ORDINANCE NO. 20080618-074

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 8104 AND 8200 SOUTH CONGRESS AVENUE FROM DEVELOPMENT RESERVE (DR) DISTRICT, RURAL RESIDENCE-CONDITIONAL OVERLAY (RR-CO) COMBINING DISTRICT, AND SINGLE FAMILY RESIDENCE STANDARD LOT (SF-2) DISTRICT TO GENERAL COMMERCIAL SERVICES-CONDITIONAL OVERLAY (CS-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 development reserve (DR) district, rural residence-conditional overlay (RR-CO) combining district, and single family residence standard lot (SF-2) district to general commercial services-conditional overlay (CS-CO) combining district on the property described in Zoning Case No C14-2008-0050, on file at the Neighborhood Planning and Zoning Department, as follows

A 11 921 acre tract of land and a 1 183 acre tract of land, more or less, out of the William Cannon League Survey No 19, Abstract No. 6, in Travis County, the tracts of land being more particularly described by metes and bounds in Exhibits "A" and "B" respectively, and incorporated into this ordinance (the "Property"),

locally known as 8104 and 8200 South Congress Avenue, in the City of Austin, Travis County, Texas, and 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 A 50-foot wide vegetative buffer shall be provided and maintained along the northwest and southwest property lines Improvements permitted within the buffer zone are limited to drainage, underground utility improvements or those improvements that may be otherwise required by the City of Austin or specifically authorized in this ordinance.
- B A 100-foot wide building setback shall be established along the northwest and southwest property lines

- C A site plan or building permit for the Property may not be approved, released, or issued, if the completed development of uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 2,000 trips per day.
- D. The following uses are prohibited uses of the Property

Adult-oriented businesses Automotive rentals Automotive washing (of any type) Pawn shop services Automotive repair services Automotive sales Commercial blood plasma center

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the general commercial services (CS) base district, and other applicable requirements of the City Code

PART 3. This ordinance takes effect on June 29, 2008

PASSED AND APPROVED

| , 2008 | § § § | Will Wynn Mayor |
|--|-------------|--|
| APPROVED: David Allan Smith City Attorney | • ATTEST: | Ahurley a Gentry Shirley A Gentry City Clerk |
| | | |
| Page | 2 of 2 | |

C14-2008-005C

METCALFE & SANDERS, INC./LAND SURVEYORS

4800 SOUTH CONGRESS AUSTIN, TEXAS 78745 (512) 442-5363 SURVEYS & RECORDS SINCE 1904

EXHIBIT "<u>A</u>"

Tract "A" William Cannon League Survey No 19, Abstract No 6 City of Austin, Travis County, Texas

LEGAL DESCRIPTION

LEGAL DESCRIPTION OF A SURVEY OF 11 921 ACRES OF LAND, A PORTION OF THE WILLIAM CANNON LEAGUE SURVEY NO 19, ABSTRACT NO 6, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, SAID 11 921 ACRES OF LAND BEING A PORTION OF THE FOLLOWING TRACTS A PORTION OF THAT 7 528 ACRE TRACT. A PORTION OF THE SAID WILLIAM CANNON LEAGUE SURVEY NO 19, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AS DESCRIBED IN A WARRANTY DEED WITH VENDOR'S LIEN FROM MARIE ORMAND, ET AL TO SOUTHSIDE STORAGE, INC IN DOCUMENT NO 2006066202, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS. ALL OF THAT 4 00 ACRE TRACT, A PORTION OF THE SAID WILLIAM CANNON LEAGUE SURVEY NO 19, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, DESCRIBED AS 5 00 ACRES, SAVE AND EXCEPT 1 00 ACRE, IN A WARRANTY DEED WITH **VENDOR'S LIEN FROM HOME-TECH INDUSTRIES. INC** TO CHRIS CLARK IN DOCUMENT NO 1999065455. OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, ALL OF THAT 1 00 ACRE TRACT, MORE OR LESS, A PORTION OF THE SAID WILLIAM CANNON LEAGUE SURVEY NO 19, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AS DESCRIBED IN A WARRANTY DEED WITH VENDOR'S LIEN FROM HOME-TECH INDUSTRIES, INC TO CHRIS CLARK IN DOCUMENT NO 1999028621, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF THAT 7 495 ACRE TRACT, A PORTION OF THE SAID WILLIAM CANNON LEAGUE SURVEY NO 19, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AS DESCRIBED IN A WARRANTY DEED FROM WILLIAM B HUBACH TO SOUTHSIDE STORAGE, INC IN DOCUMENT NO 2007178969, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF THAT 1 667

