

SECOND/THIRD READINGS SUMMARY SHEET

ZONING CASE NUMBER: C14-2008-0232 – Downstream 973

REQUEST:

Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by zoning and rezoning property locally known as 3026 South FM 973 Road (Colorado River Watershed) from interim – single family residence standard lot (I-SF-2) district zoning and rural residence (RR) district zoning to limited office – conditional overlay (LO-CO) combining district zoning. The conditional overlay limits the number of vehicle trips to 2,000.

DEPARTMENT COMMENTS:

Transportation staff of the Watershed Protection and Development Review Department has confirmed that the existing right-of-way on FM 973 is adequate, and no additional dedication is necessary.

The Conditional Overlay incorporates the conditions imposed by the City Council at First Reading.

OWNER: Downstream 973, L.P. (George H. Kronenberg, III).

AGENT: Granite Development Services (Keith Parkan).

DATE OF FIRST READING: February 12, 2009, approved LO-CO district zoning with conditions, on First Reading (7-0).

CITY COUNCIL HEARING DATE: April 23, 2009

CITY COUNCIL ACTION:

ORDINANCE NUMBER:

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

ZONING CHANGE REVIEW SHEET

CASE: C14-2008-0232 – Downstream 973

Z.A.P. DATE: January 6, 2009

ADDRESS: 3026 South FM 973 Road

OWNER: Downstream 973, L.P.
(George H. Kronenberg, III)

AGENT: Granite Development
Services (Keith Parkan)

ZONING FROM: I-SF-2; RR **TO:** LO **AREA:** 1.596 acres

SUMMARY STAFF RECOMMENDATION (Revised on March 16, 2009:

The Staff recommendation is to grant limited office – conditional overlay (LO-CO) combining district zoning. The Conditional Overlay limits development to less than 2,000 vehicle trips per day.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

January 6, 2009: *APPROVED LO-CO DISTRICT ZONING WITH CONDITIONS OF R-O-W DEDICATION AS STAFF RECOMMENDED; BY CONSENT.*

[K. JACKSON; D. TIEMANN – 2ND] (7-0)

ISSUES:

Transportation staff of the Watershed Protection and Development Review Department has confirmed that the existing right-of-way is adequate. Please refer to correspondence attached at the back of the packet.

DEPARTMENT COMMENTS:

The subject zoning area is undeveloped and is located on south FM 973 at its intersection with Eva Street. The property was annexed into the City in September 2001, with the north portion zoned rural residence (RR) by a 1999 case (at which time it was located in the City's Limited Purpose jurisdiction) and the south portion zoned interim-single family residence standard lot (I-SF-2) district. The property is located just outside of the Airport Overlay Zone-3 district, also known as the ½ mile buffer. There are single family residences to the north, south and west (I-SF-2), an undeveloped tract proposed for neighborhood commercial (LR) zoning (C14-2008-0235), and single family residences as well as an electric substation and a telecommunications tower to the east (I-SF-2). Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

The Applicant proposes limited office (LO) district zoning on the property in order to be able to develop it with unspecified office uses. The Staff recommends the LO district as requested by the Applicant based on its location on FM 973, an arterial roadway and because it provides a set of compatible land uses in the context of the surrounding single family

residential areas. The Staff also recommends a daily vehicle trip limit of 2,000 and the dedication of right-of-way on FM 973 in order to maintain acceptable traffic conditions on adjacent roadways and intersections.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	I-SF-2; RR	Undeveloped
<i>North</i>	I-SF-2	Single family residences
<i>South</i>	I-SF-2	Single family residences
<i>East</i>	I-SF-2	Undeveloped and proposed for LR zoning (please refer to Case No. C14-2008-0235); Single family residences; Manufactured home; Telecommunications tower; Electric substation
<i>West</i>	I-SF-2	Single family residences

AREA STUDY: N/A

TIA: Is not required

WATERSHED: Colorado River

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

511 – Austin Neighborhoods Council 627 – Onion Creek Homeowners Association
 774 – Del Valle Independent School District
 786 – Home Builders Association of Greater Austin
 1005 – Elroy Preservation Association
 1037 – Homeless Neighborhood Organization 1075 – League of Bicycling Voters
 1113 – Austin Parks Foundation

SCHOOLS:

The subject property is within the boundaries of the Del Valle Independent School District.

