

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



**AGENDA ITEM NO.: Z-3
AGENDA DATE: Thu 12/15/2005
PAGE: 1 of 1**

SUBJECT: C14-05-0174 - 6411 Highway 290 West - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6411 U.S. Highway 290 West (Williamson Creek Watershed - Barton Creek Zone) from single-family residence-standard lot (SF-2) district zoning to community commercial (GR) district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Applicant and Agent: B.C. Birdwell, Inc. (Brian Birdwell). City Staff: Wendy Walsh, 974-7719.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

ZONING CHANGE REVIEW SHEET

CASE: C14-05-0174

Z.P.C. DATE: November 15, 2005

ADDRESS: 6411 West U.S. Highway 290

OWNER & APPLICANT: B.C. Birdwell, Inc. (Brian Birdwell)

ZONING FROM: SF-2 **TO:** GR **AREA:** 0.570 acres (24,829.20 square feet)

SUMMARY STAFF RECOMMENDATION:

The Staff's recommendation is to grant community commercial – conditional overlay (GR-CO) combining district zoning. The Conditional Overlay limits the number of daily trips to 2,000.

ZONING & PLATTING COMMISSION RECOMMENDATION:

November 15, 2005: *APPROVED STAFF'S RECOMMENDATION FOR GR-CO DISTRICT ZONING; BY CONSENT.*

[K. JACKSON; M. HAWTHORNE – 2ND] (7-0) J. MARTINEZ, J. GOHIL – ABSENT

ISSUES:

The Oak Hill Association of Neighborhoods does not have issues with the Applicant's request, as confirmed by e-mail correspondence at the back of the staff report.

DEPARTMENT COMMENTS:

The subject rezoning area represents a portion of a platted lot, is used for the storage of landscaping equipment and is zoned single family residence standard lot (SF-2). The rezoning area will have frontage on West U.S. Highway 290 after the highway expansion project is complete, and the remaining SF-2 area to the north has been acquired by TXDoT for right-of-way. There are fuel tanks and undeveloped land (formerly a commercial use) to the west, a funeral home with cemetery to the south, undeveloped land and an electric substation to the west. Please refer to Exhibits A (Zoning Map), A-1 (Aerial View) and B (Recorded Plat).

The Applicant proposes to rezone the property to the community commercial (GR) district to enable future retail development to occur. Staff supports commercial zoning along West U.S. Highway 290, and GR zoning is compatible and consistent with adjacent zoning that is along this roadway.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-2	Storage of landscaping equipment
<i>North</i>	SF-2; GR	Vacant; Service station and convenience store; Retail
<i>South</i>	P-CO	Funeral services with cemetery
<i>East</i>	GR; P	Undeveloped; Electric substation
<i>West</i>	CS-CO; SF-2	Fuel tanks; Vacant

AREA STUDY: N / A**TIA:** Is not required**WATERSHED:** Williamson Creek – **DESIRED DEVELOPMENT ZONE:** No
Barton Springs Zone (Recharge)**CAPITOL VIEW CORRIDOR:** No**SCENIC ROADWAY:** No**NEIGHBORHOOD ORGANIZATIONS:**

298 – Oak Hill Association of Neighborhoods 384 – Save Barton Creek Association
 385 – Barton Springs Coalition
 428 – Barton Springs / Edwards Aquifer Conservation District
 605 – City of Rollingwood 705 – OHAN 78735
 706 – OHAN 78736 707 – OHAN 78737
 708 – OHAN 78738 709 – OHAN 78739
 710 – OHAN 78749
 742 – Austin Independent School District
 943 – Save Our Springs Alliance

SCHOOLS:

Patton Elementary School Clint Small Middle School Crockett High School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-02-0131	CS; GR; SF-2 to P	To Grant P-CO zoning with CO for 2,000 trips, prohibit access to Ridge Oak Road, and a 20' wide landscape buffer along Ridge Oak property line.	Approved P-CO district zoning as Commission recommended, with a 25' landscape buffer along the Ridge Oak property line (10-10-02).
C14-02-0015	SF-2 to CS-CO, as amended	To Grant CS-CO with conditions, limited to Transportation	Approved CS-CO as recommended by ZAP (4-4-02)

