

**ORDINANCE NO. 20150305-031**

**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 3510 AND 4003 BEN GARZA LANE IN THE EAST OAK HILL NEIGHBORHOOD PLAN AREA FROM COMMUNITY COMMERCIAL-MIXED USE-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (GR-MU-CO-NP) COMBINING DISTRICT TO COMMUNITY COMMERCIAL-MIXED USE-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (GR-MU-CO-NP) 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-neighborhood plan (GR-MU-CO-NP) combining district to community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district on the property described in Zoning Case No. C14-2014-0011B, on file at the Planning and Development Review Department, as follows:

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

locally known as 3510 and 4003 Ben Garza Lane in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

**PART 2.** Except as specifically provided in Part 3 and Part 4 of 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.** 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 described in case numbers C14-2014-0011A and C14-2014-0011B 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 13,000 unadjusted average vehicle trips per day.

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

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

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, the mixed use combining district, and other applicable requirements of the City Code.

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

**PART 5.** This ordinance takes effect on March 16, 2015.

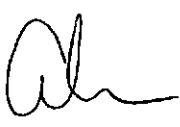
**PASSED AND APPROVED**

March 5, \_\_\_\_\_, 2015

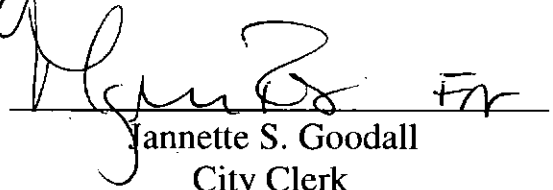
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§  
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Steve Adler  
Mayor

**APPROVED:**

  
Anne L. Morgan  
Interim City Attorney

**ATTEST:**

  
Jannette S. Goodall  
City Clerk

DESCRIPTION

BEING A 10.036 ACRE TRACT OF LAND SITUATED IN THE THOMAS ANDERSON SURVEY NO. 17, ABSTRACT NO. 2, IN TRAVIS COUNTY, TEXAS, AND BEING ALL OF THOSE THREE (3) TRACTS OF LAND DESCRIBED AS, "TRACT 1": LOT 1, AMENDED PLAT OF GARZA McCOMIS SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN DOCUMENT NO. 200800187, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, "TRACT" 2: 6.33 ACRES, BEING THE REMAINDER OF A 7.695 ACRE TRACT OF LAND DESCRIBED AS TRACT 2 IN DEED TO ELI GARZA AND EARL C. McCOMIS, RECORDED IN VOLUME 4210, PAGE 764 OF THE DEED RECORDS OF SAID COUNTY; "TRACT 3": 1.36 ACRES, BEING THE REMAINDER OF A 1.55 ACRE TRACT OF LAND DESCRIBED AS TRACT 1 IN DEED TO ELI GARZA AND EARL C. McCOMIS, RECORDED IN VOLUME 4210, PAGE 764, OF THE DEED RECORDS OF SAID COUNTY; SAID 10.036 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**COMMENCING** 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**, with the east and south line of Lot 2, Block E, GARZA RANCH the west line of said called 5.40 acre tract and north line of Lot 1, Block E, GARZA RANCH, the following six (6) courses and distances:

1. South 27°14'07" West, a distance of 266.24 feet to a 1/2 inch iron rod found;
2. North 80°11'18" West, a distance of 78.36 feet to a 1/2 inch iron rod found;
3. South 49°51'15" West, a distance of 94.67 feet to a 1/2 inch iron rod found;
4. South 89°38'11" West, a distance of 40.18 feet to a 1/2 inch iron rod found;
5. North 69°44'41" West, a distance of 48.68 feet to a 1/2 inch iron rod found;
6. North 31°54'06" West, a distance of 63.59 feet to an 1/2 inch iron rod found in the 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 northwest corner of said Lot 1, Block E and the southwest corner of said Lot 2, Block E;

**THENCE**, with said east right-of-way line and west line of said Lot 1, Block E the following two courses and distances:

1. South 45°44'06" West, a distance of 159.24 feet to a point for the beginning of a curve to the left;
2. With said curve to the left, 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 South 32°56'39" West, a distance of 297.63 feet, to the southwest corner of said Lot 1, Block E;

