



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

**AGENDA ITEM NO.: Z-4**  
**AGENDA DATE: Thu 09/30/2004**  
**PAGE: 1 of 1**

**SUBJECT:** C14-04-0123 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5524 U.S. Highway 290 West (Barton Creek Watershed -Barton Springs Zone) from development reserve (DR) district zoning to general commercial services (CS) district zoning. Zoning and Platting Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning. Applicant: 5524 Investors, L.P. (Keith Pool). Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Robert Heil, 974-2330.

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

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

## ZONING CHANGE REVIEW SHEET

**CASE:** C14-04-0123

**Z. P.C. DATE:** September 7, 2004

**ADDRESS:** 5524 US HWY 290 West

**OWNER/APPLICANT:** 5524 Investors, L.P. (Keith Pool)

**AGENT:** Jim Bennett Consulting  
(Jim Bennett)

**ZONING FROM:** DR

**TO:** CS

**AREA:** 1.690 acres

### **SUMMARY STAFF RECOMMENDATION:**

The Staff's alternate recommendation is to grant General Commercial Services – Conditional Overlay (CS-CO) with a restrictive covenant.

A conditional overlay is recommended to enforce the decision of the applicant to forgo a Traffic Impact Analysis by limiting development to levels that would not generate more than 2000 additional trips per day.

Additionally, due to the location of the business in the Barton Creek Watershed, and the Southern Edwards Aquifer Recharge Zone, the staff has requested a Restrictive Covenant to provide for an Integrated Pest Management plan, native landscaping, and prohibiting the use of coal-based sealants on paved areas. The applicant has agreed to this request.

### **ZONING & PLATTING COMMISSION RECOMMENDATION:**

September 7, 2004: Recommends CS-CO. Allowable CS uses are Construction Sales and Services and all GR uses, Pawn Shops are prohibited and trips are limited to 2000 additional trips per day. ZAP also recommends the a Restrictive Covenant to provide for an Integrated Pest Management plan, native landscaping, and prohibiting the use of coal-based sealants on paved areas. **The vote was 8-0 with Joseph Martinez absent.**

### **DEPARTMENT COMMENTS:**

The subject area consists of one vacant tract currently zoned Development Reserve (DR). The site fronts the access road to US Hwy 290 West. Adjacent uses include a portable building sales business on CS – CO zoning to the East, and office building and towing yard on CS zoning to the north and an auto sales business on DR zoning to the west. Across US Hwy 290 on SF-2 zoned land is the Small Middle School. Please see Exhibits A (Zoning Map) and B (Aerial View).

The applicant is proposing CS zoning for a construction sales and service office.

Alternatively, staff recommends CS-CO zoning. This major arterial is an appropriate location for an construction office. A conditional overlay is recommended to enforce the decision of the applicant to forgo a Traffic Impact Analysis by limiting development to levels that would not generate more than 2000 additional trips per day.

Due to the location of the business in the Barton Creek Watershed, and the Edwards Aquifer Recharge Zone, the staff requested a Restrictive Covenant to provide for an Integrated Pest Management plan, native landscaping, and prohibiting the use of coal-based sealants on paved areas.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	DR	Vacant
<i>North</i>	CS	Office Building and Towing Yard
<i>South</i>	SF-2	Public Middle School (AISD – Small Middle School)
<i>East</i>	CS-CO	Portable Building Sales
<i>West</i>	DR	Auto Sales

**AREA STUDY:** None

**TIA:** Waived

**WATERSHED:** Barton Creek  
(Barton Springs Zone)

**DESIRED DEVELOPMENT ZONE:** No

**CAPITOL VIEW CORRIDOR:** No

**HILL COUNTRY ROADWAY:** No

**REGISTERED NEIGHBORHOOD ORGANIZATIONS:**

Oak Hill Association of Neighborhoods (OHAN)  
Save Barton Creek Association  
Barton Springs Coalition  
Barton Springs/Edwards Aquifer Conservation District  
City of Rollingwood  
Save Our Springs Alliance

**SCHOOLS: (AISD)**

Patton Elementary

Small Middle

Austin High

**CASE HISTORIES:**

The property immediately to the east, 5510 US Hwy 290 W, was affected by C14-02-0188. This case changed the zoning from DR to CS-CO, with the Conditional Overlay that prohibited several specific uses, namely:

- Agricultural sales and services
- Building maintenance and services
- Campground
- Convenience Storage
- Equipment repair services
- Kennels
- Bulk laundry services
- Construction sales and services
- Commercial blood plasma centers
- Vehicle storage
- Veterinary services
- Adult oriented businesses

