

ORDINANCE NO. 20141211-141

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 5436 VEGA AVENUE AND 6601 ½ RIALTO BOULEVARD IN THE EAST OAK HILL NEIGHBORHOOD PLAN AREA FROM LIMITED OFFICE-NEIGHBORHOOD PLAN (LO-NP) COMBINING DISTRICT TO MULTIFAMILY RESIDENCE MODERATE HIGH DENSITY-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (MF-4-CO-NP) COMBINING DISTRICT FOR TRACT 1 AND FROM GENERAL OFFICE-NEIGHBORHOOD PLAN (GO-NP) COMBINING DISTRICT TO GENERAL OFFICE-MIXED USE-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (GO-MU-CO-NP) COMBINING DISTRICT FOR TRACT 2.

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 on the property (the "Property") described in Zoning Case No. C14-2014-0112, on file at the Planning and Development Review Department, as follows:

Tract 1:

from limited office-neighborhood plan (LO-NP) combining district to multifamily residence moderate high density-conditional overlay-neighborhood plan (MF-4-CO-NP) combining district

26.705 acre tract of land, more or less, out of the Thomas Anderson Survey No. 17 the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance,

Tract 2:

from general office-neighborhood plan (GO-NP) combining district to general office-mixed use-conditional overlay-neighborhood plan (GO-MU-CO-NP) combining district

1.097 acre tract of land, more or less, out of the Thomas Anderson Survey No. 17, Abstract 2 the tract of land being more particularly described by metes and bounds in Exhibit "B" incorporated into this ordinance,

locally known as 5436 Vega Avenue and 6601 ½ Rialto Boulevard in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "C".

PART 2. Except as specifically provided in Part 3 and Part 4 of this ordinance, the Property may be developed and used in accordance with the regulations established for the multifamily residence moderate high density (MF-4) base district, general office (GO) base district and other applicable requirements of the City Code.

PART 3. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

The following applies to Tract 1:

- A. Development of the Property may not exceed 17 units per acre.
- B. Development of the Property may not exceed 300 residential units.
- C. Development of the Property shall comply with the following regulations.
 - 1. The minimum lot width is 50 feet.
 - 2. The minimum lot size is 8,000 square feet.
 - 3. The minimum site area for each dwelling unit is:
 - 2,500 square feet, for an efficiency dwelling unit;
 - 3,000 square feet, for a one bedroom dwelling unit;
 - 3,500 square feet, for a dwelling unit with two or more bedrooms.
 - 4. The minimum setbacks are: 25 feet for front yard,
15 feet for street side yard,
5 feet for interior yard,
10 feet for rear yard.
- D. The maximum height, as defined in City Code, of a building or structure on the Property may not exceed 60 feet.

The following applies to Tracts 1 and 2:

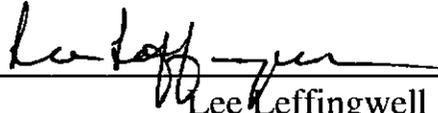
- E. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 2,000 trips per day.

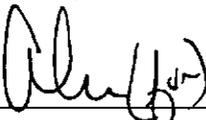
Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the multifamily residence moderate high density (MF-4) base district, general office (GO) base district, the mixed use combining district, and other applicable requirements of the City Code.

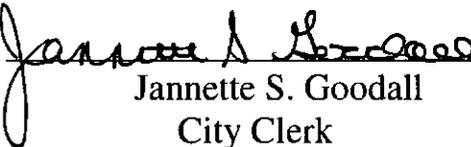
PART 4. The Property is subject to Ordinance No. 20081211-098 that established the East Oak Hill neighborhood plan combining district.

PART 5. This ordinance takes effect on December 22, 2014.

