



Zoning
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION

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

SUBJECT: C14-03-0177 - Jack Brown Site - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11500 R.R. 2222 (Bull Creek Watershed) from single family residence standard lot (SF-2) district zoning to community commercial (GR) district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Applicant: Jack Brown Family III, LP (Paul Brown). Agent: Trammell Crow Company (Jill Allison). City Staff: Sherri Gager, 974-3057.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

ZONING CHANGE REVIEW SHEET

CASE: C14-03-0177

Z.A.P. DATE: January 6, 2003

ADDRESS: 11500 R.R. 2222

OWNER/APPLICANT: Jack Brown Family III, LP
(Paul Brown)

AGENT: Trammell Crow Company
(Jill Allison)

ZONING FROM: SF-2

TO: CS*
*Amended to GR

AREA: 1.256 acres

* The applicant amended the proposed request to GR, Community Commercial District, zoning on January 6, 2004 (Amendment Letter-Attachment B).

SUMMARY STAFF RECOMMENDATION:

The staff's alternate recommendation is to grant CS-CO (General Commercial Services-Conditional Overlay) zoning district. The conditional overlay would limit the development intensity to less than 2,000 vehicle trips per day.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

1/6/04: Approved GR-CO zoning, with conditions:

- 1) A maximum of 2,000 vehicle trips per day
- 2) Prohibit the following uses:
 - a) Automotive Rentals
 - b) Automotive Repair Services
 - c) Automotive Sales
 - d) Automotive Washing
 - e) Pawn Shops

Vote: (9-0); J. Martinez-1st, J. Donisi-2nd.

DEPARTMENT COMMENTS:

The property in question is currently developed with a Personal Service (dry cleaning facility). The applicant is requesting CS, General Commercial Services district, zoning for this site because they would like to construct a 4,390 sq. ft. financial services use on the property (Request Letter-Attachment A).

The staff is recommending CS-CO zoning for this tract of land because the proposed request is consistent with the purpose statement for the CS, General Commercial Services, zoning district. The property in question is adjacent to an existing grocery store and commercial retail center located to east. The site is located at the intersection of two major arterial roadways, R.R. 2222 and R.M. 620, and takes access to both of these roadways.

The applicant agrees with the Zoning and Platting Commission's recommendation.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-2	Personal Services
<i>North</i>	PUD	Grocery Store (Food Sales), Bank
<i>South</i>	GR-CO	Pharmacy/Drug Store
<i>East</i>	GR-CO, PUD	Service Station, Grocery Store (Food Sales), Retail Center
<i>West</i>	I-SF-2	Convenience Store w/ Gas Pumps

AREA STUDY: N/A**TIA:** Waived**WATERSHED:** Bull Creek**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** N/A**HILL COUNTRY ROADWAY:** Yes**NEIGHBORHOOD ORGANIZATIONS:**

190 – Middle Bull Creek Neighborhood Association
 194 – 2222 Property Owners Association
 260 – Comanche Trail Community Association
 275 – Volente Neighborhood Association
 426 – River Place Residential Community Association, Inc.
 434 – Lake Austin Business Owners
 439 – Concerned Citizens For P& B of FM 2222
 448 – Canyon Creek Homeowners Association
 475 – Bull Creek Foundation
 654 – The Park Homeowners Association
 965 – Old Spicewood Springs Road Neighborhood Association

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-01-0058	SF-2 to GR	5/8/01: Approved GR-CO w/ trip limitation conditions maintained as per staff rec. & prohibit auto related uses (6-2, JM/RC-No)	7/19/01: Approved GR-MU-CO w/ conditions & RR (6-0) 7/19/02: Expired-No 3 rd reading (Administrative)
C14-01-0057	SF-2 to GR	5/8/01: Approved GR-CO w/ trip limitation conditions maintained as per staff rec. & prohibit auto related uses (6-2, JM/RC-No)	7/19/01: Approved GR-CO w/ conditions (6-0); all 3 readings
C14-01-0056	SF-2 to GR	5/8/01: Approved GR-CO w/ trip limitation conditions maintained as per staff rec. & prohibit auto related uses (6-2, JM/RC-No)	7/19/01: Approved GR-CO w/ conditions (6-0); all 3 readings
C14-00-2086	SF-2 to CS	6/6/00: Approved staff rec. of LR-CO (9-0): 1) Limit of 2,029 vehicle trips per day, 2) Prohibit	8/3/00: Approved LR-CO (7-0); all 3 readings

