

ORDINANCE NO. 20050512-Z009

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 8509 FM 969 ROAD FROM FAMILY RESIDENCE (SF-3) DISTRICT TO NEIGHBORHOOD COMMERCIAL-CONDITIONAL OVERLAY (LR-CO) COMBINING DISTRICT FOR TRACT ONE AND GENERAL OFFICE-CONDITIONAL OVERLAY (GO-CO) COMBINING DISTRICT FOR TRACT TWO.

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 districts on the property described in Zoning Case No. C14-05-0020, on file at the Neighborhood Planning and Zoning Department, as follows:

Tract One: From family residence (SF-3) district to neighborhood commercial-conditional overlay (LR-CO) combining district.

A 5.143 acre tract of land, more or less, out of the James Burleson Survey No. 19, Abstract No.4, Travis County, Texas, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance; and

Tract Two: From family residence (SF-3) district to general office-conditional overlay (GO-CO) combining district.

A 20.095 acre tract of land, more or less, out of the Phillip McElroy Survey No. 18, Abstract No.16, and the James Burleson Survey No. 19, Abstract No.4, Travis County, Texas, the tract of land being more particularly described by metes and bounds in Exhibit "B" incorporated into this ordinance (the "Property"),

locally known as 8509 FM 969 Road, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "C".

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

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 above the trips generated by the existing or approved development.

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the respective base districts and other applicable requirements of the City Code.

PART 3. This ordinance takes effect on May 23, 2005.

PASSED AND APPROVED

_____ May 12, 2005	§ § §	_____ Will Wynn Mayor
APPROVED: _____ David Allan Smith City Attorney	ATTEST: _____ Shirley A. Brown City Clerk	

EXHIBIT "A"

April 15, 2005
Job No. 96-145-zn1

FIELD NOTES

BEING 5.143 ACRES OF LAND LOCATED IN THE JAMES BURLESON SURVEY NO.19, ABSTRACT NO.4, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; SAID 5.143 ACRES BEING A PORTION OF THAT CERTAIN 171.987 ACRE TRACT DESCRIBED BY DEED TO A & R VISION, INC., RECORDED AS Doc. No. 1999100560 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 5.143 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a Texas Department of Transportation Type I (concrete) monument found on the southerly right of way line of Farm to Market Road No. 969 (locally known as Martin L. King Boulevard) at the most northerly common corner of that certain 2.306 acre tract described by deed to Joe Allen, Jr., recorded in Volume 8295 at Page 430 of the Deed Records of Travis County, Texas, and said 171.987 acre tract for the most northeasterly corner hereof;

THENCE into and across the interior of said 171.987 acre tract, S 27°40'53" W, 237.35 feet to a point on the easterly edge of a 50 feet wide access easement described by deed recorded in Volume 12947 at Page 3792 of the Real Property Records of Travis County, Texas, for an angle point in the easterly line hereof;

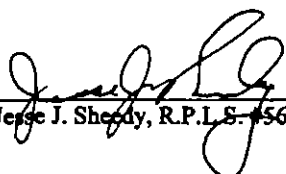
THENCE continuing into and across the interior of said 171.987 acre tract and along said easterly edge of access easement, S 28°00'40" W, 41.94 feet to the southeasterly corner hereof;

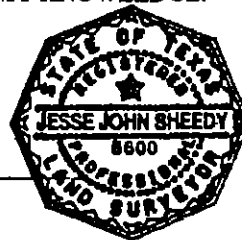
THENCE generally westerly and northerly, continuing into and across the interior of said 171.987 acre tract the following three (3) courses:

1. N 61°49'38" W, 637.21 feet to an angle point in the southwesterly line hereof;
2. N 70°19'38" W, 108.09 feet to the southwesterly corner hereof;
3. N 29°40'22" E, 287.77 feet to a point on the curving aforementioned southerly right of way line of Farm to Market Road No. 969 for the northwesterly corner hereof;

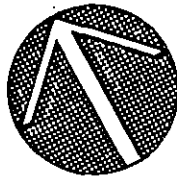
THENCE southeasterly 740.21 feet along the arc of said curve to the right, having a radius of 1712.95 feet, a central angle of 24°45'32" and a chord which bears S 62°25'11" E, 734.46 feet the POINT OF BEGINNING for the end of this description which contains 5.143 acres of land, more or less.

