

ORDINANCE NO. 20050623-Z011

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 1901 MATTHEWS LANE FROM FAMILY RESIDENCE (SF-3) DISTRICT TO GENERAL OFFICE-CONDITIONAL OVERLAY (GO-CO) 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 family residence (SF-3) district to general office-conditional overlay (GO-CO) combining district on the property described in Zoning Case No. C14-05-0062, on file at the Neighborhood Planning and Zoning Department, as follows:

A 0.25 acre tract of land, more or less, out of the William Cannon League Survey No. 19, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance (the "Property"),

locally known as 1901 Matthews Lane in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

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

1. The following uses are prohibited on the Property:

| | |
|----------------------------|-----------------------------|
| Business or trade school | Business support services |
| Guidance services | Hospital services (limited) |
| Off-site accessory parking | Printing and publishing |

2. The following uses are conditional on the Property:

| | |
|----------------------|-----------------------------|
| Restaurant (limited) | Hospital services (general) |
|----------------------|-----------------------------|

3. The following site development regulations apply to the Property:

- a. The maximum floor-to-area ratio is 0.7 to 1.0.
- b. The maximum building coverage is 50 percent.
- c. The maximum impervious cover is 70 percent.

- d. The maximum height is 40 feet from ground level.
- e. The maximum height is three stories.
- f. The minimum street front setback is 25 feet.

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the limited office (LO) base district and other applicable requirements of the City Code.

PART 3. This ordinance takes effect on July 4, 2005.

PASSED AND APPROVED

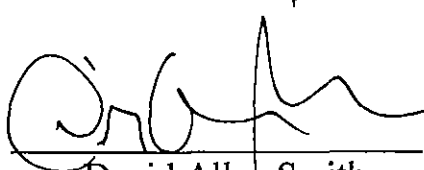
June 23, 2005

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§
§



Will Wynn
Mayor

APPROVED:



David Allan Smith
City Attorney

ATTEST:



Shirley A. Brown
City Clerk



LEGAL DESCRIPTION

BEING A TRACT OR PARCEL OF LAND CONTAINING 0.25 ACRE (10,890 SQ. FT.) OUT OF THE WILLIAM CANNON LEAGUE SURVEY NO. 19, IN TRAVIS COUNTY, TEXAS BEING A PORTION OF THE 1 ACRE TRACT DESCRIBED IN DEED RECORDED IN VOLUME 898, PAGE 99, DEED RECORDS, TRAVIS COUNTY, TEXAS, SAVE AND EXCEPT THOSE PORTIONS CONVEYED IN DEEDS RECORDED IN VOLUME 1549, PAGE 389, VOLUME 1549, PAGE 391, AND VOLUME 2442, PAGE 472, DEED RECORDS, TRAVIS COUNTY, TEXAS. SAID 0.25 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, (BEARINGS BASED ON THE RECORDED PLAT OF EULA MAY ADDITION, VOLUME 72, PAGE 252, T.C.P.R.):

COMMENCING AT A 1/2 INCH IRON ROD FOUND IN THE SOUTH RIGHT-OF-WAY LINE OF MATTHEWS LANE (R.O.W. VARIES), MARKING THE NORTHEAST CORNER OF THE CORONADO TRACT, BEING CALLED 0.978 ACRE, AS DESCRIBED IN DOCUMENT NUMBER 2001194262, T.C.O.P.R., FROM WHICH POINT THE NORTHWEST CORNER OF LOT 1, BLOCK "B" OF THE AMENDED PLAT OF DAN JEAN OAKS SUBDIVISION RECORDED IN DOCUMENT NUMBER 199900115, T.C.O.P.R. BEARS SOUTH 31° 56' 20" WEST, 9.01 FEET;

THENCE WITH THE SOUTH RIGHT-OF-WAY LINE OF SAID MATTHEWS LANE, NORTH 60° 08' 30" WEST, A DISTANCE OF 160.96 FEET TO 1/2" IRON ROD SET, CAPPED "WINDROSE" IN THE SOUTH RIGHT-OF-WAY LINE OF SAID MATTHEWS LANE, FOR THE NORTHEAST CORNER AND POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT, SAID POINT IS ALSO IN THE NORTH LINE OF THE LINAM TRACT, CALLED 1.50 ACRES (TCAD ACCOUNT #04181701020000);

THENCE LEAVING THE NORTH LINE OF MATTHEWS LANE AND CROSSING THROUGH SAID LINAM TRACT, SOUTH 31° 48' 23" WEST, A DISTANCE OF 101.61 FEET TO A 1/2" IRON ROD SET, CAPPED "WINDROSE" FOR THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE CONTINUING THROUGH SAID LINAM TRACT, NORTH 60° 08' 30" WEST, A DISTANCE OF 107.24 FEET TO A 1/2" IRON ROD SET, CAPPED "WINDROSE" FOR THE SOUTHWEST CORNER HEREOF, SAID POINT IS ALSO IN THE EAST LINE OF LOT 1, OF THE EULA MAE ADDITION #2, RECORDED IN VOLUME 78, PAGE 215, T.C.P.R., ALSO BEING IN THE WEST LINE OF SAID LINAM TRACT;

THENCE WITH THE EAST LINE OF LOT 1, AND THE WEST LINE OF SAID LINAM TRACT, NORTH 31° 48' 23" EAST, A DISTANCE OF 101.61 FEET TO A POINT FOR THE NORTHWEST CORNER HEREOF, SAID POINT IS IN THE SOUTH RIGHT-OF-WAY LINE OF SAID MATTHEWS LANE, FROM WHICH POINT AN IRON STAKE FOUND BEARS NORTH 42° 36' EAST, 1.6 FEET, ALSO FROM WHICH POINT THE NORTHEAST CORNER OF LOT 1 OF SAID EULA MAY ADDITION NO. 2, BEARS SOUTH 31° 48' 23" WEST, 3.91 FEET

THENCE WITH THE SOUTH RIGHT-OF-WAY LINE OF SAID MATTHEWS LANE, SOUTH 60° 08' 30" EAST, A DISTANCE OF 107.24 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.25 ACRE (10,890 SQ. FT.) OF LAND.



