THIRD READING SUMMARY SHEET

ZONING CASE NUMBER: C14-2008-0221 – Conn Tract

REQUEST:

Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 11821 – 12124 South IH 35 Service Road Northbound (Onion Creek Watershed) from interim – rural residence district (I-RR) to general commercial services – mixed use – conditional overlay (CS-MU-CO) combining district zoning. The conditional overlay allows for the limited warehousing and distribution use and all permitted community commercial (GR) district uses, prohibits adult-oriented uses, commercial blood plasma center and pawn shop services, and limits the number of vehicle trips to 2,000.

DEPARTMENT COMMENTS:

The Conditional Overlay incorporates the conditions imposed by the City Council at First and Second readings.

OWNER: South IH 35 Investors, LP (C. W. Hetherly, Jr).

AGENT: Graves, Dougherty, Hearon & Moody, P.C. (Peter J. Cesaro).

DATE OF FIRST READING: February 26, 2009, approved CS-MU-CO district zoning, on First Reading (6-0, Mayor Wynn – off the dais).

DATE OF SECOND READING: March 5, 2009, approved CS-MU-CO district zoning, on Second Reading (7-0).

CITY COUNCIL HEARING DATE: April 2, 2009

CITY COUNCIL ACTION:

ORDINANCE NUMBER:

ASSIGNED STAFF: Wendy Rhoades
e-mail: wendy.rhoades@ci.austin.tx.us

ZONING CHANGE REVIEW SHEET

CASE: C14-2008-0221 – Conn Tract **Z.A.P. DATE:** December 16, 2008

ADDRESS: 11821 – 12124 South IH 35 Service Road Northbound

OWNER: South IH 35 Investors, LP (C. W. Hetherly, Jr.)

AGENT: Graves, Dougherty, Hearon & Moody, P.C. (Peter J. Cesaro)

ZONING FROM: I-RR (Upon annexation) **TO:** CS-MU-CO **AREA:** 58.3885 acres

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant community commercial – mixed use – conditional overlay (GR-MU-CO) combining district zoning. The Conditional Overlay limits development to less than 2,000 vehicle trips per day.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

December 16, 2008: *APPROVED CS-MU-CO DISTRICT ZONING WITH THE CO PERMITTING LIMITED WAREHOUSING AND DISTRIBUTION, AND ALL PERMITTED GR DISTRICT USES, EXCEPT FOR ADULT-ORIENTED USES, COMMERCIAL BLOOD PLASMA CENTER, PAWN SHOP SERVICES WHICH ARE PROHIBITED, AND LIMITING DEVELOPMENT TO 2,000 VEHICLE TRIPS PER DAY.*

[T. RABAGO; C. HAMMOND – 2ND] (5-0-1) B. BAKER – ABSTAIN; R. EVANS – ABSENT

ISSUES:

The Applicant would like to discuss the Staff recommendation.

DEPARTMENT COMMENTS:

The proposed area consists of undeveloped acreage located on the northbound frontage lane of IH 35, is presently outside of the City limits and will be zoned I-RR upon annexation. There is a religious assembly use adjacent to the north property line, undeveloped land known as Fox Hill consisting of 100-year flood plain and planned for multi-family residences further north (RR-CO; MF-2-CO), and agricultural land to the east and south (County). The intersection of State Highway 45 and IH-35 is presently under construction more than ¾ of a mile to the south. Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View) and B-1 and B-2 (Vicinity Maps with approximate location of SH 45).

The Applicant has proposed general commercial services – mixed use – conditional overlay (CS-MU-CO) combining district zoning in order to be able to develop unspecified commercial uses. The property is presently within the Creedmoor-Maha Water Supply

Corporation CCN (Certificate of Convenience and Necessity). At this time, the City cannot provide water service to the property until Creedmoor is fully able to release this property, including necessary State and federal actions. The Applicant has also filed a City Service Extension Request (SER) in conjunction with the annexation request which lists 960 apartments, 250,000 square feet of retail uses and 8,000 square feet of restaurant uses. The Applicant's proposed conditional overlay is a 2,000 vehicle trip limit which allows for one of the following uses: 300 apartment units; 15,350 square feet of general retail; or 4,000 square feet of a fast food restaurant with a drive-through. The Applicant is aware that should commercial zoning be granted with a 2,000 daily trip limit, the entire tract will need to be rezoned if the property owner (or subsequent property owners should the tract be subdivided) desires to develop the property at a greater intensity.

