

ORDINANCE NO. _____

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE
2 PROPERTY LOCATED AT 1143 3/4, 1145, AND 1145 1/2 GUNTER STREET, 3605
3 ABBATE CIRCLE, AND 1144 WAYNEROY DRIVE IN THE EAST MLK
4 COMBINED NEIGHBORHOOD PLAN AREA FROM FAMILY RESIDENCE-
5 NEIGHBORHOOD PLAN (SF-3-NP) COMBINING DISTRICT TO TOWNHOUSE
6 AND CONDOMINIUM RESIDENCE-NEIGHBORHOOD PLAN (SF-6-NP)
7 COMBINING DISTRICT ON TRACT 1 AND FROM FAMILY RESIDENCE-
8 NEIGHBORHOOD PLAN (SF-3-NP) COMBINING DISTRICT TO
9 MULTIFAMILY RESIDENCE MEDIUM DENSITY-CONDITIONAL OVERLAY-
10 NEIGHBORHOOD PLAN (MF-3-CO-NP) COMBINING DISTRICT ON TRACT 2
11 AND TRACT 3.

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

13
14 **PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to
15 change the base district from family residence-neighborhood plan (SF-3-NP) combining
16 district to townhouse and condominium residence-neighborhood plan (SF-6-NP)
17 combining district on Tract 1 and from family residence-neighborhood plan (SF-3-NP)
18 combining district to multifamily residence medium density-conditional overlay-
19 neighborhood plan (MF-3-CO-NP) combining district on Tract 2 and Tract 3 on the
20 property described in Zoning Case No. C14-2024-0109, on file at the Planning
21 Department, as follows:

22
23 Tract 1:

24
25 LOT 3, V.E. SMITH SUBDIVISION SECTION 1, a subdivision in the City of
26 Austin, Travis County, Texas, according to the map or plat of record in Volume
27 39, Page 23, of the Plat Records of Travis County, Texas,

28
29 Tract 2:

30 A 0.5944 acre tract of land in the George J. Neill Survey, Abstract No. 586, in
31 Travis County, Texas, being all of a called 0.594 acre tract of land conveyed by
32 deed recorded in Document No. 2021144851 of the Official Public Records of
33 Travis County, Texas, said 0.5944 acre tract of land being more particularly
34 described by metes and bounds in **Exhibit “A”** incorporated into this ordinance,
35 and

36
37 Tract 3:

38 2.00 acres of land out of Outlot 60, Division A, of the Government Outlots to the
39 City of Austin, according to the map or plat of record at the General Land Office of

40 the State of Texas, being all of that tract of land conveyed by deed recorded in
41 Document No. 2007001910 of the Official Public Records of Travis County,
42 Texas, and being a portion of the tract of land conveyed by deed recorded in
43 Volume 543, Page 168, of the Deed Records of Travis County, Texas, said 2.00
44 acre tract of land being more particularly described by metes and bounds in
45 **Exhibit "B"** incorporated into this ordinance,

46 (Tracts 1, 2, and 3 collectively, the "Property"),
47

48 locally known as 1143 3/4, 1145, and 1145 1/2 Gunter Street, 3605 Abbate Circle, and
49 1144 Wayneroy Drive in the City of Austin, Travis County, Texas, generally identified in
50 the map attached as **Exhibit "C"**.
51

52 **PART 2.** The Property within the boundaries of the conditional overlay combining district
53 on Tract 2 and Tract 3 established by this ordinance is subject to the following conditions:
54

55 Development of the Property shall not exceed 50 dwelling units.
56

57 **PART 3.** Except as specifically restricted under this ordinance, Tract 2 and Tract 3 may
58 be developed and used in accordance with the regulations established for the multifamily
59 residence medium density (MF-3) base district and other applicable requirements of the
60 City Code.
61

62 **PART 4.** Except as specifically modified by this ordinance, the Property is subject to
63 Ordinance No. 021107-Z-12c that established zoning for the MLK Neighborhood Plan.
64

