

ORDINANCE NO. 20051215-084

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 1704 SOUTH LAMAR BOULEVARD FROM GENERAL COMMERCIAL SERVICES (CS) DISTRICT TO GENERAL COMMERCIAL SERVICES-MIXED USE-CONDITIONAL OVERLAY (CS-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 general commercial services (CS) district to general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district on the property described in Zoning Case No. C14-05-0147, on file at the Neighborhood Planning and Zoning Department, as follows:

A 1.098 acre tract of land, more or less, consisting of four tracts of land out of Lot 13, Evergreen Heights Subdivision, in Travis County, the tracts of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance (the "Property"),

locally known as 1704 South Lamar 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:

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.


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

PART 3. This ordinance takes effect on December 26, 2005.


PASSED AND APPROVED

December 15, 2005

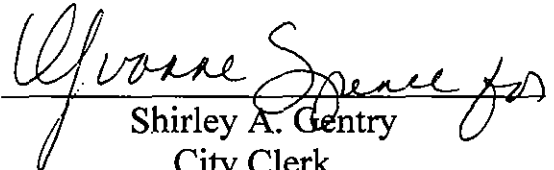
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Will Wynn
Mayor

APPROVED: 

David Allan Smith
City Attorney

ATTEST: 

Shirley A. Gentry
City Clerk

CARSON AND BUSH
PROFESSIONAL SURVEYORS, INC.

1904 FORTVIEW ROAD
AUSTIN, TX 78704
TELEPHONE: (512) 442-0990
FACSIMILE: (512) 442-1084

EXHIBIT A

TRACT 1

FIELD NOTE DESCRIPTION OF 0.341 ACRE OF LAND, BEING A PORTION OF LOT 13, EVERGREEN HEIGHTS, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME Z PAGE 614 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING ALL OF THAT CERTAIN (0.341 ACRE) TRACT OF LAND DESCRIBED AS "TRACT 1" AND AS CONVEYED TO KEVIN P. DUNNE BY WARRANTY DEED RECORDED IN VOLUME 12614 PAGE 2427 OF THE REAL PROPERTY 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 East line of Lot A, Resubdivision of Lots No. 6, No. 7, and No. 8, of Wendlandt's Subdivision, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 74 Page 47 of the Plat Records of Travis County, Texas, for the Northwest corner of Lot A, Resubdivision of a Portion of Lots 13 and 14, Evergreen Heights, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 73 Page 68 of the Plat Records of Travis County, Texas, and for the Southwest corner of that certain (0.341 acre) tract of land as conveyed to Kevin P. Dunne by Warranty Deed recorded in Volume 12614 Page 2427 of the Real Property Records of Travis County, Texas, and being the Southwest corner and **PLACE OF BEGINNING** of the herein described tract;

THENCE with the West line of said Dunne (0.341 acre) tract, N 29 deg. 37' 37" E 49.89 ft. to a ½" iron rod found for the Northwest corner of said Dunne (0.341 acre) tract and for the Southwest corner of that certain tract of land formerly described as "First Tract" in a deed to Paul C. Walter, et ux, recorded in Volume 871 Page 421 of the Deed Records of Travis County, Texas, and as conveyed to Kevin P. Dunne by Warranty Deed recorded in Document No. 20000141037 of the Official Public Records of Travis County, Texas, and being the Northwest corner of this tract;

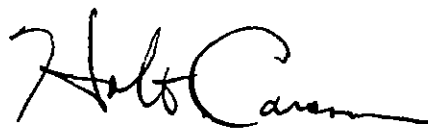
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THENCE with the common line of said Dunne (0.341 acre) tract and Dunne "First Tract", S 60 deg. 13' 27" E 303.42 ft. to a 1/2" iron pipe found for the Northeast corner of said Dunne (0.341 acre) tract and for the Southeast corner of said Dunne "First Tract" and for the Northwest corner of that certain (0.200 acre) tract of land as conveyed to Kevin P. Dunne by Warranty Deed recorded in Volume 12614 Page 2427 of the Real Property Records of Travis County, Texas, and for the Southwest corner of that certain tract of land formerly described as "Second Tract" in a deed to Paul C. Walter, et ux, recorded in Volume 871 Page 421 of the Deed Records of Travis County, Texas, and as conveyed to Kevin P. Dunne by Warranty Deed recorded in Document No. 20000141037 of the Official Public Records of Travis County, Texas, and being the Northeast corner of this tract;

