

ZONING CHANGE REVIEW SHEET

CASE: C14-2007-0073 – Grocer's Tract

P.C. DATE: July 10, 2007

ADDRESS: 5015 South IH-35 Service Road Northbound; Southwest corner of Teri Road and Freidrich Lane

OWNER: Southpark Office Partners, Ltd.
(Jamil Alam)

APPLICANT: Jim Bennett Consulting
(Jim Bennett)

ZONING FROM: GR-NP; LO-NP

TO: CS-NP for Tract 1; LI-CO-NP for Tract 2
(10.918 acres) (3.6 acres)

TOTAL AREA: 14.51 acres

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to deny general commercial services – neighborhood plan (CS-NP) district zoning and maintain community commercial – neighborhood plan (GR-NP) district zoning for Tract 1 and to deny limited industrial services – neighborhood plan (LI-NP) district zoning and to grant neighborhood commercial (LR-NP) neighborhood plan district zoning for Tract 2.

However, if the requested zoning is recommended for this site, then the Staff recommends a Conditional Overlay limiting development to 2,000 vehicle trips per day beyond what exists today across both Tracts 1 and 2.

PLANNING COMMISSION RECOMMENDATION:

July 10, 2007: *APPROVED THE APPLICANT'S REQUEST OF CS-CO-NP DISTRICT ZONING FOR TRACT 1 AND LI-CO-NP DISTRICT ZONING FOR TRACT 2. ACROSS TRACTS 1 AND 2, THERE IS A CONDITIONAL OVERLAY FOR 2,000 TRIPS BEYOND WHAT EXISTS TODAY. ON TRACT 2, THERE IS A CONDITIONAL OVERLAY FOR THE FOLLOWING: 1) PROHIBIT THE FOLLOWING USES: ADULT-ORIENTED USES; AGRICULTURAL SALES AND SERVICES; AUTOMOTIVE RENTALS; AUTOMOTIVE REPAIR SERVICES; AUTOMOTIVE SALES; AUTOMOTIVE WASHING (OF ANY TYPE); BAIL BOND SERVICES; BASIC INDUSTRY; CAMPGROUND; CLUB OR LODGE; COMMERCIAL OFF-STREET PARKING; COMMUNITY RECREATION (PRIVATE); COMMUNITY RECREATION (PUBLIC); CONGREGATE LIVING; CONSUMER CONVENIENCE SERVICES; DAY CARE SERVICES - COMMERCIAL; DAY CARE SERVICES - GENERAL; DROP-OFF RECYCLING COLLECTION FACILITIES; EMPLOYEE RECREATION; EQUIPMENT REPAIR SERVICES; EQUIPMENT SALES; FOOD SALES; FUNERAL SERVICES; GENERAL RETAIL SALES - CONVENIENCE; GROUP HOME CLASS I (GENERAL); GROUP HOME - CLASS I (LIMITED); HOTEL-MOTEL; INDOOR ENTERTAINMENT; INDOOR SPORTS AND RECREATION; KENNELS; LIQUOR SALES; OUTDOOR ENTERTAINMENT; OUTDOOR SPORTS AND*

RECREATION; RAILROAD FACILITIES; RECYCLING CENTER; RESIDENTIAL TREATMENT; RESOURCE EXTRACTION; RESTAURANT - GENERAL; SAFETY SERVICES; SCRAP AND SALVAGE; SERVICE STATION; THEATER; TRANSITIONAL HOUSING; TRANSPORTATION TERMINAL; VEHICLE STORAGE; AND VETERINARY SERVICES;

2) A 50' VEGETATIVE BUFFER SHALL BE ESTABLISHED ALONG FREIDRICH LANE.

3) VEHICULAR ACCESS TO FREIDRICH LANE IS PROHIBITED, EXCEPT FOR EMERGENCY ACCESS AND PEDESTRIAN ACCESS.

4) THE MAXIMUM BUILDING HEIGHT IS 30'.

5) EXTERIOR LIGHTING SHALL BE HOODED AND SHIELDED.

[J. REDDY; T. ATKINS – 2ND] (8-0).

ISSUES:

The Applicant is in agreement with the recommendation of the Planning Commission.

For Tract 2 (proposed LI-CO-NP), the Applicant's Conditional Overlay is the same as that approved for the property to the south, with the following modifications: 1) an 8 foot fence along the south property line does not apply (this was established to provide additional compatibility with the adjacent mobile home park); 2) height is limited to 30 feet; 3) business or trade school, college or university facilities and off-site accessory parking are permitted, rather than prohibited uses. All other provisions contained in the CO, including vehicle trips per day, hooding and shielding of exterior lighting and other prohibited uses would remain the same. Please refer to the Attachment 1.

Letters of support for the Applicant's requested neighborhood plan amendment and rezoning cases from the Southeast Combined Neighborhood Planning Contact Team, Franklin Park Neighborhood Association, Kensington Park Neighborhood Association, Peppertree Parkway Neighborhood Association, Paisano Mobile Home Park Neighborhood Association and two letters from property owners in the area are attached at the back of the staff report.

DEPARTMENT COMMENTS:

The subject property consists of two tracts. Tract 1 is located at the southeast corner of IH-35 and Teri Road, contains a vacant retail sales (general) use and parking areas, and is zoned community commercial – neighborhood plan (GR-NP). Tract 2 is located at the southwest corner of Freidrich Lane and Teri Road, is undeveloped and zoned limited office – neighborhood plan (LO-NP). Both tracts maintained their base district with the Franklin Park rezonings completed in October 2002. Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View), and Related Case Information on Page 3 for additional case histories.

The Applicant proposes to rezone Tract 1 to the general commercial services – neighborhood plan (CS-NP) district to cover a wider spectrum of commercial uses that would facilitate the re-use of the existing 86,000 square foot structure. For Tract 2, the Applicant proposes limited industrial services – conditional overlay – neighborhood plan (LI-CO-NP) for the potential to develop an office-warehouse project in combination with the adjacent LI-CO-NP

property to the south. The Applicant envisions that the office-warehouse project would be similar (but smaller in scale) to Southpark Commerce Center, located on Freidrich Lane north of Teri Road.

