

ORDINANCE NO. _____

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 5016 ½ EAST BEN WHITE BOULEVARD IN THE EAST RIVERSIDE/OLTORF COMBINED NEIGHBORHOOD PLAN AREA FROM GENERAL COMMERCIAL SERVICES-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (CS-CO-NP) COMBINING DISTRICT TO GENERAL COMMERCIAL SERVICES-MIXED USE-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (CS-MU-CO-NP) COMBINING DISTRICT FOR TRACT 1 AND FROM COMMUNITY COMMERCIAL-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (GR-CO-NP) COMBINING DISTRICT TO COMMUNITY COMMERCIAL-MIXED USE-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (GR-MU-CO-NP) COMBINING DISTRICT FOR TRACT 2.

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 general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district to general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district for Tract 1 and from community commercial-conditional overlay-neighborhood plan (GR-CO-NP) combining district to community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district for Tract 2 on the property described in Zoning Case No. C14-2016-0069, on file at the Planning and Zoning Department, as follows:

Tract 1:

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 in 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 in Exhibit "A" incorporated into this ordinance, and;

Tract 2:

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;

1 said 0.776 acres being more particularly described by metes and bounds in Exhibit
2 "B" incorporated into this ordinance (cumulatively referred to as the "Property"),
3

4 locally known as 5016 ½ East Ben White Boulevard in the City of Austin, Travis County,
5 Texas, generally identified in the map attached as Exhibit "C".
6

7 **PART 2.** The Property within the boundaries of the conditional overlay combining district
8 established by this ordinance is subject to the following conditions:
9

10 A. The following uses are not permitted uses for Tract 1:
11

Adult oriented businesses	Agricultural sales and services
Alternative financial services	Bail bond services
Campground	Commercial blood plasma center
Kennels	Outdoor entertainment
Outdoor sports and recreation	Pawn shop services
Pedicab storage and dispatch	Residential treatment
Transitional housing	Transportation terminal
Vehicle storage	

12 B. The following uses are not permitted uses for Tract 2:
13
14

Adult oriented businesses	Bail bond services
Alternative financial services	Outdoor entertainment
Pedicab storage and dispatch	Pawn shop services
Residential treatment	

15 C. A residential use is prohibited within 200 feet of East Ben White Boulevard for
16 Tract 1.
17
18

19 D. Development of the Property shall include a setback of 40 feet from the
20 northern property line. Improvements permitted within the setback area are
21 limited to underground utility improvements or those improvements that may
22 be otherwise required by the City of Austin or specifically authorized in this
23 ordinance.
24

25 E. A 35-foot wide vegetative buffer on Tract 2 shall be provided and maintained at
26 the northwest corner beginning 40 feet south and extending 280 feet parallel to
27 the northern property line. Improvements permitted within the buffer zone are

1 limited to drainage, underground utility improvements or those improvements
2 that may be otherwise required by the City of Austin or specifically authorized
3 in this ordinance.
4

5 Except as specifically restricted under this ordinance, the Property may be developed and
6 used in accordance with the regulations established for the general commercial services
7 (CS) district, the community commercial (GR) district and other applicable requirements
8 of the City Code.
9

10 **PART 3.** The Property is subject to Ordinance No. 20061116-056 that established zoning
11 for the East Riverside/Oltorf Combined Neighborhood Plan.
12

13 **PART 4.** This ordinance takes effect on _____, 2017.
14

15 **PASSED AND APPROVED**

16
17 §
18 §
19 _____, 2017 § _____
20 Steve Adler
21 Mayor
22

23
24 **APPROVED:** _____ **ATTEST:** _____
25 Anne L. Morgan Jannette S. Goodall
26 City Attorney City Clerk
27
28



Professional Land Surveying, Inc.
Surveying and Mapping

C14-2013-0106
Tract 1

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;

EXHIBIT A

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:

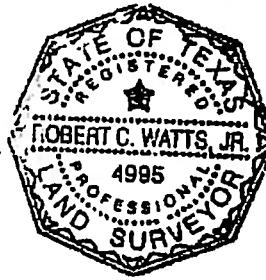
1. South $62^{\circ}50'20''$ East, a distance of 200.00 feet to a 1" iron pipe found;
2. South $27^{\circ}43'49''$ West, a distance of 200.27 feet to a 1/2" rebar found for an angle point in the east line of the 12.821 acre tract, same being the northeast corner of Lot A of said Briarton Subdivision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

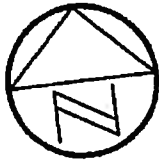
1. North $62^{\circ}47'42''$ West, a distance of 219.89 feet a 1/2" rebar found;
2. South $27^{\circ}48'54''$ West, a distance of 664.31 feet to the **POINT OF BEGINNING**, containing 12.043 acres of land, more or less.

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.

