

**Zoning Public Hearing
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**



**AGENDA ITEM NO.: Z-16
AGENDA DATE: Thu 06/24/2004
PAGE: 1 of 1**

SUBJECT: Amend Ordinance No. 031120-Z-17 to correct the conditions of zoning for the property known as the Potter Project located along the southside of F.M. 2222 north of Bell Mountain Drive, further described in file number C14-03-0128. Applicant: Tom Beard. Agent: Jim Bennett. City Staff: Glenn Rhoades, 974-2775.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

CORRECTIVE ORDINANCE SUMMARY SHEET

ZONING CASE NUMBER: C14-03-0128

REQUEST:

Amend ordinance number 031120-Z-17, to correct a condition of zoning for the property located on the south side of F.M. 2222 north of Bell Mountain Drive.

DEPARTMENT COMMENTS:

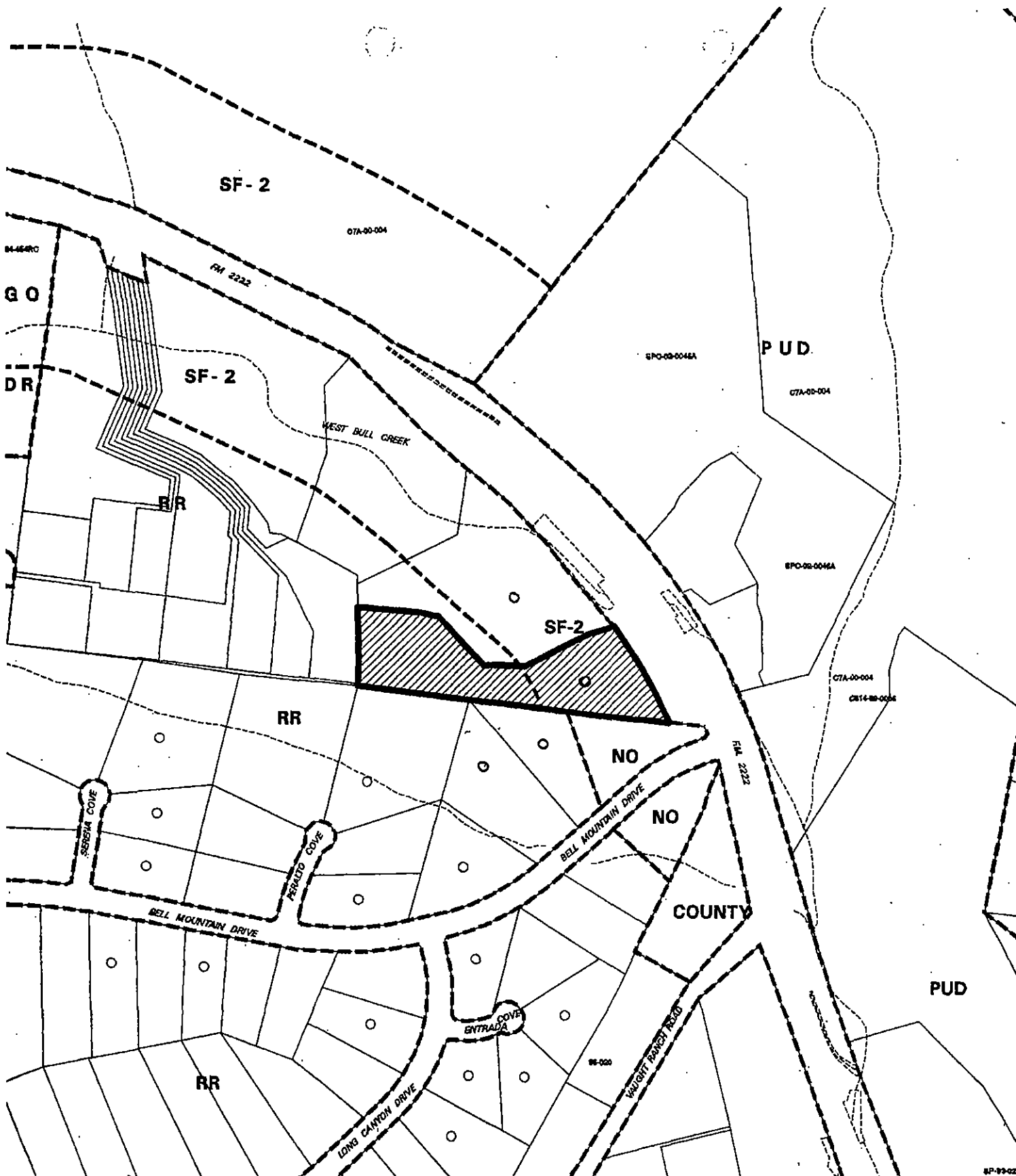
Two conditions in the existing conditional overlay do not reflect the intention of the Zoning and Platting Commission. The Commission had requested that the applicant increase the building setback from 25 feet to 35 feet. However, a portion of the property abuts a tract of land that is zoned office. After speaking with Commission and looking through the minutes from the Commission hearing, staff believes it was the intent of Commission to impose the set back only where the property abuts residential. Also, Commission stated in their motion to limit the height to one-story or whatever is allowed under Hill Country Roadway. Staff calculated the average of a commercial building to be 15 feet for one story. Staff believes it was the intention of the Commission to permit the 28 feet allowed under the Hill Country Roadway Ordinance.




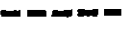
CITY COUNCIL DATE:

June 24, 2004 -

ASSIGNED STAFF: Glenn Rhoades

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



 1" = 400'	SUBJECT TRACT 	ZONING CASE #: C14-03-0128 ADDRESS: FM 2222 NORTH OF BELL MOUNTAIN DR SUBJECT AREA (acres): 4.724	DATE: 03-11 INTLS: SM	CITY GRID REFERENCE NUMBER F31
	PENDING CASE 			
	ZONING BOUNDARY 			
	CASE MGR: G. RHOADES			

AN ORDINANCE AMENDING ORDINANCE NO. 031120-Z-17 TO CORRECT CONDITIONS OF ZONING FOR THE PROPERTY KNOWN AS POTTER PROJECT LOCATED ALONG THE SOUTHSIDE OF E.M. 2222 NORTH OF BELL MOUNTAIN DRIVE AND DESCRIBED IN ZONING FILE NO. C14-03-0128.

