

ORDINANCE NO. _____

1 **AN ORDINANCE AMENDING ORDINANCE NO. 20070326-002 TO MODIFY**
2 **THE LAND USE PLAN AND CHANGE CONDITIONS OF ZONING FOR A**
3 **PORTION OF THE PROPERTY COMMONLY KNOWN AS EAST AVENUE**
4 **PLANNED UNIT DEVELOPMENT LOCATED AT 3500, 3500 1/2, 3502, 3506, AND**
5 **3700 NORTH INTERSTATE HIGHWAY 35 SERVICE ROAD SOUTHBOUND**
6 **AND 1010 1/2, 1012, 1012 1/2, 1018, AND 1018 1/2 CONCORDIA AVENUE IN THE**
7 **CENTRAL AUSTIN COMBINED NEIGHBORHOOD PLAN AREA, AND**
8 **REZONING AND CHANGING THE ZONING MAP FROM PLANNED UNIT**
9 **DEVELOPMENT-NEIGHBORHOOD PLAN (PUD-NP) COMBINING DISTRICT**
10 **TO PLANNED UNIT DEVELOPMENT-NEIGHBORHOOD PLAN (PUD-NP)**
11 **COMBINING DISTRICT.**

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

13 **PART 1.** The East Avenue planned unit development ("East Avenue PUD") was approved
14 by City Council on March 26, 2007, under Ordinance No. 20070326-002 (the "Original
15 Ordinance"). A first amendment to the Original Ordinance in Case No. C814-06-0174.01
16 was withdrawn. The Original Ordinance was amended under Ordinance Nos. 20221027-
17 049, 20230831-116, and 20231109-040, and amended administratively on February 27,
18 2009 and on September 12, 2024 (the "Original Ordinance as amended").

19 **PART 2.** The East Avenue PUD is comprised of approximately 22 acres of land located
20 generally in the vicinity of 3400 North Interstate Highway 35 in the City of Austin, Travis
21 County, Texas and more particularly described by metes and bounds in the land use plan
22 incorporated into the Original Ordinance. This ordinance only affects a portion of the East
23 Avenue PUD identified as "Parcel A" in the Original Ordinance as amended and as more
24 particularly described in Part 3 below.

25 **PART 3.** The zoning map established by Section 25-2-191 of the City Code is amended to
26 change the base district from planned unit development-neighborhood plan (PUD-NP)
27 combining district to planned unit development-neighborhood plan (PUD-NP) combining
28 district, to change conditions of zoning on the property described in Zoning Case No.
29 C814-06-0175.07, on file at the Planning Department, as follows:

30 LOT 11, BLOCK B, EAST AVENUE SUBDIVISION, a subdivision in the City of
31 Austin, Travis County, Texas, according to the map or plat thereof recorded in
32 Document No. 200800152 of the Official Public Records of Travis County, Texas,
33 save and except a 0.1890 acre tract of land acquired as right-of-way by the Texas
34 Department of Transportation (TxDOT), being more particularly described by
35 metes and bounds in **Exhibit "A-1"** incorporated into this ordinance, (the
36 "Property").

37 locally known as 3500, 3500 1/2, 3502, 3506, and 3700 North Interstate Highway 35
38 Service Road Southbound and 1010 1/2, 1012, 1012 1/2, 1018, and 1018 1/2 Concordia
39 Avenue in the City of Austin, Travis County, Texas, and generally identified in the map
40 attached as **Exhibit "A-2"**.

41 **PART 4.** The attached exhibits are incorporated into this ordinance in their entirety as
42 though set forth fully in the text of this ordinance. The exhibits are as follows:

43 Exhibit A-1: Partial Legal Description for Parcel A

44 Exhibit A-2: Zoning Map for Parcel A

45 Exhibit B: Amended Exhibit C-2 ("Land Use Plan: Maximum Building Area and
46 Height Zones")

47 **PART 5.** This ordinance and the attached exhibits amend the Original Ordinance as
48 amended for the Property. The land use plan is amended by the attached **Exhibit "B"**
49 ("Amended Exhibit C-2"). Exhibit "B" replaces Exhibit "C-2" to the Original Ordinance as
50 amended for the Property. Development of and uses within the Property shall conform to
51 the limitations and conditions set forth in this ordinance and in the land use plan as
52 amended. If this ordinance and the attached exhibits conflict, this ordinance controls.
53 Except as otherwise provided by this ordinance, all other rules, regulations, and ordinances
54 of the City of Austin ("City") apply to the Property.

