

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 11704 AND 11706 NORTH LAMAR BOULEVARD FROM COMMUNITY COMMERCIAL-CONDITIONAL OVERLAY (GR-CO) COMBINING DISTRICT AND LIMITED OFFICE (LO) DISTRICT TO COMMUNITY COMMERCIAL-MIXED USE-CONDITIONAL OVERLAY (GR-MU-CO) COMBINING DISTRICT ON TRACT 1 AND LIMITED OFFICE-MIXED USE (LO-MU) COMBINING DISTRICT ON TRACT 2.**

**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 (GR-CO) combining district and limited office (LO) district to community commercial-mixed use-conditional overlay (GR-MU-CO) combining district on Tract 1 and limited office-mixed use (LO-MU) combining district on Tract 2 on the property described in Zoning Case No. C14-2019-0044.SH, on file at the Planning and Zoning Department, as follows:

Being 3.2186 acres (140,203 square feet) of land, being out of and a part of Lot 7 of Frank Stark subdivision, a subdivision in Travis County, Texas, recorded in Volume 4, Page 199 of the Plat Records of Travis County, Texas, said 3.2186 acres of land being more particularly described by metes and bounds in **Exhibit “A”** incorporated into this ordinance, and

Lot 7 of Frank Stark subdivision, a subdivision in Travis County, Texas, recorded in Volume 4, Page 199 of the Plat Records of Travis County, Texas, SAVE AND EXCEPT the 3.2186 acres of Tract 1 (cumulatively referred to as the “Property”),

locally known as 11704 and 11706 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. Drive-in service is prohibited as an accessory use to a restaurant (general) use and a restaurant (limited) use.

1 B. The following uses are prohibited uses on Tract 1:  
2

|  |                                  |
|--|----------------------------------|
| Automotive rentals                       | Automotive repair services       |
| Automotive sales                         | Automotive washing (of any type) |
| Business or trade school                 | Business support services        |
| Commercial off-street parking            | Community recreation (private)   |
| Community recreation (public)            | Congregate living                |
| College and university facilities        | Exterminating services           |
| Financial services                       | Funeral services                 |
| General retail sales (general)           | Guidance services                |
| Hotel-motel                              | Hospital services (limited)      |
| Indoor entertainment                     | Indoor sports and recreation     |
| Off-site accessory parking               | Outdoor sports and recreation    |
| Pawn-shop services                       | Pet services                     |
| Private secondary educational facilities | Research services                |
| Residential treatment                    | Service station                  |
| Theater                                  |                                  |

3  
4 **PART 3.** Except as specifically restricted under this ordinance, the Property may be  
5 developed and used in accordance with the regulations established for the community  
6 commercial (GR) base district and mixed use combining district on Tract 1 and limited  
7 office (LO) base district mixed use combining district on Tract 2 and other applicable  
8 requirements of the City Code.  
9

10 **PART 4.** This ordinance takes effect on \_\_\_\_\_, 2019.  
11

12 **PASSED AND APPROVED**  
13

14 §  
15 §  
16 \_\_\_\_\_, 2019 § \_\_\_\_\_  
17

18 Steve Adler  
19 Mayor  
20

21 **APPROVED:** \_\_\_\_\_ **ATTEST:** \_\_\_\_\_  
22 Anne L. Morgan Jannette S. Goodall  
23 City Attorney City Clerk

EXHIBIT " "

(Zoning)  
Lot 7, Frank Stark Subdivision



PO Box 90876  
Austin, TX 78709  
(512) 537-2384  
jward@4wards.com  
www.4wards.com

