

ORDINANCE NO. 20190131-050

AN ORDINANCE AMENDING ORDINANCE NO. 20020131-20, REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 310 AND 312 WEST 38TH STREET AND 3803, 3805, AND 3807 AVENUE B IN THE HYDE PARK NEIGHBORHOOD CONSERVATION-NEIGHBORHOOD PLAN AND THE HYDE PARK NEIGHBORHOOD PLAN AREA FROM FAMILY RESIDENCE-NEIGHBORHOOD CONSERVATION-NEIGHBORHOOD PLAN (SF-3-NCCD-NP) COMBINING DISTRICT AND MULTIFAMILY RESIDENCE MODERATE-HIGH DENSITY-NEIGHBORHOOD CONSERVATION-NEIGHBORHOOD PLAN (MF-4-NCCD-NP) COMBINING DISTRICT TO MULTIFAMILY RESIDENCE MODERATE-HIGH DENSITY-NEIGHBORHOOD CONSERVATION-NEIGHBORHOOD PLAN (MF-4-NCCD-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 zone the property from family residence-neighborhood conservation-neighborhood plan (SF-3-NCCD-NP) combining district and multifamily residence moderate-high density-neighborhood conservation-neighborhood plan (MF-4-NCCD-NP) combining district to multifamily residence moderate-high density-neighborhood conservation-neighborhood plan (MF-4-NCCD-NP) combining district on the property described in Zoning Case No. C14-01-0046.03, on file at the Planning and Zoning Department, as follows:

0.878 acre (approximately 38,239 sq. ft.) out of Outlot 78, Division D, in the City of Austin, Travis County, Texas, and being more particularly described by metes and bounds in **Exhibit "A"** incorporated into this ordinance (the "Property"),

locally known as 310 and 312 West 38th Street and 3803, 3805, and 3807 Avenue B in the City of Austin, Travis County, Texas, generally identified in the map attached as **Exhibit "B"**.

PART 2. The Hyde Park NCCD-NP was approved on January 31, 2002, under Ordinance No. 20020131-20 (hereafter the "Original Ordinance") and amended under Ordinance Nos. 20080605-062, 20120112-086, 20140522-071 and 20180614-095.

PART 3. Part 6 (*Permitted and Conditional Uses*) of the Original Ordinance is amended to change Paragraph 1 to read as follows:

- The following table establishes the permitted and conditional uses for property in commercial zoning districts in the Hyde Park NCCD and for property described in **Exhibit "A"**. Use regulations in this section may be modified in Section 2 of this part.

Column (A) applies to property with commercial zoning in the Residential, Speedway, Duval, West 38th, and Hyde Park Civic Districts that are not included in Column (B) or Column (C).

Column (B) applies to property at the following locations: 408 E. 43rd Street; the Duval Shopping Center which includes 411, 413, 417, and 419 E. 43rd Street and 4220, 4222, 4224 and 4230 Duval Street; and 4206 Duval Street.

Column (C) applies to property located at 4300 Speedway.

USES:	Column A					Column B			Column C
	CS	GR	GO	LO	NO	CS	GR	LR	CS
Administrative and business offices	P	P	P	P	P	P	P	P	P
Art and craft studio (limited)	P	P	P	P	--	P	P	P	P
Art and craft studio (general)	P	--	--	--	--	P	--	--	P
Commercial off-street parking	C	C	--	--	--	C	C	--	C
Condominium Residential	--	--	--	--	--	--	--	--	P
Congregate living	C	C	C	C	C	C	C	C	C
Consumer convenience services	C	C	--	--	--	P	P	P	P
Consumer repair services	C	C	--	--	--	P	P	P	P
Cultural services	P	P	P	P	--	P	P	P	P
Custom manufacturing	--	--	--	--	--	C	--	--	--
Club or lodge	C	C	C	C	--	C	C	C	C
Day care services (limited)	P	P	P	P	P	P	P	P	P
Day care services (general)	P	P	P	P	P	P	P	P	P
Day care services	P	P	P	P	P	P	P	P	P