55 **PART 6.** PART 8. L. 5. of the Original Ordinance as amended is amended to read as
56 follows:

57 5. Development of Parcel A is limited to a maximum height of [160] 195 feet[;
58 ~~except the maximum height is limited to 120 feet for that portion of Parcel A~~
59 ~~along the eastern boundary line and measuring 40.5 feet along the northern~~
60 ~~property line and 8.75 feet along the southern property line, as depicted on~~
61 ~~Exhibit "B" or that portion dedicated as right-of-way].~~

62 **PART 7.** PART 11. G. of the Original Ordinance is deleted in its entirety and the
63 remaining sections reordered accordingly.

64 [~~G. Vehicular access is prohibited to Concordia Avenue if required by the City of~~
65 ~~Austin at the time of site plan approval.]~~

66 **PART 8.** PART 8. Q. of the Original Ordinance is amended to read as follows:

67 Q. [~~All new residential and commercial development shall comply with Austin~~
68 ~~Energy Green Building Program in effect on March 26, 2007, to achieve a~~
69 ~~minimum two-star rating.] All buildings on the Property will achieve a two-star
70 or greater rating under the Austin Energy Green Building program using the~~

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EXHIBIT "A-1"

County: Travis
Highway: I.H. 35
Limits: 51st Street to Martin Luther King Jr. Blvd.
CCSJ: 0015-13-423
RCSJ: 0015-13-434

PROPERTY DESCRIPTION FOR PARCEL P00064490

BEING a 0.1890 of one acre (8,235 square foot) parcel of land, being a portion of Lot 11, Block B, East Avenue Subdivision, a subdivision of record in Document No. 200800152, Official Public Records, Travis County, Texas, said Lot 11 conveyed to 1010 Concordia LP by Special Warranty Deed dated January 13, 2022, as recorded in Document No. 2023004574, Official Public Records, Travis County, Texas; said 0.1890 of one acre (8,235 square foot) parcel of land being more particularly described by metes and bounds as follows:

COMMENCING at a 1/2-inch iron rod with "Tri-Tech Surveying" cap found at the southwest corner of said Lot 11 and said 1010 Concordia tract, being the southeast corner of Lot 5, Block B, in said East Avenue Subdivision, said Lot 5 conveyed to FLA Investments, LLC by General Warranty Deed, as recorded in Document No. 2022172429, Official Public Records, Travis County, Texas, also being in the existing north right-of-way line of Concordia Avenue (50 foot width);

THENCE, South 62°21'23" East, along the south line of said Lot 11 and said 1010 Concordia tract, and the existing north right-of-way line of Concordia Avenue, a distance of 109.94 feet to a TEXAS DEPARTMENT OF TRANSPORTATION (TxDOT) Type II bronze disk set in the proposed west right-of-way line of IH 35, for the POINT OF BEGINNING, being 135.12 feet right of Engineer's Baseline Station 3174+97.33, and having Surface Coordinates of N=10,081,108.30, E=3,121,283.46;

