

ZONING CHANGE REVIEW SHEET

CASE: C14R-85-023.02

Z.A.P. DATE: June 2, 2015

(Austin Baptist Church-Kallestad Laboratories PDA Amendment)

ADDRESS: 10010 F.M. 2222 Road

DISTRICT AREA: 10

OWNER/APPLICANT: Austin Baptist Church

AGENT: Armbrust & Brown, PLLC (Lynn Ann Carley)

ZONING FROM: R&D-PDA **TO:** R&D-PDA **AREA:** 9.026 acres

SUMMARY STAFF RECOMMENDATION:

The staff recommends the proposed amendment to the Planned Development Area agreement to allow Religious Assembly as a permitted use and to establish the minimum interior side yard setback at zero feet.

ZONING AND PLATTING COMMISSION:

6/02/15: Approved R&D-PDA zoning on consent (6-0); G. Rojas-1st, S. Compton-2nd.

DEPARTMENT COMMENTS:

The property in question is currently undeveloped. The applicant is requesting an amendment of the existing Planned Development Area agreement for this property to allow religious assembly use as a permitted use and to establish the minimum interior side yard setback at zero feet (Please see applicant's request letter- Attachment A). Thereby clarifying the language in Part 1 that states, "1. City acknowledges and agrees that Kallestad is planning and developing a Research and Development project on the Property ("Project"). As of the date of these covenants, construction of the Project is estimated to be phased over a number of years and is to consist of either an office or laboratory or religious assembly use, as shown on the site plan attached hereto as Exhibit "B" and incorporated herein by reference ("Site Plan"). In addition, the applicant requests to add a note to this Planned Development Agreement that states that the minimum interior side yard setback on the property is zero feet.

Staff agrees with the applicant's request to amend the existing PDA document because development in this area has changed since this PDA agreement was approved in 1985. The property is now owned by the Austin Baptist Church and is located adjacent to their property to the north. The church would like to connect the existing religious assembly use to their proposed sanctuary on this tract of land. In addition, the property to the north and east of the site is now a planned unit development (Ribelin Ranch PUD) with GO-MU and GR-MU district development standards and uses respectively.

The applicant agrees with the staff's recommendation.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	R&D-PDA	Undeveloped
North	PUD (Ribelin Ranch PUD-Tract 1A: GO- MU uses)	Religious Assembly (Austin Baptist Church), Multifamily (Alexan Apartments)
South	SF-2, DR	Undeveloped
East	PUD (Ribelin Ranch PUD-Tract 1B: GR- MU uses)	Undeveloped Tract, Office
West	R&D	Office (3M Austin Center)

AREA STUDY: N/A**TIA:** Not Required**WATERSHED:** West Bull Creek**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** N/A**HILL COUNTRY ROADWAY:** Yes**NEIGHBORHOOD ORGANIZATIONS:**

Austin Heritage Tree Foundation
 Bull Creek Foundation
 Glenlake Neighborhood Association
 Leander ISD Population and Survey Analysts
 Long Canyon Homeowners Association
 Long Canyon Phase II & LLL Homeowners Association Inc.
 River Place HOA
 SELTEXAS
 Sierra Club, Austin Regional Group
 Steiner Ranch Community Association
 The Real Estate Council of Austin, Inc.
 2222 Coalition of Neighborhood Associations, Inc.

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14R-85-023.01 (Kallestad Laboratories, Inc.- PDA Amendment: 10010 F.M. 2222)	R&D-PDA to R&D-PDA	9/20/11: Approved staff's recommendation for R&D-PDA zoning by consent (6-0); P. Seager- 1 st , G. Bourgeois-2 nd .	10/06/11: Approved R&D-PDA zoning, to change a condition of zoning on 1 st reading on consent (7-0); Spelman- 1 st , Morrison-2 nd . 12/08/11: Approved R&D-PDA zoning, with conditions, on consent on 2 nd /3 rd readings (6-0, Cole-off dais); C. Riley- 1 st , L. Leffingwell-2 nd .

C14-05-0172 (Colina Vista: 9716 F.M. 2222)	LO and GR to SF-6	11/01/05: Approved staff recommendation of SF-6-CO, with a 2,000 vehicle trip limit per day, by consent (9-0); J. Martinez-1 st , J. Gohil-2 nd .	12/01/05: Approved SF-6-CO zoning by consent (6-0, McCracken-absent); 1 st reading 4/06/06: Approved SF-6-CO zoning by consent (7-0); 2 nd /3 rd reading
C14-04-0010 (E.M. Rowshan Et Al. Property-City Initiated:	I-RR to LO-MU-CO	2/17/04: Approved staff's recommendation of LO-MU-CO zoning (8-1, J. Martinez-Nay)	3/25/04: Granted LO-MU-CO – Limited to right- in and right-out to FM-2222, and limit vehicle trips per day to 1000 (7-0); 1 st reading 5/6/04: Approved (7-0)
C814-95-0002.04 (Four Points Centre PUD Amendment #4: 11404 FM 2222)	PUD to PUD (To add permitted GR-MU uses for Lots 2, 4, 5, and 6 of Block B within the PUD)	2/4/03: Approved staff's recommendation of PUD zoning by consent (7-0, K. Jackson, J. Martinez-absent)	3/6/03: Granted PUD zoning on 1 st reading (6-0, Dunkerley-absent)
C14-01-0058	SF-2 to GR	5/8/01: Approved GR-CO w/ trip limitation conditions maintained as per staff rec. & prohibit auto related uses (6-2, JM/RC-No)	7/19/01: Approved GR-MU-CO w/ conditions & RR (6-0) 7/19/02: Expired-No 3 rd reading (Administrative)
C14-01-0057	SF-2 to GR	5/8/01: Approved GR-CO w/ trip limitation conditions maintained as per staff rec. & prohibit auto related uses (6-2, JM/RC-No)	7/19/01: Approved GR-CO w/ conditions (6-0); all 3 readings
C14-01-0056	SF-2 to GR	5/8/01: Approved GR-CO w/ trip limitation conditions maintained as per staff rec. & prohibit auto related uses (6-2, JM/RC-No)	7/19/01: Approved GR-CO w/ conditions (6-0); all 3 readings
C14-99-2075	RR to GO	11/16/99: Approved GO, limited to 'LO' development regs. and 1,500 trips per day (8-0)	1/27/00: Approved PC rec. of GO-CO (5-0); 1 st reading 3/23/00: Approved GO-CO w/ restrictions: 1) Office size limited to 150,000, 2) Limited traffic to 1,850 TPD, 3) Limited any single

