

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



**AGENDA ITEM NO.: Z-10  
AGENDA DATE: Thu 09/29/2005  
PAGE: 1 of 1**

**SUBJECT:** C14-05-0119 - P.C.W. Construction Equipment & Sales - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 10704 South IH-35 Service Road Southbound (Onion Creek Watershed) from interim-rural residence (I-RR) district zoning to general commercial services-conditional overlay (CS-CO) combining district zoning. Applicant: P.C.W., Inc. (Rolando Jaimes). Agent: DST Realty (Maggie Trevino). City Staff: Wendy Walsh, 974-7719.

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

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

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-05-0119

**Z.P.C. DATE:** August 16, 2005

**ADDRESS:** 10704 South IH-35 Service Road Southbound

**OWNER:** P.C.W. Inc.  
(Rolando Jaimes)

**AGENT:** DST Realty  
(Maggie Trevino)

**ZONING FROM:** I-RR

**TO:** CS

**AREA:** 5 acres

### **SUMMARY STAFF RECOMMENDATION:**

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

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

August 16, 2005: *APPROVED STAFF'S RECOMMENDATION FOR CS-CO ZONING; BY CONSENT.*

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

### **ISSUES:**

None at this time.

### **DEPARTMENT COMMENTS:**

The subject platted lot consists of an excavation and foundation business (a construction sales and service use), and is zoned interim-rural residence (I-RR) district. The property has access to the southbound IH-35 frontage road and is adjacent to undeveloped land (the southern portion of which is planned for a shopping center anchored by a construction sales and service use); a single family residence (SF-2); liquor sales and automobile sales (I-RR). Please refer to Exhibits A (Zoning Map), A-1 (Aerial View) and B (Recorded Plat).

The applicant proposes to rezone the property to the general commercial services (CS) district in accordance with the existing use on the property. Staff recommends CS-CO district zoning based on its frontage on the southbound IH-35 frontage road, and existing CS-CO zoning with the proposed construction sales and service use to the south along the IH-35 corridor. The Conditional Overlay calls for a maximum number of daily vehicle trips that will limit development to maintain acceptable traffic conditions on adjacent roadways and intersections.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	I-RR	Excavation and foundation (concrete) business
<i>North</i>	I-RR; MF-2-CO	Undeveloped
<i>South</i>	SF-2; I-RR; CS-CO	Single family residence; Auto sales; Liquor store; Tile sales; Undeveloped (construction sales and service use is proposed as a primary tenant); Akins High School football field
<i>East</i>	N / A	Southbound lanes of the IH-35 frontage road
<i>West</i>	CS-CO; GR-CO; I-RR; SF-2	Undeveloped – planned for shopping center development; Three single family residences

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

26 – Far South Austin Community Association  
 300 – Terrell Lane Interceptor Association  
 428 – Barton Springs / Edwards Aquifer Conservation District  
 499 – Park Ridge Owners Association  
 627 – Onion Creek Homeowners Association  
 742 – Austin Independent School District  
 948 – South by Southeast Neighborhood Organization

**SCHOOLS:**

Menchaca Elementary School

Paredes Middle School

Akins High School

**CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>CITY COUNCIL</b>
C14-05-0044 – Cella 2	I-RR to GR	To Grant GR-CO with CO for building setback; size of building footprint; height limit; impervious cover limit; list of prohibited uses; 2,000 trips per day. Restrictive Covenant to address limitations on	Scheduled for August 18, 2005.