THENCE with the common line of said Dunne (0.341 acre) tract and Dunne (0.200 acre) tract, S 45 deg. 30' 45" W 52.40 ft. to a 3/4" iron pipe found for the Southeast corner of said Dunne (0.341 acre) tract and for the Southwest corner of said Dunne (0.200 acre) tract and for the Northwest corner of that certain tract of land as conveyed to W. T. Ley, et ux, by deed recorded in Volume 10158 Page 363 of the Real Property Records of Travis County, Texas, and being an angle corner in the North line of the aforesaid Lot A, Resubdivision of a Portion of Lots 13 and 14, Evergreen Heights, and being the Southeast corner of this tract, and from which a railroad spike found in the West right-of-way line of South Lamar Boulevard for the Southeast corner of said Dunne (0.200 acre) tract and for the Northeast corner of said Ley tract bears S 61 deg. 29' 06" E 173.96 ft.;

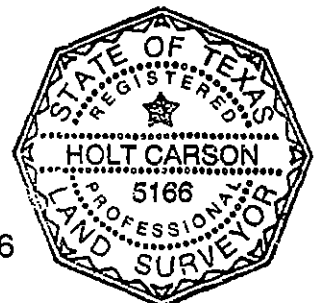
THENCE with the common line of said Dunne (0.341 acre) tract and said Lot A, N 60 deg. 07' 00" W 289.08 ft. to the **PLACE OF BEGINNING**, containing 0.341 acre of land.

SURVEYED: January, 2005.



Holt Carson

Registered Professional Land Surveyor No. 5166



see accompanying map: B 734106

CARSON AND BUSH
PROFESSIONAL SURVEYORS, INC.

1904 FORTVIEW ROAD
AUSTIN, TX 78704
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TRACT 2

FIELD NOTE DESCRIPTION OF 0.200 ACRE OF LAND, BEING A PORTION OF LOT 13, EVERGREEN HEIGHTS, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME Z PAGE 614 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING ALL OF THAT CERTAIN (0.200 ACRE) TRACT OF LAND DESCRIBED AS "TRACT 2" AND AS CONVEYED TO KEVIN P. DUNNE BY WARRANTY DEED RECORDED IN VOLUME 12614 PAGE 2427 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a railroad spike found in the West right-of-way line of South Lamar Boulevard for the Southeast corner of that certain (0.200 acre) tract of land as conveyed to Kevin P. Dunne by Warranty Deed recorded in Volume 12614 Page 2427 of the Real Property Records of Travis County, Texas, and for the Northeast corner of that certain tract of land as conveyed to W.T. Ley, et ux, by deed recorded in Volume 10158 Page 363 of the Real Property Records of Travis County, Texas, and being the Southeast corner and **PLACE OF BEGINNING** of the herein described tract, and from which a ½" iron pipe found for the Southeast corner of said Ley tract bears S 46 deg. 21' 59" W 52.69 ft.;

THENCE leaving the West right-of-way line of South Lamar Boulevard with the common line of said Dunne (0.200 acre) tract and said Ley tract, N 61 deg. 29' 06" W 173.96 ft. to a ¾" iron pipe found for the Southwest corner of said Dunne (0.200 acre) tract and for the Northwest corner of said Ley tract and for the Southeast corner of that certain (0.341 acre) tract of land as conveyed to Kevin P. Dunne by Warranty Deed recorded in Volume 12614 Page 2427 of the Real Property Records of Travis County, Texas, and for an angle corner in the North line of Lot A, Resubdivision of a Portion of Lots 13 and 14, Evergreen Heights, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 73 Page 68 of the Plat Records of Travis County, Texas, and being the Southwest corner of this tract, and from which a ½" iron pipe found for the Southwest corner of said Dunne (0.341 acre) tract bears N 60 deg. 07' 00" W 289.08 ft.;

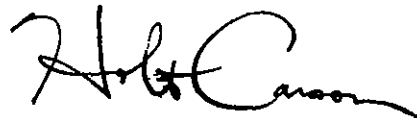
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THENCE with the common line of said Dunne (0.200 acre) tract and Dunne (0.341 acre) tract, N 45 deg. 30' 45" E 52.40 ft. to a ½" iron pipe found for the Northwest corner of said Dunne (0.200 acre) tract and the Northeast corner of said Dunne (0.341 acre) tract and for the Southeast corner of that certain tract of land described as "First Tract" in a deed to Paul C. Walter, et ux, and as conveyed to Kevin P. Dunne by Warranty Deed recorded in Document No. 20000141037 of the Official Public Records of Travis County, Texas, and for the Southwest corner of that certain tract of land described as "Second Tract" in a deed to Paul C. Walter, et ux, and as conveyed to Kevin P. Dunne by Warranty Deed recorded in Document No. 20000141037 of the Official Public Records of Travis County, Texas, same being the Northwest corner of this tract;

