

**ORDINANCE NO. 20100729-118**

**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 11215 SOUTH IH-35 SERVICE ROAD NORTHBOUND FROM COMMUNITY COMMERCIAL-CONDITIONAL OVERLAY (GR-CO) COMBINING DISTRICT TO COMMERCIAL LIQUOR SALES-CONDITIONAL OVERLAY (CS-1-CO) COMBINING DISTRICT FOR TRACT ONE AND FROM COMMUNITY COMMERCIAL-CONDITIONAL OVERLAY (GR-CO) COMBINING DISTRICT TO COMMUNITY COMMERCIAL-CONDITIONAL OVERLAY (GR-CO) COMBINING DISTRICT FOR TRACT TWO AND FROM COMMERCIAL LIQUOR SALES-CONDITIONAL OVERLAY (CS-1-CO) COMBINING DISTRICT TO COMMUNITY COMMERCIAL-CONDITIONAL OVERLAY (GR-CO) COMBINING DISTRICT FOR TRACT THREE.**

**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 on the property described in Zoning Case No. C14-2010-0076, on file at the Planning and Development Review Department, as follows:

Tract One: From community commercial-conditional overlay (GR-CO) combining district to commercial liquor sales-conditional overlay (CS-1-CO) combining district.

A 1,925 square feet tract of land, more or less, out of and part of an existing one story stone and stucco building situated on Lot 1, Block A, Onion Creek Section 100, Subdivision the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance, and

Tract Two: From community commercial-conditional overlay (GR-CO) combining district to community commercial-conditional overlay (GR-CO) combining district.

A 1,593 square feet tract of land, more or less, out of and part of an existing one story stone and stucco building situated on Lot 1, Block A, Onion Creek Section 100, Subdivision the tract of land being more particularly described by metes and bounds in Exhibit "B" incorporated into this ordinance, and

Tract Three: From commercial liquor sales-conditional overlay (CS-1-CO) combining district to community commercial-conditional overlay (GR-CO) combining district.

A 3,000 square feet tract of land, more or less, out of Santiago Del Valle Grant, the tract of land being more particularly described by metes and bounds in Exhibit "C" incorporated into this ordinance (the "Property"),

locally known as 11215 South IH-35 Service Road Northbound, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "D".

**PART 2.** The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

A. The following uses are prohibited uses on Tract One:

Agricultural sales and services	Automotive rentals
Automotive repair services	Automotive sales
Automotive washing (of any type)	Building maintenance services
Campground	Club or lodge
Commercial off-street parking	Communications services
Communication service facilities	Commercial blood plasma center
Community recreation (private)	Community recreation (public)
Congregate living	Construction sales and services
Convenience storage	Counseling services
Cultural services	Day care services (commercial)
Day care services (limited)	Drop-off recycling collection facility
Electronic prototype assembly	Equipment repair services
Equipment sales	Exterminating services
Family home	Funeral services
Group home, class I (general)	Group home, class I (limited)
Group home, class II	Guidance services
Hospital services (general)	Hotel-motel
Indoor entertainment	Indoor sports and recreation
Kennels	Laundry services
Limited warehousing and distribution	Maintenance and service facilities
Off-site accessory parking	Outdoor entertainment
Outdoor sports and recreation	Pawn shop services

Plant nursery  
Public primary educational facilities  
Research services;  
Service station  
Transitional housing  
Vehicle storage

Private secondary educational facilities  
Public secondary educational facilities  
Residential treatment  
Special use historic  
Transportation terminal

B. The following uses are prohibited uses on Tracts Two and Three.

Automotive rentals  
Automotive sales  
Commercial off-street parking  
Exterminating services  
Hotel-motel  
Indoor sports and recreation  
Outdoor entertainment  
Pawn shop services  
Research services  
Special use historic  
Communication service facilities  
Community recreation (public)  
Counseling services  
Day care services (commercial)  
Family home  
Group home, class I (limited)  
Guidance services  
Private secondary educational facilities  
Public secondary educational facilities  
Transportation terminal

