



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

**AGENDA ITEM NO.: Z-2**  
**AGENDA DATE: Thu 12/16/2004**  
**PAGE: 1 of 1**

**SUBJECT:** C14-04-0175 - 403-413 Bastrop Highway - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning and rezoning property locally known as 403-413 Bastrop Highway (Colorado River Watershed) from interim-single family residence standard lot (I-SF-2) district zoning, rural residence (RR) district zoning and general commercial services (CS) 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. Applicants: Glenda Jean Burkland Bearden, Bobby Ray Burkland, Barbara Jean Burkland and Mark Bearden. Agent: Glenda Jean Burkland Bearden. City Staff: Wendy Walsh, 974-7719.

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

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

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-04-0175

**Z.P.C. DATE:** November 16, 2004

**ADDRESS:** 403 – 413 Bastrop Highway

**OWNERS AND APPLICANTS:** Glenda Jean Burkland Bearden; Bobby Ray Burkland; Barbara Jean Burkland & Mark Bearden

**ZONING FROM:** I-SF-2; RR; CS

**TO:** CS

**AREA:** 2.310 acres

### **SUMMARY STAFF RECOMMENDATION:**

The staff's recommendation is to grant general commercial services – conditional overlay (CS-CO) combining district zoning. The Conditional Overlay limits development of the property to less than 2,000 vehicle trips per day.

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

November 16, 2004: *APPROVED CS-CO DISTRICT ZONING AS RECOMMENDED BY STAFF; BY CONSENT.*

*[J.M. J.G, 2<sup>ND</sup>] (9-0)*

### **ISSUES:**

None at this time.

### **DEPARTMENT COMMENTS:**

The subject rezoning area consists of two contiguous tracts, takes direct access to Bastrop Highway, and is zoned general commercial services (CS – highway frontage); interim-single family residence standard lot (I-SF-2 – western ¼, approximately) and rural residence (RR – eastern ¼, approximately) districts. The tracts contain an upholstery business, a vacant commercial building, a farm equipment company, auto repair and auto sales uses. This segment of Bastrop Highway that is between Thompson and Hergotz Lanes includes an agricultural sales and service and general retail sales business (CS), undeveloped property (RR) and a supply company (CS frontage; SF-3). The rezoning area is also located within the Airport Overlay Zone (AO-3) also known as the ½ mile buffer zone that permits commercial and industrial uses. Please refer to Exhibits A (Zoning Map), A-1 (Aerial View) and A-2 (Location Map).

The applicant proposes to rezone the lot to the general commercial services (CS) district to accommodate the existing developments on the property. Staff recommends CS-CO district zoning based on the following considerations of the property: 1) location on Bastrop Highway, a freeway which is suitable for commercial uses and the rezoning area has good transportation access; 2) properties to the northwest and southeast are developed with similar commercial uses and carry CS zoning; and 3) the rezoning area is in close proximity to the Austin Bergstrom International Airport, and commercial zoning and uses are compatible with airport activities. The Conditional Overlay limits the number of daily motor vehicle trips to 2,000.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	I-SF-2; RR; CS	Upholstery business; Vacant commercial building; Farm equipment company; automobile repair; automotive sales
<i>North</i>	RR; DR	Single family residence; Undeveloped
<i>South</i>	N/A	Bastrop Highway / U.S. Highway 183
<i>East</i>	CS	Agricultural sales and services
<i>West</i>	RR; CS	Undeveloped; Supply company

**AREA STUDY:** N / A**TIA:** Is not required**WATERSHED:** Colorado River**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** No**SCENIC ROADWAY:** No**NEIGHBORHOOD ORGANIZATIONS:**

189 – Southeast Austin Neighborhood Alliance  
 299 – The Crossing Gardenhome Owners Association    300 – Terrell Lane Interceptor Association  
 428 – Barton Springs / Edwards Aquifer Conservation District  
 477 – El Concilio, Coalition of Mexican American Neighborhood Association  
 511 – Austin Neighborhoods Council  
 634 – Montopolis Area Neighborhood Alliance  
 972 – PODER People Organized in Defense of Earth and Her Resources

