

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-06-0181

**P.C. DATE:** February 27, 2007

**ADDRESS:** 3510 and 4003 Ben Garza Lane

**OWNER:** The Earl McComis Revocable  
Living Trust Agreement  
(Marcy Calhoun, Teresa Touchstone  
and Sheila Otterpohl)

**AGENT:** Lopez-Phelps & Associates  
(Amelia Lopez-Phelps)

**ZONING FROM:** SF-2      **TO:** GR-MU      **AREA:** 2.250 acres

### **SUMMARY STAFF RECOMMENDATION:**

The Staff recommendation is to grant community commercial – mixed use – conditional overlay (GR-MU-CO) combining district zoning. The Conditional Overlay: 1) limits the number of daily trips to 2,000 and 2) prohibits the following uses: automotive rentals; automotive repair services; automotive sales; automotive washing (of any type); exterminating services; funeral services; pawn shop services and service station.

A Restrictive Covenant limits the number of multi-family residences to 450 units across the 33.673 acres contained in this rezoning case, C14-06-0197 and C14-06-0199.

### **PLANNING COMMISSION RECOMMENDATION:**

February 27, 2007: *APPROVED STAFF'S RECOMMENDATION FOR GR-MU-CO DISTRICT ZONING WITH A RESTRICTIVE COVENANT THAT THE SUM OF MULTI-FAMILY RESIDENTIAL UNITS IS LIMITED TO 450 IN STAND-ALONE BUILDINGS; BY CONSENT.*

*\* NOTE: THIS RESTRICTIVE COVENANT WILL COVER C14-06-0181; C14-06-0197 AND C14-06-0199.*

*[J. REDDY, M. DEALEY 2<sup>ND</sup>] (9-0)*

### **ISSUES:**

A letter from the Applicant's agent is attached at the back of the Staff report.

### **DEPARTMENT COMMENTS:**

The subject rezoning area consists of one single family residence that accesses Ben Garza Lane and is zoned single family residence standard lot (SF-2). The property is surrounded by undeveloped land to the north and east (MF-2-CO and DR) and by financial services, restaurant uses and food sales (GR-CO; GR) to the south. The Applicant is processing an amended plat with the adjacent property to the south that will provide access to Mo-Pac

Expressway. Please refer to Exhibits A (Zoning Map), A-1 (Aerial View) and B (Recorded Plat).

The Applicant proposes to rezone the property, as well as two adjacent properties to the east and north to the community commercial – mixed use (GR-MU) district to accommodate commercial and residential uses. Staff recommends the Applicant's request for GR-MU based upon the following: 1) proximity and proposed frontage on MoPac Expressway, and existing commercial zoning and uses to the south and east; and 3) the conditional overlay will prohibit more intensive GR uses, consistent with that applied to other commercial zoned properties in the general vicinity, and 4) a limitation on the number of multi family residential units across the three properties provides an incentive for a non-residential component to occur.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	SF-2	Single family residence
<i>North</i>	MF-2-CO; DR	Undeveloped; Four single family residences
<i>South</i>	GR-CO; GR	Financial services; Restaurants (general and limited); Food sales
<i>East</i>	DR; SF-2; CS-CO	Undeveloped; Apartments (both proposed for GR-MU); Construction sales and services
<i>West</i>	N/A	MoPac Expressway

**NEIGHBORHOOD PLANNING AREA:** Oak Hill NPA **TIA:** Is not required  
(East Oak Hill)

**WATERSHED:** Williamson Creek – **DESIRED DEVELOPMENT ZONE:** No  
Barton Springs Zone – Recharge Zone

**CAPITOL VIEW CORRIDOR:** No **SCENIC ROADWAY:** Yes, MoPac  
Expressway

**NEIGHBORHOOD ORGANIZATIONS:**

288 – City of Sunset Valley  
 298 – Oak Hill Association of Neighborhoods  
 384 – Save Barton Spring Association      385 – Barton Springs Coalition  
 428 – Barton Springs / Edwards Aquifer Conservation District  
 511 – Austin Neighborhoods Council      627 – Onion Creek Homeowners Association  
 705 – OHAN 78735  
 706 – OHAN 78736      707 – OHAN 78737      708 – 78738  
 709 – OHAN 78739      710 – OHAN 78749  
 742 – Austin Independent School District      943 – Save Our Springs Alliance

