

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

**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 6405 BERKMAN DRIVE IN THE UNIVERSITY HILLS/WINDSOR PARK COMBINED NEIGHBORHOOD PLAN AREA FROM TOWNHOUSE AND CONDOMINIUM RESIDENCE-NEIGHBORHOOD PLAN (SF-6-NP) COMBINING DISTRICT TO COMMUNITY COMMERCIAL-MIXED USE-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (GR-MU-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 townhouse and condominium residence-neighborhood plan (SF-6-NP) combining district to community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district on the property described in Zoning Case No. C14-2023-0107, on file at the Planning Department, as follows:

0.8552 acres of land, out of the DINSMORE SIMPSON SURVEY, ABSTRACT No. 694, in the City of Austin, Travis County, Texas, being all of that same 0.849 acre tract of land described in a deed recorded in Document No. 2008119685, of the Official Public Records of Travis County, Texas, said 0.8552 acres of land being more particularly described by metes and bounds in **Exhibit “A”** incorporated into this ordinance (the “Property”),

locally known as 6405 Berkman Drive 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:

The following are prohibited uses on the property:

Automotive rental	Automotive repair services
Automotive sales	Automotive washing (of any type)
Bail bond services	Business or trade school
Business support services	Commercial off-street parking
Communication services	Drop-off recycling collection facility
Exterminating services	Food preparation
Funeral services	Hospital services (general)

Hotel-motel  
Indoor sports and recreation

Outdoor entertainment  
Pawn shop services  
Service station

Indoor entertainment  
Medical offices exceeding 5,000  
square feet  
Outdoor sports and recreation  
Research services  
Theatre

**PART 3.** Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the community commercial (GR) base district, mixed use (MU) combining district, and other applicable requirements of the City Code.

**PART 4.** Except as specifically modified by this ordinance, the Property is subject to Ordinance No. 20070809-057 that established zoning for the Windsor Park Neighborhood Plan.

**PART 5.** This ordinance takes effect on \_\_\_\_\_, 2024.

**PASSED AND APPROVED**

\_\_\_\_\_, 2024      §  
   §  
   §  
\_\_\_\_\_, 2024      §  
\_\_\_\_\_  
Kirk Watson  
Mayor

**APPROVED:** \_\_\_\_\_ **ATTEST:** \_\_\_\_\_  
Anne L. Morgan      Myrna Rios  
City Attorney      City Clerk

EXHIBIT A

METES & BOUNDS DESCRIPTION

BEING A 0.8552 ACRE TRACT OF LAND SITUATED IN THE DINSMORE SIMPSON SURVEY, ABSTRACT NUMBER 694 IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING ALL OF AND THE SAME TRACT AS A CALLED 0.849 ACRE TRACT OF LAND BEQUEATHED TO JOE DAVID PARKS IN DOCUMENT NUMBER 2008119685, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS (O.P.R.T.C.T.), BEING DESCRIBED IN VOLUME 1949, PAGE 384, DEED RECORDS OF TRAVIS COUNTY, TEXAS (D.R.T.C.T.), SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a 5/8-inch pipe found in the northwest right-of-way line of Hickman Avenue (50 feet wide) at the east corner of Lot A, SYMANK-WILSON ADDITION as shown on the plat recorded in Volume 59, Page 10, Plat Records of Travis County, Texas and being the south corner of the herein described tract;

THENCE along the northeast line of said Lot A and the northeast line of the residue of a called 0.91 acre tract of land conveyed to the City of Austin as recorded in Volume 2132, Page 211, D.R.T.C.T., North 62° 18' 49" West, a distance of 350.91 feet (called North 60° 25' West, 349.7 feet, per deed) to a 1/2-inch iron rod with cap set in the southeast right-of-way line of Berkman Drive (variable width) for the north corner of said residue of called 0.91 acres and being the west corner of the herein described tract;

THENCE along said right-of-way line, North 26° 56' 10" East, a distance of 105.50 feet (North 29° 29' East, 105.5 feet, per deed) to a 1/2-inch iron rod with cap set for the west corner of a called 0.851 acre tract of land conveyed to Terra Salerno LLC as recorded in Document Number 2019029467, O.P.R.T.C.T. and being the north corner of the herein described tract;

THENCE along the southwest line of said called 0.851 acre tract, South 62° 29' 33" East, passing a 1/2-inch iron rod with cap stamped "Bryan Tech" found on-line at a distance of 351.33 feet and continuing for a total distance of 351.70 feet (South 60° 25' East, 351.1 feet, per deed) to a point in the aforementioned northwest right-of-way line of Hickman Avenue at the south corner of said called 0.851 acre tract, and being the east corner of the herein described tract;

THENCE along said right-of-way line, South 27° 22' 14" West, a distance of 106.59 feet (South 30° 15' West, 105.5 feet, per deed) to the POINT OF BEGINNING of the herein described tract and containing 37, 253 square feet or 0.8552 acres of land.