			<p>tenant lease space to 75,000 sq ft (6-0, DS-out of room); 2nd reading</p> <p>6/1/00: Approved 3rd reading (7-0)</p>
C14-98-0236	I-RR to LI	4/6/99: Approved LI w/ conditions (8-0)	<p>5/6/99: Approved PC rec. of LI-CO w/ conditions and provision to rollback to GR if current use ceases for more than 90 days (6-0); 1st reading</p> <p>7/1/99: Approved LI-CO w/ conditions: 1) Allow all restaurant uses, 2) Rollback to 'GR' if use ceases for more than 180 days (subj. to discussion taken at 3rd reading) (6-0); 2nd reading</p> <p>7/15/99: Approved LI-CO w/ conditions (4-2, Griffith/ Slusher-Nay); 3rd reading</p>
C14-98-0225	I-RR to GR	2/2/99: Send case to CC without recommendation	<p>3/4/99: Approved GR-MU-CO w/ conditions (6-1, DS-Nay)</p> <p>7/1/99: Approved GR-MU-CO w/ conditions (5-1, DS-No); 2nd reading</p> <p>7/22/99: Approved GR-MU-Co w/ conditions (6-1, Slusher-No)</p>
C14-98-0214	SF-2, DR to CS	3/2/99: Approved GR (comply with HCS), CS only for storage (6-2, BB/SA-Nay)	4/15/99: Approved GR-CO for entire site w/ LR uses and Automotive Sales and Automotive Repair as only GR uses & other conditions (6-0); 3 rd reading

C14-98-0027	I-SF-2 to GR	4/14/98: Approved GR-CO w/ conditions (6-2)	6/11/98: Approved PC rec. of GR-CO w/ conditions: deleted ROW dedication sue to waiver by TXDOT (6-0); 1 st reading 7/9/98: Approved GR-CO w/ conditions (7-0); 2 nd / 3 rd readings
C814-95-0002	PUD to PUD	12/12/95: Approved PUD revision w/ conditions (5-3)	12/14/95: Approved PUD subject to list of conditions (4-0); 1 st reading; (Public hearing closed but speakers will be allowed to speak at 2 nd /3 rd readings) 6/13/96: Approved PUD subject to conditions

RELATED CASES: C14R-85-023.01, C14R-85-0023

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro
McNeil Drive	120'	48'	Collector	Yes	No	Yes
FM Road 2222	Varies	2@24"	Major Arterial	No	Yes	Yes

CITY COUNCIL DATE: August 13, 2015

ACTION:

ORDINANCE READINGS: 1st

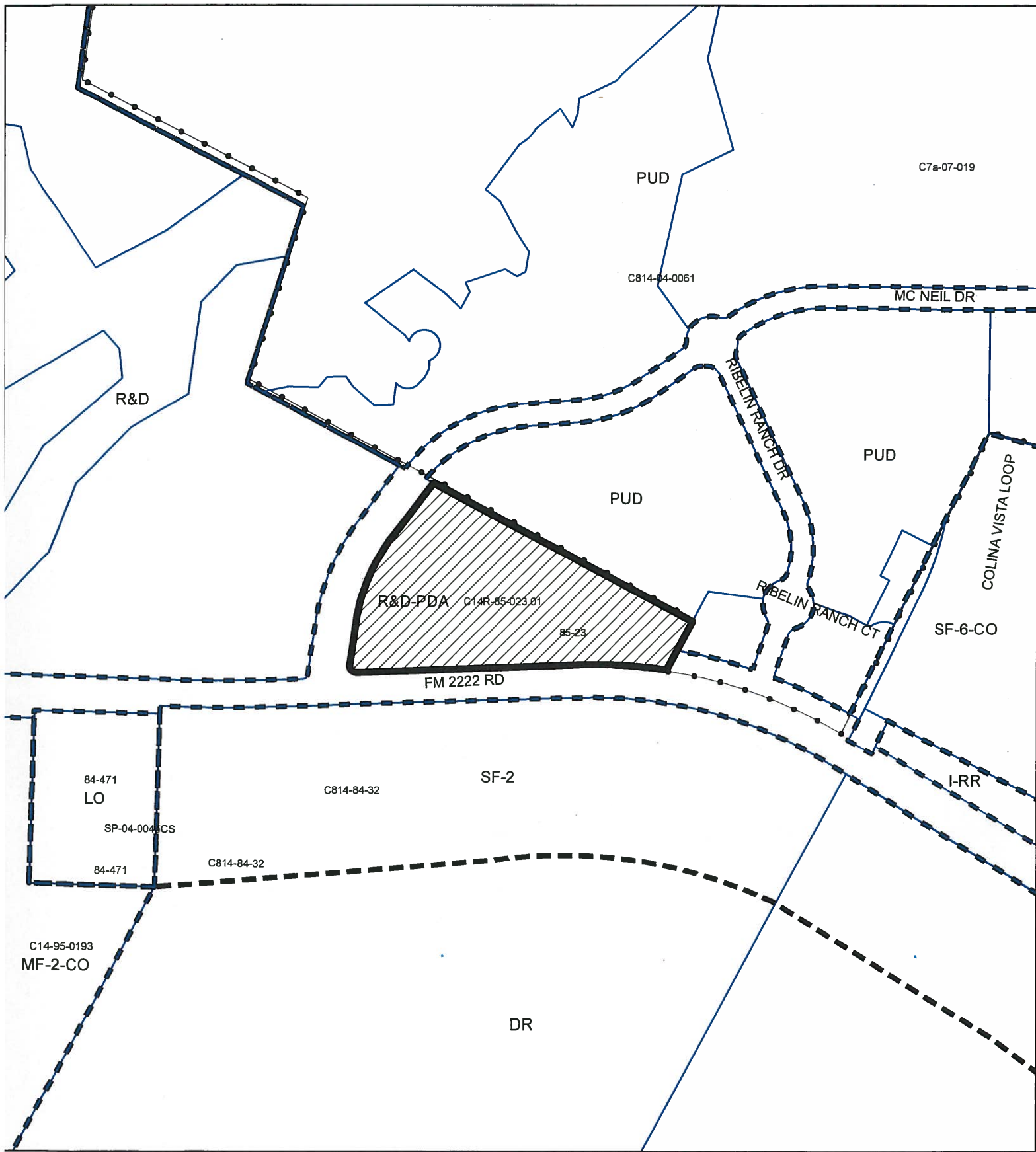
2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Sherri Sirwaitis




