

ZONING CHANGE REVIEW SHEET

CASE: C14-2008-0233 Ranch Road Zoning Case

Z. P. C. DATE: 05-19-2009

ADDRESS: 11401 Ranch Road 2222

AREA: 2.737 acres

APPLICANT: LTBS 2222 Ltd.
(M. Armstrong)

AGENT: McLean & Howard. L.L.P.
(Jeffery S. Howard)

NEIGHBORHOOD PLAN AREA: N/A

CAPITOL VIEW: No

T.I.A.: No

HILL COUNTRY ROADWAY: Yes

WATERSHED: Lake Travis/Panther Hollow

DESIRED DEVELOPMENT ZONE: No

ZONING FROM: I-RR

ZONING TO: CS-1-CO

SUMMARY STAFF RECOMMENDATION:

Staff recommends GR-CO Community Commercial-Conditional Overlay for Tract 1 and CS-1-CO Commercial-Liquor Sales – Conditional Overlay for Tract 2. The Conditional Overlay on Tract 1 would limit the vehicle trips to 2000 per day. The Conditional Overlay on Tract 2 would limit the vehicle trips to 2000 per day, prohibit all CS-1 uses except Liquor Sales and would limit the amount of CS-1 use to 12,000 square feet within the 17,000 square foot CS-1 footprint. If the requested zoning is granted for this site, then approximately 28 feet of right-of-way from the existing centerline should be dedicated for FM 2222 according to the Transportation Plan.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

The motion to approve staff's recommendation was approved on the Consent Agenda by Commissioner Keith Jackson's motion; Commissioner Teresa Rabago second the motion on a vote of 7-0.

DEPARTMENT COMMENTS:

This tract of land was annexed by the City of Austin for Limited Purposes in 1984 by Ordinance #840503-H (see attached ordinances). The Limited Purpose annexation gave the tract of land the zoning designation of I-SF-2, Interim Single Family Residence, Standard Lot. Under case # C14r-84-479, the entire 2.737 acre tract was granted the permanent zoning designation of CS-1, Commercial Liquor Sales. In 1989, the tract of land was disannexed from the City of Austin's Limited Purpose Jurisdiction by Ordinance #890504-A. In 1997, the tract of land was again annexed into the City of Austin, this time into the Full Purpose Jurisdiction by Ordinance #971204. The Full Purpose Jurisdiction annexation gave the tract of land the zoning designation of I-RR, Interim Rural Residence which it retains to this day.

The applicant's original request was for CS-1 for the entire 2.737 acre tract. However, the applicant is in agreement with the staff recommendation to limit the CS-1 to a foot print of 17,000 square and to zone the remainder of the tract GR-CO which is compatible with adjacent tracts to the north, east, and west. The applicant is also in agreement to limit the CS-1 use to Liquor Sales only and to limit the amount of CS-1 use to 12,000 square feet within the CS-1 footprint. The applicant has indicated that the property

owner intends to develop the tract into a retail shopping center at some time in the future and needs the flexibility to accommodate a liquor store within the shopping center.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	I-RR	Vacant Retail/Storage units
North	GR-CO	Retail
South	LI-CO	Welding/Fabrication shop
East	GR-CO	Retail
West	GR-CO	Walgreens

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-01-0057	From SF-2 to GR-CO	Approved staff's recommendation for GR-CO. (6-2)	Approved staff's recommendation for GR-CO. (6-0) All 3 readings.
C14-98-0268	From I-RR to GR-CO	Approved staff's recommendation for GR-CO. (6-1-1)	Approved staff's recommendation for GR-CO. (7-0) All 3 readings.

BASIS FOR RECOMMENDATION:

- Zoning changes should promote compatibility with adjacent and nearby uses.*

Granting GR-CO and CS-1 zoning for the subject tract will be compatible with adjacent uses and adjacent zoning on the tracts to the north, east, and west.

NEIGHBORHOOD ORGANIZATION:

- Homeless Neighborhood Assoc.
- Austin Neighborhoods Council
- League of Bicycling Voters
- North Austin Neighborhood Alliance
- 2222 Property Owners Assoc.
- Long Canyon HOA
- Glen Lake Neighborhood Assoc.
- 2222 Coalition of Neighborhoods
- Courtyard HOA
- Middle Bull Creek Neigh. Assoc.
- Steiner Ranch Comm. Assoc.
- Comanche Trail Comm. Assoc.
- River Place Residential Assoc.
- Canyon Creek HOA

SCHOOLS:

- Grand View Hills Elementary School
- Canyon Ridge Middle School
- Leander High School

SITE PLAN:

Hill Country Roadway - The site/A portion of the site is located within 1,000 feet of RM 2222/ RM 620 and within a Hill Country Roadway Corridor. The site is located within the high intensity zone of RM 620/RM 2222. The site may be developed with the following maximum floor-to-area ratio (FAR):

<i><u>Slope</u></i>	<i><u>Maximum FAR</u></i>
0-15%	0.30
15-25%	0.12
25-35%	0.06

Except for clearing necessary to provide utilities or site access, a 100 foot vegetative buffer will be required along RM 2222. At least 40% of the site (excluding dedicated right-of-way) must be left in a natural state. The allowable height is as follows: Within 200 feet of RM 2222 the maximum height is 28 feet, and beyond 200 feet the maximum height is 53 feet. Prior to the issuance of a building permit for the proposed use, a site plan must be approved by the Planning Commission.

Scenic Roadway - This site is in the Scenic Roadway Sign District. All signs must comply with Scenic Roadway sign district regulations.

ENVIRONMENTAL:

1. The site is located over the Edwards Aquifer Recharge Zone. The site is in the Lake Travis Watershed and the Panther Hollow Watershed of the Colorado River Basin, and is classified as a Water Supply Rural Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Drinking Water Protection Zone. Under the current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i><u>Development Classification</u></i>	<i><u>% of Net Site Area</u></i>	<i><u>% NSA with Transfers</u></i>	<i><u>Allowable Density</u></i>
One or Two Family Residential	n/a	n/a	1 unit/2 acres net site area
Multifamily Residential	20%	25%	n/a
Commercial	20%	25%	n/a

2. Single family or duplex development within a Water Quality Transition Zone may not exceed a density of one unit per three acres, exclusive of land within a 100-year floodplain, and must have a minimum lot size of 2 acres.
3. According to flood plain maps, there is no flood plain in, or within close proximity of, the project location.

4. The site is located within the endangered species survey area and must comply with the requirements of Chapter 25-8 Endangered Species in conjunction with subdivision and/or site plan process.
5. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
6. At this time, site specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.
7. Under current watershed regulations, development or redevelopment on this site will be subject to providing structural sedimentation and filtration basins with increased capture volume and 2 year detention.
8. At this time, no information has been provided as to whether this property has any preexisting approvals which would preempt current water quality or Code requirements.

