

ORDINANCE NO. 930617- A

AN ORDINANCE ORDERING A REZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 13-2 OF THE AUSTIN CITY CODE OF 1992 AS FOLLOWS:

TRACT 1: 4.90 ACRE TRACT OF LAND OUT OF THE L. C. CUNNINGHAM SURVEY NO. 68, FROM "SF-2" SINGLE-FAMILY RESIDENCE (STANDARD LOT) DISTRICT TO "GR-CO" COMMUNITY COMMERCIAL DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT; AND,

TRACT 2: 9.39 ACRE TRACT OF LAND OUT OF THE L. C. CUNNINGHAM SURVEY NO. 68, FROM "SF-2" SINGLE-FAMILY RESIDENCE (STANDARD LOT) DISTRICT TO "CS-CO" GENERAL COMMERCIAL SERVICES DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT,

LOCALLY KNOWN AS THE PROPERTY LOCATED AT THE INTERSECTION OF NORTH INTERSTATE HIGHWAY-35 FRONTAGE ROAD AND WEST DESSAU ROAD AS MORE PARTICULARLY IDENTIFIED IN THE MAP ATTACHED AS "EXHIBIT C" TO THIS ORDINANCE, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; WAIVING THE REQUIREMENTS OF SECTIONS 2-2-3, 2-2-5 AND 2-2-7 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 respective base zoning districts and to establish a Conditional Overlay combining district on all of the property described in File C14-93-0047, as follows:

Tract 1: From "SF-2" Single-Family Residence (Standard Lot) district to "GR-CO" Community Commercial district-Conditional Overlay combining district.

4.90 acre tract of land out of the L. C. Cunningham Survey No. 68, said 4.90 acre tract of land being more particularly described by metes and bounds in "Exhibit A" attached and incorporated herein for all purposes.

Tract 2: From "SF-2" Single-Family Residence (Standard Lot) district to "CS-CO" General Commercial Services district-Conditional Overlay combining district.

9.39 acre tract of land out of the L. C. Cunningham Survey No. 68, said 9.39 acre tract of land being more particularly described by metes and bounds in "Exhibit B" attached and incorporated herein for all purposes.

locally known as the property located at the intersection of North Interstate Highway-35 Frontage Road and West Dessau Road, in the City of Austin, Travis County, Texas, as more particularly identified in the map attached as "Exhibit C" to this ordinance.

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

CITY OF AUSTIN, TEXAS

1. Development of the Property, or any portion of the Property, as Food sales use shall not exceed a maximum of 1,500 square feet of gross floor area.
2. Development of the Property shall be restricted to a maximum floor to area ratio of 0.10 to 1.
3. The following uses of the Property shall be prohibited: (a) uses classified as adult oriented businesses as defined in Section 13-2-265 of the Land Development Code,
 - (b) Restaurant (general),
 - (c) Restaurant (limited),
 - (d) Restaurant (drive-in, fast food),
 - (e) Administrative and business offices,
 - (f) Medical offices,
 - (g) Professional office, and
 - (h) Automotive sales.

Except as specifically restricted by this ordinance, the property may be developed and used in accordance with regulations established for the respective base districts 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 Sections 2-2-3, 2-2-5 and 2-2-7 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 (5) members of the City Council.

PART 5. That this ordinance shall become effective upon the expiration of ten (10) days following the date of its final passage, as provided by the Charter of the City of Austin.

PASSED AND APPROVED:


June 17, 1993

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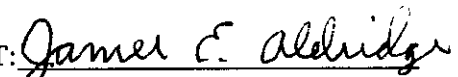


Bruce Todd
Mayor

APPROVED:


for: Diana L. Granger
City Attorney

ATTEST:


James E. Aldridge
City Clerk

17June93
ME/jj

EXHIBIT A
METES AND BOUNDS DESCRIPTION

C14-93-0047
TRACT 1
SF 2 TO GR.CO

BEING A 200 FOOT WIDE STRIP OF LAND OUT OF A 20.00 ACRE TRACT OF LAND OUT OF THE L. C. CUNNINGHAM SURVEY NO. 68 IN TRAVIS COUNTY, TEXAS, AS CONVEYED TO I35-DESSAU ROAD JOINT VENTURE IN VOLUME 11877, PAGE 725 OF THE TRAVIS COUNTY REAL PROPERTY RECORDS, AND BEING A PORTION OF LOTS 1, 2, 3, 4 AND 5 OF ROUTE SUBDIVISION, AN UNRECORDED SUBDIVISION IN TRAVIS COUNTY, TEXAS, SAID STRIP OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at an 5/8" iron pipe found in the north r.o.w. line of West Dessau Road at the southeast corner of said 20.00 acre tract of land, for the southeast corner and PLACE OF BEGINNING hereof;

THENCE with the north r.o.w. line of West Dessau Road, the following two (2) calls:

N 60° 04' 30" W 511.96 feet to a 1/2" rebar found for an angle point;

N 60° 05' 14" W 293.35 feet to a point at the intersection of the north r.o.w. line of West Dessau with the east r.o.w. line of I. H. 35 for the southwest corner hereof.

