

ORDINANCE NO. _____

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE
2 PROPERTY LOCATED AT 204-206 WEST STASSNEY LANE FROM SINGLE
3 FAMILY RESIDENCE STANDARD LOT (SF-2) DISTRICT AND FAMILY
4 RESIDENCE (SF-3) DISTRICT TO COMMUNITY COMMERCIAL-MIXED USE-
5 CONDITIONAL OVERLAY (GR-MU-CO) COMBINING DISTRICT.

6
7 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:
8

9 PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to
10 change the base districts on the property described in Zoning Case No. C14-04-0118, on
11 file at the Neighborhood Planning and Zoning Department, as follows:
12

13 From single family residence standard lot (SF-2) district and family residence (SF-
14 3) district to community commercial-mixed use-conditional overlay (GR-MU-CO)
15 combining district.

16
17 A 0.35 acre tract of land, (15,233 sq. ft.) more or less, out of Lot 25, Block 1,
18 Pleasant Hill Addition in Travis County, the tract of land being more particularly
19 described by metes and bounds in Exhibit "A" incorporated into this ordinance;
20 and
21

22 From family residence (SF-3) district to community commercial-mixed use-
23 conditional overlay (GR-MU-CO) combining district.
24

25 Lot 26, Block 1, Pleasant Hill Addition, a subdivision in the City of Austin, Travis
26 County, Texas, according to the map or plat of record in Plat Book 4, Page 7, of
27 the Plat Records of Travis County, Texas, (the "Property")
28

29 locally known as 204-206 West Stassney Lane, in the City of Austin, Travis County,
30 Texas, and generally identified in the map attached as Exhibit "B".
31

32 PART 2. The Property within the boundaries of the conditional overlay combining district
33 established by this ordinance is subject to the following conditions:
34

- 35 1. A site plan or building permit for the Property may not be approved, released, or
36 issued, if the completed development or uses of the Property, considered cumulatively

1 with all existing or previously authorized development and uses, generate traffic that
2 exceeds 2,000 trips per day.

3
4 2. The following uses are prohibited uses of the Property:

5	6 Automotive rentals	Automotive washing (of any type)
7	Bail bond services	Commercial off-street parking
8	Consumer convenience services	Consumer repair services
9	Drop-off recycling collection facility	Exterminating services
10	Financial services	Food preparation
11	Food sales	Funeral services
12	General retail sales (convenience)	General retail sales (general)
13	Hotel-motel	Indoor entertainment
14	Indoor sports and recreation	Off-site accessory parking
15	Outdoor entertainment	Outdoor sports and recreation
16	Pawn shop services	Personal improvement services
17	Personal services	Pet services
18	Plant nursery	Printing and publishing
19	Research services	Restaurant (general)
20	Restaurant (limited)	Service station
21	Software development	Theater
22	Custom manufacturing	Club or lodge
23	Cultural services	Guidance services
24	Hospital services (general)	Hospital services (limited)

25
26 3. The following uses are conditional uses of the Property:

27	28 College and university facilities	Community recreation (private)
29	Community recreation (public)	Congregate living
30	Group home (Class II)	Private secondary education facilities
31	Residential treatment	

32
33 Except as specifically restricted under this ordinance, the Property may be developed and
34 used in accordance with the regulations established for the community commercial (GR)
35 base district and other applicable requirements of the City Code.

PART 3. This ordinance takes effect on _____, 2004.

PASSED AND APPROVED

_____, 2004

§
§
§

Will Wynn
Mayor

APPROVED: _____ **ATTEST:** _____
David Allan Smith Shirley A. Brown
City Attorney City Clerk

EXHIBIT "A"

RE-ZONING

LEGAL DESCRIPTION

BEING A PORTION OF LOT 25, BLOCK 1, PLEASANT HILL ADDITION, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, AS DEPICTED BY THE INSTRUMENT RECORDED IN VOLUME 4, PAGE 7, OF THE PLAT RECORDS OF SAID COUNTY, SAME BEING AS CONVEYED TO FELIX MICHAEL ESTRADA IN VOLUME 11347, PAGE 1710, (BEING THE SOUTH 118 FEET OF LOT 25, BLK. 1), AND BEING A PORTION OF THE SOUTH 50 FEET OF THE NORTH 100 FEET OF LOTS 24 AND 25, AS CONVEYED TO FELIX ESTRADA, (NO RECORDING INFORMATION AVAILABLE, TRAVIS CENTRAL APPRAISAL DISTRICT), SAID PORTION BEING APPROXIMATELY 0.35 OF AN ACRE (15,233 sq.ft) OF LOT 25, OF SAID SUBDIVISION, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS;

