

ORDINANCE NO. _____

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE
2 PROPERTY LOCATED AT 1212 RIO GRANDE STREET FROM UNZONED
3 (UNZ) AND UNZONED-HISTORIC LANDMARK (UNZ-H) COMBINING
4 DISTRICT TO DOWNTOWN MIXED USE-CONDITIONAL OVERLAY (DMU-
5 CO) COMBINING DISTRICT AND DOWNTOWN MIXED USE-HISTORIC
6 LANDMARK-CONDITIONAL OVERLAY (DMU-H-CO) COMBINING
7 DISTRICT.
8

9 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:
10

11 **PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to
12 change the base district from unzoned (UNZ) and unzoned-historic landmark (UNZ-H)
13 combining district to downtown mixed use-conditional overlay (DMU-CO) combining
14 district and downtown mixed use-historic landmark-conditional overlay (DMU-H-CO)
15 combining district on the property (the "Property") described in Zoning Case No. C14-
16 2012-0081, on file at the Planning and Development Review Department, as follows:
17

18 Tract 1: From unzoned (UNZ) to downtown mixed use-conditional overlay
19 (DMU-CO) combining district.
20

21 A 1.45 acre tract of land, more or less, being a portion of Lots 1 through 4, Block
22 153, all of West 13th Street vacated by Ordinance and a portion of the Academy
23 Tract in the Original City of Austin the tract of land being more particularly
24 described by metes and bounds in Exhibit "A" incorporated into this ordinance.
25

26 Tract 2: From unzoned-historic landmark (UNZ-H) combining district to
27 downtown mixed use-historic landmark-conditional overlay (DMU-H-CO)
28 combining district.
29

30 A 1.79 acre tract of land, more or less, being a portion of the Academy Tract in the
31 Original City of Austin the tract of land being more particularly described by metes
32 and bounds in Exhibit "B" incorporated into this ordinance.
33

34 locally known as 1212 Rio Grande Street in the City of Austin, Travis County, Texas, and
35 generally identified in the map attached as Exhibit "C".
36

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

- A. 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.
- B. The maximum height, as defined in City Code, of a building or structure on the property may not exceed 60 feet.
- C. Development of the Property shall require a minimum 15 foot setback along West 13th ½ Street, Rio Grande Street and West 12th Street and a minimum 10 foot setback on West Avenue.
- D. Drive-in service use is prohibited as an accessory use to a restaurant (limited) use.
- E. The following uses are prohibited uses of the Property:

Automotive repair services
Bail bond services
Counseling services
Funeral services
Guidance services
Local utility services
Residential treatment
Service station

Automotive sales
Cocktail lounge
Exterminating services
Financial services
Liquor sales
Outdoor entertainment
Restaurant (general)
Automotive washing (of any type)

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

1 **PART 3.** This ordinance takes effect on _____, 2013.
2

3 **PASSED AND APPROVED**
4

5 _____, 2013
6
7

§
§
§

8 Lee Jeffingwell
9 Mayor
10

11
12 **APPROVED:** _____ **ATTEST:** _____
13

14 Karen M. Kennard
City Attorney

Jannette S. Goodall
City Clerk

Field Notes for 1.451 Acres

BEING 1.451 ACRES OF LAND, MORE OR LESS, BEING A PORTION OF LOTS 1 THROUGH 4, BLOCK 153, ALL OF WEST 13TH STREET VACATED BY ORDINANCE RECORDED IN VOLUME K, PAGE 430 OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN AND IN VOLUME 602, PAGE 105 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS AND A PORTION OF THE ACADEMY TRACT IN THE ORIGINAL CITY OF AUSTIN IN TRAVIS COUNTY, TEXAS, ACCORDING TO A MAP OR PLAT ON FILE IN THE GENERAL LAND OFFICE OF THE STATE OF TEXAS, SAME BEING A PORTION OF THE 3.247 ACRE TRACT CONVEYED TO AUSTIN COMMUNITY COLLEGE AS TRACT 1 BY SPECIAL WARRANTY DEED, EXECUTED ON MARCH 29, 2004 AND FILED FOR RECORD ON MARCH 31, 2004, RECORDED IN DOCUMENT 2004059329 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 1.451 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND AS SHOWN ON THE ATTACHED SKETCH:

BEGINNING at a PK nail found at the intersection of the southwesterly right-of-way line of West 13th 1/2 Street (60' R.O.W.) and the southeasterly right-of-way line of West Avenue (80' R.O.W.) at the most northerly corner of the remainder of said Lot 1, Block 153, Original City of Austin, same being the most northerly corner of said Austin Community College tract, for the Point of Beginning and the most northerly corner of the herein described tract of land;

- 1) THENCE, South 73°05'51" East, a distance of 275.89 feet, with the southwesterly right-of-way line of West 13th 1/2 Street, the northeasterly line of the remainder of said Lots 1 through 4, Block 153, Original City of Austin, same being the northeasterly line of said Austin Community College tract, to a calculated point at the intersection of the southwesterly right-of-way line of West 13th 1/2 Street and the northwesterly right-of-way line of Rio Grande Street (80' R.O.W.) at the most easterly corner of the remainder of said Lot 4, Block 153, Original City of Austin, same being the most easterly corner of said Austin Community College tract, for the most easterly corner of the herein described tract of land;
- 2) THENCE, South 16°35'22" West, a distance of 228.25 feet, with the northwesterly right-of-way line of Rio Grande Street, the southeasterly line of said Lot 4, Block 153, Original City of Austin, the southeasterly line of said vacated portion of West 13th Street and the southeasterly line of said Academy tract, to a calculated point for the most southerly corner of the herein described tract of land, from which an "X" cut in concrete found at the intersection of the northwesterly right-of-way line of Rio Grande Street and the northeasterly right-of-way line of West 12th Street (R.O.W. varies) at the most southerly corner of said Academy tract, same being the most southerly corner of said Austin Community College tract bears South 16°35'22" West, a distance of 283.98 feet;
- 3) THENCE, North 73°26'20" West, a distance of 78.72 feet, leaving the northwesterly right-of-way line of Rio Grande Street and the southeasterly line of said Academy tract, same being the southeasterly line of said Austin Community College tract and crossing said Academy tract, same being said Austin Community College tract, to a calculated point for a corner;
- 4) THENCE, South 16°33'40" West, a distance of 1.34 feet, to a calculated point for a corner;

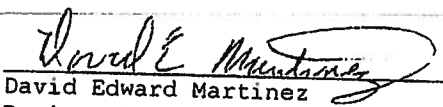
5) THENCE, North 73°26'20" West, a distance of 12.97 feet, to a calculated point for a corner;

6) THENCE, North 16°33'40" East, a distance of 1.34 feet, to a calculated point for a corner;

7) THENCE, North 73°26'20" West, a distance of 184.19 feet, to a calculated point in the southeasterly right-of-way line of West Avenue and in the northwesterly line of said Academy tract, same being the northwesterly line of said Austin Community College tract, for the most westerly corner of the herein described tract of land, from which an iron rod with SAM cap found at the intersection of the southeasterly right-of-way line of West Avenue and the northeasterly right-of-way line of West 12th Street at the most westerly corner of said Academy tract, same being the most westerly corner of said Austin Community College tract, bears South 16°35'22" West, a distance of 283.16 feet;

8) THENCE, North 16°35'22" East, a distance of 229.89 feet, with the southeasterly right-of-way line of West Avenue and the northwesterly line of said Academy tract, the northwesterly line of said vacated portion of West 13th Street and the northwesterly line of said Lot 1, Block 153, Original City of Austin, same being the northwesterly line of said Austin Community College tract, to the Point of Beginning and containing an area of 1.451 acres of land, more or less.

I hereby declare that this survey was made on the ground, under my supervision, and that it substantially complies with the current Texas Society of Professional Surveyors standards.


