ORDINANCE NO. ______________

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 605, 607, 611 EAST 9TH STREET AND 811, 815, 817, 819 RED RIVER STREET FROM CENTRAL BUSINESS DISTRICT-CENTRAL URBAN REDEVELOPMENT DISTRICT (CBD-CURE) DISTRICT, GENERAL COMMERCIAL SERVICES (CS) DISTRICT AND COMMERCIAL-LIQUOR SALES (CS-1) DISTRICT TO CENTRAL BUSINESS DISTRICT-CENTRAL URBAN REDEVELOPMENT DISTRICT-CONDITIONAL OVERLAY (CBD-CURE-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 central business district-central urban redevelopment district (CBD-CURE) district, general commercial services (CS) district and commercial-liquor sales (CS-1) district to central business district-central urban redevelopment district-conditional overlay (CBD-CURE-CO) combining district on the property described in Zoning Case No. C14-2008-0007, on file at the Neighborhood Planning and Zoning Department, as follows:

> Lots 6, 7 and 8, Block 92, Original City of Austin, Travis County, Texas, according to the map or plat of the Original City of Austin filed in the General Land Office of the State of Texas; and
>
> A 0.135 acre tract of land, more or less, out of Lot 5, Block 92, Original City of Austin, Travis County, Texas, the 0.1474 tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance (the "Property"),

locally known as 605, 607, 611 East 9th Street and 811, 815, 817, 819 Red River Street, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

PART 2. The site development regulations for the Property within the boundaries of the CURE combining district established by this ordinance are modified as follows:

A. An outdoor entertainment use is a permitted use of the Property.

Draft

B. Section 25-6-474 *(Parking Facilities for Persons with Disabilities)* of the City Code is modified to allow three parking spaces as the required number of spaces for the site.

C. Development of the Property is not subject to:

1) Section 25-6-591 *(Parking Provisions for Development in the Central Business District (CBD) and a Downtown Mixed Use (CMU) Zoning District)* of the City Code; and

2) Chapter 25-6, Appendix A *(Tables of Off-Street Parking and Loading 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 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.

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

PART 4. 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

Waterloo Surveyors Inc.

Office: 512-481-9602
Fax: 512-330-1621

Thomas P. Dixon
R.P.L.S. 4324
J10042_5

EXHIBIT "A"

October 15, 2007

FIELD NOTES

0.135 ACRES OF LAND, MORE OR LESS, BEING A PORTION OF LOT 5, BLOCK 92, OF THE ORIGINAL CITY OF AUSTIN, IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT OF THE ORIGINAL CITY FILED IN THE GENERAL LAND OFFCE OF THE STATE OF TEXAS, SAME BEING OUT OF AND PART OF THAT CERTAIN 0.479 ACRES OF LAND CONVEYED TO THE SOUTHERN FOODS GROUP, LP, RECORDED IN VOLUME 12353, PAGE 323, REAL PROPERTY RECORDS, TRAVIS COUTY, TEXAS; FOR WHICH A MORE PARTICULAR DESCRIPTION BY METES AND BOUNDS IS AS FOLLOWS:

BEGINNING at a bolt found on the south R.O.W. of East 9th Street at the common N.E. corner of Lot 5, Block 92 and the N.E. corner of said 0.479 acre tract for the N.E. corner hereof;

THENCE S18°46'35"W along the east line of Lot 5 for a distance of 47.23 feet to an iron rod found;

THENCE S64°51'50"W crossing Lot 5 along the south line of said 0.479 acre tract for a distance of 100.01 feet to an iron rod set on the west line of Lot 5 for the S.W. corner hereof, from which point a 60d Nail found in a tree root at an angle point in the south line of said 0.479 acre tract bears S64°51'50"W at a distance of 16.73 feet;

THENCE N19°09'14"E along the west line of Lot 5 for a distance of 116.76 feet to a PK Nail set on the south R.O.W. of East 9th Street at the N.W. corner of Lot 5 for the N.W. corner hereof, from which point an iron rod found on the south R.O.W. of East 9th Street at the N.W. corner of said 0.479 acre tract bears N71°05'59"W at a distance of 117.63 feet;

THENCE S71°05'59"E along the south R.O.W. of East 9th Street for a distance of 71.28 feet to the **POINT OF BEGINNING**, containing 0.135 acres of land.

I, the undersigned do hereby certify that the field notes hereon were prepared from an actual on-the-ground survey under my direct supervision and that they are true and correct to the best of my knowledge.

