

**ORDINANCE NO. 20160512-024**

**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 4717 TURNER LANE IN THE UNIVERSITY HILLS/WINDSOR HILLS NEIGHBORHOOD PLAN AREA FROM FAMILY RESIDENCE-NEIGHBORHOOD PLAN (SF-3-NP) COMBINING DISTRICT TO COMMUNITY COMMERCIAL-MIXED USE-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (GR-MU-CO-NP) COMBINING DISTRICT FOR TRACT 1, FROM TOWNHOUSE AND CONDOMINIUM RESIDENCE-NEIGHBORHOOD PLAN (SF-6-NP) COMBINING DISTRICT TO COMMUNITY COMMERCIAL-MIXED USE-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (GR-MU-CO-NP) COMBINING DISTRICT FOR TRACT 2, AND FROM NEIGHBORHOOD COMMERCIAL-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (LR-CO-NP) COMBINING DISTRICT TO COMMUNITY COMMERCIAL-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (GR-CO-NP) COMBINING DISTRICT FOR TRACT 3.**

**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 community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district for Tract 1, from townhouse and condominium residence-neighborhood plan (SF-6-NP) combining district to community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district for Tract 2, and from neighborhood commercial-conditional overlay-neighborhood plan (LR-CO-NP) combining district to community commercial-conditional overlay-neighborhood plan (GR-CO-NP) for Tract 3 on the property described in Zoning Case No. C14-2015-0086, on file at the Planning and Zoning Department, as follows:

**Tract 1:**

Being a 1.691 acre tract of land lying in and being situated out the J.C. Tannehill League, Abstract No. 22 in Travis County, Texas and being a portion of that certain in 10.369 acre tract of land conveyed to Jimmy Nassour by deed recorded in Document No. 2013145739 Official Public Records, Travis County, Texas; said 1.691 acre tract being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance,

**Tract 2:**

Being a 4.032 acre tract of land lying and being situated out of the J.C. Tannehill League, Abstract No. 22 in Travis County, Texas and being a portion of that certain 10.369 acre tract of land conveyed to Jimmy Nassour by deed recorded in Document No. 2013145739 Official Public Records, Travis County, Texas; said 4.032 acre tract being more particularly described by metes and bounds in Exhibit "B" incorporated into this ordinance,

**Tract 3:**

Being a 4.642 acre tract of land lying in and being situated out of the J.C. Tannehill League, Abstract No. 22 in Travis County, Texas a being a portion of that certain 10.369 acre tract of land conveyed to Jimmy Nassour by deed recorded in Document No. 2013145739 Official Public Records, Travis County, Texas; said 4.642 acre tract being more particularly described by metes and bounds in Exhibit "C" incorporated into this ordinance (cumulatively referred to as the "Property"),

locally known as 4717 Turner Lane in the City of Austin, Travis County, Texas, generally identified in the map attached as Exhibit "D".

**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 2,000 trips per day.
- B. Development of the Property shall include pedestrian and bicycle access from the Property to Ashland Drive. Vehicular access from the Property to Ashland Drive is prohibited, except an access gate for emergency use only shall be located on the Property at the terminus of Ashland Drive.
- C. At the time of site plan, development of the Property shall include a 40-foot wide access easement to Manor Road at Turner Lane. The access easement shall include a minimum of 24 feet of paved surface. The access easement agreement shall be subject to review and approval by the City of Austin Development Services prior to recordation.
- D. A minimum 6-foot high solid fence shall be provided on all Property lines.

