

ORDINANCE NO. 940421- G

AN ORDINANCE ORDERING A REZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 13-2 OF THE AUSTIN CITY CODE OF 1992 AS FOLLOWS: 9.97 ACRE TRACT OF LAND OUT OF THE ELIAS McMILLIAN SURVEY NO. 110, FROM "SF-2" SINGLE-FAMILY RESIDENCE (STANDARD LOT) DISTRICT TO "CS-CO" GENERAL COMMERCIAL SERVICES DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT, LOCALLY KNOWN AS 16021 NORTH INTERSTATE HIGHWAY-35 (NORTHBOUND SERVICE ROAD), IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; WAIVING THE REQUIREMENTS OF SECTION 2-2-3 OF THE AUSTIN CITY CODE OF 1992; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. That Chapter 13-2 of the Austin City Code of 1992 is amended to change the base zoning district from "SF-2" Single-Family Residence (Standard Lot) district to "CS-CO" General Commercial Services district-Conditional Overlay combining district on the property described in File C14-94-0027, as follows:

9.97 acre tract of land out of the Elias McMillian Survey No.110, said 9.97 acre tract of land being more particularly described by metes and bounds in "Exhibit A" attached and incorporated herein for all purposes, *[hereinafter referred to as "the Property"]*

locally known as 16021 North Interstate Highway-35 (Northbound Service Road), in the City of Austin, Travis County, Texas.

PART 2. That the Property within the boundaries of the Conditional Overlay combining district established by this ordinance is subject to the following conditions:

1. Development of the Property, or any portion of the Property, as Administrative and business offices use shall be restricted to a maximum of 159,804 square feet of gross floor area.
2. Development of the Property, or any portion of the Property, as Medical offices use shall be restricted to a maximum of 58,530 square feet of gross floor area.
3. Development of the Property, or any portion of the Property, as (i) General retail sales (general), and (ii) General retail sales (convenience) uses shall be restricted to a maximum of 13,269 square feet of gross floor area.
4. Development of the Property, or any portion of the Property, as Restaurant (general) use shall be restricted to a maximum of 9,738 square feet of gross floor area.
5. Development of the Property, or any portion of the Property, as Restaurant (drive-in, fast food) use shall be restricted to a maximum of 3,163 square feet of gross floor area.
6. Development of the Property, or any portion of the Property, as Financial services use shall be restricted to a maximum of 12,500 square feet of gross floor area.
7. Development of the Property, or any portion of the Property, as Food sales use shall be restricted to a maximum of 2,730 square feet of gross floor area.

Except as specifically restricted pursuant to this ordinance, the Property may be developed and used in accordance with the regulations established for the "CS" General Commercial Services base district and other applicable requirements of the Land Development Code.

PART 3. That it is ordered that the Zoning Map established by Sec. 13-2-22 of the Austin City Code of 1992 and made a part thereof shall be changed to record the amendment enacted by this ordinance.

PART 4. That the requirements imposed by Section 2-2-3 of the Austin City Code of 1992, as amended, regarding the presentation and adoption of ordinances are hereby waived by the affirmative vote of at least five members of the City Council.

PART 5. That this ordinance shall become effective upon the expiration of ten days following the date of its final passage, as provided by the Charter of the City of Austin.

PASSED AND APPROVED:

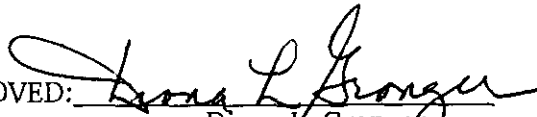
_____, April 21, 1994

§
§
§
§
§



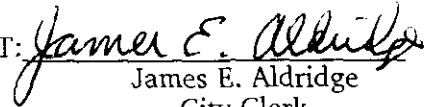
Bruce Todd
Mayor

APPROVED:



Diana L. Granger
City Attorney

ATTEST:



James E. Aldridge
City Clerk

21Apr94
ME/jj

A DESCRIPTION OF A 9.97 ACRE TRACT OF LAND OUT OF THE ELIAS McMILLIAN SURVEY NO. 110, TRAVIS COUNTY, TEXAS AND BEING ALL OF THAT CALLED 5.00 ACRE TRACT OF LAND AS DESCRIBED IN THAT DEED TO CLEARWATER CONSTRUCTORS, INC. AS RECORDED IN VOLUME 5837, PAGE 863 AND ALL OF THAT CALLED 4.973 ACRE TRACT OF LAND AS DESCRIBED IN THAT DEED TO CLEARWATER CONSTRUCTORS, INC. AS RECORDED IN VOLUME 7024, PAGE 105, BOTH OF THE TRAVIS COUNTY DEED RECORDS; THE SAID 9.97 ACRES, AS SHOWN ON THE ATTACHED SKETCH, BEING FURTHER DESCRIBED AS FOLLOWS:

BEGINNING at a 5/8-inch iron rod found at the northwest corner of the said 5.0 acre tract, being at the southwest corner of that called 2.91 acre tract of land as described in that deed to Waukesha-Pearce Industries, Inc. as recorded in Volume 9347, Page 443 of the Travis County Deed Records and being on the east line of Old U.S. Highway 91 (IH 35);

THENCE with the north line of the said 5.00 acre and 4.973 acre tracts, being the south line of the said 2.91 acre tract, N 68° 02' 55" E, passing at a distance of 358.84 feet a 1/2-inch iron rod found, in all a distance of 634.72 feet to a 1/2-inch iron rod found at the northeast corner of the said 4.973 acre tract being at the southeast corner of the said 2.91 acre tract and being on the west line of that called 79.75 acre tract, as described in that deed to Wayne Laymon, Trustee, as recorded in Volume 8220, Page 141 of the Travis County Deed Records;

THENCE with the east line of the said 4.973 acre tract, being the said west line of the 79.75 acre tract, the following three (3) courses:

1. a distance of 327.20 feet with an arc of a curve to the left, whose central angle is 37° 39' 26" with a radius of 497.84 feet and whose chord bears S 40° 47' 51" E, a distance of 321.35 feet to a 1/2-inch iron rod found,
2. S 59° 40' 41" E, a distance of 175.92 feet to a 1/2-inch iron rod found, and
3. S 30° 20' 20" W, a distance of 267.20 feet to a 1/2-inch iron rod found for a southeast corner of the said 4.973 acre tract, being a westerly ell corner of the said 79.75 acre tract, being at the northeast corner of that called 2.793 acre tract of land as described in that deed to Neles E. Kincaid and Lamar H. Hollingsworth as recorded in Volume 6580, Page 2078 of the Travis County Deed Records;

THENCE with the south line of the said 4.973 acres and the said 5.00 acre tracts, being the north line of the said 2.793 acre tract, S 68° 02' 42" W, passing at a distance of 275.68 feet, a 1/2-inch iron rod found, in all a distance of 634.79 feet to a point on the said east line of old U.S. Highway No. 81, being at the southwest corner of the said 5.00 acre tract and on the northwest corner of the said 2.793 acre tract from which a 1/2-inch iron rod found bears, S 68° 02' 42" W, a distance of 0.34 feet;

THENCE with the west line of the said 5.00 acre tract, being the east line of the said Old U.S. Highway No. 81, N 21° 57' 00" W, a distance of 606.73 feet to the POINT OF BEGINNING and containing 9.97 acres.

STATE OF TEXAS
COUNTY OF TRAVIS

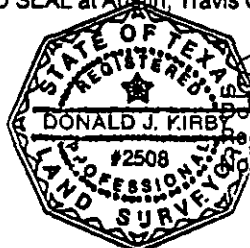
I
I
I

KNOW ALL MEN BY THESE PRESENTS:

That I, Donald J. Kirby, a Registered Professional Land Surveyor, do hereby certify that the above description and attached sketch are true and correct to the best of my knowledge and that the property described herein was determined by a survey made on the ground during February, 1994 under my direction and supervision.