Automotive repair services  
Automotive washing (of any type)  
Communications services  
Funeral services  
Indoor entertainment  
Off-site accessory parking  
Outdoor sports and recreation  
Plant nursery  
Service station  
Club or lodge  
Community recreation (private)  
Congregate living  
Cultural services  
Day care services (limited)  
Group home, class I (general)  
Group home, class II  
Hospital services (general)  
Public primary educational facilities  
Residential treatment

Except as specifically provided in 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 August 9, 2010.

**PASSED AND APPROVED**

\_\_\_\_\_  
July 29, 2010

§  
§  
§  
\_\_\_\_\_  
*Lee Leffingwell*  
Lee Leffingwell  
Mayor

**APPROVED:** \_\_\_\_\_  
*Karen M. Kennard*  
Karen M. Kennard  
Acting City Attorney

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

C14-2010-0076  
Tract 1  
CS-1-Co zoning

**EXHIBIT A**  
**ZONING TRACT**  
**FIELD NOTES**

**1,925 SQUARE FEET, MORE OR LESS, ZONING TRACT OUT OF AND PART OF AN EXISTING ONE STORY STONE AND STUCCO BUILDING SITUATED ON LOT 1, BLOCK A, UNION CREEK SECTION 100 FINAL PLAT OF A 9.654 ACRE TRACT IN THE CITY OF AUSTIN ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN DOCUMENT NUMBER 200200221, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; FOR WHICH A MORE PARTICULAR DESCRIPTION BY METES AND BOUNDS IS AS FOLLOWS:**

**BEGINNING FOR REFERENCE** at a "X" found in concrete on the east R.O.W. of South Interstate Highway 35 at the common S.W. corner of Lot 2 and the most westerly, N.W. corner of Lot 1, Block A, UNION CREEK SECTION 100 FINAL PLAT OF A 9.654 ACRE TRACT IN THE CITY OF AUSTIN, from which point a PK nail found at the S.E. corner of Lot 2 bears S70°33'50"E at a distance of 209.62 feet;

**THENCE** S19°07'38"E, crossing into Lot 1 for a distance of 189.58 feet to a point on the west face of an existing one story stone and stucco building for the N.W. corner of this 1,925 square feet zoning tract and **POINT OF BEGINNING** hereof, from which point the N.W. corner of said building bears N19°04'11"E at a distance of 100.68 feet;

**THENCE** S69°53'22"E, crossing said building along the center of a party wall for a distance of 70.12 feet to a point on the east face of said building for the N.E. corner hereof;

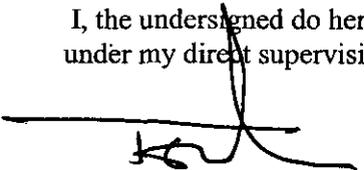
**THENCE** S19°04'11"W along the east face of said building for a distance of 27.46 feet to the S.E. corner hereof;

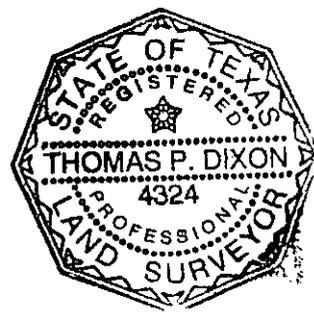
**THENCE** N69°53'22"W, crossing said building along the center of a party wall for a distance of 70.12 feet to a point on the west face of said building for the S.W. corner hereof;

**THENCE** N19°04'11"E along the west face of said building for a distance of 27.46 feet to the **POINT OF BEGINNING** of this 1,925 square feet zoning tract.

**BEARING BASE: ONION CREEK SECTION 100 FINAL PLAT OF A 9.654 ACRE TRACT IN THE CITY OF AUSTIN**

I, the undersigned do hereby certify that the field notes hereon were prepared from an actual on-the-ground survey under my direct supervision and that they are true and correct to the best of my knowledge.

