

ZONING CHANGE / RESTRICTIVE COVENANT AMENDMENT REVIEW SHEET

CASE: C14-2019-0003 / C14-85-288.8(RCA5) – DISTRICT: 8
Lantana, Block P, Lot 3

ZONING FROM: GR-NP for Tract 1; CS-1-CO-NP for Tract 2

ZONING TO: GR-MU-NP for Tract 1 (35.371 acres);
CS-1-MU-CO-NP for Tract 2 (0.279 acres)

ADDRESS: 7415 Southwest Parkway TOTAL SITE AREA: 35.67 acres

PROPERTY OWNER: Lantana Place, L.L.C. AGENT: LJA Engineering, Inc.
(Erin D. Pickens) (Paul J. Viktorin, P.E.)

CASE MANAGER: Wendy Rhoades (512-974-7719, wendy.rhoades@austintexas.gov)

STAFF RECOMMENDATION:

The Staff recommendation is to:

grant community commercial – mixed use – neighborhood plan (GR-MU-NP) combining district zoning for Tract 1 and commercial-liquor sales – mixed use – conditional overlay – neighborhood plan (CS-1-MU-CO-NP) combining district zoning for Tract 2. On Tract 2, the Conditional Overlay is to limit the maximum floor-to-area ratio is 1 : 1 and prohibit the following uses on the Property: agricultural sales & services, commercial blood plasma center, custom manufacturing, electronic prototype assembly, exterminating services, plant nursery and veterinary services, and

amend the Restrictive Covenant to remove the provision establishing the maximum net leasable square feet of buildable space or maximum floor-to-area ratio (FAR) that can be developed on the Property. For a summary of the basis of Staff's recommendation, see case manager comments on Page 2.

PLANNING COMMISSION ACTION / RECOMMENDATION:

April 28, 2020:

April 14, 2020: *APPROVED A POSTPONEMENT REQUEST BY STAFF TO APRIL 28, 2020*

[R. SCHNEIDER; C. KENNY – 2ND] (12-0) C. LLANES PULIDO – ABSENT

March 10, 2020: *APPROVED A POSTPONEMENT REQUEST BY STAFF TO APRIL 14, 2020*

[J. SHIEH; R. SCHNEIDER – 2ND] (11-0) A. AZHAR, P. HOWARD – ABSENT

February 25, 2020: *APPROVED A POSTPONEMENT REQUEST BY STAFF TO MARCH 10, 2020*

[R. SCHNEIDER; C. KENNY – 2ND] (12-0) J. SHIEH – ABSENT

January 28, 2020: *APPROVED A POSTPONEMENT REQUEST BY STAFF TO FEBRUARY 25, 2020*

[J. THOMPSON; A. AZHAR – 2ND] (10-0) C. HEMPEL – RECUSED; C. LLANES PULIDO, P. SEEGER – ABSENT

December 17, 2019: *APPROVED A POSTPONEMENT REQUEST BY THE STAFF TO JANUARY 28, 2020, BY CONSENT*

[P. HOWARD; Y. FLORES – 2ND] (10-0) G. ANDERSON, C. LLANES PULIDO, T. SHAW – ABSENT

June 25, 2019: *APPROVED AN INDEFINITE POSTPONEMENT REQUEST BY THE STAFF, BY CONSENT*

[P. HOWARD; C. KENNY – 2ND] (11-0) P. SEEGER, J. SHIEH – ABSENT

CITY COUNCIL ACTION:

May 7, 2020:

April 23, 2020:

March 12, 2020: *APPROVED A POSTPONEMENT REQUEST BY STAFF TO APRIL 23, 2020. VOTE: 9-0, MAYOR ADLER; COUNCIL MEMBER HARPER-MADISON – OFF THE DAIS*

February 6, 2020: *APPROVED A POSTPONEMENT REQUEST BY STAFF TO MARCH 12, 2020. VOTE: 10-0, COUNCIL MEMBER CASAR – OFF THE DAIS*

ORDINANCE NUMBER:

ISSUES:

A related project consent agreement item has been placed on the agenda to address residential use for the property, and under what circumstances it could occur. On March 4, 2020, the project consent agreement completed review by the Environmental Commission.

CASE MANAGER COMMENTS:

The rezoning area consists of a platted lot that contains a commercial center that contains office, financial services, retail, restaurant uses and a movie theater, and is located at the southwest corner of Southwest Parkway and West William Cannon Drive. The property has community commercial – neighborhood plan (GR-NP) combining district zoning with the exception of one 12,138 square foot single story building that has commercial-liquor sales – conditional overlay – neighborhood plan (CS-1-CO-NP) district zoning by a 2018 case. There is a landscaped median dividing the east and west lanes of Southwest Parkway, and the

north and south lanes of William Cannon; median breaks allow for full turning movements on both roadways. There is undeveloped land on the north side of Southwest Parkway (DR; GO), undeveloped land and an AMD facility to the east (GR-NP), undeveloped land and apartments to the south (CS-NP; P-NP) and offices to the west (CS-NP). ***Please refer to Exhibits A (Zoning Map), A-1 (Aerial Exhibit), B (Recorded Plat) and C (Approved Site Plan).***