**THENCE**, South 29°22'32" West, over and across the Ben Garza Lane right-of-way a distance of 57.04 feet to a point at the intersection of the south right-of-way line of Ben Garza Lane and the east right-of-

way line of MOPAC LOOP 1 South, being also the northeast corner of Parcel 11C conveyed to the State of Texas in a deed recorded in Volume 10336, Page 912, of the Real Property Records of said County, the northwest corner of said "Tract 1", Lot 1, AMENDED PLAT OF GARZA McCOMIS SUBDIVISION and the **POINT OF BEGINNING** of the herein described tract, from which a 1/2 inch iron rod found bears, North 71°55' West 0.27 feet;

**THENCE**, South 62°36'46" East, with the common line of said Ben Garza Lane, dedicated to the public in a correction document recorded in Volume 3513, Page 459, of the Deed Records of said County, and said "Tract 1", Lot 1, AMENDED PLAT OF GARZA McCOMIS SUBDIVISION, a distance of 337.36 feet to a 3/4 inch iron pipe found in the east line of said "Tract 2", 6.33 acres, for the northeast corner of said Lot 1;

**THENCE**, with the common line of said Ben Garza Lane and said "Tract 2", 6.33 acres, the following two courses and distances:

1. North 27°32'14" East, a distance of 20.00 feet to a point for the northwest corner of said "Tract 2", 6.33 acres;
2. South 62°46'26" East, a distance of 761.71 feet to a 1/2 inch iron rod with cap marked "ALL STAR 5729" found for the northeast corner of said "Tract 2", 6.33 acres, and the northwest corner of a 0.333 acre tract of land described in a Quit Claim Deed recorded in Document No. 2003121793, of the Official Public Records of said County, from which a 1/2 inch iron rod marked "ALL STAR 5729" found in said Ben Garza Lane right-of-way line, for the northeast corner of said 0.333 acre tract bears, South 62°46'26" East, a distance of 82.89 feet;

**THENCE**, South 26°18'28" West, departing said Ben Garza Lane right-of-way with the common line of said "Tract 2", 6.33 acres, and said 0.333 acre tract, and the common line of said "Tract 2", 6.33 acres, and a 0.348 acre tract of land described in a Quit Claim Deed recorded in Document No. 2003121792, the Official Public Records of said County, a distance of 360.23 feet to a point in the north line of said "Tract 3", 1.36 acres, for the southeast corner of said "Tract 2", 6.33 acres, and southwest corner of said 0.348 acre tract;

**THENCE**, South 62°46'01" East, with the common line of said "Tract 3", 1.36 acres, and said 0.348 acre tract and the common line of said "Tract 3", 1.36 acres, and a 0.348 acre tract of land described in a General Warranty Deed recorded in Document No. 2004163680, of the Official Public Records of said County, a distance of 135.82 feet to a point for the eastern most northeast corner of said "Tract 3", 1.36 acres, and the northwest corner of a 0.191 acre tract of land described in a Deed recorded in Document No. 2008096911, of the Official Public Records of said County, from which a 1/2 inch iron rod found bears, North 36°22' East a distance of 0.41 feet and a 1/2 inch iron rod found for the southeast corner of said 0.348 acre tract bears, South 62°46'01" East, a distance of 27.76 feet;

**THENCE**, South 27°16'59" West with the common line of said "Tract 3", 1.36 acres, and said 0.191 acre tract a distance of 65.00 feet to a point in the north line of HEB/AUSTIN #23 SUBDIVISION, according to the map or plat thereof recorded in Volume 100, Page 327, of the Plat Records of said County, and for the common corner of said "Tract 3", 1.36 acres, and said 0.191 acre tract, from which a 1/2 inch iron

rod stamped "SUMMIT SURVEYING" found bears, South 21°41' West, a distance of 0.57 feet and a 3/4 inch iron pipe found for the southeast corner of said 0.191 acre tract bears, South 62°46'01" East, a distance of 128.16 feet;

