

ORDINANCE NO. 20091210-086

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.

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

Automotive repair services	Automotive washing (of any type)
Automotive sales	Bail bond services
Construction sales & services	Convenience storage
Drop-off recycling collection facility	Electronic prototype assembly
Equipment sales	Exterminating services
Kennels	Laundry service
Pawn shop services	Vehicle storage
Custom manufacturing	Limited warehousing & distribution
Residential treatment	

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)	Bed & breakfast residential (Group 2)
Group residential	Condominium residential
Retirement housing (small site)	Multifamily residential
Single family attached residential	Retirement housing (large site)
Townhouse residential	Small lot single family attached residential
Administrative & business offices	Art gallery
Art workshop	Business or trade school
Business support services	Communications services
Personal services	Printing & publishing
Professional office	Restaurant (limited)
Software development	Urban farm
Club or lodge	College & university facilities
Communication service facilities	Community recreation (private)
Community recreation (public)	Congregate living
Convalescent services	Counseling services
Cultural services	Day care services (commercial)
Day care services (general)	Day care services (limited)
Family home	Guidance services
Hospital services (general)	Hospital services (limited)
Local utility services	Private primary educational facilities
Private secondary educational facilities	Public primary educational facilities
	Public secondary educational facilities

Residential treatment
Telecommunication tower
Medical offices (not exceeding
5000 s.f. gross floor area)

Safety services
Medical offices (exceeding 5000 s.f.
gross floor area)

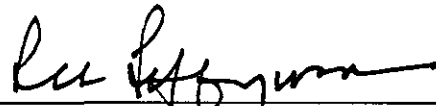
PART 4. The Property is subject to Ordinance No. 020801-92 that established the Upper Boggy Creek neighborhood plan combining district.

PART 5. This ordinance takes effect on December 21, 2009.

PASSED AND APPROVED

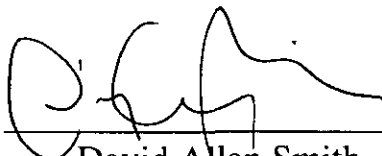
December 10, 2009

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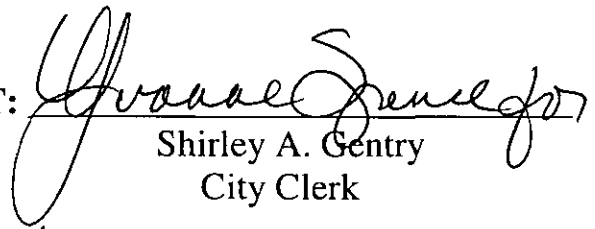
Lee Leffingwell
Mayor

APPROVED:



David Allan Smith
City Attorney

ATTEST:



Shirley A. Gentry
City Clerk

EXHIBIT A
TRACT 1

BEING A 0.186 ACRE TRACT OR PARCEL OF LAND OUT OF AND A PORTION OF OUTLOT No. 33, 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 herein 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°40'26''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 N80°37'00''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 certain 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°47'00''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 (8,102 Square Feet) of land.

EXHIBIT A
TRACT 2

BEING A 0.213 ACRE TRACT OR PARCEL OF LAND OUT OF AND A PORTION OF OUTLOT No. 33, 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 acre tract described in that certain deed recorded in Volume 10462, Page 917 of the Real Property Records of Travis County, Texas;

THENCE S80°47'00"W along the North line of said Manor Road for a distance of 69.97 feet to a 1/2" iron rod found for the Southwest corner of the herein described tract, same being the Southeast corner of a 0.186 acre tract of land conveyed to Travis County Affordable Housing Corporation by deed recorded in Volume 11948, Page 4109 of the Real Property Records of Travis County, Texas;

THENCE N03°30'00"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 for the Southwesterly line of said 0.87 acre tract, same being the Northwest corner of the herein described tract and the Northeast corner of the said 0.186 acre tract;

THENCE N80°37'00"E along the common line between said 0.87 acre tract and the herein described tract for a distance of 54.89 feet to a 1/2" iron rod found for the Northeast corner of the herein described tract, and same being an angle point for said 0.87 acre tract;

THENCE S09°17'00"E along the common line between said 0.87 acre tract and the herein described tract for a distance of 148.99 feet to the POINT OF BEGINNING of the herein described tract and containing 0.213 acres (9,296 Square Feet) of land.

