

ORDINANCE NO. _____

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE
2 PROPERTY LOCATED AT 1015 EAST 38TH STREET AND 3703 HARMON
3 AVENUE IN THE CENTRAL AUSTIN COMBINED NEIGHBORHOOD PLAN
4 AREA FROM GENERAL COMMERCIAL SERVICES-MIXED USE-VERTICAL
5 MIXED USE BUILDING-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN
6 (CS-MU-V-CO-NP) COMBINING DISTRICT TO GENERAL COMMERCIAL
7 SERVICES-MIXED USE-VERTICAL MIXED USE BUILDING-CONDITIONAL
8 OVERLAY-DENSITY BONUS 90-NEIGHBORHOOD PLAN (CS-MU-V-CO-DB90-
9 NP) COMBINING DISTRICT.

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

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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 general commercial services-mixed use-vertical mixed use
15 building-conditional overlay-neighborhood plan (CS-MU-V-CO-NP) combining district to
16 general commercial services-mixed use-vertical mixed use building-conditional overlay-
17 density bonus 90-neighborhood plan (CS-MU-V-CO-DB90-NP) combining district on the
18 property described in Zoning Case No. C14-2024-0043, on file at the Planning
19 Department, as follows:

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21 0.282 acres of land, more or less, being a portion of BLOCK 3, PLAINVIEW
22 HEIGHTS, a subdivision of Outlots Nos. 20 and 21, Division "C", in Travis
23 County, Texas, according to the map or plat thereof recorded in Volume 2, Page
24 214A, Plat Records of Travis County, Texas, said 0.282 acres of land being more
25 particularly described by metes and bounds in **Exhibit "A"** incorporated into this
26 ordinance,

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28 AND

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30 LOT B, L.C. JOHNSON'S RESUBDIVISION OF A PORTION OF LOT 3
31 PLAINVIEW HEIGHTS, a subdivision in Travis County, Texas, according to the
32 map or plat thereof as recorded in Volume 25, Page 22, of the Plat Records of
33 Travis County, Texas

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35 (collectively the "Property"),

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37 locally known as 1015 East 38th Street and 3703 Harmon Avenue in the City of Austin,
38 Travis County, Texas, generally identified in the map attached as **Exhibit "B"**.

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

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43 (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 | |

45
46 (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 |

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

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54 **PART 4.** Except as specifically restricted under this ordinance, the Property may be
55 developed and used in accordance with the regulations established for the general
56 commercial services (CS) base district, the mixed use combining district, and other
57 applicable requirements of the City Code.

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

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

PASSED AND APPROVED

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§
§

_____, 2024

Kirk Watson
Mayor

APPROVED: _____
Anne L. Morgan
City Attorney

ATTEST: _____
Myrna Rios
City Clerk

DRAFT

FIELD NOTES
Tract 2

Being 0.282 acres of land, (12,300.58 square feet), more or less, and being a portion of Block 3, PLAINVIEW HEIGHTS, a subdivision out of Outlots 20 and 21, Division "C", in Travis County, Texas, according to the map or plat thereof, recorded in Volume 2, Page 214A, Plat Records, Travis County, Texas; said portion being more particularly described by metes and bounds as follows:

Beginning at a 1 inch pipe found in concrete at the intersection of the south R.O.W. line of East 38th Street with the east R.O.W. line of Harmon Avenue, at the Northwest corner of Block 3, Plainview Heights, according to the map or plat of said subdivision recorded in Vol. 2, Page 214 (A) of the Plat Records of Travis County, Texas, for the Northwest corner of the herein described tract;

Thence along the south R.O.W. line of East 38th Street, and the north line of Block 3, S 62 deg. 31' 04" E 80.15 ft. to a 1/2" iron rod set at the Northwest corner of Lot a, L.C. Johnson's Resubdivision of a portion of Lot 3, Plainview Heights, according to the Map or Plat of said subdivision recorded in Vol. 25, pg. 22 of the Plat Records of Travis County, Texas, for the Northeast corner of this tract;

Thence along the west line of said Lot A, S 28 deg. 11' 20" W 153.57 ft. to a 1/2" iron rod found in the north line of Lot B, of said L.C. Johnson's Resub., same being at the Southwest corner of said Lot A, for the Southeast corner of this tract;

Thence along the north line of said Lot B, N 62 deg. 31' 20" W 80.05 ft. to a 1/2" iron rod set in the east R.O.W. line of Harmon Avenue, same being in the west line of said Block 3, at the Northwest corner of said Lot B, for the Southwest corner of this tract;


Thence along the east R.O.W. line of Harmon Avenue and the west line of said Block 3, N 28 deg. 09' 01" E 153.57 ft. to the POINT OF BEGINNING, and containing 0.282 acres of land, (12,300.58 square feet), more or less.

