

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



**AGENDA ITEM NO.: Z-6
AGENDA DATE: Thu 12/15/2005
PAGE: 1 of 1**

SUBJECT: C14-05-0161 - Prunty Tracts - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7720 South First Street; 7801-7805 Cooper Lane; 630-640 Dittmar Road (South Boggy Creek Watershed) from development reserve (DR) district zoning and limited office (LO) district zoning to general commercial services (CS) district zoning for Tract 1 and multi-family residence-limited density (MF-1) district zoning for Tract 2. Zoning and Platting Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning for Tract 1; and multi-family residence-limited density-conditional overlay (MF-1-CO) combining district zoning for Tract 2. Applicant: Prunty, L.P. (Kurt Prunty). Agent: Thrower Design (Ron Thrower). City Staff: Wendy Walsh, 974-7719.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

ZONING CHANGE REVIEW SHEET

CASE: C14-05-0161

Z.P.C. DATE: November 1, 2005
November 15, 2005

ADDRESS: 7720 South First Street; 7801 – 7805 Cooper Lane; 630 – 640 Dittmar Road

OWNER: Prunty, L.P. (Kurt Prunty)

AGENT: Thrower Design
(Ron Thrower)

ZONING FROM: DR; LO **TO:** CS for Tract 1 (1.44 acres); **AREA:** 4.53 acres (total)
MF-1 for Tract 2 (3.09 acres)

SUMMARY STAFF RECOMMENDATION:

The Staff's recommendation is to grant warehouse – limited office – conditional overlay (W/LO-CO) combining district zoning for Tract 1 and multi-family residence-limited density – conditional overlay (MF-1-CO) combining district zoning for Tract 2. The Conditional Overlay limits the number of daily trips to 2,000 across both tracts.

ZONING & PLATTING COMMISSION RECOMMENDATION:

November 1, 2005: *APPROVED A POSTPONEMENT REQUEST TO 11/15/05 (STAFF).*
[J. MARTINEZ; J. GOHIL – 2ND] (9-0)

November 15, 2005: *APPROVED CS-CO DISTRICT ZONING WITH THE CONDITIONAL OVERLAY FOR CONVENIENCE STORAGE AND PLANT NURSERY AS THE ONLY CS USES; AND ALL PERMITTED W/LO USES FOR TRACT 1. APPROVED MF-1-CO DISTRICT ZONING AS RECOMMENDED BY STAFF FOR TRACT 2. THE CONDITIONAL OVERLAY ALSO INCLUDES THE 2,000 TRIPS ACROSS TRACTS 1 AND 2.*

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

ISSUES:

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

DEPARTMENT COMMENTS:

The subject property is undeveloped with the northern portion zoned development reserve (DR) and the southern portion zoned limited office (LO). Access is taken to South First Street, Dittmar Road and Cooper Lane. There are commercial uses to the east at the corner of Dittmar and South First Street (including land proposed for GR zoning by C14-05-0162); several single family residences on the south side of Dittmar Road; and undeveloped land, the Longhorn pipeline easement, a church, cell tower and single family residences on large

lots to the west. Adjacent to this tract to the north, there is the pipeline easement, a warehouse, and single family residences on lots of varying sizes. Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

The Applicant proposes to rezone the property into two tracts: general commercial services (CS) zoning is proposed for Tract 1 (approximately 85 feet wide), which parallels the pipeline easement and multifamily residence limited density (MF-1) zoning for Tract 2. In consideration of the adjacent pipeline and desire to limit occupancy, the Applicant has an interest in the following uses for Tract 1: commercial off-street parking, construction sales and services, convenience storage, drop-off recycling collection facility, kennels, off-site accessory parking, plant nursery and vehicle storage. Please also refer to the Applicant's letter summarizing the rezoning requests, attached at the back of the Staff report.

The Staff recognizes the additional encumbrances created by the adjacent pipeline, however, offers a recommendation of warehouse / limited office (W/LO) for Tract 1. W/LO would also limit occupancy, and provide greater compatibility with the adjacent uses to the north and access to a collector street. Furthermore, CS zoning and development standards would introduce more intensive zoning than is present in the surrounding area and land uses (LR; LO). For Tract 2, the Staff and Applicant are in agreement for MF-1 zoning as a transition in land use between the commercial uses at the South First / Dittmar intersection and the residential character adjacent to the west, along Dittmar and Cooper.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	DR; LO	Undeveloped
<i>North</i>	SF-2; DR	Pipeline easement; Warehouse; Single family residences; Horticulture
<i>South</i>	SF-4A-CO; I-RR; SF-2; SF-3-CO	Single family residences; Manufactured homes
<i>East</i>	LR; SF-3	Service station; Child care; Retail; Undeveloped; Single family residences
<i>West</i>	SF-2-CO; DR; SF-6-CO	Undeveloped; Pipeline easement; Church; Cell tower; Single family residences on large lots

AREA STUDY: N / A

TIA: Is not required

WATERSHED: South Boggy Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

26 – Far South Austin Community Association

39 – Matthews Lane Neighborhood Association

41 – South Boggy Creek Neighborhood Association

262 – Beaconridge Neighborhood Association
 300 – Terrell Lane Interceptor Association
 428 – Barton Springs / Edwards Aquifer Conservation District
 511 – Austin Neighborhoods Council
 627 – Onion Creek Homeowners Association
 742 – Austin Independent School District
 948 – South by Southeast Neighborhood Organization

SCHOOLS:

Casey Elementary School – 110% at capacity in 2005
 Bedichek Middle School – 83% at capacity in 2005
 Charles Akins High School – 101% at capacity in 2005

The optimal capacity is between 100% and 110% of permanent capacity. Those schools over 125% are considered to be in excess of the desired capacity and in need of relief. Source: Mr. Dan Robertson, Director of Planning Services at Austin Independent School District.

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-05-0019	SF-2-CO to SF-4A	Indefinite postponement request by the Applicant; then Expired	N/A
C14-04-0142	SF-2 to SF-3	To Grant SF-3-CO	Approved SF-3-CO with the CO limiting the number of driveways to one (joint) driveway (11-18-04).
C14-02-0069	DR to LO	To Grant NO-MU-CO with CO limited to day care (general) and permitted SF-2 uses with building and impervious cover limited to SF-2 development regulations.	Approved NO-MU-CO as ZAP recommended (8-29-02).
C14-02-0039	DR to SF-6	To Grant SF-6-CO, to allow for a telecommunications tower, with SF-2 development standards.	Approved SF-6-CO zoning as recommended by the Zoning and Platting Commission (6-27-02).

C14-02-0018	DR to MF-1	Withdrawn	N/A
C14-93-0122	SF-2 to SF-4A	To Grant SF-4A with a maximum of 209 units.	Approved SF-4A as recommended by PC (11-18-93).

RELATED CASES:

The southern portion of the subject rezoning area was approved for LO zoning in February 1987. Tracts 1 and 2 are unplatted.

