

Zoning Ordinance Approval
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION



AGENDA ITEM NO.: 49
AGENDA DATE: Thu 03/25/2004
PAGE: 1 of 1

SUBJECT: C14-03-0182 - Asian Market - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 901 West Braker Lane (Walnut Creek Watershed) from general office (GO) to community commercial-conditional overlay (GR-CO) combining district zoning. First reading on March 4, 2004. Vote: 7-0. Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council on first ordinance reading. Applicant: Hill Country Dairies (Dan McMahon). Agent: Vision Design Group (Andrew Guzman). City Staff: Glenn Rhoades, 974-2775.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

SECOND/THIRD READING SUMMARY SHEET

ZONING CASE NUMBER: C14-03-0182

REQUEST:

Approve second/third reading of an ordinance amending Chapter 25-2 of the Austin City Code, zoning the property locally known as 901 West Braker Lane from general office (GO) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. The conditional overlay will limit vehicle trips to 2,000 per day. In addition, the following uses will be prohibited:

Automotive Washing (of any type)
Drop-Off Recycling
Pawn Shop Services
Service Station
Residential Treatment

Commercial Off-Street Parking
Exterminating Services
Drive Through Services (as an accessory use)
Congregate Living

DEPARTMENT COMMENTS:

The subject tract abuts Austin Independent School District (AISD) property. Staff has received a positive recommendation from AISD for the proposed change (see attached), with the prohibited uses listed above.

APPLICANT: Hill Country Dairies (Dan McMahon)

AGENT: Vision Design Group (Andrew Guzman)

DATE OF FIRST READING/VOTE:

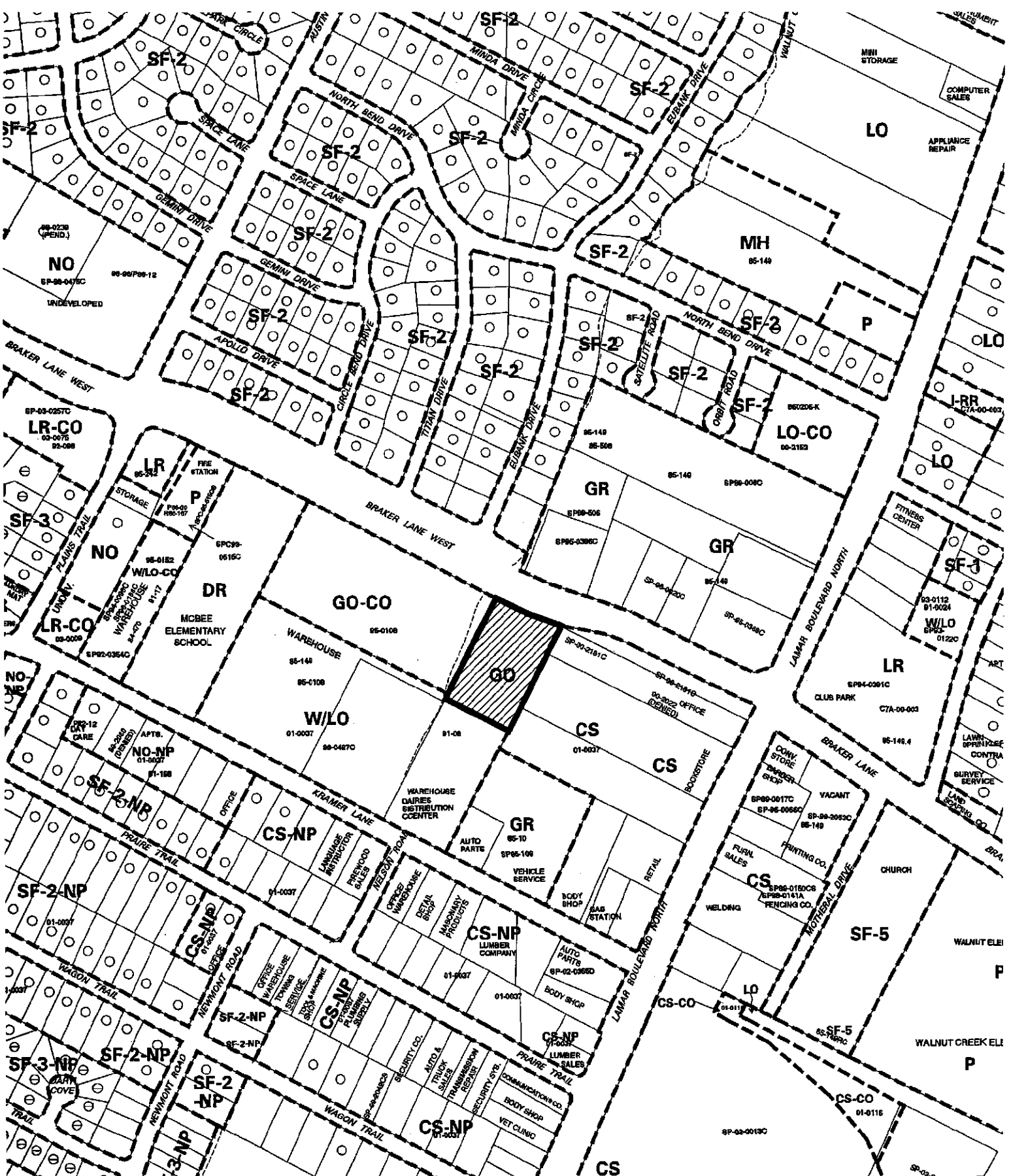
First ordinance reading was approved on March 4, 2004 (Vote: 6-0, B. McCracken – absent).