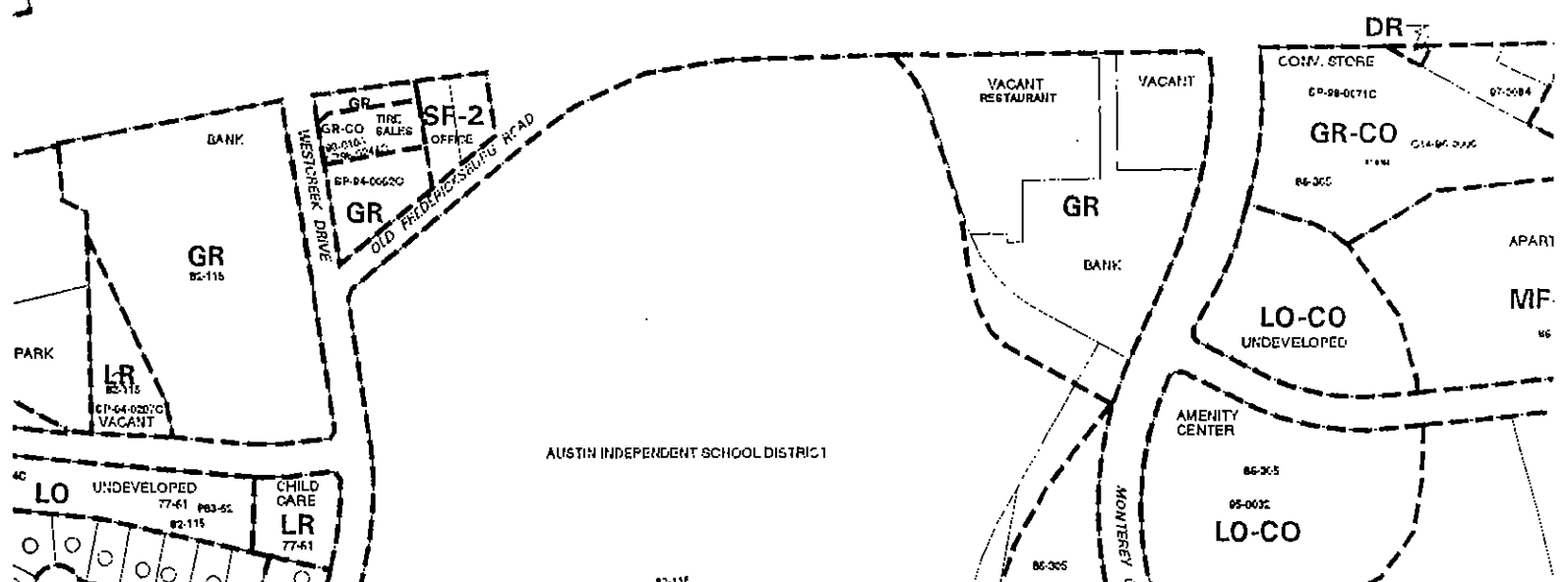
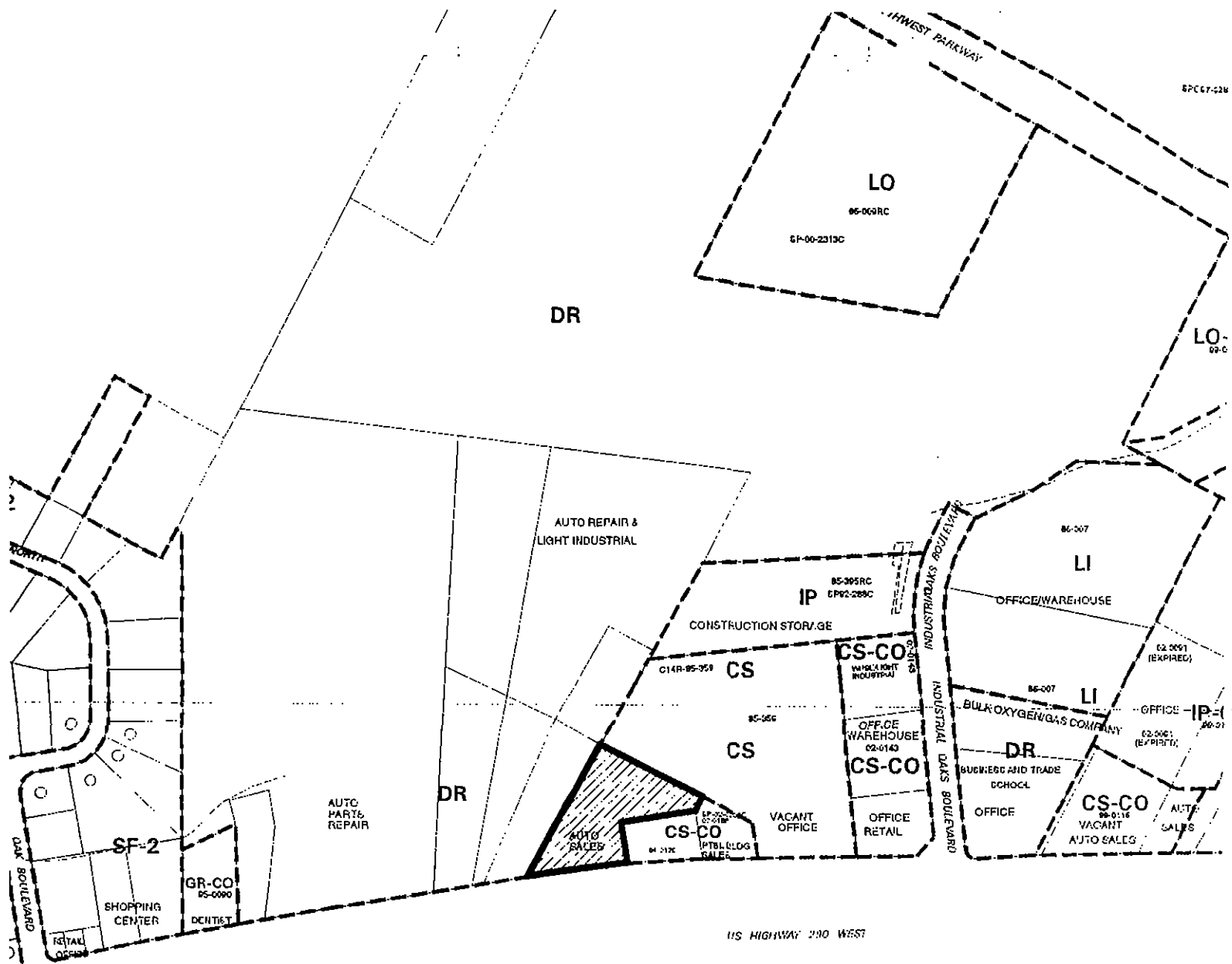
Additionally the conditional overlay limited signage to one berm sign and required compliance with the standards of the SOS petition ordinance.


