

ORDINANCE NO. 20240926-094

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 5200 EAST 5TH STREET IN THE GOVALLE/JOHNSTON TERRACE COMBINED NEIGHBORHOOD PLAN AREA FROM GENERAL COMMERCIAL SERVICES-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (CS-CO-NP) COMBINING DISTRICT TO GENERAL COMMERCIAL SERVICES-MIXED USE-VERTICAL MIXED USE BUILDING-CONDITIONAL OVERLAY-DENSITY BONUS 90-NEIGHBORHOOD PLAN (CS-MU-V-CO-DB90-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-conditional overlay-neighborhood plan (CS-CO-NP) combining district to general commercial services-mixed use-vertical mixed use building-conditional overlay-density bonus 90-neighborhood plan (CS-MU-V-CO-DB90-NP) combining district on the property described in Zoning Case No. C14-2024-0037, on file at the Planning Department, as follows:

1.333 acres of land in the J.C. Tannehill League, Abstract No. 22, in Travis County, Texas, being all of a called 1.338 acre tract conveyed by deed recorded in Document No. 2019057440 of the Official Public Records of Travis County, Texas, said 1.333 acres of land being more particularly described by metes and bounds in **Exhibit “A”** incorporated into this ordinance (the “Property”),

locally known as 5200 East 5th 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:

(A) The following uses are prohibited uses of the Property:

Adult Oriented Businesses
Kennels
Pawn Shop Services
Vehicle Storage

Campground
Laundry Services
Residential Treatment

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

Agricultural Sales and Services
Automotive Repair Services
Building Maintenance Services
Construction Sales and Services

Equipment Repair Services

Automotive Rentals
Automotive Washing (of any type)
Commercial Off-Street Parking
Drive-In Services as an accessory
use to commercial uses
Equipment Sales

PART 3. The Property may be developed in compliance and used in accordance with the regulations established for density bonus 90 (DB90) combining district and other applicable requirements of the City Code.

PART 4. 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 5. Except as specifically modified by this ordinance, the Property is subject to Ordinance No. 030327-11a that established zoning for the Govalle Neighborhood Plan.

PART 6. This ordinance takes effect on October 7, 2024.

PASSED AND APPROVED

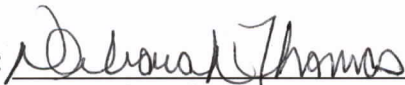
_____, September 26, 2024

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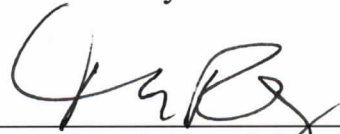
Kirk Watson
Mayor

APPROVED:



Deborah Thomas
Interim City Attorney

ATTEST:



Myrna Rios
City Clerk

EXHIBIT "A"



Professional Land Surveying, Inc.
Surveying and Mapping

Office: 512-443-1724
Fax: 512-389-0943

5725 West Hwy 290, Suite 202
Austin, Texas, 78735-7822

1.333 ACRES CITY OF AUSTIN, TRAVIS COUNTY, TEXAS

A DESCRIPTION OF 1.333 ACRES (APPROXIMATELY 58,093 SQ. FT.) IN THE J.C. TANNEHILL LEAGUE, ABSTRACT NO. 22 IN TRAVIS COUNTY, TEXAS, BEING ALL OF A 1.338 ACRE TRACT CONVEYED TO CSW 5TH STREET, LLC IN A WARRANTY DEED WITH VENDOR'S LIEN DATED APRIL 23, 2019 AND RECORDED IN DOCUMENT NO. 2019057440 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 1.333 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a type 1 concrete highway monument found in the north right-of-way line of East 5th Street, being the south corner of Lot 2, Airport Two Subdivision, a subdivision of record in Volume 80, Page 395 of the Plat Records of Travis County, Texas and also being the east corner of said 1.338 acre tract;

THENCE with the north right-of-way line of East 5th Street, same being the south line of the 1.338 acre tract, the following eight (8) courses and distances:

1. North 83°44'46" West, a distance of 51.33 feet to a 1/2" iron pipe found;
2. North 85°24'43" West, a distance of 58.64 feet to a 1/2" iron pipe found;
3. North 83°47'57" West, a distance of 85.68 feet to an "X" in concrete found;
4. North 77°48'52" West, a distance of 96.63 feet to a Mag nail with "Chaparral" washer set;
5. North 72°50'10" West, a distance of 95.95 feet to an "X" in concrete found;
6. North 67°50'56" West, a distance of 95.95 feet to an "X" in concrete found;
7. North 63°20'42" West, a distance of 91.07 feet to a 1/2" iron pipe found;
8. North 56°31'36" West, passing at a distance of 70.35 feet, a 5/8" rebar found and continuing for a total distance of 71.02 feet to a calculated point for the west corner of the 1.338 acre tract, being the south corner of a 0.30 acre tract conveyed to Angelos Panagopoulos in Volume 10868, Page 242, of the Real Property Records of Travis County, Texas and also being the south termination of the Boundary Line Agreement described in Document No. 2006162002 of the Official Public Records of Travis County, Texas;

THENCE North 29°02'40" East, with the common line of said 0.30 acre tract and the 1.338 acre tract, as established in said Boundary Line Agreement, a distance of 125.35 feet to a calculated point in the south line of said Lot 2, Airport Two Subdivision, being the east corner of the 0.30 acre tract and also being the north corner of the 1.338 acre tract, from which a 1/2" rebar found for the west corner of Lot 2, being the south corner of Lot 1, said Airport Two subdivision and also being in the northeast line of the 0.30 acre tract bears North 61°50'43" West, a distance of 48.20 feet and also from which a 1/2" rebar with "Holt Carson" cap found bears North 29°02'40" East, a distance of 0.51 feet;

THENCE South 61°50'43" East, with the southwest line of Lot 2, Airport Subdivision, same being the northeast line of the 1.338 acre tract, a distance of 623.17 feet to the **POINT OF BEGINNING**, containing 1.333 acres of land, more or less.

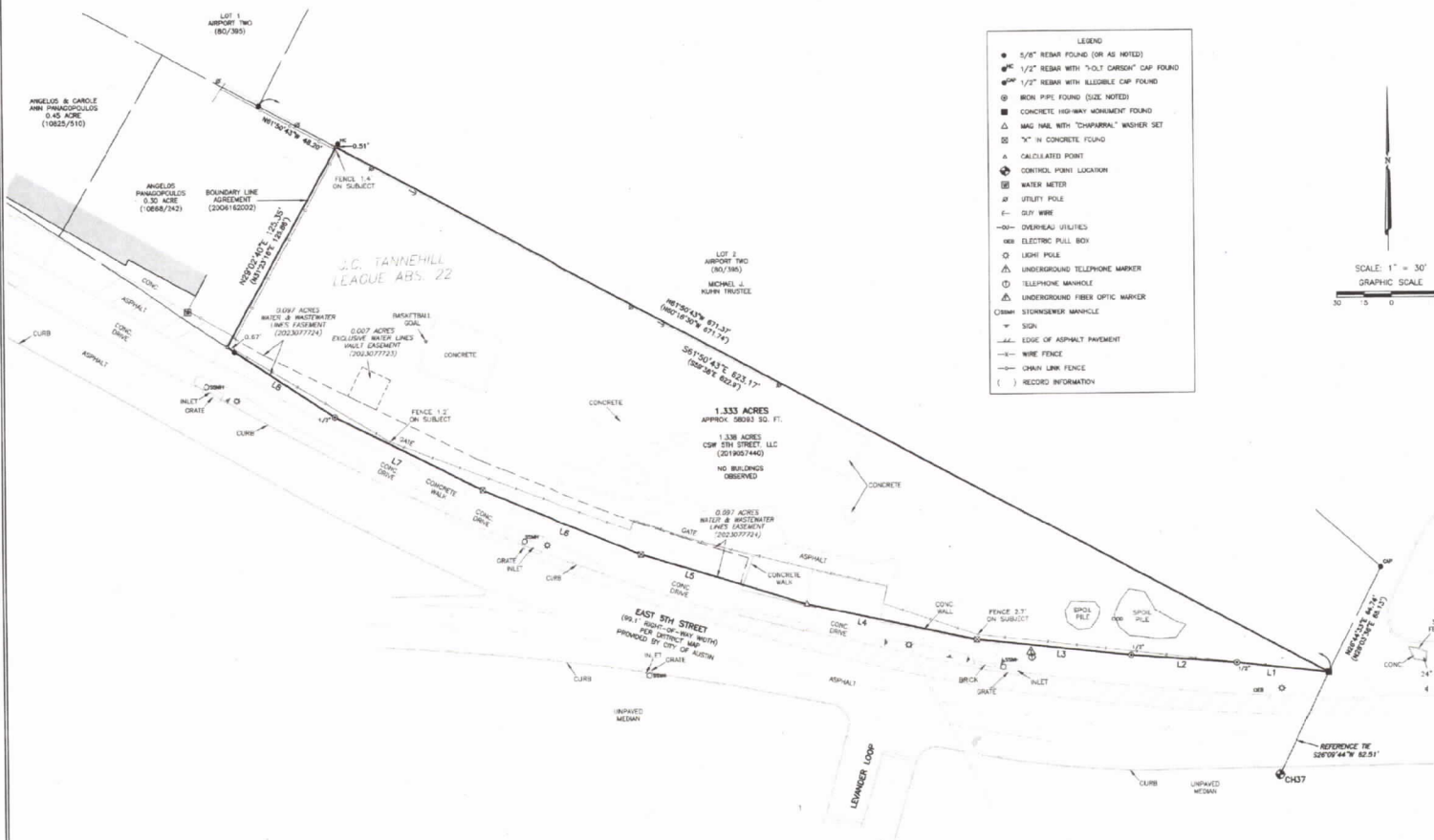
Surveyed on the ground August 11, 2023. Bearing basis: The Texas Coordinate System of 1983 (2011), Central Zone, based on GPS solutions from the National Geodetic Survey (NGS) On-line Positioning User System (OPUS).

