

**Zoning Public Hearing
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**



**AGENDA ITEM NO.: Z-6
AGENDA DATE: Thu 11/17/2005
PAGE: 1 of 1**

SUBJECT: C14-05-0154 - Gold A&A - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1826 Rutherford Lane (Walnut Creek Watershed) from community commercial-conditional overlay (GR-CO) combining district zoning to community commercial-conditional overlay (GR-CO) combining district zoning in order to change a condition of zoning Zoning and Platting Commission Recommendation To grant community commercial-conditional overlay (GR-CO) combining district zoning in order to change a condition of zoning Applicant Gold A & A, Inc (Adam Ahmad) Agent The Faust Group (Bill Faust) City Staff Sherri Sirwaitis, 974-3057

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

ZONING CHANGE REVIEW SHEET

CASE: C14-05-0154

Z.A.P. DATE: October 18, 2005

ADDRESS: 1826 Rutherford Lane

OWNER/APPLICANT: Gold A & A Inc (Adam Ahmad)

AGENT: The Faust Group (Bill Faust)

ZONING FROM: GR-CO

TO: GR-CO

AREA: 2.80 acres

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to grant GR-CO, Community Commercial-Conditional Overlay District, zoning. The proposed Conditional Overlay will prohibit Pawn Shop Services, Automotive Sales, Automotive Rentals, and Automotive Repair Services on the property.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

10/18/05 Approved staff's recommendation for GR-CO zoning by consent (9-0), J. Martinez-1st, J. Gohil-2nd

DEPARTMENT COMMENTS:

The property in question is currently undeveloped and relatively flat. The applicant is requesting to rezone the site from GR-CO to GR-CO to allow for the development of a car wash on the site. The current conditional overlay prohibits the Automotive Washing (of any type) use for this tract of land. The property is surrounded by an office/industrial park to the north and west. There are multifamily uses located to south (across U.S. Highway 290) and east of the property.

The staff recommends the applicant's request to amend the conditional overlay for this property to allow for the Automotive Washing because the site fronts onto a major arterial roadway and is surrounded by office and industrial uses. The proposed rezoning will provide for additional services for the office and residential uses surrounding the property.

This case is subject to the recommendations set forth in the TIA dated November 3, 1999 and the staff memo dated August 10, 1999 (Public Restrictive Covenant for TIA in Case C14-99-0071-Attachment A).

The applicant agrees with the staff recommendation.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	GR-CO	Undeveloped
<i>North</i>	IP	Undeveloped
<i>South</i>	GR	Multi-family (Apartments)
<i>East</i>	IP	Multi-family (Apartments)
<i>West</i>	GR	Office (Texas Municipal Center State Offices)

AREA STUDY: N/A

TIA: Waived

WATERSHED: Walnut Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

NEIGHBORHOOD ORGANIZATIONS:

114 – North Growth Corridor Alliance
119 – Coronado Hills/Creekside Neighborhood Association
123 – Old Town Homeowners Association
342 – Edward Joseph Developments, Ltd
511 – Austin Neighborhoods Council
643 – North East Action Group
742 – Austin Independent School District
937 – Taking Action, Inc
956 – Villas of Coronado Hills Homeowner's Association

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-04-0177	SF-3 to LI	12/7/04 Approved staff's alternate recommendation of LI-CO (7-1, B Baker-Nay, C Hammond- ineligible to vote)	1/13/05 Granted LI-CO on all 3 readings (7-0)
C14-99-0071	IP to GR	9/21/99 Approved staff rec of GR, prohibit Pawn Shop Services and all automotive uses, and require sidewalks (8-0, JR-absent)	10/28/99 Approved GR with conditions as rec by PC (5-0, WL/JG-absent), 1 st reading 12/2/99 Approved (6-0, WL-absent), 2 nd /3 rd readings

RELATED CASES: C14-99-0071

ABUTTING STREETS: N/A

CITY COUNCIL DATE: November 17, 2005

ACTION:

ORDINANCE READINGS. 1st

2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Sherri Sirwaitis

PHONE: 974-3057,
sherri_sirwaitis@ci.austin.tx.us

STAFF RECOMMENDATION

The staff's recommendation is to grant GR-CO, Community Commercial-Conditional Overlay District, zoning. The proposed Conditional Overlay will prohibit Pawn Shop Services, Automotive Sales, Automotive Rentals, and Automotive Repair Services on the property.