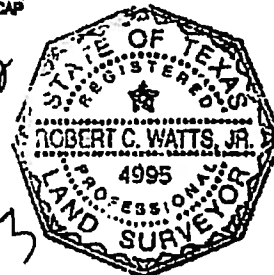
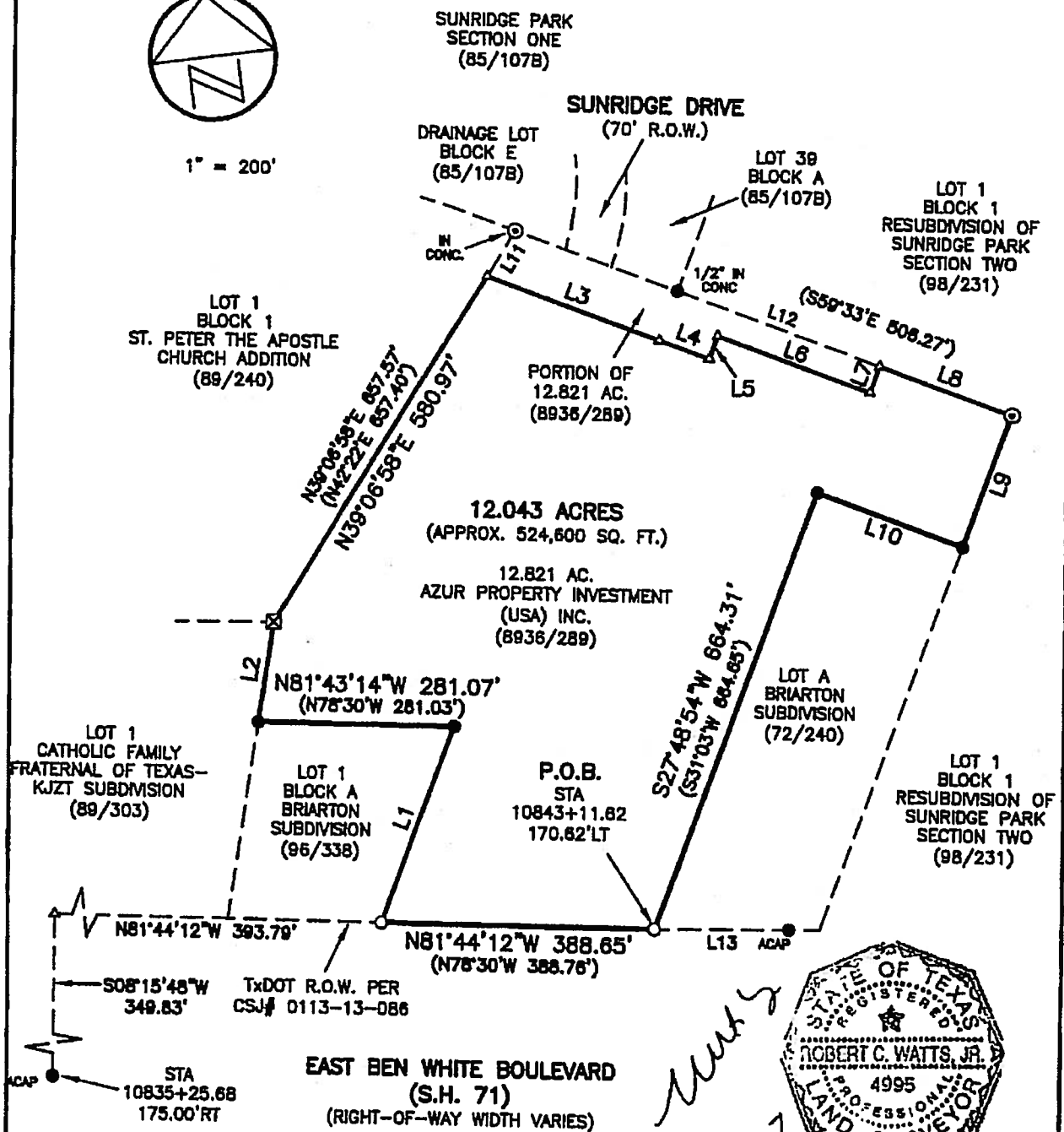

Robert C. Watts, Jr.
Registered Professional Land Surveyor
State of Texas No. 4995



10-31-13



1" = 200'



DATE OF SURVEY: 08/20/13
PLOT DATE: 10/31/13
DRAWING NO.: 646-001-22
PROJECT NO.: 646-001
DRAWN BY: RCW

Chaparral

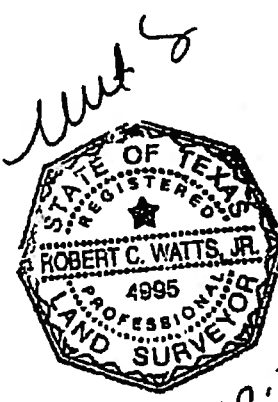
SKETCH TO ACCOMPANY A DESCRIPTION OF 12.043 ACRES (APPROX. 524,800 SQ. FT.) OF LAND IN THE SANTIAGO DEL VALLE GRANT, TRAVIS COUNTY, TEXAS, BEING A PORTION OF A 12.821 ACRE TRACT DESCRIBED IN A WARRANTY DEED TO AZUR PROPERTY INVESTMENT (USA) INC., DATED NOVEMBER 14, 1989, AND RECORDED IN VOLUME 8939, PAGE 289 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS.

LEGEND

- 1/2" REBAR FOUND
- ⊙ 1" IRON PIPE FOUND
- ⊠ AXLE FOUND
- △ CALCULATED POINT
- ACAP ● 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'	(N18°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	230.89'	
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

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

Chaparral

10-31-13

Page 2

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;

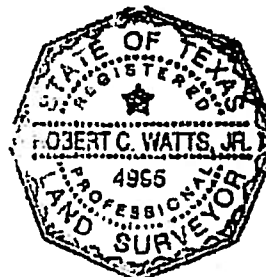
THENCE crossing said 12.821 acre tract, the following five (5) courses and distances:

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.

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



10-31-13

DATE OF SURVEY: 06/20/13
PLOT DATE: 10/31/13
DRAWING NO.: 848-001-Z1
PROJECT NO.: 848-001
DRAWN BY: JOB



Professional Land Surveying, Inc.
Surveying and Mapping

C4-2013-0106
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

EXHIBIT B

