

**ORDINANCE NO. 20160414-010**

**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 7050 ELROY ROAD FROM NEIGHBORHOOD COMMERCIAL (LR) DISTRICT TO COMMUNITY COMMERCIAL-CONDITIONAL OVERLAY (GR-CO) 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 neighborhood commercial (LR) district to community commercial-conditional overlay (GR-CO) combining district on the property described in Zoning Case No. C14-2015-0154, on file at the Planning and Zoning Department, as follows:

Being 5.024 acres of land out of and a portion of the Noel M. Bain Survey Number 1, Abstract Number 61, in Travis County, Texas, and being all of that certain called 5.026 acres tract of land conveyed by deed to LMLM Investments LLC as recorded in Document Number 2012002194 of the Official Public Records of Travis County, Texas, said 5.024 acres of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance (the "Property"),

locally known as 7050 Elroy Road in the City of Austin, Travis County, Texas, generally identified in the map attached as Exhibit "B".

**PART 2.** 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:

|                               |                                |
|-------------------------------|--------------------------------|
| Automotive rentals            | Alternative financial services |
| Automotive sales              | Exterminating services         |
| Funeral services              | Hotel-motel                    |
| Indoor entertainment          | Outdoor entertainment          |
| Pawn shop services            | Theater                        |
| Residential treatment         | Service station                |
| Bed and breakfast residential | Bed and breakfast residential  |
| (group 1)                     | (group 2)                      |

B. The minimum size of a food sales use is 5,000 square feet on the Property.

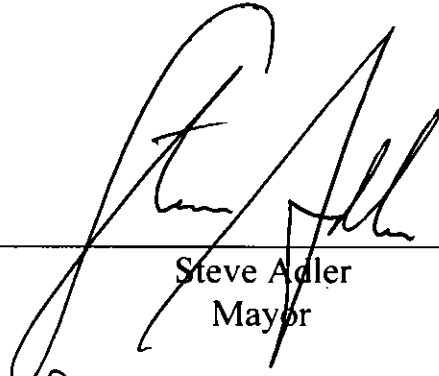
Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the community commercial (GR) district and other applicable requirements of the City Code.


**PART 3.** This ordinance takes effect on April 25, 2016.

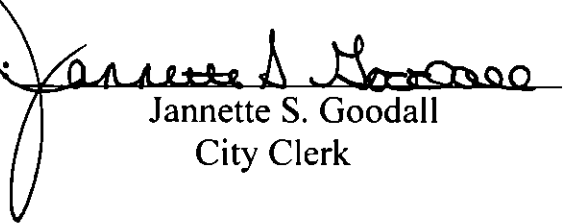
**PASSED AND APPROVED**

\_\_\_\_\_, April 14, 2016

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§  
§

  
\_\_\_\_\_  
Steve Adler  
Mayor

**APPROVED:**   
\_\_\_\_\_  
Anne L. Morgan  
City Attorney

**ATTEST:**   
\_\_\_\_\_  
Jannette S. Goodall  
City Clerk

**FIELD NOTES**

**BEING 5.024 ACRES OF LAND OUT OF AND A PORTION OF THE NOEL M. BAIN SURVEY NUMBER 1, ABSTRACT NUMBER 61, IN TRAVIS COUNTY TEXAS, AND BEING ALL OF THAT CERTAIN CALLED 5.026 ACRE TRACT OF LAND CONVEYED BY DEED TO LMLM INVESTMENTS LLC AS RECORDED IN DOCUMENT NUMBER 2012002194 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY TEXAS, SAID 5.024 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**BEGINNING** at a found  $\frac{1}{2}$ " iron rod on the existing southerly right-of-way line of Elroy Road (ROW width varies) for the northwest corner of said 5.026 acre tract of land and this tract of land, same being the northeast corner of Lot 1, Block "A" of the Del Valle School Tract as recorded in Volume 100, Page 165 of the Plat Records of Travis County, Texas said Lot 1 being conveyed by deed to Del Valle ISD as recorded in Volume 13103, Page 31 of the Real Property Records of Travis County, Texas;

**THENCE** along the existing right-of-way line of Elroy Road, same being the north line of said 5.026 acre tract of land and this tract of land the following three (3) courses and distances to a found  $\frac{1}{2}$ " iron rod with a plastic cap stamped "MACIAS & ASSOC." at the terminus of each course:

- 1) along a curve to the right (concave to the southwest) having the following elements, a central angle of  $16^{\circ} 23' 59''$ , a radius of 1000 feet and an arc length of 286.23 feet the chord of which bears  $S 33^{\circ} 57' 27'' E$  a distance of 285.25 feet;
- 2)  $S 26^{\circ} 05' 20'' E$  a distance of 46.64 feet, and
- 3) Along a curve to the right (concave to the southwest) having the following elements, a central angle of  $2^{\circ} 33' 45''$  a radius of 3955.15 feet and an arc length of 176.89 feet the chord of which bears  $S 24^{\circ} 06' 06'' E$  a distance of 176.87 feet;

**THENCE**  $S 27^{\circ} 25' 56'' W$ . transitioning from the Elroy Road right-of-way to the existing westerly right-of-way line of Ross Road (70' ROW), a distance of 45.70 feet to a found  $\frac{1}{2}$ " iron rod with a plastic cap stamped "MACIAS & ASSOC.";

**THENCE**  $S 64^{\circ} 15' 27'' W$  along said Ross Road right-of-way a distance of 24.73 feet to a  $\frac{1}{2}$ " iron rod found with a plastic cap stamped "MACIAS & ASSOC.";

**THENCE** along said Ross Road right-of-way, same being the easterly line of said 5.026 acre tract of and this tract of land, along a curve to the left (concave to the southeast) having the following elements, a central angle of  $40^{\circ} 34' 32''$  a radius of 505.00 feet and an arc length of 357.63 feet, the chord of which bears  $S 43^{\circ} 56' 40'' W$  a distance of 350.21 feet to a found  $\frac{1}{2}$ " iron rod with a plastic cap stamped "MACIAS & ASSOC.";

**THENCE** along a curve to the right (concave to the north) transitioning from the Ross Road right-of-way to the existing northerly right-of-way line of Apperson Street (64' ROW) having the following elements, a central angle of  $85^{\circ} 17' 28''$  a radius of 20.00 feet and an arc length of 29.77 feet the chord of which bears  $S 66^{\circ} 03' 03'' W$  a distance of 27.10 feet to a found  $\frac{1}{2}$ " iron rod with a plastic cap stamped "MACIAS & ASSOC.";

**THENCE** along said Apperson Street right-of-way, same being the south line of said 5.026 acre tract of land and this tract of land the following two (2) courses and distances to a found  $\frac{1}{2}$ " iron rod with a plastic cap stamped "MACIAS & ASSOC." at the terminus of each course:

- 1)  $N 72^{\circ} 05' 15'' W$  a distance of 52.14 feet, and

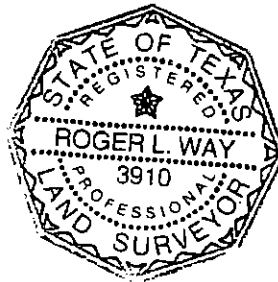


- 2) along a curve to right (concave to the north) having the following elements, a central angle of  $9^{\circ} 14' 03''$ , a radius of 1500.00 and an arc length of 241.75 feet, the chord of which bears  $N 67^{\circ} 23' 52'' W$  a distance of 241.49 feet, said point being the southwest corner of said 5.026 acre tract of land and this tract of land and being the southeast corner of said Lot 1 Block "A" conveyed to Del Valle ISD;

**THENCE**  $N 27^{\circ} 11' 19'' E$ , along the common dividing line between said Lot 1 and said 5.026 acre tract of land, same being the westerly line of this tract of land, a distance of 725.75 feet to the **POINT OF BEGINNING** and containing 5.024 acres of land, more or less.

This metes and bounds description is to accompany a survey map of same date.

Roger L. Way  
ROGER L. WAY  
R.P.L.S. No. 3910  
JOB No. 09B02215



10/06/15  
Date



**ALL POINTS SURVEYING**  
1714 Fortview Road, Suite 200, Austin, TX 78704  
Telephone: (512) 440-0071 Fax: (512) 440-0199