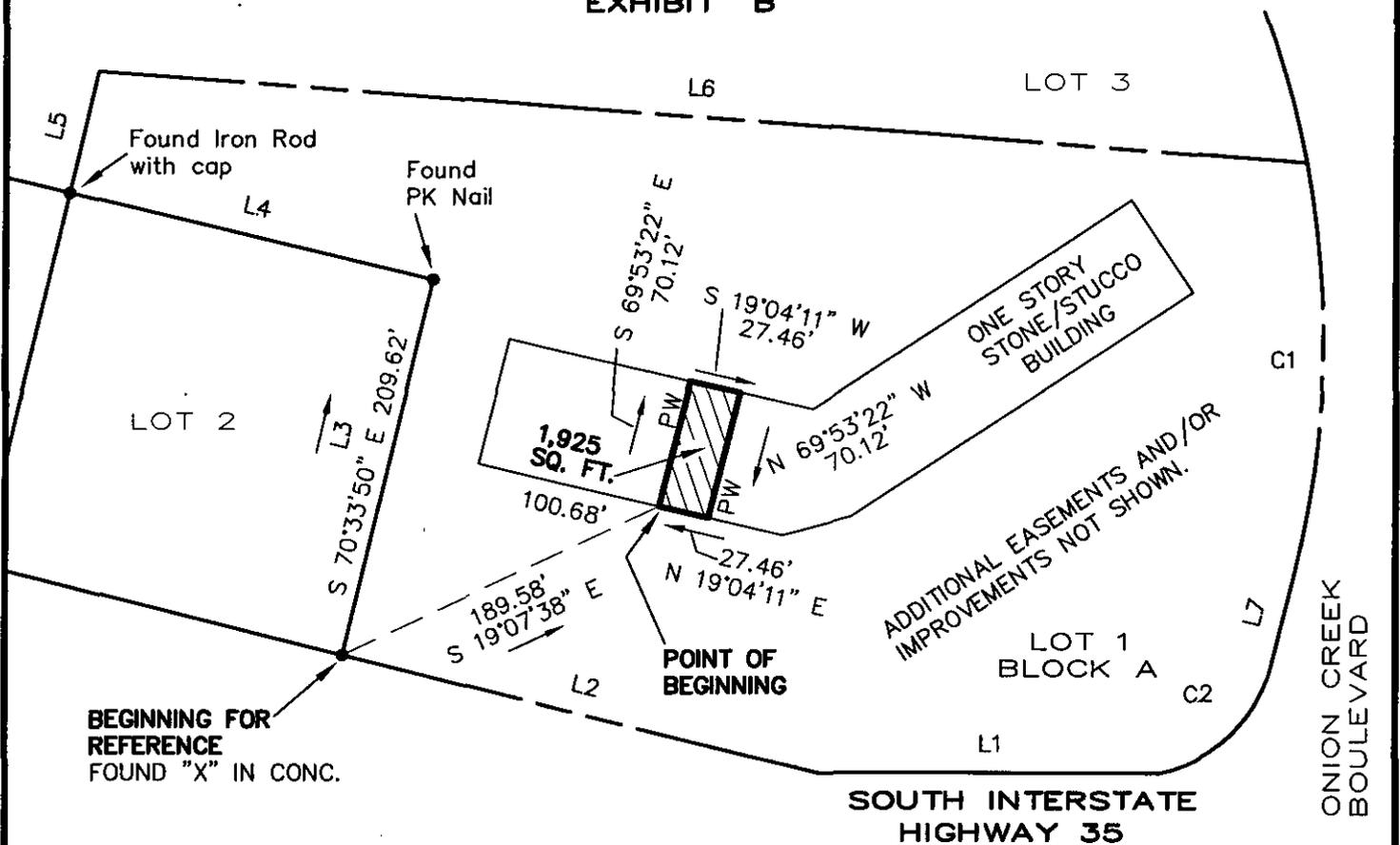
  
Thomas P. Dixon R.P.L.S. 4324  
Waterloo Surveyors, Inc.  
512-481-9602  
J12594



**REFERENCES**  
TCAD Parcel No. 04-4311  
AUSTIN GRID F-11

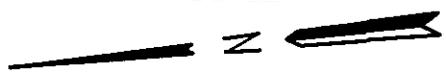
Sketch to Accompany Field Notes  
**1,925 SQ. FT. ZONING TRACT**  
**EXHIBIT "B"**

J12594



**BEGINNING FOR REFERENCE**  
 FOUND "X" IN CONC.

**LEGEND**  
 PARTY WALL PW  
 1"=100'  
**SCALE**



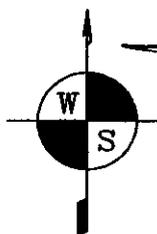
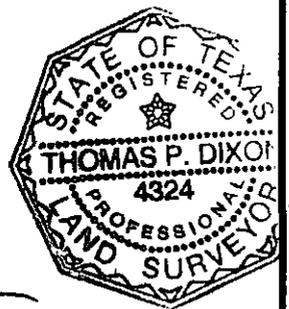
LOT 1 BLOCK A  
 RECORD CALLS  
 COURSE AND DISTANCE CALLS

LINE	DIRECTION	DISTANCE
L1	N 05°59'38" E	182.22'
L2	N 20°01'48" E	265.78'
L3	S 70°33'50" E	209.62'
L4	N 19°26'10" E	202.49'
L5	S 70°33'50" E	67.53'
L6	S 10°22'59" W	653.07'
L7	N 70°01'46" W	50.87'

CURVE	RADIUS	LENGTH	CHORD	BEARING
C1	516.29'	224.51'	222.75'	N 82°29'12" W
C2	80.00'	88.99'	84.47'	N 38°23'02" W

**OWNER:**  
 WSP DEVELOPMENT #10 LTD  
**ADDRESS:** 11215 S. IH-35, AUSTIN, TEXAS 78747

**LEGAL DESCRIPTION:**  
 1,925 SQUARE FEET OF LAND, MORE OR LESS, BEING OUT OF AND PART OF AN EXISTING BUILDING SITUATED ON LOT 1, BLOCK A, UNION CREEK SECTION 100 FINAL SUBDIVISION PLAT OF A 9.654 ACRE TRACT IN THE CITY OF AUSTIN, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN DOCUMENT NO. 200200221 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.



THOMAS P. DIXON R.P.L.S. 4324  
 WATERLOO SURVEYORS INC.  
 625 INDUSTRIAL BOULEVARD  
 AUSTIN, TEXAS 78745  
 Phone: 512-481-9602

C14-2010-0076  
TRACT 2  
91-CO zoning

**EXHIBIT "B"**

**ZONING TRACT**

**FIELD NOTES**

**1,593 SQUARE FEET, MORE OR LESS, ZONING TRACT OUT OF AND PART OF AN EXISTING ONE STORY STONE AND STUCCO BUILDING SITUATED ON LOT 1, BLOCK A, UNION CREEK SECTION 100 FINAL PLAT OF A 9.654 ACRE TRACT IN THE CITY OF AUSTIN ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN DOCUMENT NUMBER 200200221, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; FOR WHICH A MORE PARTICULAR DESCRIPTION BY METES AND BOUNDS IS AS FOLLOWS:**

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**THENCE** S14°31'48"E, crossing into Lot 1 for a distance of 211.83 feet to a point on the west face of an existing one story stone and stucco building for the N.W. corner of this 1,593 square foot zoning tract and **POINT OF BEGINNING** hereof, from which point the N.W. corner of said building bears N19°04'11"E at a distance of 128.14 feet;

