

### THIRD READING SUMMARY SHEET

ZONING CASE NUMBER: C14-2010-0132 Central Texas Rehabilitation

REQUEST: Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code rezoning the property locally known as 4500 ½ Triangle Avenue (Waller Creek Watershed) from Unzoned to General Commercial Services, Conditional Overlay (CS-CO) combining district zoning.

DEPARTMENT COMMENTS:

The conditions imposed by City Council on 1<sup>st</sup> & 2<sup>nd</sup> reading have been incorporated into the ordinance and attachments.

APPLICANT: State of Texas (Hal Croft)

AGENT: Brown McCarroll, L. L. P. (Nikelle Meade)

DATE OF FIRST READING: The public hearing was closed and the first and second readings of the ordinance for general commercial services-conditional overlay (CS-CO) combining district zoning was approved on consent with the following additional condition on Council Member Spelman's motion, Council Member Shade's second on a 7-0 vote. The additional condition is except as specifically related to hospital services general use and its accessory use a drive in service use is prohibited.

CITY COUNCIL HEARING DATE: October 14th, 2010

ORDINANCE NUMBER:

CITY COUNCIL ACTION:

ASSIGNED STAFF: Clark Patterson

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2010-0132 Central Texas Rehabilitation      **Z. P. C. DATE:** 08-17-2010

**ADDRESS:** 4500 ½ Triangle Avenue

**AREA:** 3.681 Acres

**APPLICANT:** State of Texas  
(Hal Croft)

**AGENT:** Brown McCarroll, L.L.P.  
(Nikelle Meade)

**NEIGHBORHOOD PLAN AREA:** None

**CAPITOL VIEW:** No

**WATERSHED:** Waller Creek

**T.I.A.:** No.

**HILL COUNTRY ROADWAY:** No

**DESIRED DEVELOPMENT ZONE:** Yes

**ZONING FROM:** Unzoned – State of Texas property.

**ZONING TO:** CS-CO – General Commercial Services – Conditional Overlay

### **SUMMARY STAFF RECOMMENDATION:**

Staff recommends CS-CO – General Commercial Services - Conditional Overlay. The Conditional Overlay would limit vehicle trips to less than 2,000 per day.

### **BASIS FOR RECOMMENDATION:**

1. *Zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character.*

Granting the zone change request would be in keeping with the surrounding uses to the south and west, which are hospital services provided by the State of Texas.

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

The motion to approve staff's recommendation for CS-CO zoning; was approved by Commissioner Donna Tiemann's motion, Commissioner Teresa Rabago second the motion on a vote of 6-0; Commissioner Patricia Seeger was absent.

### **DEPARTMENT COMMENTS:**

This tract of land is located on the property known as "the Triangle, which is owned by the State of Texas. The State of Texas entered into a lease agreement in 1997 with Triangle Retail, Inc. in order to develop the land to benefit the Texas Department of Mental Health and Mental Retardation. The Triangle is currently developed with various low to mid rise mixed use buildings to the north, with retail/commercial uses on the ground floor with residential dwelling units on the upper floors. The property to the west is currently developed with the State Children's hospital and the property to the south is also developed with a State hospital. The proposed use for the subject tract is a rehabilitation

hospital. This use is fair and reasonable, compatible and consistent with the other uses that currently surround the subject tract. Most of the other buildings are on a long term lease with the State and thus do not have zoning. However, the applicant is going to purchase this property from the State, fee simple, so the land needs to have zoning.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<b>SITE</b>	UNZ	Undeveloped
<b>NORTH</b>	UNZ	Multi-Family Residential
<b>SOUTH</b>	UNZ	State Hospital
<b>EAST</b>	UNZ	Undeveloped
<b>WEST</b>	UNZ	State Hospital

**CASE HISTORIES:**

<b>CASE NUMBER</b>	<b>REQUEST</b>	<b>PLANNING COMMISSION</b>	<b>CITY COUNCIL</b>
C14-97-0132 Walgreens	From MF-4 & CS to GR-CO	Approved GR-CO [Vote: 7-0]	Approved GR-CO [Vote: 7-0]

