

**ORDINANCE NO. 040930-Z-1**

**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 8706 AND 8708 SOUTH CONGRESS AVENUE 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.C14-04-0105, on file at the Neighborhood Planning and Zoning Department, as follows:

A 6.227 acre tract of land, more or less, out of the F.M. Hodges Survey No. 22, in 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 8706 and 8708 South Congress Avenue, 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 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 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 October 11, 2004.

**PASSED AND APPROVED**

\_\_\_\_\_  
September 30, 2004

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§  
§

\_\_\_\_\_  
Will Wynn  
Mayor

**APPROVED:** \_\_\_\_\_  
David Allan Smith  
City Attorney

**ATTEST:** \_\_\_\_\_  
Shirley A. Brown  
City Clerk



Professional Land Surveying, Inc.  
Surveying and Mapping

EXHIBIT A

C14-04-0105  
CS-CO district zoning  
Office: 512-443-1724  
Fax: 512-441-6987

2807 Manchaca Road  
Building One  
Austin, Texas 78704

**6.227 ACRES  
ZONING DESCRIPTION**

A DESCRIPTION OF 6.227 ACRES OUT OF THE F. M. HODGES SURVEY NO. 22, BEING A PORTION OF A 6.36 ACRE TRACT DESCRIBED IN A WARRANTY DEED TO DONALD WARD PENNINGTON DATED JANUARY 29, 1996 AND RECORDED IN VOLUME 12616, PAGE 411 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, AND A PORTION OF A 0.164141 ACRE TRACT DESCRIBED IN A WARRANTY DEED TO DONALD WARD PENNINGTON DATED JANUARY 29, 1996 AND RECORDED IN VOLUME 12616, PAGE 399 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 6.227 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a 1/2" rebar found in the west line of South Congress Avenue (Loop 275, right-of-way width varies), in the south line of the said 6.36 acre tract, being in the north line of a 2.5 acre tract described in a Deed to Georgia B. Lucas dated March 1, 1955 and recorded in Volume 1547, Page 13 of the Deed Records of Travis County, Texas, from which a TxDOT type II disk found in the west line of South Congress Avenue, at station 409+01.49, bears South 43°03'30" West, a chord distance of 65.27 feet;

**THENCE** departing the west right-of-way line of South Congress Avenue, North 75°59'58" West, along the common line of the said 2.5 acre tract and the 6.36 acre tract, a distance of 696.40 feet to a 1/2" rebar found at an interior corner of the 6.36 acre tract, being the northwest corner of the said 2.5 acre tract;

**THENCE** South 17°16'05" West, continuing along the common line of the said 2.5 acre tract and the 6.36 acre tract, a distance of 139.75 feet to a 1/2" iron pipe found at the southwest corner of the said 2.5 acre tract, being the northwest corner of a second 2.50 acre tract described in a Deed to Georgia B. Lucas dated April 14, 1950 and recorded in Volume 1466, Page 308 of the Deed Records of Travis County, Texas;

**THENCE** South 17°08'35" West, along the common line of the 6.36 acre tract and the second 2.50 acre tract, a distance of 138.84 feet to a 1/2" iron pipe found at the southwest corner of the second 2.50 acre tract, being the northwest corner of a third 2.50 acre tract described in a Deed to Georgia B. Lucas dated July 11, 1950 and recorded in Volume 1062, Page 109 of the Deed Records of Travis County, Texas;

**THENCE** South 15°35'47" West, along the common line of the 6.36 acre tract and the third 2.50 acre tract, a distance of 18.55 feet to a 1" rebar found at the south corner of the 6.36 acre tract, at an angle point in the west line of the third 2.50 acre tract, being in the east line of Lot 3, Tom F. Dunnahoo Subdivision, a subdivision in Travis County,

Texas, according the map or plat thereof, recorded in Volume 683, Page 1 of the Deed Records of Travis County, Texas;

