ORDINANCE NO.	

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 7200 EAST BEN WHITE BOULEVARD FROM LIMITED INDUSTRIAL **SERVICES-NEIGHBORHOOD PLAN** (LI-NP) COMBINING DISTRICT TO COMMUNITY COMMERCIAL-MIXED USE-CONDITIONAL **OVERLAY-NEIGHBORHOOD PLAN** (GR-MU-CO-NP) COMBINING DISTRICT FOR TRACT AND **FROM** 1 COMMUNITY **COMMERICAL-MIXED USE-NEIGHBORHOOD PLAN** (GR-MU-NP) COMBINING DISTRICT TO TOWNHOUSE & CONDOMINIUM RESIDENCE-**OVERLAY-NEIGHBORHOOD** CONDTIONAL **PLAN** (SF-6-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 from limited industrial services-neighborhood plan (LI-NP) combining district to community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district for Tract 1 and from community commercial-mixed use-neighborhood plan (GR-MU-NP) combining district to townhouse & condominium residence-conditional overlay-neighborhood plan (SF-6-CO-NP) combining district for Tract 2 on the property described in Zoning Case No. C14-2015-0073, on file at the Planning and Zoning Department, as follows:

# Tract 1:

A tract of land containing 4.0266 acres (175,397 square feet) of land out of the Santiago Del Valle grant, Abstract No. 24, in Travis County, Texas, being a portion of a called 13.09 acre tract conveyed to the KWH Properties, and recorded in Volume 8663, Page 418 of the Real Property Records of Travis County, Texas (R.P.R.T.C.T.), said 4.0266 acres being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance,

## Tract 2:

A tract of land containing 8.0165 acres (349,199 square feet) of land out of the Santiago Del Valle grant, Abstract No. 24, in Travis County, Texas, being a portion of a called 13.09 acre tract conveyed to KWH Properties, and recorded in Volume 8663, Page 418 of the Real Property Records of Travis County, Texas (R.P.R.T.C.T.), said 8.0165 acres being more particularly described by metes and bounds in Exhibit "B" incorporated into this ordinance (cumulatively referred to as the "Property"),

locally known as 7200 East Ben White Boulevard in the City of Austin, Travis County, Texas, generally identified in the map attached as Exhibit "C".

**PART 2.** The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

- A. If a residential use is developed within the Property, a 50-foot wide building setback shall be established parallel to and measured from the west property line for Tract 1 and the southwest property line for Tract 2 as shown in the map attached as Exhibit "C".
- B. Right-of-way dedication for the extension of Carson Ridge along the western boundary of the subject tract will be required at the time of site plan submittal.
- C. In addition to the requirements in City Code Section 25-6-113 (*Traffic Impact Analysis Required*) and other applicable laws that trigger a Traffic Impact Analysis (TIA), a TIA is required at the time of site plan if development of the Property has access to any adjacent properties.

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the community commercial (GR) district and the townhouse & condominium residence (SF-6) district and other applicable requirements of the City Code.

PART 3. This ordinance takes effect on		90	, 2015.
PASSED AND	APPROVED		
	, 2015	& & &	
	,, <u>, , , , , , , , , , , , , , , , , ,</u>	0	Steve Adler Mayor
APPROVED: _	Anne L. Morgan Interim City Attorney	_ATTEST:	Jannette S. Goodall City Clerk

Draft 11/17/2015

# 4WARD Land Surveying

PO Box 90876 Austin, TX 78709 512.554.3371 jward@4wardls.com

### Exhibit "A" - Legal Description

BEING A DESCRIPTION OF A TRACT OF LAND CONTAINING 4.0266 ACRES (175,397 SQUARE FEET) OF LAND OUT OF THE SANTIAGO DEL VALLE GRANT, ABSTRACT NO. 24, IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF A CALLED 13.09 ACRE TRACT CONVEYED TO KWH PROPERTIES, AND RECORDED IN VOLUME 8663, PAGE 418 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS (R.P.R.T.C.T.), SAID 4.0266 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS (ALL BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, GRID NORTH, CENTRAL ZONE (4203) ALL DISTANCES WERE ADJUSTED TO SURFACE USING A COMBINED SCALE FACTOR OF 1.000052849270):