David Edward Martinez
Registered Professional Land Surveyor 5434

05/22/12
Date

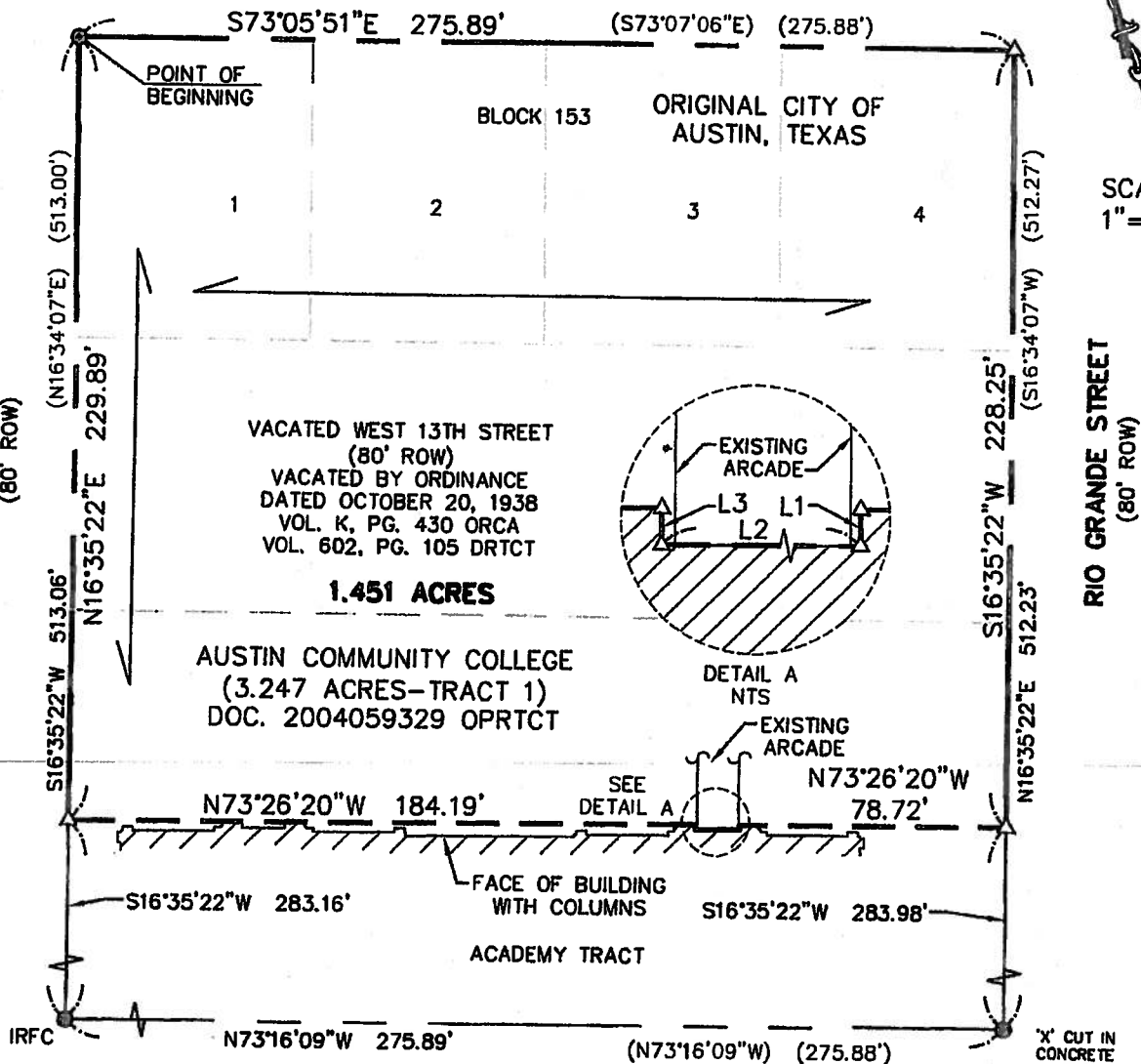


305 East Huntland Drive
Suite 200
Austin, Texas 78752
(512) 453-0767

Bearing Basis: South line (North 73°16'09" West, 275.88') of 3.247 acres (Tract 1) conveyed to Austin Community College in Document 2004059329 of the Official Public Records of Travis County, Texas.

TCAD No.: 0210001001
CITY GRID No.: J23

WEST AVENUE
(80' ROW)



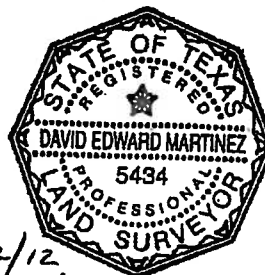
SCALE:
1"=50'

LEGEND:

- PK NAIL FOUND (UNLESS OTHERWISE SPECIFIED)
- ⊙ IRFC IRON ROD WITH SAM CAP FOUND
- △ CALCULATED POINT
- () INDICATES RECORD DATA
- DRTCT DEED RECORDS OF TRAVIS COUNTY, TEXAS
- OPRTCT OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS
- ORCA ORDINANCE RECORDS OF THE CITY OF AUSTIN, TEXAS

BEARING BASIS:
SOUTH LINE (N73°16'09"W, 275.88') OF 3.247 ACRES
(TRACT 1) CONVEYED IN DOC. 2004059329 OF THE
OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

