ORDINANCE NO. 040902-Z-7

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 2109 NORTHLAND DRIVE FROM NEIGHBORHOOD COMMERCIAL (LR) DISTRICT TO GENERAL COMMERCIAL SERVICES-CONDITIONAL OVERLAY (CS-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 neighborhood commercial (LR) district to general commercial services-conditional overlay (CS-CO) combining district on the property described in Zoning Case No. C14-04-0113, on file at the Neighborhood Planning and Zoning Department, as follows:

> A 0.4276 acre tract of land, more or less, out of the George W. Spear League in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance, (the "Property")

locally known as 2109 Northland Drive, 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 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.

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

PART 3. This ordinance takes effect on September 13, 2004.

PASSED AND APPROVED

September 2, 2004 § Will Wynn
Will Wynn
Mayor

APPROVED: David Allan Smith
City Attorney

ATTEST: Shirley A. Brown
City Clerk

EXHIBIT "A" ZONING FIELDNOTES

BEING 0.4276 OF AN ACRE OF LAND OUT OF AND PART OF THE GEORGE W. SPEAR LEAGUE IN TRAVIS COUNTY, TEXAS; SAID 0.4276 OF AN ACRE BEING ALSO OUT OF AND PART OF THAT CERTAIN TRACT OF 0.87 OF AN ACRE CONVEYED UNTO CONRAD R. AND ARVEL BOHN BY DEED RECORDED IN VOLUME 5680, PAGE 1458 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND AS SHOWN ON THAT CERTAIN PLAT OF 2109 NORTHLAND DRIVE, AUSTIN, TEXAS, ATTACHED HERETO:

BEGINNING at a ½" diameter iron pin found at the southwest corner hereof and the southwest corner of said Bohn tract, said iron pin being also the southeast corner of that certain tract conveyed unto Good Right Arm Inc. by Deed recorded in Volume 9695, Page 444 of the Real Property Records of Travis County, Texas, said iron pin being on the north line of Lot 1, North Austin Addition, a subdivision according to the plat thereof recorded in Book 85, Page 133B Plat Records of Travis County, Texas;

THENCE with the west line hereof, the west line of said Bohn tract and the east line of said Good Right Arm Inc. tract, N 01°-34'-35" W at 187.88 feet pass an "X" found cut in concrete sidewalk, in all 198.28 feet to a "P-K" nail found in concrete gutter of the curb and gutter improvements of Northland Drive; said "P-K" nail being on or near the northwest corner of said Bohn tract;

THENCE with the north line of said Bohn tract per Deed call (Volume 5680, Page 1458) and the south right-of-way line of Northland Drive per said Deed call, S 73°-28'-40" E 98.74 feet to the northeast corner hereof;

THENCE with the east line hereof, crossing said Bohn tract, S 01°-34'-35" E 198.67 feet to the southeast corner hereof on the south line of said Bohn tract and the north line of said Lot 1, North Austin Addition;

THENCE with the south line hereof, the south line of said Bohn tract and the north line of said North Austin Addition, N 73°-16'-00" W (Bearing Basis for the herein described tract) 98.86 feet to the Point-of-Beginning.

THIS DESCRIPTION IS FOR ZONING PURPOSES ONLY and not for division of said tract for sale, which would create an illegal lot.

As Surveyed by:

POINT-LINE SERVICES, INC.

