

**ORDINANCE NO. 20100729-106**

**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 13985 FM 2769 ROAD FROM DEVELOPMENT RESERVE (DR) DISTRICT TO LIMITED OFFICE-MIXED USE-CONDITIONAL OVERLAY (LO-MU-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 development reserve (DR) district to limited office-mixed use-conditional overlay (LO-MU-CO) combining district on the property described in Zoning Case No. C14-2008-0155 on file at the Planning and Development Review Department, as follows:

A 0.1986 acre (8,650 sq. ft.) tract of land, more or less, out of the Michael Pevetoe Survey No. 500, Abstract 623, 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 13985 FM 2769 Road, 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 30 trips per day.
- B. The following uses are prohibited uses of the Property:

Communications services  
Convalescent services  
Hospital services (limited)

Club or lodge  
Cultural services

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the limited office (LO) base district, the mixed use (MU) combining district, and other applicable requirements of the City Code.

**PART 3.** This ordinance takes effect on August 9, 2010.

**PASSED AND APPROVED**

\_\_\_\_\_  
July 29, 2010

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§  
§  
\_\_\_\_\_  
Lee Leffingwell  
Mayor

**APPROVED:** \_\_\_\_\_  
Karen M. Kennard  
Acting City Attorney

**ATTEST:** \_\_\_\_\_  
Shirley A. Gentry  
City Clerk



*Land Surveyors, Inc.*

*8333 Cross Park Drive*

*Austin, Texas 78754*

*Office: 512.374.9722*

*Fax: 512.873.9743*

*EXHIBIT A*

**METES AND BOUNDS DESCRIPTION**

BEING 0.1986 OF ONE ACRE (8,650 SQUARE FEET) OF LAND OUT OF THE MICHAEL PEVETOE SURVEY NUMBER 500, ABSTRACT NUMBER 623 IN TRAVIS COUNTY, TEXAS AND BEING A PORTION OF A 1.176 ACRE TRACT OF LAND CONVEYED TO JOHN C. AND JANET BESPERRA BY INSTRUMENT OF RECORD IN VOLUME 13128, PAGE 1184 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron pipe found for the northwest corner of said 1.176 acre tract and the northeast corner of a 0.702 acre tract of land conveyed to Anderson Mill Marine Partnership by instrument of record in Volume 12557, Page 129 of the Real Property Records of Travis County, Texas and being in the south right-of-way line of F.M. Road Number 2769, also known as Anderson Mill Road (100' R.O.W.); from which a MAG nail found in concrete for the southwest corner of the 1.176 acre tract, being in the north line of a 1.707 acre tract of land conveyed to 2731 Inc. by instrument of record in Volume 13183, Page 1239 of the Real Property Records of Travis County, Texas and being the southeast corner of said 0.702 acre tract bears South 00°02'03" West a distance of 113.98 feet (record: South 00°00'00" West a distance of 114.01 feet);

THENCE along the north line of the 1.176 acre tract and said south right-of-way line of F.M. Road Number 2769 the following two (2) courses:

1. North 70°04'47" East a distance of 41.96 feet (record: North 70°06'00" East a distance of 42.01 feet) to a 1/2" rebar found;
2. North 74°12'26" East (record: North 74°13'39" East) a distance of 15.18 feet to a calculated point;

THENCE crossing through the 1.176 acre tract the following ten (10) courses:

1. South 50°25'36" East a distance of 22.32 feet to a calculated point;
2. South 89°41'25" East a distance of 51.04 feet to a calculated point;
3. South 69°14'06" East a distance of 101.05 feet to a calculated point;
4. South 20°12'21" West a distance of 77.82 feet to a calculated point;
5. North 69°47'39" West a distance of 47.89 feet to a calculated point;
6. North 20°40'57" East a distance of 33.06 feet to a calculated point;

7. North 69°40'49" West a distance of 45.03 feet to a calculated point;
8. North 03°39'27" East a distance of 20.95 feet to a calculated point;
9. South 89°22'30" West a distance of 40.70 feet to a calculated point;
10. North 74°07'11" West a distance of 78.03 feet to the POINT OF BEGINNING.

This parcel contains 0.1986 of one acre (8,650 square feet) of land, more or less, out of the Michael Pevetoe Survey Number 500, Abstract Number 623 in Travis County, Texas.

Bearing Basis: the south line of the called 1.176 acre tract as conveyed to John C. and Janet Besperka by instrument of record in Volume 13128, Page 1184 of the Real Property Records of Travis county, Texas being North 89°36'54" West.

Ronnie Wallace      21 June 2010  
Ronnie Wallace      Date

Registered Professional Land Surveyor  
State of Texas No. 5222

File: S:\Projects\Besperka\Docs\FieldNotes\Zoning Field Notes 3.doc

Drawing: S:\Projects\Besperka\Dwg\Besperka Zoning 3.dwg



# GRAPHIC SCALE



2731 INC.  
1.707 AC.  
VOL. 13183, PG. 1239  
R.P.R.T.C.T.

## LEGEND

SYMBOL	DESCRIPTION
⊙	1/2" REBAR FOUND
⊙	NAIL FOUND
⊙	IRON PIPE FOUND
⊙	ALUMINUM CAP FOUND (NOTED, IF STAMPED)
△	CALCULATED POINT
(D.R.T.C.T.)	DEED RECORDS OF TRAVIS COUNTY, TEXAS
(R.P.R.T.C.T.)	REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS
R.O.W.	RIGHT-OF-WAY

*Michael Pevetoe Survey  
Number 500  
Abstract Number 623*

JOHN C. & JANET BESPERKA  
VOL. 13128, PG. 1180  
R.P.R.T.C.T.

