

**ORDINANCE NO. 20110526-092**

**AN ORDINANCE AMENDING ORDINANCE NO. 20090312-027 FOR THE MARTIN LUTHER KING, JR BLVD. TRANSIT ORIENTED DEVELOPMENT DISTRICT STATION AREA PLAN TO MODIFY THE STATION AREA PLAN AND REGULATING PLAN, REZONING AND CHANGING THE ZONING MAP FROM TRANSIT ORIENTED DEVELOPMENT-NEIGHBORHOOD PLAN-CONDITIONAL OVERLAY (TOD-NP-CO) COMBINING DISTRICT TO TRANSIT ORIENTED DEVELOPMENT-NEIGHBORHOOD PLAN-CONDITIONAL OVERLAY (TOD-NP-CO) COMBINING DISTRICT FOR THE PROPERTY LOCATED AT 1709 MIRIAM AVENUE.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**PART 1.** The Martin Luther King, Jr. Blvd. transit oriented development district station area plan with regulating plan ("the MLK-TOD") was adopted under Ordinance No. 20090312-027 ("the MLK-TOD Original Ordinance") and is comprised of approximately 108 acres of land described in Zoning Case No. C14-2008-0031, located in portions of the Chestnut, East MLK, Upper Boggy Creek and Rosewood neighborhood planning areas, locally known as the area generally bounded by Boggy Creek on the north and east, the Northwest and Austin Railroad on the east, East 12<sup>th</sup> Street on the south, and Ulit Avenue, Miriam Avenue, Alexander Avenue and Randolph Road on the west, including select properties at the intersection of Martin Luther King, Jr. Boulevard and Airport Boulevard, and the intersection of Manor Road and Airport Boulevard, in the City of Austin, Travis County, Texas.

**PART 2.** The MLK-TOD Original Ordinance was amended under Ordinance No. 20090402-048 to include and rezone certain properties within the boundaries of the MLK-TOD.

**PART 3.** Ordinance No. 20090402-048 identified the Original Ordinance number as 20080312-027. This ordinance is made to correct this error and to confirm the correct Original Ordinance number as 20090312-027. In all other respects the terms and conditions of the amending ordinance remain in effect.

**PART 4.** The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from transit oriented district-neighborhood plan-conditional overlay (TOD-NP-CO) combining district to transit oriented district-neighborhood plan-conditional overlay (TOD-NP-CO) combining district on the property described in Zoning

Case No. C14-2011-0024, on file at the Planning and Development Review Department, as follows:

A 1.794 acre tract of land, more or less, out of Lot 1 Block A, Resubdivision of Chestnut station and Chestnut Station Section 2, in Travis County, the 1.794 acre tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance (the "Property"),

locally known as 1709 Miriam Avenue, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

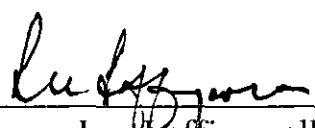
**PART 5.** The MLK-TOD Station Area Plan ("SAP") and Regulating Plan identified and defined subdistricts within the plan area and established boundaries for each subdistrict. The Property currently is comprised of two subdistricts: TOD Mixed Use and Live/Work Flex as shown on Exhibit "C". The boundaries of the Live/Work Flex Subdistrict shall be expanded to include the entire Property as shown on Exhibit "D".

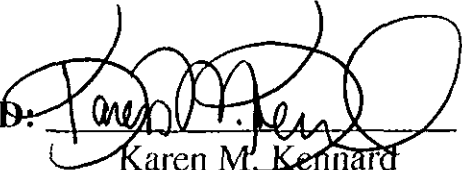
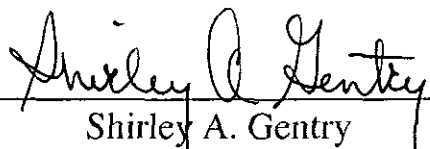
**PART 6.** The Land Use Design and Concept Plan (the "Plan") and other applicable references affecting the Property that are provided in the SAP and Regulating Plan are revised to show the changes in the boundaries of the subdistricts for the Property as shown on Exhibit "E". The revised Plan shall be substituted where appropriate in the SAP and Regulating Plan documents.

**PART 7.** Except as set forth in Part 5 and Part 6 of this ordinance, the Property is subject to Ordinance No. 20090312-027, as amended by Ordinance No. 20090402-048, and the terms and conditions of each ordinance remain in effect.

