

ORDINANCE NO. 20101028-054

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 3306 EAST 5TH STREET IN THE GOVALLE NEIGHBORHOOD PLAN AREA FROM COMMUNITY COMMERCIAL-NEIGHBORHOOD PLAN (GR-NP) COMBINING DISTRICT TO COMMUNITY COMMERCIAL-MIXED USE-CONDITIONAL OVERLAY (GR-MU-CO-NP) COMBINING DISTRICT FOR TRACT ONE AND FROM FAMILY RESIDENCE-NEIGHBORHOOD PLAN (SF-3-NP) COMBINING DISTRICT TO FAMILY RESIDENCE-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (SF-3-CO-NP) COMBINING DISTRICT FOR TRACT TWO.

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. C14-2010-0014, on file at the Planning and Development Review Department, as follows:

Tract One: From community commercial-neighborhood plan (GR-NP) combining district to community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district.

A 0.581 acre tract of land, more or less, out of Outlot 15, Division A, City of Austin, Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance, and

Tract One: From family residence-neighborhood plan (SF-3-NP) combining district to family residence-conditional overlay-neighborhood plan (SF-3-CO-NP) combining district.

A 0.465 acre tract of land, more or less, out of Outlot 15, Division A, City of Austin, Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "B" incorporated into this ordinance (the "Property"),

locally known as 3306 East 5th Street, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "C".

PART 2. Except as specifically provided in Part 3 and Part 4 of this ordinance, the Property may be developed and used in accordance with the regulations established for the respective base districts, the mixed use combining 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:

A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 2,000 trips per day.

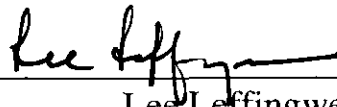
PART 4. The Property is subject to Ordinance No. 030327-11a that established the Govalle neighborhood plan combining district.

PART 5. This ordinance takes effect on November 8, 2010.

PASSED AND APPROVED

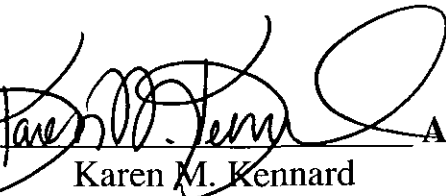
October 28, 2010

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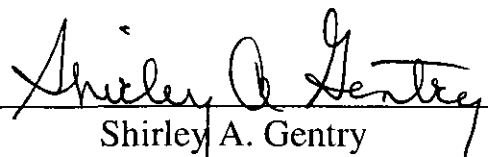
Lee Leffingwell
Mayor

APPROVED:



Karen M. Kennard
Acting City Attorney

ATTEST:



Shirley A. Gentry
City Clerk

5411817 A

FIELD NOTE DESCRIPTION FOR A 0.581 ACRE TRACT OF LAND (TRACT 1):

BEING A 0.581 ACRE (25,299 SQUARE FEET) TRACT OR PARCEL OF LAND OUT OF OUTLOT 15, DIVISION "A" IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AND BEING OUT OF AND A PART OF THAT CERTAIN 1.045 ACRE TRACT CONVEYED TO THE LUNAIRE GROUP, L.P. BY SPECIAL WARRANTY DEED IN DOCUMENT NO. 2009173000, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½ iron rod found lying in the north right-of-way of East 5th Street marking the southwest corner of the Louis O. Bryant Subdivision as recorded in Volume 24, Page 39, Plat Records of Travis County, Texas, for the most southeast corner of this tract;

THENCE North 67°11'20" West along the south line of the herein described tract and north line of 5th Street, a distance of 78.17 feet to a 1/2 inch iron rod found marking the southeast corner of a 0.346 acre tract conveyed to Teresa Saldana in Document No. 2003233002 of the Official Public Records of Travis County, Texas, for the southwest corner of this tract;

THENCE North 23°20'16" East along the west line of this described tract and east line of said 0.346 acre tract a distance of 143.58 feet to a ½" iron rod found marking the northeast corner of said 0.346 acre tract and southeast corner of Lot 10, Block 2 of The Pipkin Addition recorded in Book 4, Page 86, of the Plat Records of Travis County, Texas, for an angle corner of this tract;

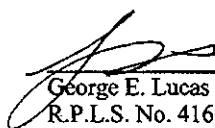
THENCE North 23°07'33" East, a distance of 64.38 feet along the east line of Lot 8 and 9, Block 2, of said Pipkin Addition, common with the west line of this described tract to a ½ inch iron rod set for an angle corner of this tract;

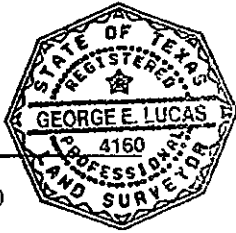
THENCE North 23°04'08" East, along the west line of this described tract and east line of Lots 8, 9, and 10 of said Pipkin Addition, a distance of 119.81 feet to a calculated point marking the northwest corner of this tract.

