

ORDINANCE NO. 20070726-123

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 1187, 1187 ½, 1189, 1191, 1195 HARGRAVE STREET, 0 MCCLAIN STREET (1.07 AC. AND 0.79 AC., OWENS TRACT) AND 0 WHEAT AVENUE (0.95 AC., OWENS TRACT) IN THE ROSEWOOD NEIGHBORHOOD PLAN AREA, FROM GENERAL COMMERCIAL SERVICES-MIXED USE-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (CS-MU-CO-NP) COMBINING DISTRICT, COMMUNITY COMMERCIAL-MIXED USE-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (GR-MU-CO-NP) COMBINING DISTRICT, AND FAMILY RESIDENCE-NEIGHBORHOOD PLAN (SF-3-NP) COMBINING DISTRICT TO GENERAL COMMERCIAL SERVICES-MIXED USE-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (CS-MU-CO-NP) COMBINING DISTRICT FOR TRACTS ONE, TWO AND THREE, AND TOWNHOUSE AND CONDOMINIUM RESIDENCE-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (SF-6-CO-NP) COMBINING DISTRICT FOR TRACT FOUR.

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 districts on the property described in Zoning Case No. C14-2007-0041, on file at the Neighborhood Planning and Zoning Department, as follows:

Tract One: From general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district and community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district to general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district.

A 0.95 acre tract of land, more or less, out of Outlot 14, Division B, Government Outlots, Original City of Austin, being a portion of the Lawrence Owens tract; the 0.95 acre tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance; and,

Lot 5, Block 1, and Lot 1, Block 2, Owens Subdivision Number 2, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 5, Page 82, of the Plat Records of Travis County, Texas.

Tract Two: From family residence-neighborhood plan (SF-3-NP) combining district to general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district.

Lots 2, 3, and 4, Block 2, Owens Subdivision Number 2, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 5, Page 82, of the Plat Records of Travis County, Texas.

Tract Three: From family residence-neighborhood plan (SF-3-NP) combining district to general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district.

A 1.07 acre tract of land, more or less, out of Block 8, Outlot 13, Division B, Government Outlots, Original City of Austin, part of vacated McClain Street, and being a portion of the Lawrence Owens tract; the 1.07 acre tract of land being more particularly described by metes and bounds in Exhibit "B" incorporated into this ordinance.

Tract Four: From family residence-neighborhood plan (SF-3-NP) combining district to townhouse and condominium residence-conditional overlay-neighborhood plan (SF-6-CO-NP) combining district.

A 0.79 acre tract of land, more or less, out of Block 8, Outlot 13, Division B, Government Outlots, Original City of Austin, part of vacated McClain Street, and being a portion of the Lawrence Owens tract; the 0.79 acre tract of land being more particularly described by metes and bounds in Exhibit "C" incorporated into this ordinance.

(Tracts One through Four collectively known as the "Property"),

locally known as 1187, 1187 ½, 1189, 1191, 1195 Hargrave Street, 0 McClain Street (1.07 ac. and 0.79 ac., Owens Tract) and 0 Wheat Avenue (0.95 ac., Owens tract), in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "D".

PART 2. Tracts One, Two, and Three (the "Tracts"), within the boundaries of the conditional overlay combining district established by this ordinance are subject to Chapter 25-2, Subchapter E, Article 4.3 (*Vertical Mixed Use Buildings*) as follows:

- A. The Tracts are exempt from the dimensional standards identified in Article 4.3.3 E.2. (*Dimensional and Parking Requirements*).

- B. The Tracts are subject to the parking reductions identified in Article 4.3.3 E.3. (*Dimensional and Parking Requirements*).
- C. Ten percent of residential units in a vertical mixed use building shall be reserved for rental by households earning no more than 80 percent of the Annual Median Family Income.

PART 3. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

- A. Except as otherwise provided in Section B of this part, vehicular access from the Property to Sol Wilson Avenue, McClain Street, and Bedford Street is prohibited. All vehicular access to the Property shall be from other adjacent public streets or through other adjacent property.
- B. Emergency vehicles, bicycle, and pedestrian access from the Property to Bedford Street is allowed.
- C. The following applies to Tracts Two, Three, and Four.
 - 1. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 2,000 trips per day.
 - 2. A 25-foot wide vegetative buffer shall be provided and maintained along the south property line that runs along the adjacent residential properties. 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.
- D. The following applies to Tracts One, Two, and Three.
 - 1. The maximum height of a building or structure is 50 feet from ground level.