BEGINNING, at a 1/2-inch iron rod with "Terra Firma" cap found in the north right-of-way line of State Highway 71 (a.k.a. East Ben White Boulevard, right-of-way varies), and being in the east line of Lot 1 of Don Stewart Texaco Addition, a subdivision recorded in Volume 83, Page 144D of the Plat Records of Travis County, Texas (P.R.T.C.T.), and being in the west line of said KWH tract, for the southwest corner and POINT OF BEGINNING hereof, from which a 1/2-inch rod with TxDOT Type III 5/8-inch aluminum cap found in the north right-of-way line of said SH 71, and being the southwest corner of Lot 1, Block "A" of Travis 51 Addition No. 2, a subdivision recorded in Document #200100312 of the Official Public Records of Travis County, Texas (O.P.R.T.C.T.), and being the southeast corner of Lot 1 of AHC Addition, a subdivision recorded in Volume 84, Page 48B (P.R.T.C.T.) bears, S68°19'50"W, passing at a distance of 299.53 feet, a 1/2-inch iron rod with "CSLTD" cap found at the common south corner of a point in the west line of Lot 1 of said Don Stewart Texaco and Lot 2 of said Travis 51 Addition No. 2, and continuing for a total distance of 830.06 feet;

THENCE, leaving the north right-of-way line of said SH 71, with the common line of Lot 1 of said Don Stewart Texaco and said KWH tract, N11°48′05″W, a distance of 733.68 feet to a cotton spindle found for the northwest corner hereof, said point being an angle point in the common line of Lot 1 of said Don Stewart Texaco and said KWH tract, from which a 1/2-inch iron rod with illegible cap found at the northeast terminus of Carson Ridge (right-of-way varies), and being the south corner of Lot 1, Block A of Bergara Addition, a subdivision recorded in Document #200200175 (O.P.R.T.C.T.), and being at an exterior ell-corner of Lot 1 of said Don Stewart Texaco, and being the northwest corner of said KWH tract bears, N60°52'17″W, a distance of 204.02 feet;

**THENCE**, leaving the common line of Lot 1 of said Don Stewart Texaco and said KWH tract, over and across said KWH tract, the following two (2) courses and distances:

- 1) S55°52'58"E, a distance of 517.06 feet to a calculated point for an angle point hereof, and
- 2) S61°39'17"E, a distance of 160.26 feet to a calculated point for an exterior ell-corner hereof, said point being in the in the northwest line of a called 1.840 acre tract conveyed to Seventy One Investments, LP, and recorded in Document #2010113713 (O.P.R.T.C.T.), and being in the southeast line of said KWH tract, from which a 1/2-inch iron rod with "RPLS 4772" cap found at an angle point in the northwest line of a called 4.002 acre tract (described by metes and bounds in Document #2006199765) conveyed to Seventy One Investments, LP, and recorded in Document #2010113714 (O.P.R.T.C.T.), and being the northeast corner of said 1.840 acre Seventy One tract, and being an angle point in the southeast line of said KWH tract bears, N72°09'47"E, a distance of 378.68 feet;

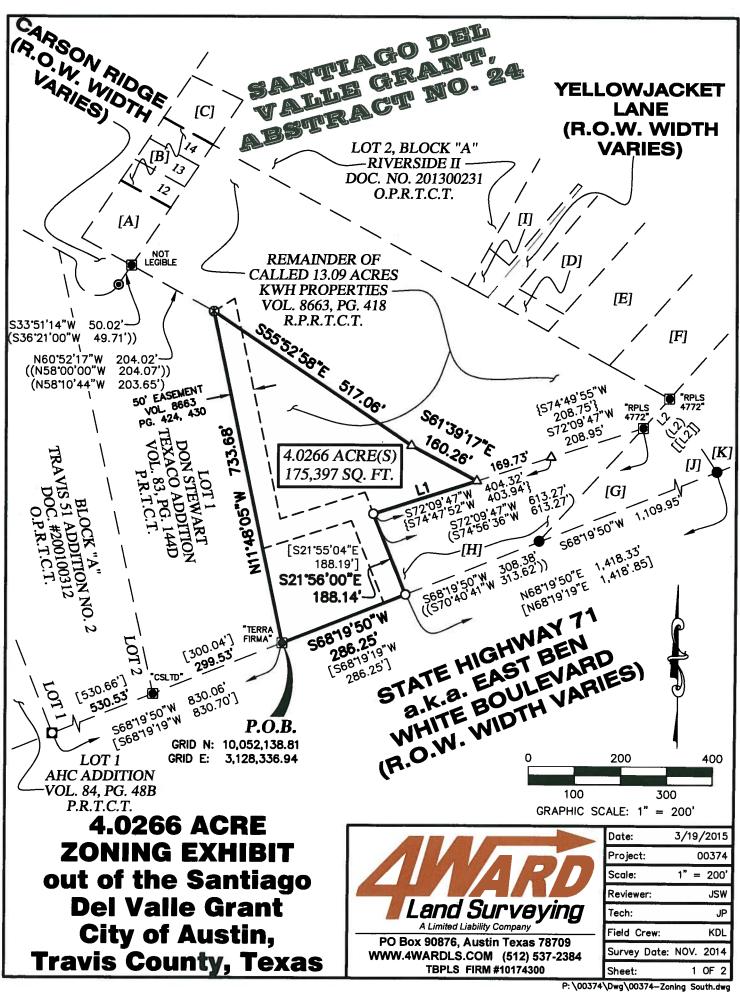
**THENCE**, with the common line of said 1.840 acre Seventy One tract and said KWH tract, the following two (2) courses and distances:

