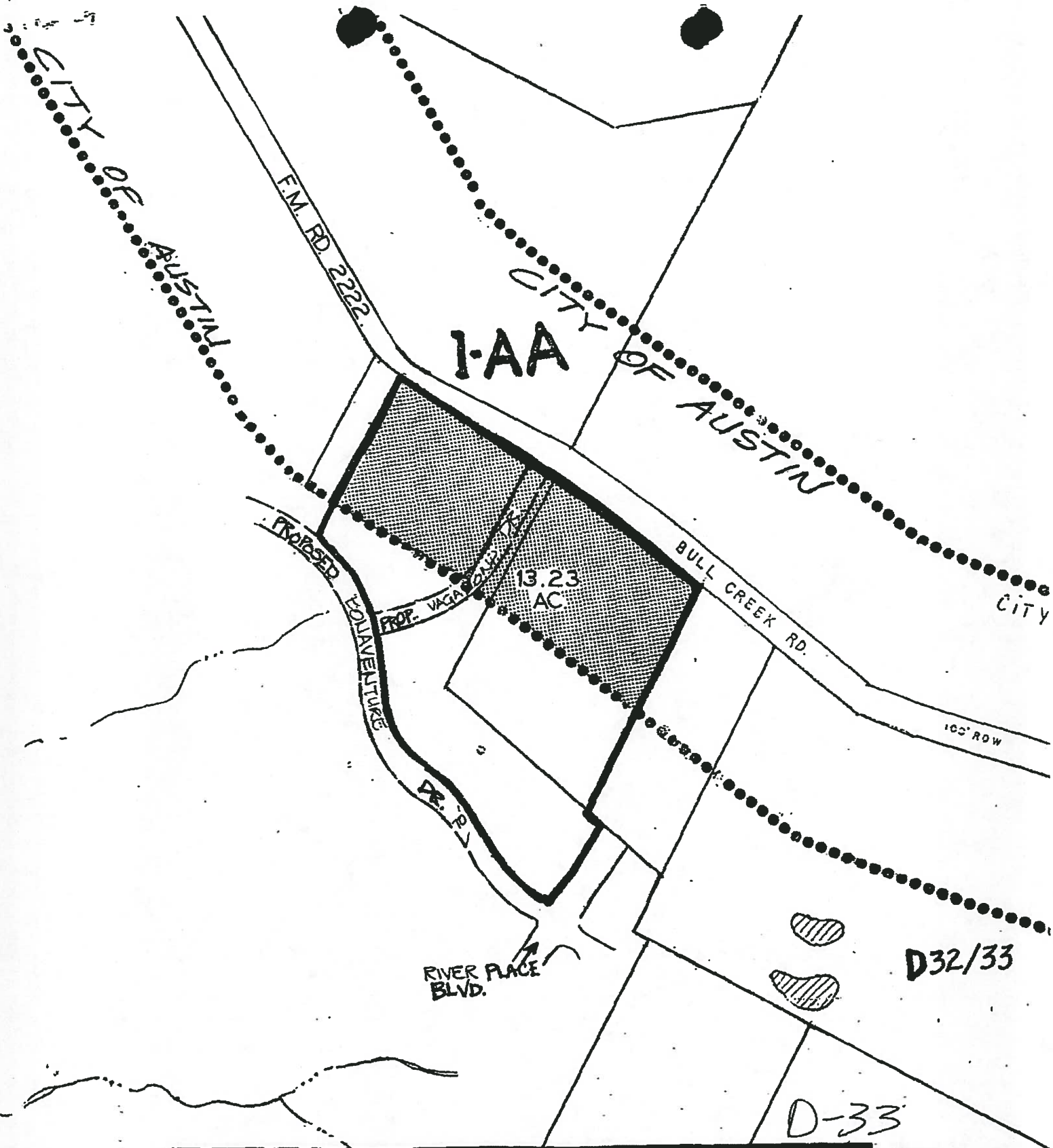
APPROVED: 

Jonathan Davis
Acting City Attorney

ATTEST: 

James E. Aldridge
City Clerk

84-237. corrective ord.
AFM/jj



NORTH 	AREA OF HEARING		RESIDENTIAL STRUCTURES ○
	ZONING LINE		
	PENDING CASE		FILE NO: C14-84-237

RECEIVED

ORDINANCE NO. 85 1219-DD

MAY 13 1987

LAND DEV. SERV.

AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 13-2A OF THE AUSTIN CITY CODE OF 1981 AS FOLLOWS:

TRACT 1. 11.80 ACRES OF LAND, MORE OR LESS, SAVE AND EXCEPT THE FOLLOWING THREE TRACTS, IN THE WILLIAM BELL SURVEY NO. 802 AND THE BANYON PAYNE SURVEY NO. 288 FROM INTERIM "SF-2" SINGLE FAMILY RESIDENCE (STANDARD LOT) TO "GR" COMMUNITY COMMERCIAL;

TRACT 2. 0.15 ACRES OF LAND, MORE OR LESS, IN THE WILLIAM BELL SURVEY NO. 802 AND THE BANYON PAYNE SURVEY NO. 288, FROM INTERIM "SF-2: SINGLE FAMILY RESIDENCE (STANDARD LOT) TO "LO" LIMITED OFFICE; AND,

TRACT 3. 0.64 ACRES OF LAND, MORE OR LESS, IN THE WILLIAM BELL SURVEY NO. 802 AND THE BANYON PAYNE SURVEY NO. 288, FROM INTERIM "SF-2: SINGLE FAMILY RESIDENCE (STANDARD LOT) TO "LO" LIMITED OFFICE; AND,

TRACT 4. 0.45 ACRES OF LAND, MORE OR LESS, IN THE WILLIAM BELL SURVEY NO. 802 AND THE BANYON PAYNE SURVEY NO. 288, FROM INTERIM "SF-2: SINGLE FAMILY RESIDENCE (STANDARD LOT) TO "LO" LIMITED OFFICE, LOCALLY KNOWN AS 10909 F.M. 2222; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. CHAPTER 13-2A of the Austin City Code of 1981 is hereby amended to change the base zoning district on the property described in File C14r-84-237, to-wit:

TRACT 1. From Interim "SF-2" Single Family Residence (Standard Lot) to "GR" Community Commercial.

A 11.80 acre tract of land in the William Bell Survey No. 802 and the Banyon Payne Survey No. 288; said 11.80 acre tract being all of that portion of proposed Lot 1, River Place Center lying within the City of Austin Limited Annexation Area, save and except those areas described herein as Tracts 2, 3 and 4, said 10.56 acre tract being more particularly described by metes and bounds as follows:

BEGINNING, at the northernmost corner of that certain River Place Section 1, a subdivision recorded in Book 84, Page 103A-105B of the Travis County Plat Records, being on the south right-of-way line of R.M. 2222;

THENCE, departing said right-of-way line, and along a southwesterly line of said River Place Section 1, S 29° 43' 03" W, a distance of 459.67 to a point;

+84-237

THENCE, over and across the said proposed Lot 1, River Place Center, parallel to and at a perpendicular distance of 500 feet southwest of the centerline of R.M. 2222 for the following three (3) courses:

1. N 48° 30' 26" W, a distance of 296.69 to a point of curvature;
2. 254.53 feet along the arc of a curve to the left, having a central angle of 06° 10' 00", a radius of 2364.93 feet, bearing N 51° 35' 26" W for a distance of 254.41 feet to a point of tangency, and
3. N 54° 40' 26" W, a distance of 593.78 to a point on the southeast line of that certain Lot 2, Bull Creek Place, a subdivision recorded in Book 77, Page 68 of the Travis County Plat Records;

THENCE, along the southeast line of the said Lot 2, N 30° 13' 8" E a distance of 451.79 feet to the northeast corner of the said Lot 2 on the south right-of-way line of R.M. 2222, for the northwest corner of the said proposed Lot 1, River Place Center;

