

SECOND READING SUMMARY SHEET

ZONING CASE NUMBER: C14-2016-0096 (7901 Ranch Road 2222)

REQUEST:

Approve second readings of an ordinance amending City Code Title 25 by rezoning property locally known as 7901 Ranch to Market Road 2222 from limited office-conditional overlay combining (LO-CO) district zoning to general office-mixed use combining (GO-MU) district zoning, with conditions.

The ordinance and public restrictive covenant documents reflect the City Council's action at 1st reading.

DISTRICT AREA: 10

PROPERTY OWNER: Malamae/Dentastic, LP (James V. Potter)

ISSUES:

The applicant has requested to address the City Council at 2nd reading to request that Multifamily Residential use be removed from the conditional overlay and added back as a permitted use on the property (please see Applicant's Amendment Request Letter – Attachment B).

DEPARTMENT COMMENTS:

The property in question is developed with a single-family residence. The applicant is requesting GO-MU, General Office-Mixed Use Combining District, zoning because he would like to redevelop the property with a Business or Trade School use for music production, with the possibility of supporting housing. This tract of land is located within a Hill Country Roadway corridor and will require further approval from this Commission when a site plan is submitted.

The site under consideration fronts and will take access to FM 2222 Road, an arterial roadway. A site plan has been approved for a medical/dentist office (SPC-05-1219B) on this property.

The staff recommends GO-MU-CO zoning at this location as the proposed zoning will permit low intensity office, civic or a mix of uses that front onto an arterial roadway, R.M. 2222 Road. The proposed office zoning will provide for a transition between R.M. 2222 and the existing single family houses to the west. GO-MU-CO zoning will allow for a fair and reasonable use of the property as it will permit the applicant to construct a small Business or Trade School, office, civic or mixed use development on the site that will provide services to the surrounding community.

DATE OF FIRST READING/VOTE: January 26, 2017

The public hearing was conducted and a motion to close the public hearing and to approve the ordinance on first reading only for the Zoning and Platting Commission's recommendation of GO-MU-CO zoning (7-4, K. Tovo, A. Kitchen, L. Pool and A. Alter-No); G. Casar-1st, D. Garza-2nd.

CITY COUNCIL DATE: October 12, 2017

CITY COUNCIL ACTION:

ASSIGNED STAFF: Sherri Sirwaitis

PHONE: 512-974-3057
sherri.sirwaitis@austintexas.gov

ZONING CHANGE REVIEW SHEET

CASE: C14-2016-0096 (7901 Ranch Road 2222)

Z.A.P. DATE: October 18, 2016

November 1, 2016

ADDRESS: 7901 Ranch to Market Road 2222

November 15, 2016

DISTRICT AREA: 10

APPLICANT/OWNER: Malamae/Dentastic, LP (James V. Potter)

ZONING FROM: LO-CO

TO: GO-MU

AREA: 4.724 acres

SUMMARY STAFF RECOMMENDATION:

The staff recommends GO-MU-CO, General Office-Mixed Use-Conditional Overlay Combining District, zoning. The conditional overlay will subject the property to the following conditions:

- 1) Allow Business or Trade School as the only permitted GO district use,
- 2) Prohibit all other GO district uses that are not permitted in the NO zoning district,
- 3) Prohibit Multifamily Residential use, Art Workshop, Convalescent Services, Communications Services and Cultural Services uses,
- 4) Include a 35 foot building setback from the south property line,
- 5) Require that a six (6) foot high fence be constructed and maintained along the south property line that abuts a residential property,
- 6) The maximum height for a building or structure shall be limited to 28 feet from ground level and may not exceed one story in height.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

10/18/16: Approved staff's request for a postponement to November 1, 2016 due to notification error by consent (10-0, J. Kiolbassa-absent); G. Rojas-1st, S. Lavani-2nd.

11/01/16: Postponed to November 15, 2016 at the neighborhood's request on consent (11-0); J. Kiolbassa-1st, S. Lavani-2nd.

11/15/16: Approved GO-MU-CO zoning with the following conditions:

- 1) Allow Business or Trade School as a conditional use,
- 2) Prohibit all other GO district uses that are not permitted in the NO zoning district,
- 3) Prohibit Multifamily Residential use, Art Workshop, Convalescent Services, Communications Services and Cultural Services uses,
- 4) Include a 35-foot building setback/vegetative buffer from the south property line,
- 5) Require that an eight (8) foot high fence be constructed and maintained along the south property line that abuts a residential property,
- 6) The maximum height for a building or structure shall be limited to 28 feet from ground level and may not exceed two stories in height.
- 7) Include a 35-foot building setback/vegetative buffer from the west property line,
- 8) Limit the hours of operation for a Business or Trade School use on the site from 8 a.m. to 6:00 p.m.

Vote: (6-3, S. Harris, S. Lavani and B. Evans-No; D. Breithaupt and G. Rojas-absent); S. Harris-1st, B. Evans-2nd.

ISSUES:

The applicant submitted a letter to the staff on September 8, 2017. He has a new buyer for the property and would like to address the City Council at second reading to ask that Multifamily Residence be removed from the conditional overlay and added back as a permitted use on the site (Please see Applicant's Letter – Attachment B).

On January 13, 2017, the staff received a petition from adjacent property owners who are opposed to any zoning classification other than the current LO-CO zoning on the site (Please see Petition Submittal - Attachment A). This GIS staff evaluated the petition and found that it is currently valid at 29.72%. The excerpt below is from the City of Austin's Land Development Code and explains when the City Council is subject to the three-fourths vote.

Sec. 25-2-284 REQUIREMENT FOR APPROVAL BY THREE-FOURTHS OF COUNCIL.

- (A) *The affirmative vote of three-fourths of the members of Council is required to approve a proposed rezoning if:*
 - (1) *the Land Use Commission recommends denial of an application to rezone property to a planned unit development; or*
 - (2) *the proposed rezoning is protested in writing by the owners of not less than 20 percent of the area of land:*
 - (a) *included in the proposed change; or*
 - (b) *immediately adjoining the area included in the proposed rezoning and extending 200 feet from the area.*

DEPARTMENT COMMENTS:

The property in question is developed with a single-family residence. The applicant is requesting GO-MU, General Office-Mixed Use Combining District, zoning because he would like to redevelop the property with a Business or Trade School use for music production, with the possibility of supporting housing. This tract of land is located within a Hill Country Roadway corridor and will require further approval from this Commission when a site plan is submitted.

The site under consideration fronts and will take access to FM 2222 Road, an arterial roadway. A site plan has been approved for a medical/dentist office (SPC-05-1219B) on this property.

