

**ORDINANCE NO. 040506-Z-15**

**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 9000-9210 F.M. 969 FROM DEVELOPMENT RESERVE (DR) DISTRICT AND FAMILY RESIDENCE (SF-3) DISTRICT TO SINGLE FAMILY RESIDENCE SMALL LOT-CONDITIONAL OVERLAY (SF-4A-CO) COMBINING DISTRICT FOR TRACT ONE AND COMMUNITY COMMERCIAL-CONDITIONAL OVERLAY (GR-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.C14-04-0033, on file at the Neighborhood Planning and Zoning Department, as follows:

Tract One: From development reserve (DR) district and family residence (SF-3) district to single family residence small lot-conditional overlay (SF-4A-CO) combining district.

Three tracts of land consisting of a 4.58 acre tract, a 3.20 acre tract and a 1.39 acre tract, more or less, out of the Phillip McElroy Survey No. 18 in Travis County, the tracts of land being more particularly described by metes and bounds in Exhibits "A-1, A-2, and A-3" incorporated into this ordinance; and

Tract Two: From development reserve (DR) district and family residence (SF-3) district to community commercial-conditional overlay (GR-CO) combining district.

A 1.23 acre tract of land, more or less, out of the Phillip McElroy Survey No. 18 in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "B" incorporated into this ordinance, (the "Property")

locally known as 9000-9210 F.M. 969, 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:

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. The following uses are prohibited uses of the Property identified as Tract 2:

Automotive repair services	Automotive washing (of any type)
Automotive rentals	Automotive sales
Pawn shop services	Exterminating services
Personal improvement services	Guidance services
3. Drive-in services use is prohibited as an accessory use to a commercial use on Tract Two.

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 17, 2004.

**PASSED AND APPROVED**



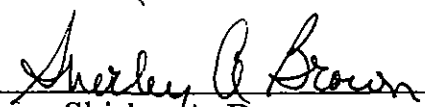
<p>_____ May 6 _____, 2004</p>	<p>§ § §</p>	<p style="text-align: center;"> _____ Will Wynn Mayor</p>
<p><b>APPROVED:</b>  _____ David Allan Smith City Attorney</p>	<p><b>ATTEST:</b>  _____ Shirley A. Brown City Clerk</p>	

EXHIBIT "A2" /

4.58 ACRES,  
PHILLIP MCELROY SURVEY NO. 18, ABSTRACT 16  
TRAVIS COUNTY TAX PARCEL NO. 02 1031 05 16

## FIELD NOTES

BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE PHILLIP MCELROY SURVEY NO. 18, ABSTRACT 16, SITUATED IN TRAVIS COUNTY, TEXAS, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS BEING OUT OF AND A PART OF THAT CERTAIN TRACT OF LAND CONVEYED BY WARRANTY DEED DATED MAY 12, 1998 TO DAVID W. NELSON, TRUSTEE OF THE EUGENE W. NELSON CREDIT SHELTER TRUST, RECORDED IN VOLUME 13181, PAGE 339 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, SAID TRACT BEING 4.58 ACRES OF LAND MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at an iron rod found for the west corner of said Nelson tract, in the north line of F. M. No. 969 a 100-foot wide right-of-way shown on the Right-Of-Way Map Control No. 1186 Section 1 Job 1, Dated October 1949, being also southeast corner of that certain tract of land described in a deed to State Department of Highways and Public Transportation, recorded in Volume 7096, page 2232 of the Deed Records of Travis County, Texas, the for the west corner of the herein described 4.58 acre tract of land,

**THENCE**, with the common line of said Nelson tract and said State Department of Highways and Public Transportation, the following three (3) course and distances, numbered 1 through 3,

1. N30°31'34"E, a distance of 423.72 feet to an iron rod found for a northwestern exterior ell corner said Nelson tract,
2. S59°44'46"E, a distance of 35.50 feet to an iron rod found for an interior corner of said Nelson tract,
3. N30°27'50"E, a distance of 17.12 feet to a point, for the north corner of the herein described tract of land,

**THENCE**, leaving said common line over and across said Nelson tract, S29°34'27"E, a distance of 461.70 feet to a point in the southeast line of said Nelson tract and northwest line of a that certain 10.00 acre tract of land conveyed by deed dated October 8, 1956 to Gene N. Jones, recorded in Volume 1747, Page 149 of the Deed Records of Travis County, Texas, for the east line of the herein described tract,

