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## ZONING CHANGE REVIEW SHEET

**CASE:** C14-72-204(RCA3) – 1401 South Pleasant Valley Road **PC DATE:** January 27, 2015

**ADDRESS:** 1401 South Pleasant Valley Road; 4420 Elmont Drive

**DISTRICT AREA:** 3

**AREA:** 2.111 acres

**NEIGHBORHOOD PLAN AREA:** East Riverside Corridor  
(East Riverside/Oltorf Combined Neighborhood Plan Area)

**OWNER:** Kenmare Partners, Ltd. (Charlyn Daugherty)

**AGENT:** Armbrust & Brown, PLLC (Eric deYoung)

**REQUEST:** To terminate a 1972 Restrictive Covenant as it applies to this property

**SUMMARY STAFF RECOMMENDATION:**

Staff recommends granting the termination of the 1972 Restrictive Covenant as it applies to this property.

**PLANNING COMMISSION ACTION:**

January 27, 2015:

**DEPARTMENT COMMENTS:**

The subject two lots (see Exhibit A) are a portion of Tract 12 identified in the original 497 acres known as "The Crossing". The Restrictive Covenant that accompanied the 1972 zoning change applies to the entire 497 acres and restricts the total number of dwelling units to 4,658, and assigns Tract 12 (a total of 41.44 acres in size) to 22 dwelling units/acre and a total of 912 units.

The property was rezoned to the general community – conditional overlay (GR-CO) combining district in 2002 (C14-02-0055). The Conditional Overlay limited development to 2,000 vehicle trips per day and neighborhood commercial (LR) zoning regulations, and prohibits auto rentals, auto repair services, auto sales and auto washing (of any type).

The 1972 Restrictive Covenant as it applies to the subject property was amended in 2008 to allow for GR-CO uses as identified by the 2002 ordinance.

With the adoption of the ERC Regulating Plan, the tract was identified as a Urban Residential subdistrict. The Urban Residential subdistrict allows for residential-attached uses to occur.

Termination of the public restrictive covenant (RC) as it applies to this property is a cleanup item only. Regulation of the subject tract and the adjacent properties is regulated by the East Riverside Corridor Regulating Plan and the designated subdistrict allows for residential-attached uses.

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	<b>ZONING</b>	<b>SUB-DISTRICT</b>	<b>LAND USES</b>	<b>Pre-ERC ZONING</b>
<i>Site</i>	ERC	UR	Undeveloped; Telecommunications tower	GR-CO
<i>West</i>	ERC	NMU	Service station; Food sales; Multifamily Residential	GR; CS-1
<i>East/Northeast</i>	ERC	UR	Multifamily Residential	MF-2-CO
<i>South</i>	ERC	NMU	Multifamily Residential	MF-3-CO
<i>North</i>	ERC	UR	Convenience Retail	GR-CO

**ERC Subdistricts:** CMU: Corridor Mixed Use; NMU: Neighborhood Mixed Use UR: Urban Residential NR: Neighborhood Residential

**ABUTTING STREETS & TRANSIT:**

<b>Street Name</b>	<b>ROW Width</b>	<b>Pavement Width</b>	<b>Classification</b>	<b>Bicycle Plan</b>	<b>Bus Service</b>	<b>Sidewalks</b>
South Pleasant Valley Road	118 feet	54 feet	Arterial	Yes (east side only)	Yes	Yes
Elmont Drive	80 feet	45 feet	Collector	Yes	No	Yes

**TIA:** Not Applicable

**WATERSHED:** Country Club West

**DESIRED DEVELOPMENT ZONE:** Yes

**SCENIC ROADWAY:** No

**CAPITOL VIEW CORRIDOR:** No

**NEIGHBORHOOD ASSOCIATIONS & COMMUNITY ORGANIZATIONS:**

<b>COMMUNITY REGISTRY NAME</b>	<b>COMMUNITY REGISTRY ID</b>
Southeast Austin Neighborhood Alliance	189
Crossing Garden Home Owners Association	299
Austin Neighborhoods Council	511
Montopolis Area Neighborhood Alliance	634
Austin Independent School District	742
Del Valle Independent School District	774
East Riverside/Oltorf Neighborhood Plan Contact Team	763
Waterfront Condominium HOA	794
League of Bicycling Voters	1075
Sierra Club, Austin Regional Group	1228
The Real Estate Council of Austin, Inc.	1236
Pleasant Valley	1255
Del Valle Community Coalition	1258
Austin Heritage Tree Foundation	1340
SEL Texas	1363
Waterfront Planning Advisory Board	1366

C4  
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Preservation Austin	1424
East Austin Conservancy	1444
Friends of the Emma Barrientos MACC	1447
Waterfront Condominium Homeowners Association	1465
East Riverside Corridor Staff Liaison	1474

**CITY COUNCIL DATE:**

February 26, 2015

**CASE MANAGER:** Wendy Rhoades, 512-974-7719

e-mail: [wendy.rhoades@austintexas.gov](mailto:wendy.rhoades@austintexas.gov)



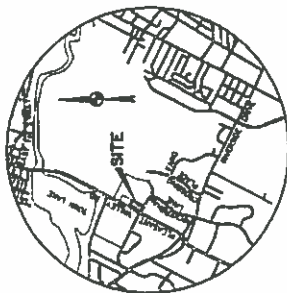






# RESUBDIVISION OF DAUGHERTY SUBDIVISION

BEING A RESUBDIVISION OF LOT 1, BLOCK "A", DAUGHERTY SUBDIVISION



VICINITY MAP  
N.T.S.

## LEGEND

- 1/2" IRON ROD FOUND (UNLESS NOTED)
- CIRCLED "X" FOUND
- 1/2" IRON ROD FOUND
- 1/2" IRON ROD WITH CAP SET
- SOFTWALK

## LINE TABLE

Sta.	Bearing	Distance	Remarks
1	N 89° 41' 30" W	98.56	Corner of Lot 1-A
2	N 87° 52' 00" W	173.77	Corner of Lot 1-A
3	N 87° 52' 00" W	173.77	Corner of Lot 1-A
4	S 89° 41' 30" E	98.56	Corner of Lot 1-A

## CURVE TABLE

Sta.	Point of Beginning	Radius	Angle	Chord Length	Chord Bearing
1	N 89° 41' 30" W	173.77	35.7°	117.28	N 89° 41' 30" W

## BEARING BASIS:

THE BASIS OF BEARINGS SHOWN HEREON IS NORTHERLY LINE, N 0° 00' 00" E, AS SHOWN ON THE SURVEY MAP, A SUBDIVISION OF RECORD IN DOCUMENT NO. 200000252, OFFICIAL PUBLIC RECORDS OF TARRANT COUNTY, TEXAS.

