

**Zoning Ordinance Approval
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**



**AGENDA ITEM NO.: 33
AGENDA DATE: Thu 02/09/2006
PAGE: 1 of 1**

SUBJECT: C14-05-0168 - KB Sheldon 230 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 7900 Thaxton Road (Onion Creek Watershed) from interim-rural residence (I-RR) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning with conditions. First reading approved on January 26, 2006. Vote: 6-0, Mayor Wynn absent. Applicant: FC Properties One, Ltd. (William A. McDonald). Agent: Thrower Design (Ron Thrower). City Staff: Wendy Walsh, 974-7719.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

SECOND / THIRD READINGS SUMMARY SHEET

ZONING CASE NUMBER: C14-05-0168

REQUEST:

Approve second / third readings of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 7900 Thaxton Road (Onion Creek Watershed) from interim – rural residence (I-RR) district zoning to community commercial – conditional overlay (GR-CO) district zoning, with conditions. The Conditional Overlay limits development of the property to restaurant (general) and all neighborhood commercial (LR) uses and prohibits off-site accessory parking and drive-in services as an accessory use. The Restrictive Covenant is for conditions of the Neighborhood Traffic Analysis as recommended by Staff with the exception that the property is limited to 700 trips, unless a Traffic Impact Analysis is submitted and approved by the City.

DEPARTMENT COMMENTS:

The Conditional Overlay and Restrictive Covenant incorporate the conditions imposed by the City Council at First Reading.

OWNER/APPLICANT: FC Properties One, Ltd. (William A. McDonald)

AGENT: Thrower Design (Ron Thrower)

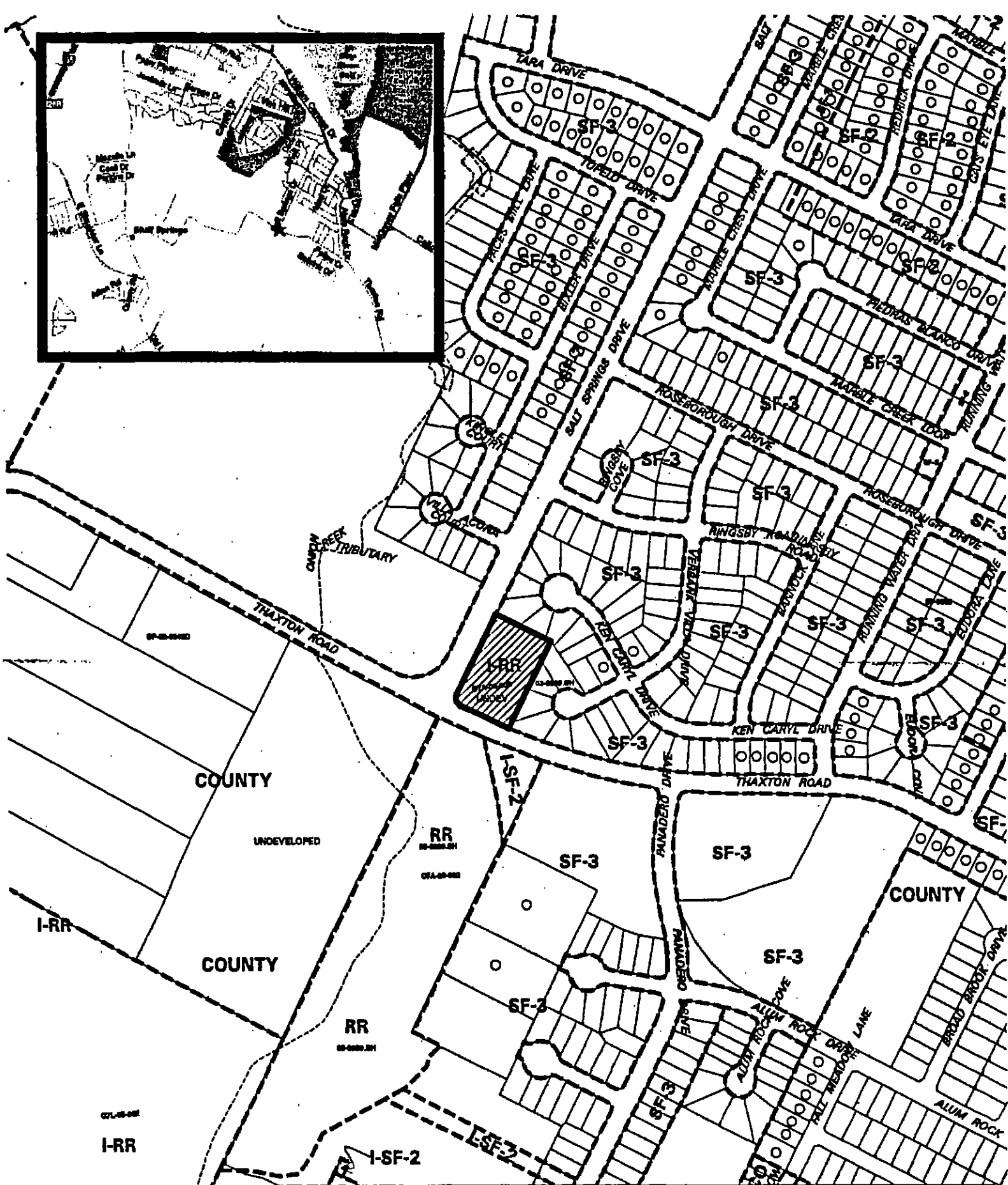
DATE OF FIRST READING: January 26, 2006, approved GR-CO district zoning and to accept a Restrictive Covenant with conditions of the Neighborhood Traffic Analysis as recommended by Staff with the exception that the property be limited to 700 trips, unless a Traffic Impact Analysis is submitted and approved by the City, on First Reading (6-0, Mayor Wynn off the dais).





