

ORDINANCE NO. 20141002-074

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 2428 AND 2432 SOUTH FIRST STREET FROM LIMITED OFFICE (LO) DISTRICT TO GENERAL COMMERCIAL SERVICES-CONDITIONAL OVERLAY (CS-CO) COMBINING DISTRICT FOR TRACT 1; FROM LIMITED OFFICE (LO) DISTRICT TO NEIGHBORHOOD COMMERCIAL-CONDITIONAL OVERLAY (LR-CO) COMBINING DISTRICT FOR TRACT 2; AND, FROM LIMITED OFFICE (LO) DISTRICT TO LIMITED OFFICE-CONDITIONAL OVERLAY (LO-CO) COMBINING DISTRICT FOR TRACT 3.

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 on the property (the "Property") described in Zoning Case No. C14-2014-0105, on file at the Planning and Development Review Department, as follows:

TRACT 1:

from limited office (LO) district to general commercial services-conditional overlay (CS-CO) combining district

0.14 acre tract of land, more or less, out of the Isaac Decker League Abstract No. 8 the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance;

TRACT 2:

from limited office (LO) district to neighborhood commercial-conditional overlay (LR-CO) combining district

0.34 acre tract of land, more or less, out of the Isaac Decker League Abstract No. 8 the tract of land being more particularly described by metes and bounds in Exhibit "B" incorporated into this ordinance; and,

TRACT 3:

from limited office (LO) district to limited office-conditional overlay (LO-CO) combining district

0.21 acre tract of land, more or less, out of the Isaac Decker League Abstract No. 8 the tract of land being more particularly described by metes and bounds in Exhibit "C" incorporated into this ordinance

locally known as 2428 and 2432 South First Street in the City of Austin, Travis County, Texas, and 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. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 2,000 trips per day.
- B. Vehicular access to and from the Property via the northern property line of Tract 3 is prohibited, except for pedestrian, bicycle and emergency ingress and egress. All vehicular access to the Property shall be from other adjacent public streets or through other adjacent property.
- C. The following uses are prohibited uses of Tract 2:
 - Medical offices-exceeding 5000 sq. ft. gross floor area
 - Custom manufacturing
 - Service station

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 for tract 1, neighborhood commercial (LR) base district for tract 2, limited office (LO) base district for tract 3 and other applicable requirements of the City Code.

PART 3. This ordinance takes effect on October 13, 2014.

PASSED AND APPROVED

October 2, 2014

§
§
§

Lee Leffingwell
Lee Leffingwell
Mayor

APPROVED: _____
Karen M. Kennard
Karen M. Kennard
City Attorney

ATTEST: _____
Jannette S. Goodall
Jannette S. Goodall
City Clerk

HOLT CARSON, INC.

PROFESSIONAL LAND SURVEYORS

1904 FORTVIEW ROAD
AUSTIN, TEXAS 78704
TELEPHONE: (512) 442-0990
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"EXHIBIT ____"

RE-ZONING TRACT

FIELD NOTE DESCRIPTION OF 0.145 ACRE OF LAND OUT OF THE ISAAC DECKER LEAGUE ABSTRACT No. 8 IN TRAVIS COUNTY, TEXAS, BEING COMPRISED OF ALL OF THAT CERTAIN (5,760 SQUARE FEET) "TRACT 1" TOGETHER WITH A PORTION OF THAT CERTAIN (907 SQUARE FEET) "TRACT 2", AS CONVEYED TO JAMES J. SAMON, JR. BY DEED RECORDED IN VOLUME 12866 PAGE 2039 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½" iron rod found in the West right-of-way line of South 1st Street for the Northeast corner of "Tract 1" and the Southeast corner of "Tract 2" as conveyed to James J. Samon, Jr. by Warranty Deed recorded in Volume 12866 Page 2039 of the Real Property Records of Travis County, Texas, and being the **PLACE OF BEGINNING** of the herein described tract of land, for re-zoning;

THENCE with the West right-of-way line of South 1st Street and with the East line of said Samon "Tract 1", S 28 deg. 09' 57" W 52.72 ft. to a point in the North line of that certain tract of land as conveyed to James Samon, Jr. by deeds recorded in Document Nos. 1999093703, 1999093704 and 1999093705 of the Official Public Records of Travis County, Texas, and for the Northwest corner of that certain (855 square feet) tract of land as conveyed to the City of Austin by deed recorded in Volume 2244 Page 279 of the Deed Records of Travis County, Texas, and for the Southeast corner of this tract to be re-zoned;

