

ORDINANCE NO. _____

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 7309 SOUTH IH-35 SERVICE ROAD NORTHBOUND FROM GENERAL COMMERCIAL SERVICES-MIXED USE-CONDITIONAL OVERLAY (CS-MU-CO) COMBINING DISTRICT TO GENERAL COMMERCIAL SERVICES-MIXED USE-CONDITIONAL OVERLAY (CS-MU-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 from general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district to general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district on the property described in Zoning Case No. C14-2018-0069, on file at the Planning and Zoning Department, as follows:

Tract 1:

A 10.443 acre (454,913 square foot) portion of a 61.228 acre tract of land in the Santiago Del Valle Ten League Grant, Abstract 24, Travis County, Texas, said 10.443 acre tract being a portion of Lot 1, Bennett Tract Subdivision, and being more particularly described by metes and bounds on the attached **Exhibit "A"** incorporated into this ordinance, and

Tract 2:

A 6.445 acre (280,735 square foot) portion of a 61.228 acre tract of land in the Santiago Del Valle Ten League Grant, Abstract 24, Travis County, Texas, said 6.445 acre tract being a portion of Lot 1, Bennett Tract Subdivision, and being more particularly described by metes and bounds on the attached **Exhibit "B"**, incorporated into this ordinance (cumulatively referred to as the "Property"),

locally known as 7309 South IH-35 Service Road Northbound in the City of Austin, Travis County, Texas, generally identified in the map attached as **Exhibit "C"**.

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

- A. Development of the Property may not exceed 36 dwelling units per acre.

1 B. The following uses are prohibited uses on Tract 1:

2 Adult-oriented businesses
3 Pawn shop services

Bail bond services
Vehicle storage

4 C. The following uses are prohibited uses on Tract 2:

5 Adult-oriented businesses
6 Automotive repair services
7 Automotive washing (of any type)
8 Commercial blood plasma center
9 Service station

Automotive rentals
Automotive sales
Bail bond services
Pawn shop services
Vehicle storage

10 **PART 3.** Except as specifically restricted under this ordinance, the Property may be
11 developed and used in accordance with the regulations established for the general
12 commercial services (CS) district, mixed use (MU) combining district, and other applicable
13 requirements of the City Code.

14 **PART 4.** This ordinance takes effect on _____, 2018.

15 **PASSED AND APPROVED**

16 _____, 2018 §
17 §
18 §
19 Steve Adler
20 Mayor

21
22
23 **APPROVED:** _____ **ATTEST:** _____
24 Anne L. Morgan Jannette S. Goodall
25 City Attorney City Clerk
26

C14-2018-0069
TRACT 1

"TRACT 1"
LEGAL DESCRIPTION

OF A 10.443-ACRE (454,913 SQUARE FOOT) PORTION OF A 61.228-ACRE TRACT OF LAND LOCATED IN THE SANTIAGO DEL VALLE TEN LEAGUE GRANT, ABSTRACT 24, TRAVIS COUNTY, TEXAS; SAID 61.228-ACRE TRACT HAVING BEEN CONVEYED BY WARRANTY DEED WITH VENDOR'S LIEN TO SOUTH AUSTIN I-35 ASSOCIATES, A CALIFORNIA LIMITED PARTNERSHIP, RECORDED IN VOLUME 8231, PAGE 932 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS; A CALLED 37.7660-ACRE PORTION OF SAID 61.228-ACRE TRACT HAVING BEEN SUBDIVIDED INTO LOT 1 AND LOT 2 OF "BENNET TRACT SUBDIVISION", A SUBDIVISION OF RECORD IN DOCUMENT NUMBER 201400265 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 10.443-ACRE TRACT BEING A PORTION OF LOT 1 OF SAID BENNET TRACT SUBDIVISION AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AND SHOWN ON THE ACCOMPANYING SKETCH:

BEGINNING on a ½-inch inside diameter iron pipe found in the easterly right-of-way line of Interstate Highway No. 35 (right-of-way width varies) being the northeast corner of the above-described Lot 1 of the Bennett Tract Subdivision, same being the southwest corner of a called 3.00-acre tract of land conveyed to A.V.M. AUS, Ltd. in Document No. 2003205536 of the Official Public Records of Travis County, Texas; said ½-inch inside diameter iron pipe having Texas Coordinate System of 1983, (Central Zone 4203, NAD83, U.S. Survey Feet), values of N=10,040,106.89 and E=3,105,129.57, for the northwest corner of the herein described tract;

