



Zoning
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION

AGENDA ITEM NO.: Z-25
AGENDA DATE: Thu 12/02/2004
PAGE: 1 of 1

SUBJECT: C14-04-0148 - Wells Branch Commerce Park - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 14900 Block of Interstate Highway 35 North (Walnut Creek Watershed) from interim-single family residence standard lot (I-SF-2) district zoning to general commercial services (CS) district zoning. Zoning and Platting Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning. Applicant: North IH-35 Business Park (William D. Schultz). Agent: Conley Engineering Inc. (Carl Conley P.E.). City Staff: Sherri Gager, 974-3057.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

ZONING CHANGE REVIEW SHEET

CASE: C14-04-0148

Z.A.P. DATE: November 2, 2004

ADDRESS: 14900 Block of Interstate Highway-35 North

OWNER/APPLICANT: North IH-35 Business Park (William D. Schultz)

AGENT: Conley Engineering Inc. (Carl Conley)

ZONING FROM: I-SF-2

TO: CS

AREA: 0.269 acres

SUMMARY STAFF RECOMMENDATION:

The staff's alternate recommendation is to grant CS-CO (General Commercial Services-Conditional Overlay) zoning district. The conditional overlay would limit the development intensity for the entire site to less than 2,000 vehicle trips per day.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

11/2/04: Approved staff's recommendation of CS-CO zoning, with additional condition prohibiting Adult Oriented Businesses (9-0); K. Jackson, J. Martinez.

DEPARTMENT COMMENTS:

The property in question is an undeveloped, grassy area that fronts the South Bound Service Road for Interstate Highway-35. This site was annexed by the City of Austin in 1978 through case C7A-78-0914. The applicant would like to zone the property to develop a commercial center on this site and on the larger tract of land located in the County to the north and west. The staff recommends CS-CO zoning for this property because it fronts onto Interstate Highway-35 and will take access to the IH-35 South Bound Service Road. The property is located adjacent to existing office and commercial uses to the south. The proposed CS-CO zoning is consistent with the CS, General Commercial Services district, zoning to the south and west of this site along IH-35 North.

The applicant agrees with the staff recommendation.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	I-SF-2	Undeveloped
<i>North</i>	County	Undeveloped
<i>South</i>	I-SF-2, CS	Office/Church (First Baptist Church Wells Branch), Mini Storage
<i>East</i>	CS	Restaurant-General uses (Cheddar's Restaurant, Fish Daddy's Restaurant), Hotel, Retail Sales (Firestone Tire Sales)
<i>West</i>	County	Undeveloped

AREA STUDY: N/A

TIA: Waived

WATERSHED: Walnut Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

NEIGHBORHOOD ORGANIZATIONS: N/A

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-03-0101	I-RR to CS	8/12/03: Approved staff's alternate recommendation of CS-CO zoning, with condition of no Adult Oriented Businesses (8-0, J. Cortez-left early);	10/23/04: Granted CS-CO (6-0, Dunkerly-absent); all 3 readings
C14-03-0083	I-RR to CS	6/24/03: Approved staff's rec. of CS-CO zoning; by consent (7-0, J. Cortez-Not yet arrived, J. Donisi-absent)	7/31/03: Approved CS-CO (7-0); all 3 readings
C14-01-0132	I-RR to GR	11/13/01: To approve staff's recommendation of GR-CO zoning with a condition to limit development to no more than 2 story buildings for a depth of 100' from Pecan Street (F.M. 1825). (8-0, J. Martinez- absent)	12/13/01: Approved GR-CO on consent (7-0). 1/17/02: Approved (7-0); 2 nd /3 rd readings
C14-00-2226	SF-2 to LI	12/19/00: Approved staff alternate rec. of LI-CO by consent (6-0)	1/8/01: Approved LI-CO w/conditions (6-0); 1 st reading 7/19/01: Approved LI-CO with conditions (6-0); 2 nd / 3 rd readings
C14-00-2185	SF-2 to LI	10/24/00: Approved staff alternate rec. of LI-CO (9-0) w/ conditions- prohibiting pawn shops/ adult oriented businesses	11/30/00: Approved LI-CO (7-0); 1 st reading 5/24/01: Approved LI-CO (6-0); 2 nd /3 rd readings
C14-99-0084	SF-2 to CS-CO	6/22/99: Approved staff alternate rec. of LI-CO (6-0)	7/22/99: Approved PC rec. of LI-CO w/ conditions (7-0); 1 st reading 4/20/00: Approved LI-CO (7-0); 2 nd /3 rd readings
C14-99-0054	LI to CS-CO	5/25/99: Denied CS-CO (6-0-1, RR-abstain)	7/29/99: Approved staff recommendation of CS-CO w/ conditions (7-0); 1 st reading 11/18/99: Denied CS-CO (5-2, BG/WL-Nay); valid petition filed, lack of super majority
C14-99-0031	SF-2 to LI	3/23/99: Approved staff alternate rec. of LI-CO (9-0)	5/6/99: Approved P/C recommendation of LI-CO (9-0); all 3 readings

