

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

7-9

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 4503-4511 EAST ST. ELMO ROAD IN THE FRANKLIN PARK NEIGHBORHOOD PLAN AREA FROM MULTIFAMILY RESIDENCE MEDIUM DENSITY-CONDITIONAL OVERLAY NEIGHBORHOOD PLAN (MF-3-CO-NP) COMBINING DISTRICT TO MULTIFAMILY RESIDENCE MEDIUM DENSITY-CONDITIONAL OVERLAY NEIGHBORHOOD PLAN (MF-3-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 multifamily residence medium density-conditional overlay-neighborhood plan (MF-3-CO-NP) combining district to multifamily residence medium density-conditional overlay-neighborhood plan (MF-3-CO-NP) combining district on the property described in Zoning Case No. C14-03-0176SH, on file at the Neighborhood Planning and Zoning Department, as follows:

A 3.950 acre tract of land, more or less, out of the Santiago Del Valle Ten League Grant 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 4503-4511 East St. Elmo Road, in the Franklin Park neighborhood plan area, 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:

Development of the Property may not exceed seven residential dwelling units. The units shall be contained in a single building. The maximum height of the building shall be 2 stories or 40 feet from ground level of the Property.

**PART 3.** Except as otherwise provided in this ordinance, the terms and conditions of Ordinance No. 021031-Z-4 remain in effect for the Property.

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2 **PART 4.** This ordinance takes effect on \_\_\_\_\_, 2004.  
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5 **PASSED AND APPROVED**  
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8 \_\_\_\_\_, 2004  
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§  
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Will Wynn  
Mayor

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14 **APPROVED:** \_\_\_\_\_

David Allan Smith  
City Attorney

**ATTEST:** \_\_\_\_\_

Shirley A. Brown  
City Clerk

C14-02-0155.54

C14-03-0176.54

3.950 ACRES  
ZONING TRACT 1  
ST. ELMO MULTI-FAMILY

EXHIBIT A

FN NO. 02-299 (MTH)  
OCTOBER 18, 2002  
BPI NO. 1270-04.92

## DESCRIPTION

OF 3.950 ACRES OF LAND SITUATED IN THE SANTIAGO DEL VALLE TEN LEAGUE GRANT, TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN 20.250 ACRE TRACT OF LAND CONVEYED TO NILDA A. DE LA LLATA BY DEED OF RECORD IN VOLUME 13199, PAGE 2740 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS AND A PORTION OF THAT CERTAIN 21.235 ACRE TRACT OF LAND CONVEYED TO BOBBY POSPISIL BY DEED OF RECORD IN DOCUMENT NO. 1999094656 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 3.950 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING**, at a 1/2 inch iron rod with cap found in the southerly right-of-way line of St. Elmo Road (R.O.W. Varies) as conveyed to the City of Austin in a Street Deed of record in Volume 10107, Page 478 of said Real Property Records, being in the westerly line of that certain 2.986 acre tract of land conveyed to King Fisher Creek, Ltd. by deed of record in Document No. 2000165317 of said Official Public Records, same being the northeasterly corner of said 21.235 acre tract and hereof;

**THENCE**, S27°46'53"W, leaving the southerly right-of-way line of St. Elmo Road, along the common line of said 2.986 acre tract and said 21.235 acre tract for a portion of the easterly line hereof, a distance of 408.01 feet to a 60D Nail found in a fence post for the southwesterly corner of said 2.986 acre tract, being an interior ell corner of said 21.235 acre tract;

**THENCE**, S27°46'53"W, leaving the southwesterly corner of said 2.986 acre tract, over and across said 21.235 acre tract for a portion of the easterly line hereof, a distance of 181.04 feet to a point in the southerly line of that certain 5.197 acre tract of land called Tract 1 as per City of Austin Zoning Ordinance No. 870108-D;

**THENCE**, continuing over and across said 21.235 acre tract and said 20.250 acre tract, being along and with the southerly line of said 5.197 acre Zoning Tract for the southerly line hereof, the following twenty-four (24) courses and distances:

- 1) S87°16'31"W, a distance of 53.94 feet to the point of curvature of a non-tangent curve to the right;
- 2) Along said non-tangent curve to the right having a radius of 92.81 feet, a central angle of 37°20'10", an arc length of 60.48 feet and a chord which bears N50°31'29"W, a distance of 59.41 feet to the point of compound curvature to the right;
- 3) Along said compound curve to the right having a radius of 92.81 feet, a central angle of 38°01'14", an arc length of 61.59 feet and a chord which bears N12°49'29"W, a distance of 60.46 feet to the end of said compound curve;

