



Zoning
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION

AGENDA ITEM NO.: Z-4
AGENDA DATE: Thu 04/01/2004
PAGE: 1 of 1

SUBJECT: C14-04-0008 - Dwyer Realty Headquarters - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 9900 U.S. Highway 290 East (Gilleland Creek Watershed) from interim-rural residence (I-RR) district zoning to community commercial-mixed use (GR-MU) combining district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning. Applicant: Dwyer Realty Company (Peter A. Dwyer). Agent: Dwyer Realty Company (Danny Burnett). City Staff: Sherri Gager, 974-3057.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

ZONING CHANGE REVIEW SHEET

CASE: C14-04-0008

Z.A.P. DATE: March 2, 2004

ADDRESS: 9900 U.S. Highway 290 East

OWNER/APPLICANT: Dwyer Realty Company
(Peter A. Dwyer)

AGENT: Dwyer Realty Company
(Danny Burnett)

ZONING FROM: I-RR

TO: GR-MU

AREA: 20.5668 acres

SUMMARY STAFF RECOMMENDATION:

The staff's alternate recommendation is to grant GR-MU-CO, Community Commercial-Mixed Use-Conditional Overlay District, zoning. The conditional overlay would limit the development intensity for the entire site to less than 2,000 vehicle trips per day.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

3/2/04: Approved staff's recommendation of GR-MU-CO zoning, by consent (8-0, J. Gohil-absent); J. Martinez-1st, J. Donisi-2nd.

DEPARTMENT COMMENTS:

The property in question is developed with a ranch that is now being used as an office for a real estate business. In addition to the existing ranch house, barn, and stables, there is also a trailer home on the site that is utilized by a laborer who oversees the property during the nighttime hours. This tract of land was annexed by the City of Austin for full purposes on August 23, 2001 (case C7A-01-001). The applicant is requesting GR-MU zoning for the property because they would like to permanently zone the site to permit the existing real estate business and residential use.

The Harris Branch PUD surrounds the site under consideration to the north, east, and west (case C814-89-0004). The last amendment to the Harris Branch PUD occurred on November 22, 1999 (case C814-90-0003-Attachment A). The land use plan for the PUD designates MF-3 uses to the east, SF-6 uses to the north and east, and LI uses to the southeast (across Blue Goose Road) of this site.

The staff is recommending GR-MU-CO zoning for the property because the proposed zoning is compatible with surrounding uses. The site is located at the intersection of a major arterial roadway, U.S. Highway 290, and a collector street, Blue Goose Road. The GR-MU-CO zoning would allow for commercial, mixed-use, and/or residential uses to be developed on this tract of land.

The applicant agrees with the staff recommendation.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	I-RR	Office, Residential, Agricultural Uses (Cattle)
<i>North</i>	PUD	Undeveloped
<i>South</i>	County	Tavern (Cocktail Lounge), Undeveloped Tract, Retail Sales
<i>East</i>	PUD	Undeveloped
<i>West</i>	PUD	Undeveloped Tract, Office/Equipment Repair/Outdoor Storage

AREA STUDY: N/A

TIA: Waived

WATERSHED: Gilleland Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

NEIGHBORHOOD ORGANIZATIONS:

511 – Austin Neighborhoods Council

643 – NorthEast Action Group

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C814-90-0003	11/8/01: PUD Revision From DR to PUD (LI)	Approved Administratively 2/26/02: Approved Appeal to deny staff administrative amendment to PUD land use plan (8-0)	N/A
	8/31/00: PUD Revision From DR to PUD (LI)	1/23/01: Approved staff rec. w/conditions by consent (8-0)	3/1/01: Approved PUD (7-0); all 3 readings
	11/5/99: PUD Revision From DR to PUD (LI)	11/22/99: Approved Administratively	N/A
	12/22/97: PUD Revision From DR to PUD (LI)	5/13/98: Approved Administrative Revision #9	N/A
	1/6/94: PUD Revision From DR to PUD (LI)	3/15/96: Administrative Approval of Parks/Trails Package	N/A
	11/9/92: PUD Revision From DR to PUD (LI)	12/4/92: Approved Change Acreages to Comply with Tract Surveys-Administrative Revision # 5	N/A
	10/31/90: PUD Revision From DR to PUD (LI)	12/11/90: Approved PUD w/ conditions (6-0-1, WB-abstain)	12/13/90: Approved PUD (5-0); all 3 readings
C814-89-0004 (Harris Branch PUD)	SF-2, SF-4, & SF-6 to PUD	6/27/89: Granted with conditions.	7/27/89: Approved PUD w/ conditions (6-0); 1 st reading 11/16/89: Approved PUD w/ conditions (5-0); 2 nd /3 rd readings
C14-86-188	DR, I-RR to SF-2, SF-4 DR, I-RR to SF-6, MF-2 DR, I-RR to MF-3, LR DR, I-RR to GR, GO DR, I-RR to LO, LI DR, I-RR to IP, P	11/4/86: Approved SF-2, SF-4, SF-6, MF-2, MF-3, LR, GR, LO, GO, LI, IP, P & RR w/ conditions (6-3)	12/18/86: Approved SF-2, SF-4, SF-6, MF-2, MF-3, LR, GR, GO, LO, LI, IP, & P; 1 st reading 4/23/87: Approved SF-2, SF-4, SF-6, MF-2, MF-3, LR, GR, GO, LO, LI, IP, & P (4-0); 2 nd reading

