

**ORDINANCE NO. 20190207-039**

**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 7712 FM 969 ROAD FROM SINGLE-FAMILY RESIDENCE STANDARD LOT (SF-2) DISTRICT TO NEIGHBORHOOD COMMERCIAL-MIXED USE (LR-MU) COMBINING DISTRICT ON TRACT 1 AND TOWNHOUSE AND CONDOMINIUM RESIDENCE-CONDITIONAL OVERLAY (SF-6-CO) COMBINING DISTRICT ON 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 single family residence standard lot (SF-2) district to neighborhood commercial-mixed use (LR-MU) combining district on Tract 1 and townhouse and condominium residence-conditional overlay (SF-6-CO) combining district on Tract 2 of the property described in Zoning Case No. C14-2018-0077, on file at the Planning and Zoning Department, as follows:

**Tract 1:**

A 4.45 acre tract of land out of the James Burleson Survey Abstract No. 4 in Travis County, Texas, the tract of land being more particularly described by metes and bounds in **Exhibit "A"** incorporated into this ordinance, and

**Tract 2:**

A 16.60 acre tract of land out of the James Burleson Survey Abstract No. 4 in Travis County, Texas, the tract of land being more particularly described by metes and bounds in **Exhibit "B"** incorporated into this ordinance (cumulatively referred to as the "Property"),

locally known as 7712 FM 969 Road 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. Development of Tract 2 is limited to 45 dwelling units.
- B. Development of Tract 2 may not exceed three dwelling units per building.

**PART 3.** Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the neighborhood commercial (LR) district, townhouse and condominium residence (SF-6) district, mixed use (MU) combining district and other applicable requirements of the City Code.

**PART 4.** This ordinance takes effect on February 18, 2019.

**PASSED AND APPROVED**

February 7, 2019

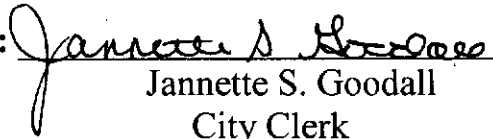
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Steve Adler  
Mayor

**APPROVED:**

  
\_\_\_\_\_  
Anne L. Morgan  
City Attorney

**ATTEST:**

  
\_\_\_\_\_  
Jannette S. Goodall  
City Clerk

**HOLT CARSON, INC.  
PROFESSIONAL LAND SURVEYORS**

1904 FORTVIEW ROAD  
AUSTIN, TEXAS 78704  
TELEPHONE: (512) 442-0990  
www.hciaustin.com

**"EXHIBIT \_\_\_\_\_"**

**RE-ZONING**

**TRACT 1:**

**FIELD NOTE DESCRIPTION OF 4.45 ACRES OF LAND OUT OF THE JAMES BURLESON SURVEY ABSTRACT No. 4 IN TRAVIS COUNTY, TEXAS, TO BE RE-ZONED, AND BEING A PORTION OF THAT CERTAIN TRACT OF LAND FORMERLY DESCRIBED AS (22.84 ACRES) AND AS CONVEYED TO DAMAC REAL ESTATE INVESTMENT GROUP, LLC BY GENERAL WARRANTY DEED WITH THIRD PARTY VENDOR'S LIEN AS RECORDED IN DOCUMENT No. 2018090593 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**BEGINNING** at a ½" iron rod found with a plastic cap imprinted with "Carson and Bush" for the Northwest corner of Lot A, Daywood Subdivision No. 2, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 13 Page 40 of the Plat Records of Travis County, Texas, and for a common angle corner of that certain (22.84 acre) tract as conveyed to Damac Real Estate Investment Group, LLC by General Warranty Deed With Third Party Vendor's Lien as recorded in Document No. 2018090593 of the Official Public Records of Travis County, Texas, and that certain (7.67 acre) tract of land as conveyed to Iglesia Camino Del Rey of Austin, Inc. by Special Warranty Deed recorded in Document No. 2004095316 of the Official Public Records of Travis County, Texas, and being the westerly Southwest corner and **PLACE OF BEGINNING** of the herein described tract to be re-zoned;

**THENCE** with the common line of said Damac (22.84 acre) tract and said Iglesia Camino Del Rey of Austin (7.67 acre) tract, N 30 deg. 40' 52" E 154.93 ft. to a point for the Northwest corner of this tract to be re-zoned;

