

ORDINANCE NO. ~~Late Backup~~

#245

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE
2 PROPERTY LOCATED AT 3116 SOUTH CONGRESS AVENUE IN THE
3 DAWSON NEIGHBORHOOD PLAN AREA FROM GENERAL COMMERCIAL
4 SERVICES-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (CS-CO-NP)
5 COMBINING DISTRICT TO COMMERCIAL-LIQUOR SALES-MIXED USE-
6 CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (CS-1-MU-CO-NP)
7 COMBINING DISTRICT FOR TRACT ONE AND FROM MULTIFAMILY
8 RESIDENCE MODERATE HIGH DENSITY-NEIGHBORHOOD PLAN (MF-4-NP)
9 COMBINING DISTRICT TO NEIGHBORHOOD COMMERCIAL-MIXED USE-
10 CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (LR-MU-CO-NP)
11 COMBINING DISTRICT FOR TRACT TWO.

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

14
15 **PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to
16 change the base districts on the property described in Zoning Case No. C14-2007-0222, on
17 file at the Neighborhood Planning and Zoning Department, as follows:

18
19 Tract One: From general commercial services-conditional overlay-neighborhood
20 plan (CS-CO-NP) combining district to commercial-liquor sales-mixed use-
21 conditional overlay-neighborhood plan (CS-1-MU-CO-NP) combining district.

22
23 A 0.16 acre (6766 sq.ft.) tract of land, more or less, out of Lot 1-A, Resubdivision
24 of Lots 1 and 6, Block 4, Brackenridge Heights, the tract of land being more
25 particularly described by metes and bounds in Exhibit "A" incorporated into this
26 ordinance; and

27
28 Tract Two: From multifamily residence moderate high density-neighborhood plan
29 (MF-4-NP) combining district to neighborhood commercial-mixed use-conditional
30 overlay-neighborhood plan (LR-MU-CO-NP) combining district.

31
32 A 0.14 acre (6213 sq.ft.) tract of land, more or less, out of Lot 1-A, Resubdivision
33 of Lots 1 and 6, Block 4, Brackenridge Heights, the tract of land being more
34 particularly described by metes and bounds in Exhibit "B" incorporated into this
35 ordinance (the "Property"),

36
37 locally known as 3116 South Congress Avenue, in the City of Austin, Travis County,
38 Texas, and generally identified in the map attached as Exhibit "C".

1 **PART 2.** Except as specifically provided in Part 3 and Part 4 of this ordinance, the
2 Property may be developed and used in accordance with the regulations established for
3 their respective base districts and other applicable requirements of the City Code.
4

5 **PART 3.** The Property within the boundaries of the conditional overlay combining district
6 established by this ordinance is subject to the following conditions:
7

8 A. A site plan or building permit for the Property may not be approved, released, or
9 issued, if the completed development or uses of the Property, considered
10 cumulatively with all existing or previously authorized development and uses,
11 generate traffic that exceeds 2,000 trips per day.
12

13 B. The following uses are prohibited uses of Tract One:
14

15 Adult oriented businesses	Automotive repair services
16 Automotive rentals	Automotive sales
17 Automotive washing (of any type)	Construction sales and services
18 Convenience storage	Liquor sales
19 Pawn shop services	Service station
20 Vehicle storage	

21
22 **PART 4.** The Property is subject to Ordinance No. 011206-10 that established the Dawson
23 neighborhood plan combining district.
24

25 **PART 5.** This ordinance takes effect on _____, 2008.
26
27

28 **PASSED AND APPROVED**
29

30 §
31 §
32 _____, 2008 § _____
33

Will Wynn
Mayor

34
35
36
37 **APPROVED:** _____ **ATTEST:** _____
38 David Allan Smith Shirley A. Gentry
39 City Attorney City Clerk

ALL POINTS SURVEYING, INC.

EXHIBIT "A"
TRACT 1

LEGAL DESCRIPTION OF A 0.16 ACRE (6766 SQUARE FEET) TRACT OF LAND OUT OF LOT 1-A, RESUBDIVISION OF LOTS 1 AND 6, BLOCK 4, BRACKENRIDGE HEIGHTS AS RECORDED IN BOOK 7, PAGE 87 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a spindle found in the Westerly right-of-way line of South Congress Avenue (R.O.W. varies) at the Southeasterly corner of Lot 2, Block 4, Brackenridge Heights as recorded in Volume 3, Page 133 of the Plat Records of Travis County, Texas for the Northeasterly corner of the herein described tract of land;

THENCE S 27° 02' 17" W with the Westerly right-of-way line of said South Congress Avenue (R.O.W. varies) a distance of 35.84 feet to an "X" set in concrete for a point-of-curvature in the Easterly line of the herein described tract of land;

