

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 4714 SOUTH CONGRESS AVENUE IN THE WEST CONGRESS NEIGHBORHOOD PLAN AREA FROM GENERAL COMMERCIAL SERVICES-MIXED USE-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (CS-MU-CO-NP) COMBINING DISTRICT TO GENERAL COMMERCIAL SERVICES-MIXED USE-VERTICAL MIXED USE BUILDING-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (CS-MU-V-CO-NP) 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 general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district to general commercial services-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-MU-V-CO-NP) combining district on the property described in Zoning Case No. C14-2016-0097, on file at the Planning and Zoning Department, as follows:

A tract of land containing 2.8122 acres (approx. 122,497 square feet), being all of the land in the Will Thurman Subdivision, a subdivision recorded in Volume 37, Page 6 of the Plat Records of Travis County, Texas; save and except a called 1,817 square-foot tract conveyed to the City of Austin for right-of-way purposes in Volume 11600, Page 251 of the Real Property Records of Travis County, Texas, conveyed to Diamond Real Estate Investments, Inc. in Document No. 2009183696 of the Official Public Records of Travis County, Texas, said 2.8122 acres being more particularly described by metes and bounds in Exhibit “A” incorporated into this ordinance (the “Property”),

locally known as 4714 South Congress Avenue in the City of Austin, Travis County, Texas, 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:

The maximum height of a building or structure on the Property is 60 feet.

1 Except as specifically restricted under this ordinance, the Property may be developed and  
2 used in accordance with the regulations established for general commercial services (CS)  
3 district and other applicable requirements of the City Code.  
4

5 **PART 3.** The Property is subject to Ordinance No. 20050818-Z003 that established zoning  
6 for the West Congress Neighborhood Plan.  
7

8 **PART 4.** This ordinance takes effect on \_\_\_\_\_, 2017.  
9

10 **PASSED AND APPROVED**

11  
12 §  
13 §  
14 \_\_\_\_\_, 2017 § \_\_\_\_\_  
15 Steve Adler  
16 Mayor  
17

18  
19 **APPROVED:** \_\_\_\_\_ **ATTEST:** \_\_\_\_\_  
20 Anne L. Morgan Jannette S. Goodall  
21 City Attorney City Clerk  
22  
23

EXHIBIT " \_\_\_\_\_ "

Legal Description

BEING A DESCRIPTION OF A TRACT OF LAND CONTAINING 2.8122 ACRES (122,497 SQUARE FEET), BEING ALL OF THE WILL THURMAN SUBDIVISION, A SUBDIVISION RECORDED IN VOLUME 37, PAGE 6 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS (P.R.T.C.T.), SAVE AND EXCEPT A CALLED 1,817 SQUARE FOOT TRACT CONVEYED TO THE CITY OF AUSTIN FOR RIGHT-OF-WAY PURPOSES IN VOLUME 11600, PAGE 251 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS (R.P.R.T.C.T.), CONVEYED TO DIAMOND REAL ESTATE INVESTMENTS, INC. IN DOCUMENT NO. 2009183696 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS (O.P.R.T.C.T.), SAID 2.8122 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:



PO Box 90876  
Austin, TX 78709  
512.554.3371  
jward@4wardls.com  
[www.4wardls.com](http://www.4wardls.com)

**BEGINNING**, at a 1-inch iron pipe found at a corner in the west right-of-way line of South Congress Avenue (right-of-way varies), and being in the south line of a called 0.4219 acre tract (described by metes and bounds in Volume 12821, Page 2405 (R.P.R.T.C.T.)) conveyed to CBBN, L.P., in Document No. 2004048973 (O.P.R.T.C.T.), and being in the north line of said Will Thurman Subdivision, and being at the northwest corner of said City of Austin right-of-way tract, for an exterior ell-corner and **POINT OF BEGINNING** hereof;

**THENCE**, leaving the common line of said CBBN tract and said Will Thurman Subdivision, over and across said Will Thurman Subdivision, with the west right-of-way line of said South Congress Avenue and the west line of said City of Austin right-of-way tract, **S27°45'26"W**, a distance of **181.70** feet to a 1/2-inch iron rod with "Ward-5811" cap set for the southeast corner hereof, said point being at a corner in the west right-of-way line of said South Congress Avenue, and being in the north line of a called 0.5985 acre tract conveyed to Capital Vet Investments, LLC, in Document No. 2010120670 (O.P.R.T.C.T.), and being in the north line of Lot 1 of Ace Drug Subdivision, recorded in Volume 48, Page 46 (P.R.T.C.T.), and being in the south line of said Will Thurman Subdivision, and being at the southwest corner of said City of Austin right-of-way tract;

**THENCE**, leaving the west right-of-way line of said South Congress Avenue, with the south and west lines of said Will Thurman Subdivision, in part with the north lines of said Lot 1 and said Capital Vet tract, and in part with the north line of a called 5.4958 acre tract (described by metes and bounds in Volume 12840, Page 2383 (R.P.R.T.C.T.)) conveyed to Long Real Estate Holdings, LLC, in Document No. 2011008412 (O.P.R.T.C.T.), the following two (2) courses and distances:

- 1) **N62°19'12"W**, passing at a distance of 252.68 feet, a 1/2-inch iron rod found at the common north corner of said Lot 1, said Capital Vet tract and said Long Real Estate tract, and continuing for a total distance of **390.00** feet to a calculated point for the southwest corner hereof, from which a 1/2-inch iron rod found bears, **S74°49'57"W**, a distance of 0.72 feet, and
- 2) **N27°43'51"E**, a distance of **356.30** feet to a 1/2-inch iron rod found for the northwest corner hereof, said point being in the south line of a called 7.74 acre tract (described as Tract 2) conveyed to CMG Partnership, Ltd., in Volume 12463, Page 384 (R.P.R.T.C.T.), and being the northwest corner of said Will Thurman Subdivision and being the northeast corner of said Long Real Estate tract;

