

ORDINANCE NO. 20080605-065

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 1000 EAST 41ST STREET IN THE HANCOCK NEIGHBORHOOD PLAN AREA FROM GENERAL COMMERCIAL SERVICES-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (CS-CO-NP) COMBINING DISTRICT TO COMMERCIAL-LIQUOR SALES-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (CS-1-CO-NP) 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-conditional overlay-neighborhood plan (CS-CO-NP) combining district to commercial-liquor sales-conditional overlay-neighborhood plan (CS-1-CO-NP) combining district on the property described in Zoning Case No. C14-2008-0071, on file at the Neighborhood Planning and Zoning Department, as follows:

A 0.349 acre (15,192 sq. ft.) tract of land, more or less, out of Outlot 19, Division C, Original City of Austin, 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 1000 East 41st Street, 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 commercial-liquor sales (CS-1) base district and other applicable requirements of the City Code.

PART 3. 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 conditional uses of the Property:

Automotive rentals

Commercial blood plasma center

Custom manufacturing

Building maintenance services

Commercial off-street parking

Drop-off recycling collection facilities

Residential treatment
Funeral services
Monument retail sales
Research services
Indoor entertainment

Exterminating services
Hotel-motel
Outdoor sports and recreation
Indoor sports and recreation
Service station

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

Agricultural sales and services
Automotive sales
Campground
Cocktail lounge
Electronic prototype assembly
Equipment repair services
Kennels
Maintenance and service facilities
Pawn shop services
Vehicle storage

Automotive repair services
Automotive washing (of any type)
Club or lodge
Construction sales and services
Equipment sales
Convenience storage
Limited warehousing and distribution
Outdoor entertainment
Transitional housing

PART 4. The Property is subject to Ordinance No. 20040826-059 that established the Hancock neighborhood plan combining district.

PART 5. This ordinance takes effect on June 16, 2008.

PASSED AND APPROVED

_____, June 5, 2008 §
 §
 §

Will Wynn
Mayor

APPROVED: _____
David Allan Smith
City Attorney

ATTEST: _____
Shirley A. Gentry
City Clerk



**Professional Land Surveying, Inc.
Surveying and Mapping**

EXHIBIT A

Office: 512-443-1724
Fax: 512-441-6987

2807 Manchaca Road
Building One
Austin, Texas 78704

**0.349 ACRES (APPROXIMATELY 15,192 SQ. FT.)
OUTLOT 19, DIVISION "C", ORIGINAL CITY OF AUSTIN**

A DESCRIPTION OF 0.349 ACRES (APPROXIMATELY 15,192 S.F.) OF LAND OUT OF OUTLOT 19, DIVISION "C", ORIGINAL CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PORTION OF A 34.248 ACRE TRACT OF LAND CONVEYED TO PACIFIC RETAIL TRUST IN A SPECIAL WARRANTY DEED DATED JULY 8, 1996 AND RECORDED IN VOLUME 12723, PAGE 2153 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.349 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS.

BEGINNING at a calculated point for the southwest corner of an existing one story stucco building, from which a 60d nail found in concrete at the intersection of the east right-of-way line of Red River Street (right-of-way width varies) and the north right-of-way line of East 41st Street (right-of-way width varies), being the southwest corner of the said 34.248 acre tract, bears South 42°37'10" West, a distance of 564.47 feet,

THENCE crossing the said 34.248 acre tract with the west face of the stucco building the following five (5) courses and distances:

1. North 29°38'08" East, a distance of 93.20 feet to a calculated point;
2. North 60°20'39" West, a distance of 4.35 feet to a calculated point;
3. North 29°38'08" East, a distance of 28.22 feet to a calculated point;
4. South 60°20'39" East, a distance of 4.36 feet to a calculated point;
5. North 29°38'08" East, a distance of 48.16 feet to a calculated point in the approximate center of an existing party wall, from which a 1/2" rebar found in the east right-of-way line of Red River Street, being the northwest corner of the said 34.248 acre tract, bears North 16°59'56" West, a distance of 384.68 feet;

THENCE crossing the said 34.248 acre tract with the approximate center of the existing party wall, the following two (2) courses and distances:

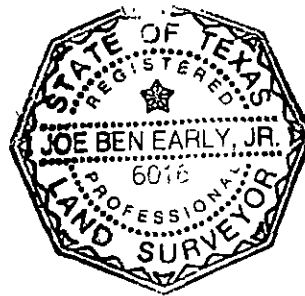
1. South 60°13'55" East, a distance of 88.86 feet to a calculated point;
2. South 29°38'08" West, a distance of 169.57 feet to a calculated point in the south face of the stucco building;

THENCE North 60°13'55" West with the south face of the stucco building, a distance of 88 87 feet to the **POINT OF BEGINNING**, containing 0 349 acres of land, more or less

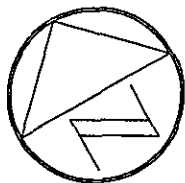
Surveyed on the ground, March 06, 2008. Bearing Basis: Grid Azimuth for Texas Central Zone State Plane Coordinates, based on GPS solutions from the National Geodetic Survey (NGS) On-Line Positioning User Service (OPUS). Attachments: Survey Drawing 040-063-ZN1.DWG

JE 3/10/08

Joe Ben Early, Jr.
Registered Professional Land Surveyor
State of Texas No. 6016



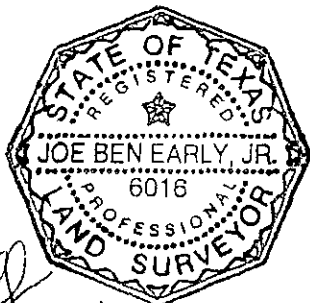
SKETCH TO ACCOMPANY A DESCRIPTION OF 0.349 ACRES (APPROXIMATELY 15,192 S.F.) OF LAND OUT OF OUTLOT 19, DIVISION "C", ORIGINAL CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PORTION OF A 34.248 ACRE TRACT OF LAND CONVEYED TO PACIFIC RETAIL TRUST IN A SPECIAL WARRANTY DEED DATED JULY 8, 1996 AND RECORDED IN VOLUME 12723, PAGE 2153 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS.



