

ORDINANCE NO. _____

1 **AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE**
2 **PROPERTY LOCATED AT 822 AND 824 PATTON AVENUE FROM**
3 **MULTIFAMILY RESIDENCE LOW DENSITY (MF-2) DISTRICT AND**
4 **MULTIFAMILY RESIDENCE MEDIUM DENSITY (MF-3) DISTRICT TO**
5 **COMMUNITY COMMERCIAL-CONDITIONAL OVERLAY (GR-CO)**
6 **COMBINING DISTRICT.**

7
8 **BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**
9

10 **PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to
11 change the base district from multifamily residence low density (MF-2) district and
12 multifamily residence medium density (MF-3) district to community commercial-
13 conditional overlay (GR-CO) combining district on the property described in Zoning Case
14 No. C14-2009-0063, on file at the Planning and Development Review Department, as
15 follows:
16

17 Lot B and Lot A, Resubdivision of Lot 1, Block 1, Bergstrom Downs, No. 1,
18 Subdivision, a subdivision in the City of Austin, Travis County, Texas, according
19 to the map or plat of record in Plat Book 59, Page 11, of the Plat Records of Travis
20 County, Texas, Save and Except a 0.389 acre tract of land, more or less, out of Lot
21 A, the tract of land being more particularly described by metes and bounds in
22 Exhibit "A" incorporated into this ordinance (the "Property"),
23

24 locally known as 822 and 824 Patton Avenue, in the City of Austin, Travis County, Texas,
25 and generally identified in the map attached as Exhibit "B".
26

27 **PART 2.** The Property within the boundaries of the conditional overlay combining district
28 established by this ordinance is subject to the following conditions:
29

30 A site plan or building permit for the Property may not be approved, released,
31 or issued, if the completed development or uses of the Property, considered
32 cumulatively with all existing or previously authorized development and uses,
33 generate traffic that exceeds 2,000 trips per day.
34

35 Except as specifically restricted under this ordinance, the Property may be developed and
36 used in accordance with the regulations established for the community commercial (GR)
37 base district, and other applicable requirements of the City Code.

1
2 **PART 3.** This ordinance takes effect on _____, 2009.
3

4
5 **PASSED AND APPROVED**
6

7 §
8 §
9 _____, 2009 § _____
10

11 Lee Leffingwell
12 Mayor

13
14 **APPROVED:** _____ **ATTEST:** _____
15 David Allan Smith Shirley A. Gentry
16 City Attorney City Clerk



C14-2009-0063

County: Travis
Parcel No.: 49
Highway: US 183
CSJ: 0151-09-039
Account No.: 8014-1-73

PROPERTY DESCRIPTION FOR PARCEL 49

DESCRIPTION OF A 0.389 ACRE TRACT OF LAND LOCATED IN THE SANTIAGO DEL VALLE GRANT, IN TRAVIS COUNTY, TEXAS; BEING A PORTION OF THAT CERTAIN TRACT OF LAND DESCRIBED IN THE ASSUMPTION DEED TO JAMES P. SULLIVAN AND WIFE, PAULA M. SULLIVAN RECORDED IN DOCUMENT NUMBER 1999002458 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAME BEING LOTS A, B AND C OF THE RESUBDIVISION OF LOT 1, BLOCK 1, BERGSTROM DOWNS, NO. 1, A SUBDIVISION RECORDED IN VOLUME 59, PAGE 11 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.389 ACRE TRACT AS SHOWN ON A RIGHT-OF-WAY SKETCH PREPARED BY SAM, INC. FOR THIS PARCEL, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at an iron rod with Texas Department of Transportation (TxDOT) aluminum cap set 182.53 feet left of Engineer's Centerline station 577+01.12, being in the proposed easterly right-of-way line of U.S. Highway 183, same being a point in the common line between said Sullivan tract and the that certain called 21.463 acre tract of land described in Exhibit "A" of the Warranty Deed with Vendor's Lien to Bruce Anton recorded in Volume 13071, Page 1645 of the Real Property Records of Travis County, Texas, same being the northeast corner and **POINT OF BEGINNING** of the tract described herein, from which a 1/2-inch iron pipe for the northeast corner of said Lot C bears, N 42°43'13" E, a distance of 68.91 feet;

THENCE, departing the remainder of said 21.463 acre tract, and crossing said Sullivan tract with the proposed easterly right-of-way line of said U.S. Highway 183 the following two (2) courses and distances labeled 1 and 2:

1. S 16°58'20" E, a distance of 105.35 feet to a TxDOT Type II monument set 188.41 feet left of Engineer's Centerline station 578+01.44, and
2. S 69°36'49" E, a distance of 58.07 feet to a TxDOT Type II monument set 237.02 feet left of Engineer's Centerline station 578+31.54, being in the southerly line of said Sullivan tract, same being in the northerly right-of-way line of Patton Avenue (variable width right-of-way), and being the southeast corner of the tract described herein;
3. **THENCE**, departing the proposed easterly right-of-way line of said U.S. Highway 183, with the southerly line of said Sullivan tract and the northerly right-of-way line of said Patton Avenue, S 42°44'26" W, a distance of 143.91 feet to a TxDOT Type I monument found in the existing easterly right-of-way line of said U.S. Highway 183 for the southwest corner of said Sullivan tract;
4. **THENCE**, departing the existing northerly line of said Patton Avenue, with the westerly line of said Sullivan tract and the existing easterly right-of-way line of said U.S. Highway 183, N 27°45'26" W, a distance of 153.44 feet to a calculated point for the common west corner of said Sullivan tract and said 21.463 acre tract, same being the northwest corner of the tract described herein, from which a

