

**ORDINANCE NO. 20090423-081**

**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 5316 ED BLUESTEIN BOULEVARD IN THE MLK NEIGHBORHOOD PLAN AREA FROM COMMUNITY COMMERCIAL-NEIGHBORHOOD PLAN (GR-NP) COMBINING DISTRICT TO GENERAL COMMERCIAL SERVICES-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (CS-CO-NP) 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 community commercial-neighborhood plan (GR-NP) combining district to general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district on the property described in Zoning Case No. C14-2009-0009, on file at the Neighborhood Planning and Zoning Department, as follows:

A 1.185 acre tract of land, more or less, out of the Jesse C. Tannehill League, Abstract No. 22, 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 5316 Ed Bluestein Boulevard, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

**PART 2.** Except as specifically provided in Part 3 and Part 4 of 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.** 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:

Agricultural sales and services  
Automotive repair services  
Automotive washing (of any type)  
Construction sales and services  
Equipment sales  
Exterminating services  
Funeral services  
Monument retail sales  
Pet services  
Service station  
Vehicle storage

Automotive rentals  
Automotive sales  
Campground  
Drop-off recycling collection  
facility  
Food sales  
Kennels  
Pawn shop services  
Plant nursery  
Veterinary services

**PART 4.** The Property is subject to Ordinance No. 021107-Z-12c that established the MLK neighborhood plan combining district.

**PART 5.** This ordinance takes effect on May 4, 2009.

**PASSED AND APPROVED**

\_\_\_\_\_, April 23, 2009      §  
   §  
   §  
   \_\_\_\_\_  
   Will Wynn  
   Mayor

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

## Field Notes

BEING 1.185 ACRES OF LAND, MORE OR LESS, OUT OF AND A PART OF THE  
JESSE C. TANNEHILL LEAGUE, ABSTRACT No. 22 IN TRAVIS COUNTY,  
TEXAS, SAME BEING THE REMAINDER OF LOT 1, "TMTA" SUBDIVISION  
RECORDED IN BOOK 88, PAGE 332 OF THE PLAT RECORDS OF TRAVIS  
COUNTY, TEXAS CONVEYED TO CAPITAL METROPOLITAN TRANSPORTATION  
AUTHORITY BY SPECIAL WARRANTY DEED EXECUTED ON JUNE 16, 2003,  
FILED FOR RECORDED ON JUNE 19, 2003 AND RECORDED IN DOCUMENT  
2003138265 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY,  
TEXAS, SAID 1.185 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED  
BY METES AND BOUNDS AS FOLLOWS AND AS SHOWN ON THE ATTACHED  
SKETCH:

BEGINNING at a TxDOT brass disc found in a westerly right-of-way line of US Highway 183 (right-of-way varies) known locally as Ed Bluestein Boulevard, same being the most easterly corner of the remainder of said Lot 1, for the Point of Beginning and the most easterly corner of the herein described tract of land having coordinate (Texas State Plane, Central Zone, NAD 83 CORS96, US feet, Combined Scale Factor of 1.00006) values of N=10079537.14, E=3138699.96;

1) THENCE, South 11°36'36" West, a distance of 167.51 feet, with a westerly right-of-way line of US Highway 183, and a southeasterly line of the remainder of said Lot 1, to a calculated point at the most southerly corner of the remainder of said Lot 1, and the most easterly corner of the remainder of Lot 2, of said "TMTA" Subdivision, conveyed to Capital Metropolitan Transportation Authority by Special Warranty Deed recorded in Document 2003138265 of the Official Public Records of Travis County, Texas, for the most southerly corner of the herein described tract of land, from which a TxDOT Aluminum disc found bears South 60°12'52" East, a distance of 0.66 feet, and from said calculated point a TxDOT brass disc found in a westerly line of US Highway 183 and in a southeasterly line of the remainder of Lot 2, of said "TMTA" Subdivision, bears South 11°36'36" West, a distance of 87.09 feet:

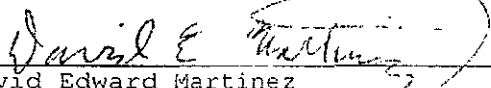
2) THENCE, North 56°06'45" West, a distance of 380.00 feet, with a southwesterly line of said Lot 1, and a northeasterly line of Lot 2, of said "TMTA" Subdivision, to a calculated point at the most westerly corner of said Lot 1 and the most northerly corner of Lot 2, of said TMTA Subdivision, same being in a southeasterly line of Lot 2, Amended Plat of Lots 1, 2 and 3 of Oriens Park Section Five, conveyed to Baer Engineering and Environmental Consulting, Inc. and Therese M. Baer by Special Warranty deed recorded in Document 2007151102 of the Official Public Records of Travis County, Texas, for the most westerly corner of the herein described tract of land, from which a 1/2 inch iron rod found bears South 75°18'41" West, a distance of 0.50 feet, and from said calculated point, a 1/2 inch iron rod found, in a northwesterly line of Lot 2, of said "TMTA" Subdivision, at the most southerly corner of Lot 2, of said Amended Plat of Lots 1, 2 and 3 of Oriens Park Section Five, bears South 27°41'23" East, a distance of 354.35 feet;

3) THENCE, North 27°41'23" East, a distance of 108.15 feet, with a northwesterly line of said Lot 1, and a southeasterly line of Lot 2, of said Amended Plat of Lots 1, 2 and 3 of Oriens Park Section Five, to a 1/2 inch iron rod found in the southwesterly right-of-way line of East 51<sup>st</sup> Street, (90' Right-of-way) at the most northerly corner of said Lot 1 and the most easterly corner of Lot 2, of said Amended Plat of Lots 1, 2 and 3 of Oriens Park Section Five, for the most northerly corner of the herein described tract of land;

4) THENCE, South 69°25'42" East, a distance of 289.92 feet, with a southwesterly line of East 51<sup>st</sup> Street, and a northeasterly line of said Lot 1, to a TxDOT brass disc found in a westerly line of US Highway 183, at a northeasterly corner of the remainder of said Lot 1, for an easterly corner of the herein described tract of land;

5) THENCE, South 33°23'22" East, a distance of 49.92 feet, with a westerly line of US Highway 183 and a northeasterly line of the remainder of said Lot 1, to the Point of Beginning and containing an area of 1.185 acres of land, more or less.

