

**Zoning Public Hearing
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**



**AGENDA ITEM NO.: Z-4
AGENDA DATE: Thu 02/05/2004
PAGE: 1 of 1**

SUBJECT: C14-03-0120 - Centrum - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3413 North Hills Drive, 6415 Hart Lane and 6426 Mopac Expressway (Shoal Creek Watershed) from limited office-conditional overlay (LO-CO) combining district zoning and general office-conditional overlay (GO-CO) combining district zoning to neighborhood commercial-mixed use-conditional overlay (LR-MU-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant neighborhood commercial-mixed use-conditional overlay (LR-MU-CO) combining district zoning. Applicant: Balcones Centrum Ltd. (Gerald Kucera). Agent: Crocker Consultants (Sarah Crocker). City Staff: Glenn Rhoades, 974-2775.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guemsey

ZONING CHANGE REVIEW SHEET

CASE: C14-03-0120

Z.A.P. DATE: November 18, 2003

C.C. DATE: December 4, 2003

ADDRESS: 3413 North Hills Dr., 6415 Hart Lane and 6426 Mopac Expressway

OWNER/APPLICANT: Balcones Centrum Ltd.
(Gerald Kucera)

AGENT: Crocker Consultants
(Sarah Crocker)

ZONING FROM: LO-CO and GO-CO

TO: CS-MU
Amended to GR-MU by
applicant.

AREA: 3.34 acres

SUMMARY STAFF RECOMMENDATION:

Staff's alternate recommendation is to maintain the existing LO-CO, Limited Office-Conditional Overlay district zoning and GO-CO, General Office-Conditional Overlay district zoning. If the proposed zoning is granted, staff requests that the recommendations put forth in the attached Traffic Impact Analysis be incorporated into the ordinance.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

November 18, 2003 – To approve LR-MU-CO, Neighborhood Commercial-Mixes Use-Conditional Overlay district zoning. The conditional overlay limits the uses to financial services as the only allowable LR use and all GO uses with the exception of guidance services, personal services. Limit height to the most restrictive height between the 795 and 765 mean sea level on the two tracts. Height is not to exceed 40 feet of the median sea level measurements. In addition, the property will be limited to the vehicle trips set out in the TIA. (Vote: 9-0).

ISSUES:

Due to a notification error, staff requests a postponement until December 11, 2003.

The property has been the subject of two zoning cases in the recent past. The first was in 1997 (C14-96-0151), and the request was from LO to CS-CO. The conditional overlay would have limited the site to convenience storage as the only allowable CS use and all GO uses as well a 24-foot height limit and a 2,000 vehicle trip limit. At the time, the neighborhood submitted a valid petition that was calculated at 39.26%. It was denied by the Planning Commission and was eventually withdrawn.

The second case, establishing the zoning on the property that exists today (C14-99-0081, see exhibit A) rezoned the property from LO to GO-CO for tract A and LO-CO for tract B and C. Tract A is subject to the following conditions:

1. The total building square footage may not exceed 126,000 square feet.
2. A structure or portion of any structure may not exceed a height of 795 feet above sea level
3. The following uses will be prohibited:

Business Support Services
Off-Site Accessory Parking
Guidance Services
Hospital Services (general)
Private Secondary Educational Facilities

Campground
Personal Services
Restaurant (Limited)
College and University Facilities

Tract B is subject to the following conditions:

1. A structure or portion of a structure may not exceed 765 feet above sea level.
2. Vehicle access to tract B from Hart Lane shall be by right turn-in entry lane only.

Tract C is subject to the following conditions:

1. A structure or portion of a structure may not exceed a height of 765 feet above sea level

In addition, the site is limited to 2,000 trips per day.

The property owner requested GO-CO for the entirety of the property in 1999. The neighborhood at that time submitted a valid petition to the City of Austin against rezoning the property to GO. The existing zoning is a compromise between the neighborhood and property owner.

Regarding the current case, staff has received a letter from applicant amending the case from CS-MU to GR-MU (see attached letter). In addition, the applicant is meeting with the neighborhood in the hopes of coming to an agreement.

