

Zoning Ordinance Approval
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION



AGENDA ITEM NO.: 76
AGENDA DATE: Thu 05/27/2004
PAGE: 1 of 1

SUBJECT: Amend Ordinance No. 040226-Z-4, to clarify the conditions of zoning for the property known as 13497 U.S. Highway 183 North, further described in file number C14-03-0180. Applicant: Pecan Center (Louis R. Williams). Agent: Richard H. Crank, ASLA. City Staff: Sherri Gager, 974-3057.

REQUESTING	Neighborhood Planning	DIRECTOR'S
DEPARTMENT:	and Zoning	AUTHORIZATION: <u>Greg Guernsey</u>

CORRECTIVE ORDINANCE SUMMARY SHEET

ZONING CASE NUMBER: C14-03-0180

REQUEST: Amend ordinance number 040226-Z-4, to correct the wording of a condition of zoning for the property located at 13497 U.S. Highway 183 North.

The amendment would change the wording for the condition in subpart 1 to the following:

1. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively, generate traffic that exceeds 2,000 trips per day above the trips generated by the existing or previously approved development or uses.

DEPARTMENT COMMENTS:

The purpose of the proposed ordinance correction is to allow for 2,000 vehicle trips per day beyond the existing development on the site, as interpreted by the staff. The property in question was developed as a strip shopping center, prior to being annexed as I-SF-2 by the City of Austin. The pre-existing development currently generates approximately 2,000 trips per day, based upon ITE estimates. The traffic generated from this development is already reflected in existing traffic conditions on adjacent roadways. The purpose of the traffic impact analysis is to assess the impact of new or redevelopment of the site, (e.g. net increase in traffic). Although the Land Development Code does not define or clarify this point, the transportation staff has generally considered trip generation to be based upon net increase in traffic.

In rezoning the site and placing a 2,000 trip restriction on the site, the intent is that the site would not be able to generate more than 2,000 additional trips per day. In other cases, in which existing developed sites include development in excess of 2,000 trips per day, the existing development would be immediately non-conforming because of this zoning restriction.

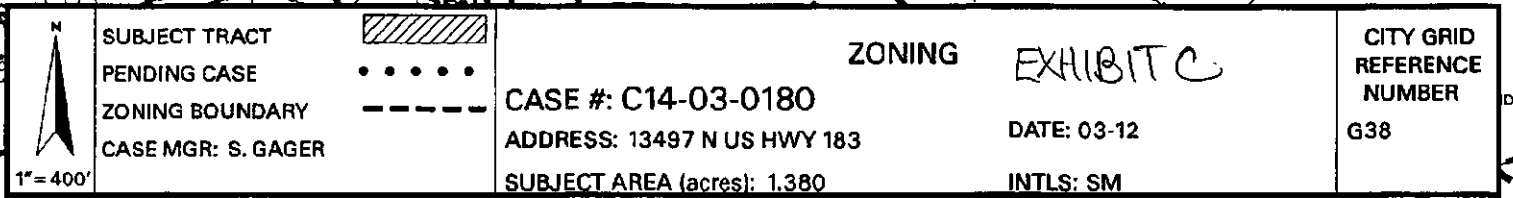
If the existing development were totally demolished, and the site redeveloped, the developer would be allowed to discount or adjust the estimated traffic from the existing development, in calculating the impact of new traffic generated by the site. This discount or adjustment is appropriate, because the site traffic is already reflected in existing traffic on adjacent roadways. To not allow this adjustment would result in over-estimating or "double counting" trip generation for the new development, thus, resulting in the developer mitigating impacts of existing traffic conditions - a concept that would probably be legally questioned or challenged.

CITY COUNCIL HEARING DATE: May 27, 2004

CITY COUNCIL ACTION:

CASE MANAGER: Sherri Gager, 974-3057

EMAIL: Sherri.Gager@ci.austin.tx.us



ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 040226-Z-4 TO CORRECT A
CONDITION OF ZONING FOR THE PROPERTY KNOWN AS HORIZON
CENTER PROJECT LOCATED AT 13497 U.S. HIGHWAY 183 NORTH AND
DESCRIBED IN ZONING FILE NO. C14-03-0180.

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

PART 1. Part 2 of Ordinance No. 040226-Z-4 is amended to correct the condition in
subpart 1, as follows:

1. A site plan or building permit for the Property may not be approved, released, or issued,
if the completed development or uses of the Property, considered cumulatively, [~~with
all existing or previously authorized development and uses,~~] generate traffic that
exceeds 2,000 trips per day[~~above the trips generated by the existing or previously
approved development or uses.~~]

PART 2. In all other respects the terms and conditions of Ordinance No. 040226-Z-4
remain in effect.

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

PASSED AND APPROVED

§
§
§

2004

Will Wynn
Mayor

APPROVED:

David Allan Smith
City Attorney

ATTEST:

Shirley A. Brown
City Clerk

ZONING CHANGE REVIEW SHEET

CASE: C14-03-0180

Z.A.P. DATE: January 6, 2004
January 20, 2004

ADDRESS: 13497 U.S. Highway 183 North

OWNER/APPLICANT: Pecan Center
(Louis R. Williams)

AGENT: Richard H. Crank, ASLA
(Richard H. Crank)

ZONING FROM: I-SF-2 **TO:** Tract 1: GR-CO
Tract 2: CS-1-CO

AREA: Tract 1: 55,696 sq. ft.
Tract 2: 4,718 sq. ft.
Total = 60,414 sq. ft.
(1.38 acres)

The applicant is requesting to prohibit the following uses:

Tract 1: 1) Drop-Off Recycling Collection
2) Residential Treatment

Tract 2: 1) Drop-Off Recycling Collection Facility
2) Residential Treatment
3) Agricultural Sales and Services
4) Art and Craft Studio (General)
5) Building Maintenance Services
6) Campground
7) Cocktail Lounge
8) Commercial Blood Plasma Center
9) Construction Sales and Services
10) Convenience Storage
11) Electronic Prototype Assembly
12) Equipment Repair Services
13) Equipment Sales
14) Kennels
15) Laundry Services
16) Plant Nursery
17) Vehicle Storage
18) Veterinary Services
19) Custom Manufacturing
20) Limited Warehousing and Distribution
21) Maintenance and Service Facilities
22) Transitional Housing
23) Transportation Terminal

SUMMARY STAFF RECOMMENDATION:

The staff recommendation is to grant GR-CO, Neighborhood Commercial-Conditional Overlay, district zoning for the property in question (Tract 1), with a 4,718 sq. ft. building footprint (Tract 2) of CS-1-CO, Commercial-Liquor Sales-Conditional Overlay, district zoning. The staff's recommendation includes a condition to limit the development intensity for the entire site to less than 2,000 vehicle trips per day.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

1/6/04: Postponed to January 20, 2004 by staff (9-0).

