## ORDINANCE NO. <u>20141016-048</u>

AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING FOR THE PROPERTY LOCATED AT 9101-9201 SOUTH INTERSTATE HIGHWAY 35 SERVICE ROAD NORTHBOUND AND CHANGING THE ZONING MAP FROM GENERAL COMMERCIAL SERVICES-CONDITIONAL OVERLAY (CS-CO) COMBINING DISTRICT AND INTERIM-RURAL RESIDENCE (I-RR) DISTRICT TO MULTIFAMILY RESIDENCE MODERATE HIGH DENSITY-CONDITIONAL OVERLAY (MF-4-CO) 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 on the property described in Zoning Case No. C14-2014-0118, on file at the Planning and Development Review Department, as follows:

Tract 1: from general commercial services-conditional overlay (CS-CO) combining district and interim-rural residence (I-RR) district to multifamily residence moderate high density-conditional overlay (MF-4-CO) combining district,

a 5.94 acre tract of land, more or less, out of the Santiago Del Valle Ten League Grant the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance;

Tract 2 and 3: from interim-rural residence (I-RR) district to multifamily residence moderate high density-conditional overlay (MF-4-CO) combining district,

a 2.35 acre tract of land, more or less, out of the Santiago Del Valle Ten League Grant the tract of land being more particularly described by metes and bounds in Exhibit "B" incorporated into this ordinance; and,

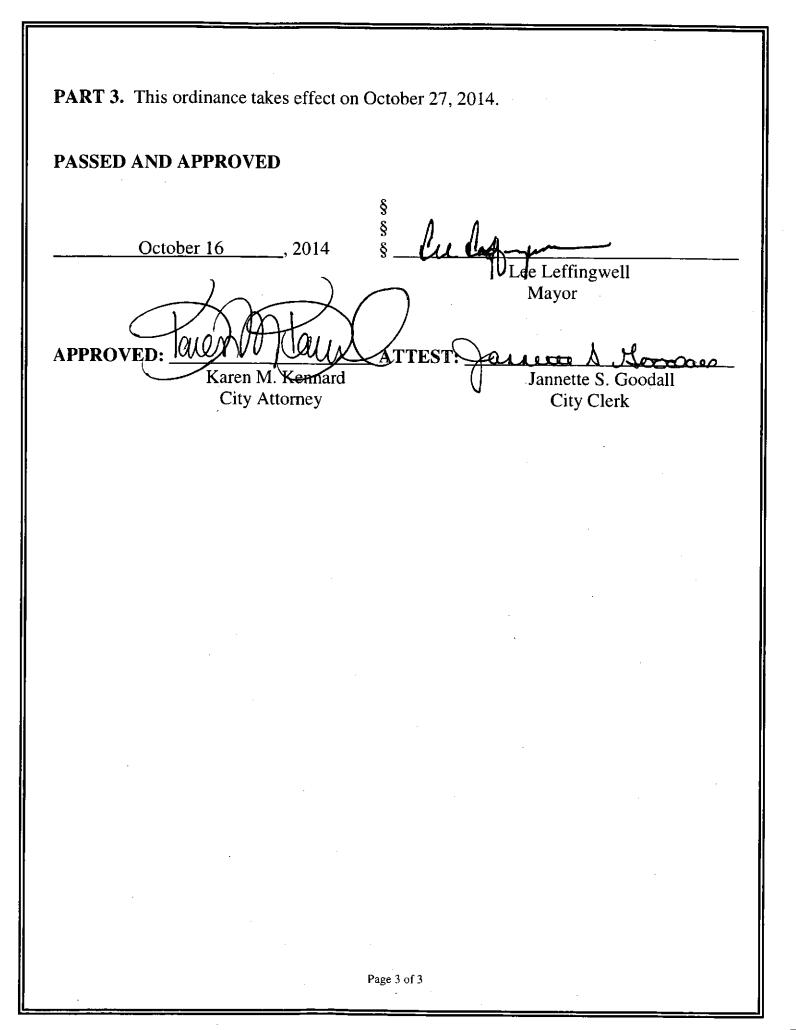
a 7.68 acre tract of land, more or less, out of the Santiago Del Valle Ten League Grant the tract of land being more particularly described by metes and bounds in Exhibit "C" incorporated into this ordinance (all tracts cumulatively referred to as the "Property"), locally known as 9101-9201 South Interstate Highway 35 Service Road Northbound in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "D".

