

ORDINANCE NO. 20080724-126

AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING FOR THE PROPERTY LOCATED AT 2935 EAST SH-71 WESTBOUND, 2901, 2903 AND 2905 ELLON ROAD, AND 2936 TERRY LANE; AND CHANGING THE ZONING MAP FROM INTERIM RURAL RESIDENCE (I-RR) DISTRICT AND INTERIM SINGLE FAMILY RESIDENCE STANDARD LOT (I-SF-2) DISTRICT TO GENERAL COMMERCIAL SERVICES-CONDITIONAL OVERLAY (CS-CO) COMBINING DISTRICT FOR TRACTS ONE AND TWO AND GENERAL COMMERCIAL SERVICES-HISTORIC LANDMARK (CS-H) COMBINING DISTRICT FOR TRACT 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 districts on the property described in Zoning Case No C14H-2007-0244, on file at the Neighborhood Planning and Zoning Department, as follows

Tract One and Tract Two From interim rural residence (I-RR) district and interim single family residence standard lot (I-SF-2) district to general commercial services-conditional overlay (CS-CO) combining district

A 23.440 acre tract of land, more or less, out of the Santiago Del Valle Grant, Abstract No 24, in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance, Save and Except a 2 24 acre tract described below as Tract Three, and,

Tract Three. From interim rural residence (I-RR) district and interim single family residence standard lot (I-SF-2) district to general commercial services-historic landmark (CS-H) combining district

A 2 24 acre tract of land, more or less, out of a 23 440 acre tract of land out of the Santiago Del Valle Grant, Abstract No. 24, in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "B" incorporated into this ordinance, (the "Property"),

locally known as 2935 East SH-71 Westbound; 2901, 2903 and 2905 Ellon Road; and 2936 Terry Lane, 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 Vehicle storage use is a prohibited use of the Property
- B Vehicular access from the Property to Ellon Road is prohibited All vehicular access to the Property shall be from other adjacent public streets or through other adjacent property
- C 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 2,999 trips per day

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 August 4, 2008

PASSED AND APPROVED

_____, July 24, 2008 §
§
§ _____
Will Wynn
Mayor

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

EXHIBIT A**FIELD NOTES**

BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE SANTIAGO DEL VALLE GRANT, ABSTRACT 24, SITUATED IN TRAVIS COUNTY, TEXAS, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS BEING ALL OF THAT CERTAIN TRACT OF LAND DESCRIBED IN A DEED TO AUSTIN ENGINEERING COMPANY, INC., RECORDED IN VOLUME 6767, PAGE 1433 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, ALL OF THAT CERTAIN TRACT OF LAND DESCRIBED IN A DEED TO PAUL KELLER, RECORDED IN VOLUME 2108, PAGE 494 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, ALL OF LOTS 17, 18, AND 19 OF GLENBROOK ADDITION SECTION TWO, A SUBDIVISION RECORDED IN VOLUME 5, PAGE 66 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, AND ALL OF LOT 23 OF GLENBROOK ADDITION SECTION ONE, A SUBDIVISION RECORDED IN VOLUME 5, PAGE 30 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, SAID TRACT BEING 23.440 ACRES OF LAND, MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS

BEGINNING, at an iron rod found in the north right-of-way line of State Highway No. 71, at the southwest corner of said Austin Engineering tract, being also the southeast corner of that certain tract of land described in a deed to Jack Anderson, recorded in Volume 8146, Page 482 of the Deed Records of Travis County, Texas, for the **POINT OF BEGINNING** of the herein described 23 440 acre tract of land,

THENCE, with the west line of said Austin Engineering tract, being also the east line of said Anderson tract, the following four (4) courses and distances, numbered 1 through 4,

- 1 N45°08'45"E, a distance of 609 99 feet to an iron rod set,
- 2 S44°56'21"E, a distance of 119 96 feet to an iron rod set,
- 3 N45°16'20"E, a distance of 315 04 feet to an iron rod found, and
- 4 N44°52'43"E, a distance of 117 15 feet to a calculated point in the south bank of the Colorado River,

THENCE, with the north line of said Austin Engineering tract, being the south bank of the Colorado River, the following five (5) courses and distances, numbered 1 through 5,