65 **PART 5.** This ordinance takes effect on _____, 2025.
66

67 **PASSED AND APPROVED**

68
69
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78
79

§
§
§ _____

Kirk Watson
Mayor

80 APPROVED: _____ ATTEST: _____
81 Deborah Thomas
82 Interim City Attorney
83
84 Myrna Rios
85 City Clerk
86

EXHIBIT "A"

EXHIBIT "_____"

Zoning Exhibit
George J. Neill Survey, Abstract No. 586



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

Legal Description

BEING A DESCRIPTION OF A TRACT OF LAND CONTAINING 0.5944 ACRES (25,892 SQUARE FEET) OUT OF THE GEORGE J. NEILL SURVEY, ABSTRACT NO. 586, IN TRAVIS COUNTY, TEXAS, BEING ALL OF A CALLED 0.594 ACRE TRACT CONVEYED TO REAL HOLDINGS, LLC IN DOCUMENT NO. 2021144851 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS (O.P.R.T.C.T.), SAID 0.5944 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2-inch iron rod found in the north line of a called 2.00 acres tract conveyed to RCG Gunter LLC in Document No. 2022091313 (O.P.R.T.C.T.), being the common south corner of Lot 2, V.E. Smith Subdivision Section 1, a subdivision recorded in Volume 39, Page 23 of the Plat Records of Travis County, Texas, (P.R.T.C.T.) and said Real Holdings tract, and being the west end of an apparent overlap between deed lines, and being the southwest corner and **POINT OF BEGINNING** hereof, from which a 1/2-inch iron rod found for the common south corner of said Lot 2 and a called 0.267 acre tract conveyed to Miranda Luisa Waldron Curry and Frank Bernard Curry in Document No. 2020028573 (O.P.R.T.C.T.) bears, N69°21'30"W, a distance of 50.00 feet;

THENCE, leaving the north line of said RCG Gunter tract, with the common line of said Lot 2, V.E. Smith Subdivision and said Real Holdings tract, **N20°11'55"E**, a distance of **89.07** feet to a 1/2-inch iron rod found for the northwest corner hereof, being the northwest corner of said Real Holdings tract and the southwest corner of Lot 3 of said V.E. Smith Subdivision Section 1, from which an iron rod with "Surveyworks" cap found in the south right-of-way line of Abbate Circle (50' right-of-way), being the common north corner of said Lot 2, , V.E. Smith Subdivision and said Lot 3 bears, N20°52'48"E, a distance of 69.35 feet;

THENCE, leaving the east line of said Lot 2, , V.E. Smith Subdivision, with the north line of said Real Holdings tract, in part with the south line of said Lot 3, in part with the south line of an apparent gap between deed lines the following two (2) courses and distances:

- 1) **S69°36'21"E**, passing at a distance of 88.40 feet a 1/2-inch iron rod found, being the southeast corner of said Lot 3, and being the west end of an apparent gap between deed lines, (from which a 1/2-inch iron pipe found for the southwest corner of Waynero Drive (50' right-of-way) bears, N18°33'16"E, a distance of 2.08 feet), in all a distance of **139.06** feet to a 1/2-inch iron rod with "Surveyworks" cap found,
- 2) **S68°31'17"E**, a distance of **145.00** feet to a calculated point for the northeast corner hereof, being in the west line of Lot 2, Springdale Gardens Subdivision, a subdivision recorded in Document No. 200100274 (O.P.R.T.C.T.), being the northeast corner of said Real Holdings tract, and being the east end of an apparent gap between deed lines, from which a 1/2-inch iron rod found bears S68°31'17"E, a distance of 0.65 feet, also from which a 1/2-inch iron pipe found in the west line of said Lot 2, Springdale Gardens, being the common south corner of Lot 6 and Lot 7 of Abbate Subdivision bears, N20°27'35"E, a distance of 4.50 feet;