The Applicant requests the addition of the mixed use (-MU) combining district to both tracts, as the first step in developing up to 400 multifamily residential units on the undeveloped southeast portion of the property. On Tract 2, the -CO for the list of prohibited uses is not proposed to change. The Applicant also requests an amendment of the 1986-87 Restrictive Covenant to remove the provision establishing the maximum net leasable square feet of buildable space or maximum floor-to-area ratio (FAR) that can be developed on the Property, because these terms apply to commercial rather than multifamily residence use. All other provisions of the Restrictive Covenant would remain intact. ***Please refer to Exhibit D (1986 Restrictive Covenant and 1987 Modification).***

BASIS OF RECOMMENDATION:

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*

For Tract 1: The proposed community commercial (GR) district is intended for office and commercial uses serving neighborhood and community needs, including both unified shopping centers and individually developed commercial sites, and typically requiring locations accessible from major trafficways.

For Tract 2: The commercial – liquor sales (CS-1) zoning district is intended for commercial and industrial activities of a service nature which typically have operating characteristics or traffic service requirements generally incompatible with residential environments, and specifically includes liquor sales as a permitted use. The Conditional Overlay (CO) combining district may be applied in combination with any base district. The district is intended to provide flexible and adaptable use or site development regulations by requiring standards tailored to individual properties.

For Tracts 1 and 2: The mixed use (MU) district is intended to allow for office, retail, commercial and residential uses to be combined in a single development. The neighborhood plan (NP) district denotes a tract located within the boundaries of an adopted Neighborhood Plan.

2. *Zoning changes 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.*

Staff supports the Applicant's request based on the presence of supporting office and commercial developments within and in proximity to the property, and vehicular access to two arterial streets.

If Austin is to grow and evolve as a compact and connected city, as envisioned in the adopted Imagine Austin Comprehensive Plan (IACP), then development that provides additional housing units is necessary. One of the primary mechanisms for achieving compact growth will be development, or redevelopment, of larger sized properties such as this into higher density residential.

In the broader city-wide context, adding a –MU overlay to office and commercial base zoning districts is a reasonable option for multiple-acre parcels developed or redeveloped for office / commercial / residential purposes.

In conclusion, Staff believes the proposed GR-MU-NP and CS-1-MU-NP zonings and multifamily development is compatible with adjacent and nearby commercial and apartment developments. The proposed amendment to the Restrictive Covenant is acceptable given that the proposed multifamily development on the Property will occur under the terms of the related Project Consent Agreement.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	GR-NP; CS-1-NP	Offices, financial services, retail, restaurant, theater; Undeveloped
<i>North</i>	DR; RR	Undeveloped; Single family residences on large lots
<i>South</i>	CS-NP; P-NP; MF-2-NP; GO-NP	Offices; Undeveloped; Multifamily residences
<i>East</i>	GR-NP	Offices
<i>West</i>	CS-NP	Offices

NEIGHBORHOOD PLANNING AREA: Oak Hill Combined (West Oak Hill)

TIA: Is not required

WATERSHED: Williamson Creek – Barton Springs Zone – Contributing Zone

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: Yes,
Southwest Parkway (Low Intensity)

SCHOOLS:

Oak Hill Elementary School

Small Middle School

Austin High School

NEIGHBORHOOD ORGANIZATIONS:

298 – Oak Hill Association of Neighborhoods

605 – City of Rollingwood

742 – Austin Independent School District

779 – Oak Hill Neighborhood Plan – COA Liaison

943 – Save Our Springs Alliance

1166 – Oak Hill Neighborhood Plan Contact Team

1228 – Sierra Group, Austin Regional Group

1318 – Covered Bridge Property Owners Association, Inc.

1363 – SEL Texas

1470 – Aviara HOA
 1530 – Friends of Austin Neighborhoods
 1596 – TNR BCP – Travis County Natural Resources
 1616 – Neighborhood Empowerment Foundation
 1714 – East Oak Hill Neighborhood Association

1528 – Bike Austin

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-87-145 – W William Cannon Dr at Southwest Pkwy – Lantana (10 residential tracts on 229.49 acres)	MF-1 to MF-2 for Tract C (25.31 acres)	To Grant MF-2	Apvd MF-2 (08-16-1990).

RELATED CASES:

On August 14, 1986, GR district zoning was approved for the subject property (C14-85-288.8).

The rezoning area is all of Lot 3, Block P, Lantana Phase 1, Section 1, a subdivision recorded on May 11, 2000 (C8-84-102.03.1A). An administrative site plan which coincides with the rezoning area boundary was approved on April 30, 2015 (SP-2014-0262C – Lantana Block P, Lot 3 – expiration April 30, 2022). The permit issued on April 30, 2015 is for a 4-story professional office building, a 3-story medical office building, a 70,000 square foot hotel, a 46,000 square foot theater, and five buildings containing financial services, retail, and restaurant uses. The Floor-to-Area ratio shown on the approved site plan for the overall property is 0.2 : 1. The area of the approved site plan proposed for multifamily residential is known as Phase 5 and identified for General Office and Medical Office uses.