**SCHOOLS:**

Sunset Valley Elementary School      Covington Middle School      Crockett High School

**CASE HISTORIES:**

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-06-0137 (CVS William Cannon)	LO-CO to LR	To Grant LR-CO with CO for 2,000 trips and 50' undisturbed vegetative buffer along the east property line	Approved LR-CO as Commission recommended (9-28-06).
C14-05-0196 A & B (Lowe's on Brodie)	I-RR to CS-CO	To Grant CS-CO with CO for list of prohibited and conditional uses	Approved CS-CO as Commission recommended (12-15-05).
C14-96-0139 – M-Tract (HEB Grocery)	LI-PDA to GR	To Grant GR with conditions in a Restrictive Covenant	Approved GR (4-24-97).
C14-93-0042 (Garza Ranch Block E)	LR to MF-2	To Grant MF-2-CO	Withdrawn by the Applicant
C14-88-0068 (Garza Place)	DR; SF-2 to GR; MF-2; P (for r-o-w)	To Grant with conditions	Approved RR; MF-2-CO; LO-CO; GR-CO. Conditional Overlays pertain to permitted uses, fence, buffer, access, F.A.R. and number of dwelling units. Restrictive Covenant for hours of operation, and conditions for gas station storage sites (3-9-89).

**RELATED CASES:**

The subject property is platted as Tract A of Garza Place Section 1, a subdivision that was recorded in September 1968 (C8-64-065). Please refer to Exhibit B. There are no related site plan cases on the subject property.

The property owners of the adjacent land to the east and north have also requested GR-MU zoning (C14-06-0197 and C14-06-0199).

**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Bus Route
Mo-Pac Expressway	445 feet	80 feet	Expressway	No	Route 434	No**
Ben Garza Lane	70 feet	Not Constructed*	Collector	No	No	No**

\*Currently Ben Garza is constructed from Brodie Lane west 1,200'. Ben Garza is not constructed where it abuts this property.

\*\*Capital Metro bus service is not available within 1/4 mile of this property.