		4/30/87: Approved SF-2, SF-4, SF-6, MF-2, MF-3, LR, GR, GO, LO, LI, IP, & P (5-0); 3 rd reading
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RELATED CASES: C7A-01-001 (Annexation Case)

ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION	DAILY TRAFFIC
US Hwy 290	225'	2@40'	Major Arterial	N/A
Blue Goose	60'	Varies	Collector	N/A

CITY COUNCIL DATE: April 1, 2004

ACTION:

ORDINANCE READINGS: 1st

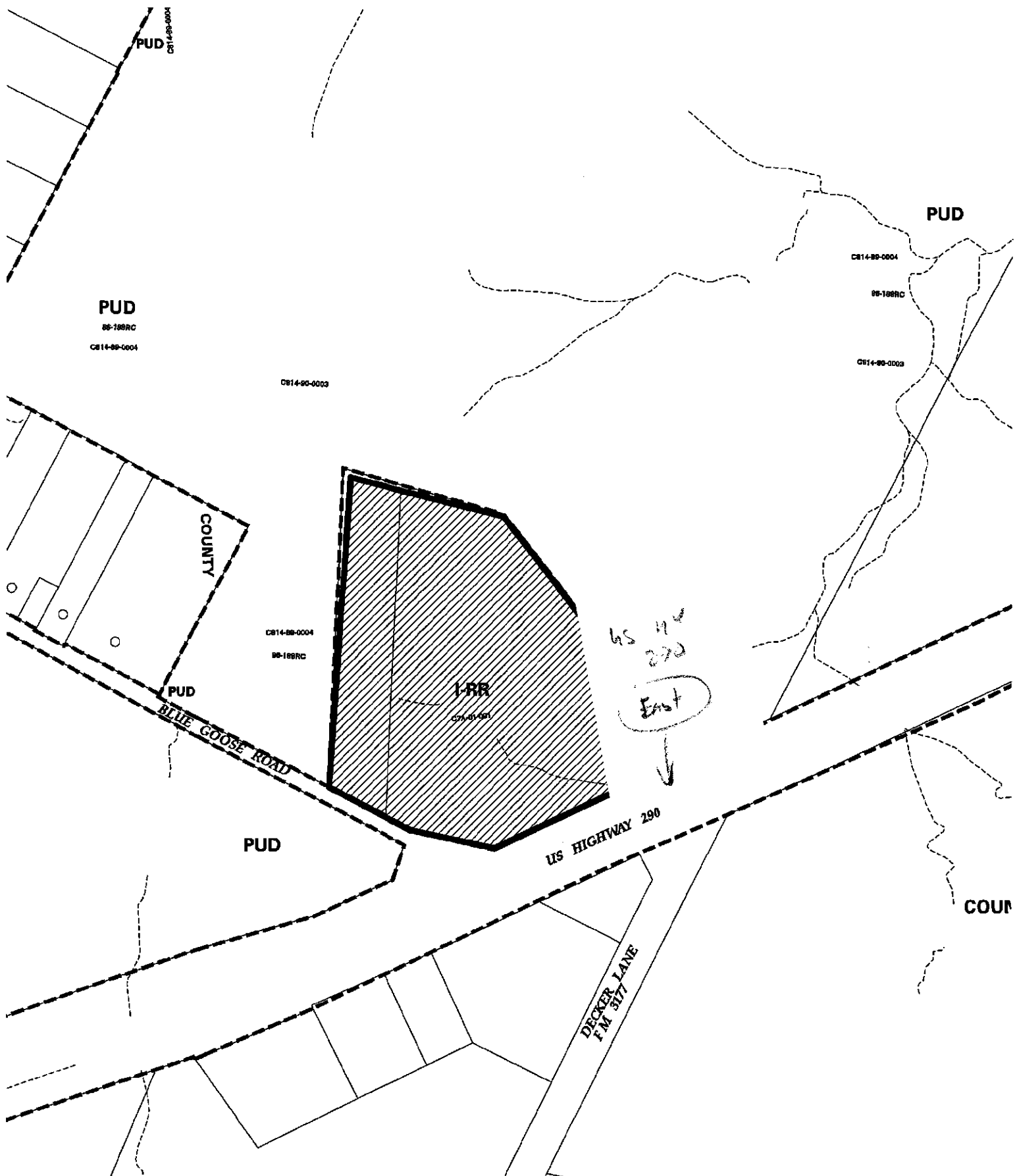
2nd



3rd

ORDINANCE NUMBER:

CASE MANAGER: Sherri Gager

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



 1" = 400'	SUBJECT TRACT PENDING CASE ZONING BOUNDARY CASE MGR: S.GAGER	<div style="display: flex; justify-content: space-between;"> <div>  ----- </div> <div> ZONING CASE #: C14-04-0008 ADDRESS: 9900 U.S.HWY 290 EAST SUBJECT AREA (acres): 20.566 </div> <div> DATE: 04-01 INTLS: TRC </div> </div>	CITY GRID REFERENCE NUMBER R28
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STAFF RECOMMENDATION

The staff's alternate recommendation is to grant GR-MU-CO, Community Commercial-Mixed Use-Conditional Overlay District, zoning. The conditional overlay would limit the development intensity for the entire site to less than 2,000 vehicle trips per day.

BACKGROUND

The property in question is developed with a ranch that is now being used as an office for a real estate business. In addition to the existing ranch house, barn, and stables, there is also a trailer home on the site that is utilized by a laborer who oversees the property during the nighttime hours. This tract of land was annexed by the City of Austin for full purposes on August 23, 2001 (case C7A-01-001). The applicant is requesting GR-MU zoning for the property because they would like to permanently zone the site to permit the existing real estate business and residential use.

The Harris Branch PUD surrounds the site under consideration to the north, east, and west (case C814-89-0004). The last amendment to the Harris Branch PUD occurred on November 22, 1999 (case C814-90-0003-Attachment A). The land use plan for the PUD designates MF-3 uses to the east, SF-6 uses to the north and east, and LI uses to the southeast (across Blue Goose Road) of this site.

