

ORDINANCE NO. _____

1 **AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE**
2 **PROPERTY LOCATED AT 11505 ANDERSON MILL ROAD FROM**
3 **DEVELOPMENT RESERVE (DR) DISTRICT TO NEIGHBORHOOD**
4 **COMMERCIAL-CONDITIONAL OVERLAY (LR-CO) COMBINING DISTRICT.**

5
6 **BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**
7

8 **PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to
9 change the base district from development reserve (DR) district to neighborhood
10 commercial-conditional overlay (LR-CO) combining district on the property described in
11 Zoning Case No. C14-2009-0097, on file at the Planning and Development Review
12 Department, as follows:
13

14 A 1.582 acre tract of land, more or less, out of the S.A. and M.G. R.R. Survey No.
15 800, the tract of land being more particularly described by metes and bounds in
16 Exhibit "A" incorporated into this ordinance (the "Property"),
17

18 locally known as 11505 Anderson Mill Road, in the City of Austin, Travis County, Texas,
19 and generally identified in the map attached as Exhibit "B".
20

21
22 **PART 2.** The Property within the boundaries of the conditional overlay combining district
23 established by this ordinance is subject to the following conditions:
24

- 25 A. A site plan or building permit for the Property may not be approved,
26 released, or issued, if the completed development or uses of the Property,
27 considered cumulatively with all existing or previously authorized
28 development and uses, generate traffic that exceeds 1,333 trips per day.
29
- 30 B. For a building or portion of a building constructed within the 75 foot setback
31 from the eastern property line:
32
- 33 1. the maximum height is 15 feet from ground level; and
 - 34 2. the maximum height is one story.
- 35
- 36 C. Except as set forth in Section D of this Part 2, the following uses of the Property
37 are prohibited uses:

1. Consumer convenience services
College and university facility facilities
Day care services (commercial)
Day care services (general)
Day care services (limited)
Group home, Class I (general)
Group home, Class II
Private primary educational facilities
Private secondary educational facilities
Public primary educational facilities
Public secondary educational facilities
Restaurant (limited)
Safety services
Service station

2. Drive-in service is prohibited as an accessory use to commercial uses.

- D. A food sales use, general retail sales (convenience) use, and a general retail sales (general) use are permitted uses on the ground/1st floor of a building.

Except as specifically provided in this ordinance, the Property may be developed and used in accordance with the regulations established for the neighborhood commercial (LR) base district, and other applicable requirements of the City Code.

PART 4. This ordinance takes effect on _____, 2010.

PASSED AND APPROVED

_____, 2010 § _____
 § _____
 § _____
 Lee Leffingwell
 Mayor

APPROVED: _____ **ATTEST:** _____
 Karen M. Kennard Shirley A. Gentry
 Acting City Attorney City Clerk



Professional Land Surveying, Inc.
Surveying and Mapping

Office: 512-443-1724
Fax: 512-389-0943

3500 McCall Lane
Austin, Texas 78744

REMAINDER OF 1.582 ACRES

A DESCRIPTION OF THE REMAINDER OF 1.582 ACRES OF LAND IN THE S.A. & M.G. R.R. SURVEY NO. 800, BEING THE REMAINDER OF A 1.582 ACRE TRACT DESCRIBED IN A DEED TO MARVIN C. AND ELIZABETH M. HENRY AND RECORDED IN VOLUME 6428 PAGE 320 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS; SAID REMAINDER TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a point in the east line of said 1.582 acre tract, same being the west line of Lot 2, Oak Deer Park, a subdivision of record in Book 55, page 43 of the Plat Records of Travis County, Texas, also being the southeast corner of a 0.187 acre tract conveyed to Travis county and recorded in Document Number 2004130801 of the Official public Records of Travis County, Texas;

THENCE with the east line of said 1.582 acre tract same being the west line of Lots 4 and 6 of said Oak Deer Park to the south east corner of said 1.582 acre tract, same being the northeast corner of a 1.762 acre tract conveyed to David and Jo Beth Kerr.


THENCE with the south line of said 1.582 acre tract, same being the north line of said 1.762 acre tract to the southwest corner of said 1.582 acre tract, same being the northwest corner of said 1.762 acre tract, also being in the east line of a tract conveyed to David and Leota Thornton in Volume 11582 Page 86, of the Real Property Records of Travis County, Texas;.

THENCE with the west line of said 1.582 acre tract, same being the east line of said Thornton tract to a point in said common line being the southwest corner of said 0.187 acre tract;

THENCE crossing said 1.582 acre tract with the south line of said 0.187 acre tract to the **POINT OF BEGINNING**.