The staff recommends GO-MU-CO zoning at this location as the proposed zoning will permit low intensity office, civic or a mix of uses that front onto an arterial roadway, R.M. 2222 Road. The proposed office zoning will provide for a transition between R.M. 2222 and the existing single family houses to the west. GO-MU-CO zoning will allow for a fair and reasonable use of the property as it will permit the applicant to construct a small Business or Trade School, office, civic or mixed use development on the site that will provide services to the surrounding community.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	LO-CO	Single-Family Residence
<i>North</i>	RR, SF-2	Single-Family Residence
<i>South</i>	RR, NO	Single-Family Residences, Office Complex
<i>East</i>	PUD (Canyon Ridge PUD)	Undeveloped
<i>West</i>	RR	Single-Family Residences

AREA STUDY: N/A**TIA:** Deferred**WATERSHED:** West Bull Creek**DESIRED DEVELOPMENT ZONE:** No**CAPITOL VIEW CORRIDOR:** No**HILL COUNTRY ROADWAY:** Yes**NEIGHBORHOOD ORGANIZATIONS:**

Angel Pass Homeowners Association Inc.
 Austin Heritage Tree Foundation
 Austin Independent School District
 Bike Austin
 Bull Creek Foundation
 Canyon Creek H.O.A.
 Friends of Austin Neighborhoods
 Glenlake Neighborhood Association
 Long Canyon HOA
 Long Canyon Homeowners Association
 Long Canyon Phase II & LLL Homeowners Association Inc.
 Northwest Austin Coalition
 River Place HOA
 Sierra Club, Austin Regional Group
 Steiner Ranch Community Association
 2222 Coalition of Neighborhood Associations, Inc.

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C814-89-0006.03 (Canyon Ridge PUD Amendment #3: 7300 F.M. 2222 Road, 6500 and 6508 Jester Boulevard)	PUD to PUD	3/21/06: Approved staff's recommendation, including Environmental Board conditions, with added restriction that only one drive-through service related to a restaurant is permitted on the site (6-2, S. Hale, C. Hammond-nay; J. Martinez-absent); K. Jackson-1 st ; J. Pinnelli-2 nd .	5/18/06: Approved Zoning and Platting Commission's recommendation for PUD amendment with additional conditions: the applicant shall provide sidewalks to Jester Boulevard, no drive through services associated with restaurant uses; create a definition for fast food restaurants for the Council to consider in a restrictive

			<p>covenant at 2nd/3rd readings; direct staff to pursue a pedestrian linkage along the BCP land at F.M. 2222 to provide a connection between the residential lots (1, 6, 7, and 8) and the proposed office/retail lots (2, 3, and 4) within the PUD; require 12-foot sidewalks along the main street driveway portion of the development in Lots 2, 3, and 4 of the PUD; the increased amount of impervious cover as it refers to sidewalks within the PUD will not be included in overall impervious cover calculations for the PUD; subject development on Lots 2, 3, and 4 to block length design standards; and limit structures on Lots 2, 3 and 4 of the PUD to two stories (6-0, J. Kim-off the dais); B. McCracken-1st, B. Dunkerley-2nd.</p> <p>11/27/06: Approved PUD district zoning with conditions and deletion of fast food restaurant prohibition in the public restrictive covenant (6-0, M. Martinez-off dais); McCracken-1st, Leffingwell-2nd.</p>
C14-03-0128 (Potter Rezoning: Southside of FM 222 north of Bell Mountain Road)	SF-2 to LO	<p>10/14/03: Approved LO-CO with 'NO' development regulations, 2,000 vtpd limit, 35 foot building setback from south property line where it abuts a residential property, 6 foot high fence along south property line, 28 feet maximum height for structures (limit of 1-story) , prohibit Art and Craft Studio (Limited), Communications Services, Convalescent Services, and Cultural Services uses</p>	<p>11/20/03: Approved ZAP rec. of LO-CO (6-0); all 3 readings</p> <p>6/24/04: Approved Amending Ordinance 031120-Z17 to correct zoning conditions</p>

C814-89-0006.02 (Canyon Ridge PUD Amendment #2)	PUD to PUD	10/7/03: Administrative amendment approved by staff	
C814-89-0006.01 (Canon Ridge PUD Amendment #1)	PUD to PUD (Amendment for office for Tracts 2, 3, and 4 – Applicant requested a variance to LDC Sec. 25- 2-1124 to exceed 28 feet in height in HCR)	1/23/01: Postponed to 1/30/01 by the applicant (8-0)	1/30/01: Pulled, No Action – Case Expired
C814-89-0006 (Canyon Ridge PUD)	LR, SF-2 to PUD	5/28/91: Forwarded to CC with no recommendation	6/6/91: Approved PUD subject to conditions (5-1); 1 st reading 11/14/91: Approved PUD (6-0); 2 nd /3 rd readings

RELATED CASES: C14-03-0128 (Previous Zoning Case)
SPC-05-1219B (Site Plan Case)

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
FM 2222	243'	85'	MAD4	No	Yes	Yes

CITY COUNCIL DATE: November 10, 2016 **ACTION:** Postponed to December 15, 2016 at
the staff's request (11-0)

December 15, 2016 **ACTION:** Postponed to January 26, 2017 at
the neighborhood's request (11-0);
D. Zimmerman-1st, S. Gallo-2nd.

January 26, 2017 **ACTION:** Approved the Zoning and Platting
Commission's recommendation of GO-MU-
CO zoning (7-4, K. Tovo, A. Kitchen, L. Pool
and A. Alter-No); G. Casar-1st, D. Garza-2nd.

