

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

**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 5201 EAST MARTIN LUTHER KING JR. BOULEVARD IN THE EAST MLK COMBINED NEIGHBORHOOD PLAN AREA FROM FAMILY RESIDENCE-NEIGHBORHOOD PLAN (SF-3-NP) COMBINING DISTRICT TO MULTIFAMILY RESIDENCE MEDIUM DENSITY-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (MF-3-CO-NP) 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-neighborhood plan (SF-3-NP) combining district to multifamily residence medium density-conditional overlay-neighborhood plan (MF-3-CO-NP) combining district on the property described in Zoning Case No. C14-2020-0031.SH, on file at the Housing and Planning Department, as follows:

2.650 acres of land out of the Jesse C. Tannehill League Abstract No. 22 in Travis County, Texas, said 2.650 acres of land being more particularly described by metes and bounds in **Exhibit “A”** incorporated into this ordinance (the “Property”),

locally known as 5201 East Martin Luther King Jr. Boulevard in the City of Austin, Travis County, Texas, 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. Development of the Property is limited to 50 dwelling units.
- B. The maximum height of a building or structure on the Property within 300 feet of the south property line shall not exceed 40 feet.
- C. A 30-foot wide vegetative buffer along the southern property line shall be provided and maintained. 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.

1 **PART 3.** Except as specifically restricted under this ordinance, the Property may be  
2 developed and used in accordance with the regulations established for the multifamily  
3 residence medium density (MF-3) base district and other applicable requirements of the  
4 City Code.

5  
6 **PART 4.** The Property is subject to Ordinance No. 021107-Z-12b that established zoning  
7 for the MLK-183 Neighborhood Plan.

8  
9 **PART 5.** This ordinance takes effect on \_\_\_\_\_, 2020.

10  
11 **PASSED AND APPROVED**

12  
13 §  
14 §  
15 \_\_\_\_\_, 2020 § \_\_\_\_\_  
16 Steve Adler  
17 Mayor

18  
19  
20 **APPROVED:** \_\_\_\_\_ **ATTEST:** \_\_\_\_\_  
21 Anne L. Morgan Jannette S. Goodall  
22 City Attorney City Clerk  
23

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

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

**FIELD NOTE DESCRIPTION OF 2.650 ACRES OF LAND OUT OF THE JESSE C. TANNEHILL LEAGUE ABSTRACT No. 22 IN TRAVIS COUNTY, TEXAS, BEING ALL OF THAT CERTAIN (2.65 ACRE) TRACT OF LAND AS CONVEYED TO FRANK G. DILLENBECK BY GENERAL WARRANTY DEED RECORDED IN DOCUMENT No. 2000161845 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 pipe found in the North line of Lot 59, Stone Gate, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 20 Page 50 of the Plat Records of Travis County, Texas, for the Southwest corner of that certain (10 acre) tract of land as conveyed to Travis Audubon Society, Inc. by deed recorded in Volume 9334 Page 205 of the Real Property Records of Travis County, Texas, and for the Southeast corner of that certain (2.65 acre) tract of land as conveyed to Frank G. Dillenbeck by General Warranty Deed recorded in Document No. 2000161845 of the Official Public Records of Travis County, Texas, and being the Southeast corner and **PLACE OF BEGINNING** of the herein described tract of land;

THENCE with the common line of said Dillenbeck (2.65 acre) tract and said Stone Gate, the following three (3) courses;

- 1) N 63 deg. 42' 43" W 143.16 ft. to a ½" iron rod found at the point of termination of the East right-of-way line of Elmsgrove Drive for the Northwest corner of Lot 60;
- 2) N 61 deg. 57' 50" W 51.38 ft. to a ½" iron rod found at the point of termination of the West right-of-way line of Elmsgrove Drive for the Northeast corner of Lot 61;
- 3) N 62 deg. 43' 56" W 119.61 ft. to a ½" iron rod found for the Southwest corner of said Dillenbeck (2.65 acre) tract and for the Southeast corner of that certain (1.1462 acre) tract of land as conveyed to East 13<sup>th</sup> Street, LLC by Correction Instrument recorded in Document No. 2018174252 of the Official Public Records of Travis County, Texas, and having been previously described in General Warranty Deed recorded in Document No. 2014091826 of the Official Public Records of Travis County, Texas, and being the Southwest corner of this tract;

