

#69

ORDINANCE NO. \_\_\_\_\_

1 AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING FOR THE  
2 PROPERTY LOCATED AT 13422 DESSAU ROAD AND CHANGING THE  
3 ZONING MAP FROM INTERIM-RURAL RESIDENCE (I-RR) DISTRICT AND  
4 INTERIM-SINGLE FAMILY RESIDENCE STANDARD LOT TO COMMERCIAL  
5 LIQUOR SALES-CONDITIONAL OVERLAY (CS-1-CO) COMBINING  
6 DISTRICT AND COMMUNITY COMMERCIAL-CONDITIONAL OVERLAY  
7 (GR-CO) COMBINING DISTRICT.

8  
9 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

10  
11 PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to  
12 change the base district from interim-rural residence (I-RR) district and interim-single  
13 family residence standard lot to commercial liquor sales-conditional overlay (CS-1-CO)  
14 combining district and community commercial-conditional overlay (GR-CO) combining  
15 district on the property (the "Property") described in Zoning Case No. C14-2012-0157, on  
16 file at the Planning and Development Review Department, as follows:

17  
18 Tract 1: From interim-rural residence (I-RR) district to commercial liquor sales  
19 conditional overlay (CS-1-CO) combining district.

20  
21 A 0.326 acre tract of land, more or less, out of the Samuel Cushing Survey No. 70  
22 the tract of land being more particularly described by metes and bounds in Exhibit  
23 "A" incorporated into this ordinance.

24  
25 Tract 2: From interim-single family residence standard lot to community  
26 commercial-conditional overlay (GR-CO) combining district.

27  
28 A 0.788 acre tract of land, more or less, out of the Samuel Cushing Survey No. 70  
29 the tract of land being more particularly described by metes and bounds in Exhibit  
30 "B" incorporated into this ordinance, and;

31  
32 A 2.324 acre tract of land, more or less, out of the Samuel Cushing Survey No. 70  
33 the tract of land being more particularly described by metes and bounds in Exhibit  
34 "C" incorporated into this ordinance.

35  
36 locally known as 13422 Dessau Road in the City of Austin, Travis County, Texas, and  
37 generally identified in the map attached as Exhibit "D".

1  
2 **PART 2.** The Property within the boundaries of the conditional overlay combining district  
3 established by this ordinance is subject to the following conditions:  
4

5 A. A site plan or building permit for the Property may not be approved, released,  
6 or issued, if the completed development or uses of the Property, considered  
7 cumulatively with all existing or previously authorized development and uses,  
8 generate traffic that exceeds 2,000 trips per day.  
9

10 B. Adult oriented business use is a prohibited use on Tract 1.  
11

12 Except as specifically restricted under this ordinance, the Property may be developed and  
13 used in accordance with the regulations established for the commercial liquor sales (CS-1)  
14 base district, community commercial (GR) base district and other applicable requirements  
15 of the City Code.  
16

17 **PART 3.** This ordinance takes effect on \_\_\_\_\_, 2013.  
18  
19

20 **PASSED AND APPROVED**  
21

22 §  
23 §  
24 \_\_\_\_\_, 2013 § \_\_\_\_\_  
25 Lee Leffingwell  
26 Mayor  
27  
28

29 **APPROVED:** \_\_\_\_\_ **ATTEST:** \_\_\_\_\_  
30 Karen M. Kennard Jannette S. Goodall  
31 City Attorney City Clerk



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

Existing Building Footprint  
(Tract 1)

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

3500 McCall Lane  
Austin, Texas 78744

**0.326 ACRES ZONING DESCRIPTION  
SAMUEL CUSHING SURVEY NO. 70  
TRAVIS COUNTY, TEXAS**

A DESCRIPTION OF 0.326 ACRES (APPROX. 14,203 SQ. FT.) IN THE SAMUEL CUSHING SURVEY NO. 70, TRAVIS COUNTY, TEXAS, BEING A PORTION OF LOT 2, DESSAU HALL SUBDIVISION, A SUBDIVISION OF RECORD IN BOOK 96, PAGE 103 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, CONVEYED TO DESSAU PARTNERS, LLC, BY SPECIAL WARRANTY DEED WITH VENDOR'S LIEN DATED APRIL 30, 2010 AND RECORDED IN DOCUMENT NO. 2010100333 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.326 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**COMMENCING** at a 1/2" iron pipe found in the east right-of-way line of Dessau Road (120' right-of-way width), same being the northwest corner of said Lot 2 of said Dessau Hall Subdivision, also being the northeast corner of a 0.253 acre tract described in Volume 11350, Page 728 of the Real Property Records of Travis County, Texas, from which a 1/2" rebar found in the east right-of-way line of Dessau Road, same being a southwest corner of said Lot 2 bears South 27°47'19" West, a distance of 103.29 feet;


