

**ORDINANCE NO.**

**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 21 WALLER STREET IN THE EAST CESAR CHAVEZ NEIGHBORHOOD PLAN AREA FROM GENERAL COMMERCIAL SERVICES-MIXED USE-VERTICAL MIXED USE BUILDING-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (CS-MU-V-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-vertical mixed use building-conditional overlay-neighborhood plan (CS-MU-V-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. C14-2019-0072, on file at the Planning and Zoning Department, as follows:

A 17.2167 acres (749,960 square feet) tract of land, more or less, out of Outlots 56, 57, 69 and 70, Division "O" of the Government Outlots adjoining the Original City of Austin the tract of land being more particularly described by metes and bounds in **Exhibit "A"** incorporated into this ordinance (the "Property"),

locally known as 21 Waller Street 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. The Property may be developed as a neighborhood mixed use building special use as set forth in Section 25-2-1503 (*Residential Uses in Neighborhood Mixed Use Building*) and Section 25-2-1504 (*Neighborhood Mixed Use Building Regulation*).

38 B. The following are conditional uses on the Property:

- 39 Automotive rentals
- 40 Outdoor entertainment
- 41 Hospital services (limited)

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44 C. The following uses are not permitted uses of the Property:

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|--------------------------------------|------------------------------------------|
| 45 Adult oriented businesses         | Automotive repair services               |
| Automotive sales                     | Commercial off-street parking            |
| Convenience storage                  | Equipment repair services                |
| Limited warehousing and distribution | Maintenance and service facilities       |
| Outdoor sports and recreation        | Hospital services (general)              |
| Automotive washing (of any type)     | Communication service facilities         |
| Construction sales and services      | Drop-off recycling collection facilities |
| Equipment sales                      | Off-site accessory parking               |
| Townhouse residential                | Transportation terminal                  |
| Vehicle storage                      |                                          |

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47 D. The Property is subject to Chapter 25-2, Subchapter E, Article 4.3 (Vertical  
48 Mixed Use Buildings). Ten percent of residential units available for rental in a  
49 vertical mixed use building shall be reserved for households earning no more  
50 than 60 percent of the annual median family income.

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52 **PART 3.** Except as specifically restricted under this ordinance, the Property may be  
53 developed and used in accordance with the regulations established for the general  
54 commercial services (CS) base district, the mixed use combining district and other  
55 applicable requirements of the City Code.

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57 **PART 4.** The Property is subject to Ordinance No. 001214-20 that established the East  
58 Cesar Chavez neighborhood plan combining district.

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**PART 5.** This ordinance takes effect on \_\_\_\_\_.

