

ORDINANCE NO. 20090820-056

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 500 BLOCK OF VFW ROAD AND YAGER LANE FROM MULTIFAMILY RESIDENCE LOW DENSITY (MF-2) DISTRICT, LIMITED OFFICE (LO) DISTRICT, AND NEIGHBORHOOD COMMERCIAL (LR) DISTRICT TO TOWNHOUSE AND CONDOMINIUM RESIDENCE-CONDITIONAL OVERLAY (SF-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 multifamily residence low density (MF-2) district, limited office (LO) district, and neighborhood commercial (LR) district to townhouse and condominium residence-conditional overlay (SF-6-CO) combining district on the property described in Zoning Case No. C14-2008-0193, on file at the Planning and Development Review Department, as follows:

A 50.887 acre tract of land, more or less, out of the J.A.G. Brooke Survey No. 79, in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance (the "Property"),

locally known as the 500 Block of VFW Road and Yager Lane, 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. A duplex residential use is a prohibited use of the Property.
- B. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 2,000 trips per day.

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the townhouse and condominium residence (SF-6) base district, and other applicable requirements of the City Code.

PART 3. This ordinance takes effect on August 31, 2009.

PASSED AND APPROVED

_____, August 20, 2009 §
 §
 § Lee Jeffingwell
 Lee Jeffingwell
 Mayor

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

50.887 ACRES
ZONING TRACT
IH 35 & YAGER LANE

EXHIBIT A

FN NO. 08-544(AJM)
AUGUST 29, 2008
BPI JOB NO. 1792-03

DESCRIPTION

OF 50.887 ACRES OF LAND OUT OF THE J.A.G. BROOKE SURVEY NO. 79, SITUATED IN TRAVIS COUNTY, TEXAS, BEING A PART OF THE REMAINING PORTION OF THAT CERTAIN 103.397 ACRE TRACT OF LAND CONVEYED TO SOLO STAR REALTY, INC. BY DEED OF RECORD IN VOLUME 12056, PAGE 1563 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 50.887 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a 1/2 inch iron rod found in the southerly line of Yager Lane (80' R.O.W.), being the northwesterly corner of that certain 6.32 acre tract of land conveyed to Austin Korean Presbyterian Church by deed of record in Document No. 2005241340 of the Official Public Records of Travis County, Texas and the northernmost northeasterly corner of the remaining portion of said 103.397 acre tract, for the northernmost northeasterly corner hereof;

THENCE, leaving the southerly line of Yager Lane, along the westerly lines of said 6.32 acre tract and the westerly line of that certain 19.854 acre tract of land conveyed to Austin Korean Presbyterian Church by deed of record in Document No. 2005241338 of said Official Public Records, same being a portion of the irregular northerly line of said remaining portion of 103.397 acre tract, for a portion of the irregular northerly line hereof, the following four (4) courses and distances:

- 1) Along a curve to the left having a radius of 25.00 feet, a central angle of $89^{\circ}55'23''$, an arc length of 39.24 feet and a chord which bears $S75^{\circ}20'20''W$, a distance of 35.33 feet to a 1/2 inch iron rod found at the end of said curve;
- 2) $S30^{\circ}19'22''W$, a distance of 435.82 feet to the point of curvature of a non-tangent curve to the left;
- 3) Along said non-tangent curve to the left having a radius of 565.15 feet, a central angle of $47^{\circ}45'08''$, passing a 1/2 inch iron rod found at an arc length of 287.58 feet and continuing for a total arc length of 471.02 feet and a chord which bears $S06^{\circ}25'19''W$, a distance of 457.50 feet to the end of said curve;
- 4) $S17^{\circ}23'25''E$, a distance of 214.19 feet to a 1/2 inch iron rod with cap set at the southwesterly corner of said 19.854 acre tract and an angle point hereof;

THENCE, $S60^{\circ}32'42''E$, along a portion of the common line of said 19.854 acre tract and the remaining portion of said 103.397 acre tract, for a portion of the irregular easterly line hereof, a distance of 847.51 feet for an angle point hereof, from which a 1/2 inch iron rod with cap set at the southeasterly corner of said 19.854 acre tract bears, $S74^{\circ}13'59''E$, a distance of 122.04 feet;

