

ORDINANCE NO. _____

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 914 SHADY LANE IN THE GOVALLE/JOHNSTON TERRACE COMBINED NEIGHBORHOOD PLAN AREA FROM FAMILY RESIDENCE-NEIGHBORHOOD PLAN (SF-3-NP) COMBINING DISTRICT TO TOWNHOUSE AND CONDOMINIUM RESIDENCE-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (SF-6-CO-NP) COMBINING DISTRICT ON TRACT 1 AND TRACT 2A AND NEIGHBORHOOD COMMERCIAL-MIXED USE-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (LR-MU-CO-NP) COMBINING DISTRICT ON TRACT 2B.

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-neighborhood plan (SF-3-NP) combining district to townhouse and condominium residence-conditional overlay-neighborhood plan (SF-6-CO-NP) combining district on Tract 1 and on Tract 2A and neighborhood commercial-mixed use-conditional overlay-neighborhood plan (LR-MU-CO-NP) combining district on Tract 2B on the property described in Zoning Case No. C14-2019-0098, on file at the Planning and Zoning Department, as follows:

Tract 1:

1.722 acres of land or 75,030 square feet, more or less, out of the J.C. Tannehill League No. 29, in the City of Austin, Travis County, Texas, said 1.722 acres of land being more particularly described by metes and bounds in **Exhibit "A"** incorporated into this ordinance, and

Tract 2A:

1.145 acres of land or 49,877 square feet, more or less, out of the J.C. Tannehill League No. 29, in the City of Austin, Travis County, Texas, said 1.145 acres of land being more particularly described by metes and bounds in **Exhibit "B"** incorporated into this ordinance, and

Tract 2B:

1.271 acres of land or 55,346 square feet, more or less, out of the J.C. Tannehill League No. 29, in the City of Austin, Travis County, Texas, said 1.271 acres of land being more particularly described by metes and bounds in **Exhibit "C"** incorporated into this ordinance (collectively referred to as the "Property"),

locally known as 914 Shady Lane in the City of Austin, Travis County, Texas, generally identified in the map attached as **Exhibit “D”**.

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

- A. The maximum impervious cover on Tract 1 is 45 percent.
- B. The following uses are not permitted uses of Tract 2B of the Property:
 - Consumer convenience services General retail sales (general)
 - Service station

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

PART 4. The Property is subject to Ordinance No. 030327-11a that established zoning for the Govalle Neighborhood Plan.

PART 5. This ordinance takes effect on _____, 2020.

PASSED AND APPROVED

_____, 2020 § _____
§ _____
§ _____
Steve Adler
Mayor

APPROVED: _____ **ATTEST:** _____
Anne L. Morgan Jannette S. Goodall
City Attorney City Clerk

**FIELD NOTES
TO ACCOMPANY EXHIBIT**

1.722 ACRES OR 75,030 SQUARE FEET OF LAND, MORE OR LESS, OUT OF THE J.C. TANNEHILL LEAGUE NO. 29, BEING A PORTION OF THAT CERTAIN (SEVEN ACRE) TRACT AS CONVEYED TO W.A. ROSENTRITT, ET UX, BY DEED AS RECORDED IN VOL. 474, PGS. 630-631, DEED RECORDS, TRAVIS COUNTY, TEXAS, SAME BEING A PORTION OF THOSE CERTAIN TRACTS OF LAND CONVEYED TO KIMBERLY BEAL AND STEPHANIE SCHERZER, BY GENERAL WARRANTY DEED WITH VENDOR'S LIEN AS RECORDED IN DOC. NO. 2002150037, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, DESCRIBED AS "TRACTS 2 AND 3 IN DEED ... AS RECORDED IN VOL. 11388, PG. 829, REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS, SAVE AND EXCEPT ANY AND ALL PORTIONS OF SAID TRACTS LYING NORTH OF THE CENTERLINE OF BOGGY CREEK", SAID 1.722 ACRES OR 75,030 SQUARE FEET OF LAND BEING FURTHER DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a bolt found in the east line of Lot 8, Gullet Gardens No. 3, a subdivision in Travis County, Texas, according to the map or plat as recorded in Vol. 4, Pg. 328, Plat Records, Travis County, Texas, for the Northwest corner of that certain (6.44 Acre) tract of land as conveyed to Frank P. Schlameus, et ux, by deed as recorded in Vol. 938, Pg. 457, Deed Records, Travis County, Texas, same being the Northwest corner of that certain tract conveyed to Austin Independent School District by deed as recorded in Vol. 1360, Pg. 223, Deed Records, Travis County, Texas, same being the apparent Southwest corner of the said (Seven Acre) tract, for the Southwest corner of the said Beal/Scherzer tract and Southwest corner and **POINT OF BEGINNING** of the herein described tract, from which a ½" iron pipe found for the Southeast corner of said Lot 8, same being the Northeast corner of Milburn Lane, a 50 foot wide right-of-way, bears S 29°23'47" W 1.84 feet ;