**PASSED AND APPROVED**

\_\_\_\_\_, 2019

§  
§  
§

\_\_\_\_\_  
Steve Adler  
Mayor

**APPROVED:** \_\_\_\_\_  
Anne L. Morgan  
City Attorney

**ATTEST:** \_\_\_\_\_  
Jannette S. Goodall  
City Clerk

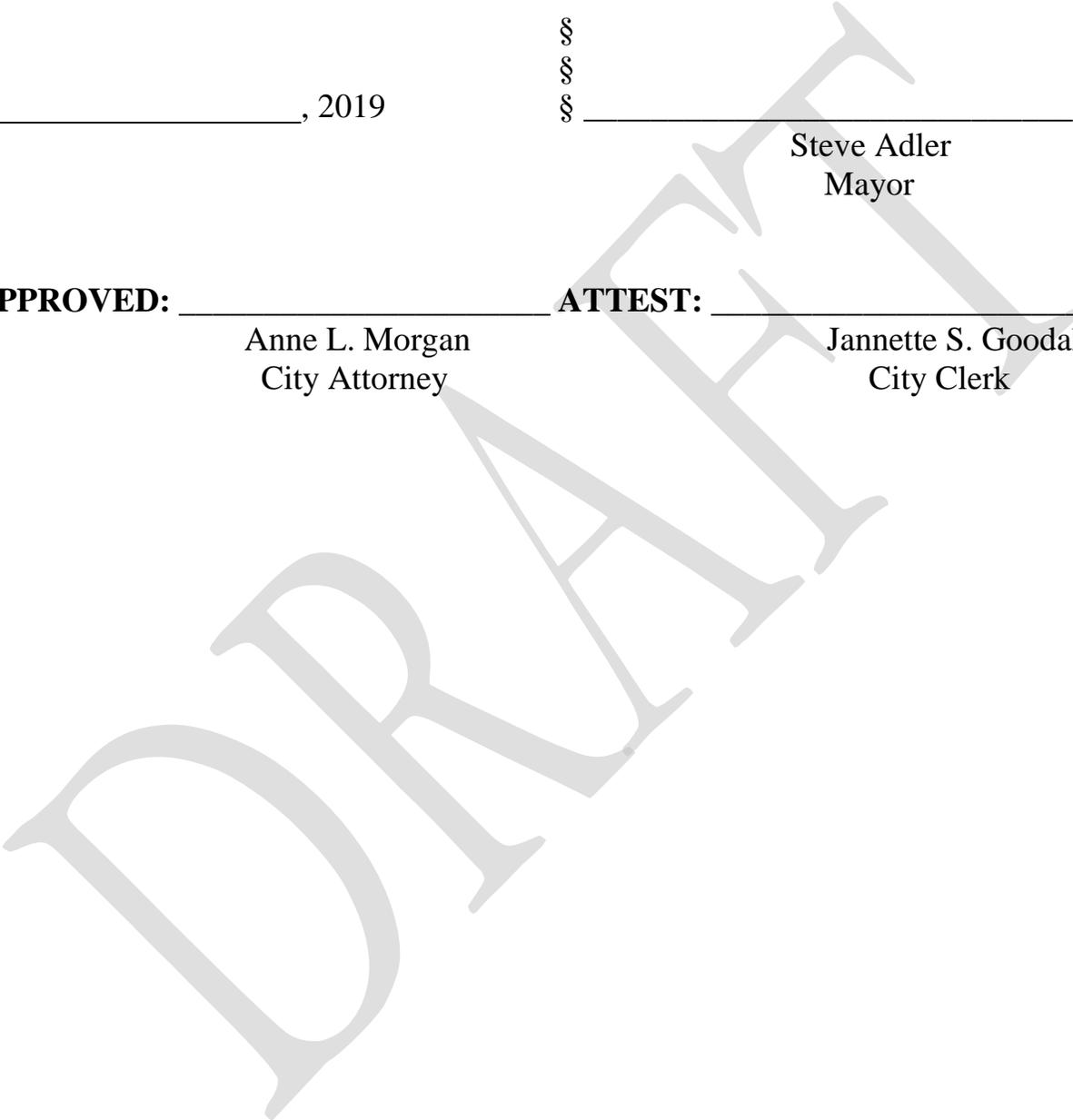


EXHIBIT " "

Austin Geriatric Center, Inc.  
Outlot 70, Division "O" Original City of Austin

Legal Description

BEING A DESCRIPTION OF A TRACT OF LAND CONTAINING 17.2167 ACRES (749,960 SQUARE FEET), BEING OUT OF OUTLOTS 56, 57, 69, AND 70, DIVISION "O" OF THE GOVERNMENT OUTLOTS ADJOINING THE ORIGINAL CITY OF AUSTIN, BEING A PORTION OF LOTS 2, 3, 4 AND 5, BLOCK "1", LOTS 1 AND 2 BLOCK "2" AND A PORTION OF NAVASOTA STREET (50' RIGHT-OF-WAY, VACATED) OF MAGNOLIA ADDITION, A SUBDIVISION RECORDED IN VOLUME 4, PAGE 92 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING OUT OF A CALLED 20.704 ACRES TRACT CALLED TRACT 6 PARCEL "C" AND A PORTION OF A CALLED TRACT 6A, 6B AND 6C CONVEYED TO AUSTIN GERIATRIC CENTER, INC. IN VOLUME 3593, PAGE 1932 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS (D.R.T.C.T.), SAID 17.2167 ACRE BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:



PO Box 90876  
Austin, TX 78709  
(512) 537-2384  
jward@4wards.com  
[www.4wards.com](http://www.4wards.com)