On June 28, 2018, Council approved CS-1-CO-NP zoning for a 0.279 acre) footprint within the property (12,138 square feet – Tract 2). The –CO limits the FAR to 1:1 and prohibits agricultural sales & services, commercial blood plasma center, custom manufacturing, electronic prototype assembly, exterminating services, plant nursery and veterinary services (C14-2018-0005). ***Please refer to Exhibit E (2018 Rezoning Ordinance – Tract 2).*** A previous rezoning case for GR-MU-NP was filed in late 2015, but withdrawn prior to Planning Commission consideration (C14-2015-0134).

The rezoning area is within the West Oak Hill Neighborhood Planning Area. The property is designated as Mixed Use on the Future Land Use Map, and the proposed rezoning to add the MU overlay does not require a plan amendment. An –NP combining district was added as part of the Neighborhood Plan Rezoning and was approved by Council in December 2008 (C14-2008-0125 – Ordinance No. 20081211-097).

EXISTING STREET CHARACTERISTICS:

Name	ROW	Pavement	Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
West William Cannon Drive	140 feet	115 feet (with median)	Level 4 (Arterial)	Yes	Yes, Shared lane	No
Southwest Parkway	120 feet	95 feet (with median)	Level 4 (Arterial)	Yes	Yes, wide shoulder	No

According to the Austin 2014 Bicycle Plan approved by Austin City Council in November, 2014, a protected bike lane is required for Southwest Parkway and William Cannon Drive. The Corridor Planning Office (CPO) plans to build the above-referenced protected bike lane for all ages and abilities.

OTHER STAFF COMMENTS:Comprehensive Planning

This property is located on the southwest corner of Southwest Parkway and W. William Cannon Drive on a property that is approximately 35.67 acres in size but this case only concerns a portion of the property that is not planned for commercial and office development. The case is also located within the boundaries of the Oak Hill Combined Neighborhood Planning Area. Surrounding land uses includes undeveloped land to the north; undeveloped land and a large apartment complex to the south; undeveloped land and AMD to the east; and undeveloped land and a large office complex to the west. This project is part of Lantana Place, which is a planned retail and mixed use development. The proposed use is a 600 unit multifamily apartment complex on the undeveloped south portion of the site. The plans as per the developer:

Connectivity and Mobility: Since last year, public sidewalks have been installed along this portion of Southwest Parkway, and public sidewalks and CapMetro transit stop are preexisting along William Cannon Drive. The Walkscore for this site is 3/100, **Car Dependent**, meaning most errands require a car. Southwest Parkway is a busy auto-centric roadway but this area is gradually adding in pedestrian infrastructure. This portion of William Cannon also acts as a minor highway and the mobility and connectivity options offered currently offer this area are above average compared to other properties along Southwest Parkway because of the new public sidewalks and nearby Cap Metro transit stop.

Oak Hill Combined Neighborhood Plan (OHCNP)

The Oak Hill Combined Neighborhood Plan Future Land Use Map (FLUM) designates this portion of Southwest Parkway as 'Mixed Use' which is intended for a mix of office, retail, and residential uses. Zones GR-MU and CS-1 are permitted under this FLUM category.

The following text, goals, objectives and recommendations are taken from the OHCNP and are relevant to this case:

Goal 6.A. Provide opportunities for high-quality new development and redevelopment. (p 66)

Objective 6A.1: Ensure quality of new construction and renovations. (p 66)

Goal 6.C: Create a mix of uses in existing corridors of commercial development that will provide a diversity of local services convenient to neighborhoods and establish commercial “nodes” (concentrated) (p 67)

OHCNP Text (p. 79)

Southwest Parkway presents its own set of unique challenges when making land use recommendations. Within the planning area, a large portion of the road is already covered by restrictive covenants or conditional overlays or is outside of the City’s zoning jurisdiction. Most of the land use recommendations pertain to property located on the south side of the roadway.

· William Cannon Drive at Southwest Parkway — Mixed Use is recommended for this area because it is surrounded by a mix of offices and multifamily buildings. **With access to both Southwest Parkway and William Cannon, this area is appropriate for a mix of office, retail, and residential uses. Additionally, current residences and offices in the surrounding area could be served by community-level retail here.** (p 79)

Conclusion:

The Oak Hill Combined Neighborhood Plan’s FLUM and policies and text appears to support a mix of office, commercial, and residential uses in this portion of the planning area.

