

**Zoning Ordinance Approval****CITY OF AUSTIN****RECOMMENDATION FOR COUNCIL ACTION****AGENDA ITEM NO.: 65****AGENDA DATE: Thu 06/24/2004****PAGE: 1 of 1**

**SUBJECT:** C14-03-0187 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7411 Old Bee Caves Road (Williamson Creek Watershed -Barton Springs Zone) from rural residence district (RR) zoning to limited office-mixed use-conditional overlay (LO-MU-CO) combining district zoning. First reading on April 15, 2004. Vote: 7-0. Conditions met as follows: Conditional Overlay and Restrictive Covenant incorporates the conditions imposed or accepted by City Council at first ordinance reading. Applicant: Suzanne Rittenberry. Agent: Suzanne Rittenberry. City Staff: Annick Beaudet, 974-2975.

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

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

## SECOND/THIRD READING SUMMARY SHEET

ZONING CASE NUMBER: C14-03-0187

REQUEST:

Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code rezoning the property locally known as 7411 Old Bee Caves Road from rural residence district (RR) zoning to limited office-mixed use-conditional overlay-combining district (LO-MU-CO) zoning.

DEPARTMENT COMMENTS:

The conditions imposed by City Council on 1st reading have been incorporated into the ordinance and restrictive covenant.

