

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



**AGENDA ITEM NO.: Z-1
AGENDA DATE: Thu 12/01/2005
PAGE: 1 of 1**

SUBJECT: C14-05-0141 - The Park at Del Valle - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as the northeast corner of Ross Road at Pearce Lane (Dry Creek East Watershed) from interim-single-family residence-standard lot (I-SF-2) district zoning to community commercial (GR) district zoning. Zoning and Platting Commission Recommendation: To grant neighborhood commercial-conditional overlay (LR-CO) combining district zoning with conditions. Applicant: Lindsley Bratton; Peter Jacobson. Agent: Carlson, Brigrance & Doering, Inc. (Charles Brigrance). City Staff: Wendy Walsh, 974-7719.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

ZONING CHANGE REVIEW SHEET

CASE: C14-05-0141

Z.P.C. DATE: October 4, 2005
November 1, 2005

ADDRESS: Northeast corner of Ross Road at Pearce Lane

OWNER: Lindsley Bratten; Peter Jacobson

AGENT: Carlson, Brigrance &
Doering, Inc.
(Charles Brigrance)

ZONING FROM: I-SF-2

TO: GR

AREA: 4 acres

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant community commercial – conditional overlay (GR-CO) combining district zoning. The Conditional Overlay limits development to 3,200 vehicle trips per day and prohibits the following uses: automotive rentals; automotive sales; bail bond services; drop-off recycling collection facility; exterminating services; hotel-motel; indoor entertainment; outdoor entertainment; pawn shop services; residential treatment and theater.

If the requested zoning is granted, then prior to Third Reading: 1) 57 feet of right-of-way should be dedicated from the existing/future centerline of Ross Road in accordance with the Transportation Plan, 2) 57 feet of right-of-way should be dedicated from the existing/future centerline of Pearce Lane in accordance with the Transportation Plan; and 3) the applicant should post fiscal for a pro-rata share for the estimated cost for traffic signalization and turn-lane improvements (250 ft. southbound right-turn lane and 250 ft. eastbound left-turn lane) at the Ross Road/Pearce Lane intersection.

ZONING & PLATTING COMMISSION RECOMMENDATION:

October 4, 2005: *APPROVED A POSTPONEMENT TO 11/1/05 (DEL VALLE INDEPENDENT SCHOOL DISTRICT)*

[J. MARTINEZ; J. PINNELLI – 2ND] (6-0) M. HAWTHORNE; J. GOHIL; K. JACKSON – ABSENT

November 1, 2005: *APPROVED LR-CO DISTRICT ZONING WITH THE TRANSPORTATION RECOMMENDATIONS OUTLINED IN THE STAFF MEMO.*

[J. MARTINEZ; B. BAKER – 2ND] (8-1, J. GOHIL – NAY)

ISSUES:

Of the prohibited uses listed in the Staff recommendation, residential treatment is the only use that is permitted (as a conditional use permit) in the LR zoning district, and thus is prohibited by the zoning ordinance. The remainder of the uses recommended to be

prohibited are not permitted in the LR district, and thus do not qualify as "prohibited uses." (They are first allowed in the more intensive GR zoning district).

On October 18, 2005, the Del Valle Independent School District Board of Trustees met to discuss the zoning case and have decided to not take a position. The Board would like to state its concern about safe routes to schools and supports the installation of a traffic signal and crosswalks.

The Applicant is in agreement with the Zoning and Platting Commission's recommendation.

DEPARTMENT COMMENTS:

The subject tract is undeveloped and zoned interim – single family residence (I-SF-2) district. The tract is situated at the intersection of Pearce Lane and Ross Road, both of which are classified as minor arterial roadways. The property is surrounded by a manufactured home park to the west, undeveloped property to the north, and single family residences to the east and south. Please refer to Exhibits A (Zoning Map), A-1 (Aerial View) and A-2 (Vicinity Map).

The applicant proposes to zone the property to the community commercial (GR) district zoning, for potential retail and restaurant uses. The Staff recommends a Conditional Overlay that would prohibit the more intensive GR land uses in accordance with an expressed Del Valle Independent School District policy for zoning requests that are in close proximity to middle schools and subject to the recommendations of Transportation staff for right-of-way dedication on Ross and Pearce, cost participation for a traffic signal and turn-lane improvements at this intersection, and vehicle trip limitation. The Staff recommends commercial zoning because the property is situated at the intersection of two minor arterial roadways, and notes that there is an absence of commercial businesses to serve the surrounding and nearby residential subdivisions. The nearest commercial businesses are located along State Highway 71, approximately 1¼ miles to the north.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	I-SF-2	Undeveloped
<i>North</i>	I-SF-2; County	Undeveloped; Single family residences within Berdoll Farms subdivision
<i>South</i>	I-SF-4A	Single family residences under construction within the Los Cielos subdivision
<i>East</i>	I-SF-2	Single family residences under construction within the Meadows at Berdoll subdivision
<i>West</i>	County, SF-4A	Deerwood Manufactured Home Community; Del Valle ISD Middle and Elementary Schools; Single family residences under construction in the Lexington Park subdivision

AREA STUDY: N / A**TIA:** Waived – Please refer to Attachment A**WATERSHED:** Dry Creek East**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** No**SCENIC ROADWAY:** No**NEIGHBORHOOD ORGANIZATIONS:**

627 – Onion Creek Homeowners Association

640 – Deerwood Premier Manufactured Home Community

SCHOOLS:

Del Valle ISD – Elementary School; Middle School; and High School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-03-0135.SH (Lexington Parke – SMART Housing)	DR; I-SF-4A to SF-4A	To Grant SF-4A with conditions of the Traffic Impact Analysis.	Approved SF-4A with a Restrictive Covenant for the TIA as recommended by ZAP (12-11-03).

RELATED CASES:

The property was annexed into the City limits on December 31, 2003. The rezoning area as well as the 16.9 acres of undeveloped property adjacent to the north was proposed for GR and SF-4A district zoning in February 2005 (C14-05-0028.SH). The prospective buyer and agent withdrew his participation from the case due to significant transportation and drainage issues on the site, and the case was indefinitely postponed in May 2005.

