

ORDINANCE NO. _____

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 3117 AND 3121 EAST 12TH STREET, IN THE ROSEWOOD NEIGHBORHOOD PLAN AREA FROM COMMERCIAL-LIQUOR SALES-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (CS-1-CO-NP) COMBINING DISTRICT, GENERAL COMMERCIAL SERVICES-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (CS-CO-NP) COMBINING DISTRICT, AND 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 commercial-liquor sales-conditional overlay-neighborhood plan (CS-1-CO-NP) combining district, general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district, and general commercial sales-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-MU-V-CO-NP) combining district to general commercial sales-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. C14-2022-0150, on file at the Planning Department, as follows:

Tract 1

LOT 11 of the SAM HUSTON HEIGHTS ANNEX, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat thereof as recorded in Volume 4, Page 3, of the Plat Records of Travis County, Texas,

Tract 2

0.1419 acre of land, being the South 103 feet by 60 feet of LOT 10, SAM HUSTON HEIGHTS ANNEX, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat thereof as recorded in Volume 4, Page 3, of the Plat Records of Travis County, Texas, and being that 0.1419 acre tract of land described by deed recoded in Volume 3361, Page 648, of the Official Public Records of Travis County, Texas,

1 Tract 3

2 0.3581 acres of land, being the North 260 feet by 60 feet of LOT 10, SAM
3 HUSTON HEIGHTS ANNEX, a subdivision in the City of Austin, Travis County,
4 Texas, according to the map or plat thereof as recorded in Volume 4, Page 3, of
5 the Plat Records of Travis County, Texas,

6
7 said Tract 1, Tract 2, and Tract 3, being more particularly described by metes and
8 bounds in **Exhibit “A”** incorporated into this ordinance (collectively the
9 “Property”),

10
11 locally known as 3117 and 3121 East 12th Street in the City of Austin, Travis County,
12 Texas, generally identified in the map attached as **Exhibit “B”**.

13
14 **PART 2.** The Property within the boundaries of the conditional overlay combining district
15 established by this ordinance is subject to the following conditions:

16
17 1. The following uses are prohibited uses on the Property:

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19
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Adult oriented businesses
Automotive washing (of any type)
Commercial blood plasma center
Construction sales and services
Custom manufacturing
Equipment repair services
Laundry services
Maintenance and service facilities
Service station
Agricultural sales and services
Campground
Commercial off-street parking
Convenience storage
Drop-off recycling collection facility
Equipment sales
Limited warehousing and distribution
Pawn shop services
Vehicle storage

2. The following uses are conditional uses on the Property:

Automotive sales
Guidance services
Kennels
Outdoor sports and recreation
Exterminating services
Hotel-motel
Monument retail sales
Residential treatment

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, mixed use (MU) combining district, and other applicable requirements of the City Code.

PART 4. Except as specifically modified by this ordinance, the Property is subject to Ordinance No. 020110-17 that established zoning for the Rosewood Neighborhood Plan.

PART 5. This ordinance takes effect on _____, 2023.

