

**ORDINANCE NO. 20130606-063**

**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 602, 604, 606, 700 and 702 WEST AVENUE AND 800 WEST 6<sup>TH</sup> STREET FROM DOWNTOWN MIXED USE-CONDITIONAL OVERLAY-CENTRAL URBAN REDEVELOPMENT (DMU-CO-CURE) COMBINING DISTRICT, GENERAL OFFICE (GO) DISTRICT AND LIMITED OFFICE (LO) DISTRICT TO DOWNTOWN MIXED USE-CENTRAL URBAN REDEVELOPMENT (DMU-CURE) COMBINING DISTRICT AND DOWNTOWN MIXED USE-CONDITIONAL OVERLAY (DMU-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 downtown mixed use-conditional overlay-central urban redevelopment (DMU-CO-CURE) combining district, general office (GO) district and limited office (LO) district to downtown mixed use-central urban redevelopment (DMU-CURE) combining district and downtown mixed use-conditional overlay (DMU-CO) combining district on the property (the "Property") described in Zoning Case No. C14-2012-0083, on file at the Planning and Development Review Department, as follows:

Tract 1:

From downtown mixed use-conditional overlay-central urban redevelopment (DMU-CO-CURE) combining district to downtown mixed use-central urban redevelopment (DMU-CURE) combining district.

A 1.34 acre tract of land, more or less, a part of Outlot No. 1, Division E, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance,

Tract 2:

From general office (GO) district and limited office (LO) district to downtown mixed use-conditional overlay (DMU-CO) combining district.

A 0.27 acre tract of land, more or less, a part of Outlot 1, Division E, the tract of land being more particularly described by metes and bounds in Exhibit "B" incorporated into this ordinance, and,

A 0.23 acre tract of land, more or less, a part of Outlot 1, Division E, the tract of land being more particularly described by metes and bounds in Exhibit "C" incorporated into this ordinance,

locally known as 602, 604, 606, 700 and 702 West Avenue and 800 West 6<sup>th</sup> Street in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "D".

**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 maximum height, as defined by City Code, of a building or structure on Tract 1 may not exceed 136 feet.
- B. The maximum height, as defined by City Code, of a building or structure on Tract 2 may not exceed 90 feet.
- C. A 26 foot building setback shall be established and maintained along the north property line of Tract 2.
- D. The following uses are prohibited uses of the Property on Tract 2:

Automotive repair services  
Automotive sales  
Exterminating services  
Financial services  
Local utility services  
Residential treatment  
Pawn shop services  
Service station

Counseling services  
Drop-off recycling collection facility  
Funeral services  
Guidance services  
Outdoor entertainment  
Liquor sales  
Restaurant (limited)  
Bail bond services

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.

**PART 3.** This ordinance takes effect on June 17, 2013.

**PASSED AND APPROVED**

\_\_\_\_\_, 2013 §  
June 6 §  
\_\_\_\_\_  
Lee Leffingwell  
Mayor

APPROVED: \_\_\_\_\_ ATTEST: \_\_\_\_\_  
Karen M. Kennard Jannette S. Goodall  
City Attorney City Clerk

LOTS 1, 2, 3, 4, 5 AND  
THE SOUTH 90 FEET OF LOT 6,  
J. H. ROBINSON'S SUBDIVISION

PERIMETER DESCRIPTION OF THOSE CERTAIN TRACTS OR PARCELS OF LAND DESCRIBED AS LOTS 1, 2, 3, 4, 5 AND THE SOUTH 90 FEET OF LOT 6, J. H. ROBINSON'S SUBDIVISION OF A PART OF OUTLOT NO. 1, DIVISION E, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 1, PAGE 28, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, ALL OF THE ABOVE SAID TRACTS OR PARCELS OF LAND BEING CONVEYED TO FORTIS COMMUNITIES-AUSTIN, L.P. BY DEED FILED OF RECORD UNDER DOCUMENT NO. 2005107309, OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, THE PERIMETER OF SAID LOTS COMBINED IS MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at an "x" found engraved into concrete at the Southeast corner of the above said Lot 1, J. H. Robinson's Subdivision, said "x" is at the intersection of the North right of way line of West 6<sup>th</sup> Street (r-o-w varies) and the West right of way line of West Avenue (r-o-w- varies), said "x" is at the Southeast corner of Lot 1 as conveyed to the above said Fortis Communities-Austin, L.P. in Document No. 2005107309, Official Public Records of Travis County, Texas, (O.P.R.O.T.C.T.), for the Southeast corner of the herein described tract and the PLACE OF BEGINNING hereof;

