

ORDINANCE NO. 20110217-063

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 1705 SOUTH LAMAR BOULEVARD FROM FAMILY RESIDENCE (SF-3) DISTRICT AND GENERAL COMMERCIAL SERVICES-VERTICAL MIXED USE BUILDING (CS-V) COMBINING DISTRICT TO GENERAL COMMERCIAL SERVICES-VERTICAL MIXED USE BUILDING-MIXED USE-CONDITIONAL OVERLAY (CS-V-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 and general commercial services-vertical mixed use building (CS-V) combining district to general commercial services-vertical mixed use building-mixed use-conditional overlay (CS-V-MU-CO) combining district on the property described in Zoning Case No. C14-2010-0193, on file at the Planning and Development Review Department, as follows:

A 0.1144 acre (4,983 sq.ft.) tract of land, more or less, out of Lot 13, Evergreen heights Subdivision, 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 1705 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. The following uses are prohibited uses of the Property:

Automotive repair services	Automotive sales
Automotive washing (of any type)	Automotive rentals
Vehicle storage	Bail bond services
Convenience storage	Outdoor entertainment
Outdoor sports & recreation	Pawn shop services
Restaurant (general)	

B. Drive-through services use is prohibited as an accessory use to commercial uses.

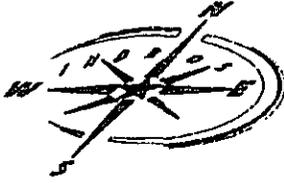
Except as otherwise specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the general commercial services (CS) base district, the mixed use combining district, and other applicable requirements of the City Code.

PART 3. This ordinance takes effect on February 28, 2011.

PASSED AND APPROVED

February 17, 2011 §
 §
 § Lee Leffingwell
 Lee Leffingwell
 Mayor

APPROVED: Karen M. Kennard **ATTEST:** Shirley A. Gentry
 Karen M. Kennard Shirley A. Gentry
 Acting City Attorney City Clerk



Windrose Land Services Austin Ltd

4120 Commercial Center Dr., Suite 300

Austin, Texas 78744

Phone (512) 326-2100 Fax (512) 326-2770

Professional Surveying Services

LEGAL DESCRIPTION

BEING A TRACT OR PARCEL OF LAND CONTAINING 0.1144 OF AN ACRE (4,983 SQ. FT.) OUT OF AND A PART OF LOT 13, EVERGREEN HEIGHTS, A SUBDIVISION IN TRAVIS COUNTY, TEXAS RECORDED IN VOLUME Z, PAGE 814, DEED RECORDS OF TRAVIS COUNTY, TEXAS, SAME BEING ALL OF THAT CERTAIN TRACT OF LAND CONVEYED TO PEGGY J. WILLIAMSON, INDEPENDENT ADMINISTRATRIX OF THE ESTATE OF LAURA R. ELLIS, AND DWAYNE HERBERT SCHUESSLER, SUSTITUTE TRUSTTE OF THE ESTATE OF ALLENE NAUMANN BY GENERAL WARRANTY DEED RECORDED IN DOCUMENT NO. 2008142065 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: (BASIS OF BEARING: SOUTHEASTERLY RIGHT-OF-WAY LINE OF SOUTH LAMAR BOULEVARD AS DESCRIBED IN DOCUMENT NO. 2008039878, T.C.O.P.R.)

