

**ORDINANCE NO. 20090326-062**

**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 11600 NORTH IH-35 SERVICE ROAD SOUTHBOUND FROM NEIGHBORHOOD COMMERCIAL (LR) 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 neighborhood commercial (LR) district to general commercial services-conditional overlay (CS-CO) combining district on the property described in Zoning Case No. C14-2008-0214, on file at the Neighborhood Planning and Zoning Department, as follows:

A 12,059 square foot tract of land, more or less, out of Lots 161 and 162, Walnut Forest Subdivision, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance (the "Property"),

locally known as 11600 North IH-35 Service Road Southbound, 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. A 25-foot wide buffer shall be established from the west property line and continuing the entire length of the same west property line. 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.
- C. Development of the Property may not exceed a height of 40 feet from ground level.

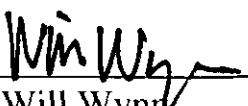
- D. Development of the Property may not exceed three stories.
- E. A fence shall be provided and maintained for screening the property from the adjacent residential uses.
- F. The following uses are prohibited uses of the Property:

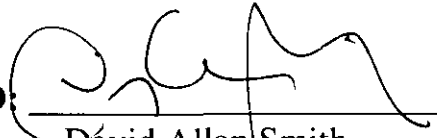
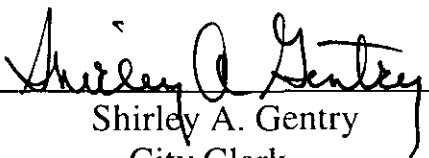
Agricultural sales and services	Automotive rental
Automotive repair services	Automotive sales
Automotive washing (of any type)	Bail bond services
Building maintenance services	Business or trade school
Business support services	Campground
Commercial blood plasma center	Commercial off-street parking
Communications services	Convenience storage
Drop-off recycling collection facility	Electronic prototype assemble
Electronic testing	Equipment repair services
Exterminating services	Food preparation
Funeral services	Hotel-motel
Indoor entertainment	Indoor sports & recreation
Kennels	Laundry service
Medical offices (exceeding 5000 sq.ft. of gross floor area)	Monument retail sales
Outdoor sports & recreation	Outdoor entertainment
Plant nursery	Pawn shop services
Research assembly services	Recreational equipment maintenance & storage
Research services	Theater
Vehicle storage	Veterinary services
Custom manufacturing	Limited warehousing & distribution
Community recreation (private)	Congregate living
Community recreation (public)	Hospital services (general)
Group homes, Class II	Maintenance & service facilities
Hospital services (limited)	Transitional housing
Residential treatment	
Transportation terminal	

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 April 6, 2009.

**PASSED AND APPROVED**

March 26, 2009      §  
§  
§        
Will Wynn  
Mayor

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

# EXHIBIT A

## FIELD NOTES

ALL THAT CERTAIN PARCEL OR TRACT OF LAND OUT OF THE J.C. HARRELSON SURVEY NO. 78, CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; BEING THE SOUTH SEVENTY (70) FEET OF LOTS 161 AND 162, WALNUT FOREST, A SUBDIVISION AS RECORDED IN BOOK 6, PAGE 127 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS; AND BEING ALL OF A TRACT AS CONVEYED TO CARVEN DEAN HARRIS BY WARRANTY DEED RECORDED IN DOCUMENT NO. 2004175922 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½" iron pipe found on the north right-of-way line of Covington Drive at the southwest corner of the above described Lot 161 for the southwest corner and POINT OF BEGINNING of the herein described tract;

THENCE, with the west line of said Lot 161, N04°53'01"E a distance of 70.00 feet to a ½" iron rod set with cap stamped TERRA FIRMA for the northwest corner of this tract;


THENCE S85°15'28"E a distance of 176.32 feet to an "X" set in concrete on the west right-of-way line of Interstate Highway 35 for the northeast corner of this tract;

THENCE, with the west right-of-way line of Interstate Highway 35, the following two (2) courses:

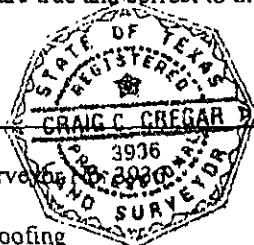
- 1) S11°29'00"W a distance of 66.60 feet to a ½" iron rod found at a point of nontangent curvature of a curve to the left; and;
- 2) Along said curve to the left an arc distance of 3.89 feet, having a radius of 5,576.64 feet and a chord which bears S11°24'03"W a distance of 3.89 feet to a ½" iron rod found at the intersection with the north right-of-way line of Covington Drive for the southeast corner of this tract;

THENCE, with the north right-of-way line of Covington Drive, N85°15'28"W a distance of 168.23 feet to the POINT OF BEGINNING, and containing 12,059 square feet of land, more or less.

I HEREBY CERTIFY that these notes were prepared by Terra Firma Land Surveying from a survey made on the ground on February 4, 1998 under the supervision of William B. O'Hara, RPLS No. 4878, and are true and correct to the best of my knowledge.

