

**ORDINANCE NO. 20140807-137**

**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 2117 NORTHLAND DRIVE (TRACT 1) AND 2119 NORTHLAND DRIVE (TRACT 2) FROM FAMILY RESIDENCE (SF-3) DISTRICT TO COMMUNITY COMMERCIAL-MIXED USE-CONDITIONAL OVERLAY (GR-MU-CO) COMBINING DISTRICT FOR TRACT 1 AND NEIGHBORHOOD OFFICE-MIXED USE-CONDITIONAL OVERLAY (NO-MU-CO) COMBINING DISTRICT FOR 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 on the property (the "Property") described in Zoning Case No. C14-2014-0025, on file at the Planning and Development Review Department, as follows:

**TRACT 1**

family residence (SF-3) district to community commercial-mixed use-conditional overlay (GR-MU-CO) combining district

0.22 acre tract of land, more or less, out of the George Spear League the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance,

**TRACT 2**

family residence (SF-3) district to neighborhood office-mixed use-conditional overlay (NO-MU-CO) combining district

0.14 acre tract of land, more or less, out of the George Spear League the tract of land being more particularly described by metes and bounds in Exhibit "B" incorporated into this ordinance,

locally known as 2117 Northland Drive for Tract 1 and 2119 Northland Drive for Tract 2 in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "C".

**PART 2.** 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 300 trips per day.

B. The following uses are prohibited on the Property:

Food preparation	Food sales
General retail sales (convenience)	Medical offices (not exceeding 5,000 sq. ft gross floor area)
Medical offices (exceeding 5,000 sq. ft gross floor area)	Pet services
Restaurant (general)	Restaurant (limited)
Special use historic	Urban farm
Bed & breakfast (group 1)	Bed & breakfast (group 2)

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

Automotive repair services	Automotive rentals
Automotive sales	Automotive washing (of any type)
Bail bond services	Business or trade school
Club or lodge	College and university facilities
Commercial off-street parking	Communication service facilities
Community events	Community recreation (private)
Community recreation (public)	Congregate living
Counseling services	Cultural services
Day care services (commercial)	Day care services (general)
Day care services (limited)	Drop-off recycling collection facility
Exterminating services	Funeral services
Guidance services	Hospital services (general)
Hospital services (limited)	Hotel-motel
Indoor entertainment	Indoor sports and recreation
Off-site accessory parking	Outdoor entertainment
Outdoor sports and recreation	Pawn shop services
Private primary educational facilities	Private secondary educational facilities
Public primary educational facilities	Public secondary educational facilities

Residential treatment  
Service station

Safety services  
Theater

D. The following uses are prohibited uses on Tract 2:

College and university facilities  
Community events  
Community recreation (public)  
Counseling services  
Day care services (general)  
Private primary educational  
facilities  
Public primary educational  
facilities  
Residential treatment

Communication service facilities  
Community recreation (private)  
Congregate living  
Day care services (commercial)  
Day care services (limited)  
Private secondary educational  
facilities  
Public secondary educational  
facilities  
Safety services

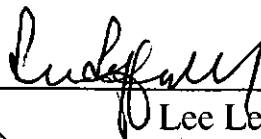
Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the community commercial (GR) base district for tract 1 and neighborhood office (NO) base district for tract 2 and other applicable requirements of the City Code.

**PART 3.** This ordinance takes effect on August 18, 2014.

**PASSED AND APPROVED**

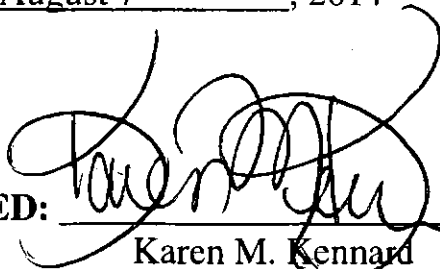
August 7, 2014

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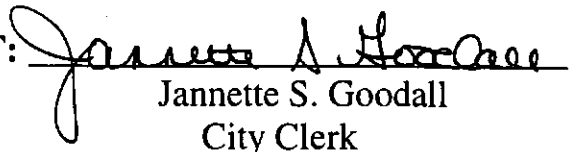


Lee Leffingwell  
Mayor

APPROVED:

  
Karen M. Kennard  
City Attorney

ATTEST:

  
Jannette S. Goodall  
City Clerk

**FIELD NOTES**

**Tract 2:**

**0.2253 ACRE OF LAND, MORE OR LESS, OUT OF THE GEORGE SPEAR LEAGUE, IN TRAVIS COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED AS SECOND TRACT IN DEED RECORDED IN VOLUME 3431, PAGE 2253, DEED RECORDS, TRAVIS COUNTY, TEXAS, SAVE AND EXCEPT THEREFROM THAT CERTAIN TRACT OF LAND CONVEYED TO THE CITY OF AUSTIN BY DEED RECORDED IN VOLUME 3237, PAGE 1532, DEED RECORDS, TRAVIS COUNTY, TEXAS; FOR WHICH A MORE PARTICULAR DESCRIPTION BY METES AND BOUNDS IS AS FOLLOWS WITH A SKETCH ATTACHED HERETO AND MADE A PART HEREOF:**

**BEGINNING** at a 1/2" iron rod found on the present south right-of-way of Northland Drive, same being at the S.E. corner of that certain City of Austin, R.O.W. taking recorded in Volume 3237, Page 1532, Deed Records, Travis County, Texas and being further on the west line of that certain 0.220 acre tract of land conveyed to Munoz Family Limited Partnership, L.P. recorded in Document Number 2003298627, Official Public Records, Travis County, Texas;

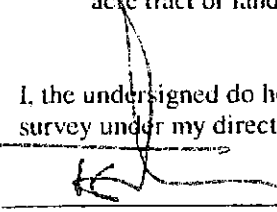
**THENCE** S01°15'00"E along the common west line of said 0.22 acre tract and the east line of the "SECOND TRACT" recorded in Volume 3431, Page 2253, Deed Records, Travis County, Texas, for a distance of 187.34 feet to a pipe found at the S.W. corner of said 0.22 acre tract, same being on the north line of that certain tract or parcel of land described as the "FIRST TRACT" recorded in Volume 3431, Page 2253, Deed Records, Travis County, Texas, for the S.E. corner hereof, from which a 1/2" iron rod found at the N.E. corner of said "FIRST TRACT" bears S73°26'48"E at a distance of 31.02 feet;

**THENCE** N73°14'06"W along the north line of said "FIRST TRACT" and the south line of said "SECOND TRACT" for a distance of 49.95 feet to a pipe found at the common N.W. corner of said "FIRST TRACT" and the S.W. corner of said "SECOND TRACT", from which point a 1/2" iron rod found at the S.W. corner of said "FIRST TRACT" bears S05°28'55"E at a distance of 51.77 feet;

**THENCE** N04°06'42"W, at 60.31 feet passing a 1/2" iron rod set with cap at the S.E. corner of that certain tract or parcel of land recorded in Volume 5824, Page 276, Deed Records, Travis County, Texas, and in all 190.17 feet to a 1/2" iron rod at the S.W. corner of that certain tract or parcel of land conveyed to the City of Austin recorded in Volume 3237, Page 1532, Deed Records, Travis County, Texas, for the N.W. corner hereof;

**THENCE** S73°41'14"E along the present south R.O.W. of Northland Drive, same being on the south line of said City of Austin R.O.W. taking for a distance of 59.79 feet to the **POINT OF BEGINNING** of this 0.2253 acre tract or land, more or less.

I, 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

  
Date

**FIELD NOTES**

**Tract 3:**

**0.1449 ACRE OF LAND, MORE OR LESS, OUT OF THE GEORGE SPEAR LEAGUE, IN TRAVIS COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED IN A DEED RECORDED IN VOLUME 5824, PAGE 276, DEED RECORDS, TRAVIS COUNTY, TEXAS; FOR WHICH A MORE PARTICULAR DESCRIPTION BY METES AND BOUNDS IS AS FOLLOWS WITH A SKETCH ATTACHED HERETO AND MADE A PART HEREOF:**

**BEGINNING FOR REFERENCE** at a 1/2" iron rod found on the present south right-of-way of Northland Drive, same being at the S.E. corner of that certain City of Austin, R.O.W. taking recorded in Volume 3237, Page 1532, Deed Records, Travis County, Texas and being further on the west line of that certain 0.220 acre tract of land conveyed to Munoz Family Limited Partnership, L.P. recorded in Document Number 2003298627, Official Public Records, Travis County, Texas;