WEST 12TH STREET
(ROW VARIES)



05/22/12

David E. Martinez

LINE TABLE

LINE	BEARING	LENGTH
L1	S16°33'40"W	1.34'
L2	N73°26'20"W	12.97'
L3	N16°33'40"E	1.34'

mwm
Design Group

305 East Huntland Drive
Suite 200
Austin, Texas 78752
p: 512.453.0767
f: 512.453.1734

SKETCH TO ACCOMPANY
FIELD NOTES

TRAVIS COUNTY, TEXAS

DATE: 22 MAY 12
JOB NO: 22511H
FILE: 1.451 Ac

3

3 OF 3

Field Notes for 1.796 Acres

BEING 1.796 ACRES OF LAND, MORE OR LESS, OUT OF AND A PART OF THE ACADEMY TRACT IN THE ORIGINAL CITY OF AUSTIN IN TRAVIS COUNTY, TEXAS, ACCORDING TO A MAP OR PLAT ON FILE IN THE GENERAL LAND OFFICE OF THE STATE OF TEXAS, SAME BEING A PORTION OF THE 3.247 ACRE TRACT CONVEYED TO AUSTIN COMMUNITY COLLEGE AS TRACT 1 BY SPECIAL WARRANTY DEED, EXECUTED ON MARCH 29, 2004 AND FILED FOR RECORD ON MARCH 31, 2004, RECORDED IN DOCUMENT 2004059329 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 1.796 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND AS SHOWN ON THE ATTACHED SKETCH:

BEGINNING at an iron rod with SAM cap found at the intersection of the southeasterly right-of-way line of West Avenue (80' R.O.W.) and the northeasterly right-of-way line of West 12th Street (R.O.W. varies) and at the most westerly corner of said Academy tract, same being the most westerly corner of said Austin Community College tract, for the Point of Beginning and the most westerly corner of the herein described tract of land;

- 1) THENCE, North 16°35'22" East, a distance of 283.16 feet, with the southeasterly right-of-way line of West Avenue and the northwesterly line of said Academy tract, same being the northwesterly line of said Austin Community College tract, to a calculated point for the most northerly corner of the herein described tract of land, from which a PK nail found at the intersection of the southwesterly right-of-way line of West 13th 1/2 Street (60' R.O.W.) and the southeasterly right-of-way line of West Avenue at the most northerly corner of the remainder of Lot 1, Block 153 of said Original City of Austin, same being the most northerly corner of said Austin Community College tract, bears North 16°35'22" East, a distance of 229.89 feet;
- 2) THENCE, South 73°26'20" East, a distance of 184.19 feet, leaving the southeasterly right-of-way line of West Avenue and the northwesterly line of said Academy tract, same being a northwesterly line of said Austin Community College tract and crossing said Academy tract, same being said Austin Community College tract, to a calculated point for a corner;
- 3) THENCE, South 16°33'40" West, a distance of 1.34 feet, to a calculated point for a corner;
- 4) THENCE, South 73°26'20" East, a distance of 12.97 feet, to a calculated point for a corner;
- 5) THENCE, North 16°33'40" East, a distance of 1.34 feet, to a calculated point for a corner;
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line of Rio Grande Street and the southwesterly right-of-way line of West 13th 1/2 Street, at the most easterly corner of the remainder of Lot 4, Block 153 of said Original City of Austin, same being the most easterly corner of said Austin Community College tract, and North 73°05'51" West, a distance of 275.89 feet;

7) THENCE, South 16°35'22" West, a distance of 283.98 feet, with the northwesterly right-of-way line of Rio Grande Street, the southeasterly line of said Academy tract and the southeasterly line of said Austin Community College tract, to an "X" cut in concrete found at the intersection of the northwesterly right-of-way line of Rio Grande Street and the northeasterly right-of-way line of West 12th Street at the most southerly corner of said Academy tract, same being the most southerly corner of said Austin Community College tract, for the most southerly corner of the herein described tract of land;

8) THENCE, North 73°16'09" West, a distance of 275.89 feet, with the northeasterly right-of-way line of West 12th Street and the southwesterly line of said Academy tract, same being the southwesterly line of said Austin Community College tract, to the Point of Beginning and containing an area of 1.796 acres of land, more or less.

I hereby declare that this survey was made on the ground, under my supervision, and that it substantially complies with the current Texas Society of Professional Surveyors standards.