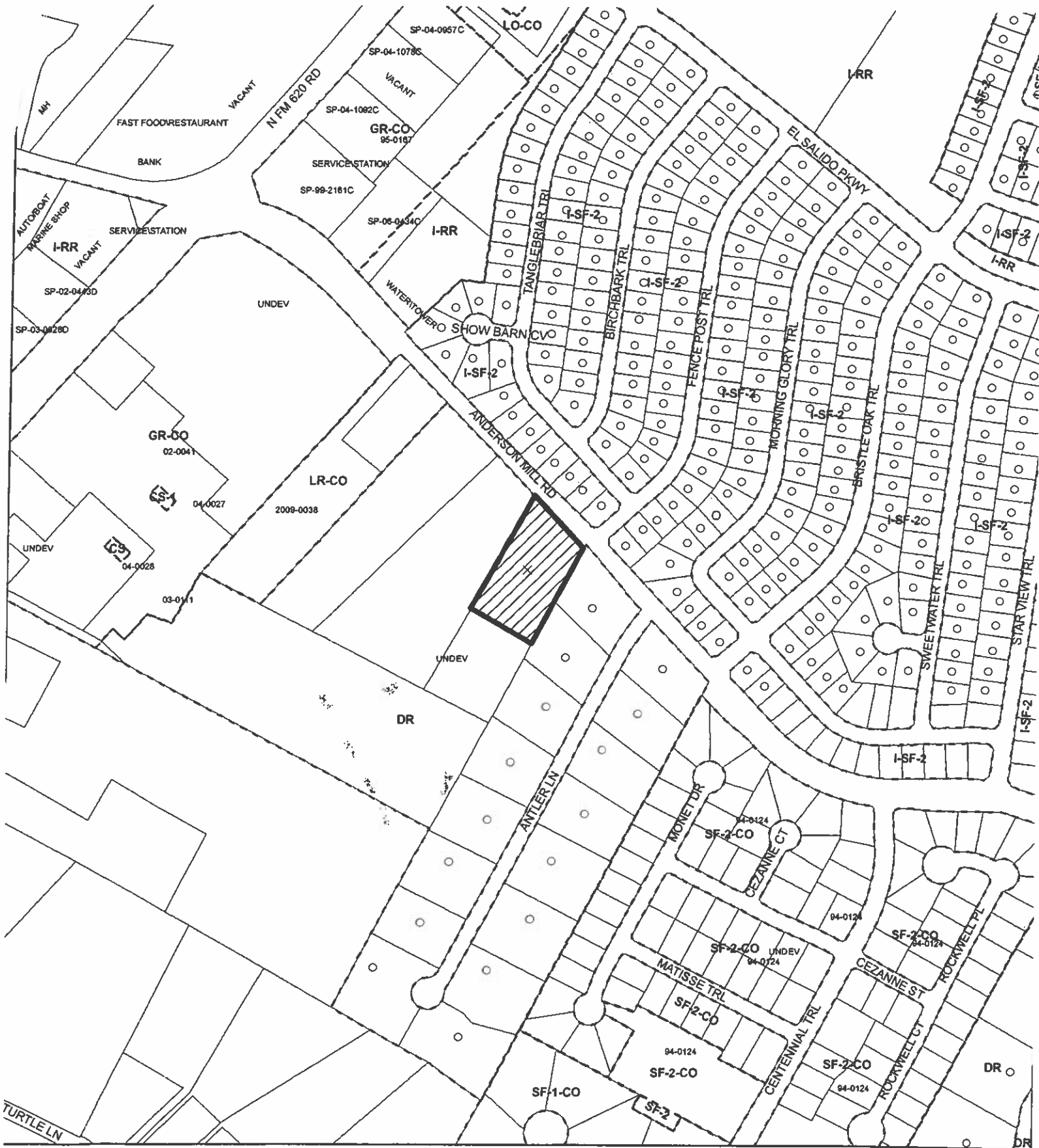
This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

Attachments: None





James Redmon
Registered Professional Land Surveyor
State of Texas No. 5848

8-11-09





ZONING Exhibit B

-  **SUBJECT TRACT**
-  **ZONING BOUNDARY**
-  **PENDING CASE**

ZONING CASE#: C14-2009-0097
ADDRESS: 11505 ANDERSON MILL RD
SUBJECT AREA: 1.582 ACRES
GRID: E38
MANAGER: S. SIRWAITIS

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.

RESTRICTIVE COVENANT

OWNER: Marvin and Elizabeth Henry

ADDRESS: 11505 Anderson Mill Road, Austin, Texas 78750

CONSIDERATION: Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and sufficiency of which is acknowledged.

PROPERTY: A 1.582 acre tract of land, more or less, out of the S.A. and M.G. R.R. Survey No. 800, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this covenant.

WHEREAS, the Owner (the "Owner", whether one or more), of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions;

NOW, THEREFORE, it is declared that the Owner of the Property, for the consideration, shall hold, sell and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant ("Agreement"). These covenants and restrictions shall run with the land, and shall be binding on the Owner of the Property, its heirs, successors, and assigns.

1. For a food sales use, a general retail sales (convenience) use, and a general retail sales (general) use, the hours of operation are from 7:00 a.m. to 8:00 p.m. daily.
2. If any person or entity shall violate or attempt to violate this Agreement, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such Agreement, to prevent the person or entity from such actions, and to collect damages for such actions.
3. If any part of this Agreement is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this Agreement, and such remaining portion of this Agreement shall remain in full effect.
4. If at any time the City of Austin fails to enforce this Agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.
5. This Agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, and (b) by the owner(s) of the Property, or a portion of the Property, subject to the modification, amendment or termination at the time of such modification, amendment or termination.

EXECUTED this the _____ day of _____, 2010.

OWNER:

Marvin and Elizabeth Henry

Marvin Henry

Elizabeth Henry

APPROVED AS TO FORM:

Assistant City Attorney
City of Austin

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the _____ day of _____, 2010, by Marvin Henry.

Notary Public, State of Texas

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the _____ day of _____, 2010, by Elizabeth Henry.

Notary Public, State of Texas



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Attachments: None

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Registered Professional Land Surveyor
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After Recording, Please Return to:
City of Austin
Department of Law
P. O. Box 1088
Austin, Texas 78767-1088
Attention: Diana Minter, Paralegal