

**ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2016-0095 – Completion of Lot 6  
Zoning

**P.C. DATE:** October 11, 2016

**ADDRESS:** 9100 West State Highway 71

**DISTRICT AREA:** 8

**OWNER/APPLICANT:** River City Partners  
Management Ltd. (Lee Raines)

**AGENT:** Sprouse Shrader Smith, PLLC  
(Terrence Irion)

**ZONING FROM:** SF-2-NP

**TO:** GO-NP

**AREA:** 0.891 acres  
(38,820 square feet)

**SUMMARY STAFF RECOMMENDATION:**

The Staff recommendation is to grant general office – neighborhood plan (GO-NP) combining district zoning.

**PLANNING COMMISSION RECOMMENDATION:**

October 11, 2016:

**ISSUES:**

None at this time.

**DEPARTMENT COMMENTS:**

The rezoning request is for an undeveloped portion of a lot adjacent to other undeveloped lots located along West State Highway 71, southeast of the intersection of Old Bee Caves Road / Thomas Springs Road (SF-2-NP). There are recently constructed apartments to the north that access Old Bee Caves Road (I-RR), undeveloped land within the subdivision to the east and west (GR-NP), and commercial uses along the south side of West SH 71 (GR-NP; CS-NP). Please refer to Exhibits A (Zoning Map) and A-1 (Aerial Exhibit).

In 1986, unplatted adjoining tracts to the northwest and southeast were rezoned to the GR district. The subject rezoning area was originally proposed as a segment of “High Country Parkway”, an extension of Midwood Parkway which is across State Highway 71 to the south. High Country Parkway was planned to extend further north and intersect with Old Bee Caves Road. As shown on the sketches which accompanied the zoning ordinance for each tract in 1986, the right-of-way was planned, but not formally reserved or dedicated, and therefore the subject rezoning area retained its SF-2 zoning. The adjacent GR tracts and a 20 acre tract to the north were platted in March 2004 and did not show the reservation or dedication of High Country Parkway. Please refer to Exhibits B and C. Apartments were built on the 20 acre lot

to the north and did not include the High Country Parkway extension either (I-RR). As info, the site plan was filed with the City prior to the annexation planning period, hence, the Applicant was not required to obtain zoning prior to issuance of a Certificate of Occupancy which occurred in early 2015.

The Applicant proposes general office – neighborhood plan (GO-NP) district zoning in order to build office or accessory uses in conjunction with the adjacent GR-NP zoned properties that front on State Highway 71. The remainder of the intended High Country Parkway is confined to the rezoning area and no longer serves the purpose envisioned in 1986. Staff recommends the Applicant's request given its adjacency to commercial uses and access to an arterial roadway.

Additional information regarding the 1985-86 rezoning case, the subdivision plat that includes the rezoning area, and the Neighborhood Plan is provided in the Related Cases section on page 3.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	SF-2-NP	Undeveloped
<i>North</i>	I-RR	Apartments (240 units)
<i>South</i>	GR-NP; CS-NP	Service station; Automotive repair; Retail sales; Religious assembly; Convenience storage
<i>East</i>	GR-NP	Undeveloped; Pond
<i>West</i>	GR-NP	Undeveloped

**NEIGHBORHOOD PLANNING AREA:** Oak Hill Combined (West Oak Hill)

**TIA:** Is not required

**WATERSHED:** Williamson Creek –  
Barton Springs Zone

**DESIRED DEVELOPMENT ZONE:** No

**CAPITOL VIEW CORRIDOR:** No

**SCENIC ROADWAY:** No

**SCHOOLS:**

Oak Hill Elementary School

Small Middle School

Austin High School

**NEIGHBORHOOD ORGANIZATIONS:**

298 – Oak Hill Association of Neighborhoods

605 – City of Rollingwood

639 – Hill Country Estates Homeowners Assoc.

742 – Austin Independent School District

779 – Oak Hill Neighborhood Plan – COA Liaison

943 – Save Our Springs Alliance

1033 – Thomas Springs Alliance

1166 – Oak Hill Neighborhood Planning Contact Team

1228 – Sierra Group, Austin Regional Group

1343 – Oak Hill Trails Association

1470 – Aviara HOA

1530 – Friends of Austin Neighborhoods

1340 – Austin Heritage Tree Foundation

1363 – SEL Texas

1528 – Bike Austin

1563 – Ridgeview

### **CASE HISTORIES:**

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-00-2090 – 9125 Highway 71 West	GR to CS	No quorum; To forward to CC without a recommendation	Not applicable; Case Expired.

### **RELATED CASES:**

On November 15, 1984, the subject tract was annexed into the limited purpose jurisdiction. It was then annexed into the full purpose jurisdiction on December 12, 1985 and assigned I-SF-2 zoning. A conversion ordinance of newly annexed properties provided permanent SF-2 zoning on certain properties, including this one on February 6, 1986. The adjacent areas to the north (11.21 acres) and south (4.85 acres) were zoned GR on October 23, 1986 (C14-85-288.112). As info, the “From” portion of the rezoning ordinance incorrectly cited the I-RR district for this property rather than SF-2. A Restrictive Covenant accompanied the zoning case and applied to the two adjacent areas and the subject property (thus the whole State Highway 71 frontage) and established compliance with certain sections of the Williamson Creek Watershed Ordinance, allowed for a maximum of 65% impervious cover and a maximum FAR of .20 to 1. Please refer to Exhibit B.