TRANSPORTATION:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Bus Routes
FM 2222	85'	62'	Arterial	No	No	No

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

The Austin Metropolitan Area Transportation Plan calls for 140 feet of right-of-way for FM 2222. If the requested zoning is granted for this site, then approximately 28 feet of right-of-way from the existing centerline should be dedicated for FM 2222 according to the Transportation Plan. [LDC, Sec. 25-6-51 and 25-6-55]

CITY COUNCIL DATE: June 18th, 2009

ACTION:

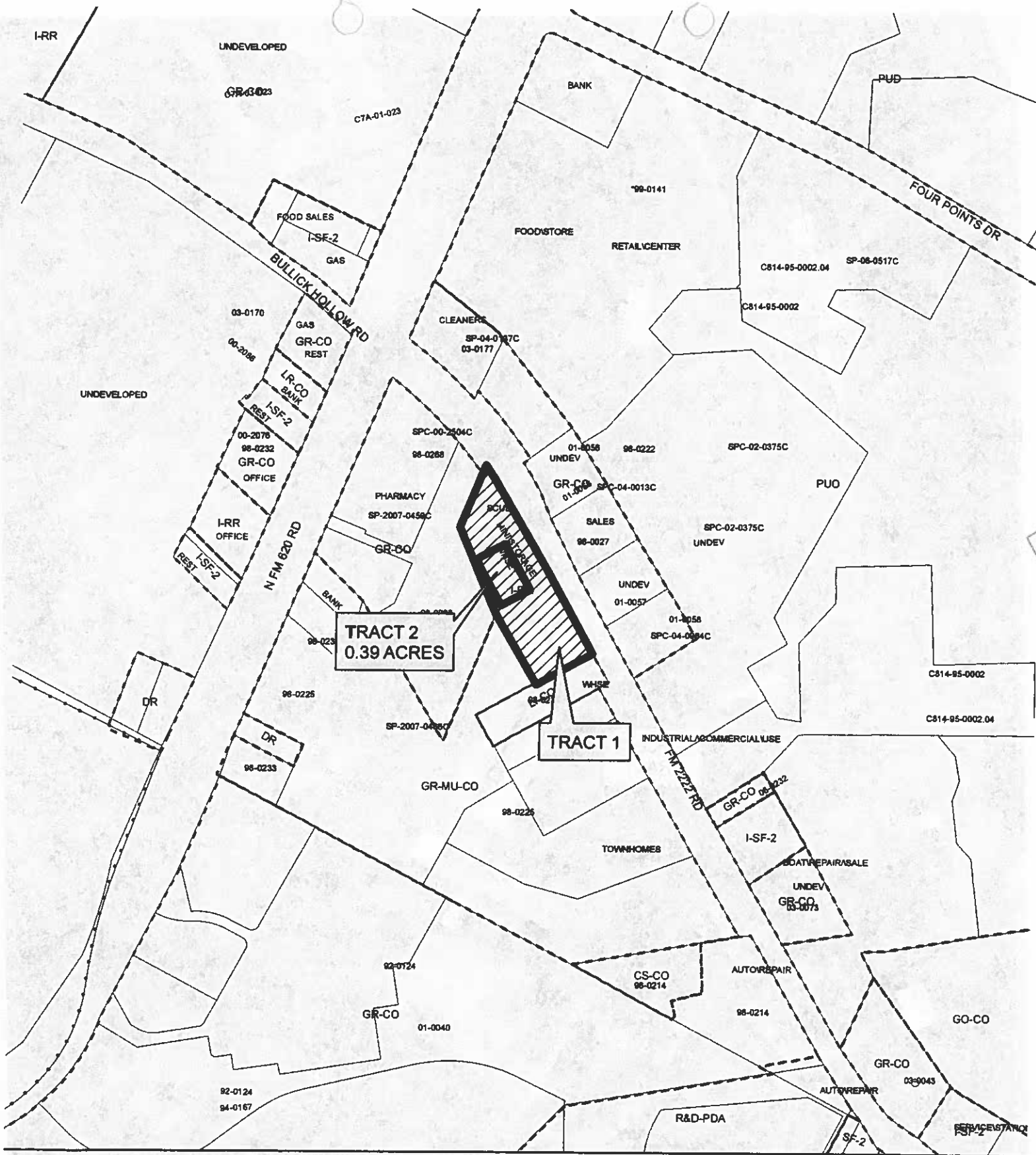
ORDINANCE READINGS: 1ST 2ND 3RD




ORDINANCE NUMBER:

CASE MANAGER: Clark Patterson

PHONE: 974-7691

Clark.patterson@ci.austin.tx.us



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

OPERATOR: S. MEEKS

ZONING

ZONING CASE#: C14-2008-0233
 ADDRESS: 11401 FM 2222 RD
 SUBJECT AREA: 2.737 ACRES
 GRID: D33 & D34
 MANAGER: C. PATTERSON



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.



SUBJECT
TRACT

PUD

LI-CO

GR-CO

SR-OD

DR

ORDINANCE NO. 840503-H

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY FOR THE LIMITED PURPOSES OF "PLANNING AND ZONING" AND "SANITATION AND HEALTH PROTECTION", SUCH TERRITORY CONSISTING OF APPROXIMATELY 500 ACRES OF LAND IN TRAVIS COUNTY, TEXAS, WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN; PROVIDING A SERVICE PLAN; PROVIDING FOR SEVERABILITY; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. That the land and territory lying adjacent to and adjoining the City of Austin and which is described in Exhibit "A", which is attached hereto and made a part hereof, is hereby added and annexed to the City of Austin only for the limited purposes of (1) "Planning and Zoning" and (2) "Sanitation and Health Protection" pursuant to Article I, Section 7 of the Charter of the City of Austin. The territory described in Exhibit "A" shall be known as "Limited Purpose Territory" and the boundary limits of the limited purpose territory shall be known as the "Limited Purpose Boundary Limits".

PART 2. That as to the limited purpose territory annexed by PART 1, hereof, and in dealing with the property and inhabitants thereof, the City shall have each and every power which it otherwise possesses and which is reasonable and expedient for the accomplishment of the limited purposes for which such territory is annexed, and the power of the City to deal with the property and inhabitants of such limited purpose territory shall include the powers enumerated in the next two succeeding sentences but shall not be limited or restricted thereto. With regard to the limited purpose of "Planning and Zoning", the City shall have the power to control and regulate the use of property and the density of structures, to require compliance with reasonable zoning regulations, to control and regulate the subdivision of property, and to control and regulate the construction of buildings. With regard to the limited purpose of "Sanitation and Health Protection", the City shall have the power to adopt all reasonable regulations pertaining to sanitation and public health and to require compliance with such regulations. Every inhabitant of

territory annexed of said limited purposes, who is otherwise qualified, shall be entitled to vote in City elections on every issue where the question is the election or recall of a City Councilman or the amendment of the City Charter, and every such inhabitant shall be deemed to be a citizen of the City in connection with any City ordinance, regulation, or action which is, or is alleged to be, applicable to him or his property because of such limited purpose annexation, but will not be eligible to run for any office in the City of Austin. The City shall have no power to levy any tax for municipal purposes on either the property or the inhabitants of territory annexed for limited purposes, and no funds of the City shall be spent in such territory except where reasonable and expedient for the accomplishment of the limited purposes for which the territory is annexed; but the City may collect reasonable charges from property owners and inhabitants of such territory for services rendered by the City in the accomplishment of the limited purposes for which the territory is annexed.

PART 3. The municipal services to be provided to the limited purpose territory annexed by PART 1. hereof are set forth on the "Service Plan" attached hereto and made a part hereof as Exhibit "B".

PART 4. If any provision, section, subsection, sentence, clause or phrase of this ordinance, or the application of same to any person or set of circumstances if for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portions of this ordinance shall not be affected thereby, it being the intent of the City Council in adopting this ordinance that no portion thereof or provision, or regulations contained herein, shall become inoperative or fail by reason of any unconstitutionality of any other portion hereof and all provisions of this ordinance are declared to be severable for that purpose.

