

ORDINANCE NO. 20090430-045

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 801 AND 803 RED RIVER STREET FROM DOWNTOWN MIXED USE (DMU) 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 downtown mixed use (DMU) district to central business district-central urban redevelopment district-conditional overlay (CBD-CURE-CO) combining district on the property described in Zoning Case No. C14-2008-0006, on file at the Neighborhood Planning and Zoning Department, as follows:

Lot 1, 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 0.1474 acre tract of land, more or less, out of Lot 2, 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 801 and 803 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.
- 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 May 11, 2009.

PASSED AND APPROVED

_____, April 30, 2009 §
§
§ _____
Will Wynn
Mayor

APPROVED: _____ **ATTEST:** _____
David Allan Smith Shirley A. Gentry
City Attorney City Clerk

C14-2008-0006
TRACT 2

Waterloo Surveyors Inc.

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

Thomas P. Dixon
R.P.L.S. 4324
J10042_2

EXHIBIT "A"

October 15, 2007

FIELD NOTES

FIELD NOTES FOR 0.1474 ACRE OF LAND, MORE OR LESS, BEING ALL OF LOT 2, BLOCK 92, 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, SAVE AND EXCEPT 2,447 SQUARE FEET OF LAND, MORE OR LESS, RECORDED IN VOLUME 12449, PAGE 815, OF THE REAL PROPERTY RECORDS, OF TRAVIS COUNTY, TEXAS; FOR WHICH A MORE PARTICULAR DESCRIPTION BY METES AND BOUNDS IS AS FOLLOWS:

BEGINNING at an iron rod found on the north R.O.W. of East 8th Street on the south line of Lot 2, Block 92, at the S.W. corner of that certain 2,447 square feet of land recorded in Volume 12449, Page 815, Real Property Records, Travis County, Texas, for the S.E. corner hereof;

THENCE N71°54'10"W along the north R.O.W. of East 8th Street for a distance of 21.36 feet to an iron rod set at the S.W. corner of Lot 2 for the S.W. corner hereof;

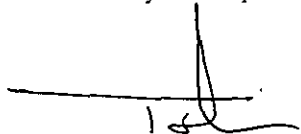
THENCE N18°54'01"E for a distance of 130.28 feet to an iron rod set at the N.W. corner of Lot 2 on the south line of a 20 feet wide alley for the N.W. corner hereof;

THENCE S70°24'58"E along the south line of said alley for a distance of 68.99 feet to an iron rod found at the N.E. corner of Lot 2 for the N.E. corner hereof;

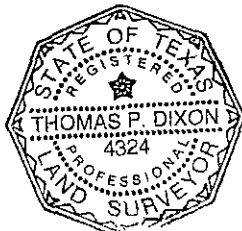
THENCE S20°00'02"W along the east line of Lot 2 for a distance of 24.64 feet to an iron rod found at the most northerly corner of said 2,447 square feet tract for a corner hereof;

THENCE S43°11'02"W, crossing Lot 2 for a distance of 114.67 feet to the **POINT OF BEGINNING**, containing 0.1474 acre 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



P.O. Box 160179
Austin, Texas 78716-0176

