

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



**AGENDA ITEM NO.: Z-18  
AGENDA DATE: Thu 12/15/2005  
PAGE: 1 of 1**

**SUBJECT:** C14-05-0182 - Cox Office Supply - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 10938 Research Boulevard (U.S. Highway 183) (Bull Creek and Walnut Creek Watersheds) from single-family residence-standard lot (SF-2) district zoning to general commercial services (CS) district zoning. Zoning and Platting Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning. Applicant: Cox Office Products (Benny R. Cox). Agent: Bennett Consulting (Jim Bennett). City Staff: Sherri Sirwaitis, 974-3057.

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

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

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-05-0182

**Z.A.P. DATE:** November 15, 2005

**ADDRESS:** 10938 Research Boulevard (U.S. Highway 183)

**OWNER/APPLICANT:** Cox Office Products  
(Benny R. Cox)

**AGENT:** Bennett Consulting  
(Jim Bennett)

**ZONING FROM:** SF-2

**TO:** CS

**AREA:** 0.500 acres

### **SUMMARY STAFF RECOMMENDATION:**

The staff's recommendation is to grant CS-CO, General Commercial Services-Conditional Overlay District, zoning. The conditional overlay would limit the development intensity on the site to less than 2,000 vehicle trips per day.

### **ZONING AND PLATTING COMMISSION:**

11/15/05: Approved staff's recommendation for CS-CO zoning with additional conditions prohibiting Pawn Shop Services and Adult Oriented Businesses (7-0, J. Martinez, J. Gohil-absent); K. Jackson-1<sup>st</sup>, M. Hawthorne-2<sup>nd</sup>.

### **DEPARTMENT COMMENTS:**

The property in question is currently developed with a retail warehouse structure that is used as an office supply business. The applicant is requesting to rezone the property to the CS, General Commercial Services District, to bring the existing use into conformance with the City of Austin Land Development Code.

The staff recommends CS-CO zoning for this tract of land because the site contains an existing commercial use that is surrounded by office and commercial uses/zoning to the north, south, east, and west. The property fronts and takes access to a major arterial roadway, U.S. Highway 183 North.

The applicant agrees with the staff's recommendation.