- 4) N01°35'06"E, a distance of 43.08 feet to an angle point;
- 5) N63°25'36"E, a distance of 36.97 feet to an angle point;
- 6) N59°34'36"E, a distance of 57.19 feet to an angle point;
- 7) N55°04'36"E, a distance of 38.17 feet to the point of curvature of a non-tangent curve to the left;
- 8) Along said non-tangent curve to the left having a radius of 71.98 feet, a central angle of 83°37'02", an arc length of 105.05 feet and a chord which bears N00°38'24"E, a distance of 95.97 feet to the end of said curve;
- 9) N37°37'54"W, a distance of 91.19 feet to an angle point;
- 10) N38°25'24"W, a distance of 96.01 feet to an angle point;
- 11) N58°14'54"W, a distance of 99.52 feet to an angle point;
- 12) N75°20'24"W, a distance of 56.28 feet to an angle point;
- 13) N56°58'54"W, a distance of 50.01 feet to an angle point;
- 14) N65°53'24"W, a distance of 87.41 feet to an angle point;
- 15) S60°26'36"W, a distance of 70.13 feet to an angle point;
- 16) S65°04'06"W, a distance of 55.97 feet to an angle point;
- 17) S69°40'06"W, a distance of 59.44 feet to an angle point;
- 18) S67°25'06"W, a distance of 77.39 feet to an angle point;
- 19) S74°02'36"W, a distance of 69.42 feet to an angle point;
- 20) S47°52'06"W, a distance of 67.93 feet to an angle point;
- 21) S53°00'06"W, a distance of 51.97 feet to an angle point;
- 22) N32°44'24"W, a distance of 67.41 feet to an angle point;
- 23) N41°33'54"W, a distance of 64.52 feet to an angle point;
- 24) N52°20'24"W, a distance of 37.62 feet to a point in the easterly line of that certain 177.296 acre tract of land conveyed to Barkley Family Farm Partnership by deed of record in Document No. 1999114399 of said Official Public Records, being the westerly line of said 20.250 acre tract, same being the southwesterly corner of said 5.197 acre Zoning Tract and hereof;

THENCE, N27°07'03"E, along the common line of said 177.296 acre tract and said 20.250 acre tract, being a portion of the westerly line of said 5.197 acre Zoning Tract for a portion of the westerly line hereof, a distance of 14.01 feet to a 60D Nail found in a fence post at the southwesterly corner of that certain 2.470 acre tract of land conveyed to American Legion Knebel Post #83, Inc. by deed of record in Volume 6585, Page 95 of said Real Property Records, same being the westernmost northwesterly corner of said 20.250 acre tract of land;

THENCE, S64°18'07"E, leaving the easterly line of said 177.296 acre tract, along the common line of said 2.470 acre tract and said 20.250 acre tract, being a portion of the irregular westerly line of said 5.197 acre Zoning Tract for a portion of the irregular westerly line hereof, a distance of 172.16 feet to a 1/2 inch iron rod found at the southeasterly corner of said 2.470 acre tract, being the southwesterly corner of Five Star Acres, a subdivision of record in Volume 85, Page 8B of the Plat Records of Travis County, Texas;

THENCE, leaving the southeasterly corner of said 2.470 acre tract, along the common line of said Five Star Acres and said 20.250 acre tract, being a portion of the irregular westerly line of said 5.197 acre Zoning Tract for a portion of the westerly line hereof, the following three (3) courses and distances:

- 1) N67°56'10"E, a distance of 302.38 feet to a 1/2 inch iron rod found;
- 2) N49°50'57"E, a distance of 55.00 feet to a 1/2 inch iron rod found;
- 3) N31°35'42"E, a distance of 26.43 feet to a 1/2 inch iron rod with cap set at the southeasterly corner of said Five Star Acres, being the southwesterly corner of Lot 1 Kimberly Addition, a subdivision of record in Volume 85, Page 83A of said Plat Records;

THENCE, leaving the southeasterly corner of said Five Star Acres, along the common line of said Lot 1 Kimberly Addition and said 20.250 acre tract, being a portion of the irregular westerly line of said 5.197 acre Zoning Tract for a portion of the irregular westerly line hereof, the following two (2) courses and distances:


- 1) S62°12'07"E, a distance of 200.15 feet to a 1/2 inch iron rod found at the southeasterly corner of said Lot 1 Kimberly Addition;
- 2) N27°45'48"E, a distance of 227.40 feet to a 1/2 inch iron rod found in the southerly right-of-way line of St. Elmo Road, being the northwesterly corner of said 20.250 acre tract, said 5.197 acre Zoning Tract and hereof;

