

**ORDINANCE NO. 20071129-064**

**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 6004 WEBBERVILLE ROAD IN THE MLK-183 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 ONE AND COMMERCIAL-LIQUOR SALES-MIXED USE-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (CS-1-MU-CO-NP) COMBINING DISTRICT FOR TRACTS TWO AND THREE.**

**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 (the "Property") described in Zoning Case No. C14-2007-0049, on file at the Neighborhood Planning and Zoning Department, as follows:

Tract One: 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.

Lots C and D, R.F. Bearden Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 84, Page 184C, of the Plat Records of Travis County, Texas, Save and Except the property described in this ordinance as Tracts Two and Three; and

Tract Two and Tract Three: From general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district to commercial-liquor sales-mixed use-conditional overlay-neighborhood plan (CS-1-MU-CO-NP) combining district.

A 5,515 square feet tract of land, more or less, out of a building located within Lot C, R.F. Bearden Subdivision, the 5,515 square feet tract of land being more particularly described by metes and bounds in Exhibits "A" and "B" incorporated into this ordinance; and

A 3,485 square foot tract of land, more or less, out of a building located within Lot C, R.F. Bearden Subdivision, the 3,485 square foot tract of land being more particularly described by metes and bounds in Exhibits "A" and "B" incorporated into this ordinance,

locally known as 6004 Webberville Road, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "C".

**PART 2.** Except as specifically provided in Part 3 and Part 4 of this ordinance, the Property may be developed and used in accordance with the regulations established for the respective base districts, the mixed use (MU) combining district, 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. The following uses are prohibited uses of the Property:

Adult oriented businesses	Agricultural sales and services
Automotive sales	Campground
Commercial blood plasma center	Construction sales and services
Convenience storage	Equipment sales and services
Equipment sales	Kennels
Vehicle storage	Limited warehousing and distribution

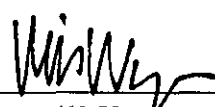
B. Cocktail lounge use may not exceed 6,000 square feet gross floor area of Tract One.

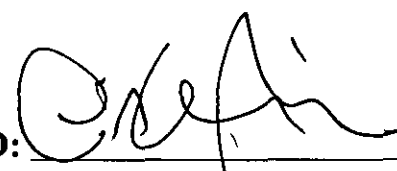
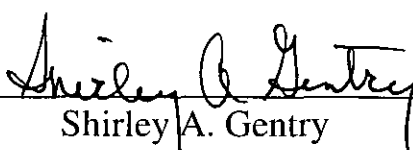
C. Liquor sales use may not exceed 3,000 square feet gross floor area of Tract Two.

**PART 4.** The Property is subject to Ordinance No. 021107-Z-12b that established the MLK-183 neighborhood plan combining district.

**PART 5.** This ordinance takes effect on December 10, 2007.

**PASSED AND APPROVED**

\_\_\_\_\_, November 29\_\_\_\_\_, 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  
J11342D

EXHIBIT "A"

August 24, 2007

FIELD NOTES

**5,515 SQUARE FEET OF LAND, MORE OR LESS, OUT OF A EXISTING BRICK, STONE AND CONCRETE BUILDING LOCATED WITHIN LOT C, R.F. BEARDEN SUBDIVISION, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN BOOK 85, PAGES 184C-184D, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS; FOR WHICH A MORE PARTICULAR DESCRIPTION BY METES AND BOUNDS IS AS FOLLOWS:**

**BEGINNING FOR REFERENCE** at a concrete monument found at the intersection of the north R O W. of F M. 969 and the east R.O.W of US Highway 182 (ED Bluestein Boulevard), same being at the most westerly, S W. corner of Lot C, R.F. BEARDEN SUBDIVISON, from which point an iron rod set on the common south line of Lot C and the north R O.W. of F M 969 bears S35°31'13"E at a distance of 189 64 feet,

