

Zoning Ordinance Approval
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION



AGENDA ITEM NO.: 59
AGENDA DATE: Thu 05/12/2005
PAGE: 1 of 1

SUBJECT: C14-05-0009 - Brazos Zoning - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 11410 Manchaca Road (Slaughter Creek Watershed) from interim-rural residence (I-RR) district zoning to community commercial (GR) district zoning. City Council approved neighborhood commercial-conditional overlay (LR-CO) combining district zoning at first ordinance reading. Conditions met as follows: The Conditional overlay incorporates the conditions imposed or accepted at first ordinance reading. First Reading on April 14, 2005. Vote: 7-0. Applicant: Ray Pickard. Agent: Crocker Consultants (Sarah Crocker). City Staff: Wendy Walsh, 974-7719.

REQUESTING Neighborhood Planning **DIRECTOR'S**
DEPARTMENT: and Zoning **AUTHORIZATION:** Greg Guernsey

SECOND / THIRD READINGS SUMMARY SHEET

ZONING CASE NUMBER: C14-05-0009

REQUEST:

Approve second / third readings of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 11410 Manchaca Road (Slaughter Creek Watershed) from interim -- rural residence (I-RR) district zoning to community commercial (GR) district zoning. City Council approved neighborhood commercial -- conditional overlay (LR-CO) combining district zoning at first ordinance reading. The Conditional Overlay: 1) prohibits drive-in service as an accessory use to commercial uses; 2) requires a 25 foot wide vegetative buffer along the west property line; and 3) limits development of the property to 2,000 motor vehicle trips per day.

DEPARTMENT COMMENTS:

The Conditional Overlay incorporates the conditions imposed by the City Council at First Reading. The Agent has informed Staff that the Applicant would like City Council to reconsider their First Reading action and grant GR-CO district zoning as recommended by the Zoning and Platting Commission.

OWNER/APPLICANT: Ray Pickard

AGENT: Crocker Consultants (Sarah Crocker)

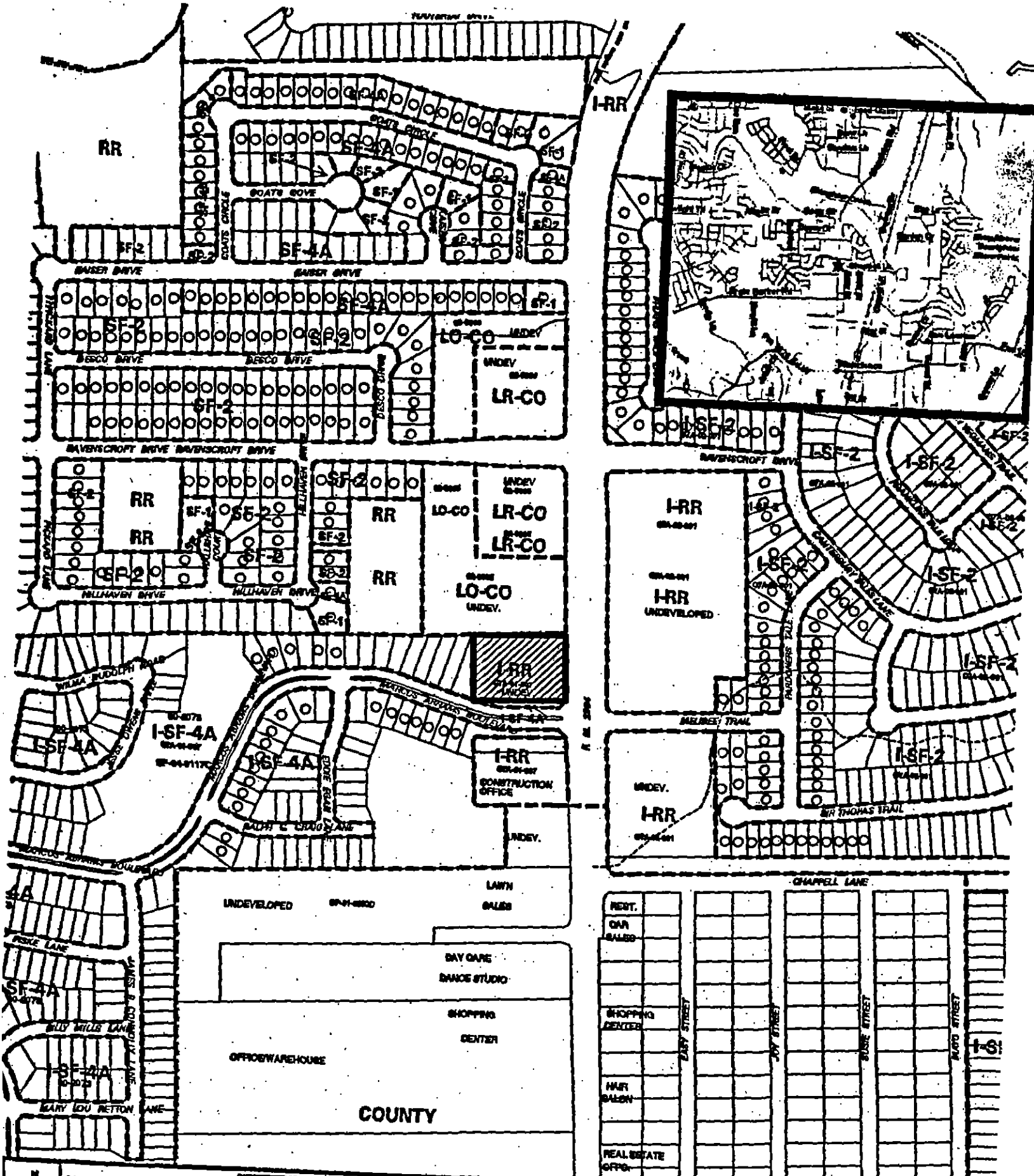
DATE OF FIRST READING: April 14, 2005, approved LR-CO district zoning, on 1st Reading (7-0).