THENCE, along the southerly right-of-way line of R.M. 2222, and the northerly line of the said proposed Lot 1, River Place Center the following three (3) courses:

1. S 54° 40' 26" E, a distance of 633.91;
2. 302.97 feet along the arc of a curve to the right, having a central angle of 06° 10' 00", a radius of 2814.93, bearing S 51° 35' 26" E, and a distance of 302.82 feet;
3. S 48° 30' 26" E, a distance of 202.88 feet to the POINT OF BEGINNING, containing 11.80 acres of land, more or less; SAVE AND EXCEPT,

TRACT 2. From Interim "SF-2" Single Family Residence (Standard Lot) to "IO" Limited Office.

COMMENCING, for reference, at a point of curvature on the right-of-way line of R.M. 2222, same being on a northeasterly line of Lot 1 of said River Place Center;

THENCE, leaving said right-of-way line, S 45° 29' 26" W, a distance of 143.68 feet to the Point of Beginning;

THENCE, continuing over and across said Lot 1 for the following four (4) calls:

1. S 60° 40' 26" E, a distance of 80.00 feet;
2. S 29° 19' 34" W, a distance of 80.00 feet;
3. N 60° 40' 26" W, a distance of 80.00 feet;
4. N 29° 19' 34" E, a distance of 80.00 feet to the POINT OF BEGINNING, containing 0.15 acres of land, more or less; and,

TRACT 3. From Interim "SF-2" Single Family Residence (Standard Lot) to "LO" Limited Office

COMMENCING, for reference, at a southeasterly corner of said Lot 1 on the said right-of-way line of R.M. 2222, same being the northernmost corner of said River Place Section 1;

THENCE, with a southeasterly line of said Lot 1, and also with a northwesterly line of said River Place Section 1, S 29° 43' 03" W, a distance of 155 feet;

THENCE, N 60° 16' 57" W, a distance of 130 feet to the POINT OF BEGINNING:

THENCE, continuing over and across said Lot 1 for the following five (5) calls:

1. S 15° 16' 57" E, a distance of 56.57 feet;
2. S 29° 43' 03" W, a distance of 210.44 feet;
3. N 60° 16' 57" W, a distance of 115.00 feet;
4. N 29° 43' 03" E, a distance of 250.44 feet;
5. S 60° 16' 57" E, a distance of 75.00 feet to the POINT OF BEGINNING, containing 0.64 acres of land, more or less;

TRACT 4. From Interim "SF-2" Single Family Residence (Standard Lot) to "LO" Limited Office.

COMMENCING, for reference, at the northernmost corner of the said Lot 1, River Place Center, same being the northeast corner of the said Lot 2, Bull Creek Place, on the south right-of-way line of R.M. 2222;

THENCE, with a northwesterly line of the said Lot 1, and with a southeasterly line of said Bull Creek Place, S 30° 13' 38" W, a distance of 215 feet to a point;

THENCE, leaving said northwesterly line, S 59° 46' 12" E, a distance of 31.00 feet to the POINT OF BEGINNING:

THENCE, continuing over and across said Lot 1 for the following twelve (12) calls;

1. S 59° 46' 12" E, a distance of 25.00 feet;
2. S 14° 46' 12" E, a distance of 80.00 feet;
3. S 30° 13' 48" W, a distance of 65.00 feet;
4. S 75° 13' 48" W, a distance of 30.00 feet;
5. S 30° 13' 48" W, a distance of 50.00 feet;
6. S 19° 46' 12" E, a distance of 70.00 feet;
7. S 59° 46' 12" E, a distance of 100.00 feet;
8. N 70° 13' 48" E, a distance of 15.00 feet;
9. S 19° 46' 12" E, a distance of 57.80 feet;
10. N 54° 40' 26" W, a distance of 236.10 feet;

11. N 19° 46' 12" W, a distance of 42.74 feet;
 12. N 30° 13' 48" E, a distance of 215.00 feet to the POINT
 OF BEGINNING, containing 0.45 acres of land, more or less,

locally known as 10909 F.M. 2222 in the City of Austin, Travis County,
 Texas.

