

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 1404, 1408, 1412 AND 1414 WEST OLTORF STREET AND 2043 SOUTH LAMAR BOULEVARD FROM GENERAL COMMERCIAL SERVICES (CS) DISTRICT, FAMILY RESIDENCE (SF-3) DISTRICT AND GENERAL COMMERCIAL SERVICES-CONDITIONAL OVERLAY (CS-CO) COMBINING DISTRICT TO GENERAL COMMERCIAL SERVICES-MIXED USE-CONDITIONAL OVERLAY (CS-MU-CO) COMBINING DISTRICT FOR TRACT 1 AND FROM GENERAL COMMERCIAL SERVICES-MIXED USE-VERTICAL MIXED USE BUILDING-CONDITIONAL OVERLAY (CS-MU-V-CO) COMBINING DISTRICT TO GENERAL COMMERCIAL SERVICES-MIXED USE-VERTICAL MIXED USE BUILDING-CONDITIONAL OVERLAY (CS-MU-V-CO) COMBINING DISTRICT FOR TRACT 2.

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 (CS) district, family residence (SF-3) district and general commercial services-conditional overlay (CS-CO) combining district to general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district for Tract 1 and from general commercial services-mixed use-vertical mixed use building-conditional overlay (CS-MU-V-CO) combining district to general commercial services-mixed use-vertical mixed use building-conditional overlay (CS-MU-V-CO) combining district for Tract 2 on the property described in Zoning Case No. C14-2015-0146, on file at the Planning and Zoning Department, as follows:

**Tract 1:**

3.232 acres of land out of Lots 11, 12 and 13, Block 1, Fredericksburg Road Acres, a subdivision of record in Volume 3, Page 168 of the Plat Records of Travis County, Texas, being those certain tracts conveyed to JStrain, LLC by deeds recorded in Document number 2014113524 and Document Number 2010101419 of the Official Public Records of Travis County, Texas, the said 2.323 acres of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance,

**Tract 2:**

Lot 10 less north 15 feet, Block 1, Fredericksburg Road Acres subdivision, a subdivision in Travis County, Texas, as recorded in Document No. 2005020597 of

the Official Public Records of Travis County, Texas (cumulatively referred to as the "Property"),

locally known as 1404, 1408, 1412 and 1414 West Oltorf Street and 2043 South Lamar Boulevard in the City of Austin, Travis County, Texas, generally identified in the map attached as Exhibit "C".

**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 not permitted uses for Tracts 1 and 2:

Adult-oriented businesses	Agricultural sales and services
Automotive rentals	Automotive repair services
Automotive sales	Automotive washing (of any type)
Bail bond services	Campground
Construction sales and services	Convenience storage
Laundry services	Equipment sales
Equipment repair services	Exterminating services
Funeral services	Kennels
Drop-off recycling collection facility	Limited warehousing and distribution
Outdoor entertainment	Outdoor sports and recreation
Pawn shop services	Plant nursery
Service station	Vehicle storage
Veterinary services	

B. Drive-in service is prohibited as an accessory use to commercial uses on the Property.

C. Development of the Property is limited to 90% impervious coverage for the portion of the Property described in Exhibit "B".

D. A restaurant (general) use on the Property that requires a late hours permit is prohibited.

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) district and other applicable requirements of the City Code.

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**PART 3.** This ordinance takes effect on \_\_\_\_\_, 2016.

**PASSED AND APPROVED**

\_\_\_\_\_, 2016      § \_\_\_\_\_  
   §  
   §  
   §      Steve Adler  
        Mayor

**APPROVED:** \_\_\_\_\_ **ATTEST:** \_\_\_\_\_  
                 Anne L. Morgan                      Jannette S. Goodall  
                 City Attorney                      City Clerk

