

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

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE  
2 PROPERTY LOCATED AT 5015 SOUTH IH-35 SERVICE ROAD  
3 NORTHBOUND, AND THE SOUTHWEST CORNER OF TERI ROAD AND  
4 FREIDRICH LANE IN THE FRANKLIN PARK NEIGHBORHOOD PLAN FROM  
5 COMMUNITY COMMERCIAL-NEIGHBORHOOD PLAN (GR-NP) COMBINING  
6 DISTRICT AND LIMITED OFFICE-NEIGHBORHOOD PLAN (LO-NP)  
7 COMBINING DISTRICT TO GENERAL COMMERCIAL SERVICES-  
8 CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (CS-CO-NP) COMBINING  
9 DISTRICT FOR TRACT ONE AND LIMITED INDUSTRIAL SERVICE-  
10 CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (LI-CO-NP) COMBINING  
11 DISTRICT FOR TRACT TWO.

12  
13 **BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

14  
15 **PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to  
16 change the base districts on the property described in Zoning Case No. C14-2007-0073, on  
17 file at the Neighborhood Planning and Zoning Department, as follows:

18  
19 Tract One: From community commercial-neighborhood plan (GR-NP) district to  
20 general commercial services-conditional overlay-neighborhood plan (CS-CO-NP)  
21 combining district.

22  
23 Lots 2 and 3, Wal-Mart Subdivision, a subdivision in the City of Austin, Travis  
24 County, Texas, according to the map or plat of record in Plat Book 87, Page 174A  
25 and 174B, of the Plat Records of Travis County, Texas; and

26  
27 Tract Two: From limited office-neighborhood plan (LO-NP) district to limited  
28 industrial service-conditional overlay-neighborhood plan (LI-CO-NP) combining  
29 district.

30  
31 A 3.6511 acre tract of land, more or less, out of the Santiago del Valle Grant,  
32 Abstract No. 24, Travis County, the tract of land being more particularly described  
33 by metes and bounds in Exhibit "A" incorporated into this ordinance (the  
34 "Property"),  
35

1 locally known as 5015 South IH-35 Service Road Northbound, and the southwest corner of  
2 Teri Road and Freidrich Lane, in the City of Austin, Travis County, Texas, and generally  
3 identified in the map attached as Exhibit "B".  
4

5 **PART 2.** Except as specifically provided in Part 3 and Part 4, the Property may be  
6 developed and used in accordance with the regulations established for the respective base  
7 districts and other applicable requirements of the City Code.  
8

9 **PART 3.** The Property within the boundaries of the conditional overlay combining district  
10 established by this ordinance is subject to the following conditions:  
11

- 12 A. A site plan or building permit for the Property may not be approved, released,  
13 or issued, if the completed development or uses of the Property, considered  
14 cumulatively with all existing or previously authorized development and uses,  
15 generate traffic that exceeds 2,000 trips per day above the trips generated by the  
16 existing or approved development.  
17
- 18 B. The following applies to Tract Two.  
19
- 20 1. A 50-foot wide vegetative buffer shall be established along the east  
21 property line. Improvements permitted within the buffer zone are limited  
22 to drainage, underground utility improvements or those improvements  
23 that may be otherwise required by the City of Austin or specifically  
24 authorized in this ordinance.  
25
  - 26 2. The maximum height of a building or structure is 30 feet from ground  
27 level.  
28
  - 29 3. Exterior lighting shall be hooded or shielded so that the light source is  
30 not directly visible from adjacent property.  
31
  - 32 4. Except as otherwise provided in Subsection 5, access from the property  
33 to Freidrich Lane is prohibited.  
34
  - 35 5. Emergency vehicular access and pedestrian access are permitted. All  
36 other vehicular access to Tract Two shall be from other adjacent public  
37 streets or through other adjacent property.  
38  
39  
40

6. The following uses are prohibited uses of the Property:

Adult-oriented businesses	Agricultural sales and services
Automotive rentals	Automotive repair services
Automotive sales	Automotive washing (of any type)
Bail bond services	Basic industry
Campground	Club or lodge
Commercial off-street parking	Community recreation (private)
Community recreation (public)	Congregate living
Consumer convenience services	Day care services (commercial)
Day care services (general)	Drop-off recycling collection facilities
Employee recreation	Equipment sales
Equipment repair services	Funeral services
Food sales	Group home, Class I (general)
General retail sales (convenience)	Hotel-motel
Group home, Class I (limited)	Indoor sports and recreation
Indoor entertainment	Liquor sales
Kennels	Outdoor sports and recreation
Outdoor entertainment	Recycling center
Railroad facilities	Resource extraction
Residential treatment	Safety services
Restaurant (general)	Service station
Scrap and salvage	Transitional housing
Theater	Vehicle storage
Transportation terminal	
Veterinary services	

**PART 4.** The Property is subject to Ordinance No. 021010-12a that established the Franklin Park neighborhood plan combining district.

