ORDINANCE NO. 20140807-137

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 2117 NORTHLAND DRIVE (TRACT 1) AND 2119 NORTHLAND DRIVE (TRACT 2) FROM FAMILY RESIDENCE (SF-3) DISTRICT TO COMMUNITY COMMERCIAL-MIXED USE-CONDITIONAL OVERLAY (GR-MU-CO) COMBINING DISTRICT FOR TRACT 1 AND NEIGHBORHOOD OFFICE-MIXED USE-CONDITIONAL OVERLAY (NO-MU-CO) COMBINING DISTRICT FOR TRACT 2.

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 on the property (the “Property”) described in Zoning Case No. C14-2014-0025, on file at the Planning and Development Review Department, as follows:

TRACT 1
family residence (SF-3) district to community commercial-mixed use-conditional overlay (GR-MU-CO) combining district

0.22 acre tract of land, more or less, out of the George Spear League the tract of land being more particularly described by metes and bounds in Exhibit “A” incorporated into this ordinance,

TRACT 2
family residence (SF-3) district to neighborhood office-mixed use-conditional overlay (NO-MU-CO) combining district

0.14 acre tract of land, more or less, out of the George Spear League the tract of land being more particularly described by metes and bounds in Exhibit “B” incorporated into this ordinance,

locally known as 2117 Northland Drive for Tract 1 and 2119 Northland Drive for Tract 2 in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit “C”.

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 300 trips per day.

B. The following uses are prohibited on the Property:

- Food preparation
- General retail sales (convenience)
- Medical offices (exceeding 5,000 sq. ft gross floor area)
- Restaurant (general)
- Special use historic
- Bed & breakfast (group 1)
- Food sales
- Medical offices (not exceeding 5,000 sq. ft gross floor area)
- Pet services
- Restaurant (limited)
- Urban farm
- Bed & breakfast (group 2)

C. The following uses are prohibited uses on Tract 1:

- Automotive repair services
- Bail bond services
- Club or lodge
- Commercial off-street parking
- Community events
- Community recreation (public)
- Counseling services
- Day care services (commercial)
- Day care services (limited)
- Exterminating services
- Guidance services
- Hospital services (limited)
- Indoor entertainment
- Off-site accessory parking
- Outdoor sports and recreation
- Private primary educational facilities
- Public primary educational facilities
- Automotive rentals
- Automotive washing (of any type)
- Business or trade school
- College and university facilities
- Communication service facilities
- Community recreation (private)
- Congregate living
- Cultural services
- Day care services (general)
- Drop-off recycling collection facility
- Funeral services
- Hospital services (general)
- Hotel-motel
- Indoor sports and recreation
- Outdoor entertainment
- Pawn shop services
- Private secondary educational facilities
- Public secondary educational facilities
D. The following uses are prohibited uses on Tract 2:

<table>
<thead>
<tr>
<th>College and university facilities</th>
<th>Communication service facilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community events</td>
<td>Community recreation (private)</td>
</tr>
<tr>
<td>Community recreation (public)</td>
<td>Congregate living</td>
</tr>
<tr>
<td>Counseling services</td>
<td>Day care services (commercial)</td>
</tr>
<tr>
<td>Day care services (general)</td>
<td>Day care services (limited)</td>
</tr>
<tr>
<td>Private primary educational</td>
<td>Private secondary educational</td>
</tr>
<tr>
<td>facilities</td>
<td>facilities</td>
</tr>
<tr>
<td>Public primary educational</td>
<td>Public secondary educational</td>
</tr>
<tr>
<td>facilities</td>
<td>facilities</td>
</tr>
<tr>
<td>Residential treatment</td>
<td>Safety services</td>
</tr>
</tbody>
</table>

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 for tract 1 and neighborhood office (NO) base district for tract 2 and other applicable requirements of the City Code.

PART 3. This ordinance takes effect on August 18, 2014.

