

A U S T I N C I T Y C O U N C I L
AGENDA



Thursday, August 24, 2006

+ Back Print

**Zoning and Neighborhood Plan Amendments
(Public Hearings and Possible Action)
RECOMMENDATION FOR COUNCIL ACTION**

ITEM No. 83

Subject: C14-06-0139 - Mills Avenue Parking Rezoning - City Initiated - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3401 Mills Avenue, between West 34th Street and West 35th Street, from public (P) district zoning to general office-conditional overlay (GO-CO) combining district zoning. Staff Recommendation: To grant general office-conditional overlay (GO-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant general office-conditional overlay (GO-CO) combining district zoning. Applicant: City of Austin-Real Estate Services (Dean Harris). Agent: Neighborhood Planning and Zoning Department. City Staff: Jorge E. Rousselin, 974-2975.

Additional Backup Material

(click to open)

- ☐ **Staff Report**
- ☐ **Ordinance**

For More Information: Jorge E. Rousselin, 974-2975.

ZONING REVIEW SHEET**CASE:** C14-06-0139**Z.A.P. DATE:** July 18, 2006**ADDRESS:** 3401 Mills Avenue – between West 34th Street and West 35th Street**OWNER:** COA -- Real Estate Services (Dean Harris)**AGENT:** COA - Neighborhood Planning and Zoning Department (Jorge E. Rousselin)**REZONING FROM:** P (Public) district**TO:** GO-CO (General office –conditional overlay) combining district**AREA:** 4,890 square feet**SUMMARY ZONING AND PLATTING COMMISSION RECOMMENDATION:***July 18, 2006:***APPROVED STAFF'S RECOMMENDATION FOR GO-CO ZONING; BY CONSENT.****[M.HAWTHORNE, J.PINNELLI 2ND] (6-0) B.BAKER, J.MARTINEZ, J.GOHIL – ABSENT****SUMMARY STAFF RECOMMENDATION:**

Staff recommends approval of the rezoning from P (Public) to GO-CO (General office –conditional overlay) combining district.

The conditional overlay shall prohibit the following uses:

- | | |
|---------------------------------------|---|
| • Administrative and business offices | • Medical offices (exceeding 5,000 sq. ft. of gross floor area) |
| • Art gallery | • Medical offices (not exceeding 5,000 sq. ft. of gross floor area) |
| • Art workshop | • Personal services |
| • Bed & breakfast (Group 1) | • Printing and publishing |
| • Bed & breakfast (Group 2) | • Professional office |
| • Business or trade school | • Restaurant (limited) |
| • Business support services | • Software development |
| • Communications services | • Special use historic |
| • Group home, Class I (General) | • Urban farm |
| • Group home, Class I (Limited) | |
| • Group home, Class II | |

The Staff recommendation is based on the following considerations:

1. The proposed land uses are compatible with existing land uses in the area;
2. The existing conditional overlay limits the majority of incompatible uses within GO; and
3. Office and commercial uses are located adjacent to the subject property.

DEPARTMENT COMMENTS:

The subject rezoning area consists of approximately 4,890 sq. ft. of undeveloped land zoned P (Public). The property owner proposes to rezone the property to GO-CO to allow for off-site, off-street parking for the properties west of the subject tract. A lease agreement for a parking lot at the subject site is pending at the City Council.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	P	Undeveloped land / Parking lot
<i>North</i>	GR	Grocery store
<i>South</i>	SF-3	School
<i>East</i>	P	Undeveloped land
<i>West</i>	GO-CO / LR-CO	Art Gallery / Veterinary Clinic

AREA STUDY: N/A**TIA:** N/A (See Transportation comments)**WATERSHED:** Shoal Creek**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** N/A**HILL COUNTRY ROADWAY:** N/A**NEIGHBORHOOD ORGANIZATIONS:**

88--West Austin Neighborhood Group
 156--Bryker Woods Neighborhood Assn.
 344--M.K. Hage
 511--Austin Neighborhoods Council
 742--Austin Independent School District

SCHOOLS:

Austin Independent School District

- Bryker Woods Elementary School
- O. Henry Middle School
- Austin High School

RELATED CASES: N/A**CASE HISTORIES:**

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-96-0069	SF-3 to GR-CO	07/23/96: APVD STAFF ALT REC OF GR-MU-CO (6-0)	07/25/96: APVD PC REC OF GR-MU-CO (5-0) SUBJ TO CONDS 08/15/96: APVD GR-MU-CO (7-0); (2ND/3RD)
C14-00-2233	SF-3 to LO	12/19/00: APVD STAFF REC OF LO-MU-CO BY CONSENT (6-0)	01/18/01: APVD NO-MU (6-0); ALL 3 RDGS
C14-03-0161	SF-3 to NO	01/06/04: APVD STAFF REC OF NO W/CONDS	02/026/04: APVD NO-MU-CO (6-0); ALL 3 RDGS
C14-06-0020	LO to GO-MU-CO	04/04/06: APVD GO-CO W/CONDS (7-0)	05/04/06: APVD GO-CO (7-0); ALL 3 RDGS

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bus Route	Bike Route
Mills Avenue	36'	24'	Local	No	No	No
35 th Street	80'	44'	Collector	No	Yes	No
34 th Street	60'	30'	Collector	Yes	Yes	Priority One

CITY COUNCIL DATE:

August 24, 2006

ACTION:

