

## ZONING CHANGE REVIEW SHEET

**CASE:** C14-2008-0026

**Z.A.P. DATE:** March 4, 2008

**ADDRESS:** 12633 Research Boulevard (U.S. Highway 183 Northbound)

**OWNER/APPLICANT:** Praetorian Properties (Ross Silvey)

**ZONING FROM:** GR

**TO:** CS

**AREA:** 0.89 acres

### **SUMMARY STAFF RECOMMENDATION:**

The staff's recommendation is to grant CS-CO, Community Commercial-Conditional Overlay District, zoning. The conditional overlay would limit the development intensity on the site to less than 2,000 vehicle trips per day and would prohibit the Limited Warehousing and Distribution use on this site.

### **ZONING AND PLATTING COMMISSION RECOMMENDATION:**

3/04/08: Approved staff recommendation of CS-CO zoning with additional condition to prohibit Pawn Shop Services and Commercial Blood Plasma Center (6-0, K. Jackson, R. Evans-absent); J. Martinez-1<sup>st</sup>, T. Rabago-2<sup>nd</sup>.

### **DEPARTMENT COMMENTS:**

The property in question is developed with a vacant automotive sales use. The applicant is requesting to rezone the property to allow for a truck rental business on the property (Penske Truck Leasing).

The staff recommends CS-CO zoning for this property because it meets the intent of the General Commercial Services district. The site is located adjacent to existing GR and GR-CO zoning to the east and west and LI-CO zoning to the north. This tract of land is surrounded by commercial uses and industrial uses to the north, south, east, and west. The site under consideration takes access to a major arterial roadway, U. S. Highway 183 North.

The applicant agrees with the staff's recommendation.

### **EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	GR-CO	Vacant Automotive Sales
<i>North</i>	SF-3, LI-CO	Office/Warehouse, Outdoor Storage, Single-Family Residence, Office
<i>South</i>	LO, GR-CO, GR, CS	Office, Retail Shopping Center, Restaurant (Kerby Lane)
<i>East</i>	GR, GR-CO	Automotive Repair Services (Jiffy Lube, Crescent Automotive)
<i>West</i>	SF-2	Office, Religious Assembly Use (Christ Community Church)

**AREA STUDY:** N/A

**TIA:** Waived

**WATERSHED:** Walnut Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR: N/A****HILL COUNTRY ROADWAY: N/A****NEIGHBORHOOD ORGANIZATIONS:**

46 - North Oaks Neighborhood Association  
55 - Northwood Homeowners Association  
269 - Long Canyon Homeowners Association  
426 - River Place Residential Community Association, Inc.  
475 - Bull Creek Foundation  
786 - Home Builders Association of Greater Austin  
1031 - Whispering Valley Condominiums Owners Association, Inc.  
1037 - Homeless Neighborhood Association  
1048 - Austin Northwest Association  
1075 - League of Bicycling Voters

**CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>CITY COUNCIL</b>
C14-06-0056	SF-2 to GR	5/02/06: Approved staff's recommendation for GR-CO district zoning by consent (8-0, J. Martinez-absent)	6/08/06: Approved GR-CO zoning by consent (7-0); all 3 readings
C14-05-0083	GR-CO to GR-CO	7/05/05: Approved staff's recommendation for GR-CO district zoning by consent (7-0, M. Whaley-Hawthorne-absent, T. Rabago-arrived late)	8/04/05: Approved GR-CO (6-0, McCracken-out of room); all 3 readings
C14-04-0155	GR-CO to GR-CO	11/2/04: Approved staff's recommendation of GR-CO zoning by consent (9-0); J. Martinez-1 <sup>st</sup> , J. Gohil-2 <sup>nd</sup> .	12/02/04: Approved GR-CO (7-0); all 3 readings
C14-03-0080	MF-3-CO to GR	6/10/03: Approved staff's alternate recommendation of GR-CO zoning with the following conditions: Limit the site to 2,000 vehicle trips per day; prohibit the following uses: Automotive related uses [Automotive Rentals, Automotive Repair Services, Automotive Sales, and Automotive Washing (of any type)], Pawn Shop Services, Restaurant (Drive-In, Fast Food), Personal Improvement Services, Commercial Off-Street Parking, Drop-Off Recycling Collection Facility, Adult Oriented Businesses, Urban Farm; and require a 10-foot landscape buffer along the Eastern property line (8-0, J. Martinez-absent)	7/17/03: Approved ZAP rec. of GR-CO (7-0); with the following additional permitted uses: Personal Improvement Services use and permit Drive-In Facilities, only as an accessory use to a Bank (Financial Services use).  8/14/03: Approved (7-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings

C14-03-0074	SF-6-CO to GO	6/3/03: Approved GO-CO zoning, with the following conditions: Limit the development intensity on the site to less than 2,000 vehicle trips per day; allow GO, General Office district, zoning height (60 feet) and impervious cover (80%) standards; limit all other site development regulations to LO, Limited Office district, zoning standards; permit LO district uses (prohibit the following GO district uses): Business or Trade School, Business Support Services, College and University Facilities, Congregate Living, Hospital Services (General), Hospital Services (Limited), Private Secondary Education Facilities, Off-Site Accessory Parking, Personal Services, Restaurant (Limited); provide a 25-foot setback (buffer zone) from the North property line for the area that is zoned SF-1; provide a 25-foot setback (buffer zone) from the East property line for the area that is zoned SF-1 and the lot zoned SF-2.	7/17/03: Granted GO-CO; prohibiting vehicle access to Lobelia Dr. (7-0); all 3 readings
C14-02-0138	I-RR to CS	9/17/02: Approve staff's recommendation of CS-CO zoning with the following conditions: add Equipment Sales and Automotive Rentals as allowed/ permitted uses (7-0)	10/24/02: Granted CS-CO on all 3 readings (6-0, Dunkerley - absent)
C14-02-0132	MF-3 to GR	10/22/02: Approved GR-CO zoning (8-0), with the following conditions: 1) The only permitted GR uses are Auto Sales and Auto Repair; 2) Permit LR Uses, with the exception of the following LR uses: Service Station; Food Sales; Accessory Off-Site Parking; Restaurant (Drive-In Fast Food); Restaurant (Limited) 3) Limit the development intensity to less than 2,000 vehicle trips per day; 4) Require that protected trees shall remain undisturbed; 5) Require that Compatibility	11/21/02: To grant GR-CO zoning, with conditions and a public restrictive covenant (6-0, Goodman-absent); 1 <sup>st</sup> reading.  12/5/02: To grant GR-CO zoning, with conditions that no structural detention or water quality facility shall be allowed within the proposed 25 foot vegetative buffer, grow green standards shall be utilized, and structural parking shall be prohibited (7-0); 2 <sup>nd</sup> reading

