

**ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2016-0011  
Lantana Tract 33

**P.C. DATE:** August 9, 2016  
September 13, 2016

**ADDRESS:** 6701, 6825 ½ & 7045 ½ Rialto Blvd

**AREA:** 27.549 acres

**OWNER:** Lantana Tract 33, L.P.

**APPLICANT:** Smith, Robertson, Elliott & Douglas, L.L.P. (Mary Stratmann)

**ZONING FROM:** GO-NP; General Office-Neighborhood Plan

**ZONING TO:** MF-4-CO-NP; Multi-Family Residence—Moderate-High Density-Conditional Overlay-Neighborhood Plan

**NEIGHBORHOOD PLAN AREA:** East Oak Hill (Oak Hill Combined Neighborhood Plan Area)

**SUMMARY STAFF RECOMMENDATION**

Contingent upon approval of the associated Neighborhood Plan Amendment to change the Future Land Use Map from Office to Multifamily and Restrictive Covenant Amendment (RCA):

To grant MF-4-CO-NP with conditions. Conditions of the CO:

- 1) Applicable MF-1 standards:
  - a. The Property shall be limited to an average maximum of 17 units per acre
  - b. The Property shall be limited to a maximum number of 370 units
  - c. The minimum lot size shall be 8,000 square feet
  - d. The minimum lot width shall be 50 feet
  - e. The minimum front yard setback shall be 25 feet
  - f. The minimum street side setback shall be 15 feet
  - g. The minimum interior yard setback shall be 5 feet
  - h. The minimum rear yard setback shall be 10 feet
  - i. The minimum site area for residential units shall be: 2500 square feet for each efficiency, 3,000 square feet for each one bedroom unit, and 3,500 square feet for each two or more bedroom unit;
- 2) The maximum height of any structure shall be limited to 60 feet;

**PLANNING COMMISSION ACTION:**

*AUGUST 8, 2016: POSTPONED TO SEPTEMBER 13, 2016*

*SEPTEMBER 13, 2016 APPROVED STAFF RECOMMENDATION ON CONSENT, VOTE 9-0 [P. SEEGER 1<sup>ST</sup>, A. PINERYO DE HOYOS 2<sup>ND</sup>, K.MCGRAW, J. SCHISSLER, J. VELA ABSENT]*

**CITY COUNCIL ACTION:**

*SEPTEMBER 23, 2016: APPROVED STAFF RECOMMENDATION ON CONSENT, VOTE 10-0 [CM HOUSTON, CM CASAR 2<sup>ND</sup>, CM TROXCLAIR ABSENT] .*

**DEPARTMENTAL COMMENTS:**

This 27.549 acre parcel contains three undeveloped tracts and is located on Rialto Boulevard, south of the Advance Micro Devices (AMD) campus in the East Oak Hill Neighborhood Planning Area. Adjacent to the site are office and multifamily use, general office, commercial and manufacturing uses. Within one-half mile of the site are two schools and single-family residential.

The property is characterized by slopes running west to east and north to south. The site is heavily treed, but it is unknown to what extent any such trees might be deemed protected. The site is in the Williamson Creek and Barton Creek Watershed, classified as a Barton Springs Zone Watershed. However, it is not located over the Edwards Aquifer Recharge Zone, and there are no known critical environmental features on site at this time.

This property was originally zoned general office in 1986, following the Oak Hill Study Area activities of 1985. It, along with other tracts, was encumbered with public restrictive covenants. A proposed amendment to that restrictive covenant, case C14-85-288.8(RCA3), is associated with this rezoning request, and is presented to the Planning Commission and City Council in tandem. Similarly, a neighborhood plan amendment, Case NPA-2016-0025.01, which would amend the Future Land Use Map (FLUM) of the Oak Hill Combined Neighborhood Plan, is also associated with this rezoning request and presented concurrently.

This trio of requests is driven by a desire to develop the property as multifamily housing. Specifically, the request for limited, or conditioned, MF-4, reflects the applicant's desire to cluster buildings on the site so as to minimize building and impervious cover, comply with requirements of the Traffic Impact Analysis, and provide for a development that meets or exceeds current code requirements and at a lower density (MF-1).

As additional background, a 2001 Settlement Agreement between the City of Austin and Stratus Properties Inc., then owner of the property, applies to this tract (see Exhibit SA-1). This Agreement resulted from an approved 1984 preliminary plat for the Lantana project, and claims regarding vesting under Chapter 245 Texas Local Government Code. At the time of the preliminary plat, there were some watershed ordinances relating to Barton Springs, but neither the Hill Country Roadway Corridor or Save Our Springs ordinances had been adopted. The Settlement Agreement provides relief from some requirements of these and other subsequently adopted ordinances that regulate development in this area. The original preliminary plat also references a limit on the number of multifamily units (1250) allowed on all Lantana tracks. That limit has been reached so new multifamily construction must be under current code. However, the Restricted Covenant allows sixty-five percent (65%) impervious cover with the existing general office (GO) zoning. The applicant is proposing to reduce the impervious cover to thirty-four percent (34%). The 34% includes allowances for public parkland facilities (limited parking and sidewalks/trails) on site.

By amending the associated restrictive covenant for reduced impervious cover and relinquishing claims to the Agreement, the applicant will be complying with current code including, water quality, Heritage Tree Ordinance and Commercial Landscape Ordinance. In addition they will provide more water detention than required by code to address concerns from downstream neighbors.

The Traffic Impact Analysis (TIA) prepared for this proposed multifamily use, is based on vehicular access to Rialto Boulevard. The applicant has agreed to provide fiscal for the installation of a traffic signal at Rialto Boulevard and Southwest Parkway at the time of site plan.

