ORDINANCE NO. <u>20231005-037</u>

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 2800 AND 2802 SOUTH LAMAR BOULEVARD AND 2805 AND 2807 SKYWAY CIRCLE FROM COMMUNITY COMMERCIAL-VERTICAL MIXED USE BUILDING-CONDITIONAL OVERLAY (GR-V-CO) COMBINING DISTRICT AND COMMUNITY COMMERCIAL-MIXED USE-CONDITIONAL OVERLAY (GR-MU-CO) COMBINING DISTRICT TO GENERAL COMMERCIAL SERVICES-MIXED USE-VERTICAL MIXED USE BUILDING-CONDITIONAL OVERLAY (CS-MU-V-CO) COMBINING DISTRICT ON TRACT ONE AND COMMUNITY COMMERCIAL-MIXED USE-VERTICAL MIXED USE BUILDING-CONDITIONAL OVERLAY (GR-MU-V-CO) COMBINING DISTRICT ON TRACT TWO.

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-vertical mixed use building-conditional overlay (GR-V-CO) combining district and community commercial-mixed use-conditional overlay (GR-MU-CO) combining district to general commercial services-mixed use-vertical mixed use building-conditional overlay (CS-MU-V-CO) combining district on Tract One and community commercial-mixed use-vertical mixed use building-conditional overlay (GR-MU-V-CO) combining district on Tract One and community commercial-mixed use-vertical mixed use building-conditional overlay (GR-MU-V-CO) combining district on Tract Two on the property described in Zoning Case No. C14-2023-0036, on file at the Planning Department, as follows:

Tract One:

A 1.0199 acre tract of land, being a portion of LOTS 8A-1 AND 13A-1, REPLAT OF LOTS 8-A AND 13-A OF THE RESUBDIVISION NO. ONE BARTON VILLAGE SECTION THREE, a subdivision in Travis County, Texas, recorded in Document No. 202100045 of the Official Public Records of Travis County, Texas, and being described in Document No. 2021070342 of the Official Public Records of Travis County, Texas, said 1.0199 acres of land being more particularly described by metes and bounds in **Exhibit "A"** incorporated into this ordinance;

and

Tract Two:

A 0.3331 acre tract of land, being a portion of LOT 8A-1, REPLAT OF LOTS 8-A AND 13-A OF THE RESUBDIVISON NO. ONE BARTON VILLAGE SECTION THREE, a subdivision in Travis County, Texas, recorded in Document No. 202100045 of the Official Public Records of Travis County, Texas, and LOT 9-A OF THE RESUBDIVISION NO. ONE BARTON VILLAGE SECTION THREE, a subdivision in Travis County, Texas, according to the map or plat thereof as recorded in Volume 45, Page 12, of the Plat Records of Travis County, Texas, and both lots being described in Document No. 2021070342 of the Official Public Records of Travis County, Texas, said 0.3331 acre of land being more particularly described by metes and bounds in **Exhibit "B"** incorporated into this ordinance,

(respectively "Tract One" and "Tract Two", collectively, the "Property"),

locally known as 2800 and 2802 South Lamar Boulevard and 2805 and 2807 Skyway Circle in the City of Austin, Travis County, Texas, and generally identified in the map attached as **Exhibit "C"**.

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 on Tract One:

Automotive repair services	Autom
Automotive sales	Automo
Bail Bond Services	Exterm
Outdoor Sport and Recreation	Pawn S
Service Station	

Automotive rentals Automotive washing (of any type) Exterminating Services Pawn Shop Services

(B) The following uses are prohibited uses on Tract Two:

Alternative Financial Services Automotive Repair Services Automotive washing (of any type) Bed & Breakfast (Group 1) Business or Trade School Community Garden Drop-off Recycling Collection Facility Funeral Services Automotive rentals Automotive Sales Bail Bond Services Bed & Breakfast (Group 2) Community Events Cultural Services Exterminating Services

Hospital Services (General)

Page 2 of 3

Mobile Home Residential Outdoor Sports and Recreation Printing and Publishing Urban Farm Outdoor Entertainment Pawn Shop Services Service Station

PART 3. Except as specifically restricted under this ordinance, Tract One may be developed and used in accordance with the regulations established for the general commercial services (CS) base district, the mixed use combining district, and other applicable requirements of the City Code; Tract Two may be developed and used in accordance with the regulations established the community commercial (GR) base district on Tract Two, the mixed use combining district, and other applicable requirements of the City Code.