I HEREBY CERTIFY THAT THIS METES AND BOUNDS DESCRIPTION WAS PREPARED FROM A SURVEY PERFORMED ON THE GROUND UNDER MY SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.


Jesse J. Sheedy, R.P.L.S. #5600



(The bearings shown hereon are referenced to the Texas State Plane Coordinate System, Central Zone (NAD 1927) based upon City of Austin Electric Department Monument No. EUD-408.)

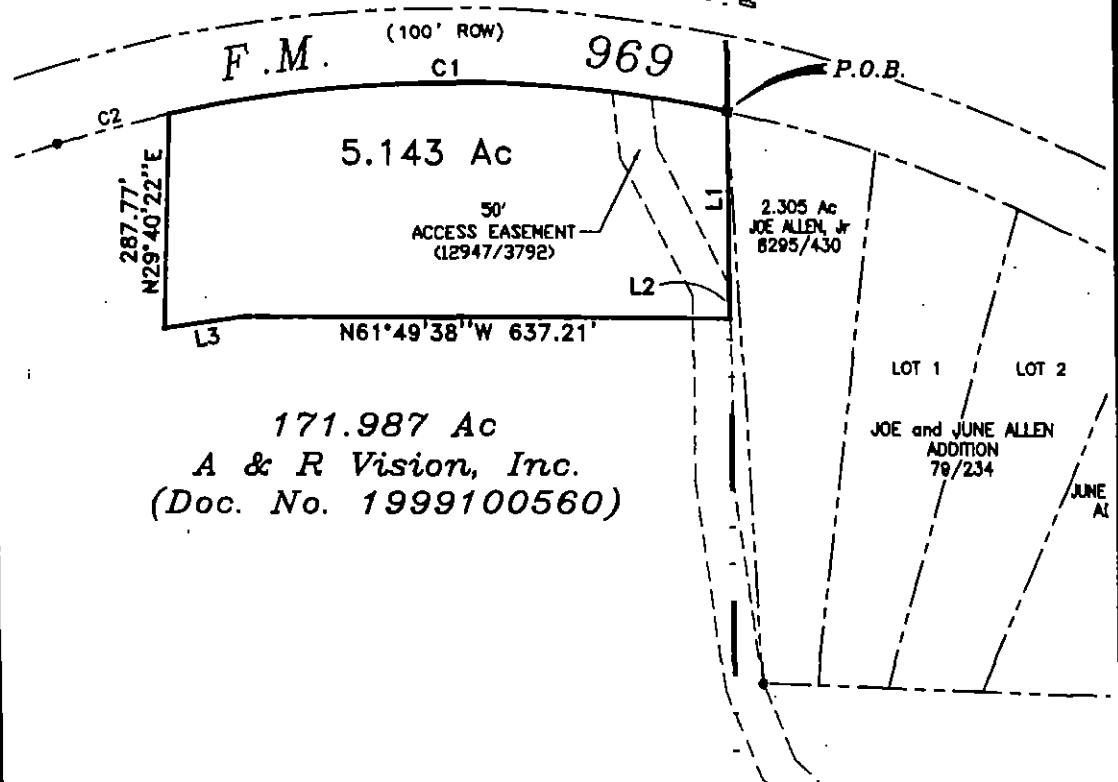


SCALE: 1"=200'

JAMES BURLESON SUR. No. 19 ABS. 4
PHILIP McILROY SUR. No. 19 ABS. 16

LEGEND

C.M.	CONTROL MONUMENT
○	IRON ROD FOUND
●	1/2" IRON ROD w/ PLASTIC CAP
+	STAMPED "MANOUS SURVEY" SET
—	CONCRETE MONUMENT FOUND
—	PIPE FOUND
—	NAIL FOUND
—	CALCULATED POINT
—	WOOD FENCE
—	WIRE FENCE
—	CHAIN LINK FENCE
—	P.U.E.
—	PUBLIC UTILITY EMBT
—	DRAINAGE EMBT
—	BUILDING LINE
—	POWER POLE
—	OVERHEAD ELEC LINE
—	GUY ANCHOR
()	RECORD CALL