		Terminal, all other GR uses with the exception of automotive-related uses; 2,000 trips.	
C14-96-0048	SF-2 to GR	To Grant GR-CO and RR	Approved GR-CO and RR (floodplain) with conditions on 1 st Reading (6/13/96); Verbal withdrawal of the case in Summer 1997.
C14-95-0176	SF-2 to GR	To Grant GR-CO with conditions	Granted GR-CO as recommended (3-28-96)
C14-91-0099	GR to P	To Grant P	Granted as recommended (2-6-92)

RELATED CASES:

The property represents a portion of Williamson Flats, a one-lot subdivision recorded in September 1973 (C8s-73-227).

ABUTTING STREETS:

Name	ROW	Pavement	Classification
West U.S. 290	Varies	60 feet	Major Arterial

- There are no sidewalks along West U.S. 290.
- There is existing bus service on West U.S. 290.
- West U.S. 290 is not identified in the Bicycle Plan.

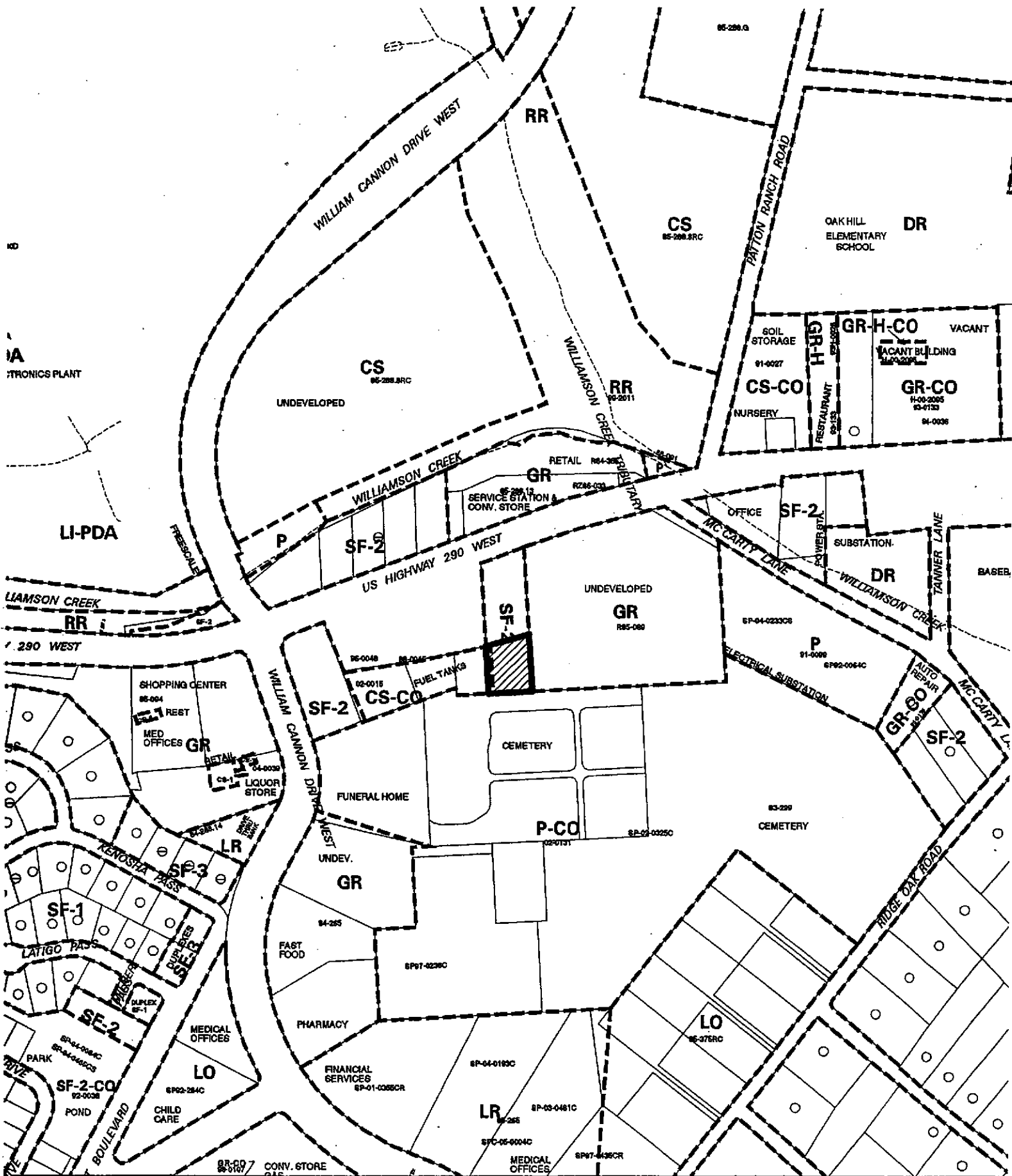
CITY COUNCIL DATE: December 15, 2005 **ACTION:**

