

ORDINANCE NO. 040513-31

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 3413 NORTH HILLS DRIVE, 6415 HART LANE AND 6426 MOPAC EXPRESSWAY NORTH FROM LIMITED OFFICE-CONDITIONAL OVERLAY (LO-CO) COMBINING DISTRICT AND GENERAL OFFICE-CONDITIONAL OVERLAY (GO-CO) COMBINING DISTRICT TO GENERAL OFFICE-CONDITIONAL OVERLAY (GO-CO) COMBINING DISTRICT FOR TRACT A AND COMMUNITY COMMERCIAL-CONDITIONAL OVERLAY (GR-CO) COMBINING DISTRICT FOR TRACT B.

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 districts on the property described in Zoning Case No.C14-03-0120, on file at the Neighborhood Planning and Zoning Department, as follows:

Tract A: From limited office-conditional overlay (LO-CO) combining district and general office-conditional overlay (GO-CO) combining district to general office-conditional overlay (GO-CO) combining district.

A 2.764 acre tract of land, more or less, out of the T.J. Chambers Survey in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance; and

Tract B: From limited office-conditional overlay (LO-CO) combining district and general office-conditional overlay (GO-CO) combining district to community commercial-conditional overlay (GR-CO) combining district.

A 0.572 acre tract of land, more or less, out of the T.J. Chambers Survey in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "B" incorporated into this ordinance, (the "Property")

locally known as 3413 North Hills Drive, 6415 Hart Lane and 6426 Mopac Expressway North, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "C".

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

1. Vehicular access from the Property to Hart Lane is prohibited. All vehicular access to the Property shall be from other adjacent public streets or through other adjacent property.
2. The minimum building setback is 55 feet from the west property line of Lots 2 and 3, Northwest Hills Section 15-A Subdivision.
3. The minimum building setback line is 21 feet from the west property line of Lot 4, Northwest Hills Section 15-A Subdivision.
4. Except as provided in section 4, the maximum height of a building or structure is 765 feet above sea level.
5. The maximum height of a building or structure that includes an exception under Section 25-2-531 (*Height Limit Exceptions*) of the Code is 771 feet above sea level.
6. The following uses are prohibited uses of Tract A:

Bed and breakfast residential (Group 1)
Art and craft studio (limited)
Business support services
Off-site accessory parking
Restaurant (limited)
Club or lodge
Communication service facilities
Community recreation (public)
Convalescent services
Cultural services
Day care services (general)
Family home
Group home class 1 (limited)
Guidance services
Private primary educational facilities
Public primary educational facilities
Residential treatment

Bed and breakfast residential (Group 2)
Business or trade school
Communications services
Personal services
Special use historic
College and university facilities
Community recreation (private)
Congregate living
Counseling services
Day care services (commercial)
Day care services (limited)
Group home class 1 (general)
Group home class 2
Hospital services (general)
Private secondary educational facilities
Public secondary educational facilities
Safety services


7. The following uses are prohibited uses of Tract B:

Bed and breakfast residential (Group 1)	Bed and breakfast residential (Group 2)
Art and craft studio (limited)	Art and craft studio (general)
Automotive sales	Automotive rentals
Automotive repair services	Automotive washing (of any type)
Business or trade school	Business support services
Campground	Commercial off-street parking
Communications services	Consumer convenience services
Consumer repair services	Exterminating services
Food sales	Funeral services
General retail sales (convenience)	General retail sales (general)
Hotel-motel	Indoor entertainment
Indoor sports and recreation	Off-site accessory parking
Outdoor entertainment	Outdoor sports and recreation
Pawn shop services	Personal improvement services
Personal services	Pet services
Plant nursery	Research services
Restaurant (limited)	Restaurant (general)
Service station	Theater
Custom manufacturing	Urban farm
Special use historic	Club or lodge
College and university facilities	Communication service facilities
Community recreation (private)	Community recreation (public)
Congregate living	Convalescent services
Counseling services	Cultural services
Day care services (commercial)	Day care services (general)
Day care services (limited)	Family home
Group home class 1 (general)	Group home class 1 (limited)
Group home class 2	Guidance services
Hospital services (general)	Private primary educational facilities
Private secondary educational facilities	Public primary educational facilities
Public secondary educational facilities	Residential treatment
Safety services	

