

ORDINANCE NO. _____

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE
2 PROPERTY LOCATED AT 11001 SOUTH 1ST STREET FROM COMMUNITY
3 COMMERCIAL-MIXED USE-CONDITIONAL OVERLAY (GR-MU-CO)
4 COMBINING DISTRICT TO MULTIFAMILY RESIDENCE MEDIUM DENSITY-
5 CONDITIONAL OVERLAY (MF-3-CO) COMBINING DISTRICT.
6

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

9 **PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to
10 change the base district from community commercial-mixed use-conditional overlay (GR-
11 MU-CO) combining district to multifamily residence medium density-conditional overlay
12 (MF-3-CO) combining district on the property described in Zoning Case No. C14-2010-
13 0027, on file at the Planning and Development Review Department, as follows:
14

15 A 23.965 acre tract of land, more or less, out of the Stephen F. Slaughter League
16 No. 1, Abstract No. 20, Travis County, the tract of land being more particularly
17 described by metes and bounds in Exhibit "A" incorporated into this ordinance (the
18 "Property"),
19

20 locally known as 11001 South 1st Street, in the City of Austin, Travis County, Texas, and
21 generally identified in the map attached as Exhibit "A".
22

23 **PART 2.** The Property within the boundaries of the conditional overlay combining district
24 established by this ordinance is subject to the following conditions:
25

- 26 A. A site plan or building permit for the Property may not be approved,
27 released, or issued, if the completed development or uses of the Property,
28 considered cumulatively with all existing or previously authorized
29 development and uses, generate traffic that exceeds 5,753 trips per day.
30
- 31 B. Vehicular access to the portion of Old San Antonio Road north of the
32 Property is prohibited. Vehicular access to the section of Old San Antonio
33 Road to the east of the Property is prohibited until the road is upgraded and
34 realigned to provide a direct connection to IH-35 at the Slaughter Creek
35 overpass.
36

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the multifamily residence medium density (MF-3) base district, and other applicable requirements of the City Code.

PART 3. This ordinance takes effect on _____, 2010.

PASSED AND APPROVED

_____, 2010

§
§
§

Lee Leffingwell
Mayor

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



**Professional Land Surveying, Inc.
Surveying and Mapping**

EXHIBIT A

CIH-2010-0027

Office: 512-443-1724
Fax: 512-389-0943

3500 McCall Lane
Austin, Texas 78744

23.965 ACRES

**STEPHEN F. SLAUGHTER LEAGUE NO. 1, ABSTRACT NO. 20
TRAVIS COUNTY, TEXAS**

A DESCRIPTION OF 23.965 ACRES (APPROXIMATELY 1,043,921 SQ. FT.) IN THE STEPHEN F. SLAUGHTER LEAGUE NO. 1, ABSTRACT NO. 20, TRAVIS COUNTY, TEXAS, BEING ALL OF A 23.968 ACRE TRACT CONVEYED TO COLONIAL REALTY LIMITED PARTNERSHIP IN A SPECIAL WARRANTY DEED DATED NOVEMBER 30, 2006 AND RECORDED IN DOCUMENT NO. 2006230896 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 23.965 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" rebar found in the west right-of-way line of Old San Antonio Road (right-of-way width varies), being the northeast corner of the said 23.968 acre tract, being also the southeast corner of a 51.126 acre tract described in Document No. 2000022808 of the Official Public Records of Travis County, Texas;

THENCE South 26°30'15" West with the west right-of-way line of Old San Antonio Road and the east line of the said 23.968 acre tract, a distance of 699.74 feet to a 1/2" rebar with Chaparral cap set for a southeast corner of the said 23.968 acre tract, being the northeast corner of a 2.508 acre tract described in Document No. 2006230896 of the Official Public Records of Travis County, Texas, from which a concrete highway monument found in the west right-of-way line of Old San Antonio Road, being in the east line of the said 2.508 acre tract, bears South 26°30'15" West, a distance of 212.87 feet;

THENCE with the common line of the said 23.968 acre tract and the said 2.508 acre tract, the following two (2) courses and distances:

1. North 63°29'45" West, a distance of 350.13 feet to a 1/2" rebar with Chaparral cap set for the northwest corner of the said 2.508 acre tract;
2. South 21°34'52" West, a distance of 374.33 feet to a 1/2" rebar with Chaparral cap set in the north right-of-way line of F.M. 1626 (80' right-of-way width), being a southeast corner of the said 23.968 acre tract, being also the southwest corner of the said 2.508 acre tract, from which a concrete highway monument found at the intersection of the north right-of-way line of F.M. 1626 and the west right-of-way line of Old San Antonio Road at highway station 107+01.3, 40' left, being also in the south line of the said 2.508 acre tract, bears South 75°05'37" East, a distance of 217.62 feet;

SCANNED

THENCE North 75°05'37" West with the north right-of-way line of F.M. 1626 and the south line of the said 23.968 acre tract, a distance of 418.50 feet to a 1/2" rebar with Chaparral cap set for a southwest corner of the said 23.968 acre tract, being the southeast corner of a 1.489 acre tract described in Document No. 2006230896 of the Official Public Records of Travis County, Texas, from which a 1/2" rebar with TxDOT cap found in the north right-of-way line of F.M. 1626 at highway p.t. station 82+51.9, 40' left, bears North 75°05'37" West, a distance of 1813.03 feet;

THENCE with the common line of the said 23.968 acre tract and the said 1.489 acre tract, the following two (2) courses and distances:

1. North 19°47'10" East, a distance of 251.72 feet to a 1/2" rebar with Chaparral cap set for the northeast corner of the said 1.489 acre tract;
2. North 73°01'34" West, a distance of 257.59 feet to a 1/2" rebar with Harris cap found in the east right-of-way line of South 1st Street (right-of-way width varies) as described in Document No. 2000101517 of the Official Public Records of Travis County, Texas, being a southwest corner of the said 23.968 acre tract, being also the northwest corner of the said 1.489 acre tract, from which a 1/2" rebar with Harris cap found in the east right-of-way line of South 1st Street, being in the west line of the said 1.489 acre tract, bears South 18°19'59" West, a distance of 100.26 feet;

THENCE with the east right-of-way line of South 1st Street as described in Document No. 2000101517 and the west line of the said 23.968 acre tract, the following eight (8) courses and distances:

1. North 20°45'32" East, a distance of 98.70 feet to a 1/2" rebar with cap found;
2. North 14°50'48" East, a distance of 101.77 feet to a 1/2" rebar with Harris cap found;
3. North 11°30'38" East, a distance of 91.71 feet to a 1/2" rebar with Bury cap found;
4. North 19°00'29" East, a distance of 98.12 feet to a 1/2" rebar with Harris cap found;
5. North 22°17'14" East, a distance of 99.99 feet a 1/2" rebar with Chaparral cap set;
6. North 18°51'17" East, a distance of 100.17 feet to a 1/2" rebar with Harris cap found;


SCANNED

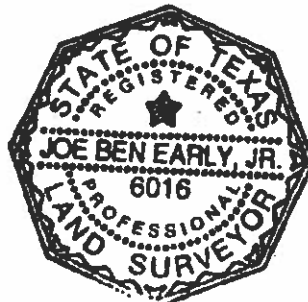
7. North 20°08'04" East, a distance of 100.03 feet to a 1/2" rebar with Harris cap found;
8. North 20°28'06" East, a distance of 156.32 feet to a 1/2" rebar with Harris cap found in the east right-of-way line of South 1st Street (120' right-of-way width) as described in Document No. 1999117965 of the Official Public Records of Travis County, Texas, being in the west line of the said 23.968 acre tract;

THENCE with the east right-of-way line of South 1st Street as described in Document No. 1999117965 and the west line of the said 23.968 acre tract, with a curve to the left, having a radius of 1060.00 feet, a delta angle of 09°44'26", an arc length of 180.21 feet, and a chord which bears North 17°23'00" East, a distance of 179.99 feet to a 1/2" rebar with Bury cap found for the northwest corner of the said 23.968 acre tract, being in the south line of the said 51.126 acre tract;

THENCE South 60°14'01" East with the north line of the said 23.968 acre tract and the south line of the said 51.126 acre tract, a distance of 1157.04 feet to the **POINT OF BEGINNING**, containing 23.965 acres of land, more or less.

