ZONING CHANGE REVIEW SHEET

CASE: C14-05-0124

Z.A.P. DATE: August 15, 2006
October 17, 2006
November 7, 2006
January 9, 2007

ADDRESS: 12317 Dessau Road

OWNER/APPLICANT: Dessau 21, Ltd. (Mary Ann Joseph)

AGENT: Thrower Design (Ron Thrower)

ZONING FROM: I-RR **TO:** GR **AREA:** 6.280 acres

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to **deny** the applicant's request for GR, Community Commercial District, zoning.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

8/15/06: Postponed to October 17, 2006 by the applicant (8-0, K. Jackson-absent); C. Hammond-1st, J. Martinez-2nd.

- The Commission requested that the transportation staff from the Public Works Department be present at this hearing to answer questions about median breaks on Dessau Road.

10/17/06: Postponed to November 7, 2006 by the applicant (9-0); J. Martinez-1st, J. Pinnelli-2nd.

11/07/06: Postponed to January 9, 2007 by the applicant (9-0); J. Martinez-1st, J. Pinnelli-2nd.

1/09/07: Approved GR-CO zoning, with following conditions: 1) a 4,137 vehicle trip per day limit and 2) the developer will pay for limited purpose median openings which will be limited to south bound on Dessau Road (6-0, B. Baker, J. Martinez, S. Hale-absent); J. Pinnelli-1st, C. Hammond-2nd.

DEPARTMENT COMMENTS:

The property in question is undeveloped and moderately vegetated. This tract of land was annexed by the City of Austin on June 23, 2005. The site is located to the north of the intersection of Parmer Lane and Dessau Road. The surrounding land uses include a manufactured housing development to the north, a veterinary clinic, fast food restaurant (Jack-in the-Box), and service station to the south, and undeveloped tracts of land to the east and west. The City Council recently approved MF-2-CO zoning (case C14-05-0065.SH) adjacent to this property to the east. The tract of land behind the proposed zoning area is planned for development of a 248-unit apartment complex on the site. The multifamily development will serve families at or below 60% median family income.

The applicant would like to zone the property to GR, Community Commercial District, zoning to develop a 45,000 square foot mixed use commercial building on the site. The proposed commercial center would contain approximately 27,200 sq. ft. of retail uses, 3,000 sq. ft. of medical office uses,

5,000 sq. ft. of administrative/business offices, a 1,800 sq. ft. sit-down restaurant (general), 2,500 sq. ft. of restaurant (limited) uses, a 1,500 sq. ft. dry cleaning use, a 3,000 sq. ft. fast food restaurant pad site, a 3,000 sq. ft. drive in bank, and a 8,000 sq. ft. warehouse structure.

The staff recommends denial of the applicant's request for 'GR' zoning because the required Transportation Impact Analysis for this property has not been completed (Please see Transportation Review Memo – Attachment A). Therefore, the staff cannot determine how the proposed uses permitted by the Community Commercial district will affect the traffic flow and turning movements along this portion of Dessau Road. At this time, the staff cannot present a recommendation to the Commission based on the applicant's latest TIA submittal and the disapproval of the proposed median brakes along Dessau Road by the Public Works Department.

The applicant does not agree with the staff's recommendation.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	I-RR	Undeveloped
North	County	Manufactured Home Park
South	County	Vet Clinic, Restaurant (Jack in the Box), Service Station (Shell), Single-Family Residential Homes (four residences along Parmer Lane)
East	MF-2-CO	Undeveloped
West	County, PUD (Pioneer Crossing PUD-CR uses)	Undeveloped

AREA STUDY: N/A

TIA: Required

WATERSHED: Harris Branch

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

NEIGHBORHOOD ORGANIZATIONS:

64 - River Oaks Lakes Estates Neighborhood
114 – North Growth Corridor Alliance
643 – NorthEast Action Group