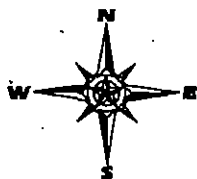
EXHIBIT A

RONNIE WILLIS, RPLS # 5462

MARCH 16, 2005

JOB # 11311

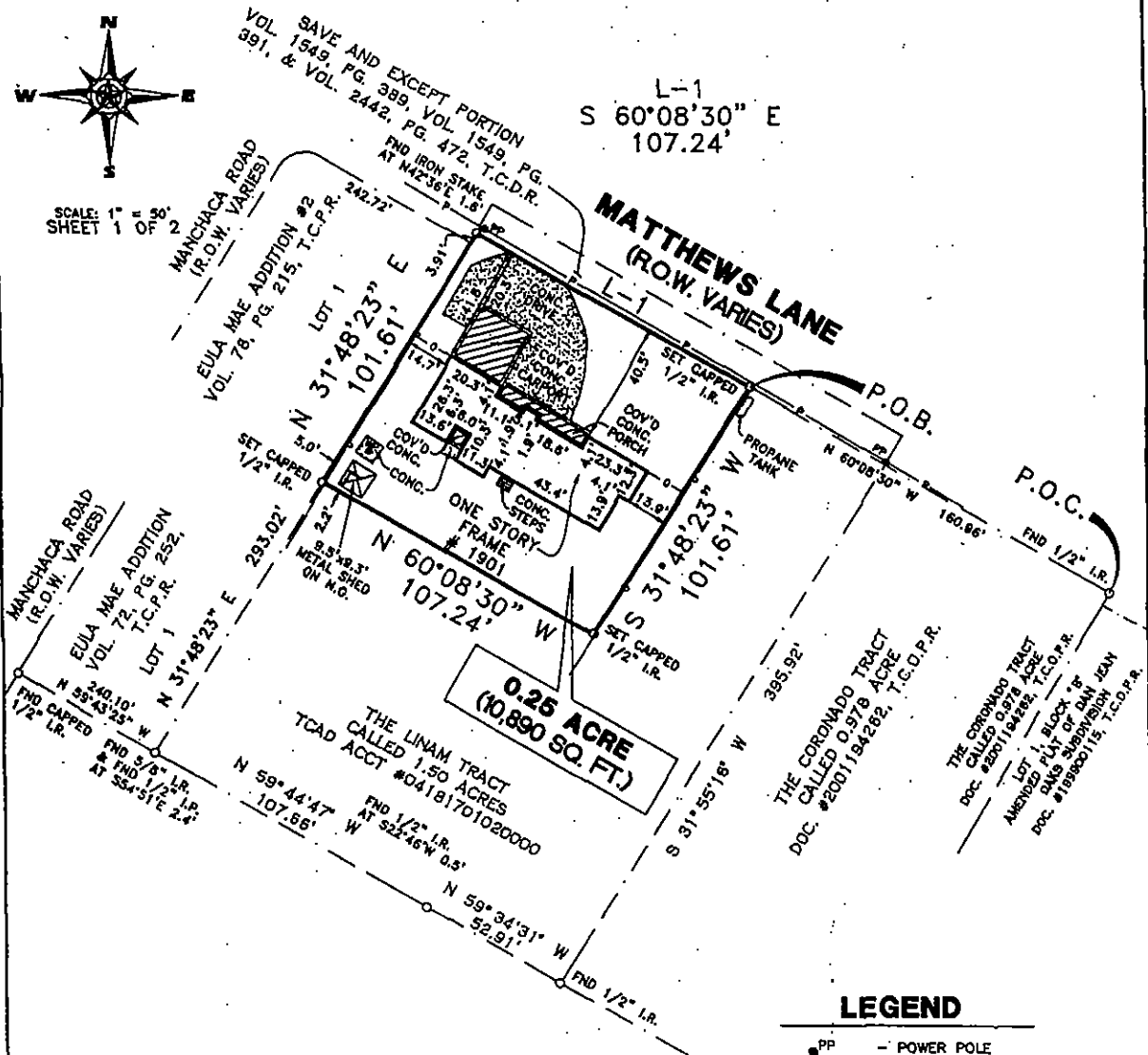
GF # 04-09-0951



SCALE: 1" = 30.0'
SHEET 1 OF 2

SAVE AND EXCEPT PORTION
VOL. 1549, PG. 389, VOL. 1549, PG.
391, & VOL. 2442, PG. 472, T.C.D.R.
AT N42°36'E 1.6'

L-1
S 60°08'30" E
107.24'



LEGEND

- PP - POWER POLE
- P — OVERHEAD POWER LINE
- WP - WATER PUMP
- C — CHAINLINK FENCE
- N.G. - NATURAL GROUND
- P.O.C. - POINT OF COMMENCING
- P.O.B. - POINT OF BEGINNING

NOTES:

1) SURVEYOR DID NOT ABSTRACT
SUBJECT PROPERTY.