Although the frontage road of IH-35 is appropriate for commercial base district zoning, the proposed property is not situated at an intersection. 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 the absence of traffic impact analysis. The Staff recommendation is for community commercial – mixed use (GR-MU-CO) district zoning because the northbound IH-35 frontage road presently supports retail services, restaurants and apartments which are permitted uses in this district, and these uses are consistent with the Applicant's SER request.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	Unzoned	Undeveloped
North	County; MF-2-CO; RR-CO	Religious assembly; Undeveloped and proposed for apartments (further information in Case Histories)
South	County	Undeveloped
East	County	Agricultural
West	N/A	Northbound frontage lanes of IH 35

AREA STUDY: N/A **TIA:** Waived

WATERSHED: Onion Creek **DESIRED DEVELOPMENT ZONE:** Yes

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

NEIGHBORHOOD ORGANIZATIONS:

428 – Barton Springs/Edwards Aquifer Conservation District
627 – Onion Creek Homeowners Association
742 – Austin Independent School District
786 – Home Builders Association of Greater Austin
1075 – League of Bicycling Voters

SCHOOLS:

Blazier Elementary School Paredes Middle School Akins High School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-06-0191 – Fox Hill – 11421 – 11717 South IH-35 Service Road Northbound	I-RR to RR for Tract 1; MF-2-CO for Tract 2	To Grant RR-CO for Tract 1 with CO limiting permitted improvements to drainage, underground utility improvements, hike and bike trails, etc. and MF-2-CO for Tract 2, with the CO limiting development to 12 u.p.a., and the conditions of the TIA	Approved RR-CO for Tract 1 and MF-2-CO for Tract 2 as ZAP Commission recommended (4-19-07).

RELATED CASES:

The City has received an annexation request, and third reading of annexation into the Full-purpose City limits is scheduled for April 2, 2009. There are no pending subdivision or site plan applications on the subject property.

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Bus Routes
IH 35 Service Road Northbound	400 feet	Varies	Highway	No	No	No

CITY COUNCIL DATE: February 26, 2009 **ACTION:** Approved CS-MU-CO district zoning as the Zoning and Platting Commission recommended, on First Reading (6-0, Mayor Wynn – off the dais).

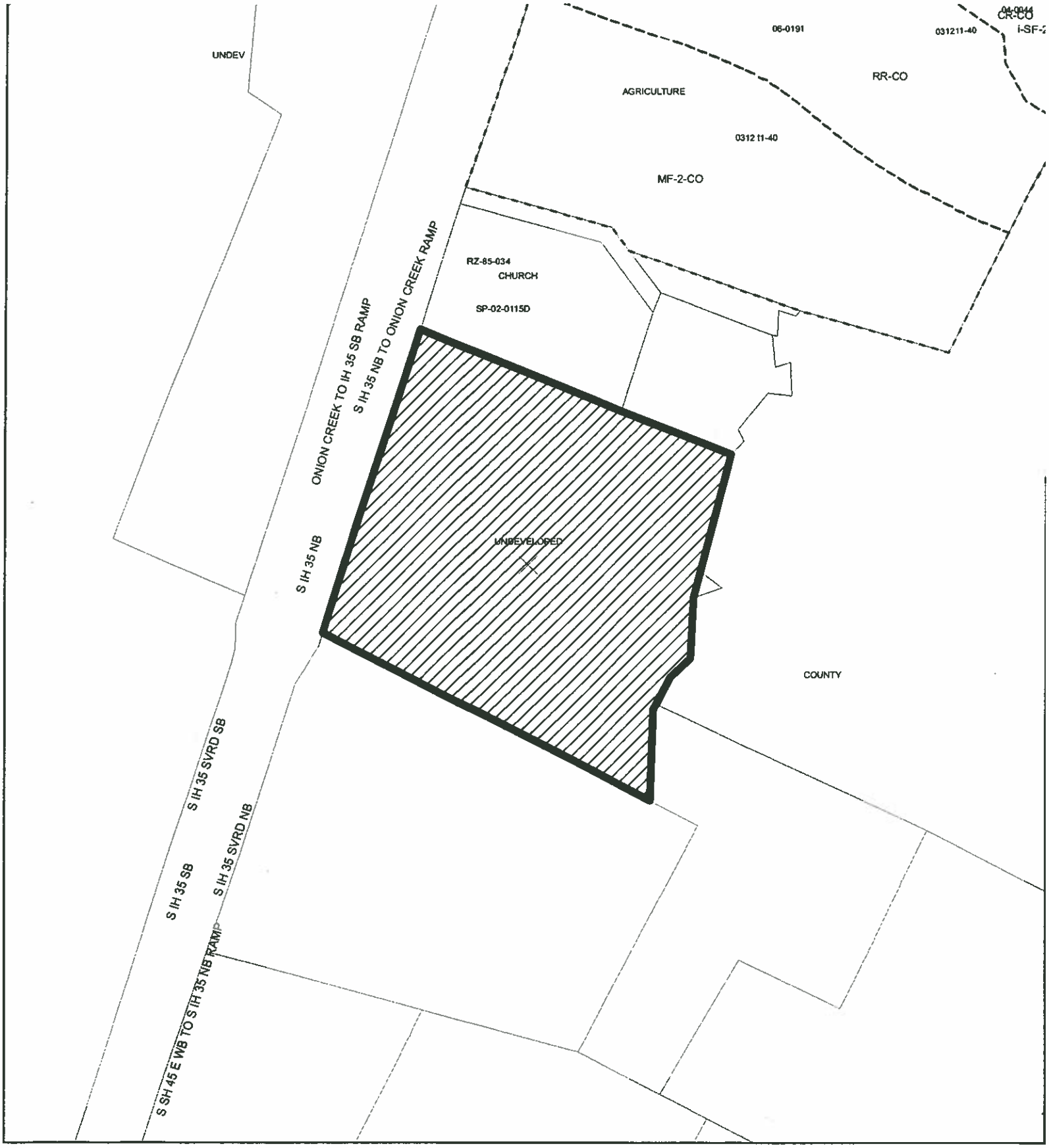
March 5, 2009 Approved CS-MU-CO district zoning as on First Reading, on Second Reading (7-0).