CITY COUNCIL HEARING DATE: February 9, 2006

CITY COUNCIL ACTION:

ORDINANCE NUMBER:

ASSIGNED STAFF: Wendy Walsh
e-mail: wendy.walsh@ci.austin.tx.us



 1" = 400'	SUBJECT TRACT 	ZONING EXHIBIT B		CITY GRID REFERENCE NUMBER J13
	PENDING CASE 			
	ZONING BOUNDARY 	CASE #: C14-05-0168 ADDRESS: 7900 THAXTON RD SUBJECT AREA (acres): 1.473	DATE: 05-10 INTLS: SM	
	CASE MGR: W.WALSH			

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING FOR THE PROPERTY LOCATED AT 7900 THAXTON ROAD AND CHANGING THE ZONING MAP FROM INTERIM RURAL RESIDENCE (I-RR) DISTRICT TO COMMUNITY COMMERCIAL-CONDITIONAL OVERLAY (GR-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 community commercial-conditional overlay (GR-CO) combining district on the property described in Zoning Case No. C14-05-0168, on file at the Neighborhood Planning and Zoning Department, as follows:

A 1.473 acre tract of land, more or less, out of the Santiago Del Valle Grant, Abstract No. 24, 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 7900 Thaxton Road, 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. Drive-in service is prohibited as an accessory use to a commercial use.
2. The following uses are conditional uses of the Property:

Community recreation (private)
Congregate living
Hospital services (limited)
Medical offices (exceeding 5000 sq. ft.
gross floor area)

Community recreation (public)
Group home (Class II)
Residential treatment

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

Automotive rentals
Automotive sales
Bail bond services
Business support services
Communications services
Exterminating services
Funeral services
Hospital services (general)
Indoor entertainment
Off-site accessory parking
Outdoor sports and recreation
Personal improvement services
Theater

Automotive repair services
Automotive washing (of any type)
Business or trade school
Commercial off-street parking
Drop-off recycling collection facility
Food preparation
General retail sales (general)
Hotel/motel
Indoor sports and recreation
Outdoor entertainment
Pawn shop services
Research services

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

PART 3. This ordinance takes effect on _____, 2006.

PASSED AND APPROVED

_____, 2006

Will Wynn
Mayor

APPROVED:

David Allan Smith
City Attorney

ATTEST:

Shirley A. Gentry
City Clerk

1.473 Acres
Santiago Del Valle A-24
Travis County, Texas
Zoning: GR

FN 2934(ALG)
May 12, 2003
SAM, Inc. Job No. 23142-20

EXHIBIT A

DESCRIPTION OF A 1.473 ACRE TRACT OF LAND SITUATED IN THE SANTIAGO DEL VALLE GRANT ABSTRACT NO. 24, TRAVIS COUNTY, TEXAS, BEING A PORTION OF A CALLED 275.015 ACRE REMAINDER TRACT OF LAND CONVEYED IN THE DEED TO FC PROPERTIES ONE, LTD., A TEXAS LIMITED PARTNERSHIP AS RECORDED IN VOLUME 13147, PAGE 1555 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 1.473 ACRE TRACT OF LAND AS SHOWN ON THE ACCOMPANYING SKETCH AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2-inch iron rod with a "Lenz & Associates, Inc." cap found on the east line of said remainder tract and the east line of Springfield Phase 'B', Section Six as recorded in Document No. 200300063 of the Plat Records of Travis County, Texas, same being the east right-of-way (R.O.W.) line of Salt Springs Drive, from which a 1/2-inch iron rod found with a cap stamped "LJA Inc. RPLS 4532" bears N 28° 53' 32" E, passing at a distance of 53.91 feet a 1/2-inch iron rod with a "Lenz & Associates, Inc." cap found on said R.O.W. line continuing for a total distance of 54.99 feet, for the **POINT OF BEGINNING** of the tract described herein;