ALL BEARINGS ARE BASED ON THE RECORDED PLAT OF EULA MAY ADDITION, VOL. 72, PG. 252, T.C.P.R., UNLESS OTHERWISE NOTED.
ALL EASEMENTS AND BUILDING LINES ARE BASED ON RECORDED PLAT UNLESS OTHERWISE NOTED.
FLOOD ZONE DETERMINED BY GRAPHIC PLOTTING ONLY. WE DO NOT ASSUME RESPONSIBILITY FOR EXACT DETERMINATION.
THIS SURVEY HAS BEEN COMPILED IN ACCORDANCE WITH INFORMATION CONTAINED IN THE TITLE COMMITMENT REFERENCED IN GF NO. 04-08-0951

| | | | |
|-----------------------------|-----------|--|---|
| LOT | BLOCK | SECTION | SUBDIVISION |
| 0.25 ACRE (10,890 SQ. FT.) | - | - | - |
| RECORDATION | COUNTY | STATE | SURVEY |
| METES AND BOUNDS CONVEYANCE | TRAVIS | TEXAS | OUT OF THE WILLIAM CANNON LEAGUE SURVEY NO. 19 |
| LENDER CO. | TITLE CO. | FIRST AMERICAN TITLE INSURANCE COMPANY | |

THIS TRACT IS LOCATED WITHIN FLOOD
ZONE "X(UNSHADED)" ACCORDING TO THE
FEDERAL EMERGENCY MANAGEMENT AGENCY
(FEMA) FLOOD INSURANCE RATE MAP (FIRM)
COMMUNITY PANEL NO. 480624 0210F,
REVISED JUNE 5, 1997.

CLIENT JAME FLETCHER AND VICKY COFFE-FLETCHER
ADDRESS 1901 MATTHEWS LANE, AUSTIN TX, 78745

JOB NO.
11311






| | | |
|------------|--------------------|-----|
| FIELD WORK | 09-22-04 | JM |
| DRAFTED BY | 03-16-05 | JSW |
| CHECKED BY | 03-16-05 | RW |
| MAPSCO NO. | 643 U | |
| REVISION | | |
| 03-30-05 | UPDATE CONC. DRIVE | |



I do hereby certify that this survey was this day made on the ground and
that this plat correctly represents the property legally described hereon (or
on attached sheet). That the facts found at the time of this survey show
the improvements and that there are no encroachments apparent on the
ground, except as shown.

[Signature] 3/21/05
Windrose Land Services Austin
3913 Todd Lane, Suite 512
Austin, Texas 78744
TEL. (512) 326-2100 FAX (512) 326-2770
©COPYRIGHT 2005 WINDROSE LAND SERVICES AUSTIN, ALL RIGHTS RESERVED



SUBJECT TRACT 
 PENDING CASE 
 ZONING BOUNDARY 
 CASE MGR: W.WALSH

ZONING EXHIBIT B
CASE #: C14-05-0062
ADDRESS: 1901 MATTHEWS LA.
SUBJECT AREA (acres): 0.250

DATE: 05-04
 INTLS: TRC

CITY GRID
 REFERENCE
 NUMBER
F16

ORDINANCE NO. 20050623-Z012

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 1601-1611 WEST 5TH STREET IN THE OLD WEST AUSTIN NEIGHBORHOOD PLAN AREA FROM LIMITED INDUSTRIAL SERVICES-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (LI-CO-NP) COMBINING DISTRICT TO LIMITED INDUSTRIAL SERVICES-PLANNED DEVELOPMENT AREA-NEIGHBORHOOD PLAN (LI-PDA-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 limited industrial services-conditional overlay-neighborhood plan (LI-CO-NP) combining district to limited industrial services-planned development area-neighborhood plan (LI-PDA-NP) combining district on the property described in Zoning Case No. C14-05-0038, on file at the Neighborhood Planning and Zoning Department, as follows:

A 3.116 acre tract of land, more or less, out of the George W. Spear League, 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 1601-1611 West 5th Street, in the Old West Austin neighborhood plan area, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

PART 2. Development of the Property shall comply with Section 25-2-648 (*Planned Development Area Performance Standards*) of the City Code.

PART 3. Development of the Property shall comply with the following use regulations:

1. Except as provided in Sections 3 and 4, all permitted and conditional limited industrial (LI) uses are permitted and conditional uses of the Property.
2. The following are additional permitted uses of the Property:

Townhouse residential
Multifamily residential

Condominium residential

3. The following uses are prohibited uses of the Property:

Basic industry
Exterminating services
Kennels
Resource extraction
Vehicle storage

Drop-off recycling collection facilities
General warehousing and distribution
Recycling center
Scrap and salvage

4. The following uses are conditional uses of the Property:

Automotive rentals
Automotive washing (of any type)
Equipment repair services
Maintenance and service facilities

Automotive sales
Convenience storage
Limited warehousing and distribution
Service station

5. A construction sales and service use that exceeds a site area of 10,000 square feet is a conditional use. A laundry services use that exceeds a site area of 6,000 square feet is a conditional use.

PART 4. Except as provided in this Part, development of the Property shall comply with the general commercial services (CS) site development regulations.

1. The minimum front yard setback is 0 feet.
2. The minimum street sideyard setback is 0 feet.
3. The number of dwelling units of the following uses may not exceed a cumulative total of 250 units:

Multifamily residential
Townhouse residential

Condominium residential

PART 5. Except as otherwise provided in this ordinance, the Property is subject to Ordinance No. 020926-26 that established the Old West Austin neighborhood plan combining district.

