

ORDINANCE NO. _____

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 3923 MEDICAL PARKWAY FROM GENERAL COMMERCIAL SERVICES-MIXED USE-CONDITIONAL OVERLAY (CS-MU-CO) COMBINING DISTRICT TO GENERAL COMMERCIAL SERVICES-MIXED USE-CONDITIONAL OVERLAY (CS-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 general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district to general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district on the property described in Zoning Case No. C14-2009-0146, on file at the Planning and Development Review Department, as follows:

A 0.390 acre tract of land, more or less, out of the George W. Spear League, 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 3923 Medical Parkway, 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:

- A. The maximum height of a building or structure is 40 feet from ground level.
- B. The maximum height of a building or structure is three stories.
- C. 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.
- D. The following uses are prohibited uses of the Property:

Agricultural sales and services	Art workshop
Automotive repair services	Automotive rentals
Automotive sales	Automotive washing (of any type)

1 Bail bond services
2 Business or trade school
3 Campground
4 Commercial off-street parking
5 Construction sales and services
6 Consumer repair services
7 Drop-off recycling collection facility
8 Electronic testing
9 Equipment sales
10 Food preparation
11 Funeral services
12 Indoor entertainment
13 Kennels
14 Monument retail sales
15 Outdoor entertainment
16 Pawn shop services
17 Printing and publishing
18 Restaurant (general)
19 Service station
20 Theater

Building maintenance services
Business support services
Commercial blood plasma center
Communications services
Consumer convenience services
Convenience storage
Electronic prototype assembly
Equipment repair services
Exterminating services
Food sales
Hotel-motel
Indoor sports and recreation
Laundry service
Off-site accessory parking
Outdoor sports and recreation
Plant nursery
Research services
Restaurant (limited)
Software development
Vehicle storage

22 Except as specifically restricted under this ordinance, the Property may be developed and
23 used in accordance with the regulations established for the general commercial services
24 (CS)) base district, the mixed use combining district, and other applicable requirements of
25 the City Code.

27 **PART 3.** This ordinance takes effect on _____, 2010.

29 **PASSED AND APPROVED**

31 _____
32 §
33 _____, 2010 §

Lee Leffingwell
Mayor

38 **APPROVED:** _____
39 David Allan Smith
40 City Attorney

ATTEST: _____
Shirley A. Gentry
City Clerk



**Professional Land Surveying, Inc.
Surveying and Mapping**

Office: 512-443-1724

Fax: 512-389-0943

3500 McCall Lane
Austin, Texas 78744

EXHIBIT A

ZONING DESCRIPTION

0.390 ACRES

GEORGE W. SPEAR LEAGUE

A DESCRIPTION OF 0.390 ACRES (APPROXIMATELY 16,976 SQUARE FEET) IN THE GEORGE W. SPEAR LEAGUE, TRAVIS COUNTY, TEXAS, BEING A PORTION OF LOTS 2 AND 3, BLOCK 6, HENRY B. SEIDERS SUBDIVISION, A SUBDIVISION IN TRAVIS COUNTY, TEXAS ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 1, PAGE 60 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING ALL OF A 0.390 ACRE TRACT OF LAND CONVEYED TO AMERICAN BANK OF COMMERCE IN A SUBSTITUTE TRUSTEE'S DEED DATED APRIL 7, 2009 AND RECORDED IN DOCUMENT NO. 2009072709 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.390 ACRES BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a 1/2" iron pipe found at the intersection of the south right-of-way line of West 40th Street (60' right-of-way width) and the east right-of-way line of Medical Parkway (right-of-way width varies), being the northwest corner of said 0.390 acres, also being in the west line of said Lot 3, and also being the southwest corner of a 3648 square foot tract described in Volume 2776, Page 200 of the Deed Records of Travis County, Texas;

THENCE South 62°20'50" East with the south right-of-way line of West 40th Street, the south line of the said 3648 square foot tract and the north line of the 0.390 acre tract, a distance of 151.88 feet to a nail in punch hole found at the intersection of the south right-of-way line of West 40th Street and the west right-of-way line of a 20' alley, being the northeast corner of the 0.390 acre tract, also being the southeast corner of the said 3648 square foot tract, and also being in the east line of Lot 3, from which a 3/4" iron pipe found at the intersection of the north right-of-way line of West 40th Street and the west right-of-way line of a 20' alley, bears North 27°39'24" East, a distance of 60.03 feet;

