

ORDINANCE NO. 050127-57

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 1704 AND 1706 EVERGREEN AVENUE AND 1707 SOUTH LAMAR BOULEVARD FROM FAMILY RESIDENCE (SF-3) DISTRICT, TO COMMUNITY COMMERCIAL SERVICES-MIXED USE-CONDITIONAL OVERLAY (GR-MU-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 family residence (SF-3) district to community commercial-mixed use-conditional overlay (GR-MU-CO) combining district on the property described in Zoning Case No. C14-04-0101, on file at the Neighborhood Planning and Zoning Department, as follows:

Tract One (1704 and 1706 Evergreen): A 10,978 square foot tract of land, more or less, being a portion of Lot 13, Evergreen Heights Addition, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance; and

Tract Two (1707 South Lamar): A 1,933 square foot tract of land, more or less, being a portion of Lot 13, Evergreen Heights Addition, the tract being more particularly described by metes and bounds in Exhibit "B" incorporated into this ordinance,

locally known as 1704 and 1706 Evergreen Avenue and 1707 South Lamar Boulevard, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "C".

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 conditional uses of the Property:

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

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

Art workshop	Automotive rentals
Automotive repair services	Automotive sales
Automotive washing (of any type)	Business or trade school
Business support services	Commercial off-street parking
Communications services	Drop-off recycling collection facility
Exterminating services	Financial services
Funeral services	General retail sales (general)
Hotel-motel	Indoor entertainment
Indoor sports and recreation	Outdoor entertainment
Outdoor sports and recreation	Pawn shop services
Research services	Restaurant (general)
Theater	Hospital services (general)

3. A site plan or building permit for the Property identified as Tract One may not be approved, released, or issued, if the completed development or uses of Tract One, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 2,000 trips per day.
4. A site plan or building permit for the Property identified as Tract Two may not be approved, released, or issued, if the completed development or uses of Tract Two, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 2,000 trips per day.
5. If vehicular access is permitted from Tract Two to South Lamar Boulevard then vehicular access shall be prohibited from Tract Two to Evergreen Avenue. All vehicular access to Tract Two shall be from other adjacent public streets or through other adjacent property.

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 February 7, 2005.

PASSED AND APPROVED

January 27, 2005

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Will Wyrn
Will Wyrn
Mayor

APPROVED: _____
David Allan Smith
David Allan Smith
City Attorney

ATTEST: _____
Shirley A. Brown
Shirley A. Brown
City Clerk

FIELD NOTES FOR
10,978 SQUARE FEET OF LAND

1704 + 1706 Evergreen Ave.

EXHIBIT A

FIELD NOTES FOR A 10,978 SQUARE FEET OF LAND, MORE OR LESS, BEING A PORTION OF LOT 13 OF "EVERGREEN HEIGHTS ADDITION", A SUBDIVISION IN TRAVIS COUNTY, TEXAS, OF RECORD IN VOLUME Z AT PAGE 614 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, BEING FURTHER DESCRIBED AS BEING ALL OF A PARCEL OF LAND CONVEYED TO W.O. HARPER IN VOLUME 2886 AT PAGE 277 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS AND A PORTION OF A PARCEL OF LAND CONVEYED TO W.O. HARPER IN VOLUME 1566 AT PAGE 289 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, SAID 10,978 SQUARE FEET OF LAND, MORE OR LESS, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS :

Beginning for reference at an iron pin, found, being the Southeast corner of Lot 13 of "Evergreen Heights Addition", a subdivision in Travis County, Texas, of record in Volume Z at Page 614 of the Deed Records of Travis County, Texas, also being the Southeast corner of a parcel of land described as Second Tract in Volume 3505 AT Page 22 of the Deed Records of Travis County, Texas, also being located on the East line of a Street Deed to the City of Austin as recorded in Volume 3812 at Page 354 of the Deed Records of Travis County, Texas;

Thence N 30-37-55 E along the East line of the aforementioned Second Tract, said line also being the East line of the aforementioned Street Deed and the East line of the aforementioned Lot 13, for a distance of 49.82 feet, to a pipe, found, being the PLACE OF BEGINNING, and being the Northeast corner of the aforementioned Second Tract, also being the Northeast corner of the aforementioned Street Deed, also being the Southeast corner of a parcel of land conveyed to W.O. Harper in Volume 2886 at Page 277 of the Deed Records of Travis County, Texas and being the Southeast corner of Subject Tract;

