

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



**AGENDA ITEM NO.: Z-15
AGENDA DATE: Thu 06/24/2004
PAGE: 1 of 1**

SUBJECT: C14-04-0057 - Mercy of God Prayer Center - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 2404 East Yager Lane (Walnut Creek Watershed) from interim-rural residence (I-RR) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Applicant: Mercy of God Prayer Center, Inc. (Jinny Anteya). Agent: Vincent Gerard and Assoc. (Vincent Huebinger). City Staff: Glenn Rhoades, 974-2775.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

ZONING CHANGE REVIEW SHEET

CASE: C14-04-0057

Z.A.P. DATE: May 4, 2004
May 18, 2004

C.C. DATE: June 24, 2004

ADDRESS: 2405 E. Yager Lane

OWNERS: Mercy of God Prayer Center
(Jimmy Anteya)

AGENT: Vincent Gerard & Assoc.
(Vince Huebinger)

ZONING FROM: I-RR

TO: GR

AREA: 5 acres

SUMMARY STAFF RECOMMENDATION:

Staff's alternate recommendation is GR-CO, Community Commercial-Conditional Overlay district zoning. The conditional overlay will limit vehicle trips to 2,000 per day. In addition, the applicant has agreed to prohibit the following uses:

Automotive Repair Services
Drop-Off Recycling Services
Limited Restaurant (with drive through)
Pawn Shop Services

Automotive Sales
Exterminating Services
Counseling Services

ZONING AND PLATTING RECOMMENDATION:

May 4, 2004 – Postponed at the request of Commission to May 18, 2004 (Vote: 5-0, C. Hammond, J. Martinez and J. Pinelli – absent).

May 18, 2004 – Approved GR-CO, Community Commercial-Conditional Overlay district zoning by consent (Vote: 8-0).

ISSUES:

At this time the property is occupied with a single-family home that is used as a church. The applicant is requesting the proposed change to GR, in order to expand the church facility.

The subject tract is surrounded by the Pioneer Crossing P.U.D. The P.U.D. is 1,410.55 acres and is designated for several types of uses to correspond with various zoning categories (see attached map). The subject tract is adjacent to property designated for IP, Industrial Park district zoning, LI, Limited Industrial district zoning and CR, Community Recreation district zoning. In addition, the property is across the street from LI-PDA, Limited Industrial-Planned Development Area zoning, that is occupied with the Samsung facility. The P.U.D. also designates property to the east as GR, Community Commercial district zoning. Although, P.U.D. zoning is in place for Pioneer Crossing, the area is largely undeveloped at this time, with the exception of the Samsung facility.

The P.U.D land plan shows Hwy 130 as being planned to go through the property, however according to Transportation Review, Hwy 130 has moved further to the east and will not affect the subject tract.

Given the surrounding land use designations, staff believes the request to GR zoning to be appropriate and compatible with what will potentially be built in the area.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	I-RR	Single Family Home Used As a Church
<i>North</i>	County	Undeveloped
<i>South</i>	PUD LI-PDA	Undeveloped, Single Family Home Samsung
<i>East</i>	PUD	Undeveloped
<i>West</i>	PUD	Undeveloped

AREA STUDY: N/A**TIA:** N/A**WATERSHED:** Walnut Creek**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** N/A**HILL COUNTRY ROADWAY:** N/A**NEIGHBORHOOD ORGANIZATIONS:**

#114 – North Growth Corridor
#511 – Austin Neighborhoods Council
#643 – Northeast Action Group
#937 – Taking Action