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

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bus Route	Bike Route
Ross Road	< 100 feet	Varies	Minor Arterial, 2 lanes (4,413 vehicles per day in February 2005)	No	Not available within ¼ mile	Yes, within the Bicycle Plan as a regional bike route of the Metropolitan Bicycle

						Route System
Pearce Lane	< 100 feet	Varies	Minor Arterial, 2 lanes (4,348 vehicles per day in February 2005)	No	Not available within ¼ mile	Yes, within the Bicycle Plan as a regional bike route of the Metropolitan Bicycle Route System

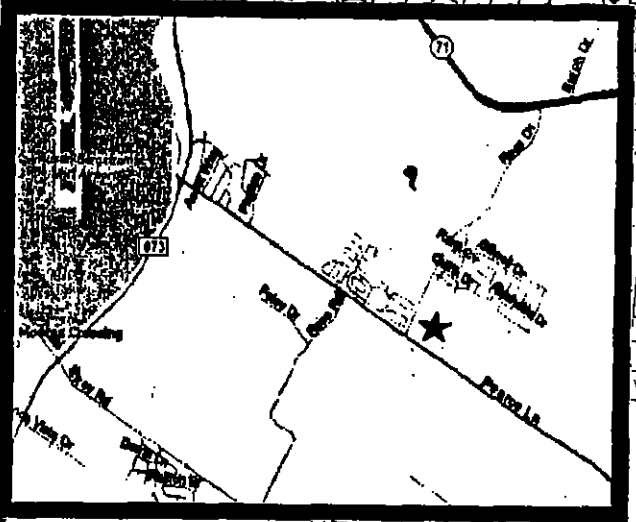
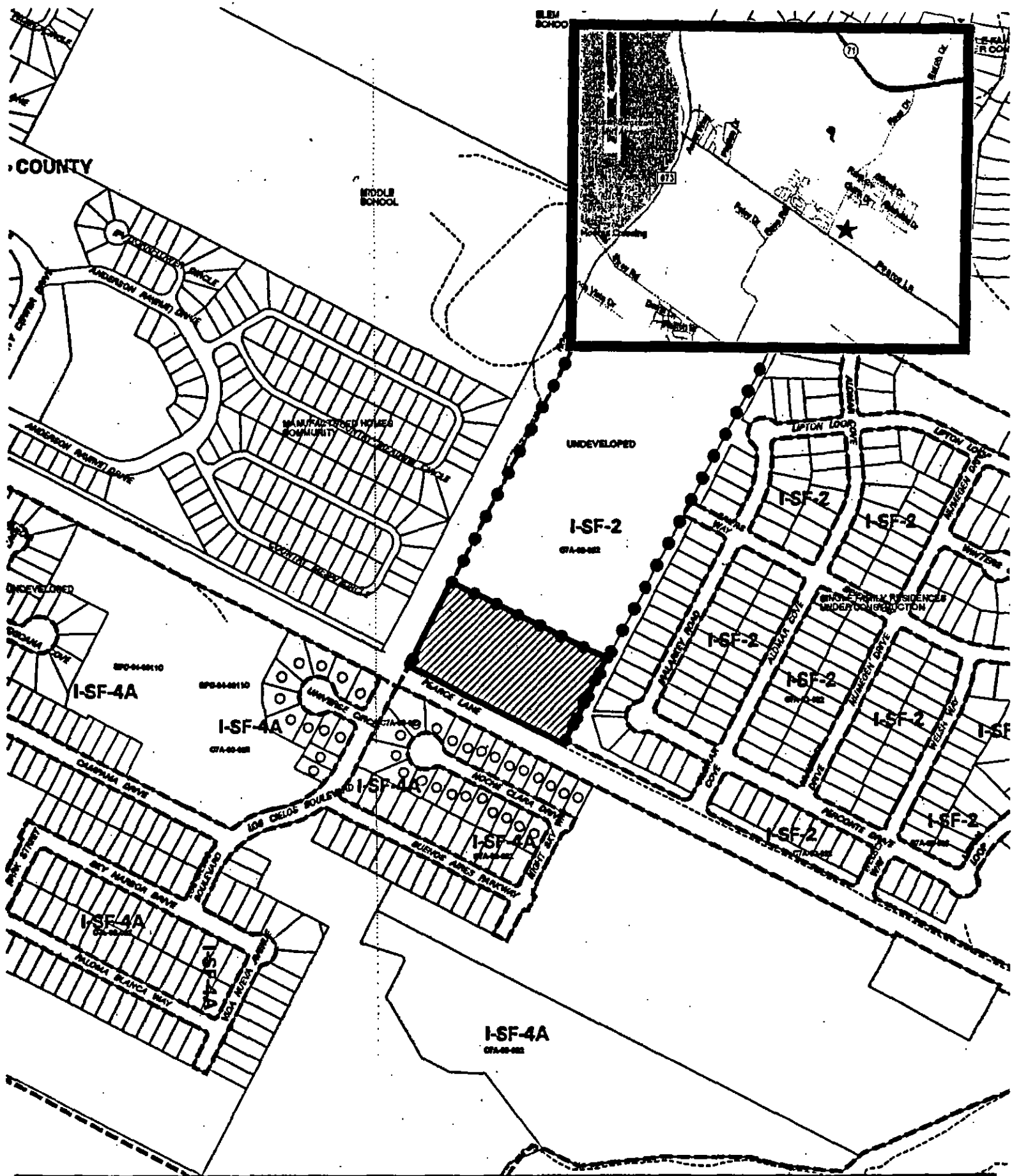
CITY COUNCIL DATE: December 1, 2005 **ACTION:**