**CITY COUNCIL DATE:** May 3, 2007

**ACTION:**

**ORDINANCE READINGS:** 1<sup>st</sup>

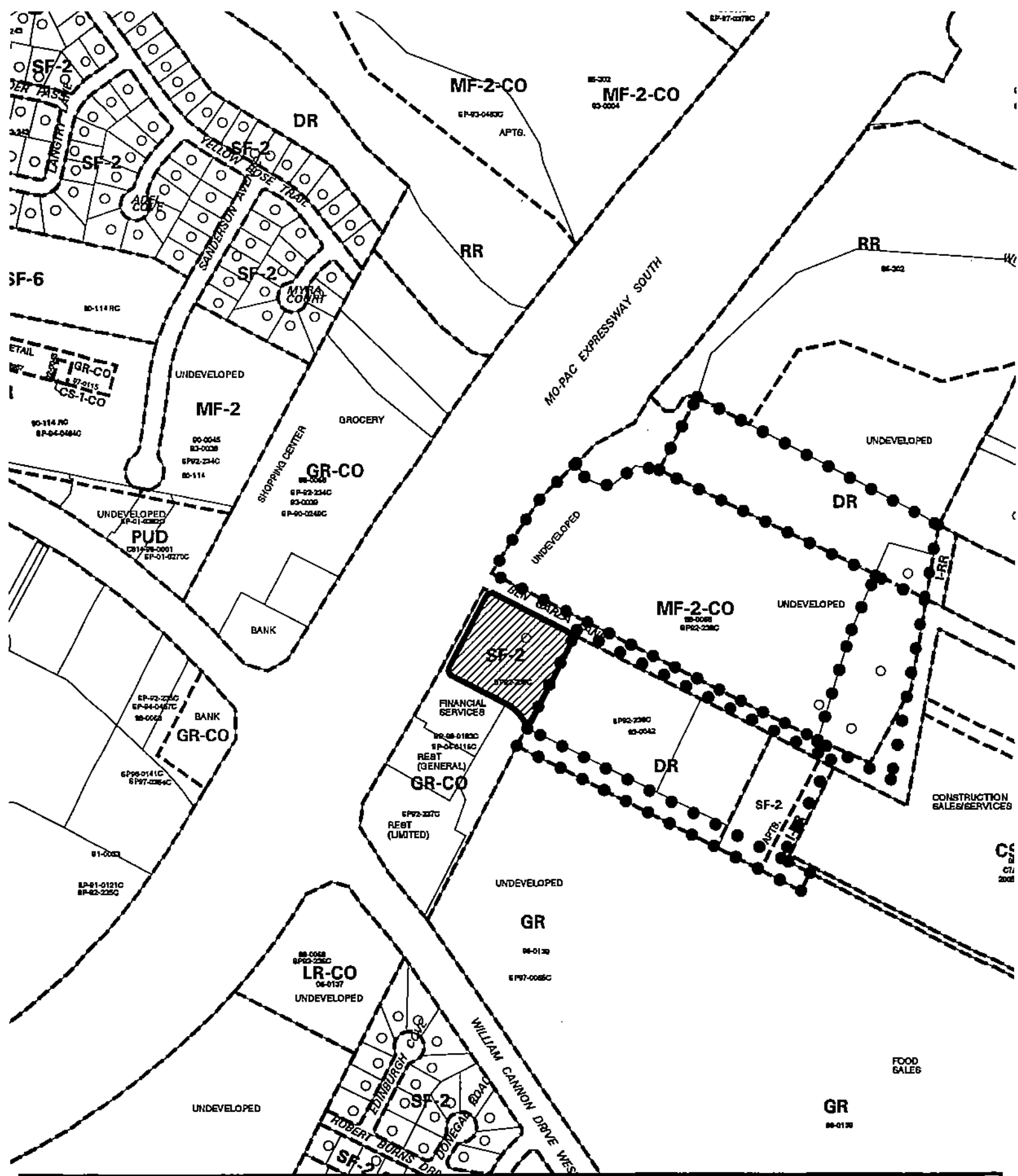
2<sup>nd</sup>

3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Wendy Walsh  
e-mail: wendy.walsh@ci.austin.tx.us

**PHONE:** 974-7719



CASE #: C14-06-0181

ADDRESS: 3510 & 4003 BEN GARZA

SUBJECT AREA (acres): 2.250

ZONING

EXHIBIT A

DATE: 06-11

INTLS: SM

CITY GRID  
REFERENCE  
NUMBER

D18

MOBAC EXPRESS WAY

BENGALIA

CONSTRUCTION SALES/SERVICES

05-0198B

20051215-014

MF2 CO. UNDEVELOPED

SF92-238C

SERVICES

0042

DR

NORTH

EXHIBIT A

HOPPING C

88-0068

93-0038

S. MOBAC EXP. NB

S. MOBAC EXP. SB

S. MOBAC EXP. NB

S. MOBAC EXP. SB

WILLIAM CANYON



**SUMMARY STAFF RECOMMENDATION:**

The Staff recommendation is to grant community commercial – mixed use – conditional overlay (GR-MU-CO) combining district zoning. The Conditional Overlay: 1) limits the number of daily trips to 2,000; 2) prohibits the following uses: automotive rentals; automotive repair services; automotive sales; automotive washing (of any type); exterminating services; funeral services; pawn shop services and service station.

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**BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)**

*1. The proposed zoning should be consistent with the purpose statement of the district sought.*

The proposed GR, Community Commercial district is intended for office and commercial uses serving neighborhood and community needs, including both unified shopping centers and individually developed commercial sites, and typically requiring locations accessible from major trafficways. The property will have access to MoPac Expressway.

