**ORDINANCE NO. _____**

**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 800 WEST AVENUE FROM GENERAL OFFICE (GO) DISTRICT TO DOWNTOWN MIXED USE-CONDITIONAL OVERLAY (DMU-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 general office (GO) district to downtown mixed use-conditional overlay (DMU-CO) combining district on the property described in Zoning Case No. C14-2007-0144, on file at the Neighborhood Planning and Zoning Department, as follows:

> A 0.204 acre tract of land, and a 1.061 acre tract of land, more or less, out of Outlot 1 and Outlot 2, Division E, of the Governmental Outlots, Original City of Austin, the tracts of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance (the "Property"),

locally known as 800 West Avenue, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

**PART 2.** 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 maximum impervious cover is 75 percent.

C. The existing structure on the Property may be used for any use permitted under downtown mixed use (DMU) uses. For a new structure built to a height of 60 feet or greater, the uses allowed are limited to permitted DMU residential uses.

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the downtown mixed use (DMU) base district, and other applicable requirements of the City Code.

**PART 3.** This ordinance takes effect on _____, 2009.

**PASSED AND APPROVED**

§
§
_____, 2009 § _____
Will Wynn
Mayor

**APPROVED:** _____ **ATTEST:** _____
David Allan Smith
City Attorney

Shirley A. Gentry
City Clerk

0.204 ACRES
CYPRESS REAL ESTATE
TRACT 1

FN NO. 07-084(MJJ)
FEBRUARY 13, 2007
BPI JOB NO. 1469-06.92

**DESCRIPTION**

OF 0.204 ACRES OF LAND BEING A PORTION OF OUTLOT 1, DIVISION "E" OF THE GOVERNMENTAL OUTLOTS ADJOINING THE ORIGINAL CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP ON FILE AT THE GENERAL LAND OFFICE OF THE STATE OF TEXAS; BEING THAT SAME 8,905 SQUARE FOOT TRACT OF LAND CONVEYED TO JOSEPH T. WELLS BY DEED OF RECORD IN VOLUME 9413, PAGE 288 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.204 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING**, at an iron pipe found in the westerly line of West Avenue (R.O.W. varies), being the most easterly southeast corner of that certain 1.050 acre tract of land conveyed to Joseph T. Wells by deed of record in Volume 11536, Page 1059 of said Real Property Records, for the northeasterly corner hereof;

**THENCE**, S19°05'37"W, along the westerly line of West Avenue, being the easterly line of said 8,905 square foot tract, for the easterly line hereof, a distance of 65.01 feet to an iron pipe found at the northeasterly corner of Lot 5 Robinson's Subdivision, a subdivision of record in Volume 354, Page 226 of the Deed Records of Travis County, Texas, being the southeasterly corner of said 8,905 square foot tract, for the southeasterly corner hereof;

**THENCE**, N70°30'35"W, leaving the westerly line of West Avenue, along a portion of the northerly line of said Lot 5, being the southerly line of said 8,905 square foot tract, for the southerly line hereof, a distance of 136.84 feet to a 1/2 inch iron rod found at the most southerly southeast corner of said 1.050 acre tract, being the southwesterly corner of said 8,905 square foot tract, for the southwesterly corner hereof;

**THENCE**, N18°55'33"E, leaving the northerly line of said Lot 5, along a portion of the irregular easterly line of said 1.050 acre tract, being the westerly and northerly lines of said 8,905 square foot tract, for the westerly and northerly lines hereof, the following two (2) courses and distances:

1) N18°55'33"E, a distance of 65.05 feet to a cotton spindle found for the northwesterly corner of said 8,905 square foot tract, for the northwesterly corner hereof;

2) S70°29'42"E, a distance of 137.04 feet to the **POINT OF BEGINNING**, containing an area of 0.204 acres (8,905 sq. ft.) of land, more or less, within these metes and bounds.

I, MARK J. JEZISEK, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE PROPERTY DESCRIBED HEREIN WAS DETERMINED BY A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION.