USES:	Column					Column			Column
	A					B			C
	CS	GR	GO	LO	NO	CS	GR	LR	CS
(commercial)									
Duplex residential	P	P	P	P	P	P	P	P	P
Family home	P	P	P	P	P	P	P	P	P
Financial services	C	C	--	--	--	P	P	P	P
Food sales	C	C	--	--	--	P	P	P	P
General retail sales (convenience)	C	C	--	--	--	P	P	P	P
General retail sales (general)	C	C	--	--	--	P	P	--	--
Group home class I (limited)	P	P	P	P	P	P	P	P	P
Group home class I (general)	P	P	P	P	P	P	P	P	P
Group home class II	P	P	P	C	C	P	P	P	P
Guidance services	P	P	P	--	--	P	P	P	P
Hospital (limited) not to exceed 2500 s.f.	P	P	P	C	--	P	P	C	P
Indoor entertainment	C	C	--	--	--	C	C	--	--
Laundry services	--	--	--	--	--	C	--	--	--
Local utility services	--	--	--	--	--	C	C	C	--
Medical offices (not over 5000 s.f.)	P	P	P	P	--	P	P	P	P
Medical offices (over 5000 s.f.)	--	--	--	--	--	--	--	--	P
Multifamily residential	--	--	--	--	--	--	--	--	P
Off-site accessory parking	C	C	C	--	--	C	C	C	C
Personal improvement services	P	P	--	--	--	P	P	--	P
Personal services	P	P	P	--	--	P	P	P	P
Private primary educational facilities	P	P	P	P	P	P	P	P	P
Private secondary educational facilities	P	P	P	P	P	P	P	P	P
Public primary educational facilities	P	P	P	P	P	P	P	P	P
Public secondary educational facilities	P	P	P	P	P	P	P	P	P
Professional office	P	P	P	P	P	P	P	P	P
Religious assembly	P	P	P	P	P	P	P	P	P
Restaurant (drive-in, fast	--	--	--	--	--	C	C	C	--

USES:	Column					Column			Column
	A					B			C
	CS	GR	GO	LO	NO	CS	GR	LR	CS
food)									
Restaurant (limited)	--	--	--	--	--	P	P	P	P
Restaurant (general)	--	--	--	--	--	P	P	P	P
Service Station	--	--	--	--	--	C	C	C	--
Single-family residential	P	P	P	P	P	P	P	P	P
Software development	C	C	C	C	C	P	P	P	P
Theater	C	C	--	--	--	P	P	--	C
Two-family residential	P	P	P	P	P	P	P	P	P
Veterinary services (not to exceed 2500 s.f.)	P	--	--	--	--	P	--	--	P
Day care uses prohibited for 511 W. 41 st Street									
<u>Congregate living permitted use for 310 and 312 West 38th Street and 3803, 3805 and 3807 Avenue B</u>									

PART 4. Part 7 (*General Provisions*) of the Original Ordinance is amended to change paragraphs 1, 5, 6, 10, 16, and 17 to read as follows:

1. Except as otherwise provided, a building shall front on a north-south street. A building located on a lot that only has frontage on a numbered street may front on the numbered street. A building on a through lot located west of Speedway on West 38th Street or West 39th Street shall front on West 38th Street or West 39th Street. The street on which a building fronts under this section is the front of the property on which the building is located for purposes of this ordinance. This section does not apply to the properties located at 310 and 312 West 38th Street and 3803, 3805 and 3807 Avenue B.

5. Except as otherwise provided in this section, a fence located in a front yard may not exceed a height of four feet and shall have a ratio of open space to solid material of not less than 1 to 1.5. The five-lot area consisting of 310 and 312 West 38th Street and 3803, 3805, and 3807 Avenue B may include a surrounding fence not to exceed a height of six feet and shall have a ratio of open space to solid material of not less than 1 to 0.25.

6. Except as otherwise provided in this section, [F]this section applies to a fence located in a street side yard that faces an avenue and is greater than four feet in height. The portion of a fence that is greater than four feet shall have a ratio of open space to solid material of not less than 1 to 1.5. The fence located on the five-lot area consisting of 310 and 312 West 38th Street and 3803, 3805 and 3807 Avenue B shall have a ratio of open space to solid material of not less than 1 to 0.25.

10. Except as otherwise provided in this section, the entrance of a building in which a principal use is located shall be located on the front of a building. Buildings on 310 and 312 West 38th Street and 3803, 3805 and 3807 Avenue B may have entrances that are not on the front of the building.

16. Except as otherwise provided in this section, parking is permitted in a street yard on West 38 ½ Street. Parking may not be closer than ten feet to a property line. This section does not apply to the property at 3807 Avenue B, which may include parking closer than ten feet to the property line on West 38 ½ Street.

