

**ORDINANCE NO. 20130228-064**

**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 100 EAST NORTH LOOP BOULEVARD IN THE NORTH LOOP NEIGHBORHOOD PLAN AREA FROM COMMUNITY COMMERCIAL-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (GR-CO-NP) COMBINING DISTRICT TO COMMERCIAL LIQUOR SALES-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (CS-1-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 commercial liquor sales-conditional overlay-neighborhood plan (CS-1-CO-NP) combining district on the property (the "Property") described in Zoning Case No. C14-2012-0141, on file at the Planning and Development Review Department, as follows:

Tract 1:

365 square feet of land, more or less, out of the Timmermann Addition Subdivision the tract of land being more particularly described by metes and bounds, in Exhibit "A" incorporated into this ordinance,

Tract 2:

427 square feet of land, more or less, out of the Timmermann Addition Subdivision the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance,

locally known as 100 East North Loop Boulevard in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

**PART 2.** Except as specifically provided in Part 3 and Part 4 of this ordinance, the Property may be developed and used in accordance with the regulations established for the commercial-liquor sales (CS-1) base district and other applicable requirements of the City Code.

**PART 3.** 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 prohibited uses of the Property:

|                            |                                       |
|----------------------------|---------------------------------------|
| Automotive repair services | Automotive rentals                    |
| Automotive sales           | Funeral services                      |
| Exterminating services     | Medical office (exceeding 5,000 S.F.) |
| Pawn shop services         | Residential treatment                 |
| Service station            |                                       |

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the commercial-liquor sales (CS-1) district and other applicable requirements of the City Code.

**PART 4.** The Property is subject to Ordinance No. 020523-31 that established the North Loop neighborhood plan combining district.

**PART 5.** This ordinance takes effect on March 11, 2013.

**PASSED AND APPROVED**

February 28, 2013 §  
\_\_\_\_\_  
Lee Leffingwell  
Mayor

**APPROVED:**  **ATTEST:**   
Karen M. Kennard  
City Attorney  
Jannette S. Goodall  
City Clerk

FIELD NOTES

365 SQUARE FEET OF LAND(TRACT 1) AND 427 SQUARE FEET(TRACT 2),  
OUT OF AND A PART OF LOT B, "TIMMERMANN ADDITION", A  
SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR  
PLAT THEREOF RECORDED IN BOOK 67, PAGE 52, PLAT RECORDS,  
TRAVIS COUNTY, TEXAS, AND BEING PROPOSED FOR REZONING, FOR  
WHICH A MORE PARTICULAR DESCRIPTION BY METES AND BOUNDS IS  
AS FOLLOWS:

**BEGINNING FOR REFERENCE** at a 1/2" iron rod found in the NE line of W. North Loop Boulevard, a public street, same being in the NW line of Lot 1, Smith and Abrahamson Subdivision, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Book 4, Page 252, Plat Records, same being the SE corner of Lot B, "Timmermann Addition" a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Book 67, Page 52, Plat Records, from which point a 1/2" iron rod found at the SW corner of Lot B bears N60°09'16"W at a distance of 76.26 feet;

**THENCE** N13°53'30"W for a distance of 34.49 feet to a point on the SW face of a one story brick building, for the **POINT OF BEGINNING** of the herein described tract;

**THENCE** N59°52'30"W along the SW face of said building for a distance of 19.00 feet to a point, for the SW corner of the herein described tract;

**THENCE** N29°56'11"E, crossing through said brick building for a distance of 19.22 feet to an angle point, for the NW corner hereof;

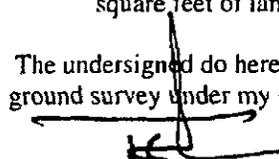
**THENCE** S59°52'30"E crossing through said building for a distance of 19.00 along the north side of said rezoning tract to an angle point, for the NE corner hereof, from which point, **POINT OF BEGINNING #2** bears N29°56'11"E at a distance of 13.71 feet;

**THENCE** S29°56'11"W, crossing back through said building for a distance of 19.22 feet to the **POINT OF BEGINNING**, containing 365 square feet of land, more or less.

**THENCE** beginning again at **POINT OF BEGINNING NO. 2**, the following six(6) courses and distances through said Lot B:

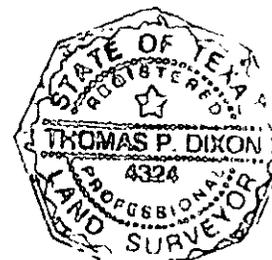
- (1) N29°56'11"W for a distance of 10.00 feet to a point;
- (2) S59°52'30"E for a distance of 5.00 feet to a point;
- (3) N48°43'25"E for a distance of 11.65 feet to a point;
- (4) S59°52'30"E for a distance of 15.12 feet to an angle point on the side line of said Lot B;
- (5) S29°56'00"W along said side line for a distance of 21.04 feet to a point;
- (6) N59°52'30"W for a distance of 23.88 feet to the **POINT OF BEGINNING**, containing 427 square feet of land.

The undersigned do hereby certify that the field notes hereon were prepared from an actual on-the-ground survey under my direct supervision and that they are true and correct to the best of my knowledge.

