

Zoning Ordinance Approval

CITY OF AUSTIN

RECOMMENDATION FOR COUNCIL ACTION

AGENDA ITEM NO.: 53

AGENDA DATE: Thu 11/18/04

PAGE: 1 of 1

SUBJECT: C14-04-0123 - Approve second/third readings of 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 district (DR) district zoning to general commercial services-conditional overlay (CS-CO) combining district zoning. First reading September 30, 2004. Vote: 7-0. Conditions met as follows: Conditional Overlay and Restrictive Covenant incorporates the conditions imposed or accepted by City Council at first ordinance reading. Applicant: 5524 Invetsors, L.P. (Keith Pool). Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Robert Heil.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

SECOND/THIRD READING SUMMARY SHEET

ZONING CASE NUMBER: C14-04-0123

REQUEST:

Approve second/third readings of an ordinance amending Chapter 25-2-191 of the Austin City Code, zoning the property locally known as 5524 U.S. Highway 290 West from development reserve (DR) zoning to general commercial services – conditional overlay (CS-CO).

The conditional overlay contains three restrictions:

- 1) The following uses are prohibited uses of the property:
 - Agricultural sales and services
 - Art gallery
 - Art workshop
 - Building maintenance services
 - Campground
 - Commercial blood plasma center
 - Convenience storage
 - Electronic prototype assembly
 - Equipment repair services
 - Equipment sales
 - Kennels
 - Laundry services
 - Limited warehouse and distribution
 - Monument retail sales
 - Transitional Housing
 - Transportation Terminal
 - Vehicle storage
 - Veterinary Services
- 2) The following uses are conditional uses of the property:
 - Plant nursery
 - Custom manufacturing
 - Special use historical
- 3) Development will not generate traffic that exceeds 2,000 trips per day.

A restrictive covenant between the property owner and the City of Austin

- 1) Prohibits the use of coal tar based sealants
- 2) Requires the implementation of an approved Integrated Pest Management (IPM) plan for the property
- 3) Requires the use of approved native landscaping on the property.

The Ordinance and Restrictive Covenant reflect those conditions imposed by Council on 1st reading.

PROPERTY OWNER: 5524 Investors, L.P. (Keith Pool)

AGENT: Jim Bennett Consulting (Jim Bennett)

