

ORDINANCE NO. _____

1 **AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE**
2 **PROPERTY LOCATED AT 1700 SOUTH CONGRESS AVENUE IN THE**
3 **BOULDIN CREEK NEIGHBORHOOD PLAN AREA FROM GENERAL**
4 **COMMERCIAL SERVICES-VERTICAL MIXED USE BUILDING-**
5 **CONDITIONAL OVERLAY-EQUITABLE TRANSIT-ORIENTED**
6 **DEVELOPMENT-DENSITY BONUS ETOD-NEIGHBORHOOD PLAN (CS-V-CO-**
7 **ETOD-DBETOD-NP) COMBINING DISTRICT TO COMMERCIAL-LIQUOR**
8 **SALES-VERTICAL MIXED USE BUILDING-CONDITIONAL OVERLAY-**
9 **EQUITABLE TRANSIT-ORIENTED DEVELOPMENT-DENSITY BONUS ETOD-**
10 **NEIGHBORHOOD PLAN (CS-1-V-CO-ETOD-DBETOD-NP) COMBINING**
11 **DISTRICT.**

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

13 **PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to
14 change the base district from general commercial services-vertical mixed use building-
15 conditional overlay-equitable transit-oriented development-density bonus ETOD-
16 neighborhood plan (CS-V-CO-ETOD-DBETOD-NP) combining district to commercial-
17 liquor sales-vertical mixed use building-conditional overlay-equitable transit-oriented
18 development-density bonus ETOD-neighborhood plan (CS-1-V-CO-ETOD-DBETOD-NP)
19 combining district on the property described in Zoning Case No. C14-2025-0044, on file at
20 the Planning Department, as follows:

21 0.0619 acres of land, being a portion of LOT 1, BLOCK 27, SWISHER
22 ADDITION, a subdivision recorded in Volume 1, Page 2, of the Plat Records of
23 Travis County, Texas, described as the north 38.59 feet of the east 69.9 feet of
24 LOT 1, BLOCK 27, SWISHER ADDITION, said 0.0619 acres of land being more
25 particularly described by metes and bounds in **Exhibit "A"** incorporated into this
26 ordinance (the "Property"),

27 locally known as 1700 South Congress Avenue in the City of Austin, Travis County,
28 Texas, generally identified in the map attached as **Exhibit "B"**.

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

31 General Retail Sales use exceeding 20,000 square feet is a conditional use.

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PART 3. The Property may be developed in compliance and used in accordance with the
regulations established for density bonus ETOD (DBETOD) combining district and other
applicable requirements of the City Code.

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PART 4. Except as specifically restricted under this ordinance, the Property may be
developed and used in accordance with the regulations established for the commercial-
liquor sales (CS-1) base district and other applicable requirements of the City Code.

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PART 5. Except as specifically modified by this ordinance, the Property is subject to
Ordinance No. 020523-33 that established zoning for the Bouldin Creek Neighborhood
Plan.

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PART 6. This ordinance takes effect on _____, 2025.

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PASSED AND APPROVED

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46 _____, 2025
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§
Kirk Watson
Mayor

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APPROVED: _____ **ATTEST:** _____
Deborah Thomas
City Attorney
Erika Brady
City Clerk

EXHIBIT "A"

EXHIBIT " "

Legal Description

BEING A DESCRIPTION OF A TRACT OF LAND CONTAINING 0.0619 ACRE (2,697 SQUARE FEET) BEING A PORTION OF LOT 1, BLOCK 27, SWISHER ADDITION, A SUBDIVISION RECORDED IN VOLUME 1, PAGE 2 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS (P.R.T.C.T.), AND BEING ALL OF A TRACT (SHOWN AS TRACT 5(i)) DESCRIBED AS THE NORTH 38.59 FEET OF THE EAST 69.9 FEET OF SAID LOT 1, BLOCK 27 OF SWISHER ADDITION, AND CONVEYED TO DCW PROPERTIES, LTD., IN VOLUME 12343, PAGE 631 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS (R.P.R.T.C.T.), SAID 0.0619 ACRE BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a chiseled "X" found in concrete at the intersection of the west right-of-way line of South Congress Avenue (120' right-of-way) with the south right-of-way line of West Milton Street (60' right-of-way), and being the northeast corner of said Lot 1 and said DCW Properties Tract 5(i), for the northeast corner and **POINT OF BEGINNING** hereof;

THENCE, with the west right-of-way line of said South Congress Avenue, and with the east lines of said Lot 1 and said DCW Properties Tract 5(i), **S16°35'34"W**, a distance of **38.59** feet to a calculated point for the southeast corner hereof, said point being at a corner in the east line of a tract (shown as Tract 5(ii) described as the Lot 1 save and except the North 38.59 feet of the East 69.9 feet, and the North 19 feet of Lot 2, Block 27 of said Swisher Addition, conveyed to DCW Properties, Ltd., in Volume 12343, Page 631 (R.P.R.T.C.T.), from which a 1/2-inch iron rod found at the intersection of the north right-of-way line of West Annie Street (60' right-of-way) with the west right-of-way line of said South Congress Avenue, and being the southeast corner of Lot 6, Block 27 of said Swisher Addition bears, **S16°35'34"W**, a distance of 257.57 feet;