The surrounding zonings and land uses provide transition from commercial along IH-35 (GR-NP), a less dense land use category (office) (LO-NP) at the intersection of Freidrich and Teri Road, Ponciana Drive Park on the east side of Freidrich (P-NP) and to the east of Freidrich Lane / Ponciana Drive, an established single family residential neighborhood (SF-3-NP).

The Staff has considered, but is unable to recommend the Applicant's request for either Tract 1 or Tract 2. For Tract 1, the Staff is concerned with setting a precedent for CS base district zoning on a substantial amount of acreage on this portion of the northbound IH-35 frontage road. In examining the zoning map, Staff observes that there are very few CS zoned parcels on the segment between East St. Elmo Road to the north and William Cannon Drive to the south. The northbound IH-35 frontage road presently supports retail services, restaurants and hotels which are permitted uses in the GR district.

For Tract 2, the Staff is concerned with establishing LI base district zoning in close proximity to the single family residential neighborhood east of Freidrich Lane because it creates a zoning and land use incompatibility and does not promote an orderly relationship among land uses. The intense industrial uses that are permitted in the LI district, including light manufacturing and the warehousing and distribution uses do not promote the public health, safety and welfare when in close proximity to a residential environment. In addition, an industrial use that accesses a collector road presently only serving the mobile home park would create a potential safety hazard by mixing industrial and residential traffic. While the property owner of the LI-CO-NP tract to the south may make road improvements to their side of Freidrich Lane, the City is unlikely to make improvements on the side adjacent to Ponciana Park in the foreseeable future because this section does not carry through traffic. Finally, LI zoning would set an undesirable precedent for locating industrial land uses in proximity to residential uses, which could then be applied to other properties that are proposed for rezoning in this general area.

For Tract 2, the Staff is recommending LR-NP zoning as it would provide transition from the adjacent GR-NP zoning (Tract 1) and the LI-CO-NP tract to the south, be more compatible with the nearby residential uses, and there are similarly zoned properties to the north and northeast.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	GR-NP; LO-NP	Tract 1 – Vacant general retail sales (general); Tract 2 – Undeveloped
<i>North</i>	GR-NP; MF-3-NP	Undeveloped; Apartments; Church
<i>South</i>	GR-NP; GR-CO-NP; MH-CO-NP; SF-3-H-NP	Food sales; Undeveloped; Mobile home park
<i>East</i>	SF-3-NP; P-NP	Ponciana Drive Park; Single family residences
<i>West</i>	N / A	Northbound lanes of the IH-35 Service Road

NEIGHBORHOOD PLANNING AREA: **TIA:** Is not required
Southeast Combined Neighborhood Planning Area
(Franklin Park)

WATERSHED: Williamson Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

9 – Battle Bend Springs Association
26 – Far South Austin Community Association
27 – Franklin Park Neighborhood Association
96 – Southeast Corner Alliance of Neighborhoods (SCAN)
176 – Kensington Park Homeowners Association
300 – Terrell Lane Interceptor Association
428 – Barton Springs / Edwards Aquifer Conservation District
511 – Austin Neighborhoods Council 627 – Onion Creek Homeowners Association
688 – Southeast Neighborhood Planning Contact Team
742 – Austin Independent School District
743 – Southeast Austin Trails & Greenbelt Alliance
753 – Paisano Mobile Home Park Neighborhood Association
786 – Home Builders Association of Greater Austin
900 – Peppertree Parkway Neighborhood Association

SCHOOLS:

Houston Elementary School Mendez Middle School Travis High School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-05-0081 –	NO-MU-NP to	To Grant LI-CO-NP	Approved LI-CO-NP

5200 Freidrich Lane	LI-CO-NP	with CO for list of prohibited uses; 8' fence and 50' building setback adjacent to MH zoned property; 20' building height; hooded and shielded lighting on exterior and 2,000 trips. Private RC for sidewalk construction along Freidrich Lane (8-23-05).	as PC recommended (9-29-05).
C14-03-0022	GR-NP to GR-CO-NP	To Grant GR-CO-NP	Approved GR-CO-NP with the CO establishing a setback that prohibits development for 50' in both directions from the centerline of an open waterway. (6-12-03).
C14-01-0149	LO-CO to GO-CO	To Grant GO-CO	Approved GO-CO with CO for LO development standards except impervious cover, prohibit access to Pepper Lane and 2000 trips (1-17-02).
C14-95-0198	I-SF-2 to LI	To Grant LI-CO; LO-CO	Approved LI-CO; LO-CO (9-26-95)
C14-95-0187	SF-3 to LO	To Grant LO-CO	Approved LO-CO with CO for 2,000 trips (2-29-96).
C14-94-0135	SF-2 to MH	To Grant MH-CO and RR	Approved MH-CO with CO limiting mobile homes to 153 and RR (1-26-95).
C14-88-0074	MF-3; SF-2 to P	To Grant P	Approved P zoning (9-29-88).

RELATED CASES:

Tract 1 consists of two platted lots out of the Wal-Mart Subdivision, recorded in May 1988 (C8-88-0009.0A). There is also an approved Site Plan for Tract 1, dated September 1988 (C14R-87-157). Please refer to Exhibits B and C. Tract 2 is an unplatted tract, and a Neighborhood Plan Amendment to change the Future Land Use Map (FLUM) from Office to

Industry is also being considered (NPA-07-0014.01). There are no pending site plan applications on the subject property.

The Southeast Combined Neighborhood Plan was completed under the City of Austin's Neighborhood Planning Program and was adopted as part of the Austin Tomorrow Comprehensive Plan on October 10, 2002 (C14-02-0128.01). Prior to the Southeast Combined Neighborhood Plan, Tract 1 was zoned community commercial (GR) district and Tract 2 was zoned limited office (LO) district.