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

PASSED AND APPROVED

Jackie Goodman
 Mayor Will Wynn
 Pro Tem Mayor


David Allan Smith
City Attorney



Shirley A. Brown
City Clerk

EXHIBIT A

FN-04-006-02-01
Proposed General Office (GO)
2.764 Acres
February 4, 2004

FIELD NOTE DESCRIPTION FOR A 2.764 ACRE PARCEL
(GO ZONING)

DESCRIPTION OF A 2.764 ACRE TRACT OF LAND, HEREIN IN THE T. J. CHAMBERS SURVEY IN TRAVIS COUNTY, TEXAS BEING PART OF THAT LOT 4 AND ALL OF LOTS 2 AND 3 OF NORTHWEST HILLS SECTION 15-A, A SUBDIVISION OF RECORD IN BOOK 86, PAGE 65A OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS AND BEING A PART OF THAT CERTAIN TRACT OF LAND AS DESCRIBED IN A DEED TO BALCONES CENTRUM, LTD., OF RECORD IN DOCUMENT NO. 2000042959 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 2.764 ACRE (24,906 SQUARE FEET) TRACT BEING DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND AS SHOWN ON THE ATTACHED SKETCH:

BEGINNING at a ½ inch iron rod found for the northwest corner of Lot 4 of said Northwest Hills Section 15-A, being also the northeast corner of Lot 1 of Northwest Hills, Section Eleven, Phase One, a subdivision of record in Book 40, Page 31 of the Plat Records of Travis County, Texas, being also in the south line of North Hills Drive, a 60 foot wide right-of-way, and being the northwest corner of the herein described tract, said point having a Texas State Plane Coordinates (Texas Central zone NAD83, U.S. Feet) values of N=10,099,701.06 and E=3,110,800.78;

THENCE with the north line of said Lot 4, the south line of said North Hills Drive, and the north line of the herein described tract, the following two (2) courses and distances;

1. S 69°10'42" E for a distance of 89.94 feet to a ½ inch iron rod found for an angle point, and
2. S 60°22'41" E for a distance of 9.84 feet to a concrete monument found for an angle point in the north line of said Lot 4 and being at the intersection of the south line of said North Hills Drive and the west line of Loop 1 Frontage Road (MoPac Boulevard) a varying width right-of-way;

THENCE S 43°37'52" E, with the northeast line of said Lot 4 and the west line of said Loop 1 Frontage Road, for a distance of 30.20 feet to a calculated point;

General Office Zoning (GO)
2.764 Acres

FN 04-006-02-01
February 04, 2004

THENCE departing the west line of said Loop 1 Frontage Road and over and across said Lot 4, the following six (6) courses and distances;

1. S 64°54'26" W for a distance of 83.79 feet to a calculated point,
2. S 25°05'34" E for a distance of 80.63 feet to a calculated point,
3. S 64°54'26" W for a distance of 19.82 feet to a calculated point,
4. S 25°05'34" E for a distance of 40.29 feet to a calculated point,
5. S 19°54'26" W for a distance of 85.50 feet to a calculated point, and
6. S 70°05'34" E for a distance of 98.37 feet to a calculated point in the east line of said Lot 4 and being in the west line of said Loop 1 Frontage Road;

THENCE S 19°54'26" W with the east line of said Lot 4, the west line of said Loop 1 Frontage Road and the east line of the herein described tract, at a distance of 24.99 feet pass a ½ inch iron rod found for the southeast corner of said Lot 4 and being the northeast corner of Lot 3 of said Northwest Hills Section 15-A, at a distance of 329.94 feet pass a cotton spindle found for the southeast corner of said Lot 3 and being the northeast corner of Lot 2 of said Northwest Hills Section 15-A, for a total distance of 385.76 feet to a concrete monument found for an angle point in the east line of said Lot 2, being also an angle point in the east line of the herein described tract and being an angle point in the west line of said Loop 1 Frontage Road;