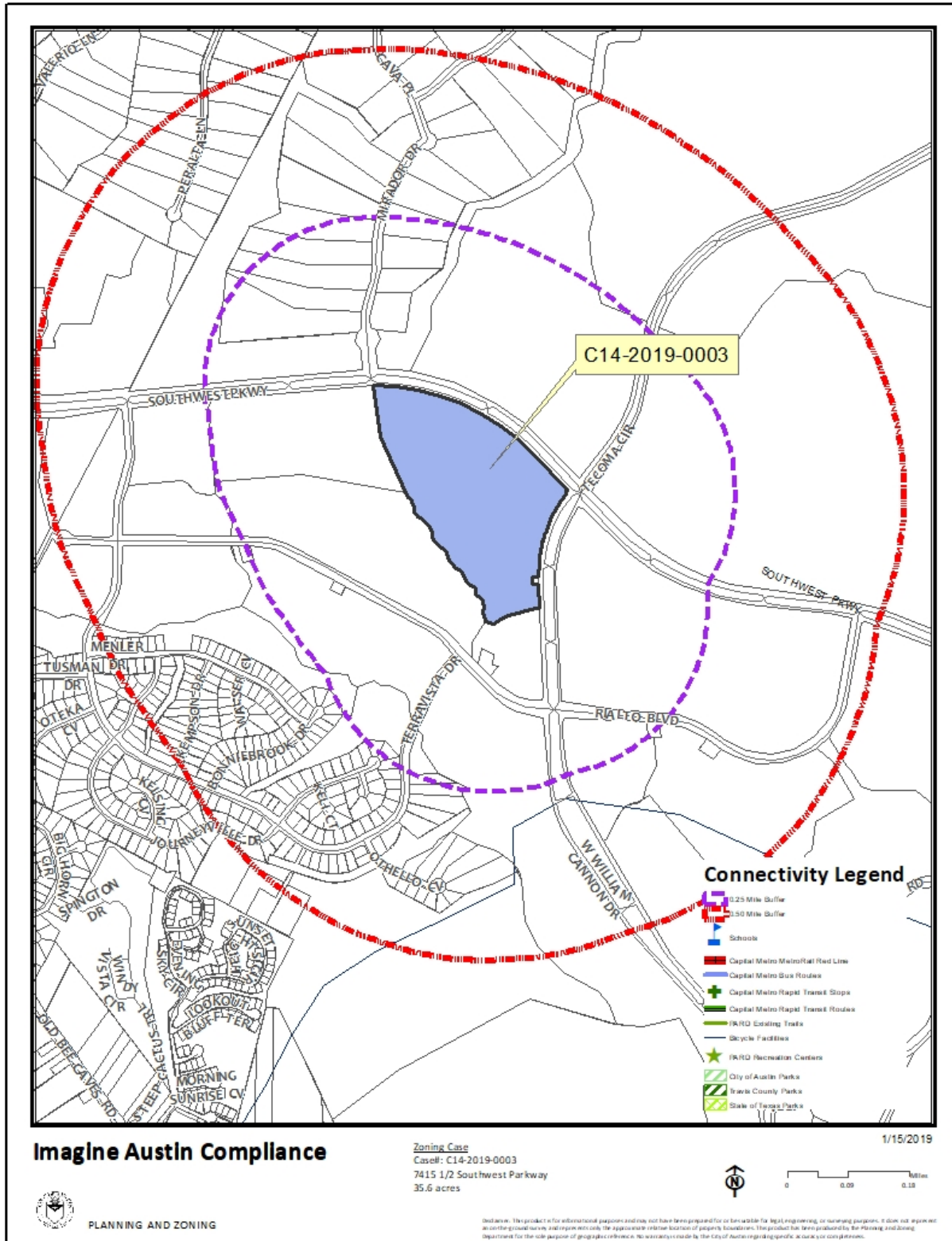
Imagine Austin

While this portion of Southwest Parkway and William Cannon are not situated along an Activity Corridor or Center, this area is developing into a regional commercial/mixed use node, which includes multifamily, large office complexes and commercial uses that are situated along a highly traveled thoroughfare.

The following Imagine Austin Comprehensive Plan policies are applicable to this case:

- **LUT P3.** Promote development in compact centers, communities, or along corridors that are connected by roads and transit, are designed to encourage walking and bicycling, and reduce healthcare, housing and transportation costs.
- **HN P1.** Distribute a variety of housing types throughout the City to expand the choices able to meet the financial and lifestyle needs of Austin’s diverse population.

Based on existing and developing commercial, multifamily, mixed use and office development being built in the area, and the project support the text and policies of the OHCNP, this project appears to support the Imagine Austin Comprehensive Plan.



Environmental

This site is located over the Edwards Aquifer Contributing Zone. The site is in the Williamson Creek Watershed of the Colorado River Basin, which is classified as a Barton Springs Zone Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Drinking Water Protection Zone.

According to floodplain maps there is no floodplain within the rezoning area. Stormwater flows to a water quality pond near the southeast property line.