THENCE, leaving the southerly line of said 19.854 acre tract, over and across said remaining portion of 103.997 acre tract, for a portion of the irregular northerly line hereof, the following six (6) courses and distances:

- 1) S65°33'08"W, a distance of 56.61 feet for an angle point;
- 2) S28°28'36"W a distance of 326.57 feet for an angle point;
- 3) S09°20'44"E a distance of 118.14 feet for an angle point;
- 4) S34°35'58"E a distance of 94.02 feet for an angle point;
- 5) S45°56'49"E a distance of 190.00 feet for an angle point;
- 6) S72°39'19"E a distance of 70.37 feet to a point in the westerly line of Lot 1, Block "A" Coppertree, a subdivision of record in Book 84, Pages 121A-121B of the Plat Records of Travis County, Texas, same being a point in the easterly line of said remaining portion of 103.397 acre tract, for the easternmost northeasterly corner hereof;

THENCE, S30°32'27"W, along the easterly line of said remaining portion of 103.397 acre tract, same being the westerly line of said Lot 1, a distance of 110.61 feet to a 1/2 inch iron rod found at the southwesterly corner of said Lot 1 for an angle point in the easterly line hereof;

THENCE, S59°44'43"E, along a portion of the southerly line of said Lot 1, same being a portion of the easterly line of said remaining portion of 103.397 acre tract, a distance of 78.46 feet to the northerly common corner of Lot 30 and Lot 31 Block "A", Copperfield Section Two-B, a subdivision of record in Book 85, Pages 32B-32C of said Plat Records, for an angle point in the easterly line hereof;

THENCE, leaving the southerly line of said Lot 1, continuing along a portion of the easterly line of said remaining portion of 103.397 acre tract, same being the westerly line of said Copperfield Section Two-B, and in part along the westerly line of that certain tract of land conveyed to the City of Austin by deed of record in Volume 10467, Page 762 of said Real Property Records, for the remainder of the easterly line hereof, the following three (3) courses and distances:

- 1) S37°15'34"W, a distance of 607.99 feet to an angle point hereof;
- 2) S37°49'09"W, a distance of 379.26 feet to a 1/2 inch iron rod found at the northwest corner of said City of Austin Tract, being the southwesterly corner of Lot 154 of said Copperfield Section Two-B, for an angle point hereof;

- 3) S36°54'26"W, a distance of 125.76 feet to a point in the westerly line of said City of Austin Tract, same being the northeasterly corner of Lot 16 of North Oaks, a subdivision of record in Volume 7, Page 108 of said Plat Records, same also being a point at or near the approximate center of Walnut Creek, for the southeasterly corner hereof;

THENCE, along a line at or near the approximate center of Walnut Creek, being a portion of the northerly of said North Oaks, same being along a portion of the southerly line of the remaining portion of said 103.397 acre tract, for the southerly line hereof, the following five (5) courses and distances

- 1) N32°01'30"W, a distance of 108.74 feet for an angle point;
- 2) N54°31'30"W, a distance of 226.02 feet for an angle point;
- 3) N60°59'06"W, a distance of 180.66 feet for an angle point;
- 4) N75°39'27"W, a distance of 605.76 feet for an angle point;
- 5) N84°41'36"W, a distance of 52.92 feet to a P.K. nail set at or near the approximate center of Walnut Creek, being the northerly line of Lot 6 North Oaks, for the southwesterly corner hereof;

THENCE, leaving the northerly line of said North Oaks Subdivision, over and across the remaining portion of said 103.397 acre tract, along a line at or near the center of an existing creek, for a portion of the easterly line hereof, the following four (4) courses and distances:

- 1) N18°37'33"W, a distance of 238.03 feet to a P.K. nail set for an angle point;
- 2) N07°22'10"W, a distance of 187.49 feet to a P.K. nail set for an angle point;
- 3) N02°51'09"W, a distance of 181.09 feet for to a P.K. nail set for an angle point;
- 4) N01°31'26"W, a distance of 268.95 feet to a 1/2 inch iron rod with cap set in the southerly line of that certain 11.846 acre tract of land conveyed to Allen Samuels Realty, Inc. by deed of record in Document No. 2004028378 of the Official Public Records of Travis County, Texas, from which a 1/2 inch iron rod with cap found in the easterly right-of-way line of Interstate Highway No. 35, (R.O.W. width varies) same being the southwesterly corner of said 11.846 acre tract, bears N73°24'31"W, a distance of 395.02 feet;