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bus Route	Bike Route
IH-35	370 feet	Varies	Freeway	No	Yes	No
Teri Road	70 feet	60 feet	Collector	Yes	No	Yes
Friedrich Lane	60 feet	40 feet	Collector	No	Yes	Yes

CITY COUNCIL DATE: August 9, 2007

ACTION:

ORDINANCE READINGS: 1st

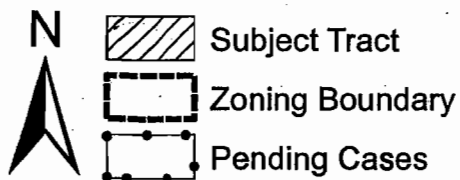
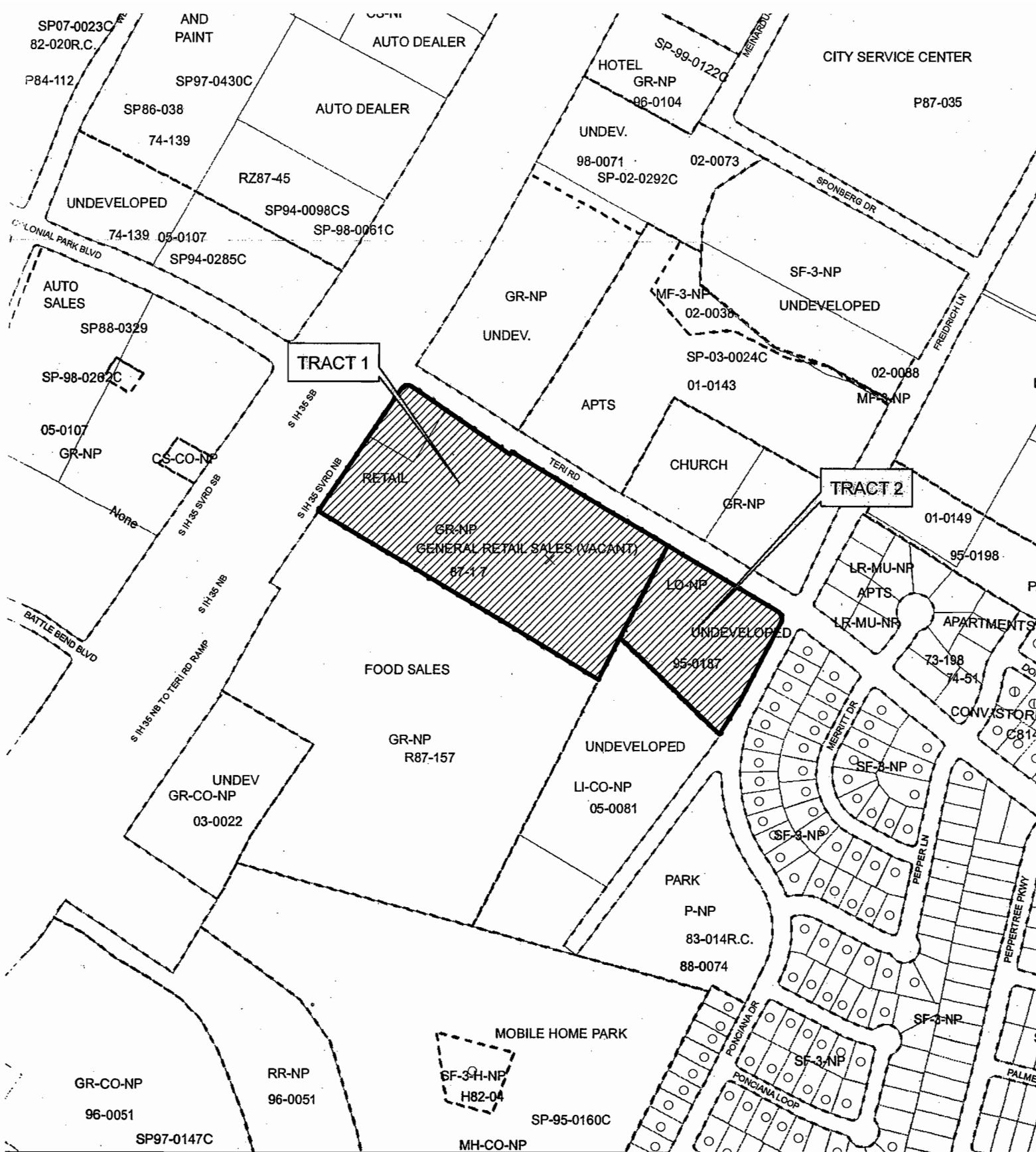
2nd

3rd

ORDINANCE NUMBER:

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

PHONE: 974-7719



1" = 400' OPERATOR: SM

ZONING
ZONING CASE#: C14-2007-0073
ADDRESS: 5015 S IH 35 SVRD NB; SW
 CORNER FREIDRICH LN & TERI RD
SUBJECT AREA: 14.51 ACRES
GRID: H17
MANAGER: W. WALSH

EXHIBIT A

This map has been produced by G.I.S. Services for the sole purpose of geographic reference.
 No warranty is made by the City of Austin regarding specific accuracy or completeness.





SP-99-20720

LIC-00198

INDUSTRIAL PARK

SALES (VACANT)

GR-NP

PONCAIA DR

88-014R

C14-2007-0073

Legend

- Zoning
- Base
- Center Line

50 0 50 100 150 200 Feet

C14-2007-0073

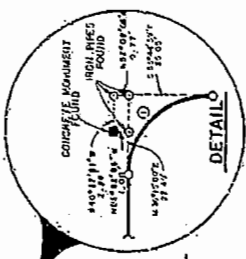
WAL-MART SUBDIVISION

INTERSTATE—HIGHWAY 35—SOUTH—
(NORTHBOUND FRONTAGE)
(R.O.W. VARIES)

CURVE DATA						
CURVE NUMBER	CENTRAL ANGLE	RADIOS	100	CHORD	PERCENT	2-ND PLATING
1	100°52"	72.00'	36.27	32.32	25.52	2.1118

AREA HEREBY DEDICATED
FOR STREET PURPOSES.