PASSED AND APPROVED

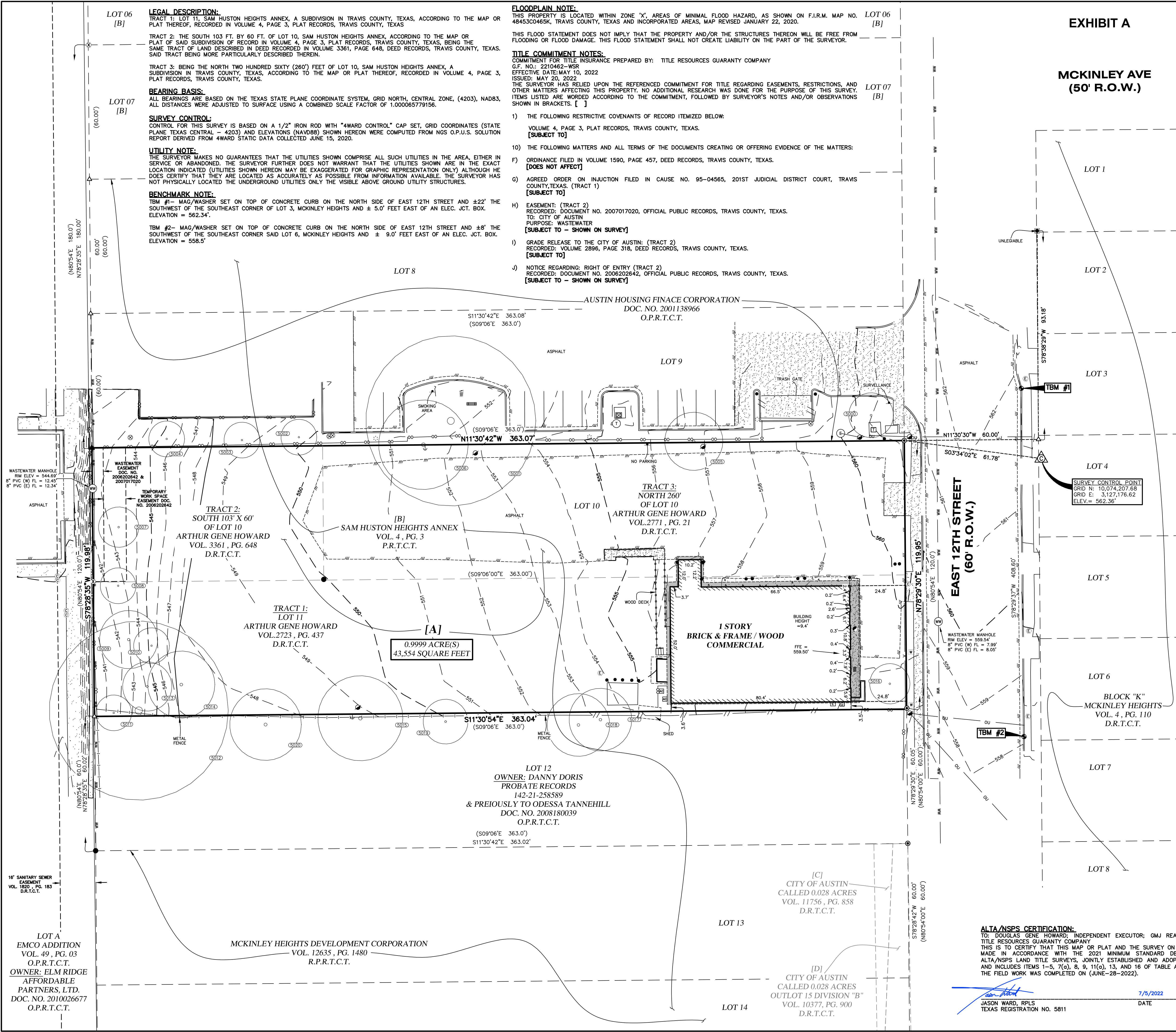
_____, 2023

Kirk Watson
Mayor

APPROVED: _____ **ATTEST:** _____

Anne L. Morgan
City Attorney

Myrna Rios
City Clerk



LEGAL DESCRIPTION:
TRACT 1: LOT 11, SAM HUSTON HEIGHTS ANNEX, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 4, PAGE 3, PLAT RECORDS, TRAVIS COUNTY, TEXAS
TRACT 2: THE SOUTH 103 FT. BY 60 FT. OF LOT 10, SAM HUSTON HEIGHTS ANNEX, ACCORDING TO THE MAP OR PLAT OF SAID SUBDIVISION OF RECORD IN VOLUME 4, PAGE 3, PLAT RECORDS, TRAVIS COUNTY, TEXAS, BEING THE SAME TRACT OF LAND DESCRIBED IN DEED RECORDED IN VOLUME 3361, PAGE 648, DEED RECORDS, TRAVIS COUNTY, TEXAS, SAID TRACT BEING MORE PARTICULARLY DESCRIBED THEREIN.
TRACT 3: BEING THE NORTH TWO HUNDRED SIXTY (260') FEET OF LOT 10, SAM HUSTON HEIGHTS ANNEX, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 4, PAGE 3, PLAT RECORDS, TRAVIS COUNTY, TEXAS.

BEARING BASIS:
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 1.000065779156.