		Drive-In Service and Service Station	
C14-00-2076	RR to GR	5/16/00: Approved staff's rec. of GR-CO (6-2, JM/RC-Nay, GW-Off dias): Prohibit Auto Related uses and Pawn Shops	6/22/00: Approved PC rec. of GR-CO w/ conditions (7-0): 1) Limit of 1,586 vehicle trips per day, 2) Add Service Station and Drive-In Service as prohibited uses
C14-98-0268	I-RR to GR	5/9/00: Approved Staff rec. of GR, 1) With inclusion of Fast Food use, 2) Limit Fast Food use to 4,500 sq ft. as per TIA (6-1-1, JM-Nay, BH-Abstain)	5/18/00: Approved PC rec. of GR-CO w/ additional conditions: Prohibit Food Sales, Service Station, and Auto Related Uses, (5-1, Slusher-Nay, Lewis-Absent); 1 st reading 6/8/00: Approved 2 nd /3 rd readings (7-0)
C14-98-0236	I-RR to LI	4/6/99: Approved LI w/ conditions (8-0)	5/6/99: Approved PC rec. of LI-CO w/ conditions and provision to rollback to GR if current use ceases for more than 90 days (6-0); 1 st reading 7/1/99: Approved LI-CO w/ conditions: 1) Allow all restaurant uses, 2) Rollback to 'GR' if use ceases for more than 180 days (subj. to discussion taken at 3 rd reading) (6-0); 2 nd reading 7/15/99: Approved LI-CO w/ conditions (4-2, Griffith/ Slusher-Nay); 3 rd reading
C14-98-0235	I-RR to GR-MU	2/2/99: Send case to CC without recommendation	3/4/99: Approved GR-MU-CO w/ conditions: 1) Prohibit Restaurant (Drive-In, Fast Food), Food Sales, Service Station, and Auto Related uses, 2) Limit of 1,000 vehicle trips per day (6-1, DS-Nay); 1 st reading 7/22/99: Approved GR-MU-CO (6-1, D. Slusher-Nay); 2 nd /3 rd rdgs
C14-98-0234	I-RR to GR	2/2/99: Send case to CC without recommendation	3/4/99: Approved GR-MU-CO w/ conditions: 1) Limit of 2,000 vehicle trips per day (6-1, DS-Nay); 1 st reading 7/22/99: Approved GR-MU-CO (6-1, D. Slusher-Nay); 2 nd /3 rd rdgs
C14-98-0233	I-RR to GR	2/2/99: Send case to CC without recommendation	3/4/99: Approved GR-MU-CO w/ conditions: 1) Prohibit Restaurant

			(Drive-In, Fast Food), Food Sales, Service Station, and Auto Related uses, 2) Limit of 1,000 vehicle trips per day (6-1, DS-Nay); 1 st reading 7/22/99: Approved GR-MU-CO (6-1, D. Slusher-Nay); 2 nd /3 rd rdgs
C14-98-0232	I-RR to GR-MU	2/2/99: Send case to CC without recommendation	3/4/99: Approved GR-MU-CO w/ conditions: 1) Prohibit Restaurant (Drive-In, Fast Food), Food Sales, Service Station, and Auto Related uses, 2) Limit of 1,000 vehicle trips per day (6-1, DS-Nay); 1 st reading 7/22/99: Approved GR-MU-CO (6-1, D. Slusher-Nay); 2 nd 3 rd rdgs
C14-98-0225	I-RR to GR	2/2/99: Send case to CC without recommendation	3/4/99: Approved GR-MU-CO w/ conditions (6-1, DS-Nay) 7/1/99: Approved GR-MU-CO w/ conditions (5-1, DS-No); 2 nd reading 7/22/99: Approved GR-MU-CO w/ conditions (6-1, Slusher-No)
C14-98-0222	SF-2 to GR	1/26/99: Case withdrawn by applicant	N/A
C14-98-0027	I-SF-2 to GR	4/14/98: Approved GR-CO w/ conditions (6-2)	6/11/98: Approved PC rec. of GR-CO w/ conditions: Limit of 2,000 vehicle trips per day (6-0); 1 st reading only; deleted ROW dedication due to waiver from TXDOT 7/9/98: Approved GR-CO (7-0); 2 nd /3 rd readings
C814-95-0002	PUD to PUD	12/12/95: Approved PUD revision w/ conditions (5-3)	12/14/95: Approved PUD subject to list of conditions (4-0); 1 st reading; (Public hearing closed but speakers will be allowed to speak at 2 nd /3 rd readings) 6/13/96: Approved PUD subject to conditions

