Zoning CITY OF AUSTIN RECOMMENDATION FOR COUNCIL ACTION

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

PAGE: 1 of 1

<u>SUBJECT:</u> C14-04-0105 - 8708 Congress Avenue - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 8706 and 8708 South Congress Avenue (Onion Creek Watershed) 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: Pennington Limited Partnership (Donald Ward Pennington). Agent: Pennington Limited Partnership (Kay Batson). City Staff: Wendy Walsh, 974-7719.

REQUESTING Neighborhood Planning **DIRECTOR'S**

DEPARTMENT: and Zoning **AUTHORIZATION:** Greg Guernsey

RCA Serial#: 6361 Date: 09/30/04 Original: Yes

Disposition: Adjusted version published:

Published:

ZONING CHANGE REVIEW SHEET

CASE: C14-04-0105 Z.P.C. DATE: August 17, 2004

ADDRESS: 8706 and 8708 South Congress Avenue

OWNER AND APPLICANT: Pennington Limited AGENT: Pennington Limited

Partnership (Donald Ward Pennington) Partnership (Kay Batson)

ZONING FROM: DR **TO:** CS **AREA:** 6.227 acres

SUMMARY STAFF RECOMMENDATION:

The staff's alternate recommendation is to grant commercial services – conditional overlay (CS-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 CS-CO ZONING; BY CONSENT.

 $[J.M; J.G 2^{ND}]$ (8-0) C.H - ABSENT

ISSUES:

None at this time.

DEPARTMENT COMMENTS:

The subject zoning consists of two legal tracts occupied by a vacant truck parts business with warehouses on-site and is zoned development reserve (DR) district. Access is taken to South Congress Avenue, a major arterial roadway. This segment of South Congress Avenue between Ralph Ablanedo Drive on the north and Slaughter Lane on the south consists of undeveloped land, a lounge and auto-related uses (zoned DR and CS-CO). Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

The applicant proposes to rezone the tract to the general commercial services (CS) district to accommodate unspecified commercial uses. Commercial zoning is appropriate along South Congress Avenue, a major arterial roadway and is consistent with the pattern of zoning and land uses which has been established between Ralph Ablanedo and Slaughter Lane. The conditional overlay establishes a maximum number of daily vehicle trips that will limit development to maintain acceptable traffic conditions on adjacent roadways and intersections.

EXISTING ZONING AND LAND USES:

| | ZONING | LAND USES |
|-------|------------------------------------|--|
| Site | ite DR Vacant truck parts business | |
| North | DR; CS-CO; GR-MU- CO | Auto repair; Lounge; Towing services; Farmers market |
| South | CS-CO; GR-CO | Undeveloped; Telecommunications tower; Service station; Food sales |
| East | LI-CO; DR; SF-2 | Auto salvage; Undeveloped |
| West | CS-CO; SF-2; DR; I-RR | Auto parts business; Auto auction; Undeveloped; Communication service business; Service station; Auto repair; Retail; Office-warehouse; Auto salvage |

AREA STUDY: N/A

TIA: Is not required

WATERSHED: Onion Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

26 - Far South Austin Community Association

262 - Beaconridge Neighborhood Assn.

300 - Terrell Lane Interceptor Association

428 - Barton Springs / Edwards Aquifer Conservation District

511 - Austin Neighborhoods Council

627 - Onion Creek Homeowners Assn.

948 - South by Southeast Neighborhood Organization

SCHOOLS:

Williams Elementary School

Paredes Middle School

Bowie High School

CASE HISTORIES:

| NUMBER | REQUEST | COMMISSION | CITY COUNCIL |
|-------------|--|---|---|
| C14-03-0076 | DR to GR-MU | To Grant GR-MU-CO with CO to prohibit all residential uses except the existing residences | Approved GR-MU-CO as recommended by ZAP Commission (7-17-03) |
| C14-00-2114 | I-RR to CS | To Grant CS-CO | Approved CS-CO with prohibited uses: campground; kennels; pawn shops; vehicle storage; adult-oriented businesses; a sign may not be visible from IH-35 (10-23-00) |
| C14-99-2001 | CS-CO to CS-CO, to delete a Conditional Overlay | To Grant CS-CO | Approved CS-CO, with CO for 2,000 trips; prohibit pawn shops and adult-oriented uses; |