THENCE, leaving the west right-of-way line of said South Congress Avenue and the east line of said Lot 1, over and across said Lot 1, with the common line of said DCW Properties Tracts 5(i) and 5(ii), the following two (2) courses and distances:

- 1) **N73°27'11"W**, a distance of **69.90** feet to a calculated point for the southwest corner hereof, and
- 2) **N16°35'34"E**, a distance of **38.59** feet to a calculated point for the northwest corner hereof, said point being in the south right-of-way line of said West Milton Street, from which a 1/2-inch iron rod found at the intersection of the west right-of-way line of an alley (16' right-of-way, dedicated per said Swisher Addition) with the south right-of-way line of said West Milton Street, and being the northeast corner of Lot 12, Block 27 of said Swisher Addition, and being the northeast corner of a tract described as the East 46.67 feet of Lots 11 and 12, Block 27 of said Swisher Addition, conveyed to 105 Milton, Inc., in Document No. 2021208330 (O.P.R.T.C.T.) bears, **N73°27'11"W**, a distance of 86.14 feet;

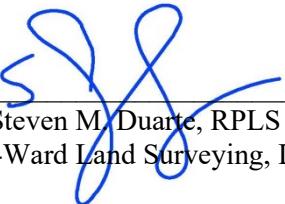
THENCE, with the south right-of-way line of said West Milton Street, the north lines of said Lot 1 and said DCW Properties Tract 5(i), **S73°27'11"E**, a distance of **69.90** feet to the **POINT OF BEGINNING** and containing 0.0619 Acre (2,697 Sq. Ft.) of land more or less.



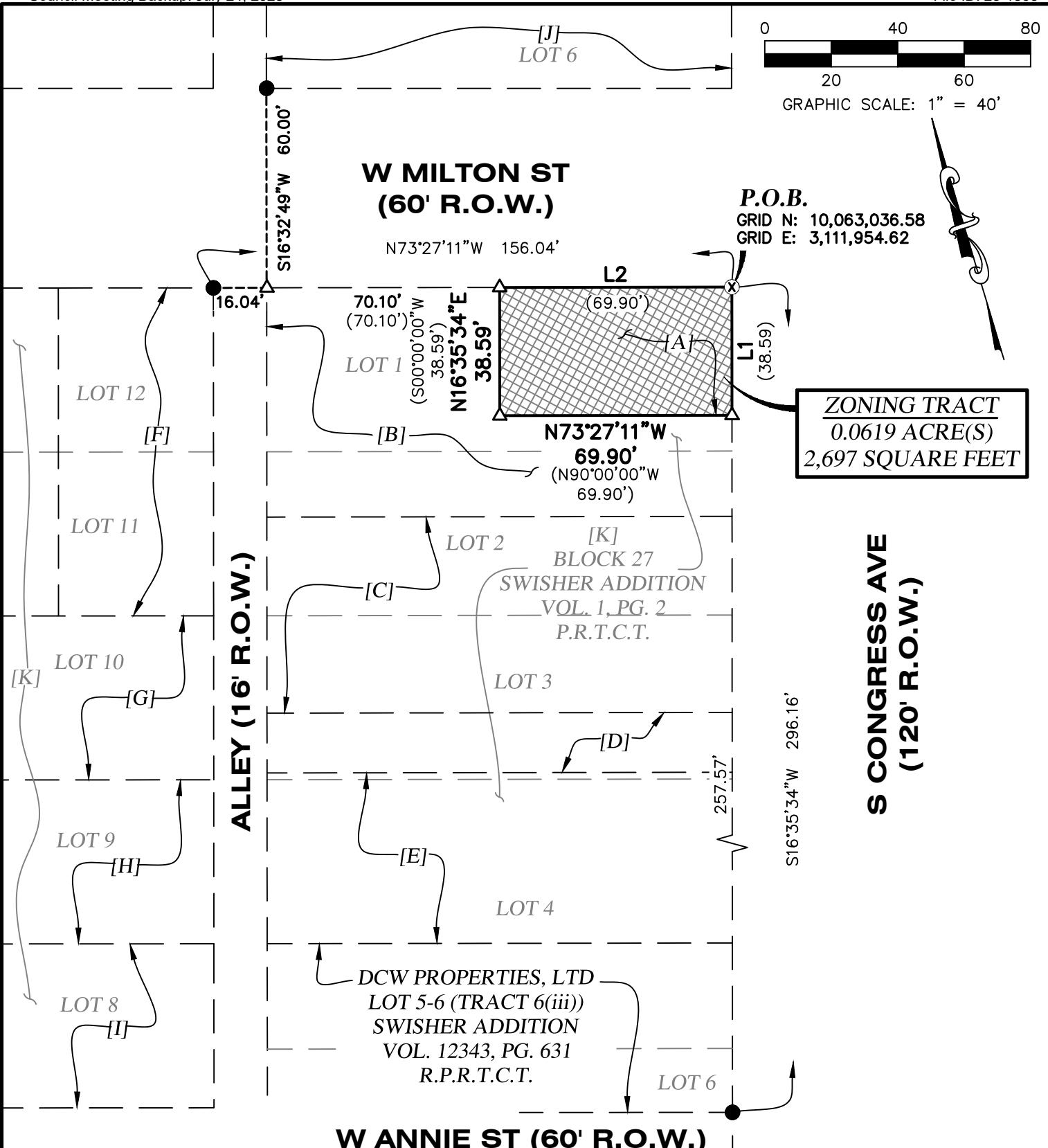
PO Box 90876
Austin, TX 78709
512.554.3371
jward@4wardls.com
www.4wardls.com