Impervious Cover

Development of the property is subject to the terms of a Settlement Agreement between the City and Stratus Properties Inc. dated July 10, 2001 and allows for up to 60% net site area (32.234 acres). The amount of impervious cover shown on the approved site plan is 17.45 acres (54.14%), again, based on a net site area of 32.234 acres. The proposed rezoning is to occur within a building that is under construction and will not result in an increase in the amount of impervious cover.

Site Plan and Compatibility Standards

Site plans will be required for any new development other than single-family or duplex residential.

Any development which occurs in an SF-6 or less restrictive zoning district which is located 540 feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

Any new development is subject to Subchapter E. Design Standards and Mixed Use.

FYI – A conditional use permit for the cocktail lounge is required prior to establishing the use.

For a site development permit the following rules may be applicable:

This site is located within 1,000 feet of Southwest Parkway and within a Hill Country Roadway Corridor. The site is located within the low intensity zone of Southwest Parkway.

Except for clearing necessary to provide utilities or site access, a 100-foot vegetative buffer will be required along Southwest Parkway. At least 40% of the site (excluding dedicated right-of-way) must be left in a natural state. The allowable height is as follows: Within 200 feet of Southwest Parkway the maximum height is 28 feet, and beyond 200 feet the maximum height is the lesser of the height permitted by the zoning or the site plan approved for the property; or 60 feet.

Transportation

The site is subject to the approved traffic impact analysis (TIA) with site plan case SP-2014-0262C. A TIA Waiver letter from a Certified Engineer (Traffic Engineer) was provided and shows the approved trips and land uses, how many trips have been used, how many trips are left, etc. The TIA will need to be amended with the update to the site plan application.

Austin Water Utility

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 Austin Water 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 fees once the landowner makes an application for Austin Water utility tap permits.

INDEX OF EXHIBITS TO FOLLOW

A: Zoning Map

A-1: Aerial Map

B: Recorded Plat

C: Approved Site Plan

D: 1986 Restrictive Covenant and 1987 Modification of Restrictive Covenant

E: 2018 Rezoning Ordinance (Tract 2)

B-05

11 of 23

DR

RR

MIRADOR DR

92-0116 DR
SP92-246C

SOUTHWEST PKWY

TRACT 2

85-288 RC

SP06-0757C

92-0142

SP-06-0061CS

CS-NP

FAST FOOD

GO

FAST FOOD

92-0116

RESTURANT

TECOMA CIR

GO

TRACT 1

GR-NP

UNDEV

NP-2016-0025.02

RIALTO BLVD

MF-2-NP

UNDEV

87-145

92-0142

P-NP

UNDEV

94-0145

GR-NP

C14-2008-0129

SF-2-NP

92-0142

85-288.8

SPC-92-0286

P-NP

GO-NP

CMP88-0011
SP89-0045C

GO-NP

C14-85-288.8(RC) C14-2016-0011

ZONING

Exhibit A

ZONING CASE#: C14-2019-0003

N



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

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.







Created: 1/9/2019



LANTANA BLOCK P, LOT 3 Exhibit A - 1

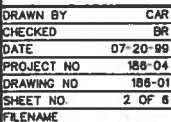
ZONING CASE#: C14-2019-0003
 LOCATION: 7415 SOUTHWEST PARKWAY.
 SUBJECT AREA: 35.67 ACRES
 GRID: C21
 MANAGER: WENDY RHOADES

-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY
-  CREEK BUFFER

1" = 400'

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.