COMMENCING, at a 1/2-inch iron pipe found in the south right-of-way line of Haskell Street (right-of-way varies), being the most northerly northeast corner of said Austin Geriatric Center tract, and being the northwest corner of Lot 3, of said Magnolia Addition, and being the north line of a 10-foot wide right-of-way dedication for Haskell Street in Document No. 2018088722, from which a Department of Commerce Bureau of Fisheries Brass Disc found in the south right-of-way line of said Haskell Street, being the northeast corner of said Lot 3 bears, S69°35'54"E, a distance of 118.51 feet;

THENCE, leaving the south right-of-way line of said Haskell Street, with the common line of said Austin Geriatric Center tract and said Lot 3, S20°05'20"W, a distance of 10.00 feet to a calculated point for the northeast corner and POINT OF BEGINNING hereof, said point being in the south line of said 10 foot wide right-of-way dedication for Haskell Street;

THENCE, leaving the south line of said 10-foot wide right-of-way dedication for Haskell Street, continuing with the common line of said Austin Geriatric Center tract and said Lot 3, the following two (2) courses and distances:

- 1) S20°05'20"W, a distance of 304.24 feet to an iron rod with "All Points" cap found for an interior ell corner in the east line hereof, and being the southwest corner of said Lot 3,
- 2) S69°37'02"E, a distance of 116.53 feet to an iron rod with "Delta" cap found for an exterior ell-corner in the east line hereof, and being the southeast corner of said Lot 3, and being in the west line of Austin Oaks "68", a subdivision recorded in Volume 44, Page 32 of the Plat Records of Travis County, Texas;

THENCE, with the common line of said Austin Geriatric Center tract and said Austin Oaks "68" subdivision the following four (4) courses and distances:

- 1) S20°48'24"W, a distance of 26.02 feet to an iron rod with "Delta" cap found for an interior ell-corner in the east line hereof,
- 2) S69°10'39"E, a distance of 25.80 feet to a calculated point for an exterior ell-corner in the east line hereof,
- 3) S20°24'32"W, a distance of 173.02 feet to 1/2-inch iron pipe found for an interior ell-corner hereof,

**EXHIBIT "A"**

- 4) **S69°43'07"E**, a distance of **209.00** feet to a calculated point for the most southerly northeast corner hereof, being in the west line of a 2 foot wide right-of-way dedication for Comal Street (right-of-way varies) in Document No. 2018088722, from which a 1/2-inch iron rod found in the west right-of-way line of said Comal Street, being the most southerly northeast corner of said Austin Geriatric Center tract, and being the southeast corner of said Austin Oaks "68" bears, **S69°43'07"E**, a distance of **2.00** feet;

**THENCE**, with the west line of said 2 foot wide right-of-way dedication for Comal Street, **S20°25'25"W**, a distance of **340.88** feet to a calculated point for the southeast corner hereof, being in the south line of said Austin Geriatric Center tract, and being in the north line of Lot 1, Rebekah Baines Johnson Health Center Addition, a subdivision recorded in Volume 82, Page 362-363 of the (P.R.T.C.T.), from which a 1/2-inch iron pipe found for the most southerly southeast corner of said Austin geriatric Center tract, being the most southerly northeast corner of said Lot 1 bears, **S69°32'00"E**, a distance of **2.00** feet;

**THENCE**, leaving the west line of said 2 foot wide right-of-way dedication for Comal Street, with the common line of said Austin Geriatric Center tract and said Lot 1 the following eight (8) courses and distances:

- 1) **N69°32'00"W**, a distance of **240.02** feet to an iron rod with "Delta" cap found for an interior ell-corner hereof,
- 2) **S20°31'26"W**, a distance of **111.42** feet to an iron rod with "Delta" cap found for an angle point hereof,
- 3) **S77°34'11"W**, a distance of **110.09** feet to an iron rod with "Baseline" cap found for an exterior ell-corner hereof,
- 4) **N12°19'56"W**, a distance of **337.38** feet to a 1/2-inch iron pipe found for an interior ell-corner hereof,
- 5) **S77°36'00"W**, a distance of **253.24** feet to a punch hole in concrete found for an exterior ell-corner hereof,
- 6) **N12°59'54"W**, a distance of **12.07** feet to a 1/2-inch iron pipe found for an interior ell-corner hereof,
- 7) **S77°37'27"W**, a distance of **63.89** feet to a 1/2-inch iron pipe found for the southwest corner hereof,
- 8) **N12°23'04"W**, a distance of **699.49** feet to a calculated point for an angle point in the west line hereof, being the most northerly northeast corner of said Lot 1, and being in the south line of Resubdivision of Lot 1, Block "1" Magnolia Addition, a subdivision recorded in Volume 26, Page 4 of the (P.R.T.C.T.), from which a calculated point (from which a Department of Commerce Bureau of Fisheries Brass Disc found bears, **N69°53'16"W**, a distance of **5.15** feet) for the northwest corner of said Lot 1, and being the southwest corner of said Resubdivision of Lot 1, Block "1" Magnolia Addition, and being in the east right-of-way line of Waller Street (right-of-way varies) bears, **N69°53'16"W**, a distance of **112.90** feet;

**THENCE**, with the common line of said Austin Geriatric Center tract and said Resubdivision of Lot 1, Block "1", Magnolia Addition the following two (2) courses and distances:

- 1) **S69°53'16"E**, a distance of **11.24** feet to a Department of Commerce Bureau of Fisheries Brass Disc found for an interior ell-corner hereof, being in the west line of said Austin Geriatric Center tract, and being the southeast corner of said Resubdivision of Lot 1, Block "1", Magnolia Addition,
- 2) **N20°31'10"E**, a distance of **304.50** feet to a calculated point for the northwest corner hereof, being in the south line of said 10-foot wide right-of-way dedication for Haskell Street, from which a Department of Commerce Bureau of Fisheries Brass Disc found for the northwest corner of said Austin Geriatric Center tract, being the northeast corner of said Resubdivision of Lot 1, Block "1",

Magnolia Addition, and being in the south right-of-way line of said Haskell Street bears, N20°31'10"E, a distance of 10.00 feet;

**THENCE**, with the south line of said 10-foot wide right-of-way dedication for Haskell Street, S69°35'54"E, a distance of 802.66 feet to the **POINT OF BEGINNING** and containing 17.2167 Acres (749,960 Square Feet) of land, more or less.

**NOTE:**

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 1.000055790806. See attached sketch (reference drawing: 00563\_Condo Plat.dwg).