		Standards be applied along the eastern property line; 6) Require a 25' vegetative buffer along the eastern property line; 7) Limit structures to 40' in height with an increase in height according to Compatibility Standards; 8) Require that all Auto Maintenance and Repair be contained within a structure; 9) Restrict access to San Felipe Boulevard to emergency access only; 10) Allow no inoperable vehicle storage on the site; 11) Do not allow a parking lot adjacent to the proposed vegetative buffer along the eastern property line.	12/12/02: Approved – Petition withdrawn (7-0); 3 <sup>rd</sup> reading
C14-02-0017	I-RR to GR	2/26/02: Approved staff's rec. of GR-CO zoning by consent (7-0, K. Jackson-absent, A. Adams-off dias)	4/4/02: Approved GR-CO w/ conditions (6-0, Goodman out of room); all 3 readings
C14-01-0080	CS-CO to MF-2	6/26/01: Approved staff rec. of MF-2 by consent (8-0)	12/06/01: Approved MF-2 (7-0); all 3 readings
C14-00-2113	I-RR to GR	7/25/00: Approved staff rec. of GR-CO by consent (7-1, RC-Nay)	8/24/00: Approved GR-CO w/ conditions on all 3 readings (7-0)
C14-99-0099	SF-3 to LI	6/29/99: Approved staff rec. of LI-CO by consent (8-0)	7/29/99: Approved PC rec. of LI-CO by consent (6-0); all 3 readings
C14-99-0005	I-RR to MF-3	2/23/99: Approved staff alternate rec. of MF-3-CO by consent (6-0)	5/20/99: Approved PC rec. of MF-#-CO w/ conditions (7-0); all 3 readings
C14-98-0164	I-SF-2 to CS-CO	11/17/98: Approved staff's alternate rec. of CS-CO by consent (9-0)	1/7/99: Approved PC rec. of CS-CO w/ conditions (7-0); all 3 readings
C14-98-0158	I-RR to LI	1/12/99: Approved SF-2 (TR1), SF-4A (TR2), LR-CO (TR3); (5-0)	4/8/99: Approved SF-6 as amended w/ conditions (7-0); 1 <sup>st</sup> reading 12/2/99: Approved w/ modifications: <ol style="list-style-type: none"> <li>1) Allow construction of water quality, drainage facilities, and perimeter jogging trail within 25' setback;</li> <li>2) Prohibit access to Lobelia Drive (not Lane);</li> <li>3) Prohibit duplexes and removed prohibition of</li> </ol>

			SF structures (6-0, WL-absent); 2 <sup>nd</sup> reading 1/13/00: Approved 3 <sup>rd</sup> reading (7-0)
C14-98-0157	SF-3 to CS-CO	11/17/98: Approved staff alternate rec. of CS-CO (9-0)	1/7/99: Approved PC rec. of CS-CO w/ conditions (7-0); 1 <sup>st</sup> reading 5/6/99: Approved CS-CO w/ conditions (7-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings
C14-98-0133	SF-3 to CS	9/29/98: Approved staff rec. of CS-CO by consent (9-0); the CO limited the site to 2,000 vehicle trips per day	11/05/98: Approved PC rec. of CS-CO (6-0); 1 <sup>st</sup> reading 3/25/99: Approved CS-CO (6-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings
C14-98-0127	I-RR to GR	10/13/98: Approved GR-CO (9-0)	11/19/98: Approved PC rec. of GR-CO; all 3 readings
C14-98-0094	I-RR to LI	8/18/98: Approved LI-CO by consent (7-0)	10/8/98: Approved PC rec. of LI-CO w/ conditions (6-0); all 3 readings
C14-98-0093	I-RR to LI	Approved LI-CO by consent (7-0)	Approved PC rec. of LI-CO w/ conditions (6-0); all 3 readings
C14-98-0014	SF-2 to LO	9/23/99: Expired (Administratively -PP at 3/23/99 PC was only good for 6 months)	N/A
C14-98-0003	I-RR to LI	2/17/98: Approved W/LO w/ conditions (7-0)	3/26/98: Approved W/LO w/ conditions (6-0); 1 <sup>st</sup> reading 4/30/98: Approved CS-CO w/ conditions (7-0); 2 <sup>nd</sup> reading 6/11/98: Approved CS-CO w/ conditions (7-0); 3 <sup>rd</sup> reading
C14-97-0121	SF-3 to CS	10/28/97: Approved staff alternate rec. of CS-CO (6-3, WB/DS/MA-Nay)	11/20/97: Approved PC rec. of CS-CO w/ conditions (7-0); 1 <sup>st</sup> reading 1/8/98: Approved CS-CO w/ conditions (7-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings
C14-96-0144	I-SF-2 to CS	1/28/97: Approved staff rec. of GR-CO, the CO limited the site to 2,000 vehicle trips per day (7-0)	2/27/97: Approved PC rec. of GR-CO (7-0); 1 <sup>st</sup> reading 4/10/97: Approved GR-CO (7-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings

**RELATED CASES:** C14-96-0144

**ABUTTING STREETS:**

NAME	ROW	PAVMENT	CLASSIFICATION	CAPITAL METRO	BICYCLE PLAN	SIDEWALKS
US Highway 183	200'	Varies (40' on frontage road)	Arterial - MAD 6	Yes	No	No

**CITY COUNCIL DATE:** April 10, 2008

**ACTION:**

**ORDINANCE READINGS:** 1st

2<sup>nd</sup>

3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Sherri Sirwaitis

**PHONE:** 974-3057,  
[sherri.sirwaitis@ci.austin.tx.us](mailto:sherri.sirwaitis@ci.austin.tx.us)

$$1'' = 400'$$

## **STAFF RECOMMENDATION**

The staff's recommendation is to grant CS-CO, Community Commercial-Conditional Overlay District, zoning. The conditional overlay would limit the development intensity on the site to less than 2,000 vehicle trips per day and would prohibit the Limited Warehousing and Distribution use on this site.

## **BASIS FOR RECOMMENDATION**

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

General commercial services (CS) district is the designation for a commercial or industrial use of a service nature that has operating characteristics or traffic service requirements that are incompatible with residential environments.

The property in question takes access to an arterial roadway, Research Boulevard (recently improved U.S. Highway 183 North).

- 2. The proposed zoning should promote consistency and orderly planning.*

The CS-CO zoning district would be compatible and consistent with the surrounding uses because there are existing industrial and commercial uses to the north, south, east, and west of the site under consideration. There are currently GR and GR-CO zoned properties to the east and west of this site and LI-CO properties to the north of this site.

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

The CS-CO zoning district would allow for a fair and reasonable use of the site. The rezoning of this tract of land will allow the applicant to conduct a Construction Sales and Services use on the site.

CS-CO zoning is appropriate for this location because of the commercial character of the area fronting U.S. Highway 183 North.

## **EXISTING CONDITIONS**

### **Site Characteristics**

The site is currently developed with a vacant automotive sales business (former Jaguar of Austin). There are other existing automotive uses adjacent to the site to the west (Jiffy Lube and Crescent Automotive Repair). To the east there is a convenience storage use (U-Haul Storage). The property to the north of the site under consideration is developed with an office use surrounded by industrial warehouse and outdoor storage uses.

### **Impervious Cover**

The maximum impervious cover allowed by the CS zoning district would be 95%. However, because the Watershed impervious cover is more restrictive than the CS zoning district's allowable impervious cover, the impervious cover on this site would be limited by the watershed ordinance.



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>% NSA with Transfers</i>
Single-Family Residential (min. lot size 5750 sq. ft.)	45%	50%
One or Two Family Residential (lot size < 5750 sq. ft.)	55%	60%
Multifamily Residential	60%	65%
Commercial	65%	70%

Note: The most restrictive impervious cover limit applies.

### **Environmental**

The site is located over the North Edward's Aquifer Recharge Zone. It is in the Desired Development Zone. The site is in the RATTAN CREEK Watershed, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code.

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.

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.

At this time, no information has been provided as to whether this property has any pre-existing approvals that preempt current water quality or Code requirements.

The site is located within the endangered species survey area and must comply with the requirements of Chapter 25-8: Endangered Species in conjunction with subdivision and/or site plan process.

### **Transportation**

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

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]

Existing Street Characteristics:

Name: HWY 183 N  
ROW: 200  
Pavement: ~40 (frontage road only)  
Classification: MAD 6 (2025 plan identifies as FWY)

There are no existing sidewalks along this section of Hwy 183 N.  
Hwy 183 N is classified in the Bicycle Plan as a Priority wc/15 bike route.

Capital Metro bus service is available along Hwy 183 N.

#### **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 relocations and or abandonments required. 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**

Any new construction or redevelopment of this site will be subject to compatibility height and setback limitations due to adjacent SF-3 zoning to the north.





