

ORDINANCE NO. 20130411-076

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 2700 NUECES STREET, SUITE 103 IN THE WEST UNIVERSITY NEIGHBORHOOD PLAN AREA FROM MULTI FAMILY RESIDENCE MODERATE HIGH DENSITY-NEIGHBORHOOD PLAN (MF-4-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 multi family residence moderate high density-neighborhood plan (MF-4-NP) combining district to commercial liquor sales-conditional overlay-neighborhood plan (CS-1-CO-NP) combining district for an area measured from ground level to a height of 16 feet on the property described in Zoning Case No. C14-2013-0003 on file at the Planning and Development Review Department, as follows:

715 square feet of land, more or less, being a portion of Lot 17, Block 2, Leander Brown Subdivision of Outlot 63 and 68, Division D the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance (the "Property"),

locally known as 2700 Nueces Street, Suite 103 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:

Agricultural sales and services	Automotive rentals
Automotive sales	Automotive washing (of any type)
Automotive repair	Building Maintenance services
Business support services	Campground
Commercial off-street parking	Communication services
Construction sales and services	Convenience storage
Drop off recycling	Electronic prototype assembly
Equipment repair services	Equipment sales
Exterminating services	Funeral services
Hotel-motel	Indoor entertainment
Kennels	Laundry services
Medical office-exceeding 5,000 sq. ft	Off-site accessory parking
Outdoor sports & recreation	Pawn shop services
Plant nursery	Professional office
Research services	Service station
Software development	Vehicle storage
Veterinary services	

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) base district and other applicable requirements of the City Code.

PART 4. The Property is subject to Ordinance No. 20040826-57 that established the West University neighborhood plan combining district.

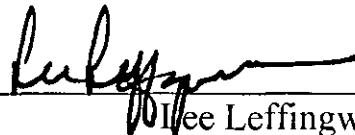
PART 5. This ordinance takes effect on April 22, 2013.

PASSED AND APPROVED

April 11

, 2013

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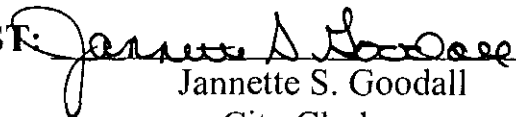
Lee Leffingwell
Mayor

APPROVED:



Karen M. Kennard
City Attorney

ATTEST:



Jannette S. Goodall
City Clerk

715 SQUARE FEET
STREAM REALTY
2700 NUECES STREET, STE. 103

FN NO. 13-023(MJJ)
JANUARY 18, 2013
BPI JOB NO. R01118110001.94

DESCRIPTION

OF 715 SQUARE FEET OF LAND SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PORTION OF LOT 17, BLOCK 2, LEANDER BROWN SUBDIVISION OF OUTLOT 63 & 68, DIVISION "D" OF THE GOVERNMENT OUTLOTS ADJOINING THE ORIGINAL CITY OF AUSTIN OF RECORD IN BOOK 1, PAGE 19 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS; SAID LOT 17 HAVING BEEN CONVEYED TO WEST CAMPUS PARTNERS LIMITED PARTNERSHIP BY DEED OF RECORD IN DOCUMENT NO. 2005065916 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 715 SQUARE FEET BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING, at a 1/2 inch iron rod found in the westerly right-of-way line of Nueces Street (80' R.O.W), being the southeasterly corner of Lot 18 of said Block 2, Leader Brown Subdivision of Outlot 63 & 68, Division "D" and the northeasterly corner of that certain 4.543 acre tract of land conveyed to ACC OP (26 West) LLC, by deed of record in Document No. 2011179072 of said Official Public Records, from which a 1/2 inch iron rod found in the easterly right-of-way line of a 20 foot alley, being the southwesterly corner of said Lot 18 bears N84°38'59"W, a distance of 195.58 feet;

THENCE, N05°39'32"E, along the westerly right-of-way line of Nueces Street, being the easterly lines of said Lots 17 and 18, a distance of 54.98 feet to a point;

THENCE, N84°20'28"W, leaving the westerly right-of-way line of Nueces Street, over and across said Lot 18, a distance of 2.63 feet to the **POINT OF BEGINNING**, and southeasterly corner hereof;

THENCE, continuing over and across said Lot 17, for the southerly, westerly, northerly and easterly lines hereof, the following eight (8) courses and distances:

- 1) N84°20'16"W, a distance of 21.90 feet to the southwesterly corner hereof;
- 2) N05°39'44"E, a distance of 31.40 feet to the northwesterly corner hereof;
- 3) S84°20'16"E, a distance of 6.90 feet to an angle point;
- 4) N05°39'44"E, a distance of 4.10 feet to an angle point;
- 5) S84°20'16"E, a distance of 7.80 feet to an angle point;
- 6) S05°39'44"W, a distance of 4.80 feet to an angle point;
- 7) S84°20'16"E, a distance of 7.20 feet to the northeasterly corner hereof;

SCANNED

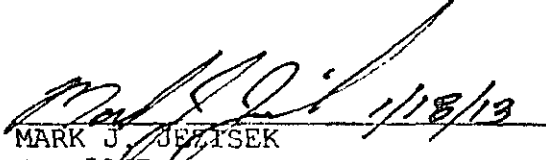
FN 13-023(MJJ)
JANUARY 18, 2013
PAGE 2 OF 2

- 8) S05°39'44"W, a distance of 30.70 feet to the **POINT OF BEGINNING**, and containing 715 square feet of land, more or less, within these metes and bounds.