ABUTTING STREETS:

STREET NAME	ROW	PAVEMENT	CLASSIFICATION
Cooper Lane	Varies	24 feet	Collector
Dittmar Road	96 feet	20 feet	Collector with sidewalks
South First Street	80 feet	50 feet	Arterial

- There are no existing sidewalks along Cooper Lane or South 1st Street.
- Bike Routes 82 and 84 run along Cooper Lane and Dittmar Road respectively.
- Capital Metro bus service is available along South 1st Street via route # 64.

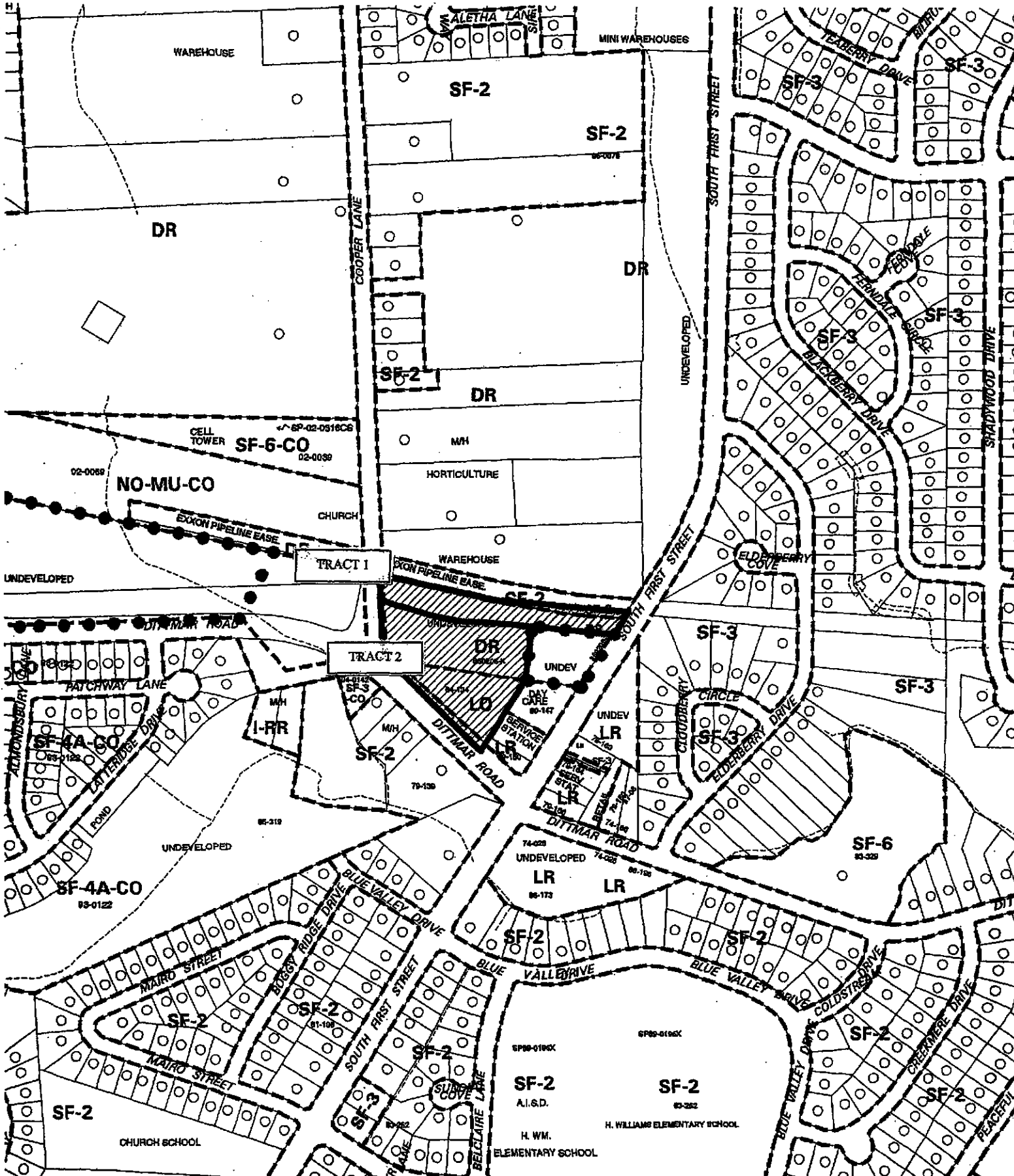
CITY COUNCIL DATE: December 15, 2005 **ACTION:**

ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

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

PHONE: 974-7719



SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

CASE MGR: W. WALSH

ZONING Exhibit A

CASE #: C14-05-0161

ADDRESS: 7720 SOUTH FIRST ST; 7801-7805 COOPER LANE; 630-640 DITTMAR RD.

SUBJECT AREA (acres): 4.530

DATE: 05-10

INTLS: SM

CITY GRID REFERENCE NUMBER

F15

1"=400'

SUMMARY STAFF RECOMMENDATION:

The Staff's recommendation is to grant warehouse – limited office – conditional overlay (W/LO-CO) combining district zoning for Tract 1 and multi-family residence-limited density – conditional overlay (MF-1-CO) combining district zoning for Tract 2. The Conditional Overlay limits the number of daily trips to 2,000 across both tracts.

BACKGROUND

The subject property is undeveloped with the northern portion zoned development reserve (DR) and the southern portion zoned limited office (LO). Access is taken to South First Street, Dittmar Road and Cooper Lane. There are commercial uses to the east at the corner of Dittmar and South First Street (including land proposed for GR zoning by C14-05-0162); several single family residences on the south side of Dittmar Road; and undeveloped land, the Longhorn pipeline easement, a church, cell tower and single family residences on large lots to the west. Adjacent to this tract to the north, there is the pipeline easement, a warehouse, and single family residences on lots of varying sizes.

The Applicant proposes to rezone the property into two tracts: general commercial services (CS) zoning is proposed for Tract 1 (approximately 85 feet wide), which parallels the pipeline easement and multifamily residence limited density (MF-1) zoning for Tract 2. In consideration of the adjacent pipeline and desire to limit occupancy, the Applicant has an interest in the following uses for Tract 1: commercial off-street parking, construction sales and services, convenience storage, drop-off recycling collection facility, kennels, off-site accessory parking, plant nursery and vehicle storage. Please also refer to the Applicant's letter summarizing the rezoning requests, attached at the back of the Staff report.

The Staff recognizes the additional encumbrances created by the adjacent pipeline, however, offers a recommendation of warehouse / limited office (W/LO) for Tract 1. W/LO would also limit occupancy, and provide greater compatibility with the adjacent uses to the north and access to a collector street. Furthermore, CS zoning and development standards would introduce more intensive zoning than is present in the surrounding area and land uses (LR; LO). For Tract 2, the Staff and Applicant are in agreement for MF-1 zoning as a transition in land use between the commercial uses at the South First / Dittmar intersection and the residential character adjacent to the west, along Dittmar and Cooper.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

Tract 1

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 takes access to South First Street, Dittmar Road and Cooper Lane.