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-05-0065.SH	I-RR to MF-2	7/05/05: Approved staff's recommendation for MF-2-CO district zoning with the conditional overlay limiting the site to 2,000 vehicle trips per day, requiring the dedication of 70 feet of right-of-way from the existing/future centerline of Dessau Road in	8/18/05: Approved ZAP recommendation of MF-2-CO (7-0); 1st reading 8/25/05: Approved MF-2-CO with conditions by consent (7-0); 2nd/3rd readings

		accordance with the Transportation Plan, and limiting development on the site to a maximum of 248 residential units (7-1, B. Baker-Nay, M. Whaley-Absent)	
C14-04-0056	I-RR to SF-2, SF-6, MF-3, CS	11/02/04: Approved staff's recommendation of SF-2-CO, SF-6, MF-3, LR, LR-MU, GR, GR-MU zoning by consent (9-0)	12/16/04: Granted SF-2-CO, SF-6, MF-3, LR-MU, GR and GR-MU (7-0); all 3 readings
C14-04-0127	GR-CO to GR	10/19/04: Pending	-
C14-03-0001	DR to LO	1/28/03: Approved staff's recommendation of LO-CO zoning, w/2,000 trip limit (8-0, J. Donisi-absent)	2/27/03: Granted LO-CO on all 3 (6-0, Goodman-out of room)
C14-00-2101	DR to CS	8/1/00: Approved staff rec. w/ condition of no Adult Oriented Businesses (8-0)	9/28/00: Approved GR-CO w/ conditions on TR 1 & 2 (7-0); all 3 readings
C14H-00-0005	DR to DR-H	9/12/00: Approved staff rec. by consent (6-0)	10/5/00: approved DR-H (5-0); all 3 readings
C14-98-0258	DR to MF-2	10/26/99: Approved staff rec. of MF-2-CO, w/ 400 unit limit, by consent (8-0, BH-off dias)	12/2/99: Approved PC rec. of MF-2-CO w/ conditions (6-0, WL-absent); 1st reading 1/27/00: Approved 2nd/3rd readings by consent (6-0)
C14-98-0257	DR to GR	10/26/99: Approved staff rec. of LO-CO (TR 1, 2, 3) & GR (TR 4 & 5) by consent (8-0, BH-off dias)	12/2/99: Approved PC rec. of LO (TR1), LO-CO (TR 2 & 3) w/ conditions, and GR (TR 4 & 5) (6-0, WL-absent); 1st reading 1/27/00: Approved 2nd/3rd readings by consent (6-0)
C14-98-0126	DR to GR	9/29/98: Approved LR-CO w/ conditions that uses limited to 'NO' uses (9-0)	11/5/98: Approved PC rec. of LR-CO (TRA) & LO-CO (TRB) w/ conditions (6-0); all 3 readings
C14-97-0126	DR to GR	12/9/97: Approved GR-CO w/ conditions (5-3)	2/5/98: Approved PC rec. of GR-CO w/ new conditions (5-0); 1st reading 4/9/98: Approved GR-CO w/ conditions (7-0); 2nd/ 3rd readings

RELATED CASES: N/A

ABUTTING STREETS:

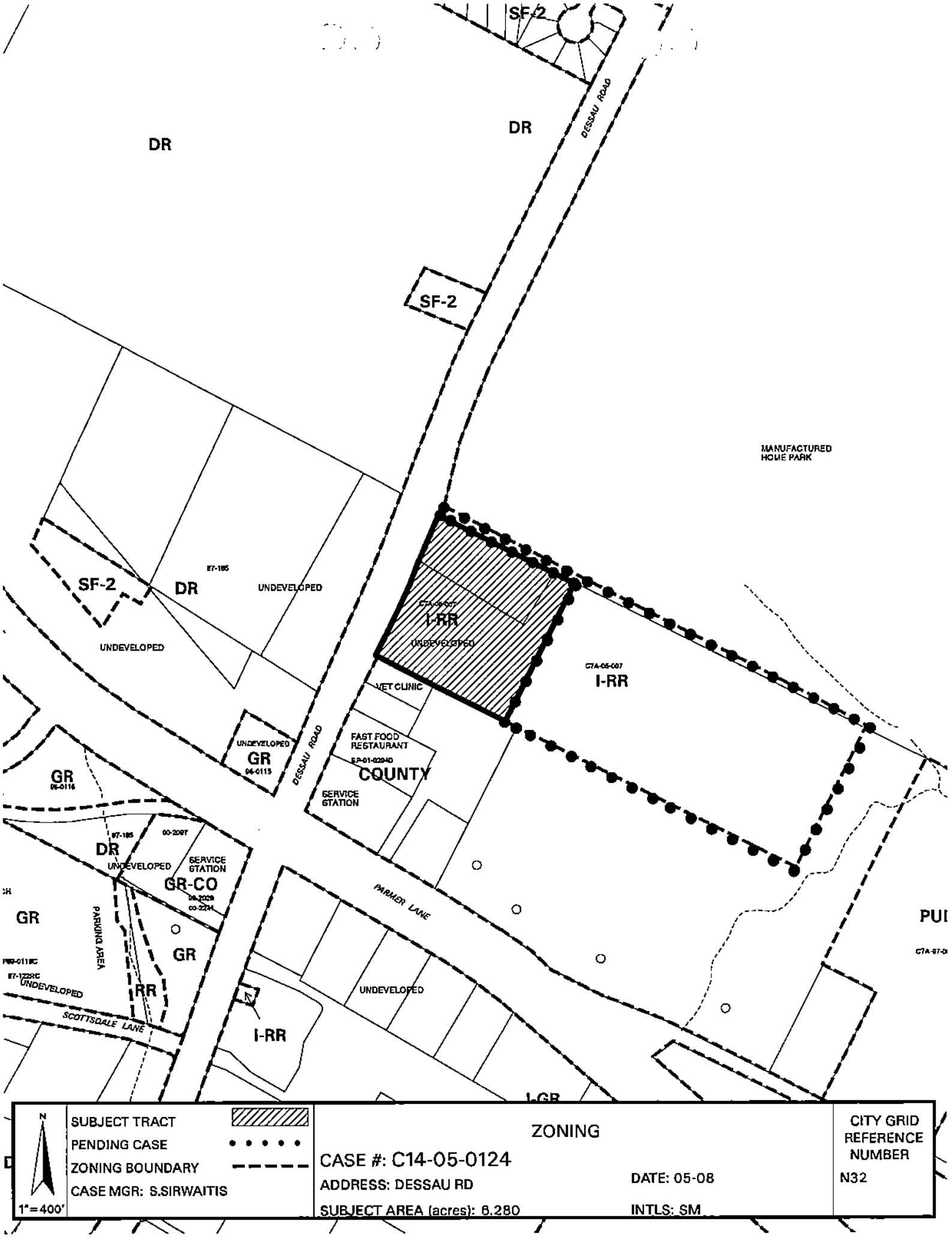
Name	ROW	Pavement	Classification	Daily Traffic	Bus Route	Bike Route
Dessau Road	Varies	2 @ 24 ft	MAD 4	1,473 (6/21/04)	Not available within 1/4 mile	Priority 1, Route 228

CITY COUNCIL DATE: April 5, 2007 **ACTION:**

ORDINANCE READINGS: 1st **2nd** **3rd**

ORDINANCE NUMBER:

CASE MANAGER: Sherri Sirwaitis **PHONE:** 974-3057, sherri.sirwaitis@ci.austin.tx.us