**THENCE** South 56°08'42" East, crossing said Lot 2 and said 2.324 acre tract, a distance of 305.80 feet to a calculated point for the **POINT OF BEGINNING**;

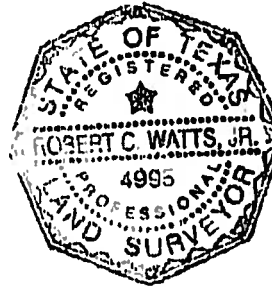
**THENCE** continuing across said Lot 2 and said 2.324 acre tract, the following eight (8) courses and distances:

1. South 68°39'34" East, a distance of 90.53 feet to a calculated point;
2. South 21°30'30" West, a distance of 147.86 feet to a calculated point;
3. North 68°54'59" West, a distance of 23.13 feet to a calculated point;
4. South 21°05'01" West, a distance of 18.12 feet to a calculated point;
5. North 68°33'33" West, a distance of 45.65 feet to a calculated point;
6. North 21°22'18" East, a distance of 18.20 feet to a calculated point;
7. North 68°37'42" West, a distance of 21.68 feet to a calculated point;

8. North 21°26'45" East, a distance of 147.80 feet to the **POINT OF BEGINNING**, containing 0.326 acres of land, more or less.

Surveyed on the ground March 25, 2010. Ownership updated February 12, 2013. Bearing basis is Grid azimuth for Texas Central Zone, state plane coordinates, based on GPS solutions from The National Geodetic Survey (NGS) On-line Positioning User Service (OPUS). Attachments: Survey Drawing 724-001-ZN1.

  
Robert C. Watts, Jr.  
Registered Professional Land Surveyor  
State of Texas No. 4995



2-12-13

SKETCH TO ACCOMPANY A DESCRIPTION OF 0.326 ACRES (APPROX. 14,203 SQ. FT.) IN THE SAMUEL CUSHING SURVEY NO. 70, TRAVIS COUNTY, TEXAS, BEING A PORTION OF LOT 2, DESSAU HALL SUBDIVISION, A SUBDIVISION OF RECORD IN BOOK 96, PAGE 103 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, CONVEYED TO DESSAU PARTNERS, LLC, BY SPECIAL WARRANTY DEED WITH VENDOR'S LIEN DATED APRIL 30, 2010 AND RECORDED IN DOCUMENT NO. 2010100333 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

5.3534 ACRES  
ROBIN J. LIEBERMAN  
(2011190070)

S82°51'45"E 438.52'  
(S60°00'00"E 440.62')

S56°08'42"E 305.80'

32.666 ACRES  
STATE OF TEXAS  
(11339/2005)

0.326 ACRES  
APPROX.  
14,203 SQ. FT.  
EXISTING BLDG.

2.324 ACRES  
PORTION OF LOT 2  
DESSAU HALL SUBDIVISION  
(96/103)

DESSAU PARTNERS, LLC  
(2010100333)

0.788 ACRES  
PORTION OF LOT 1  
DESSAU HALL SUBDIVISION  
(96/103)

DESSAU PARTNERS, LLC  
(2010100333)

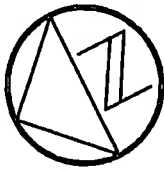
DESSAU ROAD  
(120' R.O.W. WIDTH)  
0.253 ACRES  
TRAVIS COUNTY  
(11350/728)

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S68°39'34"E	90.53'
L2	S21°30'30"W	147.86'
L3	N68°54'59"W	23.13'
L4	S21°05'01"W	18.12'
L5	N68°33'33"W	45.65'
L6	N21°22'18"E	18.20'
L7	N68°37'42"W	21.68'
L8	N21°26'45"E	147.80'
L9	N86°23'11"E	52.07'

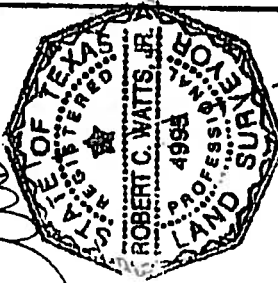
#### LEGEND

- 1/2" REBAR FOUND
- ⊙ 1/2" IRON PIPE FOUND
- △ MAG NAIL WITH "CHAPARRAL" WASHER SET
- ▲ CALCULATED POINT

*Chaparral*



1" = 60'



2-12-13

THE TEXAS COORDINATE SYSTEM OF 1983, TEXAS CENTRAL ZONE, BASED ON 1983/93 HARN VALUES FROM LCRA CONTROL NETWORK.

