

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

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 1210 GOBI DRIVE FROM NEIGHBORHOOD COMMERCIAL-MIXED USE-CONDITIONAL OVERLAY (LR-MU-CO) COMBINING DISTRICT AND LIMITED OFFICE-MIXED USE-CONDITIONAL OVERLAY (LO-MU-CO) COMBINING DISTRICT TO NEIGHBORHOOD COMMERCIAL-MIXED USE-CONDITIONAL OVERLAY (LR-MU-CO) COMBINING DISTRICT FOR TRACT ONE AND LIMITED OFFICE-MIXED USE-CONDITIONAL OVERLAY (LO-MU-CO) COMBINING DISTRICT FOR TRACT TWO.

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 described in File C14-07-0017, as follows:

Tract One: From neighborhood commercial-mixed use-conditional overlay (LR-MU-CO) combining district to neighborhood commercial-mixed use-conditional overlay (LR-MU-CO) combining district.

A 3.46 acre tract of land, more or less, out of the William Cannon League Survey No. 19, Abstract No. 6, in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance, and

Tract Two: From limited office-mixed use-conditional overlay (LO-MU-CO) combining district to limited office-mixed use-conditional overlay (LO-MU-CO) combining district.

A 1.71 acre tract of land, more or less, out of the William Cannon League Survey No. 19, Abstract No. 6, 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 the property located at 1210 Gobi Drive, 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. 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 1,000 trips per day.
- B. Vehicular access from the Property to Gobi Drive is limited to right-hand turn out driveway.
- C. For a residential use the minimum lot size is 3,600 square feet.
- D. Drive through services is prohibited as an accessory use to a commercial use.
- E. The following commercial uses are prohibited:
  - Service station
  - Food sales
  - Plant nursery
  - Restaurant (limited)
  - College or university facilities
  - Custom manufacturing
  - Guidance services
  - General retail sales (convenience)
  - Off-site accessory parking
  - Convalescent services
  - Club or lodge
  - Residential treatment

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

**PART 3.** This ordinance takes effect on \_\_\_\_\_, 2007.

**PASSED AND APPROVED**

\_\_\_\_\_, 2007      § \_\_\_\_\_  
   § \_\_\_\_\_  
   § \_\_\_\_\_  
   Will Wynn  
   Mayor

**APPROVED:** \_\_\_\_\_ **ATTEST:** \_\_\_\_\_  
                         David Allan Smith                           Shirley A. Gentry  
                         City Attorney     City Clerk

C14-07-0017  
TRACT 1

**PROFESSIONAL SURVEYORS, INC.**

1904 FORTVIEW ROAD  
AUSTIN, TEXAS 787074  
TELEPHONE: (512) 442-0990  
FACSIMILE: (512) 442-1084

February 22, 2001

DESCRIPTION OF 3.46 ACRES OF LAND OUT OF THE WILLIAM CANNON LEAGUE ABSTRACT NO. 6 SURVEY NO. 19 IN TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF THAT CERTAIN TRACT OF LAND CONVEYED TO MARNATHA BAPTIST TEMPLE BY DEED RECORDED IN DOCUMENT NO. 2000031251 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a point in the south right-of-way line of West Stassney Lane at the Northeast corner of that certain tract of land conveyed to Mamatha Baptist Temple by deed recorded in Document No. 2000031251 of the Official Public Records of Travis County, Texas, and being the Northeast corner and PLACE OF BEGINNING of the herein described tract of land;

THENCE with the east line of said Mamatha tract, S 29 deg. 40' 15" W 312.24 ft. to the Southeast corner of this tract, and from which the Southeast corner of said Mamatha tract bears S 29 deg. 40' 15" W 181.68 ft.;

THENCE crossing the interior of said Mamatha tract; N 60 deg. 19' 45" W 521.68 ft. to a point in the east right-of-way line of Gobi Lane, at the Southwest corner of this tract, and from which a point of curvature bears S 30 deg. 00' 00" W 45.50 ft.;

THENCE with the east right-of-way line of Gobi Lane, the following two courses:

- 1) N 30 deg. 00' 00" E 253.03 ft. to a point of curvature;
- 2) with a curve to the right, having a radius of 15.00 ft., an arc length of 21.16 ft, and a chord bearing N 72 deg. 20' 00" E 20.20 ft. to a point in the south right-of-way line of Stassney Lane at the Northwest corner of said Mamatha tract, and being the Northwest corner of this tract;

THENCE with the south right-of-way line of West Stassney Lane, S 65 deg. 20' 00" E 508.47 ft. to the Place of Beginning, containing 3.46 Acre of land.

SURVEYED: November 1982 by J. Leroy Bush, Registered Professional Land Surveyor No. 1828, Bush Surveying, Inc.

