

**Zoning Ordinance Approval**

**CITY OF AUSTIN**

**RECOMMENDATION FOR COUNCIL ACTION**

**AGENDA ITEM NO.: 37**

**AGENDA DATE: Thu 05/06/2004**

**PAGE: 1 of 1**

**SUBJECT:** C14-04-0010 - E.M. Rowshan et al. Property - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 0 F.M. 2222 (West Bull Creek Watershed) from interim-rural residence (I-RR) district zoning to limited office-mixed use-conditional overlay (LO-MU-CO) combining district zoning. First reading on March 25, 2004. Vote: 7-0. Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council on first ordinance reading. Applicant: City of Austin. Agent: Neighborhood Planning & Zoning Department. City Staff: Sherri Gager, 974-3057.

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

**DIRECTOR'S**  
**AUTHORIZATION:** Greg Guemsey

## **SECOND/THIRD READING SUMMARY SHEET**

**ZONING CASE NUMBER:** C14-04-0010

**REQUEST:**

Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code, zoning the property locally known as 0 F.M. 2222 Road from I-RR, Interim-Rural Residence District, zoning to LO-MU-CO, Limited Office-Mixed Use-Conditional Overlay District, zoning.

The site would be subject to the following conditions:

- 1) Limit the property to right-in and right-out onto FM-2222
- 2) Limit the development intensity on the site to less than 1,000 vehicle trips per day.

The Ordinance and public restrictive covenant reflect those conditions imposed by Council on 1<sup>st</sup> reading.

**PROPERTY OWNER:** Mr. Esmacil M. Rowshan et al.

**APPLICANT:** City of Austin

**AGENT:** Neighborhood Planning & Zoning Department

**ISSUES:**

At the first reading of this case, the City Council asked the staff to research how the proposed trip limit would effect development on the property under consideration. This information has been provided as Attachment C to this report.

**DEPARTMENT COMMENTS:**

The site is currently undeveloped. The property in question was annexed for full purposes by the City of Austin on September 26, 2002 (Ordinance #020926-58-Attachment A). According to the Transportation, Planning and Sustainability Department (TPSD), annexation ordinances typically include a provision that waives fees for an initial zoning application for a period of one year from its effective date. However, because of an oversight this provision was not included in the annexation ordinance that relates to this property. Therefore, the staff requested that the Zoning and Platting Commission initiate a new zoning application so that the property owners would not incur an expense to permanently zone their property (Attachment B). The Commission approved the staff's request to initiate zoning for this property on January 6, 2004.

The staff is recommending Limited Office-Mixed Use-Conditional Overlay district zoning for this tract of land because LO-MU-CO zoning is consistent with the LO zoning located to the west and the GO zoning located to the south east of this property along FM 2222. The proposed zoning would allow for office, mixed use, or residential development to be constructed along a major arterial roadway. The property in question has numerous development constraints such as slope issues, Hill Country Roadway requirements, compatibility setbacks, and 100-year floodplain, which will limit the build able area on this site.

The property owner agrees with the City Council's recommendation at first reading of this case.

**DATE OF FIRST READING/VOTE:** March 25, 2004/Granted LO-MU-CO – Limited to right-in and right-out to FM-2222, and limit vehicle trips per day to 1000 (7-0); 1<sup>st</sup> reading.

**CITY COUNCIL DATE:** May 6, 2004

**CITY COUNCIL ACTION:**

**ASSIGNED STAFF:** Sherri Gager

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



## MEMORANDUM

**To:** Shari Gager, Case Manager  
Neighborhood Planning and Zoning Department

**From:** George Zapalac  
Watershed Protection and Development Review Department

**Date:** March 29, 2004

**Subject:** C14-04-0010  
E. M. Rowshan Property  
RM 2222

At the March 25, 2004 City Council meeting, LO-MU-CO zoning was granted for this property on first reading with a limitation of 1000 trips per day and a restriction of right-in, right-out driveway access. Council asked staff to provide information about the amount of development that could be constructed under the limitation of 1000 trips per day.

