

**Zoning Ordinance Approval
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**



**AGENDA ITEM NO.: 74
AGENDA DATE: Thu 07/28/2005
PAGE: 1 of 1**

SUBJECT: C14-05-0009 - Brazos - Approve third reading 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-conditional overlay (GR-CO) combining district zoning, with conditions: The conditional overlay and restrictive covenant incorporates the conditions imposed or accepted at second ordinance reading. Second Reading on May 12, 2005. Vote: 7-0. Applicant: Ray Pickard, Jr.; Wayne Edward Pickard, Rene Leon Pickard. Agent: Crocker Consultants (Sarah Crocker). City Staff: Wendy Walsh, 974-7719.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

THIRD READING SUMMARY SHEET

ZONING CASE NUMBER: C14-05-0009

REQUEST:

Approve third reading 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 community commercial – conditional overlay (GR-CO) combining district zoning, with conditions at second ordinance reading. The Conditional Overlay: 1) limits the development to the following GR uses: restaurant (general); business support services; retail sales (general); and personal improvement services, and all LR uses; 2) prohibits drive-in service as an accessory use to a commercial use; 3) 2,000 trips per day; 4) requires the application of compatibility standards. The Restrictive Covenant limits the personal improvement services use to health and fitness clubs.

DEPARTMENT COMMENTS:

The Conditional Overlay and Restrictive Covenant incorporate the conditions imposed or accepted by the City Council at Second Reading.

The Applicant is in agreement with the action taken at Second Reading.

OWNER/APPLICANT: Ray Pickard; Alvin Maurice Pickard, Jr.; Wayne Edward Pickard; Rene Leon Pickard

AGENT: Crocker Consultants (Sarah Crocker)

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

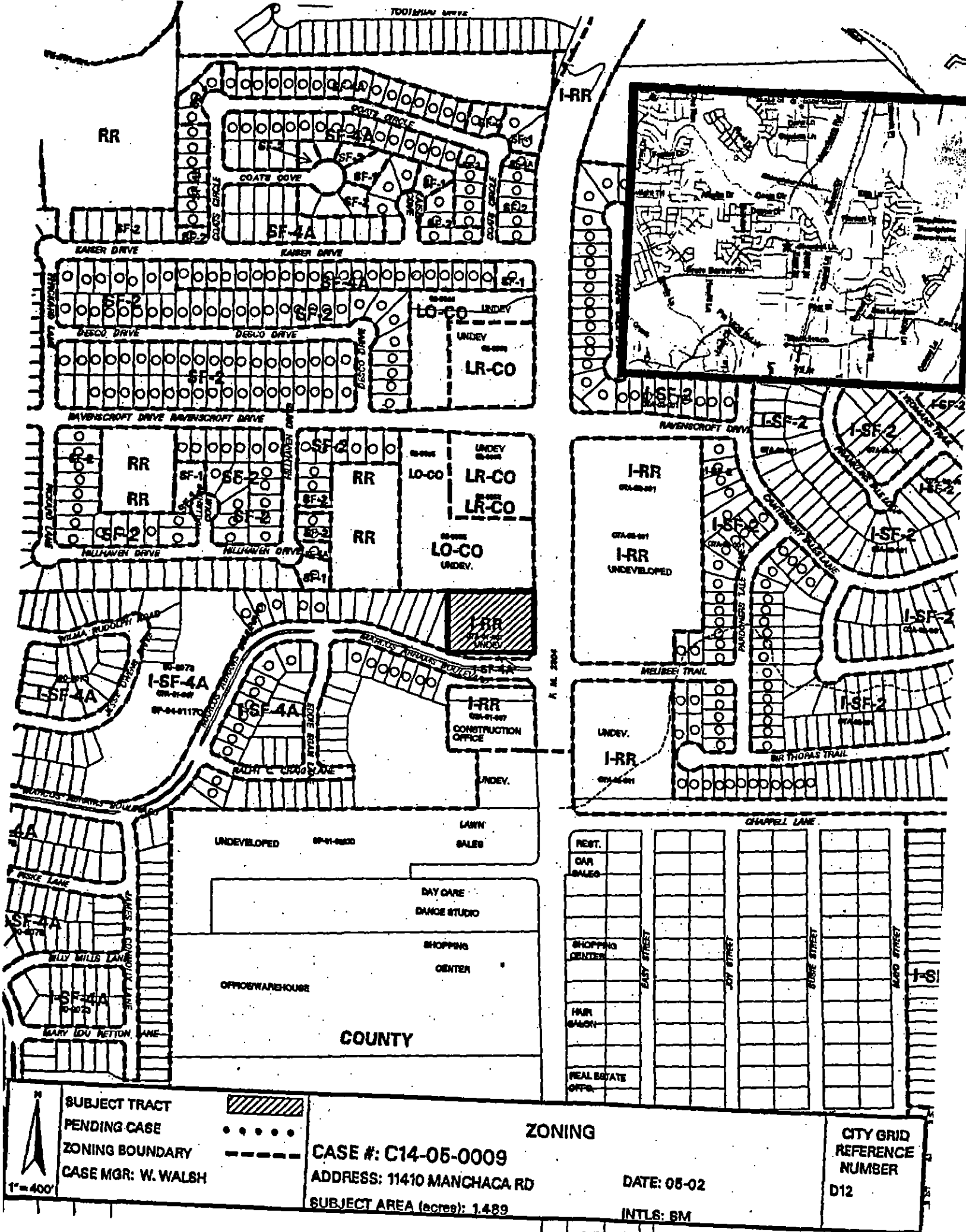
DATE OF SECOND READING: May 12, 2005, approved GR-CO district zoning with a Restrictive Covenant, on 2nd Reading (7-0).