THENCE with a curve to the right having a chord which bears S 75° 50' 22" W a distance of 20.39 feet, an arc length of 22.42 feet and a radius of 15.00 feet to an iron rod set at a point-of-tangency in the Northerly right-of-way line of Coleman Street (50' R.O.W.) for a point-of-tangency in the Southerly line of the herein described tract of land;

THENCE N 59° 52' 00" W (Bearing Basis) with the Northerly right-of-way line of said Coleman Street (50' R.O.W.) A distance of 122.57 feet to an iron rod set in the Southerly line of said Lot 1-A for the Southwesterly corner of the herein described tract of land;

THENCE N 30° 01' 28" E through and across said Lot 1-A a distance of 49.80 feet to an iron pipe found at an interior angle point of said Lot 1-A common with the Southwesterly corner of said Lot 2 for the Northwesterly corner of the herein described tract of land;

THENCE S 59° 57' 50" E with the Southerly line of said Lot 2 a distance of 135.32 feet to the Point-of-Beginning containing 0.16 acre (6766 square feet) of land more or less.

Mark C. Brown

MARK C. BROWN

R.P.L.S. No. 5059

JOB No. 09B34807

10-3-07
Date

The Bearing Basis for the herein described tract of land is the Southerly line of said Lot 1-A which bears N 59° 52' 00" W.

611 South Congress - Suite 100 - Austin, Texas 78704
Telephone (512) 440-0071 *Fax (512) 440-0199





ALL POINTS SURVEYING, INC.

EXHIBIT "B"
TRACT 2

LEGAL DESCRIPTION OF A 0.14 ACRE (6213 SQUARE FEET) TRACT OF LAND OUT OF LOT 1-A, RESUBDIVISION OF LOTS 1 AND 6, BLOCK 4, BRACKENRIDGE HEIGHTS AS RECORDED IN BOOK 7, PAGE 87 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOW:

BEGINNING at an iron pipe found in the Westerly line of Lot 3, Block 4, Brackenridge Heights as recorded in Volume 3, Page 133 of the Plat Records of Travis County, Texas, same being at the Southeasterly corner of Lot 12, Block 4, of said Brackenridge Heights for the Northeasterly corner of the herein described tract of land;

THENCE S 30° 01' 28" W with the Westerly line of said Lot 3 and Westerly line of Lot 2, Block 4 of said Brackenridge Heights, at 74.96 feet pass an iron pipe found at the Southwesterly corner of said Lot 2 common with an interior angle point of said Lot 1-A continuing through and across said Lot 1-A a totla distance of 124.76 feet to an iron rod set in the Northerly right-of-way line of Coleman Street (50' R.O.W.), same being in the Southerly line of said Lot 1-A for the Southeasterly corner of the herein described tract of land;

THENCE N 59° 52' 00" W (Bearing Basis) with the Northerly right-of-way line of said Coleman Street (50' R.O.W.) a distance of 50.00 feet to an iron rod set at the Southeasterly corner of Lot 7, Block 4, of said Brackenridge Heights for the Southwesterly corner of the herein described tract of land;

THENCE N 30° 09' 28" E with the Easterly line of said Lot 7 a distance of 124.49 feet to an iron rod set at the Northeasterly corner of said Lot 7 common with the Southeasterly corner of Lot 9, Block 4, Brinwood Section 1 as recorded in Book 3, Page 30 of the Plat Records of Travis County, Texas, same being at the Southwesterly corner of said Lot 12 for the Northwesterly corner of the herein described tract of land;

THENCE S 60° 10' 32" E with the Southerly line of said Lot 12 a distance of 49.71 feet to the Point-of-Beginning containing 0 14 Acre (6213 square feet) of land more or less

Mark C. Brown

MARK C. BROWN
R.P.L.S. No. 5059
JOB No. 09B34807

10-3-07

Date

The Bearing Basis for the herein described tract of land is the Southerly line of Lot 1-A which bears N 59° 52' 00" W.