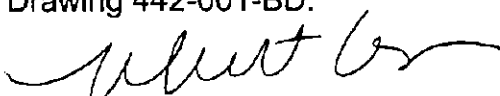
**THENCE** North 2°28'46" West, along the west line of the 6.36 acre tract, a portion of which being the east line of said Lot 3, and a portion of which being the east line of Lot 1, E. K. Stegall Subdivision, a subdivision in Travis County, Texas, according to the map or plat thereof, recorded in Volume 44, Page 42 of the Plat Records of Travis County, Texas, a distance of 613.15 feet to a nail with shiner set at the northwest corner of the 6.36 acre tract, being the southwest corner of a tract described in a Gift Deed to Lilla Grace Bell Sullivan dated November 14, 1996 and recorded in Volume 12820, Page 255 of the Real Property Records of Travis County, Texas, from which a 1/2" rebar found at the northwest corner of the said Sullivan tract, in the east line of said Lot 1, bears North 2°28'46" West, a distance of 127.76 feet;

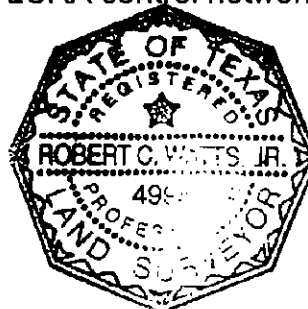
**THENCE** South 75°30'25" East, along the common line of the 6.36 acre tract and the Sullivan tract, at a distance of 834.40 feet passing a calculated point for the northwest corner of the said 0.164141 acre tract, and continuing along the north lines of the 6.36 acre tract and the 0.164141 acre tract for a total distance of 962.69 feet to a TxDOT type II disk found in the west right-of-way line of South Congress Avenue, from which another TxDOT type II disk found in the west right-of-way line of South Congress Avenue, at the southeast corner of the Sullivan tract, bears South 76°06'07" East, a distance of 1.31 feet;

**THENCE** over and across the 6.36 acre tract and the 0.164141 acre tract, along the west right-of-way line of South Congress Avenue, along a curve to the right, having a radius of 740.00 feet, a delta angle of 4°17'06", an arc length of 55.34 feet, and a chord which bears South 19°54'53" West, a distance of 55.33 feet to a 1/2" rebar found in the south line of the 0.164141 acre tract;

**THENCE** continuing over and across the 6.36 acre tract, along the west right-of-way line of South Congress Avenue, along a curve to the right, having a radius of 740.00 feet, a delta angle of 18°33'21", an arc length of 239.66 feet, and a chord which bears South 31°11'21" West, a distance of 238.61 feet to the **POINT OF BEGINNING**, containing 6.227 acres of land, more or less.

Surveyed on the ground in June 2004. Bearing Basis: Bearing Basis: Grid Azimuth for Texas Central Zone, 1983/93 HARN values from LCRA control network. Attachments: Drawing 442-001-BD.

  
Robert C. Watts, Jr.  
Registered Professional Land Surveyor  
State of Texas No. 4995



6-30-04

SKETCH TO ACCOMPANY A DESCRIPTION OF 6.227 ACRES OUT OF THE F. M. HODGES SURVEY NO. 22, BEING A PORTION OF A 6.36 ACRE TRACT DESCRIBED IN A WARRANTY DEED TO DONALD WARD PENNINGTON DATED JANUARY 29, 1996 AND RECORDED IN VOLUME 12616, PAGE 411 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, AND A PORTION OF A 0.164141 ACRE TRACT DESCRIBED IN A WARRANTY DEED TO DONALD WARD PENNINGTON DATED JANUARY 29, 1996 AND RECORDED IN VOLUME 12616, PAGE 399 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS.

BEARING BASIS: GRID AZIMUTH FOR TEXAS CENTRAL ZONE,  
1983/93 HARN VALUES FROM LCRA CONTROL NETWORK.

ATTACHMENTS: METES AND BOUNDS DESCRIPTION 442-001-BD.