THENCE with the common line of said Dillenbeck (2.65 acre) tract and said (1.1462 acre) tract, N 27 deg. 55' 44" E 259.05 ft. to a ½" iron rod found in the South right-of-way line of East Martin Luther King, Jr. Boulevard for the Northeast corner of said (1.1462 acre) tract and for the Northwest corner of said Dillenbeck (2.65 acre) tract and being the Northwest corner of this tract;

end of Page 1

Exhibit A

Page 2 of 2  
2.650 ACRES

THENCE with the South right-of-way line of East Martin Luther King, Jr. Boulevard, N 82 deg. 49' 37" E 384.06 ft. to a ½" iron rod found for the Northwest corner of said Travis Audubon Society (10 acre) tract, and being the Northeast corner of this tract;

THENCE leaving the South right-of-way line of East Martin Luther King, Jr. Boulevard with the common line of said Travis Audubon Society (10 acre) tract and said Dillenbeck (2.65 acre) tract, S 27 deg. 56' 41" W 474.51 ft. to the **PLACE OF BEGINNING**, containing 2.650 acres of land.

**SURVEYED:** September 23, 2019



Holt Carson

Registered Professional Land Surveyor No. 5166

see accompanying map: A 1034140

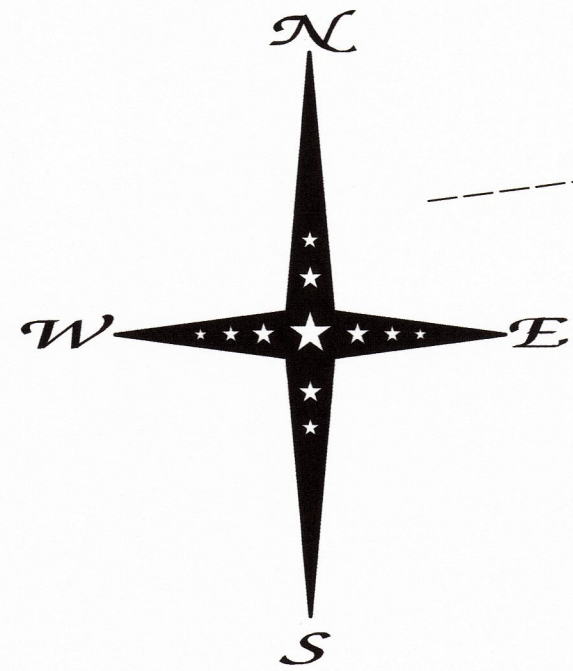




NOTE:  
Orientation for this survey was based of the State Plane Coordinate  
System, Texas Central Zone (4203).

SCALE: 1" = 30'

JESSE C. TANNEHILL LEAGUE  
ABSTRACT No. 22



East 13th Street, LLC  
Doc. No. 2014091826  
corrected in  
Doc. No. 2018174252

N27°55'44"E 259.05'

N62°43'56"W 119.61'

Lot 61

Stone Gate  
Volume 20 Page 50

Lot 62

ELMSGROVE DRIVE (50')

Lot 32

WOODMOOR DRIVE (50')

Lot 60

Stone Gate  
Volume 20 Page 50

Lot 59

Lot 58

E MLK Jr. BOULEVARD

20' Water Transmission  
Main Easement per  
Notice of Lis Pendens  
Volume 10217 Page 110  
Cause No. 1451

concrete headwall  
and drainpipe  
edge of pavement  
underground  
utility sign

(N85°15'03"E 385.26')  
N82°49'37"E 384.06'

545

540

535

S27°56'41"W 474.51'  
(S30°24'W 474.15')

Volume 9334 page 205

Frank G. Dillenbeck  
(2.65 Acres)  
General Warranty Deed  
Document No. 2000161845  
**2.650 ACRES  
Surveyed**

Two Story  
Block and Frame  
House  
No. 5201  
22.3'  
conc.  
pavers

Legend

- ⊙ 1/2" Iron Rod Found
- IPF 1/2" Iron Pipe Found
- x— Wire Fence
- Overhead Utility Line  
(Record Bearing and Distance)

TO: Philip Loadholt, LLC, a Texas limited liability company  
Austin Title Company  
Chicago Title Insurance Company

THE STATE OF TEXAS GF No. AUT19006736  
THE COUNTY OF TRAVIS

The undersigned does hereby certify that  
a survey was this day made on the ground of the  
property legally described hereon and is accurate  
to the best of my abilities and that there are no  
boundary line conflicts, encroachments, shortages in  
area, overlapping of improvements, visible utility  
lines, or roads in place, except as shown hereon,  
and said property abuts a dedicated roadway.  
This property is within Zone X (areas determined  
to be outside of the 100 Year Flood Plain) according  
to the Federal Emergency Management Agency Flood  
Insurance Rate Map Panel No. 48453C 0470 K,  
dated January 6, 2016.  
THIS the 23rd day of SEPTEMBER, A.D., 2019.