I hereby declare that this survey was made on the ground, under my supervision, and that it substantially complies with the current Texas Society of Professional Surveyors standards.

  
David Edward Martinez  
Registered Professional Land Surveyor 5434

07/06/09  
Date

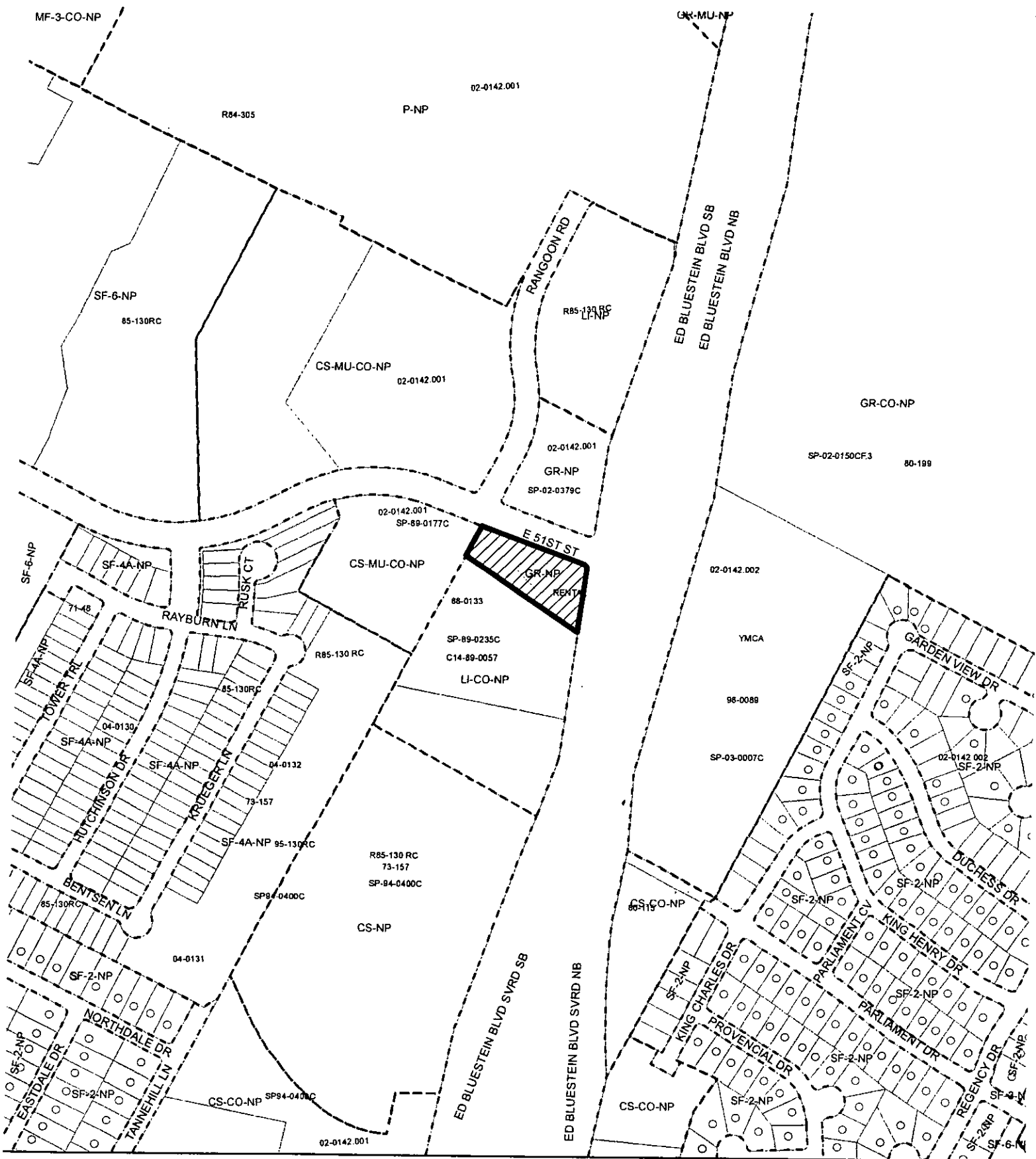
305 East Huntland Drive  
Suite 200  
Austin, Texas 78752  
(512) 453-0767



Bearing Basis: Texas State Plane, Central Zone, NAD83 CORS96

TCAD No.: 0214260114  
CITY GRID No.: N24

TRAVIS COUNTY, TEXAS



# ZONING EXHIBIT B

ZONING CASE#: C14-2009-0009  
 ADDRESS: 5316 ED BLUESTEIN BLVD  
 SUBJECT AREA: 1.19 ACRES  
 GRID: N24  
 MANAGER: J. HARDEN

OPERATOR: S. MEEKS  
 1" = 400'

