

**ORDINANCE NO. 20180201-083**

**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 9828 GREAT HILLS TRAIL AND 10224 RESEARCH BOULEVARD FROM COMMUNITY COMMERCIAL (GR) DISTRICT AND LIMITED OFFICE (LO) DISTRICT TO GENERAL COMMERCIAL SERVICES-MIXED USE-VERTICAL MIXED USE BUILDING-CONDITIONAL OVERLAY (CS-MU-V-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 community commercial (GR) district and limited office (LO) district to general commercial services-mixed use-vertical mixed use building-conditional overlay (CS-MU-V-CO) combining district on the property described in Zoning Case No. C14-2017-0028, on file at the Planning and Zoning Department, as follows:

Lot 1, Schmidt Tract No. One Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Volume 81, Page 111, of the Official Records of Travis County, Texas, and

Being 0.491 acres (approximately 21,396 square feet), being out of and a part of Lot-1, Oak View-Section Two, according to the map or plat thereof recorded in Volume 80, Page 259, of the Plat Records of Travis County, Texas, and being also all of a 0.49055 acre tract conveyed to Schmidt Investments, Ltd., in a Warranty Deed dated May 31, 1997, and recorded in Volume 12946, Page 1823, of the Real Property Records of Travis County, Texas, described in Volume 12563, Page 2202, of the Real Property Records of Travis County, Texas, said 0.0491 acre tract being more particularly described by metes and bounds in **Exhibit "A"** incorporated into this ordinance (cumulatively referred to as the "Property"),

locally known as 9828 Great Hills Trail and 10224 Research Boulevard 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 prohibited uses for the Property:

Adult-oriented businesses  
Automotive rentals  
Automotive sales  
Commercial off-street parking  
Funeral services  
Pawn shop services  
Residential treatment  
Short-term rental  
Veterinary services  
Vehicle storage  
Convenience storage  
Limited warehousing and  
distribution

Alternative financial services  
Automotive repair services  
Automotive washing (of any type)  
Exterminating services  
Guidance services  
Pedicab storage and dispatch  
Service station  
Urban farm  
Monument retail sales  
Kennels  
Campground

- B. Drive-in service as an accessory use to Restaurant (general) and Restaurant (limited) is prohibited within 200 feet of Jollyville Road.

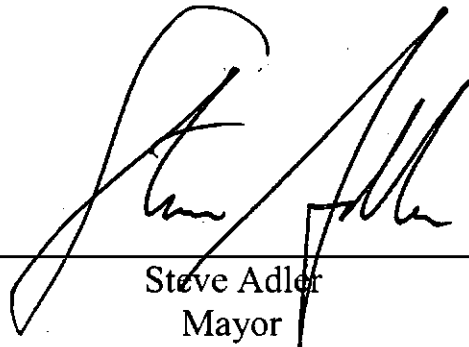
**PART 3.** Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the general commercial services (CS) district and other applicable requirements of the City Code.

**PART 4.** This ordinance takes effect on February 12, 2018.


**PASSED AND APPROVED**

February 1, 2018

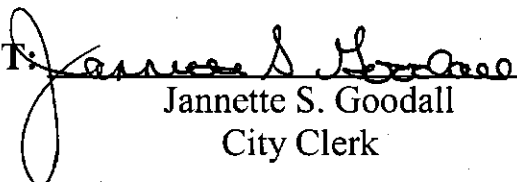
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Steve Adler  
Mayor

**APPROVED:**

  
Anne L. Morgan  
City Attorney

**ATTEST:**

  
Jannette S. Goodall  
City Clerk



**Professional Land Surveying, Inc.  
Surveying and Mapping**

Office: 512-443-1724  
Fax: 512-389-0943

3500 McCall Lane  
Austin, Texas 78744

**0.491 ACRES  
TRAVIS COUNTY, TEXAS**

A DESCRIPTION OF 0.491 ACRES (APPROXIMATELY 21,396 SQ. FT.), BEING OUT OF AND A PART OF LOT-1, OAK VIEW-SECTION TWO, ACCORDING TO MAP OR PLAT THEREOF RECORDED IN VOLUME 80, PAGE 259, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS AND BEING ALSO ALL OF A 0.49055 ACRE TRACT CONVEYED TO SCHMIDT INVESTMENTS, LTD., IN A WARRANTY DEED DATED MAY 31, 1997 AND RECORDED IN VOLUME 12946, PAGE 1823 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, DESCRIBED IN VOLUME 12563, PAGE 2202 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.491 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a 1/2" rebar found for the southwest corner of said 0.49055 acre tract, same being the southernmost southwest corner of said Lot-1, and also being an angle point in a north line of Lot 1, Schmidt Tract No. One, a subdivision of record in Volume 81, Page 111 of the Plat Records of Travis County, Texas;

**THENCE** North 03°48'23" East, with the west line of the 0.49055 acre tract, same being a west line of Lot-1, Oak View-Section Two, and also being an east line of said Lot 1 Schmidt Tract No. One, a distance of 240.20 feet to a calculated point, from which a 1/2" rebar with "Bury Partners" cap found bears North 77°38'27" West, a distance of 0.55 feet;