PART 2. It is hereby ordered that the Zoning Map accompanying Chapter
 13-2A of the Austin City Code of 1981 and made a part thereof shall be
 changed so as to record the change ordered in this ordinance.

PART 3. That the development of the property herein described shall be
 accomplished in accordance with the site plan attached hereto as Exhibit
 "A", or as such site plan is subsequently adjusted or modified as
 provided by subsection 13-2A-6196 of the Austin City Code of 1981.
 Except to the extent that such site plan is inconsistent therewith, the
 development and use of the property described herein shall be in
 accordance with applicable ordinances of the City of Austin.

PART 4. This application for rezoning was filed prior to the effective
 date of Chapter 13-2A of the Austin City Code of 1981, at which time the
 property was zoned Interim "AA" Residence, First Height and Area
 District, and the applicant sought rezoning to "GR" General Retail,
 First Height and Area District. Notwithstanding the rezoning herein to
 "GR" Community Commercial for Tract 1 and "LO" Limited Office for Tracts
 2 - 5, the property owner shall be permitted to obtain a building permit
 subject to the provisions of Chapter 13-2 and as permitted under a
 zoning classification thereunder of "GR" General Retail, First Height
 and Area District for Tract 1 and "O-1" Office for Tracts 2 - 5, in
 accordance with the provisions of Section 1051 of Chapter 13-2A of the
 Austin City Code of 1981.

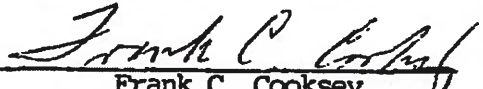
PART 5. WHEREAS, an emergency is apparent for the immediate
 preservation of order, health, safety and general welfare of the public,
 which emergency requires the suspension of the rule providing for the
 reading of an ordinance on three separate days, and requires that this
 ordinance become effective immediately upon its passage; therefore, the
 rule requiring the reading on three separate days is hereby suspended
 and this ordinance shall become effective immediately upon its passage
 as provided by the Charter of the City of Austin.

PASSED AND APPROVED

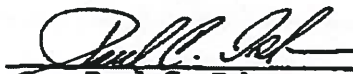
December 9

, 1985

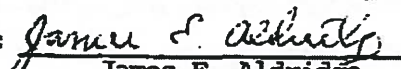
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 Frank C. Cooksey
 Mayor

APPROVED:

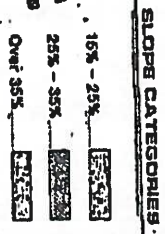

 Paul C. Isham
 City Attorney

ATTEST:


 James E. Aldridge
 City Clerk

SJS:saf

EXHIBIT "A"
PLACE CENTER



DECLASSIFIED
DATE 08-17-2011

**SHEET
PRA1**

RIVERPLACE

CENTER



INVESTIGATIVE OFFICE OF

RD


 cutting from
 12 o'clock to 12 o'clock


 tape ring
 6 o'clock to 6 o'clock


 cutting from
 12 o'clock to 12 o'clock

same planting



Location Map

LONG ISLAND CITY
10005 7th Ave

RIVERPLACE CEN



EXHIBIT D - C14-2015-0122

ORDINANCE NO. 88 0728-E

AN ORDINANCE AMENDING ORDINANCE NO. 851219-DD, ENACTED BY THE CITY COUNCIL DECEMBER 19, 1985, BY CORRECTING THE USE DESIGNATION OF CERTAIN PROPERTY LOCATED AT 10909 F.M. 2222 IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS (ZONING CASE NO. C14r-84-237); WAIVING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Ordinance No. 851219-DD, Zoning Case C14r-84-237, enacted by the City Council on December 19, 1985, is hereby corrected by deleting, in its entirety, the caption in said ordinance and substituting the following section to read as follows:

AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 13-2A OF THE AUSTIN CITY CODE OF 1981 AS FOLLOWS:

TRACT 1: 11.80 ACRES OF LAND, MORE OR LESS, SAVE AND EXCEPT THE FOLLOWING THREE TRACTS, IN THE WILLIAM BELL SURVEY NO. 802 AND THE BANYON PAYNE SURVEY NO. 288 FROM INTERIM "SF-2" SINGLE FAMILY RESIDENCE (STANDARD LOT) TO "LO" LIMITED OFFICE;

TRACT 2: 0.15 ACRES OF LAND, MORE OR LESS, IN THE WILLIAM BELL SURVEY NO. 802 AND THE BANYON PAYNE SURVEY NO. 288 FROM INTERIM "SF-2" SINGLE FAMILY RESIDENCE (STANDARD LOT) TO "GR" COMMUNITY COMMERCIAL;

TRACT 3: 0.64 ACRES OF LAND, MORE OR LESS, IN THE WILLIAM BELL SURVEY NO. 802 AND THE BANYON PAYNE SURVEY NO. 288 FROM INTERIM "SF-2" SINGLE FAMILY RESIDENCE (STANDARD LOT) TO "GR" COMMUNITY COMMERCIAL;

TRACT 4: 0.45 ACRES OF LAND, MORE OR LESS, IN THE WILLIAM BELL SURVEY NO. 802 AND THE BANYON PAYNE SURVEY NO. 288 FROM INTERIM "SF-2" SINGLE FAMILY RESIDENCE (STANDARD LOT) TO "GR" COMMUNITY COMMERCIAL;

LOCALLY KNOWN AS 10909 F.M. 2222; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

PART 2. Part 1 of Ordinance No. 851219-DD, Zoning Case C14r-84-237, enacted by the City Council on December 19, 1985, is corrected by deleting the following sections:

TRACT 1. From Interim "SF-2" Single Family Residence (Standard Lot) to "GR" Community Commercial.

TRACT 2. From Interim "SF-2" Single Family Residence (Standard Lot) to "LO" Limited Office.

TRACT 3. From Interim "SF-2" Single Family Residence (Standard Lot) to "LO" Limited Office.

TRACT 4. From Interim "SF-2" Single Family Residence (Standard Lot) to "LO" Limited Office.

and substituting the following sections to read as follows:

TRACT 1. From Interim "SF-2" Single Family Residence (Standard Lot) to "LO" Limited Office.

TRACT 2. From Interim "SF-2" Single Family Residence (Standard Lot) to "GR" Community Commercial.

TRACT 3. From Interim "SF-2" Single Family Residence (Standard Lot) to "GR" Community Commercial.

TRACT 4. From Interim "SF-2" Single Family Residence (Standard Lot) to "GR" Community Commercial.

PART 3. Ordinance No. 851219-DD, Zoning Case C14r-84-237, enacted by the City Council on December 19, 1985, is hereby corrected by deleting PART 4 in its entirety in said ordinance and substituting the following section to read as follows:

PART 4. This application for rezoning was filed prior to the effective date of Chapter 13-2A of the Austin City Code of 1981, at which time the property was zoned Interim "AA", First Height and Area District, and the applicant sought rezoning to "GR" General Retail, First Height and Area District. Notwithstanding the rezoning herein to "LO" Limited Office for Tract 1 and "GR" Community Commercial for Tracts 2-4, the property owner shall be permitted to obtain a building permit subject to the provisions of Chapter 13-2 and as permitted under a zoning classification thereunder of "O-1" First Height and Area District for Tract 1 and "GR" General Retail for Tract 2-4 in accordance with the provisions of Section 1051 of Chapter 13-2A of the Austin City Code of 1981.

PART 4. It is ordered that the Zoning Map established by Sec. 13-2-22 of the Austin City Code of 1981 and made a part thereof shall be changed so as to record the amendment enacted in this ordinance.