- E. The maximum height of a building or structure on the Property is limited to 42 feet.
- F. An indoor sports and recreation use shall be limited to a maximum of 35,000 square feet of conditioned space.
- G. Drive-in service use is prohibited as an accessory use to commercial uses on the Property.
- H. The following uses are not permitted uses for Tracts 1 and 2:

Art gallery	Alternative financial services
Automotive rentals	Art workshop
Automotive sales	Automotive repair services
Bail bond services	Automotive washing (of any type)
Business support services	Business or trade school
Communications services	Commercial off-street parking
Consumer repair services	Consumer convenience services
Financial services	Exterminating services
Food sales	Food preparation
General retail sales (convenience)	Funeral services
Hotel-motel	General retail sales (general)
Off-site accessory parking	Indoor entertainment
Pawn shop services	Outdoor entertainment
Personal improvement services	Pedicab storage and dispatch
Pet services	Personal services
Printing and publishing	Plant nursery
Research services	Professional office
Restaurant (limited)	Restaurant (general)
Software Development	Service station
Custom manufacturing	Theater
Community events	Congregate living
Counseling services	Guidance services
Group home, class II	Hospital services (limited)
Hospital services (general)	Residential treatment
Administrative and business offices	Medical offices – exceeding 5,000 sq. ft. gross floor area
Medical offices – not exceeding 5,000 sq. ft. gross floor area	Drop off recycling collection facility
Retirement housing (large site)	College and university facilities

Community recreation (private)  
Cultural services  
Day care services (general)  
Private primary educational  
facilities

Community recreation (public)  
Day care services (commercial)  
Safety services  
Private secondary educational  
facilities

I. The following uses are conditional uses for Tracts 1 and 2:

Group home, class I (general)

J. Development of Tracts 1 and 2 shall comply with the following regulations:

1. For commercial and civic land uses, the following development standards apply:

- a. Minimum front yard setback shall be 25 feet.
- b. Minimum street side yard setback shall be 15 feet.
- c. Maximum impervious coverage shall be 80%.
- d. Maximum building coverage shall be 50%.
- e. Maximum floor-to-area ratio (F.A.R.) shall be 0.5 to 1.

2. For residential land uses, the following development standards apply:

- a. Minimum front yard setback shall be 25 feet.
- b. Minimum interior side yard setback shall be 5 feet.
- c. Minimum rear yard setback shall be 10 feet.
- d. Maximum impervious coverage shall be 55%.
- e. Maximum building coverage shall be 40%.

K. For Tracts 1 and 2, a retirement housing (large site) use is subject to development under conditions outlined in City Code Section 25-2-559 (*Urban Family Residence (SF-5) District or Townhouse and Condominium Residence (SF-6) District Retirement Housing Use*).

L. The following uses are not permitted uses for Tract 3:

Automotive rentals  
Automotive sales  
Bail bond services  
Business support services  
Communications services  
Food preparation

Automotive repairs services  
Automotive washing (of any type)  
Business or trade school  
Commercial off-street parking  
Exterminating services  
Funeral services

Hotel-motel  
Outdoor entertainment  
Research services  
Theater  
Hospital services (general)  
Drop-off recycling collection  
facility  
Residential treatment

Indoor entertainment  
Pawn shop services  
Service station  
Group home, class II  
Hospital services (limited)  
Medical offices – exceeding 5,000  
sq. ft. gross floor area  
Congregate living

M. The following uses are conditional uses for Tract 3:

Community recreation (public)      Community recreation (private)

N. Development of Tract 3 shall comply with the following regulations:

1. Minimum front yard setback shall be 25 feet.
2. Minimum street side yard setback shall be 15 feet.
3. Maximum impervious coverage shall be 80%.
4. Maximum building coverage shall be 40%.
5. Maximum floor-to-area ratio (F.A.R.) shall be 0.5 to 1.

O. For Tract 3, an alternative financial services land use is subject to development under conditions outlined in City Code Section 25-2-816 (*Alternative Financial Services Businesses*).

P. For Tract 3, personal improvement services and restaurant (general) land uses are subject to development under conditions outlined in City Code Section 25-2-587 (*Requirements for Certain Uses in a Neighborhood Commercial (LR) District*).