**THENCE** crossing the interior of said Damac (22.84 acre) tract with the North line of this tract, S 66 deg. 00' E 643.04 ft. to a point in the East line of said Damac (22.84 acre) tract for the Northeast corner of this tract to be re-zoned, and from which a ½" iron rod found for a slight angle corner in the East line of said Damac (22.84 acre) tract bears N 30 deg. 43' 34" E 240.85 ft.;

end of Page 1

Exhibit A

RE-ZONING "TRACT 2" - 4.45 Acres

THENCE with the East line of said Damac (22.84 acre) tract, S 30 deg. 43' 34" W 350.00 ft. to a ½" iron pipe found in the North right-of-way line of F.M. Highway 969 for the Southeast corner of said Damac (22.84 acre) tract and being the Southeast corner of this tract to be re-zoned;

THENCE with the North right-of-way line of F.M. Highway 969, the following three (3) courses;

- 1) N 64 deg. 10' 30" W 52.73 ft.;
- 2) N 66 deg. 05' 19" W 252.10 ft.;
- 3) N 67 deg. 20' 16" W 189.14 ft. to a point for the southerly Southeast corner of said Damac (22.84 acre) tract and for the Southeast corner of Lot A, Daywood Subdivision No.2 , a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 13 Page 40 of the Plat Records of Travis County, Texas, and being the southerly Southwest corner of this tract to be re-zoned;

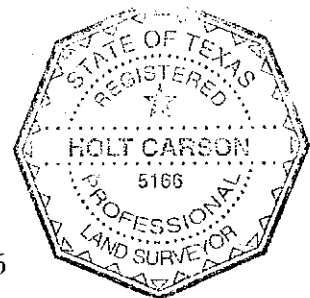
THENCE leaving the North right-of-way line of F.M. Highway 969 with the common lines of said Damac (22.84 acre) tract and said Lot A, Daywood Subdivision No. 2, the following two (2) courses;

- 1) N 30 deg. 48' 26" E 201.91 ft. to a ½" iron rod found;
- 2) N 67 deg. 23' 21" W 150.16 ft. to the **PLACE OF BEGINNING**, containing 4.45 acres of land.

**PREPARED:** January 10, 2019 from survey performed in June of 2017.

  
Holt Carson

Registered Professional Land Surveyor No. 5166



see accompanying map: B 998094

references:

TCAD Parcel No. 02 1031 01 38

City of Austin Grid: N23 and P23

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**"EXHIBIT \_\_\_\_\_"**

**RE-ZONING**

**TRACT 2:**

**FIELD NOTE DESCRIPTION OF 16.60 ACRES OF LAND OUT OF THE JAMES BURLESON SURVEY ABSTRACT No. 4 IN TRAVIS COUNTY, TEXAS, TO BE RE-ZONED, AND BEING A PORTION OF THAT CERTAIN TRACT OF LAND FORMERLY DESCRIBED AS (22.84 ACRES) AND AS CONVEYED TO DAMAC REAL ESTATE INVESTMENT GROUP, LLC BY GENERAL WARRANTY DEED WITH THIRD PARTY VENDOR'S LIEN AS RECORDED IN DOCUMENT No. 2018090593 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**BEGINNING** at a ½" iron rod found with a plastic cap imprinted with "Carson and Bush" in the East line of Block A of Meadows At Trinity Crossing Phase One-B, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 97 Page 46 of the Plat Records of Travis County, Texas, and in that certain line as set out in Boundary Agreement Line recorded in Volume 10324 Page 124 and in Volume 10324 Page 140 of the Real Property Records of Travis County, Texas, for the Northwest corner of that certain (7.67 acre) tract of land as conveyed to Iglesia Camino Del Rey of Austin, Inc. by Special Warranty Deed recorded in Document No. 2004095316 of the Official Public Records of Travis County, Texas, and being the westerly Southwest corner of that certain (22.84 acre) tract of land as conveyed to Damac Real Estate Investment Group, LLC, by General Warranty Deed With Third Party Vendor's Lien as recorded in Document No. 2018090593 of the Official Public Records of Travis County, Texas, (as further affected by said Boundary Agreement Line), and being the westerly Southwest corner and **PLACE OF BEGINNING** of the herein described tract of land to be re-zoned;

