## **ORDINANCE NO. 20220127-068**

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 1725 TOOMEY ROAD FROM GENERAL COMMERCIAL SERVICES (CS) DISTRICT TO MULTIFAMILY RESIDENCE HIGHEST DENSITY-CONDITIONAL OVERLAY (MF-6-CO) 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 general commercial services (CS) district to multifamily residence highest density-conditional overlay (MF-6-CO) combining district on the property described in Zoning Case No. C14-2021-0009, on file at the Housing and Planning Department, as follows:

Being 0.090 acres of land, more or less, out of the Isaac Decker Survey, Abstract No. 8, Travis County, Texas, being those tracts called Tracts 1-3 as conveyed to Beyond Investments, LLC, by deed recorded in Document No. 2019011624, Official Public Records of Travis County, Texas, said 0.090 acres of land being more particularly described by metes and bounds in **Exhibit "A"** incorporated into this ordinance (the "Property"),

locally known as 1725 Toomey Road 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) The maximum height of building or structure on the Property shall not exceed 75 feet.
  - (B) A vegetative buffer shall be provided and maintained along the north property line consistent with the primary setback area as defined in City Code Section 25-2-733(B) (*Butler Shores Subdistrict Regulations*). Fences, railings or barriers may not be erected in the buffer area. 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.
  - (C) Benches may be located in the vegetative buffer area.

- (D) Vehicular access from the Property to Toomey Road is prohibited unless, at the time of site plan, the city manager requires access for traffic safety reasons.
- (E) The Property shall not be used as a Type 3 short-term rental described in City Code Section 25-2-790 (*Short-term rental (Type 3) Regulations*).

**PART 3.** Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the multifamily residence highest density (MF-6) district and other applicable requirements of the City Code.

PART 4. This ord	dinance takes effect on l	February 7, 2022. /
PASSED AND A	PPROVED	
January	y 27 , 2022	\$ s fleve faller
		// Steye Adler Mayor
APPROVED:		ATTEST: Brady for
	Anne L. Morgan	Myrna Rios
	City Attorney	City Clerk

## **EXHIBIT "A"**

**FIELD NOTES** 

JOB NO. 20-0260 DATE: MARCH 6, 2020

PAGE 1 OF 2

Field notes to accompany exhibit.

## **0.90 ACRES**

Being 0.90 acres of land, more or less, out of the Isaac Decker Survey, Abstract No. 8, Travis County, Texas, being those tracts called Tracts 1-3 as conveyed to Beyond Investments, LLC, by deed recorded in Document No. 2019011624, Official Public Records, Travis County, Texas, as surveyed on the ground by Texas Land Surveying, Inc. on March 4<sup>th</sup>, 2020, and further described by metes and bounds as follows:

**BEGINNING** at a 1/2 inch iron rod with pink cap stamped "TLS" set in the south line of Toomey Road, marking the northwest corner of the Wallace Kenneth Subdivision, said plat recorded in Document No. 201000089, of said Official Public Records, for the northeast corner of said Tract 3, said Beyond tract and this tract, from which a 1/2 inch iron rod with yellow cap stamped "Bury" found, marking the northeast corner of said Wallace Kenneth Subdivision, bears S 62°44'46" E, 218.13 feet;

THENCE: **S 27°22'09" W, 301.06 feet** with the west line of said Wallace Kenneth Subdivision and the east line of said Tracts 1-3 and said Beyond tract to a 1/2 inch iron rod with pink cap stamped "TLS" set, marking the northeast corner of a tract conveyed to 4W-SSP, LLC, by deed recorded in Document No. 2011075915, of said Official Public Records, for the southeast corner of said Tract 2, said Beyond tract and this tract;

THENCE: N 60°58'10" W, 145.12 feet with the north line of said 4W-SSP tract and the south line of said Tract 2 and said Beyond tract to a 1/2 inch iron rod found in the east line of Sterzing Street, marking the northwest corner of said 4W-SSP tract, for the southwest corner of said Tract 2, said Beyond tract and this tract;