**ISSUES**

After First Reading, City Legal and Watershed staff has determined that the condition provided by zoning staff to require onsite detention shall not be required with the zoning ordinance but rather after an engineering analysis submitted with the site plan. That provision has been removed from the staff recommendation.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<b>Site</b>	GO-NP	Undeveloped
<b>North</b>	GR-NP	Office Campus (AMD)
<b>South</b>	MF-1-NP; MF-2-NP; MF-4-NP	Multifamily Residential;
<b>East</b>	GO-MU-CO-NP; MF-4-CO-NP	Undeveloped; Multifamily Residential
<b>West</b>	GO-NP; MF-4-NP	Offices; Multifamily Residential

**WATERSHED:** Williamson Creek and Barton Creek Watersheds – Barton Springs Zone

**AREA STUDY:** Oak Hill (1985) / OHCNP (2008) **DESIRED DEVELOPMENT ZONE:** No

**TIA:** Required at site plan

**CAPITOL VIEW CORRIDOR:** No

**HILL COUNTRY ROADWAY:** No

**NEIGHBORHOOD ORGANIZATIONS:**

Oak Hill Association of Neighborhoods  
 City of Rollingwood  
 Austin Independent School District  
 Oak Hill Combined NPA  
 Save Our Springs Alliance  
 Austin Heritage Tree Foundation  
 Bike Austin  
 Oak Hill Neighborhood Planning Contact Team  
 Sierra Club, Austin Regional Group  
 Austin Heritage Tree Foundation  
 Oak Hill Trails Association  
 SEL Texas  
 Friends of Austin Neighborhoods

**SCHOOLS:**

Austin Independent School District

Oak Hill Elementary School

Small Middle School

Austin High School

An Educational Impact Statement (see Exhibit E) indicates that the impacts of the project would be minimal to area schools, noting transportation would be provided for secondary and high school students. Transportation would also be provided to elementary school students as continuous sidewalks are non-existent at this time.

**ABUTTING STREETS:**

Name	ROW	Pave- ment	Class- ification	Side- walks	Bike Route/Plan	Bus
Rialto Boulevard	80'	40'	Collector	Yes	No	Yes

**ZONING CASE HISTORIES:**

NUMBER	REQUEST	LAND USE COMMISSION	CITY COUNCIL
C14-2014-0112 5436 Vega Avenue	LO-NP to MF-4-CO-NP & GO to GO-MU-NP on Tract 33	MF-4-CO-NP & GO- MU-CO-NP	Approved MF-4-CO-NP & GO-MU-CO-NP 12/11/2014
6401 Rialto Blvd C14-2013-0044	GO-NP to MF-4-CO	Recommended MF-4-CO	Approved MF-4-CO
5707 Southwest Parkway (Encino Trace) C14-06-0229	DR to LO and GO	Recommended GO-MU-CO & LO-MU-CO; 06/12/2007	Approved GO-MU-CO; 07/26/2007 (CO limits uses; RC for TIA, IPM Plan, and landscaping)
5811 Southwest Parkway C14-06-0141	LR-CO	Recommended LO-CO; 07/25/2006	Approved LR-CO; 09/28/2006 (CO limits uses, drive-through)
C14-2008-0239	LR-CO to LR-CO	Recommended; 03/06/2009	Approved; 02/26/2009 (CO modified to allow drive-through)
5906-6016 Southwest Parkway C14R-86-077	Approximately 97 acres of DR to GR-CO, GO-CO, LO-CO, MF-1-CO, & SF-6-CO	Recommended; 07/01/1986	Approved; 001/23/1992 (CO limits uses and lists dev. standards)
Southwest Parkway at Vega (St. Andrews High School) C14-96-0161	MF-1-CO to GO-CO & LO-CO to GO-CO	Recommended; 02/18/1997	Approved 03/27/2007; (CO limits access and lists dev. Standards. RC address discontinuation of school & water quality requirements)
Southwest Parkway at William Cannon			
Lantana C14-87-145	230 Acres, 10 Tracts: MF-1, SF-6, SF-1 & UNZ to MF-2, MF-1, &	Recommended MF-2 & SF-2 w/conditions; 11/03/1987	Approved MF-1, MF-2, & SF-2; 08/16/1990 (RC specifies density and unit maximum)

Lantana Phase III C14-92-0141	SF-2  From CH, GO, GR and LO to SF- 2	Recommended SF-2 w/conditions; 01/19/1993	Ind. PP; 02/04/1993; Withdrawn
C14-92-0142	From CS, GR, LR, MF-2 and SF-1 to SF-2 to & SF- 6.	Recommended SF-2 & SF-6 w/conditions; 01/19/1993	Ind. PP; 02/04/1993; Withdrawn
Lantana C14-94-0145 & C14-94-0146		Ind. PP; 01/24/1995 Expired N/A	N/A
Rialto at Weir Hills C14-94-0113	CS to MF-2 & RR	Recommended; 09/20/1994	Approved MF-2-CO and RR; 01/04/96 (CO limits MF units; RC addresses herbicides, landscaping, & green building)
W William Cannon C14-99-2081	I-RR to RR	Recommended; 11/16/1999	Approved; 12/16/1999
W William Cannon C14-99-2082	I-RR to RR	Recommended; 11/16/1999	Approved; 12/16/1999; Corrected 03/01/2001

The Oak Hill Area Study led to the rezoning of over 800 acres in 1985 (C14-85-288), including the subject tract; this approximately 800-acre area was bounded by US Hwy 290 West, and Circle Drive on the south, Thomas Springs Road and Old Bee Caves Road on the west, an area approximating the alignment of the proposed Boston Lane (now Southwest Parkway) on the north, and Patton Lane and Convict Hill Road (now Vega Lane and Patton Ranch Road) to the east. The rezoning took 35 tracts from Interim RR and Interim SF-2 to CS, LO, GO, LR, GR, MF-1, SF-6, SF-1. Each of the rezoned tracts was accompanied by a public restrictive covenant specifying site development standards, such as height or impervious cover, or densities, such as the number of residential units or the square feet of commercial uses.

Additionally, the Combined Oak Hill Neighborhood Plan was adopted in 2008; with that, the East Oak Hill Neighborhood was assigned the Neighborhood Plan combining district zoning (in Case C14-2008-0129). This tract was not rezoned as part of the neighborhood planning process, nor was any conditional overlay added.

Lastly, though not a zoning case per se, the 150 acres comprising the current Freescale Campus (formerly Motorola, Inc.) on William Cannon Drive was designated a Planned Development Area and an Industrial District when the property was within the City's ETJ. Ordinance 810611-A includes terms of the site's land uses, development standards, signage, provision of utilities and more.