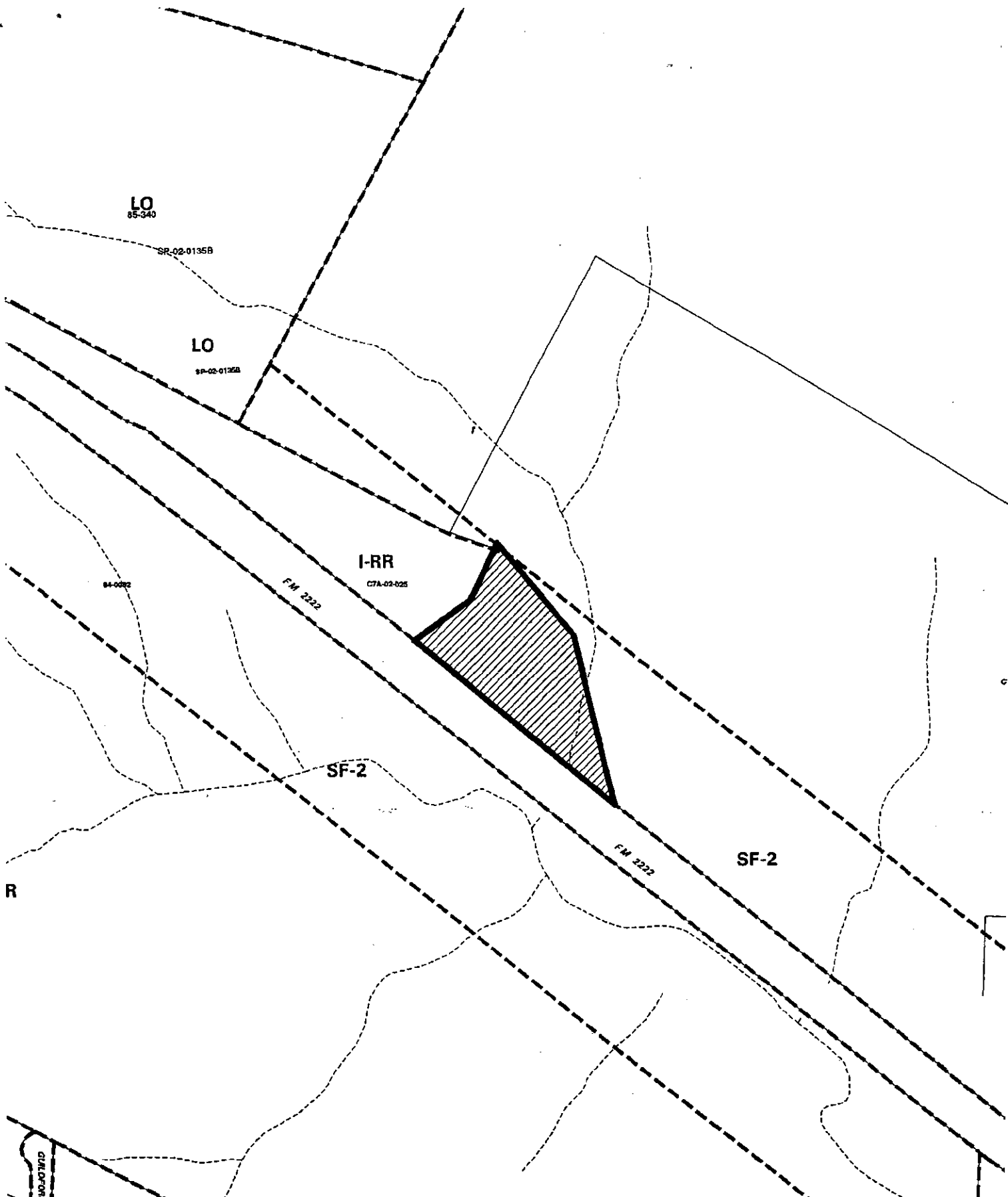
Under the LO-MU-CO zoning, the following amount of development would generate 1000 trips per day:





Administrative and Business Office	68,776 sq. ft.
Medical Office	29,713 sq. ft.
Apartments	141 units

Under the Hill Country Roadway Ordinance, development is limited to a floor-to-area ratio of 0.20 on areas with slopes of 15 percent or less. Slope information is not currently available for this tract; however, it appears that a portion of the property is in the floodplain and therefore not developable. If the entire 4.924 acres had a slope of 15 percent or less, the allowable floor area would be 42,897 square feet. This is less than the amount of floor area that would generate 1000 trips per day as administrative and business office. Therefore, the limitation of 1000 trips per day may not create a significantly greater restriction on use of the property than does the Hill Country Roadway Ordinance.

Please contact me at 974-2725 if you have any questions.

George Zapalac  
Watershed Protection and Development Review Department



 1" = 400'	SUBJECT TRACT  PENDING CASE  ZONING BOUNDARY  CASE MGR: S. GAGER	<p style="text-align: center;"><b>ZONING EXHIBIT A</b></p> CASE #: C14-04-0010 ADDRESS: FM 2222 RD SUBJECT AREA (acres): 4.924 DATE: 04-01 INTLS: SM	CITY GRID REFERENCE NUMBER E32
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ORDINANCE NO. \_\_\_\_\_

1 AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING FOR THE  
2 PROPERTY LOCATED AT 0 F.M. 2222 ROAD AND CHANGING THE ZONING  
3 MAP FROM INTERIM RURAL RESIDENCE (I-RR) DISTRICT TO LIMITED  
4 OFFICE-MIXED USE-CONDITIONAL OVERLAY (LO-MU-CO) COMBINING  
5 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 limited office-mixed  
11 use-conditional overlay (LO-MU-CO) combining district on the property described in  
12 Zoning Case No.C14-04-0010, on file at the Neighborhood Planning and Zoning  
13 Department, as follows:  
14

15 A 4.924 acre tract of land, more or less, out of the William Preece Survey No. 4, in  
16 Travis County, the tract of land being more particularly described by metes and  
17 bounds in Document No. 1999136062, of the Official Public Records of Travis  
18 County, Texas, (the "Property")  
19

20 locally known as 0 F.M. 2222 Road, in the City of Austin, Travis County, Texas, and  
21 generally identified in the map attached as Exhibit "A".  
22

23 **PART 2.** The Property within the boundaries of the conditional overlay combining district  
24 established by this ordinance is subject to the following conditions:  
25

- 26 1. A site plan or building permit for the Property may not be approved, released, or  
27 issued, if the completed development or uses of the Property, considered cumulatively  
28 with all existing or previously authorized development and uses, generate traffic that  
29 exceeds 1,000 trips per day.  
30
- 31 2. Vehicular access to and from the Property along F.M. 2222 Road shall be by a limited  
32 function driveway that allows right-in and right-out movement only.  
33

34 Except as specifically restricted under this ordinance, the Property may be developed and  
35 used in accordance with the regulations established for the limited office (LO) base district  
36 and other applicable requirements of the City Code.  
37