THENCE continuing with the east line of said Lot 2, the east line of the herein described tract and the west line of said Loop 1 Frontage Road the following two (2) courses and distances;

1. S 27°03'48" W for a distance of 260.65 feet to a ½ inch iron rod found for an angle point, and
2. S 73°28'22" W for a distance of 20.78 feet to an "X" found marked in concrete at the intersection of said west line of Loop 1 Frontage Road and the north line of Hart Lane, a 60 foot wide right-of-way, being also the most southerly southeast corner of said Lot 2 and being the most southerly southeast corner of the herein described tract;

THENCE with the north line of said Hart Lane, the south line of said Lot 2 and the south line of the herein described tract, the following two (2) courses and distances;

1. N 62°53'45" W for a distance of 114.70 feet to a ½ inch iron rod found for an angle point, and

2. N 69°26'47" W for a distance of 21.48 feet to a ½ inch iron rod found for the southwest corner of said Lot 2, being also the southwest corner of the herein described tract and being the southeast corner of Lot 3 of Northwest Hills, Section Eleven, Phase Two, a subdivision of record in Book 42, Page 7 of the Plat Records of Travis County, Texas;

THENCE N 27°12'46" E, with the west line of said Lot 2, Northwest Hills Section 15-A, the west line of the herein described tract and the east line of said Lot 3, Northwest Hills Section Eleven, Phase Two, for a distance of 265.22 feet to a ½ inch iron rod found for an angle point in the west line of said Lot 2, Northwest Hills Section 15-A, being also an angle point in the west line of the herein described tract, being also the northeast corner of said Lot 3, Northwest Hills Section Eleven, Phase Two and being the southeast corner of Lot 2 of said Northwest Hills Section Eleven, Phase Two;

THENCE with the west line of said Lot 2, Northwest Hills Section 15-A, the west line of the herein described tract and the east line of said Lot 2, Northwest Hills Section Eleven, Phase Two, the following two (2) courses and distances;

1. N 19°51'32" E, at a distance of 64.06 feet pass a ½ inch iron rod found for the northwest corner of said Lot 2, Northwest Hills Section 15-A and being the southwest corner of said Lot 3, Northwest Hills Section 15-A, for a total distance of 294.13 feet to a ½ inch iron rod found for an angle point, and
2. N 20°33'36" E, at a distance of 58.99 feet pass a ½ inch iron rod found for the northwest corner of said Lot 3, Northwest Hills Section 15-A and being in the southwest corner of said Lot 4, Northwest Hills Section 15-A, for a total distance of 183.95 feet to a ½ inch iron rod found for the northeast corner of said Lot 2, Northwest Hills Section Eleven, Phase Two, being also an angle point in the west line of said Lot 4, Northwest Hills Section 15-A and being an angle point in the west line of the herein described tract;

THENCE N 63°09'05" W, with the north line of said Lot 2, Northwest Hills Section Eleven, Phase Two, and a south line of said Lot 4, Northwest Hills Section 15-A and a south line of the herein described tract, for a distance of 108.17 feet to a ½ inch iron rod found for the most westerly southwest corner of said Lot 4, Northwest Hills Section 15-A, being also an angle point in the west line of the herein described tract, being also the northwest corner of said Lot 2, Northwest Hills Section Eleven, Phase Two and being in the east line of said Lot 1, Northwest Hills Section Eleven, Phase One;

THENCE N 27°11'03" E, with the west line of said Lot 2, Northwest Hills Section 15-A, the west line of the herein described tract and the east line of said Lot 1, Northwest Hills Section Eleven, Phase One, for a distance of 149.95 feet to the POINT OF BEGINNING and containing 2.764 acres of land.

