

ORDINANCE NO. 20161208-044

AN ORDINANCE AMENDING ORDINANCE NO. 030731-Z-3 TO REZONE AND CHANGE THE ZONING MAP FROM MAJOR INDUSTRIAL PLANNED DEVELOPMENT AREA (MI-PDA) COMBINING DISTRICT TO MAJOR INDUSTRIAL PLANNED DEVELOPMENT AREA (MI-PDA) COMBINING DISTRICT FOR PROPERTY GENERALLY KNOWN AS THE DOMAIN-ENDEAVOR PROJECT LOCATED AT 3121 PALM WAY.

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

PART 1. The planned development area (“Domain Project”) is comprised of property originally known as the Domain planned development area (“Domain PDA”). On July 31, 2003, the Domain PDA was approved under Ordinance No. 030731-Z-3. Each designated planned development area over time has been modified under amendments to the original ordinance. These ordinances are: Ordinance No. 041216-Z-5a, Ordinance No. 20061005-044, Ordinance No. 20070412-024, Ordinance No. 20071101-056, Ordinance No. 20081106-083, Ordinance No. 20101014-047, Ordinance No. 20101014-048, Ordinance No. 20120628-127, Ordinance No. 20131212-120, Ordinance No. 20140626-129 and Ordinance No. 20150611-033. This ordinance affects approximately 43.267 acres out of the Domain Project as described in Part 2 below and known as the Domain-Endeavor Project.

PART 2. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from major industrial planned development area (MI-PDA) combining district to major industrial planned development area (MI-PDA) combining district on the property described in Zoning Case No. C14-2016-0114, on file at the Planning and Zoning Department, as follows:

A 43.267 acre tract of land, more or less, out of the James Rogers Survey, Abstract No. 659 the tract of land being more particularly described by metes and bounds in Exhibit “A” incorporated into this ordinance (the “Property”),

for a project located at 3121 Palm Way, in the City of Austin, Travis County, Texas and generally identified in the map attached as Exhibit “B”.

PART 3. Development of the Property is subject to the limitation and condition set forth below.

Two cocktail lounge uses on the Property are permitted in conjunction with a general retail sales (general) use with a maximum size of 61,204 square feet. The cocktail lounge use will not count against the cocktail lounge use limit established in Ordinance No. 20131212-120.

PART 4. The provisions in Ordinance No. 030731-Z-3, as amended, apply to the Property except as otherwise provided in this ordinance.

PART 5. This ordinance takes effect on December 19, 2016.

PASSED AND APPROVED

December 8, 2016 §
 §
 §

Steve Adler
Mayor

APPROVED: _____
Anne L. Morgan
City Attorney

ATTEST: _____
Jannette S. Goodall
City Clerk

Exhibit Continued

43.267 ACRES
THE DOMAIN RETAIL DISTRICT
ENDEAVOR REAL ESTATE GROUP

FN NO. 13-390(MJJ)
SEPTEMBER 5, 2013
BPI JOB NO. R0101231-10044

DESCRIPTION

OF 43.267 ACRES OF LAND OUT OF THE JAMES ROGERS SURVEY, ABSTRACT NO. 659, SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING ALL OF LOT 3A, RREEF DOMAIN BLOCK U SUBDIVISION, A SUBDIVISION OF RECORD IN DOCUMENT NO. 201300086 OF SAID OFFICIAL PUBLIC RECORDS, A PORTION OF LOTS 1A AND 2A OF SAID RREEF DOMAIN BLOCK U SUBDIVISION AND A PORTION OF LOT 1A RREEF DOMAIN BLOCK V SUBDIVISION, A SUBDIVISION OF RECORD IN DOCUMENT NO. 201100200 OF SAID OFFICIAL PUBLIC RECORDS; SAID 43.267 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a P.K. nail with washer found at the northeasterly corner of Lot 2-A4 Amended Plat of Lots 2-A1 and 2-A4, Block "A" Resubdivision of Lot 2-A, Block "A", Resubdivision of Lot 2, Block "A" Domain Section 2 Subdivision, a subdivision of record in Document No. 200800180 of said Official Public Records, being an angle point in the westerly line of said Lot 2A;