PART 6. This ordinance takes effect on July 4, 2005.

PASSED AND APPROVED

_____, June 23, 2005 §
 §
 § _____
 Will Wynn
 Mayor

APPROVED: _____ **ATTEST:** _____
 David Allan Smith Shirley A. Brown
 City Attorney City Clerk

3.116 ACRES
GABLES REALTY L.P.

FN NO. 04-486(CAG)
NOVEMBER 23, 2004
BPI JOB NO. 659-24.92

EXHIBIT A
DESCRIPTION

OF 3.116 ACRES OF LAND OUT OF THE GEORGE W. SPEAR LEAGUE, SITUATED IN TRAVIS COUNTY, TEXAS, BEING ALL OF THAT CERTAIN 4.5 ACRE TRACT OF LAND CONVEYED TO J17 FORTUNE, L.P. A LIMITED PARTNERSHIP BY DEED OF RECORD IN VOLUME 12653, PAGE 45 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, **SAVE AND EXCEPT** THAT CERTAIN 0.79 ACRE TRACT OF LAND CONVEYED TO J.R. BLACKMORE BY WARRANTY DEED OF RECORD IN VOLUME 556, PAGE 510, AND THAT CERTAIN 0.53 ACRE TRACT OF LAND CONVEYED TO J.R. BLACKMORE BY WARRANTY DEED OF RECORD IN VOLUME 556, PAGE 512, BOTH OF SAID DEED RECORDS AND BOTH BEING DESCRIBED IN VOLUME 12653, PAGE 45 OF SAID REAL PROPERTY RECORDS; SAID 3.116 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at an iron rod found at the southwesterly intersection of West 5th Street (R.O.W varies) and West Lynn Street (Unimproved R.O.W.), being the northeasterly corner of said 4.5 acre tract of land and hereof;

THENCE, S29°15'00"W, leaving the southerly right-of-way line of West 5th Street, along the westerly right-of-way line of West Lynn Street, being the easterly line of said 4.5 acre tract and hereof, a distance of 209.84 feet to a 1/2 inch iron rod found in the northerly line of that certain 0.485 acre tract of land conveyed to Lake Austin Commons, Ltd. by deed of record in Document No. 2000031178 of the Official Public Records of Travis County, Texas, being the southeasterly corner of said 4.5 acre tract and hereof;

THENCE, along a portion of the northerly line of said 0.485 acre tract and a portion of the northerly line of that certain 0.696 acre tract of land conveyed to Lake Austin Commons by deed of record in Volume 12455, Page 867 of said Real Property Records, being a portion of the southerly line of said 4.5 acre tract and the southerly line hereof, the following seven (7) courses and distances:

- 1) N55°23'21"W, a distance of 100.06 feet to an iron pipe found for an angle point;
- 2) N51°43'22"W, a distance of 99.94 feet to a 1/2 inch iron rod with cap set for an angle point, from which a 1/2 inch iron rod found for reference bears S74°45'55"W, a distance of 1.15 feet;
- 3) N48°59'02"W, a distance of 100.15 feet to an iron pipe found for an angle point;
- 4) N45°11'31"W, a distance of 99.88 feet to a 1/2 inch iron rod found for an angle point hereof, being the common northerly corner of said 0.696 acre tract and said 0.485 acre tract;

- 5) N43°58'36"W, a distance of 100.05 feet to an iron pipe found for an angle point;
- 6) N38°42'13"W, a distance of 99.97 feet to a 1/2 inch iron rod found for an angle point;
- 7) N37°16'06"W, a distance of 86.05 feet to a 1/2 inch iron rod found, being the southwesterly corner hereof being the southeasterly corner of Lot 2, Lake Austin Commons, a subdivision of record in Volume 83, Page 58C of the Plat Records of Travis County, Texas, from which a 1/2 inch iron rod found for reference in the northerly line of said 0.696 acre tract bears N36°16'39"W, a distance of 13.60 feet;

THENCE, N44°59'01"E, along the easterly line of said Lot 2, being the westerly line hereof, over and across said 4.5 acre tract, a distance of 180.90 feet to an "X" cut found in the southerly right-of-way line of West 5th Street, being the northwesterly corner hereof being in the northerly line of said 4.5 acre tract;


THENCE, along the southerly right-of-way line of West 5th Street, being a portion of the northerly line of said 4.5 acre tract and the northerly line hereof, the following three (3) courses and distances:

- 1) S45°07'13"E, a distance of 81.27 feet to a 1/2 inch iron rod found for an angle point;
- 2) S46°51'37"E, a distance of 356.44 feet to a 1/2 inch iron rod found for an angle point;
- 3) S51°41'32"E, a distance of 188.99 feet to the **POINT OF BEGINNING**, containing an area of 3.116 acres (135,718 sq. ft.) of land, more or less, within these metes and bounds.

BEARING BASIS: THE BASIS OF BEARING OF THE SURVEY DESCRIPTION HEREIN IS THE EASTERLY LINE OF SAID 4.5 ACRE TRACT ACCORDING TO VOLUME 12653, PAGE 45 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS

I, JOHN T. BILNOSKI, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE PROPERTY DESCRIBED HEREIN WAS DETERMINED BY A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION.