THENCE with the east r.o.w. line of I. H. 35, N 09° 57' 08" E 418.83 feet to a 5/8" rebar found at a northwest corner of said 20.00 acre tract of land, being also the southwest corner of Fountain of Life, a subdivision in Travis County, Texas, as recorded in Book 6, Page 180B, for a northwest corner hereof;

THENCE with the north line of said 20.00 acre tract of land, being also the north line of said Lot 2 of Route Subdivision, S 70° 26' 51" E 202.84 feet to a point for the most northerly northeast corner hereof;

THENCE S 09° 57' 08" W 244.86 feet to a point for an inside corner hereof;

THENCE S 60° 05' 14" E 153.23 feet to a point for an angle point;

THENCE S 60° 04' 30" E 512.52 feet to a point in the east line of said 20.00 acre tract of land, also the east line of said Lot 5, and being in the west line of a tract of land conveyed to Texas Commerce Bank Austin in Volume 10788, Page 2200, for the most easterly northeast corner hereof;

THENCE with the east line of said Lot 5, being also the east line of said 20.00 acre tract of land, and being the west line of said Texas Commerce Bank Austin tract of land, the following two (2) calls:

S 29° 31' 08" W 32.36 feet to a 5/8" rebar found for an angle point;

S 30° 11' 15" W 167.64 feet to the PLACE OF BEGINNING and containing 4.90 acres of land, more or less.

PREPARED BY:
RALPH HARRIS SURVEYOR INC.
1406 HETHER
AUSTIN, TEXAS 78704

James M. Grant
JAMES M. GRANT
R.P.L.S. NO. 1929

MAY 10, 1993

PB:2B:LAYNE

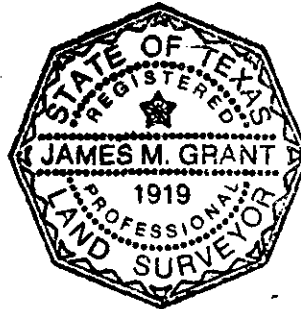


EXHIBIT A
METES AND BOUNDS DESCRIPTION

BEING PART OF THE L.C. CUNNINGHAM SURVEY NO. 68 IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF THAT CERTAIN 20.00 ACRE TRACT OF LAND DESCRIBED IN A DEED TO I35-DESSAU ROAD JOINT VENTURE, RECORDED IN VOLUME 11877, PAGE 725 OF THE TRAVIS COUNTY REAL PROPERTY RECORDS, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING for a Reference at a 5/8" iron pipe found in the north r.o.w. line of West Dessau Road at the southeast corner of the above described 20.00 acre tract of land.

THENCE, with the east line of said 20.00 acre tract of land the following 2 courses:

N 30° 11' 15" E, 167.64 feet to a 1/2" rebar found;

N 29° 31' 08" E, 32.36 feet to the southeast corner and PLACE OF BEGINNING hereof;

THENCE, N 60° 04' 30" W, 512.52 feet to an angle point;

THENCE, N 60° 05' 14" W, 153.23 feet to the most southerly southwest corner hereof;

THENCE, N 09° 57' 08" E, 244.86 feet to the most westerly southwest corner hereof;

THENCE, with the southerly and westerly lines hereof, the following 6 courses:

S 70° 26' 51" E, 337.22 feet to a concrete monument found;

N 29° 33' 26" E, 30.08 feet to a concrete monument found;

S 64° 35' 04" E, 90.67 feet to a concrete monument found;

N 25° 24' 56" E, 238.00 feet to a PK nail found in concrete;

N 64° 35' 04" W, 73.44 feet to a concrete monument found;

N 29° 33' 26" E, 253.97 feet to a 1/2" rebar set for the northwest corner hereof;

THENCE, with the common line between Travis County and the City of Austin Limited Purpose City Limit Line, S 68° 54' 46" E, 420.08 feet to the northeast corner hereof;

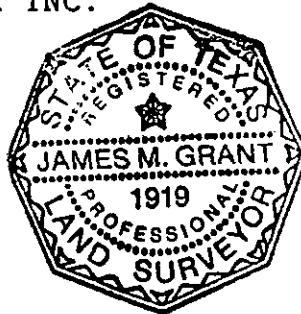
THENCE, with the common line between said 20.00 acre tract of land and that certain tract of land described in a deed to Texas Commerce Bank, Austin, recorded in Volume 10788, Page 2200, of the Travis County Real Property Records, the following 2 courses:

S 29° 47' 54" W, 57.74 feet to a 1/2" rebar found;

S 29° 31' 08" W, 820.30 feet to the PLACE OF BEGINNING and containing 9.39 acres of land, more or less.