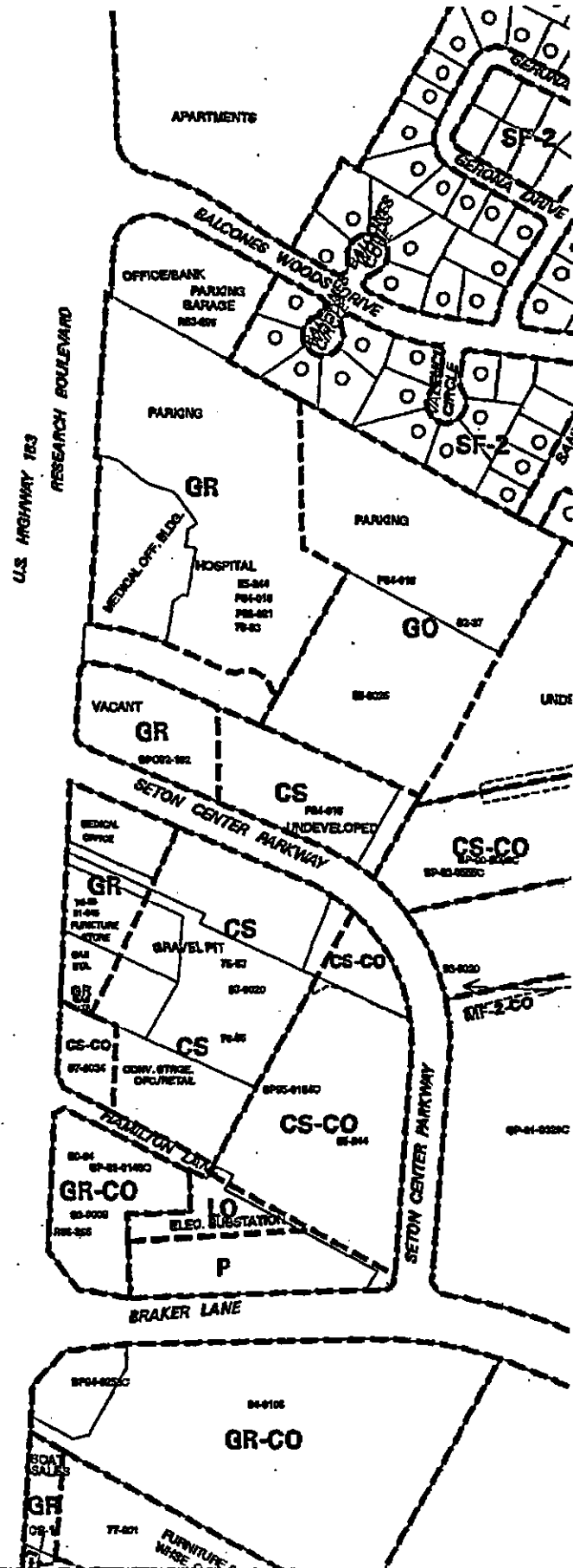
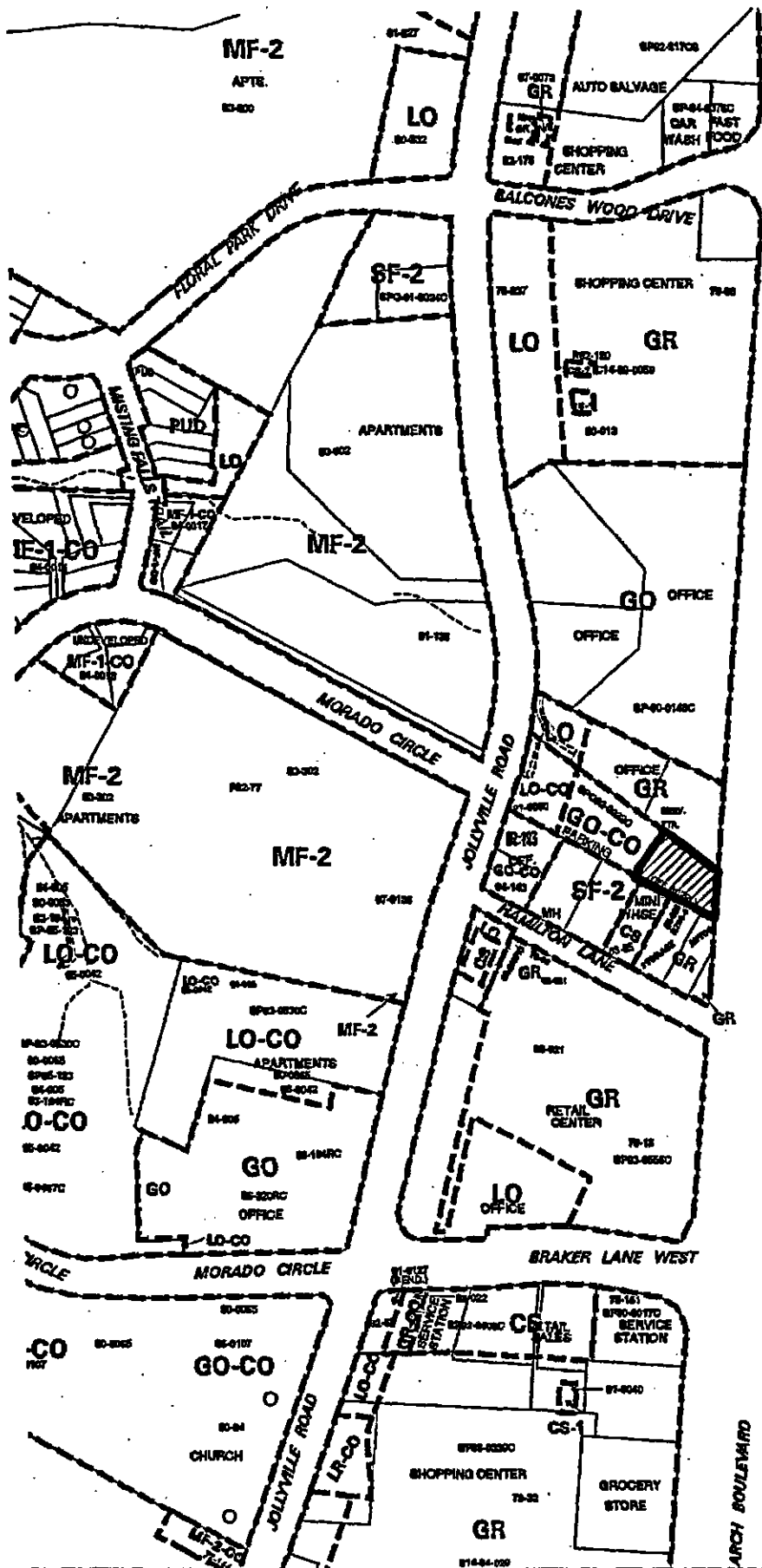
**EXISTING ZONING AND LAND USES:**





	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	SF-2	Retail Warehouse Structure (Sales of office supplies and office furniture)
<i>North</i>	GR	Office Building (The Stratum Office Complex)
<i>South</i>	CS, GR	Automotive Repair, Convenience Storage, Service Station (Shell), Automotive Repair
<i>East</i>	GR	Furniture Sales, Service Station, Convenience Storage, Office/Retail Center
<i>West</i>	GO-CO, LO-CO	Parking for the Office Complex to the North

**AREA STUDY:** Jollyville Road Area Study **TIA:** N/A**WATERSHED:** Bull Creek, Walnut Creek **DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** N/A**HILL COUNTRY ROADWAY:** N/A**CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>CITY COUNCIL</b>
C14-01-0127	LO-CO to GR	10/30/01: Approved LR-CO zoning with the condition of a 30-foot setback for structures from the property line along Jollyville Road (7-1, D. Castaneda-Nay, N. Spelman-Absent)	11/29/01: Approved LR-CO with conditions on 1 <sup>st</sup> reading (7-0)  11/29/02: Case Expired
C14-96-0107	MF-2 to GO-CU	7/09/96: Directed staff to initiate rezoning from MF-2 to GO-CO (8-0)  9/24/96: Approved staff recommendation of GO-CO (7-0)	10/24/96: Approved PC recommendation of GO-CO (6-0), all 3 readings
C14-94-0040	GO to GR	4/26/94: Approved staff alternate rec. of GR-CO (5-0) with adjusted FAR for restaurant (general)	5/26/94: Approved GR-CO (4-0-1), 1 <sup>st</sup> reading  6/08/94: Approved GR-CO (4-0-1, GG-abstain); 2 <sup>nd</sup> reading  6/09/94: Approved GR-CO (4-0-1, GG-abstain); 3 <sup>rd</sup> reading
C14-93-077	GO to GR	7/27/93: Approved staff alternate rec. of GR-CO by consent (7-0)	8/05/93: Approved GR-CO w/ conditions (5-0-1, GG-abstain), all 3 readings





