

**ORDINANCE NO. 20101014-045**

**AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING FOR THE PROPERTY LOCATED AT 4500-½ TRIANGLE AVENUE AND CHANGING THE ZONING MAP FROM UNZONED TO GENERAL COMMERCIAL SERVICES-CONDITIONAL OVERLAY (CS-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 unzoned to general commercial services-conditional overlay (CS-CO) combining district on the property described in Zoning Case No. C14-2010-0132, on file at the Planning and Development Review Department, as follows:

A 3.681 acre tract of land, more or less, out of the Thomas Gray Survey Abstract No. 310 and the James Rogers Survey, 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 4500-½ Triangle Avenue, 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. 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.

B. The following uses are conditional uses of the Property:

Indoor entertainment

Day care services (commercial)

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

1) Agricultural sales & services  
Automotive repair services  
Automotive sales

Automotive rentals  
Automotive washing (of any kind)  
Building maintenance services

Campground	Construction sales & services
Drop-off recycling collection facility	Convenience storage
Electronic prototype assembly	Electronic testing
Equipment repair services	Equipment sales
Exterminating services	Funeral services
Kennels	Laundry services
Monument retail sales	Pawn shop services
Plant nursery	Service station
Software development	Vehicle storage
Bail bond services	Outdoor entertainment
Custom manufacturing	Limited warehousing & distribution
Congregate living	Counseling services
Guidance services	Maintenance & services facilities
Residential treatment	Club or lodge
Transitional housing	Transportation terminal
Telecommunication tower	

- 2) Except as specifically related to a hospital services (general) use and its accessory uses, a drive-in service use is prohibited.

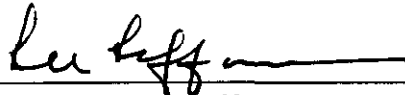
Except as otherwise specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the general commercial services (CS) base district, and other applicable requirements of the City Code.

**PART 3.** This ordinance takes effect on October 25, 2010.

**PASSED AND APPROVED**

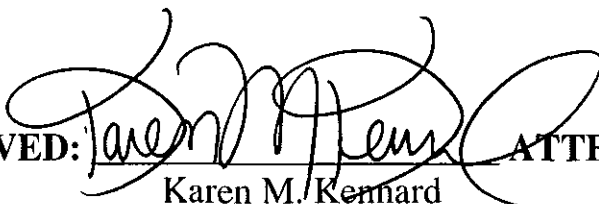
October 14, 2010

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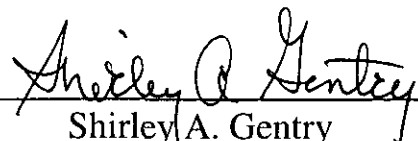
Lee Leffingwell  
Mayor

APPROVED:



Karen M. Kennard  
Acting City Attorney

ATTEST:



Shirley A. Gentry  
City Clerk

## Exhibit "A": Field Note Description and Survey

3.681 ACRES  
REMAINDER OF STATE  
5.000 ACRE "TRACT 2"

FN. NO. 05-299 (MJJ)  
JUNE 2, 2005  
BPI JOB NO. 368-31

### DESCRIPTION

OF 3.681 ACRES OF LAND OUT OF THE THOMAS GRAY SURVEY ABSTRACT NO. 310 AND THE JAMES ROGERS SURVEY, SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING THE REMAINING PORTION OF THAT CERTAIN 5.000 ACRE TRACT OF LAND DESCRIBED AS "TRACT 2" CONVEYED TO THE STATE OF TEXAS FOR USE AND BENEFIT OF THE PERMANENT SCHOOL FUND OF RECORD IN DOCUMENT NO. 2004057397 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 3.681 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING, at a 1/2 inch iron rod with cap set at the intersection of the westerly line of Guadalupe Street (100' R.O.W.) with the northerly line of West 45th Street (R.O.W. varies), being the southeasterly corner of said "Tract 2" and the southeasterly corner of that certain 0.989 acre - Tract 3 conveyed to the City of Austin by Deed without Warranty of record in Document No. 2005037448 of said Official Public Records;

THENCE, N62°15'50"W, along the northerly line of West 45th Street, being the southerly line of said City of Austin 0.989 - Tract 3 and a portion of the southerly line of said "Tract 2", a distance of 149.76 feet to the southwesterly corner of said City of Austin 0.989 acre - Tract 3, for the POINT OF BEGINNING, and southeasterly corner hereof;

