



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

**AGENDA ITEM NO.: Z-11**  
**AGENDA DATE: Thu 10/07/2004**  
**PAGE: 1 of 1**

**SUBJECT:** C14-04-0111 - UTOTEM Rockbay - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 2105 and 2107 Boca Raton Drive (Onion Creek Watershed) from interim-rural residence (I-RR) district zoning to community commercial (GR) district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Applicant: UTOTEM and Rockbay Properties (Jimmy Nassour). Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Wendy Walsh, 974-7719.

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

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

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-04-0111

**Z.P.C. DATE:** August 17, 2004  
September 7, 2004

**ADDRESS:** 2105 and 2107 Boca Raton Drive

**OWNER AND APPLICANT:** UTOTEM and  
Rockbay Properties (Jimmy Nassour)

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

**ZONING FROM:** I-RR

**TO:** GR

**AREA:** 0.965 acres (42,035.40 square feet)

### **SUMMARY STAFF RECOMMENDATION:**

The staff's alternate recommendation is to grant community commercial – conditional overlay (GR-CO) combining district zoning. The Conditional Overlay: 1) prohibits the following uses: automotive rentals, automotive repair, automotive sales, automotive washing and commercial off-street parking and, 2) limits development of the property to less than 2,000 motor vehicle trips per day.

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

August 17, 2004: *POSTPONEMENT REQUEST BY THE NEIGHBORHOOD AND THE APPLICANT TO SEPTEMBER 7, 2004.*

*[J.M; J.G 2<sup>ND</sup>] (8-0) C.H – ABSENT*

September 7, 2004: *APPROVED GR-CO DISTRICT ZONING AS STAFF RECOMMENDED; BY CONSENT. AT THE REQUEST OF THE APPLICANT AND NEIGHBORHOOD, THE FOLLOWING PROHIBITED USES ARE ADDED TO THE CONDITIONAL OVERLAY:*

*AUTOMOTIVE REPAIR SERVICES; AUTOMOTIVE SALES; AUTOMOTIVE WASHING; COMMERCIAL OFF-STREET PARKING; EXTERMINATING SERVICES; FUNERAL SERVICES; INDOOR ENTERTAINMENT; INDOOR SPORTS AND RECREATION; OFF-SITE ACCESSORY PARKING; OUTDOOR ENTERTAINMENT; OUTDOOR SPORTS AND RECREATION; PAWN SHOP SERVICES; PLANT NURSERY; RESEARCH SERVICES; CLUB OR LODGE; COMMUNITY RECREATION (PRIVATE); COMMUNITY RECREATION (PUBLIC); CONGREGATE LIVING; CULTURAL SERVICES; DAY CARE SERVICES (COMMERCIAL); DAY CARE SERVICES (LIMITED); FAMILY HOME; GROUP HOME, CLASS I; (GENERAL); GROUP HOME, CLASS I (LIMITED); GROUP HOME, CLASS II; GUIDANCE SERVICES; HOSPITAL SERVICES (GENERAL); PRIVATE SECONDARY EDUCATIONAL FACILITIES; PUBLIC PRIMARY EDUCATIONAL FACILITIES; PUBLIC SECONDARY EDUCATIONAL FACILITIES; RESIDENTIAL TREATMENT; AND, TRANSPORTATION TERMINAL.*

*[J.G; T.R 2<sup>ND</sup>] (8-0) J.M – ABSENT*

### **ISSUES:**

The applicant has discussed the proposed zoning and conditional overlays with the Onion Creek Homeowners Association and a letter of support provided at the back of the staff report contains a list of prohibited uses. The applicant will enter into a private Restrictive Covenant with the Association regarding individual tenant size of certain land uses.

**DEPARTMENT COMMENTS:**

The subject zoning consists of two platted lots; Lot 1 is situated at the corner of the IH-35 frontage road northbound and Boca Raton Drive and developed with a service station and convenience store, which were constructed prior to its annexation into the City limits. Lot 2 has frontage on Boca Raton Drive and is undeveloped. Both lots have carried interim-rural residence (I-RR) district zoning since their annexation into the City limits on December 31, 2003. This segment of the IH-35 frontage road between Onion Creek Parkway on the south and Crown Colony Drive on the north consists of undeveloped land, an office and commercial uses serving the Onion Creek subdivision, including a bank, dry cleaners, beauty salon, fitness center and two service stations with convenience stores (zoned I-RR and I-SF-2). Duplexes and townhomes are located east of Crown Colony and single family residences are located east of Pinehurst. Please refer to Exhibits A (Zoning Map), A-1 (Aerial View) and B (Recorded Plat).