| | | | F.A.R. of 1:1 (12-9-99). |
|-------------|-----------------------|---|--|
| C14-96-0017 | I-RR; DR; GR to CS | To Grant CS-CO with additional conditions | Approved CS-CO with CO for prohibited uses of campground, kennels, vehicle storage, pawnshops; no access to Cullen Lane, 2,000 trips (4-24-97). |
| C14-92-0131 | DR to CS | To Grant CS-C'O | Approved CS-CO with CO establishing maximum 85,000 s.f. of gross floor area for general retail sales (convenience) and 5,600 s/f/ for restaurant (drivein, fast food) (2-25-93). |
| C14-92-0130 | DR to CS | To Grant CS-CO | Approved CS-CO with CO establishing maximum 29,800 s.f. of gross floor area for general retail sales (general and convenience) (2-25-93). |

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 Congress Avenue | 150 feet | 4 lanes, undivided | Major Arterial |

- There are no existing sidewalks along South Congress Avenue.
- Capital Metro bus service is available along South Congress Avenue.
- No additional right-of-way is needed at this time.

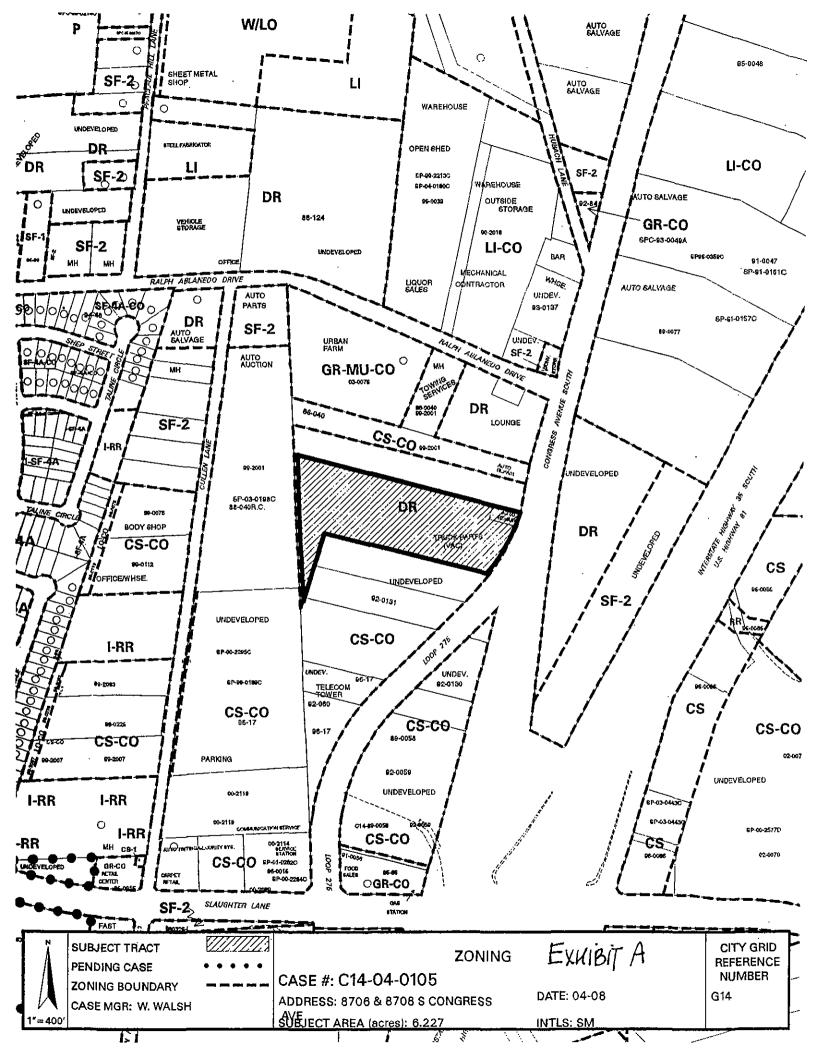
CITY COUNCIL DATE: September 30, 2004 ACTION:

ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

CASE MANAGER: Wendy Walsh PHONE: 974-7719

e-mail: wendy.walsh@ci.austin.tx.us





SUMMARY STAFF RECOMMENDATION:

The staff's alternate recommendation is to grant commercial services – conditional overlay (CS-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 consists of two legal tracts occupied by a vacant truck parts business with warehouses on-site and is zoned development reserve (DR) district. Access is taken to South Congress Avenue, a major arterial roadway. This segment of South Congress Avenue between Ralph Ablanedo Drive on the north and Slaughter Lane on the south consists of undeveloped land, a lounge and auto-related uses (zoned DR and CS-CO).