CURVE TABLE

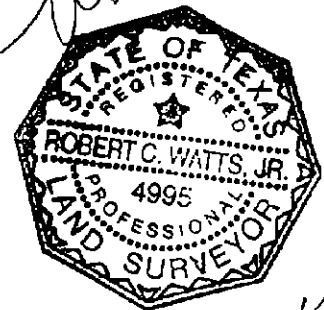
NO.	DELTA	RADIUS	TAN	ARC	CHORD	BEARING	RECORD CHORD
C1	4°17'06"	740.00'	27.68'	55.34'	55.33'	S19°54'53"W	(S19°46'51"W 55.28')
C2	18°33'21"	740.00'	120.89'	239.66'	238.61'	S31°11'21"W	(S31°12'10"W 238.70')
C3	5°03'20"	740.00'	32.67'	65.29'	65.27'	S43°03'30"W	(S43°00'32"W 65.20')
C4	2°09'14"	740.00'	13.91'	27.82'	27.82'	S18°50'57"W	
C5	2°07'51"	740.00'	13.76'	27.52'	27.52'	S20°59'30"W	

LINE TABLE

No.	BEARING	LENGTH	RECORD LINE
L1	S15°35'47"W	18.55'	(S19°37'W 15.30')
L2	S76°06'07"E	1.31'	(S75°56'40"E 1.45')
L3	S29°16'37"W	4.53'	
L4	S09°38'58"W	4.19'	
L5	N67°19'39"W	3.02'	

LEGEND

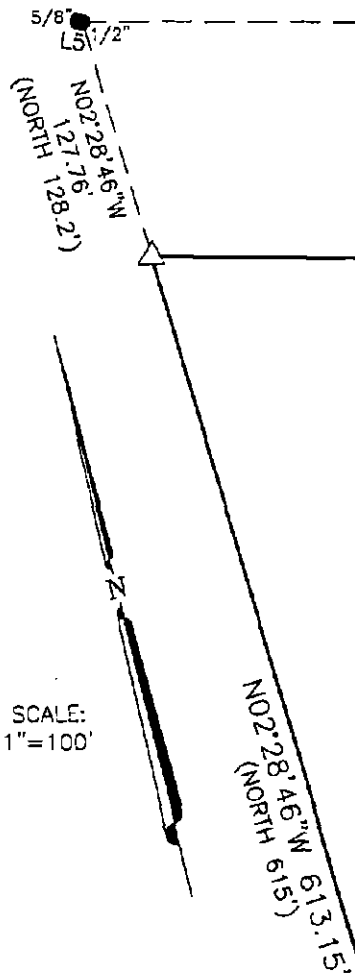
- REBAR FOUND (SIZE NOTED)
- △ NAIL WITH SHINER SET
- ⊙ IRON PIPE FOUND (SIZE NOTED)
- ⊙ TxDOT TYPE II DISK FOUND
- ▲ NAIL FOUND
- CALCULATED POINT