PASSED AND APPROVED

August 7, 2014

Lee Leffingwell
Mayor

APPROVED: Karen M. Kennard
City Attorney

ATTEST: Jannette S. Goodall
City Clerk
FIELD NOTES

Tract 2:

0.2253 ACRE OF LAND, MORE OR LESS, OUT OF THE GEORGE SPEAR LEAGUE, IN TRAVIS COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED AS SECOND TRACT IN DEED RECORDED IN VOLUME 3431, PAGE 2253, DEED RECORDS, TRAVIS COUNTY, TEXAS, SAVE AND EXCEPT THEREFROM THAT CERTAIN TRACT OF LAND CONVEYED TO THE CITY OF AUSTIN BY DEED RECORDED IN VOLUME 3237, PAGE 1532, DEED RECORDS, TRAVIS COUNTY, TEXAS; FOR WHICH A MORE PARTICULAR DESCRIPTION BY METES AND BOUNDS IS AS FOLLOWS WITH A SKETCH ATTACHED HERETO AND MADE A PART HEREOF:

BEGINNING at a 1/2" iron rod found on the present south right-of-way of Northland Drive, same being at the S.E. corner of that certain City of Austin, R.O.W. taking recorded in Volume 3237, Page 1532, Deed Records, Travis County, Texas and being further on the west line of that certain 0.220 acre tract of land conveyed to Munoz Family Limited Partnership, L.P. recorded in Document Number 2003298627, Official Public Records, Travis County, Texas;

THENCE S0°15’00”E along the common west line of said 0.22 acre tract and the east line of the “SECOND TRACT” recorded in Volume 3431, Page 2253, Deed Records, Travis County, Texas, for a distance of 187.34 feet to a pipe found at the S.W. corner of said 0.22 acre tract, same being on the north line of that certain tract or parcel of land described as the “FIRST TRACT” recorded in Volume 3431, Page 2253, Deed Records, Travis County, Texas, for the S.E. corner hereof, from which a 1/2” iron rod found at the N.E. corner of said “FIRST TRACT” bears S73°26’48”E at a distance of 31.02 feet;

THENCE N73°14’06”W along the north line of said “FIRST TRACT” and the south line of said “SECOND TRACT” for a distance of 49.95 feet to a pipe found at the common N.W. corner of said “FIRST TRACT” and the S.W. corner of said “SECOND TRACT”, from which point a 1/2” iron rod found at the S.W. corner of said “FIRST TRACT” bears S05°28’55”E at a distance of 51.77 feet;

THENCE N04°06’42”W, at 60.31 feet passing a 1/2” iron rod set with cap at the S.E. corner of that certain tract or parcel of land recorded in Volume 5824, Page 276, Deed Records, Travis County, Texas, and in all 190.17 feet to a 1/2” iron rod at the S.W. corner of that certain tract or parcel of land conveyed to the City of Austin recorded in Volume 3237, Page 1532, Deed Records, Travis County, Texas, for the N.W. corner hereof;

THENCE S73°41’14”E along the present south R.O.W. of Northland Drive, same being on the south line of said City of Austin R.O.W. taking for a distance of 59.79 feet to the POINT OF BEGINNING of this 0.2253 acre tract or land, more or less.

I, the undersigned do hereby certify that the field notes hereon were prepared from an actual on-the-ground survey under my direct supervision and that they are true and correct to the best of my knowledge.

[Signature]

Thomas P. Dixon R.P.L.S. 4324

Date
FIELD NOTES

Tract 3:
0.1449 ACRE OF LAND, MORE OR LESS, OUT OF THE GEORGE SPEAR LEAGUE,
IN TRAVIS COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED IN A
DEED RECORDED IN VOLUME 5824, PAGE 276, DEED RECORDS, TRAVIS
COUNTY, TEXAS; FOR WHICH A MORE PARTICULAR DESCRIPTION BY METES
AND BOUNDS IS AS FOLLOWS WITH A SKETCH ATTACHED HERETO AND MADE
A PART HEREOF:

BEGINNING FOR REFERENCE at a 1/2" iron rod found on the present south right-of-way of Northland Drive,
same being at the S.E. corner of that certain City of Austin, R.O.W. taking recorded in Volume 3237, Page
1532, Deed Records, Travis County, Texas and being further on the west line of that certain 0.220 acre tract
of land conveyed to Munoz Family Limited Partnership, L.P. recorded in Document Number 2003298627,
Official Public Records, Travis County, Texas;

THENCE N73°41′14″W along the south line of said City of Austin R.O.W. taking, same being along the present
south R.O.W. of Northland Drive for a distance of 59.79 feet to a 1/2" iron rod found on the east line of that
certain tract or parcel of land recorded in Volume 5834, Page 276, Deed Records, Travis County, Texas,
for the POINT OF BEGINNING of this 0.1449 acre tract;

THENCE S04°06′42″E along the common west line of that certain tract or parcel of land described as the
"Second Tract" recorded in Volume 3431, Page 2253, Deed Records, Travis County, Texas for a distance of
129.86 feet to a 1/2" iron rod set with cap for the S.E. corner hereof, same being the N.E. corner of that
certain 0.1957 acre tract recorded in Volume 12542, Page 714, Real Property Records, Travis County,
Texas;