		auto repair and auto sales to motorcycles.	
C14-04-0114 (Keese Tract)	I-RR; MF-2-CO to GR-MU-CO for Tract One; CS-MU-CO for Tract Two	To Grant GR-MU-CO for Tract One; CS-MU-CO for Tract Two with added conditional uses of auto repair, sales and washing; and the conditions of the TIA	Approved GR-MU-CO for Tract One; CS-MU-CO with a Restrictive Covenant for the TIA, as ZAP recommended (7-28-05).
C14-04-0020 (Double Creek Village)	I-RR (Upon Annexation) to CS-MU for Tract 1; MF-3 for Tract 2	To Grant CS-MU-CO with conditions of the TIA for Tract 1. The CO is a list of prohibited uses; MF-2 with conditions of the TIA for Tract 2.	Approved CS-MU-CO with Restrictive Covenant for the TIA as recommended by ZAP (5-6-04).
C14-04-0019 (Double Creek Village)	I-RR (Upon Annexation) to CS	To grant CS-CO with conditions of the TIA and the CO is for list of prohibited uses	Approved CS-CO with Restrictive Covenant for the TIA as recommended by ZAP (5-6-04).
C14-03-0053 (Double Creek Village)	I-RR to CS	To Grant CS-CO for Tract 1; GR-CO for Tract 2, with conditions of the TIA. CO is for list of prohibited uses; and prohibit access to Old San Antonio Road. Restrictive Covenant for the TIA.	Approved CS-CO for Tract 1 and GR-CO for Tract 2 with Restrictive Covenant for the TIA as recommended by ZAP (12-11-03).
C14-00-2181 (Keese Tract)	I-RR to MF-2	To Grant MF-2-CO with CO for 25' setback along the south and southeast property lines adjacent to residential properties and conditions of the TIA; RR for the flood plain	Approved MF-2-CO as recommended by PC (2-8-01).

**RELATED CASES:**

The subject property was annexed into the City limits on December 31, 1997, and assigned interim – rural residence (I-RR) district zoning (Ordinance #971211-B).

**As shown in Exhibit B, the rezoning area is platted as Lot A, Richard Marshal Addition, recorded in August 1978.**

**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Sidewalks	Bus Route	Bike Route
IH 35	300 feet	Varies	Arterial	No	No	No

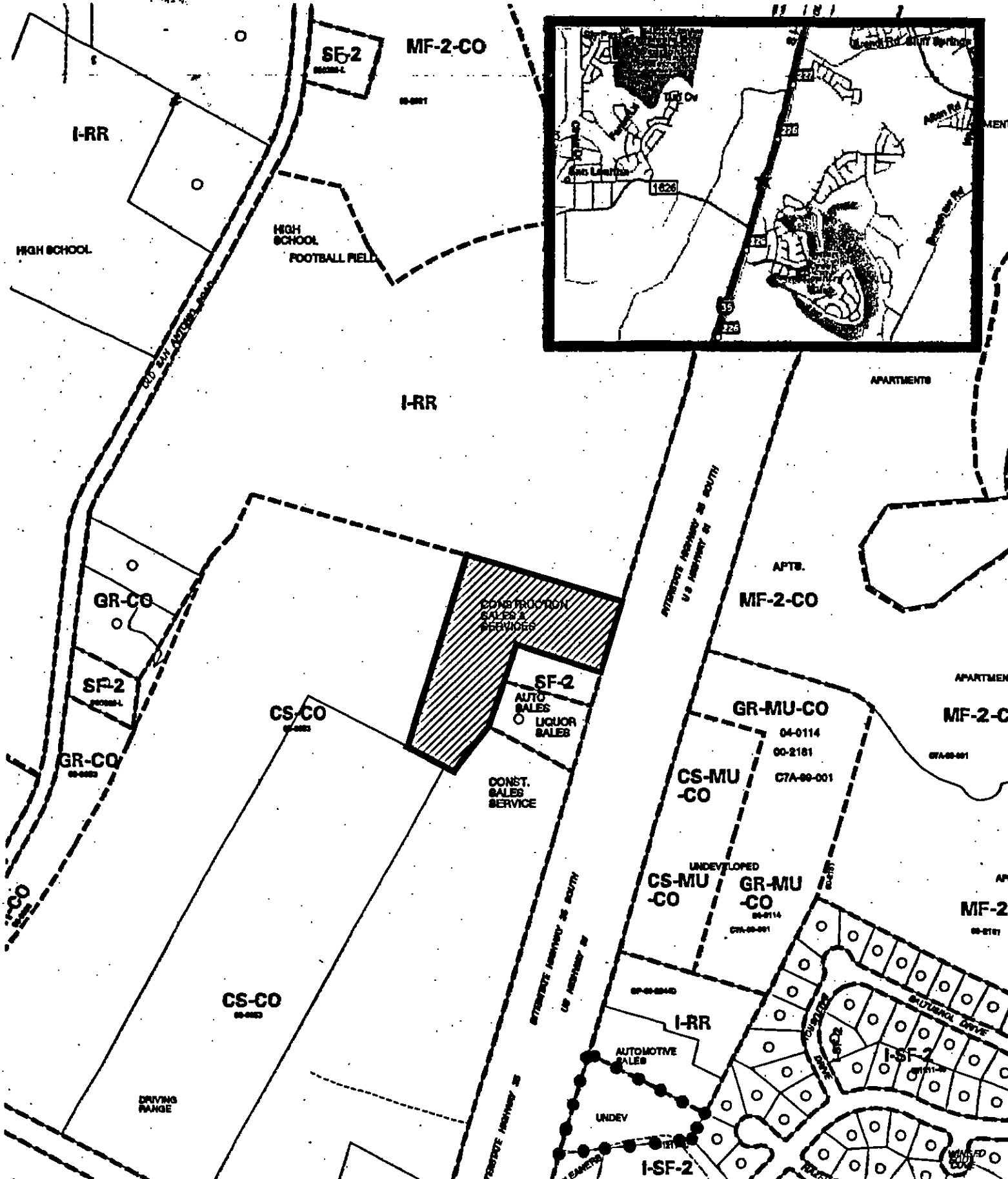
**CITY COUNCIL DATE:** September 29, 2005      **ACTION:**





