

ORDINANCE NO. 20110623-112

AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING FOR THE PROPERTY LOCATED AT 13653 RUTLEDGE SPUR AND CHANGING THE ZONING MAP FROM INTERIM-RURAL RESIDENCE (I-RR) DISTRICT TO GENERAL COMMERCIAL SERVICES-MIXED USE-CONDITIONAL OVERLAY (CS-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 interim-rural residence (I-RR) district to general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district on the property described in Zoning Case No. C14-2011-0022, on file at the Planning and Development Review Department, as follows:

A 6.44 acre tract of land, more or less, out of the Rachel Saul Survey, Abstract No. 551, in Williamson 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 13653 Rutledge Spur, in the City of Austin, Williamson 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. Development of the Property shall comply with warehouse limited office (W/LO) site development standards.
- C. The following uses are conditional uses of the Property:

| | |
|---|--|
| Business or trade school | Convenience storage |
| Equipment repair services | Exterminating services |
| College & university facilities | Community recreation (private) |
| Community recreation (public) | Private secondary educational facilities |
| Public secondary educational facilities | Telecommunication tower |

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

| | |
|---|---|
| Agricultural sales & services | Automotive rentals |
| Automotive repair services | Automotive washing (of any type) |
| Automotive sales | Bail bond services |
| Campground | Commercial blood plasma center |
| Commercial off-street parking | Consumer convenience services |
| Consumer repair services | Drop-off recycling collection facility |
| Equipment sales | Financial services |
| Food sales | Funeral services |
| General retail sales (convenience) | General retail sales (general) |
| Hotel-motel | Indoor entertainment |
| Indoor sports & recreation | Kennels |
| Laundry service | Medical office-exceeding 5000 sq. ft. gross floor area |
| Medical office-not exceeding 5000 sq. ft. gross floor area | Monument retail sales |
| Off-site accessory parking | Outdoor entertainment |
| Outdoor sports & recreation | Pawn shop services |
| Personal improvement services | Personal services |
| Pet service | Plant nursery |
| Professional office | Research services |
| Restaurant (general) | Restaurant (limited) |
| Service station | Software development |
| Theater | Vehicle storage |
| Veterinary services | Congregate living |
| Guidance services | Hospital service (general) |
| Hospital services (limited) | Maintenance & service facilities |
| Residential treatment | Transitional housing |
| Transportation terminal | |

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

PART 3. This ordinance takes effect on July 4, 2011.

PASSED AND APPROVED

_____, June 23, 2011 §
 §
 §
 Lee Leffingwell
 Lee Leffingwell
 Mayor

APPROVED: Karen M. Kennard ATTEST: Shirley A. Gentry
 Karen M. Kennard Shirley A. Gentry
 City Attorney 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 6.44 ACRES OF LAND OUT OF THE RACHEL SAUL SURVEY, ABSTRACT NUMBER 551 IN WILLIAMSON COUNTY, TEXAS AND BEING COMPRISED OF THREE TRACTS: A 1.995 ACRE TRACT OF LAND CONVEYED TO MARK A. AND TERESA K. TOUNGATE, TRUSTEES OF THE MARK A. AND TERESA K. TOUNGATE LIVING TRUST BY INSTRUMENT OF RECORD IN DOCUMENT NUMBER 2011004038 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS; A 1.9980 ACRE TRACT OF LAND CONVEYED TO MARK A. AND TERESA K. TOUNGATE, TRUSTEES OF THE MARK A. AND TERESA K. TOUNGATE LIVING TRUST BY INSTRUMENT OF RECORD IN DOCUMENT NUMBER 2008073893 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS AND A 2.448 ACRE TRACT OF LAND CONVEYED TO MARK A. AND TERESA K. TOUNGATE, TRUSTEES OF THE MARK A. AND TERESA K. TOUNGATE LIVING TRUST BY INSTRUMENT OF RECORD IN DOCUMENT NUMBER 2008073894 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" rebar found for the southwest corner of said 1.995 acre tract, the northwest corner of a 2.51 acre tract of land conveyed to Franklin and Gloria Schirpik by instrument of record in Volume 638, Page 345 of the Deed Records of Williamson County, Texas and being in the east right-of-way line of County Road Number 183 (Rutledge Spur) as occupied;

