

ORDINANCE NO. _____

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE
2 PROPERTY LOCATED AT 3800 BEN GARZA LANE IN THE EAST OAK HILL
3 NEIGHBORHOOD PLAN AREA FROM COMMUNITY COMMERCIAL-MIXED
4 USE-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (GR-MU-CO-NP)
5 COMBINING DISTRICT TO COMMUNITY COMMERCIAL-MIXED USE-
6 CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (GR-MU-CO-NP)
7 COMBINING 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 community commercial-mixed use-conditional overlay-
13 neighborhood plan (GR-MU-CO-NP) combining district to community commercial-mixed
14 use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district on the
15 property described in Zoning Case No. C14-2014-0011A, on file at the Planning and
16 Development Review Department, as follows:
17

18 22.779 acre tract of land, more or less, out of the Thomas Anderson Survey No. 17,
19 Abstract No. 2 the tract of land being more particularly described by metes and
20 bounds in Exhibit "A" incorporated into this ordinance (the "Property"),
21

22 locally known as 3800 Ben Garza Lane in the City of Austin, Travis County, Texas, and
23 generally identified in the map attached as Exhibit "B".
24

25 **PART 2.** Except as specifically provided in Part 3 and Part 4 of this ordinance, the
26 Property may be developed and used in accordance with the regulations established for the
27 community commercial (GR) base district and other applicable requirements of the City
28 Code.
29

30 **PART 3.** The Property within the boundaries of the conditional overlay combining district
31 established by this ordinance is subject to the following conditions:
32

- 33 A. A site plan or building permit for the Property described in case numbers C14-
34 2014-0011A and C14-2014-0011B may not be approved, released, or issued, if
35 the completed development or uses of the Property, considered cumulatively
36 with all existing or previously authorized development and uses, generate traffic
37 that exceeds 13,000 adjusted average vehicle trips per day.

1
2 B. The following uses are not permitted uses of the Property:
3

Automotive repair services
Automotive sales
Exterminating services
Pawn shop services
Custom manufacturing
Outdoor sports and recreation

Automotive rentals
Automotive washing (of any type)
Funeral services
Service station
Drop-off recycling collection facility
Plant nursery

4
5 Except as specifically restricted under this ordinance, the Property may be developed and
6 used in accordance with the regulations established for the community commercial (GR)
7 base district, the mixed use combining district, and other applicable requirements of the
8 City Code.
9

10 **PART 4.** The Property is subject to Ordinance No. 20081211-098 that established the East
11 Oak Hill neighborhood plan combining district.
12

13 **PART 5.** This ordinance takes effect on _____, 2015.
14

15
16 **PASSED AND APPROVED**

17
18 §
19 §
20 _____, 2015 § _____
21 Steve Adler
22 Mayor
23

24
25 **APPROVED:** _____ **ATTEST:** _____
26 Karen M. Kennard Jannette S. Goodall
27 City Attorney City Clerk

DESCRIPTION

BEING A 22.779 ACRE TRACT OF LAND SITUATED IN THE THOMAS ANDERSON SURVEY NO. 17, ABSTRACT NO. 2, IN TRAVIS COUNTY, TEXAS, AND BEING ALL OF LOT 1, BLOCK E, GARZA RANCH, A SUBDIVISION IN TRAVIS COUNTY, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 90, PAGE 4-7, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, ALL OF A CALLED 5.40 ACRE TRACT OF LAND CONVEYED TO ELI JAMES GARZA DESCRIBED IN A GENERAL WARRANTY DEED RECORDED IN DOCUMENT NO. 2004018557, OF THE OFFICIAL PUBLIC RECORDS OF SAID COUNTY, ALL OF THAT CERTAIN TRACT OF LAND CONVEYED TO ELI GARZA (ELI GRAZA TRACT) IN A DEED RECORDED IN VOLUME 6512, PAGE 1843, OF THE DEED RECORDS OF SAID COUNTY, AND A REMAINDER OF A CALLED 124.7 ACRE TRACT CONVEYED TO BEN GARZA BY A DEED RECORDED IN VOLUME 460, PAGE 564, OF THE DEED RECORDS OF SAID COUNTY, SAID 22.779 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 3/4" diameter iron pipe found for the northwest corner of said called 5.40 acre tract, being the northeast corner of Lot 2, Block E, of said GARZA RANCH, and being in the south line of that certain tract of land conveyed to the City of Austin in a Special Warranty Deed, recorded in Volume 12593, Page 3432, of the Real Property Records of Travis County, Texas and the northwest corner of the herein described tract;

THENCE, South 62°18'02" East (record South 59°24' East) with the common line of said 5.40 acre tract and said City of Austin tract, passing a 3/4 inch diameter iron pipe found for the northeast corner of said 5.40 acre tract, the northwest corner of said remainder of a called 124.7 acre tract, the southeast corner of said City of Austin tract and the southwest corner of a called 6.6 acre tract of land conveyed to the City of Sunset Valley in a General Warranty Deed recorded in Document No. 2013223873, of the Official Public Records of Travis County, Texas, at a distance of 892.33 feet and continuing along the south line of said called 6.6 acre tract for a total distance of 944.26 feet to a point for northeast corner of said remainder tract and the northeast corner of the herein described tract;