THENCE traveling inside the aforementioned Lot 13, for the following five (5) courses and distances :

1. N 61-29-02 W along the South line of the aforementioned W.O. Harper Tract (Vol. 2886 / Pg. 277), said line also being along the North line of the aforementioned Second Tract and said line being along the North line of the aforementioned Street Deed and passing the Northwest corner of the aforementioned Street Deed, being a traveled distance of 99.81 feet, to a pipe, found, being the Southwest corner of the aforementioned W.O. Harper Tract (Vol. 2886 / Pg. 277);
2. N 30-28-27 E along the West line of the aforementioned W.O. Harper Tract, for a distance of 50.02 feet, to a pipe, found, being the Northwest corner of the aforementioned W.O. Harper Tract and being located on the South line of another tract of land conveyed to W.O. Harper in Volume 1566 at Page 289 of the Deed Records of Travis County, Texas;
3. N 61-54-03 W along the South line of the aforementioned W.O. Harper Tract (Vol. 1566 / Pg. 289), for a distance of 26.68 feet, to a point, being the most Westerly Southwest corner of Subject Tract;

4. Along a curve to the left, passing into and through the aforementioned W.O. Harper Tract (Vol. 1566 / Pg. 289), said curve having a radius of 2970.04 feet and an arc distance of 51.43 feet, whose chord bears N 43-28-04 E for a distance of 51.43 feet, to a point, being located on the North line of the aforementioned W.O. Harper Tract (Vol. 1566 / Pg. 289) and being the Northwest corner of Subject Tract;
5. S 61-38-57 E along the North line of the aforementioned W.O. Harper Tract (Vol. 1566 / Pg. 289), for a distance of 114.80 feet, to a point, being the Northeast corner of the aforementioned W.O. Harper Tract (Vol. 1566 / Pg. 289), also being located on the East line of the aforementioned Lot 13, also being located on the West R.O.W. line of Evergreen Avenue and being the Northeast corner of Subject Tract;

THENCE along the East line of the aforementioned Lot 13 and the West R.O.W. line of Evergreen Avenue, for the following Two (2) courses and distances :

1. S 30-24-00 W along the East line of the aforementioned W.O. Harper Tract (Vol. 1566 / Pg. 289), for a distance of 49.93 feet, to a point, being the Southeast corner of the aforementioned W.O. Harper Tract (Vol. 1566 / Pg. 289) and being the Northeast corner of the other aforementioned W.O. Harper Tract (Vol. 2886 / Pg. 277);
2. S 30-24-00 W along the East line of the aforementioned W.O. Harper Tract (Vol. 2886 / Pg. 277), for a distance of 49.94 feet, to the PLACE OF BEGINNING, containing 10,978 square feet of land, more or less.

I, LEO GORDON STEARNS, JR., A REGISTERED PROFESSIONAL LAND SURVEYOR, DO CERTIFY THAT THE COURSES, DISTANCES AND AREA WERE DETERMINED BY A SURVEY ON THE GROUND AND ARE TRUE AND CORRECT. GIVEN UNDER MY HAND AND SEAL, THIS THE 21st DAY OF NOVEMBER, 2003.



LEO GORDON STEARNS, JR.
REGISTERED PROFESSIONAL LAND SURVEYOR / NO. 4649
STEARNS AND ASSOCIATES, INC.
11303 TEDFORD STREET / AUSTIN, TEXAS / 78753
PHONE NUMBER : (512) 836-0533
JOB NUMBER : 19998 (19803)



FIELD NOTES FOR
1933 SQUARE FEET OF LAND

1707 S. Lamar Blvd.

EXHIBIT B

FIELD NOTES FOR A 1933 SQUARE FEET OF LAND, MORE OR LESS, BEING A PORTION OF LOT 13 OF "EVERGREEN HEIGHTS ADDITION", A SUBDIVISION IN TRAVIS COUNTY, TEXAS, OF RECORD IN VOLUME Z AT PAGE 614 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, BEING FURTHER DESCRIBED AS BEING A PORTION OF A PARCEL OF LAND CONVEYED TO JOSEPHINE VALDES IN VOLUME 594 AT PAGE 619 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, BEING FURTHER DESCRIBED AS BEING A PORTION OF A PARCEL OF LAND DESCRIBED AS FIRST TRACT IN VOLUME 3505 AT PAGE 22 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, SAID 1933 SQUARE FEET OF LAND, MORE OR LESS, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS :

Beginning for reference at an iron pin, found, being the Southeast corner of Lot 13 of "Evergreen Heights Addition", a subdivision in Travis County, Texas, of record in Volume Z at Page 614 of the Deed Records of Travis County, Texas, also being the Southeast corner of a parcel of land described as Second Tract in Volume 3505 AT Page 22 of the Deed Records of Travis County, Texas, also being located on the East line of a Street Deed to the City of Austin as recorded in Volume 3812 at Page 354 of the Deed Records of Travis County, Texas;

Thence N 61-29-02 W passing into and through the aforementioned Street Deed, along the South line of the aforementioned Lot 13, said line also being the South line of the aforementioned Second Tract, for a distance of 110.28 feet, to a point, being the PLACE OF BEGINNING, and being the Southwest corner of the aforementioned Second Tract, also being the Southeast corner of a parcel of land described as First Tract in Volume 3505 at Page 22, also being the Southeast corner of a parcel of land conveyed to Josephine Valdes in Volume 594 at Page 619 of the Deed Records of Travis County, Texas and being the Southeast corner of Subject Tract;

THENCE N 61-29-02 W continuing along the South line of the aforementioned Lot 13, said line also being the South line of the aforementioned First Tract and the aforementioned Josephine Valdes Tract, for a distance of 42.07 feet, to a point, being the Southwest corner of Subject Tract;

THENCE traveling inside the aforementioned Lot 13, said line also passing into and through the aforementioned First Tract and the aforementioned Josephine Valdes Tract, along a curve to the left, with a radius of 2970.04 feet and an arc distance of 52.04 feet, whose chord bears N 45-27-54 E for a distance of 52.04 feet, to a point, being located on the North line of the aforementioned First Tract and the aforementioned Josephine Valdes Tract, and being the Northwest corner of Subject Tract;

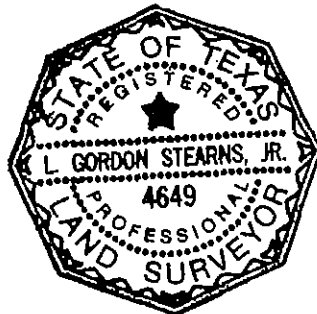
THENCE S 61-29-02 E along the North line of the aforementioned First Tract and the aforementioned Josephine Valdes Tract, for a distance of 35.59 feet, to a point, being the Northeast corner of the aforementioned First Tract and the aforementioned Josephine Valdes Tract, also being the Northwest corner of the aforementioned Second Tract and being the Northeast corner of Subject Tract;

