

ORDINANCE NO. 20070503-058

AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING FOR THE PROPERTY LOCATED AT 3801-4001 BLOCK OF BEN GARZA LANE AND CHANGING THE ZONING MAP FROM INTERIM RURAL RESIDENCE (I-RR) DISTRICT, DEVELOPMENT RESERVE (DR) DISTRICT, AND SINGLE FAMILY RESIDENCE STANDARD LOT (SF-2) DISTRICT TO COMMUNITY COMMERCIAL-MIXED USE-CONDITIONAL OVERLAY (GR-MU-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 interim rural residence (I-RR) district, development reserve (DR) district, and single family residence standard lot (SF-2) district to community commercial-mixed use-conditional overlay (GR-MU-CO) combining district on the property described in Zoning Case No C14-06-0197, on file at the Neighborhood Planning and Zoning Department, as follows

A 7 695 acre tract of land, more or less, out of the Thomas Anderson League, Survey No 17, in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance, and

A 1 55 acre tract of land, more or less, out of the Thomas Anderson League, Survey No 17, in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "B" incorporated into this ordinance (the "Property"),

locally known as 3801-4001 Ben Garza Lane, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "C"

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 following uses are prohibited uses of the Property

Automotive rentals

Automotive sales

Exterminating services

Pawn shop services

Automotive repair services

Automotive washing (of any type)

Funeral services

Service station

B 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

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 and other applicable requirements of the City Code

PART 3. This ordinance takes effect on May 14, 2007

PASSED AND APPROVED

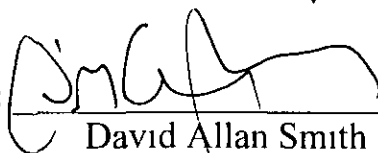
_____, May 3 _____, 2007

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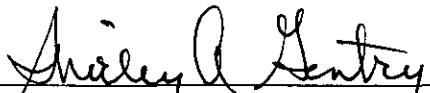
Will Wynn
Mayor

APPROVED:



David Allan Smith
City Attorney

ATTEST:



Shirley A Gentry
City Clerk

EXHIBIT "A"

Page 1 of 2

7 695 Acre Tract
Thomas Anderson League, Survey No 17
Travis County, Texas

DESCRIPTION

DESCRIPTION OF 7 695 ACRES OF LAND SITUATED IN THE THOMAS ANDERSON LEAGUE, SURVEY NO 17 IN TRAVIS COUNTY, TEXAS, BEING ALL OF THAT CERTAIN TRACT OF LAND DESCRIBED IN DEED TO EARL C MCCOMIS, TRUSTEE OF THE EARL C MCCOMIS REVOCABLE LIVING TRUST OF RECORD IN DOCUMENT NO 2003121796, OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAVE AND EXCEPT THAT CERTAIN TRACT OF LAND SAID TO CONTAIN 0 333 OF ONE ACRE OF LAND DESCRIBED IN DEED TO EARL C MCCOMIS, TRUSTEE OF THE EARL C MCCOMIS REVOCABLE LIVING TRUST IN DOCUMENT NO 2003121793, OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAVE AND EXCEPT THAT CERTAIN TRACT OF LAND SAID TO CONTAIN 0 348 OF ONE ACRE OF LAND DESCRIBED IN DEED TO EARL C MCCOMIS, TRUSTEE OF THE EARL C MCCOMIS REVOCABLE LIVING TRUST IN DOCUMENT NO 2003121792, OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAVE AND EXCEPT THAT CERTAIN TRACT OF LAND SAID TO CONTAIN 0 333 OF ONE ACRE OF LAND DESCRIBED IN DEED TO RANCHO GARZA II, LTD IN DOCUMENT NO 2004163680, OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND SAVE AND EXCEPT THAT CERTAIN TRACT OF LAND SAID TO CONTAIN 0 348 OF ONE ACRE OF LAND DESCRIBED IN DEED TO RANCHO GARZA II, LTD IN DOCUMENT NO 2004163680, OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 7 695 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS

The courses and distances shown hereon are based on record data contained in Document No 2003121796, of the Official Public Records of Travis County, Texas