**SCHOOLS:**

Allison Elementary School

Martin Junior High School

Johnston High School

**CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>CITY COUNCIL</b>
C14-04-0085	I-RR to CS	To Grant CS-CO with CO for list of prohibited uses and 2,000 trip limit	Approved CS-CO district zoning as ZAP recommended (9-2-04)
C14-04-0084	RR to CS	To Grant CS-CO with CO for list of prohibited uses and 2,000 trip limit	Approved CS-CO district zoning as ZAP recommended (9-2-04)
C14-02-0174	I-RR to LI for Tract 1; CS-1 for Tract 2	To Grant IP-CO for both tracts with CO for 2,000 trip limit	Approved LI-CO for Tract 1; CS-1-CO for Tract 2 with the CO across both tracts limited to 2,000 trips (11-20-03)
C14-02-0144	I-RR to CS	To Grant CS	Approved CS (10-24-02)
C14-00-2004	I-RR to RR; DR and CS	To Grant RR; DR and CS	Approved RR; DR and CS (2-8-01).
C14-99-0096	I-RR to P	To Grant P-CO, with	Approved P-CO, as

		Conditional Overlay limited to 1,000 vehicle trips per day.	recommended by PC (8/19/99).
C14-97-0095	LI to CS-1	To Grant CS-1-CO with conditions to prohibit adult-oriented uses and limited to 2,000 vehicle trips per day.	Granted CS-1-CO as recommended by PC (10-16-97).

**RELATED CASES:**

The tract was annexed on September 6, 2001. There are no related subdivision or site plan cases on the subject property.

**ABUTTING STREETS:**

STREET	RIGHT-OF-WAY	PAVEMENT WIDTH	CLASSIFICATION
Bastrop Highway	400 feet	2 @ 40 feet	Freeway

- Capital Metro bus service is available along the frontage road of Bastrop Highway.

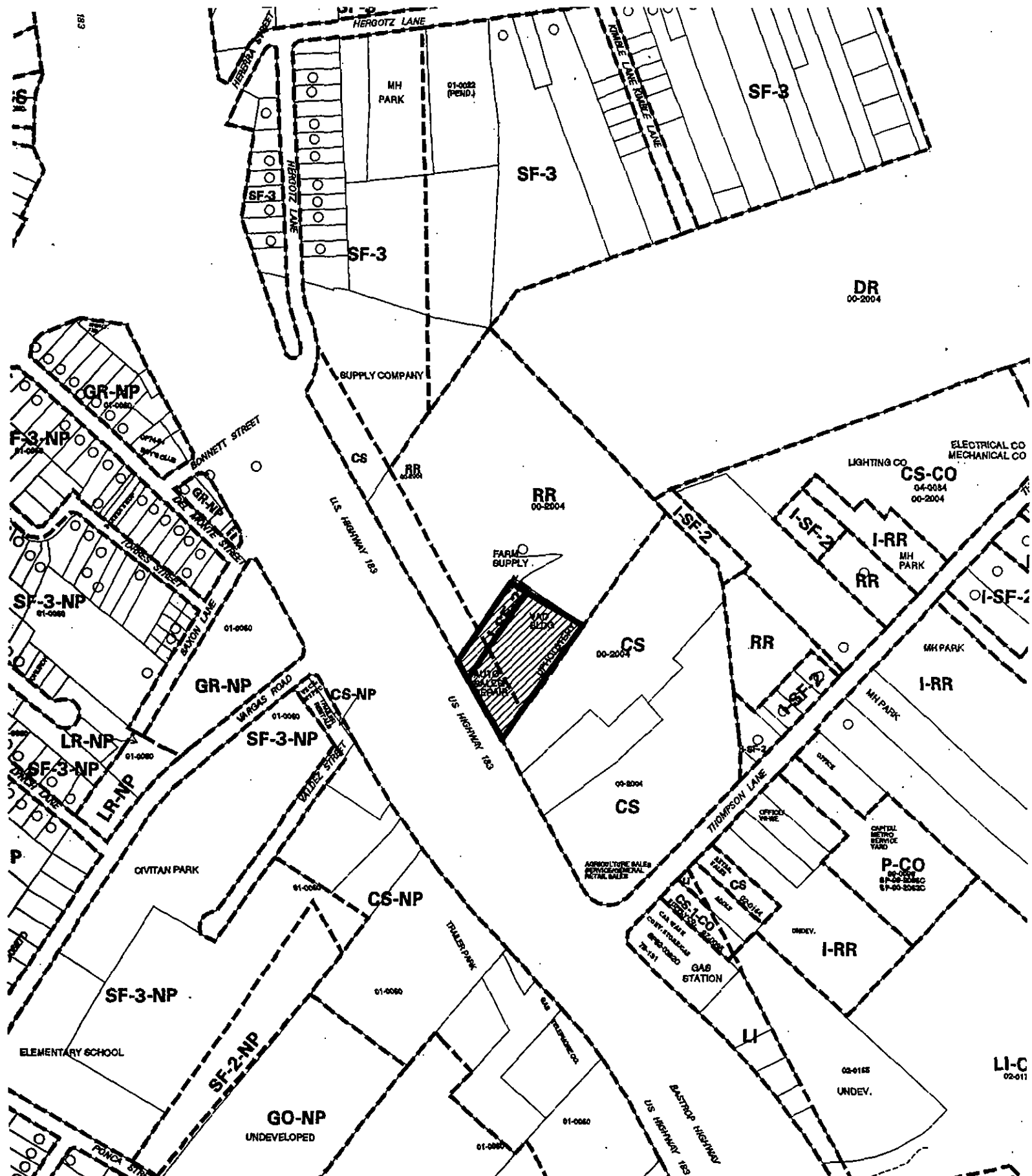
**CITY COUNCIL DATE:** December 16, 2004 **ACTION:**