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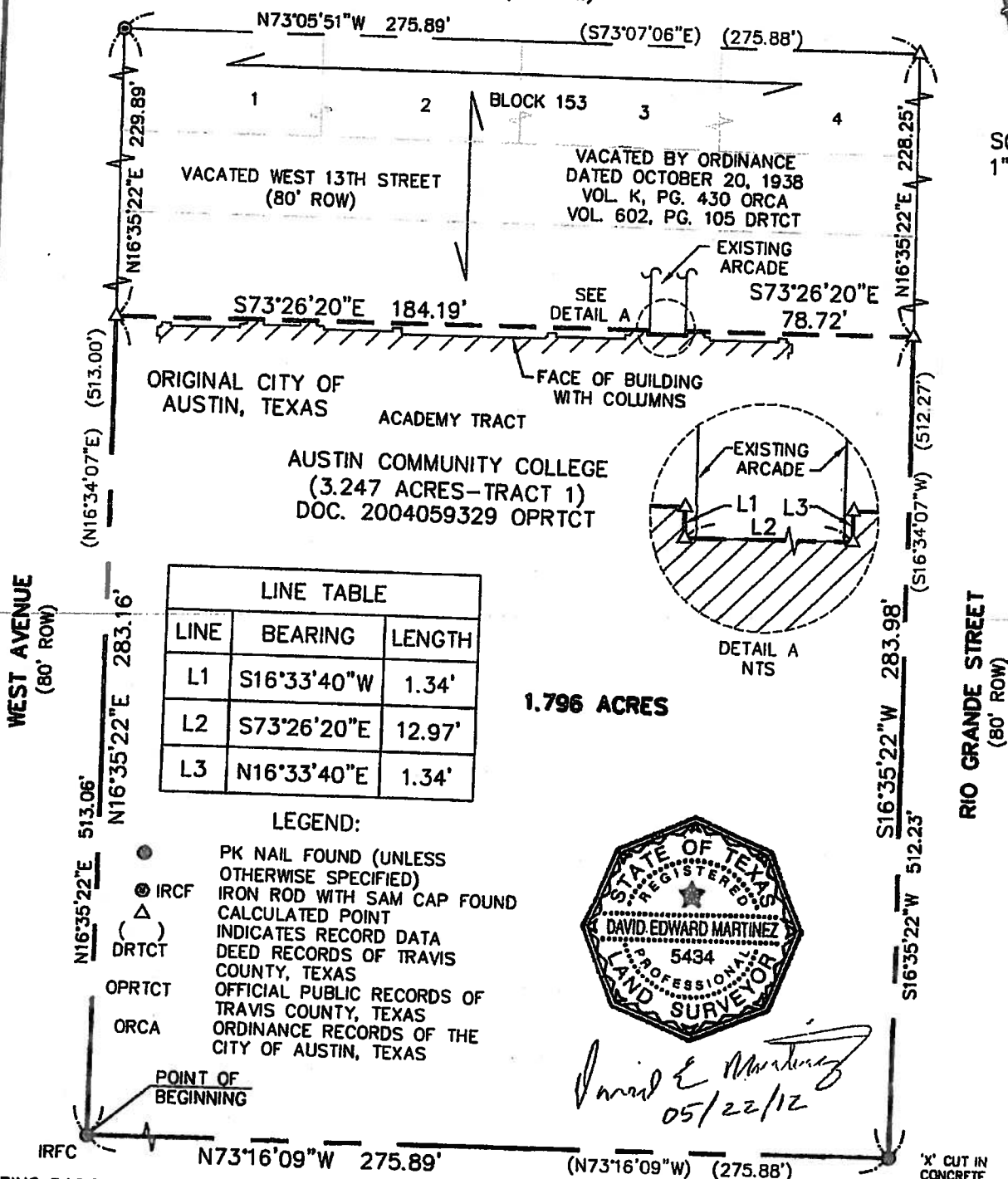
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Bearing Basis: South line (North 73°16'09" West, 275.88') of 3.247 acres (Tract 1) conveyed to Austin Community College in Document 2004059329 of the Official Public Records of Travis County, Texas.

