ZONING CHANGE REVIEW SHEET

CASE: C14-2017-0051 (Waters Park Commercial)

Z.A.P. DATE: June 6, 2017
June 20, 2017
October 17, 2017
November 7, 2017

ADDRESS: 12219, 12219 ½ and 12221 Waters Park Road

DISTRICT AREA: 7

OWNER/APPLICANT: Bar Czar, LLC (Matias Segura III)

AGENT: South Lano Strategies (Glen Coleman)

ZONING FROM: RR, LO and GO

TO: ~~CS-1~~*
Tract 1: CS-1-CO
Tract 2: GR-CO

AREA: ~~5.17 acres~~
0.786 acres (34,238 sq. ft.)
4.384 acres (190,967 sq. ft.)
5.17 acres

*On August 10, 2017, the agent for this case submitted a letter to the staff amending their rezoning request to reduce the CS-1 zoning to a 0.786 acre area (now known as Tract 1) and to rezone the remainder of the 5.17 acre site to GR (now known as Tract 2). In addition, the applicant has agreed to a conditional overlay to limit the development intensity on the property to less than 2,000 vehicle trips per day. Please see the applicant's amendment letter as Attachment A.

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to grant CS-1-CO, Commercial-Liquor Sales-Conditional Overlay Combining District, zoning for Tract 1 and GR-CO, Community Commercial-Conditional Overlay Combining District, zoning for Tract 2. The conditional overlay will limit the development intensity on the property to less than 2,000 vehicle trips per day.

If the requested zoning is recommended for this site, 35 feet of right-of-way should be dedicated from the centerline of Waters Park Road by the applicant to the City through a street deed prior to 3rd reading of the case at City Council, in accordance with the Transportation Criteria Manual. LDC, 25-6-55; TCM, Tables 1-7, 1-12.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

6/06/17: Postponed to June 20, 2017 at the staff's request on consent (10-0, D. Breithaupt-absent); A. Aguirre-1st, S. Lavani-2nd.

6/20/17: Approved indefinite postponement request by the staff on consent (10-0, S. Lavani-absent); A. Aguirre-1st, B. Evans-2nd.

10/17/17: Postponed to November 7, 2017 at the neighborhood's request on consent (7-1, B. Evans-No; D. Breithaupt, Y. Flores and S. Trinh-absent); D. King-1st. S. Lavani-2nd.

ISSUES:

The staff was made aware of a Code Violation for the site under consideration. A Stop Work Order was issued by the Development Services Department for multiple violations on the property on October 12, 2017 (Please see Attachment B).

DEPARTMENT COMMENTS:

The property in question is tract of land that contains two single family houses with access onto Waters Park Road. There is undeveloped land to the north, a financial services use (United Heritage Credit Union) to the east, railroad tracks and undeveloped land to the west and office/warehouse uses to the south (Electric Link, Inc., The Roof Lady, AQC Austin, 1st Choice Energy). The applicant is requesting CS-1 zoning to develop a cocktail lounge use with outdoor amenities on the site.

The staff recommends the applicant's request for CS-1-CO zoning for Tract 1 and GR-CO zoning for Tract 2. The proposed zoning is compatible with surrounding land uses because this property is adjacent to office/warehouse uses and commercial uses to the south and east of the site. The proposed 0.786 acre CS-1-CO zoning area is located along the eastern side of the property and will back up to a financial services use that fronts the southbound Mopac Expressway service road. Therefore, the more intensive commercial uses on the tract will be adjacent to commercial uses fronting onto the major arterial roadway. The proposed GR-CO zoning for Tract 2 will provide a transition from the Mopac Expressway to Waters Park Road. There are railroad tracks and a large undeveloped area that will separate the development on this property from the single family residential neighborhood to the west. It appears that there will be limited development area on this property as the applicant will have to comply with critical creek buffers, environmental features and slopes during the site plan review process. The requested rezoning is consistent with the Imagine Austin Comprehensive Plan as the property is situated by a Regional Center and Activity Corridor as designated on the Growth Concept Map, which supports commercial and entertainment uses.

The applicant agrees with the staff 's recommendation.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	RR, LO, GO	Two Single Family Residences
North	RR	Undeveloped
South	LO, LR	Office/Warehouse (Electric Link, Inc., The Roof Lady, AQC Austin, 1st Choice Energy), Pet Services (Wells Branch Pet and Bird Clinic)
East	LR	Financial Services (United Heritage Credit Union)
West	RR	Railroad Tracks, Undeveloped

AREA STUDY: North Lamar Area Study

TIA: Waived

WATERSHED: Walnut Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

NEIGHBORHOOD ORGANIZATIONS:

Austin Heritage Tree Foundation
Austin Independent School District
Austin Neighborhoods Council
Bike Austin
Friends of Austin Neighborhoods
Homeless Neighborhood Association

North Growth Corridor Alliance
Northwest Austin Coalition
SELTEXAS
Sierra Club, Austin Regional Group
Walnut Crossing Neighborhood Association

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2011-0076 (Mopac Mini Storage: 2707 O'Neal Lane)	RR to CS	8/16/11: Approved staff's recommendation of CS zoning by consent (6-0, G. Rojas-absent); D. Tiemann-1st, G. Bourgeios-2nd.	9/22/11: Approved CS zoning on consent on all 3 readings (7-0); B. Spelman-1st, L. Morrison-2nd.
C14-2010-0168 (Weirdo's 2: 2900 O'Neal Lane)	GR to CS-1	12/07/10: Approved CS-1-CO zoning, with condition to prohibit Adult Oriented Businesses (5-0, Seeger, Tiemann-absent); Baldridge-1st, Bourgeios-2nd.	11/13/11: Approved CS-1-CO (7-0); all 3 readings
C14-2010-0167 (Weirdo's 1: 12408 North Mopac Expressway Service Road South Bound)	GR to CS-1	12/07/10: Approved CS-1-CO zoning, with condition to prohibit Adult Oriented Businesses (5-0, Seeger, Tiemann-absent); Baldridge-1st, Bourgeios-2nd.	11/13/11: Approved CS-1-CO zoning on consent on all 3 readings (7-0); Spelman-1st, Morrison-2nd.
C14-03-0160: 3100 West Parmer Lane	DR, RR to SF-2	12/16/03: Approved SF-2-CO zoning, with condition limiting the site to 38 residential units (7-1, J. Martinez-Nay, C. Hammond-absent); J. Cortez-1st, M. Whaley-2nd.	1/15/04: Approved ZAP rec. of SF-2-CO by consent (6-0, McCracken-off dais); all 3 readings
C14-00-2145 (Hydrolab: 3400 Oak Creek Drive)	IP to IP-CO	8/15/00: Approved staff rec. of IP-CO (8-0), with conditions that terms of 12/20/99 MTG/Agreement between applicant and neighborhood association be part of the zoning (8-0, SA-Off dais)	9/28/00: Approved IP-CO (7-0); 1st reading
C14-97-0058 (Safe-T Stor: North Mopac Expressway NB)	to CS	8/05/97: Approved CS-CO w/ 2,000 vehicle trip per day limit (9-0)	9/04/97: Approved CS-CO, w/conditions (7-0); all 3 readings
C14-85-149: The North Lamar Area Study Rezoning		12/15/98: Approved staff's rec. of restrictive covenant amendment (7-0)	1/14/99: Approved PC rec. of amending restrictive covenant w/conditions (7-0)

RELATED CASES: C14-85-149 – North Lamar Area Study

ABUTTING STREETS:

Name	ROW	Pavement	Classification	ADT
Waters Park Road	Varies	20'	Collector	3,350

CITY COUNCIL DATE: August 3, 2017

ACTION: Approved postponement by staff for an indefinite postponement by consent (11-0); D. Garza-1st, G. Casar-2nd.

November 9, 2017

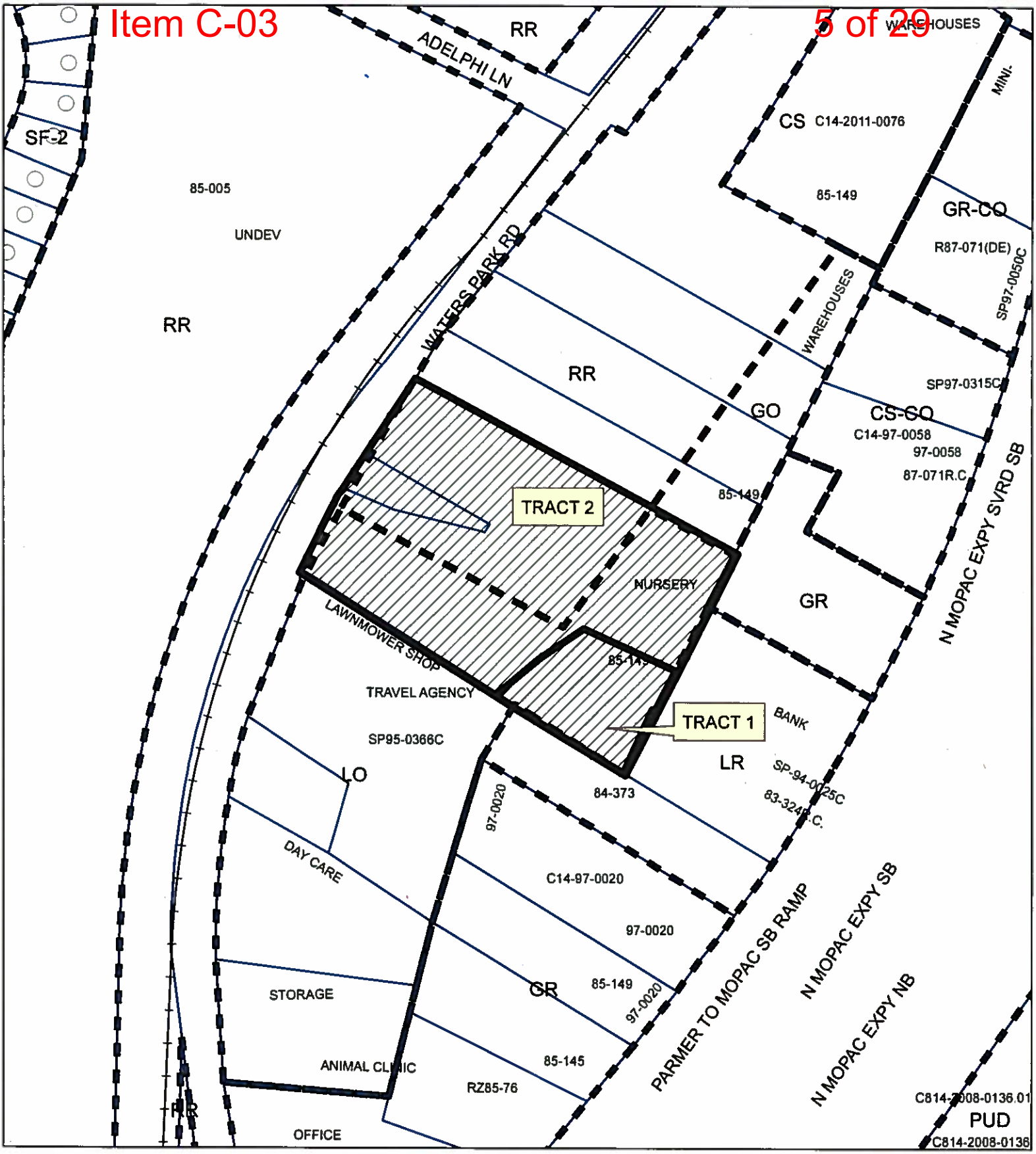
ACTION:

ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

CASE MANAGER: Sherri Sirwaitis

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



N

SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

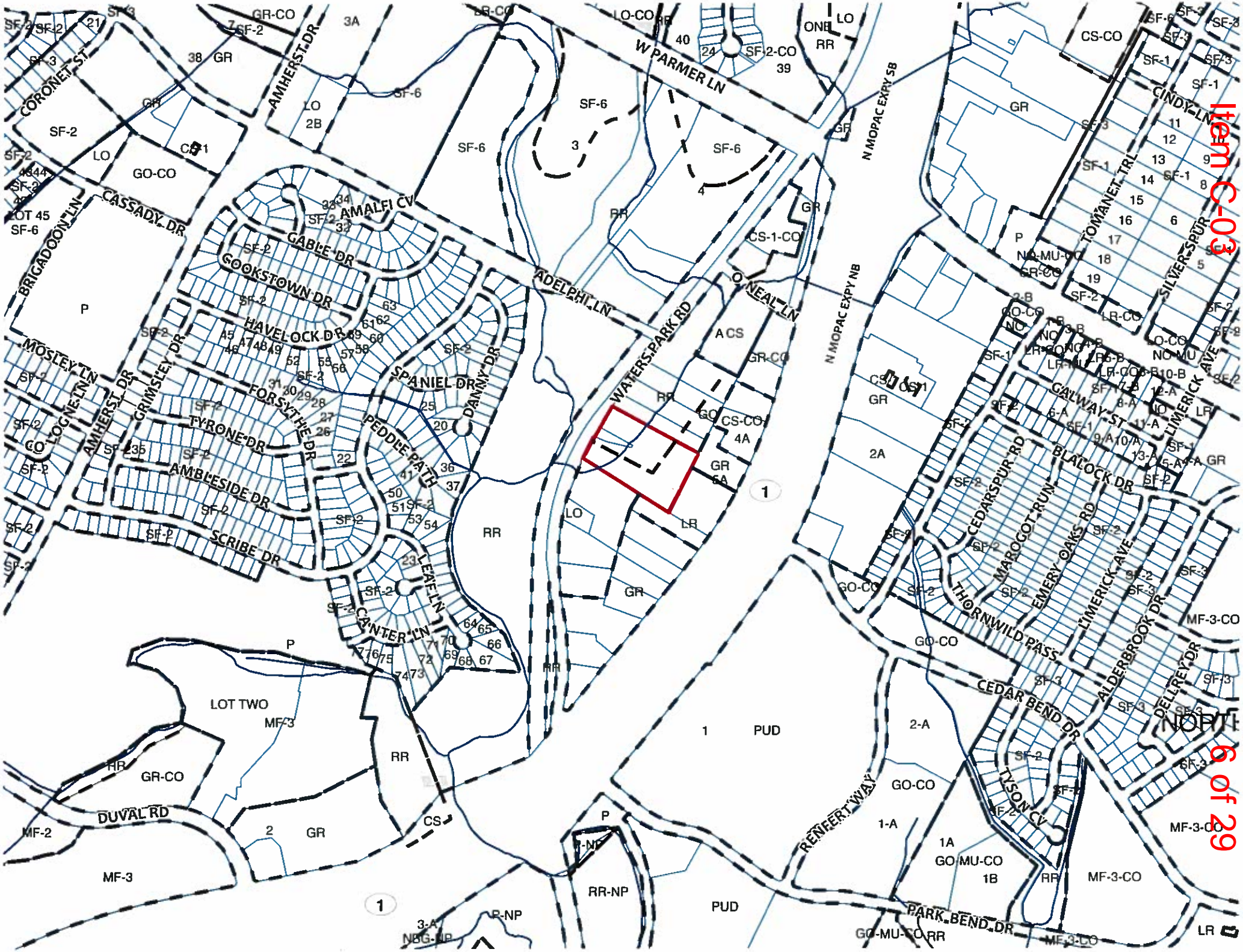
1 " = 200 '

ZONING

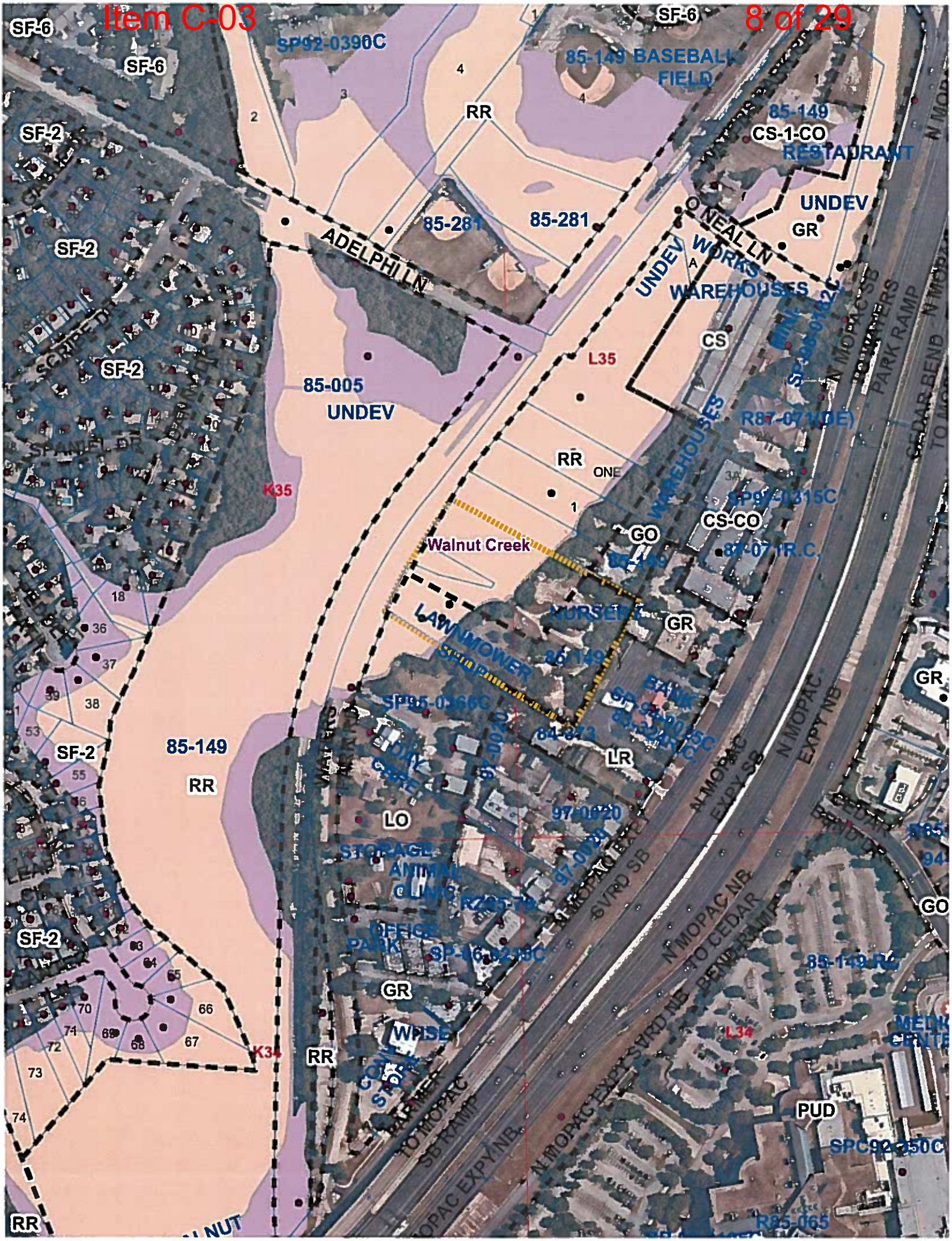
ZONING CASE#: C14-2017-0051

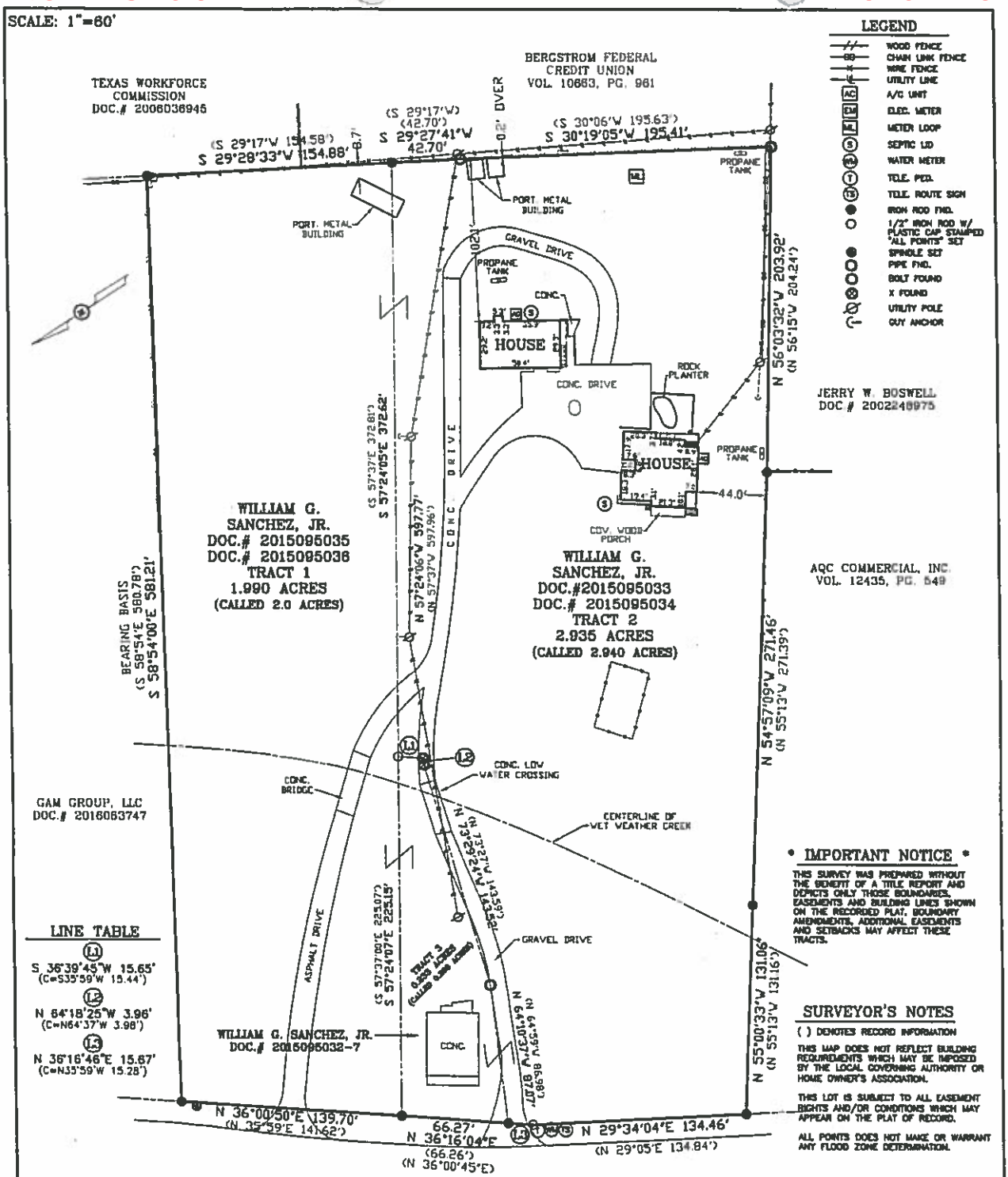
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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.


Item C-03
6 of 29
W PARMER LN
AMHERST DR
CORONET ST
CASSADY DR
BRIGADOON LN
AMALFI CV
GABLE DR
GOOKSTOWN DR
HAVELOCK DR
ADELPHI LN
O'NEAL LN
WATERS PARK RD
N MOPAC EXPY SB
N MOPAC EXPY NB
MOSLEY LN
LOGNE LN
GRIMSLEY DR
FORSYTHE DR
TYRONE DR
AMBLESIDE DR
SCRIBE DR
SPANIEL DR
DANNY DR
PEDDLE PATH
LEAF LN
CANTER LN
CINDY LN
TOMANET TRL
SILVERSPUR
GALWAY ST
LIMERICK AVE
BLALOCK DR
CEDARSPUR RD
MAROGOT RUN
EMERY OAKS RD
THORNWILD PASS
ALDERBROOK DR
DELLREY DR
CEDAR BEND DR
TYSON CV
RENFERT WAY
PARK BEND DR
DUVAL RD
LOT TWO
LOT 45
NORTH


85-005
UNDEV
RR
RR
WATERSPARK RD
Walnut Creek
GO
85-149
L35
K35
NURSERY
LAWNMOWER SHOP
85-149
TRAVEL AGENCY
LO
SP95-0366C
SP-94-0025
LR
84-373
97-0020
GR
DAY CARE
12213
12200


SF-6
SF-6
SF-2
SF-2
SF-2
SF-2
SF-2
SF-6
SP92-0390C
85-149 BASEBALL FIELD
RR
85-149
CS-1-CO
RESTADRANT
UNDEV
GR
O NEAL LN
ADELPHI LN
85-281
85-281
UNDEV WORKS
WAREHOUSES
CS
L35
85-005
UNDEV
R87-071(DE)
RR
ONE
K35
SP92-0315C
CS-CO
GO
Walnut Creek
87-071R.C.
GR
LAWNMOWER
85-149
SP95-0366C
LR
85-149
RR
LO
97-0020
STORAGE
ANIMAL
OFFICE
PARK
SP-16-0218C
GR
WPISE
K34
RR
L34
PUD
SPC92-0250C
R85-065
RR
N MOPAC EXPY SB
N MOPAC EXPY NB
N MOPAC NB
TO CEDAR BEND DR
CEDAR BEND DR
N MOPAC SB
PARK RAMP
TO MOPAC SB RAMP
MOPAC EXPY NB



12219, 12219 1/2 & 12221 WATERS PARK ROAD

(50' R.O.W.)

TRACT 1: ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF THE T.M. FOWLER SURVEY NO. 20, IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN 3.0 ACRE TRACT OF LAND AS CONVEYED TO GARY CAYWOOD BY DEED AS RECORDED IN VOL. 4290, PG. 1100, DEED RECORDS, TRAVIS COUNTY, TEXAS.

TRACT 2: BEING 2.940 ACRES OF LAND SITUATED AND BEING OUT OF T.M. FOWLER SURVEY NO. 20 AND BEING OUT OF THAT SAME TRACT OF LAND AS CONVEYED TO O.L. McADAMS AND WIFE, ILENE McADAMS, OF THE COUNTY OF TRAVIS, IN THE STATE OF TEXAS, AND BEING RECORDED IN VOL. 938, PG. 446, DEED RECORDS, TRAVIS COUNTY, TEXAS.

TRACT 3: BEING A LOT, TRACT OR PARCEL OF LAND SITUATED IN TRAVIS COUNTY, TEXAS, AND BEING OUT OF AND A PART OF THE T.M. FOWLER SURVEY, NO. 21, AND BEING ALL OF THAT CERTAIN TRACT OF LAND AS DESCRIBED IN A DEED TO LUIS TURRUBIARTE, JOEL TURRUBIARTE AND ISIDORA T. GONZALES FROM WILL R. McADAMS AND WIFE, M. JEAN McADAMS, DATED OCTOBER 19, 1963, AND RECORDED IN VOL. 6334, PG. 625, DEED RECORDS, TRAVIS COUNTY, TEXAS, AND ALSO BEING THE SAME TRACT OF LAND AS DESCRIBED IN AN AFFIDAVIT, RECORDED IN VOL. 8512, PG. 823, DEED RECORDS, TRAVIS COUNTY, TEXAS.

ALL POINTS SURVEYING
1714 FORTVIEW ROAD – SUITE 200
AUSTIN TX. 78704
TELE.: (512) 440-0071 – FAX: (512) 440-0199
FIRM REGISTRATION # 10118900

STATE OF TEXAS REGISTERED ROGER L. WAY 3910 PROFESSIONAL LAND SURVEYOR

	By	Date
FIELD WORK	WW	02-10-17
COMPILED	SCN	

SURVEY DATE: 02-16-17
Job No. 02803217
SCALE: 1"=60'

STAFF RECOMMENDATION

The staff's recommendation is to grant CS-1-CO, Commercial-Liquor Sales-Conditional Overlay Combining District, zoning for Tract 1 and GR-CO, Community Commercial-Conditional Overlay Combining District, zoning for Tract 2. The conditional overlay will limit the development intensity on the property to less than 2,000 vehicle trips per day.

If the requested zoning is recommended for this site, 35 feet of right-of-way should be dedicated from the centerline of Waters Park Road by the applicant to the City through a street deed prior to 3rd reading of the case at City Council, in accordance with the Transportation Criteria Manual. LDC, 25-6-55; TCM, Tables 1-7, 1-12.

BASIS FOR RECOMMENDATION

1 *Zoning changes should promote an orderly and compatible relationship among land uses.*

The proposed rezoning will be compatible with surrounding land uses because this property is adjacent to office/warehouse uses and commercial uses to the south and east of the site. The proposed CS-1-CO zoning area will permit more intensive commercial uses along the eastern side of the property and will be adjacent to commercial uses fronting onto the major arterial roadway, southbound Mopac Expressway. The proposed GR-CO zoning for Tract 2 will provide a transition from Mopac to Waters Park Road. There is right-of-way, railroad tracks and undeveloped area/ Walnut Creek that will separate the development on this property from the single family residential neighborhood to the west.

2. *Zoning should allow for reasonable use of the property.*

The proposed rezoning of the site to the GR and CS-1 districts would permit the applicant to redevelop the site with a commercial/entertainment uses in an area that has established office, commercial and warehouse uses.

3. *The rezoning should be consistent with the policies and principles adopted by the City Council or Planning Commission.*

The proposed rezoning is consistent with the Imagine Austin Comprehensive Plan as the property is situated by a Regional Center and Activity Corridor as designated on the Growth Concept Map.

EXISTING CONDITIONS

Site Characteristics

The site under consideration is a tract of land that contains two single family houses fronting onto Waters Park Road. There is undeveloped land to the north, a financial services use (United Heritage Credit Union) to the east, railroad tracks and undeveloped land to the west and office/warehouse uses to the south (Electric Link, Inc., The Roof Lady, AQC Austin, 1st Choice Energy).

Comprehensive Planning

RR; LO and GO to CS-1

This zoning case is situated on undeveloped 5.17 acre empty lot, located on the east side of Waters Park Road. This case is not located within the boundaries of a neighborhood planning area. Surrounding land uses includes vacant land to the north; a small office to the south; a credit union to the east; and vacant land and a railroad track to the west. The western edge of the property is located approximately 420 ft. west of Mopac. The proposed use is a 10,000 sq. ft. cocktail lounge.

Connectivity: There are no sidewalks or a CapMetro transit stop located along this portion of Waters Park Road. The Walkscore for this property 32/100, meaning most errands require a car.

Imagine Austin
This project is located by a Regional Center (North Burnet/Gateway Station) to the south, and an Activity Corridor to the north. Page 106 of Imagine Austin states: "Corridors are also characterized by a variety of activities and types of buildings located along the roadway — shopping, restaurants and cafés, parks, schools, single-family houses, apartments, public buildings, houses of worship, mixed-use buildings, and offices. Regional Centers are intended for retail, cultural, recreational, and entertainment destinations for Central Texas and are the places where the greatest density of people and jobs and the tallest buildings in the region will be located.
The following Imagine Austin policies are also applicable to this project:

- **LUT P1.** Align land use and transportation planning and decision-making to achieve a compact and connected city in line with the growth concept map.

- **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 P4.** Protect neighborhood character by directing growth to areas of change that includes designated redevelopment areas, corridors and infill sites. Recognize that different neighborhoods have different characteristics and new and infill development should be sensitive to the predominant character of these communities.

Based upon this property being: (1) situated by a **Regional Center** and **Activity Corridor** as designated on the Growth Concept Map, which supports commercial and entertainment uses; and (2) the Imagine Austin policies referenced above that supports a variety of development, including commercial uses, this project appears to be supported by Imagine Austin.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Walnut Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. The site is in the Desired Development Zone.

According to COA GIS, there is a floodplain and a Critical Water Quality Zone within much of the project location. Development within the floodplain and the Critical Water Quality Zone is extremely limited per LDC 25-8-364 and LDC 25-8-261, respectively.

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.

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

The maximum impervious cover allowed by the CS-1 zoning district would be 95%. However, because the watershed impervious cover is more restrictive than the zoning district's allowable impervious cover, the impervious cover is limited by the watershed regulations.

Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

Development Classification	*% of Gross Site Area*	*% of Gross Site Area with Transfers*
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

Note: The most restrictive impervious cover limit applies.

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.

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

A Traffic Impact Analysis (TIA) is required for this site per the revised TIA Determination form completed by Scott James, P.E., DSD Traffic Engineer, but has not been received. A zoning application is not complete until the required TIA has been received. This delay in the submittal of the TIA may result in a delay in the scheduling of this zoning change request on a Land Use Commission agenda. The TIA must be submitted at least 26 calendar days (18 working days) prior to consideration of this case by the Commission. Please contact Scott James at (512) 974-2208, or the assigned transportation reviewer for additional information. [LDC, 25-6-113].*

*The applicant submitted a letter amending their rezoning request and adding a proposed conditional overlay to limit the development intensity on the property to less than 2,000 vehicle trips per day. Therefore, a TIA is no longer required.

If the requested zoning is recommended for this site, 35 feet of right-of-way should be dedicated from the centerline of Waters Park Road in accordance with the Transportation Criteria Manual. LDC, 25-6-55; TCM, Tables 1-7, 1-12.

According to the Austin 2014 Bicycle Plan approved by Austin City Council in 2014, a Bike Lane has been recommended for Waters Park Road.

Capital Metro bus service is not available along Waters Park Road.

There are no existing sidewalks along Waters Park Road.

Janae Ryan, 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	ADT
Waters Park Road	Varies	20'	Collector	3,350

Water and 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, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by Austin Water 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.

Based on current public infrastructure configurations, it appears that service extension requests will be required to provide adequate service to this lot. For more information pertaining to the Service Extension Request process and submittal requirements contact Alberto Ramirez with Austin Water, Utility Development Services at 625 E. 10th St., 7th floor. Ph: 512-972-0211.

August 9, 2017

RECEIVED

AUG 10 2017

Planning & Zoning Department

Sherri Sirwaitis
City of Austin
Planning & Zoning Department
500 Barton Springs Road
Austin, Texas 78701

Re: C14-2017-0051 – Waters Park Commercial

Dear Sherri,

Thank you for your time and attention on this case.

We are amending our zoning request to include CS-1 zoning for a reduced, specific, 0.786 acre area as described by the new field notes, attached. We are seeking GR zoning for the remaining 5.17 acres of the site. I have also attached field notes by a licensed surveyor (Exhibit A) describing the area ro be zoned CS-1. The remainder of the site will be zoned GR. We have also included a map showing the proposed zoning: blue is the CS-1, green is GR.

In addition to the above, we are also amending our zoning case, "Waters Park Commercial," to include a conditional overlay stating that the number of trips per day on the site shall not exceed 2,000.

Please alter our request accordingly and we look forward to being on the Zoning and Platting Agenda in the near future.

With every best wish;

Glen Coleman
glen@southllano.com
512 407-9357

EXHIBIT "A"

FIELD NOTE DESCRIPTION FOR A 0.786 ACRE TRACT OF LAND:

BEING A TRACT OR PARCEL OF LAND SITUATED IN TRAVIS COUNTY, TEXAS, AND BEING OUT OF AND A PART OF THE JAMES ROGERS SURVEY, ABSTRACT NO. 659, AND BEING OUT OF AND A PART OF THAT CERTAIN TRACT OF LAND CONVEYED TO WILLIAM G. SANCHEZ, JR. IN A DEED RECORDED IN DOCUMENT NO. 2015095033, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING FOR REFERENCE at an iron rod found for the east corner of the Sanchez tract, and the south corner of a tract of land conveyed to Cam Group, LLC in a deed recorded in Document No. 2016063747, Official Public Records, Travis County, Texas;

THENCE with the southeast line of the Sanchez tract South 29°53'55" West, a distance of 392.99 feet to an iron rod set for the south corner of the Sanchez tract;

THENCE with the southwest line of the Sanchez tract North 55°20'13" West, a distance of 123.14 feet to an iron rod set for the south corner and POINT OF BEGINNING of the herein described tract;

THENCE with the southwest line this tract and the Sanchez tract North west line of this tract North 55°20'13" West, a distance of 204.32 feet to an iron rod set for the west corner of this tract;

THENCE with the northwest line this tract across the Sanchez tract the following two calls:

1. North 55°43'57" East a distance of 94.60 feet to an iron rod set;
2. North 61°46'24" East a distance of 82.30 feet to an iron rod set for the north corner of this tract;

THENCE with the northeast line this tract and the Sanchez tract South 60°20'03" East, a distance of 174.09 feet to an iron rod set for the east corner of this tract;

THENCE with the southeast line this tract across the Sanchez tract the following three calls:

1. South 30°13'25" West a distance of 71.54 feet to an iron rod set;
2. North 59°51'34" West a distance of 22.68 feet to an iron rod set;
3. South 30°08'26" West a distance of 110.23 feet to the POINT OF BEGINNING, containing 0.786 acres of land, more or less.

CELCO Surveying
2205 Stonecrest Path
New Braunfels, Texas 78130
Firm Registration No. 10193975



BY: GEORGE E. LUCAS
R.P.L.S. No. 4160
State of Texas
July 28, 2017
2017-0303


34,542 SF

Development Services Department

STOP WORK ORDER

(Austin City Code, Section 25-1-441)

ALL WORK MUST CEASE UNDER THIS ORDER

THE FOLLOWING AUSTIN CITY CODE VIOLATIONS HAVE BEEN OBSERVED AT:

OBSERVED AT: 12219 WATERS PARK RD . AUSTIN, TX 78759

PERMIT NUMBER _____ DATE 10/12/2017

X No site plan, City (Code: 73013; § 25-5-1)	☐ No site plan, ETJ (Code: 73012; § 25-5-1)
☐ No revised site plan (Code: 73017; § 25-5-61)	☐ Development contrary to plan (Code: 73016; § 25-5-61)
☐ Non-conforming use (Code: 64338; § 25-5-61)	X Impervious cover (Code: 64388; §§ 25-1-23; 25-8-63)
X Erosion controls, city (Code: 72713; § 25-8-181)	☐ Erosion controls, ETJ (Code: 72711; § 25-8-181)
X Fill in excess of 4 feet (Code: 73021; § 25-8-342)	☐ Cut in excess of 4 feet (Code: 73022; § 25-8-341)
☐ No pre-con conference (Code: 72717; § 25-1-282)	☐ Disregarded order/inspection (Code: 72714; § 25-1-441)
X Failed tree protection (Code: 00035; § 25-1-288)	☐ Failed to maintain landscape (Code: 72718; § 25-2-984)
☐ Impacted critical env. feature (Code: 72715; § 25-8-281)	☐ Construction sediment runoff (Code: 72712; § 25-8-184)
X No water quality plan (Code: 73023; § 25-8-211)	☐ No water quality pond (Code: 64281; § 25-8-211)
☐ No certificate of occupancy (Code: 64291; § 25-1-361)	☐ No cert. of compliance (Code: 72707; Section 25-1-361)
☐ Failed to stabilize land (Code: 72709; §§ 25-1-341, 342)	X Developed in critical water zone (Code: 73025; §25-8-261)
☐ Removal of protected tree (Code: 72610; § 25-8-621)	☐ Other:

ALL WORK MUST CEASE UNDER THIS ORDER WITH THE EXCEPTION OF THE INSTALLATION OF TEMPORARY EROSION AND SEDIMENTATION CONTROLS UNDER THE DIRECTION OF THE INSPECTOR IDENTIFIED BELOW. ALL CITY OF AUSTIN INSPECTIONS AND UTILITY CONNECTIONS WILL CEASE BY NOTICE OF THIS "STOP WORK" ORDER TO APPROPRIATE CITY OF AUSTIN DEPARTMENT

CONTACT AMANDA WYRICK, INSPECTOR, AT 512-974-2077 AND CORRECT ALL VIOLATIONS BEFORE PROCEEDING WITH ANY WORK. FAILURE TO DO SO WILL RESULT IN FURTHER LEGAL ACTION BY THE CITY OF AUSTIN, INCLUDING CRIMINAL PENALTIES AND FINES OF UP TO $2,000.00 PER DAY.

IF YOU WISH TO APPEAL THIS ORDER, YOU MUST SUBMIT A WRITTEN APPEAL WITHIN THREE (3) DAYS OF THE DATE OF THIS ORDER TO:

DIRECTOR – DEVELOPMENT SERVICES DEPARTMENT
CITY OF AUSTIN
ONE TEXAS CENTER

BE ADVISED THAT THE APPEAL WILL NOT STAY THIS ORDER. FOR APPEAL PROCEDURES SEE AUSTIN CITY CODE, SECTION 25-1.

(8-11-2008)

From: Cathy Baird []

Sent: Thursday, June 15, 2017 9:58 AM

To: Sirwaitis, Sherri

Subject: Cathy and Dan Baird Oppose Case C14-2017-0051

1. We oppose that Bar Czar LLC, Matias Segura III, and Jesse Fortney should be granted this permit for rezoning and development. Research shows that Jessie Forney, who was part of Weird Times LLC abandoned his lease for the Weirdos Establishment at 12408 N Mopac Expressway, bordering Waters Park Road, and has not taken steps to remedy the lawsuit, which has resulted in extreme decay of the building, creating a safety hazard for our business neighborhood. We do not feel he has demonstrated a responsible contribution to his community, so he should not be allowed to repeat his performance, this time with more acreage, closer to our business building where we try to put forth a professional office to serve our clients as per our contract and relationship with State Farm Insurance, our employer.

2. We object to any research or thinking that Waters Park Road in its current condition would be an appropriate access to this development. Waters Park Road, a dated and narrow street with no night lighting and little maintenance (weed mowing, overgrowth mitigation) is simply not positioned to accommodate extra traffic and parking on both sides of the street, which is often occurring now with overflow parking from The Hideout Establishment during various events. We don't want customers from this new project parking on our business property: whether or not we are open for our customers. We do not want the potential for late hours accidents, disputes, disturbances involving law enforcement, trespassing, or trash to affect our ability to serve our clients in a safe and professional environment.

3. There is concern of the immediate flooding that occurs on the property featured in the case when there is a sizeable storm, and the obvious opportunity for clients of this development to park on adjacent property.

4. We do not want Waters Park Road to be zoned for another cocktail lounge. We already have one: The Hideout at 12164 N Mopac (also bordered by Waters Park Road.) It is popular, but not necessarily disruptive during our normal business operating hours. We fear that Mr. Segura's business model is one that would attract clients during most of the work day.

5. We simply do not want to allow a repeat performance of being granted opportunity to develop a project by people who do not have a successful track record, have them experience another failure, and then leaving the existing business neighborhood with no recourse. Meanwhile, the property tax assessment from this initial improvement would be even more burdensome on the existing property owners but with no appropriate neighborhood improvement to show for it.

We plan to attend the hearings as scheduled and ask for the opportunity to speak against this project.

We assist clients with handling their risks of everyday life. We do this by providing comprehensive insurance and financial solutions that are customized to fit their individual needs.

PS. Our overview analysis of your risk allows you to see not only immediate concerns; It also allows you to anticipate those that will follow in the future. It's FREE for all our Clients!

Cathy J. Baird CPCU

Office Products Representative

Dan Baird State Farm

12207 Waters Park Road

Austin, TX 78759

Bus 512.345.6171 Fax 512.345.6141

Licensed: Texas

www.Danbairdagent.com

PUBLIC HEARING INFORMATION

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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.

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Case Number: C14-2017-0051
Contact: Sherri Sirwaitis, 512-974-3057
Public Hearing: October 17, 2017, Zoning and Platting Commission
November 9, 2017, City Council

Cathy and Dan Baird
Your Name (please print)

☐ I am in favor
☒ I object

12207 Waters Park Rd
Your address(es) affected by this application

Cathy & Dan Baird — 10-10-2017
Signature — *Date*

Daytime Telephone: 512 345 6171

Comments: Unable to attend, we are out of town. Our reasons for objection remain unchanged, See attached.

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

TXBVA
Texas Beach Volleyball Association

November 14, 2016

Having originally starting Texas Beach Volleyball Association (TXBVA) in North Austin, having a new facility would be a great asset to TXBVA but also to continuously growing beach volleyball community. As you may or may not know, Sand volleyball is one of the fastest growing sports in the U.S. And now that it is offered in Division I & II schools, it's growth continues to soar.

TXBVA was originally formed to give the community an organize event that would engage the community in a fun and competitive outdoor activity. We provide leagues for all skill levels and tournaments for all skill levels. We also sponsor clinics, fundraising events as well as invite professional players to do workshops.

Having a facility where we can support the growing sport and community of players would be a great addition to the North Austin area. As a local business, I can see great benefits not only to TXBVA but also to the large number of players we serve. As a Tournament Director for The National Volleyball League, I also know the appeal that Austin has and have seen, first hand, the desire for a professional organization like The NVL to come here.

Thank you,

Charles Warner

512-565-4999

Director

Date: May 2, 2017

To: City of Austin Zoning Commission

From: Aaron Goulde – Owner of Gam Group/Golf Cart Zone

Subject: **Support of Zoning Change – Waters Park Road**

Commissioners:

I am writing this letter to express my support for the zoning change at 12219, 12219 ½, and 12221 to CS-1. I own the property to the north and share a common boundary with the applicant.

The area this property is located within is largely light industrial and business. I believe that a CS-1 zoning works extremely well at this location. There are not residential uses near, the rail road and mopac provide great area boundaries, and the businesses in the area would have complementary hours of operation. The properties along waters park road will never be developed for residential or commercial development but a light use development that uses the open space appropriately will be a great win for the community. Additionally there are CS-1 zoning designations for properties along waters park road already.

