

ORDINANCE NO. 20120209-052

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 13825 FM 2769 ROAD FROM DEVELOPMENT RESERVE (DR) DISTRICT TO COMMUNITY COMMERCIAL-CONDITIONAL OVERLAY (GR-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 development reserve (DR) district to community commercial-conditional overlay (GR-CO) combining district on the property described in Zoning Case No. C14-2011-0121, on file at the Planning and Development Review Department, as follows:

A 0.712 acre tract of land, more or less, out of the A.W. Nichols Survey, Abstract No. 57 the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance (the "Property"),

locally known as 13825 FM 2769 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 the Property:

Automotive rentals	Automotive repair services
Automotive washing (of any type)	Bail bond services
Business or trade school	Business support services
Commercial off-street parking	Communication services
Drop-off recycling collection facility	Exterminating services
Food preparation	Funeral services
Hotel-motel	Indoor entertainment

Indoor sports and recreation
Outdoor entertainment
Pawn shop services
Research services
College and university facilities
Service station

Off-site accessory parking
Outdoor sports and recreation
Personal services
Theater
Hospital services (general)

C. The following uses are Conditional uses:

Medical offices-exceeding 5,000 sq. ft gross floor area
Community recreation (private)
Community recreation (public)
Congregate living
Group home, class II
Hospital services (limited)
Residential treatment

D. The personal improvement services use may not exceed 5,000 square feet of gross floor area.

E. The following applies to a general retail sales (general) use:

1. The gross floor area may not exceed 5,000 square feet,
2. Access to the site from a local street is prohibited.

F. The following applies to a restaurant (general) use:

1. A restaurant (general) use may operate only after 7:00 a.m. and before 11:00 p.m.
2. An outdoor seating area may not:
 - a. exceed 500 square feet of area; or
 - b. be located within 50 feet of property with a single-family use or property zoned as a townhouse and condominium residence (SF-6) or more restrictive district.
3. Outdoor entertainment as an accessory use is prohibited.

4. Outdoor amplified sound is prohibited.

5. A drive-through facility is prohibited.

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

PART 3. This ordinance takes effect on February 20, 2012.

PASSED AND APPROVED

February 9, 2012 §
Lee Leffingwell
Mayor
APPROVED: Karen M. Kennard
City Attorney
ATTEST: Shirley A. Gentry
City Clerk

Precise Land Surveying, Inc.

4625 Eastover Drive
Mesquite, Texas 75149
(972) 681-7072 Fax (972) 279-1508

Exhibit "A"

Being a 0.712 acre tract of land situated in the A.W. Nichols Survey, Abstract No. 57, Travis County, Texas, being those same tract of land described in deed to Linda Light Carter, as recorded in Instrument Nos. 2000053076 and 2000149993, Official Public Records of Travis County, and being more particularly described by metes and bounds as follows:

BEGINNING at a point on the southeast line of F.M. Highway No. 2769, being the northwest corner of that certain tract of land described in deed to Thomas F. Krager, as recorded in Volume 6290, Page 1951, Deed Records of Travis County, and the north corner of the herein described tract;

THENCE South 37° 25' 20" East, departing said southeast line along the southwest line of said Krager tract, a distance of 146.60 feet to a found 1/2-inch iron rod;

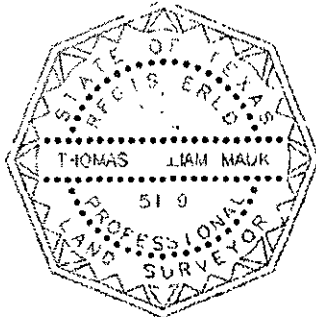
THENCE South 37° 24' 17" East (bearing base from aforementioned deed 2000149993), along said southwest line, a distance of 27.38 feet to a found 1/2-inch iron rod;

THENCE South 66° 34' 04" West, departing said southwest line, a distance of 142.62 feet to a found 1/2-inch iron rod;

THENCE North 77° 34' 34" West, a distance of 193.74 feet to a point on the aforementioned southeast line of F.M. Highway No. 2769;

THENCE North 54° 26' 39" East, along said southeast line, a distance of 263.48 feet to the POINT OF BEGINNING and containing 31,001 square feet or 0.712 of one acre of land.

This is to declare that on this date a survey was made on the ground, under my direction and supervision, of the above described tract of land.



Registered Professional Land Surveyor
August 30, 2011
611-0794

F.M. HIGHWAY NO. 2769

POINT OF BEGINNING

THOMAS F. KRAGER
VOL. 6290, PG. 1951
D.R.T.C.T.

S 37° 25' 38" E 146.57'

S 37° 24' 17" E 27.38'

found 1/2" iron rod bears N 72° 31' 10" E 0.54'

LOWER COLORADO RIVER AUTHORITY
VOL. 613, PG. 354
D.R.T.C.T.

TRACT 1
LINDA LIGHT CARTER
INST. NO. 2000053076
O.P.R.T.C.T.

LINDA LIGHT CARTER
INST. NO. 2000149993
O.P.R.T.C.T.

TRACT 2
LINDA LIGHT CARTER
INST. NO. 2000053076
O.P.R.T.C.T.