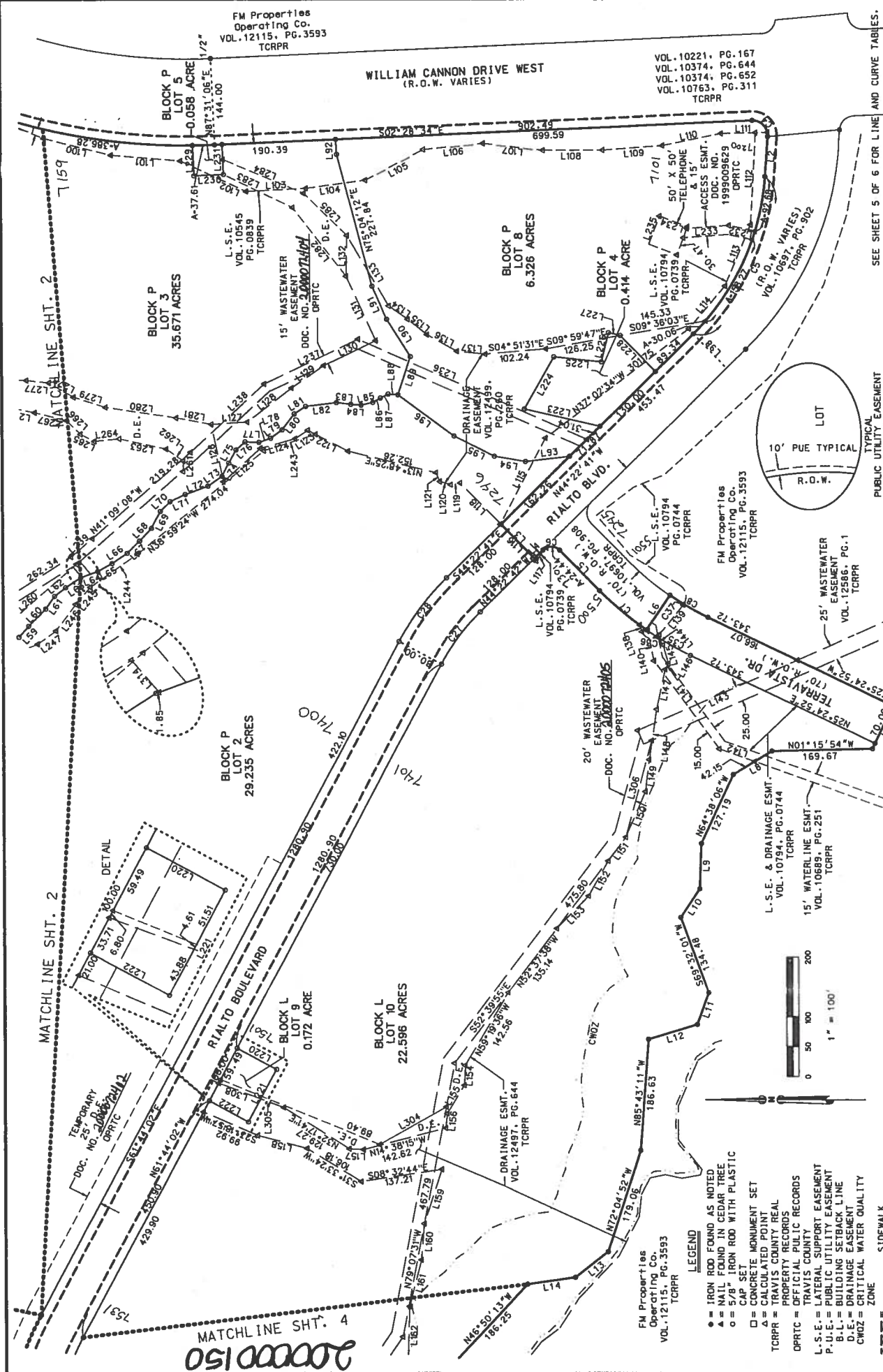


RAMSEY LAND S
8718 SOUTHWEST PARKWAY
P.O. BOX 92768
AUSTIN, TEXAS 78709-2768
PHONE (512) 301-9398
FAX (512) 301-9395
lsurvey@flash.net

LANTANA
PHASE 1, SECTION 2

[illegible]

SEE SHEET 5 OF 6 FOR LINE AND CURVE TABLES.



SEE SHEET 5 OF 6 FOR LINE AND CURVE TABLES.

**TYPICAL
PUBLIC UTILITY EASEMENT**

RAMSEY LAND SURVEYING, L.L.C.

8718 SOUTHWEST PARKWAY
P.O. BOX 92768
AUSTIN, TEXAS 78709-2768
PHONE (512) 301-9398
FAX (512) 301-9395
survey@flash.net

LANTANA
PHASE 1, SECTION 2

DRAWN BY	CA
CHECKED	BI
DATE	07-20-9
PROJECT NO	186-0
DRAWING NO	186-0
SHEET NO.	3 OF
FILENAME	

PHOTOGRAPHIC MYLAR

C14-85-288.8

GR(1)

4 12 3097

RESTRICTIVE COVENANT

THE STATE OF TEXAS §
 COUNTY OF TRAVIS §

177195

11.00 RTEA
09/22/86

WHEREAS, Realtex Funding Corporation, a Texas corporation ("Realtex") is the owner of approximately 39.35 acres of land situated in Travis County, Texas, more fully described by metes and bounds on Exhibit "A," attached to and incorporated into this document for all purposes ("Property"); and

WHEREAS, the City of Austin and Realtex have agreed that the Property should be impressed with certain covenants and restrictions running with the land and desire to set forth this agreement in writing;

NOW, THEREFORE, Realtex, for and in consideration of One and No/100 Dollars (\$1.00) and other good and valuable consideration in hand to the undersigned paid by the City of Austin, the receipt and sufficiency of which is hereby acknowledged, does hereby agree with respect to the Property, such agreement to be deemed and considered as a covenant running with the land, and which shall be binding upon Realtex, its successors and assigns, as follows, to wit:

1. A maximum of 325,000 net leasable square feet of buildable space can be developed on the Property or a maximum Floor to Area Ratio of 0.207 computed as specified in Chapter 13-2A of the Code of the City of Austin of 1981 as amended from time to time.
2. A maximum of sixty-five percent (65%) of the Property may be covered with impervious material.
3. No structure shall be erected on the Property until a site plan has been submitted and approved by the City of Austin.
4. If any person, persons, corporation or entity of any other character shall violate or attempt to violate the foregoing agreement and covenant, it shall be lawful for the City of Austin, a municipal corporation, its successors and assigns, to prosecute proceedings at law, or in equity, against said person, or entity violating or attempting to violate such agreement or

REAL PROPERTY RECORDS
 Travis County, Texas

09888 0990

EXHIBIT D
 1986
 RESTRICTIVE
 COVENANT
 AND
 1987
 MODIFICATION

covenant and to prevent said person or entity from violating or attempting to violate such agreement or covenant.