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EXHIBIT A-1

- 1) THENCE, **North 22°38'39" East**, along the proposed west right-of-way line of IH 35, crossing said Lot 11 and said 1010 Concordia tract, a distance of **351.80 feet** to a 5/8-inch iron rod with TxDOT aluminum cap (unable to set) in the north line of said Lot 11 and said 1010 Concordia tract, being in the south line of a portion of Lot C, L.C. Johnson's Resubdivision of a Portion of Lot 3 Plainview Heights, a subdivision of record in Book 25, Page 22, Plat Records, Travis County, Texas, said portion of Lot C conveyed to DTL, Inc. by General Warranty Deed with Vendor's Lien in Favor of Third Party, as recorded in Document No. 2021185095, Official Public Records, Travis County, Texas, and being 161.65 feet right of Engineer's Baseline Station 3171+42.19, from which a 1/2-inch iron rod found in the west line of said portion of Lot C and said DTL tract, being the northeast corner of Lot B, in said L.C. Johnson's Resubdivision of a Portion of Lot 3 Plainview Heights, bears North 62°23'37" West, a distance of 78.34 feet, and North 28°01'37" East, a distance of 15.66 feet;
- 2) THENCE, **South 62°23'37" East**, along the north line of said Lot 11 and said 1010 Concordia tract, and the south line of said portion of Lot C and said DTL tract, a distance of **39.98 feet** to a 3/8-inch iron rod found at the northeast corner of said Lot 11 and said 1010 Concordia tract, being the southeast corner of said portion of Lot C and said DTL tract, also being in the existing west right-of-way line of IH 35 (200 foot width);
- 3) THENCE, **South 28°01'15" West**, along the east line of said Lot 11 and said 1010 Concordia tract, and the existing west right-of-way line of IH 35, a distance of **350.50 feet** to a 1/2-inch iron rod with "Jones Carter" cap found at the southeast corner of said Lot 11 and said 1010 Concordia tract, being at the intersection of the existing west right-of-way line of IH 35, and the existing north right-of-way line of Concordia Avenue;
- 4) THENCE, **North 62°21'23" West**, along the south line of said Lot 11 and said 1010 Concordia tract, and the existing north right-of-way line of Concordia Avenue, a distance of **7.01 feet** to the POINT OF BEGINNING and containing 0.1890 of one acre (8,235 square feet) of land within these metes and bounds.

The bearings and coordinates are based on the Texas Coordinate System, Central Zone (4203), North American Datum of 1983, 2011 Adjustment. All distances and coordinates shown are surface and may be converted to grid by dividing by a surface adjustment factor of 1.00011.

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EXHIBIT A-1

McGray & McGray was unable to obtain right-of-entry at the time of the survey. Monuments were unable to be set, where noted.

Access may be permitted in accordance with Access Management Manual guidelines.

A parcel plat of even date was prepared in conjunction with this property description.

STATE OF TEXAS §
§ **KNOW ALL MEN BY THESE PRESENTS:**
COUNTY OF TRAVIS §

That I, Troy R. Thomas, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas, this the 2nd day of February, 2024 A.D.

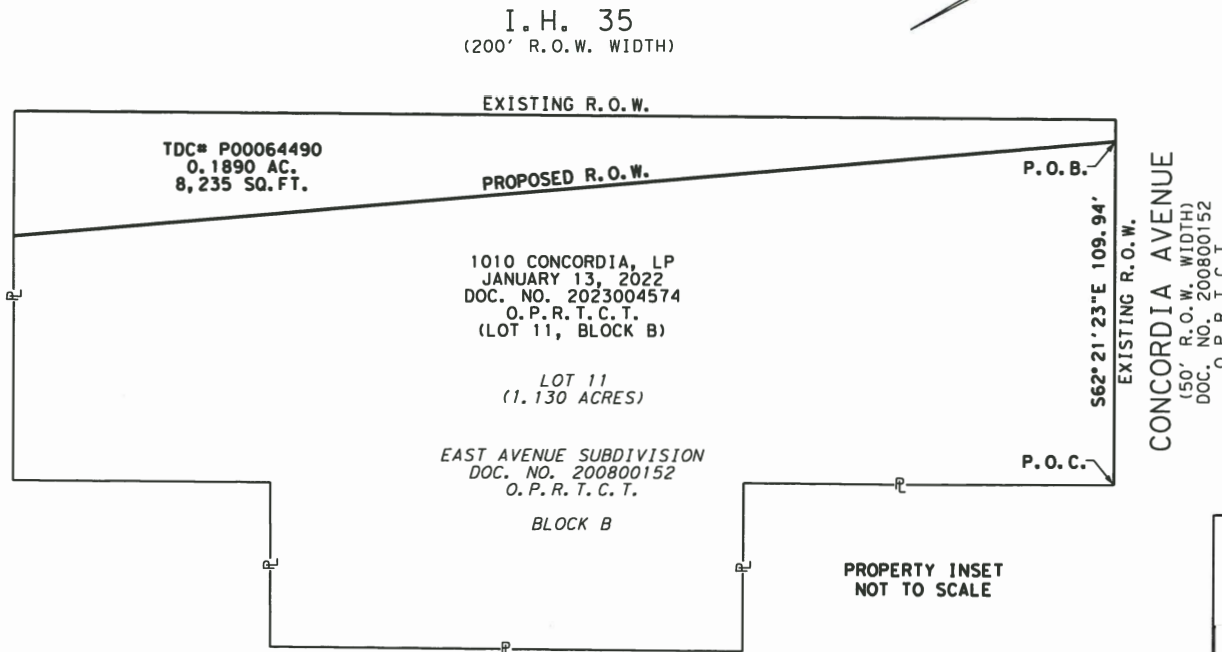
SURVEYED BY:

McGRAY & McGRAY LAND SURVEYORS, INC.
3301 Hancock Dr., Ste. 6 Austin, TX 78731 (512) 451-8591
TBPELS Survey Firm# 10095500



2/2/2024

Troy R. Thomas, Reg. Professional Land Surveyor No. 6130
M:\TxDOT Division-22-087-IH35-US290E to US 290W\Description\Parcel P00064490



NOTES:

1. ALL BEARINGS AND COORDINATES SHOWN HEREON ARE REFERENCED TO THE TEXAS COORDINATE SYSTEM, CENTRAL ZONE (4203), NORTH AMERICAN DATUM OF 1983, 2011 ADJUSTMENT. ALL MEASUREMENTS ARE IN U.S. SURVEY FEET.
2. COORDINATES AND DISTANCES ARE DISPLAYED IN SURFACE VALUES AND MAY BE CONVERTED TO GRID BY DIVIDING BY THE SURFACE ADJUSTMENT FACTOR OF 1.00011.
3. THIS SURVEY WAS PREPARED WITH THE BENEFIT OF A TITLE COMMITMENT PROVIDED BY COMMUNITY NATIONAL TITLE LLC AS GF#22050205ROW, EFFECTIVE ON AUGUST 25, 2022 AND ISSUED ON SEPTEMBER 7, 2022.
4. FIELD SURVEYING WAS PERFORMED FROM JUNE 2022 THROUGH JANUARY 2024.
5. ACCESS MAY BE PERMITTED IN ACCORDANCE WITH ACCESS MANAGEMENT MANUAL GUIDELINES.
6. RIGHT OF ENTRY WAS UNABLE TO BE OBTAINED AT THE TIME OF SURVEY. MONUMENTS ALONG THE PROPOSED R.O.W. LINE WERE UNABLE TO BE SET, WHERE NOTED. AERIAL PLANIMETRICS SHOWN HEREON WERE UNABLE TO BE CONFIRMED ON THE GROUND.
7. THIS PARCEL PLAT IS ACCOMPANIED BY A PROPERTY DESCRIPTION OF EVEN DATE.

REVISIONS

RECORD	ACQUISITION	REMAINING RT
1.130 AC. 49,223 SQ.FT.	0.1890 AC. 8,235 SQ.FT.	0.941 AC. 40,988 SQ. FT.



Texas Department of Transportation


McGRAY & McGRAY
LAND SURVEYORS, INC.
 TBPELS SURVEY FIRM # 10095500
 3301 HANCOCK DRIVE #6
 AUSTIN, TEXAS 78731
 (512) 451-8591
www.mcgray.com

PARCEL PLAT SHOWING
TDC# P00064490
I.H. 35 (51ST STREET TO MARTIN LUTHER KING JR. BLVD.)
TRAVIS COUNTY, TEXAS
 C.C.S.J.: 0015-13-423
 R.C.S.J.: 0015-13-434

DATE: FEBRUARY 2024 SCALE: N. T. S.