- 1 S56°24'58"E, a distance of 34 60 feet to a calculated point,
- 2 S62°05'00" E, a distance of 138 00 feet to a calculated point,
- 3 S53°00'00"E, a distance of 190 60 feet to a calculated point,
- 4 S64°15'00"E, a distance of 123 60 feet to a calculated point, and
- 5 S78°45'05"E, a distance of 163 12 feet to a calculated point at the northeast corner of said Austin Engineering tract, being also the northwest corner of said Keller tract,

THENCE, with the north line of said Keller tract, being also the south bank of said Colorado River, S64°36'04"E, a distance of 364 93 feet to a calculated point at the northeast corner of said Keller tract, being also the most northerly northwest corner of said Lot 17 of Glenbrook Addition Section Two,

THENCE, continuing with the south bank of said Colorado River, being also the north line of said Lot 17, S69°19'04"E, a distance of 205 09 feet to a calculated point at the northeast corner of said Lot 17, being also the northwest corner of Lot 16B of the Resubdivision of a portion of Glenbrook Addition Sections 1 and 2, recorded in Volume 32, Page 34 of the Plat Records of Travis County, Texas,

THENCE, departing the south bank of said Colorado River, with the east line of said Lot 17, being also the west line of said Lot 16B, S30°46'53"W, a distance of 245 42 feet to an iron pipe found in the curving north right-of-way line of Ellon Road, a 50-foot wide public right-of-way, at the southeast corner of said Lot 17, being also the southwest corner of said Lot 16B,

THENCE, with the north right-of-way line of said Ellon Road, becoming the west right-of-way line of Terry Lane, with the easterly line of said Lots 17, 18 and 19, with said curve to the left having a radius of 350 00 feet, an arc

length of 420.99 feet and whose chord bears, $S77^{\circ}27'45''W$, a distance of 396.07 feet to an iron rod found at the southeast corner of said Lot 19, being also the northeast corner of Lot 20 of said Glenbrook Addition Section One,

THENCE, with the south line of said Lot 19, being also the north line of said Lot 20, $N46^{\circ}48'16''W$, a distance of 313.71 feet to an iron rod set in the east line of said Austin Engineering tract, at the southwest corner of said Lot 19, being also the northwest corner of said Lot 20,

THENCE, with the east line of said Austin Engineering tract, $S35^{\circ}12'00''W$, a distance of 478.56 feet to an iron pipe found at the southwest corner of Lot 22B of said Resubdivision of Glenbrook Addition Sections 1 and 2, being also the northwest corner of said Lot 23,

THENCE, with the south line of said Lot 22B, being also the north line of said Lot 23, $S59^{\circ}16'53''E$, a distance of 335.25 feet to a 60-d nail set at the northeast corner of said Lot 23, being also in the west right-of-way line of said Terry Lane,

THENCE, with the west right-of-way line of said Terry Lane, being also the east line of said Lot 23, $S30^{\circ}40'56''W$, a distance of 149.57 feet to a concrete monument found at the southeast corner of said Lot 23, being also the north right-of-way line of said State Highway No. 71,

THENCE, with the south line of said Lot 23, being also the north right-of-way line of said State Highway No. 71, $N59^{\circ}15'10''W$, a distance of 346.46 feet to an iron rod found at the southwest corner of said Lot 23, being also the southeast corner of said Austin Engineering tract,

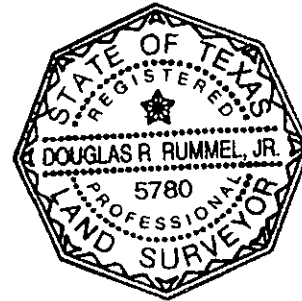
THENCE, with the south line of said Austin Engineering tract, being also the north right-of-way line of said State Highway No. 71, the following two (2) courses and distances, numbered 1 and 2,

- 1 $N59^{\circ}12'57''W$, a distance of 877.88 feet to a concrete monument found, and
- 2 $N81^{\circ}24'34''W$, a distance of 63.33 feet to the **POINT OF BEGINNING** and containing 23.440 acres of land

Surveyed By

Douglas R. Rummel, Jr. 3/2/06

Douglas R. Rummel, Jr. ~ R P L S No. 5780
CARLSON, BRIGANCE & DOERING, INC
3401 Slaughter Lane West
Austin, Texas 78748
(512) 280-5160 Fax (512) 280-5165



Bearing Basis is from the recorded deed of Austin Engineering tract
Filename: G:\DOCS\4177-001\fn-title.doc

