

**ORDINANCE NO. 20051117-Z004**

**AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING FOR THE PROPERTY LOCATED AT IH-35 NORTH AND WEST HOWARD LANE AND CHANGING THE ZONING MAP FROM INTERIM RURAL RESIDENCE (I-RR) DISTRICT TO GENERAL COMMERCIAL SERVICES-MIXED USE-CONDITIONAL OVERLAY (CS-MU-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 interim rural residence (I-RR) district to general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district on the property described in Zoning Case No. C14-05-0148, on file at the Neighborhood Planning and Zoning Department, as follows:

A 31.178 acre tract of land, more or less, out of the L.C. Cunningham Survey No. 68, 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 the property located at IH-35 North and West Howard Lane, 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 November 28, 2005.

**PASSED AND APPROVED**

November 17, 2005

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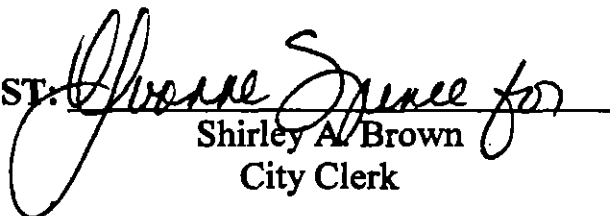
Will Wynn  
Mayor

**APPROVED:**



David Allan Smith  
City Attorney

**ATTEST:**



Shirley A. Brown  
City Clerk

31.178 ACRES  
CAPITAL PARKS TRACT  
RIVERSIDE RESOURCES INVESTMENTS, LTD.

EXHIBIT A

FN. NO. 05-274 (CLW)  
BPI JOB NO. 470-15.92  
MAY 5, 2005

DESCRIPTION

OF A 31.178 ACRE TRACT OF LAND OUT OF THE L.C. CUNNINGHAM SURVEY NO. 68, SITUATED IN TRAVIS COUNTY, TEXAS, BEING THAT CERTAIN 31.172 ACRE TRACT OF LAND CONVEYED TO CAPITAL PARKS LAND INVESTMENTS, INC. BY DEED OF RECORD IN VOLUME 9555, PAGE 325 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 31.178 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2 inch iron pipe found in the southerly line of that certain 29.714 acre tract of land conveyed to Capital Parks Land Investments, Inc. by deed of record in Volume 9511, Page 261 of said Real Property Records, being the northwesterly corner of that certain 139.803 acre tract of land conveyed to Beal Bank, S.S.B. by deed of record in Document No. 2003124090 of the Official Public Records of Travis County, Texas and the northeasterly corner of said 31.172 acre tract of land, for the northeasterly corner hereof;

THENCE, along the westerly line of said 139.803 acre tract, for the easterly line of said 31.172 acre tract, for the easterly line hereof, the following six (6) courses and distances:

- 1) S27°11'41"W, a distance of 517.71 feet to a 1/2 inch iron pipe found, for an angle point hereof;
- 2) S27°35'48"W, a distance of 339.23 feet to a 1/2 inch iron rod with cap set for an angle point;
- 3) S27°38'28"W, a distance of 418.60 feet to a 1/2 inch iron rod with cap set for an angle point;
- 4) S27°28'41"W, a distance of 428.97 feet to a 1/2 inch iron rod with cap set for an angle point;
- 5) S27°24'21"W, a distance of 515.29 feet to a 1/2 inch iron rod found for an angle point;
- 6) S27°32'08"W, a distance of 292.24 feet to a 1/2 inch iron rod with cap set at the northeasterly corner of Lot 5, Replat of Route Subdivision, a subdivision of record in Document No. 200000128 of the Plat Records of Travis County, Texas, being the easternmost southeasterly corner of said 31.172 acre tract, for the easternmost southeasterly corner hereof;

THENCE, leaving the westerly line of said 139.803 acre tract, in part along the northerly and westerly lines of said Lot 5 and in part along the westerly line of Lot 4 of said Replat of Route Subdivision, being a portion of the southerly line of said 31.172 acre tract, for a portion of the southerly line hereof, the following two (2) courses and distances:

- 1) N61°58'32"W, a distance of 415.92 feet to a 1/2 iron rod with cap set at the northwesterly corner of said Lot 5;

- 2) S27°37'02"W, a distance of 630.27 feet to a concrete monument found, being the common westerly corner of said Lot 4 and Lot 3 of said Replat of Route Subdivision and the southeasterly corner of said 31.172 acre tract, for the southernmost southeasterly corner hereof;

THENCE, N70°39'32"W, along a portion of the northerly line of the Replat of the Veterans Field of Honor No. 2 First Amendment, a subdivision of record in Volume 91, Page 77 of said Plat Records and along a portion of the northerly line of Field of Honor Veteran Garden Memorial Hill Cemetery Amended Section Two, a subdivision of record in Volume 81, Page 393 of said Plat Records, being the most southerly line of said 31.172 acre tract, for the most southerly line hereof, a distance of 100.43 feet to a 1/2 inch iron rod with cap set at the southeasterly corner of that certain tract of land conveyed to Memorial Hill Mausoleum by deed of record in Volume 1116, Page 64 of the Deed Records of Travis County, Texas, being the southwesterly corner of said 31.172 acre tract of land, for the southwesterly corner hereof;

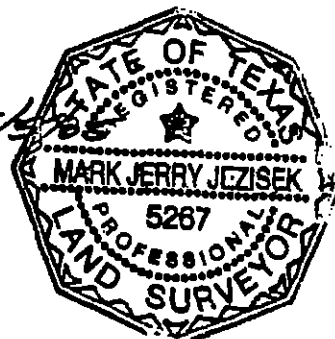
THENCE, N27°30'48"E, along the easterly line of said Memorial Hill Mausoleum tract and a portion of the easterly line of that certain tract of land conveyed to Memorial Hill Cemetery by deed of record in Volume 1116, Page 63 of said Deed Records, being a portion of the westerly line of said 31.172 acre tract of land, for a portion of the westerly line hereof, a distance of 413.99 feet to a 1/2 inch iron pipe found at the northeasterly corner of said Memorial Hill Cemetery tract, being the southeasterly corner of that certain tract of land conveyed to Karl Wagner Jr., et. al. by deed of record in Volume 11549, Pages 275-284 of said Real Property Records, for an angle point hereof;