SF-2
DR
DR
DESSAU ROAD
SF-2
MANUFACTURED HOME PARK
SF-2
DR
UNDEVELOPED
UNDEVELOPED
C7A-05-007
I-RR
UNDEVELOPED
C7A-05-007
I-RR
VET CLINIC
FAST FOOD RESTAURANT
SP-01-0294D
COUNTY
SERVICE STATION
UNDEVELOPED
GR
C14-05-0115
DESSAU ROAD
GR
C14-05-0116
DR
UNDEVELOPED
SERVICE STATION
GR-CO
C14-2008-0234
GR
PARKING AREA
GR
RR
UNDEVELOPED
SCOTTSDALE LANE
PARMER LANE
UNDEVELOPED
I-RR
I-GR
PUI
SUBJECT TRACT
PENDING CASE
ZONING BOUNDARY
CASE MGR: S.SIRWAITIS
1"=400'
ZONING
CASE #: C14-05-0124
ADDRESS: DESSAU RD
SUBJECT AREA (acres): 6.280
DATE: 05-08
INTLS: SM
CITY GRID REFERENCE NUMBER
N32

STAFF RECOMMENDATION

The staff's recommendation is to **deny** the applicant's request for GR, Community Commercial District, zoning.

BASIS FOR RECOMMENDATION

1. *Public facilities and services should be adequate to serve the set of uses allowed by a zoning.*

   At this time, the staff cannot determine if the public facilities and services (access to Dessau Road) are adequate to serve the uses permitted in the proposed zoning because the applicant's Transportation Impact Analysis (TIA) submittal has been rejected by Transportation Review section of the Watershed Protection and Development Review Department and by the Public Works Department.

   To allow for adequate driveway spacing on the property in question, the applicant has proposed to close the exiting median opening to the north of this tract and relocate it to align with this tract's proposed northern driveway. The applicant is required to provide written consent of the relocation for this median break from the affected property owners using the existing median opening. To date, this written documentation has not been provided to the Public Works Department and therefore the city staff cannot approve the new median location and the applicant's TIA submittal for this case.

2. *The proposed zoning should promote consistency and orderly planning.*

   Without adequate access to the site under consideration, the staff cannot determine if the proposed 'GR' zoning with promote consistency and orderly planning within this area of the City.

EXISTING CONDITIONS

Site Characteristics

The site under consideration is undeveloped. The property is relatively flat and sparsely vegetated.

Hill Country Roadway

The site is not within a Hill Country Roadway Corridor.

Impervious Cover

The maximum impervious cover allowed by the GR zoning district would be 90%. However, because the watershed impervious cover is more restrictive than the zoning district's allowable impervious cover, the impervious cover is limited by the watershed regulations.

Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

Development Classification	*% of Net Site Area*	*% with Transfers*
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%

Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

In the Water Quality Transition Zones, impervious cover is limited to 30%.

Note: The most restrictive impervious cover limit applies.

Environmental

The site is not located over the Edward's Aquifer Recharge Zone. The site is in the Harris Branch Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code.

According to flood plain maps, there is no flood plain in, or within close proximity of, the project location.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

At this time, site specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:

Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

At this time, no information has been provided as to whether this property has any pre-existing approvals which preempt current water quality or Code requirements.

Transportation

A traffic impact analysis is required and has been received. Additional right-of-way, participation in roadway improvements, or limitations on development intensity may be recommended based on review of the TIA. [LDC, Sec. 25-6-142]. Comments will be provided in a separate memo.

Water and Wastewater

The landowner intends to serve the site with water and wastewater utilities. If water or wastewater utility improvements, or offsite main extension, or system upgrades, or utility relocation, or adjustment are required, the landowner, at owner expense, will be responsible for providing. Also, the utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City design criteria. The utility construction must be inspected by the City. The landowner must pay the associated and applicable City fees.

Stormwater Detention

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program if available.

Compatibility Standards

The site is subject to compatibility standards. Along the west property line, the following standards apply:

- for a structure more than 100 feet but not more than 300 feet from property zoned or used SF-5 or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
- In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking. mechanical equipment, storage, and refuse collection.

Additional design regulations will be enforced at the time a site plan is submitted.

Attachment A

Date: January 3, 2007
To: Sherri Sirwaitis, Case Manager
CC: Robert Halls, Robert J. Halls and Associates
Ron Thrower, Thrower Designs
Reference: Dessau Commercial Development TIA, C14-05-0124

The Transportation Review Section has reviewed the Traffic Impact Analysis for the Dessau Commercial Development Tract, dated April 2006, prepared by Robert Halls of Robert Halls and Associates and offers the following comments:

The Dessau Commercial Tract is a 6.28-acre development located in northeast Austin, along Dessau Road north of Parmer Lane.