**NEIGHBORHOOD ORGANIZATION:**

- Homeless Neighborhood Assoc.
- Austin Neighborhoods Council
- League of Bicycling Voters
- North Austin Neighborhood Alliance
- 45<sup>th</sup> Street Concerned Citizens

**SCHOOLS:**

Bryker Woods Elementary School  
OHenry Middle School  
Austin High School

**SITE PLAN COMMENTS RECEIVED:**

Any new development is subject to Subchapter E. Design Standards and Mixed Use. 45th Street is an Urban Roadway and Guadalupe Street is a Core Transit Corridor. Additional comments will be made when the site plan is submitted.

FYI - Site plan review and approval can not be finalized until the lot(s) is/are legal by recorded plat or, if applicable, a Land Status Determination is able to determine if it is a legal tract. In order to make this determination, contact the Development Assistance Center on the first floor (Section 25-1-61).

**TRANSPORTATION COMMENTS RECEIVED:**

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	ROW	Pavement	Class	Sidewalk?	Bus Route?	Bike Route?
Triangle Avenue	30'	20'	Local	No	No	No
45th Street	Varies	MAD 4	Arterial	Yes	5,338	Yes

**ENVIRONMENTAL COMMENTS RECEIVED:**

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Waller Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.
2. Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.
3. This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.
4. According to flood plain maps, there is no flood plain within the project area.
5. 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.
6. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

**CITY COUNCIL DATE:** September 23<sup>rd</sup>, 2010

**ACTION:**

**ORDINANCE READINGS:** 1<sup>ST</sup> 2<sup>ND</sup> 3<sup>RD</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Clark Patterson  
[Clark.patterson@ci.austin.tx.us](mailto:Clark.patterson@ci.austin.tx.us)

**PHONE:** 974-7691





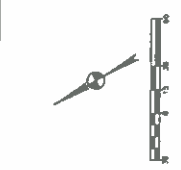
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Project: [illegible]

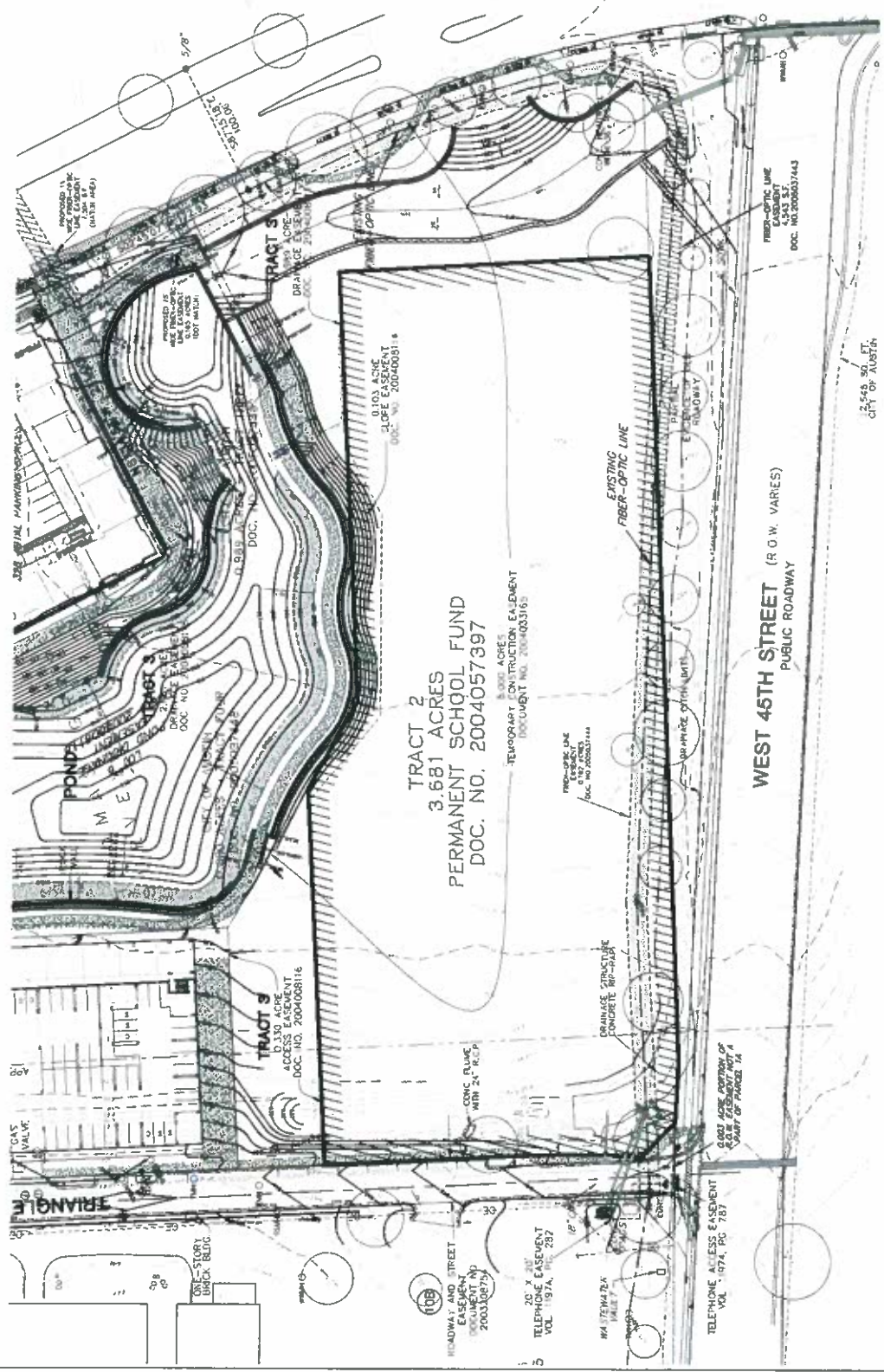
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AUSTIN, TEXAS