CITY COUNCIL HEARING DATE: May 12, 2005

CITY COUNCIL ACTION: Approved a second postponement request by the Applicant to May 12, 2005 (5-0, Wynn and McCracken temporarily off the dais).

ORDINANCE NUMBER:

ASSIGNED STAFF: Wendy Walsh
e-mail: wendy.walsh@ci.austin.tx.us



<p>SUBJECT TRACT</p> <p>PENDING CASE</p> <p>ZONING BOUNDARY</p> <p>CASE MGR: W. WALSH</p>	<p>CASE #: C14-05-0009</p> <p>ADDRESS: 11410 MANCHACA RD</p> <p>SUBJECT AREA (acres): 1.489</p>	<p>ZONING</p> <p>DATE: 05-02</p> <p>INTLS: 6M</p>	<p>CITY GRID REFERENCE NUMBER</p> <p>D12</p>

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING FOR THE PROPERTY LOCATED AT 11410 MANCHACA ROAD AND CHANGING THE ZONING MAP FROM INTERIM RURAL RESIDENCE (I-RR) DISTRICT TO NEIGHBORHOOD COMMERCIAL-CONDITIONAL OVERLAY (LR-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 interim rural residence (I-RR) district to neighborhood commercial-conditional overlay (LR-CO) combining district on the property described in Zoning Case No. C14-05-0009, on file at the Neighborhood Planning and Zoning Department, as follows:

A 1.489 acre tract of land, more or less, out of the Walker Wilson League 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 11410 Manchaca Road, 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. Drive-in service is prohibited as an accessory use to a commercial use.
3. A 25-foot wide vegetative buffer shall be provided and maintained along the west property line of the Property. Improvements permitted within the buffer zone are limited to drainage, underground utility improvements or those improvements that may be otherwise required by the City of Austin or specifically authorized in this ordinance.

1 Except as specifically restricted under this ordinance, the Property may be developed and
2 used in accordance with the regulations established for the neighborhood commercial (LR)
3 base district and other applicable requirements of the City Code.

4
5 **PART 3.** This ordinance takes effect on _____, 2005.

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7
8 **PASSED AND APPROVED**

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11
12 _____, 2005

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§
§

Will Wynn
Mayor

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16
17 **APPROVED:**

David Allan Smith
City Attorney

ATTEST:

Shirley A. Brown
City Clerk

FIELD NOTES
FOR

EXHIBIT A

1.489 ACRES OF LAND

ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF THE WALKER WILSON LEAGUE IN TRAVIS COUNTY, TEXAS, BEING ALL OF THAT CERTAIN TRACT OF LAND CALLED 1.49 ACRES AND DESIGNATED AS TRACT ONE, AS CONVEYED TO ROY PICKARD, ET.AL. BY INSTRUMENT RECORDED IN DOCUMENT NO. 2003257665 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a capped iron pin found at the Southwest corner of said Tract One, being at the Southeast corner of Lot 2, Block A, Olympic Heights Section 1, a subdivision recorded in Document No. 200200099 of the Official Public Records of Travis County, Texas, being in the North r.o.w. line of Marcus Abrams Boulevard, for the PLACE OF BEGINNING hereof;