**ORDINANCE READINGS:**    1<sup>st</sup>                      2<sup>nd</sup>                      3<sup>rd</sup>

**ORDINANCE NUMBER:**

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

**PHONE:** 974-7719



 1" = 400'	SUBJECT TRACT		ZONING <b>Exhibit A</b>  CASE #: C14-04-0175 ADDRESS: 403-413 BASTROP HWY SUBJECT AREA (acres): 2.310	DATE: 04-11  INTLS: SM	CITY GRID REFERENCE NUMBER  M20
	PENDING CASE				
	ZONING BOUNDARY				
	CASE MGR: W. WALSH				

SF-3

DR

00-2004

SUPPLY

CS

RR

RR

00-2004

I-SF-2

I-SF-2

RR

RR

GR-NP

CS-NP

SF-3-NP

I-SF-2

CS

00-2004

I-SF-2

I-SF-2

CS

CS-NP

CS

GAS  
STATION

I-RR

L.

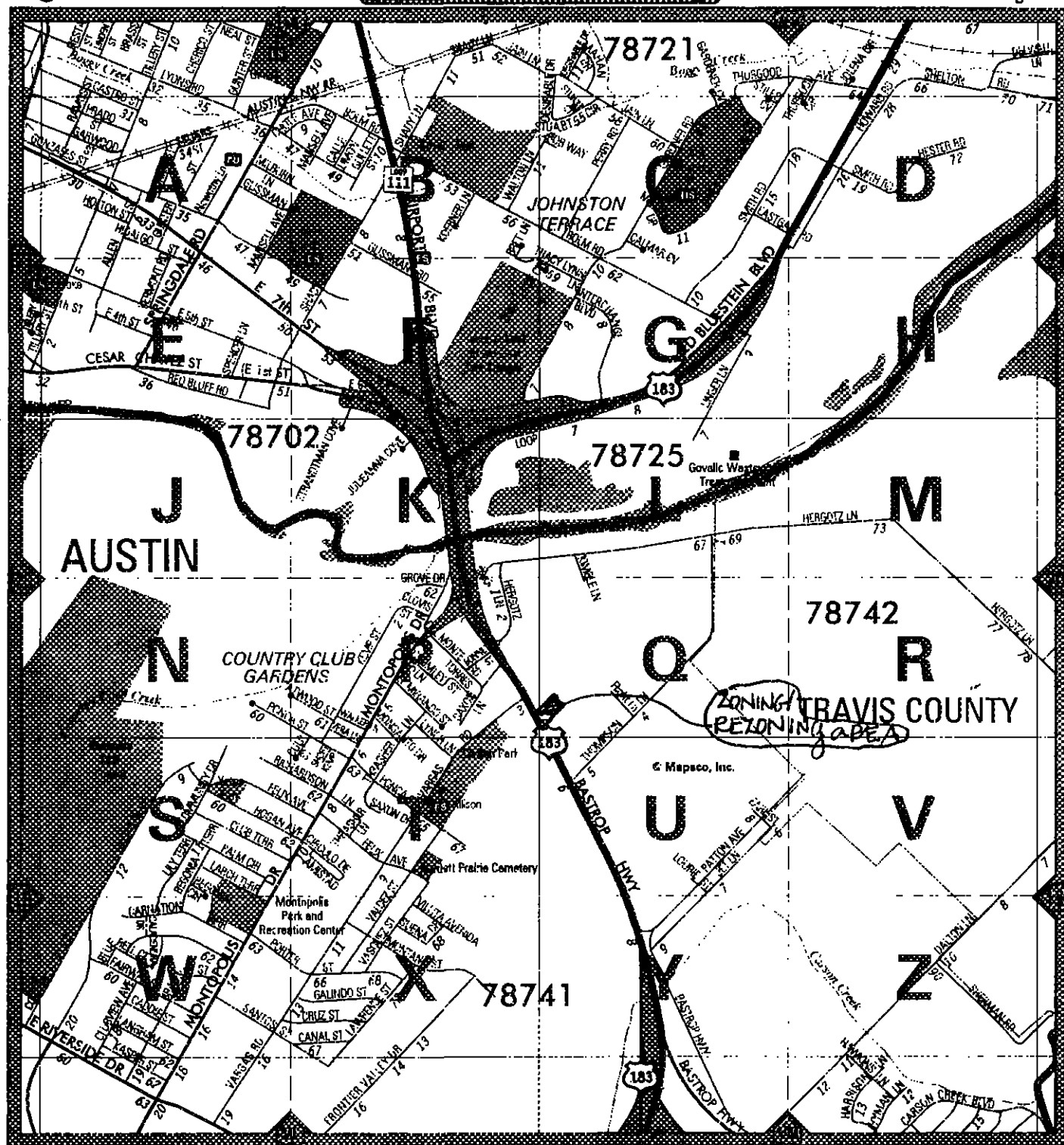
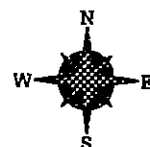
SF-2-NP

GO-NP

00-0100

UNDLV.

UNDVELOPED



SCALE IN MILES  
0 1/2 1/4 3/8 1/2

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SCALE IN FEET  
0 1000 2000 3000

**SUMMARY STAFF RECOMMENDATION:**

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

**BACKGROUND**

The subject rezoning area consists of two contiguous tracts, takes direct access to Bastrop Highway, and is zoned general commercial services (CS – highway frontage); interim-single family residence standard lot (I-SF-2 – western ¼, approximately) and rural residence (RR – eastern ¾, approximately) districts. The tracts contain an upholstery business, a vacant commercial building, a farm equipment company, auto repair and auto sales uses. This segment of Bastrop Highway that is between Thompson and Hergotz Lanes includes an agricultural sales and service and general retail sales business (CS), undeveloped property (RR) and a supply company (CS frontage; SF-3). The rezoning area is also located within the Airport Overlay Zone (AO-3) also known as the ½ mile buffer zone that permits commercial and industrial uses.