**THENCE** S69°53'22"E, crossing said building for a distance of 70.12 feet to a point on the east face of said building for the N.E. corner hereof;

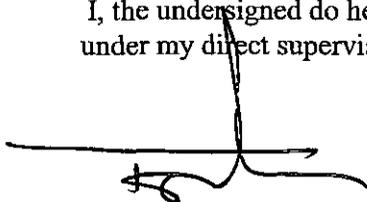
**THENCE** S19°04'11"W along the east face of said building for a distance of 22.72 feet to the S.E. corner hereof;

**THENCE** N69°53'22"W, crossing said building for a distance of 70.12 feet to a point on the west face of said building for the S.W. corner hereof;

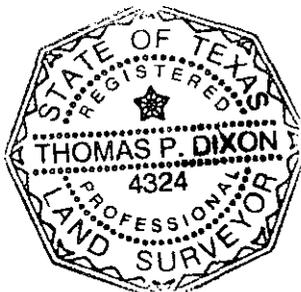
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Waterloo Surveyors, Inc.  
512-481-9602  
J12594B

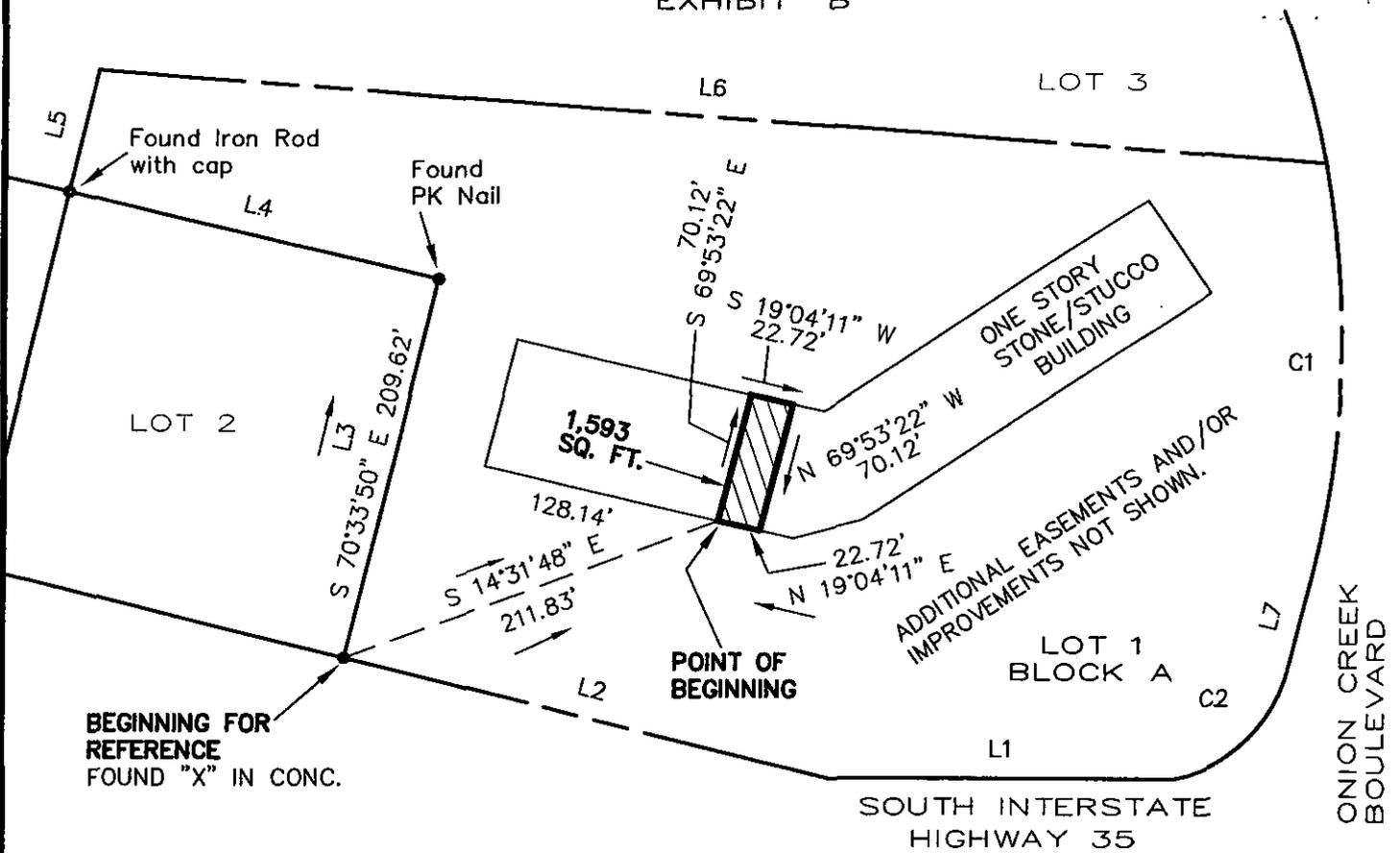


**REFERENCES**

TCAD Parcel No. 04-4311  
AUSTIN GRID F-11

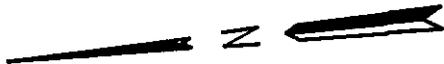
Sketch to Accompany Field Notes  
**1,593 SQ. FT. ZONING TRACT**  
 EXHIBIT "B"

J12594B



**BEGINNING FOR REFERENCE**  
 FOUND "X" IN CONC.

**LEGEND**  
 PARTY WALL PW  
 1"=100'  
 SCALE



LOT 1 BLOCK A  
 RECORD CALLS  
 COURSE AND DISTANCE CALLS

LINE	DIRECTION	DISTANCE
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L2	N 20°01'48" E	265.78'
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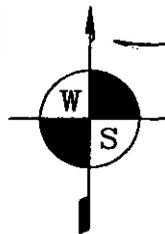