OWNER/APPLICANT: Suzanne Rittenbery

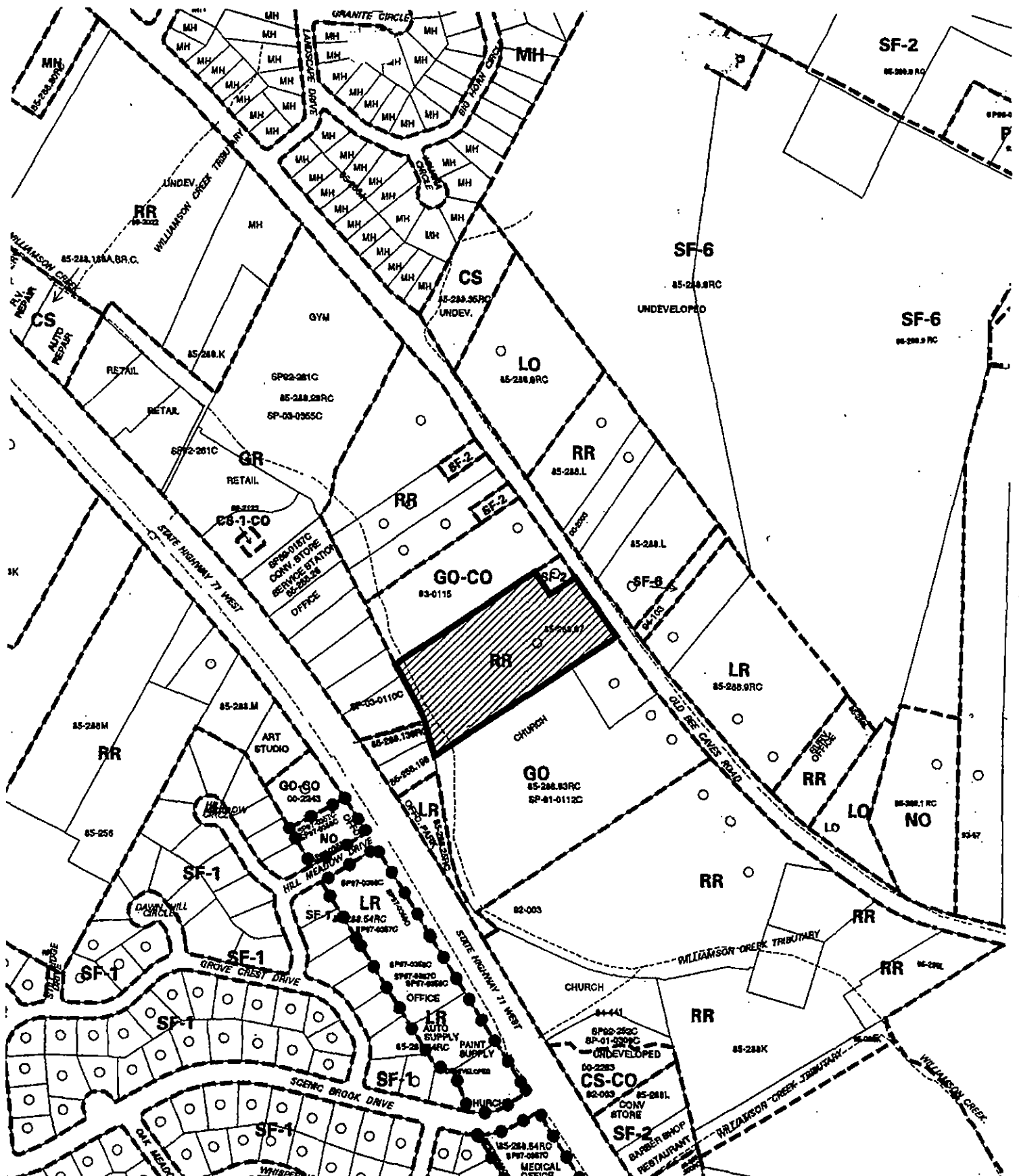
AGENT: Suzanne Rittenbery

DATE OF FIRST READING: April 15, 2004

CITY COUNCIL ACTION: Approved limited office-mixed use-conditional overlay-combining district (LO-MU-CO) zoning on 1<sup>st</sup> reading only; require an IPM/Grown Green restrictive covenant.

CITY COUNCIL HEARING DATE: June 24, 2004

ASSIGNED STAFF: Annick Beaudet, 974-2975.



	<p><b>SUBJECT TRACT</b></p> <p>PENDING CASE</p> <p>ZONING BOUNDARY</p> <p>CASE MGR: A. BEAUDET</p>	<p><b>ZONING</b></p> <p>CASE #: C14-03-0187</p> <p>ADDRESS: 7411 OLD BEE CAVES ROAD</p> <p>SUBJECT AREA (acres): 4.750</p>	<p><b>CITY GRID REFERENCE NUMBER</b></p> <p>B20</p>
		<p>DATE: 03-12</p> <p>INTLS: SM</p>	

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

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE  
2 PROPERTY LOCATED AT 7411 OLD BEE CAVES ROAD FROM RURAL  
3 RESIDENCE (RR) DISTRICT TO LIMITED OFFICE-MIXED USE-  
4 CONDITIONAL OVERLAY (LO-MU-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 rural residence (RR) district to limited office-mixed use-  
10 conditional overlay (LO-MU-CO) combining district on the property described in Zoning  
11 Case No.C14-03-0187, on file at the Neighborhood Planning and Zoning Department, as  
12 follows:

13  
14 Lot 2, A.P. Gardner Subdivision, a subdivision in the City of Austin, Travis  
15 County, Texas, according to the map or plat of record in Plat Book 49, Page 95, of  
16 the Plat Records of Travis County, Texas, (the "Property")

17  
18 locally known as 7411 Old Bee Caves Road, in the City of Austin, Travis County, Texas,  
19 and 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 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 with  
26 all existing or previously authorized development and uses, generate traffic that exceeds  
27 2,000 trips per day.

28  
29 Except as specifically restricted under this ordinance, the Property may be developed and  
30 used in accordance with the regulations established for the limited office (LO) base district  
31 and other applicable requirements of the City Code.

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

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3  
4 **PASSED AND APPROVED**

