

**ORDINANCE NO. 20131212-110**

**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 5016 ½ EAST BEN WHITE BOULEVARD WESTBOUND IN THE PARKER LANE NEIGHBORHOOD PLAN AREA FROM COMMUNITY COMMERCIAL-NEIGHBORHOOD PLAN (GR-NP) COMBINING DISTRICT AND COMMUNITY COMMERCIAL-NEIGHBORHOOD PLAN (GR-NP) COMBINING DISTRICT TO GENERAL COMMERCIAL SERVICES-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (CS-CO-NP) COMBINING DISTRICT AND COMMUNITY COMMERCIAL- CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (GR-CO-NP) 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 on the property (the "Property") described in Zoning Case No. C14-2013-0106, on file at the Planning and Development Review Department, as follows:

Tract 1:

From community commercial-neighborhood plan (GR-NP) combining district to general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district

A 12.04 acre tract of land, more or less, out of the Santiago Del Valle Grant the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance;

Tract 2:

From community commercial-neighborhood plan (GR-NP) combining district to community commercial- conditional overlay-neighborhood plan (GR-CO-NP) combining district

A 0.77 acre tract of land, more or less, out of the Santiago Del Valle Grant the tract of land being more particularly described by metes and bounds in Exhibit "B" incorporated into this ordinance,

locally known as 5016 ½ East Ben White Boulevard Westbound in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "C".

**PART 2.** Except as specifically provided in Part 3 and Part 4 of this ordinance, the Property may be developed and used in accordance with the regulations established for the general commercial services (CS) base district, community commercial (GR) base district and other applicable requirements of the City Code.

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

- A. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 2,000 trips per day.
- B. A 35 foot wide vegetative buffer on Tract 2 shall be provided and maintained at the northwest corner beginning 40 feet south and extending 280 feet parallel to the northern property line. Improvements permitted within the buffer zone are limited to drainage, underground utility improvements or those improvements that may be otherwise required by the City of Austin or specifically authorized in this ordinance.
- C. Development of the Property shall have a minimum setback of 40 feet from the northern property line.
- D. If recreational equipment maintenance and storage use is used on the Property, the use shall have a minimum setback of 200 feet from Ben White Boulevard and a 100 feet setback from adjoining properties to the west and north
- E. If a vehicle storage use is used on the Property, then the following applies:
  - 1. The number of vehicle storage units shall not exceed 20 percent of the number of convenience storage.
  - 2. Vehicle storage use shall have a minimum setback of 200 feet from Ben White Boulevard and a 100 feet setback from adjoining properties to the west and north.
- F. The following uses are prohibited uses of Tract 1:

Agricultural sales and services  
Bail bond services

Alternative financial services  
Campground

Commercial blood plasma center  
Outdoor entertainment  
Pawn shop services  
Residential treatment  
Transportation terminal

Kennels  
Outdoor sports and recreation  
Pedicab storage and dispatch  
Transitional housing

G. The following uses are prohibited uses of Tract 2:

Bail bond services  
Outdoor entertainment  
Pawn shop services  
Residential treatment

Alternative financial services  
Outdoor sports and recreation  
Pedicab storage and dispatch

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) base district on Tract 1, the community commercial (GR) base district on Tract 2 and other applicable requirements of the City Code.

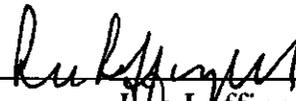
**PART 4.** The Property is subject to Ordinance No. 20061116-056 that established the Parker Lane neighborhood plan combining district.

**PART 5.** This ordinance takes effect on December 23, 2013.

**PASSED AND APPROVED**

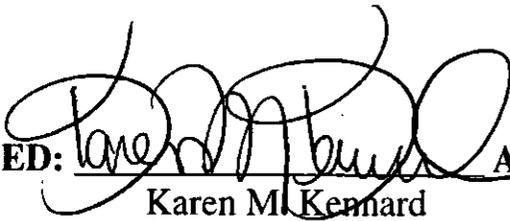
December 12, 2013

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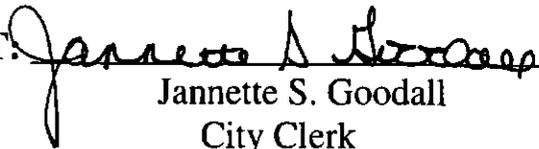
Lee Leffingwell  
Mayor

