

SECOND/THIRD READING SUMMARY SHEET

ZONING CASE NUMBER: C14-2010-0100 (Stagliano 620)

REQUEST:

Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code, zoning the property locally known as 9800 North FM 620 Road from DR, Development Reserve District, zoning and SF-2, Single Family Residence-Standard Lot District, zoning to GR-CO, Community Commercial Services-Conditional Overlay District, zoning.

The ordinance and public restrictive covenant reflect the conditions imposed by the City Council on 1st reading.

PROPERTY OWNER: Vincent J. Stagliano

AGENT: Land Strategies, Inc. (Paul Linehan)

DEPARTMENT COMMENTS:

The property in question is undeveloped and moderately vegetated. The applicant is requesting GR, Community Commercial District, zoning because they would like to develop commercial uses on the site in the future. The agent for the case has pointed out that there are several development limitations on this property including Hill Country Roadway conditions, limited impervious cover and a 2,000 vehicle trip limit. In addition, the agent has provided a list of GR district uses that they would like to permit on through the proposed re-zoning of this site (Attachment A).

The staff's recommendation is to grant GR-CO, Community Commercial-Conditional Overlay District, zoning. In essence, the staff is recommending LR district zoning, with one GR district permitted use (Restaurant-General). The staff's recommendation is consistent with what was approved by the City Council in 2006 for the property directly to the south of this site in case C14-06-0027. The staff is recommending GR-CO zoning at this location because this tract of land fronts onto FM 620, a major arterial roadway. However, this portion of FM 620 has limited development and the property is not located at an intersection. A restricted Community Commercial District zoning would be appropriate for this site because the property is adjacent to existing commercial uses to the north (The Greenhouse Mall Outdoor Furniture Sales) and south (Mesa Rosa Mexican Food Restaurant). To the east, across FM 620 North, there are multifamily uses (Avendaro Apartments, Escalon at Canyon Creek Apartments) and to the west there is ranchland that is located in the county. The staff's recommendation includes a 150-foot landscape buffer along the western property line to provide a buffer for the single-family homestead to the west. In addition, the staff's recommendation includes the prohibition of Service Station uses on this site because the property is located over the northern Edward's Aquifer recharge zone.

The applicant agrees with the City Council's recommendation at 1st reading.

DATE OF FIRST READING/VOTE: September 23, 2010

ACTION: Approved ZAP rec. of GR-CO on consent (7-0); Spelman-1st, Shade-2nd.

CITY COUNCIL DATE: November 18, 2010

CITY COUNCIL ACTION:

ASSIGNED STAFF: Sherri Sirwaitis

PHONE: 974-3057

sherri.sirwaitis@ci.austin.tx.us

ZONING CHANGE REVIEW SHEET

CASE: C14-2010-0100

Z.A.P. DATE: August 17, 2010
September 7, 2010

ADDRESS: 9800 N. FM 620 Road

APPLICANT: Vincent J. Stagliano

AGENT: Land Strategies, Inc. (Paul Linehan)

ZONING FROM: DR, SF-2

TO: GR-CO

AREA: 11.72 acres

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to grant Community Commercial-Conditional Overlay District, zoning. The conditional overlay would:

- Limit the development intensity on the site to less than 2,000 vehicle trips per day.
- Permit Restaurant (General) as the only allowed 'GR' district use.
- Permit all 'LR' district uses, with the exception of Service Station.
- Require a 150-foot landscape buffer along the western property line.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

8/17/10: Postponed to September 7, 2010 at the staff's request (6-0, P. Seeger-absent); D. Tiemann-1st, C. Banks-2nd.

9/07/10: Postponed to September 21, 2010 at the applicant's request (7-0); P. Seeger-1st, D. Tiemann-2nd.

9/21/10: Approved staff's recommendation of GR-CO, with the following additional conditions:

- 1) Add as permitted uses: Business or Trade School, Business Support Services, Funeral Services, Medical Offices (exceeding 5,000 sq. ft. gross floor area), Outdoor Sports and Recreation, Personal Improvement Services, Research Services, Restaurant (General), General Retail Sales (General), Indoor Entertainment, Indoor Sports and Recreation and Communication Services; 3) Prohibit Drive-In Services; 4) Prohibit hours of operation from 2:00 a.m. through 6:00 a.m. Vote: 7-0, G. Bourgeois-1st, S. Baldrige-2nd.