THE BASIS OF BEARINGS SHOWN HEREON IS THE WEST RIGHT-OF-WAY LINE OF NUECES STREET AS SHOWN ON A SURVEY OF CONTESSA EAST AND CONTESSA WEST PROVIDED BY LIVE OAK SURVEYING DATED 02-03-1998. BEARING: S05°39'32"W

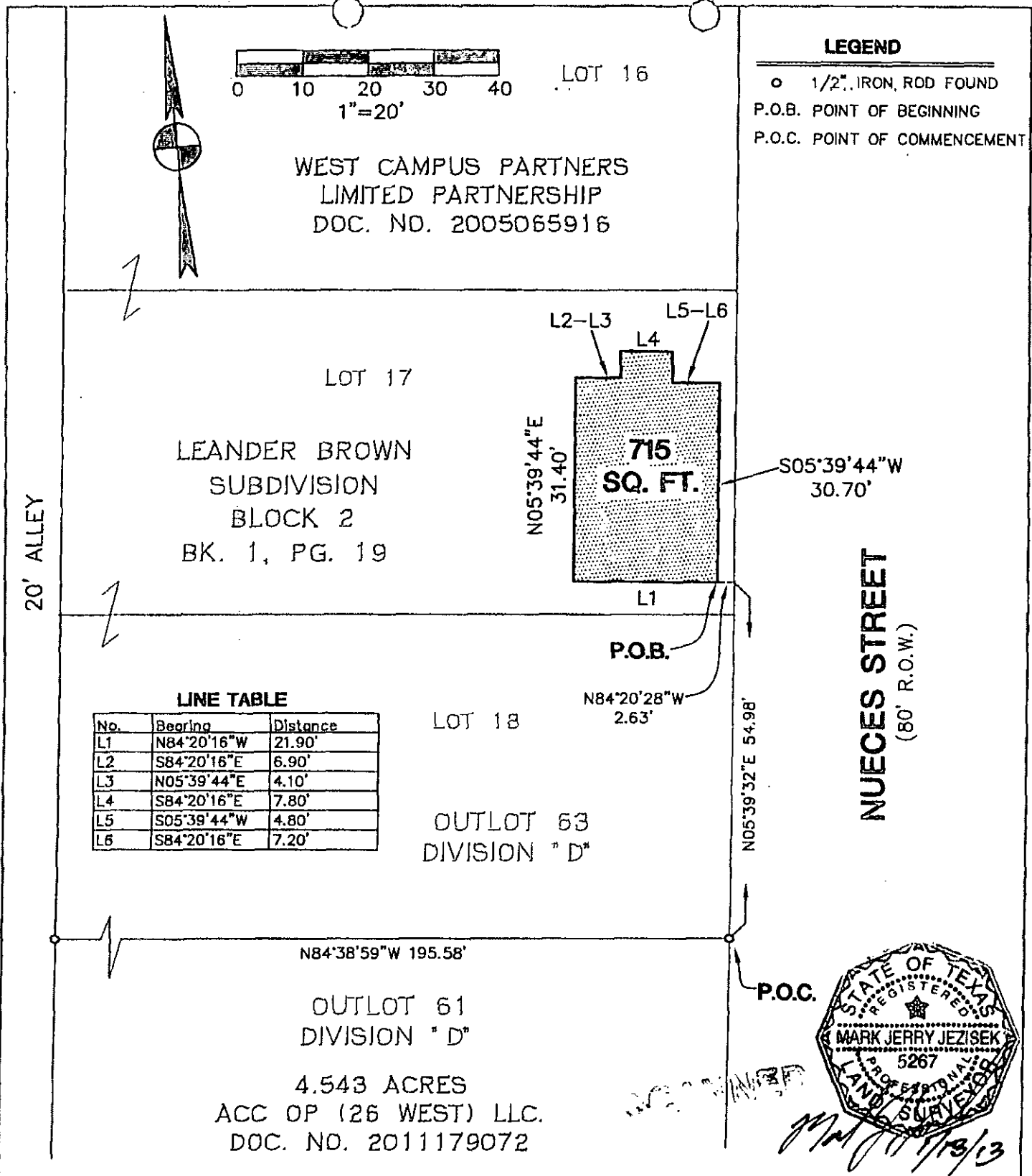
I, MARK J. JEZISEK, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE PROPERTY DESCRIBED HEREIN WAS DETERMINED BY A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION. A SURVEY EXHIBIT WAS PREPARED TO ACCOMPANY THIS DESCRIPTION.