LOT 1, BLOCK "A"  
JEFFERSON COMMONS AT TOWN LAKE  
DOC. NO. 200200244

LOT 1  
BLOCK "A"

JEFFERSON COMMONS AT THE BALLPARK  
A RESUBDIVISION OF LOT 1 PLEASANT VALLEY  
SPORTSPLEX AND LOT 1 GRANDSLAM ADDITION  
DOC. NO. 200000252

LOT 1, BLOCK "A"  
JEFFERSON COMMONS  
AT TOWN LAKE  
DOC. NO. 200200244

50' WIDE AND  
EASEMENT  
VOL. 1114, PG. 503

WATERWATER EASEMENT  
DOC. NO. 200000252

SIDEWALK EASEMENT  
DOC. NO. 200000252  
(NOT MATCHED AREA)

15' EASEMENT EASEMENT  
DOC. NO. 200000252

LOT 1-B  
0.162 AC.

LOT 1, BLOCK "C"  
PARKE GREEN SUBDIVISION  
VOL. 85, PG. 161A

RESUBDIVISION OF  
DAUGHERTY SUBDIVISION

A 2 LOT SUBDIVISION  
CONSISTING OF 1.412 ACRES

DATE: MAY, 2009  
PREPARED BY:

**B** Bury+Partners, Inc.  
Consulting Engineers and Surveyors  
221 East South Street, Suite 400 Austin, Texas 78701  
Tel: (512) 461-1111 Fax: (512) 461-1111  
www.burypartners.com  
Bury+Partners, Inc. C/O Surveyors 2009

Doc. No. 2009-00640A

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OF 2

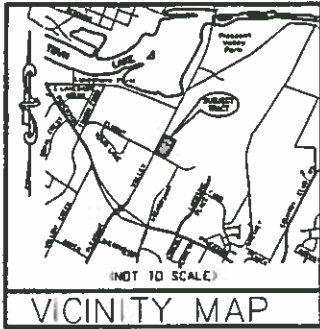
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200900136

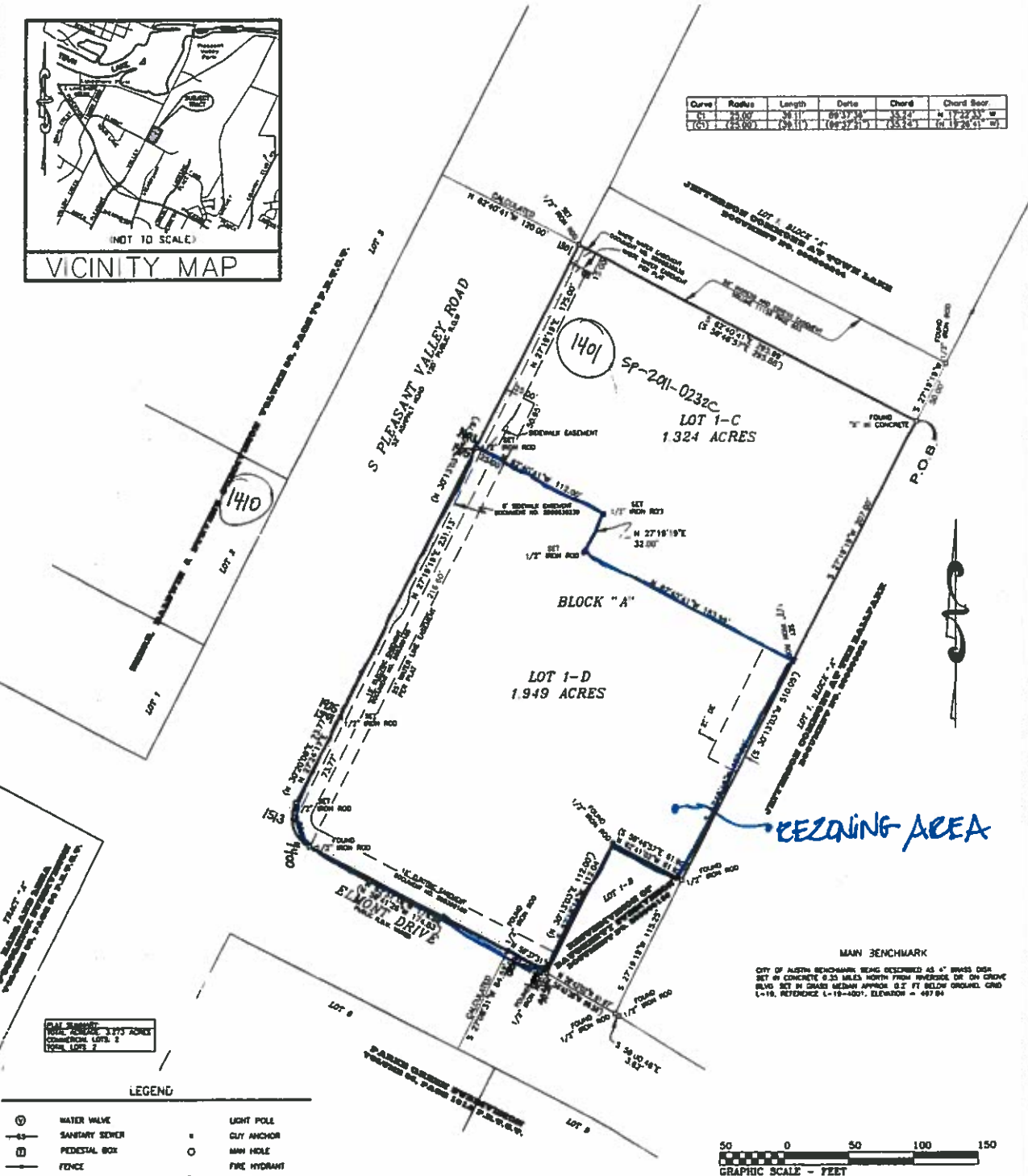
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**FINAL PLAT  
SHOWING  
AUSTIN (PLEASANT VALLEY) DTP IV, LLC ADDITION  
BEING A RESUBDIVISION OF LOT 1-A, BLOCK "A"  
OF THE DAUGHERTY SUBDIVISION AS SHOWN ON  
PLAT OF SAME RECORDED IN DOCUMENT NO. 200900136  
CITY OF AUSTIN, TRAVIS COUNTY, TEXAS**



Curve	Radius	Length	Delta	Chord	Chord Bear
C1	25.00'	38.11'	89°37'38"	35.34'	N 77°22'33" W
C2	25.00'	38.11'	89°37'38"	35.34'	N 12°26'11" E



REAL BENCHMARK  
TOTAL AREA: 1.175 ACRES  
COMPOSITION: LOTS 1 & 2  
TOTAL LOTS: 2

**LEGEND**

- |                                     |                       |
|-------------------------------------|-----------------------|
| ① WATER VALVE                       | ○ LIGHT POLE          |
| —S— SANITARY SEWER                  | ○ GUY ANCHOR          |
| —P— PEDESTAL BOX                    | ○ MAN HOLE            |
| —F— FENCE                           | ○ FIRE HYDRANT        |
| —P— POWER LINE                      | ○ HANDICAPPED PARKING |
| —M— WATER METER                     | ○ PROPERTY CORNER     |
| —P— POWER POLE                      | ○ ELECTRIC BOX        |
| —P— WATER LINE                      | ○ GAS PIPELINE        |
| —T— TELEPHONE LINE                  | ○ GAS VALVE           |
| —S— EXISTING SIDEWALK               | —E— EASEMENT LINES    |
| WQZ - WATER QUALITY TRAM - "M" ZONE |                       |