DEPARTMENT COMMENTS:

The property in question is undeveloped and moderately vegetated. The applicant is requesting GR, Community Commercial District, zoning because they would like to develop commercial uses on the site in the future. The agent for the case has pointed out that there are several development limitations on this property including Hill Country Roadway conditions, limited impervious cover and a 2,000 vehicle trip limit. In addition, the agent has provided a list of GR district uses that they would like to permit on through the proposed re-zoning of this site (Attachment A).

The staff's recommendation is to grant GR-CO, Community Commercial-Conditional Overlay District, zoning. In essence, the staff is recommending LR district zoning, with one GR district permitted use (Restaurant-General). The staff's recommendation is consistent with what was

approved by the City Council in 2006 for the property directly to the south of this site in case C14-06-0027. The staff is recommending GR-CO zoning at this location because this tract of land fronts onto FM 620, a major arterial roadway. However, this portion of FM 620 has limited development and the property is not located at an intersection. A restricted Community Commercial District zoning would be appropriate for this site because the property is adjacent to existing commercial uses to the north (The Greenhouse Mall Outdoor Furniture Sales) and south (Mesa Rosa Mexican Food Restaurant). To the east, across FM 620 North, there are multifamily uses (Avendaro Apartments, Escalon at Canyon Creek Apartments) and to the west there is ranchland that is located in the county. The staff's recommendation includes a 150-foot landscape buffer along the western property line to provide a buffer for the single-family homestead to the west. In addition, the staff's recommendation includes the prohibition of Service Station uses on this site because the property is located over the northern Edward's Aquifer recharge zone.

The applicant does not agree with the staff's recommendation.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	DR, SF-2	Undeveloped, Concrete Slab
<i>North</i>	County	General Retail Sales (The Greenhouse Mall Outdoor Furniture)
<i>South</i>	GR-CO	Restaurant-General (Mesa Rosa Mexican Food Restaurant)
<i>East</i>	MF-2	Multifamily (Avendaro Apartments, Escalon at Canyon Creek Apartments)
<i>West</i>	County	Single-family Residence, Ranchland

AREA STUDY: N/A

TIA: Waived

WATERSHED: Bull Creek

DESIRED DEVELOPMENT ZONE: No

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: Yes -
Please see Site Plan comments below

NEIGHBORHOOD ORGANIZATIONS:

Austin Monorail Project
Austin Parks Foundation
Bull Creek Foundation
Home Builders Association of Greater Austin
Homeless Neighborhood Association
Long Canyon Homeowners Association
League of Bicycling Voters
Leander ISD Population and Survey Analysts
Long Canyon Phase II & LLL Homeowners Association, Inc.
Sierra Club, Austin Regional Group
Spicewood Springs Road Tunnel Coalition
Super Duper Neighborhood Objectors and Appealers Organization
The Parke HOA
The Real Estate Council of Austin, Inc.
2222 Coalition of Neighborhood Associations
Volente Neighborhood Association