BURY & PARTNERS, INC.
221 WEST SIXTH ST., SUITE 600
AUSTIN, TEXAS 78701


MARK J. JEZISEK
NO. 5267
STATE OF TEXAS



SCANNED



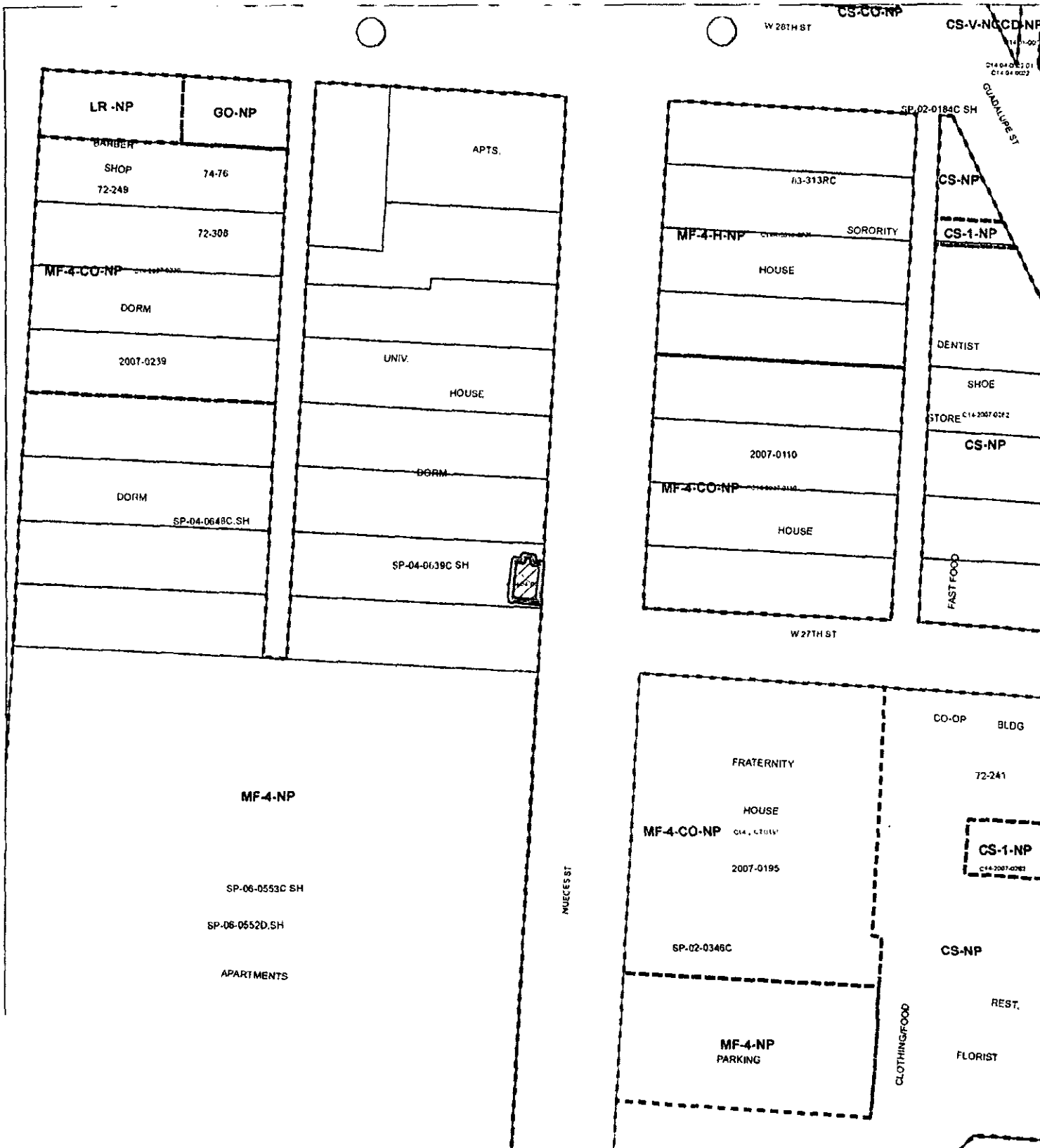
Bury+Partners
ENGINEERING SOLUTIONS
221 West Sixth Street, Suite 600
Austin, Texas 78701
Tel. (512)328-0011 Fax (512)328-0325
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SKETCH TO ACCOMPANY DESCRIPTION
OF 715 SQUARE FEET OF LAND SITUATED IN THE CITY
OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PORTION
OF LOT 17, LEANDER BROWN SUBDIVISION, A SUBDIVISION
OF RECORD IN BOOK 1, PAGE 19 OF THE PLAT RECORDS
OF TRAVIS COUNTY, TEXAS

STREAM REALTY

2700 NUECES
SUITE 103

DATE: 01/18/13 FILE: H:\111181\001\111181001EX1.dwg FN No.: 13-023(MJJ) DRAWN BY: M.J.J. PROJ. No: 111181-10001.94



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

Zoning

ZONING CASE#: C14-2013-0003

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.



Exhibit B