PHONE: 512-974-3057,
sherri.sirwaitis@austintexas.gov



ZONING

ZONING CASE#: C14R-85-023.02



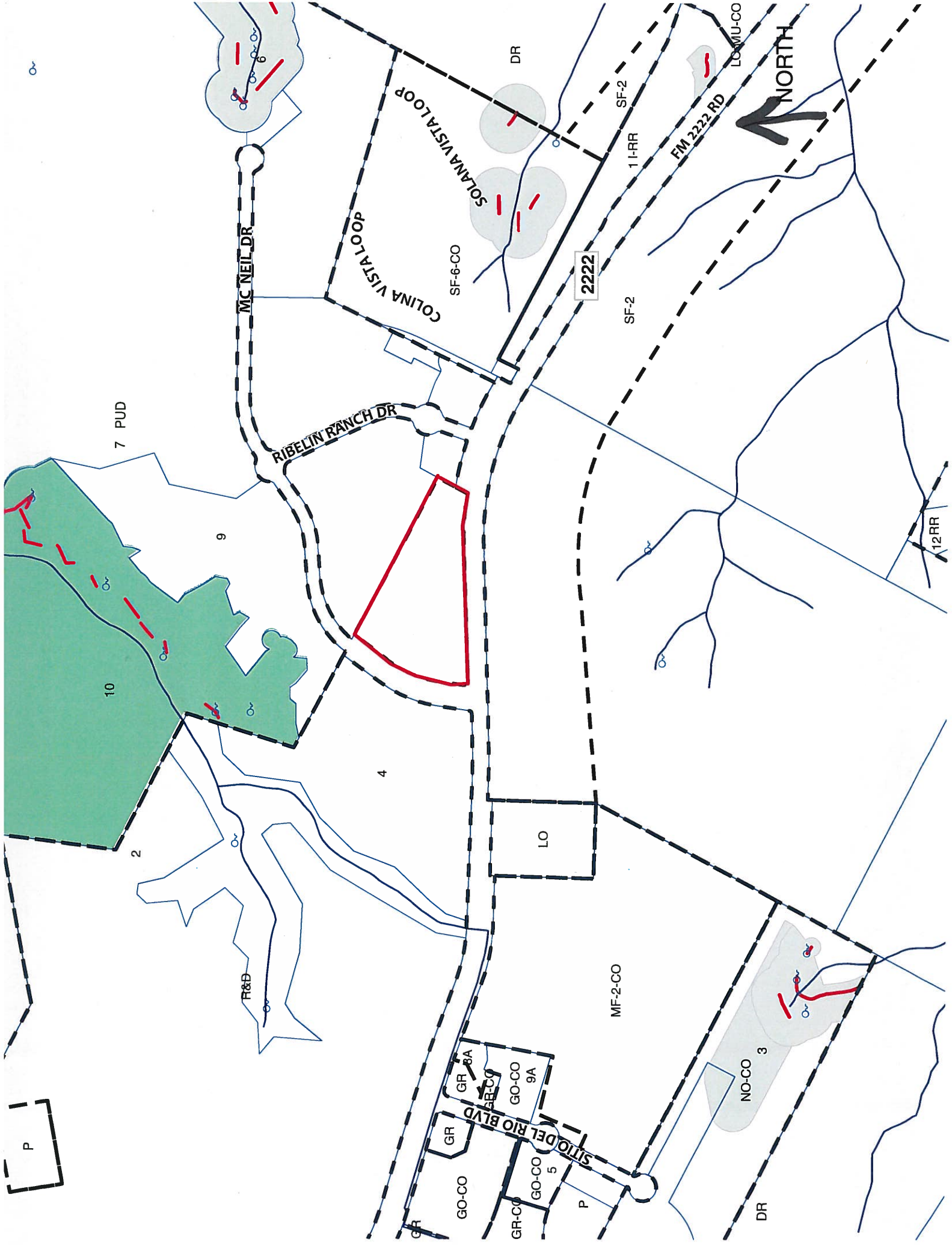
-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

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.