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 1.000058909901. See attached sketch (reference drawing: 02032_zoning-rev.dwg)


4/28/25
Steven M. Duarte, RPLS #5940
4Ward Land Surveying, LLC





**0.0619 ACRE
ZONING EXHIBIT
City of Austin, Travis
County, Texas**



LINE TABLE

LINE #	DIRECTION	LENGTH
L1	S16°35'34"W	38.59'
L2	S73°27'11"E	69.90'

LEGEND

— — —	PROPOSED PROPERTY LINE
— — —	ADJACENT PROPERTY LINES
△	CALCULATED POINT
●	1/2" IRON ROD FOUND (UNLESS NOTED)
(X)	CHISELED "X" FOUND IN CONCRETE
P.O.B.	POINT OF BEGINNING
VOL./PG.	VOLUME, PAGE
DOC. NO.	DOCUMENT NUMBER
R.O.W.	RIGHT-OF-WAY
P.R.T.C.T.	PLAT RECORDS, TRAVIS COUNTY, TEXAS
R.P.R.T.C.T.	REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS
O.P.R.T.C.T.	OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS
(.....)	RECORD INFORMATION PER DEED VOL. 12343 PG. 631
[.....]	RECORD INFORMATION PER PLAT VOL. 1 PG. 2
{.....}	RECORD INFORMATION FOR ADJACENT PROPERTIES

[A]
DCW PROPERTIES, LTD
NORTH 38.59' OF EAST 69.9'
LOT 1, BLOCK 27
(TRACT 5(ii))
SWISHER ADDITION
VOL. 12343, PG. 631
R.P.R.T.C.T.

[B]
DCW PROPERTIES, LTD
LOT 1 LESS
NORTH 38.59' OF EAST 69.9'
OF LOT 1, BLOCK 27
AND N 19.65' OF LOT 2
(TRACT 5(ii))
SWISHER ADDITION
VOL. 12343, PG. 631
R.P.R.T.C.T.

[C]
DCW PROPERTIES, LTD
S 29.65' OF LOT 2
N 29.3' OF LOT 3
(TRACT 5(iii))
SWISHER ADDITION
VOL. 12343, PG. 631
R.P.R.T.C.T.

[D]
DCW PROPERTIES, LTD
N 18' OF S 23' LOT 3
(TRACT 6(i))
SWISHER ADDITION
VOL. 12343, PG. 631
R.P.R.T.C.T.

[E]
DCW PROPERTIES, LTD
S 5' LOT 3 & LOT 4
(TRACT 6(ii))
SWISHER ADDITION
VOL. 12343, PG. 631
R.P.R.T.C.T.

[F]
105 MILTON LLC,
EAST 46.67' OF LOTS
11 & 12, BLOCK 27
SWISHER ADDITION
DOC. NO. 2021208330
O.P.R.T.C.T.

[G]
JEFFREY SEIDEN &
NANCYELLEN SEIDEN
LOT 10, BLOCK 27
SWISHER ADDITION
DOC. NO. 2011108456
O.P.R.T.C.T.

[H]
TRI MINH VO
LOT 9, BLOCK 27
SWISHER ADDITION
DOC. NO. 2020189116
O.P.R.T.C.T.

[I]
1709 EVA ST, LLC
LOT 8, BLOCK 27
SWISHER ADDITION
DOC. NO. 2020058681
O.P.R.T.C.T.

[J]
MUELLER FAMILY
PARTNERSHIP #2, L.P.
LOTS 5 & 6, BLOCK 22
SWISHER ADDITION
VOL. 12791, PG. 983
R.P.R.T.C.T.

