

ZONING CHANGE REVIEW SHEET

CASE: C14-2009-0038

Z.A.P. DATE: May 19, 2009

ADDRESS: 11609 Anderson Mill Road

OWNER/APPLICANT: Henry B. Mayes and Kathleen M. Mayes

AGENT: Land Strategies, Inc. (Paul W. Linehan)

ZONING FROM: DR

TO: GR*

AREA: 3.893 acres

*On May 8, 2009, the agent for this case sent the staff an e-mail amending the requested zoning from GR to LR.

SUMMARY STAFF RECOMMENDATION:

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

In addition, if the requested zoning is granted for this site, then 57 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). Dedication of right-of-way shall occur prior to any approval for subdivision or site plan application. This requirement will be placed in a public restrictive covenant between the applicant and the City.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

5/19/09: Approved staff's recommendation of LR-CO zoning with conditions by consent (7-0);
K. Jackson-1st, T. Rabago-2nd.

DEPARTMENT COMMENTS:

The property in question currently contains a single-family residence. The applicant plans to re-develop this tract of land with commercial uses. There is a water tower and a residential neighborhood to the north of the site, across Anderson Mill Road. To the south and east, there are large lots with single-family residential uses. Adjacent to the subject tract to the west, there is a commercial-retail center that was recently constructed at the southeastern corner of North F.M. 620 and Anderson Mill Road.

The staff recommends LR-CO zoning at this location because this site meets the intent of the Neighborhood Commercial District. LR-CO zoning will be compatible with surrounding commercial, civic and residential land uses and will provide a transition in the intensity of permitted uses along Anderson Mill Road to the east.

The applicant agrees with the staff's recommendation.

EXISTING ZONING AND LAND USES:

| | ZONING | LAND USES |
|--------------|-----------------|--|
| <i>Site</i> | DR | Single-Family Residence |
| <i>North</i> | I-RR, I-SF-2 | Water Tower, Single-Family Residential Neighborhood |
| <i>South</i> | DR | Single-Family Residential Uses |
| <i>East</i> | DR | Single-Family Residential/Office (Sign in yard states Remedy Roofing) |
| <i>West</i> | GR-CO, CS, CS-1 | Commercial/Retail Center (HEB Plus Grocery Store, Hollywood Video, Great Clips Hair Salon, Hey Baby Boutique, Jersey Mike Subs, Rudino's Pizza and Pasta, Jack Brown Cleaners, Papa John's Pizza, Oasis Day Spa, Palm Beach Tan, Panda Express, Massage Heights, Chase Bank) |

AREA STUDY: N/A**TIA:** Waived**WATERSHED:** Bull Creek**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** N/A**HILL COUNTRY ROADWAY:** Yes (See Site Plan Comments)**NEIGHBORHOOD ORGANIZATIONS:**

Austin Parks Foundation
 Bull Creek Foundation
 Canyon Creek Homeowners Association
 Homeless Neighborhood Association
 Long Canyon Homeowners Association
 Long Canyon Phase II & LLL Homeowners Association, Inc.
 Oak Deer Park Neighborhood Association
 River Place Residential Community Association, Inc.

CASE HISTORIES:

| NUMBER | REQUEST | COMMISSION | CITY COUNCIL |
|---------------|----------------|---|---|
| C14-04-0028 | GR-CO to CS | 3/16/04: Approved staff's recommendation of CS zoning by consent (8-0, K. Jackson-absent); J. Martinez-1 st , J. Gohil-2 nd . | 4/15/04: Approved ZAP recommendation of CS zoning (7-0); 1 st reading 4/22/04: Approved CS zoning (6-0), McCracken-off dias); 2 nd /3 rd readings |
| C14-04-0027 | GR-CO to CS-1 | 3/16/04: Approved staff's recommendation of CS-1 zoning by consent (8-0, K. Jackson-absent); J. Martinez-1 st , J. Gohil-2 nd . 5/4/04: Approved staff's recommendation of CS-1 zoning | 4/15/04: Pulled off agenda. Case re-noticed and sent back to ZAP Commission. 6/10/04: Granted CS-1 (7-0); all 3 readings |