PART 1. Part 2 of Ordinance No. 031120-Z-17 is amended to correct the conditions in subparts 2 and 4, as follows:

4. The maximum height for a building or structure is 28 ~~[45]~~ feet from ground level.

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

_____, 2004

APPROVED: _____ **ATTEST:** _____
David Allan Smith Shirley A. Brown
City Attorney City Clerk

ORDINANCE NO. _____

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE
2 PROPERTY LOCATED ALONG THE SOUTHSIDE OF F.M. 2222 NORTH OF
3 BELL MOUNTAIN DRIVE FROM SINGLE FAMILY RESIDENCE STANDARD
4 LOT (SF-2) DISTRICT TO LIMITED OFFICE-CONDITIONAL OVERLAY (LO-
5 CO) COMBINING DISTRICT.

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

8
9 **PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to
10 change the base district from single family residence standard lot (SF-2) district to limited
11 office-conditional overlay (LO-CO) combining district on the property described in Zoning
12 Case No.C14-03-0128, on file at the Neighborhood Planning and Zoning Department, as
13 follows:

14
15 A 4.724 acre tract of land, more or less, out of the Hrs. Wm. L. Swain Survey No.
16 810, in Travis County, the tract of land being more particularly described by metes
17 and bounds in Exhibit "A" incorporated into this ordinance, (the "Property")

18
19 locally known as the property located along the southside of F.M. 2222, north of Bell
20 Mountain Drive, in the City of Austin, Travis County, Texas, and generally identified in
21 the map attached as Exhibit "B".

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 2,000 trips per day.
30
31 2. The building setback is 35 feet from the south property line.
32
33 3. A 6 foot high fence shall be constructed and maintained along the south property line
34 that abuts the adjacent residential property.
35
36 4. The maximum height for a building or structure is 15 feet from ground level.
37

1 5. A building or structure may not exceed one story in height.

2
3 6. The following uses of the Property are prohibited uses:

4
5 Art and craft studio (limited)

6 Communications services

Convalescent services

Cultural services

7
8 Except as specifically restricted under this ordinance, the Property may be developed in
9 accordance with the regulations established for the neighborhood office (NO) base district
10 and other applicable requirements of the City Code.

11
12 **PART 3.** This ordinance takes effect on _____, 2003.

13
14
15 **PASSED AND APPROVED**

16
17
18
19 _____, 2003

§
§
§

Will Wynn
Mayor

20
21
22
23
24 **APPROVED:** _____

David Allan Smith
City Attorney

ATTEST: _____

Shirley A. Brown
City Clerk

METCALFE & SANDERS, INC./LAND SURVEYORS

4800 SOUTH CONGRESS
AUSTIN, TEXAS 78745
(512) 442-5363

SURVEYS & RECORDS SINCE 1904

EXHIBIT "A"

Tom Clyde Beard
(Zoning Notes)
4.724 Acres of Land
The Hrs. Wm. L. Swain Survey No. 810,
City of Austin, Travis County, Texas

FIELD NOTES

METES AND BOUNDS DESCRIPTION OF A SURVEY OF 4.724 ACRES OF LAND, A PORTION OF THE HRS. WM. L. SWAIN SURVEY NO. 810, ABSTRACT NO. 727, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, SAID 4.724 ACRES OF LAND BEING A PORTION OF THAT 5.593 ACRE TRACT OF LAND, A PORTION OF THE SAID HRS. WM. L. SWAIN SURVEY NO. 810, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AS DESCRIBED IN A WARRANTY DEED FROM CLYDE BEARD, ET UX TO TOM CLYDE BEARD AND RECORDED IN THE FOLLOWING INSTRUMENT:

1. WARRANTY DEED DATED NOVEMBER 23, 1981, OF RECORD IN VOLUME 7630, PAGE 498,

WHICH APPEARS IN THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, SAID 4.724 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" steel pin with plastic cap set at the intersection of the west line of RM Highway No. 2222 with the south line of that 5.593 acre tract of land, a portion of the Hrs. Wm. L. Swain Survey No. 810, Abstract No. 727, in the City of Austin, Travis County, Texas, as described in a deed from Clyde Beard, et ux to Tom Clyde Beard in Volume 7630, Page 498, Deed Records of Travis County, Texas, said 1/2" steel pin with plastic cap set being also in the north line of Lot 25, Block A, Long Canyon Phase 1-A, a subdivision of a portion of the said Hrs. Wm. L. Swain Survey No. 810, in the City of Austin, Travis County, Texas, of record in Plat Book 80, Pages 369-372, Plat Records of Travis County, Texas; and being also in the west line of that 0.185 of one acre tract, a portion of the said Hrs. Wm. L. Swain Survey No. 810, described as being a portion of said Lot 25, Block A, Long Canyon Phase 1-A, as described in a deed from Long Canyon Developers to the State of Texas in Volume 11783, Page 349, Real Property Records of Travis County, Texas, for the Point of Beginning and southeast corner of the herein described tract;

THENCE with the south line of the said Tom Clyde Beard 5.593 acre tract and the north line of said Lot 25, Block A, Long Canyon Phase 1-A, and the north line of Lot 24, Block A, of said Long Canyon Phase 1-A, and being also with the north line of Lot 19, Block A, Long Canyon Phase 1-B, a subdivision of a portion of the said Hrs. Wm. L. Swain Survey No. 810, in the City of Austin, Travis County, Texas, of record in Plat Book 81, Pages 10-13, Plat Records of Travis County, Texas, courses numbered 1 through 4, inclusive as follows:

1. N 80°04'35" W 255.93 feet to a 3/4" steel pin found;
2. N 79°42'55" W 133.13 feet to a 1/2" round head bolt found;
3. N 79°59'55" W 265.09 feet to a 5/8" steel pin found at the northwest corner of said Lot 24, Block A, Long Canyon Phase 1-A and the northeast corner of said Lot 19, Block A, Long Canyon Phase 1-B, said 5/8" steel pin found being also the most northerly corner of Lot 23, Block A, of said Long Canyon Phase 1-A;
4. N 79°51'25" W 367.10 feet to a 5/8" steel pin found at the southwest corner of the said Tom Clyde Beard 5.593 acre tract and the northwest corner of said Lot 19, Block A, Long Canyon Phase 1-B, said 5/8" steel pin found being also the northeast corner of Lot 18, Block A, of said Long Canyon Phase 1-B, and the southeast corner of Lot 5, Block A, Angel Pass, a subdivision of a portion of the said Hrs. Wm. L. Swain Survey No. 810, in the City of Austin, Travis County, Texas, of record in Plat Book 101, Pages 87-89, Plat Records of Travis County, Texas, for the southwest corner of the herein described tract;

