

ORDINANCE NO. 20090611-057

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT NORTH OF PEARCE LANE AND EAST OF SH 130 FROM DEVELOPMENT RESERVE (DR) DISTRICT AND SINGLE FAMILY RESIDENCE SMALL LOT (SF-4A) DISTRICT TO COMMUNITY COMMERCIAL-CONDITIONAL OVERLAY (GR-CO) COMBINING DISTRICT FOR TRACT ONE AND MULTIFAMILY RESIDENCE MEDIUM DENSITY (MF-3) DISTRICT FOR TRACT TWO.

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 districts on the property described in Zoning Case No. C14-2008-0183.SH, on file at the Neighborhood Planning and Zoning Department, as follows:

Tract One: From development reserve (DR) district and single family residence small lot (SF-4A) district to community commercial-conditional overlay (GR-CO) combining district.

A 17.876 acre tract of land, more or less, out of the Jose Antonio Navarro Grant, Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance; and

Tract Two: From single family residence small lot (SF-4A) district to multifamily residence medium density (MF-3) district.

A 14.305 acre tract of land, more or less, out of the Jose Antonio Navarro Grant, Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "B" incorporated into this ordinance (the "Property"),

locally known as north of Pearce Lane and east of SH 130, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "C".

PART 2. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

Automotive sales use is a prohibited use of Tract One.

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, and other applicable requirements of the City Code.

PART 3. This ordinance takes effect on June 22, 2009.

PASSED AND APPROVED

_____, June 11, 2009 §
 §
 § _____
 Will Wynn
 Mayor

APPROVED: _____ **ATTEST:** _____
 David Allan Smith Shirley A. Gentry
 City Attorney City Clerk

EXHIBIT A

BEING A 17.876 ACRE TRACT, DESCRIBED BY DELTA SURVEY GROUP, INC., IN JULY 2008, LOCATED IN THE JOSE ANTONIO NAVARRO GRANT, TRAVIS COUNTY, TEXAS, BEING A PORTION OF A 30.030 ACRE TRACT CONVEYED TO LEXINGTON PARKE PARTNERS, LTD., BY DEED OF RECORD IN DOCUMENT NUMBER 2005231574 OF THE OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, ALSO BEING A PORTION OF A 36.749 ACRE TRACT CONVEYED TO LEXINGTON PARKE PARTNERS, LTD., BY DEED OF RECORD IN DOCUMENT NUMBER 2005231573 OF THE OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, SAID 17.876 ACRE TRACT AS SHOWN ON THE ACCOMPANYING SKETCH, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2 inch iron rod with plastic "Chapparal" cap found in the north right-of-way (R.O.W.) line of Pearce Road (R.O.W. 90'), same being a south corner of said 30.030 acre tract, also being a south corner of Deerwood Subdivision a subdivision of record in Volume 100, Page 120 of the Plat Records, Travis County, Texas, for the **POINT OF BEGINNING;**

THENCE with the north right-of-way line of said Pearce Lane, same being a southwest line of said 30.030 acre tract, N59°44'19"W a distance of 780.00 feet to a 1/2 inch iron rod with plastic "Delta Survey" cap found for a northwest corner of said 30.030 acre tract, same being a southwest corner of a remainder of 78.813 acres conveyed to Phil Berdoll, ET AL. by deed of record in Volume 11659, page 121 of the Real Property Records, Travis County, Texas;

THENCE leaving the North right-of-way line of said Pearce Road and with a south line of said 78.813 acre tract, same being a north line of said 30.030 acre tract, N53°35'37"E a distance of 1755.84 feet to a 1/2 inch iron rod with plastic "Delta Survey" cap found for an east corner of said 78.813 acre tract, same being a north corner of said 30.030 acre tract, also being a south corner of a remainder of 745.12 acre tract conveyed to Ivy Berdoll Family Farms, Inc., by deed of record in Volume 10846, Page 237 of the Real Property Records, Travis County, Texas, also being a west corner of said 36.749 acre tract;