BURY & PARTNERS, INC.
ENGINEERS-SURVEYORS
3345 BEE CAVE ROAD, SUITE 200
AUSTIN, TEXAS 78746


JOHN T. BILNOSKI
R.P.L.S. NO. 4998
STATE OF TEXAS



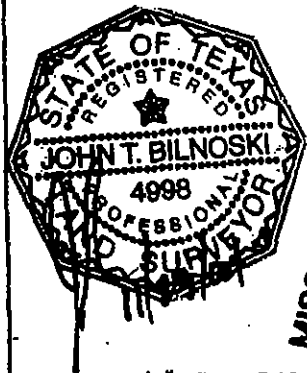
0 50 100 150 200
1"=100'

LEGEND

- 1/2" IRON ROD FOUND (UNLESS NOTED)
- 1/2" IRON ROD SET
- ⊙ IRON PIPE FOUND
- ⊗ CUT "X" FOUND
- P.O.B. POINT OF BEGINNING

0.696 ACRES
LAKE AUSTIN
COMMONS, LTD.
VOL. 12455, PG. 867

0.385 ACRES
SAGE-FIFTH STREET, LTD
DOC. NO. 2000198730



1/2" IRON ROD
FOUND BEARS
S74°45'55"W 1.15'

0.485 ACRES
LAKE AUSTIN
COMMONS, LTD.
DOC. NO. 200003178

MISSOURI PACIFIC RAILROAD
(200' R.O.W.)

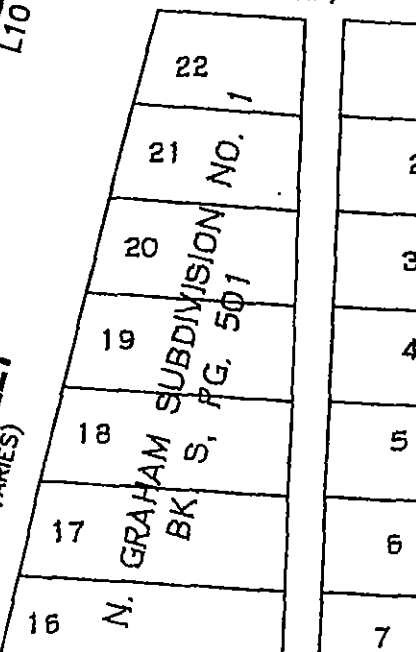
N36°16'39"W
13.60'

3.116 ACRES
(135,718 SQ. FT.)

LOT 2
LAKE AUSTIN
COMMONS
VOL. 83, PG. 58C

N45°02'40"W
80.04'

CAMPBELL
STREET
(60' R.O.W.)



WEST 5th STREET
(R.O.W. VARIES)

LINE TABLE

| No. | Bearing | Distance |
|-----|-------------|----------|
| L1 | S29°15'00"W | 209.84' |
| L2 | N55°23'21"W | 100.06' |
| L3 | N51°43'22"W | 99.94' |
| L4 | N48°59'02"W | 100.15' |
| L5 | N45°11'31"W | 99.88' |
| L6 | N43°58'36"W | 100.05' |
| L7 | N38°42'13"W | 99.97' |
| L8 | N37°16'06"W | 86.05' |
| L9 | N44°59'01"E | 180.90' |
| L10 | S45°07'13"E | 81.27' |
| L11 | S51°41'32"E | 188.99' |

P.O.B. WEST LYNN
(R.O.W. VARIES)