SURVEY CONTROL:
CONTROL FOR THIS SURVEY IS BASED ON A 1/2" IRON ROD WITH "4WARD CONTROL" CAP SET, GRID COORDINATES (STATE PLANE TEXAS CENTRAL - 4203) AND ELEVATIONS (NAVD83) SHOWN HEREON WERE COMPUTED FROM NGS O.P.U.S. SOLUTION REPORT DERIVED FROM 4WARD STATIC DATA COLLECTED JUNE 15, 2020.

UTILITY NOTE:
THE SURVEYOR MAKES NO GUARANTEES THAT THE UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED (UTILITIES SHOWN HEREON MAY BE EXAGGERATED FOR GRAPHIC REPRESENTATION ONLY) ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES ONLY THE VISIBLE ABOVE GROUND UTILITY STRUCTURES.

BENCHMARK NOTE:
TBM #1- MAG/WASHER SET ON TOP OF CONCRETE CURB ON THE NORTH SIDE OF EAST 12TH STREET AND ±22' THE SOUTHWEST OF THE SOUTHEAST CORNER OF LOT 3, MCKINLEY HEIGHTS AND ± 5.0' FEET EAST OF AN ELEC. JCT. BOX. ELEVATION = 562.34'.
TBM #2- MAG/WASHER SET ON TOP OF CONCRETE CURB ON THE NORTH SIDE OF EAST 12TH STREET AND ±8' THE SOUTHWEST OF THE SOUTHEAST CORNER SAID LOT 6, MCKINLEY HEIGHTS AND ± 9.0' FEET EAST OF AN ELEC. JCT. BOX. ELEVATION = 558.5'

FLOODPLAIN NOTE:
THIS PROPERTY IS LOCATED WITHIN ZONE 'X', AREAS OF MINIMAL FLOOD HAZARD, AS SHOWN ON F.I.R.M. MAP NO. 484530465K, TRAVIS COUNTY, TEXAS AND INCORPORATED AREAS, MAP REVISED JANUARY 22, 2020.
THIS FLOOD STATEMENT DOES NOT IMPLY THAT THE PROPERTY AND/OR THE STRUCTURES THEREON WILL BE FREE FROM FLOODING OR FLOOD DAMAGE. THIS FLOOD STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF THE SURVEYOR.

TITLE COMMITMENT NOTES:
COMMITMENT FOR TITLE INSURANCE PREPARED BY: TITLE RESOURCES GUARANTY COMPANY
G.F. NO.: 2210462-WSR
EFFECTIVE DATE: MAY 10, 2022
ISSUED: MAY 20, 2022
THE SURVEYOR HAS RELIED UPON THE REFERENCED COMMITMENT FOR TITLE REGARDING EASEMENTS, RESTRICTIONS, AND OTHER MATTERS AFFECTING THIS PROPERTY. NO ADDITIONAL RESEARCH WAS DONE FOR THE PURPOSE OF THIS SURVEY. ITEMS LISTED ARE WORDED ACCORDING TO THE COMMITMENT, FOLLOWED BY SURVEYOR'S NOTES AND/OR OBSERVATIONS SHOWN IN BRACKETS. []

1) THE FOLLOWING RESTRICTIVE COVENANTS OF RECORD ITEMIZED BELOW:
VOLUME 4, PAGE 3, PLAT RECORDS, TRAVIS COUNTY, TEXAS.
[SUBJECT TO]

