

**ORDINANCE NO. 20190808-129**

**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 13653 RUTLEDGE SPUR FROM GENERAL COMMERCIAL SERVICES-MIXED USE-CONDITIONAL OVERLAY (CS-MU-CO) COMBINING 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 general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district to general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district on the property described in Zoning Case No. C14-2019-0073.SH, on file at the Planning and Zoning Department, as follows:

6.44 acres out of the Rachel Saul Survey, Abstract No. 551, in the City of Austin, Williamson County, Texas, said 6.44 acres of land being more particularly described by metes and bounds in **Exhibit "A"** incorporated into this ordinance (the "Property"),

locally known as 13653 Rutledge Spur in the City of Austin, Williamson County, Texas, 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. The following uses are not permitted uses on the Property:

Agricultural sales and services	Automotive rentals
Automotive repair services	Automotive sales
Automotive washing (of any type)	Bail bond services
Campground	Commercial blood plasma center
Commercial off-street parking	Congregate living
Consumer convenience services	Consumer repair services
Drop-off recycling collection facility	Equipment sales
Family home	Financial services
Food sales	Funeral services
General retail sales (convenience)	General retail sales (general)
Group home, class I (general)	Group home, class I (limited)

Group home, class II  
Hospital services (general)  
Hotel-motel  
Indoor sports and recreation  
Laundry services  
Medical offices-exceeding 5000 sq.  
ft. gross floor area  
Monument retail sales  
Outdoor entertainment  
Pawn shop services  
Personal services  
Plant nursery  
Research services  
Restaurant (general)  
Service station  
Theater  
Transportation terminal  
Veterinary services

Guidance services  
Hospital services (limited)  
Indoor entertainment  
Kennels  
Maintenance and service facilities  
Medical offices-not exceeding  
5000 sq. ft. gross floor area  
Off-site accessory parking  
Outdoor sports and recreation  
Personal improvement services  
Pet services  
Professional office  
Residential treatment  
Restaurant (limited)  
Software development  
Transitional housing  
Vehicle storage

B. The following uses are conditional uses of the Property:

Business or trade school  
Equipment repair services  
College and university facilities  
Community recreation (public)  
  
Public secondary educational  
facilities

Convenience storage  
Exterminating services  
Community recreation (private)  
Private secondary educational  
facilities  
Telecommunication tower

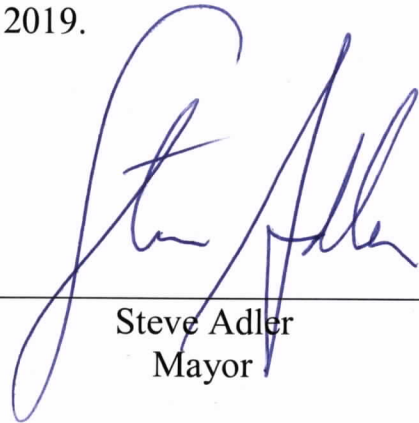
**PART 3.** Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the general commercial services (CS) base district, mixed use (MU) combining district, and other applicable requirements of the City Code.