DEPARTMENT COMMENTS:

The applicant is proposing the zoning change to develop the site with medical offices, general offices and a drive through bank.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	GO-CO and LO-CO	Undeveloped
<i>North</i>	MF-3-CO	Apartments
<i>South</i>	LO SF-3	Undeveloped Church
<i>East</i>	Not Zoned	Mopac Expressway
<i>West</i>	MF-3 and LR	Townhomes and Condominiums, County Park

AREA STUDY: N/A

TIA: See TIA memo

WATERSHED: Shoal Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

#053 – Northwest Austin Civic Association
#283 – North Austin Neighborhood Alliance
#313 – Parmer/Avery Island Neighborhood Association
#511 – Austin Neighborhoods Council

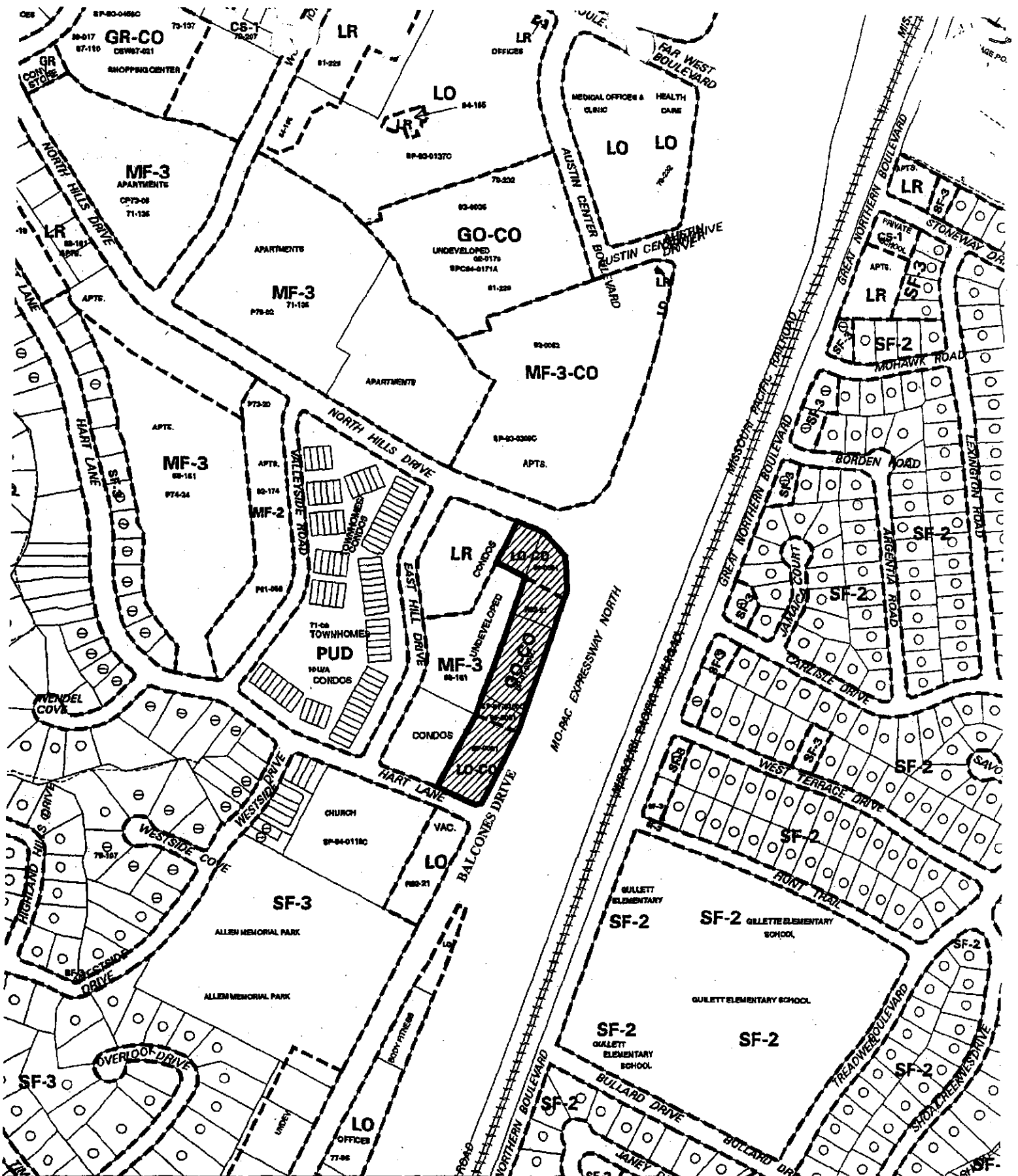
NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-02-0179	GO-CO to GO-CO	The applicant's request was to change the requirements of the conditional overlay. The property was originally subject to a FAR limitation in order to limit trips. Also, there was a height limit of 40 feet. The FAR limit was removed and the height was increased to 45 feet (Vote: 9-0). 12/17/03	Approved ZAP recommendation (Vote: 7-0). 2/13/03





Please see attached T.I.A. memo.