THENCE South 66°57'07" East, departing from the east line of the Pipkin Addition along the north line of this tract, through and across the said Lunaire Group, L.P., 1.045 acre tract, a distance of 76.98 feet to a calculated point lying on the west line of the Grant Lydick Beverage Company 2.126 acre tract recorded in Volume 3075, Page 273, Deed Records of Travis County, for the northeast corner of this tract;

THENCE South 23°02'53" West, along the east line of the described tract and west line of the described Grant Lydick Beverage Company Tract and west line of said Louis O. Bryant Subdivision, a distance of 319.45 feet to a ½ inch iron rod set for an angle corner of this tract;

THENCE South 20°41'13" West, along the east line of the described tract and west line of the described Louis O. Bryant Subdivision, a distance of 8.00 feet to the POINT OF BEGINNING, containing 0.581 acres(25,299 square feet) of land, more or less.


George E. Lucas
R.P.L.S. No. 4160
State of Texas
October 11, 2010



FIELD NOTE DESCRIPTION FOR A 0.465 ACRE TRACT OF LAND (TRACT 2):

BEING A 0.465 ACRE (20,255 SQUARE FEET) TRACT OR PARCEL OF LAND OUT OF OUTLOT 15, DIVISION "A" IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AND BEING OUT OF AND A PART OF THAT CERTAIN 1.045 ACRE TRACT CONVEYED TO THE LUNAIRE GROUP, L.P. BY SPECIAL WARRANTY DEED IN DOCUMENT NO. 2009173000, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

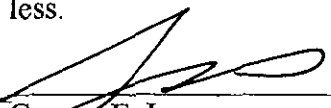
BEGINNING at a ½ inch iron rod found marking the southwest corner of a certain 0.156 acre tract being the remaining portion of a 1.16 acre tract conveyed to Georgia Wynn Taylor by Partition Deed recorded in Volume 2412, Page 446, Deed Records of Travis County, Texas, said point lying on the east line of Lot 2, Block 2, of the Pipkin Addition as recorded in Book 4, Page 86, of the Plat Records of Travis County, Texas, for the northwest corner of this tract; consequences

THENCE South 66°18'00" East along the north line of the herein described tract and south line of said 0.156 acre tract a distance of 76.56 feet to a spindle found marking the southeast corner of said 0.156 acre tract and lying on the west line of a 2.126 acre tract conveyed to the Grant Lydick Beverage Company by Deed in Volume 3075, Page 273, Deed Records of Travis County, Texas, for the northeast corner of this tract;

THENCE South 23°02'53" West along the east line of the described tract and west line of said 2.126 acre tract, a distance of 263.41 feet to a calculated point marking the northeast corner of the remaining 0.583 acres of said 1.045 acre tract, for the southeast corner of this tract;

THENCE North 66°57'07" West, a distance of 76.98 feet along the south line of the described tract, through and across said 1.045 acre tract to a calculated point marking the northeast corner of Lot 8, Block 2, and southeast corner of Lot 7, Block 2, of said Pipkin Addition, for the southwest corner of this tract;

THENCE North 23°02'53" East, along the west line of the described tract and east line of Lots 2 through 7, Block 2, of said Pipkin Addition, a distance of 263.41 feet to the POINT OF BEGINNING, containing 0.465 acre (20,255 square feet) of land, more or less.