- 1) S72°09'47"W, a distance of 234.58 feet to a 1/2-inch iron rod with "Ward-5811" cap set for an interior ell-corner hereof, and
- 2) S21°56'00"E, a distance of 188.14 feet to a 1/2-inch iron rod with "Ward-5811" cap set for the southeast corner hereof, said point being in the north right-of-way line of said SH 71, and being at the southwest corner of said 1.840 acre Seventy One tract, and being in the east line of said KWH tract, from which a 1/2-inch iron rod found in the north right-of-way line of said SH 71, and being the southwest corner of a called 5.71 acre tract conveyed to K L Comfort Park Ltd., and recorded in Document #2009194875 (O.P.R.T.C.T.), and being the southeast corner of a called 2.194 acre tract conveyed to Lock Away Ben White LLC, and recorded in Document #2012180961 (O.P.R.T.C.T.) bears, N68°19'50"E, a distance of 1,418.33 feet;

**THENCE**, over and across said KWH tract, with the north right-of-way line of said SH 71, **S68°19'50"W**, a distance of **286.25** feet to the **POINT OF BEGINNING** and containing 4.0266 Acres (175,397 Sq. Ft.), more or less.

3/19/15

Jason Ward, RPLS #5811 4Ward Land Surveying, LLC



LEGEND		
	PROPERTY LINE	
	EXISTING PROPERTY LINES	
	EXISTING EASEMENTS	
0	1/2" IRON ROD WITH "WARD5811" CAP SET	
•	1/2" IRON ROD FOUND (UNLESS NOTED)	
•	1/2" IRON PIPE FOUND (UNLESS NOTED)	
	IRON ROD WITH "SURVEYOR" CAP FOUND	
Δ	CALCULATED POINT	
<b>⊗</b>	COTTON SPINDLE FOUND	
۵	TXDOT TYPE III 5/8" ALUMINUM CAP FOUND	
DOC. #	DOCUMENT NUMBER	
P.O.B.	POINT OF BEGINNING	
VOL./PG.	VOLUME, PAGE	
R.O.W.	RIGHT-OF-WAY	
P.R.T.C.T.	PLAT RECORDS, TRAMS COUNTY, TEXAS	
R.P.R.T.C.T.	REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS	
O.P.R.T.C.T.	OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS	
()	RECORD INFORMATION PER VOL. 8663 PG. 418	
(())	RECORD INFORMATION PER PLAT VOL. 83 PG. 144D	
[]	RECORD INFORMATION PER TXDOT ROW MAPS	
[[]]	RECORD INFORMATION PER DOC. #2010113714	
<b>{</b> }	RECORD INFORMATION PER	

DOC. #2010113713

	LINE TABLE		
LINE #	DIRECTION	LENGTH	
L1	S72'09'47"W	234.58'	
L2	S41*45'29*W	85.67'	
(L2)	(S44°32'08"W)	(85.68')	
[[L2]]	[[S44°21'38"W]]	[[85.65']]	

[A] LOT 1, BLOCK A BERGARA ADDITION DOC. #200200175 O.P.R.T.C.T.