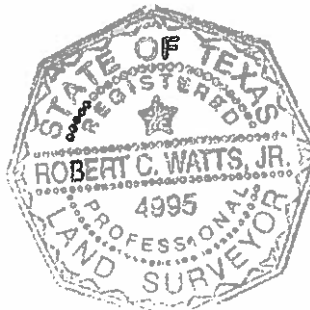
THENCE South 27°34'08" West with the west right-of-way line of a 20' alley, the east line of the 0.390 acre tract and the east line of said Lots 2 and 3, a distance of 111.81 feet to a 1/2" rebar found for the southeast corner of the 0.390 acre tract, also being in the east line of said Lot 2 and also being the northeast corner of a 7,599 square foot tract of land described in Volume 11701, Page 1098 of the Real Property Records of Travis County, Texas, from which a 1/2" rebar found in the west right-of-way line of the 20' alley, being the southeast corner of said 7,599 square foot tract, also being the southeast corner of Lot 2 and the northeast corner of Lot 1, of said Henry B. Seiders Subdivision, bears South 27°34'08" West, a distance of 49.75 feet;

THENCE North $62^{\circ}18'09''$ West, crossing Lot 2, with the south line of the 0.390 acre tract, being the north line of the 7,599 square foot tract, a distance of 151.94 feet to a calculated point in the east right-of-way line of Medical Parkway, being the southwest corner of the 0.390 acre tract and also being in the west line of Lot 2, from which an X in concrete found in the east right-of-way line of Medical Parkway, being the southwest corner of the 7,599 square foot tract, also being the southwest corner of Lot 2 and the northwest corner of said Lot 1, bears South $27^{\circ}35'42''$ West, a distance of 50.06 feet;

THENCE North $27^{\circ}35'42''$ East with the east right-of-way line of Medical Parkway, the west line of the 0.390 acre tract and the west line of Lots 2 and 3, a distance of 111.69 feet to the **POINT OF BEGINNING**, containing 0.390 acres of land, more or less.

Prepared from a survey made on the ground May 03, 2005, updated August 15, 2008. Bearing basis is Grid Azimuth for the Texas Central Zone, 1983/93 HARN values from the LCRA survey control network. Attachments: Survey Drawing 482-001-Z4.


Robert C. Watts, Jr.
Registered Professional Land Surveyor
State of Texas No. 4995

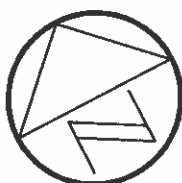


9-30-09

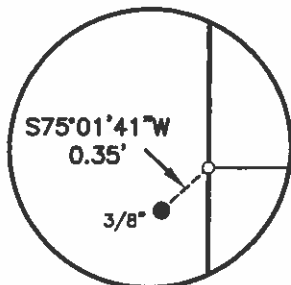
A SURVEY OF 0.390 ACRES (APPROXIMATELY 16,976 SQUARE FEET) IN THE GEORGE W. SPEAR LEAGUE, TRAVIS COUNTY, TEXAS, BEING A PORTION OF LOTS 2 AND 3, BLOCK 6, HENRY B. SEIDERS SUBDIVISION, A SUBDIVISION IN TRAVIS COUNTY, TEXAS ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 1, PAGE 60 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING ALL OF A 0.390 ACRE TRACT OF LAND CONVEYED TO AMERICAN BANK OF COMMERCE IN A SUBSTITUTE TRUSTEE'S DEED DATED APRIL 7, 2009 AND RECORDED IN DOCUMENT NO. 2009072709 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

LEGEND

- 1/2" REBAR FOUND
- ⊙ IRON PIPE FOUND (SIZE NOTED)
- ▲ NAIL IN PUNCH HOLE FOUND
- ⊠ X IN CONC. FOUND
- CALCULATED POINT

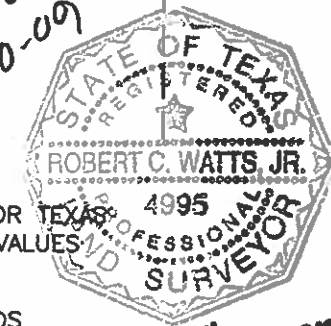


1"=40'



DETAIL
NTS

*Mut vs
9.30-09*



BEARING BASIS: GRID AZIMUTH FOR TEXAS
CENTRAL ZONE, 1983/93 HARN VALUES
FROM LCRA CONTROL NETWORK.

ATTACHMENTS: METES AND BOUNDS
DESCRIPTION 482-001-Z4

Chaparral

WEST 40TH STREET
(60' RIGHT-OF-WAY WIDTH)

CITY OF AUSTIN
3648 SQ. FT.
(2776/200)

S62°20'50"E 151.88'
(S59°56'E 152.0')

0.390 ACRES TOTAL
APPROX. 16,976 SQ. FT.

AMERICAN BANK OF COMMERCE
(2009072709)

LOT 3
LOT 2

N62°18'09"W 151.94'
(N59°52'20"W 151.84')