TRACT 2b
METES AND BOUNDS DESCRIPTION

Being all that certain 2785 square feet of land out of and part of that certain 0.213 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, Travis 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;

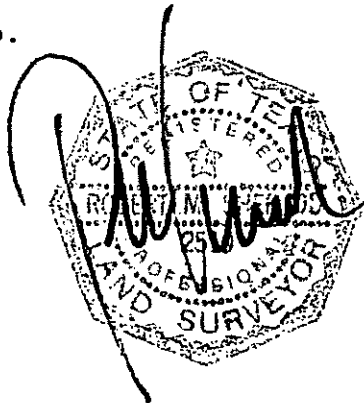
THENCE, North 80°34'05" East, a distance of 44.20 feet;

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:

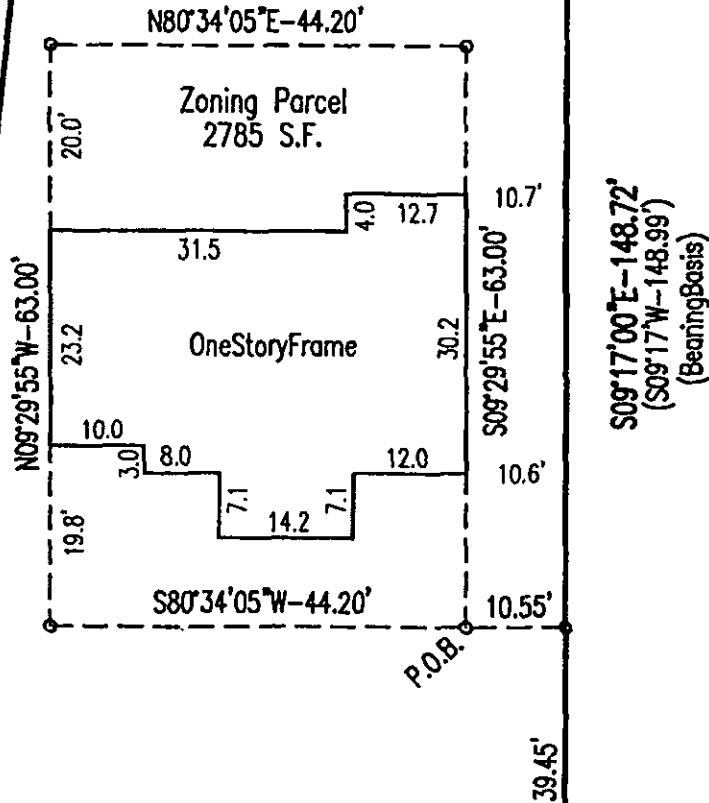
Robert M. Sherrod, R.P.L.S.
GEO, A Geographical Land Services Co.
4412 Spicewood Springs Road, #104
Austin, Texas 78759
September 11, 2009
Revised: November 17, 2009
GEO Job No. 0913047



0.186 ACRE
BERKOWITZ
Doc.No.2006016155 TCOPR

(N80°37'E-54.89')
(0.213 ACRES)
BERKOWITZ
Doc.No.2006016157 TCOPR

(N03°30'W-149.57')
N03°29'05"W-149.61'



MANOR ROAD
(60'R.O.W.)

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.

OWNER: BERKOWITZ
ADDRESS: 2502 MANOR ROAD

TITLE CO.:

G. F. NO.:

I hereby certify that this plat represents a correct survey made upon the ground under my supervision on September 10 2009, and that there are no encroachments upon subject property, except as shown hereon, and that all improvements and all visible and apparent easements are shown hereon, and that subject property has access to and from a dedicated roadway and that said survey conforms to current Texas Board of Land Surveying Standards.

Robert M. Sherrod, R.P.L.S., State of Texas No. 2519



FIND.I.R.=FOUND IRON ROD IP=IRON PIPE CM=CONCRETE MONUMENT 'X'=SCRIBED MARK (****)=CALL BEARING/DISTANCE 000/000=VOLUME/PAGE R.O.
A=ARC R=RADIUS C=CHORD D=DELTA N.S.E.W.=NORTH SOUTH EAST WEST P.I.E.=PUBLIC UTILITY EASEMENT D.E.=DRAINAGE EASEMENT S.D.E.=SURFACE
C.D.R.=COUNTY DEED RECORDS P.R.=PLAT RECORDS R.P.R.=REAL PROPERTY RECORDS O.P.R.=OFFICIAL PUBLIC RECORDS E=ELECTRIC PP=POWERPOLE F

Tract 3

EXHIBIT C
**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 1/2 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 1/2 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 1/2 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 1/2 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;

Tract 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

Anne Thayer
Registered Professional Land Surveyor No. 5850



see survey plat B 755094

Tract 5
EXHIBIT D
CARSON AND BUSH
PROFESSIONAL SURVEYORS, INC.
1904 FORTVIEW ROAD
AUSTIN, TX 78704
TELEPHONE: (512) 442-0990
FACSIMILE: (512) 442-1084

