

**ORDINANCE NO. 050113-69**

**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 5618-5628 F.M. 2222 ROAD, 6200-6320 NORTH LAKEWOOD DRIVE, 6702-6710 NORTH LAKEWOOD DRIVE, 6201-6203 AND 6401-6713 CAPITAL OF TEXAS HIGHWAY NORTH, FROM COMMUNITY COMMERCIAL-CONDITIONAL OVERLAY (GR-CO) COMBINING 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 community commercial-conditional overlay (GR-CO) combining district to community commercial-conditional overlay (GR-CO) combining district on the property described in File C14-04-0115, as follows:

A tract of land out of the James Jett Survey No. 1 and the T.J. Chambers Grant, in Travis County, Texas, the tract of land being more particularly described by metes and bounds in Exhibits A, A-1, B, and C incorporated into this ordinance, (the "Property")

locally known as 5618-5628 F.M. 2222 Road, 6200-6320 North Lakewood Drive, 6702-6710 North Lakewood Drive, 6201-6203 and 6401-6713 Capital of Texas Highway North, in the City of Austin, Travis County, Texas, and as more particularly identified in the map attached as Exhibit "D".

**PART 2.** The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

1. Along the eastern property line a building or structure may not be constructed or maintained within 75 feet of a slope with a gradient of 25 percent or more that is adjacent to the flood plain of Bull Creek (generally identified as the bluff).
2. A 50 foot wide undisturbed vegetative buffer shall be provided and maintained along the eastern property line. Development within the buffer shall comply with the screening requirements of Section 25-2-1027 (*Visual Screening*) of the City Code, Section 2.9.2 (*Special Screening Standards for Hill Country Sites*) and Appendix A

(*Special Revegetation Criteria for Hill Country Roadway Sites*), of the Environmental Criteria Manual. Restoration and replacement of destroyed or diseased vegetation is permitted as necessary.

3. Vehicular access from the Property to Lakewood Drive is prohibited. All vehicular access to the Property shall be from other adjacent public streets or through other adjacent property.
4. Highly reflective materials may not be used on the Property.
5. The noise level of mechanical equipment may not exceed 70 DBA at the eastern property line.
6. A building or structure may not exceed a height of 28 feet above ground level.
7. The following uses of the Property are prohibited:

Automotive sales	Automotive rentals
Automotive repair services	Automotive washing (of any type)
Commercial off-street parking	Off-site accessory parking
Service station	Exterminating services
Restaurant (limited)	
8. Drive-in service is prohibited as an accessory use to a restaurant use.
9. Exterior lighting shall be hooded or shielded so that the light source is not directly visible from adjacent property.

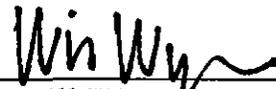
Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the community commercial (GR) base district and other applicable requirements.

**PART 3.** This ordinance takes effect on January 24, 2005.

**PASSED AND APPROVED**

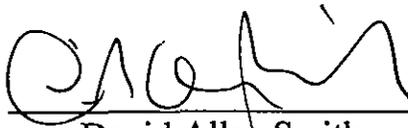
January 13, 2005

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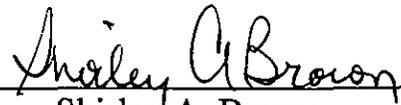
Will Wynn  
Mayor

**APPROVED:**



David Allan Smith  
City Attorney

**ATTEST:**



Shirley A. Brown  
City Clerk

Champion Tract  
252.06 Acres  
Travis County, Texas

FN 2663 (JJM)  
June 25, 1985  
EH& Job No. 5371-03  
EH&A Plat No. 14970-5371-2

- ~~7. N 73° 17' 32" W, a distance of 30.48 feet to a 3/8-inch iron rod found,~~
8. N 68° 38' 43" W, a distance of 68.97 feet to a 3/8-inch iron rod found,
9. N 60° 27' 31" W, a distance of 55.52 feet to a 3/8-inch iron rod found,
10. N 55° 41' 26" W, a distance of 70.14 feet to a 3/8-inch iron rod found, and
11. N 49° 39' 52" W, a distance of 125.09 feet to a calculated point, being the most northerly northwest corner of said Lot 52 of The Courtyard Phase 3-D, same being the intersection of the said southwest line of the 43.32 acre tract and the said east right-of-way line of State Highway Loop 360, and from the said calculated point a concrete monument found, being an angle point in the said east right-of-way line of State Highway Loop 360, bears S 25° 34' 08" W, a distance of 462.07 feet;

