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)
<table>
<thead>
<tr>
<th>Group home, class II</th>
<th>Guidance services</th>
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<tbody>
<tr>
<td>Hospital services (general)</td>
<td>Hospital services (limited)</td>
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<tr>
<td>Hotel-motel</td>
<td>Indoor entertainment</td>
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<tr>
<td>Indoor sports and recreation</td>
<td>Kennels</td>
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<td>Laundry services</td>
<td>Maintenance and service facilities</td>
</tr>
<tr>
<td>Medical offices-exceeding 5000 sq. ft. gross floor area</td>
<td>Medical offices-not exceeding 5000 sq. ft. gross floor area</td>
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<tr>
<td>Monument retail sales</td>
<td>Off-site accessory parking</td>
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<tr>
<td>Outdoor entertainment</td>
<td>Outdoor sports and recreation</td>
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<tr>
<td>Pawn shop services</td>
<td>Personal improvement services</td>
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<td>Personal services</td>
<td>Pet services</td>
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<td>Plant nursery</td>
<td>Professional office</td>
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<tr>
<td>Research services</td>
<td>Residential treatment</td>
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<tr>
<td>Restaurant (general)</td>
<td>Restaurant (limited)</td>
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<tr>
<td>Service station</td>
<td>Software development</td>
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<tr>
<td>Theater</td>
<td>Transitional housing</td>
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<tr>
<td>Transportation terminal</td>
<td>Vehicle storage</td>
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<tr>
<td>Veterinary services</td>
<td></td>
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</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Business or trade school</th>
<th>Convenience storage</th>
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</thead>
<tbody>
<tr>
<td>Equipment repair services</td>
<td>Exterminating services</td>
</tr>
<tr>
<td>College and university facilities</td>
<td>Community recreation (private)</td>
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<tr>
<td>Community recreation (public)</td>
<td>Private secondary educational facilities</td>
</tr>
<tr>
<td>Public secondary educational facilities</td>
<td>Telecommunication tower</td>
</tr>
</tbody>
</table>

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

Page 3 of 3

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 1.9980 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/MeCombs I, Ltd. by instrument of record in Document Number 2006000775 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°11'31" West a distance of 204.68 feet (record: North 20°46'42" West a distance of 204.68 feet) to an iron pipe found;

2. North 14°55'47" West a distance of 62.05 feet (record: North 17°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°33'32" (record: 01°33'32") and a chord, which bears South 82°00'15" East a distance of 54.09 feet (record: South 84°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°34'32" (record: 06°34'32") and a chord, which bears South 87°06'15" East a distance of 318.02 feet (record: South 89°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°29'26" (record: 02°29'19") and a chord, which bears North 88°25'23" East a distance of 280.68 feet (record: North 85°54'43" East a distance of 280.47 feet) to a 1/2" rebar found for a point of tangency;

4. North 87°15'56" East a distance of 260.02 feet (record: North 84°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 1.866 acre tract;

THENCE along the south line of the 2.448 acre tract and the north line of the 1.866 acre tract the following two (2) courses:

1. South 71°04'37" West a distance of 113.31 feet (record: South 68°34'10" West a distance of 113.36 feet) to a 60d nail found;

2. South 72°42'11" West a distance of 311.10 feet (record: South 70°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 1.866 acre tract and being an angle point in the south line of the 2.448 acre tract;
THENCE South 17°53'49" East (record: South 18°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°02'56" East (record: South 18°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;

THENCE South 74°07'00" West (record: South 74°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°07'00" West, as cited therein.

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
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.

LEGEND

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<tr>
<th>SYMBOL</th>
<th>DESCRIPTION</th>
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<tr>
<td>•</td>
<td>1/2&quot; REBAR FOUND</td>
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<td>IRON PIPE FOUND</td>
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<td>60D NAIL FOUND</td>
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<td>CALCULATED POINT</td>
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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. 510, 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.