

**ORDINANCE NO. 20050929-Z013**

**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 9707 ANDERSON MILL ROAD FROM TOWNHOUSE AND CONDOMINIUM RESIDENCE-CONDITIONAL OVERLAY (SF-6-CO) COMBINING DISTRICT TO NEIGHBORHOOD COMMERCIAL-CONDITIONAL OVERLAY (LR-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 townhouse and condominium residence-conditional overlay (SF-6-CO) combining district to neighborhood commercial-conditional overlay (LR-CO) combining district on the property described in Zoning Case No. C14-05-0109, on file at the Neighborhood Planning and Zoning Department, as follows:

A 2.01 acre tract of land, more or less, out of the J.C. Irvine Survey 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 9707 Anderson Mill Road, 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:

1. 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.
2. Drive-in Service is prohibited as an accessory use to commercial uses.

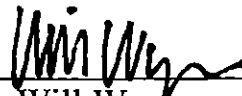
Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the neighborhood commercial (LR) base district and other applicable requirements of the City Code.

**PART 3.** This ordinance takes effect on October 10, 2005.

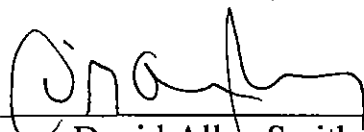
**PASSED AND APPROVED**

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September 29, 2005

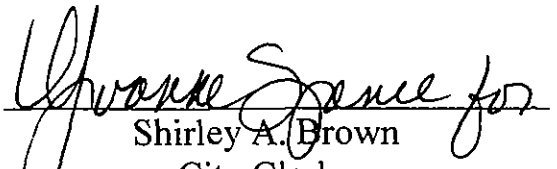
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Will Wynn  
Mayor

**APPROVED:**

\_\_\_\_\_  
  
David Allan Smith  
City Attorney

**ATTEST:**

\_\_\_\_\_  
  
Shirley A. Brown  
City Clerk

## EXHIBIT A

### FIELD NOTES

JOB NO: Z:\Projects\_Engl\egpt\_02\2230A\_BRIGHTSTAR\_RECOVERED\DOCUMENTS\REZONING\_FN\_082705.doc

DATE: July 26, 2005

PAGE: 1 OF 2 (Exhibit Attached)

### 2.01 ACRES (87604 SQ.FT.)

All that certain tract or parcel of land situated in Williamson County, Texas out of the J.C. Irvine Survey, and being 2.01 acres (87604 sq.ft.) out of a portion of those tracts described as Tract I and Tract II in a Substitute Trustee's Deed granted to Equity Secured Capital, L.P., dated December 7, 2004 and recorded as Document No. 2004094402, Official Public Records of Williamson County, Texas, said Tract I also being Lots 1-3, Bright Star Estates, a subdivision in Williamson County, Texas according to the map or plat thereof recorded in Cabinet E, Slides 223-224, Plat Records of Williamson County, Texas, and further described by metes and bounds as follows:

BEGINNING at a 1/2" iron pin found in the south margin of Anderson Mill Road (right-of-way varies) and in the east line of that tract described as 0.45 acres in a Warranty Deed granted to Robert Nozick, et ux, dated October 24, 1983 and recorded in Volume 949, Page 248, Deed Records of Williamson County, Texas, for the northwest corner of said Lot 1, Bright Star Estates, said Equity Secured Capital tract and this tract;

THENCE: N 69°30'12" E with the south margin of said Anderson Mill Road and the north line of said Bright Star Estates, passing the northeast corner of said Lot 1 and the northwest corner of said Lot 2 at 96.81 feet and passing the northeast corner of said Lot 2 and the northwest corner of said Lot 3 at 166.71 feet, in all 266.68 feet to a 1/4" iron pin found in the west line of said Equity Secured Capital tract (Tract 2), for the northeast corner of said Lot 3 and an interior ell corner of this tract;

