



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

**AGENDA ITEM NO.: Z-7**  
**AGENDA DATE: Thu 03/04/2004**  
**PAGE: 1 of 1**

**SUBJECT:** C14-03-0188 - Cedar Elm/BWL - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 13201-13205 Burnet Road (Walnut Creek Watershed) from general office (GO) district zoning to community commercial (GR) district zoning. Zoning and Platting Commission Recommendation: To grant community commercial (GR) district zoning. Applicant: Austin Bay Inc. (Henry W. Branson, III). Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Sherri Gager, 974-3057.

**REQUESTING** Neighborhood Planning  
**DEPARTMENT:** and Zoning

**DIRECTOR'S**  
**AUTHORIZATION:** Greg Guernsey

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-03-0188

**Z.A.P. DATE:** February 3, 2004

**ADDRESS:** 13201-13205 Burnet Road

**OWNER/APPLICANT:** Austin Bay Inc.  
(Henry W. Branson, III)

**AGENT:** Jim Bennett

**ZONING FROM:** GO

**TO:** GR

**AREA:** 5.789 acres

**SUMMARY STAFF RECOMMENDATION:**

The staff recommendation is to grant GR, Community Commercial District, zoning.

**ZONING AND PLATTING COMMISSION RECOMMENDATION:**

4/3/04: Approved staff's recommendation of GR zoning, by consent (9-0); J. Martinez-1<sup>st</sup>, J. Gohil-2<sup>nd</sup>.

**DEPARTMENT COMMENTS:**

The property in question is currently undeveloped. The applicant is requesting to rezone this site because they propose to develop a retail center on the property. The staff is recommending GR zoning for this site because the applicant's request meets the intent of the purpose statement for the GR, Community Commercial, zoning district. The property is adjacent to existing commercial and industrial zoning designations and will take access from a major arterial roadway, Burnet Road/FM 1325. The proposed zoning is consistent with the land use recommendations approved by the City Council through the North Lamar Area Study.

The applicant agrees with the staff recommendation.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	GO	Undeveloped
<i>North</i>	IP	Office/ Industrial/ Warehouse Uses
<i>South</i>	LR, MF-3-CO	Undeveloped, Apartments
<i>East</i>	IP, MF-3-CO	Office, Apartments
<i>West</i>	GR	Undeveloped

**AREA STUDY:** North Lamar Area Study

**TIA:** Deferred to Site Plan

**WATERSHED:** Walnut Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** N/A

**HILL COUNTRY ROADWAY:** N/A

**NEIGHBORHOOD ORGANIZATIONS:**

52 - Northwood Neighborhood Association  
 64 - River Oaks Lakes Estates Neighborhood Association  
 114 - North Growth Corridor Alliance

**CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>CITY COUNCIL</b>
C14-00-2179	IP to SF-2, SF-3, MF-1	10/17/00: Approved staff rec. of SF-2 (TR1), SF-3 (TR 2), and MF-1 (TR3) by consent (8-0)	11/30/00: Approved SF-2-CO (TR1), SF-3-CO (TR2); MF-1-CO (TR3) w/condition of 2,000 vehicle trip per day limit (7-0); all 3 readings
C14-00-2112	IP to MF-3	9/19/00: Approved staff alternate rec. of MF-3-CO by consent (9-0); conditions as follows: 1) 2,000 vehicle trip per day limit 2) Maximum of 23 residential units per acre 3) A residential structure or portion of a residential structure may not be constructed within 100 ft of the north property line between Ida Ridge and Orchid Lane	10/26/00: Approved MF-3-CO (7-0); 1 <sup>st</sup> reading  12/7/00: Approved MF-3-CO (7-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings
C14-95-0051	GO to CS-CO	5/23/95: Approved staff alternate rec. of CS-CO w/conditions (7-0)	6/22/95: Approved CS-CO w/conditions (5-0); all 3 readings
C14-92-0109	IP to MF-3	11/24/92: Approved MF-3	12/3/92: Approved MF-3-CO; with following conditions: 1) Limit of 23 units per acre for multifamily development 2) Parkland dedication shall apply at site plan approval (6-0-1, RR-abstain); 1 <sup>st</sup> reading  4/7/94: Approved MF-3-CO (5-0-1, RR-abstain); 2 <sup>nd</sup> reading  4/21/94: Approved MF-3-CO (5-0-1, RR-abstain); 3 <sup>rd</sup> reading
C14-95-0051	GO to CS-CO	5/23/95: Approved staff alternate rec. of CS-CO w/conditions (7-0)	6/22/95: Approved CS-CO w/conditions (5-0); all 3 readings
C14-94-0056	LO, LR to MF-3	9/27/94: Approved MF-2-CO (TR1), MF-3-CO (TR2) w/conditions (9-0)	11/3/94: Approved MF-2-CO (TR1), MF-3-CO (TR2) w/conditions (5-0); all 3 readings
C14-92-0135	GR to CS	3/16/93: Approved W/LO as amended w/conditions offered by neighborhood association (7-0)	4/1/93: Approved W/LO w/conditions [Action later recinded]

