

ORDINANCE NO. 20090115-076

AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING FOR THE PROPERTY LOCATED AT 10019 SOUTH IH-35 AND CHANGING THE ZONING MAP FROM INTERIM-RURAL RESIDENCE (I-RR) DISTRICT ZONING TO LIMITED INDUSTRIAL SERVICE-CONDITIONAL OVERLAY (LI-CO) COMBINING DISTRICT FOR TRACT ONE, COMMUNITY COMMERCIAL-CONDITIONAL OVERLAY (GR-CO) COMBINING DISTRICT FOR TRACT 2, AND RURAL RESIDENCE-CONDITIONAL OVERLAY (RR-CO) 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 district on the property described in Zoning Case No.C14-2007-0102, on file at the Neighborhood Zoning and Planning Department, as follows:

Tract One: From interim-rural residence (I-RR) district zoning to limited industrial service-conditional overlay (LI-CO) combining district.

A 7.9 acre tract of land, more or less, out of the Santiago Del Valle Grant, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance, and

Tract Two: From interim-rural residence (I-RR) district zoning to limited industrial service-conditional overlay (LI-CO) combining district.

A 2.8 acre tract of land, more or less, out of the Santiago Del Valle Grant, the tract of land being more particularly described by metes and bounds in Exhibit "B" incorporated into this ordinance, and

Tract Three: From interim-rural residence (I-RR) district zoning to rural residence-conditional overlay (RR-CO) combining district.

A 9.9 acre tract of land, more or less, out of the Santiago Del Valle Grant, the tract of land being more particularly described by metes and bounds in Exhibit "C" incorporated into this ordinance (the "Property"),

locally known as 10019 South IH-35, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "D".

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 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.

B. The following uses are prohibited uses of Tract One:

Agricultural sales and services	Automotive rentals
Automotive repair services	Automotive sales
Automotive washing (of any type)	Bail bond services
Basic industry	Campground
Congregate living	Commercial off-street parking
Consumer convenience services	Convalescent services
Drop-off recycling collection facility	Employee recreation
Equipment sales	Financial services
Food sales	Funeral services
General retail sales (convenience)	General retail sales (general)
Group home, Class I (general)	Group home, Class I (limited)
Group home, Class II	Hotel-motel
Indoor entertainment	Indoor sports and recreation
Kennels	Laundry services
Liquor sales	Maintenance and service facilities
Medical offices (exceeding 5000 sq.ft. of gross floor area)	Medical offices (not exceeding 5000 sq.ft. of gross floor area)
Monument retail sales	Off-site accessory parking
Outdoor entertainment	Outdoor sports and recreation
Personal improvement services	Personal services
Plant nursery	Printing and publishing
Professional office	Railroad facilities
Recycling center	Research services
Residential treatment	Resource extraction
Restaurant (general)	Restaurant (limited)
Service station	Scrap and salvage
Software development	Special use historic

Theater
Transportation terminal
Veterinary services

Transitional housing
Vehicle storage

C. The following uses are conditional uses of Tract One:

Business or trade school
Community recreation (private)
Construction sales and services
Equipment repair services
Club or lodge

College and university facilities
Community recreation (public)
Convenience storage
Exterminating services

D. The following uses are prohibited uses of Tract Two:


Automotive rentals
Automotive sales
Congregate living
Drop-off recycling collection facility
Hotel-motel
Outdoor entertainment
Pawn shop services
Service station

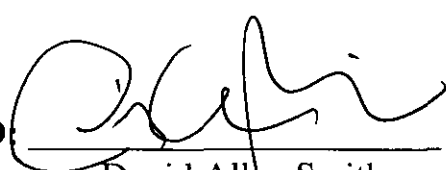
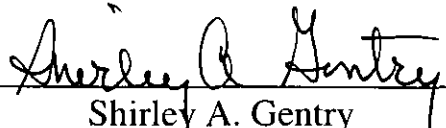
Automotive repair services
Automotive washing (of any type)
Commercial off-street parking
Exterminating services
Off-site accessory parking
Outdoor sports and recreation
Residential treatment

Except as specifically restricted under this ordinance, 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. This ordinance takes effect on January 26, 2009.

PASSED AND APPROVED

_____, January 15, 2009 §
 §
 § 
 Will Wynn
 Mayor

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



ALL POINTS SURVEYING, INC.