5/8-inch iron rod found bears, S 42°43'13" W, a distance of 0.42 feet;

5. THENCE, departing the existing easterly right-of-way line of said U.S. Highway 183, with the common line between said Sullivan tract and said 21.463 acre tract, N 42°43'13" E, a distance of 123.73 feet to the POINT OF BEGINNING and containing 0.389 acre of land more or less.

All bearings are based on the Texas State Plane Coordinate System, Central Zone, NAD 83.

THE STATE OF TEXAS }


COUNTY OF TRAVIS }

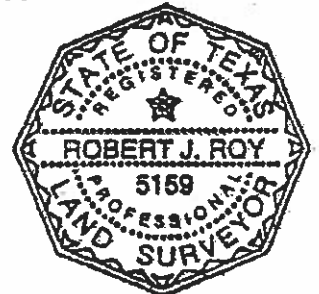
KNOW ALL MEN BY THESE PRESENTS:

That I, Robert J. Roy, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the 30th of August, 2000 A.D.

SURVEYING AND MAPPING, Inc.
4029 Capital Of Texas Hwy., So. Suite 125
Austin, Texas 78704


Robert J. Roy
Registered Professional Land Surveyor
No. 5159 - State of Texas



SANTIAGO DEL VALLE GRANT

GRAPHIC SCALE

(IN FEET)



1" = 60'

RESUBDIVISION OF
LOT 1, BLOCK 1,
BERSTROM DOWNS, NO. 1
VOL. 59, PG. 11
P.R.T.C.TX.

LEGEND

- TXDOT TYPE 1 MONUMENT SET
- TXDOT TYPE 1 MONUMENT FOUND
- TYPE 1 CONCRETE MONUMENT FOUND
- 1/2" PIPE FOUND UNLESS NOTED
- 1/2" IRON ROD SET W/TXDOT
- ALUMINUM CAP UNLESS NOTED
- 1/2" IRON ROD FOUND UNLESS NOTED
- 60 D NAIL FOUND UNLESS NOTED
- CALCULATED POINT
- PROPERTY LINE
- CENTER LINE
- RECORD INFORMATION
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCING
- P.O.R. POINT OF REFERENCE
- P.C. POINT OF CURVATURE
- P.C.C. POINT OF COMPOUND CURVATURE
- P.T. POINT OF TANGENCY
- O.P.R.T.C.TX. OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS
- R.P.R.T.C.TX. REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS
- P.R.T.C.TX. PLAT RECORDS, TRAVIS COUNTY, TEXAS
- D.R.T.C.TX. DEED RECORDS, TRAVIS COUNTY, TEXAS

CALLED 21.463 ACRE
BRUCE ANTON
VOL. 13071, PG. 1645
R.P.R.T.C.TX.

JAMES P. SULLIVAN &
WIFE PAULA M. SULLIVAN
DOC. NO. 1999002458
O.P.R.T.C.TX.

LOT C

LOT B

LOT A

CITY OF AUSTIN
VOL. 10153, PG. 741
R.P.R.T.C.TX.

PROPOSED R.O.W. LINE

PATTON AVE.

DETAIL 'A'
NOT TO SCALE

U.S. HIGHWAY 183
BASTROP HIGHWAY
(VARIABLE WIDTH R.O.W.)

ENGINEER'S CENTERLINE

ENGINEER'S CENTERLINE CURVE DATA

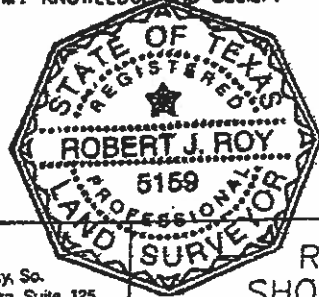
PISta 568+80.65
X = 3133567.32
Y = 10059936.04
Δ = 30° 40' 11.47" RT
L = 2,044.66'
T = 1,047.48'
R = 3,819.72'
PC Sta 558+33.19
X = 3132859.10
Y = 10060707.77
PT Sta 578+77.85
X = 3133782.84
Y = 10059810.99

NOTES:

- THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT. RECORD INFORMATION ON THIS DRAWING IS BASED ON A PUBLIC RECORDS SEARCH BY THE SURVEYOR AND MAY NOT INCLUDE ALL EASEMENTS OR INSTRUMENTS PERTAINING TO THIS PROPERTY.
- ALL BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD 83. ALL DISTANCES AND COORDINATES ARE ADJUSTED TO SURFACE USING THE PROJECT SURFACE ADJUSTMENT FACTOR OF 1.00011.
- IMPROVEMENTS SHOWN HEREON ARE BASED UPON TXDOT AERIAL SURVEY DIGITAL FILES.
- ALL VOLUME NUMBERS REFER TO THE DEED RECORDS OF TRAVIS COUNTY, TEXAS UNLESS OTHERWISE NOTED.