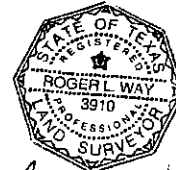
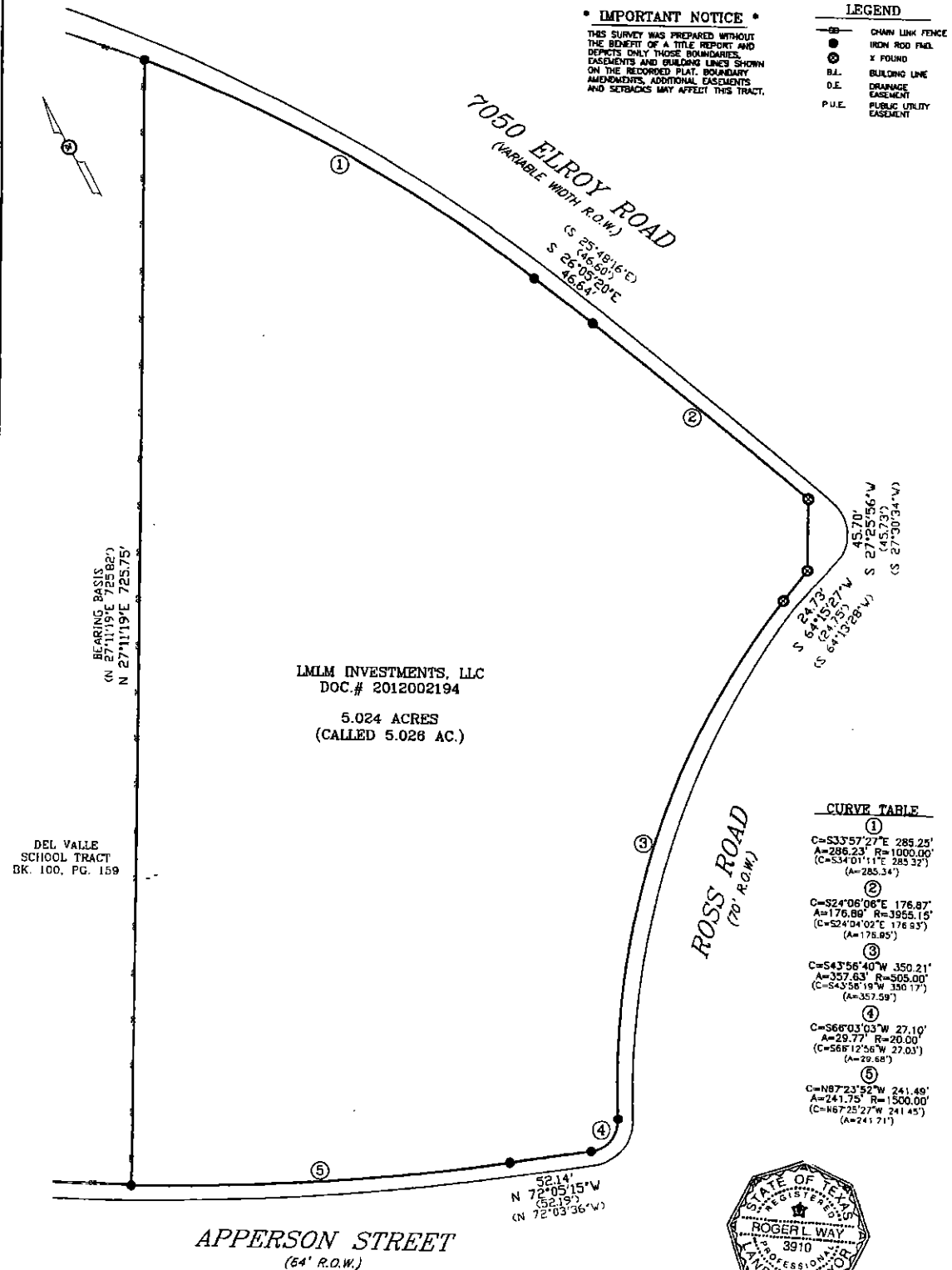
SCALE: 1"=80'

**IMPORTANT NOTICE**

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DEPICTS ONLY THOSE BOUNDARIES, EASEMENTS AND BUILDING LINES SHOWN ON THE RECORDED PLAT. BOUNDARY AMENDMENTS, ADDITIONAL EASEMENTS AND SETBACKS MAY AFFECT THIS TRACT.