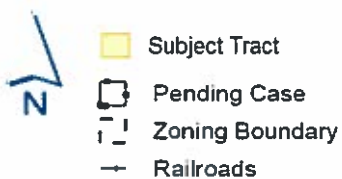
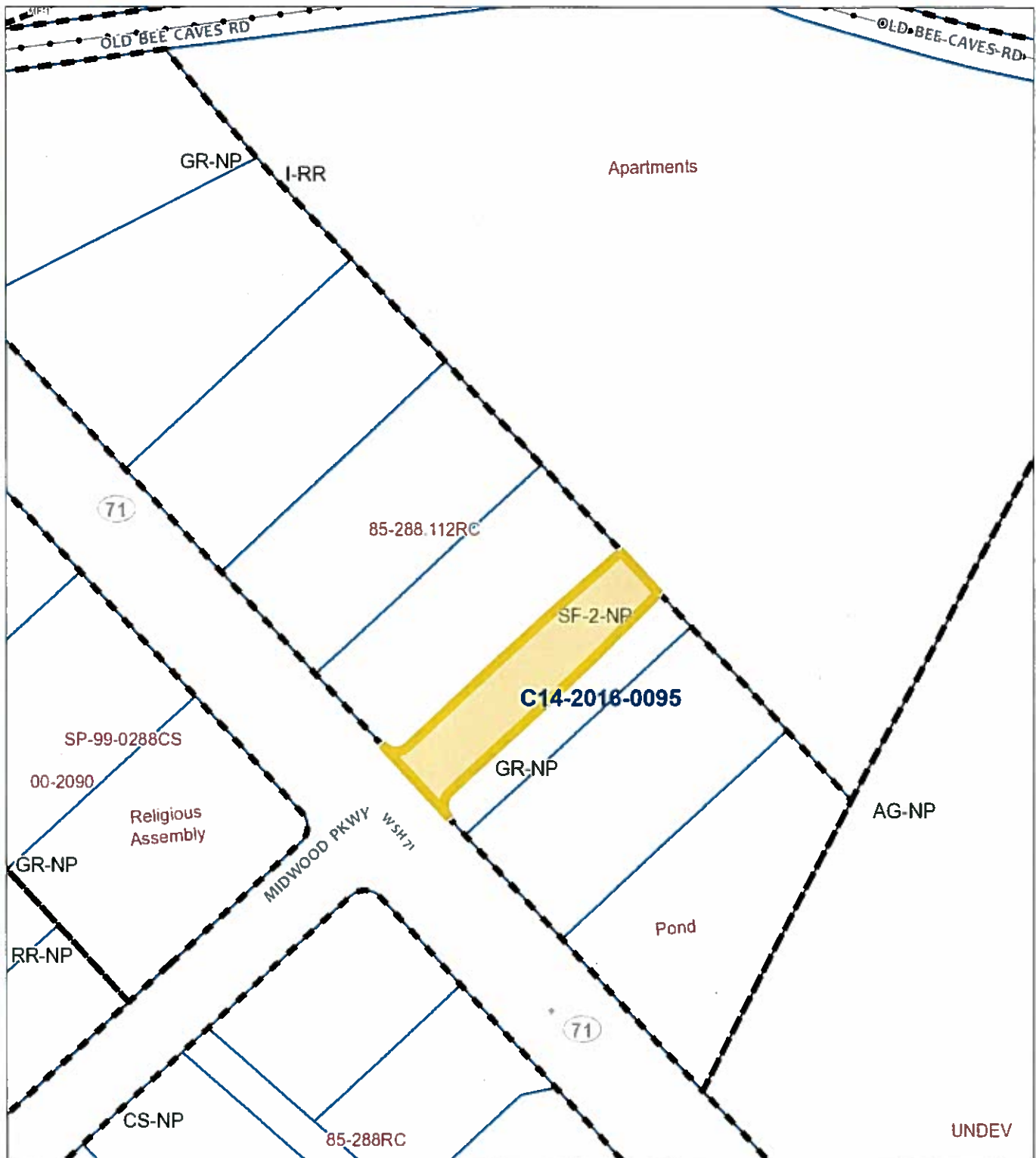
The rezoning area is a 139-foot wide by 400-foot long portion of Lot 6, Old Bee Cave Subdivision, recorded on March 25, 2004 (C8J-04-0011.0A). Please refer to Exhibit C. There are no site plan applications filed on the subject property or the adjacent lots within the subdivision.

The rezoning area is within the West Oak Hill Neighborhood Planning Area. The property is designated as Mixed Use/Office on the Future Land Use Map, and the proposed rezoning to the GO base district does not trigger a Neighborhood Plan Amendment. An –NP combining district was added as part of the Neighborhood Plan Rezoning approved by Council on December 11, 2008 (C14-2008-0125 – Ordinance No. 20081211-097).

**EXISTING STREET CHARACTERISTICS:**

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
West State Highway 71	150 feet	52 feet	Major Arterial Undivided 4 Lanes	No	Yes	No

**CITY COUNCIL DATE:** November 10, 2016    **ACTION:****ORDINANCE READINGS:** 1<sup>st</sup>                      2<sup>nd</sup>                      3<sup>rd</sup>**ORDINANCE NUMBER:****CASE MANAGER:** Wendy Rhoades  
e-mail: wendy.rhoades@austintexas.gov**PHONE:** 512-974-7719



100 200 Feet

1" = 200'