THENCE, continuing along the northerly line of West 45th Street, being a portion of the southerly line of said "Tract 2", for the southerly line hereof, the following two (2) courses and distances:

- 1) N62°15'50"W, a distance of 594.38 feet to a cut "X" set in concrete for an angle point;
- 2) N57°07'49"W, a distance of 44.91 feet to a 1/2 inch iron rod with cap set at the southernmost southeasterly corner of that certain 15.546 acre tract of land described as "Tract 1B" conveyed to the State of Texas for use and benefit of the Permanent School Fund of record in Document No. 2004057397 of said Official Public Records, being the southwesterly corner of said "Tract 2", for the southwesterly corner hereof;

THENCE, leaving the northerly line of West 45th Street, along a portion of the easterly line of said "Tract 1B", being a portion of the westerly line of said "Tract 2", for the westerly line hereof, the following three (3) courses and distances:

RECORDED

FN 05-299(MJJ)  
JUNE 2, 2005  
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- 1) N15°11'33"W, a distance of 36.36 feet to a cotton spindle set for the point of curvature of a non-tangent curve to the left;
- 2) Along said non-tangent curve to the left having a radius of 790.00 feet, a central angle of 06°36'15", an arc length of 91.06 feet and a chord which bears N30°41'04"E, a distance of 91.01 feet to a 1/2 inch iron rod with cap set for the end of said curve;
- 3) N27°22'55"E, a distance of 141.42 feet to the southwesterly corner of that certain 0.330 acre - Tract 4 conveyed to the City of Austin by Deed without Warranty of record in Document No. 2005037448 of said Official Public Records, for the northwesterly corner hereof;

THENCE, S62°37'05"E, leaving the easterly line of said "Tract 1B", over and across said "Tract 2", along the southerly line of said City of Austin 0.330 acre - Tract 4, for a portion of the northerly line hereof, a distance of 277.73 feet to a point in the southerly line of said "Tract 1B", being the northerly line of said "Tract 2" and the southeasterly corner of said City of Austin 0.330 acre - Tract 4, for an angle point hereof;


THENCE, in part along the common line of said "Tract 1B" and said "Tract 2" and in part over and across said "Tract 2" along the irregular westerly lines of said City of Austin 0.989 acre - Tract 3, the following three (3) courses and distances:

- 1) S30°23'39"E, a distance of 73.84 feet to a 1/2 inch iron rod with cap set for an angle point;
- 2) S62°37'05"E, a distance of 317.01 feet to an angle point;
- 3) S27°04'34"W, a distance of 227.65 feet to the **POINT OF BEGINNING**, containing an area of 3.681 acres (160,379 sq. ft.) of land, more or less, within these metes and bounds.

THE BEARING BASIS FOR THIS SURVEY IS THE TEXAS COORDINATE SYSTEM, NAD 83, CENTRAL ZONE.

I, JOHN T. BILNOSKI, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE PROPERTY DESCRIBED HEREIN WAS DETERMINED BY A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION.

BURY & PARTNERS, INC.  
ENGINEERS-SURVEYORS  
3345 BEE CAVE ROAD, SUITE 200  
AUSTIN, TEXAS 78746

  
JOHN T. BILNOSKI  
R.P.L.S. NO. 4998  
STATE OF TEXAS

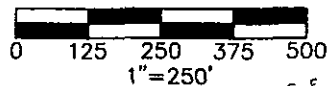


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No.	Delta	Radius	Arc Length	Chord Length	Chord Bearing
C1	06°36'15"	790.00	91.06	91.01	N30°41'04"E