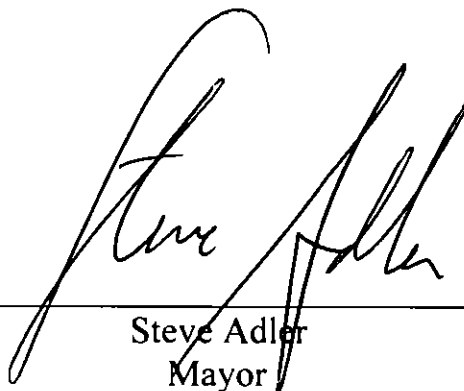
Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the community commercial (GR) district and other applicable requirements of the City Code.

**PART 3.** This ordinance takes effect on May 23, 2016.

**PASSED AND APPROVED**

\_\_\_\_\_, May 12 \_\_\_\_\_, 2016

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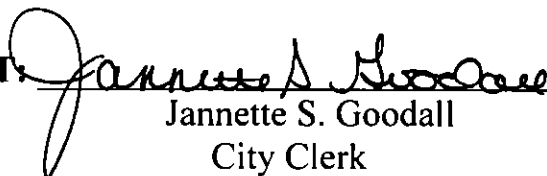
\_\_\_\_\_  
Steve Adler  
Mayor

**APPROVED:**



Anne L. Morgan  
City Attorney

**ATTEST:**



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

April 21, 2016

**LEGAL DESCRIPTION TRACT 1:** BEING A 1.691 ACRE TRACT OF LAND LYING IN AND BEING SITUATED OUT THE J. C. TANNEHILL LEAGUE, ABSTRACT NO. 22 IN TRAVIS COUNTY, TEXAS AND BEING A PORTION OF THAT CERTAIN 10.369 ACRE TRACT OF LAND CONVEYED TO JIMMY NASSOUR BY DEED RECORDED IN DOCUMENT NO. 2013145739 OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS; SAID 1.691 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS AND AS SURVEYED UNDER THE SUPERVISION OF JAMES E. GARON & ASSOCIATES:

**BEGINNING** at a 1/2" iron rod found for the northwesterly corner hereof and said Nassour 10.369 acre tract, being in the southerly line of Lot 2, H.E.B. Austin No. 13 Subdivision as recorded by plat in Document #200000080 of said official public records;

THENCE S 62°07'30" E a distance of 633.22 feet for the northerly line hereof, and said Nassour 10.369 acre tract common with said Lot 2, H.E.B. Austin No. 13 Subdivision, to a Tx-DOT brass disk in concrete found and S 62°06'30" E a distance of 32.81 feet to a Tx-DOT brass disk in concrete found on the westerly right-of-way line of U.S. Highway 183 (Ed Bluestein Boulevard) for the northeasterly corner hereof;

THENCE S 11°32'00" E a distance of 103.53 feet with said right-of-way line to a calculated point for the most easterly southeast corner hereof;

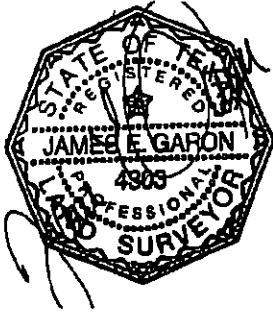
THENCE crossing said Nassour 10.369 acre tract N 62°07'30" W a distance of 694.71 feet to a calculated point for an ell corner and S 27°55'44" W a distance of 343.01 feet to a calculated point in the northerly line of Lot 1B, Block B, The Bluffs of University Hills, A Resubdivision of Lot 1, Block B, recorded in Volume 84, Page 54A, Plat Records of Travis County, Texas, being the southerly line of said Nassour 10.369 acre tract for the most southerly southeast corner hereof;

THENCE N 52°10'44" W a distance of 50.76 feet to a 1/2" iron rod found for the southwesterly corner hereof and said Nassour 10.369 acre tract, the southeasterly corner of Lot 2, Austin (Turner) DTP III, LLC Addition, a subdivision as recorded in Document #201100171 of said official public records;

THENCE for the westerly line hereof and said Nassour 10.369 acre tract, the easterly line of said Lot 2, Austin (Turner) DTP III, LLC Addition N 27°55'44" E a distance of 379.20 feet to an iron rod set for angle point and N 48°06'17" E a distance of 37.35 feet to the **POINT OF BEGINNING**, containing 1.691 acres of land, more or less, and as shown on sketch of survey prepared herewith.