PASSED AND APPROVED

December 11, 2014 §
 §
 § 
 Lee Leffingwell
 Mayor

APPROVED: 
 Karen M. Kennard
 City Attorney

ATTEST: 
 Jannette S. Goodall
 City Clerk

Field Note No. 240-03

14. N73°05'58"E, 51.00 feet to a calculated point,
15. S82°42'42"E, 30.13 feet to a calculated point,
16. S64°50'25"E, 30.54 feet to a calculated point,
17. S47°56'52"E, 34.79 feet to a calculated point,
18. S33°14'22"E, 70.35 feet to a calculated point,
19. S50°35'39"E, 28.13 feet to a calculated point,
20. S58°44'04"E, 49.93 feet to a calculated point,
21. S46°55'42"E, 18.61 feet to a calculated point,
22. S49°20'05"E, 43.61 feet to a calculated point,
23. S13°17'08"E, 24.54 feet to a calculated point,
24. S31°07'19"W, 52.94 feet to a calculated point,
25. S14°58'32"W, 20.21 feet to a calculated point,
26. S05°30'15"E, 92.57 feet to a calculated point, and
27. S28°00'09"E, 62.29 feet to a calculated point on the west line of Vega Avenue right-of-way (R.O.W. varies) and the east line of said Tract 2;

THENCE along said west R.O.W. line and said east line S26°30'41"W, 189.93 feet to a calculated point on the proposed north R.O.W. line of Eiger Road from which a concrete monument found bears S26°30'41"W, 162.24 feet;

THENCE, departing said west R.O.W. line and said east line, crossing said Tract 2 along said proposed north R.O.W. line and the proposed west R.O.W. line of said Eiger Road the following five (5) courses:

1. N63°29'19"W, 15.71 feet to a calculated point for a non-tangent point of curvature,
2. a distance of 31.41 feet along the arc of a curve to the right whose radius is 20.00 feet, central angle is 89°59'49" and whose chord bears S71°32'47"W, 28.28 feet to a calculated point for a point of tangency,
3. N63°27'20"W, 330.89 feet to a calculated point for a point of curvature,

4. a distance of 531.19 feet along the arc of a curve to the left whose radius is 340.00 feet, central angle is $89^{\circ}30'50''$ and whose chord bears $S71^{\circ}47'15''W$, 478.79 feet to a calculated point for a point of tangency, and
5. $S27^{\circ}01'50''W$, 296.96 feet to a 5/8 inch iron rod with plastic cap marked "RPLS 4532" found for the northwest corner of Eiger Road (80 foot wide R.O.W.) dedicated by Lantana Phase 1, Section 3, a subdivision whose plat is recorded in Volume 95, Pages 174-175 of the Plat Records of said county;

THENCE, departing said proposed R.O.W. line, continuing across said Tract 2 along the west R.O.W. line of said Eiger Road $S27^{\circ}01'50''W$, 114.89 feet to a 5/8 inch iron rod with plastic cap marked "RPLS 4532" found for the northeast corner of Lot 3, Block A of said Section 3;

THENCE, departing said west R.O.W. line, continuing across said Tract 2 along the north line of said Lot 3, $N59^{\circ}23'00''W$, 670.66 feet to a 1/2 inch iron rod found for a northwest corner of said Lot 3 on the east line of Lot 4 of said Block A;

THENCE, departing said north line, continuing across said Tract 2 along the east line of said Lot 4 the following six (6) courses:

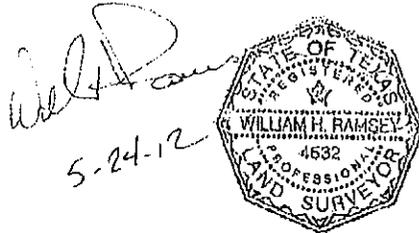
1. $N33^{\circ}50'28''E$, 26.95 feet to a 5/8 inch iron rod found,
2. $N25^{\circ}27'40''E$, 31.71 feet to a 1/2 inch iron rod found,
3. $N17^{\circ}39'55''E$, 35.52 feet to a 5/8 inch iron rod with plastic cap marked "RPLS 4532" found,
4. $N13^{\circ}23'58''E$, 30.33 feet to a 5/8 inch iron rod with plastic cap marked "RPLS 4532" found,
5. $N03^{\circ}34'53''W$, 36.74 feet to a 5/8 inch iron rod with plastic cap marked "RPLS 4532" found, and
6. $N21^{\circ}01'18''W$, 101.07 feet to a 5/8 inch iron rod with plastic cap marked "RPLS 4532" found for the most northerly corner of said Lot 4 on the east line of said Lot 9;