THENCE, leaving the south line of said apparent gap between deed lines, with the common line of said Lot 2, Springdale Gardens and said Real Holdings tract, in part with the east line of said apparent overlap of deed lines, **S20°27'35"W**, passing at a distance of 87.48 feet a 1/2-inch iron pipe found for the northeast

corner of said RGC Gunter tract, and being the northeast corner of said overlap in deed lines, in all a distance of **92.04** feet to a calculated point for the southeast corner hereof, being the southeast corner of said Real Holding tract, and being in the west line of said Lot 2, Springdale Gardens, from which a 1/2-inch iron rod found for the common west corner of said Lot 2, Springdale Gardens, and Lot 1 of said Springdale Gardens bears, S20°27'35"W, a distance of 69.83 feet, also from which a 1/2-inch iron rod found bears, S68°27'06"E, a distance of 0.77';

THENCE, leaving the west line of said Lot 2, Springdale Gardens, with the south line of said Real Holdings tract, being the south line of said apparent overlap between deed lines, **N68°27'06"W**, a distance of **283.68** feet to the **POINT OF BEGINNING** and containing 0.5944 acres (25,892 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 1.000060536248. See attached sketch (reference drawing: 01897.dwg.)



6/26/2024

Paul N. Guerrero, RPLS #5992
4Ward Land Surveying, LLC



GEORGE J. NEILL SURVEY ABSTRACT NO. 586

0 50 100
25 75
GRAPHIC SCALE: 1" = 50'

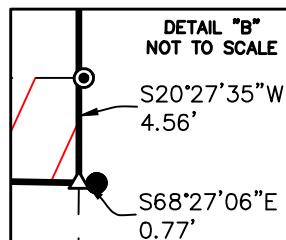
LINE TABLE		
LINE #	DIRECTION	LENGTH
L1	N18°33'16"E	2.08'

ABBATE CIRCLE
(50' R.O.W.)

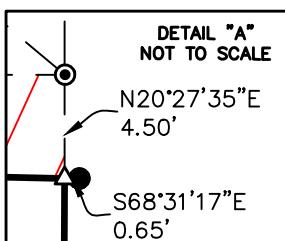
SURVEY CONTROL POINT
GRID N: 10,072,737.39
GRID E: 3,129,553.79
ELEV. = 471.93'



RCG GUNTER, LLC
CALLED 2.00 ACRES
DOC. NO. 2022091313
O.P.R.T.C.T.



LOT 1 [C]



**0.5944 ACRE
ZONING EXHIBIT**
**City of Austin,
Travis County, Texas**

4WARD
Land Surveying
A Limited Liability Company

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

Date:	6/26/2024
Project:	01897
Scale:	1" = 50'
Reviewer:	PRB
Tech:	EV
Field Crew:	SV
Survey Date:	JUN. 2024
Sheet:	1 OF 2

LEGEND

- PROPOSED PROPERTY LINE
- — EXISTING PROPERTY LINES
- 00 — CHAIN LINK FENCE
- △ CALCULATED POINT
- 1/2" IRON ROD FOUND (UNLESS NOTED)
- 1/2" IRON PIPE FOUND (UNLESS NOTED)
- IRON ROD WITH CAP STAMPER "SURVEYWORKS"
- △ SURVEY CONTROL POINT
- 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
- O.P.R.T.C.T. OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS
- (.....) RECORD INFORMATION PER DOC. NO. 2021144851
- [.....] RECORD INFORMATION PER VOL. 27, PG. 35 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 1.000060536248.

GENERAL NOTES:

1. PROPERTY ADDRESS: 1144 WAYNEROY DRIVE, AUSTIN TEXAS, 78721
2. SEE ATTACHED METES AND BOUNDS DESCRIPTION.
3. PARCEL ID: 0207170306
4. PROPERTY ID: 196148
5. COA MAP GRID ML-22
6. APPARENT GAP BETWEEN DOCUMENT NO. 2021144851 (ORIGINALLY DEEDED IN VOLUME 6806, PAGE 598).
7. APPARENT OVERLAP BETWEEN DOCUMENT NO. 2021144851 AND 2022091133.