*2. Zoning changes should promote compatibility with adjacent and nearby uses.*

Staff recommends the Applicant's request with conditions based upon the following: 1) proximity and proposed frontage on MoPac Expressway, and existing commercial zoning and uses to the south and east; and 3) the conditional overlay will prohibit more intensive GR uses, consistent with that applied to other commercial zoned properties in the general vicinity, and 4) a limitation on the number of multi family residential units across the three properties provides an incentive for a non-residential component to occur.

**EXISTING CONDITIONS****Site Characteristics**

The rezoning area consists of a single family residence.

**Environmental**

This site is located over the Edward's Aquifer Recharge Zone. The site is in the Barton Creek Watershed of the Colorado River Basin, which is classified as a Barton Springs Zone (BSZ) watershed. It is in the Drinking Water Protection Zone.

According to flood plain maps, there is no flood plain within the project location.

The site is located within the endangered species survey area.



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.

At this time, no information has been provided as to whether this property has any preexisting approvals which would preempt current water quality or Code regulations.

### **Transportation**

No additional right-of-way is needed at this time.

The trip generation under the requested zoning is estimated to be 6,703 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

### **Water and Wastewater**

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at his own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extension, and system upgrades. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City of Austin utility design criteria. The water and wastewater utility construction must be inspected by the City. The landowner must pay the associated City fees.

### **Compatibility Standards**

Based in the surrounding zonings and land uses, the proposed rezoning would not trigger the application of compatibility standards.

This location is in a Scenic Roadway. All signage must comply with Scenic Roadway sign district regulations, section 25-10-124.



February 19, 2007

Mr. David Sullivan, Chairman & Planning Commissioners  
City Hall Council Chambers  
301 W. 2<sup>nd</sup> St.  
Austin, TX 78701

Re: McComis – Garza / 3800 Ben Garza Lane, and 4003 Ben Garza Lane  
C14-06-181, C14-06-197 and C14-06-199

Dear Mr. Sullivan, Chairman & Commissioners:

On behalf of our clients, we ask for your consideration and support for our zoning request to GR-MU for the property located just north of William Cannon and to the immediate east of the northbound lane of South Mopac. The project was presented to the Oak Hill Association of Neighborhoods (OHAN) and has received a Letter of Support. The applicants have agreed to limit the number of free standing multi-family units, should any portion of the property be developed as a multi-family project. However, any multi-family component which is part of a mixed used development project will not be counted against the total independent multi-family limit of 450 units.

The applicants have agreed to prohibit the following uses permitted under the GR category:

Automotive Rentals  
Automotive Repair Services  
Automotive Sales  
Automotive Washing (of any type)  
Exterminating Services  
Funeral Services  
Pawn Shop Services  
Service Station

We would appreciate your consideration and ask for your support of our request as indicated above.

Sincerely,

Amelia Lopez-Phelps, President  
Lopez-Phelps & Associates, LLC  
611 S. Congress, Ste. 340  
Austin, TX 78704  
512-236-8707



July 12, 2006

Greg Guemsey  
Neighborhood Planning Department  
505 Barton Springs Rd., 5th Floor  
Austin, Texas 78704

RE: McComis-Garza Tract Zoning Request

Mr. Guemsey:

Our organization was contacted by the agent for the above mentioned tract, regarding a request to re-zone the properties along S. Mopac, just north of William Cannon Drive. The property consists of approximately 35 acres +/-, which includes various zoning categories at this time, and is referred to as the McComis-Garza Properties.

OHAN supports the request to re-zone the properties to the GR-MU for all tracts within the McComis-Garza properties. We believe the request is reasonable and consistent with the preliminary recommendations from our member neighborhood associations in regard to the Oak Hill Combined Neighborhood Plan. OHAN also supports allowing these landowners to file their zoning applications now rather than waiting until the completion of the Oak Hill Neighborhood Planning process

We ask for your consideration and support to approve the applicants' request to change the zoning as indicated above to GR-MU. Please feel free to contact us should you have any questions.

Sincerely,

Bruce Perrin  
President  
Oak Hill Association of Neighborhoods  
P.O. Box 90906  
Austin, Tx 78709-0906  
[www.ohan.org](http://www.ohan.org)

(c)512-731-6953  
(h)512-282-5288