THENCE, S73°24'31"E, along a portion of the common line of said 11.846 acre tract and said remaining portion of 103.397 acre tract, a distance of 567.19 feet to a 1/2 inch iron rod with cap found at the southeasterly corner of said 11.846 acre tract, for an angle point hereof;

THENCE, N30°15'25"E, along a portion of the common line of said 11.846 acre tract and said remaining portion of 103.397 acre tract, a distance of 376.11 feet to a 1/2 inch iron rod with cap set at the northeasterly corner of said 11.846 acre tract, being the southeasterly terminus of V.F.W. Road (60' Wide R.O.W.), for an angle point in the westerly line hereof, from which a 1/2 inch iron rod with cap found bears S31°08'40"W, a distance of 0.34 feet;

THENCE, N31°08'40"E, leaving the northerly line of said 11.846 acre tract, continuing along said remaining portion of 103.397 acre tract and along the easterly terminus of said V.F.W. Road, a distance of 60.01 feet to a 1/2 inch iron rod found at the southeasterly corner of that certain 10.48 acre tract of land conveyed to Veterans of Foreign Wars of the United States, Inc., Capitol City Post #8787 by deed of record in Volume 3555, Page 659 of the Deed Records of Travis County, Texas;

THENCE, leaving the northerly right-of-way line of V.F.W. Road, along the easterly lines of said 10.48 acre tract, that certain 4.170 acre tract conveyed to Veterans of Foreign Wars of the United States, Inc., Capitol City Post #8787 by deed of record in Volume 9280, Page 432 of said Real Property Records, and the easterly line of North Park Addition Section One, a subdivision of record in Document No. 200200321 of said Official Public Records, also being a portion of the westerly line of said remaining portion of 103.397 acre tract, the following six (6) courses and distances:

- 1) N30°04'14"E, a distance of 259.53 feet to a 1/2 inch iron rod found at the common easterly corner of said 10.48 acre tract and said 4.170 acre tract for the point of curvature of a non-tangent curve to the left;
- 2) Along said non-tangent curve to the left having a radius of 375.00 feet, a central angle of 47°28'41", passing the common easterly corner of said 4.170 acre tract and said 14.491 acre tract at an arc length of 207.81 feet, and continuing for a total arc length of 310.74 feet and a chord which bears N06°17'29"E, a distance of 301.93 feet to a 1/2 inch iron rod found;
- 3) N17°23'25"W, a distance of 214.28 feet to a 1/2 inch iron rod found at the point of curvature of a non-tangent curve to the right;
- 4) Along said non-tangent curve to the right having a radius of 655.15 feet, a central angle of 47°44'50", an arc length of 545.97 feet and a chord which bears N06°25'36"E, a distance of 530.31 feet to a 1/2 inch iron rod found at the end of said curve;
- 5) N30°19'22"E, a distance of 435.75 feet to a 1/2 inch iron rod found at the point of curvature of a non-tangent curve to the left;

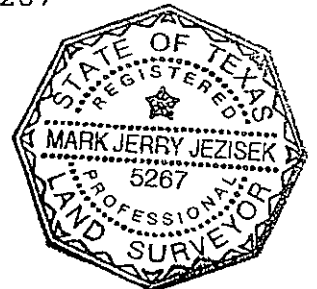
- 6) Along said non-tangent curve to the left having a radius of 25.00 feet, a central angle of $90^{\circ}12'10''$, an arc length of 39.36 feet and a chord which bears $N14^{\circ}39'06''W$, a distance of 35.42 feet to a 1/2 inch iron rod found in the southerly right-of-way line of Yager Lane, being the northeasterly corner of said North Park Addition, same being the northernmost northwesterly corner of said remaining portion of 103.397 acre tract and the northwesterly corner hereof;