**CITY COUNCIL ACTION:** October 13, 2016

**ORDINANCE READINGS:**

**1<sup>st</sup>**

**2<sup>nd</sup> & 3<sup>rd</sup>**

**ORDINANCE NUMBER:**

**CASE MANAGER:** Andrew

Moore

**PHONE:** 512-974-7604

e-mail address: [andrew.moore@austintexas.gov](mailto:andrew.moore@austintexas.gov)

**EXISTING CONDITIONS & REVIEW COMMENTS**

***NOTE: Review comments below do not account for the 2001 Stratus Agreement as it pertains to the Property, which may or may not affect specific development standards. Similarly, these comments to not account for any exceptions or other provisions of the Agreement which the applicant has proposed to waive (lh).***

NPZ Environmental Review - Mike McDougal 512-974-6380

1. This site is not located over the Edwards Aquifer Recharge Zone. The site is in the Williamson Creek and Barton Creek Watersheds of the Colorado River Basin, which are classified as Barton Springs Zone Watersheds by Chapter 25-8 of the City's Land Development Code. It is in the Drinking Water Protection Zone.
2. Project applications at the time of this report are subject to the SOS Ordinance that allows 20% impervious cover in the Barton Creek Watershed portion of the property and 25% impervious cover in the Williamson Creek Watershed portion of the property.
3. According to floodplain maps there is no floodplain within or adjacent to the project location.
4. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
5. Numerous trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 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.
6. Under current watershed regulations, development or redevelopment requires water quality control with increased capture volume and control of the 2 year storm on site. Runoff from the site is required to comply with pollutant load restrictions as specified in Land Development Code.
7. At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

NPZ Site Plan Review - Scott Grantham 512-974-2942
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- SP1** Site plans will be required for any new development other than single-family or duplex residential.
- SP2** 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.

**BARTON SPRINGS ZONE**

- SP3** FYI – Site is in the Barton Springs Zone. Any future site plans will be subject to a higher level of environmental review.

DSD Transportation Review - Ivan Naranjo - 512-974-7649
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TR1. No additional right-of-way is required at this time.

TR2. A traffic impact analysis (TIA) is required and has been received. Since this case involves a downzoning of the property from commercial to residential, the development intensity will be less than what the current zoning allows it; therefore, the TIA has been deferred to the site plan stage. A site plan application (SP-2016-0229C.PC) has been filed for this case and is currently under review. The TIA must be approved prior to the approval of the site plan and the applicant will be required to post fiscal for the roadway improvements recommended with the TIA.

TR3. According to the Austin 2014 Bicycle Plan approved by Austin City Council in November, 2014, a protected bike lane is recommended for Southwest Parkway.

TR4. Chad Crager, 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.

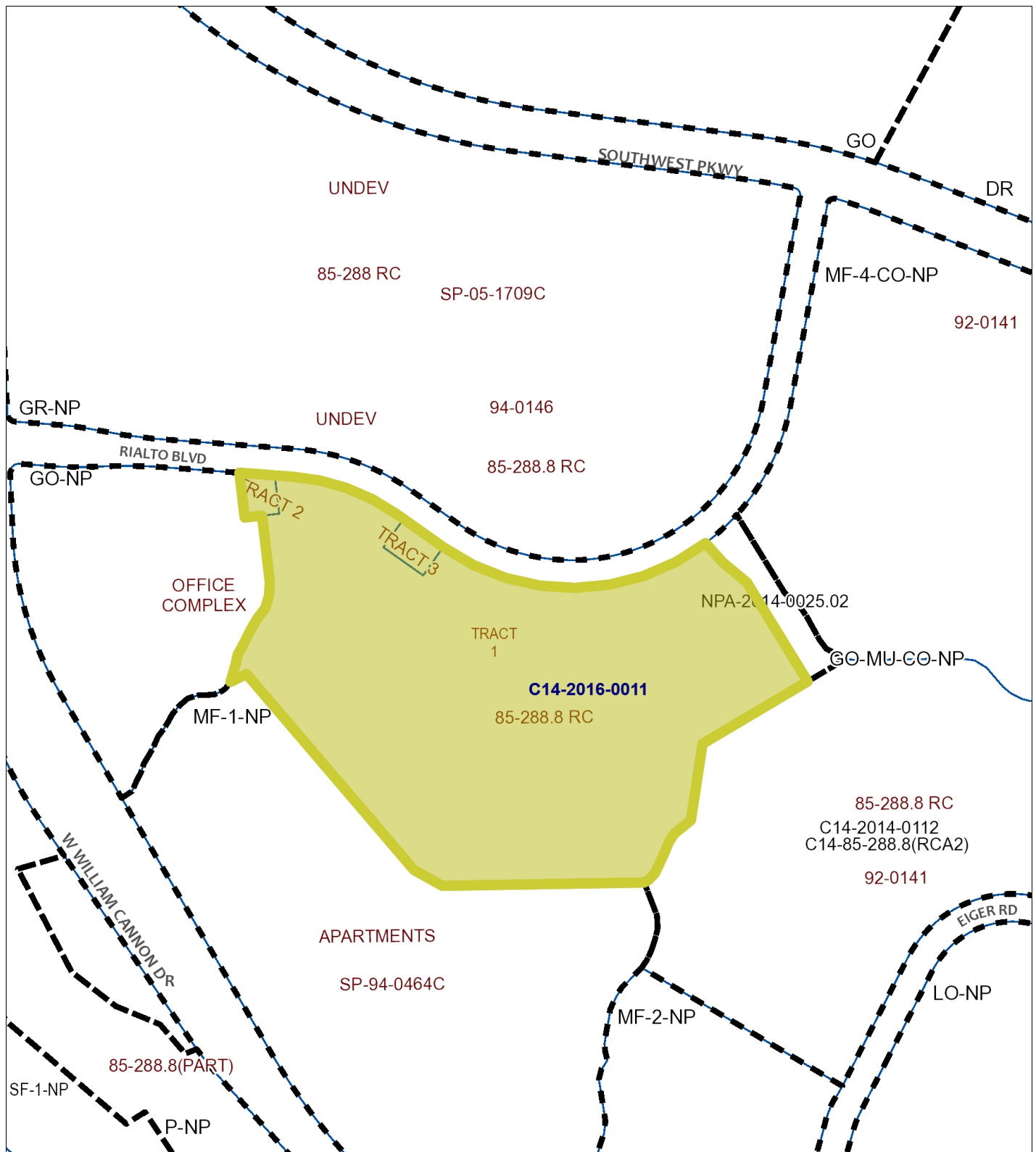
TR5. Existing Street Characteristics:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
Southwest Parkway	126 ft.	2 @ 36'	MAD-6 Arterial	No	Yes, Wide Shoulder	No
Rialto Blvd.	80 ft.	40 ft.	Collector	Yes	No	Yes @ William Cannon



AWU-Utility Development Service Review - Bradley Barron - 512-972-0078
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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.