**EXHIBIT "A"**

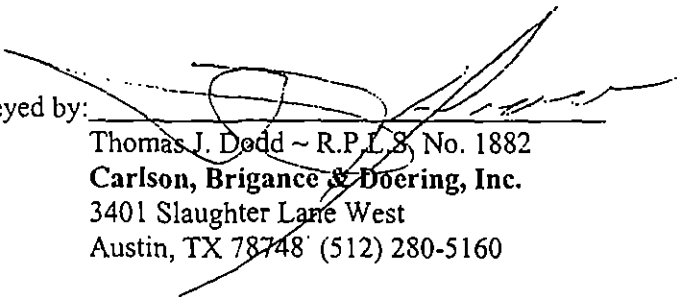
4.58 ACRES,  
PHILLIP MCELROY SURVEY NO. 18, ABSTRACT 16  
TRAVIS COUNTY TAX PARCEL NO. 02 1031 05 16

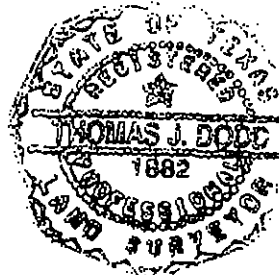
**THENCE**, with said common lines of Nelson and Jones tract, S30°27'50"W, a distance of 447.79 feet to a point for the west corner of said Jones tract, in the said north right-of-way line of F.M. 969, being also a south corner said Nelson tract and of the herein described tract of land,

**THENCE**, with the said north right-of-way line of F.M. 969, being also the south line of said Nelson tract, and the herein described tract, the following two (2) courses and distances, numbered 1 and 2,

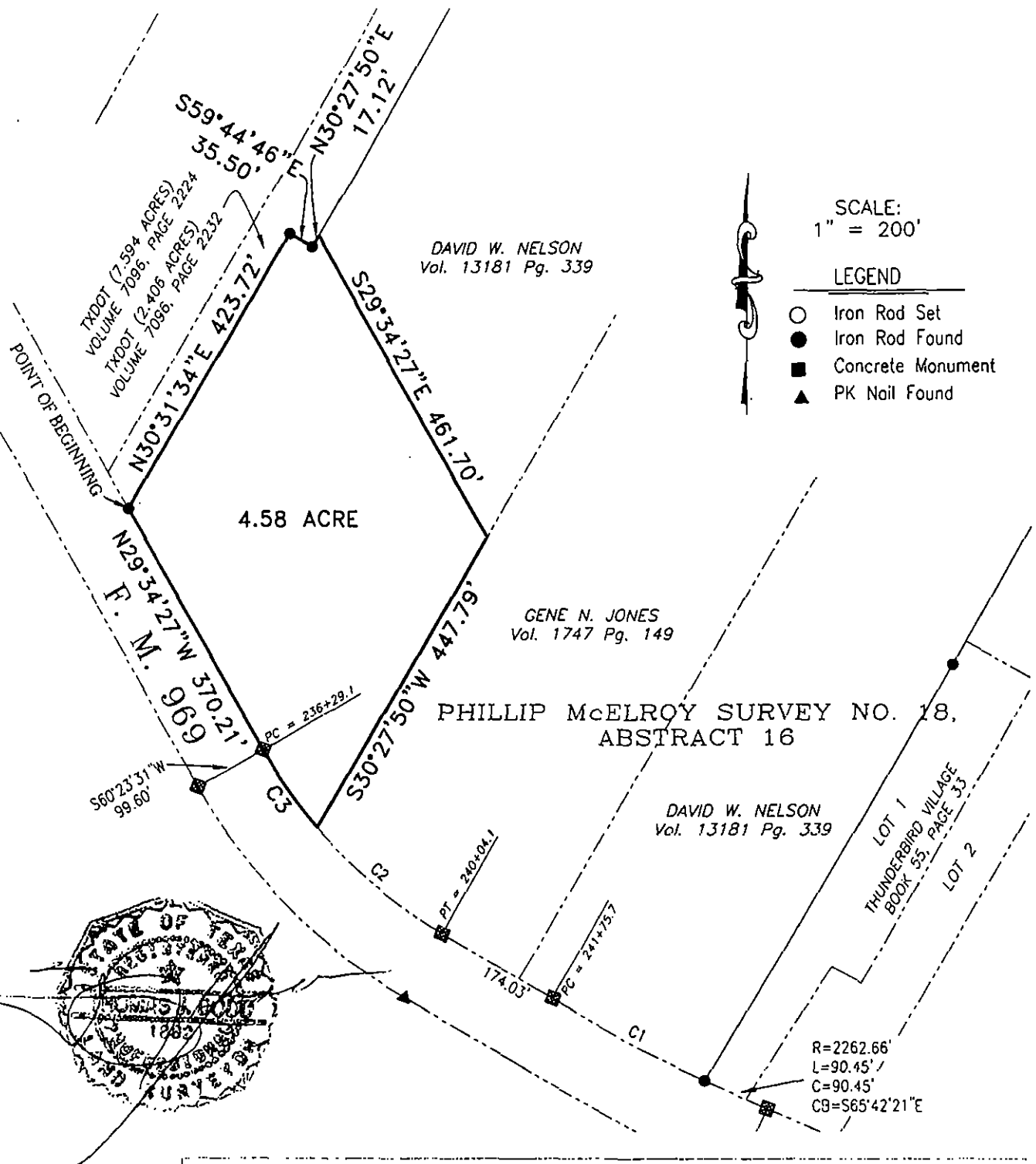
1. with said curve to the right, having a radius of 666.20 feet, an arc length of 126.83 feet and whose chord bears, N35°02'06"W, a distance of 126.63 feet to a concrete highway monument found for F.M. 969 Highway Station 236+29.1, from which point a concrete highway monument found in the south right-of-way line of said F.M. 969 bears, S23°54'05"W, a distance of 99.94 feet, and
2. N29°34'27"W, a distance of 370.21 feet to the **POINT OF BEGINNING** and containing 4.58 Acres of Land.

