

**Zoning Ordinance Approval**  
**CITY OF AUSTIN**  
**RECOMMENDATION FOR COUNCIL ACTION**



**AGENDA ITEM NO.: 47**  
**AGENDA DATE: Thu 02/17/2005**  
**PAGE: 1 of 1**

**SUBJECT:** C14-04-0204 - Northeast corner of IH-35 South, northbound service road and Brandt Road - Approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9701-9817 IH-35 South, northbound service road (Onion Creek Watershed) from interim-community commercial (I-GR) district zoning to community commercial (GR) district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning for Tract 1 and general office-conditional overlay (GO-CO) combining district zoning for Tract 2. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Wendy Walsh, 974-7719.

**REQUESTING** Neighborhood Planning  
**DEPARTMENT:** and Zoning

**DIRECTOR'S**  
**AUTHORIZATION:** Greg Guernsey

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-04-0204

**Z.P.C. DATE:** January 18, 2005

**ADDRESS:** 9701 – 9817 IH-35 South Service Road Northbound

**APPLICANT:** City of Austin

**AGENT:** Neighborhood Planning and  
Zoning Department (Wendy Walsh)

**ZONING FROM:** I-GR

**TO:** GR

**AREA:** 32.951 acres

### **SUMMARY STAFF RECOMMENDATION:**

The staff's recommendation is to grant community commercial (GR-CO) combining district zoning for Tract 1 and general office – conditional overlay (GO-CO) combining district zoning for Tract 2, as further illustrated in Exhibit C. The Conditional Overlay restricts the number of driveways on Brandt Road to two.

### **ZONING & PLATTING COMMISSION RECOMMENDATION:**

January 18, 2005: *APPROVED GR-CO DISTRICT ZONING FOR TRACT 1 AS ILLUSTRATED IN EXHIBIT B AND GO-CO DISTRICT ZONING FOR TRACT 2, BEING THE REMAINDER OF THE PROPERTY. THE CONDITIONAL OVERLAY FOLLOWS THAT OF C14-04-0104 WITH THE EXCEPTION THAT ALL AUTO-RELATED USES ARE PERMITTED; AND ONLY ONE DRIVEWAY TO BRANDT ROAD IS PERMITTED.*  
[K.J., 1<sup>st</sup>; J.P. 2<sup>nd</sup>] (7-0) M.W.H., J.M. -- ABSENT

### **ISSUES:**

The rezoning area coincides with an annexation case known as "Brandt Road Area" that was approved for interim -- community commercial (I-GR) district zoning on Second Reading on December 16, 2004. Third Reading of the Annexation Ordinance is scheduled for City Council meeting of February 3, 2004, concurrent with this zoning case.

Representatives of the potential automobile user and the adjacent neighborhoods have met to discuss site development issues, although no agreements have been reached as of January 26, 2005.

### **DEPARTMENT COMMENTS:**

The subject rezoning area consists of one single family residence and otherwise undeveloped property on approximately 33 acres situated at the northeast corner of the IH-35 frontage road and Brandt Road. The property is presently owned by the State of Texas. The east side of the IH-35 frontage road south of Slaughter Lane to National Park Boulevard consists of undeveloped land and two adult-oriented uses (SF-2), an equipment repair and sales business (County) and undeveloped land (zoned GR-CO). There are single family residential neighborhoods under construction to the east (Crossing at Onion Creek) and south (Parkside at Slaughter Creek), and both carry SF-4A base district zoning. Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

In December 2004, the City Council directed staff to initiate community commercial (GR) district zoning on the property. At this time, there are two potential end-users: an automobile dealership

located on approximately 6 ½ acres at the southeast corner of the property (to a depth of approximately 722 feet on Brandt Road) and Texas Department of Transportation district offices located on the remaining 26.5 acres. Please refer to Exhibit B (field note sketch for automobile dealership).

In consideration of the property's location on the IH-35 frontage road and Brandt Road which connects to East Slaughter Lane, adjacent and intensive commercial uses to the north, and GR base district zoning across Brandt Road to the south, the staff supports GR zoning for a depth of 350 feet from the frontage road (Tract 1). As shown in Exhibit C, the depth matches that of the GR-CO zoned property across Brandt Road to the south. Staff supports general office (GO) district zoning for the remaining 26.5 acres (Tract 2) as it will provide a transition from IH-35, the staff-proposed GR tract and is more compatible with the single family residential neighborhoods to the east and south. Given that Brandt Road is a local street with only 24 feet of pavement, Transportation review staff recommends limiting the number of driveways to a total of two.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	Unzoned	One single family residence, otherwise undeveloped
<i>North</i>	Unzoned (County); LI-CO	Equipment repair; Equipment sales; Adult book store; Adult video
<i>South</i>	GR-CO; I-SF-4A	Undeveloped; Single family residences within the Parkside at Slaughter Creek subdivision
<i>East</i>	Unzoned (County); SF-4A	Undeveloped; Single family residences within the Crossing at Onion Creek subdivision
<i>West</i>	N/A; GR-CO; I-RR; CS-CO	Frontage road and main lanes of IH-35; Retail sales anchored by a discount superstore (under construction); Undeveloped; Automotive sales

**AREA STUDY:** N / A

**TIA:** Is not required

**WATERSHED:** Onion Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

**SCENIC ROADWAY:** No

**NEIGHBORHOOD ORGANIZATIONS:**

26 – Far South Austin Community Association    300 – Terrell Lane Interceptor Association  
 428 – Barton Springs / Edwards Aquifer Conservation District  
 627 – Onion Creek Homeowners Association    948 -- South by Southeast Neighborhood Org.  
 954 -- East Slaughter Lane Neighborhood Association

**SCHOOLS:**

Graham Elementary School

Dobie Middle School

Reagan High School

**CASE HISTORIES:**

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-05-0002 (Quick Tract)	RR to CS	Pending completion of the Traffic Impact Analysis	Pending
C14-04-0203 (Twin Liquors at Slaughter)	GR-CO to CS-1	To Grant CS-1	Scheduled for CC 2-10-05
C14-04-0124 (Harrell Tract #1)	I-RR to GR-MU for Tract 1A; CS-CO for Tract 1B	To Grant GR-MU-CO for Tract 1A, CS-CO for Tract 1B with conditions of the TIA and establishing a minimum square footage for restaurant uses.	Approved GR-MU-CO for Tract 1A and CS-CO for Tract 1B, with CO for prohibited uses and with conditions, as ZAP recommended (12-2-04)
C14-04-0126 (Harrell Tract #4)	I-RR to CS-CO	To Grant CS-CO with conditions of the TIA and establishing a minimum square footage for restaurant uses.	Approved CS-CO with CO for prohibited uses and with conditions, as ZAP recommended (12-2-04)
C14-04-0104 (Parkside at Slaughter Creek, Section 1, Block A, Lot 19)	I-RR to GR	To Grant GR-CO	Approved GR-CO with prohibited uses: auto rentals; auto repair services; auto sales; auto washing; commercial off-street parking; drop-off recycling collection facility; exterminating services; hotel-motel; off-site accessory parking; outdoor entertainment; outdoor sports and recreation; pawn shop services; service station; congregate living; and residential treatment, as offered by the applicant. Restrictive Covenant for the TIA (11-4-04).
C14-04-0103 (Parkside at Slaughter Lot 127, Block C)	I-RR to GR	To Grant GR-CO	Approved GR-CO with CO for a list of prohibited uses and 2,000 trips (9-2-04).
C14-04-0094 (Janssen Tract)	CS-CO to CS	To Grant CS-CO with a Restrictive Covenant for the TIA	Approved CS-CO with a Restrictive Covenant for the TIA, as recommended by ZAP (10-21-04).

C14-04-0075 (Southpark Meadows)	LO-CO; CS-1-CO to GR	To Grant GR-CO with a Restrictive Covenant for the TIA	Approved CS-CO with a Restrictive Covenant for the TIA, as recommended by ZAP (10-21-04).
C14-99-0129 (RCT) (Southpark Meadows)	Terminate the Restrictive Covenant pertaining to a rollback to LO zoning	To Grant the Restrictive Covenant Termination	Approved the Restrictive Covenant Termination (10-21-04).
C14-04-0059 (Harrell / Gatton)	I-RR to CS	To Grant an Indefinite Postponement; Pending submittal of the TIA	Pending
C14-03-0066 (Wal-mart: IH-35 and Slaughter Lane)	RR; SF-2; LI-CO; CS-CO and CS to GR	To Grant GR-CO with conditions of the TIA	Approved GR-CO with CO provide a 6' fence and landscaping along Cullen Lane; 2) direct all traffic south on Cullen Lane by way of limited function driveways onto Cullen Lane that allow right-in and left-out movements only; 3) the use of shielded / hooded lights throughout the site; and, 4) a list of prohibited uses and one accessory use. The Restrictive Covenant is for the TIA memorandum and an Integrated Pest Management (IPM) Plan and a landscape plan for the use of native and adapted plant materials (10-30-03).
C14-02-0120.SH	I-RR to SF-4A and GR	To Grant SF-4A for Tracts 1 and 3; GR for Tract 2, with conditions of the TIA	Approved SF-4A and GR with a Restrictive Covenant for the TIA (11-20-03).