STAFF RECOMMENDATION

The staff recommends the proposed amendment to the Planned Development Area agreement to allow Religious Assembly as a permitted use and to establish the minimum interior side yard setback at zero feet.

BASIS FOR RECOMMENDATION

1. The proposed PDA amendment will not alter the intent of the R&D-PDA zoning. The addition of Religious Assembly as a permitted use on this property is consistent with surrounding uses in the area. The proposed civic use is compatible with the church (Austin Baptist Church), multifamily (Alexan Apartments) and public educational facilities (Four Points Middle School and Vandegrift High School) uses to the north and the office use to the east.
2. Development in this area has changed since this PDA agreement was approved in 1985. The property is now located adjacent to a religious assembly use to the north (Austin Baptist church). In addition, the property to the north and east of the site is now a planned unit development (Ribelin Ranch PUD) with GO-MU and GR-MU district site development standards and uses.

EXISTING CONDITIONS

Site Characteristics

The site is undeveloped and moderately vegetated. The properties to the north are developed with a religious assembly use (Austin Baptist Church) and multifamily uses (Alexan Apartments). The tract of land to the east is developed with an industrial use (3M). The parcels of land to the south and east are currently undeveloped.

Hill Country Roadway

The site is within a Low Intensity Zone area of the Hill Country Roadway Corridor. All non-residential development within this zone shall be subject to a maximum Floor-to-Area Ratio of .20 on 0-15% slopes, .08 on 15-25% slopes, and .04 on 25-35% slopes, excluding parking structures and atriums.

Beyond two hundred feet (200') of the right-of-way of 2222, maximum height may increase but shall not exceed 28' in Low Intensity areas, except as provided in Section 25-2-1128, Performance Incentives. [25-2-1124].

Comprehensive Planning

Amendment to PDA

This zoning case is located on the north side of FM 2222, bounded by McNeil Drive to the west, and Ribelin Ranch Drive to the east, on a vacant property that is approximately 9 acres in size. The subject property is not located within the boundaries of an existing neighborhood planning area. Surrounding land uses include the Austin Baptist Church to the north, vacant land to the south, an R & D lab to the west, and vacant land and an office building to the east. The proposal is amend the PDA to allow religious assembly on the property (which would be an extension of the Austin Baptist

Church, which also owns this property), and allow a zero setback to the new religious assembly building, which would be attached to the existing church sanctuary. In 1986, a PDA request was approved to permit an R&D laboratory and office building, which so far have not been constructed.

Imagine Austin

Based on comparative scale of the site relative to other adjoining commercial and institutional uses along FM 2222, as well as the site not being located along an Activity Corridor or within an Activity Center as identified on the Imagine Austin Growth Concept Map, this case falls below the scope of Imagine Austin, which is broad in scope, and consequently the plan is neutral on the proposed amendment to the PDA. However, due to the site's location in an environmentally sensitive area (the Edward Aquifer), there will be at the site planning stage an environmental review to determine if any critical environmental features are located on the site. If any are located, mitigation and setbacks necessitated by the land development code will be required.

Environmental

No EV review comments.

Hill Country Roadway

The site is within a Low Intensity Zone area of the Hill Country Roadway Corridor. All non-residential development within this zone shall be subject to a maximum Floor-to-Area Ratio of .20 on 0-15% slopes, .08 on 15-25% slopes, and .04 on 25-35% slopes, excluding parking structures and atriums.

Beyond two hundred feet (200') of the right-of-way of 2222, maximum height may increase but shall not exceed 28' in Low Intensity areas, except as provided in Section 25-2-1128, Performance Incentives. [25-2-1124].

Site Plan

Another application is required. One application is for amending the site plan of the C14R (PDA). Another application is for amending the Restrictive Covenant.

The inclusion of the church use renders this a new project. Therefore, the "B" construction plan must be revised to demonstrate compliance with current code.

Stormwater Detention

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

Transportation

No additional right-of-way is required at this time.

The Transportation Review Section has no objections to the requested PDA amendment.

A traffic impact analysis (TIA) was not required for this case because the proposed PDA amendment is not expected to have a significant change in traffic rates. [LDC, 25-6-113]. A traffic impact analysis may be required at the time of site plan if the future development of this site generates traffic that exceeds the threshold of 2,000 vehicle trips per day.

Capital Metro bus service (Route No. 122) is available along FM Road 2222.

FM 2222 is classified in the Bicycle Plan as Bike Route No. 419.

Existing Street Characteristics:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro
McNeil Drive	120'	48'	Collector	Yes	No	Yes
FM Road 2222	Varies	2@24"	Major Arterial	No	Yes	Yes

Water and Wastewater

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, utility relocations and or abandonments required by the land use in compliance with City utility criteria.

