

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



**AGENDA ITEM NO.: 54
AGENDA DATE: Thu 11/18/2004
PAGE: 1 of 1**

SUBJECT: C14-04-0102 - Eskew Place Commercial - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3512-3610 South Lamar Boulevard (West Bouldin Creek and Barton Creek Watersheds-Barton Springs Zone) from single family residence standard lot (SF-2) district zoning to community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning. First Reading on October 21, 2004. Vote: 7-0. Second Reading on November 4, 2004. Vote 7-0. Conditions met as follows: Conditional Overlay and Restrictive Covenant incorporate the conditions imposed or accepted by Council at second ordinance reading. Applicant: Eskew Place Ltd. (Marcus Whitfield). City Staff: Wendy Walsh, 974-7719.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guemsey

THIRD READING SUMMARY SHEET

ZONING CASE NUMBER: C14-04-0102

REQUEST:

Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3512 – 3610 South Lamar Boulevard (West Bouldin Creek Watershed and Barton Creek Watershed – Barton Springs Zone) from single family residence (SF-2) district zoning to community commercial – mixed use – conditional overlay (GR-MU-CO) combining district zoning. The Conditional Overlay restricts the development of the property to 2,000 motor vehicle trips per day.

DEPARTMENT COMMENTS:

The Conditional Overlay incorporates the conditions imposed by the City Council at First Reading.

The applicant has entered into a Restrictive Covenant with the City that provides that at the time a site plan is submitted, it will include an Integrated Pest Management (IPM) Plan, a landscape plan for the use of native and adapted plant materials, and also prohibits the use of coal tar based sealants for the construction or repair of asphaltic concrete paving on the Property.

On November 3, 2004, Mr. Pat Murphy, the City's Environmental Officer met on-site with Wendy Walsh of NPZD and the applicant, Marcus Whitfield to discuss the Eskew Place Commercial zoning case. Based on his understanding of the proposed development on this site and the site conditions that he observed, Mr. Murphy recommended that the City not impose a rear setback and that as much flexibility as possible is retained for the future development. His recommendation is based on the following summary:

The site is 2.2 acres, with the front half of the site within an urban watershed and the rear half within the Barton Creek Contributing area of the SOS regulations. The site has numerous large, healthy trees that are mostly located within the Urban portion of the site. There is no watershed impervious cover limit on the Urban portion of the site. If development were limited to the Urban portion of the lot, the zoning impervious cover would be clustered in this area to the maximum extent possible. By Mr. Murphy's estimate, the applicant could achieve about 35,000 square feet of impervious cover on the Urban portion of the site and still provide necessary easements, landscaping and stormwater facilities. This would require removal of most of the trees within this area.

Any development on the SOS portion of the site would be minimal (25% of the net site area of approximately 1 acre) and by Mr. Murphy's estimate would be around 5,000 square feet impervious cover. The rear 150' of the site drops off steeply towards Barton Creek, so no development would be allowed on this area without a variance, and this area could not be included in the net site area calculations. Development in the SOS portion would be required to provide SOS water quality treatment as well and there is adequate vegetated flat area to accommodate vegetative treatment of stormwater.

OWNERS/APPLICANTS: Eskew Place Ltd. (Marcus Whitfield)

DATE OF FIRST READING: October 21, 2004, approved GR-MU-CO district zoning, on 1st Reading (7-0).

DATE OF SECOND READING: November 4, 2004, GR-MU-CO district zoning on 2nd Reading (7-0). Staff requested to evaluate the visibility of development on the Property from the Greenbelt.

CITY COUNCIL HEARING DATE: November 18, 2004

CITY COUNCIL ACTION:

ORDINANCE NUMBER:

ASSIGNED STAFF: Wendy Walsh
e-mail: wendy.walsh@ci.austin.tx.us

ORDINANCE NO. _____

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE
2 PROPERTY LOCATED AT 3512 THROUGH 3610 SOUTH LAMAR
3 BOULEVARD FROM SINGLE FAMILY RESIDENCE STANDARD LOT (SF-2)
4 DISTRICT TO COMMUNITY COMMERCIAL-MIXED USE-CONDITIONAL
5 OVERLAY (GR-MU-CO) COMBINING DISTRICT.
6

