

**ORDINANCE NO. 20060928-081**

**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 2301 EAST RIVERSIDE DRIVE FROM FAMILY RESIDENCE (SF-3) DISTRICT TO NEIGHBORHOOD COMMERCIAL-MIXED USE-CONDITIONAL OVERLAY (LR-MU-CO) COMBINING DISTRICT FOR TRACT ONE AND LIMITED OFFICE-CONDITIONAL OVERLAY (LO-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. C14-06-0023, on file at the Neighborhood Planning and Zoning Department, as follows:

Tract One: From family residence (SF-3) district to neighborhood commercial-mixed use-conditional overlay (LR-MU-CO) combining district.

A 4.472 acre tract of land, more or less, out of the Santiago Del Valle Grant, Abstract No. 24, Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance, Save and Except a 1.472 acre portion described below as Tract Two; and

Tract Two: From family residence (SF-3) district to limited office-conditional overlay (LO-CO) combining district.

A 1.472 acre tract of land, more or less, out of the Santiago Del Valle Grant, Abstract No. 24, Travis County, being a portion of the 4.472 tract of land identified in this ordinance as Tract One, the 1.472 acre tract being more particularly described by metes and bounds in Exhibit "B" incorporated into this ordinance,

(Tracts One and Two now referred to in this ordinance as the "Property"),

locally known as 2301 East Riverside Drive, 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. A 50 foot wide building setback from the centerline of an unnamed tributary of Town Lake, commonly known as Willow Creek, shall be established on the Property.
3. A food sales use is a prohibited use of Tract One.
4. Tract One shall be developed according to the requirements in Section 25-2-647 (H) (*Mixed Use (MU) Combining District Regulations*) regarding a vertical mixed use building.

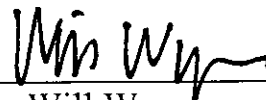
Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the respective base districts and other applicable requirements of the City Code.

**PART 3.** This ordinance takes effect on October 9, 2006.

**PASSED AND APPROVED**

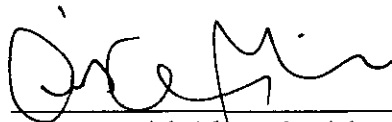
\_\_\_\_\_, September 28, 2006

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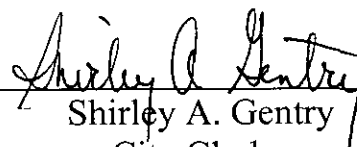
Will Wynn  
Mayor

**APPROVED:**



David Allan Smith  
City Attorney

**ATTEST:**



Shirley A. Gentry  
City Clerk

EXHIBIT A  
FIELD NOTES

TRACTS 1 AND 2

Being 4.472 acres out of The Santiago Del Valle Grant, Abstract No. 24, in Travis County, Texas, the same tract described in a deed to Eddie Dean and Wife, Peggy Marks, recorded in Document No. 2001133392, Official Public records of Travis County, Texas, as shown on accompanying survey plat and being more particularly described as follows:

**BEGINNING** at a ½" iron pin found in the south line of Riverside Drive (R.O.W. varies), at the northwest corner of a tract called 9.733 acres in a deed to Collier Ranch Limited Partnership, recorded in Volume 13336, Page 764, Real Property Records, Travis County, Texas, for the northeast corner of this tract.

**THENCE**, with the west line of said 9.733 acre tract and the east line of this tract, S 30°17'00" W, said course being the bearing base for this survey, 962.49', to a ½" iron pin found in the north line of a 0.46 acre tract, the residue of that certain tract described in a deed to Willow Creek Hills, recorded in Volume 3691, Page 663, Deed Records, Travis County, Texas, at the southwest corner of said 9.733 acre tract, for the southeast corner of this tract.

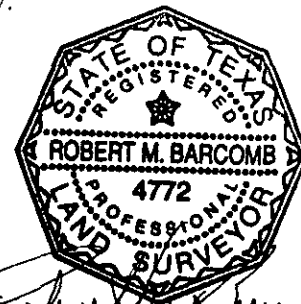
**THENCE**, with the north line of said 0.46 acre tract and the south line of this tract, N 59°43'00" W, 194.31', to a ½" iron pin set in the east line of Willow Creek Drive, (R.O.W. varies), at the northwest corner of said 0.46 acre tract, for the southwest corner of this tract.

**THENCE**, with the east line of Willow Creek Drive and the west line of this tract, N 30°10'51" E, 1045.09', to a ½" iron pin set at the beginning of a curve in the south line of Riverside Drive, for the northwest corner of this tract, from said point, a reference point in the west line of Willow Creek Drive bears, N 59°49'09" W, 65.00', and from said reference point, with the west line of Willow Creek Drive, a ½" iron pin found bears, S 30°10'51" W, passing at 24.71', a ½" iron pipe found, in all 384.60'.