Attachments: Survey Drawing No. 1448-001-TI4

Paul J. Flugel *11-16-2023*
Paul J. Flugel
Registered Professional Land Surveyor
State of Texas No. 5096
TBPELS Firm No. 10124500



AN ALTA/NSPS LAND TITLE SURVEY OF 1.333 ACRES (APPROXIMATELY 58,093 SQ. FT.) IN THE J.C. TANNEHILL LEAGUE, ABSTRACT NO. 22 IN TRAVIS COUNTY, TEXAS, BEING ALL OF A 1.338 ACRE TRACT CONVEYED TO CSW 5TH STREET, LLC IN A WARRANTY DEED WITH VENDOR'S LIEN DATED APRIL 23, 2019 AND RECORDED IN DOCUMENT NO. 2019057440 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.



- LEGEND
- 5/8" REBAR FOUND (OR AS NOTED)
 - 1/2" REBAR WITH "O.L.T. CURRENT" CAP FOUND
 - 1/2" REBAR WITH ALLEGIBLE CAP FOUND
 - BRON PIPE FOUND (SIZE NOTED)
 - CONCRETE HIGHWAY MONUMENT FOUND
 - MAG NAIL WITH "CHAPARRAL" WASHER SET
 - "X" IN CONCRETE FOUND
 - CALCULATED POINT
 - CONTROL POINT LOCATION
 - WATER METER
 - UTILITY POLE
 - D.U.T. WIRE
 - OVERHEAD UTILITIES
 - ELECTRIC PULL BOX
 - LIGHT POLE
 - UNDERGROUND TELEPHONE MARKER
 - TELEPHONE MARKER
 - UNDERGROUND FIBER OPTIC MARKER
 - STORMWATER MANHOLE
 - SIGN
 - EDGE OF ASPHALT PAVEMENT
 - WIRE FENCE
 - CHAIN LINK FENCE
 - RECORD INFORMATION



THIS IS A SURFACE DRAWING.