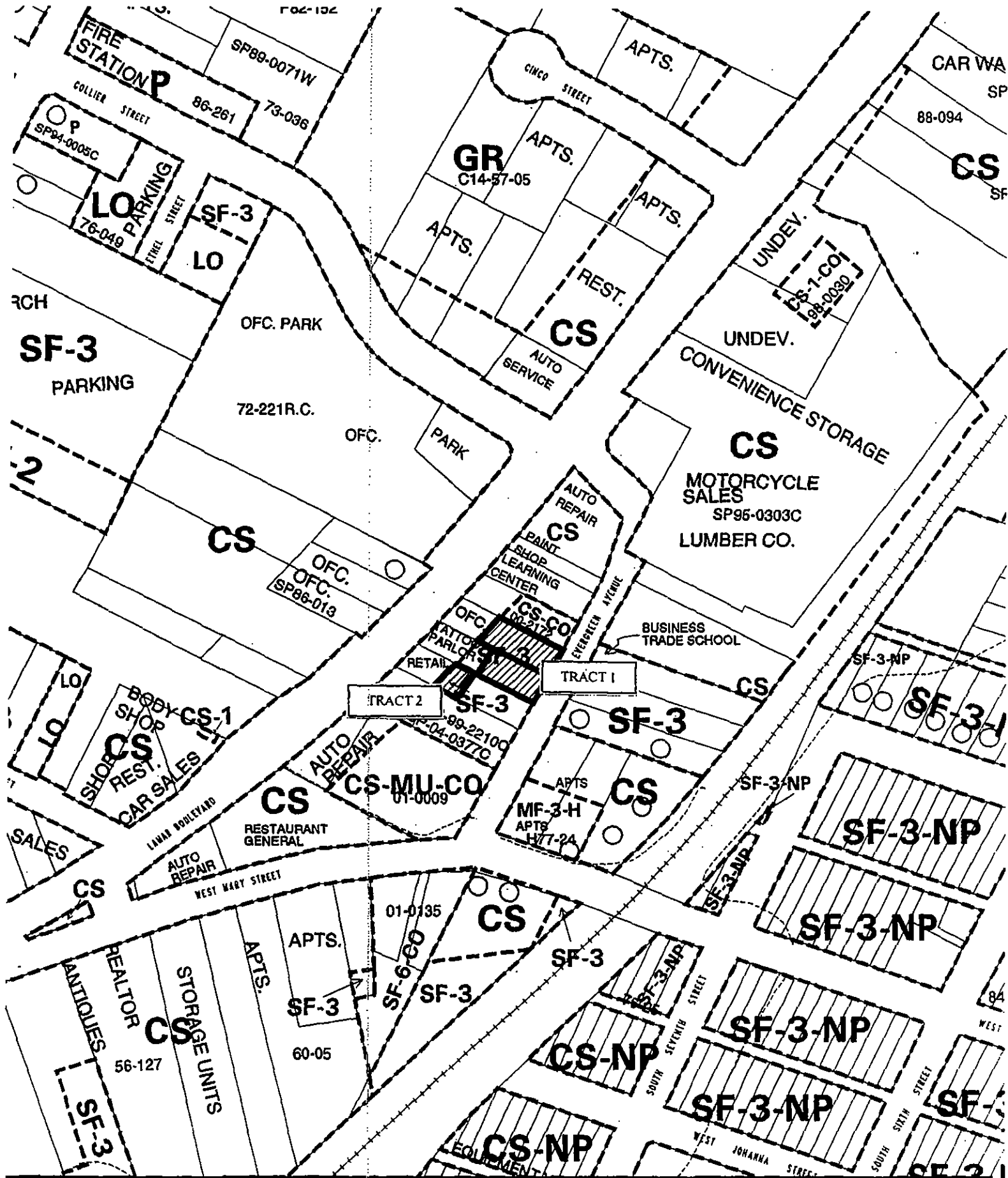
THENCE S 38-24-59 W along the East line of the aforementioned First Tract and the aforementioned Josephine Valdes Tract, said line also being the West line of the aforementioned Second Tract, for a distance of 50.53 feet, to the PLACE OF BEGINNING, containing 1933 square feet of land, more or less.

I, LEO GORDON STEARNS, JR., A REGISTERED PROFESSIONAL LAND SURVEYOR, DO CERTIFY THAT THE COURSES, DISTANCES AND AREA WERE DETERMINED BY A SURVEY ON THE GROUND AND ARE TRUE AND CORRECT. GIVEN UNDER MY HAND AND SEAL, THIS THE 21st DAY OF NOVEMBER, 2003.



LEO GORDON STEARNS, JR.
REGISTERED PROFESSIONAL LAND SURVEYOR / NO. 4649
STEARNS AND ASSOCIATES, INC.
11303 TEDFORD STREET / AUSTIN, TEXAS / 78753
PHONE NUMBER : (512) 836-0533
JOB NUMBER : 19998 (11203)





<p>1" = 200'</p>	<p>SUBJECT TRACT </p> <p>PENDING CASE </p> <p>ZONING BOUNDARY </p> <p>CASE MGR: S. GAGER</p>	<p>ZONING EXHIBIT C</p>	<p>CITY GRID REFERENCE NUMBER</p> <p>H20-21</p>	
	<p>CASE #: C14-04-0101</p>	<p>DATE: 05-01</p>	<p>INTLS: SM</p>	
	<p>ADDRESS: 1704, 1706 EVERGREEN, 1707 S LAMAR BLVD</p>	<p>SUBJECT AREA (acres): 0.296</p>		