COMMENCING at a ½" iron rod found for the northwest corner of the remaining portion Lot 24, of the aforementioned Pleasant Hill Addition, as conveyed to Daniel Perez, Jr. and Irene V. Perez, Trustees, in Volume 13189, Page 48, of the Real Property Records, of Travis County, Texas, same at a point of intersection of West Stassney Lane and Blue Bird Lane;

THENCE, along the south line of the aforementioned Perez tract, and along the south line of a portion of the aforementioned Lot 24, as conveyed to Oscar McNabb, in Volume 4094, Page 1603 of the Deed Records of Travis County, Texas, same being the north r-o-w line of the aforementioned West Stassney Lane, S 56° 11' 15" E, for a distance of 85.04 feet to a ½" iron rod set, for the southeast corner of said McNabb tract, same being the southwest corner of the aforementioned Lot 25, same being the southwest corner of the aforementioned portions of the said Lot 25, same being the southwest corner and PLACE OF BEGINNING hereof;

THENCE, leaving the aforementioned r-o-w line and following the dividing line between the aforementioned Lots 24 and 25, same being the dividing line between said McNabb and Estrada tracts, N 33° 52' 46" E, for a distance of 117.80 feet to a ½" rebar set, being a point in said line, same being the most westerly northwest corner hereof;

THENCE, leaving the aforementioned dividing line between Lots 24 and 25, and traversing through the interior of the said Lot 25, the following three (3);

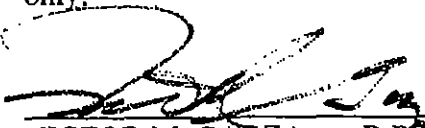
- 1.) S 56° 07' 16" E, for a distance of 30.95 feet to a ½" rebar set;
- 2.) N 33° 52' 46" E, for a distance of 50.00 feet to a ½" rebar set, said rod being in the north line of the aforementioned portions of Lot 25, same being the south line of a portion of the said Lot 25, as conveyed to Michael F. Estrada, in Volume 12772, Page 2249 of the Real Property Records of Travis County, Texas;
- 3.) Along said line, S 56° 07' 16" E, for a distance of 69.08 feet to a ½" rebar set, said rod being the southeast corner of the said Michael Estrada tract and being in the

west line of Lot 26, of the aforementioned Addition, same being in the east line of the said Lot 25 and the northeast corner of the aforementioned portions of Lot 25, for the northeast corner hereof;

THENCE, along the dividing line between the aforementioned Felix Estrada portions of Lot 25, and the west line of the aforementioned Lot 26, S 33° 52' 30" W, passing a ½" iron rod set on line, at a distance of 50.00 feet and continuing for a total distance of 167.68 feet to a ½" rebar set, in the aforementioned north r-o-w line of West Stassney Lane, said rod being the southwest corner of the aforementioned Lot 26, and the southeast corner of the said Lot 25 same being the southeast corner hereof;

THENCE, along the south line of the aforementioned Lot 25, same being the north r-o-w line of the aforementioned West Stassney Lane, N 56° 11' 15" W, for a distance of 100.04, to the PLACE OF BEGINNING.

This Legal description is to be used in conjunction with the accompanying survey plat only.


VICTOR M. GARZA R.P.L.S. NO. 4740
B & G SURVEYING, INC.
1404 W. NORTH LOOP BLVD.
AUSTIN, TEXAS 78756
(512) 458 - 6969
6/23/2004 REVISED 08/04/04
JOB. NO. B0611804

8-4-04
DATE (REVISED)

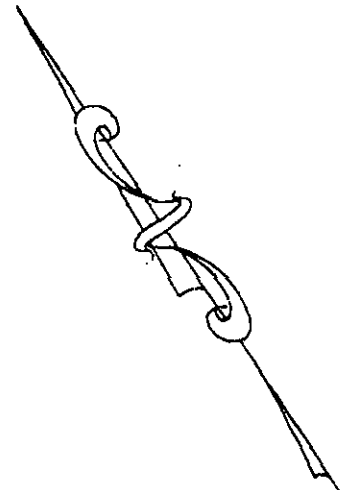


SURVEY OF 15,233 SQUARE FOOT PORTION OF LAND FOR RE-ZONING PURPOSE

- ⑤ S 33°52'30" W 50.00'
- ⑥ S 33°52'30" W 117.68'
- ⑦ S 56°07'16" E 30.95'
- ⑧ S 56°07'16" E 69.08'
- ⑨ N 33°52'46" E 30.95'
- ⑩ N 33°52'46" E 50.00'