- Subject Tract
- Pending Case
- Zoning Boundary
- Railroads

200 400 Feet

1" = 400'

## ZONING

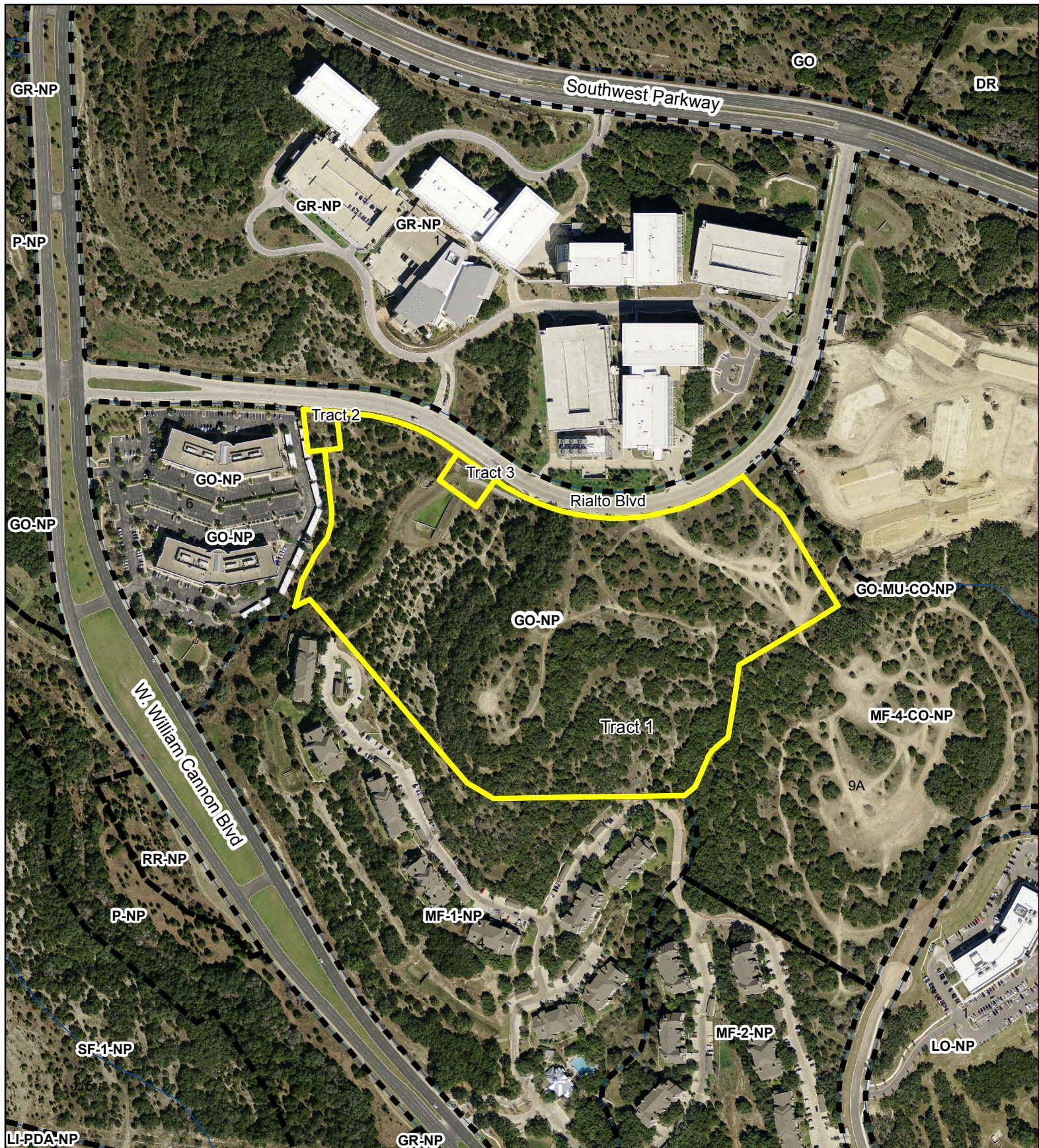
ZONING CASE#: C14-2016-0011



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.





### ZONING & VICINITY

ZONING CASE#: C14-2016-0011  
 LOCATION: 6701 & 7045 1/2 RIALTO BLVD  
 SUBJECT AREA: 27.549 ACRES  
 MANAGER: ANDREW MOORE



N



SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

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.



# EDUCATIONAL IMPACT STATEMENT

Prepared for the City of Austin

Austin  
Independent  
School District



PROJECT NAME: Lantana 33

ADDRESS/LOCATION: 6701 Rialto Blvd

CASE #: C14-2016-0011

☐ NEW SINGLE FAMILY

☐ DEMOLITION OF MULTIFAMILY

☒ NEW MULTIFAMILY

☐ TAX CREDIT

# SF UNITS: \_\_\_\_\_ STUDENTS PER UNIT ASSUMPTION  
Elementary School: \_\_\_\_\_ Middle School: \_\_\_\_\_ High School: \_\_\_\_\_

# MF UNITS: 370 STUDENTS PER UNIT ASSUMPTION  
Elementary School: 0.06 Middle School: 0.024 High School: 0.026

## IMPACT ON SCHOOLS

The student yield factor for the southwest region (across all grade levels) is 0.11 for apartment homes. The 370 multifamily unit development is projected to add approximately 41 students across all grade levels to the projected student population. It is estimated that of the 41 students, 22 will be assigned to Oak Hill Elementary School, 9 to Small Middle School, and 10 to Austin High School.

The percent of permanent capacity by enrollment for SY 2020-21, including the additional students projected with this development, would be within the target range of 75-115% for Oak Hill ES (111%), Small MS (85%) and Austin HS (97%), assuming the mobility rates remain the same.