		5/23/93: Approved CS w/ conditions (6-1)	5/13/93: Recind action on 1 <sup>st</sup> reading, refer back to PC for reconsideration (7-0)  5/27/93: Approved CS-CO (7-0); 1 <sup>st</sup> reading 6/10/93: Approved CS-CO (6-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings
C14-92-0108	IP to MF-3	11/24/92: Approved MF-3	12/3/92: Approved MF-3-CO; with following conditions: 1) Limit of 23 units per acre for multifamily development 2) Parkland dedication shall apply at site plan approval (6-0-1, RR-abstain); 1 <sup>st</sup> reading  4/7/94: Approved MF-3-CO (5-0-1, RR-abstain); 2 <sup>nd</sup> reading  4/21/94: Approved MF-3-CO (5-0-1, RR-abstain); 3 <sup>rd</sup> reading

**RELATED CASES:** C14r-86-068 (RCT)

**ABUTTING STREETS:**

NAME	ROW	PAVEMENT	CLASSIFICATION	DAILY TRAFFIC
FM 1325	Varies	Varies	Major Arterial	N/A

**CITY COUNCIL DATE:** March 4, 2004

**ACTION:**

**ORDINANCE READINGS:** 1<sup>st</sup>

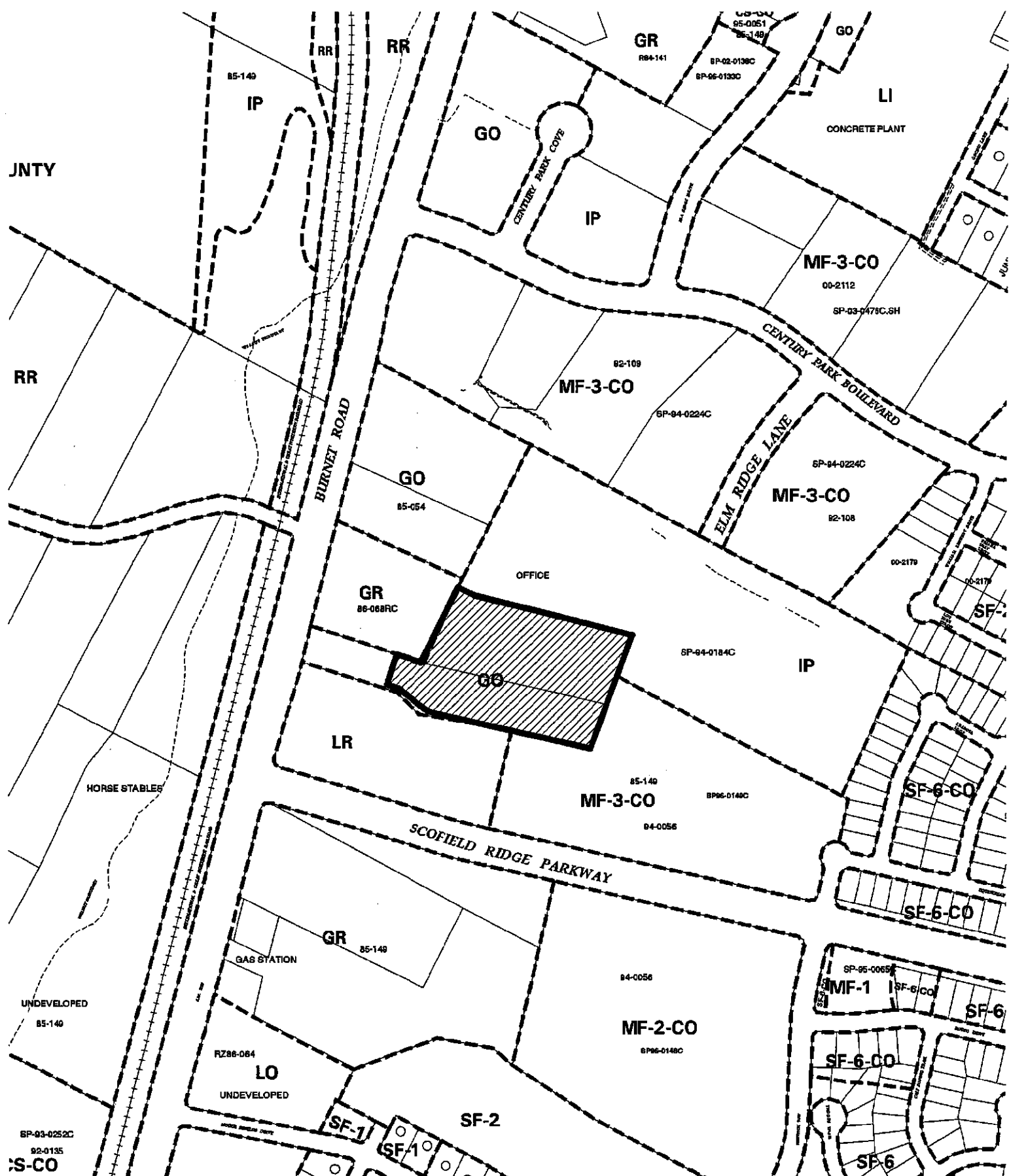
2<sup>nd</sup>





3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Sherri Gager

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



 1" = 400'	SUBJECT TRACT	  	ZONING		CITY GRID REFERENCE NUMBER L36
	PENDING CASE		CASE #: C14-03-0188	DATE: 04-01	
	ZONING BOUNDARY		ADDRESS: 13201 BURNET RD.	INTLS: TRC	
	CASE MGR: S.GAGER		SUBJECT AREA (acres): 5.789		



## **STAFF RECOMMENDATION**

The staff recommendation is to grant GR, Community Commercial District, zoning.

## **BACKGROUND**

The property in question is currently undeveloped. The applicant is requesting to rezone this site because they propose to develop a retail center on the property. The staff is recommending GR zoning for this site because the applicant's request meets the intent of the purpose statement for the GR, Community Commercial, zoning district. The property is adjacent to existing commercial and industrial zoning designations and will take access from a major arterial roadway, Burnet Road/FM 1325. The proposed zoning is consistent with the land use recommendations approved by the City Council through the North Lamar Area Study.

The applicant agrees with the staff recommendation.

## **BASIS FOR RECOMMENDATION**

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

The Community Commercial (GR) district is the designation for an office or other commercial use that serves neighborhood and community needs and that generally is accessible from major traffic ways.

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

The site under consideration is adjacent to an existing GR (Community Commercial District) zoning to the northwest, and LR (Neighborhood Commercial District) zoning to the southwest, along Burnet Road. There is IP (Industrial Park District) zoning located to the north of the subject tract.

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

The GR zoning district would allow for a fair and reasonable use of the site because it will permit this site to be developed with retail uses along a major arterial roadway. Burnet Road/ FM 1325 is currently undergoing major construction, which will include roadway widening and signalization that is expected to be completed in late 2007 (For additional roadway information, please see 'Transportation' comments below.).

4. *The rezoning should be consistent with the policies and principles adopted by the City Council or Zoning & Platting/Planning Commission.*

The property in question is located within the boundaries of the North Lamar Area Study, which was adopted by the City Council in May 1985. The future land use map in the area study recommends commercial land use for this tract of land. Therefore, the applicant's request is consistent with previous principles approved by the Commission and Council through the North Lamar Area Study.