THENCE N73°27′47″W along the north line of said 0.1957 acre tract for a distance of 49.93 feet to a 1/2" iron rod
set with cap for the S.W. corner hereof, same being the S.E. corner of that certain tract or parcel of land
recorded in Document Number 2005155487, Official Public Records, Travis County, Texas;

THENCE N04°06′42″W for a distance of 135.09 feet to a 3/8" iron rod found on the south R.O.W. of Northland
Drive for the N.W. corner hereof, from which point a 3/8" iron rod found on the south R.O.W. of Northland
Drive bears N74°10′35″W at a distance of 50.12 feet;

THENCE S73°26′53″E along the present south R.O.W. of Northland Drive for a distance of 49.94 feet to a 1/2"
iron rod set on the west line of said City of Austin R.O.W. taking for the N.E. corner hereof;

THENCE S04°06′42″E along the west line of said City of Austin R.O.W. taking for a distance of 5.22 feet to the POINT OF
BEGINNING containing 0.1449 acres of land, more or less.

I, the undersigned do hereby certify that the field notes hereon were prepared from an actual on-the-ground
survey under my direct supervision and that they are true and correct to the best of my knowledge.

[Signature]

Thomas P. Dixon R.P.L.S. 4324

Date
Waterloo Surveyors Inc.

SURVEY PLAT

6203/468
0.5204 ACRE

THE UNDERSIGNED DOES HEREBY CERTIFY TO CHICAGO TITLE INSURANCE COMPANY, R. BANK TEXAS AND AUSTIN R.M. CORPORATION DBA UPHOLSTERY CHOP AS PER CHICAGO TITLE INSURANCE COMPANY TITLE COMMITMENT HAVING A GENERAL FILE NUMBER 1333239-KFO WITH AN EFFECTIVE DATE OF DECEMBER 11, 2013

FIRST TRACT:
0.0878 ACRE OF LAND, MORE OR LESS, BEING A PORTION OF LOT B, BLOCK 3, RESUBDIVISION OF SHOALMONT ADDITION, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 6, PAGE 9, PLAT RECORDS, TRAVIS COUNTY, TEXAS AND BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND DESCRIBED AS FIRST TRACT IN DEED RECORDS IN VOLUME 3431, PAGE 2728, DEED RECORDS, TRAVIS COUNTY, TEXAS

SECOND TRACT:
0.2253 ACRE OF LAND, MORE OR LESS, OUT OF THE GEORGE SPEAR LEAGUE IN TRAVIS COUNTY, TEXAS, AND BEING ALL OF THAT SECOND TRACT DESCRIBED IN VOLUME 3431, PAGE 2728, DEED RECORDS, TRAVIS COUNTY, TEXAS, SAVE AND EXCEPT THAT PORTION CONVEYED TO THE CITY OF AUSTIN AS RECORDED IN VOLUME 3237, PAGE 1532, DEED RECORDS, TRAVIS COUNTY, TEXAS

THIRD TRACT:
0.1449 ACRE OF LAND, MORE OR LESS, OUT OF THE GEORGE SPEAR LEAGUE IN TRAVIS COUNTY, TEXAS, AS DESCRIBED IN VOLUME 5824, PAGE 276, DEED RECORDS, TRAVIS COUNTY, TEXAS

AS PER THE ABOVE REFERENCED TITLE COMMITMENT THE SUBJECT PROPERTY IS SUBJECT TO:
[1] RESTRICTIVE COVENANTS RECORDED IN VOLUME 643, PAGE 243, DEED RECORDS, TRAVIS COUNTY, TEXAS
[2] EASEMENT RIGHTS AND RESTRICTIONS OF RECORD
[3] ALL ITEMS, CONDITIONS AND STIPULATIONS AS SET OUT IN THE ABOVE REFERENCED TITLE COMMITMENT

Northland Drive

State of Texas:
County of Travis

The undersigned does hereby certify that this survey was made this day on the property legally described herein and is correct, and this survey substantially complies with the current Texas Society of Professional Surveyors Standards and Specifications for a Category 1A, Condition II Survey.

Thomas P. Devlin R.P. T.S. 424
www.WaterlooSurveyors.com - Phone: (312) 481-9802

(©Copyright 2013)
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 ge by the City of Austin regarding specific accuracy or completeness.

Exhibit C