

**ORDINANCE NO. 20060209-Z002**

**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY GENERALLY KNOWN AS THE MAVERICK-MILLER HOUSE LOCATED IN THE WEST UNIVERSITY NEIGHBORHOOD PLAN AREA AT 910 POPLAR STREET FROM MULTIFAMILY RESIDENCE MODERATE HIGH DENSITY-HISTORIC-NEIGHBORHOOD PLAN (MF-4-H-NP) COMBINING DISTRICT TO LIMITED OFFICE-MIXED USE-HISTORIC-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (LO-MU-H-CO-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 multifamily residence moderate high density-historic-neighborhood plan (MF-4-H-NP) combining district to limited office-mixed use-historic-conditional overlay-neighborhood plan (LO-MU-H-CO-NP) combining district on the property described in Zoning Case No. C14-05-0215, on file at the Neighborhood Planning and Zoning Department, as follows:

A 0.750 acre tract of land, more or less, out of Outlot 59, Division D, Original City of Austin, Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance (the "Property"),

generally known as the Maverick-Miller House, locally known as 910 Poplar Street, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

**PART 2.** Except as specifically provided in Part 3 and Part 4, 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.** The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

1. The maximum height of a building or structure is 30 feet from ground level.

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

Bed & breakfast (Group 1)  
Communications services  
Medical offices (exceeding 5000 s.f.  
gross floor area)  
Special use historic  
Club or lodge  
Communication service facilities  
Community recreation (private)  
Congregate living  
Cultural services  
Day care services (general)  
Hospital services (limited)  
Public primary educational facilities  
Public secondary educational facilities  
Safety services

Bed & breakfast (Group 2)  
Software development  
Medical offices (not exceeding 5000 s.f.  
gross floor area)  
Urban farm  
College & university facilities  
Community events  
Communication recreation (public)  
Convalescent services  
Day care services (commercial)  
Day care services (limited)  
Private primary educational facilities  
Private secondary educational facilities  
Residential treatment

**PART 4.** The Property is subject to Ordinance No. 040826-57 that established the West University neighborhood plan combining district.

**PART 5.** This ordinance takes effect on February 20, 2006.

**PASSED AND APPROVED**

February 9, 2006

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Will Wynn  
Mayor

**APPROVED:**



David Allan Smith  
City Attorney

**ATTEST:**



Shirley A. Gentry  
City Clerk

Maverick-Miller House - 910 Poplar St.  
C14-05-0215

DESCRIPTION OF 0.750 OF AN ACRE, MORE OR LESS, OF LAND AREA, BEING A PORTION OF OUTLOT 59, DIVISION "D", OF THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF ON FILE IN THE GENERAL LAND OFFICE OF THE STATE OF TEXAS, BEING THE SAME TRACT OF LAND CONVEYED IN A DEED DATED APRIL 15, 1968 FROM EMILY MAVERICK MILLER, TO EMILY MILLER WELLS, ET AL, AS RECORDED IN VOLUME 3456, PAGE 160, DEED RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING RECONVEYED IN A DEED DATED JANUARY 4, 1982 FROM EDMUND H. MILLER, ET AL, TO EMILY M. WELLS, AS RECORDED IN VOLUME 7672, PAGE 36, DEED RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½" iron rod set at the intersection of the north line of Poplar Street and the east line of San Gabriel Street, for the apparent southwest corner of the aforereferenced Wells Tract;

THENCE leaving the PLACE OF BEGINNING and said north line of Poplar Street, with the common line of San Gabriel Street and the Wells Tract, N 06°04'E 101.00 feet to a ½" iron rod set near the top of a bluff for the apparent northwest corner of the Wells Tract, same being the apparent southwest corner of that 0.826 acres tract of land conveyed in a deed dated December 29, 1931, from George D. Smith, et ux, to the City of Austin, as recorded in Volume 474, Page 512 Deed Records of Travis County, Texas, and being the northwest corner of the herein described tract of land;

THENCE leaving San Gabriel Street, with the common line of the Wells Tract and the aforereferenced City of Austin Tract, said line being referenced by the following nine (9) courses along the top of a bluff near the north face of an old rock wall:

1. N 78°53'15"E 14.72 feet to a ½" iron rod set;
2. S 86°57'45"E 11.82 feet to a ½" iron rod set;
3. N 64°36'45"E 15.38 feet to a ½" iron rod set;
4. N 76°24'E 11.81 feet to a ½" iron rod set;
5. N 58°07'15"E 38.02 feet to a ½" iron rod set;
6. N 68°09'45"E 28.71 feet to a ½" iron rod set;
7. N 82°18'E 38.45 feet to a ½" iron rod set;
8. N 20°09'45"E 26.31 feet to a ½" iron rod set; and
9. N 68°42'15"E 69.16 feet to a ½" iron rod set for the apparent northeast corner of the Wells Tract, same being the apparent southeast corner of the remainder of the City of Austin Tract, also being the northerly west corner of that tract of land known as Treehouse Condominiums, as set out in declaration of record in Volume 7818, Page 1 as amended in Volume 7829, Page 722, Deed Records of Travis County, Texas, and being the northeast corner of the herein described tract of land;

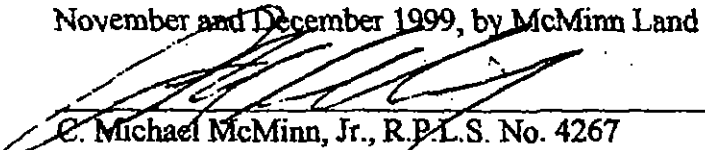
EXHIBIT A

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THENCE leaving the City of Austin Tract, with the common line of the Wells Tract and said Treehouse Condominiums, S 05°57'W 19.80 feet to a ½" iron rod found for the southwest corner of the Treehouse Condominiums, same being the northwest corner of that tract of land known as The Overlook Condominiums, as set out in declaration of record in Volume 7836, Page 876, Deed Records of Travis County, Texas, as amended in Volume 12026, Page 880, Real Property Records of Travis County, Texas;

THENCE leaving the Treehouse Condominiums, with the common line of the Wells Tract and said The Overlook Condominiums, S 05°57'W 199.98 feet to a ½" iron pipe found in the north line of Poplar Street, for the apparent southeast corner of the Wells Tract, same being the southwest corner of The Overlook Condominiums, and being the southeast corner of the herein described tract of land;

THENCE leaving The Overlook Condominiums, with the common line of Poplar Street and the Wells Tract, N 84°19'45"W 211.09 feet to the PLACE OF BEGINNING. There are contained within these metes and bounds, 0.750 of an acre, more or less, of land area, as described from record information and measurements made on the ground during November and December 1999, by McMinn Land Surveying Company of Austin, Texas.



C. Michael McMinn, Jr., R.P.L.S. No. 4267  
McMinn Land Surveying Company  
P.O. Box 27695  
Austin, Texas 78755  
(512) 343-1970

DATE : December 8, 1999  
SUBDIVISION : Outlot 59, Division "D", City of Austin  
COUNTY : Travis, Texas  
J.O. No. : 102999  
CNDD1029A