ACRE TRACT, A PORTION OF THE SAID WILLIAM CANNON LEAGUE SURVEY NO 19, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AS DESCRIBED IN A GENERAL WARRANTY DEED FROM SOUTHSIDE STORAGE, INC TO CHRIS CLARK AND RONI CLARK IN DOCUMENT NO 2007180704, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 11 921 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS

COMMENCING for reference at a 1/2" steel pin found in concrete near corner of fence in the west line of that 2 891 acre tract, a portion of the said William Cannon League Survey No 19, in the City of Austin, Travis County, Texas, designated as Tract 1 and described in a General Warranty Deed from Asset Reverse Exchange, Inc. to The Mark S. Yandow and Sandra L. Yandow Revocable Trust and Paul F Oliverio and Catherine A Oliverio in Document No 2007155766, Official Public Records of Travis County, Texas, and at the northeast corner of that 7 495 acre tract, a portion of the said William Cannon League Survey No 19, in the City of Austin, Travis County, Texas, as described in a Warranty Deed from William B Hubach to Southside Storage, Inc in Document No 2007178969, Official Public Records of Travis County, Texas, said 1/2" steel pin found in concrete near corner of fence being also the northeast corner of that 1 667 acre tract, a portion of the said William Cannon League Survey No 19, in the City of Austin, Travis County, Texas, as described in a General Warranty Deed from Southside Storage, Inc to Chris Clark and Roni Clark in Document No 2007180704, Official Public Records of Travis County, Texas, and the southeast corner of that 7 51 acre tract, a portion of the said William Cannon League Survey No 19, in the City of Austin, Travis County, Texas, as described in a Warranty Deed from William B Hubach to Henry A Hubach in Volume 6605, Page 2194, Deed Records of Travis County, Texas,

Thence with the east line of the said Southside Storage, Inc 7 495 acre tract and the west line of the said Yandow Revocable Trust, et al Tract 1 of 2 891 acres, and being also with the east line of the said Clark 1 667 acre tract, S 16°07'15" E 56 91 feet to a calculated point for the POINT OF BEGINNING and most northerly northeast corner of the herein described tract,

(1) THENCE with the east line of the said Southside Storage, Inc 7 495 acre tract and the west line of the said Yandow Revocable Trust, et al Tract 1 of 2 891 acres, and being also with the east line of the said Clark 1 667 acre tract, S 16°07'15" E 15 87 feet to a 1/2" steel pin found near corner of fence at the southwest corner of the said Yandow Revocable Trust, et al Tract 1 of 2 891 acres and the northwest corner of that 4 00 acre tract, a portion of the said William Cannon League Survey No 19, in the City of Austin, Travis County, Texas, described as 5 00 acres, save and except 1 00 acre, in a Warranty Deed With Vendor's Lien from Home-Tech Industries, Inc to Chris Clark in Document No 1999065455, Official Public Records of Travis County, Texas, for an interior corner of the herein described tract,

(2) THENCE along or near the south line of the said Yandow Revocable Trust, et al Tract 1 of 2 891 acres, and with the most westerly north line of the said Clark 5 00 acres, save and except 1 00 acre, and being also with the north line of that 1 00 acre tract, more or less, a portion of the said William Cannon League Survey No 19, in the City of Austin, Travis County, Texas, as described in a Warranty Deed With Vendor's Lien from Home-Tech Industries, Inc to Chris Clark in Document No 1999028621, Official Public Records of Travis County, Texas, S 73°35'15" E at 334 94 feet passing a 1/2" steel pin with plastic cap found (RDS 4094) at the most westerly northeast corner of the said Clark 5 00 acres, save and except 1 00 acre, and the northwest corner of the said Clark 1 00 acre tract, more or less, at 851 97 feet passing a 1/2" steel pin with plastic cap found (RDS 4094), in all 852 40 feet to a calculated point in the west line of South Congress Avenue (US Highway No 81) for the northeast corner of the said Clark 1 00 acre tract, more or less, at Yandow Revocable Trust, et al. Tract 1 of 2 891 acres, for the most easterly northeast corner of the herein described tract,