CITY COUNCIL HEARING DATE: July 28, 2005

CITY COUNCIL ACTION:

ORDINANCE NUMBER:

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



ORDINANCE NO. _____

1 AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING FOR THE
2 PROPERTY LOCATED AT 11410 MANCHACA ROAD AND CHANGING THE
3 ZONING MAP FROM INTERIM RURAL RESIDENCE (I-RR) DISTRICT TO
4 COMMUNITY COMMERCIAL-CONDITIONAL OVERLAY (GR-CO)
5 COMBINING DISTRICT.
6

7 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:
8

9 PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to
10 change the base district from interim rural residence (I-RR) district to community
11 commercial-conditional overlay (GR-CO) combining district on the property described in
12 Zoning Case No. C14-05-0009, on file at the Neighborhood Planning and Zoning
13 Department, as follows:
14

15 A 1.489 acre tract of land, more or less, out of the Walker Wilson League in Travis
16 County, the tract of land being more particularly described by metes and bounds in
17 Exhibit "A" incorporated into this ordinance (the "Property"),
18

19 locally known as 11410 Manchaca Road, in the City of Austin, Travis County, Texas, and
20 generally identified in the map attached as Exhibit "B".
21

22 PART 2. The Property within the boundaries of the conditional overlay combining district
23 established by this ordinance is subject to the following conditions:
24

- 25 1. A site plan or building permit for the Property may not be approved, released, or
26 issued, if the completed development or uses of the Property, considered cumulatively
27 with all existing or previously authorized development and uses, generate traffic that
28 exceeds 2,000 trips per day.
29
- 30 2. Development of the Property shall comply with compatibility standards as set forth in
31 Chapter 25, Article 10 of the City Code.
32
- 33 3. Drive-in service is prohibited as an accessory use to a commercial use.
34
35
36
37

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

Automotive rentals
Automotive sales
Bail bond services
Commercial off-street parking
Drop-off recycling collection facility
Food preparation
Hospital services (general)
Indoor entertainment
Outdoor entertainment
Pawn shop services
Residential treatment

Automotive repair services
Automotive washing (of any type)
Business or trade school
Communications services
Exterminating services
Funeral services
Hotel-motel
Indoor sports and recreation
Outdoor sports and recreation
Research services
Theater

5. The following uses are conditional uses of the Property:

Community recreation (public)
Congregate living
Group home, Class II
Plant nursery

Community recreation (private)
Custom manufacturing
Hospital services (limited)
Medical offices (exceeding 5000 sq. ft.
of gross floor area)

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

PART 3. This ordinance takes effect on _____, 2005.

PASSED AND APPROVED

_____, 2005

§
§
§

Will Wynn
Mayor

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;

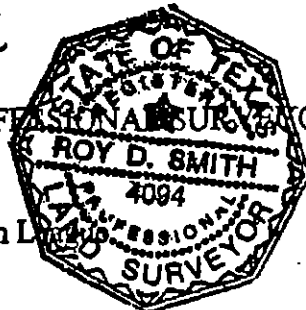
THENCE along the South line of said Tract One, being along the North line of said Lot 1, S 88°05'16" W for a distance of 299.98 feet to the PLACE OF BEGINNING and containing 1.489 acres of land, more or less.

SURVEYED BY:

Roy D. Smith Surveyors, P.C.

