

**ORDINANCE NO. 20160505-043**

**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 4400 EAST WILLIAM CANNON DRIVE FROM FAMILY RESIDENCE (SF-3) DISTRICT TO COMMUNITY COMMERCIAL-MIXED USE-CONDITIONAL OVERLAY (GR-MU-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 family residence (SF-3) district to community commercial-mixed use-conditional overlay (GR-MU-CO) combining district on the property described in Zoning Case No. C14-2016-0004, on file at the Planning and Zoning Department, as follows:

All that certain parcel or tract of land out of the Santiago Del Valle Grant, Travis County, Texas; being all of a remaining portion of a tract of land as conveyed to Vicky Oporta by general warranty deed recorded on Document No. 2010106125 of the Official Public Records of Travis County, Texas, save and except that tract as conveyed to the City of Austin as described in a street deed recorded in Volume 9541, Page 158 of the Real Property Records of Travis County; and being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance (the "Property"),

locally known as 4400 East William Cannon Drive 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               | Automotive repair services        |
| Automotive sales                 | Automotive washing (of any type)  |
| Club or lodge                    | College and university facilities |
| Communication service facilities | Custom manufacturing              |
| Service station                  | Exterminating services            |
| Funeral services                 | Guidance services                 |
| Hospital services (general)      | Pawn shop services                |
| Plant nursery                    | Special use historic              |

Theater  
Urban farm  
Drop-off recycling collection  
facility

Residential treatment  
Private secondary educational facilities  
Public secondary educational facilities

- B. The maximum height of a building or structure on the Property shall not exceed 45 feet.
- C. Drive-in service use is prohibited as an accessory use on the Property.

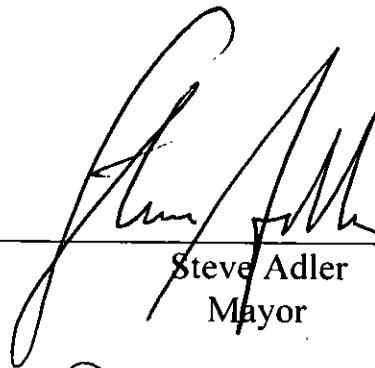
Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the community commercial (GR) district and other applicable requirements of the City Code.

**PART 3.** This ordinance takes effect on May 16, 2016.

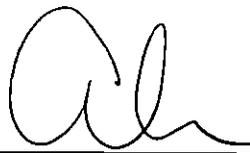
**PASSED AND APPROVED**

\_\_\_\_\_ May 5 \_\_\_\_\_, 2016

§  
§  
§

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

**APPROVED:**

  
\_\_\_\_\_  
Anne L. Morgan  
City Attorney

**ATTEST:**

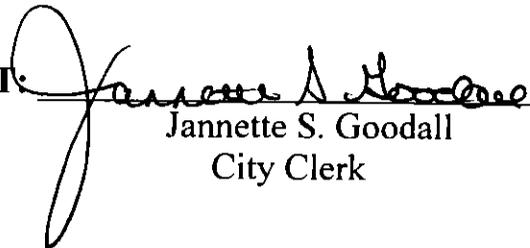
  
\_\_\_\_\_  
Jannette S. Goodall  
City Clerk

EXHIBIT \_\_\_\_\_

FEBRUARY 4, 2016  
JOB NO. 3829-00

PROPOSED ZONING BOUNDARY  
CITY OF AUSTIN, TRAVIS COUNTY, TEXAS

ALL THAT CERTAIN PARCEL OR TRACT OF LAND OUT OF THE SANTIAGO DEL VALLE GRANT, TRAVIS COUNTY, TEXAS; BEING ALL OF A THE REMAINING PORTION OF A TRACT OF LAND AS CONVEYED TO VICKY OPORTA BY GENERAL WARRANTY DEED RECORDED IN DOCUMENT NO. 2010106125 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAVE AND EXCEPT THAT TRACT AS CONVEYED TO THE CITY OF AUSTIN AS DESCRIBED IN A STREET DEED RECORDED IN VOLUME 9541, PAGE 158 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY; AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a 5/8" iron rod found on the north right-of-way line of East William Cannon Drive, at a southerly outside corner of Lot 1, Las Maderas Section One, a subdivision as recorded in Volume 84, Page 171A of the Plat Records of Travis County, Texas, at the southwest corner of said Oporta remainder tract, for the southwest corner and **POINT OF BEGINNING** of the herein described tract;