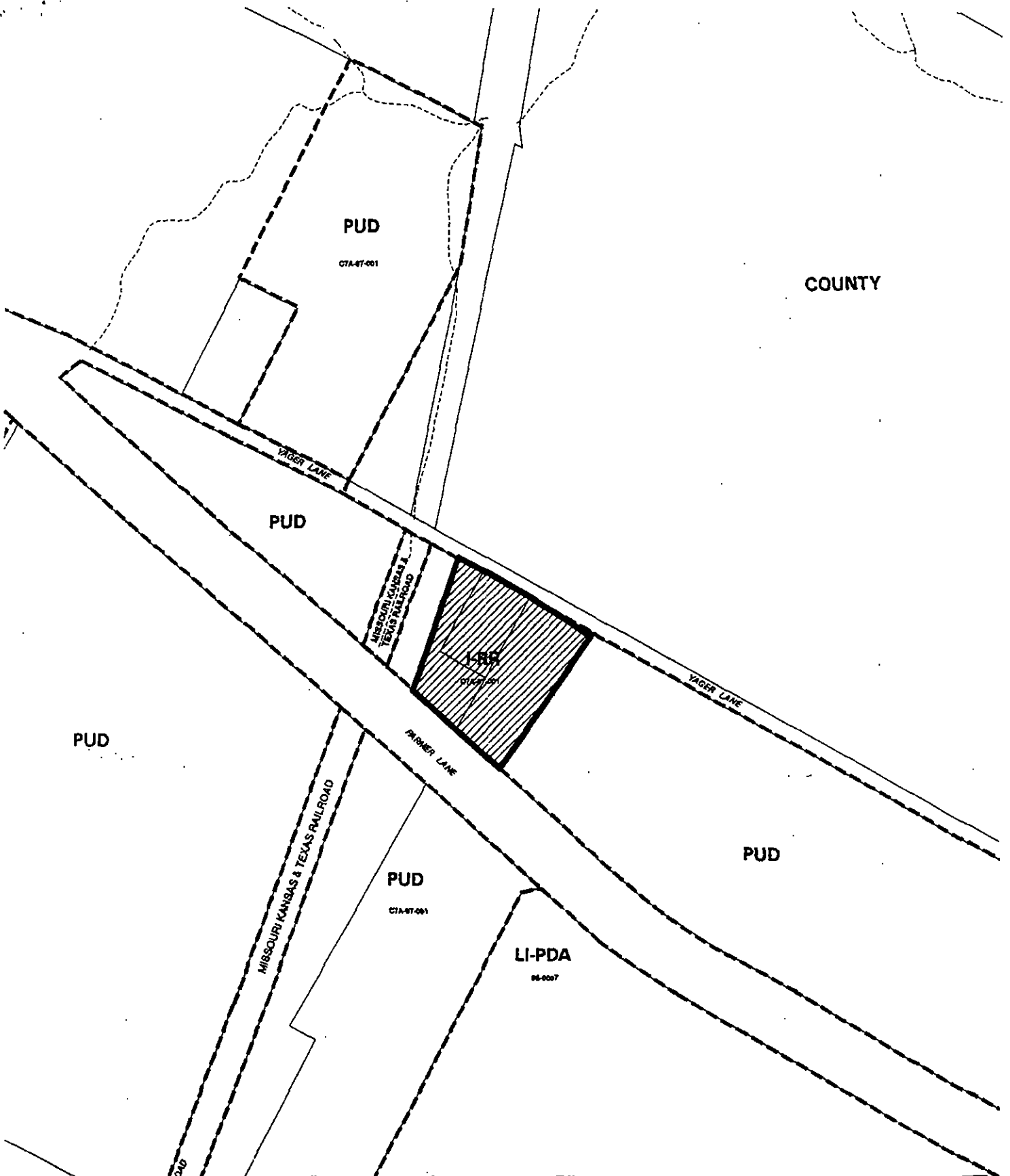
CASE HISTORIES:





There have been no recent zoning cases in the immediate vicinity

ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION
Yager Lane	50'	Varies	Collector
Parmer Lane	200'	2@40'	Arterial

CITY COUNCIL DATE: June 24, 2004**ACTION:****ORDINANCE READINGS:** 1st2nd3rd**ORDINANCE NUMBER:****CASE MANAGER:** Glenn Rhoades**PHONE:** 974-2775



 1" = 400'	SUBJECT TRACT PENDING CASE ZONING BOUNDARY CASE MGR: S. GAGER	  	ZONING EXHIBIT A		CITY GRID REFERENCE NUMBER
	CASE #: C14-04-0057		DATE: 04-04	P32	
	ADDRESS: 2405 E YAGER LANE		INTLS: SM		
	SUBJECT AREA (acres): 5				