The property is currently undeveloped and zoned Interim Rural Residence. The applicant has requested a zoning change to Community Commercial (GR) for the entire tract. The estimated completion of the project is expected in the year 2007.

TRIP GENERATION

Based on the standard trip generation rates established by the Institute of Transportation Engineers (ITE), the development will generate approximately 7,753 unadjusted average daily trips (ADT).

The table below shows the adjusted trip generation by land use for the proposed development:

Table 1. Trip Generation

LAND USE	Size	ADT	AM Peak	PM Peak
Shopping Center	28,700sf	1,480	40	121
Medical Office	3,000sf	108	8	12
Administrative Office	3,000sf	90	11	82
High Turnover Restaurant	1,800sf	130	12	11
Fast Food with Drive-Thru	3,000sf	707	76	50
Fast Food without Drive-Thru	2,500sf	969	35	86
Bank with Drive-Thru	3,000sf	426	20	72
Administrative Office	10,000sf	227	30	90
	Total	**4,137**	**232**	**524**

ISSUES

When the original TIA for this tract was submitted in July of 2005, three site driveways were proposed to Dessau Road. The southern-most driveway was proposed to be a full function driveway with the condition that an existing median break just south of the subject tract be shifted approximately 60 feet north to align with the proposed southern driveway. The middle driveway was proposed as a right-in, right-out only driveway and the northern driveway was proposed to be a full function driveway with the assumption that a new median break would be provided in Dessau Road at this driveway.

Upon review by the Public Works-Transportation Division, it was determined that the proposed median break at the northern driveway did not meet the 1,000 feet spacing requirement for full-function median breaks on major arterials due to the location of an existing full function median break approximately 350 feet north of the subject tract.

Upon receipt of this information, the applicant proposed to close the existing median opening north of the tract and relocate it to align with the tract's proposed northern driveway. Public Works supported this proposal with the condition that this applicant provide written consent of the relocation from the affected property owners using the existing median opening. To date, written documentation has not been provided to verify consent from the affected property owners regarding the relocation.

A revised TIA was submitted in April 2006 which eliminated all proposed median break relocations and assumed two right-in, right-out only site driveways. This new analysis resulted in a large volume of site traffic u-turns at the existing median locations. Public Works-Transportation will not approve the latest analysis based upon the failing level of service at these median breaks. Public Works recommends pursuing consent from all affected property owners to close the median break north of the site and relocate it to the proposed northern driveway for the tract.

INTERSECTION LEVEL OF SERVICE

The TIA analyzed 8 intersections, 2 of which are currently signalized. Existing and projected levels of service are as follows, assuming that all improvements recommended in the TIA are built. Please note that the failing levels of service at Parmer and Dessau, Bradbury and Dessau and Howard Lane and Dessau will fail in the forecasted condition without the addition of site traffic due to high through volumes on Dessau Road. Site traffic will have a minimal impact on the level of service at these intersections.

Intersection	Existing		Site + Forecasted	
	2005		2007	
	AM	PM	AM	PM
Parmer Lane and Dessau Road*	F	F	F	F
Bradbury Lane and Dessau Road	E	E	F	F
Howard Lane and Dessau Road*	F	F	F	F
Dessau Road and Southern Median Break	B	C	C	F
Dessau Road and Northern Median Break	C	E	D	F
Dessau Road and Driveway A			B	C
Dessau Road and Driveway B			B	C

*= SIGNALIZED

RECOMMENDATIONS

1) At this time, staff is unable to support the proposed rezoning based upon the latest traffic impact analysis (April 2006) and disapproval by the Public Works Department. Staff recommends pursuit of consent from affected property owners at the existing median breaks to relocate these breaks to align with the proposed driveways for this tract. Relocation of the northern median break will allow access to the affected property owner on the west side of Dessau in addition to providing access for the subject tract and adjacent multi-family tract to the north. However, if the Commission motions to grant the zoning request, fiscal shall be posted for the following improvements prior to 3rd reading at City Council:

Intersection	Proposed Improvement	Pro Rata Share
Parmer Lane and Dessau Road	Additional EB left	4.8%
	Additional WB left	1.1%
	Additional NB left	3.7%
	Additional SB left	7.9%
Howard Lane and Dessau Road	Additional EB left	1.9%
	Additional WB left	1.6%
	Additional NB left	8%
	Additional SB left	3.6%

2) Submittal of 2 copies of the final version of the TIA is required prior to 3rd Reading at City Council.

3) TxDOT has approved the TIA.

4) Development of this property should be limited to uses and intensities which will not exceed or vary from the projected traffic conditions assumed in the TIA, including peak hour trip generations, traffic distribution, roadway conditions, and other traffic related characteristics.

If you have any questions or require additional information, please contact me at 974-2628.

Eric McBarron for

Amy Link
Sr. Planner ~ Transportation Review Staff
Watershed Protection and Development Review

RECEIVED
JAN 30 2007
TRANS. DIV.

Thrower Design
2807 Manchaca Road, Building 2
Austin, Texas 78704
(512) 476-4456 • Fax (512) 476-4454

January 25, 2007

Ms. Laura Huffman
Assistant City Manager
City of Austin
301 West 2nd Street, 3rd Floor
Austin, Texas 78701

✓Mr. David Smith
City Attorney
City of Austin
301 West 2nd Street, 4th Floor
Austin, Texas 78701

Re: Median Opening Rights

Dear Ms. Huffman and Mr. Smith,

This letter is sent to you to obtain clarification on an important planning issue that can affect hundreds of properties within the City of Austin jurisdiction. The issue is median openings and the rights and privileges of property owners with direct access to median openings versus proper planning for the public good.

We are working on a zoning case on Dessau Road which is a divided roadway with 2 lanes each direction. Periodically spaced along the median are full function median openings that serve only one property in some cases. Our desire is to relocate the median openings in locations that make perfect planning sense so that they serve multiple properties instead of one.

Most everyone within the City that has reviewed the situation agrees that it makes sense to move the median openings but not everyone is in agreement to the rights

associated with relocating median openings. Mr. Peter Marsh with Public Works has stated that it makes sense to move the median openings but places weight on the landowner that is served by the median opening in that the median openings located in the public right-of-way are the landowners' rights and privileges. Mr. Marsh's position is that we must gain the approval, without any city assistance, of the landowner whose property has access to the median openings in order for Public Works Department to approve the median opening relocation.

Our position is that the median openings are public and not private rights afforded to individuals and that these median openings serve the public first. As with all public improvements when the upgrades, modifications, etc.. to the public infrastructure is warranted and clearly in the best interest of the public then the City should approve the changes necessary on behalf of the public especially when the changes are paid for by another private landowner.

For specific information, the median opening we are seeking to change currently serves just an old dairy farm that is no longer in operation. Our proposal is to move the median opening to a point where it can serve the dairy farm property and two other properties that will be developed as commercial and residential. One of these tracts is ours and the other is a very large +100 acre tract. My client wants to move the median opening now and provide for signalization to help facilitate the traveling public along this roadway. Without the relocated median openings many vehicles will u-turn at available median openings thereby increasing the points of conflict along the roadway with the u-turn maneuver.

We can all agree that moving the median opening meets planning principals. We just can't agree as to what is the appropriate right of a landowner to an existing median opening.

I respectfully ask for your attention on this matter as the Zoning & Platting Commission will be re-hearing this zoning case on February 6th and I'm sure they

will want answers to the issues relating to private property rights to public infrastructure.

Should you have any questions please contact me at my office.

