

ORDINANCE NO. 20060427-047

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 1212 WEST BEN WHITE BOULEVARD FROM LIMITED OFFICE (LO) DISTRICT, GENERAL OFFICE (GO) DISTRICT, AND COMMUNITY COMMERCIAL (GR) DISTRICT TO COMMUNITY COMMERCIAL-MIXED USE-CONDITIONAL OVERLAY (GR-MU-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 limited office (LO) district, general office (GO) district, and community commercial (GR) district to community commercial-mixed use-conditional overlay (GR-MU-CO) combining district on the property described in Zoning Case No. C14-05-0197.SH, on file at the Neighborhood Planning and Zoning Department, as follows:

A 2.52 acre (110,741 square feet) tract of land, more or less, out of Lot B, KRT Addition, in the City of Austin, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance (the "Property"),

locally known as 1212 West Ben White Boulevard, 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 2,000 trips per day.
2. The following uses are prohibited uses of the Property:

Automotive rentals
Automotive sales
Pawn shop services

Automotive repair services
Automotive washing (of any type)
Service station

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 8, 2006.

PASSED AND APPROVED

_____, April 27, 2006

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Will Wynn
Mayor

APPROVED:

David Allan Smith
City Attorney

ATTEST:

Shirley A. Gentry
City Clerk

FIELD NOTES

ALL THAT CERTAIN PARCEL OR TRACT OF LAND OUT OF THE ISAAC DECKER SURVEY NO. 20, CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; BEING THE REMAINING PORTION OF LOT B, KRT ADDITION, A SUBDIVISION AS RECORDED IN BOOK 68, PAGE 71 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS; SAID LOT B BEING CONVEYED TO BANISTER OAKS HOTEL, INC. BY WARRANTY DEED WITH VENDOR'S LIEN RECORDED IN VOLUME 9173, PAGE 655 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a TXDOT concrete monument with brass disk found on the east right-of-way line of Banister Lane at the most westerly southwest corner of the above described Lot B for the most westerly southwest corner and POINT OF BEGINNING of the herein described tract;

THENCE, with the east right-of-way line of Banister Lane, N29°58'08"E a distance of 314.71 feet to a ½" iron rod set with cap stamped TERRA FIRMA at the northwest corner of said Lot B for the northwest corner of this tract;

THENCE, with the north line of said Lot B, S60°10'45"E a distance of 349.75 feet to a ½" iron rod found at the northwest corner of Lot 1, One Park Place II, a subdivision as recorded in Book 82, Page 138 of the Plat Records of Travis County, Texas, for the northeast corner of this tract;

THENCE, with the west line of said Lot 1, the following two (2) courses:

- 1) S25°30'15"W a distance of 123.93 feet to a ½" iron rod found at an angle point; and
- 2) S25°18'15"W a distance of 124.12 feet to a ½" iron rod set with cap stamped TERRA FIRMA on the northwest right-of-way line of West Ben White Boulevard (State Highway 71 and U.S. Highway 290) for the southeast corner of this tract;

THENCE, with the northwest right-of-way line of West Ben White Boulevard (State Highway 71 and U.S. Highway 290), S86°24'54"W a distance of 238.93 feet to a ½" iron rod set with cap stamped TERRA FIRMA on the east line of Lot A of the above described KRT Addition for the most southerly southwest corner of this tract;

EXHIBIT

A

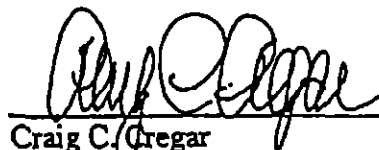
SIL
WM

THENCE, with the east line of said Lot A, N29°57'00"E a distance of 37.43 feet to a punch hole found in a concrete gutter for an inside corner of this tract;

THENCE, with the north line of said Lot A, N59°48'00"W a distance of 140.15 feet to a TXDOT concrete monument with brass disk found at the northwest corner of said Lot A;

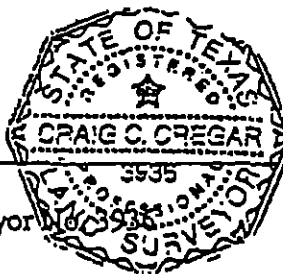
THENCE, with a south line of said Lot B, N60°37'34"W a distance of 15.28 feet to the POINT OF BEGINNING, and containing 110,741 square feet of land, more or less.

I HEREBY CERTIFY that these notes were prepared by Terra Firma from a survey made on the ground on January 23, 2003 under my supervision and are true and correct to the best of my knowledge.



Craig C. Gregar

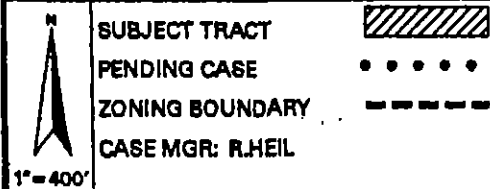
Registered Professional Land Surveyor



1/24/03
Date

Siz RM

Client: Banister Oaks Hotel, Inc.
Date: January 23, 2003
WO No.: 1738-01-01
FB: 458
File: COGO2003\17380101



**CITY GRID
REFERENCE
NUMBER**
G19