Surveyed on the ground on January 28, 2010. Bearing basis is Grid azimuth for Texas Central Zone state plane coordinates, 1983/93 HARN, based on GPS solutions from The National Geodetic Survey (NGS) On-line Positioning User Service (OPUS). Attachments: Survey Drawing No. 586-013-BASE.

 1/28/10
Joe Ben Early, Jr.
Registered Professional Land Surveyor
State of Texas No. 6016



SCANNED

SKETCH TO ACCOMPANY A DESCRIPTION OF 23.965 ACRES (APPROXIMATELY 1,043,921 SQ. FT.) IN THE STEPHEN F. SLAUGHTER LEAGUE NO. 1, ABSTRACT NO. 20, TRAVIS COUNTY, TEXAS, BEING ALL OF A 23.968 ACRE TRACT CONVEYED TO COLONIAL REALTY LIMITED PARTNERSHIP IN A SPECIAL WARRANTY DEED DATED NOVEMBER 30, 2006 AND RECORDED IN DOCUMENT NO. 2006230896 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

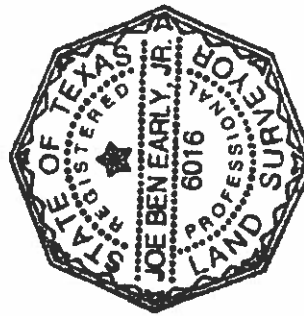
CURVE TABLE					
NO.	DELTA	RADIUS	TAN	ARC	CHORD
C1	9°44'26"	1060.00'	90.32'	180.21'	179.99'
				BEARING	(RECORD CHORD)
				N17°23'00"E	(N17°23'45"E 180.01')

LINE TABLE			
No.	BEARING	LENGTH	(RECORD)
L1	N19°47'10"E	251.72'	(N19°46'36"E 251.76')
L2	N73°01'34"W	257.59'	(N73°03'34"W 257.63')
L3	N20°45'32"E	98.70'	(N20°43'32"E 98.79')
L4	N14°50'48"E	101.77'	(N14°53'19"E 101.78')
L5	N11°30'38"E	91.71'	(N11°30'51"E 91.70')
L6	N19°00'29"E	98.12'	(N18°59'26"E 98.16')
L7	N22°17'14"E	99.99'	(N22°15'57"E 99.98')
L8	N18°51'17"E	100.17'	(N18°50'00"E 100.16')
L9	N20°08'04"E	100.03'	(N20°09'06"E 100.03')
L10	N20°28'06"E	156.32'	(N20°28'36"E 156.34')
L11	S26°30'15"W	212.87'	(S26°30'11"W 212.87')
L12	S68°31'40"W	156.59'	(S68°34'49"W 156.54')
L13	S75°05'37"E	217.62'	(S75°06'11"E 217.62')
L14	S18°19'59"W	100.26'	(S18°18'33"W 100.18')

- LEGEND
- 1/2" REBAR WITH "HARRIS" PLASTIC CAP FOUND (OR AS NOTED)
 - 1/2" REBAR WITH CHAPARRAL CAP SET
 - CONC. HIGHWAY MON. FOUND
 - () RECORD INFORMATION

BEARING BASIS: GRID AZIMUTH FOR TEXAS
CENTRAL ZONE STATE PLANE COORDINATES,
1983/93 HARN, BASED ON GPS SOLUTIONS
FROM THE NATIONAL GEODETIC SURVEY (NGS)
ON-LINE POSITIONING USER SERVICE (OPUS).

