

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 1601-1603 SOUTH 1<sup>ST</sup> STREET IN THE BOULDIN CREEK NEIGHBORHOOD PLAN AREA FROM GENERAL COMMERCIAL SERVICES-VERTICAL MIXED USE BUILDING-MIXED USE-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (CS-V-MU-CO-NP) COMBINING DISTRICT TO COMMERCIAL-LIQUOR SALES-VERTICAL MIXED USE BUILDING-MIXED USE-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (CS-1-V-MU-CO-NP) 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 commercial services-vertical mixed use building-mixed use-conditional overlay-neighborhood plan (CS-V-MU-CO-NP) combining district to commercial-liquor sales-vertical mixed use building-mixed use-conditional overlay-neighborhood plan (CS-1-V-MU-CO-NP) combining district on the property described in Zoning Case No. C14-2011-0037, on file at the Planning and Development Review Department, as follows:

A 5,035 square foot tract of land, more or less, out of Lots 1 and 2, Block 3, D.W. Bouldin's Addition Subdivision, in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance (the "Property"),

locally known as 1601-1603 South 1<sup>st</sup> Street, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

**PART 2.** Except as otherwise 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 commercial-liquor services (CS-1) base district, 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. The Property may be developed as a neighborhood mixed use building special use as set forth in Sections 25-2-1502 through 25-2-1504 of the City Code.

- 1 B. A portion of a building or structure that exceeds 35 feet in height must fit within  
2 an envelope delineated by a 60-degree angle measured from the top of the  
3 structure to a property line that adjoins a public street.  
4  
5 C. A general retail sales (general) use that exceeds 20,000 square feet in gross  
6 floor area is a conditional use.  
7  
8 D. A site plan or building permit for the Property may not be approved, released,  
9 or issued, if the completed development or uses of the Property, considered  
10 cumulatively with all existing or previously authorized development and uses,  
11 generate traffic that exceeds 2,000 trips per day.  
12

13 **PART 4.** The Property is subject to Ordinance No. 020523-33 that established the Bouldin  
14 Creek neighborhood plan combining district.  
15

16 **PART 5.** This ordinance takes effect on \_\_\_\_\_, 2011.  
17

18  
19 **PASSED AND APPROVED**  
20

21 \_\_\_\_\_, 2011 §  
22 §  
23 §  
24

Lee Leffingwell  
Mayor

27  
28 **APPROVED:** \_\_\_\_\_ **ATTEST:** \_\_\_\_\_  
29 Karen M. Kennard Shirley A. Gentry  
30 City Attorney City Clerk

## **EXHIBIT "A"**

**HOLT CARSON, INC.  
1904 FORTVIEW ROAD  
AUSTIN, TX 78704  
TELEPHONE: (512) 442-0990  
FACSIMILE: (512) 442-1084**

**May 30, 2011**

**FIELD NOTE DESCRIPTION FOR THE PROPOSED ZONING CHANGE OF 5,035 SQUARE FEET OF LAND, BEING A PORTION OF LOTS 1 AND 2, BLOCK 3, D.W. BOULDIN'S ADDITION, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 1 PAGE 78 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING ALL OF THAT CERTAIN TRACT CONVEYED TO NAJIB WEHBE BY DEED RECORDED IN DOCUMENT NO. 2010125473 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**BEGINNING FOR REFERENCE at a chiseled "X" found at the point of intersection of the West right-of-way line of South 1<sup>st</sup> Street with the South right-of-way line of West Monroe Street for the Northwest corner of Lot 1, Block 3, D.W. Bouldin's Addition, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 1 Page 78 of the Plat Records of Travis County, Texas, and being the Northwest corner of that certain tract conveyed to Najib Wehbe by deed recorded in Document No. 2010125473 of the Official Public Records of Travis County, Texas, and from which a chiseled "X" found in the East right-of-way line of South 1<sup>st</sup> Street for the Southwest corner of Lot 2 of said Block 3, D.W. Bouldin's Addition, and for the Southwest corner of said Wehbe tract bears S 17 deg. 34' 31" W 87.60 ft., and also from which a ½" iron rod found with a plastic cap imprinted with "Holt Carson, Inc." in the South right-of-way line of West Monroe Street and in the North line of said Lot 1 on the West side of East Bouldin Creek bears S 69 deg. 09' 57" E 120.00 ft.;**

**THENCE with the South right-of-way line of West Monroe Street and with the North line of said Lot 1, S 69 deg. 09' 57" E 39.39 ft. to a point for the Northwest corner and PLACE OF BEGINNING of the herein described tract of land;**