AS PREPARED BY:
RALPH HARRIS SURVEYOR INC.
1406 HETHER
AUSTIN, TEXAS 78704

James M. Grant
JAMES M. GRANT
R.P.L.S. NO. 1919
MAY 10, 1993
PB:B:2:ROUTE MB



NOTE: See Survey map prepared May 10, 1993, to accompany this metes and bounds.

SKETCH TO ACCOMPANY METES AND BOUNDS DESCRIPTION

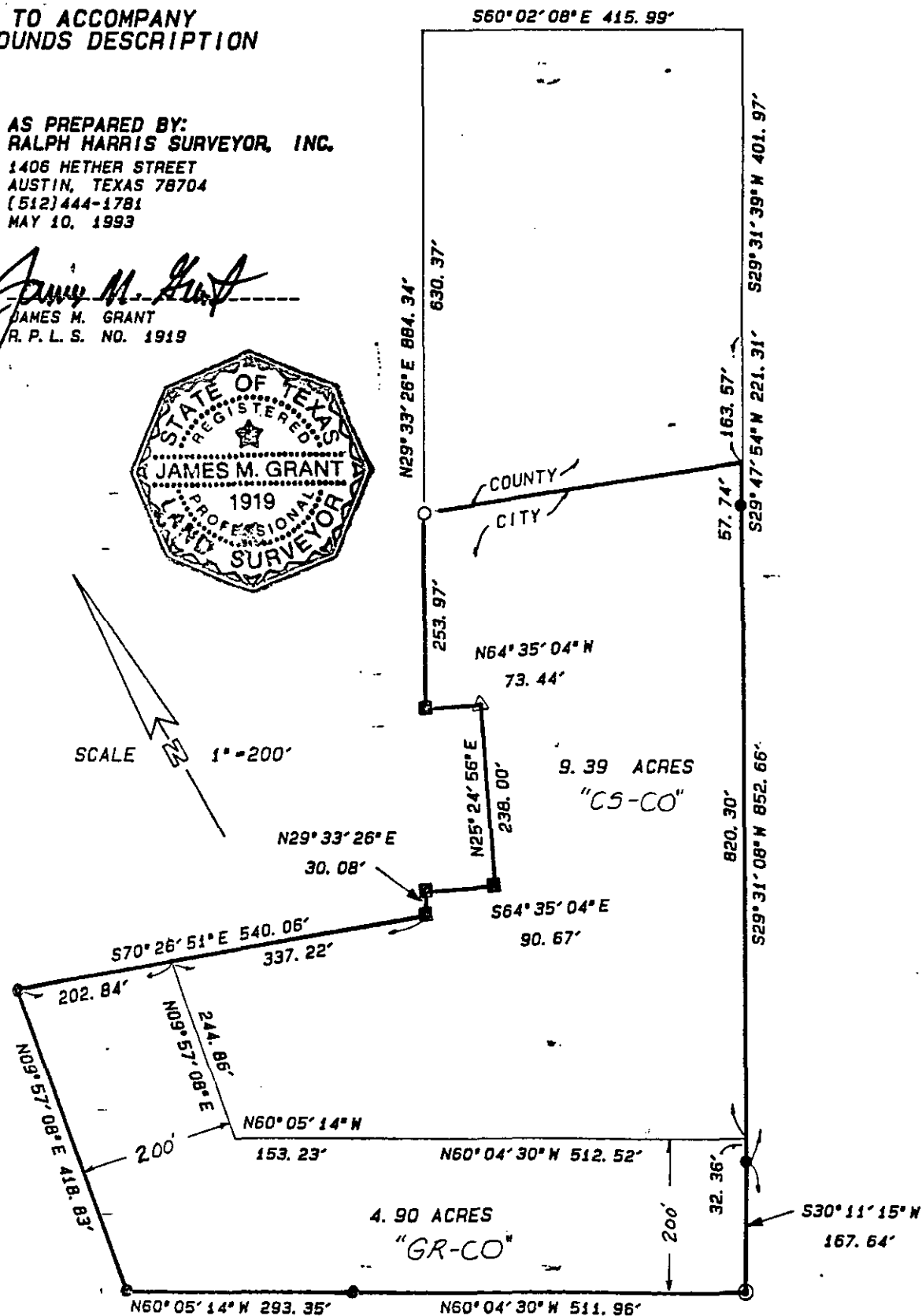
AS PREPARED BY:
RALPH HARRIS SURVEYOR, INC.
1406 HETHER STREET
AUSTIN, TEXAS 78704
(512) 444-1781
MAY 10, 1993