APPROVED:



Karen M. Kennard  
City Attorney

ATTEST:



Jannette S. Goodall  
City Clerk

C14-2013-0106  
TRACT 1



Professional Land Surveying, Inc.  
Surveying and Mapping

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

3500 McCall Lane  
Austin, Texas 78744

EXHIBIT "\_\_\_"

PORTION OF AZUR PROPERTY  
INVESTMENT (USA) INC.  
(ZONING DESCRIPTION)

**12.043 ACRES  
SANTIAGO DEL VALLE GRANT  
CITY OF AUSTIN, TRAVIS COUNTY, TEXAS**

A DESCRIPTION OF 12.043 ACRES (APPROX. 524,600 SQ. FT.) OF LAND IN THE SANTIAGO DEL VALLE GRANT, TRAVIS COUNTY, TEXAS, BEING ALL OF A 12.821 ACRE TRACT DESCRIBED IN A WARRANTY DEED TO AZUR PROPERTY INVESTMENT (USA) INC., DATED NOVEMBER 14, 1989, AND RECORDED VOLUME 8939, PAGE 289 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 12.043 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a 1/2 rebar with "Chaparral" cap set for an angle point in the north right-of-way line of East Ben White Boulevard/State Highway 71 (right-of-way width varies), same being the southwest corner of Lot A, Briarton Subdivision, a subdivision of record in Volume 72, Page 240 of the Plat Records of Travis County, Texas, being also the southeast corner of the said 12.821 acre tract, from which a TxDOT aluminum cap found bears South 82°59'29" East, a distance of 192.47 feet;

**THENCE** North 81°44'12" West, with the north right-of-way line of E. Ben White Boulevard and the south line of the 12.821 acre tract, a distance of 388.65 feet to a 1/2" rebar with "Chaparral" cap set for the southwest corner of the 12.821 acre tract, same being the southeast corner of Lot 1, Block A, Briarton Subdivision, a subdivision of record in Volume 96, Page 338 of the Plat Records of Travis County, Texas, from which a 1/2" rebar with aluminum cap found (Station 10835+25.68, 175.00' RT) in the south right-of-way line of E. Ben White Boulevard bears North 81°44'12" West, a distance of 393.79 feet, and South 08°15'48" West, a distance of 349.83 feet;

**THENCE** with the common line of Lot 1, Block A, of Briarton Subdivision (96/338), and the 12.821 acre tract, the following two (2) courses and distances:

1. North 27°47'45" East, a distance of 297.73 feet to a 1/2" rebar found;

2. North  $81^{\circ}43'14''$  West, a distance of 281.07 feet to a  $1/2''$  rebar found for an angle point in the west line of the 12.821 acre tract, for the northwest corner of Lot 1, Block A, of said Briarton Subdivision (96/338), same being in the east line of Lot 1, Catholic Family Fraternal of Texas-KJZT Subdivision, a subdivision of record in Volume 89, Page 303 of the Plat Records of Travis County, Texas;

**THENCE** North  $16^{\circ}18'07''$  East, with the west line of the 12.821 acre tract and the east line of Lot 1 of said Catholic Family Fraternal of Texas-KJZT Subdivision, a distance of 143.56 feet to an axle found for an angle point in the west line of the 12.821 acre tract, for the northeast corner of Lot 1 of said Catholic Family Fraternal of Texas-KJZT Subdivision, same being an angle point in the east line of Lot 1, Block 1, St. Peter the Apostle Church Addition, a subdivision of record in Volume 89, Page 240 of the Plat Records of Travis County, Texas;

**THENCE** North  $39^{\circ}06'58''$  East, with the west line of the 12.821 acre tract and the east line of Lot 1, Block 1 of said St. Peter the Apostle Church Addition, a distance of 580.97 feet to a calculated point, from which a  $1''$  iron pipe in concrete found for the northwest corner of the 12.821 acre tract and the northeast corner of Lot 1, Block 1 of said St. Peter the Apostle Church Addition, same being in the south line of a drainage lot in Block E, Sunridge Park, Section One, a subdivision of record in Volume 85, Page 107B of the Plat Records of Travis County, Texas, bears North  $39^{\circ}06'58''$  East, a distance of 76.61 feet;