Melvin G. Lindsey, RPLS #1587

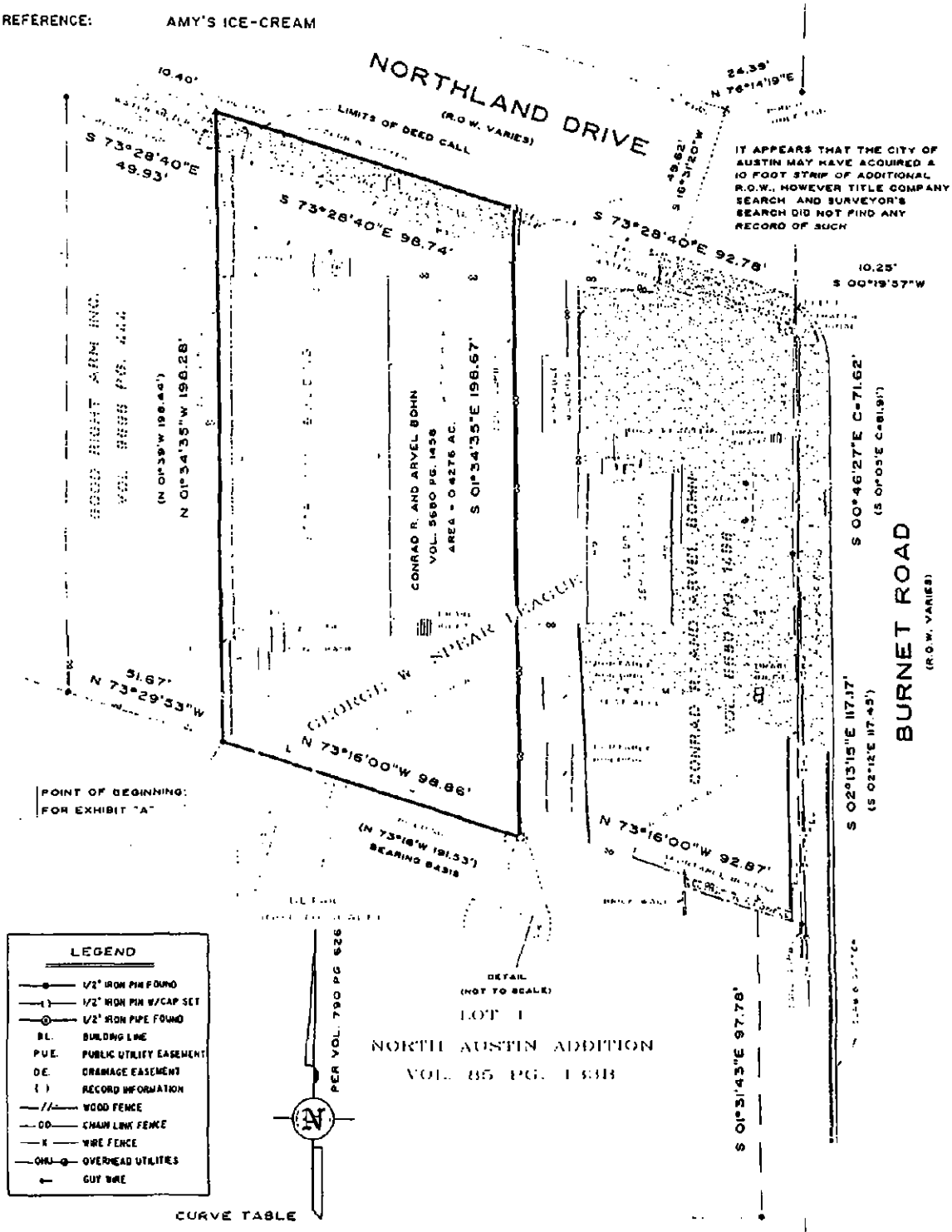
Job No. 38040704

PLS-2004
July/Fieldnotes

ZONING MAP FOR: 2109 NORTHLAND DRIVE, AUSTIN, TEXAS, 78756.

LEGAL DESCRIPTION: 0.4276 OF AN ACRE OF LAND, MORE OR LESS, OUT OF THE GEORGE W. SPEAR LEAGUE IN TRAVIS COUNTY, TEXAS AND BIENG MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS IN EXHIBIT "A" ATTACHED HERETO.

REFERENCE: AMY'S ICE-CREAM



CURVE TABLE

CURVE	RADIUS	TANGENT	LENGTH	DELTA
C1	2119.83'	35.82'	71.63'	1°56'09"

The undersigned does hereby state that this survey was this day made on the ground of the property legally described hereon and to the best of his information, knowledge and belief is correct, and that there are no discrepancies, conflicts, shortage in area, visible utility line or roads in place, except as shown hereon, and that said property has access to and from a dedicated roadway, except as shown hereon.

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Use of this survey for any other purpose or other parties shall be at their risk and undersigned is not responsible to others for any loss resulting therefrom

Dated this the 13th day of June, 2004

Job No. 38040704 | Scale: 1" = 40'

POINT-LINE SERVICES, INC.