ATTACHMENTS: METES AND BOUNDS
DESCRIPTION 586-013-BASE



DATE OF SURVEY: 1/27/10
PLOT DATE: 1/28/10
DRAWING NO.: 586-013-BASE
PROJECT NO.: 586-013
DRAWN BY: JBE
SHEET 1 OF 2

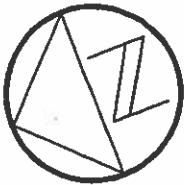
Chaparral

Chaparral

TXDOT PCAP

STATE OF TEXAS
REGISTERED
★
JOE BEN EARLY, JR.
6016
PROFESSIONAL
LAND SURVEYOR

01/28/10



SOUTH 1ST STREET
(RIGHT-OF-WAY WIDTH VARIES) (1999117965) (2000101517)

COLONIAL REALTY
LIMITED PARTNERSHIP
(23.968 ACRES)
(2006230896)

AUSTIN INDEPENDENT SCHOOL DISTRICT
51.126 ACRES
(2000022808)

P.O.B.

NO CAP

OLD SAN ANTONIO ROAD
(RIGHT-OF-WAY WIDTH VARIES)

S26.30'15"W 699.74'
(S26.30'11"W 699.69')

N63°29'45"W 350.13'
(N63°29'49"W 350.25')

RIDDELL
FAMILY
LIMITED
PARTNERSHIP
2.508 ACRES
(2006230896)