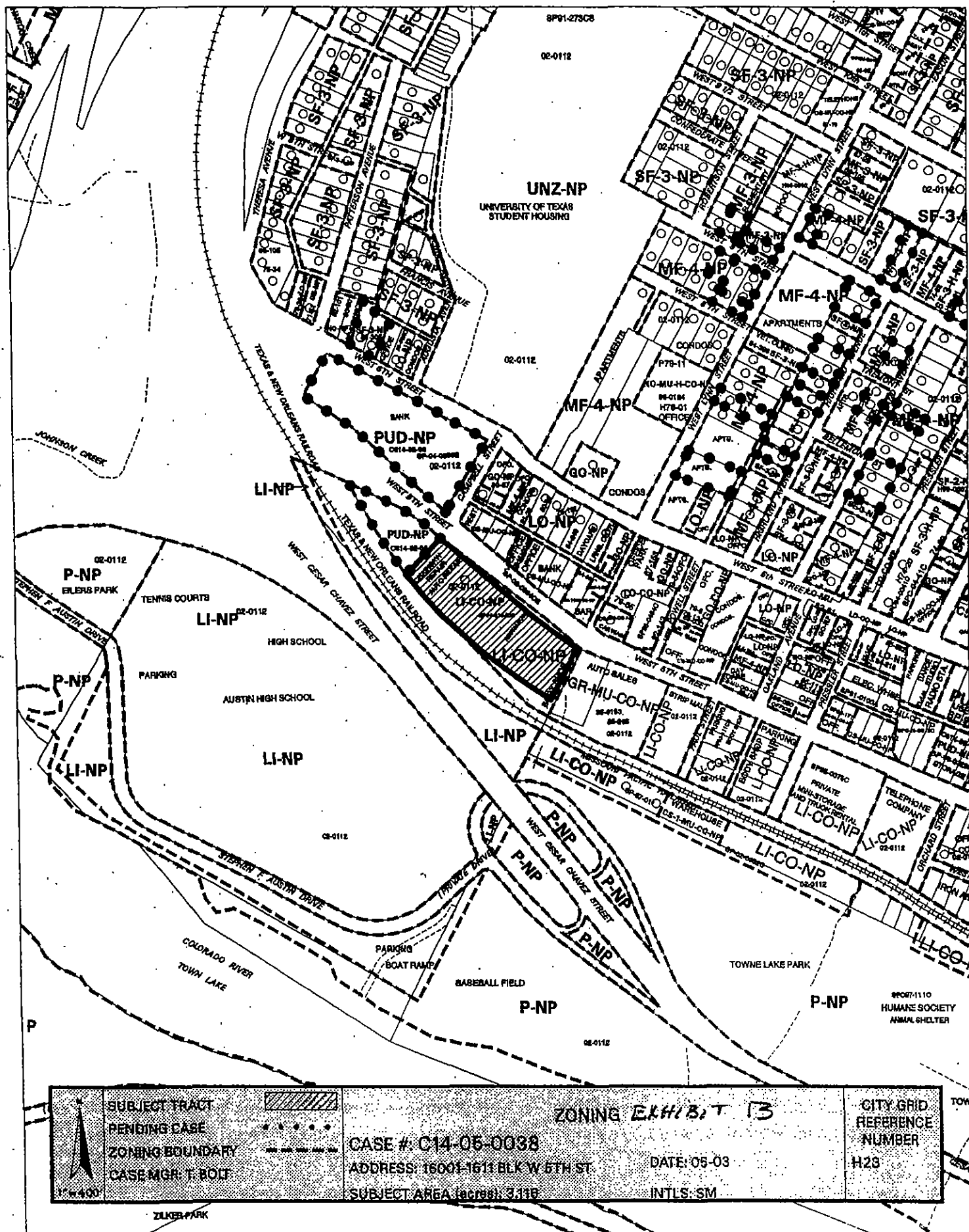
ROYATEX SUBDIVISION
VOL. 91, PG. 9

GABLES REALTY LP.

Bury+Partners
ENGINEERING SOLUTIONS
3345 Bee Caves Road, Suite 200
Austin, Texas 78746
Tel. (512)328-0011 Fax (512)328-0325
Bury+Partners, Inc. ©Copyright 2005

SKETCH TO ACCOMPANY DESCRIPTION

OF 3.116 ACRES OF LAND OUT OF THE GEORGE W. SPEAR LEAGUE, SITUATED IN TRAVIS COUNTY, TEXAS, BEING ALL OF THAT CERTAIN 4.5 ACRE TRACT OF LAND CONVEYED TO J17 FORTUNE, L.P. A LIMITED PARTNERSHIP BY DEED OF RECORD IN VOLUME 12653, PAGE 45 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, SAVE AND EXCEPT THAT CERTAIN 0.79 ACRE TRACT OF LAND CONVEYED TO J.R. BLACKMORE BY WARRANTY DEED OF RECORD IN VOLUME 556, PAGE 510, AND THAT CERTAIN 0.53 ACRE TRACT OF LAND CONVEYED TO J.R. BLACKMORE BY WARRANTY DEED OF RECORD IN VOLUME 556, PAGE 512, BOTH OF SAID DEED RECORDS AND BOTH BEING DESCRIBED IN VOLUME 12653, PAGE 45 OF SAID REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS



ORDINANCE NO. 20050623-Z014

AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING FOR THE PROPERTY LOCATED AT THE SOUTHEAST INTERSECTION OF CITY PARK ROAD AND PEARCE ROAD AND CHANGING THE ZONING MAP FROM INTERIM SINGLE FAMILY RESIDENCE LARGE LOT (I-SF-1) DISTRICT TO SINGLE FAMILY RESIDENCE LARGE LOT (SF-1) 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 interim single family residence large lot (I-SF-1) district to single family residence large lot (SF-1) district on the property described in Zoning Case No. C14-05-0072, on file at the Neighborhood Planning and Zoning Department, as follows:

Two tracts of land being approximately 107.84 acres, out of the Charles Tydings Survey No. 3 and the James Spillman Survey No.2, Travis County, the tracts of land being generally described in Exhibit "A" incorporated into this ordinance,

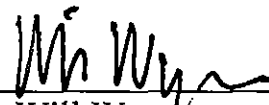
locally known as the property located at the southeast intersection of City Park Road and Pearce Road, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

PART 2. This ordinance takes effect on July 4, 2005.

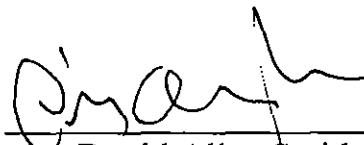
PASSED AND APPROVED

June 23, 2005

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§


Will Wynn
Mayor

APPROVED:


David Allan Smith
City Attorney

ATTEST:

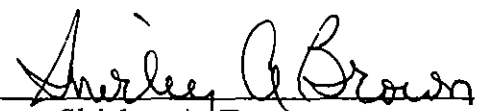

Shirley A. Brown
City Clerk

EXHIBIT A

C71-05-001

Area to be Annexed for Limited Purposes.

(Approximately 107.84 acres of land out of the Charles Tydings Survey No. 3 and the James Spillman Survey No. 2 in Travis County, Texas).