**FIELD NOTES TO ACCOMPANY MAP OF SURVEY  
3.232 ACRES  
CITY OF AUSTIN  
TRAVIS COUNTY, TEXAS**

FIELD NOTE DESCRIPTION OF 3.232 ACRES OF LAND OUT OF LOTS 11, 12 AND 13, BLOCK 1, FREDERICKSBURG ROAD ACRES, A SUBDIVISION OF RECORD IN VOLUME 3, PAGE 168 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, BEING THOSE CERTAIN TRACTS CONVEYED TO JSTRAIN, LLC BY DEEDS RECORDED IN DOCUMENT NUMBER 2014113524 AND DOCUMENT NUMBER 2010101419 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS. THE SAID 3.232 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a ½ inch diameter steel pin found on the east right-of-way line of West Oltorf Street at the southwest corner of Tract 1 in the said deed to JSTrain, LLC recorded in Document Number 2014113524, the same being the northwest corner of that certain tract called Tract 1 in a deed to 1402 Oltorf, LLC, recorded in Document Number 2010107443 of the Official Public Records of Travis County, Texas;

THENCE, with the east right-of-way line of West Oltorf Street, the following four (4) courses and distances:

- 1) N 19°51'53" W, 79.55 feet to a 1 inch diameter iron pipe found at the northwest corner of the said Lot 13 and southwest corner of the said Lot 12;
- 2) N 19°33'53" W, 75.04 feet to a 1 inch diameter iron pipe found;
- 3) N 19°36'31" W, 74.99 feet to a ½ inch diameter iron pipe found at the northwest corner of the said Lot 12 and southwest corner of the said Lot 11;
- 4) N 19°30'48" W, 55.90 feet to a ½ inch diameter steel pin found at the northwest corner of the said tract conveyed to JSTrain, LLC by deed recorded in Document Number 2010101419 and being more particularly described in Volume 842, Page 535 of the Deed Records of Travis County, Texas;

THENCE, N 70°35'09" E, a distance of 105.00 feet, crossing the said Lot 11, to a ½ inch diameter steel pin set with cap stamped Lenz & Assoc on the east line of the said Lot 11 and west line of Lot 10, the same being the west line of that certain tract conveyed to JSTrain, LLC by deed recorded in Document Number 2005020597 of the Official Public Records of Travis County, Texas, and being more particularly described in Volume 1753, Page 195 of the Deed Records of Travis County, Texas, and being at the northeast corner of the said tract conveyed to JSTrain, LLC by deed recorded in Document Number 2010101419;

THENCE, S 19°29'31" E, a distance of 55.90 feet to a ½ inch diameter steel pin found at the southeast corner of the said Lot 11 and the said tract conveyed to JSTrain, LLC by deed recorded in Document Number 2010101419, the same being the southwest corner of the said Lot 10 and the said tract conveyed to JSTrain, LLC by deed recorded in Document Number 2005020597;

THENCE, N 70°35'09" E, a distance of 114.92 feet to a 1 inch diameter steel pin found at the southeast corner of the said Lot 10 and the said tract conveyed to JSTrain, LLC by deed recorded in Document Number 2005020597, the same being the southwest corner of Lot 9, the northeast corner of Tract 3 and an exterior corner of Tract 2 in the said deed to JSTrain, LLC recorded in Document Number 2014113524;

THENCE, N 70°39'51", a distance of 344.78 feet along the north line of the said Lot 12 to a 1 inch diameter steel pin found at the northeast corner of Tract 2 in the said deed to JSTrain, LLC recorded in Document Number 2014113524, the same being at the southeast corner of Lot 7 and southwest corner of Lot 6 of the said Fredericksburg Road Acres subdivision;

THENCE, S 19°28'38" E, a distance of 161.97 feet, crossing the said Lot 12 to a ½ inch diameter steel pin set with cap stamped Lenz & Assoc in the south line of the said Lot 12 and north line of the said Lot 13 at the southeast corner of Tract 2 in the said deed to JSTrain, LLC recorded in Document Number 2014113524;

THENCE, N 71°50'45" E, a distance of 114.58 feet to a ½ inch diameter steel pin found in the northwest right-of-way line of the Missouri Pacific Railroad at the southeast corner of the said Lot 12 and northeast corner of the said Lot 13, the same being the northeast corner of Tract 1 in the said deed to JSTrain, LLC recorded in Document Number 2014113524;