5  
6  
7  
8 \_\_\_\_\_, 2004

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§  
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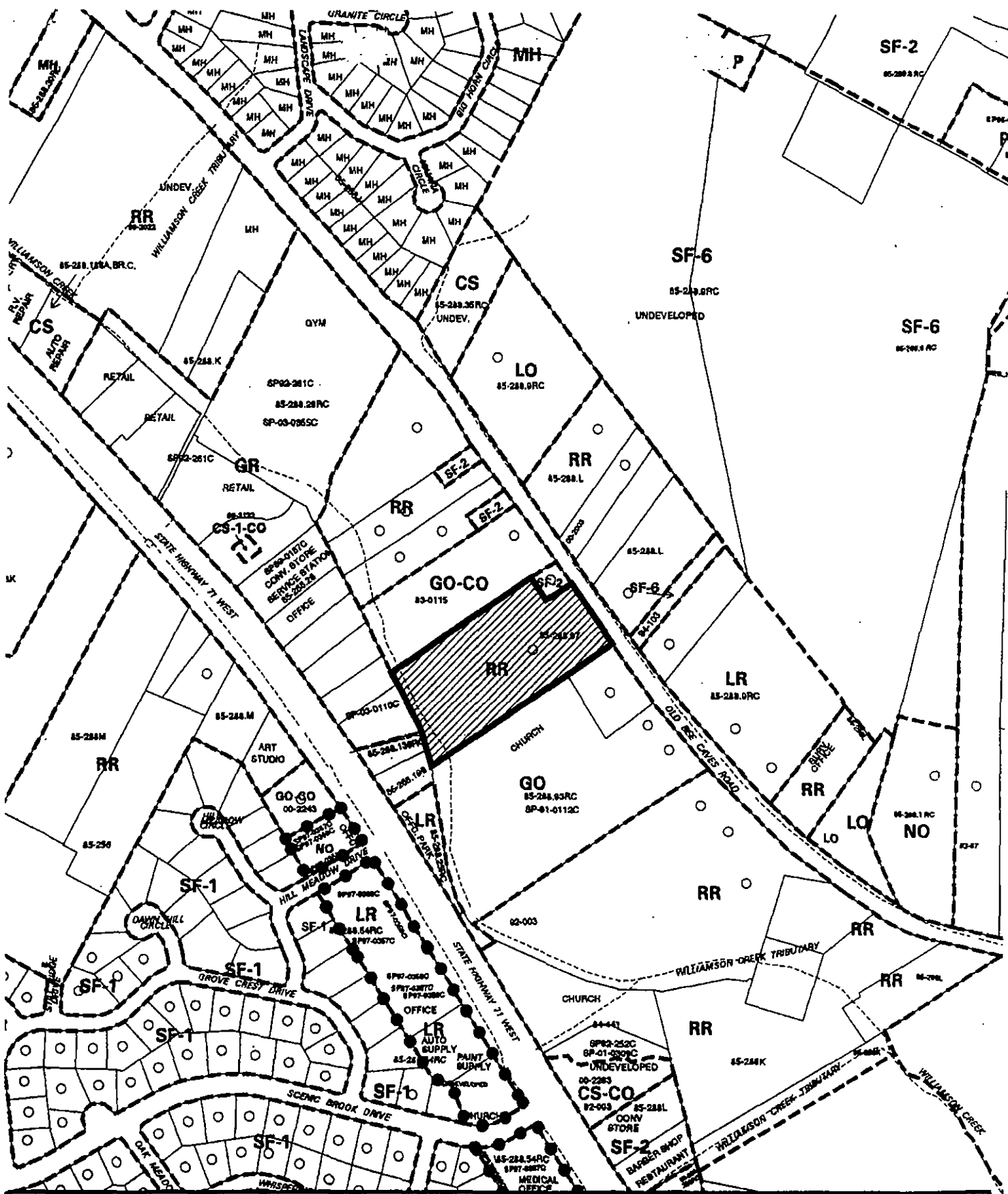
9 Will Wynn  
10 Mayor

11  
12  
13 **APPROVED:**

14 David Allan Smith  
15 City Attorney

**ATTEST:**

Shirley A. Brown  
City Clerk



	<p><b>SUBJECT TRACT</b></p> <p>PENDING CASE</p> <p>ZONING BOUNDARY</p> <p>CASE MGR: A. BEAUDET</p>	<p align="center"><b>ZONING EXHIBIT A</b></p> <p><b>CASE #:</b> C14-03-0187</p> <p><b>ADDRESS:</b> 7411 OLD BEE CAVES ROAD</p> <p><b>SUBJECT AREA (acres):</b> 4.750</p> <p><b>DATE:</b> 03-12</p> <p><b>INTLS:</b> SM</p>	<p><b>CITY GRID REFERENCE NUMBER</b></p> <p align="center">B20</p>
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**RESTRICTIVE COVENANT**

OWNER: Suzanne Rittenberry

ADDRESS: 7411 Old Bee Caves Road, Austin, TX 78735

CONSIDERATION: Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and sufficiency of which is acknowledged.

PROPERTY: Lot 2, A. P. Gardner Subdivision, a subdivision in the City of Austin, Travis County, according to the map or plat of record, in Plat Book 49, Page 95, of the Plat Records of Travis County, Texas.

