

ORDINANCE NO. _____

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE
2 PROPERTY LOCATED AT 4201 SOUTH CONGRESS AVENUE IN THE SOUTH
3 CONGRESS COMBINED NEIGHBORHOOD PLAN AREA FROM LIMITED
4 INDUSTRIAL SERVICE-NEIGHBORHOOD PLAN (LI-NP) COMBINING
5 DISTRICT AND LIMITED INDUSTRIAL SERVICE-CONDITIONAL OVERLAY-
6 NEIGHBORHOOD PLAN (LI-CO-NP) COMBINING DISTRICT TO GENERAL
7 COMMERCIAL SERVICES-MIXED USE-VERTICAL MIXED USE BUILDING-
8 CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (CS-MU-V-CO-NP)
9 COMBINING DISTRICT.

10
11 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:
12

13 **PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to
14 change the base district from limited industrial service-neighborhood plan (LI-NP)
15 combining district and limited industrial service-conditional overlay-neighborhood plan
16 (LI-CO-NP) combining district to general commercial services-mixed use-vertical mixed
17 use building-conditional overlay-neighborhood plan (CS-MU-V-CO-NP) combining
18 district on the property described in Zoning Case No. C14-2023-0043, on file at the
19 Planning Department, as follows:

20
21 A 5.515 acre tract of land out of the ISSAC DECKER LEAGUE, ABSTRACT
22 NO. 8, in Travis County, Texas, being all of a called 5.515 acre tract of land
23 conveyed in document recorded in Volume 13128, Page 248, of the Real Property
24 Records of Travis County, Texas, said 5.515 acre tract of land being more
25 particularly described by metes and bounds in **Exhibit “A”** incorporated into this
26 ordinance (the “Property”),
27

28 locally known as 4201 South Congress Avenue in the City of Austin, Travis County,
29 Texas, generally identified in the map attached as **Exhibit “B”**.
30

31 **PART 2.** The Property within the boundaries of the conditional overlay combining district
32 established by this ordinance is subject to the following conditions:
33

34 The following uses are prohibited uses of the Property:
35

Adult-oriented businesses	Alternative financial services
Automotive rentals	Automotive sales
Automotive washing (of any type)	Bail bond services
Construction sales & services	Convenience storage

Equipment sales
Funeral services
Pawn shop services
Vehicle storage

Exterminating services
Monument retail sales
Service station

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, the mixed use 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. 20050818-Z004 that established zoning for the East Congress Neighborhood Plan.

PART 5. This ordinance takes effect on _____, 2024.

PASSED AND APPROVED

_____, 2024

§
§
§

Kirk Watson
Mayor

APPROVED: _____
Anne L. Morgan
City Attorney

ATTEST: _____
Myrna Rios
City Clerk

EXHIBIT "A"

Exhibit “ ___ ”

Isaac Decker League, Abstract No. 8

Legal Description

BEING A DESCRIPTION OF A TRACT OF LAND CONTAINING 5.5156 ACRES (240,259 SQUARE FEET) OUT OF THE ISAAC DECKER LEAGUE, ABSTRACT NO. 8, IN TRAVIS COUNTY, TEXAS, BEING ALL OF A CALLED 5.515 ACRE TRACT CONVEYED TO BARR COMMERCIAL LIMITED PARTNERSHIP I, L.P. IN VOLUME 13128, PAGE 248 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS (R.P.R.T.C.T.), SAID 5.5156 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:



PO Box 90876
Austin, TX 78709
512.554.3371
jward@4wardls.com
www.4wardls.com

BEGINNING, at a 1/2-inch iron rod found in the north right-of-way line of Industrial Boulevard (right-of-way varies), being the southeast corner of said 5.515 acre tract, and being the southwest corner of a called 0.843 acre tract partially conveyed to Ungar Holdings LLC and Regional Holdings Inc. in Document No. 2021278112 in the Official Public Records of Travis County, Texas (O.P.R.T.C.T.), for the southeast corner and **POINT OF BEGINNING** hereof, from which a 1/2-inch iron rod with “Chaparral” cap found at the intersection of the north right-of-way line of said Industrial Boulevard and the west right-of-way line of Willow Springs Road (60’ right-of-way), and being the southeast corner of Lot 1, St. Elmo Heights, Section 1, a subdivision recorded in Volume 5, Page 158 of the Plat Records of Travis County, Texas (P.R.T.C.T.), said Lot 1 having been conveyed to Bay Ten Holdings, LLC in Document No. 2020245768 (O.P.R.T.C.T.), bears, S62°33’50”E, a distance of 456.27 feet;