THENCE, leaving the said north line of Lot 52 of The Courtyard Phase 3-D and leaving the said southwest line of the 43.32 acre tract, with the said east right-of-way line of State Highway Loop 360, over and across the said 43.32 acre tract, the following three (3) courses and distances:

1. N 25° 34' 08" E, a distance of 289.82 feet to a concrete monument found, being 307.46 feet left of the State Highway Loop 360 centerline station 356+86.42,
2. N 72° 57' 37" E, a distance of 331.35 feet to a concrete monument found, and
3. N 87° 25' 43" E, a distance of 203.16 feet to the POINT OF BEGINNING, containing 9.20 acres of land

#### PARCEL E

BEGINNING at an iron rod found, being the intersection of the northeast line of the said 260 acre tract and the east right-of-way line of State Highway Loop 360, same being the most westerly corner of that certain 7.3795 acre tract of land conveyed to C. A. Davis, Trustee, by warranty deed recorded in Volume 7027, Page 2091 of the said Deed Records of Travis County, same also being the most northerly corner of the herein described parcel;

THENCE, with the said northeast line of the 260 acre tract, being the southwest line of the said Davis 7.3795 acre tract, the following four (4) courses and distances:

1. S 60° 06' 22" E, a distance of 42.94 feet to an iron rod found,
2. S 60° 32' 39" E, a distance of 166.95 feet to a 3/8-inch iron rod found,
3. S 59° 28' 48" E, a distance of 265.74 feet to a 3/8-inch iron rod found, and

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4. S 62° 34' 14" E, a distance of 79.87 feet to a 3/8-inch iron rod found, being the most northerly corner of that certain 0.998 acre tract of land conveyed to Josie Ellen Champion by deed recorded in Volume 4189, Page 77 of the said Deed Records of Travis County;

THENCE, leaving the said southwest line of the Davis 7.3795 acre tract and leaving the said northeast line of the 260 acre tract, with the west line of the said Champion 0.998 acre tract, over and across the said 260 acre tract, the following two (2) courses and distances:

1. S 30° 20' 12" W, passing at a distance of 50.15 feet a 3/8-inch iron rod found, a total distance of 186.62 feet to a 3/8-inch iron rod found, and
2. S 04° 59' 51" E, a distance of 96.97 feet to a 1/4-inch iron rod found, being the southwest corner of the said Champion 0.998 acre tract, same being a point on the east line of the said 260 acre tract, same also being a point on the northwest line of that certain 3.35 acre tract of land conveyed to Joe T. Robertson, Jr., Daniel B. Robertson, and Thomas H. Robertson by deed recorded in Volume 5536, Page 303 of the said Deed Records of Travis County, the said iron rod also being on the approximate centerline of Bull Creek, from which an iron rod found, being an angle point on the south line of the said Champion 0.998 acre tract, also being an angle point on the said northwest line of the Robertson 3.35 acre tract, bears N 76° 41' 22" E, a distance of 102.46 feet;

THENCE, leaving the said west line of the Champion 0.998 acre tract, with the said east line of the 260 acre tract, being the said northwest line of the Robertson 3.35 acre tract, same being with the meanders of the approximate centerline of Bull Creek, the following seven (7) courses and distances:

1. S 76° 41' 32" W, a distance of 73.63 feet to a calculated point,
2. S 86° 55' 00" W, a distance of 103.70 feet to a calculated point,
3. S 47° 50' 00" W, a distance of 70.29 feet to a calculated point,
4. S 25° 05' 00" W, a distance of 322.30 feet to a calculated point,
5. S 36° 20' 00" W, a distance of 235.03 feet to a calculated point,
6. S 00° 10' 00" E, a distance of 241.83 feet to a calculated point, and
7. S 09° 52' 00" E, a distance of 5.80 feet to a calculated point, being the southwest corner of the said Robertson 3.35 acre tract, same being the northwest corner of Lot 75 of Lakewood Village, a subdivision recorded in Plat Book 8, Page 24 of the Plat Records of Travis County, and from the said calculated point a 3/8-inch iron rod found, being the northwest corner of Lot 20, Block B of the said Lakewood Village, same being the southwest corner of Lot 21, Block B of Lakewood Park, Section 1, a subdivision recorded in Plat Book 9, Page 107 of the said Plat Records of Travis County, same also being a point on the east right-of-way line of a 60-foot wide county road known as Lakewood Drive, bears N 87° 16' 00" E, a distance of 161.24 feet;

