

**ORDINANCE NO. 20230914-109**

**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 1015 EAST 38TH STREET AND 3703 HARMON AVENUE, IN THE CENTRAL AUSTIN COMBINED NEIGHBORHOOD PLAN AREA, FROM GENERAL COMMERCIAL SERVICES-MIXED USE-NEIGHBORHOOD PLAN (CS-MU-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-neighborhood plan (CS-MU-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. C14-2023-0012, on file at the Planning Department, as follows:

0.282 acres of land, being a portion of BLOCK 3 of PLAINVIEW HEIGHTS, a subdivision of Outlots Nos. 20 and 21, Division "C", in Travis County, Texas, said 0.282 acres of land being more particularly described by metes and bounds in **Exhibit "A"** incorporated into this ordinance,

AND

LOT B, L.C. JOHNSON'S RESUBDIVISION OF A PORTION OF LOT 3 OF PLAINVIEW HEIGHTS, a subdivision in Travis County, Texas, according to the map or plat thereof as recorded in Volume 25, Page 22, of the Plat Records of Travis County, Texas

(collectively the "Property"),

locally known as 1015 East 38th Street and 3703 Harmon Avenue in the City of Austin, Travis County, Texas, 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 following uses are prohibited uses on the Property:

Agricultural sales and services	Automotive rentals
Automotive sales	Campground
Construction sales and services	Convenience storage
Drop-off recycling collection facilities	Equipment repair services
Equipment sales	Kennels
Limited warehousing and distribution	Maintenance and service facilities
Monument retail sales	Outdoor entertainment
Pawn shop services	Service station
Vehicle storage	

(B) The following uses are conditional uses of the Property:

Automotive repair services	Automotive washing (of any type)
Building maintenance services	Commercial blood plasma center
Commercial off-street parking	Custom manufacturing
Drive-in service as an accessory use to commercial uses	Funeral services
Hotel-motel	Outdoor sports and recreation
Research services	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. 040826-59 that established zoning for the Hancock Neighborhood Plan.

**PART 5.** This ordinance takes effect on September 25, 2023.


**PASSED AND APPROVED**

\_\_\_\_ September 14 \_\_\_\_\_, 2023

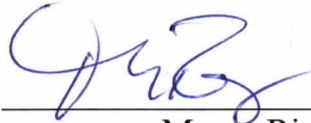
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Kirk Watson  
Mayor

**APPROVED:** \_\_\_\_\_

  
Anne L. Morgan  
City Attorney

**ATTEST:** \_\_\_\_\_

  
Myrna Rios  
City Clerk

# EXHIBIT A

## FIELD NOTES Tract 2

Being 0.282 acres of land, (12,300.58 square feet), more or less, and being a portion of Block 3, PLAINVIEW HEIGHTS, a subdivision out of Outlots 20 and 21, Division "C", in Travis County, Texas, according to the map or plat thereof, recorded in Volume 2, Page 214A, Plat Records, Travis County, Texas; said portion being more particularly described by metes and bounds as follows:

Beginning at a 1 inch pipe found in concrete at the intersection of the south R.O.W. line of East 38th Street with the east R.O.W. line of Harmon Avenue, at the Northwest corner of Block 3, Plainview Heights, according to the map or plat of said subdivision recorded in Vol. 2, Page 214 (A) of the Plat Records of Travis County, Texas, for the Northwest corner of the herein described tract;

Thence along the south R.O.W. line of East 38th Street, and the north line of Block 3, S 62 deg. 31' 04" E 80.15 ft. to a 1/2" iron rod set at the Northwest corner of Lot a, L.C. Johnson's Resubdivision of a portion of Lot 3, Plainview Heights, according to the Map or Plat of said subdivision recorded in Vol. 25, pg. 22 of the Plat Records of Travis County, Texas, for the Northeast corner of this tract;

Thence along the west line of said Lot A, S 28 deg. 11' 20" W 153.57 ft. to a 1/2" iron rod found in the north line of Lot B, of said L.C. Johnson's Resub., same being at the Southwest corner of said Lot A, for the Southeast corner of this tract;

Thence along the north line of said Lot B, N 62 deg. 31' 20" W 80.05 ft. to a 1/2" iron rod set in the east R.O.W. line of Harmon Avenue, same being in the west line of said Block 3, at the Northwest corner of said Lot B, for the Southwest corner of this tract;


Thence along the east R.O.W. line of Harmon Avenue and the west line of said Block 3, N 28 deg. 09' 01" E 153.57 ft. to the POINT OF BEGINNING, and containing 0.282 acres of land, (12,300.58 square feet), more or less.

Corresponding plat prepared.

I, Enrique C. Elizondo, a Registered Professional Land Surveyor do hereby certify this legal description and plat represents an actual survey made on the ground under my supervision and substantially complies with the minimum standards for land surveying in Texas as set forth by the Texas Board of Professional Land Surveying and that there are no encroachments or visible easements, to the best of my knowledge and belief, except as shown herein.



Elizondo & Associates  
Land Surveying & Mapping, LLC.  
11153 Westwood Loop  
San Antonio, Texas 78253  
(210) 375-4128  
Texas Firm No. 10193864

  
Enrique C. Elizondo  
Registered Professional Land Surveyor  
No. 6386, State of Texas



PROPERTY ADDRESS: 1015 E. 38TH ST., AUSTIN, TX 78705  
2.262 ACRES (12,300.58 SQUARE FEET)  
TRACT 2

LEGAL DESCRIPTION:

Being 0.282 acres of land, (12,300.58 square feet), more or less, and being a portion of Block 3, PLAINVIEW HEIGHTS, a subdivision out of Outlots 20 and 21, Division "C", in Travis County, Texas, according to the map or plat thereof, recorded in Volume 2, Page 214A, Plat Records, Travis County, Texas; said portion being more particularly described by metes and bounds as follows:

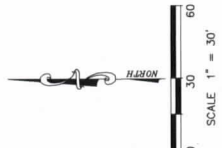
Beginning at a 1 inch pipe found in concrete at the intersection of the south R.O.W. line of East 38th Street with the east R.O.W. line of Harmon Street; thence along the east R.O.W. line of Harmon Street to the map or plat of said subdivision recorded in Vol. 2, Page 214 (A) of the Plat Records of Travis County, Texas, for the Northwest corner of the herein described tract;

Thence along the south R.O.W. line of East 38th Street, and the north line of Block 3, S 62 deg. 31' 04" E 80.15 ft. to a 1/2" iron rod set at the Northwest corner of Lot A, L.C. Johnson's Re-subdivision of a portion of Lot 3, Plainview Heights, according to the Map or Plat of said subdivision recorded in Volume 2, Page 214A, Plat Records of Travis County, Texas, for the Northeast corner of this tract;

Thence along the west line of said Lot A, S 28 deg. 11' 20" W 153.57 ft. to a 1/2" iron rod found in the north line of Lot B, of said L.C. Johnson's Re-subdivision, for the Southwest corner of said Lot A, for the Southeast corner of this tract;

Thence along the north line of said Lot B, N 62 deg. 31' 20" W 80.05 ft. to a 1/2" iron rod set in the east R.O.W. line of Harmon Avenue, same to a 1/2" iron rod set in the east R.O.W. line of Harmon Avenue, same to the map or plat of said subdivision recorded in Volume 2, Page 214A, Plat Records of Travis County, Texas, for the Southwest corner of this tract;

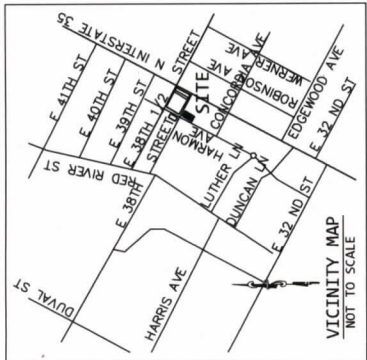
Thence along the east R.O.W. line of Harmon Avenue and the west line of said Block 3, N 02 deg. 09' 01" E 153.57 ft. to the POINT OF BEGINNING, containing 0.282 acres of land, (12,300.58 square feet), more or less.



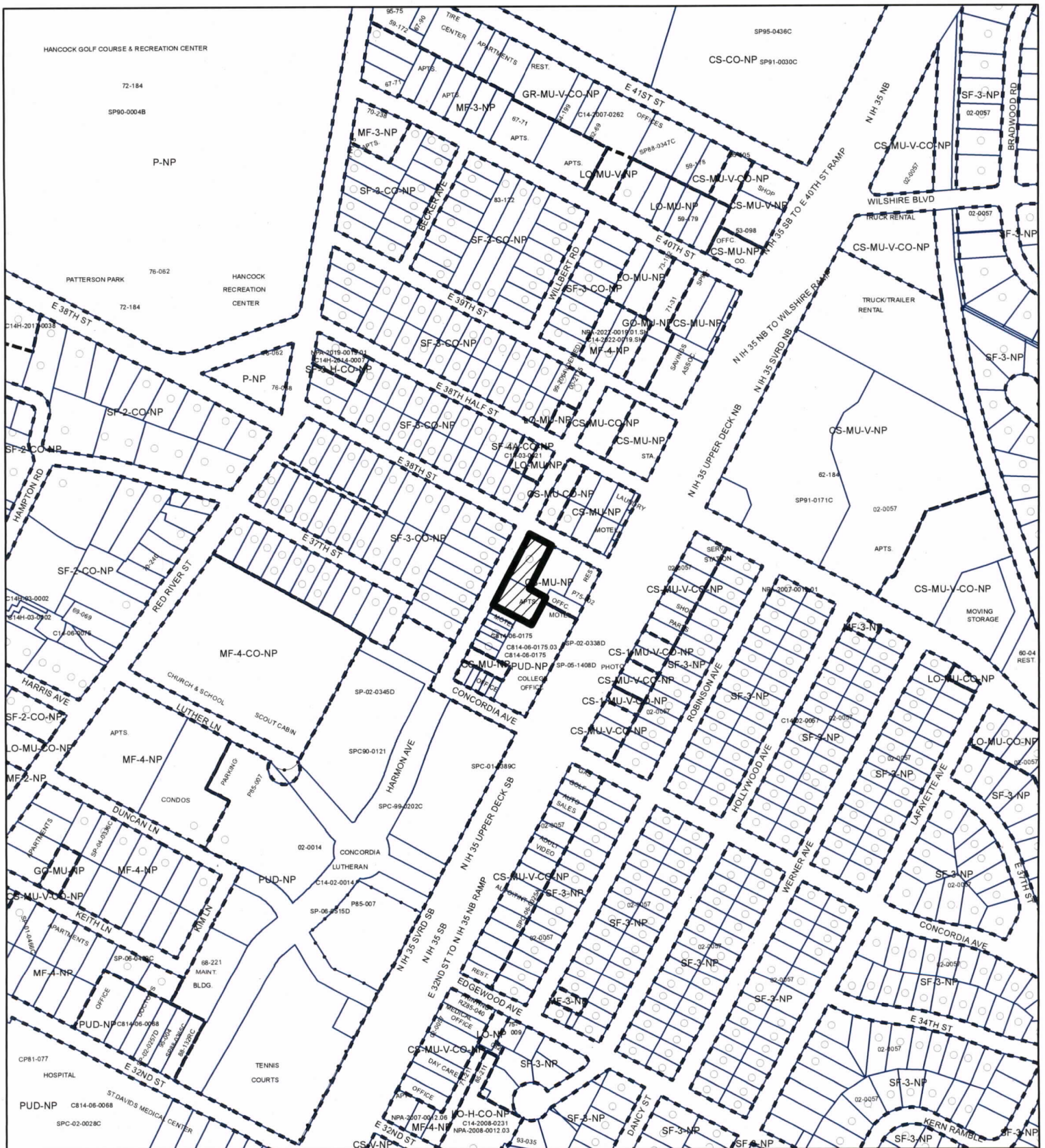
LEGEND

- PROPERTY LINE
- ADJOINER LINE
- CENTER LINE
- FLOOD LINE
- WIRE FENCE
- METAL FENCE
- OVERHEAD LINE
- RECORD BEARINGS
- UTILITY POLE
- ELECTRIC METER
- BOLLARD
- AIR CONDITIONER
- GATE POST
- TELEPHONE BOX
- MONUMENT FOUND/SET
- BLDG
- BUILDING
- ROF
- REINFORCED CONCRETE PIPE
- (R) MEASURE BEARINGS
- (M)

1. THIS SURVEY WAS COMPLETED WITHOUT THE BENEFIT OF A TITLE INSURANCE POLICY. THERE MAY BE EASEMENTS OR OTHER MATTERS OF RECORD NOT SHOWN ON THIS SURVEY.
2. BASIS OF BEARINGS ARE SURFACE MEASUREMENTS AND REFER TO THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE (4203), NAD83.
3. THIS PROPERTY FALLS WITHIN ZONE X, ACCORDING TO THE FEMA FIRM MAP FOR TRAVIS COUNTY, CITY OF AUSTIN, TEXAS, COMMUNITY MAP NO. 48453046SK, EFFECTIVE DATE OF JANUARY 22, 2020.







SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

## ZONING

### ZONING CASE#: C14-2023-0012

## EXHIBIT B

1" = 400'

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by the Housing and Planning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or



Created: 2/10/2023