TRACT 1:

FIELD NOTES OF A 7.9 ACRE TRACT OF LAND OUT OF THE SANTIAGO DEL VALLE GRANT SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF THAT CERTAIN TRACT OF LAND DESCRIBED BY SPECIAL WARRANTY DEED FROM FLOYD MARTINE AND MARIE MARTINE TO OZARK BOTTLED WATER, INC., RECORDED UNDER DOCUMENT No. 2001069588, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 7.9 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING FOR REFERENCE at a ½" iron rod found on the East Right-of-Way line of Interstate Highway No. 35 South (R.O.W. varies), same being the Southwest corner of that certain tract of land conveyed to Onion Creek Development Company by Special Warranty Deed recorded in Volume 9211, Page 262 of the Real Property Records of Travis County, Texas. THENCE S 58° 09' 00" E, (Bearing Basis) with the common line of said Ozark Bottled Water, Inc. tract and said Onion Creek Development Company tract, a distance of 205.00 ft. to a point for the Northwest corner and the PLACE OF BEGINNING hereof;

THENCE continuing with the common line of said of said Ozark Bottled Water, Inc. tract and said Onion Creek Development Company tract, the following three (3) courses and distances:

- 1.) S 58° 09' 00" E, a distance of 318.86 ft. to a ½" iron rod found for an angle point,
- 2.) S 21° 01' 10" E, a distance of 194.60 ft. to a ½" iron rod found for an angle point,
- 3.) S 52° 43' 41" E, a distance of 693.60 ft. to a ½" iron rod found for the Northeast corner hereof;

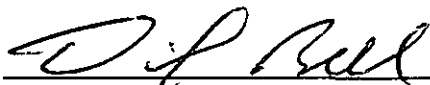
THENCE S 65° 34' 05" W, over and across said Ozark Bottled Water, Inc. tract, a distance of 446.44 ft. to a point in the approximate centerline of Slaughter Creek, same being in the common line of said Ozark Bottled Water, Inc. tract and Lot 1, Block A, Final Plat of Keesee Addition, Section One, a subdivision in the City of Austin, Travis County, Texas, recorded under Document No. 200100252, Plat Records of Travis County, Texas, for the Southeast corner hereof;

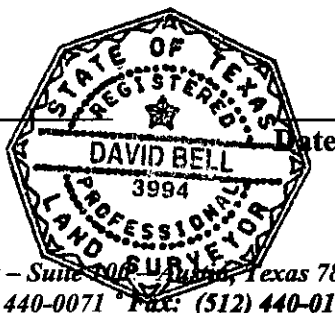
THENCE with the common line of said Ozark Bottled Water, Inc. tract and said Lot 1, the following four (4) courses and distances:

- 1.) N 22° 03' 08" W, a distance of 193.11 ft.
- 2.) N 50° 43' 10" W, a distance of 395.90 ft.
- 3.) N 85° 50' 59" W, a distance of 167.72 ft. to a point for the Southwest corner hereof;
- 4.) S 82° 04' 17" W, a distance of 40.20 ft.

THENCE N 10° 54' 35" E, over and across said Ozark Bottled Water, Inc. tract, a distance of 527.93 ft. to the **PLACE OF BEGINNING** and containing 7.9 acres of land, more or less.

This metes and bounds description was prepared from a survey performed by LANDATA, inc., dated 12-30-02.


DAVID BELL
R.P.L.S. No. 3994
JOB No. 11R25508



12/9/08

611 South Congress - Suite 200 - Austin, Texas 78704
Telephone: (512) 440-0071 • Fax: (512) 440-0199



ALL POINTS SURVEYING, INC.

TRACT 2:

FIELD NOTES OF A 2.8 ACRE TRACT OF LAND OUT OF THE SANTIAGO DEL VALLE GRANT SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF THAT CERTAIN TRACT OF LAND DESCRIBED BY SPECIAL WARRANTY DEED FROM FLOYD MARTINE AND MARIE MARTINE TO OZARK BOTTLED WATER, INC., RECORDED UNDER DOCUMENT No. 2001069588, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 2.8 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½" iron rod found on the East Right-of-Way line of Interstate Highway No. 35 South (R.O.W. varies), same being the Southwest corner of that certain tract of land conveyed to Onion Creek Development Company by Special Warranty Deed recorded in Volume 9211, Page 262 of the Real Property Records of Travis County, Texas for the Northwest corner hereof;

THENCE S 58° 09' 00" E, (*Bearing Basis*) with the common line of said Ozark Bottled Water, Inc. tract and said Onion Creek Development Company tract, a distance of 205.00 ft. to a point for the Northeast corner hereof;

THENCE S 10° 54' 35" W, over and across said Ozark Bottled Water, Inc. tract, a distance of 527.93 ft. to a point in the approximate centerline of Slaughter Creek, same being in the common line of said Ozark Bottled Water, Inc. tract and Lot 1, Block A, Final Plat of Keesee Addition, Section One, a subdivision in the City of Austin, Travis County, Texas, recorded under Document No. 200100252, Plat Records of Travis County, Texas, for the Southeast corner hereof;

