

ORDINANCE NO. _____

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE
2 PROPERTY LOCATED AT 1204 WEST AVENUE FROM LIMITED OFFICE (LO)
3 DISTRICT, MULTI FAMILY RESIDENCE MODERATE HIGH DENSITY (MF-4)
4 DISTRICT AND GENERAL COMMERCIAL SERVICES (CS) DISTRICT TO
5 DOWNTOWN MIXED USE-CONDITIONAL OVERLAY (DMU-CO) COMBINING
6 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 limited office (LO) district, multi family residence moderate
12 high density (MF-4) district and general commercial services (CS) district to downtown
13 mixed use-conditional overlay (DMU-CO) combining district on the property described in
14 Zoning Case No. C14-2012-0080, on file at the Planning and Development Review
15 Department, as follows:

16
17 A 0.36 acre tract of land, more or less, out of Outlot No. 6, Division E of the
18 Government Outlots, the tract of land being more particularly described by metes
19 and bounds in Exhibit "A" incorporated into this ordinance (the "Property"),

20
21 locally known as 1204 West Avenue in the City of Austin, Travis County, Texas, and
22 generally identified in the map attached as Exhibit "B".

23
24 PART 2. The Property within the boundaries of the conditional overlay combining district
25 established by this ordinance is subject to the following conditions:

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

1 D. Drive-in service use is prohibited as an accessory use to a restaurant (limited)
2 use.

3
4 E. The following uses are prohibited uses of the Property:
5

Automotive repair services
Bail bond services
Counseling services
Funeral services
Guidance services
Local utility services
Residential treatment
Service station

Automotive sales
Cocktail lounge
Exterminating services
Financial services
Liquor sales
Outdoor entertainment
Restaurant (general)
Automotive washing (of any type)

6
7 Except as specifically restricted under this ordinance, the Property may be developed and
8 used in accordance with the regulations established for the downtown mixed use (DMU)
9 base district and other applicable requirements of the City Code.

10
11 **PART 3.** This ordinance takes effect on _____, 2013.

12
13 **PASSED AND APPROVED**

14
15 §
16 §
17 §

_____, 2013

18 Lee Leffingwell
19 Mayor

20
21
22 **APPROVED:** _____

Karen M. Kennard
City Attorney

ATTEST: _____

Jannette S. Goodall
City Clerk

0.3627 of One Acre of Land
Outlot 6, Division "E"
Austin, Travis County, Texas

FN 5725r1
SAM, Inc. Job No. 29208

DESCRIPTION

DESCRIPTION OF 0.3627 OF ONE ACRE (15,799 SQUARE FEET) OF LAND SITUATED IN OUTLOT 6, DIVISION "E", OF THE GOVERNMENT TRACTS ADJOINING THE ORIGINAL CITY OF AUSTIN, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF ON FILE IN THE GENERAL LAND OFFICE OF THE STATE OF TEXAS, AND BEING ALL OF THAT CERTAIN TRACT DESCRIBED IN DEED TO EDSAM M. INGRAM, RECORDED IN VOLUME 2358, PAGE 354, DEED RECORDS OF TRAVIS COUNTY, TEXAS (D.R.T.C.TX.), AND ALL OF THAT CERTAIN TRACT 2 DESCRIBED IN DEED TO EDSAM M. INGRAM, RECORDED IN VOLUME 12650, PAGE 2062, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS (R.P.R.T.C.TX.); SAID 0.3627 OF ONE ACRE OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 3/4" iron pipe with a 1/2" iron rod inside for the southeast corner of this tract, the southeast corner of said Ingram tract (Vol. 2358, Pg. 354), the northeast corner of that certain called 0.156 of one acre tract described in deed to Billy F. Priest and Mary Tom Priest, recorded in Volume 11117, Page 57, R.P.R.T.C.TX., and in the west right-of-way line of West Avenue (80' R.O.W.), from which a 1/2" iron rod found for the southeast corner of said Priest tract bears S16°38'23"W a distance of 45.28 feet;

THENCE with the south line of said Ingram tract and the north line of said Priest tract, N73°03'38"W (Line of Directional Control) a distance of 149.82 feet to a 3/4" iron pipe found for the most southerly southwest corner of this tract, the southwest corner of said Ingram tract and the northwest corner of said Priest tract, in the east line of that certain tract of land described in deed to Austin Community College District, recorded in Document No. 2009050090, Official Public Records of Travis County, Texas;