(3) THENCE with the west line of South Congress Avenue (US Highway No 81) and the east line of the said Clark 1 00 acre tract, more or less, and the most easterly east line of the said Clark 5 00 acres, save and except 1 00 acre, S 16°15'40" W 285 99 feet to a calculated point for the southeast corner of the said Clark 5 00 acres, save and except 1 00 acre, and being at or near the northeast corner of that 7 528 acre tract, a portion of the said William Cannon League Survey No 19, in the City of Austin, Travis County, Texas, as described in a Warranty Deed With Vendor's Lien from Marie Ormand, et al to Southside Storage, Inc in Document No 2006066202, Official Public Records of Travis County, Texas, for the most easterly southeast corner of the herein described tract,

(4) THENCE with the south line of the said Clark 5 00 acres, save and except 1 00 acre and along or near the north line of the said Southside Storage, Inc 7 528 acre tract, N 73°41'40" W at 0 54 of one foot passing a 3/4" iron pipe found, in all 408 38 feet to a calculated point for an interior corner of the herein described tract, and from which calculated point a 3/4" iron pipe found in the east line of the said Southside Storage, Inc 7 495 acre tract and at the southeast corner of the said Clark 1 667 acre tract, said 3/4" iron pipe found being also the northwest corner of the said Southside Storage, Inc 7 528 acre tract and the southwest corner of the said Southside Storage, Inc 7 495 acre tract of the said Clark 5 00 acres, save and except 1 00 acre, bears N 73°41'40" W 260 16 feet,

(5) THENCE crossing the said Southside Storage, Inc 7 528 acre tract, S 49°13'00" W 240 81 feet to a calculated point in the west line of the said Southside Storage, Inc 7 528 acre tract and the east line of the said Southside Storage, Inc 7 495 acre tract, for an interior corner of the herein described tract, and from which calculated point a 3/4" iron pipe found at an angle point in the west line of the said Southside Storage, Inc 7 528 acre tract and the east line of the said Southside Storage, Inc 7 528 acre tract and the east line of the said Southside Storage, Inc 7 495 acre tract, bears N 16°19'00" W 93 23 feet,

(6) THENCE with the west line of the said Southside Storage, Inc 7 528 acre tract and the east line of the said Southside Storage, Inc 7 495 acre tract, S $16^{\circ}19'00"$ E 427 39 feet to a calculated point for the southeast corner of the said Southside Storage, Inc 7 495 acre tract, for the most southerly southeast corner of the herein described tract, and from which calculated point, a 1/2" steel pin with plastic cap found (Arpenteurs RPLS 4772) at the southwest corner of the said Southside Storage, Inc 7 528 acre tract, bears S $16^{\circ}19'00"$ E 291 23 feet, THENCE along the most southerly south line of the said Southside Storage, Inc 7 495 acre tract and the north line of that 7 7256 acre tract, a portion of the said William Cannon League Survey No 19, in the City of Austin, Travis County, Texas, as described in a Warranty Deed With Vendor's Lien from Lendell Builder, Inc to Mickey Rich Plumbing and Heating, Inc in Volume 8855, Page 975, Real Property Records of Travis County, Texas, courses numbered 7 through 8 inclusive as follows

(7) N $60^{\circ}26'05''$ W at 2 00 feet passing a 1/2" steel pin with plastic cap previously set as a reference point for the southeast corner of the said Southside Storage, Inc 7 495 acre tract and the southeast corner of the herein described tract, at 27 36 feet passing a 1/2" steel pin found at the northeast corner of the said Mickey Rich Plumbing and Heating, Inc 7 7256 acre tract, in all 271 80 feet to a 5/8" steel pin found,

(8) N 60°48'00" W 294 37 feet to a calculated point for the most southerly southwest corner of the herein described tract, and from which calculated point a 1/2" steel pin found near corner of fence at the most southerly southwest corner of the said Southside Storage, Inc 7 495 acre tract and the northwest corner of the said Mickey Rich Plumbing and Heating, Inc 7 7256 acre tract, said 1/2" steel pin found being also in the east line of Lot 36, Block "A" (drainage and public utility easement), Parkridge Gardens, a subdivision of a portion of the said William Cannon League Survey No 19, in the City of Austin, Travis County, Texas, of record in Document No 200600394, Official Public (Plat) Records of Travis County, Texas, bears N 60°48'00" W 53 51 feet,