The applicant proposes to zone the tract community commercial (GR) district to accommodate the existing uses and allow for additional commercial development to occur. The applicant has also discussed with staff prohibiting auto-related uses, including automotive rentals, repair, sales and washing, and commercial off-street parking, and these are incorporated into the alternate staff recommendation.

Commercial zoning is appropriate along the IH-35 northbound frontage road, and is consistent with the land uses that have been established between Onion Creek Parkway and Crown Colony Drive. The property directly to the east and south is also proposed for GR, CS-1 and SF-6 (townhouse / condominium) zonings and will be forwarded to the Commission, pending the results of a Traffic Impact Analysis (C14-04-0074 – known as Onion Creek Commercial Park). Furthermore, commercial zoning will establish a transition between IH-35 and the three different types of residences constructed in the Onion Creek subdivision. The conditional overlay also 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:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	I-RR	Service station with convenience store; Undeveloped
<i>North</i>	I-SF-2; I-RR	Financial services; Office; Dry cleaners; Beauty salon; Fitness center; Service station with food sales; Automotive sales
<i>South</i>	I-RR	Undeveloped
<i>East</i>	I-SF-2	Duplexes; Single family residences; Townhomes
<i>West</i>	West of IH-35: CS-MU-CO; CS-CO; MF-2	Undeveloped; Driving range; Light manufacturing (vacant)

**AREA STUDY:** N / A**TIA:** Is not required**WATERSHED:** Onion Creek**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** No**SCENIC ROADWAY:** No

**NEIGHBORHOOD ORGANIZATIONS:**

300 – Terrell Lane Interceptor Association  
 428 – Barton Springs / Edwards Aquifer Conservation District  
 627 – Onion Creek Homeowners Association  
 948 – South by Southeast Neighborhood Organization

**SCHOOLS:**

Langford Elementary School                      Mendez Middle School                      Akins High School

**CASE HISTORIES:**

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-04-0114	I-RR; MF-2-CO to CS-CO; GR-CO	Pending completion of the TIA	Pending
C14-04-0074	I-RR to SF-6; GR; CS-1	Scheduled for 9-7-04	Pending
C14-04-0048	I-RR to GO	Withdrawn	N/A
C14-04-0044 & C14-04-0045	I-RR to CR	To Grant CR-CO with CO for list of prohibited uses	Approved CR-CO as recommended by Commission (5-6-04).
C14-04-0020	I-RR (Upon Annexation) to CS-MU for Tract 1; MF-3 for Tract 2	To Grant CS-MU-CO with conditions of the TIA and the CO is for list of prohibited uses for Tract 1; MF-2 with conditions of the TIA for Tract 2	Approved CS-MU-CO; MF-2 as recommended by Commission (5-6-04).
C14-04-0019	I-RR to CS (Upon Annexation)	To grant CS-CO with conditions of the TIA and the CO is for list of prohibited uses	Approved CS-CO as recommended by Commission (5-6-04).
C14-03-0053	I-RR to CS	To Grant CS-CO for Tract 1; GR-CO for Tract 2, with conditions. CO is for list of prohibited uses; and prohibit access to Old San Antonio Road. Restrictive Covenant for the Traffic Impact Analysis.	Approved CS-CO; GR-CO as recommended by Commission (12-11-03).
C14-00-2181	I-RR to MF-2	To Grant MF-2-CO with CO for 25' setback along the south and southeast property lines adjacent to residential properties and conditions of the TIA; RR for the flood plain	Approved MF-2-CO as recommended by Commission (2-8-01)

**RELATED CASES:**

The property is platted as Lots 1 and 2 of Onion Creek Section 4-E, recorded in March 1987, as illustrated in Exhibit B (C8s-83-023). There are no related site plan cases on the subject property.

**ABUTTING STREETS:**

STREET	RIGHT-OF-WAY	PAVEMENT WIDTH	CLASSIFICATION
IH-35 South	400 feet	8 lanes, divided	Freeway
Boca Raton Drive	60 feet	40 feet	Local

- There are no existing sidewalks along either roadways.
- Capital Metro bus service is not available within ¼ mile of this property.
- There are no bike routes in this area.

