

ZONING CHANGE REVIEW SHEET

CASE: C14-07-0005 – Thaxton Rezoning

Z.A.P. DATE: July 31, 2007
August 21, 2007
September 4, 2007
September 18, 2007

ADDRESS: Southwest corner of Thaxton Road and Panadero Drive

OWNER: RKS Texas Investments, L.P.
(Rick Sheldon)

AGENT: Thrower Design
(Ron Thrower)

ZONING FROM: I-SF-2; SF-3

TO: GR

AREA: 4.709 acres

SUMMARY STAFF RECOMMENDATION:

The Staff's recommendation is to grant neighborhood commercial (LR) district zoning.

The Restrictive Covenant includes all recommendations listed in the Traffic Impact Analysis memorandum, dated August 30, 2007, as provided in Attachment A.

ZONING & PLATTING COMMISSION RECOMMENDATION:

July 31, 2007: *APPROVED A POSTPONEMENT REQUEST BY THE STAFF TO AUGUST 21, 2007.*

[J. SHIEH, K. JACKSON 2ND] (5-0) S. HALE – NOT YET ARRIVED, J. MARTINEZ, J. GOHIL – ABSENT

August 21, 2007: *APPROVED A POSTPONEMENT REQUEST BY THE STAFF TO SEPTEMBER 4, 2007.*

[J. MARTINEZ, S. HALE 2ND] (7-0) K. JACKSON – ABSENT

September 4, 2007: *CONTINUED THE PUBLIC HEARING TO 9-18-07 (ZAP). STAFF DIRECTED TO CHECK THAT THE FOUR ADJACENT PROPERTY OWNERS TO THE SOUTH RECEIVED MAIL-OUT NOTIFICATION OF THE ZONING CHANGE AND APPLICANT REQUESTED TO OFFER ADDITIONAL DEVELOPMENT STANDARDS.*

[J. MARTINEZ, J. SHIEH – 2ND] (8-0)

September 18, 2007: *APPROVED GR-CO DISTRICT ZONING WITH CONDITIONS OF THE TRAFFIC IMPACT ANALYSIS. THE CONDITIONAL OVERLAY IS FOR A LIST OF PROHIBITED USES SUBMITTED BY THE APPLICANT; PROHIBIT SERVICE DRIVEWAYS AT THE REAR OF COMMERCIAL BUILDINGS ALONG THE SOUTH PROPERTY LINE; HEIGHT IS LIMITED TO 40 FEET; A LOADING FACILITY IS PROHIBITED WITHIN 50 FEET OF THE SOUTH PROPERTY LINE; A FOOD SALES USE MAY NOT EXCEED 5,000 SQUARE FEET OF GROSS FLOOR AREA; AND ESTABLISH LR SITE DEVELOPMENT REGULATIONS.*

[K. JACKSON; T. RABAGO - 2ND] (6-0) B. BAKER – ABSENT

ISSUES:

The four adjacent property owners to the south were included in the City's notification list. Mail-out notification for one of the owners, McKinney Park East Homeowners Association, was returned to Staff as "undeliverable".

The Applicant has modified his GR zoning request to permit the following uses: business or trade school; communications services; food sales; general retail sales (general); medical offices (exceeding 5,000 square feet); personal improvement services; restaurant (general) and all other LR uses. The Applicant's list of prohibited uses and proposed development standards will be forthcoming.

The Staff is initiating a code amendment to add three uses to the LR district: general retail sales – general (less than 5,000 square feet); personal improvement services (less than 5,000 square feet) and restaurant general (less than 4,000 square feet).

DEPARTMENT COMMENTS:

The subject tract is undeveloped with the west side of the property zoned interim – single family residence standard lot (I-SF-2) district and the remainder zoned family residence (SF-3) district. It is situated at the intersection of Thaxton Road and Panadero Drive, which are both classified as collector streets. The property is surrounded by single family residences within the Springfield Phase C subdivision to the north, and single family residences under construction within the Sheldon 230 subdivision to the east and south. Please refer to Exhibits A (Vicinity Map), A-1 (Zoning Map) and A-2 (Aerial View).