THENCE with a south line of said 745.12 acre tract, same being a north line of said 36.749 acre tract, N55°34'36"E a distance of 290.93 feet to a calculated point;

THENCE leaving said common line and crossing said 36.749 acre tract and said 30.030 acre tract the following eight (8) courses and distances:

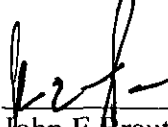
1. S38°02'08"E a distance of 152.50 feet to a calculated point,
2. S34°19'49"E a distance of 70.15 feet to a calculated point,
3. S51°57'52"W a distance of 261.31 feet to a calculated point,

4. with the arc of a curve to the left a distance of 109.46 feet, through a central angle of $11^{\circ}06'02''$, with a radius of 565.00 feet, and whose chord bears $S46^{\circ}24'51''W$, a distance of 109.29 feet to a calculated point,
5. $S40^{\circ}51'49''W$ a distance of 360.93 feet to a calculated point,
6. with the arc of a curve to the right a distance of 211.80 feet, through a central angle of $22^{\circ}40'57''$, with a radius of 535.00 feet, and whose chord bears $S52^{\circ}12'18''W$, a distance of 210.42 feet to a calculated point,
7. $S63^{\circ}32'47''W$ a distance of 332.03 feet to a calculated point, and
8. $S59^{\circ}30'04''E$ a distance of 211.90 feet to a $\frac{3}{4}$ inch iron pipe found for a south corner of said 30.030 acre tract, same being a north corner of said Deerwood Subdivision;

THENCE with a south line of said 30.030 acre tract, same being a north line of said Deerwood Subdivision, $S30^{\circ}29'33''W$ a distance of 612.61 feet to the **POINT OF BEGINNING** and containing 17.876 acres of land, more or less.

BEARING BASIS: Lexington Parke Section One, Document Number 200400121, Official Public Records, Travis County, Texas

I, John E Brautigam hereby certify that the foregoing description represents an on-the-ground survey performed under my direction and supervision during July 2008, and is true and correct to the best of my knowledge and belief.



John E Brautigam
Registered Professional Land Surveyor
No. 5057-State of Texas

07-25-08
Date

Delta Survey Group, Inc.
8213 Brodie Lane, Suite 102
Austin, Texas 78745



JOSE ANTONIO NAVARRO GRANT
TRAVIS COUNTY, TEXAS
JULY 2008



REMAINDER OF 745.12 ACRE TRACT
IVY BERDOLL FAMILY FARMS, INC.
VOLUME 10846 PAGE 237
R.P.R.T.C.TX.

REMAINDER OF 78.813 ACRE TRACT
PHIL BERDOLL, ET AL.
VOLUME 11659 PAGE 121
R.P.R.T.C.TX.

S38°02'08"E
152.50'
S34°19'49"E
70.15'
36.749 ACRES
DOC. #2005231573
O.P.R.T.C.TX.

17.876 ACRES
L2
30.030 ACRES
DOC. #2005231574
O.P.R.T.C.TX.

DEERWOOD
SUBDIVISION
VOLUME 100 PAGE
120 P.R.T.C.TX.

N59°44'19"W 780.00'
PEARCE ROAD
(90' R.O.W.)
P.O.B.
S30°29'33"W
612.61'

LEGEND

- R.P.R.T.C.TX. REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS
- O.P.R.T.C.TX. OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS
- P.R.T.C.TX. PLAT RECORDS, TRAVIS COUNTY, TEXAS
- P.O.B. POINT OF BEGINNING
- 1/2 INCH IRON ROD WITH "CHAPPARAL" CAP FOUND
- ⊕ 1/2 INCH IRON ROD WITH "DELTA SURVEY" CAP FOUND
- ⊙ 3/4 INCH IRON PIPE FOUND
- △ CALCULATED POINT

LINE	BEARING	DISTANCE
L1	S51°57'52"W	261.31'
L2	S40°51'49"W	360.93'
L3	S63°32'47"W	332.03'
L4	S59°30'04"E	211.90'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	565.00'	109.46'	109.29'	S46°24'51"W	11°06'02"
C2	535.00'	211.80'	210.42'	S52°12'18"W	22°40'57"

Delta Survey Group Inc.

