

ORDINANCE NO. 040527-75

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT THE 8700 BLOCK OF SOUTH FIRST STREET FROM DEVELOPMENT RESERVE (DR) DISTRICT TO TOWNHOUSE AND CONDOMINIUM RESIDENCE (SF-6) DISTRICT FOR TRACT ONE, NEIGHBORHOOD COMMERCIAL-CONDITIONAL OVERLAY (LR-CO) COMBINING DISTRICT FOR TRACT TWO, AND COMMUNITY COMMERCIAL-CONDITIONAL OVERLAY (GR-CO) COMBINING DISTRICT FOR TRACT THREE.

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 districts on the property described in Zoning Case No.C14-03-0147, on file at the Neighborhood Planning and Zoning Department, as follows:

Tract One: From development reserve (DR) district to townhouse and condominium residence (SF-6) district.

A 2.5737 acre tract of land, more or less, out of the William Cannon Survey No. 19, in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance; and

Tract Two: From development reserve (DR) district to neighborhood commercial-conditional overlay (LR-CO) combining district.

An 8.5823 acre tract of land, more or less, out of the William Cannon Survey No. 19 and the S.F. Slaughter League Survey No. 1, in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "B" incorporated into this ordinance; and

Tract Three: From development reserve (DR) district to community commercial-conditional overlay (GR-CO) combining district.

A 2.1020 acre tract of land, more or less, out of the William Cannon Survey No. 19 and the S.F. Slaughter League Survey No. 1, in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "C" incorporated into this ordinance; (the "Property")

locally known as the property located at the 8700 block of South First Street, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "D".

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 minimum building setback for Tract Two is 70 feet from its west property line.
2. Vehicular access from Tract Two to Yarsa Boulevard is prohibited. All vehicular access to the Property shall be from other adjacent public streets or through other adjacent property.
3. The following uses are prohibited uses of Tract Three:

Automotive rentals	Automotive repair services
Automotive sales	Automotive washing (of any type)
Bail bond services	Business or trade school
Business support services	Commercial off-street parking
Communications services	Drop-off recycling collection facility
Exterminating services	Funeral services
General retail sales (general)	Hotel-motel
Indoor entertainment	Indoor sports and recreation
Outdoor entertainment	Outdoor sports and recreation
Pawnshop services	Personal improvement services
Research services	Theater
Community recreation (private)	Community recreation (public)
Congregate living	Group home, Class II
Hospital services (limited)	Hospital services (general)
Residential treatment	

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the respective base districts and other applicable requirements of the City Code.

PART 3. This ordinance takes effect on June 7, 2004.

PASSED AND APPROVED

May 27, 2004

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§
§

Will Wynn
Mayor

APPROVED: _____
David Allan Smith
City Attorney

ATTEST: _____
Shirley A. Brown
City Clerk

C14-03-014/
TRACT 1
SF-6 district zoning

Exhibit "A"

TRACT "A"

METES AND BOUNDS DESCRIPTION

Being all that certain 2.5737 acre tract or parcel of land situated in the WILLIAM CANNON SURVEY NO. 19, Travis County, Texas, and being out of and part of that certain 12.419 acre tract as described in Deed to Mickey Rich Plumbing and Heating, Inc. as recorded in Volume 10129, Page 851, Travis County Real Property Records (TCRPR), and being more particularly described by metes and bounds as follows, to-wit:

BEGINNING at an Iron rod found marking the Northeast corner hereof, same being the Northeast corner of said 12.419 acre tract, same being the Southeast corner of Lot 1, Block G, BUCKINGHAM ESTATES PHASE III SECTION ONE, a subdivision according to the map or plat thereof recorded in Volume 77, Page 350, Travis County Plat Records (TCPR), same being located in the West right-of-way line of South 1st Street (75 feet in width);

THENCE, South 30 10' West, with the said West right-of-way line of South 1st Street, a distance of 135.00 feet to a point for the Southeast corner hereof;

THENCE, North 73 48'50" West, a distance of 450.87 feet to a point for corner hereof;

THENCE, South 77 20'05" West, a distance of 240.00 feet to a point for the Southwest corner hereof, same being located in the East line of BUCKINGHAM ESTATES PHASE IV SECTION C, according to the map or plat thereof recorded in Volume 84, Page 61C, TCPR, same being in the West line of said 12.419 acre tract;