Bearing Basis: NAD83 State Plane Texas Central Zone.

Surveyed by:



James E. Garon  
Registered Professional Land Surveyor  
Server: Co\Travis\Surveys\JC Tannehill\30116-zoning-tr1.doc

References:  
TCAD Map No. 22-2817  
Austin City Grid N-26



April 21, 2016

**LEGAL DESCRIPTION TRACT 2: BEING A 4.032 ACRE TRACT OF LAND LYING IN AND BEING SITUATED OUT THE J. C. TANNEHILL LEAGUE, ABSTRACT NO. 22 IN TRAVIS COUNTY, TEXAS AND BEING A PORTION OF THAT CERTAIN 10.369 ACRE TRACT OF LAND CONVEYED TO JIMMY NASSOUR BY DEED RECORDED IN DOCUMENT NO. 2013145739 OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS; SAID 4.032 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS AND AS SURVEYED UNDER THE SUPERVISION OF JAMES E. GARON & ASSOCIATES:**

**BEGINNING** at a calculated point in the northerly line of Lot 1B, Block B, The Bluffs of University Hills, A Resubdivision of Lot 1, Block B, recorded in Volume 84, Page 54A, Plat Records of Travis County, Texas, being the southerly line of said Nassour 10.369 acre tract for the southwesterly corner hereof, from which said **POINT OF BEGINNING** a 1/2" iron rod found for the southwesterly corner of said Nassour 10.369 acre tract and the southeasterly corner of Lot 2, Austin (Turner) DTP III, LLC Addition, a subdivision as recorded in Document #201100171 of said official public records bears N 52°10'44" W a distance of 50.76 feet;

**THENCE** crossing said Nassour 10.369 acre tract for the westerly & northerly lines hereof N 27°55'44" E a distance of 343.01 feet to a calculated point for an ell corner and S 62°07'30" E a distance of 694.71 feet to a calculated point the westerly right-of-way line of U.S. Highway 183 (Ed Bluestein Boulevard) being the easterly line of said Nassour 10.369 acre tract for the northeasterly corner hereof;

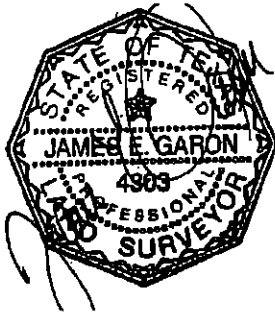
**THENCE** crossing said Nassour 10.369 acre tract for the southeasterly line hereof S 77°24'43" W a distance of 594.21 feet to a 1/2" iron rod found at the northwesterly corner of Lot 13, Block B, The Bluffs of University Hills, Section 1, as recorded by plat in Volume 42, Page 12, Plat Records, Travis County, being the northeasterly corner of said Lot 1B, Block B, The Bluffs of University Hills, a Resubdivision of Lot 1, Block B for the southeasterly corner hereof;

**THENCE** N 52°10'44" W a distance of 246.65 feet with the northerly line Lot 1B, Block B, The Bluffs of University Hills, a Resubdivision of Lot 1, Block B and the southerly line of said Nassour 10.365 acre tract to the **POINT OF BEGINNING**, containing 4.032 acres of land, more or less, and as shown on sketch of survey prepared herewith.

Bearing Basis: NAD83 State Plane Texas Central Zone.