**JCA** JOHN COWAN & ASSOCIATES, INC.

2013 AUSTIN DRIVE, TRAVIS COUNTY, TEXAS 78701  
TELEPHONE: (512) 381-2330 FAX: 512-381-2000

CASE # CB-2011-0096 OA SHEET 1 OF 2

DATE	12-13-2011	FILE NO.	1189/89
TOTAL	1" = 50'	JOB NO.	11-080 SLAB

C8-2011-0096-0A

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THE STATE OF TEXAS )

COUNTY OF TRAVIS )

1-16-3158

WHEREAS, Dickson Properties and Roberta Dickson, as owners of approximately 497 acres in the City of Austin, Travis County, Texas, according to field notes prepared by S. A. Garza, Registered Professional Engineer, on August 1, 1972, a copy of which is attached marked Exhibit "A", by agreement with the City of Austin impressed upon said 497 acres certain covenants and restrictions dated January 3, 1973, wherein the development of said 497 was restricted.

WHEREAS, said covenants and restrictions require that any modification, amended or termination of said agreement be 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 above described property at the time of such modification, amendment, or termination.

WHEREAS, the owners have presented to the City of Austin a revised conceptual plan for the development of the 497 acres dated October 3, 1973, a copy of which is attached hereto and marked Exhibit "C".

WHEREAS, the Capitol National Bank as Trustee and Roberta Dickson, Dickson Properties, Inc., and Mark Eight Associates, a Texas Limited Partnership as beneficiaries were the owners of said 497 acres as of the date of said revised conceptual plan and are presently owners of approximately 402 of said 497 acres and Austin Country Club Estates, a Texas Limited Partnership has purchased 94.984 acres of said 497 acres, said 94.984 are described in the field notes prepared by Jerry D. Hart, Registered Professional Engineer, on November 2, 1973, a copy of which is attached marked Exhibit "B", and is presently owner of said 94.984 acres as described, and these owners hereinafter shall be referred to as Owners.

DEED RECORDS  
Travis County, Texas

5234 2079

1972 RESTRICTIVE  
COVENANT



cy  
/a

1-16-3159

WHEREAS, the City of Austin and the Owners have agreed that the covenants and restrictions dated January 3, 1973 should be terminated and that the above described property should be impressed with certain other covenants and restrictions running with the land and desire to set forth such agreement and such covenants and restrictions in writing.

NOW THEREFORE, the Owners 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 of which is hereby acknowledged, does hereby agree with respect to said property described above, such agreement to be deemed and considered as a covenant running with the land and which shall be binding on them, their successors and assigns, as follows, to wit:

1. The total number of dwelling units for the described 497 acres shall not exceed a total of 4,658.

2. The conceptual plan dated October 3, 1973 which shows the property divided into designated areas referred to as Tracts and numbered as Tracts 1 through 25, a copy of which is attached hereto and marked as Exhibit "C", is the official plan approved by the City of Austin and supercedes and replaces any and all previously adopted plans.

3. Those Tracts 1 through 25 which relate to residential uses on said official plan shall be restricted to the approximate densities and number of dwelling units shown thereon, the total of which shall not exceed 4,658 and subject to the following conditions:

Residential Tract Number	Acres	Density	Dwelling Units
1	12	8 DU/ac	96
2	20.5	5 DU/ac	103
3	12.4	8 DU/ac	99

5234 2080

1-16-3160

4	6.6	12 DU/ac	79
4a	8	20 DU/ac	160
5	22	20 DU/ac	440
10	28.87	20 DU/ac	577
11	9.52	20 DU/ac	190
12	41.44	22 DU/ac	912
13	21.82	22 DU/ac	480
16	4.2	20 DU/ac	50
18	30.2	20 DU/ac	604
21	45.18	10 DU/ac	452
22	20.56	10 DU/ac	200
23	18.52	10 DU/ac	179
24	3.67	10 DU/ac	37

4. The number of acres designated to each tract is approximate and adjustments to the total number of dwelling units for a specific Tract will be made based upon the true number of acres contained within a tract as shown on the preliminary plat and the total dwelling units for a specific tract will be shown on said preliminary plat and will be based upon the number of acres multiplied by the designated density provided for said tract as indicated above. The preliminary plat will indicate the density requirements as indicated above and all final subdivision plans must be in conformance with these density restrictions and must be so designated on the recorded plan(s). Although adjustments because of approximation as to acreage shall be allowed as set forth above the overall density limitation of 4,658 units shall not be exceeded unless otherwise agreed to by the City of Austin and the Owners.

1-16-3161

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5. If any person, persons, corporations 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 presecute proceedings at law, or in equity, against said person, 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.

6. 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 wise affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full force and effect.

7. The failure at any time to enforce this 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.

8. 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 above described property at the time of such modification, amendment, or termination.

9. The purpose of this Covenant is to limit the development of the areas as to density and shall in no way be construed as a dedication of any street or area for specific use.



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1-16-3162

EXECUTED this 31st day of January, A. D. 1975.

CAPITOL NATIONAL BANK IN AUSTIN  
AS TRUSTEE

(NO SEAL)

By: Richard W. Note  
Richard W. Note  
Trust Officer  
Roberta Dickson  
ROBERTA DICKSON

DICKSON PROPERTIES, INC.

(NO SEAL)

By: Roberta Dickson - Pres.

MARK EIGHT ASSOCIATES, A TEXAS  
LIMITED PARTNERSHIP

By: MARK EIGHT CORPORATION  
A GENERAL PARTNER

By: JOHN A. SBAROUNIS, PRESIDENT

(NO SEAL)

John A. Sbarounis  
James E. Livley

AUSTIN COUNTRY CLUB ESTATES, A  
TEXAS LIMITED PARTNERSHIP

By: MARK EIGHT ASSOCIATES, GENERAL  
PARTNER OF AUSTIN COUNTRY CLUB  
ESTATES

By: MARK EIGHT CORPORATION, GENERAL  
PARTNER OF MARK EIGHT ASSOCIATES

(NO SEAL)

By: John A. Sbarounis  
President  
James E. Livley

5234 2033

1-16-3163

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13

THE STATE OF TEXAS )

COUNTY OF TRAVIS )

BEFORE ME, the undersigned authority, on this day personally appeared of DICKSON PROPERTIES, INC. of Austin, Travis County, Texas, known to me to be the person and officer whose name is subscribed to the foregoing instrument and he acknowledged to me that he executed the same for the purposes and consideration therein expressed, as the act and deed of said corporation and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 21 day of Feb, 1975.