8213 Brodie Lane Ste. 102 Austin, TX. 78745
office: (512) 282-5200 fax: (512) 282-5230
WWW.DELTASURVEYGROUP.COM

QUAD MONTOPOLIS
PROJECT LEXINGTON PARKE
DWG.

EXHIBIT B

BEING A 14.305 ACRE TRACT, DESCRIBED BY DELTA SURVEY GROUP, INC., IN JULY 2008, LOCATED IN THE JOSE ANTONIO NAVARRO GRANT, TRAVIS COUNTY, TEXAS, BEING A PORTION OF A 30.030 ACRE TRACT CONVEYED TO LEXINGTON PARKE PARTNERS, LTD., BY DEED OF RECORD IN DOCUMENT NUMBER 2005231574 OF THE OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, ALSO BEING A PORTION OF A 36.749 ACRE TRACT CONVEYED TO LEXINGTON PARKE PARTNERS, LTD., BY DEED OF RECORD IN DOCUMENT NUMBER 2005231573 OF THE OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, SAID 14.305 ACRE TRACT AS SHOWN ON THE ACCOMPANYING SKETCH, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2 inch iron rod with plastic "Chaparral" cap found in a south line of said 36.749 acre tract, same being an east corner of said 30.030 acre tract, also being a north corner of Deerwood Subdivision a subdivision of record in Volume 100, Page 120 of the Plat Records, Travis County, Texas, for the **POINT OF BEGINNING**;

THENCE leaving the south line of said 36.749 acre tract and with a south line of said 30.030 acre tract, same being a north line of said Deerwood Subdivision, S30°05'35"W a distance of 998.20 feet to a 1/2 inch iron rod with plastic "Chaparral" cap found for a north corner of said Deerwood Subdivision, same being a south corner of said 30.030 acre tract;

THENCE continuing with said common line, N60°01'49"W a distance of 609.98 feet; N59°30'04"W a distance of 211.90 feet to a 3/4 inch iron pipe found for a north corner of said Deerwood Subdivision, same being a south corner of said 30.030 acre tract;


THENCE leaving said common line and crossing said 30.030 acre and said 36.749 acre tract the following six (6) courses and distances:

1. N63°32'47"E a distance of 332.03 feet to a calculated point,
2. with the arc of a curve to the left a distance of 211.80 feet, through a central angle of 22°40'57", with a radius of 535.00 feet, and whose chord bears N52°12'18"E, a distance of 210.42 feet to a calculated point,
3. N40°51'49"E a distance of 360.93 feet to a calculated point,
4. With the arc of a curve to the right a distance of 109.46 feet, through a central angle of 11°06'02", with a radius of 565.00 feet, and whose chord bears N46°24'51"E, a distance of 109.29 feet to a calculated point,
5. N51°57'52"E a distance of 261.31 feet to a calculated point, and

6. S34°07'18"E a distance of 404.39 feet to the **POINT OF BEGINNING** and containing 14.305 acres of land, more or less.

BEARING BASIS: Lexington Parke Section One, Document Number 200400121, Official Public Records, Travis County, Texas

I, John E Brautigam hereby certify that the foregoing description represents an on-the-ground survey performed under my direction and supervision during July 2008, and is true and correct to the best of my knowledge and belief.