**PART 2.** 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. Vehicular access from the Property to Oak Hill Lane is prohibited until the street is improved in accordance with the Transportation Criteria Manual. Until the improvements have been completed, all vehicular access to the Property shall be from other adjacent public streets or through other adjacent property.

C. A 15-foot wide vegetative buffer shall be provided and maintained along and adjacent to the west property line adjacent to I.H. 35. Improvements permitted within the buffer zone are limited to drainage, underground utility improvements, driveways or those improvements that may be otherwise required by the City of Austin or specifically authorized in this ordinance.

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the multifamily residence moderate high density (MF-4) base district and other applicable requirements of the City Code.



TRACT C14-2014-0118

#### HOLT CARSON, INC.

1904 FORTVIEW ROAD AUSTIN, TX 78704 TELEPHONE: (512) 442-0990 FACSIMILE: (512) 442-1084

November 8, 2007

FIELD NOTE DESCRIPTION OF 5.948 ACRES OF LAND OUT OF THE SANTIAGO DEL VALLE TEN LEAGUE GRANT IN TRAVIS COUNTY, TEXAS, AND BEING ALL OF THAT CERTAIN (5.945 ACRE) TRACT CONVEYED TO NL LAND HOLDINGS, LTD. BY DEED RECORDED IN DOCUMENT NO. 2007021160 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING FOR REFERENCE at a ½ inch iron rod found in the north line of Lot 16, Block 1, Amended Plat of Crossing at Onion Creek Section Three and Four, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Document No. 200400250 of the Travis County Official Public Records, and being at the southeast corner of that certain "First Tract" conveyed to Eugenia Vann Phelan by deed recorded in Volume 763 Page 666 of the Travis County Deed Records;

THENCE with the east line of said Phelan tract, N 41 deg. 15' 55" W at 567.62 ft. passing a ½ inch iron rod set with plastic cap marked "Holt Carson, Inc." at the most easterly corner of that certain tract conveyed to Will Thurman et Al. by deed recorded in Volume 6994 Page 1362 of the Deed Records of Travis County, Texas, and continuing on the same course 256.56 ft. more, for a total distance on this course of 824.18 ft., to a calculated point at the northeast corner of said Thurman tract, and being the northeast corner of that certain (7.688 Acre) tract conveyed to NL Land Holdings, Ltd. by deed recorded in Document No. 2007021159 of the Travis County Official Public Records, and being at the southeast corner of that certain (5.01 Acre) tract conveyed to Joe. D. Parmer and Bert Parmer by deed recorded in Volume 4274 Page 827 of the Deed Records of Travis County, Texas, and being the southeast corner of that certain (5.945 Acre) tract conveyed to NL Land Holdings, Ltd. by deed recorded in Document No. 2007021160 of the Travis County Official Public Records, and being the southeast corner and PLACE OF BEGINNING of the harein described tract of land, and from which a ½ inch iron pipe found bears N 02 deg. 24' W 2.19 ft.;

THENCE crossing the interior of said Phelan tract with the common line of said Thurman tract and said Parmer tract, S 58 deg. 30' 00" W 619.44 ft. to a calculated point in the east line of that certain (0.010 Acre) "save and except" tract described in Document No. 2007021159 of the Travis County Official Public Records, and being at the west common comer of said Parmer and said Thurman tracts, and being at the west common corner of said (7.688 Acre) tract and said (5.945 Acre) tract, and being at the southwest corner of this tract, and from which a ½ lnch iron pipe found at the most southerly corner of said (0.010 Acre) tract bears S 13 deg. 00' 00" E 54.00 ft.;

THENCE with the following courses and not with the meanders of a small creek, and running in common with the east line of that certain (.445 Acre) tract which is described in that quitclaim deed to Torn D. Janoe by deed recorded in Volume 7934 Page 879 of the Travis County Deed Records, the following two courses:

