

**ORDINANCE NO. 20131017-060**

**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 1137 AIRPORT BOULEVARD, 1138 GUNTER STREET AND 1139 AIRPORT BOULEVARD IN THE MLK NEIGHBORHOOD PLAN AREA FROM FAMILY RESIDENCE-NEIGHBORHOOD PLAN (SF-3-NP) COMBINING DISTRICT TO GENERAL COMMERCIAL SERVICES-MIXED USE-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (CS-MU-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 family residence-neighborhood plan (SF-3-NP) combining district to general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district on the property described in Zoning Case No. C14-2013-0055, on file at the Planning and Development Review Department, as follows:

0.40 acre tract of land, more or less, out of Outlot 57 & 60, Division A, Original City of Austin the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance (the "Property"),

locally known as 1137 Airport Boulevard, 1138 Gunter Street and 1139 Airport 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 general commercial services (CS) 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. The following uses are prohibited uses of the Property:

Communication service facilities	Community events
Congregate living	Counseling services
Guidance services	Hospital services (general)

Hospital services (limited)  
Residential treatment  
Transitional housing  
Adult oriented business  
Automotive rentals  
Automotive sales  
Bail bond services  
Commercial blood plasma center  
Convenience storage  
Equipment repair services  
Exterminating services  
Kennels  
Off-site accessory parking  
Service station

Maintenance and service facilities  
Safety services  
Transportation terminal  
Agricultural sales and services  
Automotive repair services  
Automotive washing of any type  
Building maintenance services  
Commercial off street parking  
Drop off recycling collection facility  
Equipment sales  
Alternative financial services  
Medical offices exceeding 5,000 sq. ft  
Pawn shop services  
Vehicle storage

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) base district, the mixed use combining district and other applicable requirements of the City Code.

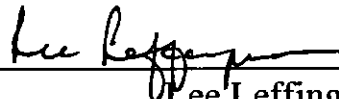
**PART 4.** The Property is subject to Ordinance No. 021107-Z-12c that established the MLK neighborhood plan combining district.

**PART 5.** This ordinance takes effect on October 28, 2013.

**PASSED AND APPROVED**

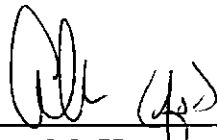
October 17, 2013

§  
§  
§



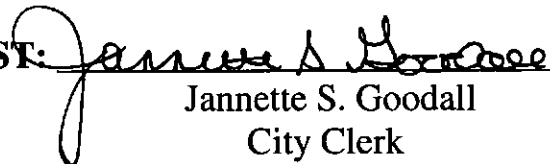
Lee Leffingwell  
Mayor

**APPROVED:**



Karen M. Kennard  
City Attorney

**ATTEST:**



Jannette S. Goodall  
City Clerk

EXHIBIT "A"  
LEGAL DESCRIPTION

BEING 0.4044 ACRE OF LAND, MORE OR LESS, BEING COMPRISED OF THE FOLLOWING THREE TRACTS OF LAND: 0.1760 ACRE, CALLED .177 ACRE "TRACT 3" OUT OF OUTLOT 57 & 60, DIVISION A, ORIGINAL CITY OF AUSTIN, OF RECORD IN THE GENERAL LAND OFFICE OF TEXAS, CONVEYED TO JESSE CALDERON IN VOLUME 12167 PAGE 1340 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; 0.1276 ACRE, CALLED .127 ACRE "TRACT 2" OUT OF OUTLOT 57 & 60, DIVISION A, ORIGINAL CITY OF AUSTIN, OF RECORD IN THE GENERAL LAND OFFICE OF TEXAS, CONVEYED TO JESSE CALDERON IN VOLUME 12167 PAGE 1340 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; 0.1008 ACRE, CALLED "TRACT 1" CONVEYED TO JESSE CALDERON IN VOLUME 12167 PAGE 1340 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING BLOCK D OF SPILLAR AND GREENWOOD ADDITION, A SUBDIVISION RECORDED IN VOLUME 6 PAGE 82 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS. SAVE AND EXCEPT 165 SQUARE FEET, MORE OR LESS, CONVEYED TO THE CITY OF AUSTIN IN VOLUME 6863 PAGE 350 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.4044 ACRE OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½ inch iron pipe found in the west right of way of Gunter Street at the southeast corner of a .5 acre tract of land out of said Outlot 57 & 60, Division A, owned by Roberto G. Sandoval per Travis County Appraisal District having a Reference ID # 02071602040000 and a local address of 1138 ¼ Gunter Street, Austin, Texas 78721; same being the northeast corner of said Tract 3 for the PLACE OF BEGINNING hereof, from which a capped ½ inch iron rebar found bears North 23°12'39" East a distance of 1.40 feet;

