

ORDINANCE NO. 20080724-115

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 9621 NORTH IH-35 SERVICE ROAD NORTHBOUND FROM SINGLE FAMILY RESIDENCE STANDARD LOT (SF-2) DISTRICT TO GENERAL COMMERCIAL SERVICES-CONDITIONAL OVERLAY (CS-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 single family residence standard lot (SF-2) district to general commercial services-conditional overlay (CS-CO) combining district on the property described in Zoning Case No. C14-2008-0104, on file at the Neighborhood Planning and Zoning Department, as follows.

A 0.936 acre tract of land, more or less, out of the John Applegate Survey No. 58, 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 9621 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. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions

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

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, and other applicable requirements of the City Code

PART 3. This ordinance takes effect on August 4, 2008

PASSED AND APPROVED

_____, July 24, 2008 §
§
§ _____
Will Wynn
Mayor

APPROVED: _____ **ATTEST:** _____
David Allan Smith Shirley A Gentry
City Attorney City Clerk

EXHIBIT A

DESCRIPTION OF 0.936 OF AN ACRE, MORE OR LESS, OF LAND AREA, IN THE JOHN APPLGATE SURVEY NO. 58 IN TRAVIS COUNTY, TEXAS, BEING THAT SAME TRACT OF LAND DESCRIBED IN A DEED DATED MAY 5, 2004 FROM DIANE LEIGH POLASKY TO FROST NATIONAL BANK, TRUSTEE OF THE PHYLLIS VIVIAN POLASKY MANAGEMENT TRUST, AS RECORDED IN DOC. NO. 2004094271 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at an iron pipe found in the southeast line of North Interstate Highway No. 35, for the west corner of the aforereferenced Polasky Management Trust Tract, same being the north corner of Lot 9 of FREEMAN SUBDIVISION, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 45, Page 19, Plat Records of Travis County, Texas, and being the west corner of the herein described tract of land;

THENCE leaving the PLACE OF BEGINNING and the aforereferenced Lot 9, with the common line of North Interstate Highway No. 35 and the Polasky Management Trust Tract, N 29°51'00"E 239.65 feet to a 1/2" iron rod found for the north corner of the Polasky Management Trust Tract, same being the northerly west corner of Lot A of PARSONS PLACE, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 58, Page 64, Plat Records of Travis County, Texas, and being the north corner of the herein described tract of land;

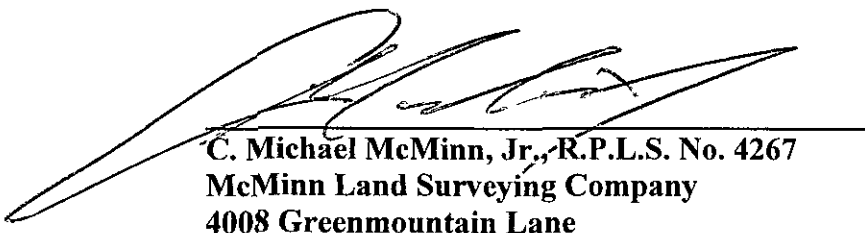
THENCE leaving North Interstate Highway No. 35, with the common line of the Polasky Management Trust Tract and the aforereferenced Lot A, the following two (2) courses:

- 1. S 60°13'30"E 170.11 feet to a "PK" nail found for the east corner of the Polasky Management Trust Tract, same being an interior corner of Lot A, and being the east corner of the herein described tract of land; and**
- 2. S 29°52'45"W 219.90 feet to an iron pipe found for the southerly west corner of Lot A, same being an exterior corner of the aforereferenced Lot 9;**

THENCE leaving Lot A, with the common line of the Polasky Management Trust Tract, and said Lot 9, the following Two (2) courses:

- 1. S 29°52'45"W 19.99 feet to an iron pipe found for an interior corner of Lot 9, same being the south corner of the Polasky Management Trust Tract, and being the south corner of the herein described tract of land; and**