The staff is recommending GR-MU-CO zoning for the property because the proposed zoning is compatible with surrounding uses. The site is located at the intersection of a major arterial roadway, U.S. Highway 290, and a collector street, Blue Goose Road. The GR-MU-CO zoning would allow for commercial, mixed-use, and/or residential uses to be developed on this tract of land.

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.

The purpose of the Mixed Use (MU) Combining district is to allow office, retail, commercial, and residential uses to be combined in a single development.

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

The property in question is located at the intersection of a major arterial roadway and a collector street. There are existing commercial uses to the south and west of the site.

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

The proposed zoning will allow the applicant to permanently zone the property in question to bring the existing uses on the site into compliance with the City of Austin Land Development Code. The GR-MU zoning will allow for commercial uses, a mixed-use development, or a residential development to be constructed on the property in the future.

EXISTING CONDITIONS

Site Characteristics

The property in question is developed as a ranch. There is a residential house (which is now being utilized as a real estate office), stables, a barn, and a trailer home on the site. The majority of the property consists of grassy, open space that is grazed by cattle.

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>% 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%

Note: The most restrictive impervious cover limit applies.

Environmental

The site is not located over the Edward's Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Gilleland 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. According to flood plain maps, there is no floodplain within, or adjacent to the project boundary.

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. Aerial photos clearly show a large stock pond in the middle of the property, however, which may be determined to be a wetland.

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.

Transportation

Additional right-of-way will be required with the subdivision and/or site plan.