### ZONING

ZONING CASE#: C14-2016-0095

EXHIBIT A

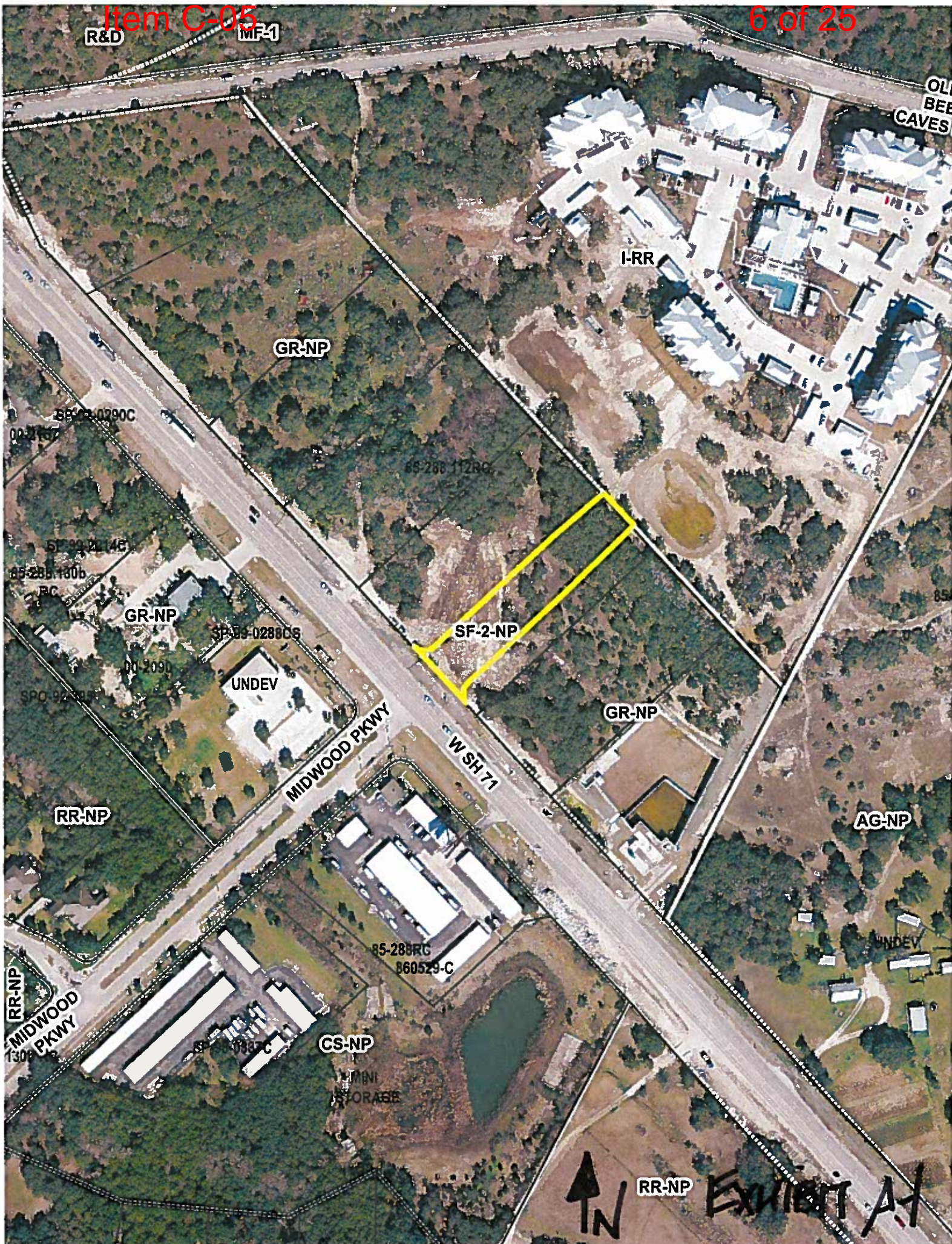


This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

Created 10/04/16







ORDINANCE NO. 86 1023-C

POSTED  
11-21-86

R.S.

AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 13-2A OF THE AUSTIN CITY CODE OF 1981 AS FOLLOWS:

TRACT 1. A 11.21 ACRE TRACT OF LAND OUT OF THE C. STERZING SURVEY NO. 71 AND THE J.D. MORGAN SURVEY NO. 606; AND,  
TRACT 2. A 4.85 ACRE TRACT OF LAND OUT OF THE C. STERZING SURVEY NO. 71 AND THE J. RYNEARSON SURVEY NO. 34, FROM INTERIM "RR" RURAL RESIDENCE DISTRICT TO "GR" COMMUNITY COMMERCIAL, LOCALLY KNOWN AS THE NORTHEAST CORNER OF OLD BEE CAVES ROAD AND HIGHWAY 71 WEST; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

PART 1. CHAPTER 13-2A of the Austin City Code of 1981 is hereby amended to change the base zoning district From Interim "RR" Rural Residence District to "GR" Community Commercial on the property described in File 85-288.112, to-wit:

TRACT 1.

A 11.21 acre tract of land out of the C. Sterzing Survey No. 71 and the J.D. Morgan Survey No. 606 in Travis County, Texas, being a portion of a 37.052 acre tract of land described in a deed to Texas Scenic Uplands Joint Venture in Volume 9062, Page 979 of the Travis County, Texas Deed Records, said 11.21 acre tract being more particularly described by metes and bounds in Exhibit "A", attached hereto and incorporated herein for all purposes; and,

TRACT 2.

A 4.85 acre tract of land out of the C. Sterzing Survey No. 71 and the J. Ryneerson Survey No. 34 in Travis County, Texas, being a portion of a 37.052 acre tract of land described in a deed to Texas Scenic Uplands Joint Venture in Volume 9062, Page 979 of the Travis County, Texas Deed Records, said 11.00 acre tract being more particularly described by metes and bounds in Exhibit "B", attached hereto and incorporated herein for all purposes,

locally known as the northeast corner of Old Bee Caves Road and Highway 71 West in the City of Austin, Travis County, Texas.

PART 2. It is hereby ordered that the Zoning Map accompanying Chapter 13-2A of the Austin City Code of 1981 and made a part thereof shall be changed so as to record the change ordered in this ordinance.

NOTE: RC

85-288.112

EXHIBIT B

+ 1986 REZONING ORDINANCE  
RESTRICTIVE COVENANT

PART 3. The rule requiring that ordinances shall be read on three separate days is hereby suspended, and this ordinance shall become effective ten (10) days following the date of its passage.

