

ORDINANCE NO. _____

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 9609 SWANSON'S RANCH ROAD FROM SINGLE FAMILY RESIDENCE STANDARD LOT (SF-2) DISTRICT TO GENERAL OFFICE-CONDITIONAL OVERLAY (GO-CO) 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 single family residence standard lot (SF-2) district to general office-conditional overlay (GO-CO) combining district on the property described in Zoning Case No. C14-2008-0052, on file at the Neighborhood Planning and Zoning Department, as follows:

Lot 6, Resubdivision of a Portion of Lot 3, Swanson's Ranchettes No. 2 Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Volume 19, Page 38, of the Plat Records of Travis County, Texas (the "Property"),

locally known as 9609 Swanson's Ranch Road, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "A".

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

A. Development of the Property shall comply with the following regulations:

- 1) The maximum building coverage is 35 percent.
- 2) The maximum impervious cover is 60 percent.
- 3) The maximum height is 35 feet from ground level.
- 4) The maximum height is two stories.
- 5) The maximum floor to area ratio (FAR) is 0.35 to 1.0.

1 B. A site plan or building permit for the Property may not be approved, released, or
2 issued, if the completed development or uses of the Property, considered cumulatively
3 with all existing or previously authorized development and uses, generate traffic that
4 exceeds 150 trips per day.

5
6 C. All parking shall be located on-site.

7
8 D. The following uses are prohibited uses of the Property:

9
10 Business or trade school Business support services
11 Convalescent services Club or lodge
12 Commercial off-street parking Cultural services
13 Guidance services Hospital services (limited)
14 Printing and publishing Restaurant (limited)
15 Medical offices (exceeding 5000 sq. ft. of gross floor area)
16 Medical offices (not exceeding 5000 sq. ft. of gross floor area)
17

18 E. The following uses are conditional uses of the Property:

19
20 College and university facilities Congregate living
21 Group home, Class II Private secondary educational facilities
22

23 Except as specifically restricted under this ordinance, the Property may be developed and
24 used in accordance with the regulations established for the general office (GO) base
25 district, and other applicable requirements of the City Code.
26

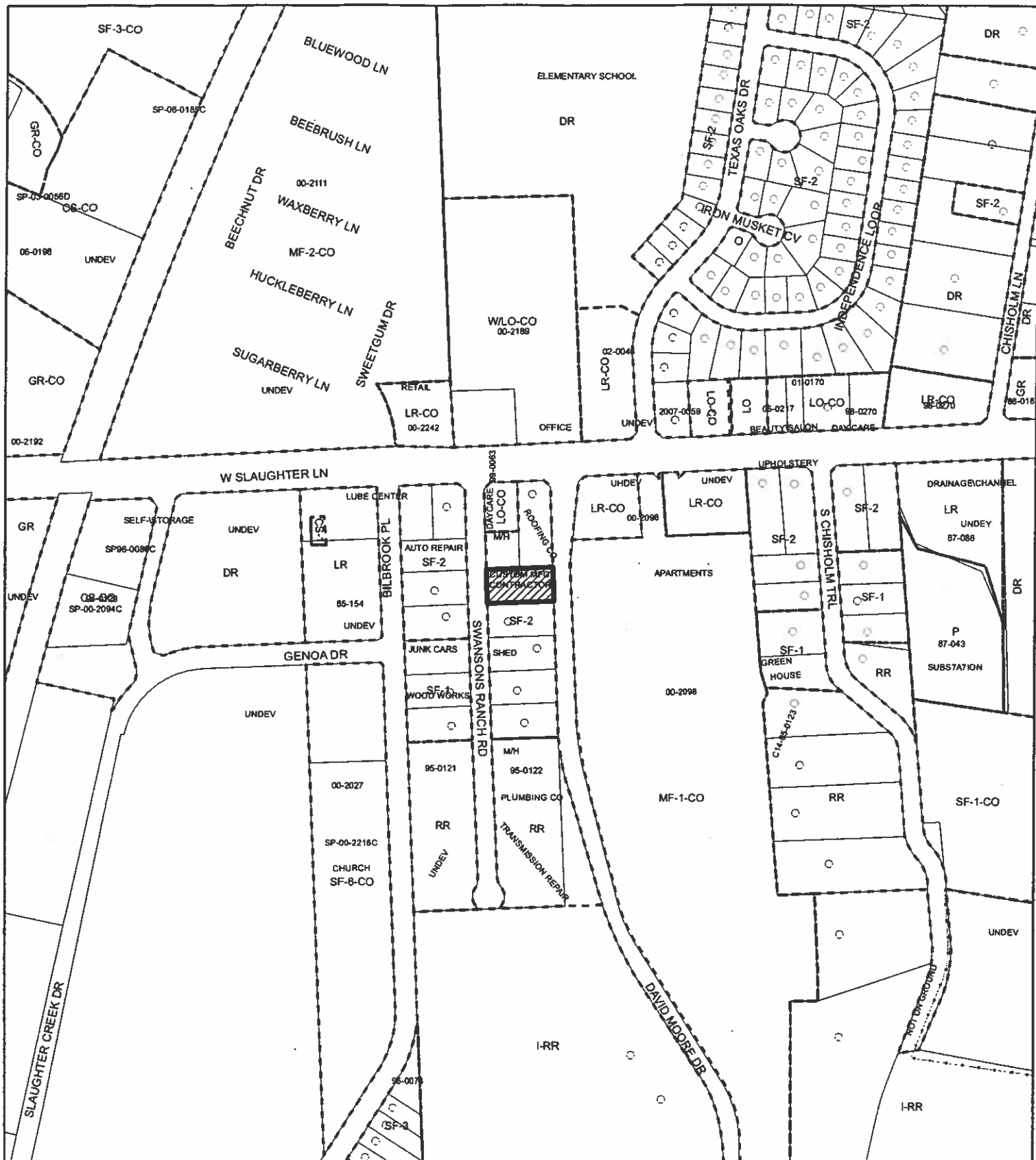
27 **PART 3.** This ordinance takes effect on _____, 2008.