**(B) A H NEIGHBORS** ADDITION SECTION THREE VOL. 66, PG. 70 P.R.T.C.T.

[C] CALLED 0.3138 ACRE JUAN C. REYES VOL. 13204, PG. 1211 R.P.R.T.C.T.

[D] PORTION OF A CALLED 1.46 ACRES ASSOCIATES FINANCIAL SERVICES COMPANY INC. DOC. #2001139956 O.P.R.T.C.T.

[E] CALLED 1.05 ACRES HERBY'S JOINT VENTURE VOL. 12353, PG. 744 R.P.R.T.C.T.

[F] CANTERA VISTA CONDOMINIUMS (DESCRIBED IN DOC. #2003104621) DOC. #2004142639 O.P.R.T.C.T.

[G] CALLED 4.002 ACRES DESCRIBED IN DOC. #2006199765) SEVENTY ONE INVESTMENTS, LP DOC. #2010113714 O.P.R.T.C.T.

[H] CALLED 1.840 ACRES SEVENTY ONE INVESTMENTS, LP DOC. #2010113713 O.P.R.T.C.T.

III CALLED 7308 S.F. CITY OF AUSTIN STREET DEED VOL. 6922, PG. 2258 P.R.T.C.T.

[J] CALLED 2.194 ACRES LOCK AWAY BEN WHITE DOC. #2012180960 O.P.R.T.C.T.

[K] CALLED 5.71 ACRES K L COMFORT PARK LTD DOC. #2009194875 O.P.R.T.C.T.





4.0266 ACRE ZONING EXHIBIT out of the Santiago **Del Valle Grant** City of Austin, Travis County, Texas



**BEARING BASIS:** ALL BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, GRID NORTH, CENTRAL ZONE (4203), NAD83, ALL DISTANCES WERE ADJUSTED TO SURFACE USING A COMBINED SCALE FACTOR OF 1.000052849270.



PO Box 90876, Austin Texas 78709 WWW.4WARDLS.COM (512) 537-2384 **TBPLS FIRM #10174300** 

Date:	3/19/2015
Project:	00374
Scale:	1" = 200'
Reviewer:	JSW
Tech:	JP
Field Crew:	KDL
Survey Date:	NOV. 2014
Sheet:	2 OF 2

### Exhibit "A" - Legal Description

BEING A DESCRIPTION OF A TRACT OF LAND CONTAINING 8.0165 ACRES (349,199 SQUARE FEET) OF LAND OUT OF THE SANTIAGO DEL VALLE GRANT, ABSTRACT NO. 24, IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF A CALLED 13.09 ACRE TRACT CONVEYED TO KWH PROPERTIES, AND RECORDED IN VOLUME 8663, PAGE 418 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS (R.P.R.T.C.T.), SAID 8.0165 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:



PO Box 90876 Austin, TX 78709 512.554.3371 jward@4wardls.com www.4wardls.com

**BEGINNING**, at a 1/2-inch iron rod found for the southwest corner of Lot 2, Block A of Riverside II Subdivision, recorded in Document #201300231 of the Official Public Records of Travis County, Texas (O.P.R.T.C.T.), and being the south corner of a called 0.3138 acre tract conveyed to Juan C. Reyes, and recorded in Volume 13204, Page 1211 (R.P.R.T.C.T.), and being the east corner of Lot 14 of A H Neighbors Addition Section Three, a subdivision recorded in Volume 66, Page 70 (P.R.T.C.T), and being the north corner of said KWH tract, for the northwest corner and **POINT OF BEGINNING** hereof,

**THENCE**, with the southwest line of Lot 2 of said Riverside II and the northeast line of said KWH tract, **S61°07'01"E**, a distance of **629.75** feet to a 1/2-inch iron rod found for an angle point hereof, said point being the south corner of Lot 2 of said Riverside II, and being the southwest terminus of Yellowjacket Lane (right-of-way varies), conveyed in part as a called 7308 square foot tract to the City of Austin, recorded in Volume 6922, Page 2258 (D.R.T.C.T.), and being an angle point in the northeast line of said KWH tract;

