



Zoning
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION

AGENDA ITEM NO.: Z-6
AGENDA DATE: Thu 09/30/2004
PAGE: 1 of 1

SUBJECT: C14-04-0102 - Eskew Place Commercial - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3512-3610 South Lamar Boulevard (West Bouldin Creek and Barton Creek Watersheds-Barton Springs Zone) from single family residence standard lot (SF-2) district zoning to general commercial services-mixed use (CS-MU) combining district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning. Applicant and Agent: Eskew Place Ltd. (Marcus Whitfield). City Staff: Wendy Walsh. 974-7719.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

ZONING CHANGE REVIEW SHEET

CASE: C14-04-0102

Z.P.C. DATE: August 17, 2004

ADDRESS: 3512 –3610 South Lamar Boulevard

OWNER AND APPLICANT: Eskew Place Ltd. (Marcus Whitfield)

ZONING FROM: SF-2

TO: CS-MU **AREA:** 2.231 acres

SUMMARY STAFF RECOMMENDATION:

The staff's alternate recommendation is to grant community commercial – mixed use – conditional overlay (GR-MU-CO) combining district zoning. The Conditional Overlay limits development of the property to less than 2,000 motor vehicle trips per day.

ZONING & PLATTING COMMISSION RECOMMENDATION:

August 17, 2004: *APPROVED STAFF'S RECOMMENDATION OF GR-MU-CO DISTRICT ZONING.*

[K.J.; J.M 2ND] (6-2) B.B., J.D – NAY; C.H – ABSENT

ISSUES:

The applicant has requested a postponement of this rezoning case until the October 21st, 2004 City Council meeting. The postponement request is attached at the very back of the staff report.

DEPARTMENT COMMENTS:

The subject zoning area is one tract that consists of an office, two residences, a garage and a well house, and carries family residence (SF-3) district zoning. The lot has frontage on South Lamar Boulevard, a major arterial. This segment of South Lamar, between Westrock Drive on the north and U.S. Highway 290 on the south, is developed with office and commercial uses, including insurance offices, take-out and sit down restaurants, and auto-related uses (zoned GR and GR-CO), as well as multi-family residences (MF-4). A single family residential neighborhood is located approximately ¼ mile to the north and west. Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

The applicant proposes to rezone the tract to the community commercial-mixed use (GR-MU) district to accommodate unspecified commercial and residential uses. Commercial development would serve the adjacent and nearby residential developments as well as the community by capturing "pass by" traffic from South Lamar as that arterial roadway is heavily used during the AM and PM peak traffic hours. The request also allows for residential development to occur, which would be consistent and compatible with the existing multi-family and commercial development in the area.

Staff supports GR-MU-CO zoning in the context of its location on a major arterial and providing the opportunity for commercial goods and services to occur in proximity to residential development, and 2) establishing a maximum number of daily vehicle trips will limit development to maintain acceptable traffic conditions on adjacent roadways and intersections.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-2	Office; Duplex; Single family residence; Garage; Well house
<i>North</i>	GR; GR-CO; NO-CO; SF-6-CO	Insurance office; Realtor; Auto repair; Personal services
<i>South</i>	MF-4	Apartments
<i>East</i>	CS; CS-1; GR; GR-CO; MF-2; SF-3	Landscape company; Apartments; Restaurants both sit-down and fast food; Pharmacy; Insurance office; Junior high school
<i>West</i>	MF-4; MF-2; SF-2	Apartments; Undeveloped

AREA STUDY: N / A**TIA:** Is not required

WATERSHEDS: West Bouldin Creek – Urban Watershed for the southeast ½ of the tract; approximately (South Lamar Boulevard portion); Barton Creek – Barton Springs Zone for the northwest ½ of the tract, approximately

DESIRED DEVELOPMENT ZONE: Yes for area within the West Bouldin Creek watershed; No for area within Barton Creek watershed