April 2, 2009

ORDINANCE READINGS: 1st February 26, 2009 2nd March 5, 2009 3rd

ORDINANCE NUMBER:

CASE MANAGER: Wendy Rhoades **PHONE:** 974-7719
e-mail: wendy.rhoades@ci.austin.tx.us



N

1" = 600'

SUBJECT TRACT

ZONING BOUNDARY

PENDING CASE

OPERATOR: S. MEEKS

ZONING

EXHIBIT A

ZONING CASE#: **C14-2008-0221**
ADDRESS: **11821-12124 S IH 35 SVRD NB**
SUBJECT AREA: **58.3885 ACRES**
GRID: **F10**
MANAGER: **W. RHOADES**

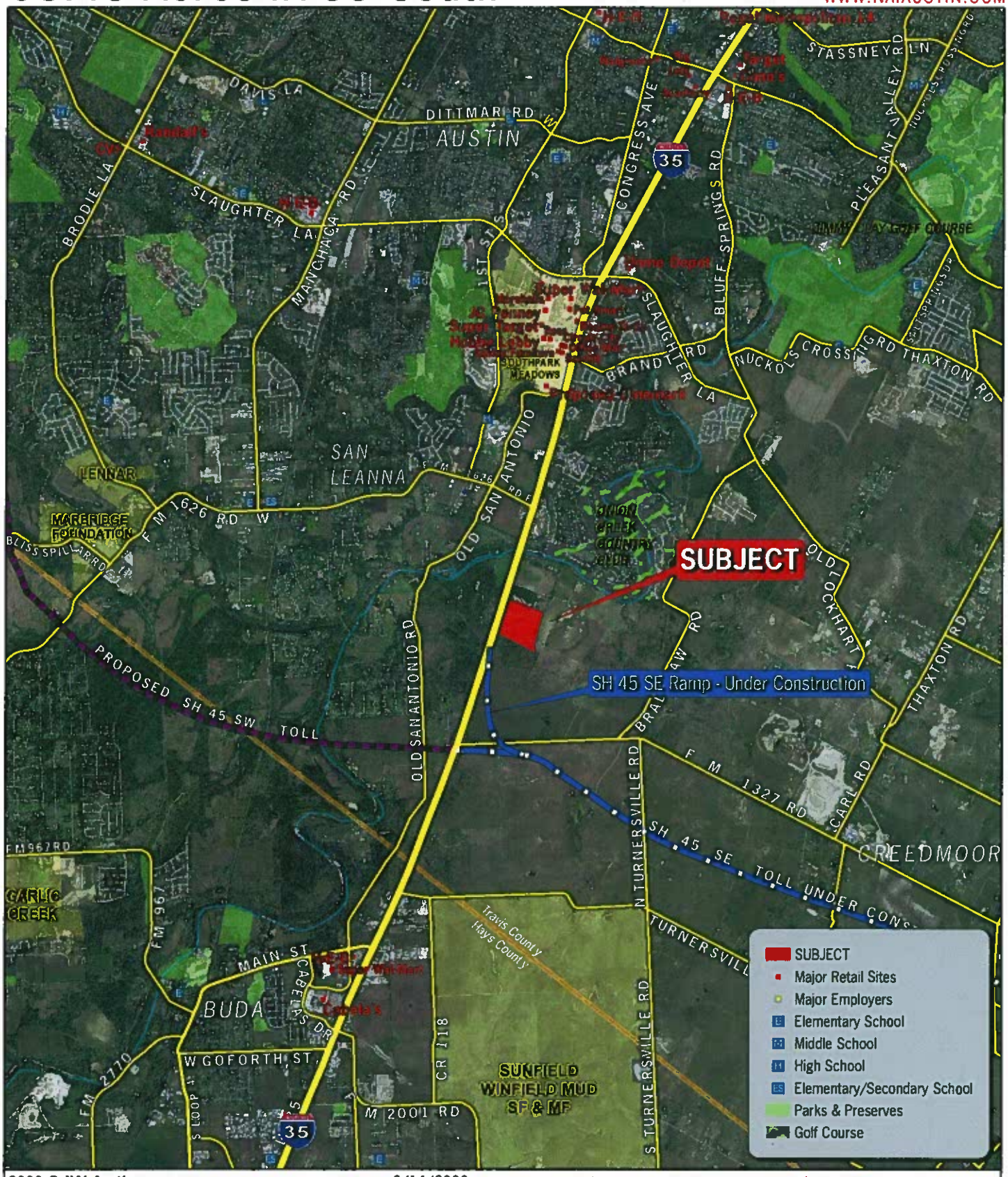
CITY OF AUSTIN FOUNDED 1839

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AGRICULTURE
AGRICULTURE
COUNTY
MF-2-CO
AGRICULTURE
DEVELOPED
S IH 35 NB
S IH 35 NB TO ONION CREEK
35 ONION CREEK TO IH 35 SB
S IH 35 NB
S SH 45 E WB TO S IH 35 NB
N
EXHIBIT A

58.45 Acres IH-35 South

AUSTIN, TEXAS
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3/14/2008
512-346-5180

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0 0.5 1 Miles

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EXHIBIT B

58.45 Acres IH-35 South

AUSTIN, TEXAS
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512-346-5180

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0 250 500 1,000 Feet

NAI Austin
Commercial Real Estate Services, Worldwide.

EXHIBIT B-1

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant community commercial – mixed use – conditional overlay (GR-MU-CO) combining district zoning. The Conditional Overlay limits development to less than 2,000 vehicle trips per day.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

Applicant's request: The proposed CS, general commercial services district zoning is intended for commercial or industrial uses that typically have operating characteristics or traffic service requirements generally incompatible with residential environments. The mixed use (MU) district is intended to allow for office, retail, commercial and residential uses to be combined in a single development.

Staff recommendation: 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. The mixed use (MU) district is intended to allow for office, retail, commercial and residential uses to be combined in a single development.

The property has access to the northbound frontage lanes of IH 35, a major arterial roadway.

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