THENCE, with the north right-of-way line of said Industrial Boulevard and the south line of said 5.515 acre tract, the following two (2) courses and distances:

- 1) **N62°42’28”W**, a distance of **103.81** feet to a 1/2-inch iron rod found for an angle point hereof, and
- 2) **N62°29’04”W**, a distance of **600.39** feet to Mag nail with “4Ward Boundary” washer set for the southwest corner hereof, said point being in the east right-of-way line of South Congress Avenue (right-of-way varies), and being the southwest corner of said 5.515 acre tract;

THENCE, leaving the north right-of-way line of said Industrial Boulevard, with the east right-of-way line of said South Congress Avenue and the west line of said 5.515 acre tract, **N27°22’30”E**, a distance of **341.10** feet to an “X” cut in concrete found for the northwest corner hereof, said point being in the south right-of-way line of International-Great Northern Railroad (also known as Bergstrom Field Spur, 50’ right-of-way, this portion of right-of-way being apparently abandoned), also being the northwest corner of said 5.515 acre tract;

THENCE, with the south right-of-way line of said I.G.&N. Railroad and the north line of said 5.515 acre tract. **S62°35’16”E**, passing at a distance of 599.30 feet a 1/2-inch iron rod found for a point on line, continuing for a total distance of **702.02** feet to 1/2-inch iron rod found for the northeast corner hereof, said point being the northeast corner of said 5.515 acre tract, also being the northwest corner of said 0.843 acre tract, from which a TxDot Type III Monument found in the south right-of-way line of said I.G.&N. Railroad, for the northwest corner of said Lot 1, also being the northeast corner of a called 0.762 acre tract partially conveyed to Ungar Holdings LLC and Regional Holdings Inc. in Document No. 2021278113 (O.P.R.T.C.T.), bears, S62°35’16”E, a distance of 297.57 feet;

THENCE, leaving the south right-of-way line of said I.G.&N. Railroad, with the common line of said 5.515 acre tract and said 0.843 acre tract, **S27°00'39"W**, a distance of **341.98** feet to the **POINT OF BEGINNING** and containing 5.5156 Acres (240,259 Square Feet) more or less.

NOTE:

All bearings are based on the Texas State Plane Coordinate System, Grid North, Central Zone (4203); all distances were adjusted to surface using a combined scale factor of 1.000057907880. See attached sketch (reference drawing: 01434.dwg)



Jason Ward, RPLS #5811
4Ward Land Surveying, LLC

5/27/22



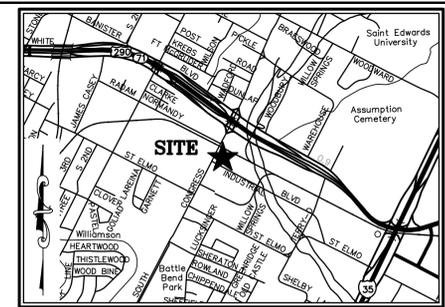
BENCHMARK NOTE:
 TBM #1 - SQUARE CUT ON TOP OF CONCRETE CURB ON THE SOUTH SIDE OF INDUSTRIAL BOULEVARD, EAST OF SOUTH CONGRESS AVE, ± 95' SOUTHEAST FROM POWER POLE NO. 220383 AND ± 55' SOUTHWEST FROM TREE NO. 5013. ELEVATION = 670.01'.
 TBM #2 - SQUARE CUT ON TOP OF CONCRETE CURB ON THE WEST SIDE OF SOUTH CONGRESS AVE, WEST OF INDUSTRIAL BOULEVARD AND ± 143' NORTHEAST OF WASTEWATER MANHOLE AND ± 100' NORTHWEST OF TREE NO. 5032. ELEVATION = 663.54'.