EXHIBIT B

FIELD NOTES

BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE SANTIAGO DEL VALLE GRANT, ABSTRACT 24, SITUATED IN TRAVIS COUNTY, TEXAS, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS BEING A PORTION OF THAT CERTAIN TRACT OF LAND DESCRIBED IN A DEED TO AUSTIN ENGINEERING COMPANY, INC., RECORDED IN VOLUME 6767, PAGE 1433 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF THAT CERTAIN TRACT OF LAND DESCRIBED IN A DEED TO PAUL KELLER, RECORDED IN VOLUME 2108, PAGE 494 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF LOTS 17, 18, AND 19 OF THE GLENBROOK ADDITION, SECTION TWO, A SUBDIVISION RECORDED IN VOLUME 5, PAGE 66 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, SAID TRACT BEING 2.24 ACRES OF LAND, MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING, at an iron rod found in the north right-of-way line of State Highway No. 71, at the southeast corner of said Austin Engineering tract, also being the southwest corner of lot 23 of Glenbrook Addition Section One, a subdivision recorded in Volume 5, Page 30 of the Plat Records of Travis County, Texas

THENCE, with the common boundary line of said lot 23 and said Austin Engineering tract, N34°58'26"E, a distance of 149.81 feet to a point at the northwest corner of said lot 23, also being the southwest corner of lot 22-B of the Resubdivision of Glenbrook Addition Sections 1 and 2, recorded in Volume 32, Page 34 of the Plat Records of Travis County, Texas,

THENCE, with the common boundary line of lots 22-B, 22-A, 21-A, and 20 of said Resubdivision of Glenbrook Addition Sections 1 and 2, and said Austin Engineering tract, N35°12'00"E, at 300.91 feet passing an iron pipe found at the northwest corner of said lot 21-A, also being the southwest corner of said lot 20, in all a distance of 459.63 feet to a point on the common boundary line of said lot 20 and said Austin Engineering tract, for the **POINT OF BEGINNING** of the herein described 2.24 acre tract of land,

THENCE, leaving the common boundary line of said lot 20 and said Austin Engineering tract, and crossing said Austin Engineering tract, the following ten (10) courses and distances, numbered 1 through 10,

- 1 N79°39'48"W, a distance of 60.07 feet to a point,
- 2 N52°57'06"W, a distance of 145.30 feet to a point,
- 3 N06°06'31"E, a distance of 20.81 feet to a point,
- 4 N68°13'53"E, a distance of 74.94 feet to a point,
- 5 N36°07'22"E, a distance of 22.00 feet to a point,
- 6 N72°58'42"E, a distance of 35.28 feet to a point,
- 7 S65°32'23"E, a distance of 45.37 feet to a point,
- 8 N74°09'22"E, a distance of 93.20 feet to a point,
- 9 N76°22'10"E, a distance of 36.60 feet to a point, and
- 10 N69°33'07"E, a distance of 35.02 feet to a point on the common boundary line of said Austin Engineering tract and said Paul Keller tract,

THENCE, leaving the common boundary line of said Austin Engineering tract and said Paul Keller tract, and crossing said Paul Keller tract, the following eight (8) courses and distances, numbered 1 through 8,

- 1 N69°33'07"E, a distance of 14.36 feet to a point,
- 2 N75°18'27"E, a distance of 34.73 feet to a point,
- 3 N81°19'24"E, a distance of 30.58 feet to a point,
- 4 S89°38'42"E, a distance of 33.70 feet to a point,
- 5 S87°11'36"E, a distance of 34.26 feet to a point,
- 6 S84°15'07"E, a distance of 27.22 feet to a point,

2 24 ACRES
HISTORIC MILL TRACT
TRAVIS COUNTY, TEXAS

- 7 S76°08'09"E, a distance of 25 74 feet to a point,
- 8 N25°23'56"E, a distance of 58 09 feet to a point on the north line of said Paul Keller tract, also being the south bank of the Colorado River,

THENCE, with the north line of said Paul Keller tract and with the south bank of the Colorado River, S64°36'04"E, a distance of 215 85 feet to the northeast corner of said Paul Keller tract, also being the northwest corner of lot 17 of said Glenbrook Addition Section Two,

THENCE, with the north line of said lot 17, and with the south bank of said Colorado River, S69°19'04"E, a distance of 22 07 feet to a point,

THENCE, leaving the north line of and crossing said lot 17, the following five (5) courses and distances, numbered 1 through 5,