WHEREAS, the Owner of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions;

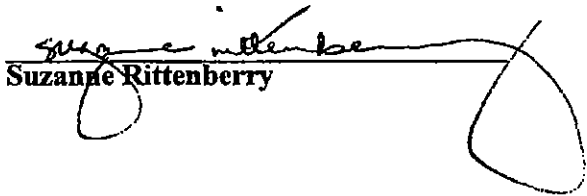
NOW, THEREFORE, it is declared that the Owner of the Property, for the consideration, shall hold, sell and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant. These covenants and restrictions shall run with the land, and shall be binding on the Owner of the Property, its heirs, successors, and assigns.

1. At the time an application for approval of a site plan is submitted for development of the Property, or any portion of the Property, an Integrated Pest Management (IPM) plan shall be submitted to the Watershed Protection and Development Review Department for review and approval.
2. The IPM plan shall comply with the guidelines in Section 1.6.9.2 (D) and (F) of the Environmental Criteria Manual that are in effect on the date of this covenant.
3. At the time an application for approval of a site plan is submitted for development of the Property, or any portion of the Property, a landscape plan shall be submitted to the Watershed Protection and Development Review Department for review and approval. Ninety percent of the total plant material used, exclusive of turf, shall be native to Central Texas or on the Grow Green Native and Adapted Landscape Plants list, attached as Exhibit "A". Plants on the Invasive Species/Problem Plants list, attached as Exhibit "B", may not be included.
4. If any person or entity shall violate or attempt to violate this agreement and covenant, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such agreement or covenant, to prevent the person or entity from such actions, and to collect damages for such actions.
5. If any part of this agreement or covenant is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full effect.

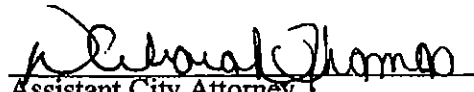
6. If at any time the City of Austin fails to enforce this agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.
7. This agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, and (b) by the owner(s) of the Property subject to the modification, amendment or termination at the time of such modification, amendment or termination.

EXECUTED this the 7<sup>th</sup> day of June, 2004.

OWNER:

  
Suzanne Rittenberry

APPROVED AS TO FORM:

  
Assistant City Attorney  
City of Austin

THE STATE OF TEXAS

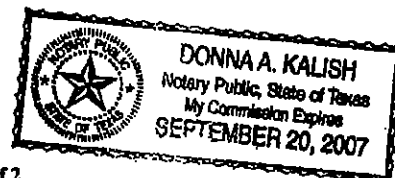
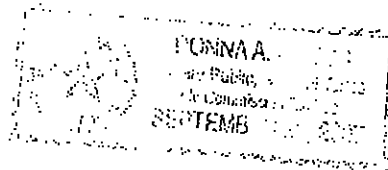
COUNTY OF TRAVIS

§

This instrument was acknowledged before me on this the 7 day of June 2004, by Suzanne Rittenberry.

  
Notary Public, State of Texas

After Recording, Please Return to:  
City of Austin  
Department of Law  
P. O. Box 1088  
Austin, Texas 78767  
Attention: Diana Minter, Legal Assistant





## ZONING CHANGE REVIEW SHEET

**CASE:** C14-03-0187

**ZPC DATE:** March 16, 2004

**ADDRESS:** 7411 Old Bee Caves Road

**OWNER/APPLICANT:** Suzanne Rittenberry      **AGENT:** Suzanne Rittenberry

**ZONING FROM:** RR                      **TO:** LO      **AREA:** 4.75 acres.

**AMENDED TO (January 23, 2004):** LO-MU

**SUMMARY STAFF RECOMMENDATION:**

Staff's alternate recommendation is limited office-mixed use-conditional overlay (LO-MU-CO) combining district zoning. The CO would limit motor vehicle trip generation to 2,000 per day.

**ZONING AND PLATTING COMMISSION RECOMMENDATION:**

March 16, 2004: Approved staff's recommendation for LO-MU-CO zoning; by consent.  
Vote: (8-0); KJ- absent

**ISSUES:**

None at this time; the applicant is in agreement with the staff's alternate recommendation.

**DEPARTMENT COMMENTS:**

The applicant is in agreement with the staff's alternate recommendation of LO-MU-CO. The applicant has told staff that they intend to open an acupuncture clinic in an existing structure. The applicant currently resides on the property, which is why the MU was requested.