THENCE South 24°12'29" West with the west line of said Gunter Street and the east line of said Tract 3 a distance of 54.11 feet to a ½ inch iron pipe found at the southeast corner of said Tract 3 and the northeast corner of said Tract 2 for an angle point hereof;

THENCE South 24°57'58" West with the west line of said Gunter Street and the east line of said Tract 2 a distance of 53.97 feet to a ½ inch iron pipe found at the southeast corner of said Tract 2 and the northeast corner of said Tract 1 for an angle point hereof;

THENCE South 24°17'25" West with the west line of said Gunter Street and the easterly line of said Tract 1 a distance of 68.08 feet to a capped ½ inch iron rebar set at the north corner of said save and except tract for a point of curvature hereof;

THENCE with the common line of said save and except tract and the tract hereof, 23.65 feet along a curve to the right with a radius of 50 feet and a chord bearing South 37°47'34" West a distance of 23.43 feet to a capped iron rebar set at a point of compound curvature;

THENCE continuing with the common line of said save and except tract and the tract hereof, 10.16 feet along a curve to the right with a radius of 8.50 feet and a chord bearing North 70°27'25" West a distance of 8.50 feet to a ½ inch iron rebar found at the northwest corner of said save and except tract for a point of tangency hereof, same being on the easterly right of way of Airport Boulevard;


THENCE North 12°51'52" West with the east line of Airport Boulevard and the westerly line of said Tract 1 a distance of 114.23 feet to a capped ½ inch iron rebar set at the northwest corner of said Tract 1, same being the southwest corner of said Tract 2;

THENCE North 12°51'52" West with the east line of Airport Boulevard and the westerly line of said Tract 2 a distance of 66.77 feet to a ½ inch iron pipe found at the northwest corner of said Tract 2, same being the southwest corner of said Tract 3 for an angle point hereof;

THENCE North 12°46'36" West with the east line of Airport Boulevard and the west line of said Tract 3 to a ½ inch iron rebar found at the northwest corner of said Tract 3, same being the southwest corner of said Sandoval .5 acre tract and from which point a capped ½ inch iron rebar found bears North 42°03'00" East a distance of 2.21 feet;

THENCE South 66°51'50" East (BEARING BASIS) with the common line of said Sandoval Tract and of said Tract 3 a distance of 163.20 feet to the PLACE OF BEGINNING hereof and containing 0.4044 acre of land, more or less.

THIS DESCRIPTION IS TO BE USED WITH THE ATTACHED SURVEY ONLY.

