

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



**AGENDA ITEM NO.: Z-11  
AGENDA DATE: Thu 09/29/2005  
PAGE: 1 of 1**

**SUBJECT:** C14-04-0211 - Onion Creek RV - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 10815 Bradshaw Road (Rinard Creek Watershed) from interim-rural residence (I-RR) district zoning to neighborhood commercial (LR) district zoning. Zoning and Platting Commission Recommendation: To grant neighborhood commercial-conditional overlay (LR-CO) combining district zoning. Applicant: Hector Aguirre. Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Wendy Walsh, 974-7719.

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

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

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-04-0211

**Z.P.C. DATE:** February 15, 2005

April 5, 2005

May 17, 2005

July 19, 2005

August 2, 2005

August 16, 2005

**ADDRESS:** 10815 Bradshaw Road

**OWNER & APPLICANT:** Hector Aguirre

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

**ZONING FROM:** I-RR **TO:** LR

**AREA:** 1.992 acres

### **SUMMARY STAFF RECOMMENDATION:**

The staff's recommendation is to grant limited office – conditional overlay (LO-CO) combining district zoning. The Conditional Overlay limits development of the property to 2,000 motor vehicle trips per day.

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

February 15, 2005: *POSTPONEMENT REQUEST TO 04/05/05 (NEIGHBORHOOD).*

*[J. MARTINEZ; J. GOHIL – 2<sup>ND</sup>] (8-0) K. JACKSON – ABSENT*

April 5, 2005: *POSTPONEMENT REQUEST TO 05/17/05 (APPLICANT).*

*[J. MARTINEZ; M. WHALEY-HAWTHORNE – 2<sup>ND</sup>] (9-0)*

May 17, 2005: *POSTPONEMENT REQUEST TO 05/17/05 (NEIGHBORHOOD AND APPLICANT).*

*[J. MARTINEZ; J. GOHIL – 2<sup>ND</sup>] (9-0)*

July 19, 2005: *POSTPONEMENT REQUEST TO 08/02/05 (APPLICANT).*

*[J. GOHIL, M. WHALEY-HAWTHORNE – 2<sup>ND</sup>] (7-0) J. MARTINEZ, J. PINNELLI – ABSENT*

August 2, 2005: *POSTPONEMENT REQUEST TO 08/16/05 (NEIGHBORHOOD)*

*[J. GOHIL; C. HAMMOND – 2<sup>ND</sup>] (8-0) J. MARTINEZ – ABSENT*

August 16, 2005: *APPROVED LR-CO ZONING WITH 2000 VEHICLE TRIPS PER DAY.*

- *RESTRICTIVE COVENANT (NEIGHBORHOOD) TO BE FILED PRIOR TO 3<sup>RD</sup> READING AT CITY COUNCIL*

*[M. HAWTHORNE; J. MARTINEZ – 2<sup>ND</sup>] (8-0) K. JACKSON – ABSENT*

**ISSUES:**

The Applicant wishes to discuss the Staff's recommendation with the Zoning and Platting Commission.

On February 18, 2003, prior to annexation, Travis County issued a Basic Development Permit, #03-0354, for the construction of facilities, to be known as Onion Creek RV & Boat Storage. Subsequently, on December 31, 2003, the property was annexed into the City of Austin Full-Purpose Jurisdiction and zoned interim-rural residence (I-RR) district. Because the application to Travis County was approved in February 2003, over ten months before the effective date of annexation, the City of Austin communicated by letter to the Applicant's Agent that as long as the RV Boat and Storage use remains in place, it was not necessary for this property to be rezoned. City correspondence also noted that if in the future, the property owner contemplates a change of use, then rezoning is recommended. Please refer to Attachment A.

A Development Permit ("D") site plan (one which does not include a land use element) for "Onion Creek RV" was filed on August 4, 2004 and approved by City Staff on December 30, 2004. The plan shows two buildings, a shed, the RV parking lot and a 100-year detention pond (SP-04-0337D). Please refer to Exhibit B.

**DEPARTMENT COMMENTS:**

The property is primarily developed with an office, RV and boat storage lot, and there is also miscellaneous equipment on site that includes a flatbed truck with a backhoe, carnival ride and barbeque pit on wheels. The property has carried interim-rural residence (I-RR) district zoning since its annexation into the City limits in December 2003. There is undeveloped property surrounding the rezoning area to the north, east and south that is planned for single family and multi-family residential development (to be known as Legend's Way subdivision), as well as established single family residences and a golf course within the Onion Creek subdivision to the west. The property takes direct access to Bradshaw Road, a collector street. Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

The applicant has requested neighborhood commercial (LR) district zoning for the property in order to provide the opportunity for future conversion to unspecified commercial uses that would serve the residents of Onion Creek and future Legend's Way subdivisions. *For information*, the existing uses on the property, with exception of the flatbed truck with backhoe and carnival ride, fall under the Recreational Equipment – Maintenance and Storage classification, a use that is not permitted in the LR district and first allowed in the CR, Commercial Recreation district.