1/20/04: Approved staff's recommendation of GR-CO (Tract 1), CS-1-CO (Tract 2) zoning by consent (6-0, J. Cortez, J. Donisi, K. Jackson-absent); J. Martinez-1st, J. Gohil-2nd.

DEPARTMENT COMMENTS:

The property in question is developed with commercial retail center and a bank facility. There is a suite within the retail center that is currently being utilized for liquor sales. The applicant is requesting GR and CS-1 zoning for this site so that they can bring the existing uses on the property into conformance with the City of Austin Land Development Code (Request Letter-Attachment A).

This site under consideration was annexed by the City of Austin on December 31, 1997. The western portion of the retail center, which is located on this lot, currently has GR zoning. The eastern side of this property, however, has never received a permanent zoning designation.

The staff's recommendation is to grant GR-CO zoning for this property, with a building footprint of CS-1-CO zoning, because the proposed zoning is consistent with the purpose statement for the Community Commercial and Commercial-Liquor Sales zoning districts. The site is surrounded by existing commercial uses and by commercial and industrial zoning district designations to the north, south, east, and west. The property is easily accessible because it is located at the intersection of two major arterial roadways and has frontage on U.S. Highway 183 North.

The applicant agrees with the staff recommendation.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	I-SF-2	Commercial Retail Center, Bank
<i>North</i>	CS-CO	Undeveloped
<i>South</i>	GR-CO	Service Station/Convenience Store
<i>East</i>	LI-CO	Office/Retail
<i>West</i>	GR	Retail Center, Parking Lot

AREA STUDY: N/A

TIA: Waived

WATERSHED: Lake Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

NEIGHBORHOOD ORGANIZATIONS:

426 – River Place Residential Community Association, Inc.
454 – Neighborhood Association of SW Williamson County

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-03-0104	I-RR, SF-2, GR, CS to GR-CO	8/12/03: Approved staff's recommendation of GR-CO zoning by consent (9-0)	September 25, 2003: Granted GR-CO (7-0); all 3 readings

C14-02-0059	SF-3 to CS	5/6/03: Approved staff's alternate rec. of CS-CO w/conditions (8-0)	7/17/03: Approved CS-CO (7-0); all 3 readings
C14-02-0020	I-RR to LR	4/9/02: Approved staff's alternate rec. of LR-CO w/conditions (9-0)	8/29/02: Approved LR-CO (7-0); 1 st reading 9/26/02: Approved LR-CO (7-0); 2 nd /3 rd readings
C14-02-0002	I-RR to GR	2/12/02: Approved staff's rec. of GR-CO zoning (6-0, N. Spelman, V. Aldridge, J. Martinez –absent), with CO to allow only LR uses and prohibit the following other uses: Restaurants (Drive-In, Fast Food); Service Station; Congregate Living; Family Home; Group Home, Class I (General); Group Home, Class I (Limited); Group Home, Class II; Guidance Services; Residential Treatment	8/8/02: Approved GR-CO w/ conditions on 1st reading (6-0, Wynn-out of room) 8/29/02: Approved (7-0); 2 nd /3 rd readings
C14-01-0165	CS-CO to CS-CO	12/11/01: Approved staff rec. of CS-CO (7-0)	1/17/02: Approved CS-CO (6-0); all 3 readings
C14-01-0155	I-RR to GR	11/21/01: Approved staff rec. of GR-CO by consent (8-0)	1/10/02: Approved GR-CO (6-0, Goodman out of room); all 3 readings
C14-00-2105	I-RR to GR	7/25/00: Approved staff rec. of GR-CO w/height limit of 35 ft. (7-1, BB-Nay)	8/24/00: Approved GR-CO (7-0), all 3 readings
C14-00-2244	I-RR to LR	2/6/01: Approved GR-CO for personal improvement use only & all LR uses w/ conditions (9-0)	7/19/01: Withdrawn by applicant.
C14-00-2200	GR-CO to CS-1	11/14/00: Approved staff rec. of CS-1 by consent (8-0)	12/14/00: Approved CS-1-CO w/ conditions: Prohibit Pawn Shops and Adult Oriented Businesses (7-0); all 3 readings
C14-00-2054	I-RR to LI-CO	11/14/00: Postponed indefinitely by applicant (re-notification required)	5/14/01: Administrative-Expired (Indefinite PP only good for 6 months)
C14-99-2139	I-RR to CS	3/7/00: Approved W/LO-CO (5-0-1, RC-abstain); CO would limit site to convenience storage as only W/LO use, limit site to 2,000 vehicle trips per day	4/6/00: Approved W/LO-CO w/ conditions as recommended by PC; on all 3 readings (6-0, Lewis out of room)
C14-99-0137	I-RR to LI	8/24/99: Approved LI-CO; agree to rollback zoning to GR if use ceases, limited to 2,000 vehicle trips per day, dedicate ROW at time of subdivision process (5-1, RC-Nay)	12/2/99: Approved LI-CO; limited to 2,000 vehicle trips per day; require RC for to "GR" if use ceases (7-0); 3 rd reading

C14-99-0036	GR-CO, I-RR to MF-2, GR- MU	6/22/99: Approved staff alternate rec. of MF-2 (TR1) and GR-MU (TR 2&3) (5-0)	7/22/99: Approved PC rec. of MF-2 (TR1) and GR-MU (TR 2&3) w/ conditions (7-0); 1 st reading 10/28/99: Approved (5-0, WL/JG-absent)
C14-98-0272	I-RR to LR	2/2/99: Approved staff recommendation of LR by consent (8-0)	3/4/99: Approved LR (7-0); 1 st reading 3/25/99: Approved LR (6-0); 2 nd /3 rd readings
C14-98-0086	SF-2 to GR	8/18/98: Approved GR-CO with conditions by consent (7-0)	10/8/98: Approved PC rec. of GR-CO w/ conditions (6-0); all 3 readings