FLOODPLAIN NOTE:
 THIS PROPERTY IS LOCATED WITHIN ZONE 'X' (UNSHADED), AREAS OF MINIMAL FLOOD HAZARD, AS SHOWN ON F.I.R.M. MAP NO. 484530585H, TRAVIS COUNTY, TEXAS AND INCORPORATED AREAS, MAP REVISED SEPTEMBER 26, 2008.
 THIS FLOOD STATEMENT DOES NOT IMPLY THAT THE PROPERTY AND/OR THE STRUCTURES THEREON WILL BE FREE FROM FLOODING OR FLOOD DAMAGE. THIS FLOOD STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF THE SURVEYOR.

LEGAL DESCRIPTION:
 BEING ALL OF THAT CERTAIN 5.515 ACRE TRACT OF LAND, MORE OR LESS, OUT OF BLOCK 27, FORTVIEW, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 2, PAGE 606 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS.

LINE TABLE			RECORD LINE TABLE		
LINE #	DIRECTION	LENGTH	LINE #	DIRECTION	LENGTH
L1	N62°42'28"W	103.81'	(L1)	N60°02'28"W	103.80'

PARKING SPACE TALLY:
 HANDICAP = 8
 REGULAR = 241
 TOTAL = 249



VICINITY MAP
 SCALE: 1" = 2000'

BEARING BASIS:
 ALL BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, GRID NORTH, CENTRAL ZONE, (4203), NAD83. ALL DISTANCES WERE ADJUSTED TO SURFACE USING A COMBINED SCALE FACTOR OF 1.00057907880.

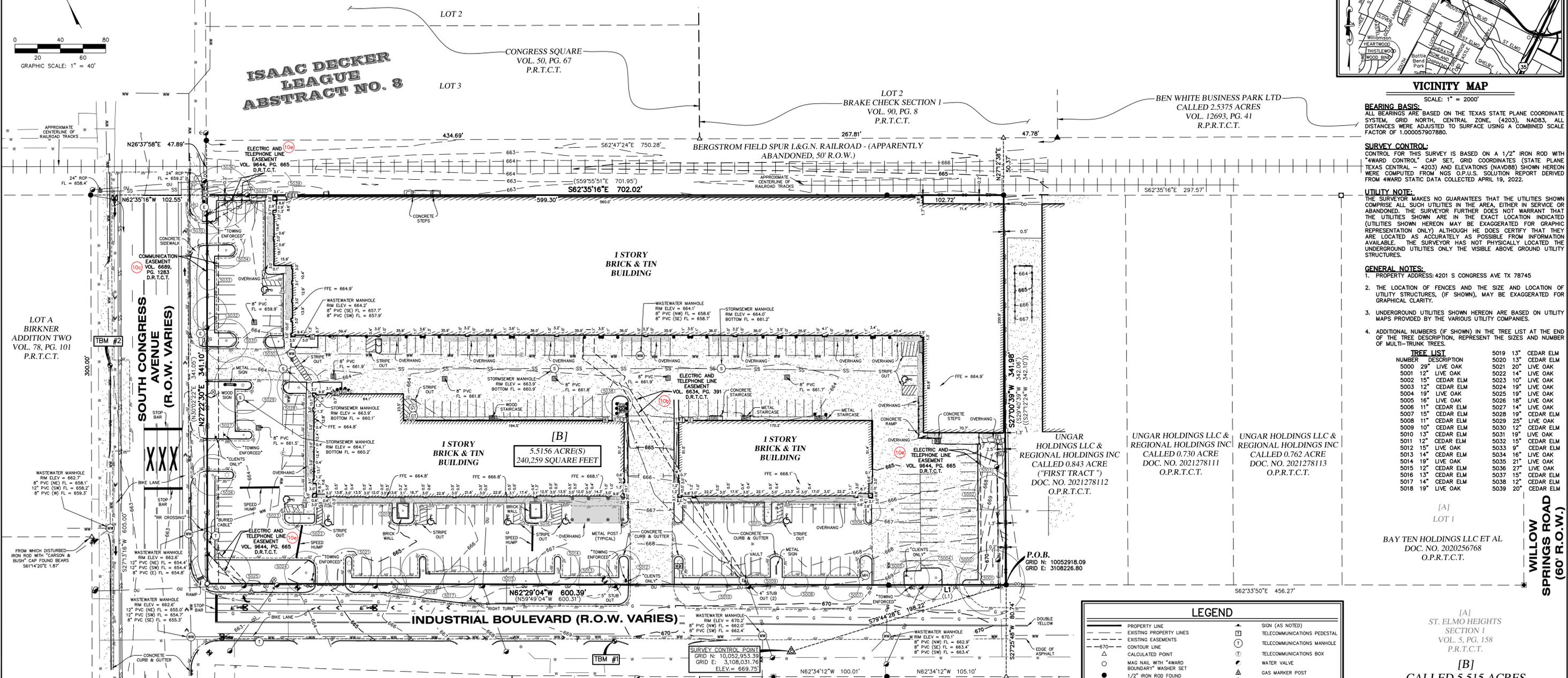
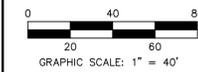
SURVEY CONTROL:
 CONTROL FOR THIS SURVEY IS BASED ON A 1/2" IRON ROD WITH "AWARD CONTROL" CAP SET, GRID COORDINATES (STATE PLANE TEXAS CENTRAL - 4203) AND ELEVATIONS (NAVD83) SHOWN HEREON WERE COMPUTED FROM NGS C.I.U.S. SOLUTION REPORT DERIVED FROM AWARD STATIC DATA COLLECTED APRIL 19, 2022.