NOTARY SEAL

Lee Gilbert  
NOTARY PUBLIC, TRAVIS COUNTY, TEXAS

THE STATE OF TEXAS )

COUNTY OF TRAVIS )

BEFORE ME, the undersigned authority, on this day personally appeared ROBERTA P. DICKSON, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 21 day of Feb, 1975.

NOTARY SEAL

Lee Gilbert  
NOTARY PUBLIC, TRAVIS COUNTY, TEXAS

THE STATE OF ILLINOIS )

COUNTY OF WILL )

BEFORE ME, the undersigned authority, on this day personally appeared JOHN A. SBAROUNIS, President of Mark Eight Corporation, known to me to be the person and officer whose name is subscribed to the foregoing instrument and he acknowledged to me that he executed the same for the purposes and consideration therein expressed, as the act and deed of said corporation and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 6<sup>th</sup> day of February, 1975.

NOTARY SEAL

Rosa Elena Murray  
NOTARY PUBLIC, WILL COUNTY, ILLINOIS

NOTARY PUBLIC, ILLINOIS APRIL 5, 1973

5234 2034

C4  
14

THE STATE OF TEXAS

1-16-3164

COUNTY OF TRAVIS

BEFORE ME, the undersigned authority, on this day personally appeared RICHARD W. CHOTE, Trust Officer, The Capital National Bank in Austin, Trustee, known to me to be the person and officer whose name is subscribed to the foregoing instrument and he acknowledged to me that he executed the same for the purposes and consideration therein expressed, as the act and deed of said corporation and 'n the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 25 day of February, 1975.

NOTARY SEAL

Lincoln  
NOTARY PUBLIC, TRAVIS COUNTY,  
TEXAS

5234 2085



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EXHIBIT "A"

1-16-3165

FIELD NOTES FOR THE ENTIRE DICKSON PROPERTY, SAID TRACT OF LAND BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at the iron stake at the southwest corner of the herein described tract of land, same iron stake also being in the north right-of-way line of Riverside Drive, same iron stake also being in the east right-of-way line of Pleasant Valley Road;

THENCE with the east right-of-way line of Pleasant Valley Road the following two (2) courses:

(1) N 30° 24' E, passing an iron stake at 1417.25 feet, 2287.93 feet to an iron stake;

(2) N 30° 13' E, passing an iron stake at 1583.20 feet, 1788.12 feet to an iron stake;

THENCE N 75° 55' E, 34.39 feet to an iron stake;

THENCE N 71° 55' E, 397.91 feet to an iron stake;

THENCE N 71° 29' E, 324.96 feet to an iron stake;

THENCE N 71° 36' E, 220.33 feet to an iron stake;

THENCE N 67° 47' E, 471.48 feet to an iron stake;

THENCE S 84° 30' E, 418.95 feet to an iron stake;

THENCE N 30° 11' E, 1975.20 feet to an iron stake;

THENCE N 24° 58' E, 214.15 feet to an iron stake in the south bank of the Colorado River for the northwest corner of the herein described tract of land;

THENCE with the south bank of the Colorado River the following twelve (12) courses:

(1) N 88° 53' E, 334.30 feet to an iron stake;

(2) S 88° 58' E, 369.60 feet to an iron stake;

(3) S 82° 06' E, 471.10 feet to an iron stake;

(4) S 77° 12' E, 316.76 feet to an iron stake;

(5) S 88° 32' E, 167.35 feet to an iron stake;

(6) S 81° 24' E, 292.00 feet to an iron stake;

C4  
16

FIELD NOTES

Page 2 of 3

DICKSON PROPERTY

1-16-3166

- (7) S 56° 42' E, 98.77 feet to an iron stake;  
(8) S 30° 15' E, 110.70 feet to an iron stake;  
(9) S 07° 28' E, 197.90 feet to an iron stake;  
(10) S 09° 44' E, 280.12 feet to an iron stake;  
(11) S 18° 10' E, 210.57 feet to an iron stake;  
(12) S 30° 31' E, 185.86 feet to an iron stake at the northeast corner of the herein described tract of land;  
THENCE S 29° 33' W, 466.24 feet to an iron stake;  
THENCE S 29° 47' W, 1104.50 feet to an iron stake;  
THENCE N 69° 13' W, 1219.86 feet to an iron stake;  
THENCE S 36° 18' W, 1305.03 feet to an iron stake;  
THENCE S 41° 14' W, 448.81 feet to an iron stake;  
THENCE S 21° 43' W, 645.80 feet to an iron stake;  
THENCE S 02° 21' E, 281.82 feet to an iron stake;  
THENCE S 02° 16' E, 889.86 feet to an iron stake;  
THENCE S 02° 17' E, 698.12 feet to an iron stake;  
THENCE S 02° 20' E, 790.45 feet to an iron stake;  
THENCE S 29° 53' W, 480.73 feet to a concrete monument;  
THENCE S 30° 06' W, 563.19 feet to a concrete monument in the north right-of-way line of Riverside Drive for the southeast corner of the herein described tract of land;  
THENCE with the north right-of-way line of Riverside Drive the following eleven (11) courses:

- (1) N 57° 47' W, 626.34 feet to an iron stake;  
(2) N 58° 26' W, 194.97 feet to an iron stake;  
(3) N 60° 43' W, 299.92 feet to an iron stake;

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FIELD NOTES

Page 3 of 3

DICKSON PROPERTY

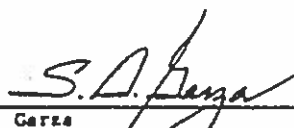
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ORIGINAL, DIM

- (4) N 62° 59' W, 484.18 feet to an iron stake;
- (5) N 64° 18' W, 703.33 feet to an iron stake at a point of curvature;
- (6) With a curve to the left whose chord bears N 65° 17' W, 43.53 feet and whose arc measures 43.53 feet to an iron stake;
- (7) Continuing that same curve to the left an additional arc length of 247.45 feet and an additional chord which bears N 70° 23' W, 247.16 feet to an iron stake at a point of tangency;
- (8) N 75° 17' W, 342.35 feet to an iron stake at a point of curvature;
- (9) With a curve to the right whose chord bears N 67° 06' W, 396.50 feet and whose arc measures 397.85 feet to an iron stake at a point of tangency;
- (10) N 58° 55' W, 518.44 feet to an iron stake at a point of curvature;
- (11) With a curve to the right whose chord bears N 54° 39' W, 136.00 feet and whose arc measures 136.11 feet to the original point of beginning containing 496.80 acres of land.

Field Notes prepared in the offices of S. A. Garza Engineers, Inc.,  
503 Scarbrough Building, Austin, Texas, August 1, 1972.