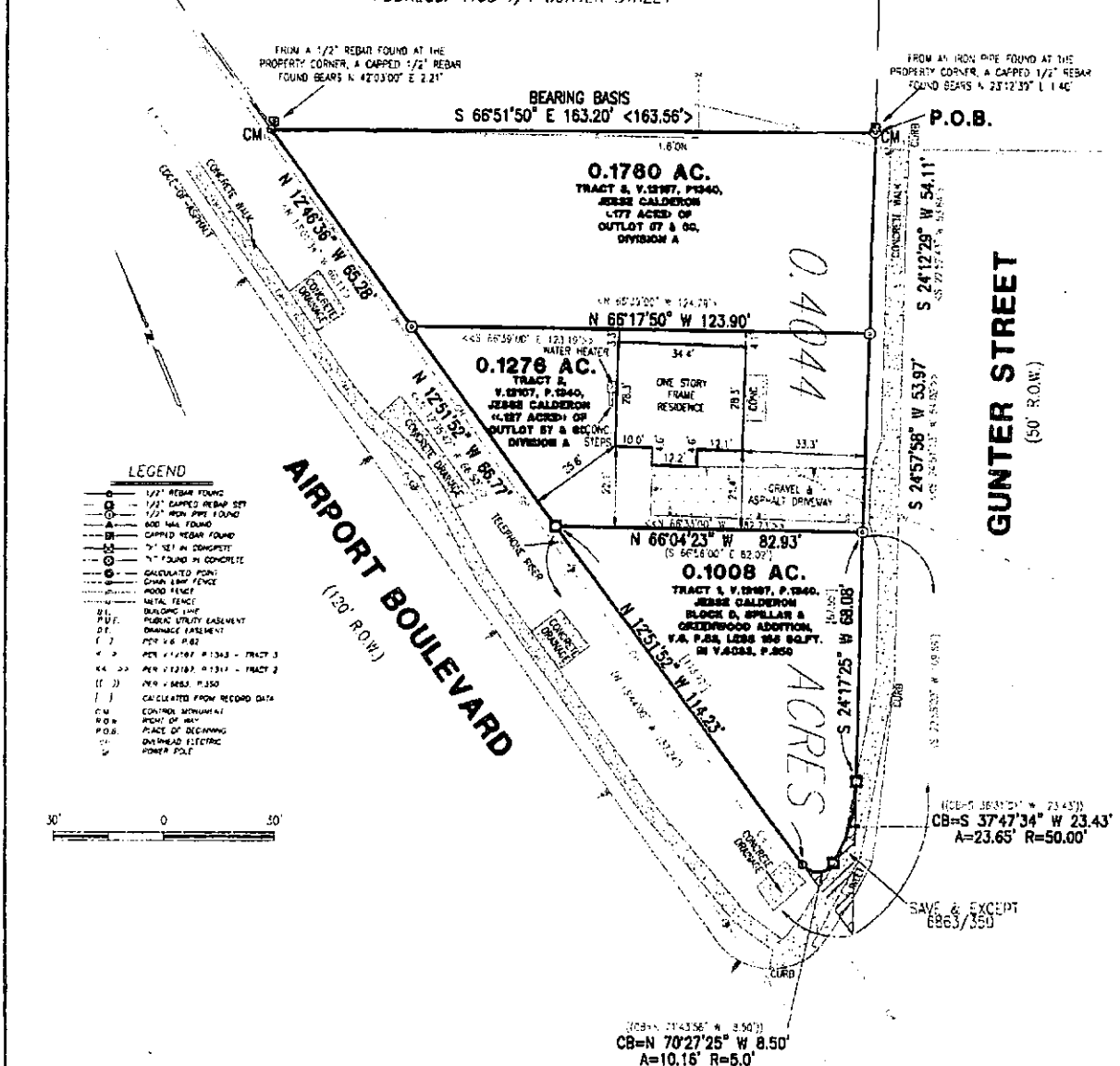
 11/27/2012  
Michael J. Lancaster RPLS 5529 Date

Dewey Burris & Associates  
1404 West North Loop Blvd.  
Austin, TX 78756  
PH 512-458-6969

Job # R1107012\_legal



ROBERTO C. SANDOVAL  
5 ACRE OF OUTLOT 57 & 60, DIVISION A, ORIGINAL  
CITY OF AUSTIN OF RECORD IN THE GENERAL LAND OFFICE OF TEXAS  
TRAVIS COUNTY APPRAISAL DISTRICT REFERENCE ID NO: 02071602040000  
ADDRESS: 1138 1/4 GUNTER STREET



