

**ORDINANCE NO. 20101118-076**

**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 9800 NORTH FM 620 ROAD FROM DEVELOPMENT RESERVE (DR) DISTRICT AND SINGLE FAMILY RESIDENCE STANDARD LOT (SF-2) DISTRICT TO COMMUNITY COMMERCIAL-CONDITIONAL OVERLAY (GR-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 and single family residence standard lot (SF-2) district to community commercial-conditional overlay (GR-CO) combining district on the property described in Zoning Case No. C14-2010-0100, on file at the Planning and Development Review Department, as follows:

A 11.72 acre tract of land, more or less, out of the A.E. Livingston Survey No. 255, Abstract No. 278, 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 9800 North FM 620 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 2,000 trips per day.

B. The following uses are prohibited uses of the Property:

Automotive rentals

Automotive sales

Bail bond services

Drop-off recycling collection facility

Hotel-motel

Automotive repair services

Automotive washing (of any type)

Commercial off-street parking

Exterminating services

Pawn shop services

Theater  
Congregate living  
Group home, Class II  
Service station

Off-site accessory parking  
College and university facilities  
Hospital services (general)

- C. Drive-in services use is prohibited as an accessory use to a commercial use.
- D. A 150-foot wide landscape buffer shall be established and maintained along the 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.

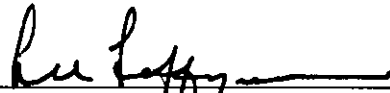
Except as otherwise specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the community commercial (GR) base district, and other applicable requirements of the City Code.

**PART 3.** This ordinance takes effect on November 29, 2010.

**PASSED AND APPROVED**

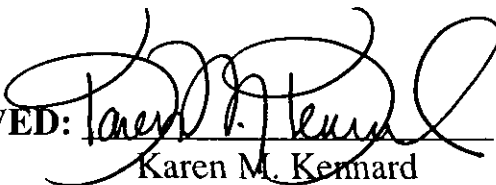
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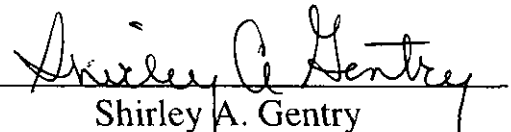
Lee Leffingwell  
Mayor

**APPROVED:**



Karen M. Kennard  
Acting City Attorney

**ATTEST:**



Shirley A. Gentry  
City Clerk

**HOLT CARSON, INC.**  
**PROFESSIONAL LAND SURVEYORS**

1904 FORTVIEW ROAD  
AUSTIN, TEXAS 78704  
TELEPHONE: (512) 442-0990  
FACSIMILE: (512) 442-1084

EXHIBIT A  
January 12<sup>th</sup>, 2007

**FIELD NOTE DESCRIPTION OF 11.72 ACRES OF LAND OUT OF THE A. E. LIVINGSTON SURVEY No. 455, ABSTRACT No. 478 IN TRAVIS COUNTY, TEXAS, AND BEING ALL OF THAT CERTAIN (11.722 ACRES) TRACT OF LAND AS CONVEYED TO NOOTSIE II, LTD., BY SPECIAL WARRANTY DEED RECORDED IN DOCUMENT No. 2004178506 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

BEGINNING at a 1/2" iron rod found in the West right-of-way line of F.M. Highway No. 620, and being the Southeast corner of the certain (12.00 Acres) tract of land as conveyed Wiggers Real Estate Partnership, Ltd. by Warranty Deed recorded in Document No. 2002251944 of the Official Public Records of Travis County, Texas, and being the Northeast corner of that certain (11.722 Acres) tract of land as conveyed to Nootsie II, Ltd. by Special Warranty Deed recorded in Document No. 2004178506 of the Official Public Records of Travis County, Texas, and being the Northeast corner, and **PLACE OF BEGINNING** of the herein described tract;

THENCE with said West right-of-way F.M. Highway No. 620 and the East line of said Nootsie II, Ltd. (11.72 Acres) tract, **S 40 deg. 18' 43" W 299.93 ft.** to a 1/2" iron rod found for an angle point of said Nootsie II, Ltd. (11.722 Acres) tract, and being in the North line of that certain (0.992 acre) tract as conveyed to Southern Union Realty Company by Warranty Deed recorded in Volume 9850 Page 487 of the Real Property Records of Travis County, Texas, and being an angle point of this tract;