THENCE: N 20°25'55" W 5.18 feet continuing with the south margin of said Anderson Mill Road and the west line of said Equity Secured Capital tract (Tract 2) to a 1/2" iron pin found, for the northwest corner of said Equity Secured Capital tract (Tract 2) and an exterior ell corner of this tract;

THENCE: N 69°37'30" E 275.26 feet continuing with the south margin of said Anderson Mill Road and the north line of said Equity Secured Capital tract (Tract 2) to a 1/4" iron pin found in the west line of that tract described as 12.623 acres in a Special Warranty Deed granted to Synergy Center Ltd., dated October 26, 2004 and recorded as Document No. 2004087968 of said official public records, for the northeast corner of said Equity Secured Capital tract (Tract 2) and this tract, from which a 1/2" iron pin found in the south margin of said Anderson Mill Road for the northwest corner of said Synergy Center Ltd. tract bears N 20°20'29" W 4.38 feet;

THENCE: S 20°20'29" E 158.64 feet with the west line of said Synergy Center Ltd. tract and the east line of said Equity Secured Capital tract (Tract 2) and this tract to a calculated point for the southeast corner of this tract;

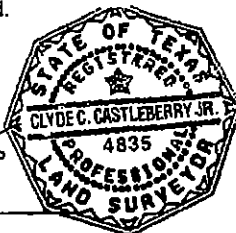
THENCE: S 69°36'35" W with the south line of this tract and into and across said Equity Secured Capital tract, passing the west line of said Tract 2 and the east line of said Lot 3 at 275.03 feet, passing the west line of said Lot 3 and the east line of said Lot 2 at 395.00 feet and passing the west line of said Lot 2 and the east line of said Lot 1 at 464.89 feet, in all 561.82 feet to a calculated point in the east line of said Nozick tract, for the southwest corner of this tract;

THENCE: N 20°22'55" W 152.91 feet with the east line of said Nozick tract and the west line of said Lot 1 and this tract to the point of Beginning, containing 2.01 acre (87604 sq. ft.) of land.

Bearings cited hereon based on Grid Azimuth Texas State Plane Coordinate System (SPCS), Texas Central Zone, NAD 83(93).