1  
2 **PART 3.** This ordinance takes effect on \_\_\_\_\_, 2004.  
3

4  
5 **PASSED AND APPROVED**

6  
7 §  
8 §  
9 \_\_\_\_\_, 2004 § \_\_\_\_\_  
10 Will Wynn  
11 Mayor  
12

13  
14 **APPROVED:** \_\_\_\_\_ **ATTEST:** \_\_\_\_\_  
15 David Allan Smith Shirley A. Brown  
16 City Attorney City Clerk

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-04-0010

**Z.A.P. DATE:** February 17, 2004

**ADDRESS:** FM 2222 Road

**OWNER:** Mr. Esmaeil M. Rowshan et al.

**APPLICANT:** City of Austin

**AGENT:** Neighborhood Planning & Zoning Department

**ZONING FROM:** I-RR

**TO:** LO-MU-CO

**AREA:** 4.924 acres

### **SUMMARY STAFF RECOMMENDATION:**

The staff's alternate recommendation is to grant LO-MU-CO (Limited Office-Mixed Use-Conditional Overlay District) zoning. The proposed conditional overlay would limit the development intensity on the site to less than 2,000 vehicle trips per day.

### **ZONING AND PLATTING COMMISSION RECOMMENDATION:**

2/17/04: Approved staff's recommendation of LO-MU-CO zoning (8-1, J. Martinez-Nay);  
K. Jackson-1<sup>st</sup>, M. Whaley-2<sup>nd</sup>.

### **ISSUES:**

At the first reading of this case on March 25, 2004, the City Council asked the staff to research how the proposed trip limit would effect development on the property under consideration. The requested information has been provided as Attachment C to this report.

### **DEPARTMENT COMMENTS:**

The site is currently undeveloped. The property in question was annexed for full purposes by the City of Austin on September 26, 2002 (Ordinance #020926-58-Attachment A). According to the Transportation, Planning and Sustainability Department (TPSD), annexation ordinances typically include a provision that waives fees for an initial zoning application for a period of one year from its effective date. However, because of an oversight this provision was not included in the annexation ordinance that relates to this property. Therefore, the staff requested that the Zoning and Platting Commission initiate a new zoning application so that the property owners would not incur an expense to permanently zone their property (Attachment B). The Commission approved the staff's request to initiate zoning for this property on January 6, 2004.

The staff is recommending Limited Office-Mixed Use-Conditional Overlay district zoning for this tract of land because LO-MU-CO zoning is consistent with the LO zoning located to the west and the GO zoning located to the south east of this property along FM 2222. The proposed zoning would allow for office, mixed use, or residential development to be constructed along a major arterial roadway. The property in question has numerous development constraints such as slope issues, Hill Country Roadway requirements, compatibility setbacks, and 100-year floodplain, which will limit the build able area on this site.

The property owner agrees with the staff's recommendation.

### **HILL COUNTRY ROADWAY:**



This site is located entirely within a Hill Country Roadway Corridor [low intensity zone] because it is within 1000-feet of FM 2222, a Hill Country Roadway.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	I-RR	Undeveloped
<i>North</i>	DR	Undeveloped - Balcones Canyonland Preserve
<i>South</i>	SF-2	Undeveloped
<i>East</i>	SF-2	Undeveloped
<i>West</i>	SF-2, I-RR	Vacant Building (Former Restaurant), Undeveloped

**AREA STUDY:** N/A

**TIA:** Waived

**WATERSHED:** West Bull Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** N/A

**HILL COUNTRY ROADWAY:** Yes

**NEIGHBORHOOD ORGANIZATIONS:**

190 – Middle Bull Creek Neighborhood Association  
 426 – River Place Residential Community Association, Inc.  
 434 – Lake Austin Business Owners  
 439 – Concerned Citizens for P&B of FM 2222  
 448 – Canyon Creek Homeowners Association  
 475 – Bull Creek Foundation  
 965 – Old Spicewood Springs Road Neighborhood Association

**CASE HISTORIES:** N/A

**RELATED CASES:** There are no pending related cases.

**ABUTTING STREETS:**

<b>NAME</b>	<b>ROW</b>	<b>PAVEMENT</b>	<b>CLASSIFICATION</b>	<b>DAILY TRAFFIC</b>
RM 2222	150'	Varies	Major Arterial	N/A

**CITY COUNCIL DATE:** March 25, 2004

**ACTION:** Granted LO-MU-CO -- Limited to right-in and right-out to FM-2222, and limit vehicle trips per day to 1000 (7-0); 1<sup>st</sup> reading.

May 6, 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](mailto:sherri.gager@ci.austin.tx.us)

LO  
85-340

SP-02-01355

LO

SP-02-01355

BALCONES CANYONLAND PRESERVE

I-RR

C7A-02-025

84-0002

FM 2222

SF-2

FM 2222

SF-2

C7A-0

R

GUILDFORD



1" = 400'

SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

CASE MGR: S. GAGER



ZONING

CASE #: C14-04-0010

ADDRESS: FM 2222 RD

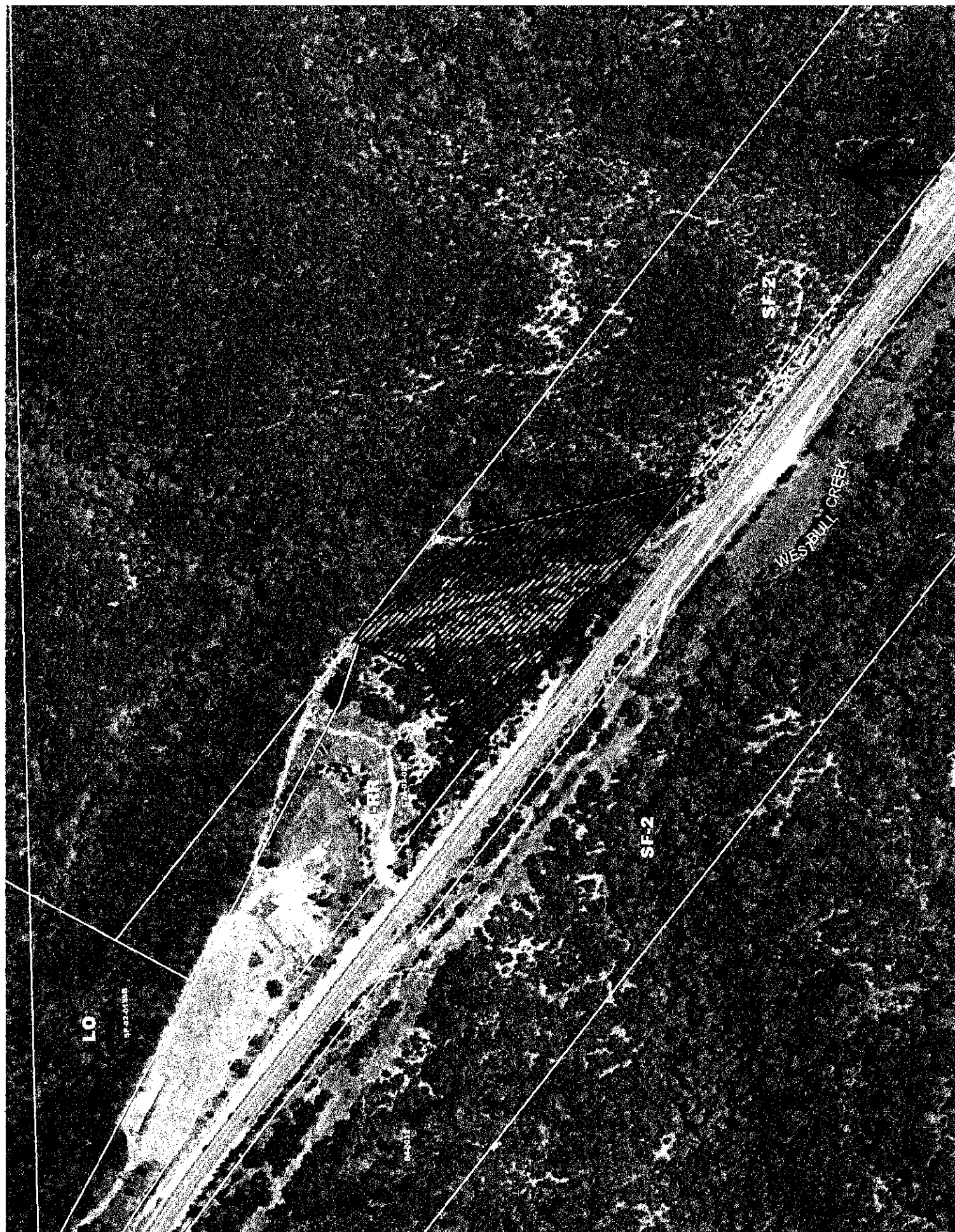
SUBJECT AREA (acres): 4.924

DATE: 04-01

INTLS: SM

CITY GRID  
REFERENCE  
NUMBER

E32



Balcones Canyonland Preserve  
Area

WEST BULL CREEK

SF-2  
FM 2222  
WABUCREEK  
EST

FM 2222

DR  
WEST BULL CREEK

~~GUILDFORD COVE~~

DRIVE

COVE

10-25-1985

SP-02-11005

RR

LO

SP-02-11005

I-RR

STATION

FM 222

RAILROAD

DR

STATION

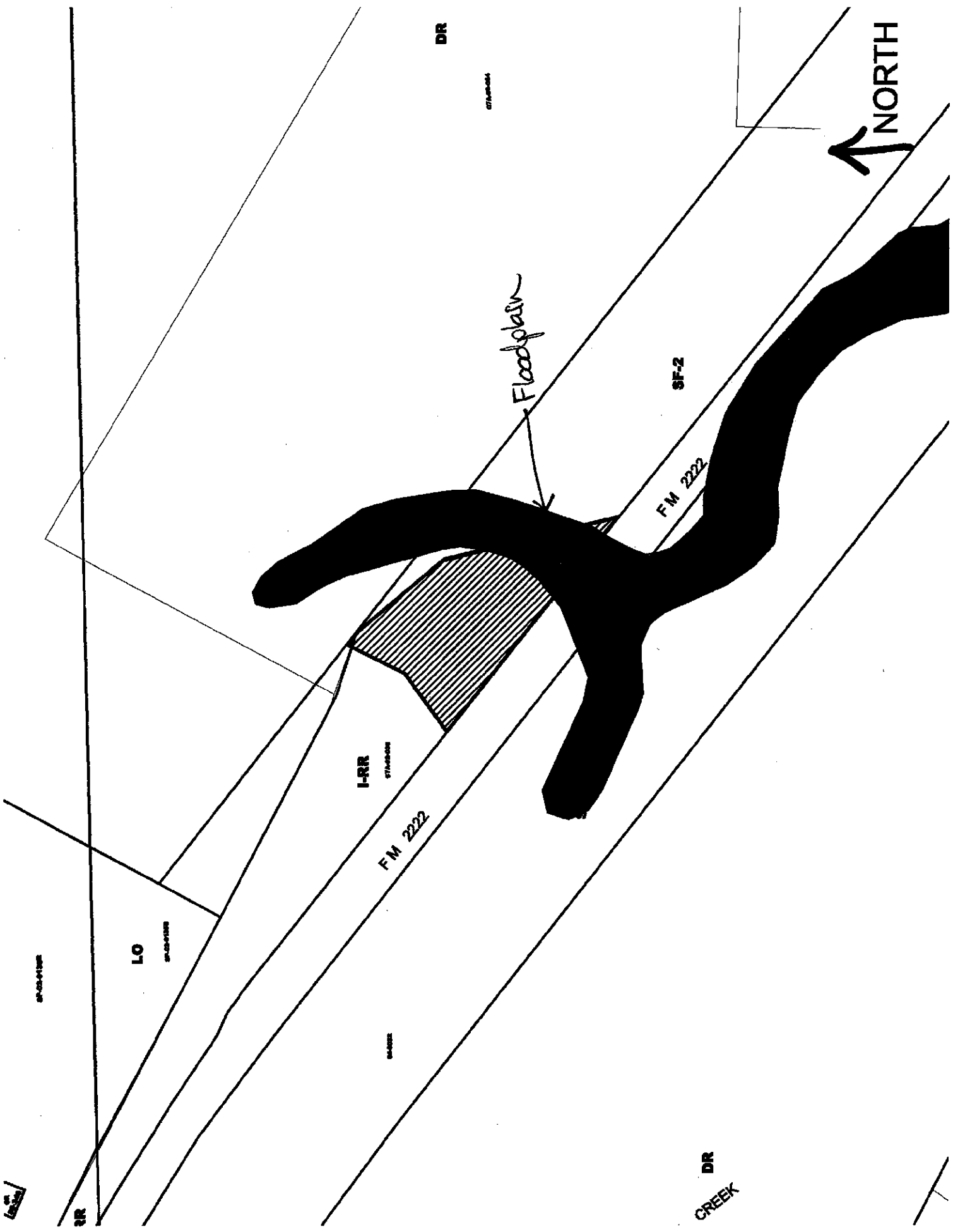
Floodplain

FM 222

SF-2

DR CREEK

NORTH



## **STAFF RECOMMENDATION**

The staff's alternate recommendation is to grant LO-MU-CO (Limited Office-Mixed Use-Conditional Overlay District) zoning. The proposed conditional overlay would limit the development intensity on the site to less than 2,000 vehicle trips per day.

## **BACKGROUND**

The site is currently undeveloped. The property in question was annexed for full purposes by the City of Austin on September 26, 2002 (Ordinance #020926-58-Attachment A). According to the Transportation, Planning and Sustainability Department (TPSD), annexation ordinances typically include a provision that waives fees for an initial zoning application for a period of one year from its effective date. However, because of an oversight this provision was not included in the annexation ordinance that relates to this property. Therefore, the staff requested that the Zoning and Platting Commission initiate a new zoning application so that the property owners would not incur an expense to permanently zone their property (Attachment B). The Commission approved the staff's request to initiate zoning for this property on January 6, 2004.

The staff is recommending Limited Office-Mixed Use-Conditional Overlay district zoning for this tract of land because LO-MU-CO zoning is consistent with the LO zoning located to the west and the GO zoning located to the south east of this property along FM 2222. The proposed zoning would allow for office, mixed use, or residential development to be constructed along a major arterial roadway. The property in question has numerous development constraints such as slope issues, Hill Country Roadway requirements, compatibility setbacks, and 100-year floodplain, which will limit the build able area on this site.