## EXISTING CONDITIONS

### Site Characteristics

The property in question is an undeveloped tract of land. The site is relatively flat and has a grassy terrain with clusters of trees. The property fronts onto Burnett Road/ FM 1325, a major arterial roadway. The tract of land to the north of this site is developed with office and industrial uses. The properties to the south of this site are currently undeveloped.

### Impervious Cover

The maximum impervious cover allowed by the GR zoning district would be 90 %. However, because the Watershed impervious cover is more restrictive than the zoning district's allowable impervious cover, the impervious cover on this site would be limited by the watershed ordinance. 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>% NSA with Transfers</i>
Single-Family Residential (min. lot size 5750 sq. ft.)	45%	50%
One or Two Family Residential (lot size < 5750 sq. ft.)	55%	60%
Multifamily Residential	60%	65%
Commercial	65%	70%

Note: The most restrictive impervious cover limit applies.

### Environmental

The site is located over the North Edward's Aquifer Recharge Zone. It is in the Drinking Water Protection Zone/Desired Development Zone. The site is in the Walnut Creek Watershed, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code.

According to flood plain maps, there is no floodplain within, or adjacent to the project boundary.

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 that preempt current water quality or Code requirements.

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.



### **Transportation**

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

The trip generation under the requested zoning is estimated to be 12,355 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).

The traffic impact analysis for this site was deferred to the site plan process because Central Texas Turnpike Authority is planning major roadway improvements in conjunction with the planned SH45 project. These improvements include road widening and signalization from McNeil to MoPac. The project is currently under construction and is expected to be completed in late 2007.

Capital Metro bus service is not available within 1/4 mile of this property.

Existing Street Characteristics:

NAME	ROW	PAVEMENT	CLASSIFICATION	DAILY TRAFFIC
FM 1325	Varies	Varies	Major Arterial	N/A

### **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 Capital Improvement Program (C.I.P.) Roadway Construction Projects and Transportation Systems Management (T.S.M.) Projects planned for implementation by the City of Austin. No aspect of the proposed project is being considered or approved with this review other than the need for right-of-way for City projects. There are separate right-of-way dedication and reservation requirements enforced by other Departments and other jurisdictions to secure right-of-way for roadway improvements contained in the Austin Metropolitan Area Roadway Plan, roadway projects funded by County and State agencies, and for dedication in accordance with the functional classification of the roadway.

We have reviewed the proposed subdivision, site plan, or 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.

### **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 adjustment, or relocation 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 storm water runoff will be mitigated through on-site storm water detention ponds, or participation in the City of Austin Regional Stormwater Management Program, if available.

**Compatibility Standards**

This site is not subject to compatibility development regulations.



**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 13201-13205 BURNET ROAD FROM GENERAL OFFICE (GO) DISTRICT TO COMMUNITY COMMERCIAL (GR) 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 general office (GO) district to community commercial (GR) district on the property described in Zoning Case No.C14-03-0188, on file at the Neighborhood Planning and Zoning Department, as follows:

A 5.789 acre tract of land, more or less, out of the Francisco Garcia Survey No. 60, Abstract No. 312, in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance,

locally known as 13201-13205 Burnet Road, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