PART 4. This ordinance takes effect on October 16, 2023.

PASSED AND APPROVED

8 8 8 2023 October 5 Kirk Watson Mayor **APPROVED: ATTEST:** Anne L. Morgan Myrna Rios City Clerk City Attorney

EXHIBIT "

Legal Description

BEING A DESCRIPTION OF A TRACT OF LAND CONTAINING 1.0199 ACRES (44,428 SQUARE FEET), BEING A PORTION OF LOTS 8A-1 AND 13A-1, REPLAT OF LOTS 8-A AND 13-A OF THE RESUBDIVISION NO. ONE BARTON VILLAGE SECTION THREE, A SUBDIVISION RECORDED IN DOCUMENT NO. 202100045 OF THE OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS (O.P.R.T.C.T.), CONVEYED TO SEAMLESS LMA, LTD., IN DOCUMENT NO. 2021070342 (O.P.R.T.C.T.), SAID 1.0199 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:



Zoning Exhibit

PO Box 90876 Austin, TX 78709 (512) 537-2384 jward@4wardls.com www.4wardls.com

BEGINNING, at a chiseled "X" found in concrete in the northwest right-of-way line of South Lamar Boulevard (right-of-way varies), and being the south corner of Lot 2 of the Resubdivision of Part of Block "J", Barton Hills Section 1, recorded in Volume 16, Page 66 of the Plat Records of Travis County, Texas (P.R.T.C.T.), and being the east corner of said Lot 13A-1, for the east corner and **POINT OF BEGINNING** hereof;

THENCE, with the northwest right-of-way of said South Lamar Boulevard and the southeast line of said Lot 13A-1, **S48°53'27"W**, a distance of **215.76** feet to a mag nail with "Chaparral" washer found for the south corner hereof, said point being at the east corner of Lot A of the Don Morris Subdivision, recorded in Volume 81, Page 331 (P.R.T.C.T.), and being the south corner of said Lot 13A-1;

THENCE, leaving the northwest right-of-way line of said South Lamar Boulevard, in part with the southwest lines of said Lot 13A-1 and said Lot 8A-1, in part with the northeast line of said Lot A, and in part with the northeast line of Lot 11-A of the Resubdivision No. One Barton Village Section Three, recorded in Volume 45, Page 12 (P.R.T.C.T.), N36°16'04''W, a distance of 239.63 feet to a 1/2-inch iron rod found for the west corner hereof, said point being in the southeast line of Lot 10-A of said Resubdivision No. One Barton Village Section Three, and being the common north corner of said Lot 11-A and said Lot 8A-1;

THENCE, with the common line of said Lot 10A and said Lot 8A-1, N53°58'07"E, a distance of 20.79 feet to a 1/2-inch iron rod with "Holt-Carson" cap found for an angle point hereof, said point being at the common south corner of Lots 9-A and 10-A of said Resubdivision No. One Barton Village Section Three;

THENCE, in part with the common line of said Lot 9-A and said Lot 8A-1, and in part over and across said Lot 8A-1, the following four (4) courses and distances:

- N54°00'04"E, passing at a distance of 80.03 feet, a 1/2-inch iron rod found at the common east corner of said Lot 9-A and said Lot 8A-1, and continuing for a total distance of 97.72 feet to a calculated point for an angle point hereof,
- 2) S43°56'08"E, a distance of 38.34 feet to a calculated point for an angle point hereof,
- 3) N52°29'50"E, a distance of 71.56 feet to a calculated point for an angle point hereof, and
- 4) **S45°51'36"E**, a distance of **46.99** feet to a 1/2-inch iron rod found for an angle point hereof, said point being at the common corner of said Lot 2, said Lot 8A-1 and said Lot 13A-1;