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2008-0235 – Downstream 973- Mary Street – 3100 Mary Street	I-SF-2 to GR	To Grant LR-CO with conditions of additional r-o-w on FM 973	Scheduled for CC 2- 12-09.
C14-05-0017 – Highway 71 – 3103 Highway 71 East	I-SF-2 to GR- CO	To Grant GR-CO	Approved GR-CO with CO for 2,000 trips (4-7-05).
C14-01-0075 –	I-SF-2 to GR	To Grant GR-CO	Approved GR-CO

Shave Ice Stand – 3201 Highway 71 East			with CO for 2,000 trips (7-19-01).
C14-01-0027 – High Performance Automotive – Highway 71 East at Cheviot Lane	I-SF-2 to GR	To Grant GR-CO	Approved GR-CO with CO for 2,000 trips (4-19-01).

RELATED CASES:

The property was annexed into the City limits on September 6, 2001 (C7a-01-002). The north portion of the property was zoned RR on January 13, 2000 (C14-99-2096) as part of an effort to provide permanent zoning to recently annexed interim-rural residence (I-RR) zoned properties.

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Bus Routes
FM 973	78 feet	28 feet	Arterial	No	No	No
Eva Street	50 feet	21 feet	Local	No	No	No

CITY COUNCIL DATE: February 12, 2009

ACTION: Approved LO-CO district zoning with conditions of right-of-way dedication on FM 973 as the Zoning and Platting Commission recommended, on First Reading (7-0).

April 23, 2009

ORDINANCE READINGS: 1st February 12, 2009 2nd




3rd

ORDINANCE NUMBER:

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

PHONE: 974-7719



-  **SUBJECT TRACT**
-  **ZONING BOUNDARY**
-  **PENDING CASE**

OPERATOR: S. MEEKS

ZONING

ZONING CASE#: **C14-2008-0232**
 ADDRESS: **3026 S FM 973 RD**
 SUBJECT AREA: **1.596 ACRES**
 GRID: **P17**
 MANAGER: **W. RHOADES**

EXHIBIT A



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.



SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant limited office – conditional overlay (LO-CO) combining district zoning. The Conditional Overlay limits development to less than 2,000 vehicle trips per day.

If the requested zoning is granted for this site, then approximately 31 feet of right-of-way from the existing centerline should be dedicated for FM 973 according to the Transportation Plan.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

LO zoning is intended for office use predominantly serving the neighborhood or community needs, such as professional, semi-professional and medical offices, which may be located within or adjacent to residential neighborhoods. The proposal meets the purpose statement set forth in the Land Development Code. The subject lot is adjacent to a neighborhood that is largely single family.

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

The Staff recommends the LO district as requested by the Applicant based on its location on FM 973, and because it provides a set of compatible land use in the context of the surrounding single family residential areas. The Staff also recommends a daily vehicle trip limit of 2,000 and the dedication of right-of-way on FM 973 in order to maintain acceptable traffic conditions on adjacent roadways and intersections.

EXISTING CONDITIONS**Site Characteristics**

The subject property is undeveloped and slopes to the north and west.

Impervious Cover

The maximum impervious cover allowed by the *LO zoning district* is 70%, 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 Colorado River 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.

Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's 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.

Transportation

The Austin Metropolitan Area Transportation Plan calls for 140 feet of right-of-way for FM 973. If the requested zoning is granted for this site, then approximately 31 feet of right-of-way from the existing centerline should be dedicated for FM 973 according to the Transportation Plan. [LDC, Sec. 25-6-51 and 25-6-55]

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]

Water and Wastewater

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at his own expense, will be responsible for providing any water and

wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility for compliance with City criteria. 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.

Site Plan and Compatibility Standards

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

This property is outside of the Airport Overlay Zone AO-1, AO-2, or AO-3 which limits development on this property. However, this property is within the Controlled Compatible Land Use Area defined by Chapter 241 of the Local Government Code. Development on this property is limited by Chapter 25-13 of the Austin City Code. Airport hazards as defined in Federal Aviation Regulations Part 77, as adopted by the City in Sections 25-13-23, are prohibited. For more information, contact Joe Medici, Noise Abatement Officer at (512) 530-6652.

Properties which have interim single family zoning (e.g. I-SF-2) are not protected by compatibility standards unless the property has an existing single family use. This 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 I-SF-2 lots located along the northern and western edges of the property, as well as across both streets:

- No structure may be built within 25 feet of the 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 property line.
- A landscape area is required along the 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.

Rhoades, Wendy

From: Mitchell, Amber
Sent: Monday, March 16, 2009 4:23 PM
To: Rhoades, Wendy
Cc: 'keith.parkan@granitedevelopmentservices.com'; Craig, Candace
Subject: Downstream 973 and Downstream 973 - Mary Street

Hi Wendy,

This email is to confirm that the above zoning cases (C14-2008-0232 and C14-2008-0235) have met their right of way requirements for FM 973. Any comments or requirements related to this issue may be cleared. Please let me know if you have any questions.

Thanks,
Amber

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3/16/2009