BASIS FOR RECOMMENDATION

1 The proposed zoning should be consistent with the purpose statement of the district sought

Community commercial (GR) district is the designation for an office or other commercial use that serves neighborhood and community needs and that generally is accessible from major traffic ways.

The property in question fronts and will take access to U S Highway 183, a major arterial roadway.

2 The proposed zoning should promote consistency, and orderly planning

The GR-CO zoning district would be compatible and consistent with the surrounding uses because the property is located adjacent to existing GR zoning to the south and west and IP zoning to the north and east.

The proposed rezoning will allow for additional services for the residents of the multifamily uses located to the south and east.

3 The proposed zoning should allow for a reasonable use of the property

The GR-CO zoning district would allow for a fair and reasonable use of the site. The property in question meets the minimum site development requirements for the GR zoning district.

GR-CO zoning is appropriate for this site because the location of the property and the commercial and industrial character of the area. The area to the north and east of this site is developed as part of an industrial/business park.

EXISTING CONDITIONS

Site Characteristics

The site is currently undeveloped and sparsely vegetated. The property to the north of the site is undeveloped, as well. To the south and east there are existing apartment complexes. There are state offices to the west of the site, across Rutherford Lane.

Impervious Cover

The maximum impervious cover allowed by the GR zoning district would be 90 %. However, because the watershed impervious cover is more restrictive than the zoning district's allowable impervious cover, the impervious cover is limited by the watershed regulations.

The site is located in the Little Walnut Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. Impervious

cover is not limited in this watershed class. This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s f cumulative is exceeded, and detention for the two-year storm.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Little Walnut Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. Impervious cover is not limited in this watershed class. This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s f cumulative is exceeded, and detention for the two-year storm.

According to flood plain maps, there is flood plain in, or within close proximity of, the project area.

At this time, site-specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

At this time, no information has been provided as to whether this property has any pre-existing approvals, which would preempt current water quality or Code requirements.

Transportation

This case is subject to the recommendations set forth in the TIA dated November 3, 1999 and the staff memo dated August 10, 1999.

There are no sidewalks on the tract side of Rutherford Lane or Anderson Lane (U S Highway 183).

Capital Metro does not directly serve this tract of land. There are two bus routes which travel near this tract on Rutherford Lane: #25 Ohlen and #39 Walnut Creek/Koenig.

Right-of-Way

The scope of this review is limited to the identification of needs for dedication and/or reservation of right-of-way for funded Capital Improvement Program (CIP) Roadway Construction Projects and Transportation Systems Management (TSM) Projects planned for implementation by the City of Austin. No aspect of the proposed project is being considered or approved with this review other than the need for right-of-way for City projects. There are separate right-of-way dedication and reservation requirements enforced by other Departments and other jurisdictions to secure right-of-way for roadway improvements contained in the Austin Metropolitan Area Roadway Plan, roadway projects funded by County and State agencies, and for dedication in accordance with the functional classification of the roadway.

We have reviewed the proposed subdivision, site plan, or zoning case and anticipate no additional requirement for right-of-way dedication or reservation for funded CIP, or TSM projects at this location.

Water and Wastewater

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing the water and wastewater utility improvements, system upgrades, utility relocation, adjustments. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City design criteria. The utility construction must be inspected by the City. The landowner must pay the associated and applicable City fee.

Stormwater Detention

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program if available.