ORDINANCE READINGS: 1st 2nd 3rd

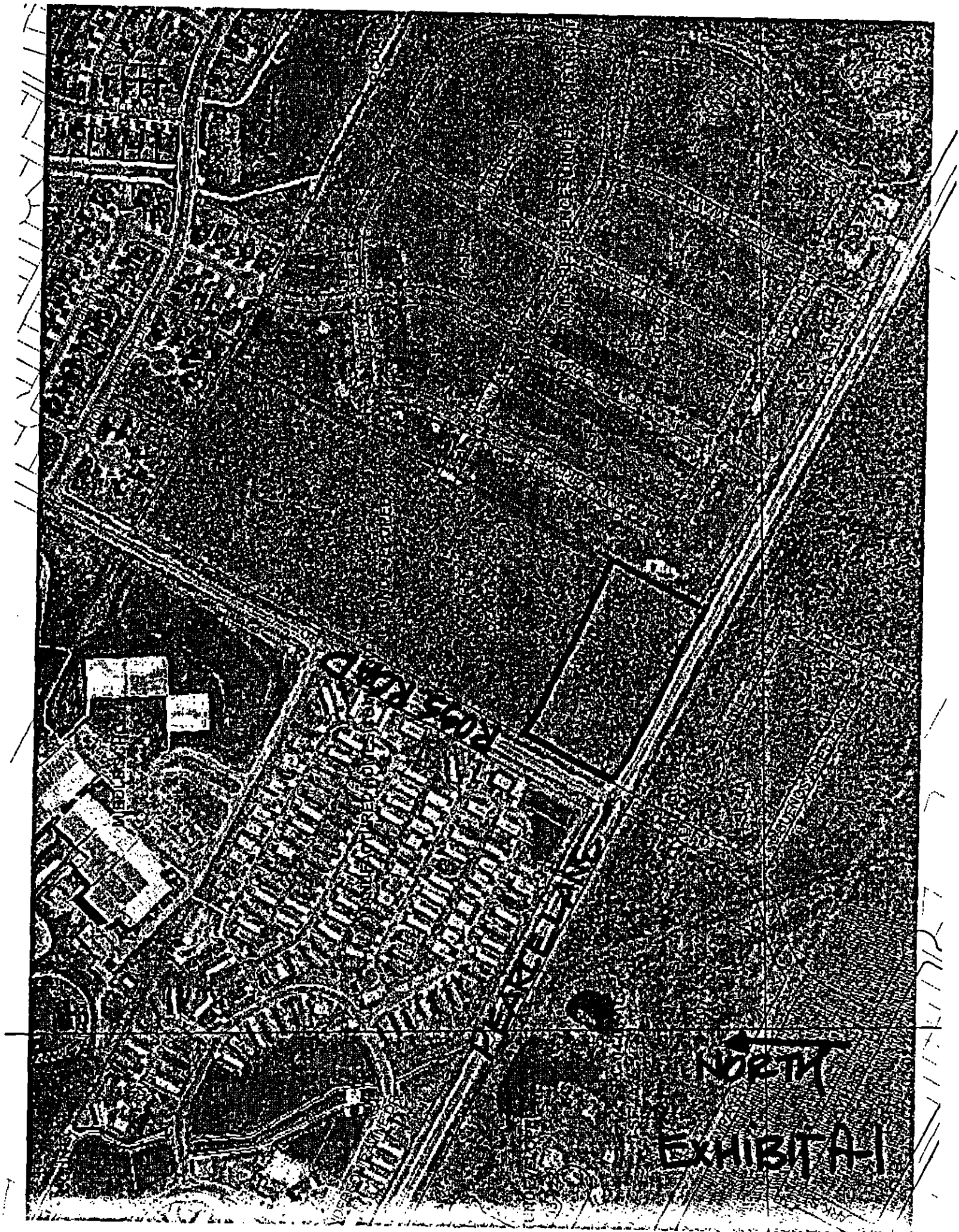
ORDINANCE NUMBER:

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

PHONE: 974-7719



 1" = 400'	SUBJECT TRACT PENDING CASE ZONING BOUNDARY CASE MGR: W. WALSH	  	CASE #: C14-05-0141 ADDRESS: ROSS RD AT PEARCE LN SUBJECT AREA (acres): 4	ZONING Exhibit A DATE: 05-08 INTLS: SM	CITY GRID REFERENCE NUMBER Q14
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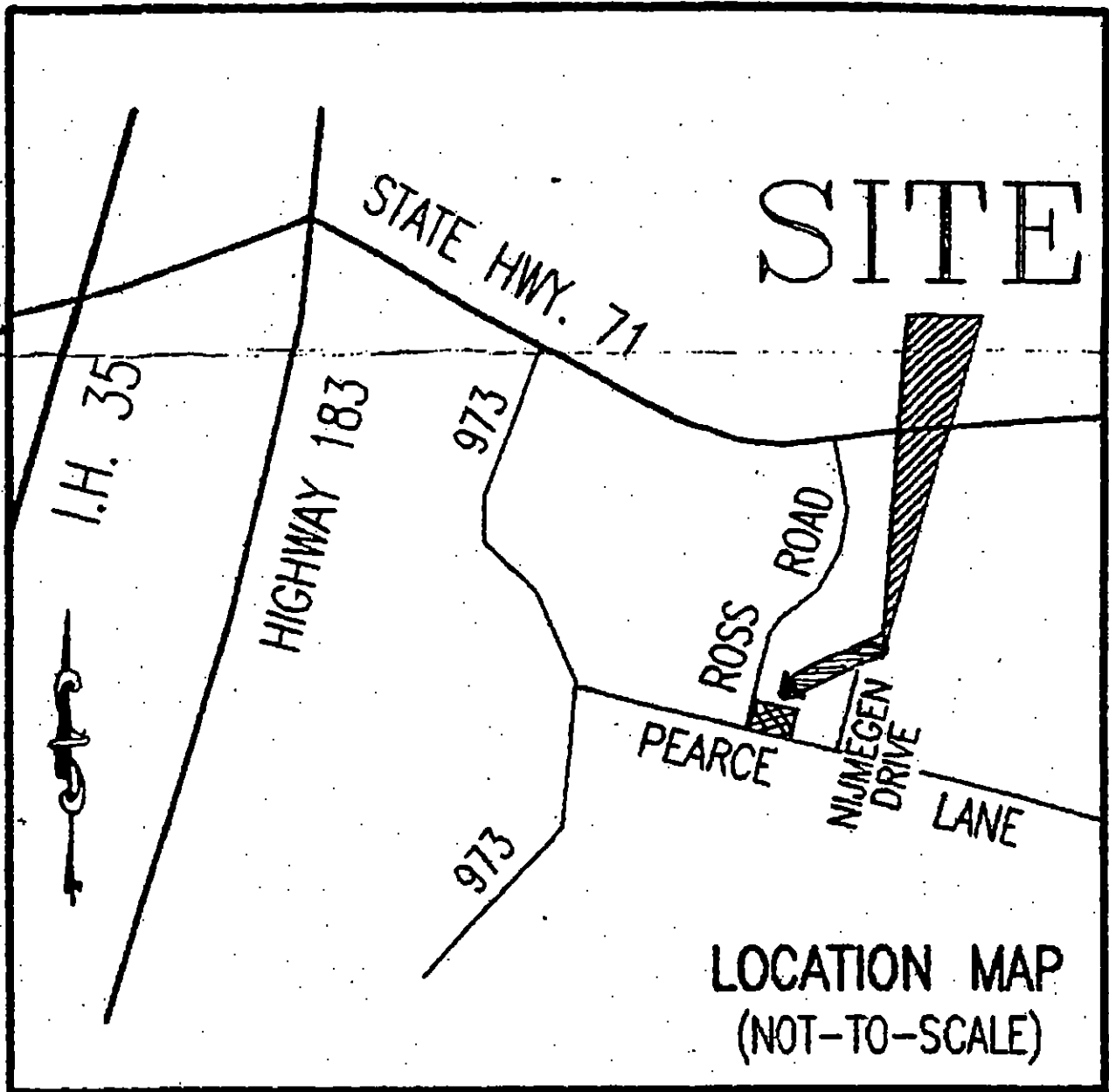