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

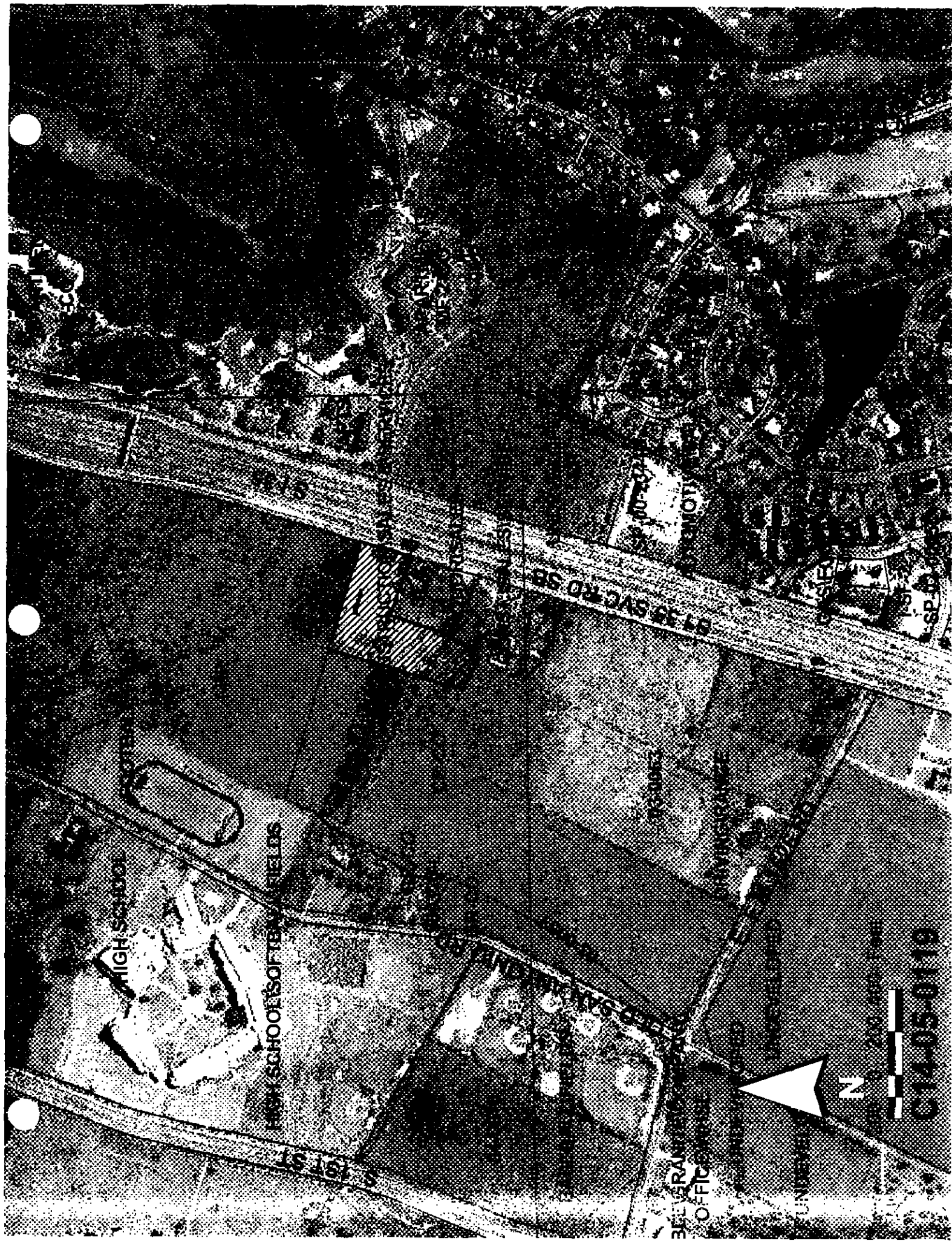
**ORDINANCE NUMBER:**

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

**PHONE: 974-7719**



 1" = 400'	SUBJECT TRACT		<b>ZONING EXHIBIT A</b>		CITY GRID REFERENCE NUMBER F12
	PENDING CASE				
	ZONING BOUNDARY		CASE #: C14-05-0119 ADDRESS: 10704 S 135 SVC RD SE SUBJECT AREA (acres): 5	DATE: 08-08 INTLS: SM	
	CASE MGR: W. WALSH				



**LEGEND:**

- Gr. Mountain Road
- Iron Pit Road
- Iron Pit Set
- Gr. Mountain Set

WYLLIE J. RIDDELL  
41 SOCC ST. N.W.

INTERSTATE HIGHWAY NO. 35 (cont. map)

STATE OF TEXAS  
COUNTY OF TRAVIS

**KNOW ALL MEN BY THESE PRESENTS** I

THAT WE, WAYNE J. RIDGELL, MARJORIE RIDGELL, LARRY S. RIDGELL AND WAYNE J. RIDGELL, TRUSTEES, OWNERS OF 130.714 ACRES OF LAND OUT OF THE S. F. SLAUGHTER LEAGUE AND THE SANTIAGO DEL VALLE GRANT IN TRAVIS COUNTY, TEXAS, AS CONVEYED TO US BY DEED RECORDED IN VOLUME 5022, PAGE 1068 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, DO HEREBY REDDIVE INTO 5.00 ACRES OF LAND OUT OF THIS TRACT OUT OF THE SANTIAGO DEL VALLE GRANT, AS SHOWN HEREON, SUBJECT TO ANY EASEMENTS OR RESTRICTIONS HERETOFORE GRANTED, TO BE KNOWN AS THE RICHARD MARSHAL ADDITION AND DO HEREBY DEDICATE TO THE PUBLIC THE USE OF THE STREETS AND EASEMENTS SHOWN HEREON.

WITNESS OUR HANDS THIS THE 21<sup>st</sup> DAY OF August, 1978, A.D.

