

Zoning Ordinance Approval

CITY OF AUSTIN

RECOMMENDATION FOR COUNCIL ACTION



AGENDA ITEM NO.: 87

AGENDA DATE: Thu 12/15/2005

PAGE: 1 of 1

SUBJECT: C14-05-0170 - Pecan Park Condominiums - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 10701-10807 Pecan Park Boulevard (Lake Creek Watershed) from community commercial (GR) district zoning and general office (GO) district zoning to community commercial-mixed use (GR-MU) combining district zoning. First reading approved on December 1, 2005. Vote: 6-0, Council Member McCracken off the dais. Applicant: Pecan Park, J.L.C. (John P. Chudy). Agent: Doucet & Associates (Carol M. Stewart). City Staff: Sherri Sirwaitis, 974-3057.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

SECOND/THIRD READING SUMMARY SHEET

ZONING CASE NUMBER: C14-05-0170

REQUEST:

Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code, zoning the property locally known as 10701-10807 Pecan Park Boulevard from GR, Community Commercial district, zoning and GO, General Office district, zoning to GO-MU, General Office-Mixed Use district, zoning.

The Ordinance and public restrictive covenant reflect those conditions imposed by Council on 1st reading.

PROPERTY OWNER: Pecan Park, LLC (John P. Chudy)

AGENT: Doucet & Associates, Inc. (Carol M. Stewart)

DEPARTMENT COMMENTS:

The property in question is an undeveloped heavily vegetated tract of land. The applicant is requesting GR-MU, Community Commercial-Mixed Use District, zoning because he would like to develop the site with a condominium, commercial mixed use development. The staff recommends GO-MU, General Office-Mixed Use District, zoning for this property because the GO-MU district will allow for a transition in the intensity of uses from commercial uses along F.M. 620 North to the recreational and residential uses to the south. The staff believes that GR-MU zoning is too intense for this site because the property does not have direct access or visibility from a major roadway. GO-MU zoning will allow for a mixture of office and residential uses that will take access to a collector roadway, Pecan Park Boulevard.

The applicant agrees with the City Council's recommendation at first reading.

DATE OF FIRST READING/VOTE: December 1, 2005/Approved GO-MU zoning by consent (6-0, McCracken-absent); 1st reading

CITY COUNCIL DATE: December 15, 2005

CITY COUNCIL ACTION:

ASSIGNED STAFF: Sherri Sirwaitis

PHONE: 974-3057

sherri.sirwaitis@ci.austin.tx.us

ZONING CHANGE REVIEW SHEET

CASE: C14-05-0170

Z.A.P. DATE: October 18, 2005
November 1, 2005

ADDRESS: 10701-10807 Pecan Park Boulevard

OWNER/APPLICANT: Pecan Park, LLC (John P. Chudy)

AGENT: Doucet & Associates, Inc. (Carol M. Stewart)

ZONING FROM: GR, GO **TO:** GR-MU **AREA:** 19.82 acres

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to grant GO-MU, General Office-Mixed Use Conditional Overlay District, zoning.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

10/18/05: Postponed to November 1, 2005 at the staff's request (9-0); J. Martinez-1st, J. Gohil-2nd.

11/01/05: Approved staff's recommendation of GO-MU by consent (9-0); J. Martinez-1st, J. Gohil-2nd.

DEPARTMENT COMMENTS:

The property in question is an undeveloped heavily vegetated tract of land. The applicant is requesting GR-MU, Community Commercial-Mixed Use District, zoning because he would like to develop the site with a condominium, commercial mixed use development. The staff recommends GO-MU, General Office-Mixed Use District, zoning for this property because the GO-MU district will allow for a transition in the intensity of uses from commercial uses along F.M. 620 North to the recreational and residential uses to the south. The staff believes that GR-MU zoning is too intense for this site because the property does not have direct access or visibility from a major roadway. GO-MU zoning will allow for a mixture of office and residential uses that will take access to a collector roadway, Pecan Park Boulevard.