EXHIBIT A-2
VICINITY MAP



MEMORANDUM

TO: Wendy Walsh, Case Manager
CC: Members of the Zoning and Platting Commission
Charles Brigrance, P.E., Carlson, Brigrance & Doering, Inc.
FROM: Joe Almazan, Transportation Reviewer
DATE: September 28, 2005
SUBJECT: The Park at Del Valle
Zoning Case No. C14-05-0141

The traffic impact analysis for this site was waived because the applicant has agreed to cost participate in traffic control and roadway improvements at the intersection of Ross Road and Pearce Lane. If the zoning is granted, it is recommended that the trip generation be limited to 3,200 vehicle trips per day based on the land use intensity assumed for the Park at Del Valle site. The estimated trip generation is based on the Institute of Transportation Engineer's publication Trip Generation, 7th Edition. Table 1 represents the land uses with intensity and trip generation.

Table 1.		
Land Use	Size	Trip Generation
Retail	12,000	1,712
Fast-Food Restaurant	3,000	1,488
Total	15,000	3,200

Ross Road is currently a two-lane minor arterial. The 2025 Austin Metropolitan Area Transportation Plan (AMATP) shows Ross Road to be upgraded to a four-lane divided arterial. Ross Road is listed in the 2025 AMATP as part of the regional bike route of the Metropolitan Bicycle Route System. There is no existing Capital Metro bus service along Ross Road at this time. There are no existing sidewalks along either side of Ross Road. Traffic volumes in 2005 were 4,413 vehicles per day.

Pearce Lane is currently a two-lane minor arterial. The 2025 AMATP shows Pearce Lane to be upgraded to a four-lane divided arterial. There is no existing Capital Metro bus service along Pearce Lane at this time. There are no existing sidewalks along either side of Pearce Lane. Traffic volumes in 2005 were 4,348 vehicles per day.

Prior to 3rd reading of the zoning, the applicant should post fiscal for a pro-rata share for the estimated cost for traffic signalization and turn-lane improvements (250 ft. southbound right-turn lane and 250 ft. eastbound left-turn lane) at the intersection of Ross Road and Pearce Lane.

Table 2 represents the expected pro-rata cost participation:

Table 2.				
Description	Total Cost	Pro-Rata Percentage	Pro-Rata Share	
Signalization	\$120,000	9.5%	\$11,400.00	
250 ft. EB Left-Turn Lane on Pearce Lane	\$13,124.00	9.5%	\$1,246.78	
250 ft. SB Right-Turn Lane on Ross Road	\$10,920.00	9.5%	\$1,037.40	
Total	\$144,044		\$13,684.18	

Recommendations/Conclusions

1. The Austin Metropolitan Area Transportation Plan calls for a total of 114 feet of right-of-way for Ross Road (four-lane, major arterial divided or MAD4). If the requested zoning is granted, then 57 feet of right-of-way should be dedicated from the existing centerline of Ross Road in accordance with the Transportation Plan.
2. The Austin Metropolitan Area Transportation Plan calls for a total of 114 feet of right-of-way for Pearce Lane (four-lane, major arterial divided or MAD4). If the requested zoning is granted, then 57 feet of right-of-way should be dedicated from the existing centerline of Pearce Lane in accordance with the Transportation Plan.
3. Prior to final reading of the zoning, the applicant should post fiscal for a pro-rata share for the estimated cost for traffic signalization and turn-lane improvements at the intersection of Ross Road and Pearce Lane: \$13,684.18.
4. Development of this site should be limited to uses and intensities, which will not exceed or vary significantly from the projected 3,200 vehicle trips per day assumed for the Park at Del Valle site, including peak hour trip characteristics, roadway conditions, traffic distribution, and other traffic related characteristics.

If you have any questions or require additional information, please contact me at 974-2674.



Joe R. Almazan
Development Services Process Coordinator
Land Use Review/S.M.A.R.T. Housing
Watershed Protection and Development Review Department

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant community commercial – conditional overlay (GR-CO) combining district zoning. The Conditional Overlay limits development to 3,200 vehicle trips per day and prohibits the following uses: automotive rentals; automotive sales; bail bond services; drop-off recycling collection facility; exterminating services; hotel-motel; indoor entertainment; outdoor entertainment; pawn shop services; residential treatment and theater.