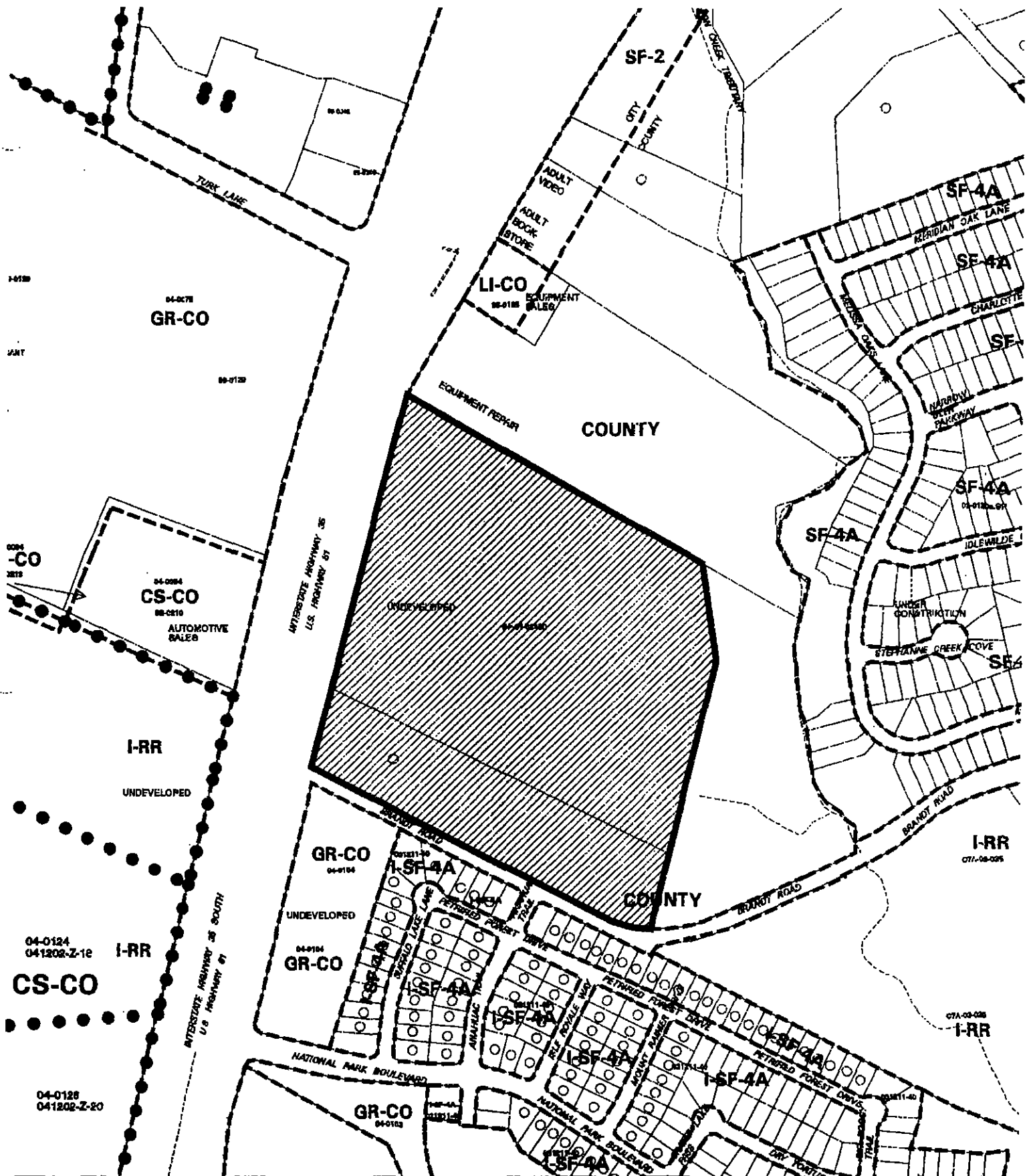
**RELATED CASES:**

There are no subdivision cases on the subject property. A "D" Site Plan plan (one which does not include a land use element, in this case because at the time it was located in the Extra-Territorial Jurisdiction) for Slaughter Creek Multi-Family was submitted in August 2001, but expired prior to approval (SP-01-0345D).

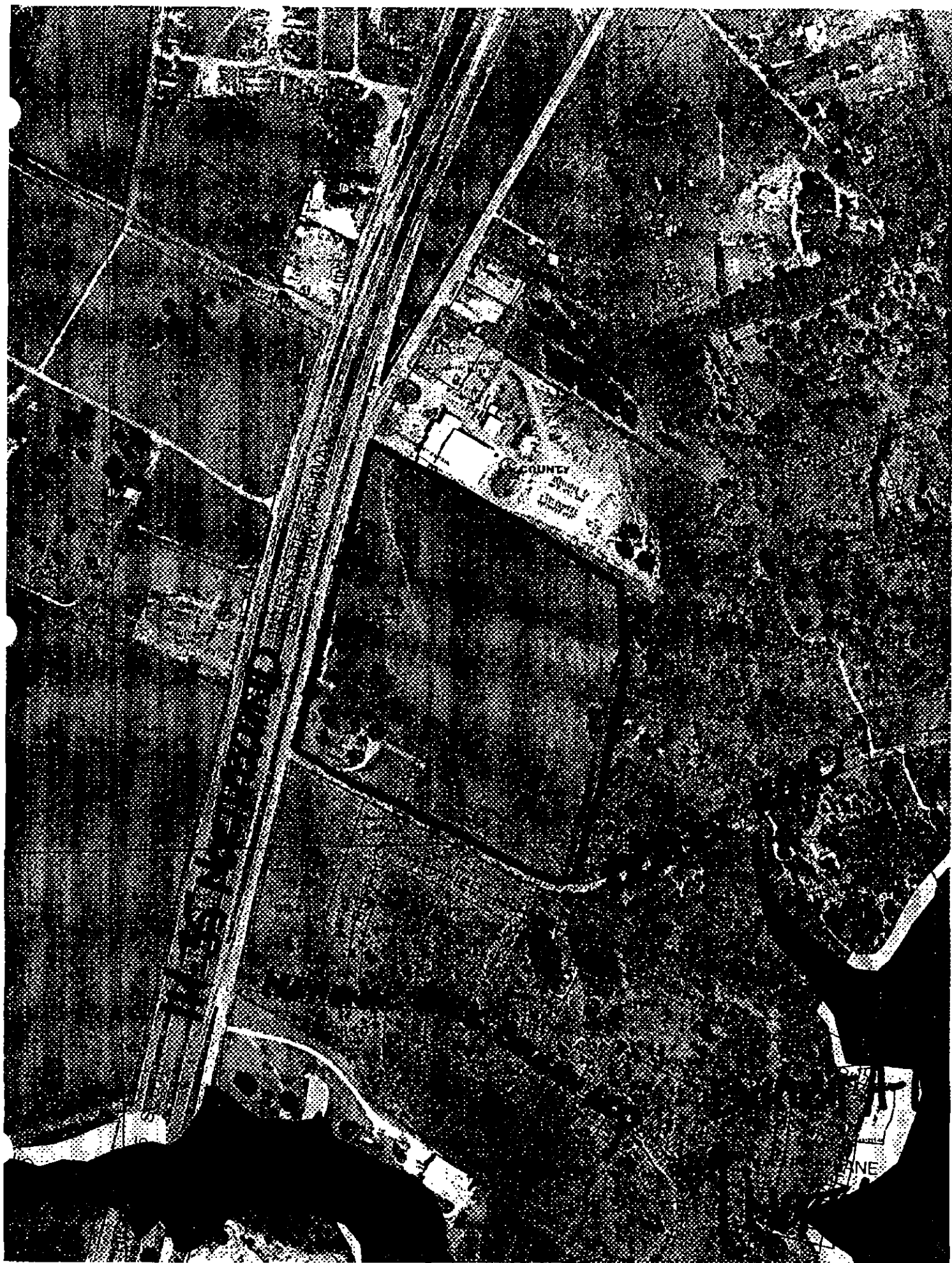
**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Sidewalks	Bus Route	Bike Route
III-35	320 feet	Varies	Freeway	No	No	No
Brandt Road	50 feet	24 feet	Local	No	No	No