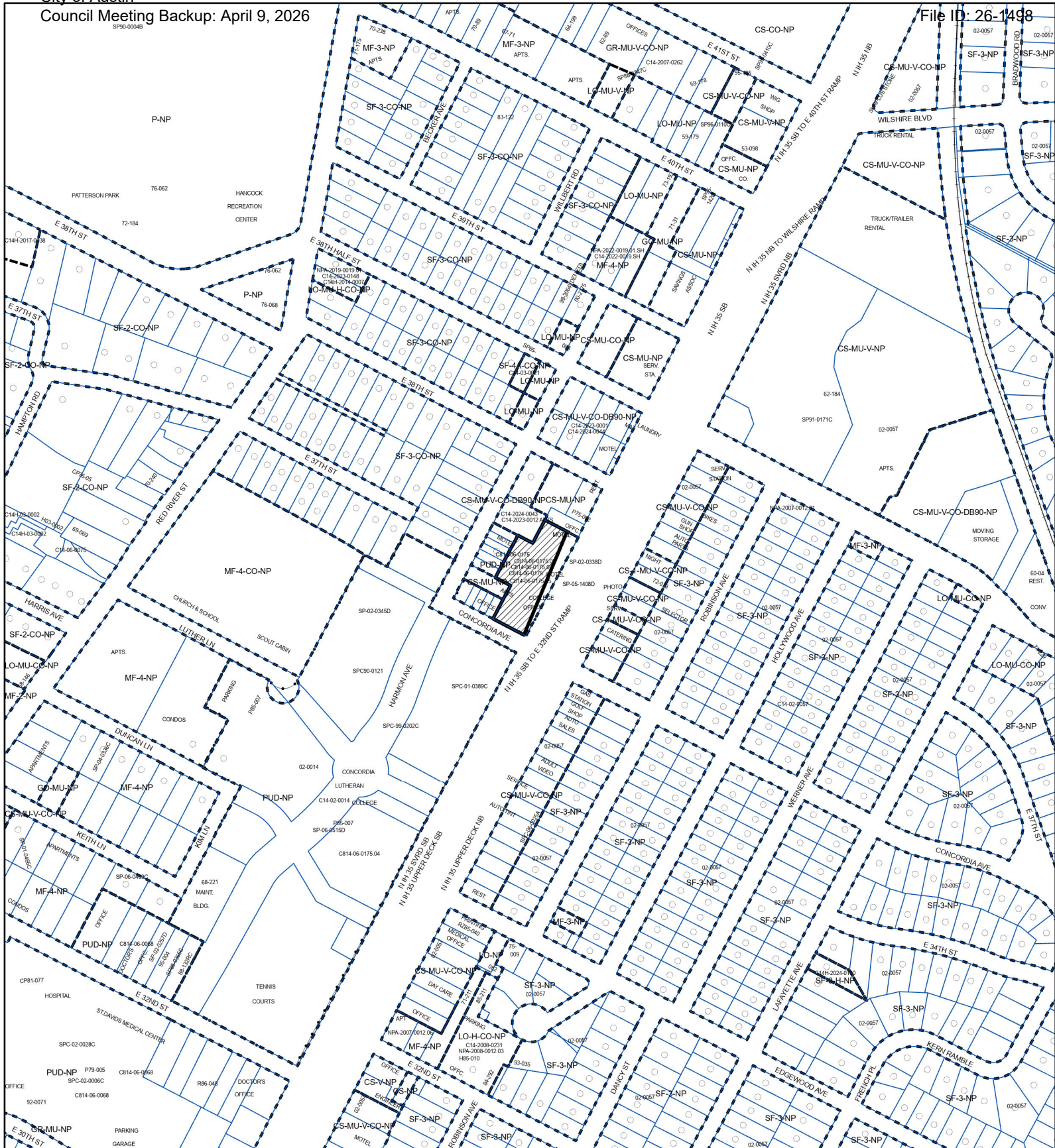


I HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT THE PROPERTY SHOWN HEREIN WAS DETERMINED BY A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION.

