

ORDINANCE NO. 040729-Z-8

AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING FOR THE PROPERTY LOCATED AT 2405 EAST YAGER LANE AND CHANGING THE ZONING MAP FROM INTERIM RURAL RESIDENCE (I-RR) 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 interim rural residence (I-RR) district to community commercial-conditional overlay (GR-CO) combining district on the property described in Zoning Case No. C14-04-0057, on file at the Neighborhood Planning and Zoning Department, as follows:

A 5.0 acre tract of land, more or less, out of the Samuel Cushing Survey No. 70, 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 2405 East Yager Lane, 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 repair services	Automotive sales
Drop-off recycling collection facility	Exterminating services
Counseling services	Restaurant (limited)
Pawn shop services	

2. Drive-in service is prohibited as an accessory use to commercial uses.

3. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 2,000 trips per day.

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 August 9, 2004.

PASSED AND APPROVED

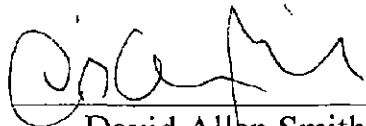
_____, July 29, 2004

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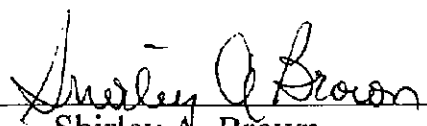
Will Wynn
Mayor

APPROVED:



David Allan Smith
City Attorney

ATTEST:



Shirley A. Brown
City Clerk

EXHIBIT A

Tract 4

Metes and Bounds Description

5.000 Acres (217,800 Square Feet)

Samuel Cushing Survey Number 70, Abstract 164

Travis County, Texas

BEING a tract containing 5.000 acres (217,800 square feet) of land situated in the Samuel Cushing Survey, Number 70, Abstract 164 of Travis County, Texas and all of the land described as Tract 4 in a deed to Edina Park Plaza Associates Limited Partnership recorded in Volume 13035, Page 0179 of the Real Property Records of Travis County, Texas (R.P.R.T.C.T.). Said 5.000 acre tract being more particularly described by metes and bounds as follows with all bearings and coordinates referenced to the Texas State Plane Coordinate System, Central Zone, and based on NAD83 Datum converted to US Survey Feet and reduced to surface values by a combined factor of 1.0001. Origin of coordinates is Texas Department of Transportation Monument No. N2270399 (N = 10,110,689.81; E = 3,150,910.08).

BEGINNING at a ½-inch iron rod found (N= 10,114,082.51; E= 3,146,379.38) in the southerly right-of-way line of Yager Lane (width varies) as occupied and monumented. Said point being in the northerly line of said Tract 4 and being the northwest corner of a 60.586 acre Tract 3 recorded in a deed to Edina Park Plaza Associates Limited Partnership in Volume 13035, Page 0179 (R.P.R.T.C.T.), and the northeast corner of the herein described tract;

THENCE, with the northwest line of said 60.586 acre Tract 3, South 34° 49' 21" West, a distance of 523.70 feet to a ½-inch iron rod set in the northerly right-of-way line of proposed Parmer Lane also being a 22.293 acre Tract 8 recorded in a deed to Edina Park Plaza Associates Limited Partnership in Volume 13035, Page 0179 (R.P.R.T.C.T.);

THENCE, with the northerly right-of-way line of proposed Parmer Lane, North 48° 43' 30" West, a distance of 387.22 feet to a ½-inch iron rod set for the southeast corner of a 1.029 acre Tract 5 recorded in a deed to Edina Park Plaza Associates Limited in Volume 13035, Page 0179 (R.P.R.T.C.T.);

THENCE, with the southeast line of said 1.029 acre Tract 5, North 20° 21' 55" East, a distance of 135.61 feet to a ½-inch iron rod set at the beginning of a tangent curve to the left;

THENCE, continuing with the southeast line of said 1.029 acre Tract 5, 325.46 feet along the arc of said curve to the left, with a Radius of 5,880.00 feet, a Delta Angle of 03° 10' 17" and a Chord Bearing and Distance of North 18° 46' 47" East, 325.42 feet to a ½-inch iron rod set in the southerly right-of-way line of Yager Lane for the northeast corner of said 1.029 acre Tract 5;

MAY 24 1999

I, Dana DeBeauvoir, County Clerk, Travis County, Texas, do hereby certify that this is a true and correct copy as same appears of record in my office unless my hand and seal of office be



Dana DeBeauvoir, County Clerk
By Deputy
S. Hernandez

Page 1 of 2
Tract 4

13333 2560

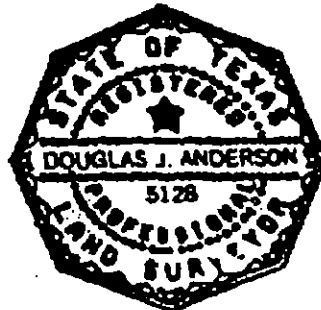
THENCE, with the southerly right-of-way line of Yager Lane the following three calls:

- (1) South 62° 34' 45" East, a distance of 98.15 feet to a 1/2-inch iron rod found;
- (2) South 60° 53' 29" East, a distance of 174.90 feet to a 1/2-inch iron rod found;
- (3) South 56° 38' 32" East, a distance of 237.28 feet to the POINT OF BEGINNING and containing a computed area of 217,800 square feet or 5.000 acres of land.

This metes and bounds description is accompanied by a separate plat of survey.