Staff recognizes the existing commercial development on the property and that development approvals were secured in accordance with State and County regulations, but also occurred prior to the City's ability to consider commercial use of the property through zoning. The Staff is unable to recommend the applicant's request for LR zoning given that this property is situated on a generally undeveloped stretch of a two-lane road, and not located at an

intersection that would create the opportunity for and facilitate clustered commercial development. Please refer to Exhibit C which shows the relation of the subject property to the approved Preliminary Plan of Legend's Way Subdivision. Staff offers an alternate recommendation of limited office – conditional overlay (LO-CO) district zoning which provides the opportunity to redevelop the property with a less intensive use, is more compatible with the existing and planned land uses and particular location on this collector street. The Conditional Overlay limits the number of daily vehicle trips to 2,000.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	I-RR	RV and boat storage; Office; Flatbed truck with a backhoe; Carnival ride; Barbeque pit on wheels
<i>North</i>	I-RR	Undeveloped and planned for single family residences, to be known as Legend's Way subdivision
<i>South</i>	I-RR	Undeveloped and planned for single family residences and multi-family residential, to be known as Legend's Way subdivision
<i>East</i>	I-RR	Undeveloped and planned for single family residences, to be known as Legend's Way subdivision
<i>West</i>	CR-CO; I-SF-2	Onion Creek golf course; Single family residences

**AREA STUDY:** N / A

**TIA:** Is not required

**WATERSHED:** Rinard Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

**SCENIC ROADWAY:** No

**NEIGHBORHOOD ORGANIZATIONS:**

428 – Barton Springs Edwards Aquifer Conservation District  
627 – Onion Creek Homeowners Association

**SCHOOLS:**

Langford Elementary School

Mendez Middle School

Akins High School

**CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>CITY COUNCIL</b>
C14-04-0169 (Legend's Way Subdivision)	I-RR to SF-2; CH; MF-3	Expired	Not applicable
C14-04-0052	I-RR to CR	To Grant CR-CO, with the CO for several prohibited uses.	Approved CR-CO as recommended by ZAP Commission (3-6-04).

C14-04-0051	I-RR to CR	To Grant CR-CO, with the CO for several prohibited uses.	Approved CR-CO as recommended by ZAP Commission (3-6-04).
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**RELATED CASES:**

Please refer to the Issues section on Page 1 for an overview of development applications and official correspondence on the Property.

**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Sidewalks	Bus Route	Bike Route
Bradshaw Road	64 feet	30 feet	Collector	No	No	No

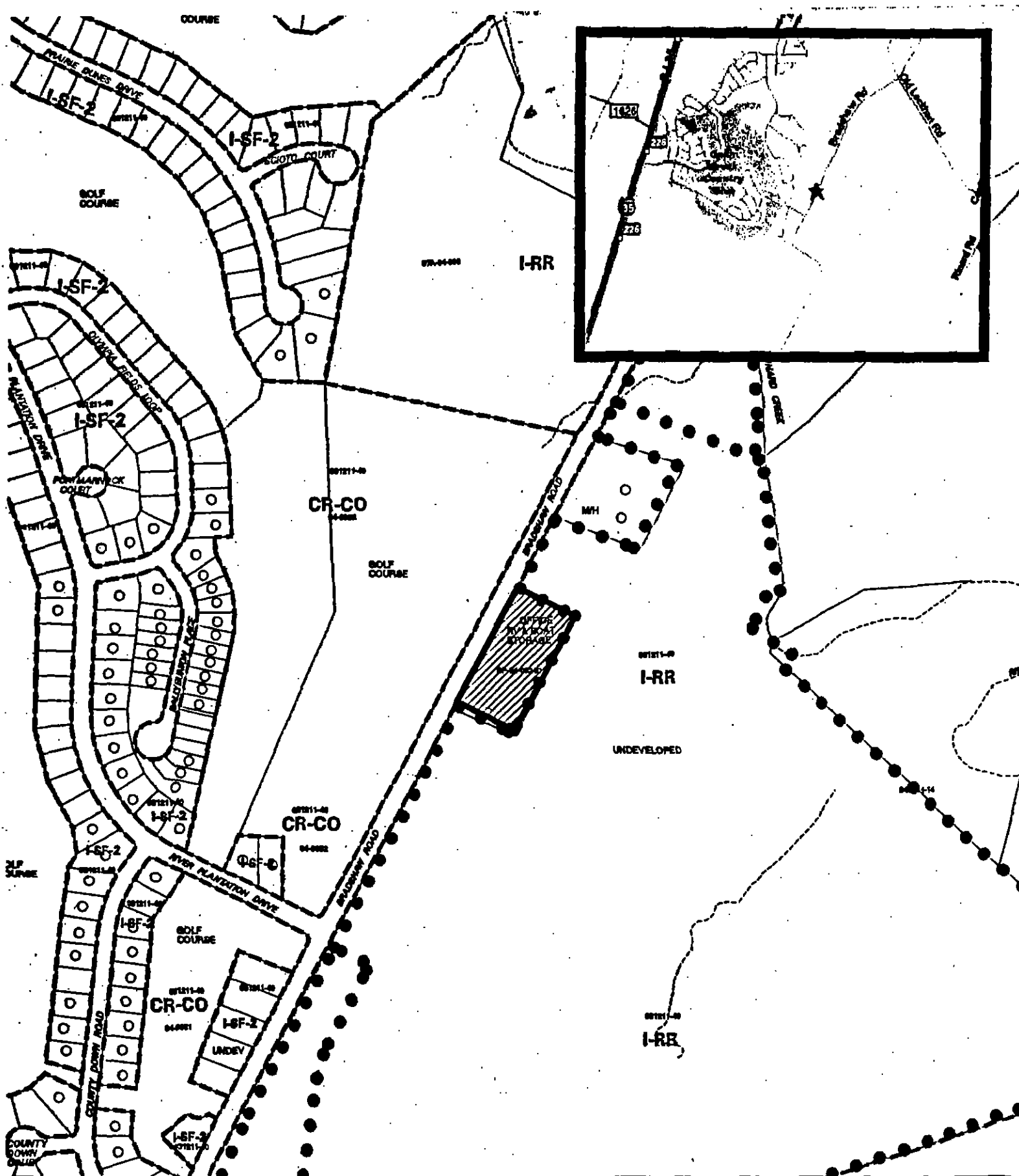
**CITY COUNCIL DATE:** September 29, 2005 **ACTION:**