(The Woods of Greenshores, a proposed subdivision in the City of Austin - Case No. C8J-03-0220)

LEGAL DESCRIPTION

LEGAL DESCRIPTION FOR TWO TRACTS OF LAND, THE TRACT HEREINAFTER DESCRIBED AS TRACT ONE CONTAINING APPROXIMATELY 98.061 ACRES OF LAND OUT OF THE CHARLES TYDINGS SURVEY NO. 3 IN TRAVIS COUNTY, TEXAS, AND THE TRACT HEREINAFTER DESCRIBED AS TRACT TWO CONTAINING APPROXIMATELY 9.779 ACRES OF LAND OUT OF THE CHARLES TYDINGS SURVEY NO. 3 AND THE JAMES SPILLMAN SURVEY NO. 2 IN TRAVIS COUNTY, TEXAS, OF WHICH APPROXIMATELY 107.84 ACRES OF LAND ARE TO BE TAKEN INTO AND MADE A PART OF THE CITY OF AUSTIN, FOR LIMITED PURPOSES AND BEING MADE UP OF TWO TRACTS OF LAND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Tract One


Being all of that certain called 98.061 acre tract of land situated in the Charles Tydings Survey No. 3 in Travis County, Texas conveyed to Deerwood Place, LLC by deed recorded in Document No. 2002183602 of the Official Public Records of Travis County, Texas.

Tract Two

Being all of that certain called 9.779 acre tract of land situated in the Charles Tydings Survey No. 3 and the James Spillman Survey No. 2 in Travis County, Texas conveyed to PK-RE, LTD by deed recorded in Document No. 2003258629 of the Official Public Records of Travis County, Texas.

"This document was prepared under 22 TAC 663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared".

LEGAL DESCRIPTION: John E. Moore
02-16-2005

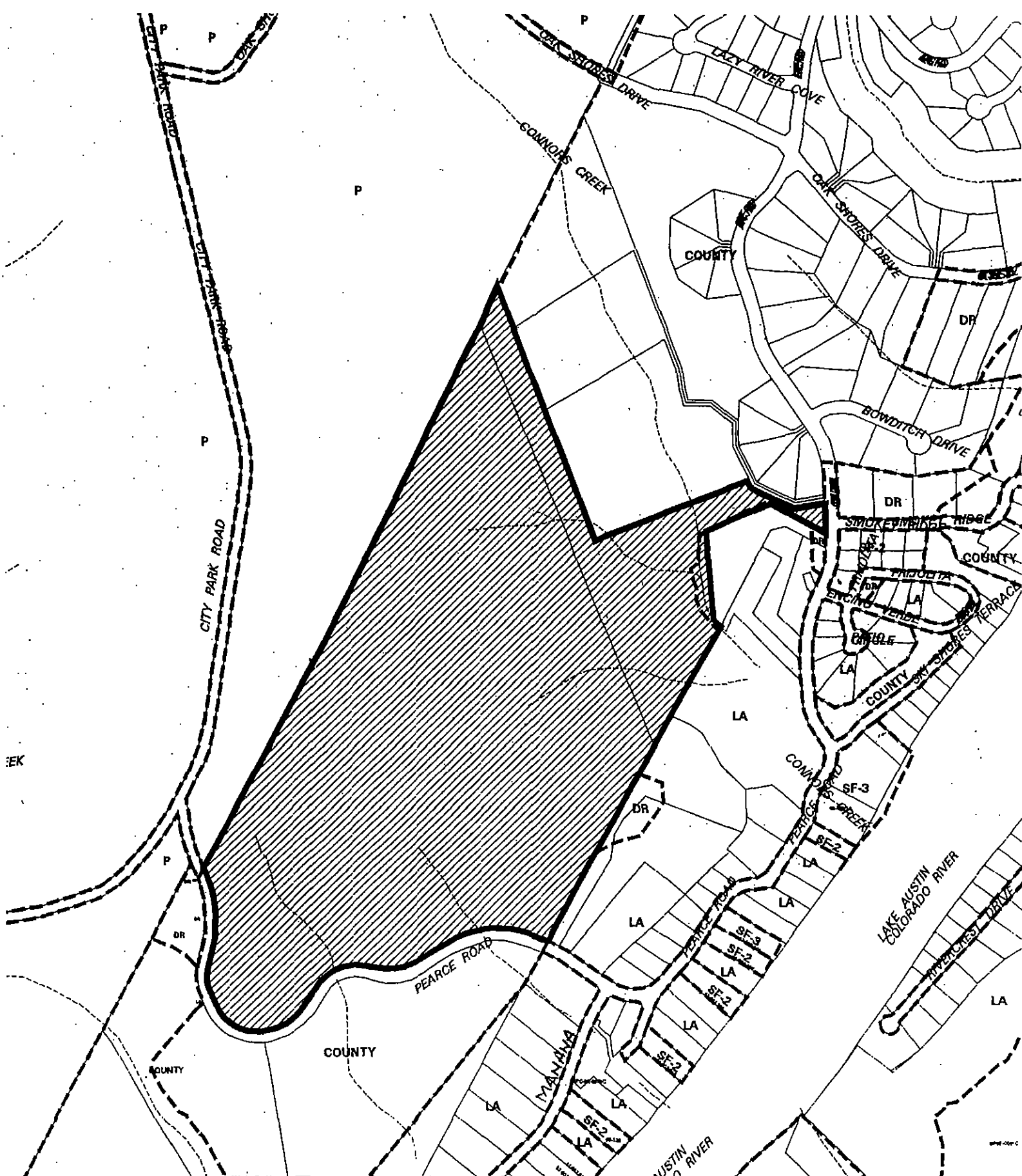


2-16-2005

APPROVED: John E. Moore, RPLS NO. 4520
Engineering Services Division
Department of Public Works
City of Austin