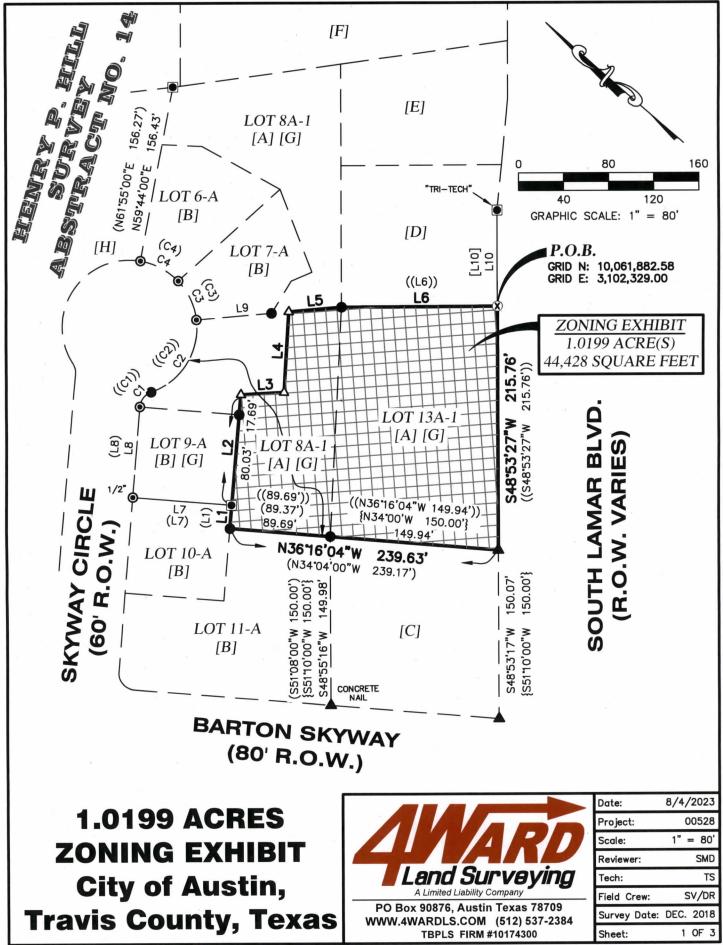
THENCE, with the common line of said Lot 2 and said Lot 13A-1, **S41°13'46"E**, a distance of **138.60** feet to the **POINT OF BEGINNING** and containing 1.0199 Acres (44,428 Square Feet) of land, more or less.

Notes:

All bearings are based on the Texas State Plane Coordinate System, Grid North, Central Zone (4203); all distances were adjusted to surface using a combined scale factor of 1.000063715744. See attached sketch (reference drawing: 00528-zoning 5.dwg.)

8/4/2023 Steven M. Duarte, RPLS #5940 4Ward Land Surveying, LLC





P: \00528\Dwg\00528_ZONING EXHIBIT 5.dwg

[A]

REPLAT OF LOTS 8-A AND 13-A OF THE RESUBDIVISION NO. ONE BARTON VILLAGE SECTION THREE DOC. NO. 202100045 O.P.R.T.C.T.

[B] RESUBDIVISION NO. ONE BARTON VILLAGE SECTION THREE VOL. 45, PG. 12 P.R.T.C.T.

[C]

LOT A THE DON MORRIS SUBDIVISION VOL. 81, PG. 331 P.R.T.C.T.

[D] LOT 2 RESUBDIVISION OF PART OF BLOCK "J", BARTON HILLS SECTION 1 VOL. 16, PG. 66 P.R.T.C.T. [E]

CALLED 14,674.76 SQ FT PORTION OF BLOCK "J" BARTON HILLS SECTION 1 VOL. 16, PG. 66 P.R.T.C.T.

[F] CALLED 0.50 ACRE DAVIS 2708 S LAMAR, LLC. DOC. NO. 2013097236 O.P.R.T.C.T.

[G] <u>OWNER:</u> SEAMLESS LMA, LTD DOC. NO. 2021070342 O.P.R.T.C.T.