[Handwritten signature]



BLUE BIRD LANE

OSCAR MCNABB
V.4094 P.1603
E. 50' OF S. 118' 24, BLK. 1
PLEASANT HILL ADD. (V.4 P.7)

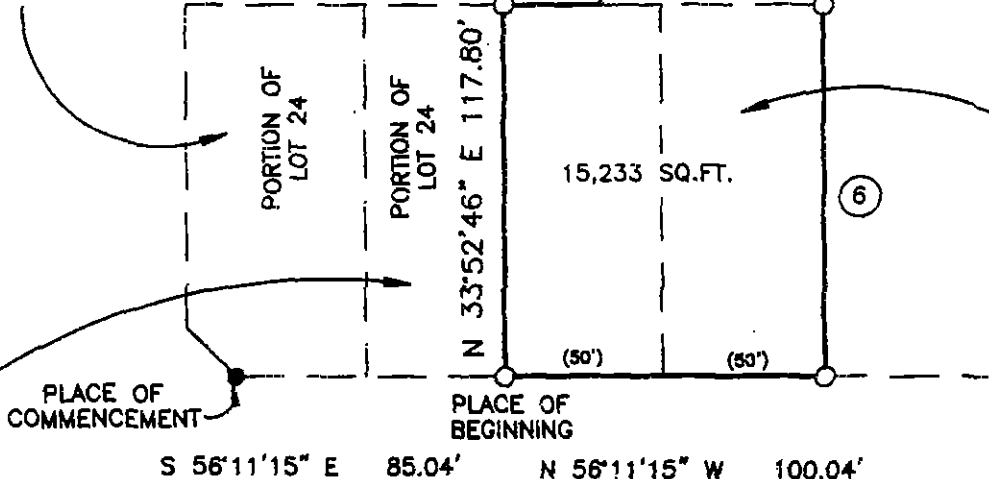
DANIEL PEREZ JR. & IRENE V. PEREZ
V.13189 P.48
W. 50' OF THE S. 118' FT. LOT 24,
BLK.1, LESS SW. TRIANGLE,
PLEASANT HILL ADD. (V.4 P.7)

MICHAEL F. ESTRADA
V.12772 P.2249
N. 50' OF LOTS 24 & 25 BLK.1,
PLEASANT HILL ADD. (V.4 P.7)

FELIX ESTRADA
(NO RECORDING INFORMATION
AVAILABLE)
S. 50' OF THE N. 100' OF LOTS 24
& 25, BLK. 1 PLEASANT HILL ADD.
(V.4 P.7)

LOT 28
PLEASANT HILL ADD. (V.4 P.7)

FELIX MICHAEL ESTRADA
V.11347 P.1710 TRACTS 1 & 2
S. 118' LOT 25, BLK. 1 PLEASANT
HILL ADD. (V.4 P.7)



WEST STASSNEY LANE

B&G Surveying, Inc.
Victor M. Garza R.P.L.S.

Office 512*458-6969
Fax 512*458-9645
1404 West North Loop Blvd.
Austin, Texas 78756

