

ORDINANCE NO. _____

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE
2 PROPERTY LOCATED AT 1209 RIO GRANDE STREET FROM GENERAL
3 OFFICE (GO) DISTRICT AND NEIGHBORHOOD COMMERCIAL-
4 CONDITIONAL OVERLAY (LR-CO) COMBINING DISTRICT TO DOWNTOWN
5 MIXED USE-CONDITIONAL OVERLAY (DMU-CO) COMBINING DISTRICT.
6

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

9 **PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to
10 change the base district from general office (GO) district and neighborhood commercial-
11 conditional overlay (LR-CO) combining district to downtown mixed use-conditional
12 overlay (DMU-CO) combining district on the property described in Zoning Case No. C14-
13 2012-0082, on file at the Planning and Development Review Department, as follows:
14

15 A 0.50 acre tract of land, more or less, being part of Lot 7 and all of Lot 8, Block
16 152 of the Original City of Austin the tract of land being more particularly
17 described by metes and bounds in Exhibit "A" incorporated into this ordinance (the
18 "Property"),
19

20 locally known as 1209 Rio Grande Street in the City of Austin, Travis County, Texas, and
21 generally identified in the map attached as Exhibit "B".
22

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

- 26 A. A site plan or building permit for the Property may not be approved, released,
27 or issued, if the completed development or uses of the Property, considered
28 cumulatively with all existing or previously authorized development and uses,
29 generate traffic that exceeds 2,000 trips per day.
30
- 31 B. The maximum height, as defined in City Code, of a building or structure on the
32 property may not exceed 60 feet.
33
- 34 C. Development of the Property shall require a minimum 15 foot setback along
35 West 13th Street and a 10 foot setback on Rio Grande Street.
36

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

6
7 Automotive repair services
8 Bail bond services
9 Counseling services
10 Funeral services
11 Guidance services
12 Local utility services
13 Residential treatment
14 Service station

15 Automotive sales
16 Cocktail lounge
17 Exterminating services
18 Financial services
19 Liquor sales
20 Outdoor entertainment
21 Restaurant (general)
22 Automotive washing (of any type)

23 Except as specifically restricted under this ordinance, the Property may be developed and
24 used in accordance with the regulations established for the downtown mixed use (DMU)
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 §

18 _____, 2013

19 Lee Leffingwell
20 Mayor

21
22 **APPROVED:** _____

23 Karen M. Kennard
24 City Attorney

ATTEST: _____

Jannette S. Goodall
City Clerk

0.508 of One Acre of Land
Block 152
Austin, Travis County, Texas

FN 5772(REB)R1
SAM, Inc. Job No. 29227

DESCRIPTION

DESCRIPTION OF 0.508 OF ONE ACRE OF LAND BEING PART OF LOT 7 AND ALL OF LOT 8, IN BLOCK 152 OF 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, SAME BEING ALL OF THAT TRACT OF LAND DESCRIBED IN THE DEED TO WATERLOO I, LTD. AS RECORDED IN VOLUME 7265, PAGE 106 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS (D.R.T.C.TX.), AND ALL OF THAT CALLED TRACT I, ALL OF THAT CALLED TRACT II, AND ALL OF THAT CALLED TRACT III, ALL DESCRIBED IN THE DEED TO WATERLOO I, LTD. AS RECORDED IN VOLUME 9769, PAGE 655 OF THE D.R.T.C.TX.; SAID 0.508 OF ONE ACRE OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron rod found at the intersection of the east line of Rio Grande Street (120-foot wide R.O.W.) with the north line of a 20-foot wide alley running through said Block 152, at the southwest corner of said Lot 8, same being the southwest corner of said Waterloo I, Ltd. tract (Volume 7265, Page 106 D.R.T.C.TX.), from which a 5/8" iron rod found at the northwest corner of that called Lot 1, Austin - Waterloo Subdivision as recorded in Book 85, Page 99D of the Plat Records of Travis County, Texas (P.R.T.C.TX.) bears, S16°34'21"W, a distance of 20.00 feet;

THENCE with the east line of Rio Grande Street and being 30.00 feet east of and parallel with the monumented line of Rio Grande Street, N16°34'21"E, at a distance of 88.72 feet passing a 1/2" iron rod found at the northwest corner of said Waterloo I, Ltd. tract (Volume 7265, Page 106 D.R.T.C.TX.) and the southwest corner of said Tract III, and continuing a total distance of 160.62 feet to a calculated point at the intersection of the east line of Rio Grande Street with the South line of West 13th Street (80-foot wide R.O.W.) for the northwest corner of said Tract III and the tract described herein from which a 1/2" iron rod found in West 13th Street bears, N23°55'43"E, a distance of 0.61 feet;

THENCE with the south line of West 13th Street and the north lines of said Tract III, said Tract II, and said Tract I, also being 40.00 feet south of and parallel with the reestablished centerline of West 13th Street, S73°14'30"E, a distance of 137.78 feet to a calculated point for the northeast corner of said Tract I and the tract described herein from which a Mag Nail and washer set bears S16°31'53"W, a distance of 1.00 feet, also from which a 1/2" iron rod found in West 13th Street bears, N06°42'07"W, a distance of 0.85 feet, and also from which a 1/2" iron pipe found at the northeast corner of said Block 152 bears, S73°14'30"E, a distance of 141.84 feet;

THENCE crossing through the interior of said Lot 7, with the east line of said Tract I, S16°31'53"W, a distance of 160.59 feet to a 1/2" iron rod with a "SAM, INC" plastic cap set in the north line of said 20-foot wide alley for the southeast corner of said Tract I and the tract described herein, from which a 5/8" iron rod found in said 20-foot wide alley bears, S51°12'01"W, a distance of 0.57 feet;

0.508 of One Acre of Land
Block 152
Austin, Travis County, Texas

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THENCE with the north line of said 20-foot wide alley and the south lines of said Tract I, said Tract II, and said Waterloo I, Ltd. tract (Volume 7265, Page 106 D.R.T.C.TX.), N73°15'06"W, passing at a distance of 44.62 feet a 5/8" iron rod found at the southwest corner of said Tract I and the southeast corner of said Tract II, and continuing a total distance of 137.90 feet to the **POINT OF BEGINNING** and containing 0.508 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 west line of this tract is N16°34'21"E. 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:

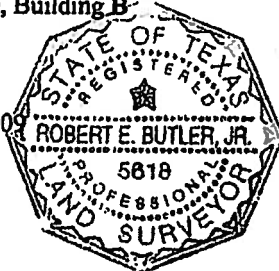
COUNTY OF TRAVIS


That I, Robert E. Butler, Jr., 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: December 14, 2009




Robert E. Butler, Jr.
Registered Professional Land Surveyor
No. 5618 - State of Texas

