

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



**AGENDA ITEM NO.: Z-9
AGENDA DATE: Thu 12/15/2005
PAGE: 1 of 1**

SUBJECT: C14-05-0196B - Lowe's on Brodie Lane - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as Brodie Lane at Ben Garza Lane (Williamson Creek Watershed - Barton Springs Zone) from interim-rural residence (I-RR) district zoning to general commercial services-conditional overlay (CS-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant general commercial services-conditional overlay (GR-CO) combining district zoning. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Wendy Walsh, 974-7719.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

ZONING CHANGE REVIEW SHEET

CASE: C14-05-0196B

Z.P.C. DATE: December 6, 2005

ADDRESS: Brodie Lane at Ben Garza Lane

APPLICANT: City of Austin

AGENT: Neighborhood Planning &
Zoning Department
(Wendy Walsh)

ZONING FROM: I-RR (upon annexation) **TO:** CS-CO **AREA:** 16.444 acres

SUMMARY STAFF RECOMMENDATION:

The Staff's recommendation is to grant general commercial services – conditional overlay (CS-CO) combining district zoning. The Conditional Overlay: 1) prohibits the following uses: agricultural sales and services; building maintenance services; campground; commercial blood plasma center; convenience storage; electronic prototype assembly; electronic testing; equipment repair services; equipment sales; kennels; laundry services; limited warehousing and distribution; maintenance and service facilities; monument retail sales; transitional housing; transportation terminal; vehicle storage; and veterinary services. 2) makes the following uses conditional: custom manufacturing; food preparation; outdoor entertainment; plant nursery; and special use historic.

ZONING & PLATTING COMMISSION RECOMMENDATION:

December 6, 2005: *APPROVED STAFF'S RECOMMENDATION FOR CS-CO DISTRICT ZONING; BY CONSENT.*

[M. HAWTHORNE, J. DONISI – 2ND] (7-0) J. PINNELLI – ILL; K. JACKSON - ABSENT

ISSUES:

The requested zoning to CS-CO is in accordance with the original Settlement Agreement executed by the City of Austin, Lowe's Home Centers, Inc. and the Garza owners in December 2003. The requested zoning was reaffirmed in the Settlement Agreement between and among the City of Sunset Valley, Save Barton Creek Association, Save Our Springs Alliance, the City of Austin and Lowe's Home Centers, Inc., executed in March 2005.

DEPARTMENT COMMENTS:

The subject property consists of a 116,000 square feet home improvement store that is presently under construction. Annexation into the City limits is scheduled to be finalized on December 15, 2005 and will precede the zoning cases. Access will be taken to Brodie Lane, an arterial roadway, and to the realignment of Ben Garza Lane that extends east-west through the center of the adjacent and related case to the north, C14-05-0196A. The existing Ben Garza Lane right-of-way which forms the northern boundary of this case will be vacated

upon acceptance of the realigned street. There is a grocery store to the south (GR), a few residences and undeveloped land and to the west (DR; SF-2; MF-2-CO), single family residences on large lots within the City of Sunset Valley to the north and east, and apartments to the southeast (I-RR). Please refer to Exhibits A and A-1 (Zoning Map), A-2 (Aerial View) and A-3 (Vicinity Map), B (Recorded Plat) and C (Site Plan).

Consistent with the terms of the Settlement Agreement, Staff is recommending general commercial services – conditional overlay (CS-CO) district for the construction sales and services use being developed on the property. The conditional overlay allows for the construction sales and services use, as well as both permitted and conditional uses in the community commercial (GR) district. It prohibits all other CS uses not permitted in the GR district.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	I-RR (upon Annexation)	Under construction for a home improvement store
<i>North</i>	I-RR (upon Annexation); N/A – City of Sunset Valley	Under construction for a home improvement store (proposed CS-CO – 0196A); Single family residences on large lots
<i>South</i>	GR	Grocery store
<i>East</i>	N/A – City of Sunset Valley; I-RR	Undeveloped; Single family residences on large lots; Apartments
<i>West</i>	SF-2; DR; MF-2-CO; RR	Residences; Undeveloped

AREA STUDY: N / A

TIA: Is not required

WATERSHED: Williamson Creek – Barton Springs Zone

DESIRED DEVELOPMENT ZONE: No

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

288 – City of Sunset Valley

298 – Oak Hill Association of Neighborhoods

384 – Save Barton Creek Association

385 – Barton Springs Coalition

428 – Barton Springs / Edwards Aquifer Conservation District

446 – Westgate Boulevard / Jones Road Neighborhood Association

511 – Austin Neighborhoods Council

627 – Onion Creek Homeowners Association

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:

Sunset Valley Elementary School Porter Middle School Crockett High School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-99-0139	LI-PDA to GR	To Grant GR with conditions in a Restrictive Covenant.	Approved GR (4-24-97).
C14-93-0042	LR to MF-2	To Grant MF-2-CO	Withdrawn
C14-88-068	DR; SF-2 to MF-2; GR; P	To Grant	Approved RR and MF-2-CO with the CO limiting dwelling units to 289 for Tracts 6 and 6A, (adjacent to the west property line); as well as LO-CO; GR-CO on properties further west and south with a Restrictive Covenant (3-9-89).
C14-86-302	Various; For Tract 8 (closest to the zoning case), DR to RR	To Grant RR	Approved RR (10-19-89).