BEARING BASIS: THE SOUTH LINE OF THE 1.176 ACRE TRACT OF LAND CONVEYED TO JOHN C. AND JANET BESPERKA BY INSTRUMENT OF RECORD IN VOLUME 13128, PAGE 1184 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS BEING NORTH 89°36'54" WEST, AS CITED THEREIN.

ANDERSON MILL MARINE PARTNERSHIP  
0.702 AC.  
VOL. 12557, PG. 129  
R.P.R.T.C.T.

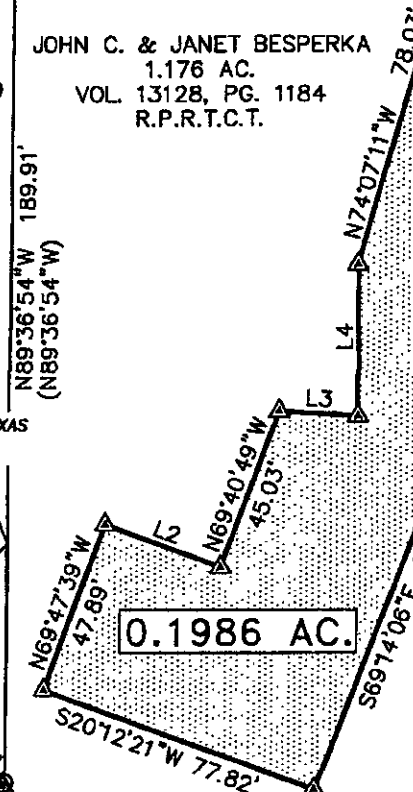
(S00°00'00"W) (114.01')  
S00°02'03"W 113.98'

JOHN C. & JANET BESPERKA  
1.176 AC.  
VOL. 13128, PG. 1184  
R.P.R.T.C.T.

POINT OF BEGINNING

(N70°06'00"E)  
N70°04'47"E  
41.96' (42.01')

(N74°13'39"E)  
N74°12'26"E  
15.18'

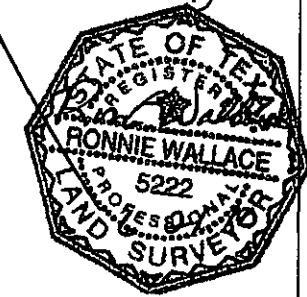


JOHN C. & JANET BESPERKA  
1.176 AC.  
VOL. 13128, PG. 1184  
R.P.R.T.C.T.

LINE TABLE		
LINE	BEARING	LENGTH
L1	S50°25'36"E	22.32'
L2	N20°40'57"E	33.06'
L3	N03°39'27"E	20.95'
L4	S89°22'30"W	40.70'

S12°25'10"W 153.21'  
(S12°22'05"W 153.25')

JOHN C. & JANET BESPERKA  
3.079 AC.  
VOL. 13128, PG. 1180  
R.P.R.T.C.T.



ANDREW L. & CAROLYN SCHAEFER  
0.27 AC.  
VOL. 5995, PG. 1727  
D.R.T.C.T.

ANDREW L. & CAROLYN SCHAEFER  
0.184 AC.  
VOL. 12221, PG. 932  
D.R.T.C.T.

SKETCH TO ACCOMPANY FIELD NOTES OF 0.1986 OF ONE ACRE (8,650 SQUARE FEET) OF LAND OUT OF THE MICHAEL PEVETOE SURVEY NUMBER 500, ABSTRACT NUMBER 623 IN TRAVIS COUNTY, TEXAS AND BEING A PORTION OF A 1.176 ACRE TRACT OF LAND CONVEYED TO JOHN C. AND JANET BESPERKA BY INSTRUMENT OF RECORD IN VOLUME 13128, PAGE 1184 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS

## BASELINE LAND SURVEYORS, INC.

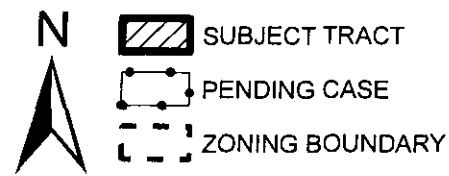
PROFESSIONAL LAND SURVEYING SERVICES  
8333 CROSS PARK DRIVE  
AUSTIN, TEXAS 78754  
OFFICE: 512.374.9722 FAX: 512.873.9743  
ron-baseline@austlnr.com

File: \Projects\Besperka\Draw\Besperka Zoning 3.dwg	Sheet:
Job No.:	Scale (Hor.): 1"=50'
Date: 06/18/10	Scale (Vert.):
Checked By: BWB	Drawn By: RLW

SHEET  
3 of 3



## ZONING EXHIBIT B



1" = 400'

ZONING CASE#: C14-2008-0155  
 LOCATION: 13985 FM 2769 RD  
 SUBJECT AREA: 0.1986 ACRES  
 GRID: B36  
 MANAGER: S. SIRWAITIS



This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.