**CITY COUNCIL DATE:** October 7, 2004

**ACTION:**

**ORDINANCE READINGS:** 1<sup>st</sup>

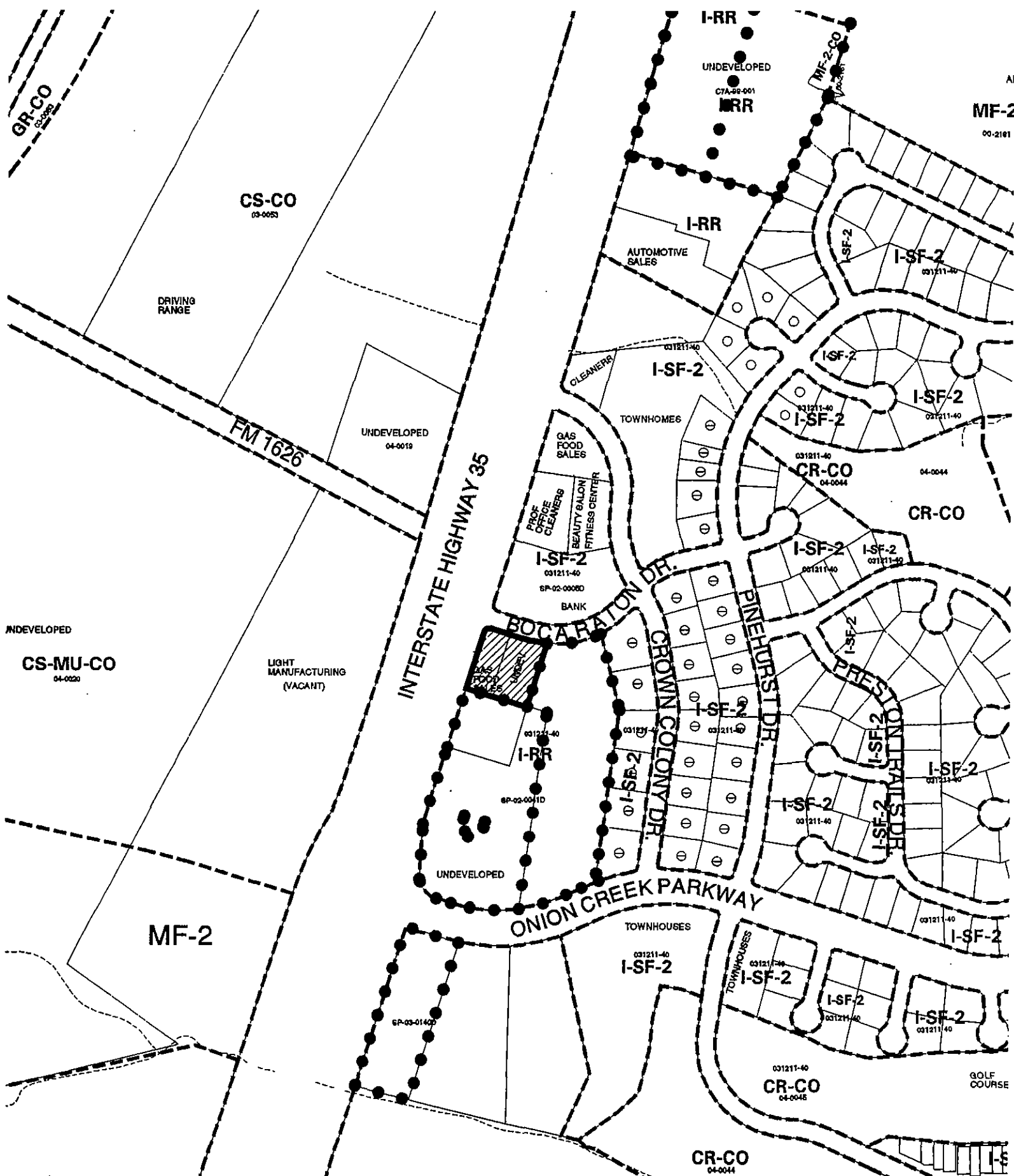
2<sup>nd</sup>

3<sup>rd</sup>

**ORDINANCE NUMBER:**

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

**PHONE:** 974-7719



SUBJECT TRACT  
PENDING CASE  
ZONING BOUNDARY  
CASE MGR: W.WALSH

**CASE #: C14-04-0111**

ADDRESS: 2105-2107 BOCA RATON

**SUBJECT AREA (acres): 0.965**

## ZONING

# Exhibit A

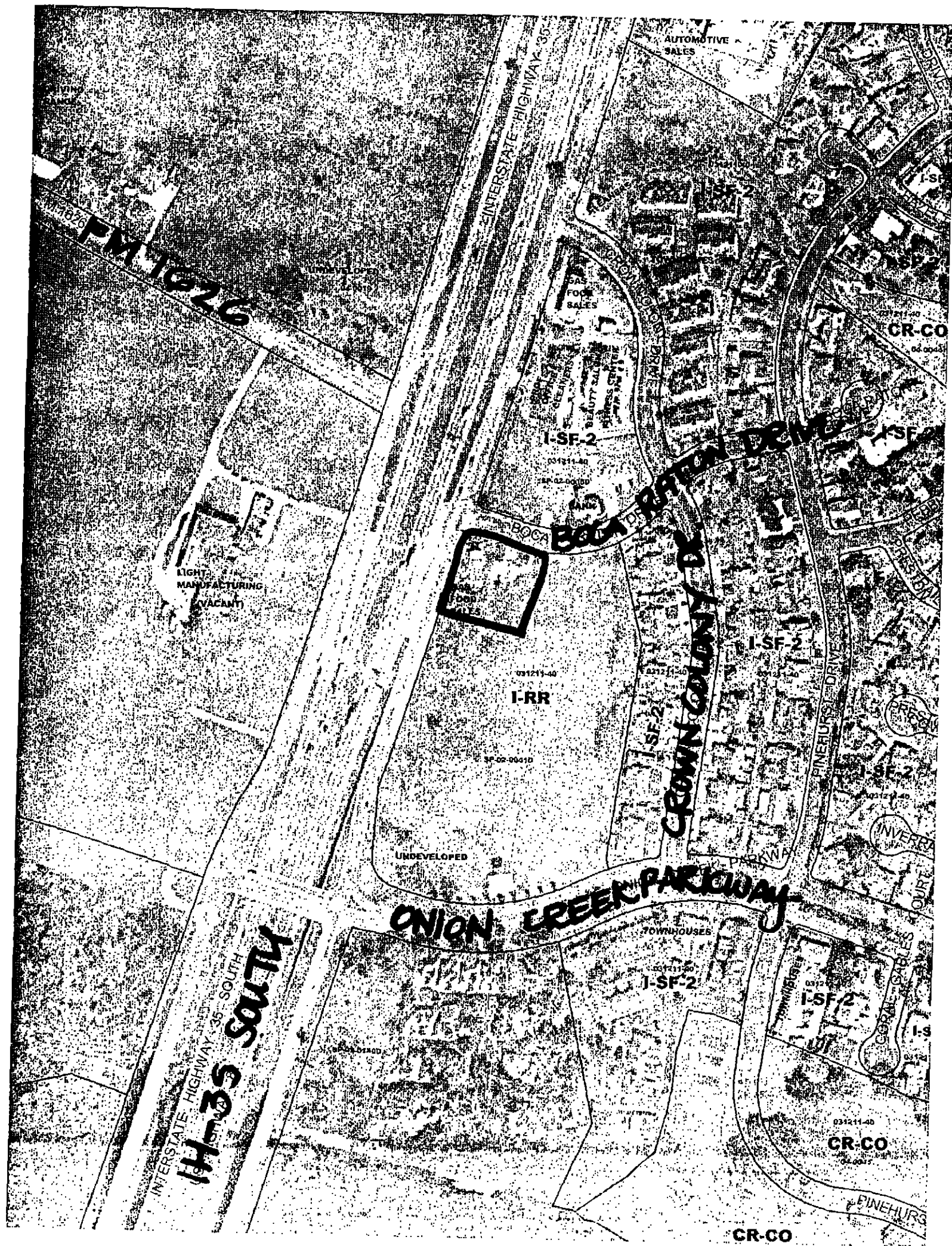
DATE: 04-08

**INTLS: TRC**

CITY GRID  
REFERENCE  
NUMBER

F11

001311-49



① 30.00' 15.0'

$H$	12.0
$C$	21.41'
$A$	23.56'

**GENERAL**

2. Prior to submission, the proposed project must be approved by the local health department.

3. Sediment development

4. No mud are au

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M-1519

NY - 151



**SUMMARY STAFF RECOMMENDATION:**

The staff's alternate recommendation is to grant community commercial – conditional overlay (GR-CO) combining district zoning. The Conditional Overlay: 1) prohibits the following uses: automotive rentals, automotive repair, automotive sales, automotive washing and commercial off-street parking and, 2) limits development of the property to less than 2,000 motor vehicle trips per day.