PREPARED: February 22, 2001

BY:



Holt Carson

Registered Professional Land Surveyor No. 5166

see sketch c285036



EXHIBIT A

C14-07-0017  
TRACT 2

1904 FORTVIEW ROAD  
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DESCRIPTION OF 1.71 ACRES OF LAND OUT OF THE WILLIAM CANNON LEAGUE ABSTRACT NO. 6 SURVEY NO. 19 IN TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF THAT CERTAIN TRACT OF LAND CONVEYED TO MARNATHA BAPTIST TEMPLE BY DEED RECORDED IN DOCUMENT NO. 2000031251 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a point at the Southeast corner of that certain tract of land conveyed to Mamatha Baptist Temple by deed recorded in Document No. 2000031251 of the Official Public Records of Travis County, Texas, and being the Southeast corner and PLACE OF BEGINNING of the herein described tract of land;

THENCE with the south line of said Marantha tract the following four courses

- 1) N 52 deg. 43' 00" W 251.27 ft.;
- 2) N 37 deg. 10' 35" W 75.43 ft.;
- 3) N 19 deg. 01' 00" W 48.89 ft.;
- 4) N 88 deg. 41' 00" W 149.97 ft. to a point in the curving east right-of-way line of Gobi Lane at the Southwest corner of said Mamatha tract, and being the Southwest corner of this tract;

THENCE with the right-of-way line of Gobi Lane, the following three courses;

- 1) with a curve to the right, having a radius of 279.23 ft., an arc length of 46.80 ft. and a chord bearing N 03 deg. 01' 00" E 46.75 ft. to a point of compound curvature;
- 2) with a curve to the right, having a radius of 180.06 ft., an arc length of 72.24 ft., and a chord bearing N 18 deg. 32' 00" E 71.76 ft.;
- 3) N 30 deg. 00' 00" E 45.50 ft. to the Northwest corner of this tract, and from which the most westerly northwest corner of said Mamatha tract bears N 30 deg. 00' 00" E 253.03 ft.

THENCE crossing the interior of said Mamatha tract, S 60 deg. 19' 45" E 521.68 ft. to a point in the east line of said Mamatha tract at the Northeast corner of this tract, and from which the Northeast corner of said Mamatha tract bears N 29 deg. 40' 15" E 312.24 ft.;

THENCE with the east line of said Mamatha tract, S 29 deg. 40' 15" W 181.68 ft. to the Place of Beginning, containing 1.71 Acres of land.

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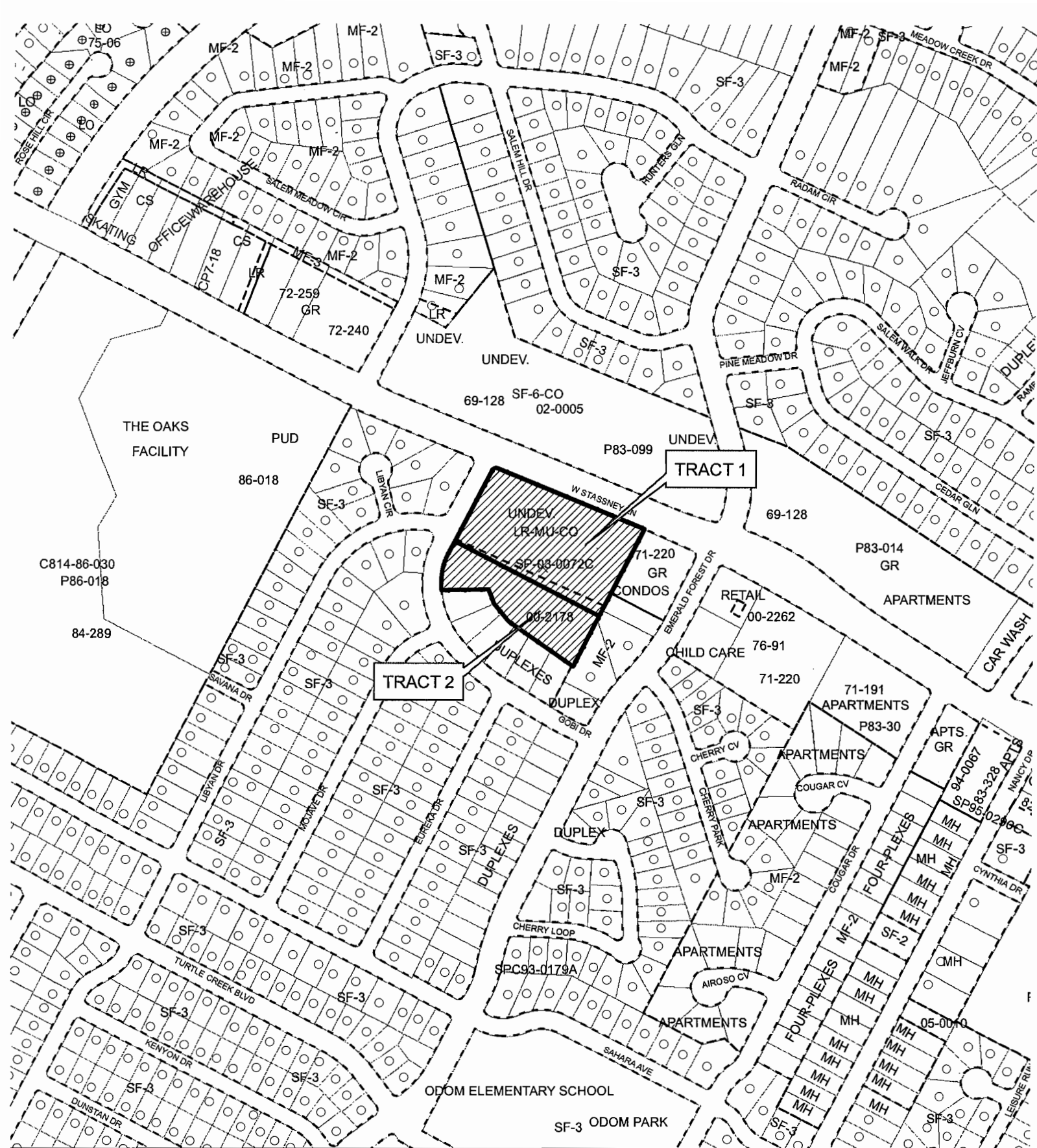
PREPARED: February 22, 2001

