

ZONING CHANGE REVIEW SHEET

CASE: C14-06-0197

P.C. DATE: February 27, 2007

ADDRESS: 3801 - 4001 Block of Ben Garza Lane

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

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

Rancho Garza, Ltd. and Rancho Garza II, Ltd. (Ron White)

ZONING FROM: I-RR; DR; SF-2 **TO:** GR-MU

AREA: 9.245 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; 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, C14-06-0181 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 2ND] (9-0)

ISSUES:

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

DEPARTMENT COMMENTS:

The subject rezoning area consists of undeveloped land and apartments adjacent to un-built right-of-way for Ben Garza Lane and is zoned development reserve, single family residence – standard lot and interim – rural residence (DR; SF-2 and I-RR). The property is surrounded to the north and east by undeveloped land (MF-2-CO; DR), to the south by

financial services, restaurant uses and food sales (GR-CO; GR). The Applicant is in the process of an amended plat that includes 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:

	ZONING	LAND USES
<i>Site</i>	I-RR; DR; SF-2	Undeveloped; Apartments
<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>	CS-CO	Construction sales and services
<i>West</i>	SF-2; N/A	Single family residence (proposed for GR-MU); 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 property owners of the adjacent land to the west and north have also requested GR-MU zoning (C14-06-0181 and C14-06-0199).

There are no related subdivision or site plan cases on the subject property.

ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION	BICYCLE PLAN	CAPITAL METRO	SIDEWALKS
South MoPac Expressway	400'	Varies	Arterial	No	No **	No
Ben Garza Lane	70'	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: 1st

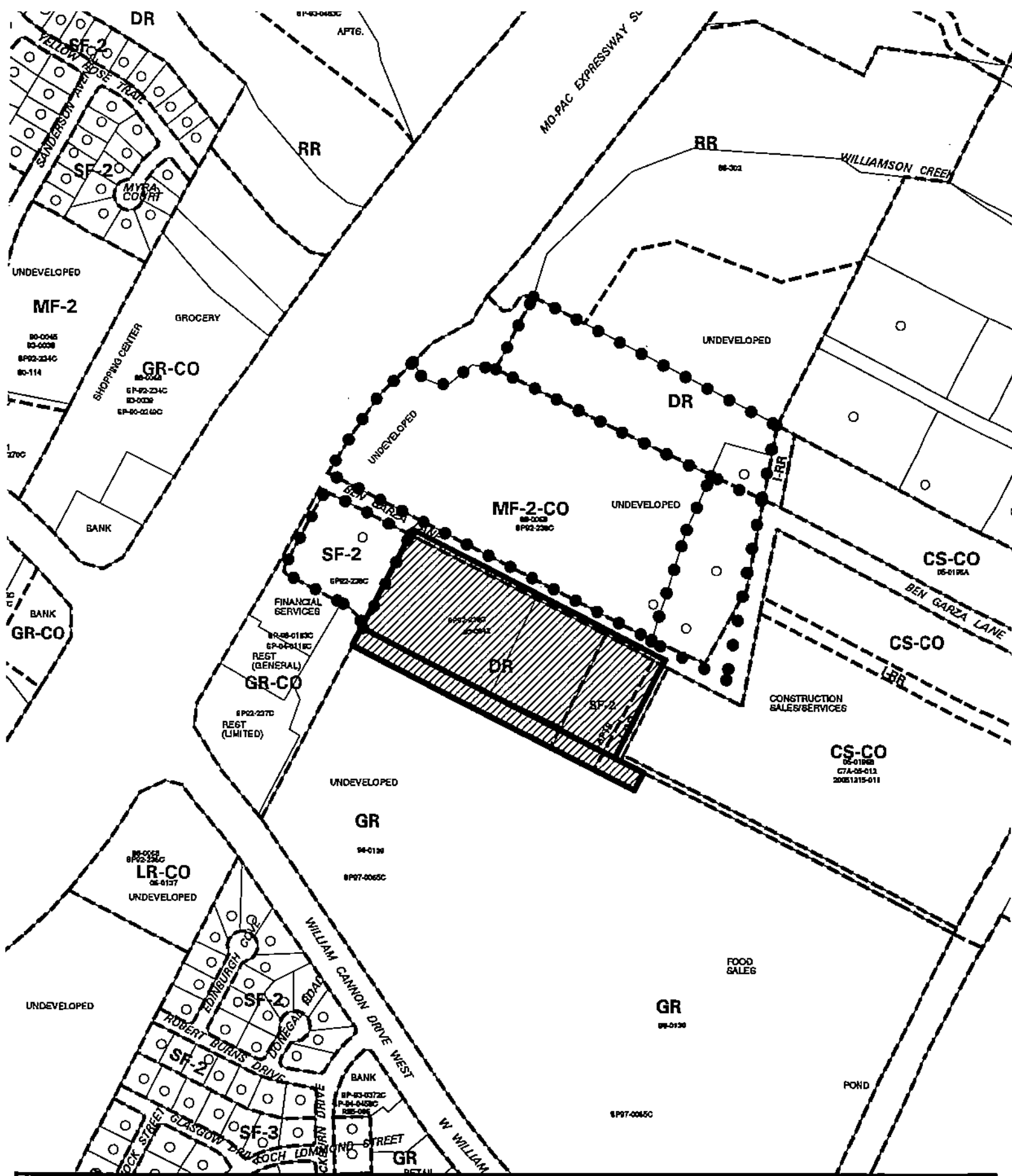
2nd




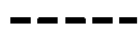
3rd

ORDINANCE NUMBER:

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

PHONE: 974-7719



 <p>1" = 400'</p> <p>SUBJECT TRACT </p> <p>PENDING CASE </p> <p>ZONING BOUNDARY </p> <p>CASE MGR: W. WALSH</p>	<p style="text-align: right;">ZONING <i>EXHIBIT A</i></p> <p>CASE #: C14-06-0197</p> <p>ADDRESS: 3801-4001 BLK BEN GARZA LN</p> <p>SUBJECT AREA (acres): 9.245</p> <p>DATE: 06-11</p> <p>INTLS: SM</p>	<p>CITY GRID REFERENCE NUMBER</p> <p>E18</p>
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CONSTRUCTION SALES SERVICES

05-0196B

200512150741

[illegible]

SP92-238G

7-139

0042

SERVICES

An aerial photograph showing a highway interchange. The main road is labeled 'MOPAC EXPRESSWAY' in large, bold, black letters. A smaller road, partially labeled 'SERV', branches off to the left. The surrounding area includes trees and some buildings.

NORTH

EXHIBIT A-1

ESTABLISHED

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 undeveloped land and apartments, the latter of which are located near the east property line.

Environmental

This site is located over the Edward's Aquifer Recharge Zone. The site is in the Williamson 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.

Project applications at the time of this report are subject to the SOS Ordinance that allows 15% impervious cover in the recharge zone, 20% impervious cover in the Barton Creek

watershed and 25% impervious cover in the Contributing zone. This tract lies in the *Recharge 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.

Under current watershed regulations, development or redevelopment on this site will be subject to providing structural sedimentation and filtration basins with increased capture volume and 2 year detention. Runoff from the site is required to comply with pollutant load restrictions as specified in LDC Section 25-8-514.

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 16,795 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, system upgrades, utility adjustments, and relocation. 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 City inspect fee with the utility construction.

Compatibility Standards

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



February 19, 2007

Mr. David Sullivan, Chairman & Planning Commissioners
City Hall Council Chambers
301 W. 2nd 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
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(h)512-282-5288