RELATED CASES: N/A

ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION	DAILY TRAFFIC
US Highway 183	375'	Varies	Major Arterial	N/A
Anderson Mill Road	100'	Varies	Major Arterial	N/A

CITY COUNCIL DATE: February 26, 2004

ACTION: TO APPROVE GR (TR. 1) CS-1-CO (TR.)
CONSENT: 7-0

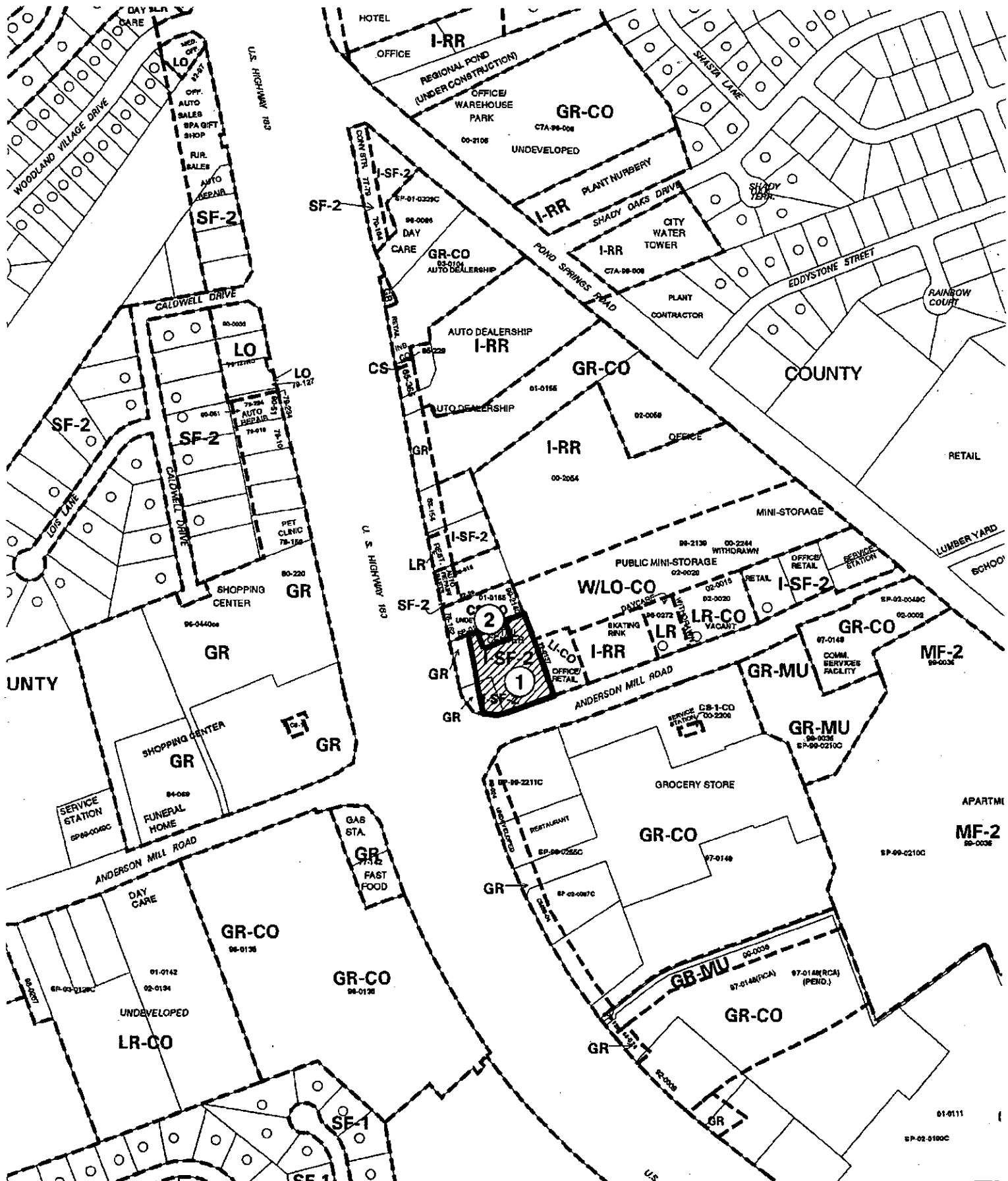
ORDINANCE READINGS: 1st 2/26/04

2nd 2/26/04 3rd 2/26/04

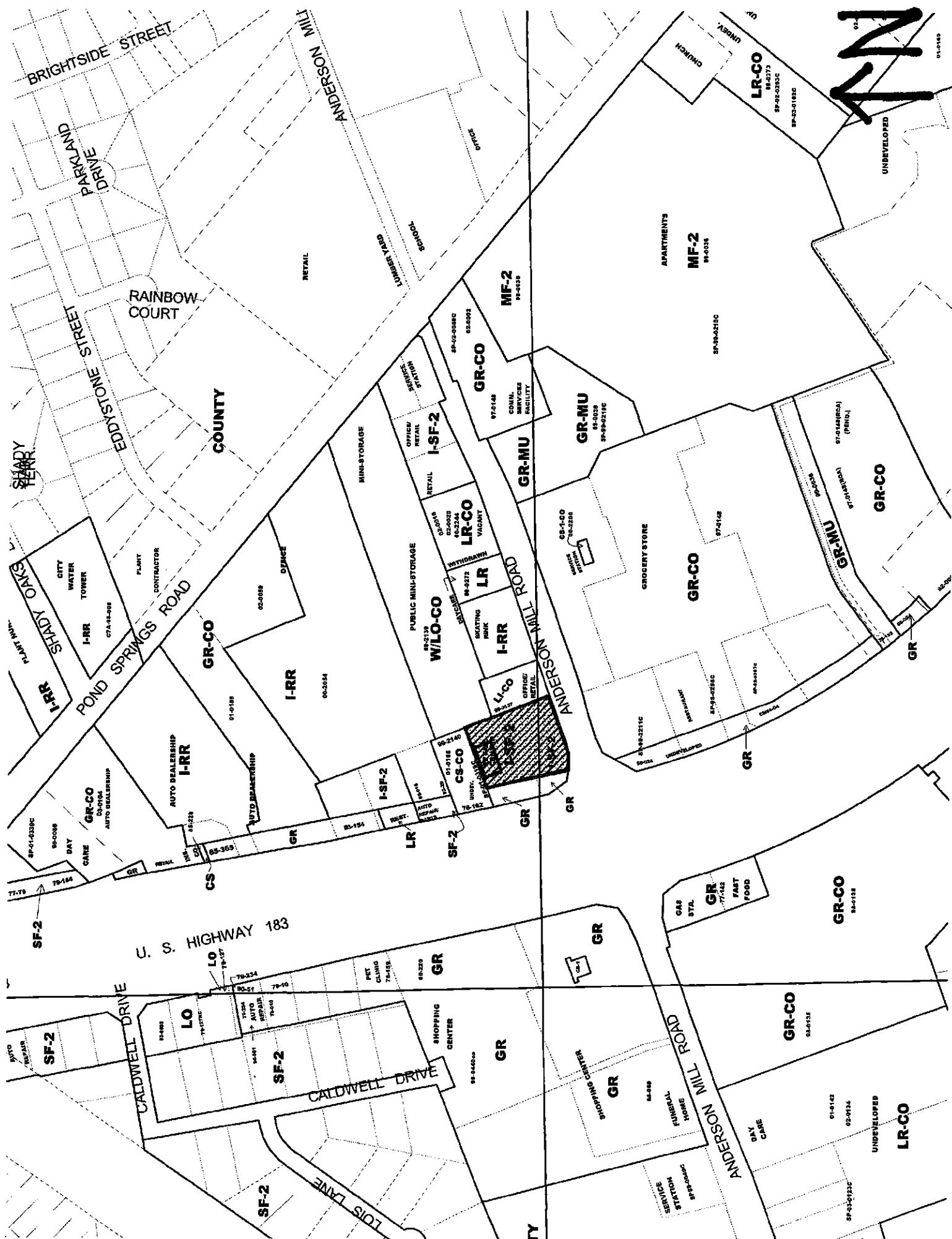
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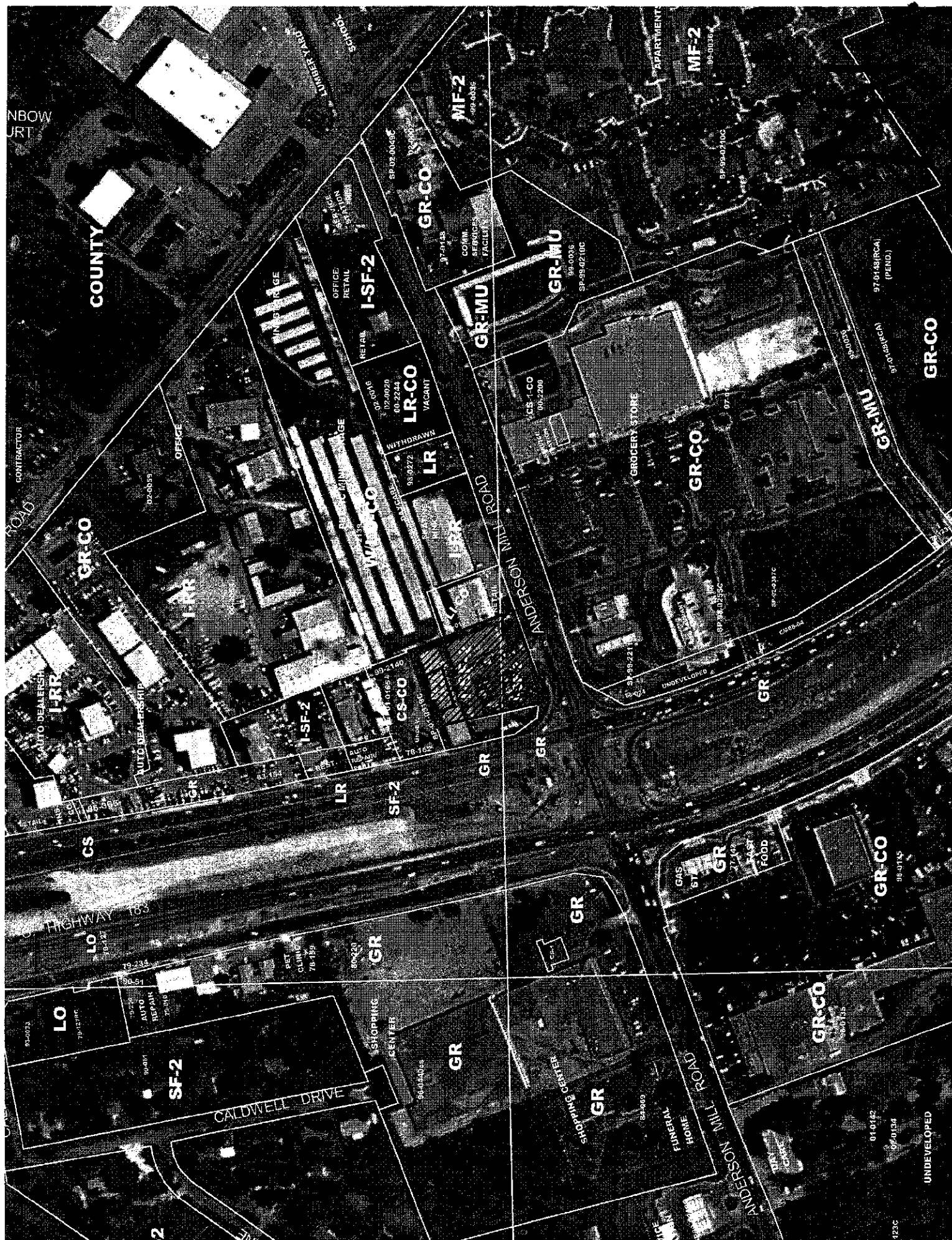
CASE MANAGER: Sherri Gager

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



 1" = 400'	SUBJECT TRACT PENDING CASE ZONING BOUNDARY CASE MGR: S. GAGER	ZONING CASE #: C14-03-0180 ADDRESS: 13497 N US HWY 183 SUBJECT AREA (acres): 1.380	DATE: 03-12 INTLS: SM	CITY GRID REFERENCE NUMBER G38





STAFF RECOMMENDATION

The staff recommendation is to grant GR-CO, Neighborhood Commercial-Conditional Overlay, district zoning for the property in question (Tract 1), with a 4,718 sq. ft. building footprint (Tract 2) of CS-1-CO, Commercial-Liquor Sales-Conditional Overlay, district zoning. The staff's recommendation includes a condition to 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 commercial retail center and bank facility. There is a suite within the retail center that is currently being utilized for liquor sales. The applicant is requesting GR and CS-1 zoning for this site so that they can bring the existing uses on the property into conformance with the City of Austin Land Development Code (Request Letter-Attachment A).