RELATED CASES:

The property is platted as Garza / Brodie subdivision and the site plan for Lowe's (Garza Brodie Settlement Agreement) is under construction at this time (SP-04-0115D).

First Reading of the annexation ordinance for the rezoning areas (both C14-05-0196A and C14-05-0196B) was approved on November 17, 2005. Second and Third Readings are scheduled for December 15, 2005.

ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION	CAPITAL METRO	BICYCLE PLAN	SIDEWALKS
Brodie Lane	110 feet	Varies	Arterial	No	No	Yes
Ben Garza Lane	70 feet	Under construction	Collector	No	No	No

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

ORDINANCE READINGS: 1st

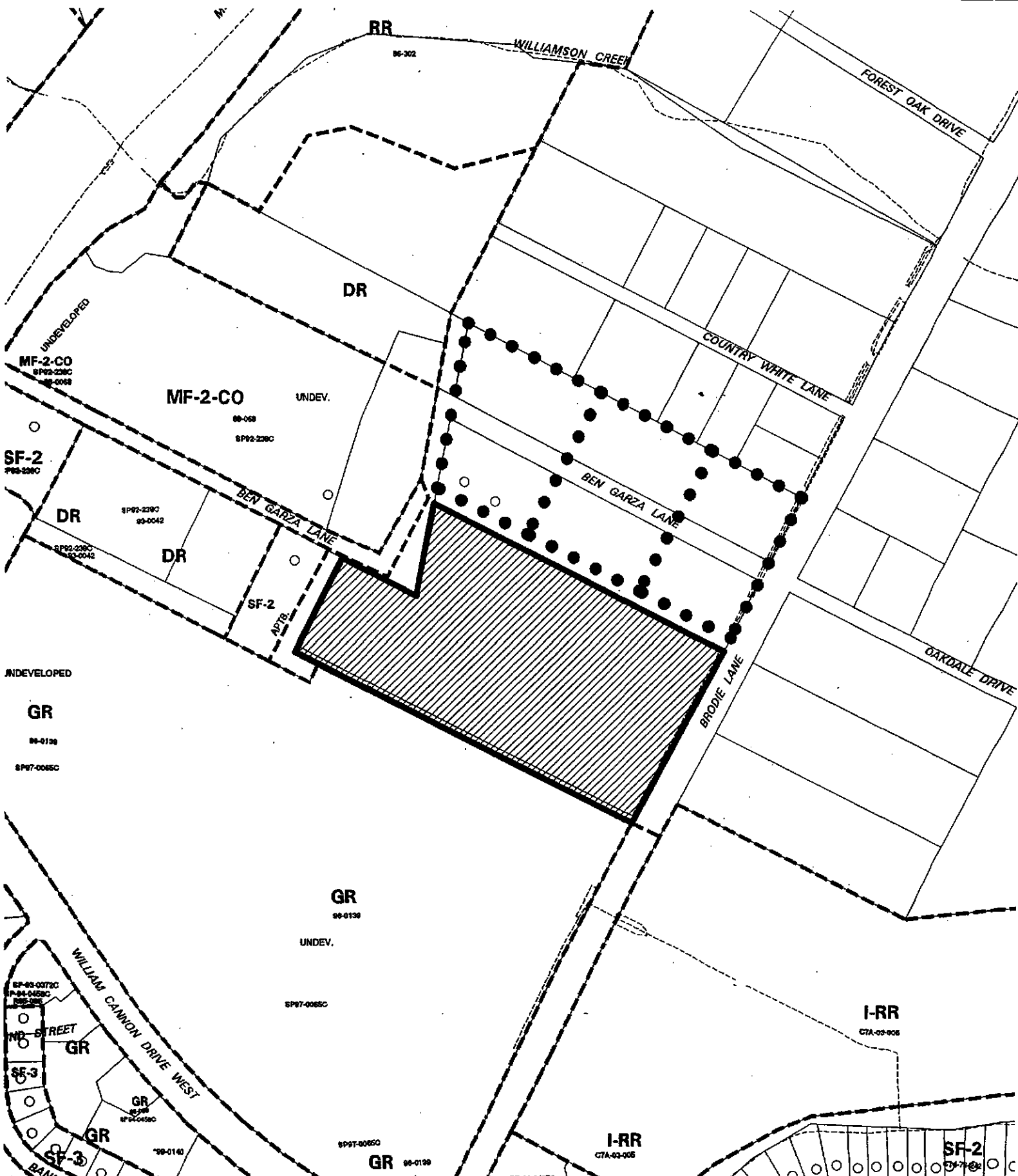
2nd

3rd

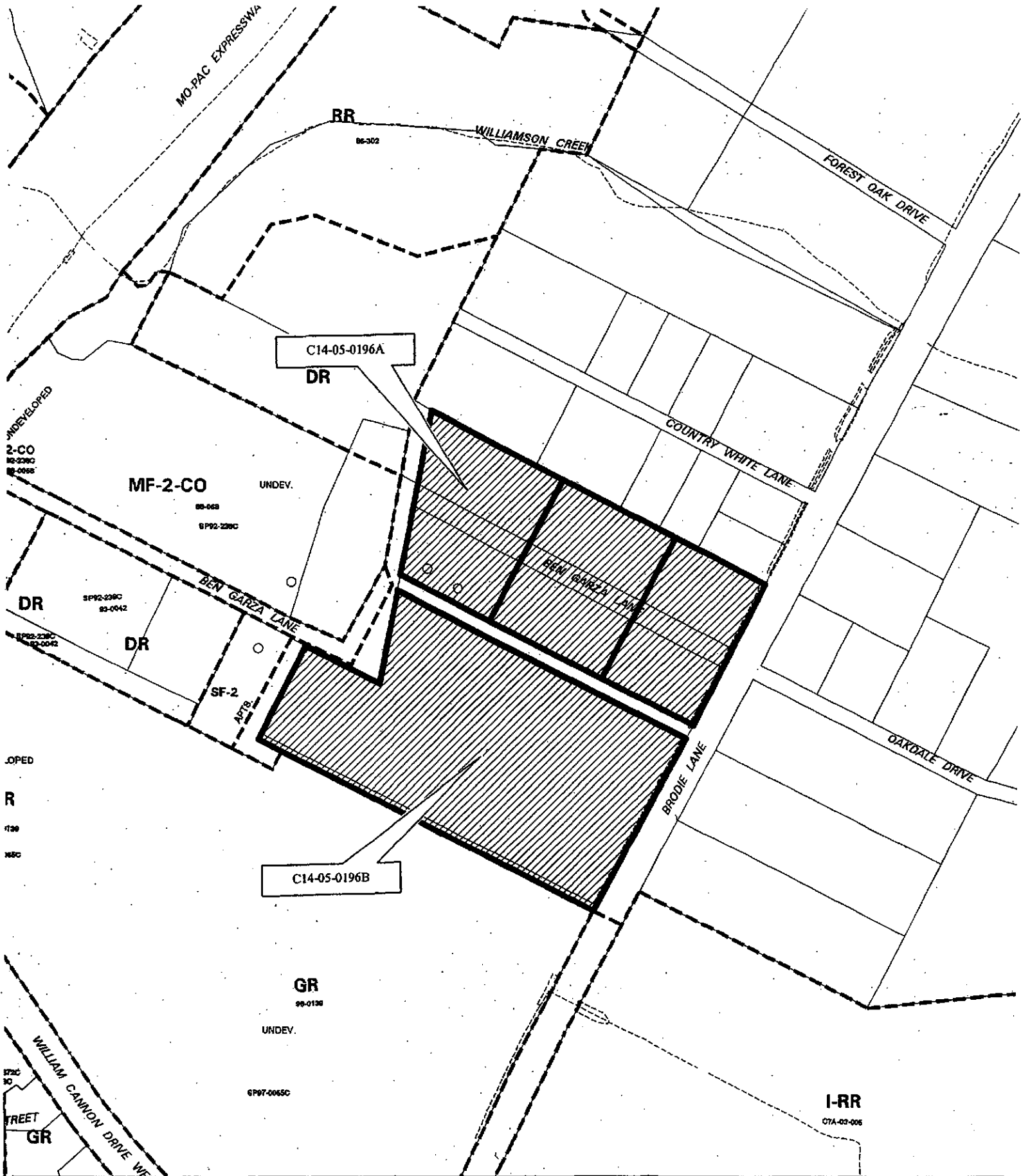
ORDINANCE NUMBER:


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

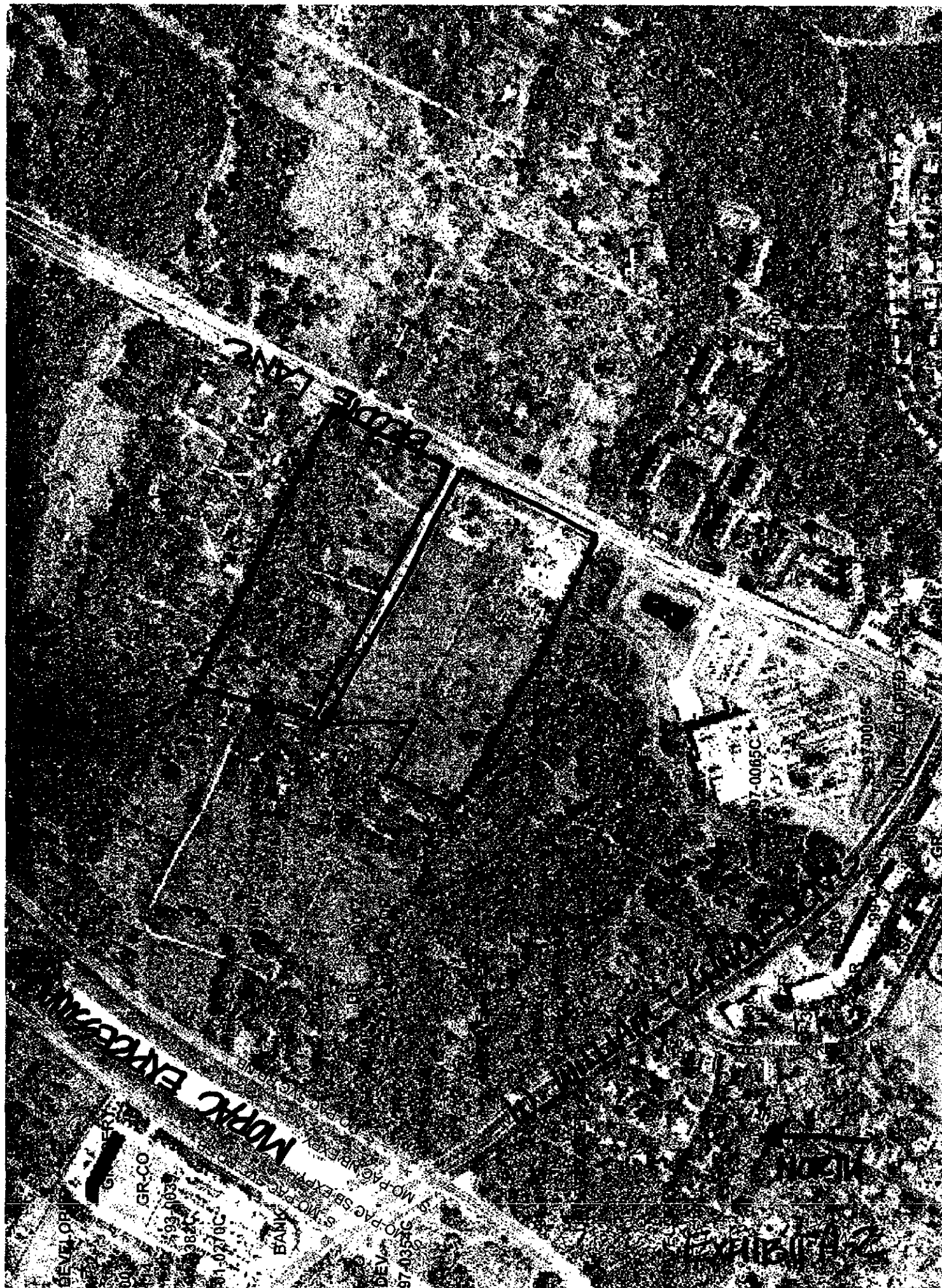
PHONE: 974-7719

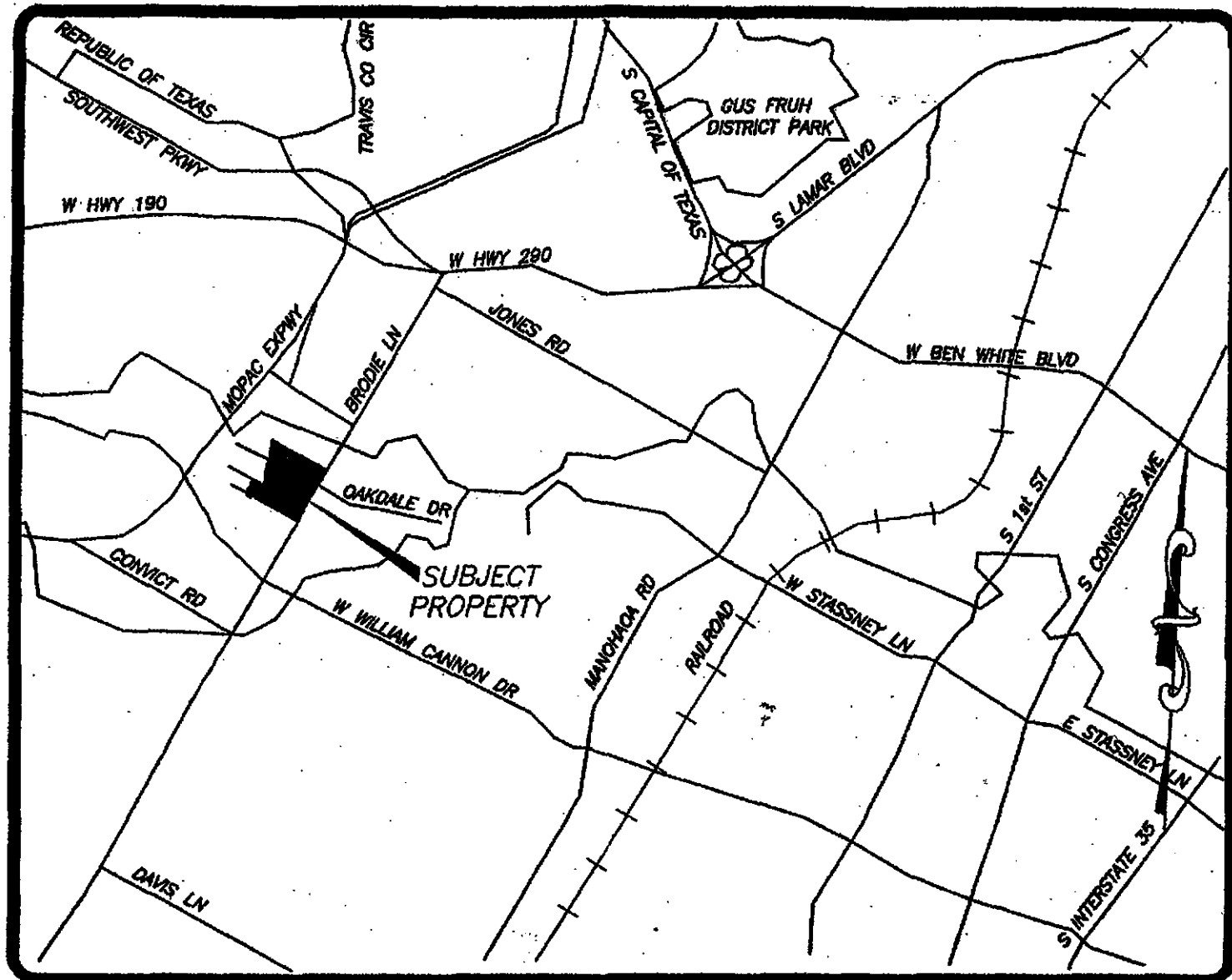


 1" = 400'	SUBJECT TRACT		ZONING EXHIBIT A	CITY GRID REFERENCE NUMBER E18
	PENDING CASE			
	ZONING BOUNDARY			
	CASE MGR: W.WALSH			
CASE #: C14-05-0196B			DATE: 05-11	
ADDRESS: BRODIE LN AT BEN GARZA				
SUBJECT AREA (acres): 16.444			INTLS: SM	



