

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 ordinance takes effect on February 7, 2022.

PASSED AND APPROVED

January 27, 2022

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§
§

Steve Adler
Mayor

APPROVED: _____
Anne L. Morgan
City Attorney

ATTEST: _____
Myrna Rios
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 4th, 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;

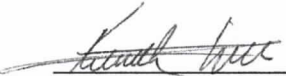
THENCE: S 27°22'09" W, 301.06 feet with the west line of said Wallace Kenneth Subdivision and the east line of said Tracts 1-3 and said Beyond tract to a 1/2 inch iron rod with pink cap stamped "TLS" set, marking the northeast corner of a tract conveyed to 4W-SSP, LLC, by deed recorded in Document No.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

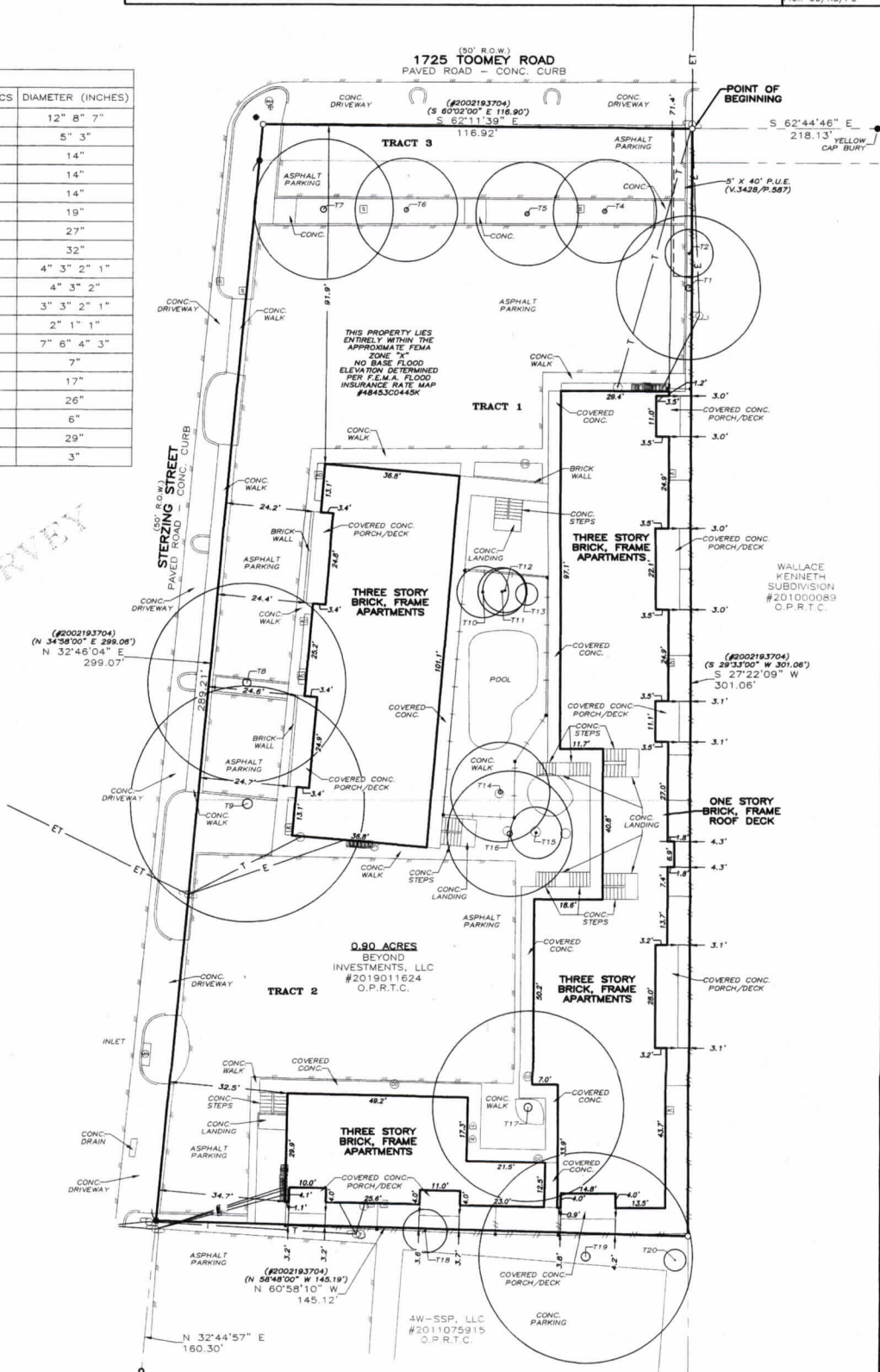
Bearings cited hereon based on Grid North Texas State Plane Coordinate System (Central Zone) NAD83/93

 3-6-20
Kenneth Louis Crider, R.P.L.S. No. 5624
Texas Land Surveying, Inc.
3613 Williams Drive, Suite 903
Georgetown, Texas 78628



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(512) 930-1600 www.texas-ls.com
TBPLS FIRM No. 10056200

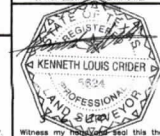
TREE LIST			
TAG#	TYPE	CHARACTERISTICS	DIAMETER (INCHES)
1	CREPEMYRTLE	3X	12" 8" 7"
2	CREPEMYRTLE	SINGLE	5" 3"
4	PECAN	SINGLE	14"
5	PECAN	SINGLE	14"
6	PECAN	SINGLE	14"
7	PECAN	SINGLE	19"
8	PECAN	SINGLE	27"
9	PECAN	SINGLE	32"
10	CHINABERRY	4X	4" 3" 2" 1"
11	CHINABERRY	3X	4" 3" 2"
12	CHINABERRY	4X	3" 3" 2" 1"
13	CHINABERRY	3X	2" 1" 1"
14	CHINABERRY	4X	7" 6" 4" 3"
15	BRADFORD PEAR	SINGLE	7"
16	BRADFORD PEAR	SINGLE	17"
17	PECAN	SINGLE	26"
18	HACKBERRY	SINGLE	6"
19	PECAN	SINGLE	29"
20	CHINKAPIN OAK	SINGLE	3"



Scale: 1" = 20'
BEARINGS CITED HEREON BASED ON
TEXAS STATE PLANE COORDINATE
SYSTEM, NORTH AMERICAN DATUM
1983/93, TEXAS CENTRAL ZONE.

[illegible][illegible][illegible]

THIS AREA DOES NOT APPEAR TO BE IN
SPECIAL FLOOD HAZARD AREAS PER
FEMA'S FLOOD INSURANCE RATE MAP
#48453C0445K, DATED JAN. 22, 2020.
THIS STATEMENT IS NOT MADE IN LIEU
OF AN ELEVATION CERTIFICATE.



Witness my hand and Seal this the
4th Day of March, 2020 A.D.

$$1'' = 400'$$