

**ORDINANCE NO. 20080724-113**

**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 1313 AND 1315 SOUTH CONGRESS AVENUE IN THE FAIRVIEW PARK NCCD SUBDISTRICT OF THE SOUTH RIVER CITY NEIGHBORHOOD PLAN AREA FROM GENERAL COMMERCIAL SERVICES-VERTICAL MIXED USE BUILDING-NEIGHBORHOOD CONSERVATION-NEIGHBORHOOD PLAN (CS-V-NCCD-NP) COMBINING DISTRICT TO COMMERCIAL LIQUOR SALES-VERTICAL MIXED USE BUILDING-CONDITIONAL OVERLAY-NEIGHBORHOOD CONSERVATION-NEIGHBORHOOD PLAN (CS-1-V-CO-NCCD-NP) 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 district from general commercial services-vertical mixed use building-neighborhood conservation-neighborhood plan (CS-V-NCCD-NP) combining district to commercial liquor sales-vertical mixed use building-conditional overlay-neighborhood conservation-neighborhood plan (CS-1-V-CO-NCCD-NP) combining district on the property described in Zoning Case No C14-2008-0093, on file at the Neighborhood Planning and Zoning Department, as follows

Tract One A 0.055 acre (2,409 square feet) tract of land, more or less, out of the Isaac Decker League 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 A 0.04 acre (1,712 square feet) tract of land, more or less, out of Lot 2, Block 9, Fairview Park Addition, Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance (the "Property"),

locally known as 1313 and 1315 South Congress Avenue, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B"

**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 the commercial liquor sales (CS-1) base district 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 The following uses are prohibited uses of Tract One and Tract Two

Adult-oriented businesses	Automobile rentals
Automotive repair services	Automotive sales
Automotive washing (of any type)	Service station
Vehicle storage	

B The following applies to Tract Two

A liquor sales use may not exceed 1700 square feet gross floor area

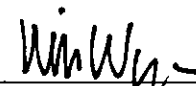
**PART 4.** The Property is subject to Ordinance No 20050929-Z003, as amended, that established the South River City neighborhood plan combining district and Ordinance No. 860807-H, as amended, that established the Fairview Park neighborhood conservation combining district

**PART 5.** This ordinance takes effect on August 4, 2008


**PASSED AND APPROVED**

July 24, 2008


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§

  
Will Wynn  
Mayor

APPROVED:

  
David Allan Smith  
City Attorney

ATTEST:

  
Shirley A. Gentry  
City Clerk



American Surveying Company  
of Austin

TRACT 1 - EXHIBIT A  
FIELD NOTE DESCRIPTION

FIELD NOTES DESCRIBING 2,409 SQUARE FEET (0.055 ACRES) OF LAND OUT OF THE ISAAC DECKER LEAGUE SITUATED IN TRAVIS COUNTY, TEXAS, BEING PART OF LOT 2, BLOCK 9, OF THE SUBDIVISION OF BLOCK 9, FAIRVIEW PARK, A SUBDIVISION IN THE CITY OF AUSTIN, TEXAS, OF RECORD IN VOLUME 1, PAGE 44, PLAT RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING THAT SAME TRACT OF LAND CONVEYED TO MARTIN W. SHULER AND WIFE, MABELLE SHULER FROM MORIN SCOTT, AS DESCRIBED IN VOLUME 5570, PAGE 1645, DEED RECORDS OF TRAVIS COUNTY, TEXAS, SAID 2,409 SQUARE FEET OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS

BEGINNING at a point in the west line of said Lot 2, same being the east right-of-way line of South Congress Avenue (120 feet wide right-of-way) for the northwest corner hereof, said point being in the west face of a masonry wall of an existing building (known as the Pate Building) and being the approximate center of the intersection of a party wall with said north face of said masonry wall, from which an iron pipe found at a building corner in the approximate south right-of-way line of an eighty feet wide unnamed street bears N 19°00' E a distance of 25.72 feet,

THENCE leaving said right-of-way line S 71°16' E with the approximate center of said party wall a distance of 71.91 feet to a point on the face of the east wall of said building, being the west line of The Circle (a street of varying width) for the northeast corner hereof, from which a 1/2 inch iron rod found bears S 04°04' E a distance of 26.40 feet,

THENCE with the east wall of said building, being the west line of The Circle, S 04°04' E a distance of 33.91 feet to a point on said wall for the southeast corner hereof, said point being at the approximate center of the intersection of a party wall with said east wall,

THENCE with the approximate center of said party wall N 71°16' W a distance of 85.18 feet to a point in said west face of said masonry wall and being in the east right-of-way line of said South Congress Avenue for the southwest corner hereof,

THENCE with the north face of said masonry wall, being the east right-of-way line of said South Congress Avenue, N 00°19' E a distance of 30.00 feet to the PLACE OF BEGINNING and containing 2,409 square feet of land. Bearings herein are oriented to the centerline of South Congress Avenue as shown on City of Austin strip map R-13. These field notes to accompany a sketch of the are herein described.

*William D. O'Hara*

Date 5-23-95

William D. O'Hara  
Registered Professional Land Surveyor No. 4878

J.O. #5R8195

ALL POINTS SURVEYING, INC.

TRACT Z "EXHIBIT A"

**LEGAL DESCRIPTION OF A 0.04 (1712 SQUARE FEET) TRACT OF LAND  
BEING A PORTION OF LOT 2, BLOCK 9, FAIRVIEW PARK ADDITION TO  
THE CITY OF AUSTIN AS RECORDED IN BOOK 1, PAGE 44 OF THE PLAT  
RECORDS OF TRAVIS COUNTY, TEXAS AND BEING MORE  
PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**BEGINNING** at an "X" found in concrete in the Easterly right-of-way line of Congress Avenue (R O W varies), same being in the Southerly right-of-way line of an 80 foot right-of-way street for the POINT-OF-BEGINNING of the herein described tract of land,

THENCE S 71° 01' 58" E with the Southerly right-of-way line of said 80 foot right-of-way street a distance of 61.60 feet to a ½" iron rod found in the Southerly right-of-way line of said 80 foot right-of-way street, same being in the Westerly right-of-way line of The Circle for the Northeasterly corner of the herein described tract of land,

THENCE S 09° 25' 00" (Bearing Basis) with the Westerly right-of-way line of said The Circle a distance of 28 45 feet to an "X" found in concrete in the Westerly right-of-way line of said The Circle, same being the Northeasterly corner of a 2409 square feet tract of land conveyed to Mabelle Shuler a k a Mabelle Willeford Shuler out of said Lot 2 as recorded in Volume 12943, Page 1110 of the Real Property Records of Travis County, Texas for the Southeasterly corner of the herein described tract of land;

THENCE N 71° 02' 53" W with the Northerly line of said 2409 square feet tract of land a distance of 75.12 feet to a point in the Easterly line of said Congress Avenue (R O W varies) for the Southwesterly corner of the herein described tract of land,

THENCE N 18° 57' 07" E with the Easterly right-of-way line of said Congress Avenue (R.O W varies) a distance of 25 05 feet to the POINT-OF-BEGINNING containing 0 04 acre (1712 square feet) of land more or less

*Mark C Brown*

MARK C BROWN  
R P L S No 5059  
JOB No 04B20408

*4-14-08*  
Date

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