PASSED AND APPROVED

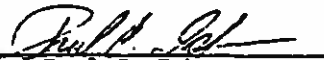
October 23

, 1986

§  
§  
§  
§

  
Frank C. Cooksey  
Mayor

APPROVED:

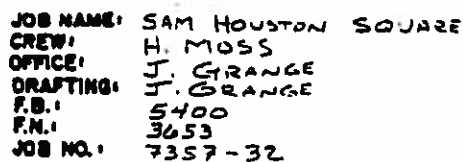
  
Paul C. Isham  
City Attorney

ATTEST:

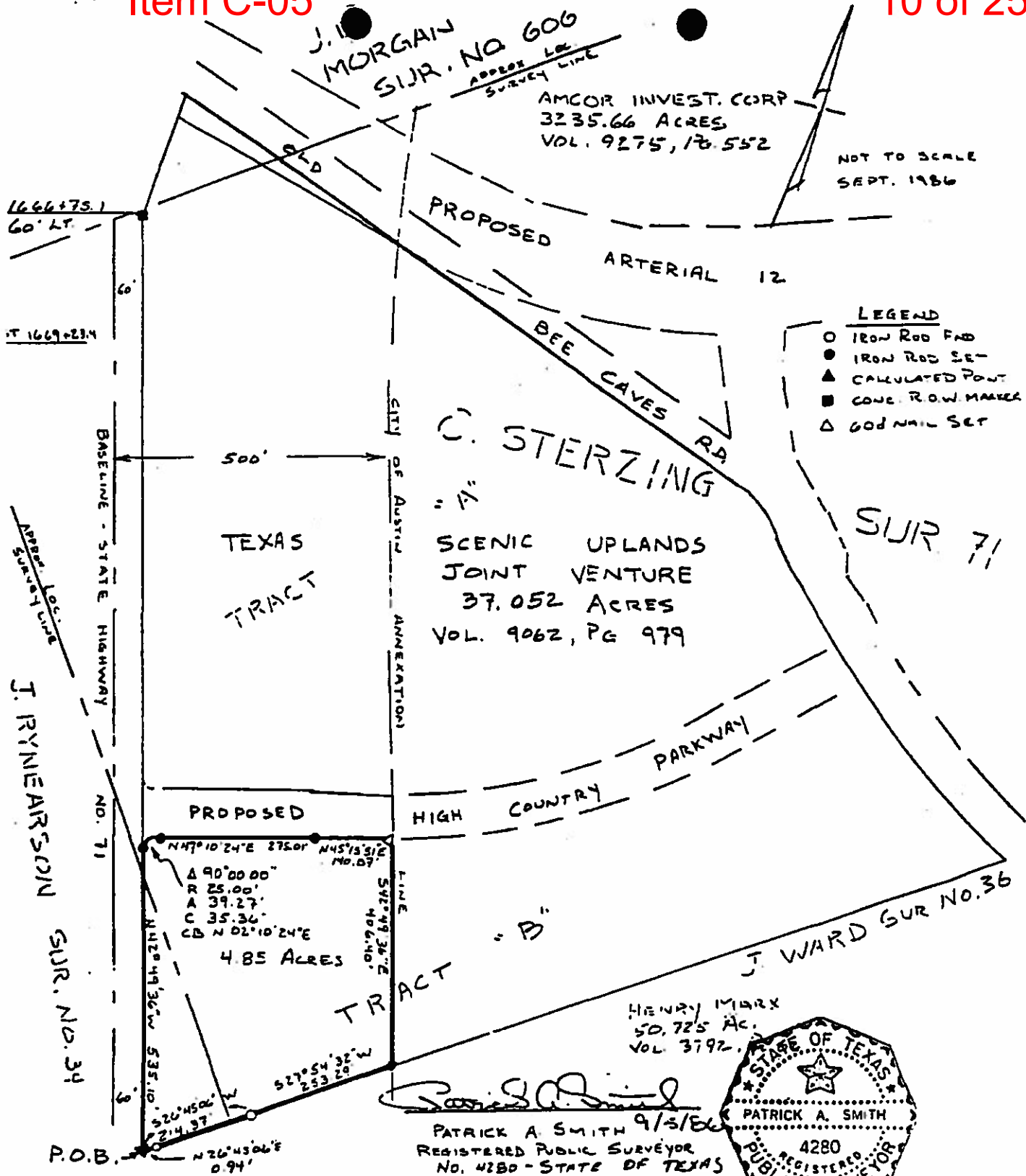
  
James E. Aldridge  
City Clerk

SJS:saf  
18





**ESPEY, HUSTON & ASSOCIATES, INC.**  
P.O. BOX 519 (512) 327-6840  
AUSTIN TEXAS 78767



JOB NAME: SAM HOUSTON SQUARE  
CREW: H. MOSS  
OFFICE: J. GRANGE  
DRAFTING: J. GRANGE  
P.B.: 5400  
F.N.: 3652  
JOB NO.: 7357-32

eh

SKETCH TO ACCOMPANY FN 3652

ESPEY, HUSTON & ASSOCIATES, INC.  
P.O. BOX 519 (512) 327-8840  
AUSTIN TEXAS 78707

RESTRICTIVE COVENANTC-85-288.112 1162  
2005 274919 17.0

4 14 5677

11/10/84

THE STATE OF TEXAS

COUNTY OF TRAVIS

KNOW TO ALL MEN BY THESE PRESENTS:

WHEREAS, TEXAS SCENIC UPLANDS JOINT VENTURE, of Travis County, Texas, is Owner of the following described property ("Property"):

All that certain tract, piece or parcel of land, lying and being situated in the County of Travis, State of Texas, described in Exhibit "A" and "B" attached hereto and made a part hereof for all purposes, to which reference is here made for a more particular description of said property;

and,

WHEREAS, the City of Austin, Texas, and the Owner of the Property have agreed that the Property should be impressed with certain covenants and restrictions running with the land, and desire to set forth such agreement in writing;

NOW, THEREFORE, in consideration of One and No/100 Dollars (\$1.00) and other good and valuable consideration paid by the City of Austin in hand to the Owner, the receipt and sufficiency of which is acknowledged, the Owner does hereby impress upon the Property, the following covenants and conditions which shall be considered to be covenants running with the land, and which shall be binding on the Owner, his heirs, personal representatives, successors and assigns, as follows:

1. The Property shall be in compliance with all provisions of the Williamson Creek Watershed Ordinance, Section 13-3-401 through 13-3-475 of the Austin City Code of 1981, as amended from time to time, except for the following ordinance sections:

Ordinance 801218-W: part 1, sections 203.3 (c), (d), and (e); all of part 2;

Ordinance 810319-M: the part of section 101.2 (b) reading "... or to a development within a recorded subdivision which was finally approved or disapproved by the Planning Commission prior to December 18, 1980 (.);" all of sections 103.3 (c), (d), and (e).