**PART 8.** This ordinance takes effect on June 6, 2011.

**PASSED AND APPROVED**

\_\_\_\_\_, May 26, 2011      §  
   §  
   §        
   Lee Leffingwell  
   Mayor

**APPROVED:**  **ATTEST:**   
   Karen M. Kennard      Shirley A. Gentry  
   City Attorney      City Clerk

**HOLT CARSON, INC.**  
**PROFESSIONAL LAND SURVEYORS**

1904 FORTVIEW ROAD  
AUSTIN, TEXAS 78704  
TELEPHONE: (512) 442-0990  
FACSIMILE: (512) 442-1084  
EXHIBIT A

RE-ZONING

**FIELD NOTE DESCRIPTION OF 1.794 ACRES OF LAND, BEING A PORTION OF LOT 1, BLOCK A, RESUBDIVISION OF CHESTNUT STATION AND CHESTNUT STATION SECTION 2, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN DOCUMENT No. 200900070 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

BEGINNING at a ½" iron rod found with a plastic cap imprinted with "Carter Burgess" at the point of intersection of the East right-of-way line of Miriam Avenue and the North right-of-way line of 17<sup>th</sup> Street for a Southwesterly corner of Lot 1, Block A, Resubdivision of Chestnut Station and Chestnut Station Section 2, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Document No. 200900070 of the Official Public Records of Travis County, Texas, and being a Southwesterly corner and **PLACE OF BEGINNING** of the herein described tract of land, and from which a ½" iron rod found with a plastic cap imprinted with "Carter Burgess" in the East right-of-way line of Miriam Avenue for a Northwesterly corner of said Lot 1 bears N 11 deg. 44' 20" W 654.81 ft.;

THENCE with the East right-of-way line of Miriam Avenue and with the West line of said Lot 1, N 11 deg. 44' 20" W 301.41 ft. to a ½" iron rod set with a plastic cap imprinted with "Holt Carson, Inc." for the Northwest corner of this tract;

THENCE leaving the East right-of-way line of Miriam Avenue and entering the interior of said Lot 1 with the North line of this tract, N 78 deg. 18' 31" E 240.16 ft. to a ½" iron rod set with a plastic cap imprinted with "Holt Carson, Inc." for the Northeast corner of this tract;

THENCE continuing across the interior of said Lot 1 with the East line of this tract, S 11 deg. 43' 15" E 326.04 ft. to a ½" iron rod set with a plastic cap imprinted with "Holt Carson, Inc." in the North right-of-way line of 17<sup>th</sup> Street and in the South line of said Lot 1 for the Southeast corner of this tract, and from which a chiseled "X" mark found in concrete in the North right-of-way line of 17<sup>th</sup> Street for a Southeasterly corner of said Lot 1 bears N 78 deg. 16' 06" E 119.96 ft.;

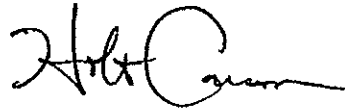
end of Page 1

Page 2 of 2  
RE-ZONING (1.794 ACRES)

THENCE with the North right-of-way line of 17<sup>th</sup> Street and with the South line of Lot 1, the following two (2) courses;

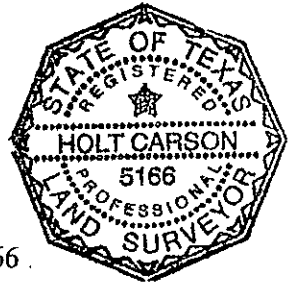
- 1) S 78 deg. 16' 06" W 215.00 ft. to a ½" iron rod found with a plastic cap imprinted with "Carter Burgess" for a point of curvature;
- 2) along a curve to the right with a radius of 25.00 ft. for an arc length of 39.13 ft. and which chord bears N 57 deg. 02' 20" W 35.25 ft. to the **PLACE OF BEGINNING**, containing 1.794 acres of land.

**SURVEYED:** November 10, 2010



Holt Carson

Registered Professional Land Surveyor No. 5166



see accompanying map: C 866102

references:

TCAD Parcel No: 02 1212 13 02

City of Austin Grid: K23

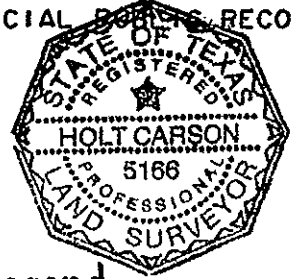
SKETCH TO ACCOMPANY FIELD NOTE DESCRIPTION OF  
1.794 ACRES OF LAND, BEING A PORTION OF LOT 1, BLOCK A,  
RESUBDIVISION OF CHESTNUT STATION AND CHESTNUT  
STATION SECTION 2, A SUBDIVISION IN TRAVIS COUNTY,  
TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED  
IN DOCUMENT No. 200900070 OF THE OFFICIAL PUBLIC RECORDS  
OF TRAVIS COUNTY, TEXAS.