 "400" 1" = 400'	SUBJECT TRACT 	<b>ZONING</b>  <b>CASE #: C14-05-0182</b> <b>ADDRESS: 10938 RESEARCH BLVD</b> <b>SUBJECT AREA (acres): 0.500</b>	<b>DATE: 05-10</b>  <b>INTLS: SM</b>	<b>CITY GRID</b> <b>REFERENCE</b> <b>NUMBER</b> <b>J34</b>
	PENDING CASE 			
	ZONING BOUNDARY 			
	CASE MGR: S. SIRWAITIS			

## **STAFF RECOMMENDATION**

The staff's recommendation is to grant CS-CO, General Commercial Services-Conditional Overlay District, zoning. The conditional overlay would limit the development intensity on the site to less than 2,000 vehicle trips per day.

## **BASIS FOR RECOMMENDATION**

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

General commercial services (CS) district is the designation for a commercial or industrial use of a service nature that has operating characteristics or traffic service requirements that are incompatible with residential environments.

- 2. The proposed zoning should promote consistency and orderly planning.*

The proposed CS-CO zoning would be compatible and consistent with the adjacent uses because this tract of land is surrounded by office and commercial uses/zoning to the north, south, east, and west.

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

The CS-CO zoning district would allow for a fair and reasonable use of the site. CS-CO zoning is appropriate for this location because of the office and commercial and character of the area.

The proposed rezoning will allow the applicant to bring the existing retail use into conformance with the zoning regulations in the City of Austin Land Development Code.

## **EXISTING CONDITIONS**

### **Site Characteristics**

The site is currently developed with a retail warehouse structure where the applicant sells office supplies and office furniture. The property to the west contains a parking lot and parking garage that are utilized by the office buildings to the north (The Stratum Complex). The lots to the south are developed with two automotive repair businesses, a mini-storage use, and a service station.

### **Hill Country Roadway**

The site is not within a Hill Country Roadway Corridor.

### **Impervious Cover**

The maximum impervious cover allowed by the CS zoning district would be 95 %. However, because the Watershed impervious cover is more restrictive than the CS zoning district's allowable impervious cover, the impervious cover on this site would be limited by the watershed ordinance.

According the City of Austin aerial maps, the site lies in both the Bull Creek and Walnut Creek Watersheds of the Colorado River Basin, which are classified as Water Supply Suburban and Suburban Watersheds, respectively, by Chapter 25-8 of the City's Land Development Code. The on-ground topography should be analyzed to determine the exact boundaries of the watershed divide.

Under the current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

#### **Water Supply Suburban**

Development Classification	% of Net Site Area	% NSA with Transfers
One or Two Family Residential	30%	40%
Multifamily Residential	40%	55%
Commercial	40%	55%

#### **Suburban**

Development Classification	% of Net Site Area	% with Transfers
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

### **Environmental**

The site is located over the North Edward's Aquifer Recharge Zone. According the City of Austin aerial maps, the site lies in both the Bull Creek and Walnut Creek Watersheds of the Colorado River Basin, which are classified as Water Supply Suburban and Suburban Watersheds, respectively, by Chapter 25-8 of the City's Land Development Code. The on-ground topography should be analyzed to determine the exact boundaries of the watershed divide.

According to flood plain maps, there is no flood plain in, or within close proximity of, the project location.

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.

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 providing structural sedimentation and filtration basins with increased capture volume and 2 year detention.

### **Transportation**

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

The trip generation under the requested zoning is estimated to be 3,957 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]

### **Existing Street Characteristics:**

<b>Name</b>	<b>ROW</b>	<b>Pavement</b>	<b>Classification</b>	<b>Sidewalk</b>	<b>Bus Route</b>	<b>Bike Route</b>
US Hwy 183	325'	Varies	Arterial	No	Yes	No

### **Water and Wastewater**

The landowner intends to serve the site with City of Austin water and wastewater utilities. If water or wastewater utility improvements, or offsite main extension, or system upgrades, or utility relocation, or adjustments are required, the landowner, at own expense, will be responsible for providing. Also, the 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.