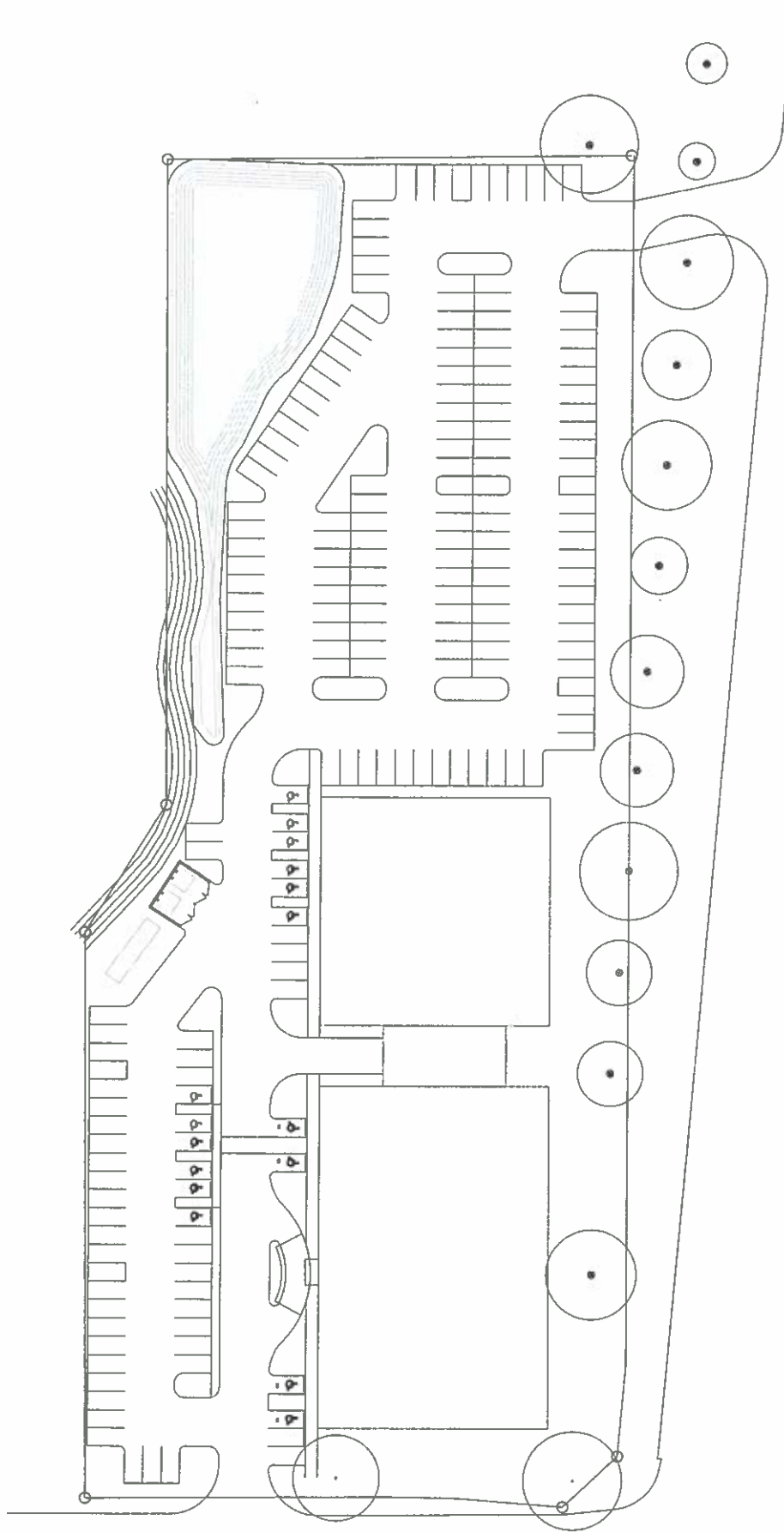
TRIANGLE PROPERTY TRACT 2

**B** Buy+Partners  
Development, Inc. (Developer)  
The Buy+Partners Group, LLC (Owner)  
Buy+Partners Group, LLC (Owner)  
Buy+Partners Group, LLC (Owner)



- LEGEND**
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THE STATE OF TEXAS )  
COUNTY OF TRAVIS )

TRV 2001105000  
117 pgs

**ORDER  
OF THE SPECIAL BOARD OF REVIEW  
REGARDING THE TRIANGLE SQUARE DEVELOPMENT PLAN**

This Order, with the exhibits hereto, approves a substantial amendment and revision of the Triangle Square Development Plan established by the Special Board of Review to govern the use of a tract of land located in the city of Austin, Travis County, Texas, consisting of approximately 22.144 acres, (the "Triangle Tract"), as provided in Texas Natural Resources Code, Sec. 31.161 et seq. (Vernon 2001).

WHEREAS, pursuant to Chapter 533, Texas Health and Safety Code, the Texas Legislature authorized the lease for non-governmental purposes of certain property belonging to the Texas Department of Mental Health and Mental Retardation ("TDMHMR"), including the Triangle Tract, which is more fully described by metes and bounds in Exhibit "A" attached hereto and incorporated herein;

WHEREAS, on May 15, 1997, the State of Texas, acting by and through TDMHMR, as Lessor, entered into a Lease of the Triangle Tract with Triangle Retail, Ltd., as Lessee;

WHEREAS, on October 13, 1998 the Special Board of Review entered its Order establishing a development plan for the Triangle Tract in accordance with the Texas Natural Resources Code, Sec 31.166 (Vernon 1998);

WHEREAS, the Texas Board of Mental Health and Mental Retardation on October 26, 2000, authorized the Commissioner of TDMHMR to recommend to the Special Board of Review a substantially amended and revised development plan;

WHEREAS, on March 1, 2001, the Texas Board of Mental Health and Mental Retardation adopted a resolution which recognized that subsequent actions by the Special Board of Review regarding the development plan would be deemed to be approved by the Texas Board of Mental Health and Mental Retardation;

WHEREAS, a majority of the members of the Special Board of Review duly requested a meeting of the Special Board of Review to review the substantially amended and revised development plan of the Triangle Tract;

WHEREAS, public hearing before the Special Board of Review was held on June 18, 2001 and all six members of the Board were present at the hearing;

WHEREAS, the political subdivisions in which the land is located (i.e. Travis County, the City of Austin, and the Austin Independent School District) were duly notified of the public hearing;

WHEREAS, the Triangle Tract is located in only one city, the City of Austin, and only one county, Travis County, Texas;

WHEREAS, the Special Board of Review considered at its June 18, 2001 the Substantial Amendment of the Triangle Square Development Plan as revised through the date of that hearing (the "Plan"), in accordance with rules promulgated by the General Land Office for conduct of such special review;

WHEREAS, the hearing was conducted in Austin, Travis County, Texas, the county where the Triangle Tract is located, and the Board invited and discussed public and governmental input; and

WHEREAS, following testimony and discussion at the June 18, 2001 hearing described in this Order, a majority of the members of the Special Board of Review (hereinafter, the "Board") voted to adopt a resolution and order to approve the Substantial Amendment of the Triangle Square Development Plan, and to delegate to staff of the General Land Office the authority to reduce the resolution and order to a recordable form,

NOW THEREFORE, the Board hereby issues this Order in conformance with its Resolution and with the Texas Natural Resources Code, Sections 31.161-167 (Vernon 2001):

1. The Triangle Square Development Plan as Substantially Amended and Revised in the form attached to this Order as Exhibit "B" together with all of its exhibits, and incorporated herein, (the "Revised Development Plan") is hereby approved and adopted.
2. Development of the Land shall be in accordance with the Revised Development Plan and this Order, and must comply with all local rules, regulations, orders, or ordinances except as specifically identified in the Plan and this Order.
3. Pursuant to Section 31.167, Tex. Nat. Res. Code Ann., the Revised Development Plan is final and binding on the state, its lessees, successors in interest and assigns, and affected local governments or political subdivisions unless revised by the Board.
4. The Revised Development Plan may not be modified by a local government, political subdivision, owner, builder, developer, or any other person without (i) specific approval by the Board, or (ii) as otherwise permitted pursuant to the plan adopted by this Order.
5. A copy of the Revised Development Plan shall be filed in the Official Public Records of Travis County, Texas.

Given under my hand and seal of office this the 25 day of June, 2001.

**SPECIAL BOARD OF REVIEW**  
for the Triangle Square Revised Development Plan

By:


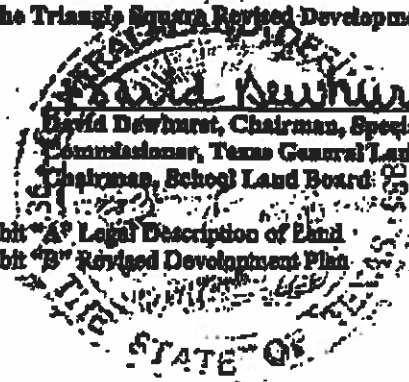
  
David Dewhurst, Chairman, Special Board of Review  
Commissioner, Texas General Land Office  
Chairman, School Land Board

Exhibit "A" Legal Description of Land  
Exhibit "B" Revised Development Plan



6/8/01

**ORDER  
EXHIBIT "B"**

**SUBSTANTIAL AMENDMENT TO TRIANGLE SQUARE DEVELOPMENT PLAN**

A REGULATING DOCUMENT OF THE SPECIAL BOARD OF REVIEW PURSUANT TO SECTION 31.161 OF THE TEXAS NATURAL RESOURCES CODE IN THE NATURE OF A MUNICIPAL ORDINANCE ESTABLISHING A SUBSTANTIAL AMENDMENT TO THE DEVELOPMENT PLAN FOR APPROXIMATELY 22 ACRES OUT OF THE GEORGE W. SPEAR, JAMES P. WALLACE, THOMAS GRAY AND JAMES ROGERS SURVEYS, AS MORE PARTICULARLY DESCRIBED IN THIS REGULATING DOCUMENT, LOCALLY KNOWN AS THE TRIANGLE LOCATED BETWEEN GUADALUPE STREET, N. LAMAR BLVD., AND W. 45TH STREET, AUSTIN, TRAVIS COUNTY TEXAS, APPROVED PURSUANT TO THAT CERTAIN ORDER OF THE SPECIAL BOARD OF REVIEW APPROVED ON OCTOBER \_\_\_\_\_, 1998, AND FILED IN VOL. 13290, PAGE 18, OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS.

