

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2011-0083 - Southern Walnut Creek Hike & Bike Trail

**P.C. DATE:** 10/11/2011 – postponed by staff  
10/25/2011 – postponed by staff  
11/8/2011

**ADDRESS:** 5200 Bolm Road; 5509-5609 Stuart Circle

**OWNER/APPLICANT:** City of Austin Parks and Recreation Department (Gregory Montes)

**ZONING FROM:** SF-3-NP

**TO:** P-NP

**AREA:** 29.61 acres (1,289,811 ft<sup>2</sup>)

**SUMMARY STAFF RECOMMENDATION:** Staff recommends approval of the rezoning request to (P-NP) Public-Neighborhood Plan combining district Zoning.

**PLANNING COMMISSION RECOMMENDATION:** The motion to approve staff's recommendation for P-NP zoning, was approved by Commissioner Sandra Kirk's motion, Commissioner Richard Hatfield seconded the motion on a vote of 6-1; Commissioner Jean Stevens voted against the motion (nay); Commissioners Danette Chimenti and Donna Tiemann were absent.

**DEPARTMENT COMMENTS:** The Parks and Recreation Department (PARD) is requesting that this section of the Southern Walnut Creek Trail project be rezoned to a public zoning designation which will facilitate the completion of construction for the 7.3 mile trail from Govalle Park to Johnny Morris Road and Daffan Lane.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	SF-3-NP	Park
<i>North</i>	SF-3-NP	Undeveloped
<i>South</i>	SF-3-NP	Park
<i>East</i>	GR-MU-NP, CS-MU-CO-NP, GR-NP	Single Family
<i>West</i>	SF-3-NP	Single Family

**TIA:** Waived

**WATERSHED:** Boggy Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

**HILL COUNTRY ROADWAY:** No

**NEIGHBORHOOD ORGANIZATIONS:**

Austin Neighborhoods Council  
East MLK Combined Neighborhood Association  
Johnston Terrace/Boggy Creek Neighborhood Association  
Edward Joseph Homeowners Association, Inc.  
M.E.T.S.A. Neighborhood Association  
FRS Property Owners Association  
Lower Boggy Creek Neighborhood Association

### **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.*

The requested rezoning of this section of the Southern Walnut Creek Trail project will facilitate the completion of construction for the 7.3 mile trail from Govalle Park to Johnny Morris Road and Daffan Lane.

### **EXISTING CONDITIONS**

#### **Environmental**

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Boggy 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.

Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.

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.

According to flood plain maps, there is a flood plain within the project area.

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.

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

#### **Water and Wastewater**

If 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 the water and wastewater utility improvements, offsite main extensions, system upgrades, utility relocations and or abandonments

required. The water and wastewater plan must be in accordance with the City of Austin utility design criteria. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. 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.

### **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:**

Name	ROW	Pavement	Classification	Daily Traffic
Bolm Road	Varies	41'	Collector	Not Available
Shady Lane	Varies	40'	Collector	Not Available
Jain Lane	Varies	30'	Collector	Not Available

#### **Existing Street Characteristics:**

If the requested zoning is recommended for this site, 35 feet of right-of-way should be dedicated from the centerline of Bolm road in accordance with the Transportation Criteria Manual, in order to accommodate traffic anticipated to be generated by this site [LDC, 25-6-55; TCM, Tables 1-7, 1-12].

The traffic impact analysis for this site was waived because this is a City of Austin initiated project.

There are existing sidewalks along Bolm Road, Shady Lane, and Jain Lane.

According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, bicycle facilities are existing and/or recommended along the adjoining streets as follows:

Street Name	Existing Bicycle Facilities	Recommended Bicycle Facilities
Bolm Road	Wide Curb	Bike Lane
Shady Lane	None	None
Jain Lane	None	None

Capital Metro bus service (route no. 17) is available along Bolm Road.

### **Site Plan:**

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

There is a site plan currently under review for this property (SPC-2010-0367C) which provides for approximately 7 miles of a hike and bike trail, with parking and other associated improvement.

The site is subject to compatibility standards. Along all property lines adjacent to single family, the following standards will apply with any future development:

- 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.
- An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining property used or zoned as SF-5 or more restrictive. [Sec. 25-2-1067(F)]
- If a community recreation use is a conditional use, baseball, softball, and football fields and other similar outdoor athletic fields must be at least 300 feet from an SF-5 or more restrictive zoning district. [Sec. 25-2-837(E)]
- Additional design regulations will be enforced at the time a site plan is submitted.

