

ORDINANCE NO. _____

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 1725 TOOMEY ROAD FROM GENERAL COMMERCIAL SERVICES (CS) DISTRICT TO MULTIFAMILY RESIDENCE HIGHEST DENSITY-CONDITIONAL OVERLAY (MF-6-CO) 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 (CS) district to multifamily residence highest density-conditional overlay (MF-6-CO) combining district on the property described in Zoning Case No. C14-2021-0009, on file at the Housing and Planning Department, as follows:

Being 0.090 acres of land, more or less, out of the Isaac Decker Survey, Abstract No. 8, Travis County, Texas, being those tracts called Tracts 1-3 as conveyed to Beyond Investments, LLC, by deed recorded in Document No. 2019011624, Official Public Records of Travis County, Texas, said 0.090 acres of land being more particularly described by metes and bounds in **Exhibit "A"** incorporated into this ordinance (the "Property"),

locally known as 1725 Toomey Road in the City of Austin, Travis County, Texas, 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 maximum height of building or structure on the Property shall not exceed 75 feet.
- (B) A vegetative buffer shall be provided and maintained along the north property line consistent with the primary setback area as defined in City Code Section 25-2-733(B) (*Butler Shores Subdistrict Regulations*). Improvements permitted within the buffer zone are limited to drainage, underground utility improvements or those improvements that may be otherwise required by the City of Austin or specifically authorized in this ordinance.
- (C) The Property shall not be used as a Type 3 short-term rental described in City Code Section 25-2-790 (*Short-term rental (Type 3) Regulations*).

1
2 **PART 3.** Except as specifically restricted under this ordinance, the Property may be
3 developed and used in accordance with the regulations established for the multifamily
4 residence highest density (MF-6) district and other applicable requirements of the City
5 Code.
6

7 **PART 4.** This ordinance takes effect on _____, 2022.
8

9 **PASSED AND APPROVED**

10
11 §
12 §
13 _____, 2022 § _____
14 Steve Adler
15 Mayor
16
17

18 **APPROVED:** _____ **ATTEST:** _____
19 Anne L. Morgan Myrna Rios
20 City Attorney City Clerk
21

EXHIBIT "A"

FIELD NOTES

JOB NO. 20-0260

DATE: MARCH 6, 2020

PAGE 1 OF 2

Field notes to accompany exhibit.

0.90 ACRES

Being 0.90 acres of land, more or less, out of the Isaac Decker Survey, Abstract No. 8, Travis County, Texas, being those tracts called Tracts 1-3 as conveyed to Beyond Investments, LLC, by deed recorded in Document No. 2019011624, Official Public Records, Travis County, Texas, as surveyed on the ground by Texas Land Surveying, Inc. on March 4th, 2020, and further described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod with pink cap stamped "TLS" set in the south line of Toomey Road, marking the northwest corner of the Wallace Kenneth Subdivision, said plat recorded in Document No. 201000089, of said Official Public Records, for the northeast corner of said Tract 3, said Beyond tract and this tract, from which a 1/2 inch iron rod with yellow cap stamped "Bury" found, marking the northeast corner of said Wallace Kenneth Subdivision, bears S 62°44'46" E, 218.13 feet;

THENCE: S 27°22'09" W, 301.06 feet with the west line of said Wallace Kenneth Subdivision and the east line of said Tracts 1-3 and said Beyond tract to a 1/2 inch iron rod with pink cap stamped "TLS" set, marking the northeast corner of a tract conveyed to 4W-SSP, LLC, by deed recorded in Document No. 2011075915, of said Official Public Records, for the southeast corner of said Tract 2, said Beyond tract and this tract;

THENCE: N 60°58'10" W, 145.12 feet with the north line of said 4W-SSP tract and the south line of said Tract 2 and said Beyond tract to a 1/2 inch iron rod found in the east line of Sterzing Street, marking the northwest corner of said 4W-SSP tract, for the southwest corner of said Tract 2, said Beyond tract and this tract;

THENCE: N 32°46'04" E, with the east line of said Sterzing Street and the west line of said Tracts 1-3 and said Beyond tract at 289.21 feet passing a 1/2 inch iron rod found, marking the northwest corner of said Tract 1, also marking the southwest corner of said Tract 3, continuing in all **299.07 feet** to a 1/2 inch iron rod with pink cap stamped "TLS" set at the intersection of the east line of said Sterzing Street and the south line of said Toomey Road, for the northwest corner of said Tract 3, said Beyond tract and this tract;

THENCE: S 62°11'39" E, 116.92 feet with the south line of said Toomey Road and the north line of said Tract 3 and said Beyond tract to the Point of Beginning.