**BACKGROUND**

The subject zoning consists of two platted lots; Lot 1 is situated at the corner of the IH-35 frontage road northbound and Boca Raton Drive and developed with a service station and convenience store, which were constructed prior to its annexation into the City limits. Lot 2 has frontage on Boca Raton Drive and is undeveloped. Both lots have carried interim-rural residence (I-RR) district zoning since their annexation into the City limits on December 31, 2003. This segment of the IH-35 frontage road between Onion Creek Parkway on the south and Crown Colony Drive on the north consists of undeveloped land, an office and commercial uses serving the Onion Creek subdivision, including a bank, dry cleaners, beauty salon, fitness center and two service stations with convenience stores (zoned I-RR and I-SF-2). Duplexes and townhomes are located east of Crown Colony and single family residences are located east of Pinehurst.

The applicant proposes to zone the tract community commercial (GR) district to accommodate the existing uses and allow for additional commercial development to occur. The applicant has also discussed with staff prohibiting auto-related uses, including automotive rentals, repair, sales and washing, and commercial off-street parking, and these are incorporated into the alternate staff recommendation.

Commercial zoning is appropriate along the IH-35 northbound frontage road, and is consistent with the land uses that have been established between Onion Creek Parkway and Crown Colony Drive. The property directly to the east and south is also proposed for GR, CS-1 and SF-6 (townhouse / condominium) zonings and will be forwarded to the Commission, pending the results of a Traffic Impact Analysis (C14-04-0074 – known as Onion Creek Commercial Park). Furthermore, commercial zoning will establish a transition between IH-35 and the three different types of residences constructed in the Onion Creek subdivision. The conditional overlay also 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: "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 the northbound IH-35 frontage road and Boca Raton which serves as one of the two entrances from IH-35 to the Onion Creek subdivision.

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

Commercial zoning is appropriate along the IH-35 northbound frontage road, and is consistent with the land uses that have been established between Onion Creek Parkway and Crown Colony

Drive. Furthermore, commercial zoning will establish a transition between IH-35 and the three different types of residences constructed in the Onion Creek subdivision. The conditional overlay also establishes a maximum number of daily vehicle trips that will limit development to maintain acceptable traffic conditions on adjacent roadways and intersections.

## **EXISTING CONDITIONS**

### **Site Characteristics**

The site is developed with a service station and convenience store. There appear to be no significant topographical constraints on the site.

### **Impervious Cover**

The maximum impervious cover allowed by the GR 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:

<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%

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 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.

### **Transportation**

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

The trip generation under the requested zoning is estimated to be 3904 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. If water or wastewater utility improvements, or system upgrades, or offsite main extension, or utility adjustment, or relocation 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.

### **Compatibility Standards**

The site is subject to compatibility standards. Along the west property line (used as single family), the following standards apply:

- For a structure more than 100 feet but not more than 300 feet from property used or 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.

# ONION CREEK

## HOMEOWNERS ASSOCIATION

10816 Crown Colony, Suite 205

Austin, Texas 78747

Tel: 512.280.8110

Fax: 512.280.8162

August 16, 2004

Ms Wendy Walsh  
Neighborhood Planning & Zoning Department  
City of Austin  
PO Box 1088  
Austin, Texas 78767-8835

Re: Case No. C14-04-0111 (2107 and 2105 Boca Raton Drive)

Dear Ms Walsh:

Respectfully request the City Staff postpone hearing this case at the Zoning and Platting Commission Hearing scheduled for 17 August 2004. The reason for our request is because we need more time to coordinate appropriate overlay zoning conditions associated with this application.

As you know, we have worked with several other commercial property owners in our immediate vicinity to effect appropriate zoning and overlays to ensure development as compatible as possible with the close proximity to our neighborhood. We would like the opportunity to do the same for this property. Unfortunately, for some reason, we were not aware of the first notice dated 21 July, and didn't become aware of the application until the second notice. We spoke with the designated agent, Jim Bennett, today and mutually agreed a postponement would be appropriate. *to 7 September, 2004*

For reference, the Onion Creek Homeowners Association represents approximately 1,200 homes and the two tracts in the case are part of the HOA. Additionally, we are finalizing a zoning arrangement with the property owner immediately adjacent to these tracts and we would like to ensure compatibility with them as well to protect everyone's investments and long term values.

