

ORDINANCE NO. 040422-Z-3

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 3801 NORTH CAPITAL OF TEXAS HIGHWAY FROM COMMERCIAL-LIQUOR SALES-CONDITIONAL OVERLAY (CS-1-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 commercial liquor-sales-conditional overlay (CS-1-CO) combining district to community commercial-conditional overlay (GR-CO) combining district on the property described in Zoning Case No.C14-04-0032, on file at the Neighborhood Planning and Zoning Department, as follows:

A 5,980 square foot tract of land, more or less, out of Davenport Ranch Phase 3 Subdivision, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance, (the "Property")

locally known as 3801 North Capital of Texas Highway, 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. Drive-in services use is prohibited as an accessory use to a commercial use of the Property.
2. The following uses are prohibited uses of the Property:

Automotive rentals
Automotive sales
Business or trade school
Drop-off recycling collection facility
Funeral services
Indoor entertainment
Outdoor sports and recreation
Service station

Automotive repair services
Automotive washing (of any type)
Commercial off-street parking
Exterminating services
Hotel-motel
Indoor sports and recreation
Pawn shop services
Bed and breakfast residential (Group 1)

Bed and breakfast residential (Group 2)
College and university facilities
Private secondary educational facilities
Public secondary educational facilities
Residential treatment

Theater
Community recreation (public)
Private primary educational facilities
Public primary educational facilities
Telecommunications tower

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 May 3, 2004.

PASSED AND APPROVED

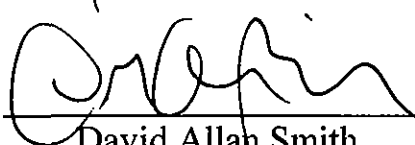
_____, April 22, 2004

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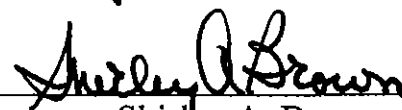
Will Wynn
Mayor

APPROVED:



David Allan Smith
City Attorney

ATTEST:



Shirley A. Brown
City Clerk



Professional Land Surveying, Inc.
Surveying and Mapping

Office: 512-476-7103

Fax: 512-476-7105

510 South Congress Ave.
Suite B-100
Austin, Texas 78704

Zoning Description

A DESCRIPTION OF A 5980 SQUARE FOOT TRACT OUT OF DAVENPORT RANCH PHASE 3 SECTION 12, A SUBDIVISION OF RECORD IN VOLUME 85, PAGE 93B OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, CONVEYED TO D.V. PARTNERS NO. 2 BY SPECIAL WARRANTY DEED DATED JULY 19, 1999, OF RECORD IN DOCUMENT NO. 1999071830 OF THE OFFICIAL RECORDS OF TRAVIS COUNTY, TEXAS; SAID 5980 SQUARE FEET BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a 1/2" rebar found at the northwest corner of Phase 3, Section 12, being also the southwest corner of Davenport Ranch Phase 3, Section 10, a subdivision of record in Volume 86, Page 46A of the Plat Records of Travis County, Texas, being also in the east right-of-way line of the Capital of Texas Highway (Loop 360, 300' wide right-of-way);

THENCE South 60°52'38" East, with the north line of Davenport Ranch Phase 3, Section 12, being also the south line of Davenport Ranch Phase 3, Section 10, a distance of 429.12 feet to a point;

THENCE South 29°07'22" West, crossing Phase 3, Section 10, a distance of 165.10 feet to the POINT OF BEGINNING;

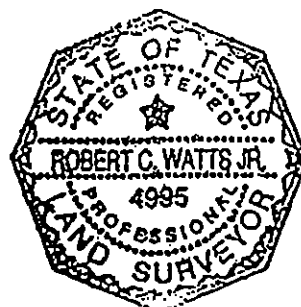
THENCE over and across Phase 3, Section 12, the following four (4) courses:

1. South 29°07'22" West, a distance of 92.00 feet;
2. North 60°52'38" West, a distance of 65.00 feet;
3. North 29°07'22" East, a distance of 92.00 feet;
4. South 60°52'38" East, a distance of 65.00 feet to the POINT OF BEGINNING, containing 5980 square feet of land.

Surveyed on the ground January 18, 1997. Attachments: Survey Drawing No. 14-16WL1. Bearing basis is the west right-of-way line of Long Champ Drive from a survey of Davenport Ranch Phase 3 Section 11 (86/53A, Travis County Plat Records).