17. Except as otherwise provided in this section, the following provisions apply in all Districts except the Guadalupe District.

a. A circular driveway is not permitted.

b. Except as otherwise provided in the section, access to a site is limited to one curb cut. Except in the Residential District, a site that has 100 feet of frontage or more may have two curb cuts. In the Residential District, a site may have two curb cuts if the site has 100 feet of frontage or more and has two dwelling units. Property located at 4300 Speedway may have 3 curb cuts. Property at 3807 Avenue B may have more than one curb cut.

c. The width of a driveway:

1. for a residential use, may not exceed 12 feet from the driveway apron to the building setback line and 24 feet from the building setback line to a parking area;

2. except as otherwise provided in this section, for a commercial, civic, multifamily residential, or condominium residential use, may not exceed 25 feet. Property at 3807 Avenue B may include a driveway that exceeds 25 feet.

d. For an existing single-family, duplex, or two-family residential use:

1. compliance with current City parking regulations is required if:
 - a. 200 square feet or more are added to a building floor area;
 - b. the principal use changes; or
 - c. a full bathroom is added to a dwelling unit that has three or more bathrooms; and
 2. a person may not reduce the parking spaces to a number less than the number of spaces prescribed in the City Code.
- e. For property located at 4300 Speedway:
1. the minimum parking requirement is 70 percent of the minimum requirement established by the City Code;
 2. the maximum parking allowed is 100 percent of the minimum requirement established by the City Code;
 3. parking in excess of the maximum allowed is not permitted, provided that excess parking that exists on the effective date of this ordinance may continue as long as not more than 5000 square feet of gross floor area is added to the property; and
 4. off-site parking at 4307 Speedway does not count against the maximum parking allowed at 4300 Speedway.
- f. The design and location of parking facilities located at 4300 and 4307 Speedway is permitted as shown on the survey of the property conducted by Roy D. Smith Surveyors and dated August 26, 1993, attached to ~~[this]~~ Ordinance No. 20120112-086 as Exhibit "C" and on file with the Director of Neighborhood Planning and Zoning Department in File C14-01-0046.
- g. The following provision applies to parking required under Subsection d.
1. Tandem parking:
 - a. for a single-family or duplex residential use, is permitted; and

b. for a multi-family use, is permitted if both spaces are assigned to the same unit.

2. Two parking spaces per dwelling unit are required in the Residential District and the West 38th Street District.

h. This subsection applies to property located at 4307 Speedway. Parking is permitted in a street yard for any use if an off-site accessory parking use exists on any part of the property.

PART 5. The Original Ordinance is amended to add a new part to be known as Part 16. Except as otherwise specifically provided in Part 16, the property at 310 and 312 West 38th Street and 3803, 3805, and 3807 Avenue B is subject to the applicable terms and provisions of Ordinance No. 20020131-20. If Part 16 and Ordinance No. 20020131-20 conflict, Part 16 applies.

A. Section 25-6-472(H) (Parking Facility Standards) and Appendix A (Tables of Off-Street Park and Loading Requirements) of the City Code, are modified to permit parking on the Property to comply with the standards as set forth in this section.

1. Head-in parking is permitted for the Property adjacent to West 38 ½ Street.

2. The minimum number of off-street loading spaces shall be 0 for up to 11,000 square feet of buildings used for Congregate Living on the Property.

PART 6. Except as otherwise provided in this ordinance, the terms and conditions of Ordinance No. 20020131-20, as amended, remain in effect.

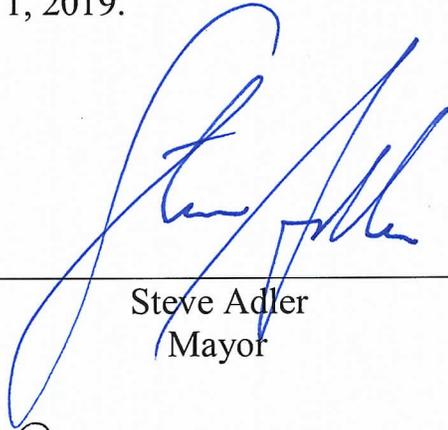
PART 7. The Property is subject to Ordinance No. 20000413-063 that established zoning for the Hyde Park Neighborhood Plan.

PART 8. This ordinance takes effect on February 11, 2019.