Bearings cited hereon based on Grid North Texas State Plane Coordinate System (Central Zone) NAD83/93



3-6-20

Kenneth Louis Crider, R.P.L.S. No. 5624

Texas Land Surveying, Inc.

3613 Williams Drive, Suite 903

Georgetown, Texas 78628



Texas Land Surveying, Inc.

3613 Williams Drive, Suite 903 – Georgetown, Texas 78628

(512) 930-1600 www.texas-ls.com

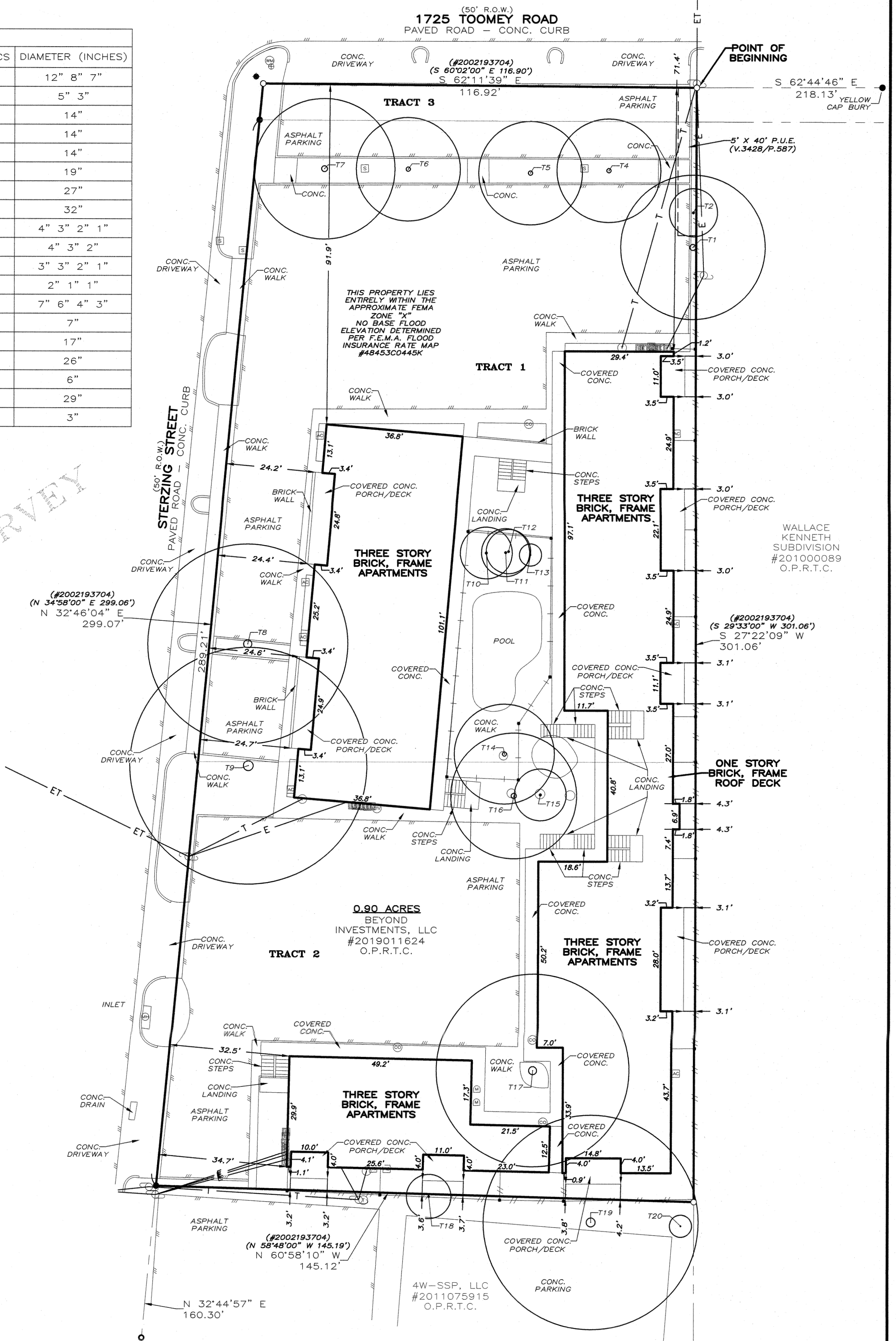
TBPLS FIRM No. 10056200

RESTRICTIVE COVENANTS:
ONLY THOSE EASEMENTS AND THAT INFORMATION LISTED IN TITLE
COMMITMENT #2008355-HAY, EFFECTIVE DATE OF FEBRUARY 24, 2020
AND RE-LISTED BELOW WERE CONSIDERED FOR THIS SURVEY:
1.) RESTRICTIVE COVENANTS - V.12/P.94, V.29/P.19 (SUBJECT TO)
10A.) ELECTRIC AND TELEPHONE LINES AND SYSTEMS EASEMENT TO
THE CITY OF AUSTIN - V.3428/P.587