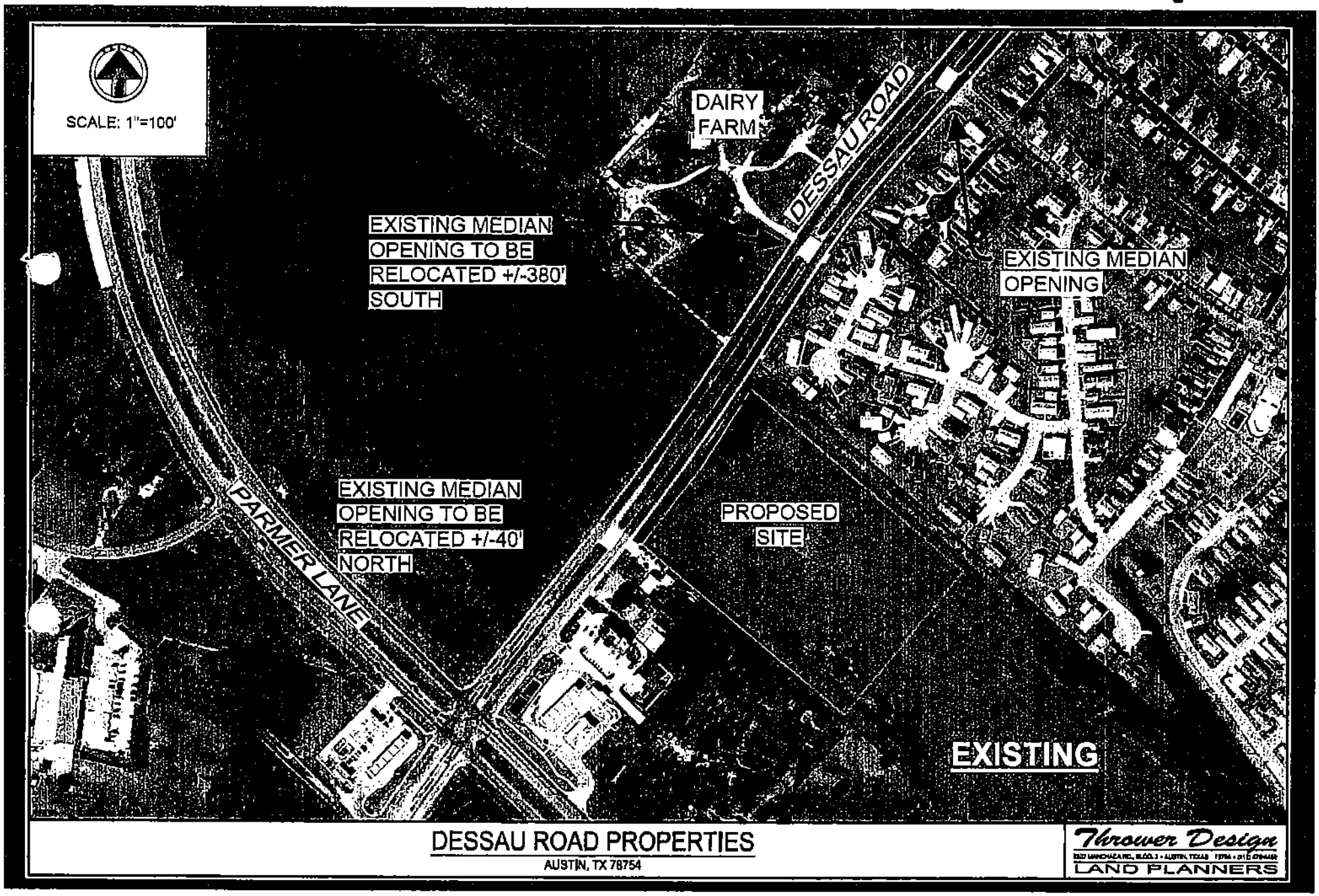
Sincerely,

A. Ron Thrower

A. Ron Thrower

Xc: Mr. Peter Marsh

A7



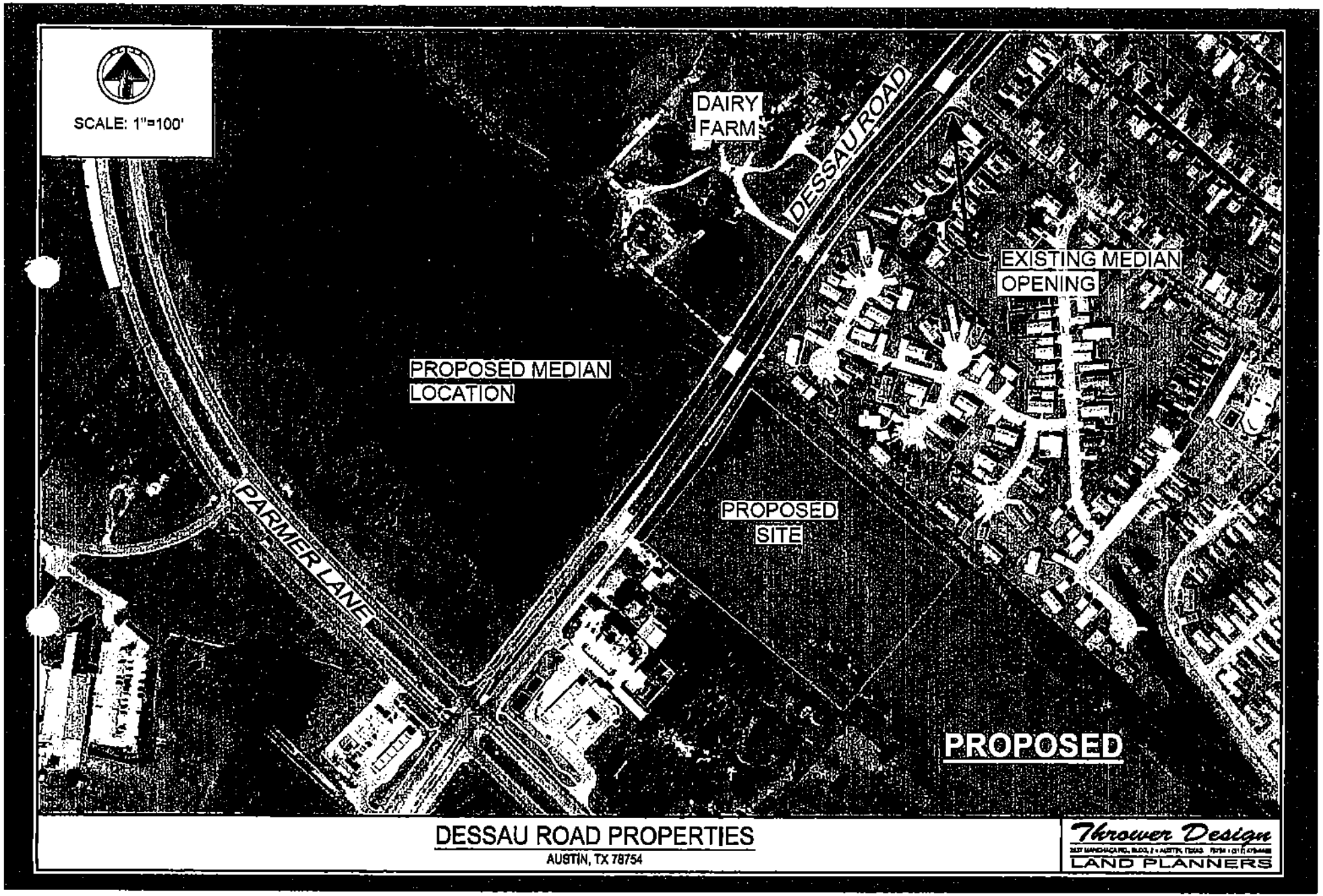
DESSAU ROAD PROPERTIES

AUSTIN, TX 78754

Thrower Design

LAND PLANNERS

1 SET TIA



DESSAU ROAD PROPERTIES

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LAND PLANNERS