

ORDINANCE NO. _____

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 4206 CLAWSON ROAD AND 1700 FORT VIEW ROAD FROM FAMILY RESIDENCE (SF-3) DISTRICT AND COMMUNITY COMMERCIAL (GR) TO LIMITED OFFICE-CONDITIONAL OVERLAY (LO-CO) COMBINING DISTRICT FOR TRACT ONE AND COMMUNITY COMMERCIAL-CONDITIONAL OVERLAY (GR-CO) 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. C14-2008-0046, on file at the Neighborhood Planning and Zoning Department, as follows:

Tract One: From family residence (SF-3) district to limited office-conditional overlay (LO-CO) combining district.

A 0.21 acre tract of land, more or less, out of Block 48, Theodore Low Heights Subdivision, in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance; and,

Tract Two: From community commercial (GR) district to community commercial-conditional overlay (GR-CO) combining district.

A 0.32 acre tract of land, more or less, out of Block 48, Theodore Low Heights Subdivision, in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "B" incorporated into this ordinance (the "Property"),

locally known as 4206 Clawson Road and 1700 Fort View Road, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "C".

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

1 A. The following applies to Tract One.

2
3 1. The following uses are prohibited uses:

4
5

6 Bed & breakfast (Group 1)	Bed & breakfast (Group 2)
7 Administrative & business offices	Art gallery
8 Art workshop	Communications services
9 Professional office	Convalescent services
10 Counseling services	Day care services (commercial)
11 Day care services (general)	Day care services (limited)
12 Club or lodge	College & university facilities
13 Community recreation (public)	Community recreation (private)
14 Congregate living	Hospital services (limited)
15 Postal facilities	Residential treatment
16 Service station	Special use historic
17 Urban farm	Safety services
18 Medical offices (exceeding 5000	Medical offices (not exceeding 5000
19 sq.ft. gross floor area)	sq.ft. gross floor area)
20 Private primary educational	Private secondary educational facilities
21 facilities	Public primary educational facilities
22 Public secondary educational	
23 facilities	

24

- 25 2. A 25-foot wide undisturbed vegetative buffer shall be provided and
- 26 maintained along the north property line. Improvements permitted within the
- 27 buffer zone are limited to the sidewalk along Clawson Road, drainage,
- 28 underground utility improvements or those improvements that may be
- 29 otherwise required by the City of Austin or specifically authorized in this
- 30 ordinance.

31
32 B. The following applies to Tract Two.

33
34 1. The following uses are prohibited uses:

35

36 Bed & breakfast (Group 1)	Bed & breakfast (Group 2)
37 Automotive repair services	Automotive rentals
38 Automotive sales	Automotive washing (of any type)
39 Bail bond services	Business or trade school
40 Commercial off-street parking	Drop-off recycling collection facility

Exterminating services	Funeral services
Hotel-motel	Indoor sports & recreation
Off-site accessory parking	Outdoor entertainment
Outdoor sports & recreation	Pawn shop services
Restaurant (general)	Theater
Communication service facilities	Day care services (commercial)
Day care services (general)	Day care services (limited)
Club or lodge	College & university facilities
Community recreation (public)	Community recreation (private)
Community events	Congregate living
Hospital services (general)	Hospital services (limited)
Residential treatment	Service station
Special use historic	Urban farm
Private primary educational facilities	Private secondary educational facilities
Public secondary educational Facilities	Public primary educational facilities

2. A medical office use may not exceed 2500 square feet of gross floor area.
3. A building or structure may not exceed a height of two stories.
4. A building or structure may not exceed a height of 35 feet from ground level.

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 and other applicable requirements of the City Code.

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

PASSED AND APPROVED

_____ , 2008	§	_____
	§	
	§	
		Will Wynn
		Mayor

1 **APPROVED:** _____
2
3

David Allan Smith
City Attorney

ATTEST: _____

Shirley A. Gentry
City Clerk

HOLT CARSON INC.