THENCE with the west line of the said Tom Clyde Beard 5.593 acre tract and the most southerly east line of said Lot 5, Block A, Angel Pass, courses numbered 5 through 6, inclusive as follows:

5. N 5°12'00" E 133.57 feet to a 1/2" square rod found;
6. N 2°09'00" E 123.78 feet to a 3/8" inch steel pin found at the northwest corner of the said Tom Clyde Beard 5.593 acre tract and at a southwest corner of that 7.644 acre tract of land, a portion of the said Hrs. Wm. L. Swain Survey No. 810, as described in a deed from Clyde Beard, et ux to Ted Warren Beard in Volume 7630, Page 502, Deed Records of Travis County, Texas, for the northwest corner of the herein described tract;

THENCE with the north, northeast and north lines of the said Tom Clyde Beard 5.593 acre tract and the south, southwest and south lines of the said Ted Warren Beard 7.644 acre tract, courses numbered 7 through 13, inclusive as follows:

7. S 82°20'20" E 200.65 feet to a 3/8" steel pin found;
8. S 75°17'40" E 65.79 feet to a 3/8" steel pin found;
9. S 38°51'00" E 214.96 feet to a 1/2" steel pin found;
10. S 84°31'50" E 133.83 feet to a 1/2" steel pin found;
11. N 66°06'25" E 76.50 feet to a 3/8" steel pin found;
12. N 66°06'25" E 158.10 feet to a 1/2" steel pin found;
13. N 76°04'25" E 86.53 feet to a 1/2" steel pin with plastic cap set in the west line of RM Highway No. 2222 and in the west line of that 0.865 of one acre tract, a portion of the said Hrs. Wm. L. Swain Survey No. 810, described as being a portion of the said Tom Clyde Beard 5.593 acre tract, as described in a deed from Tom Clyde Beard to the State of Texas in Volume 11776, Page 393, Real Property Records of Travis County, Texas, for the northwest corner of the herein described tract, and from said 1/2" steel pin with plastic cap set a 1/2" steel pin found at

the northwest corner of the said State of Texas 0.865 of one acre tract bears N 30°26'35" W 0.26 feet;

THENCE with the west line of RM Highway No. 2222 and the west line of the said State of Texas 0.865 of one acre tract and being also with the west line of the said State of Texas 0.185 of one acre tract, courses numbered 14 through 15 inclusive as follows:

14. with a curve to the right an arc distance of 362.50 feet, said curve having a radius of 1963.48, a central angle of 10°34'41", and a chord of which bears S 26°10'15" E 361.99 feet to a Texas Department of Transportation brass disc in concrete found at the southwest corner of the said State of Texas 0.865 of one acre tract and at the northwest corner of the said State of Texas 0.185 of one acre tract;

15. S 2°11'45" E 2.64 feet to the Point of Beginning of the herein described tract, containing 4.724 acres of land.

Note: The plastic caps on the 1/2" steel pins set are inscribed with "M & S 1838".



Metes and Bounds Description Prepared August 14, 2003
From A Survey Completed August 4, 2003

METCALFE & SANDERS, INC.
Land Surveyors

By:

A handwritten signature in black ink, appearing to read "George L. Sanders".

George L. Sanders
Texas Registered Professional
Land Surveyor No. 1838

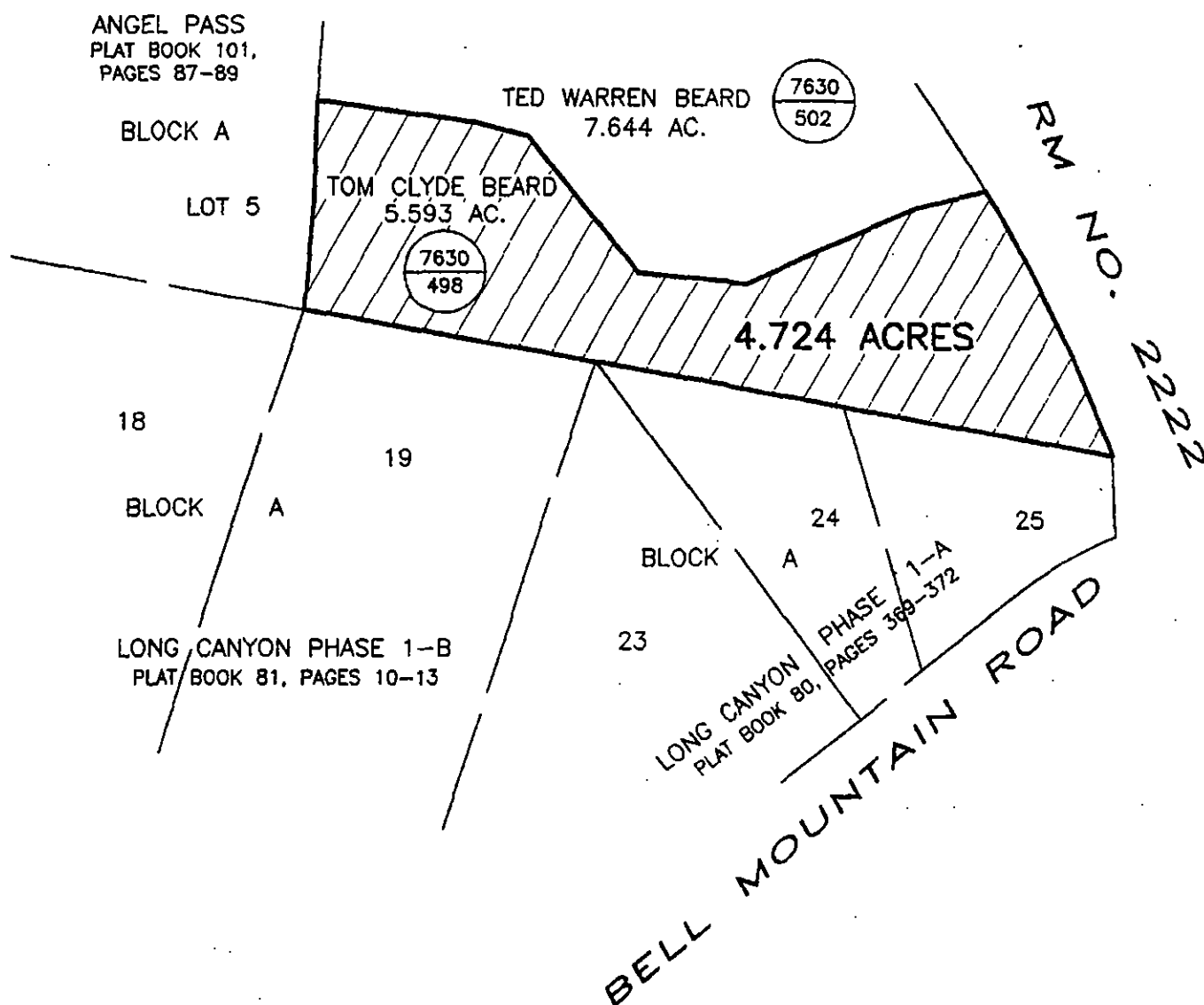
Ctly Grid No. F-31
Tax Parcel Number 01-4218-07-05