Compatibility Standards

No comments

Zoning Case No. C14-99-0071

RESTRICTIVE COVENANT

OWNER: WCBP-71, J-V, a Texas Joint Venture

ADDRESS: 2209 Rio Grande, Austin, Texas 78705

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: 2 849 acre tract of land out Lot 1, Headway 8A Subdivision in Travis County, Texas, said tract of land being more particularly described by metes and bounds in Exhibit "A" attached and incorporated into this covenant

WHEREAS, the Owner 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. Notwithstanding any other provision of the City Code applicable to the Property on the effective date of this restrictive covenant or at the time an application for approval of a site plan or building permit is submitted, no site plan for development of the Property or any portion of the Property shall be approved or released, and no building permit for construction of a building on the Property, shall be issued if the completed development or uses authorized by the proposed site plan or building permit, considered cumulatively with all existing or previously authorized development and uses of the Property, generates traffic exceeding the total traffic generation for the Property as specified in that certain Traffic Impact Analysis ("TIA") prepared by Robert J Halls and Associates, and Greear and Associates, dated April 28, 1999 and updated November 3, 1999. All development on the Property is subject to the recommendations contained in a memorandum from the Transportation Review Section of the Development Review and Inspection Department, dated August 10, 1999. The TIA shall be kept on file at the Development Review and Inspection Department

At the request of the Owner of the affected Property, an updated or amended TIA may be approved administratively by the Director of the Development Review and Inspection Department

2. At the time construction of U S Highway 183 (East Anderson Lane) is completed, Owner shall provide sidewalks on the Property along and adjacent to U S Highway 183 (East Anderson Lane) and Rutherford Lane
3. 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


4. 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
5. 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
6. 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

When the context requires, singular nouns and pronouns include the plural

EXECUTED this the 29 day of November, 1999

OWNER:

WCBP-71 J-V, a Texas Joint Venture

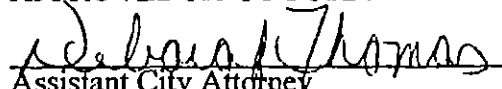
By. 
Kenny Dryden
Venturer

By. AmInvesco L P.
a Delaware Limited Partnership
Venturer


By. Hardin Interests, Inc.
A Texas corporation
Managing Partner

By. 
Richard G. Hardin
President

APPROVED AS TO FORM



Assistant City Attorney
City of Austin

COUNTY OF TRAVIS

 **KATHRYN PARKE**
NOTARY PUBLIC
State of Texas
Comm. Exp 03-08-2002

Kathryn Parke
Notary Public, State of Texas

COUNTY OF TRAVIS

 KATHRYN PARKE
NOTARY PUBLIC
State of Texas
Comm. Exp 03-08-2002

Latryn Arke
Notary Public, State of Texas

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Exhibit "A"

BUSH SURVEYING, INC.

1904 Fortview Road
Austin, Texas 78704
Phone (512) 442-0990
Fax (512) 442-1084

SEPTEMBER 14, 1994

FIELD NOTE DESCRIPTION OF 2.840 ACRES OF LAND, BEING A PORTION OF LOT 1, HEADWAY 8-A, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 83 PAGE 158C OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at an iron rod found in the Southeast right-of-way line of Rutherford Lane for the North corner of Lot 1, Headway 8-A, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 83 Page 158C of the Plat Records of Travis County, Texas, and for the most Westerly corner of Lot 7, Headway 8, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 82 Page 142 of the Plat Records of Travis County, Texas, and being the North corner and PLACE OF BEGINNING of the herein described tract;

THENCE leaving the Southeast right-of-way line of Rutherford Lane with the common line of said Lot 1 and said Lot 7, S 60 deg. 07' 36" E 479.18 ft. to an iron rod found for the most Northeasterly corner of said Lot 1 and for the Southeasterly corner of said Lot 7 and being in the West line of Lot 2 of said Headway 8-A, and being the most Northeasterly corner of this tract;

THENCE with the common line of said Lot 1 and Lot 2, S 00 deg. 51' 33" E 58.22 ft. to an iron rod set for the easterly Southeast corner of this tract;