(9) THENCE with a line fifty (50) feet east of and parallel with the west line of the said Southside Storage, Inc 7 495 acre tract and the east line of said Lot 36, Block "A", Parkridge Gardens, N 8°19'55" E 214 53 feet to a calculated point for an interior corner of the herein described tract,

(10) THENCE with a line fifty (50) feet north of and parallel with the most northerly south line of the said Southside Storage, Inc 7 495 acre tract and a north line of said Lot 36, Block "A", Parkridge Gardens, N 61°36'20" W 238 78 feet to a calculated point for the most westerly southwest corner of the herein described tract,

(11) THENCE with a line fifty (50) feet southeast of and parallel with the northwest line of the said Southside Storage, Inc 7 495 acre tract and the northwest line of the said Clark 1 667 acre tract and being also fifty (50) feet southeast of and parallel with the southeast line of the said Henry A Hubach 7 51 acre tract, N $45^{\circ}20'55''$ E 540 59 feet to the POINT OF BEGINNING of the herein described tract, containing 11 921 acres of land

Note The plastic caps on the steel pins set are inscribed with "M & S 1838"

Metes and Bounds Description Prepared January 10, 2008 From A Survey Completed January 7, 2008



METCALFE & SANDERS, INC Land Surveyors

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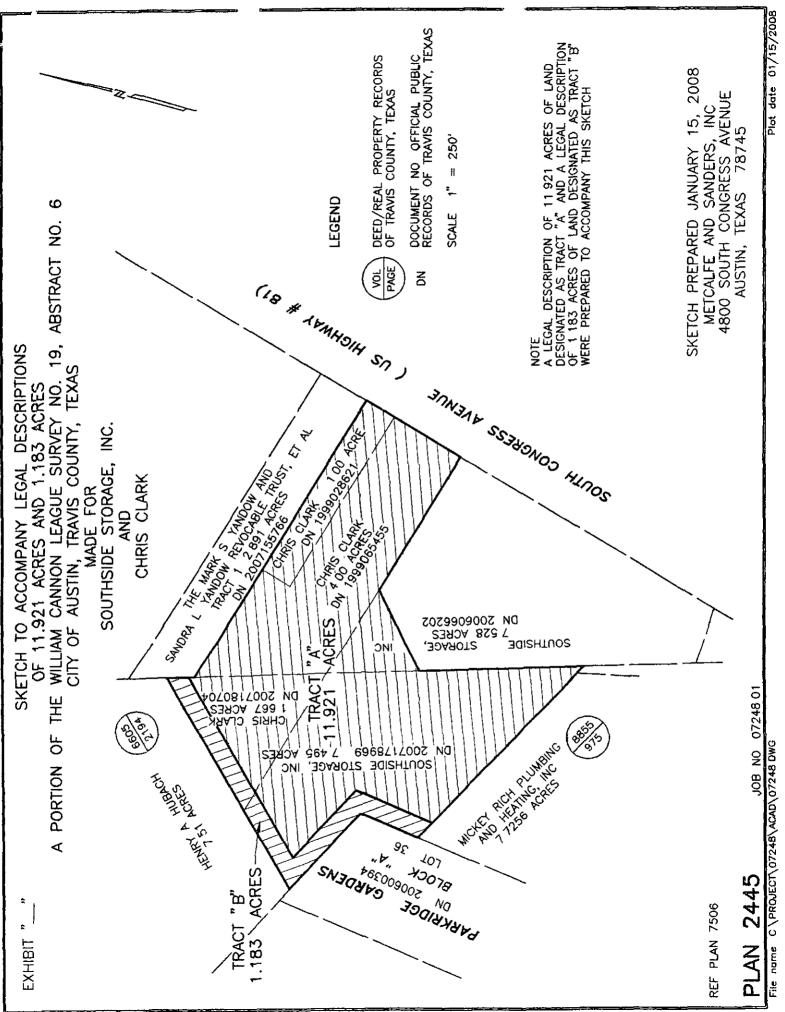
George L Sanders Texas Registered Professional Land Surveyor No 1838

FB 915, P 24-28 & DC FB 875, P 50-60 & DC Plan 2445 Ref Plan 7506

Job No 07248 01

<u>REFERENCES</u> TCAD PLAT MAP # 4-2809 PROPERTY ID NUMBER'S 512909, 512918, 512920 & 512922 AUSTIN GRID G-14

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C14-2008-004

METCALFE & SANDERS, INC./LAND SURVEYORS

4800 SOUTH CONGRESS AUSTIN, TEXAS 78745 (512) 442-5363 SURVEYS & RECORDS SINCE 1904

EXHIBIT " **B** "