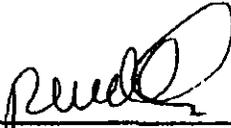
BEGINNING AT A FOUND 1/2" IRON ROD IN THE CURVING SOUTHEASTERLY RIGHT-OF-WAY LINE OF SOUTH LAMAR BOULEVARD (R.O.W. VARIES), FOR THE WEST CORNER OF SAID PEGGY J. WILLIAMSON AND DWAYNE HERBERT SCHUESSLER TRACT (WILLIAMSON/SCHUESSLER TRACT), SAME BEING THE NORTH CORNER OF THAT CERTAIN TRACT CALLED 10,388 SQUARE FEET CONVEYED TO RITA A. MILLER BY DEED RECORDED IN DOCUMENT NO. 2005105260, T.C.O.P.R., FOR THE WEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE WITH A CURVE TO THE LEFT A DISTANCE OF 51.30' SUBTENDING A CENTRAL ANGLE OF 01°00'43" A CHORD BEARING NORTH 44°54'42" EAST WITH THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF SOUTH LAMAR BOULEVARD AND THE NORTHWESTLERLY LINE OF SAID WILLIAMSON/SCHUESSLER TRACT, A CHORD DISTANCE OF 51.30' TO A FOUND 1/2" IRON ROD, FOR THE NORTH CORNER OF THE WILLIAMSON/SCHUESSLER TRACT AND THE WEST CORNER OF UNIT ONE, SPRING PLACE CONDOMINIUMS, A CONDOMINIUM PLAT RECORDED IN DOCUMENT NO. 2008039878, T.C.O.P.R., FOR THE NORTH CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE SOUTH 82°02'18" EAST (RECORD: SOUTH 81°30' EAST) WITH COMMON DIVISION LINE OF SAID WILLIAMSON/SCHUESSLER TRACT AND SAID UNIT ONE, A DISTANCE OF 94.35' (RECORD: 94.3') TO A FOUND 1/2" IRON PIPE, FOR THE EAST CORNER OF SAID WILLIAMSON/SCHUESSLER TRACT AND THE NORTH CORNER OF A TRACT OF LAND CONVEYED TO ROXANA WISE BY DEED RECORDED IN DOCUMENT NO. 2005134843, T.C.O.P.R., FOR THE EAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE SOUTH 30°33'38" WEST (RECORD: SOUTH 30°00' WEST) WITH THE COMMON DIVISION LINE OF SAID WILLIAMSON/SCHUESSLER TRACT AND SAID WISE TRACT, A DISTANCE OF 49.95' (RECORD: 50') TO A FOUND 1/2" IRON PIPE IN THE NORTHEASTERLY LINE OF SAID RITA A. MILLER TRACT, FOR THE SOUTH CORNER OF SAID WILLIAMSON/SCHUESSLER TRACT AND THE WEST CORNER OF SAID WISE TRACT, FOR THE SOUTH CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE NORTH 81°35'48" WEST (RECORD: NORTH 81°30' WEST) WITH COMMON DIVISION LINE OF SAID WILLIAMSON/SCHUESSLER TRACT AND SAID MILLER TRACT, A DISTANCE OF 107.05' (RECORD: 107.5') TO THE PLACE OF BEGINNING AND CONTAINING 0.1144 OF AN ACRE (4,983 SQ. FT.) OF LAND, AS SURVEYED ON THE GROUND ON JULY 20, 2010.


RONNIE WILLIS, RPLS # 5462
JULY 26, 2010
JOB # 23720
GF # ATA-73-06-AT09008627TDC

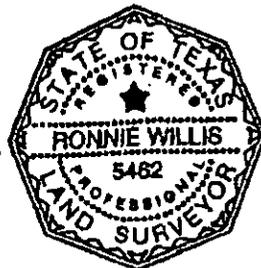
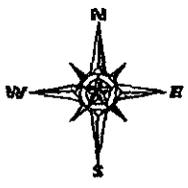
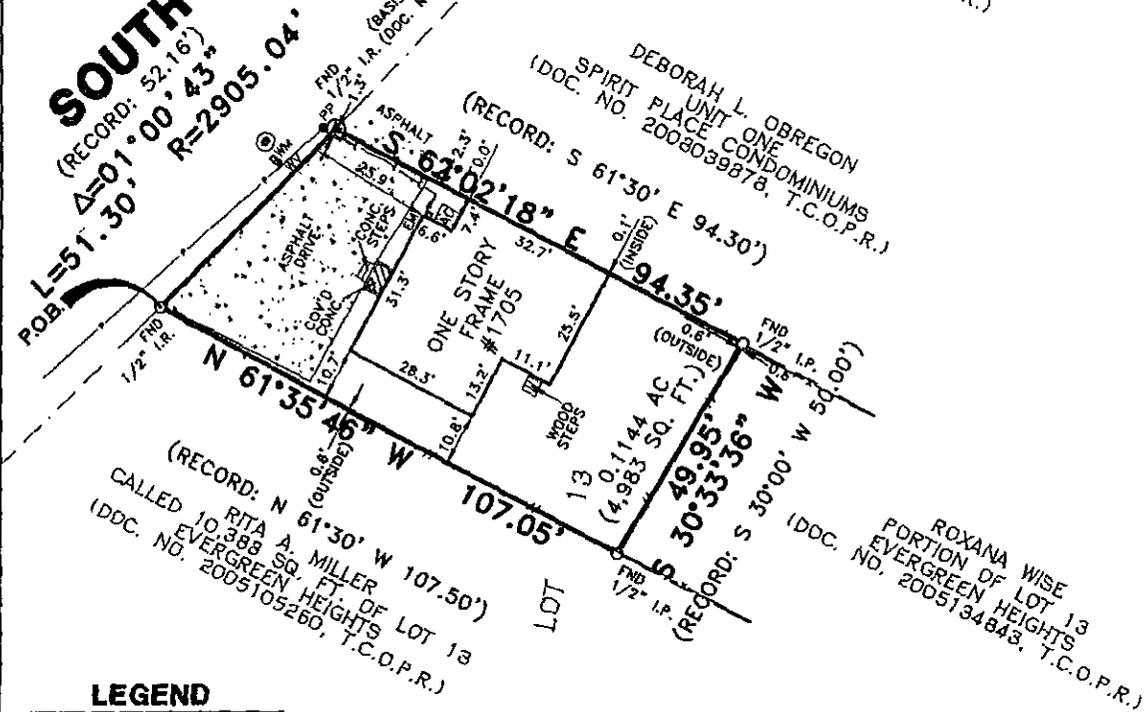