THENCE crossing the interior of said Lot 1, the following four (4) courses;

- 1) S 74 deg. 07' 08" W 132.13 ft. to an iron rod set;
- 2) S 84 deg. 46' 24" W 68.13 ft. to an iron rod set;
- 3) N 65 deg. 59' 14" W 57.17 ft. to an iron rod set;
- 4) S 29 deg. 52' 56" W 126.92 ft. to an iron rod set in the Northerly right-of-way line of U.S. Highway No. 183 and the Southwesterly line of said Lot 1, and being the most Southerly corner of this tract;

THENCE with the Northerly right-of-way line of U.S. Highway No. 183 and the Southwesterly line of said Lot 7, N 60 deg. 07' 04" W 287.22 ft. to a concrete monument found for a point of curvature of the Easterly right-of-way line of Rutherford Lane;

THENCE with the curving Easterly right-of-way line of Rutherford Lane along a curve to the right with a radius of 15.02 ft. for an arc length of 23.65 ft. and which chord bears N 15 deg. 11' 00" W 21.28 ft. to a chiseled "X" found for a point of tangency;

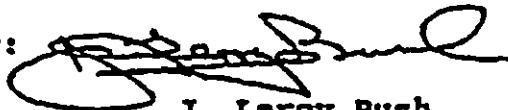
THENCE continuing with the Easterly right-of-way line of Rutherford Lane and the Northwesterly line of said Lot 7, N 29 deg. 50' 26" E 251.59 ft. to an iron rod set for a point of curvature;

THENCE with the curving Easterly right-of-way line of Rutherford Lane and the Northwesterly line of said Lot 7 along a curve to the left with a radius of 759.29 ft. for an arc length of 50.00 ft. and which chord bears N 27 deg. 57' 03" E 49.99 ft. to the PLACE OF BEGINNING, containing 2.840 acres of land.

SURVEYED: February, 1994.

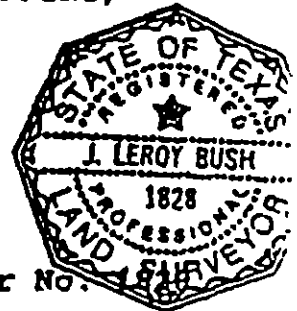
FIELD NOTES PREPARED: September, 1994.

By:



J. Leroy Bush

Registered Professional Land Surveyor No. 1828



FILED AND RECORDED
OFFICIAL PUBLIC RECORDS



12-15-1999 08:34 AM 1999155171
STRONGL \$17.00
DANA DEBEAUVOIR, COUNTY CLERK
TRAVIS COUNTY, TEXAS

RECORDERS MEMORANDUM-At the time of
recording this instrument was found to be inadequate
for the best photographic reproduction, because of
illegibility, carbon or photocopy, discolored paper, etc
All blockouts, additions and changes were present at
the time the instrument was filed and recorded

COA 01265

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Date: Tuesday, August 10, 1999
To: Antonio Gonzales, Project Manager
CC: Members of the Planning Commission
and City Council
Robert J. Halls, Robert J. Halls & Associates
David Greear, Greear & Associates Traffic Engineers
Reference: Walnut Creek Retail Center, C14-99-0071

The Transportation Review Section has reviewed the Traffic Impact Analysis for Walnut Creek Retail Center (Case no. C14-99-0071), dated April 28, 1999, and offers the following comments:

INTRODUCTION

This zoning case is for a 2.8-acre retail project that is located at the intersection of Rutherford Lane and US 183. This site is currently vacant. Robert J. Halls & Associates prepared the TIA for the project in association with Greear & Associates.

The proposed development consists of the following land uses:

- 15,200 square feet for retail and
- 3,120 square feet for convenience store with gas.

The property is currently zoned for industrial park (IP), and the proposed zoning is Community Commercial (GR). Completion of the project is scheduled for 2000.