CURVE TABLE

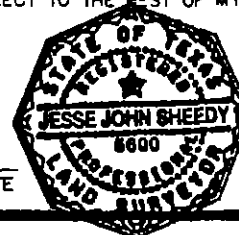
NUMBER	DELTA	RADIUS	CHORD BEARING	CHORD	ARC
C1	24°45'32"	1712.95	S82°25'11"E	734.46	740.21
C2	05°08'13"	1712.95	N77°22'34"W	154.02	154.07

LINE TABLE

NUMBER	DIRECTION	DISTANCE
L1	S27°40'53"W	237.35'
L2	S28°00'40"W	41.94'
L3	N70°19'38"W	108.09'

I HEREBY CERTIFY THAT THIS MAP OR PLAT WAS PREPARED FROM A SURVEY PERFORMED ON THE GROUND UNDER MY DIRECT SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Jesse J. Sheedy 04/15/05
JESSE J. SHEEDY, R.P.L.S. No. 5600 DATE



McAngus Surveying
Company, Inc.

1101 HWY. 360 SOUTH, H-100
AUSTIN, TEXAS 78746
(512) 328-9302

SKETCH TO ACCOMPANY EXHIBIT 'A'

LEGAL DESCRIPTION OF 5.143 ACRES OF LAND LOCATED IN THE
JAMES BURLESON SUR. No. 19, ABS No. 4
IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS

JOB NO. 96-145-ZN1 FIELD BOOK

FIELD NOTES

BEING 20.095 ACRES OF LAND LOCATED IN THE PHILLIP McELROY SURVEY NO.18, ABSTRACT NO.16 AND THE JAMES BURLESON SURVEY NO.19, ABSTRACT NO.4, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; SAID 20.095 ACRES BEING A PORTION OF THAT CERTAIN 171.987 ACRE TRACT DESCRIBED BY DEED TO A & R VISION, INC., RECORDED AS Doc. No. 1999100560 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 20.095 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a Texas Department of Transportation Type I (concrete) monument found on the southerly right of way line of Farm to Market Road No. 969 (locally known as Martin L. King Boulevard) at the most northerly common corner of that certain 2.306 acre tract described by deed to Joe Allen, Jr., recorded in Volume 8295 at Page 430 of the Deed Records of Travis County, Texas, and said 171.987 acre tract for the most north easterly corner hereof;

THENCE into and across the interior of said 171.987 acre tract, S 27°40'53" W, 237.35 feet to a point on the easterly edge of a 50 feet wide access easement described by deed recorded in Volume 12947 at Page 3792 of the Real Property Records of Travis County, Texas;

THENCE continuing into and across the interior of said 171.987 acre tract and along said easterly edge of access easement, S 28°00'40" W, 41.94 feet to the POINT OF BEGINNING of this description and the northeasterly corner hereof;

THENCE generally southerly, continuing into and across the interior of said 171.987 acre tract and along said easterly edge of access easement the following three (3) courses:

1. S 28°00'40" W, 254.05 feet to an angle point in the easterly line hereof;
2. S 20°25'37" W, 275.95 feet to an angle point in the easterly line hereof;
3. S 06°39'54" W, at 3.02 feet pass a 1/2-inch iron rod found at the most southerly common corner of the aforementioned 2.306 acre tract and said 171.987 acre tract, in all a total distance of 98.85 feet to an angle point in the easterly line hereof;

THENCE generally southeasterly continuing into and across the interior of said 171.987 acre tract the following three (3) courses:

1. S 58°57'37" E, 8.15 feet to an angle point in the easterly line hereof;
2. S 15°57'37" E, 977.75 feet to an angle point in the easterly line hereof;
3. S 74°02'23" W, 10.00 feet to the northerly edge of said access easement for an angle point in the easterly line hereof;

THENCE along the northerly edge of said access easement S 61°43'58" E, 338.49 feet to an angle point in the northerly line hereof;

THENCE generally northeasterly, southeasterly, southwesterly and northwesterly continuing into and across the interior of said 171.987 acre tract the following five (5) courses:

1. N 57°59'09" E, 54.83 feet to an angle point in the northeasterly line hereof;
2. S 62°00'51" E, 251.72 feet to an angle point in the northeasterly line hereof;
3. S 29°59'09" W, 497.86 feet to an angle point in the southeasterly line hereof;
4. S 73°59'09" W, 36.79 feet to an angle point in the southeasterly line hereof;