**THENCE** North 86°15'32" West, with a south line of the 0.49055 acre tract, same being a south line of Lot-1, Oak View-Section Two, and also being the north line of Lot 1, Schmidt Tract No. One, a distance of 14.81 feet to an "X" in concrete found;

**THENCE** with the north and east lines of the 0.49055 acre tract, crossing Lot-1, Oak View-Section Two, the following six (6) courses and distances:

1. With a curve to the right, having a radius of 20.24 feet, a delta angle of 41°18'48", an arc length of 14.59 feet, and a chord which bears North 52°39'18" East, a distance of 14.28 feet to a 1/2" rebar found;
2. South 86°16'39" East, a distance of 85.62 feet to a 1/2" rebar found;
3. With a curve to the right, having a radius of 4.50 feet, a delta angle of 89°42'34", an arc length of 7.05 feet, and a chord which bears South 40°35'28" East, a distance of 6.35 feet to a 1/2" rebar found;

**EXHIBIT A**

4. South 04°03'57" West, a distance of 222.63 feet to a 1/2" rebar found;
5. North 86°27'38" West, a distance of 1.32 feet to an "X" in concrete found;
6. South 03°18'42" West, a distance of 22.33 feet to a Mag nail with washer found for the southeast corner of the 0.49055 acre tract, same being a south line of Lot-1, Oak View-Section Two, and also being a north line of Lot 1, Schmidt Tract No. One;

**THENCE** North 86°19'59" West, with the south line of the 0.49055 acre tract, same being a south line of Lot-1, Oak View-Section Two and also being a north line of Lot 1, Schmidt Tract No. One, a distance of 83.87 feet to the **POINT OF BEGINNING**, containing 0.491 acres of land, more or less.

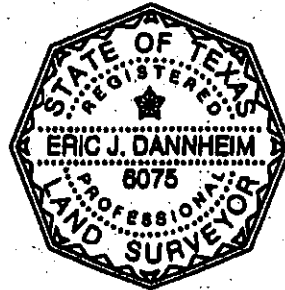
Surveyed on the ground May 24, 2016. Bearing Basis: The Texas Coordinate System of 1983 (NAD83), Central Zone, based on GPS solutions from the National Geodetic Survey (NGS) On-line Positioning User Service (OPUS). Attachments: Drawing 927-003-BASE.



Eric J. Dannheim  
Registered Professional Land Surveyor  
State of Texas No. 6075  
TBPLS Firm No. 10124500

Date

6/2/16

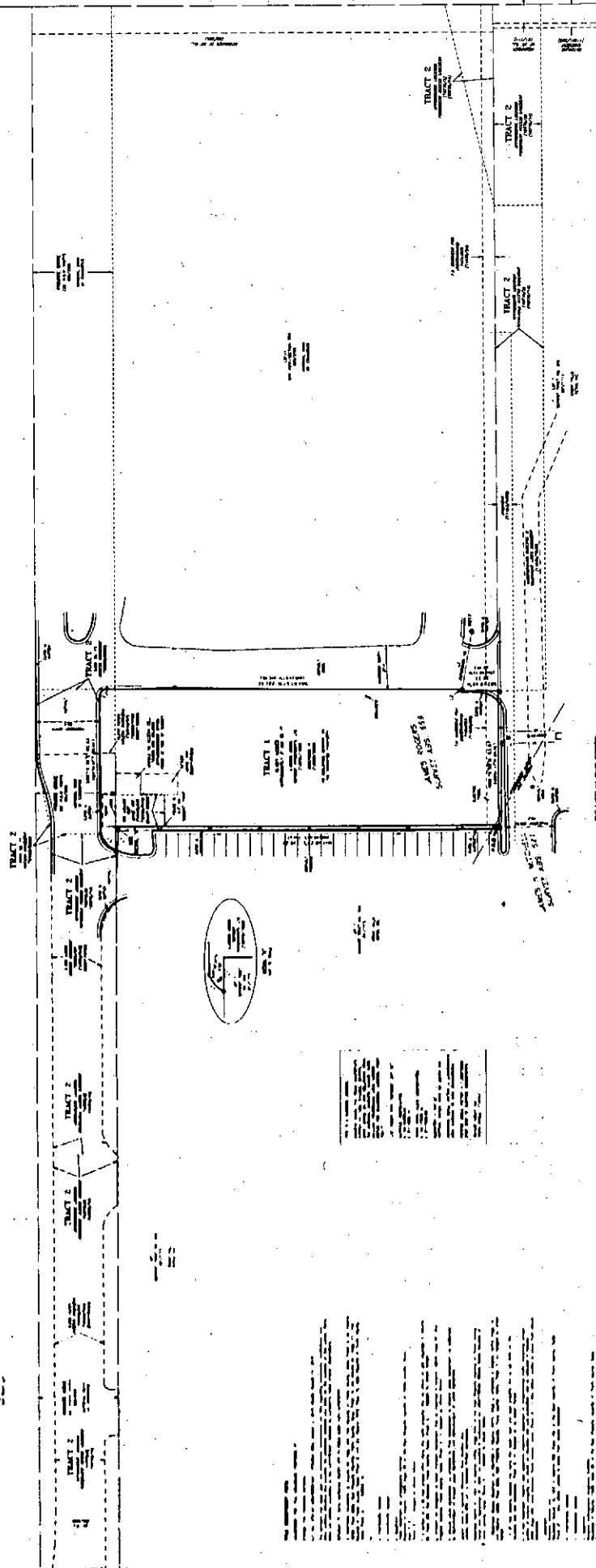


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**Professional Land Surveyors, Inc.**  
**Surveying and Mapping**  
 22000 Highway 100  
 Suite 100  
 Houston, TX 77058  
 (713) 861-1111  
 Telex: 740000  
 Fax: 713/861-1111