[A]

V.E. SMITH SUBDIVISION
SECTION 1
VOL. 39, PG. 23
P.R.T.C.T.

[B]
ABBATE SUBDIVISION
VOL. 27, PG. 35
P.R.T.C.T.

[C]
SPRINGDALE GARDENS
SUBDIVISION
AMENDED PLAT
DOC. NO. 200100274
O.P.R.T.C.T.

[D]

MIRANDA LUISA
WALDRAN CURRY AND
FRANK BERNARD CURRY
CALLED 0.267 ACRES
DOC. NO. 2020028573
O.P.R.T.C.T.

SURVEYOR'S CERTIFICATE:

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WAS ACTUALLY MADE UPON THE GROUND UNDER MY DIRECTION AND SUPERVISION ON THE DATE SHOWN.



PAUL N. GUERRERO, R.P.L.S.
TEXAS REGISTRATION NO. 5992
PGUERRERO@4WARDLS.COM

6/26/2024

DATE



**0.5944 ACRE
ZONING EXHIBIT
City of Austin,
Travis County, Texas**



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

Date:	6/26/2024
Project:	01897
Scale:	1" = 50'
Reviewer:	PRB
Tech:	EV
Field Crew:	SV
Survey Date:	JUN. 2024
Sheet:	2 OF 2

EXHIBIT "B"

HOLT CARSON, INC.
PROFESSIONAL LAND SURVEYORS
1904 FORTVIEW ROAD
AUSTIN, TEXAS 78704
TELEPHONE: (512) 442-0990
www.hciaustin.com
FIRM No. 10050700

***FIELD NOTE DESCRIPTION OF 2.00 ACRES OF LAND OUT OF OUTLOT 60,
DIVISION A OF THE GOVERNMENT OUTLOTS TO THE CITY OF AUSTIN,
ACCORDING TO THE MAP OR PLAT ON FILE AT THE GENERAL LAND OFFICE OF
THE STATE OF TEXAS AND BEING ALL OF THAT CERTAIN TRACT OF LAND
INCORRECTLY DESCRIBED AS (1.235 ACRES) OF LAND AND AS CONVEYED TO
M.S.M.F.A.M. DOMINGUEZ LIVING TRUST, UTD BY QUIT CLAIM DEED RECORDED
IN DOCUMENT No. 2007001910 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS
COUNTY, TEXAS, SAME BEING A PORTION OF THAT CERTAIN (4 ACRE) TRACT OF
LAND AS CONVEYED TO V.E. SMITH AND WIFE, VIOLA SMITH BY DEED
RECORDED IN VOLUME 543 PAGE 168 OF THE DEED RECORDS OF TRAVIS
COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND
BOUNDS AS FOLLOWS:***

BEGINNING at a capped iron rod found in the East right-of-way line of Gunter Street for the Southwest corner of that certain (4 acre) tract of land as conveyed to V.E. Smith and wife, Viola Smith by deed recorded in Volume 543 Page 168 of the Deed Records of Travis County, Texas, and for the Southwest corner of that certain tract of land incorrectly described as (1.235 acres) of land and as conveyed to M.S.M.F.A.M. Dominguez Living Trust, UTD by Quit Claim Deed recorded in Document No. 2007001910 of the Official Public Records of Travis County, Texas, and for the Northwest corner of that certain (1.00 acre) tract of land as conveyed to Pedro Leon Losa by Tax Resale Deed recorded in Document No. 2001104059 of the Official Public Records of Travis County, Texas, and previously described in Warranty Deed to Peggy Vasquez as recorded in Volume 8997 Page 334 of the Real Property Records of Travis County, Texas, and being the Southwest corner and **PLACE OF BEGINNING** of the herein described tract of land, and from which a $\frac{1}{2}$ " iron rod found in the East right-of-way line of Gunter Street for the Southwest corner of said Losa (1.00 acre) tract, bears S 20 deg. 36' 39" W 91.29 ft.;