<p>  SUBJECT TRACT PENDING CASE ZONING BOUNDARY CASE MGR: W.WALSH 1"=400' </p>	<p> ZONING EXHIBIT A-1 CASE #: C14-05-0196A & C14-05-0196B ADDRESS: BRODIE LN AT BEN GARZA LN SUBJECT AREA (acres): 29.989 DATE: 05-11 INTLS: SM </p>	<p> CITY GRID REFERENCE NUMBER E18 </p>
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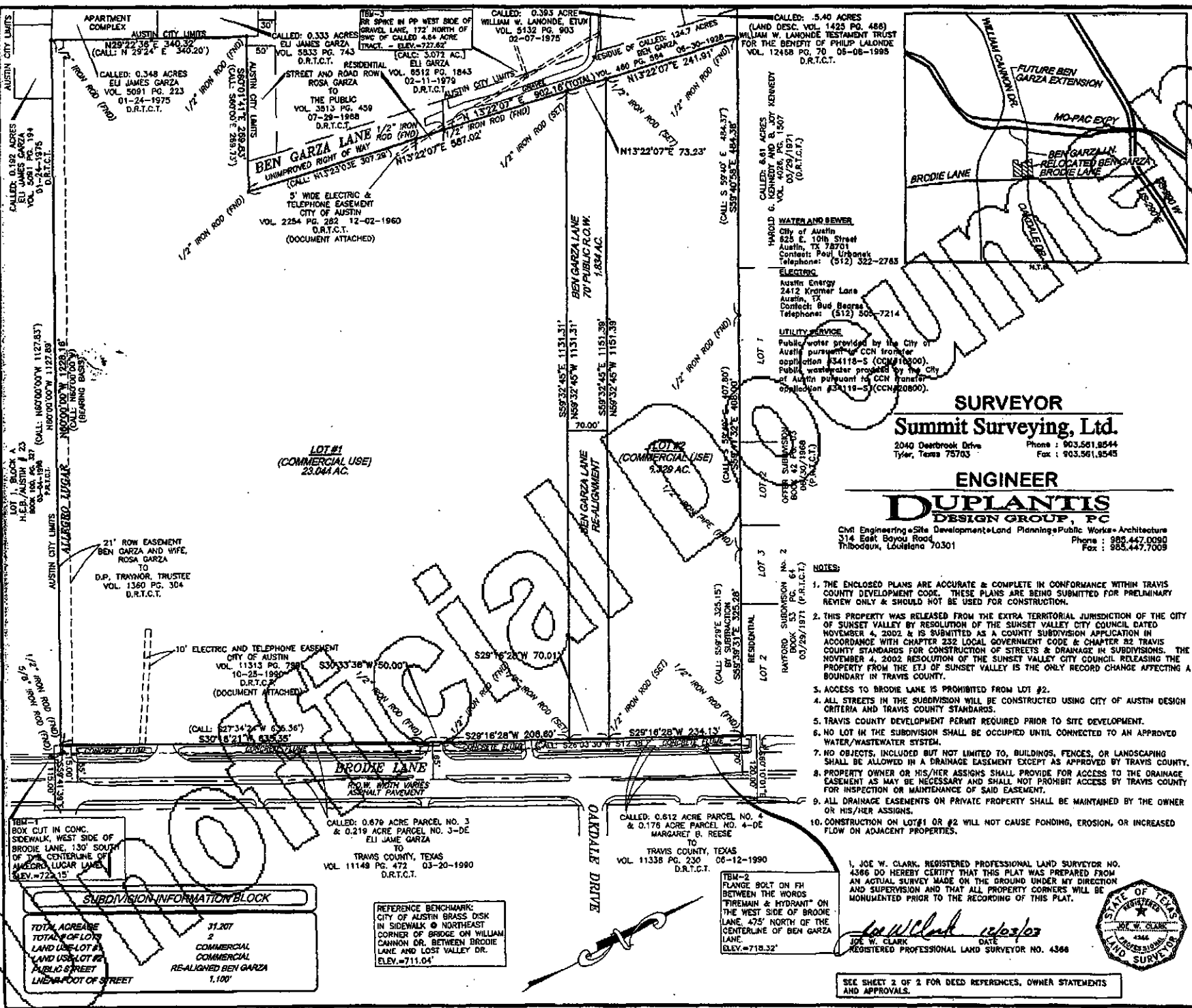
SITE VICINITY MAP