SURVEYED: November 10, 2010

BY:

*Holt Carson*  
Holt Carson

Registered Professional Land Surveyor No. 5166



### Legend

- ⊙ ½" Iron Rod Found
- ⊗ Chiseled "X" Found
- ◆ ½" Iron Rod Found with plastic cap imprinted with "Carter Burgess"
- ½" Iron Rod Set with plastic cap imprinted with "Holt Carson, Inc."

18TH STREET  
(50' R.O.W.)

MIRIAM AVENUE (45' R.O.W.)

N78°18'31"E

240.16'

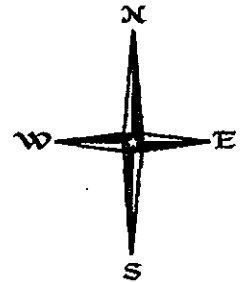
LOT 1  
BLOCK A  
RESUBDIVISION OF  
CHESTNUT STATION  
AND  
CHESTNUT STATION SECTION 2  
DOCUMENT NO. 200900070

1.794 ACRES  
RE-ZONING TRACT

S11°43'15"E

326.04'

SCALE: 1" = 60'



IN 56°44'20"W  
IC-3535-4-39-1271  
N57°02'20"W  
C-3525-4-39-13

Place of  
Beginning

15' P.U.E. per plat 215.00'

S78°16'06"W 334.96'  
(S78°15'40"W 334.96')

119.96'

17TH STREET (80' R.O.W.)

C 866102

## Legend

- 1/2" Iron Rod Found
  - ◆ Chiseled "X" Found
  - ◊ 1/2" Iron Rod Found with plastic cap imprinted with "Carler Burgess"
  - 1/2" Iron Rod Set with plastic cap imprinted with "Holt Carson, Inc."
  - ▲ Electric Utility Vault
  - ▲ Storm Water Manhole
  - ▲ Sanitary Sewer Manhole
  - ▲ Fire Hydrant
  - ▲ Telephone Pedestal
  - ▲ Water Meter
  - ▲ Water Valve
  - ▲ Gas Valve
  - ▲ Valve (unknown purpose)
  - ▲ Lamp Post
  - ▲ Electric Transformer Pad
  - ▲ Street Sign
  - ▲ Chain Link Fence
  - ▲ Overhead Utility Line
- (Record Bearing and Distance)

LOT 12  
LOT 13  
REAL INDUSTRIAL PARK  
VOLUME 12 PAGE 9

LOT 14

LOT 15

LOT 16

E. MARTIN LUTHER KING BLVD.  
(R.O.W. VARIES)

N76°16'45"E 544.27'  
N78°16'15"E 544.32'  
15' P.U.E. per plat

S56°24'31"E  
C=42.46' A=47.17'  
(S56°33'24"E)  
(C=42.55' A=47.30')  
(R=30.00')

LOT 2  
BLOCK C

LOT 1  
BLOCK A  
RESUBDIVISION OF  
CHESTNUT STATION  
AND  
CHESTNUT STATION SECTION 2  
DOCUMENT NO. 200900070

## TREE LISTING

1892	6" Elm
1893	15" Cottonwood
1894	16" & 12" Cottonwood (22" caliper total)
2224	5" & 4" Live Oak (7" caliper total)
1895	9" Elm
1896	17" & 13" Cottonwood (23.5" caliper total)
1897	17", 10" & 7" Cottonwood (25.5" caliper total)
1897	8" & 7" Sycamore (11.5" caliper total)
1956	11" Elm
1954	8" Hackberry
1955	4" & 4" Elm (8" caliper total)
1953	23" Sycamore
1962	10" Elm
1959	12" Elm
1958	17" & 7" Elm (20.5" caliper total)
1964	15" & 12" Cottonwood (21" caliper total)
1898	16", 14" & 11" Cottonwood (28.5" caliper total)
1966	9" Cottonwood
1967	6" & 4" Cottonwood (8" caliper total)
1981	8" Live Oak
1980	9" & 9" Cottonwood (13.5" caliper total)
1978	7" Cottonwood
1977	6" Cottonwood
1976	8" & 4" Cottonwood (8" caliper total)
1966	10" & 5" Cottonwood (12.5" caliper total)
1969	5" Cottonwood
1970	10" Cottonwood
1972	13" Cottonwood
1055	7" & 5" Cottonwood and 8" Sycamore (14" caliper total)

Note:  
entire subject area  
consists of broken  
concrete and asphalt

1.794 ACRES

17TH STREET (80' R.O.W.)