**PART 1.** This Substantial Amendment to the Development Plan (the "Original Development Plan") attached as Exhibit "B" to that Order (the "Order") of the Special Board of Review approved on October \_\_\_\_\_, 1998, and filed in Volume 13290, Page 18 of the Real Property Records of Travis County, Texas shall be effective as of the date reflected in Part 13 below and shall be deemed to replace and substitute for the Original Development Plan in its entirety.

**PART 2.** The Zoning Map established by Chapter 13-2-22 of the Austin City Code is amended to establish a "GR-MU-CO" Community Commercial-Mixed Use-Conditional Overlay Combining District, on the property described in the City of Austin Development Review and Inspection Department File No. C14-97-0146 as follows:

22.144 acres (964,584 square feet) out of the George W. Spear Survey A-697, the James P. Wallace Survey A-789, the Thomas Gray Survey A-310 and the James Rogers Survey A-600, situated in the City of Austin, Travis County, Texas, and more particularly described in the metes and bounds description attached hereto as Exhibit A,

locally known as "The Triangle" and comprising a portion of the tract of land located between Lamar Boulevard and Guadalupe Street north of 45<sup>th</sup> Street, in the City of Austin, Travis County, Texas and referred to in this Regulating Document and all attached exhibits as the "Property". The Property is depicted on the Concept Plan.

**PART 3.** The following uses shall be permitted on the Property in addition to any uses generally

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permitted in the OR-MU base District.

- (1) Art & Craft Studio (General),
- (2) Home Occupation; and
- (3) Liquor Sales (no drive through)

Notwithstanding the foregoing, the following uses are prohibited on the Property within the boundaries of the Conditional Overlay Combining District established by this Regulating Document