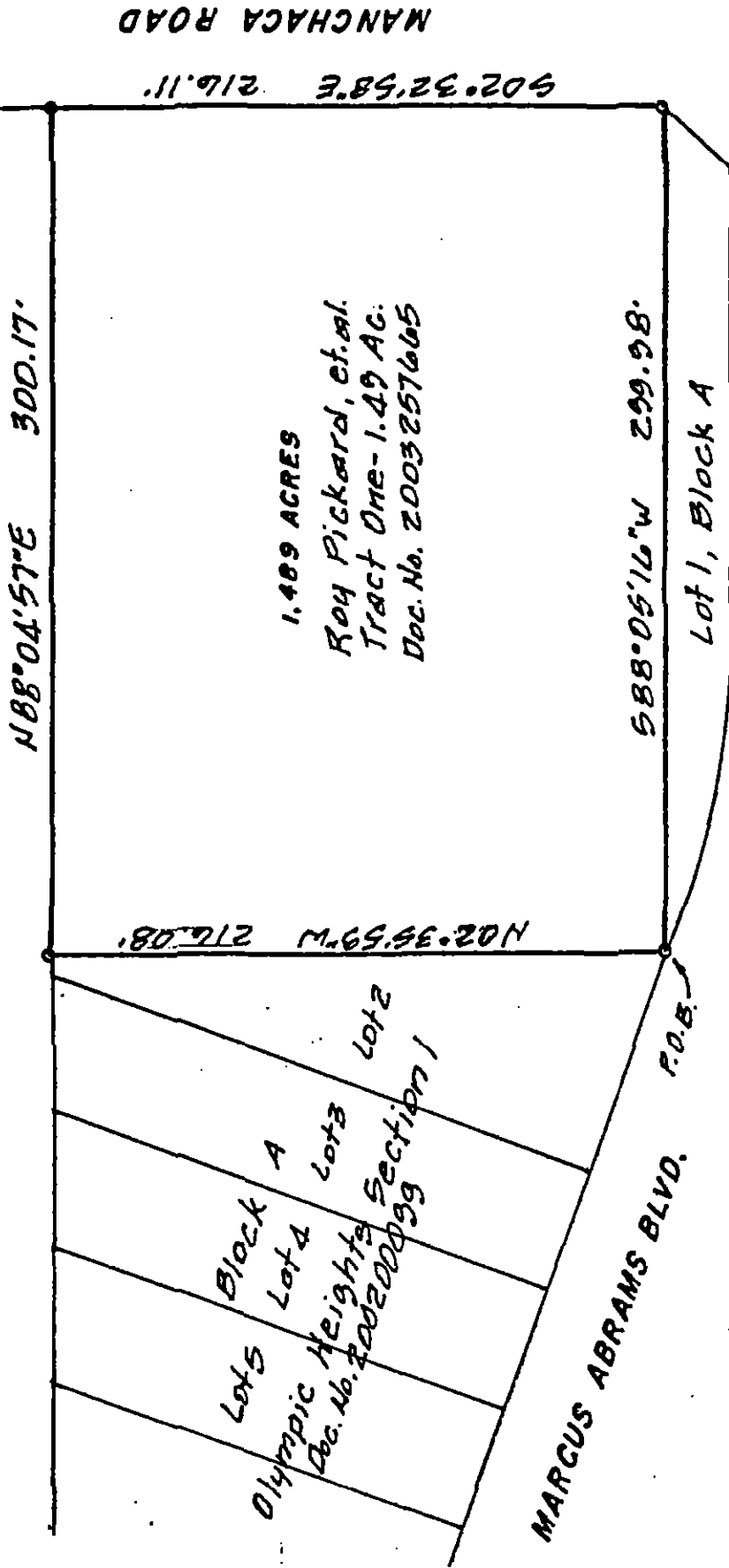
Roy D. Smith
ROY D. SMITH

REGISTERED PROFESSIONAL SURVEYOR NO. 4094
December 28, 2004



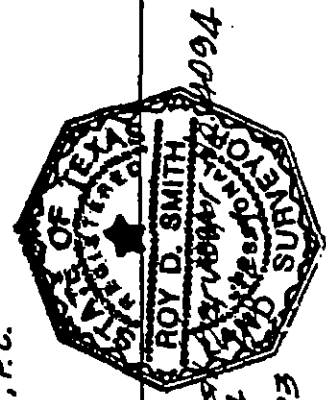
1.489 ac. - W. Wilson L

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



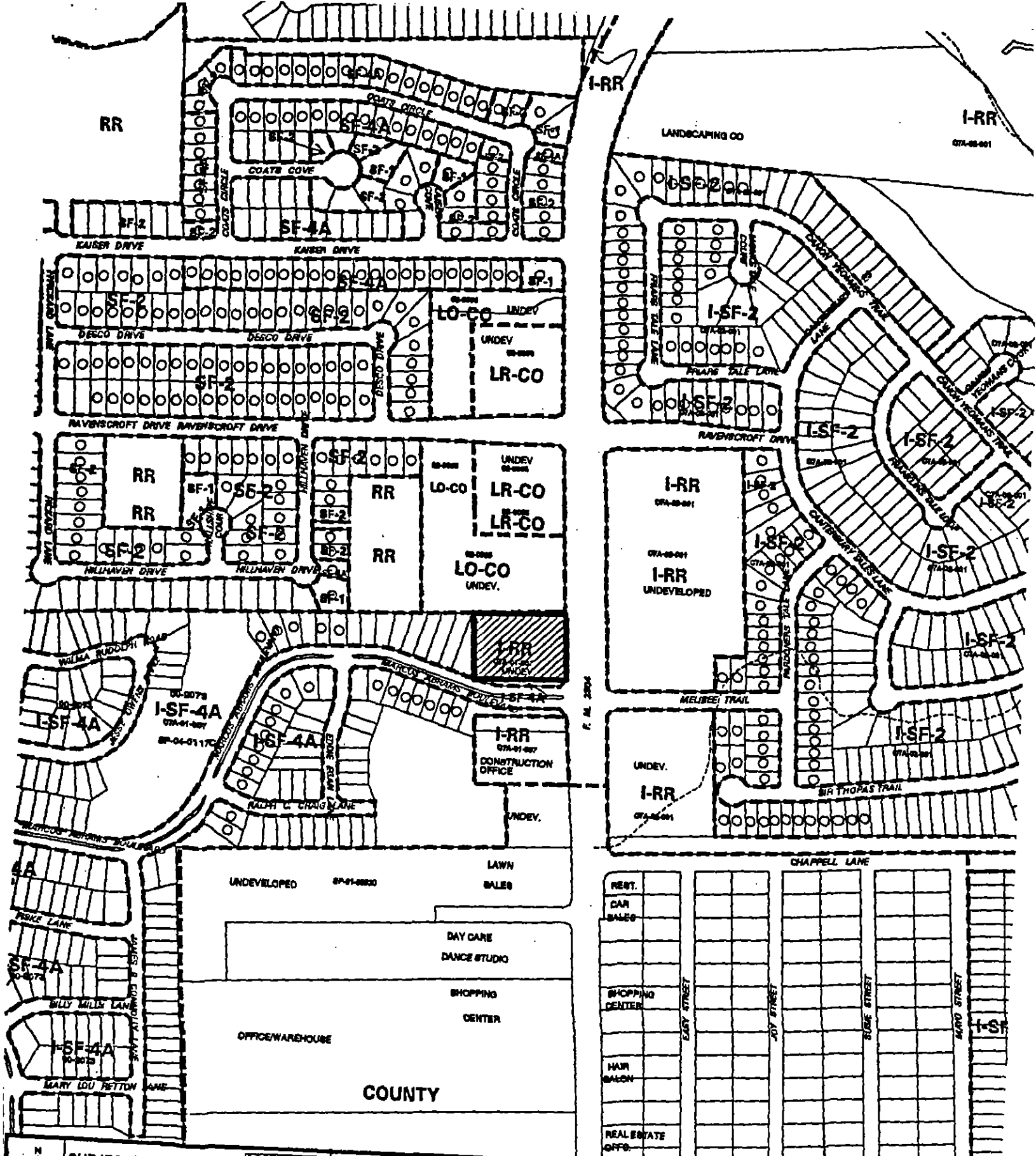
SCALE 1"=60'

- 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

1" = 400'

RESTRICTIVE COVENANT

OWNER: Ray Pickard, Wayne Edward Pickard, Alvin Maurice Pickard, Jr., and Rene Leon Pickard

ADDRESS: See Below

CONSIDERATION: Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and sufficiency of which is acknowledged.

PROPERTY: A 1.489 acre tract of land, more or less, out of the Walker Wilson League, Travis County, Texas, the tract being more particularly described by metes and bounds in Exhibit "A" attached and incorporated into this covenant.