Basis of Bearing: Texas South Central Zone, NAD83  
All 1/2-inch iron rods with cap set are stamped "AMERISURVEYORS"


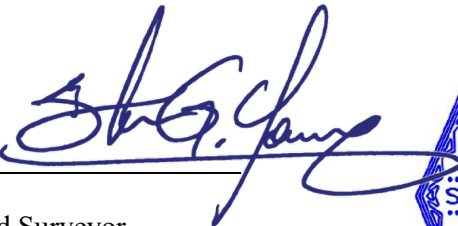
STATE OF TEXAS        §

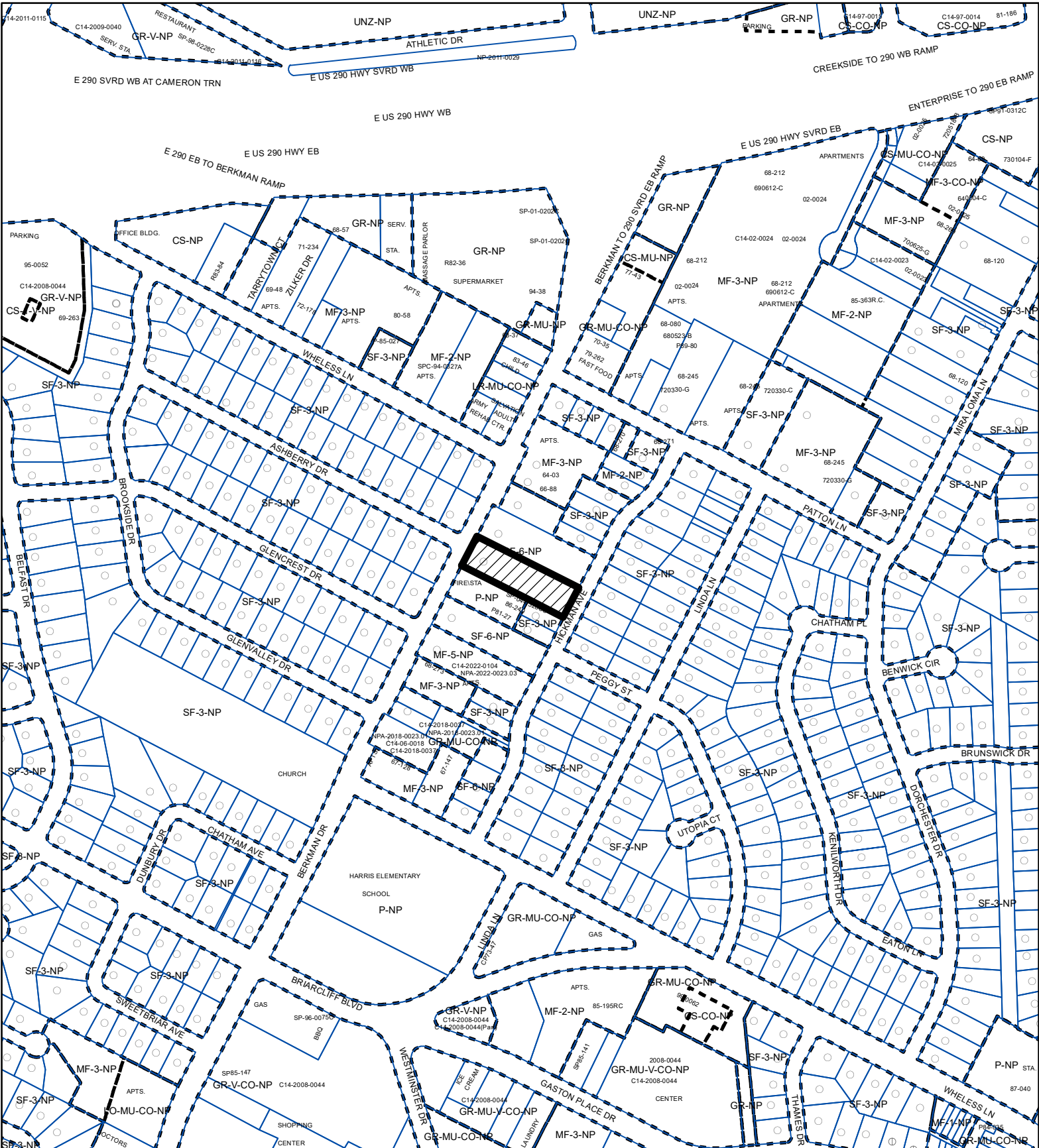
June 7, 2023

COUNTY OF TRAVIS    §

I hereby certify that the above description was prepared from an actual survey on the ground of the described tract made under my supervision as of the date hereon.

Steven G. Young,  
Registered Professional Land Surveyor  
Registration No. 5503  
Job No.: 2306095583





N

SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

**ZONING**

**ZONING CASE#: C14-2023-0107**

**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 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: 9/19/2023**