D. J. Anderson 1/30/98
Douglas J. Anderson
Registered Professional Land Surveyor
Registration Number 5128

Prepared by:
SURVCON INC.
400 West 15th Street, Suite 400
Austin, TX 78701
Job No. 4797-01



FILED
98 DEC 18 PM 4:22
DANA DEBEAUVOIR
COUNTY CLERK
TRAVIS COUNTY, TEXAS

Chg: Heritage Title
Return: Peter Lamy
Sage hand Co.
1717 West 6th St.
Suite 390
Austin, TX. 78703

STATE OF TEXAS COUNTY OF TRAVIS
I hereby certify that this instrument was FILED on
the date and at the time stamped herein by me; and
it is duly RECORDED, in the Volume and Page of the
named RECORDS of Travis County, Texas, on

DEC 18 1998



MAY 24 1999

I, Dana DeBeauvoir, County Clerk, Travis County,
Texas, do hereby certify that this is a true and
correct copy as same appears of record in my office
Witness my hand and seal of office on

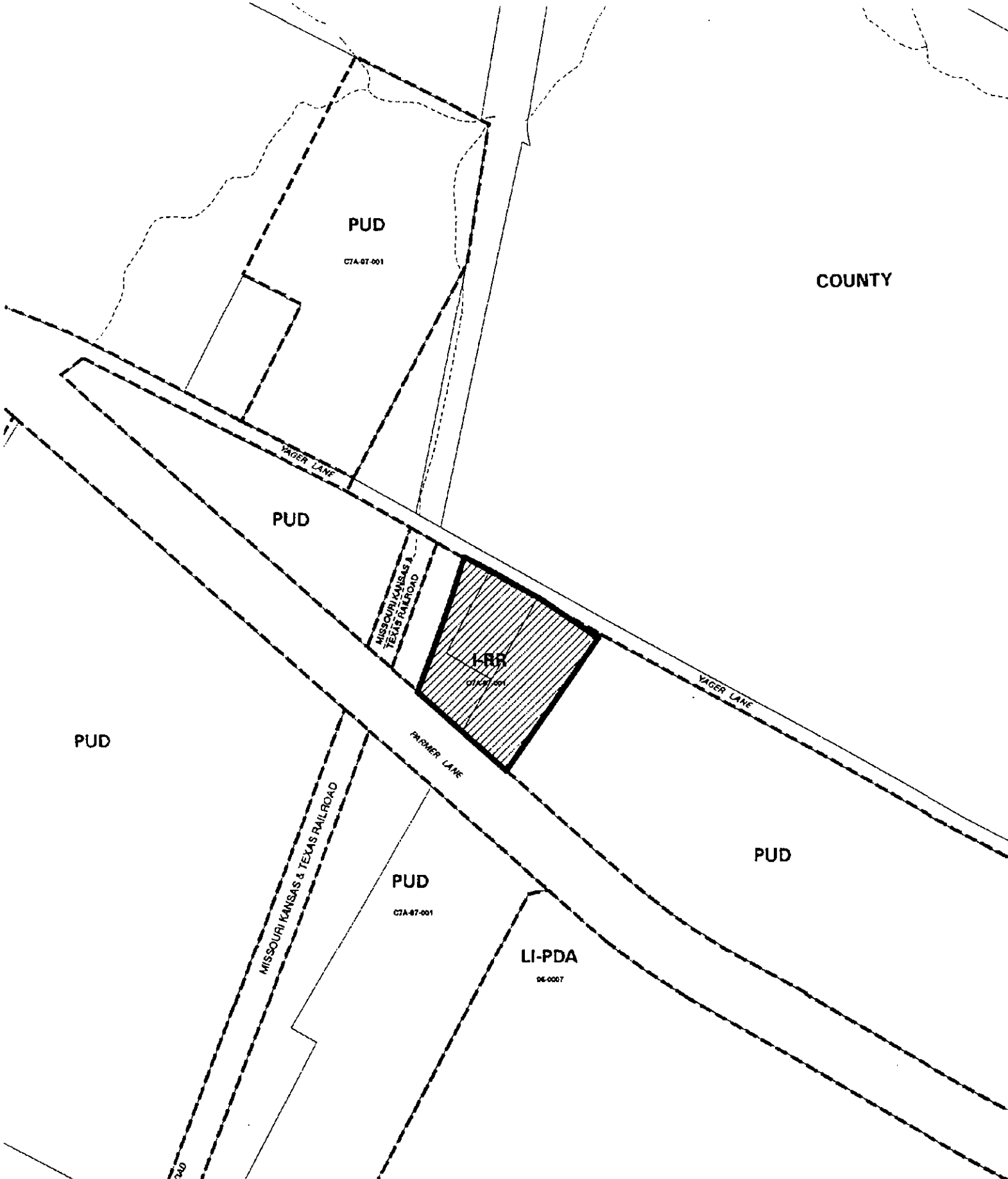





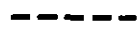
Dana DeBeauvoir, County Clerk
By Deputy
S. Hernandez
S. Hernandez

RECEIPT# 10013555 TRAVIS 16726 DEPT: REGULAR RECORDS \$17.00
CASHIER: ROKI FILE DATE: 12/18/98 TRAVIS DATE: 12/18/98
PAID BY: LEGAL/ENSEN 000021

Page 2 of 2
Tract 4

13333 2561



 <p>1" = 400'</p>	<p>SUBJECT TRACT</p> <p>PENDING CASE</p> <p>ZONING BOUNDARY</p> <p>CASE MGR: S. GAGER</p>	<p></p> <p></p> <p></p>	<p>ZONING EXHIBIT B</p>		<p>CITY GRID REFERENCE NUMBER</p>
	<p>CASE #: C14-04-0057</p>			<p>DATE: 04-04</p>	<p>P32</p>
	<p>ADDRESS: 2405 E YAGER LANE</p>			<p>INTLS: SM</p>	
	<p>SUBJECT AREA (acres): 5</p>				