ORDINAN	ICE NO.	

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 2500, 2502, 2504, AND 2506 MANOR ROAD AND EAST 32ND STREET (0.3440 AC.) IN THE UPPER BOGGY CREEK NEIGHBORHOOD PLAN AREA.

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 districts on the property described in Zoning Case No. C14-2009-0082, on file at the Planning and Development Review Department, as follows:

Tract One and Tract Two-A: From limited office-mixed use-conditional overlay-neighborhood plan (LO-MU-CO-NP) combining district to neighborhood commercial-mixed use-conditional overlay-neighborhood plan (LR-MU-CO-NP) combining district.

A 0.186 acre tract of land, more or less, (Tract One), and a 0.213 acres tract of land, more or less (Tract Two-A), being portions of Outlot No.33, Division C, Original City of Austin, Travis County, the tracts of land being more particularly described respectively by metes and bounds in Exhibit "A" incorporated into this ordinance; and

Tract Two-B: From limited office-mixed use-conditional overlay-neighborhood plan (LO-MU-CO-NP) combining district to commercial-liquor sales-mixed use-conditional overlay-neighborhood plan (CS-1-MU-CO-NP) combining district.

A 2,785 square foot tract of land, out of and a part of a 0.213 acre tract of land, more or less, of Outlot No. 33, Division C, Original City of Austin, Travis County, the 2,785 sq. ft. tract being more particularly described by metes and bounds in Exhibit "B" incorporated into this ordinance; and

Tract Three and Tract Four: From multifamily residence moderate high density-neighborhood plan (MF-4-NP) combining district to neighborhood commercial-mixed use-conditional overlay-neighborhood plan (LR-MU-CO-NP) combining district.

 A 0.867 acre tract of land, more or less, out of Outlot No. 33, Division C, Original City of Austin, Travis County, the tract being more particularly described by metes and bounds in Exhibit "C" incorporated into this ordinance (Tract Three), and

Lot 1, I.J. Cook Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 11, Page 12, of the Plat Records of Travis County, Texas (Tract Four); and

Tract Five: From family residence-neighborhood plan (SF-3-NP) combining district to general office-mixed use-conditional overlay-neighborhood plan (GO-MU-CO-NP) combining district.

A 0.344 acre tract of land, more or less, out of Outlot No. 33, Division C, Original City of Austin, Travis County, the tract being more particularly described by metes and bounds in Exhibit "D" incorporated into this ordinance;

(all tracts known as the "Property"),

locally known as 2500, 2502, 2504, and 2506 Manor Road, and East 32nd Street (0.344 acres), in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "E".

- **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 respective base districts, the mixed use combining 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. 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. A service station use is a prohibited use of Tract One, Tract Two-A, Tract Two-B, Tract Three and Tract Four.

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C. The following uses are prohibited uses of Tract Two-B:

Automotive repair services

Automotive sales

Construction sales & services

Drop-off recycling collection facility Electronic prototype assembly

Equipment sales

Kennels

Pawn shop services

Custom manufacturing

Residential treatment

Automotive washing (of any type)

Bail bond services

Convenience storage

Exterminating services

Laundry service

Vehicle storage

Limited warehousing & distribution

- D. On Tract Three and Tract Four, commercial uses and retail uses on each tract may not exceed 40 percent of the total gross floor area on that tract.
- E. The following uses are prohibited uses of Tract Five:

Bed & breakfast residential

(Group 1)

Group residential

Retirement housing (small site)

Single family attached residential

Townhouse residential

Administrative & business offices

Art workshop

Business support services

Personal services

Professional office

Software development

Club or lodge

Communication service facilities

Community recreation (public)

Convalescent services

Cultural services

Day care services (general)

Family home

Hospital services (general)

Local utility services

Private secondary educational

facilities

Bed & breakfast residential (Group 2)

Condominium residential

Multifamily residential

Retirement housing (large site)

