

**ORDINANCE NO. 20100114-039**

**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 3923 MEDICAL PARKWAY FROM GENERAL COMMERCIAL SERVICES-MIXED USE-CONDITIONAL OVERLAY (CS-MU-CO) COMBINING DISTRICT TO GENERAL COMMERCIAL SERVICES-MIXED USE-CONDITIONAL OVERLAY (CS-MU-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 general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district to general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district on the property described in Zoning Case No. C14-2009-0146, on file at the Planning and Development Review Department, as follows:

A 0.390 acre tract of land, more or less, out of the George W. Spear League, 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 3923 Medical Parkway, 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. The maximum height of a building or structure is 40 feet from ground level.
- B. The maximum height of a building or structure is three stories.
- C. 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.
- D. The following uses are prohibited uses of the Property:

Agricultural sales and services  
Automotive repair services  
Automotive sales

Art workshop  
Automotive rentals  
Automotive washing (of any type)

Bail bond services  
Business or trade school  
Campground  
Commercial off-street parking  
Construction sales and services  
Consumer repair services  
Drop-off recycling collection facility  
Electronic testing  
Equipment sales  
Food preparation  
Funeral services  
Indoor entertainment  
Kennels  
Monument retail sales  
Outdoor entertainment  
Pawn shop services  
Printing and publishing  
Restaurant (general)  
Service station  
Theater

Building maintenance services  
Business support services  
Commercial blood plasma center  
Communications services  
Consumer convenience services  
Convenience storage  
Electronic prototype assembly  
Equipment repair services  
Exterminating services  
Food sales  
Hotel-motel  
Indoor sports and recreation  
Laundry service  
Off-site accessory parking  
Outdoor sports and recreation  
Plant nursery  
Research services  
Restaurant (limited)  
Software development  
Vehicle storage

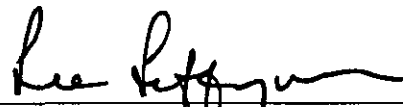
Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the general commercial services (CS) base district, the mixed use combining district, and other applicable requirements of the City Code.

**PART 3.** This ordinance takes effect on January 25, 2010.

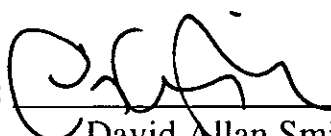
**PASSED AND APPROVED**

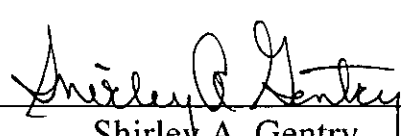
\_\_\_\_\_, January 14, 2010

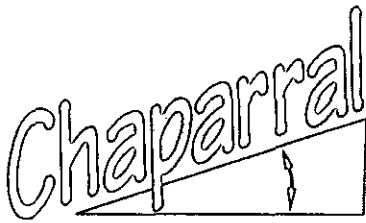
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Lee Lerfingwell  
Mayor

**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: 512-389-0943

3500 McCall Lane  
Austin, Texas 78744

**ZONING DESCRIPTION**

**0.390 ACRES**

**GEORGE W. SPEAR LEAGUE**

A DESCRIPTION OF 0.390 ACRES (APPROXIMATELY 16,976 SQUARE FEET) IN THE GEORGE W. SPEAR LEAGUE, TRAVIS COUNTY, TEXAS, BEING A PORTION OF LOTS 2 AND 3, BLOCK 6, HENRY B. SEIDERS SUBDIVISION, A SUBDIVISION IN TRAVIS COUNTY, TEXAS ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 1, PAGE 60 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING ALL OF A 0.390 ACRE TRACT OF LAND CONVEYED TO AMERICAN BANK OF COMMERCE IN A SUBSTITUTE TRUSTEE'S DEED DATED APRIL 7, 2009 AND RECORDED IN DOCUMENT NO. 2009072709 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.390 ACRES BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** at a 1/2" iron pipe found at the intersection of the south right-of-way line of West 40<sup>th</sup> Street (60' right-of-way width) and the east right-of-way line of Medical Parkway (right-of-way width varies), being the northwest corner of said 0.390 acres, also being in the west line of said Lot 3, and also being the southwest corner of a 3648 square foot tract described in Volume 2776, Page 200 of the Deed Records of Travis County, Texas;

**THENCE** South 62°20'50" East with the south right-of-way line of West 40<sup>th</sup> Street, the south line of the said 3648 square foot tract and the north line of the 0.390 acre tract, a distance of 151.88 feet to a nail in punch hole found at the intersection of the south right-of-way line of West 40<sup>th</sup> Street and the west right-of-way line of a 20' alley, being the northeast corner of the 0.390 acre tract, also being the southeast corner of the said 3648 square foot tract, and also being in the east line of Lot 3, from which a 3/4" iron pipe found at the intersection of the north right-of-way line of West 40<sup>th</sup> Street and the west right-of-way line of a 20' alley, bears North 27°39'24" East, a distance of 60.03 feet;