THENCE, with an easterly line of said Lot 1, Las Maderas and a westerly line of said Oporta tract, N 31°56'49" E a distance of 88.51 feet to a 1/2" iron rod found at an inside corner of said Lot 1, Las Maderas, at the northwest corner of said Oporta remainder tract, for the northwest corner of this tract;

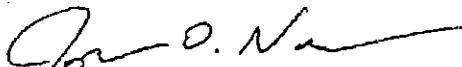
THENCE, with the north line of said Oporta remainder tract and a southerly line of said Lot 1, Las Maderas, the following five (5) courses:

- 1) N 89°51'23" E, a distance of 35.93 feet to a 1/2" iron rod found at an angle point;
- 2) S 83°34'07" E, a distance of 120.70 feet to a 1/2" iron rod found at an angle point;
- 3) S 75°49'45" E, a distance of 41.72 feet to a 1/2" iron rod set with cap stamped BROWN & GAY at angle point;
- 4) S 65°46'12" E, a distance of 44.22 feet to a 1/2" iron rod found at an angle point;  
and
- 5) S 57°36'49" E, a distance of 50.28 feet to a 1/2" iron rod found with cap stamped "B&G Surveying" at the northeast corner of said Oporta remainder tract, at a northwest corner of a remainder tract as conveyed to Daniel Garcia by warranty deed recorded in Document No. 2003287160 of the Official Public Records of Travis County, Texas, for the northeast corner of this tract;

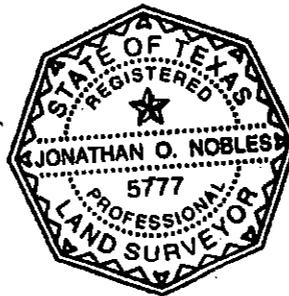
THENCE, with the east line of said Oporta remainder tract and the west line of said Garcia remainder tract, S 45°11'05" W a distance of 183.88 feet to a ½" iron rod found with cap stamped "B&G Surveying" on the north right-of-way line of said East William Cannon Drive, at the southeast corner of said Oporta remainder tract, for the southeast corner of this tract;

THENCE, with the north right-of-way line of said East William Cannon Drive and the southerly line of said Oporta remainder tract, N 57°46'33" W a distance of 231.08 feet to the **POINT OF BEGINNING** and containing 0.853 acre (37,169 square feet) of land, more or less.

I hereby certify that these notes were prepared by BGE from a survey made on the ground on December 2, 2015 under my supervision and are true and correct to the best of my knowledge. Bearing orientation is based on the Texas State Plane Coordinate System, Central Zone, NAD 83. This document was prepared under 22 TAC §663.21 and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared. A survey sketch of even date was prepared by the undersigned in conjunction with this metes and bounds description.