The W/LO, Warehouse Limited Office district is intended predominately for office and warehousing activities for building trades and similar business not necessarily requiring high visibility and having low or moderate trip generation. A W/LO district may be located on a site that is adjacent to or near an arterial.

Tract 2

Multifamily residence limited density (MF-1) district is the designation for a multifamily use with a maximum density of up to 17 units per acre, depending on unit size. An MF-1 district designation may be applied to a use in a residential neighborhood that contains a mixture of single family and multifamily uses or in an area for which limited density multifamily use is desired. An MF-1 district may be used as a transition between a single family and higher intensity uses.

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

The Staff recognizes the additional encumbrances created by the adjacent pipeline, however, offers a recommendation of warehouse / limited office (W/LO) for Tract 1. W/LO would also limit occupancy, and provide greater compatibility with the adjacent uses to the north and access to a collector street. Furthermore, CS zoning and development standards would introduce more intensive zoning than is present in the surrounding area and land uses (LR; LO). For Tract 2, the Staff and Applicant are in agreement for MF-1 zoning as a transition in land use between the commercial uses at the South First / Dittmar intersection and the residential character adjacent to the west, along Dittmar and Cooper.

EXISTING CONDITIONS

Site Characteristics

The site is undeveloped and slopes to the southwest and southeast. There appear to be no significant topographical constraints on the site.

Impervious Cover

For Tract 1: The maximum impervious cover allowed by the CS zoning district would be 80%, which is based on the more restrictive watershed regulations described below. With the Staff's recommendation, the maximum impervious cover allowed by the W/LO zoning district would be 70%, which is based on the more restrictive zoning regulations.

For Tract 2: The maximum impervious cover allowed by the MF-1 zoning district would be 55%, which is based on the more restrictive zoning 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 South Boggy 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 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.

Transportation

The trip generation under the requested zoning is estimated to be 16,576 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]

A Neighborhood Traffic Analysis is not required because Cooper Lane does not meet the definition of a residential local or collector street as outlined in Section 25-6-114 of the Land Development Code.

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, system upgrades, utility adjustments and utility relocation. 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 subject to compatibility standards. Along the north, south, east, and west property line, the following standards apply:

- 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.
- In addition, 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.

Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

This site is subject to the Hazardous Pipeline Ordinance. Review by the Fire Department is required. Development must comply with Section 25-2-516.

Thrower Design

2807 Manchaca Road, Building 2
Austin, Texas 78704
(512) 476-4456 • Fax (512) 476-4454

September 23, 2005

Ms. Wendy Walsh
Neighborhood Planning & Zoning Department
City of Austin
P.O. Box 1088
Austin, Texas 78767

RE: C14-05-0161 & C14-05-0162

Dear Wendy,

Thank you for meeting with me yesterday to discuss the above referenced zoning cases. As per our meeting of yesterday I am providing you with the following information in regards to the above referenced zoning cases.

This site is a total of 5.44 acres with frontage on South First, Dittmar Road & Cooper Lane. Two pipelines encumber the property along the north and the easement and setback areas contain 1.74 acres and effectively eliminate the habitable use of 2.29 acres leaving a balance of 3.15 acres for potential habitable development. This southern 3.15 acres is encumbered with a 2.07 acre Water Quality Transition Zone from South Boggy Creek located across Dittmar Road which would allow a total of 0.62 acres of impervious cover within that zone. This leaves a net area of 1.08 acres that is 100% useable without easement or setback encumbrances.

We derived at the zoning categories requested with the rezoning requests based on the above information as well as looking at the surrounding uses, location, tree coverage, access, and many other factors. Individually, the requested rezonings are warranted for consideration for the following reasons:

"CS" Zoning – 1.44 acres

This area is the far northern portion of the property in the location of the pipeline easements and setbacks. Topography is flat with the land sloping southwest and south east. Tree coverage is limited

L A N D P L A N N E R S

to approximately 25% of the area and is concentrated along the northern property line towards South First Street. The City of Austin Pipeline Ordinances provides for very strict standards for development and limited use of the property. The request for "CS" takes this into account with an opportunity to provide for a viable income producing use on the property while adhering to the regulations for construction near pipelines. The following is a list of the few potential permitted uses allowed under "CS" zoning which are greatly leaning towards those that are minimally occupied with pedestrians or personnel;

- | | |
|---|-------------------------------|
| 1. Commercial Off-Street Parking | 5. Kennels |
| 2. Construction Sales & Services | 6. Off-Site Accessory Parking |
| 3. Convenience Storage | 7. Plant Nursery |
| 4. Drop-off Recycling Collection Facility | 8. Vehicle Storage |

While these uses are typically not found interior to sites, the uniqueness of the site conditions, location, access and other factors warrants consideration for this request. As a consideration to provide for proper screening of these uses we can agree to an increased landscape buffer along South First and Cooper Lane to shield these from public view. This is offered as an effort to provide for an aesthetically pleasing site entrance area without the use of just solid fencing at the property line.

"MF-1" Zoning – 3.09 Acres

This area is located along the southern boundary of the property with frontage on Dittmar Road and Cooper Lane. The entire 2.07 acre Water Quality Transition Zone lies within this area which is 67% of the "MF-1" site. Impervious cover is allotted at 30% of the WQTZ and 80% of the Uplands Zone allowing a total of 1.44 acres of impervious cover based on environmental regulations. With the "MF-1" zoning at 45% the allowable impervious cover would be 1.39 acres. However, landscaping, ponds, setbacks (both building and pipeline) will limit the impervious cover further. Access to this property requires further study but will likely not occur on Dittmar Road due to the limited frontage likely to remain close to the Dittmar / Cooper intersection after a pond is placed for the development of the property. As such access will likely be to Cooper Lane only for this site. Tree coverage for this site is sporadic and careful placement of multi-family structures can retain some trees within the development as an amenity to the site.

"GR" Zoning – 0.91 Acres

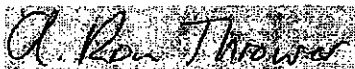
This area is located along South First Street and is extensively covered with trees. A commercial use of this site is warranted given the arterial roadway classification of South First, the adjacent development of a day care use to the south as well as the lack of, and unlikelihood of, residential use directly across South First. The future Commercial Design Standards is scheduled for adoption by the time this site is developed and the 10' building line associated with "GR" zoning will help create an economically useable site with the endeavors associated with the Commercial Design Standards. The following as a list of permitted uses that could be developed on the site;

- | | |
|-------------------------------------|--|
| 1. Administrative / Business Office | 14. General Retail Sales (Convenience & General) |
| 2. Art Gallery | 15. Medical Offices |
| 3. Art Workshop | 16. Off-Site Accessory Parking |
| 4. Automotive Rentals | 17. Personal Improvement Services |
| 5. Automotive Repair | 18. Personal Services |
| 6. Automotive Washing | 19. Pet Services |
| 7. Commercial Off-Street Parking | 20. Printing & Publishing |
| 8. Communication Services | 21. Professional Office |
| 9. Consumer Convenience Services | 22. Restaurant (Limited & General) |
| 10. Consumer Repair Services | 23. Software Development |
| 11. Exterminating Services | 24. Communication Service Facilities |
| 12. Financial Services | 25. Day Care Services (All) |
| 13. Food Sales | |

For the above reasons, warrants and considerations, we believe the property is suitable for development as envisioned with the two rezoning applications and respectfully request positive consideration to allow for the property to be developed accordingly.

