ORDINANCE NO. 20060622-091

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT THE NORTHWEST CORNER OF CACTUS LANE AND REDD STREET, ALSO KNOWN AS 2101-2117 WEST BEN WHITE BOULEVARD, FROM MULTIFAMILY RESIDENCE MEDIUM DENSITY (MF-3) DISTRICT TO COMMUNITY COMMERCIAL-CONDITIONAL OVERLAY (GR-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 multifamily residence medium density (MF-3) district to community commercial-conditional overlay (GR-CO) combining district on the property described in Zoning Case No. C14-05-0198, on file at the Neighborhood Planning and Zoning Department, as follows:

A 42,209 square foot tract of land, more or less, out of the James Trammel 1/3 League, Abstract No. 769 in 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 the northwest corner of Cactus Lane and Redd Street, also known as 2101-2117 West Ben White Boulevard, 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 uses of the Property:

   Automotive rentals                      Automotive repair services
   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
   Food preparation                       Funeral services
   General retail sales (general)          Hospital services (general)
   Hotel-motel                            Indoor entertainment
Indoor sports and recreation          Outdoor entertainment
Outdoor sports and recreation          Pawn shop services
Personal improvement services         Research services
Restaurant (general)                  Theater

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

Community recreation (private)        Community recreation (public)
Congregate living                      Group homes (Class II)
Hospital services (limited)           Residential treatment
Medical offices (exceeding 5000 sq.ft.
                                      of gross floor area)

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

PART 3. This ordinance takes effect on July 3, 2006.

PASSED AND APPROVED

June 22, 2006

Will Wyn
Mayor

APPROVED:    ATTEST:

David Allan Smith    Shirley A. Gentry
City Attorney        City Clerk
FIELD NOTE DESCRIPTION OF 42,209 SQUARE FEET OF LAND OUT OF
THE JAMES TRAMMEL 1/3 LEAGUE, ABSTRACT NO. 769 IN TRAVIS
COUNTY, TEXAS BEING A PORTION OF THAT CERTAIN (2.92 ACRE)
TRACT OF LAND AS CONVEYED TO ALFRED E. FIELDER BY DEED
RECORDED IN VOLUME 2984, PAGE 1856 OF THE DEED RECORDS OF
TRAVIS COUNTY, TEXAS, AND A PORTION OF THAT CERTAIN (2.87
ACRE) TRACT OF LAND AS CONVEYED TO 2101 W. BEN WHITE
BOULEVARD, INC. BY DEED RECORDED IN VOLUME 8111, PAGE 714 OF
THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE
PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS;

BEGINNING at a ½" iron pipe found in the Northeasterly right-of-way line of Redd
Street, at the Southwest corner of that certain (2.87 acre) tract of land as conveyed to the
2101 W. Ben White Boulevard, Inc. by deed recorded in Volume 8111, Page 714 of the
Deed Records of Travis County, Texas, same being a point in the Southeasterly line of
Lot 1, Block H, Western Trails Section 3, a Subdivision in Travis County, Texas
according to the map or plat thereof recorded in Volume 8, Page 73 of the Plat Records of
Travis County, Texas and the Southwest corner and PLACE OF BEGINNING of the
herein described tract, from which a ½" iron pipe found in the Southwest right-of-way
line of Redd Street at the Northwest corner of that certain (5.89 acre) tract of land as
conveyed to the City of Austin by deed recorded in Volume 1326, Page 149 of the Deed
Records of Travis County, Texas, same being the Northeast corner of Lot 5, Block G,
Western Trails Section 2, a subdivision in Travis County, Texas according to the map or
plat thereof recorded in Volume 8, Page 73 of the Plat Records of Travis County, Texas,
bears, S 29 deg 26'17" W 59.00 ft.

THENENCE leaving the Northeasterly right-of-way line of Redd Street with the common
line of said Lot 1 and 2101 W. Ben White Boulevard, Inc. tract, N 29 deg 27'24" E,
passing a ½" iron rod found at a distance of 69.82 ft. for the Northeast corner of said Lot
1, same being the Southeast corner of Lot 2, Block H, Western Trails Section 2,
continuing along said bearing for a total distance of 85.00 ft. to a point for the Northwest
corner of the herein described tract;
THENCE crossing the interior of said 2101 W. Ben White Boulevard, Inc. (2.87 acre) tract, S 60 deg 15'39" E 248.08 ft. to a point in the Southeast line of said 2101 W. Ben White Boulevard, Inc. (2.87 acre) tract, same being a point in the Northwest line of that certain (2.92 acre) tract of land as conveyed to Alfred E. Fielder by deed recorded in Volume 2981, Page 1856 of the Deed Records of Travis County, Texas;

THENCE crossing the interior of said Fielder (2.92 acre) tract, S 60 deg 15'39" E 248.33 ft. to a point in the Southeast line of said Fielder (2.92 acre) tract, same being a point in the Northwest right-of-way line of Cactus Lane for the Northeast corner of the herein described tract;

THENCE with the Northwest right-of-way line of Cactus Lane, same being the Southeast line of said Fielder (2.92 acre) tract, S 29 deg 12'30" W 85.00 ft. to a point in the Southeast line of said Fielder (2.92 acre) tract, same being the record Northeast corner of that certain tract of land as conveyed to the City of Austin by Street Deed recorded in Volume 3011, Page 943 of the Deed Records of Travis County, Texas for the Southeast corner of the herein described tract, from which a 1" iron pipe found bears, S 29 deg 12'30" W 10.00 ft. and S 60 deg 16' E 2.20 ft.;

THENCE crossing the interior of said Fielder (2.92 acre) tract with the Northeasterly right-of-way line of Redd Street and with the record Northeast line of said City of Austin tract, N 60 deg 15'39" W 248.33 ft. to a point in the Northwest line of said Fielder (2.92 acre) tract, for the Northwest corner of said City of Austin tract, also being the Southeast corner of said 2101 W. Ben White Boulevard, Inc. (2.87 acre) tract;

THENCE with the Northeast right-of-way line of Redd Street, same being the Southwest line of said 2101 W. Ben White Boulevard, Inc. (2.87 acre) tract, N 60 deg 15'39" W 248.44 ft. to the PLACE OF BEGINNING, containing 42,209 Square Feet of land.

Surveyed: August 17, 2005

Holt Carson
Registered Professional Land Surveyor No. 5166

See accompanying map no. C 747090
Sketch to accompany field note description of 42,209 square feet of land out of the James Trammell 1/2 league, Abstract No. 769 in Travis County, Texas, being a portion of that certain (2.92 acre) tract of land as conveyed to Alfred E. Fiedler by deed recorded in Volume 2984, Page 1856 of the deed records of Travis County, Texas, and a portion of that certain (2.67 acre) tract of land as conveyed to 2101 W. Ben White Boulevard, Inc. by deed recorded in Volume 8111, Page 714 of the deed records of Travis County, Texas.

Prepared October 11, 2005.

By

Holt Carson
Registered Professional Land Surveyor No. 5166