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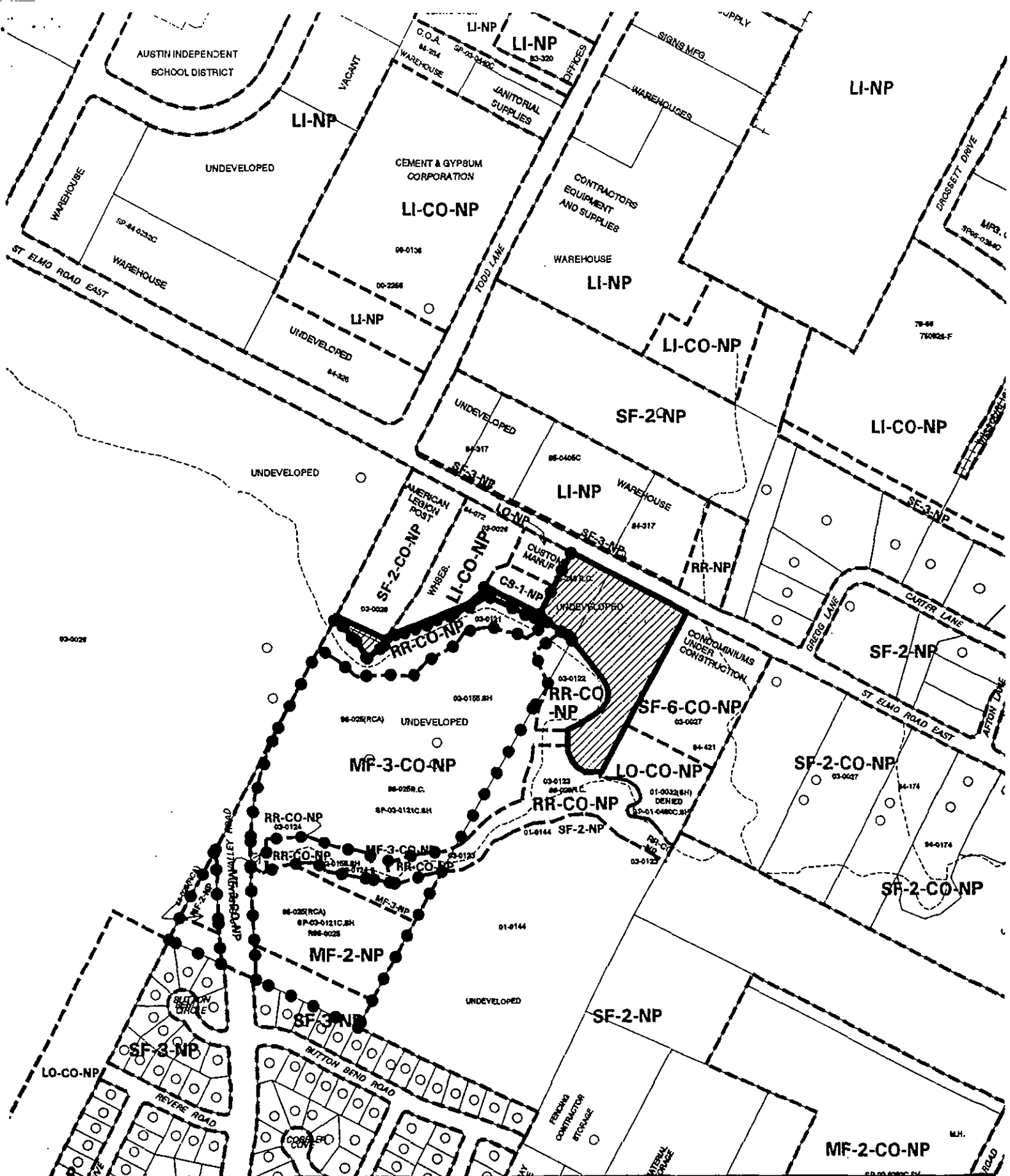
THENCE, S62°12'10"E, leaving the easterly line of said Lot 1 Kimberly Addition, along the southerly line of St. Elmo Road, being the northerly line of said 5.197 acre Zoning Tract and hereof, passing at a distance of 138.10 feet a 1/2 inch iron rod found at the common northerly corner of said 20.250 acre tract and said 21.235 acre tract and continuing for a total distance of 422.70 feet to the POINT OF BEGINNING, containing an area of 3.950 acres (172,081 sq. ft.) of land, more or less, within these metes and bounds.

I, JOHN T. BILNOSKI, 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.

BURY & PARTNERS INC.  
ENGINEERS-SURVEYORS  
3345 BEE CAVES ROAD, SUITE 200  
AUSTIN, TEXAS 78746

  
JOHN T. BILNOSKI      10/18/02  
R.P.L.S. NO. 4998      DATE  
STATE OF TEXAS





 1" = 400'	SUBJECT TRACT 	<b>ZONING EXHIBIT 12</b>		CITY GRID REFERENCE NUMBER <b>J17</b>
	PENDING CASE 			
	ZONING BOUNDARY 	<b>CASE #: C14-03-0176.SH</b> <b>ADDRESS: 4503-4511 E. ST.ELMO</b> <b>SUBJECT AREA (acres): 3.950</b>	<b>DATE: 03-12</b> <b>INTLS: SM</b>	
	CASE MGR: W. WALSH			