> [H] LOT 5 BARTON VILLAGE SECTION THREE VOL. 39, PG. 24

8/4/2023



NOTES:

1. ALL BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, GRID NORTH, CENTRAL ZONE, (4203), NAD83, ALL DISTANCES WERE ADJUSTED TO SURFACE USING A COMBINED SCALE FACTOR OF 1.000063715744.

2. SEE ATTACHED METES AND BOUNDS DESCRIPTION.

1.0199 ACRES ZONING EXHIBIT City of Austin, Travis County, Texas



P: \00528 \Dwg \00528_ZONING EXHIBIT 5.dwg

CURVE TABLE					
CURVE # LENGTH RADIUS DELTA BEARING DISTANCE				DISTANCE	
C1	17.26'	15.00'	65°56'23"	N86°57'58"E	16.33'
C2	81.71'	60.00'	78°01'36"	N81~19'40"E	75.54'
C3	38.76'	60.00'	37°01'04"	N23°48'20"E	38.09'
C4	38.45'	60.00'	36°42'59"	N13'03'42"W	37.79'

RECORD CURVE TABLE					
CURVE # LENGTH RADIUS DELTA BEARING DISTANCE					
(C1)	17.26'	15.00'	65 ° 56'23"	N88°57'58"E	16.33'
(C2)	81.71'	60.00'	78°01'36"	N81"19'40"E	75.54'
(C3)	38.68'	60.00'	-	N26'04'00"E	38.01'
(C4)	38.68'	60.00'	_	N10°52'00"W	38.01'

LINE TABLE				
LINE #	DIRECTION	LENGTH		
L1	N53*58'07*E	20.79'		
L2	N54°00'04"E	97.72'		
L3	S43°56'08"E	38.34'		
L4	N52°29'50"E	71.56'		
L5	S45*51'36"E	46.99'		
L6	S41"13'46"E	138.60'		
L7	N3618'30"W	87.96'		
L8	N53*42'34"E	80.10'		
L9	S45°54'43"E	66.63'		
L10	N48°53'27"E	84.56'		

RECORD LINE TABLE			
LINE #	DIRECTION	LENGTH	
(L1)	S56°05'00"W	20.67'	
((L6))	S41"13'46"W	138.60'	
(L7)	N34°00'00"W	87.96'	
(L8)	N56°00'00"E	80.00'	
[L10]	N51"10'00"E	84.55'	

1.0199 ACRES
ZONING EXHIBIT
City of Austin,
Travis County, Texas



LEGEND				
	PROPERTY LINE EXISTING PROPERTY LINES			
•	1/2" IRON ROD FOUND (UNLESS NOTED)			
۲	1" IRON PIPE FOUND (UNLESS NOTED)			
	IRON ROD WITH "HOLT CARSON" CAP FOUND UNLESS NOTED			
Δ	CALCULATED POINT			
(\mathbf{X})	CHISELED "X" FOUND IN CONCRETE			
	MAG NAIL WITH "CHAPARRAL" WASHER FOUND UNLESS NOTED			
VOL./PG.	VOLUME, PAGE			
DOC. NO.	DOCUMENT NUMBER			
R.O.W.	RIGHT-OF-WAY			
P.R.T.C.T.	PLAT RECORDS, TRAVIS COUNTY, TEXAS			
0.P.R.T.C.T.	OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS			
()	RECORD INFORMATION PER PLAT VOL. 45, PG. 12			
{}	RECORD INFORMATION PER PLAT VOL. 81, PG. 331			
(())	RECORD INFORMATION PER PLAT DOC. NO 202100045			
[]	RECORD INFORMATION PER PLAT VOL. 16, PG. 66			

TCAD PARCEL #952464, #952465 COA GRID #G20

P: \00528 \Dwg \00528_ZONING EXHIBIT 5.dwg

EXHIBIT "