CITY COUNCIL DATE:

March 4, 2004 – Approved community commercial-conditional overlay (GR-CO) combining district zoning (Vote: 6-0, B. McCracken – absent).

ASSIGNED STAFF: Glenn Rhoades

PHONE: 974-2775
glenn.rhoades@ci.austin.tx.us



 1" = 400'	SUBJECT TRACT		ZONING	CITY GRID REFERENCE NUMBER L32
	PENDING CASE			
	ZONING BOUNDARY			
	CASE MGR: G. RHOADES			
	CASE #: C14-03-0182			DATE: 04-02
	ADDRESS: 901 W BRAKER LANE			
	SUBJECT AREA (acres): 2			INTLS: SM

ORDINANCE NO. _____

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE
2 PROPERTY LOCATED AT 901 WEST BRAKER LANE FROM GENERAL
3 OFFICE (GO) DISTRICT TO COMMUNITY COMMERCIAL-CONDITIONAL
4 OVERLAY (GR-CO) COMBINING DISTRICT.

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

7
8 **PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to
9 change the base district from general office (GO) district to community commercial-
10 conditional overlay (GR-CO) combining district on the property described in Zoning Case
11 No.C14-03-0182, on file at the Neighborhood Planning and Zoning Department, as
12 follows:

13
14 Lot 2, Block A, Dairy Aire Subdivision No. 1, a subdivision in the City of Austin,
15 Travis County, Texas, according to the map or plat of record in Plat Book 90, Page
16 102, of the Plat Records of Travis County, Texas, (the "Property")

17
18 locally known as 901 West Braker Lane, in the City of Austin, Travis County, Texas, and
19 generally identified in the map attached as Exhibit "A".

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

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

28
29 1. Drive-in service is prohibited as an accessory use to commercial uses.

30
31 2. The following uses are prohibited uses of the Property:

32
33 Automotive washing (of any type)
34 Drop-off recycling collection facility
35 Service station
36 Residential treatment

Commercial off-street parking
Exterminating services
Congregate living

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

4
5 **PART 3.** This ordinance takes effect on _____, 2004.
6

7
8 **PASSED AND APPROVED**
9

10 _____, 2004

§
§
§

11
12
13 Will Wynn
14 Mayor

15
16
17 **APPROVED:** _____

18 David Allan Smith
19 City Attorney

ATTEST: _____

Shirley A. Brown
City Clerk

ZONING CHANGE REVIEW SHEET

CASE: C14-03-0182

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

C.C. DATE: March 4, 2004
March 25, 2004

ADDRESS: 901 West Braker Lane

OWNER: Hill Country Dairies
(Dan McMahon)

AGENT: Vision Design Group
(Andrew Guzman)

ZONING FROM: GO

TO: CS

AREA: 2 acres

SUMMARY STAFF RECOMMENDATION:

Staff's alternate recommendation is GR-CO, Community Commercial-Conditional Overlay district zoning. The conditional overlay would limit vehicle trips to 2,000 per day.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

February 3, 2004 – Approved staff's recommendation of GR-CO, Community Commercial-Conditional Overlay district zoning by consent (Vote: 9-0).