THENCE with the west line of said Ingram tract and the east line of said Austin Community College tract, N16°09'39"E a distance of 15.39 feet to a 1/2" iron rod with SAM, Inc. plastic cap found for the northeast corner of said Austin Community College District tract and the most easterly southeast corner of that certain tract described in deed to Austin Community College, recorded in Volume 10931, Page 971, R.P.R.T.C.TX., from which a 1" iron pipe found bears S69°15'E a distance of 1.65 feet;

THENCE continuing with the west line of said Ingram tract, and with the east line of said Austin Community College tract (Vol. 10931 Pg. 971), N16°15'51"E a distance of 27.71 feet to a 1/2" iron rod found for an interior corner of this tract, the northwest corner of said Ingram tract, the northeast corner of said Austin Community College tract, and in the south line of said Ingram Tract 2 (Vol. 12650 Pg. 2062);

THENCE with the north line of said Austin Community College tract and the south line of said Ingram Tract 2, N73°46'09"W passing a 48.26 feet a leaning 2" iron pipe found, in all a total distance of 48.56 feet to a Mag Nail with SAM, Inc. washer set (replacing a 1/2" iron rod with SAM, Inc. plastic cap found disturbed), for the most westerly southwest corner of this tract, the

0.3627 of One Acre of Land
Outlot 6, Division "E"
Austin, Travis County, Texas

FN 5725r1
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most northerly northwest corner of said Austin Community College tract, and in the east line of that certain called 1.15 acre tract described in deed to the City of Austin, recorded in Volume 466, Page 522, D.R.T.C.TX., said City of Austin tract being a part of Gregg Addition, a subdivision recorded in Volume 2, Page 207, Plat Records of Travis County, Texas;

THENCE with the west line of said Ingram Tract 2 and the east line of said City of Austin tract, N16°54'16"E a distance of 47.04 feet to a 1/2" iron rod with SAM, Inc plastic cap set for the northwest corner this tract, and the northwest corner of said Ingram Tract 2, from which a 1/2" iron rod with SAM, Inc plastic cap (set by prior survey dated 2005, not recovered this survey) for the northwest corner of that certain tract of land described in deed to Louise Hartman Trull, recorded in Volume 1711, Page 350, D.R.T.C.TX., bears N16°54'16"E a distance of 104.00 feet;

THENCE with the north line of said Ingram Tract 2, S73°20'48"E passing at a distance of 197.73 feet a 3/4" iron pipe with 60d nail found, in all a total distance 198.47 feet to a calculated point for the northeast corner of this tract, the northeast corner of said Ingram Tract 2, in the west right-of-way line of West Avenue, from which a 1/2" iron pipe found for the northeast corner of said Trull tract bears N16°38'23"E a distance of 104.67 feet;

THENCE with the east line of said Ingram Tract 2 and said Ingram tract, and the west right-of-way line of West Avenue, S16°38'23"W passing at a distance of 88.98 feet a 3/4" iron pipe found, in all a total distance of 90.53 feet to the POINT OF BEGINNING and containing 0.3627 of one acre of land within these metes and bounds.

Bearing Basis: Bearing Basis is Grid North, Texas State Plane Coordinate System NAD83/93 HARN, Central Zone. The derived grid bearing along the south line of this tract is N73°03'38"W. State Plane Grid distance values were converted to surface values using a scale factor of 0.99994. Distances contained herein are surface distances in U.S. Survey feet.

Reference is herein made to the Survey Plat accompanying this metes and bounds description.

THE STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS:

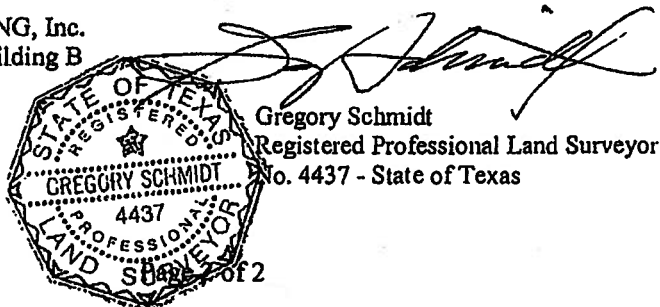
COUNTY OF TRAVIS

That I, Gregory Schmidt, 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 under my direction and supervision.