This site under consideration was annexed by the City of Austin on December 31, 1997. The western portion of the retail center, which is located on this lot, currently has GR zoning. The eastern side of this property, however, has never received a permanent zoning designation.

The staff's recommendation is to grant GR-CO zoning for this property, with a building footprint of CS-1-CO zoning, because the proposed zoning is consistent with the purpose statement for the Community Commercial and Commercial-Liquor Sales zoning districts. The site is surrounded by existing commercial uses and by commercial and industrial zoning district designations to the north, south, east, and west. The property is easily accessible because it is located at the intersection of two major arterial roadways and has frontage on U.S. Highway 183 North.

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 CS-1 zoning district is intended for the development of a commercial or industrial use of a service nature that has operating characteristics or traffic service requirements that are incompatible with residential environments.

The GR and CS-1 zoning district designations would be appropriate for this site because the property in question will take access from a major arterial roadway. The site is developed with an existing retail shopping center, which fronts onto U.S. Highway 183 North.

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

The site under consideration is adjacent to an existing GR and GR-CO zoning to the south and west. There is CS-CO zoning to the north and W/LO-CO and LI-CO zoning located to the east of the site.

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

The GR-CO and CS-1-CO zoning districts would allow for a fair and reasonable use of the property because they would bring the current retail center and commercial liquor store uses into compliance with the City of Austin Land Development Code regulations.

The CS-1-CO zoning footprint is appropriate for this location because of the frontage of this property on an arterial roadway. The proposed CS-1-CO zoning area is surrounded by commercial uses located in the existing retail center on the property.

EXISTING CONDITIONS

Site Characteristics

The site is currently developed with a commercial shopping center, which contains a liquor store, and a banking facility. The property is located at the intersection of Anderson Mill Road and U.S. Highway 183 North, two major arterial roadways.

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 GR 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 Lake 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.

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.

Transportation

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

The trip generation under the requested zoning is estimated to be 6,173 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 for any new/redevelopment. If the zoning is granted, new or redevelopment should be limited through a conditional overlay to not exceed 2,000 trips per day beyond the existing development. [LDC, 25-6-117]

Capital Metro bus service is available along US Highway 183

Existing Street Characteristics:

NAME	ROW	PAVEMENT	CLASSIFICATION	DAILY TRAFFIC
US Highway 183	375'	Varies	Major Arterial	N/A
Anderson Mill Road	100'	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 extensions, or system upgrades, or relocation, or adjustment 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.

REZONING INFORMATION SUMMARY

13497 U.S. Hwy. 183

Prepared 12/8/03

Description and Background

This 1.71 acre property is located at the northeast corner of the Research Blvd. and Anderson Mill Rd. intersection, and is currently developed as an approximately 19,000sf shopping center including a liquor store tenant, and a drive-thru bank facility. This property was originally 2.66 acres and included approximately 23,500sf of building area, and a free standing fast food restaurant and drive thru. TxDOT acquired 138' of frontage (0.948 acres) for the widening of U.S. Hwy. 183, which required the removal of the fast food restaurant and drive thru, a portion of the shopping center building, and related parking. The front 200' adjacent to U.S. Hwy. 183 had been annexed by the City of Austin (COA) prior to the right of way acquisition, which leaves approximately 62' of the property within the COA after the right of way acquisition, currently zoned GR. Site modifications were made in 1994 (SP-94-0201C) to reconfigure the site circulation, parking, and on-site sewage facility, and add four bank drive thru lanes. The COA recently annexed the portion of this site that had not been previously annexed, and zoned the area I-SF-2.

This property is bordered on the west by U.S. Hwy. 183, and further to the west there are existing shopping centers currently zoned GR and CS-1 for a liquor store use. The adjacent properties to the north are zoned CS-CO and W/LO-CO, and are used as firewood sales, and mini-storage, respectively. Farther to the north are automotive repair and restaurant uses, that are currently zoned SF-2, LR and I-RR. Immediately to the east is a sign company, which is currently zoned LI-CO, and further east are a variety of commercial uses with "LR" zoning and I-SF-2 zoning. Directly across Anderson Mill Rd. to the south is an existing shopping center that is currently zoned GR-CO and CS-1-CO for a liquor store use. In general, the intersection of U.S. Hwy. 183 and Anderson Mill Rd. is developed as a large commercial node with a variety of commercial zoning districts and commercial uses, typical of a grade separated freeway intersection.

Proposed Zoning

The applicant is requesting a change in zoning for most of the site area from I-SF-2 to GR-CO (Tract One-55,696 sq. ft.), and for the liquor store building footprint area to CS-1-CO (Tract Two-4,718 sq. ft.), in order to bring the existing shopping center into compliance since the annexation, and to be consistent with the surrounding zoning. The Conditional Overlay will include the following conditions:

Tract One: Prohibit the following uses: Drop-Off Recycling Collection Facility, and Residential Treatment.

Tract Two: Prohibit the following uses: the same uses that are prohibited for Tract One, and all uses allowed under CS-1 except Liquor Sales.

RICHARD H. CRANK, ASLA

This request for rezoning has been discussed briefly with the Neighborhood Association of Southwestern Williamson County (Linda Finley), and they will provide a formal response after the appropriate members have discussed it.

Conclusion

The proposed rezoning for this property should be granted for the following reasons:

- The portion of this property that was originally annexed has been zoned GR for many years.
- The property is surrounded by CS-CO, W/LO-CO and LI-CO zoning; and the other three corners of this intersection are zoned GR and GR-CO.
- The proposed GR-CO zoning is compatible with surrounding zoning and/or existing uses, and is typical for this type of major intersection.