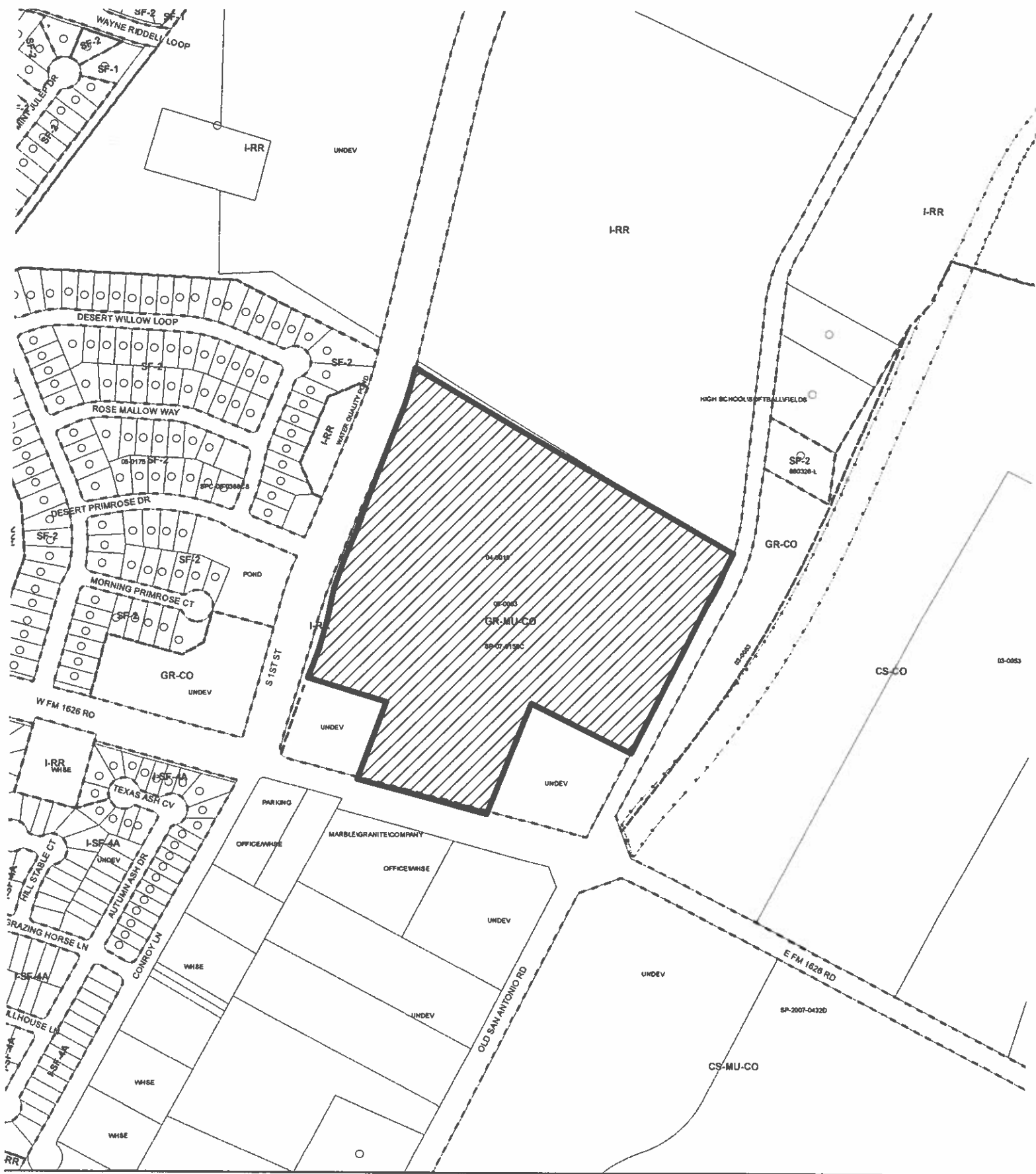
HWY PT STA
107+01.3
40' LEFT


N75°05'37"W 418.50'
(N75°06'11"W 418.50')


(2000230090) (N73°56'W 2449.40' TXDOT) (N73°56'W 2449.15' (N73°56'W 2449.15' ONE-WAY WIDTH)


F.M. 16201-0791


Chaparral





 **SUBJECT TRACT**

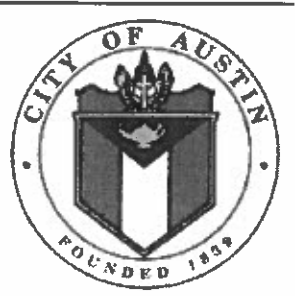
 **ZONING BOUNDARY**

 **PENDING CASE**

OPERATOR: S. MEEKS

ZONING EXHIBIT B

ZONING CASE#:	C14-2010-0027
ADDRESS:	11001 S 1ST ST
SUBJECT AREA:	23.97 ACRES
GRID:	F11-12
MANAGER:	W. RHOADES



RESTRICTIVE COVENANT

OWNER: Colonial Realty Limited Partnership, a Delaware limited partnership

ADDRESS: 2101 6th Avenue North, Suite 750, Birmingham, Alabama 35203

CONSIDERATION: Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and sufficiency of which is acknowledged.

PROPERTY: A 23.965 acre tract of land, more or less, out of the Stephen F. Slaughter League No. 1, Abstract No. 20, Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this covenant.

WHEREAS, the Owner (the "Owner", whether one or more), of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions;

NOW, THEREFORE, it is declared that the Owner of the Property, for the consideration, shall hold, sell and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant ("Agreement"). These covenants and restrictions shall run with the land, and shall be binding on the Owner of the Property, its heirs, successors, and assigns.

1. 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 the total traffic generation for the Property as specified in that certain update to the Traffic Impact Analysis ("TIA") requirements prepared by Kimley-Horn and Associates, dated February 10, 2010, or as amended and approved by the Director of the Planning and Development Review Department. All development on the Property is subject to the recommendations contained in the memorandum from the Transportation Review Section of the Planning and Development Review Department, dated April 14, 2010. The TIA shall be kept on file at the Planning and Development Review Department.
2. If any person or entity shall violate or attempt to violate this Agreement, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such Agreement, to prevent the person or entity from such actions, and to collect damages for such actions.
3. If any part of this Agreement is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this Agreement, and such remaining portion of this Agreement shall remain in full effect.

4. If at any time the City of Austin fails to enforce this Agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.
5. This Agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, and (b) by the owner(s) of the Property, or a portion of the Property, subject to the modification, amendment or termination at the time of such modification, amendment or termination.

EXECUTED this the 12th day of May, 2010.

