

ZONING CHANGE REVIEW SHEET

CASE: C14-2008-0064

Z.A.P. DATE: April 1, 2008

ADDRESS: 5301 Duval Road

OWNER/APPLICANT: CWP – Duval, L.P. (Charles W. Putnam, Jr.)

AGENT: Alice Glasco Consulting (Alice Glasco)

ZONING FROM: SF-3

TO: GO

AREA: 9.117 acres

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is grant GO-CO, General Office-Conditional Overlay District, zoning. The conditional overlay would limit the site to uses that generate no more than 2,000 vehicle trips per day.

ZONING AND PLATTING COMMISSION:

4/01/08: Approved staff's recommendation of GO-CO zoning by consent (6-0, T. Rabago, J. Martinez-absent); K. Jackson-1st, J. Shieh-2nd.

DEPARTMENT COMMENTS:

The property in question is developed with a Convalescent Services use (Heritage Duval Gardens Assisted Living Nursing Home). The applicant is requesting GO, General Office District, zoning to bring the current use on the site into conformance with the Land Development Code use regulations and to allow for future improvements on the site (Rezoning Request Letter – Attachment A).

The staff recommends the GO-CO, General Office-Conditional Overlay District, zoning at this location because the property meets the intent of the 'GO' district as this site will provide services that benefit community and city-wide needs. The proposed zoning will promote consistency and orderly planning because this site is fronts onto an arterial roadway and is located adjacent to existing commercial (GR, LR) zoning to the south and west and office (LO-CO) zoning to the north. There is a senior living facility, a church, a fire station, and an elementary school, across Duval Road to the north of this site. To the south, there is a service station and an apartment complex. The property to the east is developed with a retail center that takes access to U.S. Highway 183 North and Duval Road. There is a religious assembly use across Angus Road to the east. The proposed zoning will allow the applicant to bring the existing legal nonconforming development on the property into compliance with the use permitted use regulations in the City of Austin Code.

The applicant agrees with the staff's recommendation.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-3	Convalescent Services (Heritage Duval Gardens Assisted Living), Office (Radiant Research)
<i>North</i>	LO-CO, P, SF-3	Retirement Facility (Loyalton of Austin Senior Living), Religious Assembly (Austin Taiwanese Presbyterian Church), Public Primary School (Will Davis Elementary)
<i>South</i>	GR, MF-2	Service Station (Shell/Texaco), Multifamily (Keystone Apartments)
<i>East</i>	SF-3	Religious Assembly (Church of God)
<i>West</i>	GR, LR	Retail Center (Angus Square Center: Short Stop, Laundry Service, Gallery of Pets, Jackson Hewitt Tax Services, Hair & Nails Salon, Allstate Insurance, Pet & Bird Hospital)

AREA STUDY: N/A**TIA:** Waived**WATERSHED:** Walnut Creek**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** N/A**HILL COUNTRY ROADWAY:** N/A**REGISTERED NEIGHBORHOOD ORGANIZATIONS:**

Angus Valley Area Neighborhood
 Austin Independent School District
 Austin Northwest Association
 Bull Creek Foundation
 Home Builders Association of Greater Austin
 Homeless Neighborhood Association
 League of Bicycling Voters
 Mesa Park Neighborhood Association
 North Oaks Neighborhood Association
 Northwood Homeowners Association
 Rive Place Residential Community Association

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-06-0172	LO to GR-MU-CO	10/17/06: Approved GR-MU-CO zoning on Tract 1 for an area 866 to 896 ft above sea level and MF-6-CO zoning for an area 896 to 926 ft above sea level; with conditions of a 60-foot height limit and 2,000 vehicle trip limit and approved LO-MU-CO zoning on Tract 2; with conditions of 2,000 vehicle trip limit, limit site to 'LO' district uses and residential accessory uses (prohibiting dwelling	1/25/07: Approved GR-MU-CO for Tract 1 and LO-CO for Tract 2 (6-0); all 3 Readings