Should you have any questions, or need additional information, please contact me at my office.

Sincerely,



A. Ron Thrower

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 28, 2005

SUBJECT: ZAP Commission Summary

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

CASE # C14-05-0161 and C14-05-0162

- 19. Zoning: C14-05-0161 – Prunty Tracts**
Location: 7720 South First Street; 7801 – 7805 Cooper Lane; 630 – 640 Dittmar Road, South Boggy Creek Watershed
Owner/Applicant: Prunty, L.P. (Kurt Prunty)
Agent: Thrower Design (Ron Thrower)
Postponements: Postponed to 11/15/05 (Staff)
Request: **DR; LO to CS for Tract 1; MF-1 for Tract 2**
Staff Rec.: **RECOMMENDATION OF W/LO-CO FOR TRACT 1; MF-1-CO FOR TRACT 2**
Staff: Wendy Walsh, 974-7719, wendy.walsh@ci.austin.tx.us
Neighborhood Planning and Zoning Department
- 20. Zoning: C14-05-0162 – Prunty Tracts**
Location: 7800 – 7804 South First Street, South Boggy Creek Watershed
Owner/Applicant: Prunty, L.P. (Kurt Prunty)
Agent: Thrower Design (Ron Thrower)
Postponements: Postponed to 11/15/05 (Staff)
Request: **DR to GR**
Staff Rec.: **RECOMMENDATION OF LR-MU-CO**
Staff: Wendy Walsh, 974-7719, wendy.walsh@ci.austin.tx.us
Neighborhood Planning and Zoning Department

SUMMARY

Ms. Wendy Walsh, Staff made the Staff presentation for both rezoning cases.

Mr. Ron Thrower, Agent for the Applicant, made his presentation. He explained the encumbrances of the property, including the pipeline and its easements, compatibility setbacks and location within the water quality transition zone, a limited area of uplands zone, and that the pond would be located on Dittmar Road. He cited a desire to limit CS uses on the property.

FAVOR

No one spoke in favor of the proposed rezoning cases.

OPPOSITION

Ms. Betty Edgemon, Far South Austin Community Association, stated that she did not think CS zoning was appropriate for the area and that the pipeline had been there for over half a century, many years before the owner bought the property. She mentioned that the Applicant had expressed a desire to develop the property with vehicle storage uses. She stated she did not want automotive uses, pawn shop services; no adult-oriented uses. She stated her agreement with the staff recommendation of W/LO zoning in addition to convenience storage use on Tract 1, and MF-1 zoning on Tract 2.

Commissioner Hawthorne – Asked for Ms. Edgemond's opinion about a wholesale plant nursery and Ms. Edgemond replied that she did not think that was a problem and that she could work with the Applicant on how the property could be developed with this use. She re-stated her preference for W/LO zoning.

Madame Chair Baker stated that any human activity near a pipeline should be discouraged and asked Ms. Edgemond for her opinion about convenience storage. Ms. Edgemond replied that in her conversations with the Mr. Thrower, he had said he could not do that.

Mr. John Ogden, a Neighbor who lives north of the pipeline, also spoke in opposition. He mentioned that he grows plants that he donates, and that Cooper Lane is a quiet residential street and that commercial uses would diminish the quality of the neighborhood. He also noted improvements made to various properties on Cooper Lane in recent years. He said he was in agreement with the Staff recommendation for C14-05-0161.

Commissioner Hawthorne – Asked for Mr. Ogden's opinion of a plant nursery and Mr. Ogden said he was not opposed to that use.

Madame Chair Baker asked Mr. Thrower how long the property had been owned by the current owner and Mr. Thrower answered six months. Mr. Thrower also stated that if vehicle storage were allowed, then screening would occur and said automotive uses were not proposed.

REBUTTAL

Mr. Thrower said that by the Staff recommendation of W/LO, he would have to go to the Board of Adjustment to get convenience storage on the property, because the W/LO district requires 100 feet of street frontage and he did not have that much street frontage on Tract 1.

Madame Chair Baker asked Ms. Edgemond if she would support a variance request to the amount of street frontage, and Ms. Edgemond re-stated her opposition to automotive uses and that a plant nursery would bring 18-wheeler trucks onto Cooper Lane. Madame Chair Baker asked the Staff if the 100-foot street frontage requirement could be fulfilled by combining that on Cooper Lane and South First Street. Ms. Walsh stated she did not know if the frontages could be combined to meet the requirement.

MOTIONS

Commissioner Hawthorne and Commissioner Pinnelli moved to close the public hearing.

For Agenda Item #19 (C14-05-0161), Commissioner Jackson made a motion to recommend approval of CS-CO district zoning for Tract 1, with the only CS uses being convenience storage and plant nursery, and all permitted W/LO uses, and MF-1-CO

district zoning for Tract 2, as Staff recommended. A conditional overlay of 2,000 trips would also apply over Tracts 1 and 2, as Staff recommended.

Commissioner Hawthorne – Seconded the motion.

Motion carried.

**COMMISSION ACTION:
MOTION:**

**JACKSON, HAWTHORNE
FOR TRACT 1, APPROVED CS-CO
DISTRICT ZONING WITH THE
CONDITIONAL OVERLAY FOR
CONVENIENCE STORAGE AND
PLANT NURSERY, AND ALL
PERMITTED W/LO USES FOR TRACT
1.**

**FOR TRACT 2, APPROVED MF-1-CO
DISTRICT ZONING AS STAFF
RECOMMENDED.**

**THE CONDITIONAL OVERLAY
INCLUDES A 2,000 TRIP
LIMITATION OVER TRACTS 1 AND
2.**

AYES:

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

NAYS:

NONE.

ABSENT:

MARTINEZ, GOHIL

MOTION CARRIED WITH VOTE: 7-0.

For Agenda Item #20 (C14-05-0162), Commissioner Jackson made a motion to recommend approval of GR-MU-CO district zoning, with the conditional overlay to limit GR uses to restaurant (general) and all permitted LR uses and 2,000 trips.

Madame Chair Baker made a friendly amendment to prohibit drive-through uses which was accepted by Commissioner Jackson.

Commissioner Hawthorne – Seconded the motion.

Motion carried.