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THENCE, leaving the said northwest line of the Robertson 3.35 acre tract, continuing with the said east line of the 260 acre tract, being the west line of the said Lot 75 of Lakewood Village, same being with the said meanders of the approximate centerline of Bull Creek, the following two (2) courses and distances:

1. S 09° 52' 00" E, a distance of 572.31 feet to a calculated point, and
2. S 16° 27' 00" E, a distance of 412.47 feet to a calculated point, being the most easterly southeast corner of the said 260 acre tract;

THENCE, leaving the said west line of Lot 75 of Lakewood Village and leaving the said approximate centerline of Bull Creek, continuing with the said east line of the 260 acre tract, S 43° 57' 06" W, a distance of 566.26 feet to a calculated point, being the intersection of the said east line of the 260 acre tract and the north line of the said 43.32 acre tract, from which an old fence corner found, being the northeast corner of the said 43.32 acre tract, same being the southeast corner of the said Lakewood Village, same also being the northeast corner of Parkhill, a subdivision recorded in Plat Book 81, Pages 307-308 of the said Plat Records of Travis County, bears N 89° 51' 41" E, a distance of 1537.65 feet;

THENCE, leaving the said east line of the 260 acre tract, with the said north line of the 43.32 acre tract, N 89° 51' 41" E, a distance of 509.63 feet to a calculated point, being the intersection of the said north line of the 43.32 acre tract and the said west line of Lot 75 of Lakewood Village, same being on the approximate centerline of Bull Creek;

THENCE, leaving the said north line of the 43.32 acre tract, with the said west line of Lot 75 of Lakewood Village, being with the meanders of the approximate centerline of Bull Creek, over and across the said 43.32 acre tract, S 14° 30' 31" E, a distance of 12.87 feet to a calculated point, being the southwest corner of the said Lot 75 of Lakewood Village;

THENCE, leaving the said west line of Lot 75 of Lakewood Village and leaving the said approximate centerline of Bull Creek, with the said south line of Lot 75 of Lakewood Village, continuing over and across the said 43.32 acre tract, N 84° 47' 00" E, a distance of 54.85 feet to a calculated point, being the southeast corner of said Lot 75 of Lakewood Village, same being a point on the west right-of-way line of the said Lakewood Drive, from which a 3/8-inch iron rod found, being a point of tangency on the east right-of-way line of the said Lakewood Drive, same being a point of tangency on the west line of Lot 4, Block A of the said Lakewood Village, bears N 14° 48' 58" W, a distance of 354.98 feet and N 75° 11' 02" W, a distance of 60.00 feet;

THENCE, leaving said south line of Lot 75 of Lakewood Village, continuing over and across the said 43.32 acre tract, with the said west right-of-way line of Lakewood Drive, the following three (3) courses and distances:

1. S 14° 48' 58" E, a distance of 20.19 feet to a calculated point at a point of curvature,
2. with a curve to the right having a radius of 603.32 feet, a central angle of 09° 59' 52" and an arc length of 105.36 feet, along the chord bearing S 09° 49' 02" E, a chord distance of 105.23 feet to a calculated point at a point of tangency, from which a 1 3/4-inch iron pipe found, being a point of tangency on the said east right-of-way line of Lakewood Drive, same being a point of tangency on the west line of Lot 3, Block A of the said Parkhill, bears N 85° 10' 54" E, a distance of 60.00 feet, and

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3. S 04° 49' 06" E, a distance of 345.92 feet to a calculated point, being the intersection of the said west right-of-way line of Lakewood Drive and the north right-of-way line of RM Highway 2222, from which an iron rod found in concrete, being the intersection of the said east right-of-way line of Lakewood Drive and the said north right-of-way line of RM Highway 2222, same being the southwest corner of Lot 6, Block A of the said Parkhill, bears S 72° 53' 58" E, a distance of 64.68 feet;

THENCE, leaving the said west right-of-way line of Lakewood Drive, continuing over and across the said 43.32 acre tract, with the said north right-of-way line of RM Highway 2222, N 72° 53' 58" W, a distance of 269.32 feet to a concrete monument found, being the intersection of the said north right-of-way line of RM Highway 2222 and the said east right-of-way line of State Highway Loop 360;