		units). Vote: 9-0; K. Jackson-1 st , J. Martinez-2 nd . 1/09/07: Approved staff recommendation of GR-MU-CO zoning for Tract 1 and LO-CO zoning for Tract 2, with a 2,000 vehicle trip limit per tract (6-0, B. Baker, S. Hale, J. Martinez-absent); J. Pinnelli-1 st , C. Hammond-2 nd .	
C14-06-0013	GR, SF-2 to MF-6* *On 4/27/06, the agent requested to amend the case to allow for a 65 foot strip of SF-3 zoning along the southeast property line.	5/02/06: Motion to approve MF-6-CO zoning, with a 60 foot height limit, and SF-3 zoning for an area 65 feet from the southeastern property line (5-3, B. Baker, M. Hawthorne, C. Hammond-No, J. Martinez-absent); K. Jackson-1 st , B. Baker-2 nd . Motion made to rescind and reconsider previous action (8-0, J. Martinez-absent); K. Jackson-1 st , B. Baker-2 nd . Motion to deny the applicant's request for MF-6 zoning (6-2, J. Gohil, S. Hale-No, J. Martinez-absent); K. Jackson-1 st , J. Pinnelli-2 nd .	6/22/06: Case withdrawn by applicant
C14-02-0088	LO to LR-CO	6/18/02: Approved staff's recommendation of LR-CO zoning, by consent (8-0, A. Adams-absent)	7/18/02: Approved LR-CO, prohibiting the following uses as offered by the applicant: Restaurant (Drive-in, Fast Food), Service Station, Counseling Services, Guidance Services, and Safety Services(7-0); all 3 readings
C14-01-0160	LO to GO	Withdrawn by applicant on 12/14/01	N/A
C14-99-0040	SF-2 to GO	4/06/99: Approved staff rec. of LO (9-0)	5/06/99: Approved PC rec. of LO (6-0); all 3 readings
C14-97-0118	SF-2 to SF-3	10/07/97: Approved staff's rec. of SF-3 (8-0)	11/06/97: Approved PC rec. of SF-3 (7-0); all 3 readings
C14-97-0067	LO, SF-2 to LO	7/22/97: Approved staff rec. of LO by consent (8-0)	8/21/97: Approved LO (5-0); all 3 readings
C14-93-0141	SF-2 to GR	11/16/93: Approved LO and GR-CO: On Tract 2 - General Retail Sales (General and Convenience) uses shall be a max FAR of 13,269 sq. ft.; Restaurant (Drive-in, Fast Food) use shall be a max FAR of 3,163 sq. ft.; Restaurant (General)	12/02/93: Approved LO and GR-CO (7-0); all 3 readings

		use shall be a max FAR of 9,735 sq. ft.; Food Sales use shall be a max FAR of 11,259 sq. ft.; Financial Services use shall be a max FAR of 11,500 sq. ft.	
C14-93-0070	LO to LI-PDA	7/20/93: Approved LI-PDA (9-0)	8/05/93: Approved LI-PDA (6-0); 1 st reading 12/16/93: Approved LI-PDA 6-0); 2 nd /3 rd readings
C14-92-0133	SF-2, SF-3, SF-6, LO, GO to MF-2	5/23/93: Approved MF-2 w/ conditions (6-0): limit density to 224 dwelling units; no structure shall be constructed within 50 feet of SF-2 zoning, any structure beyond the 50 foot setback, within 400 feet of Ladera Vista Drive shall not exceed 32 feet in height; allow only emergency access to Taylor Draper Lane; maintain a 50 foot vegetative buffer along Taylor Draper Lane; construct a six foot high privacy fence along Taylor Draper Lane; no structures within 220 feet of Taylor Draper Lane, any structure within 80 feet of the 220 foot setback shall not be 32 feet or higher within said 80 foot strip of land; construct a six foot high privacy fence along the property abutting single-family zoned lots.	6/03/93: Approved MF-2-CO (6-0); 1 st reading 6/10/93: Approved MF-2-CO (5-0); 2 nd /3 rd readings
C14-92-0051	SF-2 to MF-2	8/27/92: Approved MF-2-CO: limit density to 17.3 units per acre, driveway access for the property shall be reviewed and approved at the time of site plan be Transportation review.	9/03/92: Approved MF-2-CO on all 3 readings
C14-90-0056	SF-2 to LO	10/09/90: Approved LO (6-0-2, SR/HG-abstain)	10/18/90: Approved LO (6-0); 1 st reading 1/10/91: Approved LO; 2 nd /3 rd readings
C14-90-0050	LO to LI-PDA	9/11/90: Approved staff rec. of LI-PDA (7-0)	9/13/90: Approved LI-PDA (6-0); 1 st reading 4/25/91: Approved LI-PDA on 2 nd /3 rd readings
C14-89-0024	SF-2, GO to GR	5/23/89: Approved GR & SF-2	6/29/89: Approved GR & SF-2 (6-0); 1 st reading