PART 5. The requirement imposed by Section 2-2-3 of the Austin City Code of 1981 that this ordinance be read on three separate

days shall be waived by the affirmative vote of five members of the City Council to pass this ordinance through more than one reading on a single vote.

PART 6. This ordinance shall be effective ten days following the date of its final passage.

PASSED AND APPROVED

July 28

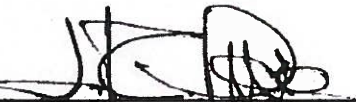
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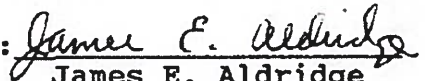
Lee Cooke
Mayor

APPROVED:



Jonathan Davis
Acting City Attorney

ATTEST:



James E. Aldridge
City Clerk

84-237. corrective ord.
AFM/jj

EXHIBIT E - C14-2015-0122

ORDINANCE NO. 20080320-065

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 10815 FM 2222 ROAD FROM LIMITED OFFICE (LO) DISTRICT AND COMMUNITY COMMERCIAL (GR) DISTRICT TO COMMUNITY COMMERCIAL (GR) DISTRICT FOR TRACT ONE AND LIMITED OFFICE (LO) DISTRICT AND COMMUNITY COMMERCIAL (GR) DISTRICT FOR TRACT TWO.

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 districts on the property described in Zoning Case No. C14-2008-0027, on file at the Neighborhood Planning and Zoning Department, as follows:

Tract One: From limited office (LO) district and community commercial (GR) district to community commercial (GR) district.

A 28,000 sq. ft. tract of land, more or less, out of Lot 1, River Place Center Subdivision, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance; and,

Tract Two: From limited office (LO) district and community commercial (GR) district to limited office (LO) district and community commercial (GR) district.

Lot 1, River Place Center Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 86, Pages 196A-196C, of the Plat Records of Travis County, Texas; Save and Except the property described as Tract One in this ordinance,

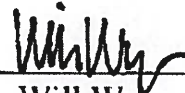
locally known as 10815 FM 2222 Road, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

PART 2. This ordinance takes effect on March 31, 2008.

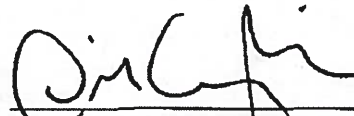
PASSED AND APPROVED

March 20, 2008

§
§
§


Will Wynn
Mayor

APPROVED:


David Allan Smith
City Attorney

ATTEST:

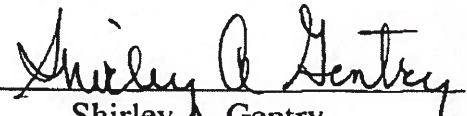

Shirley A. Gentry
City Clerk

EXHIBIT A
TRACT ONE
FIELD NOTES
PROPOSED ZONING BOUNDARY

ALL THAT CERTAIN PARCEL OR TRACT OF LAND OUT OF THE WILLIAM BELL SURVEY NO. 802, CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; BEING A PORTION OF LOT 1, RIVER PLACE CENTER, A SUBDIVISION AS RECORDED IN BOOK 86, PAGES 196A-196C OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS; SAID LOT 1 BEING CONVEYED TO RIVER PLACE POINTE, L.P., A TEXAS LIMITED PARTNERSHIP BY SPECIAL WARRANTY DEED RECORDED IN DOCUMENT NO. 2005116100 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING for POINT OF REFERENCE at a ½" iron rod found at the intersection of the southwest right-of-way line of R.M Highway No. 2222 and the northwest right-of-way line of River Place Boulevard, said iron rod found also being the most easterly corner of the above described Lot 1, from which a ½" iron rod found on said southwest right-of-way line of R.M. Highway No. 2222 bears N50°51'55"W a distance of 205.49 feet, Thence, S51°09'36"W a distance of 173.81 feet to a point for the most easterly corner and POINT OF BEGINNING of the herein described tract;

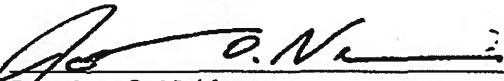
THENCE S39°08'05"W a distance of 160.00 feet to a point for the most southerly corner of this tract,

THENCE N50°51'55"W a distance of 175.00 feet to a point for the most westerly corner of this tract;

THENCE N39°08'05"E a distance of 160.00 feet to a point for the most northerly corner of this tract;

THENCE S50°51'55"E a distance of 175.00 feet to the POINT OF BEGINNING,
and containing 28,000 square feet of land, more or less.