**CITY COUNCIL DATE:** 11/3/11  
12/8/11

**ACTION:** postponed by staff

**ORDINANCE READINGS:** 1st

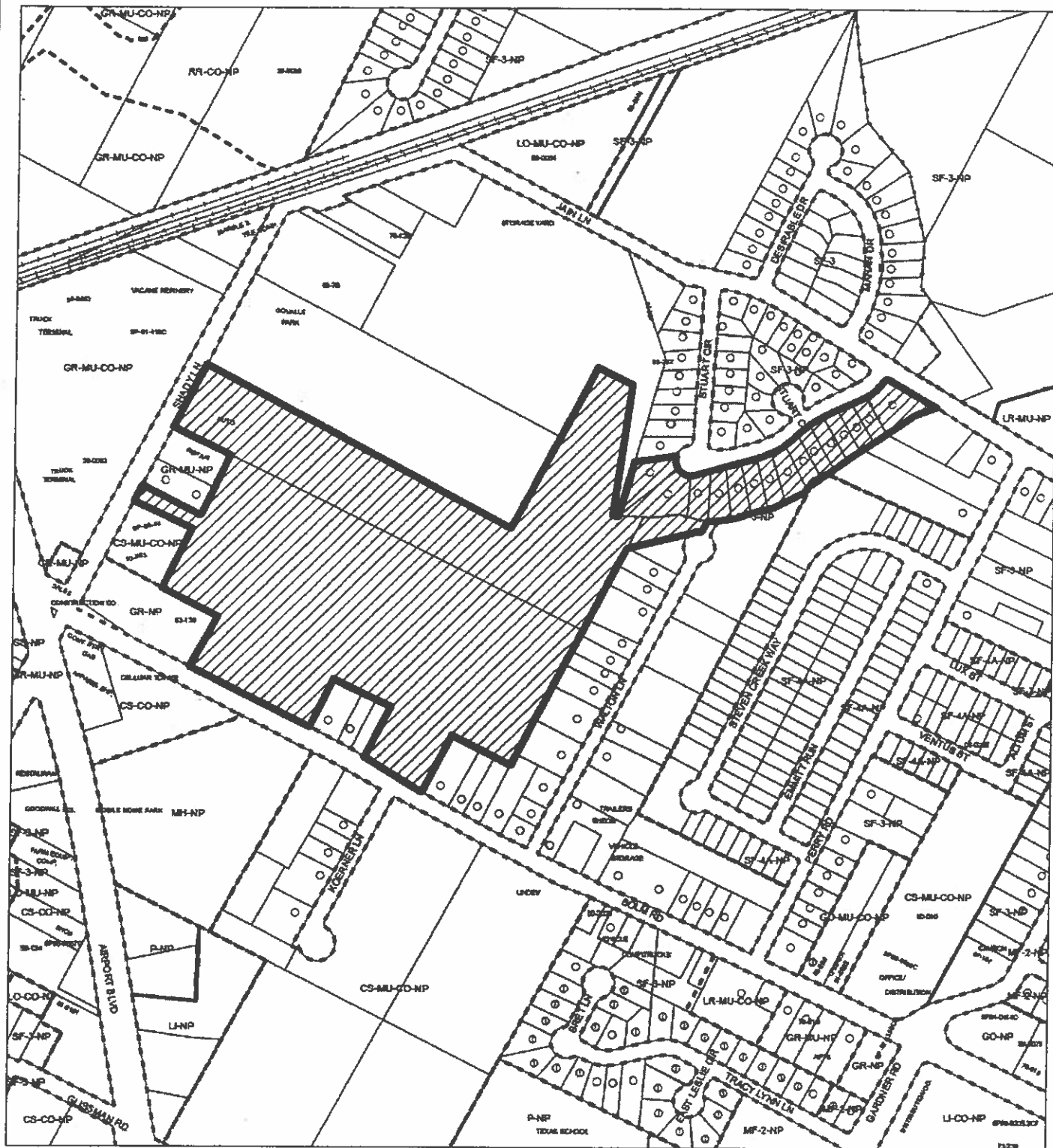
2<sup>nd</sup>




3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Stephen Rye

**PHONE:** 974-7604  
[stephen.rye@austintexas.gov](mailto:stephen.rye@austintexas.gov)



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

1" = 400'

**ZONING**  
 ZONING CASE#: C14-2011-0083  
 LOCATION: 5200 BOLM RD  
 5509-5609 STUART CIR  
 SUBJECT AREA: 29.61 ACRES  
 GRID: L21, M21  
 MANAGER: STEPHEN RYE



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.







## 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](http://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: C14-2011-0083

Contact: Stephen Rye, (512) 974-7604

Public Hearing: Oct 11, 2011, Planning Commission

Nov 3, 2011, City Council

Geoff Cole  
Your Name (please print)

☒ I am in favor  
☐ I object

1109 Desirable Ln. Austin TX 78721  
Your address(es) affected by this application

Geoff

Signature

Date

Daytime Telephone: (512) 736-5113

10/6/11

Comments: I THINK THIS IS A GREAT IDEA!  
I want the green belt in my neighborhood, I  
can't wait to use it! Please re-zone this  
land to make this plan a reality.