BEING 0.90 ACRES OF LAND, MORE OR LESS, OUT OF THE ISAAC DECKER SURVEY, ABSTRACT NO. 8, TRAVIS
COUNTY, TEXAS, BEING THOSE TRACTS CALLED TRACTS 1-3 AS CONVEYED TO BEYOND INVESTMENTS, LLC, BY
DEED RECORDED IN DOCUMENT NO. 2019011624, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS.

JOB NO: 20-0260
DRAWN: RCG
F.C.: CC/RS/PO

TREE LIST			
TAG#	TYPE	CHARACTERISTICS	DIAMETER (INCHES)
1	CREPEMYRTLE	3X	12" 8" 7"
2	CREPEMYRTLE	SINGLE	5" 3"
4	PECAN	SINGLE	14"
5	PECAN	SINGLE	14"
6	PECAN	SINGLE	14"
7	PECAN	SINGLE	19"
8	PECAN	SINGLE	27"
9	PECAN	SINGLE	32"
10	CHINABERRY	4X	4" 3" 2" 1"
11	CHINABERRY	3X	4" 3" 2"
12	CHINABERRY	4X	3" 3" 2" 1"
13	CHINABERRY	3X	2" 1" 1"
14	CHINABERRY	4X	7" 6" 4" 3"
15	BRADFORD PEAR	SINGLE	7"
16	BRADFORD PEAR	SINGLE	17"
17	PECAN	SINGLE	26"
18	HACKBERRY	SINGLE	6"
19	PECAN	SINGLE	29"
20	CHINKAPIN OAK	SINGLE	3"