Surveyed by:

  
Thomas J. Dodd ~ R.P.L.S. No. 1882  
Carlson, Brigrance & Doering, Inc.  
3401 Slaughter Lane West  
Austin, TX 78748 (512) 280-5160



TRAVIS COUNTY TAX PARCEL NO. 02 1031 05 16  
BEARING BASIS FROM RECORDED PARTITION DEED - VOL. 4083 PG. 1931  
MAPCO 587 22-23 R V



CURVE TABLE						
CURVE	RADIUS	ARC	DELTA	CH. BEARING	CHORD	TANGENT
C1	2262.66'	231.41'	05°51'35"	N61°37'51"W	231.31'	115.81'
C2	666.20'	221.92'	19°05'08"	N50°01'53"W	220.89'	112.00'
C3	666.20'	126.83'	10°54'27"	N35°02'06"W	126.63'	63.61'
C4	266.20'	142.85'	30°44'51"	S44°56'14"E	141.15'	73.19'
C5	1862.66'	230.37'	07°05'10"	S62°07'32"E	230.22'	115.33'

## A SKETCH TO ACCOMPANY FIELD NOTES

Travis County Tax Parcel No. 02 1031 05 16  
file: proj\3922-013\survey\zoning-400ft.dwg Date: 1-27-04

**Carlson, Brigrance & Doering, Inc.**

Civil Engineering • Surveying

3401 Slaughter Lane West • Austin, Texas 78748

PH: (512) 280-5160 • FAX: (512) 280-5165

SF-4A  
(2 of 3)

EXHIBIT "A"-2

3.20 ACRES,  
PHILLIP MCELROY SURVEY NO. 18, ABSTRACT 16  
TRAVIS COUNTY TAX PARCEL NO. 02 1031 05 05

### FIELD NOTES

BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE PHILLIP MCELROY SURVEY NO. 18, ABSTRACT 16, SITUATED IN TRAVIS COUNTY, TEXAS, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS BEING OUT OF AND A PART OF THE THAT CERTAIN 10.00 ACRE TRACT OF LAND CONVEYED BY DEED DATED OCTOBER 8, 1956 TO GENE N. JONES, RECORDED IN VOLUME 1747, PAGE 149 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, SAID TRACT BEING 3.20 ACRES OF LAND MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING**, at a concrete highway monument found, in the south line of said Jones tract, being also the north line of F.M. 969 Highway a 100-foot wide right-of-way shown on the Right-Of-Way Map Control No. 1186 Section 1 Job 1, Dated October 1949, for Station 240+04.1,