ARMBRUST & BROWN, PLLC

ATTORNEYS AND COUNSELORS

100 CONGRESS AVENUE, SUITE 1300
AUSTIN, TEXAS 78701-2744
512-435-2300

FACSIMILE 512-435-2360
FACSIMILE 512-435-2399

LYNN ANN CARLEY, P.E.
(512) 435-2378
lcarley@abaustin.com

April 28, 2015

Greg Guernsey
Director
Planning and Development Review Department
City of Austin
505 Barton Springs, 5th Floor
Austin, TX 78704

Re: Austin Baptist Church - Kallestad Laboratories PDA Amendment (C14r-85-023)

Dear Mr. Guernsey:

This firm represents and this letter is written on behalf of the owner of the above referenced property. The Kallestad property, now owned by the Austin Baptist Church, is zoned Research and Development– Planned Development Area Combining District (R&D-PDA). We are submitting this PDA amendment to revise and clarify several of the notes. Attached is a copy of the original PDA and the PDA ordinance revision from 2011, which has been redlined to show the proposed changes. Specifically, the following revisions are requested:

1. Revise Section 1 of the PDA agreement to allow for a religious assembly use. The proposed language is as follows:

“1. City acknowledges and agrees that the Property Owner, its successors and assigns, is planning and developing a Research and Development project on the Property (“Project”). As of the date of these covenants, construction of the Project is estimated to be phased over a number of years and is to consist of either an office or laboratory or religious assembly use, as shown on the site plan attached hereto as Exhibit “B” and incorporated herein by reference (“Site Plan”).”

2. Add a provision that the minimum interior side yard setback is zero feet. This is due to the fact that the Austin Baptist Church owns the adjacent property to the north and would like to connect their existing facility to their proposed sanctuary on the Kallestad property.

ARMBRUST & BROWN, PLLC

Page 2

If you have any questions or need additional information, please do not hesitate to contact me.

Sincerely,



Lynn Ann Carley, P.E.
Senior Land Development Consultant

Enclosures

cc: Tom Stacy
Richard T. Suttle, Jr.

ORDINANCE NO. 86 0619-G

AN ORDINANCE ORDERING A REZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 13-2A OF THE AUSTIN CITY CODE OF 1981 AS FOLLOWS: 10.0 ACRES OF LAND OUT OF THE J.W. PREECE SURVEY, LOCALLY KNOWN AS MCNEIL ROAD AND RM 2222, FROM "SF-2" SINGLE FAMILY RESIDENCE (STANDARD LOT) TO "R&D - PDA" RESEARCH AND DEVELOPMENT - PLANNED DEVELOPMENT AREA, SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

PART 1. CHAPTER 13-2A of the Austin City Code of 1981 is hereby amended to change the base zoning district from "SF-2" Single Family Residence to "R&D - PDA" Research and Development - Planned Development Area, on the property described in File C14r-85-023, to-wit:

10.0 acres of land out of the J.W. Preece Survey No. 2, and being a portion of that certain 172.59 acre tract of land described in Volume 4822, Page 1273 of the Deed Records of said County, also being described in Volume 762, Page 235 of the Deed Records of Travis County, Texas, being more particularly described by metes and bounds in Exhibit "A", attached hereto and incorporated herein for all purposes,

locally known as McNeil Road and RM 2222 in the City of Austin, Travis County, Texas.

PART 2. That the development, use and occupancy of the property shall be subject to the following modifications established pursuant to Section 13-2A-2833 of the Austin City Code of 1981, as follows:

- (1) Except as and to the extent provided herein, regulations of the R&D Research and Development base district under and pursuant to Sections 13-2A-2675 - 13-2A-2679, and the provisions of the RM 2222 Highway Corridor Development Requirements contained in Sections 13-2A-5140 - 13-2A-5153 shall apply.
- (2) The site development regulations otherwise applicable to this property in the R&D Research and Development base district under Section 13-2A-2679 are hereby modified to permit development of the property in accordance with the site plan attached and incorporated herein as exhibit "B".
- (3) Off-street parking requirements are hereby modified to require provision for 250 parking spaces on site.

PART 3. It is hereby ordered that the Zoning Map accompanying Chapter 13-2A of the Austin City Code of 1981 and made a part thereof shall be changed so as to record the change ordered in this ordinance.

PART 4. That the development of the property herein described shall be accomplished in accordance with the site plan attached hereto as Exhibit "B", whereas such site plan is subsequently adjusted or modified as provided by Section 13-2A-6196 of the Austin City Code of 1981. Except to the extent that such site plan is inconsistent therewith, development and use of the property described herein shall be in accordance with applicable ordinances of the City of Austin.

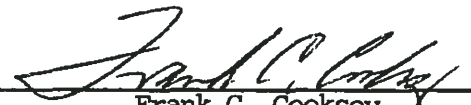
PART 5. The rule requiring that ordinances shall be read on three separate days is hereby suspended and this ordinance shall become effective ten days following the date of its passage.

PASSED AND APPROVED

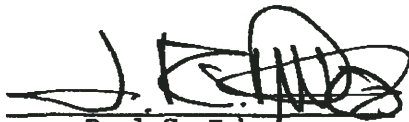
June 19

, 1986

§
§
§
§


Frank C. Cooksey
Mayor

APPROVED:


Paul C. Isham
City Attorney

ATTEST:


James E. Aldridge
City Clerk

TM:saf

860619-G

EXHIBIT "A"

FIELD NOTES

BEING 10.0132 acres or 436,177 square feet of land out of the J. W. Preece Survey No. 2, Abstract No. 2471 in Travis County, Texas, and being a portion of that certain 172.59 acre tract of land described in Volume 762, Page 235, Deed Records of Travis County, Texas, also being described in Volume 8808, Page 26 and Volume 8952, Page 70 of the Travis County Deed Records, and being more particularly described by metes and bounds as follows:

COMMENCING at an iron pipe found at the northeast corner of said J. W. Preece Survey No. 2, said pipe also being the northeast corner of a 1.73 acre tract of land conveyed to R. A. Ribelin as filed in Volume 3412, Page 235 of the Deed Records of Travis County, Texas;

THENCE with the north line of the J. W. Preece Survey, also being the south line of Southern Pacific Railroad Company Survey No. 1, Abstract No. 750 and the north line of said R. A. Ribelin 1.73 acre tract, N 60° 29' 00" W, a distance of 572.56 feet to an iron pipe found in a fence;