WHEREAS, the Owner, whether one or more, of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions;

NOW, THEREFORE, it is declared that the Owner of the Property, for the consideration, shall hold, sell and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant. These covenants and restrictions shall run with the land, and shall be binding on the Owner of the Property, its heirs, successors, and assigns.

1. Owner agrees to limit personal improvement services use to a health and fitness club use.
2. If any person or entity shall violate or attempt to violate this agreement and covenant, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such agreement or covenant, to prevent the person or entity from such actions, and to collect damages for such actions.
3. If any part of this agreement or covenant is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full effect.
4. If at any time the City of Austin fails to enforce this agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.
5. This agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, and (b) by the owner(s) of the Property subject to the modification, amendment or termination at the time of such modification, amendment or termination.

EXECUTED to be effective the _____ day of _____, 2005.

OWNER:

Ray Pickard, also known as
Ray J. Thompson Pickard

Wayne Edward Pickard

Ray Alvin Maurice Pickard, Jr.

Rene Leon Pickard

APPROVED AS TO FORM:

Assistant City Attorney
City of Austin

THE STATE OF TEXAS §

COUNTY OF _____ §

This instrument was acknowledged before me on this the ____ day of _____,
2005 by Ray Pickard, aka Ray J. Thompson Pickard.

Notary Public, State of Texas

THE STATE OF TEXAS §

COUNTY OF _____ §

This instrument was acknowledged before me on this the ____ day of _____,
2005 by Alvin Maurice Pickard, Jr.

Notary Public, State of Texas

THE STATE OF TEXAS §

COUNTY OF _____ §

This instrument was acknowledged before me on this the ____ day of _____,
2005 by Rene Leon Pickard.