If the requested zoning is granted, then prior to Third Reading: 1) 57 feet of right-of-way should be dedicated from the existing/future centerline of Ross Road in accordance with the Transportation Plan, 2) 57 feet of right-of-way should be dedicated from the existing/future centerline of Pearce Lane in accordance with the Transportation Plan; and 3) the applicant should post fiscal for a pro-rata share for the estimated cost for traffic signalization and turn-lane improvements (250 ft. southbound right-turn lane and 250 ft. eastbound left-turn lane) at the Ross Road/Pearce Lane intersection.

BACKGROUND

The subject tract is undeveloped and zoned interim – single family residence (I-SF-2) district. The tract is situated at the intersection of Pearce Lane and Ross Road, both of which are classified as minor arterial roadways. The property is surrounded by a manufactured home park to the west, undeveloped property to the north, and single family residences to the east and south.

The applicant proposes to zone the property to the community commercial (GR) district zoning, for potential retail and restaurant uses. The Staff recommends a Conditional Overlay that would prohibit the more intensive GR land uses in accordance with an expressed Del Valle Independent School District policy for zoning requests that are in close proximity to middle schools and subject to the recommendations of Transportation staff for right-of-way dedication on Ross and Pearce, cost participation for a traffic signal and turn-lane improvements at this intersection, and vehicle trip limitation. The Staff recommends commercial zoning because the property is situated at the intersection of two minor arterial roadways, and notes that there is an absence of commercial businesses to serve the surrounding and nearby residential subdivisions. The nearest commercial businesses are located along State Highway 71, approximately 1¼ miles to the north.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

The purpose statement per the City of Austin Land Development Code states: “The proposed community commercial (GR) district is intended for office and commercial uses serving neighborhood and community needs, including both unified shopping

centers and individually developed commercial sites, and typically requiring locations accessible from major trafficways.”

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

The Staff recommends a Conditional Overlay that would prohibit the more intensive GR land uses in accordance with an expressed Del Valle Independent School District policy for zoning requests that are in close proximity to middle schools and subject to the recommendations of Transportation staff for right-of-way dedication on Ross and Pearce, cost participation for a traffic signal and turn-lane improvements at this intersection, and vehicle trip limitation. The Staff recommends commercial zoning because the property is situated at the intersection of two minor arterial roadways, and notes that there is an absence of commercial businesses to serve the surrounding and nearby residential subdivisions.

EXISTING CONDITIONS

Site Characteristics

The property is undeveloped, relatively flat and drains to the east. There appear to be no significant topographical constraints on the site.

Impervious Cover

The maximum impervious cover allowed by the GR zoning 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 Dry 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.

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.

Transportation

The Austin Metropolitan Area Transportation Plan calls for a total of 114 feet of right-of-way for Ross Road (four-lane, major arterial divided or MAD4). If the requested zoning is granted, then 57 feet of right-of-way should be dedicated from the existing centerline of Ross Road in accordance with the Transportation Plan. [LDC, Sec. 25-6-51 and 25-6-55]

The Austin Metropolitan Area Transportation Plan calls for a total of 114 feet of right-of-way for Pearce Lane (four-lane, major arterial divided or MAD4). If the requested zoning is granted, then 57 feet of right-of-way should be dedicated from the existing centerline of Pearce Lane in accordance with the Transportation Plan. [LDC, Sec. 25-6-51 and 25-6-55]

The trip generation under the requested zoning is estimated to be 9,743 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).

The traffic impact analysis for this site was waived because the applicant has agreed to cost participate in traffic control and roadway improvements at the intersection of Ross Road and Pearce Lane.

(a.) If the zoning is granted, it is recommended that the trip generation be limited to 3,200 trips per day based on the land use intensity assumed for the Park at Del Valle site:

Use	Density	ADT	ITE Code
Retail	12,000	1,712	820
Fast Food	3,000	1,488	934

(b.) Prior to 3rd reading of the zoning, the applicant should post fiscal for a pro-rata share for the estimated cost for traffic signalization and turn-lane improvements (250 ft. southbound right-turn lane and 250 ft. eastbound left-turn lane) at the Ross Road/Pearce Lane intersection.

Water and Wastewater

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extension, and system upgrades. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City design criteria. The utility construction must be inspected by the City. The landowner must pay the associated and applicable City fees.

Compatibility Standards

The commercial zoned area is subject to compatibility standards. Along the northern property line, the following standards apply. The setbacks apply to the existing single-family development to southeast:

- 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 abutting residential areas.
- 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 (for commercial only) is submitted.

- 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.
- An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining single-family property.
- No parking or driveways are allowed within 25 feet of the property line.

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

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: C14-05-0141

Contact: Wendy Walsh, (512) 974-7719

Public Hearing:

October 4, 2005 Zoning and Platting Commission

J.L. Bratten Jr.

Your Name (please print)

12400 Pearce Lane 78607

Your address(es) affected by this application

J. Bratten Jr.

Signature

9/28/05

Date

<input checked="" type="checkbox"/> I am in favor
<input type="checkbox"/> I object

Comments:

I think it is a good idea
We need services & retail
food, etc. in the neighbor-
hood now that it has
grown with homes and
families.

Please let it pass and
be approved. Thanks!

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

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Case Number: C14-05-0141

Contact: Wendy Walsh, (512) 974-7719

Public Hearing:

October 4, 2005 Zoning and Platting Commission

Nathan Grimaldi

Your Name (please print)

5717 Malarky Rd.

Your address(es) affected by this application

Rob Gil

Signature

Date

9/29/05

Comments: Please move forward with

this as we have no services

out here to date. we must

travel 20 min to get anything done.



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



NOTICE OF FILING OF APPLICATION FOR A PUBLIC HEARING ON REZONING

Mailing Date: August 17, 2005

Case Number: C14-05-0141

Please be advised that the City of Austin has received an application for rezoning of a property that is within 300 feet of your property. City Ordinance requires that all property owners within 300 feet of the subject property and affected neighborhood organizations be notified when an application has been filed.

