

**ORDINANCE NO. 20090723-129**

**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 1112 EAST YAGER LANE FROM COMMUNITY COMMERCIAL-CONDITIONAL OVERLAY (GR-CO) COMBINING DISTRICT TO COMMUNITY COMMERCIAL-CONDITIONAL OVERLAY (GR-CO) COMBINING DISTRICT FOR TRACT ONE AND FROM NEIGHBORHOOD OFFICE-CONDITIONAL OVERLAY (NO-CO) COMBINING DISTRICT TO NEIGHBORHOOD OFFICE-CONDITIONAL OVERLAY (NO-CO) 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. C14-2009-0034, on file at the Planning and Development Review Department, as follows:

Tract One: From community commercial-conditional overlay (GR-CO) combining district to community commercial-conditional overlay (GR-CO) combining district.

Lot 61, Block F, Copperfield Section Three-C Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Volume 85, Pages 63B and 63C, of the Plat Records of Travis County, Texas; and

Tract Two: From neighborhood office-conditional overlay (NO-CO) combining district to neighborhood office-conditional overlay (NO-CO) combining district.

A 5.87 acre tract of land, more or less, out of the Menucan Hunt Survey No. 83, Abstract 397, Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance (Tracts One and Two known as the "Property"),

locally known as 1112 East Yager 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. The following uses are prohibited uses of Tract One:

Automotive rentals

Automotive sales

Automotive repair services

Automotive washing (of any type)

Pawn shop services

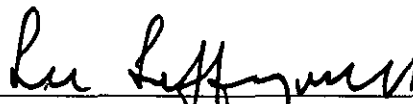
Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the respective base districts, and other applicable requirements of the City Code.

**PART 3.** This ordinance takes effect on August 3, 2009

**PASSED AND APPROVED**

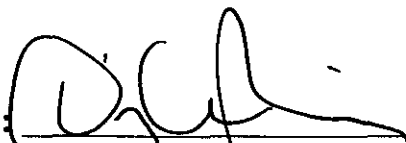
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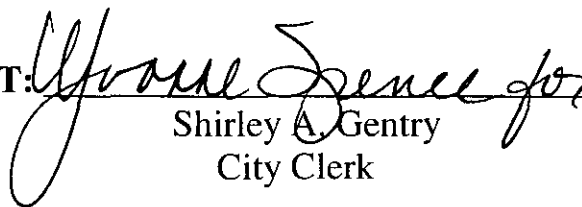
Lee Leffingwell  
Mayor

APPROVED:



David Allan Smith  
City Attorney

ATTEST:



Shirley A. Gentry  
City Clerk

FIELD NOTES

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All that certain tract or parcel of land situated in Travis County, Texas, out of the Menucan Hunt Survey No. 83, Abstract 397, and being that same tract described as Tract Three, 5.87 acres, in a Special Warranty Deed granted to Copperfield IV Venture, dated September 22, 1993, and recorded in Volume 12034, Page 3040, Real Property Records of Travis County, Texas and further described by metes and bounds as follows:

BEGINNING at a 1/2" iron pin found in the north R.O.W. line of Yager Lane for the southwest corner of Lot 47, Block "F", Copperfield Section Three-C, a subdivision in Travis County, Texas as recorded in Volume 85, Pages 63B-63C, Plat Records, Travis County, Texas and the most southerly corner of Lot 46, Block "F" of said Copperfield Section Three-C for the southeast corner of said Tract Three, Copperfield IV Venture and this tract,

THENCE: N 60°04'39" W 188.45 feet with the north R.O.W. line of said Yager Lane and the south line of said Tract Three, Copperfield IV Venture, to a 1/2" iron pin with a cap inscribed "TJ Dodd" found for the southeast corner of Lot 61, Block "F" of said Copperfield Section Three-C and the southwest corner of said Tract Three, Copperfield IV Venture and this tract;

THENCE: with the west line of said Tract Three, Copperfield IV Venture in the following seven (7) courses:

- (1) N 28°46'16" E 312.47 feet to a 1/2" iron pin found for the northeast corner of said Lot 61, Block "F", Copperfield Section Three-C and an interior ell corner of said Tract Three, Copperfield IV Venture and this tract,
- (2) N 45°09'03" W 140.02 feet to a 1/2" iron pin found for an angle point in the north line of said Lot 61, Block "F", Copperfield Section Three-C and an angle point in the south line of Lot 6, Block "F", Copperfield Section Three-B, a subdivision in Travis County, Texas as recorded in Volume 85, Pages 79B-79C, said plat records and an angle point of said Tract Three, Copperfield IV Venture and this tract,
- (3) N 75°43'00" E 96.51 feet with the south line of Block "F" of said Copperfield Section Three-B to a 1/2" iron pin found for an angle point in the south line of Lot 7, Block "F", said Copperfield Section Three-B and an angle point of said Tract Three, Copperfield IV Venture and this tract,
- (4) N 19°48'27" E 492.42 feet to a 1/2" iron pin found for the southeast corner of Lot 18, Block "F", said Copperfield Section Three-B and the northeast corner of Lot 17, Block "F", said Copperfield Section Three-B, and an angle point of said Tract Three, Copperfield IV Venture,
- (5) N 36°40'15" E 79.65 feet to a 1/2" iron pin found for the southeast corner of Lot 20, Block "F", said Copperfield Section Three-B and the northeast corner of Lot 19, Block "F", said Copperfield Section Three-B, and an angle point of said Tract Three, Copperfield IV Venture and this tract,
- (6) N 84°40'33" E 80.22 feet to a 1/2" iron pin found for the southeast corner of Lot 21, Block "F", said Copperfield Section Three-B and an interior ell corner of said Tract Three, Copperfield IV Venture and this tract,
- (7) N 07°48'34" W 104.04 feet to a 1/2" iron pin found in the south R.O.W. line of Emily Way, for the northeast corner of said Lot 21, Block "F", and the northwest corner of said Tract Three, Copperfield IV Venture;

EXHIBIT "A"

FIELD NOTES

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THENCE: S 86°23'12" E 30.12 feet with the south R.O.W. line of said Emily Way and the north line of said Tract Three, Copperfield IV Venture, to a ½" iron pin found for the northwest corner of Lot 24, Block "F", said Copperfield Section Three-C, and the northeast corner of said Tract Three, Copperfield IV Venture and this tract;

THENCE: with the west line of Block "F", said Copperfield Section Three-C and the east line of said Tract Three, Copperfield IV Venture in the following eight (8) courses:

- (1) S 00°53'41" E 54.32 feet to a ½" iron pin found for an angle point in the west line of Lot 24, Block "F", said Copperfield Section Three-C, and an angle point of said Tract Three, Copperfield IV Venture and this tract,
- (2) S 13°11'00" E 423.69 feet, being the basis of bearings cited hereon, to a ½" iron pin found, for the southwest corner of Lot 32, Block "F", said Copperfield Section Three-C, and an angle point of said Tract Three, Copperfield IV Venture and this tract,
- (3) S 12°02'53" E 85.46 feet to a 60 D nail found in a fence corner for the southwest corner of Lot 34, Block "F", said Copperfield Section Three-C, and the northwest corner of Lot 35, Block "F", and an angle point of said Tract Three, Copperfield IV Venture and this tract,
- (4) S 29°19'45" W 202.17 feet to a ½" iron pin with a yellow plastic cap inscribed "CCC 4835" set for an angle point in the west line of Lot 38, Block "F", said Copperfield Section Three-C, and an angle point of said Tract Three, Copperfield IV Venture and this tract,
- (5) S 54°12'22" W 252.84 feet to a ½" iron pin found for the most westerly corner of Lot 43, Block "F", said Copperfield Section Three-C and the most northerly corner of Lot 44, Block "F", said Copperfield Section Three-C, and an angle point of said Tract Three, Copperfield IV Venture and this tract,
- (6) S 62°25'38" W 87.23 feet to a ½" iron pin found for the most westerly corner of said Lot 44, Block "F", and the most northerly corner of Lot 45, Block "F", said Copperfield Section Three-C, and an angle point of said Tract Three, Copperfield IV Venture, and this tract,
- (7) S 23°00'43" W 99.93 feet to a ½" iron pin found for most southerly corner of said Lot 45, Block "F", and the northwest corner of said Lot 46, Block "F", and an angle point of said Tract Three, Copperfield IV Venture, and this tract,
- (8) S 06°31'00" E 120.12 feet to the point of beginning and containing 5.86 acres of land.

Castleberry Surveying, Ltd.  
203 South IH 35, Suite 101C  
Georgetown, Texas 78628

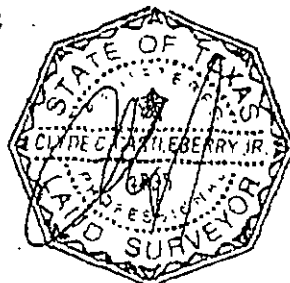


EXHIBIT "A"

Clyde C. Castleberry, Jr.  
Registered Professional Land Surveyor No. 4835

CCC/tcp