THENCE, S 48°03'17" W, a distance of 197.99 feet along the northwest right-of-way line of the Missouri Pacific Railroad, to a ½ inch diameter steel pin found at the southeast corner of Tract 1 in the said deed to JSTrain, LLC recorded in Document Number 2014113524, the same being the northeast corner of the said tract called Tract 1 in a deed to 1402 Oltoft, LLC;

**3.232 Acres**  
**Page 3 of 3**

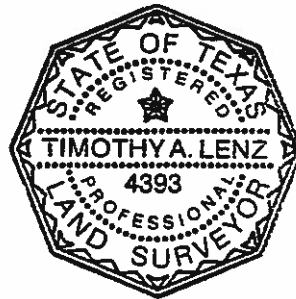
THENCE, S 71°53'13" W, a distance of 495.57 feet to the **PLACE OF BEGINNING**, containing 3.232 acres of land, more or less.

BEARINGS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM NAD83,  
CENTRAL ZONE GRID.

THIS DESCRIPTION WAS PREPARED FOR ZONING PURPOSES.

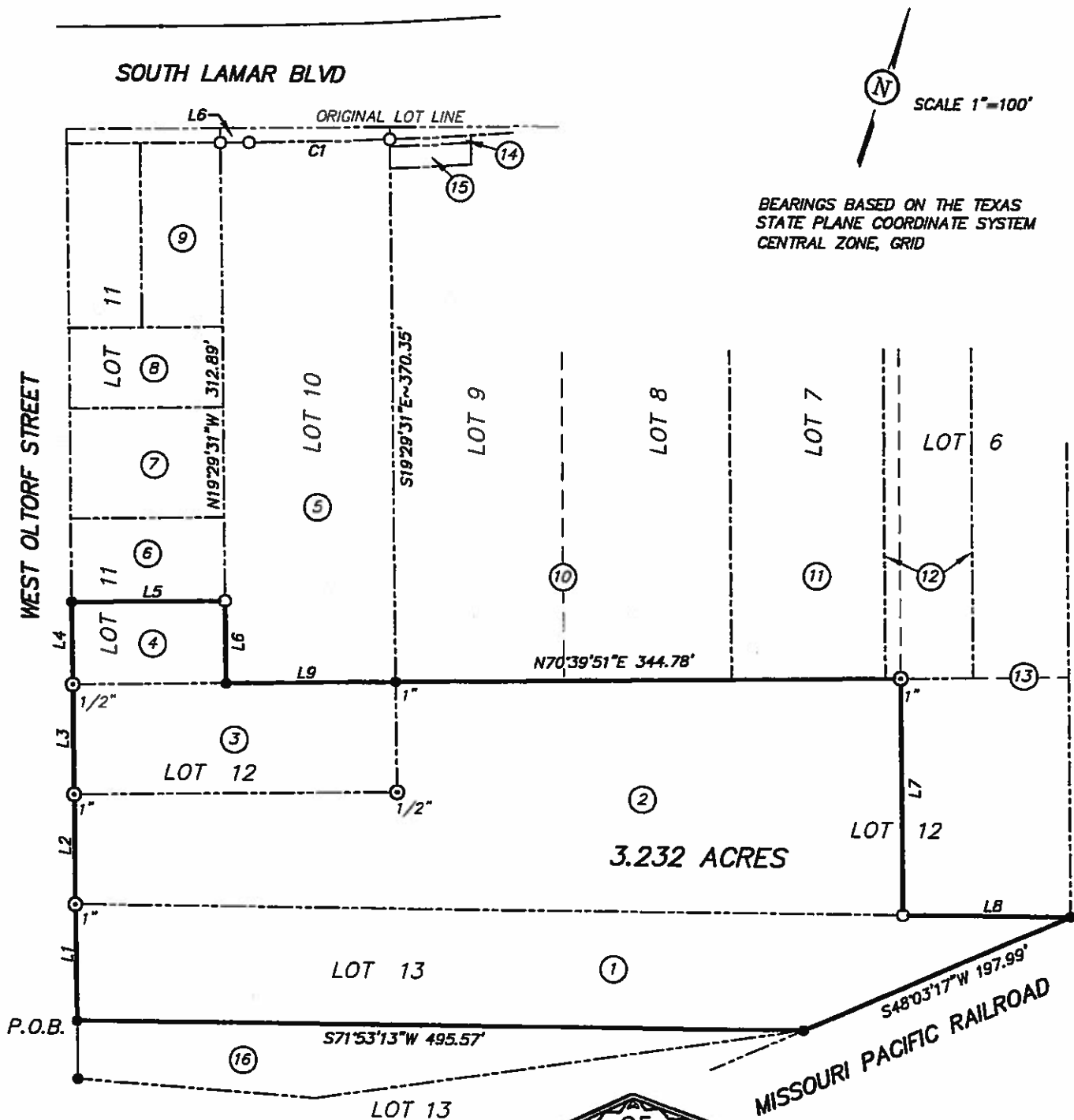
  
Timothy A. Lenz, R.P.L.S. No. 4393

Lenz & Associates, Inc.  
Firm No. 100290-00  
4303 Russell Drive  
Austin, Texas 78704  
(512) 443-1174

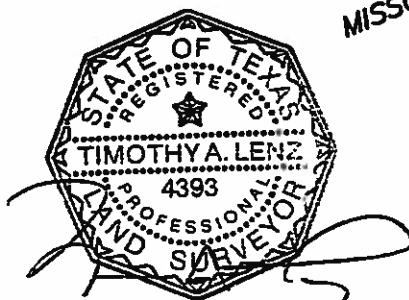


2014-0020(ZONING 3.232 ac).doc

**MAP TO ACCOMPANY FIELD NOTE DESCRIPTION**  
 BEING A PORTION OF BLOCK 1, FREDERICKSBURG ROAD ACRES  
 VOL. 3, PAGE 168, PLAT RECORDS TRAVIS COUNTY, TEXAS



**LENZ & ASSOCIATES, INC.**  
 FIRM NO. 100290-00  
 4303 RUSSELL DRIVE  