## TRANSPORTATION IMPACT

Students within the proposed development attending Oak Hill ES, Small MS, and Austin HS would qualify for transportation. Although the proposed development is less than 2 miles away from Oak Hill ES, there are no sidewalks along Patton Ranch Road between Vega Avenue and School Road.

## SAFETY IMPACT

There are no sidewalks along Patton Ranch Road between Vega Avenue and School Road for students to use as a walking route to Oak Hill ES.

Date Prepared: 5/16/16

Director's Signature: \_\_\_\_\_

Paul Turner

# EDUCATIONAL IMPACT STATEMENT

Prepared for the City of Austin

Austin  
Independent  
School District



## DATA ANALYSIS WORKSHEET

**ELEMENTARY SCHOOL:** Oak Hill

**RATING:** Met Standard

**ADDRESS:** 6101 Patton Ranch Road

**PERMANENT CAPACITY:** 773

**% QUALIFIED FOR FREE/REDUCED LUNCH:** 40.83%

**MOBILITY RATE:** -5.0%

### POPULATION (without mobility rate)

ELEMENTARY SCHOOL STUDENTS	2015-16 Population	5- Year Projected Population (without proposed development)	5-Year Projected Population (with proposed development)
Number	886	881	903
% of Permanent Capacity	115%	114%	117%

### ENROLLMENT (with mobility rate)

ELEMENTARY SCHOOL STUDENTS	2015-16 Enrollment	5- Year Projected Enrollment* (without proposed development)	5-Year Projected Enrollment* (with proposed development)
Number	842	837	859
% of Permanent Capacity	109%	108%	111%

**MIDDLE SCHOOL:** Small

**RATING:** Met Standard

**ADDRESS:** 4801 Monterey Oaks Blvd

**PERMANENT CAPACITY:** 1,239

**% QUALIFIED FOR FREE/REDUCED LUNCH:** 30.63%

**MOBILITY RATE:** +9.4%

### POPULATION (without mobility rate)

MIDDLE SCHOOL STUDENTS	2015-16 Population	5- Year Projected Population (without proposed development)	5-Year Projected Population (with proposed development)
Number	919	957	966
% of Permanent Capacity	74%	77%	78%

### ENROLLMENT (with mobility rate)

MIDDLE SCHOOL STUDENTS	2015-16 Enrollment	5- Year Projected Enrollment* (without proposed development)	5-Year Projected Enrollment* (with proposed development)
Number	1,005	1,047	1,056
% of Permanent Capacity	81%	84%	85%

# EDUCATIONAL IMPACT STATEMENT

Prepared for the City of Austin

Austin  
Independent  
School District



<b>HIGH SCHOOL:</b> Austin	<b>RATING:</b> Met Standard
<b>ADDRESS:</b> 1715 West Cesar Chavez	<b>PERMANENT CAPACITY:</b> 2,205
<b>% QUALIFIED FOR FREE/REDUCED LUNCH:</b> 29.08%	<b>MOBILITY RATE:</b> +7.9%

<b>POPULATION (without mobility rate)</b>			
<b>HIGH SCHOOL STUDENTS</b>	<b>2015-16 Population</b>	<b>5- Year Projected Population (without proposed development)</b>	<b>5-Year Projected Population (with proposed development)</b>
<b>Number</b>	1,934	1,974	1,984
<b>% of Permanent Capacity</b>	88%	90%	90%

<b>ENROLLMENT (with mobility rate)</b>			
<b>HIGH SCHOOL STUDENTS</b>	<b>2015-16 Enrollment</b>	<b>5- Year Projected Enrollment* (without proposed development)</b>	<b>5-Year Projected Enrollment* (with proposed development)</b>
<b>Number</b>	2,087	2,130	2,140
<b>% of Permanent Capacity</b>	95%	97%	97%

\*The 5-Year Projected Enrollment (with and without the proposed development) is an estimate calculated with the assumption that the stated mobility rates (transfers in and out of the school) remain the same over the 5-year period. These estimates are for the sole purpose of the Educational Impact Statement and should not be used for any other purposes.

C14-85-288.8

LO-3

RESTRICTIVE COVENANT

4 12 3089

9.00

THE STATE OF TEXAS §  
COUNTY OF TRAVIS §

2000

277303

9.00 RTEA  
2 09/22/86

WHEREAS, Realtex Funding Corporation, a Texas corporation ("Realtex") is the owner of approximately 27.89 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. Either a maximum of 100,000 net leasable square feet of buildable space can be developed on the Property, or a maximum Floor to Area Ratio of 0.086 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 in Williamson Creek Watershed and thirty-five percent (35%) of the Property in Barton Creek Watershed may be covered with impervious material.

3. 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,

REAL PROPERTY RECORDS  
Travis County, Texas

09888 0949

Exhibit RC - 1



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

4. 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.

5. 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.

6. 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: Ray A. Jones  
Its: Vice-President

THE STATE OF TEXAS    §  
                             Harris    §  
COUNTY OF TRAVIS    §

This instrument was acknowledged before me on the 31 day of July, 1986, by Ray A. Jones, Vice-President of Realtex Funding Corporation, a Texas corporation, on behalf of said corporation.

Karen Lautner  
Notary Public, State of Texas

NOTARY SEAL

Name Printed: \_\_\_\_\_

Commission Expires KAREN LAUTNER  
Notary Public in and for the State of Texas  
My Commission Expires June 30, 1987

11-686.33



**Oak Hill Surveying Co., Inc.**  
6120 Hwy. 290 West • Austin, TX 78735 • (512) 892-5320

N

May 23, 1986

L.O.-3

FIELD NOTES DESCRIBING A 27.8947 ACRE TRACT OF LAND OUT OF THE THOMAS ANDERSON SURVEY NO. 17 IN TRAVIS COUNTY, TEXAS, SAID 27.8947 ACRE TRACT OF LAND BEING OUT OF AND A PORTION OF THAT CERTAIN 888.051 ACRE TRACT OF LAND CONVEYED TO REALTEX FUNDING CORPORATION BY DEED RECORDED IN VOLUME 8522, PAGES 967-976 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS SAID 27.8947 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING for reference at an iron pin found at the northwest corner of the Mrs. A.L. Patton Estate as recorded in volume 238 page 53 of the Travis County Deed Records.