**THENCE**, with said curve to the right, having a radius of 666.20 feet, an arc length of 221.92 feet and whose chord bears, N50°01'53"W, a distance of 220.89 feet to a point for the a south corner of David W. Nelson, Trustee, Volume 13181, Page 339 of the Real Property Records of Travis County, Texas, being also the west corner of said Jones tract, and of the herein described tract of land, continue for a reference with said curve to the right having a radius of 666.20 feet, an arc length of 126.83 feet and whose chord bears, N35°02'06"W, a distance of 126.63 feet to a concrete highway monument found for F.M. 969 Highway Station 236+29.1, from which point a concrete highway monument found in the south right-of-way line of said F.M. 969 bears, S23°54'05"W, a distance of 99.94 feet,

**THENCE**, N30°27'50"E, along said common line of Nelson and Jones tracts, a distance of 447.79 feet to a point for the north corner of the herein described tract of land,

**THENCE**, over and across said Jones tract, the following three (3) courses and distances, numbered 1 through 3,

1. S29°34'27"E, a distance of 97.45 feet to a point of curvature to the left,
2. with said curve to the left, having a radius of 266.20 feet, an arc length of 142.85 feet and whose chord bears S44°56'14"E, a distance of 141.15 feet to a point,

**EXHIBIT "A"**

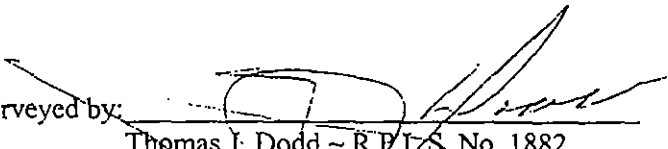
3.20 ACRES,  
PHILLIP MCELROY SURVEY NO. 18, ABSTRACT 16  
TRAVIS COUNTY TAX PARCEL NO. 02 1031 05 05

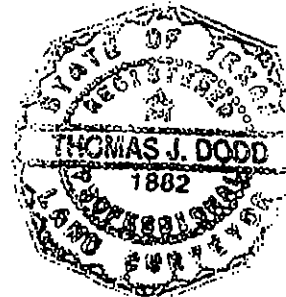
1. S59°51'34"E, a distance of 117.99 feet to point in the southeast line of said Jones tract, being also the northwest line of said Nelson tract, for the east corner of the herein described tract of land,

**THENCE**, with the said common line of Jones and Nelson tract, S30°27'50"W, a distance of 400.01 feet to a point in the north line of F.M. 969 Highway, for a west corner of said Nelson tract, being also the south corner of said Jones tract and of the herein described tract of land,

**THENCE**, with the common line of said Jones tract and said F.M. 969, N59°51'34"W, a distance of 121.14 feet to the **POINT OF BEGINNING** and containing 3.20 Acres of Land.