| | | | |
|-------------|----------------|---|--|
| | | by consent (5-0, J. Martinez, J. Pinnelli, C. Hammond-absent); J. Gohil-1 st , J. Donisi-2 nd . | |
| C14-03-0111 | DR to GR-CO | 8/26/03: Approved staff's recommendation of GR-CO zoning by consent (8-0, K. Jackson-absent) | 9/25/03: Approved GR-CO & RC-for TIA recommendations (7-0); all 3 readings |
| C14-02-0041 | SF-2, DR to GR | 11/19/02: Approved staff's recommendation of GR-CO zoning with conditions of: <ul style="list-style-type: none"> • 300' (depth) x 400' parallel to FM 620, will have 'LR' uses only (Tract 2); • conditions set out by staff in the T.I.A.; • No Pawn Shop Services; • No Adult Oriented Businesses; • No Automotive Uses (Vote: 7-0, A. Adams-absent) | 1/30/03: Granted GR-CO on 1 st reading (7-0) 3/6/03: Approved (7-0); 2 nd /3 rd readings |
| C14-95-0167 | SF-2 to MF-2 | Approved GR-CO, LO-CO, and LR-CO w/ conditions (8-0) | Approved GR-CO, LO-CO, & LR-CO subject to conditions (5-0); 1 st reading Approved GR-CO (SW area); LO-CO (NE 300'); LR-CO (NW 300') (7-0); 2 nd /3 rd readings |
| C14-94-0124 | DR to SF-2 | Approved SF-2-CO w/ conditions (9-0) | Approved SF-2-CO w/ conditions (5-0); 1 st reading Approved SF-2-CO (5-0); 2 nd /3 rd readings |
| C14-93-0032 | SF-2, DR to GR | Approved GR-CO as recommended | Approved GR-CO w/ conditions (5-0), 1 st reading Approved GR-CO (7-0); 2 nd /3 rd readings |

RELATED CASES: N/A

ABUTTING STREETS:

| NAME | ROW | PAVEMENT | CLASSIFICATION | DAILY TRAFFIC |
|---------------|------|----------|----------------|---------------|
| Anderson Mill | 120' | Varies | Arterial | N/A |
| FM 620 | 150' | Varies | Arterial | N/A |

CITY COUNCIL DATE: June 11, 2008

ACTION:

ORDINANCE READINGS: 1st

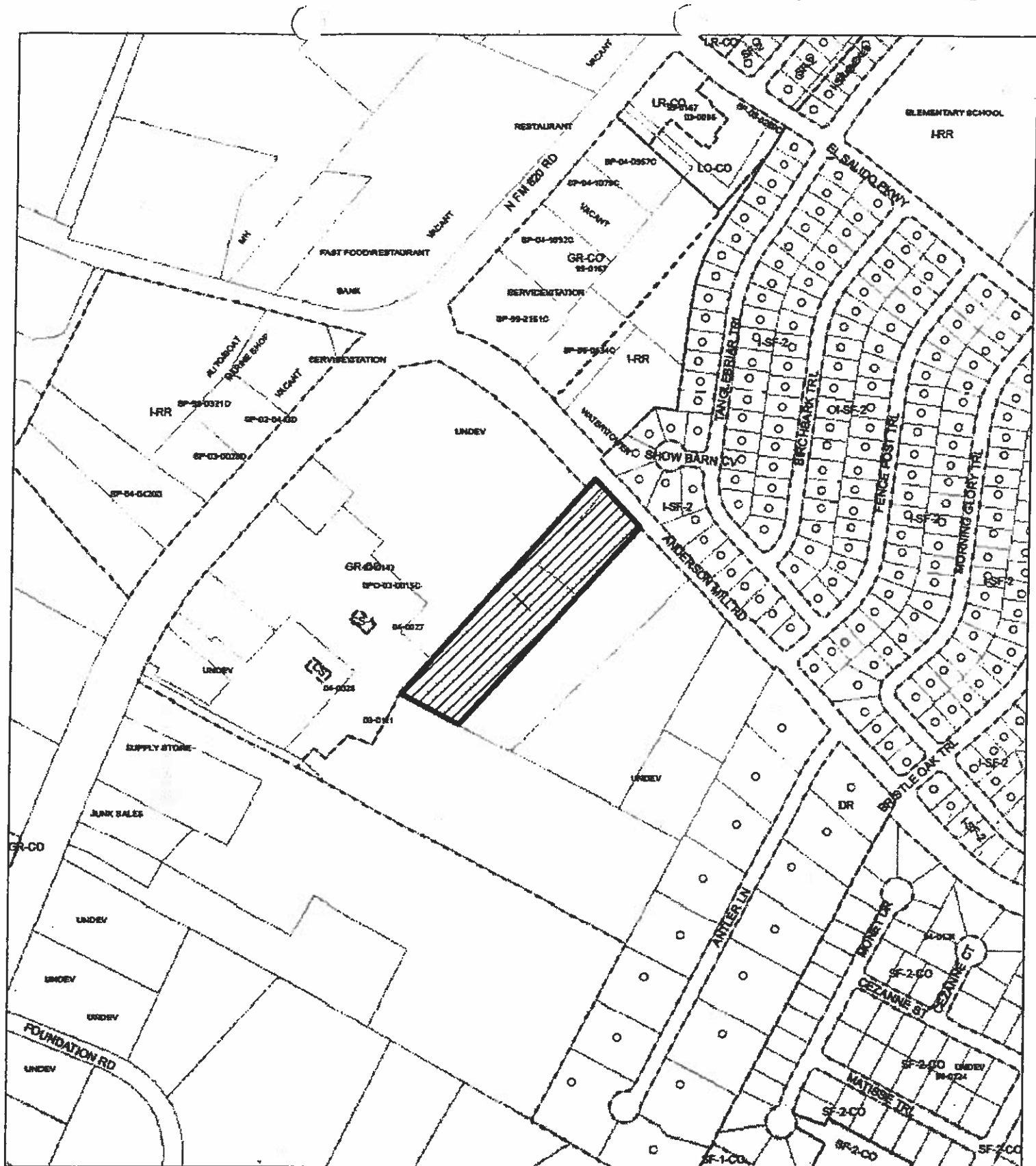
2nd

3rd




ORDINANCE NUMBER:

CASE MANAGER: Sherri Sirwaitis

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



1" = 400'

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

OPERATOR: S. MEEKS

ZONING

ZONING CASE#: C14-2008-0038
 ADDRESS: 11609 ANDERSON MILL RD
 SUBJECT AREA: 3.893 ACRES
 GRID: E38
 MANAGER: S. SIRWAITIS



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 District, zoning. The conditional overlay would limit the site to uses that generate no more than 2,000 vehicle trips per day.

In addition, if the requested zoning is granted for this site, then 57 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). Dedication of right-of-way shall occur prior to any approval for subdivision or site plan application. This requirement will be placed in a public restrictive covenant between the applicant and the City.

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 will promote consistency and orderly planning as it will be compatible with surrounding commercial, civic and residential land uses. The proposed Neighborhood Commercial District zoning will provide a transition (step down) in the intensity of permitted uses along Anderson Mill Road to the east.

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

The LR-CO zoning district will allow the applicant to develop this property with low intensity commercial uses that will provide services for the residential areas located to the northeast and southeast.

EXISTING CONDITIONS

Site Characteristics

The site in question is currently contains a single-family residence. The property is relatively flat and contains numerous large trees.

Environmental

The site is located over the Edwards 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. Under the current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

| Development Classification | % of Net Site Area | % NSA with Transfers |
|-------------------------------|--------------------|----------------------|
| One or Two Family Residential | 30% | 40% |
| Multifamily Residential | 40% | 55% |
| Commercial | 40% | 55% |

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

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 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 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.

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:

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| One or Two Family Residential | 30% | 40% |
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| Commercial | 40% | 55% |

Note: The most restrictive impervious cover limit applies.

Site Plan/Compatibility Standards

A portion of the site is located within 1,000 feet of RM 620 which is a Hill Country Roadway Corridor. The site is located within both the high intensity zone and moderate intensity zone of the Hill Country Roadway. The site may be developed with the following maximum floor-to-area ratio (FAR):

| High | Slope | Maximum FAR |
|------|--------|-------------|
| | 0-15% | .30 |
| | 15-25% | .12 |
| | 25-35% | .06 |

Moderate

| Slope | Maximum FAR |
|--------|-------------|
| 0-15% | .25 |
| 15-25% | .10 |
| 25-35% | .05 |

Please be aware any site plan will require Commission approval due to its location within a Hill Country Roadway corridor. At least 40% of the site (excluding dedicated right-of-way) must be left in a natural state. Please refer to Article 11 (§ 25-2-1101 – 25-2-1129) for further information concerning development regulations.

