

ORDINANCE NO. 20160414-011

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 5711 SOUTH CONGRESS AVENUE IN THE SWEETBRIAR NEIGHBORHOOD PLAN AREA FROM COMMUNITY COMMERCIAL-MIXED USE-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (GR-MU-CO-NP) COMBINING DISTRICT TO GENERAL COMMERCIAL SERVICES-MIXED USE-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (CS-MU-CO-NP) 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 community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district to general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district on the property described in Zoning Case No. C14-2015-0165, on file at the Planning and Zoning Department, as follows:

All that certain parcel or tract of land out of the William Cannon Survey No. 19, Travis County, Texas; being the remaining portion of a 9.653-acre tract as conveyed to Talavera Apartments, LP by special warranty deed recorded in Document No. 2001137541 of the Official Public Records of Travis County, Texas; and being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance (the "Property"),

locally known as 5711 South Congress Avenue in the City of Austin, Travis County, Texas, 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 following uses are not permitted uses of the Property:

Automotive sales	Automotive washing (of any type)
Automotive repair services	Limited warehousing and distribution
Pawn shop services	Vehicle storage

B. A site plan for the Property must include a minimum of 3,000 square feet of retail or commercial uses, excluding convenience storage use on the first floor.

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

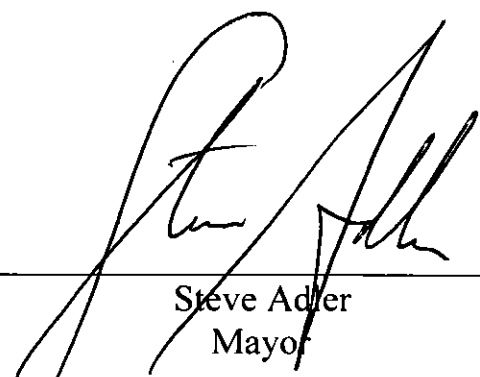
PART 3. The Property is subject to Ordinance No. 20050818-Z002 that established zoning for the Sweetbriar Neighborhood Plan.

PART 4. This ordinance takes effect on April 25, 2016.

PASSED AND APPROVED

_____, April 14 _____, 2016

§
§
§



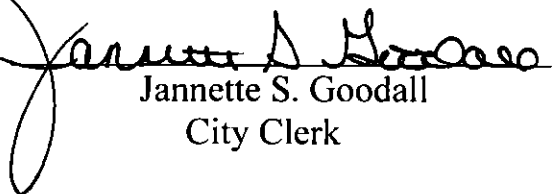
Steve Adler
Mayor

APPROVED:



Anne L. Morgan
City Attorney

ATTEST:



Jannette S. Goodall
City Clerk

FIELD NOTES
2.116-ACRE TRACT

ALL THAT CERTAIN PARCEL OR TRACT OF LAND OUT OF THE WILLIAM CANNON SURVEY NO. 19, TRAVIS COUNTY, TEXAS; BEING THE REMAINING PORTION OF A 9.653-ACRE TRACT AS CONVEYED TO TALAVERA APARTMENTS, LP BY SPECIAL WARRANTY DEED RECORDED IN DOCUMENT NO. 2001137541 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½" iron rod found at the intersection of the north right-of-way line of Little Texas Lane with the east right-of-way line of South Congress Avenue, at the southwest corner of the above-described Talavera Apartments remainder tract, for the southwest corner and POINT OF BEGINNING of the herein described tract;

THENCE, with the east right-of-way line of said South Congress Avenue and the west line of said Talavera Apartments remainder tract, N11°11'51"E, pass a ½" iron rod found for reference at a distance of 5.17 feet, and continuing on for a total distance of 219.04 feet to a ½" iron rod set with cap stamped TERRA FIRMA at an angle point;