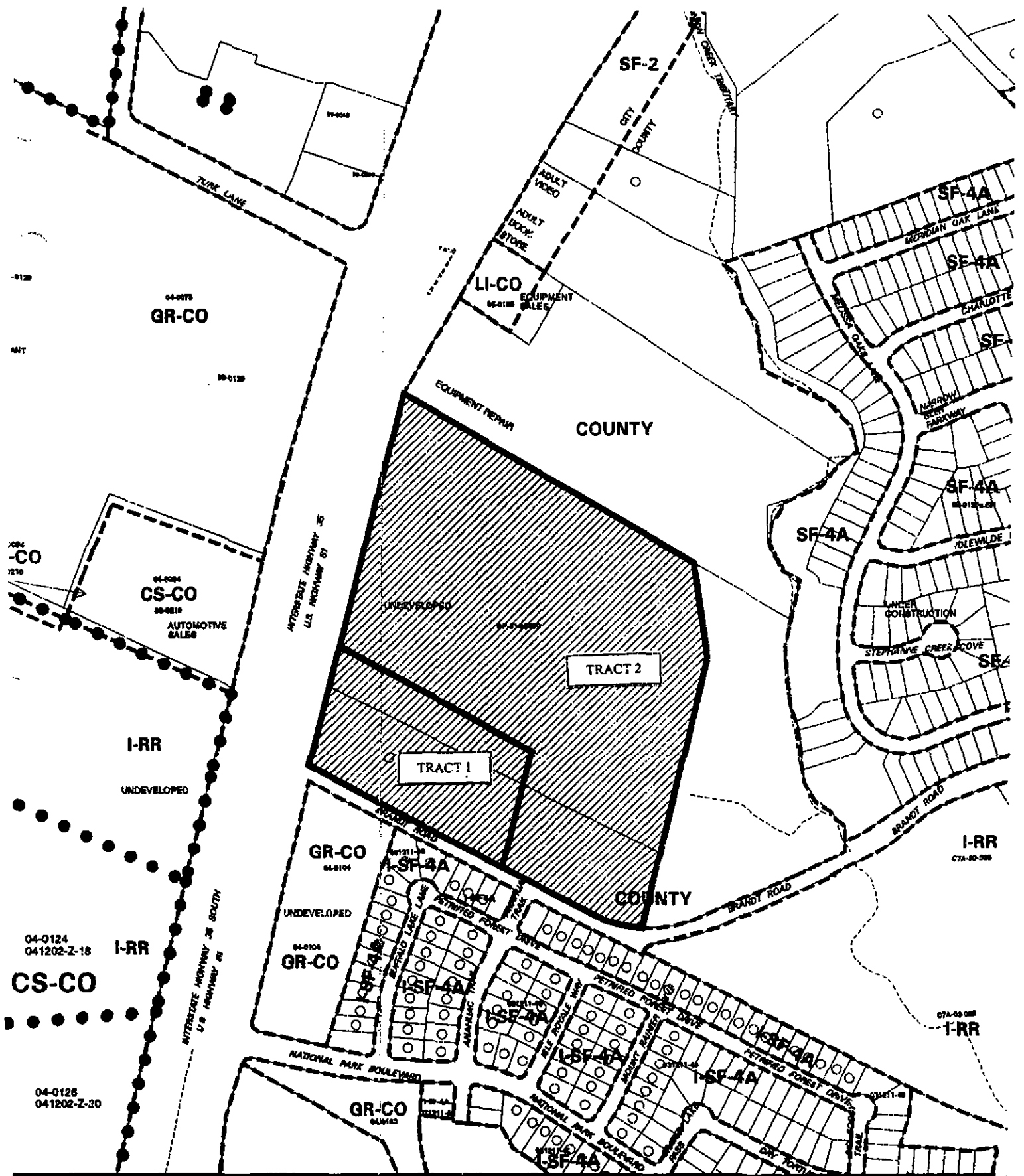
**CITY COUNCIL DATE:** February 3, 2005**ACTION:** postponed to 2/10/05 - staff request**ORDINANCE READINGS:** 1<sup>st</sup>2<sup>nd</sup>3<sup>rd</sup>(vote: 6-0, BD off  
dais)**ORDINANCE NUMBER:****CASE MANAGER:** Wendy Walsh  
e-mail: wendy.walsh@ci.austin.tx.us**PHONE:** 974-7719




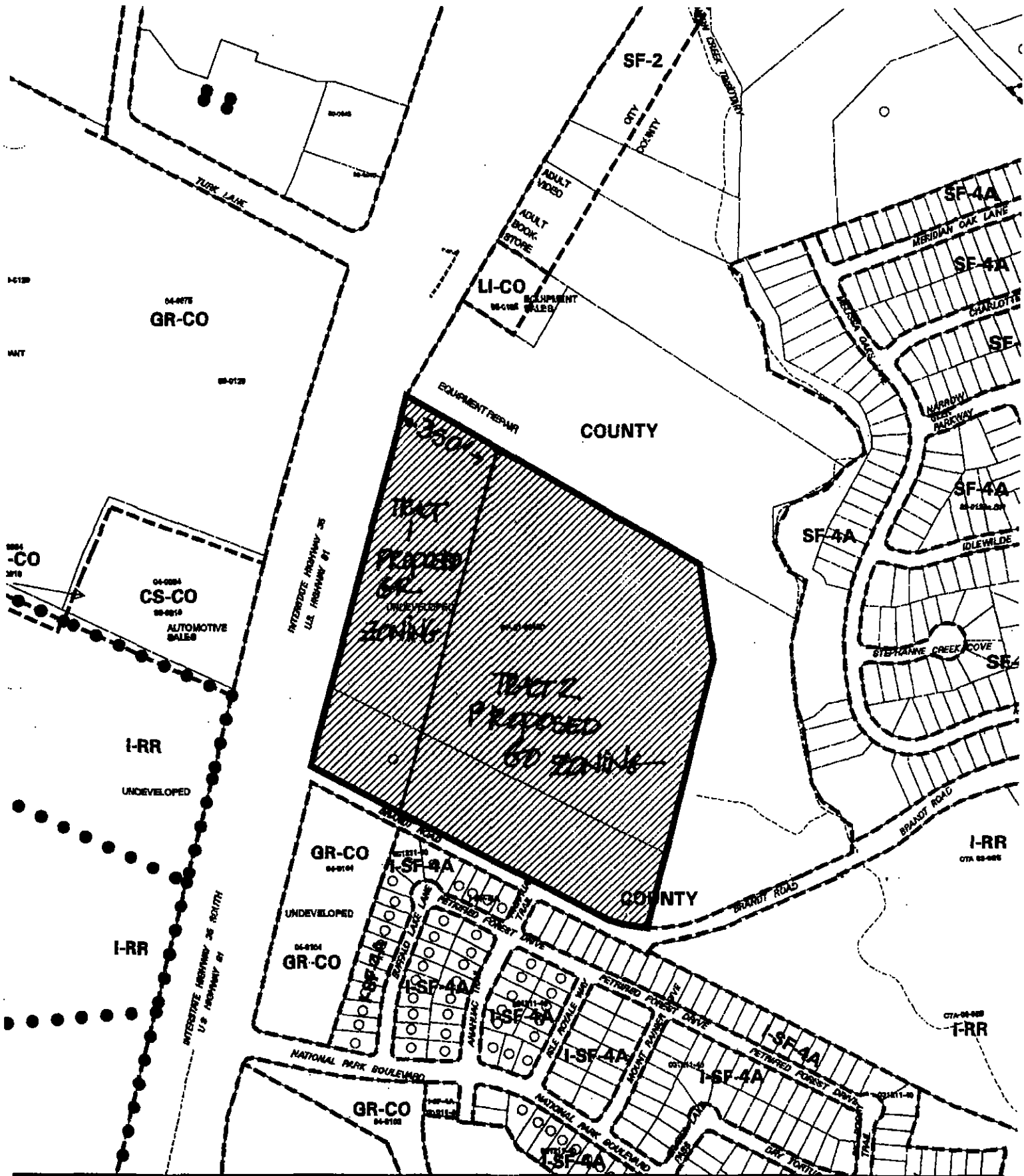
 1" = 400'	SUBJECT TRACT		<b>ZONING EXHIBIT A</b>  CASE #: C14-04-0204 ADDRESS: 9701-9817 I 35 SVC RD SUBJECT AREA (acres): 32.851	DATE: 05-01  INTLS: SM	CITY GRID REFERENCE NUMBER  G13
	PENDING CASE				
	ZONING BOUNDARY				
	CASE MGR: W. WALSH				







 1" = 400'	SUBJECT TRACT PENDING CASE ZONING BOUNDARY CASE MGR: W. WALSH	<div style="display: flex; align-items: center;"> <div style="width: 20px; height: 10px; background: repeating-linear-gradient(45deg, transparent, transparent 2px, black 2px, black 4px); border: 1px solid black; margin-right: 5px;"></div> <div style="width: 20px; height: 10px; border-top: 1px dotted black; border-bottom: 1px dotted black; border: 1px solid black; margin-right: 5px;"></div> <div style="width: 20px; height: 10px; border-top: 1px dashed black; border-bottom: 1px dashed black; border: 1px solid black; margin-right: 5px;"></div> </div>	<b>Exhibit B</b> ZONING	CITY GRID REFERENCE NUMBER G13
	CASE #: C14-04-0204		DATE: 05-01	
	ADDRESS: 9701-9817 I 35 SVC RD		INTLS: SM	
	SUBJECT AREA (acres): 32.951			



SUBJECT TRACT  
 PENDING CASE  
 ZONING BOUNDARY  
 CASE MGR: W. WALSH



CASE #: C14-04-0204  
 ADDRESS: 9701-9817 I 35 SVC RD  
 SUBJECT AREA (acres): 32.951

ZONING

*EXHIBIT C*

DATE: 05-01

INTLS: SM

CITY GRID  
 REFERENCE  
 NUMBER  
 G13

### **SUMMARY STAFF RECOMMENDATION:**

The staff's recommendation is to grant community commercial (GR-CO) combining district zoning for Tract 1 and general office – conditional overlay (GO-CO) combining district zoning for Tract 2, as further illustrated in Exhibit C. The Conditional Overlay restricts the number of driveways on Brandt Road to two.

### **BACKGROUND**

The subject rezoning area consists of one single family residence and otherwise undeveloped property on approximately 33 acres situated at the northeast corner of the IH-35 frontage road and Brandt Road. The property is presently owned by the State of Texas. The east side of the IH-35 frontage road south of Slaughter Lane to National Park Boulevard consists of undeveloped land and two adult-oriented uses (SF-2), an equipment repair and sales business (County) and undeveloped land (zoned GR-CO). There are single family residential neighborhoods under construction to the east (Crossing at Onion Creek) and south (Parkside at Slaughter Creek), and both carry SF-4A base district zoning.