Tract "B" William Cannon League Survey No 19, Abstract No 6 City of Austin, Travis County, Texas

LEGAL DESCRIPTION

LEGAL DESCRIPTION OF A SURVEY OF 1 183 ACRES OF LAND, A PORTION OF THE WILLIAM CANNON LEAGUE SURVEY NO 19, ABSTRACT NO 6. IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, SAID 1 183 ACRES OF LAND BEING A PORTION OF THE FOLLOWING TRACTS A PORTION OF THAT 7 495 ACRE TRACT, A PORTION OF THE SAID WILLIAM CANNON LEAGUE SURVEY NO 19, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AS DESCRIBED IN A WARRANTY DEED FROM WILLIAM B HUBACH TO SOUTHSIDE STORAGE. INC IN DOCUMENT NO 2007178969, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF THAT 1 667 ACRE TRACT, A PORTION OF THE SAID WILLIAM CANNON LEAGUE SURVEY NO 19, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AS DESCRIBED IN A GENERAL WARRANTY DEED FROM SOUTHSIDE STORAGE, INC TO CHRIS CLARK AND RONI CLARK IN DOCUMENT NO 2007180704, OFFICIAL PUBLIC **RECORDS OF TRAVIS COUNTY, TEXAS, SAID 1 183 ACRES** OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS

BEGINNING at a 1/2" steel pin found in concrete near corner of fence in the west line of that 2 891 acre tract, a portion of the said William Cannon League Survey No 19, in the City of Austin, Travis County, Texas, designated as Tract 1 and described in a General Warranty Deed from Asset Reverse Exchange, Inc to The Mark S Yandow and Sandra L Yandow Revocable Trust and Paul F Oliverio and Catherine A Oliverio in Document No 2007155766, Official Public Records of Travis County, Texas, and at the northeast corner of that 7 495 acre tract, a portion of the said William Cannon League Survey No 19, in the City of Austin, Travis County, Texas, as described in a Warranty Deed from William B Hubach to Southside Storage, Inc in Document No 2007178969, Official Public Records of Travis County, Texas, said 1/2" steel pin found in concrete near corner of fence being also the northeast corner of that 1 667 acre tract, a portion of the said William Cannon League Survey No 19, in the City of Austin, Travis County, Texas, as described in a General Warranty Deed from Southside Storage, Inc in Document No 2007178969, Official Public Records of Travis County, Texas, said 1/2" steel pin found in concrete near corner of fence being also the northeast corner of that 1 667 acre tract, a portion of the said William Cannon League Survey No 19, in the City of Austin, Travis County, Texas, as described in a General Warranty Deed from Southside Storage, Inc to Chris Clark and portion of the said William Cannon League Survey No 19, in the City of Austin, Travis County, Texas, as described in a General Warranty Deed from Southside Storage, Inc to Chris Clark and portion of the said William Cannon League Survey No 19, in the City of Austin, Travis County, Texas, as described in a General Warranty Deed from Southside Storage, Inc to Chris Clark and Roni Clark in Document No 2007180704, Official Public Records of Travis County, Texas, and

the southeast corner of that 7 51 acre tract, a portion of the said William Cannon League Survey No 19, in the City of Austin, Travis County, Texas, as described in a Warranty Deed from William B Hubach to Henry A Hubach in Volume 6605, Page 2194, Deed Records of Travis County, Texas, for the POINT OF BEGINNING and northeast corner of the herein described tract,

(1) THENCE with the east line of the said Southside Storage, Inc 7 495 acre tract and the west line of the said Yandow Revocable Trust, et al Tract 1 of 2 891 acres, and being also with the east line of the said Clark 1 667 acre tract, S $16^{\circ}07'15''$ E 56 91 feet to a calculated point for the most northerly Southeast corner of the herein described tract,

(2) THENCE with a line fifty (50) feet southeast of and parallel with the northwest line of the said Southside Storage, Inc 7 495 acre tract and the northwest line of the said Clark 1 667 acre tract and being also fifty (50) feet southeast of and parallel with the southeast line of the said Henry A Hubach 7 51 acre tract, S $45^{\circ}20^{\circ}55^{\circ}$ W 540 59 feet to a calculated point for an interior corner of the herein described tract,