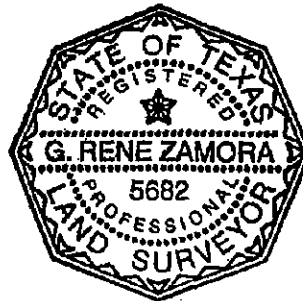
BEARING BASIS NOTE

The bearings described herein are Texas State Plane Grid Bearings, Texas Central Zone (4203), NAD 83 (CORS). Project reference control points were established from and referenced to "Austin RRP" having coordinate values of N=10,086,515.87, E=3,109,682.56.


THE STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF TRAVIS §

That I, G. Rene Zamora, a Registered Professional Land Surveyor, do hereby state that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground during January, 2004 under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the 4th day of February 2004, A.D.

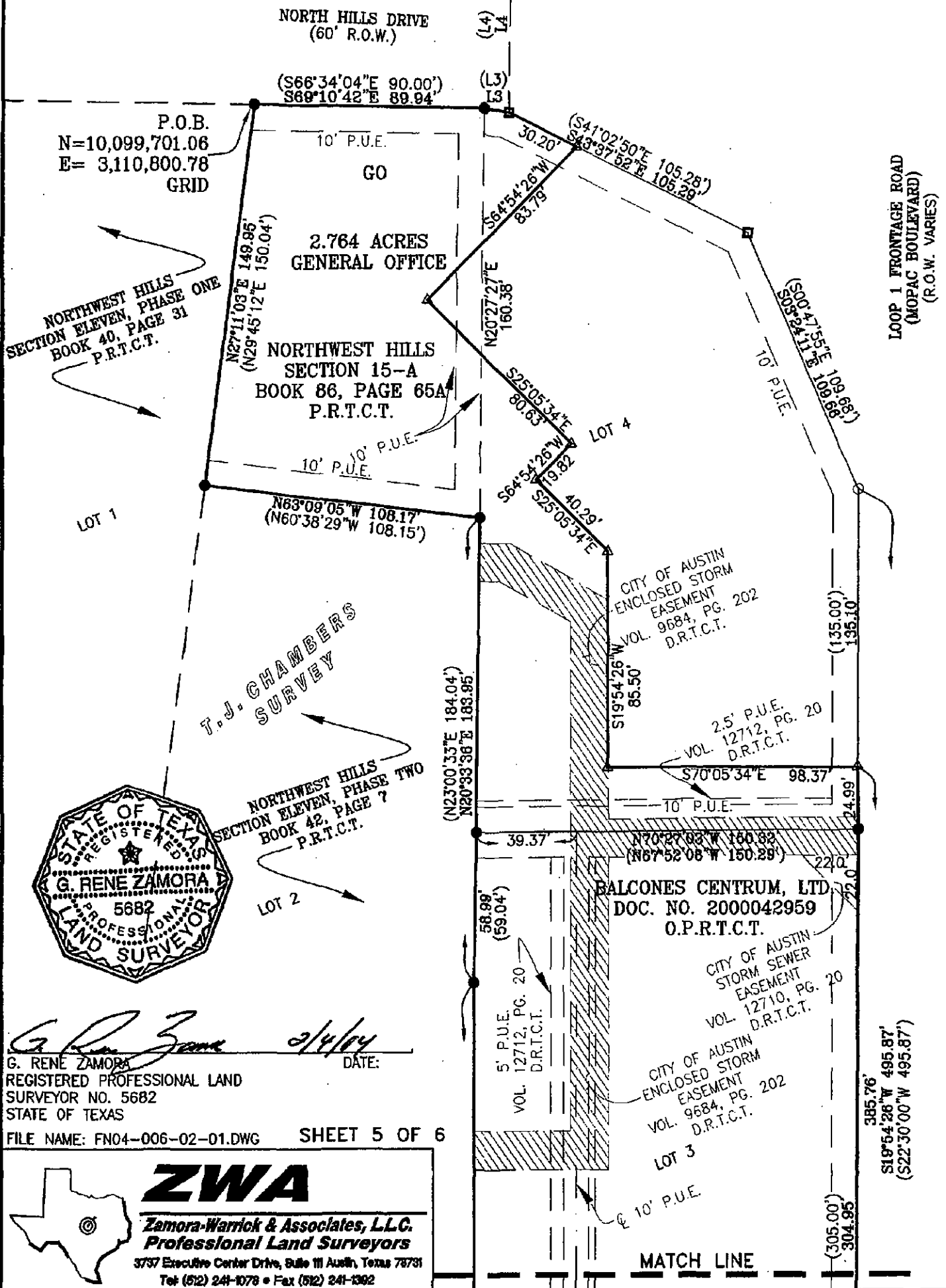


Zamora-Warrick and Associates, L.L.C
3737 Executive Center Drive, Suite 111
Austin, Texas 78731
512-241-1078


G. Rene Zamora
Registered Professional Land Surveyor
No. 5682 – State of Texas

REFERENCES

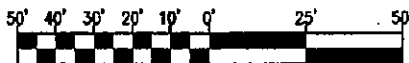
TCAD PARCEL NO. 0136010105
ZWA FIELD NOTE NO. FN 04-006-02-01



L1 S73°28'22"W 20.78'
 L2 N69°26'47"W 21.48'
 L3 S80°22'41"E 9.84'
 L4 N20°51'01"E 59.85'
 L5 N27°10'37"E 59.64'

(L1) S74°41'45"W 21.21'
 (L2) N66°38'00"W 21.45'
 (L3) S57°46'19"E 9.84'
 (L4) N23°27'52"E 60.06'
 (L5) N29°41'45"E 59.63'

NORTHWEST HILLS
