ORDINANCE NO. ______________

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 1404, 1408, 1412 AND 1414 WEST OLTFORD STREET AND 2043 SOUTH LAMAR BOULEVARD FROM GENERAL COMMERCIAL SERVICES (CS) DISTRICT, FAMILY RESIDENCE (SF-3) DISTRICT AND GENERAL COMMERICAL 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  Limited warehousing and distribution
facility
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.
PART 3. This ordinance takes effect on _________________, 2016.

PASSED AND APPROVED

§
§
§

_________________________, 2016

Steve Adler
Mayor

APPROVED: ____________________________ ATTEST: ________________

Anne L. Morgan
City Attorney

Jannette S. Goodall
City Clerk

Page 3 of 3
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;

Exhibit A
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" W, 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 Oltof, LLC;
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

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 (DESCRIPTED VOL. 842, PG. 535)
5) JSTRAIN, LLC, DOC. 2005020597 (DESCRIPTED VOL. 1753, PG. 195)
6) TAUHLE WATTS, DOC. 2012216747
7) THE SIERRA GROUP, L.P., DOC. 2004156852
8) THE SIERRA GROUP, L.P., DOC. 2004156852
9) SIDNEY BORDER GRIEF, VOL. 11367, PG. 152
10) 2021 SOUTH LAMAR, LP, DOC. 2012183379
11) W.W. ENTERPRISES, VOL. 11013, PG. 820
12) MICHAEL R. MACARI, VOL. 10565, PG. 187
13) JOHNNY CIUCA, 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

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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 Olton 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°35’09" W, 10.44 feet to a point;

5) S 26°54’46" W, 18.38 feet to a point;

Page 1 of 2

Exhibit B
8) S 70°36'08" 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.

Timothy A. Lenz, R.P.L.S. No. 4308

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

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

LEGEND

● 1/2" STEEL PIN FOUND
  (UNLESS NOTED)
○ 1/2" STEEL PIN SET W/CAP
  MARKED 'LENZ & ASSOC.'
○ PIPE FOUND
① TRACT NUMBER
(BDG.—DIST.) RECORD CALL DOC 2005003138
((BDG.—DIST.) RECORD CALL DOC ADJOINING TRACT
P.O.C. POINT OF COMMENCEMENT
P.O.B. POINT OF BEGINNING

TRACTS TABLE

1) JSTRAIN, LLC, DOC. 2014113324 — TRACT 1
2) JSTRAIN, LLC, DOC. 2014113324 — TRACT 2
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9) SIDNEY BORGER GRIEF, VOL. 11367, PG. 152
10) 2021 SOUTH LAMAR, LP, DOC. 2012183379
11) H.W. ENTERPRISES, VOL. 11013, PG. 920
12) MICHAEL R. MACARI, VOL. 10505, PG. 187
13) JOHNNY CUCHIA, DOC. 2001130926
14) CITY OF AUSTIN, VOL. 9775, PG. 545 (REMAINDER)
15) 2021 SOUTH LAMAR, LP, DOC. 2012183379
16) 1402 DLTORF, LLC, DOC. 2010107443 — TRACT ONE

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

PAGE 2 OF 2
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