TRIP GENERATION

Based on the standard trip generation rates established by the Institute of Transportation Engineers (ITE, 6th Edition), the development will generate approximately 4,644 unadjusted average daily trips (ADT). Of these, 193 trips will occur during the AM peak-hour and 368 will occur during the PM peak-hour.

The table below shows the unadjusted trip generation by land use for the proposed development

COA 01183

Table 1. Trip Generation

LAND USE	Size SF	ADT	AM Peak	PM Peak
Retail	15,200	2,023	52	180
Convenience Store w/Gas	3,120	2,621	141	188
TOTAL	18,300	4,644	193	368

ASSUMPTIONS

1. An annual growth rate of 7.9% was assumed for traffic on US 183, of 5.4% for traffic on Cameron Road, of 4.3% for traffic on Rutherford Lane and of 4.3% for traffic on Centre Creek Drive. These growth rates are based on 1992-1997 traffic count volumes published by CAMPO.
2. Background traffic for 2000 includes estimated traffic volumes for the following projects
 - Creekwood Office Building C14-96-0003
 - Walnut Creek Commerce Center SP-96-0070C
 - Cameron Road Corporate Park, Ph. 1 SP-97-00299C
 - New Service Center SP-97-0326C
 - Caribbean Capital C14-97-0074
 - Quix #405 C14-97-0074
 - Texaco SP-98-0385C
 - Ultimate Salon Service SP-99-0053C
3. No reductions were taken for Internal Capture or Transit Trips
4. A Pass-by adjustment of 25% in the AM peak and 40% in the PM peak were taken because many of the people turning into the shopping center will already be driving along the adjacent roadways when they decide to turn in and shop

The table below shows the adjusted trip generation, during peak hours, by land use for the proposed development.

Table 2. Adjusted Trip Generation

LAND USE	Size SF	AM Peak	PM Peak
Retail	15,200	39	108
Convenience Store w/Gas	3,120	106	112
TOTAL	18,300	145	220

EXISTING AND PLANNED ROADWAYS

US 183 – The Austin Area Transportation Plan classifies US 183 in the site vicinity as a 6-lane divided major arterial. US 183 serves as a primary access route for a large portion of the project-related traffic. The traffic volume for 1997 on US 183 west of US 290 was 57,200 vehicles per day (vpd). This section of US 183 is planned to be a 4-lane freeway. TxDOT expects construction to begin as early the fall of 2001.

Rutherford Lane – This roadway is an undivided, 4-lane collector street. The traffic volume for 1997 on Rutherford Lane north of US 183 was 13,330 vpd.

Cameron Road – The Austin Area Transportation Plan classifies Cameron Road in this site vicinity as a 4-lane, divided major arterial. The traffic volume for 1997 on Cameron Road north of US 183 was 23,670 vpd and north of Rutherford Lane was 25,810 vpd. This section of Cameron Road is planned to be upgraded to a 6-lane, divided major arterial

Centre Creek Drive – This roadway is an undivided, 2-lane collector street. The traffic volume in 1997 on Centre Creek Drive was 4,170 vpd.

TRAFFIC ANALYSIS

The impact of site development traffic on existing area roadways was analyzed. Three scenarios were evaluated: 1999 (Existing Conditions), and 2000 (Forecasted with and without Site-generated Traffic).

The standard used to evaluate traffic conditions was Level of Service (LOS). LOS is the method by which the quality of traffic flow is described. LOS describes operational conditions in six levels: A, B, C, D, E, F with A being the best and F the worst. The levels are based upon such factors as speed and travel time, freedom to maneuver, traffic interruptions, comfort, convenience and safety.

The TIA assumes that the northbound and southbound left turn phases for the intersection of Rutherford Lane and Cameron Road will be changed from a protected phase to a permitted/protected phase. The cycle length at this intersection will be increased in the AM and decreased in the PM. The TIA assumes that no other improvements will be made prior to site build-out and that it would not be practical to widen US 183 to a 6-lane arterial when it will be torn up by the freeway project within a few months.