2. Maximum impervious coverage of the property shall be 65%.

3. Maximum Floor Area Ratio shall not exceed .20 to 1.

4. If any person or entity shall violate or attempt to violate the foregoing agreement and covenant, it shall be lawful for the City of Austin, a municipal corporation, its successors and assigns, to prosecute proceedings at law or in equity, against such person or entity violating or attempting to violate such agreement or covenant, to prevent the person or entity from such actions, and to collect damages for such actions.

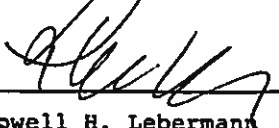
5. If any part of this agreement or covenant shall be declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full affect.



6. If at any time the City of Austin, its successors or assigns, fails to enforce this agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.

7. This agreement may be modified, amended, or terminated only by joint action of both (a) majority of the members of the City Council of the City of Austin, or such other governing body as may succeed the City Council of the City of Austin, and (b) by the owner (s) of the Property at the time of such modification, amendment or termination.

EXECUTED, this the 4<sup>th</sup> day of October, 1986

  
Lowell H. Lebermann  
Managing Partner  
Texas Scenic Uplands Joint Venture

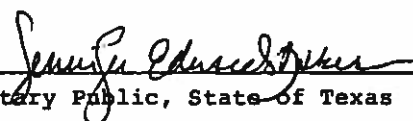
THE STATE OF TEXAS

COUNTY OF TRAVIS

BEFORE ME, the undersigned authority, on this day personally appeared Lowell H. Lebermann, a member of the partnership firm of Texas Scenic Uplands Joint Venture, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same as the act of Texas Scenic Uplands Joint Venture, a partnership, for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this 4<sup>th</sup>  
day of October, 1986.

NOTARY SEAL

  
Notary Public, State of Texas

My Commission Expires: 2-21-90

Sam Houston Square  
City of Austin Annexation Zone  
Tract "A"  
11.21 Acres

FN 3653R (JHG)  
September 12, 1986  
EH&A Job No. 7357-32

### EXHIBIT "A"

FIELD NOTE DESCRIPTION OF A 11.21 ACRE TRACT OF LAND OUT OF THE C. STERZING SURVEY NO. 71 AND THE J.D. MORGAN SURVEY NO. 606 IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF A 37.052 ACRE TRACT OF LAND DESCRIBED IN A DEED TO TEXAS SCENIC UPLANDS JOINT VENTURE IN VOLUME 9062, PAGE 979 OF THE TRAVIS COUNTY, TEXAS DEED RECORDS, SAID 11.21 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a 1/2-inch iron rod found at the northeast intersection of State Highway 71 and Old Bee Caves Road, same being the southwest corner of a 3,235.66 acre tract of land described in a deed to Amcor Investments Corp., recorded in Volume 9275, Page 552 of the Travis County, Texas Deed Records, from which a concrete highway right-of-way marker found, at State Highway 71 Station 1666+75.1, bears S 25° 15' 36" E, a distance of 293.60 feet;

THENCE with the east right-of-way of State Highway 71, S 25° 15' 36" E, a distance of 62.82 feet to a point at the southeast intersection of Old Bee Caves Road, and the east right-of-way of State Highway 71, same being the northwest corner of said 37.052 acre tract, for the POINT OF BEGINNING of the 11.21 acre tract described herein;

THENCE with the south right-of-way of Old Bee Caves Road, N 82° 04' 55" E, a distance of 465.06 feet to a 1/4-inch iron rod set in the calculated City of Austin, Texas Annexation line;

THENCE departing the right-of-way of Old Bee Caves Road, over and across said 37.052 acre tract, and with the calculated City of Austin, Texas Annexation line, which is parallel and 500.00 feet easterly from the Engineer's baseline, as established by the Texas Department of Highways and Public Transportation Right-of-way Map dated March, 1948, of said State Highway 71, the following two (2) courses and distances:

1. A distance of 202.57 feet with the arc of a curve to the left, having a central angle of 06° 14' 46", a radius of 1,858.13 feet, and a chord bearing S 39° 42' 13" E, a distance of 202.47 feet to a 1/2-inch iron rod set at a point of tangency, and
2. S 42° 49' 36" E, a distance of 769.75 feet to a 60-d nail set in the north line of a proposed right-of-way, of variable width, known as High Country Parkway;

Sam Houston Square  
City of Austin Annexation Zone  
Tract "A"  
11.21 Acres

FN 3653R (JHG)  
September 12, 1986  
EH&A Job No. 7357-32

THENCE with the north line of said High Country Parkway, the following three (3) courses and distances:

1. S 49° 04' 57" W, a distance of 140.07 feet to a 1/2-inch iron rod set,
2. S 47° 10' 24" W, a distance of 275.01 feet to a 1/2-inch iron rod set, at a point of curvature, and
3. A distance of 39.27 feet with the arc of a curve to the right, having a radius of 25.00 feet, and a chord bearing N 87° 49' 36" W, a distance of 35.36 feet to a 1/2-inch iron rod set at a point of tangency;

THENCE with the east right-of-way line of State Highway 71, the following two courses and distances:

1. N 42° 49' 36" W, a distance of 988.38 feet to a concrete highway right-of-way marker found, same being State Highway 71 centerline station 1666+75.1, and
2. N 25° 15' 36" W, a distance of 230.77 feet to the POINT OF BEGINNING containing 11.21 acres of land;

THE STATE OF TEXAS I  
COUNTY OF TRAVIS I

KNOW ALL MEN BY THESE PRESENTS:

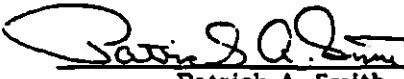
That I, Patrick A. Smith, a Registered Public Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and that the property described herein was determined by a survey made on the ground under my direction and supervision.