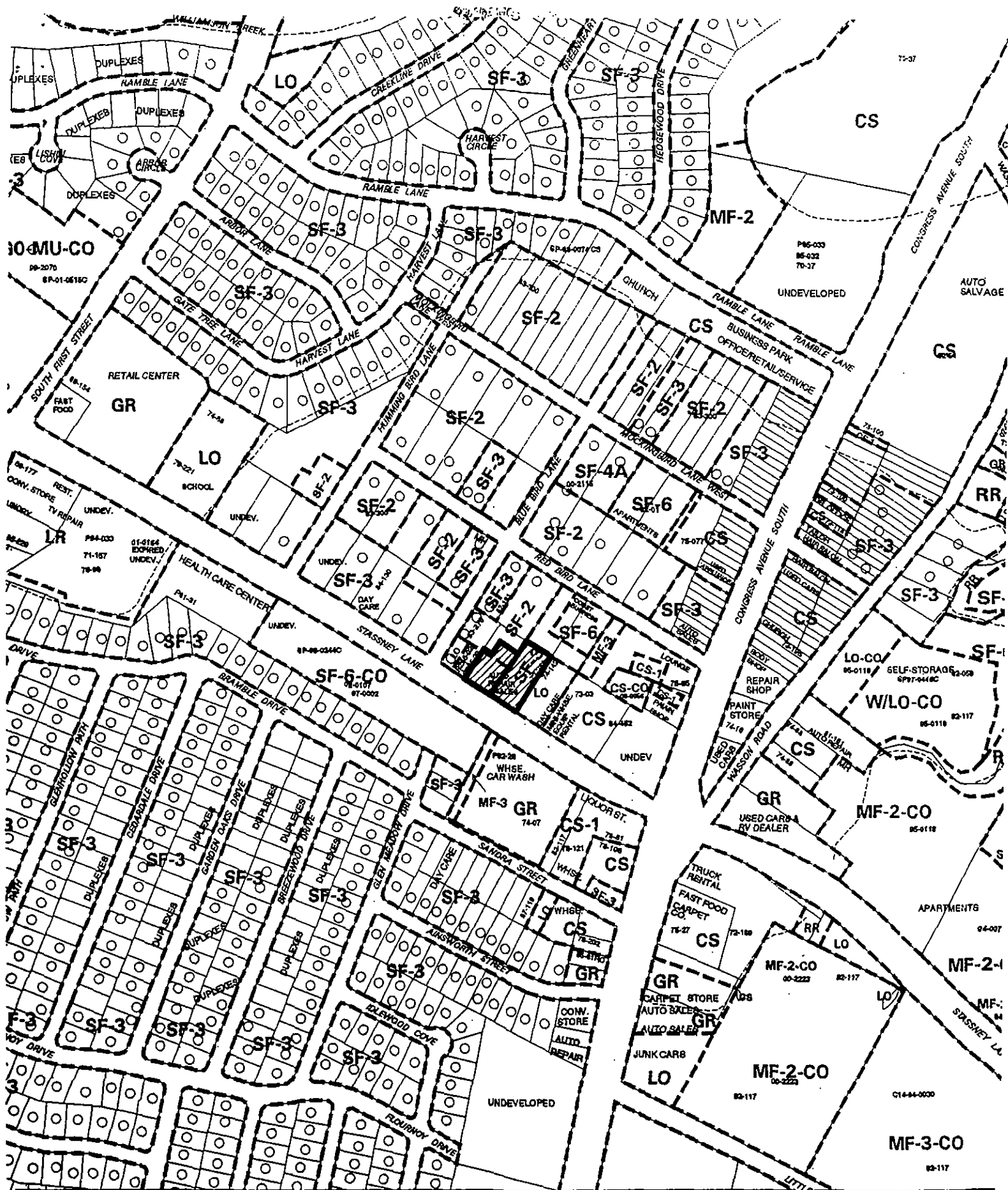


REVISED 08-04-04

80811804_TA DATED 8-22-04

ALAMO, TBLN		
CALCULATIONS	JA	8-18-04
FIELD WORK	BOB	8-18-04
DRAFTING	WYLIE	8-18-04

SCALE: 1" = 60'



 1" = 400'	SUBJECT TRACT		ZONING EXHIBIT B	CITY GRID REFERENCE NUMBER G17
	PENDING CASE			
	ZONING BOUNDARY			
	CASE MGR: W. WALSH			
	CASE #: C14-04-0118			
ADDRESS: 204 & 206 STASSNEY LANE		DATE: 04-08		
SUBJECT AREA (acres): 0.830		INTLS: SM		

RESTRICTIVE COVENANT

OWNER: Felix Michael Estrada and Felix A. Estrada

ADDRESS: 5509 Blue Bird Lane, Austin, Texas 78745

CONSIDERATION: Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and sufficiency of which is acknowledged.

PROPERTY: A 0.35 acre tract of land, (15,233 sq. ft.) more or less, out of Lot 25, Block 1, Pleasant Hill Addition in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" attached and incorporated into this covenant; and

Lot 26, Block 1, Pleasant Hill Addition, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 4, Page 7, of the Plat Records of Travis County.

WHEREAS, the Owner, whether one or more, of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions;

NOW, THEREFORE, it is declared that the Owner of the Property, for the consideration, shall hold, sell and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant. These covenants and restrictions shall run with the land, and shall be binding on the Owner of the Property, its heirs, successors, and assigns.