*Holt Carson*

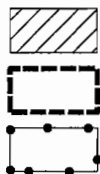
EXHIBIT B







# ZONING EXHIBIT C

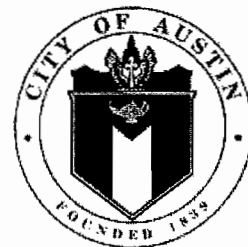


Subject Tract

Zoning Boundary

Pending Cases

ZONING CASE#: C14-07-0017  
 ADDRESS: 1210 GOBI DR  
 SUBJECT AREA: 5.178  
 GRID: G17  
 MANAGER: W. WALSH



1" = 400'

OPERATOR: SM

This map has been produced by G.I.S. Services for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

**RESTRICTIVE COVENANT**

OWNER: Clifford P. McDaniel

ADDRESS: 8914 Cardwell, Houston Texas 77055

CONSIDERATION: Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and sufficiency of which is acknowledged.

PROPERTY: A 3.46 acre tract of land, and a 1.71 acre tract of land, more or less, out of the William Cannon League Survey No. 19, Abstract No. 6, Travis County, the tracts of land being more particularly described by metes and bounds in Exhibits "A" and "B" incorporated into this covenant.

WHEREAS, the Owner of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions;

NOW, THEREFORE, it is declared that the Owner of the Property, for the consideration, shall hold, sell and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant. These covenants and restrictions shall run with the land, and shall be binding on the Owner of the Property, its successors and assigns.

1. Development on the Property is subject to the recommendations contained in the Neighborhood Traffic Analysis memorandum from the Transportation Review Section of the Watershed Protection and Development Review Department, dated April 25, 2007.
2. If any person or entity shall violate or attempt to violate this agreement and covenant, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such agreement or covenant, to prevent the person or entity from such actions, and to collect damages for such actions.
3. If any part of this agreement or covenant is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full effect.
4. If at any time the City of Austin fails to enforce this agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.
5. This agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, and (b) by the owner(s) of the Property subject to the modification, amendment or termination at the time of such modification, amendment or termination.

EXECUTED this the 11 day of JUNE, 2007.

OWNER:

  
Clifford P. McDaniel

APPROVED AS TO FORM:

\_\_\_\_\_  
Assistant City Attorney  
City of Austin

THE STATE OF TEXAS       §  
COUNTY OF TRAVIS       §



This instrument was acknowledged before me on this the 11 day of June, 2007, by Clifford P. McDaniel.

  
\_\_\_\_\_  
Notary Public, State of Texas

After Recording, Please Return to:  
City of Austin  
Department of Law  
P. O. Box 1088  
Austin, Texas 78767  
Attention: Diana Minter, Paralegal



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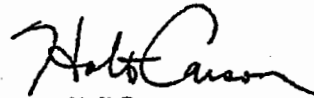
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BY:



Holt Carson

Registered Professional Land Surveyor No. 5166

see sketch c285036



EXHIBIT A

010329-7

C14-07-0017  
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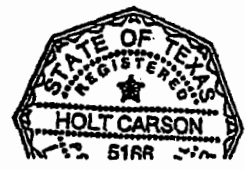


EXHIBIT B