THENCE, N72°33'59"W, in part along the common line of said Lot 2A and said Lot 2-A4, for a portion of the westerly line hereof, a distance of 143.35 feet to an angle point hereof;

THENCE, continuing over and across said Lot 2A, for a portion of the westerly and northerly lines hereof, the following nine (9) courses and distances:

- 1) N22°37'47"E, a distance of 80.42 feet to an angle point;
- 2) N17°31'31"E, a distance of 172.11 feet to the point of curvature of a non-tangent curve to the right;
- 3) Along said non-tangent curve to the right having a radius of 881.14 feet, a central angle of 5°03'28", an arc length of 77.78 feet and a chord which bears, N19°47'07"E, a distance of 77.76 feet to the end of said curve;
- 4) N21°29'52"E, a distance of 233.04 feet to the point of curvature of a curve to the right;
- 5) Along said curve to the right having a radius of 90.50 feet, a central angle of 30°08'09", an arc length of 47.60 feet and a chord which bears, N36°33'56"E, a distance of 47.05 feet to the end of said curve;
- 6) N51°38'01"E, a distance of 55.01 feet to an angle point;
- 7) N57°35'55"E, a distance of 35.00 feet to an angle point;
- 8) N60°12'19"E, a distance of 103.52 feet to the point of curvature of a curve to the right;

EXHIBIT A



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- 9) Along said curve to the right having a radius of 560.89 feet, a central angle of $5^{\circ}56'36''$, an arc length of 58.18 feet and a chord which bears, $N65^{\circ}51'07''E$, a distance of 58.16 feet to the end of said curve;

THENCE, continuing in part over and across said Lot 2A and in part along the northerly line of said Lot 3A, for a portion of the northerly line hereof, the following three (3) courses and distances:

- 1) $N68^{\circ}34'51''E$, passing at a distance of 127.96 feet a P.K. nail with washer found at the northwesterly corner of said Lot 3A and continuing for a total distance of 163.46 feet to a P.K. with washer found for the point of curvature of a curve to the right;
- 2) Along said curve to the right having a radius of 472.87 feet, a central angle of $3^{\circ}56'16''$, an arc length of 32.50 feet and a chord which bears, $S70^{\circ}32'57''W$, a distance of 32.49 feet to a P.K. nail with washer found for the end of said curve;
- 3) $N72^{\circ}31'03''E$, a distance of 48.34 feet to a P.K. nail with washer found at the northeasterly corner of said Lot 3A, for the point of curvature of a curve to the left;

THENCE, over and across said Lot 2A, for a portion of the northerly and easterly lines hereof, the following ten (10) courses and distances:

- 1) Along said non-tangent curve to the left having a radius of 204.02 feet, a central angle of $16^{\circ}39'47''$, an arc length of 59.33 feet and a chord which bears, $N68^{\circ}42'23''E$, a distance of 59.12 feet to the point of reverse curvature;
- 2) Along said reverse curve having a radius of 197.00 feet, a central angle of $6^{\circ}13'47''$, an arc length of 21.42 feet and a chord which bears, $N63^{\circ}29'24''E$, a distance of 21.41 feet to the point of reverse curvature;
- 3) Along said reverse curve having a radius of 221.77 feet, a central angle of $4^{\circ}40'54''$, an arc length of 18.12 feet and a chord which bears, $N68^{\circ}56'44''E$, a distance of 18.12 feet to the end of said curve;
- 4) $N70^{\circ}11'03''E$, a distance of 404.54 feet to the northeasterly corner hereof;
- 5) $S15^{\circ}53'14''E$, a distance of 1079.13 feet to an angle point;
- 6) $S17^{\circ}26'07''W$, a distance of 823.46 feet to an angle point;
- 7) $N72^{\circ}29'30''W$, a distance of 367.07 feet to an angle point;



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- 8) N17°31'20"E, a distance of 278.45 feet to an angle point;
- 9) N72°23'21"W, a distance of 323.27 feet to an angle point;
- 10) S17°23'13"W, a distance of 699.00 feet to a point in the northerly line of said Lot 1A RREEF Domain Block U Subdivision, for an angle point hereof;