28
29 **PASSED AND APPROVED**

30
31 §
32 §
33 _____, 2008 § _____

34 Will Wynn
35 Mayor
36

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



ZONING EXHIBIT A



-  SUBJECT TRACT
-  ZONING BOUNDARY
-  PENDING CASE

ZONING CASE#: C14-2008-0052
 ADDRESS: 9609 SWANSONS RANCH RD
 SUBJECT AREA: 0.517 ACRES
 GRID: E14
 MANAGER: W. RHOADES

OPERATOR: S. MEEKS

1" = 400'

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



RESTRICTIVE COVENANT

OWNER: T.J. GREANEY

ADDRESS: 9508 Chisholm Trail, Austin, Texas 78748

CONSIDERATION: Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and sufficiency of which is acknowledged.

PROPERTY: Lot 6, Resubdivision of a Portion of Lot 3, Swanson's Ranchettes No. 2 Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Volume 19, Page 38, of the Plat Records of Travis County, Texas.

WHEREAS, the Owner of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions;

NOW, THEREFORE, it is declared that the Owner of the Property, for the consideration, shall hold, sell and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant. These covenants and restrictions shall run with the land, and shall be binding on the Owner of the Property, its heirs, successors, and assigns.

1. Development on the Property is subject to the recommendations contained in the Neighborhood Traffic Analysis memorandum from the Transportation Review Section of the Watershed Protection and Development Review Department, dated June 11, 2008.
2. If any person or entity shall violate or attempt to violate this agreement and covenant, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such agreement or covenant, to prevent the person or entity from such actions, and to collect damages for such actions.
3. If any part of this agreement or covenant is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full effect.
4. If at any time the City of Austin fails to enforce this agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.
5. This agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, and (b) by the owner(s) of the Property subject to the modification, amendment or termination at the time of such modification, amendment or termination.

EXECUTED this the _____ day of _____, 2008.

OWNER:

T. J. GREANEY

APPROVED AS TO FORM:

Assistant City Attorney
City of Austin

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the _____ day of _____, 2008, by T. J. Greaney.

Notary Public, State of Texas

After Recording, Please Return to:
City of Austin
Department of Law
P. O. Box 1088
Austin, Texas 78767-1088
Attention: Diana Minter, Paralegal