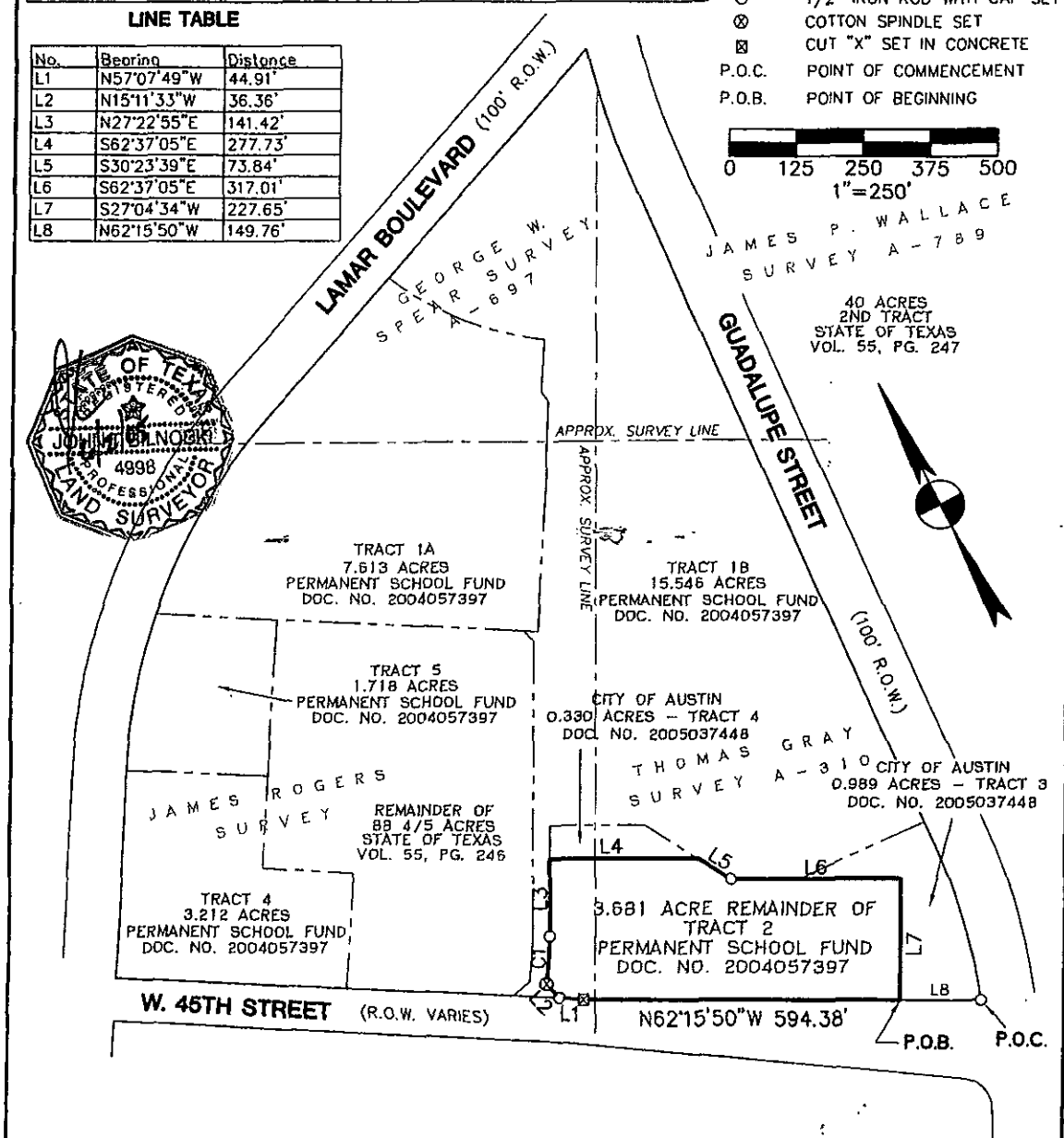
No.	Bearing	Distance
L1	N57°07'49"W	44.91'
L2	N15°11'33"W	36.36'
L3	N27°22'55"E	141.42'
L4	S62°37'05"E	277.73'
L5	S30°23'39"E	73.84'
L6	S62°37'05"E	317.01'
L7	S27°04'34"W	227.65'
L8	N62°15'50"W	149.76'

●	3/8" IRON ROD FOUND
○	1/2" IRON ROD WITH CAP SET
⊗	COTTON SPINDLE SET
⊠	CUT "X" SET IN CONCRETE
P.O.C.	POINT OF COMMENCEMENT
P.O.B.	POINT OF BEGINNING



JAMES P. WALLACE  
SURVEY A-789

40 ACRES  
2ND TRACT  
STATE OF TEXAS  
VOL. 55, PG. 247



**b Bury+Partners**  
ENGINEERING SOLUTIONS  
3345 Bee Caves Road, Suite 200  
Austin, Texas 78748  
Tel. (512)328-0011 Fax (512)328-0325  
Bury+Partners, Inc. ©Copyright 2005