 AUSTIN, TEXAS 78704  
 (512) 443-1174



B-B-2016

# MAP TO ACCOMPANY FIELD NOTE DESCRIPTION BEING A PORTION OF BLOCK 1, FREDERICKSBURG ROAD ACRES VOL. 3, PAGE 168, PLAT RECORDS TRAVIS COUNTY, TEXAS

## LEGEND

- 1/2" STEEL PIN FOUND  
(UNLESS NOTED)
  - 1/2" STEEL PIN SET W/CAP  
MARKED 'LENZ & ASSOC.'
  - ⊙ PIPE FOUND
  - ① TRACT NUMBER
- (BRG.~DIST.) RECORD CALL DOC 2005003138  
(BRG.~DIST.) RECORD CALL DOC ADJOINING TRACT

## TRACTS TABLE

- 1) JSTRAIN, LLC, DOC. 2014113524 - TRACT 1
- 2) JSTRAIN, LLC, DOC. 2014113524 - TRACT 2
- 3) JSTRAIN, LLC, DOC. 2014113524 - TRACT 3
- 4) JSTRAIN, LLC, DOC. 2010101419 (DESCRIBED VOL. 842, PG. 535)
- 5) JSTRAIN, LLC, DOC. 2005020597 (DESCRIBED VOL. 1753, PG. 195)
- 6) TAUHLEE WATTS, DOC. 2012216747
- 7) THE SIERRA GROUP, L.P., DOC. 2004156652
- 8) THE SIERRA GROUP, L.P., DOC. 2004156652
- 9) SIDNEY BORDER GRIEF, VOL. 11367, PG. 152
- 10) 2021 SOUTH LAMAR, LP, DOC. 2012183379
- 11) W.W. ENTERPRISES, VOL. 11013, PG. 920
- 12) MICHAEL R. MACARI, VOL. 10565, PG. 187
- 13) JOHNNY CUCHIA, DOC. 2001030906
- 14) CITY OF AUSTIN, VOL. 9775, PG. 546 (REMAINDER)
- 15) 2021 SOUTH LAMAR, LP, DOC. 2012183379
- 16) 1402 OLTORF, LLC, DOC. 2010107443 - TRACT ONE