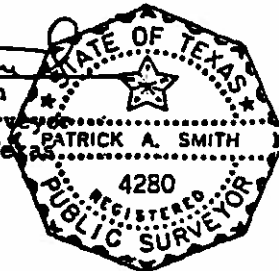
9<sup>TH</sup> WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the  
day of SEPTEMBER, 1986, A.D.

ESPEY, HUSTON & ASSOCIATES, INC.  
Engineering & Environmental Consultants  
P.O. Box 519  
Austin, Texas 78767

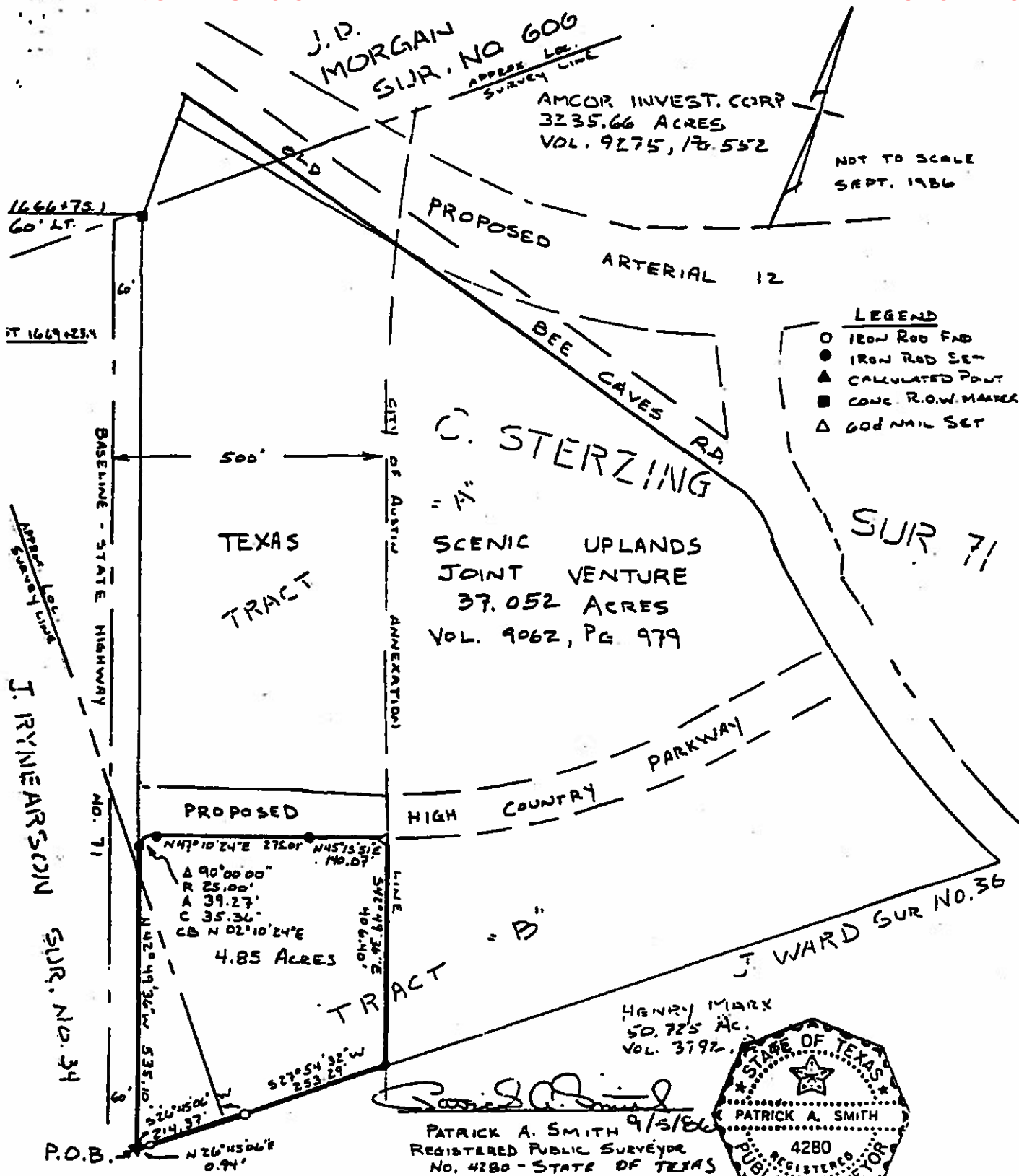
09965 0631

Page 2 of 2

  
Patrick A. Smith  
Registered Public Surveyor  
No. 4280 - State of Texas







JOB NAME: SAM HOUSTON SQUARE  
 CREW: H. MOSS  
 OFFICE: 09965 0632  
 DRAFTING: J. GRANGE  
 P.B.: J. GRANGE  
 P.N.: 5400  
 JOB NO.: 3652  
 7357-32

eh

SKETCH TO ACCOMPANY FN 3652

ESPEY, HUSTON & ASSOCIATES, INC.  
 P.O. BOX 519 (512) 327-6840  
 AUSTIN, TEXAS 78767

Sam Houston Square  
City of Austin Annexation Zone  
Tract "B"  
4.85 Acres

FN 3652 (JHG)  
September 2, 1986  
EH&A Job No. 7357-32

2. S 26° 45' 06" W, passing at a distance of 213.43 feet, a 1/2-inch iron rod found, and continuing for a total distance of 214.37 feet to the POINT OF BEGINNING, containing 4.85 acres of land;


THE STATE OF TEXAS I  
COUNTY OF TRAVIS I

KNOW ALL MEN BY THESE PRESENTS:

That I, Patrick A. Smith, a Registered Public Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and that the property described herein was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the 5<sup>TH</sup> day of SEPTEMBER, 1986, A.D.