D. 50' 100' 200'
SCALE, 1" = 100'



F.M. COVERT III, DAN COVERT
VOL. 1633 PG 81

W
HARRY R. SINDCRF
VOL. 3645 PG 2195

EXHIBIT B
RECORDED PLAT

JACK H. HOUSTON
VOL 881 PG 68

2
A.L. BOOTH
VOL 2732 PG 295

DATE: FEBRUARY, 1988
PREPARED BY:

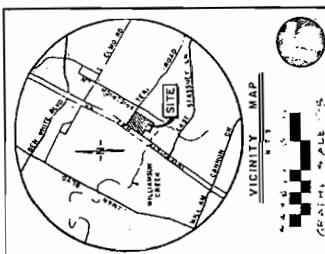
1881 - 1882

Curry & Pittman, Inc.
Consulting Engineers • Surveyors

CG-88-0009.0

NPJ JOB NO.: 128-05,00

NPJ JOB NO.: 128-05,00

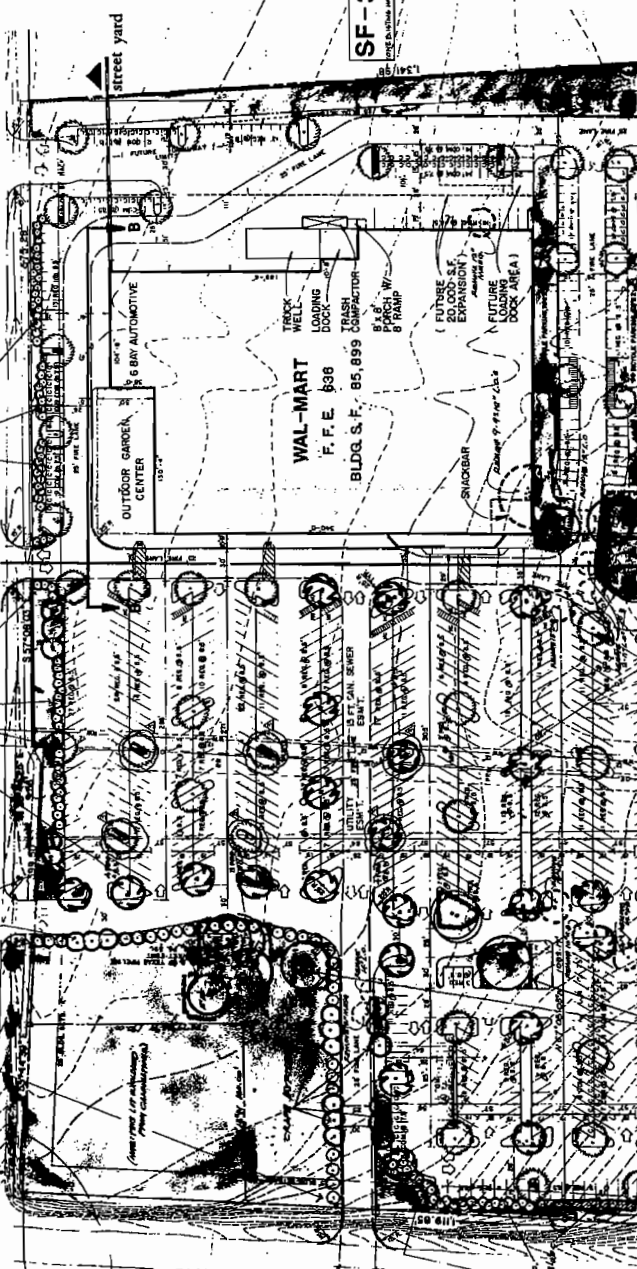


- | PLANT TYPE | TYPE and Name | Site and Description |
|------------------------|---|---|
| 1. WATER TREES | 1. Live oak, <i>Quercus virginiana</i> | 3' dia., single straight trunk, |
| | 1. Live oak, <i>Q. virginiana</i> | 1' dia., single straight trunk, |
| | 1. Chinese Elm, <i>Ulmus parvifolia</i> | 1' dia., single straight trunk, well-formed trunk, mature growth. |
| 2. COMMON TREES | 1. Dogwood tree, <i>Liquidambar styraciflua</i> | 1' dia., 1' trunk, no. side, cast 1/2" dia., well-formed trunk, |
| | 1. Yew tree, <i>Taxus canadensis</i> | 1' dia., well-formed trunk, 1/2" trunk, 1' dia., well-formed trunk, 1/2" trunk, 1' dia., well-formed trunk, |
| | 1. Yew tree, <i>Taxus canadensis</i> | 1' dia., well-formed trunk, 1/2" trunk, 1' dia., well-formed trunk, 1/2" trunk, 1' dia., well-formed trunk, |
| 3. SHRUBS | 1. Puncturevine, <i>Tribulus terrestris</i> | 3' dia., 1/2" dia., 1/2" spread, |
| | 1. Puncturevine, <i>Tribulus terrestris</i> | 3' dia., 1/2" dia., 1/2" spread, |
| | 1. Sweet Acacia, <i>Robinia pseudoacacia</i> | 3' dia., 1/2" dia., 1/2" spread, |

SO-TREE YALON, 6' HT, FEMALE
LEATH WINGS 2' 1/2" (2 AND 3/4")

2^o CAL. LYTOKS
2^o CAL. CHANGE BILLS
MINIMUM FOR 80%...

TERI ROAD
(80' R.O.W.)