THENCE, N73°34'14"W, along the common line of said Lot 2A and said Lot 1A RREEF Domain Block U Subdivision, for a portion of the easterly line hereof, a distance of 24.39 feet to an angle point;

THENCE, S17°19'18"W, leaving the common line of said Lot 2A and said Lot 1A RREEF Domain Block U Subdivision, over and across said Lot 1A RREEF Domain Block U Subdivision, for a portion of the easterly line hereof, a distance of 237.65 feet to a point in the common line of said Lot 2A and said Lot 1A RREEF Domain Block U Subdivision, for the southeasterly corner hereof;

THENCE, N67°21'28"W, along the common line of said Lot 2A and said Lot 1A RREEF Domain Block U Subdivision, for a portion of the southerly line hereof, a distance of 109.10 feet to a P.K. nail with washer set at the southwesterly corner of said Lot 1A RREEF Domain Block U Subdivision, for an angle point hereof;

THENCE, N58°43'45"W, leaving the common line of said Lot 2A and said Lot 1A RREEF Domain Block U Subdivision, over and across said Lot 2A, for a portion of the southerly line hereof, a distance of 35.90 feet to a P.K. nail with washer found at the southeasterly corner of said Lot 1A RREEF Domain Block V Subdivision, being an angle point in the interior line of said Lot 2A, for an angle point hereof;

THENCE, N72°31'08"W, along the common line of said Lot 2A and said Lot 1A RREEF Domain Block V Subdivision, for a portion of the southerly line hereof, a distance of 119.94 feet to the southwesterly corner hereof;

THENCE, N17°19'18"E, leaving the common line of said Lot 2A and said Lot 1A RREEF Domain Block V Subdivision, over and across said Lot 1A RREEF Domain Block V Subdivision, for a portion of the westerly line hereof, a distance of 229.58 feet to a point in the common curving line of said Lot 2A and said Lot 1A RREEF Domain Block V Subdivision, for the point of curvature of a non-tangent curve to the right;

THENCE, along the common line of said Lot 2A and said Lot 1A RREEF Domain Block V Subdivision, for a portion of the westerly line hereof, along said non-tangent curve to the right having a radius of 50.35 feet, a central angle of 25°54'18", an arc length of 22.76 feet and a chord which bears, S21°12'57"E, a distance of 22.57 feet to the end of said curve;



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THENCE, leaving the common line of said Lot 1A RRERF Domain Block V Subdivision and said Lot 2A, over and across said Lot 2A, for a portion of the westerly line hereof, the following three (3) courses and distances:

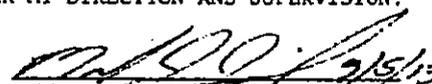
- 1) N17°28'07"E, a distance of 470.91 feet to an angle point;
- 2) N72°28'15"W, a distance of 271.44 feet to an angle point;
- 3) N17°26'01"E, a distance of 138.18 feet to a point in the common line of said Lot 2-A4 and said Lot 2A, for an angle point hereof;

THENCE, along the common line of said Lot 2-A4 and said Lot 2A, for a portion of the westerly line hereof, the following five (5) courses and distances:

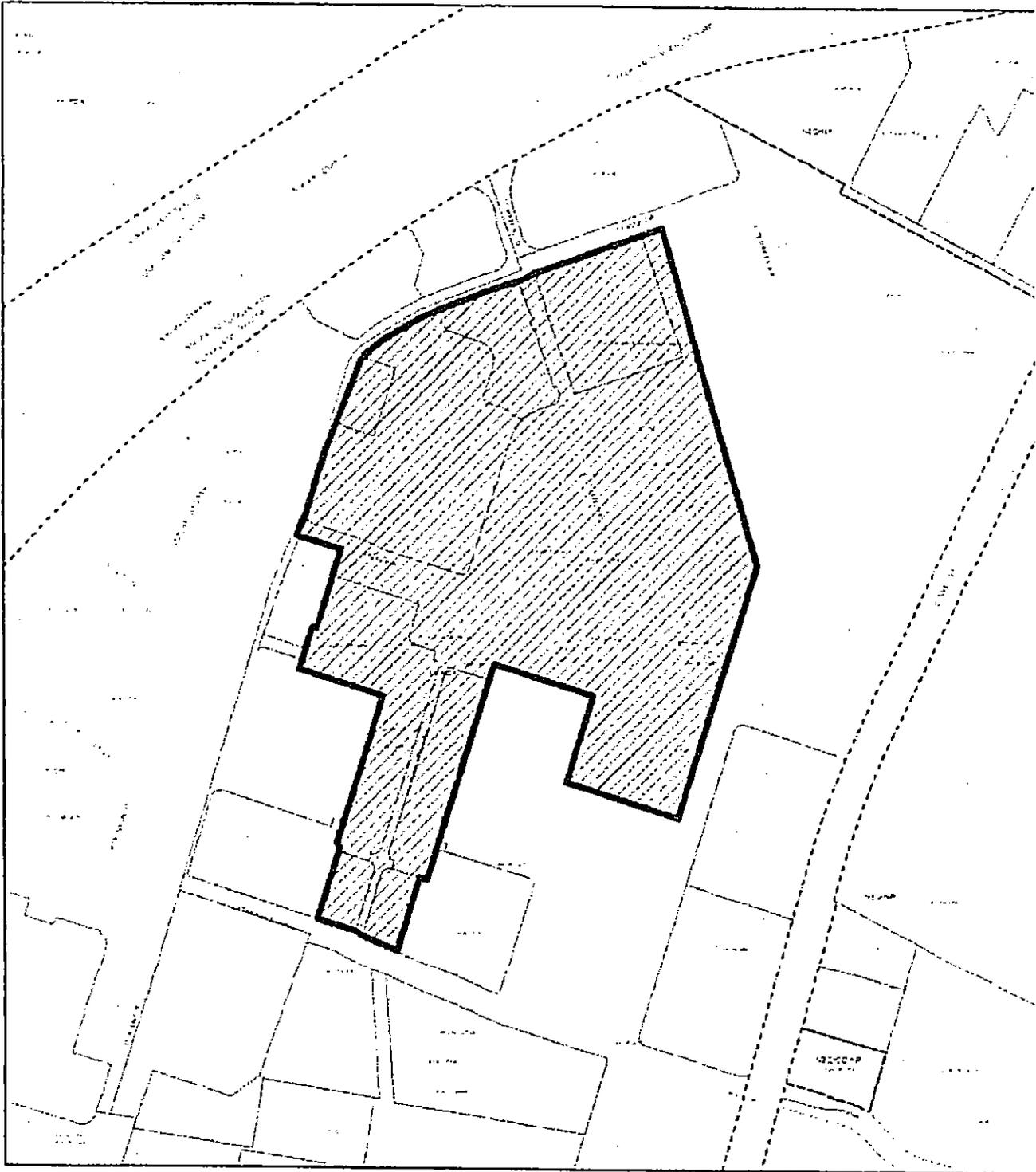
- 1) S72°33'59"E, a distance of 12.78 feet to a 1/2 inch iron rod with cap found at the southeasterly corner of said Lot 2-A4, for an angle point hereof;
- 2) N17°26'01"E, a distance of 159.87 feet to a P.K. nail with washer found for an angle point;
- 3) N72°33'59"W, a distance of 0.47 feet to a P.K. nail with washer found for an angle point;
- 4) N17°26'01"E, a distance of 74.33 feet to a P.K. nail with washer found for an angle point;
- 5) N17°27'03"E, a distance of 21.46 feet to the POINT OF BEGINNING containing an area of 43.267 acres (1,884,714 sq. ft.) of land, more or less, within these metes and bounds.

I, MARK J. JEZISEK, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE PROPERTY DESCRIBED HEREIN WAS DETERMINED BY A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION.

BURY & PARTNERS, INC.
221 WEST SIXTH STREET, SUITE 600
AUSTIN, TEXAS 78701


MARK J. JEZISEK
R.P.L.S. NO. 5267
STATE OF TEXAS





-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

ZONING

ZONING CASE#: **C14-2016-0114**

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 Auster regarding specific accuracy or completeness.



EXHIBIT B