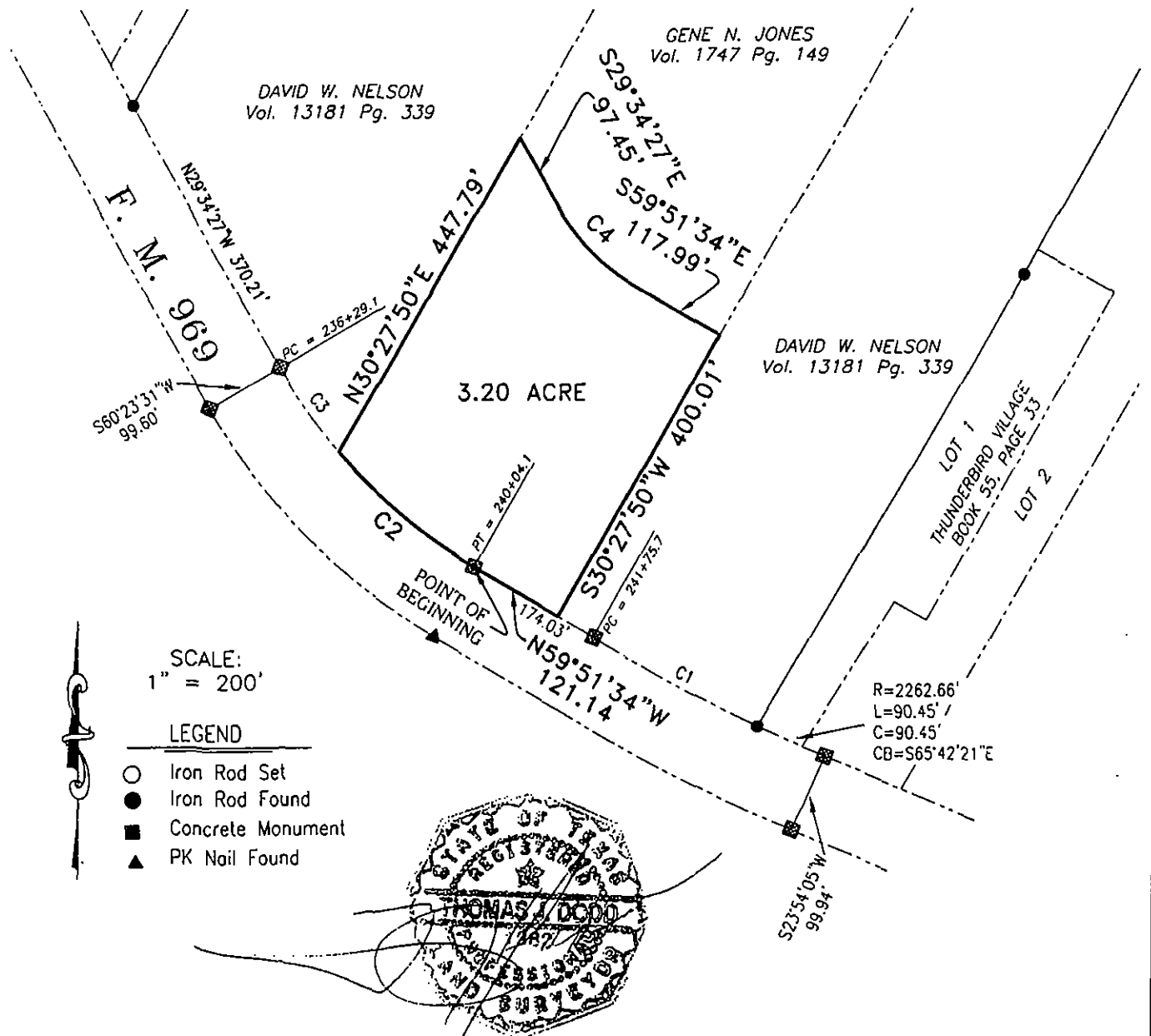
Surveyed by:

  
Thomas J. Dodd ~ R.P.L.S. No. 1882  
**Carlson, Brigrance & Doering, Inc.**  
3401 Slaughter Lane West  
Austin, TX 78748 (512) 280-5160



TRAVIS COUNTY TAX PARCEL NO. 02 1031 05 05  
BEARING BASIS FROM RECORDED PARTITION DEED - VOL. 4083 PG. 1931  
MAPCO 587 22-23 R V

PHILLIP McELROY SURVEY NO. 18,  
ABSTRACT 16



CURVE TABLE						
CURVE	RADIUS	ARC	DELTA	CH. BEARING	CHORD	TANGENT
C1	2262.66'	231.41'	05°51'35"	N61°37'51"W	231.31'	115.81'
C2	666.20'	221.92'	19°05'08"	N50°01'53"W	220.89'	112.00'
C3	666.20'	126.83'	10°54'27"	N35°02'06"W	126.63'	63.61'
C4	266.20'	142.85'	30°44'51"	S44°56'14"E	141.15'	73.19'
C5	1862.66'	230.37'	07°05'10"	S62°07'32"E	230.22'	115.33'

A SKETCH TO ACCOMPANY FIELD  
NOTES

Travis County Tax Parcel No. 02 1031 05 05  
file: proj\3922-013\survey\zoning-400ft.dwg Date: 1-27-04



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SF-4A  
(333)

EXHIBIT "A" 3

1.39 ACRES,  
PHILLIP MCELROY SURVEY NO. 18, ABSTRACT 16  
TRAVIS COUNTY TAX PARCEL NO. 02 1031 05 03

### FIELD NOTES

BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE PHILLIP MCELROY SURVEY NO. 18, ABSTRACT 16, SITUATED IN TRAVIS COUNTY, TEXAS, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS BEING OUT OF AND A PART OF THAT CERTAIN TRACT OF LAND CONVEYED BY WARRANTY DEED DATED MAY 12, 1998 TO DAVID W. NELSON, TRUSTEE OF THE EUGENE W. NELSON CREDIT SHELTER TRUST, RECORDED IN VOLUME 13181, PAGE 339 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, SAID TRACT BEING 1.39 ACRES OF LAND MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING, at an iron rod found for the south corner of said Nelson tract, in the north line of F. M. No. 969 a 100-foot wide right-of-way shown on the Right-Of-Way Map Control No. 1186 Section 1 Job 1, Dated October 1949, for the west corner of Lot 1, Thunderbird Village, a subdivision recorded in Book 55, Page 33 of the Plat Records of Travis County, Texas, ,

THENCE, along common line of said Nelson tract and Lot 1, N30°34'48"E, a distance of 207.65 feet to a point for the southeast corner and the **POINT OF BEGINNING** of the herein described 1.39 Acres of Land.

