

ORDINANCE NO. 20080228-093

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 4701 NORTH IH-35 SERVICE ROAD NORTHBOUND IN THE UPPER BOGGY CREEK NEIGHBORHOOD PLAN AREA FROM LIMITED OFFICE-NEIGHBORHOOD PLAN (LO-NP) COMBINING DISTRICT AND FAMILY RESIDENCE-NEIGHBORHOOD PLAN (SF-3-NP) COMBINING DISTRICT TO COMMUNITY COMMERCIAL-MIXED USE-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (GR-MU-CO-NP) COMBINING DISTRICT FOR TRACT ONE AND LIMITED OFFICE. NEIGHBORHOOD PLAN (LO-NP) 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 districts on the property described in Zoning Case No. C14-2007-0251, on file at the Neighborhood Planning and Zoning Department, as follows:

Tract One: From limited office-neighborhood plan (LO-NP) combining district to community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district.

Lot 1, Emerald Oaks Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 82, Page 58, of the Plat Records of Travis County, Texas; and

Tract Two: From family residence-neighborhood plan (SF-3-NP) combining district to limited office-neighborhood plan (LO-NP) combining district.

A 0.275 acre tract of land, more or less, out of the Thomas L. Hawkins Survey No. 9, 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 4701 North IH-35 Service Road Northbound, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

PART 2. Except as specifically provided in Part 3 and Part 4 of 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. The Property identified as Tract One within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

The following uses are prohibited uses of the Tract One:

Automotive repair services	Automotive rentals
Automotive sales	Automotive washing (of any type)
Bail bond services	Business support services
Commercial off-street parking	Consumer convenience services
Exterminating services	Food preparation
Food sales	Funeral services
General retail sales (convenience)	General retail sales (general)
Guidance services	Hotel-motel
Indoor entertainment	Indoor sports and recreation
Kennels	Laundry service
Liquor sales	Monument retail sales
Off-site accessory parking	Outdoor entertainment
Outdoor sports and recreation	Pawn shop services
Pet services	Plant nursery
Printing and publishing	Restaurant (general)
Restaurant (limited)	Scrap and salvage services
Service station	Club or lodge
Communication service facilities	Community events
Community recreation (private)	Community recreation (public)
Congregate living	Hospital services (general)
Hospital services (limited)	Local utility services
Residential treatment	Safety services

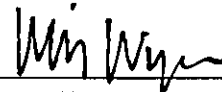
PART 4. The Property is subject to Ordinance No. 020801-92 that established the Upper Boggy Creek neighborhood plan combining district.

PART 5. This ordinance takes effect on March 10, 2008.

PASSED AND APPROVED

February 28, 2008

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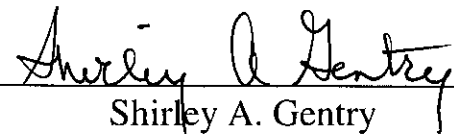
Will Wynn
Mayor

APPROVED:



David Allan Smith
City Attorney

ATTEST:



Shirley A. Gentry
City Clerk

EXHIBIT "A"

THOMAS L. HAWKINS SURVEY NO. 9
ZONING

DESCRIPTION OF 0.275 OF AN ACRE, MORE OR LESS, OF LAND AREA, IN THE THOMAS L. HAWKINS SURVEY NO. 9, IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT TRACT OF LAND DESCRIBED AS TRACT 2 IN A DEED DATED APRIL 13, 1999 FROM TRUSTEES FOR CHRISTIAN CENTER - ASSEMBLY OF GOD, TO CHRISTIAN CENTER - ASSEMBLY OF GOD, AS RECORDED IN DOC.NO. 1999007751, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½" iron rod found in the southwest line of Lot 3, Block "D", Mueller Section III Subdivision, a subdivision in Travis County, Texas, according to the map or plat of record in Doc. No. 200500279, Official Public Records of Travis County, Texas, for the north corner of the aforementioned Christian Center - Assembly of God Tract, same being the east corner of Lot 1, EMERALD OAKS, a subdivision in Travis County, Texas, according to the map or plat of record in Volume 82, Page 58, Plat Records of Travis County, Texas, and being the north corner of the herein described tract of land;

THENCE leaving the PLACE OF BEGINNING and the aforementioned Lot 1, with the common line of the Christian Center - Assembly of God Tract and the aforementioned Lot 3, Block "D", S 59°45'00"E 121.80 feet to a point for the northwest corner of that 10 foot wide Enclosed Storm Sewer Easement of record in Volume 7853, Page 923, Deed Records of Travis County, Texas, for the the east corner of the herein described tract of land, from which, a ½" iron rod found for the east corner of the Christian Center - Assembly of God Tract, same being the north corner of Lot 16, Block "G", Delwood, Section Two, a subdivision in Travis County, Texas, according to the map or plat of record in Volume 4, Page 282, Plat Records of Travis County, Texas, bears S 59°45'00"E 87.75 feet;