  
S. A. Garza  
Registered Professional Engineer

5234 2088



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18FIELD NOTES AROUND THE  
OUTBOUNDARY OF THE CROSSING PHASE 1

FIELD NOTES OF A 94.984 ACRE TRACT OUT OF THE SANTIAGO DEL VALLE GRANT, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; SAID 94.984 ACRE TRACT BEING ALL OR A PORTION OF THE FOLLOWING: A 56.99 ACRE TRACT OF WHICH ONE-HALF INTEREST WAS CONVEYED TO THE CAPITAL NATIONAL BANK, TRUSTEE IN VOLUME 4588, PAGE 1640 OF THE TRAVIS COUNTY, TEXAS DEED RECORDS; THE REMAINING ONE-HALF INTEREST OF THE 56.99 ACRE TRACT AND A 1/2 INTEREST IN AN ADDITIONAL 439.77 ACRES (496.76 ACRES IN TOTAL) BEING CONVEYED TO CAPITAL NATIONAL BANK, TRUSTEE BY DEED RECORDED IN VOLUME 4588, PAGE 1629; THE REMAINING ONE-HALF INTEREST IN THE 439.77 ACRE TRACT BEING CONVEYED TO CAPITAL NATIONAL BANK, TRUSTEE, BY DEED RECORDED IN VOLUME 4588, PAGE 1679 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS; SAID 94.984 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at an iron stake found at the most westerly corner of Lot 1, Penick Place, a subdivision in Travis County, Texas as recorded in Book 5, Page 147 of the Plat Records of Travis County, Texas; said point being on the northerly right-of-way line of Riverside Drive;

THENCE along the northerly right-of-way line of Riverside Drive the following five (5) courses:

1. N 57°-36' W., 527.22 feet to an iron stake found;
2. N 58°-03' W., 195.01 feet to an iron stake found;
3. N 60°-25' W., 299.64 feet to an iron stake found;
4. N 62°-39' W., 484.22 feet to an iron stake found;
5. N 63°-57' W., 702.96 feet to an iron stake found;

THENCE through the interior of the said 496.76 acre tract the following twelve (12) courses:

1. N 26°-00' E., 39.29 feet to an iron stake set;
2. S 64°-00' E., 37.96 feet to an iron stake set;
3. An arc distance of 23.56 feet along a curve to the left whose elements are: I=90°-00', Rad.=15.00', Tan.=15.00' and whose longchord bears N 71°-00' E., 21.21 feet to the P.T. of said curve;

1-16-3169

C4  
19

4. N 26°-00' E., 205.00 feet to an iron stake set;
5. An arc distance of 314.49 feet along a curve to the right, whose elements are:  $I=26^{\circ}-00'$ ,  $Rad.=693.04'$ ,  $Tan.=160.00'$  and whose longchord bears N 39°-00' E., 311.80 feet to the P.T. of said curve;
6. N 52°-00' E., 120.00 feet to an iron stake set;
7. An arc distance of 277.29 feet along a curve to the left, whose elements are:  $I=19^{\circ}-30'$ ,  $Rad.=814.75'$ ,  $Tan.=140.00'$  and whose longchord bears N 42°-15' E., 275.96 feet to the P.T. of said curve;
8. N 32°-30' E., 635.00 feet to an iron stake set;
9. An arc distance of 476.15 feet along a curve to the left, whose elements are:  $I=17^{\circ}-45'$ ,  $Rad.=1537.00'$ ,  $Tan.=240.00'$  and whose longchord bears N 23°-38' E., 474.25 feet to the P.T. of said curve;
10. N 14°-45' E., 40.00 feet to an iron stake set;
11. S 75°-15' E., 212.90 feet to an iron stake set;
12. S 57°-30' E., 1326.81 feet to an iron stake set on the east boundary of the said 496.76 acre tract; said point also being the most northeasterly corner of the said 56.69 acre portion of the 496.76 acre tract;

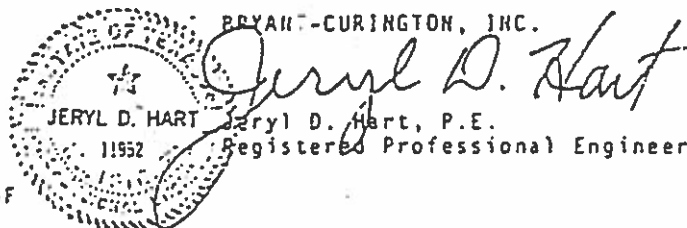
THENCE along the common boundary between the said 496.76 acre tract and a tract conveyed to Country Club of Austin as recorded in Volume 838, Page 189 of the Deed Records of Travis County, Texas the following three (3) courses:

1. S 01°-55' E., 400.00 feet to an iron stake found;
2. S 01°-57' E., 790.15 feet to an iron stake found;
3. S 30°-16' W., 480.66 feet to an iron stake found at a common corner with the said Penick Place subdivision;

THENCE S 30°-23' W., 563.13 feet along the common boundary between the said 496.76 acre tract and the said Penick Place Subdivision to the POINT OF BEGINNING, containing 94.984 acres as surveyed and computed by Bryant-Curington, Inc., in October, 1973,

I HEREBY CERTIFY that these notes were prepared from an actual survey made on the ground under my supervision according to law and are true and correct to the best of my knowledge.

WITNESS MY HAND AND SEAL this the 2nd day of November, 1973, A.D.