● Page 2  
Surveyed by:

April 21, 2016



James E. Garon  
Registered Professional Land Surveyor  
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References:  
TCAD Map No. 22-2817  
Austin City Grid N-26

EXHIBIT "\_\_\_"

LR-CO-NP → GR-CO-NP

April 21, 2016

**LEGAL DESCRIPTION TRACT 3:** BEING A 4.642 ACRE TRACT OF LAND LYING IN AND BEING SITUATED OUT THE J. C. TANNEHILL LEAGUE, ABSTRACT NO. 22 IN TRAVIS COUNTY, TEXAS AND BEING A PORTION OF THAT CERTAIN 10.369 ACRE TRACT OF LAND CONVEYED TO JIMMY NASSOUR BY DEED RECORDED IN DOCUMENT NO. 2013145739 OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS; SAID 4.642 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS AND AS SURVEYED UNDER THE SUPERVISION OF JAMES E. GARON & ASSOCIATES:

**BEGINNING** at a 1/2" iron rod set in the westerly right-of-way line of U.S. Highway 183 (Ed Bluestein Boulevard) for the southeasterly corner hereof and said Nassour 10.369 acre tract, the northeasterly corner of Lot 1, Gregory W. Neuman Subdivision as recorded by plat in Document No. 2000159678 of said Official Public Records;

THENCE S 78°07'58" W a distance of 106.26 feet to a 1/2" iron rod set at the most easterly corner of Lot 7, Block C, The Bluffs of University Hills, Section 1, as recorded in Volume 42, Page 12, Plat Records, Travis County, Texas and the northwest corner of said Lot 1, Gregory W. Neuman Subdivision for an angle point hereof and said Nassour 10.369 acre tract;

THENCE N 52°10'44" W a distance of 748.95 feet with a northerly line of The Bluffs of University Hills, Section 1 and the southerly line of said Nassour 10.369 acre tract to a 1/2" iron rod found at the northeasterly corner of Lot 1B, Block B, The Bluffs of University Hills, a Resubdivision of Lot 1, Block "B" as recorded in Volume 84, Page 54A Plat Records, Travis County, Texas, being the northwesterly corner of Lot 13, Block B of said The Bluffs of University Hills for the westerly corner hereof;

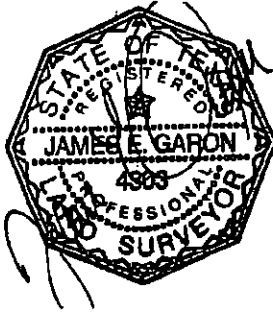
THENCE crossing said Nassour 10.369 acre tract for the northwesterly line hereof N 77°24'43" E a distance of 594.21 feet to a calculated point in the westerly right-of-way line of said U.S. Highway 183 (Ed Bluestein Boulevard), the easterly line of said Nassour 10.369 acre tract for the northeasterly corner hereof;

THENCE with the westerly right-of-way line of said U.S. Highway 183 (Ed Bluestein Boulevard), the easterly line of said Nassour 10.369 acre tract S 11°32'00" E a distance of 578.59 feet to the **POINT OF BEGINNING**, containing 4.642 acres of land, more or less, and as shown on sketch of survey prepared herewith.

Bearing Basis: NAD83 State Plane Texas Central Zone.

Exhibit C

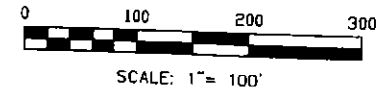
Surveyed by:



James E. Garon  
Registered Professional Land Surveyor  
Server: Co\Travis\Surveys\JC Tannehill\30116-zoning-tr3.doc