  
Jonathan O. Nobles RPLS No. 5777

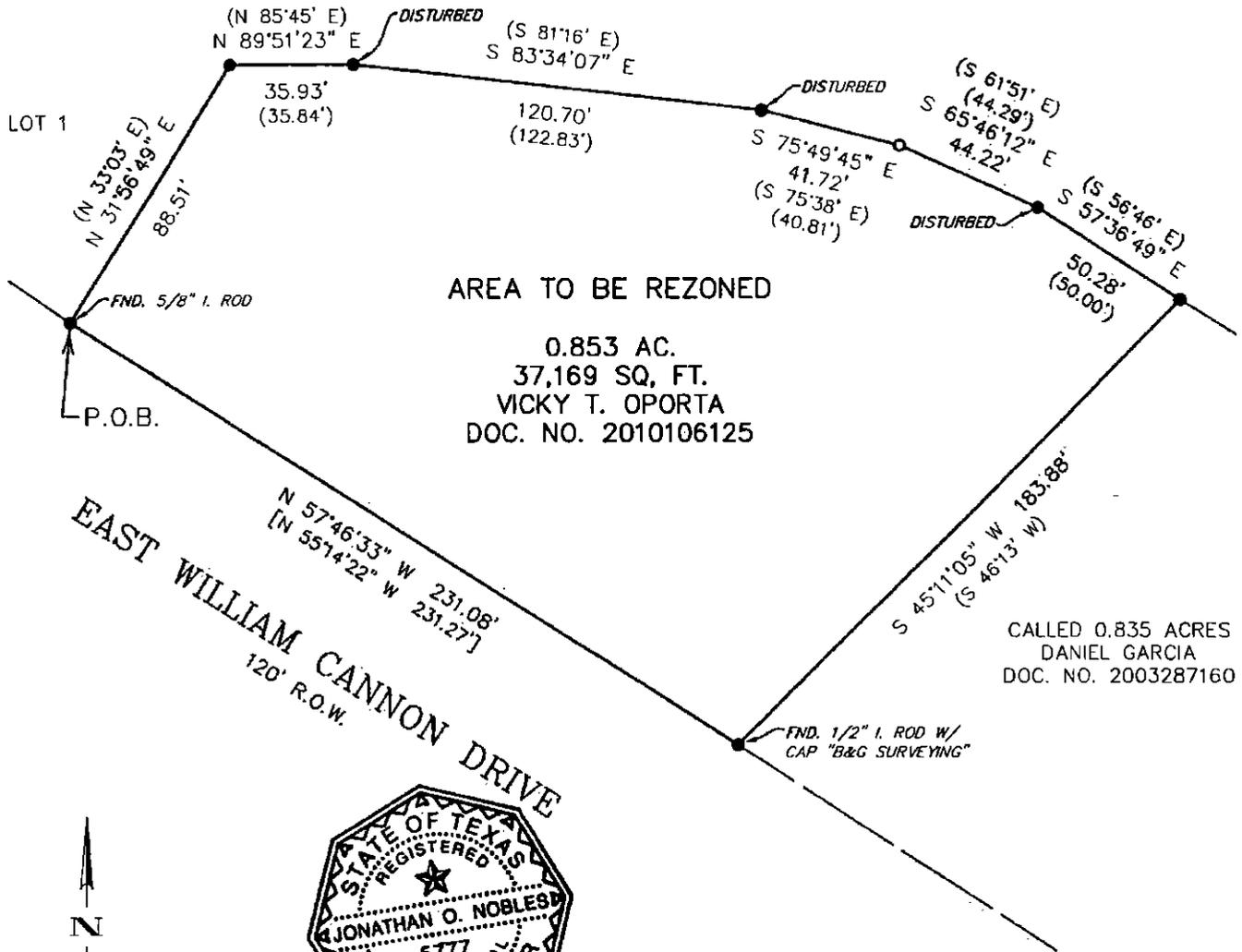
Brown & Gay Engineers, Inc.  
7000 North Mopac, Suite 330  
Austin, Texas 78731  
Telephone: (512) 879-0400  
TBPLS Licensed Surveying Firm No. 10106502



2/5/2016  
Date

LAS MADERAS SECTION ONE  
VOL. 84, PG. 171A T.C.P.R.

LOT 1

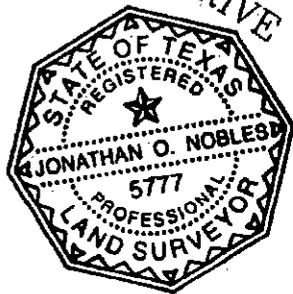


AREA TO BE REZONED

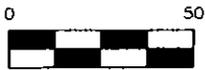
0.853 AC.  
37,169 SQ. FT.  
VICKY T. OPORTA  
DOC. NO. 2010106125

EAST WILLIAM CANNON DRIVE  
120' R.O.W.

CALLED 0.835 ACRES  
DANIEL GARCIA  
DOC. NO. 2003287160



*Jonathan O. Nobles*  
2/5/2016



**LEGEND**

- FOUND 1/2" IRON ROD (UNLESS NOTED)
- SET 1/2" IRON ROD W/ "BROWN & GAY" CAP
- ( ) RECORD INFORMATION (Doc. No. 2010106125)
- [ ] RECORD INFORMATION (Vol. 9541, Pg. 158)