OWNER:

**Colonial Realty Limited Partnership,
a Delaware limited partnership**

By: Colonial Properties Trust,
an Alabama real estate
investment trust,
its General Partner

By: Ed Wright
Edward T. Wright,
its Executive Vice President

APPROVED AS TO FORM:

Assistant City Attorney
City of Austin

THE STATE OF

COUNTY OF

Alabama
Jefferson

§
§
§
§
§

This instrument was acknowledged before me on this the 12th day of May, 2010, by Edward T. Wright, Executive Vice President of Colonial Properties Trust, an Alabama real estate investment trust, General Partner Colonial Realty Limited Partnership, a Delaware limited partnership, on behalf of the limited partnership.

Stephanie Davis
Notary Public,
State of Alabama

My commission expires: 7/26/13

After Recording, Please Return to:
City of Austin
Department of Law
P. O. Box 1088
Austin, Texas 78767-1088
Attention: Diana Minter, Paralegal



**Professional Land Surveying, Inc.
Surveying and Mapping**

EXHIBIT A

CH-2010-0027

Office: 512-443-1724
Fax: 512-389-0943

3500 McCall Lane
Austin, Texas 78744

23.965 ACRES

**STEPHEN F. SLAUGHTER LEAGUE NO. 1, ABSTRACT NO. 20
TRAVIS COUNTY, TEXAS**

A DESCRIPTION OF 23.965 ACRES (APPROXIMATELY 1,043,921 SQ. FT.) IN THE STEPHEN F. SLAUGHTER LEAGUE NO. 1, ABSTRACT NO. 20, TRAVIS COUNTY, TEXAS, BEING ALL OF A 23.968 ACRE TRACT CONVEYED TO COLONIAL REALTY LIMITED PARTNERSHIP IN A SPECIAL WARRANTY DEED DATED NOVEMBER 30, 2006 AND RECORDED IN DOCUMENT NO. 2006230896 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 23.965 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" rebar found in the west right-of-way line of Old San Antonio Road (right-of-way width varies), being the northeast corner of the said 23.968 acre tract, being also the southeast corner of a 51.126 acre tract described in Document No. 2000022808 of the Official Public Records of Travis County, Texas;

THENCE South 26°30'15" West with the west right-of-way line of Old San Antonio Road and the east line of the said 23.968 acre tract, a distance of 699.74 feet to a 1/2" rebar with Chaparral cap set for a southeast corner of the said 23.968 acre tract, being the northeast corner of a 2.508 acre tract described in Document No. 2006230896 of the Official Public Records of Travis County, Texas, from which a concrete highway monument found in the west right-of-way line of Old San Antonio Road, being in the east line of the said 2.508 acre tract, bears South 26°30'15" West, a distance of 212.87 feet;

THENCE with the common line of the said 23.968 acre tract and the said 2.508 acre tract, the following two (2) courses and distances:

1. North 63°29'45" West, a distance of 350.13 feet to a 1/2" rebar with Chaparral cap set for the northwest corner of the said 2.508 acre tract;
2. South 21°34'52" West, a distance of 374.33 feet to a 1/2" rebar with Chaparral cap set in the north right-of-way line of F.M. 1626 (80' right-of-way width), being a southeast corner of the said 23.968 acre tract, being also the southwest corner of the said 2.508 acre tract, from which a concrete highway monument found at the intersection of the north right-of-way line of F.M. 1626 and the west right-of-way line of Old San Antonio Road at highway station 107+01.3, 40' left, being also in the south line of the said 2.508 acre tract, bears South 75°05'37" East, a distance of 217.62 feet;

SCANNED

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THENCE with the east right-of-way line of South 1st Street as described in Document No. 2000101517 and the west line of the said 23.968 acre tract, the following eight (8) courses and distances:

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SCANNED

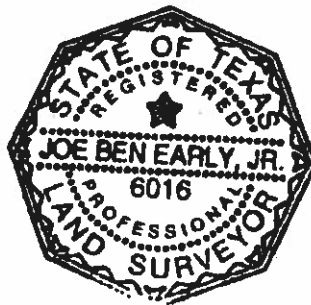
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THENCE South 60°14'01" East with the north line of the said 23.968 acre tract and the south line of the said 51.126 acre tract, a distance of 1157.04 feet to the **POINT OF BEGINNING**, containing 23.965 acres of land, more or less.