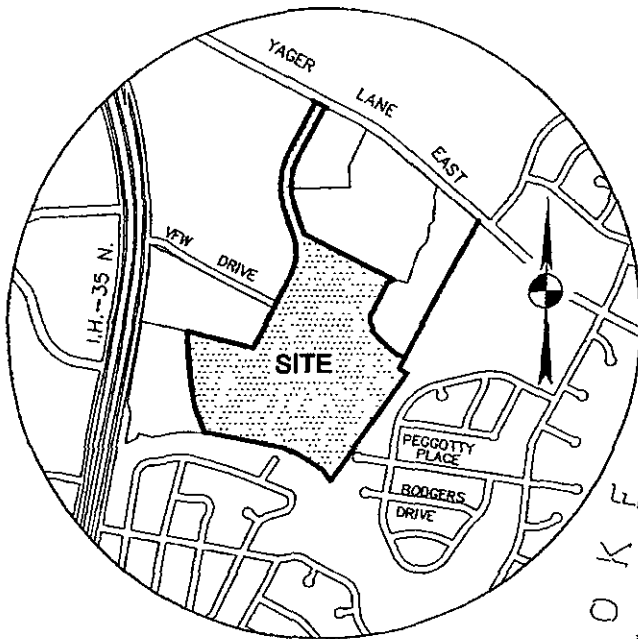
THENCE, $S59^{\circ}40'13''E$, along a portion of the common line of said remaining portion of 103.397 acre tract and Yager Lane, a distance of 140.04 to the **POINT OF BEGINNING**, containing an area of 50.887 acres (2,216,637 sq. ft.) of land, more or less, within these metes and bounds.

I, MARK J. JEZISEK, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE PROPERTY DESCRIBED HEREIN WAS DETERMINED BY A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION. A SURVEY EXHIBIT WAS PREPARED TO ACCOMPANY THIS DESCRIPTION.

BURY & PARTNERS, INC.
ENGINEERS-SURVEYORS
221 WEST SIXTH STREET. STE. 600
AUSTIN, TEXAS 78701

Mark J. Jezisek 8/29/08
MARK J. JEZISEK
R.P.L.S. NO. 5267
STATE OF TEXAS





VICINITY MAP
N.T.S.

0 250 500 750 1000
1"=500'



LOT 4
BLOCK "A"
THE CROSSING AT
PARKER LANE
SECTION THREE
VOL. 102, PG. 279

LOT 3

6.32 ACRES
DOC. NO.
2005241340

AUSTIN KOREAN
PRESBYTERIAN CHURCH

19.854 ACRES
DOC. NO.
2005241338

50.887 ACRES
(2,216,638 SQ. FT.)

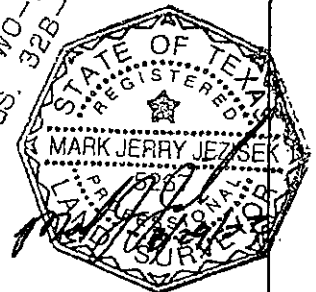
SHEET 2

SHEET 3

REMAINING PORTION
OF 103.397 ACRES
SOLO STAR REALTY, INC.
VOL. 12056, PG. 1563

LOT 1, BLOCK "A"
COPPERTREE
BOOK 84
PGS. 121A-121B

COPPERFIELD TWO-B
SECTION TWO-B
VOL. 85, PGS. 32B-32C



LOUIS FRITZ
SURVEY NO. 291
INTERSTATE HIGHWAY 35 NORTH
(R.O.W. WIDTH VARIES)

APPROXIMATE SURVEY LINE

VIEW ROAD (60' R.O.W.)

J.A.G. BROOKE
SURVEY NO. 79

NORTH OAKS
VOL. 7, PG. 108

Bury+Partners

ENGINEERING SOLUTIONS

221 West Sixth Street, Suite 600

Austin, Texas 78701

Tel. (512)328-0011 Fax (512)328-0325

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SKETCH TO ACCOMPANY DESCRIPTION

OF 50.887 ACRES OF LAND OUT OF THE J.A.G. BROOKE SURVEY NO. 79, SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PART OF THE REMAINING PORTION OF THAT CERTAIN 103.397 ACRE TRACT OF LAND CONVEYED TO SOLO STAR REALTY, INC. BY DEED OF RECORD IN VOLUME 12056, PAGE 1563 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS.