Legal Description

BEING A DESCRIPTION OF A TRACT OF LAND CONTAINING 3.2186 ACRES (140,203 SQUARE FEET) OF LAND MORE OR LESS, BEING OUT OF AND A PART LOT 7 OF FRANK STARK SUBDIVISION, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, RECORDED IN VOLUME 4, PAGE 199 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS (P.R.T.C.T.), SAID LOT 7 WAS CONVEYED TO TRAN GROUP, LLC IN DOCUMENT NO. 2009054915 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS (O.P.R.T.C.T.), SAID 3.2186 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING**, at an iron rod found in the west right-of-way line of North Lamar Boulevard (platted as State Highway No. 2) (Right-of-way Varies), and being the northeast corner of said Lot 7, for the northeast corner and **POINT OF BEGINNING** hereof, from which a 1/2-inch iron rod found at the common easterly corner of Lot 3 and Lot 4, both of said Frank Stark Subdivision, and being in the west right-of-way line of said North Lamar Boulevard bears, N18°16'09"E, a distance of 945.58 feet, also from which a 1/2-inch iron rod with "Chaparral" cap found at the southwest corner of a called 0.0039 acre tract, conveyed to the City of Austin for right-of-way purposes, being in the north line of said Lot 7, and being in the south line of Lot 2 of the Resubdivision of Lot 6, Frank Stark Subdivision, recorded in Volume 51, Page 88 (P.R.T.C.T.), and being an interior ell corner in the west right-of-way line of said North Lamar Boulevard bears, N63°49'31"W, a distance of 20.02 feet;

**THENCE**, with the east line of said Lot 7, and the west right-of-way line of said North Lamar Boulevard, S18°16'09"W, a distance of 248.00 feet to a mag nail with "4Ward Boundary" washer set for an angle point hereof, said point being an angle point in the west right-of-way line of said North Lamar Boulevard, and being an angle point in the east line of said Lot 7;

**THENCE**, continuing with the east line of said Lot 7, and the west right-of-way line of said North Lamar Boulevard, S19°04'25"W, a distance of 34.05 feet to a 1/2-inch iron rod with "illegible" cap found for the southeast corner hereof, said point being the southeast corner of said Lot 7, and being the northeast corner of Lot 8, also of said Frank Stark Subdivision, and being a point in the west right-of-way line of said North Lamar Boulevard;

**THENCE**, with the north line of said Lot 8, and the south line of said Lot 7, N64°00'29"W, a distance of 500.00 feet to a calculated point for the southwest corner hereof, from which a 1/2-inch iron rod with "4Ward Boundary" cap set for a point-on-line in the common line between said Lot 7 and said Lot 8 bears, N64°00'29"W, a distance of 256.22 feet;

**THENCE**, leaving the north line of said Lot 8 and the south line of said Lot 7, over and across said Lot 7, N18°24'35"E, a distance of 283.62 feet to a calculated point for the northwest corner hereof, said point being in the north line of said Lot 7 and the south line of Lot 2 of said Resubdivision of Lot 6 of Frank Stark Subdivision, from which a 1/2-inch iron rod with "Precise" cap found for a point-on-line in the common line between said Lot 7 and said Lot 2 bears, N63°49'31"W, a distance of 188.44 feet;

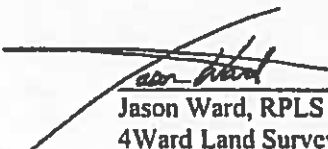
**EXHIBIT "A"**

**THENCE**, with the north line of said Lot 7, in part with the south line of said Lot 2, and in part with the right-of-way line of said North Lamar Boulevard, S63°49'31"E, a distance of 500.00 feet to the **POINT OF BEGINNING** and containing 3.2186 Acres (140,203 Square Feet) of land, more or less.

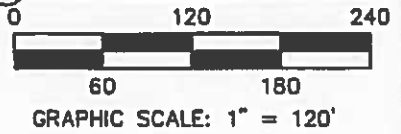
**NOTE:**

All bearings are based on the Texas State Plane Coordinate System, Grid North, Central Zone (4203), all distances were adjusted to surface using a combined scale factor of 1.000096448705. See attached sketch (reference drawing: 00811\_Zoning Exhibit.dwg).

TCAD PROPERTY ID # 503141 & 503015  
COA GRID # M-32

  
4/22/2019  
Jason Ward, RPLS #5811  
4Ward Land Surveying, LLC





LOT 8  
OWNER: EDWIN E. SNIDER  
(PER TRAVIS COUNTY  
TAX MAP)

(N61°35'00"W 803.20')  
(N64°00'29"W 806.23')  
N64°00'29"W 500.00'

**ZONING EXHIBIT**  
3.2186 ACRE(S)  
140,203 SQUARE FEET

45' BILLBOARD  
EASEMENT  
DOC. NO. CHAPARRAL  
ILLEGIBLE L3 L2 L3

S18°16'09"W 248.00'

P.O.B.