In December 2004, the City Council directed staff to initiate community commercial (GR) district zoning on the property. At this time, there are two potential end-users: an automobile dealership located on approximately 6 ½ acres at the southeast corner of the property (to a depth of approximately 722 feet on Brandt Road) and Texas Department of Transportation district offices located on the remaining 26.5 acres.

In consideration of the property's location on the IH-35 frontage road and Brandt Road which connects to East Slaughter Lane, adjacent and intensive commercial uses to the north, and GR base district zoning across Brandt Road to the south, the staff supports GR zoning for a depth of 350 feet from the frontage road (Tract 1). As shown in Exhibit C, the depth matches that of the GR-CO zoned property across Brandt Road to the south. Staff supports general office (GO) district zoning for the remaining + 26.5 acres (Tract 2) as it will provide a transition from IH-35, the staff-proposed GR tract and is more compatible with the single family residential neighborhoods to the east and south. Given that Brandt Road is a local street with only 24 feet of pavement, Transportation review staff recommends limiting the number of driveways to a total of two.

### **BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)**

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*

The proposed GR, Community Commercial district is intended for office and commercial uses serving neighborhood and community needs, including both unified shopping centers and individually developed commercial sites, and typically requiring locations accessible from major trafficways.

The GO, General Office, district is intended for offices and selected commercial uses predominantly serving community or City-wide needs.

The property has access to the IH-35 frontage road, a freeway and Brandt Road, a collector street.

2. *Zoning changes should promote an orderly and compatible relationship among land uses.*

In consideration of the property's location on the IH-35 frontage road and Brandt Road which connects to East Slaughter Lane, adjacent and intensive commercial uses to the north, and GR

base district zoning across Brandt Road to the south, the staff supports GR zoning for a depth of 350 feet from the frontage road (Tract 1), which matches that of the GR-CO zoned property across Brandt Road to the south. Staff supports general office (GO) district zoning for the remaining ± 26.5 acres (Tract 2) as it will provide a transition from IH-35, the staff-proposed GR tract and is more compatible with the single family residential neighborhoods to the east and south. Given that Brandt Road is a local street with only 24 feet of pavement, Transportation review staff recommends limiting the number of driveways to a total of two.

## **EXISTING CONDITIONS**

### **Site Characteristics**

The rezoning area is developed with two lease spaces within a retail shopping center. The site is relatively flat and there appear to be no significant topographical constraints on the site.

### **Impervious Cover**

The maximum impervious cover allowed by the GR zoning district would be 80%, which is based on the more restrictive watershed regulations. The maximum impervious cover allowed by the GO zoning district would be 80%, which is a consistent figure between the watershed and zoning regulations.

### **Environmental**

The site is not located over the Edward's Aquifer Recharge Zone. The site is in the Onion Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

In the Water Quality Transition Zones, impervious cover is limited to 30%.

According to flood plain maps, there is no flood plain in, or within close proximity of, the project location.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

At this time, site specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:

Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

#### **TPSD Right-of-Way**

The scope of this review is limited to the identification of needs for dedication and/or reservation of right-of-way for funded Capital Improvement Program (C.I.P.) Roadway Construction Projects and Transportation Systems Management (T.S.M.) Projects planned for implementation by the City of Austin. No aspect of the proposed project is being considered or approved with this review other than the need for right-of-way for City projects. There are separate right-of-way dedication and reservation requirements enforced by other Departments and other jurisdictions to secure right-of-way for roadway improvements contained in the Austin Metropolitan Area Roadway Plan, roadway projects funded by County and State agencies, and for dedication in accordance with the functional classification of the roadway.

We have reviewed the proposed zoning case and anticipate no additional requirement for right-of-way dedication or reservation for funded C.I.P. or T.S.M. projects at this location.

#### **Transportation**

The Austin Metropolitan Area Transportation Plan calls for a total of 400 feet of right-of-way for IH 35. Reservation of additional right-of-way may be required during the subdivision or site plan stage. [LDC, Sec. 25-6-51 and 25-6-55)

Additional right-of-way along Brandt Road may be required during the subdivision or site plan stage of development.

The trip generation under the requested zoning is estimated to be 38,367 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

The traffic impact analysis for this site was waived because this zoning case is City-initiated. A traffic impact analysis may be required during the subdivision or site plan stage, and trip limitations established.

#### **Water and Wastewater**

The landowner, at own expense, will be responsible for providing the necessary water and wastewater utility improvements, offsite main extension, system upgrades and utility relocation to serve the site and land use. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City design criteria.

#### **Compatibility Standards**

The site will be subject to compatibility standards upon annexation. Along the south property line across from single family use, the following standards apply:

- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.

- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

Additional design regulations will be enforced at the time a site plan is submitted.

ORDINANCE NO. \_\_\_\_\_

1 AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING FOR THE  
2 PROPERTY LOCATED AT 9701-9817 IH-35 SOUTH, NORTHBOUND SERVICE  
3 ROAD AND CHANGING THE ZONING MAP FROM INTERIM COMMUNITY  
4 COMMERCIAL (I-GR) DISTRICT TO COMMUNITY COMMERCIAL-  
5 CONDITIONAL OVERLAY (GR-CO) COMBINING DISTRICT FOR TRACT  
6 ONE AND GENERAL OFFICE-CONDITIONAL OVERLAY (GO-CO)  
7 COMBINING DISTRICT FOR TRACT TWO.

8  
9 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

10  
11 **PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to  
12 change the base districts on the property described in Zoning Case No. C14-04-0204, on  
13 file at the Neighborhood Planning and Zoning Department, as follows:

14  
15 Tract One: From interim community commercial (I-GR) district to community  
16 commercial-conditional overlay (GR-CO) combining district.

17  
18 A 6.453 acre tract of land, more or less, out of the Santiago del Valle Grant  
19 Abstract No. 24, in Travis County, the tract of land being more particularly  
20 described by metes and bounds in Exhibit "A" incorporated into this ordinance;  
21 and

22  
23 Tract Two: From interim community commercial (I-GR) district to general office-  
24 conditional overlay (GO-CO) combining district.

25  
26 A 32.951 acre tract of land, more or less, out of the Santiago del Valle Grant  
27 Abstract No. 24, in Travis County, as described Exhibit "B" incorporated into this  
28 ordinance, SAVE AND EXCEPT the area described as Tract One in this ordinance  
29 in Exhibit "A" (the "Property")

30  
31 locally known as 9701-9817 IH-35 South, northbound service road, in the City of Austin,  
32 Travis County, Texas, and generally identified in the map attached as Exhibit "C".  
33  
34  
35  
36

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

1. The number of driveways from the Property to Brandt Road is limited to one.
2. The following uses are prohibited uses of Tract One:

Drop-off recycling collection facility  
Hotel-motel  
Outdoor sports and recreation  
Congregate living

Exterminating services  
Outdoor entertainment  
Pawn shop services  
Residential treatment

3. The following uses are prohibited uses of Tract Two:

Congregate living

Residential treatment

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 \_\_\_\_\_, 2005.

**PASSED AND APPROVED**

\_\_\_\_\_, 2005

Will Wynn  
Mayor

**APPROVED:**

David Allan Smith  
City Attorney

**ATTEST:**

Shirley A. Brown  
City Clerk



STATE OF TEXAS  
  
COUNTY OF TRAVIS

§  
§  
§

FIELDNOTE DESCRIPTION of a 6.453 acre tract of land in the Santiago Del Valle Grant Abstract No. 24, Travis County, Texas, and being a part of that 6.713 acre tract of land conveyed to the State of Texas, for the Use and Benefit of the Permanent School Fund, by deed recorded as Document No. 2003023072 and also being a part of that 26.238 acre tract of land conveyed to the State of Texas, for the Use and Benefit of the Permanent School Fund by deed recorded as Document No. 2003023073, both of the Official Public Records of Travis County, Texas; said 6.453 acre tract of land is more particularly described by metes and bounds as follows:

BEGINNING at a ½" iron rod with "M & S 1838" plastic cap found at the intersection of the northerly right-of-way line of Brandt Road with the easterly right-of-way line of Interstate Highway No. 35 and being the southwest corner of the aforesaid 6.713 acre tract;

THENCE, N12°57'31"E, with the westerly line of said 6.713 acre tract, same being the easterly right-of-way line of Interstate Highway No. 35 (300.0 feet wide right-of-way at this point) at 213.37 feet passing a ½" iron rod with "M & S 1838" plastic cap found for the common northwest corner of the 6.713 acre tract and southwest corner of the aforesaid 26.238 acre tract, and continuing with the westerly line of the 26.238 acre tract for a total distance of 402.43 feet to a ½" iron rod with TxDOT aluminum cap set for the northwest corner of the herein described tract from which a 5/8" iron rod found for an angle point (record highway centerline station 1293+38.40 BK - 150.0 feet left) bears N12°57'31"E, 113.28 feet;

THENCE, leaving the common westerly line of said 26.238 acre tract and easterly right-of-way line of Interstate Highway No. 35, across the 26.238 acre tract, the following two (2) courses:

- 1) S62°26'45"E, a distance of 721.81 feet to a ½" iron rod with TxDOT aluminum cap set for the northeast corner of the herein described tract;
- 2) S12°57'31"W, at 146.46 feet passing the common line between the 26.238 acre tract and the aforesaid 6.713 acre tract, and continuing across the 6.713 acre tract for a total distance of 402.43 feet to a ½" iron rod with TxDOT aluminum cap set on the northerly right-of-way line of Brandt Road for the southeast corner of the herein described tract, from which a 5/8" iron rod

6.453 Acres  
IH-35 / Brandt Road  
Page 2

Santiago Del Valle Grant Abstract No. 24  
01819.10  
July 31, 2003

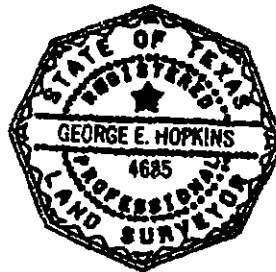
found for an angle point in said right-of-way line, bears S62°26'45"E,  
351.87;


THENCE, N62°26'45"W, with the northerly right-of-way line of Brandt Road,  
same being the southerly line of said 6.713 acre tract, a distance of 721.81 feet to the  
POINT OF BEGINNING, CONTAINING within these metes and bounds 6.453 acres of  
land area, more or less.