Legal Description

BEING A DESCRIPTION OF A TRACT OF LAND CONTAINING 0.3331 ACRE (14,509 SQUARE FEET), BEING A PORTION OF LOT 8A-1, REPLAT OF LOTS 8-A AND 13-A OF THE RESUBDIVISION NO. ONE BARTON VILLAGE SECTION THREE, A SUBDIVISION RECORDED IN DOCUMENT NO. 202100045 OF THE OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS (O.P.R.T.C.T.), AND LOT 9-A OF THE RESUBDIVISION NO. ONE BARTON VILLAGE SECTION THREE, RECORDED IN VOLUME 45, PAGE 12 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS (P.R.T.C.T.), BOTH LOTS CONVEYED TO SEAMLESS LMA, LTD., IN DOCUMENT NO. 2021070342 (O.P.R.T.C.T.), SAID 0.3331 ACRE BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:



Zoning Exhibit

PO Box 90876 Austin, TX 78709 (512) 537-2384 jward@4wardls.com <u>www.4wardls.com</u>

BEGINNING, at a 1-inch iron pipe found in the curving east right-of-way of Skyway Circle (60' right-ofway), and being the southwest corner of Lot 7-A of said Resubdivision No. One Barton Village Section Three, and being a corner in the west line of said Lot 8A-1, for the most easterly north corner and **POINT OF BEGINNING** hereof;

THENCE, leaving the east right-of-way line of said Skyway Circle, in part with the common line of said Lot 7-A and said Lot 8A-1, in part over and across said Lot 8A-1, and in part with the common line of Lot 9-A of said Resubdivision No. One Barton Village Section Three and said Lot 8A-1, the following four (4) courses and distances:

- 1) **S45°54'43"E**, passing at a distance of 66.63 feet, a 1/2-inch iron rod found at the common east corner of said Lot 7-A and said Lot 8A-1, and continuing for a total distance of **82.13** feet to a calculated point for the east corner hereof,
- 2) S52°29'50"W, a distance of 71.56 feet to a calculated point for an angle point hereof,
- 3) N43°56'08"W, a distance of 38.34 feet to a calculated point for an angle point hereof, and
- 4) S54°00'04"W, passing at a distance of 17.69 feet, a 1/2-inch iron rod found at the common east corner of said Lot 9-A and said Lot 8A-1, and continuing for a total distance of 97.72 feet to a 1/2-inch iron rod with "Holt-Carson" cap found for the south corner hereof, said point being at the common south corner of Lots 9-A and 10-A of said Resubdivision No. One Barton Village Section Three;

THENCE, with the common line of said Lot 9-A and said Lot 10-A, N36°18'30"W, a distance of 87.96 feet to a 1/2-inch iron pipe found for the west corner hereof, said point being in the southeast right-of-way of said Skyway circle, and being the common west corner of said Lot 9-A and said Lot 10-A;

THENCE, with the southeast right-of-way line of said Skyway Circle, and with the northwest lines of said Lot 9-A and said Lot 8A-1, the following three (3) courses and distances:

- 1) N53°42'34"E, a distance of 80.10 feet to a 1-inch iron pipe found for a non-tangent point of curvature hereof;
- 2) along the arc of a curve to the right, whose radius is 15.00 feet, whose arc length is 17.26 feet and whose chord bears N86°57'58"E, a distance of 16.33 feet to a 1/2-inch iron rod found for a non-tangent point of compound curvature hereof, and