The applicant agrees with the staff's recommendation.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	GR, GO	Undeveloped
<i>North</i>	GR, GR-MU	Restaurant (Mc Donald's), Service Station (Chevron), Undeveloped Tract, Restaurant (Olive Garden)
<i>South</i>	County	Single-Family Residential Neighborhood, Apartment Complexes, Baseball Fields (Anderson Mill Parks Department Wastewater Treatment Facility)
<i>East</i>	GR	Undeveloped Tracts

<i>West</i>	GR	Two Undeveloped Tracts, Hotel (Hampton Inn and Suites) under construction, Restaurant (Freda's Seafood Grill), Hotel (Holiday Inn Express), Financial Services (Frost Bank)
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AREA STUDY: N/A

TIA: Not required

WATERSHED: Lake Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

NEIGHBORHOOD ORGANIZATIONS:

157 – Courtyard Homeowner Association
 281 – Anderson Mill Neighborhood Association
 426 – River Place Residential Community Association, Inc.

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-04-0042	I-RR, LR to GR	4/6/04: Approved staff's recommendation of GR-CO by consent (7-0, K. Jackson-absent)	4/15/04: Granted GR zoning (7-0); all 3 readings
C14-01-0112	I-RR to Tract 1: GR, Tract 2: CS-1	9/11/01: To approve staff's recommendation for GR (Tract 1), CS-1-CO (Tract 2), district zoning, adding a conditional overlay to prohibit adult oriented uses, on consent. (7-0, J. Martinez- left early, D. Castaneda-absent)	10/11/01: Approved GR for Tract 1 and CS-1-CO for Tract 2 with conditions on 3 readings (7-0)
C14-00-2058	CH & GR to GR-MU	5/23/00: Approved staff rec. of GR-MU by consent (8-0)	6/22/00: Approved GR-MU on all 3 readings (7-0)
C14-99-2112	I-RR to GR	1/18/00: Approved GR (7-1; RC-Nay)	3/09/00: Approved GR-CO (6-0; all 3 readings
C14-99-0005	I-RR to MF-3	2/23/99: Approved staff alternate rec. of MF-3-CO by consent (6-0)	5/20/99: Approved PC rec. of MF-3-CO (7-0); all 3 readings
C14-95-0188	I-SF-2 to CS	1/30/96: Approved staff rec. of CS (5-2-1)	3/21/96: Approved PC rec. of CS (7-0); all 3 readings
C14-94-0115	GO to GR	10/25/94: Approved GR-CO (7-0); subject to conditions	11/03/94: Approved GR-CO (5-0); 1 st reading 9/07/95: Approved GR-CO (7-0); 2 nd /3 rd readings
C14R-86-0119	SF-2, DR to GR	8/12/86: Approved GR w/conditions (7-0)	8/28/86: Approved GR, GO and CH w/conditions (5-0); 1 st reading

			11/06/86: Approved GR & GO on 2 nd reading
			11/13/86: Approved GR & GO on 3 rd reading

RELATED CASES: C14R-86-0119 (Site Plan for 10501-12701 Block of Pecan Park Boulevard)
SP-98-0459C (Site Plan for Pecan Park Office Complex – Expired 12/10/98)

ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION
Pecan Park Boulevard	120'	2@36'	Collector

CITY COUNCIL DATE: December 1, 2005

ACTION: Approved GO-MU zoning by
consent (6-0, McCracken-absent); 1st
reading

December 15, 2005

ACTION:

ORDINANCE READINGS: 1st

2nd





3rd

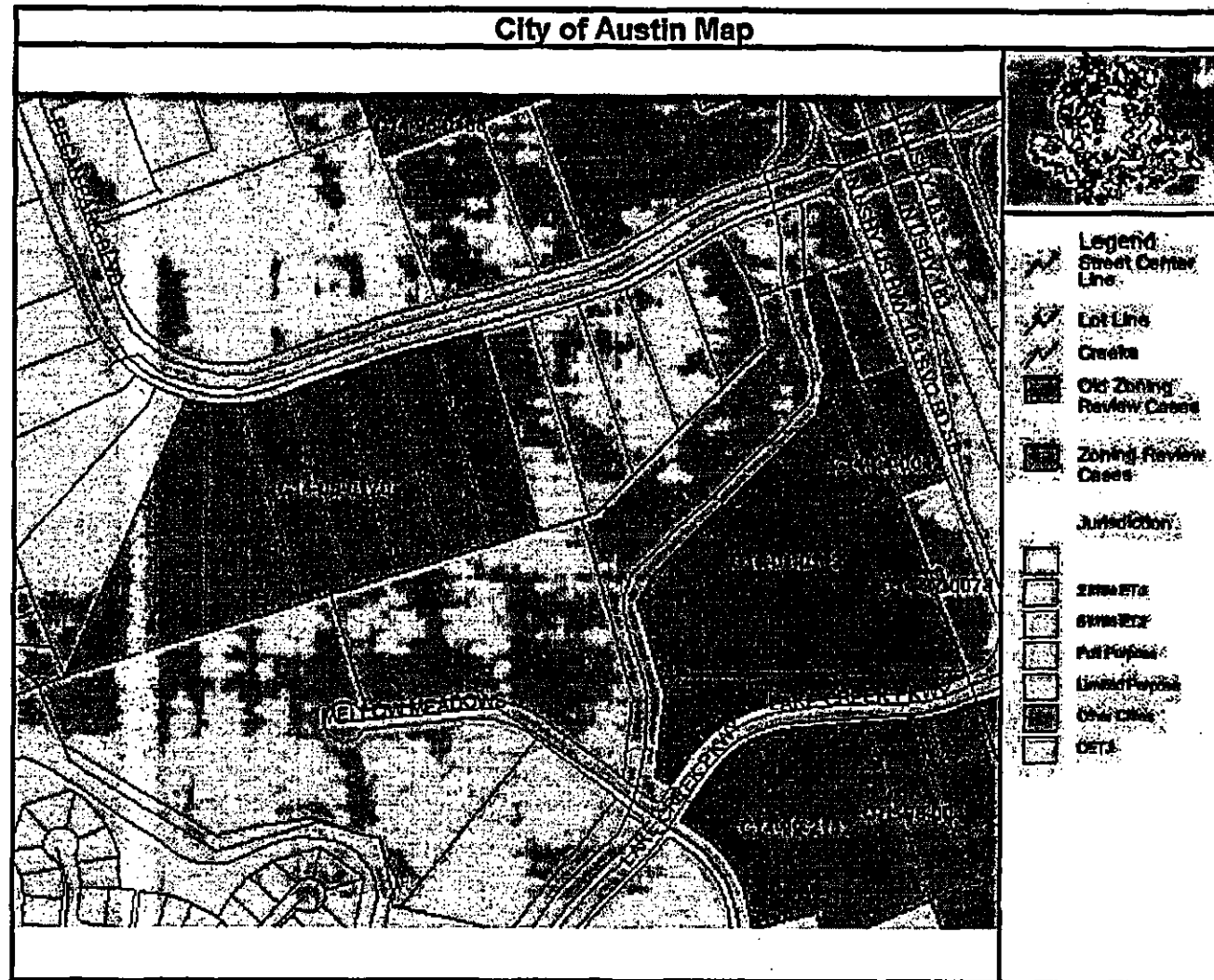
ORDINANCE NUMBER:

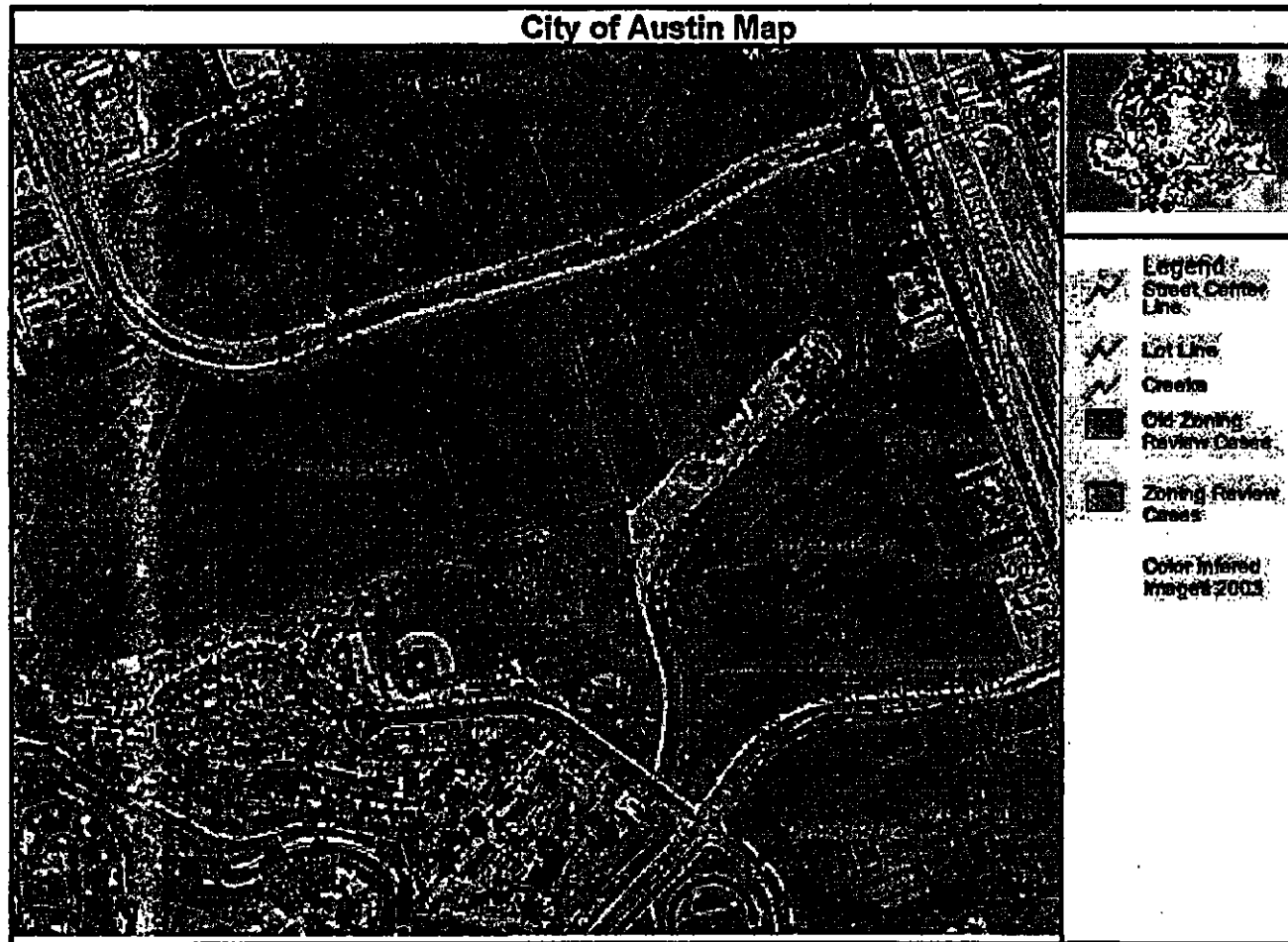
CASE MANAGER: Sherri Sirwaitis

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



 1" = 400'	SUBJECT TRACT 	ZONING CASE #: C14-05-0170 ADDRESS: 10701-10807 PECAN PARK BLVD SUBJECT AREA (acres): 19.820	DATE: 05-10 INTLS: SM	CITY GRID REFERENCE NUMBER F39
	PENDING CASE 			
	ZONING BOUNDARY 			
	CASE MGR: S.SIRWAITIS			





STAFF RECOMMENDATION

The staff's recommendation is to grant GO-MU, General Office-Mixed Use Conditional Overlay District, zoning.

BASIS FOR RECOMMENDATION

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

General office (GO) district is the designation for an office or commercial use that serves community and city-wide needs. A building in a GO district may contain one or more different uses.