BEARING BASIS: Grid Bearings Texas State Plane Coordinate System  
Central Zone -- NAD 83.

I, George E. Hopkins, a Registered Professional Land Surveyor, do hereby certify  
that the above description is true and correct to the best of my knowledge 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, Travis County, Texas, this the 31  
day of JULY, 2003.



  
GEORGE E. HOPKINS  
Registered Professional Land Surveyor  
No. 4685 - State of Texas

**SKETCH TO ACCOMPANY  
FIELDNOTE DESCRIPTION  
OF 6.453 ACRES OUT OF THE  
SANTIAGO DEL VALLE GRANT  
ABSTRACT No. 24  
TRAVIS COUNTY, TEXAS**

**INTERSTATE HWY. 35**  
(R.O.W. VARIES)  
14.733 AC.  
THE STATE OF TEXAS  
V. 1440 P. 378  
T.C.D.R.

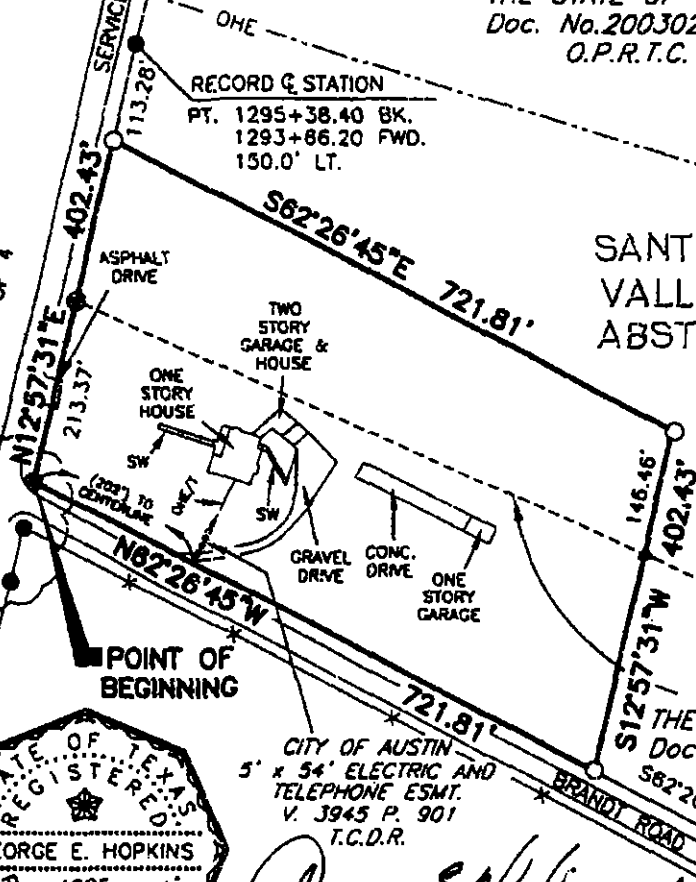
SCALE: 1" = 200'

BASHARA SUBDIVISION  
TRACT B  
Bk. 18 P. 70  
T.C.P.R.

26.238 AC.  
THE STATE OF TEXAS  
Doc. No. 2003023073  
O.P.R.T.C.

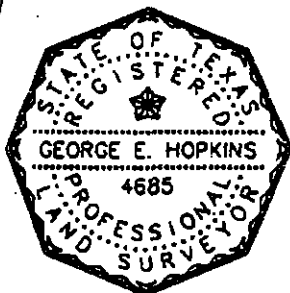
SANTIAGO DEL  
VALLE GRANT  
ABST. No. 24

SEE DETAIL  
SHEET 4 OF 4



6.713 AC.  
THE STATE OF TEXAS  
Doc. No. 2003023072  
O.P.R.T.C.

9.09 AC.  
SARAH I. PENICK  
V. 13221 P. 187  
T.C.D.R.



CITY OF AUSTIN  
5' x 54' ELECTRIC AND  
TELEPHONE ESMT.  
V. 3945 P. 901  
T.C.D.R.  
*George E. Hopkins*  
GEORGE E. HOPKINS  
Registered Professional  
Land Surveyor  
DATE 1/31/02

C.S.C.I. DWG. No. 01819S1

SHEET NO.: 3 OF 4

**CSCI**

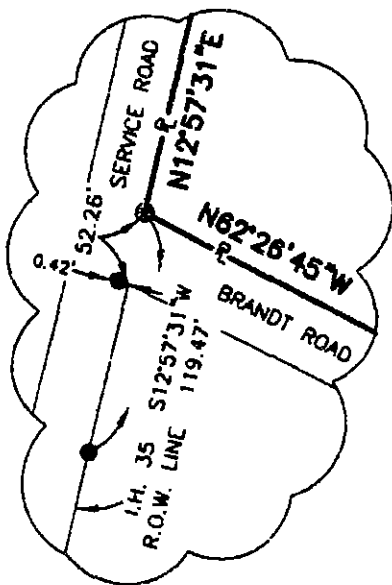
1101 Capital of Texas Highway South  
Austin, Texas 78748

CAPITAL  
SURVEYING  
COMPANY  
INCORPORATED

Building O, Suite 110  
(512) 327-4808

THIS SKETCH AND ACCOMPANYING  
FIELDNOTE DESCRIPTION WERE PREPARED  
WITHOUT THE BENEFIT OF A CURRENT  
TITLE REPORT.

**SKETCH TO ACCOMPANY  
FIELDNOTE DESCRIPTION  
OF 6.453 ACRES OUT OF THE  
SANTIAGO DEL VALLE GRANT  
ABSTRACT No. 24  
TRAVIS COUNTY, TEXAS**



DETAIL:  
NOT TO SCALE

**LEGEND**

O.P.R.T.C.	OFFICIAL PUBLIC RECORDS TRAVIS COUNTY
T.C.P.R.	TRAVIS COUNTY PLAT RECORD
T.C.D.R.	TRAVIS COUNTY DEED RECORD
R.O.W.	RIGHT OF WAY
SW	SIDEWALK
●	1/2" IRON ROD FOUND WITH PLASTIC CAP STAMPED "M & S 1838"
●	5/8" IRON ROD FOUND UNLESS OTHERWISE NOTED
○	1/2" IRON ROD SET WITH TXDOT ALUMINUM CAP
▲	CALCULATED POINT
—*—	WIRE FENCE
—//—	CHAIN LINK FENCE
—OHE/T—	OVERHEAD ELECTRIC/TELEPHONE LINE

C.S.C.I. DWG. No. 01819S1

SHEET NO.: 4 OF 4

**CSCI**

CAPITAL  
SURVEYING  
COMPANY  
INCORPORATED

1101 Capital of Texas Highway South  
Austin, Texas 78746

Building D, Suite 110  
(512) 327-4004

TRACT 2  
GO.CO  
C14-04-0204

C7a-04-027

Area to be annexed.  
Approximately 32.951  
acres of land out of the  
Santiago Del Valle Grant  
in Travis County, Texas.  
(Uplatted land)

EXHIBIT B

LEGAL DESCRIPTION FOR TWO TRACTS OF  
LAND, THE TRACT HEREINAFTER DESCRIBED AS  
TRACT ONE CONTAINING APPROXIMATELY 6.713  
ACRES OF LAND OUT OF THE SANTIAGO DEL  
VALLE GRANT IN TRAVIS COUNTY, TEXAS, AND  
THE TRACT OF LAND HEREINAFTER DESCRIBED  
AS TRACT TWO CONTAINING APPROXIMATELY  
26.238 ACRES OF LAND OUT OF THE SANTIAGO  
DEL VALLE GRANT IN TRAVIS COUNTY, TEXAS;  
OF WHICH APPROXIMATELY 32.951 ACRES OF  
LAND ARE TO BE TAKEN INTO AND MADE A  
PART OF THE CITY OF AUSTIN, SAID  
APPROXIMATELY 32.951 ACRES BEING MADE UP  
OF TWO TRACTS OF LAND MORE PARTICULARLY  
DESCRIBED AS FOLLOWS:

Tract One, being all of that certain called 6.713 acre  
tract of land out of the Santiago Del Valle Grant in Travis  
County, Texas conveyed to the State of Texas for the use and  
benefit of the Permanent School Fund by deed recorded in  
Document No. 2003023072 of the Official Public Records of  
Travis County, Texas.

Tract Two, being all of that certain called 26.238 acre  
tract of land out of the Santiago Del Valle Grant in Travis  
County, Texas conveyed to the State of Texas for the use and  
benefit of the Permanent School Fund by deed recorded in  
Document No. 2003023073 of the Official Public Records of  
Travis County, Texas.