LEGAL DESCRIPTION:  
BEING 0.4044 ACRE OF LAND, MORE OR LESS, BEING COMPRISED OF THE FOLLOWING THREE TRACTS OF LAND: 0.1780 ACRE, CALLED .177 ACRE "TRACT 1" OUT OF OUTLOT 57 & 60, DIVISION A, ORIGINAL CITY OF AUSTIN, OF RECORD IN THE GENERAL LAND OFFICE OF TEXAS, CONVEYED TO JESSE CALDERON IN VOLUME 12167 PAGE 1340 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; 0.1276 ACRE, CALLED .127 ACRE "TRACT 2" OUT OF OUTLOT 57 & 60, DIVISION A, ORIGINAL CITY OF AUSTIN, OF RECORD IN THE GENERAL LAND OFFICE OF TEXAS, CONVEYED TO JESSE CALDERON IN VOLUME 12167 PAGE 1340 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; 0.1008 ACRE, CALLED "TRACT 1" CONVEYED TO JESSE CALDERON IN VOLUME 12167 PAGE 1340 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING BLOCK 3 OF SPILLAR AND GREENWOOD ADDITION, A SUBDIVISION RECORDED IN VOLUME 6 PAGE 82 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, SAVE AND EXCEPT 185 SQUARE FEET, MORE OR LESS, CONVEYED TO THE CITY OF AUSTIN IN VOLUME 6863 PAGE 350 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.4044 ACRE OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS SHOWN IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

#### IMPORTANT NOTICE

This Survey was prepared without the benefit of a title commitment. There may be additional setback lines, easements and interests which are relevant to this property and unknown to DEWEY BURRIS & ASSOCIATES.



TO THE OWNER AND / OR PRESENT OWNERS OF THE PREMISES SURVEYED

#### FLOOD CERTIFICATION

THIS AREA IS NOT DEPICTED AS BEING IN A SPECIAL FLOOD HAZARD AREA PER FEMA'S FLOOD INSURANCE RATE MAP DASHN, DATED 09/24/08. IT IS REPRESENTED AS IN ZONE "X". HOWEVER, AT THE PRESENT TIME, NO ELEVATIONS, DRAINAGE, OR FLOOD STUDIES HAVE BEEN PERFORMED AND INFORMATION IS BASED SOLELY UPON SAID MAP. THE SURVEYOR DOES NOT ASSUME RESPONSIBILITY AS TO ANY INFORMATION PROVIDED SAID MAP AND DOES NOT IMPLY THAT THE PROPERTY AND/OR THE STRUCTURES THEREON WILL BE FREE OF FLOOD DAMAGE. FOR FURTHER INFORMATION, CONTACT YOUR FLOOD PLAN ADMINISTRATOR.