JDH:JWH/cd  
Job No. 73-62-F

C4  
1/20

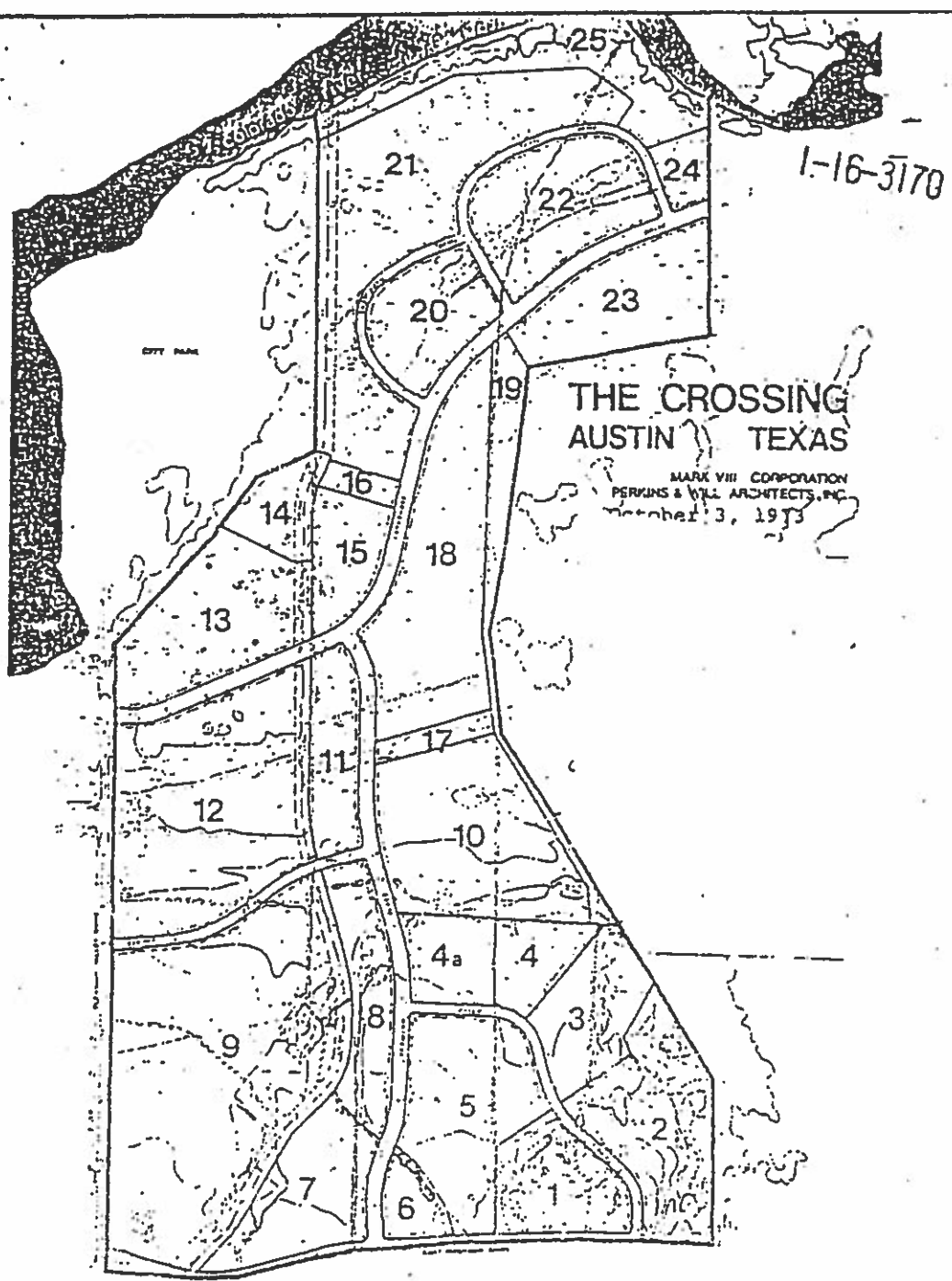
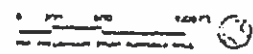


EXHIBIT "C"



REPRODUCED FROM  
ALL OR PARTS OF THE TEST ON THIS PAGE  
SHALL NOT BE USED AS A BASIS FOR ANY OTHER REPRODUCTION

5234 2091



14/21

1-16-3171

JUL 24 8 38 AM '75

*L. H. Angeline*  
COUNTY CLERK  
TRAVIS COUNTY, TEXAS

*Kind, charge to the Law Dept.*  
LAW DEPARTMENT  
CITY OF AUSTIN  
P. O. BOX 1088  
AUSTIN, TEXAS 78761

*INDEX*

STATE OF TEXAS COUNTY OF TRAVIS  
I hereby certify that this instrument was FILED on the  
24th day of the month of July 1975 and was duly  
RECORDED, in the Volume and Page of the named RECORDS  
of Travis County, Texas, as Stamped herein by me, on

JUL 24 1975



*L. H. Angeline*  
COUNTY CLERK  
TRAVIS COUNTY, TEXAS

5234 2092

ORDINANCE NO. 020801-58

C4  
/22

**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 1401 SOUTH PLEASANT VALLEY ROAD FROM GENERAL OFFICE (GO) 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 general office (GO) district to community commercial-conditional overlay (GR-CO) combining district on the property described in Zoning Case No. C14-02-0055, on file at the Neighborhood Planning and Zoning Department, as follows:

A 3.431 acre tract of land, more or less, out of the Santiago del Valle Grant in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance, (the "Property")

locally known as 1401 South Pleasant Valley Road, in the City of Austin, Travis County, Texas, and 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:

1. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 2,000 trips per day.
2. The following uses of the Property are prohibited:

Automotive sales  
Automotive repair services

Automotive rentals  
Automotive washing (of any type)

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the neighborhood commercial (LR) base district and other applicable requirements of the City Code.