The site is subject to compatibility standards. Along the north, east and south property lines, the following standards apply:

- No structure may be built within 25 feet of the SF-use property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the SF-use property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the SF-use property line.
- No parking or driveways are allowed within 25 feet of the SF-use 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.

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.

Transportation

The Austin Metropolitan Area Transportation Plan calls for 114 feet of right-of-way to accommodate widening of Anderson Mill Road to a four-lane divided arterial. If the requested zoning is granted for this site, then up to 50 percent of total width necessary for right-of-way is required to be dedicated from the proposed site, measured from the centerline of the right-of-way. Dedication of right-of-way shall occur prior to any approval for subdivision or site plan application.

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and use for this development. If the zoning is granted, development should be limited through a floor area ratio overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

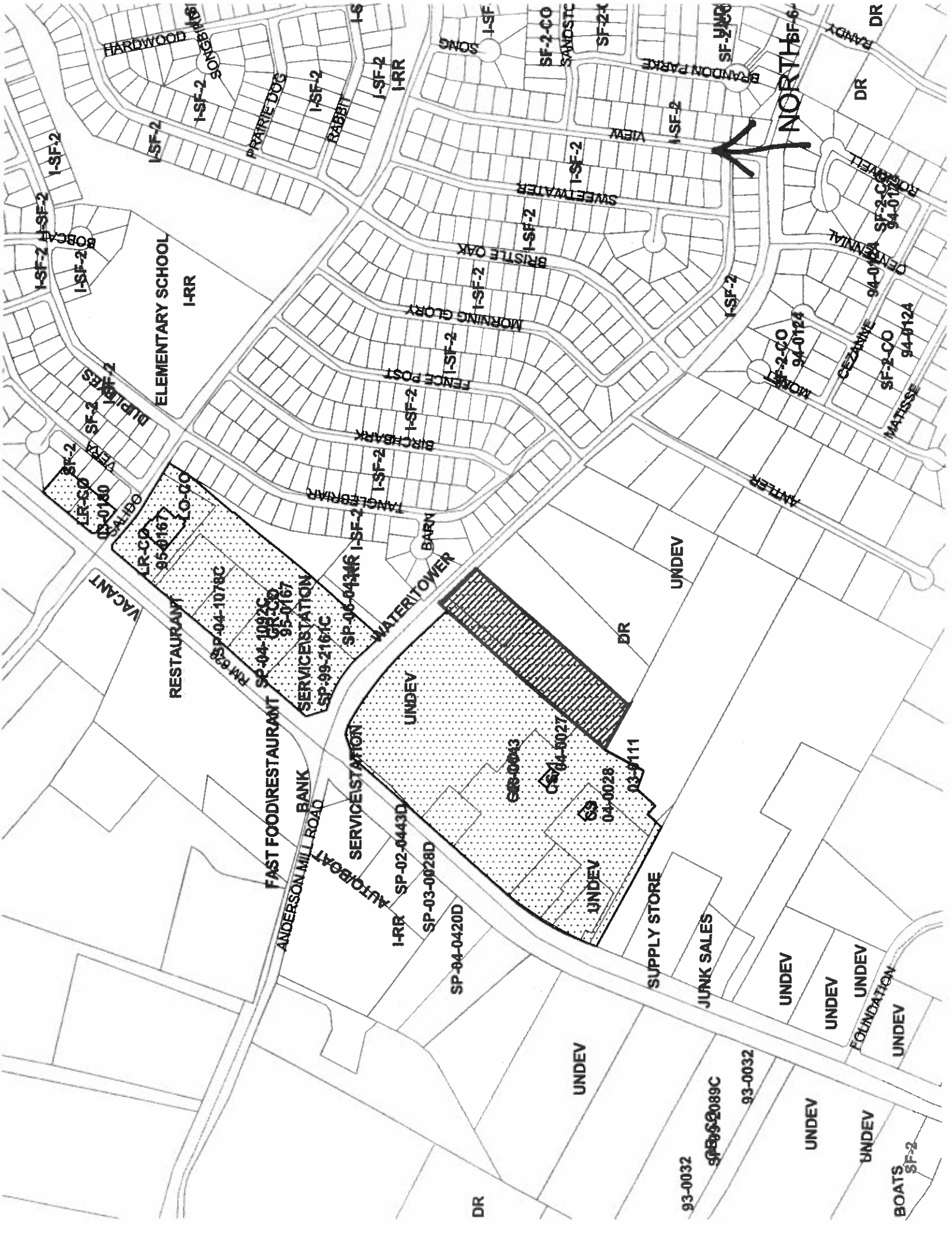
Existing Street Characteristics:

Existing Street

| Name | ROW | Pavement | Class | Sidewalk? | Bus Route? | Bike Route? |
|--------------------|-----|----------|----------|-----------|------------|-------------|
| Anderson Mill Road | 94' | Varies | Arterial | No | No | No |

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 any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required per the proposed use. 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.



VACANT

RESTAURANT

FAST FOOD RESTAURANT

BANK

AUTOBOAT

SERVICE STATION

SERVICE STATION

WATER TOWER

SP-02-0443D

SP-03-0028D

SP-04-0420D

UNDEV

68-0003

04-0027

04-0028

03-0111

SUPPLY STORE

JUNK SALES

93-0032

SP-04-0089C

93-0032

UNDEV

UNDEV

BOATS

SF-2

UNDEV

UNDEV

UNDEV

FOUNDATION

UNDEV

UNDEV

DR

BARN

TANGLEBERRY

BIRCHBARK

FENCE POST

MORNING GLORY

BRISTLE OAK

SWEETWATER

VIEW

BRANDON PARK

SF-2-00

NORTH

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DR

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CEZANNE

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March 3, 2009

Attn: Zoning Case Manager
Neighborhood Planning & Zoning Dept.
City of Austin
505 Barton Springs Road, 5th Floor
Austin, Texas 78704

Re: 11609 Anderson Mill Road
Zoning Change Request – Letter of Support

Dear Sir/Madam:

I am the landowner of 11601 Anderson Mill Rd., which is immediately adjacent the subject property located at 11609 Anderson Mill Road, in the Limited Purpose jurisdiction of the City of Austin, see the attached locator maps. The applicant for the subject tract is requesting a rezoning from the current classification of DR (Development Reserve) to GR (General Retail).

By this letter, I am offering my support of the proposed rezoning request.

Thank you for your cooperation and attention to this matter.

Rachel Yeng Chen
10021 Dianella Ln.
Austin, TX 78759-3036

A handwritten signature in black ink, appearing to read 'Rachel Yeng Chen', with a long horizontal flourish extending to the right.



March 3, 2009

Attn: Zoning Case Manager
Neighborhood Planning & Zoning Dept.
City of Austin
505 Barton Springs Road, 5th Floor
Austin, Texas 78704

Re: 11609 Anderson Mill Road
Zoning Change Request – Letter of Support

Dear Sir/Madam:

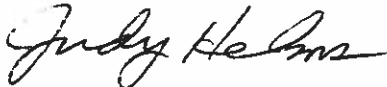
We are the landowners and residents of 11411 FM 620 N, which is immediately adjacent to the rear of the subject property located at 11609 Anderson Mill Road, in the Limited Purpose jurisdiction of the City of Austin. See the attached locator maps. The applicant for the subject tract is requesting a rezoning from the current classification of DR (Development Reserve) to GR (General Retail).

By this letter, I am offering my support of the proposed rezoning request.

Thank you for your cooperation and attention to this matter.



Fred Helms



Judy Helms
11411 FM 620 N
Austin, TX 78726



March 3, 2009

Attn: Zoning Case Manager
Neighborhood Planning & Zoning Dept.
City of Austin
505 Barton Springs Road, 5th Floor
Austin, Texas 78704

Re: 11609 Anderson Mill Road
Zoning Change Request – Letter of Support

Dear Sir/Madam:

We are the landowners and residents of 11513 Anderson Mill Rd, which is in the immediate area of the subject property located at 11609 Anderson Mill Road, in the Limited Purpose jurisdiction of the City of Austin, see the attached locator maps. The applicant for the subject tract is requesting a rezoning from the current classification of DR (Development Reserve) to GR (General Retail).

By this letter, I am offering my support of the proposed rezoning request.

Thank you for your cooperation and attention to this matter.