BY:

*Holt Carson*

Holt Carson  
Registered Professional Land Surveyor No. 5166  
HOLT CARSON, INC.  
1904 Fortview Road Austin, Texas 78704  
(512)-442-0990  
Firm Registration Number 10050700



MAP OF TOPOGRAPHIC SURVEY OF

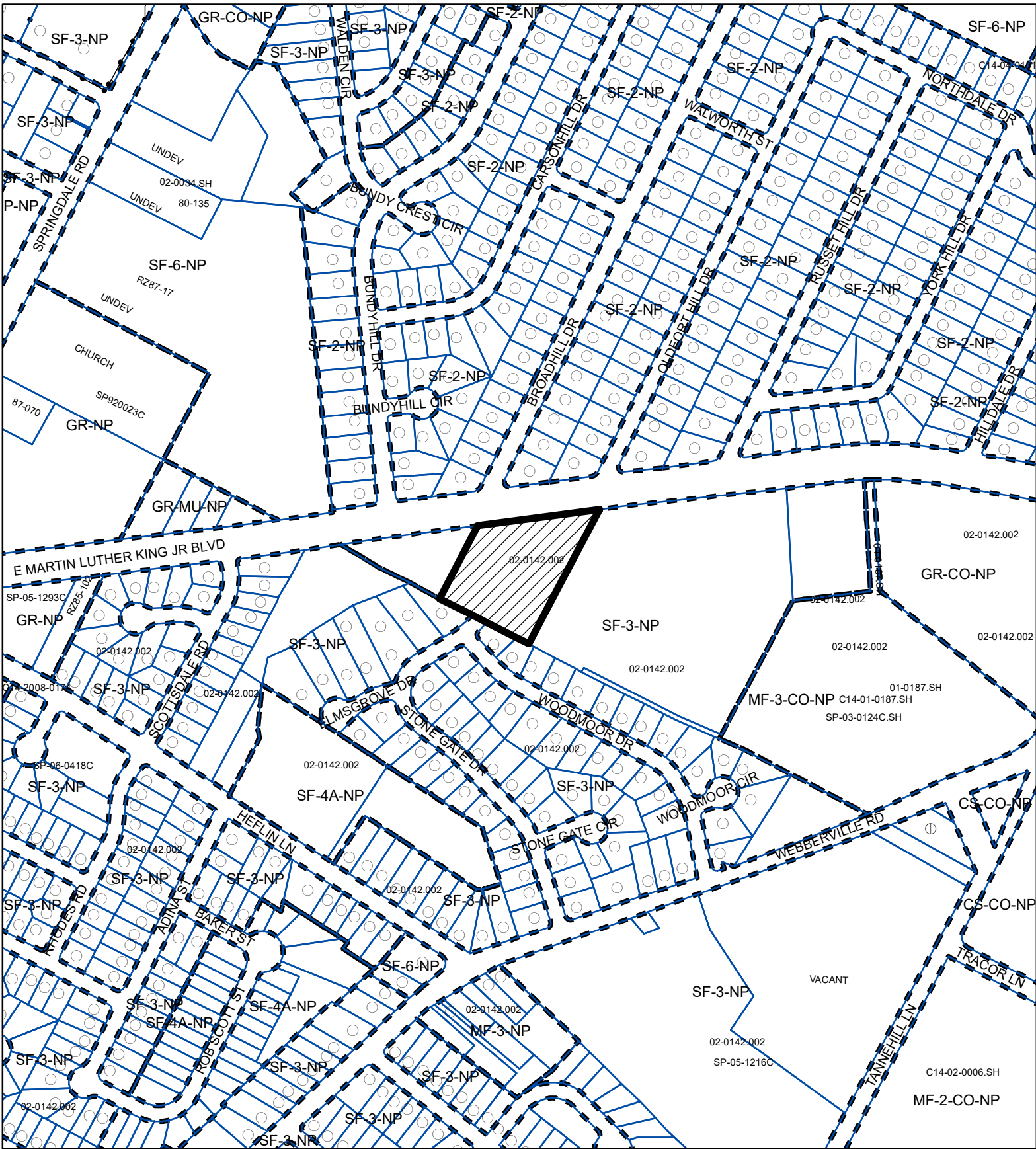
2.650 ACRES OF LAND OUT OF THE JESSE C. TANNEHILL LEAGUE  
ABSTRACT No. 22 IN TRAVIS COUNTY, TEXAS, BEING ALL OF  
THAT CERTAIN (2.65 ACRE) TRACT OF LAND AS CONVEYED TO  
FRANK G. DILLENBECK BY GENERAL WARRANTY DEED RECORDED  
IN DOCUMENT No. 2000161845 OF THE OFFICIAL PUBLIC RECORDS  
OF TRAVIS COUNTY, TEXAS.