The property owner agrees with the staff's recommendation.

## **BASIS FOR RECOMMENDATION**

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

The Limited Office (LO) district is the designation for an office use that serves neighborhood or community needs and that is located in or adjacent to residential neighborhoods.

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.*

LO-MU-CO zoning is consistent with the LO zoning located to the west and GO to the southeast of this property along FM 2222.

The proposed LO-MU-CO would allow for office, mixed use, or residential development to be constructed along FM 2222, a major arterial roadway.

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

The LO-MU-CO zoning district would allow for a fair and reasonable use of the site because it would allow the owner of the property to develop this tract of land with less intensive commercial uses (office), a mix commercial and residential uses (office and residential), or a residential uses

(single-family, townhouse/condominium, or multifamily) on a property that has numerous site constraints. The property in question has slope issues, Hill Country Roadway requirements, compatibility setbacks, and 100-year floodplain, which will restrict development on the site.

## **EXISTING CONDITIONS**

### **Site Characteristics**

The site is undeveloped and covered with trees. The property slopes upwards to the northwest and contains floodplain along the southeastern corner.

### **Impervious Cover**

The maximum impervious cover allowed by the LO zoning district would be 70 %. However, because the Watershed impervious cover is more restrictive than the LO zoning district's allowable impervious cover, the impervious cover on this site would be limited by the watershed ordinance.

Under the 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>
One or Two Family Residential	30%	40%
Multifamily Residential	40%	55%
Commercial	40%	55%

Development within a Water Quality Transition Zone may not exceed 18% impervious cover.

Note: The most restrictive impervious cover limit applies.