Ref. Plan 8230
FB 873, P 31-37 & DC
Job No. 03211.01

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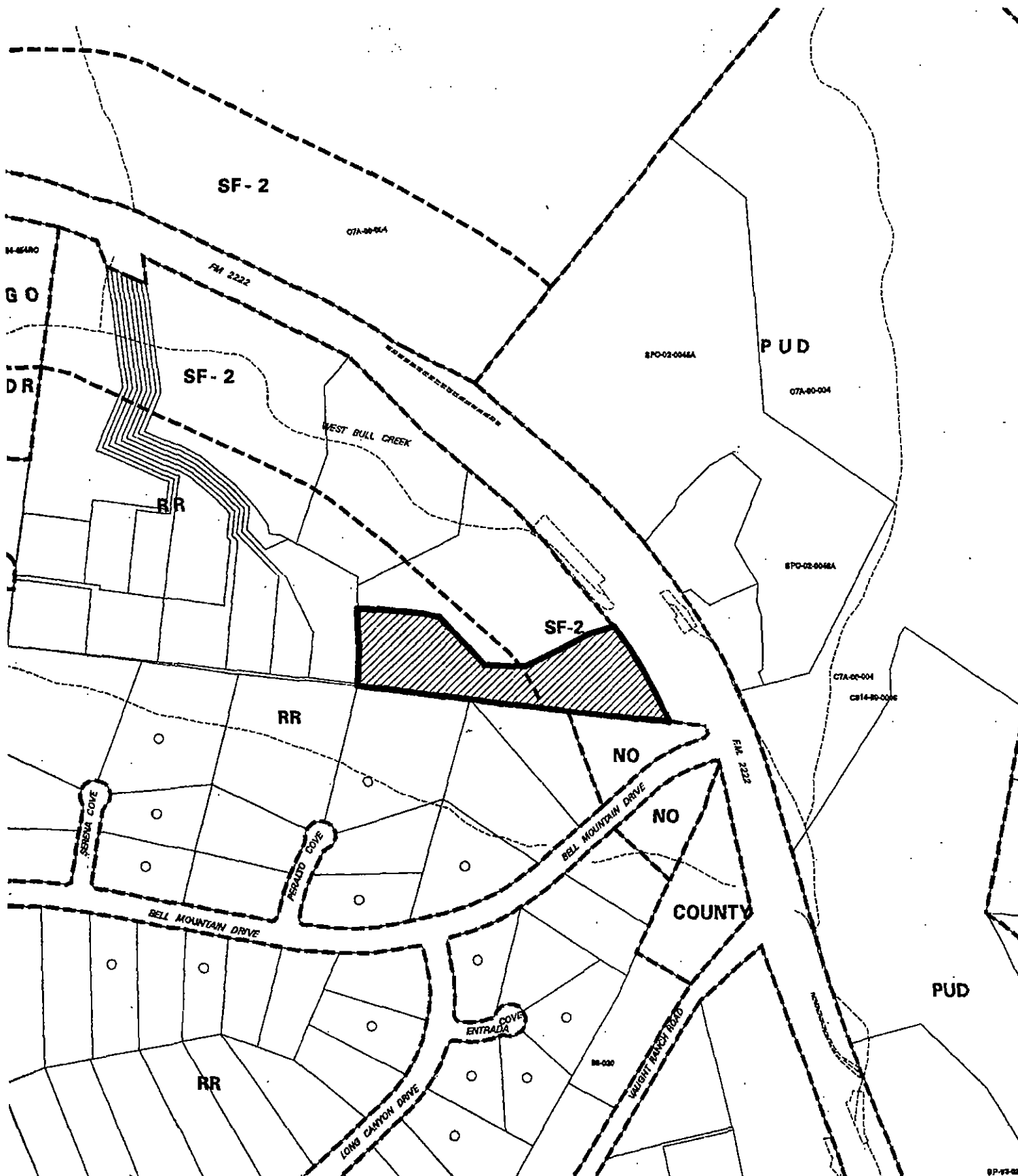
SKETCH TO ACCOMPANY ZONING NO. 1'S
4.724 ACRES OF LAND, A PORTION OF
THE HRS. WM. L. SWAIN SURVEY NO. 810, ABSTRACT NO. 727,
CITY OF AUSTIN, TRAVIS COUNTY, TEXAS

SCALE 1" = 200'



NOTE:
A METES AND BOUNDS DESCRIPTION WAS PREPARED
AS AN ATTACHMENT TO ACCOMPANY THE SKETCH
SHOWN HEREON.

SKETCH PREPARED AUGUST 14, 2003
METCALFE & SANDERS, INC.
LAND SURVEYORS



 1" = 400'	SUBJECT TRACT 	ZONING		CITY GRID REFERENCE NUMBER F31
	PENDING CASE 			
	ZONING BOUNDARY 	CASE #: C14-03-0128		
	CASE MGR: G. RHOADES	ADDRESS: FM 2222 NORTH OF BELL MOUNTAIN DR SUBJECT AREA (acres): 4.724		
		DATE: 03-11	INTLS: SM	

MEMORANDUM

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

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

DATE: January 28, 2004

SUBJECT: Zoning and Platting Commission Summary

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

CASE # C14-03-0128

8. C14-03-0128 – TOM C. BEARD, By: Jim Bennett Consulting (Jim Bennett), 400-feet along the south side of 2222 approximately 30-feet from its intersection with Bell Mount Road. (West Bull Creek). **FROM SF-2 TO LO. ALTERNATE RECOMMENDATION: LO-CO. City Staff: Glenn Rhoades, 974-2775. POSTPONED FROM 9-9 (NEIGHBORHOOD).**

SUMMARY

Commissioner Baker – “I pulled this case; I’m look at this map on A8-3, on both sides there’s NO zoning; and here we’re going back away from the intersection toward the creek, with more permissive zoning. I would ask why we would recommend more permissive zoning and I’m not critical of the staff’s position; but why we would recommend more permissive zoning away from an intersection?”

