

**ORDINANCE NO. 20080320-045**

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

**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. C14-2007-0222, on file at the Neighborhood Planning and Zoning Department, as follows:

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

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

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

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

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

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

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

- A. 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.
- B. The following uses are prohibited uses of Tract One:

Adult oriented businesses  
Automotive rentals  
Automotive washing (of any type)  
Convenience storage  
Pawn shop services  
Vehicle storage

Automotive repair services  
Automotive sales  
Construction sales and services  
Liquor sales  
Service station

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

**PART 5.** This ordinance takes effect on March 31, 2008.

**PASSED AND APPROVED**

\_\_\_\_\_, March 20, 2008

§  
§  
§ \_\_\_\_\_  
Will Wynn  
Mayor

**APPROVED:** \_\_\_\_\_  
David Allan Smith  
City Attorney

**ATTEST:** \_\_\_\_\_  
Shirley A. Gentry  
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

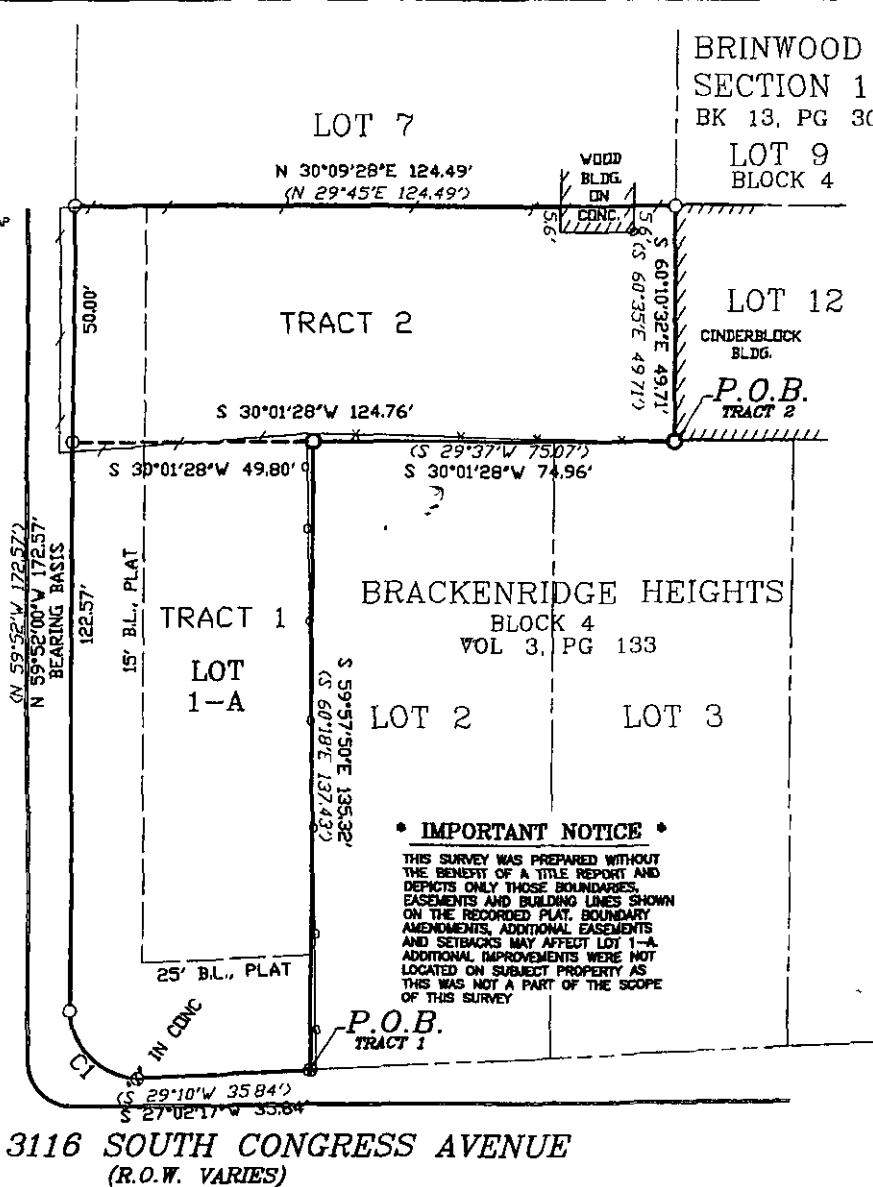


SCALE 1"=30'

LEGEND

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

COLEMAN STREET  
(50' R.O.W.)