RICHARD H. CRANK, ASLA

EXHIBIT TO ACCOMPANY FIELD NOTES FOR
55,696 SQUARE FEET OF LAND NET

SCALE 1" = 60'

LEGEND

- Capped Iron Pin
- Brass R.O.W. Monument

ANDERSON MILL ROAD

PECAN SQUARE
C.D. D. 51.185

TRACT 1

TRACT 2

LOT

LOT

U.S. HWY 183

OLD R.O.W. Line

BEARING BASIS: Subd. Plat / C.D. D. 51.185

282.71'

619°00'00"E

619°00'00"E

194.90'

65.75'

518°57'30"E

49.40'

N71°02'30"E 95.50'

SAVE & EXCEPT
4,718 SQ. FT.

TRACT 2

571°02'30"W 95.50'

118°57'30"W

49.40'

60.414 SQ. FT.

58 E 4,718 SQ. FT.

NET 55,696 SQ. FT.

677°36'14"W

34.41'

109°49'07"W

118°44'57"W

16.04'

111°25'10"W

68.92'

134°17'23"W

11°25'10"W

R=11.274.13

137.24'

171°00'00"E

64.66'

258.92'

31.75'

N82°44'57"W

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258.92'

31.75'

N82°44'57"W

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677°36'14"W

34.41'

118°44'57"W

16.04'

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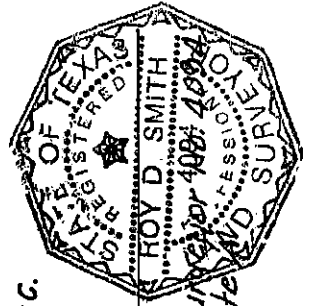
31.75'

677°36'14"W

34.41'

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ANDERSON MILL ROAD



ROY D. SMITH
Registered Professional Surveyor
1214 West 6th Street Suite 100
Austin, Texas 78703
Ph. (512) 478-9821
November 11, 2003

ORDINANCE NO. 040226-Z-4

AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING FOR THE PROPERTY LOCATED AT 13497 U.S. HIGHWAY 183 NORTH AND CHANGING THE ZONING MAP FROM INTERIM SINGLE FAMILY RESIDENCE STANDARD LOT (I-SF-2) DISTRICT TO COMMUNITY COMMERCIAL-CONDITIONAL OVERLAY (GR-CO) COMBINING DISTRICT FOR TRACT ONE AND COMMERCIAL-LIQUOR SALES-CONDITIONAL OVERLAY (CS-1-CO) COMBINING DISTRICT FOR TRACT TWO.

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 on the property described in Zoning Case No.C14-03-0180, on file at the Neighborhood Planning and Zoning Department, as follows:

Tract One: From interim single family residence standard lot (I-SF-2) district to community commercial-conditional overlay (GR-CO) combining district.

A 55,696 square foot tract of land, more or less, out of Lots 1 and 2, Pecan Center Subdivision in Williamson County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance; and

Tract Two: From interim single family residence standard lot (I-SF-2) district to commercial-liquor sales-conditional overlay (CS-1-CO) combining district.

A 4,718 square foot tract of land, more or less, out of Lot 2, Pecan Center Subdivision in Williamson County, the tract of land being more particularly described by metes and bounds in Exhibit "B" incorporated into this ordinance, (the "Property")

locally known as 13497 U.S. Highway 183 North, in the City of Austin, Williamson County, Texas, and generally identified in the map attached as Exhibit "C".

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

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

2. The following uses are prohibited uses of Tract One:

Drop-off recycling collection facility	Residential treatment
--	-----------------------

3. The following uses are prohibited uses of Tract Two:

Drop-off recycling collection facility	Residential treatment
Agricultural sales and services	Art and craft studio (general)
Building Maintenance services	Campground
Cocktail lounge	Commercial blood plasma center
Construction sales and services	Convenience storage
Electronic prototype assembly	Equipment repair services
Equipment sales	Kennels
Laundry services	Plant nursery
Vehicle storage	Veterinary services
Custom manufacturing	Limited warehousing and distribution
Maintenance and service facilities	Transitional housing
Transportation terminal	

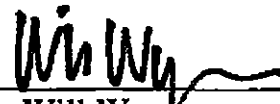
Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the respective base districts and other applicable requirements of the City Code.

PART 3. This ordinance takes effect on March 8, 2004.

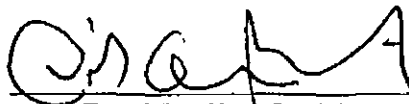
PASSED AND APPROVED

February 26, 2004

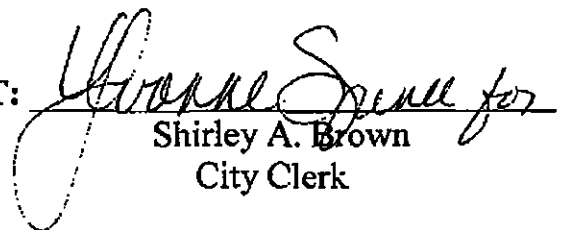
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§
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Will Wynne
Mayor

APPROVED:


David Allan Smith
City Attorney

ATTEST:


Shirley A. Brown
City Clerk

FIELD NOTES
FOR

EXHIBIT A

55,696 SQUARE FEET OF LAND NET

ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND BEING A PORTION OF LOTS 1 AND 2, PECAN CENTER, A SUBDIVISION IN WILLIAMSON COUNTY, TEXAS, AS RECORDED IN CABINET D, SLIDE 185 OF THE PLAT RECORDS OF WILLIAMSON COUNTY, TEXAS, THE HEREIN DESCRIBED TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a capped iron pin found at the Southeast corner of said Lot 2, being in the North r.o.w. line of Anderson Mill Road, for the Southeast corner and PLACE OF BEGINNING hereof;

THENCE along the South line of said Lot 2, being along the North r.o.w. line of Anderson Mill Road, S 71°59'30" W for a distance of 160.76 feet to a brass r.o.w. monument found at the intersection of the North r.o.w. line of Anderson Mill Road and the present East r.o.w. line of U.S. Hwy 183 North;

THENCE along the present East r.o.w. line of U.S. Hwy 183 North, S 77°36'14" W for a distance of 34.41 feet to an angle point and N 82°44'57" W for a distance of 46.04 feet to a point 200.00 feet East of the old East r.o.w. line of U.S. Hwy 183 North, for the Southwest corner hereof;