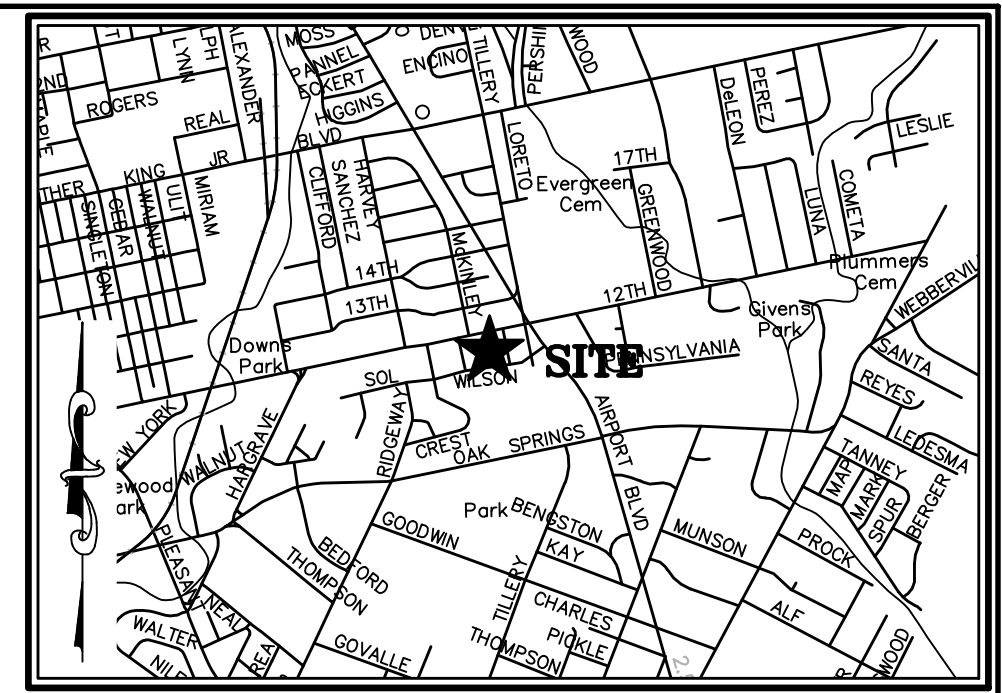
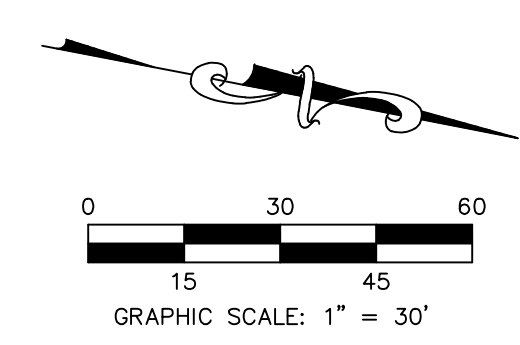
10) THE FOLLOWING MATTERS AND ALL TERMS OF THE DOCUMENTS CREATING OR OFFERING EVIDENCE OF THE MATTERS:
ORDINANCE FILED IN VOLUME 1590, PAGE 457, DEED RECORDS, TRAVIS COUNTY, TEXAS.
[DOES NOT AFFECT]

F) AGREED ORDER ON INJUNCTION FILED IN CAUSE NO. 95-04565, 201ST JUDICIAL DISTRICT COURT, TRAVIS COUNTY, TEXAS. (TRACT 1)
[SUBJECT TO]

H) EASEMENT: (TRACT 2)
RECORDED: DOCUMENT NO. 2007017020, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS.
TO: CITY OF AUSTIN
PURPOSE: WASTEWATER
[SUBJECT TO - SHOWN ON SURVEY]

J) NOTICE REGARDING: RIGHT OF ENTRY (TRACT 2)
RECORDED: DOCUMENT NO. 2006202642, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS.
[SUBJECT TO - SHOWN ON SURVEY]

EXHIBIT A
MCKINLEY AVE
(50' R.O.W.)



[A]
TRACTS 1, 2 & 3
DOUGLAS GENE HOWARD,
INDEPENDENT EXECUTOR
OF THE ESTATE OF
ARTHUR GENE HOWARD
PROBATE CAUSE NO.
C-1-PB-21-001193
TRAVIS COUNTY, TX

[C]
CITY OF AUSTIN
CALLED 0.028 ACRES
VOL. 11756, PG. 858
D.R.T.C.T.

[D]
CITY OF AUSTIN
CALLED 0.028 ACRES
OUTLOT 15 DIVISION "B"
VOL. 10377, PG. 900
D.R.T.C.T.

TREE LIST

NUMBER	DESCRIPTION
5000 10"	AMERICAN ELM
5001 38"	LIVE OAK
5002 8"	AMERICAN ELM
5003 8"	AMERICAN ELM
5004 8"	AMERICAN ELM
5005 13"	HACKBERRY
5006 20"	ASH
5007 9"	HACKBERRY
5008 8"	CHINA BERRY
5009 13"	CEDAR ELM
5010 8"	CHINA BERRY
5011 8"	HACKBERRY
5012 40"	LIVE OAK
5013 11"	HACKBERRY
5014 15"	CHINA BERRY
5015 19"	LIGUSTRUM 10 9 8
5016 9"	CEDAR ELM
5017 14"	CHINA BERRY
5018 14"	HACKBERRY 10 8
5019 10"	CEDAR ELM
5020 16"	LIGUSTRUM 10 11

