

ORDINANCE NO. 20080117-039

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 1015 EAST BRAKER LANE FROM LIMITED OFFICE (LO) DISTRICT AND NEIGHBORHOOD COMMERCIAL (LR) DISTRICT TO COMMUNITY COMMERCIAL-CONDITIONAL OVERLAY (GR-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 limited office (LO) district and neighborhood commercial (LR) district to community commercial-conditional overlay (GR-CO) combining district on the property described in Zoning Case No. C14-2007-0190, on file at the Neighborhood Planning and Zoning Department, as follows:

A 0.7516 acre tract of land, more or less, out of the John Applegait Survey No. 58, in 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 1015 East Braker Lane, 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. 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.
- B. A drive-in service use is prohibited as an accessory use to a restaurant (general and limited) use.

C. The following uses are prohibited uses of the Property:

Automotive repair services	Automotive rentals
Automotive sales	Automotive washing (of any type)
Bail bond services	Commercial off-street parking
Drop-off recycling collection facility	Exterminating services
Funeral services	Group home (Class II)
Hospital services (general)	Hotel-motel
Indoor entertainment	Indoor sports and recreation
Medical office (exceeding 5000 sq. ft. gross floor area)	Monument retail sales
Outdoor entertainment	Off-site accessory parking
Pawn shop services	Outdoor sports and recreation
Plant nursery	Personal services
Theater	Service station
Community recreation (private)	Communication service facilities
Congregate living	Community recreation (public)
Local utility services	Guidance services
Urban farm	Residential treatment

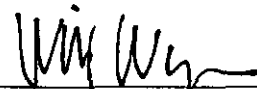
Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the community commercial (GR) base district, and other applicable requirements of the City Code.

PART 3. This ordinance takes effect on January 28, 2008.

PASSED AND APPROVED

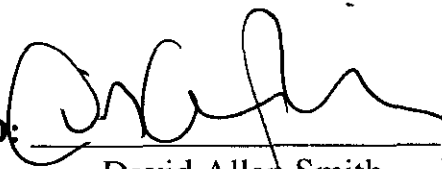
January 17, 2008

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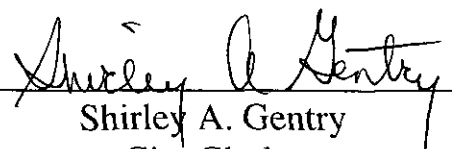
Will Wynn
Mayor

APPROVED:

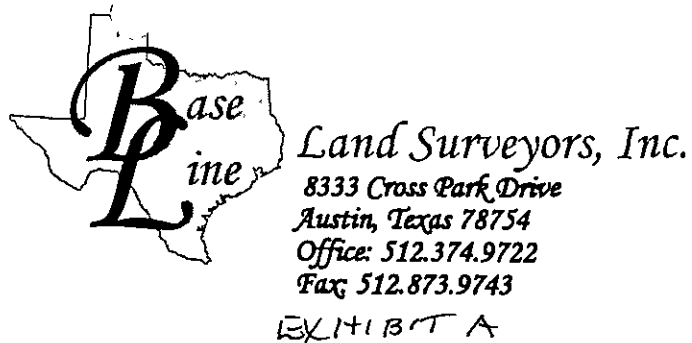


David Allan Smith
City Attorney

ATTEST:



Shirley A. Gentry
City Clerk



METES AND BOUNDS DESCRIPTION

BEING 0.7516 OF ONE ACRE OF LAND (32,740 SQUARE FEET) OUT OF THE JOHN APPLGAI SURVEY NUMBER 58, IN TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF LOTS 1A AND 3A, RESUBDIVISION OF LOTS 1, 2 & 3, HILL'S BRAKER ADDITION, A SUBDIVISION OF RECORD IN DOCUMENT NUMBER 200500074 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" rebar found with plastic cap, which reads "BASELINE INC." for the westernmost northwest corner of said Lot 3A, Resubdivision of Lots 1, 2 & 3, Hill's Braker Addition and being in the east right-of-way line of Bluff Bend Drive (60' R.O.W.) and also being an angle point in the south right-of-way line of East Braker Lane (R.O.W. varies); from which a 1/2" rebar found with plastic cap, which reads "BASELINE INC." at the intersection of said south right-of-way line of East Braker Lane with the east right-of-way line of said Bluff Bend Drive bears North 29°50'04" East a distance of 25.01 feet (record: North 29°50'04" East a distance of 25.01 feet),