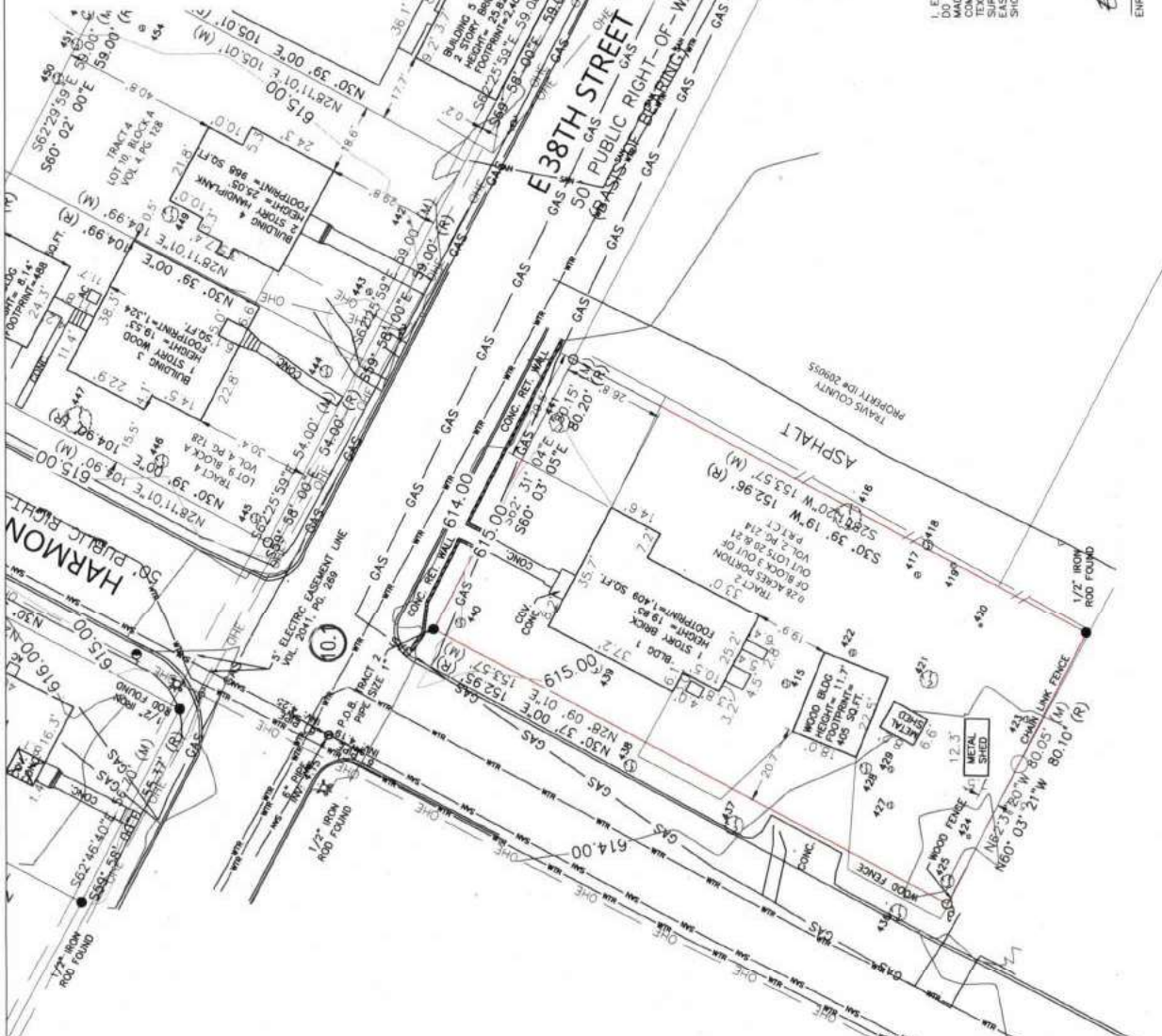
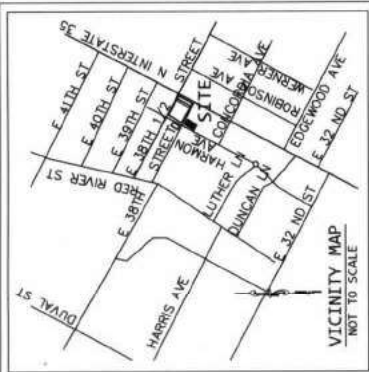
Corresponding plat prepared.