### **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

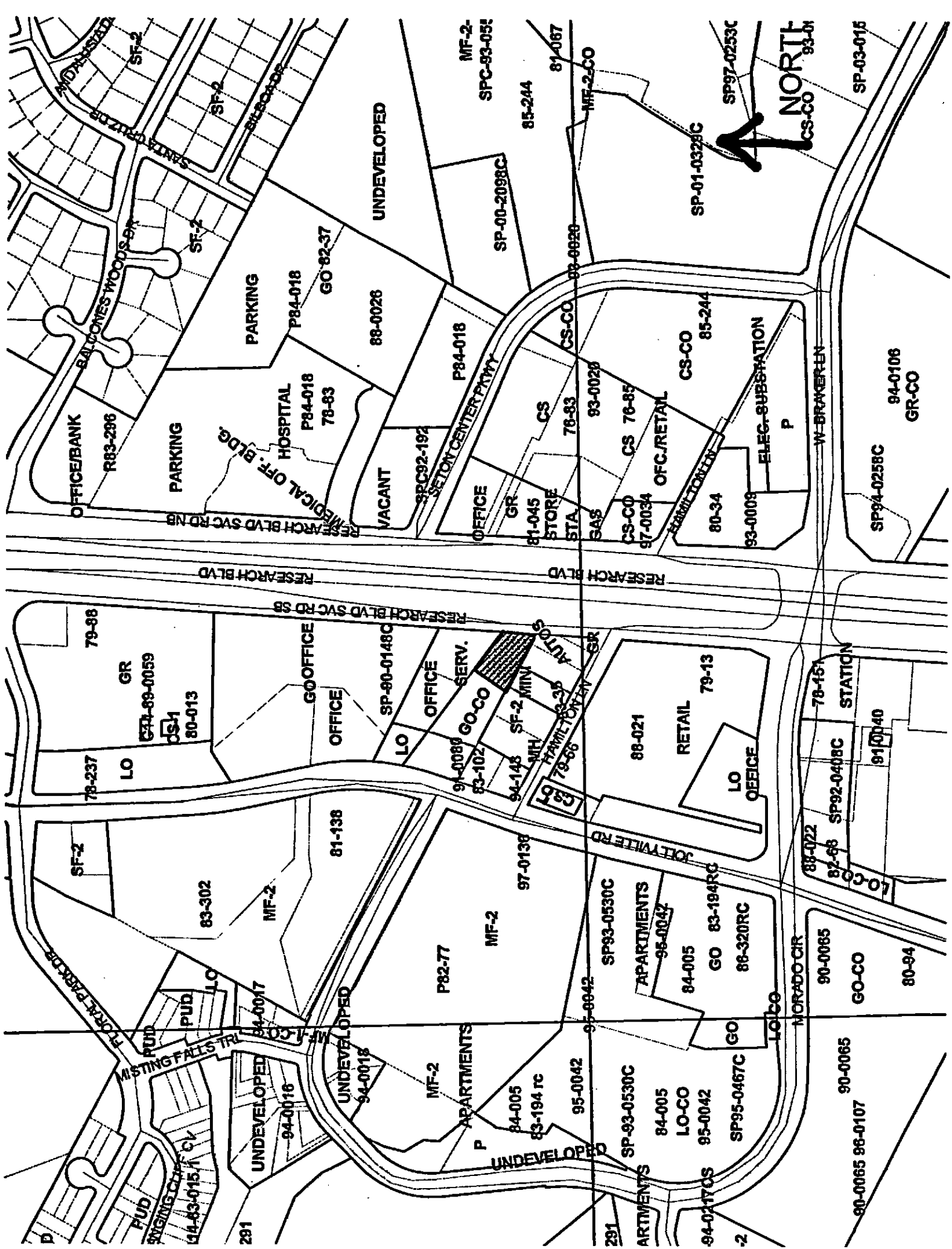


through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program, if available.

### **Compatibility Standards**

Additional comments will be generated if applicable once the update is submitted for review.

- No structure may be built within 25 feet of the south property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the south property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the south property line.
- No parking or driveways are allowed within 25 feet of the south property line.
- Show on the site plan that yards, fences, vegetative screening or berms shall be provided to screen adjacent SF-5 or more restrictive residential districts from views of off-street parking areas, mechanical equipment, storage areas for refuse collection. [Section 25-2-1066].