see accompanying Field Note Description

A 1034140

TREE LIST		TREE LIST	
TAG No.	DESCRIPTION	TAG No.	DESCRIPTION
1	15" Drake Elm	61	9" Cedar Elm
2	8" Hackberry	62	11" Cedar Elm
3	20" Willow	63	13" Cedar Elm
4	24" Willow	64	9" Cedar Elm
5	10" Drake Elm	65	9" and 12" Cedar Elm
6	14" Hackberry	66	16" Cedar Elm
7	8" Bumelia	67	9" Cedar Elm
8	8" Cedar Elm	68	12" Cedar Elm
9	9" Cedar Elm	69	10" Cedar Elm
10	9" Cedar Elm	70	8" Cedar Elm
11	8" Cedar Elm	71	8" Cedar Elm
12	20" Live Oak	72	10" Cedar Elm
13	13" Cedar Elm	73	14" Burr Oak
14	12" Cedar Elm	74	9" Live Oak
15	14" Cedar Elm	75	8" Live Oak
16	14" Cedar	76	10" Live Oak
17	15" Cedar Elm	77	9" Cedar Elm
18	12" Cedar Elm	78	10" Cedar Elm
19	8" Cedar Elm	79	10" and 14" Cedar Elm
20	12" Mesquite	80	9" and 10" Cedar Elm
21	11" Hackberry	81	8" Live Oak
22	9" Live Oak	82	12" Cedar Elm
23	10" Mesquite	83	10" Cedar Elm
24	8" Hackberry	84	8" Cedar Elm
25	14" Mesquite	85	8" Cedar Elm
26	8" and 11" Mesquite	86	12" Cedar Elm
27	17" Cedar Elm	87	16" Cedar Elm
28	12" Cedar Elm	88	12" Cedar Elm
29	9" Cedar Elm	89	15" Cedar Elm
30	9" Cedar Elm	90	14" Cedar Elm
31	8" Cedar Elm	91	15" Cedar Elm
32	8" Cedar Elm	92	10" Cedar Elm
33	8" Cedar Elm	93	10" Cedar Elm
34	9" Cedar Elm	94	9" Cedar Elm
35	8" Cedar Elm	95	9" Cedar Elm
36	11" Cedar Elm	96	20" Cedar Elm
37	12" Cedar Elm	97	11" Cedar Elm
38	19" Cedar Elm	98	8" Cedar Elm
39	23" Cedar Elm	99	9" Cedar Elm
40	12" Cedar Elm	100	9" Cedar Elm
41	9" Cedar Elm	101	6" and 9" Cedar Elm
42	9" Cedar Elm	102	9" and 10" Mesquite
43	10" Cedar Elm	103	10" Mesquite
44	9" Cedar Elm	104	two 8" Cedar Elms
45	20" Cedar Elm	105	15" Cedar Elm
46	16" Cedar Elm	106	10" Post Oak
47	9" Live Oak	107	11" Cedar Elm
48	10" Cedar Elm	108	9" Cedar Elm
49	10" Cedar Elm	109	15" Cedar Elm
50	8" Cedar Elm	110	8" Cedar Elm
51	10" Cedar Elm	111	11" Cedar Elm
52	10" Pear	112	8" Cedar Elm
53	10" Cedar Elm	113	11" Cedar Elm
54	10" Cedar Elm	114	8" Cedar Elm
55	10" Cedar Elm	115	8" Cedar Elm
56	9" Cedar Elm	116	8" Cedar Elm
57	12" Cedar Elm	117	10" Cedar Elm
58	8" Cedar Elm	118	9" Cedar Elm
59	11" Cedar Elm	119	10" Cedar Elm
60	8" Cedar Elm	120	14" Cedar Elm
		121	9" Cedar Elm
		122	11" Post Oak
		123	9" Cedar Elm
		124	10" Cedar Elm
		125	8" Cedar Elm
		126	9" Cedar Elm
		127	8" Cedar Elm
		128	8" Cedar Elm
		129	8" Cedar Elm





-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

**ZONING**

**ZONING CASE#: C14-2020-0031.SH**

**Exhibit B**



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 Austin regarding specific accuracy or completeness.

**Created: 3/4/2020**