BEARING BASIS: THE TEXAS COORDINATE SYSTEM OF 1983 (NAD83). CONTROL: CONG. BASED ON GPS SOLUTIONS FROM THE NATIONAL GEODETIC SURVEY (NAD83) ON-LINE POSITIONING USER SERVICE (OPUS).

1/2" REBAR WITH "THUNDER" CAP

SURFACE COORDINATES:
N 1005817.57
E 1128597.04

TEXAS STATE PLANE COORDINATES:
N 1004911.08
E 1128454.90

ELEVATION = 451.87
VERTICAL DATUM: NAVD 88 (GEOID 18)

CONVERSION SCALE FACTOR = 0.999999910
(FOR SURFACE TO GEOID CONVERSION)

INVERSE SCALE FACTOR = 1.0000010
(FOR GEOID TO SURFACE CONVERSION)

SCALED ABOUT 0.0
TIECH. ANGLE: 121.32°

LINE	BEARING	DISTANCE	(RECORD)
L1	N83°44'46"W	51.33	(N83°44'46"W 51.33)
L2	N85°24'43"W	58.64	(N85°24'43"W 58.64)
L3	N83°47'57"W	85.68	(N83°47'57"W 85.68)
L4	N77°48'52"W	56.63	(N77°48'52"W 56.63)
L5	N72°50'10"W	90.85	(N72°50'10"W 90.85)
L6	N87°50'59"W	100.95	(N87°50'59"W 100.95)
L7	N83°50'42"W	91.02	(N83°50'42"W 91.02)
L8	N58°31'36"W	71.02	(N58°31'36"W 71.02)

FLOOD-PLAIN NOTE:

The tract shown herein lies within Zone "X" shaded (area determined to be in the 0.2% annual chance floodplain), as identified by the Federal Emergency Management Agency, National Flood Insurance Program, as shown on map no. 48453C489, dated January 22, 2020 for Travis County, Texas and incorporated herein. If this site is not within an identified special flood hazard area, 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.

ALTA/NSPS SURVEY NOTES:

(Table A, Item 6a and 6b)
The information shown herein (if any) regarding zoning and/or parking requirements, was provided to the surveyor by others and is shown herein for reference only. The surveyor does not warrant or certify as to its completeness or accuracy. Zoning and parking requirements are subject to change and should be verified with the City before relying on this information.

(Table A, Item 7a)
Square footage of buildings, if shown, is based on the outside, ground floor footprint. Unless noted otherwise, the surveyor has not accessed the inside of the building for measurement purposes.

GENERAL SURVEY NOTES:

PROPERTY ADDRESS: 5200 East 5th Street, Austin, TX 78702

ATTACHMENTS: Notes and bounds

SURVEYOR'S CERTIFICATE:

CERTIFIED TO:

CSW 5th Street, LLC, a Texas limited liability company
Five American Title Insurance Company
Heritage Title Company of Austin, Inc.

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 Standards/Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1-4, 7(G), 7(X)(1), 7(X), 8, 9 & 14 of Table A thereof.

The field work was completed on August 11, 2023.