UTILITY NOTE:
 THE SURVEYOR MAKES NO GUARANTEES THAT THE UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED (UTILITIES SHOWN HEREON MAY BE EXAGGERATED FOR GRAPHIC REPRESENTATION ONLY) ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES ONLY THE VISIBLE ABOVE GROUND UTILITY STRUCTURES.

GENERAL NOTES:
 1. PROPERTY ADDRESS: 4201 S CONGRESS AVE TX 78745
 2. THE LOCATION OF FENCES AND THE SIZE AND LOCATION OF UTILITY STRUCTURES, (IF SHOWN), MAY BE EXAGGERATED FOR GRAPHICAL CLARITY.
 3. UNDERGROUND UTILITIES SHOWN HEREON ARE BASED ON UTILITY MAPS PROVIDED BY THE VARIOUS UTILITY COMPANIES.
 4. ADDITIONAL NUMBERS (IF SHOWN) IN THE TREE LIST AT THE END OF THE TREE DESCRIPTION, REPRESENT THE SIZES AND NUMBER OF MULTI-TRUNK TREES.

TREE LIST

NUMBER	DESCRIPTION	SIZE	CEILING
5000	29" LIVE OAK	5020	13" CEDAR ELM
5001	12" LIVE OAK	5021	20" LIVE OAK
5002	15" CEDAR ELM	5022	14" LIVE OAK
5003	12" CEDAR ELM	5023	10" LIVE OAK
5004	19" LIVE OAK	5024	19" LIVE OAK
5005	16" LIVE OAK	5025	18" LIVE OAK
5006	11" CEDAR ELM	5026	18" LIVE OAK
5007	15" CEDAR ELM	5027	14" LIVE OAK
5008	11" CEDAR ELM	5028	19" CEDAR ELM
5009	10" CEDAR ELM	5029	25" LIVE OAK
5010	13" CEDAR ELM	5030	12" CEDAR ELM
5011	12" CEDAR ELM	5031	19" LIVE OAK
5012	15" LIVE OAK	5032	15" CEDAR ELM
5013	14" CEDAR ELM	5033	9" CEDAR ELM
5014	19" LIVE OAK	5034	16" LIVE OAK
5015	12" CEDAR ELM	5035	21" LIVE OAK
5016	13" CEDAR ELM	5036	27" LIVE OAK
5017	14" CEDAR ELM	5037	15" CEDAR ELM
5018	19" LIVE OAK	5038	12" CEDAR ELM
		5039	20" CEDAR ELM



