

**ORDINANCE NO. 20110728-132**

**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 3311 SOUTH FM 973 ROAD FROM DEVELOPMENT RESERVE (DR) DISTRICT TO GENERAL COMMERCIAL SERVICES-CONDITIONAL OVERLAY (CS-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 general commercial services-conditional overlay (CS-CO) combining district on the property described in Zoning Case No. C14-2011-0048, on file at the Planning and Development Review Department, as follows:

A 6.658 acre tract of land, more or less, out of the Santiago Del Valle League, Abstract No. 24, 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 3311 South FM 973 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. The following uses are prohibited uses of the Property:

Adult-oriented business	Agricultural sales & services
Automotive rentals	Automotive repair services
Automotive sales	Automotive washing (of any type)
Bail bond services	Campground
Commercial blood plasma center	Convenience storage
Drop-off recycling collection facility	Equipment sales
Group home, Class I (limited)	Group home, Class I (general)
Group home, Class II	Pawn shop services
Vehicle storage	

- B. 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.

Except as otherwise specifically restricted under 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.** This ordinance takes effect on August 8, 2011.

**PASSED AND APPROVED**

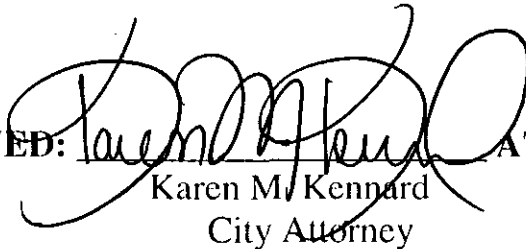
July 28, 2011

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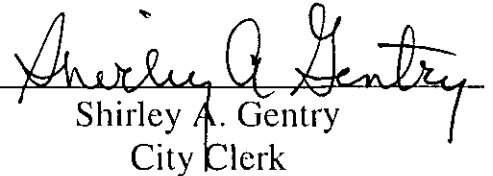
Lee Leffingwell  
Mayor

APPROVED:



Karen M. Kennard  
City Attorney

ATTEST:



Shirley A. Gentry  
City Clerk

6.658 ACRES  
EASTBOURNE CROSSING

EXHIBIT A

FN. NO. 08-030 (ACD)  
JANUARY 16, 2008  
BPI JOB NO. 1673-01

**DESCRIPTION**

OF 6.658 ACRES OF LAND OUT OF THE SANTIAGO DEL VALLE LEAGUE, ABSTRACT NO. 24, SITUATED IN TRAVIS COUNTY, TEXAS, BEING THAT CERTAIN 6.659 ACRE TRACT CONVEYED TO 973 RETAIL, LLC, BY DEED OF RECORD IN DOCUMENT NO. 2007177016, OF SAID OFFICIAL PUBLIC RECORDS; SAID 6.658 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING**, at a 1/2 inch iron rod found on the easterly right-of-way line of F.M. Highway No. 973 (right-of-way varies), being the northwesterly corner of that certain 389.447 acre tract conveyed to Eastbourne Crossing Limited Partnership, by Deed of record in Document No. 2006107114, of said Official Public Records, for the southwesterly corner of said 6.659 acre tract and hereof;

**THENCE**, along said easterly right-of-way line, as found used on the ground, for the westerly line of said 6.659 acre tract and hereof, the following two (2) courses and distances:

- 1) N42°43'03"E, a distance of 148.33 feet to a 1/2-inch iron rod found for an angle point in the westerly line of said 6.659 acre tract and hereof;
- 2) N44°03'25"E, a distance of 599.78 feet to a calculated point in a utility pole at the northwesterly corner of said 6.659 acre tract, being the southwesterly corner of the remainder of that certain 1.22 acre tract conveyed to Israel Thompson, McKinley Sterling, Charlie Davidson and Alf Caldwell, The Board of Deacons of the Del Valle Missionary Baptist Church, by Deed of record in Volume 1715, Page 338, of the Deed Records of Travis County, Texas, for the northwesterly corner hereof, from which a TxDOT Type I concrete monument found bears N42°18'36"E, a distance of 25.10 feet;

**THENCE**, S47°09'44"E, leaving said easterly right-of-way line, along the southerly line of said remainder tract, for the northerly line of said 6.659 acre tract and hereof, a distance of 379.21 feet to a 1/2-inch iron pipe found at the southeasterly corner of said remainder tract, being an angle point in the westerly line of that certain 74.790 acre tract (called "Parcel 359") conveyed to the State of Texas, by Deed of record in Document No. 2005169200, of said Official Public Records, for the northeasterly corner of said 6.659 acre tract and hereof;

**THENCE**, S42°35'07"W, along the westerly line of said Parcel 359, for the easterly line of said 6.659 acre tract and hereof, at 160.80 feet passing a 1/2-inch iron rod found at the southwesterly corner of said Parcel 359, being an angle point in the northerly line of said 389.447 acre tract, and continuing along the northerly line of said 389.447 acre tract for a total distance of 745.23 feet to a concrete monument found at an angle point in the northerly line of said 389.447 acre tract, for the southeasterly corner of said 6.659 acre tract and hereof;

**THENCE**, N47°33'42"W, continuing along the northerly line of said 389.447 acre tract, for the southerly line of said 6.659 acre tract and hereof, a distance of 394.96 feet to the **POINT OF BEGINNING**, and containing 6.658 acres (290,026 square feet) of land, more or less, within these metes and bounds.