**ABUTTING STREETS:**

<b>Name</b>	<b>Right-of-way</b>	<b>Pavement</b>	<b>Classification</b>	<b>Daily Traffic</b>
US Hwy 290 West	400'	Varies	Arterial	60,000 ('00)

- There are no existing sidewalks along US Hwy 290 West.
- US Hwy 290 West is classified in the Bicycle Plan as a Priority 2 bike route.
- Capital Metro bus service is available along US Hwy 290 West.
- No additional right-of-way is needed at this time.

**CITY COUNCIL DATE:** September 30, 2004**ACTION:****ORDINANCE READINGS:** 1<sup>st</sup>2<sup>nd</sup>3<sup>rd</sup>**ORDINANCE NUMBER:****CASE MANAGER:** Robert Heil  
e-mail address: robert.heil@ci.austin.tx.us**PHONE:** 974-2330



 <p>1" = 400'</p> <p>SUBJECT TRACT</p> <p>PENDING CASE</p> <p>ZONING BOUNDARY</p> <p>CASE MGR: R. HEIL</p>	<p><b>ZONING</b></p> <p>CASE #: C14-04-0123</p> <p>ADDRESS: 5524 W US HWY 290</p> <p>SUBJECT AREA (acres): 1.690</p> <p>DATE: 04-08</p> <p>INTLS: SM</p>	<p>CITY GRID REFERENCE NUMBER</p> <p>D19</p>
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**SUMMARY STAFF RECOMMENDATION****C14-04-0123**

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Additionally, due to the location of the business in the Barton Creek Watershed, and the Southern Edwards Aquifer Recharge Zone, the staff has requested a Restrictive Covenant to provide for an Integrated Pest Management plan, native landscaping, and prohibiting the use of coal-based sealants on paved areas. The applicant has agreed to this request.

**BACKGROUND**

The subject area consists one vacant tracts currently zoned Development Reserve (DR). The site fronts the access road to US Hwy 290. Adjacent uses include a portable building sales business on CS –CO zoning to the East, and office building and towing yard on CS zoning to the north and an auto sales business on DR zoning to the west. Across US Hwy 290 on SF-2 zoned land is the Small Middle School. Please see Exhibits A (Zoning Map) and B (Aerial View).

The applicant is proposing CS zoning for a construction sales and service office.

**BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)**

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

CS –Commercial Services is intended for commercial or industrial activities which typically have operating characteristics or traffic service requirements generally incompatible with residential environments, such as equipment sales, custom manufacturing, vehicle storage, or construction services.

2. *Zoning changes should promote compatibility with adjacent and nearby uses.*

Staff recommends CS-CO zoning with conditions, as is compatible with the surrounding commercial uses, and is an appropriate use for a major arterial.

**EXISTING CONDITIONS****Site Characteristics**

The site is currently vacant. There appear to be no significant topographical constraints on the site.

**Impervious Cover**

This site is located over the Southern Edward's Aquifer Recharge Zone. The site is in the Barton 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 15% impervious cover in the recharge zone.

**Environmental**

According to flood plain maps, there is no flood plain 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.

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 regulations

**Transportation**

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

The trip generation under the requested zoning is estimated to be 8741 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 existing sidewalks along US Hwy 290 West.

US Hwy 290 West is classified in the Bicycle Plan as a Priority 2 bike route.

Capital Metro bus service is available along US Hwy 290 West.

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

The landowner must pay all required water and wastewater utility tap permit, impact, construction inspection, and utility plan review fees.

**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 south & east feet 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.
- 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.