THENCE along the West line of said Tract One, being along the East line of said Lot 2, N 02°35'59" W for a distance of 216.08 feet to a capped iron pin found at the Northwest corner of said Tract One;

THENCE along the North line of said Tract One, N 88°04'57" E for a distance of 300.17 feet to a ½ inch iron pin found at the Northeast corner of said Tract One, being in the West r.o.w. line of Manchaca Road;

THENCE along the East line of said Tract One, being along the West r.o.w. line of Manchaca Road, S 02°32'58" E for a distance of 216.11 feet to a capped iron pin found at the Southeast corner of said Tract One, being at the Northeast corner of Lot 1, Block A of the aforesaid subdivision;

THENCE along the South line of said Tract One, being along the North line of said Lot 1, S 88°05'16" W for a distance of 299.98 feet to the PLACE OF BEGINNING and containing 1.489 acres of land, more or less.

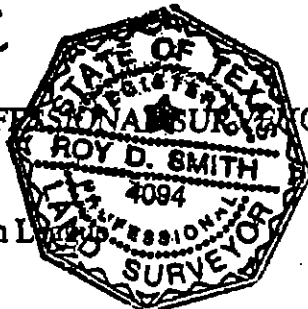
SURVEYED BY:

Roy D. Smith Surveyors, P.C.

Roy D. Smith
ROY D. SMITH

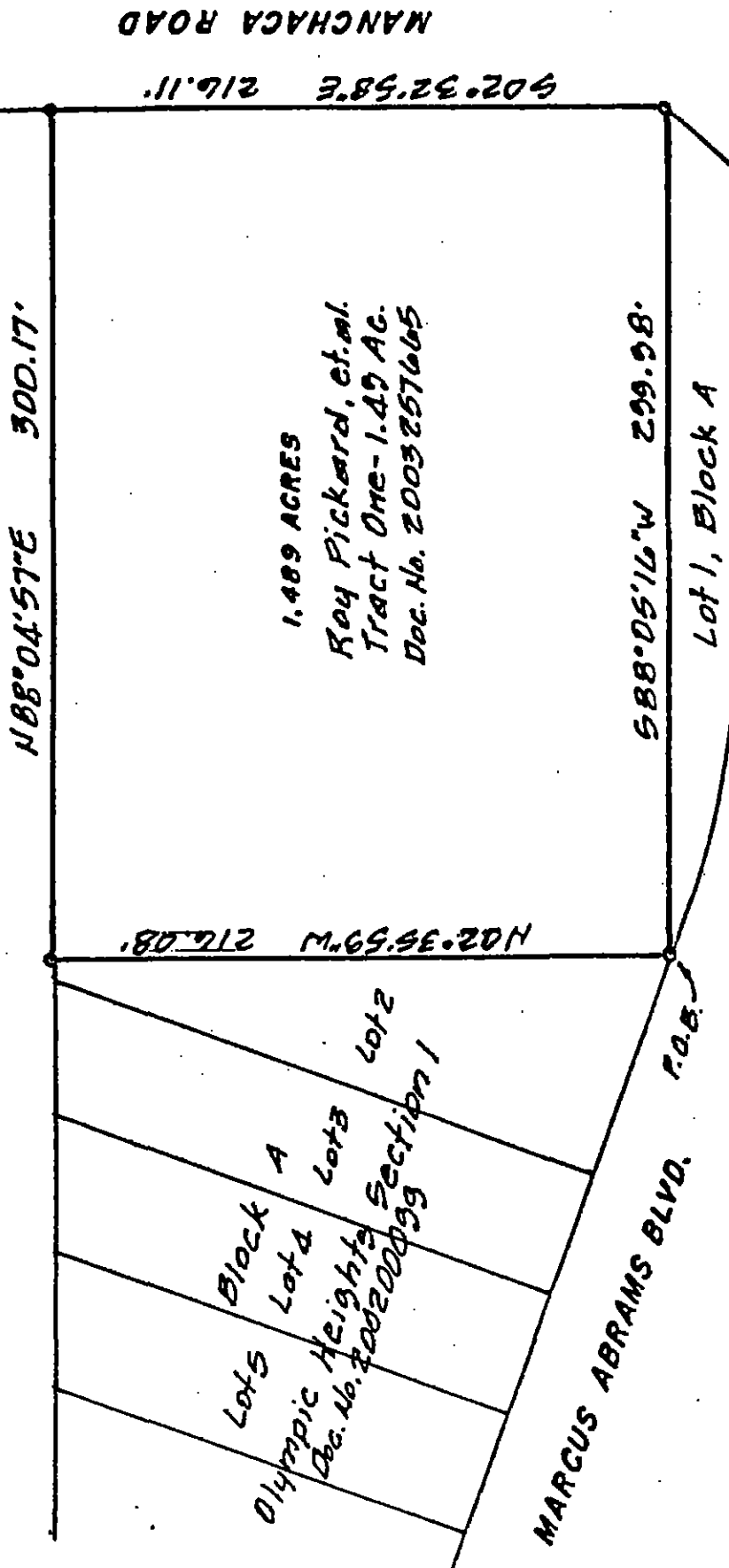
REGISTERED PROFESSIONAL SURVEYOR NO. 4094