ESPEY, HUSTON & ASSOCIATES, INC.  
Engineering & Environmental Consultants  
P.O. Box 519  
Austin, Texas 78767

  
Patrick A. Smith  
Registered Public Surveyor  
No. 4280 - State of Texas



Sam Houston Square  
City of Austin Annexation Zone  
Tract "B"  
4.85 Acres

FN 3652 (JHG)  
September 2, 1986  
EH&A Job No. 7357-32

### EXHIBIT "B"

FIELD NOTE DESCRIPTION OF A 4.85 ACRE TRACT OF LAND OUT OF THE C. STERZING SURVEY NO. 71 AND THE J. RYNEARSON SURVEY NO. 34 IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF A 37.052 ACRE TRACT OF LAND DESCRIBED IN A DEED TO TEXAS SCENIC UPLANDS JOINT VENTURE IN VOLUME 9062, PAGE 979 OF THE TRAVIS COUNTY, TEXAS DEED RECORDS, SAID 11.00 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a point at the southeast corner of said 37.052 acre tract, being in the east right-of-way of State Highway 71, from which a 1/2-inch iron rod found, bears N 26° 45' 06" E, a distance of 0.94 feet;

THENCE with the east right-of-way of State Highway 71, N 42° 49' 36" W, a distance of 535.10 feet to a 1/2-inch iron rod set;

THENCE, departing the east right-of-way of State Highway 71, over and across said 37.052 acre tract, and with the south line of a proposed right-of-way of variable width, known as High Country Parkway, the following three (3) courses and distances:

1. A distance of 39.27 feet with the arc of a curve to the right, having a central angle of 90° 00' 00", a radius of 25.00 feet, and a chord bearing N 02° 10' 24" E, a distance of 35.36 feet to a point of tangency,
2. N 47° 10' 24" E, a distance of 275.01 feet to a 1/2-inch iron rod set, and
3. N 45° 15' 51" E, a distance of 140.07 feet to a 60-d nail set in the calculated City of Austin, Texas, Annexation line which is parallel and 500.00 feet easterly from the baseline of State Highway 71;

THENCE, with the said calculated City of Austin, Texas, Annexation line, S 42° 49' 36" E, a distance of 406.40 feet to a 1/2-inch iron rod set in the south line of said 37.052 acre tract;

THENCE, with the south line of said 37.052 acre tract, the following two (2) courses and distances:

WITNESSED BY

10/15/27° 34' 32" W, a distance of 253.29 feet to a 3/8-inch iron rod found, and

5308-70787 EAXST WITNESSED



FILED

Nov 10 3 13 PM '86

*David L. Angeline*  
COUNTY CLERK  
TRAVIS COUNTY, TEXAS

## RECORDER'S MEMORANDUM:

At the time of recordation, this instrument was found to be inadequate for the best photographic reproduction because of illegibility, carbon or photo copy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded.

STATE OF TEXAS COUNTY OF TRAVIS  
I hereby certify that this instrument was filed on  
the date and at the time stamped herein by me, and  
was duly RECORDED, in the Volume and Page of the  
named RECORDS of Travis County, Texas on

NOV 10 1986



*David L. Angeline*  
COUNTY CLERK  
TRAVIS COUNTY, TEXAS

PLEASE RETURN TO:

CITY OF AUSTIN  
DEPT. OF LAW  
P. O. BOX 1088  
AUSTIN, TEXAS 78767-8828

09965 0635

FOL 522



**SUMMARY STAFF RECOMMENDATION:**

The Staff recommendation is to grant general office – neighborhood plan (GO-NP) combining district zoning.

**BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)**

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

The general office (GO) district is intended for offices and selected commercial uses predominantly serving community or City-wide needs, such as medical or professional offices. A building in a GO district may contain more than one use.

*2. Zoning changes should promote compatibility with adjacent and nearby uses.*

The remainder of the intended High Country Parkway is confined to the rezoning area and no longer serves the purpose envisioned in 1986. Staff recommends the Applicant's request given its adjacency to commercial uses and access to an arterial roadway.

**EXISTING CONDITIONS****Site Characteristics**

The subject rezoning area is undeveloped and contains groupings of trees on its northeast side.

**Impervious Cover**

The maximum impervious cover allowed on the subject rezoning area is 65 percent, as outlined in the Restrictive Covenant recorded in November 1986.

**Comprehensive Planning**

This rezoning case is located on the northeast side of SH 71, near the intersection of Midwood Parkway. The parcel is approximately 3.18 acres in size but this case only concerns a portion (0.89 acres) of this undeveloped site. The property is located in the Oak Hill Combined Neighborhood Planning Area, in the West Oak Hill NP. Surrounding land uses include undeveloped land to the north, and east, and church to the southwest. The proposed use is office.

**Connectivity**

There are no public sidewalks, or public transit available in this area. The Walkscore for this site is 10/100, meaning almost all errands require a car.