John E Brautigam
Registered Professional Land Surveyor
No. 5057-State of Texas

07-25-08
Date

Delta Survey Group, Inc.
8213 Brodie Lane, Suite 102
Austin, Texas 78745

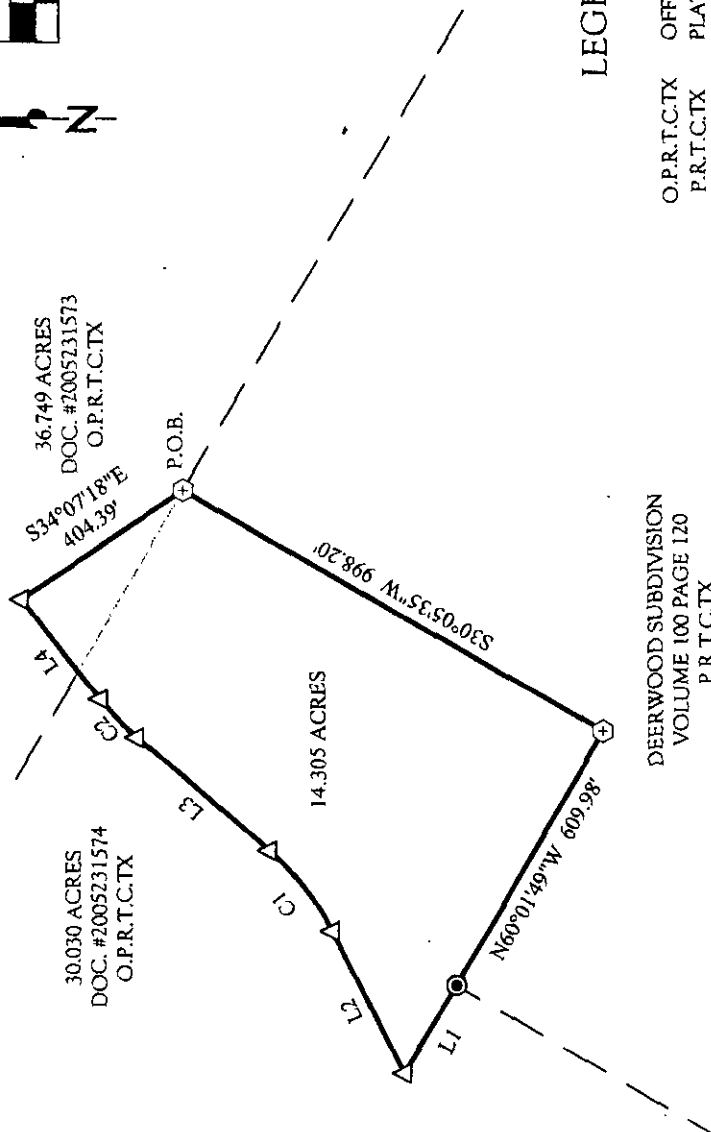


JOSE ANTONIO NAVARRO GRANT
TRAVIS COUNTY, TEXAS
JULY 2008



GRAPHIC SCALE

1" = 400'



LEGEND

- O.P.R.T.C.TX OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS
- P.R.T.C.TX PLAT RECORDS, TRAVIS COUNTY, TEXAS
- P.O.B. POINT OF BEGINNING
- 1/2 INCH IRON ROD WITH "CHAPPARAL" CAP FOUND
- 3/4 INCH IRON PIPE FOUND
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PROJECT LEXINGTON PARKE