The trip generation under the requested zoning is estimated to be 27,917 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 available along US Hwy 290 (Route #44)

Existing Street Characteristics:

NAME	ROW	PAVEMENT	CLASSIFICATION	DAILY TRAFFIC
US Hwy 290	225'	2@40'	Major Arterial	N/A
Blue Goose	60'	Varies	Collector	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

If the landowner intends to serve the site with City water or wastewater service, offsite main extension and system upgrades are required, at the landowner extension. In order to obtain City service, the landowner must obtain City approval of a Service extension Request. For more information pertaining to the process and submittal requirements, contact Phillip Jaeger, Austin Water Utility, 625 East 10th Street, 5th Floor Waller Creek Center. The Austin Water Utility reserves the right to make additional comments and to establish other requirements with the Service Extension Request.

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

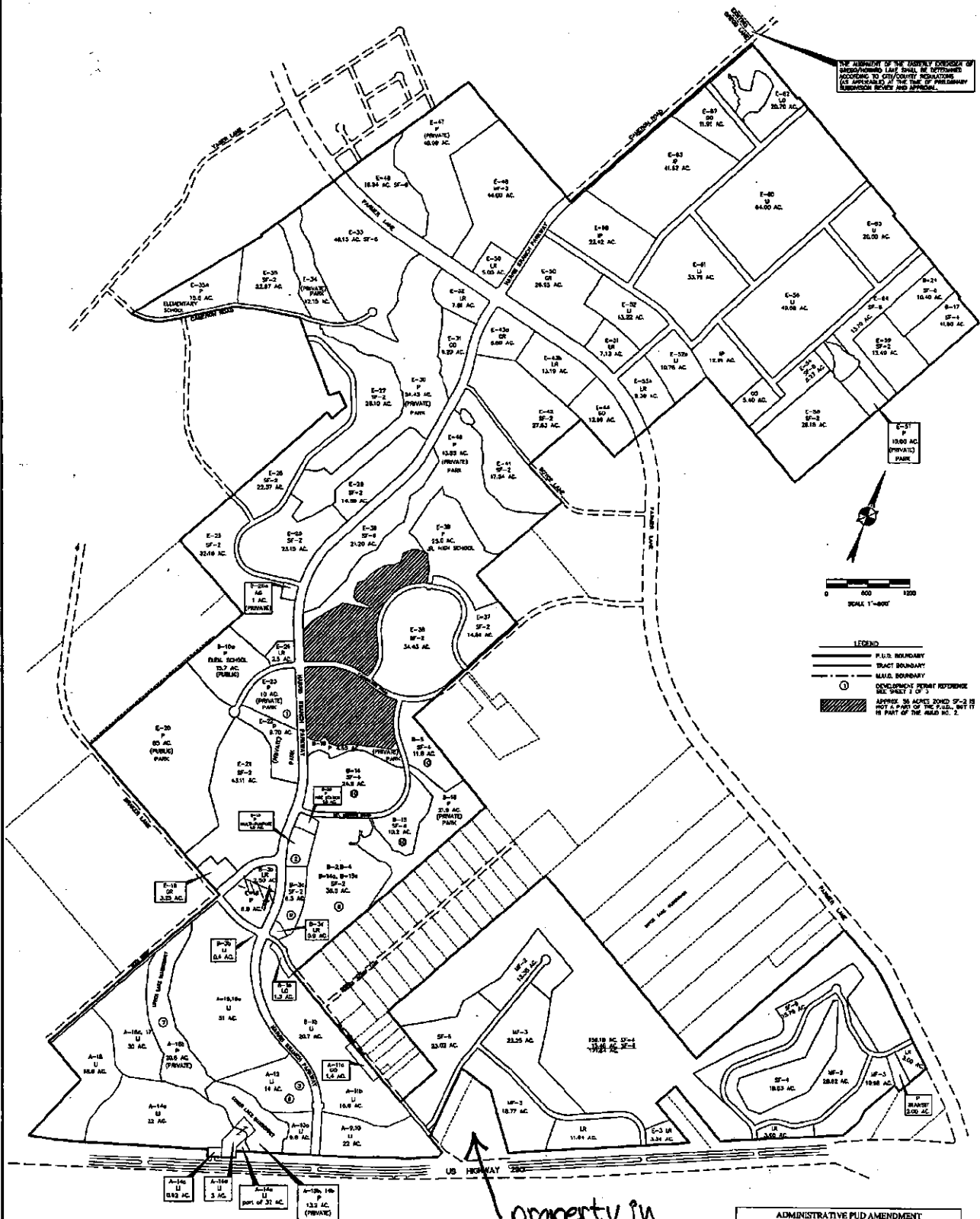
storm water detention ponds, or participation in the City of Austin Regional Stormwater Management Program, if available.