THENCE with the East right-of-way line of Gunter Street and with the West line of said Smith (4 acre) tract, N 20 deg. 36' 39" E 183.57 ft. to a capped iron rod found for the Southwest corner of that certain (1 acre) tract of land as conveyed to M.R. Hawk by deed recorded in Volume 586 Page 282 of the Deed Records of Travis County, Texas, and for the Southwest corner of that certain (0.267 acre) tract of land as conveyed to Miranda Luisa Waldron Curry and Frank Bernard Curry by Warranty Deed recorded in Document No. 2020028573 of the Official Public Records of Travis County, Texas, and for the Northwest corner of said Dominguez (1.235 acre) tract, same being the Northwest corner of this tract of land, and from which a $\frac{1}{2}$ " iron rod found in the East right-of-way line of Gunter Street and in the West line of said Hawk (1 acre) tract and in the West line of said Smith (4 acre) tract bears N 20 deg. 36' 39" E 81.31 ft.;

Page 2 of
2.00 ACRES

THENCE leaving the East right-of-way line of Gunter Street and entering the interior of said Smith (4 acre) tract with the North line of said Dominguez (1.235 acre) tract, the following two (2) courses;

- 1) S 69 deg. 21' 06" E 142.53 ft. to a $\frac{1}{2}$ " iron rod found for the Southeast corner of said Curry (0.267 acre) tract and for the Southwest corner of Lot 2, V.E. Smith Subdivision Section 1, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 39 Page 23 of the Plat Records of Travis County, Texas;
- 2) S 69 deg. 24' 29" E 49.90 ft. to a $\frac{1}{2}$ " iron rod found for the Southeast corner of said Lot 2, V.E. Smith Subdivision Section 1, and for the Southwest corner of that certain (0.595 acre) tract of land as described in Substitute Trustee's Deed to Larry Wayne Smith, Trustee as recorded in Volume 11431 Page 700 of the Real Property Records of Travis County, Texas, and for the Southwest corner of that certain (0.594 acre) tract of land as conveyed to REAL Holdings, LLC by General Warranty Deed recorded in Document No. 2021144851 of the Official Public Records of Travis County, Texas,;

THENCE continuing through the interior of said Smith (4 acre) tract of land with the North line of said Dominguez (1.235 acre) tract which deviates from the South line of said REAL Holdings (0.594 acre) tract, S 69 deg. 21' 59" E 283.96 ft. to a $\frac{1}{2}$ " iron pipe found in the East line of said Smith (4 acre) tract and in the West line of Lot 2, Springdale Gardens Subdivision Amended Plat, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Document No. 200100274 of the Official Public Records of Travis County, Texas, for the Northeast corner of said Dominguez (1.235 acre) tract and for the Southeast corner of said Hawk (1 acre) tract and being the Northeast corner of this tract of land;

THENCE with the East line of said Smith (4 acre) tract, S 20 deg. 43' 44" W at 4.72 ft. passing a $\frac{1}{2}$ " iron rod found, called to be the Southeast corner of said REAL Holdings (0.594 acre) tract, and continuing with the same bearing for a total distance of 182.35 ft. to a 3" metal pipe fence corner post for the Southeast corner of said Smith (4 acre) tract and for the Northeast corner of the aforementioned Losa (1.00 acre) tract, and being the Southeast corner of this tract of land;

THENCE with the common line of said Smith (4 acre) tract and said Losa (1.00 acre) tract, N 69 deg. 30' 46" W 476.02 ft. to the **PLACE OF BEGINNING**, containing 2.00 acres of land.