THENCE, departing said east line, continuing across said Tract 2 along the east line of said Lot 9 the following eight (8) courses:

1. $N57^{\circ}50'44''E$, 16.05 feet to a 5/8 inch iron rod with plastic cap marked "RPLS 4532" found,
2. $N43^{\circ}32'04''E$, 25.07 feet to a 5/8 inch iron rod with plastic cap marked "RPLS 4532" found,

Field Note No. 240-03

3. N25°12'23"E, 58.81 feet to a 5/8 inch iron rod with plastic cap marked "RPLS 4532" found,
4. N22°34'29"E, 39.29 feet to a 5/8 inch iron rod with plastic cap marked "RPLS 4532" found,
5. N33°05'25"E, 28.93 feet to a 5/8 inch iron rod with plastic cap marked "RPLS 4532" found,
6. N51°15'17"E, 61.17 feet to a 5/8 inch iron rod with plastic cap marked "RPLS 4532" found,
7. N08°48'17"E, 222.89 feet to a 5/8 inch iron rod with plastic cap marked "RPLS 4532" found, and
8. N59°24'07"E, 479.40 feet to the POINT OF BEGINNING containing 26.705 acres of land more or less.



Legal Description of Tract 2

**1.097 ACRES
TRAVIS COUNTY, TEXAS**

A DESCRIPTION OF 1.097 ACRES (APPROXIMATELY 47,771 SQ. FT.) IN THE THOMAS ANDERSON SURVEY NO. 17, ABSTRACT NO. 2 AND THE JOHN D. MCALLISTER SURVEY NO. 71, ABSTRACT NO. 561 IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF LOT 9, BLOCK A, RIALTO PARK AT LANTANA, A SUBDIVISION OF RECORD IN DOCUMENT NO. 200100096, SAID LOT 9 CONVEYED TO LANTANA 33, LP IN A SPECIAL WARRANTY DEED EXECUTED AUGUST 20, 2012 AND RECORDED IN DOCUMENT NO. 2012138846, BOTH OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 1.097 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 5/8" rebar with "RL Surveying RPLS 4532" cap found in the southeast right-of-way line of Rialto Boulevard (80' right-of-way width) as shown on said Rialto Park at Lantana, being the northeast corner of said Lot 9, being the westernmost corner of Lot 1, Block A, Lantana Lot 1, Block A, a subdivision of record in Document No. 201400144 of the Official Public Records of Travis County, Texas, from which a 5/8" rebar with "RL Surveying RPLS 4532" cap found in the southeast right-of-way line of Rialto Boulevard, being in the northwest line of said Lot 1, bears with a curve to the left, having a radius of 640.00 feet, a delta angle of 31°48'31", an arc length of 355.31 feet, and a chord which bears North 26°16'16" East, a distance of 350.76 feet;

THENCE with the northeast line said Lot 9 and the southwest line of said Lot 1, the following seven (7) courses and distances:

1. South 31°24'18" East, a distance of 264.93 feet to a 5/8" rebar with "RL Surveying RPLS 4532" cap found;
2. South 50°05'33" East, a distance of 49.06 feet to a 5/8" rebar with "RL Surveying RPLS 4532" cap found;
3. South 35°05'23" East, a distance of 42.80 feet to a 5/8" rebar with "RL Surveying RPLS 4532" cap found;
4. South 28°48'23" East, a distance of 78.79 feet to a 5/8" rebar with illegible cap found;
5. South 36°54'17" East, a distance of 31.23 feet to a 5/8" rebar with "RL Surveying RPLS 4532" cap found;