RELATED CASES: N/A

ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION
IH-35	Varies	Varies	Major Arterial

CITY COUNCIL DATE: December 2, 2004

ACTION:

ORDINANCE READINGS: 1st

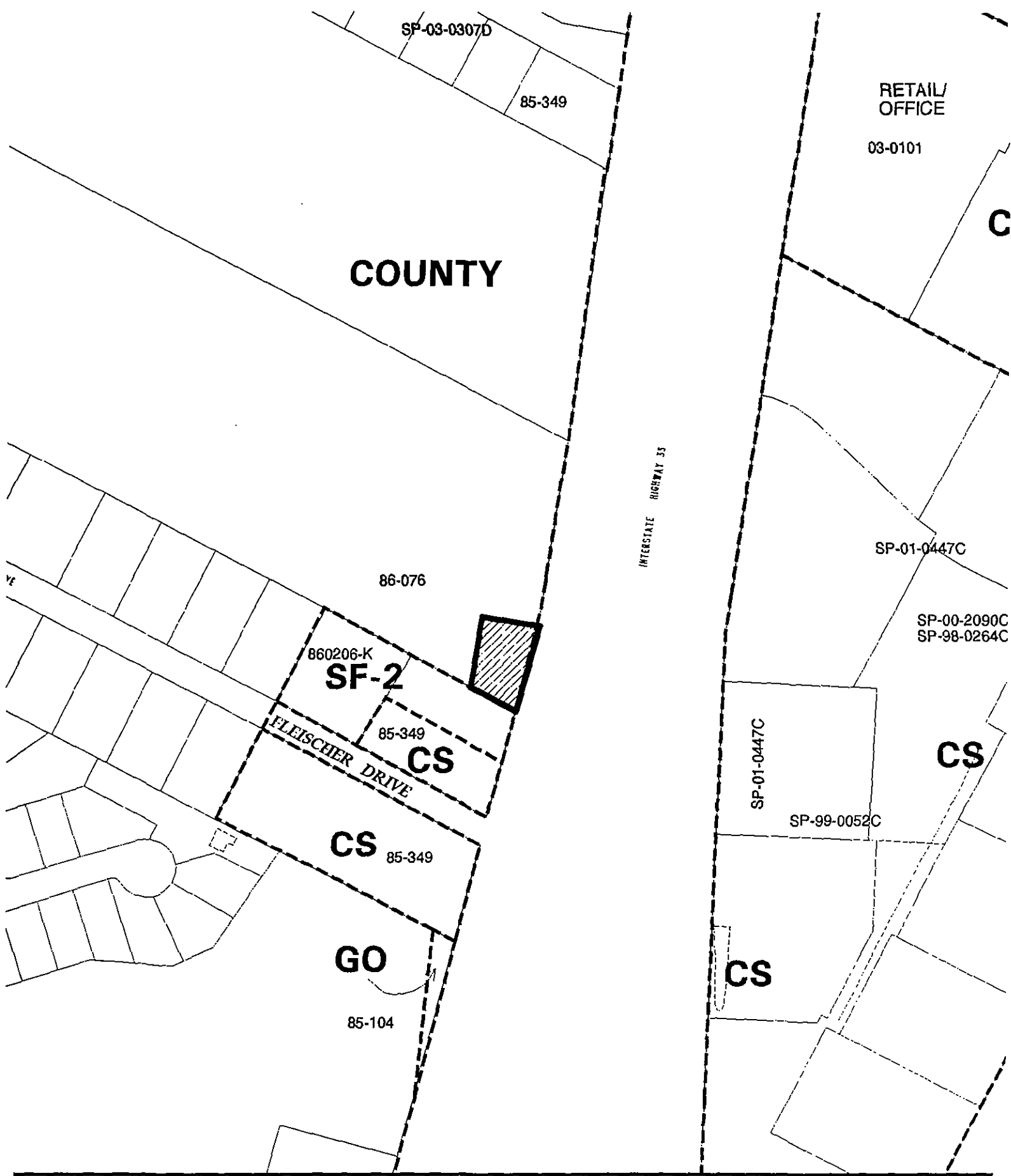
2nd


3rd

ORDINANCE NUMBER:

CASE MANAGER: Sherri Gager

PHONE: 974-3057,
sherri.gager@ci.austin.tx.us



 1" = 200'	<p>SUBJECT TRACT PENDING CASE ZONING BOUNDARY CASE MGR: S.GAGER</p>	<p>ZONING</p> <p>CASE #: C14-04-0148 ADDRESS: 14900 N. IH 35 SUBJECT AREA (acres): 0.269</p> <p>DATE: 04-10 INTLS: TRC</p>	<p>CITY GRID REFERENCE NUMBER</p> <p>M37</p>
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STAFF RECOMMENDATION

The staff's alternate recommendation is to grant CS-CO (General Commercial Services-Conditional Overlay) zoning district. The conditional overlay would limit the development intensity for the entire site to less than 2,000 vehicle trips per day.

BACKGROUND

The property in question is an undeveloped, grassy area that fronts the South Bound Service Road for Interstate Highway-35. This site was annexed by the City of Austin in 1978 through case C7A-78-0914. The applicant would like to zone the property to develop a commercial center on this site and on the larger tract of land located in the County to the north and west. The staff recommends CS-CO zoning for this property because it fronts onto Interstate Highway-35 and will take access to the IH-35 South Bound Service Road. The property is located adjacent to existing office and commercial uses to the south. The proposed CS-CO zoning is consistent with the CS, General Commercial Services district, zoning to the south and west of this site along IH-35 North.

The applicant agrees with the staff recommendation.