EXHIBIT A



SCALE: 1" = 30'

SOUTH LAMAR BOULEVARD (R.O.W. VARES)



MANUEL F. BUSTAMANTE AND JILL BUSTAMANTE
CALLED 0.189 AC OF LOT 13
(VOL. 12260, PG. 882, T.C.R.P.R.)

MANUEL F. BUSTAMANTE AND JILL BUSTAMANTE
CALLED 0.170 AC OF LOT 13
(VOL. 12260, PG. 892, T.C.R.P.R.)

DEBORAH L. OBREGON
SPIRIT PLACE CONDOMINIUMS
(DOC. NO. 2008039878, T.C.O.P.R.)

CALLER: RITA A. MILLER
EVERGREEN HEIGHTS
PORTION OF LOT 13
(DOC. NO. 2005105260, T.C.O.P.R.)

ROXANA WISE
EVERGREEN HEIGHTS
PORTION OF LOT 13
(DOC. NO. 2005134843, T.C.O.P.R.)

LEGEND

- EM - ELECTRIC METER
- ⊙ - MANHOLE
- PP - POWER POLE
- P - OVERHEAD POWER LINE
- WM - WATER METER
- WV - WATER VALVE
- - WIRE FENCE
- - WROUGHT IRON FENCE
- - WOOD FENCE
- ⊙ - CONTROL MONUMENT

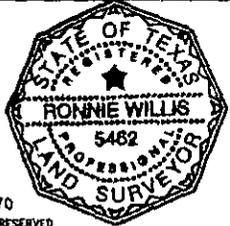
ALL BEARINGS ARE BASED ON THE RECORDED PLAT UNLESS OTHERWISE NOTED. ALL EASEMENTS AND BUILDING LINES ARE BASED ON THE RECORDED PLAT, UNLESS OTHERWISE NOTED. SURVEYOR DID NOT ABSTRACT SUBJECT PROPERTY. THIS SURVEY HAS BEEN COMPILED IN ACCORDANCE WITH INFORMATION CONTAINED IN THE TITLE COMMITMENT REFERENCED IN GF NO. ATA-73-06-AT090086271DC

SURVEY OF A PORTION OF LOT 13, EVERGREEN HEIGHTS, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT RECORDED IN VOL. 2, PG. 614, OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING THE SAME PROPERTY MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS IN THE DEED RECORDS IN DOC. NO. 2008142065, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, AND IN EXHIBIT "A-1" ATTACHED HERETO.

THIS TRACT IS LOCATED WITHIN FLOOD ZONE "UNSHADED" ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY PANEL NO. 481028 0445 H, REVISED SEPTEMBER 26, 2008. FLOOD ZONE DETERMINED BY GRAPHIC PLOTTING ONLY. WE DO NOT ASSUME RESPONSIBILITY FOR EXACT DETERMINATION.

PURCHASER	MATTHEW RUIZ, D.C.	LENDER CO.	-
ADDRESS	1705 SOUTH LAMAR BOULEVARD, AUSTIN, TEXAS 78704	TITLE CO.	ALAMO TITLE INSURANCE