**THENCE** over and across the 12.821 acre tract, the following five (5) courses and distances:

1. South  $62^{\circ}38'45''$  East, a distance of 260.43 feet to a calculated point;
2. South  $62^{\circ}50'20''$  East, a distance of 75.00 feet to a calculated point;
3. North  $27^{\circ}09'40''$  East, a distance of 35.00 feet to a calculated point;
4. South  $62^{\circ}50'20''$  East, a distance of 230.69 feet to a calculated point;
5. North  $27^{\circ}43'50''$  East, a distance of 40.00 feet to a calculated point in the north line of the 12.821 acre tract, being also in the south line of Lot 1, Block 1, Resubdivision of Sunridge Park, Section Two, a subdivision of record in Volume 98, Page 231 of the Plat Records of Travis County, Texas, from which a  $1/2''$  rebar in concrete found for an angle point in the west line of said Lot 1, being also the southeast corner of Lot 39, Block A of said Sunridge Park Section One, bears North  $62^{\circ}50'20''$  West, a distance of 306.09 feet;

**THENCE** with the common line of the 12.821 acre tract and Lot 1, Block 1, of said Resubdivision of Sunridge Park, Section Two, the following two (2) courses and distances:

1. South 62°50'20" East, a distance of 200.00 feet to a 1" iron pipe found;
2. South 27°43'49" West, a distance of 200.27 feet to a 1/2" rebar found for an angle point in the east line of the 12.821 acre tract, same being the northeast corner of Lot A of said Briarton Subdivision (72/240);

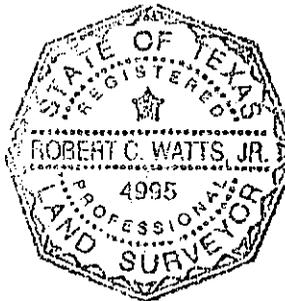
**THENCE** with the common line of the 12.821 acre tract and Lot A of said Briarton Subdivision (72/240), the following two (2) courses and distances:

1. North 62°47'42" West, a distance of 219.89 feet a 1/2" rebar found;
2. South 27°48'54" West, a distance of 664.31 feet to the **POINT OF BEGINNING**, containing 12.043 acres of land, more or less.

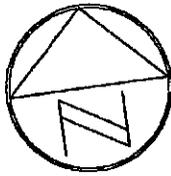
Surveyed on the ground June 20, 2013. Bearing Basis: The Texas Coordinate System of 1983, Central Zone, based on GPS solutions from The National Geodetic Survey (NGS) On-line Positioning User Service (OPUS). Attachments: Survey Drawing 646-001-Z2.



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



10-31-13



1" = 200'

SUNRIDGE PARK SECTION ONE (85/107B)

SUNRIDGE DRIVE (70' R.O.W.)

DRAINAGE LOT BLOCK E (85/107B)

LOT 39 BLOCK A (85/107B)

LOT 1 BLOCK 1 RESUBDIVISION OF SUNRIDGE PARK SECTION TWO (98/231)

LOT 1 BLOCK 1 ST. PETER THE APOSTLE CHURCH ADDITION (89/240)

PORTION OF 12.821 AC. (8936/289)

12.043 ACRES (APPROX. 524,600 SQ. FT.)

12.821 AC. AZUR PROPERTY INVESTMENT (USA) INC. (8936/289)

P.O.B. STA 10843+11.62 170.62'LT

LOT A BRIARTON SUBDIVISION (72/240)

LOT 1 BLOCK 1 RESUBDIVISION OF SUNRIDGE PARK SECTION TWO (98/231)

LOT 1 CATHOLIC FAMILY FRATERNAL OF TEXAS-KJZT SUBDIVISION (89/303)

LOT 1 BLOCK A BRIARTON SUBDIVISION (96/338)

N81°44'12"W 393.79'

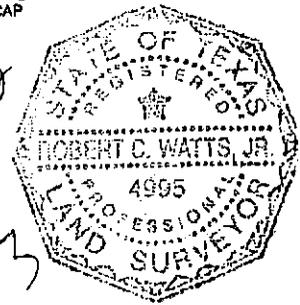
N81°44'12"W 388.65' (N78°30'W 388.76')