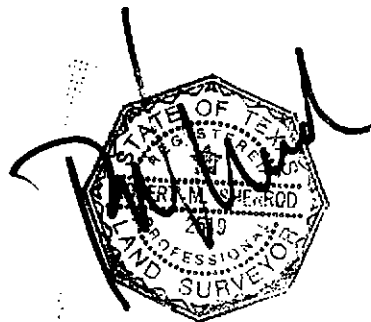
THENCE, North 13 37' East, with the said East line of PHASE IV SECTION C and the said West line of the 12.419 acre tract, a distance of 275.00 feet to an Iron rod found marking the Northwest corner hereof, same being the Northwest corner of said 12.419 acre tract, same being the Northeast corner of said PHASE IV SECTION C, same being also in the South line of BUCKINGHAM ESTATES PHASE III, SECTION 2-A, according to the map or plat thereof recorded in Volume 80, Page 173, TCPR;

THENCE, South 71 33' East, with the North line of said 12.419 acre tract and the South line of said PHASE III SECTION ONE and said PHASE III SECTION 2-A, a distance of 706.55 feet to the POINT OF BEGINNING and containing 2.5737 acres of land.

BASIS OF BEARINGS: Vol. 10129, Page 851, TCRPR

Compiled By:

Robert M. Sherrod, R.P.L.S.
GEO. A Geographical Land Services Co.
4412 Spicewood Springs Road, #1002
Austin, Texas 78759
April 30, 2004
GEO Job No.0410979



METES AND BOUNDS DESCRIPTION

Being all that certain 8.5823 acre tract or parcel of land situated in the WILLIAM CANNON SURVEY NO. 19 and the S. F. SLAUGHTER LEAGUE SURVEY NO. 1, Travis County, Texas, and being out of and part of that certain 13.2580 acre tract(s) same being comprised of six (6) tracts: (a) 12.419 acres as described in Deed to Mickey Rich Plumbing and Heating, Inc. as recorded in Volume 10129, Page 851, Travis County Real Property Records (TCRPR); and (b) 0.371 acres, 0.224 acres, 0.143 acres, 0.057 acres and 0.044 acres as conveyed by Deed to Mickey Rich Plumbing and Heating, Inc. as recorded in Volume 12923, Page 173, TCRPR; said 8.5823 acre tract being more particularly described by metes and bounds as follows, to-wit:

COMMENCING at an iron rod found marking the Northeast corner of said 12.419 acre tract, same being the Southeast corner of Lot 1, Block G, BUCKINGHAM ESTATES PHASE III SECTION ONE, a subdivision according to the map or plat thereof recorded in Volume 77, Page 350, Travis County Plat Records (TCPR), same being located in the West right-of-way line of South 1st Street (75 feet in width);

THENCE, South 30 10' West, with the said West right-of-way line of South 1st Street, a distance of 135.00 feet to a point for the Northeast corner and POINT OF BEGINNING hereof;

THENCE, North 73 48'50" West, a distance of 450.87 feet to a point for corner hereof;

THENCE, South 77 20'05" West, a distance of 240.00 feet to a point for the Southwest corner hereof, same being located in the East line of BUCKINGHAM ESTATES PHASE IV SECTION C, according to the map or plat thereof recorded in Volume 84, Page 61C, TCPR, same being in the West line of said 12.419 acre tract;

THENCE, South 13 37' West, with the said East line of PHASE IV SECTION C and the said West line of the 12.419 acre tract, a distance of 751.16 feet to an iron rod found marking the Southwest corner of said 12.419 acre tract, same being the Southeast corner of said PHASE IV SECTION C, same being the Northwest corner of said 0.371 acre tract;

THENCE, South 00 26'50" West, with the West line of said 0.371 acre tract, a distance of 35.00 feet to a point marking the Southwest corner hereof, same being the Southwest corner of said 0.371 acre tract, and being also located in the North line of Lot 3, SLAUGHTER/SOUTH FIRST SECTION TWO, a subdivision according to the map or plat thereof recorded in Volume 96, Page 362, TCPR;