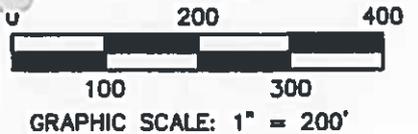
 C/12/18

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

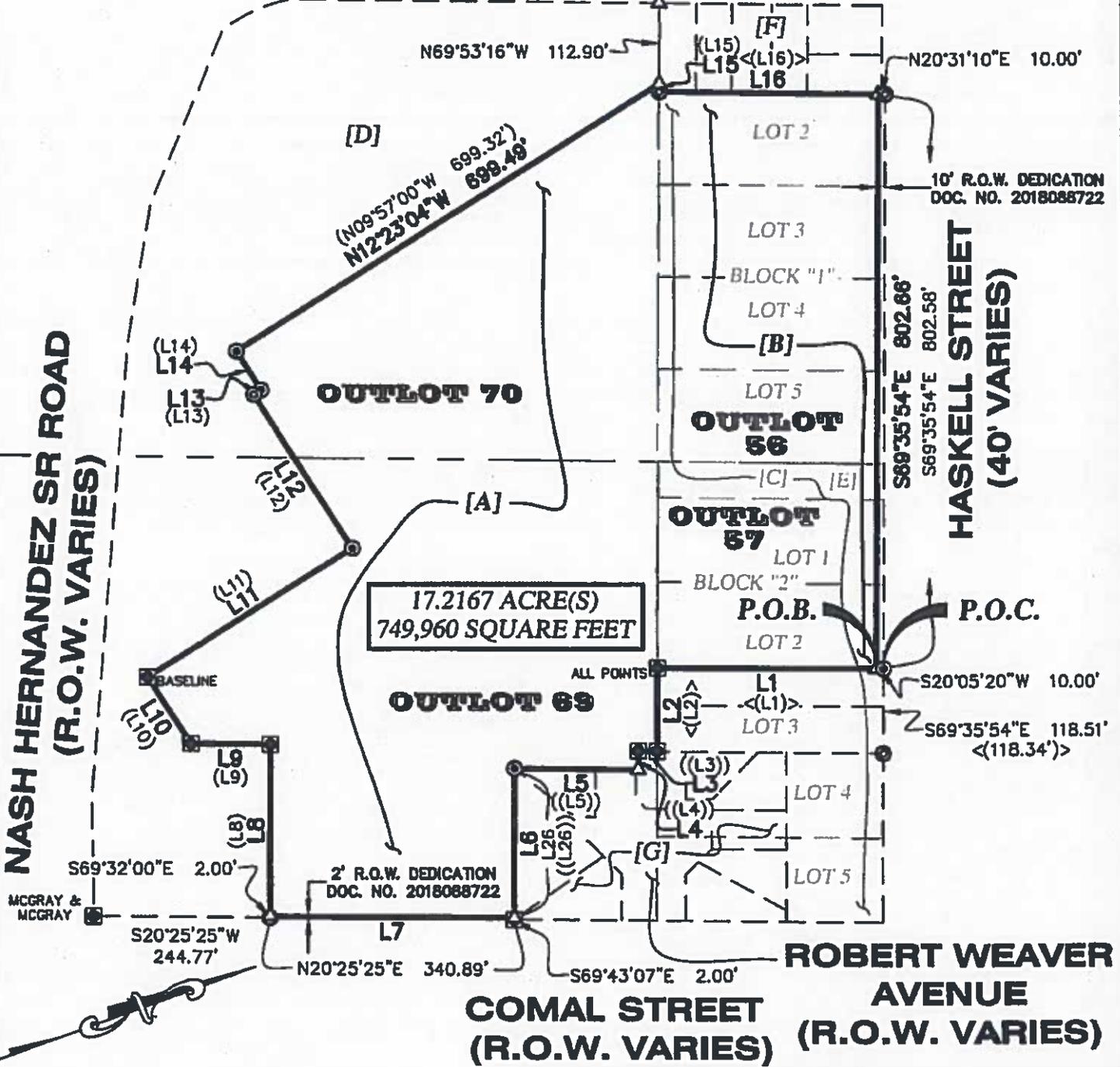
City of Austin Grid: J21  
TCAD# 187332



**DIVISION "O"**  
**ORIGINAL CITY OF**  
**AUSTIN**  
**WALLER STREET**  
**(R.O.W. VARIES)**



FROM WHICH A DEPARTMENT OF COMMERCE  
 BUREAU OF FISHERIES BRASS DISC FOUND  
 BEARS N89°53'16"W 5.15'



**NASH HERNANDEZ SR ROAD**  
**(R.O.W. VARIES)**

**HASKELL STREET**  
**(40' VARIES)**

**ROBERT WEAVER AVENUE**  
**(R.O.W. VARIES)**

**COMAL STREET**  
**(R.O.W. VARIES)**

**CONDO EXHIBIT**  
**City of Austin,**  
**Travis County, Texas**

**4WARD**  
*Land Surveying*  
 A Limited Liability Company  
 PO Box 90876, Austin Texas 78709  
 WWW.4WARDLS.COM (512) 537-2384  
 TBPLS FIRM #10174300

Date:	6/12/2018
Project:	00563
Scale:	1" = 200'
Reviewer:	JSW
Tech:	JLP
Field Crew:	TF/FG
Survey Date:	DEC. 2017
Sheet:	1 OF 2

[A]  
**CALLED 20.704 ACRES**  
**(TRACT 6 PARCEL "C")**  
**AUSTIN GERIATRIC CENTER, INC.**  
**VOL. 3593, PG. 1932**  
**D.R.T.C.T.**

[B]  
**TRACT 6A, 6B & 6C**  
**OWNER:**  
**AUSTIN GERIATRIC CENTER, INC.**  
**VOL. 3593, PG. 1932**  
**D.R.T.C.T.**

[C]  
**MAGNOLIA ADDITION**  
**VOL. 4, PG. 92**  
**P.R.T.C.T.**

[D]  
**LOT 1**  
**REBEKAH BAINES JOHNSON**  
**HEALTH CENTER ADDITION**  
**VOL. 82, PG. 362-363**  
**P.R.T.C.T.**

[E]  
**NAVASOTA STREET**  
**50' R.O.W.**  
**(VACATED)**

[F]  
**LOTS 1-6**  
**RESUBDIVISION OF LOT 1,**  
**BLOCK "1"**  
**MAGNOLIA ADDITION**  
**VOL. 26, PG 4**  
**P.R.T.C.T.**

