

ORDINANCE NO. 20060112-045

AN ORDINANCE AMENDING ORDINANCE NO. 000413-48 FOR THE PROJECT KNOWN AS AVERY RANCH PLANNED UNIT DEVELOPMENT PROJECT TO MODIFY THE LAND USE PLAN, REZONING AND CHANGING THE ZONING MAP FROM PLANNED UNIT DEVELOPMENT (PUD) DISTRICT TO PLANNED UNIT DEVELOPMENT (PUD) DISTRICT FOR THE PROPERTY LOCALLY KNOWN AS 14900 AVERY RANCH BOULEVARD AND 10550 PARMER LANE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Avery Ranch Planned Unit Development ("Avery Ranch PUD") is comprised of approximately 1,629 acres of land located at Parmer Lane and Brushy Creek in Williamson County and more particularly described by metes and bounds in the land use plan incorporated in ordinance No. 000413-48.

PART 2. Avery Ranch PUD was approved April 13, 2000 under Ordinance No. 000413-48.

PART 3. Avery Ranch PUD was amended under Ordinances No. 030130-27, No. 030424-22 and No. 20060112-Z020.

PART 4. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from planned unit development (PUD) district to planned unit development (PUD) district on the property described in Zoning Case No. C814-99-0001.04, on file at the Watershed Protection and Development Review Department, as follows:

Parcel No. II-B: A 7.06 acre tract of land, more or less, out of the S. Damon Survey, Abstract No. 170 in Williamson County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance; and

Parcel No. III-F2: Lot 1, Block A, Avery Ranch Commercial Southeast Subdivision, a subdivision in the City of Austin, Williamson County, Texas, according to the map or plat of record in Document No. 20020066755, of the Official Public Records, Williamson County, Texas (the "Property"),

locally known as the property at 14900 Avery Ranch Boulevard and 10550 Parmer Lane, in the City of Austin, Williamson County, Texas, and generally identified in the map attached as Exhibit "B".

PART 5. Exhibit D identified as the Land Use Table on the Avery Ranch Land Use Plan, under Ordinance No. 000413-48 is amended:

1. to modify the land use plan to allow liquor sales use as a permitted use on Parcel II-B and Parcel III-F2 as shown on the attached Exhibit "C". A liquor sales use may not exceed a 6,000 square foot building footprint on each parcel; and
2. to modify the land use plan to prohibit cocktail lounge use on Parcel II-B and Parcel III-F2 as shown on the attached Exhibit "C".

PART 6. The attached Exhibits "A", "B" and "C", are incorporated into this ordinance in their entirety as though set forth fully in the text of this ordinance.

PART 6. In all other respects the terms and conditions of Ordinance No. 000413-48, as amended, remain in effect.

PART 7. This ordinance takes effect on January 23, 2006.

PASSED AND APPROVED

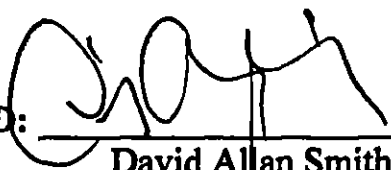
January 12, 2006

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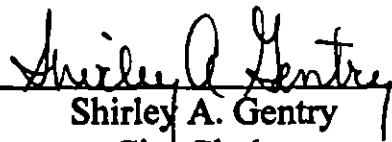
Will Wynn
Mayor

APPROVED:



David Allan Smith
City Attorney

ATTEST:



Shirley A. Gentry
City Clerk

EXHIBIT A

DESCRIPTION

OF A 7.06 ACRE TRACT OF LAND OUT OF AND PART OF THE S. DAMON SURVEY, ABSTRACT NO. 170, SITUATED IN WILLIAMSON COUNTY, TEXAS, SAME BEING ALL OF LOTS 2 AND 3, BLOCK "A", AVERY WEST III, A SUBDIVISION OF RECORD IN CABINET Y, SLIDES 380-382, OF THE OFFICIAL PLAT RECORDS OF WILLIAMSON COUNTY, TEXAS, SAID 7.06 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2 inch iron rod with plastic surveyor's cap (INTERSTATE SURVEYING, INC.) found at the southwest corner of said Lot 2 and the southeast corner of Lot 1, Block "A", The Plaza Townhomes at Avery Ranch, a subdivision of record in Cabinet Y, Slides 388-390, of the Official Plat Records of Williamson County, Texas, and in the north line of Avery Ranch Boulevard, for the southwest corner hereof;