ATTACHMENTS: METES AND BOUNDS DESCRIPTION 724-001-ZN1

DATE OF SURVEY: 03/25/10  
PLOT DATE: 02/12/13  
DRAWING NO.: 724-001-ZN1  
PROJECT NO.: 724-001  
DRAWN BY: JDB

Tract: 2



Professional Land Surveying, Inc.  
Surveying and Mapping

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3500 McCall Lane  
Austin, Texas 78744

**0.788 ACRES  
SAMUEL CUSHING  
SURVEY NO. 70  
TRAVIS COUNTY, TEXAS**

A DESCRIPTION OF 0.788 ACRES (APPROXIMATELY 34,318 SQ. FT.) IN THE SAMUEL CUSHING SURVEY NO. 70, IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF LOT 1, DESSAU HALL SUBDIVISION, A SUBDIVISION OF RECORD IN VOLUME 96, PAGE 103 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS AND CONVEYED TO PRIME TIME ENTERTAINMENT, INC. IN A WARRANTY DEED DATED SEPTEMBER 05, 2006 IN DOCUMENT NUMBER 2006173715 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.788 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a 1/2" rebar found for the northwest corner of Lot 1, being the most westerly corner of Lot 2 of said Dessau Hall Subdivision, and being in the east line of a 0.253 acre tract described in Volume 11350, Page 728 of the Real Property Records of Travis County, Texas, also being in the east right-of-way line of Dessau Road (120' right-of-way width);

**THENCE** with the common line of Lots 1 and 2, the following two (2) courses and distances:

1. South 62°55'20" East, a distance of 195.69 feet to a 1/2" rebar found for the northeast corner of Lot 1, same being an angle point in the west line of Lot 2;
2. South 28°12'49" West, a distance of 168.68 feet to a 1/2" rebar with TxDOT cap found in the north right-of-way line of Gregg Lane (right-of-way width varies), for the northwest corner of a 0.023 acre tract described in Document No. 2008067722 of the Official Public Records of Travis County, Texas, same being in the west line of Lot 2, also being a point in the east line of Lot 1;

**THENCE** South 28°12'49" West, with the east line of Lot 1, same being the west line of the 0.023 acre tract, with the north line of Gregg Lane, a distance of 9.27 feet to a 1/2" rebar with cap set for the southwest corner of said 0.023 acre tract, also being the northwest corner of a 0.212 acre tract described in Document No. 2008035815 of the Official Public Records of Travis County, Texas, and also being the northeast corner of a 0.130 acre tract described in Document No. 1999147584 of the Official Public Records of Travis County, Texas, from which a cotton spindle found bears South 28°37'29" East, a distance of 0.29 feet;

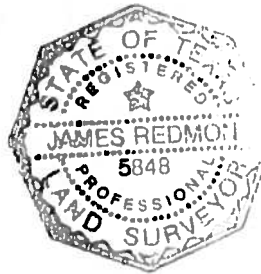
**THENCE** with the north line of said 0.130 acre tract, same being the north line of Gregg Lane, and crossing said Lot 1 the following two (2) courses and distances:

1. North 62°46'49" West, a distance of 169.33 feet to a 1/2 rebar with "MCANGUS" cap found;
2. North 15°34'47" West, a distance of 36.45 feet to a 1/2 rebar found in the west line of Lot 1, same being the north corner of said 0.130 acre tract, also being in the east line of said 0.253 acre tract, same being the east line of Dessau Road;

**THENCE** North 27°47'19" East, with the west line of Lot 1, same being the east line of said 0.253 acre tract, same being the east line of Dessau Road, a distance of 150.70 feet to the **POINT OF BEGINNING**, containing 0.788 acres of land, more or less.

