

ORDINANCE NO. 20090129-044

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 4701 (ALSO KNOWN AS 4705) NORTH IH-35 SERVICE ROAD NORTHBOUND, IN THE UPPER BOGGY CREEK NEIGHBORHOOD PLAN AREA FROM COMMUNITY COMMERCIAL-MIXED USE-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (GR-MU-CO-NP) COMBINING DISTRICT TO COMMUNITY COMMERCIAL-MIXED USE-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (GR-MU-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 community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district to community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district on the property described in Zoning Case No. C14-2008-0240, on file at the Neighborhood Planning and Zoning Department, as follows:

A 0.315 acre tract of land, more or less, out of Lot 1, Emerald Oaks Addition, 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 (also known as 4705) 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 community commercial (GR) base district, the mixed use combining 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:

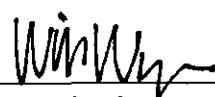
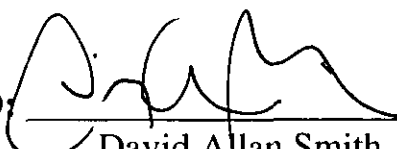
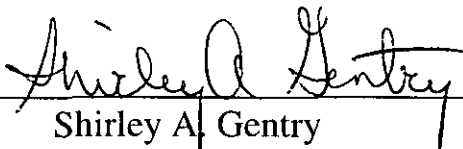
- A. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 2,000 trips per day.
- B. The following 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
Consumer convenience services	Exterminating services
Food preparation	Food sales
Funeral services	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
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 February 9, 2009.

PASSED AND APPROVED

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<u>January 29</u> , 2009			<u></u>
			Will Wynn
			Mayor
APPROVED:	<u></u>	ATTEST:	<u></u>
	David Allan Smith		Shirley A. Gentry
	City Attorney		City Clerk

DESCRIPTION OF 0.315 OF AN ACRE, MORE OR LESS, OF LAND AREA, BEING A PORTION OF LOT 1, RESUBDIVISION OF LOT 1 OF EMERALD OAKS ADDITION, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN DOC. NO. 200800233, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½" iron pipe found in the southeast line of Interstate Highway 35 North, for the west corner of the aforementioned Lot 1, same being the north corner of Lot 1, Block G, Delwood, Section Two, a subdivision in Travis County, Texas, according to the map or plat thereof as recorded in Volume 4, Page 282, Plat Records of Travis County, Texas, and being the west corner of the herein described zoning tract;

THENCE leaving the PLACE OF BEGINNING and the aforementioned Lot 1 (4/282), with the common line of Interstate Highway 35 North and the aforementioned Lot 1 (200800233) the following two (2) courses:

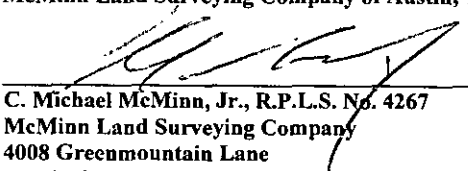
1. N 30°34'15"E 119.94 feet to a TxDOT brass monument found in concrete for an interior corner of Interstate Highway 35 North, same being the north corner of Lot 1 (200800233), and being the north corner of the herein described zoning tract; and
2. S 59°45'00"E 13.06 feet to a TxDOT brass monument found in concrete for an exterior corner of Interstate Highway 35 North, same being the west corner 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;

THENCE leaving Interstate Highway 35 North with the common line of Lot 1 (200800233), and the aforementioned Lot 3, S 59°45'00"E 101.02 feet to a ½" iron rod found for the east corner of the herein described zoning tract;

THENCE leaving Lot 3 and crossing Lot 1 (200800233), S 30°34'00"W 38.45 feet to ½" iron pipe found for an interior corner of Lot 1 (200800233), same being the north corner 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 an interior corner of the herein described zoning tract of;

THENCE with the common line of Lot 1 (200800233) and the aforementioned Davis Tract S 30°34'00"W 82.42 feet to a ½" iron rod found the an exterior corner of Lot 1 (200800233), same being the east corner of the aforementioned Lot 1 (4/282), and being the south corner of the herein described zoning tract;