THENCE leaving the north line of Avery Ranch Boulevard and along the common line between said Lot 2 and said Lot 1, Block "A", The Plaza Townhomes at Avery Ranch, the following eleven (11) courses and distances:

- 1) N21°45'45"W, a distance of 216.51 feet to a 1/2 inch iron rod with plastic surveyor's cap (INTERSTATE SURVEYING, INC.) found for an ell corner hereof;
- 2) S68°09'06"W, a distance of 35.76 feet to a 1/2 inch iron rod with plastic surveyor's cap (INTERSTATE SURVEYING, INC.) found for an ell corner hereof;
- 3) N21°45'44"W, a distance of 123.07 feet to a 1/2 inch iron rod with plastic surveyor's cap (INTERSTATE SURVEYING, INC.) found for a point of curvature hereof;
- 4) along a curve to the right, having a radius of 38.00 feet, a delta angle of 56°33'04", a chord distance of 36.00 feet (chord bears N06°30'47"E), an arc distance of 37.51 feet to a 1/2 inch iron rod with plastic surveyor's cap (INTERSTATE SURVEYING, INC.) found for a point of tangency hereof;
- 5) N34°47'21"E, a distance of 57.91 feet to a 1/2 inch iron rod with plastic surveyor's cap (INTERSTATE SURVEYING, INC.) found for a point of curvature hereof;
- 6) along a curve to the left, having a radius of 38.00 feet, a delta angle of 26°35'46", a chord distance of 17.46 feet (chord bears N21°29'22"E), an arc distance of 17.61 feet to a 1/2 inch iron rod with plastic surveyor's cap (INTERSTATE SURVEYING, INC.) found for a point of tangency hereof;
- 7) N08°11'30"E, a distance of 180.32 feet to a 1/2 inch iron rod with plastic surveyor's cap (INTERSTATE SURVEYING, INC.) found for a point of curvature hereof;
- 8) along a curve to the left, having a radius of 437.00 feet, a delta angle of 10°52'14", a chord distance of 82.79 feet (chord bears N02°45'23"E), an arc distance of 82.91 feet to a 1/2 inch iron rod with plastic surveyor's cap (INTERSTATE SURVEYING, INC.) found for an angle point hereof;
- 9) N85°25'28"E, a distance of 34.95 feet to a 1/2 inch iron rod with plastic surveyor's cap (INTERSTATE SURVEYING, INC.) found for an ell corner hereof;
- 10) N04°34'30"W, a distance of 116.01 feet to a 1/2 inch iron rod with plastic surveyor's cap (INTERSTATE SURVEYING, INC.) found for an ell corner hereof; and

- 11) N85°26'49"E, a distance of 131.21 feet to a 1/2 inch iron rod with plastic surveyor's cap (INTERSTATE SURVEYING, INC.) found at an angle point in said Lot 2 and said Lot 1, Block "A", The Plaza Townhomes at Avery Ranch, and a point on line on the west line of said Lot 3, for an angle point hereof;

THENCE leaving the north line of said Lot 2, along the common line of said Lot 1, Block "A", The Plaza Townhomes at Avery Ranch, and said Lot 3 the following five (5) courses and distances:

- 1) N07°53'18"E, a distance of 37.44 feet to a 1/2 inch iron rod with plastic surveyor's cap (INTERSTATE SURVEYING, INC.) found for an angle point hereof;
- 2) N04°30'39"W, a distance of 161.26 feet to a 1/2 inch iron rod with plastic surveyor's cap (INTERSTATE SURVEYING, INC.) found for an angle point hereof;
- 3) N48°08'28"E, a distance of 166.93 feet to a 1/2 inch iron rod with plastic surveyor's cap (INTERSTATE SURVEYING, INC.) found for an angle point hereof;
- 4) N11°24'42"W, a distance of 45.77 feet to a 1/2 inch iron rod with plastic surveyor's cap (INTERSTATE SURVEYING, INC.) found for an ell corner hereof; and
- 5) N78°35'18"E, a distance of 28.00 feet to a 1/2 inch iron rod with plastic surveyor's cap (INTERSTATE SURVEYING, INC.) found in the west line of Farmer Lane (FM 734) and same being the northeast corner of said Lot 3 and an ell corner of said Lot 1, Block "A", The Plaza Townhomes at Avery Ranch, for the northeast corner hereof;