Small lot single family attached

residential

Art gallery

Business or trade school

Communications services

Printing & publishing

Restaurant (limited)

Urban farm

College & university facilities

Community recreation (private)

Congregate living

Counseling services

Day care services (commercial)

Day care services (limited)

Guidance services

Hospital services (limited)

Private primary educational facilities

Public primary educational facilities

Public secondary educational facilities

Desire the second					
Residential treatment Telecommunication tower Medical offices (not exceeding		Safety services Modical offices (exceeding	5000	a f	
		Medical offices (exceeding gross floor area)	3 3000	8.1	
5000 s.f. gross floor area)			gross neer mean		
			No. 020801-92 that established	the U	ppe
boggy Creek ner	ghborhood plan combinii	ng ais	urict.		
PART 5. This ordinance takes effect on		100 mm 1	, 20	09.	
PASSED AND A	APPROVED		***************************************		
		§			
	, 2009	§ &			
-		s —	Lee Leffingwell		
			Mayor		
APPROVED:		ΑTΊ	TEST:		
N.	David Allan Smith		Shirley A. Gentry		
	City Attorney		City Clerk		
200					

EXHIBIT "%

TRACT 1

BEING A 0.186 ACRE TRACT OR PARCEL OF LAND OUT OF AND A PORTION OF OUTLOT No. 13, DIVISION "C". IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AND BEING ALL THAT CERTAIN TRACT CONVEYED TO TRAVIS COUNTY AFFORDABLE HOUSING CORPORATION BY DEED RECORDED IN VOLUME 11948, PAGE 4109 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.186 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2° iron rod found in the North Right-of-way line of Manor Road (60° R. O. W.) for the Southwest corner of the berein described tract, same being the Southeast corner of that certain 1.278 acre tract conveyed to William A. Stewart by deed recorded in Volume 11604, Page 639 of the Real Property Records of Travis County. Texas.

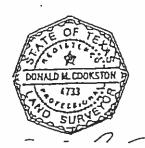
THENCE N00°4026°E along the common line between said 1.278 acre tract and the herein described tract for a distance of 150.93 feet (Call 150.36 feet) to a 1/2° iron rod found for the Northwest corner of the herein described tract, same being an angle corner of that certain 0.87 acre tract conveyed to Travis County Affordable Housing Corporation by deed recorded in Volume 11353. Page 636 of the Real Property Records of Travis County, Texas, being more particularly described in that deed recorded in Volume 10462. Page 917 of the Real Property Records of Travis County, Texas,

THENCE NEO*3700°E along the common line between the said 0.87 acre tract and the herein described tract for a distance of 48.96 feet (Call 49.76 feet) to a 1/2" iron rod found for the Northeast corner of the herein described tract, same being the Northwest corner of that cortain 0.213 acre tract of land conveyed to Travis County Affordable Housing Corporation by deed recorded in Volume 11952, Page 433 of the Real Property Records of Travis County, Texas,

THENCE S03°30'00°E along the common line between said 0.213 acre tract and the herein described tract for a distance of 149.57 feet (Call 148.05 feet) to a 1/2° iron rod found in the North line of said Manor Road for the Southeast corner of the herein described tract, and same being the Southwest corner of said 0.213 acre tract

THENCE S80°4700°W along the North line of Manor Road for a distance of 59.99 feet to the POINT OF BEGINNING of the herein described tract and containing 0.186 acres (8102 Square Feet) of land.