THENCE, leaving said common line over and across said Nelson tract, the following two (2) courses and distance, numbered 1 and 2,

1. N59°51'34"W, a distance of 251.49 feet to a point for an interior ell corner, and
2. S30°08'26"W, a distance of 214.79 feet to a point in the north right-of-way line of said F.M. 969, being also the south line of said Nelson tract, for the south corner of the herein described tract, from which a concrete highway monument Station 241+75.7 bears S59°51'34"E, a distance of 18.70 feet,

THENCE, with said right-of-way, N59°51'34"W, a distance of 34.19 feet to a point for the south corner of that certain 10.00 acre tract of land conveyed by deed dated October 8, 1956 to Gene N. Jones, recorded in Volume 1747, Page 149 of the Deed Records of Travis County, Texas, being also the west corner of said Nelson tract and of the herein described tract, from which a concrete highway monument, Station 240+04.1 bears N59°51'34"W, a distance of 121.14 feet,

**EXHIBIT "A"**

1.39 ACRES,  
PHILLIP MCELROY SURVEY NO. 18, ABSTRACT 16  
TRAVIS COUNTY TAX PARCEL NO. 02 1031 05 03

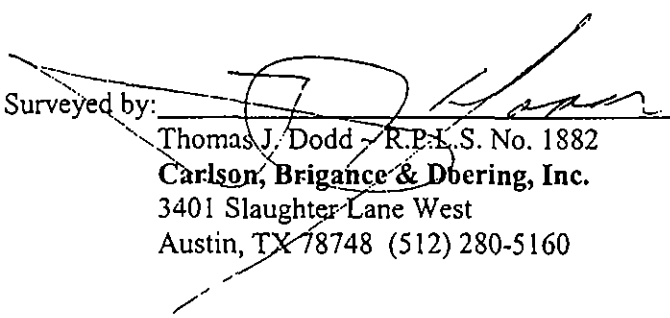
**THENCE**, with the common line of said Nelson tract and of said Jones tract, N30°27'50"E, a distance of 400.01 feet, to a point, for the north corner of the herein describe tract of land,

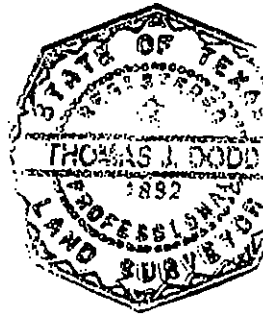
**THENCE**, leaving said common line over and across said Nelson tract, the following two (2) courses and distance, numbered 1 and 2,

1. S59°51'34"E, a distance of 54.87 feet to a point of curvature to the left, and
2. with said curve to the left, having a radius of 1862.66 feet, an arc length of 230.37 feet and whose chord bears S62°07'32"E, a distance of 230.22 feet to a point in the southeast line of said Nelson tract being also the northwest line of said Lot 1, Thunderbird Village, for the east corner of the herein described tract,

**THENCE**, with said common line of Nelson tract and Lot 1, S30°34'48"W, a distance of 194.31 feet to **POINT OF BEGINNING** and containing 1.39 Acres of Land.

Surveyed by:

  
Thomas J. Dodd - R.P.L.S. No. 1882  
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BEARING BASIS FROM RECORDED PARTITION DEED - VOL. 4083 PG. 1931  
TRAVIS COUNTY TAX PARCEL NO. 02 1031 05 03  
MAPCO 587 22-23 R V

# PHILLIP McELROY SURVEY NO. 18, ABSTRACT 16

DAVID W. NELSON  
Vol. 13181 Pg. 339

GENE N. JONES  
Vol. 1747 Pg. 149

DAVID W. NELSON  
Vol. 13181 Pg. 339

F. M. 969

S60°23'31"W  
99.60'

N29°34'27"W 370.21'

PC = 236+29.1

N59°51'34"W  
34.19'

N30°27'50"E 400.01'

S59°51'34"E  
54.87'

1.39 ACRE  
N59°51'34"W  
251.49'

S30°34'48"W 243.95'