			10/04/90: Approved GR & SF-2 (7-0); 2 nd / 3 rd readings
C14-89-0022	LO to GR	6/27/89: Approved GR-CO and LR w/conditions: No direct vehicular access to Thunder Creek or Stanwood Road; Food Sales use shall be a max FAR of .041 to 1; General Retail Sales (General and Convenience) uses shall be a max FAR of .08 to 1; Restaurant (General and Limited) uses shall be a max FAR of .009 to 1; Restaurant (Drive-In, Fast Food) uses is restricted to a FAR of .003 to 1; FAR calculations shall be based on the combined area of Tract 1 (29.909 acres) and Tract 2 (1.482 acres); uses shall comply with the TIA.	7/27/89: Approved GR-CO and LR w/conditions on 1 st reading 1/18/90: Approved GR-CO and LR-CO on 2 nd /3 rd readings

RELATED CASES: There are no pending related cases.

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bus Route
Duval Road	70'	37'-57'	Arterial	Yes	17,116
Angus Road	50'	Varies	Collector	Yes	2,880

CITY COUNCIL DATE: May 8, 2008

ACTION:

ORDINANCE READINGS: 1st

2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Sherri Sirwaitis

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

STAFF RECOMMENDATION

The staff's recommendation is grant GO-CO, General Office-Conditional Overlay District, zoning. The conditional overlay would limit the site to uses that generate no more than 2,000 vehicle trips per day.

BASIS FOR RECOMMENDATION

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

General office (GO) district is the designation for an office or commercial use that serves community and city-wide needs. A building in a GO district may contain one or more different uses.

The proposed zoning for this property meets the intent of the 'GO' district as this site will provide retirement/convalescent services that benefit this area of the city.

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

The proposed zoning will promote consistency and orderly planning because this site is fronts onto an arterial roadway and is located adjacent to existing commercial (GR, LR) zoning to the south and west and office (LO-CO) zoning to the north. There is a senior living facility, a church, a fire station, and an elementary school, across Duval Road to the north of this site. To the south, there is a service station and an apartment complex. The property to the east is developed with a retail center that takes access to U.S. Highway 183 North and Duval Road. There is a religious assembly use across Angus Road to the east.

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

The proposed zoning will allow the applicant to bring the existing legal nonconforming development on the property into compliance with the use permitted use regulations in the City of Austin Code.

EXISTING CONDITIONS

Site Characteristics

The site under consideration is currently developed with a legal nonconforming nursing home facility.

Hill Country Roadway

The site is not within a Hill Country Roadway Corridor.

Impervious Cover

The maximum impervious cover allowed by the GO zoning district would be 80%. However, because the Watershed impervious cover is more restrictive than the zoning district's allowable impervious cover, the impervious cover on this site would be limited by the watershed ordinance.

The site is located over the Edward's Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Walnut 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%

Environmental

According to flood plain maps, there is a floodplain adjacent to the project boundary. Based upon the close proximity of flood plain, offsite drainage should be calculated to determine whether transition zone exists within the project location. If transition zone is found to exist within the project area, allowable impervious cover within said zone should be limited to 30%.

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.

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]

There are existing sidewalks along both sides of Duval Road and Angus Road.

Duval Road is classified in the Bicycle Plan as a Priority 1 bike route.

Capital Metro bus service is available along U.S. Hwy. 183 with the # 383 (Research Cross-town), # 982 (Pavilion Express), # 983 (North U.S. 183 Express), # 984 (NW Direct), # 986 (Leader Direct), and the # 987 (Leander NW Express).

