

ORDINANCE NO. 20120816-084

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 10407 ½ DAHLGREEN AVENUE FROM COMMUNITY COMMERCIAL-MIXED USE-CONDITIONAL OVERLAY (GR-MU-CO) COMBINING DISTRICT TO COMMUNITY COMMERCIAL-MIXED USE-CONDITIONAL OVERLAY (GR-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 community commercial-mixed use-conditional overlay (GR-MU-CO) combining district to community commercial-mixed use-conditional overlay (GR-MU-CO) combining district on the property described in Zoning Case No. C14-2012-0059, on file at the Planning and Development Review Department, as follows:

A 6.052 acre tract of land, more or less, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance (the "Property"),

locally known as 10407 ½ Dahlgreen Avenue, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "A".

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

- A. Except for a day care services use, vehicular access from the Property to Dahlgreen Avenue is prohibited. All vehicular access to the Property shall be from other adjacent public streets or through other adjacent property.
- B. The following conditions apply to Lot 1:
 - 1. A building or structure may not be constructed within 25 feet of La Crosse Avenue.
 - 2. A building or structure occupied by a commercial use may not be constructed within 50 feet of La Crosse Avenue.

3. Improvements permitted within these buffer zones are limited to nature trails, landscaping, picnic tables, benches, solid fences, small trash receptacles, i.e. 55 gallons or less, access to La Crosse Avenue, surface parking facilities unless otherwise provided in this section, detention and water quality re-irrigation facilities, utility improvements or those improvements that may be otherwise required by the City of Austin or specifically authorized in this ordinance.
4. The maximum height of a building or structure is 40 feet from ground level.

C. The following conditions apply to Lot 2:

1. A building or structure may not be constructed within 75 feet of La Crosse Avenue.
2. A building or structure may not be constructed within 50 feet of Dahlgreen Avenue.
3. Improvements permitted within these buffer zones are limited to nature trails, landscaping, access to La Crosse Avenue, picnic tables, benches, solid fences, small trash receptacles, i.e. 55 gallons or less, a surface parking facility unless otherwise provided in this section, detention and water quality re-irrigation facilities, utility improvements or those improvements that may be otherwise required by the City of Austin or specifically authorized in this ordinance.
4. Parking on Lot 2 shall be located at the rear or south of a building.
5. Not more than 20 percent of the required parking, including handicap parking, may be located within a street yard.
6. The maximum height for a building or structure is 35 feet from ground level.

D. The following uses of the property are prohibited uses on Lot 2:

Group residential
Automotive sales
Automotive washing (of any type)
Commercial off-street parking
Consumer repair services
Exterminating services
Food sales

Multifamily residential
Automotive rentals
Automotive repair services
Consumer convenience services
Drop-off recycling collection facility
Financial services
Funeral services

General retail sales (convenience)
 Hotel-motel
 Indoor sports and recreation
 Outdoor sports and recreation
 Personal improvement services
 Plant nursery
 Restaurant (general)
 Theater
 Residential treatment
 Transportation terminal

General retail sales (general)
 Indoor entertainment
 Outdoor entertainment
 Pawn shop services
 Pet services
 Research services
 Service station
 Custom manufacturing
 Transitional housing
 College and university facilities

E. The following uses are prohibited uses for a single occupant of any lease space over 36,750 square feet on Lot 2:

Bed & breakfast residential (groups 1&2)
 Business or trade school
 Communications services
 Personal services
 Restaurant (limited)
 Club or lodge
 Community recreation (private)
 Counseling services
 Day care services (commercial)
 Day care services (limited)
 Group home Class I (limited)
 Hospital services (limited)
 Private primary educational facilities
 Public primary educational facilities
 Religious assembly
 Telecommunication tower
 Medical offices (exceeding 5000 sf)

Art workshop
 Business support services
 Off-site accessory parking
 Guidance services
 Special use historic
 Communication service facilities
 Community recreation (public)
 Cultural services
 Day care services (general)
 Group home Class I (general)
 Hospital services (general)
 Local utility services
 Private secondary education facilities
 Public secondary education facilities
 Safety services
 Urban farm

F. A drive-in service use as an accessory use for a restaurant use is a prohibited use on Lots 1 and 2.

G. The following uses are prohibited uses for a single occupant of any lease space over 36,750 square feet on Lot 1:

Bed & breakfast residential (groups 1&2)
 Business or trade school

Art workshop
 Business support services

Commercial off-street parking
 Consumer convenience services
 Financial services
 Funeral services
 General retail sales (general)
 Indoor entertainment
 Off-site accessory parking
 Outdoor sports and recreation
 Personal services
 Pet services
 Restaurant (general)
 Special use historic
 Custom manufacturing
 Community recreation (private)
 Counseling services
 Day care services (commercial)
 Day care services (limited)
 Group home Class I (limited)
 Hospital services (limited)
 Private primary educational facilities
 Public primary educational facilities
 Club or lodge
 Safety services
 Urban farm

Communications services
 Exterminating services
 Food sales
 General retail sales (convenience)
 Hotel-motel
 Indoor sports and recreation
 Outdoor entertainment
 Plant nursery
 Personal improvement services
 Theater
 Restaurant (limited)
 Hospital services (general)
 Communication service facilities
 Community recreation (public)
 Cultural services
 Day care services (general)
 Group home Class I (general)
 Guidance services
 Local utility services
 Private secondary education facilities
 Public secondary education facilities
 Religious assembly
 Telecommunication tower
 Medical offices (exceeding 5000 sf)

H. A college and university facilities use is a prohibited use for a single occupant of any lease space over 74,000 square feet on Lot 1.