Compatibility Standards

This site is not subject to compatibility development regulations.

P.U.D. LAND USE PLAN

C814-90-0003



ADMINISTRATIVE PUD AMENDMENT

CASE C814-90-0003 (1st Amendment)

Approved on 11-22-1993. This amendment complies with the provisions of Sec. 35-2-405(a) of the Land Development Code.

By: *Charles W. Smith*
 Vice Director, Development, Planning & Engineering Dept.

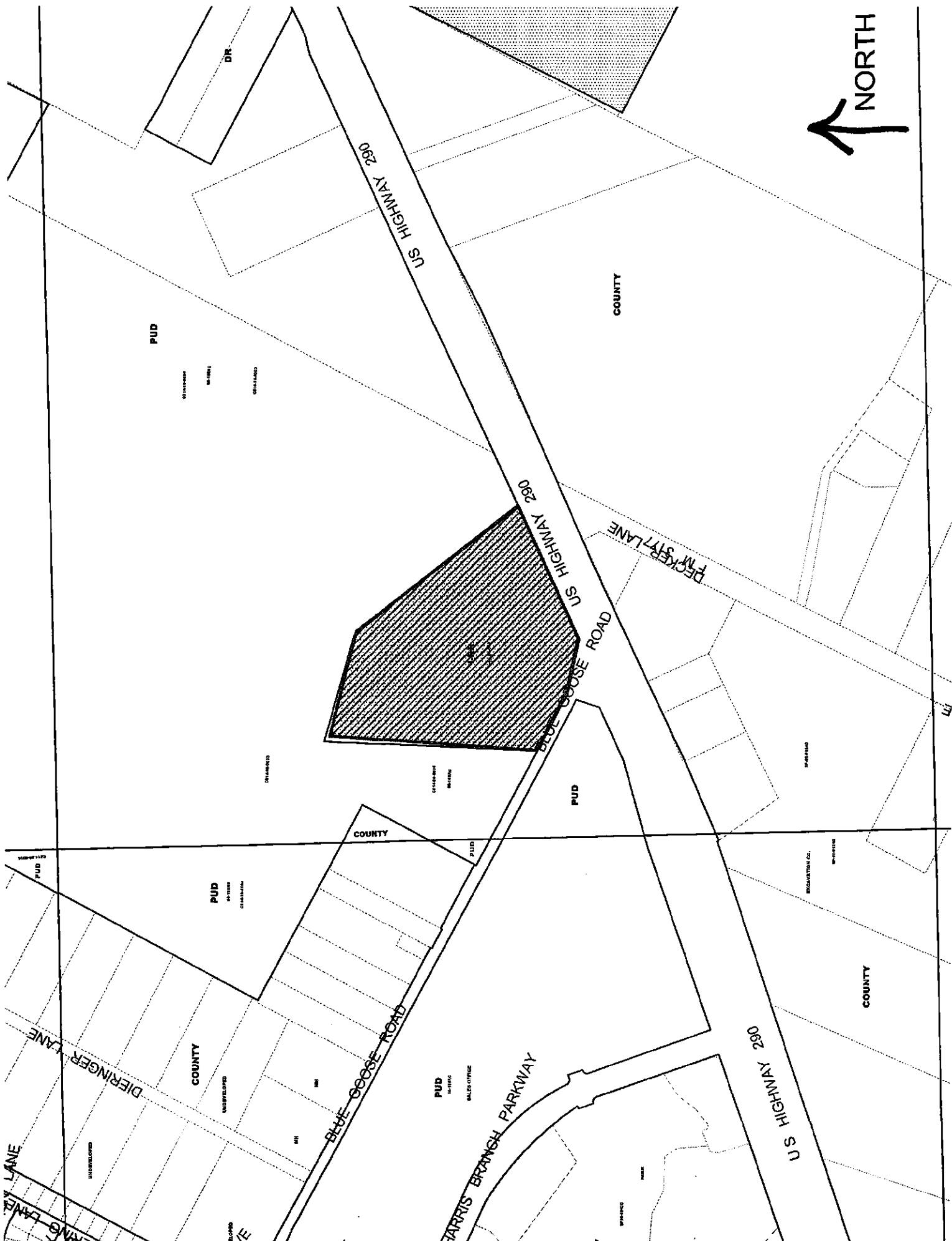
HARRISBRANCH

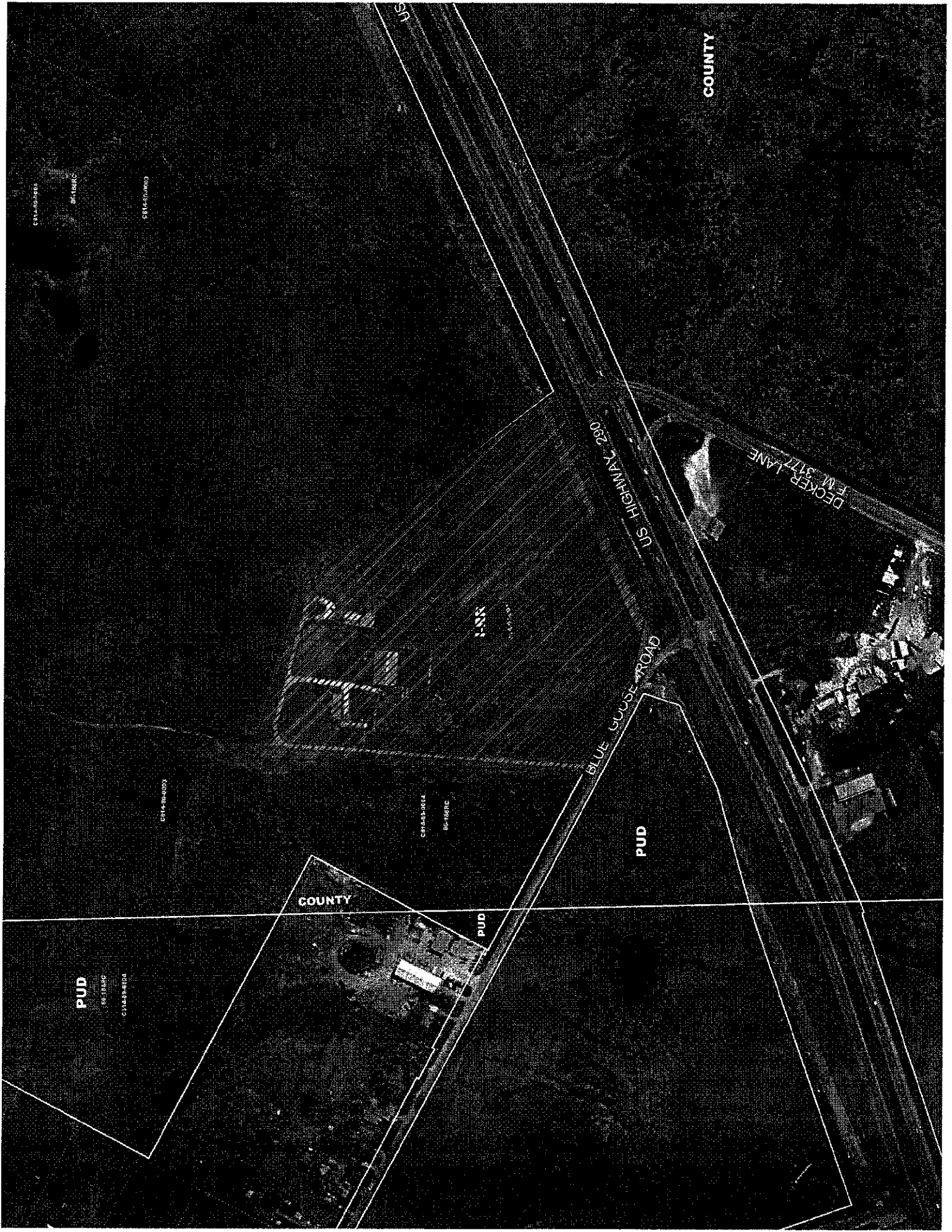
CSA COOK-STEINMAN & ASSOCIATES, INC.
 Consulting Engineers and Land Planning
 Austin, Texas Tel (512) 306-0011 Fax (512) 306-0055

SHEET 1 OF 3

100% FILED 10/10/93

5001 20 20 00 01 00 00 00 00





ORDINANCE NO. _____

1 AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING FOR THE
2 PROPERTY LOCATED AT 9900 U.S. HIGHWAY 290 EAST AND CHANGING
3 THE ZONING MAP FROM INTERIM RURAL RESIDENCE (I-RR) DISTRICT
4 TO COMMUNITY COMMERCIAL-MIXED USE-CONDITIONAL OVERLAY
5 (GR-MU-CO) 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-mixed use-conditional overlay (GR-MU-CO) combining district on the
12 property described in Zoning Case No.C14-04-0008, on file at the Neighborhood Planning
13 and Zoning Department, as follows:
14