CAPITOL VIEW CORRIDOR: No**SCENIC ROADWAY:** No**NEIGHBORHOOD ORGANIZATIONS:**

428 – Barton Springs / Edwards Aquifer Conservation District

498 – South Central Coalition

511 – Austin Neighborhoods Council

943 – Save Our Springs Alliance

SCHOOLS:

Zilker Elementary School

Porter Junior High School

Travis High School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-96-0077	I-SF-2 to GR; NO; SF-6	To Grant GR-CO; NO- CO, SF-6-CO	Approved GR-CO; NO- CO, SF-6-CO. CO prohibits vehicular access to Westland Drive for GR-CO zoning; 2,000 trip limit across Tracts 1, 2 and 3. 60' r- o-w dedication on South Lamar (8-22-96).
C14-94-0131	LR to GR	To Grant GR-CO	Approved GR-CO with CO prohibiting commercial off-street parking, indoor and outdoor sports and recreation, indoor

			entertainment, pawn shops and theatre (12-1-94).
C14-90-0059	LR to GR; MF-2	To forward the request to City Council without a recommendation.	Approved GR-CO and MF-2, with CO prohibiting commercial off-street parking, indoor and outdoor sports and recreation, indoor entertainment, pawn shops and theatre; sale or rental of electronic video games is prohibited for a general retail sales (general) use on Tract 1 (3-21-91).
C14-85-209	I-SF-2 to GR	To Grant GR	Approved GR. Street dedication on South Lamar Boulevard (6-19-96).
C14-84-299	I-SF-3 to GR	To Grant GR	Approved GR, 1 st Height and Area (2-14-85).

RELATED CASES:

There are no related subdivision or site plan cases on the subject property.

ABUTTING STREETS:

STREET	RIGHT-OF-WAY	PAVEMENT WIDTH	CLASSIFICATION
South Lamar Boulevard	Varies	70 feet	Major Arterial Divided

- There are no existing sidewalks along South Lamar in front of the subject tract.
- South Lamar Boulevard is classified in the Bicycle Plan as a Priority Low Usability bike route.
- Capital Metro bus service is available along South Lamar Boulevard.

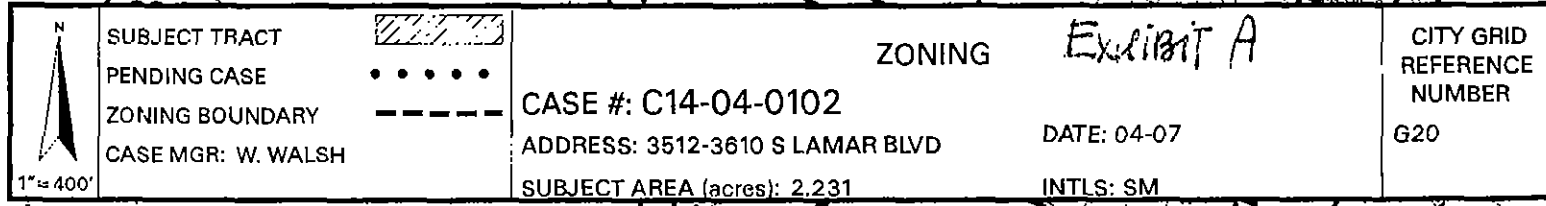
CITY COUNCIL DATE: September 30, 2004 **ACTION:**

ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

CASE MANAGER: Wendy Walsh
e-mail: wendy.walsh@ci.austin.tx.us

PHONE: 974-7719





SUMMARY STAFF RECOMMENDATION:

The staff's alternate recommendation is to grant community commercial – mixed use – conditional overlay (GR-MU-CO) combining district zoning. The Conditional Overlay limits development of the property to less than 2,000 motor vehicle trips per day.