Thomas P. Dixon R.P.L.S. 4324

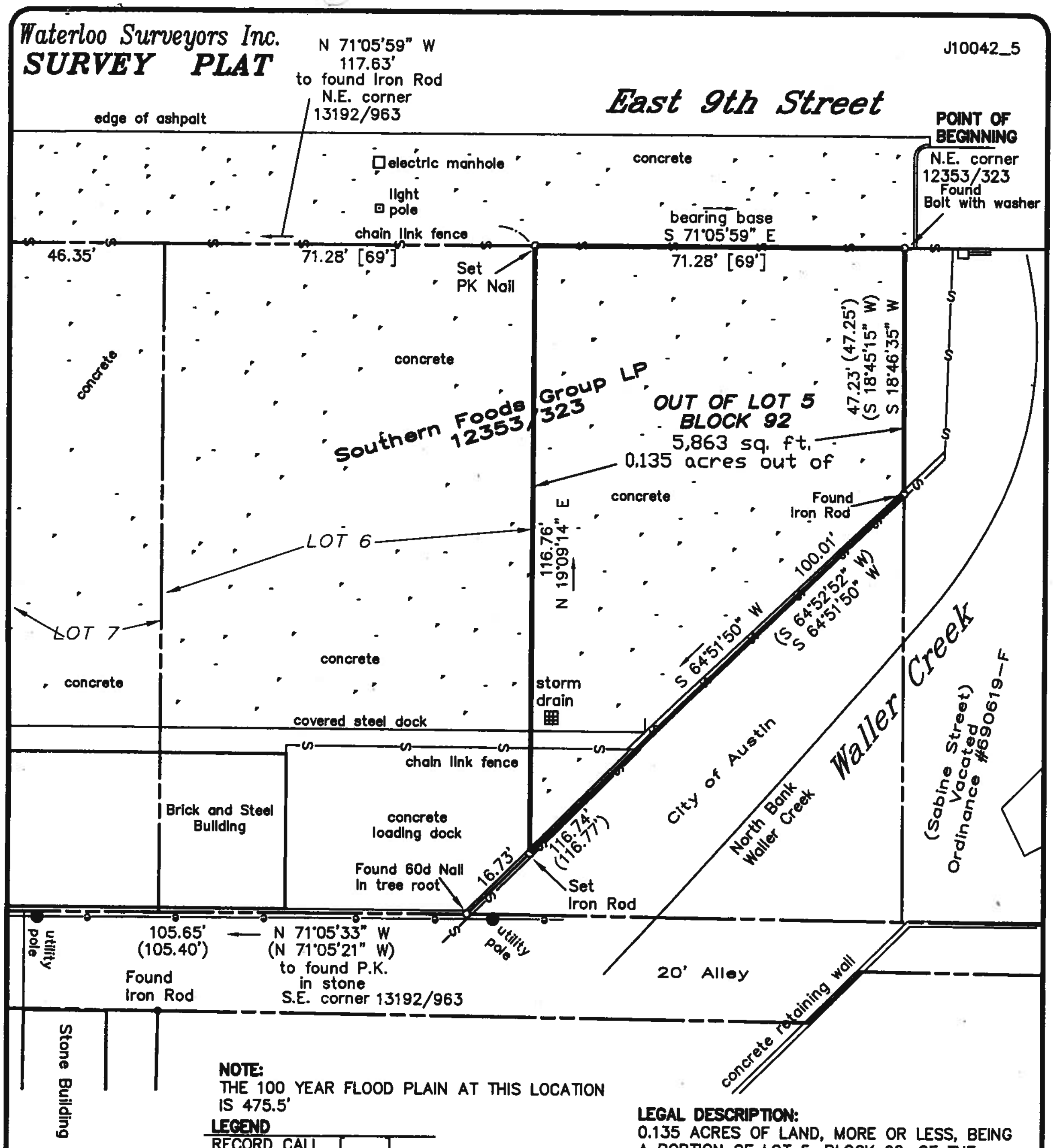
THOMAS P. DIXON
4324

625 Industrial Boulevard
Austin, Texas 78745

Waterloo Surveyors Inc.

SURVEY PLAT

J10042_5



NOTE:
THE 100 YEAR FLOOD PLAIN AT THIS LOCATION IS 475.5'

LEGEND

RECORD CALL [ ]
CHAIN LINK FENCE —s—s—s—
OVERHEAD ELECTRIC —o—o—o—
UTILITY POLE ●

SCALE
1"=20'

N

LEGAL DESCRIPTION:
0.135 ACRES OF LAND, MORE OR LESS, BEING A PORTION OF LOT 5, BLOCK 92, OF THE ORIGINAL CITY OF AUSTIN, IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT OF THE ORIGINAL CITY FILED IN THE GENERAL LAND OFFICE OF THE STATE OF TEXAS, SAME BEING OUT OF AND PART OF THAT CERTAIN 0.479 ACRES OF LAND CONVEYED TO THE SOUTHERN FOODS GROUP, L.P., RECORDED IN VOLUME 12353, PAGE 323, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS.

State of Texas:
County of Travis:

The undersigned does hereby certify that this survey was this day made on the property legally described hereon and is correct, and this survey substantially complies with the current Texas Society of Professional Surveyors Standards and

Specifications for a Category 1B **Condition II Survey.**

Dated this the 15TH **day of** OCTOBER **, 200** 7 .