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION AND THAT THIS PLAT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Robert J. Roy 8-30-00
ROBERT J. ROY
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 5159, STATE OF TEXAS



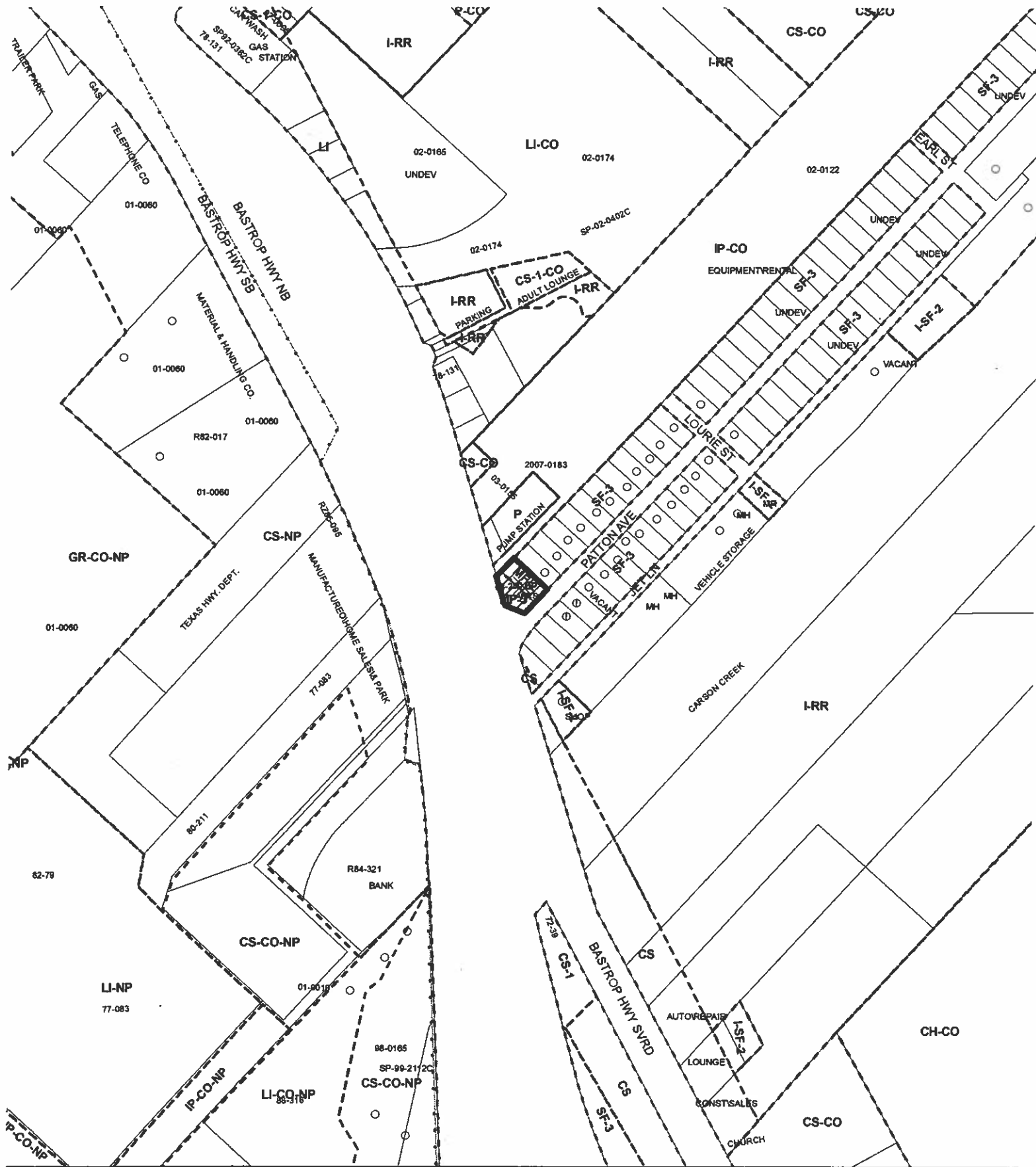
ACCOUNT NO. 8014-0-73

PAGE 3 OF 3
REF. FIELD NOTE NO. 1805



4029 Capital of Texas Highway, So.
Brodie Oaks Professional Plaza, Suite 125
Austin, Texas 78704
(512) 447-0575
Fax: (512) 328-3029

RIGHT-OF-WAY SKETCH
SHOWING PROPERTY OF
JAMES P. SULLIVAN
C.S.I. NO. 0151-09-039



N

1" = 400'

ZONING

ZONING CASE#: C14-2009-0063

ADDRESS: 822 & 824 PATTON AVE

SUBJECT AREA: 0.338 ACRES

GRID: M19

MANAGER: W. RHOADES

EXHIBIT B

CITY OF AUSTIN

FOUNDED 1839

OPERATOR: S. MEEKS

LEGEND:

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

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.