THENCE North 18°43'59" West (record: North 18°51'30" West), along the west line of the 1.995 acre tract and said east right-of-way line of County Road Number 183 a distance of 208.74 feet (record: 208.94 feet) to a 1/2" rebar found for the northwest corner of the 1.995 acre tract, being the southwest corner of said 1.9980 acre tract, from which an iron pipe found for the northwest corner of the 1.995 acre tract and the southeast corner of the 1.9980 acre tract and being in the west line of an 18.66 acre tract of land conveyed to Koontz/McCombs I, Ltd. By instrument of record in Document Number 2006007775 of the Official Public Records of Williamson County, Texas and known therein as "Tract 3" bears North 73°59'28" East a distance of 417.04 feet (record: North 74°00'00" East a distance of 417.25 feet);

THENCE North 17°57'07" West (record: North 18°00'00" West), continuing along the east right-of-way line of County Road Number 183, as occupied and the west line of the 1.9980 acre tract a distance of 209.15 feet (record: 208.80 feet) to a 1/2" rebar found with plastic cap, which reads "BASELINE, INC." for the northwest corner of the 1.9980 acre tract and being in the south line of said 2.448 acre tract; from which a 1/2" rebar found for the northeast corner of the 1.9980 acre tract, a northwest corner of said 18.66 acre tract and being in the south line of the 2.448 acre tract bears North 74°06'16" East a distance of 417.27 feet (record: North 71°33'49" East a distance of 417.27 feet);

THENCE South 74°06'16" West along the south line of the 2.448 acre tract a distance of 27.10 feet (record: 27.10 feet) to a calculated point in the west right-of-way line of County Road Number 183, as occupied, from which a 1/2" rebar found bears North 30°51'39" West a distance of 1.64 feet;

THENCE along the west line of the 2.448 acre tract and the west right-of way line of County Road Number 183, as occupied the following two (2) courses:

1. North 18°11'31" West a distance of 204.68 feet (record: North 20°46'42" West a distance of 204.68 feet) to an iron pipe found;
2. North 14°55'47" West a distance of 62.05 feet (record: North 17°30'58" West a distance of 62.06 feet) to an iron pipe found for the northwest corner of the 2.448 acre tract and being in the curving south line of a 100-foot wide railroad right-of-way conveyed to Capital Metropolitan Transportation Authority by instrument of record in Volume 13187, Page 3118 of the Real Property Records of Travis County, Texas

THENCE along the north line of the 2.448 acre tract and the south line of said 100-foot wide railroad right-of-way the following four (4) courses:

1. along a non-tangential curve to the left, having a radius of 1987.89 feet (record: 1987.89 feet), a length of 54.09 feet (record: 54.09 feet), a delta angle of 01°33'32" (record: 01°33'32") and a chord, which bears South 82°00'15" East a distance of 54.09 feet (record: South 84°30'47" East a distance of 54.09 feet) to a 1/2" rebar found for a point of compound curvature;
2. along a compound curve to the left, having a radius of 2772.56 feet (record: 2772.56 feet), a length of 318.19 feet (record: 318.19 feet), a delta angle of 06°34'32" (record: 06°34'32") and a chord, which bears South 87°06'15" East a distance of 318.02 feet (record: South 89°36'47" East a distance of 318.02 feet) to a 1/2" rebar found with plastic cap, which reads "BASELINE, INC." for a point of compound curvature;
3. along a compound curve to the left, having a radius of 6457.70 feet (record: 6457.70 feet), a length of 280.70 feet (record: 280.50 feet), a delta angle of 02°29'26" (record: 02°29'19") and a chord, which bears North 88°25'23" East a distance of 280.68 feet (record: North 85°54'43" East a distance of 280.47 feet) to a 1/2" rebar found for a point of tangency;
4. North 87°15'56" East a distance of 260.02 feet (record: North 84°40'03" East a distance of 260.54 feet) to a 1/2" rebar found for the east corner of the 2.448 acre tract and being an angle point in the north line of the 18.66 acre tract;