David R. Thornton

Leota M. Thornton
11513 Anderson Mill Rd.
Austin, TX 78750-1923





ADJACENT OR IMPACTED LANDOWNER

February 27, 2009

Attn: Zoning Case Manager
Neighborhood Planning & Zoning Dept.
City of Austin
505 Barton Springs Road, 5th Floor
Austin, Texas 78704

Re: 11609 Anderson Mill Road
Zoning Change Request – Letter of Support

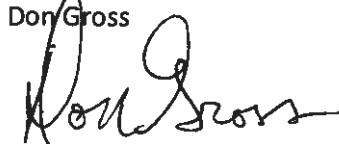
Dear Sir/Madam:

We are the landowners and residents of 11409 FM 620 N, which is immediately adjacent the subject property located at 11609 Anderson Mill Road, in the Limited Purpose jurisdiction of the City of Austin. See the attached locator maps. The applicant for the subject tract is requesting a rezoning from the current classification of DR (Development Reserve) to GR (General Retail).


By this letter, I am offering my support of the proposed rezoning request.

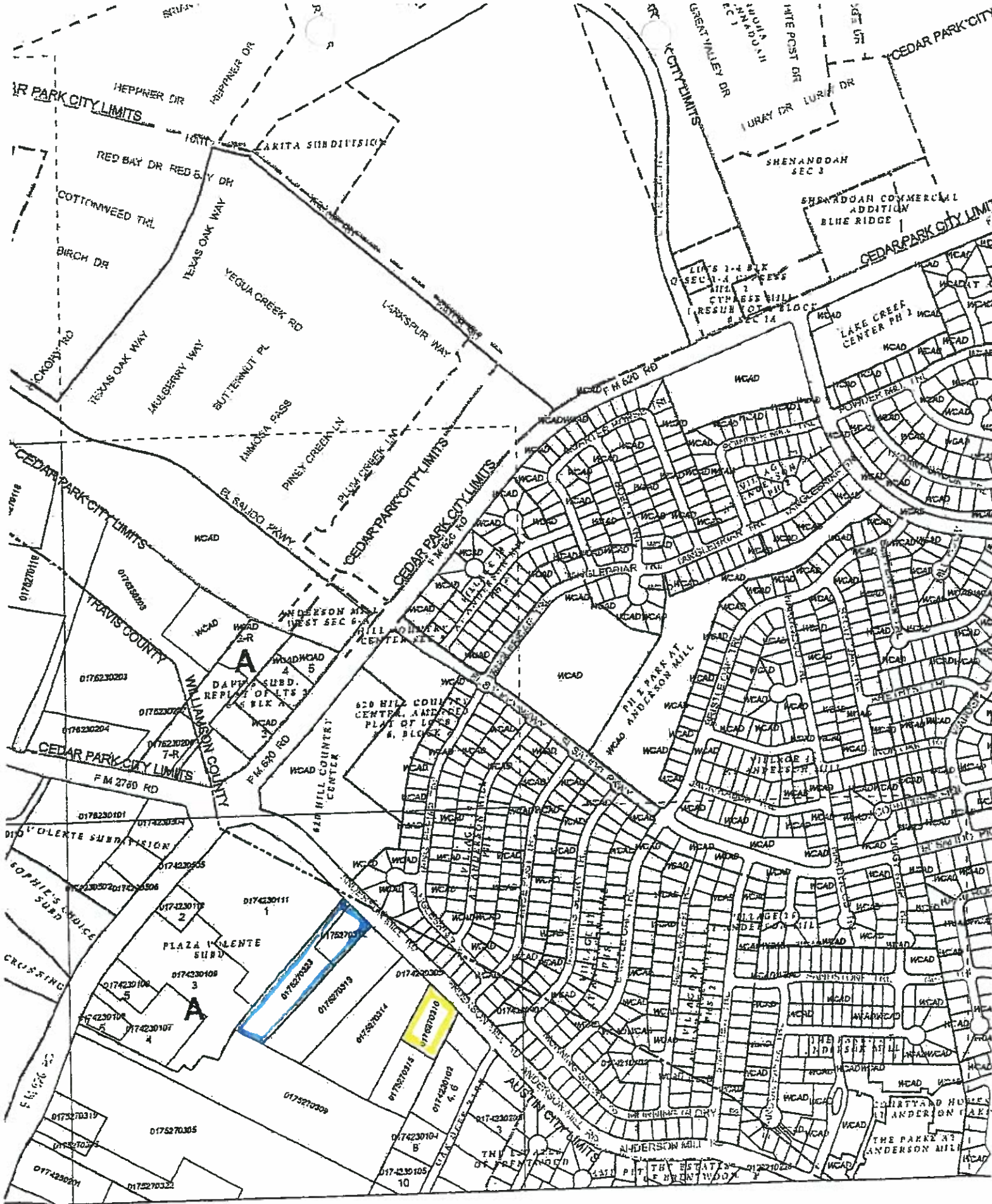
Thank you for your cooperation and attention to this matter.