Temporary Benchmark  
Chiseled Square  
cut on concrete  
electric transformer pad  
NAVD 1988 Elevation 537.67'

LOT 1  
BLOCK A  
CHESTNUT PLAZA  
PHASE 1  
DOCUMENT NO. 200600287

LOT 1A  
BLOCK B

MAP OF TOPOGRAPHIC SURVEY OF  
A PORTION OF LOT 1, BLOCK A, RESUBDIVISION OF CHESTNUT STATION AND  
CHESTNUT STATION SECTION 2, A SUBDIVISION IN TRAVIS COUNTY, TEXAS,  
ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN DOCUMENT NO.  
200900070 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

LOCATED ON MIRIAM AVENUE AND 17TH STREET.

## Notes:

- 1) NAVD 1988 Elevations shown hereon were determined by utilizing post processed static GPS observations.
- 2) Tree "crowns" shown hereon are drawn as a function of trunk diameter. One inch of trunk diameter equals one foot of "crown" radius.
- 3) This map includes only those portions of the subject property as indicated by the clients instructions

HOLT CARSON, INCORPORATED  
1904 FORTVIEW ROAD  
AUSTIN, TX 78704  
(512) 448-0990

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PREPARED: NOVEMBER 10, 2010.

BY

Holt Carson  
Registered Professional Land Surveyor No. 5185



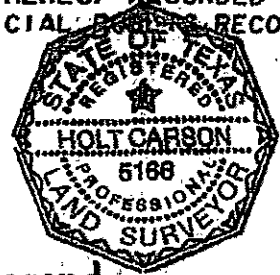
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SURVEYED: November 10, 2010

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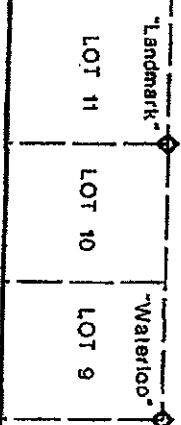
*Holt Carson*  
Holt Carson