EXHIBIT "A"







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TRACT 2

BEING A 0.213 ACRE TRACT OR PARCEL OF LAND OUT OF AND A PORTION OF OUTLOT No. 13, DIVISION "C", IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AND BEING ALL THAT CERTAIN TRACT CONVEYED TO TRAVIS COUNTY AFFORDABLE HOUSING CORPORATION BY DEED RECORDED IN VOLUME 11952, PAGE 433 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.213 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2° iron rod found in the North Right-of-way line of Manor Road (60° R. O. W.) for the Southeast corner of the herein described tract, same being the Southwest corner of a 0.87 are tract described in that certain deed recorded in Volume 10462, Page 917 of the Real Property Records of Travis County, Teras;

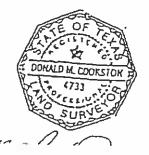
THENCE S80°4700°W along the North line of said Menor Road for a dictance of 69.97 feet to a 1/2° from rod found for the Southwest corner of the herein described trait, same being the Southwest corner of a 0.185 acre tract of land conveyed to Travis County Affordable Housing Corporation by deed recorded in Yohune 11948, Page 4109 of the Real Property Records of Travis County, Texas.

THENCE NGS 3000°W along the common line between said 0.186 acre tract and the herein described tract for a distance of 149.57 feet to a 1/2° iron rod found in the Southwesterly line of said 0.87 acre tract, some being the Northwest corner of the herein described tract and the Northwest corner of the said 0.186 acre tract.

THENCE N80°1700°E along the common line between said 0.87 acre tract and the harrin described tract for a distance of \$4.89 feet to a 1/2° iron rod found for the vortheast corner of the herein described tract, same being an angle point for said 0.87 acre tract;

HENCE S09°1700°E along the common line between said 0.87 acre tract and the mein described tract for a distance of 148.99 feet to the POINT OF BEGINNING of the herein described tract and containing 0.213 acres (9296 Square Feet) of land.

EXHIBIT "A"





Tract 2(b) foot print

Exhibit "A"

Zoning Parcel

METES AND BOUNDS DESCRIPTION

Being all that certain 2785 square feet of land out of and part of that certain 0.2i3 acre tract of land, being a portion of OUTLOT NO. 33, DIVISION "C", of the Outlots adjoining the ORIGINAL CITY OF AUSTIN, and being that same tract as described in Deed to J. S. Berkowitz recorded in Document No. 2006016157, Travls County Official Public Records; said 2785 square feet being more particularly described as follows, to-wit:

COMMENCING at an iron rod found marking the Southeast corner of said 0.213 acre tract, same being located in the North right-of-way line of Manor Road (60 feet in width);

THENCE, North 09°17'00" West, with the East line of said 0.213 acre tract, a distance of 39.45 feet to a point for corner;

THENCE, South 80°34'05" West, a distance of 10.55 feet to the POINT OF BEGINNING, same being the Southeast corner of the herein described tract;

THENCE, continue, South 80°34'05" West, a distance of 44.20 feet;

THENCE, North 09°29'55" West, a distance of 63.00 feet;

THENCE, North 80°34'05" East, a distance of 44.20 feet;

THENCE, South 09°29'55" East, a distance of 63.00 feet to the POINT OF BEGINNING and containing 2785 square feet of land.

BASIS OF BEARINGS: Document No. 2006016157, TCOPR

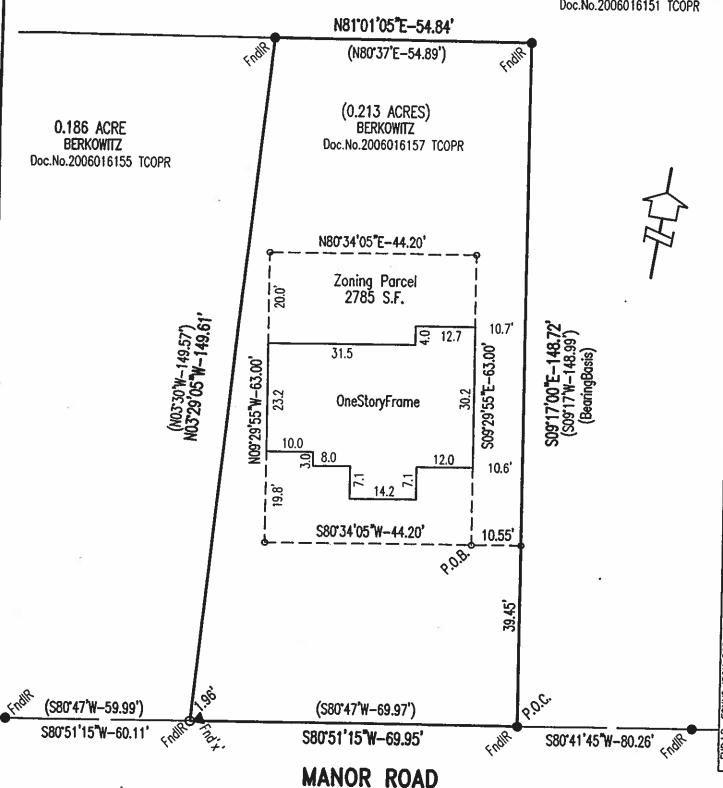
Compiled By:

Robert M. Sherrod, R.P.L.S. GEO, A Geographical Land Services Co. 4412 Spicewood Springs Road, #104 Austln, Texas 78759 September 11, 2009 Revised: November 17, 2009 GEO Job No. 0913047

0.867 AC.

MANOR ROAD PARTNERS LTD.

Doc.No.2006016151 TCOPR



LEGAL DESCRIPTION:

SKETCH to accompany FIELD NOTES for a 2785 sq. ft. parcel out of a certain 0.213 acre tract out of OUTLOT 33, DIVISION "C", ORIGINAL CITY OF AUSTIN.

(60'R.O.W.)

Track 3

CARSON AND BUSH PROFESSIONAL SURVEYORS, INC. 1904 FORTVIEW ROAD AUSTIN, TX 78704 TELEPHONE: (512) 442-0990

FACSIMILE: (512) 442-1084

November 14, 2005

FIELD NOTE DESCRIPTION OF 0.867 ACRE OF LAND OUT OF OUTLOT 33, DIVISION "C" OF THE GOVERNMENT OUTLOTS OF THE CITY OF AUSTIN, ACCORDING TO THE MAP OR PLAT THEREOF FILED IN THE GENERAL LAND OFFICE OF THE STATE OF TEXAS, AND BEING ALL OF THAT CERTAIN (0.867 ACRE) TRACT CONVEYED TO ARCHWAYS LIMITED PARTNERSHIP BY DEED RECORDED IN VOLUME 12908 PAGE 1364 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 3/4 inch iron rod found in the east line of that certain (1.278 Acre) tract conveyed to William A. Stewart, Trustee, by deed recorded in Volume 11604 Page 639 of the Real Property Records of Travis County, Texas, and being the northwest corner of that certain (0.867 Acre) tract conveyed to Archways Limited Partnership by deed recorded in Volume 12908 Page 1364 of the Real Property Records of Travis County, Texas, and being the southwest corner of that certain (0.346 Acre) tract conveyed to Travis County Affordable Housing corporation by deed recorded in Volume 12910 Page 686 of the Real Property Records of Travis County, Texas, and being the northwest corner and PLACE OF BEGINNING of the herein described tract of land, and from which a ½ inch iron rod found in the north right-of-way line of Manor Road at the southeast corner of said (1.278 Acre) tract bears S 00 deg. 44' 00" W 304.72 ft.;

THENCE with the north line of said (0.867 Acre) tract and being with the south line of said (0.346 Acre) tract, N 80 deg. 47' 00" E 157.36 ft. to a 1 ½ inch iron pipe found at the northeast corner of said (0.867 Acre) tract, and being the northwest corner of Lot 1, I. J. Cook Subdivision of a Part of Outlot 33, Division C, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 11 Page 12 of the Plat Records of Travis County, Texas, and being the northeast corner of this tract, and from which a ½ inch iron rod found at the southeast corner of said (0.346 Acre) tract bears N 80 deg. 47' 00" E 11.72 ft.;