**Oak Hill Combined Neighborhood Plan (OHCNP)**

The Oak Hill Combined Neighborhood Plan Future Land Use Map (FLUM) designates this portion of SH 71 as 'Mixed Use/Office' which is intended for a mix of residential and office uses and is supposed to provide a transition from residential uses to non-residential or mixed uses. GO zoning is permitted under this FLUM category. The following text, goals, objectives and recommendations are taken from the OHCNP:

**Goal 6.A.** Provide opportunities for high-quality new development and redevelopment.

**Objective 6A.1:** Ensure quality of new construction and renovations. (p 66)

**Goal 6.B.** Balance development and environmental protection by maintaining a vibrant residential and commercial community that demonstrates caring stewardship of the environment. (p 66)

**Objective 6.B.1:** Encourage zoning to be compatible with existing and neighboring land uses and seek optimal and most appropriate use of land activity areas) at strategic locations. (p 66)

**Goal 6.C:** Create a mix of uses in existing corridors of commercial development that will provide a diversity of local services convenient to neighborhoods and establish commercial "nodes" (concentrated) (p 67)

**Goal 7.C:** Ensure and create safe pedestrian and bike corridors across major highways and throughout the neighborhood that connect to commercial centers and public parks and resources. (pgs 102-103)

**Objective 7.C.1:** Create additional sidewalks to ensure safe pedestrian passage to areas around Oak Hill.

**Recommendation 7.C.2f—**Along State Highway 71 from the "Y" to Thomas Springs Road.

The OHCNP goals and objectives taken from this plan appears to support office uses in this portion of the planning area as long as environmental considerations and connectivity (adding sidewalks and bike lanes) are considered and enforced.

**Imagine Austin**

While the Oak Hill Combined Neighborhood Plan is supportive of this proposed use, based on this project not being located along an Activity Center or Corridor, and the comparative scale of this site relative to other commercial and office uses located along this heavily travelled highway, this case falls below the scope of Imagine Austin, which is broad in scope, and consequently the plan is neutral on the proposed rezoning.

**Environmental**

This site is not located over the Edwards Aquifer Recharge Zone. The site is in the Williamson Creek Watershed of the Colorado River Basin, which is classified as a Barton Springs Zone Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Drinking Water Protection Zone.

According to floodplain maps there is no floodplain within or adjacent to the project location.

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 512-974-1876. 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.

### **Site Plan**

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.

The site is subject to compatibility standards. Along the *south property* line, the following standards apply:

- For a structure more than 100 feet but not more than 300 feet from the property line, height is limited to 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property line.
- For a structure more than 300 feet but not more than 540 feet from the property line, height is limited to 60 feet plus one foot for each 10 feet of distance in excess of 300 feet from the property line.

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

Site lies within the Barton Springs Overlay District and must comply with the regulations of the *Land Development Code 25-2-651*.

### **Transportation**

FYI, the Austin Metropolitan Area Transportation Plan calls for 400 feet of right-of-way for W SH 71. If the requested zoning is granted for this site, then 200 feet of right-of-way from the future centerline may be required by TxDOT for W SH 71 according to the Transportation Plan [LDC, Sec. 25-6-51 and 25-6-55]. Additional right-of-way may be required at the time of subdivision and/or site plan.

FYI, a traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day [LDC, 25-6-113].

**Water / 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, water or wastewater easements, utility relocations and or abandonments required by the proposed land use. Depending on the development plans submitted, water and or wastewater service extension requests may be required. Water and wastewater utility plans must be reviewed and approved by the Austin Water Utility for compliance with City criteria and suitability for operation and maintenance. 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.



**SPROUSE SHRADER SMITH PLLC**  
ATTORNEYS AT LAW

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September 2, 2016

Ms. Wendy Rhoades  
Planning and Zoning Department  
City of Austin  
505 Barton Springs Road  
Austin, Texas 78704

Ms. Maureen Meredith  
Planning and Zoning Department  
City of Austin  
505 Barton Springs Road  
Austin, Texas 78704

Re: Completion of Lot 6 Zoning – Right-of-Way Strip located in 9100 West State Highway 71 (the “Subject Property”)

Dear Ms. Rhoades and Ms. Meredith:

In support of the Zoning Application please find the following attached documents:

1. Zoning Application,
2. Tax Plat showing all properties within 500 feet of the Subject Property,
3. Tax Certificate,
4. Field Notes for the Subject Property, and
5. Traffic Impact Analysis determination form.

The Subject Property is legally described by metes and bounds out of Lot 6, Block A, Old Bee Cave Subdivision, according to the map or plat thereof recorded in Document Number 200400102 of the Official Public Records of Travis County, Texas. We are requesting that the zoning on the former right of way reservation strip that is described in the field notes be amended from SF-2-NP to GO-NP. The remainder of Lot 6 is currently zoned GR-NP. We are requesting GO-NP rather than GR-NP simply because GO-NP would be consistent with the FLUM and would simplify the process.



Ms. Wendy Rhoades  
Ms. Maureen Meredith  
Planning and Zoning Department  
September 2, 2016  
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All of Lot 6 save and except the Subject Property was zoned in 1986 by Ordinance 86-1023-C. At the time of this zoning, the City roadway plan called for an extension of Midwood Parkway on the other side of Highway 71 through what would later be platted as Lot 6 and Lot 1, Old Bee Cave Subdivision to connect to Old Bee Cave Road and the then proposed Arterial 12. Arterial 12 was abandoned from the roadway plan before the plat was recorded in 2004. The abandonment of Arterial 12 made the strip of right-of-way across Lot 6 and Lot 1 obsolete. Some years later Oden Hughes acquired Lot 1, Block A, Old Bee Cave Subdivision, and rezoned the entire Lot 1 from GR to multifamily, including the previous right-of-way reserve strip on Lot 1. However, Oden Hughes failed to include that portion of the right-of-way strip across Lot 6 in the rezoning.

We are requesting that you approve our zoning application to complete the zoning on the remainder of Lot 6. There is not any restrictive covenant encumbrance on the Subject Property and none is requested. Any uses on the Subject Property will likely be accessory to the proposed uses on the balance of Lot 6. Accordingly, GO-NP zoning should not pose any problem with whatever proposed use is ultimately put on Lot 6. If you have any additional questions or concerns regarding this request, please contact me.

Sincerely,



Terrence L. Irion  
Counsel for River City Partners, Ltd.

Enclosures as described above

cc: Mr. Lee Raines