*Wayne J. Riggall*  
"WAYNE J. RIGGALL"

Margaret Riddell  
MARGARET RIDDELL  
4000 Castle  
AUSTIN, TEXAS 78701

Larry W. Riddell  
LARRY W. RIDDLELL  
6000 North Montgomery Hwy.  
Arlington, Texas

Wayne J. Riddell, Trustee  
1008 Lavaca  
Austin, Texas 78701

STATE OF TEXAS  
COUNTY OF TRAVIS

EXPOSE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED WAYNE J. RIDDELL, MARJORIE RIDGELL, LARRY W. RIDDELL AND WAYNE J. RIDDELL, TRUSTEES, KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGE THAT THEY EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE 2<sup>nd</sup> DAY OF August, 1978, A.D.

Notary Public in and for Travis County, Texas  
M. Harvey Smith

APPROVED FOR ACCEPTANCE 7-6- 1979, A.D.

Richard L. Latta  
DIRECTOR OF PLANNING - Richard L. Latta

ACCEPTED AND AUTHORIZED FOR RECORD BY THE CITY PLANNING COMMISSION, CITY OF AUSTIN, TEXAS, THIS THE 10<sup>th</sup> DAY OF July, 1979, A.D.

CHAIRMAN Miguel A. Lucero

SECRETARY Mary E. Schuster

**FLOOD PLAIN NOTE:**

NO PART OF THIS TRACT IS WITHIN THE BOUNDARIES OF THE 100 YEAR FLOOD PLAIN:  
BASED UPON INFORMATION OBTAINED FROM THE TRAVIS COUNTY ENGINEER'S OFFICE -  
SOURCE URS/FORREST AND COTTON, INC., FLOOD INSURANCE STUDY.

EXHIBIT B  
RECORDED PLAT

**CGS-78-278**



**SUMMARY STAFF RECOMMENDATION:**

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

**BACKGROUND**

The subject platted lot consists of an excavation and foundation business (a construction sales and service use), and is zoned interim-rural residence (I-RR) district. The property has access to the southbound IH-35 frontage road and is adjacent to undeveloped land (the southern portion of which is planned for a shopping center anchored by a construction sales and service use); a single family residence (SF-2); liquor sales and automobile sales (I-RR).

The applicant proposes to rezone the property to the general commercial services (CS) district in accordance with the existing use on the property. Staff recommends CS-CO district zoning based on its frontage on the southbound IH-35 frontage road, and existing CS-CO zoning with the proposed construction sales and service use to the south along the IH-35 corridor. The Conditional Overlay calls for a maximum number of daily vehicle trips that 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 general commercial services (CS) district is intended predominantly for commercial and industrial activities of a service nature having operating characteristics or traffic service requirements generally incompatible with residential environments. The CS district is best suited for uses located at intersections of arterial roadways or arterials with collector status. The intention is to promote safe and efficient use of transportation facilities.

This property accesses the southbound IH-35 frontage road.

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

Staff recommends CS-CO district zoning based on its frontage on the southbound IH-35 frontage road, and existing CS-CO zoning with the proposed construction sales and service use to the south along the IH-35 corridor. The Conditional Overlay calls for a maximum number of daily vehicle trips that will limit development to maintain acceptable traffic conditions on adjacent roadways and intersections.

## **EXISTING CONDITIONS**

### **Site Characteristics**

The subject property is developed with an excavation and foundation (concrete) business. 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 CS-CO 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 Desired Development Zone. The site is in the Onion 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%

According to City of Austin GIS, 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.

### **Transportation**

**Note: The Austin Metropolitan Area Transportation Plan calls for a total of 400 feet of right-of-way for IH 35. Reservation of additional right-of-way may be required during the subdivision or site plan process. [LDC, Sec. 25-6-51 and 25-6-55]**

The trip generation under the requested zoning is estimated to be 17,674 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 of Austin water and wastewater utility service. If water or wastewater utility improvements, or offsite main extension, or system upgrades, or utility relocation, or adjustments 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. The utility construction must be inspected by the City. The landowner must pay the associated City fees.