The applicant proposes to rezone the tract to the general commercial services (CS) district to accommodate unspecified commercial uses. Commercial zoning is appropriate along South Congress Avenue, a major arterial roadway and is consistent with the pattern of zoning and land uses which has been established between Ralph Ablanedo and Slaughter Lane. The conditional overlay establishes a maximum number of daily vehicle trips that 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: "CS, General Commercial Services, zoning is intended for commercial or industrial uses that typically have operating characteristics or traffic service requirements generally incompatible with residential environments."

The CS, General Commercial Services district is best suited for uses located at intersections of arterial roadways or arterials with collector status. The intention is to promote safe and efficient use of transportation facilities. The property has frontage on South Congress Avenue and is in proximity to Slaughter Lane, both of which are major arterial roadways.

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

Commercial zoning is appropriate along South Congress Avenue which is classified as a major arterial, and is consistent with the pattern of zoning and land uses which has been established between Ralph Ablanedo and Slaughter Lane.

The conditional overlay establishes a maximum number of daily vehicle trips which will limit development to maintain acceptable traffic conditions on adjacent roadways and intersections.

EXISTING CONDITIONS

Site Characteristics

The site is developed with a vacant truck parts business. There appear to be no significant topographical constraints on the site.

Impervious Cover

The maximum impervious cover allowed by the CS zoning district would be 80%, which is based on the more restrictive watershed regulations described below.

Environmental

The site is not located over the Edward's Aquifer Recharge Zone. The site is in the Onion 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:

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

In the Water Quality Transition Zones, impervious cover is limited to 30%.

According to flood plain maps, there is no flood plain in, or within close proximity of, 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 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 which 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-ofway dedication or reservation for funded C.I.P. or T.S.M. projects at this location.

Transportation

The trip generation under the requested zoning is estimated to be 20,220 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]

Water and Wastewater

The landowner intends to serve the site with City water and wastewater utilities. The landowner will be responsible for providing all required water and wastewater utility improvements, system upgrades, offsite main extension, and utility adjustment to serve the site and land use. 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.

Compatibility Standards

The site is subject to compatibility standards, because SF-5 or less restrictive zoning is within 540 feet. Along the west and east property lines, the following standards apply:

- 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.
- · 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.

| ORDINANCE | NO. | |
|------------------|-----|--|
| | | |

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 8706 AND 8708 SOUTH CONGRESS AVENUE FROM DEVELOPMENT RESERVE (DR) DISTRICT TO GENERAL COMMERCIAL SERVICES-CONDITIONAL OVERLAY (CS-CO) COMBINING DISTRICT.

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

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from development reserve (DR) district to general commercial services-conditional overlay (CS-CO) combining district on the property described in Zoning Case No.C14-04-0105, on file at the Neighborhood Planning and Zoning Department, as follows:

A 6.227 acre tract of land, more or less, out of the F.M. Hodges Survey No. 22, in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance, (the "Property")

locally known as 8706 and 8708 South Congress Avenue, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

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

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

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

| PART 3. This or | dinance takes effect on | | , 2 |
|-----------------|-------------------------|----------|----------|
| | | | · |
| PASSED AND A | APPROVED | | |
| | | 8 | |
| | | \$ \$ | |
| | , 2004 | § | |
| | | Will Wyn | n |
| | | Mayor | |
| APPROVED: | | ATTEST: | |
| AFFROVED: _ | David Allan Smith | | A. Brown |
| | City Attorney | | Clerk |