LEGEND

---	PROPERTY LINE	▲	SIGN (AS NOTED)
---	EXISTING PROPERTY LINES	□	TELECOMMUNICATIONS PEDESTAL
---	EXISTING EASEMENTS	○	TELECOMMUNICATIONS MANHOLE
-670-	CONTOUR LINE	⊕	TELECOMMUNICATIONS BOX
△	CALCULATED POINT	⊕	TELECOMMUNICATIONS MANHOLE
○	MAG NAIL WITH "AWARD BOUNDARY" WASHER SET	⊕	WATER VALVE
●	1/2" IRON ROD FOUND (UNLESS NOTED)	⊕	GAS MARKER POST
●	IRON ROD WITH "CHAPARRAL" CAP FOUND (UNLESS NOTED)	⊕	STOP SIGN
□	ABRAM TYPE III 5/8" ALUMINUM CAPPED FOUND (UNLESS NOTED)	⊕	HAND RAIL
▲	NAIL FOUND AS NOTED	⊕	WOOD FENCE
⊕	CHISELED "X" FOUND IN CONCRETE	⊕	CHAIN LINK FENCE
⊕	BENCHMARK	⊕	GAS LINE
⊕	SURVEY CONTROL POINT	⊕	STORM SEWER LINE
⊕	BOLLARD POST (UNLESS NOTED)	⊕	OVERHEAD UTILITY
⊕	CLEAN OUT	⊕	WASTEWATER LINE
⊕	ELECTRIC METER	⊕	WATER LINE
⊕	ELECTRIC TRANSFORMER	⊕	UNDERGROUND TELECOMMUNICATIONS
⊕	ELECTRIC JUNCTION BOX	⊕	CONCRETE
⊕	ELECTRIC MANHOLE	⊕	BUILDING
⊕	FIRE HYDRANT	⊕	FINISHED FLOOR ELEVATION
⊕	FIRE DEPARTMENT CONNECT	⊕	REINFORCED CONCRETE PIPE
⊕	GAS METER	⊕	PVC
⊕	LIGHT POLE	⊕	POLYVINYL CHLORIDE PIPE
⊕	POWER/UTILITY POLE	⊕	TRAVIS COUNTY APPRAISAL DISTRICT
⊕	GUY ANCHOR	⊕	VOLUME, PAGE
⊕	MAILBOX	⊕	DOC. NO.
⊕	TRAFFIC SIGNAL POLE	⊕	R.O.W.
⊕	WATER METER	⊕	P.R.T.C.T.
⊕	IRRIGATION CONTROL VALVE	⊕	R.P.R.T.C.T.
⊕	DRAIN INLET	⊕	O.P.R.T.C.T.
⊕	STORM SEWER MANHOLE	⊕	REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS
⊕	WASTEWATER MANHOLE	⊕	G.P.R.T.C.T.
⊕	MISCELLANEOUS MANHOLE	⊕	DEED RECORDS, TRAVIS COUNTY, TEXAS
⊕	GREASE TRAP	⊕	DEED RECORDS, TRAVIS COUNTY, TEXAS
⊕	HANDICAP PARKING SIGN	⊕	DEED RECORDS, TRAVIS COUNTY, TEXAS
⊕	HANDICAP PARKING SPACE	⊕	DEED RECORDS, TRAVIS COUNTY, TEXAS

[A]
 ST. ELMO HEIGHTS SECTION 1 VOL. 5, PG. 158 P.R.T.C.T.
 [B]
 CALLED 5.515 ACRES BARR COMMERCIAL LIMITED PARTNERSHIP I, L.P. VOL. 13128, PG. 248 R.P.R.T.C.T.

