

ZONING CHANGE REVIEW SHEET

CASE: C14-2007-0240

Z.A.P. DATE: January 8, 2008
January 22, 2008
February 5, 2008
February 19, 2008

ADDRESS: 10401 Anderson Mill Road

OWNER/APPLICANT: Austin Crossing, Ltd. (Edward M. Bloomberg)

AGENT: SDC Management & Leasing Services, Inc. (Rheta Williams)

ZONING FROM: RR, GR **TO:** GR **AREA:** 8.03 acres

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to grant LR-CO (Neighborhood Commercial-Conditional Overlay) zoning. The proposed conditional overlay would limit the development intensity on the site to less than 2,000 vehicle trips per day.

In addition, approximately 11- feet of right-of-way should be dedicated from the existing centerline of Anderson Mill Road in accordance with the Transportation Plan through a street deed document with the City of Austin.*

* The applicant contacted the Transportation review division to discuss the ROW dedication requirement. The transportation reviewer stated that that the right-of-way dedication along Anderson Mill will not be required with this rezoning case because the site is currently developed. However, the staff would like to note that if the owner ever decides to modify or expand the use if the site, the dedication will be required at that time.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

1/08/08: Postponed to January 22, 2008 by the applicant (7-0, T. Rabago-no yet arrived); J. Martinez-1st, J. Shieh-2nd

1/22/08: Postponed to February 5, 2008 by the applicant (8-0); J. Martinez-1st, T. Rabago-2nd.

2/05/08: Postponed to February 19, 2008 by the applicant (8-0); J. Martinez-1st, T. Rabago-2nd.

2/19/08: To grant GR-CO zoning (6-0, T. Rabago, J. Martinez-absent), with the following conditions:

- 1) Prohibit the following uses: Automotive Rentals, Automotive Repair Services, Automotive Sales, Automotive Washing (of any type), Bail Bond Services, Commercial Off-Street Parking, Drop-Off Recycling Collection Facility, Exterminating Services, Funeral Services, Hotel-Motel, Indoor Entertainment, Outdoor Entertainment, Outdoor Sports and Recreation, Pawn Shop Services, Research Services, Theater, and Hospital Services (General);
- 2) Allow the following as conditional uses: Community Recreation (Private),

Community Recreation (Public), Congregate Living, Group Home-Class II, Hospital Services (Limited), Residential Treatment;

- 3) Limit the property to 'LR' district site development regulations;
- 4) Limit development to less than 2,000 vehicle trips per day above what currently exists on the site;
- 5) The applicant shall dedicate approximately 11-feet of right-of-way from the existing centerline of Anderson Mill Road.

DEPARTMENT COMMENTS:

The property in question is currently developed with a retail center, a financial services use, and a telecommunications tower. The applicant is requesting GR, Community Commercial District, zoning so that they can bring the existing uses on this site into conformance with City of Austin land use regulations and have the ability to lease vacant spaces in the center for with other uses.

The staff is recommending Neighborhood Commercial-Conditional Overlay district zoning for this site because LR-CO zoning will allow for low intensity office and commercial uses to front onto Anderson Mill Road while creating an appropriate transition to the religious assembly, elementary school and single-family residential uses located to the south, east and west of the property. LR-CO zoning will allow many of the current uses that occupy the retail center on the site without being incompatible with the surrounding residential uses. The existing uses on the site are grandfathered because they were located on this property prior to annexation in 1998 (Case C7L-98-007).

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	RR, GR	Jack Brown Cleaners, Retail Center (Syndi-Cut Hair and Nail Salon, Affordable Portables Office, Texas Aid to Animals Office, Capital Gymnastics, Jazzercise, Austin Driving School, Healthy Inspirations, Extreme Kids Entertainment, Polka, Austin Regional Clinic, Austin Radiological Association, Vineyard Worship Center, The Dance Studio, Polka Dot Pony Children's Consignment, Delaware Sub Shop, Anderson Mill Tavern), Wells Fargo Bank, Telecommunications Tower
<i>North</i>	County, I-SF-2	Single-Family Residences, Convenience Store
<i>South</i>	RR	Religious Assembly use(Hope Presbyterian Church)
<i>East</i>	RR	Elementary School (Spicewood Elementary School)
<i>West</i>	SF-6-CO	Single-Family Residences

AREA STUDY: N/A

TIA: Waived

WATERSHED: Bull Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

NEIGHBORHOOD ORGANIZATIONS:

- 115 – Balcones Village-Spicewood Home Owners Association
- 157 – Courtyard Homeowner Association