October 12, 2017 **ACTION:**

ORDINANCE READINGS: 1st 2/26/17

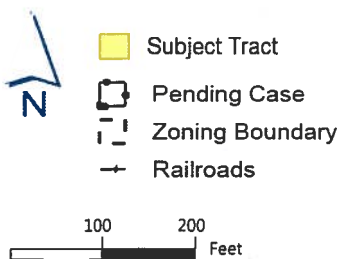
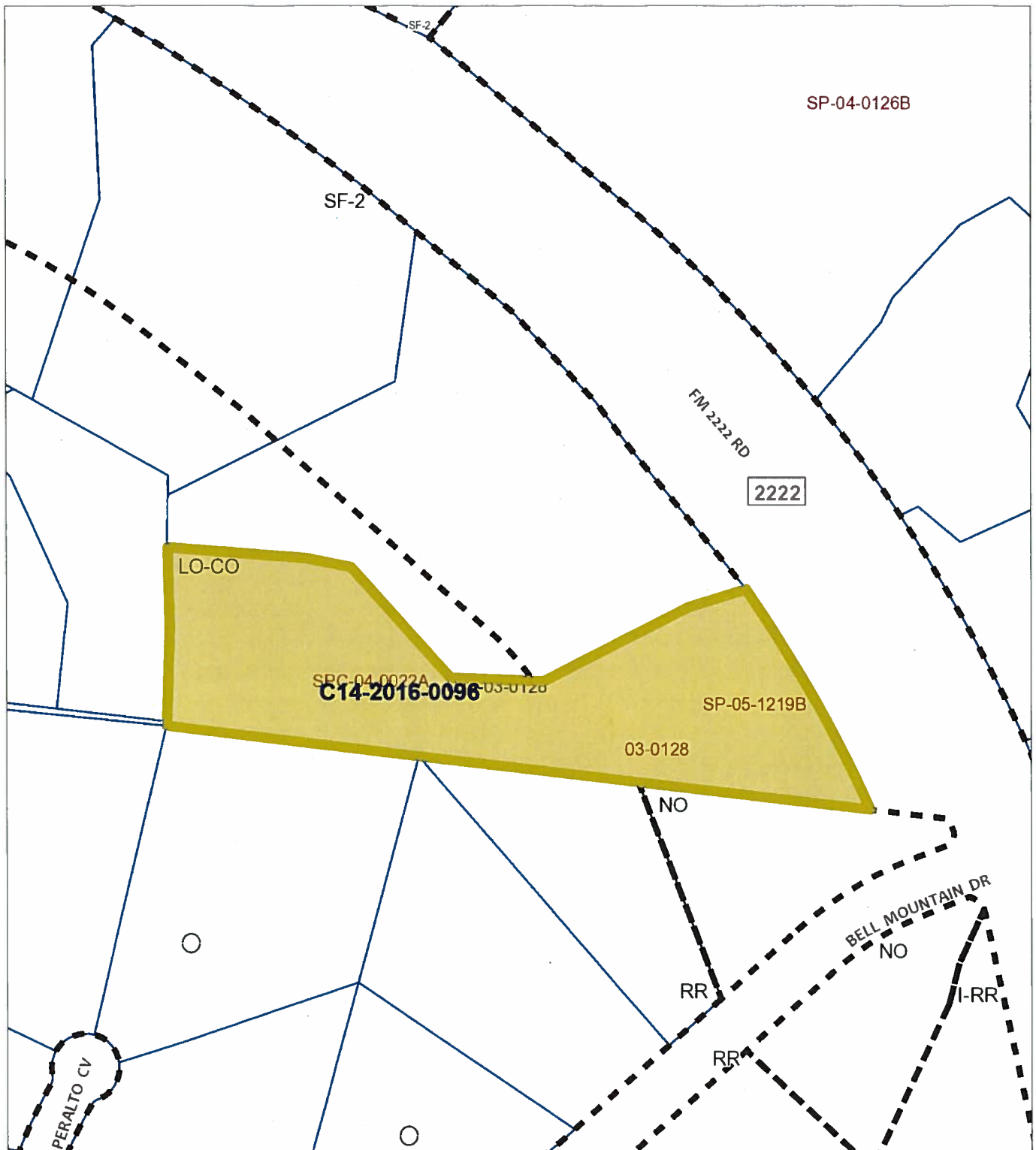
2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Sherri Sirwaitis

PHONE: 512-974-3057
sherri.sirwaitis@austintexas.gov



1" = 200'

ZONING

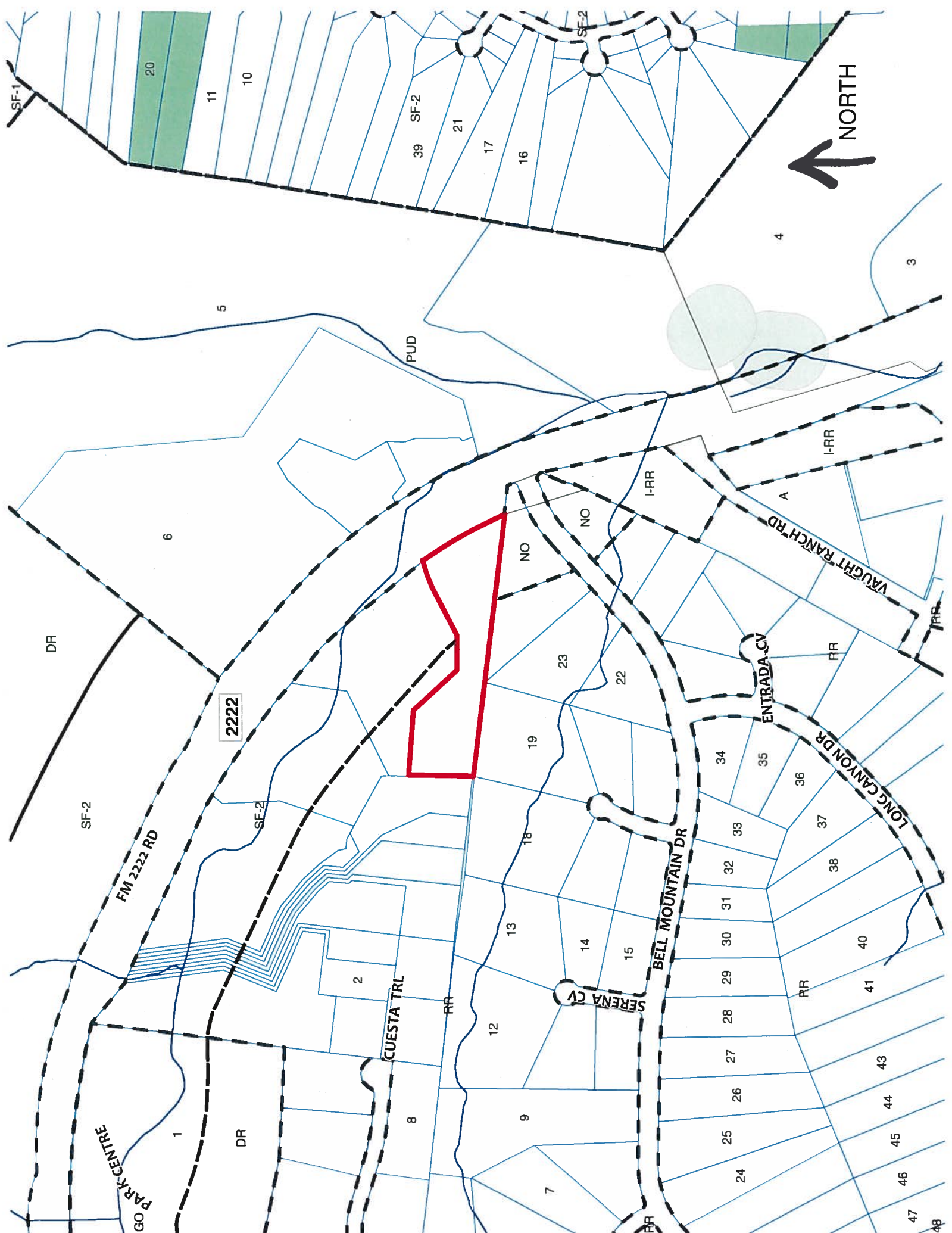
ZONING CASE#: C14-2016-0096

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 09/22/16





STAFF RECOMMENDATION

The staff recommends GO-MU-CO, General Office-Mixed Use-Conditional Overlay Combining District, zoning. The conditional overlay will subject the property to the following conditions:

- 1) Allow Business or Trade School as the only permitted GO district use,
- 2) Prohibit all other GO district uses that are not permitted in the NO zoning district,
- 3) Prohibit Multifamily Residential use, Art Workshop, Convalescent Services, Communications Services and Cultural Services uses,
- 4) Include a 35 foot building setback from the south property line,
- 5) Require that a six (6) foot high fence be constructed and maintained along the south property line that abuts a residential property,
- 6) The maximum height for a building or structure shall be limited to 28 feet from ground level and may not exceed one story in height.