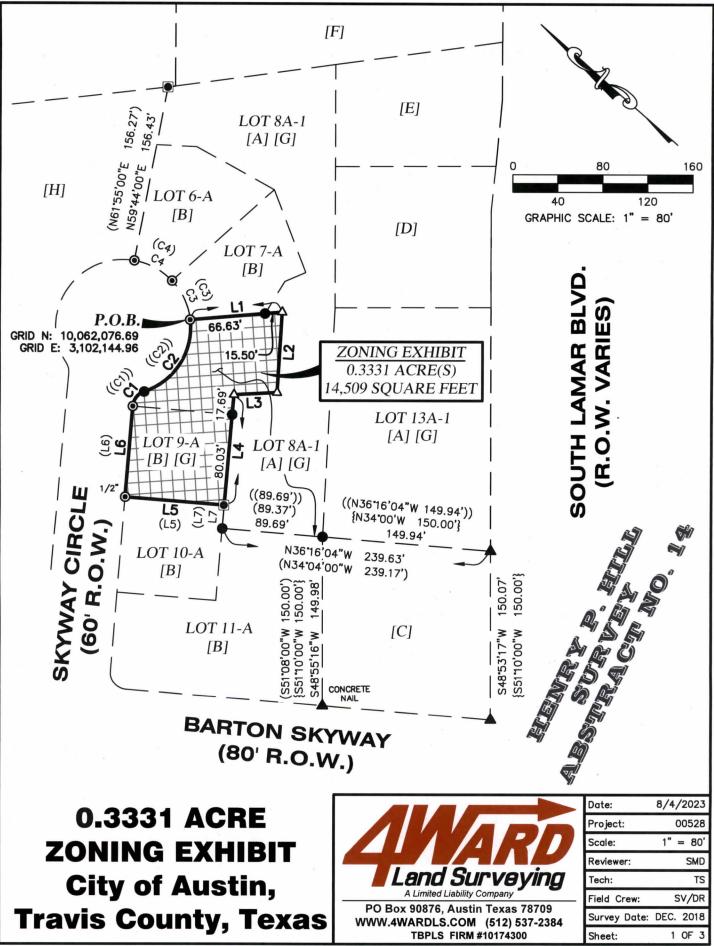
3) along the arc of a curve to the left, whose radius is 60.00 feet, whose arc length is 81.71 feet and whose chord bears N81°19'40"E, a distance of 75.54 feet to the POINT OF BEGINNING and containing 0.3331 Acre (14,509 Square Feet) of land, more or less.

Notes:

All bearings are based on the Texas State Plane Coordinate System, Grid North, Central Zone (4203); all distances were adjusted to surface using a combined scale factor of 1.000063715744. See attached sketch (reference drawing: 00528-zoning 4.dwg.)

8/4/2023 Steven M. Duarte, RPLS #5940 4Ward/Land Surveying, LLC





P: \00528\Dwg\00528_ZONING EXHIBIT 4.dwg

[A]

REPLAT OF LOTS 8-A AND 13-A OF THE RESUBDIVISION NO. ONE BARTON VILLAGE SECTION THREE DOC. NO. 202100045 O.P.R.T.C.T.

[B] RESUBDIVISION NO. ONE BARTON VILLAGE SECTION THREE VOL. 45, PG. 12 P.R.T.C.T.

> [C] LOT A THE DON MORRIS SUBDIVISION VOL. 81, PG. 331 P.R.T.C.T.

[D] LOT 2 RESUBDIVISION OF PART OF BLOCK "J", BARTON HILLS SECTION 1 VOL. 16, PG. 66 P.R.T.C.T. [E]

CALLED 14,674.76 SQ FT PORTION OF BLOCK "J" BARTON HILLS SECTION 1 VOL. 16, PG. 66 P.R.T.C.T.

> [F] CALLED 0.50 ACRE DAVIS 2708 S LAMAR, LLC. DOC. NO. 2013097236 O.P.R.T.C.T.

[G] <u>OWNER:</u> SEAMLESS LMA, LTD DOC. NO. 2021070342 O.P.R.T.C.T.

> [H] LOT 5 BARTON VILLAGE SECTION THREE VOL. 39, PG. 24

8/4/2023



NOTES:

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2. SEE ATTACHED METES AND BOUNDS DESCRIPTION.

0.3331 ACRE ZONING EXHIBIT City of Austin, Travis County, Texas



P: \00528\Dwg\00528_ZONING EXHIBIT 4.dwg

CURVE TABLE					
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C4	38.45'	60.00'	36°42'59"	N13'03'42"W	37.79'

	RECORD CURVE TABLE				
CURVE # LENGTH RADIUS DELTA BEARING DISTANCE					
(C1)	17.26'	15.00'	65 ° 56'23 "	N88°57'58"E	16.33'
(C2)	(C2) 81.71' 60.00' 78°01'36" N81°19'40"E 75.54'		75.54'		
(C3)	38.68'	60.00'	-	N26'04'00"E	38.01'
(C4)	38.68'	60.00'	-	N10°52'00"W	38.01'