ORDINANCE READINGS: 1st 2nd 3rd

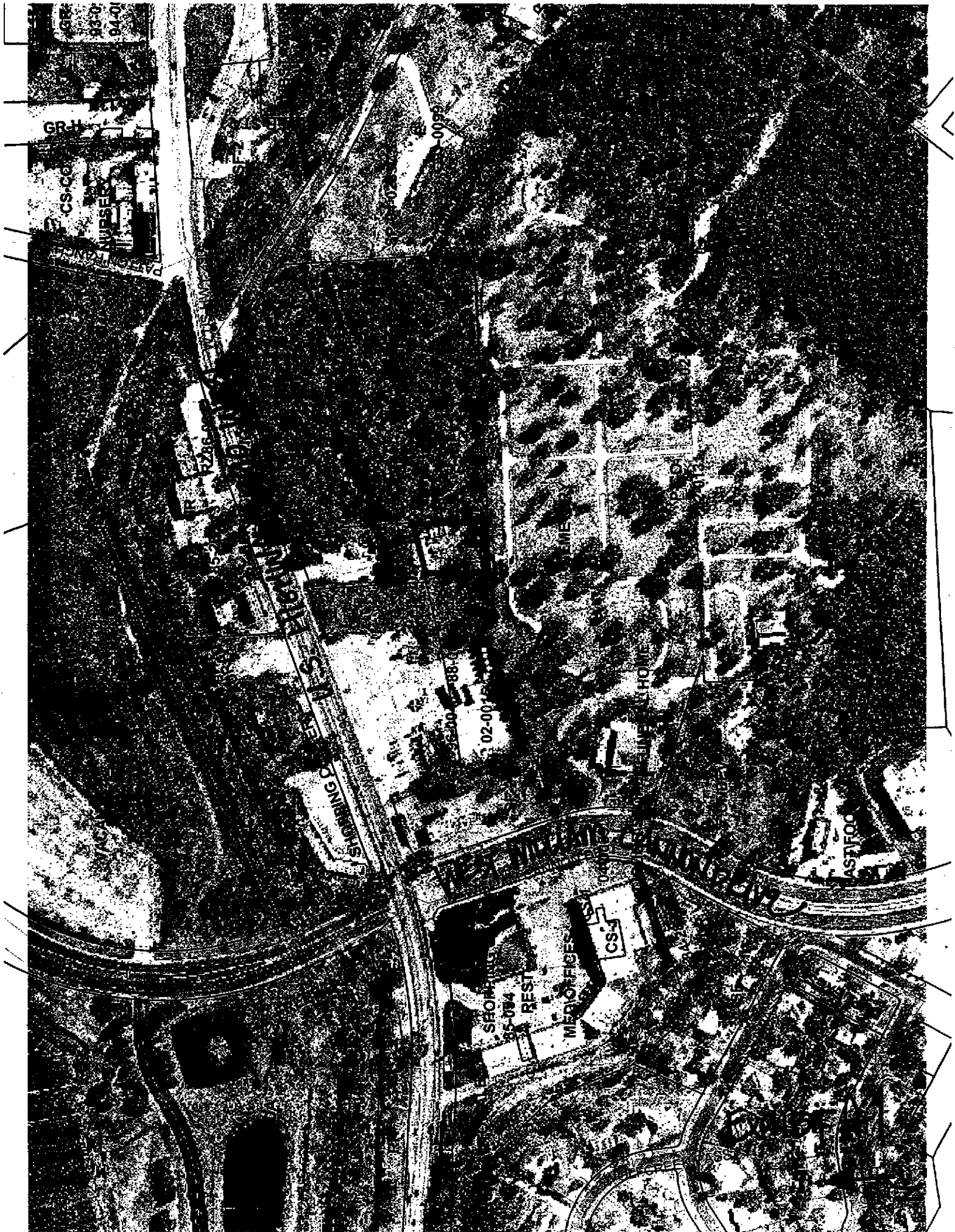
ORDINANCE NUMBER:

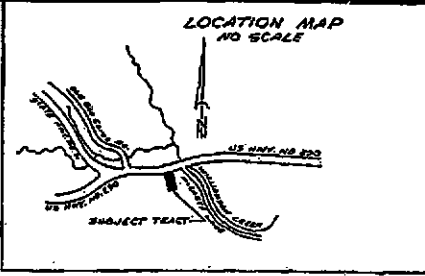
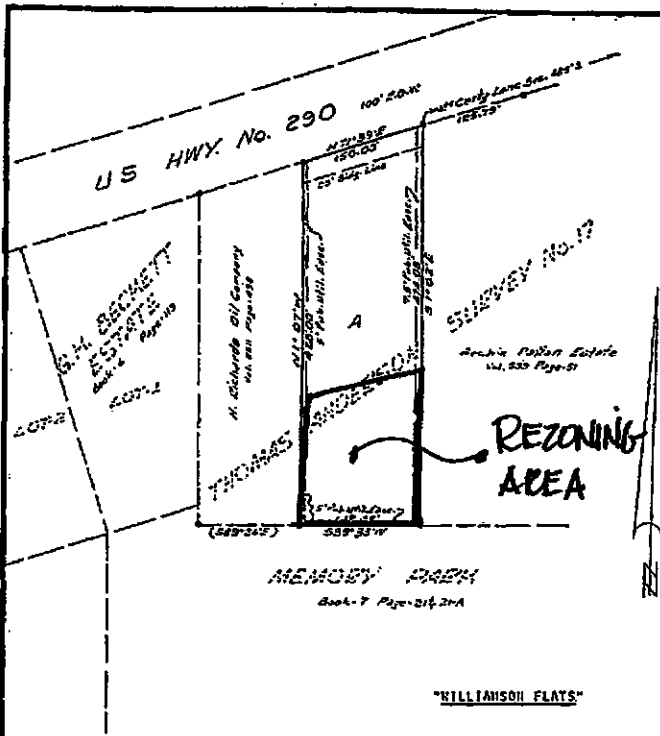
CASE MANAGER: Wendy Walsh
e-mail: wendy.walsh@ci.austin.tx.us

PHONE: 974-7719



 1" = 400'	SUBJECT TRACT		ZONING Exhibit A CASE #: C14-05-0174 ADDRESS: 6411 W US HWY 290 SUBJECT AREA (acres): 0.570	DATE: 05-11 INTLS: SM	CITY GRID REFERENCE NUMBER C19
	PENDING CASE				
	ZONING BOUNDARY				
	CASE MGR: W.WALSH				





LEGEND
 * J. R. Found
 * R.O.W. Marked Found
 Scale: 1"=100'

STATE OF TEXAS
 COUNTY OF TRAVIS: KNOW ALL MEN BY THESE PRESENTS
 That I, John D. Ryan, owner of that certain
 1.479 acres of land out of the Thomas Anderson Survey
 No. 17 in Travis County, Texas, conveyed to me by
 deed of record in Volume 4552 at Page 1564 of the
 Deed Records of Travis County, Texas, do hereby sub-
 divide said tract in accordance with the attached
 plat, said subdivision to be known as "WILLIAMSON
 FLATS" and do hereby dedicate to the public the
 streets and easements shown hereon.
 WITNESS MY HAND THIS 12th DAY OF
 Sept. A.D. 1973.