**THENCE** N51°54'23"E crossing into Lot C for a distance of 237 32 feet to a point at the most westerly corner of this existing building,

**THENCE** N54°38'48"E along the face of said building for a distance of 80.99 feet to a corner, for the **POINT OF BEGINNING** of this 5,515 sq. ft building area,

**THENCE** the following three (3) courses and distances along the face of said building

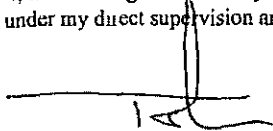
1. N54°38'48"E for a distance of 31 73 feet to a corner,
2. S80°28'42"E for a distance of 83 64 feet
3. S35°23'46"E for a distance of 25.39 feet to a point on the face of said building for a corner hereof,

**THENCE** S54°19'32"W crossing said building for a distance of 60.84 feet to a point on the southwest face of said building,

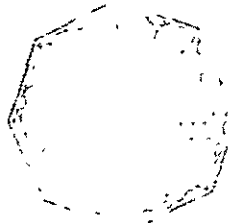
**THENCE** N83°04'17"W along the face of said building for a distance of 38 95 feet,

**THENCE** N36°24'29"W, crossing said building for a distance of 58 55 feet to the **POINT OF BEGINNING** of this 5,515 building area

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

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

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EXHIBIT "A"

August 24, 2007

**FIELD NOTES**

**3,485 SQUARE FEET OF LAND, MORE OR LESS, OUT OF A EXISTING BRICK, STONE AND CONCRETE BUILDING LOCATED WITHIN LOT C, R.F. BEARDEN SUBDIVISION, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN BOOK 85, PAGES 184C-184D, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS; FOR WHICH A MORE PARTICULAR DESCRIPTION BY METES AND BOUNDS IS AS FOLLOWS:**

**BEGINNING FOR REFERENCE** at a concrete monument found at the intersection of the north R.O W of F M. 969 and the east R.O W of US Highway 182 (ED Bluestein Boulevard), same being at the most westerly, S W corner of Lot C, R.F. BEARDEN SUBDIVISION, from which point an iron rod set on the common south line of Lot C and the north R.O W. of F M 969 bears S35°31'13"E at a distance of 189 64 feet;

**THENCE** N51°54'23"E crossing into Lot C for a distance of 237 32 feet to a point at the most westerly corner of this existing building,

**THENCE** the following three (3) courses and distances along the face of said building:

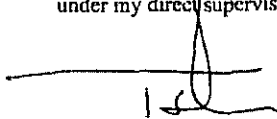
1. N54°38'48"E for a distance of 112 72 feet to a corner;
2. S80°28'42"E for a distance of 83.64 feet to a corner;
3. S35°23'46"E for a distance of 57 22 feet to a point for the **POINT OF BEGINNING** of this 3,485 sq ft tract;

**THENCE** S35°23'46"E continuing along the face of said building for distance of 57 22 feet to a point for a corner hereof,

**THENCE** S54°19'32"W, crossing said building for a distance of 60 84 feet to a point on the face of said building,

**THENCE** N35°40'28"W along the face of said building for a distance of 57.22 feet to the **POINT OF BEGINNING** of this 5,515 building area

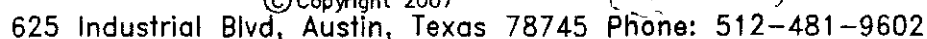
I, the undersigned do hereby certify that the field notes hereon were prepared from an actual on-the-ground survey under my direct supervision and that they are true and correct to the best of my knowledge.