RELATED CASES: There are no pending related cases.

ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION	DAILY TRAFFIC
RM 620	215'	Varies	Arterial	N/A
RR 2222	130'	Varies	Arterial	N/A

CITY COUNCIL DATE: February 5, 2004

ACTION:

ORDINANCE READINGS: 1st

2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Sherri Gager

PHONE: 974-3057,
sherri.gager@ci.austin.tx.us

STAFF RECOMMENDATION

The staff's alternate recommendation is to grant CS-CO (General Commercial Services-Conditional Overlay) zoning district. The conditional overlay would limit the development intensity to less than 2,000 vehicle trips per day.

BACKGROUND

The property in question is currently developed with a dry cleaning facility. The applicant is requesting CS, General Commercial Services district, zoning for this site because they would like to construct a 4,390 sq. ft. financial services use on the property (Request Letter-Attachment A).

The staff is recommending CS-CO zoning for this tract of land because the proposed request is consistent with the purpose statement for the CS, General Commercial Services, zoning district. The property in question is adjacent to an existing grocery store and commercial retail center located to east. The site is located at the intersection of two major arterial roadways, R.R. 2222 and R.M. 620, and takes access to both of these roadways.

BASIS FOR RECOMMENDATION

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

The CS zoning district is intended for commercial or industrial use of a service nature that has operating characteristics or traffic service requirements that are incompatible with residential environments.

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

The CS-CO zoning district would be compatible and consistent with the surrounding uses because there is GR-CO zoning located to the south and east of this site. The property to the north, south, east, and west of this site is developed with commercial retail uses.

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

The CS-CO zoning district would allow for a fair and reasonable use of the site. CS-CO zoning is appropriate for this location because of the commercial character of the area. The surrounding properties to the east, in the Four Points PUD, are developed as part of a commercial retail center.

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.*

The site under consideration is located at the intersection of two major arterial roadways, R.R. 2222 and R.M. 620.

EXISTING CONDITIONS

Site Characteristics

The site is developed with a Personal Services use (dry cleaning pick-up facility). The property is located at the corner of R.R. 2222 and R.M. 620 and has driveways that access both of these roadways.

Impervious Cover

The maximum impervious cover allowed by the CS 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 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 may not exceed 18% impervious cover.

Note: The most restrictive impervious cover limit applies.

Environmental

The site is located over the Edward's Aquifer Recharge Zone. The site is in the Bull Creek Watershed of the Colorado River Basin, and is classified as a Water Supply Suburban Watershed by Chapter 25-8 of the City's Land Development Code.

According to flood plain maps, there is no flood plain in, or within close proximity of, the project location.

The site is located within the endangered species survey area and must comply with the requirements of Chapter 25-8 Endangered Species in conjunction with subdivision and/or site plan process.

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, 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.

Under current watershed regulations, development or redevelopment on this site will be subject to providing structural sedimentation and filtration basins with increased capture volume and 2 year detention.