EXHIBIT A-3

200300328

\$61.00

EXHIBIT B-RECORDED PAT
12-16-03



GRAPHIC SCALE IN FEET

100 200 300 400

FINAL PLAT

GARZA BRODIE SUBDIVISION

DATE: 12-16-03
BY: J.W. CLARK
PROJECT NO.: 4366
SHEET 1 OF 2

SURVEYOR
Summit Surveying, Ltd.
2040 Deerbrook Drive
Tyler, Texas 75703
Phone: 903.561.8544
Fax: 903.561.8543

ENGINEER
DUPLANTIS
DESIGN GROUP, P.C.
Civil Engineering • Site Development • Land Planning • Public Works • Architecture
314 East Boyou Road
Tomball, Louisiana 70301
Phone: 888.447.0080
Fax: 888.447.7009

- NOTES:
1. THE ENCLOSED PLANS ARE ACCURATE & COMPLETE IN CONFORMANCE WITHIN TRAVIS COUNTY DEVELOPMENT CODE. THESE PLANS ARE BEING SUBMITTED FOR PRELIMINARY REVIEW ONLY & SHOULD NOT BE USED FOR CONSTRUCTION.
 2. THIS PROPERTY WAS RELEASED FROM THE EXTRA TERRITORIAL JURISDICTION OF THE CITY OF SUNSET VALLEY BY RESOLUTION OF THE SUNSET VALLEY CITY COUNCIL DATED NOVEMBER 4, 2002 & IS SUBMITTED AS A COUNTY SUBDIVISION APPLICATION IN ACCORDANCE WITH CHAPTER 232 LOCAL GOVERNMENT CODE & CHAPTER 82 TRAVIS COUNTY STANDARDS FOR CONSTRUCTION OF STREETS & DRAINAGE IN SUBDIVISIONS. THE NOVEMBER 4, 2002 RESOLUTION OF THE SUNSET VALLEY CITY COUNCIL RELEASING THE PROPERTY FROM THE CITY OF SUNSET VALLEY IS THE ONLY RECORD CHANGE AFFECTING A BOUNDARY IN TRAVIS COUNTY.
 3. ACCESS TO BRODIE LANE IS PROHIBITED FROM LOT #2.
 4. ALL STREETS IN THE SUBDIVISION WILL BE CONSTRUCTED USING CITY OF AUSTIN DESIGN CRITERIA AND TRAVIS COUNTY STANDARDS.
 5. TRAVIS COUNTY DEVELOPMENT PERMIT REQUIRED PRIOR TO SITE DEVELOPMENT.
 6. NO LOT IN THE SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTED TO AN APPROVED WATER/WASTEWATER SYSTEM.
 7. NO OBJECTS, INCLUDED BUT NOT LIMITED TO, BUILDINGS, FENCES, OR LANDSCAPING SHALL BE ALLOWED IN A DRAINAGE EASEMENT EXCEPT AS APPROVED BY TRAVIS COUNTY.
 8. PROPERTY OWNER OR HIS/HER ASSIGNS SHALL PROVIDE FOR ACCESS TO THE DRAINAGE EASEMENT AS MAY BE NECESSARY AND SHALL NOT PROHIBIT ACCESS BY TRAVIS COUNTY FOR INSPECTION OR MAINTENANCE OF SAID EASEMENT.
 9. ALL DRAINAGE EASEMENTS ON PRIVATE PROPERTY SHALL BE MAINTAINED BY THE OWNER OR HIS/HER ASSIGNS.
 10. CONSTRUCTION ON LOT#1 OR #2 WILL NOT CAUSE PONDING, EROSION, OR INCREASED FLOW ON ADJACENT PROPERTIES.

I, JOE W. CLARK, REGISTERED PROFESSIONAL LAND SURVEYOR NO. 4366 DO HEREBY CERTIFY THAT THIS PLAT WAS PREPARED FROM AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION AND THAT ALL PROPERTY CORNERS WILL BE MONUMENTED PRIOR TO THE RECORDING OF THIS PLAT.

Joe W. Clark 12/16/03
JOE W. CLARK DATE
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 4366



SEE SHEET 2 OF 2 FOR DEED REFERENCES, OWNER STATEMENTS AND APPROVALS.

SUMMARY STAFF RECOMMENDATION:

The Staff's recommendation is to grant general commercial services – conditional overlay (CS-CO) combining district zoning. The Conditional Overlay: 1) prohibits the following uses: agricultural sales and services; building maintenance services; campground; commercial blood plasma center; convenience storage; electronic prototype assembly; electronic testing; equipment repair services; equipment sales; kennels; laundry services; limited warehousing and distribution; maintenance and service facilities; monument retail sales; transitional housing; transportation terminal; vehicle storage; and veterinary services. 2) makes the following uses conditional: custom manufacturing; food preparation; outdoor entertainment; plant nursery; and special use historic.

BACKGROUND

The subject property consists of a 116,000 square feet home improvement store that is presently under construction. Annexation into the City limits is scheduled to be finalized on December 15, 2005 and will precede the zoning cases. Access will be taken to Brodie Lane, an arterial roadway, and to the realignment of Ben Garza Lane that extends east-west through the center of the adjacent and related case to the north, C14-05-0196A. The existing Ben Garza Lane right-of-way which forms the northern boundary of this case will be vacated upon acceptance of the realigned street. There is a grocery store to the south (GR), a few residences and undeveloped land and to the west (DR; SF-2; MF-2-CO), single family residences on large lots within the City of Sunset Valley to the north and east, and apartments to the southeast (I-RR).