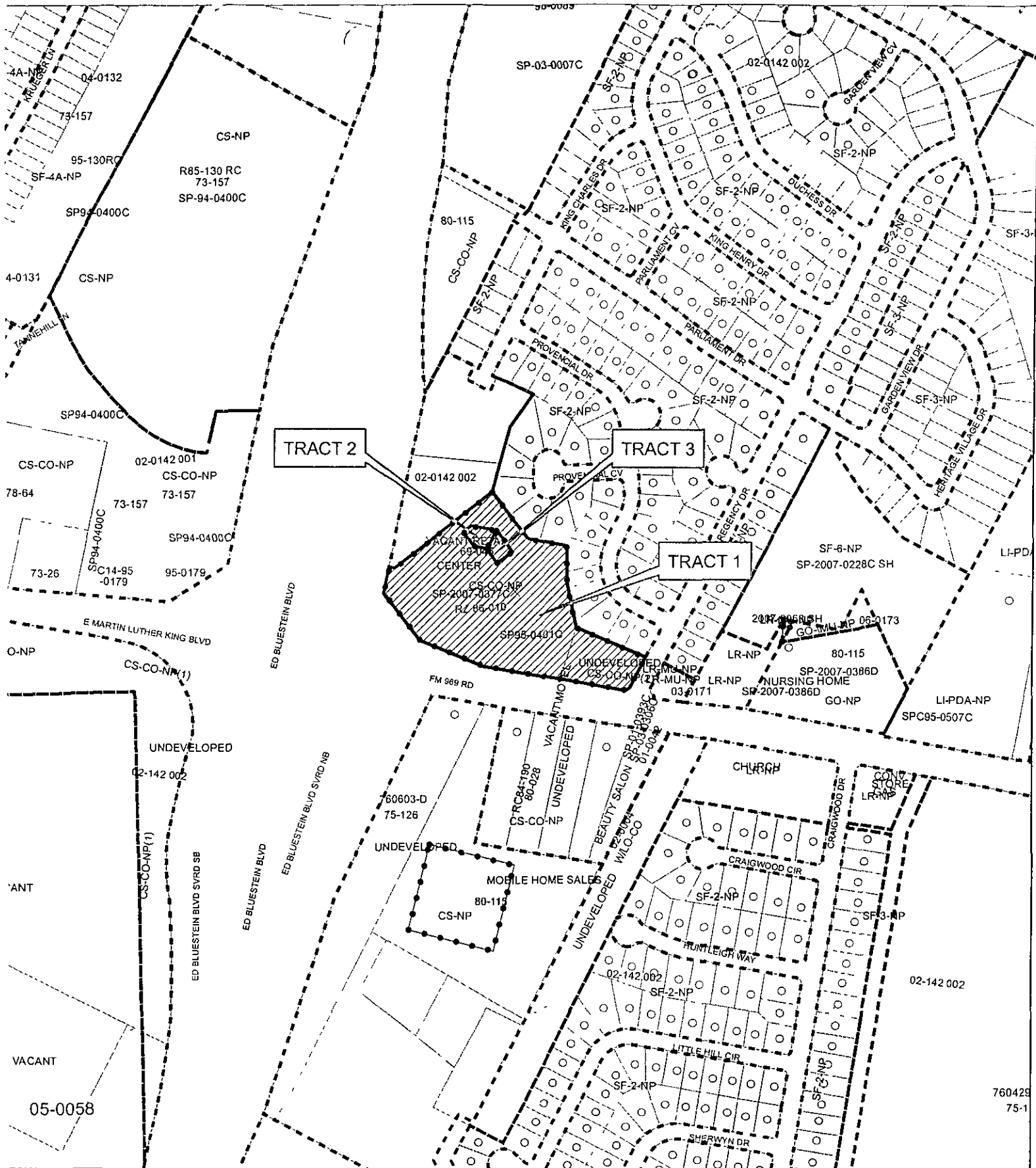
Thomas P. Dixon R P L S 4324



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Austin, Texas 78716-0176







# ZONING EXHIBIT C

CASE# C14-2007-0049  
 ADDRESS 6004 WEBBERVILLE RD  
 SUBJECT AREA 7.68 ACRES  
 GRID N24  
 OPERATOR R HEIL



1" = 400'

OPERATOR S. MEEKS

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