THENCE, continuing with the east right-of-way line of said South Congress Avenue and the west line of said Talavera Apartments remainder tract, N12°46'50"E a distance of 114.63 feet to a ½" iron rod set with cap stamped TERRA FIRMA at the southwest corner of Lot 1, The Alman Addition, a subdivision as recorded in Book 85, Page 85A of the Travis County Plat Records, at most westerly northwest corner of said Talavera Apartments remainder tract, for the most westerly northwest corner of this tract, from which a ½" iron rod found bears N15°08'59"E a distance of 149.83 feet;

THENCE, with the south line of said Lot 1 and the north line of said Talavera Apartments remainder tract, S64°31'59"E a distance of 250.11 feet to a ½" iron rod found at the southeast corner of said Lot 1, at an inside corner of said Talavera Apartments remainder tract, for an inside corner of this tract;

THENCE, with the east line of said Lot 1 and a west line of said Talavera Apartments remainder tract, N29°35'58"E a distance of 147.26 feet to a ½" iron rod found at the northeast corner of said Lot 1, at the southeast corner of Lot A, Block A, Flournoy's I East, a subdivision as recorded in Document No. 200800205 of the Official Public Records of Travis County, Texas, for an angle point of this tract;

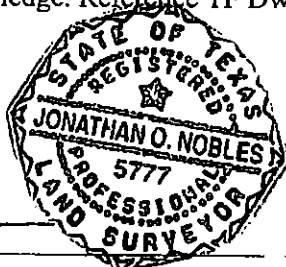
THENCE, with a west line of said Talavera Apartments remainder tract, N29°21'59"E a distance of 210.60 feet to a ½" iron rod set with cap stamped TERRA FIRMA at an outside corner of said Talavera Apartments remainder tract, for an outside corner of this tract;

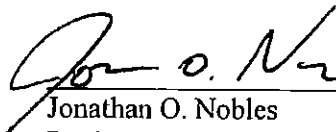
THENCE, with the north line of said Talavera Apartments remainder tract, S62°52'38"E a distance of 32.61 feet to a ½" iron rod found with cap stamped "RL Surveying" at the northwest corner of a 7.537-acre tract as conveyed to SCI City Lights of Austin Fund, LLC, Et Al by instrument recorded in Document No. 2007153379 of the Official Public Records of Travis County, Texas, for the northeast corner of this tract;

THENCE, with the west line of said SCI City Lights of Austin Fund 7.537-acre tract, S28°21'23"W, pass a ½" iron rod found at the southwest corner of said SCI City Lights of Austin Fund 7.537-acre tract at a distance of 682.26 feet, and continuing on for a total distance of 687.13 feet to an X-mark found in concrete on the north right-of-way line of said Little Texas Lane for the southeast corner of this tract;

THENCE, with the north right-of-way line of said Little Texas Lane and the south line of said Talavera Apartments remainder tract, N62°44'01"W a distance of 193.93 feet to the POINT OF BEGINNING, and containing 2.116 acres of land, more or less.

I HEREBY CERTIFY that these notes were prepared by Terra Firma Land Surveying from a survey made on the ground on October 1, 2014 under my supervision and are true and correct to the best of my knowledge. Reference TF Dwg No. A399-0002




Jonathan O. Nobles

Registered Professional Land Surveyor No. 5777


Date

Client: Jimmy Nassour

Date: October 6, 2014

Job No.: 0A399-0002-00

File:

J:\Projects\A399...\002... \Survey\Point Files\A399-0002.crd

J:\Projects\A399...\002... \Survey\Legal Desc\A399-0002.doc

BASIS OF BEARINGS:

Horizontal Datum based upon State Plane Coordinate System, NAD 83, Texas Central Zone.

Address 5711 South Congress Reference Jimmy Nansour

LEGEND

- BEARING (ASS) NOTE:

HORIZONTAL DATUM BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, NAD 83,
TEXAS CENTRAL ZONE.

RESTRICTIVE COVENANT AND EASEMENT NOTE:

1. Restrictive covenants and easements, as conveyed by instruments recorded in Document Nos. 2001024005, 2001148509 and 2001458510 all of the Official Public Records of Tarrant County, Texas, DO NOT AFFECT the subject tract.