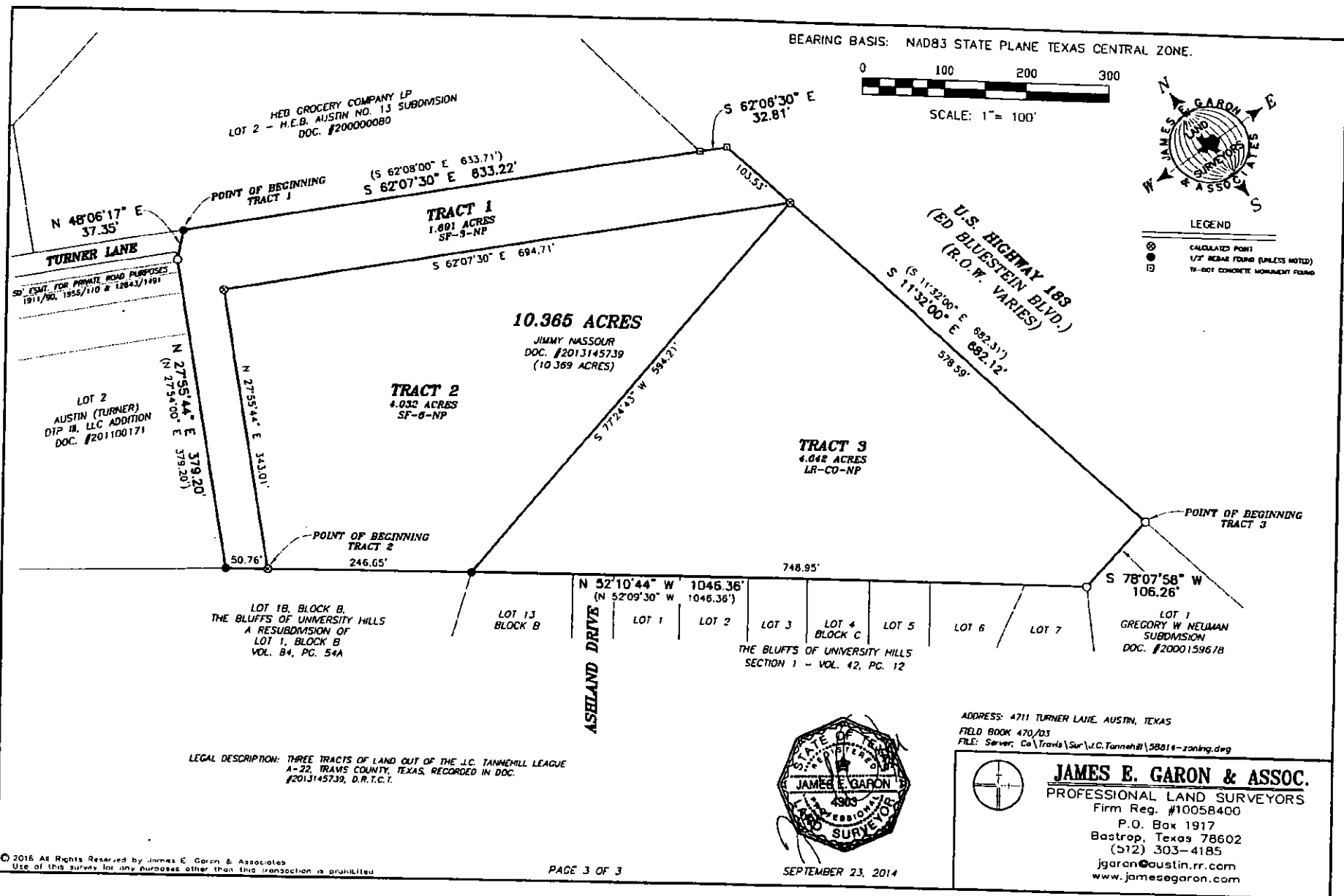
References:  
TCAD Map No. 22-2817  
Austin City Grid N-26

BEARING BASIS: NAD83 STATE PLANE TEXAS CENTRAL ZONE.