1904 FORTVIEW ROAD
AUSTIN, TX 78704
TELEPHONE: (512) 442-0990
FACSIMILE: (512) 442-1084

AUGUST 15, 2007

TRACT 1

FIELD NOTE DESCRIPTION OF 0.21 ACRE OF LAND OUT OF BLOCK 48, THEODORE LOW HEIGHTS, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT OF RECORD IN VOLUME 445, PAGE 581 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF THAT CERTAIN (2.783 ACRE) TRACT CONVEYED TO OYSTER INVESTMENT CORPORATION IN WARRANTY DEED WITH VENDOR'S LIEN RECORDED IN VOLUME 11294, PAGE 532 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, AND ALSO BEING ALL OF THAT CERTAIN "TRACT ONE" CONVEYED TO M & K PROPERTIES, INC. IN DEED RECORDED IN VOLUME 5137, PAGE 1315 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING FOR REFERENCE at a ½" iron rod found at the point of intersection in the West right-of-way line of Clawson Road and the North right-of-way line of Fortview Road for the Southeast corner of that certain (2.783 acre) tract conveyed to Oyster Investment Corporation in Warranty Deed with Vendor's Lien recorded in Volume 11294, Page 532 of the Real Property Records of Travis County, Texas, and also being the Southeast corner of that certain "Tract Two" conveyed to M & K Properties, Inc. in deed recorded in Volume 5137, Page 1315 of the Deed Records of Travis County, Texas, and also being the Northeast corner of that certain Easement and Right-of-way for Street Purposes conveyed to the City of Austin in deed recorded in Volume 1830, Page 80 of the Deed Records of Travis County, Texas, and from which a ½" iron rod found for an angle corner of said Oyster Investment Corporation (2.783 acre) tract, and also being the Southwest corner of said M & K Properties, Inc. ("Tract Two") tract, bears N58 deg. 50' 20" W 154.08 ft.

THENCE with the West right-of-way line of Clawson Road and the East line of said Oyster Investment Corporation (2.783 acre) tract and said M & K Properties, Inc. ("Tract Two") tract, N 30 deg. 28' 55" E 89.92 ft. to a ½" iron pipe found for the Northeast corner of said M & K Properties, Inc. ("Tract Two") tract, and being the Southeast corner of that certain "Tract One" conveyed to M & K Properties, Inc. by said deed recorded in Volume 5137 Page 1315 of the Deed Records of Travis County, Texas, and being the Southeast corner and PLACE OF BEGINNING of the herein described tract;

EXHIBIT A

page 2 of 2
(0.21 Acre)

THENCE leaving the West right-of-way line of Clawson Road and crossing the interior of said Oyster Investment Corporation (2.783 acre) tract and with the common line of said M & K Properties, Inc. "Tract One" and "Tract Two", N 58 deg. 50' 00" W 153.97 ft. to a ½" iron rod set with a plastic cap imprinted with "Holt Carson Inc." in the East line of that certain (0.255 acre) tract conveyed to Terry Sayther and Deborah Stuart in Special Warranty Deed with Vendor's Lien recorded in Document No. 2006189339 of the Official Public Records of Travis County, Texas for the Southwest corner of said M & K Properties, Inc. ("Tract One") tract, and being the Northwest corner of said M & K Properties ("Tract Two") tract, and being the Southwest corner of this tract, and from which a ½" iron rod found bears N 27 deg. 09' 11" E 1.54 ft.;

THENCE with the East line of said Sayther and Stuart (0.255 acre) tract and the West line of said M & K Properties, Inc. ("Tract One") tract, N 30 deg. 33' 12" E 59.99 ft. to a ½" iron pipe found for the Northeast corner of said Sayther and Stuart (0.255 acre) tract, and being the Northwest corner of said M & K Properties, Inc. ("Tract One") tract, and being the Northwest corner of this tract;

THENCE with the North Line of said M & K Properties, Inc. ("Tract One"), S 58 deg. 50' 25" E 153.81 ft. to a ½" iron pipe found in the West right-of-way line of Clawson Road for the Southeast corner of that certain tract of land conveyed to Vivian K. Smith in Warranty Deed with Vendor's Lien recorded in Volume 6862, Page 2170 of the Deed Records of Travis County, Texas, and also being the Northeast corner of said M & K Properties, Inc. ("Tract One") tract, and also being the Northeast corner of this tract, and from which a ½" iron rod found for the Northeast of that certain tract of land conveyed to Rick C. Anderson in Warranty Deed with Vendor's Lien in Document No. 2006117262 of the Official Public Records of Travis County, Texas, bears N 30 deg. 35' 01" E 154.94 ft.;

THENCE with the West right-of-way line of Clawson Road and the East line of said Oyster Investment Corporation (2.783 acre) tract and the East line of said M & K Properties, Inc. ("Tract One") tract, S 30 deg. 12' 45" W 60.01 ft. to the PLACE OF BEGINNING, containing 0.21 acre of land.