September 25, 2014

Page 4

6. South 62°21'48" East, a distance of 31.71 feet to a 5/8" rebar with illegible cap found;
7. South 62°47'59" East, a distance of 31.53 feet to a 5/8" rebar with illegible cap found for the easternmost corner of said Lot 9, being an angle point in the north line of a 26.705 acre tract described in Document No. 2012138844 of the Official Public Records of Travis County, Texas;

THENCE South 59°25'47" West with the south line of said Lot 9 and the north line of the said 26.705 acre tract, a distance of 127.73 feet to a calculated point, from which a 5/8" rebar with "RUST" cap found for an angle point in the south line of said Lot 9, being an angle point in the north line of the said 26.705 acre tract, bears South 59°25'47" West, a distance of 351.59 feet;

THENCE crossing said Lot 9, the following three (3) courses and distances:

1. North 31°23'51" West, a distance of 334.73 feet to a calculated point;
2. North 50°12'14" West, a distance of 90.30 feet to a calculated point;
3. North 41°33'39" West, a distance of 73.99 feet to a calculated point in the southeast right-of-way line of Rialto Boulevard, being in the northwest line of said Lot 9;

THENCE with the southeast right-of-way line of Rialto Boulevard and the northwest line of said Lot 9, with a curve to the left, having a radius of 640.00 feet, a delta angle of 10°53'10", an arc length of 121.60 feet, and a chord which bears North 47°37'06" East, a distance of 121.42 feet to the **POINT OF BEGINNING**, containing 1.097 acres of land, more or less.

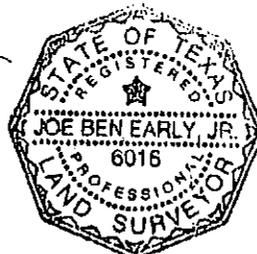
Surveyed on the ground on September 3, 2014

Bearing Basis: The Texas Coordinate System of 1983 (NAD83), Central Zone, based on GPS solutions from The National Geodetic Survey (NGS) on-line positioning user service (OPUS).

Attachments: Survey Drawing No. 972-001-AE1


Joe Ben Early, Jr.
Registered Professional Land Surveyor
State of Texas No. 6016

9/17/14
Date



September 25, 2014

Page 5

SKETCH TO ACCOMPANY A DESCRIPTION OF 1.097 ACRES (APPROXIMATELY 47,771 SQ. FT.) IN THE THOMAS ANDERSON SURVEY NO. 17, ABSTRACT NO. 2 AND THE JOHN D. MCALLISTER SURVEY NO. 71, ABSTRACT NO. 561 IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF LOT 9, BLOCK A, RIALTO PARK AT LANTANA, A SUBDIVISION OF RECORD IN DOCUMENT NO. 200100096, SAID LOT 9 CONVEYED TO LANTANA 33, LP IN A SPECIAL WARRANTY DEED EXECUTED AUGUST 20, 2012 AND RECORDED IN DOCUMENT NO. 2012138846, BOTH OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

