

ORDINANCE NO. 20140612-100

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 707 WEST AVENUE FROM GENERAL COMMERCIAL SERVICES-MIXED USE-CONDITIONAL OVERLAY (CS-MU-CO) COMBINING DISTRICT TO 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 general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district to downtown mixed use-conditional overlay (DMU-CO) combining district on the property described in Zoning Case No. C14-2013-0147, on file at the Planning and Development Review Department, as follows:

0.45 acre tract of land, more or less, all of Lots 1, 2, a portion of Lot 3, and a portion of a 20 foot alley out of Block 77 of the Original City of Austin, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance (the "Property"),

locally known as 707 West Avenue 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. 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 by City Code, of a building or structure on the property may not exceed 60 feet.

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 23, 2014.

PASSED AND APPROVED

_____ June 12 _____, 2014 §
 §
 §
 _____ *Lee Leffingwell*
 Lee Leffingwell
 Mayor

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



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Austin, TX 78709
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Exhibit "B" – Legal Description

BEING A DESCRIPTION OF A TRACT OF LAND CONTAINING 0.4527 ACRE (19,721 SQUARE FEET), BEING ALL OF LOTS 1 AND 2, A PORTION OF LOT 3, AND A PORTION OF A 20-FOOT ALLEY, ALL OUT OF BLOCK 77 OF THE ORIGINAL CITY OF AUSTIN, ACCORDING TO A MAP OR PLAT ON FILE WITH THE TEXAS GENERAL LAND OFFICE, SAID 20-FOOT ALLEY VACATED IN VOLUME 3412, PAGE 46 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS (D.R.T.C.T.), AND BEING ALL OF A 0.444 ACRE TRACT CONVEYED TO CIRRUS LOGIC, INC., IN DOCUMENT #2011076494 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS (O.P.R.T.C.T.), SAID 0.4527 ACRE BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a 1/2-inch iron rod found in the north right-of-way line of West 7th Street (80' right-of-way), and being the southwest corner of a tract conveyed to Block 77, LLC, and recorded in Document #2013153888 (O.P.R.T.C.T.), and being the southeast corner of said Cirrus Logic tract, for the southeast corner and **POINT OF BEGINNING** hereof, from which a COA centerline monument found at the intersection of the centerline of said West 7th Street with the centerline of Rio Grande Street (80' right-of-way) bears, **S16°29'35"W**, a distance of 40.00 feet, and **S73°20'31"E**, a distance of 173.00 feet;

THENCE, with the north right-of-way line of said West 7th Street and the south line of said Cirrus Logic tract, **N73°20'31"W**, passing at a distance of 0.08 feet, a cotton gin spindle found, and continuing for a total distance of **154.84** feet to a concrete nail found for the southwest corner hereof, said point being at the intersection of the north right-of-way line of said West 7th Street with the east right-of-way line of West Avenue (80' right-of-way);

THENCE, with the east right-of-way line of said West Avenue, **N16°31'50"E**, a distance of **134.07** feet to a concrete nail found for the northwest corner hereof, and being the southwest corner of the remainder of said vacated alley (the owner of said remainder being unknown);

THENCE, leaving the east right-of-way line of said West Avenue, in part with the north line of said Cirrus Logic tract, and with the south line of the remainder of said vacated alley, **S73°19'35"E**, passing at a distance of 1.85 feet, a 1/2-inch iron rod with an illegible plastic cap found at the northwest corner of said Cirrus Logic tract, and continuing for a total distance of **102.66** feet to a 60D nail found for an interior ell-corner hereof, and being a point in the north line of said Cirrus Logic tract, and being the southeast corner of the remainder of said vacated alley;

THENCE, leaving the north line of said Cirrus Logic tract, with the east line of the remainder of said vacated alley, **N11°54'47"E**, a distance of **3.88** feet to a chiseled "X" found in concrete for an exterior ell-corner hereof, and being the northeast corner of the remainder of said vacated alley, and being the southeast corner of a tract conveyed to James Shelton Powell and recorded in Document #2002018164 (O.P.R.T.C.T.), and being the southwest corner of a tract conveyed to Ben R. Procter and recorded in Document #2004171122 (O.P.R.T.C.T.);