Surveyed: August 6, 2007

BY:



Holt Carson
Registered Professional Land Surveyor No. 5166



see survey plat A 806006

HOLT CARSON INC.

1904 FORTVIEW ROAD

AUSTIN, TX 78704

TELEPHONE: (512) 442-0990

FACSIMILE: (512) 442-1084

AUGUST 15, 2007

TRACT Z

FIELD NOTE DESCRIPTION OF 0.32 ACRE OF LAND OUT OF BLOCK 48, THEODORE LOW HEIGHTS, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT OF RECORD IN VOLUME 445, PAGE 581 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF THAT CERTAIN (2.783 ACRE) TRACT CONVEYED TO OYSTER INVESTMENT CORPORATION IN WARRANTY DEED WITH VENDOR'S LIEN RECORDED IN VOLUME 11294, PAGE 532 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING ALL OF THAT CERTAIN "TRACT TWO" CONVEYED TO M & K PROPERTIES, INC. IN DEED RECORDED IN VOLUME 5137, PAGE 1315 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½" iron rod found at the point of intersection in the West right-of-way line of Clawson Road and the North right-of-way line of Fortview Road for the Southeast corner of that certain (2.783 acre) tract conveyed to Oyster Investment Corporation in Warranty Deed with Vendor's Lien recorded in Volume 11294, Page 532 of the Real Property Records of Travis County, Texas, and also being the Southeast corner of that certain "Tract Two" conveyed to M & K Properties, Inc. in deed recorded in Volume 5137, Page 1315 of the Deed Records of Travis County, Texas, and also being the Northeast corner of that certain Easement and Right-of-way for Street Purposes conveyed to the City of Austin in deed recorded in Volume 1830, Page 80 of the Deed Records of Travis County, Texas, and being the Southeast corner and **PLACE OF BEGINNING** of the herein described tract;

THENCE with the North right-of-way line of Fortview Road and the North line of said City of Austin tract and with the South line of said Oyster Investment Corporation (2.783 acre) tract and said M & K Properties, Inc. ("Tract Two") tract, **N 58 deg. 50' 20" W 154.08 ft.** to a ½" iron rod found for an angle corner of said Oyster Investment Corporation (2.783 acre) tract, and also being the Southwest corner of said M & K Properties ("Tract Two") tract, and also being an angle corner of that certain (0.255 acre) tract conveyed to Terry Sayther and Deborah Stuart in Special Warranty Deed with Vendor's Lien recorded in Document No. 2006189339 of the Official Public Records of Travis County, Texas, and being the Southwest corner of this tract;

EXHIBIT B

page 2 of 2
(0.32 Acre)

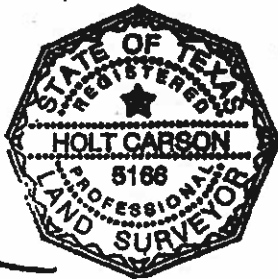
THENCE leaving the North right-of-way line of Fortview Road, and crossing the interior of said Oyster Investment Corporation (2.783 acre) tract, and with the common line of said M & K Properties, Inc. ("Tract Two") tract and said Sayther and Stuart (0.255 acre) tract, N 30 deg. 33' 12" E 89.93 ft. to a ½" iron rod set with a plastic cap imprinted with "Holt Carson Inc." for the Northwest corner of said M & K Properties, Inc. ("Tract Two") tract and for the Southwest corner of that certain tract of land described as "Tract One" and as conveyed to M & K Properties, Inc. by said deed recorded in Volume 5137 Page 1315 of the Deed Records of Travis County, Texas, same being the Northwest corner of this tract, and from which a ½" iron rod found bears N 27 deg. 09' 11" E 1.54' ft.;