- 269 – Long Canyon Homeowners Association
- 281 – Anderson Mill Neighborhood Association
- 416 – Long Canyon Phase II & III Homeowner Association Inc.
- 425 – 2222 Coalition of Neighborhood Associations
- 426 – River Place Residential Community Association, Inc.
- 444 – Spicewood on Bull Creek Homeowners Association
- 448 – Canyon Creek Homeowners Association
- 475 – Bull Creek Foundation
- 786 – Home Builders Association of Greater Austin
- 1037 – Homeless Neighborhood Association

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-04-0112	I-RR to GR	9/7/04: Approved GR-CO zoning, with following conditions: 1) Prohibit all 'GR' district uses except: Business or Trade School (with a 3,000 sq. ft. size limit), Business Support Services, Communications Services, Food Preparation (as a conditional use up to 5,000 sq. ft.), General Retail Sales (General), Indoor Sports and Recreation, Personal Improvement Services, Restaurant (General); 2) Permit all 'LR' district uses and conditional uses; 3) Limit the property to 'LR' district development regulations; 4) Limit development to less than 2,000 vehicle trips per day above what currently exists on the site. (7-1, B. Baker-Nay); T. Rabago-1 st , M. Whaley-2 nd	10/21/04: Approved GR-CO zoning (7-0); all 3 readings
C14-02-0180	RR to GR	1/07/03: Approved staff's recommendation of GO-CO zoning with conditions to limit development intensity to 2,000 vehicle trips per day; allow Religious Assembly as the only permitted GO use; and allow all other LO uses (9-0); B. Baker-1 st , K. Jackson-2 nd	2/06/03: Granted GO-CO on all 3 readings (7-0)
C14-00-2255	RR to SF-6	1/23/01: Approved staff alternated rec. of SF-6-CO by consent (8-0)	3/1/01: Approved SF-6-CO w/ other conditions (7-0); 1 st reading

			4/19/01: Approved SF-6-CO w/ conditions; 2 nd /3 rd readings
C14-00-2071	RR to GR	6/06/00: Approved staff rec. of GR by consent (9-0)	8/03/00: Approved GR zoning (7-0); all 3 readings
C14-98-0051	I-RR to SF-6	8/4/98: Approved staff rec. of SF-6 w/ conditions (9-0)	9/3/98: Approved PC rec. of SF-6-CO w/ conditions (7-0); 1 st reading 10/1/98: Approved SF-6-CO, w/ conditions (7-0); 2 nd /3 rd readings
C14-93-0026	LR, LO to SF-2	3/16/93: Approved SF-2	4/1/93: Approved SF-2 (6-0); all 3 readings

RELATED CASES: C7L-98-007 (Annexation – December 21, 1998)
C14-00-2071 (Zoning for Telecommunication Tower)

ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION	DAILY TRAFFIC
Anderson Mill Road	92'	50'	Arterial	N/A
Olson Road	65'	40'	Collector	N/A
Spicewood Parkway	70'	40'	Collector	N/A

CITY COUNCIL DATE: March 20, 2008

ACTION:

ORDINANCE READINGS: 1st

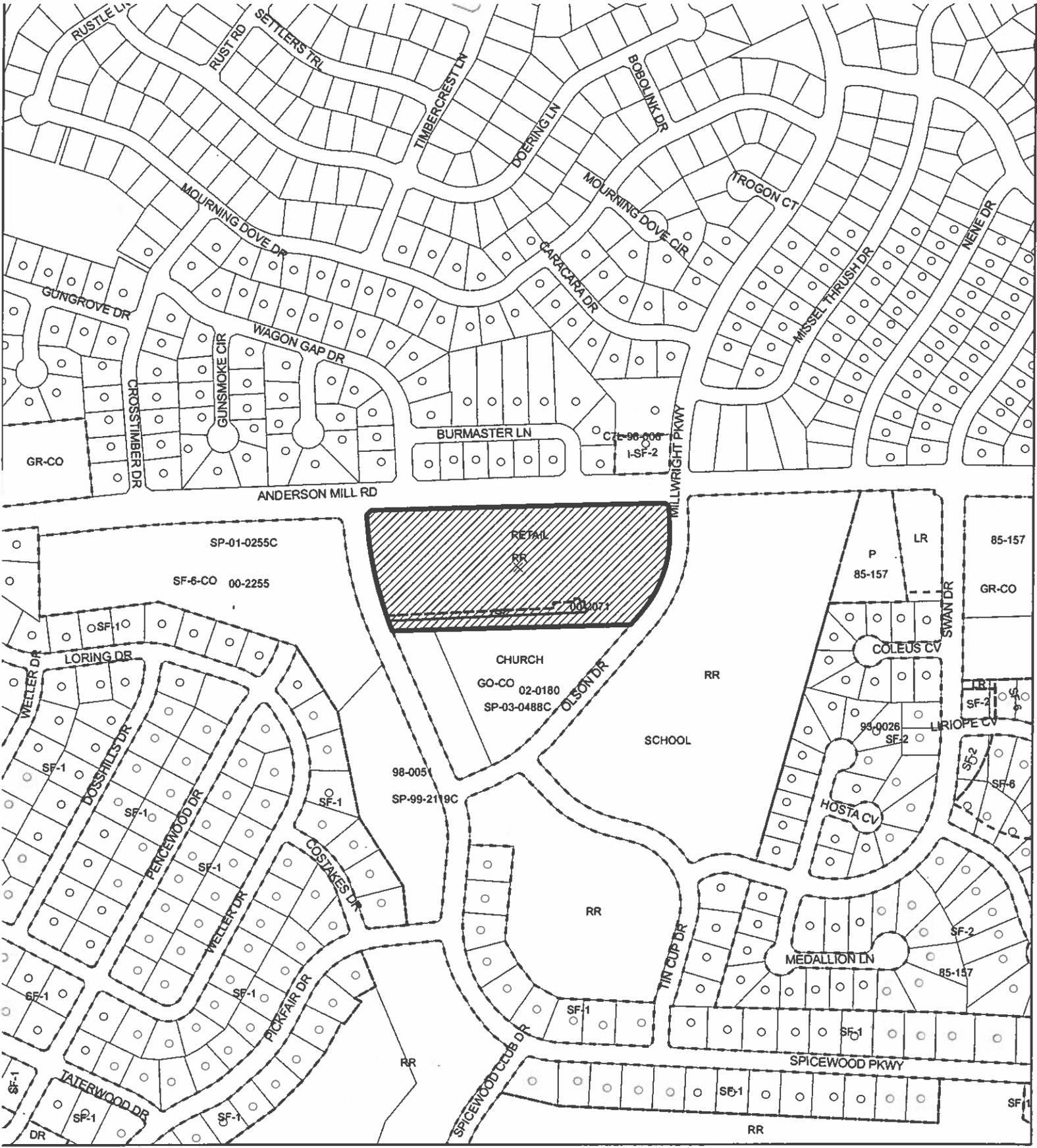
2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Sherri Sirwaitis

PHONE: 974-3057,
sherri.sirwaitis@ci.austin.tx.us



-  SUBJECT TRACT
-  ZONING BOUNDARY
-  PENDING CASE

ZONING

ZONING CASE#: C14-2007-0240
 ADDRESS: 10401 ANDERSON MILL RD
 SUBJECT AREA: 8.03 ACRES
 GRID: F37
 MANAGER: S. SIRWAITIS

OPERATOR: S. MEEKS



1" = 400'

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.

STAFF RECOMMENDATION

The staff's recommendation is to grant LR-CO (Neighborhood Commercial-Conditional Overlay) zoning. The proposed conditional overlay would limit the development intensity on the site to less than 2,000 vehicle trips per day.

In addition, if the requested zoning is granted, then approximately 11 feet of right-of-way should be dedicated from the existing centerline of Anderson Mill Road in accordance with the Transportation Plan through a street deed document with the City of Austin.

BASIS FOR RECOMMENDATION

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

Neighborhood commercial (LR) 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. *The proposed zoning should promote consistency, and orderly planning.*

LR-CO zoning is an appropriate transition from Anderson Mill Road to the church facility, elementary school and single-family residential uses located to the south, east and west of the property in question.

3. *The proposed zoning should allow for a reasonable use of the property.*

The LR-CO zoning district would allow for a fair and reasonable use of the site because it will allow for the applicant to bring many of the existing uses on the site into conformance with City of Austin Land Development Code use regulations, without being incompatible with the surrounding residential uses.

EXISTING CONDITIONS

Site Characteristics

The site under consideration is currently developed with a financial services use (Wells Fargo Bank), a Personal Services use (drop off/pick up laundry service – Jack Brown Cleaners), a retail center (Syndi-Cut Hair and Nail Salon, Affordable Portables Office, Texas Aid to Animals Office, Capital Gymnastics, Jazzercise, Austin Driving School, Healthy Inspirations, Extreme Kids Entertainment, Polka, Austin Regional Clinic, Austin Radiological Association, Vineyard Worship Center, The Dance Studio, Polka Dot Pony Children's Consignment, Delaware Sub Shop, Anderson Mill Tavern) and a telecommunication tower. The properties to the north and west are developed with single-family residences. There is an elementary school to the east and a religious assembly use (Hope Presbyterian Church) to the south.

