

ORDINANCE NO. 20060112-048

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 5717 BALCONES DRIVE FROM FAMILY RESIDENCE (SF-3) 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 family residence (SF-3) district to community commercial-conditional overlay (GR-CO) combining district on the property described in Zoning Case No. C14-05-0108, on file at the Neighborhood Planning and Zoning Department, as follows:

A 1.833 acre tract of land, more or less, out of the James P. Davis Survey No. 14, 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 5717 Balcones Drive, 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. 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 1,250 trips per day.
2. The maximum height of a building or structure is 30 feet from ground level.
3. The maximum impervious cover is 70 percent.
4. Development of the property may not exceed a floor to area ratio (F.A.R.) of 0.29 to 1.

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

Commercial off-street parking
Funeral services
Indoor entertainment
Off-site accessory parking
Pawn shop services
Research services
Research warehousing services
Residential treatment
Exterminating services
Automotive sales
Automotive washing (of any type)
Business or trade school
General retail sales (general)
Personal improvement services
Theater
Residential treatment

Communications services
Hotel-motel
Indoor sports and recreation
Outdoor entertainment
Research assembly services
Research testing services
Hospital services (general)
Bed and breakfast (Group 1 &2)
Automotive rentals
Automotive repair services
Congregate living
Business support services
Outdoor sports and recreation
Service station
Group home (Class II)


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 January 23, 2006.

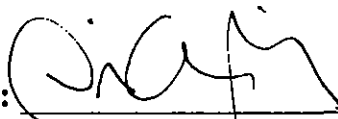
PASSED AND APPROVED

January 12, 2006

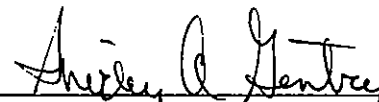
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Will Wynn
Mayor

APPROVED:


David Allan Smith
City Attorney

ATTEST:


Shirley A. Gentry
City Clerk

Metes and Bounds Description
1.833 Acres
James P. Davis Survey No. 14
Travis County, Texas
EXHIBIT A

BEING a tract containing 1.833 acres of land situated in the James P. Davis Survey No. 14 in the City of Austin, Travis County, Texas and being the same tract as recorded under Volume 11017, Page 1, save and except a called 0.165 acre tract quitclaimed and recorded under Volume 11281, Page 576 of the Real Property Records of Travis County, Texas (R.P.R.T.C.T.). Said 1.833 acre tract being more particularly described by metes and bounds as follows with the basis of bearings being North 28°38'00" East along the southeasterly right-of-way line of Balcones Drive (80' wide) as recorded in Volume 11281, Page 576 of the R.P.R.T.C.T.:

BEGINNING at a 1/2-inch iron rod in concrete found marking the most westerly corner of the herein described tract and located in the southeasterly right-of-way line of said Balcones Drive, same being the most northerly corner of Lot 1 of Northland / Balcones Subdivision as recorded under Document No. 200000353 in the R.P.R.T.C.T.;

THENCE, North 28°38'00" East, a distance of 297.40 feet along the southeasterly right-of-way line of said Balcones Drive to a 1/2-inch iron rod found marking the most northerly corner the herein described tract, same being the most westerly corner of Lot 4 of Mopac – Balcones Addition, a duly recorded subdivision in Volume 92, Page 208 of the Travis County Plat Records (T.C.P.R.);

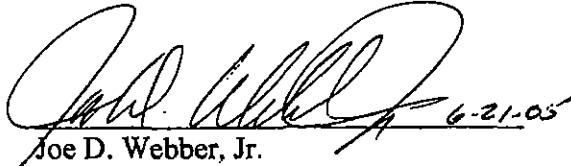
THENCE, South 61°19'05" East, a distance of 240.85 feet to a 1/2-inch iron rod found marking the most southerly corner of said Lot 4 and easterly corner of the herein described corner. Said point also being in the northwesterly right-of-way line of Mopac Expressway (right-of-way varies);

THENCE, South 28°08'28" West, a distance of 64.03 feet along said northwesterly right-of-way line of Mopac Expressway to a 1/2-inch iron rod with plastic cap stamped "SURVCON INC." set for an angle point;

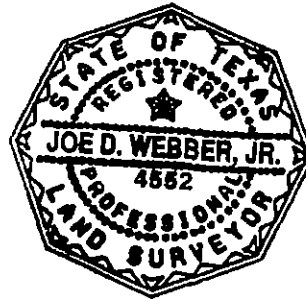
THENCE, South 18°26'39" West, a distance of 260.20 feet continuing along said northwesterly right-of-way line of Mopac Expressway to a 1/2-inch iron rod found for the most southerly corner of the herein described tract and marking the most easterly corner of Lot "A" of NCSS Subdivision No. 1, a duly recorded subdivision in Volume 76, Page 390 of the T.C.P.R.;