John D. Ryan
 John D. Ryan

APPROVED FOR ACCEPTANCE:
Richard R. Little DATE 11-19-73
 Richard R. Little, Director of Planning

FILED FOR RECORD
 This the 26th day of November A.D.
 1973, at 10:50 o'clock A.M.
 Doris Shropshire, Clerk County Court, Travis
 County, Texas.

BY *Mike Kilgore*
 Deputy

ACCEPTED AND AUTHORIZED FOR RECORD
 By the Planning Commission of the City of Austin
 on the 19th day of Nov. A.D. 1973.

W.C. Dineen *Shirley D. Nash*
 Chairman Secretary

"In approving this plat by the Commissioners Court
 of Travis County, Texas, it is understood that the building
 of all streets, roads, and other public thoroughfares de-
 lineated and shown on this plat, and all bridges and culverts
 necessary to be constructed or placed in such streets, roads,
 or other public thoroughfares, or in connection therewith shall
 be the responsibility of the owner and/or developer of the
 tract of land covered by this plat, in accordance with plans
 and specifications prescribed by the Commissioners Court of
 Travis County, Texas, and the Commissioners Court of Travis
 County, Texas, assumes no obligation to build the streets,
 roads, or other public thoroughfares shown on this plat, or
 of constructing any bridges or culverts in connection
 therewith."

NOTE:
 No lot in this subdivision shall be occupied until water
 satisfactory for human consumption is available from a source
 on the land, a community source, or a public utility source,
 in adequate supply for family use, and operation of a septic
 tank. Said septic tank system to have a capacity of not less
 than 750 gallons with a drain field of not less than 400 square
 feet, and shall be installed in accordance with the regulations
 of the City-County Health Officer, and shall be inspected and
 approved by such officer. This restriction is enforced by the
 City of Austin-Travis County Health Unit and/or the subdividor.
 Be it Resolved by the Commissioners' Court of Travis County, Texas:
 That the acceptance for recordance by Travis County, Texas, of the
 roads or streets in real-estate subdivisions does not obligate the
 county to install street marking signs, as this is considered to be
 a part of the developers' construction; but that erecting signs for
 traffic control, such as for speed limits and Stop and Yield signs,
 shall remain the responsibility of the county.

STATE OF TEXAS
 COUNTY OF TRAVIS
 Before me, the undersigned authority, on this day
 personally appeared John D. Ryan, known to me to be the
 person whose name is subscribed to the foregoing instrument
 and he acknowledged to me that he executed the same for the
 purposes and considerations therein expressed.
 WITNESS MY HAND AND SEAL OF OFFICE, this the 12th
 day of September A.D. 1973.

Dorothy L. Etienne
 Notary Public in and for Travis County, Texas
 Dorothy L. Etienne

STATE OF TEXAS
 COUNTY OF TRAVIS
 I, Doris Shropshire, Clerk of the County Court, within
 and for the County and State aforesaid, do hereby certify
 that the foregoing instrument of writing with its certificate
 of authentication was filed for record in my office on the
 26th day of November A.D. 1973 at 10:50
 o'clock A.M. and duly recorded on the 26th day of Nov.
 A.D. 1973 at 10:50 o'clock A.M. in the Plat Records of
 said County in Book 67 at Page 49.
 WITNESS MY HAND AND SEAL OF OFFICE this the 26th day of
 the date last written above.
 Doris Shropshire, Clerk County Court, Travis County,
 Texas.