15 A 20.5668 acre tract of land, more or less, out of the William H. Sanders Survey
16 No. 54, in Travis County, the tract of land being more particularly described by
17 metes and bounds in Exhibit "A" incorporated into this ordinance, (the "Property")
18

19 locally known as 9900 U.S. Highway 290 East, in the City of Austin, Travis County,
20 Texas, and 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 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 with
27 all existing or previously authorized development and uses, generate traffic that exceeds
28 2,000 trips per day.
29

30 Except as specifically restricted under this ordinance, the Property may be developed and
31 used in accordance with the regulations established for the community commercial (GR)
32 base district and other applicable requirements of the City Code.
33
34
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37

1 **PART 3.** This ordinance takes effect on _____, 2004.

2
3
4 **PASSED AND APPROVED**

5
6 §
7 §
8 §

_____ , 2004

Will Wynn
Mayor

9
10
11
12
13 **APPROVED:**

David Allan Smith
City Attorney

ATTEST:

Shirley A. Brown
City Clerk

FIELD NOTES OF 20.5668 ACRES OF LAND
OUT OF THE WILLIAM H. SANDERS SURVEY NO. 54,
TRAVIS COUNTY, TEXAS

ALL OF THAT 20.5668 ACRES OF LAND, MORE OR LESS, OUT OF THE WILLIAM H. SANDERS SURVEY NO. 54 IN TRAVIS COUNTY, TEXAS, BEING THE SAME TRACT OF LAND DESCRIBED AS 4.5 ACRES AND 16.58 ACRES CONVEYED IN THE WARRANTY DEED FROM THE ESTATE OF DAVEY M. NAGLE TO MARJORIE G. NAGLE RECORDED IN VOLUME 12286, PAGE 1485 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, SAVE AND EXCEPT THE 0.535 ACRES OF LAND CONVEYED IN THE DEED FROM DAVEY M. AND MARJORIE G. NAGLE TO THE STATE OF TEXAS RECORDED IN VOLUME 3007, PAGE 1184 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, HAVING BEEN SURVEYED ON THE GROUND BY SNS ENGINEERING AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at an iron rod found in the northeasterly Right of Way line of Blue Goose Road at the southerly corner of the 365.243 Acres of land recorded in Volume 13100, Page 1 of the Real Property Records of Travis County, Texas, for the Southwest corner of said 4.50 acres and the tract herein described;

THENCE, leaving the northeasterly Right of Way line of said Blue Goose Road and along the westerly line of said 4.50 Acres and the tract herein described, N 05°57'11" E, for a distance of 1005.89 feet to an iron rod found for the Northwest corner of said 4.50 Acres and the tract herein described;

THENCE, following a fence along the northerly line of said 4.50 Acres and the tract herein described, S 73°42'10" E, for a distance of 514.03 feet to an iron rod set for the Northeast corner of the tract herein described, same being the easterly northeast corner of said 4.50 Acres;

THENCE, following a fence along the northeasterly line of said 4.50 Acres, 16.58 Acres and the tract herein described, S 35°59'24" E, passing an iron rod found at a distance of 18.67 feet at the easterly common corner of said 4.50 Acres and 16.58 Acres, for a total distance of 987.96 feet to an iron rod found in the northwesterly Right of Way line of US Highway 290 for the Southeast corner of the tract herein described, same being the northeast corner of said 0.353 Acres;

THENCE, following a fence along the northwesterly Right of Way line of said US Highway 290, same being the southeasterly line of the tract herein described, S 67°03'47" W, for a distance of 701.91 feet to an iron rod found for the Southerly Corner of the tract herein described;

THENCE, following a fence along the northeasterly Right of Way line of said Blue Goose Road, same being the southwesterly line of the tract herein described, the following Two (2) courses:

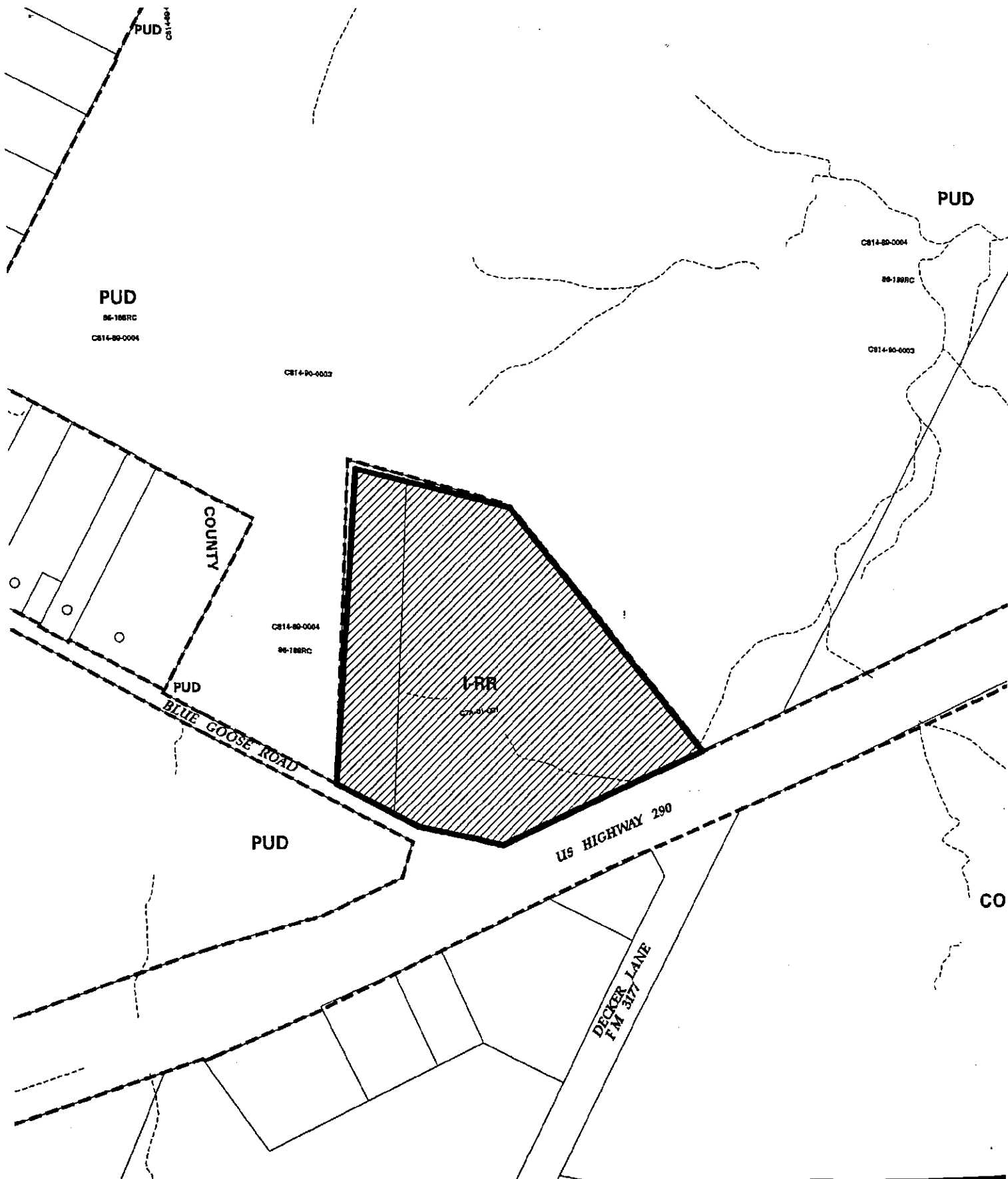
1. N 75°48'56" W, for a distance of 284.31 feet to an iron rod set,
2. N 60°08'55" W, passing an iron rod found at a distance of 94.33 feet at the southerly common corner of said 4.50 Acres and 16.58 Acres, for a total distance of 295.40 to the Point of Beginning and containing 20.5668 Acres of Land More or Less.





SNS ENGINEERING, INC.

Leslie Vasterling
Leslie Vasterling,
Registered Professional Land Surveyor No. 1413



EXHIBIT A



 <p>1" = 400'</p>	<p>SUBJECT TRACT</p> <p>PENDING CASE</p> <p>ZONING BOUNDARY</p> <p>CASE MGR: S.GAGER</p>	<p></p> <p></p> <p></p>	<p align="center">ZONING EXHIBIT B</p>		<p>CITY GRID REFERENCE NUMBER</p> <p align="center">R28</p>
	<p>CASE #: C14-04-0008</p>			<p>DATE: 04-01</p>	
	<p>ADDRESS: 9900 U.S.HWY 290 EAST</p>			<p>INTLS: TRC</p>	
	<p>SUBJECT AREA (acres): 20.566</p>				