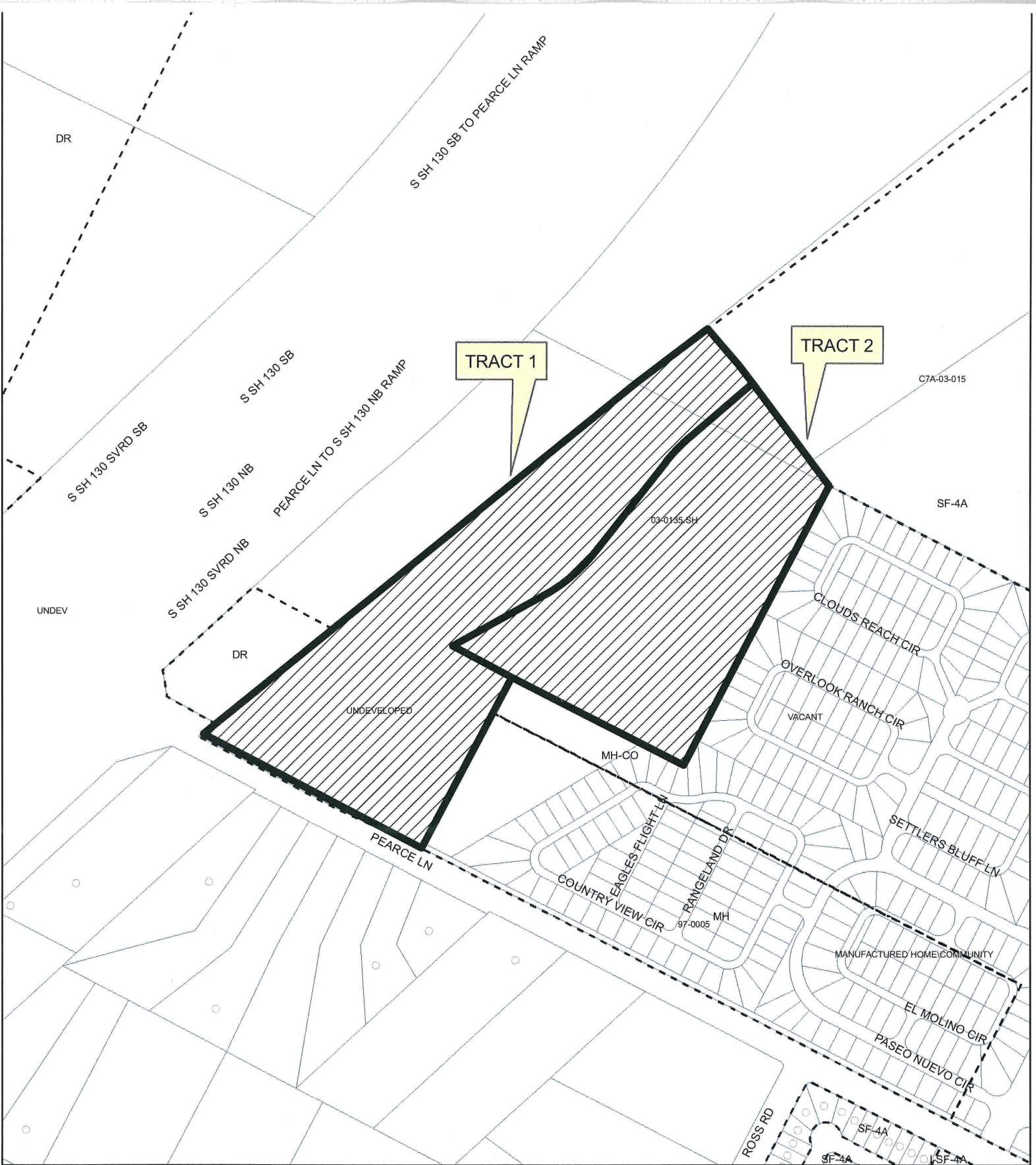
DWG.




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LINE	BEARING	DISTANCE
L1	N59°30'04"W	211.90'
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CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	535.00'	211.80'	210.42'	N52°12'18"E	22°40'57"
C2	565.00'	109.46'	109.29'	N46°24'51"E	11°06'02"

DEERWOOD SUBDIVISION
VOLUME 100 PAGE 120
P.R.T.C.TX



-  **SUBJECT TRACT**
-  **ZONING BOUNDARY**
-  **PENDING CASE**

OPERATOR: S. MEEKS

ZONING *EXHIBIT C*

ZONING CASE#: **C14-2008-0183.SH**
 ADDRESS: **N OF PEARCE LANE & E OF SH 130**
 SUBJECT AREA: **32.181 ACRES**
 GRID: **P14**
 MANAGER: **W. RHOADES**



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.

1" = 400'