PART 5. Whereas an emergency exists concerning the safe, orderly and healthful growth and development of the City, and such emergency requires the suspension of the rule providing for the reading of an ordinance on three separate days, and requires that this Ordinance become effective immediately upon its passage in order to assure the immediate preservation of the public peace, health, safety and general welfare both of the public residing within the City and the and the public residing adjacent to the City; therefore, the rule requiring the reading of an ordinance on three separate days is hereby suspended and this Ordinance shall become effective

immediately upon its passage, as provided by the Charter of the City of Austin.

PASSED AND APPROVED

May 3, 1984

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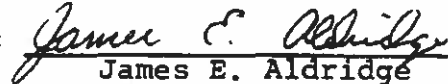
Ron Mullen
Mayor

APPROVED:



Paul C. Isham
City Attorney

ATTEST:



James E. Aldridge
City Clerk

WMC:saf

EXHIBIT "A"

C7a-84-002 (F.M. 2222)
Area to be Annexed
(500 Acres of land
out of The James Jett
Survey No. 1, O. Dalton
Survey, William Swain Survey
No. 810, J.W. Preece Survey,
William Bell Survey No. 805,
B. Payne Survey No. 288, and
The Alex Dunlap Survey No. 805)
Portions of Farm-to-Market Road
No. 2222, City Park Road,
Long Canyon Ph. 1-A, Jester
Estates Section 1 Ph. 1-A.

FIELD NOTES

FIELD NOTES FOR 500 ACRES OF LAND OUT
OF AND A PART OF THE JAMES JETT SURVEY
NO. 1, THE O. DALTON SURVEY, THE WILLIAM
SWAIN SURVEY NO. 810, THE J.W. PREECE
SURVEY, THE WILLIAM BELL SURVEY NO. 805,
B. PAYNE SURVEY NO. 288, AND THE ALEX
DUNLAP SURVEY NO. 805 IN TRAVIS COUNTY,
TEXAS, WHICH 500 ACRES OF LAND ARE TO BE
TAKEN INTO AND MADE A PART OF THE CITY OF
AUSTIN, TRAVIS COUNTY, TEXAS, FOR THE
LIMITED PURPOSES OF "PLANNING AND ZONING"
AND "HEALTH AND SANITATION", AND WHICH
500 ACRES OF LAND ARE MORE PARTICULARLY
DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a point in the present limited purpose boundary limit
line of the City of Austin as adopted by ordinance dated July 1, 1982,
which point of beginning is the intersection of the east line of City Park
Road with the south or southwest line of Farm-to-Market Road No. 2222;

THENCE, with said present limited purpose boundary limit line of
the City of Austin, same being the east line of said City Park Road, in a
southerly direction to a point in a line five hundred (500.00) feet south
of and parallel to the centerline of the aforesaid Farm-to-Market Road No.
2222, as established by the Department of Highways and Public
Transportation of the State of Texas in July, 1955;

THENCE, with the proposed limited purpose boundary limit line of
the City of Austin, same being said line five hundred (500.00) feet south
of and parallel to the said centerline of Farm-to-Market Road No. 2222, in
a westerly direction to a point in a line five hundred (500.00) feet east
or southeast of and parallel to the centerline of Farm-to-Market Road
No. 620 for the most westerly corner of the herein described tract of land;

THENCE, continuing with the proposed limited purpose boundary
limit line of the City of Austin, same being said line five hundred

EXHIBIT "B"

SERVICE PLAN

City of Austin municipal services, if any, which are currently being provided to the limited purpose territory shall continue to be provided at a comparable level. No additional or increased services are planned for the limited purpose territory. (See Art. I, Sec. 7 of the Charter of the City of Austin and Art. 970a, Sec. 10.C. V.A.C.S.).

(500.00) feet east or southeast of and parallel to the centerline of Farm-to-Market Road No. 620, in a northeasterly direction to a point in a line five hundred (500.00) feet north of and parallel to the centerline of Farm-to-Market Road No. 2222 for the most northerly corner of the herein described tract of land;

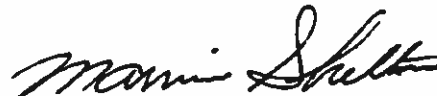
THENCE, continuing with the proposed limited purpose boundary limit line of the City of Austin, same being said line five hundred (500.00) feet north of and parallel to the centerline of Farm-to-Market Road No. 2222, in an easterly direction to a point in the present limited purpose boundary limit line of the City of Austin as adopted by ordinance dated July 21, 1983 for the northeast corner of the herein described tract of land;

THENCE, with said present limited purpose boundary limit line of the City of Austin, same being a line 700.00 feet west of and parallel to the west right-of-way line of Capital of Texas Highway North, in a southerly direction to a point in the south or southwest line of said Farm-to-Market Road No. 2222; which point is in the present limited purpose boundary limit line as adopted by the aforesaid ordinance dated July 1, 1982;

THENCE, with said present limited purpose boundary limit line of the City of Austin, same being said south or southwest line of Farm-to-Market Road No. 2222, in a westerly direction to the point of beginning.

FIELD NOTES: Louise Mays
03/12/84

APPROVED:



Marvin Shelton, R.P.S.
Chief Surveyor
Department of Public Works

References

Texas Highway Department
Right-of-Way Map, F.M. Highway No. 2222 (1955)
FF 999 (L)
FF 999 (M)
Austin Grid F-30,31,32
Austin Grid E-32,33
Austin Grid D-33,34
2-I-667
2-A-1376

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c7a84002 500ac

NOV 4 REC'D

ORDINANCE NO. 85 0912-Q

AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 13-2A OF THE AUSTIN CITY CODE OF 1981 AS FOLLOWS:

2.737 ACRES OF LAND OUT OF THE ALEXANDER DUNLAP SURVEY NO. 85, LOCALLY KNOWN AS 11401 R.M. 2222, FROM INTERIM "SF-2" SINGLE FAMILY RESIDENCE (Standard Lot) TO "CS-1" COMMERCIAL-LIQUOR SALES; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. CHAPTER 13-2A of the Austin City Code of 1981 is hereby amended to change the base zoning district from Interim "SF-2" Single Family Residence (Standard Lot) to "CS-1" Commercial-Liquor Sales on the property described in File C14r-84-479, to-wit:

2.737 acres of land out of the Alexander Dunlap Survey No. 805 in Travis County, Texas, being all of that certain property conveyed to William DeGroat by deed of record in Vol. 821, Page 40 of the Travis County Deed Records, and being more particularly described as follows:

BEGINNING, at an iron stake in the westerly right-of-way line of State Highway No. 2222 at the northeast corner of Eddie Monroe's property for the most northerly corner of the tract herein described;

THENCE, southwardly with Monroe's fence, S 23° 03' W 209.7 feet to an iron stake at a fence corner for the northwest corner of this tract;

THENCE, continuing in a southerly direction with the division fence between this tract and the property of Eddie Monroe et al, as follows: S 21° 55' E. 300.0 feet, S 31° 26' E. 118.0 feet, and S 27° 08' E 142.7 feet to an iron stake found at the southwest corner of the tract herein described;

THENCE, eastwardly with an old fence N 62° 00' E 199.0 feet to th northerly end of a chain link fence on the westerly right-of-way line of State Highway No. 2222 for the southeast corner of this tract;

THENCE, northwardly with the westerly right-of-way line of the said Highway No. 2222, N 28° 00' W 544.0 feet, and N 31° 32' W 147.0 feet to the Place of Beginning, containing 2.737 acres,

locally known as 11401 R.M. 2222 in the City of Austin, Travis County, Texas.