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

Transportation

No additional right-of-way is needed at this time. It should be noted that The Austin Metropolitan Area Transportation Plan calls for 400 feet of right-of-way for RM 620 and 140 feet of right-of-way for RR 2222. At the time of site plan this site will be required to reserve, 200 feet of right-of-way from the future centerline of RM 620 and dedicated 70 feet of right-of-way from the future centerline of RR 2222 according to the Transportation Plan. [LDC, Sec. 25-6-51 and 25-6-55]

The trip generation under the requested zoning is estimated to be 7,223 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]
Capital Metro bus service is not available within 1/4 mile of this property.

RR 2222 is classified in the Bicycle Plan as a Priority 2 bike route. Route #434

Existing Street Characteristics:

NAME	ROW	PAVEMENT	CLASSIFICATION	DAILY TRAFFIC
RM 620	215'	Varies	Arterial	N/A
RR 2222	130'	Varies	Arterial	N/A

Right of Way

No comments have been received at this time.

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 adjust are required, the landowner will be responsible for all costs and providing. Also, the utility plan must be reviewed and approved by the Austin Water 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.

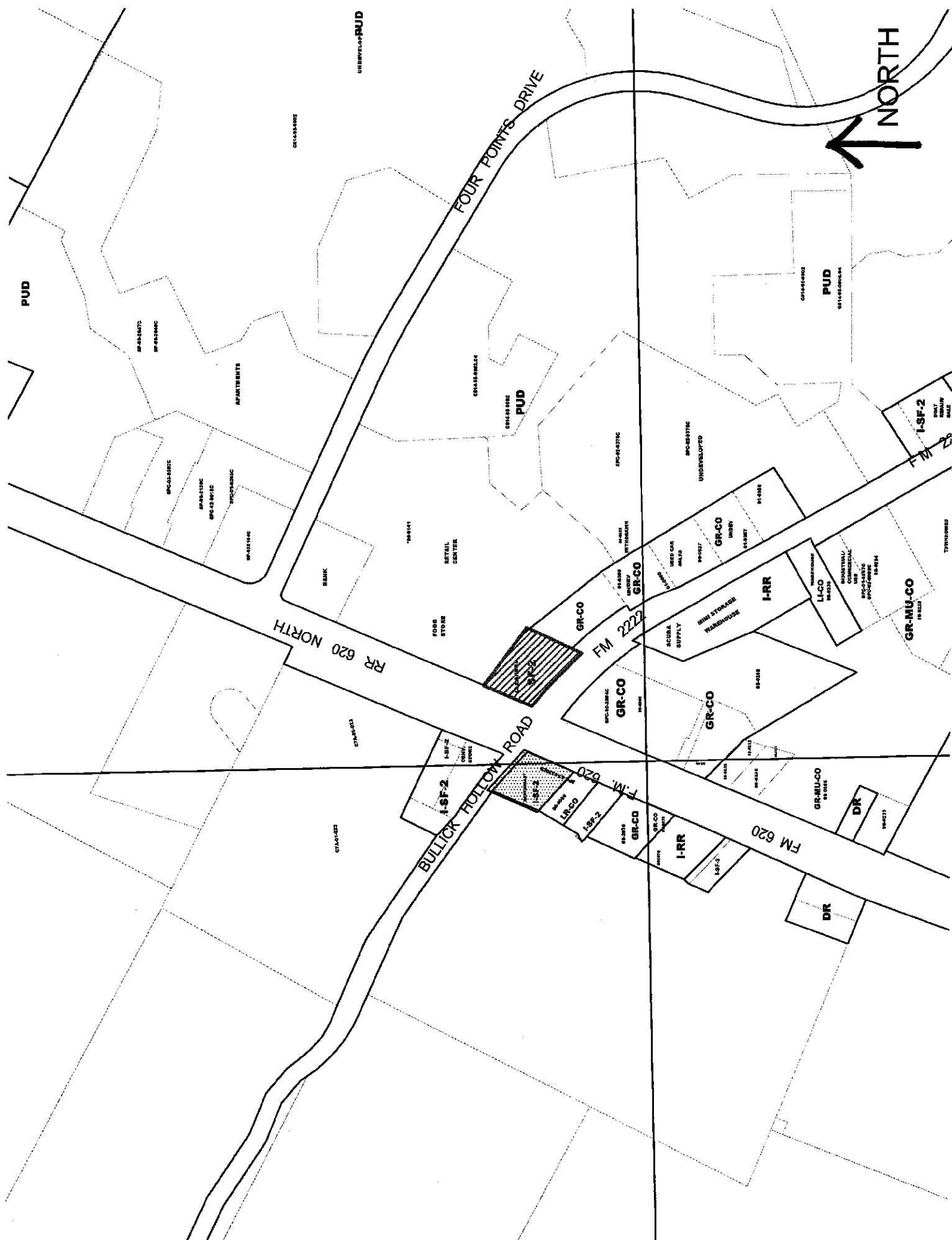
Hill Country Roadway

This site is located within the Hill Country Roadway Corridor and therefore requires Zoning & Platting Commission review. Show on the site plan a line designating the Hill Country Roadway

Corridor as the area within the City Limits and 1000 feet from the right-of-way of RR 2222 and RM 620.

The site lies within a HIGH Intensity Zone. All non-residential development within this zone shall be subject to a maximum Floor-to-Area Ratio of 0.30 on 0-15% slopes, 0.12 on 15-25% slopes, and 0.06 on 25-35% slopes.

This site is not subject to compatibility development regulations.



ORDINANCE NO. _____

1 **AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE**
2 **PROPERTY LOCATED AT 11500 R.R. 2222 FROM SINGLE FAMILY**