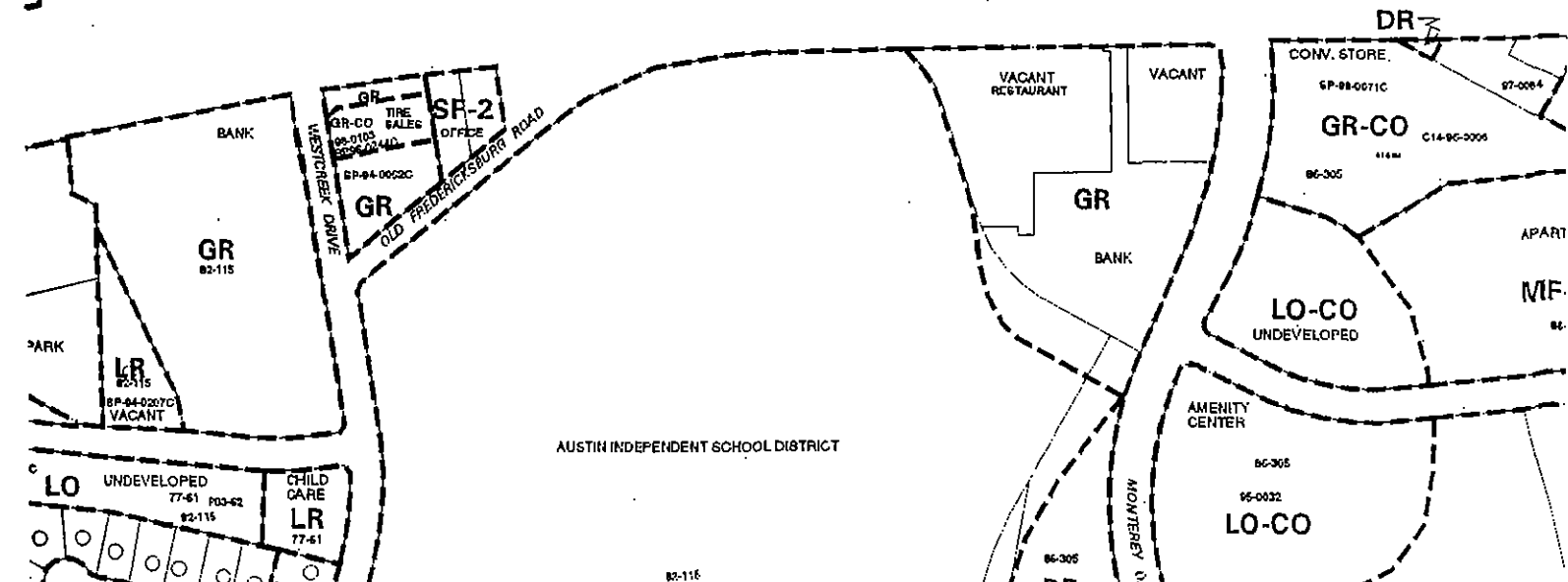
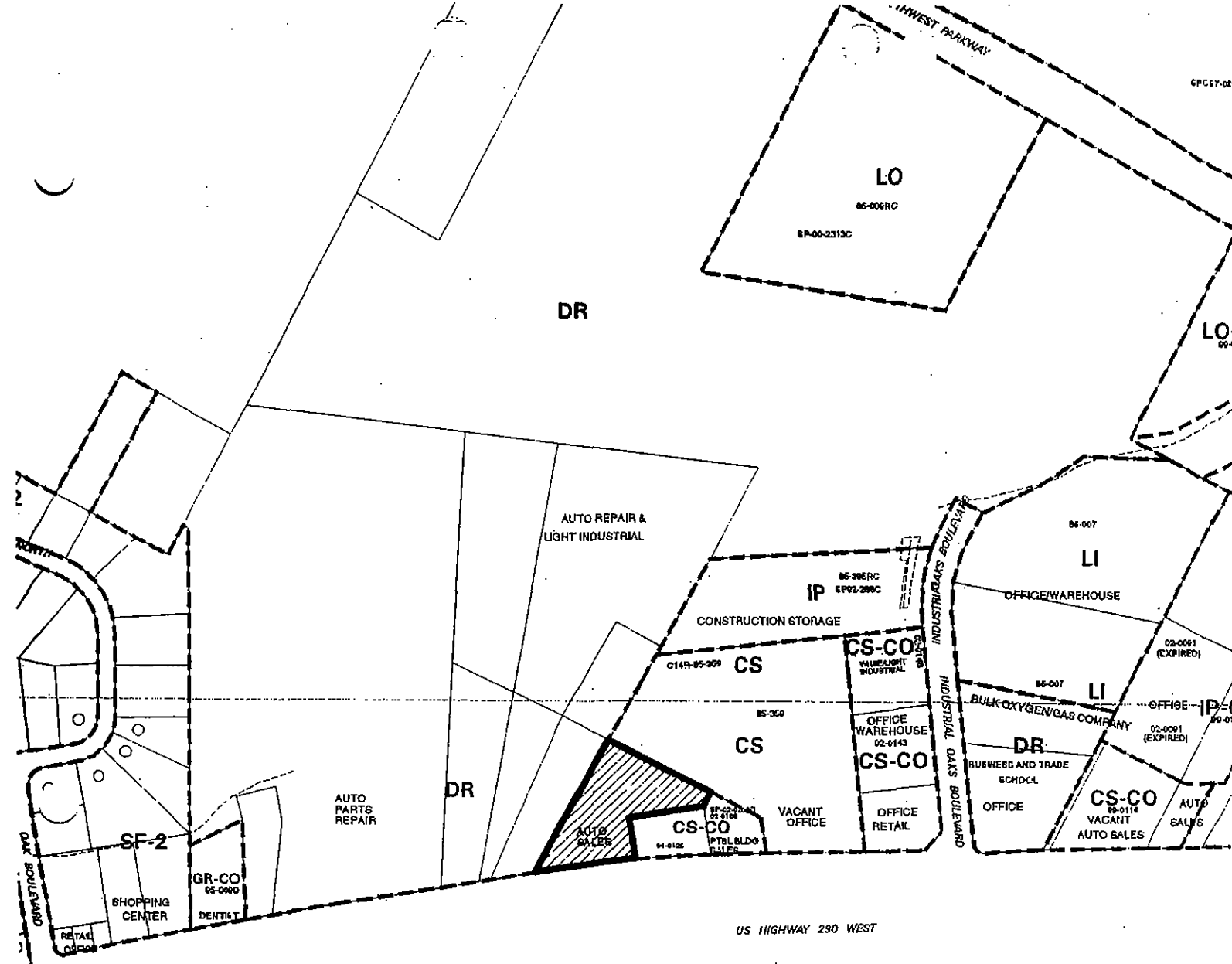
DATE OF FIRST READING/VOTE: September 30, 2004.