DATE OF SURVEY: 6/29/04  
PLOT DATE: 6/29/04  
DRAWING NO.: 442-001-ZN  
PROJECT NO.: 442-001  
SHEET 1 OF 3

*Chaparral*

*6-30-04*



LOT 1  
E. K. STEGALL SUBDIVISION  
44/42

LOT 3  
TOM F. DUNNAHOO SUB  
683/1

NO ACREAGE MENTIONED  
GIFT DEED  
LILLA GRACE BELL SULLIVAN  
NOVEMBER 14, 1996  
12820/255

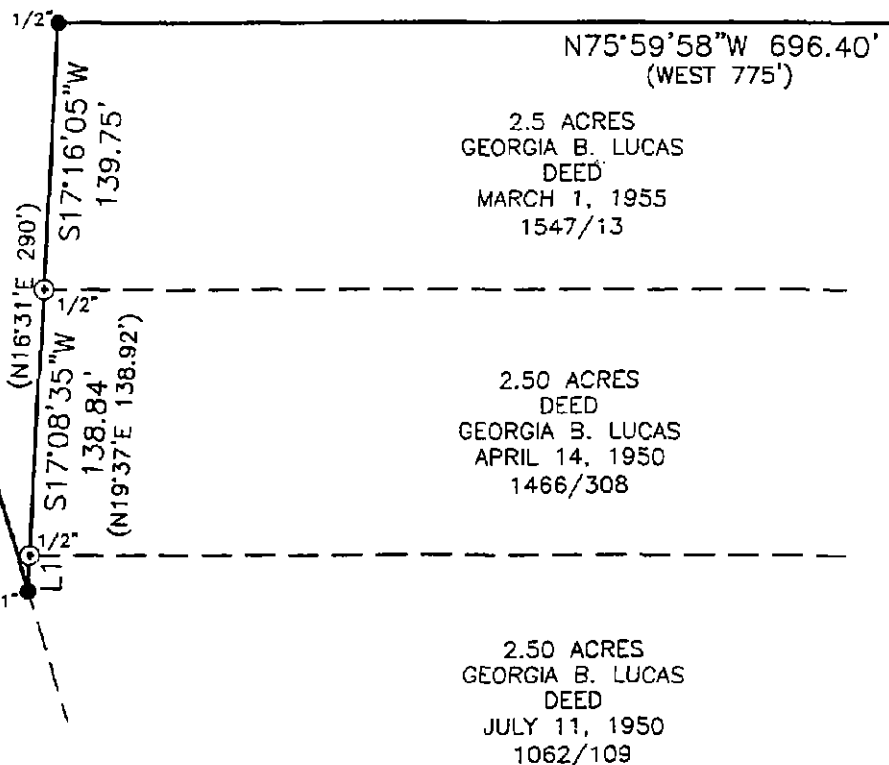
S75°30'25"E 962.69'  
(WEST 964')

834.40'

**6.227 ACRES TOTAL**

**6.067 ACRES**

(6.36 AC.) WARRANTY DEED  
DONALD WARD PENNINGTON  
JANUARY 29, 1996  
12516/411



DATE OF SURVEY: 6/29/04  
PLOT DATE: 6/29/04  
DRAWING NO.: 442-001-ZN  
PROJECT NO.: 442-001  
SHEET 2 OF 3

**Chaparral**

NO ACREAGE MENTIONED  
GIFT DEED  
LILLA GRACE BELL SULLIVAN  
NOVEMBER 14, 1996  
12820/255

S75°30'25"E 962.69'  
(WEST 964')

834.40'

**6.227 ACRES TOTAL**

**6.067 ACRES**  
(6.36 AC.) WARRANTY DEED  
DONALD WARD PENNINGTON  
JANUARY 29, 1996  
12616/411

**0.159 ACRE**  
(0.164141 AC.) WARRANTY DEED  
DONALD WARD PENNINGTON  
JANUARY 29, 1996  
12616/399

N14°28'22"E 55.08'  
(NORTH 55')

SEE DETAIL

128.29'  
(EAST 130')

N75°30'25"W  
123.04'  
(WEST 130')

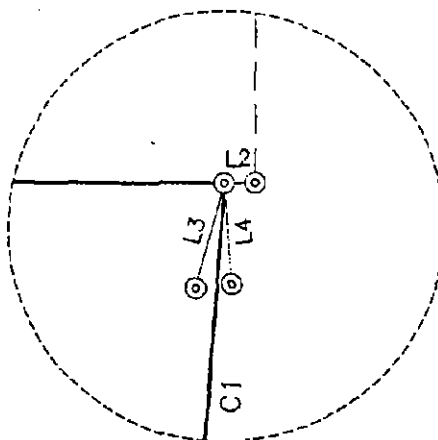
SOUTH CONGRESS AVENUE, LOOP 275  
(R.O.W. WIDTH VARIES)

N75°59'58"W 696.40'  
(WEST 775')

2.5 ACRES  
GEORGIA B. LUCAS  
DEED  
MARCH 1, 1955  
1547/13

2.50 ACRES  
DEED  
GEORGIA B. LUCAS  
APRIL 14, 1950  
1466/308

2.50 ACRES  
GEORGIA B. LUCAS  
DEED  
JULY 11, 1950  
1062/109



DETAIL  
(NOT TO SCALE)