3 **RESIDENCE STANDARD LOT (SF-2) DISTRICT TO COMMUNITY**
4 **COMMERCIAL-CONDITIONAL OVERLAY (GR-CO) COMBINING DISTRICT.**

5
6 **BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

7
8 **PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to
9 change the base district from single family residence standard lot (SF-2) district to
10 community commercial-conditional overlay (GR-CO) combining district on the property
11 described in Zoning Case No.C14-03-0177, on file at the Neighborhood Planning and
12 Zoning Department, as follows:

13
14 A 1.256 acre tract of land, more or less, out of the Alexander Dunlap Survey No.
15 A-805 in Travis County, the tract of land being more particularly described by
16 metes and bounds in Exhibit "A" incorporated into this ordinance, (the "Property")

17
18 locally known as 11500 R.R. 2222, in the City of Austin, Travis County, Texas, and
19 generally identified in the map attached as Exhibit "B".

20
21 **PART 2.** The Property within the boundaries of the conditional overlay combining district
22 established by this ordinance is subject to the following conditions:

- 23
24 1. A site plan or building permit for the Property may not be approved, released, or
25 issued, if the completed development or uses of the Property, considered cumulatively
26 with all existing or previously authorized development and uses, generate traffic that
27 exceeds 2,000 trips per day.
28
29 2. The following uses are prohibited uses of the Property:

30
31 Automotive rentals
32 Automotive sales
33 Pawn shop services

Automotive repair services
Automotive washing (of any type)

34
35 Except as specifically restricted under this ordinance, the Property may be developed and
36 used in accordance with the regulations established for the community commercial (GR)
37 base district and other applicable requirements of the City Code.

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_____, 2004

Will Wynn
Mayor

APPROVED: _____ **ATTEST:** _____
David Allan Smith Shirley A. Brown
City Attorney City Clerk