INTERSTATE HIGHWAY 35
(NORTH BOUND FRONTAGE)
(R.O.W. VARIES)

EXHIBIT C

1988 APPROVED SITE PLAN

SITE PLAN REVIEWER: SA 41 1979
 File No. 100-158

APPROVED ADMINISTRATIVELY ON _____
 APPROVED BY PLANNING COMMISSION ON _____
 APPROVED BY CITY COUNCIL ON _____
 CITY CLERK: Deborah J. Austin
 CITY CODE: _____

Dept. of Planning & Development Services
 Director, Office of Land Development Services

REV-1 _____
 REV-2 _____
 REV-3 _____
 REV-4 _____
 REV-5 _____
 REV-6 _____



June 28, 2007

Ms. Wendy Walsh
City of Austin
P.O. Box 1088
Austin, TX 78767

Sent Via E-Mail Delivery
wendy.walsh@ci.austin.tx.us

Re: ABF 24 Del Valle S ACR 3.6511, Southwest corner of Teri Road at Freidrich, Austin, Texas 78744

Dear Wendy:

As you know, we have requested that the above referenced property be rezoned to limited industrial service (LI) zoning. We will agree to restrict the property with a conditional overlay that contains the following components:

1. The maximum height of a building or structure is 30 feet from ground level.
2. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 2,000 trips per day.
3. Exterior lighting on the Property must be hooded or shielded so that the light source is not directly visible from adjacent properties.
4. The following uses are prohibited uses of the Property:

Adult-oriented businesses	Veterinary services
Automotive rentals	Agricultural sales and services
Automotive sales	Automotive repair services
Bail bond services	Automotive washing (of any type)
Club or lodge	Basic industry
Commercial off-street parking	Campground
Community recreation (public)	Community recreation (private)
Consumer convenience services	Congregate living
Day care services (general)	Day care services (commercial)
Employee recreation	Drop-off recycling collection facilities

ATTACHMENT 1

June 28, 2007

Equipment sales	Equipment repair services
Funeral services	Food sales
Group home, Class I (general)	General retail sales (convenience)
Hotel-motel	Group home, Class I (limited)
Indoor sports and recreation	Indoor entertainment
Liquor sales	Kennels
Outdoor entertainment	Outdoor sports and recreation
Railroad facilities	Recycling center
Residential treatment	Resource extraction
Restaurant (general)	Safety services
Scrap and salvage	Service station
Theater	Transitional housing
Transportation terminal	Vehicle storage

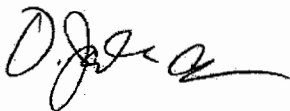
5. The Property is subject to Ordinance No. 021010-12a that established the Franklin Park neighborhood plan combining district.

We very much appreciate your assistance with this rezoning effort. I have attached for your ease of reference a copy of the ordinance affecting the Biggar's tract (5200 Freidrich Lane) located to the south of our property so that both you and the neighbors can compare our request relative to the Biggar's rezoning.

Should you have any questions, please do not hesitate to contact either Jim Bennett at 512-784-4962 or me at 512-682-5575. Thanks.

Very truly,

Endeavor Real Estate Group as Agent for Southpark Office Partners, Ltd



W/Attachments

ORDINANCE NO. 20050929-Z020

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 5200 FREIDRICH LANE IN THE FRANKLIN PARK NEIGHBORHOOD PLAN AREA FROM NEIGHBORHOOD OFFICE-MIXED USE-NEIGHBORHOOD PLAN (NO-MU-NP) COMBINING DISTRICT TO LIMITED INDUSTRIAL SERVICES-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (LI-CO-NP) COMBINING DISTRICT.

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 neighborhood office-mixed use-neighborhood plan (NO-MU-NP) combining district to limited industrial service-conditional overlay-neighborhood plan (LI-CO-NP) combining district on the property described in Zoning Case No. C14-05-0081, on file at the Neighborhood Planning and Zoning Department, as follows:

A 7.4045 acres tract of land, more or less, out of the Santiago Del Valle Grant, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance (the "Property"),

locally known as 5200 Freidrich Lane in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

PART 2. Except as specifically provided in Part 3 and Part 4, the Property may be developed and used in accordance with the regulations established for the limited industrial service (LI) base district and other applicable requirements of the City Code.

PART 3. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

- ~~1. A fence with a minimum height of 8 feet shall be constructed and maintained along the south property line.~~
- ~~2. A 50-foot building setback shall be established along the south property line.~~
3. The maximum height of a building or structure is 40 feet from ground level.

3

4. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 2,000 trips per day.
5. Exterior lighting on the Property must be hooded or shielded so that the light source is not directly visible from adjacent properties.
6. The following uses are prohibited uses of the Property:

Adult-oriented businesses
Automotive rentals
Automotive sales
Bail bond services
~~Business or trade school~~
Club or lodge
Commercial off-street parking
Community recreation (public)
Consumer convenience services
Day care services (general)
Employee recreation
Equipment sales
Funeral services
Group home, Class I (general)
Hotel-motel
Indoor sports and recreation
Liquor sales
Outdoor entertainment
Railroad facilities
Residential treatment
Restaurant (general)
Scrap and salvage
Theater
Transportation terminal
Veterinary services

Agricultural sales and services
Automotive repair services
Automotive washing (of any type)
Basic industry
Campground
~~College or university facilities~~
Community recreation (private)
Congregate living
Day care services (commercial)
Drop-off recycling collection facilities
Equipment repair services
Food sales
General retail sales (convenience)
Group home, Class I (limited)
Indoor entertainment
Kennels
~~Off-street accessory parking~~
Outdoor sports and recreation
Recycling center
Resource extraction
Safety services
Service station
Transitional housing
Vehicle storage

PART 4. The Property is subject to Ordinance No. 021010-12a that established the Franklin Park neighborhood plan combining district.