THENCE continuing in the interior of said Oyster Investment Corporation (2.783 acre) tract, and with the common line of said M & K Properties, Inc. "Tract One" and "Tract Two", S 58 deg. 50' 00" E 153.97 ft. to a ½" iron pipe found in the West right-of-way line of Clawson Road for the Northeast corner of said M & K Properties, Inc. "Tract Two" and for the Southeast corner of said M & K Properties, Inc. "Tract One", and being the Northeast corner of this tract;

THENCE with the West right-of-way line of Clawson Road and the East line of said Oyster Investment Corporation (2.783 acre) tract and said M & K Properties, Inc. ("Tract Two") tract, S 30 deg. 28' 55" W 89.92 ft. to the Place of Beginning, containing 0.32 acre of land.

Surveyed: August 6, 2007

BY:

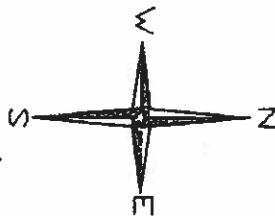


Holt Carson
Registered Professional Land Surveyor No. 5166

see survey plat A 806006

SCALE 1' = 20'

Appendix

[illegible][illegible]

Basile Alvir
Document No. 2002087042

Doc. C. returned
document to office of Lot 48.

Reported Attorney &
Sharon Attorney &
Volume 1185 Page 187
Documents in connection
with the above

THEODORE LOW HEIGHTS
VOLUME 445 PAGE 581

Terry Seyther and Deborah Stuart
(0.203 acre)
Document No. 2006187308

(N30°31'40"E 160.01')
per Doc.No. 200818233
N30°33'12"E 149.82'
19.03'

on road found
used bore
17.12' 134'

Investment
780
11294

Corporate

TRACT 2
0.98 ACRES SURVEYED

1

A CERTAIN PORTION OF RECORDS IN VOLUME 4 OF RECORDS OF TRANS COURTS CONNECTED TO OYSTER MARKET WARRANTY DEED WITH VENDOR'S RECORDS OF TRANS COURTS VOLUME 11284, PAGE 5350 ALL OF THAT CERTAIN TRACT, PROPERTIES, INC., IN DEEDS PAGE 1315 OF THE DEED

ITY, TEXAS, AND BEING A (2.703 ACRES) TRACT INVESTMENT CORPORATION IN LANDLORD'S LIEN RECORDED IN 1 OF THE REAL PROPERTY COUNTY, TEXAS, AND ALSO BEING A TRACT TWO" CONNECTED TO A RECORDED IN VOLUME 511 RECORDS OF TRANS COUNTY.

TRACT 2: 0.32 ACRE OF LAND OUT OF BLOCK 48, THEODORE LOW HEIGHTS, A SUBDIVISION IN TARRANT COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT OF RECORD IN VOLUME 445, PAGE 581 OF THE DEED RECORDS OF TARRANT COUNTY, TEXAS, AND BEING A PORTION OF THAT CERTAIN 3.765 ACRES TRACT CONVEYED TO OSTER INVESTMENT CORPORATION IN WARRANTY DEED WITH VENDOR'S LIEN RECORDED IN VOLUME 11284, PAGE 532 OF THE REAL PROPERTY RECORDS OF TARRANT COUNTY, TEXAS, AND ALSO BEING ALL OF THAT CERTAIN TRACT TWO" CONVEYED TO M & PROPERTIES, INC. IN DEED RECORDED IN VOLUME 5137, PAGE 1315 OF THE DEED RECORDS OF TARRANT COUNTY, TEXAS.

LOCATED AT 1700 FORTWORTH ROAD.

see accompanying field note descriptions

U.S. MAIL PERMIT NO. 100
NEW YORK, N.Y.

THE COUNTY OF TRAVIS

[illegible]

三

Mark Carlson
 Registered Professional Land Surveyor No. 5166
 H.L.T. Carlson, Inc.
 1304 Forvive Road Austin, Texas 78704
 (512)-442-0790