GRID N: 10,114,415.50  
GRID E: 3,131,821.09

**SURVEY CONTROL POINT**  
GRID N: 10,114,095.51  
GRID E: 3,131,808.41  
ELEV.= 740.88'

N55°30'30"W 92.44'

N18°24'35"E 283.62'

WASTEWATER EASEMENT  
VOL. 10791, PG. 2887

50.01'  
WASTEWATER  
EASEMENT  
VOL. 10783,  
PG. 873

51.31'

188.44'

S63°49'31"E 500.00'

S63°49'31"E 739.74'  
(S61°35'00"E 738.20')  
(S61°35'00"E 738.20')

CALLED 0.0039 ACRE  
CITY OF AUSTIN  
DOC. NO. 2015061980

N18°16'09"E 945.58'  
(N20°35'00"E 947.00')

10' R.O.W.  
VOL. 51, PG. 88

[B] LOT 4 [B] LOT 3

**3.2186 ACRE  
ZONING EXHIBIT  
City of Austin, Travis  
County, Texas**



PO Box 90876, Austin Texas 78709  
WWW.4WARDLS.COM (512) 637-2384  
TBPLS FIRM #10174300

|              |           |
|--------------|-----------|
| Date:        | 4/22/2019 |
| Project:     | 00811     |
| Scale:       | 1" = 120' |
| Reviewer:    | JSW       |
| Tech:        | TR        |
| Field Crew:  | JZ/ZE     |
| Survey Date: | JAN. 2018 |
| Sheet:       | 1 OF 3    |

**[A]**  
**LOT 7**  
**OWNER: TRAN GROUP, LLC**  
**DOC. NO. 2009054915**  
**O.P.R.T.C.T.**

**[B]**  
**FRANK STARK SUBDIVISION**  
**VOL. 4, PG. 199**  
**P.R.T.C.T.**

**[C]**  
**RESUB. LOT 6, FRANK STARK SUB.**  
**VOL. 51, PG. 88**  
**P.R.T.C.T.**

**[D]**  
**LOT 2**  
**OWNER: FOW NORTH LAMAR, LLC**  
**DOC. NO. 2015141748**  
**O.P.R.T.C.T.**

**[E]**  
**LOT 1**  
**OWNER: FOW NORTH LAMAR, LLC**  
**DOC. NO. 2015141748**  
**O.P.R.T.C.T.**

**[J]**  
**N. LAMAR BOULEVARD**  
**(PLATTED AS STATE**  
**HIGHWAY NO. 2)**  
**(R.O.W. VARIES)**

**[F]**  
**LOT 6, BLOCK "A"**  
**NORTH PARK ESTATES SECTION TWO**  
**VOL. 40, PG. 15, P.R.T.C.T.**  
**GERALD A. OWEN AND**  
**WIFE, SHERRY L. OWEN**  
**VOL. 6502, PG. 803, D.R.T.C.T.**

**[G]**  
**LOT 7, BLOCK "A"**  
**NORTH PARK ESTATES SECTION TWO**  
**VOL. 40, PG. 15, P.R.T.C.T.**  
**OWNER: LOUIS H. MCCOY AND**  
**DORIS G. MCCOY**  
**VOL. 3961, PG. 998, D.R.T.C.T.**

**[H]**  
**LOT 8, BLOCK "A"**  
**NORTH PARK ESTATES SECTION TWO**  
**VOL. 40, PG. 15, P.R.T.C.T.**  
**OWNER: GARY R. MOSS AND**  
**WIFE, MARQUITA MOSS**  
**VOL. 7749, PG. 448, D.R.T.C.T.**

**[I]**  
**LOT 23, BLOCK "A"**  
**GRACYWOOD SECTION TWO**  
**VOL. 75, PG. 93, P.R.T.C.T.**  
**OWNER: DOUG DIXON & PATRICIA L. DENNY**  
**DOC. NO. 2012197793, O.P.R.T.C.T.**

