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 repair services
- Pawn shop services
- Automotive washing (of any type)
- Limited warehousing and distribution
- 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

APPROVED: Anne L. Morgan
City Attorney

ATTEST: Jannette S. Goodall
City Clerk

Mayor

Steve Adler
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: 10/6/2014

BASIS OF BEARINGS:
Horizontal Datum based upon State Plane Coordinate System, NAD 83, Texas Central Zone.
LAND TITLE SURVEY PLAT

Address: 3701 South Congress, Reference: Austin Survey

2.116 ACRES OUT OF THE WILLIAM CANNON LEAGUE NO. 19, CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; BEING THE REMAINING PORTION OF A 9.553-ACRE TRACT CONVEYED TO TALAVERA APARTMENTS, LP., BY SPECIAL WARRANTY DEED RECORDED IN DOCUMENT NO. 200113411 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

LEGEND

- 1/2" W/N OF MID-FIELD
- 1/4" E/N OF MID-FIELD
- W/N OF MID-FIELD
- E/N OF MID-FIELD
- EMERGENCY UTILITY
- GAS PIPELINE
- ELECTRIC MAIN
- ELECTRIC R.O.W.
- WATER Main
- WATER R.O.W.
- UTILITY POLE
- RAILROAD TIES
- GRAVEL RIDE
- SELLER'S ADDITION
- PANEL OF POLES
- GAS LINE
- INTERSECTIONS
- METAL CURB FENCE
- CHAIN LINK FENCE
- METAL FENCE
- ROOD FENCE
- METAL WELDING
- USE OF PROPERTY
- AREA OF EVIDENT
- AREA OF ROAD USE

BEARING BASIS NOTE:
HORIZONTAL DATUM BASED ON THE NATIONAL GRID COORDINATE SYSTEM, 1983, ELLIPSOID, NAD83.

RESTRICTIVE PROVISIONS AND CADDY NOTE:
1. All measurements and elevations, as made by instrument, rounded to nearest inch.
2. Mid-Field and R.O.W. variations are not recorded in the Official Public Records of Travis County, Texas. DO NOT AFFECT the subject tract.
3. Electric easements conveyed to Talafera and L.I. Company as recorded in Volume 13, Page 1202, Official Public Records of Travis County, Texas, and affect the subject tract, but is unable to be plotted from information currently available.
4. Gas easements conveyed to Talafera and L.I. Company as recorded in Volume 13, Page 1202, Official Public Records of Travis County, Texas, and affect the subject tract, but is unable to be plotted from information currently available.
5. Telephone easements conveyed to Talafera and L.I. Company as recorded in Volume 13, Page 1202, Official Public Records of Travis County, Texas, and affect the subject tract, but is unable to be plotted from information currently available.
6. The survey was completed in accordance with the Standard Surveying Manual and Surveyor's Field Book of the United States Government Surveying Agency.

Scale: 1" = 600' - 1/4" = 300'

Date: October 1, 2011

This survey plat is valid only if bears the original seal of the above surveyor.

Terra Firma Land Surveying

Texas Board of Professional Land Surveying Registration No. 13441

1708 South Congress Ave., Austin, Texas 78704

(512) 509-5616 Fax (512) 509-5609
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.