Draft: 9/12/2004



Professional Land Surveying, Inc. Surveying and Mapping

EXHIBIT N

C14-04-0105 C5-C0 district 3011/9, Office: 512-443-1724

Fax: 512-441-6987

2807 Manchaca Road Building One Austin, Texas 78704

6.227 ACRES ZONING DESCRIPTION

A DESCRIPTION OF 6.227 ACRES OUT OF THE F. M. HODGES SURVEY NO. 22, BEING A PORTION OF A 6.36 ACRE TRACT DESCRIBED IN A WARRANTY DEED TO DONALD WARD PENNINGTON DATED JANUARY 29, 1996 AND RECORDED IN VOLUME 12616, PAGE 411 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, AND A PORTION OF A 0.164141 ACRE TRACT DESCRIBED IN A WARRANTY DEED TO DONALD WARD PENNINGTON DATED JANUARY 29, 1996 AND RECORDED IN VOLUME 12616, PAGE 399 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 6.227 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" rebar found in the west line of South Congress Avenue (Loop 275, right-of-way width varies), in the south line of the said 6.36 acre tract, being in the north line of a 2.5 acre tract described in a Deed to Georgia B. Lucas dated March 1, 1955 and recorded in Volume 1547, Page 13 of the Deed Records of Travis County, Texas, from which a TxDOT type II disk found in the west line of South Congress Avenue, at station 409+01.49, bears South 43°03'30" West, a chord distance of 65.27 feet;

THENCE departing the west right-of-way line of South Congress Avenue, North 75°59'58" West, along the common line of the said 2.5 acre tract and the 6.36 acre tract, a distance of 696.40 feet to a 1/2" rebar found at an interior corner of the 6.36 acre tract, being the northwest corner of the said 2.5 acre tract;

THENCE South 17°16'05" West, continuing along the common line of the said 2.5 acre tract and the 6.36 acre tract, a distance of 139.75 feet to a 1/2" iron pipe found at the southwest corner of the said 2.5 acre tract, being the northwest corner of a second 2.50 acre tract described in a Deed to Georgia B. Lucas dated April 14, 1950 and recorded in Volume 1466, Page 308 of the Deed Records of Travis County, Texas;

THENCE South 17°08'35" West, along the common line of the 6.36 acre tract and the second 2.50 acre tract, a distance of 138.84 feet to a 1/2" iron pipe found at the southwest corner of the second 2.50 acre tract, being the northwest corner of a third 2.50 acre tract described in a Deed to Georgia B. Lucas dated July 11, 1950 and recorded in Volume 1062, Page 109 of the Deed Records of Travis County, Texas;

THENCE South 15°35'47" West, along the common line of the 6.36 acre tract and the third 2.50 acre tract, a distance of 18.55 feet to a 1" rebar found at the south corner of the 6.36 acre tract, at an angle point in the west line of the third 2.50 acre tract, being in the east line of Lot 3, Tom F. Dunnahoo Subdivision, a subdivision in Travis County,

Texas, according the map or plat thereof, recorded in Volume 683, Page 1 of the Deed Records of Travis County, Texas;

THENCE North 2°28'46" West, along the west line of the 6.36 acre tract, a portion of which being the east line of said Lot 3, and a portion of which being the east line of Lot 1, E. K. Stegall Subdivision, a subdivision in Travis County, Texas, according to the map or plat thereof, recorded in Volume 44, Page 42 of the Plat Records of Travis County, Texas, a distance of 613.15 feet to a nail with shiner set at the northwest corner of the 6.36 acre tract, being the southwest corner of a tract described in a Gift Deed to Lilla Grace Bell Sullivan dated November 14, 1996 and recorded in Volume 12820, Page 255 of the Real Property Records of Travis County, Texas, from which a 1/2" rebar found at the northwest corner of the said Sullivan tract, in the east line of said Lot 1, bears North 2°28'46" West, a distance of 127.76 feet:

THENCE South 75°30'25" East, along the common line of the 6.36 acre tract and the Sullivan tract, at a distance of 834.40 feet passing a calculated point for the northwest corner of the said 0.164141 acre tract, and continuing along the north lines of the 6.36 acre tract and the 0.164141 acre tract for a total distance of 962.69 feet to a TxDOT type II disk found in the west right-of-way line of South Congress Avenue, from which another TxDOT type II disk found in the west right-of-way line of South Congress Avenue, at the southeast corner of the Sullivan tract, bears South 76°06'07" East, a distance of 1.31 feet;