**3.2186 ACRE**  
**ZONING EXHIBIT**  
**City of Austin, Travis**  
**County, Texas**

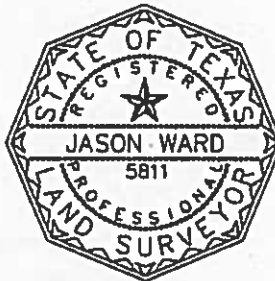


A Limited Liability Company  
PO Box 90876, Austin Texas 78709  
WWW.4WARDLS.COM (512) 537-2384  
TBPLS FIRM #10174300

|              |           |
|--------------|-----------|
| Date:        | 4/22/2019 |
| Project:     | 00811     |
| Scale:       | N/A       |
| Reviewer:    | JSW       |
| Tech:        | TR        |
| Field Crew:  | JZ/ZE     |
| Survey Date: | JAN. 2018 |
| Sheet:       | 2 OF 3    |

| LINE TABLE |             |        |
|------------|-------------|--------|
| LINE #     | DIRECTION   | LENGTH |
| L1         | S19°04'25"W | 34.05' |
| L2         | S63°49'31"E | 9.77'  |
| L3         | S63°49'31"E | 10.25' |

| RECORD LINE TABLE |             |        |
|-------------------|-------------|--------|
| LINE #            | DIRECTION   | LENGTH |
| <L2>              | S63°49'24"E | 9.84'  |
| {L3}              | S61°35'00"E | 10.09' |



4/22/2019

#### NOTES:

1. ALL BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, GRID NORTH, CENTRAL ZONE, (4203), NAD83, ALL DISTANCES WERE ADJUSTED TO SURFACE USING A COMBINED SCALE FACTOR OF 1.000096448705.
2. STATE PLANE GRID CONTROL FOR THIS SURVEY IS BASED ON A 1/2" IRON ROD WITH "4WARD CONTROL" CAP SET, GRID COORDINATES AND ELEVATIONS (NAVD 88) SHOWN HEREON WERE DERIVED FROM OPUS SOLUTIONS TAKEN ON JANUARY 09, 2019, 4WARD CONTROL POINT WAS CHECKED TO CITY OF AUSTIN MONUMENT M-32-1001 (LAM7), HAVING A PUBLISHED GRID COORDINATE & NAVD 88, ELEVATION OF N 10,114,468.21, E 3,131,852.78, ELEV. 733.98'