THENCE South 58°24'31" East (record: South 58°24'31" East), along the south right-of-way line of East Braker Lane and the north line of Lot 3A, Resubdivision of Lots 1, 2 & 3, Hill's Braker Addition, passing at a distance of 10.00 feet (record: 10.00 feet) the easternmost northwest corner of Lot 3A, Resubdivision of Lots 1, 2 & 3, Hill's Braker Addition; same being the northwest corner of said Lot 1A, Resubdivision of Lots 1, 2 & 3, Hill's Braker Addition and continuing along the south right-of-way line of East Braker Lane and said north line of Lot 1A, Resubdivision of Lots 1, 2 & 3, Hill's Braker Addition for a total distance of 198.00 feet to a 1/2" rebar found with plastic cap, which reads "BASELINE INC." for the northeast corner of Lot 1A, Resubdivision of Lots 1, 2 & 3, Hill's Braker Addition, same being the northwest corner of Lot 2A, Resubdivision of Lots 1, 2 & 3, Hill's Braker Addition; from which a 1/2" rebar found with plastic cap, which reads "BASELINE INC." for the northeast corner of said Lot 2A, Resubdivision of Lots 1, 2 & 3, Hill's Braker Addition and the westernmost northeast corner of Lot 3A, Resubdivision of Lots 1, 2 & 3, Hill's Braker Addition bears South 58°24'31" East a distance of 181.45 feet (record: South 58°24'31" East a distance of 181.45 feet);

THENCE South 29°52'58" West (record: South 29°52'58" West), along the east line of Lot 1A, Resubdivision of Lots 1, 2 & 3, Hill's Braker Addition and the west line of Lot 2A, Resubdivision of Lots 1, 2 & 3, Hill's Braker Addition a distance of 165.27 feet to a calculated point; from which a 1/2" rebar found with plastic cap, which reads "BASELINE INC." for the southeast corner of Lot 1A, Resubdivision of Lots 1, 2 & 3, Hill's Braker Addition, same being an angle point in the north line of Lot 3A, Resubdivision of Lots 1, 2 & 3, Hill's Braker Addition bears South 29°52'58" West (record: South 29°52'58" West) a distance of 8.81 feet;

THENCE North 58°32'10" West, crossing through Lot 1A, Resubdivision of Lots 1, 2 & 3, Hill's Braker Addition and Lot 3A, Resubdivision of Lots 1, 2 & 3, Hill's Braker Addition a distance of 197.84 feet to a 1/2" rebar found for an angle point in the west line of Lot 3A, Resubdivision of Lots 1, 2 & 3, Hill's Braker Addition and being in the east right-of-way line of Bluff Bend Drive; from

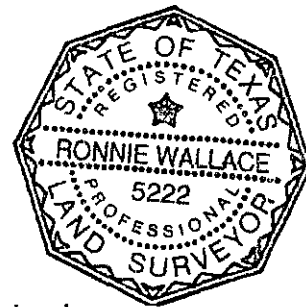
which a 1/2" rebar found in the east right-of-way line of Bluff Bend Drive for the southwest corner of Lot 3A, Resubdivision of Lots 1, 2 & 3, Hill's Braker Addition; same being the northwest corner of Lot 1, Cen-Tex Addition, a subdivision of record in Book 81, Page 285 of the Plat Records of Travis County, Texas bears South 29°31'25" West a distance of 270.97 feet (record: South 29°31'25" West a distance of 270.97 feet) and also from which a 1/2" rebar found in the west right-of-way line of Bluff Bend Drive, same being the east line of a 0.64 of one acre tract of land conveyed to Michael J. Kuhn, Trustee et al. by deed of record in Volume 8033, Page 796 of the Deed Records of Travis County, Texas bears North 58°31'38" West a distance of 58.68 feet (record: 60.00 feet);

THENCE North 29°50'04" East (record: North 29°50'04" East), along the west line of Lot 3A and the east right-of-way line of Bluff Bend Drive a distance of 165.71 feet (record: 165.71 feet) to the POINT OF BEGINNING.

This parcel contains 0.7516 of one acre of land more or less, out of the John Applegait Survey Number 58 in Travis County, Texas.

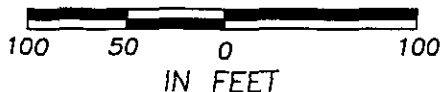
Bearing Basis: the west line of Lot 3A, Resubdivision of Lots 1, 2 & 3, Hill's Braker Addition, a subdivision of record in Document Number 200500074 of the Official Public Records of Travis County, Texas being South 29°31'25" West.