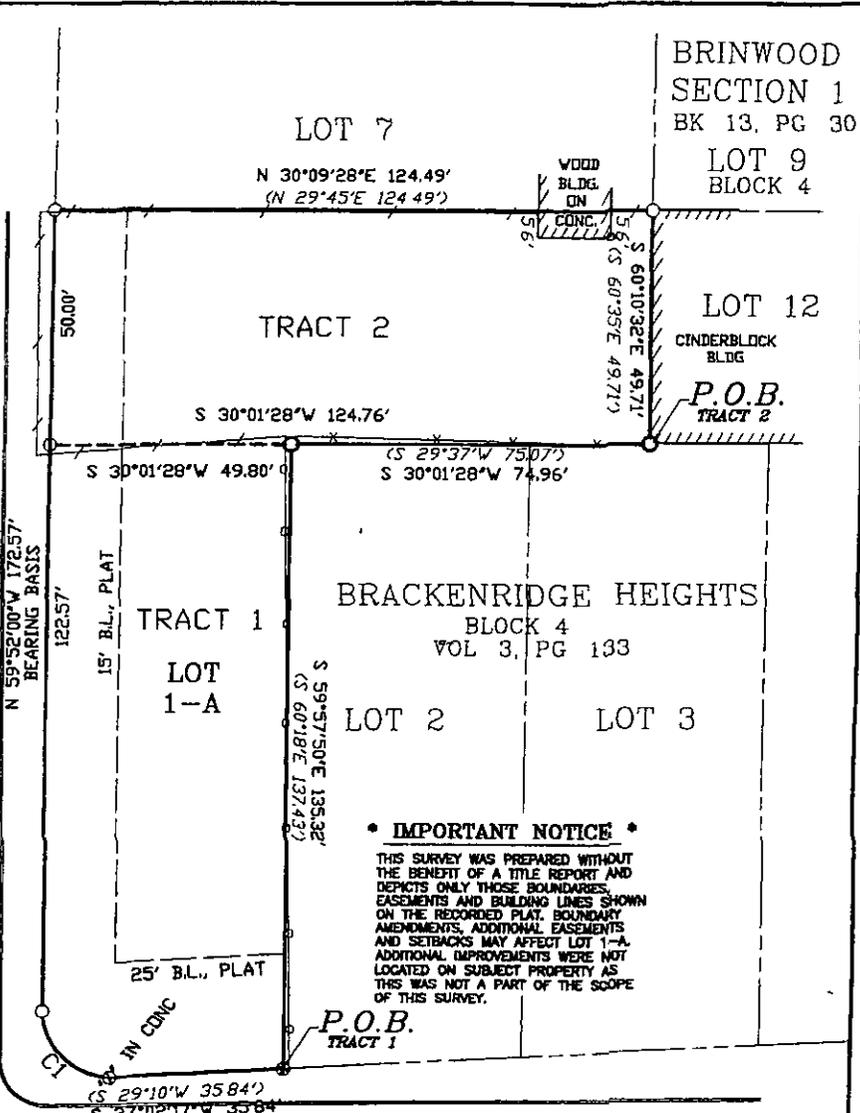
*611 South Congress - Suite 100 - Austin, Texas 78704
Telephone (512) 440-0071 *Fax (512) 440-0199*



SCALE 1"=30'

LEGEND

- WOOD FENCE
- CHAIN LINK FENCE
- WIRE FENCE
- IRON ROD SET W/ CAP
- SPINDLE FND
- IRON PIPE FND
- "X" SET IN CONC



*** IMPORTANT NOTICE ***
 THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DEPICTS ONLY THOSE BOUNDARIES, EASEMENTS AND BUILDING LINES SHOWN ON THE RECORDED PLAT. BOUNDARY AMENDMENTS, ADDITIONAL EASEMENTS AND SETBACKS MAY AFFECT LOT 1-A. ADDITIONAL IMPROVEMENTS WERE NOT LOCATED ON SUBJECT PROPERTY AS THIS WAS NOT A PART OF THE SCOPE OF THIS SURVEY.

3116 SOUTH CONGRESS AVENUE
 (R.O.W. VARIES)

SURVEYOR'S NOTES

() DENOTES RECORD INFORMATION
 ALL POINTS DOES NOT MAKE OR WARRANT ANY FLOOD ZONE DETERMINATION.
 SEE ATTACHED LEGAL DESCRIPTIONS - EXHIBIT "A" AND EXHIBIT "B"

Curve	Radius	Length	Chord	Chord Bear.
CI	15.00'	22.42'	20.39'	S 75°50'22" W
(C1)	(15.00')	(23.82')	(21.39')	(S 74°39' W)

LOT No SECTION: 1-A
 BLOCK: 4
 SUBDIVISION / ADDITION: RESUBDIVISION OF LOTS 1 & 8 BLK 4 BRACKENRIDGE HEIGHTS
 BACK: 70
 PHASE: -
 VOLUME: Page(s) 87
 COUNTY, TEXAS: PLAT RECORDS
 STREET ADDRESS: 3116 SOUTH CONGRESS AVENUE
 CITY: AUSTIN
 Reference: URBANE HOME CONSTRUCTION L.P.