THENCE departing said easterly right-of-way line of Interstate Highway No. 35, with the northerly boundary line of said Lot 1 of the Bennett Tract Subdivision, same being the southerly boundary line of said 3.00-acre tract, **South 74°01'49" East for a distance of 295.00 feet** to a calculated point for the northeast corner of this tract, from said calculated point a ½-inch diameter iron rod with a plastic cap stamped "MACIAS & ASSOC." found on the northeast corner of said Lot 1, bears with said northerly boundary line of Lot 1 **South 74°01'49" East** a distance of 219.42 feet;

THENCE departing said southerly boundary line of the 3.00-acre tract, through the interior of said Lot 1, **South 17°10'52" West for a distance of 1,098.81 feet** to a calculated point in the curving southerly boundary line of said Lot 1, same being the curving northerly boundary line of Lot 2 of said Bennett Tract Subdivision, having been conveyed to Breckenridge Multifamily South Austin Texas, LP, in Document No. 2015026952 of said Official Public Records, for the southeast corner of this tract, from said calculated point a magnetic nail with a washer stamped "4 WARD SURVEYING"

found in the existing concrete street on the southeast corner of said Lot 1 bears with said southerly boundary line of Lot 1, same being said northerly boundary line of Lot 2, with the arc of a curve to the left having a radius of 1,100.00 feet, an arc distance of 465.25 feet and a chord which bears North 78°56'42" East a distance of 461.79 feet to a magnetic nail with a washer stamped "4WARD SURVEYING" found on a point of curvature in the existing concrete street and North 66°53'54" East a distance of 33.39 feet;

THENCE with said southerly boundary line of Lot 1, same being said northerly boundary line of Lot 2, the following six (6) courses and distances:

- 1) with the arc of a curve to the right having a radius of 1,100.00 feet, an arc distance of 154.97 feet and a chord which bears North 84°54'08" West for a distance of 154.84 feet to a magnetic nail with a washer stamped "4WARD SURVEYING" found in the existing concrete street on a point of tangency;
- 2) North 80°52'46" West for a distance of 173.36 feet to a drill hole in the existing concrete street with a portion of the shaft of a magnetic nail found in the hole for a point of curvature;
- 3) with the arc of a curve to the left having a radius of 100.00 feet, an arc distance of 28.71 feet and a chord which bears North 89°03'32" West for a distance of 28.61 feet to a magnetic nail with a washer stamped "4WARD SURVEYING" found in the existing concrete street on a point of tangency;
- 4) South 82°40'14" West for a distance of 45.54 feet to a drill hole found in the existing concrete street on a point of curvature;
- 5) with the arc of a curve to the right having a radius of 100.00 feet, an arc distance of 62.46 feet and a chord which bears North 79°29'21" West for a distance of 61.45 feet to a magnetic nail with a washer stamped "4WARD SURVEYING" found in the existing concrete street on a point of tangency;
- 6) North 61°32'13" West for a distance of 49.96 feet to a cotton gin spindle found in the existing concrete street on a point in said easterly right-of-way line of Interstate Highway No. 35 for the southwest corner of said Lot 1, same being the northwest corner of said Lot 2, for the southwest corner of this tract;

THENCE with said easterly right-of-way line of Interstate Highway No. 35, same being the westerly boundary line of said Lot 1, the following three (3) courses and distances:

- 1) North 28°19'30" East for a distance of 413.97 feet to a Texas Department of Transportation Type-1 concrete monument found for an angle point of this tract;
- 2) North 21°23'26" East for a distance of 201.52 feet to a broken Texas Department of Transportation Type-1 concrete monument found for an angle point of this tract;
- 3) North 28°23'29" East for a distance of 577.42 feet to the POINT OF BEGINNING and containing 10.443 acres (454,913 square feet) of land.