ORDINANCE READINGS: 1st

2nd

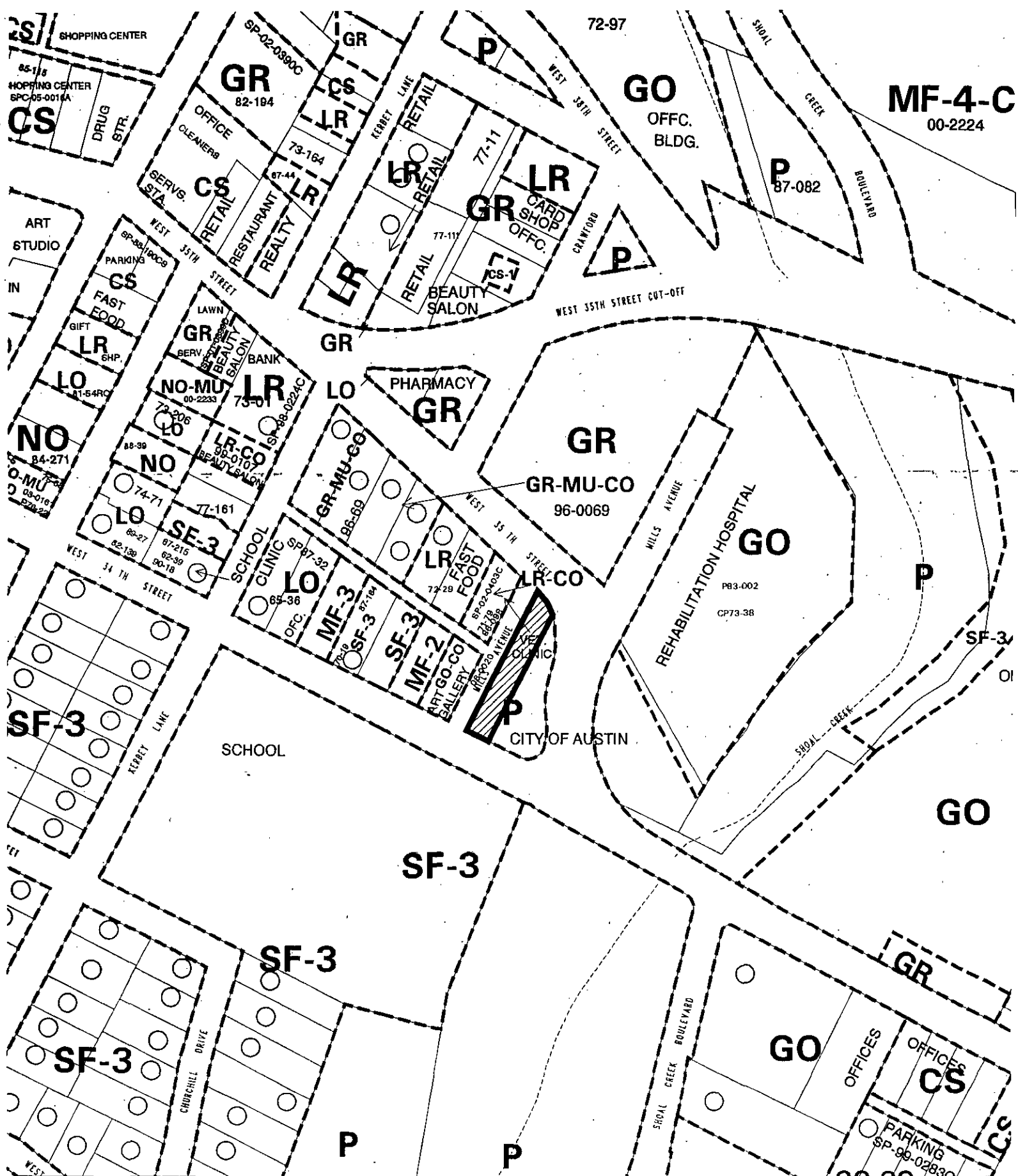
3rd

ORDINANCE NUMBER:

CASE MANAGER: Jorge E. Rousselin, NPZD

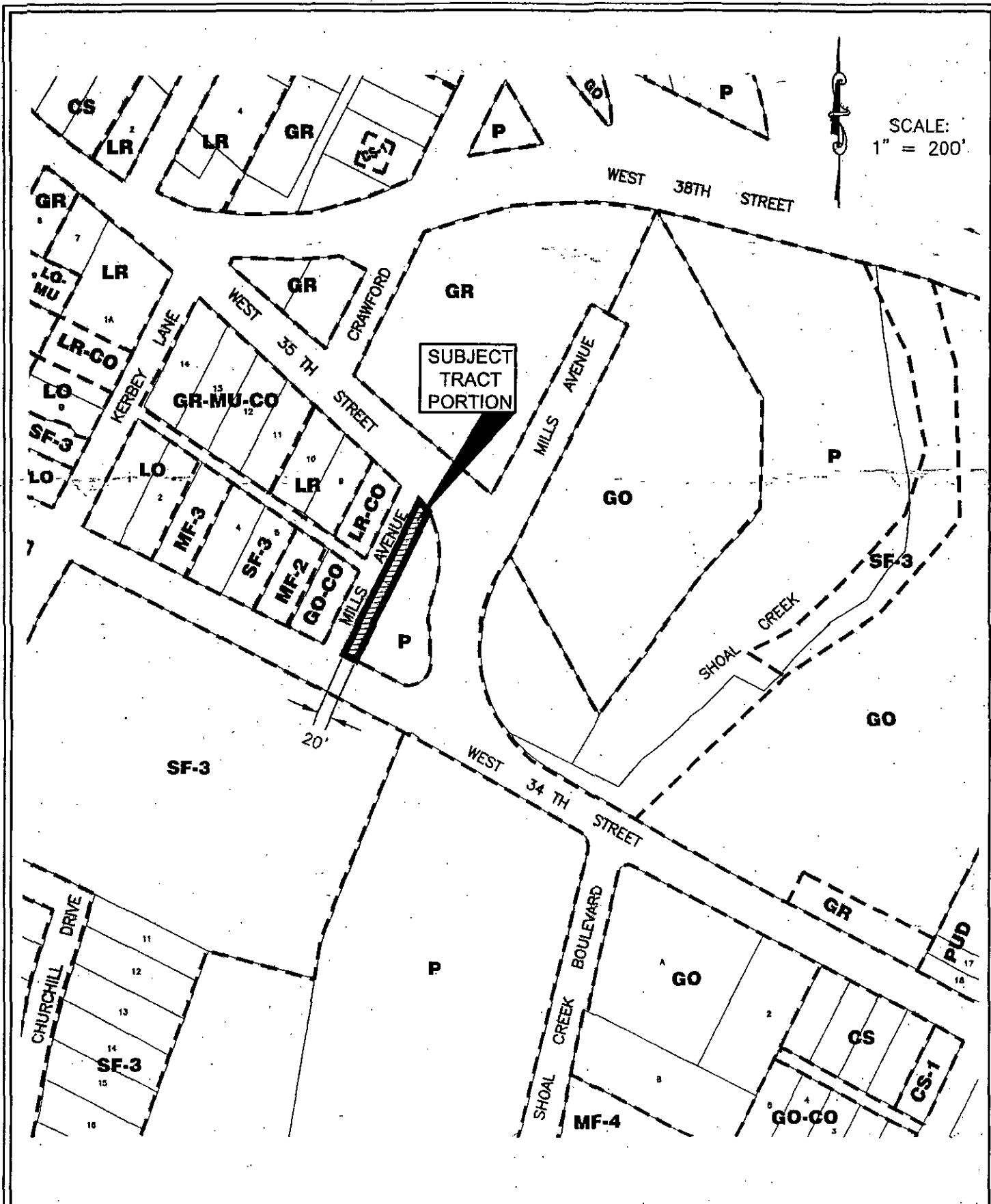
PHONE: 974-2975

E-MAIL: jorge.rousselin@ci.austin.tx.us



 1" = 200'	SUBJECT TRACT		CASE #: C14-06-0139 ADDRESS: 3401 MILLS AVE. SUBJECT AREA (acres): 0.224	ZONING DATE: 06-06 INTLS: TRC	CITY GRID REFERENCE NUMBER J25		
	PENDING CASE						
	ZONING BOUNDARY						
	CASE MGR: J.ROUSSELIN						