Notary Public, State of Texas

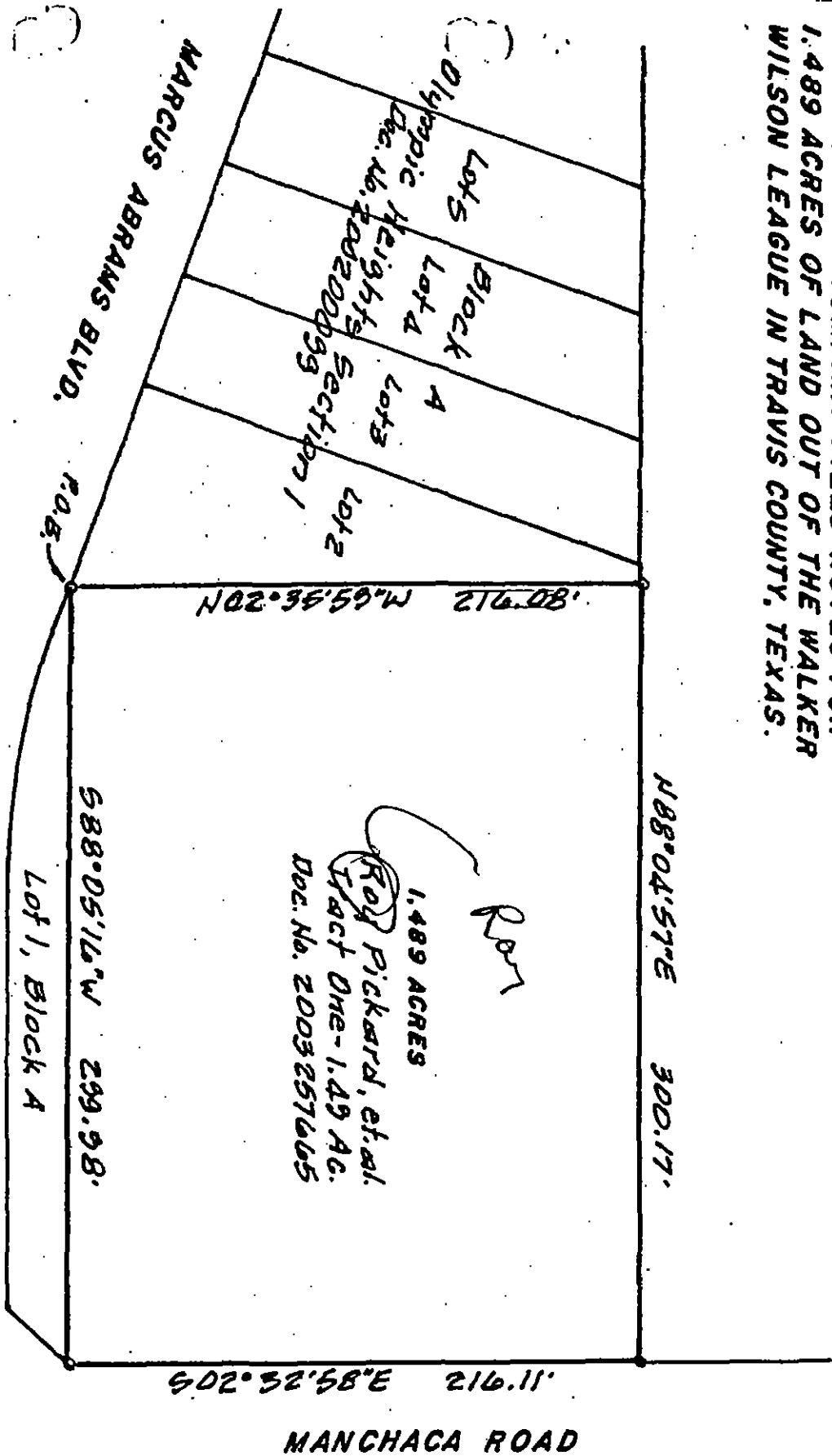
THE STATE OF _____ §

COUNTY OF _____ §

This instrument was acknowledged before me on this the ____ day of _____,
2005 by Wayne Edward Pickard.

Notary Public, State of _____

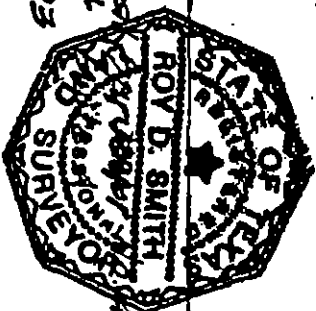
**EXHIBIT TO ACCOMPANY FIELD NOTES FOR
1.489 ACRES OF LAND OUT OF THE WALKER
WILSON LEAGUE IN TRAVIS COUNTY, TEXAS.**



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

Roy D. Smith

ROY D. SMITH
Registered Professional Surveyor No. 1094
1214 West 5th Street
Austin, Texas 78703
Ph. (512) 478-9821
December 28, 2004



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

SCALE 1"=60'



FIELD NOTES
FOR

Ray

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.

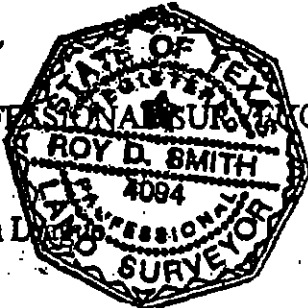
SURVEYED BY:

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 League



ADDRESSES OF OWNERS:

Ray Pickard
1606 North Fielder
Arlington, TX 76012

Alvin Maurice Pickard, Jr.
2205 Park Lane
Elgin, TX 78621

Wayne Edward Pickard
799 6th St., No. 22
Los Alamos, New Mexico 87545

Rene Leon Pickard
13409 Abrahamson Road
Elgin, TX 78621

After recording please return to:

City of Austin Law Department
P.O. Box 1088
Austin, Texas 78767-8828
Attn: Diana Minter, Paralegal

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
Alvin Maurice Pickard, Jr.;
Wayne Edward Pickard; Rene Leon 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 action taken at Second Reading.

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).
--	--	--	---

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

Approved GR-CO district zoning with the CO as follows: 1) limits the development to the following GR uses: restaurant (general); business support services; retail sales (general); and personal improvement services, and all LR uses; 2) prohibits drive-in service as an accessory use to a commercial use; 3) 2,000 trips per day; 4) requires the application of compatibility standards. The Restrictive Covenant limits the personal improvement services use to health and fitness clubs, on 2nd Reading (7-0).

June 9, 2005

Approved a Postponement at the request of the Applicant to June 23, 2005 (6-0, McCracken – temporarily off the dais).

June 23, 2005

Approved a Postponement at the request of the Applicant to July 28, 2005 (7-0)