PART 2. It is hereby ordered that the Zoning Map accompanying Chapter 13-2A of the Austin City Code of 1981 and made a part thereof shall be changed so as to record the change ordered in this ordinance.

PART 3. This application for rezoning was filed prior to the effective date of Chapter 13-2A of the Austin City Code of 1981, at which time the property was zoned Interim "A" Residence, First Height and Area District, and the applicant sought rezoning to "C" Commercial, First Height and Area District. Notwithstanding the rezoning herein to "CS-1" Commercial-Liquor Sales, the property owner shall be permitted to obtain a building permit subject to the provisions of Chapter 13-2 and as permitted under a zoning classification thereunder of "C-1" Commercial, First Height and Area District, in accordance with the provisions of Section 1051 of Chapter 13-2A of the Austin City Code of 1981.

PART 4. That the development of the property herein described shall be accomplished in accordance with the site plan attached hereto as Exhibit "A", or as such site plan is subsequently adjusted or modified as provided by subsection 13-2A-6196 of the Austin City Code of 1981. Except to the extent that such site plan is inconsistent therewith, the development and use of the property described herein shall be in accordance with applicable ordinances of the City of Austin.

PART 5. The rule requiring that ordinances shall be read on three separate days is hereby suspended, and this ordinance shall become effective ten (10) days following the date of its passage.

PASSED AND APPROVED

September 12, 1985

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John Trevino
Frank C. Cooksey
Mayor *Pro Tem*

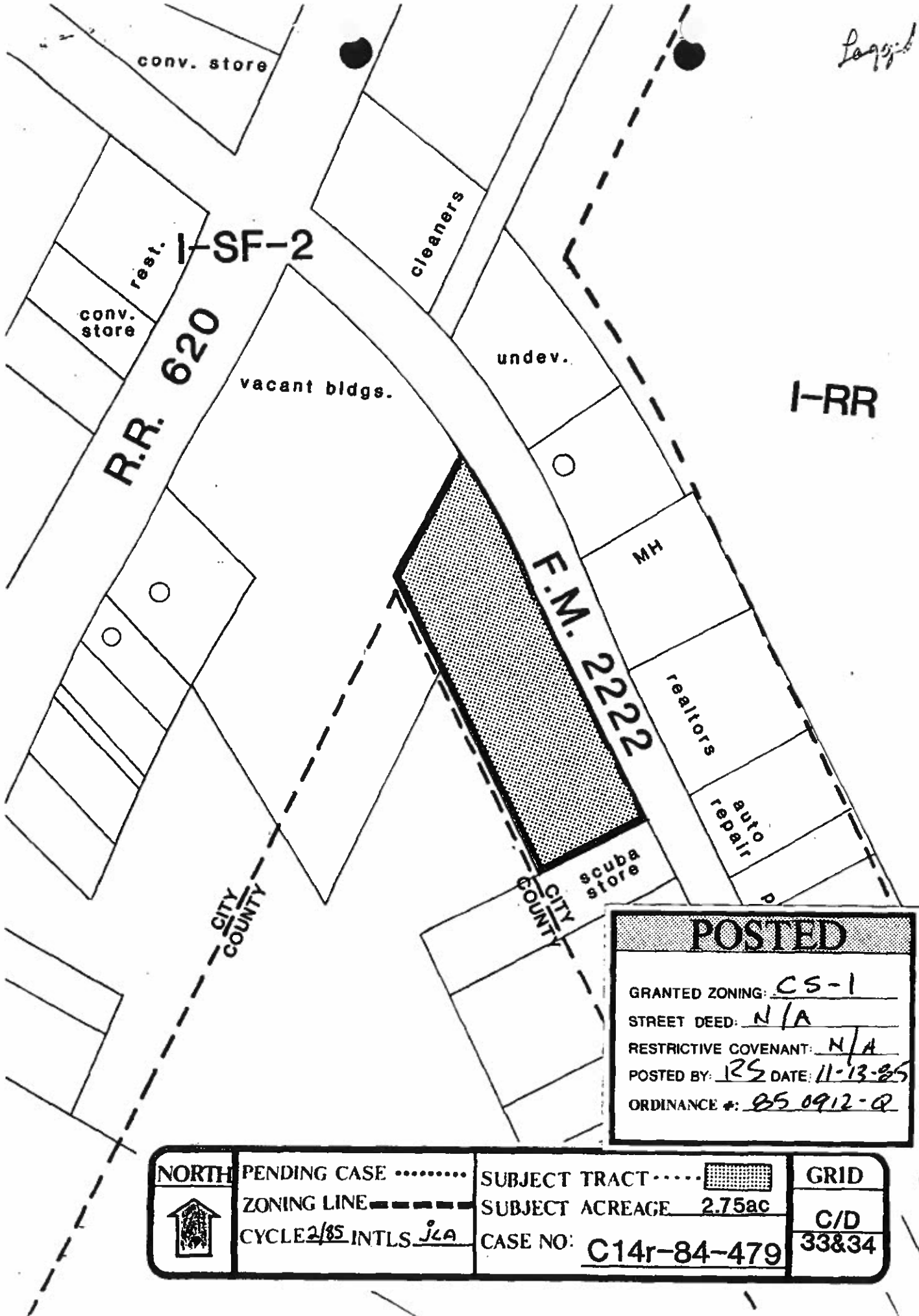
APPROVED:

Paul C. Isham
Paul C. Isham
City Attorney

ATTEST:



James E. Aldridge
James E. Aldridge
City Clerk

AFM:saf

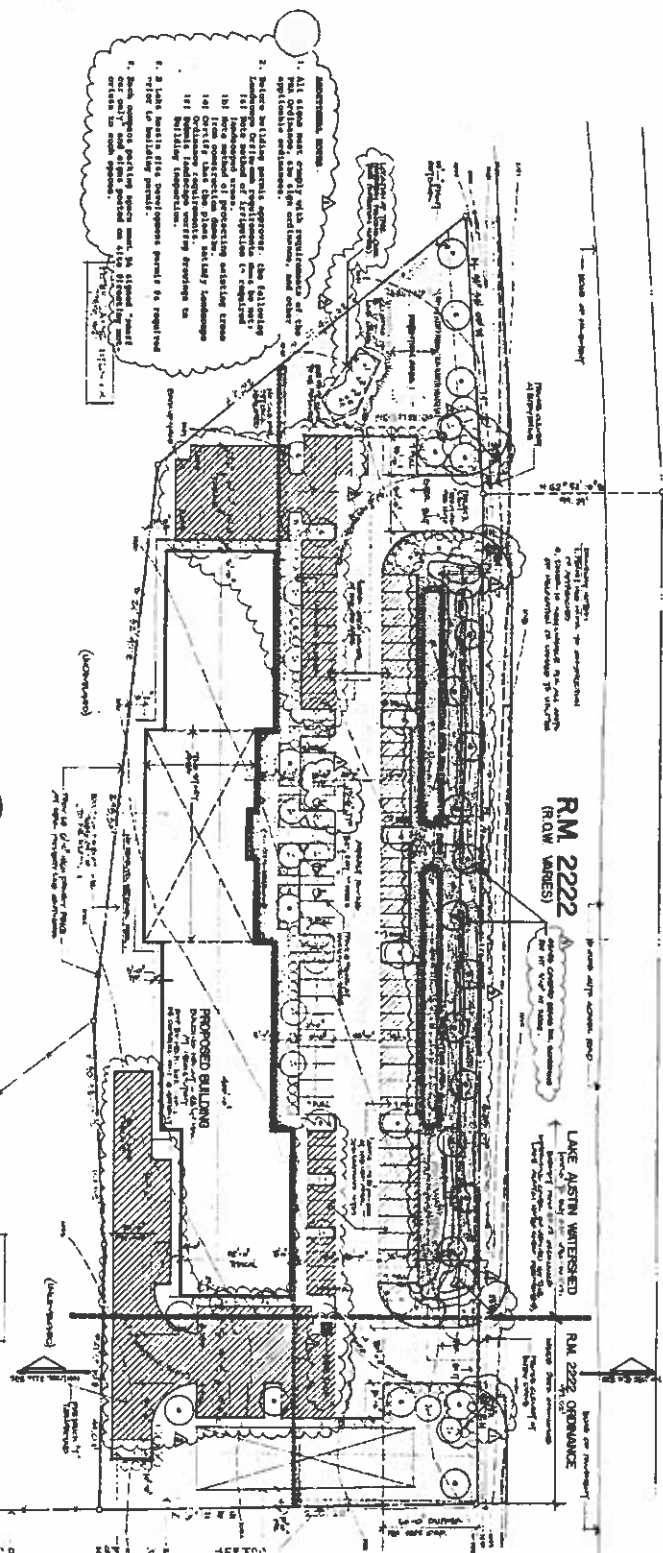
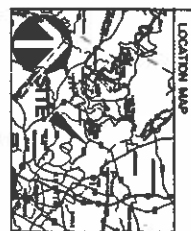


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POSTED	
GRANTED ZONING:	<u>CS-1</u>
STREET DEED:	<u>N/A</u>
RESTRICTIVE COVENANT:	<u>N/A</u>
POSTED BY:	<u>RS</u> DATE: <u>11-13-85</u>
ORDINANCE #:	<u>85 0912-Q</u>

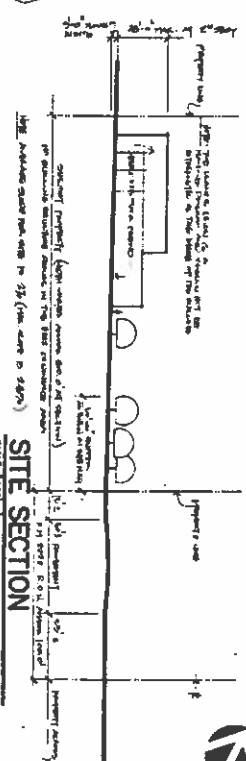
	PENDING CASE	SUBJECT TRACT..... 	GRID
	ZONING LINE -----	SUBJECT ACREAGE <u>2.75ac</u>	C/D
	CYCLE <u>2/85</u> INTLS <u>JLA</u>	CASE NO: <u>C14r-84-479</u>	<u>33&34</u>

CW-84-479



SITE PLAN

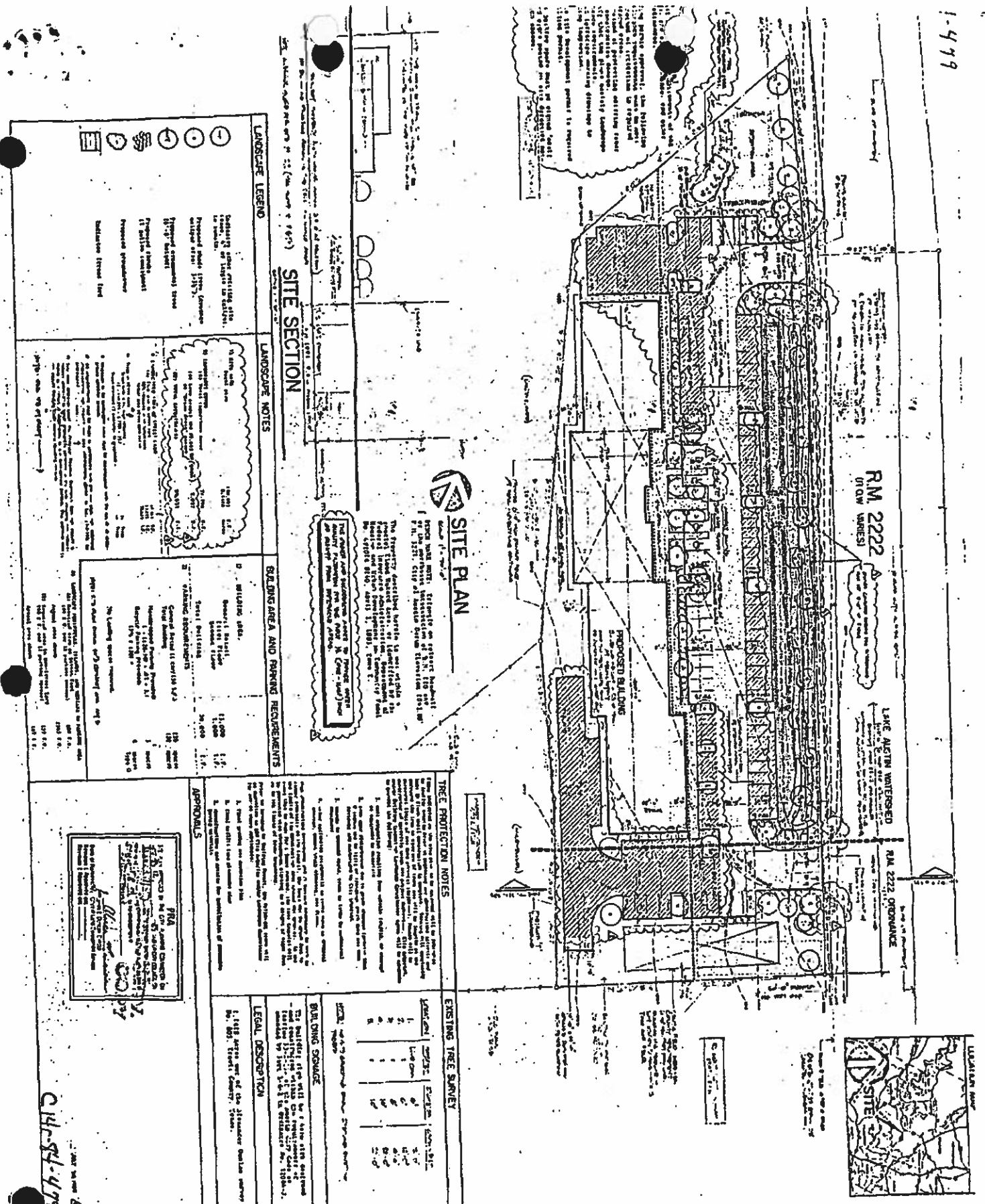
SITE SECTION



LANDSCAPE LEGEND	LANDSCAPE NOTES	BUILDING AREA AND PARKING REQUIREMENTS
<ul style="list-style-type: none"> 1. Mature trees to be retained 2. New trees to be planted 3. Shrubs to be planted 4. Ground cover to be planted 5. Lawn to be planted 6. Fertilizer to be applied 7. Irrigation system to be installed 8. Landscaping to be completed 	<p>1. All trees must comply with requirements of the applicable ordinance, and other applicable requirements.</p> <p>2. Before building permits are issued, the following landscaping must be completed:</p> <ul style="list-style-type: none"> (a) Mature trees to be retained (b) New trees to be planted (c) Shrubs to be planted (d) Ground cover to be planted (e) Lawn to be planted (f) Fertilizer to be applied (g) Irrigation system to be installed (h) Landscaping to be completed 	<p>BUILDING AREA:</p> <ul style="list-style-type: none"> General Building: 80,000 S.F. Office Building: 5,000 S.F. Total Building: 85,000 S.F. <p>PARKING REQUIREMENTS:</p> <ul style="list-style-type: none"> General Building: 120 spaces Office Building: 10 spaces Total: 130 spaces