The Applicant proposes to zone the property to the community commercial (GR) district in order to develop up to 120,000 square feet of office, retail and restaurant uses. Similar to the zoning case at the corner of Thaxton Road and Salt Springs Drive, the Staff recommends the less intensive neighborhood commercial (LR) district, which can also accommodate the Applicant's proposed uses and is more compatible with the surrounding residences. The Staff recommends LR zoning because the property is situated at the intersection of two collector streets, and notes that there is an absence of commercial businesses to serve the surrounding and nearby residential subdivisions. The closest, existing commercial uses are located along William Cannon Drive, at its intersection with Pleasant Valley Road, approximately 1 ¾ miles to the northwest.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	I-SF-2; SF-3	Undeveloped
<i>North</i>	GR-CO	Undeveloped; Single family residences
<i>South</i>	SF-3	Two single family residences – on large lots; Single family residences on standard size lots – under construction
<i>East</i>	SF-3; I-RR	Undeveloped; Single family residences on standard size lots – under construction; Detention pond
<i>West</i>	RR; County	Undeveloped; Single family residences on standard size lots – under construction

AREA STUDY: N / A**TIA:** Is required – Please refer to Attachment A**WATERSHED:** Onion Creek**DESIRED DEVELOPMENT ZONE:** Yes**NEIGHBORHOOD ORGANIZATIONS:**

428 – Barton Springs / Edwards Aquifer Conservation District

511 – Austin Neighborhoods Council

627 – Onion Creek Homeowners Association

697 – Springfield HOA

774 – Austin Independent School District

786 – Home Builders Association of Greater Texas

CAPITOL VIEW CORRIDOR: No**SCENIC ROADWAY:** No**SCHOOLS:**

Blazier Elementary School

Mendez Middle School

Akins High School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-05-0168 – KB Sheldon 230	I-RR to GR	To Grant GR-CO with the CO for restaurant general and all LR uses, prohibit off-site accessory parking and drive-through services as an accessory use; Restrictive Covenant for the Neighborhood Traffic Analysis unless a TIA is submitted.	Approved GR-CO with Restrictive Covenant as the ZAP Commission recommended (1-26-06).
C14-03-0089.SH – Springfield Phase	I-RR to SF-3	To Grant SF-3	Approved SF-3 (7-31-03).

B, Section 6 (SMART Housing)			
C14-03-0090.SH – KB Sheldon 230	I-SF-2; SF-3; I- SF-4A	To Grant SF-2 for Tracts 1 and 7; SF-3 for Tracts 2 and 3; SF- 4A for Tracts 4, 5 & 6, with a Restrictive Covenant for the Traffic Impact Analysis	Approved RR; SF-2 and SF-3, with the Restrictive Covenant as recommended by the Commission (1-8- 04).

RELATED CASES:

The I-SF-2 area of the property was annexed on March 17, 2003. The SF-3 portion was annexed on July 26, 1973.

There is a pending one-lot subdivision (final plat) case known as Panadero at Thaxton Road (C8-07-0012.0A). Please refer to Exhibit B.

There is a pending site plan case known as Thaxton Road Commercial Center (SP-07-0050C). Please refer to Exhibit C.

CITY COUNCIL DATE: August 30, 2007

ACTION: Approved a Postponement request by Staff to September 27, 2007 (6-0 – Kim off the dais).