James M. Grant
JAMES M. GRANT
R. P. L. S. NO. 1919

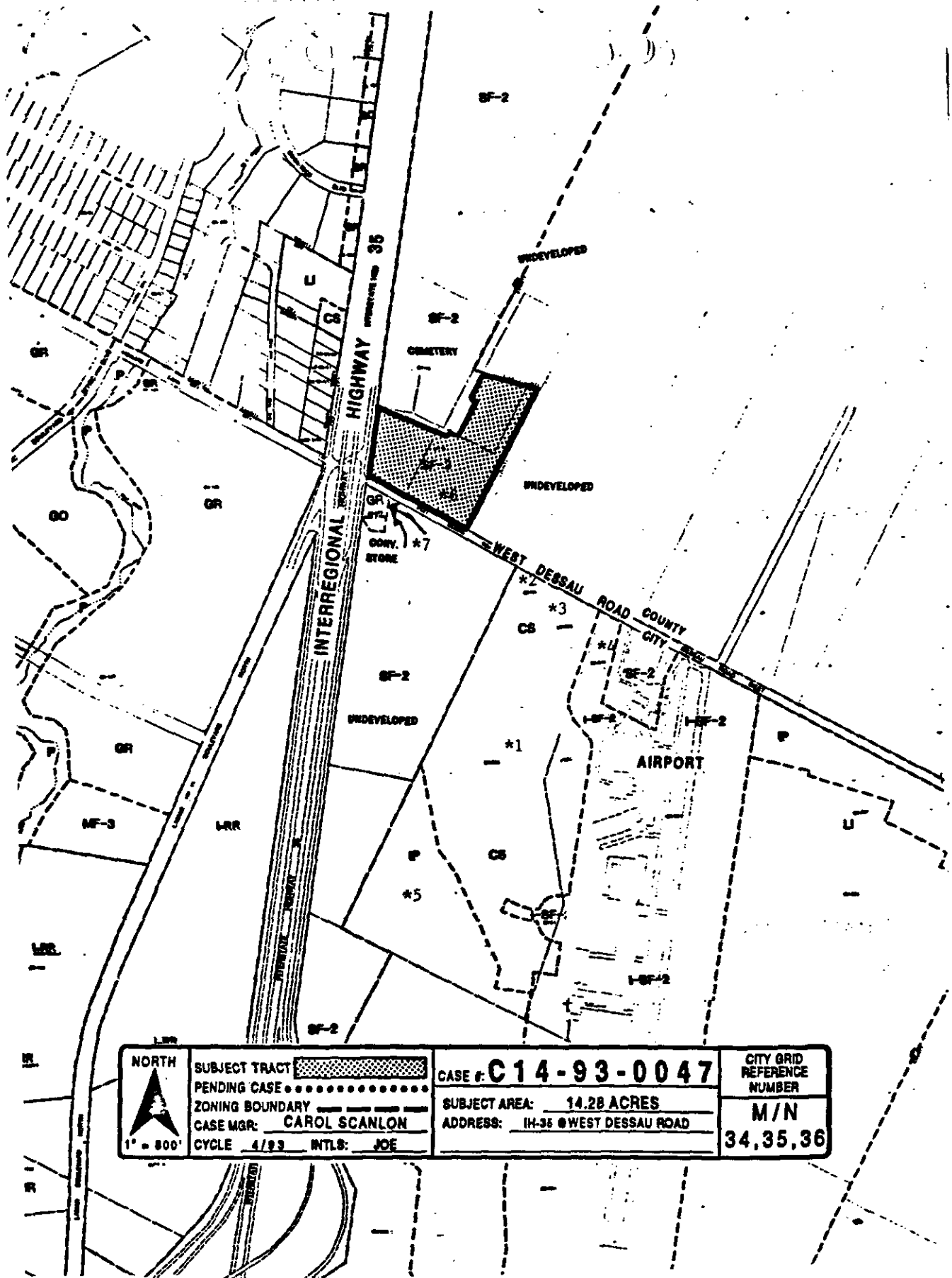


SCALE 1" = 200'

I. H. 35



WEST DESSAU ROAD



"EXHIBIT C"

930617-A

PO#: 930617-A

Ad ID#: 6MQ8008C

Acct#: 499-2499

Austin American-Statesman

Acct. Name: City Clerk's Office

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:

Vanessa Fleming

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:

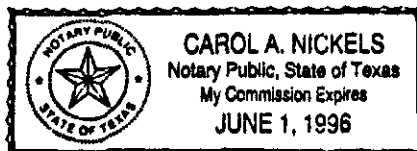
Date(s): June 23rd, 1993

Class: 9980 Lines: 36 Cost: \$70.56

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

Vanessa D. Fleming

SWORN AND SUBSCRIBED TO BEFORE ME, this the 24th day of Jun, 1993.



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

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

My Commission Expires: 6/1/96

305 South Congress Avenue, P.O. Box 670, Austin, Texas 78767-0670 • 512-445-3500

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