Mark C. Brown



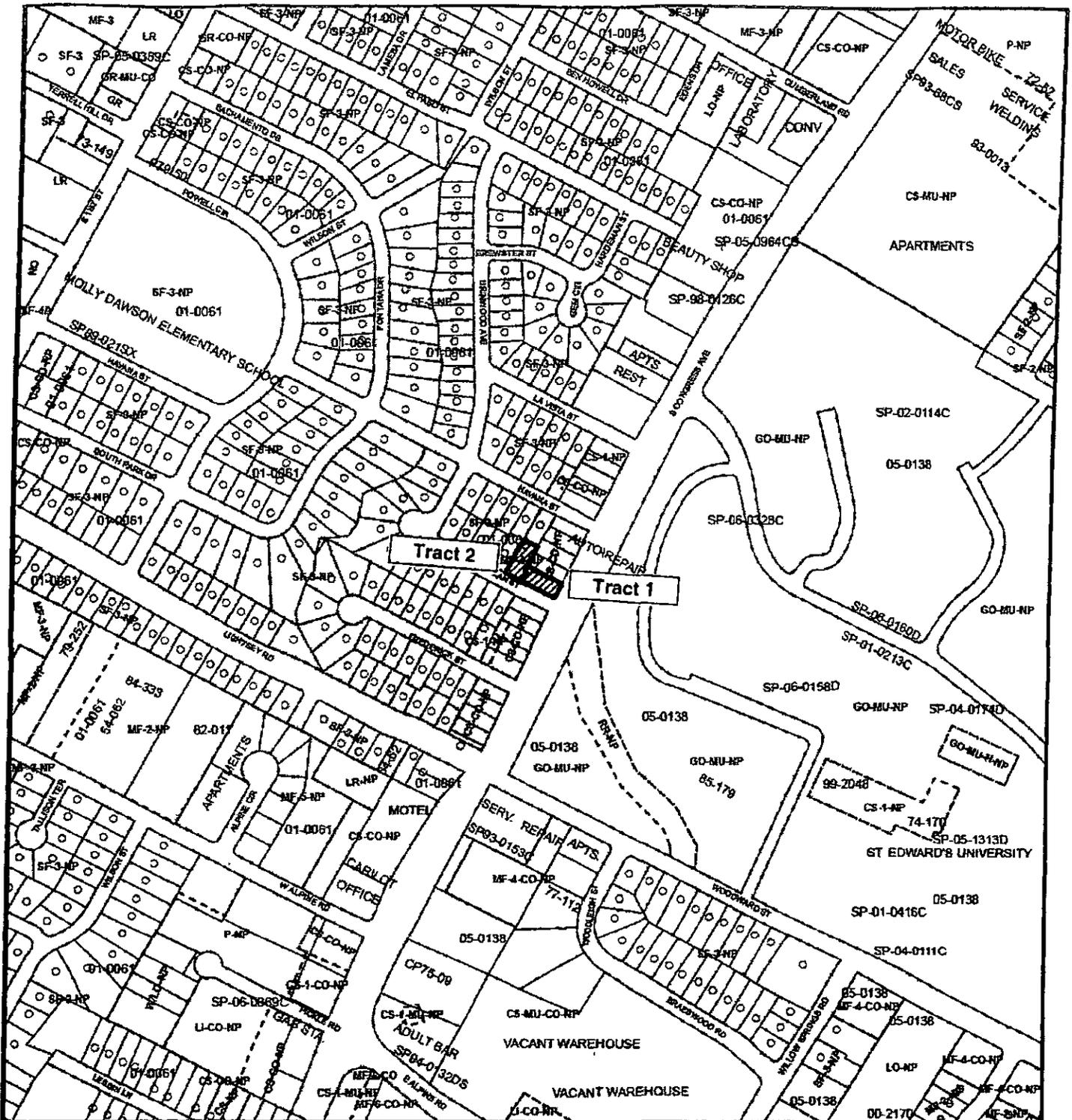
9-28-07



ALL POINTS SURVEYING
 611 SOUTH CONGRESS AVENUE - SUITE 100
 AUSTIN TX 78704
 TELE (512) 440-0071 - FAX (512) 440-0199

By		Date
FIELD WORK	WW	09-28-07
DRAFTING	GK	
FINAL CHECK	MCB	
CORRECTIONS		
UP DATE		

SURVEY DATE: 10-01-07
 TITLE CO: N.A.
 CF No: N.A.
 Job No: 09B34807
 SCALE: 1"=30'



ZONING EXHIBIT C



-  Subject Tract
-  Zoning Boundary
-  Pending Cases

ZONING CASE#: C14-2007-0222
 ADDRESS: 3116 S CONGRESS AVE
 SUBJECT AREA: 0.30 ACRES
 GRID: H19
 MANAGER: W. RHOADES



1" = 400' OPERATOR: S MEEKS

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