Glenn Rhoades, staff – “It is on FM 2222; if those cases would had come in; there was a possibility that we would have recommended LO zoning there also”.

Commissioner Baker – “But in this immediate area; not to be argumentative, we have a PUD across the street and with the exception of that NO, it’s all residential”.

Mr. Rhoades – “Correct; but like I said, the residential that is facing on FM 2222; staff did not feel it is appropriate; and since FM 2222 is an arteriole roadway, we do feel that LO would be appropriate”.

Commissioner Baker – “Those were my questions; are there any other questions?”

Commissioner Cortez – “Has there been any talk about....2222 is a very dangerous road already, this will be taking access to 2222?”

Mr. Rhoades – “Correct”.

Commissioner Cortez – “Is there any kind of idea what kind of measures are going to be taken to ensure a safe entry? I’m worried about people turning left”.

Mr. Rhoades – “At this point, no, that is something that would be determined at site plan stage. Other than we’re limiting the trips to 2000”.

Jim Bennett, applicant – “We requesting the LO zoning because the owner desires to put in a dental clinic; that’s the first zoning classification where you can have a dental clinic. Relative to the 2222, I would point out that there is a left turn lane; caution should be addressed when you’re making that turn. The tract is a 4.72 acre tract; it does extend from 2222 with a topography going up from 2222. The property is subject to the roadway ordinance, as well as compatibility standards. The compatibility standards would require a 25-foot setback from the property line with a vegetative buffer. Parking and driveways are not permitted within the 25-feet; in addition a fence, berm or dense vegetation is required adjacent to residential zoned properties. With the topography

going up and the impervious cover limiting us on the net site area, the impervious cover is probably going to be 40 to 55%. My client is proposing to build a 1-story dental office at this site, approximately 4,000 square feet. However, the site plan has not been formulated at this time. As Mr. Rhoades indicated, this would be a transition from 2222; the arteriole street to the residential subdivision. We're requesting that the commission consider that in making the deliberation for the LO zoning. As you enter in off the property, with the topography going up the hill, there is a shelf in there that appears to be a spot where you would want to build a medical office without too much disturbance to the remaining balance of this site; however, in order to get the appropriate impervious cover, you need to zone the entire site. I also have 6 letters from neighbors in the area that are supportive of the zoning change".

Commissioner Baker – "When you see the depth of the NO on the zoning map, the depth that exist there, will your building for the dentist be within that distance?"

Mr. Bennett – "We have to consider the setback from the 2222; If you can see there's a lot of trees in our site; that is where the property starts to begin to level off; then it goes further up the hill, from that clearing".

Commissioner Jackson – "If you look at the map that we have, you can see the red line that crosses your tract; and that's your setback?"

Emily Barron, staff – "That's an old annexation line".

Commissioner Jackson – "What I was going to ask was if he could limit the NO to that depth, which is proximately the same thing that you were asking".

Commissioner Baker – "Let's try it another way; coming from the back and you hit Service Square and then it begins to make an angle, if we came from that angle and came down to the other property line, right across, would you be willing to zone the front portion LO and the back portion NO?"

Mr. Bennett – "I think we would be more apt to suggest that we rezone it; but restrict buildings in that back portion. I think may need...."

Commissioner Baker – "You can use the impervious coverage; my question was if you would be willing to take that straight across and go NO to the back and LO toward 2222?"

Mr. Bennett – "I'm reluctant because we don't have a site plan formulated as to where the building is actually has to be placed. If you're looking for the protection of those houses back there; then I think that's derived from compatibility, I think".

FAVOR

No Speakers.

OPPOSITION

Ray Janiss – Spoke in opposition.

Don Stephens – Spoke in opposition.

REBUTAL

Jim Bennett – “The compatibility standards also requires that any lighting be hooded and shielded away from the residential zoned property. So the compatibility standards takes care of the lighting questions. We don’t have any objections to limiting the building to 1-story; that’s all we’re proposing. Relative to the site plan issue; where we can place that, is depending on the engineering site plan and the ordinance setbacks for the Hill Country Roadway and those kinds of things. To draw the line and say “not beyond here”, I don’t know if that will fit our engineering site plan or not; that’s the only reluctance we have to that. To Mr. Stephens question about his bedroom being adjacent to this property, is that his property is topographically uphill from our site, so a 1-story office building maybe be able to look into his pool, because we’re at the bottom of the hill. We’re limiting it to 1-story. It’s going to be a professional office building, hours will be 8 to 5; after that, it’s a closed operation. We would request that the commission grant the zoning as recommended by the staff; with a conditional overlay limiting to 1-story and perhaps 4,000 to 5,000 square feet. Right now, we’re looking at 4,000 square foot building”.

Commissioner Jackson – “Along the south property line, the compatibility requirement is a 25-foot setback; can we increase that to 35-feet? No structures within 35-feet?”

Mr. Bennett – “We don’t have much of a problem with that, except for the narrow point. I don’t think the building is going to come back this far, I don’t think it would warrant what’s going to be necessary to put it back there. I think the net building site is probably gonna be in here (pointing to the map); but we don’t have that site plan nailed down”.

Commissioner Baker – “I’m going to suggest a privacy fence be a long your entire south property line because that adjacent NO zoning is vacant. If I’m understanding these people correctly, it is vacant”.

Mr. Bennett – “No, there’s an office building on that corner”.

Commissioner Baker – “I’m sorry, thank you”.

Mr. Bennett – “We don’t have a problem with a 35-foot setback, except where we need it”.

Commissioner Jackson – “We can limit it to where there’s no structures in a 35-feet”.

Mr. Bennett – “We don’t have a problem with that”.

Commissioner Martinez and Gohil moved to close the public hearing.

Commissioner Jackson – “I think I have a start at a motion. I move for LO-CO with NO development regulations; medical office being the only permitted LO used allowed. In addition to the 25-foot compatibility setback, there will be (along the south property line), a 35-foot structure setback. We would allow parking or surface improvements, but not a vertical structure; a 6-foot privacy fence along the south property line; limiting it to 1-story or the height limitation required by the Hill Country Ordinance, whichever is more restrictive; and 2000 vehicle trips per day”.

Commissioner Whaley – “I second that motion”.

Commissioner Baker – “You have limited the use to only medical offices, as the only LO use and permitted NO uses?”