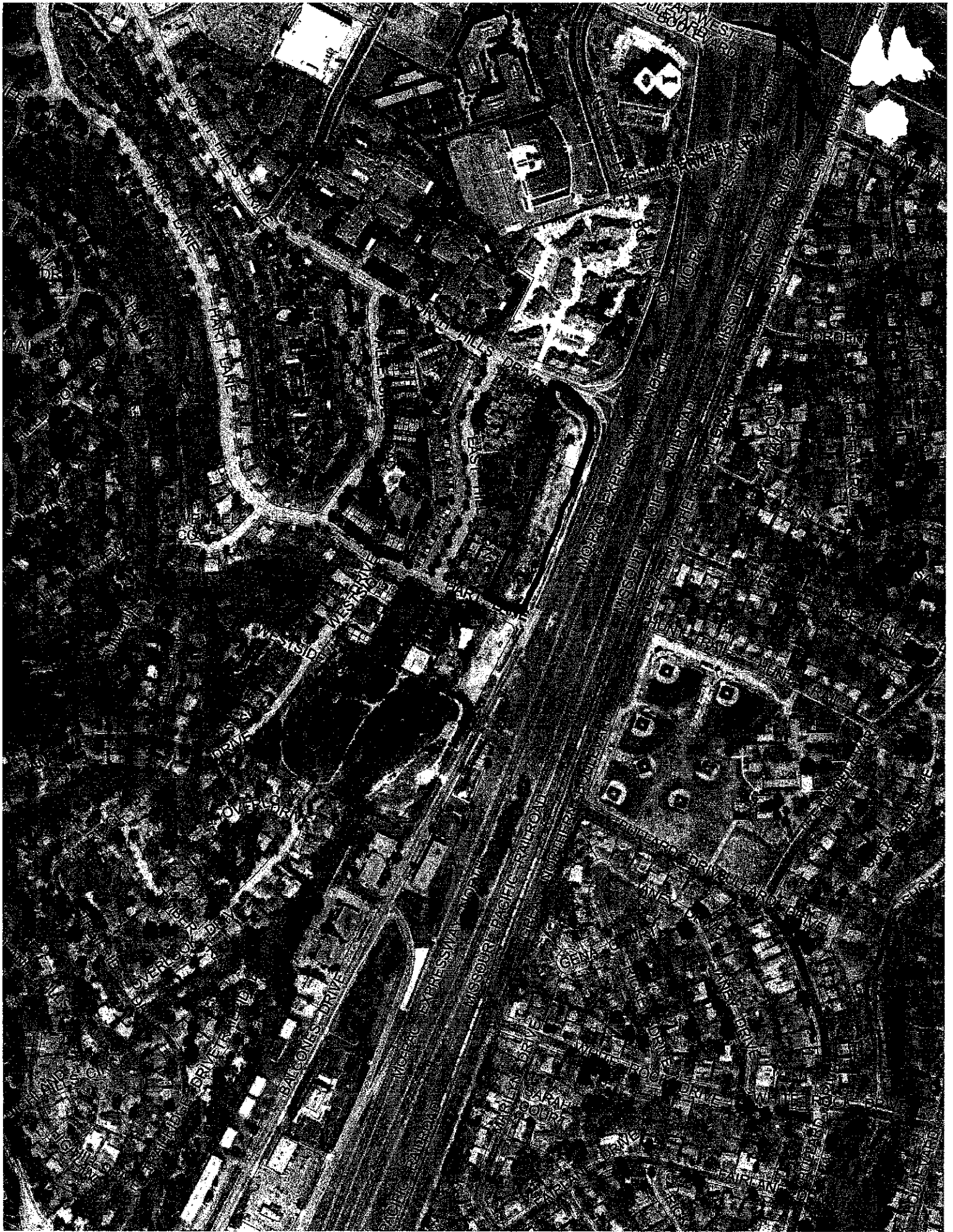
ACTION:

ORDINANCE NUMBER:

CASE MANAGER: Glenn Rhoades **PHONE:** 974-2775



 1" = 400'	SUBJECT TRACT		ZONING CASE #: C14-03-0120 ADDRESS: NORTH HILLS LA BETWEEN HART LA & N MO-PAC NB EXPY SUBJECT AREA (acres): 3.340	DATE: 03-08 INTLS: SM	CITY GRID REFERENCE NUMBER H29
	PENDING CASE				
	ZONING BOUNDARY				
	CASE MGR: G. RHOADES				





STAFF RECOMMENDATION

Staff's alternate recommendation is to maintain the existing LO-CO, Limited Office-Conditional Overlay district zoning and GO-CO, General Office-Conditional Overlay district zoning.