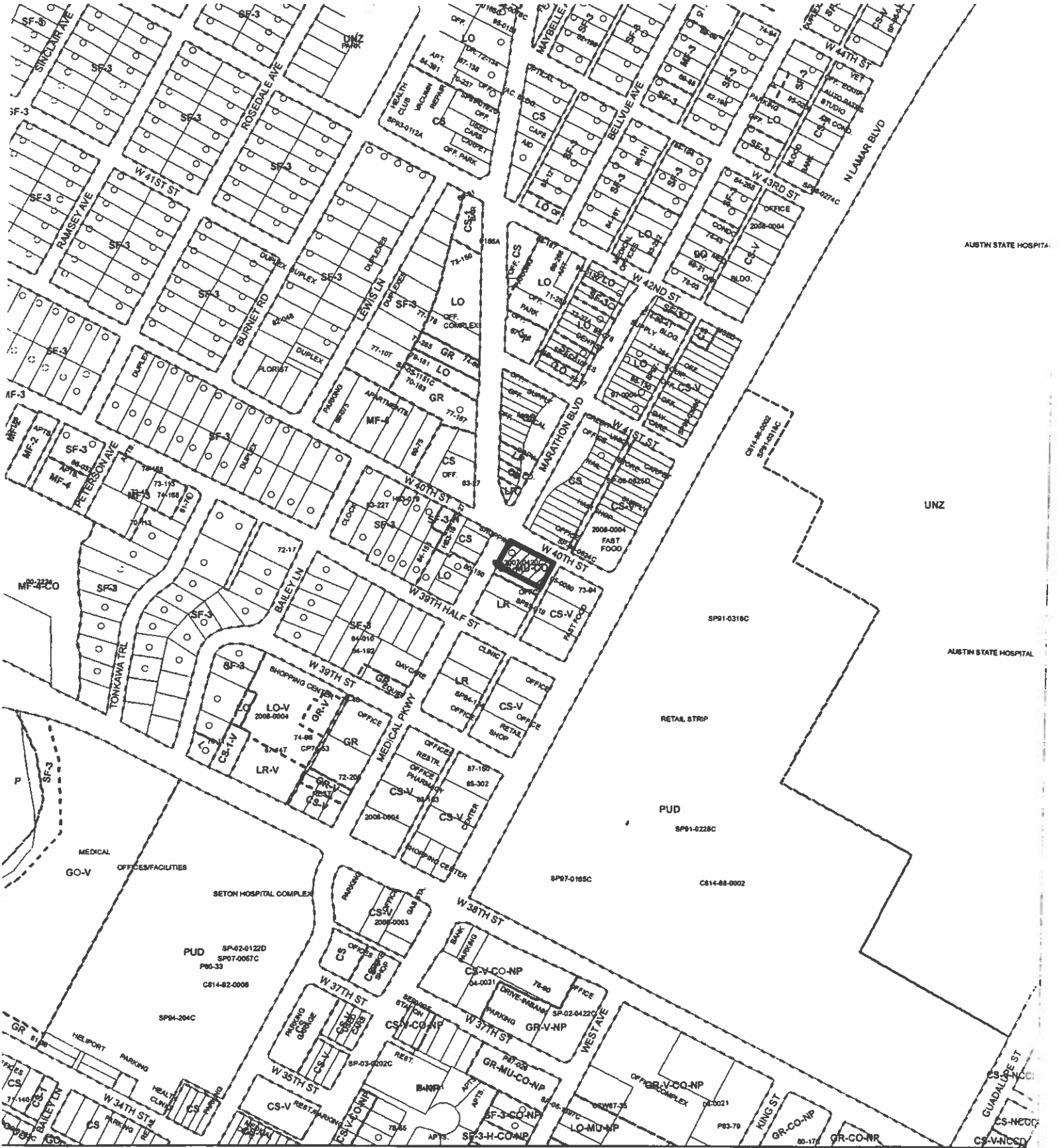
D & K INVESTMENT GROUP
7,599 SQ. FT.
(11701/1098)

LOT 2
LOT 1

LOT 1, BLOCK 6,
HENRY B. SEIDERS
SUBDIVISION (1/60)

D & K INVESTMENTS
(11625/1532)

DATE OF SURVEY: 08-15-08
PLOT DATE: 09-30-09
DRAWING NO.: 482-001
PROJECT NO.: 482-001-Z4
DRAWN BY: JDB



1" = 400'

OPERATOR: S. MEEKS

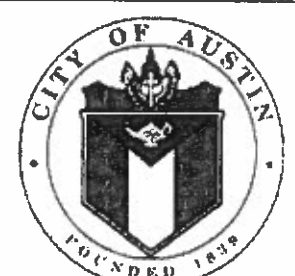
SUBJECT TRACT

ZONING BOUNDARY

PENDING CASE

ZONING EXHIBIT B

ZONING CASE#:	C14-2009-0146
ADDRESS:	3923 MEDICAL PKWY
SUBJECT AREA:	0.39 ACRES
GRID:	J25
MANAGER:	C. PATTERSON



This map has been produced by G.I.S. Services for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.