 SECTION ELEVEN, PHASE TWO
 BOOK 42, PAGE 7
 P.R.T.C.T.



SCALE: 1" = 50'
 FEBRUARY, 2004
 TRAVIS COUNTY, TEXAS

LEGEND:

- CONCRETE MONUMENT FOUND
- 1/2" IRON ROD FOUND
- 1/2" IRON ROD W/CAP SET
- ⊗ SPINDLE FOUND
- X 'X' IN CONCRETE FOUND
- △ CALCULATED POINT
- P.U.E. PUBLIC UTILITY EASEMENT
- S.E. SIDEWALK EASEMENT
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT
- P.R.T.C.T. PLAT RECORDS TRAVIS COUNTY, TEXAS
- D.R.T.C.T. DEED RECORDS TRAVIS COUNTY, TEXAS
- O.P.R.T.C.T. OFFICIAL PUBLIC RECORDS TRAVIS COUNTY, TEXAS
- () RECORD INFORMATION

BEARING BASIS:
 TEXAS STATE PLANE COORDINATE SYSTEM
 CENTRAL ZONE, N.A.D. 83 DATUM

HART LANE
 (60' R.O.W.)

ASCENSION LUTHERAN CHURCH SUBDIVISION
 BOOK 76, PAGE 152
 P.R.T.C.T.

NORTHWEST HILLS SECTION FIFTEEN
 BOOK 85, PAGE 64C
 P.R.T.C.T.

LOT 2

MATCH LINE

2.5' P.U.E.
 VOL. 12712, PG. 20
 D.R.T.C.T.

LOT 3

N64°25'21"W 151.54'
 (N61°49'20"W 151.51')

R=795.62'
 A=111.81'

GO

2.764 ACRES
 GENERAL OFFICE

LOT 2

T.J. CHAMBERS
 SURVEY

LOOP 1 FRONTAGE ROAD
 (MOPAC BOULEVARD)
 (R.O.W. VARIES)

S27°03'48"W 260.65'
 (S29°41'45"W 260.03')

(N29°49'06"E 265.22')
 (N27°12'46"E 265.22')

5' P.U.E.
 VOL. 12712, PG. 20
 D.R.T.C.T.

2.5' P.U.E.
 VOL. 12712, PG. 20
 D.R.T.C.T.

5' P.U.E. & S.E.