THENCE N64°38'04" W, along the South line of the above said Lot 1, J. H. Robinson's Subdivision, same being the South line of Lot 1 as conveyed to Fortis Communities-Austin, L.P., same being the North right of way line of West 6<sup>th</sup> Street, 180.00 feet to a "y" found on the edge of a concrete and rock bridge footing, for the Southwest corner of said Lot 1, being the same corner of Lot 1 as conveyed to Fortis Communities-Austin, L.P., for the Southwest corner hereof; and from which a concrete nail was found at the intersection of the East right of way line of Wood Street and the North right of way line of West 6<sup>th</sup> Street bears N64°38'04" W, 211.09 feet;

THENCE along the West lines of said Lot 1, 2, 3, 4, 5 and the West line of the South 90 feet of Lot 6, being the same West lines conveyed to said Fortis Communities-Austin, L.P., the following six (6) courses and distances:

- 1) N20°05'00" E, 56.46 feet to a 1/2" iron rod with plastic cap found at the common West corner of the above said Lots 1 and 2, J. H. Robinson's Subdivision;
- 2) N22°34'01" E, 50.09 feet to a 1/2" iron rod with a plastic cap found at the common West corner of said Lots 2 and 3, J. H. Robinson's Subdivision;
- 3) N30°26'36" E, 50.99 feet to a calculated point (no monument recovered), for the common West corner of said Lots 3 and 4, J. H. Robinson's Subdivision;
- 4) N30°26'36" E, 50.99 feet to a calculated point (no monument recovered), for the West common corner of said Lots 4 and 5, J. H. Robinson's Subdivision;
- 5) N24°50'38" E, 50.25 feet to a calculated point (no monument recovered), said calculated point is the West common corner of said Lot 5 and the South 90 feet of Lot 6, of said J. H. Robinson's Subdivision, and from which calculated point, a witness corner in the form of a mag nail found in a rock wall bears S70°52'00" E with the dividing line of said Lot 5 and the South 90 feet of Lot 6, of said J. H. Robinson's Subdivision, 23.54 feet;

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Exhibit A

- 6) N19°08'00" E, 90.20 feet to a calculated point (no monument recovered), for the Northwest corner of the South 90 feet of Lot 6, J. H. Robinson's Subdivision, being that same Northwest corner as conveyed to said Fortis Communities-Austin, L.P., and from which calculated point, a witness corner in the form of an "x" found engraved in concrete bears S70°48'14" E, 24.85 feet;


THENCE S70°48'14" E, along the North line of the South 90 feet of said Lot 6, J. H. Robinson's Subdivision, being the same line in that certain boundary line agreement in Volume 11951, Page 1810, Real Property Records of Travis County, Texas, being the same line as conveyed to Fortis Communities-Austin, L.P., passing the above said witness corner at 24.85 feet (said witness corner appears to be the Southwest corner of Lot 1, E. B. Robinson's Subdivision, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 354 Page 226, Deed Records of Travis County, Texas and continuing, said along course being the dividing line of the South 90 feet of Lot 6 and the above said Lot 1 for a total distance of 150.00 feet to a 1/2" iron pipe found at the Northeast corner of the South 90 feet of Lot 6, being the same Northeast corner of the South 90 feet of Lot 6, as conveyed to Fortis Communities-Austin, L.P., said pipe is at the Southeast corner of that certain tract or parcel of land called "0.231 acre of land, being all of Lot 1, E. B. Robinson Subdivision of a portion of Outlot 1, Division E, of the Government Tracts adjoining the City of Austin" in a General Warranty Deed to Robin and Roxy, Inc., filed of record under Document No. 2003242997, O.P.R.O.T.C.T., said iron pipe is in the West right of way line of West Avenue for the Northeast corner hereof;