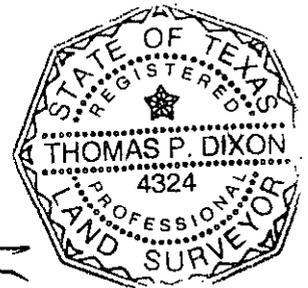
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**ADDRESS:** 11215 S. IH-35, AUSTIN, TEXAS 78747

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 WATERLOO SURVEYORS INC.  
 625 INDUSTRIAL BOULEVARD  
 AUSTIN, TEXAS 78745  
 Phone: 512-481-9602

3,000 Sq. Ft.  
CS - Zoning Description  
Lot 1, Onion Creek, Section 100

PD04-004 (SCO)  
May 5, 2004

JOB NO. 050594.001.1.0010

**EXHIBIT C**  
**PROPERTY DESCRIPTION**

**C14-2010-0076**  
**TRACT 3**  
**GR - CO ZONING**

BEING 3,000 SQUARE FEET OUT OF THE SANTIAGO DEL VALLE GRANT, TRAVIS COUNTY, TEXAS. SAID 3,000 SQUARE FEET BEING A PORTION OF LOT 1, BLOCK A OF ONION CREEK, SECTION 100, A SUBDIVISION, RECORDED IN DOCUMENT NUMBER 200200221, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS. SAID 3,000 SQUARE FEET AS SHOWN ON ACCOMPANYING SKETCH, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING**, at a point for the northeast corner of the herein described tract, from which an iron rod found for the northeast corner of said Lot 1 bears, N 29°21'28" E, a distance of 411.39 feet and an iron rod found for the southeast corner of said Lot 1 bears, S 21°19'04" E, a distance of 309.59 feet;