THENCE: N 29°40'37" E 185.28 feet, along the east line of said Lot 8, and the west line of the said Beal/Scherzer tract, to a calculated point in the south line of Mansell Avenue, a 50 foot wide right-of-way, as shown on the plat of Resubdivision of Lot 1, Block 2, Gullet Gardens No. 2, according to the map or plat as recorded in Vol. 46, Pg. 99, Plat Records, Travis County, Texas, for the Northwest corner of the herein described tract;

THENCE: S 45°53'56" E 26.48 feet, along the south line of Mansell Avenue, to a calculated point in the approximate centerline of Boggy Creek, for the Southwest corner of Lot 1-A, of said Resubdivision of Lot 1, Block 2, Gullet Gardens No. 2, for an angle point of the herein described tract;

THENCE: along the approximate centerline of Boggy Creek and the north line of the herein described tract, the following seven (7) courses:

- 1) S 39°26'56" E 28.63 feet, to a calculated point;
- 2) S 63°57'56" E 58.95 feet, to a calculated point;
- 3) S 47°32'56" E 74.25 feet, to a calculated point;
- 4) S 65°26'56" E 72.53 feet, to a calculated point;
- 5) S 60°30'56" E 71.70 feet, to a calculated point;
- 6) S 48°06'56" E 73.30 feet, to a calculated point;

- 7) S 59°00'56" E 69.80 feet, to a calculated point in the south line of Lot 14, Gullett Gardens, according to the map or plat as recorded in Vol. 4, Pg. 72, Plat Records, Travis County, Texas, for the Northeast corner of the herein described tract;

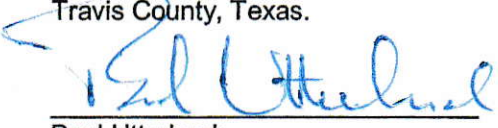
THENCE: over and across the said (Seven Acre) tract, S 29°19'42" W 142.58 feet to a calculated point in the north line of the said (6.44 Acre) tract, same being the north line of the said Austin Independent School District tract, and being in the south line of the said (Seven Acre) tract, and south line of the said Beal/Scherzer tract, for the Southeast corner of the herein described tract;

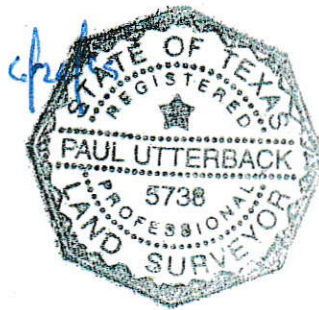
THENCE: N 60°40'18" W 469.88 feet along the north line of the said (6.44 Acre) tract, and said Austin Independent School District tract, same being in the south line of the said (Seven Acre) tract, and the said Beal/Scherzer tract to the **POINT OF BEGINNING** of the herein described tract, containing 1.722 Acres or 75,030 square feet of land, more or less.

ABOVE DESCRIPTION PREPARED FROM RECORDS:

Based on Title Survey of (4.135 Acres) as prepared by Michael J. Roeder RPLS, on 7-31-02, Reference: Kimberly Beal and Stephanie Scherzer/First American Title Company GF#F32014-010-CDB.

