

ORDINANCE NO 20070809-051

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

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 districts on the property described in Zoning Case No C14-2007-0073, on file at the Neighborhood Planning and Zoning Department, as follows

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

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

Tract Two From limited office-neighborhood plan (LO-NP) district to limited industrial service-conditional overlay-neighborhood plan (LI-CO-NP) combining district

A 3 6511 acre tract of land, more or less, out of the Santiago del Valle Grant, Abstract No 24, Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance (the "Property"),

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

PART 2. Except as specifically provided in Part 3 and Part 4, the Property may be developed and used in accordance with the regulations established for the respective base districts 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 above the trips generated by the existing or approved development.

B. The following applies to Tract Two.

1. The maximum height of a building or structure is 30 feet from ground level.
2. Exterior lighting shall be hooded or shielded so that the light source is not directly visible from adjacent property.

3. 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)	

Group home, Class I (limited)
Indoor entertainment
Kennels
Outdoor entertainment
Railroad facilities
Residential treatment
Restaurant (general)
Scrap and salvage
Theater
Transportation terminal
Veterinary services

Hotel-motel
Indoor sports and recreation
Liquor sales
Outdoor sports and recreation
Recycling center
Resource extraction
Safety services
Service station
Transitional housing
Vehicle storage

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 August 20, 2007.

PASSED AND APPROVED

_____, August 9, 2007 §
 §
 § _____
 Will Wynn
 Mayor

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

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

Waterloo Surveyors Inc.

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

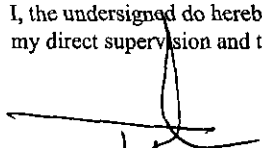
THENCE the following two (2) courses and distances along the northwest line of Freidrich Lane and the southeast line of the herein described tract:

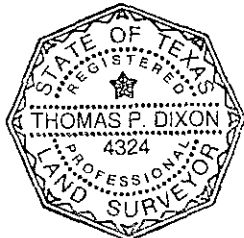
- (1) S 29°26'42" W for a distance of 269.74 feet to an iron rod found for a corner hereof;
- (2) S 33°16'57" W for a distance of 130.51 feet to an iron rod found at the northeast corner of a 7.4045 acre tract conveyed to Freidrich Biz Center, LP, by warranty deed recorded in Document No. 2006107157,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

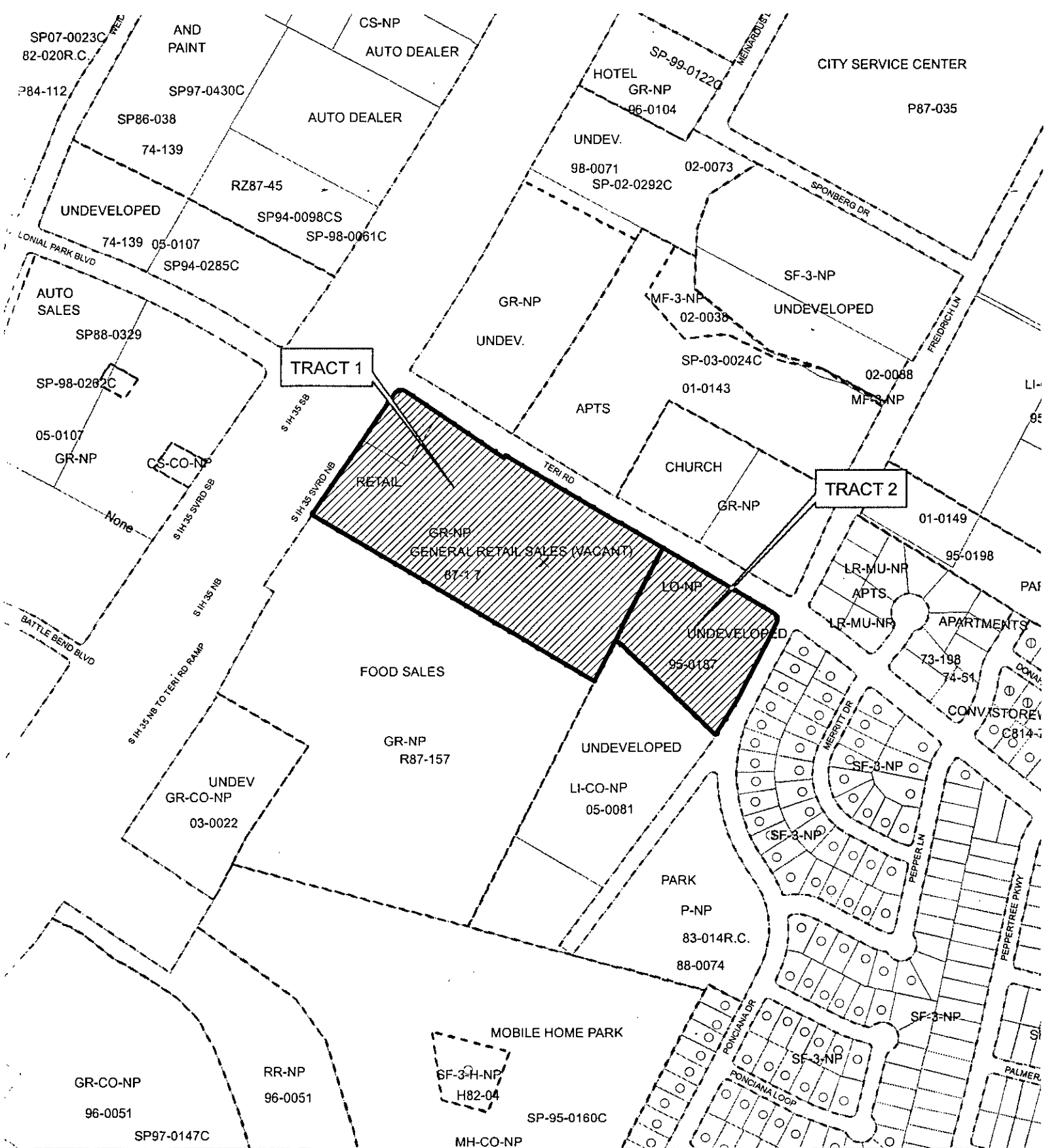
THENCE N 29°22'19" E along the common southeast line of said Lot 1, and the northwest line of the herein described tract for a distance of 324.59 feet to the **POINT OF BEGINNING**, containing 3.6511 acres of land.

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

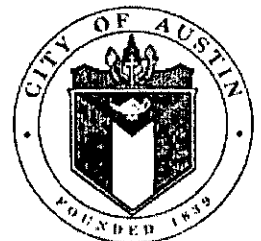
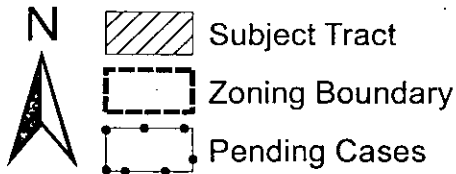


P.O. Box 160176
Austin, Texas 78716-0176



ZONING EXHIBIT B

ZONING CASE#: C14-2007-0073
ADDRESS: 5015 S IH 35 SVRD NB; SW
 CORNER FREIDRICH LN & TERI RD
SUBJECT AREA: 14.51 ACRES
GRID: H17
MANAGER: W. WALSH



1" = 400' OPERATOR: SM

This map has been produced by G.I.S. Services for the sole purpose of geographic reference.
 No warranty is made by the City of Austin regarding specific accuracy or completeness.