

ORDINANCE NO. 20180308-026

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 2514 THRASHER LANE IN THE MONTOPOLIS NEIGHBORHOOD PLAN AREA FROM GENERAL COMMERCIAL SERVICES-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (CS-CO-NP) COMBINING DISTRICT TO GENERAL COMMERCIAL SERVICES-MIXED USE-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (CS-MU-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-conditional overlay-neighborhood plan (CS-CO-NP) combining district to general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district on the property described in Zoning Case No. C14-2017-0125, on file at the Planning and Zoning Department, as follows:

4.999 acres out of the Santiago Del Valle Grant in Travis County, Texas, being that same certain tract described as the first tract in deed to O.D. Bradsher, Sr., of record in Volume 10808, Page 504 of the Real Property Records of Travis County, Texas, said 4.999 acres more particularly described by metes and bounds in **Exhibit "A"** incorporated into this ordinance (the "Property"),

locally known as 2514 Thrasher Lane in the City of Austin, Travis County, Texas, generally identified in the map attached as **Exhibit "B"**.

PART 2. In this ordinance, the Hazardous Materials Property means a 4.15-acre tract of land conveyed to Wilson Oxygen and Supply Company pursuant to the deed recorded under volume 10398, page 871 of the Official Public Records of Travis County, Texas, more particularly described by metes and bounds in **Exhibit "C"**.

PART 3. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

- A. Residential dwelling units are prohibited on the Property in the area that is south of a line that is 1,000 feet north of the northern boundary of the Hazardous Materials Property, as illustrated in **Exhibit "D"** (the "Hazardous Setback"), unless at the time of development application the Austin Fire

Department (“AFD”) makes an affirmative determination that the Hazardous Setback is no longer needed to protect the public from hazardous materials. If AFD makes such a determination, residential dwelling units are permitted on the Property according to the setbacks in the base zoning district.

- B. A site plan or building permit for a residential use on the Property may not be approved, released, or issued, nor shall the Property be developed with residential dwelling units, until the Property has been surveyed by a licensed surveyor to determine the precise location of the Hazardous Setback.
- C. A site plan or building permit for development on 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 300 trips per day on to Thrasher Lane.
- D. Vehicular traffic associated with residential use of the Property to or from Thrasher Lane is prohibited except for pedestrian, bicycle, and emergency ingress and egress. Access to the Property for all vehicular traffic associated with a residential use shall be from other adjacent public streets or through other adjacent property.

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) district and other applicable requirements of the City Code.

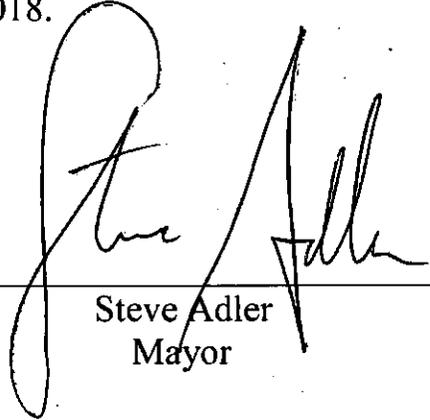
PART 5. The Property is subject to Ordinance No. 010927-28 that established zoning for the Montopolis Neighborhood Plan.

PART 6. This ordinance takes effect on March 19, 2018.

PASSED AND APPROVED

March 8, 2018

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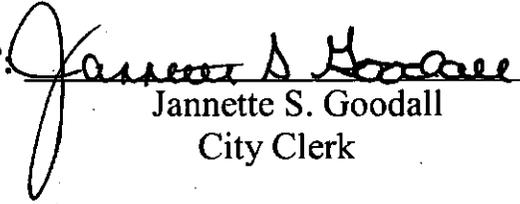
Steve Adler
Mayor

APPROVED:



Anne L. Morgan
City Attorney

ATTEST:



Jannette S. Goodall
City Clerk

EXHIBIT "A"

METES AND BOUNDS DESCRIPTION
4.999 ACRES OUT OF THE SANTIAGO DEL VALLE GRANT
CITY OF AUSTIN
TRAVIS COUNTY, TEXAS

ALL THAT CERTAIN PARCEL OR TRACT OF LAND BEING 4.999 ACRES OUT OF THE SANTIAGO DEL VALLE GRANT IN TRAVIS COUNTY, TEXAS, AND BEING THAT SAME CERTAIN TRACT DESCRIBED AS THE FIRST TRACT IN DEED TO O.D. BRADSHER, SR., OF RECORD IN VOLUME 10808, PAGE 504 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, SAID 4.999 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron rod found at the west corner of Lot A of Travis 51 Addition, a subdivision in Travis County, Texas, of record in Plat Book 78, Page 256 of the Travis County Plat Records, in the northeast line of that certain tract described in a deed to Luxor Ben White 1 Ltd, of record in Volume 12417, Page 1623 of the Real Property Records of Travis County, Texas, at the south corner of said Bradsher 5 acre tract, for the south corner and POINT OF BEGINNING hereof

THENCE with the southwest line of said Bradsher 5 acre tract, N44d33'49"W, at a distance of 186.78 feet passing an iron rod found 1.38 feet left of line, marking an angle point in the northeast line of said Luxor Ben White 1 tract, and continuing on for a total distance of 423.04 feet to a 3/4" iron pipe found in the northeast line of said Luxor Ben White 1 tract, at the south corner of a 1.36 acre tract shown to be in the name of John Stratton, Jr. on the tax rolls of Travis County, Texas, at the west corner of said Bradsher 5 acre tract, for the west corner hereof