Robert C. Watts 3-2-00

Robert C. Watts, Jr.
Registered Professional Land Surveyor
State of Texas No. 4995



CU:803-98

EXHIBIT A

A SKETCH TO ACCOMPANY A DESCRIPTION OF A 5980 S.F. ZONING TRACT, BEING A PORTION OF DAVENPORT RANCH PHASE 3, SECTION 12, A SUBDIVISION OF RECORD IN VOLUME 85, PAGE 93B OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS.

| NUMBER | DELTA | BEARING | RADIUS | ARC | CHORD | (RECORD CHORD) |
|--------|-----------|-------------|--------|--------|--------|-----------------------|
| C1 | 31°29'17" | S49°19'55"W | 305.23 | 167.75 | 165.64 | (S49°22'15"W 165.56") |
| C2 | 30°20'49" | S49°54'40"W | 762.43 | 403.83 | 399.12 | (S49°56'03"W 399.13") |
| C3 | 12°03'21" | S59°03'25"W | 762.43 | 160.43 | 160.13 | |

| NUMBER | DIRECTION | DISTANCE | (RECORD BEARING) |
|--------|-------------|----------|-----------------------|
| L1 | N55°14'30"W | 100.01' | (N55°14'22"W 100.00') |
| L2 | N87°43'35"W | 125.13' | (N87°35'58"W 125.00') |
| L3 | S60°52'38"E | 65.00' | |
| L4 | S29°07'22"W | 92.00' | |
| L5 | N60°52'38"W | 65.00' | |
| L6 | N29°07'22"E | 92.00' | |

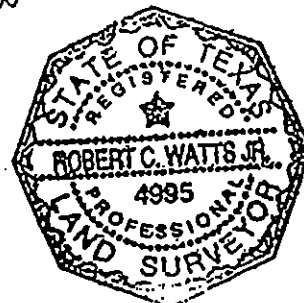
BEARING BASIS: RECORD PLAT BASIS,
WEST R.O.W. LONG CHAMP AS SHOWN
ON THE ADJOINING PLAT (86/53A)
ATTACHMENTS: METES AND BOUNDS DESC. 04-1603.WPD

PROJECT NO: 004-016
DRAWING NO: 04-1603.DWG
PLOT DATE: 03-02-00
DRAWN BY: RGH

00080398

Chaparral

Robert Watts
3-2-00



DAVENPORT RANCH
 PHASE 3 SEC. 10
 BK. 86 PG. 46A

S60°52'38"E 649.98'
 (S60°51'00"E 650.00')

429.12'

P.O.C.

5980 S.F.
 ZONING TRACT

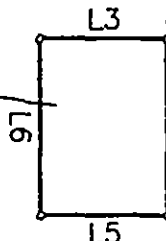
DAVENPORT RANCH
 PHASE 3 SEC. 12
 (85/93B)
 6.848 AC.

N29°07'45"E 575.16'
 (N29°09'00"E 575.00')

CAPITAL OF TEXAS HWY. (LOOP 360)

S29°07'22"W
 165.10'

P.O.B.



91.60'

LONG CHAMP DRIVE
 (90' R.O.W.)

DAVENPORT RANCH
 PHASE 3 SEC. 4 P.U.D.
 BK. 84 PG. 71-D & 72-A

N60°50'59"W 240.00'
 (N60°51'00"W 240.00')

5/8"

LOT 1
 DAVENPORT RANCH
 PHASE 3 SEC. 11
 86/53A

C=97.99'
 S31°00'12"W

SCALE: 1" = 100'

LEGEND

- 1/2" REBAR FOUND (OR AS NOTED)
- 1/2" REBAR W/ CAP SET
- CALCULATED POINT

000803-98

Chaparral

LO

1-079

CAPITAL OF TEXAS HIGHWAY NORTH
LOOP 360

RR

PUD

MESSENGER
STAKE
(PVT)

PUD

SP-99-0231C

GR-CO

98-0124



CS-1-CO
00-2080

LONG CHAMP DRIVE

HANDELSTOWN
PVT

PUD

CANE PLACE
PVT

SHOPPING
CENTER

I-GR

980326-L

SF-1

LONG CHAMP COURT

RR

DELMONT PARK DRIVE

PUD

R



1" = 200'

SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

CASE MGR: G.RHOADES



CASE #: C14-04-0032

ADDRESS: 3801 N.CAPITAL OF TX.

HWY
SUBJECT AREA (acres): 0.137

ZONING EXHIBIT B

DATE: 04-02

INTLS: TRC

CITY GRID
REFERENCE
NUMBER

F28