THENCE with the common line of said Dunne (0.200 acre) tract and Dunne "Second Tract", S 61 deg. 30' 11" E 174.02 ft. to a square head bolt found in the West right-of-way line of South Lamar Boulevard for the Northeast corner of said Dunne (0.200 acre) tract and for the Southeast corner of said Dunne "Second Tract", and being the Northeast corner of this tract;

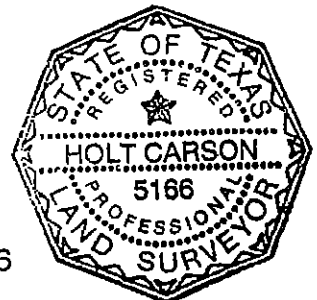
THENCE with the West right-of-way line of South Lamar Boulevard and with the East line of said Dunne (0.200 acre) tract, S 45 deg. 33' 16" W 52.46 ft. to the **PLACE OF BEGINNING**, containing 0.200 acre of land.

SURVEYED: January, 2005.



Holt Carson

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see accompanying map: B 734106

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TRACT 3

FIELD NOTE DESCRIPTION OF 0.358 ACRE OF LAND, BEING A PORTION OF LOT 13, EVERGREEN HEIGHTS, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME Z PAGE 614 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING ALL OF THAT CERTAIN TRACT FORMERLY DESCRIBED AS "FIRST TRACT" IN A DEED TO PAUL C. WALTER, ET UX, RECORDED IN VOLUME 871 PAGE 421 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, AND AS CONVEYED TO KEVIN P. DUNNE BY WARRANTY DEED RECORDED IN DOCUMENT No. 20000141037 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½" iron pipe found for the Southeast corner of that certain tract of land formerly described as "First Tract" and for the Southwest corner of that certain tract formerly described as "Second Tract" in a deed to Paul C. Walter, et ux, recorded in Volume 871 Page 421 of the Deed Records of Travis County, Texas, both having been conveyed to Kevin P. Dunne by Warranty Deed recorded in Document No. 20000141037 of the Official Public Records of Travis County, Texas, and for the Northwest corner of that certain (0.200 acre) tract of land as conveyed to Kevin P. Dunne by Warranty Deed recorded in Volume 12614 Page 2427 of the Real Property Records of Travis County, Texas, and for the Northeast corner of that certain (0.341 acre) tract of land as conveyed to Kevin P. Dunne by Warranty Deed recorded in Volume 12614 Page 2427 of the Real Property Records of Travis County, Texas, and being the Southeast corner and **PLACE OF BEGINNING** of the herein described tract, and from which a square head bolt found in the West right-of-way line of South Lamar Boulevard for the Southeast corner of said "Second Tract" and for the Northeast corner of said Dunne (0.200 acre) tract bears S 61 deg. 30' 11" E 174.02 ft.;

THENCE with the common line of said Dunne "First Tract" and said Dunne (0.341 acre) tract, N 60 deg. 13' 27" W 303.42 ft. to a ½" iron rod found for the Northwest corner of said Dunne (0.341 acre) tract and for the Southwest corner of said Dunne "First Tract" and being the Southwest corner of this tract;

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Page 2 of 2
0.358 ACRE

THENCE with the West line of said Dunne "First Tract", N 29 deg. 32' 00" E 50.03 ft. to a ½" iron rod found for the Northwest corner of said Dunne "First Tract" and for the Southwest corner of Lot 2, South Lamar Business Park, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 76 Page 388 of the Plat Records of Travis County, Texas, and for the Southwest corner of that certain (1.275 acre) tract of land as conveyed to Thomas F. Francis by deed recorded in Volume 4361 Page 225 of the Deed Records of Travis County, Texas, and being the Northwest corner of this tract;

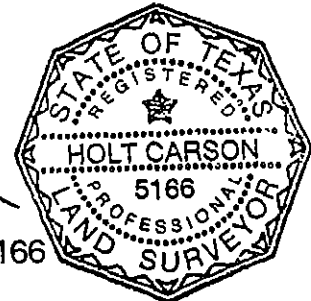
THENCE with the North line of said Dunne "First Tract" and deviating from the South line of said Lot 2, S 60 deg. 18' 00" E 317.45 ft. to a ½" iron rod set with a plastic cap imprinted with "Carson and Bush Professional Surveyors" for the Northeast corner of said Dunne "First Tract" and for the Northwest corner of said Dunne "Second Tract" and being the Northeast corner of this tract, and from which a ½" iron rod found in the West line of South Lamar Boulevard for the Northeast corner of said Dunne "Second Tract" bears S 61 deg. 19' 37" E 173.03 ft.;

THENCE with the common line of said Dunne "First Tract" and "Second Tract", S 45 deg. 05' 30" W 52.31 ft. to the **PLACE OF BEGINNING**, containing 0.358 acre of land.