Surveyed on the ground March 25, 2010. Bearing basis is Grid azimuth for Texas Central Zone, state plane coordinates, based on GPS solutions from The National Geodetic Survey (NGS) On-line Positioning User Service (OPUS). Attachments: 724-001-TI-TRACT-ONE.

 4-26-10  
James Redmon  
Registered Professional Land Surveyor  
State of Texas No. 5848



COAINED

Tract: 2

Chaparral

Professional Land Surveying, Inc.  
Surveying and Mapping

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

3500 McCall Lane  
Austin, Texas 78744

**2.324 ACRES  
SAMUEL CUSHING  
SURVEY NO. 70  
TRAVIS COUNTY, TEXAS**

A DESCRIPTION OF 2.324 ACRES (APPROXIMATELY 101,233 SQ. FT.) IN THE SAMUEL CUSHING SURVEY NO. 70, IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF LOT 2, DESSAU HALL SUBDIVISION, A SUBDIVISION OF RECORD IN VOLUME 96, PAGE 103 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS AND CONVEYED TO PRIME TIME ENTERTAINMENT, INC. IN A GENERAL WARRANTY DEED DATED DECEMBER 1, 2004 IN DOCUMENT NUMBER 2004227277 THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 2.324 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a 1/2" pipe found for the northwest corner of said Lot 2, same being the northeast corner of a 0.253 acre tract described in Volume 11350, Page 728 of the Real Property Records of Travis County, Texas, also being in the east right-of-way line of Dessau Road (120' right-of-way width);

**THENCE** South 62°51'45" East, with the north line of Lot 2, same being the east right-of-way line of said Dessau Road, at a distance of 11.20 feet passing a TxDOT Type II monument found in said common line, same being the southwest corner of a 5.3534 acre tract described in Document No. 2008093133 of the Official Public Records of Travis County, Texas, thence continuing with the north line of Lot 2, same being the south line of said 5.3534 acre tract and continuing for a total distance of 438.52 feet to a Mag nail with "Chaparral" washer set for the northeast corner of Lot 2, same being the southeast corner of said 5.3534 acre tract, also being in the west line of a 32.666 acre tract described in Volume 11339, Page 2005 of the Real Property Records of Travis County, Texas, from which a Mag nail found bears South 62°51'45" East a distance of 1.60 feet;

**THENCE** South 08°43'10" West, with the east line of Lot 2, same being the west line of said 32.666 acre tract, a distance of 296.69 feet to a 1/2" rebar with "Chaparral" cap set in said common line, same being the northeast corner of a 0.212 acre tract described in Document No. 2008035815 of the Official Public Records of Travis County, Texas, same being the north line of Gregg Lane (right-of-way width varies);

**THENCE** North 62°46'49" West with the north line of said 0.212 acre tract, same being the north line of Gregg Lane, and crossing said Lot 2, a distance of 127.09 feet to a 1/2" rebar with "TXDOT" aluminum cap found for the east corner of a 0.023 acre tract described in Document No. 2008067722 of the Official Public Records of Travis County, Texas;



**THENCE** North 60°17'56" West with the north line of said 0.023 acre tract, same being the north line of Gregg Lane, and crossing said Lot 2, a distance of 214.03 feet to a 1/2" rebar with "TXDOT" aluminum cap found for the northwest corner of said 0.023 acre tract, same being in the west line of Lot 2, also being in the east line of Lot 1 of said Dessau Hall Subdivision;

**THENCE** with the common line of Lots 1 and 2, the following two (2) courses and distances:

1. North 28°12'49" East, a distance of 168.68 feet to a 1/2" rebar found;
2. North 62°55'20" West, a distance of 195.69 feet to a 1/2" rebar found for the northwest corner of Lot 1, being in the east line of the 0.253 acre tract, and being also the east line of Dessau Road;

**THENCE** North 27°47'19" East, with the west line of Lot 2 and the east line of the 0.253 acre tract, same being the east line of Dessau Road, a distance of 103.29 feet to the **POINT OF BEGINNING**, containing 2.324 acres of land, more or less.

Surveyed on the ground March 25, 2010. Bearing basis is Grid azimuth for Texas Central Zone, state plane coordinates, based on GPS solutions from The National Geodetic Survey (NGS) On-line Positioning User Service (OPUS). Attachments: 724-001-TI-TRACT-TWO.