REFERENCES

TCAD MAP NO's. 1-2627 & 1-3427
Austin Grid's E-27 & E-28



| | | | | |
|--|--|---|--|--|
| | <p>SUBJECT TRACT </p> <p>PENDING CASE </p> <p>ZONING BOUNDARY </p> <p>CASE MGR: J. ROUSSELIN</p> | <p style="text-align: center;">ZONING EXHIBIT B</p> <p>CASE #: C14-05-0072</p> <p>ADDRESS: PEARCE RD @ CITY PARK</p> <p>SUBJECT AREA (acres): 107.880</p> <p>DATE: 05-05</p> <p>INTLS: SM</p> | | <p>CITY GRID REFERENCE NUMBER</p> <p>E28</p> |
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ORDINANCE NO. 20050623-134

AN ORDINANCE AMENDING CHAPTER 5-1, ARTICLE 3 OF THE CITY CODE RELATING TO ACCESSIBILITY IN HOUSING CONSTRUCTED WITH PUBLIC FUNDS.

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

PART 1. Section 5-1-133 of the City Code is repealed and replaced with a new Section 5-1-133 to read:

§ 5-1-133 WAIVER OF EXTERIOR ACCESSIBILITY REGULATIONS.

(A) The building official may waive the requirements of Section 5-1-141 (*Building Entrances*) for a site or lot, as applicable, if the applicant files a written waiver application that demonstrates that:

- (1) the topography of the site meets the site test; or
- (2) the lot:

- (a) is located in a National Register Historic District;
 - (b) has an area of 3600 square feet or less; and
 - (c) has a ten percent or greater slope from the public right-of-way to the entrance.

(B) The building official or the council, as applicable, may waive the requirements of Section 5-1-141 (*Building Entrances*) in accordance with this subsection.

(1) For a lot to be eligible for a waiver, the applicant must file a written application that demonstrate that:

- (a) the lot has an area of 3960 square feet or less;
 - (b) the lot is a corner lot or adjacent to a corner lot;
 - (c) the access to the lot's required off-street parking is from a rear alley; and
 - (d) the portion of the alley adjacent to the lot has a slope of 10 percent or more.

- (2) The building official may grant a waiver after determining that the requirements of Paragraph (1) are met. The building official may not grant waivers to more than five percent of the lots in a subdivision.
 - (3) The applicant or a person interested in the application who files written comments under Subsection (D) may appeal the decision of the building official to council.
 - (4) The council may grant waivers to more than five percent of the lots in a subdivision after determining that the requirements of Paragraph (1) are met.
- (C) A person requesting a waiver under this section must file an application with the building official and deliver a copy to the community development officer, including the documents necessary to demonstrate the applicant's eligibility for the waiver. The community development officer shall give notice of the waiver request to all persons interested in the application who file written comments under Subsection (D) not later than the 10th day after the date the application is filed.
- (D) A person interested in the application may file written comments relating to a waiver application with the building official and the community development officer, not later than the 20th day after the date the application is filed.
- (E) The building official shall, not later than the 25th day after the date the application is filed:
- (1) make a decision on the application; and
 - (2) if the waiver is granted, issue a written waiver to the applicant.
- (F) The community development officer shall mail notice of the building official's decision to the applicant, persons interested in the application who have filed written comments under Subsection (D), the Community Development Commission, and the Mayor's Committee for People with Disabilities.

PART 2. Section 5-1-134 of the City Code is amended to read:

§ 5-1-134 APPEAL.

- (A) An applicant for an exterior disability accessibility waiver or a person interested in the application who submits written comments under Section 5-1-133(D) [~~5-1-133(B)~~] (*Waiver of Exterior Accessibility Regulations*) may appeal a decision of the building official under Section 5-1-133(A) [~~5-1-133~~] (*Waiver of Exterior Accessibility Regulations*) by filing a written appeal with

the building official not later than the 20th day after the ~~[decision was issued]~~
notice of the decision is mailed.

(B) The building official shall forward a copy of the appeal to the Building and Fire Code Board and request a hearing and action on the appeal at the next available Building and Fire Code Board meeting. The building official shall send written notice of the date of the hearing to the appellant and each person interested in the application who submits written comments under Section 5-1-133(D) [5-1-133(B)] (Waiver of Exterior Accessibility Regulations) not later than the 10th day before the Building and Fire Code Board meeting.

(C) The building official shall mail notice of the decision of the Building and Fire Code Board to the applicant and each person interested in the application who submits written comments under Section 5-1-133(D) (Waiver of Exterior Accessibility Regulations) not later than the 10th day after the Building and Fire Code Board makes its decision.

PART 3. Section 5-1-141(B) of the City Code is amended to read:

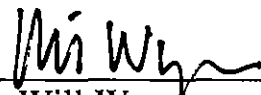
(B) The building entrance may be at the front, side, or back of a dwelling provided it is served by an accessible route, including a walking surface from a garage, ramp, ~~[or]~~ sidewalk, or public right-of-way that is within 200 feet of the building entrance.

PART 4. This ordinance takes effect on July 4, 2005.

PASSED AND APPROVED

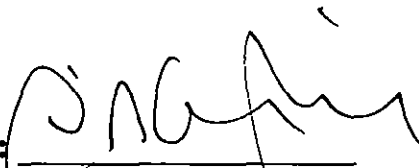
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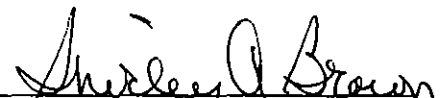
Will Wynne
Mayor

APPROVED:



David Allan Smith
City Attorney

ATTEST:



Shirley A. Brown
City Clerk