THENCE, South 89 29'50" East, with the South line hereof and the North line of said SLAUGHTER/SOUTH FIRST SECTION TWO, passing at a distance of 459.60 feet to a point marking the common South corner of said 0.371 acre tract and said 0.224 acre tract, passing at a distance of 498.50 feet the common South corner of said 0.224 acre and said 0.143 acre tract, passing at a distance of 537.40 feet the common South corner of said 0.143 acre tract and said 0.044 acre tract, and continuing a total distance of 593.56 feet to a point for the Southeast corner hereof, same being the Northeast corner of said SLAUGHTER/SOUTH FIRST SECTION TWO, and being also located in the Westerly right-of-way line of South 1st Street (90 feet in width);

THENCE, with the said Westerly right-of-way line of South 1st Street, a distance of 124.47 feet to a point of curvature;

THENCE, with the said Westerly right-of-way line of South 1st Street along the arc of a curve to the right, said curve having a radius of 494.12 feet, a chord bearing and distance of North 02 31'30" East-73.38 feet to a point for corner hereof;

THENCE, North 76 09'50" West, a distance of 240.00 feet to a point for corner hereof;

THENCE, North 13 21'45" East, a distance of 349.00 feet to a point for corner hereof;

THENCE, North 76 09'50" East, a distance of 309.63 feet to a point for corner hereof located in the said West right-of-way line of South 1st Street;

THENCE, North 30 10' East, with the said West right-of-way line of South 1st Street, a distance of 205.00 feet to the POINT OF BEGINNING and containing 8.5823 acres of land.

BASIS OF BEARINGS: Vol. 10129, Page 851, TCRPR

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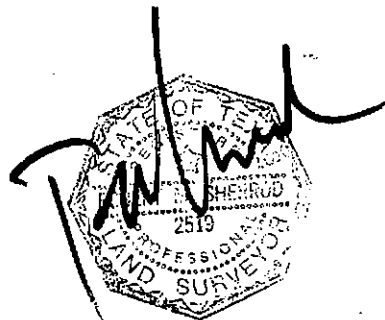


Exhibit "C"

TRACT "C"

METES AND BOUNDS DESCRIPTION

Being all that certain 2.1020 acre tract or parcel of land situated in the WILLIAM CANNON SURVEY NO. 19 and the S. F. SLAUGHTER LEAGUE SURVEY NO. 1, Travis County, Texas, and being out of and part of that certain 13.2580 acre tract(s) same being comprised of six (6) tracts: (a) 12.419 acres as described in Deed to Mickey Rich Plumbing and Heating, Inc. as recorded in Volume 10129, Page 851, Travis County Real Property Records (TCRPR); and (b) 0.371 acres, 0.224 acres, 0.143 acres, 0.057 acres and 0.044 acres as conveyed by Deed to Mickey Rich Plumbing and Heating, Inc. as recorded in Volume 12923, Page 173, TCRPR; said 2.1020 acre tract being more particularly described by metes and bounds as follows, to-wit:

COMMENCING at an iron rod found marking the Northeast corner of said 12.419 acre tract, same being the Southeast corner of Lot 1, Block G, BUCKINGHAM ESTATES PHASE III SECTION ONE, a subdivision according to the map or plat thereof recorded in Volume 77, Page 350, Travis County Plat Records (TCPR), same being located in the West right-of-way line of South 1st Street (75 feet in width);

THENCE, South 30 10' West, with the said West right-of-way line of South 1st Street, a distance of 340.00 feet to a point for the Northeast corner and the POINT OF BEGINNING hereof;

THENCE, continue, South 30 10" West, with the said West right-of-way line of South 1st Street, a distance of 237.07 feet to a point of curvature;

THENCE, in a Southwesterly direction along the arc of a curve to the left and with the said Westerly right-of-way line of South 1st Street, said curve having a radius of 494.12 feet, a chord bearing and distance of South 13 52'20" West-121.44 feet to a point for the Southeast corner hereof;

THENCE, North 76 09'50" West, a distance of 240.00 feet to a point for corner;

THENCE, North 13 21'45" East, a distance of 349.00 feet to a point for corner;