**THENCE** with the East line of said Meadows At Trinity Crossing Phase One-B and with said Boundary Agreement Line, N 30 deg. 35' 56" E 743.83 ft. to a ½" iron rod found for the Northwest corner of said Damac (22.84 acre) tract and for the Southwest corner of that certain tract of land as conveyed to Yolanda T. Brown by Special Warranty Gift Deed as recorded in Document No. 2003297621 of the Official Public Records of Travis County, Texas, (as further affected by said Boundary Agreement Line), and being the Northwest corner of this tract to be re-zoned;

end of Page 1

Exhibit B

RE-ZONING "TRACT 1" - 16.60 Acres

THENCE with the common line of said Damac (22.84 acre) tract and said Brown tract, S 59 deg. 17' 34" E 473.60 ft. to a ½" iron rod found for the Northwest corner of that certain (3.227 acre) tract of land as conveyed to James C. Steaples and Oneta Steaples by General Warranty Deed recorded in Volume 13028 Page 103 of the Real Property Records of Travis County, Texas, and as further described in Volume 5261 Page 1594 of the Deed Records of Travis County, Texas, for the most northerly Northeast corner of said Damac (22.84 acre) tract and being the most northerly Northeast corner of this tract to be re-zoned;

THENCE with the common lines of said Damac (22.84 acre) tract and said Steaples (3.227 acre) tract, the following two (2) courses;

- 1) S 30 deg. 41' 27" W 256.86 ft. to a 60D nail set;
- 2) S 58 deg. 58' 34" E 241.57 ft. to a ½" iron rod found for the westerly Northwest corner of that certain (2.855 acre) tract of land as conveyed to M. Andy Kramer and spouse, E. Grace Kramer by Warranty Deed recorded in Volume 12358 Page 1561 of the Real Property Records of Travis County, Texas, and for an angle corner of said Damac (22.84 acre) tract and being an angle corner of this tract to be re-zoned;

THENCE with the common lines of said Damac (22.84 acre) tract and said Kramer (2.855 acre) tract, the following three (3) courses;

- 1) S 29 deg. 22' 51" W 145.59 ft. to a ½" iron pipe found;
- 2) S 28 deg. 10' 14" W 164.79 ft. to a ½" iron rod found;
- 3) S 53 deg. 50' 15" E 201.97 ft. to a ½" iron pipe found for the Southeast corner of said Kramer (2.855 acre) tract and for the Southwest corner of that certain (0.747 acre) tract of land as conveyed to Parker Thomas Hyink and Amy Ann Hyink by Texas General Warranty Deed recorded in Document No. 2014095809 of the Official Public Records of Travis County, Texas, and as previously described in Document No. 2003098742 of the Official Public Records of Travis County, Texas, and being an angle corner of said Damac (22.84 acre) tract and being an angle corner of this tract to be re-zoned;

THENCE with the common line of said Damac (22.84 acre) tract and said Hyink (0.747 acre) tract, S 66 deg. 43' 23" E 160.81 ft. to a ½" iron rod found for the most easterly Northeast corner of said Damac (22.84 acre) tract and being the most easterly Northeast corner of this tract to be re-zoned;

RE-ZONING "TRACT 1" - 16.60 Acres

THENCE with the East line of said Damac (22.84 acre) tract, the following two (2) courses;

- 1) S 30 deg. 51' 26" W 230.94 ft. to a ½" iron rod found;
- 2) S 30 deg. 43' 34" W 240.85 ft. to a point for the Southeast corner of this tract to be re-zoned, and from which a ½" iron pipe found in the North right-of-way line of F.M. Highway 969 for the Southeast corner of said Damac (22.84 acre) tract bears S 30 deg. 43' 34" W 350.00 ft.;

THENCE crossing the interior of said Damac (22.84 acre) tract of land with the South line of this tract, N 66 deg. 00' 00" W 643.04 ft. to a point in the common line of said Damac (22.84 acre) tract and the aforementioned Iglesia Camino Del Rey of Austin (7.67 acre) tract, and being the southerly Southwest corner of this tract to be re-zoned;

