

ORDINANCE NO. _____

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE
2 PROPERTY LOCATED AT 2408 SAN GABRIEL STREET IN THE WEST
3 UNIVERSITY NEIGHBORHOOD PLAN AREA FROM NEIGHBORHOOD
4 COMMERCIAL-NEIGHBORHOOD PLAN (LR-NP) COMBINING DISTRICT TO
5 COMMERCIAL-LIQUOR SALES-CONDITIONAL OVERLAY-
6 NEIGHBORHOOD PLAN (CS-1-CO-NP) COMBINING DISTRICT.

7
8 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:
9

10 **PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to
11 change the base district from neighborhood commercial-neighborhood plan (LR-NP)
12 combining district to commercial-liquor sales-conditional overlay-neighborhood plan (CS-
13 1-CO-NP) combining district on the property described in Zoning Case No. C14-2011-
14 0098, on file at the Planning and Development Review Department, as follows:
15

16 A 0.1676 acre (7300 square feet) tract of land, more or less, out of Lots 3 and 4,
17 Block 1, Robard's Subdivision, the tract of land being more particularly described
18 by metes and bounds in Exhibit "A" incorporated into this ordinance (the
19 "Property"),
20

21 locally known as 2408 San Gabriel Street, in the City of Austin, Travis County, Texas, and
22 generally identified in the map attached as Exhibit "B".
23

24 **PART 2.** Except as otherwise specifically provided in Part 3 and Part 4 of this ordinance,
25 the Property may be developed and used in accordance with the regulations established for
26 the commercial-liquor sales (CS-1) base district, and other applicable requirements of the
27 City Code.
28

29 **PART 3.** The Property within the boundaries of the conditional overlay combining district
30 established by this ordinance is subject to the following conditions:
31

32 A. A site plan or building permit for the Property may not be approved, released,
33 or issued, if the completed development or uses of the Property, considered
34 cumulatively with all existing or previously authorized development and uses,
35 generate traffic that exceeds 2,000 trips per day.
36

37 B. The following uses are prohibited uses of the Property:
38

39 Cocktail lounge

Adult oriented businesses

1
2 **PART 4.** The Property is subject to Ordinance No. 20040826-57, that established the West
3 University neighborhood plan combining district.
4

5 **PART 5.** This ordinance takes effect on _____, 2011.
6

7
8 **PASSED AND APPROVED**
9

10 _____ §
11 _____ §
12 _____, 2011 § _____
13 Lee Leffingwell
14 Mayor
15
16

17 **APPROVED:** _____ **ATTEST:** _____
18 Karen M. Kennard Shirley A. Gentry
19 City Attorney City Clerk



EXHIBIT A
Land Surveyors, Inc.
8333 Cross Park Drive
Austin, Texas 78754
Office: 512.374.9722
Fax: 512.873.9743

Page 1 of 3

METES AND BOUNDS DESCRIPTION

BEING 0.1676 OF ONE ACRE (7,300 SQUARE FEET) OF LAND OUT OF LOTS 3 AND 4, BLOCK "1", ROBARD'S SUBDIVISION OUT OF OUTLOTS 43, 44, 45, 54 AND 55 IN DIVISION "D" OF THE GOVERNMENT TRACTS ADJOINING THE CITY OF AUSTIN IN TRAVIS COUNTY, TEXAS; ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN VOLUME 1, PAGE 12 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS AND AS CONVEYED TO THOMAS H. YATES, JR., CO-TRUSTEE AND DEANNA F. YATES, CO-TRUSTEE OF THE YATES LIVING TRUST AND LOUIS KOWALSKI, III BY INSTRUMENT OF RECORD IN DOCUMENT NUMBER 2008120643 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a 1/2" rebar found for the northeast corner of said Lot 4, Block "1", Robard's Subdivision Out of Outlots 43, 44, 45, 54 and 55, Division "D" and being the southeast corner of Lot 5, Block "1", Robard's Subdivision Out of Outlots 43, 44, 45, 54 and 55, Division "D" and also being in the west right-of-way line of San Gabriel Street (60' R.O.W.); from which a 1/2" rebar found for the northeast corner of Lot 8, Block "1", Robard's Subdivision Out of Outlots 43, 44, 45, 54 and 55, Division "D" and being at the intersection of said west right-of-way line of San Gabriel Street with the South right-of-way line of 25th Street (60' R.O.W.) bears North 03°27'02" East a distance of 199.94 feet (record: 200 feet) [POINT OF COMMENCING COORDINATES: NORTHING-10,078,253.5335, EASTING-3,112,543.0257, COMBINED SCALE FACTOR (C.S.F.)-0.99993406];