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: 1015 E. 38TH ST., AUSTIN, TX 78705
TRACT 2

LEGAL DESCRIPTION:
 Being 0.282 acres of land, (13,300.58 square feet), more or less, and being a portion of Block 3, PLANVIEW HEIGHTS, a subdivision out of Outlots 20 and 21, Division "C", in Travis County, Texas, according to the map of plot thereof, recorded in Volume 2, Page 214A, Plat Records, Travis County, Texas; said portion being more particularly described by notes and bounds as follows:
 Beginning at a 1 inch pipe found in concrete at the intersection of the south R.O.W. line of East 38th Street with the east R.O.W. line of Harmon Avenue, and thence north along the east R.O.W. line of Harmon Avenue to the north line of said subdivision recorded in Vol. 2, Page 214 (A) of the Plat Records of Travis County, Texas, for the Northwest corner of the herein described tract;
 Thence along the south R.O.W. line of East 38th Street, and the north line of Block 3, S 62 deg. 31' 04" E 80.15 ft. to a 1 1/2" iron rod set at the Northwest corner of Lot A, L.C. Johnson's Resubdivision of a portion of Lot 3, Planview Heights, according to the Map or Plat of said subdivision recorded in Volume 2, Page 214, Plat Records of Travis County, Texas, for the Northeast corner of this tract;
 Thence along the west line of said Lot A, S 28 deg. 11' 20" W 153.57 ft. to a 1/2" iron rod found in the north line of Lot B, of said Lot A, for the Southeast corner of this tract;
 Thence along the north line of said Lot B, N 62 deg. 31' 20" W 80.05 ft. to a 1/2" iron rod set in the east R.O.W. line of Harmon Avenue, same as the Northwest corner of Lot B, of said Lot A, for the Northwest corner of said Lot B, for the Southwest corner of this tract;
 Thence along the east R.O.W. line of Harmon Avenue and the west line of said Block 3, N 28 deg. 09' 01" E 153.57 ft. to the POINT OF BEGINNING, containing 0.282 acres of land, (13,300.58 square feet), more or less.

LEGEND:
 PROPERTY LINE
 ADJOINER LINE
 CENTER LINE
 FLOOD LINE
 WIRE FENCE
 METAL FENCE
 OVERHEAD LINE
 COVERED AREA
 (R) RECORD BEARINGS
 (M) MEASURE BEARINGS
 UTILITY POLE
 ELECTRIC METER
 BOLLARD
 AIR CONDITIONER
 GATE POST
 TELEPHONE BOX
 MONUMENT FOUND/SET
 BLDG. BUILDING
 RECORD BEARINGS
 RCP REINFORCED CONCRETE PIPE

- THIS SURVEY WAS COMPLETED WITHOUT THE BENEFIT OF A TITLE INSURANCE POLICY OR OTHER INSTRUMENTS OR OTHER MATTERS OF RECORD.
- BEARINGS AND SURFACE MEASUREMENTS AND REFER TO THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE (4203), NAD83
- THIS PROPERTY FALLS WITHIN ZONE X, ACCORDING TO THE FEMA FIRM MAP FOR TRAVIS COUNTY, CITY OF AUSTIN, TEXAS, COMMUNITY MAP NO. 4845.00463K, EFFECTIVE DATE OF JANUARY 22, 2020.