Ronnie Wallace 15 February 2007
Ronnie Wallace Date
Registered Professional Land Surveyor,
State of Texas No. 5222



Attachments: Survey Drawing S:\Projects\Hill's Braker\Dwg\Lot 1A Zoning.dwg;
File S:\Project\Hill's Braker\Docs\Fnotes\Lot 1A Zoning_fn.doc

GRAPHIC SCALE



EAST BRAKER LANE
(R.O.W. VARIES)

John Applegait
Survey No. 58

25' R.O.W. DEDICATION
PER DOC. NO. 200500074
O.P.R.T.C.T.

POINT OF
BEGINNING

MICHAEL J. KUHN TRS. ETAL
0.64 AC.
VOL. 8033, PG. 796
D.R.T.C.T.

L1 S58°24'31"E 198.00'

S58°24'31"E 181.45'
(S58°24'31"E) (181.45')

LOT 1A

LOT 2A

LOT 3A

0.7516 AC.

(N29°50'04"E)
N29°50'04"E
(165.71')

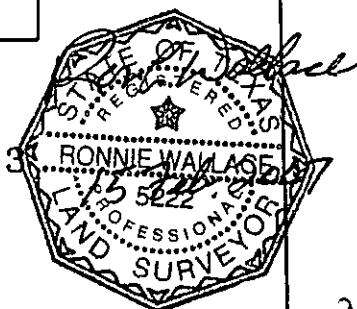
(S29°52'58"W)
S29°52'58"W
165.27'

N58°31'38"W
58.68'
(60.00')

N58°32'10"W

LOT 3A

RESUBDIVISION OF LOTS 1, 2 & 3
HILL'S BRAKER ADDITION
DOC. NO. 200500074
O.P.R.T.C.T.



BUCKNER RETIREMENT SERVICES, INC.
25 AC.
VOL. 12840, PG. 1089
R.P.R.T.C.T.

LOT 1
CEN-TEX ADDITION
BOOK 81, PAGE 285
P.R.T.C.T.

LEGEND

SYMBOL DESCRIPTION



CALCULATED POINT



1/2" REBAR FOUND W\ PLASTIC CAP ("BASELINE INC.")



1/2" IRON REBAR FOUND

(D.R.T.C.T.)

DEED RECORDS OF TRAVIS COUNTY, TEXAS

(P.R.T.C.T.)

PLAT RECORDS OF TRAVIS COUNTY, TEXAS

(R.P.R.T.C.T.)

REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS

(O.P.R.T.C.T.)

OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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RECORD INFORMATION PER RESUBD. OF LOTS 1, 2 & 3
HILL'S BRAKER ADDN. [DOC. NO. 200500074-O.P.R.T.C.T.]

BEARING BASIS: THE WEST LINE OF LOT 3A, RESUBDIVISION OF LOTS 1, 2 & 3
HILL'S BRAKER ADDITION, A SUBDIVISION OF RECORD IN DOCUMENT NUMBER
200500074 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS
BEING SOUTH 29°31'25" WEST.

LINE TABLE

LINE	BEARING	DISTANCE
L1	N29°50'04"E	25.01'
(L1)	N29°50'04"E	25.01'
L2	S58°24'31"E	10.00'
	(S58°24'31"E)	
L3	S29°52'58"W	8.81'
	(S29°52'58"W)	