**PART 2.** This ordinance takes effect on \_\_\_\_\_, 2004.

**PASSED AND APPROVED**

\_\_\_\_\_, 2004

Will Wynn  
Mayor

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

Greg West R.P.L.S.  
12401 Hymeadow Dr. 1-C  
Austin, Texas 78750



Ph. (512) 258-6842  
Fax (512) 331-3864  
Pgr (512) 397-3520

**FIELD NOTE DESCRIPTION**  
**CedarElm & BWL- Zoned "GO" Remainder tracts**

BEING A 5.789 ACRE TRACT OF LAND OUT OF THE FRANCISCO GARCIA SURVEY NUMBER 60, ABSTRACT NUMBER 312, SITUATED IN TRAVIS COUNTY, TEXAS AND BEING THE REMAINDER OF A 6.623 ACRE TRACT KNOWN AS LOT 1, CEDAR ELM SUBDIVISION RECORDED IN BOOK 86, PAGE 187C PLAT RECORDS OF TRAVIS COUNTY, TEXAS CONVEYED TO CEDAR ELM PARTNERS, LTD AS DESCRIBED IN VOLUME 11764, PAGE 338 AND THE REMAINDER OF A 3.056 ACRE TRACT CONVEYED TO BWL, LP AS DESCRIBED IN VOLUME 12343, PAGE 1800, BOTH OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS AFTER ACQUISITION FOR THE LOOP 1 RIGHT-OF-WAY ACQUISITION AND MINUS A 0.722 ACRE "GR" ZONED TRACT, SAID 5.789 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a 60d nail found for the Southeast corner of aforementioned Lot 1, Cedar Elm Subdivision, same being the Northeast corner of aforementioned BWL tract;

**THENCE** along the East line of said BWL tract, South 24d 09'00" West, a distance of 151.31 feet to a 1/2 inch iron rod found for it's Southeast corner;

**THENCE** along the South line of said BWL tract, the following Three (3) courses:

North 73d 27' 43" West, a distance of 545.52 feet to a 1/2 inch iron rod found for angle point;

North 48d 24' 46" West, a distance of 119.77 feet to a 1/2 inch iron rod found for angle point;

North 68d 53' 57" West, a distance of 40.87 feet to a TXDOT aluminum monument found for corner in the curving East Right-of-Way line of Loop 1, having a radius of 3,231.54 feet;

**THENCE** along the said curving East R.O.W. line of Loop 1, Along a circular curve to the right, through a delta angle of 01d 50' 48", an arc length of 104.17, a chord bearing North 21d 38' 10" East, a chord distance of 104.16 feet to a TXDOT aluminum monument found at the common line of the North line of said BWL tract and the South line of said Cedar Elm Subdivision;

**THENCE** departing the said East R.O.W. line of Loop 1 and along the common line between aforesaid Cedar Elm Subdivision and the said BWL tract, South 68d 24' 46" East, a distance of 82.47 feet to a 1/2 inch iron rod found for the Southeast corner of aforementioned 0.722 Acre tract Zoned "GR";

**THENCE** crossing the aforesaid Cedar Elm Subdivision and along the East line of said 0.722 Acre tract Zoned "GR", North 30d 36' 30" East, a distance of 274.84 feet to a 1/2 inch iron rod found for angle point in the North line of aforesaid Cedar Elm Subdivision

*EXHIBIT A*

**THENCE** along the North line of said Cedar Elm Subdivision the following Two (2) courses:


South 59d 54' 39" East, a distance of 60.23 feet to a 1/2 inch iron rod found for angle point;

South 72d 10' 00" East, a distance of 531.72 feet to a 1/2 inch iron rod found for the Northeast corner hereof;

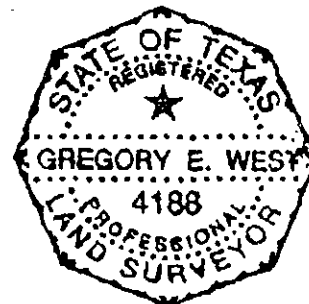
**THENCE** along the East line of said Lot 1, Cedar Elm Subdivision, South 24d 28' 08" West, a distance of 243.26 feet to the **POINT OF BEGINNING** and containing a calculated area of **5.789 Acres** of land subject to easements, conditions or restrictions of record, if any.

I hereby certify that the foregoing Field Notes were prepared from a survey on-the-ground, under my supervision and are true and correct to the best of my knowledge and belief.

Witness my hand and seal this the 25th day of October 2003.