City of Austin
Infrastructure
Support Services



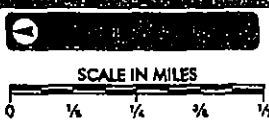
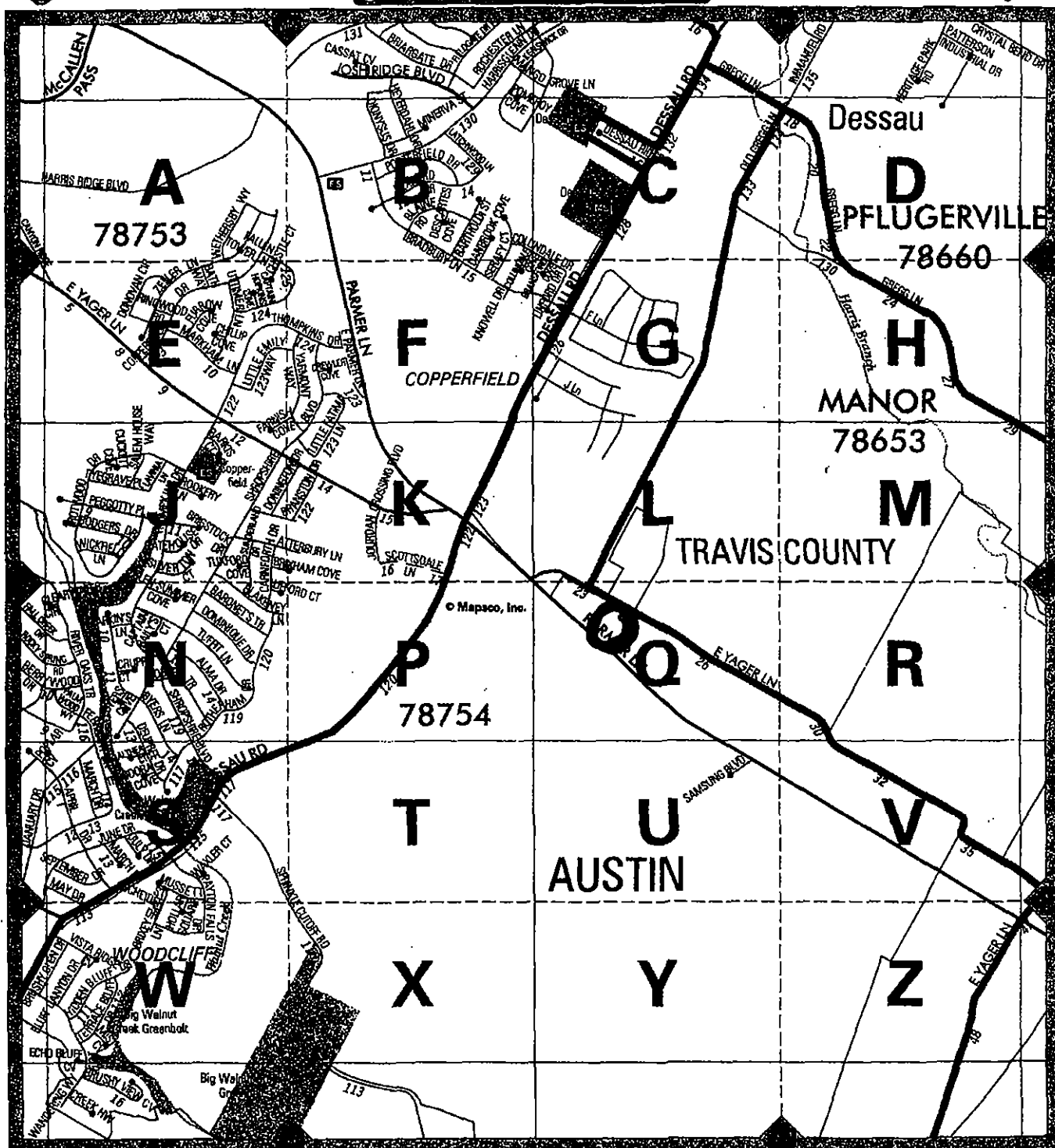
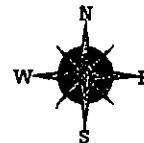
Case C14-04-0057



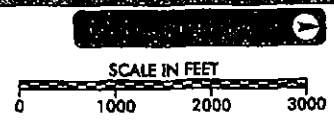
Leander Parkway

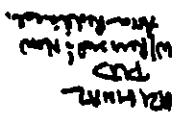
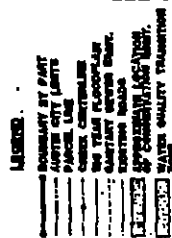


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STAFF RECOMMENDATION

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

BASIS FOR RECOMMENDATION

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

GR – Community Commercial district zoning is intended for office and commercial uses serving neighborhood and community needs, including both unified shopping centers and individually developed commercial, and typically requiring locations accessible from major traffic ways.