THENCE leaving the ell corner of said Lot 1, Block "A", The Plaza Townhomes at Avery Ranch, along the west line of Farmer Lane and the east line of said Lot 3, along a curve to the left, having a radius of 3919.72 feet, a delta angle of 04°55'31", a chord distance of 336.84 feet (chord bears S13°52'28"E), an arc distance of 336.95 feet to a 1/2 inch iron rod with plastic surveyor's cap (INTERSTATE SURVEYING, INC.) found at the southeast corner of said Lot 3 and at the northeast corner of Lot 4, Block "A", of said Avery West III, for an ell corner hereof;

THENCE leaving the west line of Farmer Lane, along the south line of said Lot 3 and the north line of said Lot 4, S68°09'05"W, a distance of 241.19 feet to a 1/2 inch iron rod with plastic surveyor's cap (INTERSTATE SURVEYING, INC.) found for the northwest corner of said Lot 4, the southwest corner of said Lot 3 and an angle point in said Lot 2, for an ell corner hereof;

THENCE leaving the southwest corner of said Lot 3 and along the common line of said Lot 2 and said Lot 4 the following two (2) courses and distances:

- 1) S21°50'55"E, a distance of 157.51 feet to a 1/2 inch iron rod with plastic surveyor's cap (INTERSTATE SURVEYING, INC.) found for the southwest corner of said Lot 4 and an ell corner of said Lot 2 and an ell corner hereof; and
- 2) N68°09'05"E, a distance of 229.19 feet to a 1/2 inch iron rod with plastic surveyor's cap (INTERSTATE SURVEYING, INC.) found in the west line of Farmer Lane, for the southeast corner of said Lot 4 and an ell corner of said Lot 2 for an ell corner hereof;

THENCE leaving the south line of said Lot 4, along the west line of Farmer Lane and the east line of said Lot 2, along a curve to the left, having a radius of 3919.72 feet, a delta angle of 03°16'11", a chord distance of 223.65 feet (chord bears S20°16'52"E), an arc distance of 223.68 feet to a 1/2 inch iron rod with plastic surveyor's cap (INTERSTATE SURVEYING, INC.) found for the northeast corner of Lot 1, Block "A", of

said Avery West III, an ell corner of said Lot 2 for an ell corner hereof,

THENCE leaving the west line of Parmer Lane, along the common line of said Lot 2 and said Lot 1, Block "A", of Avery West III, the following four (4) courses and distances:

- 1) S68°07'24"W, a distance of 223.01 feet to a 1/2 inch iron rod with plastic surveyor's cap (INTERSTATE SURVEYING, INC.) found for an ell corner hereof,
- 2) S21°55'35"E, a distance of 122.23 feet to a 1/2 inch iron rod with plastic surveyor's cap (INTERSTATE SURVEYING, INC.) found for an angle point hereof,
- 3) S06°42'09"E, a distance of 57.34 feet to a 1/2 inch iron rod with plastic surveyor's cap (INTERSTATE SURVEYING, INC.) found for an angle point hereof, and
- 4) S21°50'55"E, a distance of 99.75 feet to a 1/2 inch iron rod with plastic surveyor's cap (INTERSTATE SURVEYING, INC.) found for the southwest corner of said Lot 1, Block "A", of Avery West III, an ell corner of said Lot 2 and the north line of Avery Ranch Boulevard, for an ell corner hereof,


THENCE leaving the west line of said Lot 1, Block "A", of Avery West III, along the north line of Avery Ranch Boulevard and the south line of said Lot 2, S68°09'05"W, a distance of 316.68 feet to the POINT OF BEGINNING, containing 7.06 acres of land, more or less, within theses metes and bounds.

