

ORDINANCE NO. _____

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE
2 PROPERTY LOCATED AT 1301 & 1301 ½ CHICON STREET IN THE
3 CHESTNUT NEIGHBORHOOD PLAN AREA FROM NEIGHBORHOOD
4 COMMERCIAL-NEIGHBORHOOD PLAN (LR-NP) COMBINING DISTRICT TO
5 NEIGHBORHOOD COMMERCIAL-MIXED USE-CONDITIONAL OVERLAY-
6 NEIGHBORHOOD PLAN (LR-MU-CO-NP) COMBINING DISTRICT.
7

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

10 **PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to
11 change the base district from neighborhood commercial-neighborhood plan (LR-NP)
12 combining district to neighborhood commercial-mixed use-conditional overlay-
13 neighborhood plan (LR-MU-CO-NP) combining district on the property described in
14 Zoning Case No. C14-2012-0044.SH, on file at the Planning and Development Review
15 Department, as follows:
16

17 7,809 square feet of land, more or less, out of the Original City of Austin, the tract
18 of land being more particularly described by metes and bounds in Exhibit "A"
19 incorporated into this ordinance (the "Property"),
20

21 locally known as 1301 & 1301 ½ Chicon Street in the City of Austin, Travis County,
22 Texas, and generally identified in the map attached as Exhibit "B".
23

24 **PART 2.** Except as specifically provided in Part 3 and Part 4 of this ordinance, the
25 Property may be developed and used in accordance with the regulations established for the
26 neighborhood commercial (LR) base district and other applicable requirements of the City
27 Code.
28

29 **PART 3.** The Property within the boundaries of the conditional overlay combining district
30 established by this ordinance is subject to the following conditions:
31

32 A. Service station use is a prohibited use of the Property.
33

34 B. Drive-in service use is prohibited as an accessory use to a restaurant (general)
35 and restaurant (limited) use.
36

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

PART 4. The Property is subject to Ordinance No. 001207-47 that established the Chestnut neighborhood plan combining district.

PART 5. This ordinance takes effect on _____, 2012.

PASSED AND APPROVED

_____, 2012

§
§
§

Lee Leffingwell
Mayor

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

EXHIBIT " "

ZONING DESCRIPTION

LEGAL DESCRIPTION FOR 7,809 SQUARE FEET OF LAND OUT OF THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; BEING THE SOUTH HALF OF LOTS 1 AND 2, BLOCK 8, OUTLOT NO. 34, DIVISION "B" OF THE ORIGINAL CITY OF AUSTIN, A SUBDIVISION AS RECORDED IN BOOK 1, PAGE 42 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS; SAID 7,809 SQUARE FEET OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING for POINT OF REFERENCE at a ½" iron rod found on the north right-of-way line of East 13th Street at the common south corner of Lots 3 and 4, Block 8 of the above described Outlot No. 34 Subdivision, from which a ½" iron rod found at the southeast corner of Lot 5, Block 8 of said Outlot No. 34 subdivision bears N78°08'04"E a distance of 108.52 feet; Thence, with the north right-of-way line of said East 13th Street, S78°08'04"W a distance of 53.80 feet to a ½" iron rod set with cap stamped TERRA FIRMA at the common south corner of Lots 2 and 3, Block 8 of said Outlot No. 34 Subdivision, for the southeast corner and POINT OF BEGINNING of the herein described tract;

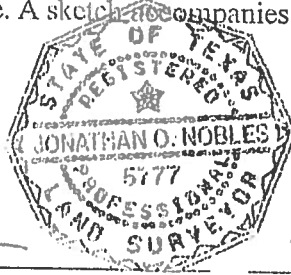
THENCE, continuing with the north right-of-way line of said East 13th Street, S78°08'04"W a distance of 107.60 feet to a ½" iron rod set with cap stamped TERRA FIRMA at the intersection with the east right-of-way line of Chicon Street, for the southwest corner of said Lot 1, Block 8 of said Outlot No. 34 Subdivision and this tract;