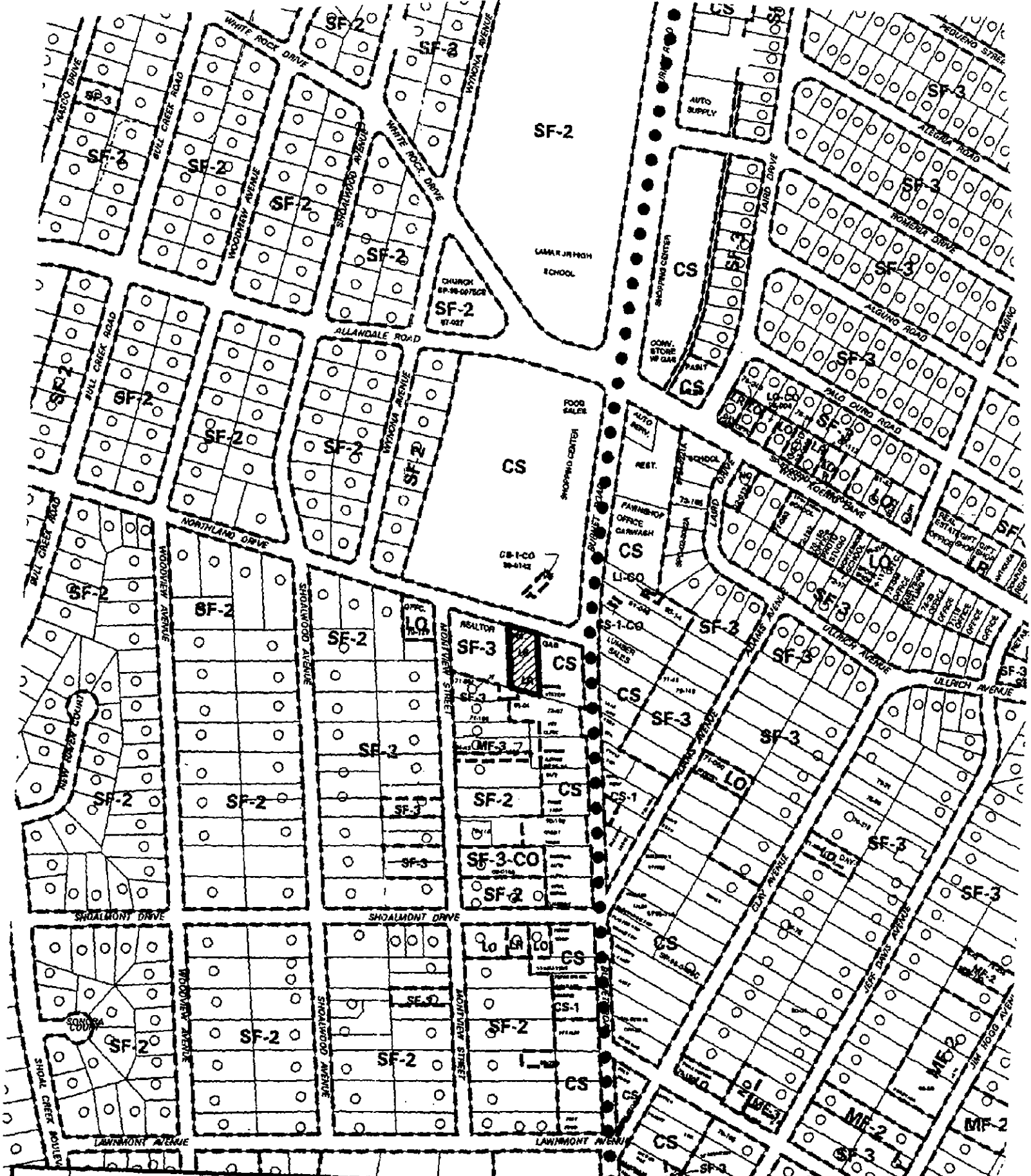
LAND & ENGINEERING SURVEYING

MELVIN LINDSEY, R.P.L.S. 1587

1301 CAPITAL OF TEXAS HWY. SOUTH SUITE A-236

AUSTIN, TEXAS 78746

TEL.(512)329-6217 FAX(512)328-6848



SUBJECT TRACT	ZONING EXHIBIT B		CITY GRID REFERENCE NUMBER
PENDING CASE	CASE #: C14-04-0113		
ZONING BOUNDARY	ADDRESS: 2109 NORTHLAND DR	DATE: 04-07	J27
CASE MGR: G. RHOADES	SUBJECT AREA (acres): 0.428	INTLS: SM	

1" = 400'