BASIS FOR RECOMMENDATION

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

General office (GO) district is the designation for an office or commercial use that serves community and city-wide needs. A building in a GO district may contain one or more different uses.

The purpose of a mixed use (MU) combining district is to allow office, retail, commercial, and residential uses to be combined in a single development.

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

The proposed zoning is GO-MU zoning will provide for a transition from the arterial roadway, RM 2222, to the single family residential uses to the west.

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

The GO district would permit the applicant to develop the property with an office or civic use that would provide services to the surrounding residential areas. The proposed MU, Mixed Use, Combining District will allow for a mixture of office, civic and residential uses to be developed on the site.

Existing Land Use

The property in question is currently developed with a single-family residence.

Comprehensive Planning

This zoning case is located on the west side of Ranch Road 2222, north of Bell Mountain Drive. The parcel is approximately 4.72 acres in size and has a residential home on it. The property is not located within a neighborhood planning area. Surrounding land uses includes residential uses and vacant land to the north, an office building and residential uses to the south, large lot single family houses to the west, and FM 2222 and vacant land to the east. The proposed use is an undefined mixed use project.

Connectivity

There are no public sidewalks in this area. The Walkscore for this site is 13/100, meaning all errands would require a car.

Imagine Austin

The proposed project is not located along an Activity Corridor or Center according to the Imagine Austin Growth Concept Map. The following IACP policies are applicable to this case:

- **LUT P3.** Promote development in compact centers, communities, or along corridors that are connected by roads and transit that are designed to encourage walking and bicycling, and reduce health care, housing and transportation costs.
- **LUT P7.** Encourage infill and redevelopment opportunities that place residential, work, and retail land uses in proximity to each other to maximize walking, bicycling, and transit opportunities.

Analysis and Conclusions

Analyzing the land uses within a mile of radius of this subject property, there appears to be both benefits and challenges to this location. Most importantly, this area of Austin is lacking a variety of goods and services for nearby residents and office workers and safe access to pedestrian (sidewalks and hike and bike trails) or public transportation stops available within several miles of this location.

Although this project is not located along an Activity Corridor or within an Activity Center, which the Imagine Austin Growth Concept Map targets for growth, FM 2222 is a heavily traveled arterial road that contains myriad of office parks, residential subdivisions and multi-family apartment complexes. The proposed project could contribute to making this area a more 'complete community' (where people can live, work and play) by adding a much needed mixed use component (residential, retail and office uses, along with recreational amenities). To add connectivity to the area, the developer should consider installing sidewalks, hike and bike trails, and negotiating public transportation options for the users of the residential and offices uses located both within and around this site, thus reducing dependency on privately owned automobile. If this is a true mixed use project (not just apartments), this proposed project would appear to be partially supported by the Imagine Austin Comprehensive Plan.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the West Bull Creek Watershed of the Colorado River Basin, which is classified as a Water Supply Suburban 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 a floodplain within or adjacent to the project location. Based upon the location of the floodplain, offsite drainage should be calculated to determine whether a Water Quality Transition Zone / Critical Water Quality Zone exist within 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 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment requires water quality control with increased capture volume and control of the 2 year storm on site.

At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

Impervious Cover

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%

Development within a Water Quality Transition Zone is limited to 18%.

Site Plan

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

Hill Country

The site is located within 1,000 feet of RM 2222 and within a Hill Country Roadway Corridor. The western portion of the site is located within a low intensity zone of the Hill Country Roadway, but the eastern portion of the site falls within a moderate intensity zone. Based on the more restrictive regulations of the low intensity zone, the site may be developed with the following maximum floor-to-area ratio (FAR):

Slope	Maximum FAR
• 0-15%	0.20
• 15-25%	0.08
• 25-35%	0.04

Except for clearing necessary to provide utilities or site access, a 100 foot vegetative buffer will be required along RM 2222. 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 RM 2222 the maximum height is 28 feet, and beyond 200 feet the maximum height is RM 2222 feet.

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

Scenic Roadway

This site is within the Scenic Roadway Sign District .All signs must comply with Scenic Roadway Sign District regulations. Contact Viktor Auzenne at 512-974-2941 for more information.

Compatibility Standards

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 **ALL** property lines, the following standards apply:

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 at least 25 feet wide 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.

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

Stormwater Detention

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in 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

FYI, additional right-of-way maybe required at the time of subdivision and/or site plan.

A Traffic Impact Analysis shall be required at the time of site plan if triggered per LDC 25-6-113. LDC, Sec. 25-6-113.

FYI, Chad Crager, Urban Trails, Public Works Department and Nathan Wilkes, Bicycle Program, Austin Transportation Department may provide additional comments regarding bicycle and pedestrian connectivity per the Council Resolution No. 20130620-056.

Existing Street Characteristics:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
FM 2222	243'	85'	Major Arterial Divided 4 Lanes	No	Yes	Yes

Water and Wastewater

FYI: 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. Water and or wastewater service extension requests may be required proposed development. 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.

Current Zoning Ordinance for the Property

ORDINANCE NO. 031120-Z-17

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED ALONG THE SOUTHSIDE OF F.M. 2222 NORTH OF BELL MOUNTAIN DRIVE FROM SINGLE FAMILY RESIDENCE STANDARD LOT (SF-2) DISTRICT TO LIMITED OFFICE-CONDITIONAL OVERLAY (LO-CO) COMBINING DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from single family residence standard lot (SF-2) district to limited office-conditional overlay (LO-CO) combining district on the property described in Zoning Case No.C14-03-0128, on file at the Neighborhood Planning and Zoning Department, as follows:

A 4.724 acre tract of land, more or less, out of the Hrs. Wm. L. Swain Survey No. 810, in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance, (the "Property")

locally known as the property located along the southside of F.M. 2222, north of Bell Mountain Drive, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

PART 2. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

1. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 2,000 trips per day.
2. The building setback is 35 feet from the south property line.
3. A 6 foot high fence shall be constructed and maintained along the south property line that abuts the adjacent residential property.
4. The maximum height for a building or structure is ²⁸15 feet from ground level.