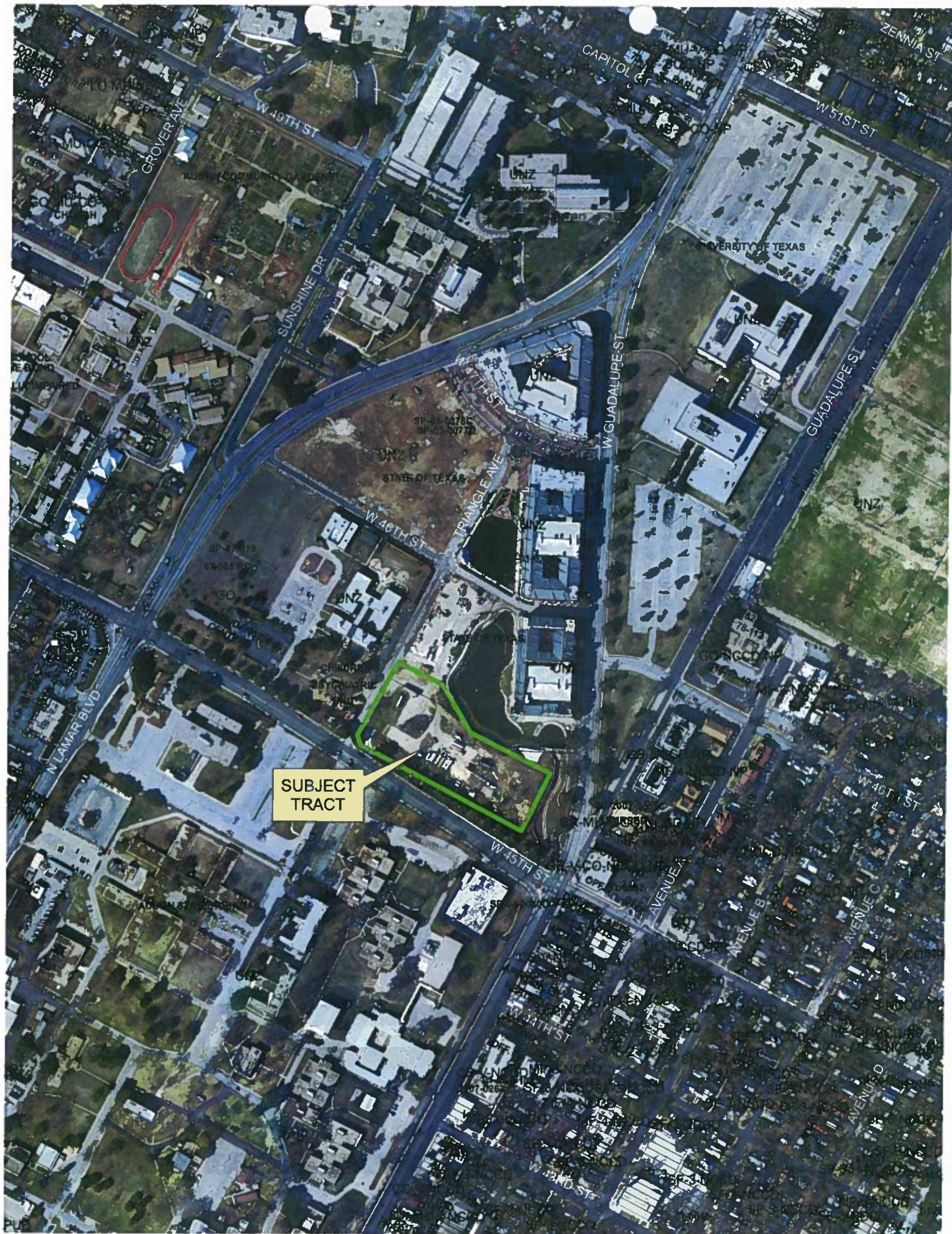
- (1) Automotive Rentals,
- (2) Automotive Repair Service,
- (3) Automotive Sales,
- (4) Automotive Washing (Automatic or Mechanical),
- (5) Commercial Off-Street Parking (except to the extent of any parking structures shared by public transit authorities);
- (6) Exterminating Service,
- (7) Pawn Shop Services,
- (8) Restaurant with Drive-In Window, and
- (9) Service Station

Except as specifically restricted under this Regulating Document, the Property may be developed and used in accordance with the regulations established for the OR-MU base district and other applicable requirements of the Austin City Code