7 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:
8

9 **PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to
10 change the base district from single family residence standard lot (SF-2) district to
11 community commercial-mixed use-conditional overlay (GR-MU-CO) combining district
12 on the property described in Zoning Case No.C14-04-0102, on file at the Neighborhood
13 Planning and Zoning Department, as follows:
14

15 A 2.231 acre tract of land, more or less, out of the Charles H. Riddle Survey No.
16 19, in Travis County, the tract of land being more particularly described by metes
17 and bounds in Exhibit "A" incorporated into this ordinance, (the "Property")
18

19 locally known as 3512 through 3610 South Lamar Boulevard, in the City of Austin, Travis
20 County, Texas, and generally identified in the map attached as Exhibit "B".
21

22 **PART 2.** The Property within the boundaries of the conditional overlay combining district
23 established by this ordinance is subject to the following conditions:
24

25 A site plan or building permit for the Property may not be approved, released, or
26 issued, if the completed development or uses of the Property, considered cumulatively with
27 all existing or previously authorized development and uses, generate traffic that exceeds
28 2,000 trips per day.
29

30 Except as specifically restricted under this ordinance, the Property may be developed and
31 used in accordance with the regulations established for the community commercial (GR)
32 base district and other applicable requirements of the City Code.
33
34
35
36

2 **PART 3.** This ordinance takes effect on _____, 2004.
3
4

5 **PASSED AND APPROVED**
6

7 §
8 §
9 _____, 2004 § _____
10 Will Wynn
11 Mayor
12
13

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

METES AND BOUNDS DESCRIPTION

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

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

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

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

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

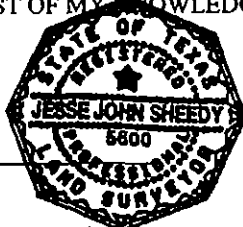
THENCE along the common line of said Eskew 2 acre tract and said 5.728 acre Salazar tract, S 50°56'53" E, 57.48 feet to a 1/2-inch iron rod found at the most northerly common corner of said Eskew 2 acre tract and the aforementioned Lot 1 of Andrews Tract Subdivision, for an angle point in the northeasterly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

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

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

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

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



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

RESTRICTIVE COVENANT

OWNER: Eskew Place, Ltd., a Texas limited partnership

ADDRESS: 1520 Ben Crenshaw Way #221, 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: A 2.231 acre tract of land, more or less, out of the Charles H. Riddle Survey No. 19, in Travis County, the tract being more particularly described by metes and bounds in Exhibit "A" attached and incorporated into this covenant.

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 "B". Plants on the Invasive Species/Problem Plants list, attached as Exhibit "C".
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 2nd day of November, 2004.

OWNER:

Eskew Place, Ltd.,
a Texas limited partnership

By: TWC Consultants, Inc.,
a Texas corporation

By: Gail M. Whitfield
Gail M. Whitfield,
President

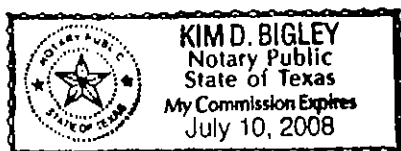
APPROVED AS TO FORM:

Assistant City Attorney
City of Austin

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 2nd day of November, 2004, by Gail M. Whitfield, President of TWC Consultants, Inc., a Texas corporation, and the corporation acknowledged this instrument as General Partner on behalf of Eskew Place, Ltd., a Texas limited partnership.



Kim D. Bigley
Notary Public, State of Texas

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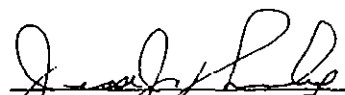
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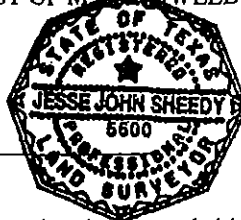
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Jesse J. Shedy, R.P.L.S. #5600



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

EXHIBIT B

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 regla*
 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 *Calyptocarpus 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*
 Woolly 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 C

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

After Recording, Please Return to:
City of Austin
Department of Law
P. O. Box 1088
Austin, Texas 78767
Attention: Diana Minter, Legal Assistant

ZONING CHANGE REVIEW SHEET

CASE: C14-04-0102

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

ADDRESS: 3512 -3610 South Lamar Boulevard

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

ZONING FROM: SF-2

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

SUMMARY STAFF RECOMMENDATION:

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

ZONING & PLATTING COMMISSION RECOMMENDATION:

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

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

ISSUES:

None at this time.

DEPARTMENT COMMENTS:

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

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

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

EXISTING ZONING AND LAND USES:

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

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

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

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

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

428 – Barton Springs / Edwards Aquifer Conservation District

498 – South Central Coalition

511 – Austin Neighborhoods Council

943 – Save Our Springs Alliance

SCHOOLS:

Zilker Elementary School

Porter Junior High School

Travis High School

CASE HISTORIES:

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

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

RELATED CASES:

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

ABUTTING STREETS:

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

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

CITY COUNCIL DATE:

September 30, 2004

ACTION: Approved a postponement request by the applicant to 10-21-04 (7-0)

October 21, 2004

Approved GR-MU-CO district zoning as recommended by ZAP Commission, on 1st Reading. Applicant requested to confirm development plans for the front part of the property and protect the Greenbelt at the back part of the property (7-0).

November 4, 2004

Approved GR-MU-CO district zoning on 2nd Reading (7-0). Staff requested to evaluate visibility of development from the Greenbelt through a height limit of 40 feet.

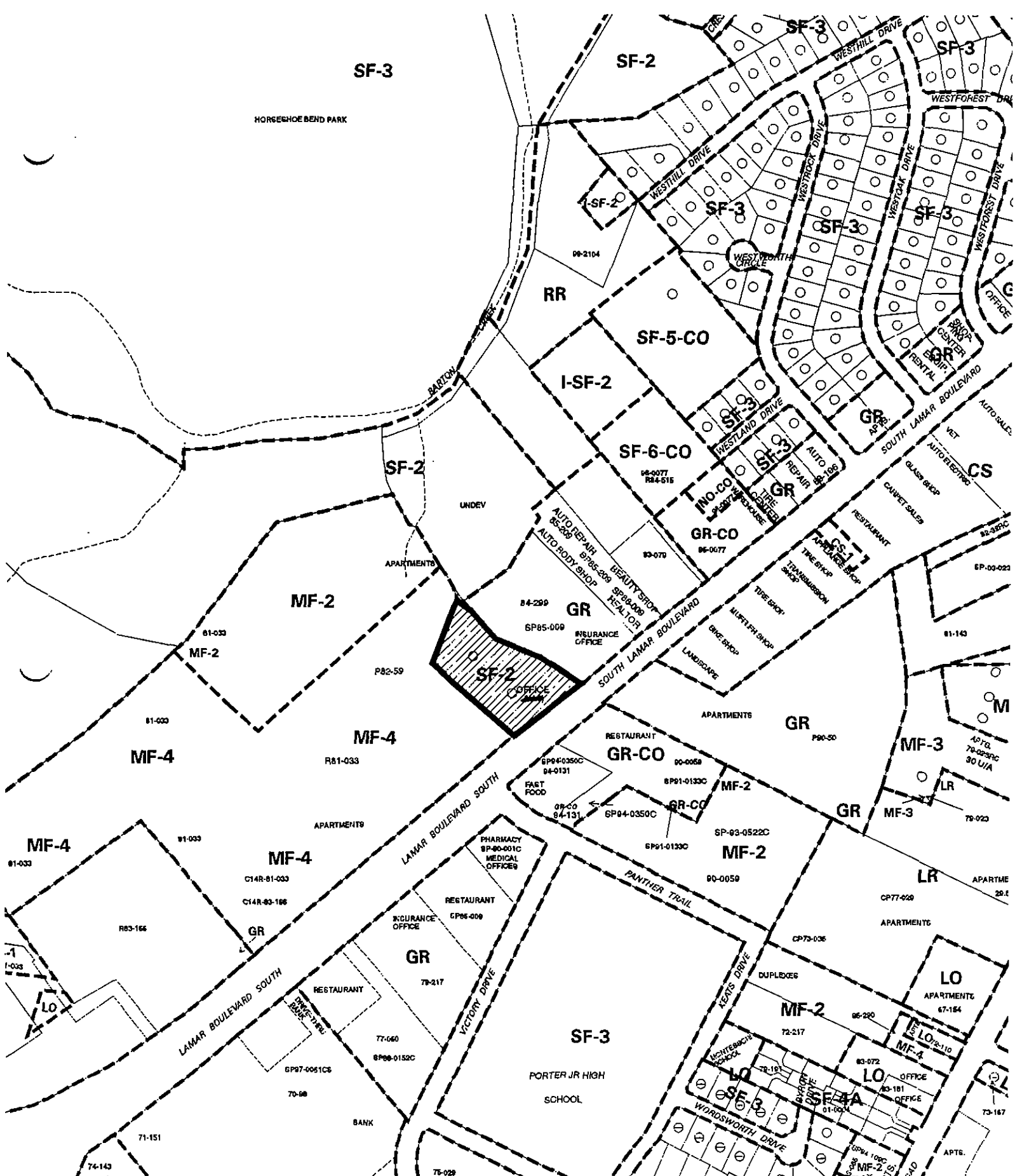
November 18, 2004

ORDINANCE READINGS: 1st October 21, 2004 2nd November 4, 2004 3rd

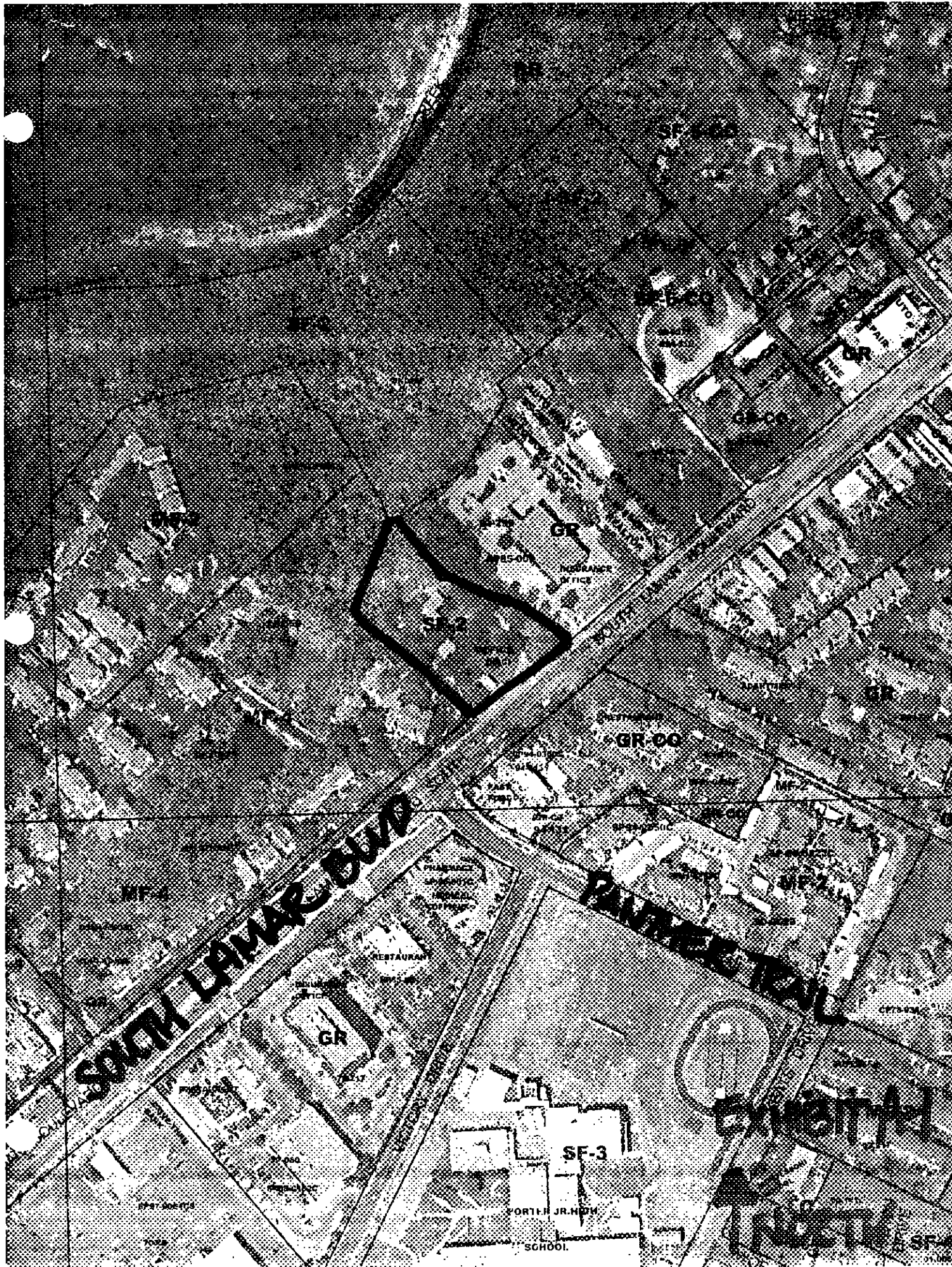
ORDINANCE NUMBER:

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

PHONE: 974-7719



	SUBJECT TRACT		ZONING <i>Exhibit A</i>	CITY GRID REFERENCE NUMBER G20
	PENDING CASE			
	ZONING BOUNDARY			
	CASE MGR: W. WALSH			
CASE #: C14-04-0102		DATE: 04-07		
ADDRESS: 3512-3610 S LAMAR BLVD		INTLS: SM		
SUBJECT AREA (acres): 2.231				



SUMMARY STAFF RECOMMENDATION:

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

BACKGROUND

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

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

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

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

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

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

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

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

EXISTING CONDITIONS

Site Characteristics

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

Impervious Cover

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

Environmental

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

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

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

At this time, site-specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

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

TPSD Right-of-Way

The scope of this review is limited to the identification of needs for dedication and/or reservation of right-of-way for funded Capital Improvement Program (C.I.P.) Roadway Construction Projects and Transportation Systems Management (T.S.M.) Projects planned for implementation by the City of Austin. No aspect of the proposed project is being considered or approved with this review other than the need for right-of-way for City projects. There are separate right-of-way dedication and reservation requirements enforced by other Departments and other jurisdictions to secure right-of-way for roadway improvements contained in the Austin Metropolitan Area Roadway Plan, roadway projects funded by County and State agencies, and for dedication in accordance with the functional classification of the roadway.

We have reviewed the proposed rezoning case and anticipate no additional requirement for right-of-way dedication or reservation for funded C.I.P. or T.S.M. projects at this location.

Transportation

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

The trip generation under the requested zoning is estimated to be 6,692 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

Water and Wastewater

The site is served with City water and wastewater utilities. If water or wastewater utility improvements, or offsite main extension, or system upgrades, or utility relocations, or adjustment are required, the landowner will be responsible for all costs and providing. Also, the water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City's utility design criteria.

Compatibility Standards

This site is located in the Barton Springs Zone.

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

Along the north property line, the following standards apply:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- A landscape area at least 25 feet in width is required along the property line if the tract is zoned LR, GO, GR, L, CS, CS-1, or CH.

In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

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

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

M E M O R A N D U M

TO: Betty Baker, Chair and Members of the Zoning and Platting Commission

FROM: Dora Anguiano, Zoning and Platting Commission Coordinator
Neighborhood Planning and Zoning Department

DATE: October 15, 2004

SUBJECT: Zoning and Platting Commission Summary

Attached is a Zoning and Platting Commission summary, which will be forwarded to the City Council.

CASE # C14-04-0102

9. C14-04-0102 – ESKEW PLACE COMMERCIAL, By: Eskew Place, Ltd. (Marcus Whitfield), 3512 – 3610 South Lamar Blvd. (West Bouldin Creek; Barton Creek – In Barton Springs Zone). **FROM SF-2 TO CS-MU. ALTERNATE RECOMMENDATION: GR-MU-CO. City Staff: Wendy Walsh, 974-7719.**

SUMMARY

Wendy Walsh, staff – “This is a tract that consist of an office, 2 residences, a garage and a well house, which is presently zoned SF-3. It has frontage on South Lamar Blvd, which is an arteriole, this segment is developed with office and commercial uses, as well as auto related uses and there are apartments to the south. The applicant is proposing to zone to rezone this tract to the GR-MU district; there are no uses that were specified with the application that I received for commercial and residential uses. Commercial development would service adjacent and nearby residential developments as well as the larger community; by capturing traffic that passes by. The request would also be compatible with the multi-family and commercial development in the area. Staff is supporting GR-MU-CO based on this location on an arteriole and establishing a maximum of 2000 daily trips”.