**THENCE** South 27°34'08" West with the west right-of-way line of a 20' alley, the east line of the 0.390 acre tract and the east line of said Lots 2 and 3, a distance of 111.81 feet to a 1/2" rebar found for the southeast corner of the 0.390 acre tract, also being in the east line of said Lot 2 and also being the northeast corner of a 7,599 square foot tract of land described in Volume 11701, Page 1098 of the Real Property Records of Travis County, Texas, from which a 1/2" rebar found in the west right-of-way line of the 20' alley, being the southeast corner of said 7,599 square foot tract, also being the southeast corner of Lot 2 and the northeast corner of Lot 1, of said Henry B. Seiders Subdivision, bears South 27°34'08" West, a distance of 49.75 feet;

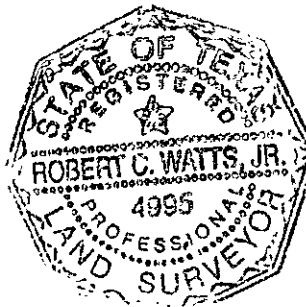
**THENCE** North  $62^{\circ}18'09''$  West, crossing Lot 2, with the south line of the 0.390 acre tract, being the north line of the 7,599 square foot tract, a distance of 151.94 feet to a calculated point in the east right-of-way line of Medical Parkway, being the southwest corner of the 0.390 acre tract and also being in the west line of Lot 2, from which an X in concrete found in the east right-of-way line of Medical Parkway, being the southwest corner of the 7,599 square foot tract, also being the southwest corner of Lot 2 and the northwest corner of said Lot 1, bears South  $27^{\circ}35'42''$  West, a distance of 50.06 feet;

**THENCE** North  $27^{\circ}35'42''$  East with the east right-of-way line of Medical Parkway, the west line of the 0.390 acre tract and the west line of Lots 2 and 3, a distance of 111.69 feet to the **POINT OF BEGINNING**, containing 0.390 acres of land, more or less.

Prepared from a survey made on the ground May 03, 2005, updated August 15, 2008. Bearing basis is Grid Azimuth for the Texas Central Zone, 1983/93 HARN values from the LCRA survey control network. Attachments: Survey Drawing 482-001-Z4.



Robert C. Watts, Jr.  
Registered Professional Land Surveyor  
State of Texas No. 4995

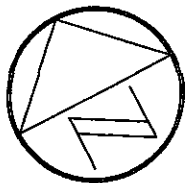


9-30-09

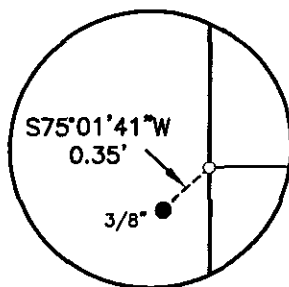
A SURVEY OF 0.390 ACRES (APPROXIMATELY 16,976 SQUARE FEET) IN THE GEORGE W. SPEAR LEAGUE, TRAVIS COUNTY, TEXAS, BEING A PORTION OF LOTS 2 AND 3, BLOCK 6, HENRY B. SEIDERS SUBDIVISION, A SUBDIVISION IN TRAVIS COUNTY, TEXAS ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 1, PAGE 60 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING ALL OF A 0.390 ACRE TRACT OF LAND CONVEYED TO AMERICAN BANK OF COMMERCE IN A SUBSTITUTE TRUSTEE'S DEED DATED APRIL 7, 2009 AND RECORDED IN DOCUMENT NO. 2009072709 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