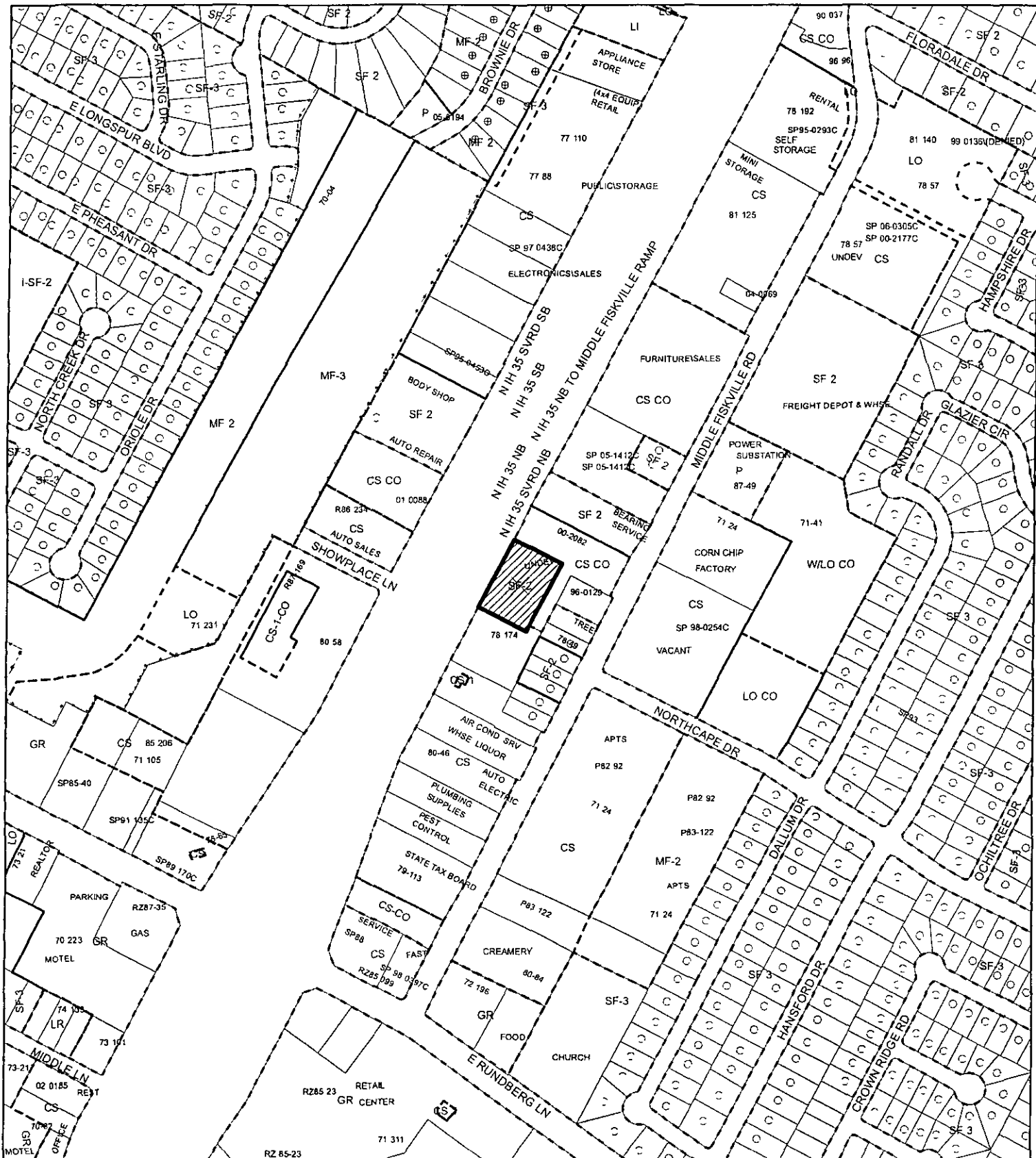
2. N 60°08'45"W 170.00 feet the PLACE OF BEGINNING. There are contained within these metes and bounds, 0.936 of an acre, more or less, of land area, as described from record information and measurements made on the ground on June 20, 2006 by McMinn Land Surveying Company of Austin, Texas.



C. Michael McMinn, Jr., R.P.L.S. No. 4267
McMinn Land Surveying Company
4008 Greenmountain Lane
Austin, Texas 78759
(512) 343-1970

DATE : July 14, 2006
SURVEY : John Applegate No. 58
COUNTY : Travis, Texas.

J.O. No.: 060406
JND0604



ZONING EXHIBIT B



SUBJECT TRACT



ZONING BOUNDARY



PENDING CASE

ZONING CASE# **C14-2008-0104**
 ADDRESS **9621 N IH 35 SVRD**
 SUBJECT AREA **0.936 ACRES**
 GRID **M30**
 MANAGER **J HARDEN**

OPERATOR **S MECKS**



1" = 400'

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.