

**ORDINANCE NO. 040304-Z-3**

**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 9212 SOUTH IH-35 SERVICE ROAD SOUTHBOUND FROM SINGLE FAMILY RESIDENCE STANDARD LOT (SF-2) 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 single family residence standard lot (SF-2) district to community commercial-conditional overlay (GR-CO) combining district on the property described in Zoning Case No.C14-03-0186, on file at the Neighborhood Planning and Zoning Department, as follows:

A 0.462 acre tract of land, more or less, out of the F.M. Hodges Survey No. 22 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 9212 South IH-35 service road southbound, 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:

1. The following uses are prohibited uses of the Property:

Automotive rentals	Automotive repair services
Automotive sales	Automotive washing (of any type)
Bail bond services	Building maintenance services
Commercial off-street parking	Communications services
Drop-off recycling collection facility	Exterminating services
Funeral services	Indoor entertainment
Indoor sports and recreation	Off-site accessory parking
Outdoor entertainment	Outdoor sports and recreation
Pawn shop services	Research services
Theater	

2. Exterior lighting must be hooded or shielded so that the light source is not directly visible from adjacent property.

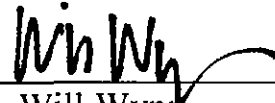
Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the community commercial (GR) base district and other applicable requirements of the City Code.

**PART 3.** This ordinance takes effect on March 15, 2004.

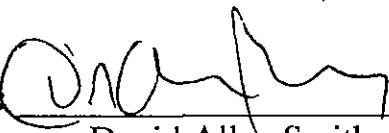
**PASSED AND APPROVED**

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March 4, 2004

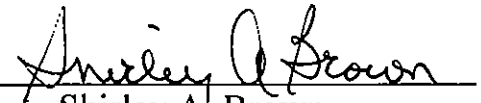
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Will Wynn  
Mayor

**APPROVED:**

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David Allan Smith  
City Attorney

**ATTEST:**

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Shirley A. Brown  
City Clerk

DESCRIPTION

DESCRIPTION OF 0.462 OF ONE ACRE OF LAND SITUATED IN THE F. M. HODGES SURVEY NO. 22 IN TRAVIS COUNTY, TEXAS, BEING ALL OF THAT CERTAIN TRACT OF LAND DESCRIBED IN DEED TO TIMOTHY M. TOBIN AND PATRICK C. TOBIN, OF RECORD IN DOCUMENT NO. 2002169684 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.462 OF ONE ACRE OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a P.K. nail with aluminum washer set in the west right-of-way line of Interstate Highway No. 35 (R.O.W. width varies) for the northeast corner of said Tobin tract, same being the southeast corner of that certain tract of land described as Tract 1, in deed to McCullough Mechanical, Inc., of record in Volume 11819, Page 849 of the Real Property Records of Travis County, Texas, and for the northwest corner and POINT OF BEGINNING of the herein described tract, from which a 1/2 inch iron pipe found for the northeast corner of Tract 2 of said McCullough Mechanical, Inc., tract (Volume 11819, Page 849), bears N16°28'33"E at a distance of 86.25 feet passing the northeast corner of said McCullough Mechanical, Inc., Tract 1 and the southeast corner of said McCullough Mechanical, Inc., Tract 2, in all a total distance of 173.25 feet;

THENCE with the west right-of-way line of said Interstate Highway No. 35 the east line of said Tobin tract and the east line of the herein described tract, S16°28'33"W a distance of 86.25 feet to a 1/2 inch iron rod found for the southeast corner of said Tobin tract, the most easterly northeast corner of that certain tract of land described in deed to Melvin L. Euers of record in Volume 8338, Page 298 of the Deed Records of Travis County, Texas, same being the most northerly corner of that certain tract of land described in Condemnation No. 147 to the State of Texas of record in Volume 1, Page 205, of the Records of the County Court of Travis County, Texas, and for the southeast corner hereof, from which a 1/2 inch iron rod with plastic cap set for the southeast corner of said Melvin L. Euers tract, and the northeast corner of that certain tract of land described in deed to Monroe H. Euers of record in Volume 8338, Page 300 of the Deed Records of Travis County, Texas, bears S21°30'25"W a distance of 132.94 feet;

THENCE with the south line of said Tobin Tract, N73°28'46"W a distance of 225.52 feet to a 1/2 inch iron pipe found at an old wooden fence post in the east line of Lot 13, Tom F. Dunnahoo Subdivision of record in Volume 683, Page 1 of the Deed Records of Travis County, Texas, for the southwest corner of said Tobin tract, the southwest corner of that certain tract of land described in deed from Alvina Swausch, et vir, to Wiley Hilburn, of record in Volume 550, Page 237, Deed Records of Travis County, Texas, the northwest corner of that certain tract of land described in deed from Alvina Swausch, et vir, to Norman Euers, et ux, of record in Volume 554, Page 59, Deed Records of Travis County, Texas, an interior ell corner of said Melvin Euers tract, and for the southwest corner hereof;

THENCE with the east line of Lot 13 and Lot 11 of said Tom F. Dunnahoo Subdivision the west line of said Tobin tract and the west line of the herein described tract, N00°10'10"E a distance of 86.61 feet to a 1/2 inch iron rod with plastic cap set for the southwest corner of said McCullough Mechanical, Inc., tract, the northwest corner of said Tobin tract and the Northwest corner of the herein described tract, from which a 3/4 inch iron pipe found bears N74°11'54"W a distance of 1.06 feet;

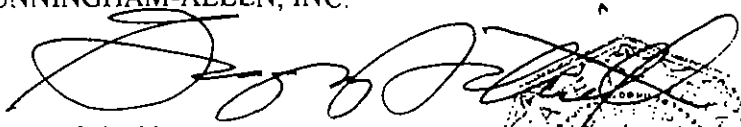
THENCE with the south line of said McCullough Mechanical, Inc., tract, the north line of said Tobin tract and the north line of the herein described tract, S74°11'54"E a distance of 249.86 feet to the POINT OF BEGINNING, and containing 0.462 of one acre of land within these metes and bounds.