ALTA/NSPS LAND TITLE, TOPOGRAPHIC AND TREE SURVEY OF 5.5156 ACRES OUT OF LOT 27, FORTVIEW City of Austin, Travis County, Texas

AWARD Land Surveying
 A Limited Liability Company
 PO Box 90876, Austin Texas 78709
 INFO@AWARDLS.COM (512) 557-2384
 TPELS FIRM #0174300

Date: 6/1/2022
 Project: 01434
 Scale: 1" = 40'
 Reviewer: DV
 Tech: TE
 Field Crew: TS/JJ
 Survey Date: APR. 2022
 Sheet: 1 OF 1

TITLE COMMITMENT NOTES:
 COMMITMENT FOR TITLE INSURANCE PREPARED BY: FIRST AMERICAN TITLE INSURANCE COMPANY
 G.F. NO.: 202201592
 EFFECTIVE DATE: MARCH 30, 2022
 ISSUED: APRIL 13, 2022

THE SURVEYOR HAS RELIED UPON THE REFERENCED COMMITMENT FOR TITLE REGARDING EASEMENTS, RESTRICTIONS, AND OTHER MATTERS AFFECTING THIS PROPERTY. NO ADDITIONAL RESEARCH WAS DONE FOR THE PURPOSE OF THIS SURVEY. ITEMS LISTED ARE WORDED ACCORDING TO THE COMMITMENT, FOLLOWED BY SURVEYOR'S NOTES AND/OR OBSERVATIONS SHOWN IN BRACKETS. []