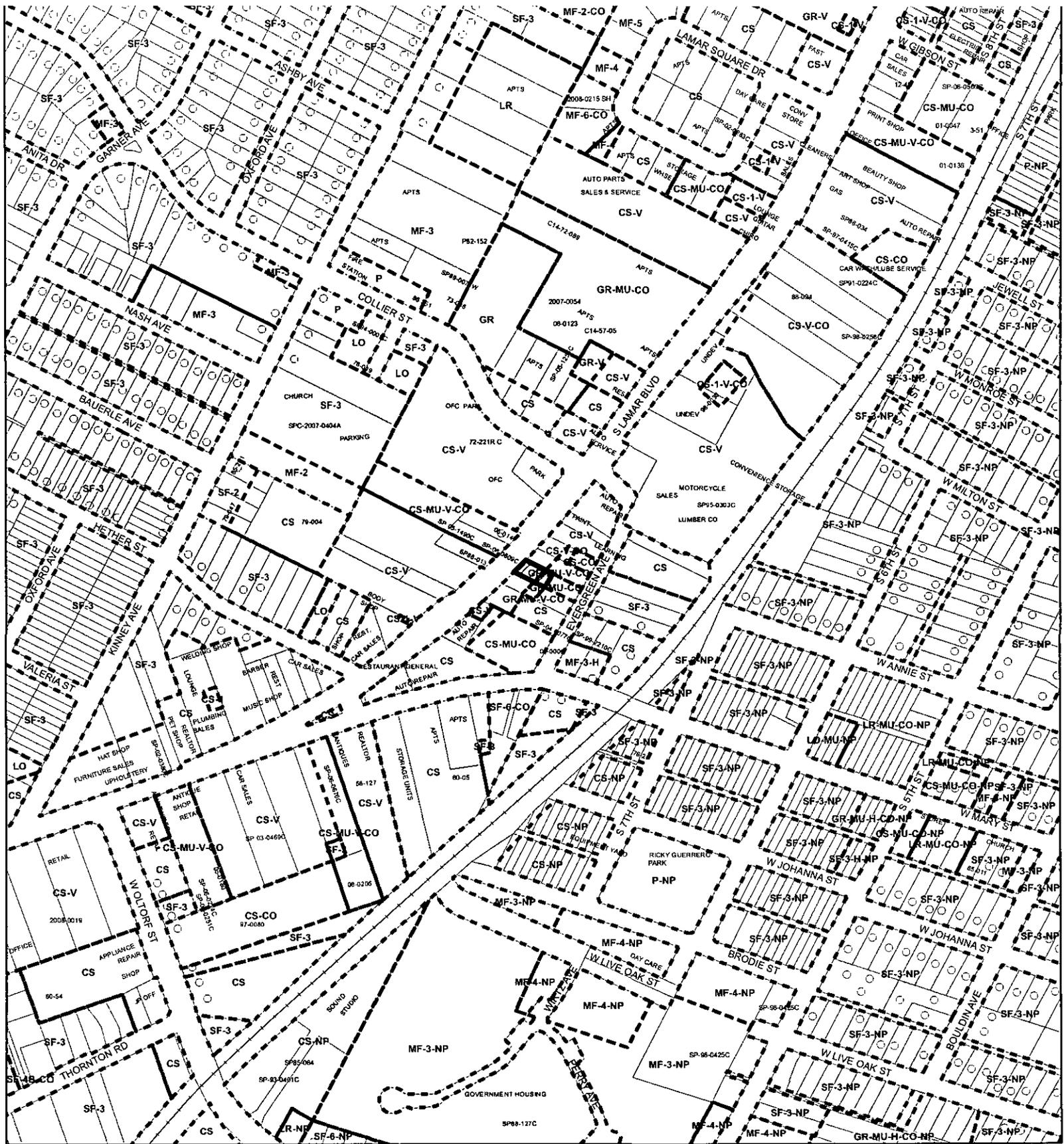
Windrose Land Services Austin
4120 Commercial Center Dr.
Suite 300
Austin, Texas 78744
TEL (512) 328-2100 FAX (512) 328-2770
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I do hereby certify that this survey was this day made on the ground and that this plot correctly represents the property legally described herein (or on an attached sheet). That the facts found at the time of this survey show the improvements and that there are no encroachments apparent on the ground, except as shown.

Willis 7/26/10

FIELD WORK	07/26/10	MDL	DRAFTED BY	07/26/10	JP	CHECKED BY	07/26/10	RW
REVISION	-	-	-	-	-	MAPSCD PAGE	JOB NO.	-
REVISION	-	-	-	-	-	814 0	23720	-



ZONING EXHIBIT B

ZONING CASE#: C14-2010-0193
 LOCATION: 1705 S LAMAR BLVD
 SUBJECT AREA: 0.1144 ACRES
 GRID: H21
 MANAGER: STEPHEN RYE



- N
- SUBJECT TRACT
- PENDING CASE
- ZONING BOUNDARY

1" = 400'

This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.