BY *Mike Kilgore*
 Deputy

STATE OF TEXAS
 COUNTY OF TRAVIS
 I, Doris Shropshire, County Clerk of Travis County,
 Texas, do hereby certify that on the 26th day of November
 A.D. 1973, the Commissioners Court of Travis County, Texas,
 passed an order authorizing the filing for record of this
 plat and that said order has been duly entered in the minutes
 of said Court in Book 3 at Page 398.
 WITNESS MY HAND AND SEAL OF OFFICE this the 26th day of
 November A.D. 1973.
 Doris Shropshire, County Clerk, Travis County, Texas.

BY *W.D. W. 344*
 Deputy

NOTE:
 This subdivision has been approved by the Travis County
 Health Department for one lot which will be served by a
 septic tank.

Franklin E. Sullivan, Jr. DATE 9/12/73
 1st

SURVEYED BY *L. F. Priest* DATE 8-27-73
 L. F. Priest, Reg. Public Surveyor



EXHIBIT B
 RECORDED PLAT

CBs-73-227

SUMMARY STAFF RECOMMENDATION:

The Staff's recommendation is to grant community commercial – conditional overlay (GR-CO) combining district zoning. The Conditional Overlay limits the number of daily trips to 2,000.

BACKGROUND

The subject rezoning area represents a portion of a platted lot, is used for the storage of landscaping equipment and is zoned single family residence standard lot (SF-2). The rezoning area will have frontage on West U.S. Highway 290 after the highway expansion project is complete, and the remaining SF-2 area to the north has been acquired by TXDoT for right-of-way. There are fuel tanks and undeveloped land (formerly a commercial use) to the west, a funeral home with cemetery to the south, undeveloped land and an electric substation to the west.

The Applicant proposes to rezone the property to the community commercial (GR) district to enable future retail development to occur. Staff supports commercial zoning along West U.S. Highway 290, and GR zoning is compatible and consistent with adjacent zoning that is along this roadway.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

The proposed community commercial (GR) zoning 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. The rezoning area will have access to West U.S. Highway 290 upon completion of the highway expansion project.

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

Staff supports commercial zoning along West U.S. Highway 290, and GR zoning is compatible and consistent with adjacent zoning that is along this roadway.

EXISTING CONDITIONS**Site Characteristics**

The site was formerly developed with a restaurant and parking area and is presently used for the storage of landscaping equipment. There appear to be no significant topographical constraints on the site.

Impervious Cover and Environmental

The existing tract represents a portion of a lot platted prior to November 1, 1991, and as such is subject to the provision referenced in LDC 25-8-516 (within Article 12: Save Our Springs Initiative) with respect to existing tracts and platted lots. The impervious cover will be the more restrictive of these two requirements: 1) a maximum of 8,000 square feet on a lot including that existing before and after the development, and this includes renovation, additions to, repair and construction of improvements incidental to the use or 2) a maximum of 90% impervious cover as allowed by the GR district.

This site is located over the Edward's Aquifer Recharge Zone. The site is in the Williamson Creek Watershed of the Colorado River Basin, which is classified as a Barton Springs Zone (BSZ) watershed. It is in the Drinking Water Protection Zone.

According to flood plain maps, there is no flood plain within the project location.

The site is located within the endangered species survey area.

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.

Transportation

The trip generation under the requested zoning is estimated to be 2,746 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 utilities. The landowner, at own expense, will be responsible for providing the water and wastewater utility improvements to serve the site and land use. 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 water and wastewater utility construction must be inspected by the City. The landowner must pay the associated and applicable City fees.

Compatibility Standards

The site is not subject to compatibility standards.

Walsh, Wendy

From: Bruce Perrin- Oak Hill Association of Neighborhoods [bruce@ohan.org]
Sent: Thursday, October 27, 2005 1:52 PM
To: Walsh, Wendy
Cc: 'Diane Hyatt'
Subject: Re-zoning for 6411 West US Highway 290

Good afternoon Ms. Walsh,

I have been conversing with Ms.Diane Hyatt about a rezoning case on the above mentioned tract. The Board of Directors of the Oak Hill Association of Neighborhoods have met and discussed this case.

The board has determined that OHAN has no issues with the rezoning request.

Please let me know if you need any further information.