S08°15'48"W 349.83' TxDOT R.O.W. PER CSJ# 0113-13-086

STA 10835+25.68 175.00'RT

EAST BEN WHITE BOULEVARD (S.H. 71) (RIGHT-OF-WAY WIDTH VARIES)

*Watts*  
10-31-13



DATE OF SURVEY: 06/20/13  
PLOT DATE: 10/31/13  
DRAWING NO.: 646-001-22  
PROJECT NO.: 646-001  
DRAWN BY: RCW

Chaparral

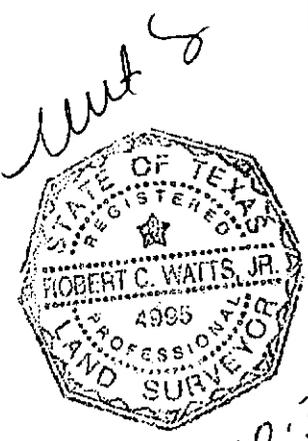
SKETCH TO ACCOMPANY A DESCRIPTION OF 12.043 ACRES (APPROX. 524,600 SQ. FT.) OF LAND IN THE SANTIAGO DEL VALLE GRANT, TRAVIS COUNTY, TEXAS, BEING A PORTION OF A 12.821 ACRE TRACT DESCRIBED IN A WARRANTY DEED TO AZUR PROPERTY INVESTMENT (USA) INC., DATED NOVEMBER 14, 1989, AND RECORDED IN VOLUME 8939, PAGE 289 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS.

LEGEND	
⊙	1/2" REBAR FOUND
⊙	1" IRON PIPE FOUND
⊠	AXLE FOUND
△	CALCULATED POINT
<sup>ACAP</sup> ⊙	ALUM. TxDOT CAP FOUND
○	1/2" REBAR WITH CHAPARRAL CAP SET
( )	RECORD INFORMATION

LINE TABLE			
LINE	BEARING	DISTANCE	RECORD INFO.
L1	N27°47'45"E	297.73'	(N31°03'E 298.20')
L2	N16°18'07"E	143.56'	(N19°28'E 143.31')
L3	S62°38'45"E	260.43'	
L4	S62°50'20"E	75.00'	
L5	N27°09'40"E	35.00'	
L6	S62°50'20"E	230.69'	
L7	N27°43'50"E	40.00'	
L8	S62°50'20"E	200.00'	
L9	S27°43'49"W	200.27'	(S31°03'W 200.00')
L10	N62°47'42"W	219.89'	(N59°34'W 220.00')
L11	N39°06'58"E	76.61'	
L12	N62°50'20"W	306.09'	
L13	S82°59'29"E	192.47'	

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: METES AND BOUNDS DESCRIPTION 646-001-Z2



*10-31-13*

*Chaparral*

DATE OF SURVEY: 06/20/13  
 PLOT DATE: 10/31/13  
 DRAWING NO.: 646-001-Z2  
 PROJECT NO.: 646-001  
 DRAWN BY: RCW



Professional Land Surveying, Inc.  
Surveying and Mapping

C14-2013-0106  
TRACT 2

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

3500 McCall Lane  
Austin, Texas 78744

EXHIBIT " \_ "

PORTION OF AZUR PROPERTY  
INVESTMENT (USA) INC.  
(ZONING DESCRIPTION)

**0.776 ACRES  
SANTIAGO DEL VALLE GRANT  
CITY OF AUSTIN, TRAVIS COUNTY, TEXAS**

A DESCRIPTION OF 0.776 ACRES (APPROX. 33,797 SQ. FT.) OF LAND IN THE SANTIAGO DEL VALLE GRANT, TRAVIS COUNTY, TEXAS, BEING A PORTION OF A 12.821 ACRE TRACT DESCRIBED IN A WARRANTY DEED TO AZUR PROPERTY INVESTMENT (USA) INC., DATED NOVEMBER 14, 1989, AND RECORDED IN VOLUME 8939, PAGE 289 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.776 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a 1" iron pipe in concrete found for the northwest corner of the said 12.821 acre tract, same being the northeast corner of Lot 1, Block 1, St. Peter the Apostle Church Addition, a subdivision of record in Volume 89, Page 240 of the Plat Records of Travis County, Texas and also being in the south line of a drainage lot in Block E, Sunridge Park, Section One, a subdivision of record in Volume 85, Page 107B of the Plat Records of Travis County, Texas, from which a 1" iron pipe found in the north line of said Lot 1, same being the south line of said drainage lot, bears North 62°20'13" West, a distance of 38.67 feet;