EXISTING TREE SURVEY	LEGAL DESCRIPTION	APPROVALS
<p>1. Tree Inventory: 10 trees</p> <p>2. Tree Removal: 5 trees</p> <p>3. Tree Retention: 5 trees</p>	<p>1. All trees must comply with requirements of the applicable ordinance, and other applicable requirements.</p> <p>2. Before building permits are issued, the following landscaping must be completed:</p> <ul style="list-style-type: none"> (a) Mature trees to be retained (b) New trees to be planted (c) Shrubs to be planted (d) Ground cover to be planted (e) Lawn to be planted (f) Fertilizer to be applied (g) Irrigation system to be installed (h) Landscaping to be completed 	<p>APPROVALS:</p> <p>1. City of Austin: [Signature]</p> <p>2. County of Travis: [Signature]</p> <p>3. State of Texas: [Signature]</p>

1-449



CITY OF AUSTIN, TEXAS
ORDINANCE NO. 890504-A

AN ORDINANCE ADJUSTING AND ALTERING THE LIMITED PURPOSE BOUNDARY LIMITS OF THE CITY OF AUSTIN; ~~DISANNEXING~~ FROM AUSTIN'S LIMITED PURPOSES BOUNDARIES APPROXIMATELY 205 ACRES OF LAND; WAIVING THE REQUIREMENT OF SEC. 2-2-3 OF THE AUSTIN CITY CODE OF 1981 THAT ORDINANCES BE READ ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The territory located within the limited purpose boundary limits of the City of Austin, totalling approximately 205 acres of land in eleven separate tracts as more fully described below in this PART 1, is detached and disannexed from the City of Austin and shall not be included within the limited purpose boundary limits of the City for any purpose. The present limited purpose boundary limits of the City are hereby altered and amended to exclude the following territory from the limited purpose boundary limits of the City of Austin:

TRACT 1: approximately 0.53 acres of land identified as Tax Parcel Number 02-6213-02-01 in the Travis Central Appraisal District Office, owned by Elberta Burba, as referenced in Planning Department file no. C7ad-89-047.

TRACT 2: approximately 2.73 acres of land identified as Tax Parcel Number 01-5630-01-01 in the Travis Central Appraisal District Office, owned by Billy Atwood, as referenced in Planning Department file no. C7ad-89-048.

TRACT 3: approximately 7.94 acres of land identified as Tax Parcel Numbers (i) 01-5947-01-12, and (ii) 01-5947-01-13 in the Travis Central Appraisal District Office, owned by Bill Atwood, as referenced in Planning Department file no. C7ad-89-049.

TRACT 4: approximately 30.74 acres of land identified as Tax Parcel Number 03-6707-01-(Williamson County) in the Travis Central Appraisal District Office, owned by William B. Pohl, as referenced in Planning Department file no. C7ad-89-050.

TRACT 5: approximately 34.85 acres of land identified as Tax Parcel Number 01-5634-03-01 in the Travis Central Appraisal District Office, owned by Daphene Shultze Clarke, as referenced in Planning Department file no. C7ad-89-051.

TRACT 6: approximately 57.77 acres of land identified as Tax Parcel Number 01-5108-01-09 in the Travis Central Appraisal District Office, owned by Vaughn Stenis, as referenced in Planning Department file no. C7ad-89-052.

TRACT 7: approximately 19.02 acres of land identified as Tax Parcel Number 01-5634-01-02 in the Travis Central Appraisal District Office, owned by Fred Purcell, as referenced in Planning Department file no. C7ad-89-053.

TRACT 8: approximately 0.46 acres of land identified as Tax Parcel Number 01-4218-01-14 in the Travis Central Appraisal District Office, owned by Odus Crumley, as referenced in Planning Department file no. C7ad-89-054.

TRACT 9: approximately 0.39 acres of land identified as Tax Parcel Number 02-4218-01-13 in the Travis Central Appraisal District Office, owned by C. L. Sherrod, as referenced in Planning Department file no. C7ad-89-055.

TRACT 10: approximately 37 acres of land out of the L. C. Cunningham Survey No. 68, owned by L. W. Parker, et al., being more particularly described by metes and bounds in "Exhibit A" attached and incorporated herein for all purposes, and as referenced in Planning Department file no. C7ad-89-056.

CITY OF AUSTIN, TEXAS

TRACT 11: approximately 14 acres of land identified as Tax Parcel Number 01-0257-01-11 in the Travis Central Appraisal District Office, owned by N. B. Hutto, as referenced in Planning Department file no. C7ad-89-057.

PART 2. This ordinance shall not be construed as consent by the City of Austin to the release of any territory from its extraterritorial jurisdiction. Territory disannexed by this ordinance shall remain within and be subject to the extraterritorial jurisdiction of the City of Austin, and all ordinances, rules, and regulations applicable by reason of such extraterritorial jurisdiction.

PART 3. If any part of this ordinance or its application is for any reason held to be unconstitutional, invalid, or unenforceable, the unconstitutionality, invalidity, or unenforceability of such part shall in no way affect, impair, or invalidate the remaining parts of this ordinance, but as to such remaining parts, this ordinance shall remain in full effect. If this ordinance is for any reason held to be ineffective as to any part of the limited purpose territory disannexed from the City, the ineffectiveness as to such territory shall not affect, impair, or invalidate the effectiveness of this ordinance as to the remainder of the disannexed territory, it being the purpose and intent of the City Council to disannex from the City every part of the territory described in this ordinance, regardless of whether any other part of the territory described in this ordinance is effectively disannexed.

PART 4. The requirement of Sec. 2-2-3 of the Austin City Code of 1981 that this ordinance be read on three separate days is waived by the affirmative vote of five members of the City Council to pass this ordinance through more than one reading on a single vote.

PART 5. Because the territory disannexed by this ordinance is disannexed pursuant to requests for disannexation filed in accordance with Section 43.133 of the Texas Local Government Code, and because prompt action on disannexation of limited purpose territory is in the public interest, the City Council declares that an emergency exists concerning the safe, orderly, and healthful growth and development of the City. To assure the immediate preservation of the public peace, health and safety, this ordinance shall be effective immediately upon its passage as required by this emergency and as provided by the City Charter of the City of Austin.