PASSED AND APPROVED

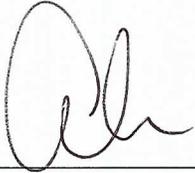
January 31, 2019

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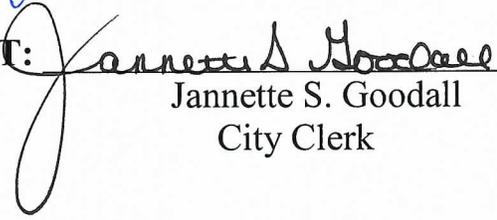
Steve Adler
Mayor

APPROVED:



Anne L. Morgan
City Attorney

ATTEST:



Jannette S. Goodall
City Clerk



**0.878 ACRES
TRAVIS COUNTY, TEXAS**

A DESCRIPTION OF 0.878 ACRES (APPROXIMATELY 38,239 SQ. FT.) OUT OF OUTLOT 78, DIVISION D IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, CONSISTING OF THE FOLLOWING TRACTS:

TRACT 1: BEING ALL OF A 0.21 ACRE TRACT CONVEYED TO HELPING HAND HOME FOR CHILDREN, INC. IN A GENERAL WARRANTY DEED DATED MARCH 15, 2000 AND RECORDED IN DOCUMENT NO. 2000038373 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAME BEING ALL OF THE 0.212 ACRE TRACT DESCRIBED IN DOCUMENT NO. 2008019602 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS;

TRACT 2: BEING ALL OF A TRACT OF LAND CONVEYED TO HELPING HAND HOME FOR CHILDREN, INC. IN A SPECIAL WARRANTY DEED DATED OCTOBER 4, 2006 AND RECORDED IN DOCUMENT NO. 2006194568 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAME BEING ALL OF THE 0.206 ACRE TRACT DESCRIBED IN DOCUMENT NO. 2008019602 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS;

TRACT 3: BEING ALL OF A 48' X 125' TRACT CONVEYED TO JUNIOR HELPING HAND HOME FOR CHILDREN IN A WARRANTY DEED DATED FEBRUARY 22, 1994 AND RECORDED IN VOLUME 12158, PAGE 2505 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, SAME BEING ALL OF THE 0.124 ACRE TRACT DESCRIBED IN DOCUMENT NO. 2008019602 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS;

TRACT 4: BEING ALL OF A 65' X 110' TRACT CONVEYED TO JUNIOR HELPING HAND HOME FOR CHILDREN IN A WARRANTY DEED DATED FEBRUARY 22, 1994 AND RECORDED IN VOLUME 12158, PAGE 2505 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, SAME BEING ALL OF THE 0.164 ACRE TRACT DESCRIBED IN DOCUMENT NO. 2008019602 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS;

TRACT 5: BEING ALL OF A TRACT CONVEYED TO JUNIOR HELPING HAND HOME FOR CHILDREN IN A WARRANTY DEED DATED MAY 19, 1992 AND RECORDED IN VOLUME 11703, PAGE 1888 OF THE REAL PROPERTY RECORDS OF TRAVIS

COUNTY, TEXAS, SAME BEING ALL OF THE 0.172 ACRE TRACT DESCRIBED IN DOCUMENT NO. 2008019602 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS;

SAID 0.878 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" rebar found at the intersection of the southeast right-of-way line of Avenue B (right-of-way width varies) and the southwest right-of-way line of W 38th 1/2 Street (right-of-way width varies), being also the northernmost corner of the said 0.212 acre tract;

THENCE South 63°06'15" East with the southwest right-of-way line of W 38th 1/2 Street and the northeast line of the said 0.212 acre tract, a distance of 192.26 feet to a 1/2" iron pipe found for the easternmost corner of the said 0.212 acre tract, being in the northwest line of a 0.898 acre tract described in Volume 13378, Page 2412 of the Real Property Records of Travis County, Texas, from which a 1/2" rebar found for an angle point in the southwest right-of-way line of W 38th 1/2 Street, being the northernmost corner of the said 0.898 acre tract, bears North 23°48'34" East, a distance of 5.25 feet;

