

ORDINANCE NO.

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 1230, 1300, 1400, 1402, AND 1406 EAST 38TH HALF STREET IN THE UPPER BOGGY CREEK NEIGHBORHOOD PLAN AREA FROM GENERAL COMMERCIAL SERVICES-MIXED USE-VERTICAL MIXED USE BUILDING-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (CS-MU-V-CO-NP) COMBINING DISTRICT TO GENERAL COMMERCIAL SERVICES-MIXED USE-VERTICAL MIXED USE BUILDING-CONDITIONAL OVERLAY-DENSITY BONUS 90-NEIGHBORHOOD PLAN (CS-MU-V-CO-DB90-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-vertical mixed use building-conditional overlay-neighborhood plan (CS-MU-V-CO-NP) combining district to general commercial services-mixed use-vertical mixed use building-conditional overlay-density bonus 90-neighborhood plan (CS-MU-V-CO-DB90-NP) combining district on the property described in Zoning Case No. C14-2023-0110, on file at the Planning Department, as follows:

LOT 2, AMENDED PLAT OF LOTS 1 AND 2, LA FONTANA PLACE, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Volume 89, Page 354, of the Plat Records of Travis County, Texas,

A 1.125 acre tract of land situated in the Thomas Hawkins Survey No. 9, Abstract No. 346, in the City of Austin, Travis County, Texas, being that same called 1.117 acre tract of land conveyed by deed recorded in Document No. 2020221023, of the Official Public Records of Travis County, Texas, said 1.125 acre tract of land being more particularly described by metes and bounds in **Exhibit “A”** incorporated into this ordinance.

0.42 acres of land out of the Thomas Hawkins Survey No. 9, Abstract No. 346, in the City of Austin, Travis County, Texas, being that certain 0.425 acre tract recorded in Volume 10565, Page 321, of the Real Property Records of Travis County, Texas, said 0.42 acres of land being more particularly described by metes and bounds in **Exhibit "B"** incorporated into this ordinance, and

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0.73 acres of land out of the Thomas Hawkins Survey No. 9, Abstract No. 346, in the
City of Austin, Travis County, Texas, and being all of that certain 1.07 acre tract,
called Tract One, recorded in Volume 10565, Page 318, of the Real Property Records
of Travis County, Texas, SAVE AND EXCEPT that certain 10,186 square feet of land
dedicated as right-of-way recorded in Volume 948, Page 470, of the Deed Records of
Travis County, Texas, said 0.73 acres of land being more particularly described by
metes and bounds in **Exhibit “C”** incorporated into this ordinance,

(collectively, the “Property”),

locally known as 1230, 1300, 1400, 1402, and 1406 East 38th Half Street in the City of
Austin, Travis County, Texas, generally identified in the map attached as **Exhibit “D”**.

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 conditional uses of the Property:

Custom Manufacturing
Laundry Services

Electronic Prototype Assembly
Limited Warehousing and
Distribution

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

Automotive Rentals
Automotive Washing (of any type)
Construction Sales and Services
Equipment Sales
Maintenance and Service Facilities
Outdoor Sports and Recreation

Automotive Sales
Commercial Blood Plasma Center
Equipment Repair Services
Kennels
Outdoor Entertainment
Vehicle Storage

PART 3. The Property may be developed in compliance and used in accordance with the
regulations established for density bonus 90 (DB90) combining district and other applicable
requirements of the City Code.

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.

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76 **PART 5.** Except for the 40 foot maximum height limitation, and as specifically modified
77 by this ordinance, the Property is subject to Ordinance No. 020801-92 that established
78 zoning for the Upper Boggy Creek Neighborhood Plan.