1" = 50'

LEGEND

- 1/2" REBAR FOUND
- ▲ 60D NAIL FOUND IN CONCRETE
- CALCULATED POINT



3/10/08

LINE TABLE		
No.	BEARING	LENGTH
L1	N60°20'39"W	4.35'
L2	N29°38'08"E	28.22'
L3	S60°20'39"E	4.36'
L4	N29°38'08"E	48.16'

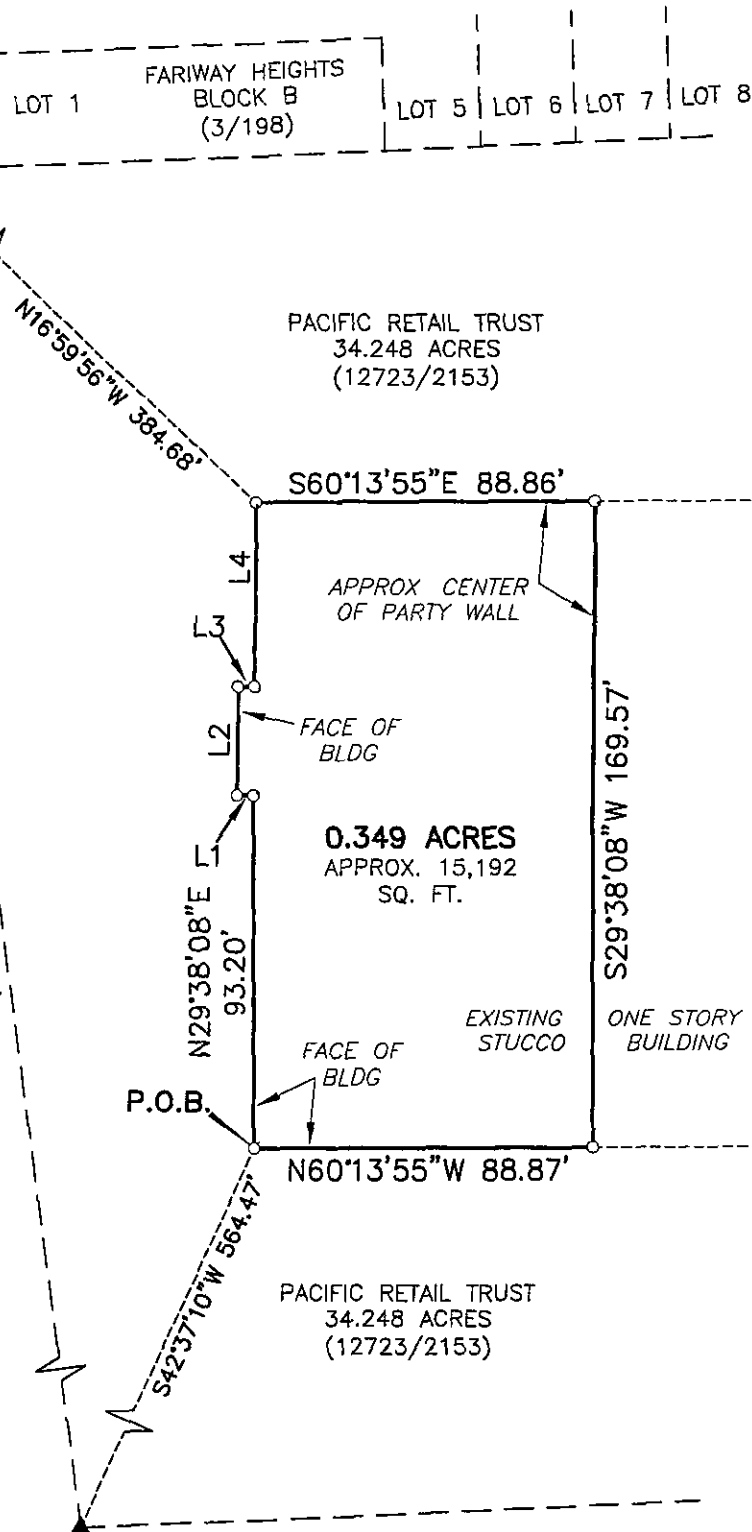
BEARING BASIS: GRID AZIMUTH FOR TEXAS CENTRAL ZONE STATE PLANE COORDINATES, BASED ON GPS SOLUTIONS FROM THE NATIONAL GEODETIC SURVEY (NGS) ON-LINE POSITIONING USER SERVICE (OPUS)

ATTACHMENTS: METES AND BOUNDS DESCRIPTION 040-063-ZN1

DATE OF SURVEY: 03/06/08
PLOT DATE: 03/10/08
DRAWING NO.: 040-063-ZN1
PROJECT NO.: 040-063

RED RIVER STREET
(R.O.W. WIDTH VARIES)

N20°48'18"E 995.55'
(N23°19'22"E 995.54')



Chaparral

