

ORDINANCE NO. \_\_\_\_\_

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE  
2 PROPERTY LOCATED AT 1705 SOUTH LAMAR BOULEVARD FROM FAMILY  
3 RESIDENCE (SF-3) DISTRICT AND GENERAL COMMERCIAL SERVICES-  
4 VERTICAL MIXED USE BUILDING (CS-V) COMBINING DISTRICT TO  
5 GENERAL COMMERCIAL SERVICES-VERTICAL MIXED USE BUILDING-  
6 MIXED USE-CONDITIONAL OVERLAY (CS-V-MU-CO) COMBINING  
7 DISTRICT.

8  
9 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

10  
11 PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to  
12 change the base district from family residence (SF-3) district and general commercial  
13 services-vertical mixed use building (CS-V) combining district to general commercial  
14 services-vertical mixed use building-mixed use-conditional overlay (CS-V-MU-CO)  
15 combining district on the property described in Zoning Case No. C14-2010-0193, on file at  
16 the Planning and Development Review Department, as follows:

17  
18 A 0.1144 acre (4,983 sq.ft.) tract of land, more or less, out of Lot 13, Evergreen  
19 heights Subdivision, in Travis County, the tract of land being more particularly  
20 described by metes and bounds in Exhibit "A" incorporated into this ordinance (the  
21 "Property"),

22  
23 locally known as 1705 South Lamar Boulevard, in the City of Austin, Travis County,  
24 Texas, and generally identified in the map attached as Exhibit "B".

25  
26 PART 2. The Property within the boundaries of the conditional overlay combining district  
27 established by this ordinance is subject to the following conditions:

28  
29 A. The following uses are prohibited uses of the Property:

30  
31 Automotive repair services Automotive sales  
32 Automotive washing (of any type) Automotive rentals  
33 Vehicle storage Bail bond services  
34 Convenience storage Outdoor entertainment  
35 Outdoor sports & recreation Pawn shop services  
36 Restaurant (general)  
37

1 B. Drive-through services use is prohibited as an accessory use to commercial uses.

2  
3 Except as otherwise specifically restricted under this ordinance, the Property may be  
4 developed and used in accordance with the regulations established for the general  
5 commercial services (CS) base district, the mixed use combining district, and other  
6 applicable requirements of the City Code.  
7

8 **PART 3.** This ordinance takes effect on \_\_\_\_\_, 2011.  
9

10  
11 **PASSED AND APPROVED**

12  
13 §  
14 §  
15 \_\_\_\_\_, 2011 §  
16  
17 Lee Leffingwell  
18 Mayor  
19

20 **APPROVED:** \_\_\_\_\_ **ATTEST:** \_\_\_\_\_  
21 Karen M. Kennard Shirley A. Gentry  
22 Acting City Attorney City Clerk



**Windrose Land Services Austin Ltd**

4120 Commercial Center Dr., Suite 300

Austin, Texas 78744

Phone (512) 326-2100 Fax (512) 326-2770

**Professional Surveying Services**

### LEGAL DESCRIPTION

BEING A TRACT OR PARCEL OF LAND CONTAINING 0.1144 OF AN ACRE (4,983 SQ. FT.) OUT OF AND A PART OF LOT 13, EVERGREEN HEIGHTS, A SUBDIVISION IN TRAVIS COUNTY, TEXAS RECORDED IN VOLUME 2, PAGE 814, DEED RECORDS OF TRAVIS COUNTY, TEXAS, SAME BEING ALL OF THAT CERTAIN TRACT OF LAND CONVEYED TO PEGGY J. WILLIAMSON, INDEPENDENT ADMINISTRATRIX OF THE ESTATE OF LAURA R. ELLIS, AND DWAYNE HERBERT SCHUESSLER, SUBSTITUTE TRUSTEE OF THE ESTATE OF ALLENE NAUMANN BY GENERAL WARRANTY DEED RECORDED IN DOCUMENT NO. 2008142065 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: (BASIS OF BEARING: SOUTHEASTERLY RIGHT-OF-WAY LINE OF SOUTH LAMAR BOULEVARD AS DESCRIBED IN DOCUMENT NO. 2008039878, T.C.O.P.R.)