Marcus Whitfield, applicant – “I am the owner of the property; I live on the property and currently have a small home/office there and there is a real estate office that was present previous when we purchased the property. The original request was for CS zoning, the staff's recommendation was for GR, which reduced our impervious coverage, if we went below 80, I think the site would be basically undevelopable. A portion of this site exist in the Barton Springs Zone; that is not the recharge zone, it is the lesser sensitive zone. It is about 1-acre, the residual site is only 1-acre; if you reduce that to 50% impervious coverage under LR, it would render this site unless. In addition, it would limit our ability to tenant the property; it's my intention to do a mixed use. It would consist of a bank, some small offices on top and a residential condominium in the back. I am trying to adhere with the neighborhood association, which I am a member of; the property is very beautiful and I am too concerned about what happens around there. I am kind of on the undevelopment side, but I realize that every property needs to meet its highest and best us, which I understand that staff recommended GR zoning and therefore we agree with that”.

Commissioner Baker – “I would disagree with you on highest and best use; I think the Constitution guarantees us a fair and reasonable use; not the highest and best use; but I could appreciate the color green”.

Commissioner Baker – “Mr. Whitfield, how long have you owned the property?”

Mr. Whitfield – “I've owned the property since last year, however, I've lived in this neighborhood since I was 10 years old”.

Commissioner Baker – “There's an odd shaped property behind you to the West, it's undeveloped; what's the access to that property? Is it through your tract?”

Mr. Whitfield – “No name, it’s hard to tell, but that State Farm Regional Insurance Claim Office, they are at the edge of a cliff, so that running in the back of our property line, constitutes about a 50 to 60 foot cliff. There is no continuity; there’s also a stream further back”.

Commissioner Baker – “You have a beautiful piece of property”.

FAVOR

No Speakers.

OPPOSITION

No Speakers.

Commissioner Martinez and Gohil moved to close the public hearing.

Commissioner Jackson – “I make a motion to approve staff recommendation”.

Commissioner Martinez – “Second”.

Commissioner Jackson – “We have MF on one side; GR to the north and east, GR across the road; A lot of times we look at LR or LO as a transition, but I’m not sure what we’ll be transitioning to here; you got MF-4, which is an intensive use. We have GR all up and down the road, except where there’s CS, so introducing something less than GR, I don’t see what it does for us”.

Commissioner Martinez – “I agree; I believe it’s the best use of the property”.

Commissioner Baker – “I will not be supporting the motion because it is not at an intersection; the GR use adjoining to the right is really an office use; the one beyond is probably an GO use. I would even go with MF-4, it is a beautiful tract and I would hate to see commercial development on that tract; there’s no way you could save all those trees. It would make a beautiful residential site”.

Commissioner Whaley – “With the watershed restriction, I think that redevelopment of the property is going to be a little difficult; and I think the watershed restriction will apply regardless of the zoning permissiveness on impervious cover. I think it would be very interesting”.

Commissioner Baker – “Is there a CO?”

Commissioner Martinez – “Yes; GR-MU-CO; with the vehicle trips”.

Motion carried.

**COMMISSION ACTION:
MOTION:**

**JACKSON, MARTINEZ
APPROVED STAFF'S
RECOMMENDATION OF GR-MU-CO
ZONING.**

AYES:

**GOHIL, MARTINEZ, HALEY,
RABAGO, JACKSON, PINNELLI.**

NAY:

BAKER; DONISI

ABSENT:

HAMMOND

MOTION CARRIED WITH VOTE: 6-2.

THE
WHITFIELD
COMPANY

September 22, 2004

Ms. Wendy Walsh
City of Austin
Austin, Texas

RE: Postponement of the rezoning for 3600 S Lamar (Eskew Place)

Ms. Wendy Walsh

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

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

Thank You
Marcus Whitfield



Commercial Real Estate Services

3600 S. Lamar Blvd • Austin, Texas 78704 • 512-476-9900 • gwhitfield@thewhitfieldco.com