5. N 62°00'51" W, 130.60 feet to the southeasterly edge of said access easement for an angle point in the southeasterly line hereof;

THENCE generally southwesterly continuing into and across the interior of said 171.987 acre tract and along said southeasterly edge of access easement the following three (3) courses:

1. S 14°59'09" W, 350.14 feet to an angle point in the southeasterly line hereof;
2. S 52°50'48" W, 101.15 feet to an angle point in the southeasterly line hereof;
3. S 67°52'03" W, 69.58 feet to a 1/2-inch iron rod found on the northeasterly line of that certain 5.163 acre State Farm Colony Cemetery tract described by deed recorded in Volume 493 at Page 289 of the Deed Records of Travis County, Texas, for an angle point in the southwesterly line hereof;

THENCE generally northwesterly along said northeasterly line of the State Farm Colony Cemetery tract the following two (2) courses:

1. N 56°27'48" W, 215.00 feet to a 1/2-inch iron rod found for an angle point in the southwesterly line hereof;
2. N 76°39'42" W, 57.93 feet to a 1/2-inch iron rod found for an angle point in the southwesterly line hereof;

THENCE generally northerly continuing into and across the interior of said 171.987 acre tract the following twenty (20) courses:

1. N 61°40'22" E, 61.00 feet to an angle point in the westerly line hereof;
2. N 36°40'22" E, 68.00 feet to an angle point in the westerly line hereof;
3. N 16°40'22" E, 68.00 feet to an angle point in the westerly line hereof;
4. N 00°19'38" W, 125.00 feet to an angle point in the westerly line hereof;
5. N 34°40'22" E, 150.00 feet to an angle point in the westerly line hereof;
6. N 01°40'22" E, 43.00 feet to an angle point in the westerly line hereof;
7. N 28°19'38" W, 42.00 feet to an angle point in the westerly line hereof;
8. N 35°19'38" W, 85.00 feet to an angle point in the westerly line hereof;
9. N 18°19'38" W, 70.00 feet to an angle point in the westerly line hereof;
10. N 10°19'38" W, 66.03 feet to an angle point in the westerly line hereof;
11. N 45°19'38" W, 13.54 feet to an angle point in the westerly line hereof;
12. N 00°19'38" W, 30.00 feet to an angle point in the westerly line hereof;
13. N 44°40'22" E, 20.00 feet to an angle point in the westerly line hereof;
14. N 00°19'38" W, 53.26 feet to an angle point in the westerly line hereof;
15. N 55°19'38" W, 167.72 feet to an angle point in the westerly line hereof;
16. S 73°40'22" W, 35.36 feet to an angle point in the westerly line hereof;
17. N 16°19'38" W, 211.11 feet to an angle point in the westerly line hereof;

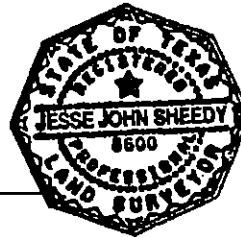
18. N 28°40'22" E, 31.52 feet to an angle point in the westerly line hereof;
19. N 61°19'38" W, 296.14 feet to an angle point in the westerly line hereof;
20. N 29°40'22" E, 734.71 feet to the northwesterly edge of the aforementioned access easement for an angle point in the northwesterly line hereof;

THENCE generally northeasterly continuing into and across the interior of said 171.987 acre tract and along said westerly edge of access easement the following four (4) courses:

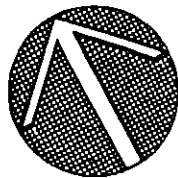
1. N 06°39'54" E, 99.62 feet to an angle point in the northwesterly line hereof;
2. N 20°25'37" E, 285.30 feet to an angle point in the northwesterly line hereof;
3. N 28°00'40" E, 215.56 feet to the northwesterly corner hereof;
4. S 61°49'38" E, 50.00 feet the POINT OF BEGINNING for the end of this description which contains 20.095 acres of land, more or less.

I HEREBY CERTIFY THAT THIS METES AND BOUNDS DESCRIPTION WAS PREPARED FROM A SURVEY PERFORMED ON THE GROUND UNDER MY SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.