Thank you in advance for your consideration. Please don't hesitate to contact us if there are any questions, and you can reach me anytime by calling 636-4499

Sincerely,



John McNabb  
President

**JIMMY NASSOUR**  
ATTORNEY AT LAW

1200 SAN ANTONIO STREET  
AUSTIN, TEXAS 78701

TELEPHONE (512) 474-2900  
FAX (512) 474-4547

September 7, 2004

Ms. Wendy Walsh, Case Manager  
Neighborhood Planning and Zoning Department  
City of Austin  
P.O. Box 1088  
Austin, TX 78767

Re: Proposed Zoning for Lots 1 and 2, Onion Creek Section 4-E, locally known as 2107 (Lot 1) and 2105 (Lot 2) Boca Raton  
Onion Creek Parkway and IH-35

Dear Ms. Walsh,

The Onion Creek Neighborhood Association along with other Associations in the area has been meeting with the applicant concerning the proposed zoning request. The property is located at the southeast corner of Boca Raton and IH-35.

We are in support of the current request for "GR" & any subsequent request for "CS-1" Zoning Districts. We have agreed with the applicant that certain allowed uses in the "GR" and "CS-1" districts will be restricted and we jointly request that the City apply a Conditional Overlay to the zoning ordinance as follows:

**"GR" USES PROHIBITED:**

- . AUTOMOTIVE REPAIR SERVICES
- . AUTOMOTIVE SALES
- . AUTOMOTIVE WASHING
- . COMMERCIAL OFF SITE PARKING
- . EXTERMINATING SERVICES
- . FUNERAL SERVICES
- . HOTEL-MOTEL
- . INDOOR ENTERTAINMENT
- . INDOOR SPORTS AND RECREATION
- . OFF-SITE ACCESSORY PARKING
- . OUTDOOR ENTERTAINMENT
- . OUTDOOR SPORTS AND RECREATION
- . PAWN SHOP SERVICES
- . PLANT NURSERY
- . RESEARCH SERVICES

09/07/2004 05:12 FAX 5124744547

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Ms. Wendy Walsh, Case Manager  
Neighborhood Planning and Zoning Department  
City of Austin  
September 7, 2004  
Page Two

- . SPECIAL USE HISTORIC
- . CLUB OR LODGE
- . COMMUNITY RECREATION (PRIVATE)
- . COMMUNITY RECREATION (PUBLIC)
- . CONGREGATE LIVING
- . COUNSELING SERVICES
- . CULTURAL SERVICES
- . DAY CARE SERVICES (COMMERCIAL)
- . DAY CARE SERVICES (LIMITED)
- . FAMILY HOME
- . GROUP HOME, CLASS I (GENERAL)
- . GROUP HOME, CLASS I (LIMITED)
- . GROUP HOME, CLASS II
- . GUIDANCE SERVICES
- . HOSPITAL SERVICES (GENERAL)
- . LOCAL UTILITY SERVICES
- . PRIVATE SECONDARY EDUCATIONAL FACILITIES
- . PUBLIC PRIMARY EDUCATIONAL FACILITIES
- . PUBLIC SECONDARY EDUCATIONAL FACILITIES
- . RESIDENTIAL TREATMENT
- . TRANSPORTATION TERMINAL

In addition to the uses listed above, the following "CS-1" uses are jointly requested to be included in the Conditional Overlay to the zoning ordinance, if applicable, as follows:

**"CS-1" USES PROHIBITED:**

- . ALL USES LISTED ABOVE IN THE "GR" USES PROHIBITED
- . AGRICULTURAL SALES AND SERVICES
- . BUILDING MAINTENANCE SERVICES
- . CAMPGROUND
- . COMMERCIAL BLOOD PLASMA CENTER
- . CONSTRUCTION SALES AND SERVICES
- . CONVENIENCE STORAGE
- . DROP-OFF RECYCLING COLLECTION FACILITY
- . ELECTRONIC PROTOTYPE ASSEMBLY
- . EQUIPMENT REPAIR SERVICES
- . EQUIPMENT SALES
- . KENNELS
- . LAUNDRY SERVICES

Ms. Wendy Walsh, Case Manager

## Neighborhood Planning and Zoning Department

City of Austin

September 7, 2004

Page Three

- . VEHICLE STORAGE
- . LIMITED WAREHOUSING AND DISTRIBUTION
- . MAINTENANCE AND SERVICE FACILITIES
- . TRANSITIONAL HOUSING