NORTH  
CS-CO 93-01

SP-01-0329C

SP97-0253C

SP-03-015

94-0106  
GR-CO

SP94-0258C

W-BRAKER LN

STATION

78-151

SP92-0408C

88-022

82-68

LO-CO

91-0040

90-0065

GO-CO

80-94

80-0065

86-0107

CS-CO 85-244

CS-CO 80-34

93-0008

ELEC. SUBSTATION

P

80-008

CS-CO 78-85

CS-CO 97-0034

OFC/RETAIL

CS-CO 93-0020

CS-CO 78-83

STA

81-045

GR

OFFICE

SPC92-192

P84-018

SP-00-2098C

MF-2-  
SPC-93-051

85-244

81-067

MF-2-CO

88-0026

GO-82-37

P84-018

HOSPITAL

P84-018

78-83

PARKING

R83-236

OFFICE/BANK

WILSONS BLVD

RESEARCH BLVD

RESEARCH BLVD

RESEARCH BLVD

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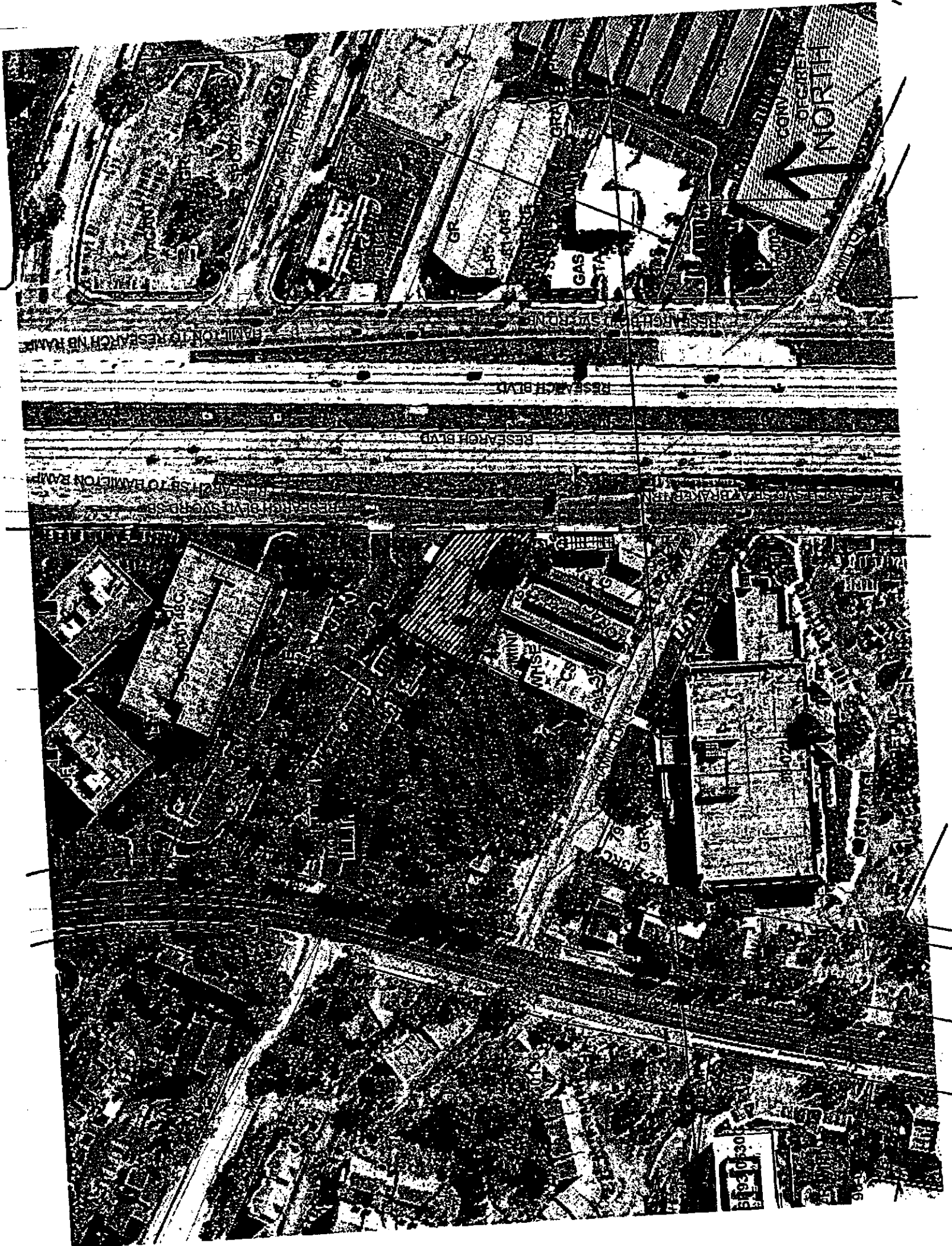
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ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 10938 RESEARCH BOULEVARD (U.S. HIGHWAY 183) FROM SINGLE FAMILY RESIDENCE STANDARD LOT (SF-2) DISTRICT TO GENERAL COMMERCIAL SERVICES-CONDITIONAL OVERLAY (CS-CO) COMBINING DISTRICT.

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

**PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from single family residence standard lot (SF-2) district to general commercial services-conditional overlay (CS-CO) combining district on the property described in Zoning Case No. C14-05-0182 on file at the Neighborhood Planning and Zoning Department, as follows:

A 0.5003 acre tract of land, more or less, out of the James Rogers Survey in 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 10938 Research Boulevard (U.S. Highway 183) 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. The following uses are prohibited uses of the Property:

Pawn shop services

Adult oriented businesses

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 2,000 trips per day.

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

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

4 PASSED AND APPROVED  
5  
6

7 \_\_\_\_\_, 2005  
8  
9

Will Wynn  
Mayor

10 APPROVED: \_\_\_\_\_  
11  
12

ATTEST \_\_\_\_\_  
13  
14

David Allan Smith  
City Attorney

Shirley A. Brown  
City Clerk  
15

**CRICHTON AND ASSOCIATES, INC.**

**LAND SURVEYORS**

**107 NORTH LAMPASAS**

**ROUND ROCK, TEXAS**

**512-244-3395**

**EXHIBIT A**

**FIELD NOTES**

**FIELD NOTES FOR A 0.5003 ACRE TRACT OF LAND OUT OF THE JAMES ROGERS SURVEY IN TRAVIS COUNTY, TEXAS, BEING THE SAME TRACT CONVEYED IN VOL. 5477, PG. 1735, SAVE AND EXCEPT A 0.155 ACRE TRACT CONVEYED TO THE STATE OF TEXAS FOR ADDITIONAL RIGHT-OF-WAY IN VOL. 11795, PG. 837, OFFICIAL RECORDS, TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS**

**BEGINNING** at a ½" iron rod set on the West R.O.W. line of U.S. Highway 183, being the Southeast corner of Lot 2, Stratum Executive Center as recorded in Vol. 89, pg. 150, Plat Records, Travis County, Texas, also being the Northwest corner of the said 0.155 acre tract, the Northeast corner of this tract, and the **POINT OF BEGINNING**.