**THENCE** South 62°38'45" East, with the north line of the said 12.821 acre tract, same being the south line of said drainage lot, the south termination of Sunridge Drive (70' right-of-way width), described in Volume 85, Page 107B of the Plat Records of Travis County, Texas and the south line of Lot 39, Block A, said Sunridge Park, Section One, a distance of 244.56 feet to a 1/2" rebar in concrete found for an angle point in the north line of the said 12.821 acre tract a, being the southeast corner of said Lot 39 and also being an angle point in the west line of Lot 1, Block 1, Resubdivision of Sunridge Park, Section Two, a subdivision of record in Volume 98, Page 231 of the Plat Records of Travis County, Texas;

**THENCE** South 62°50'20" East, with the common line of the said 12.821 acre tract and Lot 1, Block 1, of said Resubdivision of Sunridge Park, Section Two, a distance of 306.09 feet to a calculated point, from which a 1" iron pipe found for

the northeast corner of the 12.821 acre tract, being also an angle point in the west line of Lot 1, bears South 62°50'20" East, a distance of 200.00 feet;

**THENCE** crossing said 12.821 acre tract, the following five (5) courses and distances:

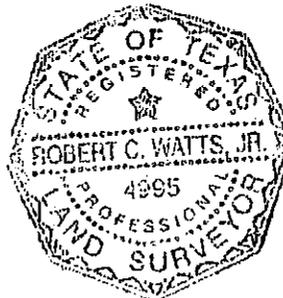
1. South 27°43'50" West, a distance of 40.00 feet to a calculated point;
2. North 62°50'20" West, a distance of 230.69 feet to a calculated point;
3. South 27°09'40" West, a distance of 35.00 feet to a calculated point;
4. North 62°50'20" West, a distance of 75.00 feet to a calculated point;
5. North 62°38'45" West, a distance of 260.43 feet to a calculated point in the west line of the said 12.821 acre tract, same being the east line of Lot 1, Block 1, said St. Peter the Apostle Church Addition, from which an axle found for an angle point in the west line of the said 12.821 acre tract, being a southeast corner of said Lot 1, Block 1 said St. Peter the Apostle Church Addition and also being the northeast corner of Lot 1, Catholic Family Fraternal of Texas-KJZT Subdivision, a subdivision of record in Volume 89, Page 303 of the Plat Records of Travis County, Texas, bears South 39°06'58" West, a distance of 580.97 feet;

**THENCE** North 39°06'58" East, with the west line of the said 12.821 acre tract, same being the east line of Lot 1, Block 1, said St. Peter the Apostle Church Addition, a distance of 76.61 feet to the **POINT OF BEGINNING**, containing 0.776 acres of land, more or less.

Surveyed on the ground June 20, 2013. Bearing Basis: The Texas Coordinate System of 1983, Central Zone, based on GPS solutions from The National Geodetic Survey (NGS) On-line Positioning User Service (OPUS). Attachments: Survey Drawing 646-001-Z1.