Along with the above-prohibited uses the applicant has agreed to further restrict some of the GR/CS-1 uses by creating a restrictive covenant that will run with the land. The following will outline the items that have been agreed to:

**BUSINESS OR TRADE SCHOOL:** Shall be limited to no more than 5,000 Sq. Ft. in size per individual tenant.

**FOOD SALES:** Shall be limited to no more than 5,000 Sq. Ft. in size per individual tenant.

**MEDICAL OFFICES:** Shall be limited to no more than 6,000 Sq. Ft. per individual tenant.

**PET SERVICES:** Shall exclude the overnight boarding services for animals not owned by the tenant.

**THEATER:** Shall be limited to no more than 5,000 Sq. Ft. in size per individual tenant.

**COLLEGE AND UNIVERSITY FACILITIES:** Shall be limited to no more than 5,000 Sq. Ft. in size per individual tenant.

**PRIVATE PRIMARY EDUCATIONAL FACILITIES:** Shall be limited to no more than 4,000 Sq. Ft. in size per individual tenant.

**COMMUNICATION SERVICES:** Shall be limited to no more than 2,500 square feet, and shall be further restricted to prohibit no exterior towers, antennae or dishes.

**GASOLINE SALES AND SERVICE STATIONS:** Shall be prohibited on Lot 2.

**AUTOMOTIVE RENTALS:** Shall be limited to no more than 2,500 square feet and storage of vehicles shall be prohibited.

Ms. Wendy Walsh, Case Manager  
 Neighborhood Planning and Zoning Department  
 City of Austin  
 September 7, 2004  
 Page Four

If you have any questions, please feel free to contact me at your convenience.

Sincerely,

Onion Creek Homeowners Association

By: Jimmy Nassour  
 Jimmy Nassour

Rockbay Properties, Ltd.

By: John McNabb  
 President John McNabb

Utotem, Inc.

By: Simon Najm  
 Name: Simon Najm  
 Its: PRESIDENT

By: Simon Najm  
 Name: Simon Najm  
 Its: PRESIDENT



ORDINANCE NO. \_\_\_\_\_

1 AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING FOR THE  
2 PROPERTY LOCATED AT 2105 AND 2107 BOCA RATON DRIVE AND  
3 CHANGING THE ZONING MAP FROM INTERIM RURAL RESIDENCE (I-RR)  
4 DISTRICT TO COMMUNITY COMMERCIAL-CONDITIONAL OVERLAY (GR-  
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 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.C14-04-0111, on file at the Neighborhood Planning and Zoning  
13 Department, as follows:  
14

15 Lots 1 and 2, Onion Creek Section 4-E Subdivision, a subdivision in the City of  
16 Austin, Travis County, Texas, according to the map or plat of record in Plat Book  
17 87, Page 70D, of the Plat Records of the Official Public Records of Travis County,  
18 Texas, (the "Property")  
19

20 locally known as 2105 and 2107 Boca Raton Drive, in the City of Austin, Travis County,  
21 Texas, and generally identified in the map attached as Exhibit "A".  
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 following uses are prohibited uses of the Property:  
32

33 Automotive repair services

34 Automotive washing (of any type)

35 Exterminating services

36 Indoor entertainment

37 Off-site accessory parking

Automotive sales

Commercial off-street parking

Funeral services

Indoor sports and recreation

Outdoor entertainment

1 Outdoor sports and recreation  
2 Plant nursery  
3 Club or lodge  
4 Community recreation (public)  
5 Cultural services  
6 Day care services (limited)  
7 Group home, Class I (general)  
8 Group home, Class II  
9 Hospital services (general)  
10 Public primary educational facilities  
11 Residential treatment  
12 Automotive rentals

Pawn shop service  
Research services  
Community recreation (private)  
Congregate living  
Day care services (commercial)  
Family home  
Group home, Class I (limited)  
Guidance services  
Private secondary educational facilities  
Public secondary educational facilities  
Transportation terminal

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

18 **PART 3.** This ordinance takes effect on \_\_\_\_\_, 2004.