**BEARING BASIS NOTE:**

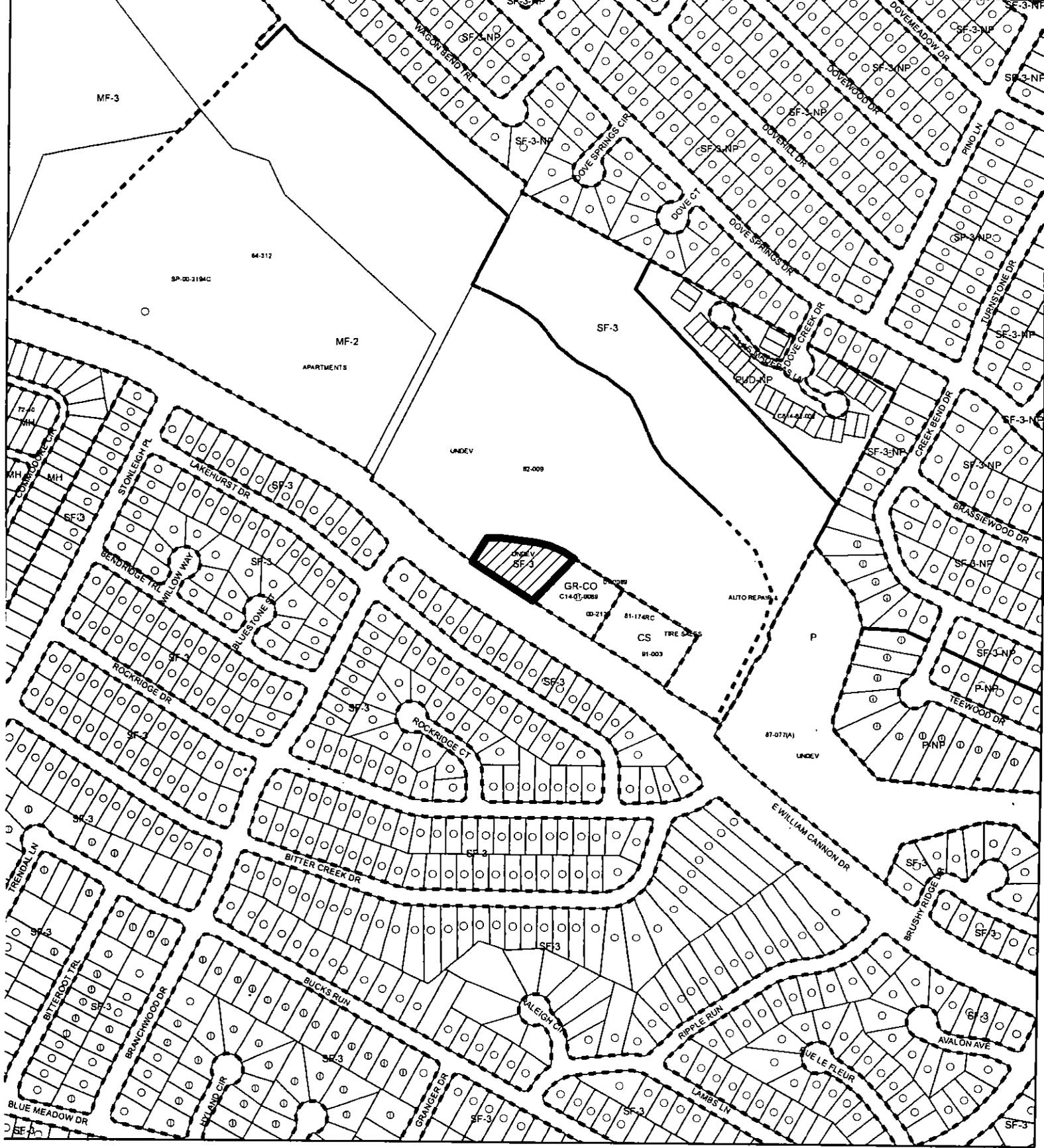
HORIZONTAL DATUM BASED ON THE TEXAS STATE PLANE  
COORDINATE SYSTEM, NAD 83, TEXAS CENTRAL ZONE.



Brown & Gay Engineers, Inc.  
7000 North Mopac, Suite 330, Austin, TX 78731  
Tel: 512-879-0400 • www.browngay.com  
TBPLS Licensed Surveying Firm No. 10106502

SKETCH TO ACCOMPANY  
ZONING DESCRIPTION  
CITY OF AUSTIN,  
TRAVIS COUNTY, TEXAS

Scale: 1"=50'	Job No.: 3829-00	Date: 02/04/2016	Drawing: 1 of 1
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-  N
-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

**ZONING**  
**ZONING CASE#: C14-2016-0004**

Exhibit B



1" = 400'

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.