THENCE S 30° 07' 02" W, as fenced, a distance of 8.10 feet to an iron rod found for the POINT OF BEGINNING;

THENCE along the westerly line of said R. A. Ribelin 1.73 acre tract, S 30° 07' 02" W, 183.68 feet to an iron pipe found in the curving north right-of-way line of Ranch Road No. 2222 (100' R.O.W.);

THENCE with the said curving north right-of-way line of R.R. 2222 to the left, an arc distance of 264.90 feet, having a radius of 1483.07 feet, a delta angle of 10° 14' 02" and a chord bearing and distance of N 85° 02' 02" W, 264.55 feet to an iron rod found in concrete, said iron rod being the point of curvature, Texas State Highway stationing 86+33.5;

THENCE along the north right-of-way line of R.R. 2222, S 89° 50' 58" W, passing an iron rod found at 456.64 feet, a total distance of 859.89 feet to an iron rod found;

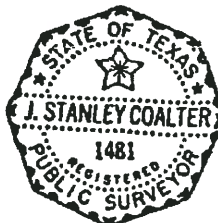
THENCE along the easterly line of adjoining 3M tract as recorded in Volume 8742, Page 179, Deed Records of Travis County, Texas, N 29° 46' 46" E, 724.20 feet to an iron rod found;

THENCE S 60° 11' 19" E, as fenced, 349.72 feet to an iron rod found;

THENCE S 60° 11' 49" E, as fenced, 636.70 feet to the POINT OF BEGINNING, containing 10.0132 acres or 436,177 square feet of land, subject to easements, conditions or restrictions of record, if any.

CUNNINGHAM-GRAVES, INC.

J. Stanley Coalter
J. Stanley Coalter, RPS #1481
April 4, 1985
Project No. 379-0001.0100



PLANNED DEVELOPMENT AREA AGREEMENT

THE STATE OF TEXAS)
)
COUNTY OF TRAVIS)

WHEREAS, Kallestad Laboratories, Incorporated, a Minnesota Corporation ("Kallestad") is the owner of approximately 10.01 acres of land in Austin, Travis County, Texas, more fully described on Exhibit "A" attached hereto and incorporated herein by reference (the "Property"); and,

WHEREAS, the City of Austin ("City") and Kallestad have agreed the Property should be impressed with certain covenants and restrictions running with the land in the form of a Planned Development Area Agreement and desire to set forth such agreements in writing;

NOW, THEREFORE, for and in consideration of One and No/100 Dollars (\$1.00) and other good and valuable consideration in hand to Kallestad paid by the City of Austin, the receipt of which is hereby acknowledged, and for the mutual benefits to the present and future owners of the Property, City, acting by and through its City Manager as authorized by the majority approval of its City Council, and Kallestad, as the present owner of the Property by their execution hereof, do 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 Kallestad, its successors and assigns as follows, to-wit:

1. City acknowledges and agrees that Kallestad is planning and developing a Research and Development project on the Property ("Project"). As of the date of these covenants, construction of the Project is estimated to be phased over a number of years and is to consist of two story office and three story laboratory area that will be combined within one building area, all as shown on the site plan attached hereto as Exhibit "B" and incorporated herein by reference ("Site Plan").

2. Kallestad acknowledges the concern of the City with respect to the development of the Property and therefore agrees that no buildings shall be constructed on the Property except as

THIS SECTION
WAS
AMENDED IN
ORDINANCE
2011208-100.
SEE ATTACHED.

shown on the Site Plan as may be amended from time to time and as set forth in this Agreement. The maximum height of each of the buildings constructed on the Property shall not exceed the heights shown on the Site Plan.

3. Kallestad acknowledges the concern of the City with respect to the total impervious cover on the Property and therefore agrees that the total impervious cover on the Property will not in the aggregate exceed forty-five percent (45%); provided, however, any of the Property dedicated or used for public or private rights of way and utility easements shall be included in the land area calculations.

4. Kallestad acknowledges the concern of the City with respect to the overall density of the Project, and therefore agrees that the total floor space of all buildings shown on the Site Plan, shall not exceed a floor to area ratio ("FAR") of .25 to 1. The floor to area ratio shall be calculated in accordance with the City of Austin Zoning Ordinance; provided, however, any of the Property reserved for public or private rights of way and utility easements shall be included in the land area calculations.

5. Kallestad acknowledges the concerns of the City with respect to off street parking requirements and therefore agrees to provide 250 parking spaces on site, including handicapped, compact and regular spaces, in accordance with a variance received from the Board of Adjustment on November 18, 1985 as related to off street parking requirements for the Property and as represented on the Site Plan.

6. This Agreement and all rights, duties and obligations hereunder shall become effective upon the successful rezoning of the Property to ("R&D") Research and Development District. If for any reason the Property is not so rezoned, then this entire Agreement, shall be null and void and of no legal force or effect whatsoever. Except as expressly provided in this Agreement, Kallestad and all future owners of the Property shall comply with all applicable City of Austin ordinances and the limitations and

site development guidelines set forth in ("R&D") Research and Development District.

7. Kallestad shall comply with all other applicable ordinances of the City except as specifically modified by this Agreement.

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

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

10. The failure at any time to enforce any agreement by the City, 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.

11. This Agreement and the Site Plan 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, or such other governing body as may succeed the City Council of the City, and (b) by the owners of the Property or that portion of the Property directly affected by such change at the time of such modification, amendment or termination; provided, however, that this agreement shall not be construed to prevent the City Council or its successor governing body from exercising its powers to regulate land for purposes of health, safety and the general welfare of the community.