PASSED AND APPROVED:

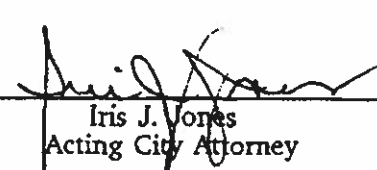
May 4, 1989

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Lee Cooke
Mayor

APPROVED:



Iris J. Jones
Acting City Attorney

ATTEST:



Betty G. Brown
Deputy City Clerk

AFM/jj

C7ad-89-056
Area to be disannexed
(37 acres of land
out of the L.C. Cunningham
Survey No. 68 in the
City of Austin, Travis
County, Texas)
(Pamela Heights)

FIELD NOTES

FIELD NOTES FOR 37 ACRES OF
LAND OUT OF AND A PART OF THE
L.C. CUNNINGHAM SURVEY NO. 68, IN
THE CITY OF AUSTIN, TRAVIS COUNTY,
TEXAS, WHICH 37 ACRES OF LAND ARE
TO BE DISANNEXED FROM THE LIMITED
PURPOSE ANNEXATION AS ADOPTED BY
ORDINANCE DATED SEPTEMBER 13,
1984, BY THE CITY COUNCIL OF THE
CITY OF AUSTIN, TRAVIS COUNTY,
TEXAS; SAID 37 ACRES OF LAND BEING
MORE PARTICULARLY DESCRIBED BY
METES AND BOUNOS AS FOLLOWS:

BEGINNING, at the northeast corner of the herein
described tract of land, same being the northeast corner of Lot
1, Block 10, Pamela Heights, a subdivision of record in Book 11
at Page 67 of the Plat Records of Travis County, Texas, and
which point of beginning is the intersection of the south line
of Three Points Road with the west right-of-way line of
Interstate Highway 35, which line is the proposed corporate
limit line of the City of Austin;

THENCE, with the proposed corporate limit line of the
City of Austin, same being said west right-of-way line of
Interstate Highway 35, in a southerly direction to the southeast
corner of the herein described tract of land, same being the
southeast corner of Lot 1, Block 15, in said Pamela Heights;

THENCE, continuing with the proposed corporate limit
line of the City of Austin, same being the south line of said
Block 15, in a westerly direction to a point in the present
limited purpose corporate limit line of the City of Austin as
adopted by ordinance dated September 13, 1984;

THENCE, with the present limited purpose corporate
limit line the City of Austin as adopted by an ordinance dated
September 13, 1984, same being said south line of Block 15, in a
westerly direction to a point in the southerly prolongation of
the west line of Marsha Street;

THENCE, continuing with the present limited purpose
corporate limit line of the City of Austin as adopted by an
ordinance dated September 13, 1984, same being said west line of
Marsha Street and its southerly prolongation, in a northerly
direction to the northeast corner of Lot 2, Block 11, in said
Pamela Heights, same being a point in the south line of Pamela
Drive;

THENCE, continuing with the present limited purpose
corporate limit line of the City of Austin as adopted by an
ordinance, dated September 13, 1984, same being said south line
of Pamela Drive and its westerly prolongation, in a westerly
direction to the northeast corner of Lot 2, Block 7, in said
Pamela Heights, same being a point in the west line of Patricia
Street;

THENCE, continuing with the present limited purpose corporate limit line of the City of Austin, as adopted by an ordinance dated September 13, 1984, same being said west line of Patricia Street and its northerly prolongation, in a northerly direction to the northeast corner of Lot 2, Block 6, in said Pamela Heights, same being a point in the aforesaid south line of Three Points Road, which line is the proposed corporate limit line of the City of Austin;

THENCE, with the proposed corporate limit line of the City of Austin, same being said south line of Three Points Road, in an easterly direction to the point of beginning.

FIELD NOTES: Al Martinez
05/02/89

APPROVED:

Michael T. Ritter 5/2/89

Michael T. Ritter, RPS, NO. 3692
Supervisor
Engineering Support Section
Department of Transportation
and Public Services

References

Austin Grid M-37 & M-38
Tax Plat 2-7423
2-7426
2-7623
2-7626

AM:rr
1899

ORDINANCE NO. 971204-1

AN ORDINANCE ANNEXING, FOR FULL PURPOSES, ADDITIONAL TERRITORY ADJACENT TO THE CITY LIMITS OF THE CITY OF AUSTIN, CONSISTING OF APPROXIMATELY 405 ACRES OF LAND OUT OF THE JAMES DUNLAP SURVEY NO. 594, THE ALEX DUNLAP SURVEY NO. 805, THE S. BULLOCK SURVEY NO. 76, AND THE JOHN E. LYNN SURVEY NO. 804, LOCATED IN TRAVIS COUNTY, TEXAS, WHICH INCLUDES THE PARKE SEC. 1, 2, & 3, PORTION OF THE PARKE, PH. C AND UNPLATTED LAND; AND ANNEXING, FOR FULL PURPOSES, TERRITORY WITHIN THE LIMITED PURPOSE BOUNDARY LIMITS OF THE CITY LIMITS OF THE CITY OF AUSTIN, CONSISTING OF APPROXIMATELY 490 ACRES OF LAND OUT OF THE JAMES DUNLAP SURVEY NO. 594, THE ALEX DUNLAP SURVEY NO. 805, THE S. BULLOCK SURVEY NO. 76, AND THE JOHN E. LYNN SURVEY NO. 804, IN THE CITY OF AUSTIN, LOCATED IN TRAVIS COUNTY, TEXAS, WHICH INCLUDES THE PARKE, PH. C, LAKE LAND COMMERCE CENTER, LONGHORN BOAT & CAMPER STORAGE INC. SUB., FOUR POINTS CENTER AND UNPLATTED LAND; AND APPROVING A SERVICE PLAN FOR THE ANNEXED TERRITORIES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. FINDINGS.

The Council finds that:

- (A) Notice of two public hearings concerning annexation of the territory described in Exhibits A-1 and A-2 was published in a newspaper of general circulation in the City of Austin and in the area to be annexed.
- (B) The public hearings were held on October 30, 1997 at 6:00 p.m. in Council Chambers and on November 4, 1997 at 6:30 p.m. at the SAS Institute, 11920 Wilson Parke Avenue, which is in the annexation area.
- (C) The public hearings were concluded after providing an opportunity for all persons present to be heard with respect to the proposed annexation. A

proposed service plan for this area was made available and explained at the public hearings.

- (D) The annexation, for full purposes, of the territory described in Exhibits A-1 and A-2 serves the interests of the current and future residents of the City of Austin.
- (E) The revised Service Plan, as amended through negotiation, is attached to this ordinance as Exhibit B, and the number and level of the municipal services provided in the Service Plan meets or exceeds all State law requirements.
- (F) All procedural requirements imposed by state law for the annexation of the territory described in Exhibits A-1 and A-2 have been met.

PART 2. Boundary Adjustments.

- (A) The present boundary limits of the City are amended to include the following territory which is within the extraterritorial jurisdiction and adjacent to the city limits of the City of Austin in Travis County, Texas, and which is annexed into the City for full purposes:

Twenty-five (25) tracts of land, each of the said twenty-five (25) tracts of land being out of and a part of the James Dunlap Survey No. 594, the Alex Dunlap Survey No. 805, the S. Bullock Survey No. 76, and the John E. Lynn Survey No. 804 in Travis County, Texas, which each of the said twenty-five (25) tracts of land, with a total of 405 acres of land, more or less, are to be taken into and made a part of the City of Austin, Travis County, Texas and are more particularly described in Exhibit A-1 attached to this ordinance.