**COMMISSION ACTION:
MOTION:**

**JACKSON, HAWTHORNE
APPROVED GR-MU-CO DISTRICT
ZONING WITH THE CONDITIONAL
OVERLAY LIMITED TO
RESTAURANT (GENERAL) AS THE
ONLY GR USE AND ALL PERMITTED**

AYES:

NAYS:

ABSENT:

**LR USES, 2,000 TRIPS AND TO
PROHIBIT DRIVE-THROUGH USES.**

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

NONE.

MARTINEZ, GOHIL

MOTION CARRIED WITH VOTE: 7-0.

ORDINANCE NO. _____

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 7720 SOUTH FIRST STREET, 7801-7805 COOPER LANE, AND 630-640 DITTMAR ROAD FROM DEVELOPMENT RESERVE (DR) DISTRICT AND LIMITED OFFICE (LO) DISTRICT TO GENERAL COMMERCIAL SERVICES-CONDITIONAL OVERLAY (CS-CO) COMBINING DISTRICT FOR TRACT ONE AND MULTIFAMILY RESIDENCE LIMITED DENSITY-CONDITIONAL OVERLAY (MF-1-CO) COMBINING DISTRICT FOR TRACT TWO.

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 districts on the property described in Zoning Case No. C14-05-0161, on file at the Neighborhood Planning and Zoning Department, as follows:

Tract One: From development reserve (DR) district to general commercial services-conditional overlay (CS-CO) combining district.

A 1.439 acre tract of land, more or less, out of the William Cannon Survey No. 19, Abstract No. 6, in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance; and

Tract Two: From development reserve (DR) district and limited office (LO) district to multifamily residence limited density-conditional overlay (MF-1-CO) combining district.

A 3.092 acre tract of land, more or less, out of the William Cannon Survey No. 19, Abstract No. 6, in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "B" incorporated into this ordinance (the "Property"),

locally known as 7720 South First Street, 7801-7805 Cooper Lane, and 630-640 Dittmar Road, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "C".

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 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.
2. The following uses are prohibited uses of Tract One:

Agricultural sales and services	Automotive rentals
Automotive repair services	Automotive sales
Automotive washing (of any type)	Bail bond services
Campground	Commercial blood plasma center
Commercial off-street parking	Congregate living
Consumer convenience services	Consumer repair service
Drop-off recycling collection facility	Financial services
Food sales	Funeral services
General retail sales (convenience)	General retail sales (general)
Group home, Class I (general)	Group home, Class I (limited)
Group home, Class II	Guidance services
Hospital services (general)	Hospital services (limited)
Hotel-motel	Indoor entertainment
Indoor sports and recreations	Kennels
Laundry services	Maintenance and service facilities
Medical offices (exceeding 5000 sq. ft. of gross floor area)	Medical offices (not exceeding 5000 sq. ft. of gross floor area)
Monument retail sales	Off-site accessory parking
Outdoor entertainment	Outdoor sports and recreation
Pawn shop services	Personal improvement services
Personal services	Printing and publishing
Recreational equipment	Research services
Maintenance and storage	Residential treatment
Restaurant (general)	Restaurant (limited)
Service station	Software development
Theater	Transitional housing
Transportation terminal	Vehicle storage
Veterinary services	

1 3. The following uses are conditional uses of Tract One:
2

3 Business or trade school
4 Community recreation (private)
5 Construction sales and services
6 Exterminating services
7 Public secondary education facilities
8

College and university facilities
Community recreation (public)
Equipment repair services
Private secondary educational facilities

9 Except as specifically restricted under this ordinance, the Property may be developed and
10 used in accordance with the regulations established for the respective base districts and
11 other applicable requirements of the City Code.
12

13 **PART 3.** This ordinance takes effect on _____, 2005.
14

15
16 **PASSED AND APPROVED**
17

18
19 _____, 2005
20

Will Wynn
Mayor
21
22
23
24

25 **APPROVED:** _____
26

David Allan Smith
City Attorney
27

ATTEST: _____

Shirley A. Gentry
City Clerk



**Professional Land Surveying, Inc.
Surveying and Mapping**

EXHIBIT A

C14-05-0161

TRACT 1

Office: 512-443-1724

Fax: 512-441-6987

2807 Manchaca Road

Building One

Austin, Texas 78704

**1.439 ACRES
ZONING DESCRIPTION
TRAVIS COUNTY, TEXAS**

A DESCRIPTION OF A 1.439 ACRE (APPROXIMATELY 62,661 SQUARE FEET) TRACT OF LAND OUT OF A 4.625 ACRE TRACT SITUATED IN THE WILLIAM CANNON SURVEY NO. 19, ABSTRACT NO. 6, TRAVIS COUNTY, TEXAS, DESCRIBED IN A DEED TO BILL FITZGERALD, TRUSTEE AND PHILIP PRESSE, DATED JULY 5, 1972 AND RECORDED IN VOLUME 4387, PAGE 1397 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS; SAID 1.439 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 3" aluminum disk found for the northwest corner of the said 4.625 acre tract, also being in the south line of a 1.17 acre tract of land described in Volume 963, Page 225 of the Deed Records of Travis County, Texas;

THENCE with north line of the 4.625 acre tract and the south line of the said 1.17 acre tract the following two (2) courses:

1. South 77°40'24" East, a distance of 380.31 feet to a 3" aluminum disk found;
2. South 85°03'08" East, a distance of 425.17 feet to a ½" rebar found for the northeast corner of said 4.625 acre tract, and being in the west right-of-way line of South 1st Street (variable right-of-way width);

THENCE South 31°31'44" West with the east line of said 4.625 acre tract, being also the west right-of-way line of South 1st Street, a distance of 85.66 feet to a calculated point, from which a ½" rebar with cap set for the southeast corner of the 4.625 acre tract bears South 31°31'44" West, a distance of 201.36 feet;

THENCE over and across the said 4.625 acre tract, with the approximate centerline of a 50 foot gas pipeline easement described in Volume 430, Page 153, also described in Volume 1359, Page 264 and further described in Volume 4086, Page 1600, all recorded in the Deed Records of Travis County, Texas (centerline based on gas markers) the following four (4) courses:

1. North 84°34'12" West, a distance of 392.89 feet to a calculated point;
2. North 87°29'37" West, a distance of 101.95 feet to a calculated point;
3. North 78°50'28" West, a distance of 77.03 feet to a calculated point;

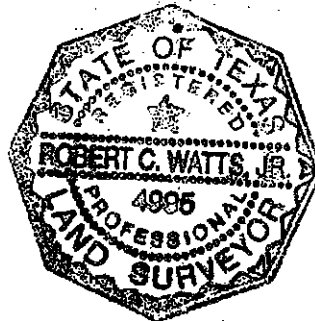
4. North 73°43'08" West, a distance of 185.91 feet to a calculated point in the east right-of-way line of Cooper Lane (variable right-of-way width), being also the west line of the 4.625 acre tract, from which a ½" rebar with cap set bears South 02°18'56" East, a distance of 176.55 feet;

THENCE North 02°18'56" West, with the west line of the 4.625 acre tract and the east right-of-way line of Cooper Lane, a distance of 82.28 feet to the **POINT OF BEGINNING**, containing 1.439 acres of land, more or less.