1.256 ACRES
JACK BROWN TRACT
OCULUS

EXHIBIT A

FN NO. 03-245 (MTH)
SEPTEMBER 18, 2003
BPI JOB NO. 1348-02.91

DESCRIPTION

OF A 1.256 ACRE TRACT OF LAND OUT OF THE ALEXANDER DUNLAP SURVEY, A-805, SITUATED IN TRAVIS COUNTY, TEXAS, BEING THAT CERTAIN TRACT OF LAND CONVEYED TO JACK BROWN FAMILY III LIMITED PARTNERSHIP BY DEED OF RECORD IN VOLUME 12816, PAGE 1087 AND THAT CERTAIN 5,243 SQUARE FOOT TRACT OF LAND CONVEYED TO BROWN PROPERTIES BY QUITCLAIM DEED OF RECORD IN VOLUME 8124, PAGE 465 BOTH OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 1.256 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a 1/2 inch iron rod set at northeasterly corner of the intersection of R.M. 2222 (R.O.W. varies) and F.M. 620 (150' R.O.W.), said F.M. 620 having been dedicated as a right-of-way easement by deed of record in Volume 948, Page 96 of the Deed Records of Travis County, Texas, being the most southwesterly corner of said Jack Brown Family III Limited Partnership tract and hereof, from which a concrete highway monument found at the old right-of-way intersection of the south line of R.M. 2222 and the east line of F.M. 620 bears S24°58'34"W, a distance of 104.13 feet;

THENCE, N24°55'51"E, along the easterly line of said F.M. 620, being the westerly line of said Jack Brown Family III Limited Partnership tract and hereof, a distance of 197.54 feet to a PK nail set for the northwesterly corner of said Jack Brown Family III Limited Partnership tract and hereof;

THENCE, leaving the easterly line of F.M. 620, along the northerly line of said Jack Brown Family III Limited Partnership tract, the northerly line of said Brown Properties tract and hereof, being the southerly line of Lot 1, Block "B", Four Points Centre P.U.D. Lots 1 and 1A, Block "B" lots 3 and 3A, Block "A", a subdivision of record in Volume 100, Page 309 of the Plat Records of Travis County, Texas, the following two (2) courses and distances:

- 1) S49°21'17"E, passing at a distance of 3.67 feet, a 1/2 inch iron rod with cap set at the southwesterly corner of said Lot 1, Block "B", Four Points Centre P.U.D and continuing for a total distance of 257.89 feet to a 1/2 inch iron rod found at an angle point, being the common northerly corner of said Jack Brown Family III Limited Partnership tract and said Brown Properties tract;
- 2) S36°21'03"E, a distance of 27.81 feet to a 1/2 inch iron rod found at the northeasterly corner of said Brown Properties tract and hereof, being the northwesterly corner of Lot 1, Block "A", HEB/Four Points Subdivision of record in Volume 100, Page 320 of said Plat Records;

FN NO. 03-245 (MTH)
SEPTEMBER 18, 2003
PAGE 2 OF 2


THENCE, S26°42'42"W, leaving the southerly line of said Lot 1, Block "B", Four Points Centre P.U.D. along the easterly line of said Brown Properties tract and hereof, being the westerly line of said Lot 1, Block "A", HEB/Four Points Subdivision, passing at a distance of 181.46 feet, a 1/2 inch iron rod found at the southwesterly corner of said Lot 1, Block "A", HEB/Four Points Subdivision and continuing for a total distance of 208.97 feet to a concrete nail set in the curving northerly right-of-way line of R.M. 2222, being the southeasterly corner of said Brown Properties tract and hereof;

THENCE, along the northerly line of R.M. 2222, being the southerly line of said Brown Properties tract, the southerly line of said Jack Brown Family III Limited Partnership tract and hereof, the following two (2) courses and distances:

- 1) Along a non-tangent curve to the left having a radius of 1482.39 feet, a central angle of 08°28'20", an arc distance of 219.20 feet and a chord which bears N44°32'57"W, a distance of 219.00 feet to a 1/2 inch iron rod with cap set for the end of said curve;
- 2) N48°50'24"W, a distance of 63.57 feet to the **POINT OF BEGINNING**, containing an area of 1.256 acres (54,723 sq. ft.) of land, more or less, within these metes and bounds.

I, JOHN T. BILNOSKI, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE PROPERTY DESCRIBED HEREIN WAS DETERMINED BY A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION. A LAND TITLE SURVEY WAS PREPARED TO ACCOMPANY THIS FIELDNOTE DESCRIPTION.

BURY & PARTNERS, INC.
ENGINEERS-SURVEYORS
3345 BEE CAVE ROAD
SUITE 200
AUSTIN, TEXAS 78746


JOHN T. BILNOSKI, R.P.L.S.
NO. 4998
STATE OF TEXAS

9/18/03
DATE