BACKGROUND

The subject zoning area is one tract that consists of an office, two residences, a garage and a well house, and carries family residence (SF-3) district zoning. The lot has frontage on South Lamar Boulevard, a major arterial. This segment of South Lamar, between Westrock Drive on the north and U.S. Highway 290 on the south, is developed with office and commercial uses, including insurance offices, take-out and sit down restaurants, and auto-related uses (zoned GR and GR-CO), as well as multi-family residences (MF-4). A single family residential neighborhood is located approximately ¼ mile to the north and west.

The applicant proposes to rezone the tract to the community commercial-mixed use (GR-MU) district to accommodate unspecified commercial and residential uses. Commercial development would serve the adjacent and nearby residential developments as well as the community by capturing “pass by” traffic from South Lamar as that arterial roadway is heavily used during the AM and PM peak traffic hours. The request also allows for residential development to occur, which would be consistent and compatible with the existing multi-family and commercial development in the area.

Staff supports GR-MU-CO zoning in the context of its location on a major arterial and providing the opportunity for commercial goods and services to occur in proximity to residential development, and 2) establishing a maximum number of daily vehicle trips will limit development to maintain acceptable traffic conditions on adjacent roadways and intersections.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

The purpose statement per the City of Austin Land Development Code states: “The proposed GR, Community Commercial district is intended for office and commercial uses serving neighborhood and community needs, including both unified shopping centers and individually developed commercial sites, and typically requiring locations accessible from major trafficways.” The property has frontage on South Lamar Boulevard, a major arterial roadway.

2. Zoning changes should promote an orderly and compatible relationship among land uses.

The tract is located adjacent to a multi-family residential development on the south and a single family residential neighborhood approximately ¼ mile to the north. Commercial development would primarily serve these neighborhoods while also serving the community by capturing “pass by” traffic from South Lamar as that arterial roadway is heavily used during the AM and PM peak traffic hours. The request also allows for residential development to occur, which would be consistent and compatible with that with existing multi-family and commercial development in the area.

The subject tract is located along South Lamar Boulevard and rezoning to a district more intensive than the existing SF-2 is a reasonable request.

EXISTING CONDITIONS

Site Characteristics

The site is developed with an office, two residences, a garage and a well house, and slopes to the south, towards Barton Creek.

Impervious Cover

The maximum impervious cover allowed by the GR zoning district would be 90% for the area within the West Bouldin Creek watershed (based on the more restrictive zoning regulations), and 20% for the area within the Barton Creek watershed, (based on the more restrictive watershed regulations).

Environmental

The site is not located over the southern Edwards Aquifer Recharge Zone. The site is located in both the Barton Creek and West Bouldin Creek Watersheds of the Colorado River Basin. The portion of the site that is located within the Barton Creek Watershed is classified as being in the Barton Springs Contributing Zone, and as such is classified as being within a Barton Springs Zone (BSZ) Watershed. Project applications within BSZ Watersheds that drain directly to Barton Creek are subject to the SOS Ordinance which allows 20% impervious cover in the contributing zone.

That portion of the site that is within the West Bouldin Creek Watershed is classified as being within an Urban Watershed by Chapter 25-8 of the City's Land Development Code. Impervious cover is not limited in this watershed class. This portion of the site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm.

According to flood plain maps, there is no flood plain within the project area.

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.

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

TPSD 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 rezoning 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.

Transportation

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

The trip generation under the requested zoning is estimated to be 6,692 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. [I.D.C., 25-6-117]

Water and Wastewater

The site is served with City water and wastewater utilities. If water or wastewater utility improvements, or offsite main extension, or system upgrades, or utility relocations, 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

This site is located in the Barton Springs Zone.

A change of use within the existing structure would not trigger compatibility development regulations. However, any new construction on this site would be subject to compatibility development regulations due to the existing SF-2 zoned property to the north, and would be subject to the following requirements:

Along the north property line, the following standards apply:

- No structure may be built within 25 feet of the property line.
- 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.
- A landscape area at least 25 feet in width is required along the property line if the tract is zoned LR, GO, GR, L, CS, CS-1, or CH.

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.

- For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.

Additional design regulations will be enforced at the time a site plan is submitted.

ORDINANCE NO. _____

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE
2 PROPERTY LOCATED AT 3512 THROUGH 3610 SOUTH LAMAR
3 BOULEVARD FROM SINGLE FAMILY RESIDENCE STANDARD LOT (SF-2)
4 DISTRICT TO COMMUNITY COMMERCIAL-MIXED USE-CONDITIONAL
5 OVERLAY (GR-MU-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
11 community commercial-mixed use-conditional overlay (GR-MU-CO) combining district
12 on the property described in Zoning Case No.C14-04-0102, on file at the Neighborhood
13 Planning and Zoning Department, as follows:
14

15 A 2.231 acre tract of land, more or less, out of the Charles H. Riddle Survey No.
16 19, 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 3512 through 3610 South Lamar Boulevard, in the City of Austin, Travis
20 County, Texas, and 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 A site plan or building permit for the Property may not be approved, released, or
26 issued, if the completed development or uses of the Property, considered cumulatively with
27 all existing or previously authorized development and uses, generate traffic that exceeds
28 2,000 trips per day.
29

30 Except as specifically restricted under this ordinance, the Property may be developed and
31 used in accordance with the regulations established for the community commercial (GR)
32 base district and other applicable requirements of the City Code.
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1
2 **PART 3.** This ordinance takes effect on _____, 2004.
3

4
5 **PASSED AND APPROVED**

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7
8
9 _____, 2004

§
§
§

Will Wynn
Mayor

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11
12
13
14 **APPROVED:** _____

David Allan Smith
City Attorney

ATTEST: _____

Shirley A. Brown
City Clerk

METES AND BOUNDS DESCRIPTION

BEING A 2.231 ACRE TRACT OF LAND LOCATED IN THE CHARLES H. RIDDLE SURVEY NO. 19, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, SAME BEING ALL OF THAT CERTAIN 2 ACRE TRACT LAND DESCRIBED BY DEED TO D.C. ESKEW RECORDED IN VOLUME 846 AT PAGE 215 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, AND ALL OF THAT CERTAIN 0.26 ACRE TRACT LAND DESCRIBED BY DEED TO LORENE SHAFFER ESKEW RECORDED IN VOLUME 8738 AT PAGE 621 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 2.231 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 5/8-inch iron pipe found on the northwesterly right of way line of Lamar Boulevard (100' ROW) at the southeasterly corner of said Eskew 2 acre tract, from which point a 1/2-inch iron rod in concrete found at the southwesterly corner Lot 1 of Andrews Tract Subdivision, a subdivision of record in Book 86 at Page 74A of the Plat Records of Travis County, Texas, bears N 53°16'00" W, 10.41 feet, said 5/8-inch iron pipe being the southeasterly corner hereof;

THENCE along said northwesterly right of way line and the southeasterly line of said Eskew 2 acre tract, S 51°36'27" W, 273.02 feet to a 1/2-inch iron rod found at the most southerly common corner of said Eskew 0.26 acre tract and Lot C of Barton Creek Plaza, a subdivision of record in Book 81 at Page 369 of the Plat Records of Travis County, Texas, for the southwesterly corner hereof;

THENCE along the common line of said Eskew 0.26 acre tract and said Lot C, N 46°35'10" W, 358.97 feet to a 1/2-inch iron rod found for the northwesterly corner hereof;

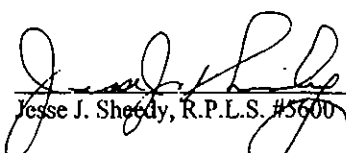
THENCE along the common line of said Eskew 2 acre tract and said Lot C, N 23°44'44" E, 223.86 feet to a 5/8-inch iron pipe found at the common corner of said Eskew 2 acre tract, said Lot C and that certain 5.728 acre tract described by deed to Alejandro Salazar recorded as Document No. 1999154810 of the Official Public Records of Travis County, Texas, for the northeasterly corner hereof;

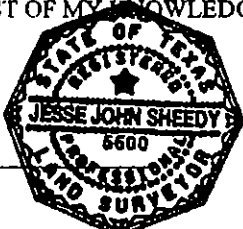
THENCE along the common line of said Eskew 2 acre tract and said 5.728 acre Salazar tract, S 50°56'53" E, 57.48 feet to a 1/2-inch iron rod found at the most northerly common corner of said Eskew 2 acre tract and the aforementioned Lot 1 of Andrews Tract Subdivision, for an angle point in the northeasterly line hereof;

THENCE along the common line of said Eskew 2 acre tract and said Lot 1 of Andrews Tract Subdivision the following three (3) courses:

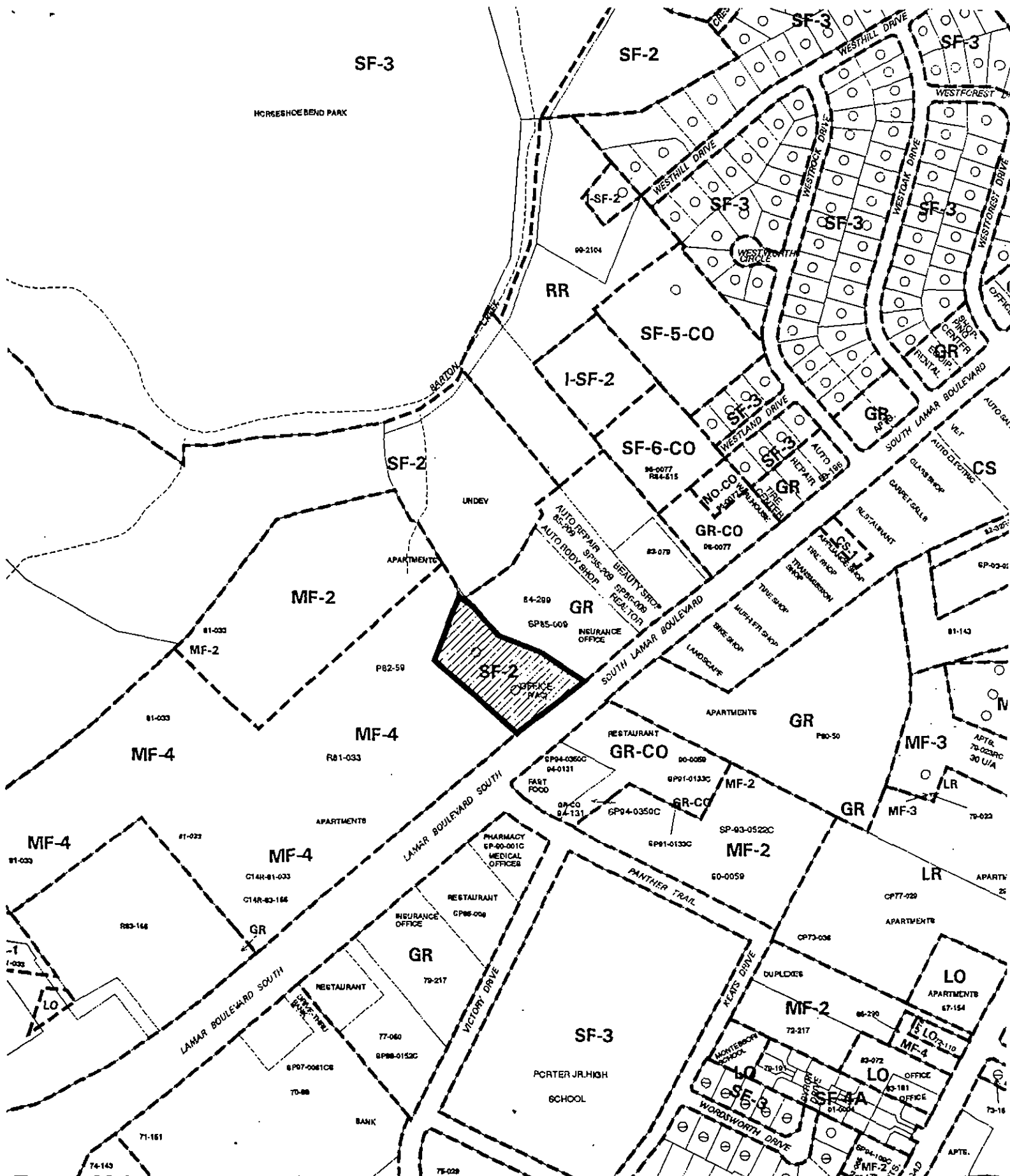
- 1) S 37°40'55" E, 93.49 feet to a 1/2-inch iron rod found for an angle point in the northeasterly line hereof;
- 2) S 65°00'34" E, 154.39 feet to a 1/2-inch iron rod in concrete found for an angle point in the northeasterly line hereof;
- 3) S 53°16'00" E, 178.28 feet to the POINT OF BEGINNING for the end of this description which contains 2.231 acres of land, more or less.

I HEREBY CERTIFY THAT THIS METES AND BOUNDS DESCRIPTION WAS PREPARED FROM A SURVEY PERFORMED ON THE GROUND UNDER MY SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.


Jesse J. Sheedy, R.P.L.S. #5600



(The bearings shown hereon are referenced to deed recorded in Vol. 846 at Pg. 215 of the Deed Records of Travis County, Texas.)



 1" = 400'	SUBJECT TRACT 	ZONING EXHIBIT 13		CITY GRID REFERENCE NUMBER G20
	PENDING CASE 			
	ZONING BOUNDARY 	CASE #: C14-04-0102	DATE: 04-07	
	CASE MGR: W. WALSH	ADDRESS: 3512-3610 S LAMAR BLVD	INTLS: SM	
SUBJECT AREA (acres): 2.231				

Walsh, Wendy

From: Marcus Whitfield [mwhitfield@thewhitfieldco.com]
Sent: Wednesday, September 22, 2004 5:06 PM
To: Walsh, Wendy
Cc: 'Gail Whitfield'
Subject: Request for Postponement of 3600 S Lamar (Eskew Place) to Oct. 21st

Ms. Wendy Walsh

Per our conversation, please consider this email a written request for the postponement of the rezoning for 3600 S Lamar (Eskew Place).

We are in the process of analyzing Multi-Family (MF) zoning, per Betty Bakers request at the P & Z meeting, and will need until the Oct. 21st meeting to access.

Thank You
Marcus Whitfield

From: Wendy.Walsh@ci.austin.tx.us [mailto:Wendy.Walsh@ci.austin.tx.us]
Sent: Thursday, September 02, 2004 2:33 PM
To: mwhitfield@thewhitfieldco.com
Subject: RE: http://www.cityofaustin.org/doorstep/2004/august_04.htm

Mark,

Sorry for the confusion here. I went to the website and realize that this schedule was automatically created at the time of filing the Eskew Place application with the City and did not account for various circumstances in the review process. However, we're still on for the 30th of September City Council meeting and I'll let you know when I receive the ordinance from our Law Department so you will have it when the Council considers this rezoning application.

Wendy

-----Original Message-----

From: Mark [mailto:mwhitfield@thewhitfieldco.com]
Sent: Thursday, September 02, 2004 2:04 PM
To: Walsh, Wendy
Subject: http://www.cityofaustin.org/doorstep/2004/august_04.htm

http://www.cityofaustin.org/doorstep/2004/august_04.htm

Zone In

The following zoning cases are tentatively scheduled for the Sept. 2, 2004, Austin City Council Agenda.

C14-04-0102 - Eskew Place, Ltd. (Marcus Whitfield), by Eskew Place, Ltd. (Marcus Whitfield), 3512 S. Lamar Blvd. From SF-2 to CS. (West Bouldin Creek). City Staff Wendy Walsh, (512) 974-7719.