5. A building or structure may not exceed one story in height.

6. The following uses of the Property are prohibited uses:

Art and craft studio (limited)
Communications services

Convalescent services
Cultural services

Except as specifically restricted under this ordinance, the Property may be developed in accordance with the regulations established for the neighborhood office (NO) base district and other applicable requirements of the City Code.

PART 3. This ordinance takes effect on December 1, 2003.

PASSED AND APPROVED

_____, November 20, 2003

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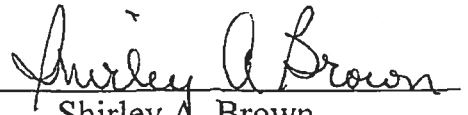
Will Wynn
Mayor

APPROVED:



David Allan Smith
City Attorney

ATTEST:



Shirley A. Brown
City Clerk

METCALFE & SANDERS, INC./LAND SURVEYORS

4800 SOUTH CONGRESS
AUSTIN, TEXAS 78745
(512) 442-5363

SURVEYS & RECORDS SINCE 1904

EXHIBIT "A"

Tom Clyde Beard
(Zoning Notes)
4.724 Acres of Land
The Hrs. Wm. L. Swain Survey No. 810,
City of Austin, Travis County, Texas

FIELD NOTES

METES AND BOUNDS DESCRIPTION OF A SURVEY OF 4.724 ACRES OF LAND, A PORTION OF THE HRS. WM. L. SWAIN SURVEY NO. 810, ABSTRACT NO. 727, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, SAID 4.724 ACRES OF LAND BEING A PORTION OF THAT 5.593 ACRE TRACT OF LAND, A PORTION OF THE SAID HRS. WM. L. SWAIN SURVEY NO. 810, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AS DESCRIBED IN A WARRANTY DEED FROM CLYDE BEARD, ET UX TO TOM CLYDE BEARD AND RECORDED IN THE FOLLOWING INSTRUMENT:

1. WARRANTY DEED DATED NOVEMBER 23, 1981, OF RECORD IN VOLUME 7630, PAGE 498,

WHICH APPEARS IN THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, SAID 4.724 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" steel pin with plastic cap set at the intersection of the west line of RM Highway No. 2222 with the south line of that 5.593 acre tract of land, a portion of the Hrs. Wm. L. Swain Survey No. 810, Abstract No. 727, in the City of Austin, Travis County, Texas, as described in a deed from Clyde Beard, et ux to Tom Clyde Beard in Volume 7630, Page 498, Deed Records of Travis County, Texas, said 1/2" steel pin with plastic cap set being also in the north line of Lot 25, Block A, Long Canyon Phase 1-A, a subdivision of a portion of the said Hrs. Wm. L. Swain Survey No. 810, in the City of Austin, Travis County, Texas, of record in Plat Book 80, Pages 369-372, Plat Records of Travis County, Texas, and being also in the west line of that 0.185 of one acre tract, a portion of the said Hrs. Wm. L. Swain Survey No. 810, described as being a portion of said Lot 25, Block A, Long Canyon Phase 1-A, as described in a deed from Long Canyon Developers to the State of Texas in Volume 11783, Page 349, Real Property Records of Travis County, Texas, for the Point of Beginning and southeast corner of the herein described tract;

THENCE with the south line of the said Tom Clyde Beard 5.593 acre tract and the north line of said Lot 25, Block A, Long Canyon Phase 1-A, and the north line of Lot 24, Block A, of said Long Canyon Phase 1-A, and being also with the north line of Lot 19, Block A, Long Canyon Phase 1-B, a subdivision of a portion of the said Hrs. Wm. L. Swain Survey No. 810, in the City of Austin, Travis County, Texas, of record in Plat Book 81, Pages 10-13, Plat Records of Travis County, Texas, courses numbered 1 through 4, inclusive as follows:

1. N 80°04'35" W 255.93 feet to a 3/4" steel pin found;
2. N 79°42'55" W 133.13 feet to a 1/2" round head bolt found;
3. N 79°59'55" W 265.09 feet to a 5/8" steel pin found at the northwest corner of said Lot 24, Block A, Long Canyon Phase 1-A and the northeast corner of said Lot 19, Block A, Long Canyon Phase 1-B, said 5/8" steel pin found being also the most northerly corner of Lot 23, Block A, of said Long Canyon Phase 1-A;
4. N 79°51'25" W 367.10 feet to a 5/8" steel pin found at the southwest corner of the said Tom Clyde Beard 5.593 acre tract and the northwest corner of said Lot 19, Block A, Long Canyon Phase 1-B, said 5/8" steel pin found being also the northeast corner of Lot 18, Block A, of said Long Canyon Phase 1-B, and the southeast corner of Lot 5, Block A, Angel Pass, a subdivision of a portion of the said Hrs. Wm. L. Swain Survey No. 810, in the City of Austin, Travis County, Texas, of record in Plat Book 101, Pages 87-89, Plat Records of Travis County, Texas, for the southwest corner of the herein described tract;

THENCE with the west line of the said Tom Clyde Beard 5.593 acre tract and the most southerly east line of said Lot 5, Block A, Angel Pass, courses numbered 5 through 6, inclusive as follows:

5. N 5°12'00" E 133.57 feet to a 1/2" square rod found;
6. N 2°09'00" E 123.78 feet to a 3/8" inch steel pin found at the northwest corner of the said Tom Clyde Beard 5.593 acre tract and at a southwest corner of that 7.644 acre tract of land, a portion of the said Hrs. Wm. L. Swain Survey No. 810, as described in a deed from Clyde Beard, et ux to Ted Warren Beard in Volume 7630, Page 502, Deed Records of Travis County, Texas, for the northwest corner of the herein described tract;

THENCE with the north, northeast and north lines of the said Tom Clyde Beard 5.593 acre tract and the south, southwest and south lines of the said Ted Warren Beard 7.644 acre tract, courses numbered 7 through 13, inclusive as follows:

7. S 82°20'20" E 200.65 feet to a 3/8" steel pin found;
8. S 75°17'40" E 65.79 feet to a 3/8" steel pin found;
9. S 38°51'00" E 214.96 feet to a 1/2" steel pin found;
10. S 84°31'50" E 133.83 feet to a 1/2" steel pin found;
11. N 66°06'25" E 76.50 feet to a 3/8" steel pin found;
12. N 66°06'25" E 158.10 feet to a 1/2" steel pin found;
13. N 76°04'25" E 86.53 feet to a 1/2" steel pin with plastic cap set in the west line of RM Highway No. 2222 and in the west line of that 0.865 of one acre tract, a portion of the said Hrs. Wm. L. Swain Survey No. 810, described as being a portion of the said Tom Clyde Beard 5.593 acre tract, as described in a deed from Tom Clyde Beard to the State of Texas in Volume 11776, Page 393, Real Property Records of Travis County, Texas, for the northwest corner of the herein described tract, and from said 1/2" steel pin with plastic cap set a 1/2" steel pin found at

the northwest corner of the said State of Texas 0.865 of one acre tract bears N 30°26'35" W 0.26 feet;