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

81 **PASSED AND APPROVED**

82 _____, 2024

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§
§

83 Kirk Watson
84 Mayor

85 **APPROVED:** _____ **ATTEST:** _____

86 Deborah Thomas
87 Interim City Attorney

88 Myrna Rios
89 City Clerk

TRAVIS COUNTY, TEXAS
1230 EAST 38TH-1/2 ST.
AUSTIN, TEXAS 78722

September 25, 2024
1.125 ACRES

EXHIBIT " "

DESCRIPTION

DESCRIPTION OF A 1.125 ACRE (49,006 SQUARE FEET) TRACT OF LAND SITUATED IN THE THOMAS HAWKINS SURVEY NO. 9, ABSTRACT NO. 346, TRAVIS COUNTY, TEXAS; BEING THAT SAME CALLED 1.117 ACRE TRACT OF LAND CONVEYED TO WESTBANK CLEANERS PROPERTY, LLC. OF RECORD IN DOCUMENT #2020221023, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 1.125 ACRE TRACT DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2-inch iron pipe found at a point of curvature of a curve to the left in the curving north right-of-way (R.O.W.) line of East 38th- 1/2 Street (R.O.W. varies), being the common south corner of said 1.117 acre tract and a called 0.42 acre tract (known as "Tract 1") conveyed to 706 W. 34th, LLC, and NASTEB KEYSTONE FAMILY, LTD., of record in Document #2020089625 of said Official Public Records, for the southeast corner of the tract described herein;

THENCE along the north R.O.W. of East 38th- 1/2 Street and the south line of said 1.117 acre tract, with the south line of the tract described herein, the following three (3) courses and distances:

1. Along said curve to the left having a radius of 403.46 feet, an arc length of 44.53 feet, and a chord which bears N 59°26'56" W, a distance of 44.51 feet to a calculated point of tangency,
2. N 62°35'58" W, a distance of 50.63 feet to a calculated point, and
3. N 62°35'58" W, a distance of 110.67 feet to a calculated point at the southwest corner of said 1.117 acre tract, for the southwest corner of the tract described herein;

THENCE, continuing along the north R.O.W. line of East 38-1/2th Street and also along the common line of said 1.117 acre tract and Lot 1, Amended Plat of Lots 1 and 2, La Fontana Place, a map or plat of record in Vol. 89, Pg. 354, Plat Records of Travis County, Texas, with the west and northwest lines of the tract described herein, the following three (3) courses and distances:

1. N 27°11'57" E, passing at a distance of 14.74 feet a calculated point at the southeast corner of said Lot 1, and continuing for a total distance of 206.14 feet to a calculated point for the northwest corner of the tract described herein,
2. N 72°31'17" E, a distance of 86.83 feet to a 1/2-inch iron rod found, and
3. N 70°21'29" E, a distance of 30.08 feet to a calculated point at the common north corner of said 1.117 acre tract and said 0.42 acre tract, for the north corner of the tract described herein;

THENCE, along the common line of said 1.117 acre tract and said 0.42 acre tract, with the northeast and east lines of the tract described herein, the following two (2) courses and distances:

TRAVIS COUNTY, TEXAS
1230 E. 38th 1/2 St.
Austin, Texas 78722

September 25, 2024

1. S $19^{\circ}27'03''$ E, a distance of 170.76 feet to a 1/2-inch iron pipe found at the northeast corner of said 1.117 acre tract and an interior corner of said 0.42 acre tract, for the northeast corner of the tract described herein, from which a 1/2-inch iron pipe found near the south R.O.W. line of Southern Pacific Railroad (Railroad appears abandoned), being at the common north corner of said 0.42 acre tract and a called 0.73 acre tract of land (known as "Tract 2") of record in said Document #2020089625 of said Official Public Records, bears S $87^{\circ}40'15''$ E, a distance of 53.64 feet and
2. S $27^{\circ}26'46''$ W, a distance of 175.09 feet to the POINT OF BEGINNING and containing 1.125 acres (49,006 square feet) of land, more or less.

BEARING BASIS: Texas Coordinate System, Central Zone (4203), NAD83, Grid.

That I, Cara L. Williams, a Registered Professional Land Surveyor, do hereby certify that the above description and the accompanying survey map are true and correct to the best of my knowledge and belief and was prepared from an actual on-the-ground survey under my direction and supervision.