Bearings cited hereon are based on Deed as recorded in Vol. 474, Pg. 630, Deed Records, Travis County, Texas.


Paul Utterback
Registered Professional Land Surveyor No. 5738
June 26, 2019
References: TCAD MAP/GEO ID 0202160101



**FIELD NOTES
TO ACCOMPANY EXHIBIT**

1.145 ACRES OR 49,877 SQUARE FEET OF LAND, MORE OR LESS, OUT OF THE J.C. TANNEHILL LEAGUE NO. 29, BEING A PORTION OF THAT CERTAIN (SEVEN ACRE) TRACT AS CONVEYED TO W.A. ROSENTRITT, ET UX, BY DEED AS RECORDED IN VOL. 474, PGS. 630-631, DEED RECORDS, TRAVIS COUNTY, TEXAS, SAME BEING A PORTION OF THOSE CERTAIN TRACTS OF LAND CONVEYED TO KIMBERLY BEAL AND STEPHANIE SCHERZER, BY GENERAL WARRANTY DEED WITH VENDOR'S LIEN AS RECORDED IN DOC. NO. 2002150037, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, DESCRIBED AS "TRACTS 2 AND 3 IN DEED ... AS RECORDED IN VOL. 11388, PG. 829, REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS, SAVE AND EXCEPT ANY AND ALL PORTIONS OF SAID TRACTS LYING NORTH OF THE CENTERLINE OF BOGGY CREEK", SAID 1.145 ACRES OR 49,877 SQUARE FEET OF LAND BEING FURTHER DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a bolt found in the existing west right-of-way line of Shady Lane, a variable width right-of-way, for the Northeast corner of that certain tract of land conveyed to the City of Austin for street purposes in Vol. 1847, Pg. 15, Deed Records, Travis County, Texas, same being for the Southwest corner of that certain (750 Square foot) tract of land described as "Exhibit B" as conveyed to the City of Austin for street purposes by deed as recorded in Vol. 6937, Pg. 1377, Deed Records, Travis County, Texas, being in the north line of that certain (6.44 Acre) tract of land as conveyed to Frank P. Schlameus, et ux, by deed as recorded in Vol. 938, Pg. 457, Deed Records, Travis County, Texas, same being the north line of that certain tract conveyed to Austin Independent School District by deed as recorded in Vol. 1360, Pg. 223, Deed Records, Travis County, Texas, same being in the south line of the said (Seven Acre) tract, for the Southeast corner of the said Beal/Scherzer tract, from which a bolt found for the apparent Northwest corner of the said (6.44 Acre) tract and said Austin Independent School District tract, same being the Southwest corner of said (Seven Acre) tract bears S 60°40'18" E 899.38 feet;

THENCE: N 60°40'18" W 182.95 feet, along the north line of the said (6.44 Acre) tract, and north line of said Austin Independent School District tract, same being in the south line of the said (Seven Acre) tract, and the said Beal/Scherzer tract to a calculated point for the Southeast corner and **POINT OF BEGINNING** of the herein described tract;

THENCE: N 60°40'18" W 248.46 feet along the north line of the said (6.44 Acre) tract, and said Austin Independent School District tract, same being in the south line of the said (Seven Acre) tract, and the said Beal/Scherzer tract to a calculated point for the Southwest corner of the herein described tract;

THENCE: over and across the said (Seven Acre) tract, N 30°05'53" E 142.60 feet to a calculated point in the north line of the said (6.44 Acre) tract, same being the north line of said (Seven Acre) tract, and north line of the said Beal/Scherzer tract, same being in the south line of Lot 14, Gullett Gardens, according to the map or plat as recorded in Vol. 4, Pg. 72, Plat Records, Travis County, Texas, for the Northwest corner of the herein described tract;

THENCE: along the north line of the said (Seven Acre) tract, same being in the south line of Gullett Gardens, the following seven (7) courses:

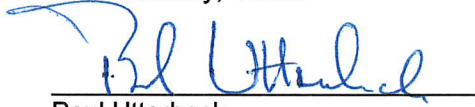
- 1) S 82°03'56" E 43.80 feet, to a calculated point;
- 2) N 50°52'04" E 12.00 feet, to a calculated point;
- 3) S 76°53'56" E 54.60 feet, to a calculated point;
- 4) S 76°55'56" E 52.28 feet, to a calculated point;
- 5) N 80°42'04" E 61.08 feet, to a calculated point;
- 6) N 86°26'04" E 50.10 feet, to a calculated point;
- 7) N 76°15'04" E 17.35 feet, to a calculated point for a Southeasterly corner of Lot 15, Gullet Gardens, for the Northeast corner of the herein described tract;

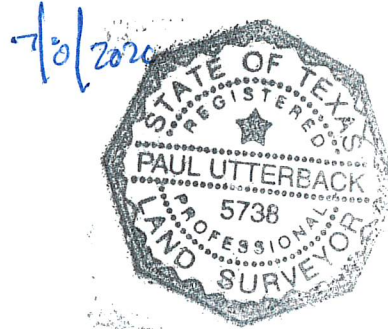
THENCE: over and across the said (Seven Acre) tract, S 30°05'53" W 276.83 feet to the **POINT OF BEGINNING** of the herein described tract, containing 1.145 Acres or 49,877 square feet of land, more or less.

ABOVE DESCRIPTION PREPARED FROM RECORDS:

Based on Title Survey of (4.135 Acres) as prepared by Michael J. Roeder RPLS, on 7-31-02, Reference: Kimberly Beal and Stephanie Scherzer/First American Title Company GF#F32014-010-CDB.

Bearings cited hereon are based on Deed as recorded in Vol. 474, Pg. 630, Deed Records, Travis County, Texas.


Paul Utterback
Registered Professional Land Surveyor No. 5738
July 7, 2020
References: TCAD MAP/GEO ID 0202160101



**FIELD NOTES
TO ACCOMPANY EXHIBIT**

1.271 ACRES OR 55,346 SQUARE FEET OF LAND, MORE OR LESS, OUT OF THE J.C. TANNEHILL LEAGUE NO. 29, BEING A PORTION OF THAT CERTAIN (SEVEN ACRE) TRACT AS CONVEYED TO W.A. ROSENTRITT, ET UX, BY DEED AS RECORDED IN VOL. 474, PGS. 630-631, DEED RECORDS, TRAVIS COUNTY, TEXAS, SAME BEING A PORTION OF THOSE CERTAIN TRACTS OF LAND CONVEYED TO KIMBERLY BEAL AND STEPHANIE SCHERZER, BY GENERAL WARRANTY DEED WITH VENDOR'S LIEN AS RECORDED IN DOC. NO. 2002150037, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, DESCRIBED AS "TRACTS 2 AND 3 IN DEED ... AS RECORDED IN VOL. 11388, PG. 829, REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS, SAVE AND EXCEPT ANY AND ALL PORTIONS OF SAID TRACTS LYING NORTH OF THE CENTERLINE OF BOGGY CREEK", SAID 1.271 ACRES OR 55,346 SQUARE FEET OF LAND BEING FURTHER DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a bolt found in the existing west right-of-way line of Shady Lane, a variable width right-of-way, for the Northeast corner of that certain tract of land conveyed to the City of Austin for street purposes in Vol. 1847, Pg. 15, Deed Records, Travis County, Texas, same being for the Southwest corner of that certain (750 Square foot) tract of land described as "Exhibit B" as conveyed to the City of Austin for street purposes by deed as recorded in Vol. 6937, Pg. 1377, Deed Records, Travis County, Texas, being in the north line of that certain (6.44 Acre) tract of land as conveyed to Frank P. Schlameus, et ux, by deed as recorded in Vol. 938, Pg. 457, Deed Records, Travis County, Texas, same being the north line of that certain tract conveyed to Austin Independent School District by deed as recorded in Vol. 1360, Pg. 223, Deed Records, Travis County, Texas, same being in the south line of the said (Seven Acre) tract, for the Southeast corner of the said Beal/Scherzer tract, for the Southeast corner and **POINT OF BEGINNING** of the herein described tract, from which a bolt found for the apparent Northwest corner of the said (6.44 Acre) tract and said Austin Independent School District tract, same being the Southwest corner of said (Seven Acre) tract bears S 60°40'18" E 899.38 feet;