(3) THENCE with a line fifty (50) feet north of and parallel with the most northerly south line of the said Southside Storage, Inc 7 495 acre tract and a north line of Lot 36, Block "A" (drainage and public utility easement), Parkridge Gardens, a subdivision of a portion of the said William Cannon League Survey No 19, in the City of Austin, Travis County, Texas, of record in Document No 200600394, Official Public (Plat) Records of Travis County, Texas, S 61°36'20" E 238 78 feet to a calculated point for the most southerly northeast corner of the herein described tract,

(4) THENCE with a line fifty (50) feet east of and parallel with the west line of the said Southside Storage, Inc 7 495 acre tract and the east line of said Lot 36, Block "A", Parkridge Gardens, S 8°19'55" W 214 53 feet to a calculated point in the most southerly south line of the said Southside Storage, Inc 7 495 acre tract and in the north line of that 7 7256 acre tract, a portion of the said William Cannon League Survey No 19, in the City of Austin, Travis County, Texas, as described in a Warranty Deed With Vendor's Lien from Lendell Builder, Inc to Mickey Rich Plumbing and Heating, Inc in Volume 8855, Page 975, Real Property Records of Travis County, Texas, for the southeast corner of the herein described tract,

(5) THENCE with the most southerly south line of the said Southside Storage, Inc 7 495 acre tract and being also with the north line of the said Mickey Rich Plumbing and Heating, Inc 7 7256 acre tract, N 60°48'00" W 53 51 feet to a 1/2" steel pin found near corner of fence at the most southerly southwest corner of the said Southside Storage, Inc 7 495 acre tract and the northwest corner of the said Mickey Rich Plumbing and Heating, Inc 7 7256 acre tract, said 1/2" steel pin found being also in the east line of said Lot 36, Block "A", Parkridge Gardens, for the most southerly southwest corner of the herein described tract,

(6) THENCE with the most southerly west line of the said Southside Storage, Inc 7 495 acre tract and along the east line of said Lot 36, Block "A", Parkridge Gardens, N 8°19'55" E 160 49 feet to a 1/2" steel pin found near corner of fence at an interior corner of the said Southside Storage, Inc 7 495 acre tract and the northeast corner of said Lot 36, Block "A", Parkridge Gardens, for an interior corner of the herein described tract,

(7) THENCE with the most northerly south line of the said Southside Storage, Inc 7 495 acre tract and the north line of said Lot 36, Block "A", Parkridge Gardens, N 61°36'20" W 271 33 feet to a 1/2" steel pin found in concrete at corner of fence at the most northerly southwest corner of the said Southside Storage, Inc 7 495 acre tract and the southeast corner of the said Henry A Hubach 7 51 acre tract, for the most northerly southwest corner of the herein described tract,

(8) THENCE with the northwest line of the said Southside Storage, Inc 7 495 acre tract and the northwest line of the said Clark 1 667 acre tract and being also with the southeast line of the said Henry A Hubach 7 51 acre tract, N 45°20'55" E 635 29 feet to the POINT OF BEGINNING of the herein described tract, containing 1 183 acres of land

Metes and Bounds Description Prepared January 10, 2008 From A Survey Completed January 7, 2008



FB 915, P 24-28 & DC FB 875, P 50-60 & DC Plan 2445 Ref Plan 7506 Job No 07248 01