**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		<b>ZONING</b> <b>Exhibit A</b>  <b>CASE #:</b> C14-04-0211 <b>ADDRESS:</b> 10815 BRADSHAW RD <b>SUBJECT AREA (acres):</b> 1.992	<b>DATE:</b> 05-01  <b>INTLS:</b> SM	<b>CITY GRID REFERENCE NUMBER</b>  <b>G11</b>
	PENDING CASE				
	ZONING BOUNDARY				
	CASE MGR: W. WALSH				

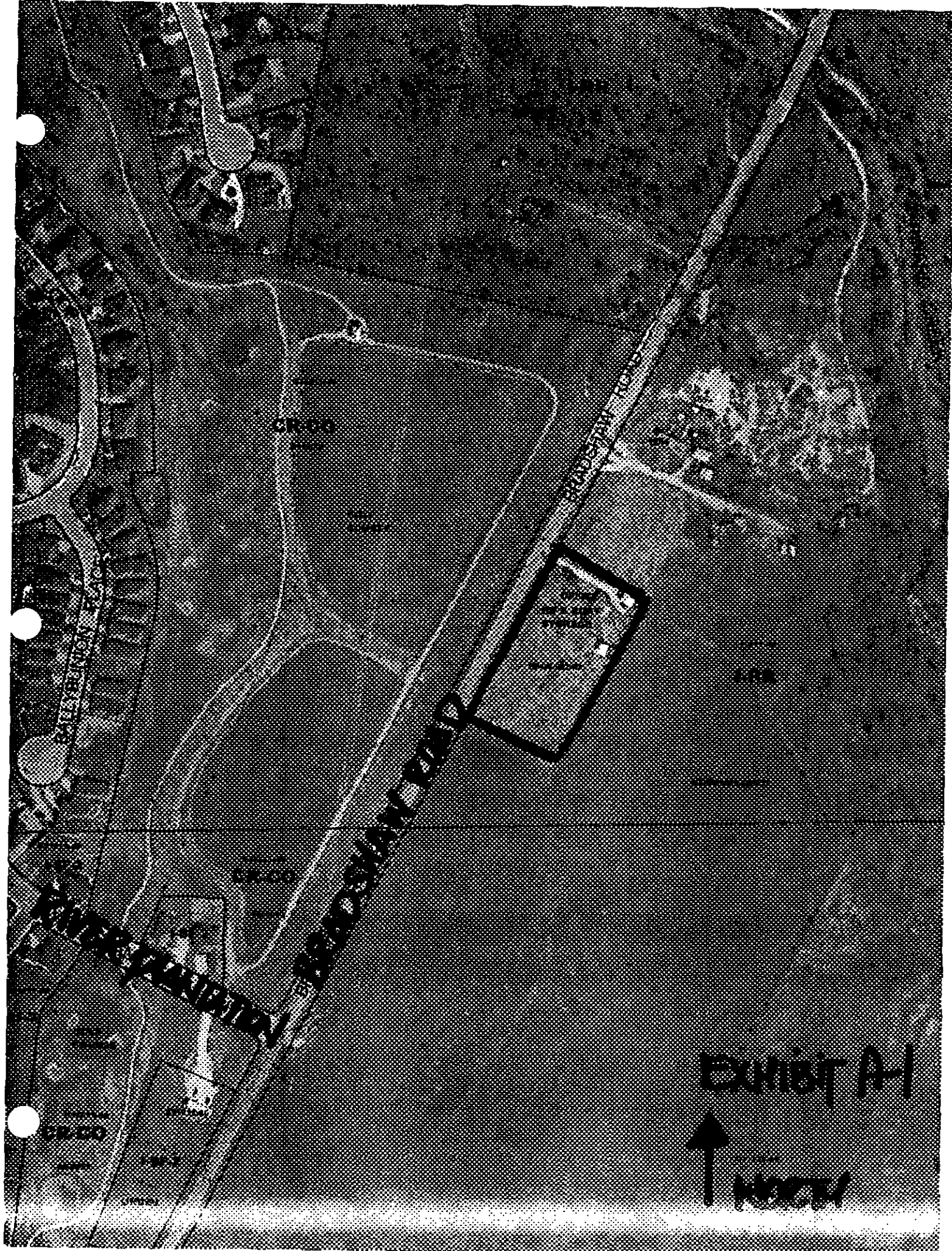


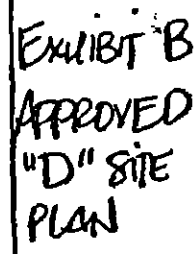
Exhibit A-1

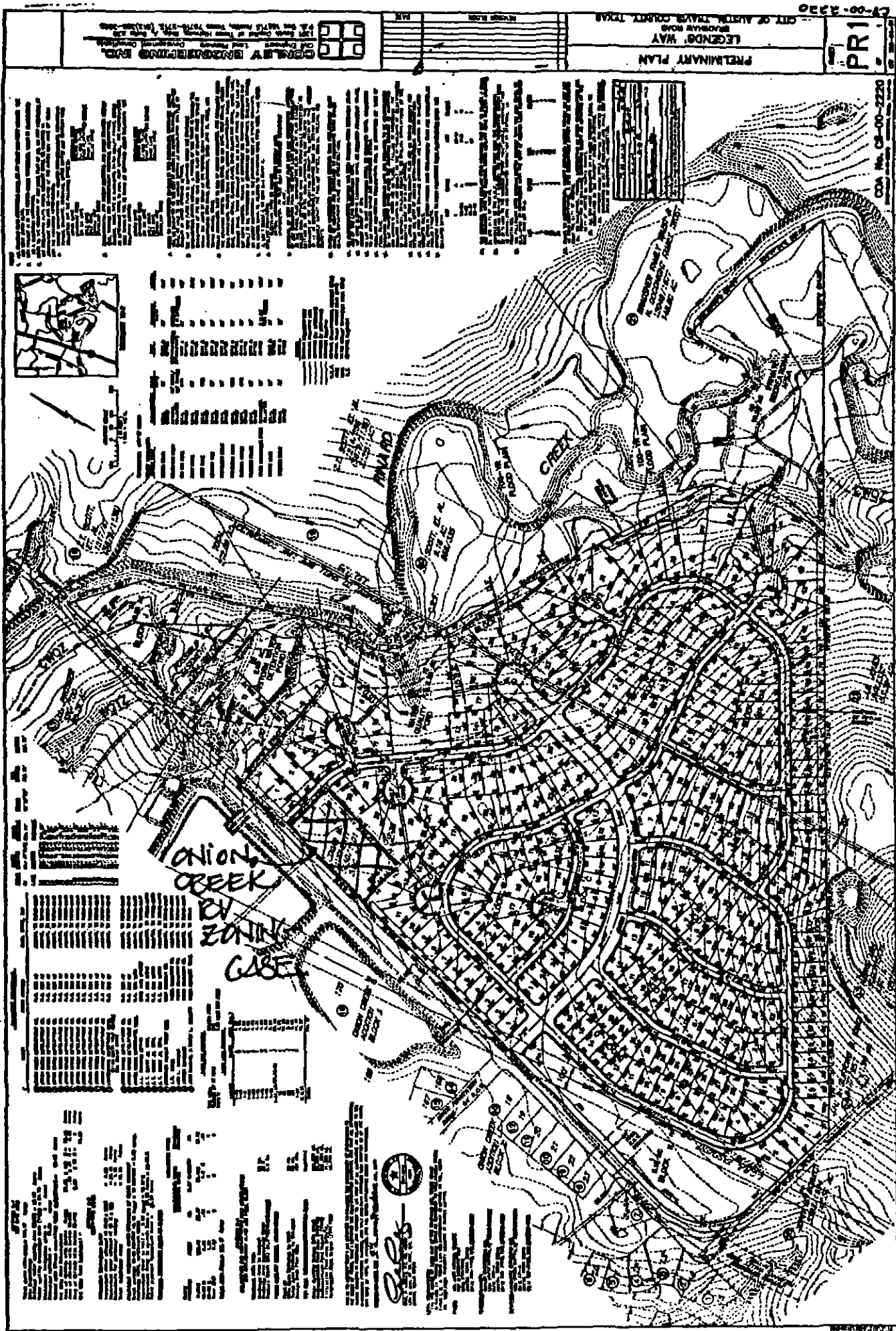


10000











**NOTICE OF CLASS "A"**  
**TRAVIS COUNTY BASIC DEVELOPMENT PERMIT**

This Permit No 03-0354 is issued on 2/18/03 and is effective immediately.

This Permit is issued to HECTOR AGUIRRE  
and is not transferrable.

This Permit authorizes the permittee to construct development in accordance with the requirements of Travis County Flood Plain Management Regulation on the following describe property

<u>10815 BRADSHAW ROAD</u>		
<u>Tax Id 0448080107</u>	<u>2</u>	<u>Acres</u>
<u>Non-Residential</u>	<u>PARKING LOT</u>	

The permittee applied in Travis County for a basic development permit on the above described location. The application has been reviewed and it has been determined that the construction and improvements will not be in the 100 year flood plain and elevation certificate completion is required by Travis County.

This permit shall be posted in a location where it is visible to the public, protected from weather, and secure from vandalism and will remain posted until work is complete.

This Department recommends the finish floor slab be constructed 12 inches above the highest adjacent grade.

**Notes:**

Compliance with the Endangered Species Act is the responsibility of the applicant.

Issuance of this permit does not imply compliance with deed and/or plat restrictions.

Contact Travis County Prior to Construction

Inspector: David Kemp 263-0114

Special Provisions:

265-3114

Permit #

854-4215

*Stacey Scheffel*

Stacey Scheffel  
Floodplain Administrator  
Travis County Transportation  
and Natural Resources

All development shall be in accordance with plans reviewed by Travis County



# City of Austin

Founded by Congress, Republic of Texas, 1839  
Development Review and Inspection Department  
One Texas Center, 505 Barton Springs Road  
P.O. Box 1088, Austin, Texas 78767

May 15, 2004

Mr. Jim Bennet  
11505 Ridge Drive  
Austin, Texas 78748

Dear Mr. Bennet:

Please be advised that the property locally known as 10815 Bradshaw Road, being more particularly described as 1.992 Acres out of Abstract 24, DelValle S., is zoned "I-RR", or Interim Rural Residential District.