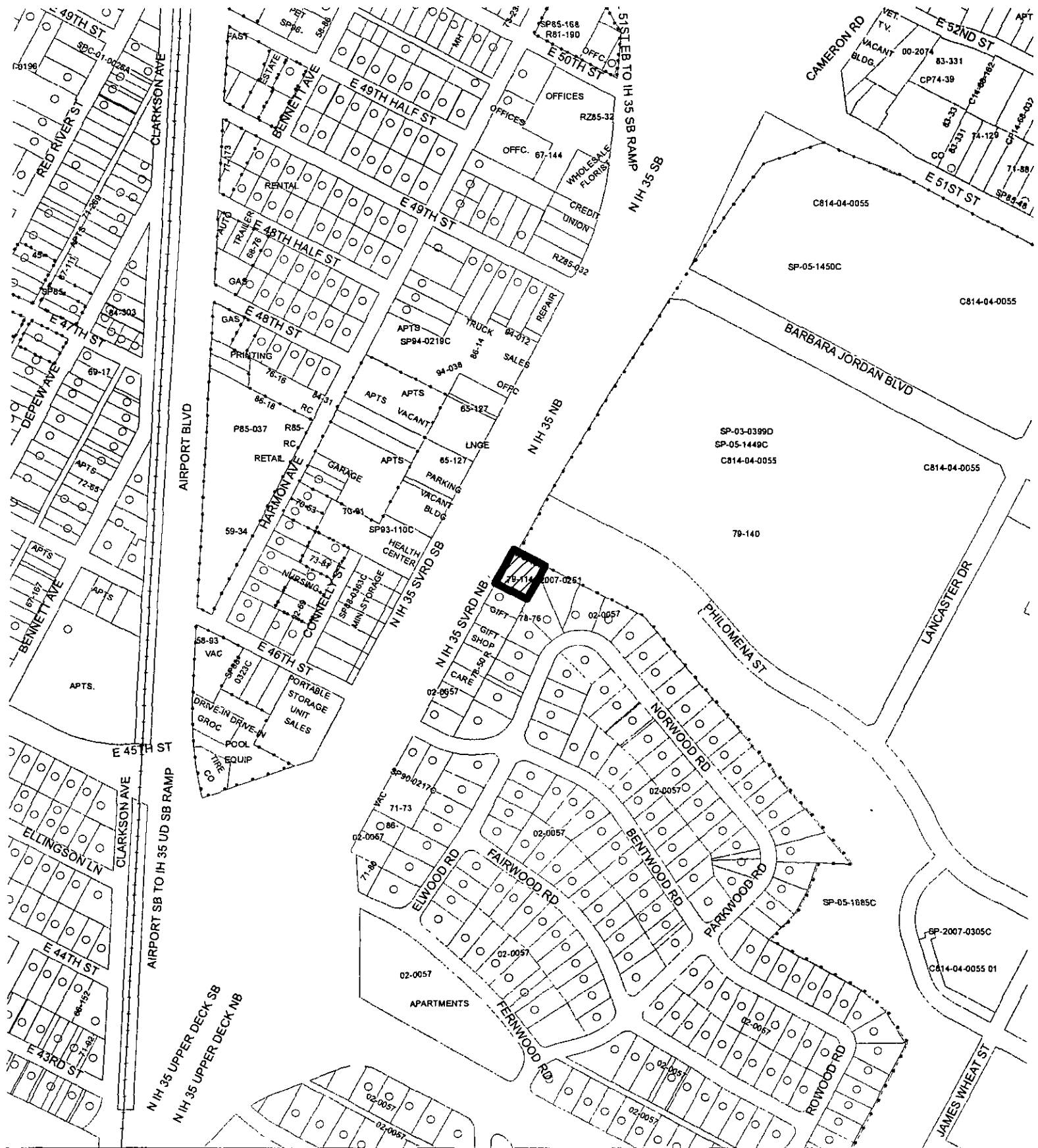
THENCE leaving the Davis Tract, with the common line of Lot 1 (200800233) and Lot 1 (4/282), N 59°16'45"W 114.10 feet to the PLACE OF BEGINNING. There are contained within these metes and bounds, 0.315 of an acre, more or less, of land area, as described from record information and measurements made 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 : December 9, 2008

SUBDIVISION : Resubdivision of Lot 1 Of Emerald Oaks Addition
COUNTY : Travis, Texas.

J.O. No. : 10108
LND1201



ZONING EXHIBIT B

ZONING CASE#: C14-2008-0240
 ADDRESS: 4705 N IH 35 SVRD NB
 SUBJECT AREA: 0.31 ACRES
 GRID: K25
 MANAGER: J. HARDEN

- SUBJECT TRACT
- ZONING BOUNDARY
- PENDING CASE

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.