**THENCE**, with the curved south line of Riverside Drive and the north line of this tract, the following two (2) courses:

- 1.) with said curve having a radius of 995.60', a chord which bears, S 28°14'00" E, 78.93', an arc distance of 78.95', to a ½" iron pin set at the end said curve;
- 2.) S 41°55'00" E, 135.35', to the **PLACE OF BEGINNING**, and containing 4.472 acres of land, more or less.

Prepared from a survey made on the ground in September, 2001, by:  
Arpentours Professional Surveying  
8906 Wall Street, Suite 302  
Austin, Texas 78754  
(512) 832-1232  
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Robert M. Barcomb  
R.P.L.S. No 4772



**SHIPPING ADDRESS:**  
923 Loop 332  
Liberty Hill, Texas 78642

### 3DS, Inc. Land Surveyors

G.P.S. Services  
Subdivisions • Topographic  
Construction • Commercial • Boundaries

**MAILING ADDRESS:**  
P.O. Box 850  
Liberty Hill, Texas 78642  
(512) 515-5888  
Fax: (512) 515-5878  
www.3DSinc.com

EXHIBIT "B"

### FIELD NOTES

**BEING A 1.475 ACRE TRACT OF LAND, OUT OF THE SANTIAGO DEL VALLE GRANT, AND BEING A PORTION OF THAT CERTAIN 4.46 ACRE TRACT OF LAND, IN DEED TO EDDIE DEAN MARKS AND PEGGY MARKS, AND DESCRIBED IN DOCUMENT NO. 2001133392, OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, SAID 1.475 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND AS SHOWN ON THE ATTACHED SKETCH:**

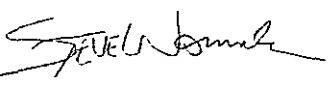
**Beginning** at a ½" iron rod found along the southeasterly right-of-way line of Willow Creek Drive, said point being the southwest corner of said 4.46 acre Marks tract, point also being a northwest corner of Willow Creek Section 1-B, a subdivision in Travis County, Texas, recorded in Volume 52, Page 18, of the Plat Records of Travis County, Texas, for the **Point of Beginning** of the herein described tract;

**Thence** N 30° 10' 51" E along the said southeasterly right-of-way line of Willow Creek Drive and along the northwest line of said 4.46 acre Marks tract for a distance of 330.48 feet to a point;

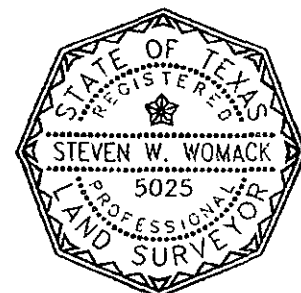
**Thence** S 59° 33' 58" E through the said 4.46 acre Marks tract for a distance of 194.90 feet to a point along the southeast line of said 4.46 acre Marks tract and being along the northwest line of that certain 9.733 acre tract, in deed to Collier Ranch Limited Partnership and described in Volume 13336, Page 764;

**Thence** S 30° 17' 00" W along the said the southeast line of said 4.46 acre Marks tract and along the northwest line of said 9.733 acre Collier Ranch Limited Partnership tract, for a distance of 329.97 feet to a point at the southeast corner of said 4.46 acre tract, said point being along the northeast line of said Willow Creek Section 1-B;

**Thence** N 59° 43' 00" W along the southwest line of said 4.46 acre Marks tract, and along the northeast line of said Willow Creek Section 1-B, for a distance of 194.31 feet to the **Point of Beginning**, and containing 1.475 acres of land, more or less.

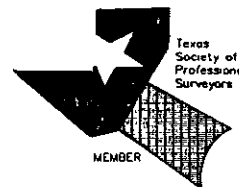
  
Steven W. Womack  
Registered Professional Surveyor  
No. 5025, State of Texas

08-29-06  
Date



# SURVEY SKETCH

BEING A 1.475 ACRE TRACT OF LAND, OUT OF THE SANTIAGO DEL VALLE GRANT, AND BEING A PORTION THAT CERTAIN 4.46 ACRE TRACT, IN DEED TO EDDIE DEAN AND PEGGY MARKS, DESCRIBED IN DOCUMENT NO 2001133392.



0 50 100  
APPROXIMATE  
SCALE IN FEET

## LEGEND

- IRON ROD FOUND
- IRON ROD SET
- ( ) RECORD BEARING, DISTANCE



## EXHIBIT "A"

DATE: 08-29-06  
DRAWN BY: SGW  
FILE NAME: 4.4725

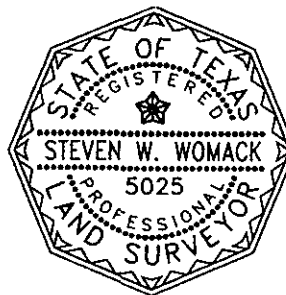
PROJ. NO. : 06-202

WILLOW CREEK  
SECTION 1-B  
V. 52 P. 18

## 3DS Land Surveyors

GPS Services  
Subdivisions • Topographic  
Construction • Commercial • Boundaries

THIS SURVEY WAS PREPARED FOR ZONING PURPOSES ONLY.