THENCE S19°08'00" W, (bearing basis) along the East line of the South 90 feet of Lot 6, same being the West right of way line of West Avenue, same being the East line of said Lot as conveyed to Fortis Communities-Austin, L.P., 90.04 feet to a 1/2" iron rod found at the common East corner of said Lots 5 and the South 90 feet of Lot 6, J. H. Robinson's Subdivision;

THENCE S19°08'00" W, along the East line of Lots 3, 4, 3, and 2 of said J. H. Robinson's Subdivision, said line being the same line as conveyed to Fortis Communities-Austin, L. P., 200.00 feet to an "x" found engraved in concrete, being the common East corner of Lots 1 and 2, J. H. Robinson's Subdivision, said "x" is in the West right of way line of West Avenue;

THENCE S19°08'00" W, along the East line of said Lot 1, same being the East line of Lot 1 as conveyed to Fortis Communities-Austin, L. P., same being the West right of way line of West Avenue, 75.99 feet returning to the PLACE OF BEGINNING and containing 1.34 acres of land or 58,291 square feet of land.

This metes and bounds description is to accompany a survey map of same date.

  
DAVID BELL  
R.P.L.S. No. 3994  
JOB No. 03R14610A



03/19/2010  
Date

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EXHIBIT

1

**LOT 2  
E.B. ROBINSON'S  
SUBDIVISION**

DESCRIPTION OF LOT 2, E. B. ROBINSON'S SUBDIVISION OF A PART OF OUTLOT 1, DIVISION E, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAN THEREOF RECORDED IN VOLUME 354, PAGE 224, OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, SAID LOT 1 BEING CONVEYED TO FORTIS COMMUNITIES-AUSTIN, L. P., BY DEED FILED OF RECORD UNDER DOCUMENT NO. 2005107309, OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS (O.P.R.O.T.C.T.), SAID LOT 2 BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at an iron pipe found at the Southeast corner of the above said Lot 2, being the same corner of Lot 2 as conveyed to Fortis Communities-Austin, L. P., said pipe also being the Northeast corner of that certain tract or parcel of land called Lot 1, E. B. Robinson's Subdivision of a Part of Outlot No. 1, Division E, a subdivision in Travis County, Texas, recorded in Volume 354, Page 224, Deed Records of Travis County, Texas, said Lot 1 being conveyed to Robin & Rony, Inc. by deed filed of record under Document No. 2003242997, O.P.R.O.T.C.T., said pipe is in the West right of way line of West Avenue and is the Southeast corner of the herein described tract and is the PLACE OF BEGINNING hereof;

THENCE N70°53'28" W, along the dividing line of said Lots 1 and 2, 210.00 feet to a calculated point (no monument recovered) for the Southwest corner of Lot 2, same being the Northwest corner of Lot 1 and being the same Southwest corner as conveyed to said Fortis Communities-Austin, L. P. and from which a witness to said calculated point is a 1/2" iron rod with cap found bears, S70°53'28" E, 44.00 feet;

THENCE N08°48'50" E, along the West line of said Lot 2, same being the West line as conveyed to said Fortis Communities-Austin, L. P., 55.81 feet to a 1/2" iron rod with plastic cap found at the Northwest corner of said Lot 2, same being the Northwest corner as conveyed to Fortis Communities-Austin, L. P., same being an angle corner in the south line of that certain tract or parcel of land called "Seven Hundred Six West Avenue Condominiums" of record in Volume 10, Page 1083 of the Condominium Records of Travis County, Texas, said iron rod is the Northwest corner hereof;

THENCE S70°52'08" E (following the Boundary Line Agreement, Volume 1170, Page 104), along the North line of said Lot 2, being the same line as conveyed to said Fortis Communities-Austin, L. P., said line being also the South line of said "Seven Hundred Six West Avenue Condominiums", 220.00 feet to a 1/2" iron rod with plastic cap found at the Northeast corner of said Lot 2, being the same Northeast corner of Lot 2, as conveyed to said Fortis Communities-Austin, L. P., said iron rod is in the West right of way line of West Avenue and is the Northeast corner hereof;

THENCE S15°08'50" W, (bearing back) with the East line of said Lot 2, same being the East line of Lot 2, as conveyed to Fortis Communities-Austin, L. P., same being the West right of way line of West Avenue, 54.83 feet, returning to the PLACE OF BEGINNING and containing 0.27 acre of land or 11,788 square feet of land.