CITY COUNCIL DATE: September 30, 2004 – Approved on first reading
October 21, 2004 – Postponed action until November 18, 2004.
November 18, 2004 –

CITY COUNCIL ACTION:

ASSIGNED STAFF: Robert Heil

PHONE: 974-2330
robert.heil@ci.austin.tx.us



SUBJECT TRACT
PENDING CASE
ZONING BOUNDARY
CASE MGR: R. HEIL

$$1'' = 400'$$

ZONING

CASE #: C14-04-0123

ADDRESS: 5524 W US HWY 290

SUBJECT AREA (acres): 1.690

DATE: 04-08

INTLS: SM

CITY GRID
REFERENCE
NUMBER

D19

ORDINANCE NO. _____

1 **AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE**
2 **PROPERTY LOCATED AT 5524 U.S. HIGHWAY 290 WEST FROM**
3 **DEVELOPMENT RESERVE (DR) DISTRICT TO GENERAL COMMERCIAL**
4 **SERVICES-CONDITIONAL OVERLAY (CS-CO) COMBINING DISTRICT.**

5
6 **BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**
7

8 **PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to
9 change the base district from development reserve (DR) district to general commercial
10 services-conditional overlay (CS-CO) combining district on the property described in
11 Zoning Case No.C14-04-0123, on file at the Neighborhood Planning and Zoning
12 Department, as follows:
13

14 Lots 2-3, The Glass Addition Subdivision, a subdivision in the City of Austin,
15 Travis County, Texas, according to the map or plat of record in Plat Book 76, Page
16 351, of the Plat Records of Travis County, Texas, (the "Property")
17

18 locally known as 5524 U.S. Highway 290 West, in the City of Austin, Travis County,
19 Texas, and generally identified in the map attached as Exhibit "A".
20

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

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

26 Agricultural sales and services	Art gallery
27 Building Maintenance services	Campground
28 Commercial blood plasma center	Convenience storage
29 Electronic prototype assembly	Equipment sales
30 Equipment repair services	Kennels
31 Laundry services	Monument retail sales
32 Vehicle storage	Veterinary services
33 Limited warehouse and distribution	Transitional housing
34 Transportation terminal	Art workshop

35
36

Plant nursery	Special use historic
Custom manufacturing	

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.

PASSED AND APPROVED

APPROVED: _____ **ATTEST:** _____
David Allan Smith Shirley A. Brown
City Attorney City Clerk



	SUBJECT TRACT		ZONING EXHIBIT A		CITY GRID REFERENCE NUMBER D19
	PENDING CASE				
	ZONING BOUNDARY		CASE #: C14-04-0123 ADDRESS: 5524 W US HWY 290 SUBJECT AREA (acres): 1.69C	DATE: 04-08 INTLS: SM	
	CASE MGR: R. HEIL				

RESTRICTIVE COVENANT

OWNER: Pool and Wilson Investors, Inc., a Texas corporation

ADDRESS: 8320 Bee Caves Road, #200, Austin, Texas 78746

CONSIDERATION: Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and sufficiency of which is acknowledged.

PROPERTY: Lots 2-3, The Glass Addition Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 76, Page 351, of the Plat Records of Travis County.

WHEREAS, the Owner of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions;

NOW, THEREFORE, it is declared that the Owner of the Property, for the consideration, shall hold, sell and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant. These covenants and restrictions shall run with the land, and shall be binding on the Owner of the Property, its heirs, successors, and assigns.

1. The use of coal tar based asphalt sealants for construction or repair of asphaltic concrete paving is prohibited on the Property.
2. At the time an application for approval of a site plan is submitted for development of the Property, or any portion of the Property, an Integrated Pest Management (IPM) plan shall be submitted to the Watershed Protection and Development Review Department for review and approval. The IPM plan shall comply with the guidelines in Section 1.6.9.2 (D) and (F) of the Environmental Criteria Manual that are in effect on the date of this covenant.
3. At the time an application for approval of a site plan is submitted for development of the Property, or any portion of the Property, a landscape plan shall be submitted to the Watershed Protection and Development Review Department for review and approval. Ninety percent of the total plant material used, exclusive of turf, shall be native to Central Texas or on the Grow Green Native and Adapted Landscape Plants list, attached as Exhibit "A". Plants on the Invasive Species/Problem Plants list, attached as Exhibit "B".
4. If any person or entity shall violate or attempt to violate this agreement and covenant, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such agreement or covenant, to prevent the person or entity from such actions, and to collect damages for such actions.
5. If any part of this agreement or covenant is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full effect.

6. If at any time the City of Austin fails to enforce this agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.
7. This agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, and (b) by the owner(s) of the Property subject to the modification, amendment or termination at the time of such modification, amendment or termination.