Existing Street Characteristics:

<u>Name</u>	<u>ROW</u>	<u>Pavement</u>	<u>Classification</u>	<u>Daily Traffic</u>
Duval Rd.	70'	37'-57'	Arterial	17,116 (4/7/04)**
Angus Rd.	50'	Varies	Collector	2,880 (1/6/04)+

**11800 Block – south of Duval Rd.
+ 5200 Block – west of Angus Rd.

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

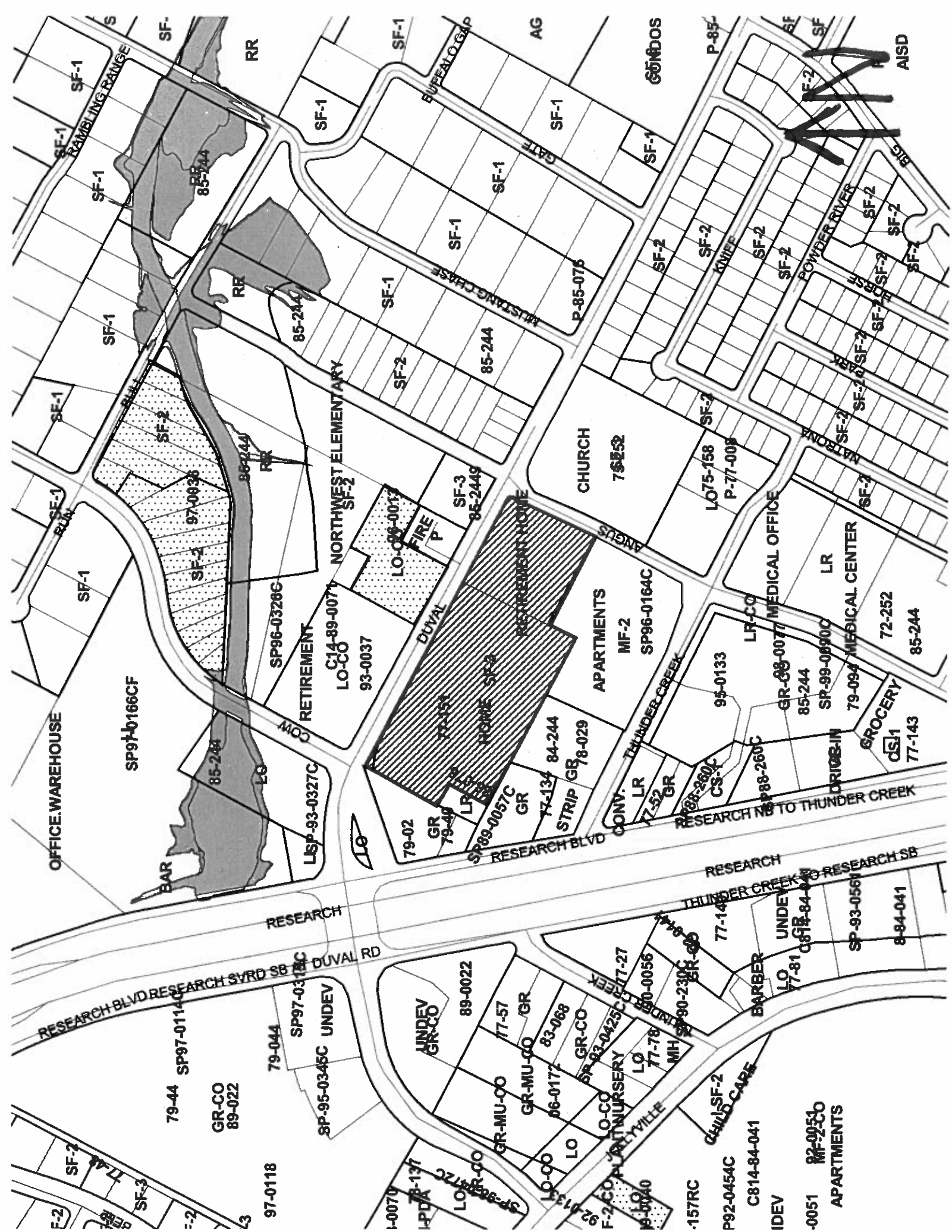
At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in stormwater runoff will be mitigated through on-site stormwater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