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-06-0027	DR, SF-2 to GR	6/06/06: Approved GR-CO zoning with Restaurant (General) as the only permitted GR district use; permit all other LR district uses; prohibit Service Station use; add a 150-foot landscape buffer along the west property line; and conditions of the TIA (9-0); M. Hawthorne-1 st , T. Rabago-2 nd .	7/27/06: Approved the ZAP recommendation for GR-CO zoning (7-0); all 3 readings
C14-04-0207	I-RR to Tract 1: P and Tract 2: GO	2/01/05: Approved staff's recommendation on consent for P-CO for Tract 1, GO-CO for Tract 2, with additional conditions to: 1) Prohibit access to Savannah Ridge Drive (other than for emergency vehicles), 2) Create a Tract 3 designated as RR-CO district zoning for a distance of 300-feet from the eastern most property line that is adjacent to SF-2 zoning, Vote: (9-0); J. Martinez-1 st , J. Gohil-2 nd .	3/03/05: Approved P-CO for Tract 1, GO- CO for Tract 2, and RR-CO for Tract 3(7-0); all 3 readings
C14-04-0183	I-RR to MF-3	12/21/04: Approved MF-2-CO, with staff condition to limit development to less than 2,000 vehicle trips per day beyond the existing development and additional condition for a 568 unit limit for the site (9-0)	1/27/05: Approved MF-2-CO (6-0, Dunkerley-absent); 1 st reading 3/03/05: Approved MF-2-CO on consent (7-0); 2 nd /3 rd readings
C14-04-0137	I-RR to MF-1	9/21/04: Approved staff's recommendation of MF-1-CO zoning by consent (7-0, K. Jackson-off dais, J. Gohil-absent)	10/21/04: Approved ZAP recommendation of MF-1-CO by consent (7-0); 1 st reading 11/4/04: Approved MF-1-CO (7-0); 2 nd /3 rd readings
C14-04-0035	I-RR to SF-6	5/18/04: Approved staff's rec. for SF-6-CO zoning, with the addition of the conditions listed in the Letter of Agreement between the applicant and the neighborhood, by consent (8-0)	8/12/04: Granted SF-6-CO on all 3 readings (5-1, B. McCracken – No, J. Goodman – off the dais)
C14-04-0003	I-RR, I-SF-2 to SF-2	2/3/04: Approved staff's recommendation of SF-2 zoning, by consent (9-0)	3/4/04: Granted SF-2 zoning (6-0, McCracken-absent); all 3 readings
C14-04-0002	I-SF-2, I-RR to SF-2	2/3/04: Approved staff's recommendation of SF-2 zoning, by consent (9-0)	3/4/04: Granted SF-2 zoning (6-0, McCracken-absent); all 3 readings

RELATED CASES: N/A

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Plan	Bus Routes
FM 620	160'	80'	Freeway	No	Wide Shoulder Exists/ Recommended	None

CITY COUNCIL DATE: September 23, 2010

ACTION: Approved ZAP rec. of GR-CO
on consent (7-0); Spelman-1st, Shade-2nd.

November 18, 2010

ACTION:

ORDINANCE READINGS: 1st 9/23/10

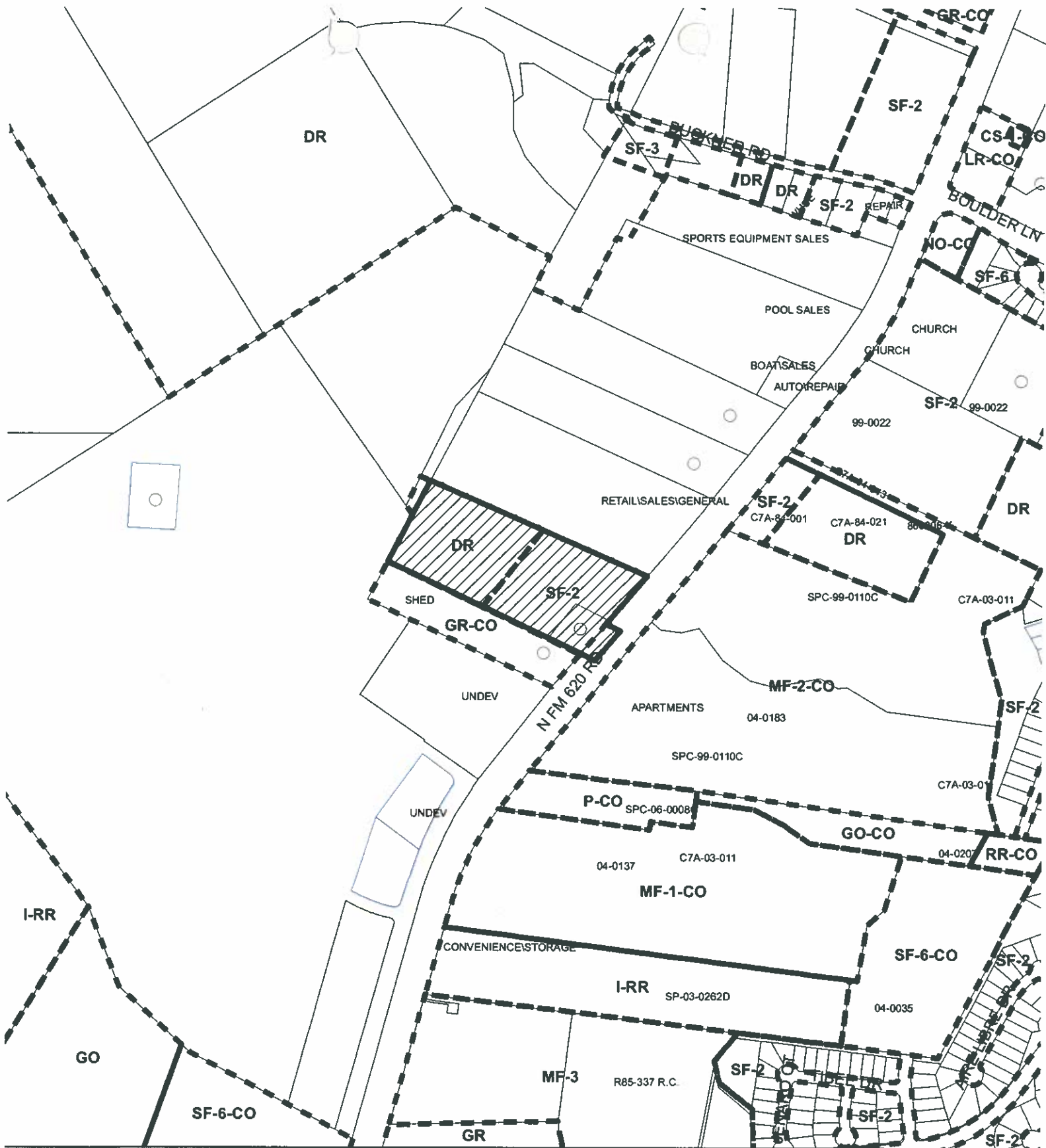
2nd

3rd

ORDINANCE NUMBER:

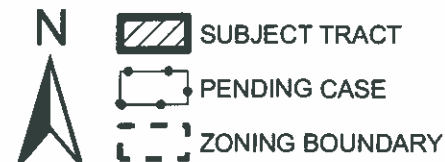
CASE MANAGER: Sherri Sirwaitis

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



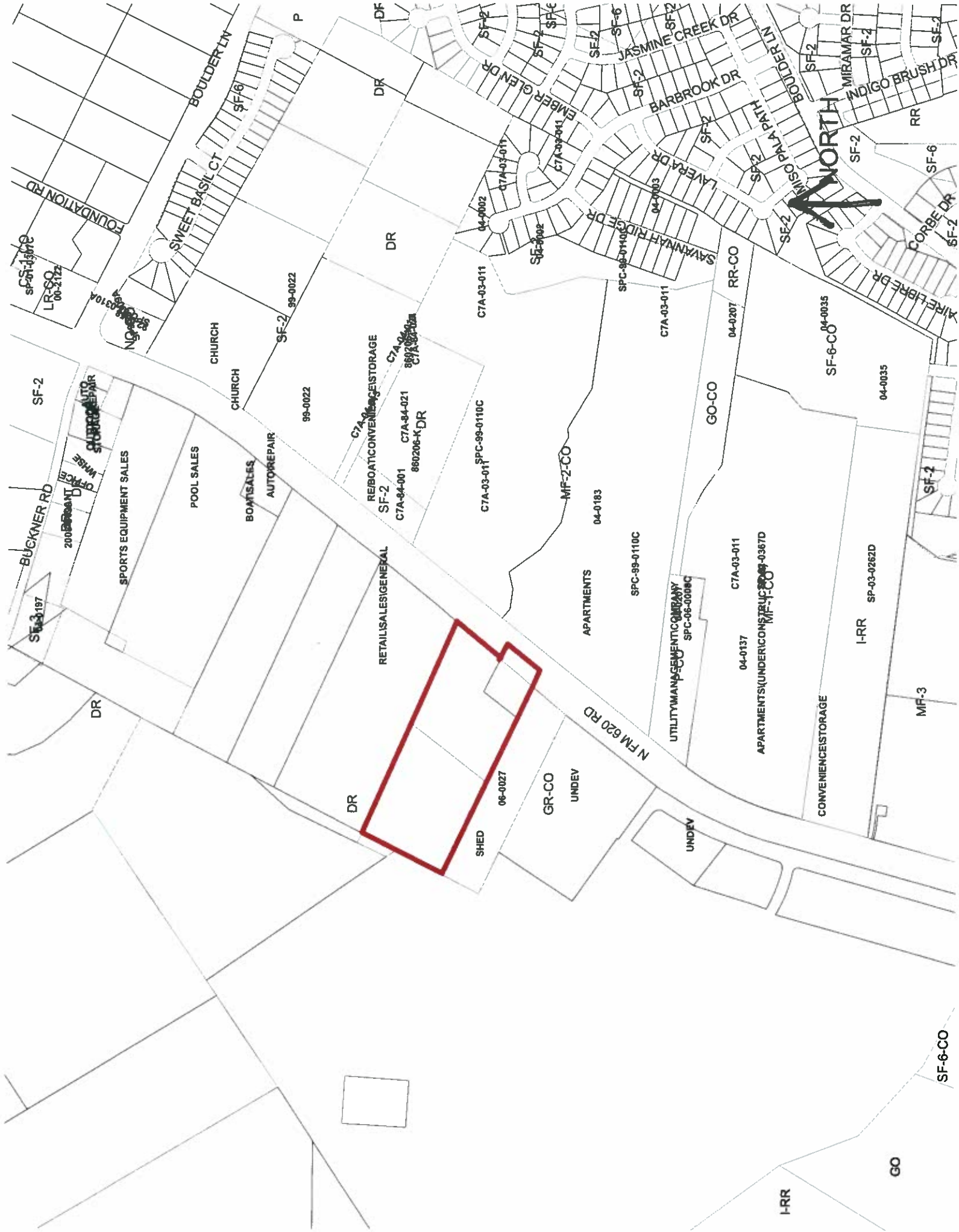
ZONING

ZONING CASE#: C14-2010-0100
 LOCATION: 9800 N FM 620 RD
 SUBJECT AREA: 11.72 ACRES
 GRID: D36 D37
 MANAGER: SHERRI SIRWAITIS



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.





STAFF RECOMMENDATION

The staff's recommendation is to grant Community Commercial-Conditional Overlay District, zoning. The conditional overlay would:

- Limit the development intensity on the site to less than 2,000 vehicle trips per day.
- Permit Restaurant (General) as the only allowed 'GR' district use.
- Permit all 'LR' district uses, with the exception of Service Station.
- Require a 150-foot landscape buffer along the western property line.

BASIS FOR RECOMMENDATION

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

The Community commercial (GR) district is the designation for an office or other commercial use that serves neighborhood and community needs and that generally is accessible from major traffic ways.

The property in question fronts onto and takes access from F.M. 620 Road North, a major arterial roadway.

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

GR-CO zoning would be appropriate for this site because the property is adjacent to existing commercial uses to the north (The Greenhouse Mall Outdoor Furniture Sales) and south (Mesa Rosa Mexican Food Restaurant). There was a precedent set for GR-CO zoning to the south of this tract for the property located at 9804 FM 620, through zoning case C14-06-0027.

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

The proposed GR-CO zoning would permit the applicant to develop the site with low intensity office and commercial uses that would provide services to the surrounding multifamily residential developments.

EXISTING CONDITIONS

Site Characteristics

The subject tract is currently undeveloped and moderately vegetated. The applicant has stated that there is a concrete slab on the site that is the remains of a previous single-family structure. To the north of the property there is a General Retail Sales use (The Greenhouse Mall Outdoor Furniture Sales) and to the south there is a Restaurant-General use (Mesa Rosa Mexican Food Restaurant). The land to the east, across FM 620 North, is developed with multifamily uses (Avendaro Apartments, Escalon at Canyon Creek Apartments) and to the west there is a ranch that is located in the county.

Environmental

The site is located over the Edwards Aquifer Recharge Zone. According to current maps, this site lies on, or very close to the divide between the Lake Travis Watershed (Water Supply Rural) and the Bull Creek Watershed (Water Supply Suburban) of the Colorado River Basin. The site is in the drinking

water protection zone. A geological and/or topographical analysis of the site may be needed to determine the exact boundaries of the aforementioned watersheds.

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.

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.

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.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

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

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 zoning district's allowable impervious cover, the impervious cover is limited by the watershed regulations.

