

**ORDINANCE NO. 20230921-091**

**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,

Tract 3

0.3581 acres of land, being the North 260 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,

said Tract 1, Tract 2, and Tract 3, being more particularly described by metes and bounds in **Exhibit "A"** incorporated into this ordinance (collectively the "Property"),

locally known as 3117 and 3121 East 12th Street 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:

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

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

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

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

3. Development of the Property may not exceed an impervious coverage of 90 percent.

4. The maximum height of a building or structure on the Property shall not exceed 80 feet.

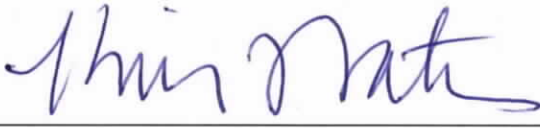
**PART 3.** Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the general commercial services (CS) base district, mixed use (MU) combining district, and other applicable requirements of the City Code.


**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.

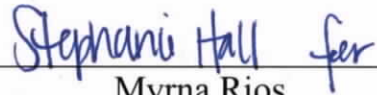
**PART 5.** This ordinance takes effect on October 2, 2023.

**PASSED AND APPROVED**

\_\_\_\_\_, September 21, 2023

§  
§  
§   
Kirk Watson  
Mayor

**APPROVED:**   
Anne L. Morgan  
City Attorney

**ATTEST:**   
Myrna Rios  
City Clerk



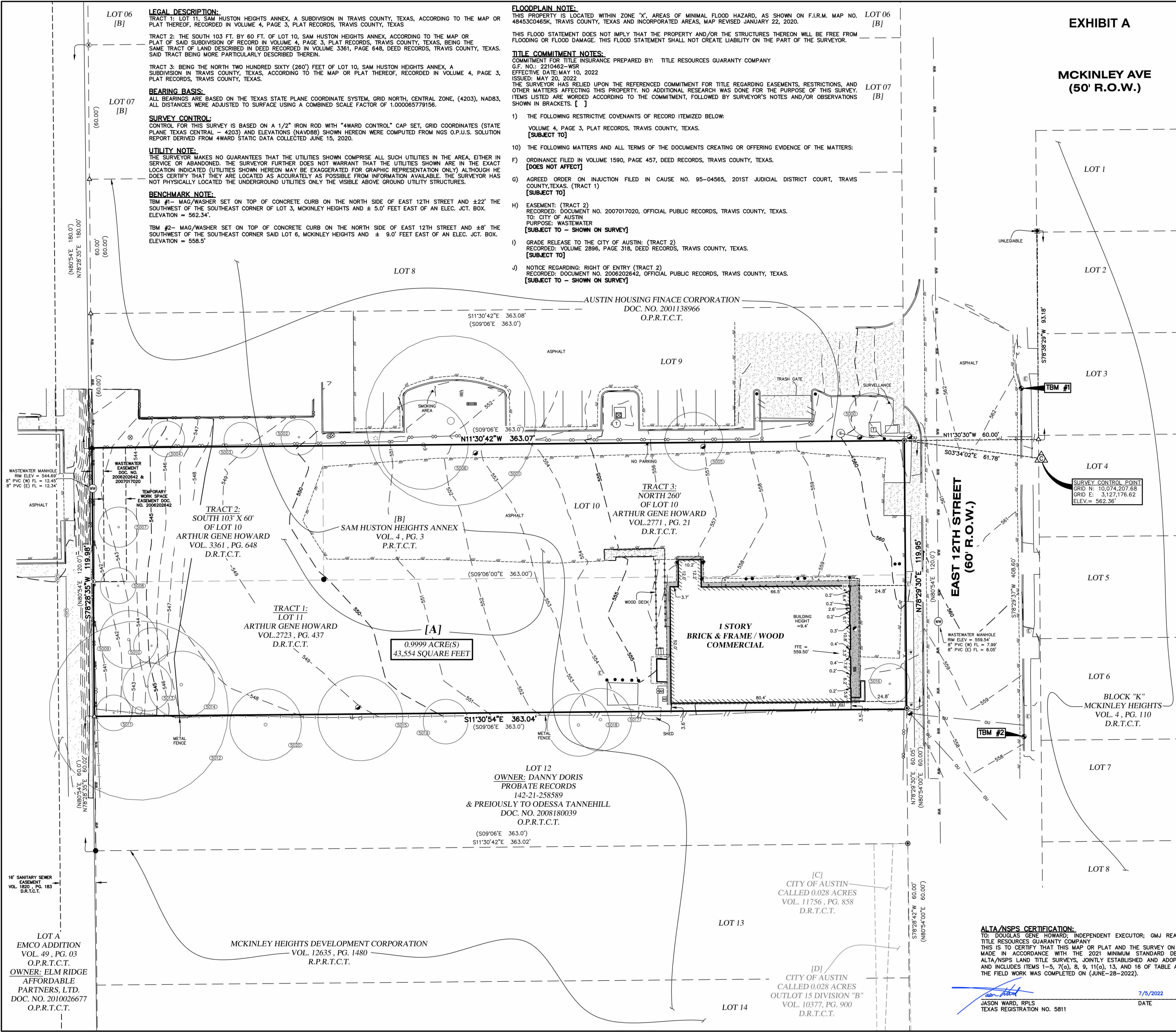
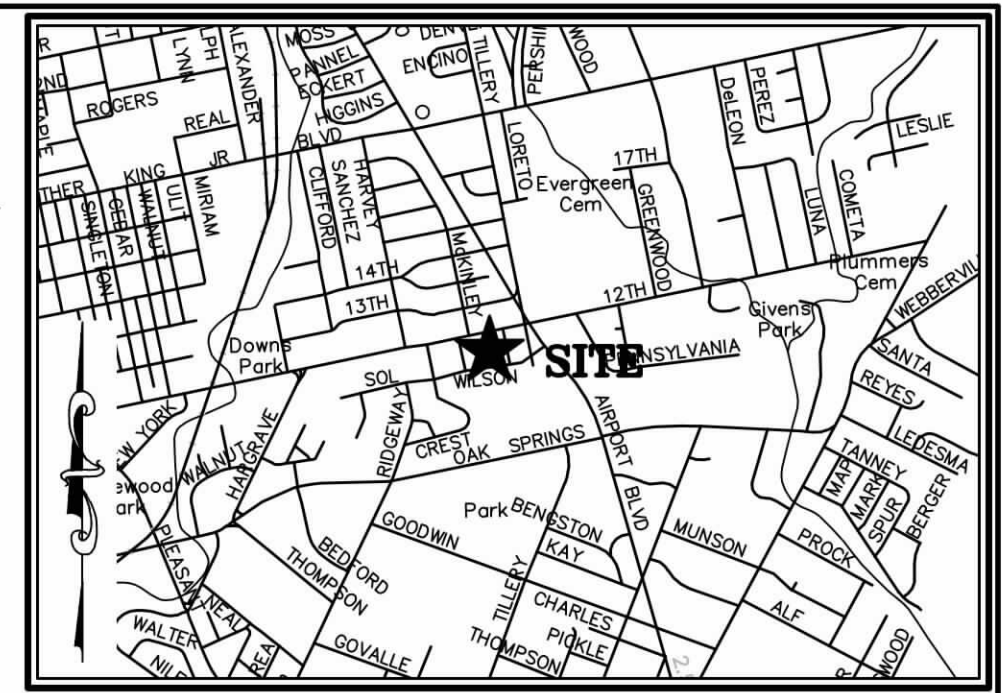
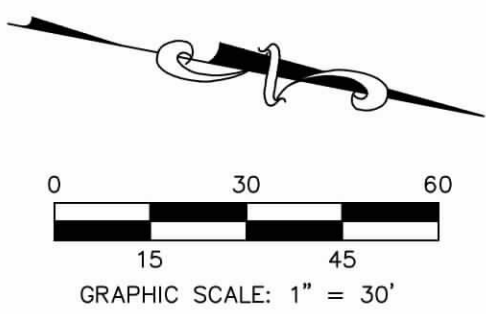


EXHIBIT A

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



VICINITY MAP

SCALE: 1" = 2000'

LEGEND

—	PROPERTY LINE
- - -	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
- x -	WIRE FENCE
- // -	WOOD FENCE
- oo -	CHAIN LINK FENCE
- I -	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
DOC. NO.	DOCUMENT NUMBER
R.O.W.	RIGHT-OF-WAY
P.R.T.C.T.	PLAT RECORDS, TRAVIS COUNTY, TEXAS
O.P.R.T.C.T.	OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS
R.P.R.T.C.T.	REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS
D.R.T.C.T.	DEED RECORDS, TRAVIS COUNTY, TEXAS
(.....)	RECORD INFORMATION PER VOL. 4, PG. 3

[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

- 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 LAND TITLE**  
**SURVEY OF LOTS 10 AND**  
**11 SAM HUSTON HEIGHTS**  
**City of Austin, Travis**  
**County, Texas**



PO Box 90876, Austin Texas 78709  
INFO@4WARDLS.COM (512) 537-2384  
TPELS FIRM #0174300