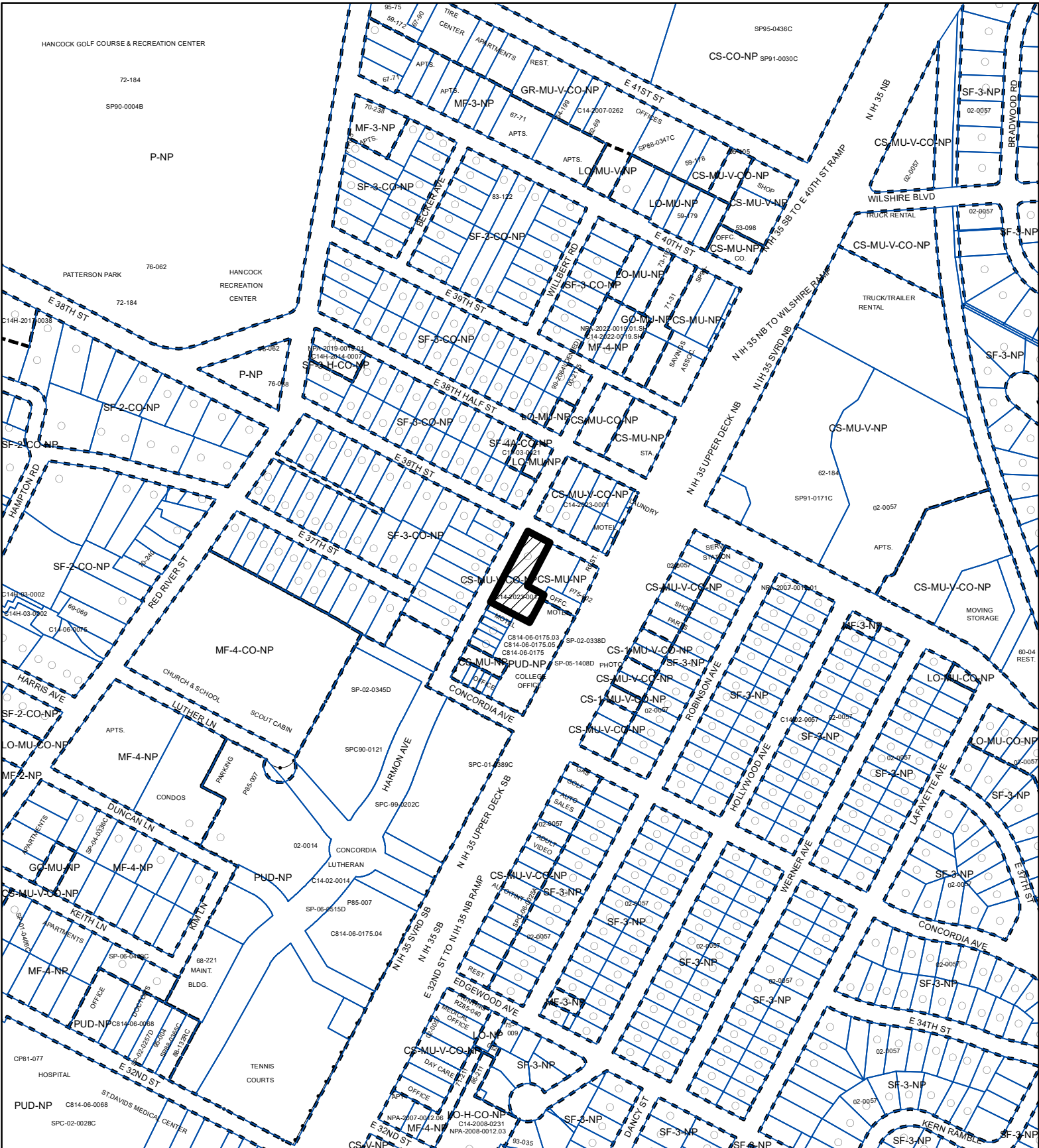
ELIZONDO & ASSOCIATES
 SURVEYING • MAPPING
 11151 WESTWOOD LOOP, STE 120
 SAN ANTONIO, TEXAS 78253
 PHONE: 210-375-4128
 FAX: (210) 375-5130
 www.elizondoassociates.com

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 ACCORDING TO THE PLAN SUBMITTED TO THE BOARD OF PROFESSIONAL LAND SURVEYING AND THAT THERE ARE NO ENCROACHMENTS OR VIOLATIONS OF EASEMENTS TO THE BEST OF MY KNOWLEDGE AND BELIEF, EXCEPT AS SHOWN HEREIN, THIS 13TH DAY OF SEPTEMBER, 2020.

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


STATE OF TEXAS
 COUNTY OF TRAVIS
 DISTRICT CLERK
 OCT 12 2020


SHEET 1 OF 1





ZONING EXHIBIT "B"

ZONING CASE#: C14-2024-0043



 SUBJECT TRACT

 PENDING CASE

 ZONING BOUNDARY



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 Planning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

1" = 400'
Exhibit A

Created: 3/27/2024