BASIS FOR RECOMMENDATION

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

The CS zoning district is intended for commercial or industrial use of a service nature that has operating characteristics or traffic service requirements that are incompatible with residential environments.

The property in question will take access to the Interstate Highway-35 South Bound Service Road.

2. *The proposed zoning should promote consistency, and orderly planning.*

This tract of land is located adjacent to existing office and commercial uses to the south. There is currently CS, General Commercial Services district, zoning to the south and west of this site along IH-35 North.

3. *The proposed zoning should allow for a reasonable use of the property.*

The proposed CS zoning district would allow for a fair and reasonable use of the site. CS-CO zoning is appropriate for this location because of the commercial character of the area. The property fronts onto Interstate Highway-35 North, a major arterial roadway.

EXISTING CONDITIONS

Site Characteristics

The site under consideration is an undeveloped, grassy area that fronts Interstate Highway-35. The properties to the north and west are also undeveloped. To the south of this tract, there is a small convenience storage use and a church that is located within an existing office building. These properties have access to the IH-35 South Bound Service Road and Fleischer Drive. The lots along Fleischer Drive are developed with a mixture of uses: single-family residential, office/warehouses.

contracting services (landscape company and a pool company), outdoor storage, a Apostolic praise center (religious assembly use), a transmission repair shop, and a charter school.