THENCE along a line 200.00 feet East of and parallel to the old East r.o.w. line of U.S. Hwy 183 North, N 09°49'07" W for a distance of 258.92 feet to a point in the North line of said Lot 2, for the Northwest corner hereof;

THENCE along the North line of said Lot 2, N 71°00'00" E for a distance of 194.90 feet to a ½ inch iron pin found at the Northeast corner of said Lot 2, for the Northeast corner hereof;

THENCE along the East line of said Lot 2, S 19°00'00" E for a distance of 282.71 feet to the PLACE OF BEGINNING and containing 60,414 square feet of land, SAVE AND EXCEPT 4,718 square feet of land, leaving a net total of 55,696 square feet of land, said SAVE AND EXCEPT being more particularly described by metes and bounds as follows:

BEGINNING FOR REFERENCE at a ½ inch iron pin found at the Northeast corner of said Lot 2;

THENCE along the North line of said Lot 2, S 71°00'00" W for a distance of 65.75 feet to a point;

THENCE S 19°00'00" E for a distance of 7.75 feet to a point for the Northeast corner and PLACE OF BEGINNING hereof;

FIELD NOTES
FOR

55,696 SQUARE FEET OF LAND NET - Page Two

THENCE along the East line of the herein described tract, S 18°57'30" E for a distance of 49.40 feet to a point for the Southeast corner hereof;

THENCE along the South line of the herein described tract, S 71°02'30" W for a distance of 95.50 feet to a point for the Southwest corner hereof;

THENCE along the West line of the herein described tract, N 18°57'30" W for a distance of 49.40 feet to a point for the Northwest corner hereof;

THENCE along the North line of the herein described tract, N 71°02'30" E for a distance of 95.50 feet to the PLACE OF BEGINNING and containing 4,718 square feet of land, more or less.

SURVEYED BY:
Roy D. Smith Surveyors, P.C.

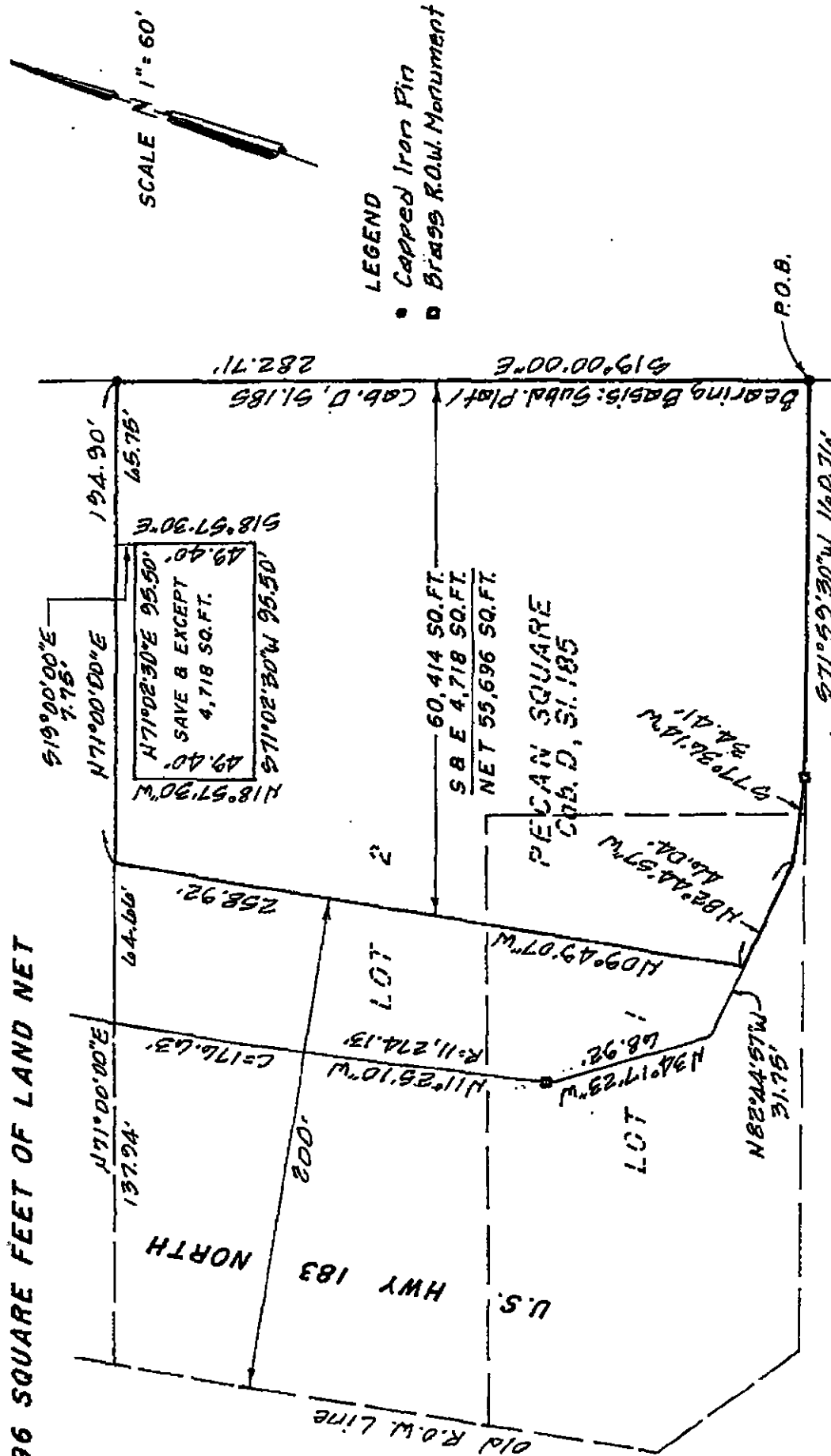
Roy D. Smith
ROY D. SMITH

REGISTERED PROFESSIONAL SURVEYOR NO. 4094
November 11, 2003

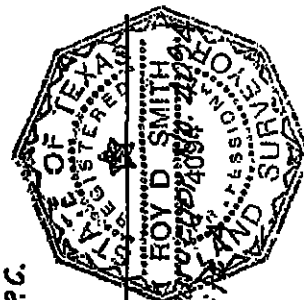
Job No. 2904a



55,696 SQUARE FEET OF LAND NET



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



Roy D. Smith
ROY D. SMITH
Registered Professional Surveyor
1214 West 6th Street Suite 100
Austin, Texas 78703
Ph. (512) 478-9821
November 11, 2003