THENCE along the south line of the 2.448 acre tract and the north line of the 18.66 acre tract the following two (2) courses:

1. South 71°04'37" West a distance of 113.31 feet (record: South 68°34'10" West a distance of 113.36 feet) to a 60d nail found;
2. South 72°42'11" West a distance of 311.10 feet (record: South 70°10'44" West a distance of 311.08 feet) to a 1/2" rebar found for the herein previously referenced northeast corner of the 1.9980 acre tract, being the northwest corner of the 18.66 acre tract and being an angle point in the south line of the 2.448 acre tract;

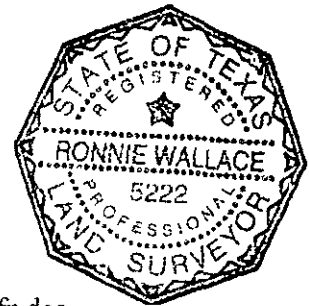
THENCE South $17^{\circ}53'49''$ East (record: South $18^{\circ}00'00''$ East), along the east line of the 1.9980 acre tract and the west line of the 18.66 acre tract a distance of 208.32 feet (record: 208.80 feet) to an iron pipe found for the herein previously referenced southeast corner of the 1.9980 acre tract, being the northeast corner of the 1.995 acre tract and being an angle point in the west line of the 18.66 acre tract;

THENCE South $18^{\circ}02'56''$ East (record: South $18^{\circ}06'00''$ East), along the east line of the 1.995 acre tract and the west line of the 18.66 acre tract a distance of 209.54 feet (record: 209.71 feet) to a 1/2" rebar found for the southeast corner of the 1.995 acre tract, being in the north line of said 2.51 acre tract;

THENC South $74^{\circ}07'00''$ West (record: South $74^{\circ}07'00''$ West-Basis of Bearings), along the south line of the 1.995 acre tract and the north line of the 2.51 acre tract a distance of 414.58 feet (record: 414.50 feet) to the POINT OF BEGINNING.

This parcel contains 6.44 acres of land, more or less, out of the Rachel Saul Survey, Abstract Number 551, in Williamson County, Texas. Bearing Basis: the south line of the 1.995 acre tract conveyed to Mark A. and Teresa K. Toungate, trustees of the Mark A. and Teresa K. Toungate living trust by instrument of record in Document Number 2011004038 of the Official Public Records of Williamson County, Texas being South $74^{\circ}07'00''$ West, as cited therein.

Ronnie Wallace 11 March 2011
Ronnie Wallace Date
Registered Professional Land Surveyor
State of Texas No. 5222



File: S:\Projects\Rutledge Spur\Docs\Field Notes\Rutledge Spur Zoning M&B_fn.doc
Drawing: S:\Projects\Rutledge Spur\Dwg\Zoning M&B.dwg

SEE SHEET 5 FOR GEND
AND CURVE TABLE

GRAPHIC SCALE



[N17°30'58"W]
N14°55'47"W
62.05'
[62.06']

N18°11'31"W
[N20°46'42"W]

204.68'
[204.68']

CAPITAL METROPOLITAN
TRANSPORTATION AUTHORITY
VOL. 13187, PG. 3118
R.P.R.T.C.T.

MARK A. TOUNGATE &
TERESA K. TOUNGATE
2.448 AC.
DOC. NO. 2008073894
O.P.R.W.C.T.

[N71°33'49"E] [417.27']
N74°06'16"E 444.37'

[S70°10'44"W]
S72°42'11"W

SEE DETAIL "A"
S74°06'16"W
[S71°33'49"W]
27.10'
[27.10']

"BASELINE, INC."

MARK A. TOUNGATE &
TERESA K. TOUNGATE
1.9980 AC.
DOC. NO. 2008073893
O.P.R.W.C.T.

(N74°00'00"E)
N73°59'28"E
417.04'
(417.25')

MARK A. TOUNGATE &
TERESA K. TOUNGATE
1.995 AC.
DOC. NO. 2011004038
O.P.R.W.C.T.