THENCE: N 60°40'18" W 182.95 feet, along the north line of the said (6.44 Acre) tract, and north line of said Austin Independent School District tract, same being in the south line of the said (Seven Acre) tract, and the said Beal/Scherzer tract to a calculated point for the Southwest corner of the herein described tract;

THENCE: over and across the said (Seven Acre) tract, N 30°05'53" E at 276.83 feet passing a calculated point in the north line of the said (Seven Acre) tract, for the Southeasterly corner of line of Lot 15, Gullett Gardens, according to the map or plat as recorded in Vol. 4, Pg. 72, Plat Records, Travis County, Texas, and continuing along the same course along the southeast line of said Lot 15 for a total distance of 288.81 feet to a calculated point for the Southwest corner of Lot 1, Shady Lane Addition, a subdivision in Travis County, Texas, according to the map or plat as recorded in Vol. 81, Pg. 129, Plat Records, Travis County, Texas, for the Northwest corner of herein described tract;

THENCE: S 75°09'16" E 41.33 feet, along the south line of said Lot 1, Shady Lane Addition, and the north line of said (Seven Acre) tract, to a calculated point for the Northwest corner of the said

"Tract 2", described as (0.69 Acres) as recorded in Vol. 11388, Pg. 829, Real Property Records, Travis County, Texas, for an angle point of the herein described tract;

THENCE: continuing along the south line of said Lot 1, Shady Lane Addition, and the north line of said "Tract 2", the following two (2) courses:

- 1) S 79°37'42" E 90.70 feet, to a calculated point;
- 2) S 79°47'40" E 29.45 feet, to a calculated point in the west right-of-way of Shady Lane, for the Southwest corner of that certain (4,833 Square foot) tract of land conveyed to the City of Austin for street purposes in Vol. 6937, Pg. 1206 and Vol. 7113, Pg. 250, Deed Records, Travis County, Texas, same being the Northwest corner of that certain (4,239 Square Foot) tract of land described as "Exhibit A" as conveyed to the City of Austin for street purposes by deed as recorded in Vol. 6937, Pg. 1377, Deed Records, Travis County, Texas, same being the Southeast corner of Lot 1, Shady Lane Addition, for the most Northerly Northeast corner of the herein described tract.;

THENCE: along the west line of the said City of Austin (4,239 Square foot) tract, and the west right-of-way line of Shady Lane, the following three (3) courses:

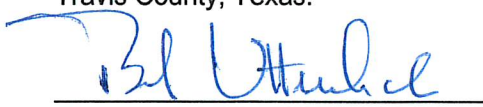
- 1) S 30°09'44" W 57.69 feet, to a calculated point;
- 2) S 00°09'44" W 60.00 feet, to a bolt found for an angle point of the said (4,239 Square foot) tract, for an angle point of the herein described tract;
- 3) S 30°08'32" W 102.56 feet to a calculated point for the Southwest corner of the said (4,239 Square foot) tract, same being the Northwest corner of the said City of Austin (750 Square foot) tract of land described as "Exhibit B", for an angle point of the herein described tract;

THENCE: S 30°00'00" W 125.61 feet along the west right-of-way line of Shady Lane and the west line of said (750 Square foot) tract, to the **POINT OF BEGINNING** of the herein described tract, containing 1.271 Acres or 55,346 square feet of land, more or less.

ABOVE DESCRIPTION PREPARED FROM RECORDS:

Based on Title Survey of (4.135 Acres) as prepared by Michael J. Roeder RPLS, on 7-31-02, Reference: Kimberly Beal and Stephanie Scherzer/First American Title Company GF#F32014-010-CDB.