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N19°51'53"W	79.55
L2	N19°33'53"W	75.04
L3	N19°36'31"W	74.99
L4	N19°30'48"W	55.90
L5	N70°35'09"E	105.00
L6	S19°29'31"E	55.90
L7	S19°28'38"E	161.97
L8	N71°50'45"E	114.58
L9	N70°35'09"E	114.92

CURVE TABLE						
CURVE	DELTA	RADIUS	TANGENT	ARC	CHORD	BEARING
C1	01°52'57"	2904.80	47.72	95.43	95.43	N69°38'40"E

## LENZ & ASSOCIATES, INC.

FIRM NO. 100290-00  
4303 RUSSELL DRIVE  
AUSTIN, TEXAS 78704  
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**FIELD NOTES TO ACCOMPANY MAP OF SURVEY  
0.709 ACRE  
CITY OF AUSTIN  
TRAVIS COUNTY, TEXAS**

FIELD NOTE DESCRIPTION OF 0.709 ACRE OF LAND OUT OF LOTS 10, 11 AND 12, BLOCK 1, FREDERICKSBURG ROAD ACRES, A SUBDIVISION OF RECORD IN VOLUME 3, PAGE 168 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, ALSO BEING OUT OF THOSE CERTAIN TRACTS CONVEYED TO JSTRAIN, LLC BY DEEDS RECORDED IN DOCUMENT NUMBER 2014113524, DOCUMENT NUMBER 2010101419 AND DOCUMENT NUMBER 2005020597 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS. THE SAID 0.709 ACRE OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a ½ inch diameter steel pin found on the east right-of-way line of West Oltorf Street, the same being the west line of the said Lot 11, at the northwest corner of the said tract conveyed to JSTrain, LLC by deed recorded in Document Number 2010101419, the same being the southwest corner of that certain Tract 4 in a deed to Tauhlee Watts, recorded in Document Number 2012216747 of the Official Public Records of Travis County, Texas;

**THENCE**, N 70°35'09" E, a distance of 105.00 feet, crossing the said Lot 11, to a ½ inch diameter steel pin set at the southeast corner of the said Tauhlee Watts tract and northeast corner of the said tract conveyed to JSTrain, LLC by deed recorded in Document Number 2010101419, and being on the west line of the said tract conveyed to JSTrain, LLC by deed recorded in Document Number 2005020597;

**THENCE**, N 19°29'31" W, a distance of 157.05 feet along the west line of the said tract conveyed to JSTrain, LLC by deed recorded in Document Number 2005020597, the same being the west line of the said Lot 10 and east line of the said Lot 11 to a point, from which a ½ inch diameter steel pin set with cap stamped Lenz & Assoc on the south right-of-way line of South Lamar Boulevard at the northwest corner of the said tract conveyed to JSTrain, LLC by deed recorded in Document Number 2005020597 bears N 19°29'31" W, 155.84 feet;

**THENCE**, traversing the interior of the said Lots 10 and 12 and the said tract conveyed to JSTrain, LLC by deed recorded in Document Number 2005020597 and Tract 3 described in the said deed to JSTrain, LLC recorded in Document Number 2014113524, the following eleven (11) courses and distances:

- 1) With a curve to the right, having a central angle of 89°59'42", a radius of 100.00 feet, an arc of 157.08 feet and a chord bearing and distance of S 64°29'22" E, 141.43 feet to a point;
- 2) S 19°29'31" E, 57.04 feet to a point;
- 3) With a curve to the right, having a central angle of 16°08'53", a radius of 100.00 feet, an arc of 28.18 feet and a chord bearing and distance of S 11°25'04" E, 28.09 feet to a point;
- 4) S 70°35'08" W, 10.44 feet to a point;
- 5) S 26°54'46" W, 18.38 feet to a point;