12. The provisions of this Agreement shall be binding upon and insure to the benefit of the successors and assigns of

Kallestad and all future owners of the Property or any portion thereof.

EXECUTED this _____ day of _____, 1986.

KALLESTAD LABORATORIES,
INCORPORATED, a Minnesota
corporation

BY: David B. McWilliams
David McWilliams, President

CITY OF AUSTIN, TEXAS

BY: _____
Jorge Carrasco
City Manager

Approved as to form
and substance:

Terry Morgan
Assistant City Attorney

STATE OF TEXAS)
)
COUNTY OF TRAVIS)

This instrument was acknowledged before me on this 3rd day
of June, 1986, by David McWilliams, President of
Kallestad Laboratories, Incorporated, a Minnesota Corporation, on
behalf of said corporation.

Denise M. Short
Notary Public in and for
the State of Texas

My Commission Expires:

5-03-89

Denise M. Short
(Name - Typed or Printed)

STATE OF TEXAS)
)
COUNTY OF TRAVIS)

This instrument was acknowledged before me on this _____ day
of _____, 1986, by Jorge Carrasco, City Manager.

Notary Public in and for
the State of Texas

My Commission Expires:

(Name - Typed or Printed)

EXHIBIT "A"

FIELD NOTES

BEING 10.0132 acres or 436,177 square feet of land out of the J. W. Preece Survey No. 2, Abstract No. 2471 in Travis County, Texas, and being a portion of that certain 172.59 acre tract of land described in Volume 762, Page 235, Deed Records of Travis County, Texas, also being described in Volume 8808, Page 26 and Volume 8952, Page 70 of the Travis County Deed Records, and being more particularly described by metes and bounds as follows:

COMMENCING at an iron pipe found at the northeast corner of said J. W. Preece Survey No. 2, said pipe also being the northeast corner of a 1.73 acre tract of land conveyed to R. A. Ribelin as filed in Volume 3412, Page 235 of the Deed Records of Travis County, Texas;

THENCE with the north line of the J. W. Preece Survey, also being the south line of Southern Pacific Railroad Company Survey No. 1, Abstract No. 750 and the north line of said R. A. Ribelin 1.73 acre tract, N 60° 29' 00" W, a distance of 572.56 feet to an iron pipe found in a fence;

THENCE S 30° 07' 02" W, as fenced, a distance of 8.10 feet to an iron rod found for the POINT OF BEGINNING;

THENCE along the westerly line of said R. A. Ribelin 1.73 acre tract, S 30° 07' 02" W, 183.68 feet to an iron pipe found in the curving north right-of-way line of Ranch Road No. 2222 (100' R.O.W.);

THENCE with the said curving north right-of-way line of R.R. 2222 to the left, an arc distance of 264.90 feet, having a radius of 1483.07 feet, a delta angle of 10° 14' 02" and a chord bearing and distance of N 85° 02' 02" W, 264.55 feet to an iron rod found in concrete, said iron rod being the point of curvature, Texas State Highway stationing 86+33.5;

THENCE along the north right-of-way line of R.R. 2222, S 89° 50' 58" W, passing an iron rod found at 456.64 feet, a total distance of 859.89 feet to an iron rod found;

THENCE along the easterly line of adjoining 3M tract as recorded in Volume 8742, Page 179, Deed Records of Travis County, Texas, N 29° 46' 46" E, 724.20 feet to an iron rod found;

THENCE S 60° 11' 19" E, as fenced, 349.72 feet to an iron rod found;

THENCE S 60° 11' 49" E, as fenced, 636.70 feet to the POINT OF BEGINNING, containing 10.0132 acres or 436,177 square feet of land, subject to easements, conditions or restrictions of record, if any.

CUNNINGHAM-GRAVES, INC.

J. Stanley Coalter
J. Stanley Coalter, RPS #1481
April 4, 1985
Project No. 379-0001.0100



ORDINANCE NO. 20111208-100

AN ORDINANCE AMENDING ORDINANCE NO. 860619-G, REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 10010 FM 2222 ROAD FROM RESEARCH AND DEVELOPMENT-PLANNED DEVELOPMENT AREA (R&D-PDA) COMBINING DISTRICT TO RESEARCH AND DEVELOPMENT-PLANNED DEVELOPMENT AREA (R&D-PDA) COMBINING DISTRICT

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

PART 1. The planned development area is comprised of property originally known as the Kallestad Laboratories planned development area ("Kallestad") comprised of approximately 10 acres of land located at McNeill Road and FM 2222 Road in Travis County and more particularly described by metes and bounds in Ordinance No. 860619-G. Kallestad was approved June 19, 1986 under Zoning Case No. C14R-85-023. A site plan and Planned Development Area Agreement (the "Agreement") were incorporated and approved as part of Ordinance No. 860619-G (collectively known as the "Original Ordinance"). The Agreement was filed of record in Volume 9889, Page 38, in the Real Property Records of Travis County, Texas and shall be amended to reflect the changes shown in Part 3 of this ordinance.

PART 2. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from research and development-planned development area (R&D-PDA) combining district to research and development-planned development area (R&D-PDA) combining district on the property described in Zoning Case No. C14R-85-023.01, on file at the Neighborhood Planning and Zoning Department, as follows:

Lot 1, Block A, Kallestad Laboratories Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 87, Page 6, of the Plat Records of Travis County, Texas (the "Property"),

locally known as 10010 FM 2222 Road, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "A".