I HEREBY CERTIFY that these notes were prepared by Terra Firma Land Surveying
from a survey made on the ground on November 7, 2007 under my supervision and are
true and correct to the best of my knowledge. A sketch accompanies this description.



Jonathan O. Nobles

Registered Professional Land Surveyor No. 5711



1/11/2008
Date

Client: Aspen Properties
Date: January 11, 2008
WO No.: 0A434-002-00/503
FB: 590/55
File: J:\Projects\A434\002\Survey\A434-002.crd

Scale 1"=100'

SKETCH TO ACCOMPANY FIELD NOTES PROPOSED ZONING BOUNDARY

As Surveyed By:

Jonathan O. Nobles
Registered Professional Land Surveyor No. 5777
Date: November 7, 2007



(N 54°26'00" W 63.03')
(N 56°29'46" W 62.99')

LOT 1
BLOCK "A"
FOUR POINTS
VOL. 101

146.77'
(S 75°20'45" W 146.76')
(S 77°44'00" W 146.76')

R.M. 2222
(R.O.W. VARIES)

LOT 1
RIVER PLACE CENTER
BK. 86, PGS. 196A-196C

PROPOSED
ZONING
BOUNDARY
28,000 SQ. FT.

Point of
Beginning

Point of
Reference

RIVER PLACE BOULEVARD
(R.O.W. VARIES)
RIVER PLACE
SECTION 1
VOL. 84, PGS. 103A-105B

40' BUILDING LINE
DOC NO 2000122731

15' LANDSCAPE BUFFER AREA
DOC. NO. 2000122731

Client : Aspen Properties
Date : January 10, 2008
Office : C. Cregar, J. Nobles, C. Willoughby
Crew : J. Jones, M. Snyder
F.B. : 590/35
Job No : 0A434-002-00 500
Disk : J:\Projects\A434\002\Survey\A434-002.crd & A434-002 ZONING.dwg

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terra firma LAND SURVEYING

906 Lee Corso Parkway, Suite 230 Austin, Texas 78746 812/328-8873 Fax 812/648-2288

EXHIBIT F - C14-2015-0122

ORDINANCE NO. 20131212-111

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 10819 FARM TO MARKET 2222 ROAD FROM COMMUNITY COMMERCIAL (GR) DISTRICT AND LIMITED OFFICE (LO) DISTRICT TO COMMUNITY COMMERCIAL -CONDITIONAL OVERLAY (GR-CO) COMBINING DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from community commercial (GR) district and limited office (LO) district to community commercial -conditional overlay (GR-CO) combining district on the property described in Zoning Case No. C14-2013-0109, on file at the Planning and Development Review Department, as follows:

Lot 7A, Resubdivision of Lot 1, River Place Center, Lot 1, Block A, Four Points South, and Lot 1, Block "A", River Place at 2222 Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in in Document No. 200800201 of the Official Public Records of Travis County, Texas (the "Property"),