EXECUTED this the 28th day of October, 2004.

OWNER:

Pool and Wilson Investors, Inc.,
a Texas corporation

By: 

Keith D. Pool,
President


APPROVED AS TO FORM:

Assistant City Attorney
City of Austin

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 28th day of October, 2004, by Keith D. Pool, President of Pool and Wilson Investors, Inc., a Texas corporation, on behalf of the corporation.


Notary Public, State of Texas

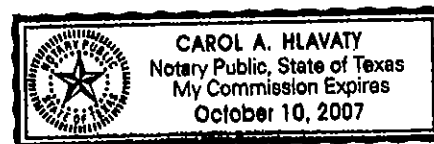


EXHIBIT A

Grow Green Native and Adapted Landscape Plants

Trees

Ash, Texas <i>Fraxinus texensis</i>	Oak, Escarpment Live <i>Quercus fusiformis</i>
Arizona Cypress <i>Cupressus arizonica</i>	Oak, Lacey <i>Quercus glaucoides</i>
Big Tooth Maple <i>Acer grandidentatum</i>	Oak, Monterey (Mexican White) <i>Quercus polymorpha</i>
Cypress, Bald <i>Taxodium distichum</i>	Oak, Shumard <i>Quercus shumardii</i>
Cypress, Montezuma <i>Taxodium mucronatum</i>	Oak, Texas Red <i>Quercus texana</i> (<i>Quercus buckleyi</i>)
Elm, Cedar <i>Ulmus crassifolia</i>	Pecan <i>Carya illinoensis</i>
Elm, Lacebark <i>Ulmus parvifolia</i>	Soapberry <i>Sapindus drummondii</i>
Honey Mesquite <i>Prosopis glandulosa</i>	
Oak, Bur <i>Quercus macrocarpa</i>	
Oak, Chinquapin <i>Quercus muhlenbergii</i>	
Oak, Southern Live <i>Quercus virginiana</i>	

Small Trees/Large Shrubs

Anacacho Orchit Tree <i>Bauhinia congesta</i>	Persimmon, Texas <i>Diospyros texana</i>
Buckeye, Mexican <i>Ungnadia speciosa</i>	Pistachio, Texas <i>Pistacia texana</i>
Buckeye, Rec <i>Aesculus pavia</i>	Plum, Mexican <i>Prunus mexicana</i>
Caolina Buckthorn <i>Rhamnus caroliniana</i>	Pomegranate <i>Punica granatum</i>
Cherry Laurel <i>Prunus caroliniana</i>	Redbud, Mexican <i>Cercis canadensis 'mexicana'</i>
Crape Myrtle <i>Lagerstroemia indica</i>	Redbud, Texas <i>Cercis canadensis</i> var. <i>'texensis'</i>
Desert Willow <i>Chilopsis linearis</i>	Retama Jerusalem Thorn <i>Parkinsonia aculeata</i>
Dogwood, Roughleaf <i>Cornus drummondii</i>	Senna, Flowering <i>Cassia corymbosa</i>
Escarpment Black Cherry <i>Prunus serotina</i> var. <i>eximia</i>	Smoke Tree, American <i>Cotinus obovatus</i>
Eve's Necklace <i>Sophora affinis</i>	Sumac, Flameleaf <i>Rhus lanceolata</i>
Goldenball Leadtree <i>Leucaena retusa</i>	Viburnum, Rusty Blackhaw <i>Viburnum rufidulum</i>
Holly, Possumhaw <i>Ilex decidua</i>	Viburnum, Sandankwa <i>Viburnum suspensum</i>
Holly, Yaupon <i>Ilex vomitoria</i>	
Mountain Laurel, Texas <i>Sophora secundiflora</i>	