Surveyed on the ground on January 28, 2010. Bearing basis is Grid azimuth for Texas Central Zone state plane coordinates, 1983/93 HARN, based on GPS solutions from The National Geodetic Survey (NGS) On-line Positioning User Service (OPUS). Attachments: Survey Drawing No. 586-013-BASE.

 1/28/10
Joe Ben Early, Jr.
Registered Professional Land Surveyor
State of Texas No. 6016



SCANNED

SKETCH TO ACCOMPANY A DESCRIPTION OF 23.965 ACRES (APPROXIMATELY 1,043,921 SQ. FT.) IN THE STEPHEN F. SLAUGHTER LEAGUE NO. 1, ABSTRACT NO. 20, TRAVIS COUNTY, TEXAS, BEING ALL OF A 23.968 ACRE TRACT CONVEYED TO COLONIAL REALTY LIMITED PARTNERSHIP IN A SPECIAL WARRANTY DEED DATED NOVEMBER 30, 2006 AND RECORDED IN DOCUMENT NO. 2006230896 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

CURVE TABLE							
NO.	DELTA	RADIUS	TAN	ARC	CHORD	BEARING	(RECORD CHORD)
C1	9°44'26"	1060.00'	90.32'	180.21'	179.99'	N17°23'00"E	(N17°23'45"E 180.01')

LINE TABLE		
No.	BEARING	LENGTH (RECORD)
L1	N19°47'10"E	251.72' (N19°46'36"E 251.76')
L2	N73°01'34"W	257.59' (N73°03'34"W 257.63')
L3	N20°45'32"E	98.70' (N20°43'32"E 98.79')
L4	N14°50'48"E	101.77' (N14°53'19"E 101.78')
L5	N11°30'38"E	91.71' (N11°30'51"E 91.70')
L6	N19°00'29"E	98.12' (N18°59'26"E 98.16')
L7	N22°17'14"E	99.99' (N22°15'57"E 99.98')
L8	N18°51'17"E	100.17' (N18°50'00"E 100.16')
L9	N20°08'04"E	100.03' (N20°09'06"E 100.03')
L10	N20°28'06"E	156.32' (N20°28'36"E 156.34')
L11	S26°30'15"W	212.87' (S26°30'11"W 212.87')
L12	S68°31'40"W	156.59' (S68°34'49"W 156.54')
L13	S75°05'37"E	217.62' (S75°06'11"E 217.62')
L14	S18°19'59"W	100.26' (S18°18'33"W 100.18')

LEGEND

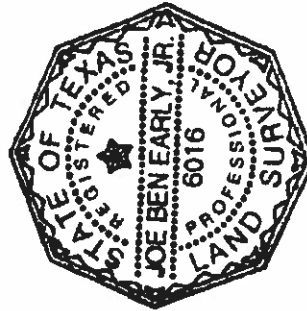
- 1/2" REBAR WITH "HARRIS" PLASTIC CAP FOUND (OR AS NOTED)
- 1/2" REBAR WITH CHAPARRAL CAP SET
- CONC. HIGHWAY MON. FOUND
- () RECORD INFORMATION

BEARING BASIS: GRID AZIMUTH FOR TEXAS
CENTRAL ZONE STATE PLANE COORDINATES,
1983/93 HARN, BASED ON GPS SOLUTIONS
FROM THE NATIONAL GEODETIC SURVEY (NGS)
ON-LINE POSITIONING USER SERVICE (OPUS).

