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”.

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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

David Allan Smith
City Attorney

Shirley A. Gentry
City Clerk
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 Southerly 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
R.P.L.S. No. 5059
JOB No. 09B34807

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.
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 total 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 Southerly 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 Northeast 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.
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.
**IMPORTANT NOTICE**

This survey was prepared without the benefit of a title report and depicts only those boundaries, dimensions and building lines shown on the recorded plat. Boundaries and dimensions are approximate and not intended to convey legal description. Additional improvements were not located on subject property at the time this survey was not a part of this scope of this survey.

SURVEYOR’S NOTES

( ) denotes recorded information

All points does not make or warrant any flood zone determination.

See attached legal descriptions -Exhibit "A" and Exhibit "B"

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**Table: Curves, Radii, Lengths, Chords, and Chord Bears**

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<th>Chord</th>
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**Lot No.: 1-A**

**Block:** 4

**Subdivision / Addition:** BRACKENRIDGE

**Volume:** 2

**Page:** 57

**Record:** Flat record

**Survey Address:** 3116 SOUTH CONGRESS AVENUE

**Reference:** URBAN HOME CONSTRUCTION LP

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**Signature:**

Mark C. Brown

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**ALL POINTS SURVEYING**

611 SOUTH CONGRESS AVENUE - SUITE 100

AUSTIN TX 78704

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