**THENCE**, over and across said Lot 1 the following seven (7) courses:

1. S 16°32'16" W, a distance of 17.48 feet;
2. S 30°18'26" E, a distance of 3.10 feet;
3. S 59°41'34" W, a distance of 60.00 feet;
4. N 30°18'26" W, a distance of 20.46 feet;
5. N 06°51'43" W, a distance of 41.05 feet;
6. N 16°32'16" E, a distance of 11.71 feet;
7. S 73°27'44" E, a distance of 70.00 feet to the **POINT OF BEGINNING** and containing 3,000 Square Feet;

**BASIS OF BEARINGS:** Bearing Basis based on G.P.S. observations in the Texas State Plane Coordinate System, Texas Central Zone, (N.A.D. 83).

THE STATE OF TEXAS

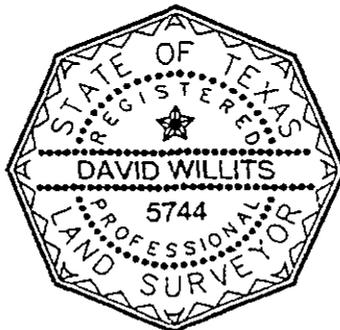
KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF TRAVIS

That I, David Willits, a Registered Professional Land Surveyor, do hereby state that the above description is true and correct to the best of my knowledge and belief and that the property described herein is based upon public record.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas, this the 5th day of May, 2004 A.D.

Carter & Burgess, Inc.  
2705 Bee Cave Road, Suite 300  
Austin, Texas 78746



*David Willits*  
 \_\_\_\_\_  
 David Willits  
 Registered Professional Land Surveyor  
 No. 5744 - State of Texas

SANTIAGO DEL VALLE GRANT

LOT 2, BLOCK A  
0.9696 ACRES

LOT 1, BLOCK A  
4.0873 ACRES

ONION CREEK  
SECTION 100  
DOC. 200200221  
O.P.R.T.C.T.

LOT 3, BLOCK A  
4.5967 ACRES

INTERSTATE HIGHWAY 35  
(R-O-W VARIES)

N16°32'16"E  
11.71

N06°51'43"W  
41.05

N30°18'26"W  
20.46

S73°27'44"E  
70.00

3,000  
Sq. Ft.

S59°41'34"W  
60.00

N29°21'20"E 411.43

P.O.B.  
S16°32'16"W  
17.48

S30°18'26"E  
3.10

S21°19'04"E  
309.59

N07°50'42"E 653.12  
(N10°22'59"E 653.07)

15" WATERLINE EASEMENT  
VOL 4860, PG. 167  
D.R.T.C.T.

ONION CREEK PARKWAY  
(120' R-O-W)



SCALE : 1" = 100'  
MAY, 2004  
TRAVIS COUNTY, TEXAS

**LEGEND**

- IRON ROD FOUND
- ( ) RECORD CALL
- P.O.B. POINT OF BEGINNING
- D.R.T.C.T. DEED RECORDS OF TRAVIS COUNTY, TEXAS
- O.P.R.T.C.T. OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

Bearing Basis based on G.P.S. observations in the Texas State Plane Coordinate System, Texas Central Zone, (N.A.D. 83).