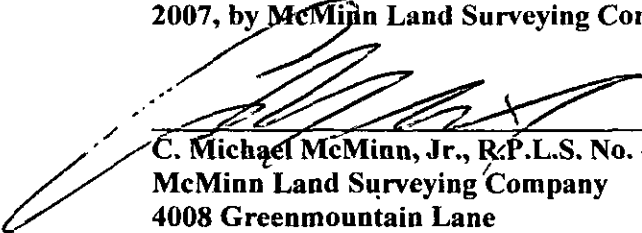
THENCE leaving Lot 3, Block "D", and crossing the Christian Center - Assembly of God Tract with the west line of the aforementioned easement, the following four (4) courses:

- 1. S 30°19'30"W 28.18 feet to a point;**
- 2. S 19°47'30"W 55.27 feet to a point;**
- 3. S 24°11'30"W 57.97 feet to a point for the southwest corner of said easement; and**
- 4. S 24°11'30"W 14.34 feet to a point in the southwest line of the Christian Center - Assembly of God Tract, same being the northeast line of that tract of land described in a deed dated June 23, 1978, from Curtis O. Schmedes, et ux, to Bruce C. Davis, as recorded in Volume 6203, Page 462, Deed Records of Travis County, Texas, and being the south corner of the herein described tract of land, from which, a ½" iron rod found in the north line of Norwood Road, for the southwest corner of the Christian Center - Assembly of God Tract, same being the east corner of said Davis Tract bears S 20°02'15"E 13.44 feet;**

THENCE with the common line of the Christian Center - Assembly of God Tract and the aforementioned Davis Tract, N 20°02'15"W 181.52 feet to a ½" iron pipe found in the southeast line of the aforementioned Lot 1, for the west corner of the Christian Center -

Assembly of God Tract, same being the north corner of the Davis Tract, and being the west corner of the herein described tract of land;

THENCE leaving the Davis Tract, with the common line of the Christian Center - Assembly of God Tract and Lot 1, N 30°34'00"E 38.45 feet to the PLACE OF BEGINNING. There are contained within these metes and bounds, 0.275 of an acre, more or less, of land area, as described from record information and measurements made on the ground on July 28, 2007, by McMinn Land Surveying Company of Austin, Texas.



C. Michael McMinn, Jr., R.P.L.S. No. 4267
McMinn Land Surveying Company
4008 Greenmountain Lane
Austin, Texas 78759

DATE : August 10, 2007
SURVEY : Thomas L. Hawkins Survey No. 9
COUNTY : Travis, Texas.
J.O. No. : 061607
KND0616ZO

SKETCH TO ACCOMPANY FIELD NOTES FOR ZONING

LEGAL DESCRIPTION: 0.275 of an acre, more or less, of land area, in the THOMAS L. HAWKINS SURVEY NO. 9, in Travis County, Texas, being a portion of that tract of land described in a deed dated April 13, 1999 from Trustee for Christian Center - Assembly of God to Christian Center - Assembly of God, as recorded in Doc. No. 1999007751, Official Public Records of Travis County, Texas, and being more particularly described by metes and bounds, also locally known as 1200 Norwood Road, Austin, Texas.

MUELLER SECTION III SUBDIVISION
(DOCH 200500279)

(DOCH 1999007751)

LOT 3, BLOCK "D"

L-1
S 59°45'00"E

121.80'

0.275 ACRE±
12,000 SQ.FT.±
(DOCH 1999007751)

N 20°02'15"W 181.52'
L-8
N 20°02'15"W 181.52'

1200 NORWOOD ROAD

LEGEND

- ⊙ IRON PIPE FOUND
- ⊙ IRON ROD FOUND
- IRON ROD SET

NOTE: IRON ROD IS IN A HOLE
CONSTRUCTED BY BRUCE DAVIS
TO CONTROL WEST BOUND TRAFFIC
FROM NORWOOD ROAD ONTO HIS TRACT.

CURTIS O. SCHMEDES, ET UX, TO
BRUCE C. DAVIS
JUNE 23, 1978
(8203482)

COURSE DATA:

COURSE	BEARING	DISTANCE
L-1	S 59°45'00"E	121.80'
L-2	S 30°19'30"W	28.18'
L-3	S 19°47'30"W	55.27'
L-4	S 24°11'30"W	57.97'
L-5	S 24°11'30"W	14.34'
L-6	N 20°02'15"W	181.52'
L-7	N 30°34'00"E	38.45'

DEED REFERENCE:

TRUSTEES FOR
CHRISTIAN CENTER ASSEMBLY OF GOD, TO
CHRISTIAN CENTER ASSEMBLY OF GOD
(TRACT 2: 0.577 ACRE)
APRIL 13, 1999
(DOCH 1999007751)

DELMWOOD, SECTION TWO
(4-282)

LOT 1, BLOCK "G"

CMM

McMinn

Land Surveying Company

4008 GREENMOUNTAIN LANE
AUSTIN, TEXAS 78759
(512) 343-1970
FAX (512) 346-1005

CMM

4701 INTERSTATE HWY. 35 NORTH

SKETCH PREPARED FROM RECORD INFORMATION AND MEASUREMENTS MADE ON THE GROUND DURING JULY 28, 2007, AND IS CORRECT TO THE BEST OF MY KNOWLEDGE. THIS SKETCH WAS PREPARED FOR ZONING PURPOSE ONLY. SEE PCAT DATED AUGUST 1, 2007 FOR TITLE SURVEY.