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

2/5/13  
Date

**REFERENCES**  
Travis County Appraisal District  
Map No. 2-2509



*Sketch to Accompany Field Notes*  
ZONING CHANGE

OWNER:  
TERRELL TIMMERMANN  
ADDRESS:  
100 W. NORTH LOOP BOULEVARD

**EXHIBIT " \_\_\_\_\_ "**  
BK 3/P 183

LOT 154

LOT 156

LOT 158

**LEGAL DESCRIPTION:**

BEING 365 SQUARE FEET (TRACT 1) OF LAND AND 427 SQUARE FEET (TRACT 2) OF LAND OUT OF AND A PART OF LOT B, "TIMMERMANN ADDITION" A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT RECORDED IN BOOK 67, PAGE 52, PLAT RECORDS, TRAVIS COUNTY, TEXAS, AND BEING PROPOSED FOR REZONING.

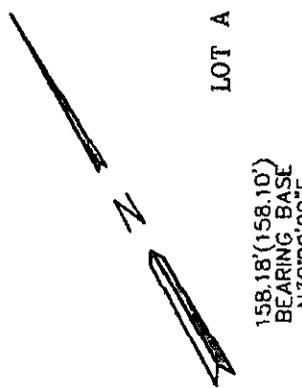
**LEGEND**

FOUND 1/2" IRON ROD    FIR  
FOUND PK NAIL        FPK  
POINT OF BEGINNING    POB  
BEGINNING FOR REFERENCE    BFR

**LINE TABLE**

|    |             |        |
|----|-------------|--------|
| L1 | N29°56'11"E | 13.71' |
| L2 | N29°56'11"E | 10.00' |
| L3 | S59°52'30"E | 5.00'  |
| L4 | N48°43'25"E | 11.65' |
| L5 | S59°52'30"E | 15.12' |
| L6 | S29°56'00"W | 21.04' |
| L7 | N59°52'30"W | 23.88' |

SCALE  
1" = 20'

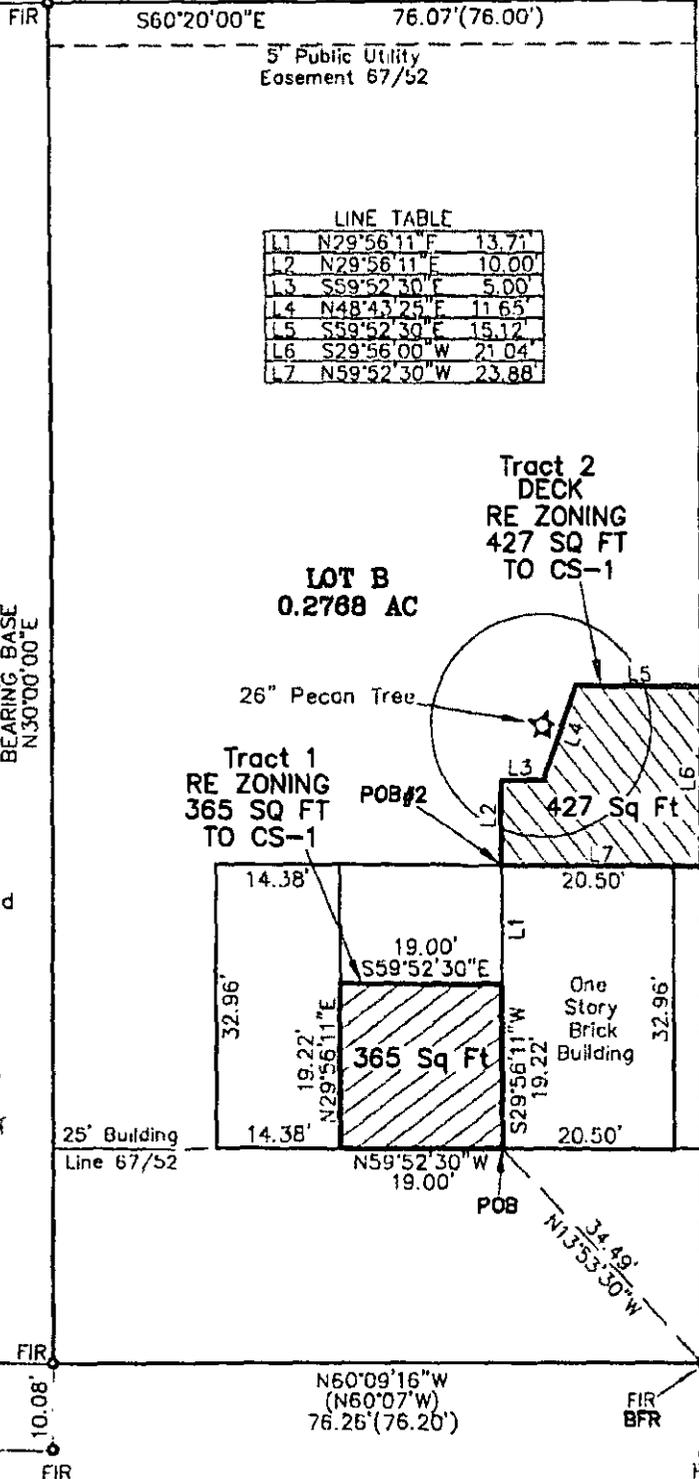


The undersigned surveyor hereby certifies that this sketch, and the accompanying field notes were made from an actual and accurate survey made by me or under my direct supervision.

2/5/13

*Thomas P. Dixon*  
THOMAS P. DIXON  
PROFESSIONAL LAND SURVEYOR  
No. 4324

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



**W. NORTH LOOP BOULEVARD**

Waterloo Surveyors, Inc.  
P.O. Box 160176  
Austin, Texas 78716-0176  
Ph. (512) 481-9602  
J13301Z



Exhibit B

-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

**ZONING**  
**ZONING CASE#: C14-2012-0141**



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.

1" = 200'

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.