N62°53'45"W 114.70'
 (N60°18'15"W 114.62')

L2
 (L2)

(L5)
 L5

EXHIBIT B

FIELD NOTE DESCRIPTION FOR A 0.572 ACRE PARCEL
(GR ZONING)

DESCRIPTION OF A 0.572 ACRE (24,906 SQUARE FEET) TRACT OF LAND, HEREIN IN THE T. J. CHAMBERS SURVEY IN TRAVIS COUNTY, TEXAS BEING PART OF THAT LOT 4 OF NORTHWEST HILLS SECTION 15-A, A SUBDIVISION OF RECORD IN BOOK 86, PAGE 65A OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS AND BEING A PART OF THAT CERTAIN TRACT OF LAND AS DESCRIBED IN A DEED TO BALCONES CENTRUM, LTD., OF RECORD IN DOCUMENT NO. 2000042959 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.572 ACRE (24,906 SQUARE FEET) TRACT BEING DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND AS SHOWN ON THE ATTACHED SKETCH:

COMMENCING at a ½ inch iron rod found for the northwest corner of Lot 4 of said Northwest Hills Section 15-A, being also the northeast corner of Lot 1 of Northwest Hills, Section Eleven, Phase One, a subdivision of record in Book 40, Page 31 of the Plat Records of Travis County, Texas and being in the south line of North Hills Drive, a 60 foot wide right-of-way;

THENCE with the north line of said Lot 4 and the south line of said North Hills Drive, the following two (2) courses and distances;

1. S 69°10'42" E for a distance of 89.94 feet to a ½ inch iron rod found for an angle point, and
2. S 60°22'41" E for a distance of 9.84 feet to a concrete monument found for an angle point in the north line of said Lot 4 and being at the intersection of the south line of said North Hills Drive and the west line of Loop 1 Frontage Road (MoPac Boulevard) a varying width right-of-way;

THENCE S 43°37'52" E, with the northeast line of said Lot 4 and the west line of said Loop 1 Frontage Road, for a distance of 30.20 feet to a calculated point for the POINT OF BEGINNING and the most northerly corner of the herein described tract, said point having a Texas State Plane Coordinates (Texas Central Zone, NAD83, U.S. Feet) values of N=10,099,642.36 and E=3,110,914.24;

THENCE continuing with the northeast and east lines of said Lot 4 and the west line of said Loop 1 Frontage Road right-of-way and with the east line of the herein described tract, the following three (3) courses and distances;

1. S 43°37'52" E for a distance of 75.09 feet to a concrete monument found,
2. S 03°24'11" E for a distance of 109.66 feet to a ½ inch iron rod with cap set for an angle point, and
3. S 19°54'26" W for a distance of 110.10 feet to a calculated point for the southeast corner of the herein described tract;

THENCE departing the west line of said Loop 1 Frontage Road and over and across said Lot 4, with the south and west lines of the herein described tract, the following six (6) courses and distances;

1. N 70°05'34" W for a distance of 98.37 feet to a calculated point,
2. N 19°54'26" E for a distance of 85.50 feet to a calculated point,
3. N 25°05'34" W for a distance of 40.29 feet to a calculated point,
4. N 64°54'26" E for a distance of 19.82 feet to a calculated point,
5. N 25°05'34" W for a distance of 80.63 feet to a calculated point, and
6. N 64°54'26" E for a distance of 83.79 feet to the POINT OF BEGINNING and containing 0.572 acres (24,906 square feet) of land.

BEARING BASIS NOTE

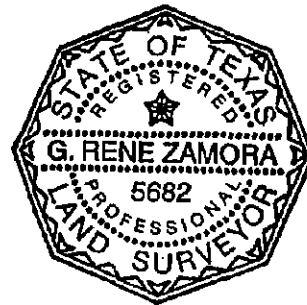
The bearings described herein are Texas State Plane Grid Bearings, Texas Central Zone (4203), NAD 83 (CORS). Project reference control points were established from and referenced to "Austin RRP" having coordinate values of N=10,086,515.87, E=3,109,682.56.

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

KNOW ALL MEN BY THESE PRESENTS:

That I, G. Rene Zamora, a Registered Professional Land Surveyor, do hereby state that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground during January, 2004 under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the 4th day of February 2004, A.D.



