

**ORDINANCE NO. 041104-46**

**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 11800 NORTH LAMAR BOULEVARD FROM DEVELOPMENT RESERVE (DR) DISTRICT AND LIMITED OFFICE (LO) DISTRICT TO COMMUNITY COMMERCIAL-CONDITIONAL OVERLAY (GR-CO) COMBINING DISTRICT FOR TRACT ONE AND LIMITED OFFICE-CONDITIONAL OVERLAY (LO-CO) COMBINING DISTRICT FOR TRACT TWO.**

**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. C14-04-0133, on file at the Neighborhood Planning and Zoning Department, as follows:

Tract One: From development reserve (DR) district and limited office (LO) district to community commercial-conditional overlay (GR-CO) combining district.

A 3.797 acre tract of land, more or less, out of Lots 5 and 6, Frank Stark Subdivision in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance; and

Tract Two: From development reserve (DR) district and limited office (LO) district to limited office-conditional overlay (LO-CO) combining district.

A 2.801 acre tract of land, more or less, out of Lots 5 and 6, Frank Stark Subdivision 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 11800 North Lamar Boulevard, 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. 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.

2. Development of Tract One shall comply with neighborhood commercial (LR) site development regulations.
3. Drive-in service is prohibited as an accessory use to a restaurant (general) use and a restaurant (limited) use of Tract One.
4. The following uses are prohibited uses of Tract One:

Automotive rentals	Automotive repair services
Automotive sales	Automotive washing (of any type)
Business or trade school	Business support services
Commercial off-street parking	Consumer repair services
Exterminating services	Financial services
Food sales	Funeral services
General retail sales (general)	Hotel-motel
Indoor entertainment	Indoor sports and recreation
Off-site accessory parking	Outdoor sports and recreation
Pawn-shop services	Pet services
Research services	Service station
Theater	Community recreation (private)
Community recreation (public)	Congregate living
College and university facilities	Guidance services
Hospital services (limited)	Private secondary educational facilities
Residential treatment	

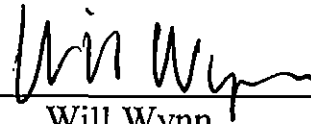
Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the respective base district and other applicable requirements of the City Code.

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

**PASSED AND APPROVED**

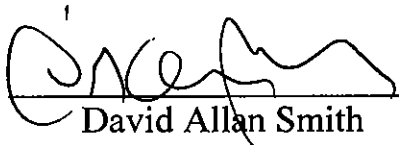
November 4, 2004

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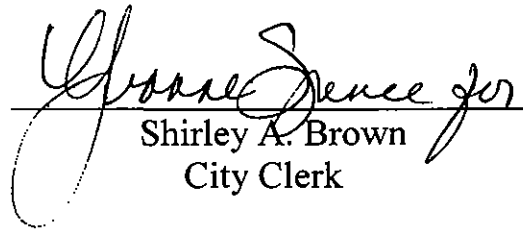
Will Wynn  
Mayor

**APPROVED:**



David Allan Smith  
City Attorney

**ATTEST:**



Shirley A. Brown  
City Clerk

C14-04-0133  
TRACT 1  
GR-CO district zoning

FIELD NOTES  
FOR

TRACT 1 - 3.797 ACRES

EXHIBIT A

ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND BEING A PORTION OF LOTS 5 AND 6, FRANK STARK SUBDIVISION, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, AS RECORDED IN PLAT BOOK 4, PAGE 199 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, THE HEREIN DESCRIBED TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING FOR REFERENCE at a ½ inch iron pipe found at the Northeast corner of said Lot 5, being at the Southeast corner of Lot 2, Ramzel Subdivision, a subdivision recorded in Plat Book 91, Pages 336 And 337 of the Plat Records of Travis County, Texas, being in the West r.o.w. line of North Lamar Boulevard (State Hwy No. 2) as shown on the subdivision plats recorded in Plat Book 4, Page 199 and Plat Book 91, Pages 336 and 337;

THENCE along the North line of said Lot 5, being along the South line of said Lot 2, N 61°56'14" W for a distance of 22.54 feet to a point on the West r.o.w. line of North Lamar Boulevard (State Hwy No. 2), as claimed by the Texas State Highway Department, said point being on a water meter, for the Northeast corner and PLACE OF BEGINNING hereof;

THENCE over and across said Lots 5 and 6, being along the West r.o.w. line of North Lamar Boulevard (State Hwy No. 2) as claimed by the Texas State Highway Department, for the following courses:

S 23°08'53" W for a distance of 59.09 feet to a ½ inch capped iron pin set

S 19°59'12" W for a distance of 98.01 feet to a ½ inch capped iron pin set

S 18°41'27" W for a distance of 272.48 feet to a ½ inch capped iron pin set in the North line of Lot 1, Resub. Lot 6, Frank Stark Subdivision, a subdivision recorded in Plat Book 51, Page 88 of the Plat Records of Travis County, Texas, for the Southeast corner hereof and from which point a ½ inch iron pin found at the Northeast corner of said Lot 1 bears S 61°35'00" E for a distance of 5.11 feet;