And I certify that the property shown hereon IS **within a special flood hazard area as identified by the Federal Insurance Adm. Department of HUD Flood hazard boundary map revised as per Map Number:** 48453C0195 E

Zone: AE **Dated:** 06/16/93

Thomas P. Dixon R.P.L.S. 4324

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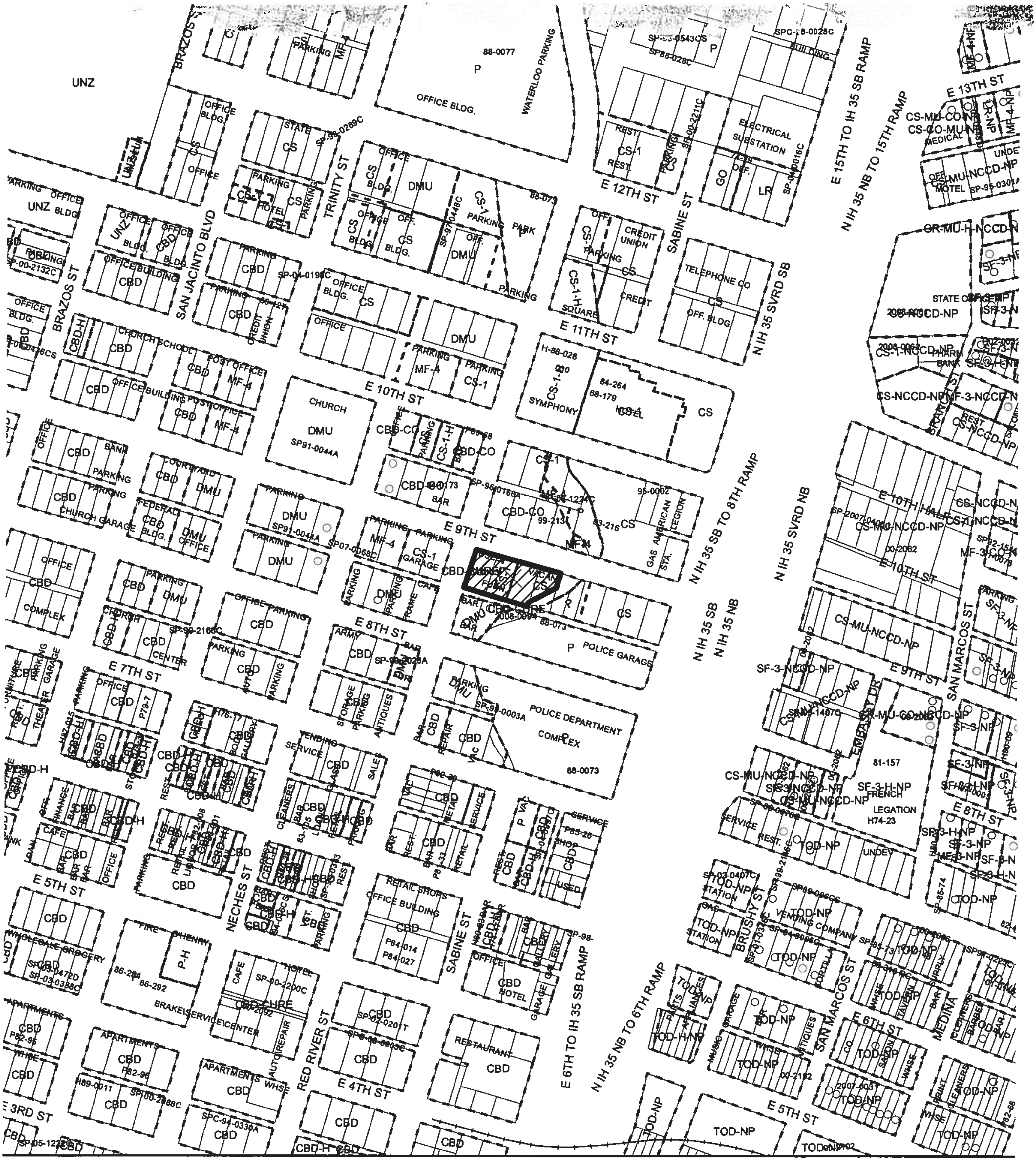
625 Industrial Blvd, Austin, Texas 78745 Phone: 481-9602

THOMAS P. DIXON
4324

EXHIBIT A



▨ **SUBJECT TRACT**

ZONING BOUNDARY

PENDING CASE

N

OPERATOR: S. MEEKS

1" = 400'

ZONING

Exhibit B

ZONING CASE#: **C14-2008-0007**

ADDRESS: **811, 815, 817, 819 RED RIVER ST;**
605, 607, 611 E 9TH ST

SUBJECT AREA: **0.75 ACRES**

GRID: **J22**

MANAGER: **J. RUSTHOVEN**

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.