• 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
(CI)	(15.00')	(23.82')	(21.39')	(S 74°39' W)

LOT No. 1-A BLOCK 4  
SECTION - PHASE -  
SUBDIVISION / ADDITION RESUBDIVISION OF LOTS 1 & 6 BLK 4 BRACKENRIDGE HEIGHTS  
Book 70 Page(s) 87 Cabinet - PLAT RECORDS  
Volume - Side -  
Street Address: 3116 SOUTH CONGRESS AVENUE  
CITY AUSTIN Reference: URBANE HOME CONSTRUCTION L.P.



ALL POINTS SURVEYING

611 SOUTH CONGRESS AVENUE - SUITE 100  
AUSTIN TX 78704

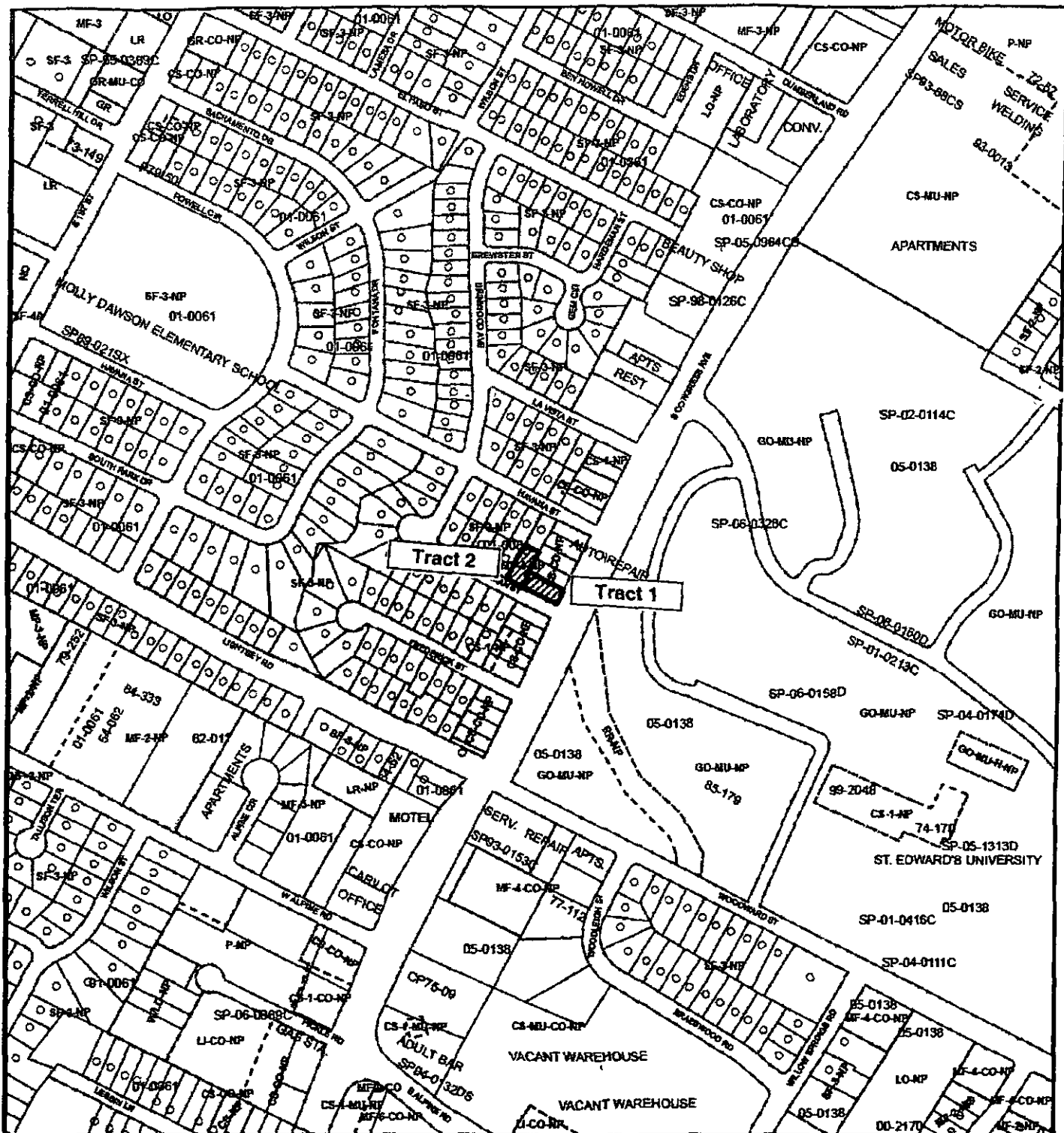
TELE (512) 440-0071 - FAX (512) 440-0199



9-28-07

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

SURVEY DATE: 10-01-07  
TITLE CO: N/A  
G.F. No: N/A  
Job No: 09834807  
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.