THENCE with the common line of said Damac (22.84 acre) tract and said Iglesia Camino Del Rey of Austin (7.67 acre) tract, the following four (4) courses;

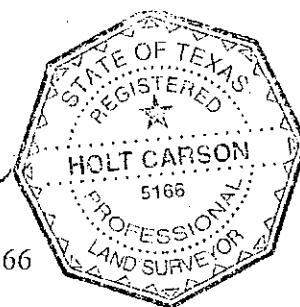
- 1) N 30 deg. 40' 52" E 214.25 ft. to a ½" iron rod found with a plastic cap imprinted with "WLSA";
- 2) S 68 deg. 00' 19" E 150.53 ft. to a ½" iron rod found with a plastic cap imprinted with "WLSA";
- 3) N 26 deg. 39' 55" E 136.17 ft. to a ½" iron rod found;
- 4) N 59 deg. 35' 22" W 584.79 ft. to the **PLACE OF BEGINNING**, containing 16.60 acres of land.

PREPARED: January 10, 2019 from survey performed in June of 2017.



Holt Carson

Registered Professional Land Surveyor No. 5166



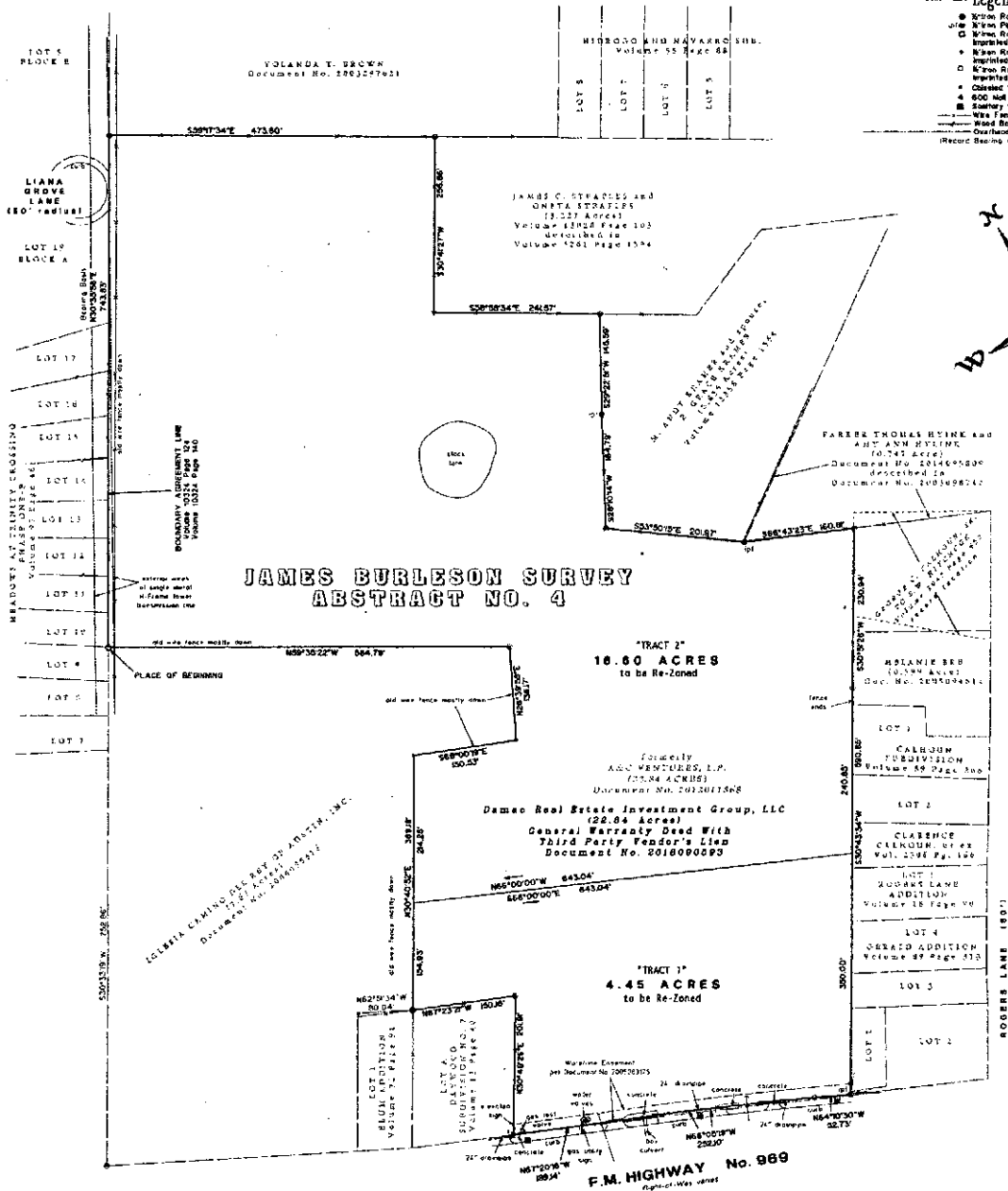
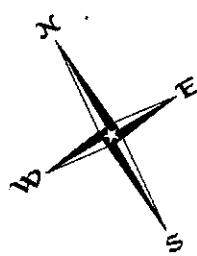
see accompanying map: B 998094

