

**ORDINANCE NO. 20050623-Z012**

**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 1601-1611 WEST 5<sup>TH</sup> 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 5<sup>th</sup> 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

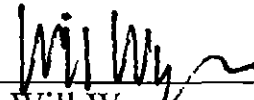
**PART 5.** Except as otherwise provided in this ordinance, the Property is subject to Ordinance No. 020926-26 that established the Old West Austin neighborhood plan combining district.

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

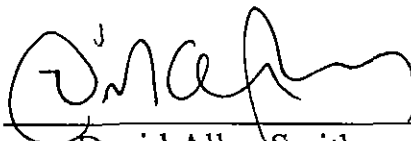
**PASSED AND APPROVED**

June 23, 2005

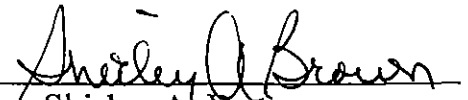
§  
§  
§

  
Will Wynne  
Mayor

**APPROVED:**

  
David Allan Smith  
City Attorney

**ATTEST:**

  
Shirley A. Brown  
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

  
11/23/04  
JOHN T. BILNOSKI  
R.P.L.S. NO. 4998  
STATE OF TEXAS



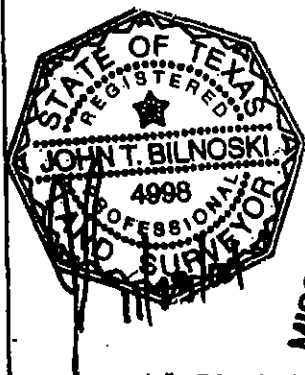
0 50 100 150 200  
1"=100'

# 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

N36°16'39"W  
13.60'

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

**3.116 ACRES**  
(135,718 SQ. FT.)

J17 FORTUNE,  
L.P.  
VOL. 12653,  
PG. 45

ROYATEX SUBDIVISION  
VOL. 91, PG. 9

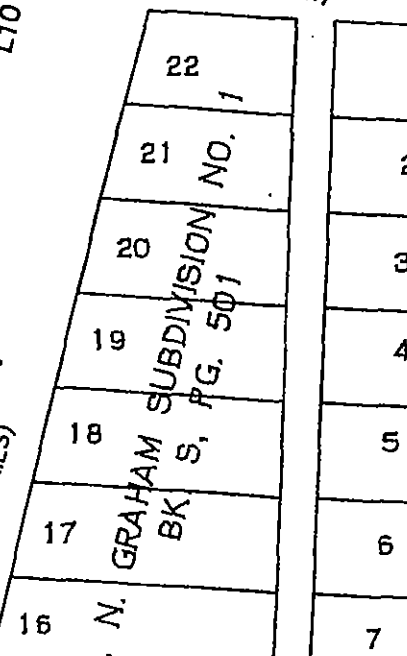
**GABLES REALTY LP.**

**Bury+Partners**  
ENGINEERING SOLUTIONS

3345 Bee Caver Road, Suite 200  
Austin, Texas 78746  
Tel. (512)322-9011 Fax (512)322-0325  
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LOT 2  
LAKE AUSTIN  
COMMONS  
VOL. 83, PG. 58C

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



## 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)

## 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

DATE: 11/23/04 FILE: H:\659\24\65924EX3.DWG

FN No.: 04-486(CAG) DRAWN BY: CAG

PROJ. No: 659-24