The proposed zoning should promote consistency, and orderly planning.

The proposed zoning change is compatible with the adjacent properties, as it is surrounded by CR, LI, LI-PDA and IP zoning.

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

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

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 Parmer Lane, which classified as an arterial roadway.

EXISTING CONDITIONS

Site Characteristics

The site is currently developed with a single-family home that is used as a church.

Transportation

Additional right-of-way may be required with the subdivision and/or site plan.

The trip generation under the requested zoning is estimated to be 11,245 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.

Yager Lane is classified in the Bicycle Plan as a Priority 2 bike route. (Route #8)

Impervious Cover

The site is not located over the Edward's Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Harris Branch Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

Environmental

According to flood plain maps, there is no floodplain within, or adjacent to the project boundary.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

At this time, site specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:

- Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

At this time, no information has been provided as to whether this property has any pre-existing approvals that preempt current water quality or Code requirements.

Right of Way

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

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

Water and Wastewater

The landowner intends to serve the site with City water and wastewater utilities. If water or wastewater utility improvements, or offsite main extensions, or system upgrades, or utility relocation, or adjustment 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 Austin Water Utility. The plan must be in accordance with the City's utility design criteria.

Compatibility Standards

The property will not be subject to compatibility standards.

ORDINANCE NO. _____

1 AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING FOR THE
2 PROPERTY LOCATED AT 2405 EAST YAGER LANE AND CHANGING THE
3 ZONING MAP FROM INTERIM RURAL RESIDENCE (I-RR) DISTRICT TO
4 COMMUNITY COMMERCIAL-CONDITIONAL OVERLAY (GR-CO)
5 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 interim rural residence (I-RR) district to community
11 commercial-conditional overlay (GR-CO) combining district on the property described in
12 Zoning Case No.C14-04-0057, on file at the Neighborhood Planning and Zoning
13 Department, as follows:
14

15 A 5.0 acre tract of land, more or less, out of the Samuel Cushing Survey No. 70, in
16 Travis County, the tract of land being more particularly described by metes and
17 bounds in Exhibit "A" incorporated into this ordinance, (the "Property")
18

19 locally known as 2405 East Yager Lane, in the City of Austin, Travis County, Texas, and
20 generally identified in the map attached as Exhibit "B".
21

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

25 1. The following uses are prohibited uses of the Property:
26

27 Automotive repair services	Automotive sales
28 Drop-off recycling collection facility	Exterminating services
29 Counseling services	Restaurant (limited)
30 Pawn shop services	

31

32 2. Drive-in service is prohibited as an accessory use to commercial uses.
33

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

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

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

6
7
8 **PASSED AND APPROVED**

9
10 _____, 2004

§
§
§

11
12
13 Will Wynn
14 Mayor

15
16
17 **APPROVED:**

18 David Allan Smith
19 City Attorney

ATTEST:

Shirley A. Brown
City Clerk

EXHIBIT A

Tract 4

Metes and Bounds Description

5.000 Acres (217,800 Square Feet)

Samuel Cushing Survey Number 70, Abstract 164

Travis County, Texas

BEING a tract containing 5.000 acres (217,800 square feet) of land situated in the Samuel Cushing Survey, Number 70, Abstract 164 of Travis County, Texas and all of the land described as Tract 4 in a deed to Edina Park Plaza Associates Limited Partnership recorded in Volume 13035, Page 0179 of the Real Property Records of Travis County, Texas (R.P.R.T.C.T.). Said 5.000 acre tract being more particularly described by metes and bounds as follows with all bearings and coordinates referenced to the Texas State Plane Coordinate System, Central Zone, and based on NAD83 Datum converted to US Survey Feet and reduced to surface values by a combined factor of 1.0001. Origin of coordinates is Texas Department of Transportation Monument No. N2270399 (N = 10,110,689.81; E = 3,150,910.08).

