

**ORDINANCE NO. 20090226-040**

**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 5811 SOUTHWEST PARKWAY FROM NEIGHBORHOOD COMMERCIAL-CONDITIONAL OVERLAY (LR-CO) COMBINING DISTRICT TO NEIGHBORHOOD COMMERCIAL-CONDITIONAL OVERLAY (LR-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 neighborhood commercial-conditional overlay (LR-CO) combining district to neighborhood commercial-conditional overlay (LR-CO) combining district on the property described in Zoning Case No. C14-2008-0239, on file at the Neighborhood Planning and Zoning Department, as follows:

A 3.026 acre tract of land, more or less, out of the Thomas Anderson Survey No. 17, 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 5811 Southwest Parkway, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

**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 the Property:

Custom manufacturing  
Service station

Off-site accessory parking

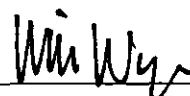
Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the neighborhood commercial (LR) base district, and other applicable requirements of the City Code.

**PART 3.** This ordinance takes effect on March 9, 2009.

**PASSED AND APPROVED**

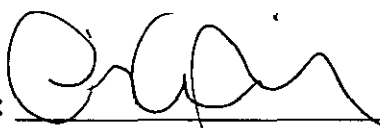
February 26, 2009

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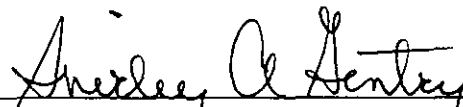
Will Wynn  
Mayor

**APPROVED:**



David Allan Smith  
City Attorney

**ATTEST:**



Shirley A. Gentry  
City Clerk

**FIELD NOTES DESCRIPTION**

DESCRIPTION OF 3.026 ACRES OF LAND IN THE THOMAS ANDERSON SURVEY NO. 17, CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; BEING ALL OF THAT CERTAIN TRACT OF LAND CALLED 2.99 ACRES AS DESCRIBED IN THE DEED DATED MARCH 27, 2003, FROM VIRGINIA ADELIA OUELETTE TO ANDY CRITES AND JOY ELLEN CRITES, HUSBAND AND WIFE, OF RECORD IN DOCUMENT 2003098046, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 2.99 ACRE TRACT BEING A PORTION OF A CALLED 64.97 ACRE TRACT DESCRIBED IN A DEED DATED NOVEMBER 15, 1944, FROM E.A. HUEBNER TO W.O. HARPER OF RECORD IN VOLUME 751, PAGE 135, DEED RECORDS OF TRAVIS COUNTY, TEXAS; SAID 3.026 ACRES OF LAND, AS SURVEYED BY LOOMIS AUSTIN, INC. AND SHOWN ON PLAN NO. 3130, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a ½-inch iron rod with plastic cap stamped "LAI" set in the south right-of-way line of Southwest Parkway, a varying width right-of-way, being the northeast corner of said called 2.99 acre tract, being the northwest corner of the remainder of a called 50.04 acre tract described in a deed dated February 28, 1947, from Sterzing and Miles to C.C. Roe and wife Vern Roe, said remainder tract granted in the deed to The Carl and Verne Roe Family Trust as described in the deed of record in Volume 13401, Page 459, Real Property Records of Travis County, Texas, same being in the east line of said 64.97 acre tract, and being the northeast corner and **POINT OF BEGINNING** of the tract described herein, from which a calculated point for the northeast corner of said 64.97 acre tract, by previous deed call bears N 31° 48' 37" E a distance of 10.99 feet;

**THENCE**, leaving the south right-of-way line of said Southwest Parkway with the fenced east line of said 2.99 acre tract, same being the east line of said 64.97 acre tract, and being the west line of said Roe tract, the following two (2) courses and distances:

- 1) S 31° 48' 37" W a distance of 509.29 feet to a 10-in Elm tree, and
- 2) S 31° 58' 37" W a distance of 109.74 feet to a ½-inch iron rod with plastic cap stamped "LAI" set for the southeast corner of the tract described herein, same being the most eastern northeast corner of Lot 1, Block A, Harper's Park Subdivision Section One, a subdivision according to the plat of record in Plat Book Volume 100, Page 196, Plat Records of Travis County, Texas, from which a 28-in Live Oak tree for reference bears S 31° 58' 37" W a distance of 609.62 feet and from said Live Oak tree a ¾-inch iron pipe found for the southeast corner of said 64.97 acre tract, being the northern southwest corner of said 50.04 acre tract and an ell corner of said Lot 1 bears S 31° 35' 00" W (bearing basis of this description) a distance of 546.20 feet;

**THENCE** N 59° 12' 51" W, leaving the east line of said 64.97 acre tract, same being the west line of said Roe tract, and crossing said 64.97 acre tract, with the south line of said 2.99 acre tract, same being a northern line of said Lot 1, a distance of 211.49 feet to a fence post found for the southwest corner of said 2.99 acre tract and of the tract described herein, same being a re-entrant corner of said Lot 1;

**THENCE** N 31° 42' 09" E, continuing across said 64.97 acre tract with the west line of said 2.99 acre tract, same being a northern east line of said Lot 1, a distance of 622.44 feet to a 1½-inch brass disk stamped "CUNNINGHAM & GRAY" found in the south right-of-way line of said Southwest Parkway for the northwest corner of said 2.99 acre tract, same being the most northern northeast corner of said Lot 1, and being the northwest corner of the tract described herein;

3.026 acre  
Thomas Anderson. Sur. No. 17  
City of Austin, Travis County, Texas

LAI Job No.030211  
FN0471(wdo)  
Page 2 of 2

**THENCE** S 58° 17' 27" E, with the south right-of-way line of said Southwest Parkway, same being the north line of said 2.99 acre tract, a distance of 212.95 feet to the **POINT OF BEGINNING** and containing 3.026 acres of land, more or less.

**BEARING BASIS:** The bearing basis for this survey is oriented to the most southern southeast line segment of the said 64.97 acre tract as called for in the deed of record in Volume 751, Page 135, Deed Records of Travis County, Texas and found marked on the ground with the original monuments. The record deed call for the line is S 31° 35' W a distance of 196.6 varas (546.11 feet). The surveyed distance was found to be 546.20 feet.

LAI WORD FILE: FN0471(wdo)

LAI PLAN NO. 3130

THE STATE OF TEXAS

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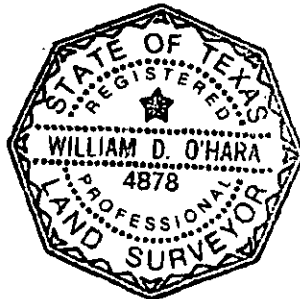
KNOW ALL MEN BY THESE PRESENTS

COUNTY OF TRAVIS

That I, William D. O'Hara, a Registered Professional Land Surveyor, do hereby certify that the above description and the accompanying plat is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground during the months of May and June 2004, under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas on this 3 of June 2004 A.D.

Loomis Austin, Inc.  
Austin, Texas 78746



*William D. O'Hara*

William D. O'Hara  
Registered Professional Land Surveyor No. 4878  
State of Texas