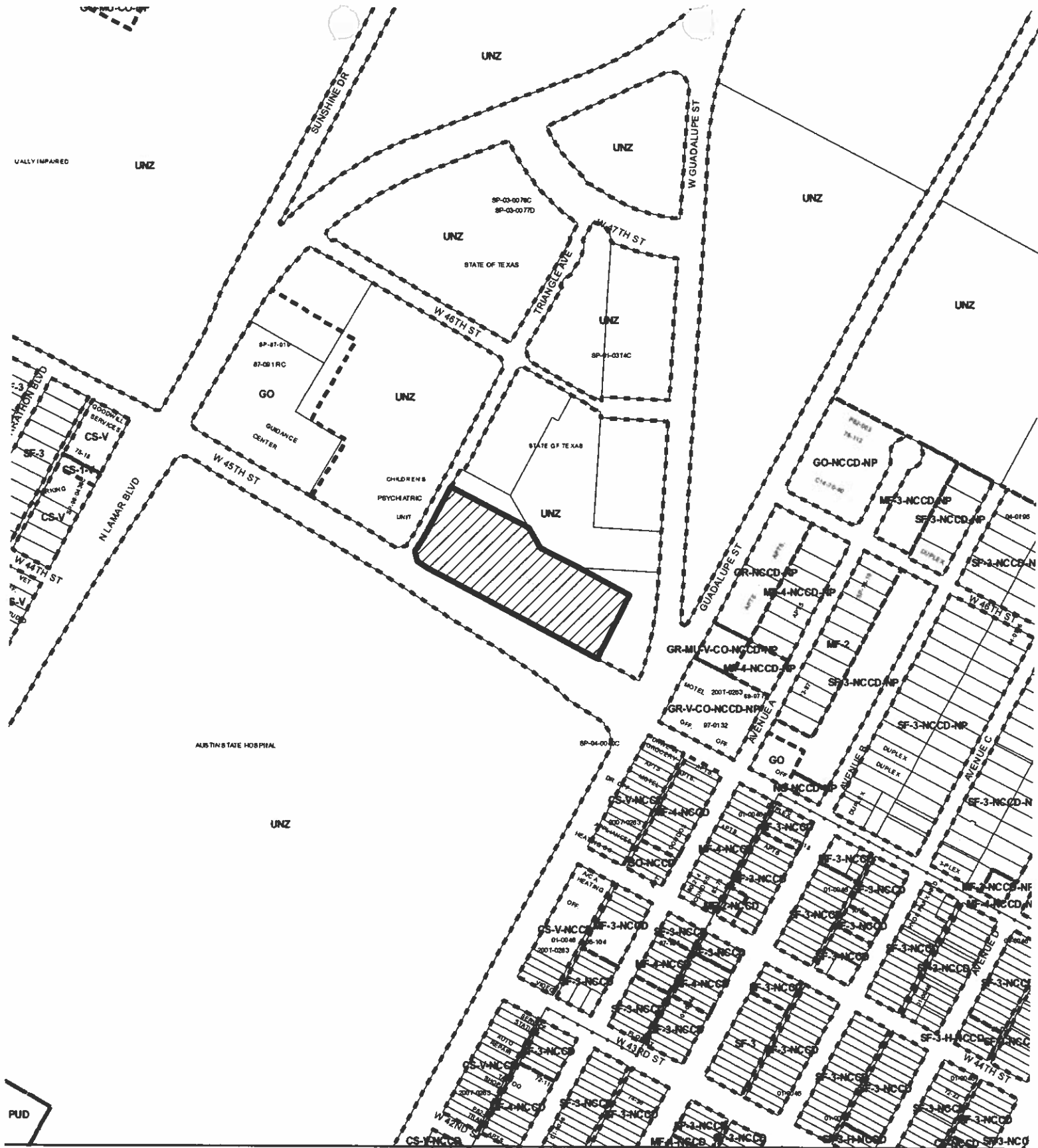
**PART 4.** Words not defined in this ordinance have the meaning assigned in the Austin City Code In this ordinance

- (1) **CONCEPT PLAN** means the illustrative site plan and design sections attached as Exhibit B.
- (2) **DEPARTMENT** means the City of Austin Development Review and Inspection Department.
- (3) **DEVELOPER** means the lessee under that certain ground lease dated May 15, 1997 with the State of Texas acting by and through the Texas Department of Mental Health and Mental Retardation, as the same may be amended from time to time, together with any assignees or transferees of the lessee's interest permitted thereunder.
- (4) **DEVELOPMENT PLAN** means the Development Plan described in Sections 21 161-167 of the Texas Natural Resources Code and includes this Regulating Document and attached Exhibits A through M.



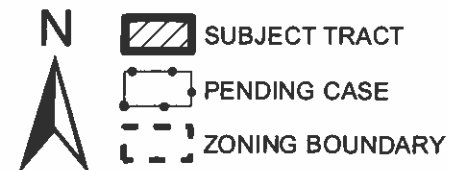
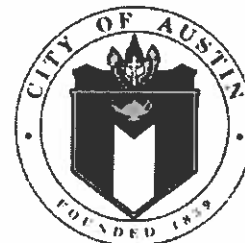






## ZONING

ZONING CASE#: C14-2010-0132  
 LOCATION: 4500 1/2 TRIANGLE AVE  
 SUBJECT AREA: 3.681 ACRES  
 GRID: J26  
 MANAGER: CLARK PATTERSON



1' = 400'

This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.