**THENCE continuing with the South right-of-way line of West Monroe Street and with the North line of said Lot 1, S 69 deg. 09' 57" E 70.50 ft. to a point for the Northeast corner of this tract;**

**end of Page 1**

THENCE leaving the South right-of-way line of West Monroe Street and entering the interiors of said Lot 1 and Lot 2, respectively, with the Easterly lines of this tract, the following five (5) courses;

- 1) S 21 deg. 08' W 42.28 ft.;
- 2) N 68 deg. 52' W 21.26 ft.;
- 3) S 21 deg. 08' W 14.30 ft.;
- 4) N 68 deg. 52' W 15.65 ft.;
- 5) S 21 deg. 08' W 26.75 ft. to a point for the Southeast corner of this tract;

THENCE continuing across the interior of said Lot 2 with the South line of this tract, N 68 deg. 52' W 31.00 ft. to a point for the Southwest corner of this tract;

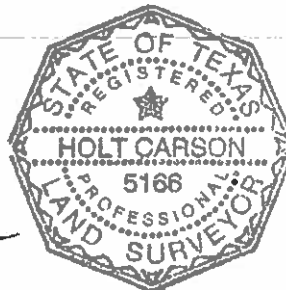
THENCE continuing across the interior of said Lot 2 and re-crossing the interior of said Lot 1, respectively, with the Westerly lines of this tract, the following five (5) courses;

- 1) N 21 deg. 08' E 24.00 ft.;
- 2) N 68 deg. 52' W 25.25 ft.;
- 3) N 21 deg. 08' E 23.26 ft.;
- 4) S 68 deg. 52' E 22.66 ft.;
- 5) N 21 deg. 08' E 35.71 ft. to the **PLACE OF BEGINNING**, containing 5,035 square feet of land.

PREPARED: May 30, 2011  
BY:



Holt Carson  
Registered Professional Land Surveyor No. 5166



see accompanying sketch C860096

#### REFERENCES

Travis County Appraisal District parcel nos.  
04-000-01-17 (Lot 1)  
04-000-01-16 (Lot 2)

City Grid: H-20

**WEST MONROE STREET**

PLACE OF BEGINNING

chiseled "X" found

S69°09'57"E

146.00'

26.00'

LOT 1

(43.8')

Bearing Basis  
(S17°34'W)  
S17°34'W  
87.60'

5,035 Square Feet  
Re-Zoning Tract

LOT 2

Najib Wehbe  
Document No. 2010125473

LOT 3

127.00'

153.00'

(153')

chiseled "X" found

LOT 3

BLOCK 3

D.W. BOULDIN'S

ADDITION

VOLUME 1 PAGE 78

**EAST BOULDIN CREEK**

S13°02'00"W  
88.28'

lot line is  
centerline  
of creek  
per plat and  
Doc 200700150

LOT 1  
MAYITO SUBDIVISION  
DOCUMENT NO  
200700150

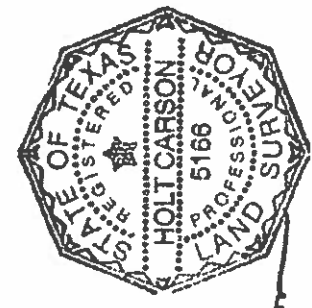
**NUMBERED COURSES**

|    |   |           |   |   |        |
|----|---|-----------|---|---|--------|
| 1  | S | 69°09'57" | E | - | 70.50' |
| 2  | S | 21°08'00" | W | - | 42.28' |
| 3  | N | 68°52'00" | W | - | 21.26' |
| 4  | S | 21°08'00" | W | - | 14.30' |
| 5  | N | 68°52'00" | W | - | 15.65' |
| 6  | S | 21°08'00" | W | - | 26.75' |
| 7  | N | 68°52'00" | W | - | 31.00' |
| 8  | N | 21°08'00" | E | - | 24.00' |
| 9  | N | 68°52'00" | W | - | 25.25' |
| 10 | N | 21°08'00" | E | - | 23.26' |
| 11 | S | 68°52'00" | E | - | 22.66' |
| 12 | N | 21°08'00" | E | - | 35.71' |

SCALE: 1"=30'

1666ND

1/2" Iron Rod Found with Plastic  
Cap Marked "Holt Carson, Inc."  
(Record Distance)  
• Calculated Point