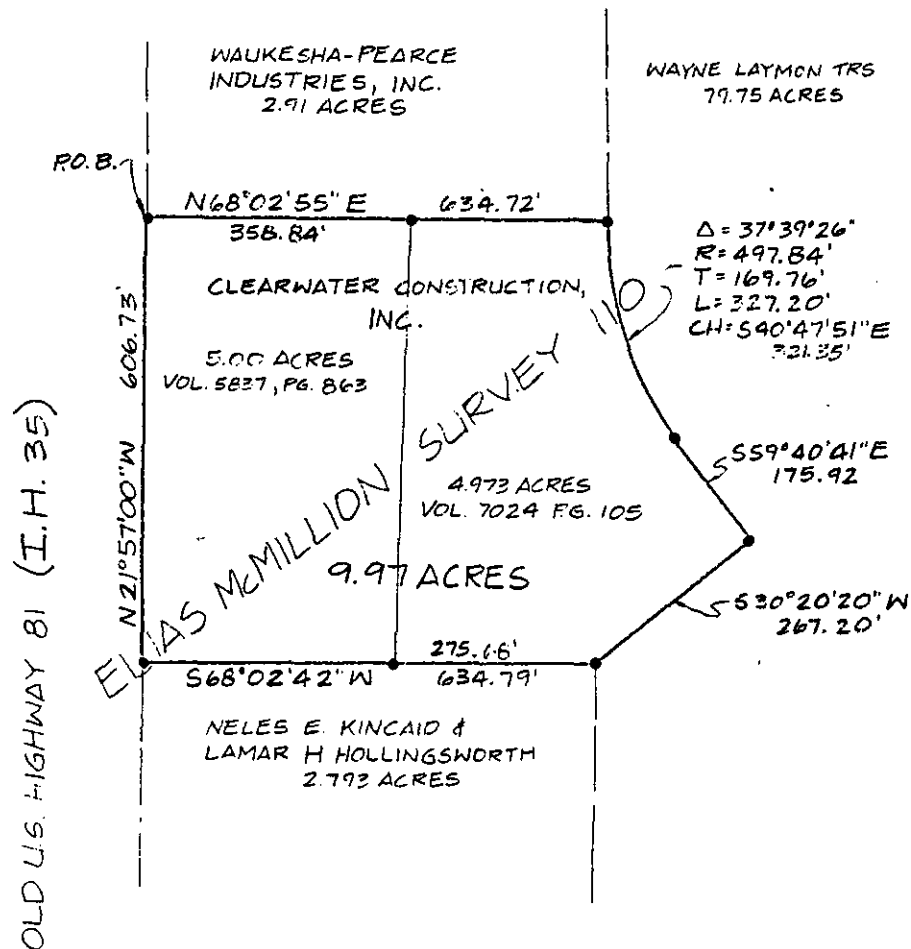
WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the 10th day of February, 1994, A.D.

SURVEY RESOURCES, INC.
P.O. Box 162690
Austin, Texas 78716-2690



Donald J. Kirby
Registered Professional Land Surveyor
No. 2508 - State of Texas

SCALE: 1"=200'
TRAVIS COUNTY
TEXAS



916 CAPITAL OF TEXAS HWY. S.
P. O. BOX 162690
AUSTIN, TEXAS 78716-2690

SKETCH TO ACCOMPANY
FIELD NOTE DESCRIPTION
NO. 4842

PO#: 940421-GAd ID#: 4TQA2300Acct #: 4992499Acct. Name: City Clerk**Austin American-Statesman****AFFIDAVIT OF PUBLICATION****THE STATE OF TEXAS
COUNTY OF TRAVIS**

Before me, the undersigned authority, a Notary Public in and for the County of Travis, State of Texas, on this day personally appeared:

Nancy Christofferson

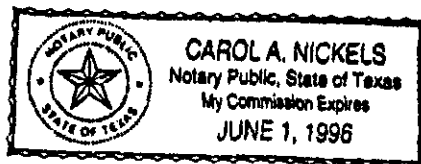
Classified Advertising Agent of the *Austin American-Statesman*, a daily newspaper published in said County and State that is generally circulated in Travis, Hays, Burnet and Williamson Counties, who being duly sworn by me, states that the attached advertisement was published in said newspaper on the following dates, to wit:

Date (s): April 30, 1994Class: 9980 Lines: 19 Cost: \$39.14

and that the attached is a true copy of said advertisement.

Nancy Christofferson

SWORN AND SUBSCRIBED TO BEFORE ME, this the 2nd day of May, 1994.



Carol A. Nickels
Notary Public in and for
TRAVIS COUNTY, TEXAS

Carol A. Nickels
(Type or Print Name of Notary)

My Commission Expires: 6/1/96