  
Craig C. Cregar

Registered Professional Land Surveyor

















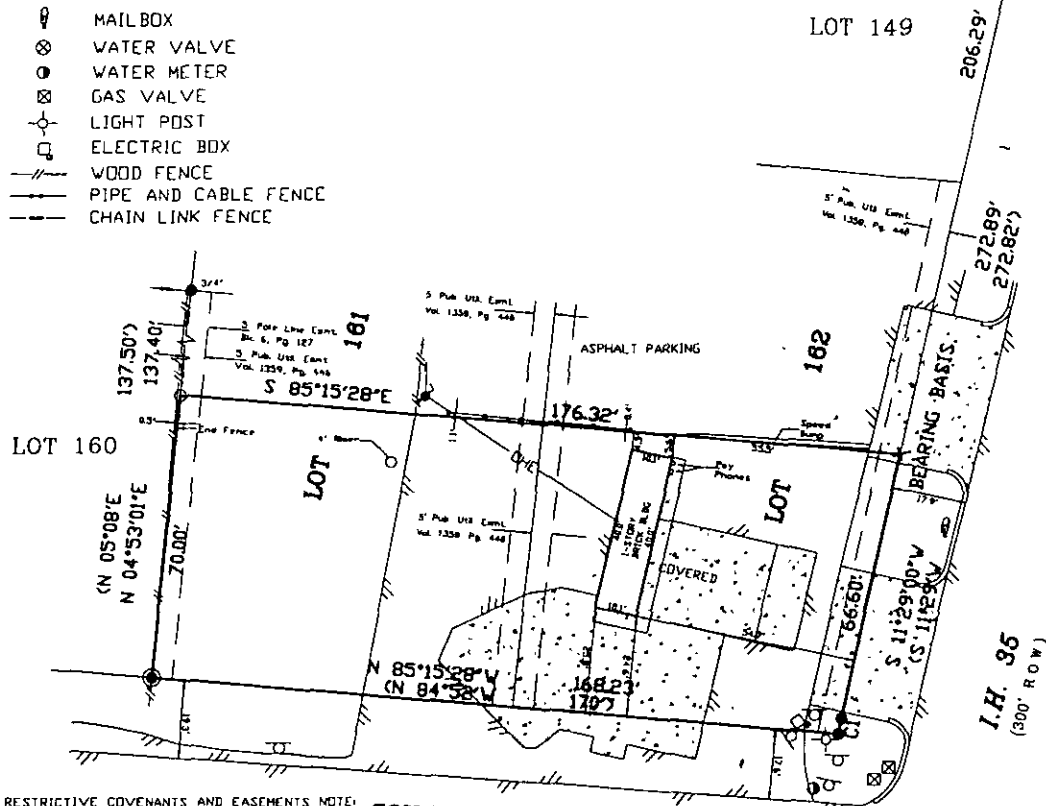
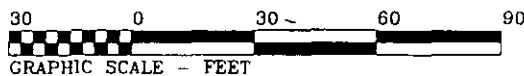
8/21/08  
Date

Client: Tex-Tar Water Proofing  
Date: August 21, 2008  
WO No.: 0A500-123-00/001  
FB: 262  
File: C:\COGODATA\AUS8\10010101.CRD

SURVEY PLAT

-of the South 70' of Lots 161 and 162, Walnut  
Forest, a subdivision in Travis County, Texas  
as recorded in Plat Book/Volume 6,  
Page 127, Plat Records of  
Travis County, Texas

- 1/2" IRON ROD SET W/  
 CAP STAMPED "TERRA FIRMA"  
 ● 1/2" IRON PIPE FOUND  
 ● 5/8" IRON ROD FOUND  
 (UNLESS NOTED)  
 X X MARK IN CONCRETE SET  
 ( ) RECORD INFORMATION  
 B.L. BUILDING LINE  
 CONCRETE  
 POWER POLE  
 OVERHEAD ELECTRIC LINE  
 SIGN  
 EDGE OF ASPHALT  
 MAILBOX  
 WATER VALVE  
 WATER METER  
 GAS VALVE  
 LIGHT POST  
 ELECTRIC BOX  
 WOOD FENCE  
 PIPE AND CABLE FENCE  
 CHAIN LINK FENCE



**COVINGTON DRIVE**

A 5' Electric and Telephone Line Easement as recorded in Volume 4177, Page 287 of the Deed Records of Travis County, Texas DOES AFFECT the subject lot

CURVE	RADIUS	LENGTH	CHORD	CH. BEARING
C1	5576.64'	3.89'	3.89' (3.88')	S 11°24'03"W (S 11°31'W)

All easements of which I have knowledge and those recorded easements furnished by Stewart Title Company \_\_\_\_\_ according to File No. 98010211 \_\_\_\_\_ are shown or depicted hereon. Other than visible easements, no unrecorded or unwritten easements which may exist are shown hereon.

I HEREBY CERTIFY that a survey was made January 21, 1998, on the ground of the property shown hereon; that there are no visible discrepancies, boundary line conflicts, encroachments, overlapping of improvements, easements or right-of-way, except as shown; that said property has access to the \_\_\_\_\_ from a \_\_\_\_\_ roadway and that this plat is an accurate representation to the \_\_\_\_\_ knowledge.

For William D. O'Hara  
Registered Professional Land Surveyor

THIS SURVEY PLAT IS VALID ONLY IF IT BEARS THE ORIGINAL SEAL OF THE ABOVE SURVEYOR

Client : Masood "Mike" Helforosh  
Date : January 28, 1998  
Office : B O'Hara, B Eggleston  
Crew : L Bond, M Snyder  
FB : 262/10  
Job No : 1001-01-01  
Disk : C:\CGODATA\AUS8\10010101.crd C:\PROJ98\10010101.dwg

**terra  
firma** LAND SURVEYING  
AND PLANNING, INC.

5422-9 Res. Econ. Behav. Analysis. Term. 70244 - 612/336-6174 Fax: 612/336-6175