- 1 S20°40'56"W, a distance of 64 33 feet to a point,
- 2 S71°26'50"W, a distance of 55 83 feet to a point,
- 3 S82°31'39"W, a distance of 42 27 feet to a point,
- 4 N86°09'37"W, a distance of 60 71 feet to a point,
- 5 S22°37'35"W, a distance of 9 60 feet to a point on the common boundary line of said lot 17 and said lot 18,

THENCE, leaving the common boundary line of said lot 17 and said lot 18, and crossing said lot 18, the following five (5) courses and distances, numbered 1 through 5,

- 1 S12°02'50"W, a distance of 28 43 feet to a point,
- 2 N88°39'51"W, a distance of 78 01 feet to a point,
- 3 N41°08'59"W, a distance of 18 73 feet to a point,
- 4 N76°09'10"W, a distance of 31 61 feet to a point,
- 5 S87°09'48"W, a distance of 54 24 feet to a point on the common boundary line of said lot 18 and said lot 19,

THENCE, leaving the common boundary line of said lot 18 and said lot 19, and crossing said lot 19, the following three (3) courses and distances, numbered 1 through 3,


- 1 N75°35'18"W, a distance of 94 06 feet to a point,
- 2 S79°13'39"W, a distance of 45 69 feet to a point,
- 3 S64°04'21"W, a distance of 40 61 feet to a point on the common boundary line of said lot 19 and said Austin Engineering tract,

THENCE, with the common boundary line of said lot 19 and said Austin Engineering tract, S35°12'02"W, a distance of 59 46 feet to a point at the southwest corner of said lot 19, also being the northwest corner of said lot 20,

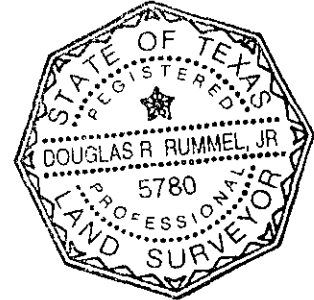
2 24 ACRES
HISTORIC MILL TRACT
TRAVIS COUNTY, TEXAS

THENCE, with the common boundary line of said lot 20 and said Austin Engineering tract, S35°12'00"W, a distance of 18 92 feet to the **POINT OF BEGINNING**, and containing 2 24 acres of land

Surveyed by

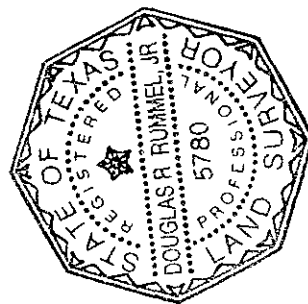

DOUGLAS R. RUMMEL, JR. ~ R.P.L.S. NO. 5780

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512-280-5160 Fax 512-280-5165