Surveyed on the ground in July, 2005. Bearing basis is grid azimuth for Texas central zone, 1983/93 HARN values from LCRA control network. Attachments: Survey Drawing 487-001-Z1.



Robert C. Watts, Jr.
Registered Professional Land Surveyor
State of Texas No. 4995

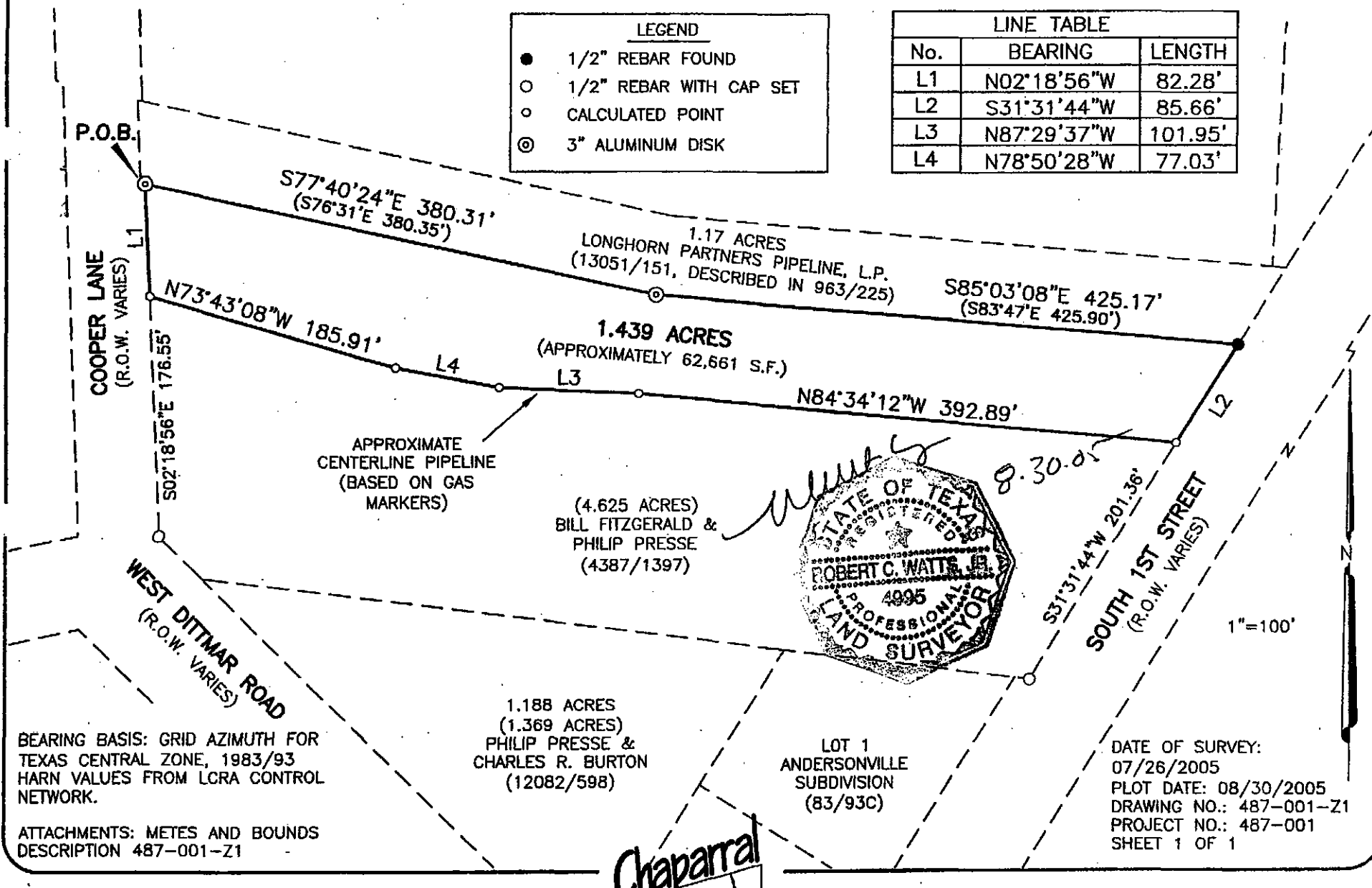


8.30.05

A SKETCH TO ACCOMPANY A DESCRIPTION OF A 1.439 ACRE (APPROXIMATELY 62,661 SQUARE FEET) TRACT OF LAND OUT OF A 4.625 ACRE TRACT SITUATED IN THE WILLIAM CANNON SURVEY NO. 19, ABSTRACT NO. 6, TRAVIS COUNTY, TEXAS, DESCRIBED IN A DEED TO BILL FITZGERALD, TRUSTEE AND PHILIP PRESSE, DATED JULY 5, 1972 AND RECORDED IN VOLUME 4387, PAGE 1397 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS.

LEGEND	
●	1/2" REBAR FOUND
○	1/2" REBAR WITH CAP SET
○	CALCULATED POINT
⊙	3" ALUMINUM DISK

LINE TABLE		
No.	BEARING	LENGTH
L1	N02°18'56"W	82.28'
L2	S31°31'44"W	85.66'
L3	N87°29'37"W	101.95'
L4	N78°50'28"W	77.03'





**Professional Land Surveying, Inc.
Surveying and Mapping**

EXHIBIT B

C14-05-0101
TRACT 2

Office: 512-443-1724

Fax: 512-441-6987

2807 Manchaca Road
Building One
Austin, Texas 78704

**3.092 ACRES
ZONING DESCRIPTION
TRAVIS COUNTY, TEXAS**

A DESCRIPTION OF A 3.092 ACRE (APPROXIMATELY 134,666 SQUARE FEET) TRACT OF LAND, BEING ALL OF 1.369 ACRES, MORE OR LESS, SITUATED IN THE WILLIAM CANNON SURVEY NO. 19, ABSTRACT NO. 6, TRAVIS COUNTY, TEXAS, DESCRIBED IN A SPECIAL WARRANTY DEED TO PHILIP PRESSE AND CHARLES R. BURTON, DATED DECEMBER 8, 1993 AND RECORDED IN VOLUME 12082, PAGE 598 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, SAVE AND EXCEPT 7,910 SQUARE FEET OF LAND CONVEYED TO THE CITY OF AUSTIN IN STREET DEED RECORDED IN VOLUME 10229, PAGE 757 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS;