This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

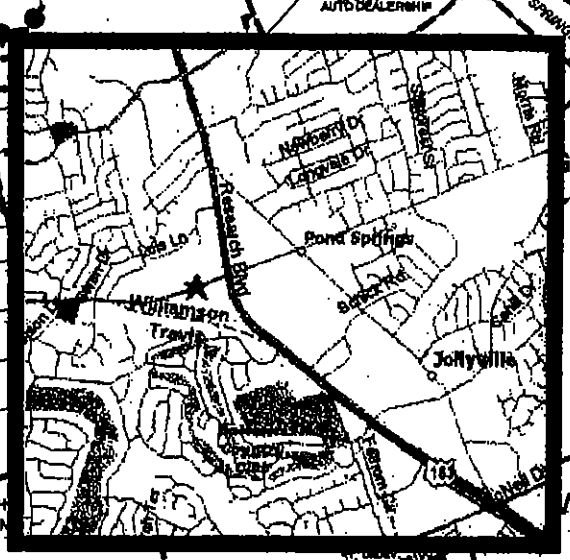
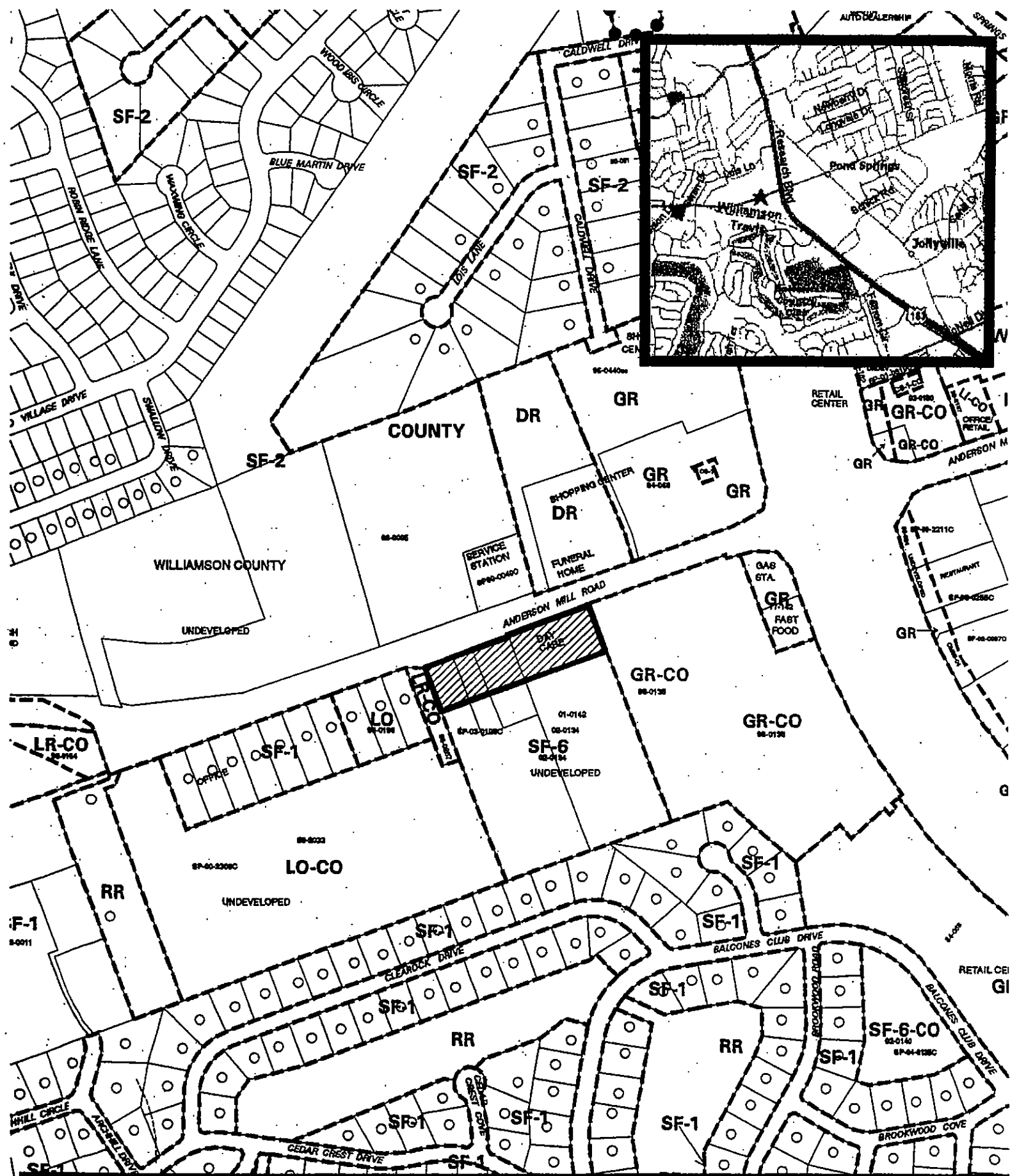
Castleberry Surveying, Ltd.  
3613 Williams Drive, Suite 903  
Georgetown, Texas 78628



Clyde C. Castleberry, Jr.  
Registered Professional Land Surveyor No. 4835

CCC/jto





 1" = 400'	SUBJECT TRACT PENDING CASE ZONING BOUNDARY CASE MGR: S.SIRWAITIS	<b>CASE #: C14-05-0109</b> <b>ADDRESS: 9707 ANDERSON MILL RD</b> <b>SUBJECT AREA (acres): 2.010</b>	<b>DATE: 05-08</b> <b>INTLS: SM</b>	<b>CITY GRID REFERENCE NUMBER</b> <b>F37</b>
	<b>ZONING EXHIBIT R</b>			
	(Additional zoning details or notes)			
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