[G]  
**BLOCKS "1 & 2"**  
**LOTS A-K**  
**AUSTIN OAKS "68"**  
**VOL. 44, PG. 32**  
**P.R.T.C.T.**

**BEARING BASIS:**

ALL BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, GRID NORTH, CENTRAL ZONE, (4203), NAD83, ALL DISTANCES WERE ADJUSTED TO SURFACE USING A COMBINED SCALE FACTOR OF 1.000055790806.

**SURVEY CONTROL:**

STATE PLANE GRID CONTROL FOR THIS SURVEY IS BASED ON A 1/2" IRON ROD WITH "4WARD CONTROL" CAP SET, GRID COORDINATES AND ELEVATIONS SHOWN HEREON WERE DERIVED FROM THE TEXAS COOPERATIVE NETWORK ON FEBRUARY 8, 2017, 4WARD CONTROL POINT WAS CHECKED TO CITY OF AUSTIN MONUMENT J-21-3001, HAVING A PUBLISHED GRID COORDINATE & NAVD 88, ELEVATION OF N 10,065,089.10, E 3,117,111.29, ELEV. 454.10'.

LINE TABLE		
LINE #	DIRECTION	LENGTH
L1	S20°05'20"W	304.24'
L2	S89°37'02"E	116.53'
L3	S20°48'24"W	26.02'
L4	S69°10'39"E	25.80'
L5	S20°24'32"W	173.02'
L6	S89°43'07"E	209.00'
L7	S20°25'25"W	340.88'
L8	N89°32'00"W	240.02'
L9	S20°31'26"W	111.42'
L10	S77°34'11"W	110.09'
L11	N12°19'56"W	337.38'
L12	S77°36'00"W	253.24'
L13	N12°59'54"W	12.07'
L14	S77°37'27"W	63.89'
L15	S89°53'16"E	11.24'
L16	N20°31'10"E	304.50'
L26	S89°43'07"E	211.00'

RECORD LINE TABLE		
LINE #	DIRECTION	LENGTH
<(L1)>	-----	314.35'
<(L2)>	-----	118.34'
((L3))	S22°56'00"W	25.33'
((L4))	S67°10'00"E	26.12'
((L5))	S22°51'00"W	173.00'
(L8)	N67°09'00"W	242.00'
(L9)	S22°51'00"W	111.52'
(L10)	S80°03'00"W	109.96'
(L11)	N09°57'00"W	337.25'
(L12)	N80°03'00"E	253.34'
(L13)	N09°57'00"W	12.00'
(L14)	N80°03'00"E	64.00'
(L15)	S67°13'00"E	11.19'
<(L16)>	-----	313.79'
((L26))	S67°10'00"E	211.00'

**LEGEND**

	PROPERTY LINE	P.R.T.C.T.	PLAT RECORDS, TRAVIS COUNTY, TEXAS
---	EXISTING PROPERTY LINES		
⊙	1/2" IRON PIPE FOUND		
⊗	DEPARTMENT OF COMMERCE BUREAU OF FISHERIES BRASS DISC FOUND	(.....)	RECORD INFORMATION PER PLAT VOL. 82 PG. 362-363
⊚	PUNCH HOLE FOUND IN CONCRETE	<(.....)>	RECORD INFORMATION PER PLAT VOL. 4 PG. 92-93
⊛	IRON ROD WITH "DELTA" CAP FOUND (UNLESS NOTED)	((.....))	RECORD INFORMATION PER VOL. 3593 PG. 1932
VOL./PG.	VOLUME, PAGE		
R.O.W.	RIGHT-OF-WAY		
D.R.T.C.T.	DEED RECORDS, TRAVIS COUNTY, TEXAS		

*Handwritten signature and date 6/12/18*



**CONDO EXHIBIT**  
**City of Austin,**  
**Travis County, Texas**

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