**THENCE** N73°41'14"W along the south line of said City of Austin R.O.W. taking, same being along the present south R.O.W. of Northland Drive for a distance of 59.79 feet to a 1/2" iron rod found on the east line of that certain tract or parcel of land recorded in Volume 5834, Page 276, Deed Records, Travis County, Texas, for the **POINT OF BEGINNING** of this 0.1449 acre tract;

**THENCE** S04°06'42"E along the common west line of that certain tract or parcel of land described as the "Second Tract" recorded in Volume 3431, Page 2253, Deed Records, Travis County, Texas for a distance of 129.86 feet to a 1/2" iron rod set with cap for the S.E. corner hereof, same being the N.E. corner of that certain 0.1957 acre tract recorded in Volume 12542, Page 714, Real Property Records, Travis County, Texas;

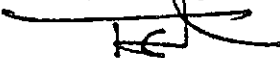
**THENCE** N73°27'47"W along the north line of said 0.1957 acre tract for a distance of 49.93 feet to a 1/2" iron rod set with cap for the S.W. corner hereof, same being the S.E. corner of that certain tract or parcel of land recorded in Document Number 2005155487, Official Public Records, Travis County, Texas;

**THENCE** N04°06'42"W for a distance of 135.09 feet to a 3/8" iron rod found on the south R.O.W. of Northland Drive for the N.W. corner hereof, from which point a 3/8" iron rod found on the south R.O.W. of Northland Drive bears N74°10'35"W at a distance of 50.12 feet;

**THENCE** S73°26'53"E along the present south R.O.W. of Northland Drive for a distance of 49.94 feet to a 1/2" iron rod set on the west line of said City of Austin R.O.W. taking for the N.E. corner hereof;

**THENCE** S04°06'42"E along the west line of said R.O.W. taking for a distance of 5.22 feet to the **POINT OF BEGINNING** containing 0.1449 acres of land, more or less.

I, 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

1/6/14

Date

Steven & Koren Tweedy  
6203/468

Waterloo Surveyors Inc.  
**SURVEY PLAT**

J13949

6203/468  
0.5204 ACRE

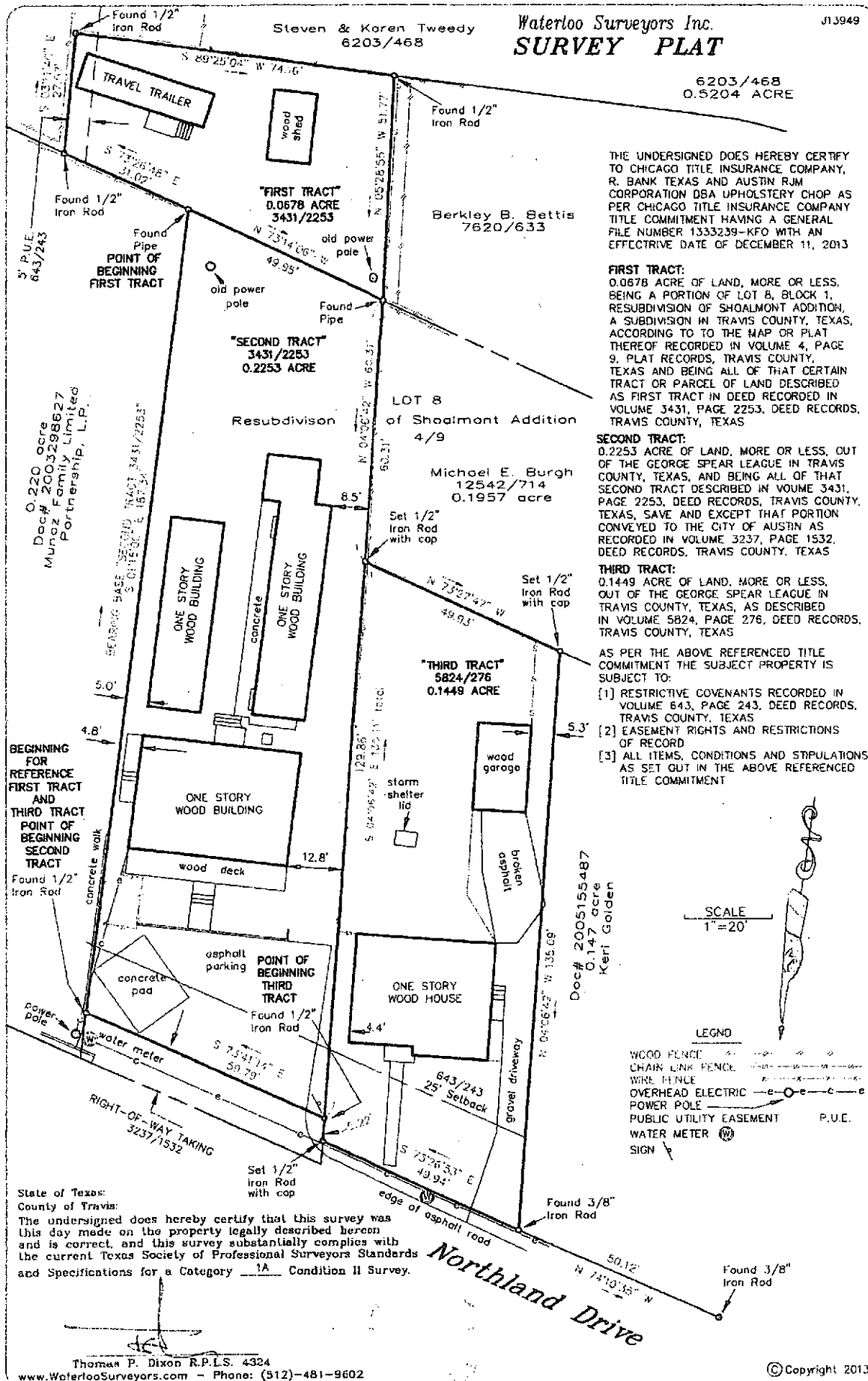
THE UNDERSIGNED DOES HEREBY CERTIFY TO CHICAGO TITLE INSURANCE COMPANY, R. BANK TEXAS AND AUSTIN RUM CORPORATION DBA UPHOLSTERY CHOP AS PER CHICAGO TITLE INSURANCE COMPANY TITLE COMMITMENT HAVING A GENERAL FILE NUMBER 1333239-KFO WITH AN EFFECTIVE DATE OF DECEMBER 11, 2013

**FIRST TRACT:**  
0.0678 ACRE OF LAND, MORE OR LESS, BEING A PORTION OF LOT 8, BLOCK 1, RESUBDIVISION OF SHOALMONT ADDITION, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 4, PAGE 9, PLAT RECORDS, TRAVIS COUNTY, TEXAS AND BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND DESCRIBED AS FIRST TRACT IN DEED RECORDED IN VOLUME 3431, PAGE 2253, DEED RECORDS, TRAVIS COUNTY, TEXAS

**SECOND TRACT:**  
0.2253 ACRE OF LAND, MORE OR LESS, OUT OF THE GEORGE SPEAR LEAGUE IN TRAVIS COUNTY, TEXAS, AND BEING ALL OF THAT SECOND TRACT DESCRIBED IN VOLUME 3431, PAGE 2253, DEED RECORDS, TRAVIS COUNTY, TEXAS, SAVE AND EXCEPT THAT PORTION CONVEYED TO THE CITY OF AUSTIN AS RECORDED IN VOLUME 3237, PAGE 1532, DEED RECORDS, TRAVIS COUNTY, TEXAS

**THIRD TRACT:**  
0.1449 ACRE OF LAND, MORE OR LESS, OUT OF THE GEORGE SPEAR LEAGUE IN TRAVIS COUNTY, TEXAS, AS DESCRIBED IN VOLUME 5824, PAGE 276, DEED RECORDS, TRAVIS COUNTY, TEXAS

AS PER THE ABOVE REFERENCED TITLE COMMITMENT THE SUBJECT PROPERTY IS SUBJECT TO:  
[1] RESTRICTIVE COVENANTS RECORDED IN VOLUME 643, PAGE 243, DEED RECORDS, TRAVIS COUNTY, TEXAS  
[2] EASEMENT RIGHTS AND RESTRICTIONS OF RECORD  
[3] ALL ITEMS, CONDITIONS AND STIPULATIONS AS SET OUT IN THE ABOVE REFERENCED TITLE COMMITMENT



State of Texas:  
County of Travis:

The undersigned does hereby certify that this survey was this day made on the property legally described herein and is correct, and this survey substantially complies with the current Texas Society of Professional Surveyors Standards and Specifications for a Category 1A Condition II Survey.

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

www.WaterlooSurveyors.com - Phone: (512)-481-9602

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