THENCE with the east line of said (0.867 Acre) tract, S 09 deg. 15' 18" E 300.24 ft. to a ½ inch iron rod found in the north right-of-way line of Manor Road at the southeast corner of said (0.867 Acre) tract, and being the southwest corner of said Lot 1, and being the southeast corner of this tract;

EXHIBIT"A"

Trat 3 cont.

page 2 of 2 0.867 Acre

THENCE with the north right-of-way line of Manor Road, S 80 deg. 42' 03" W 80.29 ft. to a ½ inch iron rod found at the southwest corner of said (0.867 Acre) tract, and being the southeast corner of that certain (0.213 Acre) tract conveyed to Archways Limited Partnership by deed recorded in Volume 12908 Page 1369 of the Travis County Real Property Records, and being the southwest corner of this tract, and from which a ½ inch iron rod found at the southwest corner of said (0.213 Acre) tract bears S 80 deg. 56' 32" W 70.00 ft.;

THENCE leaving the north right-of-way line of Manor Road with a west line of said (0.867 Acre) tract, N 09 deg. 14' 31" W 148.98 ft. to a ½ inch iron rod set with plastic cap marked "Carson and Bush Professional Surveyors at an angle point of said (0.867 Acre) tract, and being an angle point of this tract;

THENCE with a south line of said (0.867 Acre) tract, S 80 deg. 40' 24" W at 54.89 ft. passing a ½ inch iron rod found at the north common corner of said (0.213 Acre) tract and that certain (0.186 Acre) tract conveyed to Archways Limited Partnership by deed recorded in Volume 12908 Page 1369 of the Real Property Records of Travis County, Texas, and continuing on the same course 48.84 ft. more, for a total distance on this course of 103.73 ft., to a 1/2 inch iron rod found at an angle point of said (0.867 Acre) tract, and being an angle point of this tract;

THENCE with a west line of said (0.867 Acre) tract, N 00 deg. 42' 34" E 153.88 ft. to the Place of Beginning, containing 0.867 Acre of land

SURVEYED: November 14, 2005

BY:

Anne Thayer

Registered Professional Land Surveyor No. 5850

see survey plat B 755094

LEGAL DESCRIPTIONS

TRACTI: SEE ATTACHED "TRACT I"LEGAL DESCRIPTION

TRACT 2: SEE ATTACHED "TRACT 2" LEGAL DESCRIPTION

TRACT 3: 0.867 acre tract or parcel of land, more or less, out of and a part of Outlot 33, Division C, in the City of Austin, Travis County, Texas, and being all that certain tract described as Tract II containing 0.87 acre of land in that certain Assumption Deed recorded in Volume 10462, Page 917 of the Real Property Records of Travis County, Texas; said 0.867 acre tract heing more particularly described by metes and bounds in Exhibit "A" attached hereto and incorporated herein by reference for all pertinent purposes.

TRACT 4: Lot 1, of the I.J. COOK SUBDIVISION, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat thereof, recorded in Volume 11, Page 12 of the Plat Records of Travis County, Texas.

TRACT 5: 0.344 acre tract of land, more or less, being out of and a part of Outlot 33, Division C of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, and being more particularly described by metes and bounds in Exhibit "C" attached hereto and incorporated herein by reference for all pertinent purposes.

