ORDINANCE NO. 20150226-045

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 8611 NORTH MOPAC EXPRESSWAY FROM COMMERCIAL LIQUOR SALES (CS-1) 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 commercial liquor sales (CS-1) district to community commercial-conditional overlay (GR-CO) combining district on the property described in Zoning Case No. C14-2014-0192, on file at the Planning and Development Review Department, as follows:

0.24 acre tract of land, more or less, out of the James P. Wallace Survey No. 18 the tract of land being more particularly described by metes and bounds in Exhibit “A” incorporated into this ordinance (the “Property”),

locally known as 8611 North Mopac Expressway 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:

Bed & breakfast (group 1)  Bed & breakfast (group 2)
Alternative financial services  Art gallery
Art workshop  Automotive rentals
Automotive repair services  Automotive sales
Automotive washing (of any type)  Bail bond services
Business or trade school  Business support services
Commercial off-street parking  Consumer convenience services
<table>
<thead>
<tr>
<th>Consumer repair services</th>
<th>Drop-off recycling collection facility</th>
</tr>
</thead>
<tbody>
<tr>
<td>Exterminating services</td>
<td>Food preparation</td>
</tr>
<tr>
<td>Food sales</td>
<td>Funeral services</td>
</tr>
<tr>
<td>General retail sales</td>
<td>General retail sales (general)</td>
</tr>
<tr>
<td>(convenience)</td>
<td>Indoor entertainment</td>
</tr>
<tr>
<td>Hotel-motel</td>
<td>Off-site accessory parking</td>
</tr>
<tr>
<td>Indoor sports and</td>
<td>Outdoor sports and recreation</td>
</tr>
<tr>
<td>recreation</td>
<td></td>
</tr>
<tr>
<td>Outdoor entertainment</td>
<td></td>
</tr>
<tr>
<td>Pawn shop services</td>
<td>Pedicab storage and dispatch</td>
</tr>
<tr>
<td>Personal improvement</td>
<td>Personal services</td>
</tr>
<tr>
<td>services</td>
<td></td>
</tr>
<tr>
<td>Pet services</td>
<td>Plant nursery</td>
</tr>
<tr>
<td>Printing and publishing</td>
<td>Research services</td>
</tr>
<tr>
<td>Restaurant (general)</td>
<td>Restaurant (limited)</td>
</tr>
<tr>
<td>Service station</td>
<td>Special use historic</td>
</tr>
<tr>
<td>Theater</td>
<td>Custom manufacturing</td>
</tr>
<tr>
<td>Community garden</td>
<td>Urban farm</td>
</tr>
<tr>
<td>Club or lodge</td>
<td>College and university facilities</td>
</tr>
<tr>
<td>Community events</td>
<td>Community recreation (private)</td>
</tr>
<tr>
<td>Community recreation</td>
<td>Congregate living</td>
</tr>
<tr>
<td>(public)</td>
<td>Cultural services</td>
</tr>
<tr>
<td>Counseling services</td>
<td>Day care services (general)</td>
</tr>
<tr>
<td>Day care services</td>
<td>Family home</td>
</tr>
<tr>
<td>(commercial)</td>
<td>Group home, class I (limited)</td>
</tr>
<tr>
<td>Day care services</td>
<td>Guidance services</td>
</tr>
<tr>
<td>(limited)</td>
<td>Local utility services</td>
</tr>
<tr>
<td>Group home, class I</td>
<td>Private secondary educational</td>
</tr>
<tr>
<td>(general)</td>
<td>facilities</td>
</tr>
<tr>
<td>Group home, class II</td>
<td>Public secondary educational</td>
</tr>
<tr>
<td>Hospital services</td>
<td>facilities</td>
</tr>
<tr>
<td>(general)</td>
<td>Safety services</td>
</tr>
<tr>
<td>Private primary</td>
<td></td>
</tr>
<tr>
<td>educational facilities</td>
<td></td>
</tr>
<tr>
<td>Public primary</td>
<td></td>
</tr>
<tr>
<td>educational facilities</td>
<td></td>
</tr>
<tr>
<td>Residential treatment</td>
<td></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 and other applicable requirements of the City Code.
PART 3. This ordinance takes effect on March 9, 2015.

PASSED AND APPROVED

February 26, 2015

Steve Adler
Mayor

Anne L. Morgan
Interim City Attorney

Jannette S. Goodall
City Clerk

ATTEST:
EXHIBIT "___"

0.24 ACRES ZONING DESCRIPTION
CITY OF AUSTIN, TRAVIS COUNTY

A DESCRIPTION OF 0.24 ACRES (APPROXIMATELY 10,419 SQ. FT.) IN THE JAMES P. WALLACE SURVEY NO. 18, TRAVIS COUNTY, TEXAS, BEING A PORTION OF LOT 1, THE ATRIUM, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT, OF RECORD IN VOLUME 83, PAGE 125C, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, CONVEYED TO 8611 MOPAC INVESTORS, LP., BY SPECIAL WARRANTY DEED DATED OCTOBER 4, 2007 AND RECORDED IN DOCUMENT NO. 2007185405 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.24 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at an 1/2" rebar with "Chaparral" cap found in the east right-of-way line of Mopac Expressway (right-of-way width varies), being the northwest corner of Lot 1 and the southwest corner of Lot 2 of The Atrium;

THENCE South 61°24'35" East, with the common line of said Lots 1 and 2, a distance of 187.20 feet to a calculated point, from which the northeast corner of said Lot 1, being an angle point in the south line of said Lot 2, bears South 61°24'35" East, a distance of 204.04 feet;