2. The following uses are prohibited uses of the property:

Adult oriented businesses	Automotive washing (of any type)
Commercial off-street parking	Construction sales and services
Custom manufacturing	Equipment sales
Laundry services	Maintenance and service facilities
Service station	Agricultural sales and services
Campground	Commercial blood plasma center
Drop-off recycling collection facility	Convenience storage
Limited warehousing & distribution	Equipment repair services
Pawn shop services	Vehicle storage

3. The following uses are conditional uses of the property:

Automotive sales	Guidance services
Kennels	Outdoor sports and recreation
Exterminating services	Hotel-motel
Monument retail sales	Residential treatment

PART 4. Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the respective base districts, the mixed use (MU) combining district, and other applicable requirements of the City Code.

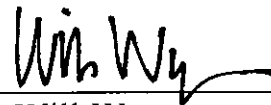
PART 5. The Property is subject to Ordinance No. 020110-17 that established the Rosewood neighborhood plan combining district.

PART 6. This ordinance takes effect on August 6, 2007.

PASSED AND APPROVED

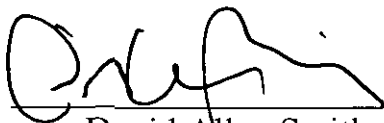
July 26, 2007

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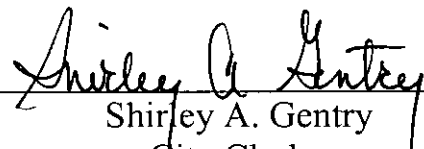
Will Wynn
Mayor

APPROVED:



David Allan Smith
City Attorney

ATTEST:



Shirley A. Gentry
City Clerk

**EXHIBIT A
LEGAL DESCRIPTION**

FIELD NOTES DESCRIBING 0.95 OF AN ACRE OF LAND, BEING OUT OF AND A PART OF OUTLOT 14, DIVISION B, OF THE GOVERNMENT OUTLOTS ADJOINING THE ORIGINAL CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF THAT CERTAIN LAWRENCE OWENS AND WIFE BEULAH OWENS 2.00 ACRE TRACT, DESCRIBED BY INSTRUMENT RECORDED IN VOLUME 450, PAGE 568, DEED RECORDS, SAID COUNTY, SAID 0.95 OF AN ACRE OF LAND TO BE MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at an iron pipe found at the southwest corner of Lot 1, Block 1, Owens Subdivision Number 2, a subdivision recorded in Volume 5, Page 82, Plat Records, said county, at the southeast corner of Lot 2, Block 1, of said subdivision, in the westerly line of that certain Charlie Ealey tract described by instrument recorded in Volume 926, Page 277, Deed Records, said county, same being in the easterly line of said Owens tract, for the northeast corner hereof;

THENCE South 28 degrees 46 minutes 28 seconds West, along the westerly line of said Ealey tract and the easterly line of said Owens tract, 16.20 feet to an iron rod set in said line, in the westerly line of that certain Texas Sausage Co., Inc. 1.59 acre tract described by instrument recorded in Document Number 2001108975, Official Public Records, said county, for a point in the easterly line hereof;

THENCE South 28 degrees 27 minutes 00 seconds West, along the westerly line of said 1.59 acre tract and continuing along the easterly line of said Owens tract, 316.44 feet to an iron rod set in the northerly line of vacated McClain Street, described by instrument recorded in Volume 960, Page 123, Deed Records, said county, same being the southeast corner of said Owens tract, for the southeast corner hereof

THENCE North 46 degrees 43 minutes 00 seconds West, along the northerly line of said vacated McClain Street and the southerly line of said Owens tract, 134.25 feet to an iron rod set in the easterly line of Block 2, of said Owens Subdivision Number 2, for the southwest corner hereof,

THENCE North 28 degrees 20 minutes 57 seconds East, along the easterly line of said Block 2, 50.02 feet to an iron rod set in the southerly right-of-way line of Wheat Avenue, same being the northeast corner of said Block 2, for an angle corner in the westerly line hereof,

THENCE North 00 degrees 07 minutes 14 seconds West, along the easterly right-of-way line of Wheat Avenue, 60.00 feet to an iron rod set in the northerly right-of-way line of Wheat Avenue, at the southeast corner of Lot 5, Block 1, of said Owens Subdivision Number 2, for an angle corner in the westerly line hereof;

THENCE North 28 degrees 20 minutes 57 seconds East, along the easterly line of said Lot 5, Block 1, 127.60 feet to an iron rod set at the northeast corner of said Lot 5, Block 1, in the southerly line of Lot 4, Block 1, of said Owens Subdivision Number 2, for the northwest corner hereof;

THENCE along the southerly line of Lots 4, 3, 2, and 1, Block 1 of said subdivision, the following 3 calls,

1. North 80 degrees 39 minutes 00 seconds East, 37.04 feet to an iron rod set,
2. South 65 degrees 42 minutes 34 seconds East, 78.12 feet to an iron pipe found,
3. North 81 degrees 00 minutes 09 seconds East, 65.11 feet to the POINT OF BEGINNING and containing 0.95 of an acre of land, more or less

THIS LEGAL DESCRIPTION IS TO BE USED IN CONJUNCTION WITH THE ATTACHED SURVEY PLAT (BY SEPARATE INSTRUMENT), ONLY.