Jesse J. Speedy, R.P.L.S. #5600



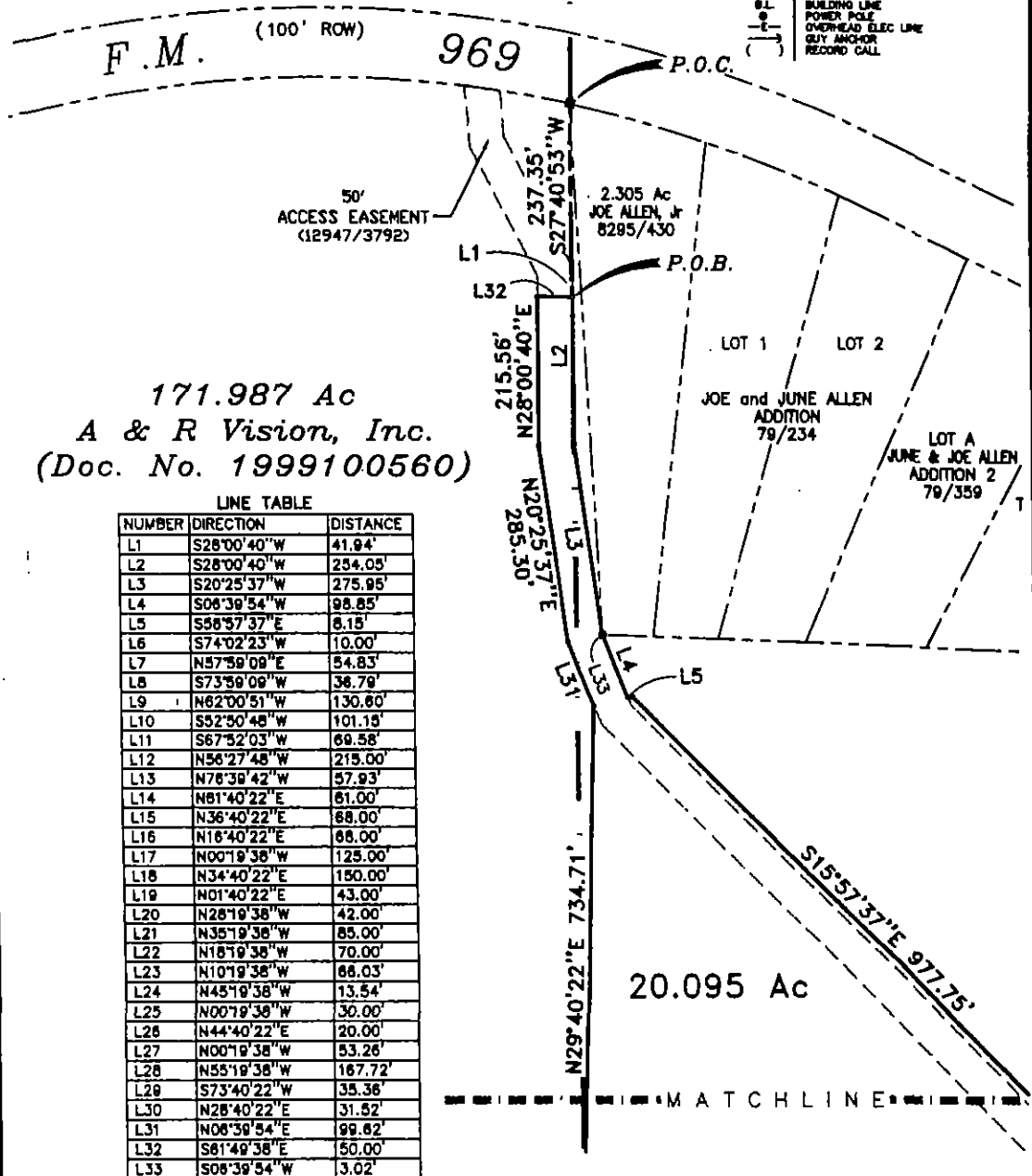
(The bearings shown hereon are referenced to the Texas State Plane Coordinate System, Central Zone (NAD 1927) based upon City of Austin Electric Department Monument No. EUD-408.)