"This document was prepared under 22 TAC 663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared".

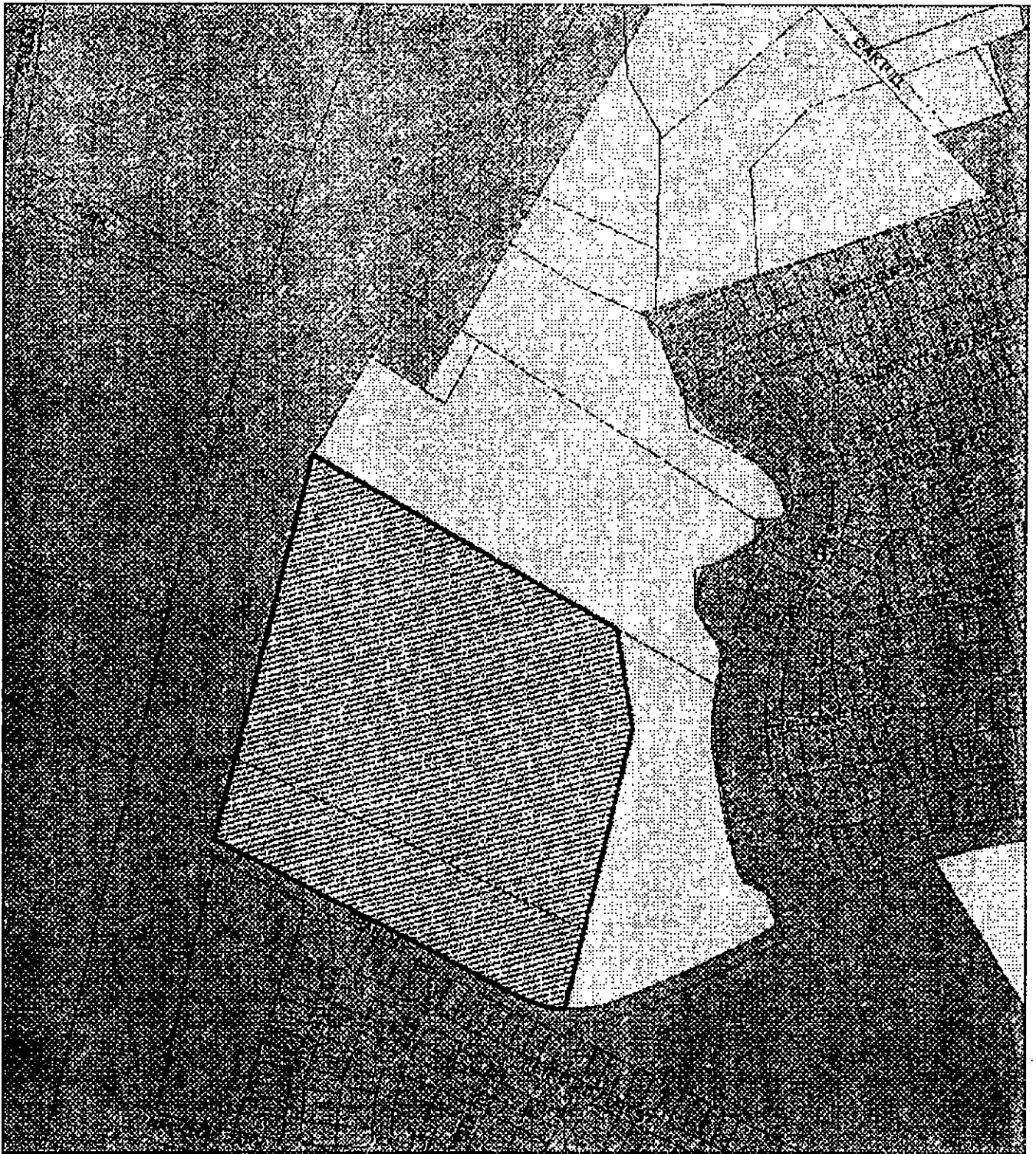
LEGAL DESCRIPTION: John E. Moore  
11-20-2003

*John E. Moore* = 11-20-2004

APPROVED: John E. Moore, RPLS NO. 4520  
Engineering Services Division  
Department of Public Works  
City of Austin





REFERENCES

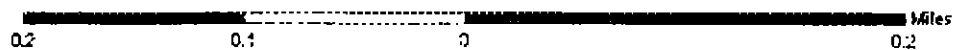
TCAD MAP 4-3918  
Austin Grid G-12 & G-13

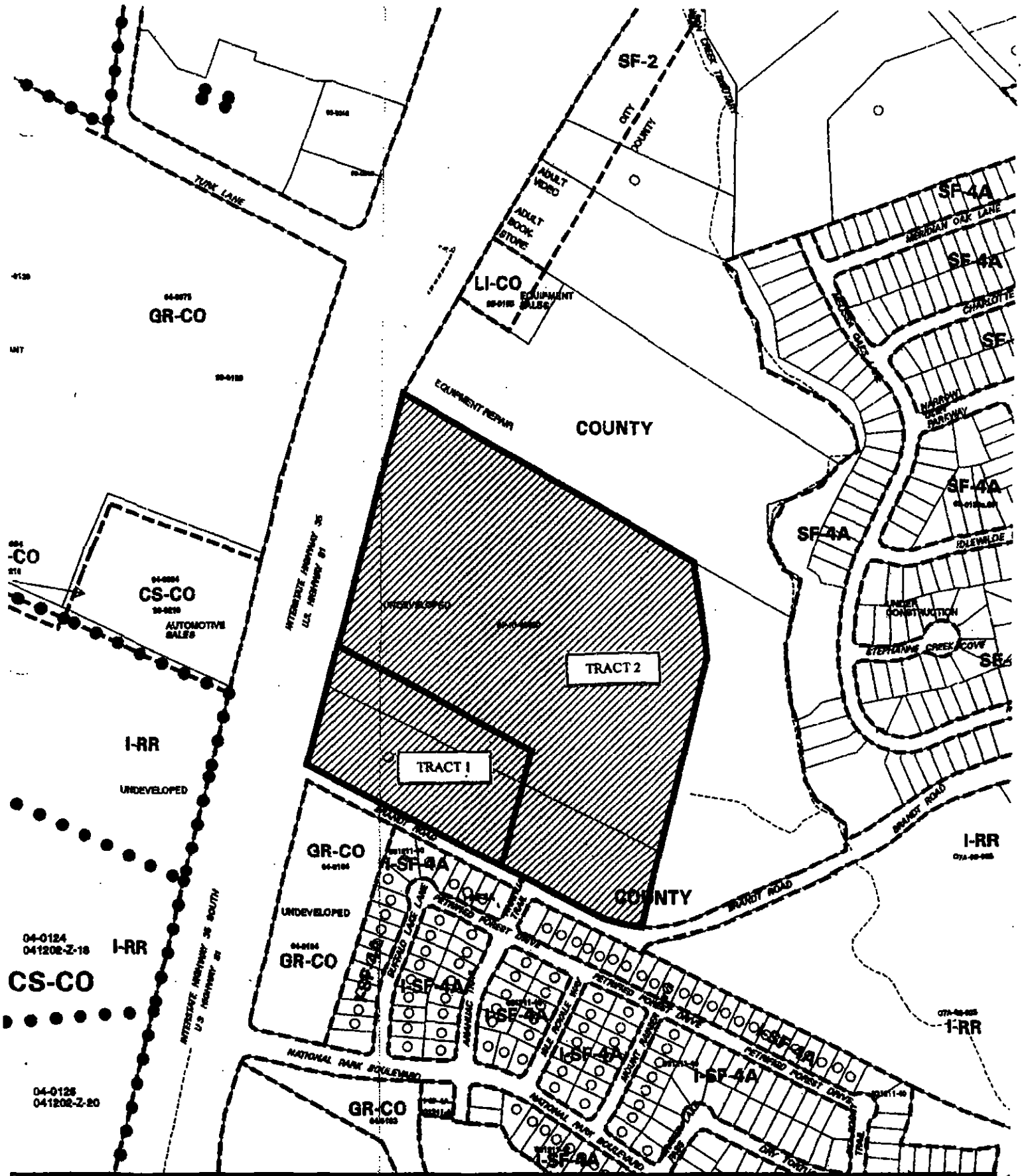






# **Brandt Road Area** **C7a-04-027**

City of Austin  
 Transportation, Planning & Sustainability Dept  
 September 17, 2004

-  Proposed Annexation Area
-  City of Austin Full Purpose
-  City of Austin Limited Purpose
-  City of Austin ETJ





 1" = 400'	SUBJECT TRACT PENDING CASE ZONING BOUNDARY CASE MGR: W. WALSH	  	ZONING EXHIBIT C	CITY GRID REFERENCE NUMBER G13
	CASE #: C14-04-0204		DATE: 05-01	
	ADDRESS: 9701-9817 I 35 SVC RD		INTLS: SM	
	SUBJECT AREA (acres): 32.951			



ORDINANCE NO. \_\_\_\_\_

1 AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING FOR THE  
2 PROPERTY LOCATED AT 9701-9817 IH-35 SOUTH, NORTHBOUND SERVICE  
3 ROAD AND CHANGING THE ZONING MAP FROM INTERIM COMMUNITY  
4 COMMERCIAL (I-GR) DISTRICT TO COMMUNITY COMMERCIAL-  
5 CONDITIONAL OVERLAY (GR-CO) COMBINING DISTRICT FOR TRACT  
6 ONE AND GENERAL OFFICE-CONDITIONAL OVERLAY (GO-CO)  
7 COMBINING DISTRICT FOR TRACT TWO.