THENCE along the South line of the herein described tract, for the following courses;

N 61°35'00" W for a distance of 63.85' to an angle point

N 27°16'43"E for a distance of 85.19' to an angle point

N 62°43'17" W for a distance of 51.91' to an angle point

S 27°16'43" W for a distance of 20.10' to an angle point

N 62°43'17" W for a distance of 22.79' to an angle point

FIELD NOTES  
FOR

TRACT 1 - 3.797 ACRES - Page Two

S 27°16'43" W for a distance of 63.60' to an angle point

N 61°35'00" W for a distance of 267.27 feet to a point for the Southwest corner hereof;

THENCE along the West line of the herein described tract for the following courses:

N 18°41'27" E for a distance of 208.44 feet to an angle point

N 19°59'12" E for a distance of 113.57 feet to an angle point

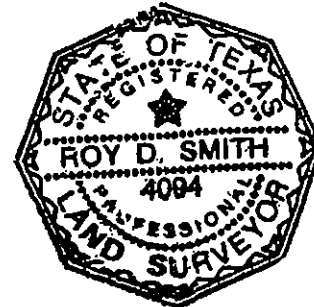
N 23°08'53" E for a distance of 104.52 feet to a point in the North line of said Lot 5 for the Northwest corner hereof;

THENCE along the North line of said Lot 5, S 61°56'14" E at a distance of 401.47 to the PLACE OF BEGINNING and containing 3.797 acres of land, more or less.

SURVEYED BY:  
Roy D. Smith Surveyors, P.C.



ROY D. SMITH  
REGISTERED PROFESSIONAL SURVEYOR NO. 4094  
September 28, 2004



Frank Stark Sub.

C14-04-0133  
TRACT 2  
HO-CC DISTRICT ZONING

FIELD NOTES  
FOR

TRACT 2 - 2.801 ACRES

EXHIBIT B

ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND BEING A PORTION OF LOTS 5 AND 6, FRANK STARK SUBDIVISION, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, AS RECORDED IN PLAT BOOK 4, PAGE 199 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, THE HERE IN DESCRIBED TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½ inch iron pipe found in the West line of said Lot 6, being at the Northwest corner of Lot 2, Resub. Lot 6, Frank Stark Subdivision, a subdivision recorded in Plat Book 51, Page 88 of the Plat Records of Travis County, Texas, for the Southwest corner and PLACE OF BEGINNING hereof;

THENCE along the West lines of said Lots 5 and 6 for the following courses:

N 27°19'00" E for a distance of 21.53 feet to a ½ inch capped iron pin set

N 21°32'00" E for a distance of 70.90 feet to a ½ inch capped iron pin set

N 40°07'00" E for a distance of 167.10 feet to a ½ inch capped iron pin set

N 25°42'00" E for a distance of 152.80 feet to a ½ inch capped iron pin set

N 15°47'11" E for a distance of 12.37 feet to a ½ inch capped iron pin set at the Northwest corner of said Lot 5, being at the Southwest corner of Lot 1, Ramzel Subdivision, a subdivision recorded in Plat Book 91, Page 336 of the Plat Records of Travis County, Texas, for the Northwest corner hereof;

THENCE along the North line of said Lot 5, S 61°56'14" E for a distance of 257.94 feet to a point for the Northeast corner hereof;

THENCE along the East line of the herein described tract for the following courses:

S 23°08'53" W for a distance of 104.52 feet to an angle point

S 19°59'12" W for a distance of 113.57 feet to an angle point

S 18°41'27" W for a distance of 208.44 feet to a point in the North line of said Lot 2, Resub. Lot 6, Frank Stark Subdivision for the Southeast corner hereof;

FIELD NOTES  
FOR

TRACT 2 - 2.801 ACRES - Page Two

THENCE along the North line of said Lot 2, N 61°35'00" W for a distance of 334.43 feet to the  
PLACE OF BEGINNING and containing 2.801 acres of land, more or less.

SURVEYED BY:  
Roy D. Smith Surveyors, P.C.



ROY D. SMITH  
REGISTERED PROFESSIONAL SURVEYOR NO. 4094  
September 28, 2004

Frank Stark Sub.