N 54° 27' 03" E 263.47'

S 65° 22' 03" W 142.09'
(REFERENCE BEARING)

N 76° 58' 03" W 195.96'

NOTES:

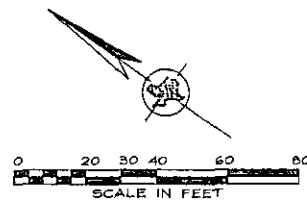
CM = CONTROLLING MONUMENT.

THE BEARINGS FOR THIS SURVEY ARE BASED ON DEED RECORDED IN INST. NO. 2000149993, O.P.R.T.C.T.

NO IMPROVEMENTS OR UTILITIES SHOWN.

715' CONTOUR NOT LOCATED.

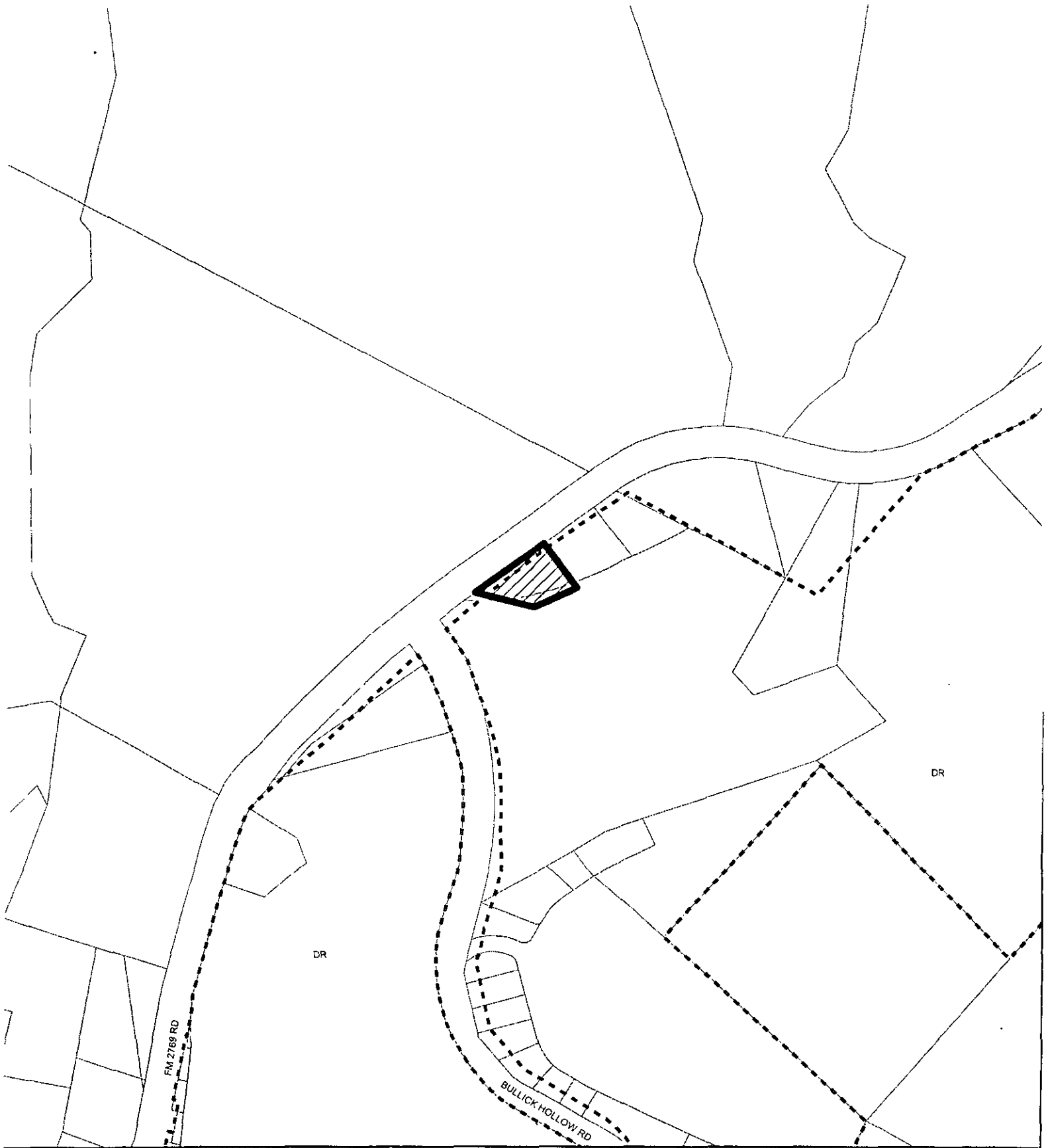
SURVEYOR	TWM
DATE	08/30/11
TECH	JDU
PARTY CHIEF	PL
FIELD DATE	08/25/11
DRAWING FILE	F:\11-FILES\611\611-0794
MAFSCO #	432-W
SCALE	1" = 40'
JOB NUMBER	611-0794
SHEET	1 OF 2 SHEETS



Registered Professional Land Surveyor





ZONING EXHIBIT
13825 F.M. HIGHWAY NO. 2769
CITY OF AUSTIN
TRAVIS COUNTY, TEXAS

Precise Land Surveying, Inc.
4625 EASTOVER DRIVE
MESQUITE, TEXAS 75149



ZONING

ZONING CASE#: C14-2011-0121

-  N
-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

1" = 400'

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic re by the City of Austin regarding specific accuracy or completeness.



Exhibit B