THENCE with the southeast line of said Stratton 1.36 acre tract, then with the southeast line of that certain 2 acre tract described in a deed to John Stratton, Jr., of record in Volume 2441, Page 295 of the Deed Records of Travis County, Texas, and then with the southeast of a second 2 acre tract described in a deed to John Stratton, Jr., of record in Volume 4059, Page 2240 of the Deed Records of Travis County, Texas, and with the northwest line of said Bradsher 5 acre tract, N30d14'05"E, at a distance of approximately 257.4 feet passing the east corner of said 1.36 acre tract and south corner of said 2 acre tract first mentioned above, at a distance of approximately 395.68 feet passing the east corner of said 2 acre tract first mentioned above and south corner of said second 2 acre tract, and continuing on for a total distance of 478.20 feet to a 1/2" iron rod set in the southeast line of said second 2 acre tract, at the west corner of that certain tract called 1-1/2 acre, described as Second Tract in said Bradsher deed of record in Volume 10808, Page 504 of the Real Property Records of Travis County, Texas, for the north corner of said Bradsher 5 acre tract and north corner hereof

EXHIBIT A

THENCE with the southwest line of said Bradsher 1-1/2 acre tract and northeast line of said Bradsher 5 acre tract, S59d43'04"E for a distance of 408.06 feet to a 1/2" iron rod found at a north corner of said Lot A, Travis 51 Addition, being also the west corner of Thrasher Lane, a 50' public Right-of-Way dedicated by Volume 2671, Page 88, as corrected in Volume 2754, Page 110, both of the Deed Records of Travis County, Texas, at the south corner of said Bradsher 1-1/2 acre tract and east corner of said Bradsher 5 acre tract, for the east corner hereof

THENCE with the northwest line of said Lot A, Travis 51 Addition and southeast line of said Bradsher 5 acre tract, S30d13'00"W for a distance of 588.79 feet to the POINT OF BEGINNING hereof and containing 4.999 acres of land, more or less.

As surveyed August 28, 1997 by Samford & Associates, Land Surveying (see Survey Plat of even date herewith, attached and made a part)

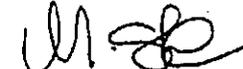

Michael Samford, R.P.L.S. 3693
970517



EXHIBIT "A"
J. LEROY BUSH

REGISTERED PUBLIC SURVEYOR

1023 HARRIS

AUSTIN, TEXAS 78704

PHONE 512-2833

June 24, 1987

FIELD NOTES TO 4.15 ACRES OF LAND OUT OF THE SANTIAGO DEL VALLE GRANT IN TRAVIS COUNTY, TEXAS, SAME BEING ALL OF THAT CERTAIN (4.15 ACRE) TRACT OF LAND CONVEYED TO THE BEN FRANKLIN CORPORATION BY DEED RECORDED IN VOLUME 8991, PAGE 568 OF THE TRAVIS COUNTY DEED RECORDS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at an iron rod found in a west line of that certain (39.973 acre) tract of land conveyed to Crenshaw/Carter by deed recorded in Volume 7115, Page 1733 of the Travis County Deed Records, same being at the Northeast corner of Lot A, A-1 Addition, according to the map or plat of said subdivision recorded in Book 77, Page 228 of the Plat Records of Travis County, Texas, same being at the Southeast corner of that certain (4.15 acre) tract of land conveyed to Ben Franklin Corporation by deed recorded in Volume 8991, Page 568 of the Travis County Deed Records, for the Southeast corner and Place of Beginning of the herein described tract;

THENCE with the north line of Lot A, and the south line of the said Ben Franklin Corp. tract, N 67 deg. 30' 30" W 600.43 ft. to an iron rod found in the east R.O.W. line of Montopolis Drive, at the Southwest corner of the said Ben Franklin Corp. tract, for the Southwest corner of this tract;

THENCE with the east line of Montopolis Drive, N 29 deg. 56' E at 332.40 ft. pass an iron rod found at the original Southwest corner of that certain (0.60 acre) tract of land conveyed to Udo Haufler by deed recorded in Volume 3924, Page 288 of the Travis County Deed Records, same being the original Northwest corner of that certain (1.54 acre) tract of land conveyed to Udo Haufler by deed recorded in Volume 3748, Page 488 of the Travis County Deed Records, and continuing along the same course for a total distance of 382.70 ft. to an iron rod found at the original Northwest corner of the said Haufler (0.60 acre) tract, same being at the Northwest corner of the said Ben Franklin Corp. tract, for the Northwest corner of this tract;

THENCE with the north line of the said Ben Franklin Corp. tract, S 55 deg. 36' 20" E 517.27 ft. to an iron rod found at the Northeast corner of the said Ben Franklin Corp. tract, for the Northeast corner of this tract;

THENCE with the east line of the said Ben Franklin Corp. tract, S 13 deg. 11' W 276.42 ft. to the Place of Beginning, containing 4.15 acres of land.

SURVEYED June 1987
EXHIBIT A

By 
J. Leroy Bush 10388 0873

EXHIBIT C



1,000'

1,000'

The location of the "Hazardous Setback" depicted in this Exhibit is only an approximation and is depicted solely for illustrative purposes. The actual location of the "Hazardous Setback" may only be determined by a survey conducted by a licensed surveyor retained by the Owner of the Property or the Owner's authorized agent.

WILSON OXYGEN & SUPPLY CO.
DBA, PRAAIR

4.15 Acre Tract Conveyed to Wilson Oxygen & Supply Co. by deed recorded in Volume 10338, Page 871 of the Official Public Records of Travis County, Texas, which Tract is described as the "Hazardous Materials Property" in the Restrictive Covenant for Zoning Case No. C14-2018-0113 to which this Exhibit is attached.

EXHIBIT D