THENCE, North 56°38'50" West, a distance of 89.67 feet leaving said northwesterly right-of-way line of Mopac Expressway to a 1/2-inch iron rod found being an angle point of the herein described tract and marking the most northerly corner of said Lot "A", NCS Subdivision No. 1, same being the most easterly corner aforementioned Lot 1, Northland / Balcones Subdivision;

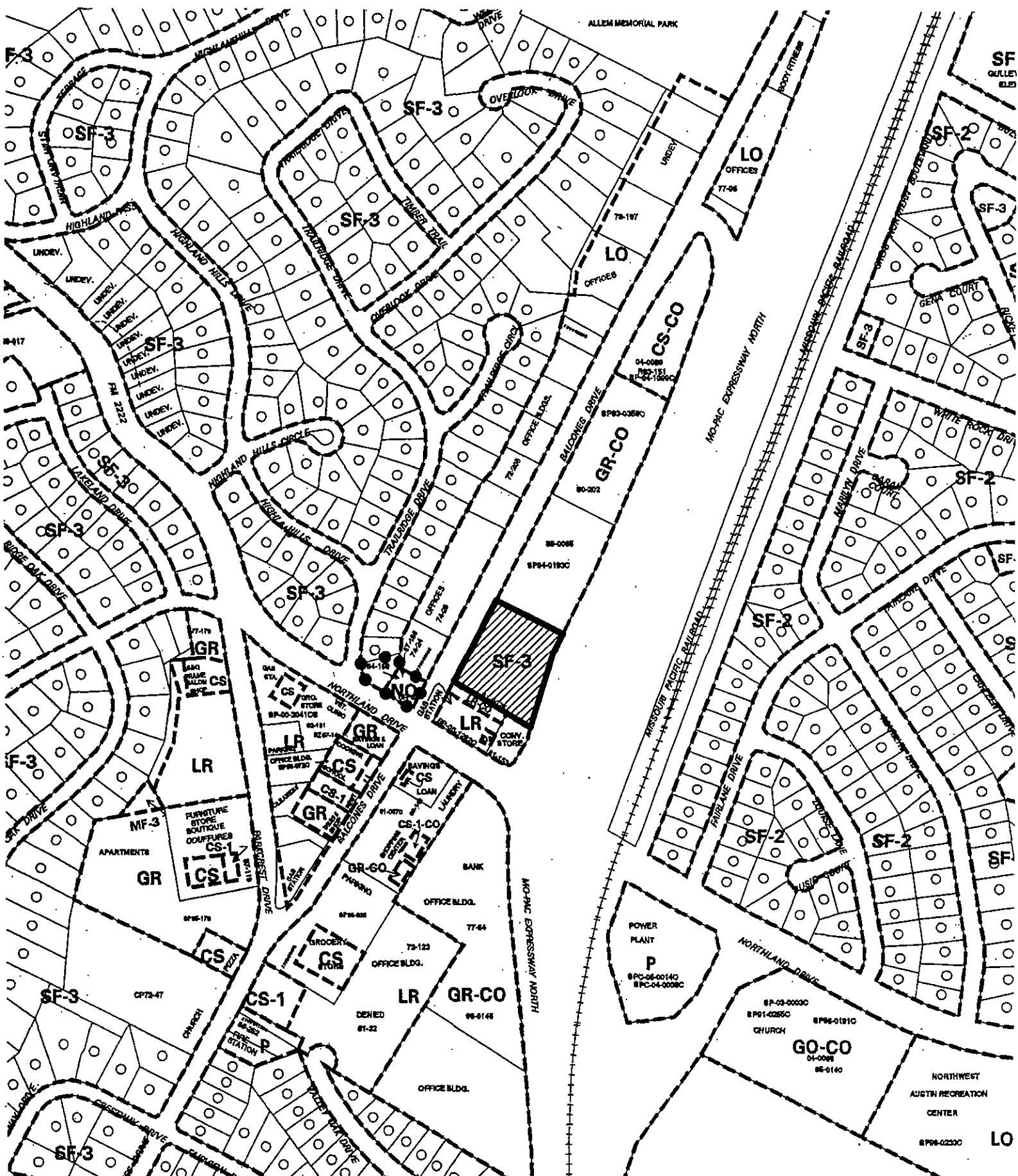
THENCE, North 56°52'34" West, a distance of 198.68 feet to the **POINT OF BEGINNING**, and containing a computed area of 1.833 acres (79,849 square feet) of land.




Joe D. Webber, Jr.
Registered Professional Land Surveyor
Registration Number 4552



Prepared by:
SURVCON INC.
400 W. 15th Street
Austin, TX 78701
Job No. 630271-0001
Surveyed: January 4, 2005



<p>  SUBJECT TRACT PENDING CASE ZONING BOUNDARY CASE MGR: T.BOLT 1" = 400' </p>	<p align="center"> ZONING EXHIBIT B </p> <p> CASE #: C14-05-0108 ADDRESS: 5717 BALCONES DR SUBJECT AREA (acres): 1.833 </p> <p> DATE: 05-09 INTLS: SM </p>	<p> CITY GRID REFERENCE NUMBER H28 </p>
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