THENCE, with the north line of said Cirrus Logic tract, in part with the south line of said Procter tract, and in part with the south line of tract conveyed to Paul Parsons and recorded in Volume 9168, Page 992 of the Real Property Records of Travis County, Texas (R.P.R.T.C.T.), **S73°15'05"E**, a distance of **37.40**

feet to a concrete nail found for the northeast corner hereof, said point being in the south line of said Parsons tract, and being the northwest corner of a called 8,970 square foot tract of land conveyed to Robinson-Macken House, L.P., and recorded in Document #2000112417 (O.P.R.T.C.T.);

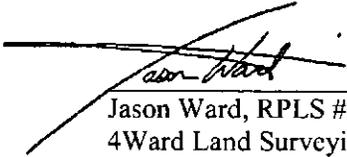
THENCE, in part with the east line of said Cirrus Logic tract, in part with the west line of said Robinson-Macken tract, and in part with the west line of said Block 77 tract, **S16°29'38"W**, passing at a distance of 3.97 feet, a cotton gin spindle found, passing at a distance of 64.94 feet, a 3/8-inch iron rod found at the common west corner of said Robinson-Macken tract and said Block 77 tract, and continuing for a total distance of **81.98** feet to a 3/8-inch iron rod found for an interior ell-corner hereof, said point being an interior ell-corner of said Cirrus Logic tract, and being an exterior ell-corner of said Block 77 tract;

THENCE, with the east line of said Cirrus Logic tract, and with the west line of said Block 77 tract, the following two (2) courses and distances:

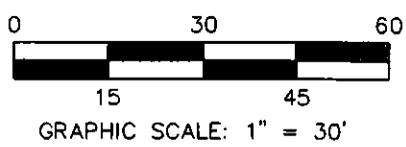
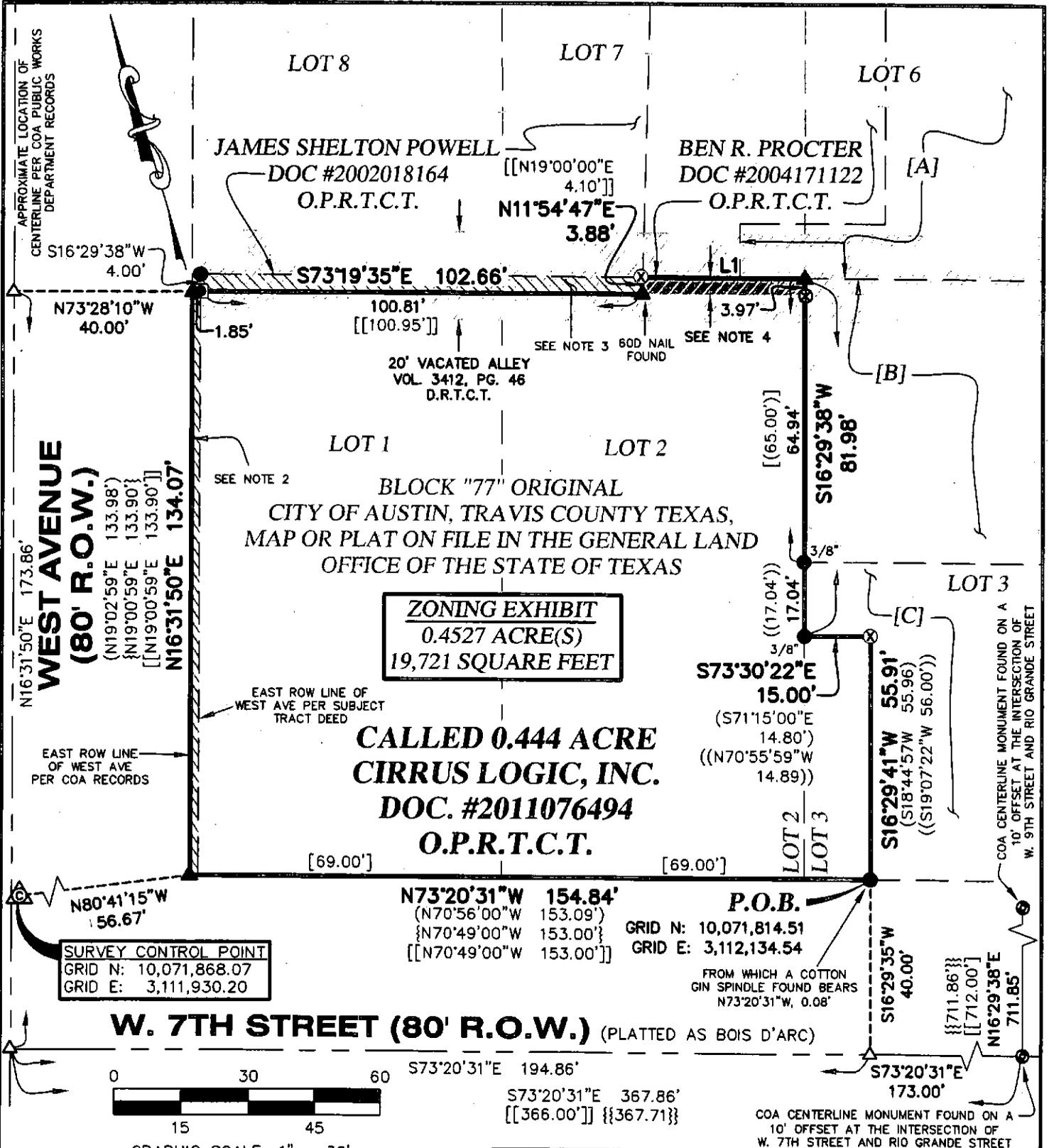
- 1) **S73°30'22"E**, a distance of **15.00** feet to a chiseled "X" in concrete found, and
- 2) **S16°29'41"W**, a distance of **55.91** feet to the **POINT OF BEGINNING** and containing 0.4527 Acre (19,721 Square Feet) more or less.