5. If any part or provision of this agreement or covenant herein contained shall be declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full force and effect.

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

7. This agreement may be modified, amended or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, or such other governing body as may succeed the City Council of the City of Austin, and (b) by the owners of the Property at the time of such modification, amendment or termination.

EXECUTED this 31 day of July, 1986.

REALTEX FUNDING CORPORATION,

By: [Signature]
Its: [Signature]

THE STATE OF TEXAS §
COUNTY OF Harris §
~~TRAVIS~~ §

This instrument was acknowledged before me on the 31 day of July, 1986, by [Signature] of Realtex Funding Corporation, a Texas corporation, on behalf of said corporation.

NOTARY SEAL

[Signature]
Notary Public, State of Texas

Name Printed: KAREN LAUTNER

Commission Expires: My Commission Expires June 30, 1997

11-686.24

4 28 0192

GR(1)

MODIFICATION OF RESTRICTIVE COVENANT

C-14-85-269.8

THE STATE OF TEXAS §
 COUNTY OF TRAVIS §

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, Realtex Funding Corp., a Texas corporation ("Declarant"), has filed that certain restrictive covenant of record in Volume 9888, Page 990, Real Property Records of Travis County, Texas ("Restrictive Covenant") which imposes certain covenants, conditions, and restrictions upon that certain tract of land, located in Travis County, Texas, more fully described in Exhibit "A," attached to and incorporated into this document by reference ("Property"); and

WHEREAS, the Restrictive Covenant provides that it may be modified by the joint action of both (i) the majority of the members of the City Council of the City of Austin, Texas ("Austin"), and (ii) the then current owners of the Property encumbered by the Restrictive Covenant; and

WHEREAS, by resolution dated April 16, 1987, number E.1., by majority vote of its City Council, Austin agreed to amend the Restrictive Covenant in the manner set forth below; and

WHEREAS, the Declarant is the sole and current owner of the Property; and

WHEREAS, Austin, acting by and through a majority of its City Council members, and Declarant, desire to modify the Restrictive Covenant to more accurately reflect the true and actual alignment of William Cannon Boulevard, a major arterial roadway transversing or abutting the Property.

NOW, THEREFORE, for and in consideration of the mutual benefits to Declarant and Austin, as well as to all future owners of the Property, and for other good and valuable consideration, the receipt and sufficiency of which is acknowledged, the undersigned hereby declare that the Restrictive Covenant is modified as follows:

1. The first paragraph of the Restrictive Covenant, which currently reads as follows:

PROPERTY RECORDS
 Travis County, Texas

10417 10010

WHEREAS, Realtex Funding Corporation, a Texas corporation ("Realtex") is the owner of approximately 39.35 acres of land situated in Travis County, Texas, more fully described by metes and bounds on Exhibit "A," attached to and incorporated into this document for all purposes ("Property"); and,

together with the metes and bounds description referenced in that paragraph, are terminated in their entirety, and from this date forward shall be considered to have been deleted, withdrawn, and excluded from the Restrictive Covenant, and replaced with the following paragraph ("Amended Paragraph"):

WHEREAS, Realtex Funding Corp., a Texas corporation ("Realtex") is the owner of approximately 39.22 acres of land, situated in Travis County, Texas, more fully described by metes and bounds on Exhibit "A," attached to and incorporated into this document for all purposes ("Property"); and,

together the the metes and bounds description referenced in the Amended Paragraph, which metes and bounds description is attached to and incorporated into this document as Exhibit "B."

2. The fourth paragraph of the Restrictive Covenant, which currently reads as follows:

1. A maximum of 325,000 net leasable square feet of buildable space can be developed on the Property or a maximum Floor to Area Ratio of 0.207 computed as specified in Chapter 13-2A of the Code of the City of Austin of 1981 as amended from time to time

is terminated in its entirety, and from this date forward shall be considered to have been deleted, withdrawn, and excluded from the Restrictive Covenant, and replaced with the following paragraph:

1. A maximum of 325,000 net leasable square feet of buildable space can be developed on the Property.

In all other respects, the Restrictive Covenant is hereby ratified and confirmed.

This instrument is executed by C. Peyton Collins, Attorney-in-Fact for Realtex Funding Corp., pursuant to that one certain Power of Attorney, attached as Exhibit "C," recorded in the Real Property Records of Travis County at Volume 9978, Page 551, and incorporated into this instrument by reference.

EXECUTED this 8 day of April, 1987.