VICINITY MAP
SCALE: 1" = 2000'

LEGEND

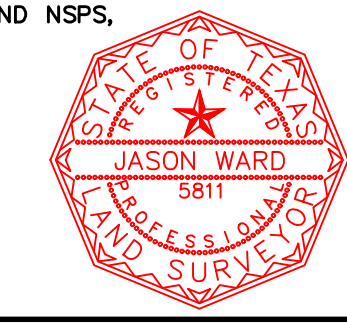
—	PROPERTY LINE
- - -	EXISTING PROPERTY LINES
- - -	EXISTING EASEMENTS
△	CALCULATED POINT
○	1/2" IRON PIPE FOUND (UNLESS NOTED)
●	IRON ROD WITH CAP FOUND (UNLESS NOTED)
⊗	CHISELED "X" FOUND IN CONCRETE
△	SURVEY CONTROL POINT
⋄	BENCHMARK
⋄	LIGHT POLE
⋄	SIGN (AS NOTED)
⊗	CLEAN OUT
⊗	IRRIGATION CONTROL VALVE
⊗	ELECTRIC JUNCTION BOX
⊗	ELECTRIC MANHOLE
⊗	TELECOMMUNICATIONS MANHOLE
⊗	WASTEWATER MANHOLE
—	EDGE OF ASPHALT
—	HAND RAIL
—	WIRE FENCE
—	WOOD FENCE
—	CHAIN LINK FENCE
—	WROUGHT IRON FENCE
—	CONCRETE
—	BUILDING
—	POWER/UTILITY POLE
—	GUY ANCHOR
—	BOLLARD POST (UNLESS NOTED)
—	AIR CONDITIONER UNIT
—	TELECOMMUNICATIONS PEDESTAL
—	ELECTRIC METER
—	GAS METER
—	WATER METER
—	VOLUME, PAGE
—	DOCUMENT NUMBER
—	RIGHT-OF-WAY
—	PLAT RECORDS, TRAVIS COUNTY, TEXAS
—	OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS
—	REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS
—	DEED RECORDS, TRAVIS COUNTY, TEXAS
—	RECORD INFORMATION PER VOL. 4, PG. 3

GENERAL NOTES:
1. PROPERTY ADDRESS: 3121 E 12TH ST, AUSTIN, TX 78702
2. THE LOCATION OF FENCES AND THE SIZE AND LOCATION OF UTILITY STRUCTURES, (IF SHOWN), MAY BE EXAGGERATED FOR GRAPHICAL CLARITY.
3. ADDITIONAL NUMBERS (IF SHOWN) IN THE TREE LIST AT THE END OF THE TREE DESCRIPTION, REPRESENT THE SIZES AND NUMBER OF MULTI-TRUNK TREES.
4. THERE WERE NO STRIPED PARKING SPACES ON THIS SITE AT THE TIME OF SURVEY.
5. AT THE TIME OF THE FIELD SURVEY, THERE WAS NO EVIDENCE THAT THIS SITE IS OR WAS USED AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL.
6. THERE WAS NO OBSERVED EVIDENCE OF CURRENT EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS.

ALTA/NSPS CERTIFICATION:
TO: DOUGLAS GENE HOWARD, INDEPENDENT EXECUTOR; GMJ REAL ESTATES INVESTMENTS;
TITLE RESOURCES GUARANTY COMPANY
THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS AND INCLUDES ITEMS 1-5, 7(a), 8, 9, 11(a), 13, AND 16 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON (JUNE-28-2022).

JASON WARD, RRLS
TEXAS REGISTRATION NO. 5811

7/5/2022
DATE



ALTA/NSPS LAND TITLE
SURVEY OF LOTS 10 AND
11 SAM HUSTON HEIGHTS
City of Austin, Travis
County, Texas



Date: 7/5/2022
Project: 01478
Scale: 1" = 20'
Reviewer: PRB
Tech: JG
Field Crew: VS/AB
Survey Date: JUNE, 2022
Sheet: 1 OF 1
P:\01478\dwg\01478.dwg



Created: 10/19/2022