

ORDINANCE NO. 20190606-080

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 21 WALLER STREET IN THE EAST CESAR CHAVEZ 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-NEIGHBORHOOD PLAN (CS-MU-V-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-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-neighborhood plan (CS-MU-V-CO-NP) combining district on the property described in Zoning Case No. C14-2019-0072, on file at the Planning and Zoning Department, as follows:

A 17.2167 acres (749,960 square feet) tract of land, more or less, out of Outlots 56, 57, 69 and 70, Division "O" of the Government Outlots adjoining the Original City of Austin the tract of land being more particularly described by metes and bounds in **Exhibit "A"** incorporated into this ordinance (the "Property"),

locally known as 21 Waller Street in the City of Austin, Travis County, Texas, and generally identified in the map attached as **Exhibit "B"**.

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 Property may be developed as a neighborhood mixed use building special use as set forth in Section 25-2-1503 (*Residential Uses in Neighborhood Mixed Use Building*) and Section 25-2-1504 (*Neighborhood Mixed Use Building Regulation*).

B. The following are conditional uses on the Property:

Automotive rentals
Outdoor entertainment
Hospital services (limited)

C. The following uses are not permitted uses of the Property:

Adult oriented businesses	Automotive repair services
Automotive sales	Commercial off-street parking
Convenience storage	Equipment repair services
Limited warehousing and distribution	Maintenance and service facilities
Outdoor sports and recreation	Hospital services (general)
Automotive washing (of any type)	Communication service facilities
Construction sales and services	Drop-off recycling collection facilities
Equipment sales	Off-site accessory parking
Townhouse residential	Transportation terminal
Vehicle storage	

D. The Property is subject to Chapter 25-2, Subchapter E, Article 4.3 (Vertical Mixed Use Buildings). Ten percent of residential units available for rental in a vertical mixed use building shall be reserved for households earning no more than 60 percent of the annual median family income.

PART 3. 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.

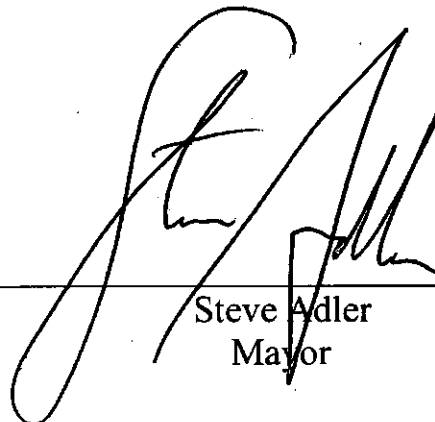
PART 4. The Property is subject to Ordinance No. 001214-20 that established the East Cesar Chavez neighborhood plan combining district.

PART 5. This ordinance takes effect on June 17, 2019.

PASSED AND APPROVED

_____, June 6, 2019

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§



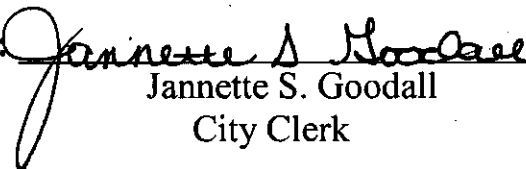
Steve Adler
Mayor

APPROVED:



Anne L. Morgan
City Attorney

ATTEST:



Jannette S. Goodall
City Clerk

EXHIBIT " "

Austin Geriatric Center, Inc.
Outlot 70, Division "O" Original City of Austin

Legal Description

BEING A DESCRIPTION OF A TRACT OF LAND CONTAINING 17.2167 ACRES (749,960 SQUARE FEET), BEING OUT OF OUTLOTS 56, 57, 69, AND 70, DIVISION "O" OF THE GOVERNMENT OUTLOTS ADJOINING THE ORIGINAL CITY OF AUSTIN, BEING A PORTION OF LOTS 2, 3, 4 AND 5, BLOCK "1", LOTS 1 AND 2 BLOCK "2" AND A PORTION OF NAVASOTA STREET (50' RIGHT-OF-WAY, VACATED) OF MAGNOLIA ADDITION, A SUBDIVISION RECORDED IN VOLUME 4, PAGE 92 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING OUT OF A CALLED 20.704 ACRES TRACT CALLED TRACT 6 PARCEL "C" AND A PORTION OF A CALLED TRACT 6A, 6B AND 6C CONVEYED TO AUSTIN GERIATRIC CENTER, INC. IN VOLUME 3593, PAGE 1932 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS (D.R.T.C.T.), SAID 17.2167 ACRE BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:



PO Box 90876
Austin, TX 78709
(512) 537-2384
jward@4wards.com
www.4wards.com

COMMENCING, at a 1/2-inch iron pipe found in the south right-of-way line of Haskell Street (right-of-way varies), being the most northerly northeast corner of said Austin Geriatric Center tract, and being the northwest corner of Lot 3, of said Magnolia Addition, and being the north line of a 10-foot wide right-of-way dedication for Haskell Street in Document No. 2018088722, from which a Department of Commerce Bureau of Fisheries Brass Disc found in the south right-of-way line of said Haskell Street, being the northeast corner of said Lot 3 bears, S69°35'54"E, a distance of 118.51 feet;

THENCE, leaving the south right-of-way line of said Haskell Street, with the common line of said Austin Geriatric Center tract and said Lot 3, S20°05'20"W, a distance of 10.00 feet to a calculated point for the northeast corner and POINT OF BEGINNING hereof, said point being in the south line of said 10 foot wide right-of-way dedication for Haskell Street;

THENCE, leaving the south line of said 10-foot wide right-of-way dedication for Haskell Street, continuing with the common line of said Austin Geriatric Center tract and said Lot 3, the following two (2) courses and distances:

- 1) S20°05'20"W, a distance of 304.24 feet to an iron rod with "All Points" cap found for an interior ell corner in the east line hereof, and being the southwest corner of said Lot 3,
- 2) S69°37'02"E, a distance of 116.53 feet to an iron rod with "Delta" cap found for an exterior ell-corner in the east line hereof, and being the southeast corner of said Lot 3, and being in the west line of Austin Oaks "68", a subdivision recorded in Volume 44, Page 32 of the Plat Records of Travis County, Texas;

THENCE, with the common line of said Austin Geriatric Center tract and said Austin Oaks "68" subdivision the following four (4) courses and distances:

- 1) S20°48'24"W, a distance of 26.02 feet to an iron rod with "Delta" cap found for an interior ell-corner in the east line hereof,
- 2) S69°10'39"E, a distance of 25.80 feet to a calculated point for an exterior ell-corner in the east line hereof,
- 3) S20°24'32"W, a distance of 173.02 feet to 1/2-inch iron pipe found for an interior ell-corner hereof,

EXHIBIT "A"

- 4) **S69°43'07"E**, a distance of **209.00** feet to a calculated point for the most southerly northeast corner hereof, being in the west line of a 2 foot wide right-of-way dedication for Comal Street (right-of-way varies) in Document No. 2018088722, from which a 1/2-inch iron rod found in the west right-of-way line of said Comal Street, being the most southerly northeast corner of said Austin Geriatric Center tract, and being the southeast corner of said Austin Oaks "68" bears, **S69°43'07"E**, a distance of **2.00** feet;

THENCE, with the west line of said 2 foot wide right-of-way dedication for Comal Street, **S20°25'25"W**, a distance of **340.88** feet to a calculated point for the southeast corner hereof, being in the south line of said Austin Geriatric Center tract, and being in the north line of Lot 1, Rebekah Baines Johnson Health Center Addition, a subdivision recorded in Volume 82, Page 362-363 of the (P.R.T.C.T.), from which a 1/2-inch iron pipe found for the most southerly southeast corner of said Austin Geriatric Center tract, being the most southerly northeast corner of said Lot 1 bears, **S69°32'00"E**, a distance of **2.00** feet;

THENCE, leaving the west line of said 2 foot wide right-of-way dedication for Comal Street, with the common line of said Austin Geriatric Center tract and said Lot 1 the following eight (8) courses and distances:

- 1) **N69°32'00"W**, a distance of **240.02** feet to an iron rod with "Delta" cap found for an interior ell-corner hereof,
- 2) **S20°31'26"W**, a distance of **111.42** feet to an iron rod with "Delta" cap found for an angle point hereof,
- 3) **S77°34'11"W**, a distance of **110.09** feet to an iron rod with "Baseline" cap found for an exterior ell-corner hereof,
- 4) **N12°19'56"W**, a distance of **337.38** feet to a 1/2-inch iron pipe found for an interior ell-corner hereof,
- 5) **S77°36'00"W**, a distance of **253.24** feet to a punch hole in concrete found for an exterior ell-corner hereof,
- 6) **N12°59'54"W**, a distance of **12.07** feet to a 1/2-inch iron pipe found for an interior ell-corner hereof,
- 7) **S77°37'27"W**, a distance of **63.89** feet to a 1/2-inch iron pipe found for the southwest corner hereof,
- 8) **N12°23'04"W**, a distance of **699.49** feet to a calculated point for an angle point in the west line hereof, being the most northerly northeast corner of said Lot 1, and being in the south line of Resubdivision of Lot 1, Block "1" Magnolia Addition, a subdivision recorded in Volume 26, Page 4 of the (P.R.T.C.T.), from which a calculated point (from which a Department of Commerce Bureau of Fisheries Brass Disc found bears, **N69°53'16"W**, a distance of **5.15** feet) for the northwest corner of said Lot 1, and being the southwest corner of said Resubdivision of Lot 1, Block "1" Magnolia Addition, and being in the east right-of-way line of Waller Street (right-of-way varies) bears, **N69°53'16"W**, a distance of **112.90** feet;

