

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 4006 AND 4100 BANISTER LANE FROM FAMILY RESIDENCE (SF-3) DISTRICT TO MULTIFAMILY RESIDENCE LOW DENSITY-CONDITIONAL OVERLAY (MF-2-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 family residence (SF-3) district to multifamily residence low density-conditional overlay (MF-2-CO) combining district on the property described in Zoning Case No. C14-2015-0039, on file at the Planning and Zoning Department, as follows:

1.873 acre tract of land, more or less, out of the Isaac Decker League, No. 20, Abstract No. 8, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance (the "Property"),

locally known as 4006 and 4100 Banister Lane 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:

- A. 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 300 trips per day.
- B. A ten-foot wide vegetative buffer shall be provided and maintained along and adjacent to the southern property line. Improvements permitted within the buffer zone are limited to drainage, underground utility improvements or those improvements that may be otherwise required by the City of Austin or specifically authorized in this ordinance.
- C. The minimum setback for habitable structures along the southern property line is 50 feet.

- 1 D. Development of the Property between the 10 foot vegetative buffer and the 50  
2 foot setback is limited to 45 percent impervious coverage.  
3  
4 E. Tandem parking spaces may only be counted as a half parking space to meet the  
5 minimum parking requirement on the Property.  
6  
7 F. The minimum parking requirement on the Property shall be 0.5 spaces per unit  
8 above the minimum code requirement.  
9  
10 G. Existing peak flow rate on the Property shall be reduced by at least 10.01  
11 percent for proposed development or redevelopment that would exceed 45  
12 percent impervious cover, as calculated on gross site area.  
13

14 Except as specifically restricted under this ordinance, the Property may be developed and  
15 used in accordance with the regulations established for the multifamily residence low  
16 density (MF-2) base district and other applicable requirements of the City Code.  
17

18 **PART 3.** This ordinance takes effect on \_\_\_\_\_, 2015.  
19  
20

21 **PASSED AND APPROVED**  
22

23 §  
24 §  
25 §

\_\_\_\_\_, 2015

26 \_\_\_\_\_  
27 Steve Adler  
28 Mayor  
29

30 **APPROVED:** \_\_\_\_\_

31 Anne L. Morgan  
32 Interim City Attorney

**ATTEST:** \_\_\_\_\_

Jannette S. Goodall  
City Clerk



**EXHIBIT "A"**

**STATE OF TEXAS  
COUNTY OF TRAVIS**

**1.873-ACRES  
FOR ZONING PURPOSES**

**LEGAL DESCRIPTION**

LEGAL DESCRIPTION OF A 1.873-ACRE (81,582 SQUARE FEET) TRACT OF LAND OUT OF THE ISAAC DECKER LEAGUE NO. 20, ABSTRACT NO. 8, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS AND CONSISTING OF A 0.911 ACRE TRACT, BEING THE NORTH ONE-HALF OF LOTS 17 AND 18, BANISTER HEIGHTS, A SUBDIVISION IN TRAVIS COUNTY, TEXAS ACCORDING TO A MAP OR PLAT THEREOF RECORDED IN BOOK 3, PAGE 256, PLAT RECORDS OF TRAVIS COUNTY, TEXAS, SAVE AND EXCEPT A 1,737 SQUARE FOOT PARCEL CONVEYED TO THE CITY OF AUSTIN FOR STREET PURPOSES OUT OF AND A PART OF THE NORTH ONE-HALF OF LOT 17, BANISTER HEIGHTS, AS RECORDED IN VOLUMES 7681, PAGE 920 AND VOLUME 7392, PAGE 480, BOTH OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.911-ACRE TRACT HAVING BEEN CONVEYED TO WILLIAM E. KIRK AND BELINDA L. BOSTICK BY GENERAL WARRANTY DEED WITH VENDOR'S LIEN RECORDED IN DOCUMENT 2006247969 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 1.873-ACRE TRACT OF LAND ALSO CONSISTING OF THAT ONE (1)-ACRE TRACT AS CONVEYED TO EDWARD J. WILSON BY WARRANTY DEED RECORDED IN VOLUME 633, PAGE 108 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS AND TO CAROL JEAN WILSON (1/2 INTEREST) BY SPECIAL WARRANTY DEED RECORDED IN DOCUMENT NO. 2002113741 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, LESS AND EXCEPT A 1,825 SQUARE FOOT PARCEL OUT OF AND A PART OF THAT CERTAIN ONE (1) ACRE TRACT, AS CONVEYED TO THE CITY OF AUSTIN FOR STREET PURPOSES AS RECORDED IN VOLUME 7402, PAGE 480 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS; SAID 1.873-ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a 1/2 inch iron rod found on the northwest right-of-way line of Banister Lane at the most westerly corner of the above referenced City of Austin 1,737 square foot parcel, said 1/2 inch rod found also being on the northeast line of Lot 4, Resubdivision of a Portion of Lots 17 and 18, Banister Heights as recorded in Book 6, Page 44 of the Plat Records of Travis County, Texas, said 1/2 inch iron rod found also being the most southerly corner of said Kirk and Bostick



0.911-acre tract for the most southerly corner and **POINT OF BEGINNING** of the herein described tract of land;

**THENCE**, with the southwest line of said Kirk and Bostick 0.911-acre tract, also being the northeast subdivision line of said Resubdivision of a Portion of Lots 17 and 18, Banister Heights, N59°17'W (Bearing Basis) pass at 73.38 feet a ½ inch iron rod found at the common northerly corner of Lot 3 of said Resubdivision of a Portion of Lots 17 and 18, Banister Heights and said Lot 4, pass at 128.60 feet a ½ inch iron rod found at the common northerly corner of Lot 2, Resubdivision of a Portion of Lots 17 and 18, Banister Heights and said Lot 3, pass at 184.72 a 1/2" iron rod found at the common northerly corner of Lot 1, Resubdivision of a Portion of Lots 17 and 18, Banister Heights and said Lot 2, for a total distance of 241.09 feet to a mag nail found at the most northerly corner of said Lot 1, Resubdivision of a Portion of Lots 17 and 18, Banister Heights, said mag nail found also being the most southerly corner of Lot 5, Oak Run 1-A, a Planned Unit Development, as recorded in Book 84, Page 109D of the Plat Records of Travis County, Texas; said mag nail found also being on the southeast line of Lot 19, Banister Heights, a subdivision as recorded in Book 3, Page 256 of the Plat Records of Travis County, Texas, for the most westerly corner of said Kirk and Bostick 0.911-acre tract and the most westerly corner of this tract;

**THENCE**, with a southeast line of said Lot 5, Oak Run 1-A, a Planned Unit Development, N29°49'22"E, pass at 163.87 feet a cotton spindle found at the most northerly corner of said Kirk and Bostick 0.911-acre tract and the most westerly corner of said Wilson one (1)-acre tract, and continuing on for a total distance of 335.81 feet to a ½" iron rod found at the most northerly corner of said Wilson one (1)-acre tract, also being an inside corner of said Lot 5, Oak Run 1-A, a Planned Unit Development, for the most northerly corner of this tract;

**THENCE**, with the northeast line of said Wilson one (1)-acre tract, also being a southwest line of said Lot 5, Oak Run 1-A, a Planned Unit Development, S59°33'06"E a distance of 243.90 feet to a 5/8" iron bolt found on said northwest right-of-way line of Banister Lane, at the most northerly corner of said City of Austin 1,825 square foot tract, for the most easterly corner of this tract;

**THENCE**, with said northwest right-of-way line of Banister Lane, the following two (2) courses:

- 1) S30°15'51"W a distance of 172.27 feet to a 1" square bolt found at the most westerly corner of said City of Austin 1,825 square foot tract, said 1" square bolt found also being the most northerly corner of said City of Austin 1,737 square foot tract, for an angle point of this tract; and
- 2) S30°20'35"W a distance of 164.65 feet to the **POINT OF BEGINNING**, and containing 1.873 acres (81,582 square feet) of land, more or less.





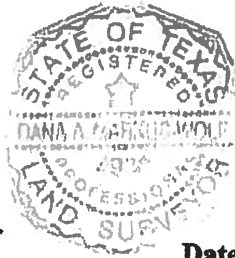
**BEARING BASIS NOTE**

The bearings described herein are based on the monumented northeast line of Lots 1-4, of said Resubdivision of a Portion of Lots 17 and 18, Banister Heights, denoted as N59°17'W.

**CERTIFICATION**

I do hereby state that this description is true and correct to the best of my knowledge and belief, and was prepared from an actual on the ground survey of found property corners, under my supervision, and that the markers described herein actually exist, as described, at the time of my survey.

As Prepared By:  
Landmark Surveying, LP  
Firm Registration No. 100727-00



  
\_\_\_\_\_  
Dana A. Markus-Wolf

Registered Professional Land Surveyor No. 4996  
President of the General Partner  
2205 East 5<sup>th</sup> Street  
Austin, Texas 78702  
Phone: 512-328-7411, ext. 111, Fax: 512-328-7413  
e-mail: [dana@landmarksurveying.com](mailto:dana@landmarksurveying.com)

Date: March 16, 2015