September 27, 2007

ORDINANCE READINGS: 1st

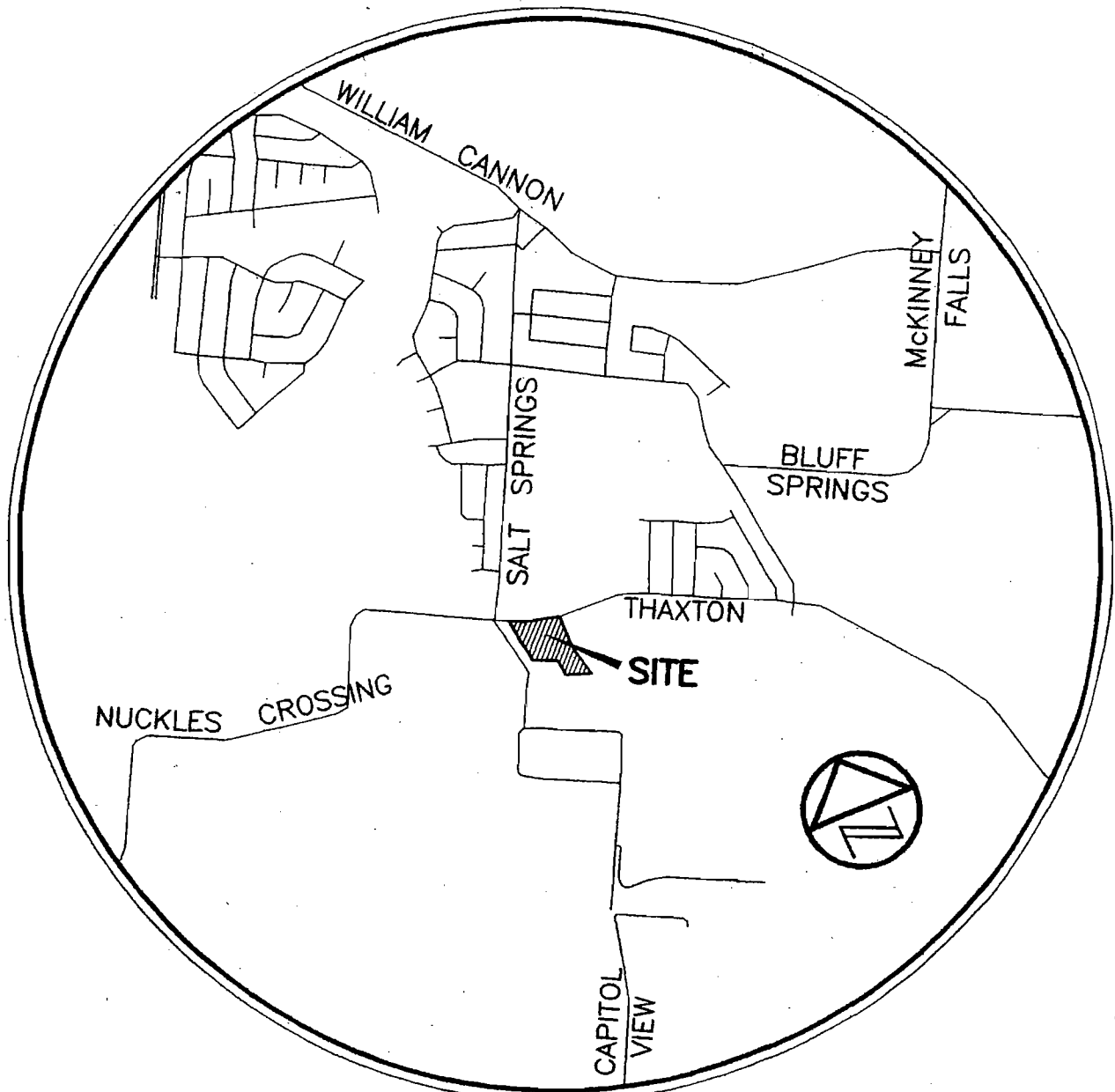
2nd

3rd

ORDINANCE NUMBER:

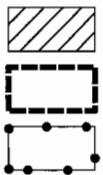
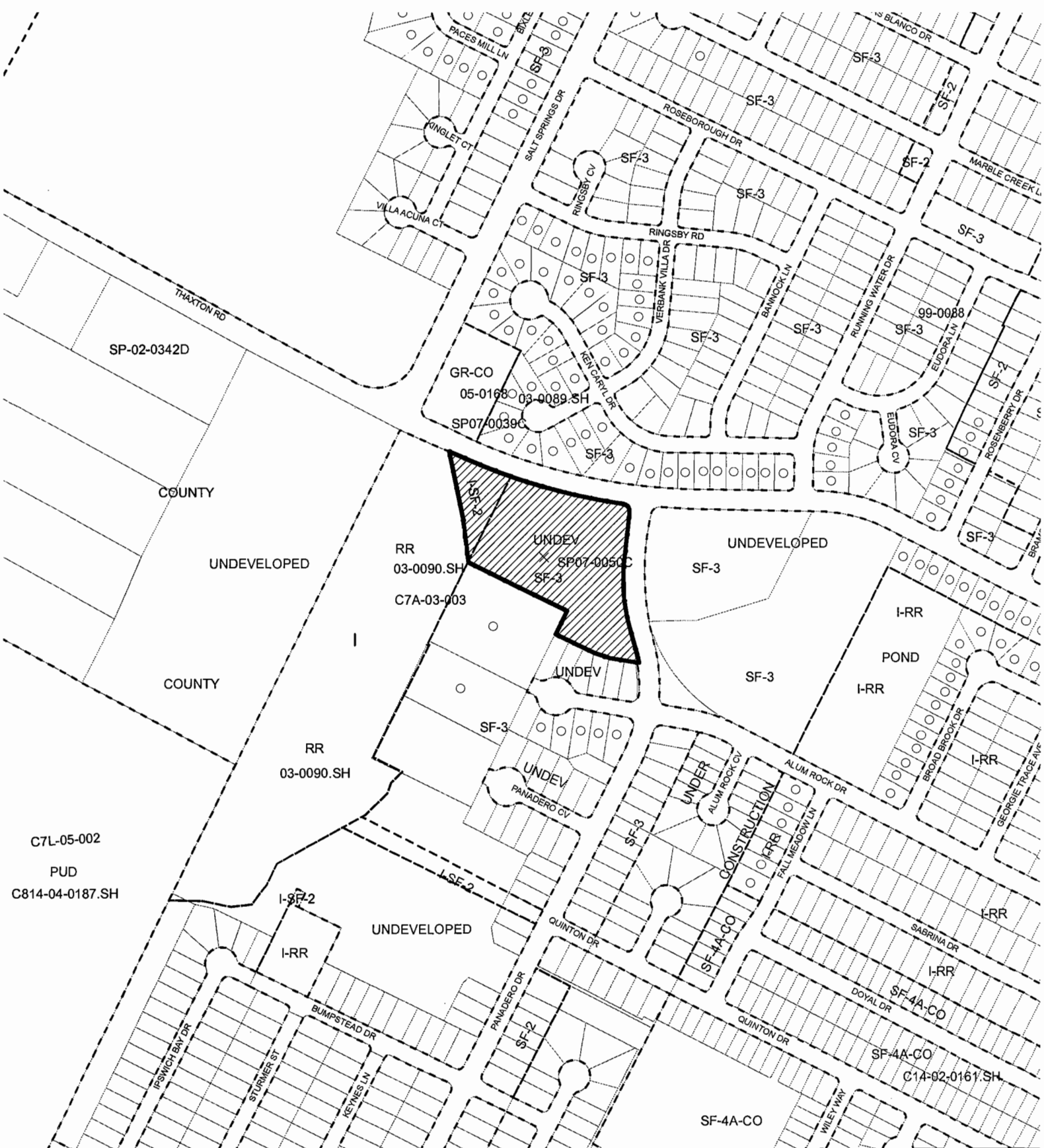
CASE MANAGER: Wendy Rhoades
e-mail: wendy.rhoades@ci.austin.tx.us