PART 3. The Original Ordinance is amended as to Part 1 of the Agreement, as follows:

City acknowledges and agrees that [~~Kallestad~~] the Property owner, its successors and assigns, is planning and developing a Research and Development project on the Property ("Project"). As of the date of these covenants, construction of the

OR RELIGIOUS
ASSEMBLY

Project is estimated to be phased over a number of years and is to consist of either an ~~[two-story] office or [and three-story] laboratory use~~ [area that will be combined within one building area, all] as shown on the site plan attached hereto as Exhibit "B" and incorporated herein by reference ("Site Plan").

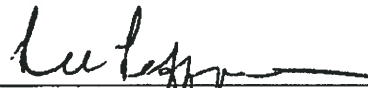
PART 4. Except as otherwise provided in this ordinance, the terms and conditions of the Original Ordinance remain in effect.

PART 5. This ordinance takes effect on December 19, 2011.

PASSED AND APPROVED

December 8, 2011

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§
§



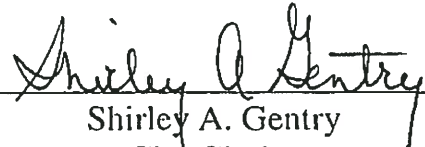
Lee Leffingwell
Mayor

APPROVED:



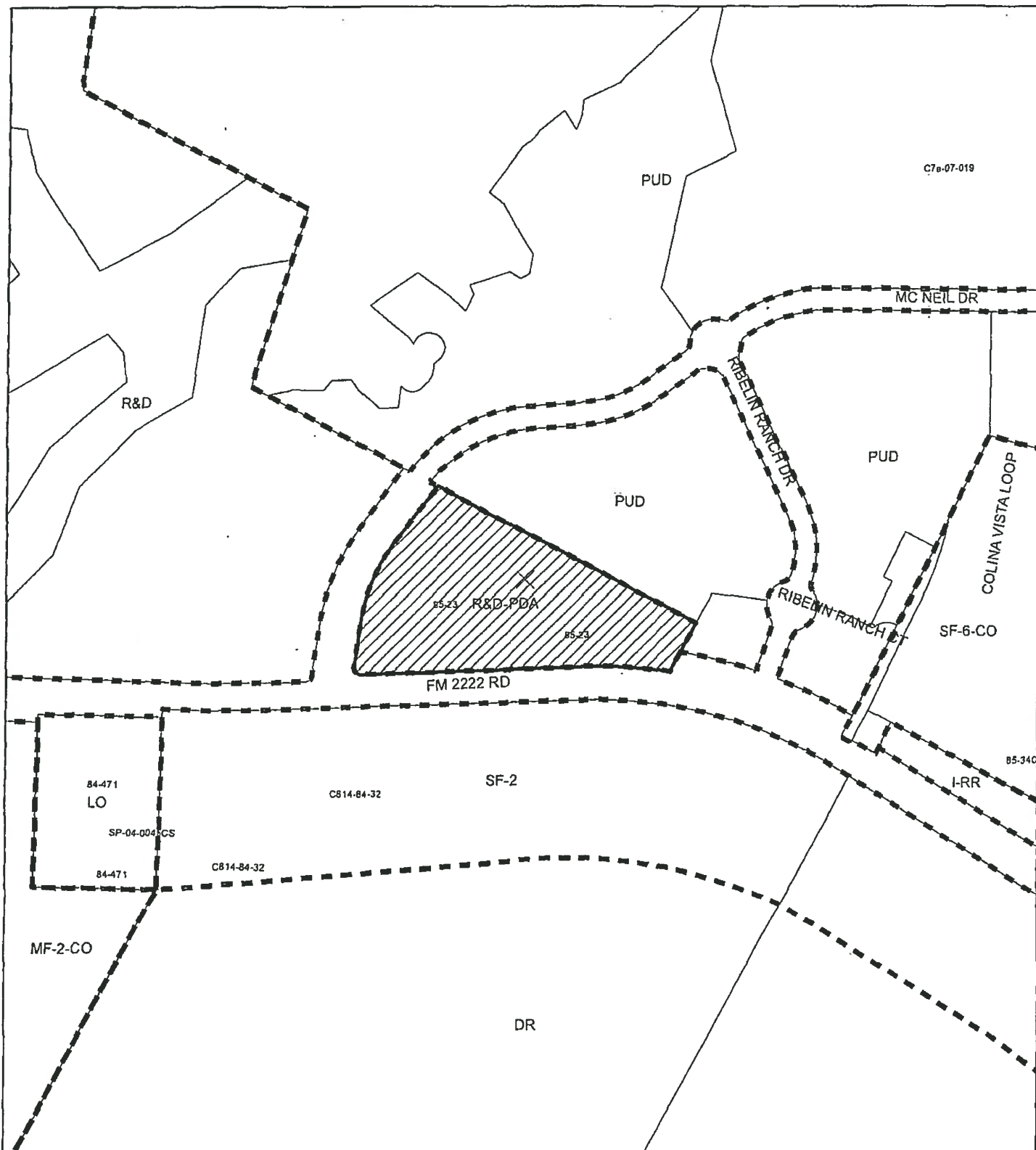
Karen M. Kennard
City Attorney

ATTEST:







Shirley A. Gentry
City Clerk

★
ADD THE MINIMUM INTERIOR SIDE
YARD SETBACK IS ZERO.

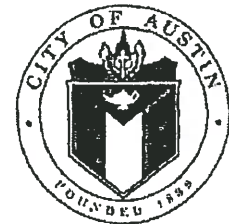


ZONING EXHIBIT A

-  N
-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

1" = 600'

ZONING CASE#: C14R-85-023.01
 LOCATION: 10010 FM 2222 RD
 SUBJECT AREA: 9.2 AC.
 GRID: D33, E33
 MANAGER: SHERRI SIRWAITIS



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.