This fieldnote description has been prepared in conjunction with a digital survey drawing identified as Interstate Surveying, Inc., drawing file "5662EX35.dwg".

STATE OF TEXAS §
 KNOW ALL BY THESE PRESENTS §
COUNTY OF WILLIAMSON §

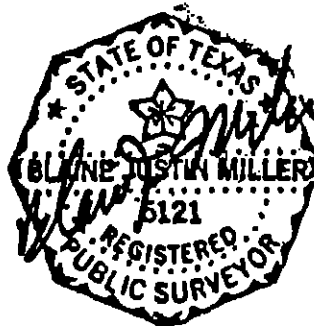
THAT I, BLAINE J. MILLER, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE ABOVE DESCRIPTION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT THE PROPERTY DESCRIBED HEREIN WAS DETERMINED BY A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION.

WITNESS MY HAND AND SEAL AT AUSTIN, WILLIAMSON COUNTY, TEXAS THIS 6th DAY OF JULY, 2005 A.D.



BLAINE J. MILLER, R.P.L.S.
STATE OF TEXAS NO. 5121
INTERSTATE SURVEYING, INC.
13740 N. HWY 183, BLDG. L-4
Austin, Texas 78750

(FN 951-1000/FN-966)



S. DAMON SURVEY
ABSTRACT NO. 170

LOT 2, BLOCK "A"

LOT 1, BLOCK "A"

N11°24'42"W
43.77'

D=04°55'31"
R=3919.72'
A=336.95'
C=336.84'
CB=S13°52'28"E

LOT 3

N85°26'49"E
131.21'
S07°53'18"W
57.68'

LOT 4

D=02°18'33"
R=3919.72'
A=157.97'
C=157.98'
CB=N17°29'30"W

N85°25'28"E
34.95'
D=10°52'14"
R=437.00'
A=82.91'
CB=N02°45'23"E
C=82.79'

BLOCK "A"

AVERY WEST III
CAB. "Y", SLIDE 380-382
W.C.P.R.

D=03°16'11"
R=3919.72'
A=223.68'
C=223.65'
CB=S20°16'52"E

PARMER LANE
(FM-734)
(120' R.O.W.)

LOT 1

D=02°54'30"
R=3919.72'
A=198.97'
C=198.94'
CB=N23°22'12"W

LOT 5

N65°10'42"E 25.11'
N20°01'30"E 47.71'

LOT 2

S06°42'09"E 57.34'

D=56°33'04"
R=38.00'
A=37.51'
CB=N06°30'47"E
C=36.00'

THE PLAZA TOWNHOMES
AT AVERY RANCH
CAB. Y, SLDS. 388-390

AVERY RANCH BLVD.
(120' R.O.W.)

SCALE: 1" = 120'