PHONE: 974-7719



LOCATION MAP
NOT TO SCALE

EXHIBIT A



Subject Tract

Zoning Boundary

Pending Cases

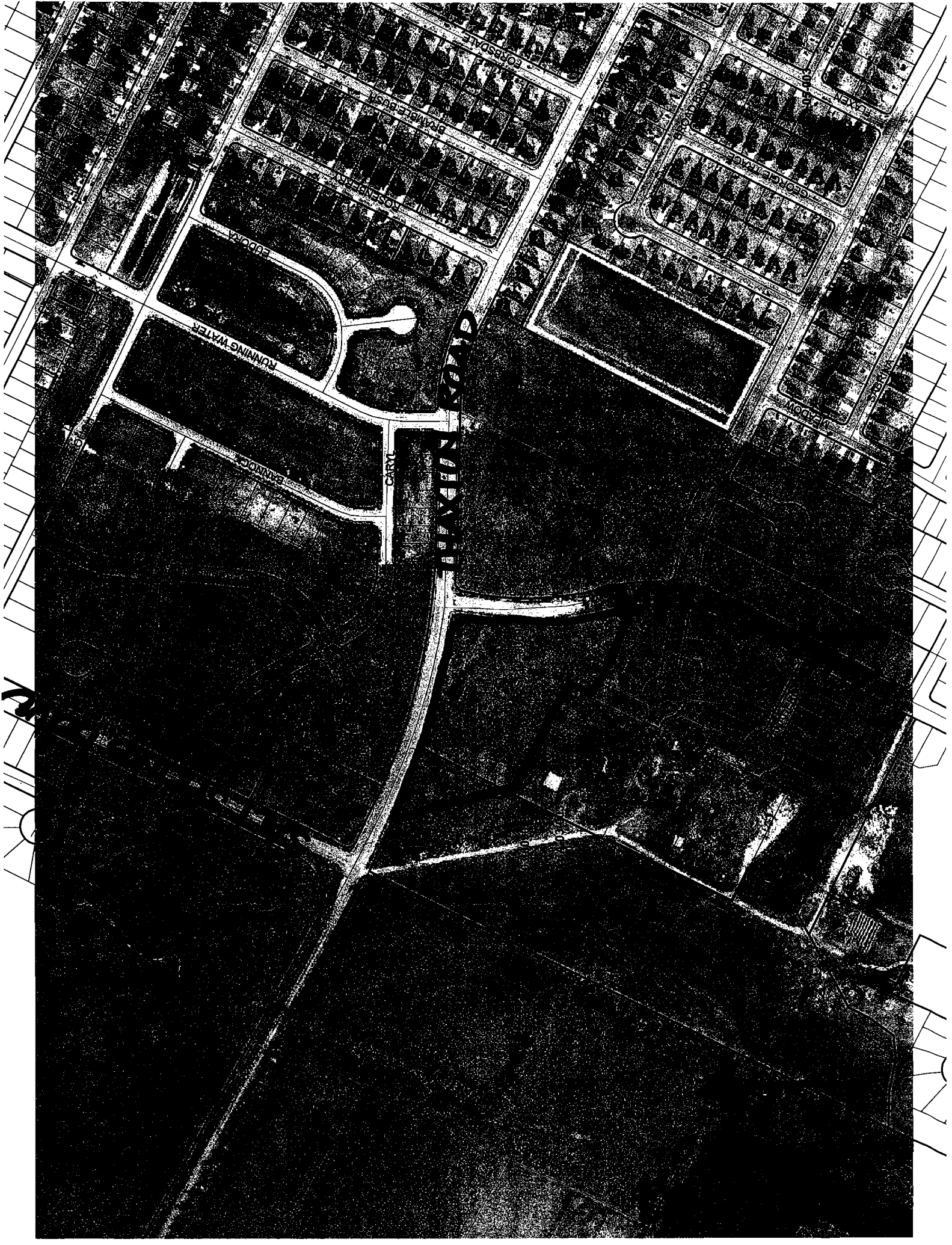
ZONING
ZONING CASE#: C14-07-0005
ADDRESS: SW CORNER THAXTON
 RD & PANADERO DR
SUBJECT AREA: 4.709 ACRES
GRID: J31-33 K31-34 L33-34
MANAGER: J. ROUSSELIN

EXHIBIT A-1



1" = 400' OPERATOR: S MEEKS

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.