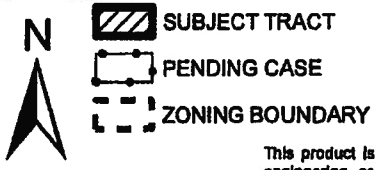
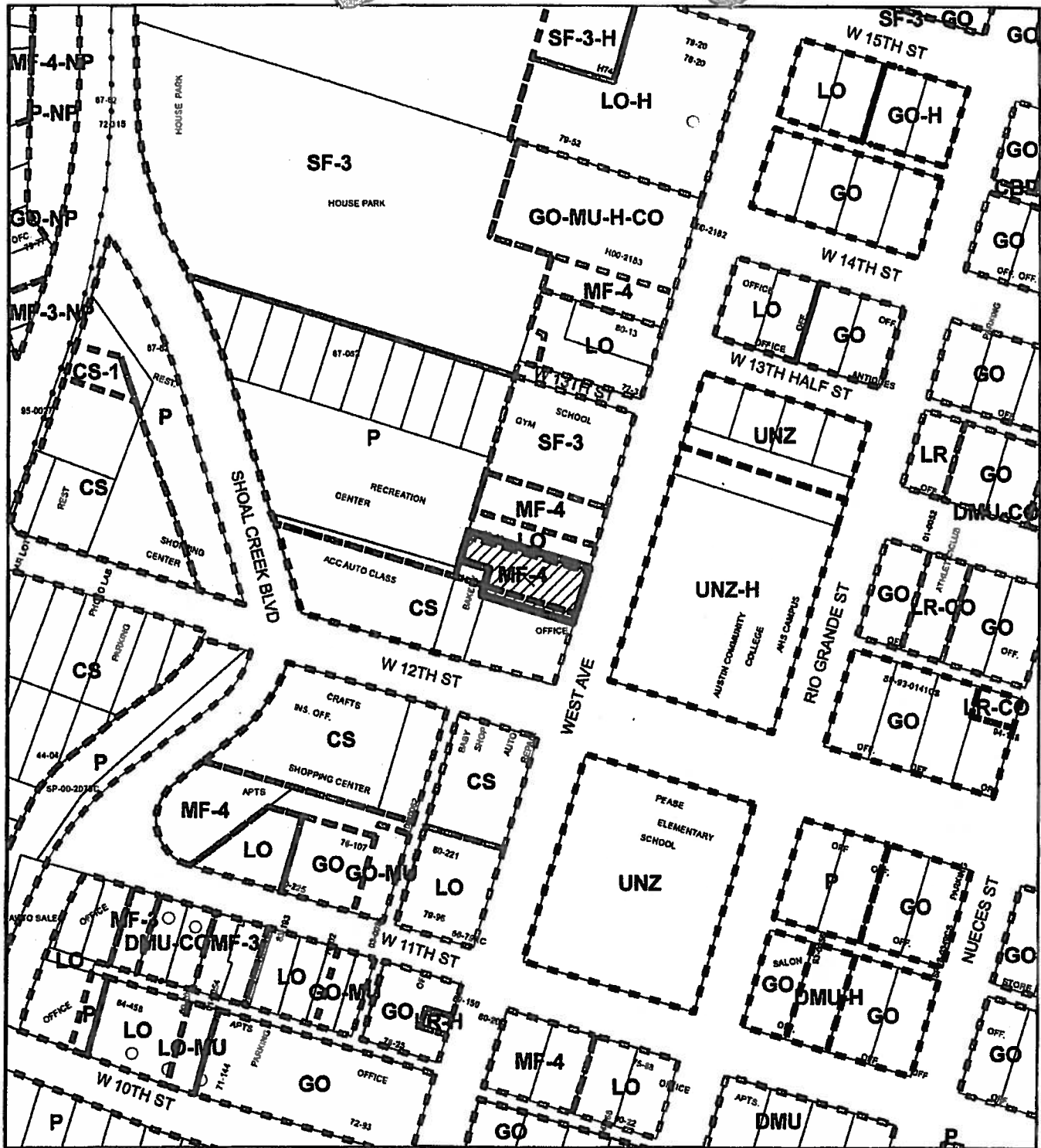
WITNESS MY HAND AND SEAL at Austin, Travis County, Texas the date shown below.

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

DATE: November 18, 2009



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ZONING CASE
C14-2012-0080

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