{S18°00'00"E}
S17°53'49"E
208.32'
{208.80'}
(S18°06'00"E)
S18°02'56"E
209.54'
(209.71')

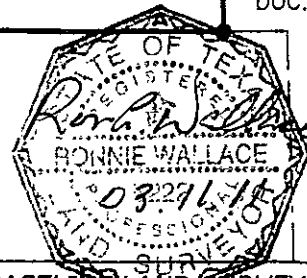
5 SHEET
MATCHLINE
4 SHEET

KOONTZ/MCCOMBS 1, LTD.
18.66 AC. - "TRACT 3"
DOC. NO. 2006007775
O.P.R.W.C.T.

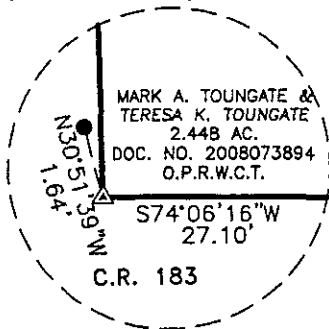
POINT OF BEGINNING

S74°07'00"W 414.58'
(S74°07'00"W) (414.50')
(BASIS OF BEARINGS)

FRANKLIN & GLORIA SCHIRPIK
2.51 AC.
VOL. 638, PG. 345
D.R.W.C.T.



DETAIL "A"
(NOT TO SCALE)



SKETCH TO ACCOMPANY DESCRIPTION
OF 6.44 ACRES OF LAND IN THE RACHEL SAUL SURVEY, ABSTRACT NUMBER 551 IN
WILLIAMSON COUNTY, TEXAS; BEING COMPRISED OF THREE TRACTS: A 1.995 ACRE
TRACT OF LAND CONVEYED TO MARK A. AND TERESA K. TOUNGATE, TRUSTEES OF
THE MARK A. AND TERESA K. TOUNGATE LIVING TRUST BY INSTRUMENT OF
RECORD IN DOCUMENT NUMBER 2011004038 OF THE OFFICIAL PUBLIC RECORDS OF
WILLIAMSON COUNTY, TEXAS; A 1.9980 ACRE TRACT OF LAND CONVEYED TO MARK
A. AND TERESA K. TOUNGATE, TRUSTEES OF THE MARK A. AND TERESA K.
TOUNGATE LIVING TRUST BY INSTRUMENT OF RECORD IN DOCUMENT NUMBER
2008073893 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS
AND A 2.448 ACRE TRACT OF LAND CONVEYED TO MARK A. AND TERESA K.
TOUNGATE, TRUSTEES OF THE MARK A. AND TERESA K. TOUNGATE LIVING TRUST
BY INSTRUMENT OF RECORD IN DOCUMENT NUMBER 2008073894 OF THE OFFICIAL
PUBLIC RECORDS OF WILLIAMSON 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@austin.txrr.com

| | |
|--|------------------------|
| File: [Projects]Rutledge Spur\Zoning M&B.dwg | Snapshot: SY-ZONING MB |
| Job No. | |
| Scale (Hor.): 1"=100' | Scale (Vert.): |
| Date: 03/10/11 | Checked By: JSL |
| | Drawn By: RLW |

SHEET

4 of 5

GRAPHIC SCALE

100 50 0 100
IN FEET

BEARING BASIS: THE SOUTH LINE OF THE 1.995 ACRE TRACT CONVEYED TO MARK A. AND TERESA K. TOUNGATE, TRUSTEES OF THE MARK A. AND TERESA K. TOUNGATE LIVING TRUST BY INSTRUMENT OF RECORD IN DOCUMENT NUMBER 2011004038 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS BEING SOUTH 74°07'00" WEST, AS CITED THEREIN.

*Rachel Saul Survey
Abstract Number 551*

MARK A. TOUNGATE &
TERESA K. TOUNGATE
2.448 AC.
DOC. NO. 2008073894
O.P.R.W.C.T.

CAPITAL METROPOLITAN
TRANSPORTATION AUTHORITY
VOL. 13187, PG. 3118
R.P.R.T.C.T.