**PART 5.** This ordinance takes effect on \_\_\_\_\_, 2007.

**PASSED AND APPROVED**

\_\_\_\_\_, 2007

§ \_\_\_\_\_

§ \_\_\_\_\_

§ \_\_\_\_\_

Will Wynn  
Mayor

**APPROVED:** \_\_\_\_\_ **ATTEST:** \_\_\_\_\_  
David Allan Smith Shirley A. Gentry  
City Attorney City Clerk

Waterloo Surveyors Inc.

Office: 512-481-9602  
Fax: 512-330-1621

Thomas P. Dixon  
R.P.L.S. 4324  
J11402

EXHIBIT "A"

November 27, 2006

FIELD NOTES

**FIELD NOTES FOR 3.6511 ACRES (3.6645) OF LAND, MORE OR LESS, OUT OF THE SANTIAGO VALLE GRANT, ABSTRACT NO. 24, IN TRAVIS COUNTY, TEXAS, AND BEING ALL OF THAT CERTAIN 3.6645 ACRES OF LAND CONVEYED BY WARRANTY DEED TO GROCER'S ENTERPRISE, INC., RECORDED IN DOCUMENT NO. 2002123329, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, SAME BEING THAT CERTAIN 3.672 ACRES OF LAND CONVEYED TO PAP REALTY PARTNERSHIP BY DEED RECORDED IN VOLUME 11893, PAGE 350, REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS, SAVE AND EXCEPT THAT CERTAIN 120 SQUARE FEET OF LAND CONVEYED TO CITY OF AUSTIN IN A DEED RECORDED IN VOLUME 10557, PAGE 174, REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS, FOR WHICH A MORE PARTICULAR DESCRIPTION BY METES AND BOUNDS IS AS FOLLOWS:**

**BEGINNING** at an iron rod found in the south R.O.W. of Teri Road, being the northernmost corner of a 3.6511 acre(3.6645) tract conveyed to Grocer's Enterprise, Inc., by deed recorded in Document No. 2002123329, Official Public Records, Travis County, Texas, also being the northeast corner of Lot 1, Wal-Mart Subdivision, a subdivision in Travis County, Texas according to the map or plat thereof recorded in Book 87, Pages 147A-147B, Plat Records, Travis County, Texas, for a corner hereof;

**THENCE** S 57°07'47" E along the south R.O.W. of Teri Road, and the northeast line of the herein described tract for a distance of 402.80 feet to an iron rod found at the point of curvature of a curve, curving to the right, with a radius of 25.00 feet, being the return of the south line of Teri Road, and the northwest line of Freidrich Lane, for a corner hereof;

**THENCE** along the arc of said curve to the right, a distance of 38.18 feet with a chord which bears S 13°16'41" E at a distance of 34.58 feet to an iron rod found in the northwest line of Freidrich Lane, being in the southeast line of the herein described tract for a corner hereof

**THENCE** the following two (2) courses and distances along the northwest line of Freidrich Lane and the southeast line of the herein described tract:

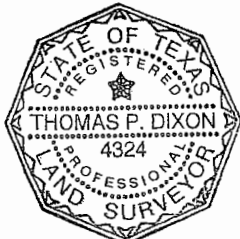
- (1) S 29°26'42" W for a distance of 269.74 feet to an iron rod found for a corner hereof;
- (2) S 33°16'57" W for a distance of 130.51 feet to an iron rod found at the northeast corner of a 7.4045 acre tract conveyed to Freidrich Biz Center, LP, by warranty deed recorded in Document No. 2006107157, Official Public Records, and being the southernmost corner of the herein described tract for a corner hereof;

**THENCE** N 43°54'00" W along the north line of the Freidrich Biz Center tract and the southwest line of the herein described tract for a distance of 434.76 feet to an iron rod found in the southeast line of said Lot 1, of Wal-Mart Subdivision, for the southwest corner hereof;

**THENCE** N 29°22'19" E along the common southeast line of said Lot 1, and the northwest line of the herein described tract for a distance of 324.59 feet to the **POINT OF BEGINNING**, containing 3.6511 acres of land.

I, the undersigned do hereby certify that the field notes hereon were prepared from an actual on-the-ground survey under my direct supervision and that they are true and correct to the best of my knowledge.

Thomas P. Dixon R.P.L.S. 4324



P.O. Box 160176  
Austin, Texas 78716-0176