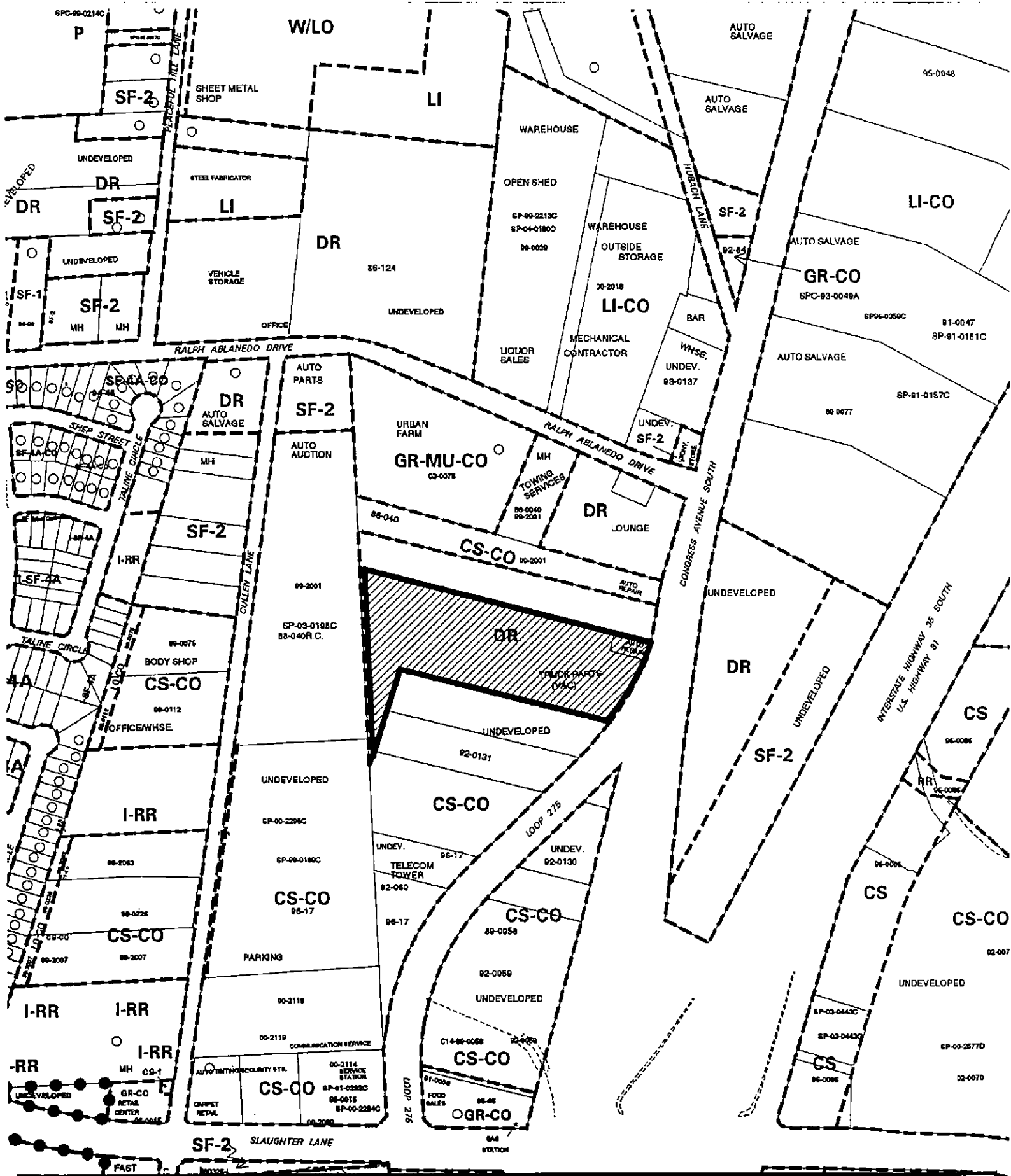
P.O.B.

S44°28'29"E  
120.02'  
STA. 409+01.49

SCALE:  
1"=100'

DATE OF SURVEY: 6/29/04  
PLOT DATE: 6/29/04  
DRAWING NO.: 442-001-ZN  
PROJECT NO.: 442-001  
SHEET 3 OF 3

Chaparral



 1" = 400'	SUBJECT TRACT		ZONING EXHIBIT B  CASE #: C14-04-0105 ADDRESS: 8706 & 8708 S CONGRESS AVE SUBJECT AREA (acres): 6.227	DATE: 04-08  INTLS: SM	CITY GRID REFERENCE NUMBER  G14
	PENDING CASE				
	ZONING BOUNDARY				
	CASE MGR: W. WALSH				