As you travel to the south of the property in question, along the IH-35 SB Service Road, there is a fast food restaurant (KFC), a lube change business, and a service station use.

Hill Country Roadway

The site is not within a Hill Country Roadway Corridor.

Impervious Cover

The maximum impervious cover allowed by the CS zoning district would be 95%. However, because the watershed impervious cover is more restrictive than the zoning district's allowable impervious cover, the impervious cover is limited by the watershed regulations. 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%

Note: The most restrictive impervious cover limit applies.

Environmental

The site is not located over the Edward's Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Walnut 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.

According to flood plain maps, there is no floodplain within, or adjacent to the project boundary.

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 that preempt current water quality or Code requirements.

Transportation

The trip generation under the requested zoning is estimated to be 2,647 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]

Additional right-of-way may be required at the time of subdivision or site plan.

Capital Metro bus service is not available within 1/4 mile of this property.

Existing Street Characteristics:

NAME	ROW	PAVEMENT	CLASSIFICATION
HH-35	Varies	Varies	Major Arterial

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 subdivision, site plan, or 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.

Water and Wastewater

The landowner intends to serve each lot with City water and wastewater utilities. Water and wastewater utility improvements, offsite main extension, and system upgrades are required. Also, wastewater service is available per that terms and conditions of an inter-local service and connection agreement with the Wells Branch Municipal Utility District. The landowner will be responsible for providing all water and wastewater utility improvements, offsite main extension, and system upgrade to serve each lot.

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

Approved.

CS-CO

03-0083

SP-04-021

SP-01-0447C

SP-00-2090C
SP-98-0264C

CS

SP-99-0052C

SP-01-0447C

CS

F.M. 1825

INTERSTATE HIGHWAY 35

COUNTY

86-076

SF-2

85-08-K

CS

85-349

CS

GO

85-104

LEISCHER DRIVE

ORDINANCE NO. _____

1 AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING FOR THE
2 PROPERTY LOCATED AT THE 14900 BLOCK OF IH-35 NORTH AND
3 CHANGING THE ZONING MAP FROM INTERIM SINGLE FAMILY
4 RESIDENCE STANDARD LOT (I-SF-2) DISTRICT TO GENERAL
5 COMMERCIAL SERVICES-CONDITIONAL OVERLAY (CS-CO) COMBINING
6 DISTRICT.

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

9
10 **PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to
11 change the base district from interim single family residence standard lot (I-SF-2) district
12 to general commercial services-conditional overlay (CS-CO) combining district on the
13 property described in Zoning Case No. C14-04-0148, on file at the Neighborhood Planning
14 and Zoning Department, as follows:

15
16 A 0.2694 acre tract of land, more or less, out of the L. C. Cunningham Survey No.
17 68, Travis County, the tract of land being more particularly described by metes and
18 bounds in Exhibit "A" incorporated into this ordinance, (the "Property")

19
20 locally known as the property located at the 14900 Block of IH-35 North, in the City of
21 Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".
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. Adult oriented businesses uses are prohibited uses of the Property.
32

33 Except as specifically restricted under this ordinance, the Property may be developed and
34 used in accordance with the regulations established for the general commercial services
35 (CS) base district and other applicable requirements of the City Code.
36
37

PART 3. This ordinance takes effect on _____, 2004.

PASSED AND APPROVED

www.wv

Will Wynn
Mayor

APPROVED: _____ **ATTEST:** _____

David Allan Smith
City Attorney

Shirley A. Brown
City Clerk

CRICHTON AND ASSOCIATES, INC.
LAND SURVEYORS
107 NORTH LAMPASAS
ROUND ROCK, TEXAS 78664
512-244-3395

FIELD NOTES

**FIELD NOTES FOR A 0.2694 ACRE TRACT OF LAND OUT OF
THE L.C. CUNNINGHAM SURVEY NO. 68, ABSTRACT NO.
163, IN TRAVIS COUNTY, TEXAS, ALSO BEING OUT OF A
45.558 ACRE TRACT CONVEYED IN VOL. 12068, PG. 692,
REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS,
AND BEING MORE PARTICULARLY DESCRIBED BY METES
AND BOUNDS AS FOLLOWS**