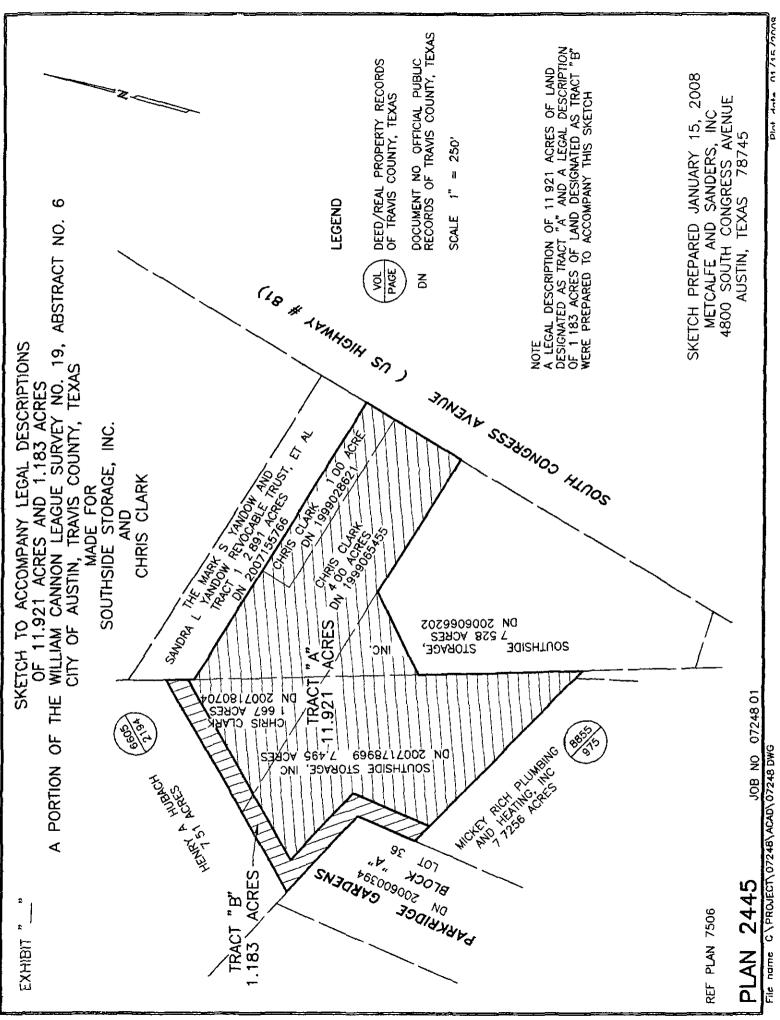
METCALFE & SANDERS, INC Land Surveyors

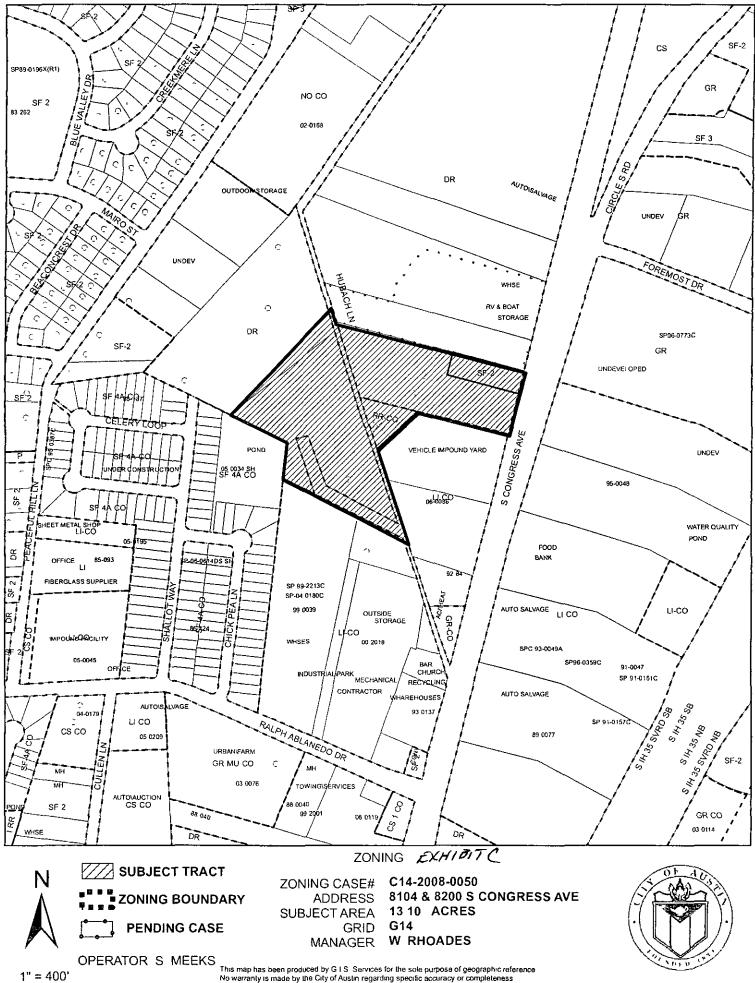
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George L Sanders Texas Registered Professional Land Surveyor No 1838

REFERENCES TCAD PLAT MAP # 4-2809 PROPERTY ID NUMBER 512909 AUSTIN GRID G-14

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No warranty is made by the City of Austin regarding specific accuracy or completeness