THENCE with the west line of RM Highway No. 2222 and the west line of the said State of Texas 0.865 of one acre tract and being also with the west line of the said State of Texas 0.185 of one acre tract, courses numbered 14 through 15 inclusive as follows:

14. with a curve to the right an arc distance of 362.50 feet, said curve having a radius of 1963.48, a central angle of 10°34'41", and a chord of which bears S 26°10'15" E 361.99 feet to a Texas Department of Transportation brass disc in concrete found at the southwest corner of the said State of Texas 0.865 of one acre tract and at the northwest corner of the said State of Texas 0.185 of one acre tract;

15. S 2°11'45" E 2.64 feet to the Point of Beginning of the herein described tract, containing 4.724 acres of land.

Note: The plastic caps on the 1/2" steel pins set are inscribed with "M & S 1838".



Metes and Bounds Description Prepared August 14, 2003
From A Survey Completed August 4, 2003

METCALFE & SANDERS, INC.
Land Surveyors

By:

A handwritten signature in black ink, appearing to read "George L. Sanders", written over a horizontal line.

George L. Sanders
Texas Registered Professional
Land Surveyor No. 1838

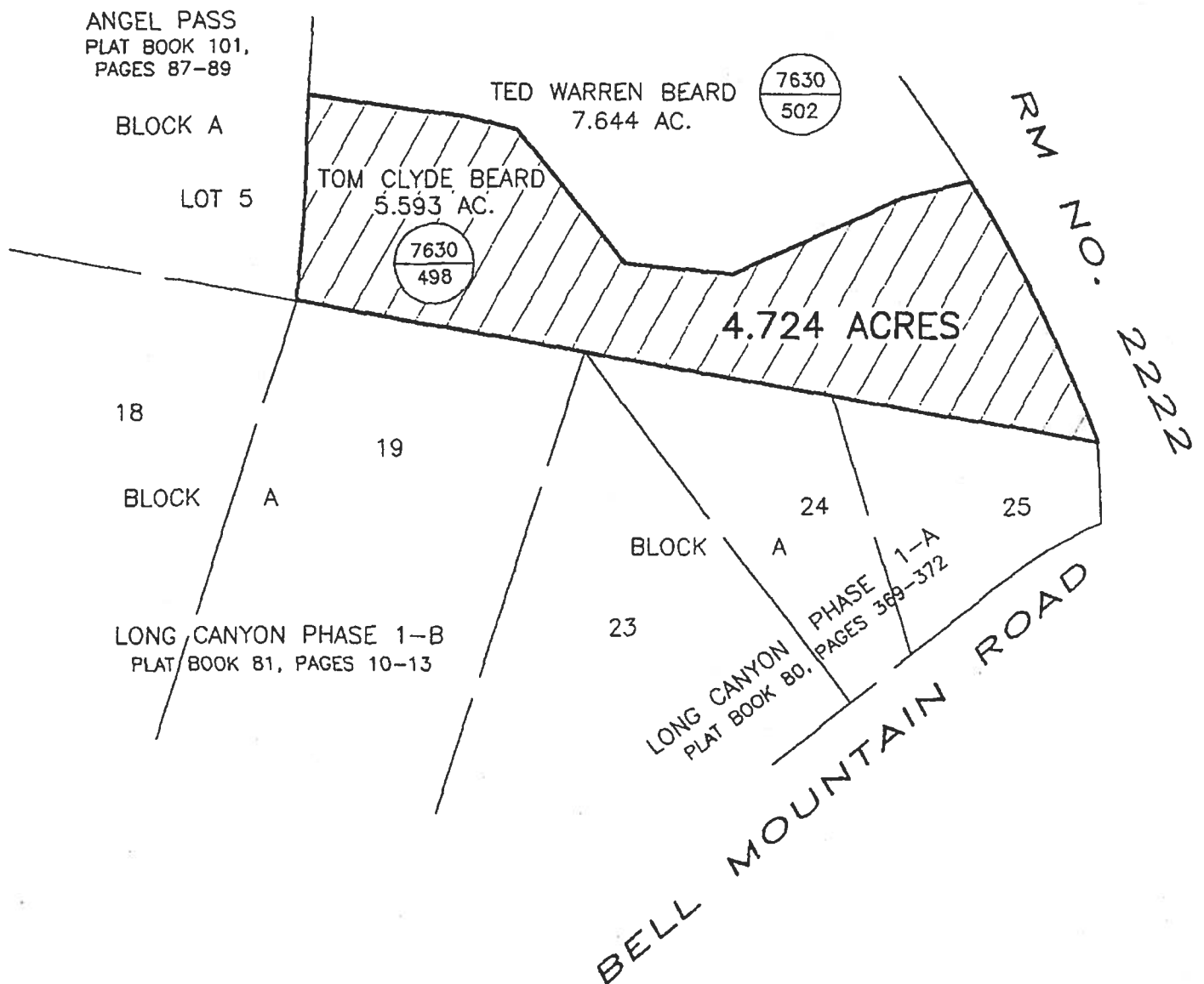
Ctiy Grid No. F-31
Tax Parcel Number 01-4218-07-05