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

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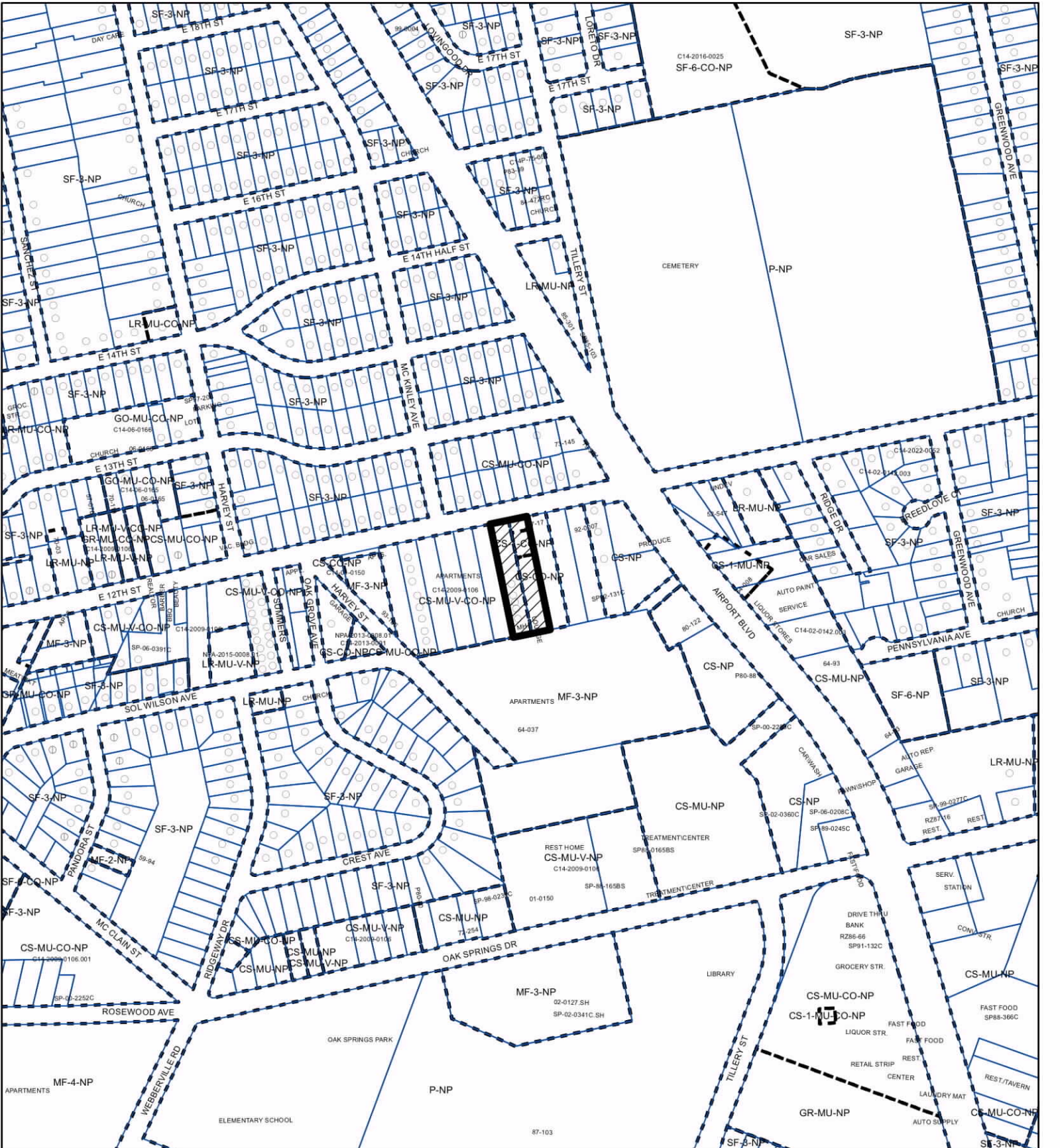
**ALTA/NSPS CERTIFICATION:**  
TO: DOUGLAS GENE HOWARD, INDEPENDENT EXECUTOR; GMJ REAL ESTATES INVESTMENTS;  
TITLE RESOURCES GUARANTY COMPANY  
THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE  
MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR  
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, RPLS  
TEXAS REGISTRATION NO. 5811

7/5/2022  
DATE



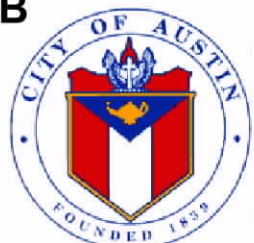




**ZONING**

**EXHIBIT B**

ZONING CASE#: C14-2022-0150



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: 10/19/2022