THENCE leaving the West right-of-way line of South 1st Street with the common line of said Samon "Tract 1" and said Samon (Document No. 1999093703) tract, N 70 deg. 01' 15" W 109.66 ft. to a point in the East line of that certain (6,219 square feet) tract of land described as "Tract 3" and as conveyed to James J. Samon, Jr. by said Warranty Deed recorded in Volume 12866 Page 2039 of the Real Property Records of Travis County, Texas, for the Southwest corner of said Samon "Tract 1" and for the Northwest corner of said Samon (Document No. 1999093703) tract, and being the Southwest corner of this tract to be re-zoned;

THENCE with the common line of said Samon "Tract 1" and said Samon "Tract 3", N 26 deg. 38' 06" E at 52.51 ft. passing the Northwest corner of said Samon "Tract 1" and the Northeast corner of said Samon "Tract 3" and the South line of said Samon "Tract 2" and continuing with the same bearing for a total distance of 57.48 ft. to a point in the North line of said Samon "Tract 2" and in the South line of that certain (0.19 acre) tract of land as conveyed to Willie V. Ates Houston, et al, by deed recorded in Document No. 2000128974 of the Official Public Records of Travis County, Texas, and being the Northwest corner of this tract to be re-zoned;

Page 2 of 2
0.145 ACRE – Re-zoning tract

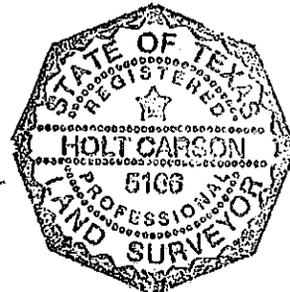
THENCE with the North line of said Samon "Tract 2", S 70 deg. 04' 22" E 111.23 ft. to a point in the West right-of-way line of South 1st Street for the Northeast corner of said Samon "Tract 2" and for the Southeast corner of that certain tract of land as conveyed to James John Samon, et ux, by deed recorded in Volume 3640 Page 1310 of the Deed Records of Travis County, Texas, and being the Northeast corner of this tract to be re-zoned;

THENCE with the West right-of-way line of South 1st Street and with the East line of said Samon "Tract 2", S 28 deg. 08' 55" W 5.06 ft. to the **PLACE OF BEGINNING**, containing 0.145 acre of land.

PREPARED: September 6, 2014



Holt Carson
Registered Professional Land Surveyor No. 5166



see accompanying sketch: A 839134

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"EXHIBIT ____"

RE-ZONING TRACT

FIELD NOTE DESCRIPTION OF 0.342 ACRE OF LAND OUT OF THE ISAAC DECKER LEAGUE ABSTRACT No. 8 IN TRAVIS COUNTY, TEXAS, BEING COMPRISED OF ALL OF THAT CERTAIN (0.19 ACRE) TRACT OF LAND AS CONVEYED TO WILLIE V. ATEs HOUSTON, ET AL, BY DEED RECORDED IN DOCUMENT No. 2000128974 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, TOGETHER WITH A PORTION OF THAT CERTAIN (907 SQUARE FEET) "TRACT 2", AND ALL OF THAT CERTAIN (6,219 SQUARE FEET) "TRACT 3" AS CONVEYED TO JAMES J. SAMON, JR. BY DEED RECORDED IN VOLUME 12866 PAGE 2039 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING FOR REFERENCE at a ½" iron rod found in the South line of a twenty feet (20') wide strip of land for an Easement as indicated on the map or plat of Loma Linda, a subdivision in Travis County, Texas, as recorded in Volume 4 Page 216 of the Plat Records of Travis County, Texas, for the Northwest corner of that certain tract of land as conveyed to James J. Samon, Jr. by deed recorded in Document No. 2005211333 of the Official Public Records of Travis County, Texas, and as described in Volume 3627 Page 993 of the Deed Records of Travis County, Texas;

THENCE with the West line of said Samon (Document No. 2005211333 and Volume 3627 Page 993), S 19 deg. 58' 11" W 84.60 ft. to a pont for the Southwest corner of said Samon (Document No. 2005211333 and Volume 3627 Page 993) and for the Northwest corner of that certain (0.19 acre) tract of land as conveyed to Willie V. Ates Houston, et al, by deed recorded in Document No. 2000128974 of the Official Public Records of Travis County, Texas, and being the Northwest corner and **PLACE OF BEGINNING** of the herein described tract to be re-zoned;