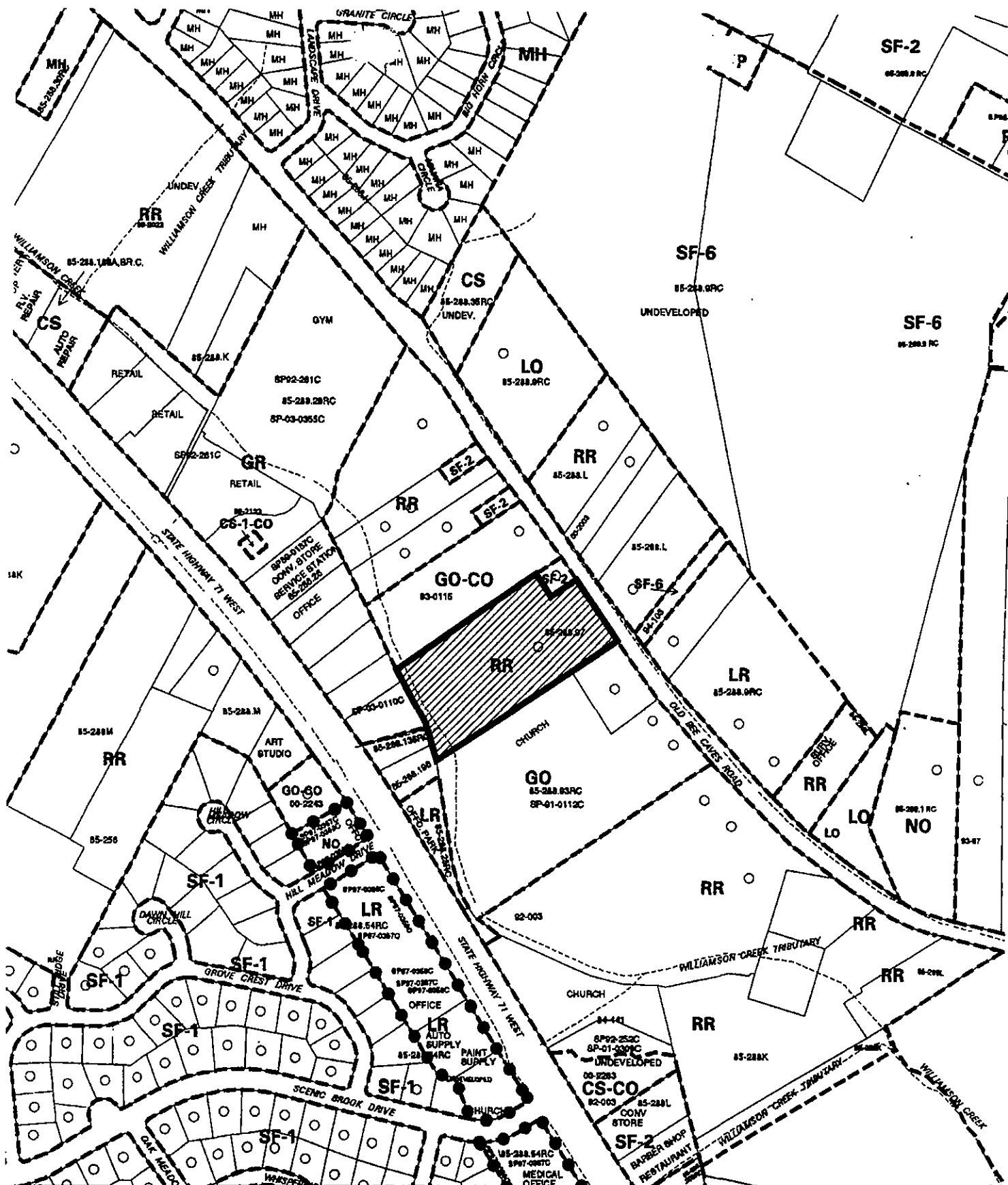
**EXISTING ZONING AND LAND USES:**

	ZONING	LAND USES
<i>Site</i>	RR	Two single family structures
<i>North</i>	GO, RR	Single family homes
<i>South</i>	GO	Church, single family homes
<i>East</i>	RR, SF-6	Single family homes
<i>West</i>	GO, GR	Auto related retail, undeveloped