July 28, 2005

ORDINANCE READINGS: 1st April 14, 2005

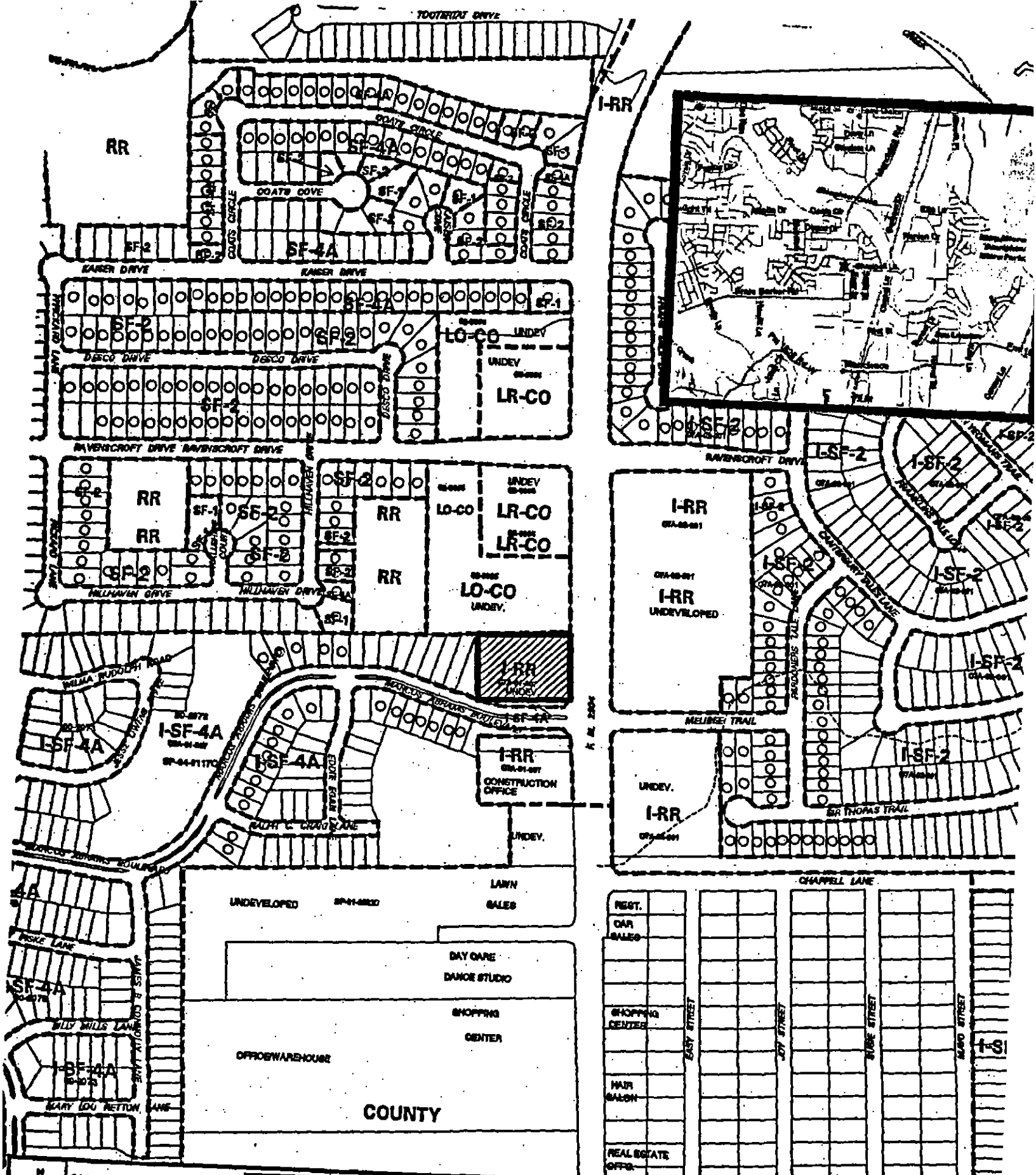
2nd May 12, 2005

3rd

ORDINANCE NUMBER:

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

PHONE: 974-7719



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 A

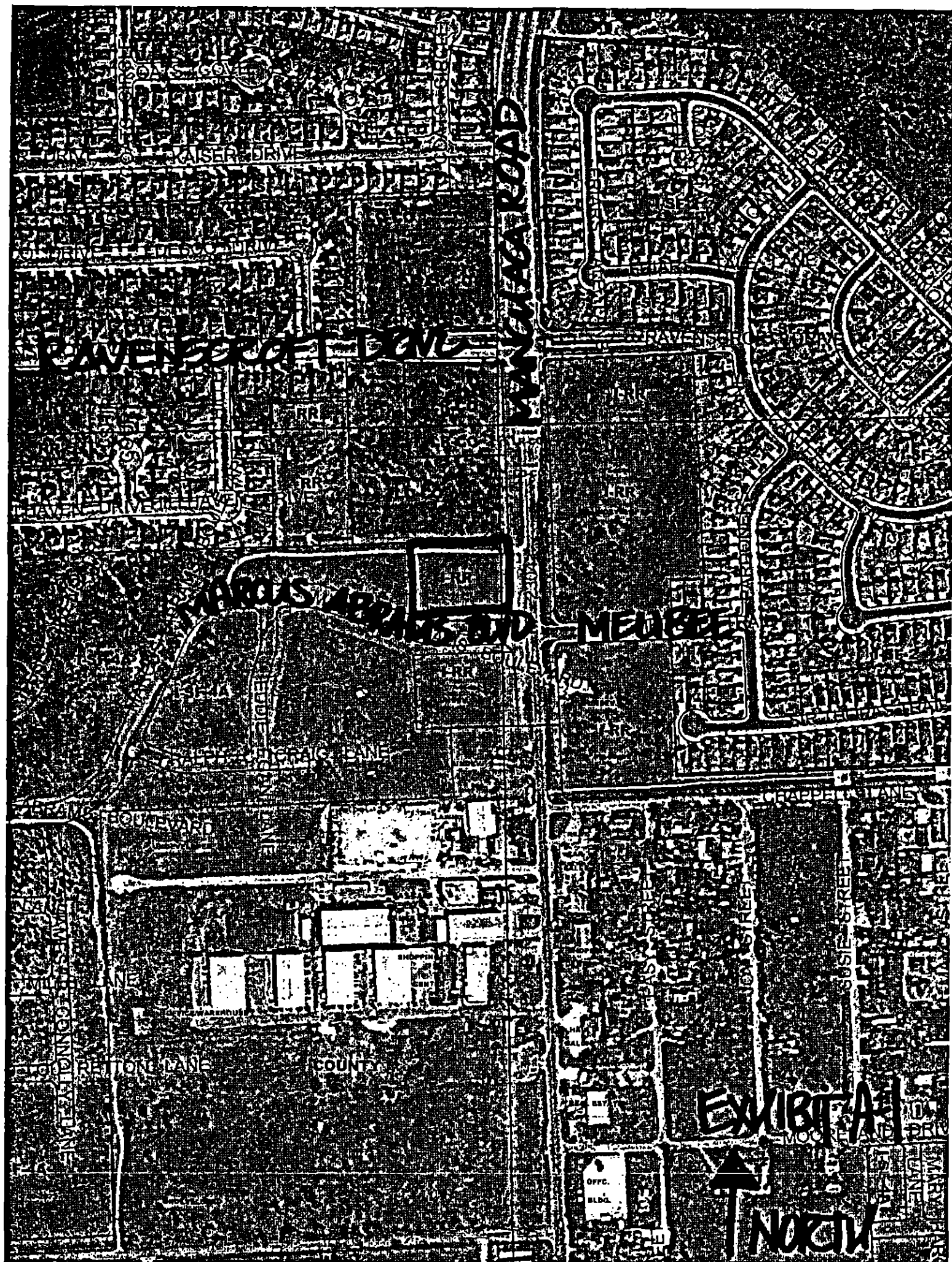
DATE: 05-02

INTLS: SM

**CITY GRID
REFERENCE
NUMBER**

D12

1"=400'



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

SARAH CROCKER

1445 P Street N.W.

Washington DC, 20005

June 9, 2005

Alice Glasco
Director
Neighbourhood Planning and Zoning
City of Austin
Austin, Texas
78704

RE: POSTPONEMENT OF C14-05-0009

Dear Alice,

This case is scheduled to be heard at Council today for 3rd reading. I have circulated the Restrictive Covenant and field notes for the property owners to sign. Additionally I have forwarded the field notes to the surveyor to make a correction. Due to the fact that I do not have all the documents executed and delivered to Wendy Walsh, my case manager, I would request that this case be postponed to the next Council meeting.

Sincerely,

Sarah Crocker
Authorized Agent

SARAH CROCKER
202-421-6682

1445 P STREET#304

WASHINGTON DC 2005

June 23, 2005

Mayor Will Wynn
City of Austin
Austin, Texas
78701

RE: POSTPONE ITEM 125, CASE # C14-05-0009

Dear Mayor Winn,

This case has been postponed once before due to an error in the field notes for the Restrictive Covenant and complete owners signatures. The surveyor has corrected the field notes and I was expecting the complete document (restrictive covenant) to be delivered to staff this morning. However, that packet did not arrive. I have spoken to all parties and they are in agreement with all terms and conditions for this case imposed by Council. I will have all documents to Wendy Walsh, case manager, by Wednesday morning so this case can be completed.

Therefore I will need a postponement to the July 28th agenda.

Sincerely,

Sarah Crocker