**THENCE**, North 62°46'01" West, with the common line of said "Tract 3", 1.36 acres, and said HEB/AUSTIN #23 SUBDIVISION, a distance of 906.05 feet (record 905.46 feet), to a 3/4 inch iron pipe found in the east line of Lot 1 of the RESUBDIVISION OF LOT 1, BLOCK D, GARZA RANCH, according to the map or plat thereof recorded in Document No. 200600224, of the Official Public Records of said County, and for a common corner of said "Tract 3", 1.36 acres and said HEB/AUSTIN #23 SUBDIVISION;

**THENCE**, with the common line of said "Tract 3", 1.36 acres and said Lot 1 of the RESUBDIVISION OF LOT 1, BLOCK D, GARZA RANCH, the following two courses and distances:

1. North 27°37'09" East, a distance of 65.00 feet to a point for the northwest corner of said "Tract 3", 1.36 acres;
2. South 62°46'01" East, a distance of 1.38 feet to a point in the common line of said "Tract 3", 1.36 acres and "Tract 2, 6.33 acres" for the easternmost northeast corner of said Lot 1 of the RESUBDIVISION OF LOT 1, BLOCK D, GARZA RANCH, and southeast corner of said "Tract 1", Lot 1, AMENDED PLAT OF GARZA McCOMIS SUBDIVISION, and for the beginning of a curve to the left, from which a 3/4 inch iron pipe found in the east line of said "Tract 2", 6.33 acres, for the northeast corner of said "Tract 1", Lot 1, AMENDED PLAT OF GARZA McCOMIS SUBDIVISION bears, North 27°22'23" East, a distance of 340.09 feet;

**THENCE**, with the common line of said "Tract 1", Lot 1, AMENDED PLAT OF GARZA McCOMIS SUBDIVISION, the north line of said RESUBDIVISION OF LOT 1, BLOCK D, GARZA RANCH and Lot 2, of said AMENDED PLAT OF GARZA McCOMIS SUBDIVISION the following two courses and distances:

1. With said curve to the left, having a radius of 132.40 feet, an arc length of 105.76 feet, a delta angle of 45°46'03", and a chord which bears North 39°40'34" West, a distance of 102.97 feet to a point at the end of said curve;
2. North 62°34'33" West, a distance of 246.51 feet to a point in the curving east right-of-way line of MOPAC LOOP 1 South, in the east line of said Parcel 11C for the common corner of said Lot 1 and Lot 2, from which a 1/2 inch iron rod found at the intersection of the said east right-of-way line of MOPAC LOOP 1 South and the north right-of-way line of William Cannon Boulevard and for a corner in the south line of Lot 4, of said RESUBDIVISION OF LOT 1, BLOCK D, GARZA RANCH, bears, South 30°06'55" West, a distance of 13.79 feet (chord), South 30°15'09" West, a distance of 489.25 feet and South 06°53'50" West, a distance of 81.14 feet;

**THENCE**, with the common line of said MOPAC LOOP 1 South right-of-way and said "Tract 1", Lot 1, AMENDED PLAT OF GARZA McCOMIS SUBDIVISION, the following three (3) courses and distances:

1. With said curve to the right, having a radius of 2881.29 feet, an arc length of 128.09 feet, a delta angle of 2°32'50", and a chord which bears North 28°42'26" East, a distance of 128.09 feet to

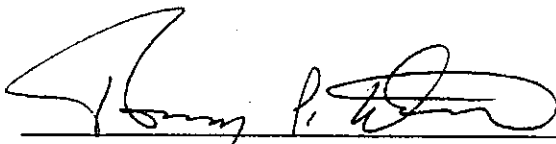
2. North 27°26'01" East, a distance of 103.75 feet to a 1/2 inch iron rod found at the beginning of a curve to the right;
- 1) With said curve to the right, having a radius of 2848.29 feet, an arc length of 68.02 feet, a delta angle of 01°22'06", and a chord which bears North 28°07'04" East, a distance of 68.02 feet to POINT OF BEGINNING containing 10.036 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°36'46" West)

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

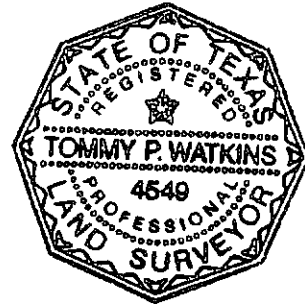
CUNNINGHAM-ALLEN, INC.