BEGINNING AT A FOUND 1/2" IRON ROD IN THE CURVING SOUTHEASTERLY RIGHT-OF-WAY LINE OF SOUTH LAMAR BOULEVARD (R.O.W. VARIES), FOR THE WEST CORNER OF SAID PEGGY J. WILLIAMSON AND DWAYNE HERBERT SCHUESSLER TRACT (WILLIAMSON/SCHUESSLER TRACT), SAME BEING THE NORTH CORNER OF THAT CERTAIN TRACT CALLED 10,388 SQUARE FEET CONVEYED TO RITA A. MILLER BY DEED RECORDED IN DOCUMENT NO. 2005105280, T.C.O.P.R., FOR THE WEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE WITH A CURVE TO THE LEFT A DISTANCE OF 51.30' SUBTENDING A CENTRAL ANGLE OF 01°00'43" A CHORD BEARING NORTH 44°54'42" EAST WITH THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF SOUTH LAMAR BOULEVARD AND THE NORTHWESTERLY LINE OF SAID WILLIAMSON/SCHUESSLER TRACT, A CHORD DISTANCE OF 51.30' TO A FOUND 1/2" IRON ROD, FOR THE NORTH CORNER OF THE WILLIAMSON/SCHUESSLER TRACT AND THE WEST CORNER OF UNIT ONE, SPRING PLACE CONDOMINIUMS, A CONDOMINIUM PLAT RECORDED IN DOCUMENT NO. 2008039878, T.C.O.P.R., FOR THE NORTH CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE SOUTH 82°02'18" EAST (RECORD: SOUTH 81°30' EAST) WITH COMMON DIVISION LINE OF SAID WILLIAMSON/SCHUESSLER TRACT AND SAID UNIT ONE, A DISTANCE OF 84.35' (RECORD: 84.3') TO A FOUND 1/2" IRON PIPE, FOR THE EAST CORNER OF SAID WILLIAMSON/SCHUESSLER TRACT AND THE NORTH CORNER OF A TRACT OF LAND CONVEYED TO ROXANA WISE BY DEED RECORDED IN DOCUMENT NO. 2005134843, T.C.O.P.R., FOR THE EAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE SOUTH 30°33'38" WEST (RECORD: SOUTH 30°00' WEST) WITH THE COMMON DIVISION LINE OF SAID WILLIAMSON/SCHUESSLER TRACT AND SAID WISE TRACT, A DISTANCE OF 49.95' (RECORD: 50') TO A FOUND 1/2" IRON PIPE IN THE NORTHEASTERLY LINE OF SAID RITA A. MILLER TRACT, FOR THE SOUTH CORNER OF SAID WILLIAMSON/SCHUESSLER TRACT AND THE WEST CORNER OF SAID WISE TRACT, FOR THE SOUTH CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE NORTH 81°35'48" WEST (RECORD: NORTH 81°30' WEST) WITH COMMON DIVISION LINE OF SAID WILLIAMSON/SCHUESSLER TRACT AND SAID MILLER TRACT, A DISTANCE OF 107.05' (RECORD: 107.5') TO THE PLACE OF BEGINNING AND CONTAINING 0.1144 OF AN ACRE (4,983 SQ. FT.) OF LAND, AS SURVEYED ON THE GROUND ON JULY 20, 2010.