THENCE, South 10°36'34" West, with the east line of the herein described tract, passing the northwest corner of Lot 2, GARZA BRODIE SUBDIVISION, a subdivision in said County according to the map or plat thereof recorded in Document No. 200300238, of the Official Public Records of said County at a distance of 2.02 feet, passing a 1/2 inch iron rod found for the southwest corner of said Lot 2 and the northwest corner of Ben Garza Lane (70 foot right-of-way), dedicated by said GARZA BRODIE SUBDIVISION at a distance of 243.89 feet, passing the northwest corner of Lot 1, of said GARZA BRODIE SUBDIVISION at a distance of 317.12 feet and continuing for a total distance of 544.68 feet to a point in the west line of said Lot 1, for the southeast corner of said remainder tract and for the intersection of the west line of said Lot 1, GARZA BRODIE SUBDIVISION, with the north line of the remainder of that certain right-of-way, a.k.a. Ben Garza Lane (BGL), dedicated to the public in a correction document recorded in Volume 3513, Page 459, of the Deed Records of said County, from which a 1/2 inch iron rod found for an angle point in said west line of Lot 1 and southerly line of said BGL bears, South 10°36'34" West, a distance of 359.47 feet;

THENCE, North 62°46'21" West, departing the west line of said GARZA BRODIE SUBDIVISION with the northerly line of said BGL and south line of the remainder of said called 124.7 acre tract, a distance of 53.03 feet to a point in the east line of said Eli Garza Tract and an angle point in the said northerly line of BGL, for the southeast corner of said remainder tract;

THENCE, with the common line of said Eli Garza Tract and said BGL, the following two (2) courses and distances:

1. South 10°26'51" West (record South 13°32' West), a distance of 307.58 feet to a 1/2 inch iron rod found for the southeast corner of said Eli Garza Tract and the southeast corner of the herein described tract;
2. North 62°44'59" West (record North 60°00' West), a distance of 273.01 feet (record 269.3 feet), to a point for the southwest corner of said Eli Garza Tract and southeast corner of a 0.2193 acre tract dedicated for street right-of-way purposes by said GARZA RANCH;

THENCE, with the common line of said Eli Garza Tract and said 0.2193 acre tract the following two courses and distances:

1. North 27°21'35" East (record North 19°41' East), a distance of 2.98 feet to an 1/2 inch iron rod found;
2. North 16°49'20" East (record North 19°41' East), a distance of 5.28 feet to an 1/2 inch iron rod found for the northeast corner of said 0.2193 acre tract and southeast corner of said Lot 1, Block E;

THENCE, North 62°47'29" West, departing the west line of the Eli Garza Tract with the common line of said 0.2193 acre tract and said Lot 1, Block E, a distance of 1191.75 feet to a point in the curving east right-of-way line of MOPAC LOOP 1 South, and the east line of Parcel 10C, conveyed to the State of Texas in a deed recorded in Volume 10336, Page 912, of the Real Property Records of said County, for the southwest corner of said Lot 1, Block E and northwest corner of said 0.2193 acre tract, and the southwest corner of the herein described tract, from which a 1/2 inch iron rod found for the southeast corner of said Parcel 10C and southwest corner of said 0.2193 acre tract bears, a chord bearing of South 29°52'57" West (record South 29°53'06" West), a chord distance of 6.63 feet (record 7.01 feet);

THENCE, with the common line of said MOPAC LOOP 1 South, said Parcel 10C and said Lot 1, Block E, the following two (2) courses and distances:

1. With said curve, to the right, having a radius of 2848.29 feet, an arc length of 297.77 feet, a delta angle of 5°59'23", and a chord which bears North 32°56'39" East, a distance of 297.63 feet to point, at the end of said curve, from which a TxDOT Type II monument with a brass cap found bears, North 02°40' East a distance of 1.13 feet;
2. North 45°44'06" East, a distance of 159.24 feet (record 159.42 feet), to a 1/2 inch iron rod found for the common corner of said Lot 1 and Lot 2, Block E, in the east line of said MOPAC LOOP 1 South and said Parcel 10C;

THENCE, departing said MOPAC LOOP 1 South and said Parcel 10C, with the common line of said Lot 1 and Lot 2, Block E, the following five (5) courses and distances:

1. South 31°54'06" East, a distance of 63.59 feet to a 1/2 inch iron rod found;
2. South 69°44'41" East, a distance of 48.68 feet to a 1/2 inch iron rod found;
3. North 89°38'11" East, a distance of 40.18 feet to a 1/2 inch iron rod found;
4. North 49°51'15" East, a distance of 94.67 feet to a 1/2 inch iron rod found;
5. South 80°11'18" East, a distance of 78.36 feet to a 1/2 inch iron rod found for the southwest corner of said called 5.40 acre tract;

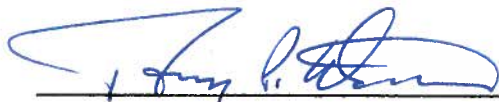
THENCE, North 27°14'07" East (record North 30°00' East), departing the north line of said Lot 1, Block E, with the common line of said Lot 2, Block E, and said called 5.40 acre tract, a distance of 266.24 feet to POINT OF BEGINNING containing 22.779 acres of land within these metes and bounds.

Reference is herein made to the Land Title Survey plat of this tract accompanying this description.

Bearing Basis: South line of Lot 1, Block E, Garza Ranch, Vol. 90, Pages 4-7, of the Plat Records of Travis County, Texas. (North 62°47'29" West)

I certify that this description was prepared from a survey made on the ground in May, 2014, under my supervision.

CUNNINGHAM-ALLEN, INC.



Tommy P. Watkins, R.P.L.S.
Texas Registration No. 4549
3103 Bee Caves Rd., Ste. 202
Austin, TX 78746
512.327.2946
TBPLS Firm Reg. No. 10000900

6/12/2014
Date

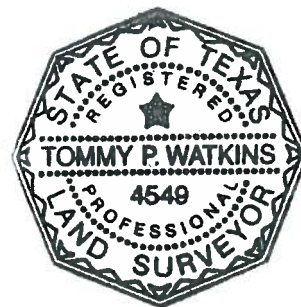




Exhibit B