10a. Electric easement conveyed to Texas Power & Light Company as recorded in Volume 549, Page 548, Deed Records of Travis County, Texas, MAY AFFECT the subject tract, but is unable to be plotted from information currently available.

10b. Electric easement conveyed to Texas Power & Light Company as recorded in Volume 650, Page 22, Deed Records of Travis County, Texas, MAY AFFECT the subject tract, but is unable to be plotted from information currently available.

10c. Electric and telephone easement conveyed to Texas Power & Light Company as recorded in Volume 2041, Page 235, Deed Records of Tarrant County, Texas, MAY AFFECT the subject tract, but is unable to be plotted from information currently available.

10d. Terms, conditions and stipulations in that certain Declaration of Restrictive Covenants and Maintenance and Access Easement as recorded in Document No. 2001146510, Official Public Records of Travis County, Texas, DO NOT AFFECT the subject tract.

10a. Drainage easement conveyed to the City of Austin as recorded in Document No. 2001146676, Official Public Records of Travis County, Texas, DOES AFFECT the subject tract.

10f. Access and Cable easement conveyed to Southwestern Bell Telephone Company as recorded in Document No. 2002118172, Official Public Records of Travis County, Texas. DOES NOT AFFECT the subject tract.

10g. Terms, conditions and stipulations in that certain Easement and Memorandum of Agreement as recorded in Document No. 2008187271, Official Public Records of Travis County, Texas, DO NOT AFFECT the subject tract.

The property described hereon is contained within Flood Zone X as identified on F.I.R.M. Community Panel No. 400874-0385 H, dated September 20, 2008, as published by the Federal Emergency Management Agency, the purpose of which is for flood insurance only.

All statements of which I have knowledge and those recorded statements furnished by Stewart Title Guaranty Company according to File No. 1623578-COM, issued September 17, 2014, are shown or depicted herein. Other than visible statements, no unrecorded or unwritten statements which may exist are shown herein.

To Jimmy Nassour, Tolavera Apartments, L.P., a Texas Limited partnership, Steward Title Guaranty Company and Independence Title Company.

I HEREBY CERTIFY that a survey was made on the ground of the property shown hereon; that there are no visible discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping of improvements, easements or rights-of-way, except as shown; that said property has access to and from a public roadway; and that this plot is an accurate representation of the property to the best of my knowledge.

Jonathan D. Nobles
Registered Professional Land Surveyor No. 5777
Date: October 1, 2014