I appreciate the opportunity to express by thoughts and look forward to your decision.

Please call me or e-mail me directly if you have any questions.

Sincerely,

Aaron Goulde
Owner of Gam Group/Golf Cart Zone

Date: June 23, 2017

To: City of Austin Zoning Commission

From: David R Dennis, Owner, 12363 Water Park Rd

Subject: **Support of Zoning Change – Waters Park Road**

Commissioners:

I am writing this letter to express my support for the zoning change at 12219, 12219 ½, and 12221 Waters Park Rd. to CS-1. I own the property at the corner of O'Neal and Waters Park Road. I am only a quarter mile from the property under consideration.

A CS-1 zoning works well at this location. The project developers understand the development challenges and I am confident that they will develop a project that is mindful of their business neighbors, myself included, and also addresses any concerns from citizens that use Waters Park Rd.

This project uses open space creatively which will be a great amenity for the community. Additionally there are CS-1 zoning designations for properties along waters park road already.

I appreciate the opportunity to express my thoughts and look forward to your decision.

Please call me or e-mail me directly if you have any questions.

Sincerely,

David R Dennis

PUBLIC HEARING INFORMATION

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Case Number: C14-2017-0051
Contact: Sherri Sirwaitis, 512-974-3057
Public Hearing: Jun 6, 2017, Zoning and Platting Commission
August 03,2017, City Council

BARNEY R TOLER

Your Name (please print)

☑ I am in favor
☐ I object

12216 / 12213 / 12215 / 12217

Your address(es) affected by this application

Signature

5/30/17
Date

Daytime Telephone: 512 789-3593

Comments: WE HAVE NO PROBLEM WITH THIS ZONING CHANGE, SEEMS COMPATIBLE WITH THE EXISTING COMMERCIAL ZONING ON THIS STREET / AREA.

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-03

PUBLIC HEARING INFORMATION

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Case Number: C14-2017-0051
Contact: Sherri Sirwaitis, 512-974-3057
Public Hearing: Jun 6, 2017, Zoning and Platting Commission
August 03,2017, City Council

KENNY ROBERTSON
Your Name (please print)

☐ I am in favor
☑ I object

12208 N MOPAC EXPY
Your address(es) affected by this application

Ky R
Signature

10/16/17
Date

Daytime Telephone: 512-284-3789

Comments:

SEE ATTACHED

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

October 16, 2017

To: Zoning and Platting Commission

Contact: Sherri Sirwaitis, Planning & Zoning Department

Case Number: C14-2017-0051

Comments:

United Heritage Credit Union opposes the rezoning of these lots to CS-1. This property backs up to the Credit Union and we feel this would compromise the security of the area. We are concerned about illegal parking, trespassing and disruptive behavior overflowing into our drive-thru and/or parking lot.

Waters Park is a very narrow two-lane road designed to move people in and out of the neighborhood and to and from the ballparks at Balcones Little League. I have seen the overflow parking from the Hideout Pub lined up and down the street sometimes all the way to Adelphi making it almost impassable. With another bar type business using Waters Park as it's only access, the traffic and congestion would become dangerous.

Thank you,

United Heritage Credit Union

Kenny Robertson

Facilities Manager

(512) 284-3789

PUBLIC HEARING INFORMATION

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Case Number: C14-2017-0051
Contact: Sherri Sirwaitis, 512-974-3057
Public Hearing: October 17, 2017, Zoning and Platting Commission
November 9, 2017, City Council

CHERYL R. SELBY
Your Name (please print)

☐ I am in favor
☒ I object

12203 WATERS PARK ROAD
Your address(es) affected by this application

Cheryl R. Selby
Signature

10/13/17
Date

Daytime Telephone: 512-698-5678

Comments: SEE ATTACHED

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

October 13, 20`7

Sherri Sirwaitis
Planning and Zoning Department
One Texas Center, 5th Floor
505 Barton Springs Road
Austin, Texas 78704

Dear Planning and Zoning Department,

I object to C14-2017-0015! I received your letter just in time, I guess. I want to protest the rezoning of Waters Park Road from Rural to Commercial Liquor Sales or Commercial District. I tried to write on the map you sent me and it is grossly incorrect. There are no businesses on Waters Park Road except an insurance agent next to us and all others you have on our road are actually on Mopac Feeder Road.

Tract 1 rezoning will destroy our QUIET street. I highlighted your words "generally incompatible with residential environments" on your own description of the type of zoning wanted. This type of business (beer and wine) will be a safety and pollution/environmental concern for those that walk, run, and bike in this area. This zoning change will increase traffic, will attract additional transients to the area, will encourage loitering, will increase crime, and will bring chemical, noise, light, and trash pollution to our beautiful neighborhood. Because this is a rural 2 lane road, and the traffic cannot come into Waters Park Road from the Mopac frontage road, the increased traffic will compromise the safety of the residents, destroy the tranquility of our neighborhood, and the beautiful rural setting surrounding the proposed tracts. Tract 2 I also highlighted your ow description because it CANNOT be accessed by Mopac frontage road either – again an increase in traffic on this two-lane road!

Excerpt from IMAGINE Austin:Fair Housing/CodeNEXT Analysis City Council adopted a resolution in December 2015 directing the city manager to analyze the potential for the CodeNEXT land development code revisions to affirmatively further fair housing, giving low- and moderate-income residents housing choices in high opportunity and gentrifying areas. The resolution also recommends that the code include as many affordable housing options as possible for Austinites at various income levels and household sizes. The analysis will inform the code and code mapping process.

I do NOT think they were talking about rezoning for more liquor sales in a low-income, rural setting such as Water's Park Road.

The Hide Out Pub is (12164 Mopac Expressway) a 5 minute walk from my home if I wanted a beer and sandwich.

The Texan Market (12400 Amhurst Drive) is 0.9 mi. or 18 minutes from my home on foot.

7/11 Store (12000 North Mopac) is only 0.6 mi. or a 12 minute walk from my home.

TWIN liquor and HEB only 0.9 mi or 18 minute walk located at 12400 Mopac Exp.

12219, 122191/2 & 12221 Waters Park Road is too close to our homes = 0.2 mi. or 3 minutes on foot per Google Maps...

We DO NOT NEED this to be rezoned yet, let us keep our peace and quiet for a few more years!!

I request you to deny the zoning change application Case Number: C14-2017-0051

Cheryl R. Selby, cherylrselby@gmail.com, 512.698.5678

12201 & 12203 Waters Park Road Austin, TX 78759