### **Environmental**

The site is located on the edge of the Edward's Aquifer Recharge Zone. The site is in the West Bull Creek Watershed of the Colorado River Basin, and is classified as a Water Supply Suburban Watershed by Chapter 25-8 of the City's Land Development Code.

According to flood plain maps, there is flood plain in, or within close proximity of, the project location. Based upon the close proximity of the flood plain, offsite drainage should be calculated to determine whether a transition zone exists within the project location.

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.

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 providing structural 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 preexisting approvals, which would preempt current water quality or Code requirements.

### **Transportation**

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

The trip generation under the requested zoning is estimated to be 5,925 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 waived because this is a City initiated case.

RM 2222 is classified in the Bicycle Plan as a Priority 1 bike route. (Route #434)

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

Existing Street Characteristics:

NAME	ROW	PAVEMENT	CLASSIFICATION	DAILY TRAFFIC
RM 2222	150'	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. The utility construction must be inspected by the City and the landowner must pay the City inspection fee.



### **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 located entirely within a Hill Country Roadway Corridor [low intensity zone] because it is within 1000-feet of FM 2222, a Hill Country Roadway.

The site is subject to compatibility standards along the eastern property line that abuts the SF-2 zoned property. Along that property line, the following regulations will apply:

- No structure may be built within 25 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line
- A landscape area at least 15 feet in width is required along the property line if tract is zoned MF-3, MF-4, MF-5, MH, NO, or LO.
- A landscape area at least 25 feet in width is required along the property line if the tract is zoned LR, GO, GR, L, CS, CS-1, or CH.
- 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.

## **M E M O R A N D U M**

**TO:** Betty Baker, Chair and Members of the Zoning and Platting Commission

**FROM:** Dora Anguiano, Zoning and Platting Commission Coordinator  
Neighborhood Planning & Zoning Department

**DATE:** March 18, 2004

**SUBJECT:** Zoning and Platting Commission Summary

Attached is one Zoning and Platting Commission summary, which will be forwarded to the City Council.

**CASE #C14-04-0010**

7. C14-04-0010 -- CITY OF AUSTIN -- NEIGHBORHOOD PLANNING AND ZONING DEPARTMENT (Sherri Gager), By: City of Austin -- NPZD, Ranch Road 2222. (West Bull Creek). **FROM I-RR TO LO-MU. ALTERNATE RECOMMENDATION: LO-MU-CO. City Staff: Sherri Gager: 974-3057.**

### **SUMMARY**

Commissioner Baker -- "Can we have a map?"

Sherri Gager, staff -- "We do not have a map that has the full scale, so that you could see the surrounding development. I can give you a copy of the tax map and tell you where the property is located. It is located on FM 2222 on the incline on the way up to 620. This is the property directly to the east of the Tumble Weed tract".

Commissioner Baker -- "Can we hear from the applicant or the representative, please?"

Ms. Gager -- "We're the applicant".

Commissioner Baker -- "Okay, because this is a city initiated case?"

Ms. Gager -- "Yes, a case that the commission approved at the January 6<sup>th</sup> meeting".

### **OPPOSITION**

Lisa Schmitley -- Spoke in opposition.

Commissioner Jackson -- "Did I understand that you'd rather this be residential?"

Ms. Schmitley -- "The lower density".

Commissioner Jackson -- "If we have a potential safety issue, you'd rather have people with their kids accessing here; did I hear that right?"

Ms. Schmitley -- "Our assumption is that commercial zoning would be greater traffic coming in and out of that area".

Commissioner Jackson -- "I just wanted to make sure I understood that".

### **FAVOR**

No Speakers.

Commissioner Martinez and Gohil moved to close the public hearing.

Commissioner Jackson -- "I make a motion to approve the staff recommendation".

Commissioner Whaley – “I’ll second that”.

Commissioner Baker – “This is a city initiated case and I understand that for the zoning that has come in, the time frame that was set out; how has that property been zoned primarily?”

Ms. Gager – “I don’t understand your question”.

Commissioner Baker – “There’s some zoning along that road, I assume some office zoning; is that primarily what has come in after the city said you could come in get your zoning and we’ll initiate the case?”

Ms. Gager – “To the south of this property there is some GO at the bottom of the hill and that is being used for apartment complexes right now. To the north of this property, there’s LO, but it is not developed at this time”.

Commissioner Whaley – “Is this platted?”

Ms. Gager – “No the property is not platted”.

Commissioner Whaley – “So they will have to come to the subdivision process and would come back to the commission after meeting ordinance requirements?”

Ms. Gager – “Yes”.

Commissioner Baker – “I would like to comment that driveways and ingress and egress would be initiated at site plan stage”.

Ms. Gager – “That is correct; at this time, the applicant does not have a site plan in process and has not reached that stage”.

Motion carried.