# LEGEND

- 1/2" REBAR FOUND
- ⊙ IRON PIPE FOUND (SIZE NOTED)
- ▲ NAIL IN PUNCH HOLE FOUND
- ⊗ X IN CONC. FOUND
- CALCULATED POINT

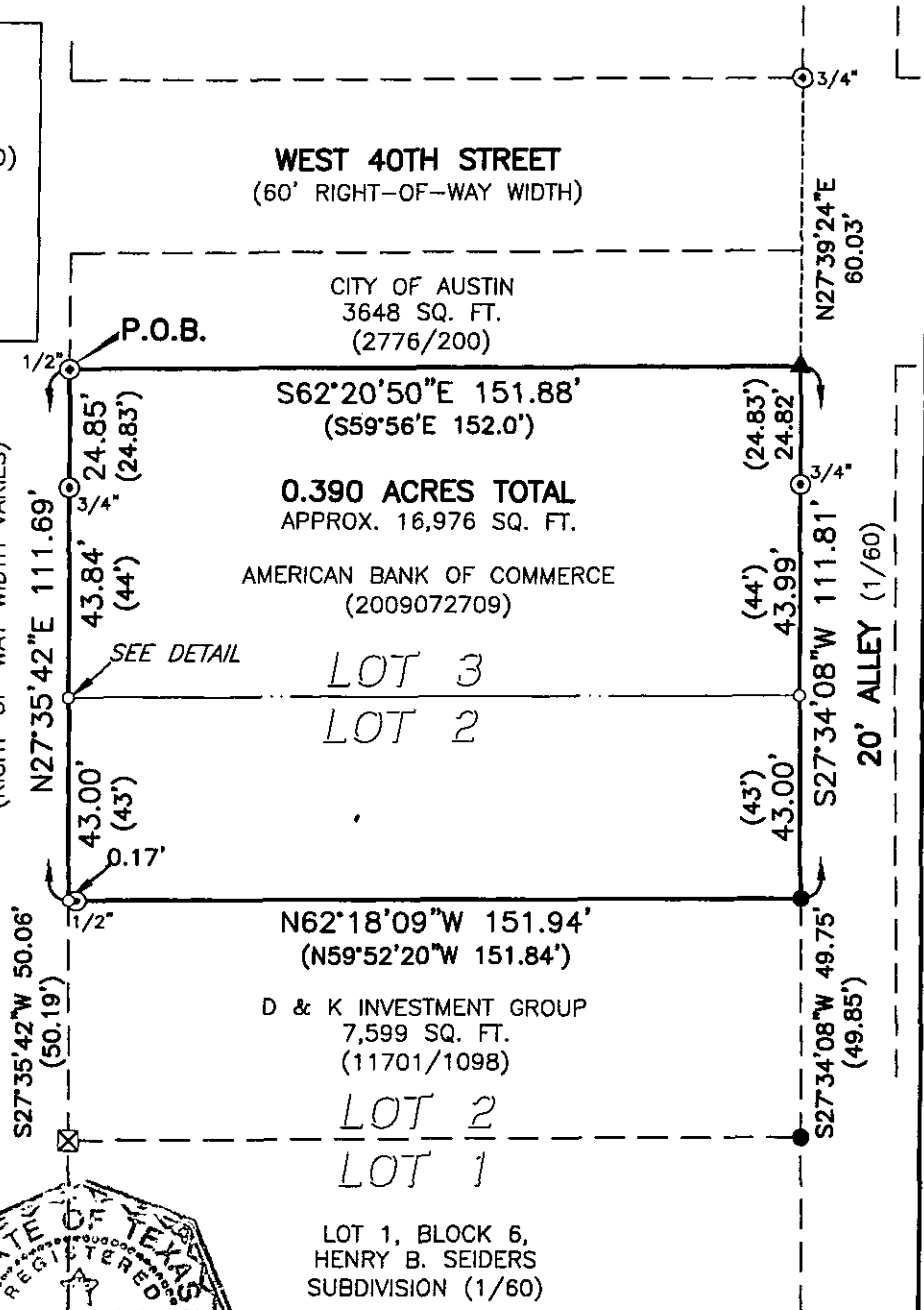


1"=40'

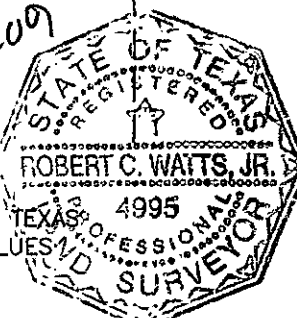


DETAIL  
NTS

MEDICAL PARKWAY  
(PLATTED ALICE AVENUE)  
(RIGHT-OF-WAY WIDTH VARIES)



*Mut 18*  
*9.30-09*



BEARING BASIS: GRID AZIMUTH FOR TEXAS  
CENTRAL ZONE, 1983/93 HARN VALUES  
FROM LCRA CONTROL NETWORK.

ATTACHMENTS: METES AND BOUNDS  
DESCRIPTION 482-001-24

*Chaparral*

LOT 1, BLOCK 6,  
HENRY B. SEIDERS  
SUBDIVISION (1/60)

D & K INVESTMENTS  
(11625/1532)

DATE OF SURVEY: 08-15-08  
PLOT DATE: 09-30-09  
DRAWING NO.: 482-001  
PROJECT NO.: 482-001-24  
DRAWN BY: JDB