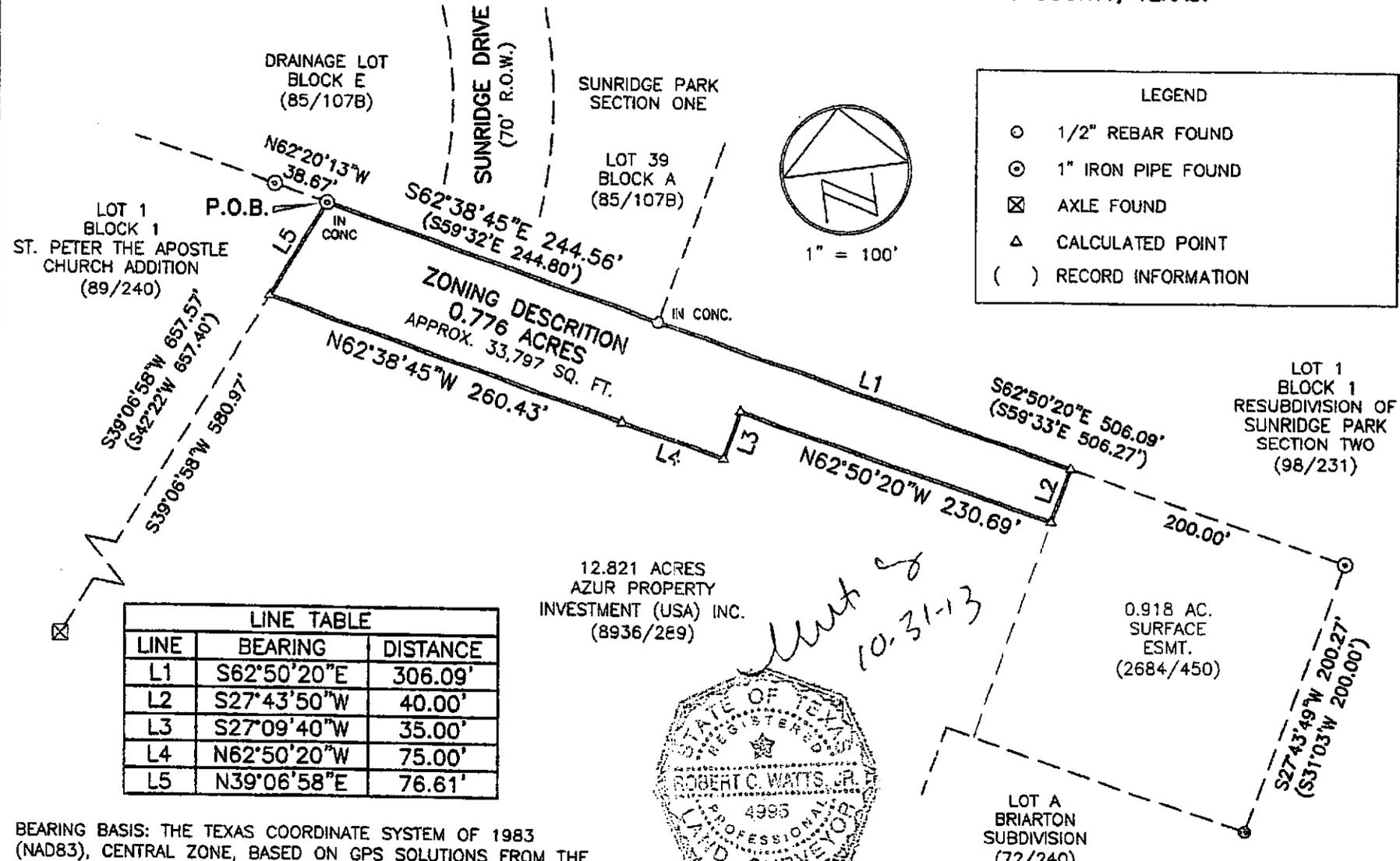


Robert C. Watts, Jr.  
Registered Professional Land Surveyor  
State of Texas No. 4995



10-31-13

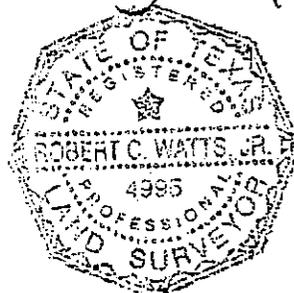
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LINE TABLE		
LINE	BEARING	DISTANCE
L1	S62°50'20"E	306.09'
L2	S27°43'50"W	40.00'
L3	S27°09'40"W	35.00'
L4	N62°50'20"W	75.00'
L5	N39°06'58"E	76.61'

12.821 ACRES  
AZUR PROPERTY  
INVESTMENT (USA) INC.  
(8936/289)

*Watts*  
*10-31-13*



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: METES AND BOUNDS DESCRIPTION 646-001-Z1

*Chaparra*

DATE OF SURVEY: 06/20/13  
PLOT DATE: 10/31/13  
DRAWING NO.: 646-001-Z1  
PROJECT NO.: 646-001  
DRAWN BY: JDB



**ZONING**

**ZONING CASE#: C14-2013-0106**

-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

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.



1" = 400'

This product has been produced by CTM for the sole purpose of geographic by the City of Austin regarding specific accuracy or completeness.

Exhibit C