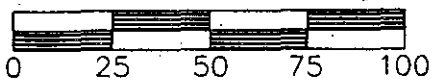
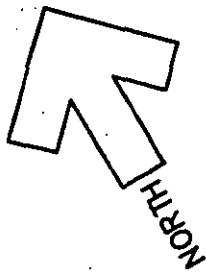
DAVCAR ENGINEERING
 1010 LAND CREEK COVE
 SUITE 200
 AUSTIN, TEXAS 78746
 (512) 328-4428
 (512) 306-8330 FAX

ZONING

CASE#
 ADDRESS: 3401 MILLS AVENUE
 SUBJECT AREA: APPROX. 4890 SF DATE:

CITY GRID
 REFERENCE:

J25



LEGEND

- 1/2" IRON ROD FOUND
- 1" SQUARE BOLT FOUND
- △ CALCULATED POINT
- (-) RECORD INFORMATION
- ▲ MAG NAIL FOUND

T.C.D.R. TRAVIS COUNTY DEED RECORDS
T.C.P.R. TRAVIS COUNTY PLAT RECORDS

LINE TABLE

No.	Bearing	Distance
L1	N60°45'04"W	30.07'
L2	N54°32'10"W	20.08'
L3	N60°44'42"W	20.00'
L4	S16°11'45"W	6.90'
L5	S15°51'50"W	6.85'
L6	S13°51'55"E	7.01'
L7	N59°05'20"E	31.19'

WEST 34TH STREET

(RIGHT-OF-WAY VARIES)

CURVE TABLE

No.	Delta	Radius	Arc Length	Chord Length	Chord Bearing
C1	12°50'41"	142.28	31.90	31.83	S40°11'25"E
C2	54°37'49"	142.28	135.66	130.58	S06°23'39"E
(C2)		142.28		130.58	
C3	24°59'57"	272.44	118.87	117.93	S08°25'21"W
(C3)		272.44	118.87	117.93	
C4	123°04'44"	29.97	64.38	52.70	S57°31'20"W
(C4)		29.97	64.56	52.78	
C5	09°22'16"	142.28	23.27	23.24	S29°01'26"E

CLIENT: LIVE OAK GROUP
FIELD BOOK: 80, PAGE: 65
DRAWN BY: D.W.
PROJECT NO.: 208-04-01
DATE: 7-13-06
FILE: 2080401-PARKING2.DWG

SKETCH TO ACCOMPANY FIELD NOTES

2,384 SQUARE FEET AREA OUT OF
0.500 ACRE CITY OF AUSTIN TRACT
AS RECORDED IN VOLUME 610, PAGE 524
TRAVIS COUNTY, TEXAS



LIVE OAK
SURVEYING
12421 WYCLIFF LANE
AUSTIN, TX 78727-5220
(512) 837-1018

WEST 35TH STREET

(60' RIGHT-OF-WAY)
BOOK 59, PAGE 53
T.C.P.R.

N46°34'54"W 123.53'

SEE
DETAIL

POINT OF
BEGINNING

LOT 8
WILLIAM THIELE SUB.
BOOK 1, PAGE 34
T.C.P.R.

LOT 7
WILLIAM THIELE SUB.
BOOK 1, PAGE 34
T.C.P.R.

20' ALLEY

MILLS AVENUE

2,384 SQUARE
FEET AREA

DETAIL

NOT TO SCALE

OFF
MILLS AVENUE CUT
STILL

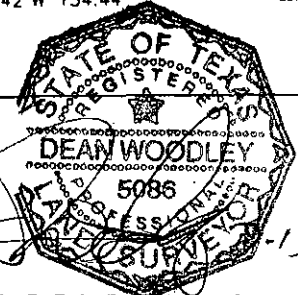
CITY OF AUSTIN
VOLUME 610, PAGE 524 T.C.D.R.
T.C.D.R.
21,767 SQUARE FEET
0.500 ACRE
REMAINDER OF
A 1.4 ACRE TRACT

ORDINANCE 61-1012B

N60°44'42"W 98.06'
(N60°14'W 98.06')

S60°42'42"W 154.44'

S29°28'36"W
29.93'



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DESCRIPTION

OF A 2,384 SQUARE FEET TRACT OF LAND OUT OF AND A PART OF THE GEORGE W. SPEARS LEAGUE, SITUATED IN TRAVIS COUNTY, TEXAS, BEING A PART OF A 1.4 ACRE TRACT AS CONVEYED TO THE CITY OF AUSTIN AS RECORDED IN VOLUME 610, PAGE 524, TRAVIS COUNTY DEED RECORDS, SAID 2,384 SQUARE FEET BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS;

Beginning at a ½" Iron Rod Found in the East Right-of-Way of Mills Avenue (30' Right-of-Way) as shown on the Subdivision Plat of William Thiele Subdivision as recorded in Book 1, Page 34 of the Travis County Plat Records, also being in the South Right-of-Way of West 35th Street and the West Right-of-Way of the Mills Avenue Cut-Off, From Which a ½" Iron Rod Found at the Northeast corner of Lot 8, of the said Williams Thiele Subdivision, Bears with a curve to the Left, having a Central Angle of 12°50'41", a Radius of 142.28, Chord Bears S40°11'25"E 31.83, for a Arc distance of 31.90;

Thence, crossing the said 1.4 Acre Tract, with the West Right-of-Way of the said Mills Avenue Cut-Off, a curve to the Right having a Central Angle of 09°22'16", a Radius of 142.28', Chord Bears S29°01'26"E 23.24', for an Arc distance of 23.27' feet to a Calculated Point, for the Northeast corner of the herein described tract;

Thence, crossing the said 1.4 Acre Tract for the following Two (2) consecutive courses;

1) S30°20'21"W, twenty feet East of and parallel with the said Mills Avenue (30' Right-of-Way) for a distance of 113.82' feet to a Calculated Point, for the Southeast corner of the herein described tract;

2) N54°32'10"W, for a distance of 20.08' feet to a Calculated Point in the East Right-of-Way of the said Mills Avenue (30' Right-of-Way), From Which a Mag nail Found in the North Right-of-Way of West 34th Street (Right-of-Way) varies, Bears S30°20'21" 138.91';

Thence, N30°20'21"E, with the East Right-of-Way of the said Mills Avenue (30' Right-of-Way) for a distance of 123.87' feet to the Place of Beginning, containing 2,384 Square Feet of land area.