BEGINNING at a point in the north line of that certain tract of land said to contain 1 55 acres of land, described in deed to Earl C McComis, Trustee of The Earl C McComis Revocable Living Trust in Document No 2003121796, of the Official Public Records of Travis County, Texas, for the southeast corner of Section 1, Tract A, Garza Place Subdivision of record in Volume 43, Page 21 of the Plat Records of Travis County, Texas, for the easternmost northeast corner of Lot 1, Block D, Garza Ranch Subdivision of record in Volume 90, Page 4 of the Plat Records of Travis County, Texas, for the southwest corner and POINT OF BEGINNING of the herein described tract,

THENCE with a east line of said Section 1, Tract A, and the west line of the herein described tract, N30°09'E a distance of 360 35 feet to an ell point in the south right-of-way line of Ben Garza Lane (right-of-way varies) described in Volume 3513, Page 459 of the Deed Records of Travis County, Texas, for the northwest corner of the herein described tract,

THENCE with the south right-of-way line of said Ben Garza Lane, and the north line of the herein described tract, S60°00'E a distance of 927 80 feet to an ell point in the south right-of-way line of said Ben Garza Lane, for the northeast corner of that certain tract of land said to contain 0 333 of one acre of land, said Rancho Garza II, Ltd , for the northeast corner of the herein described tract,

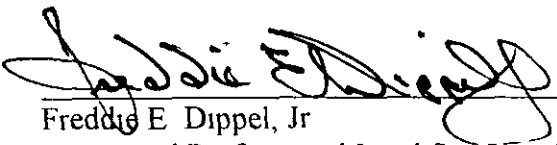
THENCE with the east line of said 0 333 of one acre of land tract, the south right-of-way line of said Ben Garza Lane, and the east line of the herein described tract, S29°24'W a distance of 360 42 feet to a point in the north line of that certain tract of land said to contain 0 192 of one acre of land described in deed to Rancho Garza II, Ltd in Volume 5091, Page 194 of the Deed Records of Travis County, Texas, for the southeast corner of that certain tract of land said to contain 0 348 of one acre of land, said Rancho Garza II, Ltd , and the southwest corner of Lot 1, Garza Brodie Subdivision of record in Document No 200300328 of the Official Public Records of Travis County, Texas, for the southeast corner of the herein described tract,

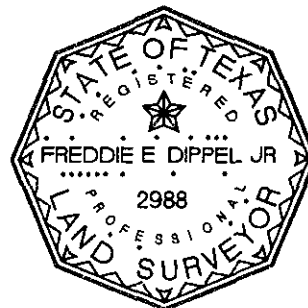
THENCE with the north line of said 0 192 of one acre of land tract, the south line of said 0 348 of one acre of land tract, and the south line of the herein described tract, N60°00'W a distance of 932 42 feet to the POINT OF BEGINNING, containing 7 695 acres of land, more or less, within these metes and bounds

Reference is herein made to the sketch companying this metes and bounds description

This Document was prepared under 22 TAC §663 21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared

CUNNINGHAM-ALLEN, INC


Freddie E Dippel, Jr
Registered Professional Land Surveyor No 2988
Date 10-8-06



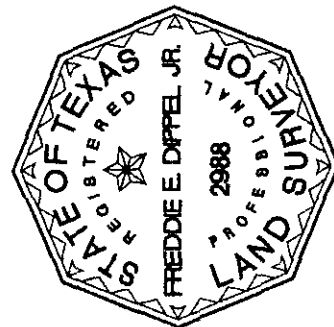
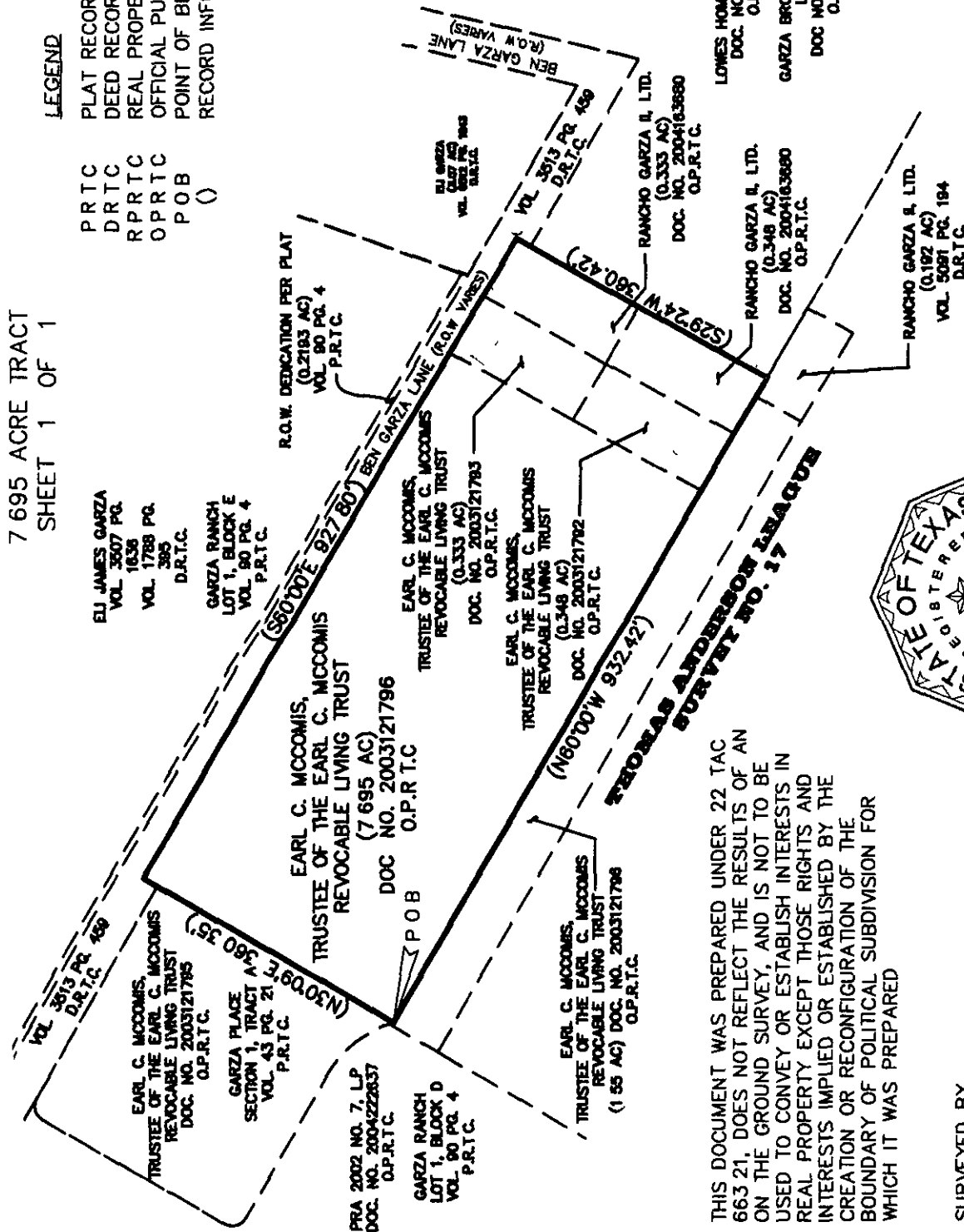
SKETCH TO ACCOMPANY DESCRIPTION

7.695 ACRE TRACT
SHEET 1 OF 1

SCALE 1" = 200'

LEGEND

P.R.T.C. PLAT RECORDS TRAVIS COUNTY
D.R.T.C. DEED RECORDS OF TRAVIS COUNTY
R.P.R.T.C. REAL PROPERTY RECORDS OF TRAVIS COUNTY
O.P.R.T.C. OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY
P.O.B. POINT OF BEGINNING
() RECORD INFORMATION



THIS DOCUMENT WAS PREPARED UNDER 22 TAC 66.321, DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTERESTS IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED

SURVEYED BY

Freddie E. Dippel, Jr.
FREDDIE E. DIPPEL, JR.
REG. PROF. LAND SURVEYOR
NO. 2988
DATE 10-3-06