Registered Professional Land Surveyor No. 5166

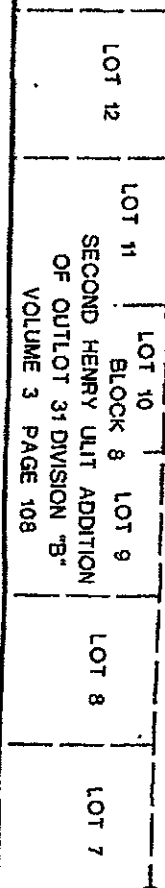


### Legend

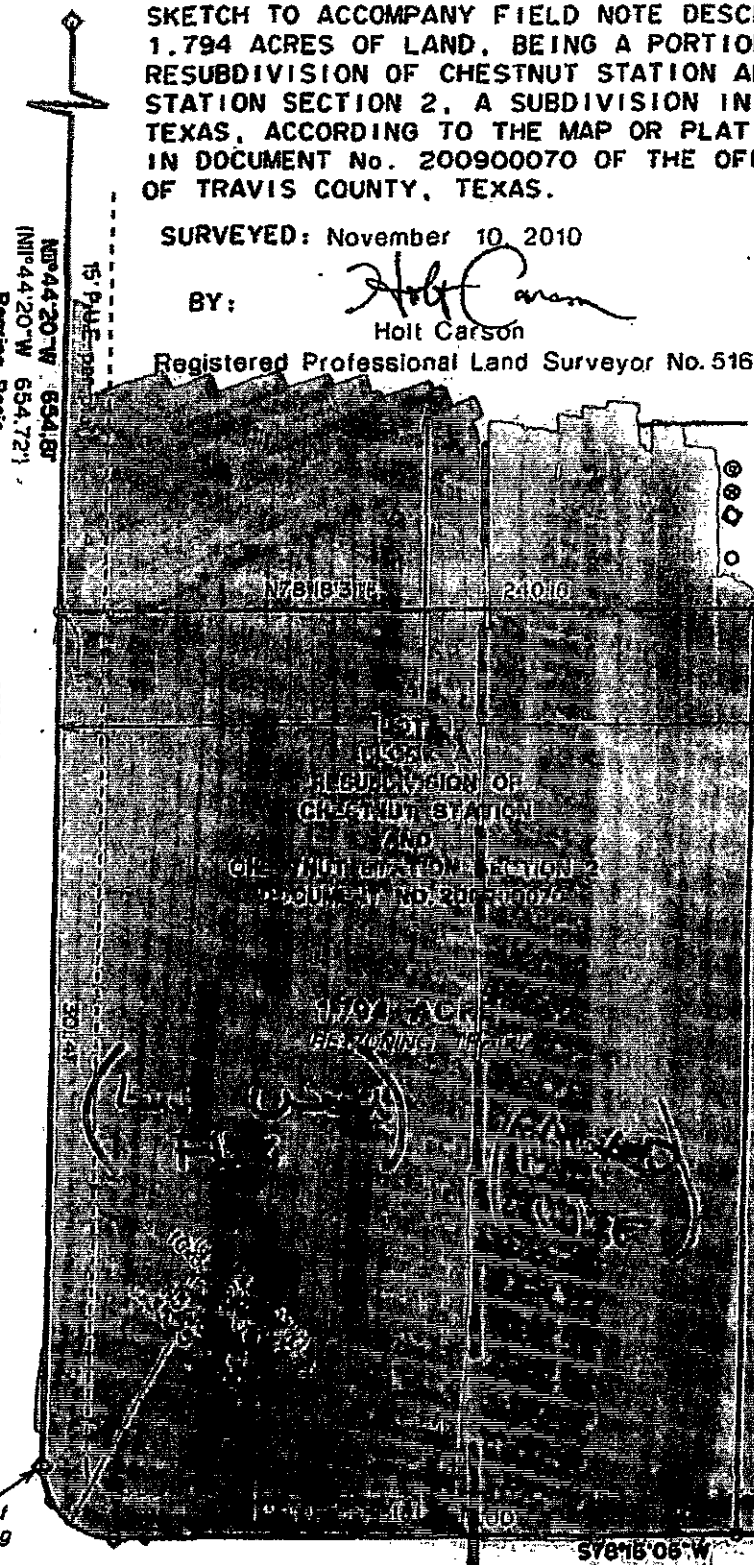
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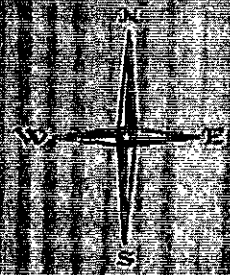
18TH STREET  
(50' R.O.W.)



MARIAM AVENUE (45' R.O.W.)



SCALE: 1" = 60'



17TH STREET (80' R.O.W.)

S78°15'05"W 334.96'  
[S78°15'40"W 334.96']

C 866102

EXHIBIT C

SCANNED



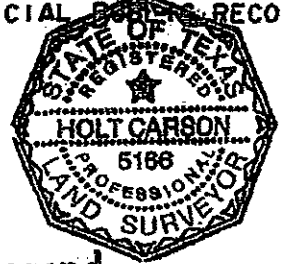
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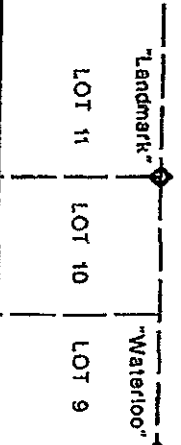
*Holt Carson*  
Holt Carson