THENCE, leaving the said north right-of-way line of RM Highway 2222, over and across, consecutively, the said 43.32 acre tract and the said 260 acre tract, with the said east right-of-way line of State Highway Loop 360, the following seven (7) courses and distances:

1. N 59° 26' 47" W, a distance of 427.04 feet to a concrete monument found,
2. N 24° 18' 12" W, a distance of 89.75 feet to a concrete monument found,
3. N 15° 08' 18" E, a distance of 462.64 feet to a concrete monument found,
4. N 01° 28' 16" E, a distance of 885.09 feet to a concrete monument found, being 190 feet left of the State Highway Loop 360 centerline station 339+00,
5. N 06° 15' 33" W, a distance of 203.87 feet to a concrete monument found,
6. N 05° 04' 31" E, a distance of 713.98 feet to a concrete monument found at a point of curvature, being 150 feet left of the State Highway Loop 360 centerline station 329+85.8, and

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7. with a curve to the right having a radius of 1759.27 feet, a central angle of  $18^{\circ} 32' 54''$  and an arc length of 569.52 feet, along the chord bearing  $N 14^{\circ} 20' 58'' E$ , a chord distance of 567.04 feet to the POINT OF BEGINNING, containing 18.82 acres of land.

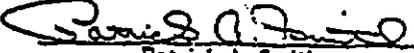
THE STATE OF TEXAS |  
COUNTY OF TRAVIS |

KNOW ALL MEN BY THESE PRESENTS:

That I, Patrick A. Smith, a Registered Public Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and that the property described herein was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the 27<sup>TH</sup> day of JUNE, 1985, A.D.

ESPEY, HUSTON & ASSOCIATES, INC.  
Engineering & Environmental Consultants  
P.O. Box 519  
Austin, Texas 78767

  
Patrick A. Smith  
Registered Public Surveyor  
No. 4280 - State of Texas

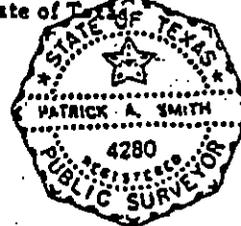


Exhibit " A "  
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Champion Tract 4 (13 ac.)  
C14-98-0163

**TRACT I:** 18.32 acres of land out of the James Jett Survey No. 1, and the T. J. Chambers Grant in Travis County, Texas, being a portion of that 260 acre tract and that 43.32 acre tract conveyed to C. C. Champion by deed recorded in Volume 482, Page 627 of the Deed Records of Travis County, Texas, being more particularly described by metes and bounds on Exhibit "A" attached hereto and made a part hereof.

**SAVE AND EXCEPT** a 7.03 acre tract, being more particularly described by metes and bounds on Exhibit "B" attached hereto and made a part hereof.

**TRACT II:** Being all of that certain tract or parcel of land containing 0.998 acres, more or less, situated in the James Jett Survey No. 1, Travis County, Texas, said tract being more particularly described by metes and bounds shown on Exhibit "C" attached hereto and a part hereof.

EXHIBIT A-1

FIELD NOTES  
FOR  
HOYLE OSBORNE

7.03 ACRE TRACT

ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF THE JAMES JETT SURVEY NO. 1, AND THE T. J. CHAMBERS GRANT, IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN 280.00 ACRE AND 42.32 ACRE TRACT OF LAND AS CONVEYED TO C. C. CHAMPION BY DEED RECORDED IN VOLUME 482, PAGE 627, DEED RECORDS, TRAVIS COUNTY, TEXAS, AND A 2.39 ACRE TRACT OF LAND OF UNDETERMINED OWNERSHIP, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING FOR REFERENCE at the intersection of the North r.o.w. line of R. K. Highway No. 2222, with the West r.o.w. line of Lakewood Drive;

THENCE with the North r.o.w. line of R. K. Highway No. 2222, N 72° 53' 58" W for a distance of 229.32 feet to a point for the Southeast corner and PLACE OF BEGINNING hereof;

THENCE continuing with the North r.o.w. line of R.K. Highway No. 2222, N 72° 53' 38" W for a distance of 30.00 feet to an angle point at the intersection of the North line of R.K. Highway No. 2222, with the East r.o.w. line of State Highway Loop 360;

THENCE with an Easterly line of State Highway Loop 360, N 99° 26' 47" W for a distance of 150.59 feet to a point for a Southeast corner hereof;