**THENCE** S 03° 41' 27" W, with the West R.O.W. line of U.S. Highway 183, 114.10 feet to a ½" iron rod set on the North line of Lot 1, of Taylor & Williams Subdivision, as recorded in Vol. 18, Pg. 47, Plat Records, Travis County, Texas, being the Southwest corner of the said 0.155 acre tract and the Southeast corner of this tract.

**THENCE** N 62° 36' 16" W, with the North line of the said Taylor & Williams Subdivision, 215.99 feet to a ½" iron rod found being the Southeast corner of Lot 1, Stratum Executive Center II, as recorded in Vol. 91, Pg. 3, Plat Records, Travis County, Texas, also being the Southwest corner of this tract.

**THENCE** with the East line of said Lot 1, of said Stratum Executive Center II, and the West line of this tract, the following three (3) courses and distances:

- 1) N 27° 08' 18" E, 23.83 feet to a point.
- 2) N 34° 39' 13" E, 77.59 feet to a ½" iron rod set.
- 3) N 37° 05' 13" E, 29.48 feet to a ½" iron rod found on the South line of said Lot 2 of Stratum Executive Center, being the Northeast corner of said Lot 1, Stratum Executive Center II and the Northwest corner of this tract.

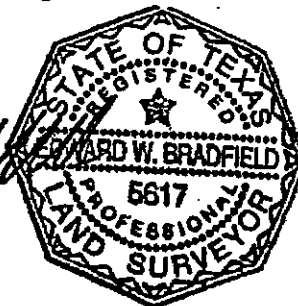
**THENCE** S 53° 19' 55" E, with the South line of said Lot 2, Stratum Executive Center, and the North line of this tract, 157.52 feet to the **POINT OF BEGINNING** and containing 0.5003 acres of land more or less.

I hereby certify that the foregoing field notes were prepared from a survey on the ground under my supervision and are true and correct to the best of my knowledge and belief.

Witness my hand and seal Sept. 28, 2005.

Edward W. Bradfield, R.P.L.S. No. 5617

*Edward W. Bradfield*



Plot of survey of property at 10938 Research Blvd.

described as Lot \_\_\_\_\_, Block \_\_\_\_\_, of \_\_\_\_\_

a subdivision of record in Map or Plat

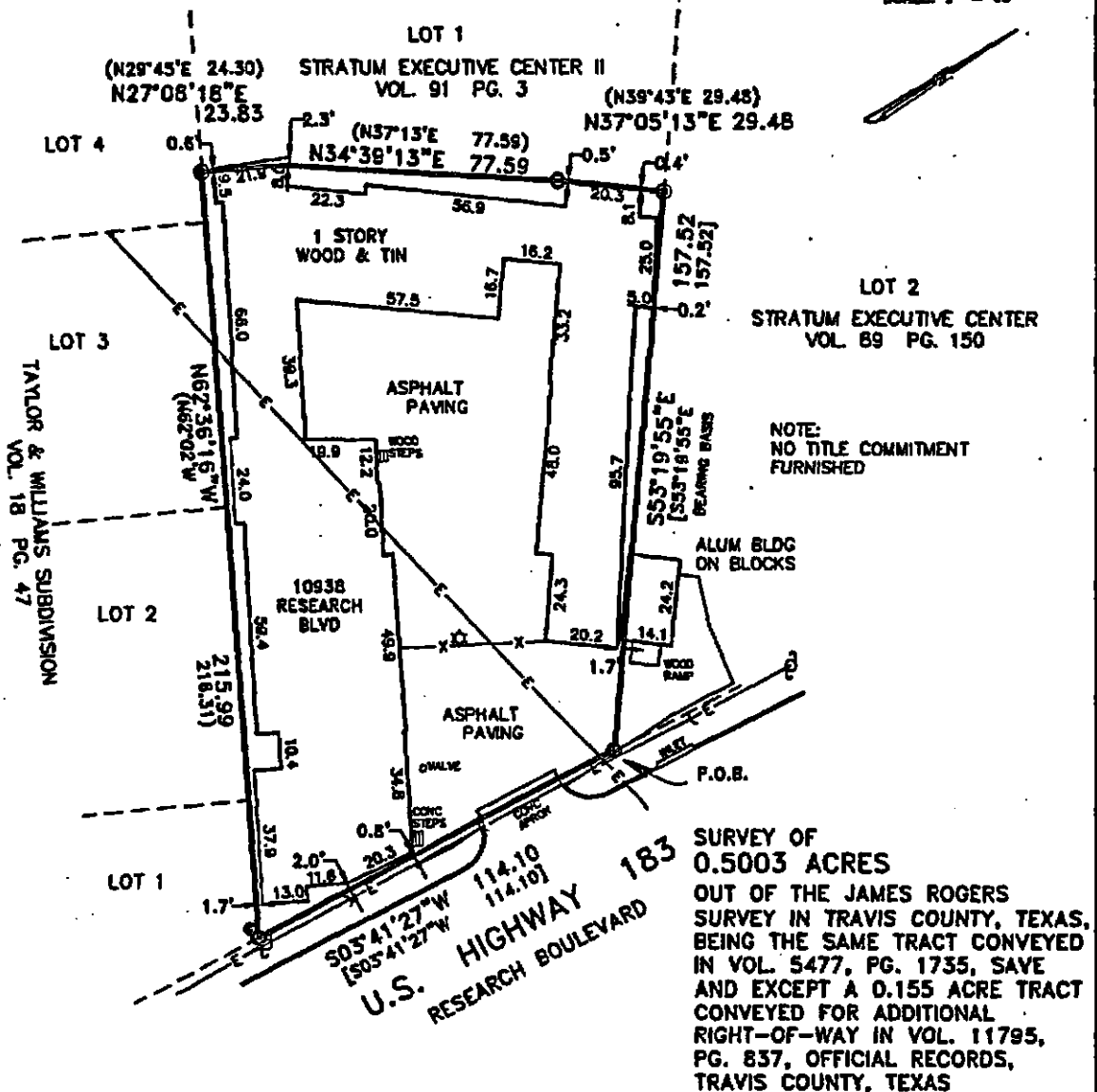
Volume/Book/Cabinet \_\_\_\_\_ at Page(s)/Slide(s) \_\_\_\_\_ of the Travis