**AVALON AUSTIN
HOLDINGS LLC**

SHEET 1 OF 4

DATE: 08/29/08

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FN No.: FN08-544(AJM)

DRAWN BY: AJM

PROJ. No: 1792-03



0 150 300 600
SCALE: 1" = 300'

LEGEND

- 1/2" IRON ROD FOUND (UNLESS NOTED)
- 1/2" IRON ROD WITH BPI CAP SET
- ▲ PK NAIL SET
- △ CALCULATED POINT
- P.O.B. POINT OF BEGINNING
- ① LOT 1, BLOCK "A" COPPERTREE BK. 84, PGS. 121A-121B



NORTH PARK
ADDITION
SECTION ONE
DOC. NO. 200200321

4.170 ACRES
VFW POST 8787
VOL. 9280, PG. 432

10.48 ACRES
VFW POST 8787
VOL. 3555, PG. 659

V.F.W. ROAD (60' R.O.W.)

11.846 ACRES
ALLEN SAMUELS
REALTY, INC.
DOC. NO.
2004028378

FROM WHICH AN
IRON ROD WITH
CAP STAMPED
"WALLACE GROUP"
BEARS S31°08'40"W,
0.34'

50.887 ACRES
(2,216,637 SQ. FT.)

REMAINING PORTION
OF 103.397 ACRES
SOLO STAR REALTY, INC.
VOL. 12056, PG. 1563

MATCHLINE: SEE SHEET 3

LOT 4
P.O.B.
THE CROSSING AT
PARMER LANE
SECTION THREE
VOL. 102, PG. 279
BLOCK "A"

LOT 3
YAGER LANE (R.O.W. WIDTH VARIES)
S59°40'50"E
337.35'

6.32 ACRES
AUSTIN KOREAN
PRESBYTERIAN
CHURCH
DOC. NO.
2005241340

19.854 ACRES
AUSTIN KOREAN
PRESBYTERIAN CHURCH
DOC. NO. 2005241338

S74°13'59"E
122.04'

S73°24'31"E 567.19'

CAP

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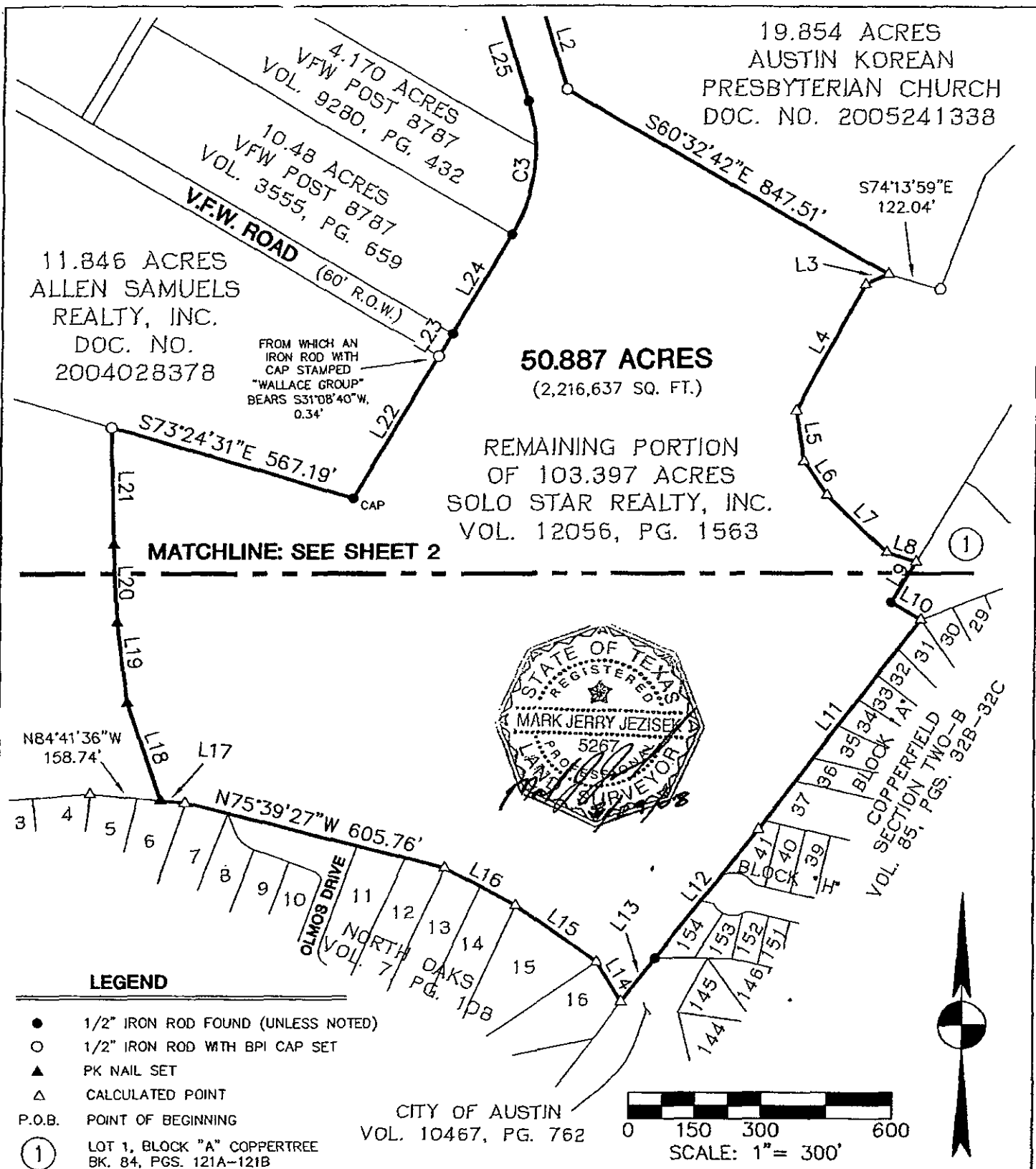
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Tel. (512)328-0011 Fax (512)328-0325
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SKETCH TO ACCOMPANY DESCRIPTION
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SURVEY NO. 79, SITUATED IN THE CITY OF AUSTIN, TRAVIS
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PORTION OF THAT CERTAIN 103.397 ACRE TRACT OF LAND
CONVEYED TO SOLO STAR REALTY, INC. BY DEED OF
RECORD IN VOLUME 12056, PAGE 1563 OF THE REAL
PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS.