Commissioner Jackson – “All permitted NO uses, sorry”.

Commissioner Baker – “On the 6-foot privacy fence; could you say where it adjoins residential?”

Commissioner Jackson – “That’s not what I intended, but I will accept that as a friendly amendment”.

Commissioner Whaley – “I accept”

Commissioner Baker – “The motion is; LO-CO, NO development regulations; medical office as the only permitted LO uses; permitted NO uses. The compatibility standard, where applicable along the south property line, will be extended to 35-feet for no structures; within that 10-feet you could have parking; a 6-foot privacy fence along the south property where it adjoins residential; and 2000 vehicles per day; building height limited to 1-story or the height limitation of the Hill Country Roadway Ordinance, whichever is more restrictive”.

Mr. Bennett – “On the privacy fence; could you limit the fence to where the commercial development is adjacent and leave the rest in a natural state?”

Commissioner Baker – “The compatibility regulations require a fence, berm or dense vegetation; and given that you are abutting residential lots, I don’t think it’s inappropriate to require the fencing”.

Mr. Bennett – “We’re not going to use that back part; I hate to go in there and disturb it and put a fence down that line when there’s not going to be any commercial development, it would be better to keep it in a natural state, except for where the commercial development is adjacent”.

Commissioner Baker – “It looks like there’s a utility easement line cutting through there too”.

Mr. Bennett – “So it may be better to leave it natural”.

Commissioner Whaley – “I have one clarification for Mr. Jackson; in the 10-foot area that there could be no vertical structure, can that 10-foot also include a pond or water quality detention”.

Commissioner Jackson – “Yes”.

Commissioner Whaley – “Thank you”.

Motion carried.

**COMMISSION ACTION:
MOTION:**

**JACKSON, WHALEY
APPROVED LO-CO ZONING WITH
NO (NEIGH. OFFICE)
DEVELOPMENT REGULATIONS;
MEDICAL OFFICES THE ONLY
PERMITTED LO USE ALLOWED;
AND PERMITTED NO (NEIGH.
OFFICE) USES. IN ADDITION TO
THE C/O, ON THE SOUTH
PROPERTY LINE THERE WOULD BE
A 35’ NO STRUCTURE SETBACK; 6-
FEET PRIVACY FENCE ON THE
SOUTH PROPERTY WHERE IT
ADJOINS RESIDENTIAL; 1-STORY
OR THE HEIGHT LIMITATION
REQUIRED BY THE HILL COUNTRY
ORDINANCE, WHICHEVER IS MOST
RESTRICTIVE; AND 2000 VEHICLE
TRIPS PER DAY.**

AYES:

**PINNELLI, GOHIL, MARTINEZ,
JACKSON, WHALEY, HAMMOND,
BAKER, DONISI, CORTEZ.**

MOTION CARRIED WITH VOTE: 9-0.

ZONING CHANGE REVIEW SHEET

CASE: C14-03-0128

Z.A.P. DATE: September 9, 2003
October 14, 2003

C.C. DATE: November 20, 2003

ADDRESS: The Southside F.M. 2222 north of Bell Mountain Drive

OWNER/APPLICANT: Tom Beard

AGENT: Jim Bennett

ZONING FROM: SF-2

TO: LO

AREA: 4.72 acres

SUMMARY STAFF RECOMMENDATION:

Staff's alternate recommendation is LO-CO, Limited Office-Conditional Overlay district zoning. The conditional overlay will limit vehicle trips to 2,000 per day.

ZONING AND PLATTING COMMISSION:

September 9, 2003 – Postponed at the applicant's request (Vote: 8-0, J. Gohil – absent).

October 14, 2003 – Approved LO-CO, Limited Office-Conditional Overlay district zoning. The conditional overlay will limit the property to NO development regulations and medical office will be the only allowed LO use with all NO uses. There is to be a 35 foot no structure set back on the south property line and a six foot privacy fence along the south property line where the subject tract adjoins residential property. The height shall be limited to 15 feet or one story and there will be a 2,000 vehicle trip limit (Vote: 9-0).

DEPARTMENT COMMENTS:

The applicant is requesting the proposed change to use the property as a dental office. The property is in a Hill Country Roadway corridor and will require the further approval of this Commission when a site plan is submitted.

Staff has received letters from nearby property owners stating various concerns (see attached).

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	SF-2	Single Family
North	SF-2	Single Family
South	NO	Office
East	PUD	Single Family, Undeveloped
West	RR	Single Family

AREA STUDY: N/A

TIA: N/A

WATERSHED: West Bull Creek

DESIRED DEVELOPMENT ZONE: No

Approved on all 3 readings
on 11/20/03

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: Yes

NEIGHBORHOOD ORGANIZATIONS:

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

CASE HISTORIES:

There have been no recent zoning cases in the immediate vicinity.

ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION	DAILY TRAFFIC
FM 2222	120'	Varies	Arterial	N/A

CITY COUNCIL DATE: November 20, 2003

ACTION:

ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

CASE MANAGER: Glenn Rhoades

PHONE: 974-2775



STAFF RECOMMENDATION

Staff's alternate recommendation is LO-CO, Limited Office-Conditional Overlay district zoning. The conditional overlay will limit vehicle trips to 2,000 per day.

BASIS FOR RECOMMENDATION

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

LO, Limited Office district zoning is intended for offices predominantly serving neighborhood or community needs, which may be located within or adjacent to residential neighborhoods.

The proposed change meets the purpose statement set forth in the Land Development Code. It is located on the periphery of a single-family neighborhood and will potentially provide services for nearby residents.

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

The property fronts F.M. 2222, which is classified as an arterial roadway. The present zoning of SF-2 is not compatible with this type of roadway. LO zoning would provide for a transition between the adjacent single-family homes and F.M. 2222.

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

The LO zoning district would allow for a fair and reasonable use of the site. LO zoning is appropriate for this site because the location of the property between single-family and F.M. 2222.

4. *Zoning should promote the policy of locating retail and more intensive zoning near the intersections of arterial roadways or at the intersections of arterials and major collectors.*

The property in question is located on and will take access to F.M. 2222.

EXISTING CONDITIONS

Site Characteristics

The site is occupied with a single-family home.

Transportation

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

The trip generation under the requested zoning is estimated to be 5,675 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

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

Impervious Cover

The site is not located over 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. 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.

Environmental

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 transition zone exists within the project location. If transition zone is found to exist within the project area, allowable impervious cover within said zone shall be limited to 18%.