P.O. BOX 850  
LIBERTY HILL, TX 78642  
PH: (512) 515-5888  
FAX: (512) 515-5878

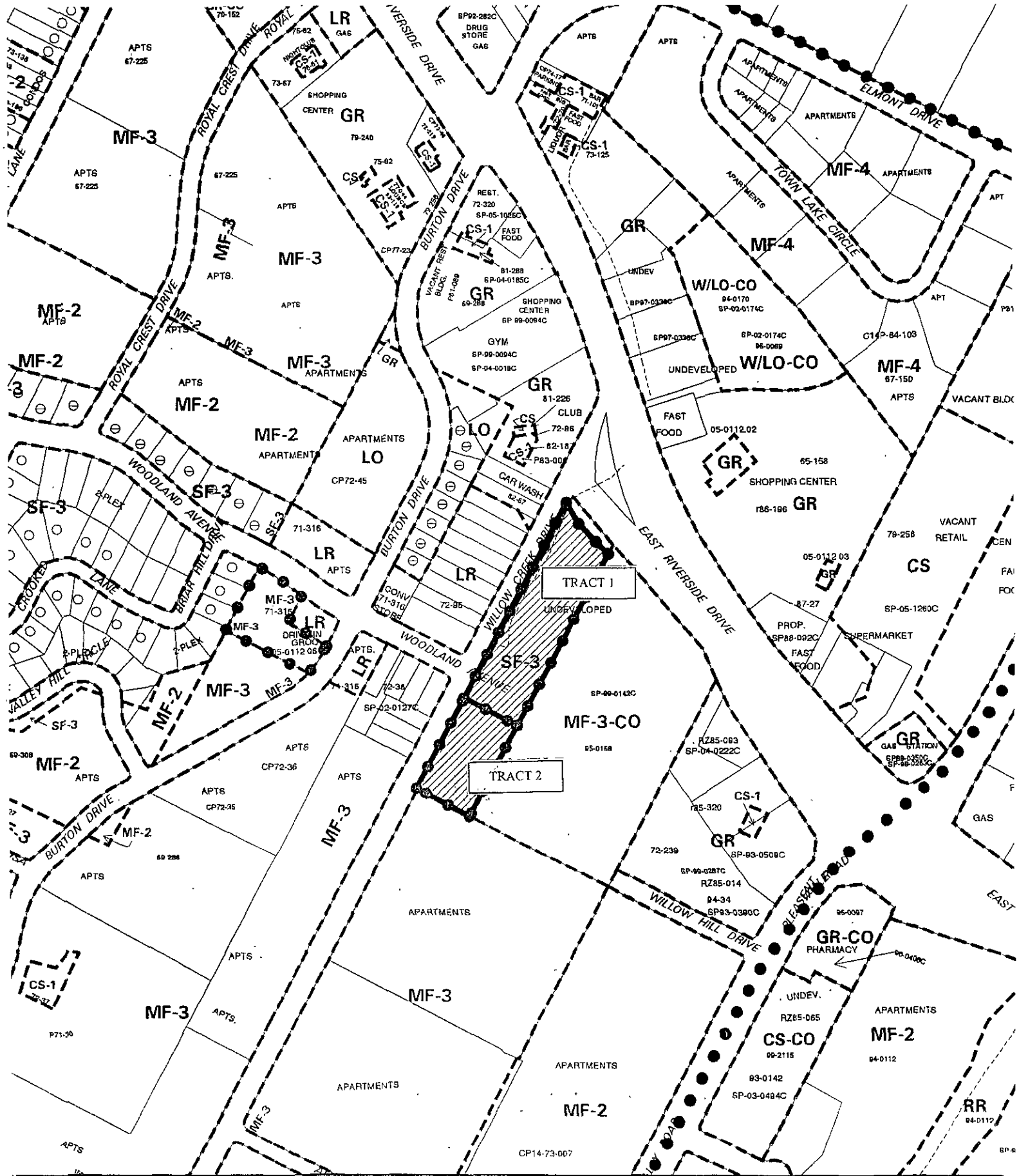





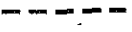
Three Dimensional Services

*STEVE W. WOMACK*  
STEVE W. WOMACK  
REGISTERED PROFESSIONAL SURVEYOR  
NO. 5025, STATE OF TEXAS

08-29-06

DATE



 1" = 400'	SUBJECT TRACT		<h2 style="text-align: center;">ZONING EXHIBIT C</h2>	CITY GRID REFERENCE NUMBER  K19
	PENDING CASE			
	ZONING BOUNDARY			
	CASE MGR: R. HEIL			
CASE #: C14-06-0023		DATE: 06-09		
ADDRESS: 2301 E RIVERSIDE DR		INTLS: SM		
SUBJECT AREA (acres): 4.470				