0.709 Acres

Page 2 of 2


- 6) S 70°35'08" W, 12.61 feet to a point;
- 7) S 19°24'52" E, 25.03 feet to a point;
- 8) S 70°35'08" W, 6.44 feet to a point;
- 9) S 19°24'52" E, 19.21 feet to a point;
- 10) With a curve to the right, having a central angle of 32°12'23", a radius of 100.00 feet, an arc of 56.21 feet and a chord bearing and distance of S 54°28'57" W, 55.47 feet to a point;
- 11) S 70°35'09" W, 104.75 feet to a point on the east line of West Oltorf Street, from which a 1 inch diameter iron pipe found at the southwest corner of Tract 3 described in the said deed to JSTrain, LLC recorded in Document Number 2014113524 bears S 19°36'31" E, 30.89 feet;

THENCE, along the east line of West Oltorf Street the following two (2) courses and distances:

- 1) N 19°36'31" W, 44.10 feet to a ½ inch diameter steel pin set with cap stamped Lenz & Assoc at the northwest corner of the said Tract 3, the same being the southwest corner of the said tract conveyed to JSTrain, LLC by deed recorded in Document Number 2010101419;
- 2) N 19°30'48" W, 55.90 feet to the **PLACE OF BEGINNING**, containing 0.709 acres of land, more or less.

BEARINGS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM NAD83, CENTRAL ZONE GRID.

THIS DESCRIPTION WAS PREPARED FOR ZONING PURPOSES.

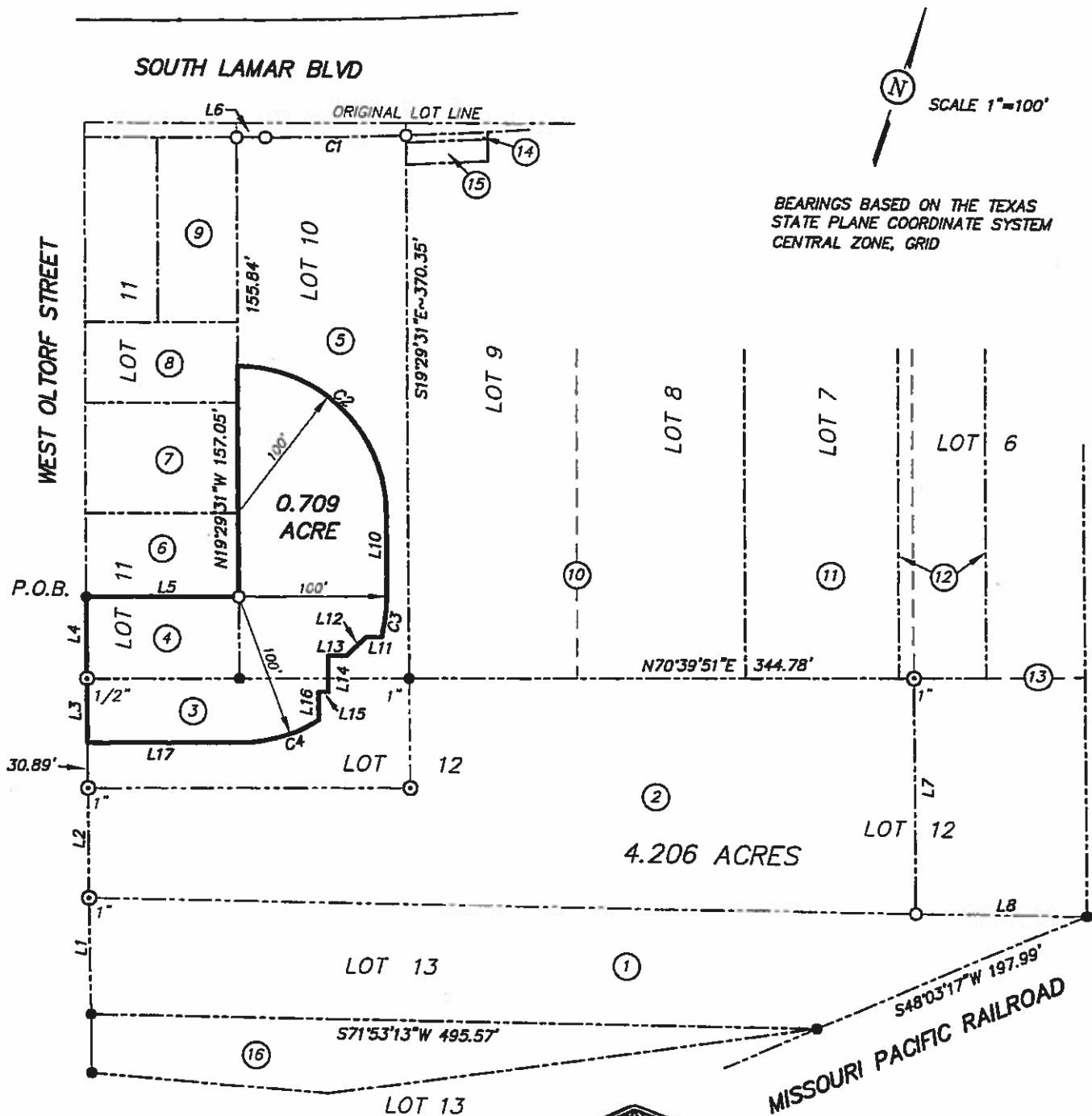
 12-29-2015  
Timothy A. Lenz, R.P.L.S. No. 4393