**PART 4.** This ordinance takes effect on August 19, 2019.

**PASSED AND APPROVED**

\_\_\_\_\_  
August 8, 2019

§  
§  
§



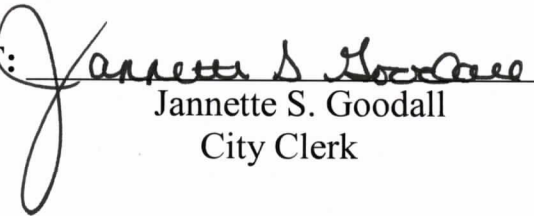
\_\_\_\_\_  
Steve Adler  
Mayor

**APPROVED:**



\_\_\_\_\_  
Anne L. Morgan  
City Attorney

**ATTEST:**



\_\_\_\_\_  
Jannette S. Goodall  
City Clerk





*Land Surveyors, Inc.*

8333 Cross Park Drive

Austin, Texas 78754

Office: 512.374.9722

Fax: 512.873-9743

*EXHIBIT A*  
METES AND BOUNDS DESCRIPTION

BEGINNING 6.44 ACRES OF LAND OUT OF THE RACHEL SAUL SURVEY, ABSTRACT NUMBER 551 IN WILLIAMSON COUNTY, TEXAS AND BEING COMPRISED OF THREE TRACTS: A 1.995 ACRE TRACT OF LAND CONVEYED TO MARK A. AND TERESA K. TOUNGATE, TRUSTEES OF THE MARK A. AND TERESA K. TOUNGATE LIVING TRUST BY INSTRUMENT OF RECORD IN DOCUMENT NUMBER 2011004038 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS; A 1.9980 ACRE TRACT OF LAND CONVEYED TO MARK A. AND TERESA K. TOUNGATE, TRUSTEES OF THE MARK A. AND TERESA K. TOUNGATE LIVING TRUST BY INSTRUMENT OF RECORD IN DOCUMENT NUMBER 2008073893 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS AND A 2.448 ACRE TRACT OF LAND CONVEYED TO MARK A. AND TERESA K. TOUNGATE, TRUSTEES OF THE MARK A. AND TERESA K. TOUNGATE LIVING TRUST BY INSTRUMENT OF RECORD IN DOCUMENT NUMBER 2008073894 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" rebar found for the southwest corner of said 1.995 acre tract, the northwest corner of a 2.51 acre tract of land conveyed to Franklin and Gloria Schirpik by instrument of record in Volume 638, Page 345 of the Deed Records of Williamson County, Texas and being in the east right-of-way line of County Road Number 183 (Rutledge Spur) as occupied;

THENCE North 18°43'59" West (record: North 18°51'30" West), along the west line of the 1.995 acre tract and said east right-of-way line of County Road Number 183 a distance of 208.74 feet (record: 208.94 feet) to a 1/2" rebar found for the northwest corner of the 1.995 acre tract, being the southwest corner of said 1.9980 acre tract, from which an iron pipe found for the northwest corner of the 1.995 acre tract and the southeast corner of the 1.9980 acre tract and being in the west line of an 18.66 acre tract of land conveyed to Koontz/McCombs I, Ltd. By instrument of record in Document Number 2006007775 of the Official Public Records of Williamson County, Texas and known therein as "Tract 3" bears North 73°59'28" East a distance of 417.04 feet (record: North 74°00'00" East a distance of 417.25 feet);

THENCE North 17°57'07" West (record: North 18°00'00" West), continuing along the east right-of-way line of County Road Number 183, as occupied and the west line of the 1.9980 acre tract a distance of 209.15 feet (record: 208.80 feet) to a 1/2" rebar found with plastic cap, which reads "BASELINE, INC." for the northwest corner of the 1.9980 acre tract and being in the south line of said 2.448 acre tract; from which a 1/2" rebar found for the northeast corner of the 1.9980 acre tract, a northwest corner of said 18.66 acre tract and being in the south line of the 2.448 acre tract bears North 74°06'16" East a distance of 417.27 feet (record: North 71°33'49" East a distance of 417.27 feet);

THENCE South 74°06'16" West along the south line of the 2.448 acre tract a distance of 27.10 feet (record: 27.10 feet) to a calculated point in the west right-of-way line of County Road Number 183, as occupied, from which a 1/2" rebar found bears North 30°51'39" West a distance of 1.64 feet;

**EXHIBIT "A"**

THENCE along the west line of the 2.448 acre tract and the west right-of way line of County Road Number 183, as occupied the following two (2) courses:

1. North  $18^{\circ}11'31''$  West a distance of 204.68 feet (record: North  $20^{\circ}46'42''$  West a distance of 204.68 feet) to a an iron pipe found;
2. North  $14^{\circ}55'47''$  West a distance of 62.05 feet (record: North  $17^{\circ}30'58''$  West a distance of 62.06 feet) to an iron pipe found for the northwest corner of the 2.448 acre tract and being in the curving south line of a 100-foot wide railroad right-of-way conveyed to Capital Metropolitan Transportation Authority by instrument of record in Volume 13187, Page 3118 of the Real Property Records of Travis County, Texas

THENCE along the north line of the 2.448 acre tract and the south line of said 100-foot wide railroad right-of-way the following four (4) courses:

1. along a non-tangential curve to the left, having a radius of 1987.89 feet (record: 1987.89 feet), a length of 54.09 feet (record: 54.09 feet), a delta angle of  $01^{\circ}33'32''$  (record:  $01^{\circ}33'32''$ ) and a chord, which bears South  $82^{\circ}00'15''$  East a distance of 54.09 feet (record: South  $84^{\circ}30'47''$  East a distance of 54.09 feet) to a 1/2" rebar found for a point of compound curvature;
2. along a compound curve to the left, having a radius of 2772.56 feet (record: 2772.56 feet), a length of 318.19 feet (record: 318.19 feet), a delta angle of  $06^{\circ}34'32''$  (record:  $06^{\circ}34'32''$ ) and a chord, which bears South  $87^{\circ}06'15''$  East a distance of 318.02 feet (record: South  $89^{\circ}36'47''$  East a distance of 318.02 feet) to a 1/2" rebar found with plastic cap, which reads "BASELINE, INC." for a point of compound curvature;
3. along a compound curve to the left, having a radius of 6457.70 feet (record: 6457.70 feet), a length of 280.70 feet (record: 280.50 feet), a delta angle of  $02^{\circ}29'26''$  (record:  $02^{\circ}29'19''$ ) and a chord, which bears North  $88^{\circ}25'23''$  East a distance of 280.68 feet (record: North  $85^{\circ}54'43''$  East a distance of 280.47 feet) to a 1/2" rebar found for a point of tangency;
4. North  $87^{\circ}15'56''$  East a distance of 260.02 feet (record: North  $84^{\circ}40'03''$  East a distance of 260.54 feet) to a 1/2" rebar found for the east corner of the 2.448 acre tract and being an angle point in the north line of the 18.66 acre tract;

THENCE along the south line of the 2.448 acre tract and the north line of the 18.66 acre tract the following two (2) courses:

1. South  $71^{\circ}04'37''$  West a distance of 113.31 feet (record: South  $68^{\circ}34'10''$  West a distance of 113.36 feet) to a 60d nail found;
2. South  $72^{\circ}42'11''$  West a distance of 311.10 feet (record: South  $70^{\circ}10'44''$  West a distance of 311.08 feet) to a 1/2" rebar found for the herein previously referenced northeast corner of the 1.9980 acre tract, being the northwest corner of the 18.66 acre tract and being an angle point in the south line of the 2.448 acre tract;



THENCE South  $17^{\circ}53'49''$  East (record: South  $18^{\circ}00'00''$  East), along the east line of the 1.9980 acre tract and the west line of the 18.66 acre tract a distance of 208.32 feet (record: 208.80 feet) to an iron pipe found for the herein previously referenced southeast corner of the 1.9980 acre tract, being the northeast corner of the 1.995 acre tract and being an angle point in the west line of the 18.66 acre tract;

THENCE South  $18^{\circ}02'56''$  East (record: South  $18^{\circ}06'00''$  East), along the east line of the 1.995 acre tract and the west line of the 18.66 acre tract a distance of 209.54 feet (record: 209.71 feet) to a  $1/2''$  rebar found for the southeast corner of the 1.995 acre tract, being in the north line of said 2.51 acre tract;

THENC South  $74^{\circ}07'00''$  West (record: South  $74^{\circ}07'00''$  West-Basis of Bearings), along the south line of the 1.995 acre tract and the north line of the 2.51 acre tract a distance of 414.58 feet (record: 414.50 feet) to the POINT OF BEGINNING.

This parcel contains 6.44 acres of land, more or less, out of the Rachel Saul Survey, Abstract Number 551, in Williamson County, Texas. Bearing Basis: the south line of the 1.995 acre tract conveyed to Mark A. and Teresa K. Toungate, trustees of the Mark A. and Teresa K. Toungate living trust by instrument of record in Document Number 2011004038 of the Official Public Records of Williamson County, Texas being South  $74^{\circ}07'00''$  West, as cited therein.

Ronnie Wallace 11 March 2011  
Ronnie Wallace Date  
Registered Professional Land Surveyor  
State of Texas No. 5222



File: S:\Projects\Rutledge Spur\Docs\Field Notes\Rutledge Spur Zoning M&B\_fn.doc  
Drawing: S:\Projects\Rutledge Spur\Dwg\Zoning M&B.dwg

SEE SHEET 5 FOR 3END  
AND CURVE TABLE

GRAPHIC SCALE

100 50 0 100  
IN FEET

[N17°30'58"W]  
N14°55'47"W  
62.05'  
[62.06']

[N18°11'31"W]  
[N20°46'42"W]

204.68'  
[204.68']

CAPITAL METROPOLITAN  
TRANSPORTATION AUTHORITY  
VOL. 13187, PG. 311B  
R.P.R.T.C.T.

