

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 710 EAST 41<sup>ST</sup> STREET IN THE HANCOCK NEIGHBORHOOD PLAN AREA FROM COMMUNITY COMMERCIAL-MIXED USE-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (GR-MU-CO-NP) COMBINING DISTRICT TO COMMUNITY COMMERCIAL-MIXED USE-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (GR-MU-CO-NP) COMBINING DISTRICT FOR TRACTS 1 AND 2; FROM COMMUNITY COMMERCIAL-MIXED USE-CONDITIONAL OVERLAY-HISTORIC LANDMARK-NEIGHBORHOOD PLAN (GR-MU-CO-H-NP) COMBINING DISTRICT TO COMMUNITY COMMERCIAL-MIXED USE-CONDITIONAL OVERLAY-HISTORIC LANDMARK-NEIGHBORHOOD PLAN (GR-MU-CO-H-NP) COMBINING DISTRICT FOR TRACT 1A.

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 on the property (the "Property") described in Zoning Case No. C14-2014-0064, on file at the Planning and Development Review Department, as follows:

TRACT 1:

community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district to community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district.

A 2.74 acre tract of land, more or less, being a portion of Outlot 14, Division "C" of the government outlots, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance.

TRACT 2:

From community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district to community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district.

A 1.73 acre tract of land, more or less, being a portion of Outlot 14, Division "C" of the government outlots, the tract of land being more particularly described by metes and bounds in Exhibit "B" incorporated into this ordinance.

1       **TRACT 1A:**

2       from community commercial-mixed use-conditional overlay-historic landmark-  
3       neighborhood plan (GR-MU-CO-H-NP) combining district to community  
4       commercial-mixed use-conditional overlay-historic landmark-neighborhood plan  
5       (GR-MU-CO-H-NP) combining district.  
6

7       A 1.21 acre tract of land, more or less, being a portion of Outlot 14, Division "C"  
8       of the government outlots, the tract of land being more particularly described by  
9       metes and bounds in Exhibit "C" incorporated into this ordinance.  
10

11       locally known as 710 East 41<sup>st</sup> Street in the City of Austin, Travis County, Texas, and  
12       generally identified in the map attached as Exhibit "D".  
13

14       **PART 2.** Except as specifically provided in Part 3 and Part 4 of this ordinance, the  
15       Property may be developed and used in accordance with the regulations established for the  
16       community commercial (GR) base district and other applicable requirements of the City  
17       Code.  
18

19       **PART 3.** The Property within the boundaries of the conditional overlay combining district  
20       established by this ordinance is subject to the following conditions:  
21

22       The following apply to Tracts 1, 1A and 2.  
23

- 24       A.     A site plan or building permit for the Property may not be approved, released,  
25             or issued, if the completed development or uses of the Property, considered  
26             cumulatively with all existing or previously authorized development and uses,  
27             generate traffic that exceeds 2,000 trips per day for the combined tracts.  
28
- 29       B.     Development of the Property may not exceed an impervious coverage of 45  
30             percent.  
31
- 32       C.     The maximum height, as defined by City Code, of a building or structure on the  
33             property may not exceed two stories or 30 feet.  
34
- 35       D.     The following uses are prohibited uses of the Property:  
36

Administrative and business offices	Automotive rentals
Automotive repair services	Automotive sales
Automotive washing (of any type)	Bail bond services
Business or trade school	Business support services

Commercial off-street parking  
Consumer convenience services  
Drop off recycling collection facility  
Financial services  
Food sales  
General retail sales (convenience)  
Indoor sports and recreation  
Medical offices (exceeding 5,000  
sq. ft. gross floor area)  
Outdoor sports and recreation  
Pet services  
Professional office  
Restaurant (limited)  
Software development  
College and university facilities  
Community events  
Community recreation (public)  
Cultural services  
Day care services (limited)  
Guidance services  
Local utility services  
Public secondary educational  
facilities  
Safety services

Communications services  
Consumer repair services  
Exterminating services  
Food preparation  
Funeral services  
General retail sales (general)  
Off-site accessory parking  
Medical offices (not exceeding  
5,000 sq. ft. gross floor area)  
Pawn shop services  
Printing and publishing  
Research services  
Service station  
Theater  
Communication service facilities  
Community recreation (private)  
Counseling services  
Day care services (commercial)  
Duplex residential  
Hospital services (limited)  
Public primary educational facilities  
Residential treatment

1  
2 The following applies to Tract 1:  
3

- 4 A. Vehicular access from Tract 1 to 41<sup>st</sup> Street is prohibited, except for pedestrian,  
5 bicycle and emergency ingress and egress. All vehicular access to Tract 1 shall  
6 be from other adjacent public streets or through other adjacent property.  
7 and 53 feet
- 8 B. Only residential uses are permitted within 75 feet of the north zoning boundary  
9 line beginning at the western edge of Tract 1 and ending at the shared lot line of  
10 Lots 32 and 33, Block 23, Perry Estates Subdivision, Book 3, Page 52, of the  
11 Plat Records of Travis County, Texas, as depicted on Exhibit "E".