4-26-10

James Redmon  
Registered Professional Land Surveyor  
State of Texas No. 5848



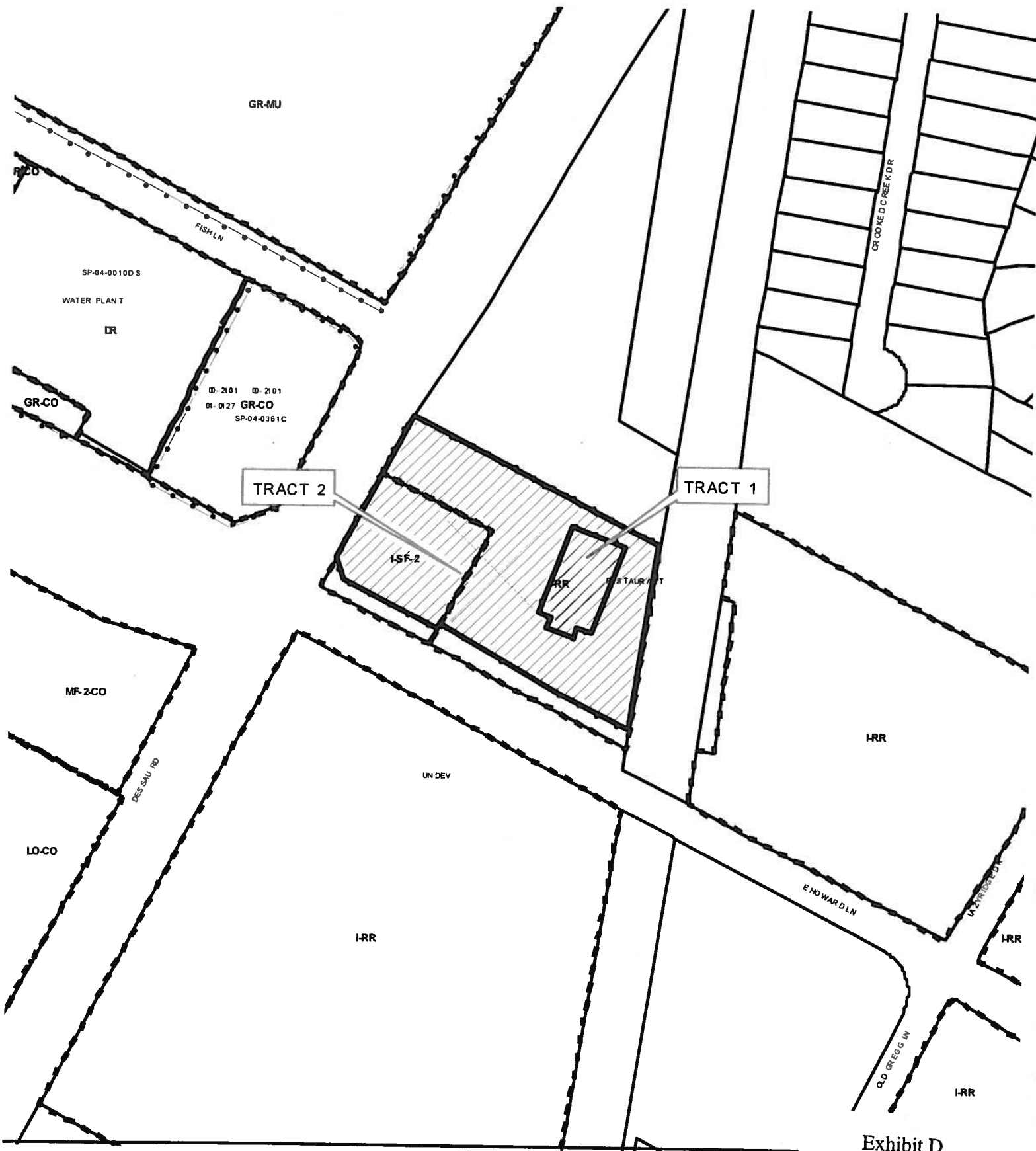
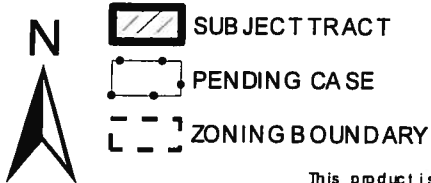


Exhibit D



ZONING CASE#: C14-2012-0157

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.