Registered Professional Land Surveyor No. 5166

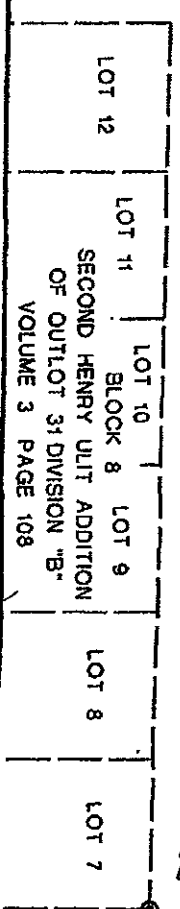


### Legend

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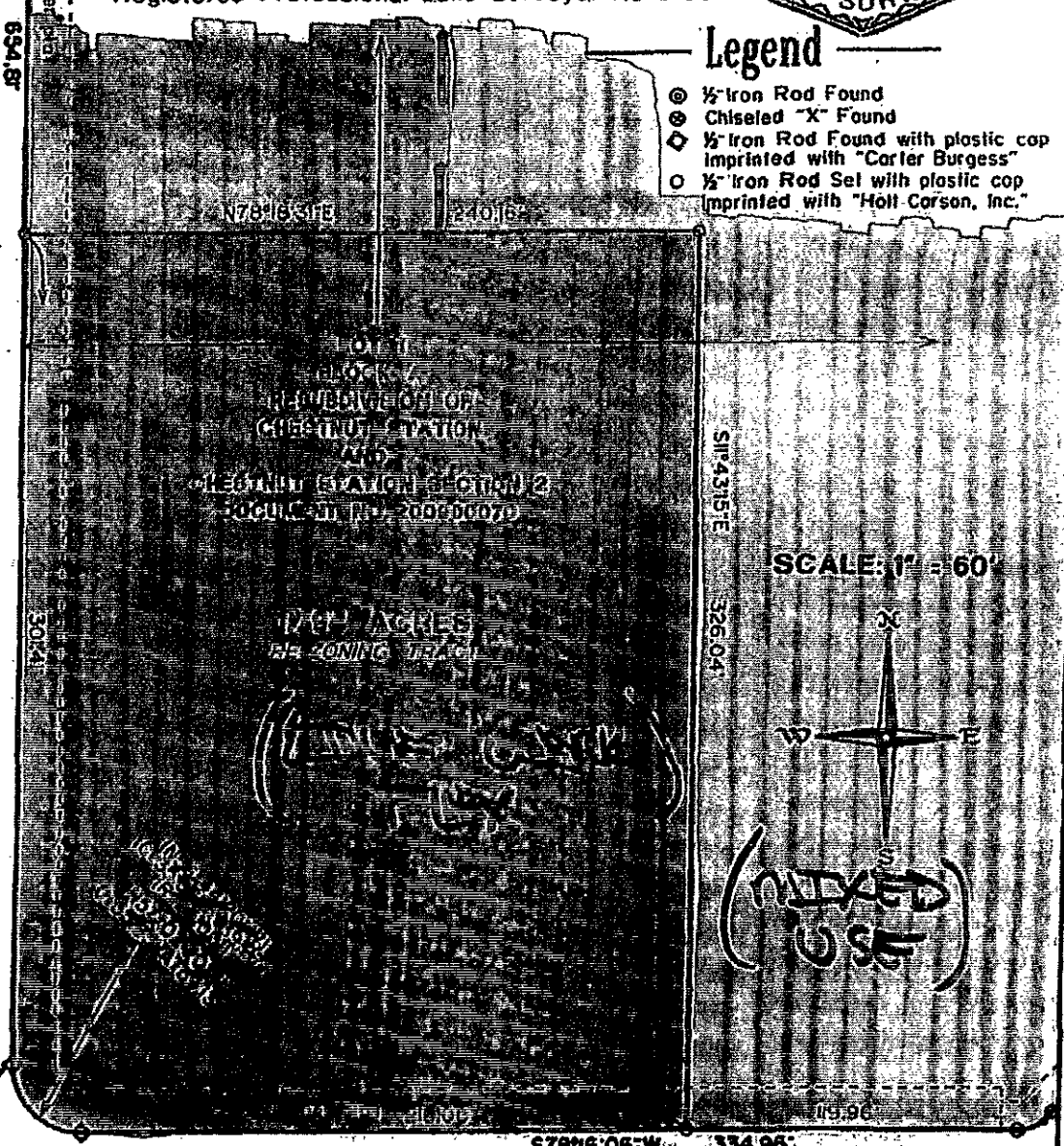


18TH STREET  
(60' R.O.W.)



MERIAM AVENUE (45' R.O.W.)