BEARING BASIS: TEXAS COORDINATE SYSTEM, CENTRAL ZONE, NAD 83(93), UTILIZING CITY OF AUSTIN AND LCRA PROVIDED MONUMENTS.

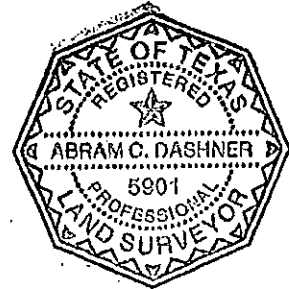
I, ABRAM C. DASHNER, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY STATE THAT THIS DESCRIPTION IS BASED UPON A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION, AND IS TRUE AND CORRECT TO THE BEST OF MY ABILITIES.

BURY & PARTNERS, INC.  
ENGINEERS-SURVEYORS  
3345 BEE CAVES ROAD, SUITE 200  
AUSTIN, TEXAS 78746

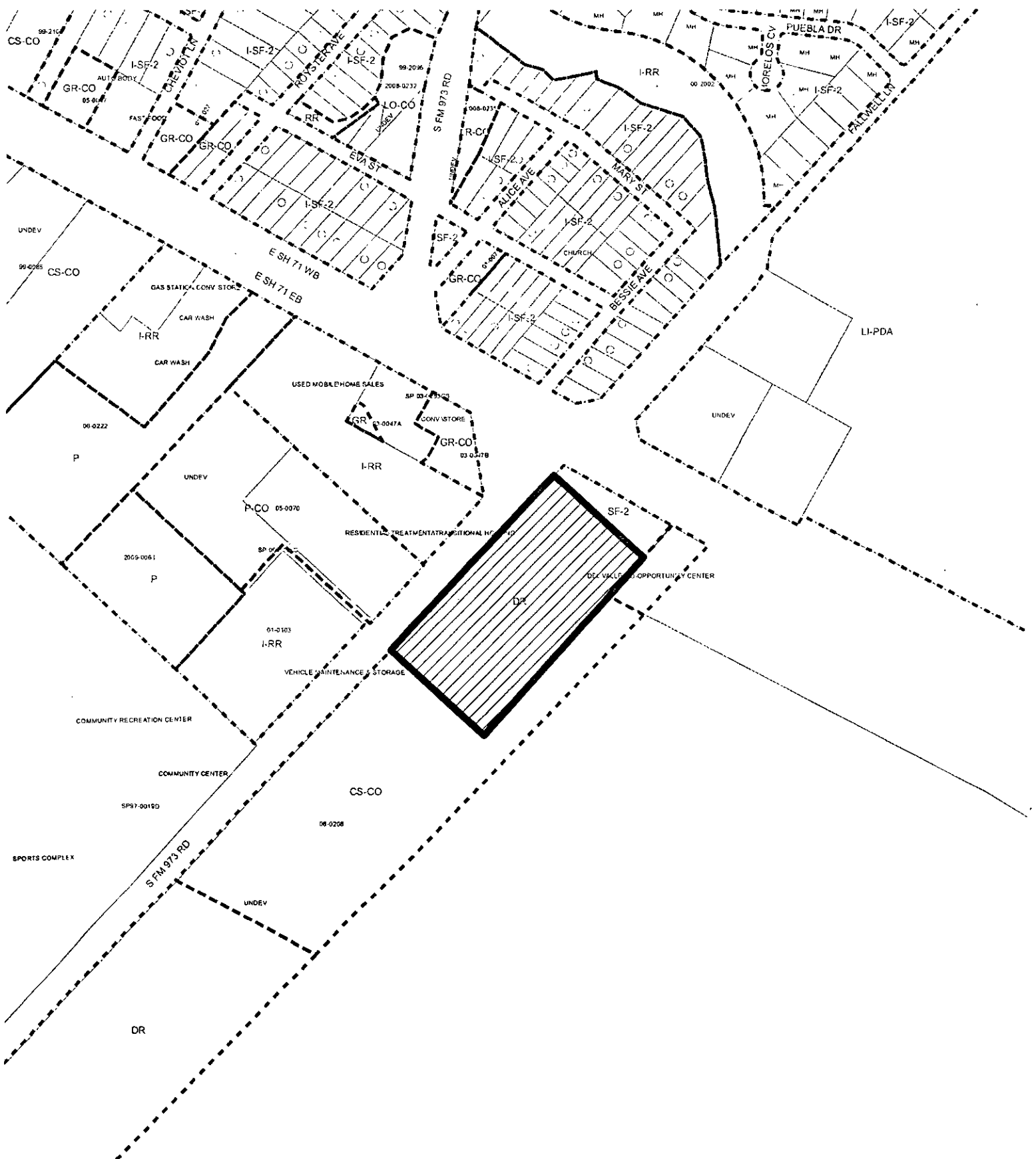


ABRAM C. DASHNER  
NO. 5901  
STATE OF TEXAS

1-16-08










## ZONING EXHIBIT B

ZONING CASE#: C14-2011-0048  
 LOCATION: 3311 S FM 973 RD  
 SUBJECT AREA: 6.658 ACRES  
 GRID: P16  
 MANAGER: WENDY RHOADES



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

1"= 400'

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.