BEARING BASIS NOTE

All bearings are based on the Texas State Plane coordinate system, Grid North, Central Zone (4203), NAD83. All distances were adjusted to surface using a combined scale factor of 1.000060134576. Grid coordinates shown hereon were derived from the Texas Cooperative Network on May 2, 2014.


5/19/14
Jason Ward, RPLS #5811
4Ward Land Surveying, LLC





**ZONING EXHIBIT FOR
707 WEST AVENUE
City of Austin,
Travis County, Texas**



PO Box 90876, Austin Texas 78709
WWW.4WARDLS.COM (512) 537-2384
TBPLS FIRM #10174300

Date:	5/19/2014
Project:	00310
Scale:	1" = 30'
Reviewer:	JSW
Tech:	EAN
Field Crew:	JCR/KDL
Survey Date:	MAY 2014
Sheet:	1 OF 2

GENERAL NOTES:

1) THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A TITLE COMMITMENT AND WOULD BE SUBJECT TO ANY AND ALL EASEMENTS, CONDITIONS OR RESTRICTIONS THAT A CURRENT TITLE COMMITMENT MAY DISCLOSE.

2) A DISCREPANCY EXISTS BETWEEN THE EAST RIGHT-OF-WAY LINE OF WEST AVENUE, AS ESTABLISHED BY CITY OF AUSTIN CENTERLINE INFORMATION, AND THE WEST LINE OF THE SUBJECT TRACT, AS DEFINED IN THE DEED RECORDS AND OLD SURVEYS. THE GAP BETWEEN THE TWO IS APPROXIMATELY 1.8 FEET. OLD CITY OF AUSTIN FIELD BOOKS CALL FOR A BASE LINE AND A CENTERLINE AND THEY ALSO SHOW MONUMENTS SET OR FOUND APPROXIMATELY 1.9 FEET OFF OF THEIR BASE LINE OR CENTERLINE. IN ADDITION, SOME FIELD BOOKS SHOW A NOTE WITH AN ARROW POINTING TO THE CENTERLINE OR BASE LINE THAT READS: "DO NOT USE THIS LINE FOR PROPERTY SURVEYS ON WEST AVENUE". IT IS UNCLEAR WHETHER THE LINE BEING USED BY THE CITY OF AUSTIN TO CREATE THE CENTERLINE IN THIS AREA, IS ACTUALLY THE BASE LINE SHOWN ON THE FIELD BOOKS, OR THE ACTUAL CENTERLINE. MONUMENTATION FOUND AND SHOWN ON PREVIOUS SURVEYS OF THE SUBJECT TRACT, SUGGEST THE MONUMENTS ALONG THE RIGHT-OF-WAY OF WEST AVENUE, MATCH THE RIGHT-OF-WAY WIDTH REASONABLY WELL. HOWEVER, ACCORDING TO THE CITY OF AUSTIN ESTABLISHED CENTERLINE, THESE SAME MONUMENTS ARE OFF LINE APPROXIMATELY 1.8 FEET. SURVEYOR USED THE CENTERLINE ESTABLISHED BY THE CITY OF AUSTIN, TO RECREATE THE LOCATION OF THE EAST RIGHT-OF-WAY LINE OF WEST AVENUE, AND IS MATCHING THAT LOCATION FOR THE WEST LINE OF THE SUBJECT ZONING EXHIBIT.