The applicant proposes to rezone the lot to the general commercial services (CS) district to accommodate the existing developments on the property. Staff recommends CS-CO district zoning based on the following considerations of the property: 1) location on Bastrop Highway, a freeway which is suitable for commercial uses and the rezoning area has good transportation access; 2) properties to the northwest and southeast are developed with similar commercial uses and carry CS zoning; and 3) the rezoning area is in close proximity to the Austin Bergstrom International Airport, and commercial zoning and uses are compatible with airport activities. The Conditional Overlay limits the number of daily motor vehicle trips to 2,000.

**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, zoning is intended for commercial or industrial uses that typically have operating characteristics or traffic service requirements generally incompatible with residential environments. The property has access to Bastrop Highway, a freeway.

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

Staff recommends CS-CO district zoning based on the following considerations of the property: 1) location on Bastrop Highway, a freeway which is suitable for commercial uses and the rezoning area has good transportation access; 2) properties to the northwest and southeast are developed with similar commercial uses and carry CS zoning; and 3) the rezoning area is in close proximity to the Austin Bergstrom International Airport, and commercial zoning and uses are compatible with airport activities. The Conditional Overlay limits the number of daily motor vehicle trips to 2,000.



## EXISTING CONDITIONS

### Site Characteristics

The rezoning area is developed with an upholstery business, a vacant commercial building, a farm equipment company, auto repair and auto sales uses. There site is relatively flat and there appear to be no significant topographical constraints on the site.

### Impervious Cover

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

### Environmental

The site is not located over the Edward's Aquifer Recharge Zone. The site is in the Colorado River Watershed, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

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

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

According to flood plain maps, there is no flood plain in, or within close proximity of, the project location.

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

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

Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:

Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

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

**TPSD Right-of-Way**

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

We have reviewed the proposed 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 10,687 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

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

**Water and Wastewater**

The landowner intends to serve the site with City water and wastewater utilities. If water or wastewater utility improvements, or offsite main extension, or system upgrades, or utility relocations, or utility adjustment are required, the landowner, at own expense, will be responsible for providing. Also, the utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City design criteria and specifications.

**Compatibility Standards**

This property is within the Airport Overlay Zone AO-3. Development on this property is limited by Chapter 25-13 of the Austin City Code. Airport hazards as defined in Federal Aviation Regulations Part 77, as adopted by the City in Section 25-13-23, are prohibited. Noise level reduction measures may be required for certain new structures. For more information, contact Shane M. Harbinson or Joe Medici, Noise Abatement Officer at (512) 530-6563.

The site is subject to compatibility standards. Along the north and west 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.

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

1 AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING FOR THE  
2 PROPERTY LOCATED AT 403-413 BASTROP HIGHWAY AND CHANGING  
3 THE ZONING MAP FROM INTERIM SINGLE FAMILY RESIDENCE  
4 STANDARD LOT (I-SF-2) DISTRICT, GENERAL COMMERCIAL SERVICES  
5 (CS) DISTRICT AND RURAL RESIDENCE (RR) DISTRICT TO GENERAL  
6 COMMERCIAL SERVICES-CONDITIONAL OVERLAY (CS-CO) COMBINING  
7 DISTRICT.

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

10  
11 PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to  
12 change the base district from interim single family residence standard lot (I-SF-2) district,  
13 general commercial services (CS) district and rural residence (RR) district to general  
14 commercial services-conditional overlay (CS-CO) combining district on the property  
15 described in Zoning Case No.C14-04-0175, on file at the Neighborhood Planning and  
16 Zoning Department, as follows:

17  
18 Two tracts of land consisting of a 1.870 acre tract, more or less, and a 0.440 acre  
19 tract, both out of the Santiago del Valle Grant, Travis, the tracts of land being more  
20 particularly described by metes and bounds in Exhibits "A" and "B", incorporated  
21 into this ordinance, (the "Property")

22  
23 locally known as 403-413 Bastrop Highway, in the City of Austin, Travis County, Texas,  
24 and generally identified in the map attached as Exhibit "C".