THENCE, with the northeast line of said KWH tract, in part with the southern terminus of said Yellowjacket Lane, in part with the southwest line of a portion of a called 1.46 acre tract conveyed to Associates Financial Services Company, Inc., recorded in Document #2001139956 (O.P.R.T.C.T.), and in part with the southwest line of a called 1.05 acre tract conveyed to Herby's Joint Venture, recorded in Volume 12353, Page 744 (R.P.R.T.C.T.), S61°01'40"E, passing at a distance of 49.60 feet, a 1/2-inch iron pipe found at the southeast corner of said COA right-of-way tract, and continuing for a total distance of 351.96 feet to a 1/2-inch iron rod with "Ward-5811" cap set for an angle point hereof, said point being the southwest corner of Cantera Vista Condominiums (described by metes and bounds in Document #2003104621) declared in Document #2004142639 (O.P.R.T.C.T.), and being the southeast corner of said Herby's tract, and being an angle point in the northeast line of said KWH tract;

THENCE, with the southwest line of said Cantera Vista Condominiums tract and the northeast line of said KWH tract, S61°15'40"E, a distance of 148.95 feet to a 1/2-inch iron rod with "RPLS 4772" cap found for the northeast corner hereof, said point being an angle point in the northwest line of a called 4.002 acre tract (described by metes and bounds in Document #2006199765) conveyed to Seventy One Investments, LP, and recorded in Document #2010113714 (O.P.R.T.C.T.), and being the southeast corner of said Cantera Vista Condominiums tract, and being the northeast corner of said KWH tract;

**THENCE**, with the northwest line of said Seventy One tract and the southeast line of said KWH tract, **S41°45'28"W**, a distance of **85.66** feet to a 1/2-inch iron rod with "RPLS 4772" cap found for an exterior ell-corner hereof, said point being the northeast corner of a called 1.840 acre tract conveyed to Seventy One Investments, LP, and recorded in Document #2010113713 (O.P.R.T.C.T.), and being an angle point in the northwest line of said 4.002 acre Seventy One tract, and being an exterior ell-corner of said KWH tract;

**THENCE**, with the common line of said 1.840 acre Seventy One tract and said KWH tract, S72°09'47"W, a distance of 378.69 feet to a calculated point for the southeast corner hereof;

**THENCE**, leaving the common line of said 1.840 acre Seventy One tract and said KWH tract, over and across said KWH tract, the following two (2) courses and distances:

- 1) N61°39'17"W, a distance of 160.26 feet to a calculated point for an angle point hereof, and
- 2) N55°52'58"W, a distance of 517.06 feet to a cotton spindle found for an angle point hereof, said point being at an angle point in the east line of Lot 1 of Don Stewart Texaco Addition, a subdivision recorded in Volume 83, Page 144D (P.R.T.C.T.), and being an angle point in the west line of said KWH tract;

THENCE, with the east line of Lot 1 of said Don Stewart Texaco Addition and the west line of said KWH tract, N60°52'17"W, a distance of 204.02 feet to a 1/2-inch iron rod with illegible cap found for the northwest corner hereof, said point being the northeast terminus of Carson Ridge (right-of-way varies), and being the south corner of Lot 1, Block A of Bergara Addition, a subdivision recorded in Document #200200175 (O.P.R.T.C.T.), and being a corner in the north line of Lot 1 of said Don Stewart Texaco Addition, and being the northwest corner of said KWH tract;