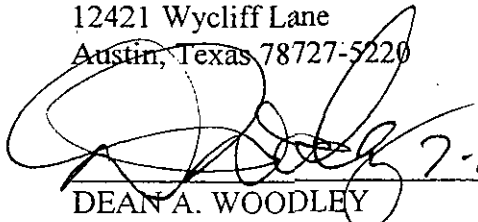
The bearings for the above description are based upon the William Thiele Subdivision Plat as recorded in Book 1, Pages 34 of the Travis County Plat Records.

STATE OF TEXAS)(

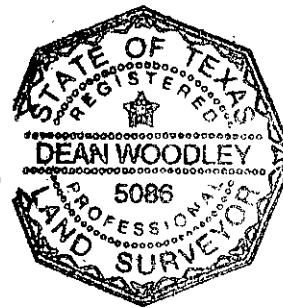
COUNTY OF TRAVIS)(

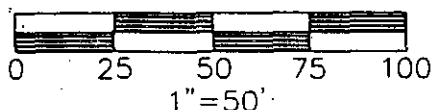
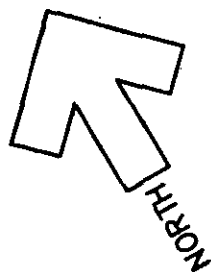
I hereby certify that this field note description was prepared from the results of an actual survey made on the ground under my supervision and that it is true and correct to the best of my knowledge.

LIVE OAK SURVEYING
12421 Wycliff Lane
Austin, Texas 78727-5220


DEAN A. WOODLEY
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 5086

Date:





LEGEND

- 1/2" IRON ROD FOUND
- 1" SQUARE BOLT FOUND
- △ CALCULATED POINT
- (-) RECORD INFORMATION
- ▲ MAG NAIL FOUND

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FIELD BOOK: 80, PAGE: 65
DRAWN BY: D.W.
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SKETCH TO ACCOMPANY FIELD NOTES

2,757 SQUARE FEET AREA OUT OF
0.500 ACRE CITY OF AUSTIN TRACT
AS RECORDED IN VOLUME 610, PAGE 524
TRAVIS COUNTY, TEXAS



LIVE OAK
SURVEYING
12421 WYCLIFF LANE
AUSTIN, TX 78727-5220
(512) 837-1018

WEST 35TH STREET

(60' RIGHT-OF-WAY)
BOOK 59, PAGE 53
T.C.P.R.

N46°34'54"W 123.53'

LOT 8
WILLIAM THIELE SUB.
BOOK 1, PAGE 34
T.C.P.R.

LOT 7
WILLIAM THIELE SUB.
BOOK 1, PAGE 34
T.C.P.R.

MILLS AVENUE

(30' RIGHT-OF-WAY)
BOOK 1, PAGE 34
T.C.P.R.

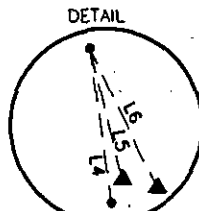
2,757 SQUARE
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CITY OF AUSTIN
VOLUME 610, PAGE 524 T.C.D.R.
T.C.D.R.
21,767 SQUARE FEET
0.500 ACRE
REMAINDER OF
A 1.4 ACRE TRACT

ORDINANCE 61-1012B

POINT OF
BEGINNING

S60°42'42"W



NOT TO SCALE

MILLS AVENUE CUT OFF

© COPYRIGHT 2006, DEAN WOODLEY

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Beginning at a Mag Nail Found in the East Right-of-Way of Mills Avenue (30' Right-of-Way) as shown on the Subdivision Plat of William Thiele Subdivision as recorded in Book 1, Page 34 of the Travis County Plat Records, also being in the North Right-of-Way of West 34th Street, From Which a Mag Nail Found at the Southeast corner of Ordinance 61-1012B, being 9.7' South of the Southeast corner of Lot 7, of the said Williams Thiele Subdivision, Bears N60°45'04"W, 30.07';

Thence, N30°20'21"E, with the East Right-of-Way of the said Mills Avenue (30' Right-of-Way) for a distance of 138.91' feet to a Calculated Point, for the Northeast corner of the herein described tract, From Which a ½" Iron Rod Found at the intersection of the said Mills Avenue (30' Right-of-Way) and West 35th Street, Bears N30°20'21"E 123.87' feet;

Thence, crossing the said 1.4 Acre Tract for the following Two (2) consecutive courses;

1) S54°32'10"E, for a distance of 20.08' feet to a Calculated Point for the Northeast corner of the herein described tract;

2) S30°20'21"W, for a distance of 136.74' feet to a Calculated Point in the North Right-of-Way of West 34th Street (Right-of-Way) varies, From Which a ½" Iron Rod Found, Bears S60°44'42"E 78.06';

Thence, N60°44'42"W, with the North Right-of-Way of the said West 34th Street and the South line of the said 1.4 Acre Tract, for a distance of 20.00' feet to the Place of Beginning, containing 2,757 Square Feet of land area.

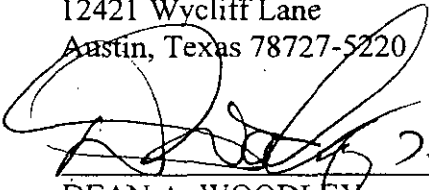
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STATE OF TEXAS)(

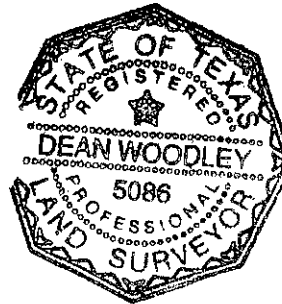
COUNTY OF TRAVIS)(

I hereby certify that this field note description was prepared from the results of an actual survey made on the ground under my supervision and that it is true and correct to the best of my knowledge.

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12421 Wycliff Lane
Austin, Texas 78727-5220


DEAN A. WOODLEY
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 5086

7-13-2006
Date:



2080401-parking1.wps

STAFF RECOMMENDATION

Staff recommends approval of the rezoning from P (Public) to GO-CO (General office –conditional overlay) combining district.