THENCE: **N 32°46'04" E**, with the east line of said Sterzing Street and the west line of said Tracts 1-3 and said Beyond tract at 289.21 feet passing a 1/2 inch iron rod found, marking the northwest corner of said Tract 1, also marking the southwest corner of said Tract 3, continuing in all **299.07 feet** to a 1/2 inch iron rod with pink cap stamped "TLS" set at the intersection of the east line of said Sterzing Street and the south line of said Toomey Road, for the northwest corner of said Tract 3, said Beyond tract and this tract;

THENCE: **S 62°11'39"** E, **116.92 feet** with the south line of said Toomey Road and the north line of said Tract 3 and said Beyond tract to the Point of Beginning.

Bearings cited hereon based on Grid North Texas State Plane Coordinate System (Central Zone) NAD83/93

Kenneth Louis Crider, R.P.L.S. No. 5624NNETH LOU

Texas Land Surveying, Inc. 3613 Williams Drive, Suite 903

Georgetown, Texas 78628

ZAVNETH LOUIS CROPTERS L

Williams Drive, Suite 903 – Georgetown, Texas 78628 (512) 930-1600 www.texas-ls.com

TBPLS FIRM No. 10056200

RESTRICTIVE COVENANTS.

ONLY THOSE BASIEMENTS AND THAT I MYORHATION LISTED IN TITLE COPHITHENT 2008305-14A." EFFECTIVE DATE OF FERRILARY 22, 2020 AND RE-LISTED BELOW WERE CONSIDERED FOR THIS SURVEY.

(1) RESTRICTIVE COVENANTS - V.12P, 9A., V.2P, PI, OSLB.ECT TO)

10A.) ELECTRIC AND TELEPHONE LINES AND SYSTEMS EASEMENT TO THE CITTY OF AUSTIN - V.32A2P, 9A.

PAGE 2 OF 2 EXHIBIT TO ACCOMPANY FIELD NOTES

CONC-DRAIN

CONC-

BEING 0.90 ACRES OF LAND, MORE OR LESS, OUT OF THE ISAAC DECKER SURVEY, ABSTRACT NO. 8, TRAVIS COUNTY, TEXAS, BEING THOSE TRACTS CALLED TRACTS 1-3 AS CONVEYED TO BEYOND INVESTMENTS, LLC, BY DEED RECORDED IN DOCUMENT NO. 2019011624, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS.

1725 TOOMEY ROAD

JOB NO: 20-0260 ... DRAWN: RCG

DRAWN: RCG F.C.: CC/RS/PO



POINT OF BEGINNING CONC. DRIVEWAY DRIVEWAY (\$2002193704) (\$ 60'02'00" E 116.90') \$ 62'11'39" E 116.92' 9 62'44'46" E 218.13' YELLOW D CAP BURY TRACT 3 ASPHALT PARKING ASPHALT PARKING 5' X 40' P.U.E. (V.3428/P.587) o-T4 o\_T5 DRIVEWAY ASPHALT PARKING -CONC. WALK TRACT 1 STERZING STREET
PAVED ROAD \_ CONC. CURB 3.0 BRICK CONC. STEPS PORCH/DECK THREE STORY BRICK, FRAME APARTMENTS ASPHALT £ CONC. COVERED CONC. (\$2002193704) (\$2933'00" W 301.06') S 27'22'09" W 301.06' 3.1' COVERE BRICK CONC: ASPHALT 0.90 ACRES BEYOND INVESTMENTS, LLC #2019011624 O.P.R.T.C. DRIVEWAY COVERED CONC PORCH/DECK TRACT 2 32 CONC 32.5 CONC. WALK CONC.-TIZ O CONC-ASPHALT PARKING 0.9' 3.2 ASPHALT PARKING (#2002193704) (N 58'48'00" W 145.19') N 60'58'10" W\_/ 145.12' COVERED CONG CONC. PARKING N 32'44'57" E 160.30'