1) N 13 deg 00' 00" W 322.72 ft. to a calculated point;

2) N 17 deg. 44' 00" W 162.39 ft. to a ½ inch iron rod set with plastic cap marked "Holt Carson, Inc." in the southeasterly right-of-way line of Interstate Highway 36 at the northwest corner of said (5.945 Acre) tract, and being at the northeast corner of said (.445 Acre) tract, and being the northwest corner of this tract, and from which a ½ inch iron rod found at the northwest corner of said (.445 Acre) tract bears S 31 deg. 56' 02" W 61.17 ft. page 2 of 2 5.948 Acres

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THENCE with the southeasterly right-of-way line of Interstate Highway 35, N 31 deg. 56' 02" E 227.63 ft. to a chiseled "X" set in the north line of said Phelan "First Tract" and being in the south line of that certain "Second Tract" conveyed to Eugenia Vann Phelan in said Volume 763 Page 666, and being at the most northerly corner of said (5.945 Acre) tract, and being at the most northerly corner of this tract, and from which a ½ inch iron pipe found bears N 31 deg. 56' 02" E 8.26 ft. and also from which a broken concrete highway monument bears N 31 deg. 56' 02" E 79.98 ft.

THENCE leaving the southeasterly right-of-way of Interstate Highway 35 with the common line of said Phelan "First" and "Second" tracts, N 72 deg. 35' 00" E 191.22 ft. to a ½ inch iron rod set with plastic cap marked "Holt Carson, Inc." at the northeast corner of said Phelan "First Tract" and being at the southeast corner of said "Second Tract", and being at the northeast corner of said (5.945 Acre) tract, and from which an old chain link corner post at the northeast corner of that certain (70 Acre) tract conveyed to R.D. McKeen by deed recorded in Volume 602 Page 418 of the Travis County Deed Records bears N 40 deg. 27' 00" W 54.40 ft. and N 72 deg. 35' 00" E 43.46 ft.;

THENCE with the east line of sald Phelan tract, S 41 deg. 15' 55" E 526.67 ft. to the Place of Beginning, containing 5.948 Acres of land.

SURVEYED: November 8, 2007 BY:

Anne Thayer Registered Professional Land Surveyor No. 5850

see survey plat B812028

812028a.wpd



TRACTZ C14,2014-0118

HOLT CARSON, INC. 1904 FORTVIEW ROAD AUSTIN, TX 78704 TELEPHONE: (512) 442-0990 FACSIMILE: (512) 442-1084

November 8, 2007

FIELD NOTE DESCRIPTION OF 2.358 ACRES OF LAND OUT OF THE SANTIAGO DEL VALLE TEN LEAGUE GRANT IN TRAVIS COUNTY, TEXAS, AND BEING ALL OF THAT CERTAIN (2.3146 ACRE) TRACT CONVEYED TO NL LAND HOLDINGS, LTD. BY DEED RECORDED IN DOCUMENT NO. 2007021161 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½ inch iron rod found in the north line of Lot 16, Block 1, Amended Plat of Crossing at Onion Creek Section Three and Four, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Document No. 200400250 of the Travis County Official Public Records, and being at the southeast corner of that certain "First Tract" conveyed to Eugenia Vann Phelan by deed recorded in Volume 763 Page 660 of the Travis County Deed Records, and being at the southwest corner of that certain (2.3146 Acre) tract conveyed to NL Land Holdings, Ltd by deed recorded in Document No. 2007021161 of the Travis County Official Public Records, and being at the southeast corner of that certain (1.00 Acre) tract conveyed to Don Stuchly by deed recorded in Volume 11466 Page 1436 of the Travis County Real Property Records, and being the southwest corner and PLACE OF BEGINNING of the herein described tract of land;