THENCE with the common line of said Ozark Bottled Water, Inc. tract and said Lot 1, the following two (2) courses and distances:

- 1.) S 82° 04' 17" W, a distance of 163.08 ft.
- 2.) S 66° 01' 05" W, a distance of 58.24 ft. to a point in the said Right-of-Way line of Interstate Highway No. 35 for the Southwest corner hereof;

THENCE along said Right-of-Way line, the following three (3) course and distances:

- 1.) N 15° 52' 14" E, a distance of 169.19 ft.
- 2.) N 01° 57' 59" E, a distance of 206.15 ft.

3.) N 16° 00' 09" E, a distance of 316.21 ft. to the **PLACE OF BEGINNING** and containing 2.8 acres of land, more or less.

This metes and bounds description was prepared from a survey performed by LANDATA, inc., dated 12-30-02.

David Bell

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Date 12/9/08

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ALL POINTS SURVEYING, INC.

TRACT 3:

FIELD NOTES OF A 9.9 ACRE TRACT OF LAND OUT OF THE SANTIAGO DEL VALLE GRANT SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF THAT CERTAIN TRACT OF LAND DESCRIBED BY SPECIAL WARRANTY DEED FROM FLOYD MARTINE AND MARIE MARTINE TO OZARK BOTTLED WATER, INC., RECORDED UNDER DOCUMENT No. 2001069588, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 9.9 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING FOR REFERENCE at a ½" iron rod found on the East Right-of-Way line of Interstate Highway No. 35 South (R.O.W. varies), same being the Southwest corner of that certain tract of land conveyed to Onion Creek Development Company by Special Warranty Deed recorded in Volume 9211, Page 262 of the Real Property Records of Travis County, Texas. THENCE with the common line of said Ozark Bottled Water, Inc. tract and said Onion Creek Development Company tract, the following three (3) courses and distances:

- 1.) S 58° 09' 00" E, (Bearing Basis) a distance of 523.86 ft. to a an iron rod found***
- 2.) S 21° 01' 10" E, a distance of 194.60 ft. to a an iron rod found***
- 3.) S 52° 43' 41" E, a distance of 693.60 ft. to a an iron rod found for the Northeast corner and the PLACE OF BEGINNING hereof;***

THENCE continuing with the common line of said of said Ozark Bottled Water, Inc. tract and said Onion Creek Development Company tract, the following two (2) courses and distances:

- 1.) S 22° 52' 58" W, a distance of 1060.48 ft. to a ½" iron rod found for an angle point,**
- 2.) S 30° 20' 16" W, a distance of 1010.95 ft. to a point in the approximate centerline of Slaughter Creek, same being at the most Easterly corner of that certain tract of land conveyed to James Martine under Document No. 2005059959, Official Public Records of Travis County, Texas, for the Southeast corner hereof;**


THENCE N 41° 19' 34" W, with the common line of said James Martine tract, said Ozark Bottled Water, Inc. tract and the approximate centerline of Slaughter Creek, a distance of 144.22 ft, to a point for a Northeasterly corner of said Martine tract and an inside ell corner of Lot 1, Block A, Final Plat of Keesee Addition, Section One, a subdivision in the City of Austin, Travis County, Texas, recorded under Document No. 200100252, Plat Records of Travis County, Texas, for the Southwest corner hereof;

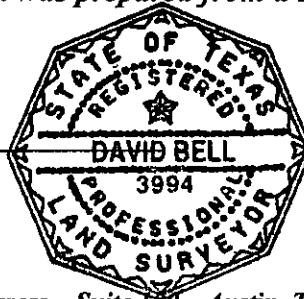
THENCE continuing with the common line of said Ozark Bottled Water, Inc. tract, said Lot 1, Keesee Addition and the approximate centerline of Slaughter Creek, the following eight (8) courses and distances:

- 1.) N 04° 36' 16" E, a distance of 183.63 ft.
- 2.) N 25° 26' 14" E, a distance of 316.76 ft.
- 3.) N 29° 41' 33" E, a distance of 456.42 ft.
- 4.) N 33° 47' 54" E, a distance of 202.98 ft.
- 5.) N 23° 31' 08" E, a distance of 218.81 ft.
- 6.) N 28° 49' 56" E, a distance of 167.32 ft.
- 7.) N 08° 42' 14" W, a distance of 99.95 ft.
- 8.) N 22° 03' 08" W, a distance of 82.33 ft. to a point for the Northwest corner hereof;

THENCE N 65° 34' 05" E, over and across said Ozark Bottled Water, Inc. tract, a distance of 446.44 ft. to the **PLACE OF BEGINNING** and containing 9.9 acres of land, more or less.