TROY R. THOMAS
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 6130

2/2/2024




DATE



PLANNED UNIT DEVELOPMENT

ZONING CASE#: C814-06-0175.07

EXHIBIT "A-2"

-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY



1" = 400'

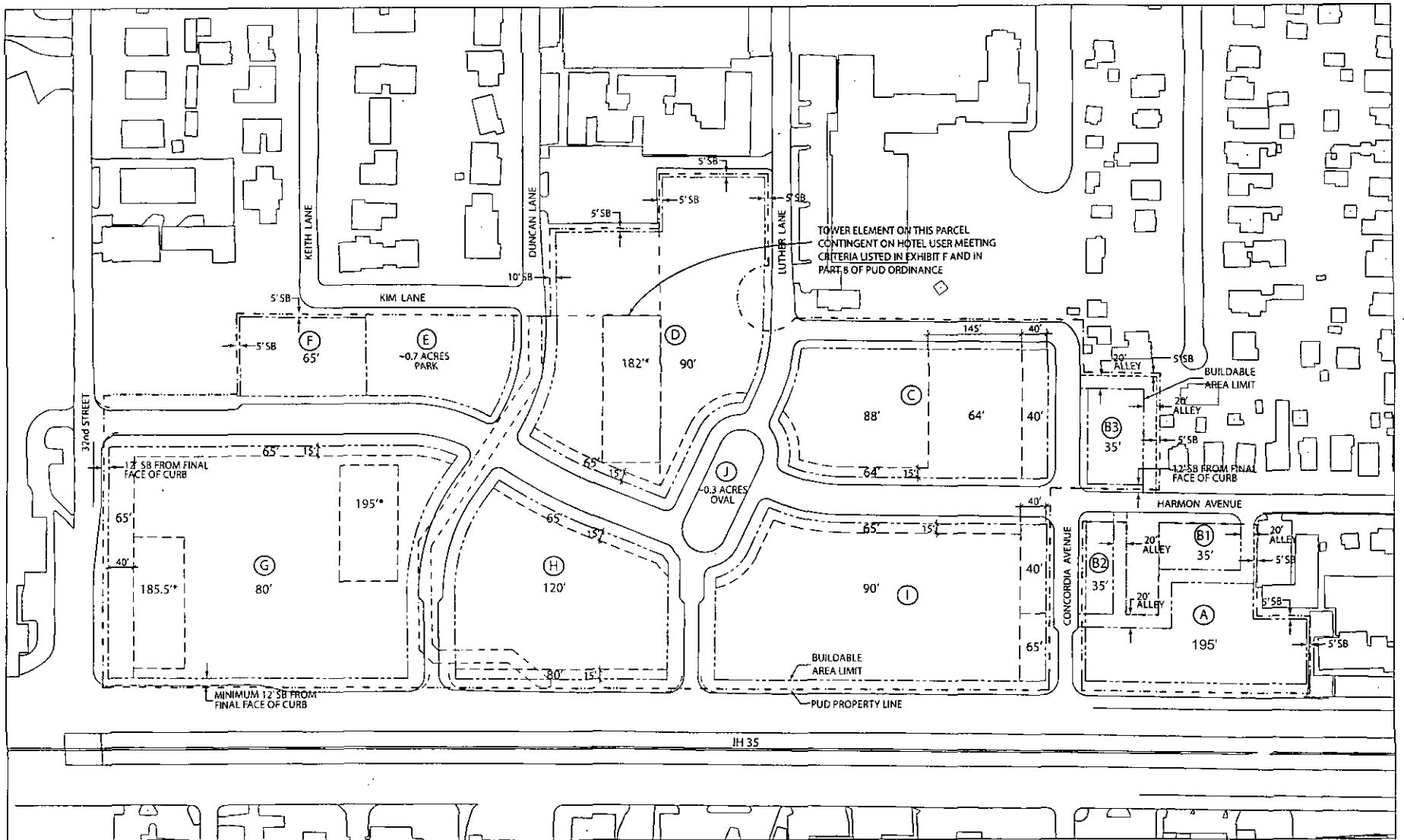
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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.

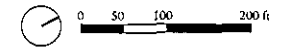


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EXHIBIT "B"



* APPROXIMATE TOWER LOCATIONS AND FOOTPRINTS
SB = SETBACK
----- BUILDABLE AREA LIMIT



EAST AVENUE PUD
Revised EXHIBIT C-2: LAND USE PLAN
MAXIMUM BUILDING AREA AND HEIGHT ZONES
Prepared by ROMA Design Group