references:

TCAD Parcel No. 02 1031 01 38

City of Austin Grid: N23 and P23

- X'tran Rod Found
- X'tran Pipe Found
- ◆ X'tran Rod Found with plastic cap imprinted with "Carson and Bush"
- ◆ X'tran Rod Found with plastic cap imprinted with "WLSA"
- X'tran Rod Set with plastic cap imprinted with "Holt Carson, Inc."
- Chiseled "X" Set
- 600 Not Set
- Soathy Sewer umbrella
- Wire Fence
- Wood Board Fence
- Overhead Utility Line
- Road Bearing and Distance



FOR RE-ZONING PURPOSES

**SURVEY MAP OF**



21.09 ACRES OF LAND OUT OF THE JAMES BURLISON SURVEY,  
ABSTRACT NO. 4 IN TRAVIS COUNTY, TEXAS, BEING ALL THAT  
CERTAIN TRACT OF LAND FORMERLY DESCRIBED AS (22.84 ACRES)  
AND AS CONVEYED TO DAMAC REAL ESTATE INVESTMENT GROUP, LLC,  
BY GENERAL WARRANTY DEED WITH THIRD PARTY VENDOR'S LIEN  
AS RECORDED IN DOCUMENT NO. 2010090593 OF THE OFFICIAL PUBLIC  
RECORDS OF TRAVIS COUNTY, TEXAS.

LOCATED ON F. M. HIGHWAY 969

see accompanying field note description

**SURVEYOR'S NOTE:**  
The description of the 22.84 acre tract of land as contained in deeds of record in Document No. 2012011850 and in Document No. 2018090993, Travis County Official Public Records, contains numerous mathematical errors and/or omissions and can not be relied upon for accurate information.