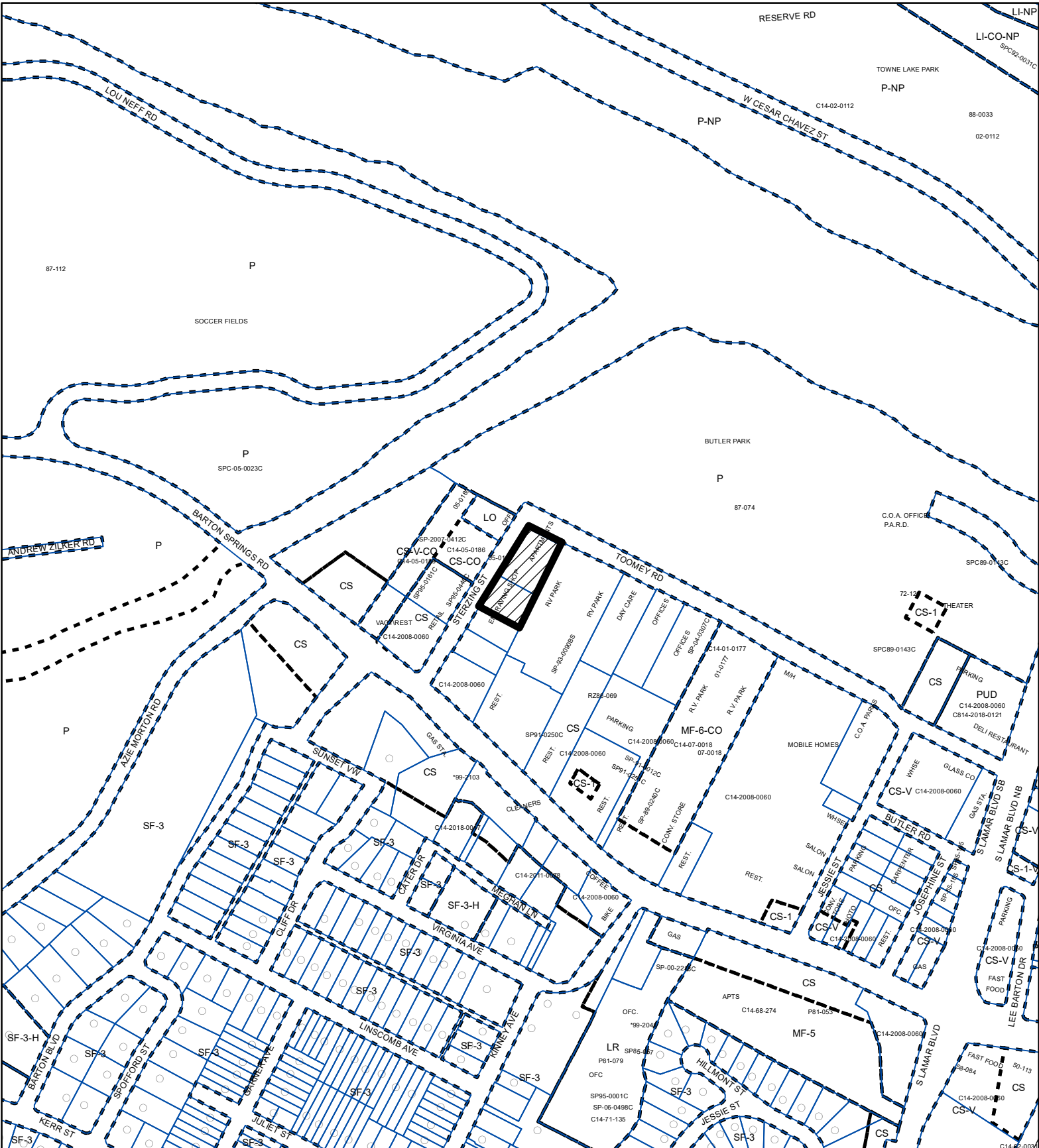





Scale: 1" = 20'
BEARINGS CITED HEREON BASED ON
TEXAS STATE PLANE COORDINATE
SYSTEM, NORTH AMERICAN DATUM
1983/93, TEXAS CENTRAL ZONE.

LEGEND	
●	1/2" IRON ROD FOUND (UNLESS OTHERWISE NOTED)
○	2" PIPE FOUND
○	1/2" IRON ROD SET WITH PINK CAP STAMPED "T.S."
///	PAVEMENT
●	FENCE POST
—	METAL FENCE
—	WOOD FENCE
○	UTILITY POLE
—	ELECTRIC LINES
—	ELECTRIC/TELEPHONE LINES
—	TELEPHONE LINES
—	AIR CONDITIONER
—	CABLE TV
—	CLEANOUT
—	ELECTRIC
—	FIRE HYDRANT
—	MAILBOX
—	MANHOLE
—	SIGN
—	TELEPHONE
—	WATER METER
—	WATER VALVE
()	RECORD INFORMATION
P.U.E.	PUBLIC UTILITY EASEMENT
CONC.	CONCRETE
R.O.W.	RIGHT-OF-WAY
O.P.R.T.C.	OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

CERTIFY TO: INDEPENDENCE TITLE / TITLE RESOURCES GUARANTY COMPANY / GREG S SMITH / GF# 2008355-HAY
STATE OF TEXAS § KNOW ALL MEN BY THESE PRESENTS
COUNTY OF WILLIAMSON §
THAT SURVEYOR FOR TEXAS LAND SURVEYING, INC. HAVE THIS DATE CAUSED TO BE PERFORMED AN ON-THE-GROUND SURVEY UNDER MY SUPERVISION OF THE FOREGOING TRACT OF LAND AND TO THE BEST OF MY KNOWLEDGE AND BELIEF THERE ARE NO DISCREPANCIES, CONFLICTS, SHORTAGES IN AREA, ENCROACHMENTS, VISIBLE UTILITY LINES OR ROADS IN PLACE, AND THAT SAID PROPERTY ADJOINS A DEDICATED ROADWAY, EXCEPT AS SHOWN HEREON.
Texas Land Surveying, Inc.
—A Land Surveying and Geospatial Firm—
3613 Williams Drive, Suite 903 - Georgetown, Texas 78628
(512) 930-1600/(512) 930-9389 fax www.texas-land-surveying.com
TBPLS FIRM NO.10056200 GEOSCIENCE FIRM NO.50538
IF THIS DOCUMENT DOES NOT CONTAIN THE RED STAMPED SEAL OF THE UNDERSIGNED SURVEYOR, IT IS AN UNAUTHORIZED/ILLEGAL COPY.
TEXAS LAND SURVEYING, INC. ASSUMES NO LIABILITY FROM THE USE OF ANY UNAUTHORIZED/ILLEGAL DOCUMENT.

THIS AREA DOES NOT APPEAR TO BE IN SPECIAL FLOOD HAZARD AREAS PER FEMA'S FLOOD INSURANCE RATE MAP #48453C0445K, DATED JAN. 22, 2020. THIS STATEMENT IS NOT MADE IN LIEU OF AN ELEVATION CERTIFICATE.
KENNETH LOUIS CRIDER
REGISTERED PROFESSIONAL LAND SURVEYOR
No. 5824
Witness my hand and seal this the 4th day of March, 2020 A.D.



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

1" = 400'

ZONING

ZONING CASE#: C14-2021-0009

Exhibit B

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



Created: 2/1/2021