**COMMISSION ACTION:  
MOTION:**

**YES:**

**NAY:**

**JACKSON, WHALEY  
APPROVED                      STAFF’S  
RECOMMENDATION.  
PINNELLI, CORTEZ, GOHIL, BAKER,  
JACKSON, WHALEY, HAMMOND,  
DONISI.  
MARTINEZ**

**MOTION CARRIED WITH VOTE: 8-1.**

## **M E M O R A N D U M**

**TO:** Betty Baker, Chair and Members of the Zoning and Platting Commission

**FROM:** Dora Anguiano, Zoning and Platting Commission Coordinator  
Neighborhood Planning & Zoning Department

**DATE:** March 18, 2004

**SUBJECT:** Zoning and Platting Commission Summary

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**CASE #C14-04-0010**

7. C14-04-0010 – CITY OF AUSTIN – NEIGHBORHOOD PLANNING AND ZONING DEPARTMENT (Sherri Gager), By: City of Austin – NPZD, Ranch Road 2222. (West Bull Creek). **FROM I-RR TO LO-MU. ALTERNATE RECOMMENDATION: LO-MU-CO. City Staff: Sherri Gager: 974-3057.**

### **SUMMARY**

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**COMMISSION ACTION:  
MOTION:**

**YES:**

**NAY:**

**JACKSON, WHALEY  
APPROVED                      STAFF'S  
RECOMMENDATION.  
PINNELLI, CORTEZ, GOHIL, BAKER,  
JACKSON, WHALEY, HAMMOND,  
DONISI.  
MARTINEZ**

**MOTION CARRIED WITH VOTE: 8-1.**

**ORDINANCE NO. 020926-58**

**AN ORDINANCE ANNEXING, FOR FULL PURPOSES, ADDITIONAL TERRITORY ADJACENT TO THE CITY LIMITS OF THE CITY OF AUSTIN REFERRED TO AS THE "TUMBLEWEED HILL" AREA, CONSISTING OF APPROXIMATELY 15 ACRES OF LAND OUT OF THE WILLIAM PREECE SURVEY NO. 4, LOCATED IN TRAVIS COUNTY, TEXAS; AND APPROVING A SERVICE PLAN.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**PART 1.** The Council finds that:

- (A) Notice of the two public hearings concerning annexation of the territory described in Exhibit A was published in a newspaper of general circulation in the City of Austin and in the area to be annexed.
- (B) The public hearings were held on August 22, 2002 at 6:00 p.m. and August 29, 2002 at 6:00 p.m., at the Lower Colorado River Authority, Hancock Building, 3700 Lake Austin Boulevard, Austin, Texas.
- (C) The public hearings were concluded after providing an opportunity for all persons present to be heard with respect to the proposed annexation. A proposed Service Plan was made available and explained at the public hearings as required by state law.
- (D) The annexation, for full purposes, of the territory described in Exhibit A serves the interest of the current and future residents of the City of Austin.
- (E) All procedural requirements imposed by state law for the full purpose annexation of the territory described in Exhibit A have been met.

**PART 2.** The present boundary limits of the City are amended to include the following territory which is within the extraterritorial jurisdiction and adjacent to the city limits of the City of Austin in Travis County, Texas, and which land is annexed into the City for the full purposes:



15 acres of land, more or less, consisting of two tracts of land, out of the William Preece Survey, No. 4, Travis County, Texas; the 15 acres of land, more or less, being more particularly described in Exhibit A.

**PART 3.** The Service Plan attached as Exhibit B is approved as the Service Plan for the area.

**PART 4.** The City Council declares that its purpose is to annex to the City of Austin each part of the area described in Exhibit A as provided in this ordinance, whether any other part of the described area is effectively annexed to the City. If this ordinance is held invalid as to any part of the area annexed to the City of Austin, that invalidity does not affect the effectiveness of this ordinance as to the remainder of the area.

If any area or lands included within the description of the area set out in Exhibit A are: (1) presently part of and included within the general limits of the City of Austin; (2) presently part of and included within the limits of any other city, town, or village; or (3) are not within the jurisdiction or power of the City of Austin to annex, then that area is excluded and excepted from the area annexed.