This metes and bounds description is to accompany a survey map of same date.

*David Bell*  
DAVID BELL  
R.P.L.S. No. 3994  
JOB No. 03RI4610B



03/19/2010  
Date

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Exhibit B

RECEIVED  
05/05/2012  
COUNTY CLERK  
TRAVIS COUNTY, TEXAS  
FILED  
BY DEPT. OF COUNTY CLERK  
2. NACHAL

DESCRIPTION OF 0.231 ACRE OF LAND BEING ALL OF LOT 1, E. B. ROBINSON SUBDIVISION, A SUBDIVISION OF A PORTION OF OUTLOT 1, DIVISION E, OF THE GOVERNMENT TRACT ADJOINING THE ORIGINAL CITY OF AUSTIN, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 354 PAGE 226, DEED RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.231 ACRE OF LAND BEING CONVEYED TO ROBIN AND ROXY, INC. A TEXAS CORPORATION, BY DEED OF RECORD UNDER DOCUMENT NUMBER 2080242997, OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.231 ACRE OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at an iron pipe found in the West margin of West Avenue (a 20 feet wide public right of way), said pipe is at the Northeast corner of the herein described 0.231 acre, said pipe is also the Northeast corner of the above said Lot 1, same being the Southeast corner of Lot 2 of the same above said subdivision, said iron pipe is the Northeast corner of the herein described tract and is the PLACE OF BEGINNING hereof;

THENCE along the West margin of West Avenue, same being the East line of the above said Lot 1, S 19°08'00" W, (bearing basis), 33.91 feet to an iron pipe found at the Southeast corner of said Lot 1, said iron pipe is also the Northeast corner of the South 90 feet of Lot 6, J.H. Robinson Subdivision of a Part of Outlot No. 1, Division E, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Plat Book 1 Page 28, Plat Records of Travis County, Texas, said pipe is the Southwest corner hereof, said pipe is also the agreed to corner monument as described in that certain Boundary Line Agreement recorded in Volume 11951 Page 1810, Real Property Records of Travis County, Texas;

THENCE along the dividing line of the above said Lot 1 and the above said South 90 feet of Lot 6, following along the agreed to boundary line as mentioned above in said Boundary Line Agreement of record in Volume 11951 Page 1810, N 70°47'29" W, 150.00 feet (N 70°53' W 150.00') to a calculated point in Shoal Creek at the Southwest corner of said Lot 1, same being the location of the agreed to corner as described in said Boundary Line Agreement, said calculated point is the Southwest corner of said Lot 1, same being the Northwest corner of the South 90 feet of said Lot 6, for the Southwest corner hereof, and from which Southwest corner an "X" found chiseled in concrete, to serve as a witness to said Southwest corner bears S 70°47'29" E, 24.85 feet;

THENCE along the West line of said Lot 1, N 28°00'14" W, 81.86 feet to a calculated point in Shoal Creek, for the Northwest corner hereof, said Northwest corner is also the Southwest corner of the above said Lot 2, E. B. Robinson Subdivision, and from said Northwest corner of said Lot 1, a 1/2" iron rod with a yellow plastic cap stamped "All Points" was set as a witness to said Northwest corner of Lot 1, bears S 70°52'29" E, 80.50 feet;

THENCE along the dividing line of said Lot 1 and Lot 2 of the E.B. Robinson Subdivision, S 70°52'29" E, passing the above said witness corner, being a 1/2" iron rod with a yellow plastic cap set at 80.50 feet and continuing for a total distance of 210.00 feet returning to the PLACE OF BEGINNING and containing 0.231 acre or 10,041 square feet of land.

This metes and bounds description is to accompany a survey map of same date.

*David Bell*  
DAVID BELL  
R.P.L.S. No. 3994  
JOB No. 08R138-10



*08/24/2010*  
Date

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*[Signature]*  
J. MACHADO