LEGEND

KOONTZ/MCCOMBS 1, LTD.
18.66 AC.-"TRACT 3"
DOC. NO. 2006007775
O.P.R.W.C.T.

| SYMBOL | DESCRIPTION |
|--------------|--|
| ● | 1/2" REBAR FOUND |
| ⊙ | IRON PIPE FOUND |
| ⊗ | 1/2" REBAR FOUND WITH CAP |
| ▲ | 60D NAIL FOUND |
| △ | CALCULATED POINT |
| D.R.W.C.T. | DEED RECORDS OF WILLIAMSON COUNTY, TEXAS |
| O.P.R.W.C.T. | OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS |
| R.P.R.T.C.T. | REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS |
| () | RECORD INFORMATION PER VOL. 610, PG. 321, D.R.W.C.T. |
| { } | RECORD INFORMATION PER DOC. NO. 2008073893, O.P.R.W.C.T. |
| [] | RECORD INFORMATION PER DOC. NO. 2008073894, O.P.R.W.C.T. |

CURVE TABLE

| CURVE | RADIUS | LENGTH | DELTA | BEARING | CHORD |
|-------|----------|---------|----------|-------------|---------|
| C1 | 1987.89' | 54.09' | 1°33'32" | S82°00'15"E | 54.09' |
| [C1] | 1987.89' | 54.09' | 1°33'32" | S84°30'47"E | 54.09' |
| C2 | 2772.56' | 318.19' | 6°34'32" | S87°06'15"E | 318.02' |
| [C2] | 2772.56' | 318.19' | 6°34'32" | S89°36'47"E | 318.02' |
| C3 | 6457.70' | 280.70' | 2°29'26" | N88°25'23"E | 280.68' |
| [C3] | 6457.70' | 280.50' | 2°29'19" | N85°54'43"E | 280.47' |

KOONTZ/MCCOMBS 1, LTD.
18.66 AC.-"TRACT 3"
DOC. NO. 2006007775
O.P.R.W.C.T.