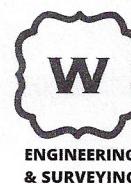
Cara L. Williams
RPLS No. 6336
State of Texas
Wuest Group
(512)394-1900



Date



SHEET 2 OF 3

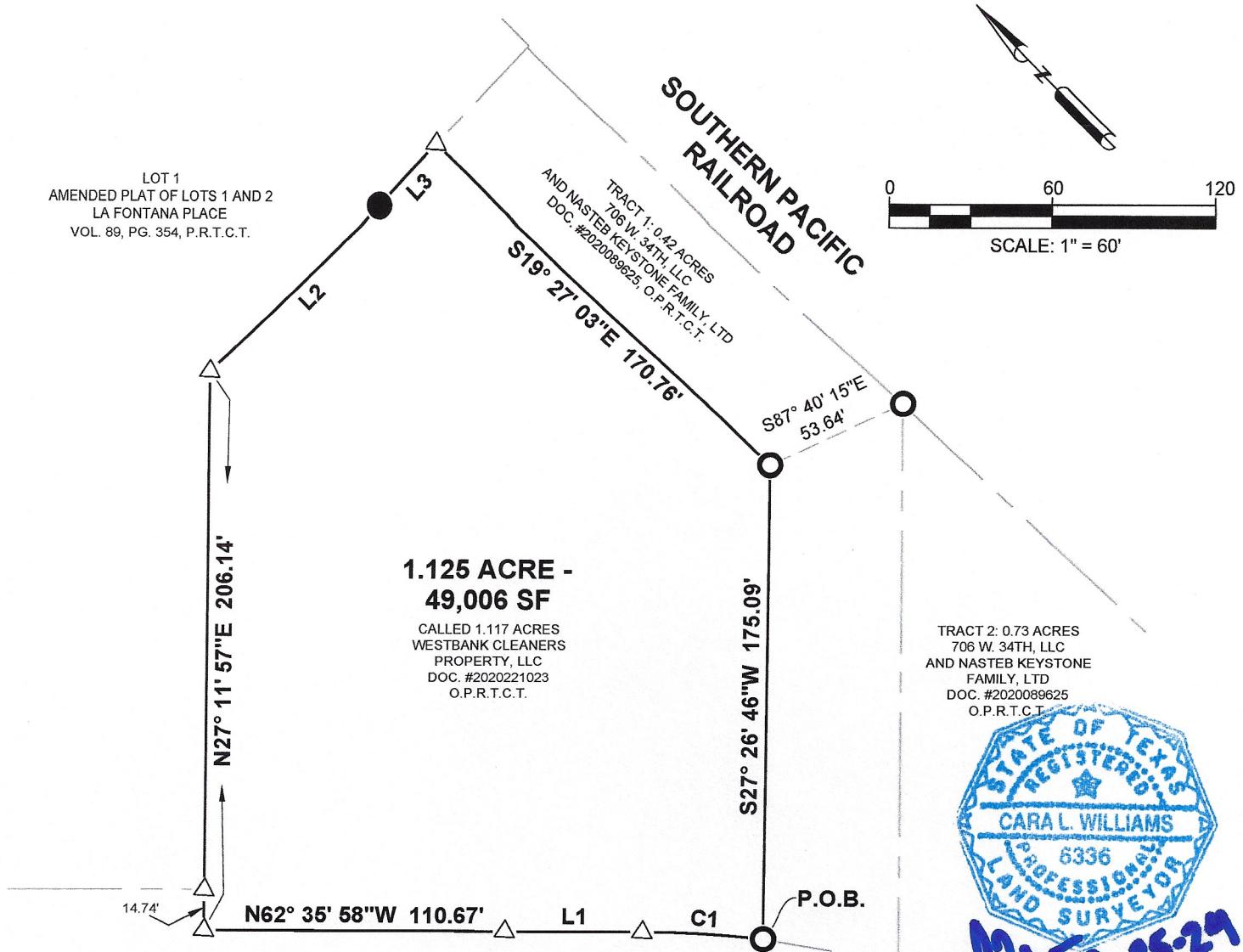


WUEST GROUP
TBPLS FIRM NO. 10194507
5207 AIRPORT BOULEVARD
AUSTIN, TEXAS 78751
(512) 394-1900

TRAVIS COUNTY, TEXAS
HAWKINS SURVEY NO. 9, A-346

EXHIBIT " "