25  
26 PART 2. The Property within the boundaries of the conditional overlay combining district  
27 established by this ordinance is subject to the following conditions:

28  
29 A site plan or building permit for the Property may not be approved, released, or  
30 issued, if the completed development or uses of the Property, considered cumulatively with  
31 all existing or previously authorized development and uses, generate traffic that exceeds  
32 2,000 trips per day.

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



Tract #1

Copy 2

CH-34-0175

CS-CC duplicate survey

FIELD NOTES  
1.870 ACRE TRACT

Being 1.870 acres of land out of the Santiago Del Valle Grant, Travis County, Texas, and being that certain tract of land conveyed to O. L. Golden by deed recorded in Volume 7802, Page 164, save and except an 0.5408 acre tract conveyed to the State of Texas, of record in Volume 2402, Page 297 of the Travis County, Texas, Deed Records, and being described in the following Metes and Bounds:

BEGINNING at an iron pin found in the curving East line of U. S. 183, said point being the southwest corner of said Golden Tract, and the northwest corner of a 6.06 acre tract of land conveyed to Capitol Feed and Milling Co., Inc., recorded in Volume 1741, Page 435 of the Travis County, Texas Deed Records;

THENCE along the curving East line of U. S. 183 and a curve to the left, an arc distance of 227.90 feet to an iron pin set for the northwest corner of herein described 1.870 acre tract, and the southwest corner of a tract of land conveyed to Fred D. Pryor, recorded in Volume 2865, Page 496 of the Travis County, Texas Deed Records, said curve having the following elements, Radius 11,514.20, chord bears N 26° 06' 15" W, 227.89 feet;

THENCE N 36° 38' 00" E, a distance of 335.06 feet to an iron pin set in a fence line, for the northwest corner of herein described 1.870 acre tract, and the northeast corner of said Pryor Tract, and from said point a 60 D nail found in a fence corner for the northwest corner of said Pryor Tract bears N 56° 36' 00" W, 60.10 feet;

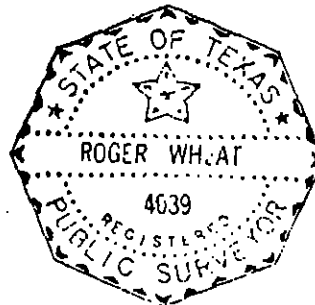
THENCE S 56° 36' 00" E, a distance of 211.44 feet to an iron pin set at a fence corner for the northeast corner of herein described 1.870 acre tract, said point also being in the West line of a 6.06 acre tract conveyed to Capitol Feed and Milling Co., Inc., of record in Volume 1741, Page 435 of the Travis County, Texas Deed Records;

THENCE S 37° 43' 00" W, a distance of 451.46 feet to the Point of Beginning containing 1.870 acres more or less.

I hereby certify that the above is true and correct to the best of my belief and knowledge, and is based on an actual survey on the ground.