1. If use of the Property as an automotive repair use or an automotive sales use is discontinued for 90 consecutive days, the Owner of the Property will not object to the City of Austin rezoning the Property to limited office (LO) district as defined in Chapter 25-2 of the City Code. Normal seasonal cessation of a use, or temporary discontinuance for purposes of maintenance or rebuilding of the Property after damage or destruction may not be used in calculating of the period of discontinuance.
2. If any person or entity shall violate or attempt to violate this agreement and covenant, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such agreement or covenant, to prevent the person or entity from such actions, and to collect damages for such actions.
3. If any part of this agreement or covenant is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full effect.
4. If at any time the City of Austin fails to enforce this agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.

5. This agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, and (b) by the owner(s) of the Property, subject to the modification, amendment or termination at the time of such modification, amendment or termination.

EXECUTED this the _____ day of _____, 2004.

OWNER:

Felix Michael Estrada

Felix A. Estrada

APPROVED AS TO FORM:

Assistant City Attorney
City of Austin

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the ____ day of _____, 2004, by Felix Michael Estrada.

Notary Public, State of Texas

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

 This instrument was acknowledged before me on this the ____ day of _____,
2004, by Felix A. Estrada.

Notary Public, State of Texas

After Recording, Please Return to:
City of Austin
Department of Law
P. O. Box 1088
Austin, Texas 78767-1088
Attention: Diana Minter, Legal Assistant

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RE-ZONING

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8-4-04
DATE (REVISED)

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(512) 458 - 6969
6/23/2004 REVISED 08/04/04
JOB. NO.B0611804

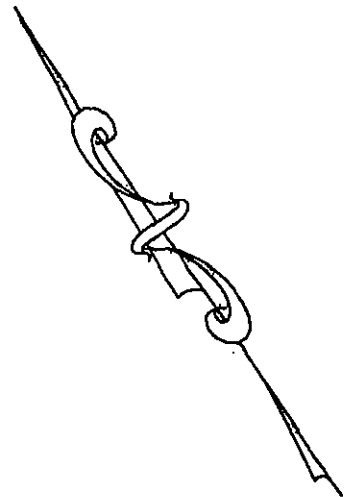


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[Handwritten Signature]



BLUE BIRD LANE

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V.13189 P.48
W. 50' OF THE S. 118' FT. LOT 24,
BLK. 1, LESS SW TRIANGLE,
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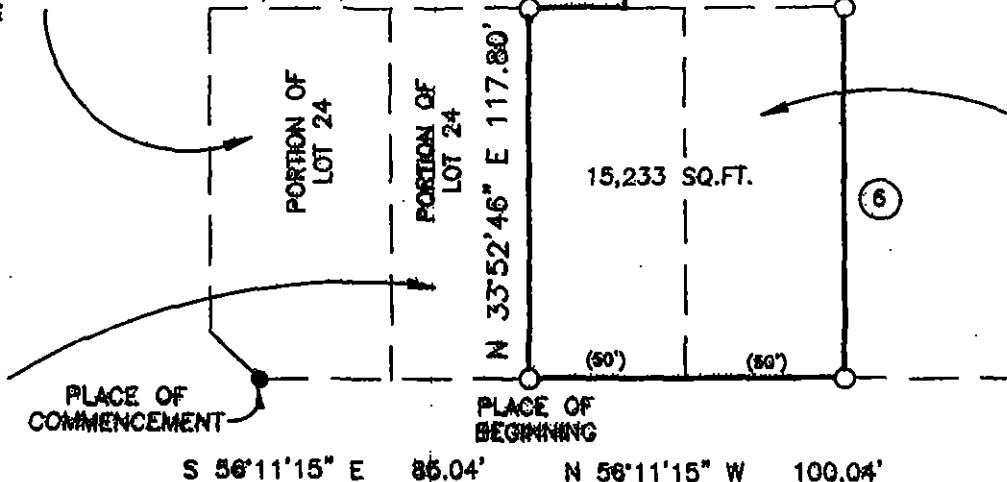
OSCAR MCNABBS
V.4684 P.1603
E. 50' OF S. 118' 24, BLK. 1
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MICHAEL F. ESTRADA
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WEST STASSNEY LANE

B&G Surveying, Inc.

Victor M. Garza R.P.L.S.

Office 512*458-6869
Fax 512*458-9845

1404 West North Loop Blvd.
Austin, Texas 78756



REVISED 08-04-04

B0811804_TA DATED 8-22-04

ALAMO, TEXAS		
CALCULATIONS	JA	8-18-04
FIELD WORK	BOB	6-18-04
DRAFTING	WYUE	8-18-04

SCALE: 1" = 60'