BRGINNING at a ½" iron rod found on the West R.O.W. line of Interstate Highway 35 being the Northeast corner of a 0.976 acre tract conveyed to 1st Baptist Church Wells Branch in Vol. 11653, Pg. 1073, Real Property Records, Travis County, Texas and the Southeast corner of the said 45.558 acre tract. Said iron rod also being the Southeast corner of this tract and the **POINT OF BEGINNING**.

THENCE N 59° 59' 44" W, with the North line of the said 1st Baptist Church tract and the South line of the said 45.558 acre tract, 84.76 feet to a point being the Southwest corner of this tract.

THENCE through the interior of the said 45.558 acre tract, the following two (2) courses and distances:

- 1) N 10° 30' 23" E, with a line 250 feet West of and parallel to the centerline of Interstater Highway 35, 117.50 feet to a point for the Northwest corner of this tract.
- 2) S 79° 29' 37" E, 96.61 feet to a point on the West R.O.W. line of Interstate Highway 35 being the Northeast corner of this tract.

THENCE S 17° 02' 43" W, with the West R.O.W. line of Interstate Highway 35, 146.75 feet to the **POINT OF BEGINNING** and containing 0.2694 acres of land more or less.

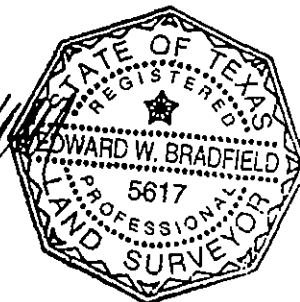
I hereby certify that the foregoing field notes were prepared from a survey on the ground under my supervision and are true and correct to the best of my knowledge and belief.

Witness my hand and seal this 15th day of September, 2004.

Edward W. Bradfield. R.P.L.S. 5617

Edward W. Bradfield

EXHIBIT A



SCALE 1" = 30'

SKETCH TO ACCOMPANY FIELD NOTES FOR
A 0.2694 ACRE TRACT

OUT OF THE L.C. CUNNINGHAM SURVEY NO. 68,
ABSTRACT NO. 163, IN TRAVIS COUNTY, TEXAS, ALSO
ALSO BEING OUT OF A 45.558 ACRE TRACT CONVEYED IN
VOL. 12068 PG. 692 DEED RECORDS, TRAVIS COUNTY,
TEXAS

SOUTHWEST LAND INVESTMENTS
PARTNERSHIP, LTD.
45.558 ACRES
12068/692

0.2694 ACRES

INTERSTATE HIGHWAY 35

P.O.B.

1ST BAPTIST CHURCH
WELLS BRANCH
0.976 ACRES
11653/1073

CRICHTON
AND ASSOCIATES INC.
LAND SURVEYORS

107 N. LAMPASAS STREET
ROUND ROCK, TEXAS 78664
(512) 244-3395
FAX (512) 244-9508



DATE Sept. 15, 2004

SP-03-0307D

85-349

RETAIL/
OFFICE

03-0101

COUNTY

INTERSTATE
HIGHWAY 35

SP-01-0447C

SP-00-209
SP-98-026

86-076

860206-K

SF-2

85-349

CS

FLEISCHER DRIVE

CS

85-349

GO

85-104

SP-01-0447C

SP-99-0052C

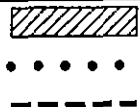
CS

CS



1" = 200'

SUBJECT TRACT
PENDING CASE
ZONING BOUNDARY
CASE MGR: S.GAGER



CASE #: C14-04-0148

ADDRESS: 14900 N. IH 35

SUBJECT AREA (acres): 0.289

ZONING *EXHIBIT 13*

DATE: 04-10

INTLS: TRC

CITY GRID
REFERENCE
NUMBER

M37