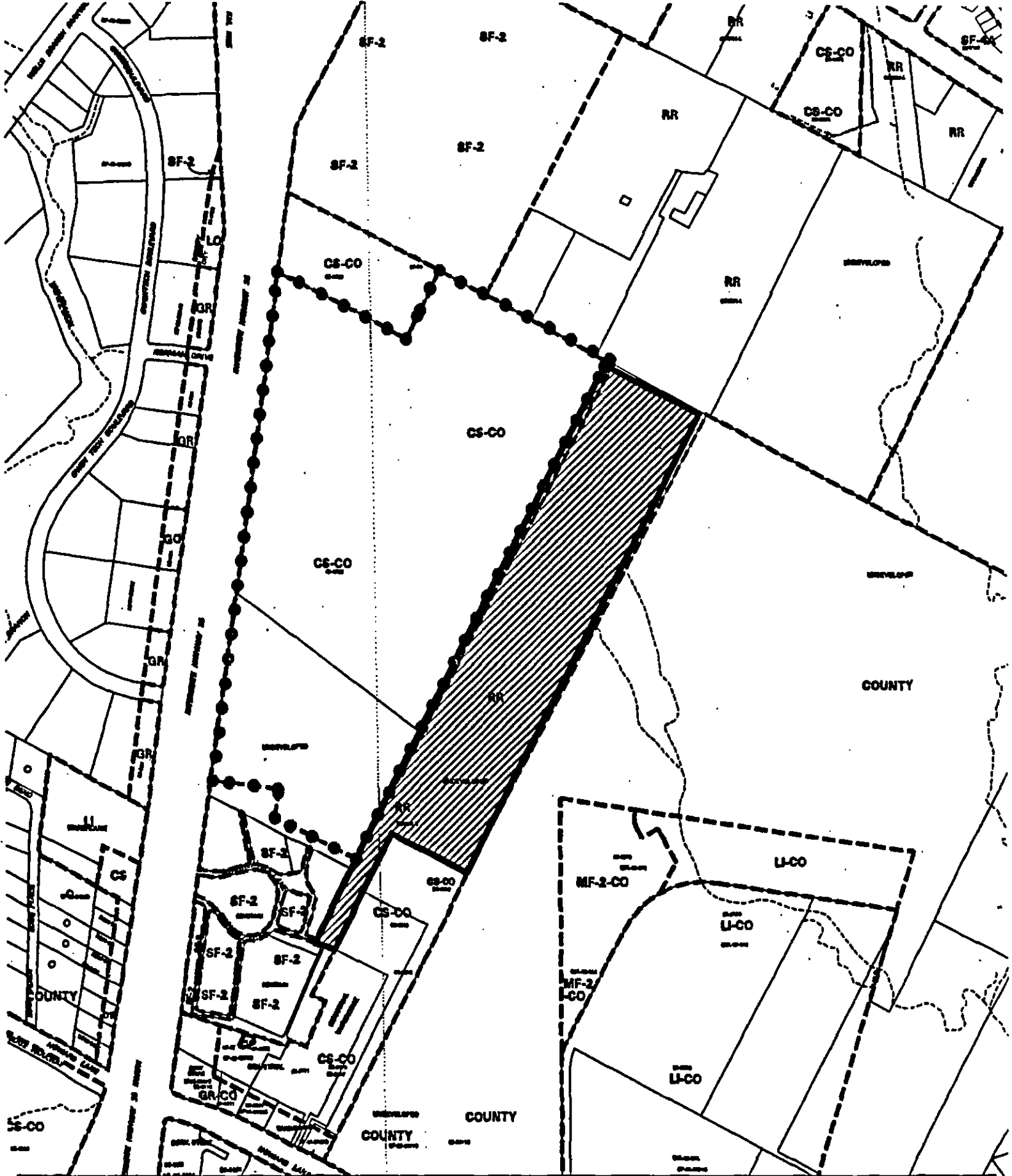
THENCE, N27°31'25"E, along the easterly line of said Karl Wagner Jr., et. al. tract, being a portion of the westerly line of said 31.172 acre tract, for a portion of the westerly line hereof, a distance of 2,739.95 feet to a 1/2 iron rod with cap set in the southerly line of said 29.714 acre tract of land, being the northeasterly corner of said Karl Wagner Jr., et. al. tract and the northwesterly corner of said 31.172 acre tract, for the northwesterly corner hereof;





THENCE, S62°22'00"E, along a portion of the southerly line of said 29.714 acre tract, being the northerly line of said 31.172 acre tract, for the northerly line hereof, a distance of 513.40 feet to the POINT OF BEGINNING, containing an area of 31.178 acres (1,358,114 sq. ft.) of land, more or less, within these metes and bounds.

BURY & PARTNERS  
ENGINEERS-SURVEYORS  
3345 BEE CAVE ROAD, SUITE 200  
AUSTIN, TEXAS 78746

*Mark J. Jezisek*  
MARK J. JEZISEK DATE  
R.P.L.S. NO. 5267  
STATE OF TEXAS





 1" = 500'	SUBJECT TRACT		<b>ZONING EXHIBIT B</b>	<b>CITY GRID REFERENCE NUMBER</b>  N36
	PENDING CASE			
	ZONING BOUNDARY			
	CASE MGR: S.BIRWAITIS			
	<b>CASE #: C14-05-0148</b>		<b>DATE: 05-08</b>	
	<b>ADDRESS: N 135 AND W HOWARD LN</b>			
	<b>SUBJECT AREA (acres): 31.176</b>		<b>INTLS: SM</b>	