SCALE: 1"=200'

LEGEND

C.M.	CONTROL MONUMENT
○	IRON ROD FOUND
●	1/2" IRON ROD w/ PLASTIC CAP
■	STAMPED "MEANGUS SURVEY" SET
■	CONCRETE MONUMENT FOUND
■	PIPE FOUND
■	NAIL FOUND
+	CALCULATED POINT
+	WOOD FENCE
+	WIRE FENCE
+	CHAIN LINK FENCE
+	PUBLIC UTILITY EMBT
+	DRAINAGE EMBT
+	BUILDING LINE
+	POWER POLE
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+	GUY ANCHOR
+	RECORD CALL



171.987 Ac
A & R Vision, Inc.
(Doc. No. 1999100560)

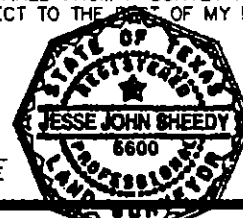
LINE TABLE

NUMBER	DIRECTION	DISTANCE
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L4	S08°39'54"W	98.85'
L5	S58°37'37"E	8.15'
L6	S74°02'23"W	10.00'
L7	N57°59'09"E	54.83'
L8	S73°59'09"W	38.79'
L9	N62°00'51"W	130.60'
L10	S52°50'48"W	101.15'
L11	S67°52'03"W	69.58'
L12	N56°27'48"W	215.00'
L13	N78°39'42"W	57.93'
L14	N81°40'22"E	61.00'
L15	N36°40'22"E	68.00'
L16	N16°40'22"E	68.00'
L17	N00°19'38"W	125.00'
L18	N34°40'22"E	150.00'
L19	N01°40'22"E	43.00'
L20	N28°19'38"W	42.00'
L21	N35°19'38"W	85.00'
L22	N18°19'38"W	70.00'
L23	N10°19'38"W	66.03'
L24	N45°19'38"W	13.54'
L25	N00°19'38"W	30.00'
L26	N44°40'22"E	20.00'
L27	N00°19'38"W	53.26'
L28	N55°19'38"W	167.72'
L29	S73°40'22"W	35.36'
L30	N28°40'22"E	31.52'
L31	N08°39'54"E	99.82'
L32	S61°49'38"E	50.00'
L33	S08°39'54"W	3.02'

I HEREBY CERTIFY THAT THIS MAP OR PLAT WAS PREPARED FROM A SURVEY PERFORMED ON THE GROUND UNDER MY DIRECT SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

JESSE J. SHEEDY, R.P.L.S. No. 5600

DATE



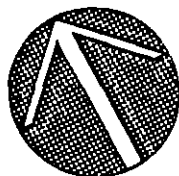
McAngus Surveying
Company, Inc.

1101 HWY. 360 SOUTH, H-100
AUSTIN, TEXAS 78748
(512) 328-9302

SKETCH TO ACCOMPANY EXHIBIT B

LEGAL DESCRIPTION 20.095 ACRES OF LAND LOCATED IN THE
JAMES BURLESON SURVEY No. 19, ABSTRACT No. 4 AND
THE PHILLIP McELROY SURVEY No. 18, ABSTRACT No. 16
IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS

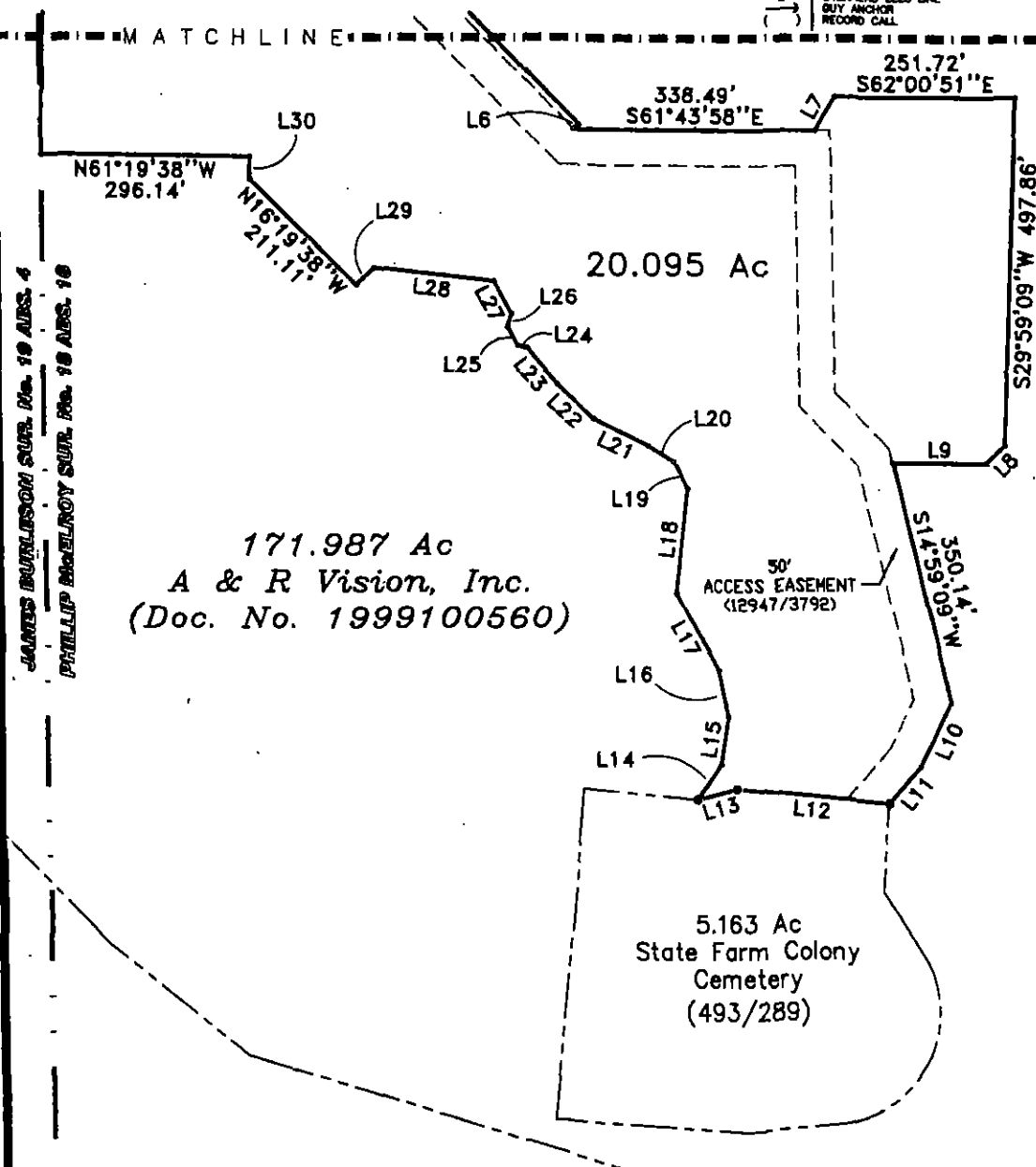
JOB NO. 96-145-ZN1 SHEET 1 OF 2



SCALE: 1"=200'

LEGEND

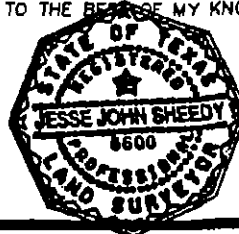
C.M.	CONTROL MONUMENT
○	IRON ROD FOUND
●	1/2" IRON ROD w/ PLASTIC CAP
■	STAMPED MONUMENT SURVEY SET
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—	PIPE FOUND
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—	OVERHEAD ELEC LINE
—	GUY ANCHOR
()	RECORD CALL



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JESSE J. SHEEDY, R.P.L.S. No. 5600

DATE



McAngus Surveying
Company, Inc.

