

**ORDINANCE NO. 20071108-108**

**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 5350 BURNET ROAD FROM GENERAL COMMERCIAL SERVICES-MIXED USE-CONDITIONAL OVERLAY (CS-MU-CO) COMBINING DISTRICT TO GENERAL COMMERCIAL SERVICES-MIXED USE-CONDITIONAL OVERLAY (CS-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 general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district to general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district on the property described in Zoning Case No. C14-2007-0161, on file at the Neighborhood Planning and Zoning Department, as follows:

A 2.425 acre tract of land, more or less, out of the George Spear Survey No. 7, Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance (the "Property"),

locally known as 5350 Burnet Road, in the City of Austin, Travis County, Texas, and 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. Chapter 25-2, Subchapter E, Article 4.3 (*Vertical Mixed Use Buildings*) as follows:
  - 1. The Property is exempt from the dimensional standards identified in Article 4.3.3 E.2. (*Dimensional and Parking Requirements*).
  - 2. Ten percent of residential units in a vertical mixed use building shall be reserved for rental by households earning no more than 80 percent of the Annual Median Family Income.

- 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 2,842 trips per day.
- C. The following uses are prohibited uses of the Property:
- |                                    |                                  |
|------------------------------------|----------------------------------|
| Adult oriented businesses          | Pawn shop services               |
| Automotive rentals                 | Personal improvement services    |
| Automotive repair services         | Automotive sales                 |
| Service station                    | Automotive washing (of any type) |
| Limited warehousing & distribution | Building maintenance services    |
| Congregate living                  | Monument retail sales            |
| Residential treatment              |                                  |
- D. Drive-in service use is a prohibited use of a restaurant use.
- E. Vehicular access from the Property to Lawnmont Avenue is prohibited. All vehicular access to the Property shall be from other adjacent public streets or through other adjacent property.
- F. Development of the Property may not exceed 175 dwelling units.
- G. Development of the Property may not exceed 72.16 dwelling units per acre.

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

**PART 3.** This ordinance takes effect on November 19, 2007.

**PASSED AND APPROVED**

\_\_\_\_\_, November 8, 2007      §  
§  
§ \_\_\_\_\_  
Will Wynn  
Mayor

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

## FIELD NOTES

ALL THAT CERTAIN PARCEL OR TRACT OF LAND OUT OF THE GEORGE SPEAR SURVEY NO. 7, TRAVIS COUNTY, TEXAS; BEING ALL OF A 2.422 ACRE TRACT AS CONVEYED TO HOLT AND BROTHERS, CONTRACTORS/DEVELOPERS BY WARRANTY DEED RECORDED IN VOLUME 9242, PAGE 95, OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 2.422 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1" iron pipe found at the intersection of the west right-of-way line of Burnet Road and the south right-of-way line of Lawnmont Avenue at the northeast corner of the above described Holt and Brothers 2.422 acre tract for the northwest corner and POINT OF BEGINNING of the herein described tract of land;

THENCE, with the west right-of-way line of Burnet Road, S02°27'00"E a distance of 100.77 feet to a ½" iron rod set with cap stamped "TERRA FIRMA" at the most northerly corner of a 774.00 sq. ft. tract of land as conveyed to the City of Austin for right-of-way purposes by deed recorded in Volume 12268, Page 675, of the Real Property Records of Travis County, Texas, for an angle point of this tract;

THENCE, continuing with the west right-of-way line of Burnet Road, the same being the west line of said 774.00 sq. ft. City of Austin tract, S00°12'48"E a distance of 199.03 feet to a ½" iron rod set with cap stamped "TERRA FIRMA" on the north line of a 3.355 acre tract of land as conveyed to Milford and Elinor Desenberg by warranty deed as recorded in Volume 1963, Page 543, of the Deed Records of Travis County, Texas, at the southwest corner of said 744.00 sq. ft. City of Austin tract, the same being the northeast corner of said 3.355 acre, Milford and Elinor Desenberg tract for the southeast corner of this tract;

THENCE, with the north line of said 3.355 acre Milford and Elinor Desenberg tract, N89°52'00"W a distance of 347.10 feet to a ½" iron rod found on the east line of Lot 3, Lawnmont Subdivision, a subdivision as recorded in Book 41, Page 22, of the Plat Records of Travis County, Texas, the same being the northwest corner of said 3.355 acre Milford and Elinor Desenberg tract for the southwest corner of this tract;

THENCE, with the east line of said Lot 3, Lawnmont Subdivision, N02°29'02"W a distance of 300.05 feet to a 1" iron pipe found on the said south right-of-way line of Lawnmont Avenue for the northwest corner of this tract,

EXHIBIT A

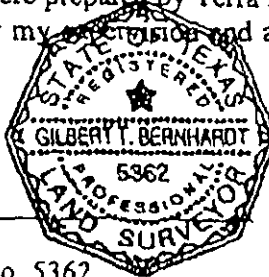
THENCE, with the south right-of-way line of said Lawnmont Avenue, S89°52'00"E a distance of 355.05 feet to the POINT OF BEGINNING, and containing 2.425 acres of land, more or less.

I HEREBY CERTIFY that these notes were prepared by Terra Firma from a survey made on the ground on March 30, 2000 under my supervision and are true and correct to the best of my knowledge.

*Gilbert T. Bernhardt*

Gilbert T. Bernhardt

Registered Professional Land Surveyor No. 5362



*April 5, 2000*

Date