N 44° 20' W 634.87'  
(N 1/4 42° 20' W 634.72')  
Bearing Basis



SCALE: 1" = 60'

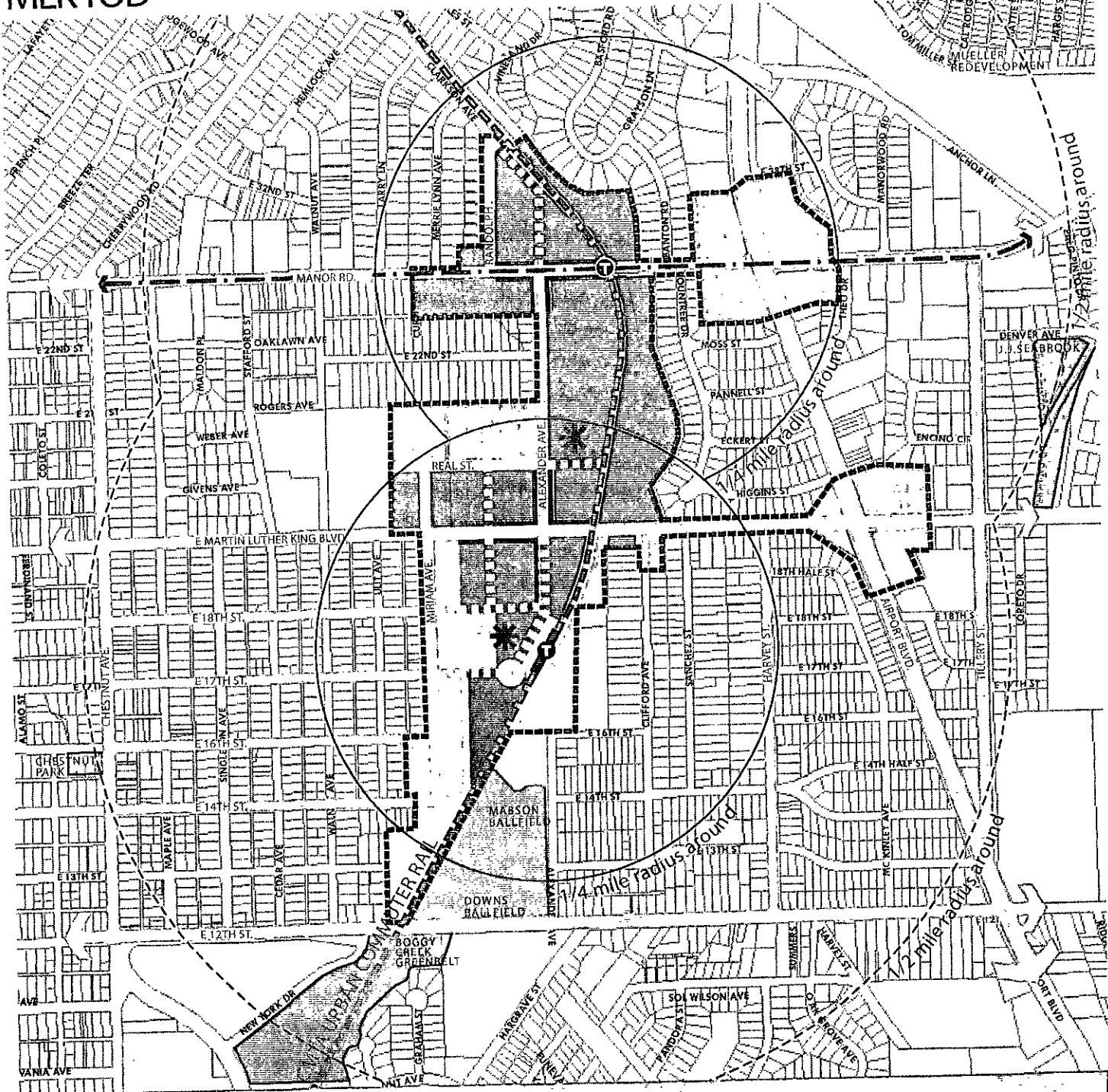


Place of Beginning

17TH STREET 160' R.O.W.

EXHIBIT D

SCANNED



## LEGEND

- LOW DENSITY RESIDENTIAL
- MEDIUM DENSITY RESIDENTIAL
- TOD MIXED USE (showing active edges)
- CORRIDOR MIXED USE
- LIVE/WORK FLEX
- EXISTING CITY PARKLAND
- POTENTIAL PARKLAND

EXISTING STREETS

POTENTIAL NEW STREETS

- TOD DISTRICT BOUNDARY
- POTENTIAL STREETCAR ROUTE
- METRO RAIL STATION
- POTENTIAL STREETCAR STOP
- TRANSIT PLAZA

0 200 400 800 FEET

N



TRANSIT ORIENTED DEVELOPMENT STATION AREA PLANNING

EXHIBIT E