PART 5. This ordinance takes effect on ~~October 10, 2005~~, TBD

PASSED AND APPROVED

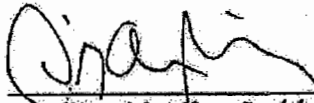
_____, September 29, 2005

§
§
§



Will Wynn
Mayor

APPROVED:

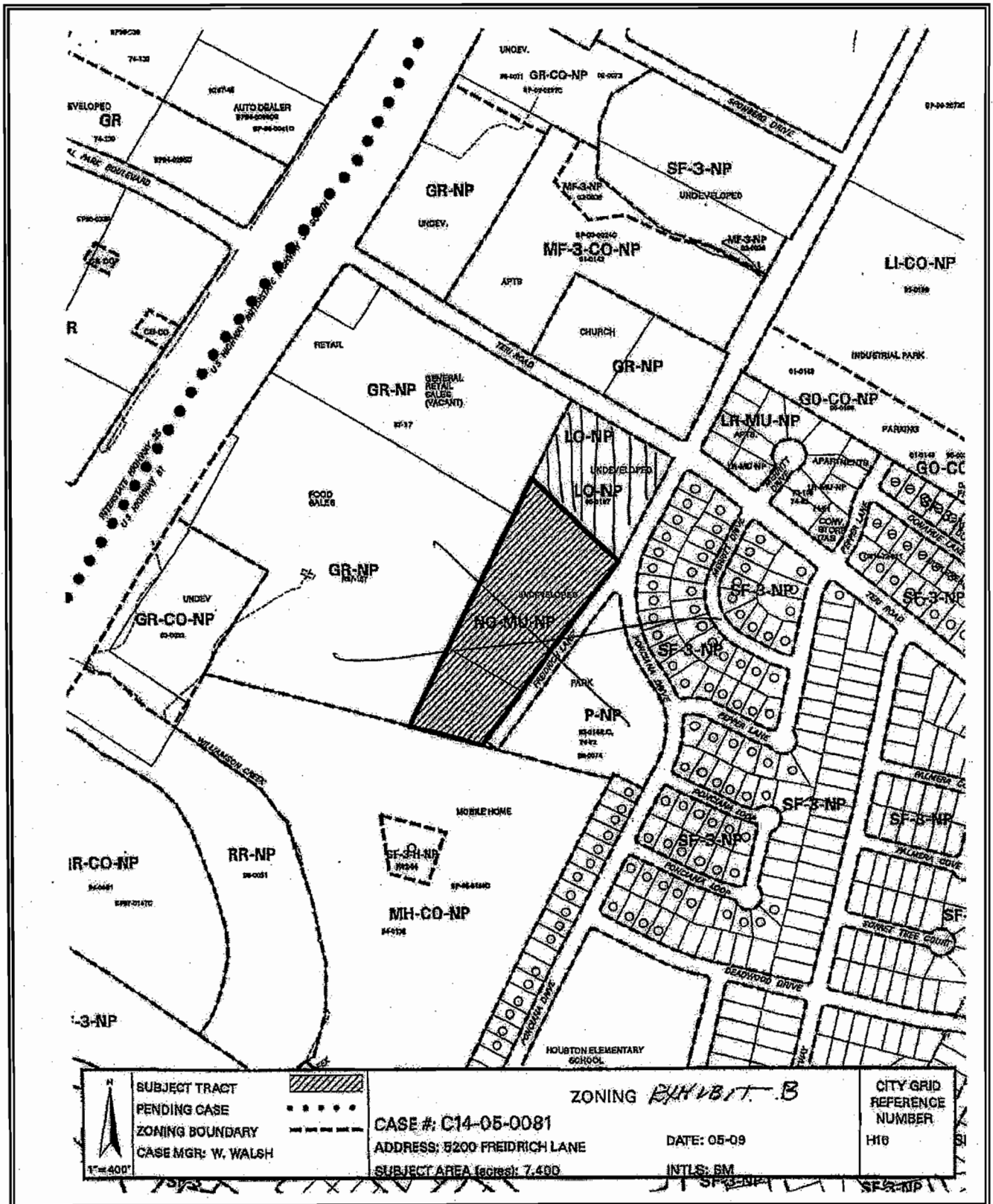


David Allan Smith
City Attorney

ATTEST:



Shirley A. Brown
City Clerk



SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to deny general commercial services – neighborhood plan (CS-NP) district zoning and maintain community commercial – neighborhood plan (GR-NP) district zoning for Tract 1 and to deny limited industrial services – neighborhood plan (LI-NP) district zoning and to grant neighborhood commercial (LR-NP) district zoning for Tract 2.

However, if the requested zoning is recommended for this site, then the Staff recommends a Conditional Overlay limiting development to 2,000 vehicle trips per day beyond what exists today across both Tracts 1 and 2.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

Tract 1

Applicant: The general commercial services (CS) district is intended predominantly for commercial and industrial activities of a service nature having operating characteristics or traffic service requirements generally incompatible with residential environments. The CS district is best suited for uses located at intersections of arterial roadways or arterials with collector status. The intention is to promote safe and efficient use of transportation facilities.

Staff: The community commercial (GR) 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 has access to the northbound service road of IH-35 and Teri Road, a collector street.

Tract 2

Applicant: The limited industrial services (LI) district designation is for a commercial service use or limited manufacturing use generally located on a moderately sized site.

Staff: The LR, Neighborhood Commercial district is intended for shopping facilities that provide limited business services and offices to the residents of the neighborhood, such as consumer repair services, food sales, service stations, and pet services. The purpose statement listed in the City of Austin *Land Development Code* states: "The Neighborhood Commercial district is the designation for a commercial use that provides business service and office facilities for the residents of a neighborhood. Site development regulations and performance standards applicable to a LR district use are designed to ensure that the use is compatible and complementary in scale and appearance with the residential environment."