George E. Lucas
R.P.L.S. No. 4160
State of Texas
January 21, 2010

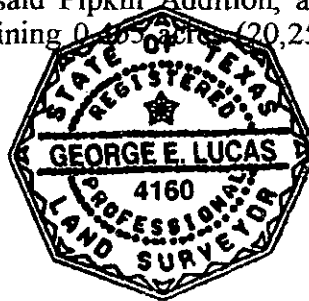


EXHIBIT B

SCANNED

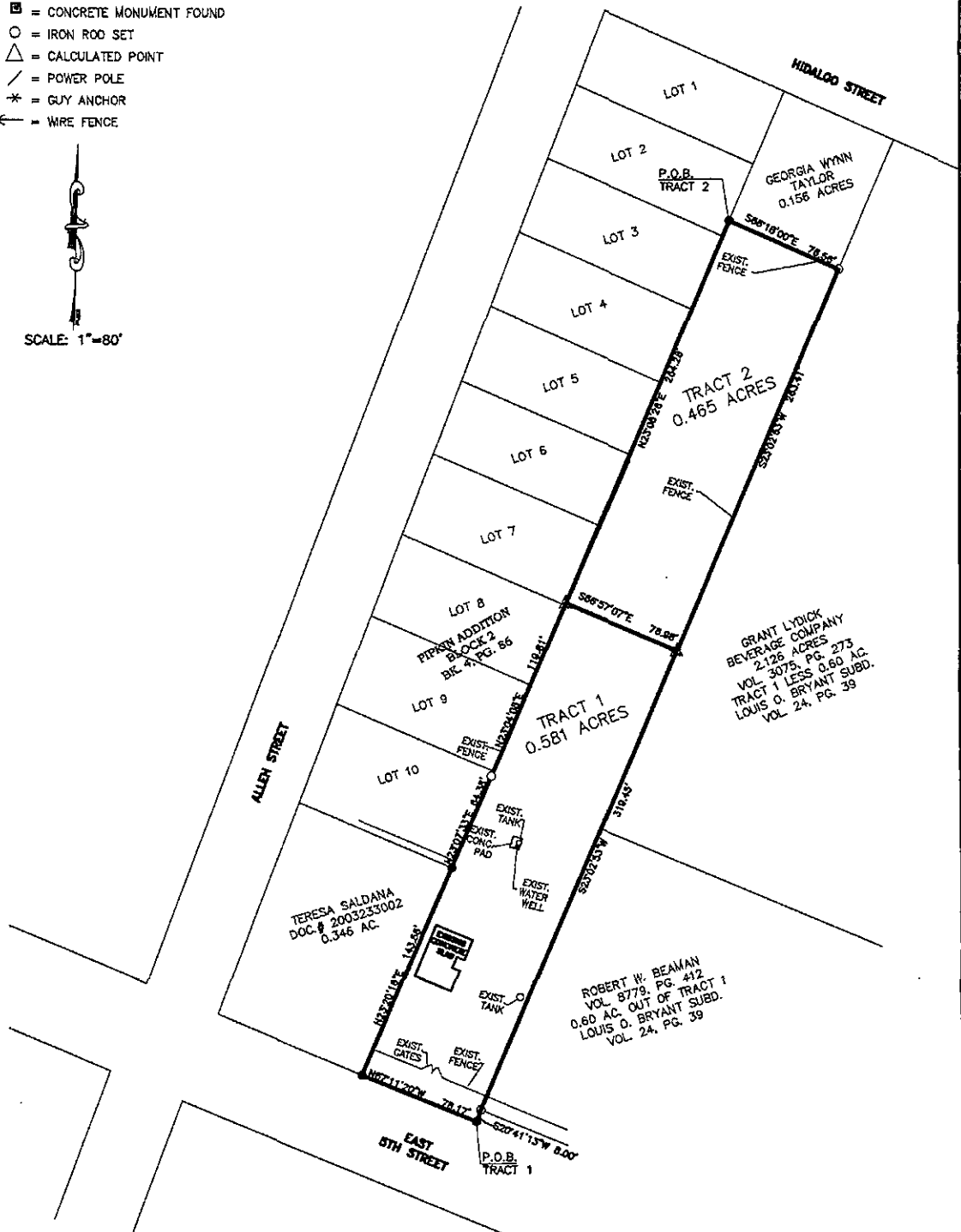
SURVEY PLAT

LEGEND

- = IRON ROD FOUND
- = CONCRETE MONUMENT FOUND
- = IRON ROD SET
- △ = CALCULATED POINT
- / = POWER POLE
- * = GUY ANCHOR
- = WIRE FENCE



SCALE: 1"=80'



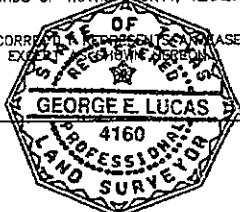
LEGAL DESCRIPTION:

TRACT 1: BEING A 0.581 ACRE (25,299 SQUARE FEET) TRACT OR PARCEL OF LAND OUT OF OUTLOT 15, DIVISION "A" IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AND BEING OUT OF AND PART OF THAT CERTAIN 1.045 ACRE TRACT CONVEYED TO THE LUNAIRE GROUP, L.P. BY SPECIAL WARRANTY DEED IN DOCUMENT NO. 2009173000, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