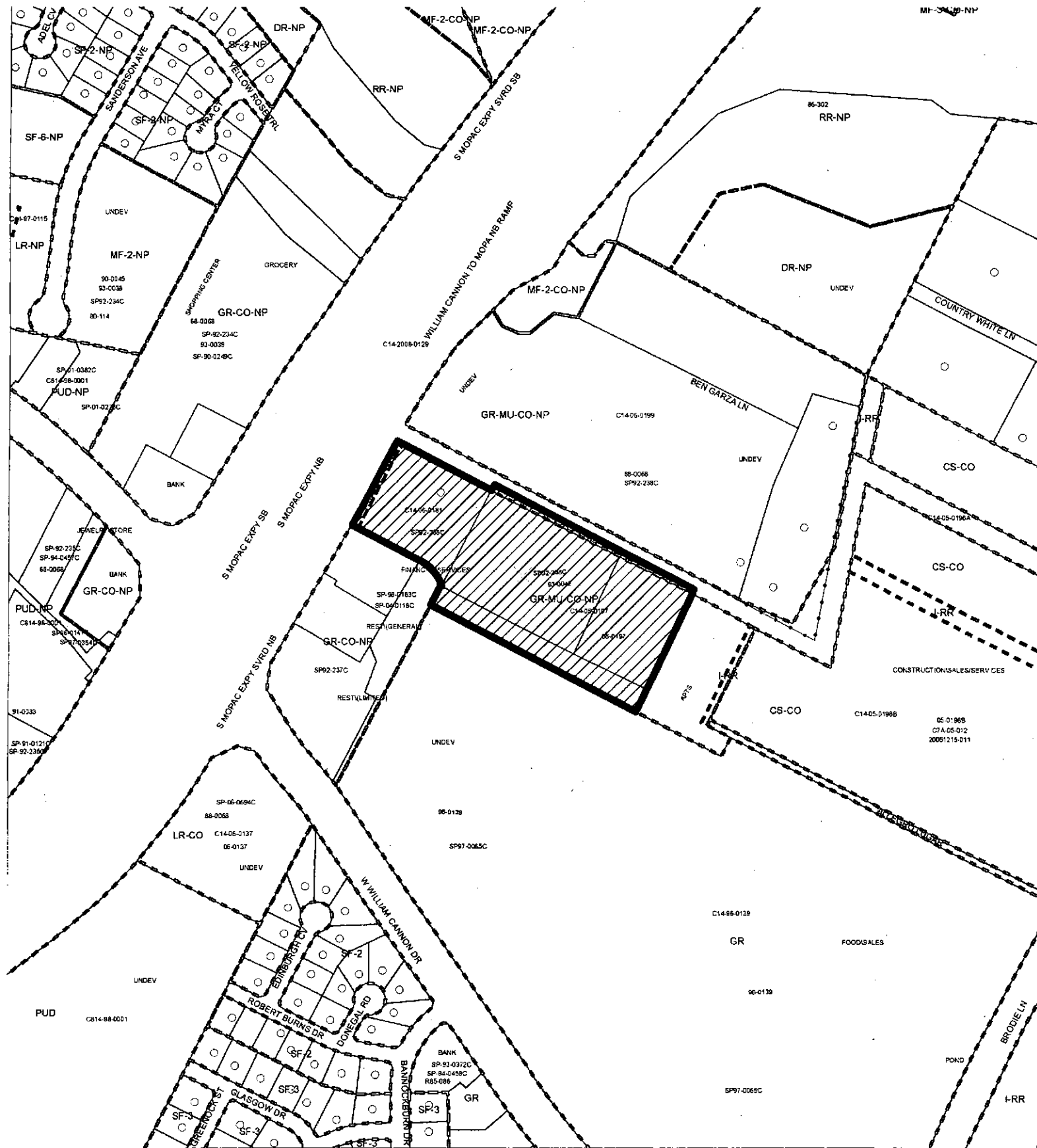





6/12/2014

Date

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-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

## ZONING

ZONING CASE#: C14-2014-0011B

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

1" = 400'