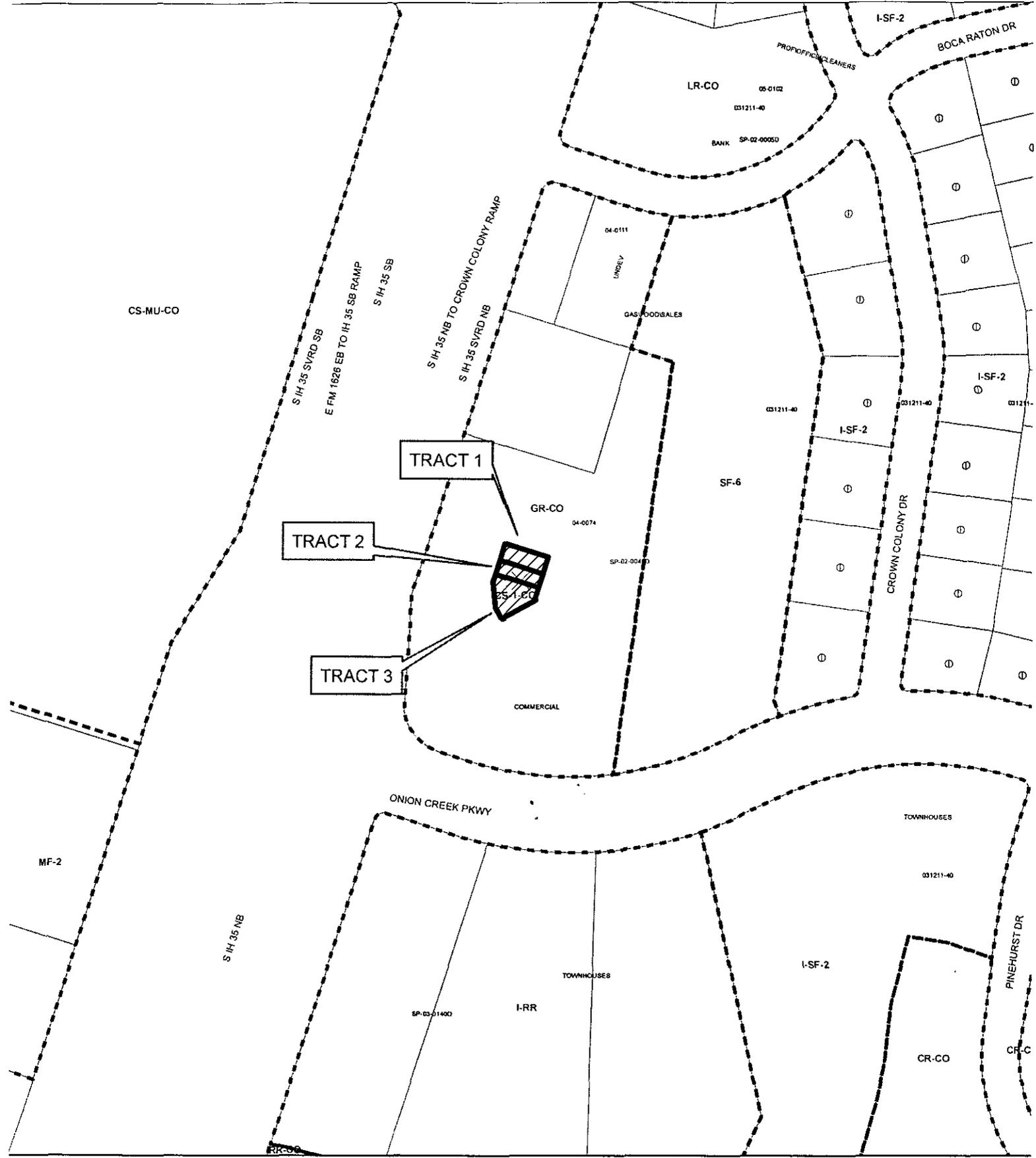
SKETCH to ACCOMPANY DESCRIPTION No. PD04-01

**Carter & Burgess**

Consultants in Surveying,  
Engineering, Architecture,  
Construction Management,  
and Related Services

Carter & Burgess,  
2705 Bee Cave Road  
Suite 300  
Austin, Texas 78746  
Phone: 512.314.3100  
Fax: 512.328.6672  
[www.c-b.com](http://www.c-b.com)

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**ZONING Exhibit D**

-  N
-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

ZONING CASE#: C14-2010-0076  
 LOCATION: 11215 S IH 35 SVRD NB  
 SUBJECT AREA: 0.15 ACRES  
 GRID: F11  
 MANAGER: WENDY RHOADES



1" = 200'

This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.