DATE August 10, 2007

SCALE 1" = 40'

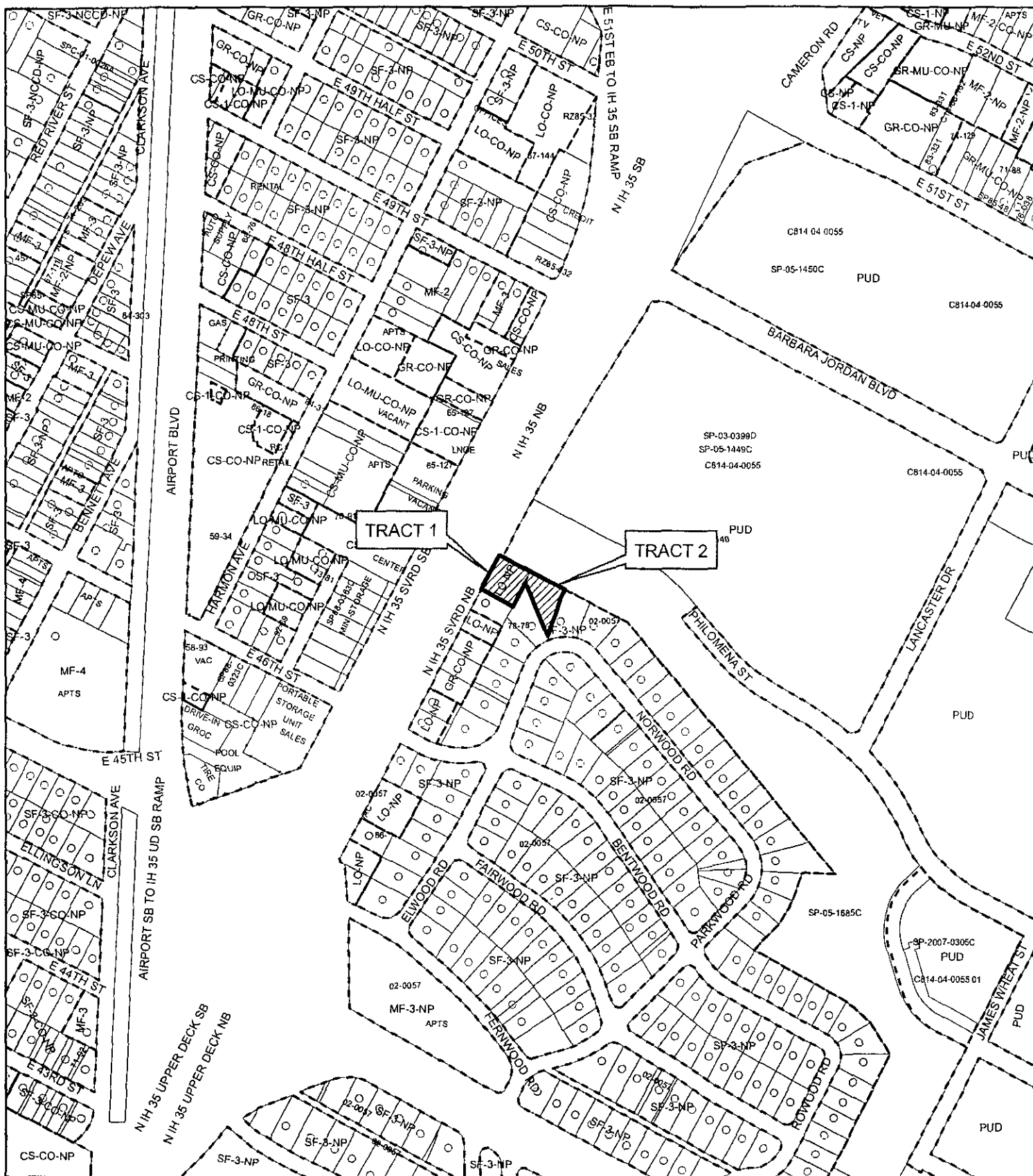
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J. O. H 061607-ZO

C. MICHAEL McMINN, JR., R.P.L.S. NO. 4267

THIS SURVEY SKETCH IS VALID ONLY IF IT BEARS THE ORIGINAL SIGNATURE IN GREEN INK AND THE IMPRESSION SEAL OF THE ABOVE SURVEYOR.

Copyright 2007 McMinn Land Surveying Company



ZONING EXHIBIT B



- SUBJECT TRACT
- ZONING BOUNDARY
- PENDING CASE

ZONING CASE#: C14-2007-0251
 ADDRESS: 4701 N IH 35 SVRD NB
 SUBJECT AREA: 0.66 ACRES
 GRID: K25
 MANAGER: J. HARDEN

OPERATOR: S. MEEKS



1" = 400'

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.