THENCE North 86°20'25" West, along the north line of Lot 4, Block "1", Robard's Subdivision Out of Outlots 43, 44, 45, 54 and 55, Division "D" and the south line of said Lot 5, Block "1", Robard's Subdivision Out of Outlots 43, 44, 45, 54 and 55, Division "D" a distance of 16.18 feet to a calculated point;

THENCE South 03°39'35" West, crossing through Lot 4, Block "1", Robard's Subdivision Out of Outlots 43, 44, 45, 54 and 55, Division "D" a distance of 0.14 feet to the corner of a single story brick building and the POINT OF BEGINNING [POINT OF BEGINNING COORDINATES: NORTHING-10,078,254.4230, EASTING-3,112,526.8702, C.S.F.-0.99993406]

THENCE continuing through Lot 4, Block "1", Robard's Subdivision Out of Outlots 43, 44, 45, 54 and 55, Division "D" around the perimeter of said single story brick building the following five (5) courses:

1. South 03°40'57" West a distance of 1.00 foot to a building corner;
2. North 86°19'03" West a distance of 9.00 feet to a building corner;

3. South $03^{\circ}40'57''$ West a distance of 34.10 feet to a building corner;
4. North $86^{\circ}19'03''$ West a distance of 120.00 feet to a building corner;
5. South $03^{\circ}40'57''$ West, crossing into said Lot 3, Block "1", Robard's Subdivision Out of Outlots 43, 44, 45, 54 and 55, Division "D" a distance of 59.90 feet to a building corner;

THENCE continuing through Lot 3, Block "1", Robard's Subdivision Out of Outlots 43, 44, 45, 54 and 55, Division "D" the following two (2) courses:

1. North $86^{\circ}19'03''$ West a distance of 35.00 feet to a building corner;
2. North $03^{\circ}40'57''$ East, crossing into Lot 4, Block "1", Robard's Subdivision Out of Outlots 43, 44, 45, 54 and 55, Division "D" a distance of 90.00 feet to a building corner;

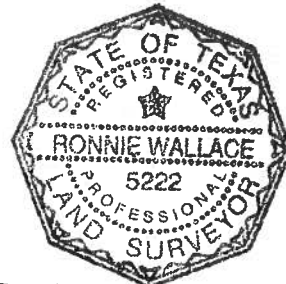
THENCE continuing through Lot 4, Block "1", Robard's Subdivision Out of Outlots 43, 44, 45, 54 and 55, Division "D" the following three (3) courses:

1. South $86^{\circ}19'03''$ East a distance of 49.00 feet to a building corner;
2. North $03^{\circ}40'57''$ East a distance of 5.00 feet to a building corner;
3. South $86^{\circ}19'03''$ East a distance of 115.00 feet to the POINT OF BEGINNING.

This parcel contains 0.1676 of one acre (7,300 square feet) of land, more or less, out of Lots 3 and 4, Block "1", Robard's Subdivision Out of Outlots 43, 44, 45, 54 and 55, Division "D" in Travis County, Texas.

Bearing Basis: Texas State Plane Coordinate System, Central Zone (4203), NAD 83/96 CORS.
Combined Scale factor: 0.99993406. Convergence: $01^{\circ}19'54''$.

Ronnie Wallace 21 September 2011
Ronnie Wallace Date
Registered Professional Land Surveyor
State of Texas No. 5222



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Drawing: \Baseline\Projects\2408 San Gabriel Street\Dwg\2408 San Gabriel Street Base.dwg

GRAPHIC SCALE

40 20 0 40
IN FEET

25TH STREET
(60' R.O.W.)