SKETCH TO ACCOMPANY METES AND BOUNDS DESCRIPTION



LEGEND

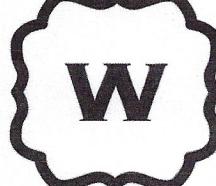
- 1/2" IRON ROD FOUND
- 1/2" IRON PIPE FOUND
- △ CALCULATED POINT
- P.O.B. POINT OF BEGINNING
- R.O.W. RIGHT-OF-WAY
- P.R.T.C.T. PLAT RECORDS, TRAVIS COUNTY, TEXAS
- O.P.R.T.C.T. OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS

CURVE TABLE

CURVE #	LENGTH	RADIUS	CHORD
C1	44.53'	403.46'	N59° 26' 56"W 44.51'

LINE TABLE

LINE #	DIRECTION	LENGTH
L1	N62° 35' 58"W	50.63'
L2	N72° 31' 17"E	86.83'
L3	N70° 21' 29"E	30.08'



WUEST GROUP
ENGINEERING & SURVEYING

TBPELS FIRM # 10194507
AND FIRM # F-15324
5207 AIRPORT BOULEVARD
AUSTIN, TEXAS 78751
(512)394-1900
SHEET

EXHIBIT "B"

BEING 0.42 OF AN ACRE OF LAND OUT OF THE THOMAS HAWKINS SURVEY NUMBER 9, ABSTRACT NUMBER 346, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, SAME BEING THAT CERTAIN GARWALD COMPANY, INC. 0.425 ACRE TRACT RECORDED IN VOLUME 10565, PAGE 321, REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS, SAID 0.42 OF AN ACRE OF LAND TO BE MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at an iron rod found in the westerly right-of-way line of That certain Capital Metropolitan Transportation Authority tract recorded in Volume 13187, Page 3118, Real Property Records, said county, at the southeast corner of Lot 2, Amended Plat of Lots 1 and 2, La Fontana Place, a subdivision recorded in Volume 89, Page 354, Plat Records, said county, same being the northeast corner of said 0.425 acre tract, for the northeast corner hereof;

THENCE South 19 degrees 41 minutes 35 seconds East, along said right-of-way line and the easterly line of said 0.425 acre tract, 190.81 feet to an iron pipe found in said line, at the most northerly corner of the remaining portion of that certain Giles Brothers, Inc. 1.07 acre tract recorded in Volume 10565, Page 318, Real Property Records, said county, same being an angle corner in the easterly line of said 0.425 acre tract, for an angle corner in the easterly line hereof;

THENCE South 27 degrees 12 minutes 14 seconds West, along the westerly line of said Giles Brothers, Inc. tract, continuing along the easterly line of said 0.425 acre tract, 206.05 feet to the northerly right-of-way line of E. 38th 1/2 Street, being in a curve to the left having a radius of 403.46 feet, at the southwest corner of said Giles Brothers, Inc. tract, same being the southeast corner of said 0.425 acre tract, for the southeast corner hereof;

THENCE along said right-of-way line and the southerly line of said 0.425 acre tract, along said curve to the left whose chord bears, North 52 degrees 53 minutes 46 seconds West, 50.77 feet to the southeast corner of that certain Garwald Company, Inc. 1.117 acre tract recorded in Volume 10565, Page 321, Real Property Records, said county, same being the southwest corner of said 0.425 acre tract, for the southwest corner hereof;

THENCE along the easterly line of said 1.117 acre tract and the westerly line of said 0.425 acre tract, North 27 degrees 38 minutes 14 seconds East, 174.76 feet to an iron pipe found and North 19 degrees 51 minutes 49 seconds West, 170.76 feet to the southerly line of said Lot 2, at the northeast corner of said 1.117 acre tract, same being the northwest corner of said 0.425 acre tract, for the northwest corner hereof;

THENCE North 70 degrees 24 minutes 08 seconds East, along the southerly line of said Lot 2 and the northerly line of said 0.425 acre tract, 50.25 feet to the POINT OF BEGINNING.