THENCE with the common line of said Samon (Document No. 2005211333 and Volume 3627 Page 993) and said Houston (0.19 acre) tract, S 70 deg. 01' 06" E 99.99 ft. to a point for the Northeast corner of said Houston (0.19 acre) tract and for the Northwest corner of that certain tract of land as conveyed to James John Samon, et ux, by deed recorded in Volume 3640 Page 1310 of the Deed Records of Travis County, Texas, and being the Northeast corner of this tract to be re-zoned;

end of Page 1

THENCE with the common line of said Houston (0.19 acre) tract and said Samon (Volume 3640 Page 1310) tract, S 19 deg. 55' 16" W 82.64 ft. to a point in the North line of that certain "Tract 2" (907 square feet) as conveyed to James J. Samon, Jr. by deed recorded in Volume 12866 Page 2039 of the Real Property Records of Travis County, Texas, for the Southeast corner of said Houston (0.19 acre) tract and for the Southwest corner of said Samon (Volume 3640 Page 1310) tract, and being an angle corner of this tract to be re-zoned;

THENCE with the common line of said Houston (0.19 acre) tract and said Samon (907 square feet) tract, N 70 deg. 04' 22" W 27.51 ft. to a point for an angle corner of this tract to be re-zoned;

THENCE, S 26 deg. 38' 06" W at 4.97 ft. passing the South line of said Samon (907 square feet) tract and the Northwest corner of that certain "Tract 1" (5,760 square feet) tract and the Northeast corner of that certain "Tract 3" (6,219 square feet) tract, both having been conveyed to James J. Samon, Jr. by said deed recorded in Volume 12866 Page 2039 of the Real Property Records of Travis County, Texas, and continuing with the same bearing for a total distance of 99.49 ft. to a ½" iron rod found for the Southeast corner of said Samon "Tract 3" and for the Southwest corner of certain tract of land as conveyed to James Samon, Jr. by deeds recorded in Document Nos. 1999093703, 1999093704 and 1999093705 of the Official Public Records of Travis County, Texas, and being the Southeast corner of this tract to be re-zoned;

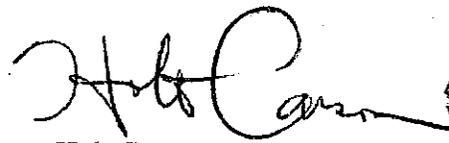
THENCE with the South line of said Samon "Tract 3", N 70 deg. 40' 40" W 60.70 ft. to a 5/8" iron rod found for the Southwest corner of said Samon "Tract 3" and being the Southwest corner of this tract to be re-zoned;

THENCE with the West line of said Samon "Tract 3", N 19 deg. 47' 18" E 94.56 ft. to a ½" iron rod found for the Northwest corner of said Samon "Tract 3" and for the Southwest corner of said Samon "Tract 2" and being an angle corner of this tract to be re-zoned;

THENCE with the West line of said Samon "Tract 2", N 19 deg. 58' 11" E 4.88 ft. to a ½" iron rod found for the Northwest corner of said Samon "Tract 2" and for the Southwest corner of that certain (0.19 acre) tract of land as conveyed to Willie V. Ates Houston, et al, by deed recorded in Document No. 2000128974 of the Official Public Records of Travis County, Texas;

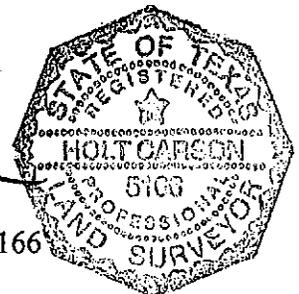
THENCE with the West line of said Houston (0.19 acre) tract, N 19 deg. 58' 11" E 82.74 ft. to the **PLACE OF BEGINNING**, containing 0.342 acre of land.

