

ORDINANCE NO. _____

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 3800, 3808, AND 3810 NORTH IH 35 SERVICE ROAD SOUTHBOUND, 1015 AND 1017 EAST 38TH HALF STREET, AND 1014 AND 1016 EAST 38TH STREET, IN THE CENTRAL AUSTIN COMBINED NEIGHBORHOOD PLAN AREA FROM GENERAL COMMERCIAL SERVICES-MIXED USE-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (CS-MU-CO-NP) COMBINING DISTRICT AND GENERAL COMMERCIAL SERVICES-MIXED USE-NEIGHBORHOOD PLAN (CS-MU-NP) COMBINING DISTRICT TO GENERAL COMMERCIAL SERVICES-MIXED USE-VERTICAL MIXED USE BUILDING-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (CS-MU-V-CO-NP) 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-neighborhood plan (CS-MU-CO-NP) combining district and general commercial services-mixed use-neighborhood plan (CS-MU-NP) combining district to general commercial services-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-MU-V-CO-NP) combining district on the property described in Zoning Case No. C14-2023-0001, on file at the Planning Department, as follows:

0.135 acre tract of land, being portions of lots described in recorded subdivisions, located in Travis County, Texas, according to the maps or plats thereof, said 0.135 acres of land being more particularly described by metes and bounds in **Exhibit "A"** incorporated into this ordinance,

AND

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

(collectively the "Property"),

locally known as 3800, 3808, and 3810 North IH 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 on 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. 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. 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 5. This ordinance takes effect on _____, 2023.

PASSED AND APPROVED

_____, 2023 §
 §
 § _____

Kirk Watson
Mayor

APPROVED: _____ **ATTEST:** _____
Anne L. Morgan Myrna Rios
City Attorney City Clerk

EXHIBIT A

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 PLAINVIEW 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 PLAINVIEW 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 PLAINVIEW 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

PROPERTY ADDRESS: 3800 N. IH 35, AUSTIN, TX 78705
0.135 ACRES (5,893.82 SQUARE FEET)
TRACT 3

LEGAL DESCRIPTION:

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 PLAINVIEW 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 PLAINVIEW 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:

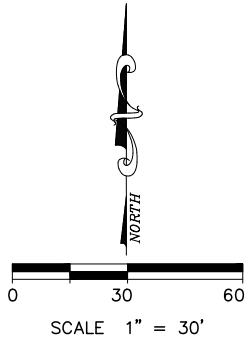
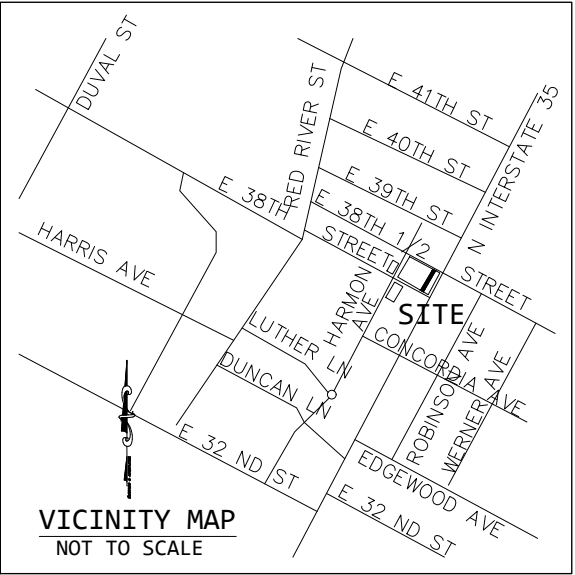
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LEGEND

- | | | | |
|-----|------------------|------|--------------------------|
| — | PROPERTY LINE | ⊙ | UTILITY POLE |
| — | ADJOINER LINE | ✱ | ELECTRIC METER |
| — | CENTER LINE | ● | BOLLARD |
| — | FLOOD LINE | ⊠ | AIR CONDITIONER |
| — | WIRE FENCE | ⊙ | GATE POST |
| — | METAL FENCE | ⊠ | TELEPHONE BOX |
| — | OVERHEAD LINE | ● | MONUMENT FOUND/SET |
| ⊠ | COVERED AREA | BLDG | BUILDING |
| (R) | RECORD BEARINGS | RCP | REINFORCED CONCRETE PIPE |
| (M) | MEASURE BEARINGS | | |

- THIS SURVEY WAS COMPLETED WITHOUT THE BENEFIT OF A TITLE COMMITMENT. THERE MAY BE EASEMENTS OR OTHER MATTERS OF INSTRUMENT NOT SHOWN ON THIS SURVEY.
- BASIS OF BEARINGS ARE SURFACE MEASUREMENTS AND REFER TO THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE (4203), NAD83 DATUM.
- THIS PROPERTY FALLS WITHIN ZONE X, ACCORDING TO THE FEMA FIRM MAP FOR TRAVIS COUNTY, CITY OF AUSTIN, TEXAS, COMMUNITY MAP NO 48453C0465K, EFFECTIVE DATE OF JANUARY 22, 2020.

ELIZONDO & ASSOCIATES
SURVEYING + MAPPING

11153 WESTWOOD LOOP, STE 120
SAN ANTONIO, TEXAS 78253
PHONE: 210-375-4128
FAX: (210) 375-5130
www.elizondoassociates.com

I, ENRIQUE C. ELIZONDO, A REGISTERED PROFESSIONAL LAND SURVEYOR DO HEREBY CERTIFY THAT THIS 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. THIS 13TH DAY OF SEPTEMBER, 2023.

Enrique C. Elizondo

ENRIQUE C. ELIZONDO R.P.L.S. NO. 6386