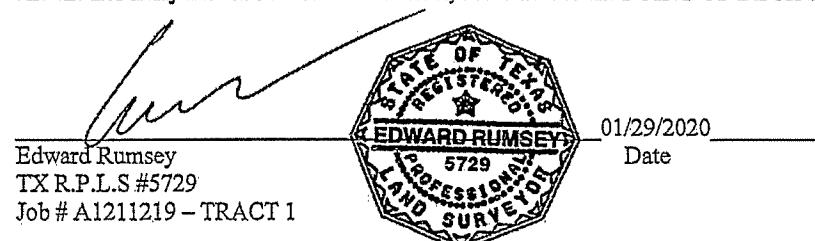


EXHIBIT "C"

BEING 0.73 OF AN ACRE OF LAND OUT OF THE THOMAS HAWKINS SURVEY NUMBER 9, ABSTRACT NUMBER 346, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AND BEING ALL OF THAT CERTAIN GILES BROTHERS, INC. 1.07 ACRE TRACT, CALLED TRACT ONE, RECORDED IN VOLUME 10565, PAGE 318, REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS, SAVE AND EXCEPT THAT CERTAIN 10,186 SQUARE FEET OF LAND FOR RIGHT-OF-WAY PURPOSES, RECORDED IN VOLUME 948, PAGE 470, DEED RECORDS, SAID COUNTY, ALSO BEING KNOWN AS A PORTION OF LOTS 5 AND 6 OF THE C. C. BROWNING PLACE, A SUBDIVISION RECORDED IN VOLUME Z, PAGE 596, DEED RECORDS, TRAVIS COUNTY, TEXAS, SAID 0.73 OF AN ACRE OF LAND TO BE MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at an iron pipe found in the westerly right-of-way line of That certain Capital Metropolitan Transportation Authority tract recorded in Volume 13187, Page 3118, Real Property Records, said county, at an angle corner in the easterly line of that certain Garwald Company, Inc. 0.425 acre tract recorded in Volume 10565, Page 321, Real Property Records, said county, same being northwest corner of said 1.07 acre tract, for the northwest corner hereof, from which an iron rod found at the northeast corner of said 0.425 acre tract bears North 19 degrees 41 minutes 35 seconds West, 190.81 feet;

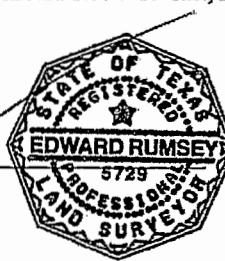
THENCE South 19 degrees 41 minutes 35 seconds East, along said right-of-way line and the northerly line of said 1.07 acre tract, 373.34 feet to the intersection of said right-of-way line and the northerly right-of-way line of E. 38th ½ Street, for the southeast corner hereof;

THENCE along said right-of-way line of E. 38th ½ Street, through said 1.07 acre tract, the following 4 calls,

1. North 62 degrees 12 minutes 46 seconds West, 122.81 feet to the beginning of a curve to the right having a radius of 212.92 feet,
2. Along said curve to the right whose chord bears, North 50 degrees 16 minutes 46 seconds West, 88.06 feet to the end of said curve to the right,
3. North 38 degrees 20 minutes 46 seconds West, 55.80 feet to the beginning of a curve to the left having a radius of 380.43 feet,
4. Along said curve to the left whose chord bears, North 39 degrees 24 minutes 46 seconds West, 14.18 feet to the southeast corner of said 0.425 acre tract, same being in the westerly line of said 1.07 acre tract, for the southwest corner hereof;