TCAD No.: 0210001001
CITY GRID No.: J23

WEST 13TH 1/2 STREET
(60' ROW)

SCALE:
1"=50'



BEARING BASIS:
SOUTH LINE (N73°16'09"W, 275.88') OF 3.247 ACRES
(TRACT 1) CONVEYED IN DOC. 2004059329 OF THE
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WEST 12TH STREET
(ROW VARIES)

SKETCH TO ACCOMPANY
FIELD NOTES

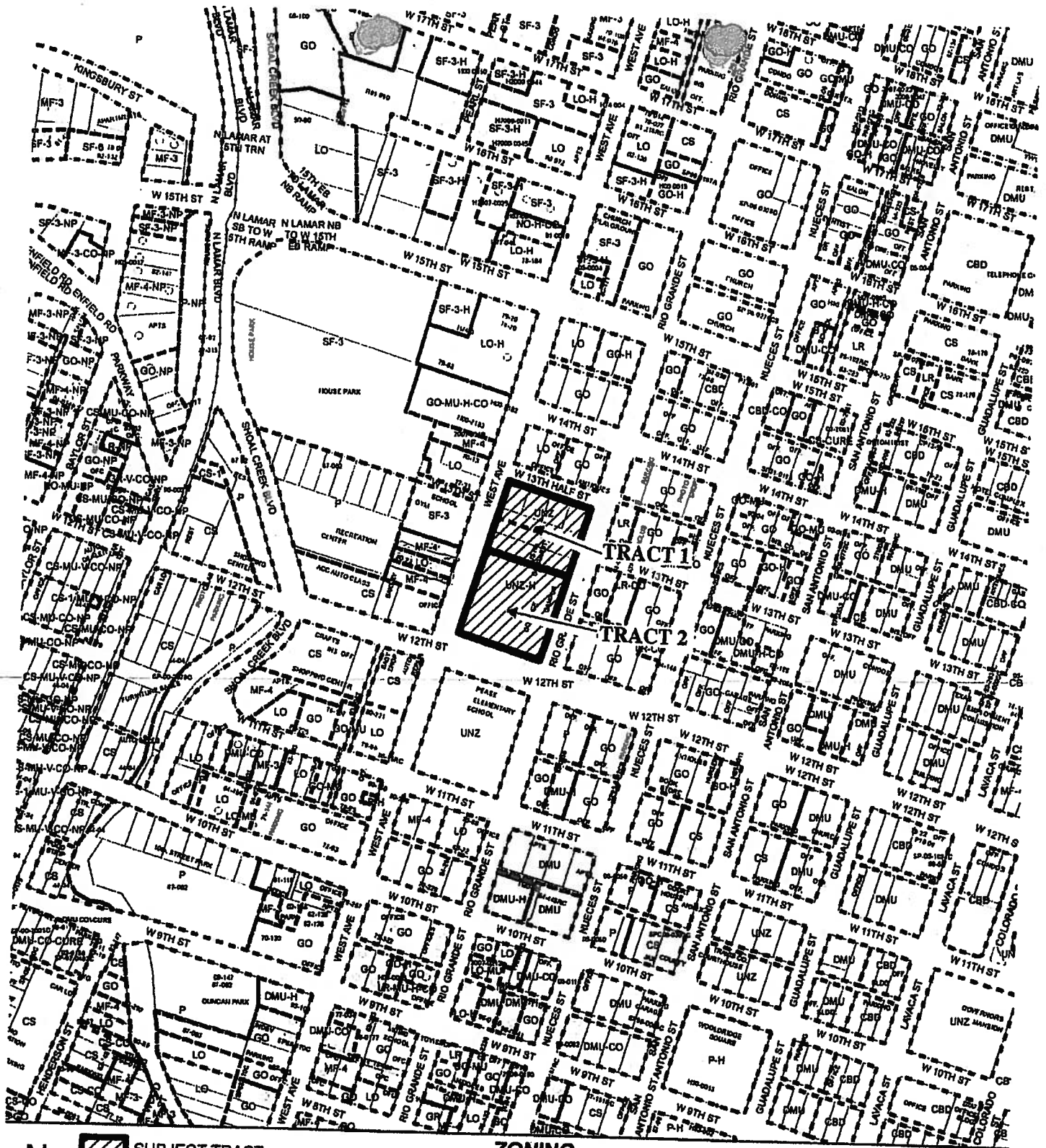
TRAVIS COUNTY, TEXAS

mwm
Design Group




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p: 512.453.0767
f: 512.453.1734

DATE: 22 MAY 12
JOB NO: 22511H
FILE: 1.796 AC

3
3 OF 3



1" = 400'

-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

ZONING

ZONING CASE#: C14-2012-0081

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



Exhibit C