**FILED AND RECORDED**

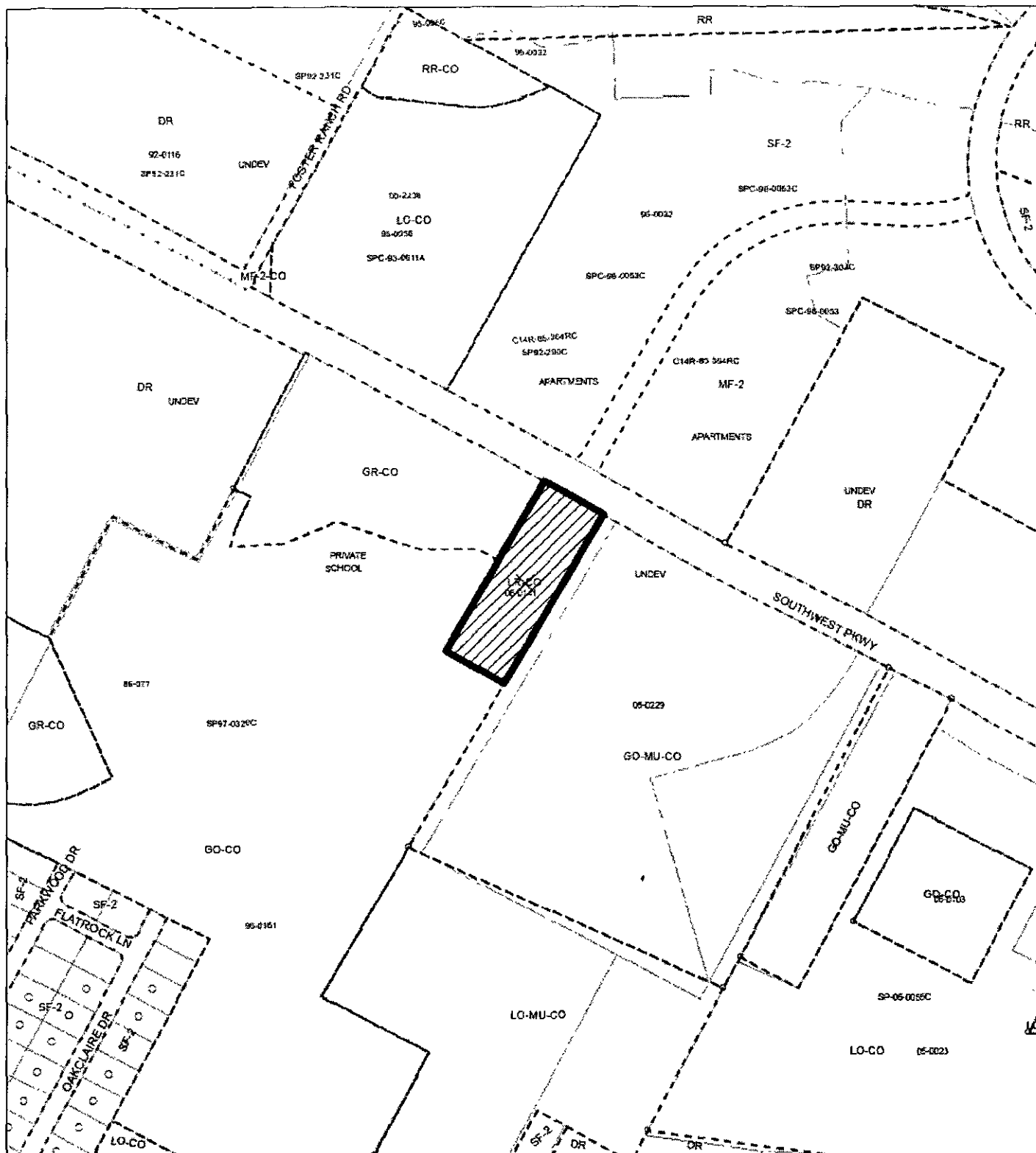
OFFICIAL PUBLIC RECORDS

*Dana DeBeauvoir*

2006 Nov 14 12:42 PM 2006220067

ESPINOZAC \$28.00

DANA DEBEAUVOIR COUNTY CLERK  
TRAVIS COUNTY TEXAS



**SUBJECT TRACT**

**ZONING BOUNDARY**

**PENDING CASE**

**OPERATOR: S. MEEKS**

### ZONING EXHIBIT B

ZONING CASE#: **C14-2008-0239**  
 ADDRESS: **5811 SOUTHWEST PKWY**  
 SUBJECT AREA: **3.026 ACRES**  
 GRID: **D20**  
 MANAGER: **S. RYE**



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.