The conditional overlay shall prohibit the following uses:

- Administrative and business offices
- Art gallery
- Art workshop
- Bed & breakfast (Group 1)
- Bed & breakfast (Group 2)
- Business or trade school
- Business support services
- Communications services
- Group home, Class I (General)
- Group home, Class I (Limited)
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- Medical offices (exceeding 5,000 sq. ft. of gross floor area)
- Medical offices (not exceeding 5,000 sq. ft. of gross floor area)
- Personal services
- Printing and publishing
- Professional office
- Restaurant (limited)
- Software development
- Special use historic
- Urban farm

The Staff recommendation is based on the following considerations:

1. The proposed land uses are compatible with existing land uses in the area;
2. The existing conditional overlay limits the majority of incompatible uses within GO; and
3. Office and commercial uses are located adjacent to the subject property.

BASIS FOR RECOMMENDATION

- 1. The proposed zoning should be consistent with the purpose statement of the district sought.*

General office (GO) district is the designation for an office or commercial use that serves community and city-wide needs. A building in a GO district may contain one or more different uses.

The property meets the purpose statement set forth in the Land Development Code. This portion of West 34th Street accommodates a variety of office and commercial uses.

- 2. The proposed zoning should promote consistency, and orderly planning.*

Other properties in the immediate vicinity are zoned for office and commercial uses. The GO designation and recommended conditional overlay will alleviate parking problems on this portion of Mills Avenue.

EXISTING CONDITIONS

Site Characteristics

The subject rezoning area consists of approximately 4,890 sq. ft. of undeveloped land zoned P (Public). The property owner proposes to rezone the property to GO-CO to allow for off-site, off-street parking for the properties west of the subject tract. A lease agreement for a parking lot at the subject site is pending at the City Council.

Transportation

1. No additional right-of-way is needed at this time.
2. The trip generation under the requested zoning is estimated to be 184 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).
3. A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day and this is a City initiated case. [LDC, 25-6-113]

Environmental and Impervious Cover

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Shoal Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.
2. Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.
3. This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.
4. According to flood plain maps, there is no flood plain within the project area.
5. At this time, site-specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.
6. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

Water and Wastewater

1. The landowner intends to serve the site with City of Austin water and wastewater utilities.
2. The landowner, at own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extension, system upgrades, utility adjustments and relocation.
3. Also, the associated utility plan must be reviewed and approved by the Austin Water Utility.
4. The plan must be in accordance with the City design criteria.
5. The utility construction must be inspected by the City.

Site Plan and Compatibility Standards

1. This site will not be subject to compatibility standards



BrykerWoods Neighborhood Association

2006

April 11, 2006 (update of Feb '06 letter)

Judy Taylor
Shoal Creek Gallery
1500 West 34th Street
Austin, Texas 78703

RECEIVED

JUL 06 2006

Neighborhood Planning & Zoning

Tim Mooney
Live Oak Group
2630 Exposition, Suite 203
Austin, Texas 78703

Re: Proposed Zoning Change for Shoal Creek Gallery (1500 West 34th St.)

Dear Judy and Tim,

Thank you for the information about the proposed sale to the Goldwasser Real Estate Team and the proposed zoning change from LO to GO-CO. As you know, BWNA has studied the Mills Ave. issues extensively over a period of years. We value our good relationship with you and remain willing to help you expand your parking in a way that would not jeopardize the interests of the neighborhood and the school.

While zoning more intense than LO would be inappropriate for the Shoal Creek Gallery property, our understanding is that this change is requested solely for the purpose of permitting off-site parking on the east side of Mills Ave. on property to be leased from the City of Austin. We also understand that you and your buyers are willing to effectively limit the use and site development regulations to an LO use (plus the off-site parking) and, further, to take certain additional steps which will help assure appropriate parking and the continued public use of Mills Ave. Based on our understanding of your position, we are hopeful that we can reach an agreement that will work for all of us.

The BrykerWoods Neighborhood Association has authorized me to convey our support for the proposed zoning change from LO to GO-CO under the following conditions:

1. The imposition of a Conditional Overlay prohibiting any permitted or conditional uses (other than the designated off-site parking) not authorized in an LO zoning district and the continued application of the LO site development regulations.
2. The execution of a restrictive covenant prohibiting expansion of the current

structure or the creation of a future structure beyond the building's current footprint. The beneficiaries of the restrictive covenant will be the owners of the three residential properties to the west on 34th street, the property immediately to the north (currently owned by Greg Biehle), the BrykerWoods Neighborhood Association and the Austin Independent School District. The restrictive covenant will have duration of 20 years. [The rationale is that expanding the building to the south would eliminate or reduce currently available parking, to the east would obstruct Mills Ave., and to the north would obstruct the alley.]

3. The off-site parking lease agreement will contain the following provisions:

- a. Parking is limited to single row 90 degrees with maximum depth of 19 feet.
- b. Parking is to be officially surveyed and curbed appropriately to prevent vehicular encroachment onto the City-owned triangle.
- c. Parking should be pervious ~~if possible (gravel suggested)~~ ^{ET} As permitted by City Code.
- d. The large cedar elm trees in front of the gallery are not to be removed (and a buffer placed around the trees meeting city specification.) ^{ET}
- e. ~~No disruption to the "unimproved" parts of the City-owned triangle.~~ ^{ET} ~~limited to~~ ^{parking to be}
- f. No parking in front of the alley entrance between the gallery and vet clinic. ^{leased area. ET}
- g. Green or landscaped "buffers" placed at the north and south ends of designated parking. ^{ET}
- h. The leased parking strip is to be used for parking only and no improvements (other than vegetation) exceeding 3 feet in height shall be made.
- i. BWNA will be notified in advance of any proposed amendments to or termination of the lease agreement, ^{ET} by the City or the Lessee.
- j. ~~Existing Commercial Off-Street parking shall not be permitted.~~ ^{ET}

If this is agreeable, please so indicate by signing and returning the enclosed copy of this letter. Thank you for your cooperation.

Sincerely,



Edward Tasch - President
BrykerWoods Neighborhood Association

EDWARD,

WE AGREE TO ALL OF YOUR TERMS.

THANK YOU VERY MUCH.

Tim Mounsey / REPRESENTING JUDY
TAYLOR



Tim MOONEY



Bryker Woods Neighborhood Association

Austin, Texas

1907 West 34th Str
Austin, Texas 787
July 28, 2006

RECEIVED

JUL 28 2006

Jorge Rousselin
Neighborhood Planning and Zoning Dept.
505 Barton Springs Road, 5th Floor,
Austin, Texas, 78704

Neighborhood Planning & Zoning

Re: 34th and Mills Off-Site Parking Site Plan

Dear Mr. Rousselin,

This will confirm that the Bryker Woods Neighborhood Association (BWNA) Executive Committee has reviewed the 34th and Mills Ave Off-Site Parking site plan (dated 6/23/06) and it appears to conform with the site-plan portion of the agreement between the owners of the adjacent properties and BWNA. Accordingly, we support its approval.