2/13/07

MARK J. JEZISEK
R.P.L.S. NO. 5267
STATE OF TEXAS

STATE OF TEXAS
REGISTERED
MARK JERRY JEZISEK
5267
PROFESSIONAL
LAND SURVEYOR

BURY & PARTNERS, INC.
ENGINEERS-SURVEYORS
3345 BEE CAVE ROAD, SUITE 200
AUSTIN, TEXAS 78746

1.061 ACRES
CYPRESS REAL ESTATE
TRACT 2

FN NO. 07-085(MJJ)
FEBRUARY 13, 2007
BPI JOB NO. 1469-06.92

**DESCRIPTION**

OF 1.061 ACRES OF LAND BEING A PORTION OF OUTLOT 1 AND OUTLOT 2, DIVISION "E" OF THE GOVERNMENTAL OUTLOTS ADJOINING THE ORIGINAL CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP ON FILE AT THE GENERAL LAND OFFICE OF THE STATE OF TEXAS; BEING THAT SAME 1.050 ACRE TRACT OF LAND CONVEYED TO JOSEPH T. WELLS BY DEED OF RECORD IN VOLUME 11536, PAGE 1059 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 1.061 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING**, at an iron pipe found in the westerly line of West Avenue (R.O.W. varies), being the northeasterly corner of that certain 8,905 square foot tract of land conveyed to Joseph T. Wells by deed of record in Volume 9413, Page 288 and the most easterly southeast corner of said 1.050 acre tract, for the most easterly southeast corner hereof;

**THENCE**, leaving the westerly line of West Avenue, along the northerly and westerly lines of said 8,905 square foot tract, being a portion of the easterly line of said 1.050 acre tract, for a portion of the easterly line hereof, the following two (2) courses and distances:

1) N70°29'42"W, a distance of 137.04 feet to a cotton spindle found at the northwesterly corner of said 8,905 square foot tract, for an angle point hereof;

2) S18°55'33"W, a distance of 65.05 feet to a 1/2 inch iron rod found in the northerly line of Lot 5 Robinson's Subdivision, a subdivision of record in Volume 354, Page 226 of the Deed Records of Travis County, Texas, being the southwesterly corner of said 8,905 square foot tract and the most southerly southeast corner of said 1.050 acre tract, for the most southerly southeast corner hereof;

**THENCE**, N70°30'35"W, along a portion of the northerly line of said Lot 5, being the southerly line of said 1.050 acre tract, for the southerly line hereof, passing at a distance of 200.19 feet a cotton spindle found and continuing for a total distance of 265.22 feet to a point at or near the centerline of Shoal Creek, for the southwesterly corner hereof;

**THENCE**, N13°11'10"W, along a line at or near the center of Shoal Creek, being a portion of the westerly line hereof, a distance of 77.25 feet to an angle point;

**THENCE**, S70°24'10"E, leaving the center of Shoal Creek, along a portion of the westerly line hereof, a distance of 37.96 feet to a 1/2 inch iron rod found near the easterly bank of Shoal Creek, for an angle point hereof;

**THENCE**, N02°46'47"W, along the easterly bank of Shoal Creek, being a portion of the westerly line hereof, a distance of 72.70 feet to a 1/2 inch iron rod found at the southwesterly corner of that certain tract of land conveyed to Montwalk Holdings, Ltd. by deed of record in Volume 12555, Page 1253 of said Real Property Records, being the northwesterly corner of said 1.050 acre tract, for the northwesterly corner hereof;

**THENCE**, S70°10'56"E, along the southerly line of said Montwalk Holdings, Ltd. tract, being the northerly line of said 1.050 acre tract, for the northerly line hereof, a distance of 432.91 feet to a 1/2 inch iron rod found in the westerly line of West Avenue, being the southeasterly corner of said Montwalk Holdings, ltd. tract and the northeasterly corner of said 1.050 acre tract, for the northeasterly corner hereof, from which a 1/2 inch iron rod found bears, S16°17'25"E, a distance of 1.58 feet;

**THENCE**, S19°28'51"W, along the westerly line of West Avenue, being the most easterly line of said 1.050 acre tract, for the most easterly line hereof, a distance of 64.74 feet to the **POINT OF BEGINNING**, containing an area of 1.061 acres (46,212 sq. ft.) of land, more or less, within these metes and bounds.

I, MARK J. JEZISEK, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE PROPERTY DESCRIBED HEREIN WAS DETERMINED BY A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION.

BURY & PARTNERS, INC.
ENGINEERS-SURVEYORS
3345 BEE CAVE ROAD, SUITE 200
AUSTIN, TEXAS 78746

2/13/07
MARK J. JEZISEK
R.P.L.S. NO. 5267
STATE OF TEXAS

STATE OF TEXAS
REGISTERED
MARK JERRY JEZISEK
5267
PROFESSIONAL
LAND SURVEYOR

ZONING

N

Subject Tract

Zoning Boundary

Pending Cases

1" = 400' OPERATOR: SM

**ZONING CASE#:** C14-2007-0144
**ADDRESS:** 800 WEST AVE
**SUBJECT AREA:** 1.265 ACRES
**GRID:** H22 J22
**MANAGER:** J. ROUSSELIN

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.

CITY OF AUSTIN FOUNDED 1839