Although the frontage road of IH-35 is appropriate for commercial base district zoning, the proposed property is not situated at an intersection. 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 the absence of traffic impact analysis. The Staff recommendation is for community commercial – mixed use (GR-MU-CO) because the northbound IH-35 frontage road presently supports retail services, restaurants and apartments which are permitted uses in this district, and these uses are consistent with the Applicant's SER request.

EXISTING CONDITIONS

Site Characteristics

The subject property is undeveloped and has steep slopes on the northern side of the property.

Impervious Cover

The maximum impervious cover allowed by the either the CS or GR zoning district is 80%, which is based on the more restrictive watershed regulations.

Environmental

The site is not located over the Edwards 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:

Development Classification	*% of Net Site Area*	*% with Transfers*
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.

Numerous trees will likely be impacted with this rezoning case. Please be aware that an approved rezoning status does not eliminate the requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding 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

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]

Please note that 58.39 acres of Commercial Services-Mixed Use-Conditional Overlay (CS-MU-CO) can generate significantly more than the conditional overlay for 2,000 vehicle trips per day will allow. 2,000 trips will allow for ONE of the following uses:

- 300 apartment units
- 15,350 square feet of general retail
- 4,000 square feet of a fast food restaurant with a drive-through.

Should this zoning request be granted with the conditional overlay, the ENTIRE tract will need to come back and be rezoned if the property owner (or subsequent property owners should the tract be subdivided) desire to develop the property at a greater intensity.

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

Water and Wastewater

This property is within the City's wastewater service area, however no service is currently available to this area. The landowner would be required to obtain approval of a Service Extension Request for wastewater service and the landowner, at his own expense, will be responsible for providing any wastewater utility improvements, offsite main extensions, system upgrades, utility relocations and or abandonments required to obtain service. The property is within Creedmoor-Maha's CCN, and as such the landowner would be required to obtain water service from Creedmoor-Maha.

Site Plan and 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.