2. *Zoning changes should promote an orderly and compatible relationship among land uses.*

The Staff has considered the Applicant's request but is unable to recommend the Applicant's request for either Tract 1 or Tract 2. For Tract 1, the Staff is concerned with setting a precedent for CS base district zoning on a substantial amount of acreage on this portion of the northbound IH-35 frontage road. In examining the zoning map, Staff observes that there are very few CS zoned parcels on the segment between East St. Elmo Road to the north and William Cannon Drive to the south. The northbound IH-35 frontage road presently supports retail services, restaurants and hotels which are permitted uses in the GR district.

For Tract 2, the Staff is concerned with establishing LI base district zoning in close proximity to the single family residential neighborhood east of Freidrich Lane because it creates a land use incompatibility and does not promote an orderly relationship among land uses. The intense industrial uses that are permitted in the LI district, including light manufacturing and the warehousing and distribution uses do not promote the public health, safety and welfare when in close proximity to a residential environment. In addition, an industrial use that accesses a collector road presently only serving the mobile home park would create a potential safety hazard by mixing industrial and residential traffic. While the property owner of the LI-CO-NP tract to the south may make road improvements to their side of Freidrich Lane, the City is unlikely to make improvements on the side adjacent to Ponciana Park in the foreseeable future because this section does not carry through traffic. Finally, LI zoning would set an undesirable precedent for locating industrial land uses in proximity to residential uses which could then be applied to other properties proposed for rezoning in this general area.

For Tract 2, the Staff is recommending LR-NP zoning as it would provide transition from the adjacent GR-NP zoning (Tract 1) and the LI-CO-NP tract to the south, be more compatible with the nearby residential uses, and there are similarly zoned properties to the north and northeast.

EXISTING CONDITIONS

Site Characteristics

Tract 1 is developed with a vacant retail sales (general) use and parking areas that slopes to the east. Tract 2 is an undeveloped, relatively flat site with modest vegetative cover. There appear to be no significant topographical constraints on Tracts 1 or 2.

Impervious Cover

Tract 1: The maximum impervious cover allowed by either the CS or GR zoning district would be 80%, which is based on the more restrictive watershed regulations. *Tract 2:* The maximum impervious cover allowed by the LI zoning district would be 80%, which is a consistent figure between the zoning and watershed regulations. The maximum impervious

cover allowed by the LO zoning district would be 70%, which is based on the more restrictive zoning regulations.

Environmental

The site is not located over the Edward's Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Williamson 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. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

According to flood plain maps, there is no floodplain within, or adjacent to the project boundary.

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. According to aerial photos and information provided by the applicant, however, this property appears to be currently developed.

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.

Transportation

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

The traffic impact analysis for this site was waived because the proposed use will not generate any additional traffic from what exists today. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day beyond what exists on the site today.

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 extensions, system upgrades, utility relocation, and abandonment. The water and wastewater utility plan must be in accordance with the City of Austin utility design criteria. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application or a City of Austin water and wastewater utility tap permit.

Compatibility Standards

This tract is already developed and the proposed zoning change is within the existing development. A change of use within the existing structure would not trigger compatibility development regulations. However, any new construction on this site would be subject to compatibility development regulations due to the existing SF-3 zoned property to the east, and would be subject to compatibility requirements.

May 25, 2007

City of Austin
Neighborhood Planning and Zoning Department
Maureen Mereedith
505 Barton Springs Rd.
Austin, Tx. 78704

RE: Zoning Change - Freidrich Ln. @ Teri Rd.

Dear Ms. Mereedith,

The Southeast Combined Neighborhood Planning Contact Team has been contacted by the owners of the property located on the south side of Teri Rd. from Freidrich lane to IH-35, commonly referred to as the Grocer's Tract and the Wal-Mart tract, concerning a Zoning change to "CS" and "LI".

The Southeast Combined Neighborhood Planning Contact Team supports the plan amendment being filed out of cycle and support the FLUM change and supports the proposed zoning change.

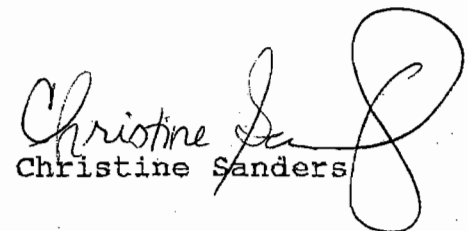
The Planning Contact Team authorizes Jim Bennett to act as our agent in processing this amendment and zoning change.


Our contact person is Diane Sanders and if you have any questions please give her a call.

Sincerely,


Shaundra Maloy


Sharon Parker


Christine Sanders


Chairman
SECNPCT



Franklin Park Neighborhood Association
4803 Pewter Lane
Austin, TX 78744

February 14, 2007

Dear Mr. Bennett,

The Franklin Park Neighborhood Association is pleased to offer you and your client, Endeavor Properties, a letter of support for the zoning change you are requesting for the Wal-Mart from it's current zoning of GR to CS and the zoning change for the 3 ½ acre tract of land at the corner of Fredrich Lane and Teri Road from GO to LI. It is our understanding that your client wishes to place office warehouse buildings on this property or a parking lot for additional parking for the existing Wal-Mart building. We feel that this will be an asset for the community. If you have any questions or need any other assistance please feel free to call me at 916-1517.

Sincerely,

Diane Sanders

Diane Sanders
President

Kennsington Park Neighborhood Association

February 16, 2007

Dear Mr. Bennett,

The Kennsington Park Neighborhood Association, is pleased to offer you and your client, Endeavor Properties, a letter of support for the zoning change you are requesting at the corner of Fredrich Lane and Teri Road. It is our understanding that your client wishes to place office warehouse buildings on this property or a parking lot for additional parking for the existing Wal-Mart building. We feel that this will be an asset for the community.

Sincerely,

A handwritten signature in dark ink, appearing to read "M. P. Solomon", followed by a long horizontal line extending to the right.