SURVEYED: January, 2005.


Holt Carson

Registered Professional Land Surveyor No. 5166



see accompanying map: B 734106

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TRACT 4

FIELD NOTE DESCRIPTION OF 0.199 ACRE OF LAND, BEING A PORTION OF LOT 13, EVERGREEN HEIGHTS, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME Z PAGE 614 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING ALL OF THAT CERTAIN TRACT FORMERLY DESCRIBED AS "SECOND TRACT" IN A DEED TO PAUL C. WALTER, ET UX, RECORDED IN VOLUME 871 PAGE 421 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, AND AS CONVEYED TO KEVIN P. DUNNE BY WARRANTY DEED RECORDED IN DOCUMENT No. 20000141037 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½" iron pipe found for the Southeast corner of that certain tract of land formerly described as "First Tract" and for the Southwest corner of that certain tract formerly described as "Second Tract" in a deed to Paul C. Walter, et ux, recorded in Volume 871 Page 421 of the Deed Records of Travis County, Texas, both having been conveyed to Kevin P. Dunne by Warranty Deed recorded in Document No. 20000141037 of the Official Public Records of Travis County, Texas, and for the Northwest corner of that certain (0.200 acre) tract of land as conveyed to Kevin P. Dunne by Warranty Deed recorded in Volume 12614 Page 2427 of the Real Property Records of Travis County, Texas, and for the Northeast corner of that certain (0.341 acre) tract of land as conveyed to Kevin P. Dunne by Warranty Deed recorded in Volume 12614 Page 2427 of the Real Property Records of Travis County, Texas, and being the Southwest corner and **PLACE OF BEGINNING** of the herein described tract, and from which a ¾" iron pipe found for the Southwest corner of said Dunne (0.200 acre) tract and for the Southeast corner of said Dunne (0.341 acre) tract bears S 45 deg. 30' 45" W 52.40 ft.,

end of Page 1

THENCE with the common line of said Dunne "First Tract" and "Second Tract", N 45 deg. 05' 30" E 52.31 ft. to a ½" iron rod set with a plastic cap imprinted with "Carson and Bush Professional Surveyors" for the Northwest corner of said Dunne "Second Tract" and for the Northeast corner of said Dunne "First Tract" and being the Northwest corner of this tract, and from which a ½ " iron rod found for the Northwest corner of said Dunne "First Tract" and for the Southwest corner of Lot 2, South Lamar Business Park, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 76 Page 388 of the Plat Records of Travis County, Texas, and for the Southwest corner of that certain (1.275 acre) tract of land as conveyed to Thomas F. Francis by deed recorded in Volume 4361 Page 225 of the Deed Records of Travis County, Texas, bears N 60 deg. 18' 00" W 317.45 ft.;

THENCE with the North line of said Dunne "Second Tract", S 61 deg. 19' 37" E 173.03 ft. to a ½" iron rod found in the West right-of-way line of South Lamar Boulevard for the Northeast corner of said Dunne "Second Tract" and for the Southeast corner of said Francis (1.275 acre) tract and being the Northeast corner of this tract;

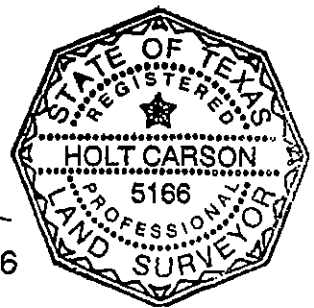
THENCE with the West right-of-way line of South Lamar Boulevard and with the East line of said Dunne "Second Tract", S 44 deg. 11' 55" W 51.52 ft. to a square head bolt found for the Southeast corner of said Dunne "Second Tract" and for the Northeast corner of the aforementioned Dunne (0.200 acre) tract, and being the Southeast corner of this tract;

THENCE leaving the West right-of-way line of South Lamar Boulevard with the common line of said Dunne "Second Tract" and said Dunne (0.200 acre) tract, N 61 deg. 30' 11" W 174.02 ft. to the **PLACE OF BEGINNING**, containing 0.199 acre of land.