2002 REZONING  
ORDINANCE

64/23

**PASSED AND APPROVED**

Gustavo L. García

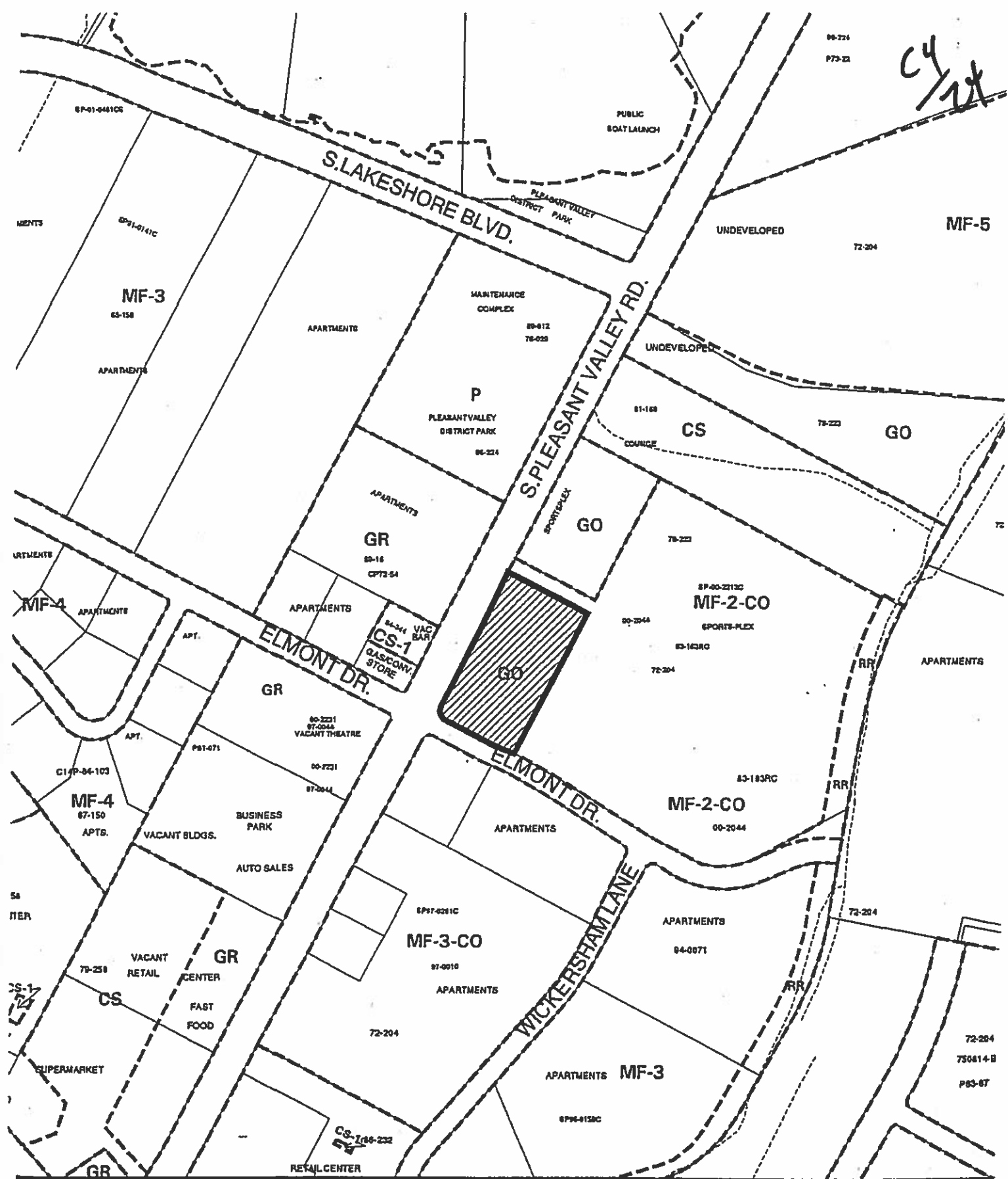
**APPROVED:**

  
Sedora Jefferson  
City Attorney

**ATTEST:**

Elvorne Spence  
for Shirley A. Brown  
Shirley A. Brown  
City Clerk

C4  
124



 1" = 400'	SUBJECT TRACT		ZONING EXHIBIT B	CITY GRID REFERENCE NUMBER  K20
	PENDING CASE			
	ZONING BOUNDARY			
	CASE MGR: A.BEAUDET			
CASE #: C14-02-0055				
ADDRESS: 1401 S.PLEASANT VALLEY		DATE: 02-05		
RD.				
SUBJECT AREA (acres): 3.431		INTLS: TRC		





AGM

2008069653

3 PGS

Zoning Case No. C14-72- 204 (RCAL)

STATE OF TEXAS

COUNTY OF TRAVIS

**AMENDMENT TO AGREEMENT OF COVENANTS AND RESTRICTIONS**

WHEREAS, DICKSON PROPERTIES and ROBERT DICKSON, as owners of approximately 497 acres in the City of Austin, Travis County, Texas, as more particularly described by metes and bounds in Exhibit A to that certain Restrictive Covenant, recorded in Volume 5234, page 2079, Deed Records of Travis County, Texas (The Parent Tract Property) did impress upon said Parent Tract, certain covenants and restrictions related to the permitted uses on the Parent Tract in favor of the City of Austin; and

WHEREAS, said Covenants and Restrictions require that any modification, amendment or termination of said Agreement be by the joint action of both the 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 by the owners of the above described Parent Tract or portion thereof subject to the modification, amendment or termination; and

WHEREAS, on the 1<sup>st</sup> day of August, 2002, the then owner of the portion of the Parent Tract currently described as Lot 1, Block A, Daugherty Subdivision, according to the map or plat of record in Document 200300160, Official Public Records of Travis County, Texas (the Property) requested of the City Council of the City of Austin and did obtain from the City Council of the City of Austin approval by Ordinance of the Austin City Council to amend the permitted uses on said Property to those use allowed in the "GR-CO" zone district as more particularly described in Ordinance No. 020801-58 (the Ordinance); and did authorize the modifications of said Agreement of Covenants and Restrictions recorded in Volume 5234, page 2079, Deed Records of Travis County, Texas to be consistent with the uses authorized by the Ordinance on the Property;

NOW, THEREFORE,

Kenmare Partners, Ltd., owner of the Property described as Lot 1, Block A, Daugherty Subdivision, according to the map or plat of record in Document 200300160, Official Public Records of Travis County, Texas and City of Austin agree to amend the Agreement of Covenants and Restrictions as it affects the Property, so as to permit all uses authorized by the Ordinance on the Property effective as of the date of adoption of Ordinance No. 020801-58 on August 1, 2002.

EXECUTED this 24 day of APRIL, 2008.

4-24-08  
89

2008 RESTRICTIVE  
COVENANT  
AMENDMENT

C4/26

**OWNER:**

**Kenmare Partners, Ltd.,  
Killarney, L.L.C., Its General Partner**

By: Charlyn Daugherty  
Charlyn Daugherty, Manager  
Its: Owner of Lot 1, Block A, Daugherty  
Subdivision

By: Gerald Daugherty  
Gerald Daugherty, Manager  
Its: Owner of Lot 1, Block A, Daugherty  
Subdivision

**CITY OF AUSTIN:**

By: Laura J. Huffman  
Laura J. Huffman,  
Assistant City Manager, City of Austin

THE STATE OF TEXAS

§  
§  
§

COUNTY OF TRAVIS

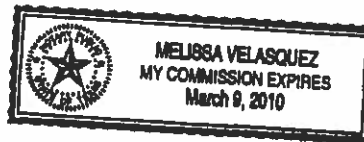
This instrument was acknowledged before me on this the 24 day of April, 2008, by Charlyn Daugherty, Manager of Killarney, LLC general partner to Kenmare Partners Ltd., on behalf of said limited partnership.

Melissa Velasquez  
Notary Public, State of Texas

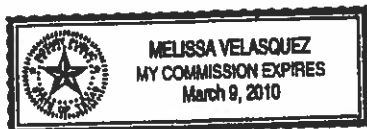
THE STATE OF TEXAS

§  
§  
§

COUNTY OF TRAVIS



This instrument was acknowledged before me on this the 24 day of April, 2008, by Gerald Daugherty, Manager of Killarney, LLC general partner to Kenmare Partners Ltd., on behalf of said limited partnership.



Melissa Velasquez  
Notary Public, State of Texas

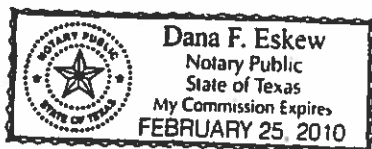
C4/27

THE STATE OF TEXAS

§  
§  
§

COUNTY OF TRAVIS

This instrument was acknowledged before me on this the 24 day of April, 2008, by Laura J. Huffman, as Assistant City Manager of the City of Austin, a municipal corporation, on behalf of said municipal corporation.