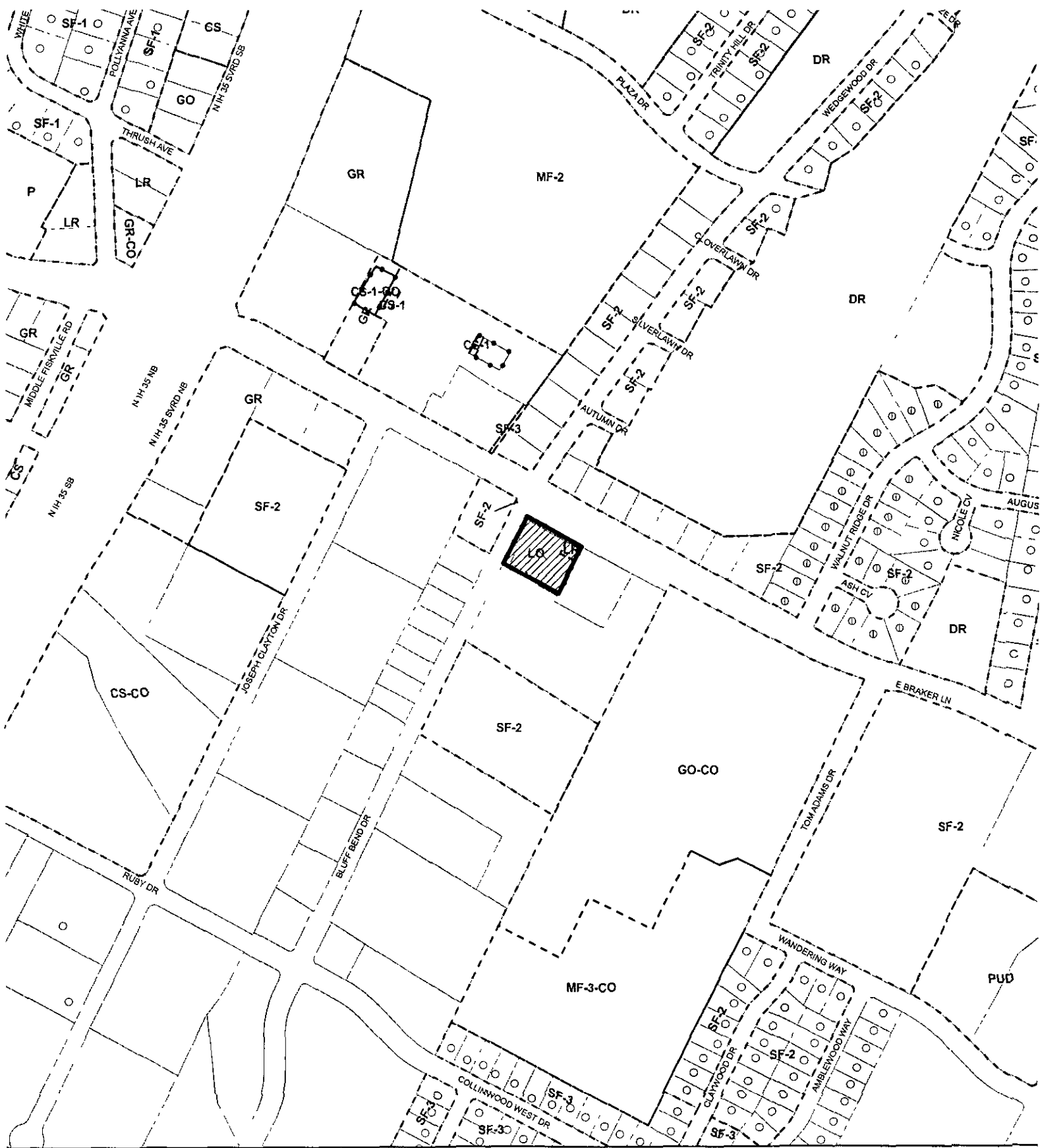
SKETCH TO ACCOMPANY FIELD NOTES OF 0.7516
OF ONE ACRE OF LAND OUT OF THE JOHN
APPLEGAIT SURVEY NO. 58 IN TRAVIS COUNTY,
TEXAS, AND BEING A PORTION OF LOTS 1A & 3A,
RESUBDIVISION OF LOTS 1, 2 & 3, HILL'S
BRAKER ADDITION, A SUBDIVISION OF RECORD IN
DOCUMENT NUMBER 200500074 OF THE OFFICIAL
PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

BASELINE LAND SURVEYORS, INC.

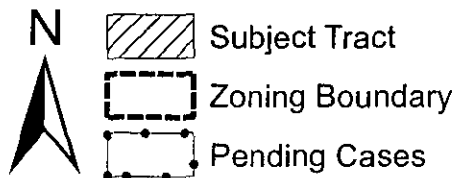
PROFESSIONAL LAND SURVEYING SERVICES
8333 CROSS PARK DRIVE
AUSTIN, TEXAS 78754
OFFICE 512.374.9722 FAX: 512.873.9743
ron-baseline@austin.tx.com

File: Prof\Hill's Braker\Draw\Lot 1A Zoning.dwg
Job No. Snapshot.
Scale (Hor) 1"=100' Scale (Vert.)
Date: 02/15/07 Checked By: JSI Drawn By: D1W

SHEET
03 of 03



ZONING EXHIBIT B



ZONING CASE#: C14-2007-0190
ADDRESS: 1015 E BRAKER LANE
SUBJECT AREA: 0.7516 ACRES
GRID: M31
MANAGER: S. SIRWAITIS



1" = 400' OPERATOR S MEEKS

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