BEARING BASIS NOTE

Bearing Basis established using the Texas Coordinate System of 1983
(Central Zone- 4203)

Jackie Lee Crow 9/17/2018

Jackie Lee Crow Date
Registered Professional Land Surveyor No. 5209

State of Texas
(512) 663-8434
P.O. Box 586
Elgin, Texas 78621



SURVEY DRAWING TO ACCOMPANY DESCRIPTION

Scale
1" = 150'

LEGEND

- 1/2" Inside Diameter Iron Pipe Found
- 1/2" Iron Rod With Plastic Cap stamped "As Noted" Found
- ▲ Magnetic Nail with Washer stamped "4ward Surveying" unless noted otherwise
- △ Calculated Point
- O.P.R.T.C.T. Official Public Records Travis County, Texas
- P.R.T.C.T. Plat Records Travis County, Texas
- () Record Information

BEARING BASIS NOTE:
THE BASIS OF BEARING
FOR THIS SURVEY IS THE
TEXAS COORDINATE
SYSTEM OF 1983,
CENTRAL ZONE
(4203). DISTANCES
SHOWN HEREON ARE
SURFACE.

POINT OF
BEGINNING
TRACT 1
N=10,040,106.89
E=3,105,129.57
GRID

A.V.M. AUS, LTD.
DOC. NO. 2003205536
O.P.R.T.C.T.
(3.00 ACRES)

HUDSON HILL
ADDITION
VOLUME 79, PAGE 331
P.R.T.C.T.

TRACT 1
10.443 ACRES
454,913 SQ. FT.

LOT 1

BENNETT TRACT
SUBDIVISION
DOCUMENT NO. 201400285
O.P.R.T.C.T.

SOUTH AUSTIN I-35
ASSOCIATES
VOLUME 8231, PAGE 932
DEED RECORDS
TRAVIS COUNTY,
TEXAS
(61.228-ACRES)

SANTIAGO DEL VALLE
ABSTRACT 24
GRANT

AUSTIN
INDEPENDENT
SCHOOL DISTRICT
DOC. NO. 2010043768
O.P.R.T.C.T.
(22.013-ACRES)
N 66°53'54" E
33.39'
(N 66°49'35" E)
(33.37')
(N 68°09'42" W)
(144.91')
N 68°09'27" W
145.03'

ACCESS EASEMENT
DOC. NO. 2014014503
DOC. NO. 2015026952
O.P.R.T.C.T.
(1.163-ACRES)

SOUTH INTERSTATE
HIGHWAY NO. 35
(R.O.W. WIDTH VARIES)
N 28°19'30" E 413.97'
(N 28°22'25" E 413.82')
N 21°23'26" E 201.52'
(N 21°14'55" E)
(201.56')

COTTON
SPINDLE
FOUND

HOLE IN
CONCRETE
FOUND

BRECKENRIDGE MULTIFAMILY
SOUTH AUSTIN TEXAS, LP
DOC. NO. 20150269512
O.P.R.T.C.T.

LOT 2
BENNETT TRACT
SUBDIVISION

HOLE IN
CONCRETE
FOUND

CURVE	RADIUS	ARC DIST.	CHD. BRNG.	CHORD DIST.
C1	1,100.00'	154.97'	N 84°54'08" W	154.84'
C2	100.00'	28.71'	N 89°03'32" W	28.61'
(C2)	(100.00')	(28.80')	(N 89°06'58" W)	(28.70')
C3	100.00'	62.46'	N 79°29'21" W	61.45'
(C3)	(100.00')	(62.44')	(N 79°28'41" W)	(61.43')
C4	1,100.00'	465.25'	N 78°56'42" E	461.79'

Jackie Lee Crow
Registered Professional Land Surveyor
No. 5209 - State of Texas



JACK CROW, R.P.L.S.
P.O. Box 586
Elgin, Texas 78621-0586
(512)663-8434

"TRACT 2"
LEGAL DESCRIPTION

OF 6.445-ACRE (280,735 SQUARE FOOT) PORTION OF A 61.228-ACRE TRACT OF LAND LOCATED IN THE SANTIAGO DEL VALLE TEN LEAGUE GRANT, ABSTRACT 24, TRAVIS COUNTY, TEXAS; SAID 61.228-ACRE TRACT HAVING BEEN CONVEYED BY WARRANTY DEED WITH VENDOR'S LIEN TO SOUTH AUSTIN I-35 ASSOCIATES, A CALIFORNIA LIMITED PARTNERSHIP, RECORDED IN VOLUME 8231, PAGE 932 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS; A CALLED 37.7660-ACRE PORTION OF SAID 61.228-ACRE TRACT HAVING BEEN SUBDIVIDED INTO LOT 1 AND LOT 2 OF "BENNET TRACT SUBDIVISION", A SUBDIVISION OF RECORD IN DOCUMENT NUMBER 201400265 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 6.445-ACRE TRACT BEING A PORTION OF LOT 1 OF SAID BENNET TRACT SUBDIVISION AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AND SHOWN ON THE ACCOMPANYING SKETCH:

BEGINNING FOR REFERENCE on a ½-inch inside diameter iron pipe found in the easterly right-of-way line of Interstate Highway No. 35 (right-of-way width varies) being the northeast corner of the above-described Lot 1 of the Bennett Tract Subdivision, same being the southwest corner of a called 3.00-acre tract of land conveyed to A.V.M. AUS, Ltd. in Document No. 2003205536 of the Official Public Records of Travis County, Texas; **THENCE** departing said easterly right-of-way line of Interstate Highway No. 35, with the northerly boundary line of said Lot 1 of the Bennett Tract Subdivision, same being the southerly boundary line of said 3.00-acre tract, **South 74°01'49" East** a distance of 295.00 feet to the calculated point having Texas Coordinate System of 1983, (Central Zone 4203, NAD83, U.S. Survey Feet), values of N=10,040,025.73 and E=3,105,413.19, for the northwest corner and **POINT OF BEGINNING** of the herein described tract;

THENCE continuing with said northerly boundary line of Lot 1, in part with said southerly boundary line of the 3.00-acre tract and in part with the southerly boundary line of the Hudson Hill Addition, a subdivision of record in Volume 79, Page 331 of the Plat Records of Travis County, Texas, respectively, **South 74°01'49" East for a distance of 219.42 feet** to a ½-inch diameter iron rod with a cap stamped "MACIAS & ASSOC." found on the northeast corner of said Lot 1, same being the northwest corner of a called 22.013-acre tract of land conveyed to Austin Independent School District in Document No. 2010043768 of said Official Public Records, for the northeast corner of this tract;

THENCE departing said southerly boundary line of the Hudson Hill Addition, with the easterly boundary line of said Lot 1, same being the westerly boundary line of said

22.013-acre tract **South 12°35'21" West for a distance of 854.35 feet** to a ½-inch diameter iron rod with a cap stamped "MACIS & ASSOC." found on a re-entrant corner of said Lot 1, same being the southwest corner of said 22.013-acre tract, for a re-entrant corner of this tract;

THENCE with the boundary line of said Lot 1, same being the southerly boundary line of said 22.013-acre tract, **South 68°09'27" East for a distance of 145.03 feet** to a magnetic nail with a washer stamped "4WARD SURVEYING" found on the southeast corner of said Lot 1, same being an angle point in the northerly boundary of Lot 2 of said Bennett Tract Subdivision, having been conveyed to Breckenridge Multifamily South Austin Texas, LP, in Document No. 2015026952 of said Official Public Records, for the southeast corner of this tract;

THENCE departing said southerly boundary line of the 22.013-acre tract, with the southerly boundary line of said Lot 1, same being the northerly boundary line of said Lot 2, the following two (2) courses and distances:

- 1) **South 66°53'54" West for a distance of 33.39 feet** to a magnetic nail with a washer stamped "4WARD SURVEYING" found in the existing concrete street on a point of curvature;
- 2) **with the arc of a curve to the right having a radius of 1,100.00 feet, an arc distance of 465.25 feet and a chord which bears South 78°56'42" West for a distance of 461.79 feet** to a calculated point for the southwest corner of this tract, from said calculated point a cotton gin spindle found in the existing concrete street in said easterly right-of-way line of Interstates Highway No. 35, on the southwest corner of said Lot 1, bears with said southerly boundary line of Lot 1, same being said northerly boundary line of Lot 2, with the arc of a curve to the right having a radius of 1,100.00 feet, an arc distance of 154.97 feet and a chord which bears North 84°54'08" West a distance of 154.84 feet to a magnetic nail with a washer stamped "4WARD SURVEYING" found in the existing concrete street on a point of tangency, North 80°52'46" West a distance of 173.36 feet to a drill hole in the existing concrete street with a portion of a magnetic nail found in the hole for a point of curvature, with the arc of a curve to the left having a radius of 100.00 feet, an arc distance of 28.71 feet and a chord which bears North 89°03'32" West a distance of 28.61 feet to a magnetic nail with a washer stamped "4WARD SURVEYING" found in the existing concrete street on a point of tangency, South 82°40'14" West for a distance of 45.54 feet to a drill hole found in the existing concrete street for a point of curvature, with the arc of a curve to the right having a radius of 100.00 feet, an arc distance of 62.46 feet and a chord which bears North 79°29'21" West a distance of 61.45 feet to a magnetic nail with a washer stamped "4WARD SURVEYING" found in the existing concrete street on a point of tangency and North 61°32'13" West for a distance of 49.96 feet;