Consistent with the terms of the Settlement Agreement, Staff is recommending general commercial services – conditional overlay (CS-CO) district for the construction sales and services use being developed on the property. The conditional overlay allows for the construction sales and services use, as well as both permitted and conditional uses in the community commercial (GR) district. It prohibits all other CS uses not permitted in the GR district.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

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.

The property is located on Brodie Lane, an arterial roadway. Consistent with the terms of the Settlement Agreement, Staff is recommending general commercial services –

conditional overlay (CS-CO) district for the construction sales and services use being developed on the property. The conditional overlay allows for the construction sales and services use, as well as both permitted and conditional uses in the community commercial (GR) district. It prohibits all other CS uses not permitted in the GR district.

EXISTING CONDITIONS

Site Characteristics

The site is under construction for a home improvement store.

Impervious Cover

The maximum impervious cover allowed by the Garza Brodie Settlement Agreement is 40%.

Environmental

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 in this area is classified as a Barton Springs Zone (BSZ) watershed. It is in the Drinking Water Protection Zone.

The project application at the time of this report is subject to the Garza Brodie Settlement Agreement, approved with ordinance # 20050324-048. This agreement contains development standards including impervious cover restrictions and drainage / water quality standards, as well as landscape, green building and other standards.

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

The site is located within the endangered species survey area.

Transportation

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

The trip generation under the requested zoning is estimated to be 56,629 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

The traffic impact analysis for this site was waived because this site is subject to the Garza Brodie Settlement agreement.

Water and Wastewater

The site is served 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.

ORDINANCE NO. 20051215-

AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING FOR THE PROPERTY LOCATED AT BRODIE LANE AT BEN GARZA LANE AND CHANGING THE ZONING MAP FROM INTERIM RURAL RESIDENCE (I-RR) 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 interim rural residence (I-RR) district to general commercial services-conditional overlay (CS-CO) combining district on the property described in Zoning Case No. C14-05-0196B, on file at the Neighborhood Planning and Zoning Department, as follows:

A 16.455 acre tract of land, more or less, out of the Thomas Anderson League No. 17, Abstract No. 2, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance (the "Property"),

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

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

1. The following uses are prohibited uses of the Property:

Agricultural sales and services
Campground
Convenience storage
Electronic testing
Equipment sales
Laundry services
Maintenance and service facilities
Transitional housing
Vehicle storage

Building maintenance services
Commercial blood plasma center
Electronic prototype assembly
Equipment repair services
Kennels
Limited warehousing and distribution
Monument retail sales
Transportation terminal
Veterinary services

1 2. The following uses are conditional uses of the Property:

2
3 Custom manufacturing
4 Outdoor entertainment
5 Special use historic
6

Food preparation
Plant nursery

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

10
11 **PART 3.** This ordinance takes effect on December 31, 2005.

12
13
14 **PASSED AND APPROVED**

15
16
17
18 _____, December 15, 2005

Will Wynn
Mayor

19
20
21
22
23 **APPROVED:**

David Allan Smith
City Attorney

ATTEST:

Shirley A. Gentry
City Clerk

EXHIBIT A

Legal Description
16.445 Acres

State of Texas
County of Travis

All that certain tract or parcel of land situated in the Thomas Anderson League No. 17, Abstract No. 2, Travis County, Texas, being part of a called 17.516 acre tract described in a deed to Eli James Garza, dated February 9, 1982, recorded in Volume 7684 on Page 700 in the Deed Records of Travis County, Texas and being more particularly described as follows:

BEGINNING at a 1/2" iron rod (found) in the northwest right of way line of Brodie Lane and in the southwest line of the above referenced 17.516 acre tract, same being the northeast line of Lot 1, Block A of the H.E.B./Austin # 23 Addition as recorded in Book 100, on Page 237 in the Plat Records of Travis County Texas;

THENCE North 60 deg. 00 min. 00 sec. West with the northeast line of said Lot 1, Block A and the southwest line of the 17.516 acre tract, at a distance of 1127.89 feet pass a 1/2" iron rod (set) for the east corner of a called 0.192 acre tract, described in a deed to Eli James Garza, dated January 24, 1975, recorded in Volume 5091 on Page 194 in the said Deed Records, continuing with the southwest line of the 17.516 acre tract and with the northeast line of said 0.192 acre tract for a total distance of 1228.16 feet to a 1/2" iron rod (found) for the westernmost corner of said 17.516 acre tract;

THENCE North 29 deg. 22 min. 36 sec. East with the westernmost northwest line of said 17.516 acre tract, a distance of 340.32 feet to a 1/2" iron rod (found) for the westernmost north corner of same, and being an ell corner in the southwest line of Ben Garza Lane (unimproved in this area) recorded in Volume 3513 on Page 459 in the said Deed Records;

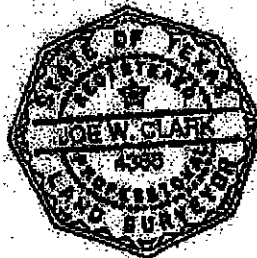
THENCE South 60 deg. 01 min. 41 sec. East with the southwest line of said Ben Garza Lane and a northeast line of said 17.516 acre tract, a distance of 269.83 feet to a 1/2" iron rod (found) for corner;

