

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

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

17  
18 A 0.27 acre tract of land, being all of LOT 1 and the east 6 feet of LOT 2, BLOCK  
19 10, CAMP MABRY ACRES, a subdivision in Travis County, Texas, according to  
20 the map or plat thereof as recorded in Volume 3, Page 10, of the Plat Records of  
21 Travis County, Texas, and being that same tract conveyed by deed recorded in  
22 Document No. 2020029476, Official Public Records of Travis County, Texas, said  
23 0.27 acre tract of land being more particularly described by metes and bounds in  
24 **Exhibit "A"** incorporated into this ordinance (the "Property"),

25  
26 locally known as 1809 West 35th Street in the City of Austin, Travis County, Texas,  
27 generally identified in the map attached as **Exhibit "B"**.

28  
29 **PART 2.** The Property within the boundaries of the conditional overlay combining district  
30 established by this ordinance is subject to the following conditions:

- 31  
32 (A) For any commercial permitted uses on the Property that include an outdoor  
33 seating area elevated above one story or 15 feet as measured from ground level,  
34 the elevated seating area is limited to 2,500 square feet. This condition shall not  
35 apply to residential uses.  
36  
37  
38  
39

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.** When a site abuts a principal street, 75 percent of the building frontage must be  
48 designed for one or more commercial or civic uses and must comply with the dimensional  
49 requirements found in Section 4.3.3.C in Subchapter E (*Design Standards and Mixed Use*).  
50

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

Anne L. Morgan  
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. 35<sup>th</sup> 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. 35<sup>th</sup> 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. 35<sup>th</sup> 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. 35<sup>th</sup> 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        §  
  
COUNTY OF HAYS     §

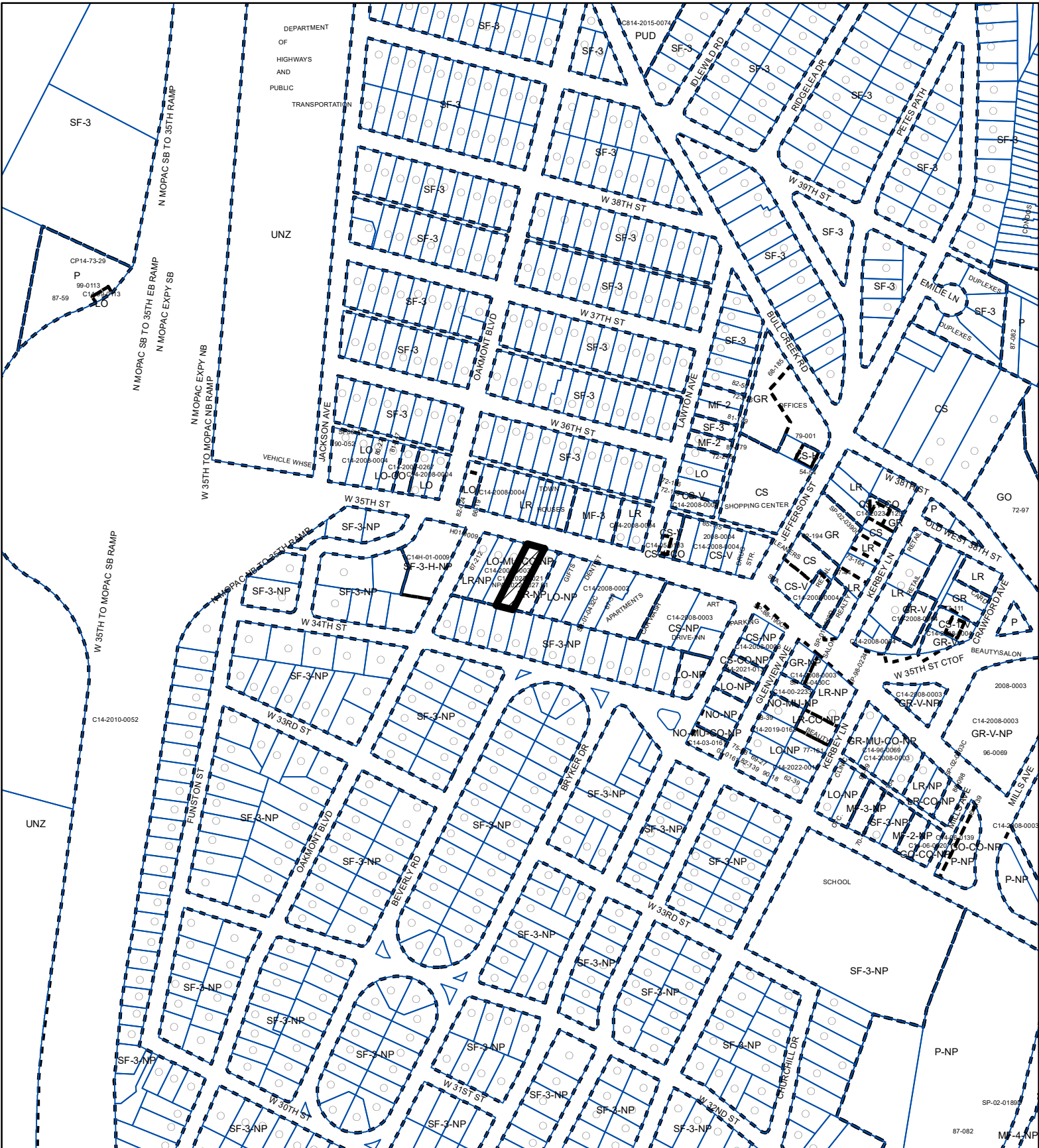
December 20, 2021

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.

1" = 400'

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.

Created: 4/12/2024