PREPARED: May 30, 2011

BY: *Holt Carson*

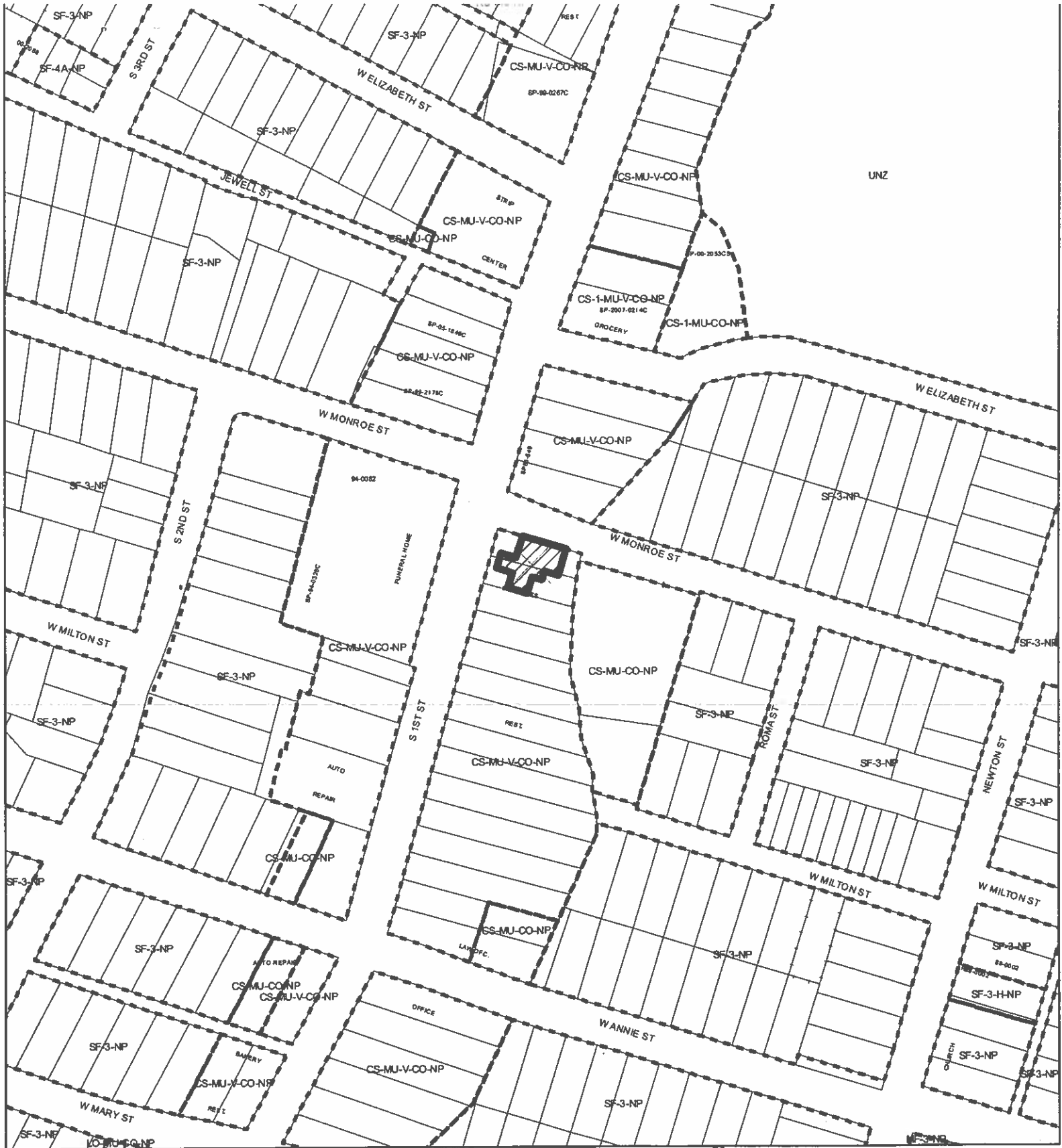
Holt Carson

Registered Professional Land Surveyor No. 5166




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860096

SKETCH TO ACCOMPANY FIELD NOTE DESCRIPTION FOR THE  
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THE MAP OR PLAT THEREOF RECORDED IN VOLUME 1  
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AND BEING ALL OF THAT CERTAIN TRACT CONVEYED TO  
NAJIB WEHBE BY DEED RECORDED IN DOCUMENT NO. 2010125473  
OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.



# ZONING EXHIBIT B

-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

ZONING CASE#: C14-2001-0037  
 LOCATION: 1601-1603 S. 1ST ST  
 SUBJECT AREA: 0.115 ACRES  
 GRID: H20  
 MANAGER: S.RYE



1"=200'

This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.