Thank you for your assistance.

Sincerely,

Joyce Basciano, for the Executive Committee of the Bryker Woods Neighborhood Association

Cc: Tim Mooney

ORDINANCE NO. _____

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE
2 PROPERTY LOCATED AT 3401 MILLS AVENUE, BETWEEN WEST 34TH
3 STREET AND WEST 35TH STREET, FROM PUBLIC (P) DISTRICT TO
4 GENERAL OFFICE-CONDITIONAL OVERLAY (GO-CO) COMBINING
5 DISTRICT.
6

7 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:
8

9 **PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to
10 change the base district from public (P) district to general office-conditional overlay (GO-
11 CO) combining district on the property described in Zoning Case No. C14-06-0139, on file
12 at the Neighborhood Planning and Zoning Department, as follows:
13

14 A 2,384 square foot tract of land, more or less, out of the George W. Spears
15 League, situated in Travis County, Texas; and
16

17 A 2,757 square foot tract of land, more or less, out of the George W. Spears
18 League, situated in Travis County, Texas;
19

20 both tracts of land being more particularly described by metes and bounds in
21 Exhibit "A" incorporated into this ordinance (the "Property"),
22

23 locally known as 3401 Mills Avenue, between West 34th Street and West 35th Street, in the
24 City of Austin, Travis County, Texas, and generally identified in the map attached as
25 Exhibit "B".
26

27 **PART 2.** The Property within the boundaries of the conditional overlay combining district
28 established by this ordinance is subject to the following conditions:
29

30 The following uses are prohibited uses on the Property:
31

32 Administrative and business offices	Art gallery
33 Art workshop	Bed and breakfast (Group 1)
34 Bed and breakfast (Group 2)	Business or trade school
35 Business support services	Communications services
36 Group home, Class I (general)	Group home, Class I (limited)

1 Group home, Class II
2 Medical offices (not exceeding
3 5,000 sq. ft. gross floor area)
4 Printing and publishing
5 Restaurant (limited)
6 Special use historic

Medical offices (exceeding 5,000 sq. ft.
gross floor area)
Personal services
Professional office
Software development
Urban farm

7
8
9 Except as specifically restricted under this ordinance, the Property may be developed and
10 used in accordance with the regulations established for the general office (GO) base district
11 and other applicable requirements of the City Code.

12
13 **PART 3.** This ordinance takes effect on _____, 2006.

14
15
16 **PASSED AND APPROVED**

17
18 §
19 §
20 _____, 2006 § _____

21 Will Wynn
22 Mayor

23
24
25 **APPROVED:** _____ **ATTEST:** _____
26 David Allan Smith Shirley A. Gentry
27 City Attorney City Clerk

DESCRIPTION

OF A 2,384 SQUARE FEET TRACT OF LAND OUT OF AND A PART OF THE GEORGE W. SPEARS LEAGUE, SITUATED IN TRAVIS COUNTY, TEXAS, BEING A PART OF A 1.4 ACRE TRACT AS CONVEYED TO THE CITY OF AUSTIN AS RECORDED IN VOLUME 610, PAGE 524, TRAVIS COUNTY DEED RECORDS, SAID 2,384 SQUARE FEET BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS;

Beginning at a $\frac{1}{2}$ " Iron Rod Found in the East Right-of-Way of Mills Avenue (30' Right-of-Way) as shown on the Subdivision Plat of William Thiele Subdivision as recorded in Book 1, Page 34 of the Travis County Plat Records, also being in the South Right-of-Way of West 35th Street and the West Right-of-Way of the Mills Avenue Cut-Off, From Which a $\frac{1}{2}$ " Iron Rod Found at the Northeast corner of Lot 8, of the said Williams Thiele Subdivision, Bears with a curve to the Left, having a Central Angle of $12^{\circ}50'41''$, a Radius of 142.28, Chord Bears $S40^{\circ}11'25''E$ 31.83, for a Arc distance of 31.90;

Thence, crossing the said 1.4 Acre Tract, with the West Right-of-Way of the said Mills Avenue Cut-Off, a curve to the Right having a Central Angle of $09^{\circ}22'16''$, a Radius of 142.28', Chord Bears $S29^{\circ}01'26''E$ 23.24', for an Arc distance of 23.27' feet to a Calculated Point, for the Northeast corner of the herein described tract;

Thence, crossing the said 1.4 Acre Tract for the following Two (2) consecutive courses;

1) $S30^{\circ}20'21''W$, twenty feet East of and parallel with the said Mills Avenue (30' Right-of-Way) for a distance of 113.82' feet to a Calculated Point, for the Southeast corner of the herein described tract;

2) $N54^{\circ}32'10''W$, for a distance of 20.08' feet to a Calculated Point in the East Right-of-Way of the said Mills Avenue (30' Right-of-Way), From Which a Mag nail Found in the North Right-of-Way of West 34th Street (Right-of-Way) varies, Bears $S30^{\circ}20'21''$ 138.91';

Thence, N30°20'21"E, with the East Right-of-Way of the said Mills Avenue (30' Right-of-Way) for a distance of 123.87' feet to the Place of Beginning, containing 2,384 Square Feet of land area.

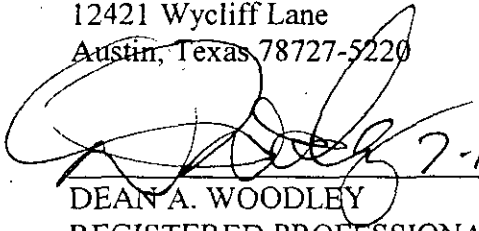
The bearings for the above description are based upon the William Thiele Subdivision Plat as recorded in Book 1, Pages 34 of the Travis County Plat Records.

STATE OF TEXAS)(

COUNTY OF TRAVIS)(

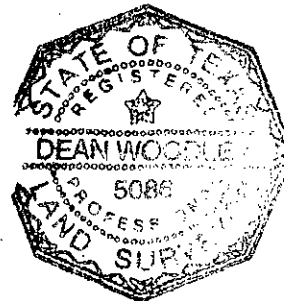
I hereby certify that this field note description was prepared from the results of an actual survey made on the ground under my supervision and that it is true and correct to the best of my knowledge.