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3737 Executive Center Drive, Suite 111
Austin, Texas 78731
512-241-1078

G. Rene Zamora 2/4/04
G. Rene Zamora
Registered Professional Land Surveyor
No. 5682 – State of Texas

REFERENCES

TCAD PARCEL NO. 0136010105
ZWA FIELD NOTE NO. FN 04-006-02-02

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

NORTHWEST HILLS
SECTION ELEVEN, PHASE ONE
BOOK 40, PAGE 31
P.R.T.C.T.

L3 S60°22'41"E 9.84'
L4 N20°51'01"E 59.85'
(L3) S57°46'19"E 9.84'
(L4) N23°27'52"E 60.06'

NORTH HILLS DRIVE
(60' R.O.W.)
P.O.C. (S66°34'04"E 90.00')
(S69°10'42"E 89.94')

THE AUSTIN CENTER
PHASE TWO

P.O.B.
N=10,099,642.36
E= 3,110,914.24
GRID

NORTHWEST HILLS
SECTION 15-A
BOOK 86, PAGE 65A
P.R.T.C.T.

BALCONES CENTRUM, LTD.
DOC. NO. 2000042959
O.P.R.T.C.T.

0.572 ACRES
24,906 SQ. FT.
GENERAL RETAIL

T.J. CHAMBERS
SURVEY

CITY OF AUSTIN
ENCLOSED STORM
EASEMENT
VOL. 9684, PG. 202
D.R.T.C.T.

2.5' P.U.E.
VOL. 12712, PG. 20
D.R.T.C.T.

CITY OF AUSTIN
STORM SEWER
EASEMENT
VOL. 12710, PG. 20
D.R.T.C.T.

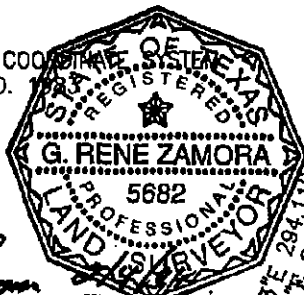
CITY OF AUSTIN
ENCLOSED STORM
EASEMENT
VOL. 9684, PG. 202
D.R.T.C.T.

LOOP 1 FRONTAGE ROAD
(MOPAC BOULEVARD)
(R.O.W. VARIES)

LEGEND:

- CONCRETE MONUMENT FOUND
- 1/2" IRON ROD FOUND
- 1/2" IRON ROD W/CAP SET
- ✱ SPINDLE FOUND
- X 'X' IN CONCRETE FOUND
- △ CALCULATED POINT
- P.U.E. PUBLIC UTILITY EASEMENT
- S.E. SIDEWALK EASEMENT
- P.R.T.C.T. PLAT RECORDS TRAVIS COUNTY, TEXAS
- D.R.T.C.T. DEED RECORDS TRAVIS COUNTY, TEXAS
- O.P.R.T.C.T. OFFICIAL PUBLIC RECORDS TRAVIS COUNTY, TEXAS
- () RECORD INFORMATION
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT

BEARING BASIS:
TEXAS STATE PLANE COORDINATE SYSTEM
CENTRAL ZONE, N.A.D.