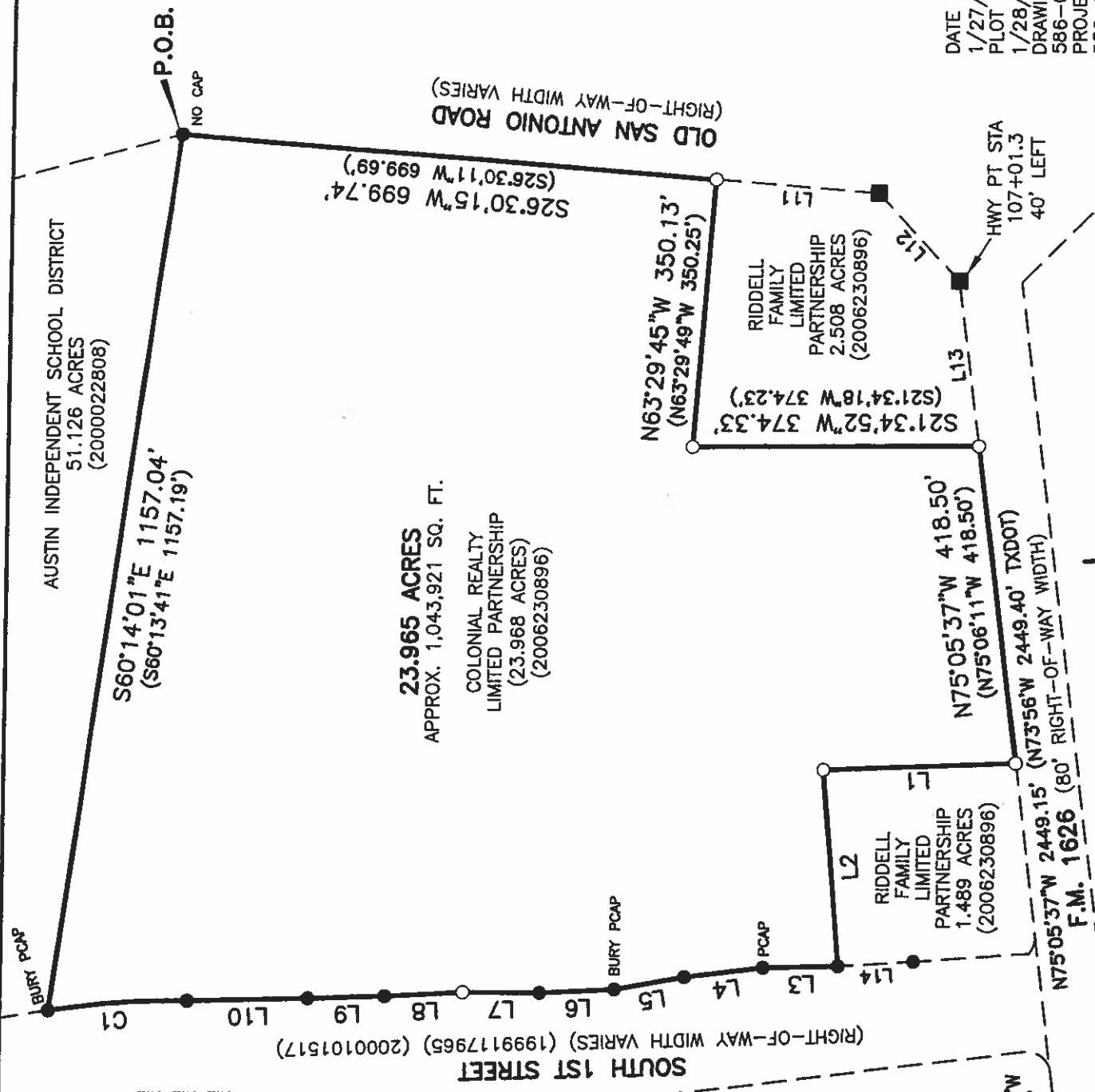
ATTACHMENTS: METES AND BOUNDS
DESCRIPTION 586-D13-BASE

DATE OF SURVEY: 1/27/10
PLOT DATE: 1/28/10
DRAWING NO.: 586-013-BASE
PROJECT NO.: 586-013
DRAWN BY: JBE
SHEET 1 OF 2

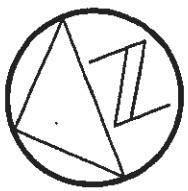
Chaparral



DATE OF SURVEY: 1/27/10
 PLOT DATE: 1/28/10
 DRAWING NO.: 586-013-BASE
 PROJECT NO.: 586-013
 DRAWN BY: JBE
 SHEET 2 OF 2



Chaparral



1" = 200'

Handwritten signature and date: 1/28/10