Dana F. Eskew  
Notary Public, State of Texas

AFTER RECORDING RETURN TO:  
City of Austin Law Department  
P.O. Box 1088  
Austin, Texas 78767  
Attn: Diana Minter, Paralegal

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Dana DeBeauvoir

2008 Apr 29 12:49 PM 2008069653

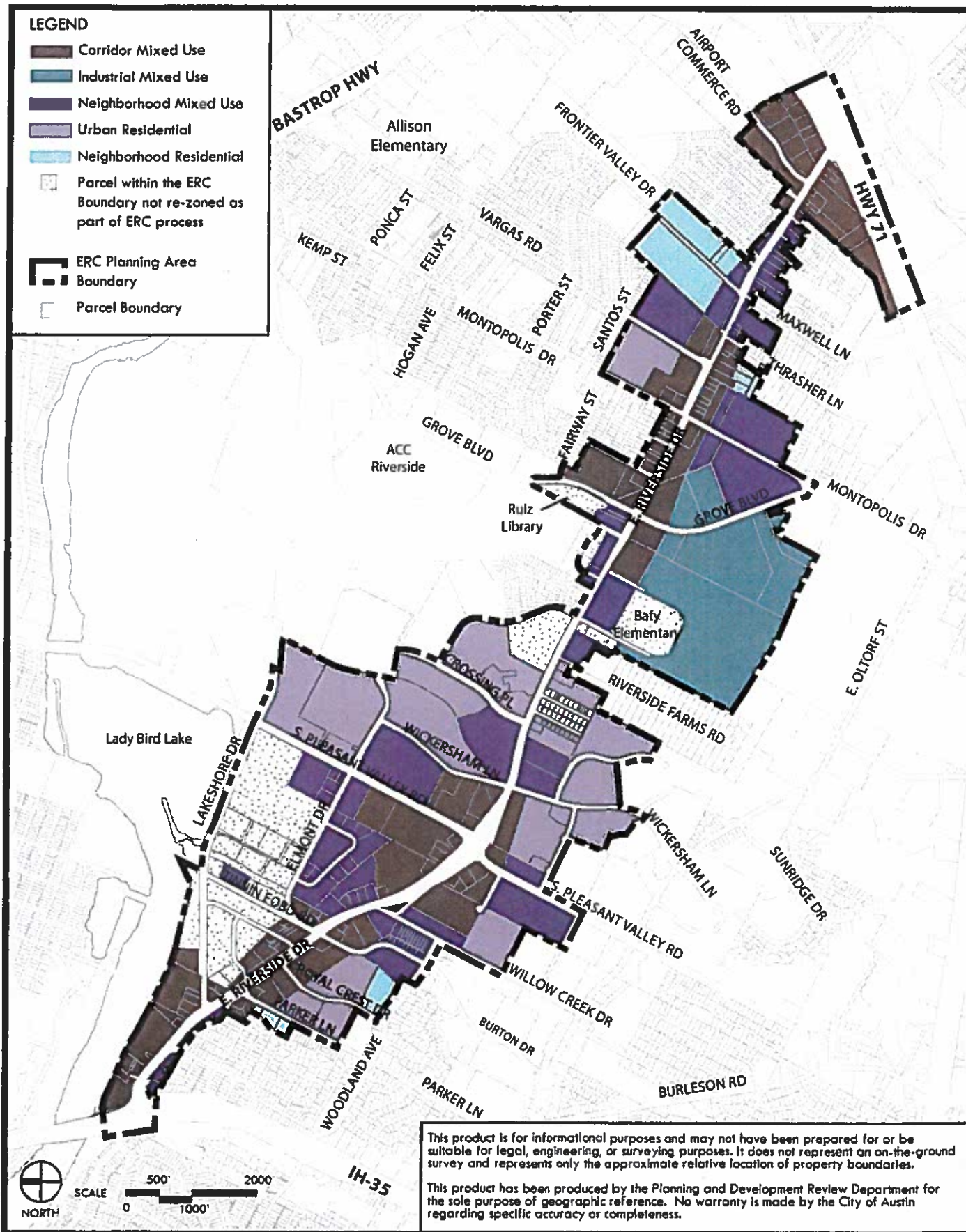
FERGUSONLL \$24.00

DANA DEBEAUVOIR COUNTY CLERK  
TRAVIS COUNTY TEXAS

64/28

**Figure 1-2: East Riverside Corridor Subdistrict Map**

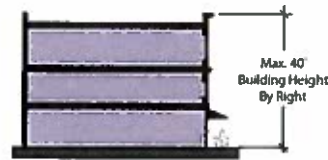


Identifies the subdistrict for each property within the ERC boundary.





**Figure 1-12: Urban Residential (UR)**  
Summary of UR Subdistrict Development Standards

4/29

URBAN RESIDENTIAL (UR) SUBDISTRICT																						
CMU	<b>Lot Size</b> Minimum Lot Size: 1,200 sf Minimum Lot Width: 16'	Floor to Area Ratio (FAR)																				
IMU	<b>Minimum Setbacks</b> <b>Front and Street Side Yard*:</b> No ground-level front yard or side yard setbacks are required. Instead, development must meet the building placement standards in Section 4.3.	Maximum Floor-to-Area Ratio (FAR) by Right: .75 :1  Desired minimum FAR: 60% of maximum FAR by right.																				
NMU	<b>Interior Side Yard: 0'</b> <b>Rear Yard: 0'</b>	<b>Building Height</b>  Maximum Building Height: 40 feet																				
UR	<b>Upper-Story Building Facade Street-Side Step-backs:</b> The building facade at the fourth story and above must be stepped back a minimum of 10 feet from the ground-level building facade line.	Not eligible for Development Bonus																				
NR	* If the street right-of-way is less than 60 feet in width, see Section 4.3.3.C.	<b>Compatibility</b>  See Section 4.2.4 for compatibility standards.																				
<b>Building Placement</b>  Building placement determined by Roadway type and Active Edge Designation.  *See Fig. 1-3 for Roadway Type designation and Section 4.3 for design requirements.		 <b>ABOVE:</b> Typical height limit requirements for buildings within the Urban Residential (UR) Subdistrict.																				
<b>Maximum Impervious Cover</b>  Impervious Cover: 65% or Maximum Allowed by LDC 25-8.																						
 <b>ABOVE &amp; BELOW:</b> Examples of development similar to that allowed in the Urban Residential		<b>Urban Residential (UR) Land Use Summary*</b> <table><tr><th colspan="2">Land Use</th></tr><tr><td>Residential, attached</td><td>Permitted</td></tr><tr><td>Residential, detached</td><td>Not Permitted</td></tr><tr><td>Smaller-scale Retail (less than 50,000 sq. ft.)</td><td>Not Permitted</td></tr><tr><td>General Retail</td><td>Not Permitted</td></tr><tr><td>Office</td><td>Not Permitted</td></tr><tr><td>Warehousing &amp; Light Manufacturing</td><td>Not Permitted</td></tr><tr><td>Education / Religion</td><td>Permitted</td></tr><tr><td>Hospitality (hotels/motels)</td><td>Not Permitted</td></tr><tr><td>Civic Uses (public)</td><td>Permitted</td></tr></table>	Land Use		Residential, attached	Permitted	Residential, detached	Not Permitted	Smaller-scale Retail (less than 50,000 sq. ft.)	Not Permitted	General Retail	Not Permitted	Office	Not Permitted	Warehousing & Light Manufacturing	Not Permitted	Education / Religion	Permitted	Hospitality (hotels/motels)	Not Permitted	Civic Uses (public)	Permitted
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Education / Religion	Permitted																					
Hospitality (hotels/motels)	Not Permitted																					
Civic Uses (public)	Permitted																					
		*The table above provides a summary only of land uses permitted within the Urban Residential Subdistrict. See Section 2.3.3. for a complete list of permitted land uses.																				



**ABOVE & BELOW:**  
Examples of development similar to that allowed in the Urban Residential