TCAD PARCEL #302159
COA GRID #H20

NOTES:

1) 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 1.000058909901.

2) SEE ATTACHED METES AND BOUNDS DESCRIPTION.

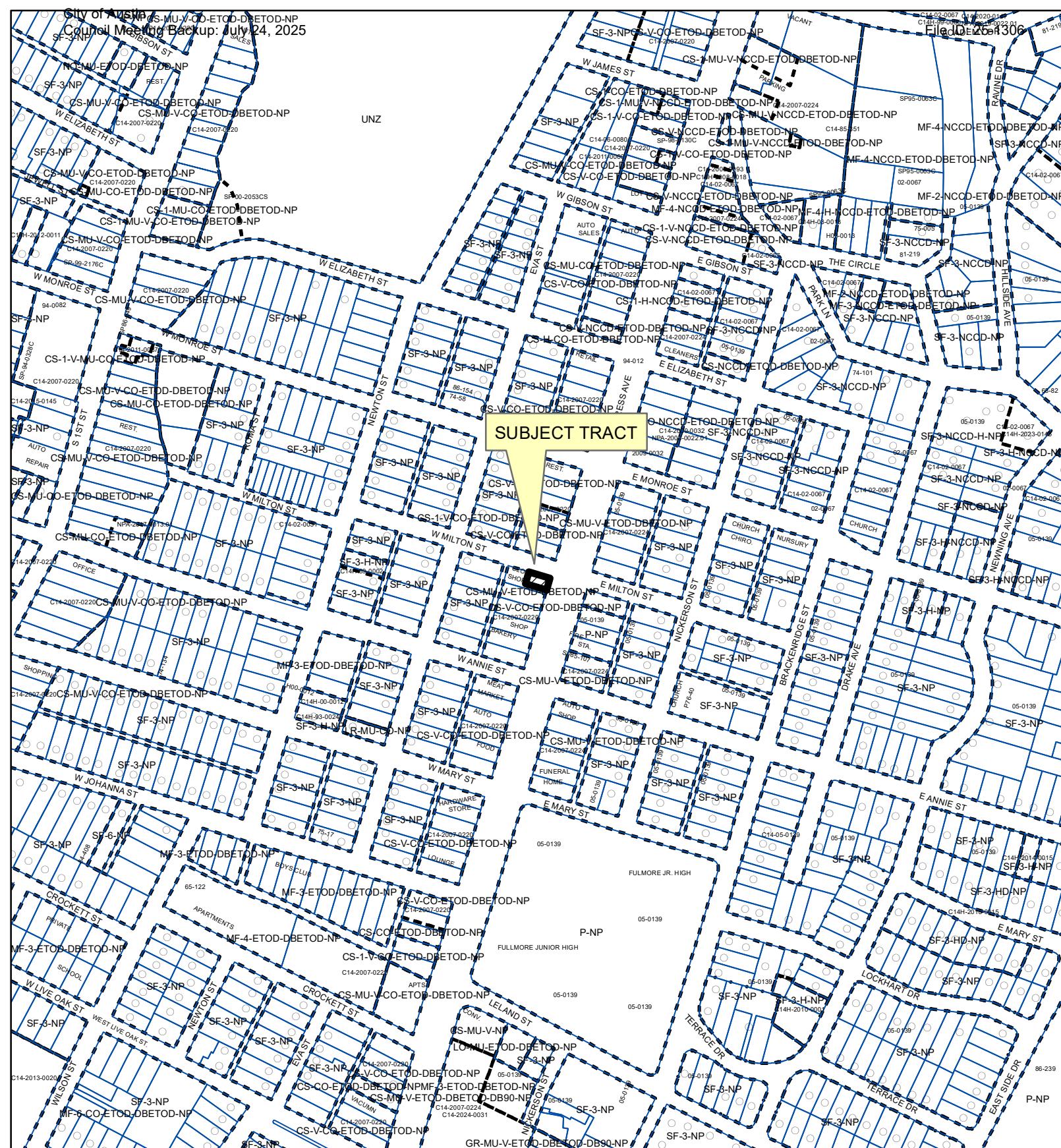
SJ 4/28/2025



**0.0619 ACRE
ZONING EXHIBIT
City of Austin, Travis
County, Texas**

4WARD	Land Surveying	A Limited Liability Company	Date: 4/28/2025
			Project: 02032
			Scale: N/A
			Reviewer: SMD
			Tech: JG/ERH
			Field Crew: JC/KH
			Survey Date: APR. 2025
			Sheet: 2 OF 2

PO Box 90876, Austin Texas 78709
INFO@4WARDLS.COM (512) 537-2384
TBPELS FIRM #10174300



ZONING

ZONING CASE#: C14-2025-0044

EXHIBIT "B"



SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

1" = 400'

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 the Planning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



Created: 4/28/2025