- (B) The present boundary limits of the City are amended to include the following territory which is within the limited purpose boundary limits of the City of Austin in Travis County, Texas, and which is annexed into the City for full purposes:

Two (2) tracts of land, the tract of land hereinafter described as Number One containing 45 acres of land, more or less, same being out of and a part of the James Dunlap Survey No. 594 in the City of Austin, Travis County, Texas, and the tract of land hereinafter described as Number Two containing 445 acres of land, more or less, same being out of and a part of the Alex Dunlap Survey No. 805, the

S. Bullock Survey No. 76, and the John E. Lynn Survey No. 804 in the City of Austin, Travis County, Texas, which each of the said two (2) tracts of land are to be changed from a limited purpose annexation to a full purpose annexation, and each of the said two (2) tracts of land being more particularly described in Exhibit A-2 attached to this ordinance.

PART 3. The Service Plan attached as Exhibit B is approved as the Service Plan for the annexed area.

PART 4. The City Council declares that its purpose is to annex to the City of Austin every part of the area described in Exhibits A-1 and A-2 as provided in this ordinance, regardless of whether any other part of the described area is effectively annexed to the City. If this ordinance is held invalid as to any part of the area annexed to the City of Austin, that invalidity does not affect the effectiveness of this ordinance as to all of the remainder of the area.

If any area or lands included within the description of the area set out in Exhibits A-1 and A-2 are: (1) presently part of and included within the general limits of the City of Austin; (2) presently part of and included within the limits of any other city, town, or village; or (3) are not within the jurisdiction or power of the City of Austin to annex, then that area is excluded and excepted from the area annexed as fully as if the excluded and excepted area were expressly described in Exhibits A-1 and A-2.

PART 5. The Council waives the requirements of Sections 2-2-3 and 2-2-7 of the City Code for this ordinance.

PART 6. This ordinance takes effect on December 31, 1997.

PASSED AND APPROVED

December 4, 1997.

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Kirk Watson

Kirk Watson
Mayor

APPROVED:

Andrew Martin

Andrew Martin
City Attorney

ATTEST:

James E. Aldridge

James E. Aldridge
City Clerk

EXHIBIT A-1

9712047

C7a-97-010

Area to be Annexed
(405 acres of land
out of the James
Dunlap Survey No.594,
the Alex Dunlap
Survey No.805, The S.
Bullock Survey No.76,
and the John E. Lynn
Survey No.804 in
Travis County, Texas)
(The Parke Sec.1, 2,
& 3, Portion of the
Parke, Ph.C and
unplatted land)

LEGAL DESCRIPTION

LEGAL DESCRIPTION FOR TWENTY-FIVE (25) TRACTS
OF LAND, EACH OF THE SAID TWENTY-FIVE (25)
TRACTS OF LAND BEING OUT OF AND A PART OF THE
JAMES DUNLAP SURVEY NO.594, THE ALEX DUNLAP
SURVEY NO.805, THE S. BULLOCK SURVEY NO.76,
AND THE JOHN E. LYNN SURVEY NO.804 IN TRAVIS
COUNTY, TEXAS, WHICH EACH OF THE SAID TWENTY-
FIVE (25) TRACTS OF LAND, WITH A TOTAL OF 405
ACRES OF LAND, MORE OR LESS, ARE TO BE TAKEN
INTO AND MADE A PART OF THE CITY OF AUSTIN,
TRAVIS COUNTY, TEXAS, SAID TWENTY-FIVE (25)
TRACTS OF LAND BEING DESCRIBED AS FOLLOWS:

NUMBER ONE, BEING all that certain 13.50 acres of land,
more or less, disannexed from the limited purpose boundary
limits of the City of Austin by an ordinance dated September
21, 1989 (Ordinance No.890921-G), being described as Tract
39 in said Ordinance, and reference in Planning Department
file no. C7ad-89-154.

NUMBER TWO, BEING all that certain 2.0456 acres of
land, more or less, disannexed from the limited purpose
boundary limits of the City of Austin by an ordinance dated
July 27, 1989 (Ordinance No.890727-C), being described as
Tract 7 in said Ordinance, and reference in Planning
Department file no. C7ad-89-089.

NUMBER THREE, BEING all that certain 0.75 of one acre of land, more or less, disannexed from the limited purpose boundary limits of the City of Austin by an ordinance dated September 21, 1989 (Ordinance No.890921-G), being described as Tract 54 in said Ordinance, and reference in Planning Department file no. C7ad-89-169.

NUMBER FOUR, BEING all that certain 1.014 acres of land, more or less, disannexed from the limited purpose boundary limits of the City of Austin by an ordinance dated August 24, 1989 (Ordinance No.890824-E), being described as Tract 13 in said Ordinance, and reference in Planning Department file no. C7ad-89-113.

NUMBER FIVE, BEING all that certain 13 acres of land, more or less, disannexed from the limited purpose boundary limits of the City of Austin by an ordinance dated April 20, 1989 (Ordinance No.890420-F), being described as Tract 13 in said Ordinance, and reference in Planning Department file no. C7ad-89-030.

NUMBER SIX, BEING all that certain 0.50 of one acre of land, more or less, disannexed from the limited purpose boundary limits of the City of Austin by an ordinance dated September 21, 1989 (Ordinance No.890921-G), being described as Tract 29 in said Ordinance, and reference in Planning Department file no. C7ad-89-144.

NUMBER SEVEN, BEING all that certain 0.50 of one acre of land, more or less, disannexed from the limited purpose boundary limits of the City of Austin by an ordinance dated March 30, 1989 (Ordinance No.890330-A), being described as Tract 4 in said Ordinance, and reference in Planning Department file no. C7ad-89-019.

NUMBER EIGHT, BEING all that certain 0.73 of one acre of land, more or less, disannexed from the limited purpose boundary limits of the City of Austin by an ordinance dated September 21, 1989 (Ordinance No.890921-G), being described as Tract 81 in said Ordinance and reference in Planning Department file no. C7ad-89-196.

NUMBER NINE, BEING all that certain 2.73 acres of land, more or less, disannexed from the limited purpose boundary limits of the City of Austin by an ordinance dated May 04, 1989 (Ordinance No.890504-A), being described as Tract 2 in said Ordinance, and reference in Planning Department file no. C7ad-89-048.

NUMBER TEN, BEING all that certain 3.1 acres of land, more or less, disannexed from the limited purpose boundary limits of the City of Austin by an ordinance dated June 29, 1989 (Ordinance No.890629-O), being described as Tract 1 in said Ordinance, and reference in Planning Department file no. C7ad-89-069.

NUMBER ELEVEN, BEING all that certain 0.88 of one acre of land, more or less, disannexed from the limited purpose boundary limits of the City of Austin by an ordinance dated September 21, 1989 (Ordinance No.890921-G), being described as Tract 46 in said Ordinance, and reference in Planning Department file no. C7ad-89-161.

NUMBER TWELVE, BEING all that certain 0.25 of one acre of land, more or less, disannexed from the limited purpose boundary limits of the City of Austin by an ordinance dated March 09, 1989 (Ordinance No.890309-Q) and reference in Planning Department file no. C7ad-89-011.

NUMBER THIRTEEN, BEING all that certain that certain 1.024 acre of land disannexed from the limited purpose boundary limits by an ordinance dated July 27, 1989, (Ordinance No.890727-C), being described as Tract 2 in said Ordinance, and reference Planning Department file no. C7ad-89-083.

NUMBER FOURTEEN, BEING all that certain 1.155 acres of land, more or less, disannexed from the limited purpose boundary limits by an ordinance dated August 24, 1989 (Ordinance No.890824-E), being described as Tract 10 in said Ordinance, and reference Planning Department file no. C7ad-89-110