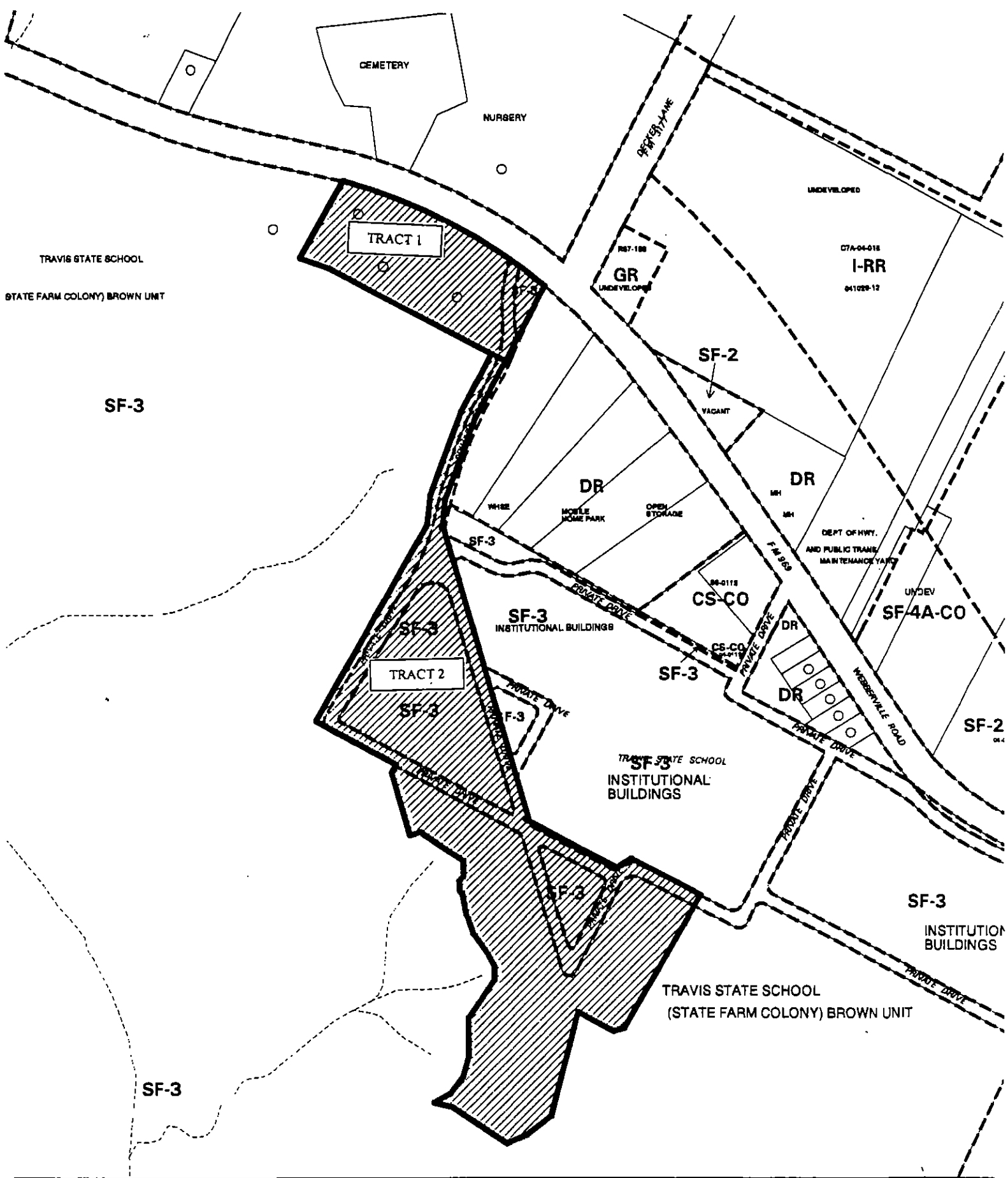
1101 HWY. 380 SOUTH, H-100
AUSTIN, TEXAS 78748
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SKETCH TO ACCOMPANY EXHIBIT B

LEGAL DESCRIPTION 20.095 ACRES OF LAND LOCATED IN THE
JAMES BURLISON SURVEY No. 19, ABSTRACT No. 4 AND
THE PHILLIP McELROY SURVEY No. 18, ABSTRACT No. 16
IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS

JOB NO. 96-145-ZN1

SHEET 2 OF 2



 1" = 400'	SUBJECT TRACT		ZONING EXHIBIT C		CITY GRID REFERENCE NUMBER P22
	PENDING CASE				
	ZONING BOUNDARY		CASE #: C14-05-0020 ADDRESS: 8509 FM 969 RD	DATE: 05-04	
	CASE MGR: W. WALSH		SUBJECT AREA (acres): 25.238 INTLS: SM		