December 28, 2004



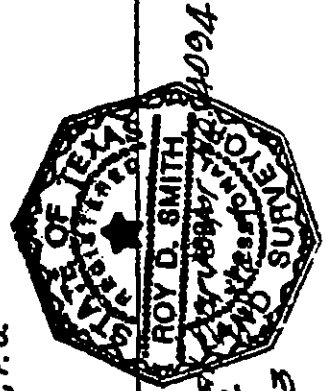
1.489 ac. - W. Wilson L

EXHIBIT TO ACCOMPANY FIELD NOTES FOR
1.489 ACRES OF LAND OUT OF THE WALKER
WILSON LEAGUE IN TRAVIS COUNTY, TEXAS.



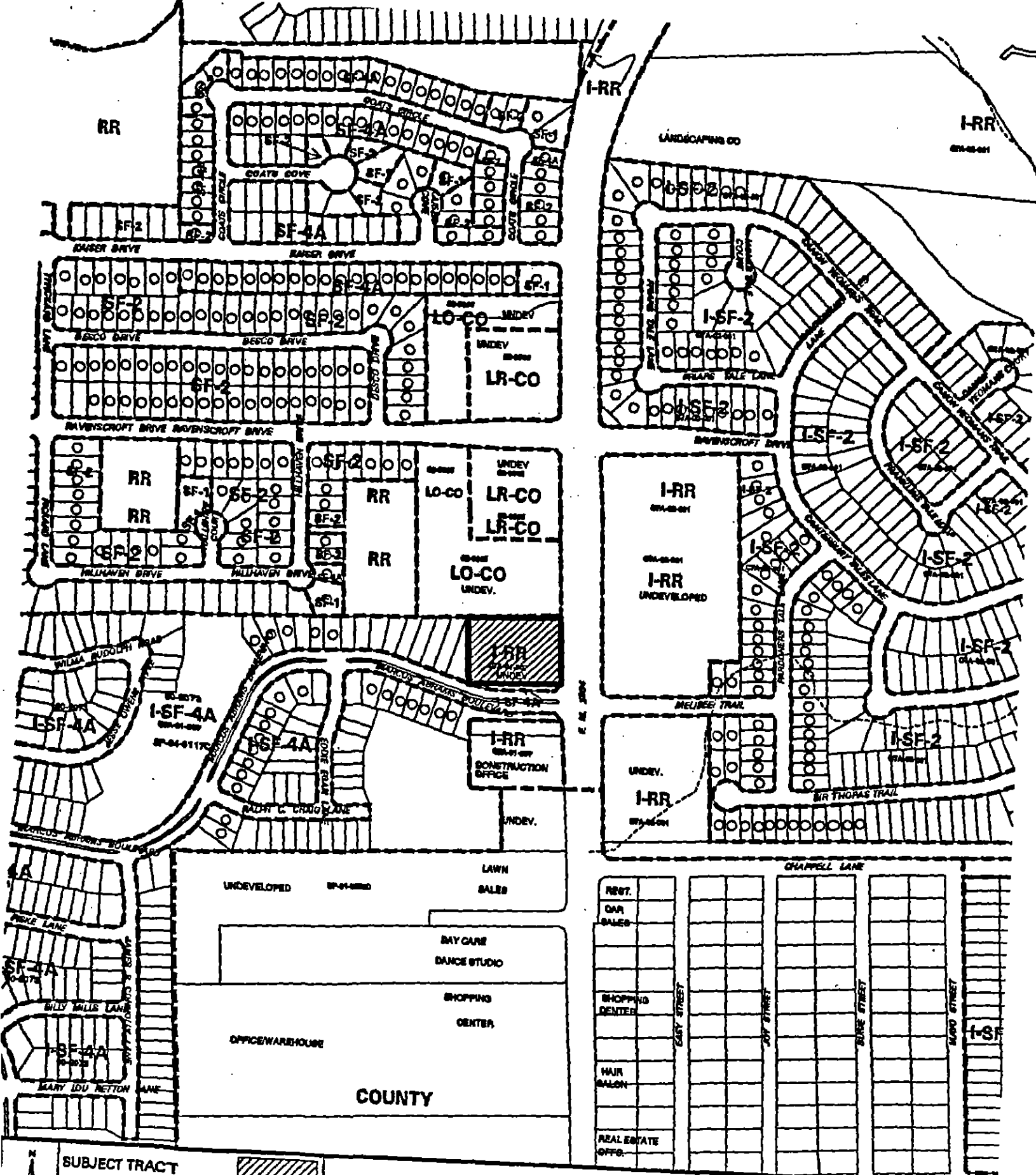
SCALE 1"=60'