INTERSECTION LEVEL OF SERVICE (LOS)

The TIA analyzed three intersections, two of which are signalized, and two site driveways.

COA 01185

Table 5. Level of Service						
Intersection	1999		2000 (w/site)		2000 (w/o site)	
	AM	PM	AM	PM	AM	PM
US 183/Rutherford Ln.	D	F	D	F	D	F
Rutherford Ln/ Centre Creek Dr.*	A	A	A	B	A	B
Rutherford Ln/Cameron Rd.	F	F	D	D	C	C
Driveway A/ US 183*	n/a	n/a	A	A	n/a	n/a
Driveway B/ Rutherford Ln.*	n/a	n/a	A	B	n/a	n/a

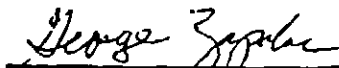
***UNSIGNALIZED**

The intersection of Rutherford Lane and US 183 currently fails in the PM and will continue to fail in the year 2000 without any improvements. The proposed site will cause a minimal increase in delay, but the US 183 freeway construction project will help to reduce this delay. The segment of US 183 between IH-35 and US 290 could be on-line as soon as the fall of 2004.

RECOMMENDATIONS

1. Public Works will change the signal timing and phasing for the intersection of Rutherford Lane and Cameron Road as directed in the TIA.
2. Comments have been received from the Texas Department of Transportation. Any changes or requirements have been incorporated into the TIA.
3. Comments have been received from Public Works and any changes or requirements have been incorporated into the TIA.
4. Development of this property is limited to the land uses and intensities that will not exceed or vary significantly from conditions outlined in the TIA.
5. The applicant should reserve additional right-of-way, as needed by the Texas Department of Transportation.
6. Three copies of the final version of the TIA incorporating all corrections and additions must be submitted prior to the third reading of the rezoning by the City Council.

Any questions may be directed to Rachel Everidge at 499-2332



George Zapalac
Principal Planner
Department of Development Review and Inspections

COA 01186

**MEMORANDUM**

To: Rachel Everidge
City of Austin
Planning / Subdivision Dept
499-2332
Fax 499-2709

Date: September 22, 1999

From: Texas Department of Transportation

Subject: Site Review

Project: Walnut Creek Retail
Rutherford @ US 183
C14-99-0071
US 183

TxDOT requests that sidewalks be deferred until after the construction of the new highway

Texas Department of Transportation
Site Development
Driveway and Utility Permit Office

Gary Morris
832-7112 Fax: 832-7314

COA 01188

ORDINANCE NO. _____

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 1826 RUTHERFORD LANE FROM COMMUNITY COMMERCIAL-CONDITIONAL OVERLAY (GR-CO) COMBINING 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 community commercial-conditional overlay (GR-CO) combining district to community commercial-conditional overlay (GR-CO) combining district on the property described in Zoning Case No. G14-05-0154, on file at the Neighborhood Planning and Zoning Department, as follows:

Lot 1A, Resubdivision of Lot 1, Headway 8-A Subdivision, a subdivision in the City of Austin, Travis County, Texas; according to the map or plat of record in Plat Book 94, Pages 255-256 of the Plat Records of Travis County, Texas, Save and Except a 0.554 acre portion of the lot conveyed by deed recorded in Document No. 200207620, of the Official Public Records of Travis County, Texas (the "Property").

locally known as 1826 Rutherford Lane, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "A".

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

The following uses are prohibited uses of the Property:

Pawn shop services
Automotive rentals

Automotive sales
Automotive repair services

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.

1 **PART 3.** This ordinance takes effect on _____, 2005.

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4 **PASSED AND APPROVED**

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6
7
8 _____, 2005

§
§
§

Will Wynn
Mayor

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10
11
12
13 **APPROVED:** _____

David Allan Smith
City Attorney

ATTEST: _____

Shirley A. Brown
City Clerk