THENCE departing said northerly boundary line of Lot 2, through the interior of said Lot 1, North 17°10'52" East for a distance of 1,098.81 feet to the **POINT OF BEGINNING** and containing 6.445 acres (280,735 square feet) of land.

BEARING BASIS NOTE

Bearing Basis established using the Texas Coordinate System of 1983
(Central Zone- 4203)

Jackie Lee Crow 9/17/2018
Jackie Lee Crow Date
Registered Professional Land Surveyor No. 5209
State of Texas
(512) 663-8434
P.O. Box 586
Elgin, Texas 78621



SURVEY DRAWING TO ACCOMPANY DESCRIPTION

Scale
1" = 150'

LEGEND

- 1/2" Inside Diameter Iron Pipe Found
- 1/2" Iron Rod With Plastic Cap stamped "As Noted" Found
- ▲ Magnetic Nail with Washer stamped "Award Surveying" unless noted otherwise
- △ Calculated Point
- O.P.R.T.C.T. Official Public Records Travis County, Texas
- P.R.T.C.T. Plat Records Travis County, Texas
- () Record Information

BEARING BASIS NOTE:
THE BASIS OF BEARING
FOR THIS SURVEY IS THE
TEXAS COORDINATE
SYSTEM OF 1983,
CENTRAL ZONE
(4203). DISTANCES
SHOWN HEREON ARE
SURFACE.

BEGIN FOR
REFERENCE
TRACT 2

A.V.M. AUS, LTD.
DOC. NO. 2003205536
O.P.R.T.C.T.
(3.00 ACRES)

HUDSON HILL
ADDITION
VOLUME 79, PAGE 331
P.R.T.C.T.

POINT OF
BEGINNING
TRACT 2
N=10,040,025.73
E= 3,105,413.19
GRID

"MACIAS &
ASSOC."

BENNETT TRACT
SUBDIVISION
DOCUMENT NO. 201400265
O.P.R.T.C.T.

TRACT 2
6.445 ACRES
280,735 SQ. FT.

LOT 1

SANTIAGO DEL VALLE GRANT
ABSTRACT 24

SOUTH AUSTIN I-35
ASSOCIATES
VOLUME 8231, PAGE 932
DEED RECORDS
TRAVIS COUNTY,
TEXAS
(61.228-ACRES)

AUSTIN INDEPENDENT
SCHOOL DISTRICT
DOC. NO. 2010043768
O.P.R.T.C.T.
(22.013-ACRES)
S 66°53'54" W
33.39'
(S 66°49'35" W)
(33.37')

ACCESS EASEMENT
DOC. NO. 2014014503
DOC. NO. 2015026952
O.P.R.T.C.T.
(1.163-ACRES)

"MACIAS &
ASSOC."

S 68°09'27" E
145.03'
(S 68°09'42" E)
(144.91')

SOUTH INTERSTATE
HIGHWAY NO. 35
(R.O.W. WIDTH VARIES)

TXDOT TYPE-1
MONUMENT
FOUND

TXDOT TYPE-1
MONUMENT
FOUND
BROKEN

COTTON
SPINDLE
FOUND

BRECKENRIDGE MULTIFAMILY
SOUTH AUSTIN TEXAS, LP
DOC. NO. 20150269512
O.P.R.T.C.T.