CHECK ONE:

     REQUEST FOR THREE READINGS  
X REQUEST FOR SECOND AND THIRD READINGS

Rev. 1/05

**FOR 3 READINGS:** Complete form immediately after action by Zoning & Platting Commission or Planning Commission for those cases that can go for all 3 readings and do not require a restrictive covenant, r.o.w., or such other conditions that cannot be met by a conditional overlay.

**FOR 2ND/3RD READINGS:** Complete form as soon as all conditions have been met and the case is ready for final ordinance passage.

**RETURN FORM** and any attachments to: Michele Thompson, Law Department, City Hall, 301 West 2nd St., 4th Fl  
Phone: 974-2342 Fax: 974-6490 **NOTE:** If faxed, please follow up with hard copies.

Zoning Case Number C14-2017-0028 City Council Agenda Date February 1, 2018  
ZAP Approval Date October 17, 2017 Date of Previous Action by Council December 14, 2017

Approved CS-MU-V-CO zoning on 1<sup>st</sup> reading, with a conditional overlay to prohibit the following uses: Adult-Oriented Business, Alternative Financial Services, Automotive Rentals, Automotive Repair Services, Automotive Sales Automotive Washing (of any type), Commercial Off-Street Parking, Exterminating Services, Funeral Services, Guidance Services, Pawn Shop Services, Pedicab Storage and Dispatch, Residential Treatment, Service Station, Short-Term Rental, Urban Farm, Veterinary Services, Monument Retail Sales, Vehicle Storage, Kennels, Convenience Storage, Campground, Limited Warehousing and Distribution and Drive-in service as an accessory use to Restaurants (general) and Restaurants (limited) is prohibited within 200 feet of Jollyville Road and a public restrictive covenant for the TIA conditions/recommendations. (9-1-1, J. Flannigan-No, E. Troxclair-off the dais); A. Alter-1<sup>st</sup>, L. Pool-2<sup>nd</sup>.

Property Address 9828 Great Hills Trail and 10224 Research Boulevard County Travis  
Name of Neighborhood Plan N/A  
Ordinance No. establishing NP                                 

Zoning Change

From  
community commercial  
GR, LO  
limited office

To  
general commercial services-mixed use-  
CS-MU-V-CO vertical mixed use building-  
conditional overlay

Legal Description:

1. Describe all tracts below. (If necessary use additional sheet).
  2. If applicable attach LEGIBLE field notes. Identify tract # on sticky note on each set.
  2. Survey or sketch showing calls and boundaries for field notes.
  3. Zoning map. Acreage and address must conform to zoning ordinance.
- If subdivided: (OR If metes and bounds: Attach field notes for each tract)

Lot 1 Block                  Subdivision Schmidt Tract No. One  
Volume 81 Page 111

And the field note description for 0.491 acres being out of and a Part of Lot-1, Oak View-Section Two Subdivision (please see attached field notes).

Overlay Conditions: (List and number only those allowed by Code. Use additional sheet if necessary):

- 1) Prohibit the following uses: Adult-Oriented Business, Alternative Financial Services, Automotive Rentals, Automotive Repair Services, Automotive Sales, Automotive Washing (of any type), Commercial Off-Street Parking, Exterminating Services, Funeral Services, Guidance Services, Pawn Shop Services, Pedicab Storage and Dispatch, Residential Treatment, Service Station, Short-Term Rental, Urban Farm, Veterinary Services, Monument Retail Sales, Vehicle Storage, Kennels, Convenience Storage, Campground, Limited Warehousing and Distribution.
- 2) Drive-in service as an accessory use to Restaurants (general) and Restaurants (limited) is prohibited within 200 feet of Jollyville Road.

Other Conditions:      Street Deed                      Required?      Yes   X   No  
  X   Restrictive Covenant                      Required?   X   Yes      No  
     Other

NOTE: Attach appropriate request form.

NOTE: REQUEST IS COMPLETE ONLY IF FORM IS ENTIRELY FILLED OUT AND FOLLOWING ARE INCLUDED, IF APPLICABLE. PLEASE REVIEW & CHECK IF ATTACHED.

Legal description or field notes   X        Survey                           Zoning map   X    
Zoning Change Review Sheet   X        Commission summary if available      List of conditional overlays       
(Incl. background material)  
List of prohibited uses           PUD Land use plan                           Other:     

CASE MANAGER: Sherri Sirwaitis      PHONE: 512-974-3057                      DATE: October 20, 2017  
December 18, 2017