

ORDINANCE NO. _____

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 1809 WEST 35TH STREET IN THE CENTRAL WEST AUSTIN COMBINED NEIGHBORHOOD PLAN AREA FROM LIMITED OFFICE-MIXED USE-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (LO-MU-CO-NP) COMBINING DISTRICT TO LIMITED OFFICE-MIXED USE-CONDITIONAL OVERLAY-DENSITY BONUS 90-NEIGHBORHOOD PLAN (LO-MU-CO-DB90-NP) 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 limited office-mixed use-conditional overlay-neighborhood plan (LO-MU-CO-NP) combining district to limited office-mixed use-conditional overlay-density bonus 90-neighborhood plan (LO-MU-CO-DB90-NP) combining district on the property described in Zoning Case No. C14-2024-0059, on file at the Planning Department, as follows:

A 0.27 acre tract of land, being all of LOT 1 and the east 6 feet of LOT 2, BLOCK 10, CAMP MABRY ACRES, a subdivision in Travis County, Texas, according to the map or plat thereof as recorded in Volume 3, Page 10, of the Plat Records of Travis County, Texas, and being that same tract conveyed by deed recorded in Document No. 2020029476, Official Public Records of Travis County, Texas, said 0.27 acre tract of land being more particularly described by metes and bounds in **Exhibit "A"** incorporated into this ordinance (the "Property"),

locally known as 1809 West 35th Street in the City of Austin, Travis County, Texas, 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) For any commercial permitted uses on the Property that include an outdoor seating area elevated above one story or 15 feet as measured from ground level, the elevated seating area is limited to 2,500 square feet. This condition shall not apply to residential uses.

40 (B) A 5-foot wide vegetative buffer shall be provided and maintained along the
41 south property lines. Any trees planted in the vegetative buffer shall be
42 compatible with utilities and have a spacing of 20 feet. Improvements permitted
43 within the vegetative buffer area are limited to drainage, underground utility
44 improvements, or those improvements that may be otherwise required by the
45 City of Austin or specifically authorized in this ordinance.
46

47 **PART 3.** The Property may be developed in compliance and used in accordance with the
48 regulations established for density bonus 90 (DB90) combining district and other
49 applicable requirements of the City Code.
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51 **PART 4.** Except as specifically restricted under this ordinance, the Property may be
52 developed and used in accordance with the regulations established for the limited office
53 (LO) base district, the mixed use combining district, and other applicable requirements of
54 the City Code.
55

56 **PART 5.** Except as specifically modified by this ordinance, the Property is subject to
57 Ordinance No. 20100923-103 that established zoning for the Windsor Road Neighborhood
58 Plan.
59

60 **PART 6.** This ordinance takes effect on _____, 2024.
61

62 **PASSED AND APPROVED**

63
64 §
65 §
66 _____, 2024 § _____
67

Kirk Watson
Mayor

70
71 **APPROVED:** _____ **ATTEST:** _____
72

Deborah Thomas
Acting City Attorney

Myrna Rios
City Clerk

EXHIBIT "A"

METES & BOUNDS DESCRIPTION Exhibit 'A'

A 0.27 ACRE TRACT BEING ALL OF LOT 1 AND THE EAST SIX FEET (6') OF LOT 2, BLOCK 10, CAMP MABRY HEIGHTS, ACCORDING TO MAP OR PLAT THEREOF RECORDED IN VOLUME 3, PAGE 10, MAP/PLAT RECORDS OF TRAVIS COUNTY, TEXAS, BEING THE SAME TRACT AS DEEDED FROM FIDDLER'S GREEN MUSIC SHOP, LLC TO PALINDROME, LLC IN DOCUMENT NO. 2020029476, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING at a ½" iron rod found in the southerly R.O.W. line of W. 35th St. (a Variable Width R.O.W., platted State Street, a 60' R.O.W.) marking the northwest corner of a tract known as a portion of 1 acres in a deed to Ray A. Zvonek recorded in Vol. 12387, Pg. 401, Deed Records of Travis County, Texas, the northeast corner of a tract known as a 50' X 215' tract in a deed to Betty R. Brady recorded in Vol. 7919, Pg. 530, Deed Records of Travis County, Texas;

THENCE along and with said R.O.W. line, N 75°52'51" W, 50.00 feet to a capped ½" iron rod set for the northeast corner and **POINT OF BEGINNING** of the herein described tract, the northwest corner of said Brady Tract the northeast corner of said Lot 1;

THENCE along and with the west line of said Brady Tract, same being the east line of the herein described tract, S 26°59'52" W, 218.29 feet (216.6 feet, record) to a point of reference for the southeast corner of the herein described tract, the southeast corner of said Lot 1, a point on the north line of Lot 4, Bryker Woods "E", according to plat thereof recorded in Vol. 4, Pg. 104, Plat Records of Travis County, Texas, from which a fence corner post is found bearing S 41°49'13" W, 140 feet for witness;

THENCE along and with the north line of said Lot 4, same being the south line of the herein described tract, N 76°20'35" W, at a distance of 47.71 feet passing a ½" iron rod found marking the northeast corner of a tract known as Lot 3 and the west 5 feet of Lot 4, said Bryker Woods "E" subdivision, as described in a deed to Diane Connell recorded in Doc. No. 2021104347, Official Public Records of Travis County, Texas, a total distance of 55.34 feet (N 73°55' W, record) to a capped ½" iron rod set for the southwest corner of the herein described tract, the southeast corner of a tract known as a portion of Lots 2, 3, and 4 in a deed to Katherine Armstrong recorded in Doc. No. 2004165332, Official Public Records of Travis County, Texas;