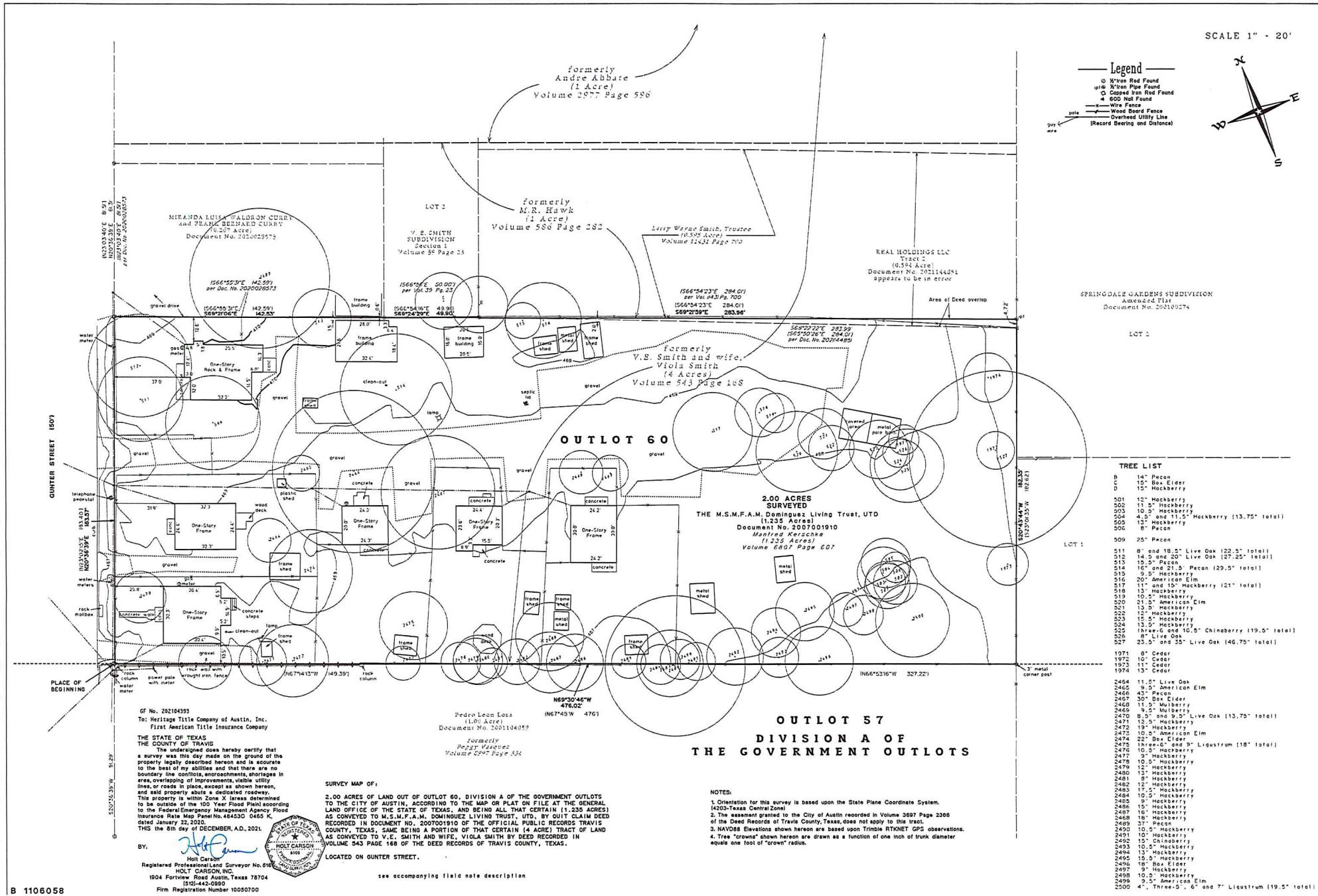
SURVEYED: December 8, 2021

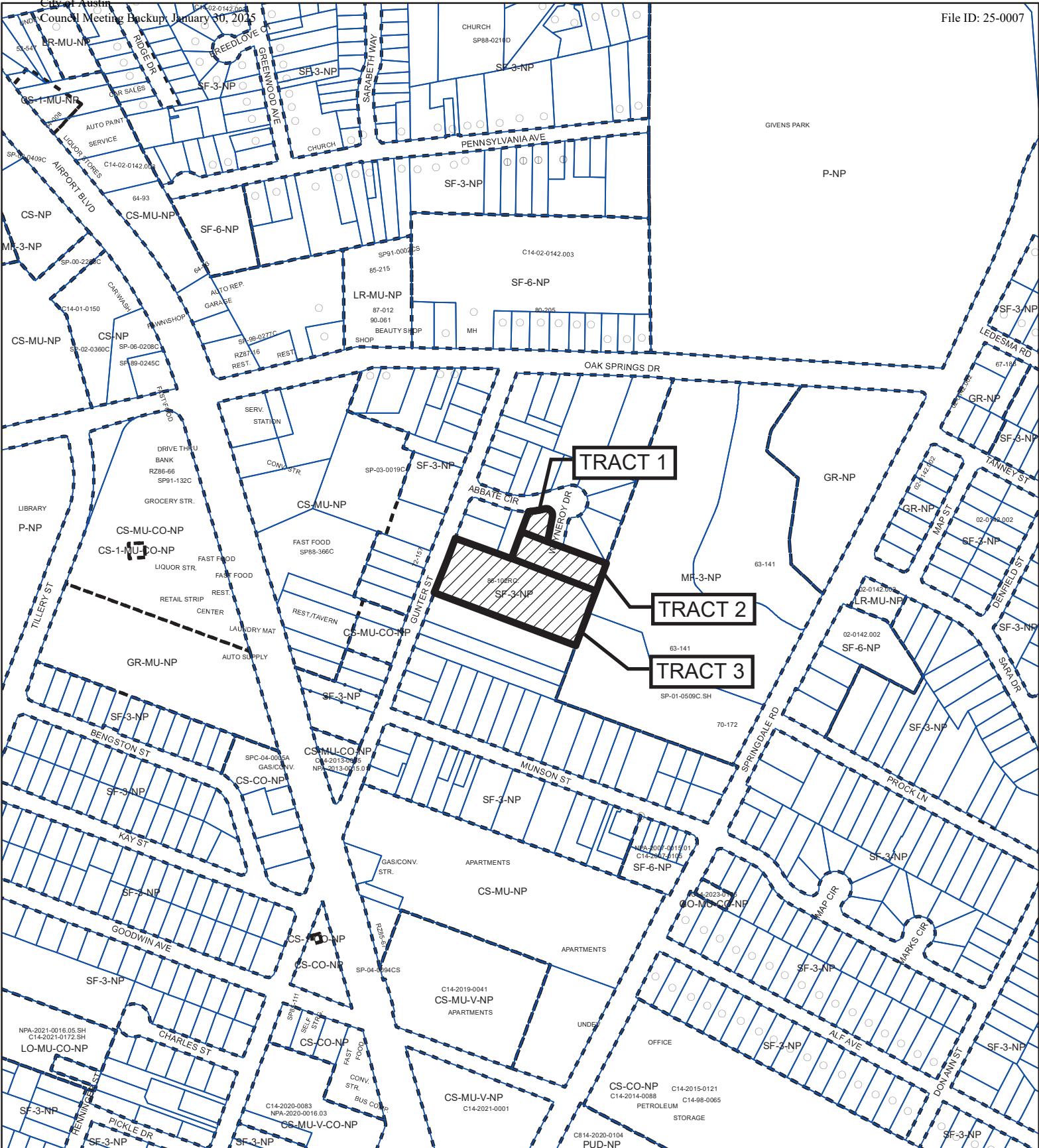

Holt Carson

Registered Professional Land Surveyor No. 5166

see accompanying map: B 1106058







SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

ZONING

ZONING CASE#: C14-2024-0109

EXHIBIT "C"

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: 7/17/2024