THENCE with the east line of said Phelan tract, N 41 deg. 15' 55" W at 567.62 ft. passing a 1/2 inch iron rod set with plastic cap marked "Holt Carson, Inc." at the most easterly corner of that certain tract conveyed to Will Thurman et Al. by deed recorded in Volume 6994 Page 1362 of the Deed Records of Travis County, Texas, and continuing on the same course at 256.56 ft. more passing a calculated point at the northeast corner of said Thurman tract, and being the northeast corner of that certain (7.688 Acre) tract conveyed to NL Land Holdings, Ltd. by deed recorded in Document No. 2007021159 of the Travis County Official Public Records, and being at the southeast corner of that certain (5.01 Acre) tract conveyed to Joe. D. Parmer and Bert Parmer by deed recorded in Volume 4274 Page 827 of the Deed Records of Travis County, Texas and being the southeast corner of that certain (5.945 Acre) tract conveyed to NL Land Holdings, Ltd. by deed recorded in Document No. 2007021160 of the Travis County Official Public Records, and continuing on the same course 526.67 ft. more, for a total distance on this course of 1350.85 ft., to a 1/2 inch iron rod set with plastic cap marked "Holt Carson, Inc." at the northeast corner of said Phelan "First Tract", and being the northeast corner of said (5.945 Acre) tract, and being at the southeast corner of that certain "Second Tract" conveyed to Eugenia Vann Phelan as recorded in Volume 763 Page 666 of the Travis County Deed Records, and being an angle point of said (2.3146 Acre) tract, and being an angle point of this tract;

THENCE with the common line of said "First" and "Second" tracts, S 72 deg. 35,00" W 191.22 ft. to a chiseled "X" set in the southeasterly right-of-way line of Interstate Highway 35 at the most northerly corner of said (5.945 Acre) tract and being at the most westerly northwest corner of said (2.3146 Acre) tract, and being the most westerly northwest corner of this tract, and from which a ½ inch iron rod found at the northwest corner of a (.445 Acre) tract described in Volume 7934 Page 879 of the Travis County Deed Records bears S 31 deg. 56' 02" W 288.80 ft.;

THENCE with the southeasterly right-of-way line of Interstate Highway 35, N 31 deg. 56' 02" E at 8.26 ft. passing a ½ inch iron pipe found, and continuing on the same course 68.49 ft., for a total distance on this course of 76.75 ft., to a ½ inch iron rod set with plastic cap marked "Holt Carson, Inc." in the north line of said Phelan "Second Tract" at the most northerly northwest corner of said (2.3146 Acre) tract, and being the most northerly northwest corner of this tract, and from which a broken concrete highway monument found bears N 31 deg. 56' 02" E 3.21 ft.;

#### page 2 of 2 2.358 Acres

THENCE leaving the southeasterly right-of-way line of Interstate Highway 35 with the north line of said "Second Tract", N 72 deg. 35' 00" E 155.18 ft. to an old chain link corner post at the northeast corner of that certain (70 Acre) tract conveyed to R.D. McKeen by deed recorded in Volume 602 Page 418 of the Travis County Deed Records, and being the northwest corner of a (30 7/10 Acre) tract conveyed to Perry L. Jones by deed recorded in Volume 570 Page 339 of the Travis County Deed Records, and being the northwest corner of that certain tract conveyed to Willis A. Hodges by deed recorded in Volume 1494 Page 230 of the Travis County Deed Records, and being the northeast corner of said (2.3146 Acre) tract, and being the northeast corner of this tract;

THENCE with the common line of said Jones tract and said McKeen tract, S 41 deg. 18' 22" E at 126.16 ft. passing a 1/2 inch iron rod found 0.16 ft. northeast of this line at the the west common corner of said Hodges tract and that certain (2.249 Acre) tract conveyed to David C. Tansel by deed recorded in Volume 11291 Page 609 of the Travis County Real Property Records, and continuing on the same course at 126.38 ft. more passing a 1/2 inch iron pipe found at the west common corner of said Tansel tract and that certain tract conveyed to Russell Waggoner by deed recorded in Document No. 2002042797 of the Travis County Official Public Records, and continuing on the same course at 563.00 ft. more passing a 1/2 inch iron pipe found 0.34 ft. northwest of this line at the west common corner of that certain tract conveyed to Juan F. Juarez et Ux, by deed recorded in Document No. 1999119893 of the Travis County Official Public Records, and that certain tract conveyed to Don Stuchly by deed recorded in Document No. 1999076561 of the Travis County Official Public Records, and continuing on the same course 349.05 ft. more, for a total distance on this course of 1164.59 ft., to a 1/2 inch iron rod found at the southwest corner of that certain tract conveyed to Weldon B. Scheel et Ux. by deed recorded in Volume 915 Page 508 of the Travis County Deed Records, and being at an angle corner of said (2.3146 Acre) tract, and being at an angle corner of this tract:

THENCE with the common line of said Scheel and said (2.3146 Acre) tracts, N 72 deg. 29' 49" E 200.02 ft. to a ½ inch iron rod found at the southeast corner of said Scheel tract, and being at an angle corner of said (2.3146 Acre) tract, and being at an angle point of Lot 1, Block A, Stone Creek Ranch Section Two, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Document No. 200200115 of the Travis County Official Public Records, and being at an angle corner of this tract;

THENCE with an east line of said (2.3146 Acre) tract, S 27 deg. 31' 07" E 222.43 ft. to a ½ inch iron rod set with plastic cap marked "Holt Carson, Inc." at the southeast corner of said (2.3146 Acre) tract, and from which a ½ inch iron rod found with cap marked "RPLS 1587" at an angle point of said Lot 1 bears S 26 deg. 42' E 1.16 ft.;

THENCE with the south line of said (2.3146 Acre) tract, S 71 deg. 57' 52" W 186.70 ft. to the Place of Beginning, containing 2.358 Acres of land.

SURVEYED; November 8, 2007 BY:

Anne Thayer Registered Professional Land Surveyor No. 5850

see survey plat B812028

812028a.wpd



14-2014-0118

### HOLT CARSON, INC.

1904 FORTVIEW ROAD AUSTIN, TX 78704 TELEPHONE: (512) 442-0990 FACSIMILE: (512) 442-1084

November 8, 2007

FIELD NOTE DESCRIPTION OF 7.688 ACRES OF LAND OUT OF THE SANTIAGO DEL VALLE TEN LEAGUE GRANT IN TRAVIS COUNTY, TEXAS, AND BEING ALL OF THAT CERTAIN (7.764 ACRE) TRACT CONVEYED TO NL LAND HOLDINGS, LTD. BY DEED RECORDED IN DOCUMENT NO. 2007021159 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING FOR REFERENCE at a ½ inch iron rod found in the north line of Lot 16, Block 1, Amended Plat of Crossing at Onion Creek Section Three and Four, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Document No. 200400250 of the Travis County Official Public Records, and being at the southeast corner of that certain "First Tract" tract conveyed to Eugenia Vann Phelan by deed recorded in Volume 763 Page 666 of the Travis County Deed Records;

THENCE with the south line of said Phelan tract, but not in accord with the north line of said Block 1, Amended Plat of Crossing at Onlon Creek, S 72 deg. 03' 00" W 769.06 ft. to a ½ inch iron rod set with plastic cap marked "Holt Carson, Inc." at the southeast corner of that certain tract conveyed to Will Thurman et Al. by deed recorded in Volume 6994 Page 1362 of the Deed Records of Travis County, Texas, and being the southeast corner of that certain (7.688 Acre) tract conveyed to NL Land Holdings, Ltd. by deed recorded in Document No. 2007021159 of the Travis County Official Public Records, and being the southeast corner and PLACE OF BEGINNING of the herein described tract of land, and from which a ½ inch iron rod found at an angle point in the north line of Lot 33 of said Block 1, Amended Plat of Crossing at Onion Creek, being the southwest corner of that certain tract conveyed to Don Stuchly by deed recorded in Volume 11466 Page 1441 of the Travis County Real Property Records, bears S 01 deg. 40' 26" E 1.09 ft.;