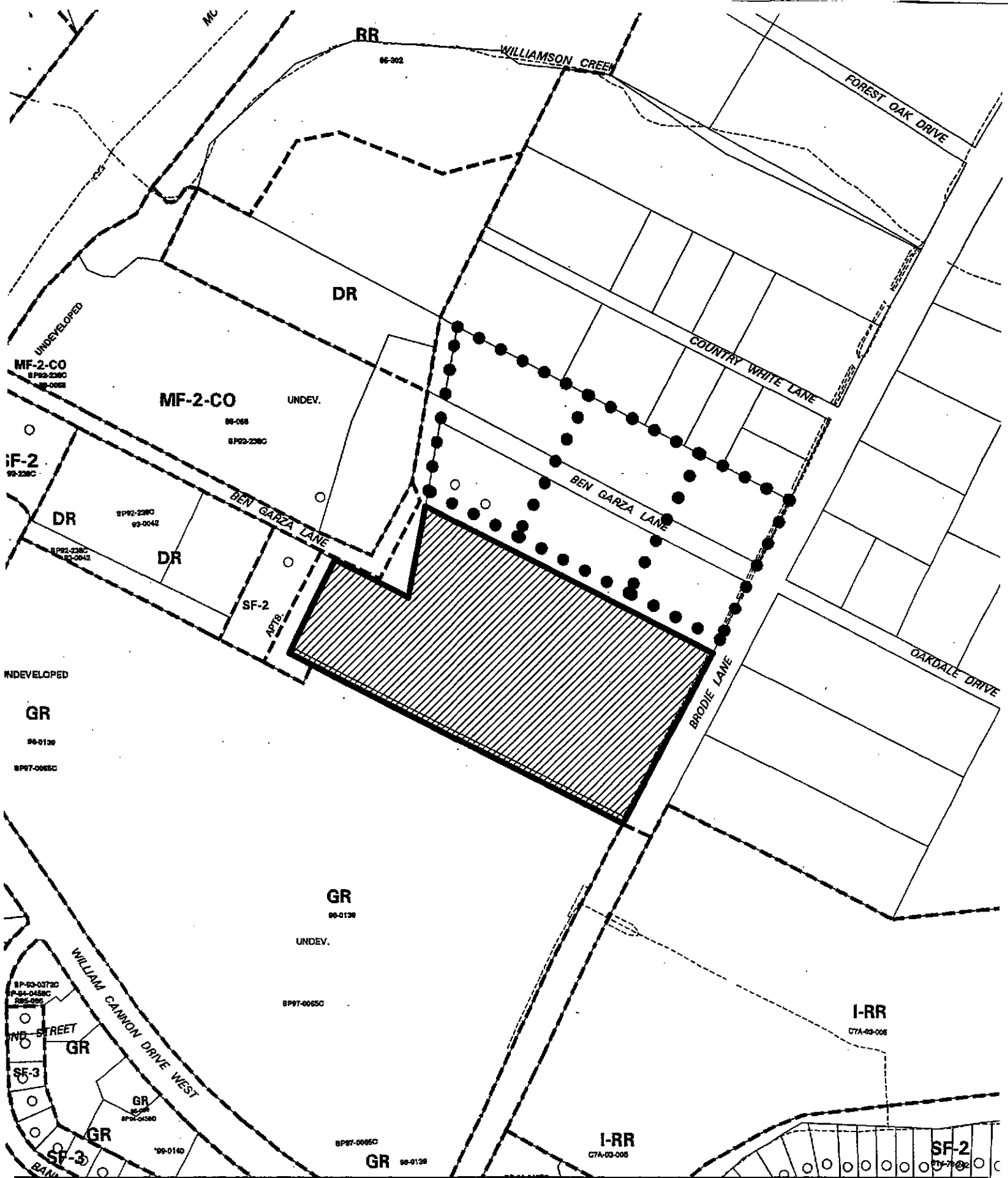
THENCE North 13 deg. 22 min. 07 sec. East continuing with a common line of said Ben Garza Lane and said 17.516 acre tract, a distance of 307.46 feet to a 1/2" iron rod (found) for the easternmost north corner of said 17.516 acre tract;

THENCE South 60 deg. 01 min. 01 sec. East continuing with a common line of said Ben Garza Lane and northeast line of said 17.516 acre tract, a distance of 1053.42 feet to a 1/2" iron rod (found) for the east corner of the 17.516 acre tract and in the northwest right of way line of the aforementioned Brodie Lane;

THENCE South 30 deg. 18 min. 21 sec. West with the northwest right of way line of Brodie Lane, a distance of 635.35 feet to the **PLACE OF BEGINNING**, containing 16.445 acres (716,326 sq. ft.) of land.

Joe W. Clark 09/01/03
Joe W. Clark Date
Registered Professional Land Surveyor No. 4366





 1" = 400'	SUBJECT TRACT		ZONING EXHIBIT B		CITY GRID REFERENCE NUMBER E18
	PENDING CASE				
	ZONING BOUNDARY		CASE #: C14-05-0196B	DATE: 05-11	
	CASE MGR: W.WALSH		ADDRESS: BRODIE LN AT BEN GARZA LN SUBJECT AREA (acres): 16.444	INTLS: SM	