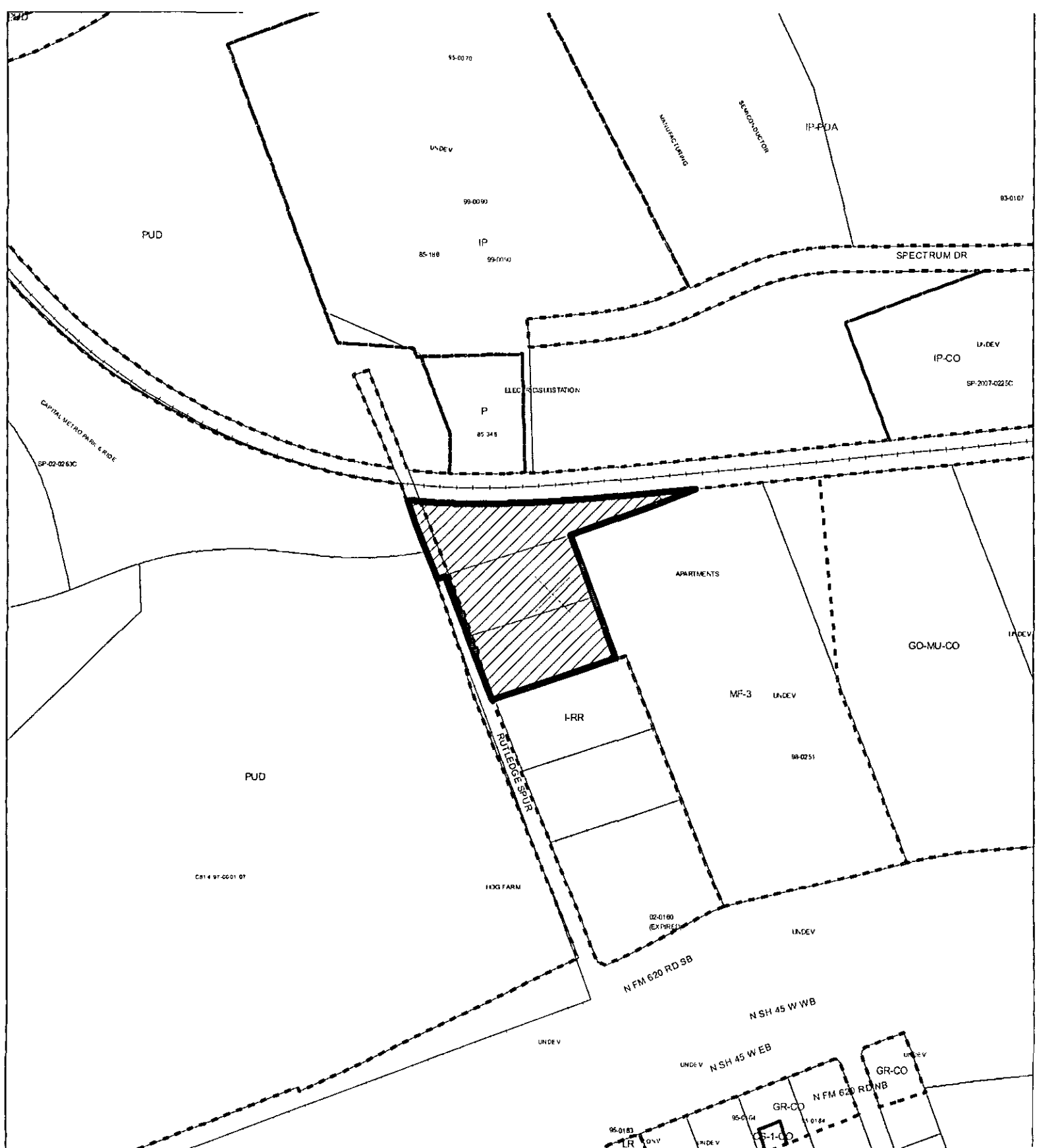
SKETCH TO ACCOMPANY DESCRIPTION
OF 6.44 ACRES OF LAND IN THE RACHEL SAUL SURVEY, ABSTRACT NUMBER 551 IN WILLIAMSON COUNTY, TEXAS; BEING COMPRISED OF THREE TRACTS: A 1.995 ACRE ACT OF LAND CONVEYED TO MARK A. AND TERESA K. TOUNGATE, TRUSTEES OF THE MARK A. AND TERESA K. TOUNGATE LIVING TRUST BY INSTRUMENT OF RECORD IN DOCUMENT NUMBER 2011004038 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS; A 1.9980 ACRE TRACT OF LAND CONVEYED TO MARK A. AND TERESA K. TOUNGATE, TRUSTEES OF THE MARK A. AND TERESA K. TOUNGATE LIVING TRUST BY INSTRUMENT OF RECORD IN DOCUMENT NUMBER 2008073893 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS AND A 2.448 ACRE TRACT OF LAND CONVEYED TO MARK A. AND TERESA K. TOUNGATE, TRUSTEES OF THE MARK A. AND TERESA K. TOUNGATE LIVING TRUST BY INSTRUMENT OF RECORD IN DOCUMENT NUMBER 2008073894 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS

BASELINE LAND SURVEYORS, INC.

PROFESSIONAL LAND SURVEYING SERVICES
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AUSTIN, TEXAS 78754
OFFICE: 512.374.9722 FAX: 512.873.9743
ron-baseline@austin.tx.com

File: \Projects\Rutledge Spur\Zoning M88.dwg
Job No. Snapshot: SY-ZONING MB
Scale (Hor.): 1"=100' Scale (Vert.):
Date: 03/10/11 Checked By: JSL Drawn By: RLW

SHEET
5 of 5

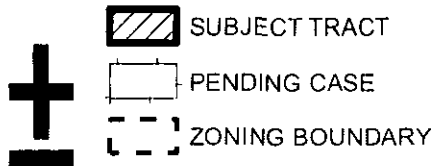


ZONING EXHIBIT B

ZONING CASE#: C14-2011-0022
 LOCATION: 13653 RUTLEDGE SPUR
 SUBJECT AREA: 6.44 ACRES
 GRID: G40
 MANAGER: SHERRI 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.



1" = 400'