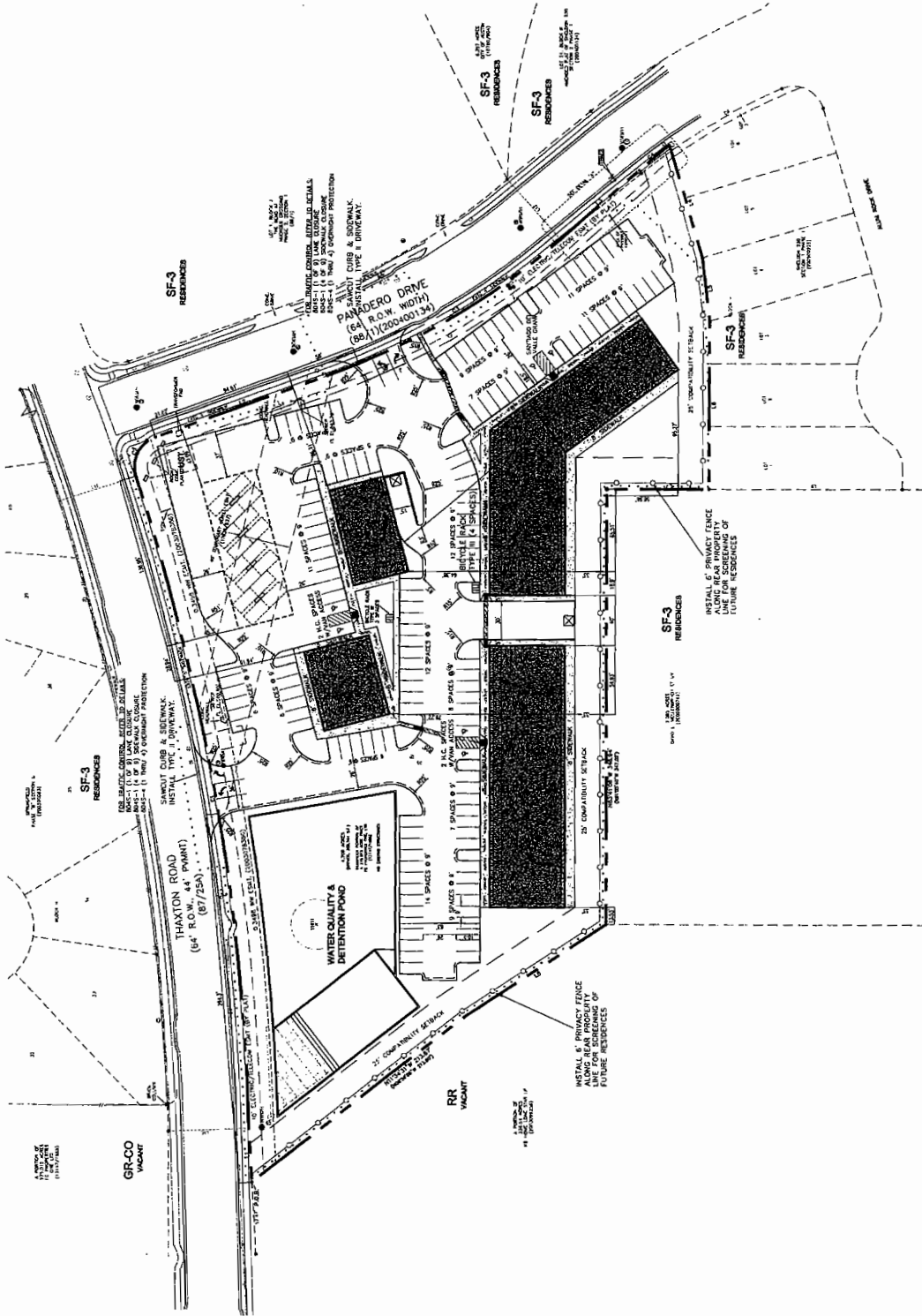


EXHIBIT C
SITE PLAN
IN PROCESS



Date: August 30, 2007
To: Wendy Walsh, Case Manager
CC: Kathy Hornaday, P.E. WHM Transportation Engineering
Reference: Thaxton Retail TIA (Thaxton Road)\ C14-07-0005

The Transportation Review Section has reviewed the Traffic Impact Analysis for the Thaxton Retail dated January 8, 2007, prepared by Kathy Hornaday, P.E., WHM Transportation Engineering, and offers the following comments:

TRIP GENERATION

Thaxton Retail is a 4.709-acre development located in east Austin at the corner of Thaxton Rd and Panadero Rd just east of Nuckols Crossing.

The property is currently undeveloped and zoned I-SF-2 and SF-3 (Single Family). The applicant has requested a zoning change to Community Commercial (GR). The estimated completion of the project is expected in the year 2008.

Based on the standard trip generation rates established by the Institute of Transportation Engineers (ITE), the development will generate approximately 7,645 unadjusted average daily trips (ADT).

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

Table 1. Trip Generation						
			AM Peak		PM Peak	
LAND USE	Size	ADT	Enter	Exit	Enter	Exit
Shopping Center	120,000 SF	5,046	71	45	224	242
Total		5,046	71	45	224	242

ASSUMPTIONS

1. Traffic growth rates provided by the Texas Department of Transportation were as follows:

Table 2. Growth Rates per Year	
Roadway Segment	%
All Roads	4%

ATTACHMENT A

2. In addition to these growth rates, background traffic volumes for 2008 included estimated traffic volumes for the following projects:

KB Sheldon 230 Subdivision	C8-03-0025.SH
Colton Bluff Subdivision	C8-04-0154.1A.SH
Goodnight Ranch PUD	C814-04-0187.SH
Springfield PUD	C814-06-0052

3. Reductions were taken for pass-by for the following uses:

Table 3. Summary of Pass-By Reductions		
Land Use	Pass-By Reductions %	
	AM	PM
Retail Center	34	34

4. No reductions were taken for internal capture.
5. No reductions were taken for transit use.

EXISTING AND PLANNED ROADWAYS

William Cannon – This Austin Metropolitan Area Transportation Plan classifies this roadway as a six-lane divided major arterial/two-lane undivided arterial from Pleasant Valley Rd to Running Water Dr and recommends that it be upgraded to a six-lane divided major arterial from Pleasant Valley to McKinney Falls Pkwy. The traffic volume for 2003 on William Cannon west of Salt Springs was 14,986 vehicles per day. This roadway is in the Bicycle Plan as a priority 1 route.