**AVALON AUSTIN
HOLDINGS LLC**

SHEET 3 OF 4

DATE: 08/29/08

FILE: H:\1144\06\114406EX5.dwg

FN No.: FN08-544(AJM)

DRAWN BY: AJM

PROJ. No: 1792-03

LINE TABLE

LINE	BEARING	LENGTH
L1	S30°19'22"W	435.82
L2	S17°23'25"E	214.19
L3	S65°33'08"W	56.61
L4	S28°28'36"W	326.57
L5	S09°20'44"E	118.14
L6	S34°35'58"E	94.02
L7	S45°56'49"E	190.00
L8	S72°39'19"E	70.37
L9	S30°32'27"W	110.61
L10	S59°44'43"E	78.46
L11	S37°15'34"W	607.99
L12	S37°49'09"W	379.26
L13	S36°54'26"W	125.76
L14	N32°01'30"W	108.74
L15	N54°31'30"W	225.88
L16	N60°59'06"W	180.66
L17	N84°41'36"W	52.92
L18	N18°37'33"W	238.03
L19	N07°22'10"W	187.49
L20	N02°51'09"W	181.09
L21	N01°31'26"W	268.95
L22	N30°15'25"E	376.11
L23	N31°08'40"E	60.01
L24	N30°04'14"E	259.53
L25	N17°23'25"W	214.28
L26	N30°19'22"E	435.75
L27	S59°40'13"E	140.04



CURVE TABLE

No.	Delta	Radius	Arc Length	Chord Length	Chord Bearing
C1	89°55'23"	25.00	39.24	35.33	S75°20'20"W
C2	47°45'08"	565.15	471.01	457.50	S06°25'19"W
C3	47°28'41"	375.00	310.74	301.93	N06°17'29"E
C4	47°44'50"	655.15	545.97	530.31	N06°25'36"E
C5	90°12'10"	25.00	39.36	35.42	N14°39'06"W

Bury+Partners

ENGINEERING SOLUTIONS

221 West Sixth Street, Suite 600

Austin, Texas 78701

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**AVALON AUSTIN
HOLDINGS LLC**

SHEET 4 OF 4

DATE: 08/29/08

FILE: H:\1144\06\114406EX5.dwg

FN No.: FN08-544(AJM)

DRAWN BY: AJM

PROJ. No: 1792-03