RONNIE WILLIS, RPLS # 8462  
JULY 26, 2010  
JOB # 23720  
GF # ATA-73-06-AT09008627TDC

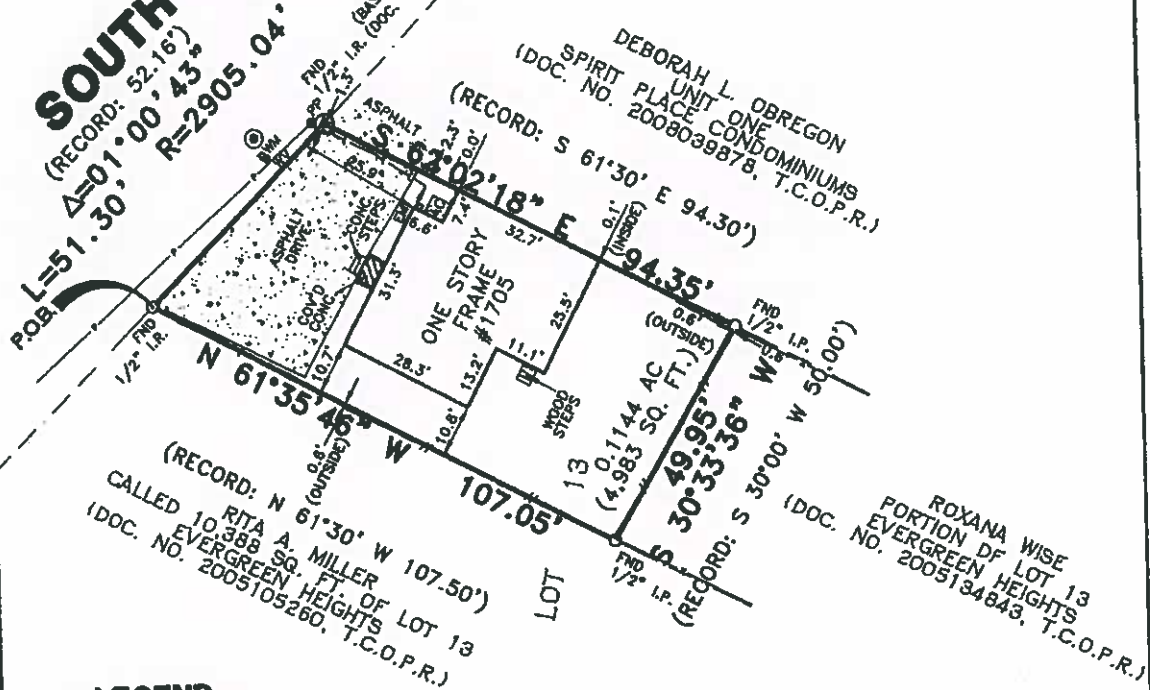


**EXHIBIT A**



SCALE: 1" = 30'

# SOUTH LAMAR BOULEVARD (R.O.W. VARIES)



## LEGEND

- EM - ELECTRIC METER
- MANHOLE
- PP - POWER POLE
- OVERHEAD POWER LINE
- WM - WATER METER
- WV - WATER VALVE
- WF - WIRE FENCE
- WIF - WROUGHT IRON FENCE
- WF - WOOD FENCE
- CM - CONTROL MONUMENT

ALL BEARINGS ARE BASED ON THE RECORDED PLAT UNLESS OTHERWISE NOTED. ALL EASEMENTS AND BUILDING LINES ARE BASED ON THE RECORDED PLAT, UNLESS OTHERWISE NOTED. SURVEYOR DID NOT ABSTRACT SUBJECT PROPERTY. THIS SURVEY HAS BEEN COMPILED IN ACCORDANCE WITH INFORMATION CONTAINED IN THE TITLE COMMITMENT REFERENCED BY OF NO. ADA-73-08-AT0900827TDC

SURVEY OF A PORTION OF LOT 13, EVERGREEN HEIGHTS, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT RECORDED IN VOL. 2, PG. 614, OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING THE SAME PROPERTY MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS IN THE DEED RECORDED IN DOC. NO. 2008142068, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, AND IN EXHIBIT "A-1" ATTACHED HERETO.

THIS TRACT IS LOCATED WITHIN FLOOD ZONE "UNSHADED" ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY PANEL NO. 481028 0445 H, REVISED SEPTEMBER 28, 2008. FLOOD ZONE DETERMINED BY GRAPHIC PLOTTING ONLY. WE DO NOT ASSUME RESPONSIBILITY FOR EXACT DETERMINATION.

PURCHASER MATTHEW RUIZ, D.C.

LENDER CO. -

ADDRESS 1708 SOUTH LAMAR BOULEVARD, AUSTIN, TEXAS 78704

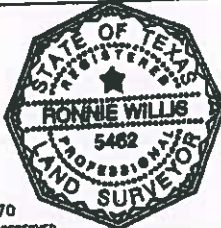
TITLE CO. ALAMO TITLE INSURANCE

Whitmore Land Services, Austin  
4120 Commercial Center Dr.  
Suite 300

Austin, Texas 78744

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I do hereby certify that this survey was this day made on the ground and that this plot correctly represents the property legally described herein (or on attached sheet). That the facts stated at the time of this survey show the improvements and that there are no encroachments apparent on the ground, except as shown.

*[Signature]*

7/26/10

FIELD WORK	07/20/10	MDL	DRAFTED BY	07/28/10	JP	CHECKED BY	07/28/10	RW
REVISION	-	-	-	-	-	MAPSCO PAGE	614 0	JOB NO. 23720
REVISION	-	-	-	-	-			