Salt Springs Drive – Salt Springs is currently a two-lane roadway; the section north of Thaxton Rd. will be upgraded to a 48-foot pavement section as part of an adjacent development. The existing traffic volume for Salt Springs south of Colton-Bluff Springs Dr. is 4,623 vehicles per day. This roadway is in the Bicycle Plan as a priority 1 route.

Colton-Bluff Springs/Asa Drive – This roadway is two-lane roadway in the vicinity of the site. The traffic volume on Colton-Bluff Springs for 2004 was 1,357 vehicles per day east of Salt Springs Dr. This roadway is in the Bicycle Plan as a priority 1 route.

Thaxton Road – This two-lane roadway will provide direct access to the site. The current traffic volume on Thaxton east of Salt Springs Drive is 6,173 vehicles per day.

Panadero Road This two-lane roadway will provide direct access to the site. The current traffic volume on Panadero south of Thaxton Rd is 2,968 vehicles per day.

INTERSECTION LEVEL OF SERVICE (LOS)

The TIA analyzed 4 intersections, 3 of which are currently unsignalized. Existing and projected levels of service are as follows, assuming that all improvements recommended in the TIA are built:

Table 4. PM Peak Level of Service						
Intersection	2006 Existing		2008 Forecasted		2008 Site + Forecasted	
	AM	PM	AM	PM	AM	PM
Salt Springs Dr & William Cannon Dr*	B	B	C	C	B	B
Salt Springs Dr & Colton-Bluff/Asa Dr	A	A	A	A	A	A
Salt Springs Dr & Thaxton Rd	A	A	B	F	A	B
Panadero Dr & Thaxton Rd	A	A	C	A	D	C
Driveway A & Thaxton Rd	-	-	-	-	A	B
Panadero Dr & Driveway B	-	-	-	-	A	A

• = SIGNALIZED

NEIGHBORHOOD IMPACT ANALYSIS

A neighborhood traffic analysis was triggered because the projected number of vehicle trips generated by this project exceeds the vehicle trips per day generated by existing uses by at least 300 trips per day, and the project has access to a local or residential collector street where at least 50 percent of the site frontage has an SF-5 or more restrictive zoning designation.

Table 3 represents a breakdown of existing traffic on Thaxton Rd and Panadero Dr, proposed site traffic, total traffic after development and percentage increase in traffic for each roadway.

Table 3.					
Roadway	Traffic Distribution	Trips (Adjusted)	Existing Traffic (2006)	Forecasted + Site Traffic (2008)	Percentage Increase
Thaxton Rd	70%	3532	10,690	13,717	22%
Panadero Dr	30%	1513	6,079	7,391	18%

According to Section 25-6-116 of the Land Development Code, streets with pavement widths over 40 feet in width are considered to be operating at an undesirable traffic level if the average daily traffic volume for such roadways exceeds 4,000 vehicles per day. Per these standards, both Panadero (44' of pavement) and Thaxton Rd (44' of pavement) will operate at an undesirable level.

RECOMMENDATIONS

- 1) Prior to 3rd reading at City Council, fiscal is required to be posted for the following improvements:

Intersection	Improvements	Pro Rata Share (%)
Thaxton & Salt springs	Widen & Restripe for 1 EB left and 1 EB through	9.4
	Signal Installation	25.0
	Restripe WB approach for 1 right lane and 1 through lane	31.1
	Widen SB approach for 1 left turn lane and 1 right turn lane	27.3
Panadero & Driveway B	Restripe for 1 SB right turn lane and 1 NB left turn lane	18.0

EB=Eastbound WB=Westbound NB=Northbound SB=Southbound

- 2) Right-of-way should be dedicated at the time of subdivision along Thaxton Road so that it may be upgraded to commercial collector standards per the Transportation Criteria Manual.
- 3) For information: Two copies of the final version of the TIA incorporating all corrections and additions must be submitted prior to final approval of the zoning case.
- 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 974-3428.



Amber Mitchell

Sr. Planner ~ Transportation Review Staff

City of Austin – Watershed Protection and Development Review Department

SUMMARY STAFF RECOMMENDATION:

The Staff's recommendation is to grant neighborhood commercial (LR) district zoning.