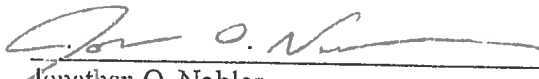
THENCE, with the east right-of-way line of said Chicon Street, N11°29'09"W, pass a PK Nail set at a distance of 36.29 feet, and continuing on for a total distance of 72.57 feet to a ½" iron rod set with cap stamped TERRA FIRMA for the northwest corner of this tract;

THENCE N78°08'04"E a distance of 107.60 feet to a ½" iron rod set with cap stamped TERRA FIRMA on the west line of Lot 3, Block 8 of said Outlot No. 34 Subdivision for the northeast corner of this tract;

THENCE, with the west line of said Lot 3, Block 8, Outlot No. 34 Subdivision, S11°29'08"E, pass a ½" iron rod set with cap stamped TERRA FIRMA at a distance of 36.28 feet, and continuing on for a total distance of 72.57 feet to the POINT OF BEGINNING, and containing 7,809 square feet (0.179 acre) of land, more or less.

I HEREBY CERTIFY that these notes were prepared by Terra Firma Land Surveying from a survey made on the ground on June 29, 2011 under my supervision and are true and correct to the best of my knowledge. A sketch accompanies this description.




Jonathan O. Nobles
Registered Professional Land Surveyor No. 5777

7/11/2012
Date

Client: Civilitude
Date: July 11, 2012
Job No.: 0A652-003-00
FB: 623/29
File: J:\Projects\A652...003-00\Survey\Point Files\A652-003.crd
J:\Projects\A652...003-00\Survey\Legal\A652-003-Zoning Desc.doc

BASIS OF BEARINGS:

Horizontal Datum based upon State Plane Coordinate System, NAD 83, Texas Central Zone.

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

SCALE 1" = 40'

LEGEND

- 1/2" IRON ROD FOUND
(UNLESS NOTED)
- ⊙ 1" IRON PIPE FOUND
- ✕ "X" FOUND IN CONCRETE
- 1/2" IRON ROD SET W/CAP
STAMPED "TERRA FIRMA"
- () RECORD INFORMATION
- △ P-K NAIL SET IN ASPHALT

BEARING BASIS NOTE:

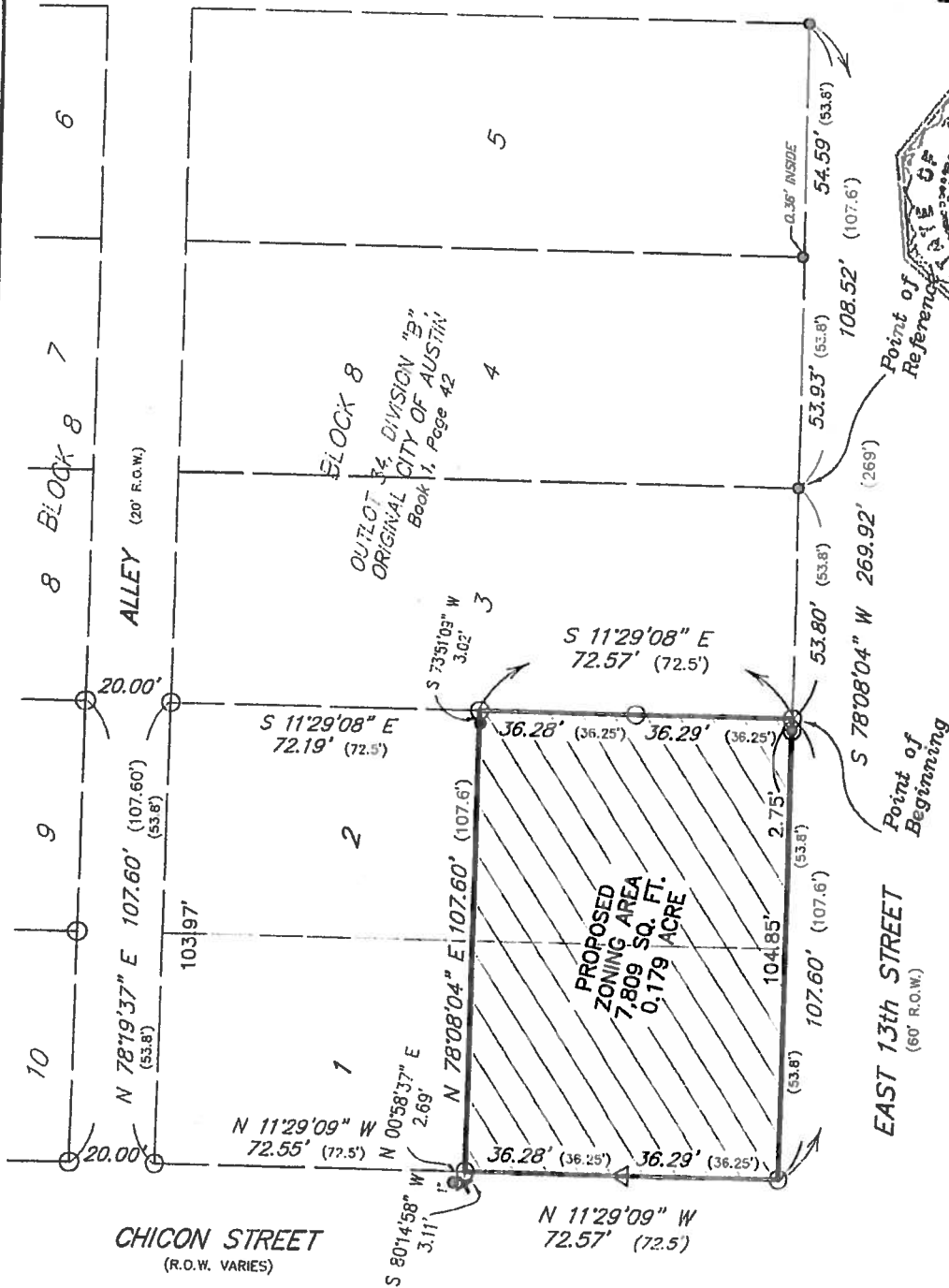
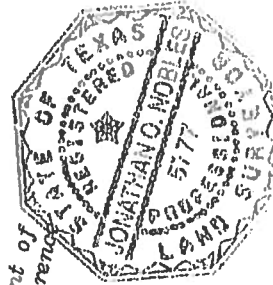
HORIZONTAL DATUM BASED
ON THE TEXAS STATE PLANE
COORDINATE SYSTEM, NAD
83, TEXAS CENTRAL ZONE.

1301 & 1301 1/2 CHICON
AUSTIN, TEXAS

CIVILITUDE
ENGINEERS & PLANNERS
411 W. ST. ELMO RD #1, AUSTIN, TX 78745
PHONE 512 761 6161 FAX 512 965 0207
FIRM REG# F-12469 INFO@CIVILITUDE.COM