If you have any questions concerning this application, please contact Robert Heil of the Neighborhood Planning and Zoning Department at (512) 974-2330 and refer to the Case Number at the top right of this notice. However, you may also find information on this case at our web site www.ci.austin.tx.us/gis/reviewcases/rcase_table_search.cfm.

Owner: Lindsley Bratten

Telephone: 713-468-1054

Agent: Carlson Brigrance & Doering Inc. (Jardin Carlson)

Telephone: 512-280-5160

Location: Ross Road at Pearie Lane

Proposed Zoning Change

From I-SF-2- Interim, a designation of annexed land SF-2 – Single-Family Residence (Standard Lot) district is intended as an area for moderate density single-family residential use, with a minimum lot size of 5,750 square feet. This district is appropriate for existing single-family neighborhoods having moderate sized lot patterns, as well as for development of additional single-family housing areas with minimum land requirements.

To GR – Community Commercial district is intended for office and commercial uses serving neighborhood and community needs, including both unified shopping centers and individually developed commercial sites, and typically requiring locations accessible from major traffic ways.

The rezoning of a property requires approval by a Land Use Commission and final approval by the City Council. When scheduled, you will receive a notice for each public hearing which will provide the date, time, and location of the public hearing. You are encouraged to participate in this process.

For additional information on the City of Austin's land development process, please visit our web site www.ci.austin.tx.us/development.

I don't know where you get this property owner stuff at. I don't own a damn thing in this world. I've been receiving these notices for the 4 years I've rented this rental lot here and a couple of my neighbors have told me they haven't. They are buying their Mobile Homes, too, with loans on them. I received a couple of days ago the

(OVER)

[illegible]

MEMORANDUM

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

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

DATE: November 2, 2005

SUBJECT: ZAP Commission Summary

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

CASE # C14-05-0141

3. Zoning: C14-05-0114 – The Park at Del Valle
Location: Ross Road at Pearce Lane, Dry Creek Watershed
Owners/Applicants: Lindsley Bratton; Peter Jacobson
Agent
Agent: Carlson, Brigrance & Doering, Inc. (Charles Brigrance)
Postponements: Postponed to 11/1/05 (Del Valle I.S.D.)
Request: I-SF-2 to GR
Staff Rec.: **RECOMMENDATION OF GR-CO WITH
CONDITIONS**
Staff: Wendy Walsh, 974-7719, wendy.walsh@ci.austin.tx.us
Neighborhood Planning and Zoning Department

SUMMARY

Madame Chair Baker inquired about the operational characteristics of Pearce Lane and Ross Road. She noted that both roads are presently two-lane roadways without curb and gutters, and that GR zoning is normally reserved for major intersections.

Mr. Jerry Rusthoven – Neighborhood Planning and Zoning Staff, explained that both Pearce Lane and Ross Road were classified as minor arterials and that the Austin Metropolitan Area Transportation Plan called for both to be upgraded to major arterials. He also noted that Staff was recommending right-of-way dedication and posting of fiscal for turn-lane improvements prior to Third Reading. Del Valle Independent School District had requested that Staff prohibit some of the more intensive GR district uses because of the proximity to its schools, and this request had been incorporated into the Staff recommendation.

Madame Chair Baker confirmed with Mr. Rusthoven that the Staff recommended road improvements would not be made prior to issuance of a certificate of occupancy, and that only the dedication of right-of-way and the posting of fiscal was required. Madame Chair Baker clarified that GR uses could then be constructed without improvements being made.

Mr. Charles Brigrance, agent for the Applicant, agreed to the Conditional Overlay of prohibited uses and 3,200 trips per day, based on participation in funding signal lights, turning movements, and striping. Mr. Brigrance noted that the Ross Road / Pearce Lane intersection was already busy and that their percentage of traffic at this intersection was calculated at 10%, and the posting of fiscal was based on their fair share. Furthermore, other residential subdivisions that have been constructed around this property have not had to make improvements (because they were located in the County). Mr. Brigrance closed by saying that the development envisioned for this property consisted of a convenience store with gas station, restaurant, pizza delivery, hair salon and dry cleaners.

Commissioner Jackson inquired about the property's frontage on Pearce Lane and Mr. Brigrance confirmed that Pearce Lane frontage was 1,000 feet and the Ross Road frontage was 300 feet.

Madame Chair Baker inquired when the upgrade to Ross Road and Pearce Lane was scheduled to occur.

Mr. Joe Almazan – Transportation Review Staff, Watershed Protection and Development Review Department, noted that capital improvement program information was unavailable for Ross Road and Pearce Lane, and that funding had not been approved.

Madame Chair Baker mentioned that she understood the need for commercial zoning to serve the residential neighborhoods, but that GR zoning was too intensive for this site.

Commissioner Donisi said that he could not support the Staff recommendation.

MOTIONS

Commissioner Martinez – Made a motion for LR-CO zoning with the transportation recommendations outlined in the Staff memo.

Madame Chair Baker – Seconded the motion.

Motion carried.

**COMMISSION ACTION:
MOTION:**

**MARTINEZ, BAKER
APPROVED LR-CO DISTRICT
ZONING WITH THE
TRANSPORTATION
RECOMMENDATIONS OUTLINED IN
THE STAFF MEMO.**

AYES:

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

NAYS:

GOHIL

MOTION CARRIED WITH VOTE: 8-1.

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING FOR THE PROPERTY LOCATED AT THE NORTHEAST CORNER OF ROSS ROAD AND PEARCE LANE AND CHANGING THE ZONING MAP FROM INTERIM SINGLE FAMILY RESIDENCE STANDARD LOT (I-SF-2) DISTRICT TO NEIGHBORHOOD COMMERCIAL-CONDITIONAL OVERLAY (LR-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-single family residence standard lot (I-SF-2) district to neighborhood commercial-conditional overlay (LR-CO) combining district on the property described in Zoning Case No. C14-05-0141 on file at the Neighborhood Planning and Zoning Department, as follows:

A 4.00 acre tract of land, more or less, out of the Jose Antonio Navarro Survey, Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance (the "Property"),

locally known as the property located at Ross Road at Pearce Lane, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

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

1. A residential treatment use is a prohibited use of the Property.
2. 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 3,200 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 neighborhood commercial (LR) base district and other applicable requirements of the City Code.