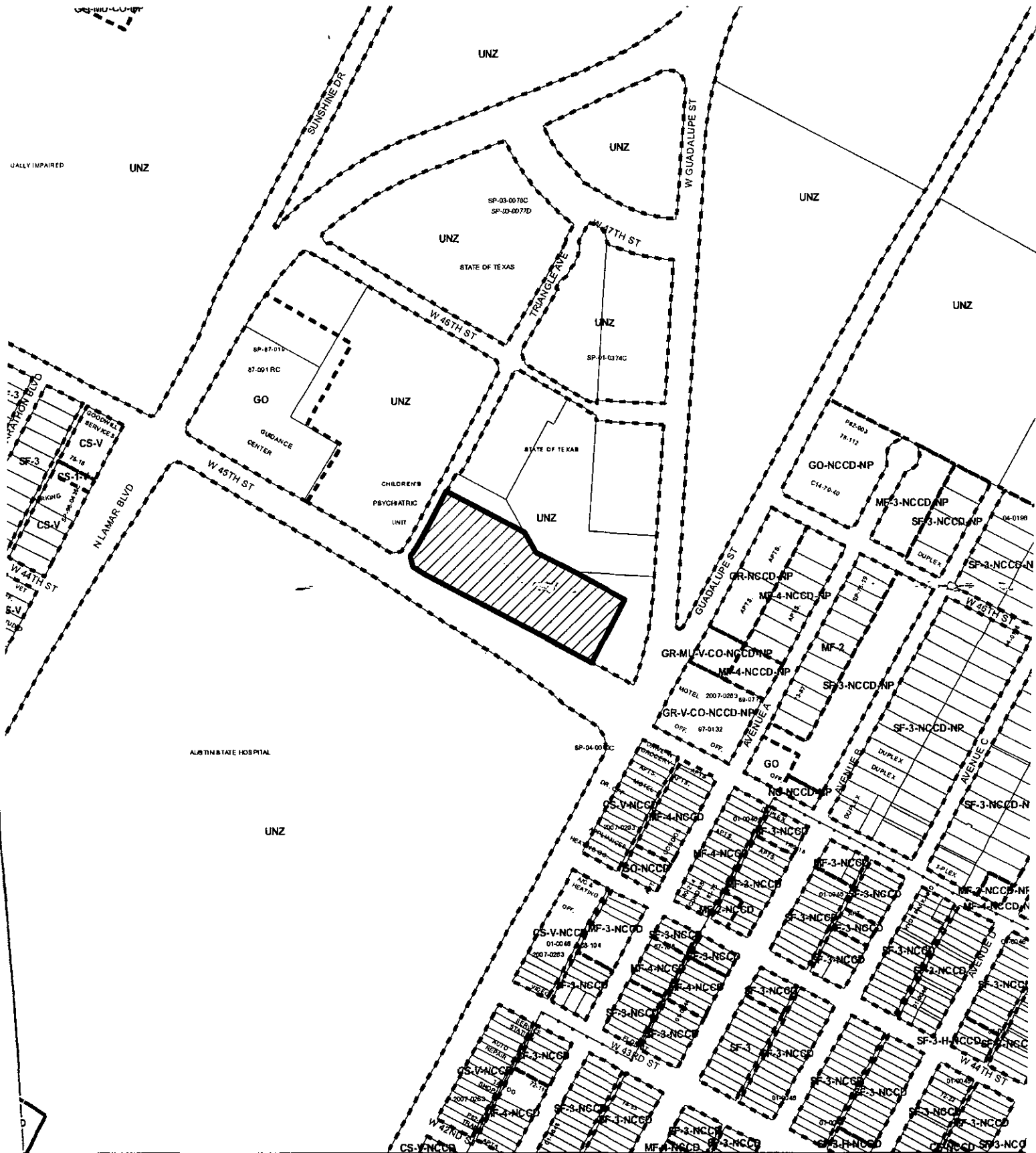
**SKETCH TO ACCOMPANY DESCRIPTION**  
OF 3.681 ACRES OF LAND BEING A PORTION OF  
THAT CERTAIN 5.000 ACRE TRACT OF LAND  
CALLED "TRACT 2" OF RECORD IN DOCUMENT NO.  
2004057397 OF THE OFFICIAL PUBLIC RECORDS  
OF TRAVIS COUNTY, TEXAS.

**SIMMONS VEDDER**

## TRIANGLE

DATE: 06/02/05	FILE: H:\368\31\36831EX65.dwg	FN No.: FN05-299(MJJ)	DRAWN BY: M.J.J.	PROJ. No: 368-31
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DECLASSIFIED



# **ZONING EXHIBIT B**

ZONING CASE#: C14-2010-0132  
 LOCATION: 4500 1/2 TRIANGLE AVE  
 SUBJECT AREA: 3.681 ACRES  
 GRID: J26  
 MANAGER: CLARK PATTERSON



This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.