THIS SURVEY PLAT IS VALID ONLY IF IT BEARS THE ORIGINAL SEAL OF THE ABOVE SURVEYOR

terra
firma LAND SURVEYING

TEXAS BOARD OF PROFESSIONAL LAND SURVEYING REGISTRATION NO. 10048128

1701 DIRECTORS BOULEVARD, SUITE 400 • AUSTIN, TEXAS 78744
TEL (512) 325-8373 • FAX (512) 645-2288

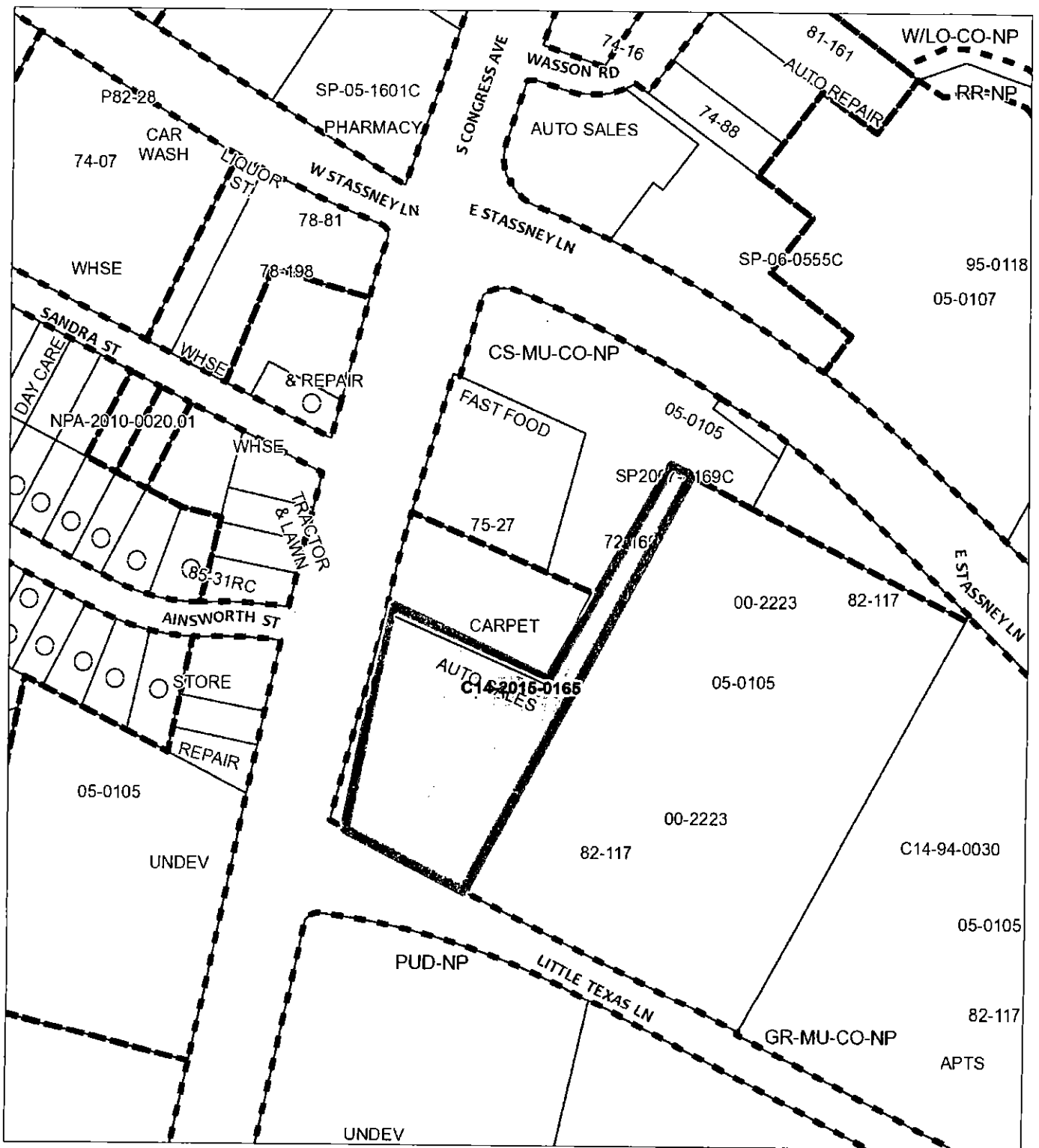
Date : October 8, 2014
Client : Jimmy Masmour
Date : October 8, 2014
Office : J. Nobles, M. Carney
Draw : R. Meyer, J. Jones, J. Thompson
F.R. : 857/33
Job No : GA398-0002-00/001
File : j:\Projects\GA398\002\Survey\Drawing\Files\001\GA398-0002-00_1Title.dwg
j:\Projects\GA398\002\Survey\Point Files\GA398-0002-00.crs

This survey contains information that is proprietary to Terra Firma Land Shaping. No use or disclosure to third or to part without the express written permission of Terra Firma Land Shaping is prohibited.

This survey is also an unpublished work protected under the copyright laws of the United States of America. If this work becomes published, the copyright owner shall advise.

Copyright © 2014
All Rights Reserved

Take From Land Burroughs
All rights reserved



- Subject Tract
- Pending Case
- Zoning Boundary
- Railroads

100 200
Feet

1" = 200'

ZONING

ZONING CASE#: C14-2015-0165



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.