BASIS FOR RECOMMENDATION

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

The existing zoning of GO-CO and LO-CO is more appropriate at this location. Land uses and zoning on the surrounding tracts have not changed since the existing zoning was granted by City Council on May 11, 2000. Along this portion of Mopac Expressway there is only one CS-1 tract on the east side. The properties on this portion of Mopac are developed with office uses as well as apartments and condominiums. Although the property faces Mopac, access will be limited to Balcones Drive.

Staff does not believe that conditions have changed significantly enough to warrant a change to the applicant's request of GR-MU.

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

Staff's alternate recommendation of LO-CO and GO-CO would allow a fair and reasonable use of the site. The property in the area is predominantly used for office and residential. Commercial, retail zoning and uses do not exist along this section of Mopac.

4. *Zoning should promote the policy of locating retail and more intensive zoning near the intersections of arterial roadways or at the intersections of arterials and major collectors.*

Although the subject tract faces Mopac, vehicle access to and from the property is limited to Balcones Drive, a two lane one-way collector, as well as Hart Lane. and North Hills Dr., also classified as collectors.

EXISTING CONDITIONS

Site Characteristics

The site is currently undeveloped, and used annually for a Christmas tree sales use.

Transportation

A traffic impact analysis is required and has been received. Additional right-of-way, participation in roadway improvements, or limitations on development intensity may be recommended based on review of the TIA. [LDC, Sec. 25-6-142]. Comments will be provided in a separate memo.

Impervious Cover

The maximum impervious cover allowed under GR is 90%.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Shoal Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone. Impervious cover is not limited in this watershed class. This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm.

According to flood plain maps, there is no flood plain within the project area.

At this time, site-specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

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

At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.

Water and Wastewater

The landowner intends to serve the site with City water and wastewater utilities. If water or wastewater utility improvements, or offsite main extension, or system upgrades, or utility relocation, or adjustment are required, the landowner will be responsible for all costs and providing. Also, the water and wastewater utility plan must be reviewed and approved by the City of Austin Water and Wastewater Utility. The plan must be in accordance with the City's utility design criteria.

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.

Compatibility Standards

The site is subject to compatibility standards due to the presence of SF-3 zoned property less than 540-feet to the south of the site. The following regulations apply to the portion of the tract within 110-feet of the southern property line:

- A structure may attain a height of 60 feet plus one foot for each four feet if distance in excess of 300 feet from the property zoned SF-5 or more restrictive.

Additional design regulations will be enforced at the time a site plan is submitted.

DISCUSSION AND ACTION

3. Discussion and action on directing staff to evaluate subdivision and preliminary plan notices and make recommendations concerning revisions to public notices.
By: ZAP Commission.

MARTY TERRY WILL BRING BACK TO ZAP AT THE END OF DECEMBER.

BRIEFING

4. Briefing and status update on mobile food vendors. **City Staff: Matt Christianson, 974-6470; and Cora Wright, 974-7674, Neighborhood Planning and Zoning Department.**

PRESENTATION GIVEN BY CORA WRIGHT, MATT CHRISTIANSON, SUSAN WALKER, REPRESENTATIVE FROM HEALTH DEPARTMENT, REPRESENTATIVE FROM TRANSPORTATION DEPT., AND REPRESENTATIVE FROM AUSTIN POLICE DEPARTMENT.

5. Briefing on the Lowe's settlement agreement. **City staff: Pat Murphy, 974-2821.**

PULLED; PLACED ON ADDENDUM.