Thanks in advance,

Bruce Perrin
President
Oak Hill Association of Neighborhoods
www.ohan.org

(c)512-731-6953
(h)512-282-5288

10/27/2005

ORDINANCE NO. _____

1 **AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE**
2 **PROPERTY LOCATED AT 6411 U.S. HIGHWAY 290 WEST FROM SINGLE**
3 **FAMILY RESIDENCE STANDARD LOT (SF-2) DISTRICT TO COMMUNITY**
4 **COMMERCIAL-CONDITIONAL OVERLAY (GR-CO) COMBINING DISTRICT.**

5
6 **BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

7
8 **PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to
9 change the base district from single family residence standard lot (SF-2) district to
10 community commercial-conditional overlay (GR-CO) combining district on the property
11 described in Zoning Case No. C14-05-0174, on file at the Neighborhood Planning and
12 Zoning Department, as follows:

13
14 A 0.5699 acre tract of land, more or less, out of Lot A, Williamson Flats
15 Subdivision, in Travis County, the tract of land being more particularly described
16 by metes and bounds in Exhibit "A" incorporated into this ordinance (the
17 "Property"),

18
19 locally known as 6411 U.S. Highway 290 West, in the City of Austin, Travis County,
20 Texas, and 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 community commercial (GR)
32 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
8

§
§
§

Will Wynn
Mayor

9
10
11
12 **APPROVED:** _____

David Allan Smith
City Attorney

ATTEST: _____

Shirley A. Brown
City Clerk

Exhibit "A"

METES AND BOUNDS DESCRIPTION

Being all that certain 0.5699 acres of land being the remainder of Lot "A", WILLIAMSON FLATS, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 67, Page 49, Travis County Plat Records, and being more particularly described by metes and bounds as follows, to-wit:

COMMENCING at an iron rod found marking the Northwest corner of said Lot A, same being located in the old Southerly right-of-way line of U.S. Highway No. 290 (West), said point being 79.13 feet left of Engineer's centerline station 393 + 13.07, same being the Northwest corner of that certain 0.9138 acre tract (called 0.914 acres) as conveyed to the State of Texas for highway purposes by Order entered in Eminent Domain Proceedings No. 2182, Probate Court No. One, Travis County, Texas;

THENCE, South $03^{\circ}26'45''$ East, with the West line of said Lot A and the West line of said 0.9138 acre tract, a distance of 269.68 feet to an iron rod found marking the Northwest corner hereof, same being the Southwest corner of said 0.9138 acre tract, same being located in the new Southerly right-of-way line of U.S. Highway No. 290 (West), for the POINT OF BEGINNING hereof;

THENCE, in a Northeasterly direction along the arc of a curve to the left and with the said new Southerly right-of-way line of U.S. Highway No. 290 (West), said curve having a radius of 3837.48 feet, a chord bearing and distance of North $75^{\circ}01'35''$ East-146.26 feet to an iron rod set for the Northeast corner hereof, same being the Southeast corner of said 0.9138 acre tract, same being located South $03^{\circ}25'50''$ East-284.77 feet from an iron pipe found marking the Northeast corner of said Lot A;

THENCE, South $03^{\circ}21'20''$ East, with the East line hereof, a distance of 189.47 feet to an iron pipe found marking the Southeast corner hereof, same being the Southeast corner of said Lot A;

THENCE, South $87^{\circ}09'05''$ West, with the South line hereof, a distance of 142.61 feet to an iron pipe found marking the Southwest corner hereof, same being the Southwest corner of said Lot A;

THENCE, North $03^{\circ}35'35''$ West, with the West line hereof, a distance of 158.75 feet to the POINT OF BEGINNING and containing 0.5699 acres of land.

BASIS OF BEARINGS: Cause No. 2182

Compiled By:

Robert M. Sherrod, R.P.L.S.
GEO, A Geographical Land Services Co.
4412 Spicewood Springs Road, #1002
Austin, Texas 78759
August 13, 2001
GEO Job No. 0110051
Fidelity National Title Insurance Company
GF No. 0181401