	LEGEND
	PROPERTY LINE EXISTING PROPERTY LINES
•	1/2" IRON ROD FOUND (UNLESS NOTED)
۲	1" IRON PIPE FOUND (UNLESS NOTED)
	IRON ROD WITH "HOLT CARSON" CAP FOUND (UNLESS NOTED) CALCULATED POINT
	MAG NAIL WITH "CHAPARRAL" WASHER FOUND (UNLESS NOTED)
VOL./PG.	VOLUME, PAGE
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R.O.W.	RIGHT-OF-WAY
P.R.T.C.T.	PLAT RECORDS, TRAVIS COUNTY, TEXAS
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(())	RECORD INFORMATION PER PLAT DOC. NO 202100045
	x

TCAD PARCEL #952464, #952465, #303316 COA GRID #G20

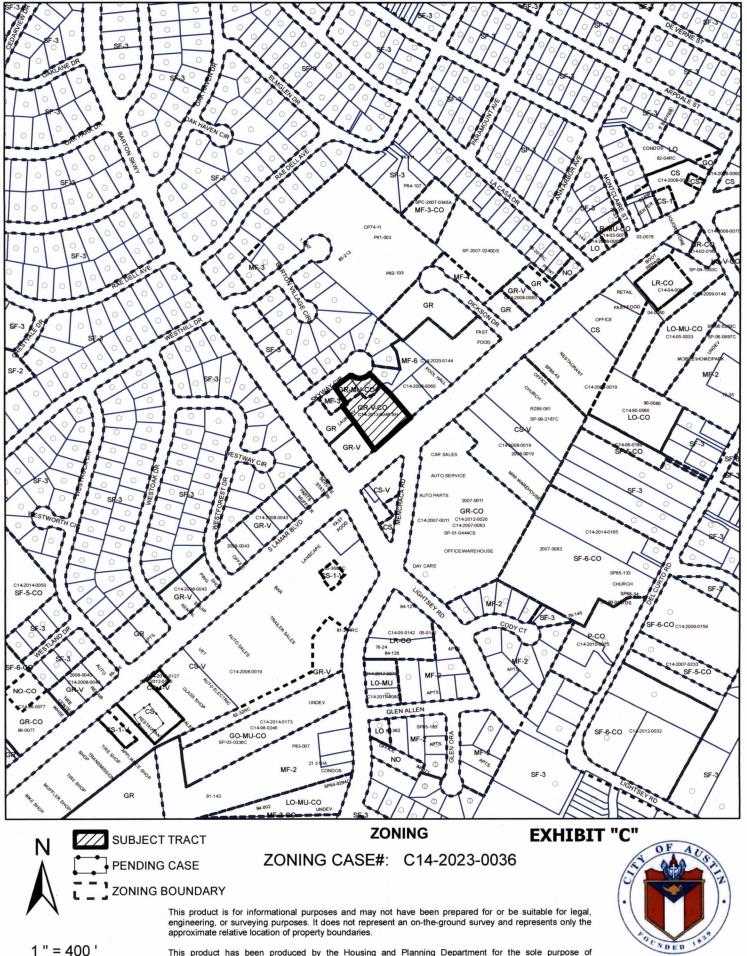
LINE TABLE				
LINE #	DIRECTION	LENGTH		
L1	S45*54'08"E	82.13'		
L2	S52*29'50*W	71.56'		
L3	N43°56'08"W	38.34'		
L4	S54°00'04"W	97.72'		
L5	N3618'30"W	87.96'		
L6	N53*42'34"E	80.10'		
L7	S53°58'07"W	20.79'		

RECORD LINE TABLE				
LINE #	DIRECTION	LENGTH		
(L5)	N34°00'00"W	87.96'		
(L6)	N56'00'00"E	80.00'		
(L7)	S56*05'00*W	20.67'		

0.3331 ACRE ZONING EXHIBIT City of Austin, Travis County, Texas



P: \00528\Dwg\00528_ZONING EXHIBIT 4.dwg



This product has been produced by the Housing and Planning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or

Created: 3/22/2023