

ORDINANCE NO. 20160922-049

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 10400 NORTH LAMAR BOULEVARD IN THE NORTH AUSTIN CIVIC ASSOCIATION NEIGHBORHOOD PLAN AREA FROM COMMUNITY COMMERCIAL-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (GR-CO-NP) COMBINING DISTRICT TO GENERAL COMMERCIAL SERVICES-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (CS-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-conditional overlay-neighborhood plan (GR-CO-NP) combining district to general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district on the property described in Zoning Case No. C14-2016-0032, on file at the Planning and Zoning Department, as follows:

A 1.4880 acre (1.49) tract out of the John Applegate Survey in Travis County, Texas, being the same 1.49 acre tract conveyed to the Smithers Family Partnership by deed recorded in Volume 9496, Page 116, Real Property Records, Travis County, Texas, more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance (the "Property"),

locally known as 10400 North Lamar Boulevard 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. 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 not permitted uses for the Property:

Alternative financial services
Bail bond services
Campground
Equipment repair services

Agricultural sales and services
Building maintenance services
Construction sales and services
Kennels

Commercial blood plasma center
Monument retail services
Veterinary services
Equipment sales

Laundry services
Vehicle storage
Maintenance and service facilities
Exterminating services

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.

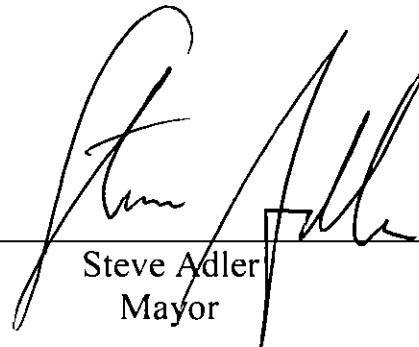
PART 3. The Property is subject to Ordinance No. 20010524-094 that established zoning for the North Austin Civic Association Neighborhood Plan.

PART 4. This ordinance takes effect on October 3, 2016.

PASSED AND APPROVED


_____, September 22, 2016

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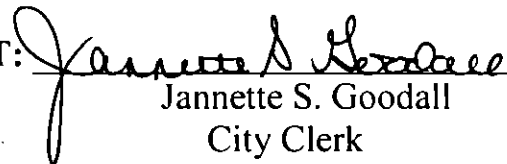
Steve Adler
Mayor

APPROVED:



Anne L. Morgan
City Attorney

ATTEST:



Jannette S. Goodall
City Clerk

FIELD NOTES

BEING A 1.4880 ACRE(1.49) TRACT OUT OF THE JOHN APPLGATE SURVEY IN TRAVIS COUNTY, TEXAS, BEING THE SAME 1.49 ACRE TRACT CONVEYED TO THE SMITHERS FAMILY PARTNERHSIP BY DEED RECORDED IN VOLUME 9496, PAGE 116, REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS, MORE PARTICULARY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron rod with found in the NE line of Neans Drive at the SW corner of Lot 23, Block A, Neans Place Section I, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat thereof recorded in Book 6, Page 173, Plat Records, Travis County, Texas, same being the SW corner of a 1.4880 acre(1.49) tract out of the John Applegate Survey, conveyed to Smithers Family Partnership by deed recorded in Volume 9496, Page 116, Real Property Records, Travis County, Texas, for the SW corner hereof;

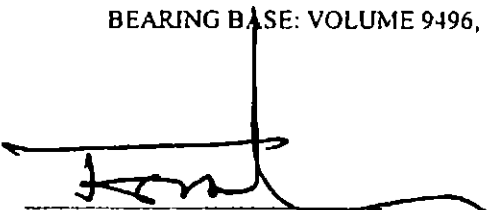
THENCE N27°53'04"E along said common line of the Smithers tract and said Lot 23 for a distance of 159.38 feet to the NW corner of the herein described tract, also being in the SW line of Lot 4, Block E, North Meadows, a subdivision in Travis County, Texas according to the map or plat thereof recorded in Book 40, Page 26, Plat Records;

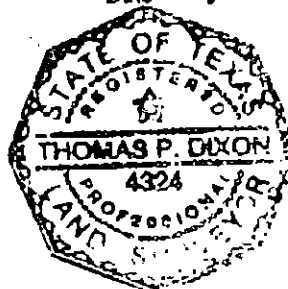
THENCE S59°50'00"E along said SW line for a distance of 406.27 feet to a 1/2" iron rod in the West Right Of Way of South Lamar Boulevard;

THENCE S27°00'00"W for a distance of 159.38 feet to a 1/2" iron rod in the SE line of the herein described tract, same being the intersection of North Lamar Boulevard and Neans Drive

THENCE N59°54'00"W along the East Right Of Way of Neans Drive for a distance of 408.73 feet to the **POINT OF BEGINNING** of this 1.4880 acre tract;

BEARING BASE: VOLUME 9496, PAGE 116, DEED RECORDS, TRAVIS COUNTY, TEXAS.


Thomas P. Dixon R.P.L.S. 4324
Waterloo Surveyors, Inc.
P.O. Box 160176
Austin, Tx 78716
(512) 481-9602
T.B.P.L.S. FIRM#10124400



REFERENCES
TCAD Parcel No.252277
AUSTIN GRID 496 ML-31

OWNER:
BEN SMITHERS
ADDRESS:
10400 N. LAMAR BLVD.
LEGAL:

Waterloo Surveyors Inc.
SURVEY PLAT

J14787FINAL

1.4880 ACRES (1.49) TRACT OUT OF THE JOHN
APLEGATE SURVEY IN TRAVIS COUNTY, TEXAS, BEING
THAT SAME 1.49 ACRE TRACT CONVEYED TO THE
SMITHERS FAMILY PARTNERSHIP BY DEED RECORDED IN
VOLUME 9496, PAGE 116, REAL PROPERTY RECORDS,
TRAVIS COUNTY, TEXAS

LOT 23/BLK A
NEANS PLACE SEC 1
VOL 8/PG 173
Sotero Vera Holmes
12687/1171

Dupuy Brothers
Saginaw LLC
DOC#200720792
LOT 4

BLOCK E
NORTH MEADOWS
BR 40/PG 26
LOT 3

N LAMAR, LLC
DOC#200820075
LOTS 1-3
LOT 2

LEGEND
1/2" FOUND IRON ROD ● FIR
1/2" SET IRON ROD ○ SIR
UTILITY POWER POLE □
UTILITY LINE ———
WOOD FENCE ———
CHAIN LINK FENCE ———

SCALE
1" = 40'

1.4880 Acres.
64875.0 Sq.ft.
9496/116

NEANS DRIVE

NOTE:
THIS SURVEY WAS PERFORMED
WITHOUT THE BENEFIT OF A
TITLE COMMITMENT AND OTHER
RIGHTS AND RESTRICTIONS MAY
APPLY.

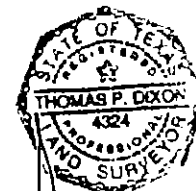
State of Texas:
County of Travis:

The undersigned does hereby certify that this survey was this day made on the
property legally described hereon and is correct, and this survey substantially
complies with the current Texas Society of Professional Surveyors Standards and
Specifications for a Category 1B Condition II Survey.

And I certify that the property shown hereon IS NOT within a special flood
hazard area as identified by the Federal Insurance Adm. Department of HUD Flood
hazard boundary map revised as per Map Number: 48453C0455J
Zone: "X" Dated: JANUARY 8, 2018

Dated this the 8TH day of AUGUST, 2018.

N. LAMAR BLVD.



Thomas P. Dixon R.P.L.S. 4324