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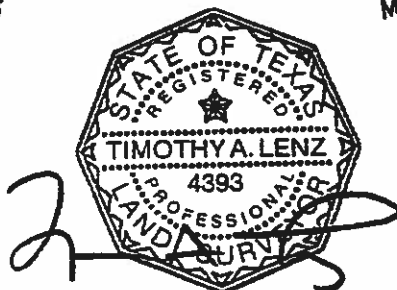
2014-0020(MUSIC ZONING).doc



MAP TO ACCOMPANY FIELD NOTE DESCRIPTION  
BEING A PORTION OF BLOCK 1, FREDERICKSBURG ROAD ACRES  
VOL. 3, PAGE 168, PLAT RECORDS TRAVIS COUNTY, TEXAS



**LENZ & ASSOCIATES, INC.**  
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12-29-2015

PAGE 1 OF 2

# MAP TO ACCOMPANY FIELD NOTE DESCRIPTION BEING A PORTION OF BLOCK 1, FREDERICKSBURG ROAD ACRES VOL. 3, PAGE 168, PLAT RECORDS TRAVIS COUNTY, TEXAS

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(UNLESS NOTED)
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MARKED 'LENZ & ASSOC.'
- ⊙ PIPE FOUND
- ① TRACT NUMBER
- (BRG.~DIST.) RECORD CALL DOC 2005003138
- ((BRG.~DIST.)) RECORD CALL DOC ADJOINING TRACT
- P.O.C. POINT OF COMMENCEMENT
- P.O.B. POINT OF BEGINNING

## TRACTS TABLE

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- 11) W.W. ENTERPRISES, VOL. 11013, PG. 920
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- 13) JOHNNY CUCHIA, DOC. 2001030906
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L3	N19°36'31"W	44.10
L4	N19°30'48"W	55.90
L5	N70°35'09"E	105.00
L6	N70°35'09"E	19.50
L7	S19°28'38"E	161.97
L8	N71°50'45"E	114.58
L9	S19°20'09"E	60.00
L10	S19°29'31"E	57.04
L11	S70°35'08"W	10.44
L12	S26°54'46"W	18.38
L13	S70°35'08"W	12.61
L14	S19°24'52"E	25.03
L15	S70°35'08"W	6.44
L16	S19°24'52"E	19.21
L17	S70°35'09"W	104.75

CURVE TABLE						
CURVE	DELTA	RADIUS	TANGENT	ARC	CHORD	BEARING
C1	01°52'57"	2904.80	47.72	95.43	95.43	N69°38'40"E
C2	89°59'42"	100.00	100.00	157.08	141.43	S64°29'22"E
C3	16°08'53"	100.00	14.19	28.18	28.09	S11°25'04"E
C4	32°12'23"	100.00	28.87	56.21	55.47	S54°28'57"W