G. RENE ZAMORA
REGISTERED PROFESSIONAL LAND
SURVEYOR NO. 5682
STATE OF TEXAS

FILE NAME: FN04-006-02-02.DWG



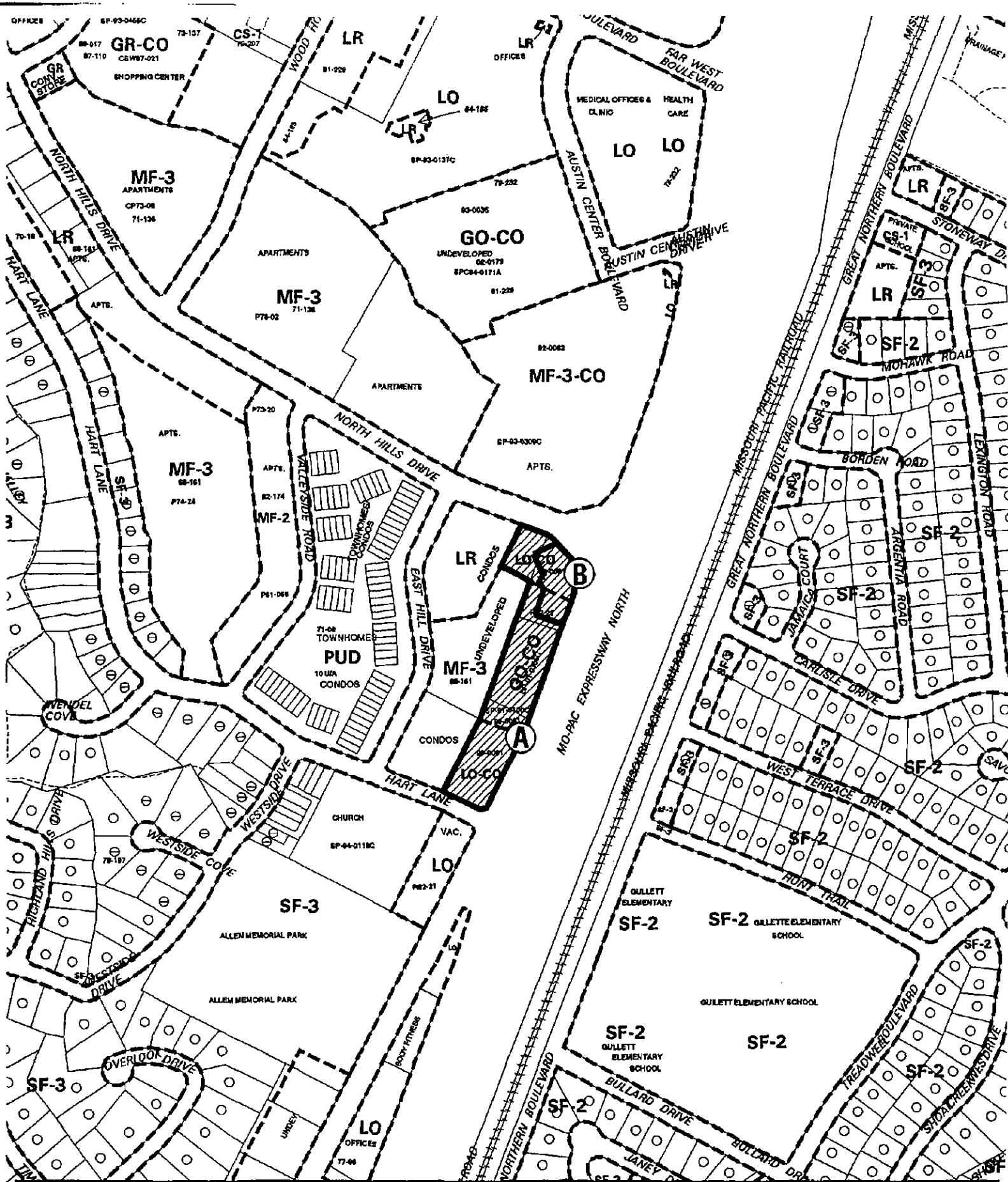
ZWA


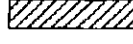


Zamora-Warrick & Associates, L.L.C.
Professional Land Surveyors

3737 Executive Center Drive, Suite 111 Austin, Texas 78731

Tel: (512) 241-1078 • Fax (512) 241-1392

SHEET 4 OF 4



 1" = 400'	SUBJECT TRACT		ZONING EXHIBIT C CASE #: C14-03-0120 ADDRESS: NORTH HILLS LA BETWEEN HART LA & N MO-PAC NB EXPY SUBJECT AREA (acres): 3.340	DATE: 04-02 INTLS: SM	CITY GRID REFERENCE NUMBER H29
	PENDING CASE				
	ZONING BOUNDARY				
	CASE MGR: G. RHOADES				