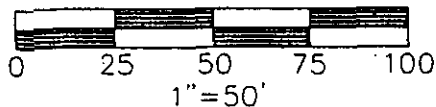
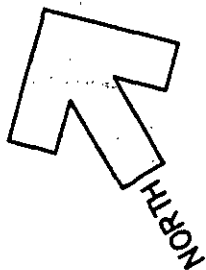
LIVE OAK SURVEYING
12421 Wycliff Lane
Austin, Texas 78727-5220


DEAN A. WOODLEY
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 5086

Date:

7-13-2006





LEGEND

- 1/2" IRON ROD FOUND
 - 1" SQUARE BOLT FOUND
 - △ CALCULATED POINT
 - () RECORD INFORMATION
 - ▲ MAG NAIL FOUND
- T.C.D.R. TRAVIS COUNTY DEED RECORDS
T.C.P.R. TRAVIS COUNTY PLAT RECORDS

LINE TABLE

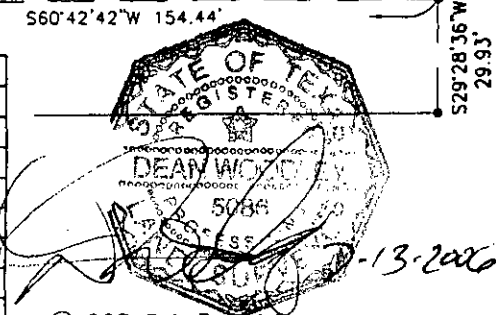
No.	Bearing	Distance
L1	N60°45'04"W	30.07'
L2	N54°32'10"W	20.08'
L3	N60°44'42"W	20.00'
L4	S16°11'45"W	6.90'
L5	S15°51'50"W	6.85'
L6	S13°51'55"E	7.01'
L7	N59°05'20"E	31.19'

WEST 34TH STREET

(RIGHT-OF-WAY VARIES)

CURVE TABLE

No.	Delta	Radius	Arc Length	Chord Length	Chord Bearing
C1	12°50'41"	142.28	31.90	31.83	S40°11'25"E
C2	54°37'49"	142.28	135.66	130.58	S06°23'39"E
(C2)		142.28		130.58	
C3	24°59'57"	272.44	118.87	117.93	S08°25'21"W
(C3)	25°00'	272.44	118.87	117.93	
C4	123°04'44"	29.97	64.38	52.70	S57°31'20"W
(C4)	123°25'	29.97	64.56	52.78	
C5	09°22'16"	142.28	23.27	23.24	S29°01'26"E



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CLIENT: LIVE OAK GROUP
FIELD BOOK: 80, PAGE: 65
DRAWN BY: D.W.
PROJECT NO.: 208-04-01
DATE: 7-13-06
FILE: 2080401-PARKING2.DWG

SKETCH TO ACCOMPANY FIELD NOTES

2,384 SQUARE FEET AREA OUT OF
0.500 ACRE CITY OF AUSTIN TRACT
AS RECORDED IN VOLUME 610, PAGE 524
TRAVIS COUNTY, TEXAS



LIVE OAK
SURVEYING
12421 WYCLIFF LANE
AUSTIN, TX 78727-5220
(512) 837-1018

WEST 35TH STREET

(60' RIGHT-OF-WAY)
BOOK 59, PAGE 53
T.C.P.R.

N46°34'54"W 123.53'

SEE
DETAIL

POINT OF
BEGINNING

LOT 8
WILLIAM THIELE SUB.
BOOK 1, PAGE 34
T.C.P.R.

20' ALLEY

MILLS AVENUE

LOT 7
WILLIAM THIELE SUB.
BOOK 1, PAGE 34
T.C.P.R.

2,384 SQUARE
FEET AREA

DETAIL

NOT TO SCALE

MILLS AVENUE CUT OFF

CITY OF AUSTIN
VOLUME 610, PAGE 524 T.C.D.R.
T.C.D.R.
21,767 SQUARE FEET
0.500 ACRE
REMAINDER OF
A 1.4 ACRE TRACT

ORDINANCE 61-1012B

L1

N60°44'42"W 98.06'
(N60°14'W 98.06')

15.58'

S60°42'42"W 154.44'

S29°28'36"W
29.93'

DESCRIPTION

OF A 2,757 SQUARE FEET TRACT OF LAND OUT OF AND A PART OF THE GEORGE W. SPEARS LEAGUE, SITUATED IN TRAVIS COUNTY, TEXAS, BEING A PART OF A 1.4 ACRE TRACT AS CONVEYED TO THE CITY OF AUSTIN AS RECORDED IN VOLUME 610, PAGE 524, TRAVIS COUNTY DEED RECORDS, SAID 2,757 SQUARE FEET BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS;

Beginning at a Mag Nail Found in the East Right-of-Way of Mills Avenue (30' Right-of-Way) as shown on the Subdivision Plat of William Thiele Subdivision as recorded in Book 1, Page 34 of the Travis County Plat Records, also being in the North Right-of-Way of West 34th Street, From Which a Mag Nail Found at the Southeast corner of Ordinance 61-1012B, being 9.7' South of the Southeast corner of Lot 7, of the said Williams Thiele Subdivision, Bears N60°45'04"W, 30.07';

Thence, N30°20'21"E, with the East Right-of-Way of the said Mills Avenue (30' Right-of-Way) for a distance of 138.91' feet to a Calculated Point, for the Northeast corner of the herein described tract, From Which a ½" Iron Rod Found at the intersection of the said Mills Avenue (30' Right-of-Way) and West 35th Street, Bears N30°20'21"E 123.87' feet;

Thence, crossing the said 1.4 Acre Tract for the following Two (2) consecutive courses;

1) S54°32'10"E, for a distance of 20.08' feet to a Calculated Point for the Northeast corner of the herein described tract;

2) S30°20'21"W, for a distance of 136.74' feet to a Calculated Point in the North Right-of-Way of West 34th Street (Right-of-Way) varies, From Which a ½" Iron Rod Found, Bears S60°44'42"E 78.06';

Thence, N60°44'42"W, with the North Right-of-Way of the said West 34th Street and the South line of the said 1.4 Acre Tract, for a distance of 20.00' feet to the Place of Beginning, containing 2,757 Square Feet of land area.