- LEGEND
- 1/2" Iron Pin Found
 - Capped Iron Pin Found



SURVEYED BY
ROY D. SMITH SURVEYORS, P.C.

Roy Smith
ROY D. SMITH
Registered Professional Surveyor
214 West 5th Street
Austin, Texas 78703
Ph. (512) 478-9821
December 28, 2004



SUBJECT TRACT
PENDING CASE
ZONING BOUNDARY
CASE MGR: W. WALSH

CASE #: C14-05-0009
ADDRESS: 11410 MANCHACA RD
SUBJECT AREA (acres): 1.489

ZONING EXHIBIT B
DATE: 05-02
INTLS: SM

CITY GRID
REFERENCE
NUMBER
D12

ZONING CHANGE REVIEW SHEET

CASE: C14-05-0009

Z.P.C. DATE: February 15, 2005
March 1, 2005

ADDRESS: 11410 Manchaca Road

OWNER & APPLICANT: Ray Pickard

AGENT: Crocker Consultants
(Sarah Crocker)

ZONING FROM: I-RR

TO: GR

AREA: 1.489 acres

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to grant neighborhood commercial – conditional overlay (LR-CO) combining district zoning. The Conditional Overlay: 1) prohibits drive-in service as an accessory use to commercial uses; 2) requires a 25 foot wide vegetative buffer along the west property line; and 3) limits development of the property to 2,000 motor vehicle trips per day.

ZONING & PLATTING COMMISSION RECOMMENDATION:

February 15, 2005: *POSTPONEMENT REQUEST TO 03/01/05 (APPLICANT)*
[J. MARTINEZ; J. GOHIL 2ND] (8-0) K. JACKSON – ABSENT

March 1, 2005: *APPROVED GR-CO DISTRICT ZONING, WITH CONDITIONS: 1) THE ONLY USES PERMITTED ARE BUSINESS SUPPORT SERVICES; GENERAL RETAIL SALES (GENERAL); PERSONAL IMPROVEMENT SERVICES AND RESTAURANT (GENERAL), AND ALL PERMITTED LR USES; 2) PROHIBIT DRIVE-IN SERVICES AS AN ACCESSORY USE TO A COMMERCIAL USE; AND 3) 2,000 VEHICLE TRIP PER DAY LIMIT.*

[M.W.HAWTHORNE; J. DONISI – 2ND] (8-0) K. JACKSON – ABSENT

ISSUES:

The Applicant is in agreement with the recommendation of the Zoning and Platting Commission.