**AREA STUDY:** Oak Hill Area Study                      **TIA:** Waived.

**WATERSHED:** Williamson Creek –      **DESIRED DEVELOPMENT ZONE:** No.  
Barton Springs Zone

**CAPITOL VIEW CORRIDOR:** No.      **HILL COUNTRY ROADWAY:** No.



SUBJECT TRACT  
 PENDING CASE  
 ZONING BOUNDARY  
 CASE MGR: A. BEAUDET

CASE #: C14-03-0187

ADDRESS: 7411 OLD BEE CAVES ROAD

SUBJECT AREA (acres): 4.750

ZONING

DATE: 03-12

INTLS: SM

CITY GRID  
 REFERENCE  
 NUMBER  
 B20



## **STAFF RECOMMENDATION**

**C14-03-0187**

Staff's alternate recommendation is limited office-mixed use-conditional overlay (LO-MU-CO) combining district zoning. The CO would limit motor vehicle trip generation to 2,000 per day.

## **BASIS FOR RECOMMENDATION**

1. The requested rezoning is compatible with the existing general office (GO) zoning to the east and west of the property. While there is some small areas of SF-2 zoning adjacent to and close to the property, the majority of the immediate area is zoned GO and RR. There is also some LR and SF-6 in the immediate area, all fronting on Old Bee Caves Road. There is also GR zoning abutting the rear of this property; the land zoned GR takes access to State Highway 71. Uses permitted within the LO office district would be compatible with area uses and zonings.
2. The staff recommendation per the Oak Hill Area Study is SF-6 for the front portion of the property and RR for the rear (the area within identified flood plain). The LO-MU requested would allow for SF-6 type development. While the Oak Hill Area Study did not recommend office use for this site, the area has developed over the last 20 years to accommodate a mixture of zoning and uses, many being more intensive than the requested LO zoning base district. Therefore, staff recommends the LO-MU zoning.

## **EXISTING CONDITIONS**

### **Site Characteristics**

The site is currently developed with an approximately 2,000 square foot single-family residence towards the front of the property (near Old Bee Caves Road). There is a large single-family structure towards the rear of the property (closer to Highway 71). The remainder of the property is undeveloped and in a natural state. The owner has indicated to the staff that it is the rear property that will be used for a medical office (under 5,000 square feet) use.

### **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 zoning district's allowable impervious cover, the impervious cover is limited by the watershed regulations. This site is not located over the Edward's Aquifer Recharge Zone. The site is in the Williamson Creek Watershed of the Colorado River Basin, which is classified as a Barton Springs Zone (BSZ) watershed. Project applications at the time of this report are subject to the SOS Ordinance which allows 25% impervious cover in the contributing zone. This site is within the Contributing Zone therefore impervious cover is 25%.

### **Environmental**

According to flood plain maps, there is flood plain (and critical water quality zone) within the project location. There will also be water quality transition zone within the project location.

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. Runoff from the site is required to comply with pollutant load restrictions as specified in LDC Section 25-8-514.

### **Transportation**

Additional right-of-way is not required at this time; however, it will be at the time of subdivision or site plan.

The trip generation under the requested zoning is estimated to be 4,950 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]

There are no sidewalks along Old Bee Caves Road.

There is no bus service or bicycle routes within ¼-mile of the subject tract.

Existing Street Characteristics:

Name	ROW	Pavement	Classification	Daily Traffic
Old Bee Caves Road	55'	22'	Collector	N/A

### **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 adjustments, or relocation are required, the landowner will be responsible for all costs and providing. Also, the utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City's utility design criteria.

### **Stormwater Detention**

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program if available.

### **Compatibility Standards**

The site is subject to compatibility standards. Along the northwest corner property line, the following standards apply:

- No structure may be built within 25 feet of the property line of the SF-2 property.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- In addition, 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.

### **DEPARTMENT COMMENTS**

The applicant is in agreement with the staff's alternate recommendation of LO-MU-CO. The applicant has told staff that they intend to open an acupuncture clinic in an existing structure. The applicant currently resides on the property, which is why the MU was requested.