12 for those portions of Tract 1,  
13

B. Vehicular access from Tract 2 to East 41st Street is limited to residential uses, except for pedestrian, bicycle, and emergency ingress and egress. All non-residential vehicular access to Tract 2 shall be from other adjacent public streets or through other adjacent property.

The following applies to Tract 2:

- A. Only residential uses are allowed within 175 feet of the northern zoning boundary line as depicted on Exhibit "E", SAVE AND EXCEPT underground parking is permitted no closer than 75 feet to the northern zoning boundary line.

The following applies to Tracts 1 and 2:

- A. Development of Tracts 1 and 2 may not exceed a total of 75 residential units or hotel units. No more than 55 of the total units may be hotel units and no more than 20 hotel units may be located on Tract 2.
- B. A short term rental (type 2) use and short term rental (type 3) use are prohibited uses of the Property.

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

**PART 4.** The Property is subject to Ordinance No. 040826-59 that established the Hancock neighborhood plan combining district.

**PART 5.** This ordinance takes effect on \_\_\_\_\_, 2014.

**PASSED AND APPROVED**

§  
§  
§

\_\_\_\_\_, 2014

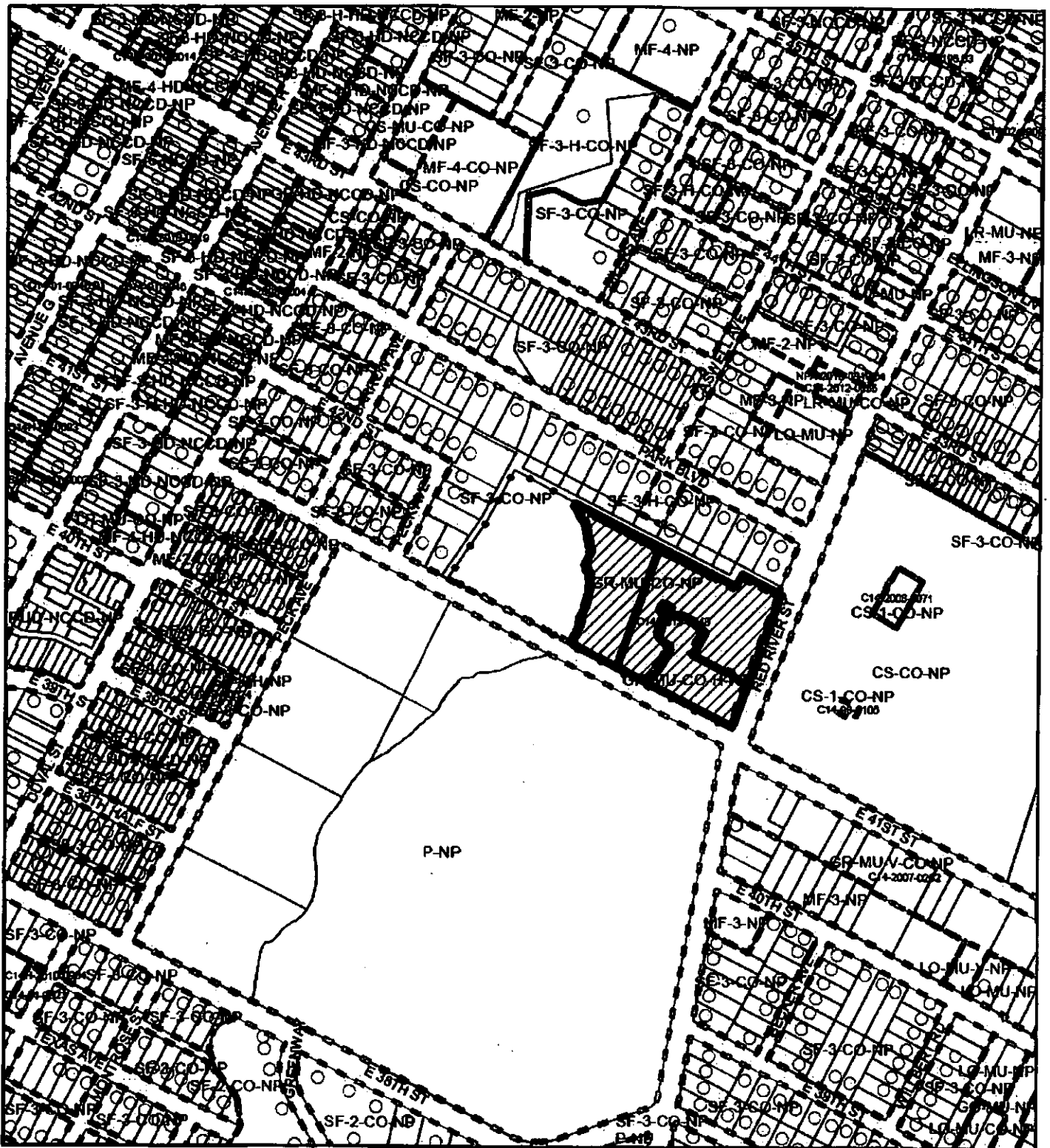
Lee Leffingwell  
Mayor

**APPROVED:**

Karen M. Kennard  
City Attorney

**ATTEST:**

Jannette S. Goodall  
City Clerk



- SUBJECT TRACT
- PENDING CASE
- ZONING BOUNDARY

**ZONING**  
**ZONING CASE#: C14-2014-0064**

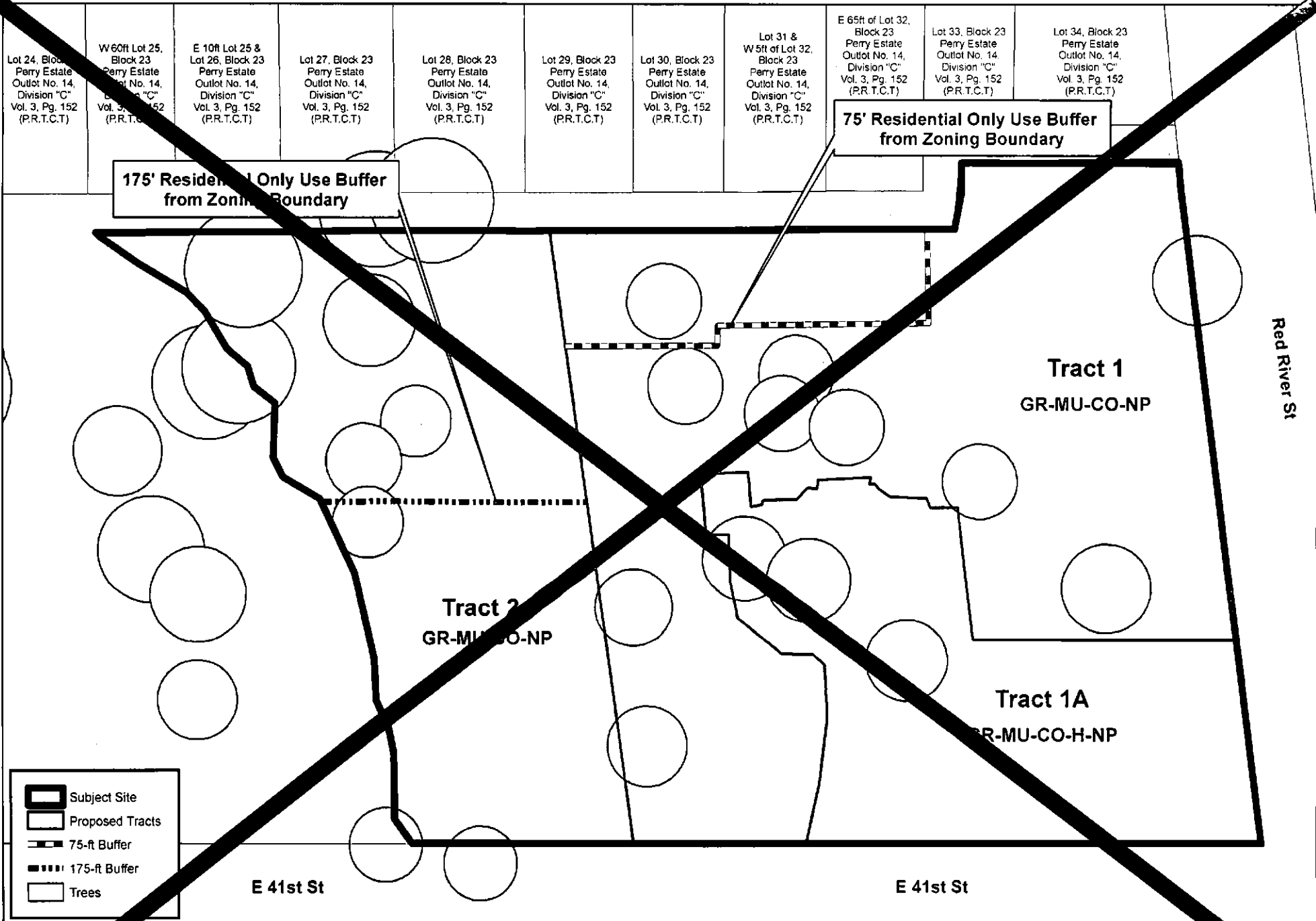
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1" = 400'

Exhibit D

**Zoning Map**



**Proposed Zoning Exhibit**  
Perry Estate - Rezoning  
Austin, Travis County, Texas



2021 East 5th Street, Suite 110  
Austin, Texas 78701  
512.669.5560  
WWW.BIGREDDOG.COM