THENCE with North line of said Southern Union Realty (0.992 acre) tract and with a line of said Nootsie II, Ltd. (11.722 Acres) tract, **S 63 deg. 14' 47" E 74.92 ft.** to a point in F.M. Highway No. 620 for the Northeast corner of said Southern Union Realty (0.992 acre) tract, and being an angle point of said Nootsie II, Ltd. (11.722 Acres) tract, and being an angle point of this tract;

THENCE through the interior of said F.M. Highway No. 620 with the East line of said Southern Union Realty (0.992 acre) tract and with the East line of said Nootsie II, Ltd. (11.722 Acres) tract **S 40 deg. 04' 48" W 200.11 ft.** to a point for the Southeast corner of said Southern Union Realty (0.992 acre) tract and for the Southeast corner of said Nootsie II, Ltd. (11.722 acre) tract, and being the Northeast corner of that certain (5 Acres) tract of land as conveyed Cecil L. Briggs by deed recorded in Volume 3971 Page 1926 of the Deed Records of Travis County, Texas, and being the Southeast corner of this tract;

SCANNED

THENCE with the common line of said Briggs (5 Acres) tract, and said Nootsie II, Ltd. (11.722 Acres) tract, **N 63 deg. 17' 47" W** at 75.32 ft. passing a 1/2" iron rod found with a plastic cap imprinted with "D. Seelig" on the West right-of-way line of F.M. Highway No. 620 and at 220.38 ft. passing a 1/2" iron rod found for the Southwest corner of said Southern Union Realty (0.992 acre) tract, and continuing with the same bearing for a total distance of **1089.68 ft.** to a 1/2" iron pipe found for the Northwest corner of said Briggs (5 Acres) tract, and being in the East line of that certain (151.706 Acres) tract of land as conveyed to Nootsie II, Ltd. by Special Warranty Deed recorded in Volume 11935 Page 1373 of the Real Property Records of Travis County, Texas, and being the Southwest of said Nootsie II, Ltd. (11.722 Acres) tract, and being the Southwest of this tract;

THENCE with common line of said Nootsie II, Ltd. (151.706 Acres) tract, and said Nootsie II, Ltd. (11.722 Acres) tract for the following two (2) courses:

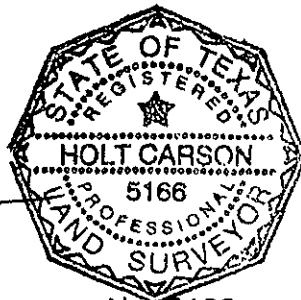
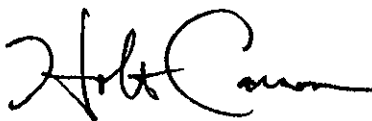
- 1) **N 28 deg. 49' 20" E 196.14 ft.** to a 1/2" iron pipe found for an angle point of this tract;
- 2) **N 29 deg. 03' 22" E 124.79 ft.** to a 1/2" iron rod found for the Northwest corner of said Nootsie II, Ltd. (151.706 Acres) tract, and being an angle point of said Nootsie II, Ltd. (11.722 Acres) tract, and being the Southeast corner of that certain (19.494 Acres) tract of land as conveyed to Wiggers Real Estate Partnership, Ltd. by Warranty Deed recorded in Document No. 2002251944 of the Official Public Records of Travis County, Texas, and being an angle point of this tract;

THENCE with common line of said Wiggers (19.494 Acres) tract, and said Nootsie II, Ltd. (11.722 Acres) tract, **N 25 deg. 12' 19" E 126.00 ft.** to a 1/2" iron rod found for the Southwest corner of that certain (12.00 Acres) tract of land as conveyed to Wiggers Real Estate Partnership, Ltd. by Warranty Deed recorded in Document No. 2002251944 of the Official Public Records of Travis County, Texas, and being the Northwest corner of said Nootsie II, Ltd. (11.722 Acres) tract, and being the Northwest corner of this tract;

THENCE with the common line of said Wiggers (12.00 Acres) tract, and said Nootsie (11.722 Acres) tract, **S 65 deg. 19' 00" E 1123.24 ft.** to the **PLACE OF BEGINNING**, and containing 11.72 Acres of land.

PREPARED: January 12<sup>th</sup>, 2007

BY:



Holt Carson  
Registered Professional Land Surveyor No. 5166

SCANNED

see accompanying map: B 785074