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Cunningham | Allen

Engineers • Surveyors

3103 Bee Cave Road, Suite 202
Austin, Texas 78746-6819
Tel (512) 327-2946
Fax (512) 327-2973

DESCRIPTION

DESCRIPTION OF 1.55 ACRES OF LAND SITUATED IN THE THOMAS ANDERSON LEAGUE, SURVEY NO. 17 IN TRAVIS COUNTY, TEXAS, BEING THAT CERTAIN TRACT OF LAND DESCRIBED IN DEED TO EARL C. MCCOMIS, TRUSTEE OF THE EARL C. MCCOMIS REVOCABLE LIVING TRUST OF RECORD IN DOCUMENT NO. 2003121796, OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAVE AND EXCEPT THAT CERTAIN TRACT OF LAND SAID TO CONTAIN 0.192 OF ONE ACRE OF LAND DESCRIBED IN DEED TO RANCHO GARZA II, LTD. IN VOLUME 5091, PAGE 194, OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, SAID 1.55 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

The courses and distances shown hereon are based on record data contained in Document No. 2003121796, of the Official Public Records of Travis County, Texas.

BEGINNING at a point for the westernmost northeast corner of Lot 1, Block D, Garza Ranch Subdivision of record in Volume 90, Page 4 of the Plat Records of Travis County, Texas, and for the northwest corner and POINT OF BEGINNING of the herein described tract,

THENCE with the south line of that certain tract of land said to contain 7.695 acres of land, described in deed to Earl C. McComis, Trustee of The Earl C. McComis Revocable Living Trust in Document No. 2003121796, of the Official Public Records of Travis County, Texas, and the north line of the herein described tract, S60°00'E a distance of 1037.55 feet to a point in the south line of Lot 1, Garza Brodie Subdivision of record in Document No. 200300328 of the Official Public Records of Travis County, Texas, an ell point in the north line of H E B / #23 Subdivision of record in Volume 100, Page 327 of the Plat Records of Travis County, Texas, and the northeast corner of said Rancho Garza II, Ltd. tract, for the northeast corner of the herein described tract,

THENCE with the east line of said Rancho Garza II, Ltd. tract, a west line of said H E B / #23 Subdivision, and the east line of the herein described tract, S30°00'W a distance of 65.00 feet to an ell point in the north line of said H E B / #23 Subdivision, and the southeast corner of said Rancho Garza II, Ltd. tract, for the southeast corner of the herein described tract,

THENCE with the south line of said Rancho Garza II, Ltd. tract, the north line of said H E B / #23 Subdivision, and the south line of the herein described tract, N60°00'W a distance of 1037.55 feet to a point in the east line of said Lot 1, Block D, and the northwest


corner of said H E B / #23 Subdivision, for the southwest corner of the herein described tract,

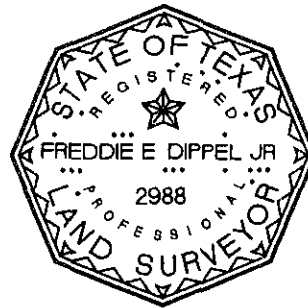
THENCE with the east line of said Lot 1, Block D, and the west line of the herein described tract, N30°00'E a distance of 65.00 feet to the POINT OF BEGINNING, containing 1.55 acres of land, more or less, within these metes and bounds

Reference is herein made to the sketch accompanying this metes and bounds description

This Document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared

CUNNINGHAM-ALLEN, INC


Freddie E. Dippel, Jr.
Registered Professional Land Surveyor No. 2988
Date 10-3-06



SKETCH TO ACCOMPANY DESCRIPTION

1.55 ACRE TRACT
SHEET 1 OF 1

LEGEND

P R T C PLAT RECORDS TRAVIS COUNTY
D R T C DEED RECORDS OF TRAVIS COUNTY
R P R T C REAL PROPERTY RECORDS OF TRAVIS COUNTY
O P R T C OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY
P O B POINT OF BEGINNING
() RECORD INFORMATION

SCALE 1" = 200



Cunningham | Allen
Engineers • Surveyors

3103 Bee Cave Road, Suite 202
Austin, Texas 78746-6819
Tel (512) 327-2946
Fax (512) 327-2973

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SURVEYED BY

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