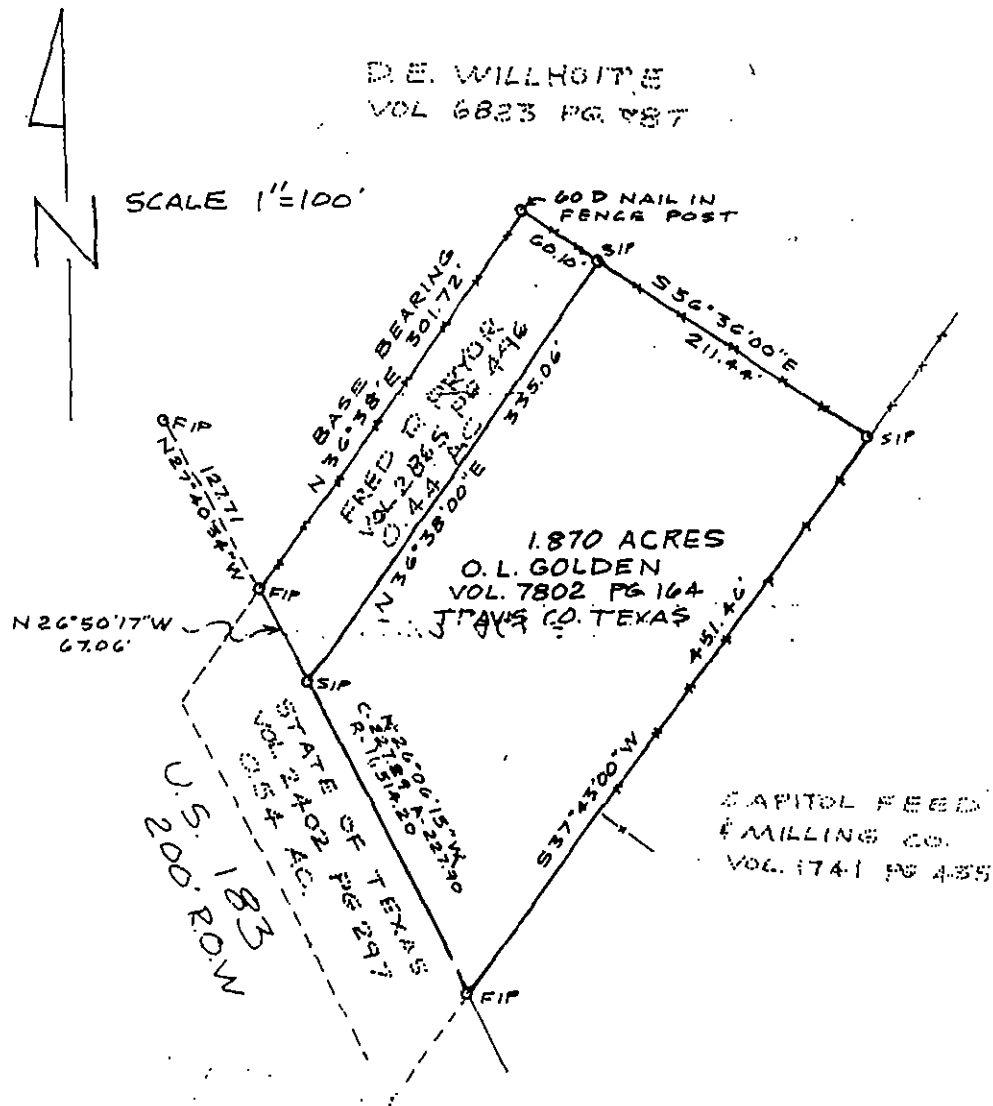
30 August 1982  
DATE

Roger Wheat  
ROGER WHEAT  
REGISTERED PUBLIC SURVEYOR NO. 4039



A

Ray Burkland

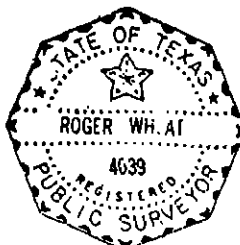


SURVEY OF 1.870 ACRES OUT OF  
THE SANTIAGO DEL VALLE GRANT  
TRAVIS COUNTY, TEXAS

I hereby certify that the above is true and correct to the best of my belief and knowledge, and is based on an actual survey on the ground.

DATE 30 AUGUST 1982

Roger Wheat  
ROGER WHEAT  
REGISTERED PUBLIC SURVEYOR NO. 4039



CONNELL SURVEYS

BOUNDARY AND TITLE SURVEYS

June 8, 1988

Chris V. Connell

Registered Public Surveyor No. 4058

FIELD NOTES

CH-04-0175

CS-CO district zoning

Being 0.440 acres of land out of the Santiago Del Valle Grant, Travis County, Texas and being that same tract described in Volume 2865, Page 496 and further described in Volume 10649, Page 197, both of the Deed Records of Travis County, Texas and further being described as follows:

BEGINNING AT A POINT for the south corner of this tract, being a found  $\frac{1}{2}$ " rebar at a point for the west corner that certain Ray Burklund tract described in Volume 7992, Page 407 and Volume 7993, Page 140, both of the Deed Records of Travis County, Texas, said rebar also being in the northeast line of Bastrop Highway (U. S. Highway 183);

THENCE, with said northeast line of Bastrop Highway, N56°50'17"W, a distance of 67.06 feet to a found  $\frac{1}{2}$ " rebar at a fence corner for the west corner of this tract and a south corner of that certain David E. Willhoite tract described in Volume 6823, Page 787 of the Deed Records of Travis County, Texas;

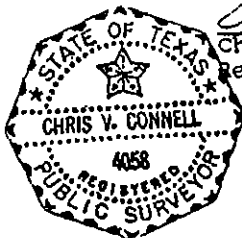
THENCE, with the southeast line of said Willhoite tract, N36°38'00"E, a distance of 301.72 feet to a set  $\frac{1}{2}$ " rebar at a fence corner for the north corner of this tract and a re-entrant corner of said Willhoite tract;

THENCE, with a southwest line of said Willhoite tract, S56°36'00"E, a distance of 60.10 feet to a found  $\frac{1}{2}$ " rebar at a point for the east corner of this tract and the north corner of said Burklund tract;

THENCE, with the northwest line of said Burklund tract, S36°38'00"W, a distance of 335.06 feet to the TRUE PLACE OF BEGINNING.

Containing 0.440 acres of land, more or less.

Based on a survey performed on the ground under my supervision during the months of February and June, 1988.



*Chris V. Connell*  
Chris V. Connell  
Registered Public Surveyor No. 4058

B



COUNTY, TEXAS PLAT RECORDS.

\* 0.440 acres out of  
Santiago Del Valle Grant  
(2865/496 & 10649/197)  
Travis County, Texas  
(Field Notes incl.)

David E.  
Willhoite  
(6823/787)

0.440  
Acres

Ray Burkland  
(7992/407 & 7993/140)

BA STROP HIGHWAY  
(U.S. Hwy. 183)

LEGEND

1 RECORD PER PLAT M.N. G.M. F.M. WATER METER (GAS-REC.)  
2 CHAIN LINK FENCE ---E--- OVERHEAD ELEC LINE  
3 WOOD FENCE [ ] CONCRETE

○ POWER POLE  
△ 4" REBAR SET  
○ 4" REBAR FOUND

DATE(S) ISSUED

6-8-88

Scale  
1"=50'

CITY OF TEXAS

TO THE LIEN HOLDERS AND/OR THE OWNERS OF THE PREMISES SURVEYED AND TO

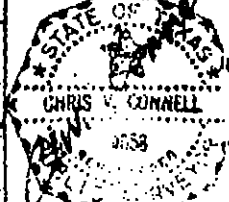
CITY OF Travis

T.H. Company

UNDERSIGNED DOES HEREBY CERTIFY THIS SURVEY WAS THIS DAY MADE ON THE GROUND OF THE PROPERTY LEGALLY DESCRIBED HEREON AND IS  
RECT, AND THAT THERE ARE NO DISCREPANCIES, CONFLICTS, SHORTAGES IN AREA, BOUNDARY LINE CONFLICTS, ENCROACHMENTS, OVERLAPPING  
IMPROVEMENTS, VISIBLE UTILITY LINES OR WELLS IN PLACE, EXCEPT AS SHOWN, AND SAID PROPERTY HAS ACCESS TO AND FROM A DEDICATED  
HIGHWAY, EXCEPT AS SHOWN.

DATED THIS 20 DAY OF JUNE 1988

IN WITNESS WHEREOF, I HEREBY CERTIFY THAT THE PROPERTY DESCRIBED HEREON (IS NOT) WITHIN A FLOOD HAZARD AS IDENTIFIED BY THE FED.  
AND, SEPT. OF 1980, OR COMMUNITY PANEL OF THE F.I.R.M. 480624 00308 9-2-81



CONNELL SURVEYS ☆ AUSTIN, TEXAS (512) 990-1116