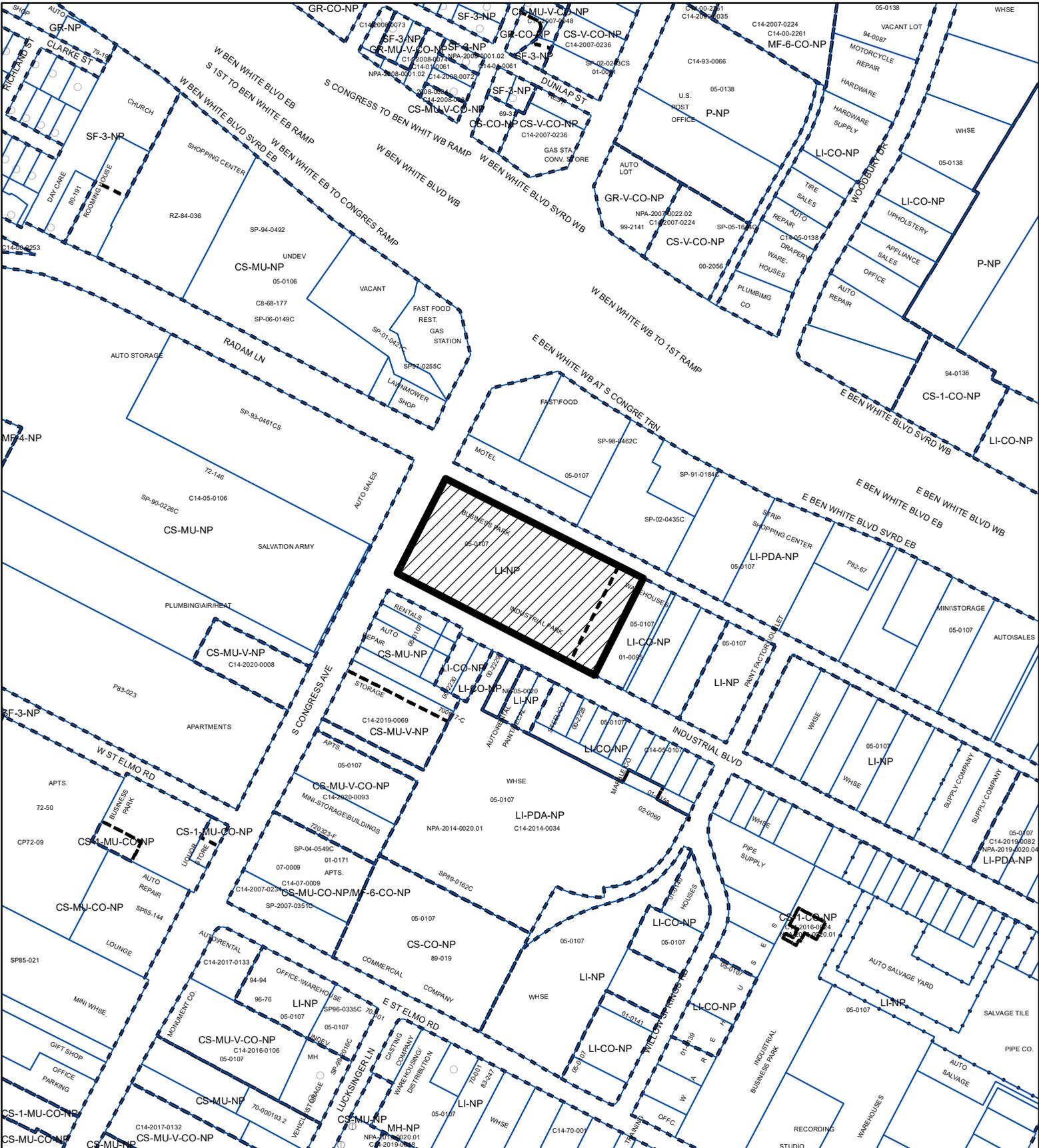
- THE FOLLOWING RESTRICTIVE COVENANTS OF RECORD ITEMIZED BELOW: (DELETED)
- THE FOLLOWING MATTERS AND ALL TERMS OF THE DOCUMENTS CREATING OR OFFERING EVIDENCE OF THE MATTERS:
 - PIPE LINE AND APPURTENANCES BLANKET EASEMENT GRANTED TO HOPE ENGINEERING AND SUPPLY COMPANY BY INSTRUMENT DATED JANUARY 14, 1928, RECORDED IN VOLUME 413, PAGE 479 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS. [SUBJECT TO - BLANKET IN NATURE]
 - UNDERGROUND ELECTRIC AND TELEPHONE EASEMENT GRANTED TO THE CITY OF AUSTIN BY INSTRUMENT DATED JULY 5, 1979, RECORDED IN VOLUME 6634, PAGE 391 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS. [SUBJECT TO - SHOWN ON SURVEY]
 - COMMUNICATIONS EASEMENT GRANTED TO SOUTHWESTERN BELL TELEPHONE COMPANY BY INSTRUMENT DATED FEBRUARY 19, 1980, RECORDED IN VOLUME 6889, PAGE 1283 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS. [SUBJECT TO - SHOWN ON SURVEY]
 - ELECTRIC AND TELEPHONE EASEMENT GRANTED TO THE CITY OF AUSTIN BY INSTRUMENT DATED DECEMBER 2, 1985, RECORDED IN VOLUME 9505, PAGE 419 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS. [SUBJECT TO - UNABLE TO PLOT, NO METES AND BOUNDS DESCRIPTION PROVIDED, SKETCH IS ILLEGIBLE]
 - ELECTRIC AND TELEPHONE EASEMENT GRANTED TO THE CITY OF AUSTIN BY INSTRUMENT DATED APRIL 4, 1986, RECORDED IN VOLUME 9664, PAGE 665 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS. [SUBJECT TO - SHOWN ON SURVEY]
 - TELECOMMUNICATIONS CABLE SYSTEM EASEMENT AND APPURTENANT RIGHTS AWARDED TO QWEST COMMUNICATIONS COMPANY, LLC, FKA QWEST COMMUNICATIONS CORPORATION, SPRINT COMMUNICATIONS COMPANY L.P. AND LEVEL 3 COMMUNICATIONS, LLC, BY EASEMENT DEED BY COURT ORDER IN SETTLEMENT OF LANDOWNER ACTION IN CAUSE NO. 1:99-CV-415 IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS, DATED FEBRUARY 12, 2015, A CERTIFIED COPY OF WHICH IS RECORDED UNDER DOCUMENT NO. 2015108105 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS. [SUBJECT TO - NO METES AND BOUNDS DESCRIPTION GIVEN]

ALTA/NSPS CERTIFICATION:
 TO: FIRST AMERICAN TITLE INSURANCE COMPANY, REDCAR FUND II, LP AND BARR COMMERCIAL LIMITED PARTNERSHIP I, L.P., A TEXAS LIMITED PARTNERSHIP

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1-4, 7(a), 8-9 AND 13 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON (MAY 26, 2022).

6/1/2022
 JASON WARD, RPLS TEXAS REGISTRATION NO. 5811
 DATE





ZONING

Exhibit "B"

ZONING CASE#: C14-2023-0043



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

1" = 400'

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by the Housing and Planning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or



Created: 4/7/2023