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

City of Austin

Planning & Development Review Department

Stephen Rye

P. O. Box 1088

Austin, TX 78767-8810

**Rye, Stephen**

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**From:** Rick Hughes CCIM [rhughes@strasburger.net]  
**Sent:** Tuesday, August 09, 2011 3:39 PM  
**To:** Rye, Stephen  
**Subject:** Case numbers C14-2011-0083 & NPA-2011-0016.02 Stuart Circle and Bolm Road

Stephen,

In our current economic condition, we don't see changing a property that could be developed and generate property taxes, to a non tax generating status.

Sell the property off to a developer and let them build. That will generate thousands of dollars in tax revenue. We are adamantly against the proposals.

**Rick Hughes, CCIM**

Real Estate Consultant for

**Strasburger**  
Real Estate Group, Inc.

**HUGHES REALTY GROUP  
COMMERCIAL REAL ESTATE**

PO Box 325

Temple, TX 75603

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rhughes@ccim.net



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8/9/2011





National Headquarters  
6002 Jain Lane • Austin, Texas 78721

512.462.2181 • fax: 512.462.2028 • email: info@swkey.org • www.swkey.org

October 19, 2011

Dave Sullivan  
Chair  
Planning Commission  
P.O. Box 1088  
Austin, Texas 78767-1088  
Via First Class Mail and email to [sully.jumpnet@sbcglobal.net](mailto:sully.jumpnet@sbcglobal.net)

City of Austin  
Planning & Development Review Department  
Stephen Rye  
P.O. Box 1088  
Austin, Texas 78767-8810  
Via First Class Mail and email to [stephen.rye@ci.austin.tx.us](mailto:stephen.rye@ci.austin.tx.us)

**Re: Rezoning of 5702 ½ Jain Lane, Austin, TX 78721; 5200 Bolm Rd & 5509-5609 Stuart Circle**

Dear Mr. Sullivan and Mr. Rye,

Enclosed please find a Valid Petition indicating Southwest Key Programs, Inc.'s opposition to the rezoning of the property located at 5702 ½ Jain Lane, Austin, TX 78721 - C14-2011-0082 and NPA-2011-0016.01 from SF-3-NP (Family Residence -Neighborhood Plan district) to P-NP-Public. We also oppose the rezoning of 5200 Bolm Rd & 5509-5609 Stuart Circle – C14-2011-0083 and NPA-2011-0016.02 from SF-3-NP (Family Residence – Neighborhood Plan district) to P-NP-Public.

Southwest Key feels that it is vital for the City of Austin to carefully consider the neighborhood concerns regarding this zoning change that will have an impact the entire Johnston/Govalle neighborhood. There are many possible uses for the impacted land and I believe that at least a portion of it should be reserved for potential development, including low income housing. I urge the Land Use Commission and City Council to deny this request until the concerns of Southwest Key and the community have been addressed.

Please do not hesitate to contact me if you have any questions regarding this matter.

Sincerely,

Juan J. Sanchez  
El Presidente/CEO  
Southwest Key Programs, Inc.

## Valid Petition

We the undersigned, petition the Austin City Council with our opposition on the rezoning of the property located at 5702 ½ Jain Lane, Austin, TX 78721 - C14-2011-0082 and NPA-2011-0016.01 from SF-3-NP (Family Residence -Neighborhood Plan district) to P-NP-Public.

We also oppose the rezoning of 5200 Bolm Rd & 5509-5609 Stuart Circle – C14-2011-0083 and NPA-2011-0016.02 from SF-3-NP (Family Residence – Neighborhood Plan district) to P-NP-Public.

**Name(please print):Southwest Key Programs, Inc.**

**Signature**

*Juan J. Sanchez*  
**El President/CEO**

**Address: 6002 Jain Lane, Austin, TX, 78721**

**Phone# (512) 462-2181**

**Date: October 25, 2011**

**Rye, Stephen**

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**From:** Gilbert Merritt [REDACTED]@gmail.com]  
**Sent:** Wednesday, October 26, 2011 10:57 AM  
**To:** Rye, Stephen  
**Cc:** mike merritt  
**Subject:** Case Numbers: C14-2011-0083 and NPA 3011-0016.02

Stephen,

My wife and I own a house at 5405 Stuart Circle. We heard that there were some negative comments on the subject project and zoning changes at the public meeting on Oct.11.

We would like to add our comments in **support** of the project and zoning changes. We believe that the neighborhood's attractiveness and home values would be enhanced by the proposed bike trail and green space enlargement.

Please keep us informed of the progress of the project.

Ben Gilbert Merritt  
5405 Stuart Circle  
Austin, TX 78721

10/26/2011