THENCE along and with the east line of said Armstrong Tract, into and across said Lot 2, same being the west line of the herein described tract, N 26°59'52" E, at a distance of 40.48 feet passing a ½" pipe found marking the northeast corner of said Armstrong Tract, the southeast corner of a called 0.245 acre tract described in a deed to Besties LLC recorded in Doc. No. 2012049377, Official Public Records of Travis County, Texas, at a distance of 212.61 feet passing a ½" iron rod found for the northeast corner of said Besties Tract, a point in the southerly R.O.W. line of W. 35th Street, from which a ½" iron rod at the intersection of the easterly R.O.W. line of Oakmont Blvd. and the southerly R.O.W. line of said W. 35th St. marking the northwest corner of a called 0.272 acre tract as described in a deed to VTF Holding, LLC recorded in Doc. No. 2017198665, Official Public Records of Travis County, Texas, is found bearing N 75°36'57" W, 143.27 feet for reference, a total of 218.74 feet to a capped ½" iron rod set for the northwest corner of the herein described tract;

THENCE along and with the southerly R.O.W. line of said W. 35th Street, same being the north line of the herein described tract, S 75°52'51" E, 55.24 feet to the **POINT OF BEGINNING** and containing 0.27 acres, more or less.

Basis of Bearing: Texas Central Zone, NAD 83
All set ½" iron rods capped with "Amerisurveyors" cap.

STATE OF TEXAS §

December 20, 2021

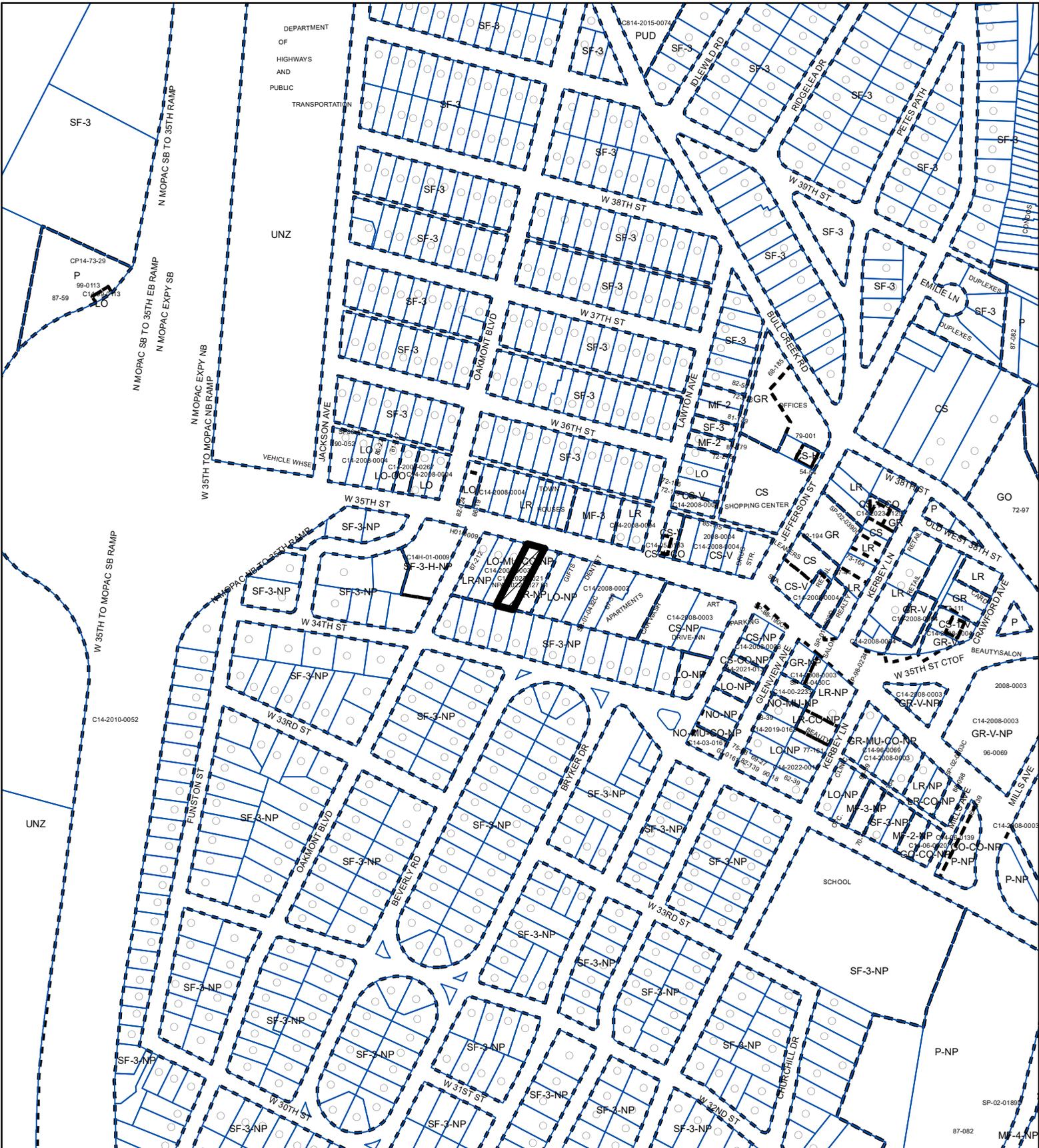
COUNTY OF HAYS §

It is hereby certified that the above description was prepared from an actual survey on the ground of the described tract made under my supervision.



Aaron Micah Reynolds,
Registered Professional Land Surveyor
Registration No. 6644





ZONING

EXHIBIT "B"

ZONING CASE#: C14-2024-0059

-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY



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 the Planning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

1" = 400'

Created: 4/12/2024