Following are the comments for each watershed classification:

Lake Travis Watershed (Water Supply Rural)

Under the 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>% NSA with Transfers</i>	<i>Allowable Density</i>
One or Two Family Residential	n/a	n/a	1unit/2 acres net site area
Multifamily Residential	20%	25%	n/a
Commercial	20%	25%	n/a

Single family or duplex development within a Water Quality Transition Zone may not exceed a density of one unit per three acres, exclusive of land within a 100-year floodplain, and must have a minimum lot size of 2 acres.

Bull Creek Watershed (Water Supply Suburban)

Under the 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>% NSA with Transfers</i>
One or Two Family Residential	30%	40%
Multifamily Residential	40%	55%
Commercial	40%	55%

Note: The most restrictive impervious cover limit applies.

Site Plan/Compatibility Standards

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

Slope	Maximum FAR
0-15%	0.25
15-25%	0.10
25-35%	0.05

Except for clearing necessary to provide utilities or site access, a 100/50 foot vegetative buffer will be required along 620. At least 40% of the site (excluding dedicated right-of-way) must be left in a natural state. The allowable height is as follows: Within 200 feet of 620 the maximum height is 28 feet, and beyond 200 feet the maximum height is 40 feet.

Prior to the issuance of a building permit for the proposed use, a site plan must be approved by the Planning Commission

This site is within a Scenic Roadway sign district, and Scenic Roadway sign district regulations will apply.

Site plans will be required for any new development other than single-family or duplex residential.

Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

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.

Transportation

Existing Street Conditions:

Name	ROW	Pavement	Classification	Sidewalks	Bike Plan	Bus Routes
FM 620	160'	80'	Freeway	No	Wide Shoulder Exists/ Recommended	None

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]

Water and Wastewater

Presently only City water is available at the property. If the owner wishes to pursue City wastewater the land owner may submit a service extension request to AWU Utility Development Services 972-0207. 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 by the land use. Water and wastewater utility plans 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.

PAUL LINEHAN & ASSOCIATES

September 20, 2010

Attn: Planning & Zoning Commission Members
City of Austin
City Hall
301 West 2nd Street
Austin, Texas 78704

Re: Stagliano 620 - Zoning Case No. C14-2010-0100
Land Use Information

Dear Commission Members:

Land Strategies, Inc., on behalf of the landowner, respectfully provide the following information pertaining to the referenced Stagliano 620 zoning case, specific to land uses I believe should be permitted on the site.

In 2006, the adjacent property to the south of the Stagliano 620 property received approval for GR-CO zoning. That approved ordinance allowed restaurant use for the Mesa Rosa restaurant. Please note that City staff recommends that the Stagliano 620 tract adhere to the same Conditional Overlay criteria as the Mesa Rosa tract, as shown on the attached Mesa Rosa ordinance. However, I believe the Stagliano 620 property can support multiple GR-permitted land uses. Please refer to the attached GR Land Uses list for more details.

There are various pre-existing conditions on and around the Stagliano 620 property which intrinsically limit development on the subject tract. These conditions include:

1. Lake Travis Watershed restricts impervious cover to 20% Net Site Area on the property.
2. Hill Country Roadway Ordinance requires a detailed site plan for any future use on the site, which must be approved by the Zoning & Platting Commission.
3. We are limiting the site to development which will generate less than 2,000 trips per day.

In addition to the above limitations, multiple land uses which are included in the GR permitted uses surround the subject tract. These uses include the Greenhouse Mall adjacent the Stagliano 620 tract to the north, Mesa Rosa restaurant to the immediate south, and a proposed future multi-family and retail development south of the Mesa Rosa tract. Note that although the Greenhouse Mall and possible future multi-family/retail development are located outside the full-purpose jurisdiction, the existing and proposed land uses are consistent with the type of requested permitted land uses associated with the Stagliano 620 tract. Please refer to the attached land use list for these proposed land uses. With all of these limitations on the property, I believe that the various land uses reflected on the attached land use list should be permitted on the site, with the understanding that the built-in restrictions on the site will limit the amount of development of any type of use on the property.

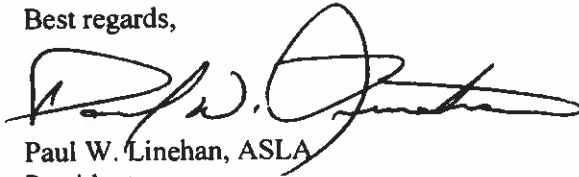
DEVELOPMENT, DESIGN AND PLANNING CONSULTANTS

1010 LAND CREEK COVE, SUITE 100 • AUSTIN, TEXAS 78746 • (512) 328-6050 • FAX: (512) 328-6172

Attached you will find two (2) exhibits which reflect office and restaurant uses on the subject property. These exhibits show how the Lake Travis watershed, Hill Country Roadway Ordinance and 2,000 trip-per-day limitation restrict this tract.