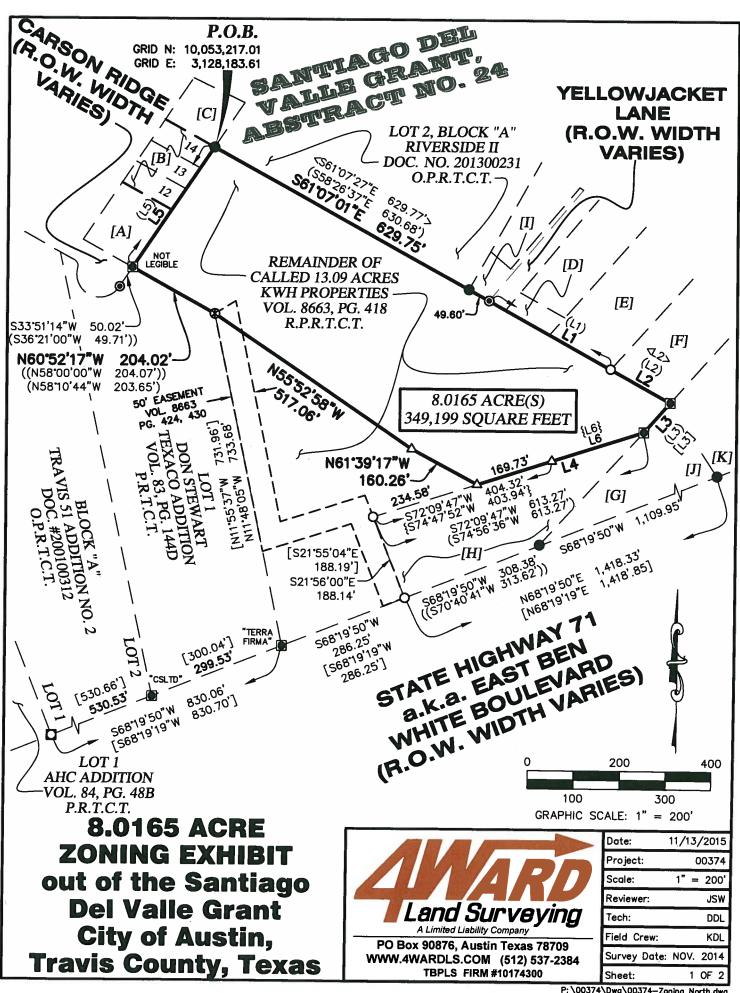
**THENCE**, in part with the southeast line of Lot 1 of said Bergara Addition, in part with the southeast line of Lots 12-14 of said A H Neighbors Addition Section Three, and with the northwest line of said KWH tract, N33°51'14"E, a distance of 314.01 feet to the POINT OF BEGINNING and containing 8.0165 Acres (349,199 Sq. Ft.), more or less.

#### Notes:

All bearings are based on the Texas State Plane Coordinate System, Grid North, Central Zone (4203); all distances were adjusted to surface using a combined scale factor of 1.000052849270. See attached sketch (reference drawing: 00374 zoning north.dwg.)

11/13/15

Jason Ward, RPLS #5811 4Ward Land Surveying, LLC



LEGEND	
	PROPERTY LINE
l	EXISTING PROPERTY LINES
	EXISTING EASEMENTS
0	1/2" IRON ROD WITH "WARD-5811" CAP SET
•	1/2" IRON ROD FOUND (UNLESS NOTED)
. •	1/2" IRON PIPE FOUND (UNLESS NOTED)
	IRON ROD WITH "RPLS 4772" CAP FOUND
Δ	CALCULATED POINT
⊗	COTTON SPINDLE FOUND
	TXDOT TYPE III 5/8" ALUMINUM CAP FOUND
DOC. #	DOCUMENT NUMBER
P.O.B.	POINT OF BEGINNING
VOL./PG.	VOLUME, PAGE
R.O.W.	RIGHT-OF-WAY
P.R.T.C.T.	PLAT RECORDS, TRAVIS COUNTY, TEXAS
R.P.R.T.C.T.	REAL PROPERTY RECORDS, TRAMS COUNTY, TEXAS
O.P.R.T.C.T.	OFFICIAL PUBLIC RECORDS, TRAMS COUNTY, TEXAS
()	RECORD INFORMATION PER VOL. 8663 PG. 418
<>	RECORD INFORMATION PER DOC. #201300231
[]	RECORD INFORMATION PER DOC. #2010113714
<b>{</b> }	RECORD INFORMATION PER DOC. #2010113713

	LINE TABLE	
LINE #	DIRECTION	LENGTH
L1	S61°01'40"E	351.96'
(L1)	(S58°19'51"E)	(353.20')
L2	\$61"15'40"E	148.95'
(L2)	(\$58'33'51"E)	(149.47')
<l2></l2>	<\$58'33'51"E>	<149.66'>
L3	S41°45'28"W	85.66'
(L3)	(S44°32'08"W)	(85.68')
[L3]	<s44°21'38"w></s44°21'38"w>	<85.65'>
L4	S72'09'47"W	378.69'
L5	N33'51'14"E	314.01'
(L5)	(N36°26'46"E)	(313.39')
L6	\$72*09'47"W	208.95'
{L6}	{\$74*49'55"W}	{208.75'}

[A] LOT 1, BLOCK A BERGARA ADDITION DOC. #200200175 O.P.R.T.C.T.

[B] A H NEIGHBORS ADDITION SECTION THREE VOL. 66, PG. 70 P.R.T.C.T.