The Restrictive Covenant includes all recommendations listed in the Traffic Impact Analysis memorandum, dated August 30, 2007, as provided in Attachment A.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

Applicant: 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.

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."

The property has access to Thaxton Road and Panadero Drive, both of which are collector streets.

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

Similar to the zoning case at the corner of Thaxton Road and Salt Springs Drive, the Staff recommends the less intensive neighborhood commercial (LR) district, which can also accommodate the Applicant's proposed uses and is more compatible with the surrounding residences. The Staff recommends LR zoning because the property is situated at the intersection of two collector streets, and notes that there is an absence of commercial businesses to serve the surrounding and nearby residential subdivisions. The closest, existing commercial uses are located along William Cannon Drive, at its intersection with Pleasant Valley Road, approximately 1 ¾ miles to the northwest.

EXISTING CONDITIONS

Site Characteristics

The subject property is undeveloped and there appear to be no significant topographical constraints on the site.

Impervious Cover

The maximum impervious cover allowed by the **GR** or **LR** districts would be 80%. For the GR district, the impervious cover is based on the more restrictive watershed regulations. For the LR district, the impervious cover is a consistent figure between the watershed and 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 Onion 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.

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

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 are provided in Attachment A.

Water and Wastewater

The landowner intends to serve each lot City of Austin water and wastewater utilities. Each lot must have a separate water and wastewater utility connection and no existing or proposed plumbing may cross lot lines. The landowner, at own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extensions, system upgrades, utility relocations and or abandonments to serve each lot.

The water and wastewater utility system serving this subdivision 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 for a City of Austin water and wastewater utility tap permit.

No lot shall be occupied until the structure is connected to the City of Austin water and wastewater utility system.

Site Plan and Compatibility Standards

The site is subject to compatibility standards. Along the west and south property lines (north and east for height), the following standards apply:

- No structure may be built within 25 feet of the west and south property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the west and south property line.
- 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.

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: C14-07-0005

Contact: Wendy Walsh, (512) 974-7719

Public Hearing:

July 31, 2007 Zoning and Platting Commission

August 30, 2007

☐ I am in favor
☒ I object

Eddie Smith

Your Name (please print)

8105 Verbena Villa

Your address(es) affected by this application

Eddie Smith

Signature

7-20-2007

Date

Comments: *This is a residential area, not a business district. Traffic on Thaxton is already heavy, and the traffic noise is non stop. Loud music, Hot rod mufflers, this goes on at all hours of the night. We don't need a business there so the Gang banger, hot rods and thunder music can congregated 4:00 AM, to do drug deals. Put it somewhere else.*

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

C14-07-0005 - THAXTON REZONING

List of Conditions / Restrictions for the property covered under the zoning case.

- 1) No service drives located at the rear of the commercial buildings abutting the Common Property Line.
- 2) A building or structure, or portion of a building or structure, constructed on the Property may not exceed a height of 40 feet from ground level.
- 3) Class 1 native trees, with a 1.5" minimum caliper, shall be placed along the Common Property Line with a spacing of 50'. *private EC*
- 4) Compliance to compatibility standards will be adhered and waivers to the standards will not be sought by the landowner.
- 5) A loading facility is prohibited within 50' of the Common Property Line.
- 6) A Food Sales use may not be less than 5,000 square feet of gross floor area.
- 7) Development of the site will be in compliance to "LR" site development regulations.
- 8) The list of Uses:

"GR-CO" with the following as
Prohibited Uses –

- Automotive Rentals,
- Automotive Repair Services,
- Automotive Sales,
- Automotive Washing,
- Bail Bond Services,
- Building Maintenance Services,
- Business Support Services,
- Commercial Off-Street Parking,
- Communication Services,
- Drop-off Recycling Center,
- Exterminating Services,
- Funeral Services,
- Hotel / Motel,
- Indoor Entertainment,
- Indoor Sports & Recreation,
- Off-site Accessory,
- Outdoor Sports & Recreation,
- Pawn Shop Services,

- Pet Services,
- Printing & Publishing,
- Research Services,
- Theater,
- Counseling Services,
- Hospital Services (Limited),
- Residential Treatment

Leaves as "GR" Permitted Uses –

- Business Trade School,
- Communications Services,
- Food Sales,
- General Retail Services, (General),
- Medical Offices (Greater than 5,000 s.f.),
- Personal Improvement Services,
- Restaurant (General),
- All other "LR" uses,