STREET ADDRESS: 1138 GUNTER STREET

CITY: AUSTIN COUNTY: TRAVIS STATE OF TEXAS

REFERENCE NAME: RON MEYERS

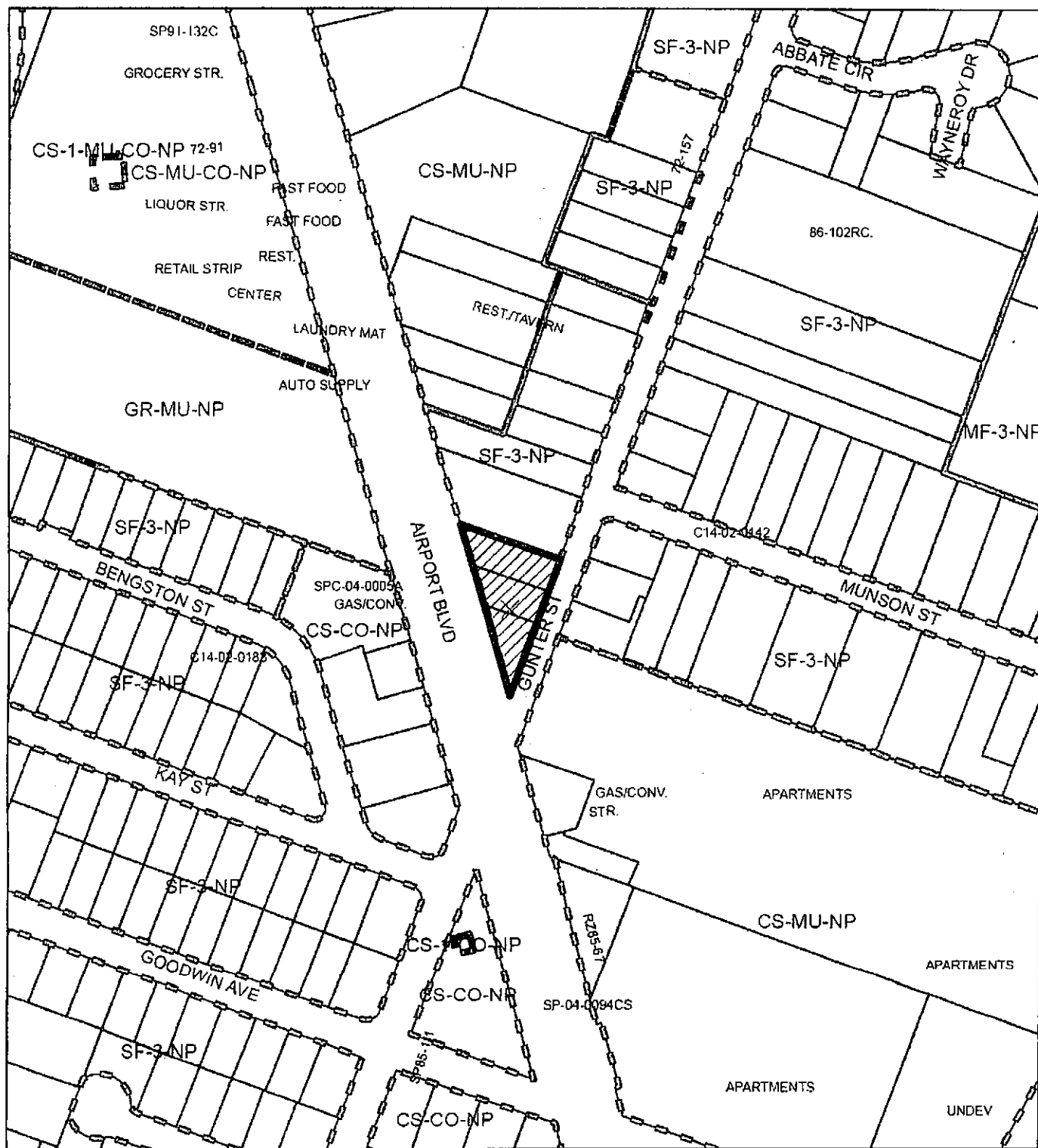


B & G SURVEYING, INC.  
DEWEY H. BURRIS & ASSOCIATES, INC.  
Surveyed by: Dewey H. Burris & Associates

WWW.BANDGSURVEYING.COM  
1404 West North Loop Blvd, Austin, Texas 78756  
Office 512-458-8888, Fax 512-458-9845

JOB #: R1107012\_TA  
DATE: 11-27-12  
SCALE: 1"= 30'

FIELD BOOK BY	CU	11-26-12
CALC BY	EX	11-27-12
DRAWN BY	AN	11-27-12
CHECKED BY	JO/WL	11-27-12



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

1" = 200'

### ZONING

ZONING CASE#: C14-2013-0055

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.