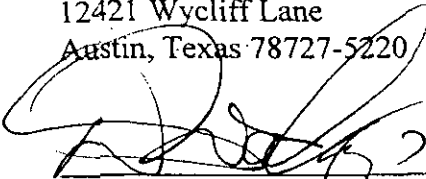
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STATE OF TEXAS)(

COUNTY OF TRAVIS)(

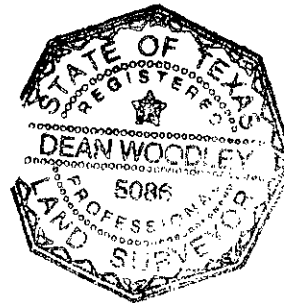
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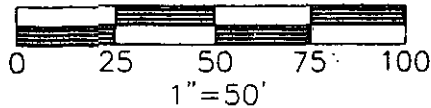
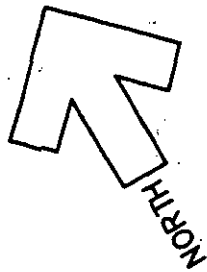
LIVE OAK SURVEYING
12421 Wycliff Lane
Austin, Texas 78727-5220


DEAN A. WOODLEY
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 5086

Date:

7-13-2006





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- 1/2" IRON ROD FOUND
- 1" SQUARE BOLT FOUND
- △ CALCULATED POINT
- () RECORD INFORMATION
- ▲ MAG NAIL FOUND

T.C.D.R. TRAVIS COUNTY DEED RECORDS
T.C.P.R. TRAVIS COUNTY PLAT RECORDS

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(RIGHT-OF-WAY VARIES)

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(C4)	123°25'	29.97	64.56	52.78	
C5	09°22'16"	142.28	23.27	23.24	S29°01'26"E

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WEST 35TH STREET

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T.C.P.R.

N46°34'54"W 123.53'

LOT 8
WILLIAM THIELE SUB.
BOOK 1, PAGE 34
T.C.P.R.

LOT 7
WILLIAM THIELE SUB.
BOOK 1, PAGE 34
T.C.P.R.

MILLS AVENUE
(30' RIGHT-OF-WAY)
BOOK 1, PAGE 34
T.C.P.R.

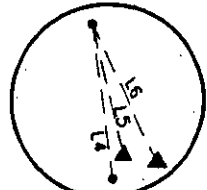
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CITY OF AUSTIN
VOLUME 610, PAGE 524 T.C.D.R.
T.C.D.R.
21,767 SQUARE FEET
0.500 ACRE
REMAINDER OF
A 1.4 ACRE TRACT

ORDINANCE 61-1012B

POINT OF
BEGINNING

DETAIL



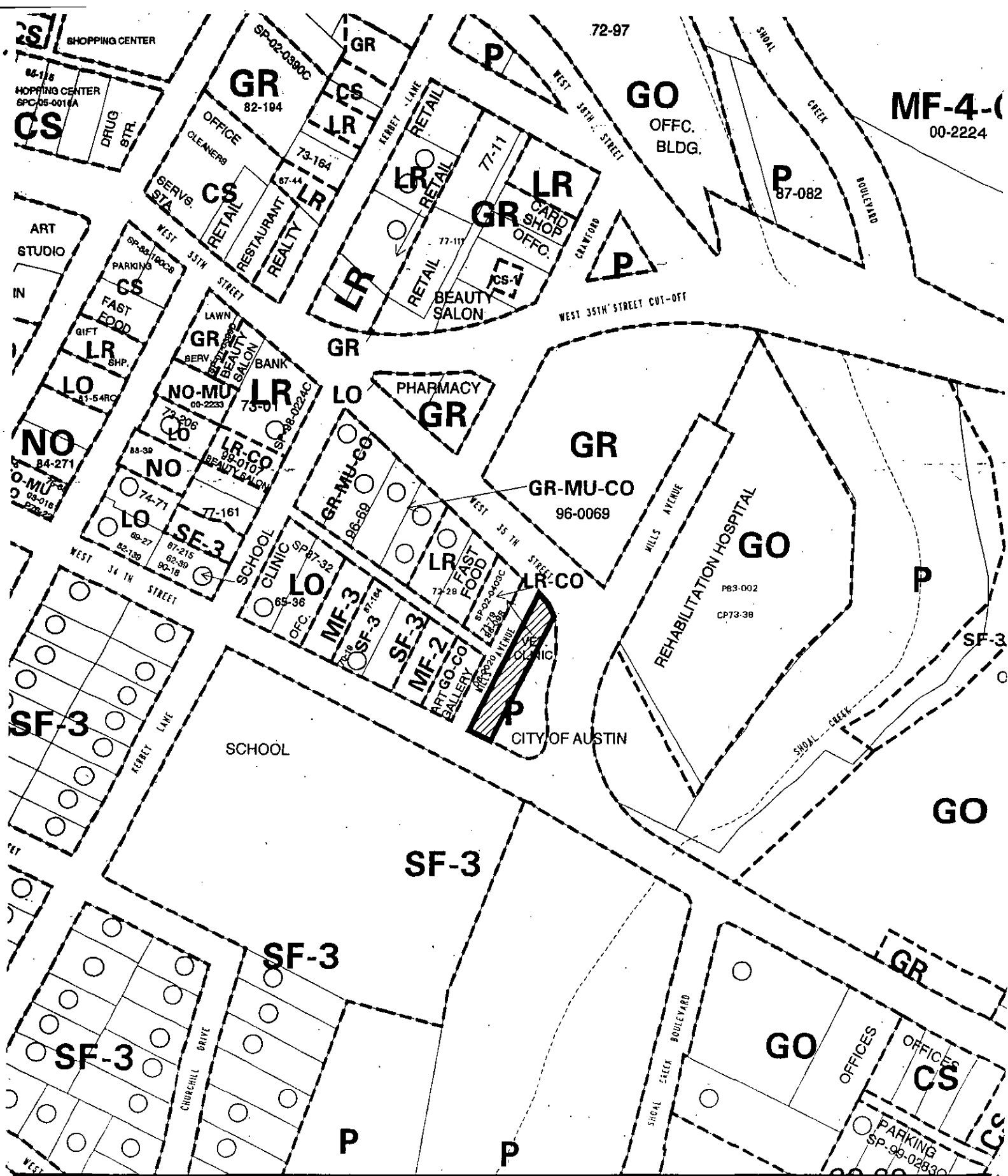
NOT TO SCALE

MILLS AVENUE CUT OFF

S60°42'42"W 15.58'

S29°28'36"W
29.93'

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 1" = 200'	SUBJECT TRACT	 	ZONING Exhibit "B"		CITY GRID REFERENCE NUMBER J25
	PENDING CASE		CASE #: C14-06-0139		
	ZONING BOUNDARY		ADDRESS: 3401 MILLS AVE.		
	CASE MGR: J.ROUSSELIN		SUBJECT AREA (acres): 0.224		
			DATE: 06-06	INTLS: TRC	