The property was annexed into the City of Austin Full-Purpose Jurisdiction on December 31, 2003. On February 18, 2003, prior to annexation, a Travis County Basic Development Permit, #03-0354, was issued for the construction of facilities at the above address for Onion Creek RV & Boat Storage. With annexation, the property was zoned I-RR.

According to the Texas Local Government Code, Section 43.002(a), "[a] municipality may not, after annexing an area, prohibit a person from:

...(2) beginning to use land in the area in the manner that was planned for the land before the 90<sup>th</sup> day before the effective date of the annexation if:

- (A) one or more licenses, certificates, permits, approvals, or other forms of authorization by a governmental entity were required by law for the planned land use; and
- (B) a completed application for the initial authorization was filed with the governmental entity before the date the annexation proceedings were instituted.

Therefore, because the application to Travis County was approved in February, 2003, over ten months before the effective date of annexation, as long as this use

remains in place, it is not necessary for this property to be rezoned. If, in the future, a change of use is contemplated, then rezoning would be recommended.

Please call me at (512) 974-2392 if I can be of further assistance.

Sincerely,

Laura L. Knott  
Development Process Services Coordinator  
Watershed Protection and Development Review Department  
City of Austin

**SUMMARY STAFF RECOMMENDATION:**

The staff's recommendation is to grant limited office – conditional overlay (LO-CO) combining district zoning. The Conditional Overlay limits development of the property to 2,000 motor vehicle trips per day.

**BACKGROUND**

The property is primarily developed with an office, RV and boat storage lot, and there is also miscellaneous equipment on site that includes a flatbed truck with a backhoe, carnival ride and barbeque pit on wheels. The property has carried interim-rural residence (I-RR) district zoning since its annexation into the City limits in December 2003. There is undeveloped property surrounding the rezoning area to the north, east and south that is planned for single family and multi-family residential development (to be known as Legend's Way subdivision), as well as established single family residences and a golf course within the Onion Creek subdivision to the west. The property takes direct access to Bradshaw Road, a collector street.

The applicant has requested neighborhood commercial (LR) district zoning for the property in order to provide the opportunity for future conversion to unspecified commercial uses that would serve the residents of Onion Creek and future Legend's Way subdivisions. *For information*, the existing uses on the property, with exception of the flatbed truck with backhoe and carnival ride, fall under the Recreational Equipment – Maintenance and Storage classification, a use that is not permitted in the LR district and first allowed in the CR, Commercial Recreation district.

Staff recognizes the existing commercial development on the property and that development approvals were secured in accordance with State and County regulations, but also occurred prior to the City's ability to consider commercial use of the property through zoning. The Staff is unable to recommend the applicant's request for LR zoning given that this property is situated on a generally undeveloped stretch of a two-lane road, and not located at an intersection that would create the opportunity for and facilitate clustered commercial development. Staff offers a recommendation of limited office – conditional overlay (LO-CO) district zoning which provides the opportunity to redevelop the property with a less intensive use, is more compatible with the existing and planned land uses and particular location on this collector street. The Conditional Overlay limits the number of daily 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.*

LO zoning is intended for office use predominantly serving the neighborhood or community needs, such as professional, semi-professional and medical offices, which may be located within or adjacent to residential neighborhoods.

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

The Staff is unable to recommend the applicant's request for LR zoning given that this property is situated on a generally undeveloped stretch of a two-lane road, and not located at an intersection that would create the opportunity for and facilitate clustered commercial development. Staff offers a recommendation of limited office – conditional overlay (LO-CO) district zoning which provides the opportunity to redevelop the property with a less intensive use, is more compatible with the existing and planned land uses and particular location on this collector street. The Conditional Overlay limits the number of daily vehicle trips to 2,000.

## **EXISTING CONDITIONS**

### **Site Characteristics**

There is an auto repair business on the property. The 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 LO zoning district as proposed by the staff would be 70%, as determined by the more restrictive zoning regulations. The maximum impervious cover allowed by the LR district would be 80% which is a consistent figure between the zoning and watershed regulations.

### **Environmental**

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

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

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

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

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

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.

### **TPSD Right-of-Way**

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

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

### **Transportation**

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

The trip generation under the requested zoning is estimated to be 9,717 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 an onsite septic system and a connection to the Creedmoor-Maha Water Supply Corporation water system. The landowner must provide written evidence that the Creedmoor-Maha Water Supply Corporation will provide sufficient



domestic water service and fire protection for the land use. The landowner must provide written evidence that the site has an approved onsite septic system sufficient for the land use.

If the landowner intends to serve the site with City wastewater service, and offsite main extension and system upgrades are necessary. The landowner, at own expense, will be responsible for providing the offsite wastewater main extension and system upgrades. The offsite main extension and system upgrades must be in accordance with the City design criteria. The construction must be inspected by the City. The landowner must pay the associated City fees.

**Compatibility Standards**

A site plan has recently been approved and released for this site SP-04-0337D, Onion Creek RV, which was for construction of a 59,737.30 square foot RV parking lot and water quality and drainage facilities on 1.992 acres.

## PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

[www.ci.austin.tx.us/development](http://www.ci.austin.tx.us/development)

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-04-0211

Contact: Wendy Walsh, (512) 974-7719

Public Hearing:

February 15, 2005 Zoning and Platting Commission

WANDA J. DAUGHERTY  
Your Name (please print)

10801 BRADSHAW RD  
Your address(es) affected by this application

Wanda J. Daugherty  
Signature

2-8-05  
Date

I am in favor  
I object  
Comments: I support rezoning request for rezoning

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Wendy Walsh

P. O. Box 1088

Austin, TX 78767-8810

## **MEMORANDUM**

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

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

**DATE:** September 21, 2005

**SUBJECT:** ZAP Commission Summary

Attached is a ZAP Commission summary, which will be forwarded to the City Council.

**CASE # C14-04-0211**

**12. Zoning:** C14-04-0211 - Onion Creek RV  
**Location:** 10815 Bradshaw Road, Rinard Creek Watershed  
**Owner/Applicant:** Hector Aguirre  
**Agent:** Jim Bennett Consulting (Jim Bennett)  
**Postponements:** Postponed from 02/15/05 (neighborhood); 04/05/05 (applicant); 05/17/05 (applicant & neighborhood); 07/19/05 (applicant); 08/02/05 (neighborhood)  
**Request:** I-RR to LR  
**Staff Rec.:** NOT RECOMMENDED; RECOMMENDATION OF LO-CO  
**Staff:** Wendy Walsh, 974-7719, wendy.walsh@ci.austin.tx.us  
Neighborhood Planning & Zoning

### SUMMARY

Wendy Walsh, staff, gave her presentation to the full Commission.

Commissioner Baker – The dotted area above this to the north marked mobile homes, is there a zoning case pending on that?

Ms. Walsh – No, those dots actually go around that piece of property; they are excluded. It is being platted for a single family subdivision.

Commissioner Baker – Okay, thank you.

Commissioner Rabago – You said you were recommending LO because it's a less intensive use?

Ms. Walsh – We are recommending LO-CO, it provides for less intensive office uses at this location, given that Bradshaw Road is not developed on this stretch of road; and it is not located at an intersection.

Commissioner Rabago – Thank you.

Commissioner Baker – Bradshaw has 64-feet of right-of-way, 30-feet of pavement, so it's a two-lane road?

Ms. Walsh – Yes, right now it's two-lane.

Commissioner Baker – No curbs?

Ms. Walsh – No curbs.

Commissioner Rabago – I want to be clear about the Applicant's request, he wants to use this space for recreational equipment?

Ms. Walsh – No, he does not have specific uses at this time. Right now it is developed with an RV and boat storage and other miscellaneous equipment on the property. He's looking for LR for a future commercial development that could occur under the LR district.

Commissioner Gohil – So RV park and storage is considered LI or LR-CO?

Ms. Walsh – The boat storage place right now, that would actually be a CR use, which is a commercial recreation use; but he isn't requesting that particular district. He has the ability to continue the uses on this property, because the property was developed prior to annexation into the City limits, so he has that ability, but he's looking for zoning for a commercial use.

Commissioner Gohil – So he is in conformance with the City.

Ms. Walsh – That's right.

Commissioner Gohil – What is being proposed on the I-RR?

Ms. Walsh – The I-RR that's to the east, that is a single-family subdivision that's in the process; they have a preliminary plan that has been approved, they have a final plat that has been approved. There are some issues pending prior to filing of the plat, but that is for single-family residences.

Commissioner Gohil – Thank you.

Commissioner Baker – What is the access to the Legends Oaks from Bradshaw?

Ms. Walsh – I provided this on Exhibit C, you can see the Onion Creek RV zoning case, there is a proposed intersection on the north property line.

Commissioner Baker – Okay.

Jim Bennett, applicant – This property was developed and is currently construed to be non-conforming due to the fact that what's there was in the City prior to entering into the City. As a result of that, the owner was trying to seek appropriate zoning for the RV storage and boat storage. That entailed meetings with the Onion Creek Homeowners Association, as well as the Legend Oaks representative for that subdivision. This has been postponed about 6 times, we have had extensive meetings with Onion Creek and Legend Way people about what our proposal is, during these discussions the Onion Creek Association realizes that my client can keep his RV storage and boat storage at this site; however, it is my understanding that they rather not have this particular use at their back door to their subdivision. As a result of that, negotiations were discussed; we discussed if they did not want us there, then give us an appropriate zoning that would allow us to move. The office zoning that staff is proposing to you doesn't seem to have an office use

when you're surrounding by 1789 homes; those homes consist of preliminaries from the Zachary Scott Subdivision. (Mr. Bennett continued with his presentation)

Commissioner Hammond – So you are saying that you have an agreement with the Onion Creek Neighborhood Association?

Mr. Bennett – Yes sir, as well as with the Legend Way people.

Commissioner Hammond – The potential use for this would be maybe for a convenience store?

Mr. Bennett – Yes, we have a limited number of uses that we've agreed to with the association; one is for a convenience store, also some business administrative offices; we think it's best suited for the convenience store.

Commissioner Hammond – Will it sell gasoline too?

Mr. Bennett – Yes sir, the agreement was a well discussed, our building size is limited to 5,000 square feet, there as been a discussion for perhaps a one-bay carwash; it does include the sale of gasoline if the convenience store goes in. I believe that the overall picture that we're looking at now is probably more desirable than what is there now.

Commissioner Hammond – I appreciate you working with the neighborhood on that, thank you.

### **FAVOR**

John McNabb, President of Onion Creek Homeowners Association – Spoke in favor. We have a verbal agreement; the lawyers are doing the fine print. We didn't want to ask for another postponement. We should have a signed agreement within a week.

### **OPPOSITION**

No Speakers.

Commissioner Martinez and Gohil moved to close the public hearing.

Commissioner Baker – I would suggest that whatever motion, assuming that its for the request, that it be conditioned that it not be final until the restrictive covenant that is agreed upon is filed and recorded.

Commissioner Hawthorne – I'll make a motion for LR-CO with the condition that the restrictive covenant is filed prior to 3<sup>rd</sup> reading.

Commissioner Martinez – Second.

Commissioner Baker – Staff recommendation, LR-CO rather than the LO-CO?

Commissioner Hawthorne - Yes.

Mr. Bennett – We'll have the restrictive covenant signed and filed before the 3<sup>rd</sup> reading at Council.

Motion carried.

**COMMISSION ACTION:  
MOTION:**

**HAWTHORNE, MARTINEZ  
APPROVED LR-CO ZONING WITH  
2,000 VEHICLE TRIPS PER DAY.  
• RESTRICTIVE COVENANT WITH  
THE NEIGHBORHOOD TO BE  
FILED PRIOR TO 3<sup>RD</sup> READING  
AT CITY COUNCIL.**

**AYES:**

**GOHIL, BAKER, PINNELLI, RABAGO,  
HAWTHORNE, DONISI, HAMMOND,  
MARTINEZ,  
JACKSON**

**ABSENT:**

**MOTION CARRIED WITH VOTE: 8-0.**

1 AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING FOR THE  
2 PROPERTY LOCATED AT 10815 BRADSHAW ROAD AND CHANGING THE  
3 ZONING MAP FROM INTERIM RURAL RESIDENCE (I-RR) DISTRICT TO  
4 NEIGHBORHOOD COMMERCIAL-CONDITIONAL OVERLAY (LR-CO)  
5 COMBINING DISTRICT.  
6

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

9 PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to  
10 change the base district from interim rural residence (I-RR) district to neighborhood  
11 commercial-conditional overlay (LR-CO) combining district on the property described in  
12 Zoning Case No. C14-04-0211, on file at the Neighborhood Planning and Zoning  
13 Department, as follows:  
14

15 A 1.992 acre tract of land, more or less, out of the Santiago del Valle Grant, Travis  
16 County, the tract of land being more particularly described by metes and bounds in  
17 Exhibit "A" incorporated into this ordinance (the "Property"),  
18

19 locally known as 10815 Bradshaw Road, in the City of Austin, Travis County, Texas, and  
20 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 neighborhood commercial (LR)  
32 base district and other applicable requirements of the City Code.  
33  
34  
35  
36  
37



1 **PART 3.** This ordinance takes effect on \_\_\_\_\_, 2005.

2  
3  
4 **PASSED AND APPROVED**

5  
6  
7  
8 \_\_\_\_\_, 2005

§  
§  
§

Will Wynn  
Mayor

9  
10  
11  
12  
13 **APPROVED:** \_\_\_\_\_

David Allan Smith  
City Attorney

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

Shirley A. Brown  
City Clerk

Exhibit "A"

## -LEGAL DESCRIPTION-

**ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF THE SANTIAGO DEL VALLE GRANT, BEING THE SAME PROPERTY AS CONVEYED TO EDGAR M. AND LOIS E. DAUGHERTY BY DEED RECORDED IN VOLUME 5050, PAGE 1101 OF THE DEED RECORDS OF TRAVIS COUNTY, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**BEGINNING** a 1/2" iron rod found on the east right-of-way line of Bradshaw Road (R.O.W. varies) for the southwest corner of the herein described tract; said point bears N29°32'09"E a distance of 854.0 feet from the intersection of the centerline of River Plantation Drive and the east right-of-way line of Bradshaw Road;

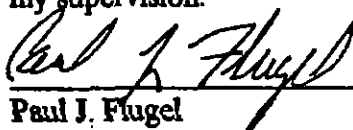
**THENCE**, with said east right-of-way line of Bradshaw Road, N29°34'59"E a distance of 417.57 feet to a 1/2" iron rod found for the northwest corner of this tract;

**THENCE**, leaving said right-of-way, and with common line between this tract and the west line of that certain 114.172-acre tract of land conveyed to Williamson Creek Farms, L.P., a Texas Limited Partnership, (proposed Legends Way Subdivision, Section 1), for the following three (3) courses:

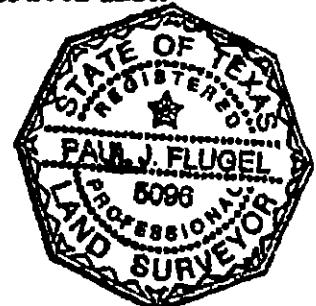
- 1) S60°34'29"E a distance of 208.16 feet to a 1/2" iron rod found for the northeast corner of this tract;
- 2) S29°38'52"W a distance of 417.01 feet to a 1/2" iron rod found for the southeast corner of this tract;
- 3) N60°43'45"W a distance of 207.69 feet to the **POINT OF BEGINNING** and containing 1.992 acres (86,764 square feet) of land, more or less.