[C] CALLED 0.3138 ACRE JUAN C. REYES VOL. 13204, PG. 1211 R.P.R.T.C.T.

[D] PORTION OF A CALLED 1.46 ACRES ASSOCIATES FINANCIAL SERVICES COMPANY INC. DOC. #2001139956 O.P.R.T.C.T.

[E] CALLED 1.05 ACRES HERBY'S JOINT VENTURE VOL. 12353, PG. 744 R.P.R.T.C.T. [F] CANTERA VISTA CONDOMINIUMS (DESCRIBED IN DOC. #2003104621) DOC. #2004142639 O.P.R.T.C.T.

[G] CALLED 4.002 ACRES (DESCRIBED IN DOC. #2006199765) SEVENTY ONE INVESTMENTS, LP DOC. #2010113714 O.P.R.T.C.T.

[H] CALLED 1.840 ACRES SEVENTY ONE INVESTMENTS, LP DOC. #2010113713 O.P.R.T.C.T.

> [I] CALLED 7308 S.F. CITY OF AUSTIN STREET DEED VOL. 6922, PG. 2258 P.R.T.C.T.

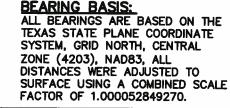
[J] CALLED 2.194 ACRES LOCK AWAY BEN WHITE LLC DOC. #2012180960 O.P.R.T.C.T.

[K] CALLED 5.71 ACRES K L COMFORT PARK LTD DOC. #2009194875 O.P.R.T.C.T.





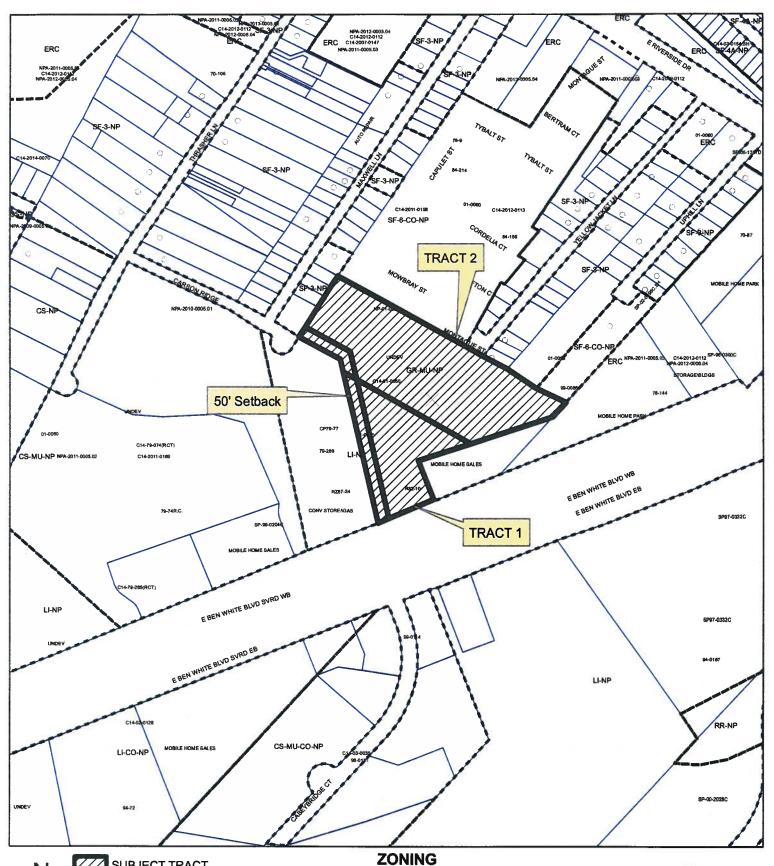
8.0165 ACRE
ZONING EXHIBIT
out of the Santiago
Del Valle Grant
City of Austin,
Travis County, Texas





PO Box 90876, Austin Texas 78709 WWW.4WARDLS.COM (512) 537-2384 TBPLS FIRM #10174300

)526 <del>4</del> 9270.	
Date:	11/13/2015
Project:	00374
Scale:	1" = 200'
Reviewer:	JSW
Tech:	JP
Field Crew:	KDL
Survey Date:	NOV. 2014
Sheet:	2 OF 2







ZONING CASE#: C14-2015-0073

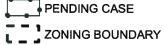


Exhibit C

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.