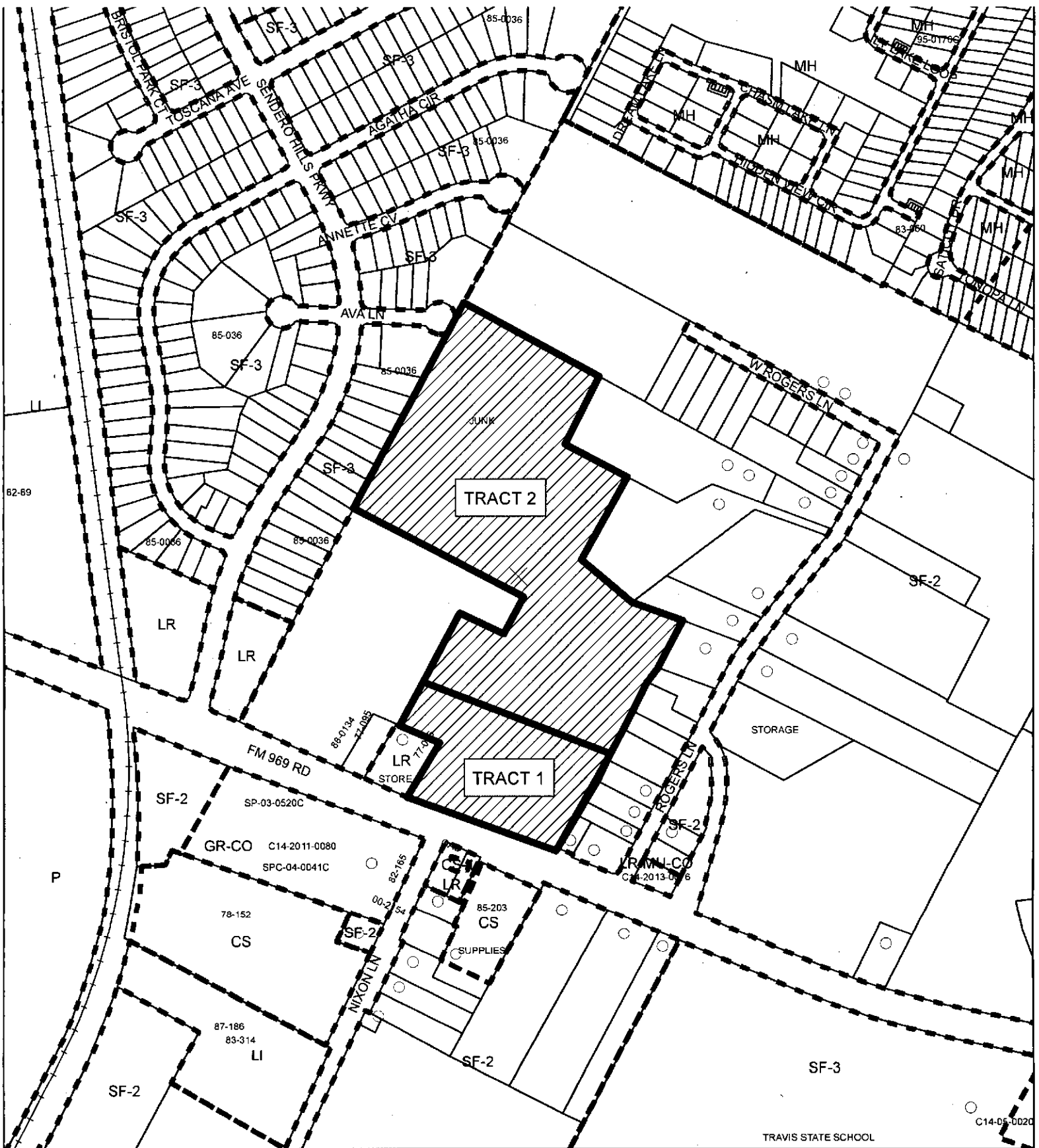
SURVEYED: June 22, 2017  
MAP PREPARED: January 10, 2018

NY:    
Holt Carson  
Registered Professional Land Surveyor No. 5166  
HOLT CARSON, INC.  
7504 Kestview Road  
Austin, Texas 78784  
www.hc@austin.tx.us  
File Registration 10050700

**NOTE6:**

- 1 The tract is subject to restrictions recorded in Volume 3036 Page 127 and Volume 5001 Page 228 of the Deed Records of Travis County, Texas.
- 2 Electric Transmission line easement is recorded in Volume 302 Page 821 of the Deed Records of Travis County, Texas, does not apply to this tract.
- 3 Electric Transmission line easement is recorded in Volume 302 Page 838 of the Deed Records of Travis County, Texas, does not apply to this tract.
- 4 Electric Transmission line easement is recorded in Volume 556 Page 352 of the Deed Records of Travis County, Texas, does not apply to this tract.
- 5 Electric Transmission line easement is recorded in Volume 556 Page 368 of the Deed Records of Travis County, Texas, does not apply to this tract.
- 6 Electric Transmission line easement is recorded in Volume 818 Page 358 of the Deed Records of Travis County, Texas, does not apply to this tract.
- 7 Electric Transmission line easement is recorded in Volume 851 Page 338 of the Deed records of Travis County, Texas, does not apply to this tract.
- 8 The Electric Easement is recorded in Volume 1914 Page 313 of the Deed Records of Travis County, Texas, does not apply to this tract.
- 9 The Electric Easement is recorded in Volume 3037 Page 1386 of the Deed Records of Travis County, Texas, does not apply to this tract.








# ZONING

ZONING CASE#: C14-2018-0077

Exhibit C



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

1" = 400'

This product is for informational purposes and may not have been prepared for or 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.



Created: 1/17/2019