  
\_\_\_\_\_  
Gregory E. West, R.P.L.S. # 4188

**West Surveyors, Inc.**  
12401 Hymeadow Drive 1-C  
Austin, Texas 78750  
Project No. V002-05E



# F.M. 1325 ( Burnet Road )

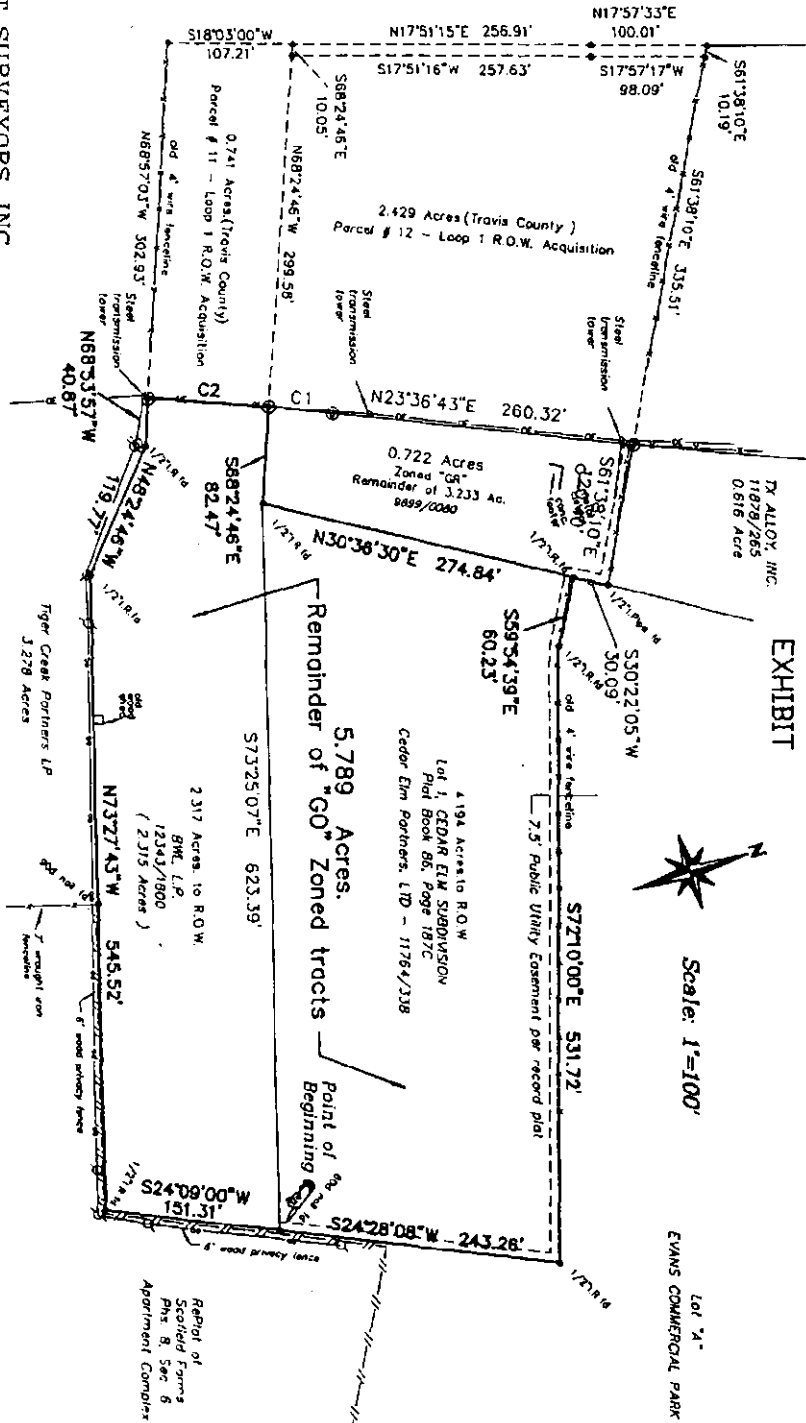
**WEST SURVEYORS, INC.**  
 12401 Hymeadow Dr.  
 Suite 1-C  
 Austin, Texas 78750  
 Project No. V002-058

Ph: (512) 258-6842  
 Fax: (512) 331-3884

**LEGEND**

• = 1/2 inch iron survey found  
 ⊙ = 10001 Aluminum monument found  
 --- = Overhead Electric Lines