Shrubs

- Abelia, Glossy *Abelia grandiflora*
 Agarita *Berberis trifoliata*
 Agave (Century Plant) *Agave sp.*
 American Beautyberry *Callicarpa americana*
 Artemisia *Artemisia 'Powis Castle'*
 Barbados Cherry *Malpighia glabra*
 Barberry, Japanese *Berberis thunbergii*
'Atropurpurea'
 Basket Grass (Sacahuista) *Nolina texana*
 Black Dalea *Dalea frutescens*
 Bush Germander *Teucrium fruticans*
 Butterfly Bush *Buddleja davidii*
 Butterfly Bush, Woolly *Buddleja marrubifolia*
 Coralberry *Symphoricarpos orbiculatus*
 Cotoneaster *Cotoneaster sp.*
 Eleagnus *Eleagnus pungens*
 Esperanza/Yellow Bells *Tecoma stans*
 Flame Acanthus *Anisacanthus quadrifidus* var. *wrightii*
 Fragrant Mimosa *Mimosa borealis*
 Holly, Burford *Ilex cornuta 'Burfordii'*
 Holly, Dwarf Chinese *Ilex cornuta 'Rotunda nana'*
 Holly, Dwarf Yaupon *Ilex vomitoria 'Nana'*
 Jasmine, Primrose *Jasminum mesnyi*
 Kidneywood *Eysenhardtia texana*
 Lantana, Native *Lantana horrida*
 Mistflower, Blue (Blue Boneset) *Eupatorium coelestinum*
 Mistflower, White (Shrubby White Boneset) *Ageratina havanense*
 Mock Orange *Philadelphus coronarius*
 Nandina *Nandina domestica 'Compacta nana'* *'Gulf Stream'*
 Oleander *Nerium oleander*
 Palmetto *Sabal minor*
 Prickly Pear *Opuntia engelmannii* var. *lindheimeri*
 Rose, Belinda's Dream *Rosa 'Belinda's Dream'*
 Rose, Lamarne *Rosa 'Lamarne'*
 Rose, Livin' Easy *Rosa 'Livin' Easy'*
 Rose, Marie Pavie *Rosa 'Marie Pavie'*
 Rose, Martha Gonzales *Rosa 'Martha Gonzales'*
 Rose, Mutabilis *Rosa 'Mutabilis'*
 Rose, Nearly Wild *Rosa 'Nearly Wild'*
 Rose, Old Blush *Rosa 'Old Blush'*
 Rose, Perle d'or *Rosa 'Perle d'or'*
 Rock Rose *Pavonia lasiopetala*
 Rosemary *Rosmarinus officinalis*
 Sage, Mountain *Salvia regia*
 Sage, Texas (Cenizo) *Leucophyllum frutescens*
 Senna, Lindheimer *Cassia lindheimeriana*
 Southern Wax Myrtle *Myrica cerifera*
 Sumac, Evergreen *Rhus virens*
 Sumac, Fragrant (Aromatic) *Rhus aromatica*
 Texas Sotol *Dasylirion texanum*
 Turk's Cap *Malvaviscus arboreus*
 Yucca, Paleleaf *Yucca pallida*
 Yucca, Red *Hesperaloe parviflora*
 Yucca, softleaf *Yucca recurvifolia*
 Yucca, Twistleaf *Yucca rupicola*

Perennials

Black-eyed Susan *Rudbeckia hirta*
 Bulbine *B. frutescens* or *caulescens*
 Bush Morning Glory *Ipomoea fistulosa*
 Butterfly Weed *Asclepias tuberosa*
 Butterfly Weed 'Mexican' *Asclepias curassivica*
 Cast Iron Plant *Aspidistra elatior*
 Chile Pequin *Capsicum annuum*
 Cigar Plant *Cuphea micropetala*
 Columbine, Red *Aquilegia canadensis*
 Columbine, Yellow *Aquilegia chrysantha* 'Texas Gold'
 Coreopsis *Coreopsis lanceolata*
 Daisy, Blackfoot *Melampodium leucanthum*
 Daisy, Copper Canyon *Tagetes lemmonii*
 Damiantia *Crysactina mexicana*
 Fall Aster *Aster oblongifolius*
 Fern, River *Thelypteris kunthii*
 Firebush *Hamelia patens*
 Gaura *Gaura lindeheimeri*
 Gayfeather *Liatris mucronata*
 Gregg Dalea *Dalea greggii*
 Hibiscus, Perennial *Hibiscus moscheutos*, *Hibiscus coccineus*
 Honeysuckle, Mexican *Justicia spicigera*
 Hymenoxys (Four Nerve Daisy)
Tetranneuris scaposa
 Indigo Spires *Salvia 'Indigo Spires'*
 Iris, Bearded *Iris albicans*
 Iris, Butterfly/Bicolor (African) *Dietes sp.*
 Lamb's Ear *Stachys byzantina*
 Lantana *Lantana x hybrida* (many varieties)