3. SEE ATTACHED METES AND BOUNDS.

**3.2186 ACRE  
ZONING EXHIBIT  
City of Austin, Travis  
County, Texas**

#### LEGEND

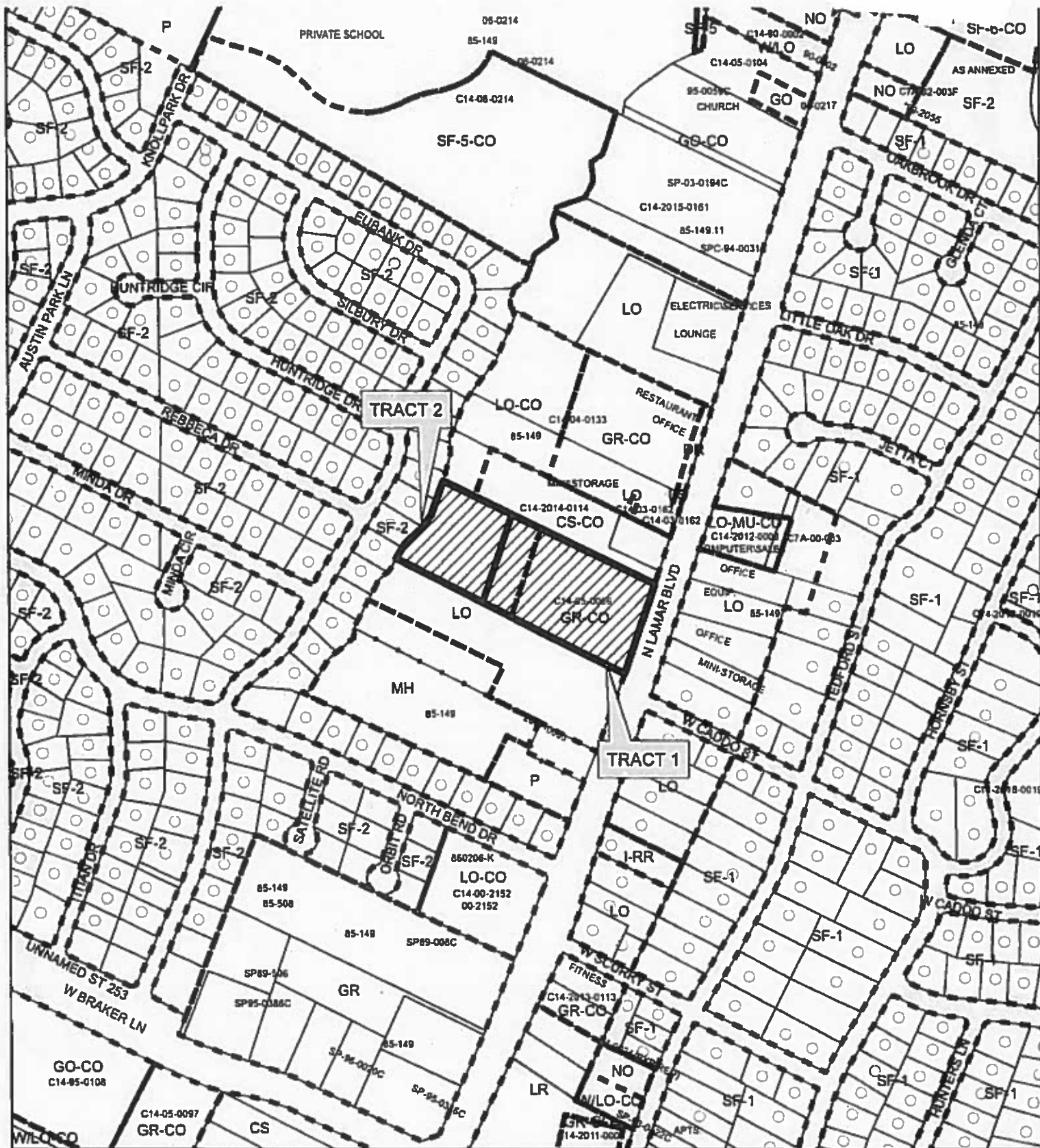
|              |  |
|--------------|--|
| — — — — —    | PROPOSED ZONING LINE                             |
| — — — — —    | EXISTING PROPERTY LINES                          |
| - - - - -    | EXISTING EASEMENTS                               |
| ○            | 1/2" IRON ROD WITH "4WARD BOUNDARY" CAP SET      |
| ⊙            | MAG WITH "4WARD BOUNDARY" WASHER SET             |
| ●            | 1/2" IRON ROD FOUND (UNLESS NOTED)               |
| ⊠            | IRON ROD WITH "PRECISE" CAP FOUND (UNLESS NOTED) |
| △            | CALCULATED POINT                                 |
| ⊠            | SURVEY CONTROL POINT                             |
| DOC. NO.     | DOCUMENT NUMBER                                  |
| P.O.B.       | POINT OF BEGINNING                               |
| VOL./PG.     | VOLUME, PAGE                                     |
| R.O.W.       | RIGHT-OF-WAY                                     |
| P.R.T.C.T.   | PLAT RECORDS, TRAVIS COUNTY, TEXAS               |
| O.P.R.T.C.T. | OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS    |
| D.R.T.C.T.   | DEED RECORDS, TRAVIS COUNTY, TEXAS               |
| (.....)      | RECORD INFORMATION PER PLAT VOL. 4, PG. 199      |
| {.....}      | RECORD INFORMATION PER PLAT VOL. 51, PG. 883     |
| <.....>      | RECORD INFORMATION PER DOC. NO. 2015061960       |

TCAD PROPERTY ID # 503141 & 503015  
COA GRID # M-32






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TBPLS FIRM #10174300

|              |           |
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| Project:     | 00811     |
| Scale:       | N/A       |
| Reviewer:    | JSW       |
| Tech:        | TR        |
| Field Crew:  | JZ/ZE     |
| Survey Date: | JAN. 2018 |
| Sheet:       | 3 OF 3    |



1" = 400'

-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

## ZONING

ZONING CASE#: C14-2019-0044.SH

## EXHIBIT "B"

This product is for informational purposes and may not have been prepared for or by a 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.



Created: 4/23/2019