THENCE over and across the 6.36 acre tract and the 0.164141 acre tract, along the west right-of-way line of South Congress Avenue, along a curve to the right, having a radius of 740.00 feet, a delta angle of 4°17'06", an arc length of 55.34 feet, and a chord which bears South 19°54'53" West, a distance of 55.33 feet to a 1/2" rebar found in the south line of the 0.164141 acre tract:

THENCE continuing over and across the 6.36 acre tract, along the west right-of-way line of South Congress Avenue, along a curve to the right, having a radius of 740.00 feet, a delta angle of 18°33'21", an arc length of 239.66 feet, and a chord which bears South 31°11'21" West, a distance of 238.61 feet to the **POINT OF BEGINNING**, containing 6.227 acres of land, more or less.

Surveyed on the ground in June 2004. Bearing Basis: Bearing Basis: Grid Azimuth for Texas Central Zone, 1983/93 HARN values from LCRA control network. Attachments:

Drawing 442-001-BD.

Robert C. Watts, Jr.

Registered Professional Land Surveyor

State of Texas No. 4995

6-30-04

SKETCH TO ACCOMPANY A DESCRIPTION OF 6.227 ACRES OUT OF THE F. M. HODGES SURVEY NO. 22, BEING A PORTION OF A 6.36 ACRE TRACT DESCRIBED IN A WARRANTY DEED TO DONALD WARD PENNINGTON DATED JANUARY 29, 1996 AND RECORDED IN VOLUME 12616, PAGE 411 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, AND A PORTION OF A 0.164141 ACRE TRACT DESCRIBED IN A WARRANTY DEED TO DONALD WARD PENNINGTON DATED JANUARY 29, 1996 AND RECORDED IN VOLUME 12616, PAGE 399 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS.

BEARING BASIS: GRID AZIMUTH FOR TEXAS CENTRAL ZONE, 1983/93 HARN VALUES FROM LCRA CONTROL NETWORK.

ATTACHMENTS: METES AND BOUNDS DESCRIPTION 442-001-BD.

| | CURVE TABLE | | | | | | |
|-----|-------------------|---------|--------|--------|--------|-------------|------------------------|
| NO. | DELTA | RADIUS | TAN | ARC | CHORD | BEARING | RECORD CHORD |
| C1 | 4*17'06" | 740.00 | 27.68 | 55.34 | 55.33 | S19'54'53"W | (S19'46'51"W 55.28') |
| C2 | 18'33'21" | 740.00 | 120.89 | 239.66 | 238.61 | S31'11'21"W | (\$31'12'10"W 238.70') |
| C3 | 5 : 03'20" | 740.00 | 32.67 | 65.29 | 65.27 | S43'03'30"W | (\$43°00'32"W 65.20') |
| C4 | 2'09'14" | 740.00' | 13.91 | 27.82' | 27.82 | S18'50'57"W | |
| C5 | 2'07'51" | 740.00 | 13.76' | 27.52 | 27.52' | S20'59'30"W | |

| | LINE TABLE | | | | | | |
|------------|-------------|--------|---------------------|--|--|--|--|
| No. | BEARING | LENGTH | RECORD LINE | | | | |
| <u>1</u> | S15'35'47"W | 18.55 | (S19'37'W 15.30') | | | | |
| L2 | S76'06'07"E | 1.31 | (S75°56'40"E 1.45') | | | | |
| L3 | S29'16'37"W | 4.53' | | | | | |
| <u>L</u> 4 | S09'38'58"W | 4.19 | | | | | |
| 5 | N67'19'39"W | 3.02' | | | | | |

LEGEND

- REBAR FOUND (SIZE NOTED)
- A NAIL WITH SHINER SET
- IRON PIPE FOUND (SIZE NOTED)
- TxDOT TYPE II DISK FOUND.
- ▲ NAIL FOUND
- CALCULATED POINT

DATE OF SURVEY: 6/29/04 PLOT DATE: 6/29/04 DRAWING NO.: 442-001-ZN PROJECT NO.: 442-001

SHEET 1 OF 3