1
2 **PART 3.** This ordinance takes effect on _____, 2005.
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5 **PASSED AND APPROVED**
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7
8
9 _____, 2005

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§
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Will Wynn
Mayor

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11
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13
14 **APPROVED:** _____

ATTEST: _____

15 David Allan Smith
16 City Attorney

Shirley A. Brown
City Clerk

DRAFT

C14-05-0141

EXHIBIT A
FIELD NOTES

BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE JOSE ANTONIO NAVARRO SURVEY, ABSTRACT NO. 18, SITUATED IN TRAVIS COUNTY, TEXAS, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS BEING OUT OF AND A PART OF THAT CERTAIN 20.94 ACRE TRACT OF LAND CONVEYED BY WARRANTY DEED TO PETER JACOBSON AND LINDSLEY BRATTEN IN VOLUME 13281, PAGE 2915 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, SAID TRACT BEING 4.00 ACRES OF LAND MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at an iron pipe found at the southwest corner of said Jacobson and Bratten tract, being also the northwest intersection of Pearce Lane, an existing 90-foot wide right-of-way dedicated to the public, being also the southeast intersection of Ross Road, an existing 100-foot wide right-of-way dedicated to the public, for the southwest corner and the **POINT OF BEGINNING** of the herein described 4.00 acre tract of land,

THENCE, with the west line of said Jacobson and Bratten tract, being also the east right-of-way line of said Ross Road, N29°55'56"E, a distance of 308.32 feet to an iron rod set, for the northwest corner of the herein described tract,

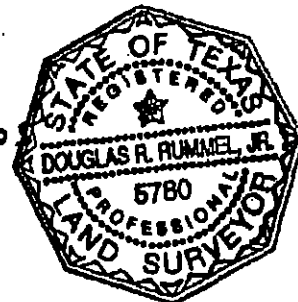
THENCE, crossing said Jacobson and Bratten tract, S59°53'52"E, a distance of 565.14 feet to an iron rod set in the west line of Lot 20, Block "C" of Meadow At Berdoll Phase One Section 1, a subdivision recorded in Document No. 200200288 of the Official Public Records of Travis County, Texas, for the northeast corner of the herein described tract,

THENCE, with the east line of said Jacobson and Bratten tract, and the west line of said Lot 20, Block "C" of Meadow At Berdoll Phase One Section 1, S29°55'56"W, a distance of 308.32 feet to an iron rod set, for the southeast corner of the herein described tract,

THENCE, with the south line of said Jacobson and Bratten tract, and the north right-of-way line of said Pearce Lane, N59°53'53"W, a distance of 565.14 feet to the **POINT OF BEGINNING** and containing 4.00 Acres of Land.

Prepared by:

[Signature] 6/24/08
Douglas R. Rummel ~ R.P.L.S. No. 5780
Carlson, Brigrance & Doering, Inc.
3401 Slaughter Lane West
Austin, TX 78748 (512) 280-5160



BEARING BASIS IS FROM RECORDED PETER JACOBSON AND LINDSLEY BRATTEN TRACT.
T.C.A.D. PARCEL NO. 03-3043-0120
AUSTIN GRID NO. Q-14
J:\LANDPROJECT\4072-026\FN-BNDY.DWG

SKETCH TO ACCOMPANY FIELD NOTES

JOSE ANTONIO NAVARRO ABSTRACT NO. 18

S59°53'52"E 565.14'

LINDSLEY BRATTEN
PAGE 2915
ACRES)

SCALE: 1" = 100'

LEGEND

- IRON ROD SET
- IRON PIPE FOUND

ROSS ROAD (100' R.O.W.)

N29°55'56"E 308.32'

4.00 ACRES

PETER JACOBSON AND
VOL. 13281
(20.94

S29°55'56"W 308.32'

POINT OF BEGINNING

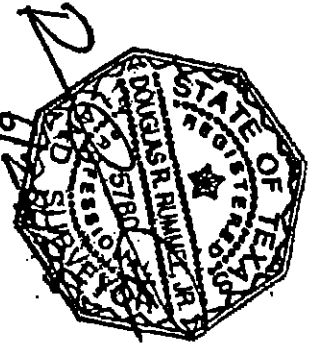
N59°53'53"W 565.14'

PEARCE LANE (90' R.O.W.)

ADDITIONAL R.O.W.
HEREBY DEDICATED

LOT 20

MEADOW AT BERDOLL PHASE ONE SECTION 1
DOC. NO. 200200288



LANDPROJECTS\4072-026\FM-BUD.DWG



Carlson, Brigrance & Doering, Inc.

Civil Engineering • Surveying
3401 Shalghite Lane West • Austin, Texas 78746
Phone No. (512) 280-5160 • Fax No. (512) 280-5185

STREET DEED

STATE OF TEXAS

§
§
§

KNOW ALL MEN BY THESE PRESENTS

COUNTY OF TRAVIS

That Lindsley Bratten and Peter Jacobson, hereinafter referred to as Grantors, whether one or more, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, to Grantors in hand paid by the City of Austin, Texas, P.O. Box 1088, Austin, Texas 78767-8828, the receipt and sufficiency of which is hereby acknowledged and confessed, and for which no lien, expressed or implied, is retained, have this day Granted, Sold and Conveyed, and by these presents do hereby Grant, Sell and Convey, unto the said City of Austin, a municipal corporation situated in Travis County, Texas, for street purposes, the following described property:

A 0.206 acre tract of land, more or less, out of the Jose Antonio Navarro Survey, Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this deed

TO HAVE AND TO HOLD the above-described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said City of Austin, its successors and assigns forever; and Grantors, whether one or more, do hereby bind themselves, their executors, administrators, successors and assigns, to warrant and defend the property against every person whomsoever lawfully claiming or to claim the same or any part hereof.

IN WITNESS WHEREOF, Grantors have caused this instrument to be executed on the _____ day of _____, 2005.