LOT 1  
THUNDERBIRD VILLAGE  
BOOK 55, PAGE 33

LOT 2

POINT OF  
BEGINNING

POINT OF  
COMMENCEMENT

R=2262.66'  
L=90.45'  
C=90.45'  
CB=S65°42'21"E

SCALE:  
1" = 200'

## LEGEND

- Iron Rod Set
- Iron Rod Found
- Concrete Monument
- ▲ PK Nail Found

THOMAS E. GORDON

## CURVE TABLE

CURVE	RADIUS	ARC	DELTA	CH. BEARING	CHORD	TANGENT
C1	2262.66'	231.41'	05°51'35"	N61°37'51"W	231.31'	115.81'
C2	666.20'	221.92'	19°05'08"	N50°01'53"W	220.89'	112.00'
C3	666.20'	126.83'	10°54'27"	N35°02'06"W	126.63'	63.61'
C4	266.20'	142.85'	30°44'51"	S44°56'14"E	141.15'	73.19'
C5	1862.66'	230.37'	07°05'10"	S62°07'32"E	230.22'	115.33'

## A SKETCH TO ACCOMPANY FIELD NOTES

Travis County Tax Parcel No. 02 1031 05 03  
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## EXHIBIT "A" - 7

1.23 ACRES,  
PHILLIP MCELROY SURVEY NO. 18, ABSTRACT 16  
TRAVIS COUNTY TAX PARCEL NO. 02 1031 05 03

## FIELD NOTES

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**BEGINNING**, at an iron rod found for the south corner of said Nelson tract, in the north line of F. M. No. 969 a 100-foot wide right-of-way shown on the Right-Of-Way Map Control No. 1186 Section 1 Job 1, Dated October 1949, for the west corner of Lot 1, Thunderbird Village, a subdivision recorded in Book 55, Page 33 of the Plat Records of Travis County, Texas, being also the south corner of the herein described 1.23 acre tract of land,

**THENCE**, with the north right-of-way line of said F.M. 969, being also the south line of the said Nelson tract and of herein described tract, the following two (2) courses and distances, numbered 1 and 2,

1. with a curve to the right, having a radius of 2262.66 feet, an arc length of 231.41 feet and whose chord bears, N61°37'51"W, a distance of 231.31 feet to a concrete highway monument Station 241+75.7,
2. N59°51'34"W, a distance of 18.70 feet to a point for the west corner of the herein described tract, from which a concrete highway monument Station 240+04.1, bears N59°51'34"W, a distance of 155.33,

**THENCE**, leaving said right-of-way, over and across said Nelson tract, the following two (2) courses and distance, numbered 1 and 2,

1. N30°08'26"E, a distance of 214.79 feet to a point for the north corner of the herein described tract,

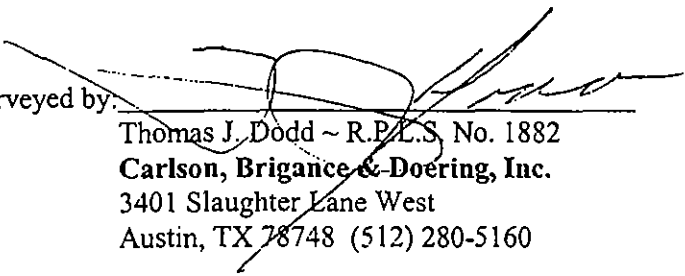
**EXHIBIT "6"**

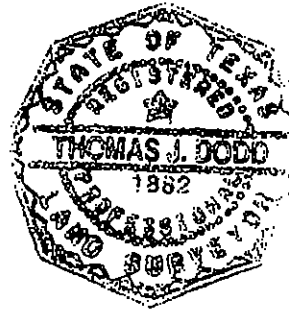
1.23 ACRES,  
PHILLIP MCELROY SURVEY NO. 18, ABSTRACT 16  
TRAVIS COUNTY TAX PARCEL NO. 02 1031 05 03

2. S59°51'34"E, a distance of 251.49 feet to a point in the southeast line of said Nelson tract being also the northwest line of said Lot 1, Thunderbird Village, for the east corner of the herein described tract,

**THENCE**, with said common line of Nelson tract and Lot 1, S30°34'48"W, a distance of 207.65 feet to **POINT OF BEGINNING** and containing 1.23 Acres of Land.