Track 5

CARSON AND BUSH PROFESSIONAL SURVEYORS, INC. 1904 FORTVIEW ROAD **AUSTIN, TX 78704** TELEPHONE: (512) 442-0990

FACSIMILE: (512) 442-1084

November 14, 2005

FIELD NOTE DESCRIPTION OF 0.344 ACRE OF LAND OUT OF OUTLOT 33, DIVISION "C" OF THE GOVERNMENT OUTLOTS OF THE CITY OF AUSTIN, ACCORDING TO THE MAP OR PLAT THEREOF FILED IN THE GENERAL LAND OFFICE OF THE STATE OF TEXAS. AND BEING ALL OF THAT CERTAIN (0.364 ACRE) TRACT CONVEYED TO TRAVIS COUNTY AFFORDABLE HOUSING CORPORATION BY DEED RECORDED IN VOLUME 12910 PAGE 6860F THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 3/4 inch iron rod found in the east line of that certain (1.278 Acre) tract conveyed to William A. Stewart, Trustee, by deed recorded in Volume 11604 Page 639 of the Real Property Records of Travis County, Texas, and being the northwest comer of that certain (0.867 Acre) tract conveyed to Archways Limited Partnership by deed recorded in Volume 12908 Page 1364 of the Real Property Records of Travis County, Texas, and being the southwest corner of that certain (0.346 Acre) tract conveyed to Travis County Affordable Housing corporation by deed recorded in Volume 12910 Page 686 of the Real Property Records of Travis County, Texas, and being the southwest comer and PLACE OF BEGINNING of the herein described tract of land, and from which a 1/2 inch iron rod found in the north rightof-way line of Manor Road at the southeast corner of said (1.278 Acre) tract bears \$ 00 deg. 44' 00" W 304.72 ft.:

THENCE with the west line of said (0.346 Acre) tract and the east line of said (1.278 Acre) tract, the following two courses:

- 1) N 00 deg. 44' 00" E 50.65 ft. to a ½ inch iron rod set with plastic cap marked "Carson and Bush Professional Surveyors;
- 2) N 00 deg. 13' 00" W 84.45 ft. to a 1/2 inch iron rod set with plastic cap marked "Carson and Bush Professional Surveyors at the northwest corner of said (0.346 Acre) tract, and being the south common corner of Lots 6 and 7, Forest Hills "C", a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 5 Page 141 of the Travis County Plat Records, and being the northeast corner of said (1.278 Acre) tract, and being the northwest comer of this tract;

EXHIBIT "C"

Tract 5 cont.

page 2 of 2 0.344 Acre

THENCE with the north line of said (0.346 Acre) tract, S 68 deg. 54' 02" E at 99.05 ft. passing a ½ inch iron rod found at the southeast corner of that portion of said Lot 7 conveyed to John Bostick Jr. and Gertrude Bostick, by deed recorded in Volume 4086 Page 1587 of the Travis County Deed Records, and continuing on the same course, 86.42 ft. more, for a total distance on this course of 185.47 ft., to a ½ inch iron rod set with plastic cap marked "Carson and Bush Professional Surveyors" in the west line of Lot 9 of said Forest Hills "C," at the northeast corner of said (0.346 Acre) tract, and being the southeast corner of Lot 8 of said Forest Hills "C" and being the northeast corner of this tract;

THENCE with the east line of said (0.346 Acre) tract, S 08 deg. 55' 00" W 41.75 ft. to a ½ inch iron rod found in the north line of Lot 1, I. J. Cook Subdivision of a Part of Outlot 33, Division C, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 11 Page 12 of the Plat Records of Travis County, Texas, at the southeast corner of said (0.346 Acre) tract, and being the southeast corner of this tr act;

THENCE with the south line of said (0.346 Acre) tract, S 80 deg. 47' 00" W at 11.72 ft. passing a 1 ½ inch iron pipe found at the northeast corner of said (0.867 Acre) tract and being the northwest corner of said Lot 1, and continuing on the same course 157.36 ft. more, for a total distance on this course of 169.08 ft., to the Place of Beginning, containing 0.344 Acre of land.

SURVEYED: November 14, 2005

BY:

Anne Thayer

Registered Professional Land Surveyor No. 5850

see survey plat B 755094

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

2005 Jan 30 03:22 PM

KNOULESR 360.00 2035016151

DANA DEBEAUVOIR COUNTY CLERK TRAVIS COUNTY TEXAS





SUBJECT TRACT

ZONING BOUNDARY



PENDING CASE

ZONING

ZONING CASE#: C14-2009-0082
ADDRESS: 2500 MANOR RD

SUBJECTAREA: 2.3827 ACRES

GRID: **K23-24** MANAGER: **J. HARDEN**