DISCUSSION AND ACTION ON ZONING CASES**CONTINUED CASES**

6. C14-03-0120 – BALCONES CENTRUM LTD. (Gerald Kucera), By: Crocker Consultants (Sarah Crocker), 3413 North Hills Drive, 6415 Hart Lane, 6426 Mo-Pac Expressway North. (Shoal Creek). **FROM LO-CO and GO-CO TO CS-MU-CO. AMENDED TO GR-MU-CO. ALTERNATE RECOMMENDATION: LO-CO; GO-CO.** City Staff: Glenn Rhoades, 974-2775. **POSTPONED FROM 11-4 (STAFF).**

APPROVED LR-MU-CO ZONING WITH CONDITIONS:

- ***LIMIT TRIPS SET OUT IN THE T.L.A;***
- ***ALLOW FINANCIAL SERVICES AS THE ONLY PERMITTED LR USE;***
- ***PROHIBIT FOOD SALES;***
- ***MOST RESTRICTIVE HEIGHT BETWEEN THE 795 AND 765 ON THE TWO TRACTS; HEIGHT NOT TO EXCEED 40-FEET OF THE MEDIAN SEA LEVEL MEASUREMENTS, WHICHEVER WERE LESS;***
- ***PROHIBIT GUIDANCE SERVICES, PERSONAL SERVICES OR RESTAURANT LIMITED***

[B.B; K.J 2ND] (9-0)

ORDINANCE NO. 000511-63

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 25-2 OF THE CITY CODE AS FOLLOWS:

THREE TRACTS OF LAND OUT OF LOTS 2, 3, AND 4 OF NORTHWEST HILLS SECTION 15-A SUBDIVISION, FROM LIMITED OFFICE (LO) DISTRICT TO GENERAL OFFICE-CONDITIONAL OVERLAY (GO-CO) COMBINING DISTRICT FOR TRACT A, AND LIMITED OFFICE-CONDITIONAL OVERLAY (LO-CO) COMBINING DISTRICT FOR TRACTS B AND C, LOCALLY KNOWN AS 6415 HART LANE, 3413 NORTH HILLS DRIVE AND 6426 NORTH LOOP ONE (MOPAC) SOUTHBOUND, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS.

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 districts on the property described in File C14-99-0081, as follows:

Tract A: From Limited Office (LO) district to General Office-Conditional Overlay (GO-CO) combining district.

A 1.684 acre tract of land comprised of Lot 3 and portions of Lots 2 and 4, Northwest Hills Section 15-A Subdivision, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance, and

Tract B: From Limited Office (LO) district to Limited Office-Conditional Overlay (LO-CO) combining district.

A 0.907 acre tract of land comprised of a portion of Lot 2, Northwest Hills Section 15-A Subdivision, the tract of land being more particularly described by metes and bounds in Exhibit "B" incorporated into this ordinance, and

Tract C: From Limited Office (LO) district to Limited Office-Conditional Overlay (LO-CO) combining district.

A 0.744 acre tract of land comprised of a portion of Lot 4, Northwest Hills Section 15-A Subdivision, the tract of land being more particularly described by metes and bounds in Exhibit "C" incorporated into this ordinance, (the "Property")

locally known as 6415 Hart Lane, 3413 North Hills Drive, and 6426 North Loop One (Northbound), in the City of Austin, Travis County, Texas, and as more particularly identified in the map attached as Exhibit "D".

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

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.

PART 3. Tract A is subject to the following conditions:

1. The total building square footage may not exceed 126,000 square feet.
2. A structure or portion of a structure may not exceed a height of 795 feet above sea level. / 765
3. The following uses are prohibited:

Business Support Services ✓	Campground
Off-Site Accessory Parking ✓	Personal Services
Guidance Services ✓	Restaurant (limited)
Hospital Services (general) ✓	College and University Facilities
Private Secondary Educational Facilities	

PART 4. Tract B is subject to the following conditions:

1. A structure or portion of a structure may not exceed a height of 765 feet above sea level.
2. Vehicular access to Tract B from Hart Lane shall be by a right turn-in entry lane only.

PART 5. Tract C is subject to the following condition:

A structure or portion of a structure may not exceed a height of 765 feet above sea level.

PART 6. Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the respective use districts and other applicable requirements of the City Code.

PART 7. The Council waives the requirements of Section 2-2-3, 2-2-5, and 2-2-7 of the City Code for this ordinance.

PART 8. This ordinance takes effect on May 22, 2000.

PASSED AND APPROVED

_____, May 11, 2000

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Kirk Watson
Mayor

APPROVED:



Andrew Martin
City Attorney

ATTEST:



Shirley A. Brown
City Clerk