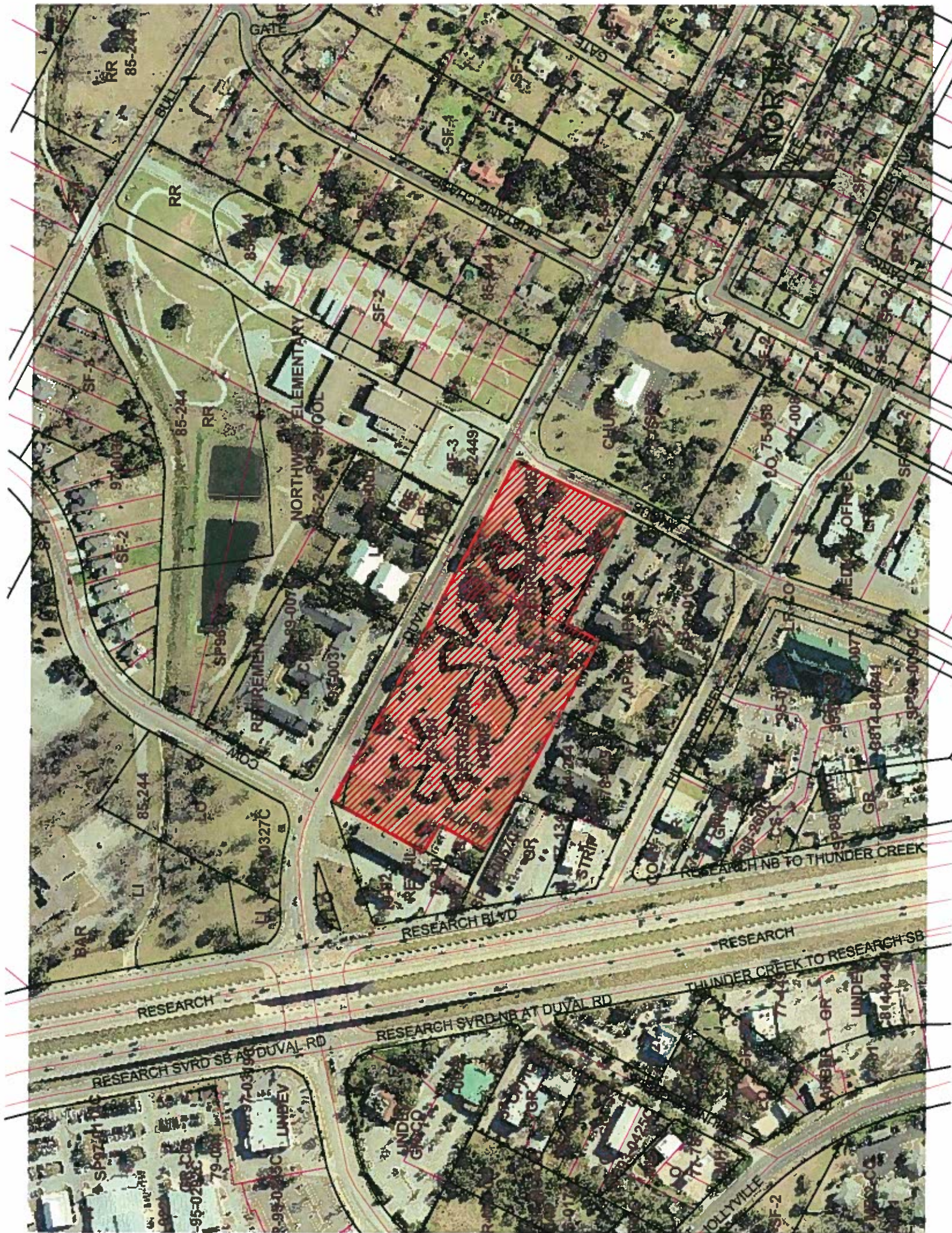
Compatibility Standards

Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

The site is subject to compatibility standards. Compatibility Standards are applicable to all property adjoining or across the street from a lot zoned or used as a SF-5 or more restrictive or within 540 feet from the lot zoned SF-5 or more restrictive. This lot has SF-3 lots located across the street along the northern and eastern edge of the property. Upon redevelopment:

- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the SF zoned property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the SF zoned property line.





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March 3, 2008

Greg Guernsey, Director
Neighborhood Planning and Zoning Department
505 Barton Spring Road, Suite 500
Austin, Texas 78704

RE: Rezoning Request for 5301 Duval Road

Dear Greg:

I represent the owners of the above referenced property. The site has an existing non-conforming nursing (convalescent services) home with SF-3 zoning. We would like to request GO zoning to make the use conforming and to allow for improvements to the site and the facility that go beyond what is allowed under the non-conforming provisions of the Land Development Code.

We look forward to a positive staff recommendation. Please let me know if you have any questions or need additional information.

Sincerely,



Alice Glasco

Cc: Jerry Rusthoven, Zoning Division Manager
Sherri Sirwaitis, Senior Planner