DEPARTMENT COMMENTS:

The property is undeveloped, unplatted acreage, is zoned interim – rural residence (I-RR) district and accesses Manchaca Road. The intersection of Manchaca Road and Marcus Abrams Boulevard / Melibee Trail consists of undeveloped properties, with single family residential subdivisions to the west and east, respectively. Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

The applicant proposes to zone the property to the community commercial (GR) district in order to develop the property with retail uses. Staff offers an alternate recommendation of neighborhood commercial (LR) district zoning, given its location on an arterial roadway, and ability to provide commercial and office services in close proximity to the surrounding residential subdivisions, including Hillcrest (northwest), Canterbury Trails (east) and Olympic Heights (directly west and presently under construction). The Conditional Overlay improves compatibility with the residential lots to the west by prohibiting drive-in service as an accessory use to commercial uses and requiring a 25 foot wide vegetative buffer along the west property line; as well as limiting development of the property to 2,000 motor vehicle trips per day.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	I-RR	Undeveloped
<i>North</i>	LO-CO; LR-CO; RR	Undeveloped
<i>South</i>	I-SF-4A; I-RR; County	Undeveloped; Outdoor furniture sales; Child care facility; Shopping center
<i>East</i>	I-RR; I-SF-2; County	Undeveloped; Single family residences within the Canterbury Trails subdivision; Restaurant; Auto sales; Shopping center
<i>West</i>	I-SF-4A; SF-1; SF-2; SF-4A	Undeveloped lots and further west single family residences within the Olympic Heights and Hillcrest subdivisions

AREA STUDY: N / A**TIA:** Is not required**WATERSHED:** Slaughter Creek**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** No**SCENIC ROADWAY:** No**NEIGHBORHOOD ORGANIZATIONS:**

217 – Tanglewood Forest Neighborhood Association

384 – Save Barton Creek Association

385 – Barton Springs Coalition

428 – Barton Springs / Edwards Aquifer Conservation District

627 – Onion Creek Homeowners Association

663 – Hillcrest HOA

943 – Save Our Springs Alliance

948 – South by Southeast Neighborhood Organization

959 – Villages Neighborhood Association

SCHOOLS:

Baranoff Elementary School

Bailey Middle School

Bowie High School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-02-0065	RR to GR	To Grant GR-CO with conditions and restricted to LR development regulations (1-28-03).	Approved LR-CO for Tract 1; LO-CO for Tract 2. The CO is for the TIA and prohibits drive-in service as an accessory use to commercial uses on Tract 1 (4-10-03).
C14-02-0066	RR to GR	To Grant LR-CO and LO-CO with conditions	Approved LR-CO for Tract 1 and LO-CO for Tract 2. The CO is for the TIA and prohibits drive-in service as an accessory use to commercial uses on

			Tract 1 (4-10-03).
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RELATED CASES:

The rezoning area was annexed on December 26, 2001. There are no subdivision or site plan cases on the subject property.

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bus Route	Bike Route
Manchaca Road	134 feet	30 feet	Major Arterial	No	No	No

CITY COUNCIL DATE:

April 7, 2005

ACTION: Approved a Postponement to 04-14-05 (6-0, McCracken temporarily off the dais)

April 14, 2005

Approved LR-CO district zoning as Staff recommended, on First Reading (7-0).