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, as well as the landscape requirements of the Hill Country Roadway Corridor Ordinance 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.

Right of Way

The scope of this review is limited to the identification of needs for dedication and/or reservation of right-of-way for funded Capital Improvement Program (C.I.P.) Roadway Construction Projects and Transportation Systems Management (T.S.M.) Projects planned for implementation by the City of Austin. No aspect of the proposed project is being considered or approved with this review other than the need for right-of-way for City projects. There are separate right-of-way dedication and reservation requirements enforced by other Departments and other jurisdictions to secure right-of-way for roadway improvements contained in the Austin Metropolitan Area Roadway Plan, roadway

projects funded by County and State agencies, and for dedication in accordance with the functional classification of the roadway.

We have reviewed the proposed subdivision, site plan, or zoning case and anticipate no additional requirement for right-of-way dedication or reservation for funded C.I.P. or T.S.M. projects at this location.

Water and Wastewater

The landowner intends to serve the site with City water and wastewater utilities. Water and wastewater utility improvements, offsite main extension, and system upgrades are required. The landowner will be responsible for all costs and providing. Also, the water and wastewater utility plan must be reviewed and approved by the City of Austin Water and Wastewater 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 north, west, and south property line, the following standards 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.
- 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.

Hill Country Roadway

The site is located within 1,000 feet of RM 2222 and within a Hill Country Roadway Corridor. The site is located within the low intensity zone of the Hill Country Roadway. The site may be developed with the following maximum floor-to-area ratio (FAR):

Slope	Maximum FAR
0-15%	0.20
15-25%	0.08
25-35%	0.05

Except for clearing necessary to provide utilities or site access, a 100 foot vegetative buffer will be required along RM 2222. At least 40% of the site (excluding dedicated right-of-way) must be left in a natural state. The allowable height is 28-feet.

Prior to the issuance of a building permit for the proposed use, a site plan must be approved by the Zoning & Platting Commission

September 8, 2003

City of Austin
Neighborhood Planning & Zoning Department
505 Barton Springs Road,
P.O. Box 1088
Austin, Texas 78757-8835

File Number: C14-03-0128
Proposed zoning change from SF-2 to LO

We feel it only respectful to us and Long Canyon residences that we place a special request and ask for a "Six to Eight Foot Wood Privacy Fence" to be erected. We have small children and pets and feel it to be to everyones benefit. We'd like this erected before future development of the property.

We have been Long Canyon residences for over 18 years. We are the only homeowners in the subdivision which will have offices on two sides of our property. Prospective buyers may not want to purchase our property due to these offices and future buildings and or roads that may be constructed on the said properties. Therefore we must protect our safety and our property value.

Our property, home and family are being compromised upon due to these proposals. For future safety we feel this will benefit everyone. Please listen to this request with our family and others in Long Canyon whom are affected in your minds.

Thank You,

Sincerely,

Ray & Liz Janss
7900 Bell Mountain Drive
Austin, Texas 78730
512-348-8401
512-293-8401

Jerry & Lucy Goodrich
6608 Peralto Cove
Austin, TX 78730

September 8, 2003

City of Austin
Neighborhood Planning and Zoning Department
505 Barton Springs Rd
P. O. Box 1088
Austin, TX 78767-8835

RE: File No. C14-03-0128

Attn: Glenn Rhoades

Dear Sir:

We have visited with James Potter who stated he will be the owner of the land for which a zoning change from SF-2 to LO is proposed. We would like to propose a Special Restriction to the effect that nothing may be built on the property if its height will protrude above the ridge line separating our property from the Beard Ranch.

My understanding after talking to you a few days ago is that this request will be considered in the deliberations of the Zoning & Platting Commission. If you need additional information, you may contact me at the above address, or via e-mail at buennico3@shopglobal.net. Thank you for your assistance in this matter.

Sincerely,



Jerry Goodrich

1 OF 4

Donald R. and Eliane F. Stephen
7904 Bell Mountain Drive
Austin, Texas 78730
8 October 2003

Zoning & Platting Commission Assistant
Neighborhood Planning & Zoning Department
P. O. Box 1088
Austin, Texas 78767-8835

File Number: C14-03-0128
Tom C. Beard Property

Dear sirs,

Our property, shown with shaded boundary on the attached map, intersects at a point the south boundary of the Beard property proposed for rezoning. Because of a drainage easement, which runs across the front of our lot, the house was constructed at the back corner and is the nearest house to the Beard property.

OUR REQUESTS

We have no objection to the single floor dental office being planned for the east end of the property, near FM2222.

The zoning proposal also extends LO zoning to the remainder of the property, now zoned RR. For this part we request the following additional restrictions be included with the zoning approval.

1. Beyond the 25ft Compatibility Standards boundary zone, an additional setback of 25ft with no buildings is requested 35 ft either side of a perpendicular drawn northward from the point of intersection of our property with the south boundary of the Beard property.
2. That the public be excluded from wandering into Long Canyon woodlands by means of a 6' or higher security fence along the length of the South boundary of the subject property.

VISIBILITY FROM OFFICE BUILDING TO BACK OF HOUSE

A very important quality of life concern for us is that our master bedroom and pool area at the back of our house not be visible from a potential office building. Surely buildings could be located at sites so as to avoid this problem.

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ENVIRONMENTAL CONCERNS

The large lot size in Long Canyon leaves a large percentage of the area under natural vegetation. This, along with various dedicated Preserves in the area, serves as part of the habitat for various species of rare birds. The Beard Ranch has served the same function. No one wishes to say that the Beard property cannot be developed, but every effort should be made to limit effect on the environment. In particular the public from the development should be excluded from wandering about on private wooded lands in Long Canyon by means of a substantial fence along the full length of the Beard Property.

SAFETY CONCERNS

One of the risks in living in Long Canyon, and other such areas in Austin, is the possibility of a fire, which if started, would spread rapidly over a large area due to the steep slopes of the wooded hillsides. The native cedar vegetation is especially prone to rapid fire expansion because of the large surface area of the leaf structure on the cedar branches and the dryness of the climate.

Wildlife does not pose a risk of ignition, but people do. Some wander away from office buildings to have a smoke and others take picnics and leave glass bottles behind. This is another reason for a substantial fence along the length of any future development.

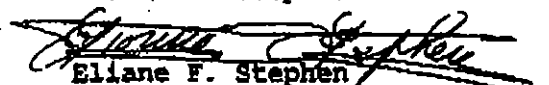
WATER RUNOFF

We have managed to live with the substantial rainwater runoff from the upper part of the Beard property without complaint, but we hope that site plans will be managed so that the problem does not become worse.

