

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

1 **AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE**  
2 **PROPERTY LOCATED AT 1218 WEST AVENUE FROM FAMILY RESIDENCE**  
3 **(SF-3) DISTRICT AND PUBLIC (P) DISTRICT TO DOWNTOWN MIXED USE-**  
4 **CONDITIONAL OVERLAY (DMU-CO) COMBINING DISTRICT.**

5  
6 **BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

7  
8 **PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to  
9 change the base district from family residence (SF-3) district and public (P) district to  
10 downtown mixed use-conditional overlay (DMU CO) combining district on the property  
11 described in Zoning Case No. C14-2012-0079, on file at the Planning and Development  
12 Review Department, as follows:

13  
14 A 0.88 acre tract of land, more or less, out of Outlot No. 6, Division E of the  
15 Government Outlots the tract of land being more particularly described by metes  
16 and bounds in Exhibit "A" incorporated into this ordinance (the "Property"),

17  
18 locally known as 1218 West Avenue in the City of Austin, Travis County, Texas, and  
19 generally identified in the map attached as Exhibit "B".

20  
21 **PART 2.** The Property within the boundaries of the conditional overlay combining district  
22 established by this ordinance is subject to the following conditions:

- 23  
24 A. A site plan or building permit for the Property may not be approved, released,  
25 or issued, if the completed development or uses of the Property, considered  
26 cumulatively with all existing or previously authorized development and uses,  
27 generate traffic that exceeds 2,000 trips per day.
- 28  
29 B. The maximum height, as defined in City Code, of a building or structure on the  
30 property may not exceed 60 feet.
- 31  
32 C. Development of the Property shall require a 5 foot front yard setback along  
33 West Avenue.
- 34  
35 D. Drive-in service use is prohibited as an accessory use to a restaurant (limited)  
36 use.
- 37

1 E. The following uses are prohibited uses of the Property:  
2

3 Automotive repair services  
4 Bail bond services  
5 Counseling services  
6 Funeral services  
7 Guidance services  
8 Local utility services  
9 Residential treatment  
10 Service station

11 Automotive sales  
12 Cocktail lounge  
13 Exterminating services  
14 Financial services  
15 Liquor sales  
16 Outdoor entertainment  
17 Restaurant (general)  
18 Automotive washing (of any type)

19 Except as specifically restricted under this ordinance, the Property may be developed and  
20 used in accordance with the regulations established for the downtown mixed use (DMU)  
21 base district and other applicable requirements of the City Code.

PART 3. This ordinance takes effect on \_\_\_\_\_, 2013.

PASSED AND APPROVED

\_\_\_\_\_, 2013

§  
§  
§

Lee Leffingwell  
Mayor

APPROVED: \_\_\_\_\_

Karen M. Kennard  
City Attorney

ATTEST: \_\_\_\_\_

Jannette S. Goodall  
City Clerk

FN3177R(BS)  
October 2003  
SAM, Inc. Job No. 23243-01

Austin Community College  
3.247 Acres (Tract 1)  
0.8803 Acres (Tract 2)

DESCRIPTION OF A 0.8803 ACRE TRACT OF LAND (38,347 SQUARE FEET) LOCATED IN OUTLOT NO. SIX (6), DIVISION "E" OF THE GOVERNMENT OUTLOTS ADJOINING THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS AS SHOWN ON THE MAP OR PLAT OF THE GOVERNMENT TRACT, OF RECORD IN THE GENERAL LAND OFFICE OF THE STATE OF TEXAS, BEING ALL OF THAT TRACT OF LAND DESCRIBED AS TRACT 1 IN AN INSTRUMENT FROM MARIEL ROBBINS, JONNIE BELLE PARKER AND HER HUSBAND W. E. PARKER, R. B. ROBBINS AND HIS WIFE JULIA D. ROBBINS, L. A. ROBBINS AND HIS WIFE MARGARET ROBBINS, H. A. ROBBINS AND HIS WIFE ETHEL ROBBINS AND W. L. ROBBINS AND HIS WIFE MARY ROBBINS TO THE BOARD OF TRUSTEES OF THE PUBLIC FREE SCHOOLS OF THE CITY OF AUSTIN, DATED OCTOBER 6, 1928, AND RECORDED IN VOLUME 419, PAGE 567 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING ALL OF THAT TRACT OF LAND DESCRIBED AS TRACT 2 IN SAID INSTRUMENT RECORDED IN VOLUME 419, PAGE 567, KNOWN AS LOT 1 OF THE GREGG ADDITION, AS SHOWN ON THAT PLAT RECORDED IN VOLUME 2, PAGE 207 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING ALL OF THAT TRACT OF LAND DESCRIBED IN AN INSTRUMENT FROM BENJAMIN F. WRIGHT TO AUSTIN PUBLIC FREE SCHOOLS, RECORDED IN VOLUME 441, PAGE 57 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, WHICH SAID DEED IS UNREADABLE AND REFERENCE IS MADE TO AN INSTRUMENT FROM R. C. WALKER AND WIFE PATTIE E. WALKER TO BENJAMIN F. WRIGHT, DATED DECEMBER 13, 1890, AND RECORDED IN VOLUME 101, PAGE 107 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS FOR ALL PERTINENT PURPOSES, AND A PORTION OF PARK ROW STREET VACATED BY CITY ORDINANCE NO. 810226-N, DATED FEBRUARY 26, 1981; SAID 0.8803 ACRE TRACT OF LAND, AS SHOWN ON THE ACCOMPANYING PLAT, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a 1/2-inch iron rod with a plastic cap marked "SAM, INC." set in the west right of way line of West Avenue, an 80 foot right of way, for the southeast corner hereof, being the southeast corner of the said tract of land described in Volume 441, Page 57, and being the northeast corner of that tract of land described in an instrument from Mrs. Ethel Hartman to Louise Hartman Trull, dated July 20, 1956, and recorded in Volume 1711, Page 350 of the Deed Records of Travis County, Texas, from which an iron pipe found bears S 74° 07' 53" E, a distance of 2.18 feet;