Ref. Plan 8230
FB 873, P 31-37 & DC
Job No. 03211.01

c:\project\03211\doc\03211zn.doc

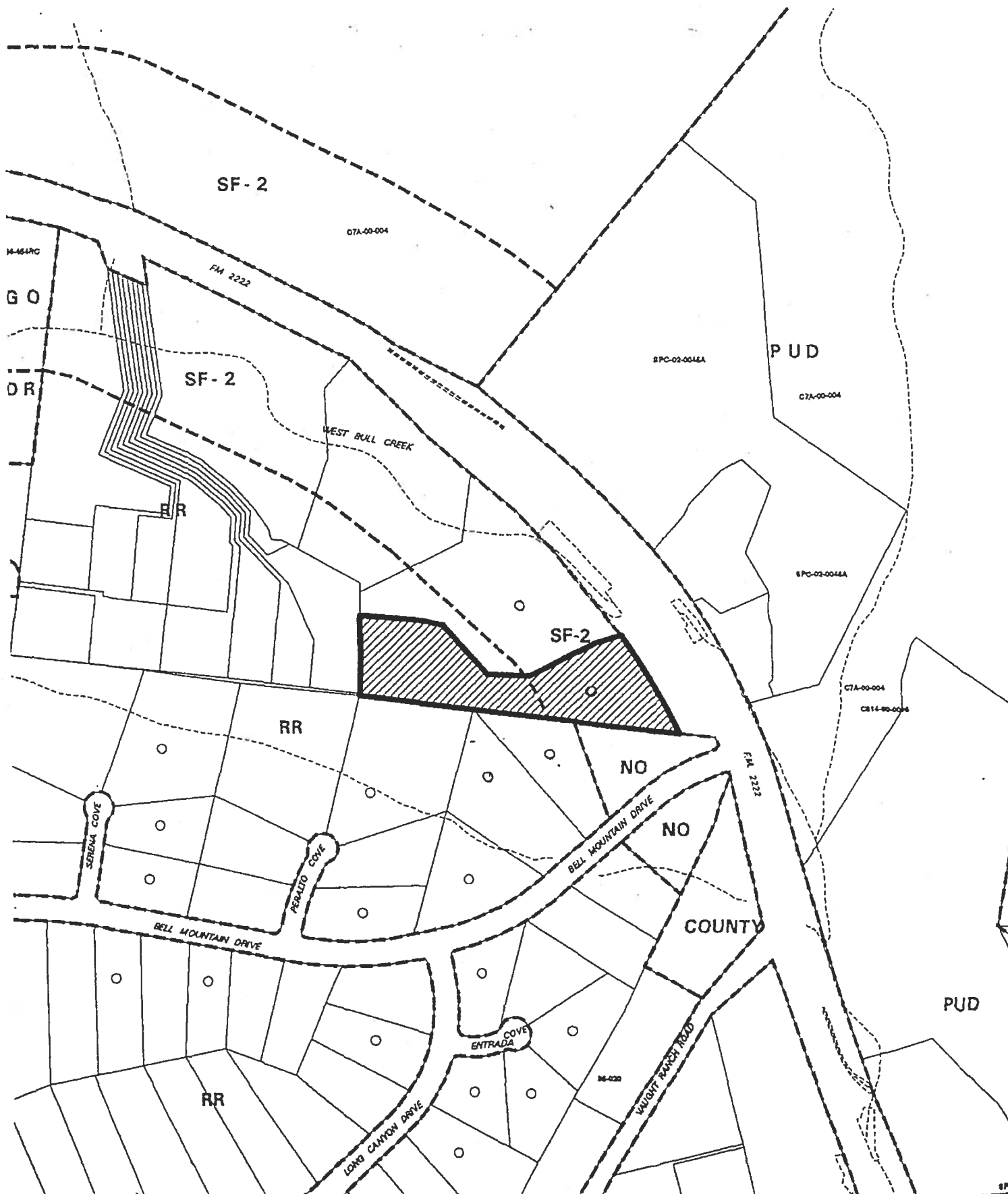
SKETCH TO ACCOMPANY ZONING MAPS
 4.724 ACRES OF LAND, A PORTION OF
 THE HRS. WM. L. SWAIN SURVEY NO. 810, ABSTRACT NO. 727,
 CITY OF AUSTIN, TRAVIS COUNTY, TEXAS

SCALE 1" = 200'



NOTE:
 A METES AND BOUNDS DESCRIPTION WAS PREPARED
 AS AN ATTACHMENT TO ACCOMPANY THE SKETCH
 SHOWN HEREON.

SKETCH PREPARED AUGUST 14, 2003
 METCALFE & SANDERS, INC.
 LAND SURVEYORS



 1" = 400'	SUBJECT TRACT 	ZONING EXHIBIT B		CITY GRID REFERENCE NUMBER F31
	PENDING CASE 			
	ZONING BOUNDARY 	CASE #: C14-03-0128	DATE: 03-11	
	CASE MGR: G. RHOADES	ADDRESS: FM 2222 NORTH OF BELL MOUNTAIN DR SUBJECT AREA (acres): 4.724	INTLS: SM	

ORDINANCE NO. 040624-Z-16

AN ORDINANCE AMENDING ORDINANCE NO. 031120-Z-17 TO CORRECT CONDITIONS OF ZONING FOR THE PROPERTY KNOWN AS POTTER PROJECT LOCATED ALONG THE SOUTHSIDE OF F.M. 2222 NORTH OF BELL MOUNTAIN DRIVE AND DESCRIBED IN ZONING FILE NO. C14-03-0128.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Part 2 of Ordinance No. 031120-Z-17 is amended to correct the conditions in subparts 2 and 4, as follows:

2. The building setback is 35 feet from the south property line [-] where it abuts a residential property.
4. The maximum height for a building or structure is 28 [~~45~~] feet from ground level.

PART 2. In all other respects the terms and conditions of Ordinance No. 031120-Z-17 remain in effect.

PART 3. This ordinance takes effect on July 5, 2004.

PASSED AND APPROVED

_____ June 24, 2004	§ § §	_____ Will Wynn Mayor
APPROVED: _____ David Allan Smith City Attorney	ATTEST:	_____ Shirley A. Brown City Clerk

15/10/2019 14:25

Sirwaitis, Sherri

Subject: FW: Zoning Case C14-2016-0096 by Malamale, James Porter

From: Ray Janss
Sent: Thursday, October 20, 2016 9:12 AM
To: Weber, Thomas - BC
Cc: Sirwaitis, Sherri
Subject: Zoning Case C14-2016-0096 by Malamale, James Porter

Dear Mr. Weber,

In speaking with Sherri Sirwaitis, she suggested I email you to voice our concerns.

The following are our requests for restrictions to the zoning for Zoning Case C14-2016-0096.

1. We would like an 8 foot privacy fence along the entire southern boundary of the subject property. The environmental preservation zone that extends across my property and other properties is at risk.
2. All lighting to be shrouded and does not shine to the south into our properties.
3. Hours of operation to be no earlier than 8 am and no later than 6pm.
4. No building to be greater than 2 stories.
5. A reasonable decibel level limit for sound emanating from the property.

We would appreciate your presenting our request to the Zoning Commission.

Thank you

Ray and Elisabeth Janss
7900 Bell Mountain Drive
Austin, Tx 78730
512 750 5823 Cell Ray
512 293 8401 Cell Liz

This e-mail message is for the sole use of the intended recipient(s) and may contain confidential and/or privileged information. Any review, use, disclosure or distribution by any person or entity other than the intended recipient(s) is prohibited. If you are not the intended recipient, please so advise the sender by reply e-mail and destroy all copies of the original email.

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.austintexas.gov/planning.

Written comments must be submitted to the board or commission (or the contact person) 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 form.

