

ORDINANCE NO. _____

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 1001 CUMBERLAND ROAD FROM MULTIFAMILY RESIDENCE LIMITED DENSITY (MF-1) DISTRICT AND MULTIFAMILY RESIDENCE LIMITED DENSITY-CONDITIONAL OVERLAY (MF-1-CO) COMBINING DISTRICT TO TOWNHOUSE AND CONDOMINIUM RESIDENCE-CONDITIONAL OVERLAY (SF-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 districts on the property described in Zoning Case No. C14-2007-0129, on file at the Neighborhood Planning and Zoning Department, as follows:

Tract One. From multifamily residence limited density (MF-1) district to townhouse and condominium residence-conditional overlay (SF-6-CO) combining district.

Lot 1, Cumberland Center Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 70, Page 48, of the Plat Records of Travis County, Texas; and

Tract Two. From multifamily residence limited density-conditional overlay (MF-1-CO) combining district to townhouse and condominium residence-conditional overlay (SF-6-CO) combining district.

A 4.812 acre tract of land, more or less, being the south part of a 10.02 acre tract of land in the Issac Decker League, Survey 20, Abstract 8, said 10.02 acre tract of land being more particularly described by metes and bounds in a deed of record in Volume 4338, Page 810, Deed Records of Travis County, Texas (the "Property"),

locally known as 1001 Cumberland Road, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "A".

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

- 3
- 4 A. A site plan or building permit for the Property may not be approved, released,
5 or issued, if the completed development or uses of the Property, considered
6 cumulatively with all existing or previously authorized development and uses,
7 generate traffic that exceeds 2,000 trips per day.
- 8
- 9 B. The maximum number of residential units is 123 units.
- 10
- 11 C. The maximum number of residential units is 12.2754 units pre acre.
- 12
- 13 D. A 25-foot wide vegetative buffer shall be provided and maintained along the
14 south property line. Improvements permitted within the buffer zone are limited
15 to drainage, underground utility improvements or those improvements that may
16 be otherwise required by the City of Austin or specifically authorized in this
17 ordinance.
- 18
- 19 E. Development of the Property may not exceed 10,000 square feet of gross floor
20 area.
- 21
- 22 F. Vehicular access from the Property to South 5th Street and to Cumberland Road
23 is limited to one curb cut to each roadway.
- 24
- 25 G. Except as otherwise provided in Sections H and I of this part, the maximum
26 height of a building or structure constructed within 75 feet from South 5th Street
27 and Cumberland Road is:
- 28
- 29 1) two stories, and
30 2) 35 feet.
- 31
- 32 H. The portion of a building in a habitable attic shall not be counted as a story if it
33 meets the requirements of Chapter 25-2, Subchapter F, Article 3.3.2.
34 (*Definitions and Measurement*).
- 35
- 36 I. If the first story of a two-story building or structure constructed on South 5th
37 Street is not more than three feet above the average elevation of South 5th Street
38 as measured along the front elevation of the building or structure, then:
- 39
- 40

- 1) a garage may be built below grade; and
2) a garage built below grade shall not count as a story; and
3) a garage built below grade shall not be used as a residential unit.

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the townhouse and condominium residence-conditional overlay (SF-6) base district, and other applicable requirements of the City Code.

PART 3. This ordinance takes effect on _____, 2008.

PASSED AND APPROVED

_____, 2008 §
 §
 §
_____, 2008 §

Will Wynn
Mayor

APPROVED: _____ **ATTEST:** _____
David Allan Smith Shirley A. Gentry
City Attorney City Clerk