GRANTORS:

By: _____
Lindsley Bratten

By: _____
Peter Jacobson

THE STATE OF TEXAS

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§
§

COUNTY OF _____

This instrument was acknowledged before me on this the ____ day of _____,
2005, by Lindsley Bratten.

Notary Public, State of Texas

Address of Grantors:

443 Gingham Drive,
Houston, TX 77024

THE STATE OF TEXAS

§
§
§

COUNTY OF _____

This instrument was acknowledged before me on this the ____ day of _____,
2005, by Peter Jacobson.

Notary Public, State of Texas

Address of Grantors:

714 Sandpiper,
Sugarland, TX 77478

EXHIBIT A
FIELD NOTES

BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE JOSE ANTONIO NAVARRO SURVEY, ABSTRACT NO. 18, SITUATED IN TRAVIS COUNTY, TEXAS, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS BEING OUT OF AND A PART OF THAT CERTAIN 20.94 ACRE TRACT OF LAND CONVEYED BY WARRANTY DEED TO PETER JACOBSON AND LINDSLEY BRATTEN IN VOLUME 13281, PAGE 2915 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, SAID TRACT BEING 0.206 ACRE OF LAND MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at an iron pipe found at the southwest corner of said Jacobson and Bratten tract, being also at the northeast intersection of Pearce Lane, an existing 90-foot wide right-of-way dedicated to the public, and Ross Road, an existing 100-foot wide right-of-way dedicated to the public, for the southwest corner and the **POINT OF BEGINNING** of the herein described 0.206 acre tract of land,

THENCE, with the west line of said Jacobson and Bratten tract, being also the east right-of-way line of said Ross Road, $N29^{\circ}55'56''E$, a distance of 308.32 feet to an iron rod found, for the northwest corner of the herein described tract,

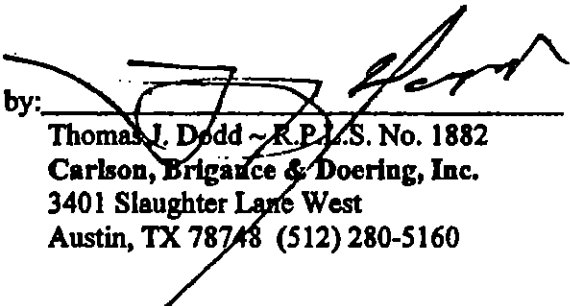
THENCE, crossing said Jacobson and Bratten tract, the following four (4) courses and distances, numbered 1 through 4,

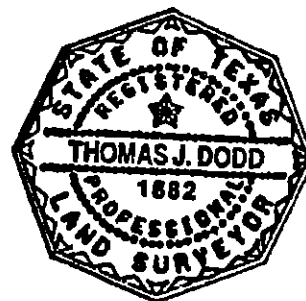
1. $S59^{\circ}53'52''E$, a distance of 7.00 feet to a point, for the northeast corner of the herein described tract,
2. $S29^{\circ}55'56''W$, a distance of 271.40 feet to a point of curvature to the left,
3. with said curve to the left having a radius of 25.00 feet, an arc length of 39.20 feet and whose chord bears, $S14^{\circ}58'59''E$, a distance of 35.30 feet to the point of tangency,
4. $S59^{\circ}53'53''E$, a distance of 533.21 feet to a point in the east line of said Jacobson and Bratten tract, being also the west line of Lot 20, Block "C" of Meadows At Berdoll Phase One Section 1, a subdivision recorded in Document No. 200200288 of the Official Public Records of Travis County, Texas,

THENCE, with the east line of said Jacobson and Bratten tract, being also the west line of said Lot 20, Block "C" of Meadows At Berdoll Phase One Section 1, $S29^{\circ}55'56''W$, a distance of 12.00 feet to an iron rod found, for the southeast corner of the herein described tract,

THENCE, with the south line of said Jacobson and Bratten tract, being also the north right-of-way line of said Pearce Lane, N59°53'53"W, a distance of 565.14 feet to the **POINT OF BEGINNING** and containing 0.206 Acre of Land.

Prepared by:


Thomas J. Dodd - R.P.L.S. No. 1882
Carlson, Briganee & Doering, Inc.
3401 Slaughter Lane West
Austin, TX 78748 (512) 280-5160



BEARING BASIS IS FROM RECORDED DEED OF PETER JACOBSON AND LINDSLEY BRATTEN TRACT
G:\docs\4072-026\FN-add-row.DWG

SKETCH TO ACCOMPANY FIELD NOTES

JOSE ANTONIO NAVARRO SURVEY ABSTRACT NO. 18

LINDSEY BRATTEN
PAGE 2915
(ACRES)

PETER JACOBSON AND
VOL. 13281
(20.94

ROSS ROAD (100' R.O.W.)

PEARCE LANE (90' R.O.W.)

ADDITIONAL R.O.W.



SCALE: 1" = 100'

LEGEND

- IRON ROD FOUND
- ⊙ IRON PIPE FOUND

0.206 ACRE

S59°53'52"E
7.00'

271.40'

$\Delta = 89^{\circ}49'49''$
 $R = 25.00'$
 $L = 39.20'$
 $C = 35.30'$
 $CB = S14^{\circ}58'59"E$

S29°55'56"W

S29°55'56"W
12.00'

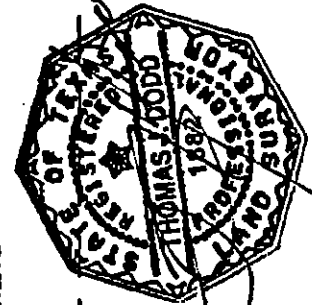
533.21'

S59°53'53"E

565.14'

N59°53'53"W

POINT OF BEGINNING



Carlson, Brigrance & Doering, Inc.

Civil Engineering Surveying
 3401 Slaughter Lane, Austin, Texas 78748
 PH: (512) 280-5160 FAX: (512) 280-5165

AFTER RECORDING RETURN TO:

City of Austin

Law Department

P.O. Box 1546

Austin, Texas 78767-1546

Attn: Diana Minter, Paralegal