Your consideration of this request is appreciated.

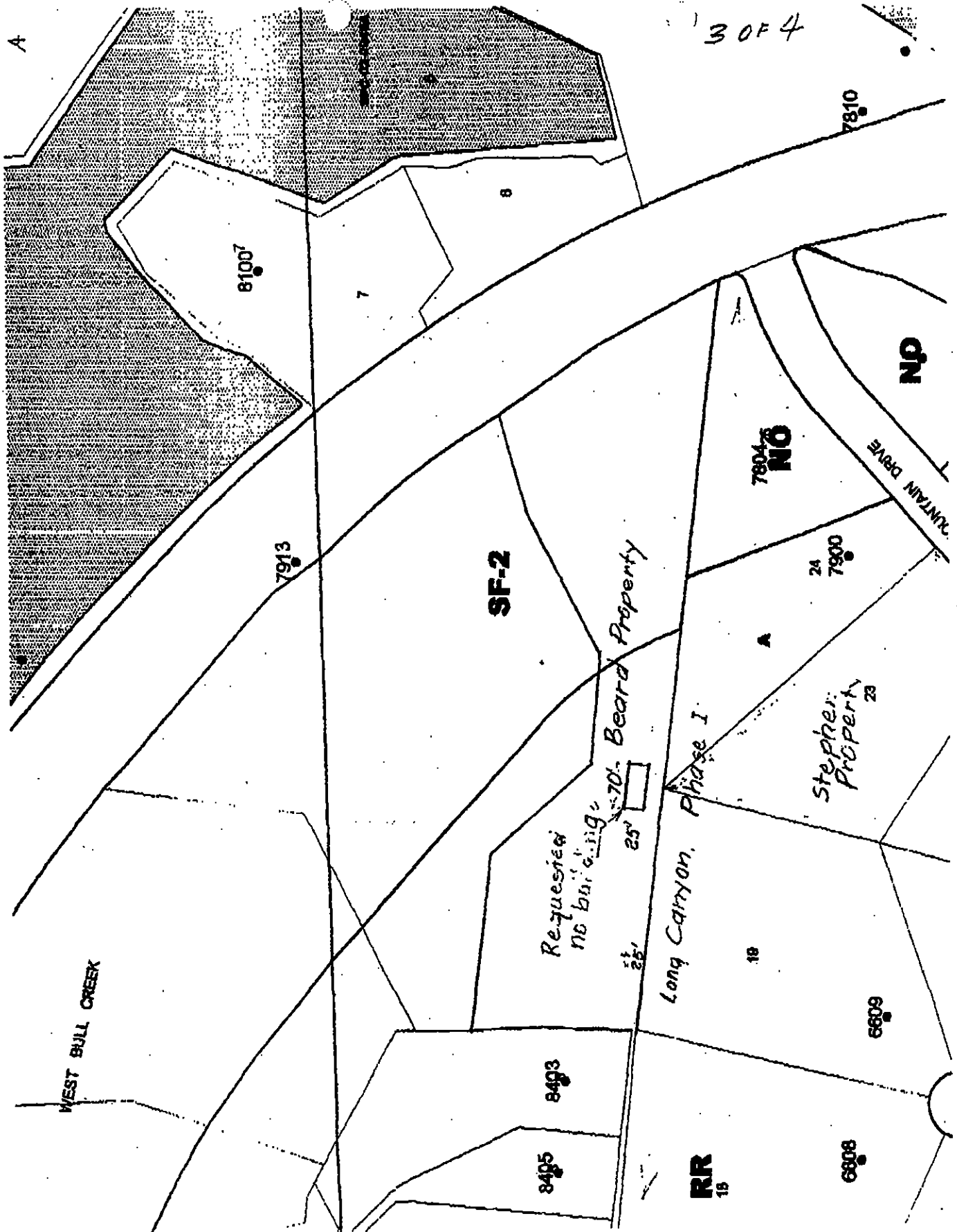
Yours very truly,


Donald R. Stephen


Eliane F. Stephen

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3 OF 4



PAGE #04



City of Austin, Neighborhood Planning & Zoning Department
505 Barton Springs Road / P.O. Box 1088 / Austin, Texas 78767-8835

NOTICE OF FILING OF APPLICATION AND NOTICE OF ZONING & PLATTING COMMISSION PUBLIC HEARING FOR A PROPOSED ZONING CHANGE

Este aviso es para informarle de una junta pública tocante a un cambio en el uso de la propiedad indicada así abajo. Si quiere una copia de este aviso en español, hable al teléfono (512) 974-2680.

Mailing Date of this Notice: August 28, 2003

File Number: C14-03-0128

ADDRESS AND/OR LEGAL DESCRIPTION OF PROPOSED ZONING CHANGE (See Map) 400 feet along the South side of 2222 approximately 30 feet from its intersection with Bell Mt Road

PROPOSED ZONING CHANGE:

FROM: SF-2--Single-Family Residence (Standard Lot) district is intended as an area for moderate density single-family residential use, with a minimum lot size of 5,750 square feet. This district is appropriate for existing single-family neighborhoods having moderate sized lot patterns, as well as for development of additional single-family housing areas with minimum land requirements.

TO: LO--Limited Office district is intended for offices predominately serving neighborhood or community needs, which may be located within or adjacent to residential neighborhoods.

OWNER: Tom C. Beard

PHONE: (512) 253-2813

AGENT: Jim Bennett Consulting (Jim Bennett)

PHONE: (512) 784-4961

ZONING & PLATTING COMMISSION HEARING DATE: September 9, 2003 **TIME:** 6:00 PM

LOCATION: 721 Barton Springs Road, Town Lake Center Assembly Room

If you have any questions concerning this notice, please contact Glenn Rhoades at the City of Austin, Neighborhood Planning & Zoning Department, (512) 974-2775. Office hours are 7:45 a.m. to 4:45 p.m. Please be sure to refer to the File Number at the top of the page when you call. See enclosed sheet for more information on public hearings.

You may send your written comments to the Zoning & Platting Commission Assistant, Neighborhood Planning & Zoning Department, P. O. Box 1088, Austin, TX 78767-8835.

File # C14-03-0128-GR

Zoning & Platting Commission Hearing Date: September 9, 2003

Name (please print) _____

☐ I am in favor
(Estoy de acuerdo)

Address _____

☐ I object
(No estoy de acuerdo)