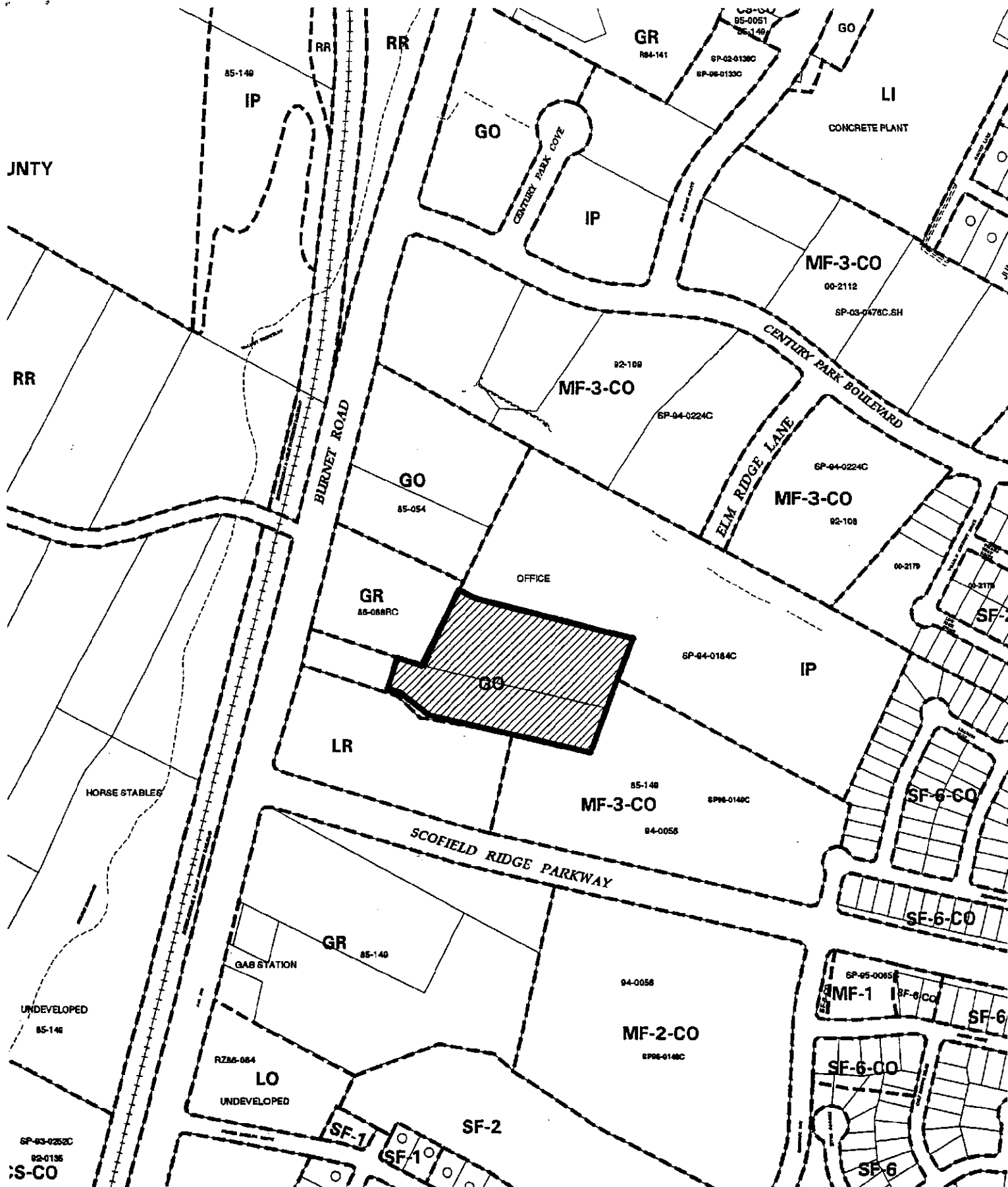
NUM.	DELTA	ARC	RADIUS	BEARING	DISTANCE
C1	0°58'46"	55.74'	3231.54'	N23°02'58"E	55.74'
C2	1°50'48"	104.17'	3231.54'	N21°38'10"E	104.16'



**EXHIBIT**

Scale: 1"=100'

EVANS COMMERCIAL PARK



 1" = 400'	SUBJECT TRACT 	ZONING <i>EXHIBIT B</i>		CITY GRID REFERENCE NUMBER L36
	PENDING CASE 			
	ZONING BOUNDARY 	CASE #: C14-03-0188	DATE: 04-01	
	CASE MGR: S.GAGER	ADDRESS: 13201 BURNET RD. SUBJECT AREA (acres): 5.789	INTLS: TRC	