### **Compatibility Standards**

The site is subject to compatibility standards. Along the south and east property line, the following standards apply:

- No structure may be built within 25 feet of the property line.
- No parking or driveways are allowed 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.
- 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.
- 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.

- An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.

## ***Land Use and Transportation Subcommittee***

### **MEETING AGENDA**

**NOTICE IS HEREBY GIVEN THAT THE CITY COUNCIL LAND USE AND TRANSPORTATION SUBCOMMITTEE WILL MEET ON Monday, August 15, 2005, AT 3:00 P.M. AT CITY HALL, 301 WEST SECOND STREET, BOARD AND COMMISSION ROOM, ROOM 1101, AUSTIN, TEXAS**

The City Council Land Use and Transportation Subcommittee may go into a closed session under the Open Meetings Act, Section 551.071, of the Texas Government Code, to receive advice from legal counsel on any item on this agenda.

#### **Call Meeting to Order**

- 1. Citizen Communication (3 minutes to speak)**
- 2. Selection of Council Committee Chair**
- 3. Identify Standing Meeting Date**
- 4. Zoning Code Rewrite**
- 5. SH130**
- 6. TOD's – Station Area Planning RFQ**
- 7. Gateway/ N. Burnet**
- 8. 7<sup>th</sup> Street Sidewalk Program**
- 9. Shoal Creek Curb Islands**

#### **Adjourn**

**THE CITY OF AUSTIN IS COMMITTED TO COMPLYING WITH THE AMERICANS WITH DISABILITIES ACT (ADA). REASONABLE ACCOMODATIONS, INCLUDING EQUAL ACCESS TO COMMUNICATIONS, WILL BE PROVIDED UPON REQUEST. PLEASE CALL 974-7600 (VOICE), OR RELAY TEXAS 1 800 735-2989 (TDD/TT) FOR MORE INFORMATION.**

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

**AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING FOR THE PROPERTY LOCATED AT 10704 SOUTH IH-35 SERVICE ROAD SOUTHBOUND AND CHANGING THE ZONING MAP FROM INTERIM RURAL RESIDENCE (I-RR) DISTRICT TO GENERAL COMMERCIAL SERVICES-CONDITIONAL OVERLAY (CS-CO) COMBINING DISTRICT.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from interim rural residence (I-RR) district to general commercial services-conditional overlay (CS-CO) combining district on the property described in Zoning Case No. C14-05-0119, on file at the Neighborhood Planning and Zoning Department, as follows:

Lot A of the Richard Marshal Addition Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book Volume 78, Pages 131 and 132 of the Plat Records of Travis County, Texas (the "Property"),

locally known as 10704 South IH-35 Service Road Southbound in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "A".