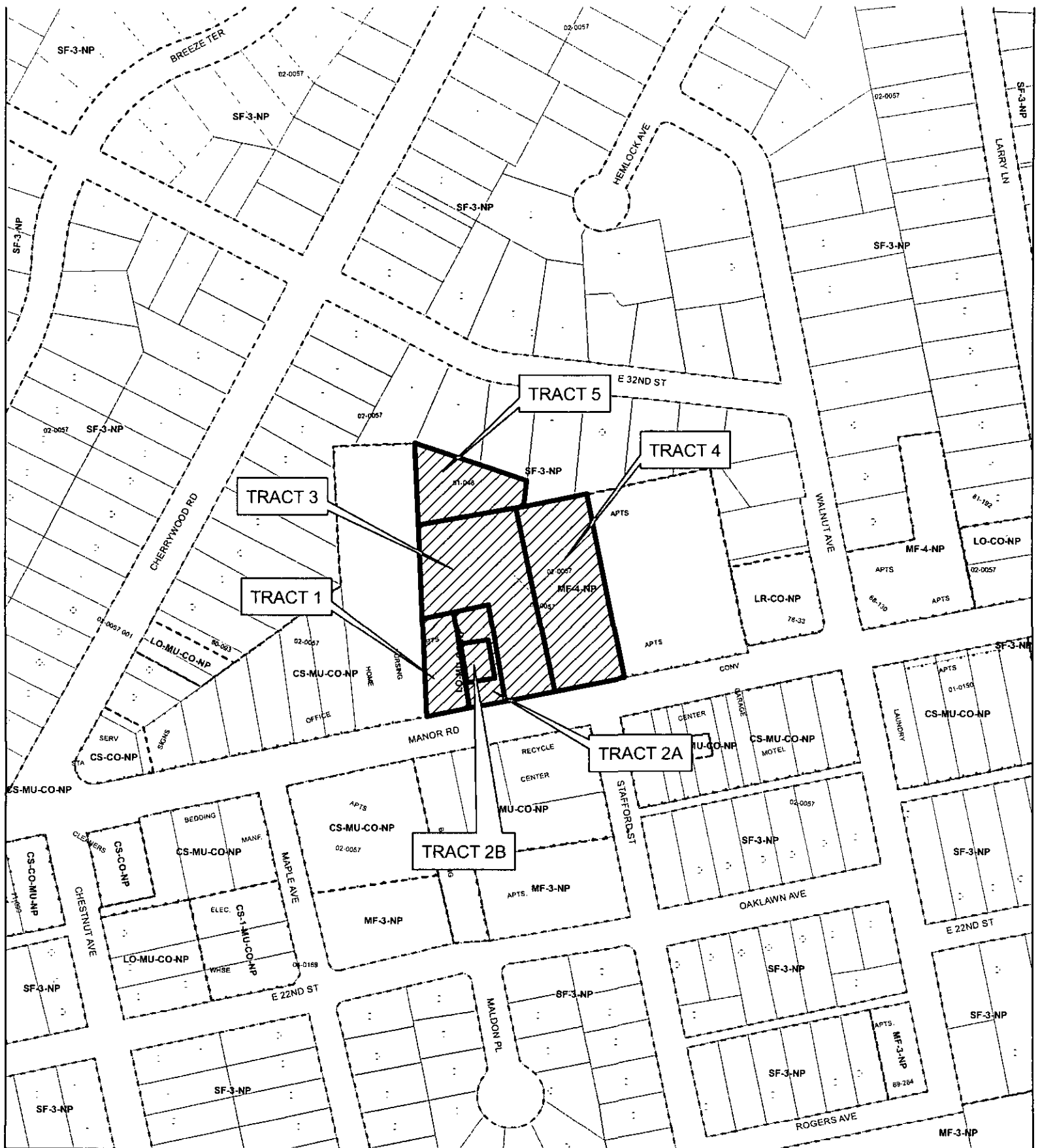
November 14, 2005

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 686 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 southwest corner and PLACE OF BEGINNING of the herein described tract of land, and from which a 1/2 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 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 1/2 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 corner of this tract;



1" = 400'



SUBJECT TRACT



ZONING BOUNDARY



PENDING CASE

OPERATOR: S. MEEKS

ZONING EXHIBIT E

ZONING CASE#: C14-2009-0082
ADDRESS: 2500 MANOR RD
SUBJECT AREA: 2.3827 ACRES
GRID: K23-24
MANAGER: J. HARDEN



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.