Don Gross



Kathy Gross
11409 FM 620 N
Austin, TX 78726





SUBJECT PROPERTY



ADJACENT OR IMPACTED LANDOWNER

March 3, 2009

Attn: Zoning Case Manager
Neighborhood Planning & Zoning Dept.
City of Austin
505 Barton Springs Road, 5th Floor
Austin, Texas 78704

Re: 11609 Anderson Mill Road
Zoning Change Request – Letter of Support

Dear Sir/Madam:

We are the landowners of 11505 Anderson Mill Rd, which is in the immediate area of the subject property located at 11609 Anderson Mill Road, in the Limited Purpose jurisdiction of the City of Austin, see the attached locator maps. The applicant for the subject tract is requesting a rezoning from the current classification of DR (Development Reserve) to GR (General Retail).

By this letter, I am offering my support of the proposed rezoning request.

Thank you for your cooperation and attention to this matter.

A handwritten signature in black ink, appearing to read "Marvin C. Henry", with a long horizontal flourish extending to the right.

Marvin C. Henry

A handwritten signature in black ink, appearing to read "Elizabeth M. Henry", with a long horizontal flourish extending to the right.

Elizabeth M. Henry
10305 Holme Lacey Ln.
Austin, TX 78750-4024

March 3, 2009

Attn: Zoning Case Manager
Neighborhood Planning & Zoning Dept.
City of Austin
505 Barton Springs Road, 5th Floor
Austin, Texas 78704

Re: 11609 Anderson Mill Road
Zoning Change Request – Letter of Support

Dear Sir/Madam:

We are the landowners and residents of 11500 Antler Ln., which is in the immediate area of the subject property located at 11609 Anderson Mill Road, in the Limited Purpose jurisdiction of the City of Austin, see the attached locator maps. The applicant for the subject tract is requesting a rezoning from the current classification of DR (Development Reserve) to GR (General Retail).

By this letter, I am offering my support of the proposed rezoning request.

Thank you for your cooperation and attention to this matter.


David M. Kerr



Jo Beth Kerr
11500 Antler Ln.
Austin, TX 78726-1207



March 3, 2009

Attn: Zoning Case Manager
Neighborhood Planning & Zoning Dept.
City of Austin
505 Barton Springs Road, 5th Floor
Austin, Texas 78704

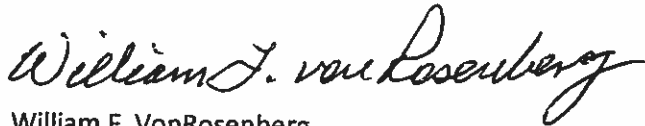
Re: 11609 Anderson Mill Road
Zoning Change Request – Letter of Support

Dear Sir/Madam:

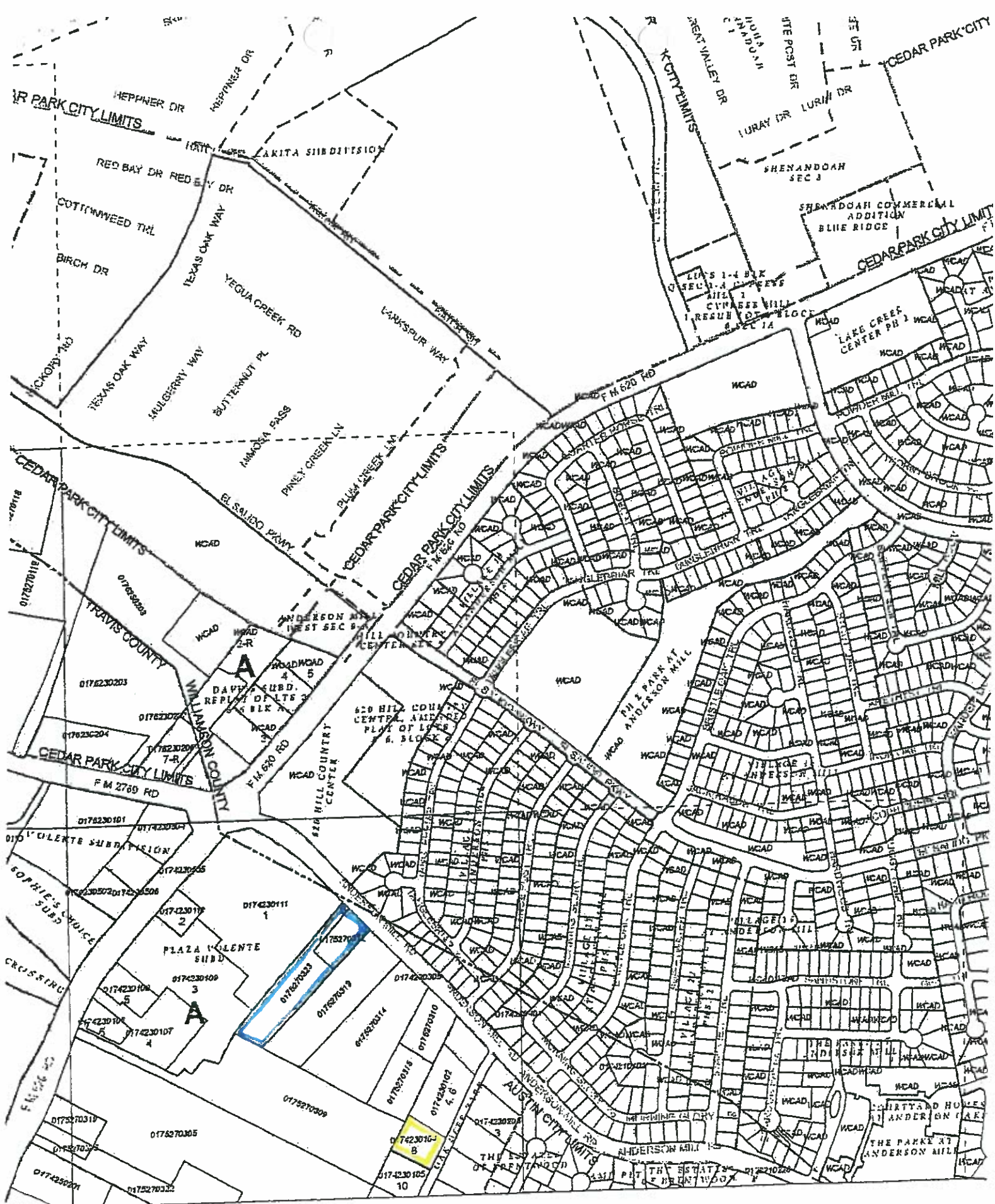
I am the landowner and resident of 11404 Antler Ln., which is in the immediate area of the subject property located at 11609 Anderson Mill Road, in the Limited Purpose jurisdiction of the City of Austin, see the attached locator maps. The applicant for the subject tract is requesting a rezoning from the current classification of DR (Development Reserve) to GR (General Retail).

By this letter, I am offering my support of the proposed rezoning request.

Thank you for your cooperation and attention to this matter.

A handwritten signature in black ink, reading "William F. von Rosenberg". The signature is written in a cursive, flowing style with a large initial 'W'.

William F. VonRosenberg
11404 Antler Ln.
Austin, TX 78726-1205



SUBJECT PROPERTY



ADJACENT OR IMPACTED LANDOWNER

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

www.ci.austin.tx.us/development

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2009-0038

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: May 19, 2009, Zoning and Platting Commission

John Morgan

Your Name (please print)

11504 Tanglebriar Trail 78750

Your address(es) affected by this application

J Morgan

Signature

11 May 2009

Date

Daytime Telephone: 512 694 1077

Comments: I am deeply troubled

by this proposed zoning change.

This is already a congested

area of Anderson M.H. Rd &

620. I live right off

this area, and hundreds if not

more currently travel this

roadway. I object to this proposal

without a traffic study and report and

an air quality study and report.

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning & Zoning Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

On the quality of life