LEGEND


- 1/2" IRON ROD FOUND WITH CAP (INTERSTATE SURVEYING, INC.)
- HWY MONUMENT FOUND

(UNLESS OTHERWISE NOTED)
W.C.P.R. WILLIAMSON COUNTY PLAT RECORDS



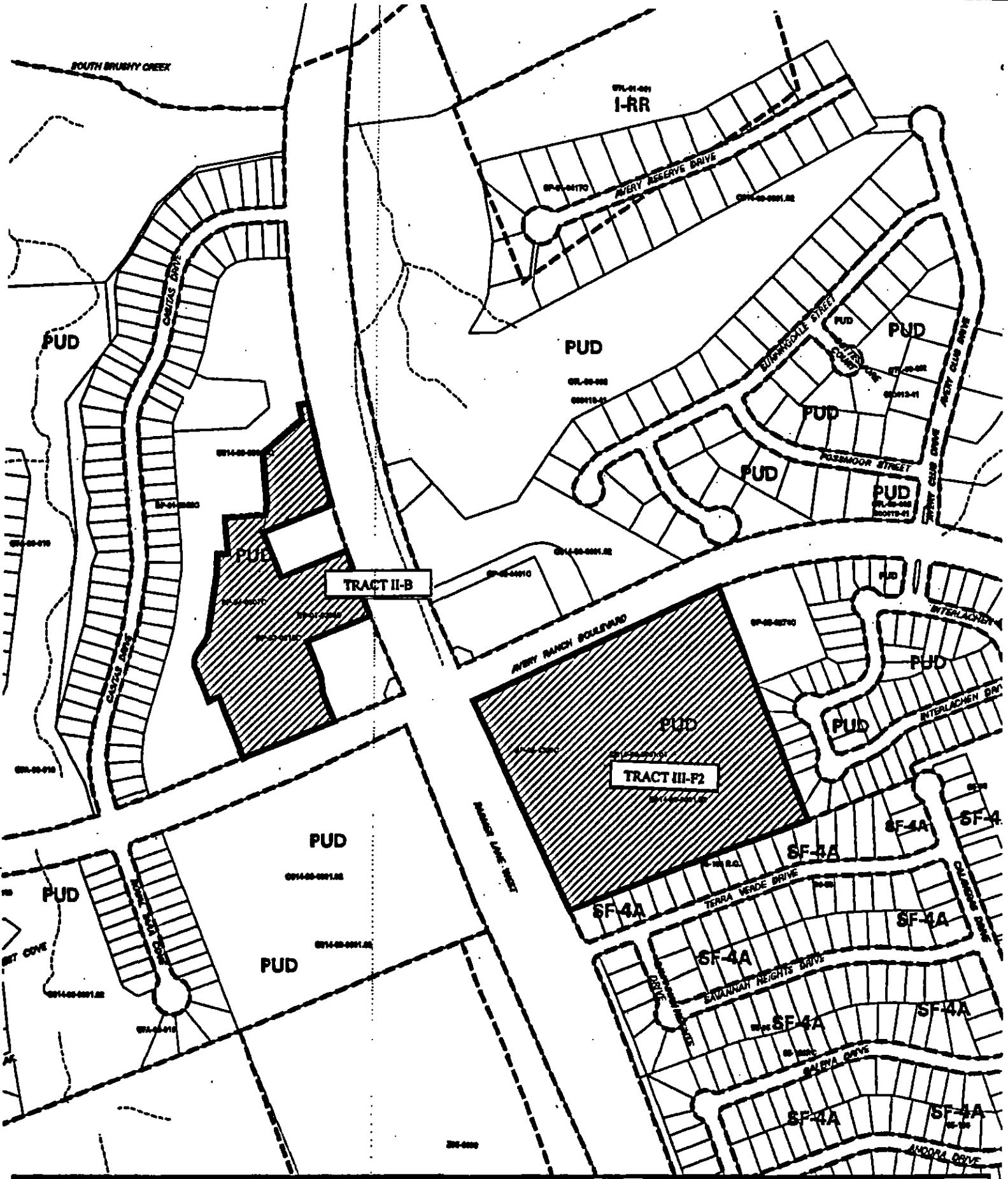
SHEET 1 OF 1	Scale: 1"=120' Date: 07/06/05
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	Drawn by: B.J.M. PN-006
	File: 5862EXSS.DWG
	Approved by: B.J.M. Project No.: 056-02.78

SKETCH TO ACCOMPANY DESCRIPTION
OF LOTS 2 & 3, BLOCK "A"
AVERY WEST II
CABINET Y, SLIDES 380-382
OFFICIAL PLAT RECORDS
WILLIAMSON COUNTY, TEXAS



INTERSTATE SURVEYING, INC.
Professional Surveying
& Mapping Services

18740 N. HWY 183, BLDG. 1-4 (R12) 212-6055
Austin, Texas 78760 FAX 212-6066



 1" = 400'	SUBJECT TRACT		EXHIBIT B PLANNED UNIT DEVELOPMENT		CITY GRID REFERENCE NUMBER G42
	PENDING CASE				
	ZONING BOUNDARY		CASE #: C814-99-0001.04 ADDRESS: 14900 AVERY RANCH BLVD SUBJECT AREA (acres): 22.430	DATE: 05-08 INTLS: 6M	
	CASE MGR: S. BIRWAITIS				

