ORDINANCE NO. 20190523-052

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

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

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

PART 4. This ordinance takes effect on June 3, 2019.

PASSED AND APPROVED

May 23, 2019

Steve Adler
Mayor

APPROVED: Anne L. Morgan
City Attorney

ATTEST: Jannette S. Goodall
City Clerk
EXHIBIT “A”

Lot 7, Frank Stark Subdivision

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.
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).
3.2186 ACRE
ZONING EXHIBIT
City of Austin, Travis County, Texas
[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.

[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
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 10,114.46821, E 3,131,852.76, ELEV. 733.98'.

3. SEE ATTACHED METES AND BOUNDS.

3.2186 ACRE ZONING EXHIBIT
City of Austin, Travis County, Texas
This product is for informational purposes and may not have been prepared for or intended 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.

Created: 4/23/2019