THENCE N22°31'12"W for 117.68 feet to a point in the center of the proposed Patton Boulevard.

THENCE the next two (2) calls along the center of the proposed Patton Boulevard.

1. An arc distance of 49.29 feet along a curve to the left whose elements are:  $I=04^{\circ}42'24''$ ,  $R=600.00'$ ,  $T=24.66'$ , and whose chord bears N65°37'49"E for 49.28 feet to a point.
2. N63°16'37"E for 670.00 feet to a point at the centerline intersection of the proposed Patton Boulevard and Eiger Drive.

THENCE the next five (5) calls along the center of the proposed Eiger Drive.

1. N26°43'23"W for 408.70 feet to a point.
2. An arc distance of 296.83 feet along a curve to the right whose elements are:  $I=42^{\circ}31'$ ,  $R=400.00'$ ,  $T=155.62'$ , and whose chord bears N05°27'50"W for 290.07 feet.
3. N15°47'46"E for 130.77 feet to a point.
4. An arc distance 58.90 feet along a curve to the right whose elements are:  $I=11^{\circ}15'$ ,  $R=300.00'$ ,  $T=29.55'$  and whose chord bears N21°25'11"E for 58.81 feet.
5. N27°02'41"E for 43.18 feet to the POINT OF BEGINNING of the herein described tract.

THENCE the next fourty four (44) calls through the interior of the above said 888.051 acre tract.

1. N59°22'08"W for 710.74 feet to a point.
2. N33°51'42"E for 26.95 feet to a point.
3. N25°28'33"E for 31.70 feet to a point.
4. N17°40'47"E for 35.52 feet to a point.
5. N13°24'52"E for 30.33 feet to a point.
6. N03°34'02"W for 36.74 feet to a point.
7. N21°0'26"W for 101.07 feet to a point.
8. N57°51'36"E for 16.05 feet to a point.
9. N43°32'59"E for 25.07 feet to a point.
10. N25°13'14"E for 58.81 feet to a point.
11. N22°35'22"E for 39.29 feet to a point.

EXHIBIT A

Exhibit RC - 3

09888 0954

12. N33°06'15"E for 28.93 feet to a point.
13. N51°16'09"E for 61.17 feet to a point.
14. N08°49'08"E for 222.89 feet to a point.
15. N59°24'59"E for 479.40 feet to a point.
16. S82°14'37"E for 28.54 feet to a point.
17. N89°14'13"E for 301.07 feet to a point.
18. S82°27'28"E for 42.12 feet to a point.
19. S58°25'47"E for 40.52 feet to a point.
20. S40°27'57"E for 72.22 feet to a point.
21. S50°33'02"E for 30.18 feet to a point.
22. S63°12'19"E for 35.48 feet to a point.
23. S76°11'43"E for 21.77 feet to a point.
24. S85°28'59"E for 122.58 feet to a point.
25. S58°05'02"E for 28.89 feet to a point.
26. S42°43'27"E for 34.65 feet to a point.
27. 19°45'18"E for 107.01 feet to a point.
28. S63°48'31"E for 18.05 feet to a point.
29. N73°05'58"E for 51.00 feet to a point.
30. S82°42'41"E for 30.13 feet to a point.
31. S64°50'24"E for 38.54 feet to a point.
32. S47°56'52"E for 34.79 feet to a point.
33. S33°14'21"E for 70.35 feet to a point.
34. S50°35'38"E for 28.13 feet to a point.
35. S58°44'03"E for 49.93 feet to a point.
36. S46°55'42"E for 18.61 feet to a point.
37. S49°20'04"E for 43.61 feet to a point.
38. S13°17'09"E for 24.54 feet to a point.
39. S31°07'19"W for 52.94 feet to a point.
40. S14°58'31"W for 20.21 feet to a point.
41. S05°30'15"E for 92.57 feet to a point.
42. S28°0'08"E for 22.28 feet to a point.
43. S28°44'20"E for 16.39 feet to a point.
44. S28°44'20"E for 23.77 feet to a point on the west line of Patton Lane.

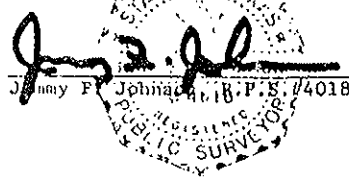
THENCE S26°33'29"W along the west line of Patton Lane for 250.62 feet to a point in the center of the proposed Eiger Drive.

THENCE the next three (3) calls along the center of Eiger Drive.

1. N63°26'31"W for 366.69 feet to a point.
2. An arc distance of 468.69 feet along a curve to the left whose elements are:  $I=89°30'47"$ ,  $R=300.00'$ ,  $T=297.46'$ , and whose chord bears S71°48'05"W for 422.46 feet.
3. S27°02'41"W for 414.35 feet to the POINT OF BEGINNING containing 27.8947 acres of land.

I HEREBY CERTIFY that these notes were compiled from records prepared from others and do not purport to be by actual survey on the grounds.

*Return to:*  
*City of Austin*  
*Attn:*  
*Dept of Law*



STATE OF TEXAS COUNTY OF TRAVIS  
 I hereby certify that this instrument was filed on  
 the day and at the place stamped hereon by me, and  
 was duly RECORDED, in the Volume and Page of the  
 Public Records of Travis County, Texas on

FILED

1986 SEP 22 PM 2:40

*David Thompson*  
 COUNTY CLERK  
 TRAVIS COUNTY, TEXAS



SEP 22 1986

*David Thompson*  
 COUNTY CLERK  
 TRAVIS COUNTY, TEXAS

09888 0952

Exhibit RC - 4



# City of Austin

Founded by Congress, Republic of Texas, 1839

Municipal Building, Eighth at Colorado, P.O. Box 1088, Austin, Texas 78768 Telephone 512-499-2

**FILED**

July 10, 2001

William H. Armstrong, III  
Stratus Properties Inc.  
98 San Jacinto Blvd., Suite 220  
Austin, Texas 78701

Re: The project commonly known as "Lantana," described in the Patton Ranch Revised Preliminary Plan, number C8-84-102(88), approved on August 23, 1988.