C. R. Robertson et al. ex- 3.39 AC.  
Vol. 1828 B. 429 5' Pub. Util. E.  
N 58° 22' E

50' Drainage Easement

TRACT TWO(2)

5' Pub. Util. Easement

W. Williams Crk. O. J. Hubberter (any Brewer) - 0.5 AC.  
Vol. 549 B. 393

AARON P. GARDNER SUBDIVISION

LEGEND:  
- Iron Stake Found  
- Iron Stake Set

By Claude F. Bush, Jr.  
Reg. Public Surveyor #202  
February 18, 1970

SCALE: 1" = 100'

THE STATE OF TEXAS  
COUNTY OF TRAVIS

KNOW ALL MEN BY THESE PRESENTS:  
That we, Aaron P. Gardner and wife Stella Gardner,  
owners of the herein designated tract out of the A. J. Bond Survey #91 in  
Travis County, Texas, being all that certain 5 acres conveyed to us by deed  
recorded in Volume 2929, Page 147 of the Record Books of Travis County, Texas,  
do hereby adopt this plat as our subdivision to be known as AARON P. GARDNER  
SUBDIVISION, subject to any easements or restrictions heretofore granted and  
do hereby dedicate to the public all streets and easements shown hereon.

WITNESS OUR HANDS this the 26th day of February, A.D. 1970

Aaron P. Gardner  
Aaron P. Gardner

Stella Gardner  
Stella Gardner

THE STATE OF TEXAS  
COUNTY OF TRAVIS

Before me the undersigned authority on this day personally appeared Aaron P.  
Gardner and wife, Stella Gardner, known to me to be the persons whose names  
are subscribed to the foregoing instrument and they acknowledged to me that they  
executed the same as their act and deed for the purposes and consideration there-  
in expressed.

WITNESS MY HAND AND SEAL OF OFFICE this the 26th day of February, A.D. 1970

Claude F. Bush, Jr.  
Notary Public in and for Travis County, Texas

SEPTIC TANK NOTE: Each house constructed in this subdivision shall be connected  
to a septic tank with a capacity of not less than 500 gallons and with a drain  
field of not less than 150 ft., and shall be installed in accordance with the  
regulations of the city-county health officer and shall be inspected and approved  
by such officer. This restriction is enforceable by the City of Austin-  
Travis County Health Unit and/or the developer.

APPROVED FOR ACCEPTANCE on the 15th day of April, A.D. 1970

By Loyle H. Osborne  
Loyle H. Osborne, Director of Planning

ACCEPTED AND AUTHORIZED FOR FILING BY THE PLANNING COMMISSION OF THE CITY OF  
AUSTIN, TEXAS, on the 15th day of April, A.D. 1970

Loyle H. Osborne  
Secretary

Stella Gardner  
Chairman

In approving this plat by the Commissioners Court of Travis County, Texas, it  
is understood that the building of all streets, roads or other public thorough-  
fares or any bridges or culverts necessary to be placed in such streets, roads,  
or other public thoroughfares, shall be the responsibility of the owner and/or  
developer of the tract of land covered by this plat in accordance with the  
plans and specifications prescribed by the Commissioners Court of Travis County,  
Texas, and said court assumes no obligation to build any of the streets, roads  
or other public thoroughfares or any bridges or culverts in connection therewith.

THE STATE OF TEXAS  
COUNTY OF TRAVIS

I, Miss Emilie Limberg, County Clerk, Travis County, Texas, do hereby  
certify that on the 2 day of April, A.D. 1970, the Commissioners  
Court of Travis County, Texas, passed an order authorizing the filing of this  
plat, and that said order has been duly entered in the minutes of said court  
in Book 3 Page 375

WITNESS MY HAND AND SEAL OF OFFICE this the 20 day of April, 1970.

Miss Emilie Limberg, County Clerk, Travis County, Texas  
By Stella Gardner Deputy

FILED FOR RECORD on the 20 day of April, A.D. 1970 at 10:30 o'clock AM  
Miss Emilie Limberg, County Clerk, Travis County, Texas  
By Stella Gardner Deputy

THE STATE OF TEXAS  
COUNTY OF TRAVIS

I, Miss Emilie Limberg, clerk of the County Court within and for the County  
and State aforesaid, do hereby certify that the foregoing instrument of writing  
with its certificate of authentication was filed for record in my office on the  
20 day of April, A.D. 1970 at 10:30 o'clock AM and duly recorded on  
the 20 day of April, A.D. 1970 at 10:30 o'clock AM in the Plat Records  
of said county in Book 49 Page 95

WITNESS MY HAND AND SEAL OF OFFICE the date last written above.

Miss Emilie Limberg, County Clerk, Travis County, Texas  
By Stella Gardner Deputy

Exhibit A

CB-70-43