Edward Rumsey
TX R P L S #5729
Job # A404206-2



Date 11/21/06

EXHIBIT 'B

FIELD NOTES

4-4-2007

Being a tract or parcel of land situated in the City of Austin, Travis County, Texas and being a 1.07 acre tract of land out of and a part of Block 8, Outlot 13, Division B, of the Government Outlots adjoining the original City of Austin, Travis County, Texas, together with that certain portion of McLain Street, vacated by instrument recorded in Volume 960, Page 123, Deed Records, in said County, and being a portion of that certain Lawrence Owens and Wife, Beulah Owens tract described by instrument recorded in Volume 274, Pages 578-579 and Volume 380, Page 509, both of the Deed records, in said County and being more particularly described as follows:

BEGINNING at a ½" iron rod set for corner at the southeast corner of Lot 4, Block 2, Owens Subdivision Number 2, recorded in Volume 5, Page 82 Plat Records of Travis County, Texas;

THENCE N28degrees20'57"E and with the east line of Lots 4,3,2 and 1 Block 2 of the Owens Subdivision Number 2 a distance of 196.72 feet to a ½" iron rod set for corner;

THENCE S46degrees43'00"E a distance of 134.25 feet to a ½" iron rod set for corner, corner being on the west line of a tract of land know as the Texas Sausage Co., recorded in Document No. 20001108975 Official Public Records of Travis County, Texas;

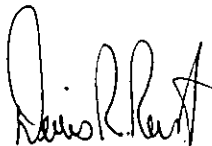
THENCE S28degrees27'00"W and with the west line of the Texas Sausage Co. tract of land a distance of 31.03 feet to a ½" iron rod set for corner;

THENCE S46degrees43'00"E and with the south line of the Texas Sausage Co. tract of land a distance of 136.48 feet to a ½" iron rod set for corner, corner being on the west line of Sol Wilson Avenue;

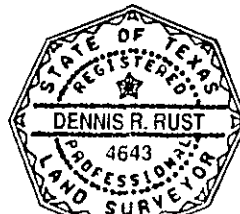
THENCE S28degrees13'00"W and with the west line of Sol Wilson Avenue a distance of 31.07 feet to a ½" iron rod set for corner, corner being on the south line of McClain Street;

THENCE S28degrees13'00"W a distance of 130.07 feet to a ½" iron rod set for corner, corner being on the north line of Hofheinz Subdivision, recorded in Volume 4, Page 69 Plat Records Travis County, Texas;

THENCE N47degrees40'03"W and with the north line of the Hofheinz Subdivision a distance of 269.90 feet to return to the Place of Beginning and containing 1.07 acres of land.



Dennis R. Rust



RPLS # 4643

EXHIBIT C

FIELD NOTES

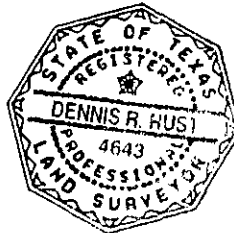
4-4-2007

Being a tract or parcel of land situated in the City of Austin, Travis County, Texas and being a 0.79 acre tract of land out of and a part of Block 8, Outlot 13, Division B, of the Government Outlots adjoining the original City of Austin, Travis County, Texas, together with that certain portion of McClain Street, vacated by instrument recorded in Volume 960, Page 123, Deed Records, in said County, and being a portion of that certain Lawrence Owens and Wife, Beulah Owens tract described by instrument recorded in Volume 274, Pages 578-579 and Volume 380, Page 509, both of the Deed records, in said County and being more particularly described as follows:

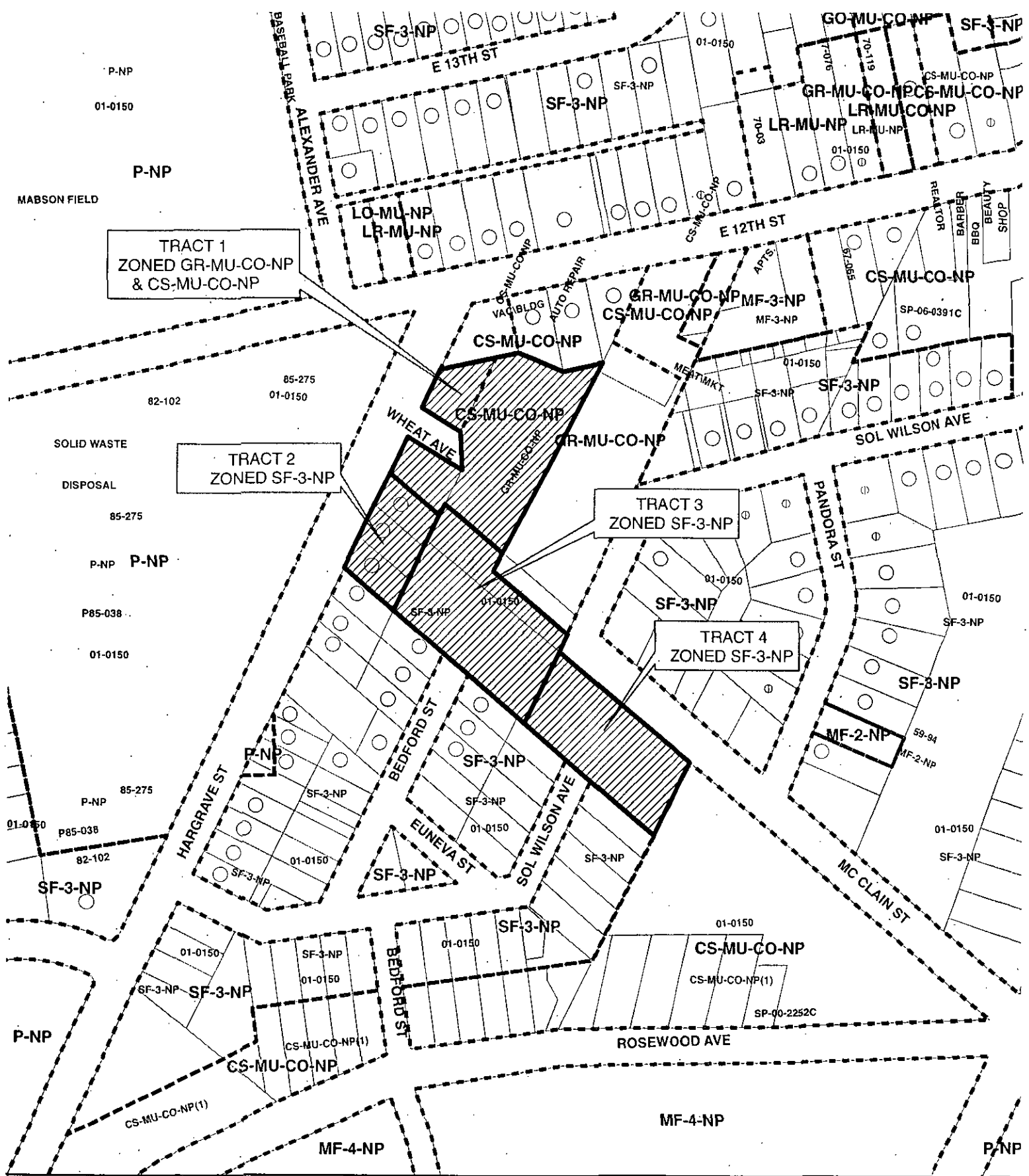
BEGINNING at a ½" iron rod set for corner at the southwest corner this tract of land, said corner being on the north line of Hofheinz Subdivision, recorded in Volume 4, Page 69 Plat Records of Travis County, Texas, said corner bears S47degrees40'03"E a distance of 269.90 feet from the southeast corner of Lot 4, Block 2, Owens Subdivision Number 2, recorded in Volume 5, Page 82 Plat Records of Travis County, Texas;
THENCE N28degrees13'00"W a distance of 130.07 feet to a ½" iron rod set for corner, corner being on the south line of McClain Street;
THENCE S46degrees43'00"E and with the south line of McClain Street a distance of 74.19 feet to a ½" iron rod set for corner;
THENCE S47degrees27'00"E and with the south line of McClain Street a distance of 202.71 feet to a ½" iron rod set for corner, corner being the northwest corner of a called 2.98 acre tract of land conveyed to James Wallace, recorded in Volume 12882, Page 2630 Real Property Records of Travis County, Texas;
THENCE S28degrees11'57"W and with the west line of the Wallace tract of land a distance of 128.02 feet to a ½" iron rod set for corner, corner being the northeast corner of the Hofheinz Subdivision, recorded in Volume 4, Page 69 Plat Records of Travis County, Texas;
THENCE N47degrees40'03"W and with the north line of the Hofheinz Subdivision a distance of 276.33 feet to return to the Place of Beginning and containing 0.79 acres of land.



Dennis R. Rust



RPLS # 4643



Subject Tract

Zoning Boundary

Pending Cases

ZONING EXHIBIT D

CASE#: C14-2007-0041

ADDRESS: 1187, 1187 1/2, 1189, 1191, 1195 HARGRAVE ST.
0 McCLAIN ST. & 0 WHEAT AVE.

SUBJECT AREA: 3.470

GRID: L23

1" = 200'

CASE MGR: MINAL BHAKTA

This map has been produced by G.I.S. Services for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