THENCE, with the common line of said Austin Geriatric Center tract and said Resubdivision of Lot 1, Block "1", Magnolia Addition the following two (2) courses and distances:

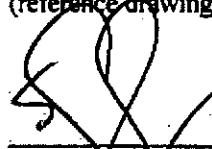
- 1) **S69°53'16"E**, a distance of **11.24** feet to a Department of Commerce Bureau of Fisheries Brass Disc found for an interior ell-corner hereof, being in the west line of said Austin Geriatric Center tract, and being the southeast corner of said Resubdivision of Lot 1, Block "1", Magnolia Addition,
- 2) **N20°31'10"E**, a distance of **304.50** feet to a calculated point for the northwest corner hereof, being in the south line of said 10-foot wide right-of-way dedication for Haskell Street, from which a Department of Commerce Bureau of Fisheries Brass Disc found for the northwest corner of said Austin Geriatric Center tract, being the northeast corner of said Resubdivision of Lot 1, Block "1",

Magnolia Addition, and being in the south right-of-way line of said Haskell Street bears, N20°31'10"E, a distance of 10.00 feet;

THENCE, with the south line of said 10-foot wide right-of-way dedication for Haskell Street, S69°35'54"E, a distance of 802.66 feet to the **POINT OF BEGINNING** and containing 17.2167 Acres (749,960 Square Feet) of land, more or less.

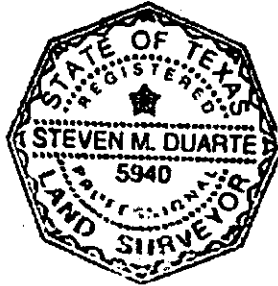
NOTE:

All bearings are based on the Texas State Plane Coordinate System, Grid North, Central Zone (4203), all distances were adjusted to surface using a combined scale factor of 1.000055790806. See attached sketch (reference drawing: 00563_Condo Plat.dwg).

 C/12/18

Steven M. Duarte, RPLS #5940
4Ward Land Surveying, LLC

City of Austin Grid: J21
TCAD# 187332



GRAPHIC SCALE: 1" = 200'

FROM WHICH A DEPARTMENT OF COMMERCE
- BUREAU OF FISHERIES BRASS DISC FOUND
BEARS N69°53'18"W 5.15'



4WARD
Land Surveying
A Limited Liability Company

PO Box 90876, Austin Texas 78709
WWW.4WARDLS.COM (512) 537-2384
TBPLS FIRM #10174300

Date:	6/12/2018
Project:	00563
Scale:	1" = 200'
Reviewer:	JSW
Tech:	JLP
Field Crew:	TF/FG
Survey Date:	DEC. 2017
Sheet:	1 OF 2

[A]
CALLED 20.704 ACRES
(TRACT 6 PARCEL "C")
AUSTIN GERIATRIC CENTER, INC.
VOL. 3593, PG. 1932
D.R.T.C.T.

[B]
TRACT 6A, 6B & 6C
OWNER:
AUSTIN GERIATRIC CENTER, INC.
VOL. 3593, PG. 1932
D.R.T.C.T.

[C]
MAGNOLIA ADDITION
VOL. 4, PG. 92
P.R.T.C.T.

[D]
LOT 1
REBEKAH BAINES JOHNSON
HEALTH CENTER ADDITION
VOL. 82, PG. 362-363
P.R.T.C.T.

[E]
NAVASOTA STREET
50' R.O.W.
(VACATED)

[F]
LOTS 1-6
RESUBDIVISION OF LOT 1,
BLOCK "1"
MAGNOLIA ADDITION
VOL. 26, PG 4
P.R.T.C.T.