PREPARED: September 6, 2014



Holt Carson

Registered Professional Land Surveyor No. 5166



see accompanying sketch: A 839134

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"EXHIBIT ____"**RE-ZONING TRACT**

FIELD NOTE DESCRIPTION OF 0.215 ACRE OF LAND OUT OF THE ISAAC DECKER LEAGUE ABSTRACT No. 8 IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN TRACT OF LAND AS CONVEYED TO JAMES J. SAMON, JR. BY DEED RECORDED IN DOCUMENT No. 2005211333 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND AS DESCRIBED IN VOLUME 3627 PAGE 993 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½" iron rod found in the South line of a twenty feet (20') wide strip of land for an Easement as indicated on the map or plat of Loma Linda, a subdivision in Travis County, Texas, as recorded in Volume 4 Page 216 of the Plat Records of Travis County, Texas, for the Northwest corner of that certain tract of land as conveyed to James J. Samon, Jr. by deed recorded in Document No. 2005211333 of the Official Public Records of Travis County, Texas, and as described in Volume 3627 Page 993 of the Deed Records of Travis County, Texas, and being the Northwest corner and **PLACE OF BEGINNING** of the herein described tract to be re-zoned;

THENCE with the South line of said Easement strip and with the North line of said Samon (Document No. 2005211333 and Volume 3627 Page 993) tract, S 70 deg. 00' 00" E 110.55 ft. to a point for the Northeast corner of this tract to be re-zoned;

THENCE leaving the South line of said Easement strip and crossing the interior of said Samon (Document No. 2005211333 and Volume 3627 Page 993) tract with the East line of this tract, S 20 deg. 00' 00" W 84.56 ft. to a point in the South line of said Samon (Document No. 2005211333 and Volume 3627 Page 993) tract and in the North line of that certain tract of land as conveyed to James John Samon, et ux, by deed recorded in Volume 3640 Page 1310 of the Deed Records of Travis County, Texas, and for the Southeast corner of this tract to be re-zoned;

THENCE with the South line of said Samon (Document No. 2005211333 and Volume 3627 Page 993) tract N 70 deg. 01' 05" W at 10.52 ft. passing the Northwest corner of said Samon (Volume 3640 Page 1310) tract and the Northeast corner of that certain (0.19 acre) tract of land as conveyed to Willie V. Ates Houston, et al, by deed recorded in Document No. 2000128974 of the Official Public Records of Travis County, Texas, and continuing with the same bearing for a total distance of 110.51 ft. to a point for the Northwest corner of said Houston (0.19 acre) tract and for the Southwest corner of said Samon (Document No. 2005211333 and Volume 3627 Page 993) and being the Southwest corner of this tract to be re-zoned;

Page 2 of 2
0.215 ACRE – Re-zoning tract

THENCE with the West line of said Samon (Document No. 2005211333 and Volume 3627 Page 993) tract, N 19 deg. 58' 11" E 84.60 ft. to the **PLACE OF BEGINNING**, containing 0.215 acre of land.

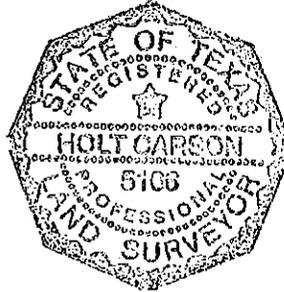
PREPARED: September 6, 2014



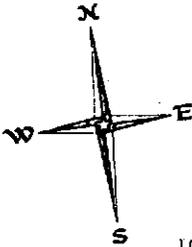
Holt Carson

Registered Professional Land Surveyor No. 5166

see accompanying sketch: A 839134



SCALE: 1" = 30'



Legend

- ⊙ 1/2" Iron Rod Found (unless noted)
- ⊠ 1/2" Iron Rod Found with plastic cap imprinted with "RPLS 4835"
- ⊙ Calculated Point
- (Record Bearing and Distance)