THENCE continuing with the south line of said Phelan tract, S 72 deg. 03' 00" W 371.31 ft. to a calculated point in a creek at the southwest corner of said Phelan tract, and being the southwest corner of said (7.688 Acre) tract, and being a point in the east line of that certain (86.08 Acre) tract conveyed to J. Frank Dobie by deed recorded in Volume 848 Page 281 of the Travis County Deed Records, and being the southwest corner of this tract, and from which a 2 inch iron pipe found in the creek at the most southerly corner of that certain (1 Acre) tract conveyed to James A. Hopkins by deed recorded in Volume 2437 Page 97 of the Travis County Deed Records, bears S 02 deg. 26' 00" W 9.09 ft.;

THENCE with the common line of said Phelan tract and said Dobie tract, being with the meanders of the creek, N 02 deg. 26' 00" E 595.22 ft. to a ½ inch iron pipe found at the south corner of that certain (0.010 Acre) "save and except" tract described in Bogument No. 2007021159 of the Travis County Official Public Records, and being an angle point of said (7.688 Acre) tract, and being an angle point of this tract, and from which a ½ inch iron pipe found at the northwest corner of said (0.010 Acre) tract bears N 28 deg. 28' 55" WP

THENCE with the easterly line of said (0.010 Acre) tract, and deviating from the meanders of the creek, N 13 deg. 00' 00" W 54.00 ft. to a calculated point at the northwest corner of said Thurman et Al. tract, and being the southwest corner of that certain (5.01 Acre) tract conveyed to Joe. D. Parmer and Bert Parmer by deed recorded in Volume 4274 Page 827 of the Deed Records of Travis County, Texas, and being at the northwest corner of said (7.688 Acre) tract, and being the northwest corner of this tract; page 2 of 2 7.688 Acres

THENCE crossing the interior of said Phelan tract with the common line of said Thurman tract and said Parmer tract, N 58 deg. 30' 00" E 619,44 ft. to a calculated point in the east line of said Phelan tract at the northeast comer of said Thurman tract, and being at the southeast corner of said Parmer tract, and being at the northeast corner of said (7.688 Acre) tract, and being at the northeast corner of this tract, and from which a ½ inch iron pipe found bears N 02 deg. 24' W 2.19 ft.;

THENCE with the east line of said Phelan tract, S 41 deg. 15' 55" E 256.56 ft. to a ½ inch iron rod set with plastic cap marked "Holt Carson, Inc." at the most easterly corner of said Thurman tract, being the most easterly corner of said (7.688 Acre) tract, and being the most easterly corner of this tract;

THENCE crossing the interior of said Phelan tract with the southeasterly lines of said Thurman tract, the following two courses:

1) S 47 deg. 04' 35" W 500.76 ft. to a ½ inch iron rod found at the northwest corner of said Stuchly tract,

2) S 01 deg. 40' 26" E 322.78 ft. to the Place of Beginning, containing 7.688 Acres of land.

SURVEYED; November 8, 2007

BY:

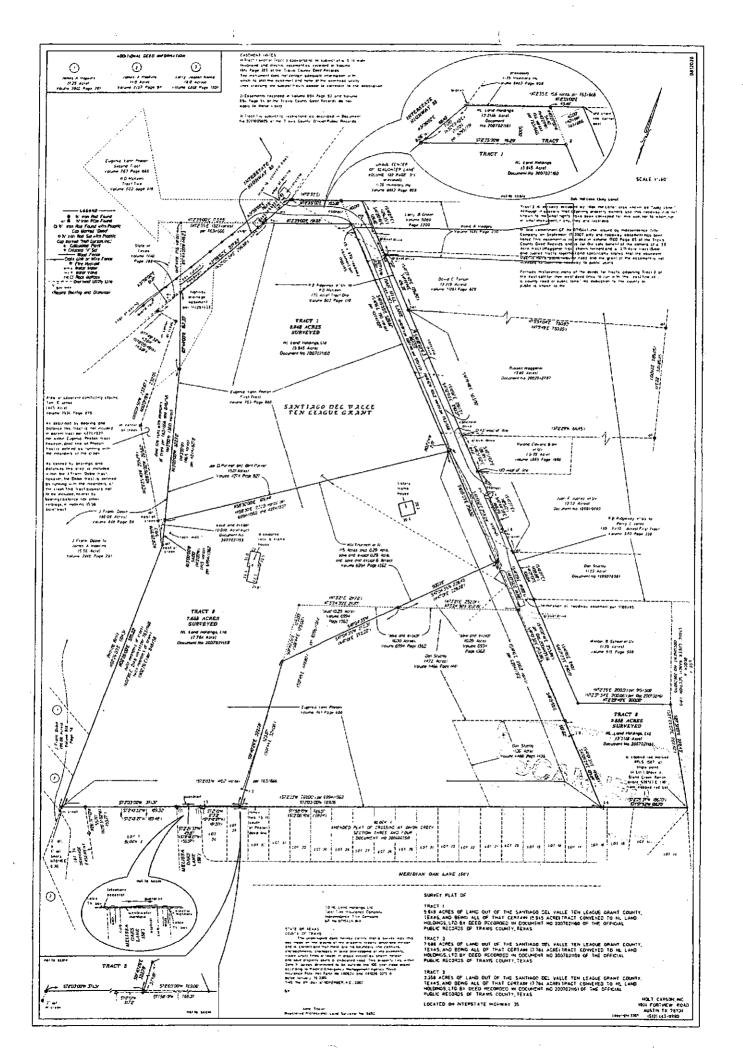
Anne Thayer l Registered Professional Land Surveyor No. 5850