Lantana, Trailing *Lantana montevidensis*
 Marigold, Mexican Mint *Tagetes lucida*
 Obedient Plant, Fall *Physostegia virginiana*
 Oregano, Mexican *Poliomintha longiflora*
 Penstemon *Penstemon sp.*
 Phlox, Fragrant *Phlox pilosa*
 Pink Skullcap *Scutellaria suffrutescens*
 Plumbago *Plumbago auriculata*
 Poinciana, Red Bird of Paradise, Pride of Barbados
Caesalpinia pulcherrima
 Primrose, Missouri *Oenothera macrocarpa*
 Purple Coneflower *Echinacea purpurea*
 Ruellia *Ruellia brittoniana*
 Sage, Cedar *Salvia roemeriana*
 Sage, Jerusalem *Phlomis fruticosa*
 Sage, Majestic *Salvia guaranitica*
 Sage, Mealy Blue *Salvia farinacea*
 Sage, Mexican Bush *Salvia leucantha*
 Sage, Penstemon, Big Red Sage *Salvia penstemonoides*
 Sage, Russian *Perovskia atricplifolia*
 Sage, Scarlet or 'Tropical' *Salvia coccinea*
 Salvia, Gregg (Cherry Sage) *Salvia greggii*
 Shrimp Plant *Justicia brandegeana*
 Texas Betony *Stachys coccinea*
 Verbena, Prairie *Verbena bipinnatifida*
 Yarrow *Achillea millefolium*
 Zexmenia *Wedelia texana*

Ornamental Grasses

Bluestem, Big *Andropogon gerardii*
 Bluestem, Bushy *Andropogon glomeratus*
 Bluestem, Little *Schizachyrium scoparium*
 Fountain Grass, Dwarf *Pennisetum alopecuroides*
 Indian Grass *Sorghastrum nutans*
 Inland Sea Oats *Chasmanthium latifolium*

Mexican Feathergrass (Wiregrass) *Stipa tenuissima*
 Muhly, Bamboo *Muhlenbergia dumosa*
 Muhly, Big *Muhlenbergia lindheimeri*
 Muhly, Deer *Muhlenbergia rigens*
 Muhly, Gulf *Muhlenbergia capillaris*
 Muhly, Seep *Muhlenbergia reverchonii*
 Sideoats Grama *Bouteloua curtipendula*
 Wild Rye *Elymus canadensis*

Vines

Asian Jasmine *Trachelospermum asiaticum*
 Carolina Jessamine *Gelsemium sempervirens*
 Coral Vine *Antigonon leptopus*
 Crossvine *Bignonia capreolata*
 Fig Vine *Ficus pumila*

Honeysuckle, Coral *Lonicera sempervirens*
 Lady Banksia Rose *Rosa banksiae*
 Passion Vine *Passiflora incarnata*
 Trumpet Vine *Campsis radicans*
 Virginia Creeper *Parthenocissus quinquefolia*

Groundcover

Aztec Grass *Ophiopogon japonicus*
 Frogfruit *Phyla incisa*
 Horseherb *Calypocarpus vialis*
 Leadwort *Plumbago Ceratostigma plumbaginoides*
 Liriope *Liriope muscari*
 Monkey Grass (Mondo Grass) *Ophiopogon japonicus*
 Oregano *Origanum vulgare*
 Periwinkle, Littleleaf *Vinca minor*
 Pigeonberry *Rivina humilis*

Purple Heart *Secreasea pallida*
 Santolina (Lavender Cotton) *Santolina chamaecyparissus*
 Sedge, Berkeley *Carex tumulicola*
 Sedge, Meadow *Carex perdentata*
 Sedge, Texas *Carex texensis*
 Sedum (Stonedrop) *Sedum nuttallianum*
 Silver Ponyfoot *Dichondra argentea*
 Wooly Stemodia *Stemodia lanata*
 (*Stemodia tomentosa*)

Turf Grasses

Bermuda 'Tif 419', 'Sahara', 'Baby', 'Common'
 Buffalo '609', 'Stampede', 'Prairie'
 St. Augustine 'Baby', 'Common', 'Raleigh', 'Delmar'

Zoysia, Fine Leaf 'Matrella', 'Emerald', 'Zorro'
 Zoysia, Coarse Leaf 'Japonica', 'Jamur', 'El Toro', 'Palis'

EXHIBIT B

Invasive Species/Problem Plants

PLANTS TO AVOID

INVASIVES

(Plants that are non-native to the Central Texas ecosystem and tend to out-compete native species)

Do Not Plant

(Travel by seeds, berries, and spores so can be transported long distances. They have already invaded preserves and greenbelts):

- Arizona Ash
- Chinaberry
- Chinese Pistache
- Chinese Tallow
- Chinese Privet
- Elephant Ear
- Holly Fern
- Japanese Honeysuckle
- Ligustrum, Wax Leaf
- Mimosa
- Mulberry, Paper
- Nandina (large, berrying varieties)
- Photinia, Chinese
- Pyracantha
- Tamarisk
- Tree of Heaven

Do Not Plant Near

Parks/Preserves/Greenbelts

(travel by runners, rhizomes, and stems so only invade neighboring areas):

- Bamboo
- English Ivy
- Vinca (Periwinkle)

PROBLEM TREES AND SHRUBS

(Typically fast-growing, highly adaptable, but often have weak wood and are short-lived. Most are susceptible to insect and disease problems.)