County, Texas Plat Records. G.P. # \_\_\_\_\_

Dated: \_\_\_\_\_

Ref: \_\_\_\_\_

SCALE: 1" = 40'



To: \_\_\_\_\_

exclusively.

The undersigned does hereby certify that the plat shown represents the results of a survey on the ground under my supervision and is true and correct and that there are no discrepancies, conflicts, shortages in area, boundary line conflict, encroachments, overlapping of improvements, visible utility easements, except as shown and the property has access to and from a dedicated roadway.

The property shown hereon is located in Zone "X" Areas outside the 500 year floodplain

as shown on Community Panel Number 480624 0185 E

of the FLOOD INSURANCE RATE MAP prepared for City of Austin

by the Federal Insurance Administration Department, H.U.D. Effective Date: June 16, 1999

This information is based solely on said map and the surveyor does not assume responsibility as to any information provided and does not represent accuracy or inaccuracy of said map

This survey is copyright 2004 by Crichton and Associates, Inc., and is being provided solely for the use of the current parties and no license has been created, express or implied, to copy the survey except as is necessary in conjunction with this transaction only.

05-382

**CRICHTON**  
AND ASSOCIATES INC.  
LAND SURVEYORS

107 N. LAMPASAS STREET  
ROUND ROCK, TEXAS 78664  
(512) 244-3395  
FAX (512) 244-9508

LEGEND

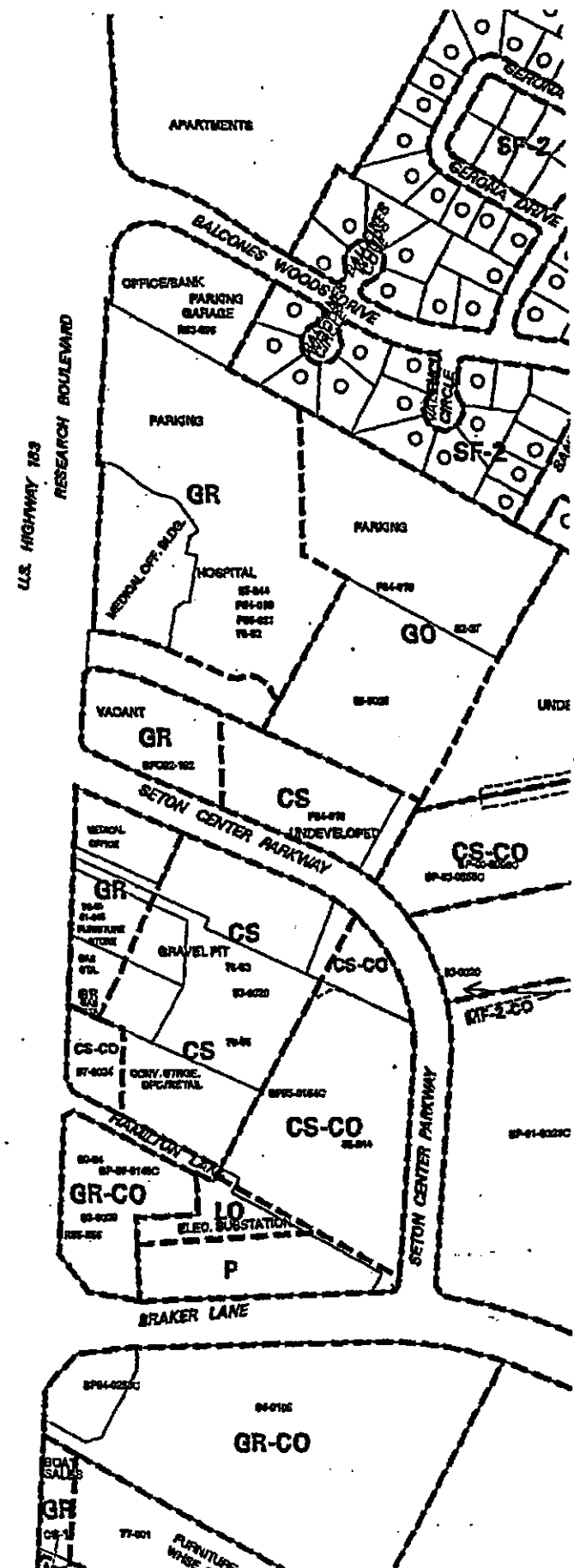
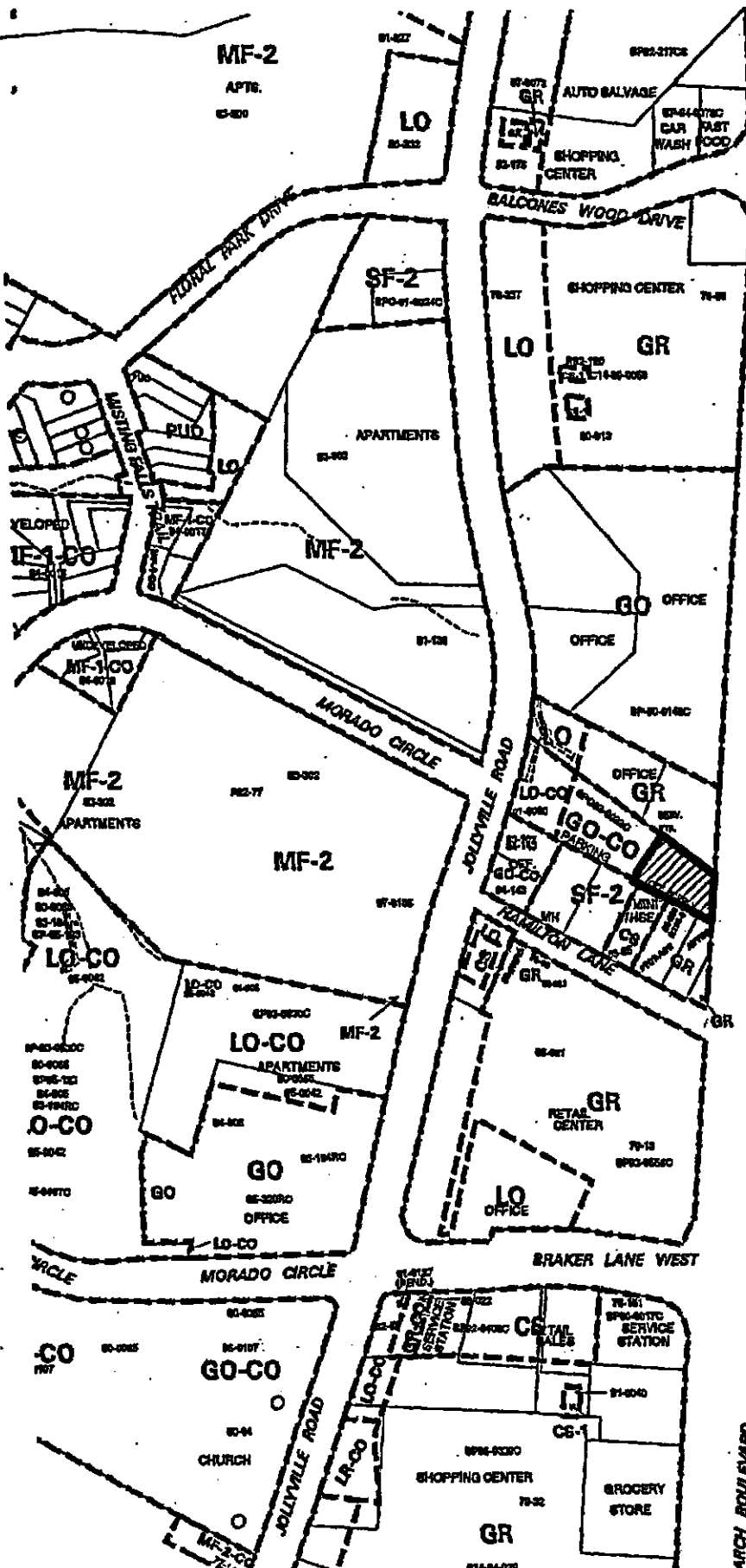
- 1/2" IRON PIN FOUND
- 1/2" IRON PIN SET
- NAIL FOUND
- POWER POLE
- GUY WIRE
- WATER METER
- WATER VALVE
- GAS METER
- UTILITY PEDestal
- SANITARY SINKER MANHOLE
- LEADING PAD WITH ELEC.
- WOOD FENCE
- CHAIN LINK FENCE
- WIRE FENCE
- OVERHEAD ELECTRIC LINE

( ) RECORD INFORMATION PER 5477/1735

[ ] RECORD INFORMATION PER 11795/837



DATE: Sept. 23, 2006



	SUBJECT TRACT	<b>ZONING EXHIBIT B</b>		CITY GRID REFERENCE NUMBER  J34
	PENDING CASE			
	ZONING BOUNDARY	CASE #: C14-05-0182 ADDRESS: 10938 RESEARCH BLVD SUBJECT AREA (acres): 0.500	DATE: 05-10 INTLS: SM	
	CASE MGR: S. SIRWAITIS			