21 **PASSED AND APPROVED**

25 \_\_\_\_\_, 2004

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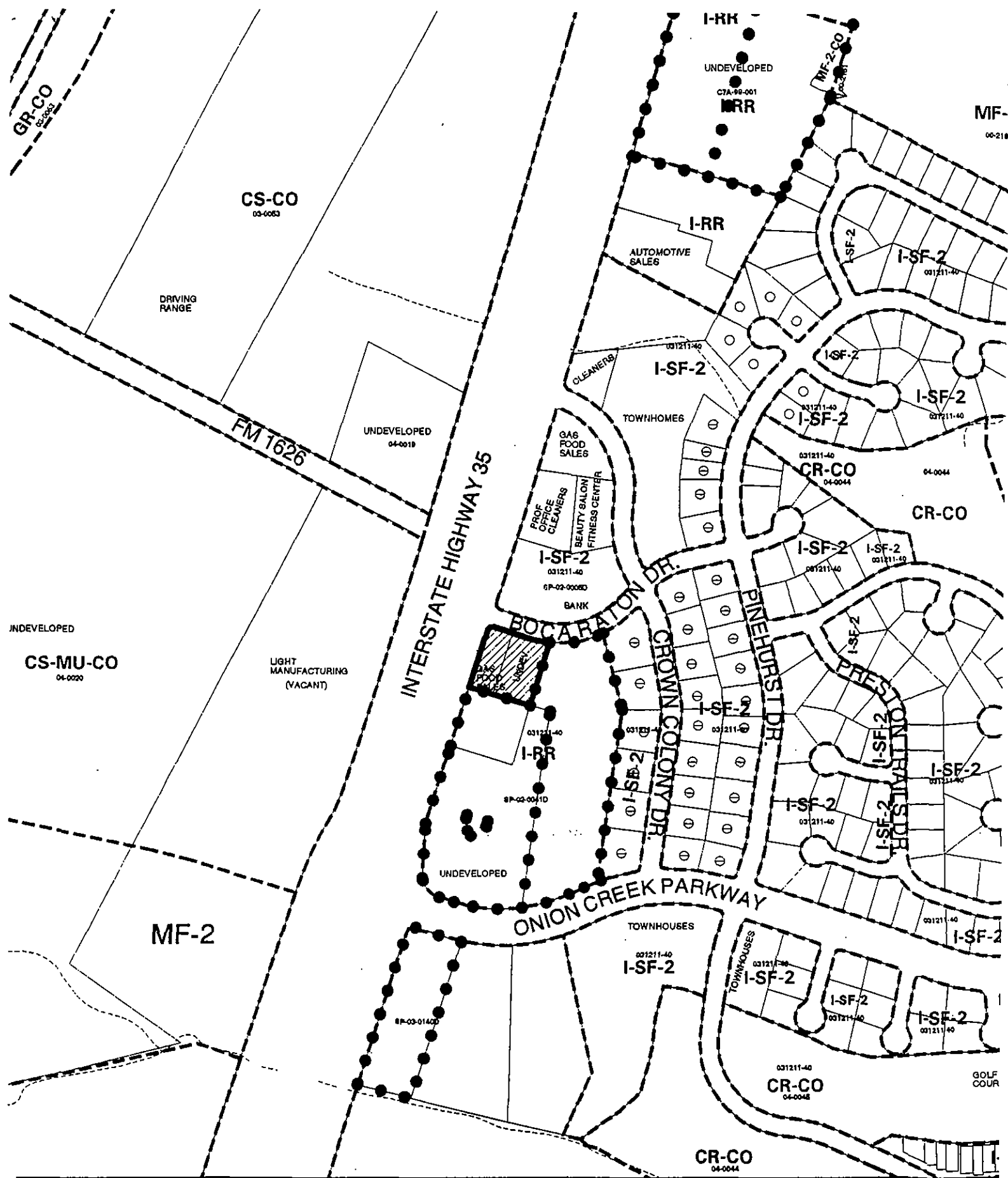
Will Wynn  
Mayor


30 **APPROVED:** \_\_\_\_\_

31 David Allan Smith  
32 City Attorney

**ATTEST:** \_\_\_\_\_

Shirley A. Brown  
City Clerk



 1" = 400'	SUBJECT TRACT	CASE #: C14-04-0111 ADDRESS: 2105-2107 BOCA RATON DR. SUBJECT AREA (acres): 0.965	DATE: 04-08 INTLS: TRC	CITY GRID REFERENCE NUMBER F11.
	PENDING CASE			
	ZONING BOUNDARY			
	CASE MGR: W.WALSH			

ZONING EXHIBIT A