AND BEING A PORTION OF 4.625 ACRES, MORE OR LESS, SITUATED IN THE WILLIAM CANNON SURVEY NO. 19, ABSTRACT NO. 6, TRAVIS COUNTY, TEXAS, DESCRIBED IN A DEED TO BILL FITZGERALD, TRUSTEE AND PHILIP PRESSE, DATED JULY 5, 1972 AND RECORDED IN VOLUME 4387, PAGE 1397 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS; SAVE AND EXCEPT 0.009 OF AN ACRE CONVEYED TO THE CITY OF AUSTIN IN STREET DEED RECORDED UNDER DOCUMENT NO. 2001044817 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS;

SAID 3.092 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" rebar with cap set for the north corner of the said 0.009 acre tract, at the intersection with the east right-of-way line of Cooper Lane (variable right-of-way width), being an angle point on the west line of the said 4.625 acre tract;

THENCE North 02°18'56" West with the west line of the said 4.625 acre tract and the east right-of-way line of Cooper Lane, a distance of 176.55 feet to a calculated point for the approximate centerline of a 50 foot gas pipeline easement described in Volume 430, Page 153, also described in Volume 1359, Page 264 and further described in Volume 4086, Page 1600, all recorded in the deed records of Travis County, Texas (centerline based on gas markers), and from which a 3" aluminum disk found for the northwest corner of the said 4.625 acre tract, bears North 02°18'56" West a distance of 82.28 feet;

THENCE over and across the said 4.625 acre tract and with the approximate centerline of the said 50 foot gas pipeline easement, the following four (4) courses:

1. South 73°43'08" East, a distance of 185.91 feet to a calculated point;
2. South 78°50'28" East, a distance of 77.03 feet to a calculated point;
3. South 87°29'37" East, a distance of 101.95 feet to a calculated point;
4. South 84°34'12" East, a distance of 128.43 feet to a calculated point;

THENCE South 06°53'08" West, over and across the said 4.625 acre tract of land, a distance of 176.31 feet to a ½" rebar found at the northeast corner of the said 1.369 acre tract, also being the northwest corner of Lot 1, Andersonville Subdivision, a subdivision of record in Volume 83, Page 93C of the Plat Records of Travis County, Texas;

THENCE South 31°51'08" West, with the east line of the said 1.369 acre tract of land, being also the west line of said Lot 1, Andersonville Subdivision, a distance of 116.18 feet to a ½" rebar found for the southwest corner of said Lot 1, Andersonville Subdivision, also being the northwest corner of Lot A, Dittmarville, a subdivision of record in Volume 77, Page 52 of the Plat Records of Travis County, Texas;

THENCE South 31°55'19" West, with the east line of the said 1.369 acre tract of land, also being the west line of said Lot A, Dittmarville, a distance of 90.78 feet to a ½" rebar with cap set for the southwest corner of said Lot A, Dittmarville, also being the northwest corner of Lot B, of the said Dittmarville subdivision;

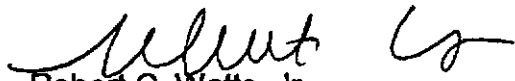
THENCE South 31°55'19" West, with the east line of the said 1.369 acre tract, and the west line of the said Lot B, Dittmarville, a distance of 60.17 feet to a ½" rebar with cap set for the most easterly corner of the said 7,910 s.f. Street Deed, being in the northeast line of West Dittmar Road (variable right-of-way width), from which a ½" rebar found for the southwest corner of the said Lot B, Dittmarville bears South 31°55'19" West, a distance of 4.91 feet;

THENCE North 45°28'43" West, crossing the 1.369 acre tract, with the northeast line of the 7,910 s.f. Street Deed, and the northeast right-of-way line of West Dittmar Road, a distance of 396.82 feet to a square bolt found for the northeast corner of the 7,910 s.f. Street Deed, being also the southeast corner of the said 0.009 acre Street Deed, being in the north line of the 1.369 acre tract and the south line of the 4.625 acre tract;

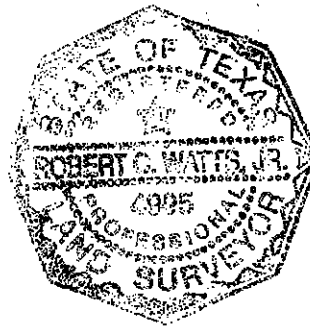
THENCE North 45°31'12" West, crossing the 4.625 acre tract, with the northeast line of the 0.009 acre tract, being also the northeast right-of-way line of West Dittmar Road, a distance of 44.01 feet to the **POINT OF BEGINNING**, and containing 3.092 acres of

land, more or less.

Surveyed on the ground in July, 2005. Bearing basis is grid azimuth for Texas central zone, 1983/93 HARN values from LCRA control network. Attachments: Survey Drawing 487-001-Z2.



Robert C. Watts, Jr.
Registered Professional Land Surveyor
State of Texas No. 4995



8.30.05

A SKETCH TO ACCOMPANY A DESCRIPTION OF A 3.092 ACRE (APPROXIMATELY 134,666 SQUARE FEET), BEING ALL OF 1.369 ACRES, MORE OR LESS, SITUATED IN THE WILLIAM CANNON SURVEY NO. 19, ABSTRACT NO. 6, TRAVIS COUNTY, TEXAS, DESCRIBED IN A SPECIAL WARRANTY DEED TO PHILIP PRESSE AND CHARLES R. BURTON, DATED DECEMBER 8, 1993 AND RECORDED IN VOLUME 12082, PAGE 598 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, SAVE AND EXCEPT 7,910 SQUARE FEET OF LAND CONVEYED TO THE CITY OF AUSTIN IN STREET DEED RECORDED IN VOLUME 10229, PAGE 757 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS;

AND BEING A PORTION OF 4.625 ACRES, MORE OR LESS, SITUATED IN THE WILLIAM CANNON SURVEY NO. 19, ABSTRACT NO. 6, TRAVIS COUNTY, TEXAS, DESCRIBED IN A DEED TO BILL FITZGERALD, TRUSTEE AND PHILIP PRESSE, DATED JULY 5, 1972 AND RECORDED IN VOLUME 4387, PAGE 1397 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS; SAVE AND EXCEPT 0.009 OF AN ACRE CONVEYED TO THE CITY OF AUSTIN IN STREET DEED RECORDED UNDER DOCUMENT NO. 2001044817 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

LINE TABLE			
No.	BEARING	LENGTH	(RECORD)
L1	S78°50'28"E	77.03'	
L2	S87°29'37"E	101.95'	
L3	S84°34'12"E	128.43'	
L4	S31°51'08"W	116.18'	
L5	S31°55'19"W	90.78'	
L6	S31°55'19"W	60.17'	
L7	S31°55'19"W	4.91'	
L8	N45°31'12"W	44.01'	(N45°30'48"W 44.00')
L9	N02°18'56"W	82.28'	

LEGEND

- 1/2" REBAR FOUND
- 1/2" REBAR WITH CAP SET
- ◊ CALCULATED POINT
- ⊙ 3" ALUMINUM DISK
- SQUARE BOLT FOUND

BEARING BASIS: GRID AZIMUTH FOR
TEXAS CENTRAL ZONE, 1983/93
HARN VALUES FROM LCRA CONTROL
NETWORK.