President
Kennsington Park Neighborhood Association

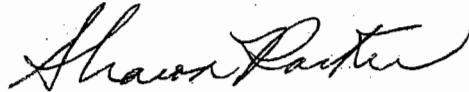
Peppertree Parkway Neighborhood Association

February 14, 2007

Dear Mr. Bennett,

The Peppertree Parkway Neighborhood Association is pleased to offer you and your client, Endeavor Properties, a letter of support for the zoning change you are requesting for the Wal-Mart from it's current zoning of GR to CS and the zoning change for the 3½ acre tract of land at the corner of Fredrich Lane and Teri Road from GO to LI. It is our understanding that your client wishes to place office warehouse buildings on this property or a parking lot for additional parking for the existing Wal-Mart building. We feel that this will be an asset for the community. If you have any questions or need any other assistance please feel free to call me at 442-0720

Sincerely,

A handwritten signature in cursive script, appearing to read "Sharon Parker".

Sharon Parker
President
Peppertree Parkway Neighborhood Association

June 24, 2007

Re: Proposed Plan Amendment and Rezoning for the property at the southwest corner of Teri Road and Freidrich Lane

Mr. Gregory Montes, Senior Planner

Dear Sir,

Please accept this letter to be submitted to Planning Commission and Council as proxy votes on the above stated plan amendment and rezoning (NPA-07-0014.01 and C14-2007-0073).

We are familiar with the subject property and surrounding area. We have spoken with the applicant's agent Mr. Jim Bennett. We understand from previous conversations the Neighborhood groups Franklin Park (Ms. Diane Sanders) and Piasano (Ms. Linda Hendry) support the uses allowed by these changes.

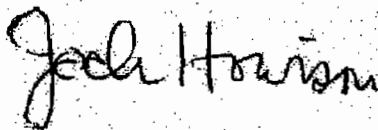
We, along with Mr. Lee Sloan, are old existing members of the Seatheast Combined Neighborhood Plan. Having spent many hours working on the plan, and our names put to the COA recently by Ms. Diane Sanders I am concerned that staff was not current on Contact Team members and thus we were not notified as such. This has lead to an unnecessary delay in processing this matter.

Our votes are as follows:

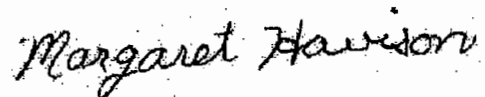
Margaret "Peg" Howison - IN FAVOR (I support the desires of those residents closer to the proposed change.)

Jack Howison - AGAINST (Although in favor of this type of development, I cannot support any project which will add traffic to the area until the much delayed and currently behind schedule extension of Pleasant Valley Road is compleated.)

Sincerely,



Jack Howison
512-797-3467



Margaret "Peg" Howison
512-444-3467

4202 Afton Lane
Austin, Texas 78744
23 June 2007

Gregory Montes, Senior Planner
City of Austin
Neighborhood Planning and Zoning Department
Austin, Texas 78767

RE: Neighborhood Plan Amendment NPA-07-0014.01
and Rezoning C14-2007-0073

Dear Mr. Montes,

I support the applicant's request for the above-referenced change in the Southeast Combined Neighborhood Plan and the accompanying rezoning.

Sincerely,

A handwritten signature in black ink, appearing to read "M. L. Sloan", with a long horizontal flourish extending to the right.

M. L. Sloan
Member SEAC

JULY 6, 2007

City of Austin
Neighborhood Planning and Zoning Department
Wendy Walsh
505 Barton Springs Road
Austin TX 78704

RE: Zoning Change – Freidrich Lane & Teri Road, Case # C14-2007-0073

Dear Ms. Walsh,

The Paisano Mobile Home Park Neighborhood Association has been contacted by Jim Bennett, agent for the Southland Office Partners, concerning a proposed zoning change for the property located on the southwest corner of Teri Road and Freidrich Lane.

This proposal would change the zoning of the above listed tract from GR-NP to LI-NP.

The Paisano Mobile Home Park Neighborhood Association supports the proposed zone change from GR-NP to LI-NP. Jim Bennett and Southland Office Partners have agreed to the same terms for this 3-acre tract as those that were agreed upon for the 7.4-acre tract adjacent to the property (currently owned by Biggars), with the following conditional overlay changes:

- (1) There may be Off-Site Accessory Parking;
- (2) There may be College and University Facilities;
- (3) There may be Business or Trade School;
- (4) Buildings that would have been limited to a maximum of 20' in height will be changed to 30' to allow for tilt wall construction.

There were, however, two conditional overlay items that were omitted from the list submitted by Southland Office Partners that were in the agreed upon conditions with the Biggars: Local Utility Services and Religious Assembly are not acceptable.

Also omitted were the following agreed upon restrictions: Buildings will be located on the property so that only the fronts or sides of the buildings are seen from the Freidrich Lane. If there is any outside storage necessary for one of the approved industries, it must be screened and fenced from view of surrounding neighborhoods and be located totally behind the building, not extend past or above the building, and be completely out of sight from the East (Freidrich Lane). Any docks are to be on the west side of the buildings and therefore serviced from the west and completely out of view from the East (Freidrich Lane).

South OR

South OR

Our contact person is Linda Hendry. If you have any questions you can reach her at 512-440-1951 or 633-9865.

Sincerely,

Linda Ranney Hendry

Linda Ranney Hendry
Paisano Mobile Home Park Neighborhood Association

Daniel E. Yochim
Cheryl L. Yochim
Cheryl & Dan Yochim

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2007-0073

Contact: Wendy Walsh, (512) 974-7719

Public Hearing:

July 10, 2007 Planning Commission

Antonio Esquivel

Your Name (please print)

5012 Merritt Drive

Your address(es) affected by this application

A. Esquivel

Signature

<input type="checkbox"/>	I am in favor
<input checked="" type="checkbox"/>	I object

07/04/07

Date

Comments:

If it is already
anti neighborhood what they
want to build, why
build it why are we
getting showed around
and getting our neighbor-
hood more destroyed, we
need help as it is
not more pollution and
destruction of our neighborhood

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Wendy Walsh

P. O. Box 1088

Austin, TX 78767-8810