FIELD NOTES
FOR

EXHIBIT B

4,718 SQUARE FEET OF LAND

ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND BEING A PORTION OF LOT 2, PECAN CENTER, A SUBDIVISION IN WILLIAMSON COUNTY, TEXAS, AS RECORDED IN CABINET D, SLIDE 185 OF THE PLAT RECORDS OF WILLIAMSON COUNTY, TEXAS, THE HEREIN DESCRIBED TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING FOR REFERENCE at a ½ inch iron pin found at the Northeast corner of said Lot 2;

THENCE along the North line of said Lot 2, S 71°00'00" W for a distance of 65.75 feet to a point;

THENCE S 19°00'00" E for a distance of 7.75 feet to a point for the Northeast corner and PLACE OF BEGINNING hereof;

THENCE along the East line of the herein described tract, S 18°57'30" E for a distance of 49.40 feet to a point for the Southeast corner hereof;

THENCE along the South line of the herein described tract, S 71°02'30" W for a distance of 95.50 feet to a point for the Southwest corner hereof;

THENCE along the West line of the herein described tract, N 18°57'30" W for a distance of 49.40 feet to a point for the Northwest corner hereof;

THENCE along the North line of the herein described tract, N 71°02'30" E for a distance of 95.50 feet to the PLACE OF BEGINNING and containing 4,718 square feet of land, more or less.

SURVEYED BY:
Roy D. Smith Surveyors, P.C.

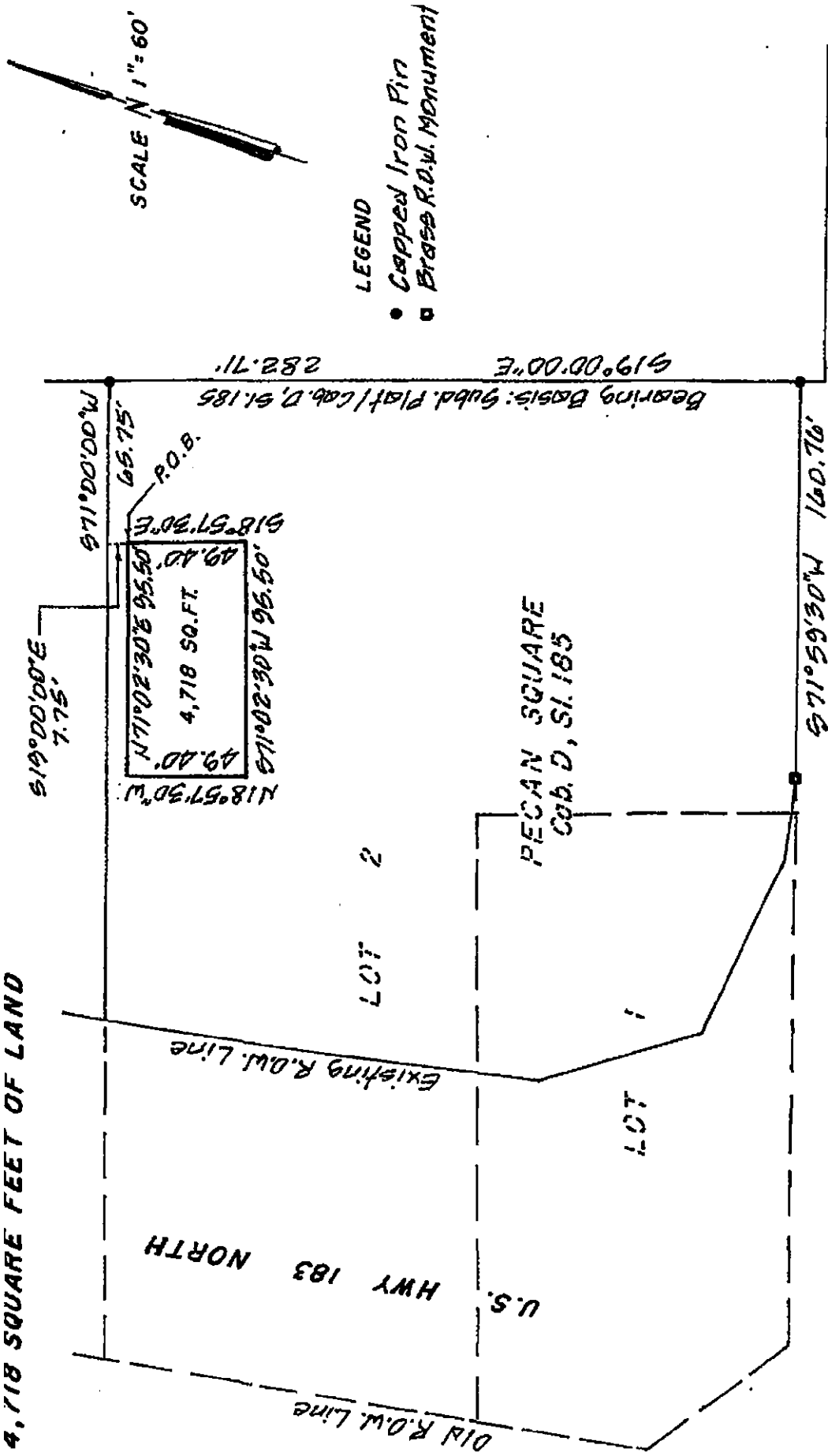
Roy D. Smith
ROY D. SMITH

REGISTERED PROFESSIONAL SURVEYOR NO. 4094
November 11, 2003

Job No. 2904

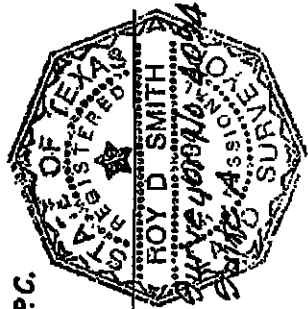


FOR 4,718 SQUARE FEET OF LAND



ANDERSON MILL ROAD

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



Roy D. Smith
ROY D. SMITH
Registered Professional Surveyor
1214 West 5th Street
Austin, Texas 78703
Ph. (512) 478-9821
November 11, 2003