## LENZ & ASSOCIATES, INC.

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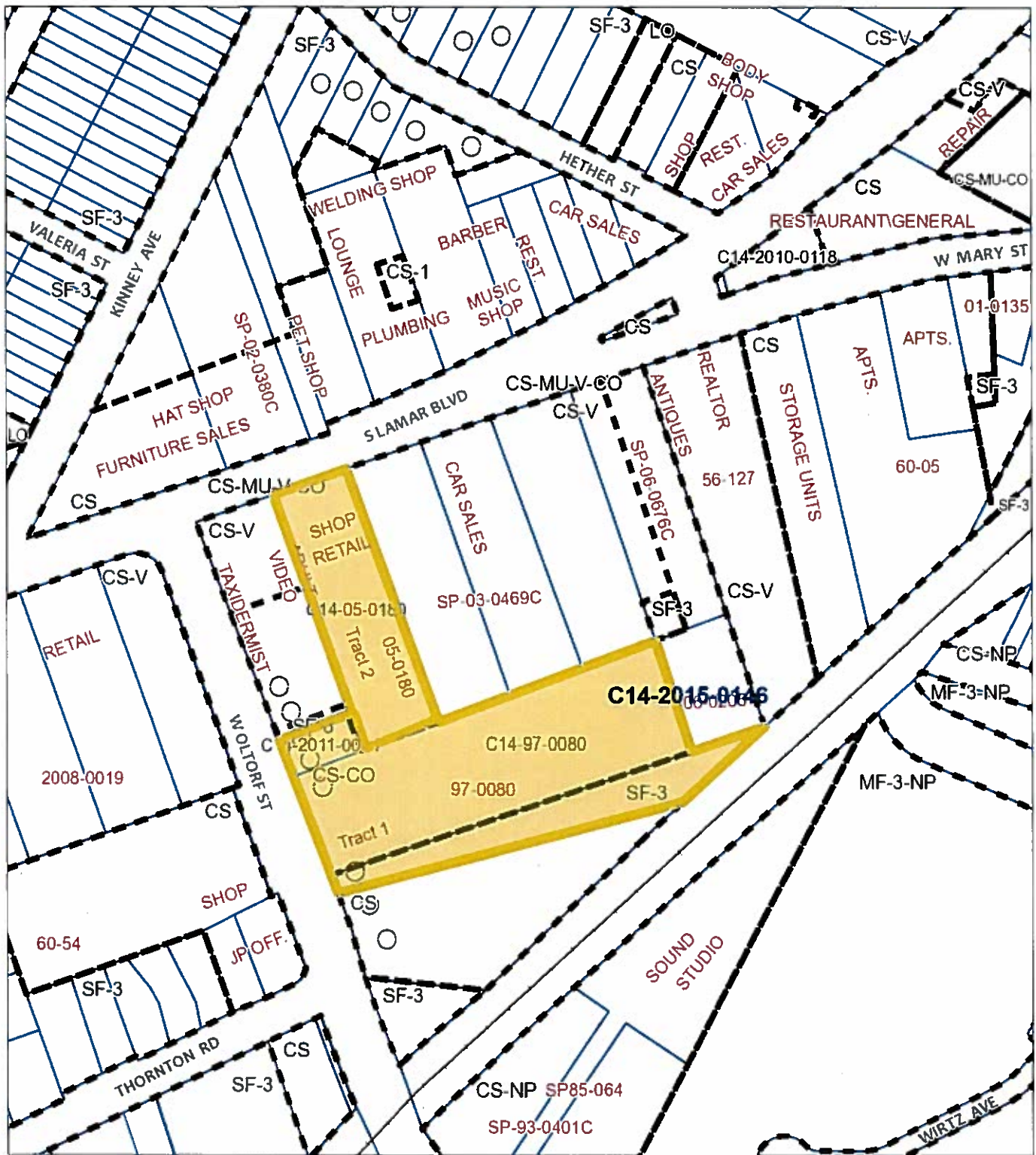






Exhibit C

-  Subject Tract
-  Pending Case
-  Zoning Boundary
-  Railroads

100 200 Feet

1" = 200'

## ZONING

ZONING CASE#: C14-2015-0146



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

Created 08/05/16