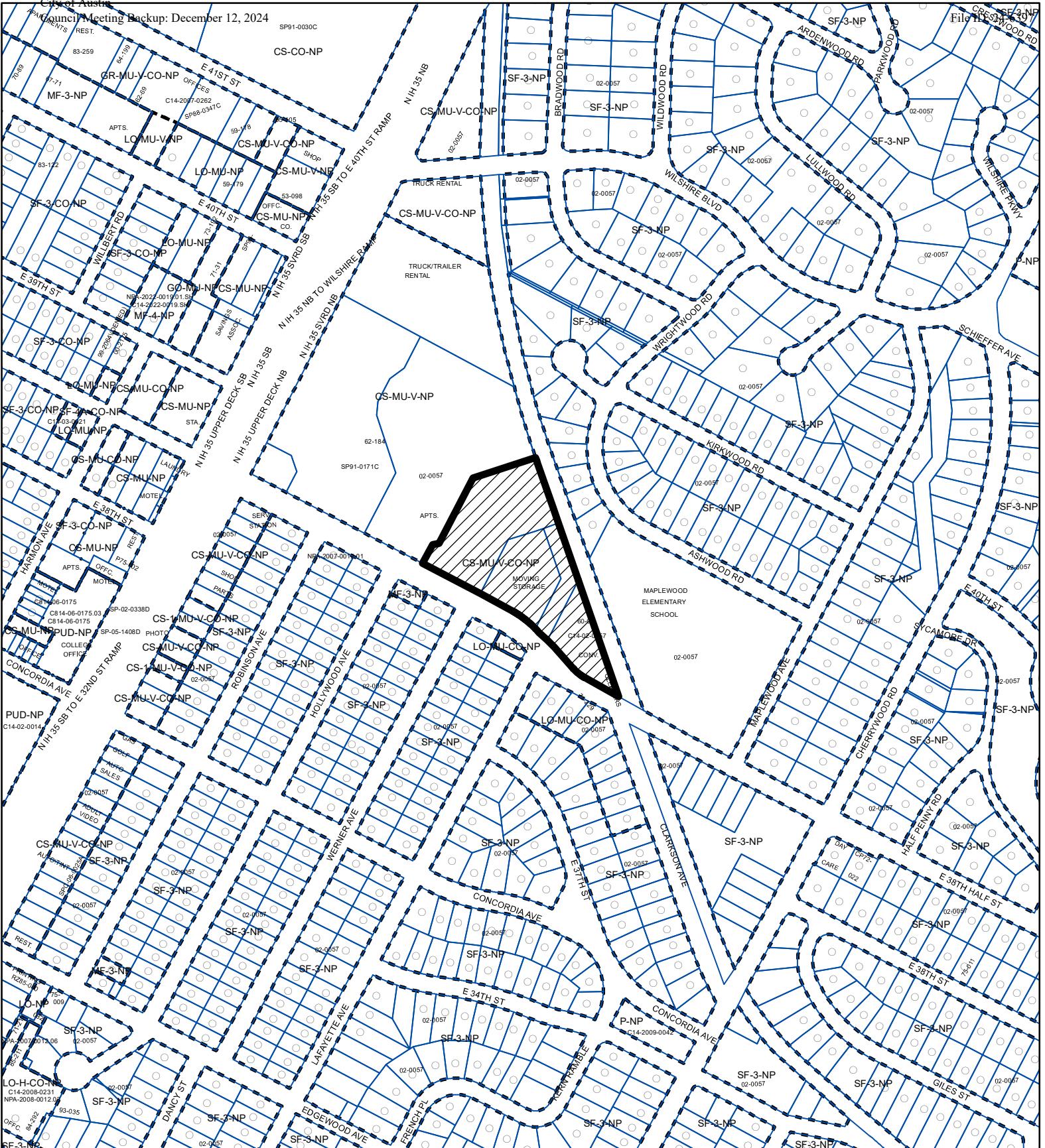
THENCE North 27 degrees 12 minutes 14 seconds East, along the easterly line of said 0.425 acre tract and the westerly line of said 1.07 acre tract, 206.05 feet to the POINT OF BEGINNING.

Edward Rumsey
TX R.P.L.S #5729
Job # A1211219 – TRACT 2



01/29/2020
Date

-0030C



SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

ZONING

EXHIBIT "D"

ZONING CASE#: C14-2023-0110

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.

$$1" = 400'$$

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: 9/19/2023