ISSUES:

After the Commission hearing the applicant agreed to a list of several prohibited uses proposed by the Austin Independent School District. They are:

Automotive Washing	Commercial Off-Street Parking
Drop-Off Recycling	Exterminating Services
Pawn Shop Services	Drive-Through Services (as accessory use)
Service Station	Congregate Living
Residential Treatment	

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	GO	Undeveloped
<i>North</i>	GR	Office, Pharmacy
<i>South</i>	GR	Catering, Auto Services
<i>East</i>	CS	Office, Bookstore
<i>West</i>	GO-CO	Elementary School

AREA STUDY: N/A

TIA: N/A

WATERSHED: Walnut Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A



STAFF RECOMMENDATION

Staff's alternate recommendation is GR-CO, Community Commercial-Conditional Overlay district zoning. The conditional overlay would limit vehicle trips to 2,000 per day.

BASIS FOR RECOMMENDATION

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

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

The applicant's request meets the purpose statement for GR district zoning set forth in the Land Development Code. It is located on and will take access to Braker Lane, a major arterial roadway. In addition, it is located on the periphery of a residential neighborhood and will potentially provide services to the nearby residents.

The proposed zoning should promote consistency, and orderly planning.

The proposed change is consistent and compatible with the GR zoning to the north. Also, the proposed change will provide a transition between the CS zoning to the east and the GO-CO zoning to the west. After reviewing the zoning map, it appears that the western property line of the GR property to the north would match the western property line of the subject tract.

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

The GR-CO zoning district would allow for a fair and reasonable use of the site. The GR-CO zoning is appropriate for this site because of the location of the property and the commercial character of Braker lane.

EXISTING CONDITIONS

Site Characteristics

The property is currently undeveloped.

Transportation

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

The trip generation under the requested zoning is estimated to be 9,742 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 proposed 4,950sf of retail and 14,250sf of warehouse will generate approximately 1,390 trips per day.

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 Lamar Boulevard (Route #45) just east of this site.

Braker Lane is classified in the Bicycle Plan as a Priority One bike route. (Route #10)

There are existing sidewalks along Braker Lane.

Impervious Cover

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 Walnut 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%

Environmental

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.

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.

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. Water and wastewater utility improvements and system upgrades are required. The landowner will be responsible for all costs and providing. The water and wastewater 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.

Compatibility Standards

The site is subject to compatibility standards due to the existing single-family development less than 540-ft from the site on the north side of Braker Lane.

The following compatibility regulations will apply:

- For a structure less than 300 feet from the single-family property, a structure may attain a height of 40 feet plus one foot for each 10 feet if distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
- For a structure more than 300 feet but not more than 540 feet from the property line, a structure may attain a height of 60 feet plus one foot for each four feet if distance in excess of 300 feet from the property zoned SF-5 or more restrictive.

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

Rhoades, Glenn

From: dlrobtzn@austin.isd.tenet.edu
Sent: Tuesday, February 10, 2004 10:55 AM
To: Glenn.Rhoades@ci.austin.tx.us
Cc: LDuncan@austin.isd.tenet.edu; CShaw@austin.isd.tenet.edu
Subject: RE:

Glenn - We believe the staff recommendation was an improvement and we are mindful of the nature and history of the area. However, it has been the long standing policy of the district to oppose more intense zoning than LR in proximity to elementary schools. Therefore, we would like for the applicant to agree to eliminate some GR uses we feel are inappropriate in such close proximity to McBee Elementary. These include: automotive washing; commercial off-street parking; drop off recycling; exterminating services; pawn shop services; restaurant (drive-in fast food); service station; congregate living; group homes and residential treatment. Dan Robertson 414-3632

Glenn.Rhoades@ci.austin.tx.us

02/10/04 08:52 AM

To: dlrobtzn@austin.isd.tenet.edu
cc:
Subject: RE:

Staff recommendation was approved last Tuesday. I plan to schedule the case for Council on March 4, 2004.

Glenn

-----Original Message-----

From: dlrobtzn@austin.isd.tenet.edu
[mailto:dlrobtzn@austin.isd.tenet.edu]
Sent: Monday, February 09, 2004 11:25 AM
To: Glenn.Rhoades@ci.austin.tx.us
Subject: Re:

Glenn-Did the staff recommendation get approved? Dan Robertson 414-3632

Glenn.Rhoades@ci.austin.tx.us

dlrobtzn@austin.isd.tenet.edu

02/03/04 12:14 PM

To:
cc:
Subject: