

**ORDINANCE NO. 20151210-052**

**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 2407-2409 MONTOPOLIS DRIVE IN THE MONTOPOLIS NEIGHBORHOOD PLAN AREA FROM GENERAL COMMERCIAL SERVICES-NEIGHBORHOOD PLAN (CS-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 general commercial services-neighborhood plan (CS-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. C14-2015-0099, on file at the Planning and Zoning Department, as follows:

A 2.77 acre tract of land out of the Santiago Del Valle Survey, Abstract No. 24, Travis County, Texas, being the resulting tract of a called Tract 1, Tract 2, Tract 3, Tract 4 and Tract 5, said Tracts 1-4 being described in a deed to Parker Coniff recorded in Volume 12632, Page 1,000, Official Public Records of Travis County, Texas, and said Tract 5 being described in a deed to T. Parker Coniff in Volume 12135, Page 93, Official Public Records of Travis County, Texas, said tract being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance (the "Property"),

locally known as 2407-2409 Montopolis Drive 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 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 not permitted uses of the Property:

Adult-oriented business  
Service station  
Pawn shop services  
Theater  
Pet services  
Outdoor entertainment  
Telecommunication tower  
Drop-off recycling collection  
facility

Automotive washing (of any type)  
Construction sales and services  
Bail bond services  
Exterminating services  
Equipment repair services  
Vehicle storage  
Maintenance and service facilities

B. The following uses are conditional uses of the Property:

Plant nursery

C. A drive-in service for a Restaurant (general) and a Restaurant (limited) use is conditional.

**PART 4.** The Property is subject to Ordinance No. 20010927-05 that established the Montopolis Neighborhood Plan.

**PART 5.** This ordinance takes effect on December 21, 2015.

**PASSED AND APPROVED**

December 10, 2015

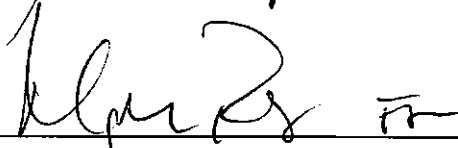
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Steve Adler  
Mayor

**APPROVED:**

  
Anne L. Morgan  
City Attorney

**ATTEST:**

  
Jannette S. Goodall  
City Clerk

### **METES & BOUNDS DESCRIPTION**

OF A 2.77 ACRE TRACT OF LAND OUT OF THE SANTIAGO DEL VALLE SURVEY, ABSTRACT NO. 24, TRAVIS COUNTY, TEXAS, BEING THE RESULTING TRACT OF A CALLED TRACT 1, TRACT 2, TRACT 3, TRACT 4 AND TRACT 5, SAID TRACTS 1-4 BEING DESCRIBED IN A DEED TO PARKER CONIFF RECORDED IN VOLUME 12632, PAGE 1000, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND SAID TRACT 5 BEING DESCRIBED IN A DEED TO T. PARKER CONIFF IN VOLUME 12135, PAGE 93, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** at a set ½" iron rod in the easterly R.O.W. line of Montopolis Drive (a 60' R.O.W.) for the most westerly southwest corner of the herein described tract, same being the northwest corner of a called 0.238 acre tract described in a deed to Oralia Alcantar in Vol. 11356, Pg. 555, Official Public Records of Travis County, Texas, said rod being located North 28°05'55" East, a distance of 137.79 feet from a found pipe marking the north corner of a called 2.00 acre tract as described in a deed to John Robert Stratton in Doc. No. 2009079407, Official Public Records of Travis County, Texas;

**THENCE** along said R.O.W., North 28°05'55" East, a distance of 68.94 feet (called North 30°36'01" East, a distance of 68.94 feet) to a found ½" iron rod for an angle point;

**THENCE** continuing along said R.O.W., North 27°44'54" East, a distance of 69.14 feet (called North 30°15'00" East, a distance of 69.14 feet) to a point of reference for the north corner of the herein described tract, same being the west corner of a called 4.30 acre tract, as described in a deed to Peter E. Barlin recorded in Doc. No. 2015009611, Official Public Records of Travis County, Texas (said point being located North 29°34'06" West, a distance of 0.83 feet from a found fence corner post);

**THENCE** along the common line of the herein described tract, and said Barlin Tract, South 64°00'39" East, a distance of 631.12 feet, to a found pipe, for the east corner of the herein described tract, same being the south corner of said Barlin Tract, and the west corner of a called 1.00 acre tract as described in a deed to Martin Diaz and Estefana Diaz in Doc. No. 2002065138, Official Public records of Travis County, Texas, same being the north corner of a called 1.496 acre tract as described in a deed to Dalor LTD (Tract III) in Doc. No. 2009213206, Official Public Records of Travis County, Texas;

**THENCE** along the common line of the herein described tract, and said Dalor Tract, South 27°51'34" West, a distance of 207.26 feet, to a found pipe, for the south corner of the herein described tract, same being a point in the west line of a called 6.492 acre tract, as also described in said deed to Dalor (Tracts I & II), same being the east corner of Lot 1, Rivera Addition, as recorded in Vol. 77, Pg. 385, Plat Records of Travis County, Texas;

**THENCE** along the common line of the herein described tract, and said Lot 1, North 64°02'56" West, a distance of 481.02 feet to a found ½" iron rod, for the most southerly southwest corner of the herein described tract, same being the south corner of said Alcantar Tract;

**THENCE** along the common line of the herein described tract and said Alcantar Tract, North 27°54'06" East, a distance of 69.02 feet to a found ½" iron rod, for an interior ell corner of the herein described tract, same being the northeast corner of said Alcantar Tract;

**THENCE** continuing along the common line of the herein described tract, and said Alcantar Tract, North 63°50'24" West, a distance of 150.30 feet to the **POINT OF BEGINNING** and containing 2.77 acres, more or less.

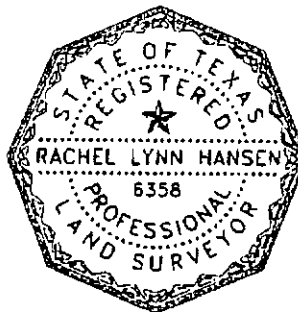
Basis of Bearing: Texas Central NAD 83

STATE OF TEXAS       §

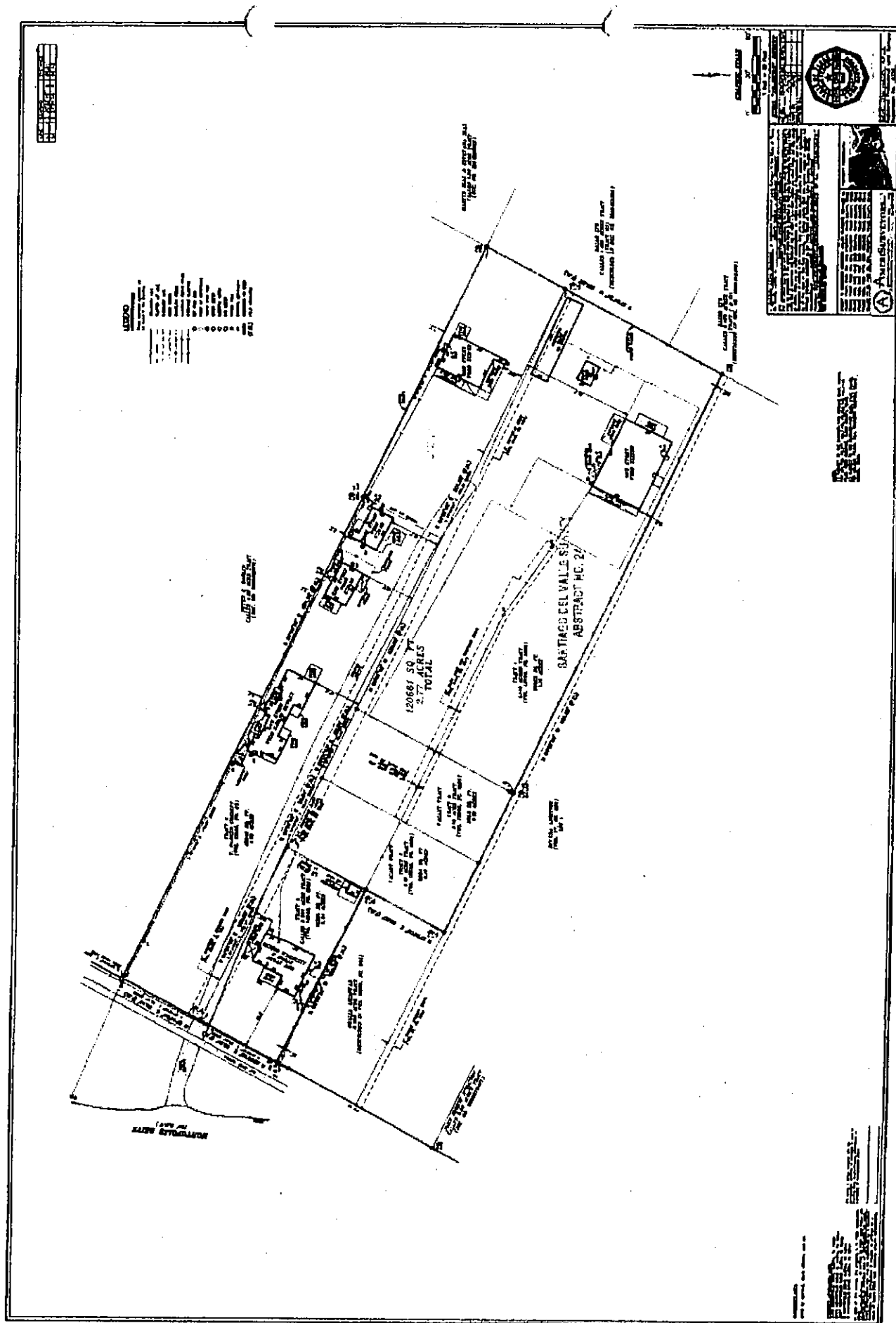
June 12, 2015

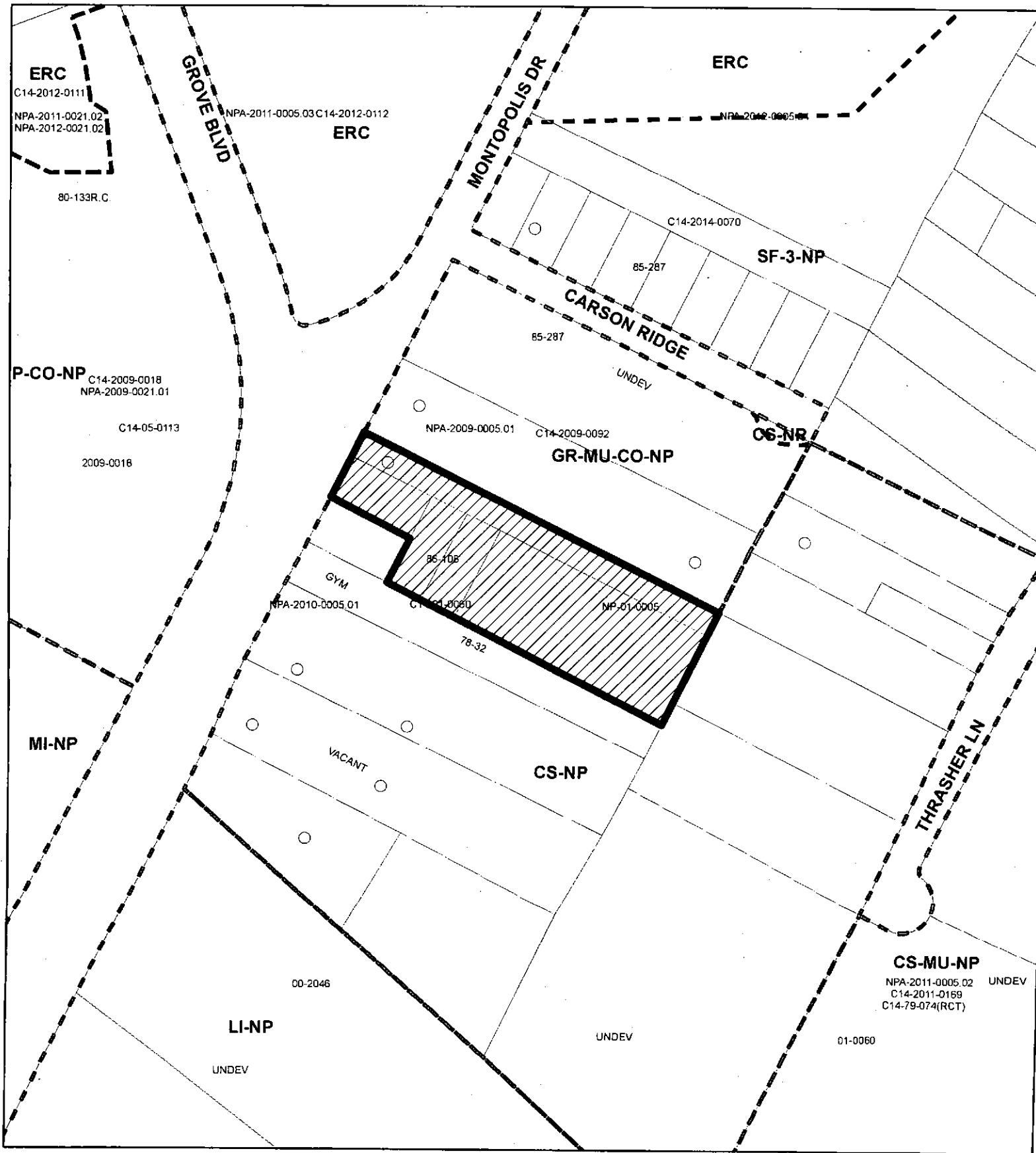
COUNTY OF BASTROP   §

It is hereby certified that the above description was prepared from an actual survey on the ground of the described tract made under my supervision.

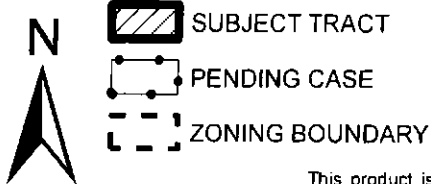


Rachel Lynn Hansen,  
Registered Professional Land Surveyor  
Registration No. 6358





# **ZONING** **CASE#: C14-2015-0099 Exhibit B**



1" = 200'

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.