THENCE N 27° 53' 58" W for a distance of 152.04 feet to a point for an inside corner hereof;

THENCE with a Southerly line of the herein described tract, the following courses:

N 69° 50' W for a distance of 57.68 feet to an angle point;

N 85° 55' W for a distance of 80.00 feet to an angle point;

N 60° 00' W for a distance of 65.10 feet to a point in the East r.o.w. line of State Highway Loop 360, for the Southwest corner hereof;

THENCE with the East r.o.w. line of State Highway Loop 360, the following courses:

N 24° 18' 12" W for a distance of 21.75 feet to an angle point;

N 15° 08' 18" E for a distance of 462.64 feet to an angle point;

N 01° 28' 16" E for a distance of 245.00 feet to a point for the Northwest corner hereof;

THENCE S 66° 48' E for a distance of 221.60 feet to a point for the Northeast corner hereof;

THENCE with the Easterly line of the herein described tract, the following courses:

S 14° 10' E for a distance of 107.00 feet to an angle point;

S 3° 30' E for a distance of 177.00 feet to an angle point;

S 13° 30' E for a distance of 177.00 feet to an angle point;

S 07° 30' E for a distance of 157.00 feet to an angle point;

FIELD NOTES  
FOR  
MOYLE OSBORNE

PAGE 2

7.03 ACRE TRACT

S 00° 00' W for a distance of 142.00 feet to an angle point;

S 14° 30' W for a distance of 106.00 feet to an angle point;

N 77° 25' W for a distance of 104.00 feet to an angle point;

N 49° 30' W for a distance of 15.67 feet to an angle point;

S 27° 53' 58" E for a distance of 191.27 feet to the PLACE OF  
BEGINNING, and containing 7.03 acres of land, more or less.

PREPARED FROM MAP AND DEED RECORDS AND DOES NOT REFLECT AN ON THE  
GROUND SURVEY.

DOUGLAS A. SEELIG  
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 1904.  
3802 Manchaca Road  
Austin, Texas 78704  
November 13, 1950