**terra
firma**
LAND SURVEYING

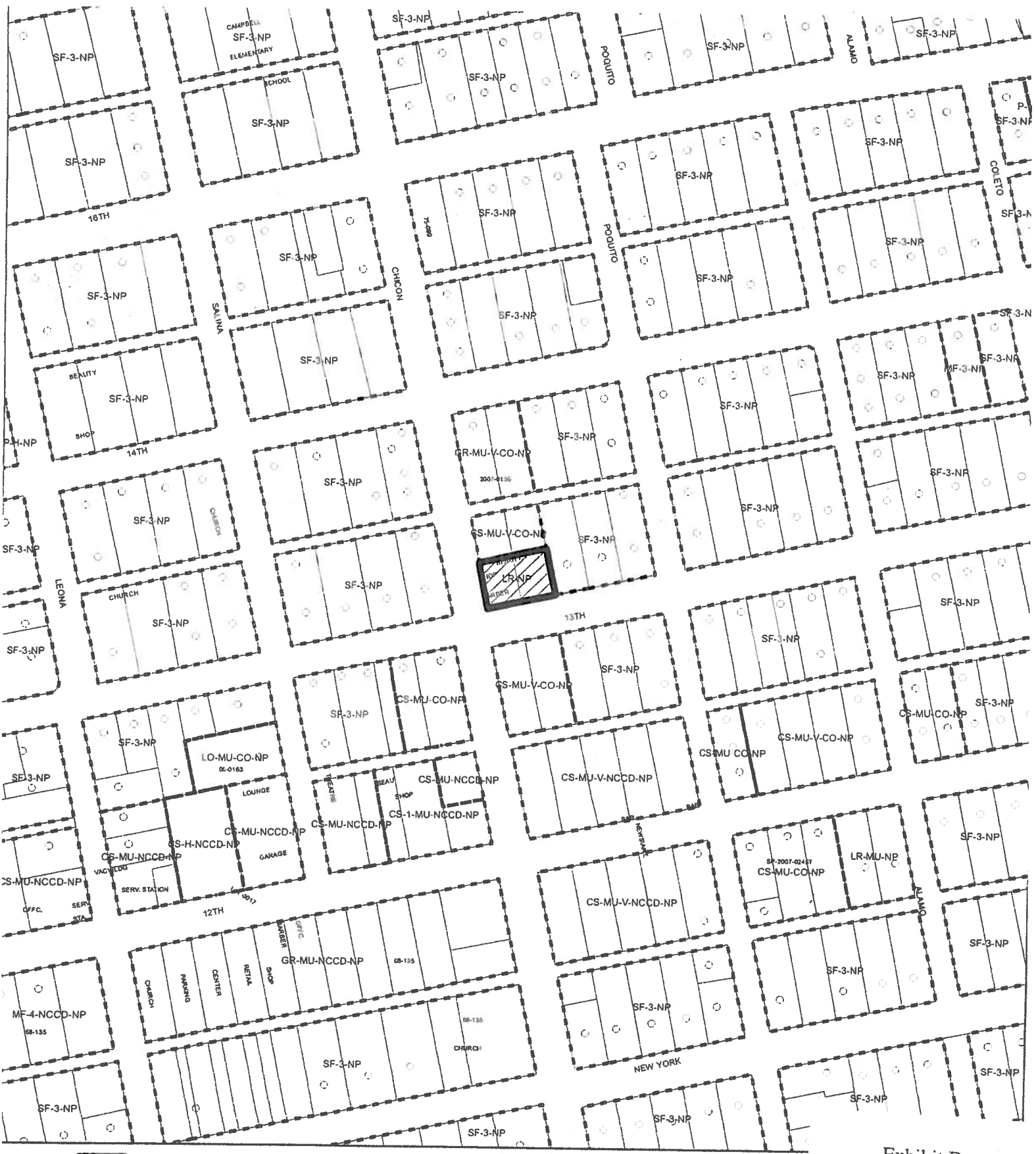
1701 Directors Boulevard, Suite 400 • Austin, Texas 78744 512/328-8373 Fax 512/445-2286






As Surveyed By

Jonathan O. Nobles
Jonathan O. Nobles
Registered Professional Land Surveyor No. 5777
Date: June 29, 2011

Client : Civiltude
Date : July 11, 2012
Office : J. Nobles, M. Carney, S. Barger
Crew : R. Meyer, B. Rigby, D. Smith
F.B. : 625/29
Job No : 0A652-003-00
File : J:\Projects\A652\003\Survey\Point Files\A652-003.crd



- N
-  SUBJECT TRACT
 -  PENDING CASE
 -  ZONING BOUNDARY

" = 400'

ZONING

ZONING CASE#: C14-2012-0044.SH

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 reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

Exhibit B