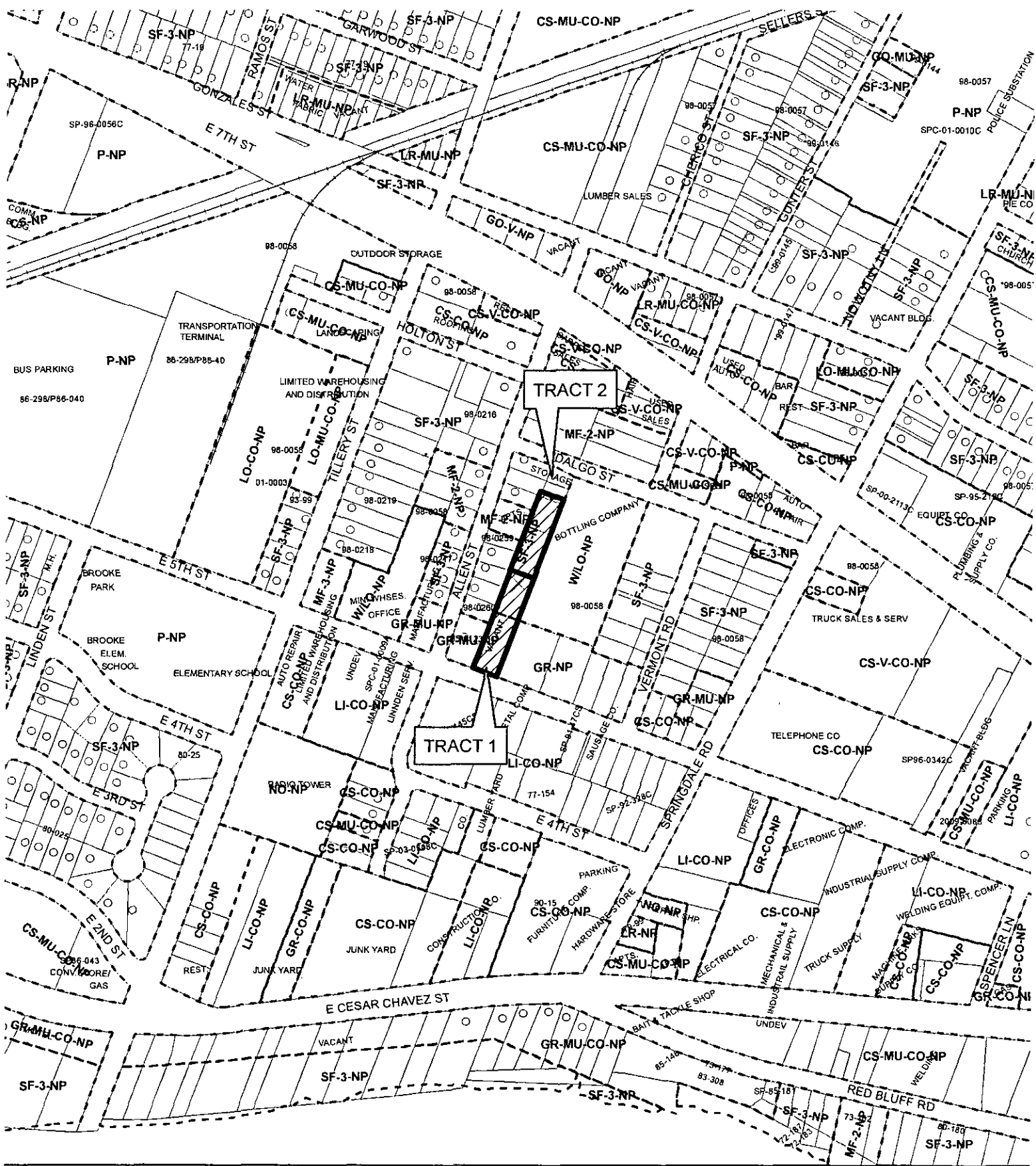
TRACT 2: BEING A 0.465 ACRE (20,255 SQUARE FEET) TRACT OR PARCEL OF LAND OUT OF OUTLOT 15, DIVISION "A" IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AND BEING OUT OF AND PART OF THAT CERTAIN 1.045 ACRE TRACT CONVEYED TO THYE LUNAIRE GROUP, L.P. BY SPECIAL WARRANTY DEED IN DOCUMENT NO. 2009173000, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.




THE UNDERSIGNED DOES HEREBY CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS THE MEASUREMENT WITHIN THE PROPERTY SHOWN HEREON, AND THAT THERE ARE NO ENCROACHMENTS OF VISIBLE IMPROVEMENTS, EXCEPT AS SHOWN HEREON.

GEORGE E. LUCAS,
REGISTERED PROFESSIONAL LAND SURVEYOR No. 4160
435 LITTLE LAKE ROAD
HUTTO, TEXAS 78634
OFFICE (512) 635-4857



10-11-10
DATE



-  SUBJECT TRACT
-  ZONING BOUNDARY
-  PENDING CASE

OPERATOR: S. MEEKS

ZONING EXHIBIT C

ZONING CASE#: C14-2010-0014
 ADDRESS: 3306 E 5TH ST
 SUBJECT AREA: 1.045 ACRES
 GRID: L21
 MANAGER: J. HARDEN



1" = 400'

This map has been produced by G.I.S. Services for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.