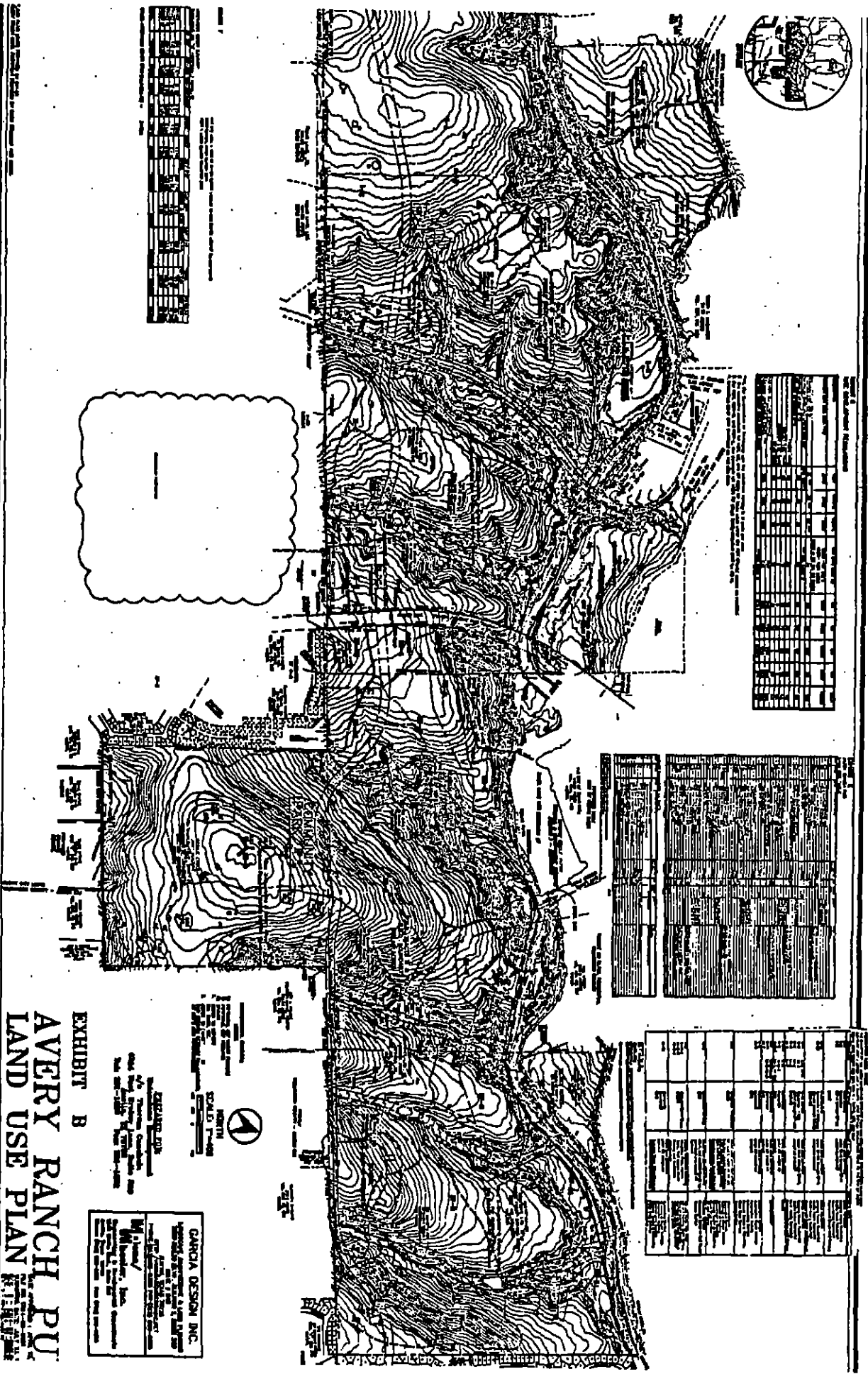


EXHIBIT B
EVERY RANCH, PU
LAND USE PLAN

GARCIA DESIGN INC.
 10000 N. 100th Ave.
 Suite 100
 Greenwood, MN 55223
 Tel: 612-935-1111
 Fax: 612-935-1112
 Email: garcia@arcia.com

EXHIBIT C