BEGINNING at a 1/4-inch iron rod found (N= 10,114,082.51; E= 3,146,379.38) in the southerly right-of-way line of Yager Lane (width varies) as occupied and monumented. Said point being in the northerly line of said Tract 4 and being the northwest corner of a 60.586 acre Tract 3 recorded in a deed to Edina Park Plaza Associates Limited Partnership in Volume 13035, Page 0179 (R.P.R.T.C.T.), and the northeast corner of the herein described tract;

THENCE, with the northwest line of said 60.586 acre Tract 3, South 34° 49' 21" West, a distance of 523.70 feet to a 1/4-inch iron rod set in the northerly right-of-way line of proposed Parmer Lane also being a 22.293 acre Tract 8 recorded in a deed to Edina Park Plaza Associates Limited Partnership in Volume 13035, Page 0179 (R.P.R.T.C.T.);

THENCE, with the northerly right-of-way line of proposed Parmer Lane, North 48° 43' 30" West, a distance of 387.22 feet to a 1/4-inch iron rod set for the southeast corner of a 1.029 acre Tract 5 recorded in a deed to Edina Park Plaza Associates Limited in Volume 13035, Page 0179 (R.P.R.T.C.T.);

THENCE, with the southeast line of said 1.029 acre Tract 5, North 20° 21' 55" East, a distance of 135.61 feet to a 1/4-inch iron rod set at the beginning of a tangent curve to the left;

THENCE, continuing with the southeast line of said 1.029 acre Tract 5, 325.46 feet along the arc of said curve to the left, with a Radius of 5,880.00 feet, a Delta Angle of 03° 10' 17" and a Chord Bearing and Distance of North 18° 46' 47" East, 325.42 feet to a 1/4-inch iron rod set in the southerly right-of-way line of Yager Lane for the northeast corner of said 1.029 acre Tract 5;

MAY 24 1999

I, Gene DeBorja, County Clerk, Travis County, Texas, do hereby certify that this is a true and correct copy as same appears of record in my office. Witness my hand and seal of office on



Gene DeBorja, County Clerk
By Deputy
S. Hernandez

Page 1 of 2
Tract 4

13333 2560

THENCE, with the southerly right-of-way line of Yager Lane the following three calls:

- (1) South 62° 34' 45" East, a distance of 98.15 feet to a 1/2-inch iron rod found;
- (2) South 60° 53' 29" East, a distance of 174.90 feet to a 1/2-inch iron rod found;
- (3) South 56° 38' 32" East, a distance of 237.28 feet to the POINT OF BEGINNING and containing a computed area of 217,800 square feet or 5.000 acres of land.

This metes and bounds description is accompanied by a separate plat of survey.

Douglas J. Anderson 1/30/98
Douglas J. Anderson
Registered Professional Land Surveyor
Registration Number 5128



Prepared by:
SURVCON INC.
400 West 15th Street, Suite 400
Austin, TX 78701
Job No. 4797-01

FILED

98 DEC 18 PM 4:22

DANA DEBEAUVOIR
COUNTY CLERK
TRAVIS COUNTY, TEXAS

Chg: Heritage Title
Return: Peter Lamy
Sage hand Co.
1717 West 6th St.
Suite 390
Austin, TX. 78703

STATE OF TEXAS COUNTY OF TRAVIS
I hereby certify that this instrument was FILED on
the date and at the time stated herein by me; and
as: duly RECORDED, in the Volume and Page of the
proper RECORDS of Travis County, Texas, on

DEC 18 1998



MAY 24 1999

I, Dana Debeauvoir, County Clerk, Travis County,
Texas, do hereby certify that this is a true and
correct copy as same appears of record in my office
Witness my hand and seal of office on