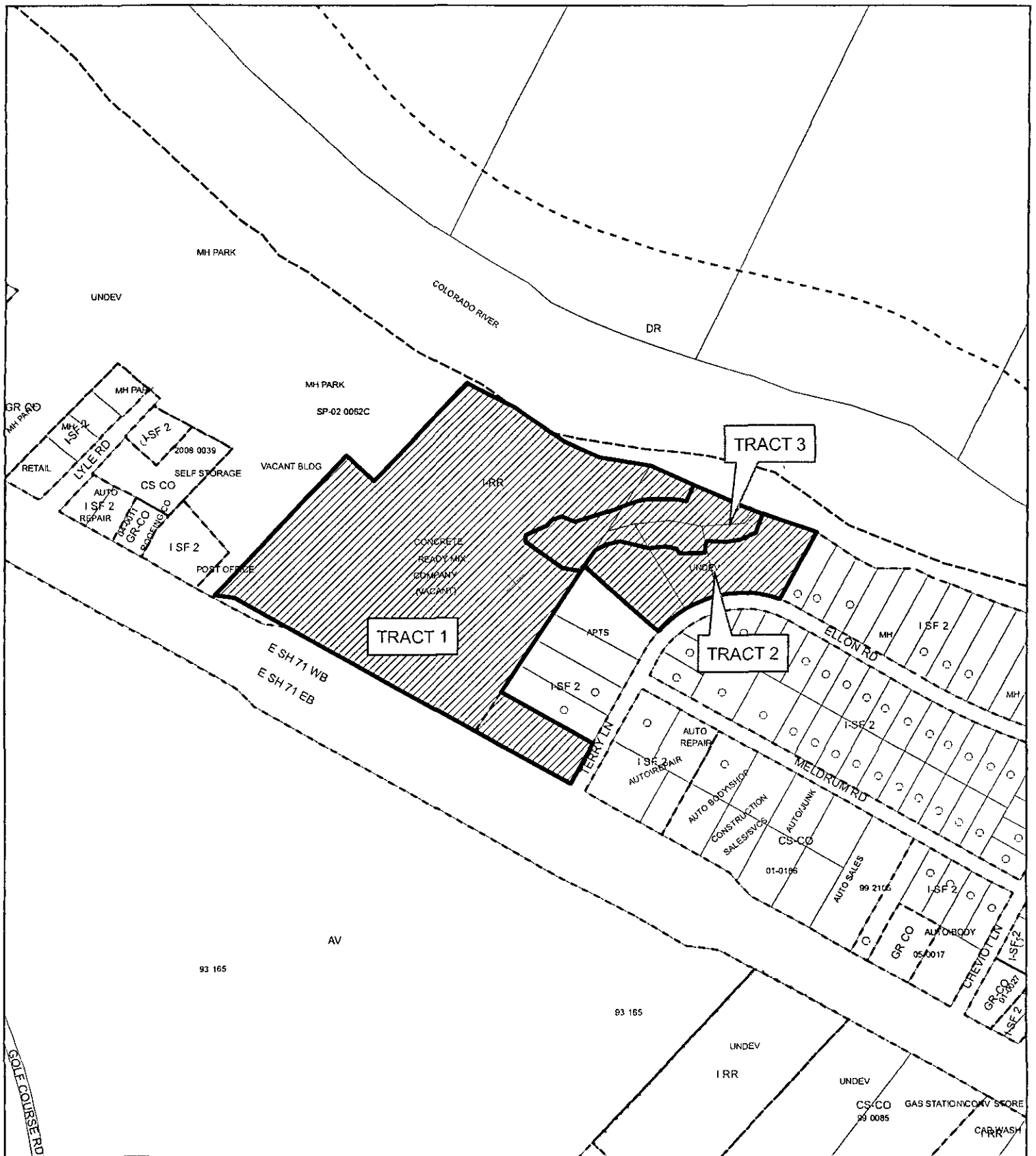


Bearing Basis from the recorded deed of the Austin Engineering tract, Volume 6767, Page 1433, Plat Records of Travis County, Texas

LINE TABLE		
LINE	LENGTH	BEARING
L1	60.07	N79°39'48"W
L2	145.30	N52°57'06"W
L3	20.81	N06°06'31"E
L4	74.94	N68°13'53"E
L5	22.00	N36°07'22"E
L6	35.28	N72°58'42"E
L7	45.37	S65°32'23"E
L8	93.20	N74°09'22"E
L9	36.60	N76°22'10"E
L10	35.02	N69°33'07"E
L11	14.36	N69°33'07"E
L12	34.73	N75°18'27"E
L13	30.58	N81°19'24"E
L14	33.70	S89°38'42"E
L15	34.26	S87°11'36"E
L16	27.22	S84°15'07"E
L17	25.74	S76°08'09"E
L18	58.09	N25°23'56"E
L19	215.85	S64°36'04"E
L20	22.07	S69°19'04"E
L21	64.33	S20°40'56"W
L22	55.83	S71°26'50"W
L23	42.27	S82°31'39"W
L24	60.71	N66°09'37"W
L25	9.60	S22°37'35"W
L26	28.43	S12°02'50"W
L27	78.01	N88°39'51"W
L28	18.73	N41°08'59"W
L29	31.61	N76°09'10"W
L30	54.24	S87°09'48"W
L31	94.06	N75°35'18"W
L32	45.69	S79°13'39"W
L33	40.61	S64°04'21"W
L34	59.46	S35°12'02"W
L35	18.92	S35°12'00"W






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ZONING *EXHIBIT C*



-  SUBJECT TRACT
-  ZONING BOUNDARY
-  PENDING CASE

OPERATOR S MECKS

ZONING CASE# C14-2007-0244
 ADDRESS 2935 E SH 71 WB, 2901, 2903 & 2905 ELLON RD, 2936 TERRY LANE
 SUBJECT AREA 23 440 ACRES
 GRID N17 & P17
 MANAGER W RHOADES



1" = 400'

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.