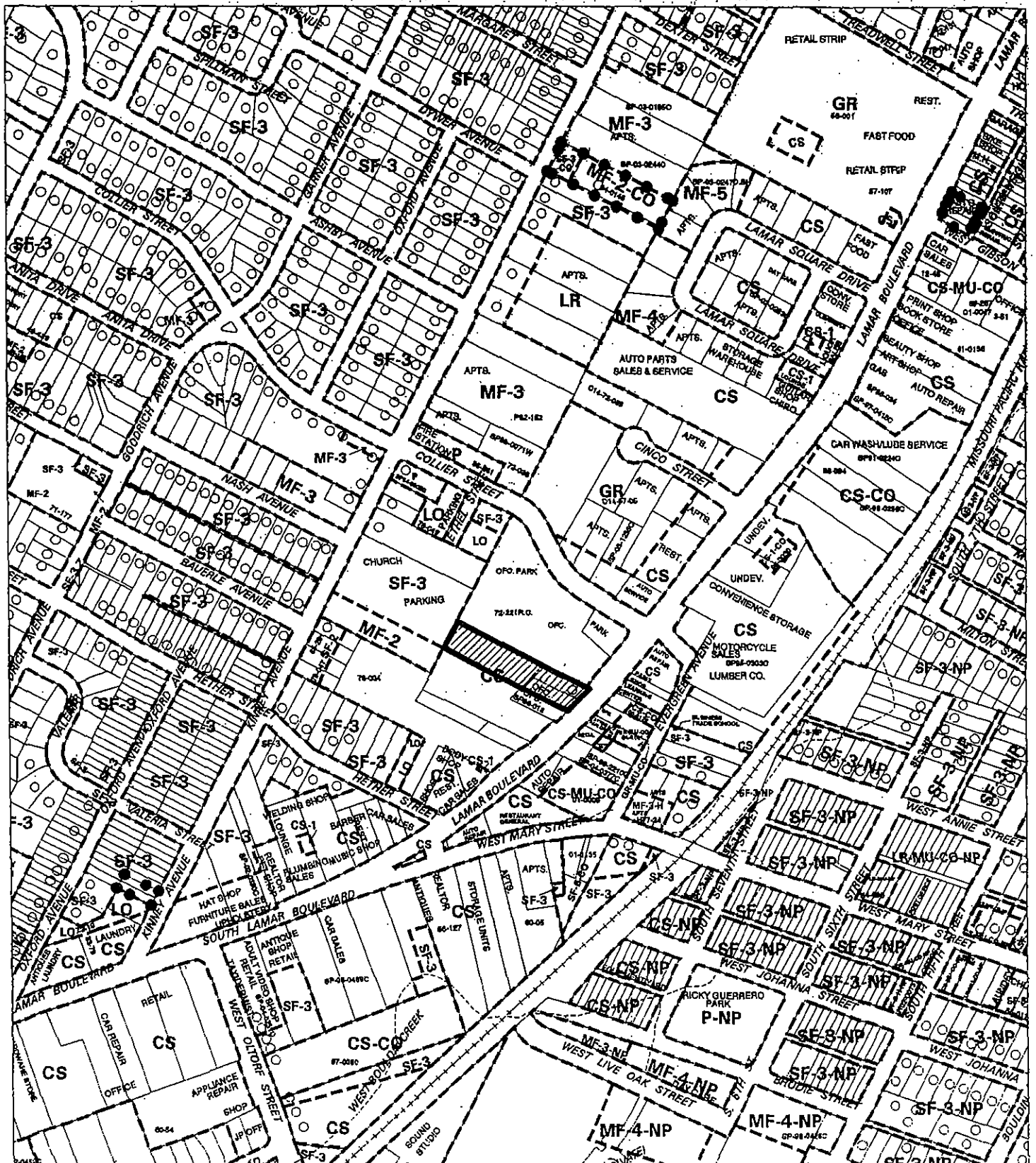
SURVEYED: January, 2005.

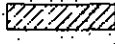



Holt Carson

Registered Professional Land Surveyor No. 5166



see accompanying map: B 734106



SUBJECT TRACT 
 PENDING CASE 
 ZONING BOUNDARY 
 CASE MGR. R. HEIL

CASE #: C14-05-0147
 ADDRESS: 1704 S LAMAR BLVD
 SUBJECT AREA (acres): 1.090

ZONING EXHIBIT B

DATE: 05-08
 INTLS: SM

CITY GRID
 REFERENCE
 NUMBER
 H21

1"=400'
 UNCE DEVELOPED
 410-7

GR-MU-H-CO-NP