THENCE South 28°35'25" West, crossing said Lot 1, a distance of 4.93 feet to a calculated point for the POINT OF BEGINNING;

THENCE crossing said Lot 1, the following twenty seven (27) courses and distances:

1. South 28°42'12" West, a distance of 18.10 feet to a calculated point;
2. North 61°17'48" West, a distance of 38.20 feet to a calculated point;
3. South 28°42'12" West, a distance of 58.90 feet to a calculated point;
4. North 61°17'48" West, a distance of 10.80 feet to a calculated point;
5. South 28°42'12" West, a distance of 3.90 feet to a calculated point;
6. South 61°17'48" East, a distance of 2.00 feet to a calculated point;

Exhibit A
7. South 28°42'12" West, a distance of 7.70 feet to a calculated point;
8. South 61°17'48" East, a distance of 5.80 feet to a calculated point;
9. South 28°42'12" West, a distance of 22.20 feet to a calculated point;
10. North 61°17'48" West, a distance of 4.00 feet to a calculated point;
11. South 28°42'12" West, a distance of 4.00 feet to a calculated point;
12. North 61°17'48" West, a distance of 35.20 feet to a calculated point;
13. South 28°42'12" West, a distance of 6.20 feet to a calculated point;
14. North 61°17'48" West, a distance of 17.70 feet to a calculated point;
15. North 28°42'12" East, a distance of 6.20 feet to a calculated point;
16. North 61°17'48" West, a distance of 22.50 feet to a calculated point;
17. North 28°42'12" East, a distance of 28.30 feet to a calculated point;
18. South 61°17'48" East, a distance of 2.00 feet to a calculated point;
19. North 28°42'12" East, a distance of 9.60 feet to a calculated point;
20. North 61°17'48" West, a distance of 2.00 feet to a calculated point;
21. North 28°42'12" East, a distance of 9.70 feet to a calculated point;
22. North 61°17'48" West, a distance of 8.00 feet to a calculated point;
23. North 28°42'12" East, a distance of 12.40 feet to a calculated point;
24. South 61°17'48" East, a distance of 8.00 feet to a calculated point;
25. North 28°42'12" East, a distance of 21.80 feet to a calculated point at the beginning of a curve to the right;
26. with said curve to the right, having a radius of 17.00 feet, a delta angle of 153°25'41", an arc length of 45.52 feet, and a chord which bears North 32°52'12" East, a distance of 33.09 to a calculated point;
27. South 61°17'48" East, a distance of 118.20 feet to the POINT OF BEGINNING, containing 0.24 acres of land, more or less.
Surveyed on the ground February 13, 2014. Bearing basis: Grid azimuth for Texas Central Zone state plane coordinates, based on GPS solutions from The National Geodetic Survey (NGS) Online Positioning User Service (OPUS). Attachments: Drawing 040-055-GR REZONING.

Robert C. Watts, Jr.
Registered Professional Land Surveyor
State of Texas No. 4995
T.B.P.L.S. Firm No. 10124500

\[ \text{Signature} \quad 12-1-14 \]
SKETCH TO ACCOMPANY A DESCRIPTION OF 0.24 ACRES (APPROXIMATELY 10,419 SQ. FT.) IN THE JAMES P. WALLACE SURVEY NO. 18, TRAVIS COUNTY, TEXAS, BEING A PORTION OF LOT 1, THE ATRIUM, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT, OF RECORD IN VOLUME 83, PAGE 125C, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, CONVEYED TO 8611 MOPAC INVESTORS LP., BY SPECIAL WARRANTY DEED DATED OCTOBER 4, 2007 AND RECORDED IN DOCUMENT NO. 2007185405 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

### CURVE TABLE

<table>
<thead>
<tr>
<th>CURVE</th>
<th>RADIUS</th>
<th>DELTA</th>
<th>ARC</th>
<th>BEARING</th>
<th>CHORD</th>
</tr>
</thead>
<tbody>
<tr>
<td>C1</td>
<td>17.00'</td>
<td>153°25'41&quot;</td>
<td>45.52&quot;</td>
<td>N32°52'12&quot;E</td>
<td>33.09&quot;</td>
</tr>
</tbody>
</table>

BEARING BASIS: THE TEXAS COORDINATE SYSTEM OF 1983, CENTRAL ZONE, BASED ON GPS SOLUTIONS FROM THE NATIONAL GEODETIC SURVEY (NGS) ON-LINE POSITIONING USER SERVICE (OPUS).

ATTACHMENTS: METES AND BOUNDS DESCRIPTION

040-055-GR REZONING

DATE OF SURVEY: 02/13/14
PLOT DATE: 12/01/14
DRAWING NO.: 040-055-GR
PROJECT NO.: 040-055
DRAWN BY: DC
SHEET 1 OF 2
LOT 2
THE ATRIUM
(83/125C)

S61°24'35"E 391.24'
(S60°04'33"E 391.24")

S61°24'35"E 187.20'
S61°17'48"E 118.20'

0.24 ACRES
APPROX. 10,419 SQ. FT.

LEGEND

• 1/2" REBAR FOUND (OR AS NOTED)
• CH 1/2" REBAR WITH "CHAPARRAL" CAP FOUND
• ▲ CALCULATED POINT

LOT 1
THE ATRIUM
(83/125C)

8611 MOPAC INVESTORS, LP
2.144 ACRES
(2007185405)

0.798 ACRES
(2007185405)

DATE OF SURVEY: 02/13/14
PLOT DATE: 12/01/14
DRAWING NO.: 040-055-GR
PROJECT NO.: 040-055
DRAWN BY: DC
SHEET 2 OF 2
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 by the City of Austin regarding specific accuracy or completeness.