MARK A. TOUNGATE &  
TERESA K. TOUNGATE  
2.448 AC.  
DOC. NO. 2008073894  
O.P.R.W.C.T.

[N71°33'49"E] [417.27']  
N74°06'16"E 444.37'

[S70°10'44"W]  
S72°42'11"W  
311.10'  
[311.08']

SEE DETAIL "A"  
S74°06'16"W  
[S71°33'49"W]  
27.10'  
[27.10']

"BASELINE, INC."

COUNTY ROAD NUMBER 183  
(RUTLEDGE SPUR)

N17°57'07"W 209.15'  
[N18°00'00"W] [208.80']  
N18°43'59"W 208.74'  
[N18°51'30"W] (208.94')

MARK A. TOUNGATE &  
TERESA K. TOUNGATE  
1.9980 AC.  
DOC. NO. 2008073893  
O.P.R.W.C.T.

(N74°00'00"E)  
N73°59'28"E  
417.04'  
(417.25')

MARK A. TOUNGATE &  
TERESA K. TOUNGATE  
1.995 AC.  
DOC. NO. 2011004038  
O.P.R.W.C.T.

{S18°00'00"E}  
S17°53'49"E  
208.32'  
{208.80'}  
(S18°06'00"E)  
S18°02'56"E  
209.54'  
(209.71')

5 SHEETS  
4 SHEETS  
MATCHLINE ENLITHTAW

KOONTZ/MCCOMBS 1, LTD.  
18.66 AC. - "TRACT 3"  
DOC. NO. 2006007775  
O.P.R.W.C.T.

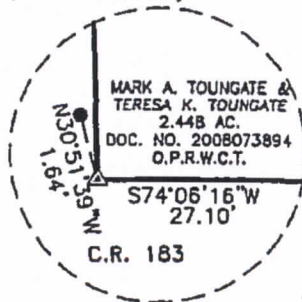
POINT OF BEGINNING

S74°07'00"W 414.58'  
(S74°07'00"W) (414.50')  
(BASIS OF BEARINGS)

FRANKLIN & GLORIA SCHIRPIK  
2.51 AC.  
VOL. 638, PG. 345  
D.R.W.C.T.



DETAIL "A"  
(NOT TO SCALE)



SKETCH TO ACCOMPANY DESCRIPTION  
OF 6.44 ACRES OF LAND IN THE RACHEL SAUL SURVEY, ABSTRACT NUMBER 651 IN  
WILLIAMSON COUNTY, TEXAS; BEING COMPRISED OF THREE TRACTS: A 1.995 ACRE  
TRACT OF LAND CONVEYED TO MARK A. AND TERESA K. TOUNGATE, TRUSTEES OF  
THE MARK A. AND TERESA K. TOUNGATE LIVING TRUST BY INSTRUMENT OF  
RECORD IN DOCUMENT NUMBER 2011004038 OF THE OFFICIAL PUBLIC RECORDS OF  
WILLIAMSON COUNTY, TEXAS; A 1.9980 ACRE TRACT OF LAND CONVEYED TO MARK  
A. AND TERESA K. TOUNGATE, TRUSTEES OF THE MARK A. AND TERESA K.  
TOUNGATE LIVING TRUST BY INSTRUMENT OF RECORD IN DOCUMENT NUMBER  
2008073893 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS  
AND A 2.448 ACRE TRACT OF LAND CONVEYED TO MARK A. AND TERESA K.  
TOUNGATE, TRUSTEES OF THE MARK A. AND TERESA K. TOUNGATE LIVING TRUST  
BY INSTRUMENT OF RECORD IN DOCUMENT NUMBER 2008073894 OF THE OFFICIAL  
PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS

BASELINE LAND SURVEYORS, INC.

PROFESSIONAL LAND SURVEYING SERVICES

8333 CROSS PARK DRIVE

AUSTIN, TEXAS 78754

OFFICE: 512.374.9722 FAX: 512.873.9743

ron-baseline@austin.rr.com

File: \Projects\Rutledge Spur\Drawings\Zoning M&E.dwg

Job No. Snapshot: SY-ZONING MB

Scale (Hor.): 1"=100' Scale (Vert.):

Date: 03/10/11 Checked By: JSL Drawn By: RLW

SHEET

4 of 5



# GRAPHIC SCALE



BEARING BASIS: THE SOUTH LINE OF THE 1.995 ACRE TRACT CONVEYED TO MARK A. AND TERESA K. TOUNGATE, TRUSTEES OF THE MARK A. AND TERESA K. TOUNGATE LIVING TRUST BY INSTRUMENT OF RECORD IN DOCUMENT NUMBER 2011004038 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS BEING SOUTH 74°07'00" WEST, AS CITED THEREIN.