Please feel free to contact me should you have any questions or need additional information.

Best regards,

A handwritten signature in black ink, appearing to read "Paul W. Linehan". The signature is fluid and cursive, with a large loop at the end.

Paul W. Linehan, ASLA
President

PWL:enw

Attachments

cc: Vincent Stagliano
cc: Henry Mayes

GR LAND USES - STAGLIANO 620 (C14-2010-0100)

Proposed **CONDITIONAL** Land Uses

Food Sales
Custom Manufacturing
Residential Treatment
Community Recreation (Public / Private)
Congregate Living
Group Home (Class I Limited / Class II)
Hospital Services (Limited)

Proposed **PERMITTED** Land Uses

Bed & Breakfast (Group 1 and Group 2)
Administrative and Business Office
Art Gallery
Art Workshop
Business or Trade School
Business Support Services
Consumer Convenience Services
Consumer Repair Services
Food Preparation
Funeral Services
Medical Offices (more than 5k s.f.)
Medical Offices (less than 5k s.f.)
Outdoor Entertainment
Outdoor Sports/Recreation
Personal Improvement Services
Personal Services
Pet Services
Plant Nursery
Printing and Publishing
Professional Office
Research Services
Restaurant (General and Limited)

Software Development
Special Use Historic
Urban Farm
General Retail Sales (Convenience)
General Retail Sales (General)
Indoor Entertainment
Indoor Sports/Recreation
Counseling Services
Family Home
Guidance Services (General)
Local Utility Services
Private Secondary Educational
Public Secondary Educational
Telecommunications Tower
Club or Lodge
Communications Services Facility
Day Care Services (Comm/Gen/Lim)
Private Primary Educational
Public Primary Educational
Religious Assembly
Safety Services

Proposed **PROHIBITED** Land Uses

Automotive Rentals
Automotive Repair Services
Automotive Sales
Automotive Washing (of any type)
Bail Bond Services
Commercial Off-street Parking
Drop-off Recycling Collection Facility
Off-site Accessory Parking
Pawn Shop Services
Service Station
Theater
Hotel or Motel
Hospital Services (General)

Exterminating Services
College and University Facilities

Sirwaitis, Sherri

From: Paul Linehan [lsi@landstrat.com]
Sent: Monday, September 20, 2010 4:04 PM
To: bbaker5@austin.rr.com; sbald@sbcglobal.net; gbourgeois@jonescarter.com; trabago@austin.rr.com; prseeger@austin.rr.com; crbanks@hotmail.com; donna.zap@gmail.com
Cc: Sirwaitis, Sherri; 'henry mayes'; vstagliano@verizon.net
Subject: Stagliano 620 Zoning Case: C14-2010-0100 (Item #2 on 9/21/10 Agenda)
Importance: High
Attachments: Stagliano 620 Land Use_PandZ.pdf; GR Land Uses.xls; Office.pdf; Restaurant.pdf

Chair Baker and ZAP Commission Members:

Attached please find a letter and supplemental information regarding the Stagliano 620 zoning case, C14-2010-0100, which is item #2 on Tuesday night's Zoning & Platting Commission agenda. After your review of the information, please contact me with any questions.

Best regards,

Paul W. Linehan, President

Land Strategies, Inc.

Celebrating 27 Years of Service!!

1010 Land Creek Cove, Suite 100

Austin, Texas 78746

Tel: (512) 328-6050

Fax: (512) 328-6172

www.landstrat.com

9/21/2010

Exhibit A - Office Scenario



SCALE: 1" = 200'

Stagliano Tract
LSI: 1486.01

LAND STRATEGIES INC.

PAUL LINEHAN & ASSOCIATES

Exhibit B - Restaurant Scenario



SCALE: 1" = 200'

Stagliano Tract
LSI: 1486.01

LAND STRATEGIES INC.

PAUL LINEHAN & ASSOCIATES