Surveyed by:

  
Thomas J. Dodd ~ R.P.L.S. No. 1882  
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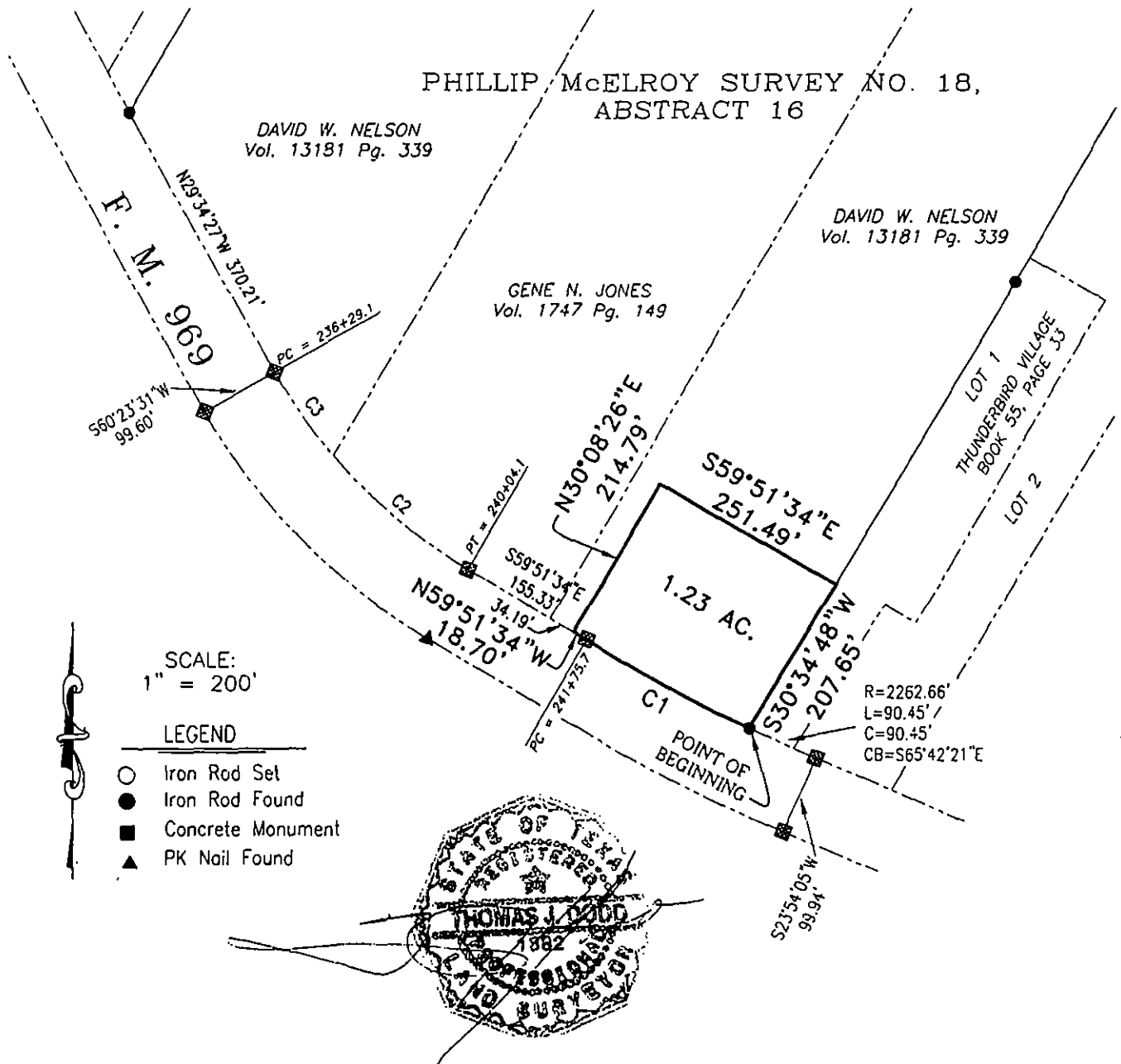
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PHILLIP McELROY SURVEY NO. 18,  
ABSTRACT 16

DAVID W. NELSON  
Vol. 13181 Pg. 339

GENE N. JONES  
Vol. 1747 Pg. 149

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Vol. 13181 Pg. 339



SCALE:  
1" = 200'

LEGEND

- Iron Rod Set
- Iron Rod Found
- Concrete Monument
- ▲ PK Nail Found

CURVE TABLE						
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A SKETCH TO ACCOMPANY FIELD  
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