**THENCE**, with the south line of the said tract of land described in Volume 441, Page 57, same being the north line of the said Trull tract, N 73° 35' 23" W, at 197.35 feet pass a 1/2-inch iron rod found, in all a distance of 198.25 feet to a 1/2-inch iron rod with a plastic cap marked "SAM, INC." set for an interior ell corner hereof, being the northwest corner of the said Trull tract, and being on the east line of the said vacated Park Row Street;

FN3177R(BS)  
October 2003  
SAM, Inc. Job No. 23243-01

Austin Community College  
3.247 Acres (Tract 1)  
0.8803 Acres (Tract 2)

THENCE, with the west line of the said Trull tract, being the east line of the said vacated Park Row Street, S 16° 54' 43" W, a distance of 5.28 feet to a 1/2-inch iron rod with a plastic cap marked "SAM, INC." set, from which a 1/2-inch iron rod found for the northwest corner of that tract of land described in an instrument from Theodore J. Siff, Trustee to Waterloo II, LTD., dated May 7, 1985, and recorded in Volume 10467, Page 439 of the Real Property Records of Travis County, Texas, being an interior ell corner of that tract of land called to be 35,580 square feet (Exhibit "A"), as described in an instrument from H. E. Butt Store Property Company No. One to Austin Community College District, dated May 1, 1989, and recorded in Volume 10931, Page 971 of the Real Property Records of Travis County, Texas, bears S 16° 54' 43" W, a distance of 173.07 feet;

THENCE, with the centerline of the said vacated Park Row Street, N 73° 06' 00" W, a distance of 49.99 feet to a PK nail with washer marked "SAM, INC." set for the southwest corner hereof;

THENCE, with the west line hereof, being in part over and across the said vacated Park Row Street, in part the west line of the said Tract 2 described in Volume 419, Page 567, being the east line of Lot 2 of the said Gregg Addition (Tract 1), as described in an instrument from Texas National Bank of Beaumont to the Board of Trustees of the Austin Public Free Schools, dated July 2, 1927, and recorded in Volume 352, Page 338 of the Deed Records of Travis County, Texas, said Lot 2 also being described in an instrument from D. A. Gregg and his wife, Lorene Gregg to the Board of Trustees of the Austin Public Free Schools, dated July 12, 1923, and recorded in Volume 350, Page 478 of the Deed Records of Travis County, Texas, N 16° 54' 00" E, a distance of 159.28 feet to a 1/2-inch iron rod with a plastic cap marked "SAM, INC." set for the northwest corner hereof, being the northwest corner of the said Tract 2 described in Volume 419, Page 567, and being the northeast corner of the said Lot 2, and also being on the south line of that tract of land described in an instrument from E. M. House to the City of Austin, dated August 26, 1903, and recorded in Volume 180, Page 139 of the Deed Records of Travis County, Texas, from which a 1/2-inch iron rod found bears S 85° 01' 21" E, a distance of 3.62 feet;

THENCE, with the south line of the said City of Austin tract of land described in Volume 180, Page 139, being in part the north line of the said Tract 2 described in Volume 419, Page 567, and in part the north line of the said Tract 1 described in Volume 419, Page 567, S 73° 16' 09" E, a distance of 247.35 feet to a PK nail with washer marked "SAM, INC." set in the said west right of way line of West Avenue for the northeast corner hereof, being the northeast corner of the said Tract 1 described in Volume 419, Page 567, and being the southeast corner of the said City of Austin tract of land described in Volume 180, Page 139;

FN3177R(BS)  
October 2003  
SAM, Inc. Job No. 23243-01

Austin Community College  
3.247 Acres (Tract 1)  
0.8803 Acres (Tract 2)

THENCE, with the said west right of way line of West Avenue, being in part the east line of the said Tract 1 described in Volume 419, Page 567, and in part the east line of the said tract of land described in Volume 441, Page 57, S 16° 34' 07" W, a distance of 153.04 feet to the POINT OF BEGINNING, containing 0.8803 acres (38,347 square feet) of land, more or less.

BEARING BASIS: Bearings are based on the Texas State Plane Coordinate System, Central Zone, NAD 83 (1993) HARN, NAVD 88. The distances are adjusted to surface using a combined scale factor of 0.99994097714. All units are U. S. Survey Feet.

THE STATE OF TEXAS

§  
§  
§

KNOW ALL MEN BY THESE PRESENTS:

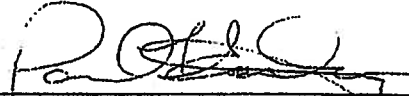
COUNTY OF TRAVIS

That I, Paul L. Easley, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground during October of 2003 under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the 25<sup>th</sup> day of March, 2004A.D.

SURVEYING AND MAPPING, Inc.  
5508 West Highway 290  
Building B  
Austin, Texas 78735



  
Paul L. Easley  
Registered Professional Land Surveyor  
No. 4432 - State of Texas

**1<sup>st</sup> = 400'**