- Arizona Ash
- Azalea (not adapted to Austin soils)
- Boxelder
- Camellia
- Chinaberry
- Chinese Privet
- Chinese Tallow
- Cottonwood
- Ligustrum
- Lombardy Poplar
- Mimosa
- Mulberry, Paper
- Photinia, Chinese
- Siberian Elm
- Silver Maple
- Sweetgum
- Sycamore
- Tree of Heaven

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:

	ZONING	LAND USES
<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.

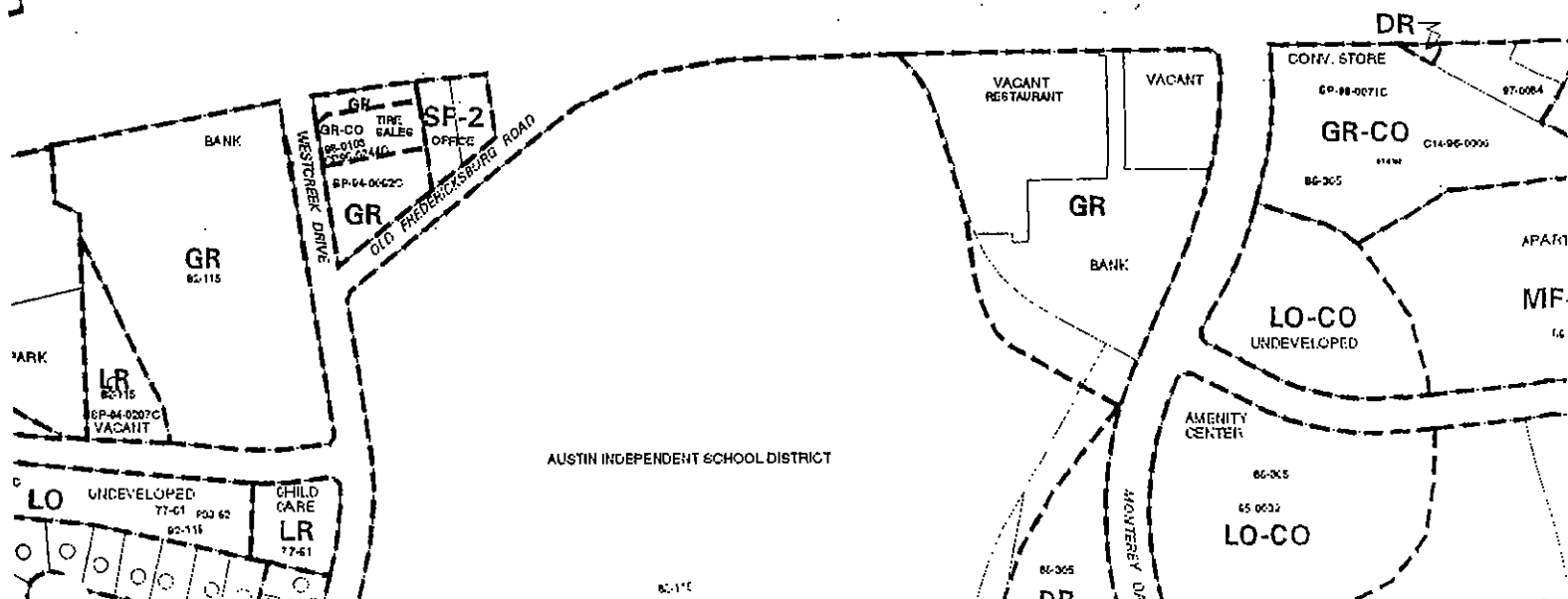
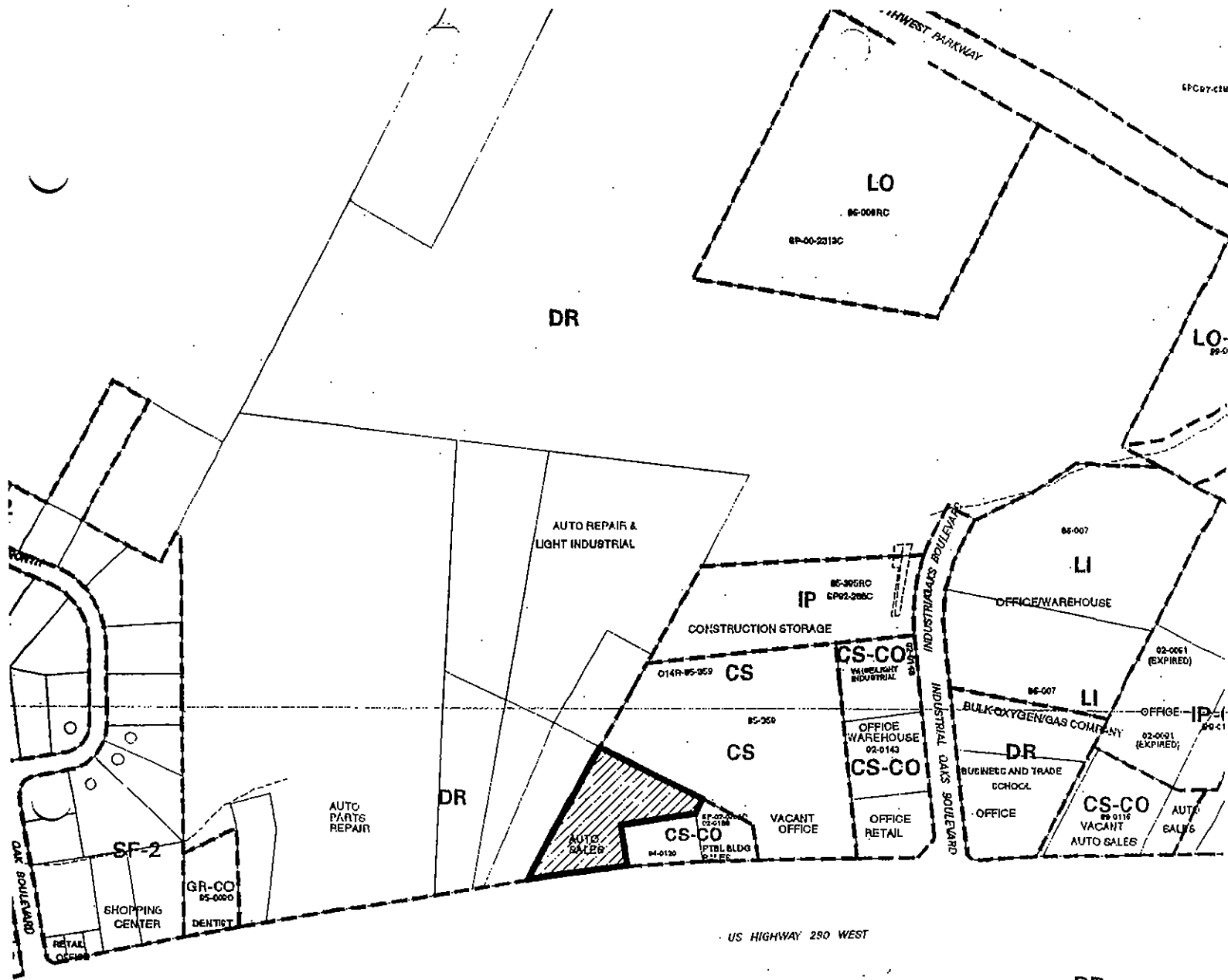
ABUTTING STREETS:

Name	Right-of-way	Pavement	Classification	Daily Traffic
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:** Approved on 1st Reading.**CITY COUNCIL DATE:** October 21, 2004**ACTION:** Postponed until 11/18/04.**ORDINANCE READINGS:** 1st 9/30/042nd3rd**ORDINANCE NUMBER:****CASE MANAGER:** Robert Heil**PHONE:** 974-2330

e-mail address: robert.heil@ci.austin.tx.us



SUBJECT TRACT
PENDING CASE
ZONING BOUNDARY
CASE MGR: R. HEIL

ZONING

CASE #: C14-04-0123

ADDRESS: 5524 W US HWY 290

SUBJECT AREA (acres): 1.690

DATE: 04-08

INTLS: SM

CITY GRID
REFERENCE
NUMBER

• 19

$$1^{\circ} = 400'$$

AUTO REPAIR
LIGHT INDUSTRIAL

OFFICE BUILDING

OFFICE BUILDING

CS

CS-CO

CS

OFFICE BUILDING
REPAIR

CS-CO

DR

AUTO
PARTS
REPAIR

AUTO
SALES

CS-CO

VACANT
LOT

OFFICE
REPAIR

U S HIGHWAY 290 West

SF-2

VACANT
RESTAURANT

GR

LO-CO

UNDEVELOPED

AUSTIN INDEPENDENT SCHOOL DISTRICT

AMENITY
CENTER

LO-CO

SUMMARY STAFF RECOMMENDATION

C14-04-0123

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.

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.