LEGEND			
•	1/2" IRON ROD FOUND		
	(UNLESS OTHERWISE NOTED)		
0	2" PIPE FOUND		
0	1/2" IRON ROD SET WITH		
	PINK CAP STAMPED "TLS"		
111	PAVEMENT		
•	FENCE POST		
+	METAL FENCE		
++	WOOD FENCE		
Q.,	UTILITY POLE		
=3	ELECTRIC LINES		
ET-	ELECTRIC/TELEPHONE LINES		
T —	TELEPHONE LINES		
8	AIR CONDITIONER		
23	CABLE TV		
	CLEANOUT		
10	ELECTRIC		
٠	FIRE HYDRANT		
(D)	MAILBOX		
0	MANHOLE		
1	SIGN		
•	TELEPHONE		
9	WATER METER		
9	WATER VALVE		
	RECORD INFORMATION		
U.E.	PUBLIC UTILITY EASEMENT		
DNC.	CONCRETE		
O.W.	RIGHT-QF-WAY		
810	OFFICIAL PUBLIC RECORDS OF		

CERTIFY TO: NOEPENDENCE TITLE / TITLE RESOURCES GUARANTY COMPANY / GREG S SMITH / GF# 2008355-HAY

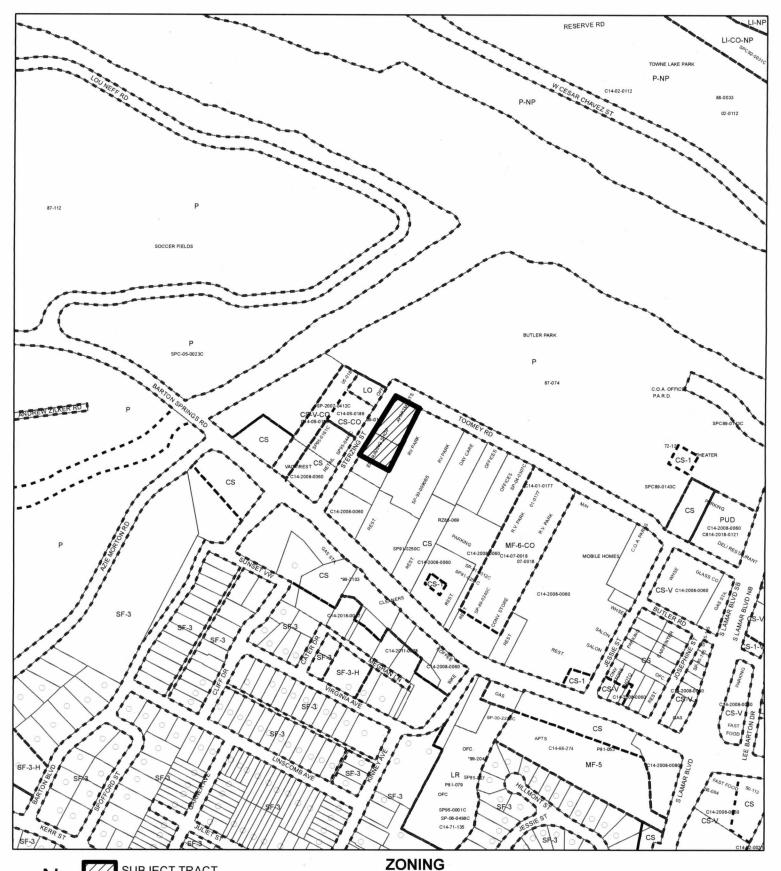
STATE OF TEXAS \$ NNOW ALL MEN BY THESE PRESENTS

Texas Land Surveying, Inc.

"A Land Surveying and Geodelinnos Firm.

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(512) 930—1600/512) 930—3999 fax www.texas—is.com
TBPLS FIRM NO.10056200 GEOSCIENCE FIRM NO.50535

OFESSION OF SECULAR WITNESS MY INSULANCE SECULAR WITNESS MY INSULANCE SECULAR SECULAR







ZONING CASE#: C14-2021-0009

ZONING BOUNDARY

PENDING CASE

Exhibit B

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 the Housing and Planning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or



Created: 2/1/2021