(Handwritten signature: Paul J. Fliegel) 9/15/2023

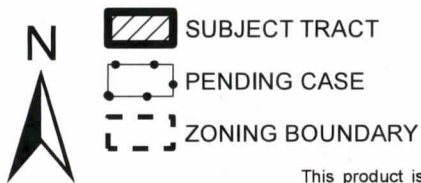
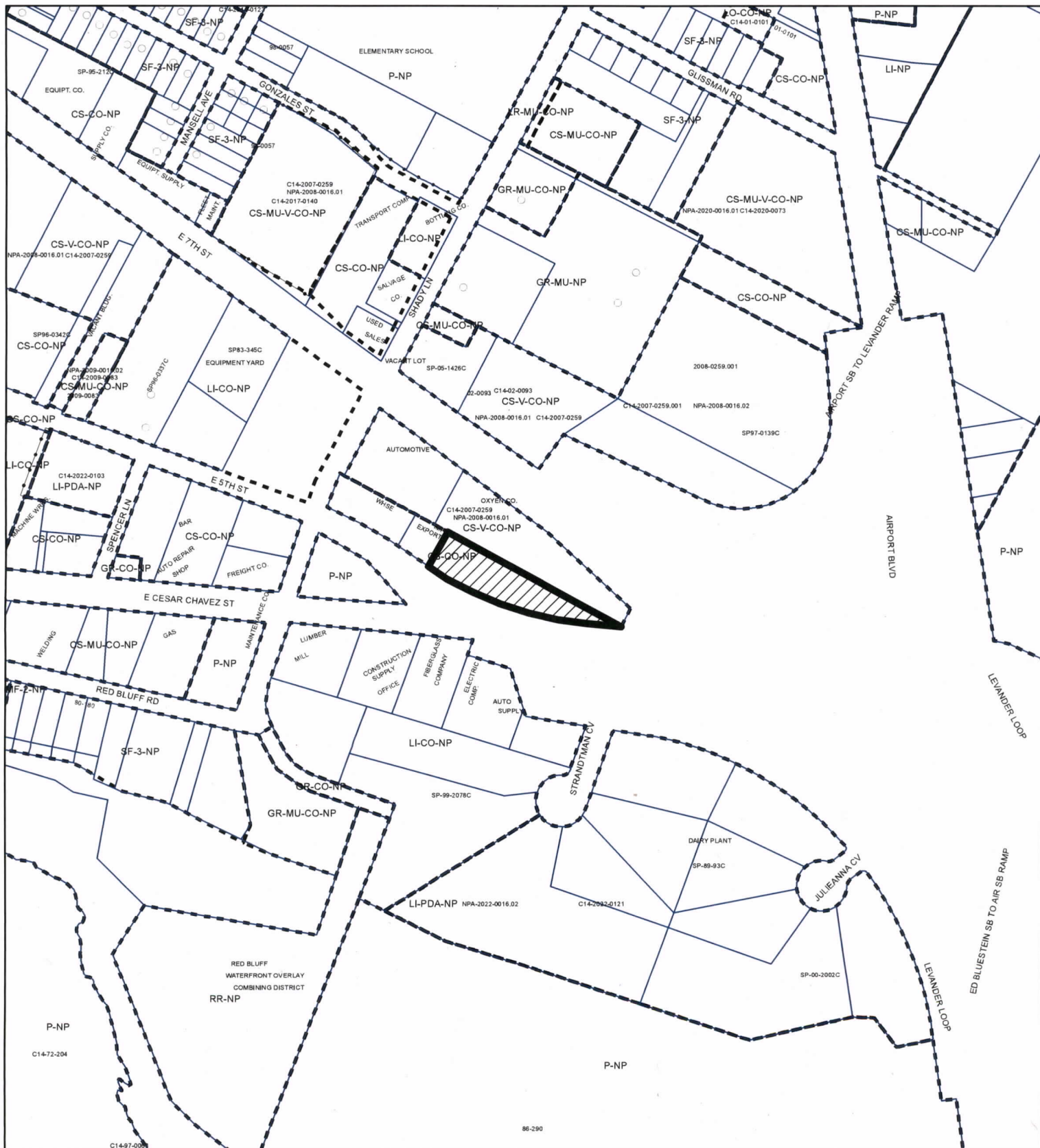
Paul J. Fliegel
Registered Professional Land Surveyor
State of Texas No. 5096
paul@chaparralnsps.com

Paul J. Fliegel
R.P.L.S. No. 5096

Chaparral
Professional Land Surveying, Inc.
Surveying and Mapping

3500 Ranch Loop
Austin, Texas 78744
512-424-1724
Firm No. 10124500

PROJECT NO.: 1448-001
DRAWING NO.: 1448-001-1
PLOT DATE: 08/15/23
PLOT SCALE: 1" = 30'
DRAWN BY: JCB
SHEET 01 OF 01



1" = 400'

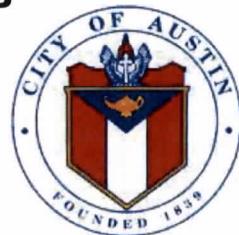
ZONING

ZONING CASE#: C14-2024-0037

EXHIBIT "B"

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 Planning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



Created: 3/19/2024