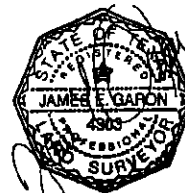


LEGEND

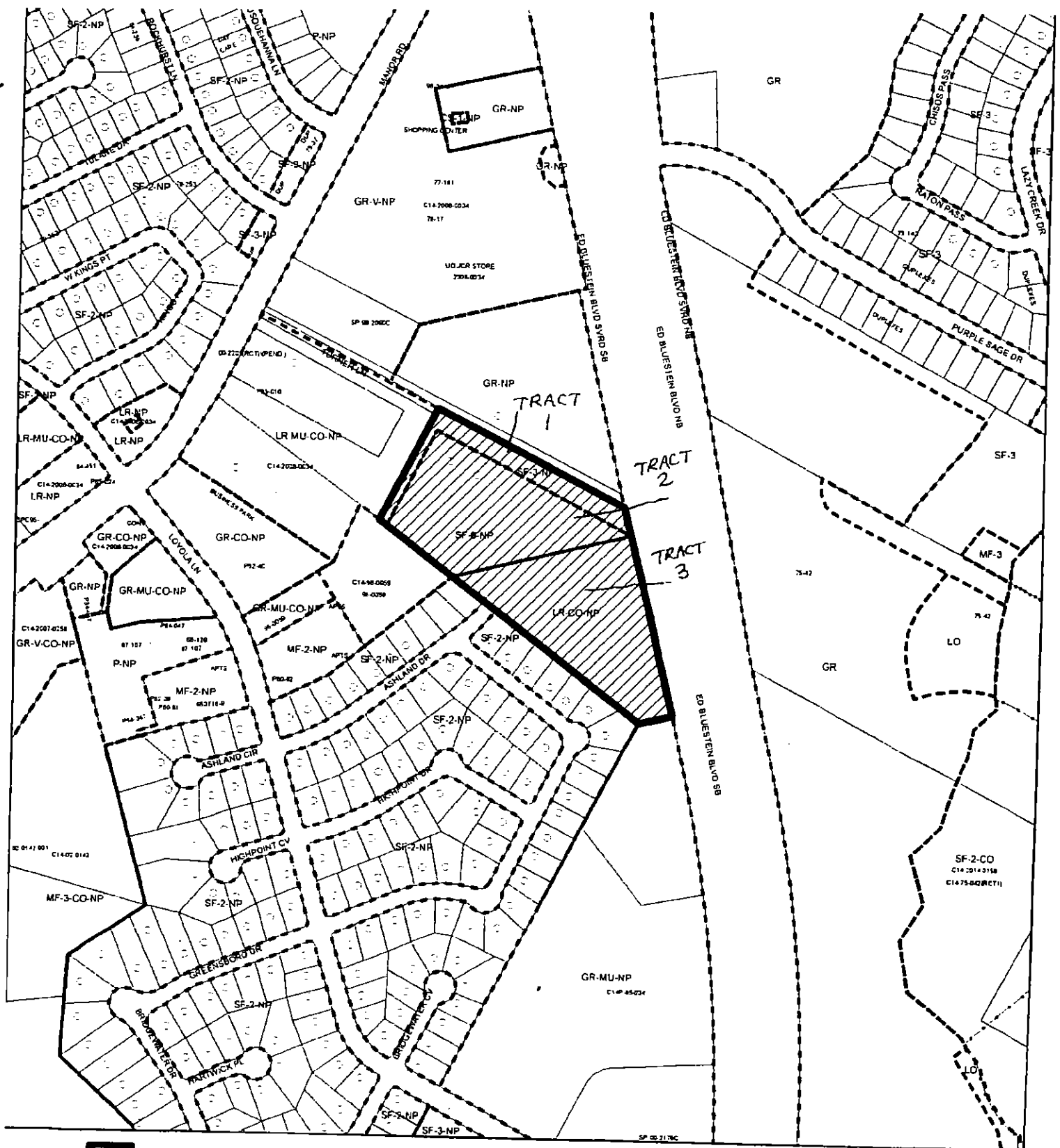
- CALCULATED POINT
- 1/2" IRON PILING (UNLESS NOTED)
- IRON CONCRETE MONUMENT FOUND






ADDRESS: 4711 TURNER LANE, AUSTIN, TEXAS  
FIELD BOOK: 470/03  
FILE: Server: Co\Travis\Sur\J.C.Tannehill\58816-zoning.dwg



**JAMES E. GARON & ASSOC.**  
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jgaron@austin.rr.com  
www.jamesegarons.com



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

## ZONING

Zoning Case: C14-2015-0086

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.



Exhibit D