ATTACHMENTS: METES AND BOUNDS
DESCRIPTION 487-001-Z2

DATE OF SURVEY:
07/26/2005
PLOT DATE: 08/30/2005 -
DRAWING NO.: 487-001-Z2
PROJECT NO.: 487-001
SHEET 1 OF 2

Chaparral

COOPER LANE
(R.O.W. VARIES)

N02°18'56"W
176.55'

P.O.B.

S73°43'08"E
185.91'

APPROXIMATE
CENTERLINE PIPELINE
(BASED ON GAS
MARKERS)

(4.625 ACRES)
BILL FITZGERALD &
PHILIP PRESSE
(4387/1397)

3.092 ACRES
(APPROXIMATELY 134,666 S.F.)

N45°28'43"W 396.82'
(N44°24'41"W 397.02')
WEST DITTMAR ROAD
(R.O.W. VARIES)

BEARING BASIS: GRID AZIMUTH FOR
TEXAS CENTRAL ZONE, 1983/93
HARN VALUES FROM LCRA CONTROL
NETWORK.

ATTACHMENTS: METES AND BOUNDS
DESCRIPTION 487-001-Z2

1.17 ACRES
LONGHORN PARTNERS PIPELINE, L.P.
(13051/151, DESCRIBED IN 963/225)

S06°53'08"W
176.31'

(4.625 ACRES)
BILL FITZGERALD &
PHILIP PRESSE
(4387/1397)

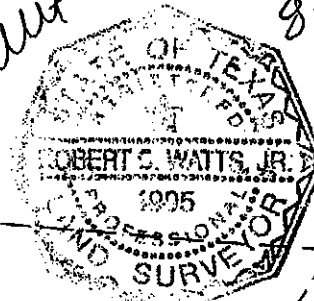
N83°06'52"W 169.39'

LOT 1
ANDERSONVILLE
SUBDIVISION
(83/93C)

LOT A
DITTMARVILLE
(77/52)

LOT B
DITTMARVILLE
(77/52)

SOUTH 1ST STREET
(R.O.W. VARIES)



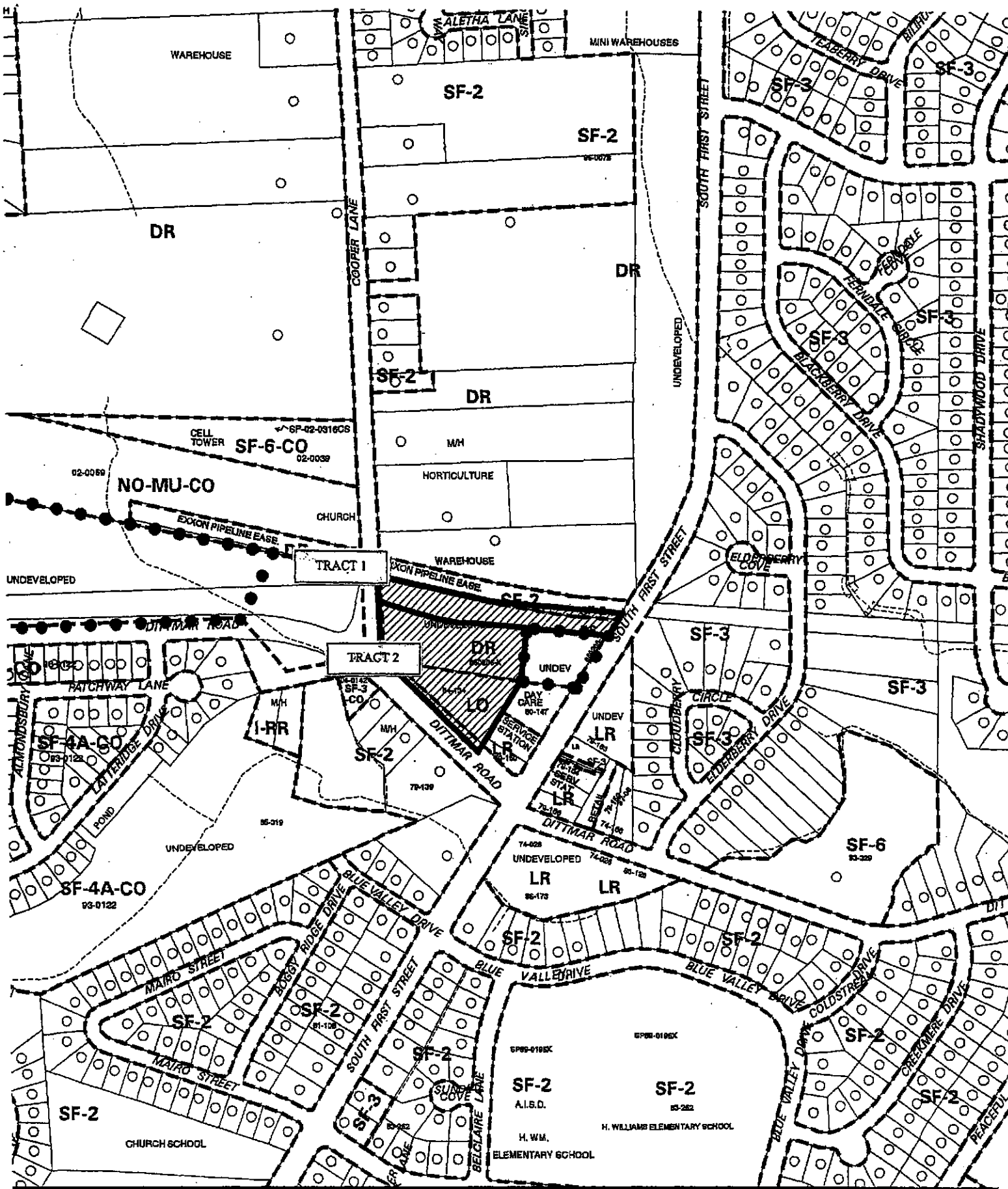
1"=100'

DATE OF SURVEY:
07/26/2005
PLOT DATE: 08/30/2005
DRAWING NO.: 487-001-Z2
PROJECT NO.: 487-001
SHEET 2 OF 2

LEGEND

- 1/2" REBAR FOUND
- 1/2" REBAR WITH CAP SET
- CALCULATED POINT
- ⊙ 3" ALUMINUM DISK
- SQUARE BOLT FOUND

Chaparral



 1" = 400'	SUBJECT TRACT PENDING CASE ZONING BOUNDARY CASE MGR: W. WALSH	ZONING EXHIBIT C CASE #: C14-05-0161 ADDRESS: 7720 SOUTH FIRST ST; 7801-7805 COOPER LANE; 630-640 DITTMAR RD SUBJECT AREA (acres): 4.530	CITY GRID REFERENCE NUMBER F15
		DATE: 05-10 INTLS: SM	