Work Order No. 7652  
Disk No. 12

Exhibit " B "  
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C

E-1

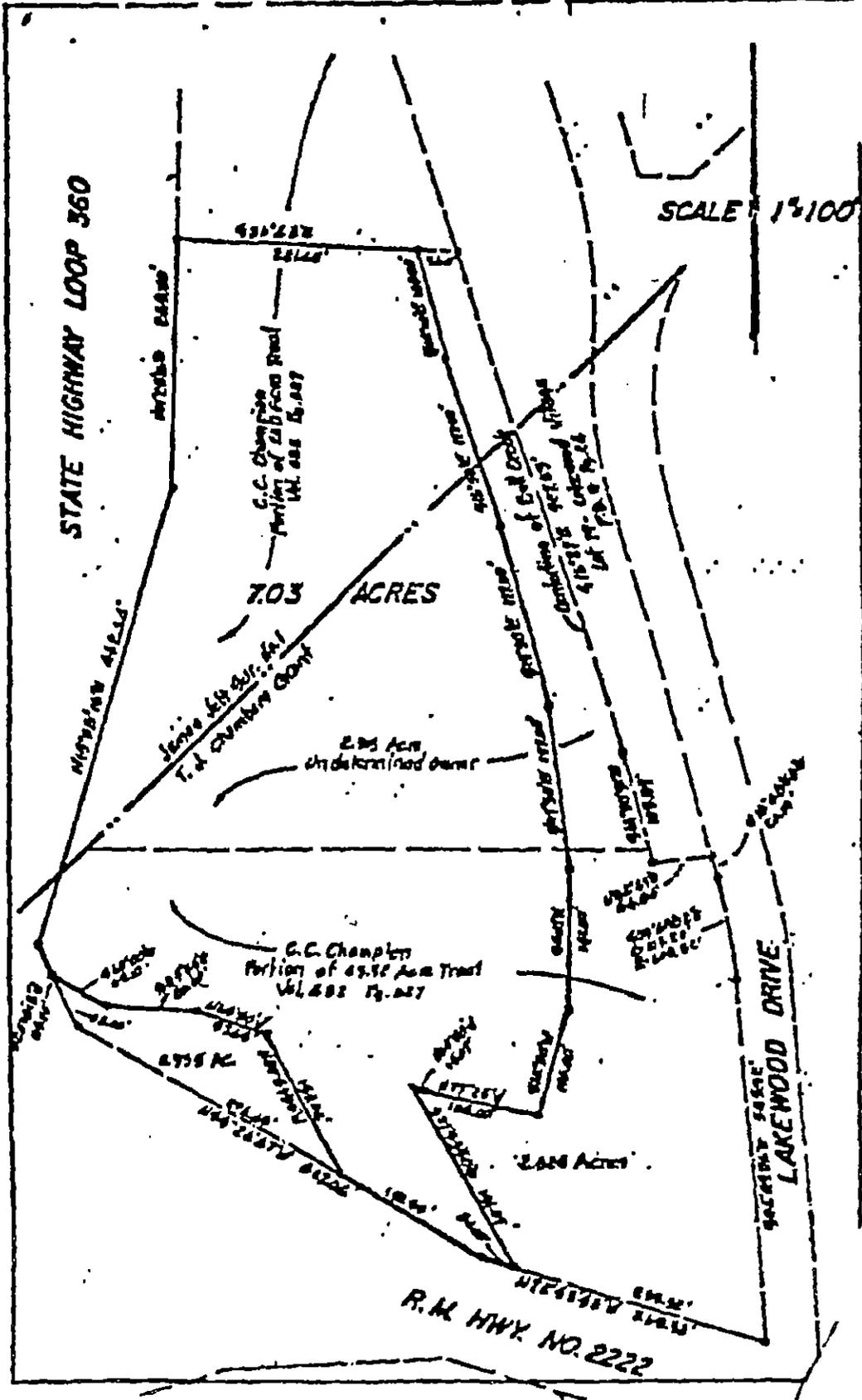


Exhibit " B "

0.998 acres of land in the James Jett Survey #1, (Abstract 437) in Travis County, Texas; it being a portion of the 260 acre tract of land that was described in the partition deed between C. C. Champion and Mrs. Josie Champion Hill, dated September 10, 1932, and recorded in the Travis County Deed Records Volume 482, Page 627.

BEGINNING on a 1/2" steel stake placed in the West right-of-way line of the 60 foot Lakewood Drive, and on the North Line of the James Jett Survey #1 and the South Line of the Robert Foster Survey #43, as recognized and used upon the ground; and from which beginning point the iron stake and rock mound at the East corner of said James Jett Survey #1, as recognized and used upon the ground, and being the same as was re-established in 1957 by Egbert V. Smith, bears S 59 deg. 50' E at 948.31 feet.

1. Then with the West right-of-way line of Lakewood Drive, S 38 deg. 54' W for 169.88 feet to a point in the center of Bull Creek.
2. Then down the center of Bull Creek, with the boundary line as described in the previously mentioned partition deed, recorded in T.C.D.R. Vol. 482, Page 627, N 84 deg. 15' W for 69.97 feet to a 3/8" steel stake placed in a drilled hole in the bedrock of Bull Creek.
3. Then down the center of Bull Creek, with said previous boundary line, S 77 deg. 00' W for 102.44 feet to a 1/4" steel pin placed in a drilled hole in said bedrock; and from which pin, a 1/2" steel stake placed for reference bears S 77 deg. 00' W at 11.73 feet (near the top of a water-fall).
4. Then N 4 deg. 46' W for 97.05 feet to a 1/2" steel stake placed near the top of the Bluff (a 24" Live Oak tree bears N 60 deg. E at 4 feet).
5. Then N 30 deg. 41' E (at 136.55 feet is a 1/2" steel stake placed 50 feet from the North property line) for 186.55 feet to a 1/2" steel stake placed for the North West corner

of the 0.998 acre tract herein described, and beneath the old fence on the North line of the James Jett Survey #1; and from which N.W. corner stake, the centerline intersection of West Loop 360 and said old fence line on North line of James Jett Survey, bears N 59 deg. 54' W at 712.68 feet.

6. Then with the approximate North line of the James Jett Survey #1, S 60 deg. 02' E (at 18.69 feet & 0.46 feet right is a 60d nail found beneath a power line, at 27.1 feet is a 13" Cedar Tree on the line and at the corner of the old fence, at 49.5 feet is a 14" Live Oak Tree with three old "line marks" on the North face) for a total distance of 218.02 feet to the place of beginning and containing 0.998 acres of land.

**EXHIBIT C**