April 28, 2005

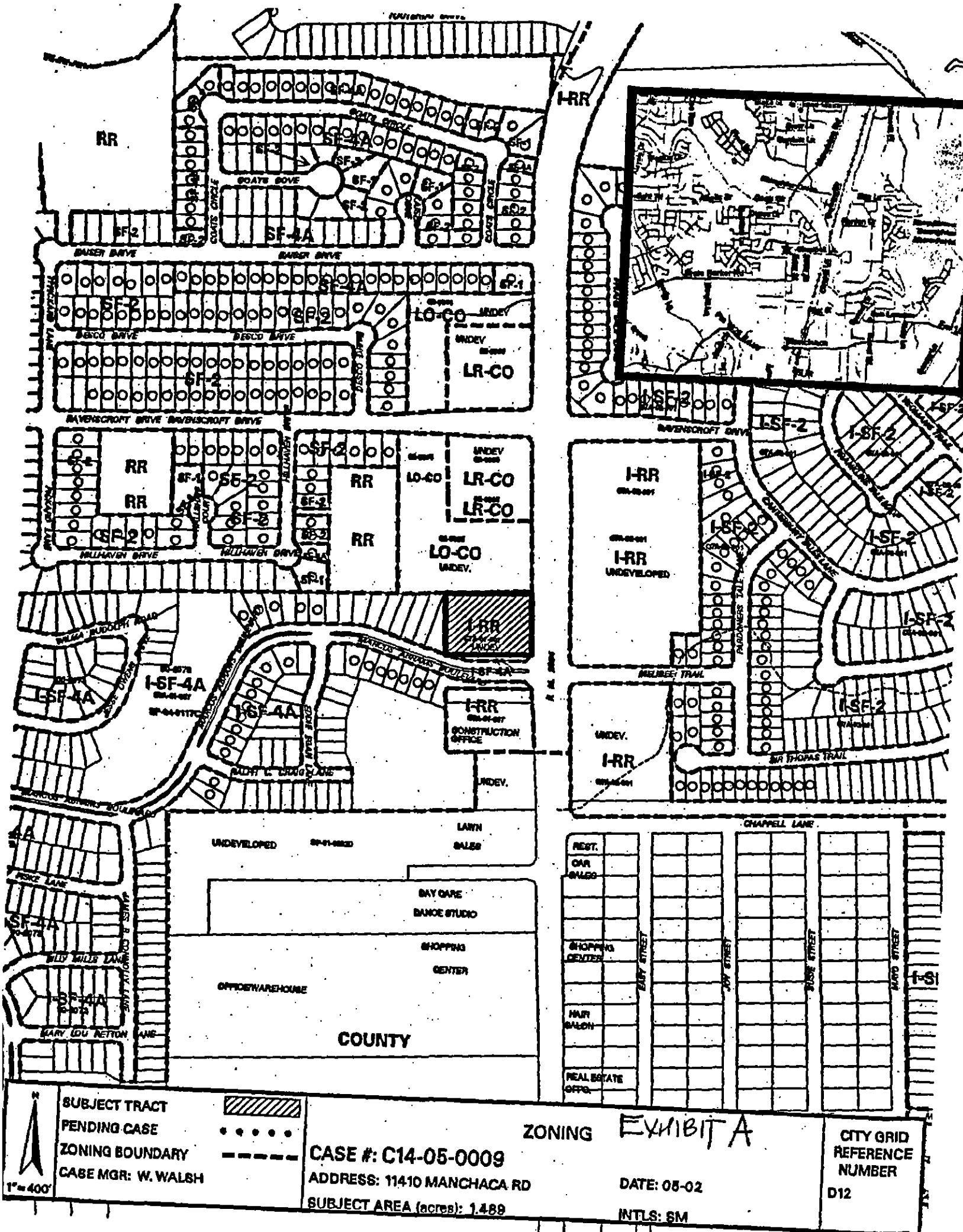
Approved a second Postponement request by the Applicant to May 12, 2005 (5-0, Wynn, McCracken temporarily off the dais).

May 12, 2005

ORDINANCE READINGS: 1st April 14, 20052nd3rd**ORDINANCE NUMBER:**

CASE MANAGER: Wendy Walsh
e-mail: wendy.walsh@ci.austin.tx.us

PHONE: 974-7719





SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to grant neighborhood commercial – conditional overlay (LR-CO) combining district zoning. The Conditional Overlay: 1) prohibits drive-in service as an accessory use to commercial uses; 2) requires a 25 foot wide vegetative buffer along the west property line; and 3) limits development of the property to 2,000 motor vehicle trips per day.

BACKGROUND

The property is undeveloped, unplatted acreage, is zoned interim – rural residence (I-RR) district and accesses Manchaca Road. The intersection of Manchaca Road and Marcus Abrams Boulevard / Melibee Trail consists of undeveloped properties, with single family residential subdivisions to the west and east, respectively.

The applicant proposes to zone the property to the community commercial (GR) district in order to develop the property with retail uses. Staff offers an alternate recommendation of neighborhood commercial (LR) district zoning, given its location on an arterial roadway, and ability to provide commercial and office services in close proximity to the surrounding residential subdivisions, including Hillcrest (northwest), Canterbury Trails (east) and Olympic Heights (directly west and presently under construction). The Conditional Overlay improves compatibility with the residential lots to the west by prohibiting drive-in service as an accessory use to commercial uses and requiring a 25 foot wide vegetative buffer along the west property line; as well as limiting development of the property to 2,000 motor vehicle trips per day.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

The proposed GR, Community Commercial district is intended for office and commercial uses serving neighborhood and community needs, including both unified shopping centers and individually developed commercial sites, and typically requiring locations accessible from major trafficways.

The LR, Neighborhood Commercial district is intended for shopping facilities that provide limited business services and offices to the residents of the neighborhood, such as consumer repair services, food sales, service stations, and pet services. The purpose statement listed in the City of Austin *Land Development Code* states: "The Neighborhood Commercial district is the designation for a commercial use that provides business service and office facilities for the residents of a neighborhood. Site development regulations and performance standards applicable to a LR district use are designed to ensure that the use is compatible and complementary in scale and appearance with the residential environment."