The purpose of a mixed use (MU) combining district is to allow office, retail, commercial, and residential uses to be combined in a single development.

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

The GO-MU zoning district would be compatible and consistent with the surrounding uses because there is already an adequate amount of GR and GR-MU, and CS district zoning to the north fronting F.M. 620 and U.S. Highway 183 to the east. The GO-MU district will allow for a transition in the intensity of uses from commercial uses along F.M. 620 North to the recreational, multifamily, and single-family residential uses to the south. The staff believes that GR-MU zoning is too intense for this site because the property does not have direct access or visibility from a major roadway.

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

The GO-MU zoning district would allow for a fair and reasonable use of the site. GO-MU zoning will allow for a mixture of office and residential uses that will take access to a collector roadway, Pecan Park Boulevard.

EXISTING CONDITIONS

Site Characteristics

The site is undeveloped and heavily vegetated. There are single-family homes, apartments and baseball fields located to the south of the property. The tracts of land directly to the north, east and west are currently undeveloped. The GR properties along F.M. 620 are developed with a limited restaurant (to the east of Pecan Park Boulevard) and a bank (to the west of Pecan Park Boulevard). The GR-MU zoned area to the north along F.M. 620 contains a service station, an undeveloped tract, and a general restaurant use.

Hill Country Roadway

The site is not within a Hill Country Roadway Corridor.

Impervious Cover

The maximum impervious cover allowed by the GR zoning district would be 90%. However, because the Watershed impervious cover is more restrictive than the zoning district's allowable impervious cover, the impervious cover on this site would be limited by the watershed ordinance.

The site is in the Lake Creek Watershed, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

Development Classification	% of Net Site Area	% NSA with Transfers
Single-Family Residential (min. lot size 5750 sq. ft.)	45%	50%
One or Two Family Residential (lot size < 5750 sq. ft.)	55%	60%
Multifamily Residential	60%	65%
Commercial	65%	70%

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

Note: The most restrictive impervious cover limit applies.

Environmental

The site is located over the North Edward's Aquifer Recharge Zone. It is in the Desired Development Zone.

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

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

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

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

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

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

The site is located within the endangered species survey area and must comply with the requirements of Chapter 25-8: Endangered Species in conjunction with subdivision and/or site plan process.

Transportation

This site is within the area covered by State legislation (S.B. 1396), which went into effect September 1, 1995. Under this legislation, the City may not "deny, limit, delay, or condition the use of

development of land...because of traffic or traffic operations that would result from the proposed use or development of the land." A traffic impact analysis is not required for any development within this area, and traffic issues may not be considered in the approval of the application. Right-of-way dedication, however, may still be required.

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

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

Existing Street Characteristics:

NAME	ROW	PAVEMENT	CLASSIFICATION
Pecan Park Boulevard	120'	2@36'	Collector

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 and system upgrades to serve the site and land use. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. The water and wastewater utility construction must be inspected by the City. The landowner must pay the applicable and associated City fees.

Stormwater Detention

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program, if available.

Compatibility Standards

No comment.

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: C14-05-0170

Contact: Sherri Sirwaitis, (512) 974-3057

Public Hearing:

October 18, 2005 Zoning and Platting Commission

☐ I am in favor
☒ I object

MICHAEL B. McSHANE

Your Name (please print)

12407 SPLIT RAIL COVE

Your address(es) affected by this application

AUSTIN, TEXAS 78750

M. McShane

10/13/05

Comments: WE THE AFFECTED HOME
OWNERS AND THE HOMEOWNERS ASSOC.
HAVE ARE SETTING UP A MEETING
WITH CAROL STEWART/DUCET & ASSOC.
(AGENT FOR THE OWNER) TO
DISCUSS ANY ISSUES. THEREFORE
PLEASE POSTPONE THIS
HEARING UNTIL WE HAVE THE
MEETING WITH THE OWNERS
AGENT TO MAKE SURE EVERYTHING

IS OK,

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

City of Austin

Neighborhood Planning and Zoning Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810