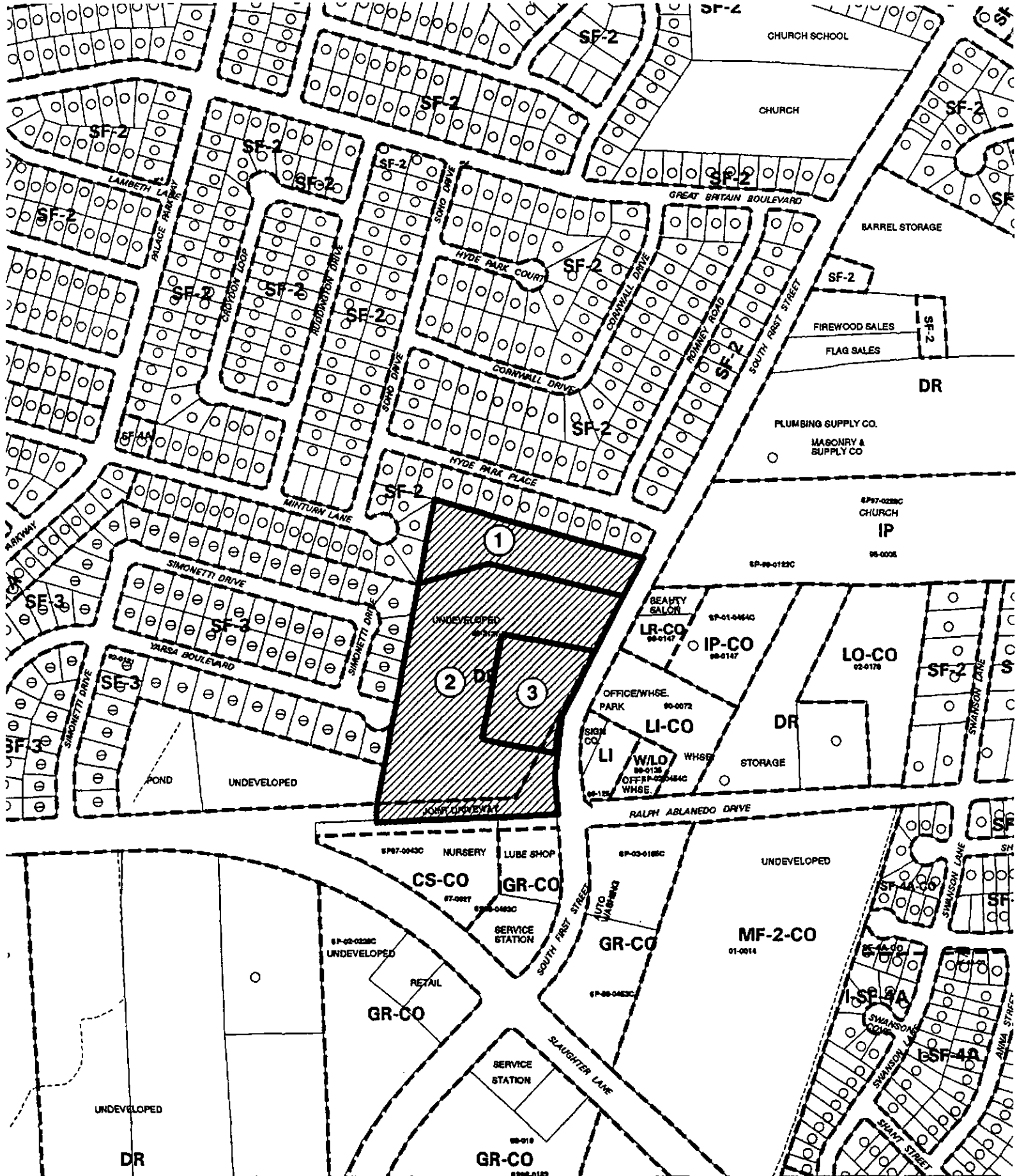
THENCE, South 76 09'50" East, a distance of 309.63 feet to the POINT OF BEGINNING hereof and containing 2.1020 acres of land.





BASIS OF BEARINGS: Vol. 10129, Pg. 851, TCRPR

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 1" = 400'	SUBJECT TRACT 	ZONING EXHIBIT D		CITY GRID REFERENCE NUMBER F14
	PENDING CASE 			
	ZONING BOUNDARY 	CASE #: C14-03-0147 ADDRESS: 8700 BLK S 1ST ST SUBJECT AREA (acres): 13.257	DATE: 04-05 INTLS: SM	
	CASE MGR: W. WALSH			