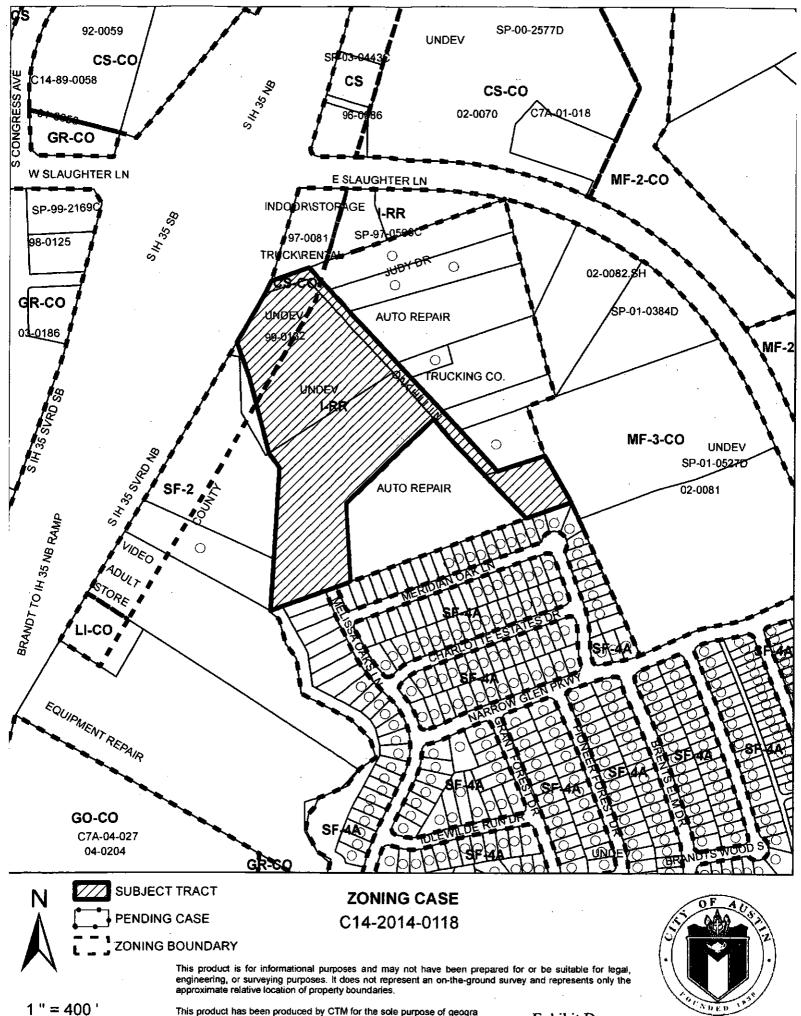
see survey plat B812028

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

Exhibit D