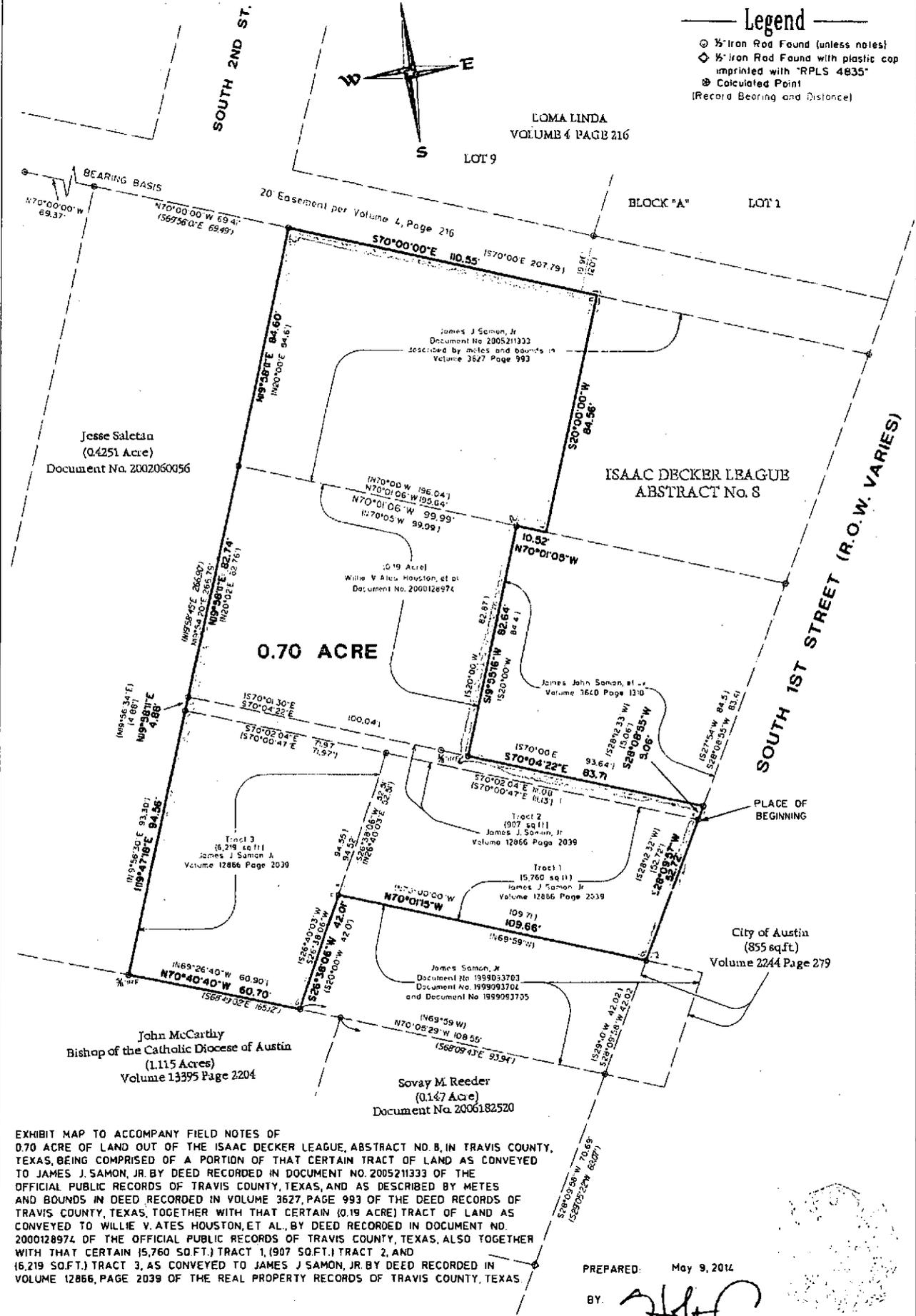


EXHIBIT MAP TO ACCOMPANY FIELD NOTES OF 0.70 ACRE OF LAND OUT OF THE ISAAC DECKER LEAGUE, ABSTRACT NO. 8, IN TRAVIS COUNTY, TEXAS, BEING COMPRISED OF A PORTION OF THAT CERTAIN TRACT OF LAND AS CONVEYED TO JAMES J. SAMON, JR. BY DEED RECORDED IN DOCUMENT NO. 2005211333 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND AS DESCRIBED BY METES AND BOUNDS IN DEED RECORDED IN VOLUME 3627, PAGE 993 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, TOGETHER WITH THAT CERTAIN (0.19 ACRE) TRACT OF LAND AS CONVEYED TO WILLIE V. ATES HOUSTON, ET AL., BY DEED RECORDED IN DOCUMENT NO. 2000128974 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, ALSO TOGETHER WITH THAT CERTAIN (5,760 SQ.FT.) TRACT 1, (907 SQ.FT.) TRACT 2, AND (6,219 SQ.FT.) TRACT 3, AS CONVEYED TO JAMES J. SAMON, JR. BY DEED RECORDED IN VOLUME 12866, PAGE 2039 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS.

PREPARED: May 9, 2014

BY: *Holt Carson*

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