**PART 5.** The Council waives the requirements of Sections 2-2-3 and 2-2-7 of the City Code for this ordinance.

**PART 6.** This ordinance takes effect on December 25, 2002.

**PASSED AND APPROVED**

September 26, 2002

§  
§  
§

*Gustavo L. Garcia*

Gustavo L. Garcia  
Mayor

**APPROVED:**

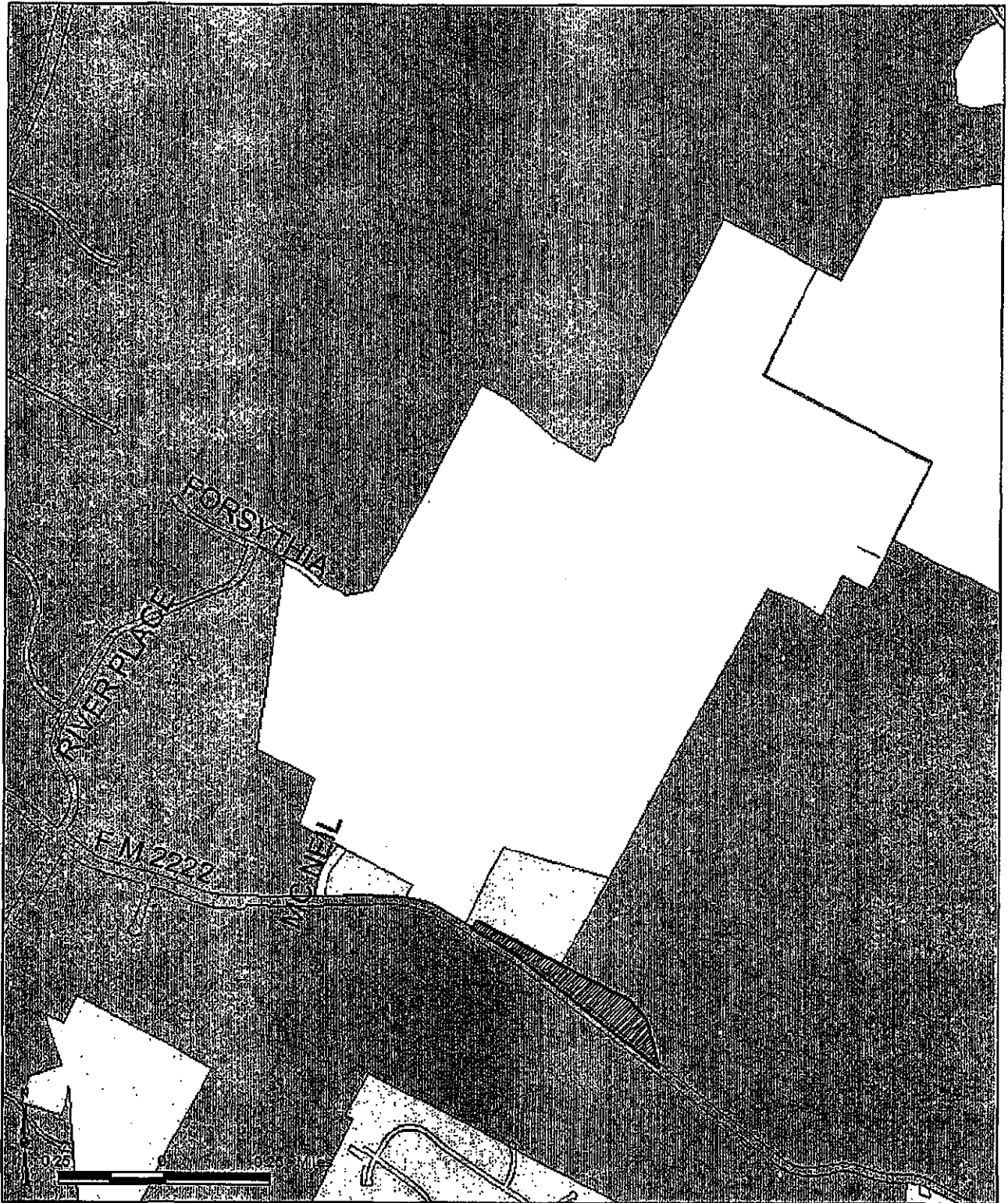
*Sedra Jefferson*  
Sedra Jefferson  
City Attorney

**ATTEST:**

*Shirley A. Brown*  
Shirley A. Brown  
City Clerk

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**EXHIBIT A**



## Tumbleweed Hill

### C7a-02-025

City of Austin  
Transportation, Planning & Sustainability Dept  
July 24, 2002

-  Proposed Annexation Area
-  City of Austin - Full Purpose
-  City of Austin - Limited Purpose
-  City of Austin - ETJ



## MEMORANDUM

**To:** Betty Baker, Chair  
and Members of the Zoning and Platting Commission

**From:** Gregory Guernsey, AICP, Development Services Manager  
Neighborhood Planning and Zoning Department

**Date:** December 29, 2003

**Subject:** 0 Ranch Road 2222  
4.924 acres, more or less, out of the W M Preece Survey No. 4, Abstract No. 2470, Travis County, TX.

Please accept this memo as a request to initiate the zoning of the above referenced property from Interim-Rural Residence (I-RR) district, zoning to Limited Office-Mixed Use (LO-MU) Combining district, zoning. On September 26, 2002, the Austin City Council approved an ordinance annexing, for full purposes, the referenced property and additional property adjacent to Austin's City Limits. The annexation ordinance (see attached ordinance #020926-58) indicated that it would take effect on December 25, 2002. According to the Transportation, Planning and Sustainability Department, annexation ordinances typically include a provision that waives fees for an initial zoning application for a period of one year from its effective date. However, due to an oversight this provision was not included in this annexation ordinance.

Therefore, Staff is requesting the Zoning and Planning Commission initiate a new zoning application, so the property owners, Mr. Esmail M. Rowshan et al. do not incur an additional expense in permanently zoning their property. At the request of the property owner's agent Ms. Norma Raven of the Kucera Company, Staff is suggesting the initial zoning request be filed for Limited Office-Mixed Use (LO-MU) Combining district, zoning. If you have any questions, please contact me at (512) 974-2387.

A handwritten signature in black ink, appearing to read "Gregory Guernsey".

Gregory Guernsey, AICP, Development Services Manager  
Neighborhood Planning and Zoning Department

Attachment(s): Ordinance #020926-58  
Maps

## Gager, Sherri

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**From:** Latrell A Bellard [financialsg@juno.com]  
**Sent:** Tuesday, February 03, 2004 1:10 PM  
**To:** pate\_brendle@yahoo.com; scameron@austin.rr.com; nrg-gpa@juno.com; Floydemail@aol.com; albecker@onr.com; Charles.Farmer@Sun.Com  
**Cc:** sherri.gager@ci.austin.tx.us  
**Subject:** New Zoning Case On 2222

Late last week I received a Notice of Filing of Application for Rezoning on 4.92 acres on RM222. The File number is C14-04-0010 and the proposed change is from 1 - Interim RR to LO. The case worker is Sherri Gager 512-974-3057. This tract is located on the North side of RM 2222 as it runs up the steepest portion of Tumbleweed Hill.

This is a very dangerous portion of RM 2222 and I cannot imagine anyone allowing a curb cut directly upon the roadway. However, as we all know development continues to appear along RM 2222. I am unaware of any preliminary site plan and think one should accompany this request for rezoning. Your support, suggestions, and comments are most welcomed.

Latrell Bellard  
346-5548

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