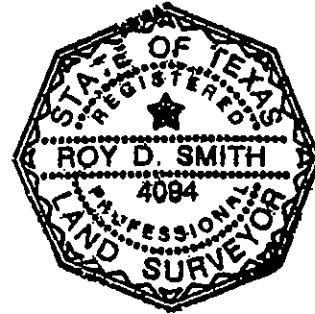
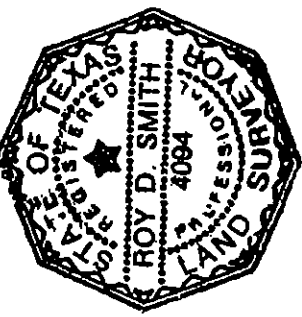
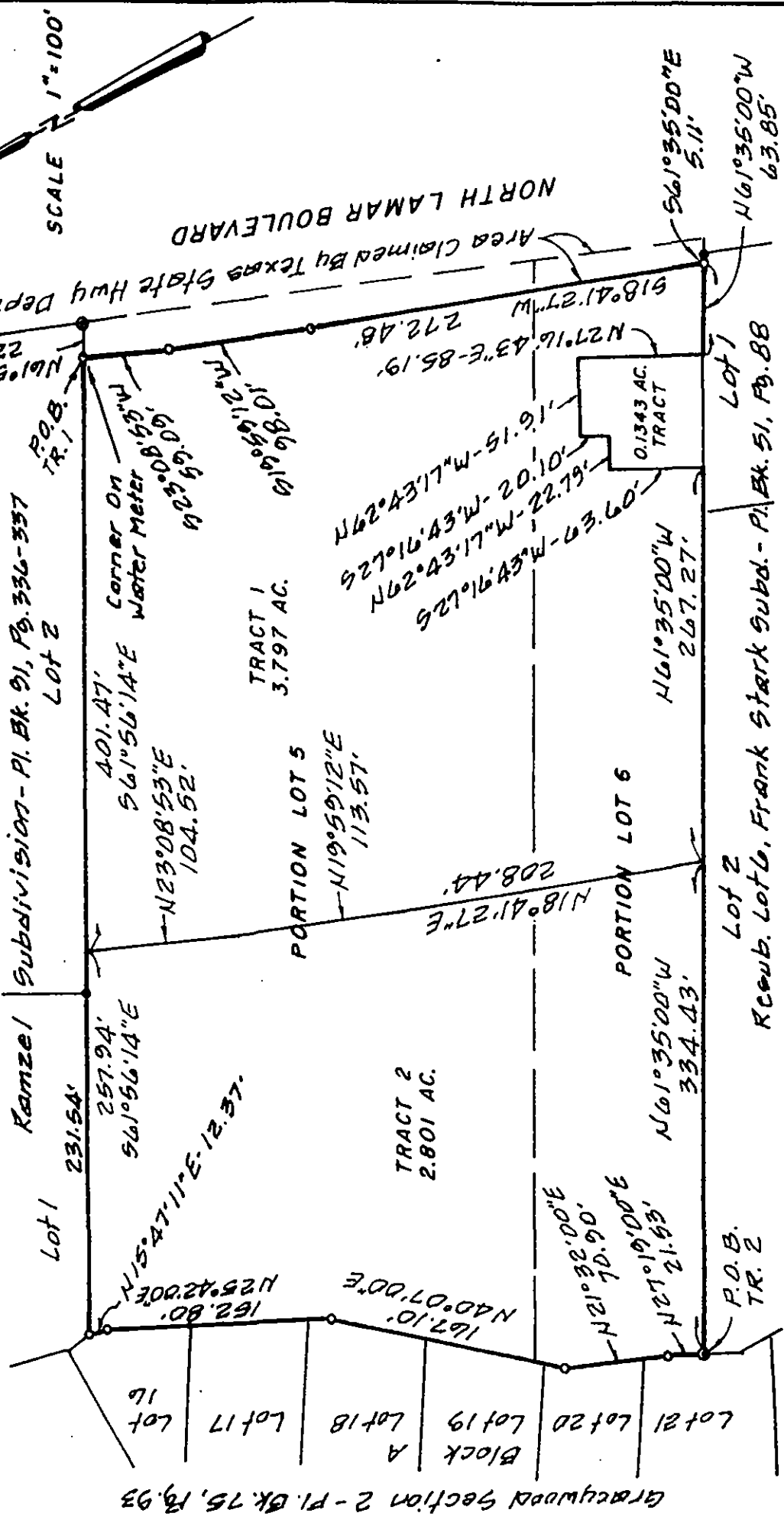


EXHIBIT TO ACCOMPANY FIELD NOTES FOR 3.797 AC. AND 2.801 AC. OUT OF LOTS 5 AND 6, FRANK STARK SUBDIVISION, A SUBDIVISION RECORDED IN PLAT BOOK 4, PAGE 199 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS.



SURVEYED BY  
ROY D. SMITH SURVEYORS, P.C.

*Roy D. Smith*  
ROY D. SMITH

Registered Professional Surveyor No. 4094  
1214 West 5th Street Suite A  
Austin, Tx. 78703 Ph. (512) 478-9821  
September 28, 2004

- LEGEND
- 1/2" Iron Pipe Found
  - 1/2" Iron Pin Found
  - 1/2" Iron Pin Set w/ Cap

Bearing Basis:  
Subdivision Plat/ Pl. Bk. 51, Pg. 88