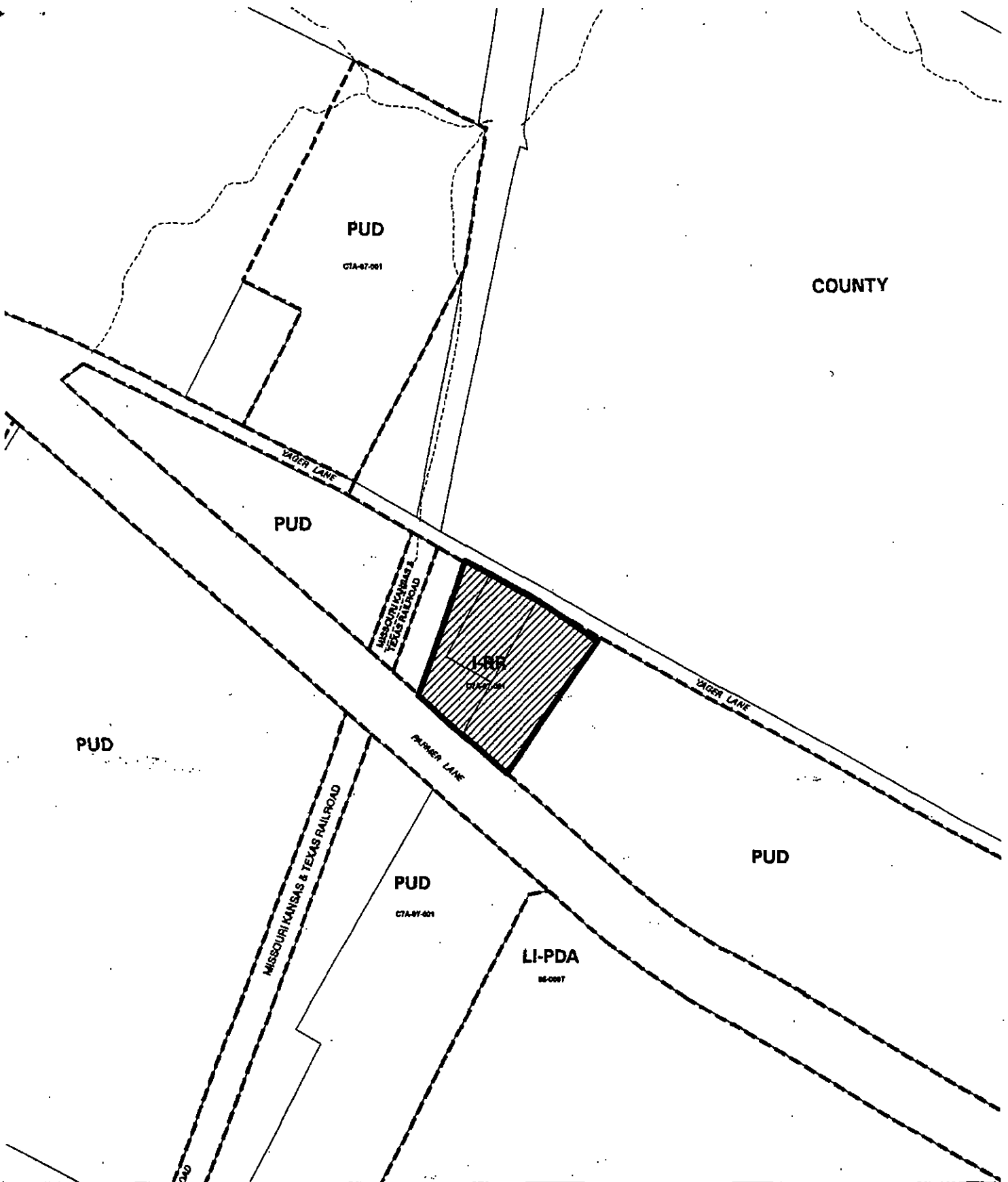






Dana Debeauvoir, County Clerk
By Deputy
S. Hernandez

RECEIPT#1: ADDITIONAL TRAVIS COUNTY DEPT. OF HEALTH RECORDS \$17.00
CASHIER: ASPRI FILE DATE: 12/18/98 TRAVIS COUNTY 12/18/98
PAID BY: LEGALSERV (00000)

Page 2 of 2
Tract 4

13333 2561



 1" = 400'	SUBJECT TRACT		ZONING EXHIBIT B		CITY GRID REFERENCE NUMBER P32
	PENDING CASE				
	ZONING BOUNDARY		CASE #: C14-04-0057	DATE: 04-04	
	CASE MGR: S. GAGER		ADDRESS: 2405 E YAGER LANE	INTLS: SM	
			SUBJECT AREA (acres): 5		