Dear Mr. Armstrong:

This letter will memorialize our agreement and avoid a dispute between the City and Stratus Properties Inc., concerning the application of Chapter 245 of the Texas Local Government Code to the project described above. The City and Stratus Properties Inc., agree that the first permit for the project was filed on July 17, 1984, and that the rules and regulations in effect on that date shall govern the project, except as modified and clarified herein. The parties further agree that, except as modified or clarified herein, the project will be subject to those rules and regulations that would be exempt from Chapter 245.

1. Excluding development within (1) Lantana Phase 1, Section 2, (2) Rialto Park at Lantana, and (3) Lantana Lot 6, Block A, the Comprehensive Watershed Ordinance (Ordinance No. 860508-V) will be the base ordinance governing development in "Lantana," with the subject to the following exceptions modifications and clarifications:
  - a. The definition of "Minor Waterway," "Intermediate Waterway," and "Major Waterway" as identified in Williamson Creek Watershed Ordinance No. 810319-M shall govern.
  - b. Delete Section 13-15-223(e), (f).
  - c. Replace Section 13-15-232 with Section 103.3 of Williamson Creek Watershed Ordinance No. 810319-M, but delete Subsection 103.3(c)(5) of Ordinance No. 810319-M. (C.W.W.)
  - d. Modify Section 13-15-235 to:
    - 1) replace the term "four (4)" with "twelve (12)" in Subsections (a) and (b),
    - 2) delete the phrase "but must be placed in a manner consistent with Section 13-15-237" in Subsection (a),
    - 3) delete the phrase "consistent with Section 13-15-237" in Subsection (b),
    - 4) delete the language in Subsection (c), and replace it with the sentence, "Cut and fill for roadways may extend outside of the allowable roadway clearing widths to the extent necessary to achieve a 3 to 1 slope ratio without

structural support; provided, however, that in no event shall cut and fill violate the setback requirements of Subsection (e) below,”

- 5) delete the sentence “Techniques to be used are to be specified with the final plat,” in Subsection (d),
  - 6) delete the phrase “and approved by the Director of the Office of Land Development Services” in Subsection (d), and
  - 7) add Subsection (e) to state “No cut and fill shall occur within one hundred (100) feet of the centerline of a minor waterway or within one hundred fifty (150) feet of a critical environmental feature, unless otherwise allowed under this Section, Section 13-15-239, or Section 103.3 of Williamson Creek Watershed Ordinance No. 810319-M. All utilities may be located outside the Critical Water Quality Zone within one hundred (100) feet of the centerline of a minor waterway.”
- e. Delete Section 13-15-237, but include the construction on slopes criteria identified in Section 104.2(c) of Williamson Creek Watershed Ordinance No. 810319-M.
- f. Delete Section 13-15-238, Section 13-15-277 and Section 13-15-287 and replace with the following:
- Structural water quality controls shall be required for all development with impervious cover exceeding twenty (20) percent of the net site area, and shall consist of retention/irrigation basins. The design of the retention/irrigation basins and associated irrigation areas shall be based on the parameters presented in the LCRA Nonpoint Source Pollution Control Technical Manual, Third Edition, dated July 10, 1998. In particular, capture volume for the basins, which will include and satisfy the requirements for stream bank erosion control, will be solely based on Table B-5, Appendix B of the manual. The capture volume will also be deemed to satisfy the City of Austin’s 2-year detention requirements. The irrigation area shall be sized in accordance with the formula presented in Appendix C, part 1.g.ii.(3) of the manual. As a clarification, water quality irrigation areas, including irrigation lines and limited removal of vegetation for irrigation purposes, shall be allowed within any required natural areas if/as necessary to reasonably meet the irrigation area requirements. Any disturbance of required natural areas shall be restored to preserve the aesthetic quality of the natural area to the greatest extent feasible. Installation of irrigation lines and associated removal of vegetation for irrigation purposes will not be allowed within the 50-foot roadway vegetative buffer adjacent to Southwest Parkway.
- g. In Section 13-15-239(a), add the phrase “wastewater lines,” to the first sentence between the phrases “other than for” and “yards or hiking trails”. Also, the Lantana Southwest Preliminary Plan (C8-84-102.03) is exempt from the provisions of Section 13-15-239 as long as the street and lot configuration and general land use remain substantially consistent with the approved preliminary plan.
- h. Delete Section 13-15-248(a).
- i. Delete Section 13-15-274, but include Section 104.2(a), (b) of Williamson Creek Watershed Ordinance No. 810319-M. ( W Q T E )
- j. Delete Section 13-15-275, Section 13-15-276, Section 13-15-285 and Section 13-15-286, and replace with the following:

For commercial tracts, the calculated impervious cover shall not exceed forty (40) percent of net site area in the uplands zone, exclusive of adjacent right-of-way impervious cover within the Williamson Creek Watershed. In all cases, right-of-way

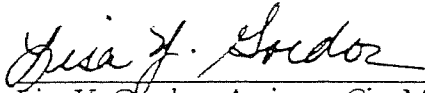
impervious cover for adjacent, existing streets (Southwest Parkway, William Cannon Drive, Vega Avenue) shall not be calculated as part of the allowable impervious cover for any commercial tract. For the portion of the Lantana Southwest Preliminary Plan (C8-84-102.03) covered by this document, the calculated impervious cover shall not exceed twenty-five (25) percent of net site area in the uplands zone.