*Rachel Saul Survey  
Abstract Number 551*

MARK A. TOUNGATE &  
TERESA K. TOUNGATE  
2.448 AC.  
DOC. NO. 2008073894  
O.P.R.W.C.T.

CAPITAL METROPOLITAN  
TRANSPORTATION AUTHORITY  
VOL. 13187, PG. 3118  
R.P.R.T.C.T.

[S70°10'44"W]  
S72°42'11"W

[N84°40'03"E] [260.54']  
N87°15'56"E 260.02'

S71°04'37"W  
[S68°34'10"W]  
113.31'  
[113.36']

208.32'  
[208.80']  
[S18°00'00"E]  
S17°53'49"E

209.54'  
(209.71')  
(S18°06'00"E)  
S18°02'56"E

MATCHLINE SHEET 4  
MATCHLINE SHEET 5

KOONTZ/MCCOMBS 1, LTD.  
18.66 AC.-"TRACT 3"  
DOC. NO. 2006007775  
O.P.R.W.C.T.

## LEGEND

SYMBOL DESCRIPTION

- 1/2" REBAR FOUND
- ⊙ IRON PIPE FOUND
- ⊗ 1/2" REBAR FOUND WITH CAP
- ▲ 60D NAIL FOUND
- △ CALCULATED POINT

D.R.W.C.T. DEED RECORDS OF WILLIAMSON COUNTY, TEXAS

O.P.R.W.C.T. OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS

R.P.R.T.C.T. REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS

( ) RECORD INFORMATION PER VOL. 610, PG. 321, D.R.W.C.T.

{ } RECORD INFORMATION PER DOC. NO. 2008073893, O.P.R.W.C.T.

[ ] RECORD INFORMATION PER DOC. NO. 2008073894, O.P.R.W.C.T.

KOONTZ/MCCOMBS 1, LTD.  
18.66 AC.-"TRACT 3"  
DOC. NO. 2006007775  
O.P.R.W.C.T.

## CURVE TABLE

CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
C1	1987.89'	54.09'	1°33'32"	S82°00'15"E	54.09'
[C1]	1987.89'	54.09'	1°33'32"	S84°30'47"E	54.09'
C2	2772.56'	318.19'	6°34'32"	S87°06'15"E	318.02'
[C2]	2772.56'	318.19'	6°34'32"	S89°36'47"E	318.02'
C3	6457.70'	280.70'	2°29'26"	N88°25'23"E	280.68'
[C3]	6457.70'	280.50'	2°29'19"	N85°54'43"E	280.47'

SKETCH TO ACCOMPANY DESCRIPTION  
OF 6.44 ACRES OF LAND IN THE RACHEL SAUL SURVEY, ABSTRACT NUMBER 551 IN WILLIAMSON COUNTY, TEXAS; BEING COMPRISED OF THREE TRACTS: A 1.995 ACRE ACT OF LAND CONVEYED TO MARK A. AND TERESA K. TOUNGATE, TRUSTEES OF THE MARK A. AND TERESA K. TOUNGATE LIVING TRUST BY INSTRUMENT OF RECORD IN DOCUMENT NUMBER 2011004038 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS; A 1.9980 ACRE TRACT OF LAND CONVEYED TO MARK A. AND TERESA K. TOUNGATE, TRUSTEES OF THE MARK A. AND TERESA K. TOUNGATE LIVING TRUST BY INSTRUMENT OF RECORD IN DOCUMENT NUMBER 2008073893 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS AND A 2.448 ACRE TRACT OF LAND CONVEYED TO MARK A. AND TERESA K. TOUNGATE, TRUSTEES OF THE MARK A. AND TERESA K. TOUNGATE LIVING TRUST BY INSTRUMENT OF RECORD IN DOCUMENT NUMBER 2008073894 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS

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File: I:\Projects\Rudledge Spur\Drawings\Zoning M&B.dwg

Job No.

Scale (Hor.): 1"=100'

Date: 02/10/11

Snapshot: SY-ZONING M&B

Scale (Vert.):

Checked By: JSL

Drawn By: RLW

SHEET

5 of 5