LINE TABLE		
LINE	BEARING	LENGTH
L1	N86°20'25"W	16.18'
L2	S03°39'35"W	0.14'
L3	S03°40'57"W	1.00'
L4	N86°19'03"W	9.00'
L5	N03°40'57"E	5.00'

8
ROBARD'S SUBDIVISION OUT OF
OUTLOTS 43, 44, 45, 54 AND 55,
DIVISION "D"
VOL. 1, PG. 12
P.R.T.C.T.

BLOCK "1"

LEGEND

SYMBOL DESCRIPTION

- 1/2" REBAR FOUND
- ▲ 60D NAIL FOUND
- △ CALCULATED POINT
- R.O.W. RIGHT OF WAY
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCING
- O.P.R.T.C.T. OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS
- P.R.T.C.T. PLAT RECORDS OF TRAVIS COUNTY, TEXAS
- C.S.F. COMBINED SCALE FACTOR
- () RECORD INFORMATION PER VOL. 1, PG. 12. P.R.T.C.T.

BEARING BASIS: TEXAS STATE PLANE COORDINATE SYSTEM,
CENTRAL ZONE; NAD 83 (CORS 96). COMBINED SCALE FACTOR:
0.99993406. CONVERGENCE TO GRID: 01°19'54"

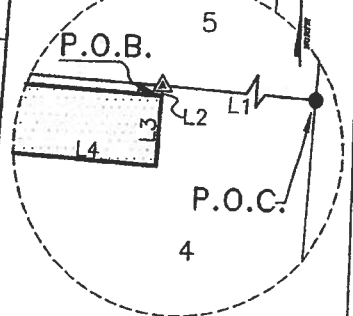
SEE DETAIL
POINT OF
BEGINNING

NORTHING: 10078254.4230
EASTING: 3112526.8702
C.S.F.: 0.99993406

POINT OF
COMMENCING

NORTHING: 10078253.5335
EASTING: 3112543.0257
C.S.F.: 0.99993406

DETAIL
NOT TO SCALE



ALLEY (20' WIDE) (100')
N03°28'04"E 100.03'

S86°19'03"E 49.00'
S86°19'03"E 115.00'
N86°19'03"W 120.00'
S03°40'57"W 34.10'
N03°40'57"E 90.00'
S03°40'57"W 59.90'
N86°19'03"W 35.00'

0.1676 AC.

THOMAS H. YATES, JR., CO-TRUSTEE &
DEANNA F. YATES, CO-TRUSTEE OF
THE YATES LIVING TRUST
AND LOUIS KOWALSKI, III
LOTS 3 & 4
DOC. NO. 2008120643
O.P.R.T.C.T.

SKETCH TO ACCOMPANY FIELD NOTES

OF 0.1676 OF ONE ACRE (7,300 SQUARE FEET) OF LAND OUT OF LOTS
3 AND 4, BLOCK "1", ROBARD'S SUBDIVISION OUT OF OUTLOTS 43, 44,
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CO-TRUSTEE OF THE YATES LIVING TRUST AND LOUIS KOWALSKI, III BY
INSTRUMENT OF RECORD IN DOCUMENT NUMBER 2008120643 OF THE
OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

BASELINE LAND SURVEYORS, INC.

PROFESSIONAL LAND SURVEYING SERVICES

8333 CROSS PARK DRIVE

AUSTIN, TEXAS 78754

OFFICE: 512.374.9722 FAX: 512.873.9743

ron-baseline@austin.txrr.com

File: S:\Projects\2408 San Gabriel Street\2408 San Gabriel Base.dwg

Job No.

Snapshot:

Scale (Hor.): 1"=40'

Scale (Vert.):

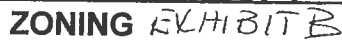
Date: 09/21/11

Checked By: JSL

Drawn By: RLW

SHEET

3 of 3



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.