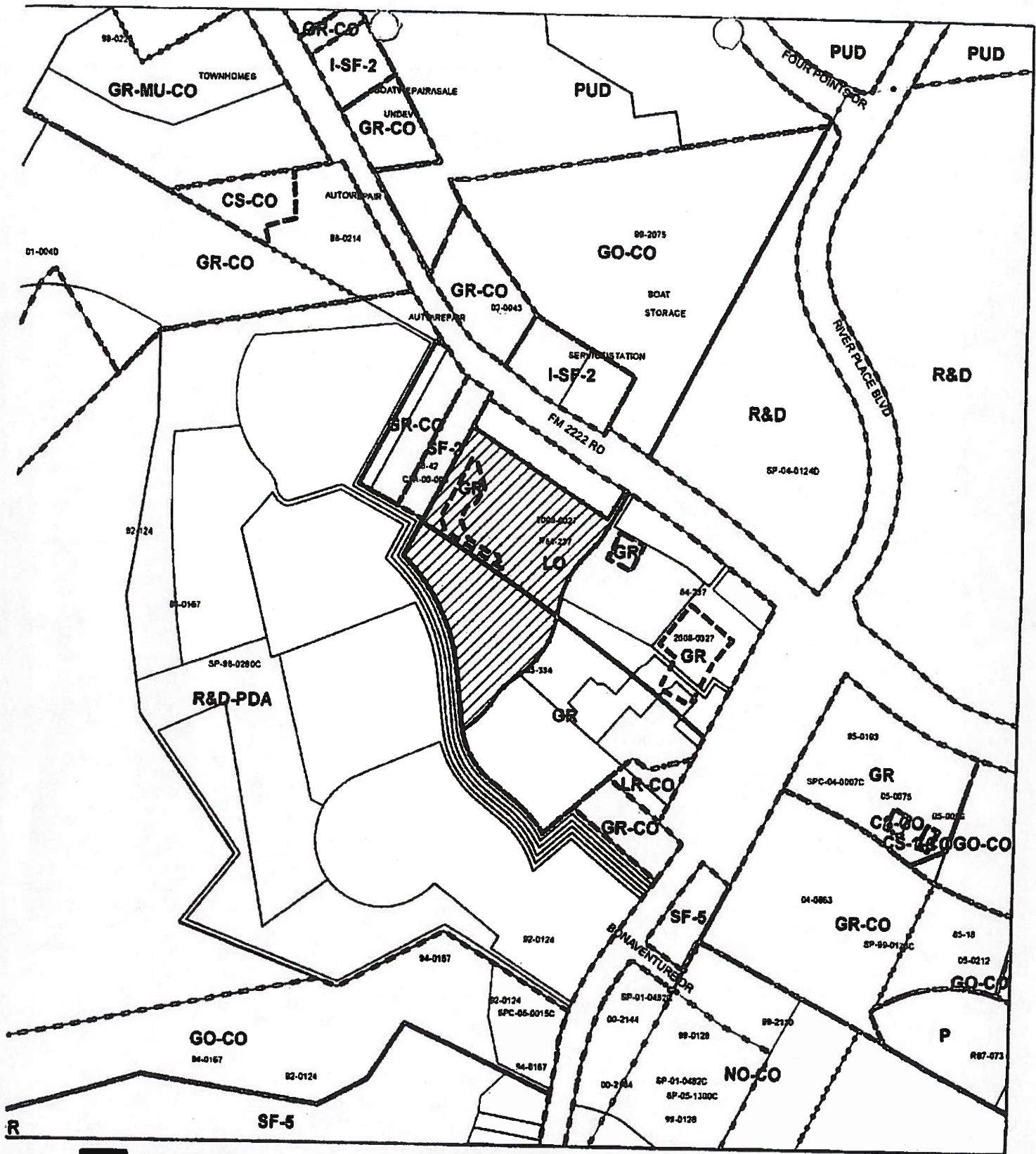
locally known as 10819 Farm to Market 2222 Road in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "A".

PART 2. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

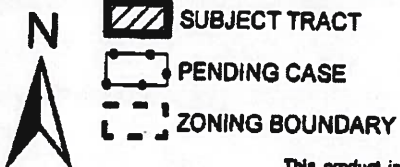
- A. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 2,100 trips per day.
- B. Drive-in service use is prohibited as an accessory use to commercial uses on the Property.
- C. The following uses are prohibited uses of the Property:

Custom manufacturing

Alternative financial services



**ZONING CASE
C14-2013-0109**



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geograp by the City of Austin regarding specific accuracy or completeness.

Exhibit A