BENNETT TRACT
SUBDIVISION

HOLE IN
CONCRETE
FOUND

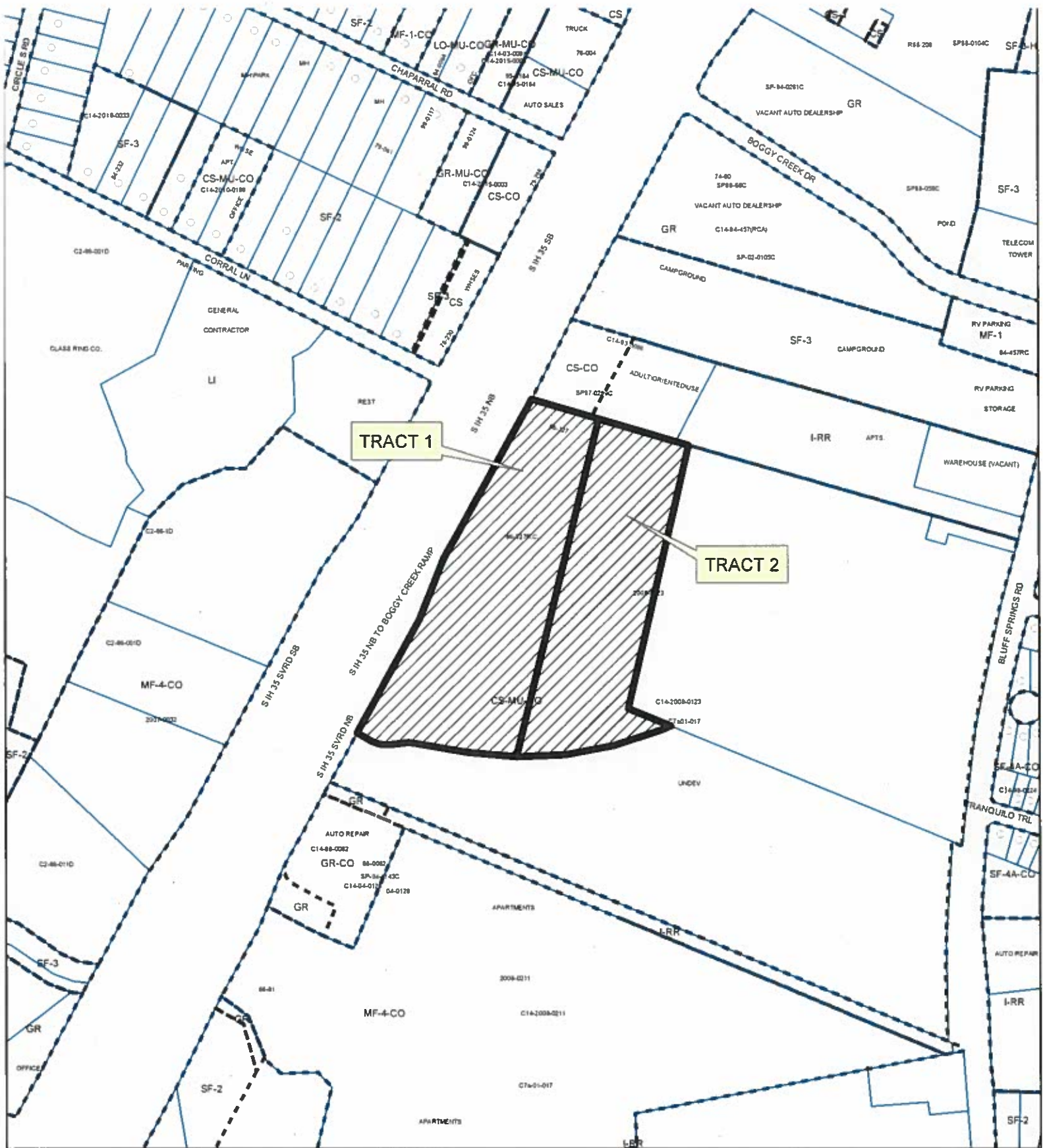
HOLE IN
CONCRETE
FOUND

CURVE	RADIUS	ARC DIST.	CURVE TABLE CHD. BRNG.	CHORD DIST.
C1	1,100.00'	465.25'	S 78°56'42" W	461.79'
C2	1,100.00'	154.97'	N 84°54'08" W	154.84'
C3	100.00'	28.71'	N 89°03'32" W	28.61'
(C3)	(100.00')	(28.80')	(N 89°06'58" W)	(28.70')
C4	100.00'	62.46'	N 79°29'21" W	61.45'
(C4)	(100.00')	(62.44')	(N 79°28'41" W)	(61.43')

Jackie Lee Crow
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No. 5209 - State of Texas






JACK CROW, R.P.L.S.
P.O. Box 586
Elgin, Texas 78621-0586
(512)663-8434



TRACT 1

TRACT 2



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

ZONING

ZONING CASE#: C14-2018-0069

Exhibit C



1" = 400'

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.