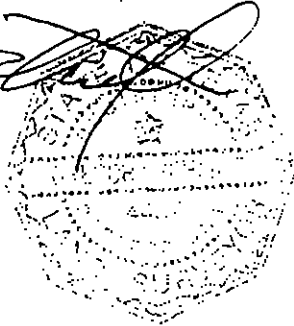
Reference is herein made to the survey of this 0.462 of one acre of land accompanying this field note description.

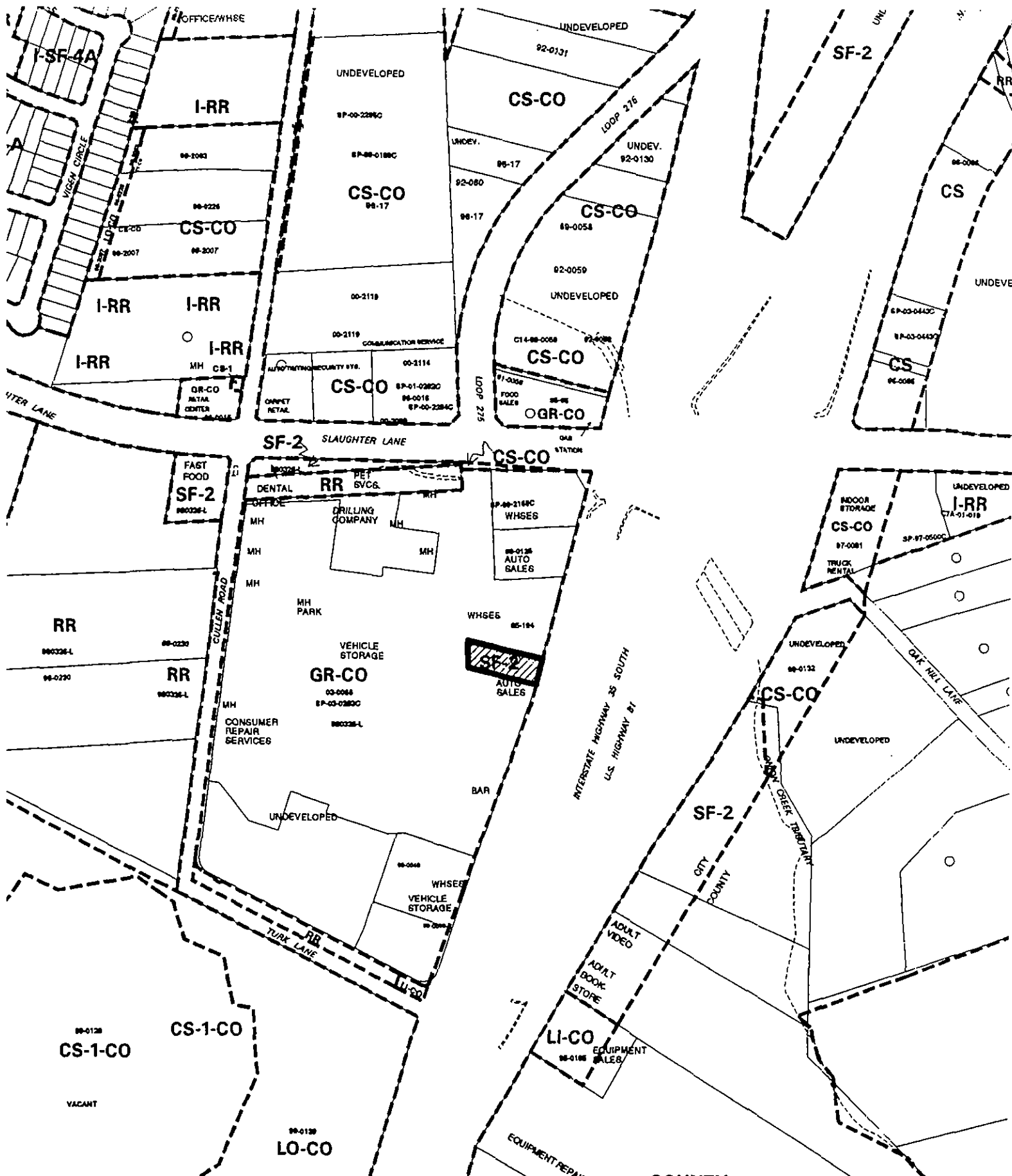
Bearing Reference: The south line of that certain Cullen and Parmer Lane Ltd. tract recorded in Volume 12713, Page 990, (Tract II) Real Property Records of Travis county, Texas. (N 60°10'07" W)


I hereby certify that this description was prepared from the results of a survey made on the ground under my supervision.

CUNNINGHAM-ALLEN, INC.

  
Gregory Schmidt  
Registered Professional Land Surveyor  
Texas Registration No. 4437  
Date:





 1" = 400'	SUBJECT TRACT PENDING CASE ZONING BOUNDARY CASE MGR: W. WALSH	<div style="display: flex; align-items: center;"> <div style="width: 20px; height: 10px; background: repeating-linear-gradient(45deg, transparent, transparent 2px, black 2px, black 4px); border: 1px solid black; margin-right: 5px;"></div> <div>             ZONING EXHIBIT B              CASE #: C14-03-0186              ADDRESS: 9212 S I 35 SVC RD SB              SUBJECT AREA (acres): 0.462           </div> </div>	DATE: 03-12 INTLS: \$M	CITY GRID REFERENCE NUMBER G13
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