8  
9 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

10  
11 **PART 1.** The zoning map established by Section 22.001 of the City Code is amended to  
12 change the base districts on the property described in Case No. C14-04-0204, on  
13 file at the Neighborhood Planning and Zoning Department as follows:

14  
15 Tract One: From interim community commercial (I-GR) district to community  
16 commercial-conditional overlay (GR-CO) combining district.

17  
18 A 6.453 acre tract of land, more or less, out of the Santiago del Valle Grant  
19 Abstract No. 24, in Travis County, the site of land being more particularly  
20 described by lines and corners in Exhibit "A" incorporated into this ordinance;  
21 and

22  
23 Tract Two: From interim community commercial (I-GR) district to general office-  
24 conditional overlay (GO-CO) combining district.

25  
26 A 32.951 acre tract of land, more or less, out of the Santiago del Valle Grant  
27 Abstract No. 24, in Travis County, as described Exhibit "B" incorporated into this  
28 ordinance, SAVE AND EXCEPT the area described as Tract One in this ordinance  
29 in Exhibit "A" (the "Property")

30  
31 locally known as 9701-9817 IH-35 South, northbound service road, in the City of Austin,  
32 Travis County, Texas, and generally identified in the map attached as Exhibit "C".  
33  
34  
35  
36

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

1. The number of driveways from the Property to Brand Road is limited to one.
2. The following uses are prohibited uses of Tract One:

Drop-off recycling collection facility  
Hotel-motel  
Outdoor sports and recreation  
Congregate living

Externally provided services  
Outdoor entertainment  
Pawn shops  
Residential treatment

3. The following uses are prohibited uses of Tract Two:

Congregate living

Residential treatment

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 \_\_\_\_\_, 2005.

**PASSED AND APPROVED**

\_\_\_\_\_, 2005

Will Wynn  
Mayor

**APPROVED**

David Alan Smith  
City Attorney

**ATTEST:**

Shirley A. Brown  
City Clerk

STATE OF TEXAS

§

§

COUNTY OF TRAVIS

§

**FIELDNOTE DESCRIPTION** of a 6.453 acre tract of land in the Santiago Del Valle Grant Abstract No. 24, Travis County, Texas, and being a part of that 6.713 acre tract of land conveyed to the State of Texas, for the Use and Benefit of the Permanent School Fund, by deed recorded as Document No. 2003023072 and also being a part of that 26.238 acre tract of land conveyed to the State of Texas, for the Use and Benefit of the Permanent School Fund by deed recorded as Document No. 2003023073, both of the Official Public Records of Travis County, Texas; said 6.453 acre tract of land is more particularly described by metes and bounds as follows:

**BEGINNING** at a ½" iron rod with "M & S 1838" plastic cap found at the intersection of the northerly right-of-way line of Brandt Road with the easterly right-of-way line of Interstate Highway No. 35 and being the southwest corner of the aforesaid 6.713 acre tract;

**THENCE**, N12°57'31"E, with the westerly line of said 6.713 acre tract, same being the easterly right-of-way line of Interstate Highway No. 35 (300.0 feet wide right-of-way at this point) at 213.37 feet passing a ½" iron rod with "M & S 1838" plastic cap found for the common northwest corner of the 6.713 acre tract and southwest corner of the aforesaid 26.238 acre tract, and continuing with the westerly line of the 26.238 acre tract for a total distance of 402.43 feet to a ½" iron rod with TxDOT aluminum cap set for the northwest corner of the herein described tract from which a 5/8" iron rod found for an angle point (record highway centerline station 1293+38.40 BK - 150.0 feet left) bears N12°57'31"E, 113.28 feet;

**THENCE**, leaving the common westerly line of said 26.238 acre tract and easterly right-of-way line of Interstate Highway No. 35, across the 26.238 acre tract, the following two (2) courses:

- 1) S62°26'45"E, a distance of 721.81 feet to a ½" iron rod with TxDOT aluminum cap set for the northeast corner of the herein described tract;
- 2) S12°57'31"W, at 146.46 feet passing the common line between the 26.238 acre tract and the aforesaid 6.713 acre tract, and continuing across the 6.713 acre tract for a total distance of 402.43 feet to a ½" iron rod with TxDOT aluminum cap set on the northerly right-of-way line of Brandt Road for the southeast corner of the herein described tract, from which a 5/8" iron rod

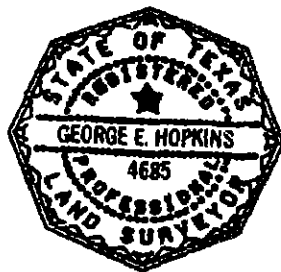
found for an angle point in said right-of-way line, bears S62°26'45"E,  
351.87;


THENCE, N62°26'45"W, with the northerly right-of-way line of Brandt Road,  
same being the southerly line of said 6.713 acre tract, a distance of 721.81 feet to the  
POINT OF BEGINNING, CONTAINING within these metes and bounds 6.453 acres of  
land area, more or less.

BEARING BASIS: Grid Bearings Texas State Plane Coordinate System  
Central Zone - NAD 83.

I, George E. Hopkins, a Registered Professional Land Surveyor, do hereby certify  
that the above description is true and correct to the best of my knowledge 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, Travis County, Texas, this the 31  
day of JULY, 2003.



  
GEORGE E. HOPKINS  
Registered Professional Land Surveyor  
No. 4685 - State of Texas

**SKETCH TO ACCOMPANY  
FIELDNOTE DESCRIPTION  
OF 6.453 ACRES OUT OF THE  
SANTIAGO DEL VALLE GRANT  
ABSTRACT No. 24  
TRAVIS COUNTY, TEXAS**

**INTERSTATE HWY. 35**  
(R.O.W. VARIES)  
14.733 AC.  
THE STATE OF TEXAS  
V. 1440 P. 378  
T.C.D.R.

SCALE: 1" = 200'

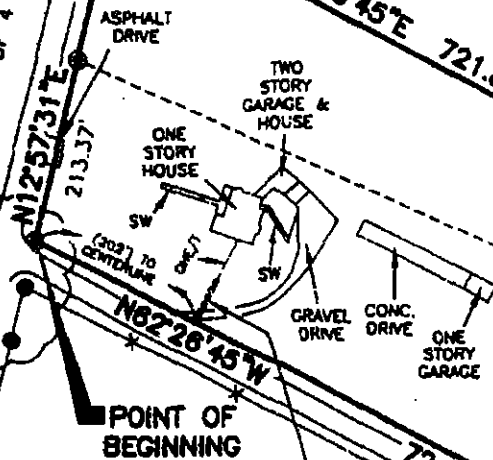
BASHARA SUBDIVISION  
TRACT B  
Bk. 18 P. 70  
T.C.P.R.

26.238 AC.  
THE STATE OF TEXAS  
Doc. No. 2003023073  
O.P.R.T.C.

RECORD & STATION  
PT. 1295+38.40 BK.  
1293+86.20 FWD.  
150.0' LT.

SANTIAGO DEL  
VALLE GRANT  
ABST. No. 24

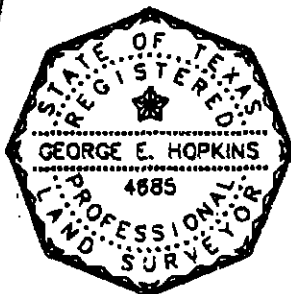
SEE DETAIL  
SHEET 4 OF 4



6.713 AC.  
THE STATE OF TEXAS  
Doc. No. 2003023072  
O.P.R.T.C.

9.09 AC.  
SARAH I. PENICK  
V. 13221 P. 187  
T.C.D.R.

CITY OF AUSTIN  
5' x 54' ELECTRIC AND  
TELEPHONE ESMT.  
V. 3945 P. 901  
T.C.D.R.



*George E. Hopkins* 1/21/02  
GEORGE E. HOPKINS  
Registered Professional  
Land Surveyor

DATE

C.S.C.I. DWG. No. 01819S1

SHEET NO.: 3 OF 4

**CSCI**

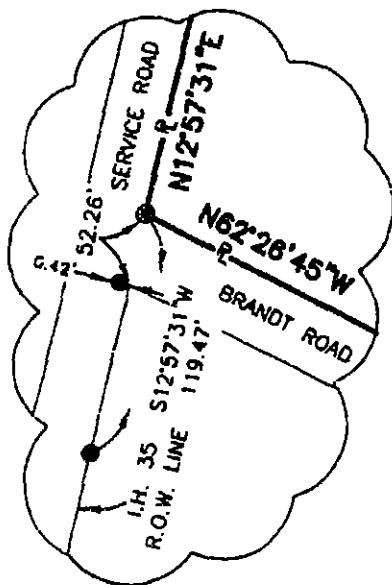
1101 Capital of Texas Highway South  
Austin, Texas 78746

CAPITAL  
SURVEYING  
COMPANY  
INCORPORATED

Building 6, Suite 110  
(512) 327-4006

THIS SKETCH AND ACCOMPANYING  
FIELDNOTE DESCRIPTION WERE PREPARED  
WITHOUT THE BENEFIT OF A CURRENT  
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FIELDNOTE DESCRIPTION  
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ABSTRACT No. 24  
TRAVIS COUNTY, TEXAS**