Impervious Cover

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

Under the 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>% NSA with Transfers</i>
One or Two Family Residential	30%	40%
Multifamily Residential	40%	55%
Commercial	40%	55%

Development within a Water Quality Transition Zone may not exceed 18% impervious cover.

Note: The most restrictive impervious cover limit applies.

Environmental

The site is located over the northern Edward's Aquifer Recharge Zone. The site is in the Bull Creek Watershed of the Colorado River Basin, and is classified as a Water Supply Suburban Watershed by Chapter 25-8 of the City's Land Development Code.

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

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for any redevelopment.

At this time, site specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features.

Under current watershed regulations, redevelopment on this site will be subject to providing structural sedimentation and filtration basins with increased capture volume and 2 year detention.

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

Transportation

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]

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Bus Routes
Anderson Mill Rd	92'	50'	Arterial	No	No	383 Anderson

Spicewood Pkwy	75'	45'	Collector	Yes		
Olson Dr	60'	40'	Local	Yes		

The Austin Metropolitan Area Transportation Plan calls for a total of 114 feet of right-of-way for Anderson Mill Rd. If the requested zoning is granted, then approximately 11 feet of right-of-way should be dedicated from the existing centerline of Anderson Mill Road in accordance with the Transportation Plan. [LDC, Sec. 25-6-51 and 25-6-55)

Water and Wastewater

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at 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 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 for a City of Austin water and wastewater utility tap permit.

Stormwater Detention

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

Compatibility Standards

Site plans will be required for any new development other than single-family or duplex residential.

Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.



Item # A8

February 13, 2008

Ms. Betty Baker
Chair, Zoning and Platting Commission
301 Congress Ave., Ste. 200
Austin, Texas 78701

RE: Zoning Case- C14-2007-0240

Dear Ms. Baker,

Following annexation by the City of Austin several years ago, Austin Crossing, Ltd. is requesting GR zoning for the 8.030 acre site. We strongly believe it is the appropriate zoning given its years of operation with uses such as restaurants, medical offices, liquor sales and lounges. Zoning Staff is recommending LR-CO zoning on a policy point that a school and a church have been built in the immediate vicinity.

The difference between LR and GR is significant to us in terms of the uses allowed and the standard of any future development. LR does not permit important uses that are critical to the value of the shopping center, such as medical office, general merchandise sales, restaurants and personal improvement.

Because of the importance of these uses and the GR zoning to the continued ownership, we are willing as a compromise to include a Conditional Overlay on our GR zoning; a conditional overlay that would generally emulate LR, and eliminate many of the undesirable or offensive uses that would be associated with unlimited GR zoning.

Uses such as automotive repair, hospitals, grocery and the list of items attached categorized as non-permitted in the overlay. Effectively, we would agree to allow primarily LR uses in the overlay, adding only those uses that are critical to the economic viability of the center. The important aspect of this compromise, if the Commission will approve it, is that it will preserve the critical uses described above but exclude those that are typically precluded in a LR zoning.

Enclosed is a list of the Permitted GR Uses. We divided the list into two columns: one column for the GR uses we want to keep as Permitted uses and another column for the GR uses we will voluntarily exclude via a "Conditional LR Use" overlay.

We hereby request that you approve this zoning request compromise, as we believe it is in the best interest of both the neighborhood that has supported these uses and the Austin Crossing's ownership.

Thank you for your consideration

Sincerely,

A handwritten signature in cursive script that reads "Rheta Williams". The signature is written in black ink and includes a long horizontal flourish at the end.

Rheta Williams, CPM, CSM, RPA
Director of Property Management
SDC Leasing & Management Services, Inc.
As Agent For Austin Crossing, Ltd.

Encl.

GR USES PERMITTED

GR-CO USES REQUESTING APPROVAL	GR-CO USES TO VOLUNTARILY EXCLUDE
Automotive Washing Business or Trade School Business Support Services Communication Services Exterminating Services General Retail Sales Indoor Entertainment Indoor Sports & Recreation Medical exceeding 5,000 sf Pawn Shops Personal Improvement Services Restaurant General Funeral Services	Automotive Rentals Automotive Repair Services Commercial Off Street Parking Hotel/Motel Outdoor Entertainment Outdoor Sports & Recreation Research Services Theater Congregate Living Community Recreation Group Home Class 2 Hospital Services (Limited) Residential Treatment

All GR except