

**ORDINANCE NO. 20080214-090**

**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 2811 DEL CURTO ROAD FROM FAMILY RESIDENCE (SF-3) DISTRICT TO URBAN FAMILY RESIDENCE-CONDITIONAL OVERLAY (SF-5-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 family residence (SF-3) district to urban family residence-conditional overlay (SF-5-CO) combining district on the property described in Zoning Case No. C14-2007-0233, on file at the Neighborhood Planning and Zoning Department, as follows:

A 1.0 acre tract of land, more or less, out of Block 7, Theodore Low Heights Subdivision, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance (the "Property"),

locally known as 2811 Del Curto Road, in the City of Austin, Travis County, Texas, and 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:


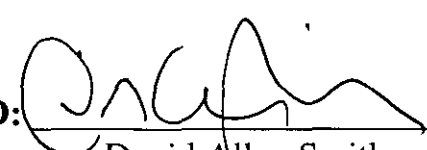
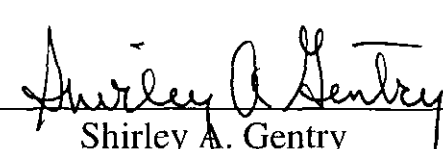
- A. Development of the Property may not exceed six dwelling units.
- B. Development of the Property may not exceed 5.802 dwelling units per acre.
- C. Except as otherwise provided in Section D of this part, the maximum height of a building or structure is:
  - a. two stories; and
  - b. 32 feet.
- D. A habitable attic of not more than 400 square feet of gross floor area shall not be counted as a story if it meets the requirements of Chapter 25-2, Subchapter F, Article 3.3.2. (*Definitions and Measurement*).

- E. A condominium or townhouse use of the Property is subject to Chapter 25-2, Subchapter F: (*Residential Design and Compatibility Standards*) including sidewall articulation and side and rear setback requirements.
- F. Except as otherwise provided in Section G of this part, the maximum impervious cover is 45 percent.
- G. If driveways are constructed of grass pavers, the maximum impervious cover is 50 percent.
- H. A building setback line of 10 feet shall be established along the north and south property lines.

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the urban family residence (SF-5) base district, and other applicable requirements of the City Code.

**PART 3.** This ordinance takes effect on February 25, 2008.

**PASSED AND APPROVED**

|   |   |   |
|---|---|---|
| February 14   | § |   |
| , 2008  | § |   |
|   | § |  |
|   |   | Will Wynn   |
|   |   | Mayor   |
| <b>APPROVED:</b>  |   | <b>ATTEST:</b>  |
|  |   |  |
| David Allan Smith   |   | Shirley A. Gentry   |
| City Attorney   |   | City Clerk  |

*EXHIBIT A*

**FIELD NOTES**

**BEING 1.00 ACRE SITUATED IN TRAVIS COUNTY, TEXAS BEING A PORTION OF BLOCK NO. SEVEN (7) OUT OF THE THEODORE LOW HEIGHTS SUBDIVISION RECORDED IN VOLUME 455, PAGE 581 DEED RECORDS OF TRAVIS COUNTY, TEXAS AND BEING THAT TRACT DESCRIBED AS 0.976 ACRE IN A WARRANTY DEED GRANTED TO SAMUEL LINN SMITH, ET AL, AND RECORDED IN VOLUME 7353, PAGE 584 REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BE METES AND BOUNDS AS FOLLOWS**

**Commencing** at a 1/2" iron rod found in the east line of Del Curto Road (ROW varies) for the southwest corner of that tract described as 0.875 acres out of Block No. Eleven (11) and 1.50 acres out of Block Nine (9) of said Theodore Low Heights subdivision; **SAVE & EXCEPT** a tract of land out of said Block 11 as described in "Exhibit B" granted to Ferguson Family Limited Partnership, a Texas Limited Partnership (herein called Ferguson)

**THENCE:** N 29°30'00" E 144.71 feet with the east line of said Del Curto Road and the west line of said Ferguson tract as monumented to a 1/2" iron pipe found for the northwest corner of said Ferguson tract and the southwest corner of that tract described as 0.730 acre granted to Joseph D. Castle, et ux, as described by the Travis County, Texas Tax Records Map No. 4 0407 Reference 4 0708, said corner also being the northwest corner of Block Nine (9) and the southwest corner of Block Seven (7) of said Theodore Low Heights subdivision;

**THENCE:** N 29°31'57" E 70.16 feet continuing with the east line of said Del Curto Road and with the monumented west line of said Castle tract to a calculated point for the monumented northwest corner of said Castle tract and the southwest corner of said Smith tract and **Point of Beginning** of this tract;

**THENCE:** N 29°30'29" E 92.60 feet continuing with the east line of said Del Curto Road and the described and monumented west line of said Smith tract to a calculated point for the monumented southwest corner of that tract described in a Warranty Deed granted to Ace and Polly Bartlett Family Living Trust (herein call Bartlett) and the monumented northwest corner of said Smith tract and this tract;

**THENCE:** S 60°39'57" E 469.66 feet with the monumented south line of said Bartlett tract and monumented north line of said Smith tract to a 1/2" iron rod found for and angle corner of Lot 13, Block "D" Cinnamon Ridge a subdivision recorded in Volume 80, Page 156 Plat Records of Travis County, Texas and the monumented southeast corner of said Bartlett tract and the monumented northeast corner of said Smith tract and this tract,

**THENCE:** S 29°16'00" W with the monumented east line of said Smith tract, at 58.27 feet passing a 1/2" iron rod found for the southwest corner of said Lot 13 and the northwest corner of said Lot 14 of said Block "D", at 78.27 feet passing a 5/8" iron pipe found for the southwest corner of said Lot 14 and of said Cinnamon Ridge Subdivision also being the monumented northwest corner of that tract described in a Special Warranty Deed with Encumbrance for Owelty of Partition granted to Krista Kaye Umscheid and recorded as Document No. 2005101365 Official Public Records of Travis County, Texas, continuing in all 92.60 feet to a calculated point for the monumented northeast corner of said Castle tract and the monumented southeast corner of said Smith tract and this tract;

**THENCE:** N 60°39'36" W 470.05 feet with the monumented north line of said Castle tract and the monumented south line of said Smith tract to the **Point of Beginning** and containing 1.00 Acre of land more or less



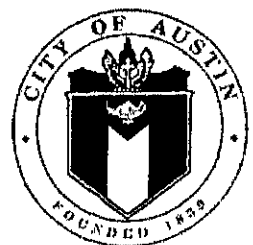
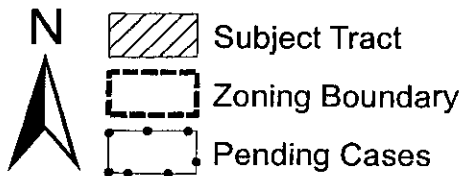
Paul Utterback  
Registered Professional Land Surveyor No. 5738  
May 23, 2007





# ZONING EXHIBIT B

ZONING CASE#: C14-2007-0233  
 ADDRESS: 2811 DEL CURTO RD  
 SUBJECT AREA: 1.00 ACRES  
 GRID: G20  
 MANAGER: R. HEIL



1" = 400' OPERATOR: S MEEKS

This map has been produced by G.I.S. Services for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.