Bearings cited hereon are based on Deed as recorded in Vol. 474, Pg. 630, Deed Records, Travis County, Texas.


Paul Utterback
Registered Professional Land Surveyor No. 5738
May 7, 2020, Revised: July 7, 2020
References: TCAD MAP/GEO ID 0202160101

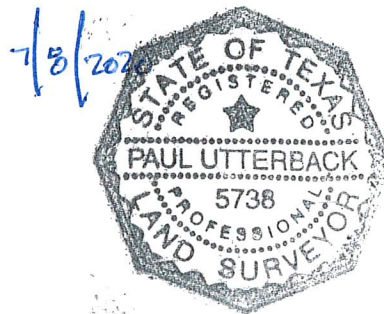


EXHIBIT "

ATS Job # 19060747s

Reference: Scherzer

Address: 914 Shady Lane, Austin, Texas
 Tract 1: 1.719 Acres or 74,895 Square Feet of land, more or less;
 Tract 2A: 1.145 Acres or 49,877 Square Feet of land, more or less; AND
 Tract 2B: 1.271 Acres or 55,346 Square Feet of land, out of the J.C. Tannehill League No. 29 in Travis County, Texas, (each of which) being a portion of that certain (seven acre) tract as conveyed to W.A. Rosentritt, et ux, by deed as recorded in Vol. 474, Pgs. 630-631, Deed Records, Travis County, Texas, same being a portion of those certain tracts of land conveyed to Kimberly Beal and Stephanie Scherzer, by General Warranty Deed with Vendor's Lien as recorded in Doc. No. 2002150037, Official Public Records, Travis County, Texas, described as "Tracts 2 and 3 in Deed ... as recorded in Vol. 11388, Pg. 829, Real Property Records, Travis County, Texas, save and except any and all portions of said tracts lying North of the centerline of Boggy Creek."

LEGEND

⊙	1/2" (I.D.) IRON PIPE FOUND*
⊙	BOLT FOUND*
Δ	CALCULATED POINT
()	RECORD INFORMATION
P.R.T.C.T.	PLAT RECORDS TRAVIS COUNTY TEXAS
R.O.W.	RIGHT OF WAY
P.O.B.	POINT OF BEGINNING

* ALL MONUMENTS NOTED AS FOUND AND ALL BEARINGS AND DISTANCES SHOWN HEREON ARE ACCORDING TO PRIOR SURVEY BY MICHAEL J. ROEDER DATED 7-31-2002.

Notes:

- 1) This map and the survey on which it is based have been prepared without the benefit of a title report and are not intended to reflect all easements, encumbrances or other circumstances affecting the title to the property shown hereon.
- 2) Subject to easements and easement rights including (but not limited to those) in documents as recorded in Vol. 1875, Pg. 76, Vol. 1169, Pg. 216, Vol. 2135, Pgs. 277 & 280, Vol. 6937, Pg. 1374, Deed Records, Vol. 9359, Pg. 456, Vol. 10762, Pg. 10, Vol. 10936, Pg. 423, Vol. 11004, Pg. 1500, Vol. 11388, Pg. 829, Vol. 13032, Pg. 56, & Vol. 13142, Pg. 1274, Real Property Records, Travis County, Texas, according to Survey prepared by Michael J. Roeder dated 7-31-2002.

PREPARED FROM
 RECORDS AND
 SURVEY BY OTHERS:

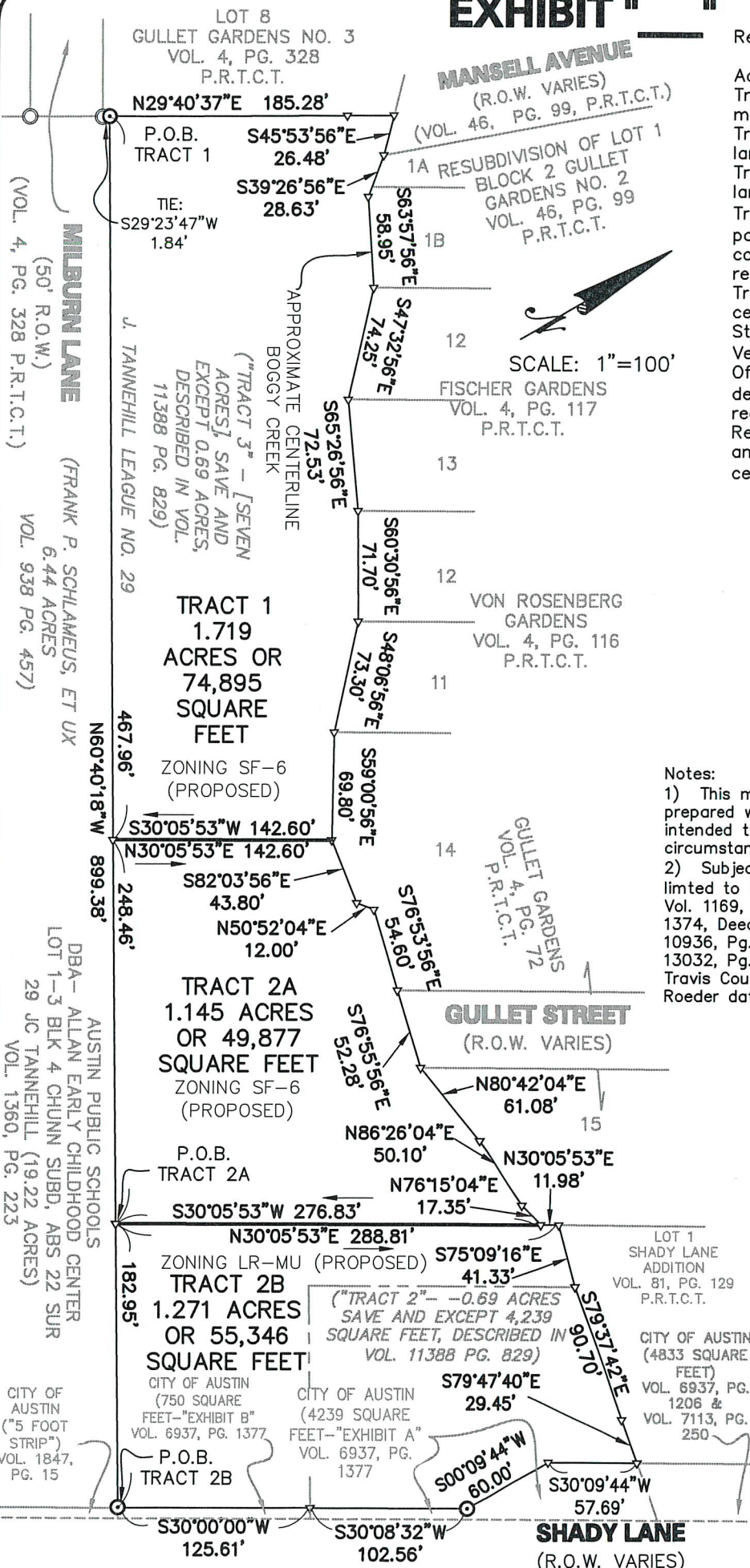


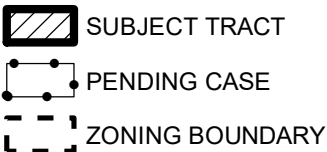
Paul Utterback, RPLS No. 5738
 Client: Scherzer, Stephanie

Tech: MBolton

Date Drawn: 6/26/2019 Revised: 5/7/2020
 & 7/7/2020

ATS Engineers Inspectors & Surveyors
 www.ats-engineers.com
 TBPLS FIRM REG. #10128000
 4910 West Hwy 290
 AUSTIN, TEXAS 78735
 (512) 328-6995
 FAX: (512) 328-6996





ZONING CASE#: C14-2019-0098

The logo of the City of Austin, featuring a circular seal with the text "CITY OF AUSTIN" at the top and "FOUNDED 1839" at the bottom. The center of the seal depicts a shield with a red and white design, topped by a blue and white emblem.

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.

$$1'' = 400'$$