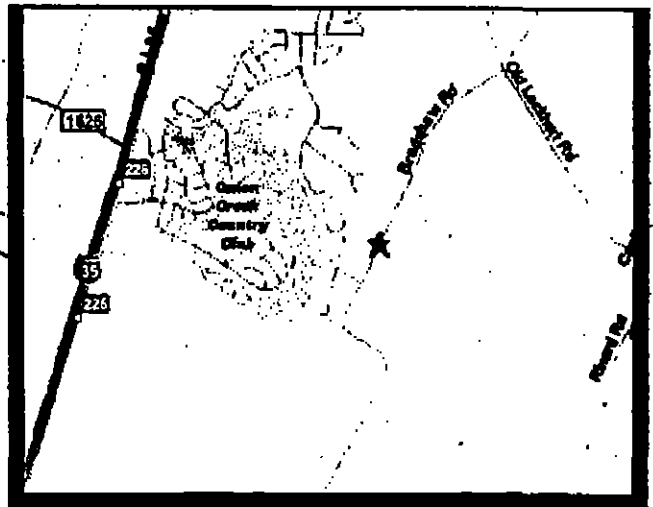
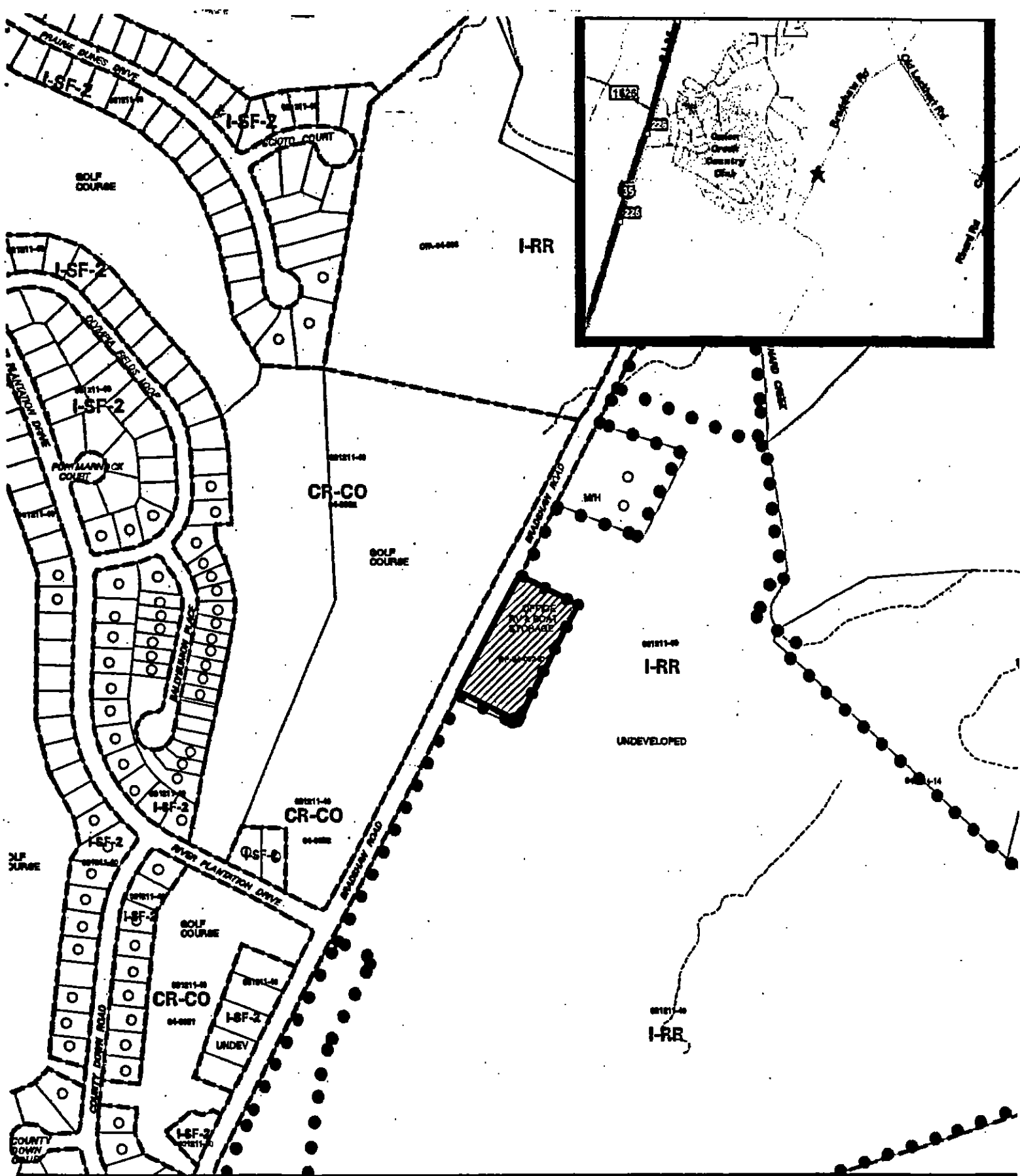
Bearing Basis for this survey is the east right-of-way line of Bradshaw Road according to (proposed) Legends Way Subdivision, Section 1.

**I HEREBY CERTIFY** that these notes were prepared by Landmark Surveying, Inc. from a survey made on the ground during April of 2002 under my supervision.

  
Paul J. Flugel

Registered Professional Land Surveyor No. 5096  
April 18, 2002





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

**ZONING EXHIBIT B**  
 CASE #: C14-04-0211  
 ADDRESS: 10815 BRADSHAW RD  
 SUBJECT AREA (acres): 1.992

CITY GRID  
 REFERENCE  
 NUMBER  
 G11

DATE: 08-01  
 INTLS: 8M