This metes and bounds description was prepared from a survey performed by LANDATA, inc., dated 12-30-02.

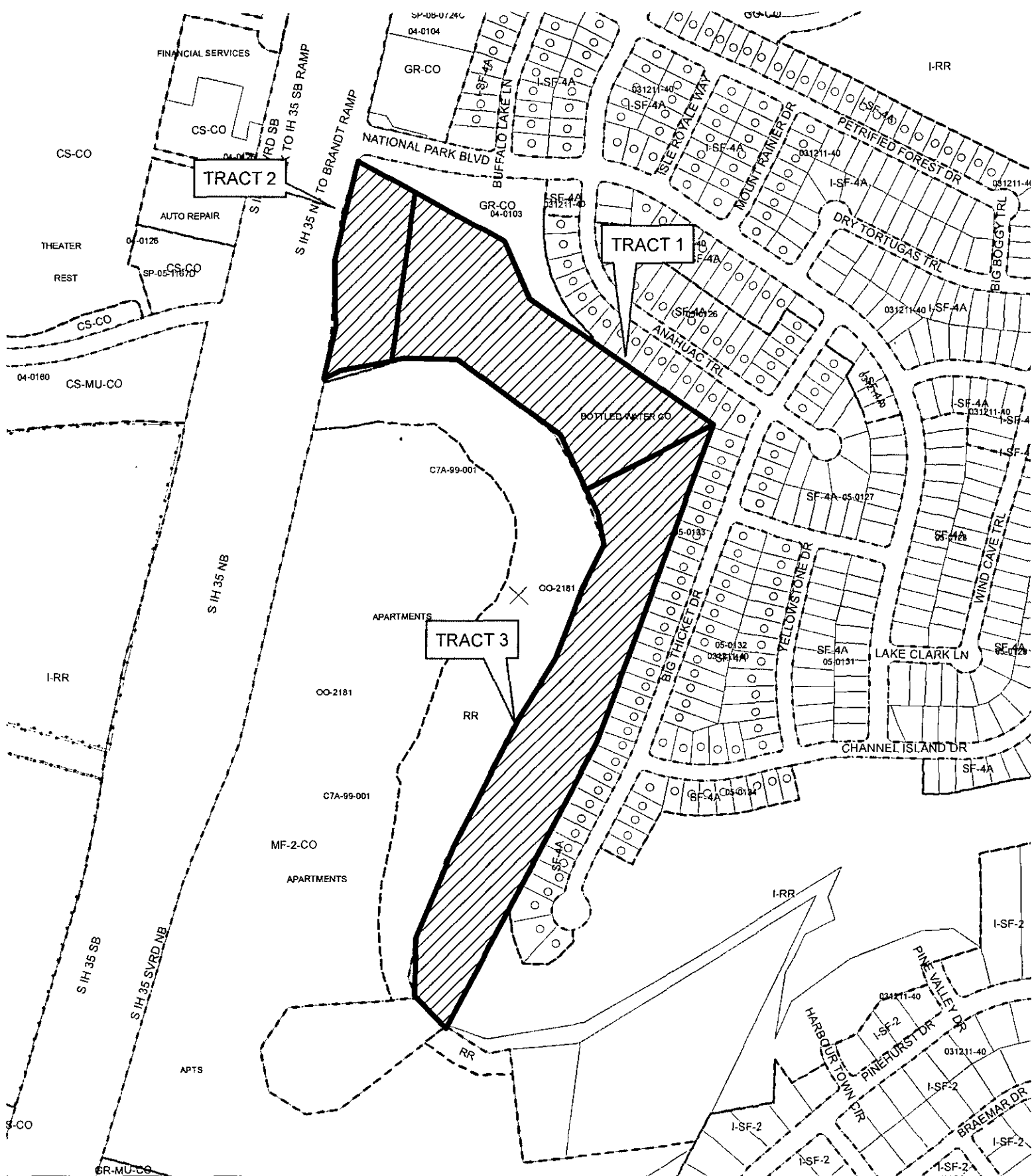

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
Date

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ZONING Exhibit D

-  **SUBJECT TRACT**
-  **ZONING BOUNDARY**
-  **PENDING CASE**

OPERATOR: S. MEEKS

ZONING CASE#: **C14-2007-0102**
 ADDRESS: **10019 IH 35 S**
 SUBJECT AREA: **20.60 ACRES**
 GRID: **G12**
 MANAGER: **W. RHOADES**



1" = 400'

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