2. As a clarification, the requirements identified in Sections 13-15-223(a), 13-15-223(b)2., and 13-15-223(d) of the Comprehensive Watershed Ordinance will be satisfied by the FM Properties Operating Co. USFW 10(a) Permit Environmental Assessment/Habitat Conservation Plan, dated July 25, 1994, by SWCA, Inc., in conjunction with the report entitled Topography, Geology, and Soils of the Lantana Tract, Oak Hill Vicinity, Travis County, Texas, dated November 28, 1994, including Addendum Nos. 1, 2, 3 and 4, by Charles Woodruff, Jr., Consulting Geologist.
3. As a clarification, the tree survey described in Section 13-15-223(b)1 will only be required at the site development permitting stage of the development process.
4. Development will consist of raised curb and gutter street cross sections approved with the Preliminary Plan for Patton Ranch (C8-84-102), as revised, including an associated enclosed storm sewer drainage system.
5. Concentrated storm runoff will be dispersed and discharged, wherever practicable, to vegetated buffer areas or grass-lined swales. There will be no requirements for calculated pollutant removal performance standards associated with vegetated buffer areas or retention/irrigation basins.
6. The modifications and clarifications to the Comprehensive Watershed Ordinance described herein shall extend to and control all related references in other sections of the ordinance, so as to allow the modifications and clarifications to be fully implemented.
7. Further, if provisions contained in other sections of the City's Land Development Code and criteria manuals relating to cut and fill, construction on slopes, impervious cover, critical environmental features, water quality, and two-year detention impose different or more restrictive requirements than those contained in the Comprehensive Watershed Ordinance as modified and clarified herein, then the Comprehensive Watershed Ordinance as modified and clarified herein controls.
8. This project predates the Hill Country Roadway requirements. However, Stratus Properties Inc., in order to avoid a dispute regarding the application of those requirements, agrees that development in the project will comply with the height, setback, building materials, and landscaping provisions of the Hill Country Roadway requirements, within 1000 feet of Southwest Parkway, as that ordinance provides. Site plans within the project shall be reviewed administratively. Planning Commission review and approval of any site plan required to develop all or part of this project will not be sought or required, and Stratus Properties Inc. agrees not to assert any claim in litigation or otherwise that Chapter 245 entirely exempts the project from compliance with the agreed upon Hill Country Roadway requirements.

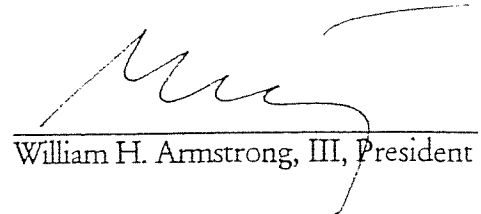
If this letter accurately describes your understanding of our agreement, please indicate your agreement by signing below.

Very truly yours,

Stratus Properties Inc.



Lisa Y. Gordon, Assistant City Manager



William H. Armstrong, III, President

xc: Mayor and City Council  
Mike Heitz, Director

**L C R A**

# **NONPOINT SOURCE POLLUTION CONTROL TECHNICAL MANUAL**



**B. R. (BOB)  
CRITENDON P.E.**  
Engineer

P.O. BOX 220  
AUSTIN, TEXAS 78767-0220  
(512) 473-3200 Ext. 2091  
1-800-776-5272  
Fax: (512) 473-3501

LOWER COLORADO RIVER AUTHORITY

**Effective: July 10, 1998**

**Third Edition**

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**LOWER COLORADO RIVER AUTHORITY**

## 7. Streambank Erosion Control Requirements

The basic design approach to controlling streambank erosion is to detain post-development runoff long enough so that the pre-development bankfull flooding condition is approximately maintained for all storm events. This approach requires reducing both the peak and the frequency of bankfull conditions. In the absence of a detailed hydrologic analysis, a simplified approach of detaining and releasing the pre-development 1-year 3-hour design storm over a 24-hour period will be accepted. Table B-5 presents stormwater detention volumes necessary to meet streambank erosion prevention requirements for a range of impervious cover values. Typically, a single water quality BMP or series of BMPs can serve to meet streambank erosion control detention requirements.

TABLE B-5

### Streambank Erosion Control Required Detention Volumes

Impervious Cover Percentage	Detention Volume (in.)
20%	0.53
30%	0.66
40%	0.79
50%	0.92
60%	1.05
70%	1.18
80%	1.31
90%	1.44
100%	1.57



- (2) Pump and Wet Well System - A reliable pump, wet well, and rainfall sensor system must be used distribute the water quality volume. System specifications must be approved by LCRA. The irrigated water may require additional pretreatment to ensure that TSS concentrations are within the acceptable specifications for the irrigation system.
- (3) Irrigation System - Generally a spray irrigation system is required to provide an adequate flow rate for timely distribution of the water quality volume. Alternative irrigation approaches are acceptable but must be approved by LCRA. In the absence of site-specific soil test results documenting a different infiltration rate, the land area required for irrigation shall be as follows:

**Formula:  $A = V * 1.25$**

where:  $A$  = Required irrigation area (square feet)

$V$  = Water Quality Volume to be irrigated (cubic feet)

- (4) Offline Design - The pond shall be designed as an offline facility with a splitter structure to isolate the water quality volume. The splitter box shall be designed to convey the 25-year event without causing overtopping of the pond sideslopes.
- (5) Detention Time - The irrigation schedule should allow for complete drawdown of the water quality volume within 2 dry days.
- (6) Safety Considerations - Safety is provided either by fencing of the facility or by managing the contours of the pond to eliminate dropoffs and other hazards. Earthen sideslopes should not exceed 3:1 (h:v) and should terminate on a flat safety bench area. Landscaping can be used to impede access to the facility. The primary spillway opening must not permit access by small children. Outfall pipes above 48 inches in diameter should be fenced.
- (7) Landscaping Plan - A landscaping plan shall be provided indicating how aquatic and terrestrial areas will be stabilized.

Tom Thayer, Chair  
Chip Graves, Vice-Chair  
Cynthia Wilcox, Secretary



March 28th, 2016

To: Maureen Meredith, Senior Planner  
City of Austin, Planning & Development Review Department,  
505 Barton Springs Road, 5th Floor  
Austin, TX 78704

Re: NPA Case # NPA-2016-0025.01  
6701, 6825 1/2, and 7045 1/2 Rialto Blvd  
Applicant: Mary Strammann

On March 24th, 2016, the Oak Hill Neighborhood Contact Team held a meeting in accordance with our bylaws to discuss the applicant's proposed future land use amendment for the property located at 6701, 6825 1/2, and 7045 1/2 Rialto Blvd. The applicant has requested a change in land use from **Office to Multifamily** and a zoning change from **GO-NP to MF-4-CO-NP**. The community meeting was held on March 23rd, 2016.

On March 23rd, 2016, the OHNPCT voted in favor of the proposed change in land use and zoning as presented at the OHNPCT meeting due to the reduction in impervious cover to about 33%, the additional on-site detention ponds that will reduce run off from the site, and the reduction in traffic that residential use brings versus an office use.

Please let me know if you have any questions.

Sincerely,

Tom Thayer  
Chair, OHNPCT

Cc: Chip Graves – Vice Chair  
Cynthia Wilcox – Secretary