THENCE South 27°12'05" West with the southeast line of the said 0.212 acre tract and the northwest line of the said 0.898 acre tract, a distance of 48.03 feet to a 1/2" rebar with "Bury Partners" cap found for the southernmost corner of the said 0.212 acre tract, being the easternmost corner of a 15 foot by 55 foot tract described in Volume 7113, Page 241 of the Deed Records of Travis County, Texas, from which a 1/2" rebar found in the northwest line of the said 0.898 acre tract, being the southernmost corner of the said 15 foot by 55 foot tract, being also the easternmost corner of a 0.231 acre tract described in Volume 13378, Page 2412 of the Real Property Records of Travis County, Texas, bears South 27°38'49" West, a distance of 55.54 feet;

THENCE North 63°08'50" West with the southwest line of the said 0.212 acre tract and the northeast line of the said 15 foot by 55 foot tract, a distance of 15.05 feet to a 1/2" iron pipe found for the easternmost corner of the said 0.206 acre tract, being the northernmost corner of the said 15 foot by 55 foot tract;

THENCE South 26°28'36" West with the southeast line of the said 0.206 acre tract and the northwest line of the said 15 foot by 55 foot tract, a distance of 55.06 feet to a 1/2" iron pipe found for the southernmost corner of the said 0.206 acre tract, being the westernmost corner of the said 15 foot by 55 foot tract, from which a 1/2" rebar found in the northwest line of the said 0.898 acre tract, being the southernmost corner of the said 15 foot by 55 foot tract, being also the easternmost corner of the said 0.231 acre tract, bears South 61°12'04" East, a distance of 13.93 feet;

THENCE North 62°59'29" West with the southwest line of the said 0.206 acre tract which varies from the northeast line of the said 0.231 acre tract, a distance of 51.99 feet to a 1/2" rebar with "Bury Partners" cap found for the easternmost corner of the said

0.124 acre tract, from which a 1/2" rebar found for the northernmost corner of the said 0.231 acre tract, bears South 13°08'17" West, a distance of 0.93 feet;

THENCE South 27°30'07" West with the southeast line of the said 0.124 acre tract which varies from the northwest line of the said 0.231 acre tract, a distance of 41.63 feet to a 1/2" rebar with "Bury Partners" cap found for the southernmost corner of the said 0.124 acre tract, being the easternmost corner of the said 0.172 acre tract;

THENCE South 27°30'07" West with the southeast line of the said 0.172 acre tract, a distance of 110.41 feet to a 4" by 4" wood fence post found for an angle point in the northeast right-of-way line of W 38th Street (right-of-way width varies), being the westernmost corner of the said 0.231 acre tract, from which a 1/2" iron pipe with 60D nail found in the northeast right-of-way line of W 38th Street, being the southernmost corner of the said 0.231 acre tract, being also the westernmost corner of the said 0.898 acre tract, bears South 62°32'52" East, a distance of 66.94 feet;

THENCE with the common right-of-way line of W 38th Street and the said 0.172 acre tract, the following three (3) courses and distances:

1. South 27°30'07" West, a distance of 14.54 feet to a 1/2" rebar found for the southernmost corner of the said 0.172 acre tract;
2. North 62°33'19" West, a distance of 60.00 feet to a 1/2" rebar with "Bury Partners" cap found for the westernmost corner of the said 0.172 acre tract, from which a 1/2" iron pipe with 60D nail found, bears North 62°33'19" West, a distance of 65.02 feet;
3. North 27°54'00" East, a distance of 15.03 feet to a 1/2" rebar found for the southernmost corner of the said 0.164 acre tract;

THENCE North 62°32'49" West with the northeast right-of-way line of W 38th Street and the southwest line of the said 0.164 acre tract, a distance of 65.12 feet to a 1/2" rebar with "Bury Partners" cap found at the intersection of the northeast right-of-way line of W 38th Street and the southeast right-of-way line of Avenue B, being also the westernmost corner of the said 0.164 acre tract, from which a 1/2" iron pipe with 60D nail found, bears South 27°30'12" West, a distance of 15.04 feet;

THENCE North 27°30'12" East with the southeast right-of-way line of Avenue B and the northwest line of the said 0.164 acre tract, a distance of 109.95 feet to a 1/2" rebar with "Bury Partners" cap found for the northernmost corner of the said 0.164 acre tract, being the westernmost corner of the said 0.124 acre tract, from which a 3/4" iron pipe found, bears South 05°45'13" West, a distance of 1.06 feet;

THENCE with the common right-of-way line of Avenue B and the said 0.124 acre tract, the following two (2) courses and distances:

1. North 27°30'12" East, a distance of 44.54 feet to a calculated point for the northernmost corner of the said 0.124 acre tract;
2. South 61°51'05" East, a distance of 9.37 feet to a calculated point for the westernmost corner of the said 0.206 acre tract;

THENCE North 26°59'27" East with the southeast right-of-way line of Avenue B and the northwest line of the said 0.206 acre tract, a distance of 51.29 feet to a 1/2" rebar with "Holt Carson" cap found for the northernmost corner of the said 0.206 acre tract, being in the southwest line of the said 0.212 acre tract;

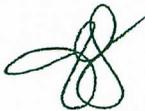
THENCE with the common right-of-way line of Avenue B and the said 0.212 acre tract, the following two (2) courses and distances:

1. North 63°45'49" West, a distance of 9.90 feet to a 1/2" rebar found for the westernmost corner of the said 0.212 acre tract;
2. North 26°57'34" East, a distance of 47.87 feet to the **POINT OF BEGINNING**, containing an area of 0.878 acres, more or less.

Surveyed on the ground November 9, 2018.

BEARING BASIS: THE TEXAS COORDINATE SYSTEM, NAD83 (2012A), CENTRAL ZONE, UTILIZING THE LEICA SMARTNET CONTINUALLY OPERATING REFERENCE NETWORK.

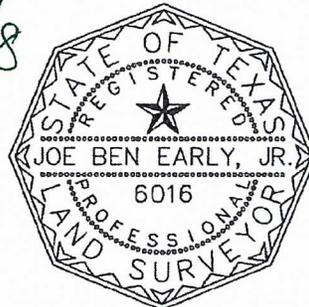
Attachments: Drawing 184-970-BASE



Joe Ben Early, Jr.
Registered Professional Land Surveyor
State of Texas No. 6016
T.B.P.L.S. Firm No. 10193943

11/15/18

Date



A TOPOGRAPHIC AND TREE SURVEY OF 0.878 ACRES (APPROXIMATELY 38,239 SQ. FT.) OUT OF OUTLOT 78, DIVISION D IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, CONSISTING OF THE FOLLOWING TRACTS:

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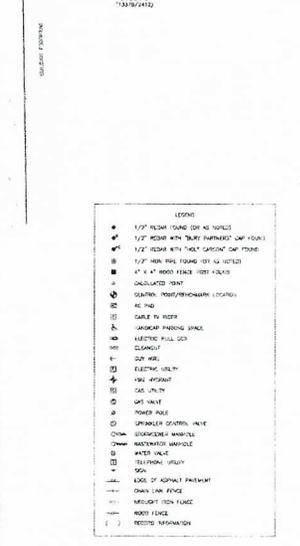
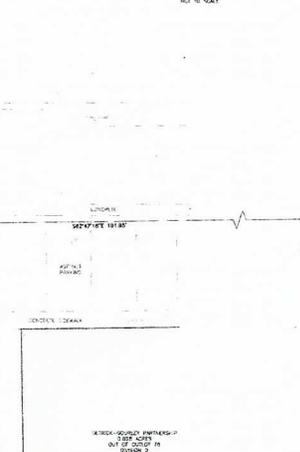
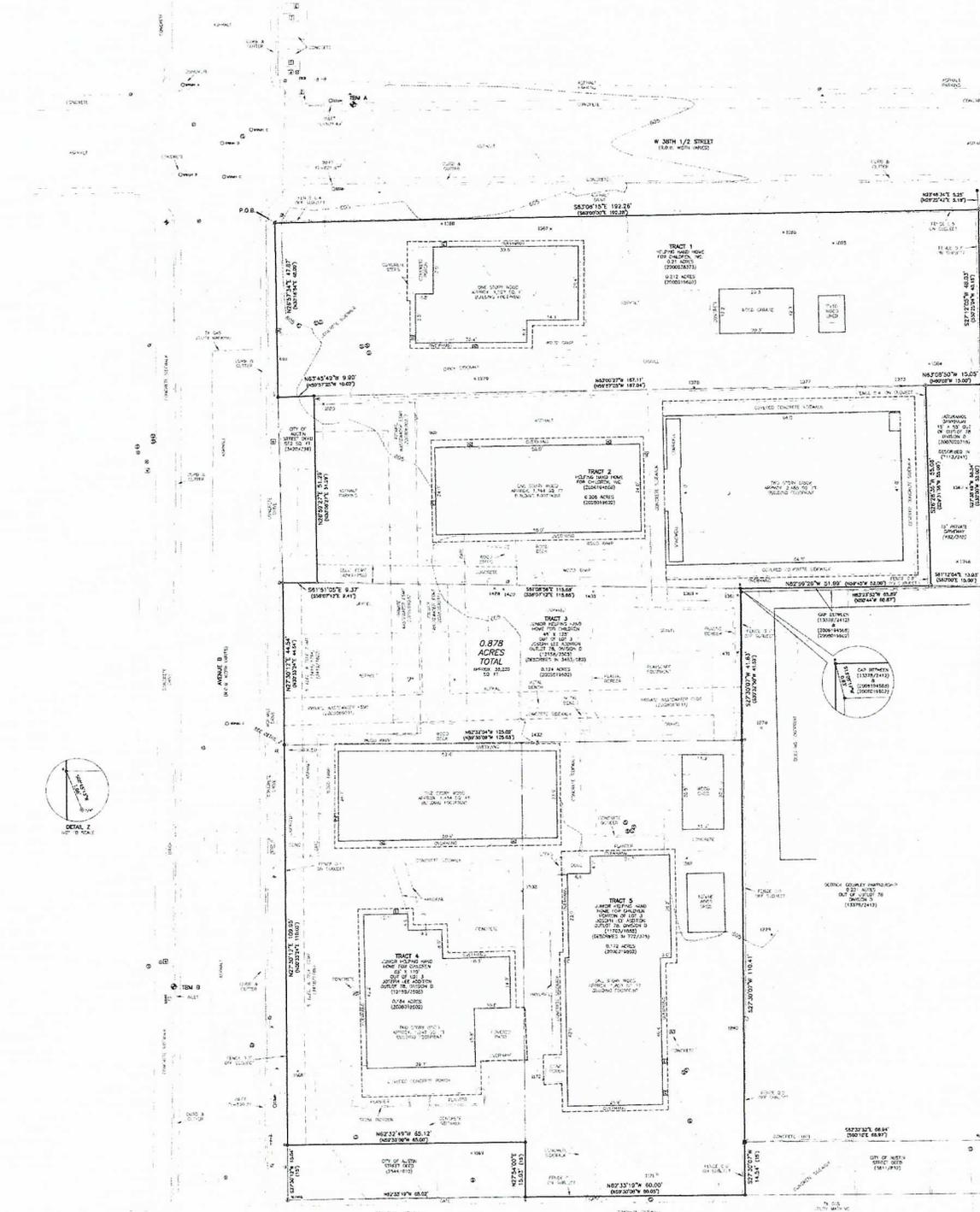
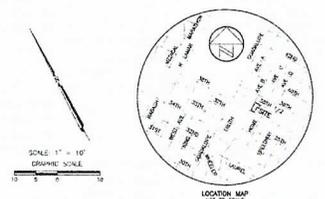
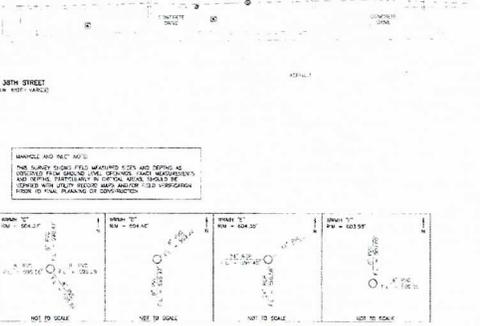
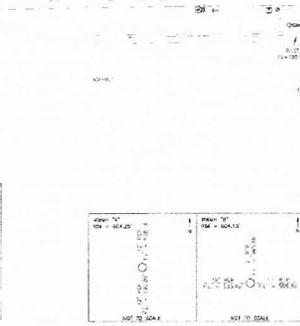


Table with 2 columns: 'TREE DATA' and 'TREE MEASUREMENTS'. It lists tree species, sizes, and locations on the site.

Table with 2 columns: 'BENCHMARK INFORMATION' and 'BENCHMARK COORDINATES'. It lists benchmark names and their corresponding coordinates.



Professional engineering and surveying information including the title 'SURVEYOR'S CERTIFICATE', the name of the engineer 'kbge', and the name of the surveyor 'RIMBOLD I. BRUEHLI'. It also includes a signature and a seal.