I. The following uses of the property are prohibited uses on Lot 1:

Group residential
 Automotive sales
 Automotive washing (of any type)
 Service station
 Drop-off recycling collection facility
 Transportation terminal

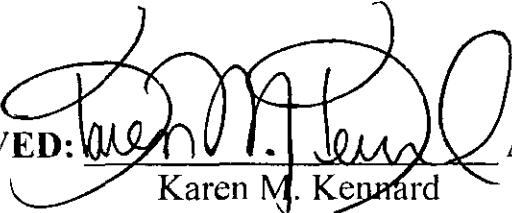
Multifamily residential
 Automotive rentals
 Automotive repair services
 Pawn shop services
 Transitional housing
 Residential treatment

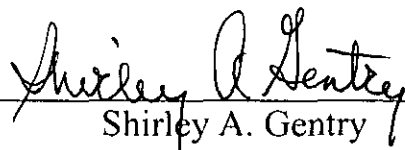
Except as otherwise specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the community commercial (GR) base district, the mixed use combining district, and other applicable requirements of the City Code.

PART 3. This ordinance takes effect on August 27, 2012.

PASSED AND APPROVED

August 16, 2012 §
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Lee DeFringwell
Mayor

APPROVED:  Karen M. Kennard
City Attorney

ATTEST:  Shirley A. Gentry
City Clerk

APRIL 25, 2012 JOB NO. 1348-04 FIELD NOTE NO. 1348-01
CLIENT: CIRCLE C LAND L.P. PROJECT: LOT 2, BLOCK Y, CIRCLE C
RANCH PH. B, SEC. NINETEEN

FIELD NOTES

A DESCRIPTION OF 6.052 ACRES OF LAND SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS CONVEYED TO CIRCLE C LAND, L.P. BY DEEDS RECORDED IN VOLUME 11620, PAGE 1126 OF THE REAL PROPERTY RECORDS OF SAID COUNTY AND DOCUMENT NO. 2003236285 OF THE OFFICIAL PUBLIC RECORDS OF SAID COUNTY, BEING ALL OF LOT 2, BLOCK Y, CIRCLE C RANCH, PHASE B, SECTION NINETEEN, A SUBDIVISION WHOSE PLAT IS RECORDED IN BOOK 98, PAGES 371 THROUGH 373 OF THE PLAT RECORDS OF SAID COUNTY, LOT 2 HAVING BEEN VACATED IN DOCUMENT NO. 2003272500 OF THE SAID OFFICIAL PUBLIC RECORDS, SAID 6.052 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOW:

BEGINNING at a 1/2 inch iron rod with plastic cap marked "CAPITAL SURVEY CO. INC." found on the east right-of-way(R.O.W.) line of Dahlgreen Avenue, a 90.00 feet wide public R.O.W. dedicated by Plat of Circle C Ranch Phase B, Section Nine recorded in Volume 89, Pages 300 through 301 of the said Plat Records for the southwest corner of the herein described 6.052 acres, from which a 1/2 inch iron rod found for a point of curvature in said east R.O.W. line bears S06°43'51"W, 4.74 feet;

THENCE along said east R.O.W. line the following two (2) courses:

1. N06°43'51"E, 708.53 feet to a 1/2 inch iron rod found for a point of curvature, and
2. a distance of 39.30 feet along the arc of a curve to the right whose radius is 25.00 feet, central angle is 90°03'52" and whose chord bears N51°38'51"E, 35.38 feet to a 1/2 inch iron rod found on the south R.O.W. line of La Crosse Avenue, a 100.00 feet wide R.O.W. dedicated by said Section Nineteen;

THENCE, departing said east R.O.W. line, along said south R.O.W. line S83°15'24"E, 330.10 feet to a 1/2 inch iron rod with plastic cap marked "CAPITAL SURVEY CO. INC." found for the northwest corner of Lot 1, Block Y of said Section Nineteen and the northeast corner hereof;

THENCE, departing said south R.O.W. line, along the common boundary of said Lot 1 and the herein described 6.052 acres the following three (3) courses:

1. S06°43'57"W, 737.58 feet to a 1/2 inch iron rod with plastic cap marked "CAPITAL SURVEY CO. INC." found for the southwest corner hereof,

2. N86°22'06"W, 222.03 feet to a 1/2 inch iron rod found,
and
3. N76°23'43"W, 134.31 feet to the POINT OF BEGINNING
containing 6.052 acres of land more or less.