**LEGEND**

CHAIN LINK FENCE  
IRON ROD FIND  
X FOUND  
B.L. BUILDING LINE  
D.E. DRAINAGE EASEMENT  
P.U.E. PUBLIC UTILITY EASEMENT



*Roger L. Way*



**ALL POINTS SURVEYING**

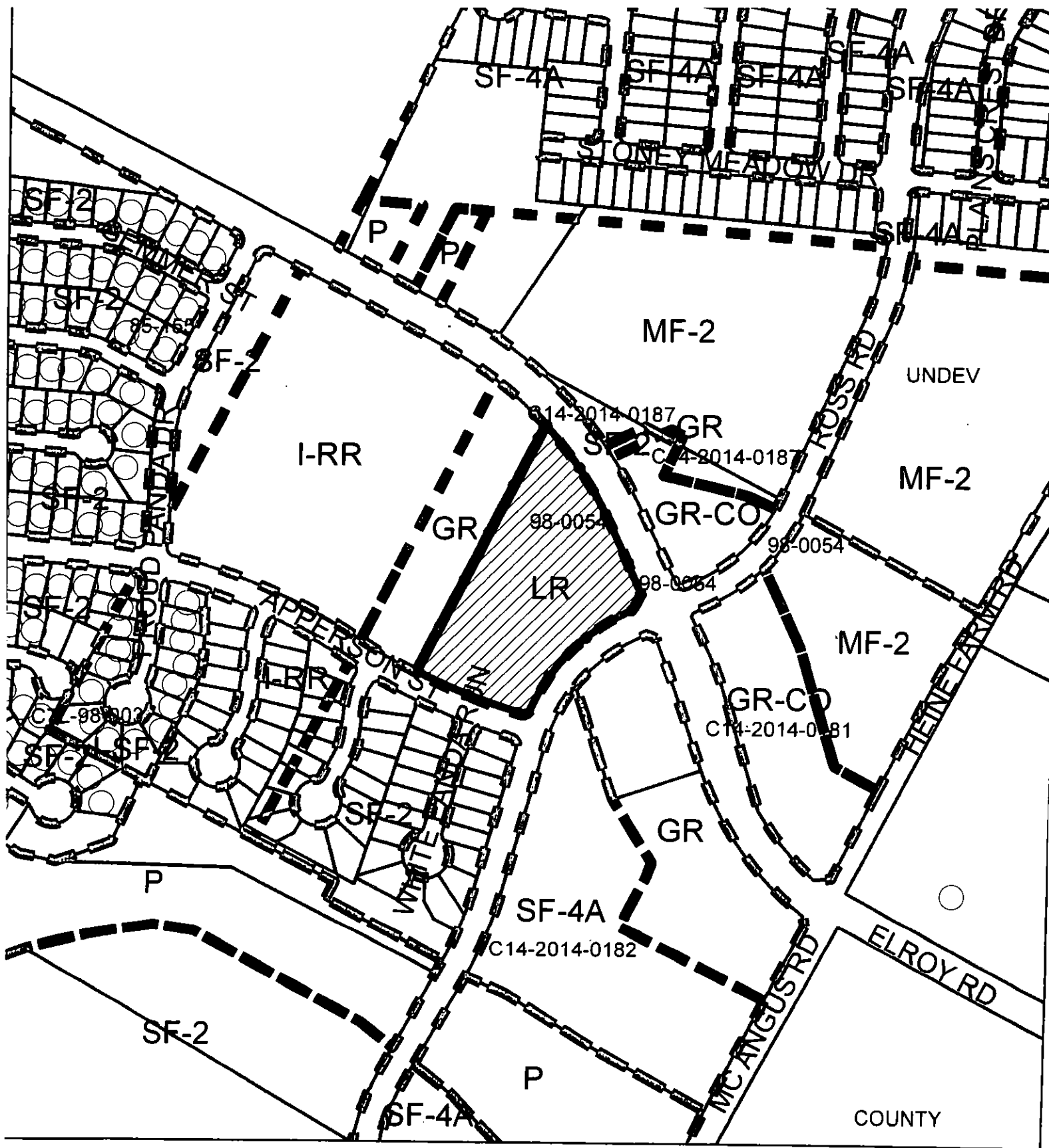
1714 FORTVIEW ROAD - SUITE 200  
AUSTIN TX. 78704

TELE: (512) 440-0071 - FAX: (512) 440-0199

FIRM REGISTRATION # 1016980

| Field      | Work | Date     |
|------------|------|----------|
| FIELD WORK | WW   | 10-02-15 |
| DRAWING    | SCN  |          |




SURVEY DATE: 10-08-15  
Job No. 09802215  
SCALE: 1"=80'



**ZONING**  
Zoning Case: C14-2015-0154

Exhibit B



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

1" = 333'

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.

