

ORDINANCE NO. _____

1 **AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE**
2 **PROPERTY LOCATED AT 3800, 3808, AND 3810 NORTH INTERSTATE**
3 **HIGHWAY 35 SERVICE ROAD SOUTHBOUND, 1015 AND 1017 EAST 38TH**
4 **HALF STREET, AND 1014 AND 1016 EAST 38TH STREET IN THE CENTRAL**
5 **AUSTIN COMBINED NEIGHBORHOOD PLAN AREA FROM GENERAL**
6 **COMMERCIAL SERVICES-MIXED USE-VERTICAL MIXED USE BUILDING-**
7 **CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (CS-MU-V-CO-NP)**
8 **COMBINING DISTRICT TO GENERAL COMMERCIAL SERVICES-MIXED**
9 **USE-VERTICAL MIXED USE BUILDING-CONDITIONAL OVERLAY-DENSITY**
10 **BONUS 90-NEIGHBORHOOD PLAN (CS-MU-V-CO-DB90-NP) COMBINING**
11 **DISTRICT.**

12
13 **BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

14
15 **PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to
16 change the base district from general commercial services-mixed use-vertical mixed use
17 building-conditional overlay-neighborhood plan (CS-MU-V-CO-NP) combining district to
18 general commercial services-mixed use-vertical mixed use building-conditional overlay-
19 density bonus 90-neighborhood plan (CS-MU-V-CO-DB90-NP) combining district on the
20 property described in Zoning Case No. C14-2024-0044, on file at the Planning
21 Department, as follows:

22
23 0.135 acres of land, being portions of Lots 1, 2, 3 and 4, Block A,
24 RESUBDIVISION AND PART OF BLOCK 4 OF PLAINVIEW HEIGHTS, a
25 subdivision of Outlots Nos. 20 and 21, Division "C", in the City of Austin, Travis
26 County, Texas, according to the map or plat thereof as recorded in Volume 4, Page
27 128, of the Plat Records of Travis County, Texas, SAVE AND EXCEPT that
28 portion of the property conveyed to the City of Austin by deed recorded in Volume
29 894, Page 317, Deed Records of Travis County, Texas, said 0.135 acres of land
30 being more particularly described by metes and bounds in **Exhibit "A"**
31 incorporated into this ordinance,

32
33 AND

34
35 LOTS 5, 6, 7, 8, 9, 10, 11, 12, BLOCK "A" of the RESUBDIVISION AND PART
36 OF BLOCK 4 OF PLAINVIEW HEIGHTS, a subdivision of Outlots Nos. 20 and
37 21, Division "C" in the City of Austin, Travis County, Texas, according to the map
38 or plat thereof as recorded in Volume 4, Page 128, of the Plat Records of Travis
39 County, Texas,

(collectively the "Property"),

locally known as 3800, 3808, and 3810 North Interstate Highway 35 Service Road Southbound, 1015 and 1017 East 38th Half Street, and 1014 and 1016 East 38th Street in the City of Austin, Travis 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 prohibited uses of the Property:

Agricultural Sales and Services	Automotive Rentals
Automotive Sales	Campground
Construction Sales and Services	Convenience Storage
Drop-Off Recycling Collection Facilities	Equipment Repair Services
Equipment Sales	Kennels
Limited Warehousing and Distribution	Maintenance and Service Facilities
Monument Retail Sales	Outdoor Entertainment
Pawn Shop Services	Service Station
Vehicle Storage	

(B) The following uses are conditional uses of the Property:

Automotive Repair Services	Automotive Washing (of any type)
Building Maintenance Services	Commercial Blood Plasma Center
Commercial Off-Street Parking	Custom Manufacturing
Drive-In Service as an accessory use to commercial uses	Funeral Services
Hotel-Motel	Outdoor Sports and Recreation
Research Services	Residential Treatment

PART 3. When a site abuts a principal street, 75 percent of the building frontage must be designed for one or more commercial or civic uses and must comply with the dimensional requirements found in Section 4.3.3.C in Subchapter E (*Design Standards and Mixed Use*).

PART 4. 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, the mixed use combining district, and other applicable requirements of the City Code.

PART 5. Except as specifically modified by this ordinance, the Property is subject to Ordinance No. 040826-59 that established zoning for the Hancock Neighborhood Plan.

PART 6. This ordinance takes effect on _____, 2024.

PASSED AND APPROVED

_____, 2024

Kirk Watson
Mayor

APPROVED: _____ **ATTEST:** _____

Anne L. Morgan
City Attorney

Myrna Rios
City Clerk

FIELD NOTES
Tract 3

A tract of land containing 0.135 Acres, (5,893.82 Sq. Ft.) and being the West portions of Lots 1 and 2, Block A, RESUBDIVISION AND PART OF BLOCK 4 OF PLAINIEW HEIGHTS, a subdivision of Outlots Nos. 20 and 21, Division "C", in Travis County, Texas, according to the map or plat thereof, recorded in Volume 4, Page 128, Plat Records, Travis County, Texas. Being that same property described by metes and bounds in Volume 1212, Page 316, Deed Records, Travis County, Texas, also being Lots 3 and 4, Block A, RESUBDIVISION AND PART OF BLOCK 4 OF PLAINIEW HEIGHTS, a subdivision of Outlots Nos. 20 and 21, Division "C", in Travis County, Texas, according to the map or plat thereof, recorded in Volume 4, Page 128, Plat Records, Travis County, Texas. SAVE AND EXCEPT that portion conveyed to the City of Austin in Volume 894, Page 317, Deed Records, Travis County, Texas and being more particularly described as follows:

Beginning at a 1/2" iron rod set on the Southeast corner of Lot 1, Block A, RESUBDIVISION AND PART OF BLOCK 4 OF PLAINIEW HEIGHTS, a subdivision of Outlots Nos. 20 and 21, Division "C" in Travis County, Texas, according to the map or plat thereof, recorded in Volume 4, Page 128, Plat Records, Travis County, Texas also being on the Northwest Right of Way Line of N. Interstate 35;

Thence N 62°25'59" W, for a distance of 28.99 ft. to a 1/2" iron rod set at the Southwest corner of said Tract 3;

Thence N 28°11'01" E, for a distance of 210.85 ft. to a 1/2" iron rod set at the Northwest corner of said Tract 3;

Thence S 62°39'30" E, for a distance of 26.91 ft. to a 1/2" iron rod set at the Northeast corner of said Tract 3;


Thence N 27°37'04" W, for a distance of 210.95 ft. to the Point of Beginning and containing 0.135 Acres, (5,893.82 Sq. Ft.) of land, more or less.

Corresponding plat prepared.

I, Enrique C. Elizondo, a Registered Professional Land Surveyor do hereby certify this legal description and plat represents an actual survey made on the ground under my supervision and substantially complies with the minimum standards for land surveying in Texas as set forth by the Texas Board of Professional Land Surveying and that there are no encroachments or visible easements, to the best of my knowledge and belief, except as shown herein.



Elizondo & Associates
Land Surveying & Mapping, LLC.
11153 Westwood Loop
San Antonio, Texas 78253
(210) 375-4128
Texas Firm No. 10193864


Enrique C. Elizondo
Registered Professional Land Surveyor
No. 6386, State of Texas

1" = 400'

Exhibit B