DETAIL:  
NOT TO SCALE

**LEGEND**

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T.C.D.R.	TRAVIS COUNTY DEED RECORD
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▲	CALCULATED POINT
—X—	WIRE FENCE
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C.S.C.I. DWG. No. 01819S1

SHEET NO.: 4 OF 4

**CSEI**

CAPITAL  
SURVEYING  
COMPANY  
INCORPORATED

1101 Capital of Texas Highway South  
Austin, Texas 78745

Building C, Suite 110  
(512) 327-4006

TRACT 2  
GO.CO  
C14-04-0204

C7a-04-027

Area to be annexed.  
Approximately 32.951  
acres of land out of the  
Santiago Del Valle Grant  
in Travis County, Texas.  
(Uplatted land)

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ACRES OF LAND OUT OF THE SANTIAGO DEL  
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LEGAL DESCRIPTION: John E. Moore  
11-20-2003

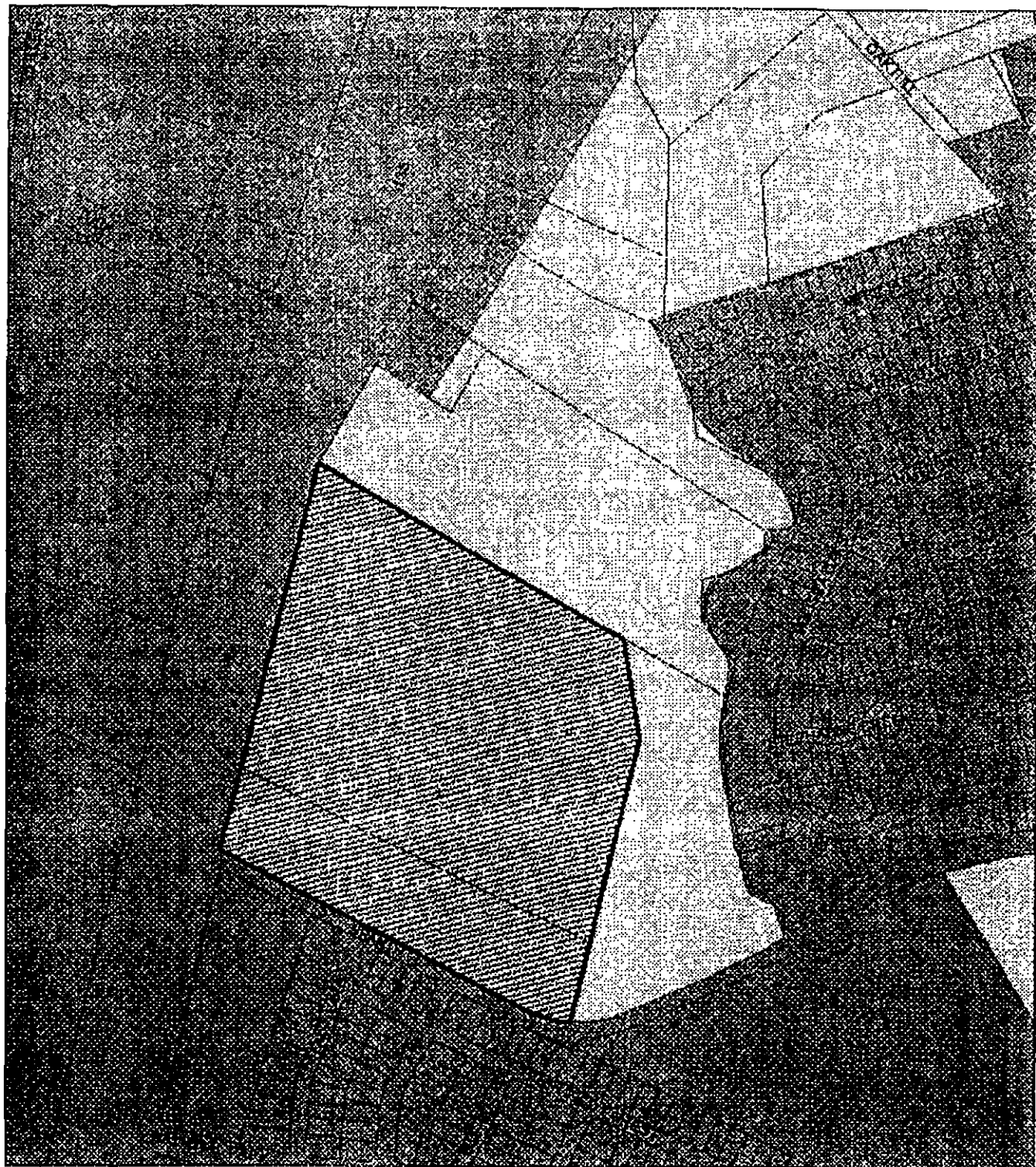
*John E. Moore* 11-20-2004

APPROVED: John E. Moore, RPLS NO. 4520  
Engineering Services Division  
Department of Public Works  
City of Austin

REFERENCES





TCAD MAP 4-3918  
Austin Grid G-12 & G-13



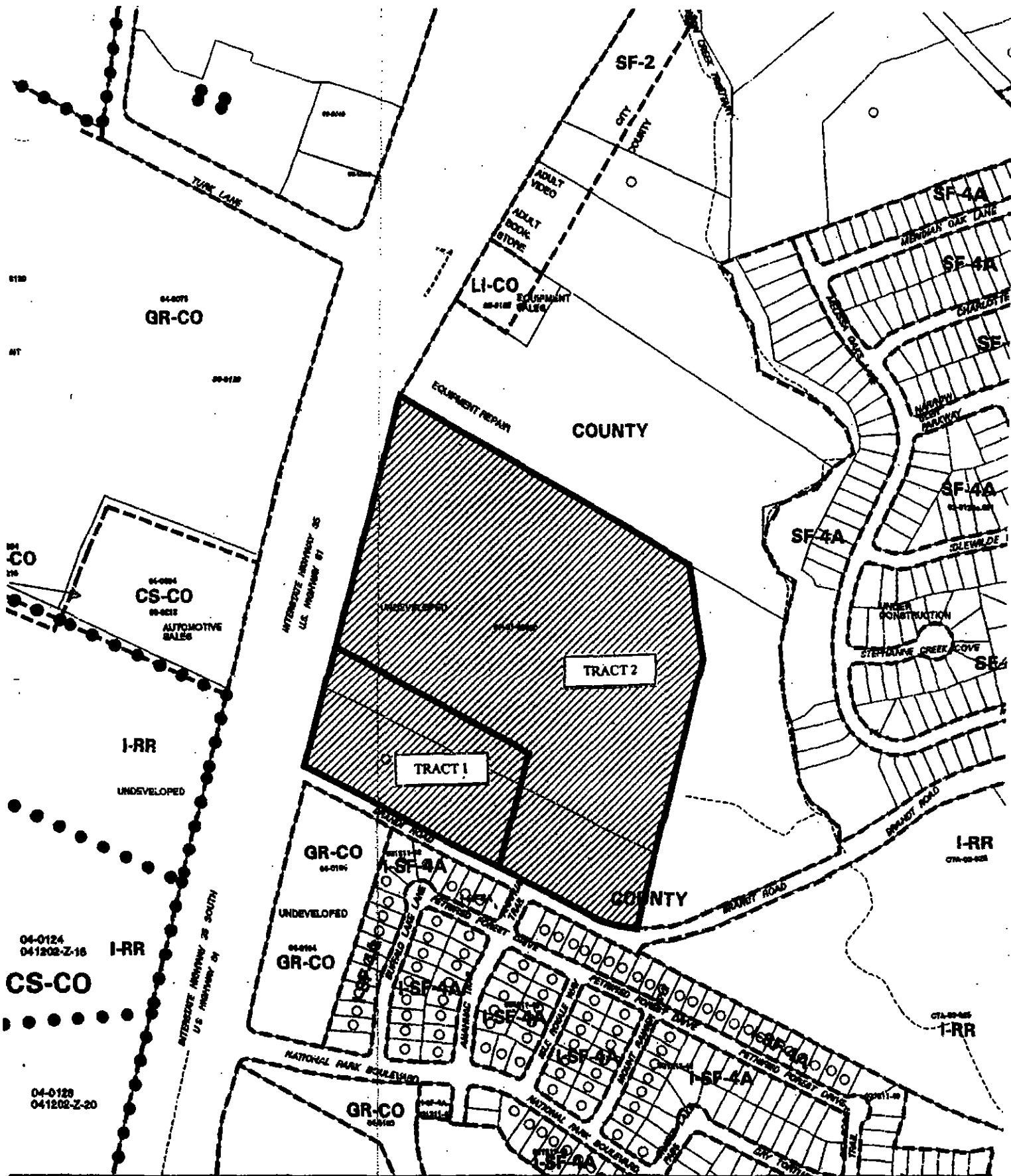


# **Brandt Road Area** **C7a-04-027**

City of Austin  
 Transportation, Planning & Sustainability Dept  
 September 17, 2004

-  Proposed Annexation Area
-  City of Austin Full Purpose
-  City of Austin Limited Purpose
-  City of Austin ETJ





 1" = 400'	SUBJECT TRACT	  	ZONING <b>EXHIBIT C</b>	CITY GRID REFERENCE NUMBER G13
	PENDING CASE			
	ZONING BOUNDARY			
	CASE MGR: W. WALSH			
CASE #: C14-04-0204 ADDRESS: 9701-9817 135 SVC RD SUBJECT AREA (acres): 32.951		DATE: 05-01 INTLS: SM		