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

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

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

1 **PART 3.** This ordinance takes effect on \_\_\_\_\_, 2005.  
2  
3

4 **PASSED AND APPROVED**  
5

6 \_\_\_\_\_, 2005  
7

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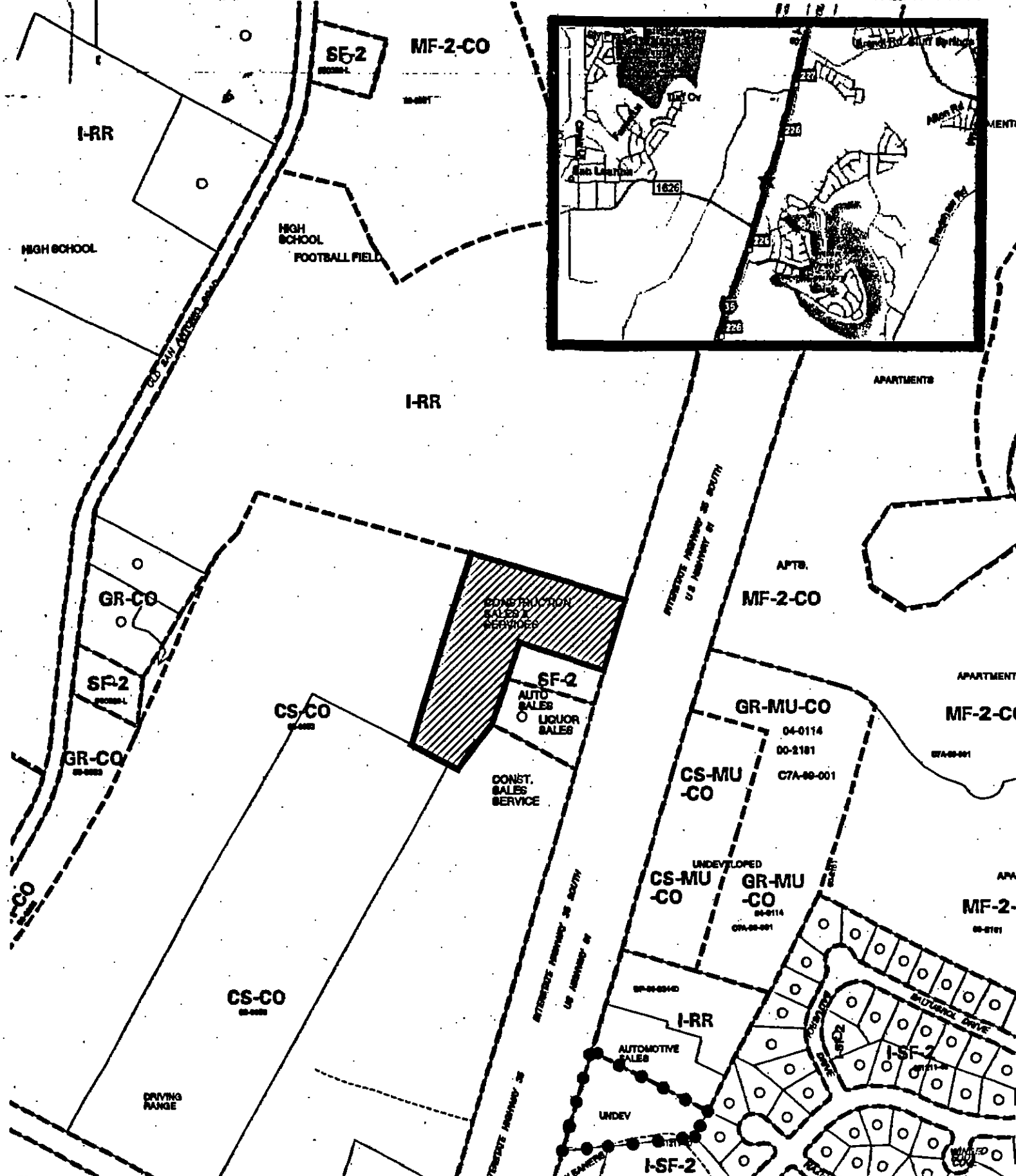
Will Wynn  
Mayor





10 **APPROVED:** \_\_\_\_\_  
11

David Allan Smith  
City Attorney

12 **ATTEST:** \_\_\_\_\_  
13

Shirley A. Brown  
City Clerk



 1" = 400'	SUBJECT TRACT		<b>ZONING EXHIBIT A</b> <b>CASE #: C14-05-0119</b> <b>ADDRESS: 10704 S 135 SVC RD SE</b> <b>SUBJECT AREA (acres): 5</b>	<b>DATE: 05-08</b> <b>INTLS: SM</b>	<b>CITY GRID REFERENCE NUMBER</b> <b>F12</b>
	PENDING CASE				
	ZONING BOUNDARY				
	CASE MGR: W. WALSH				
					CR-CO