**THENCE**, with the common line of said CMG tract and said Will Thurman Subdivision, **S62°27'40"E**, a distance of **295.07** feet to a 1/2-inch iron rod found for the northeast corner hereof, said point being at the common north corner of said CBBN tract and said Will Thurman Subdivision, from which a 1/2-inch iron rod found in the west right-of-way line of said South Congress Avenue, and being at the common east corner of said CMG tract and said CBBN tract bears, **S62°10'28"E**, a distance of 105.09 feet;

**THENCE**, with the common line of said CBBN tract and said Will Thurman Subdivision, the following two (2) courses and distances:

- 1) **S27°44'35"W**, a distance of **175.26** feet to a 1/2-inch iron rod found for an interior ell-corner hereof, and
- 2) **S62°16'48"E**, a distance of **95.05** feet to the **POINT OF BEGINNING** and containing 2.8122 Acres (122,497 Square Feet) more or less.

**Notes:**

All bearings are based on the Texas State Plane Coordinate System, Grid North, Central Zone (4203); all distances were adjusted to surface using a combined scale factor of 1.000055090559. See attached sketch (reference drawing: 00500.dwg.)



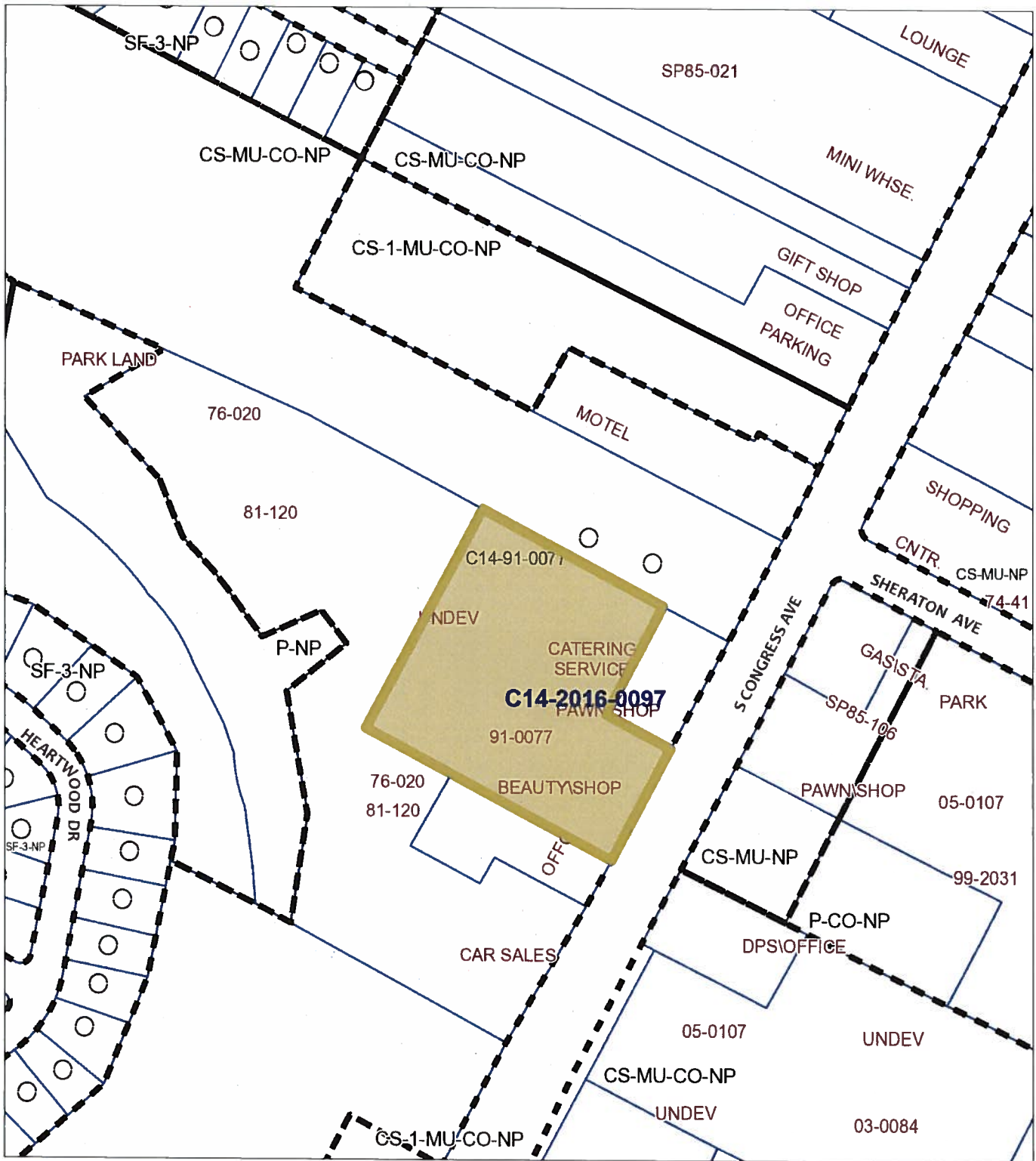
6/17/2016

Steven M. Duarte, RPLS #5940  
4Ward Land Surveying, LLC

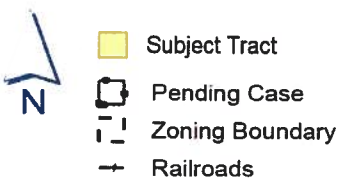








## EXHIBIT B



100 200 Feet

1" = 200'

### ZONING

ZONING CASE#: C14-2016-0097



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

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