Case Number

4-2016-0096

Contact: Sherri Sirwaitis

512-974-3057

Public Hearing

November 01, 2016, Zoning and Planning Commission

Commission

DENTASTIC LP

Your Name (please print)

8412 LONG CANYON DR

Your address(es) affected by this application

James V. Veltz CEO

Signature

Date

10-30-16

Daytime Telephone:

Comments:

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

City of Austin

Planning & Zoning Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

☒ I am in favor
☐ I object

PUBLIC HEARING INFORMATION

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Case Number: C14-2016-0096

Contact: Sherri Sirwaitis, 512-974-3057

**Public Hearing: Nov 01, 2016, Zoning and Platting Commission
Nov 10, 2016, City Council**

JAMES V. POTTER
Your Name (please print)

8412 LONG CANYON DR
Your address(es) affected by this application

James V. Potter
Signature

512 241 1281
Daytime Telephone:

Date

10-30-16

☒ I am in favor
☐ I object

Comments:

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

City of Austin
Planning & Zoning Department
Sherri Sirwaitis
P. O. Box 1088
Austin, TX 78767-8810

Item C-4

2222 Coalition of Neighborhood Associations, Inc.

P. O. Box 28397
Austin, TX 78755

November 15, 2016 Delivery Via Email

City of Austin
Zoning & Platting Commission

Re: Zoning Case C14-2016-0096 (7901 Ranch Road 2222)

Dear Zoning & Platting Commissioners:

2222 Coalition of Neighborhood Associations (2222 CONA) supports Long Canyon Homeowners Association in its opposition to the proposed rezoning of the property at 7901 RM 2222 from the current LO-CO zoning. This current zoning allows only one LO use: Medical Office. The other commercial properties adjacent to the Long Canyon neighborhood are zoned NO.

There are significant commercial developments along other sections of RM 2222 west of Loop 360, and additional properties suitable for commercial development are available. However, in the section of the proposed rezoning, residential developments exist on both sides of RM 2222. There is no pressing need for more intensive commercial development so close to established residential neighborhoods.

2222 CONA represents residential neighborhoods along the 2222 corridor between Loop 360 and RM 620.

Please deny this rezoning.

Sincerely,



Peter Torggrimson
President
512-338-4722

Attachment A

P E T I T I O N

Date: 12/12/2016

File Number: **C14-2016-0096**

Address of Rezoning Request: **7901 Ranch
to Market Road 2222**

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than the current LO-CO zoning per Ordinance 031120-Z-17.

(STATE REASONS FOR YOUR PROTEST)

The requested GO-MU zoning is incompatible with the adjacent residential properties.

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature

Printed Name

Address

Donald R. Stephen DONALD R. STEPHEN 7904 BELL MOUNTAIN DRIVE

Jerry Goodrich JERRY GOODRICH 6608 PERALTO COVE

Eric Wiedel ERIC WIEDEL 6734 CUESTA TRAIL

Gretchen High GRETCHEN HIGH 6609 PERALTO COVE

Ray Janss RAY JANS 7900 Bell Mountain Drive

David Paratore David Paratore 7804 Bell Mountain Dr
SMS LLC

Date: 12/12/2016 Contact Name: Peter Torgrimson

Phone Number: 512-338-4722

REVISION 1

P E T I T I O N

Date: 12/12/2016

File Number: **C14-2016-0096**

Address of Rezoning Request: **7901 Ranch
to Market Road 2222**

To: Austin City Council

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(STATE REASONS FOR YOUR PROTEST)



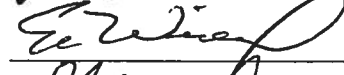

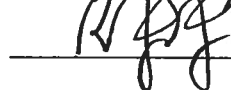
The requested GO-MU zoning is incompatible with the adjacent residential properties.

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature

Printed Name

Address

	DONALD R. STEPHEN	7904 BELL MOUNTAIN DRIVE
	JERRY GOODRICH	6608 PERALTO COVE
	ERIC WIEDEL	6734 CUESTA TRAIL
	GRETCHEN HIGH	6609 PERALTO COVE
	RAY JANS	7900 Bell Mountain Drive

Date: 12/12/2016 Contact Name: Peter Torgrimson

Phone Number: 512-338-4722



N



BUFFER

PROPERTY_OWNER

SUBJECT_TRACT

PETITION

CASE#: C14-2016-0096

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.



1" = 300'

Case Number:

PETITION

C14-2016-0096

Date: 1/19/2017

Total Square Footage of Buffer: 640811.7481

Percentage of Square Footage Owned by Petitioners Within Buffer: 37.88%

Calculation: The total square footage is calculated by taking the sum of the area of all TCAD Parcels with valid signatures including one-half of the adjacent right-of-way that fall within 200 feet of the subject tract. Parcels that do not fall within the 200 foot buffer are not used for calculation. When a parcel intersects the edge of the buffer, only the portion of the parcel that falls within the buffer is used. The area of the buffer does not include the subject tract.

TCAD ID	Address	Owner	Signature	Petition Area	Percent
0142180704	RANCH RD 2222 78730	2731 INC	no	42262.26	0.00%
0147190112	7913 RANCH RD 2222 78730	2731 INC	no	14444.55	0.00%
0142180704	RANCH RD 2222 78730	2731 INC	no	146236.48	0.00%
0142270305	6608 PERALTO CV 78730	GOODRICH JEROME D JR & LUCY E LUCY E GOODRICH	yes	29823.53	4.65%
0142180702	7900 BELL MOUNTAIN DR 78730	JANSS RAYMOND K	yes	52233.37	8.15%
0142180126	7805 BELL MOUNTAIN DR 78730	JOHNSON JEFF G & LORY R	no	12197.16	0.00%
0147190108	6731 CUESTA TRL 78730	MASTERSON MICHAEL & TARA	no	10417.34	0.00%
0142180701	7804 BELL MOUNTAIN DR 78730	SMS LLC	no	77197.95	0.00%
0142270304	6609 PERALTO CV 78730	SPENCER JEFFREY S & GRETCHEN MARIE H	yes	72786.14	11.36%
0142180703	7904 BELL MOUNTAIN DR 78730	STEPHEN DONALD R & ELAINE F STEPHEN	yes	24832.02	3.88%
0147190109	6734 CUESTA TRL 78734	WIEDEL ERIC & SHELLY TRUST % ERIC R WIEDEL & SHELLY A WIEDEL	yes	63039.39	9.84%
Total				545470.18	37.88%

Attachment B

James V. Potter
8412 Long Canyon Drive
Austin, TX 78730

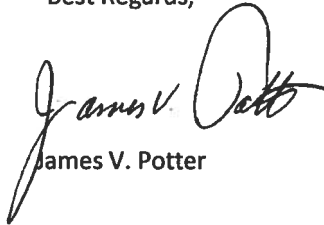
9-8-2017

Reference case C14-2016-0096.

I would like to amend this case to permit Multifamily Residence use, with the condition to limit to eight residential units, and to allow the indoor Sports and Recreation use as a conditional use on the property. When I made the first request for zoning, a buyer was under contract and had specific requirements for his project. That buyer has since been replaced with another buyer, under contract, that has a different plan with different requirements. We need the additional uses and conditions to match the needs of our new project.

Thank you.

Best Regards,



James V. Potter

.. CC: Sherri Sirwaitis

Michael Doerr

Celeste Aguirre