REALTEX FUNDING CORP., a Texas corporation

By: [Signature]
C. Peyton Collins, Attorney-in-Fact

CITY OF AUSTIN, a municipality in the State of Texas

By: [Signature]
Name: John L. Ware
(Print)

Its: Assistant City Manager

THE STATE OF TEXAS §
COUNTY OF TRAVIS §

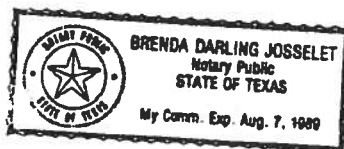
This instrument was acknowledged before me on the 8 day of April, 1987, by C. Peyton Collins, Attorney-in-Fact of Realtex Funding Corp., a Texas corporation, on behalf of said corporation.

[Signature]
Notary Public, State of Texas
Name Printed: Kimberly Johnson
Commission Expires: 9-4-90

THE STATE OF TEXAS §
COUNTY OF TRAVIS §

NOTARY SEAL

This instrument was acknowledged before me on the 30 day of June, 1989, by John L. Ware, Assistant City Manager of the City of Austin, a municipality in the State of Texas, on behalf of said municipality.



[Signature]
Notary Public, State of Texas
Name Printed: _____
Commission Expires: _____

11-1286.09a

ORDINANCE NO. 20180628-105

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 7415 SOUTHWEST PARKWAY IN THE WEST OAK HILL NEIGHBORHOOD PLAN AREA FROM COMMUNITY COMMERCIAL-NEIGHBORHOOD PLAN (GR-NP) COMBINING DISTRICT TO COMMERCIAL LIQUOR SALES-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (CS-1-CO-NP) COMBINING DISTRICT.

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

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from community commercial-neighborhood plan (GR-NP) combining district to commercial liquor sales-conditional overlay-neighborhood plan (CS-1-CO-NP) combining district on the property described in Zoning Case No. C14-2018-0005, on file at the Planning and Zoning Department, as follows:

0.279 of an acre (12,138 square feet) of land situated in the John D. McAllister Survey No. 71, Abstract No. 561, in Travis County, Texas, being out of Lot 3, Block P, Lantana Phase 1, Section 2, a subdivision whose plat is recorded in Document No. 200000150 of the Official Public Records of Travis County, Texas, and also out of Retail Unit A-2, Declaration of Condominium Regime for Lantana Place, as recorded in Document No. 2017067525 of the said Official Public Records, said 0.279 acre tract more particularly described by metes and bounds in **Exhibit "A"** incorporated into this ordinance (the "Property"),

locally known as 7415 Southwest Parkway in the City of Austin, Travis County, Texas, generally identified in the map attached as **Exhibit "B"**.

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

A. The following uses are prohibited uses for the Property:

Agricultural sales and services
Custom manufacturing
Exterminating services
Veterinary services

Commercial blood plasma center
Electronic prototype assembly
Plant nursery
Outdoor entertainment

B. Maximum floor-to-area ratio (F.A.R.) shall be 1 to 1.

C. The maximum height of a building or structure on the Property shall be limited to one story and may not exceed 28 feet.

PART 3. Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the commercial liquor sales (CS-1) district and other applicable requirements of the City Code.

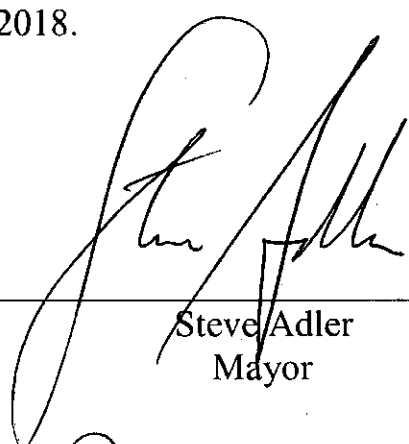
PART 4. The Property is subject to Ordinance No. 20081211-097 that established zoning for the West Oak Hill Neighborhood Plan.

PART 5. This ordinance takes effect on July 9, 2018.

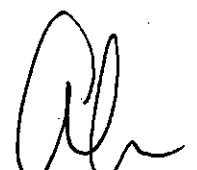
PASSED AND APPROVED

June 28, 2018

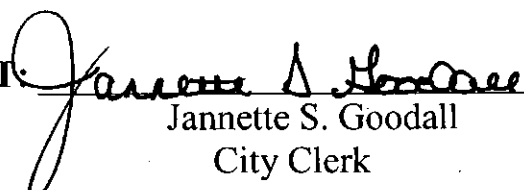
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Steve Adler
Mayor

APPROVED:


Anne L. Morgan
City Attorney

ATTEST:


Jannette S. Goodall
City Clerk

B-05

23 of 23

RR

92-0116

SP92-246C

DR

FAST FOOD

GO

FAST FOOD

92-0142

C14-2018-0005

GR-NP

NPA-2016-0025.02

C14-2015-0134
C14-85-288(RCA)

SOUTHWEST PKWY

CS-NP

UNDEV

C14-2008-0129




GR-NP

Zoning

Exhibit B

Zoning Case: C14-2018-0005



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

1" = 200'

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.