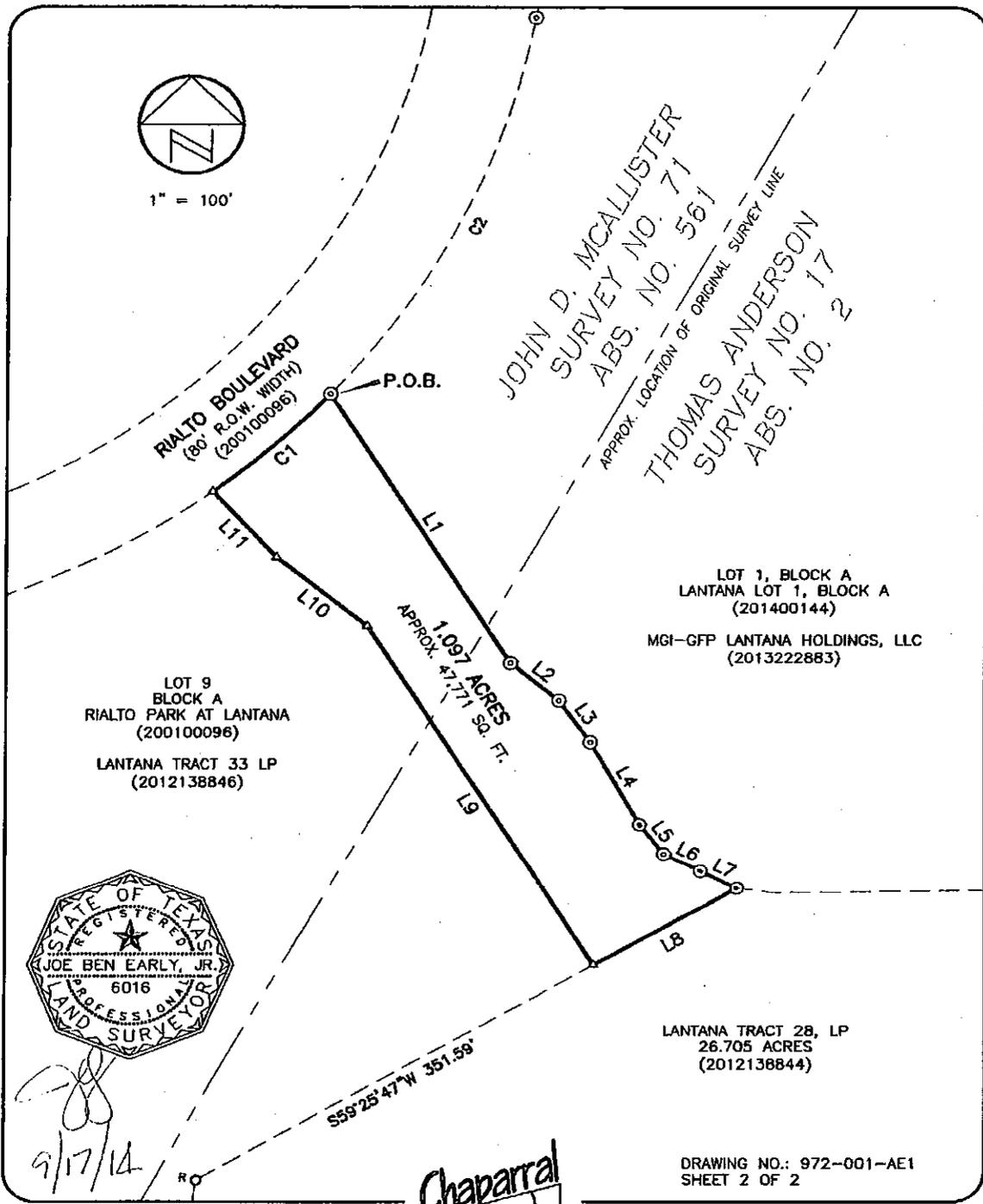
CURVE TABLE					
CURVE	RADIUS	DELTA	ARC	BEARING	CHORD
C1	640.00'	10°53'10"	121.60'	N47°37'06"E	121.42'
C2	640.00'	31°48'31"	355.31'	N26°16'16"E	350.76'