[G]
BLOCKS "1 & 2"
LOTS A-K
AUSTIN OAKS "68"
VOL. 44, PG. 32

LINE TABLE		
LINE #	DIRECTION	LENGTH
L1	S20°05'20"W	304.24'
L2	S69°37'02"E	116.53'
L3	S20°48'24"W	26.02'
L4	S69°10'39"E	25.80'
L5	S20°24'32"W	173.02'
L6	S69°43'07"E	209.00'
L7	S20°25'25"W	340.88'
L8	N69°32'00"W	240.02'
L9	S20°31'26"W	111.42'
L10	S77°34'11"W	110.09'
L11	N12°19'56"W	337.38'
L12	S77°36'00"W	253.24'
L13	N12°59'54"W	12.07'
L14	S77°37'27"W	63.89'
L15	S69°53'16"E	11.24'
L16	N20°31'10"E	304.50'
L26	S69°43'07"E	211.00'

RECORD LINE TABLE		
LINE #	DIRECTION	LENGTH
<(L1)>	-----	314.35'
<(L2)>	-----	118.34'
((L3))	S22°56'00"W	25.33'
((L4))	S67°10'00"E	26.12'
((L5))	S22°51'00"W	173.00'
(L8)	N67°09'00"W	242.00'
(L9)	S22°51'00"W	111.52'
(L10)	S80°03'00"W	109.96'
(L11)	N09°57'00"W	337.25'
(L12)	N80°03'00"E	253.34'
(L13)	N09°57'00"W	12.00'
(L14)	N80°03'00"E	64.00'
(L15)	S67°13'00"E	11.19'
<(L16)>	-----	313.79'
((L26))	S67°10'00"E	211.00'

LEGEND

	PROPERTY LINE	P.R.T.C.T.	PLAT RECORDS, TRAVIS COUNTY, TEXAS
---	EXISTING PROPERTY LINES	O.P.R.T.C.T.	OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS
⊙	1/2" IRON PIPE FOUND	(.....)	RECORD INFORMATION PER PLAT VOL. 82 PG. 362-383
⊙	DEPARTMENT OF COMMERCE BUREAU OF FISHERIES BRASS DISC FOUND	<(.....)>	RECORD INFORMATION PER PLAT VOL. 4 PG. 92-93
⊙	PUNCH HOLE FOUND IN CONCRETE	((.....))	RECORD INFORMATION PER VOL. 3593 PG. 1932
⊙	IRON ROD WITH "DELTA" CAP FOUND (UNLESS NOTED) VOLUME, PAGE		
VOL./PG.	RIGHT-OF-WAY		
R.O.W.	DEED RECORDS, TRAVIS COUNTY, TEXAS		
D.R.T.C.T.			

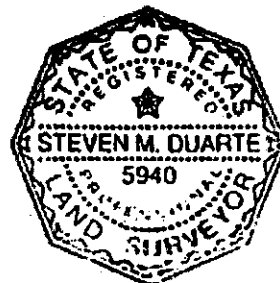
BEARING BASIS: P.R.T.C.T.

ALL BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, GRID NORTH, CENTRAL ZONE, (4203), NAD83, ALL DISTANCES WERE ADJUSTED TO SURFACE USING A COMBINED SCALE FACTOR OF 1.000055790806.

SURVEY CONTROL:

STATE PLANE GRID CONTROL FOR THIS SURVEY IS BASED ON A 1/2" IRON ROD WITH "4WARD CONTROL" CAP SET, GRID COORDINATES AND ELEVATIONS SHOWN HEREON WERE DERIVED FROM THE TEXAS COOPERATIVE NETWORK ON FEBRUARY 8, 2017, 4WARD CONTROL POINT WAS CHECKED TO CITY OF AUSTIN MONUMENT J-21-3001, HAVING A PUBLISHED GRID COORDINATE & NAVD 88, ELEVATION OF N 10,065,089.10, E 3,117,111.29, ELEV. 454.10'.

6/12/18



CONDO
EXHIBIT
City of Austin,
Travis County, Texas

4WARD
Land Surveying
 A Limited Liability Company
 PO Box 90876, Austin Texas 78709
 WWW.4WARDLS.COM (512) 537-2384
 TBPLS FIRM #10174300

Date: 6/12/2018
 Project: 00563
 Scale: N/A
 Reviewer: JSW
 Tech: JLP
 Field Crew: TF/FG
 Survey Date: DEC. 2017
 Sheet: 2 OF 2

Created: 4/19/2019