The site borders on the developing Olympic Heights neighborhood to the west and would serve this neighborhood and other residential neighborhoods in close proximity including Hillcrest and Canterbury Trails.

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

Staff offers an alternate recommendation of neighborhood commercial (LR) district zoning, given its location on an arterial roadway, and ability to provide commercial and office services in close proximity to the surrounding residential subdivisions, including Hillcrest (northwest), Canterbury

Trails (east) and Olympic Heights (directly west and presently under construction). The Conditional Overlay improves compatibility with the residential lots to the west by prohibiting drive-in service as an accessory use to commercial uses and requiring a 25 foot wide vegetative buffer along the west property line; as well as limiting development of the property to 2,000 motor vehicle trips per day.

EXISTING CONDITIONS

Site Characteristics

The property is undeveloped and relatively flat, and there appear to be no significant topographical constraints on the site.

Impervious Cover

The maximum impervious cover allowed by either the GR or LR district would be 80% which is a consistent figure between the zoning and watershed regulations.

Environmental

The site is not located over the Edward's Aquifer Recharge Zone. The site is in the Slaughter 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. Under 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>% with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

In the Water Quality Transition Zones, impervious cover is limited to 30%.

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

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 the following water quality control requirements:

Structural controls: 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 pre-existing approvals which preempt current water quality or Code requirements.

TPSD Right-of-Way

The scope of this review is limited to the identification of needs for dedication and/or reservation of right-of-way for funded City of Austin Capital Improvement Program (C.I.P.) Roadway Construction Projects and Transportation Systems Management (T.S.M.) projects. A comment from this reviewer that no right-of-way is needed applies only to needs for these categories, and does not preclude the need to dedicate right-of-way to satisfy requirements by others. There are separate right-of-way dedication and reservation requirements enforced by other City Departments and other governmental jurisdictions to secure right-of-way for roadway improvements contained in the Austin Metropolitan Area Roadway Plan that may not yet be funded, roadway projects funded by County and State agencies, and for dedication in accordance with the functional classification of the roadway.

No aspect of the proposed project is being considered or approved as part of this review other than the need for right-of-way for City-funded projects. If the configuration of the site/subdivision/plan will require any variances to Transportation Criteria Manual standards, the variance request(s) must be submitted separately through the assigned City of Austin case manager.

We have reviewed the proposed zoning case and anticipate no additional requirement for right-of-way dedication or reservation for funded C.I.P. or T.S.M. projects at this location.

Transportation

No additional right-of-way is needed at this time.

The trip generation under the requested zoning is estimated to be 5,125 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]

Water and Wastewater

The landowner intends to serve the site with City water and wastewater utilities. The landowner, at own expense, will be responsible for providing the water and wastewater utility improvements, system upgrades, offsite main extension, utility adjustment, and relocation to serve the site and land use. Also, the utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City design criteria. The utility construction must be inspected by the City. The landowner must pay the associated City fees.

The landowner must pay the tap and impact fee once the landowner makes an application for a City water and wastewater utility tap permit.

Compatibility Standards

Compatibility standards will not be triggered to the west as long as it remains undeveloped.

However, if a residence is constructed on the adjacent lot to the west, then the site is subject to compatibility standards. Along the west and south property line, the following standards apply:

- No structure may be built within 25 feet of the west 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 west 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.

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

SARAH CROCKER

**1445 P Street NW Washington, DC 20005
202-421-6682**

April 25, 2005

**Mayor Will Wynn
PO Box 1088
City of Austin
Austin, Texas
78767**

RE: 2nd POSTPONEMENT REQUEST FOR C14-05-0009

Dear Mayor Wynn,

This case was initially scheduled on April 7th. My former assistant Amanda Morrow appeared on my behalf and requested a postponement due to concerns raised by Council. I was in Austin the following week and felt that we had addressed those issues. Ms. Morrow appeared on my behalf again at the April 14th meeting and presented the case to Council for the GR/CO ZAPCO recommendation. Additional concerns were raised and the case passed on 1st reading for LR/CO.

I have discussed this issue with my client who has the property under contract and is currently in the site plan design phase, He has prospective tenants that cannot operate under the proposed LR zoning. Due to prior commitments here in Washington I will be unable to be in Austin for the City Council meeting this Thursday. I would respectfully request a second postponement so that I can attend the May 12th City Council meeting .

Please contact me at 202-421-6682 should you have any questions.

Sincerely,

Sarab Crocker