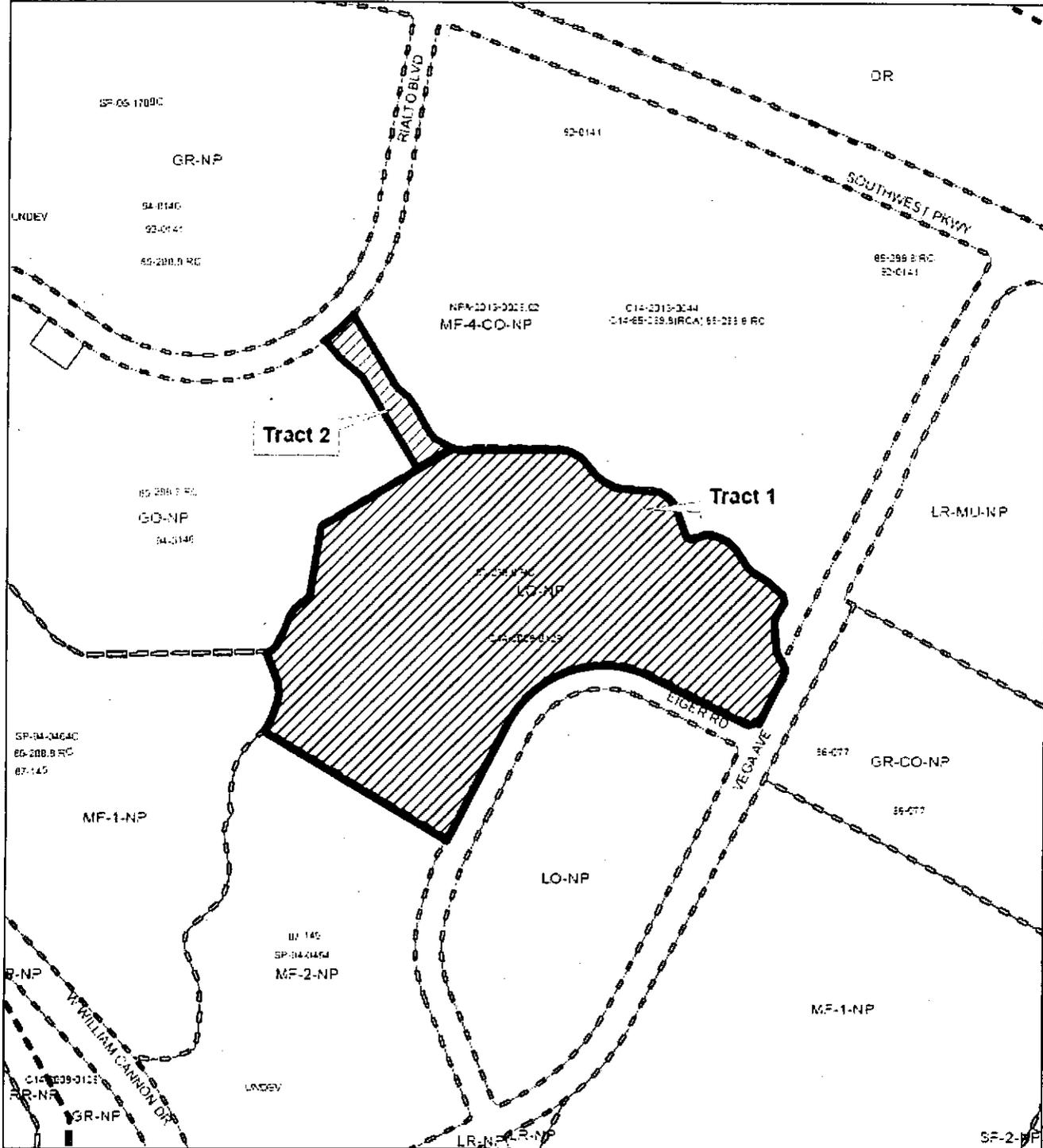
LINE TABLE		
LINE	BEARING	DISTANCE
L1	S31°24'18"E	264.93'
L2	S50°05'33"E	49.06'
L3	S35°05'23"E	42.80'
L4	S28°48'23"E	78.79'
L5	S36°54'17"E	31.23'
L6	S62°21'48"E	31.71'
L7	S62°47'59"E	31.53'
L8	S59°25'47"W	127.73'
L9	N31°23'51"W	334.73'
L10	N50°12'14"W	90.30'
L11	N41°33'39"W	73.99'

LEGEND	
⊙	5/8" REBAR WITH "RL SURVEYING RPLS 4532" CAP FOUND
⊙	5/8" REBAR WITH ILLEGIBLE CAP FOUND
⊙	5/8" REBAR WITH "RUST" CAP FOUND
△	CALCULATED POINT
()	RECORD INFORMATION

September 25, 2014

Page 6





-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

ZONING
 ZONING CASE#: C14-2014-0112



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.

Exhibit C - Zoning Map