3) THIS STRIP IS AN AREA OF UNKNOWN OWNERSHIP. IT MAY STILL BE VESTED IN THE LAND OWNER, THAT WAS THE CURRENT OWNER AT THE TIME THE ALLEY WAS VACATED. IT APPEARS THAT STRIP OF VACATED ALLEY IS BEING USED BY THE ADJOINING LAND OWNER TO THE NORTH. SURVEYOR DID NOT ABSTRACT OR RESEARCH THE TRACT FURTHER TO ASCERTAIN THE OWNERSHIP OF THAT STRIP.

4) THE LIMITS OF THE CIRRUS LOGIC TRACT DESCRIBED IN DOCUMENT #2011076494 DOES NOT INCLUDE THE RECTANGULAR HATCHED AREA SHOWN IN THE NORTHEAST CORNER OF THE SITE. THE PREVIOUS BOUNDARY DESCRIPTION FOR THE SITE DESCRIBED IN VOLUME 11165, PAGE 48 INCLUDES SAID HATCHED AREA, AND APPEARS TO AGREE WITH THE RECORD BOUNDARY DESCRIPTIONS OF THE ADJOINING TRACTS.

5) PROPERTY ADDRESS: 707 WEST AVENUE AUSTIN, TEXAS 78701

BEARING BASIS:

ALL BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, GRID NORTH, CENTRAL ZONE, (4203), NAD83 (CORS), ALL DISTANCES WERE ADJUSTED TO SURFACE USING A COMBINED SCALE FACTOR OF 1.000060134576.

[A]
PAUL PARSONS
VOL. 9168, PG. 992
R.P.R.T.C.T.

[B]
CALLED 8,970 S.F.
ROBINSON-MACKEN HOUSE, LP
DOC. # 2000112417
O.P.R.T.C.T.

[C]
BLOCK 77, LLC
DOC. # 2013153888
O.P.R.T.C.T.

LINE TABLE		
LINE #	DIRECTION	LENGTH
L1	S73°15'05"E	37.40'

Jason Ward
5/19/2014



LEGEND

- — — — — PROPERTY LINE
- - - - - EXISTING PROPERTY LINES
- - - - - EXISTING EASEMENTS
- 1/2" IRON ROD FOUND (UNLESS NOTED)
- ⊙ CENTERLINE MONUMENT FOUND
- ⊗ CHISELED "X" FOUND IN CONCRETE
- ⊠ IRON ROD WITH ILLEGIBLE CAP FOUND
- △ CALCULATED POINT
- ⊗ COTTON SPINDLE FOUND (CGS)
- ▲ CONCRETE NAIL FOUND (UNLESS NOTED)
- ⊙ SURVEY CONTROL POINT
- P.O.B. POINT OF BEGINNING
- DOC. # DOCUMENT NUMBER
- VOL./PG. VOLUME, PAGE
- R.O.W. RIGHT-OF-WAY
- R.P.R.T.C.T. REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS
- O.P.R.T.C.T. OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS
- D.R.T.C.T. DEED RECORDS, TRAVIS COUNTY, TEXAS
- (.....) RECORD INFORMATION PER DOC. #2011076494
- [.....] RECORD INFORMATION PER GLO MAP
- {.....} RECORD INFORMATION PER VOL. 5547, PG. 2036
- {{.....}} RECORD INFORMATION PER COA PUBLIC WORKS RECORDS
- ((.....)) RECORD INFORMATION PER DOC. #2013153888
- [[.....]] RECORD INFORMATION PER VOL. 11165, PG. 148
- [{.....}] RECORD INFORMATION PER DOC. #2000112417

**ZONING EXHIBIT OF
707 WEST AVENUE
City of Austin,
Travis County, Texas**

4WARD
Land Surveying
A Limited Liability Company
PO Box 90876, Austin Texas 78709
WWW.4WARDLS.COM (512) 537-2384
TBPLS FIRM #10174300

Date:	5/19/2014
Project:	00310
Scale:	1" = 30'
Reviewer:	JSW
Tech:	EAN
Field Crew:	JCR/KDL
Survey Date:	MAY 2014
Sheet:	2 OF 2



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

ZONING
CASE#: C14-2013-0147



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.

1" = 200'

This product has been produced by CTM for the sole purpose of geograph by the City of Austin regarding specific accuracy or completeness.

Exhibit B