THENCE leaving said R.O.W. line with a north line of said remainder tract, same being a south line of said Springfield Phase 'B', S 61° 07' 12" E, a distance of 200.92 feet to a 1/2-inch iron rod with a "Lenz & Associates, Inc." cap found for the northeast corner of the tract described herein;

THENCE leaving said north and south lines with an east line of said remainder tract, same being a west line of said Springfield Phase 'B', S 28° 53' 26" W, a distance of 318.88 feet to a 1/2-inch iron rod with a "Lenz & Associates, Inc." cap found on the north R.O.W. line of Thaxton Road, as described in a final plat of Thaxton Road Street Dedication, as recorded in Volume 87, Page 24D of the Plat Records of Travis County, Texas, same being the southeast corner of the tract described herein for a point of curvature;

THENCE with the north R.O.W. line of said Thaxton Road the following four (4) courses and distances:

- 1) with the arc of said curve to the right a distance of 21.27 feet, through a central angle of 00° 40' 39", having a radius of 1798.18 feet and whose chord bears N 63° 04' 57" W, a distance of 21.27 feet to a 1/2-inch iron rod with a "Lenz & Associates, Inc." cap found,
- 2) N 61° 06' 17" W, a distance of 100.01 feet to a 1/2-inch iron rod with a "Lenz & Associates, Inc." cap found,
- 3) N 62° 54' 49" W, a distance of 53.99 feet to a calculated point, and
- 4) with the arc of a curve to the right a distance of 40.08 feet, through a central angle of 91° 51' 36", having a radius of 25.00 feet and whose chord bears N 16° 59' 02" W, a distance of 35.92 feet to an "X" in concrete found on the east R.O.W. line of said Salt Springs Drive;

THENCE with the east R.O.W. line of said Salt Springs Drive, same being the west line of said remainder tract, the following two (2) courses and distances:

- 1) N 28° 56' 46" E, a distance of 101.74 feet to a 1/2-inch iron rod with a "Lenz & Associates, Inc." cap found, and

1.473 Acres
Santiago Del Valle A-24
Travis County, Texas
Zoning: GR

FN 2934(ALG)
May 12, 2003
SAM, Inc. Job No. 23142-20

- 2) N 28° 53' 32" E, a distance of 194.51 feet to the POINT OF BEGINNING and containing 1.473 acres of land, more or less.

BEARING BASIS: 1/2-inch iron rods at the southwest and southeast corners of Springfield Phase "C", a subdivision of record in Document No. 200000045 of the Official Public Records of Travis County, Texas. Called bearing and distance between these iron rods is N 60° 03' 41" W a distance of 2172.32 feet. Held called bearing of N 60° 04' 00" W as shown in Volume 2312, Page 155 of the Deed Records of Travis County, Texas and found actual distance to be 2172.33 feet.

NOTE: This Document does not reflect the results of a recent on the ground survey and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

THE STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS:

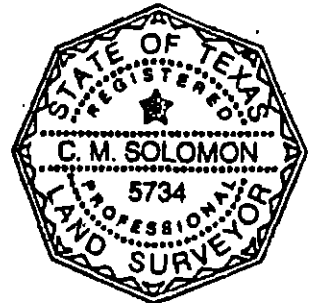
COUNTY OF TRAVIS

That I, C. M. Solomon, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground during July and August 2002 under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the 2nd day of June, 2003 A.D.

SURVEYING AND MAPPING, Inc.
5508 West Highway 290, Building B
Austin, Texas 78735


C. M. Solomon
Registered Professional Land Surveyor
No. 5734 - State of Texas



LEGEND

- △ CALCULATED POINT
- ⊕ 1/2" IRON ROD WITH "LENZ & ASSOCIATES, INC." PLASTIC CAP FOUND (UNLESS NOTED)
- ✕ "X" IN CONCRETE FOUND
- D.R.T.C.Tx. DEED RECORDS TRAVIS COUNTY, TEXAS
- R.P.R.T.C.Tx. REAL PROPERTY RECORDS TRAVIS COUNTY, TEXAS
- P.R.T.C.Tx. PLAT RECORDS TRAVIS COUNTY, TEXAS
- P.O.B. POINT-OF-BEGINNING
- () RECORD INFORMATION



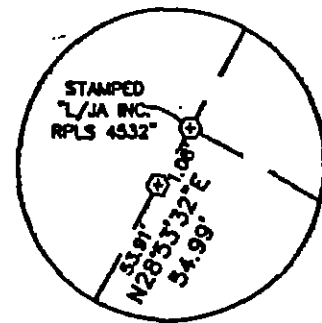
GRAPHIC SCALE

SCALE: 1" = 100 FEET

MAY 2003

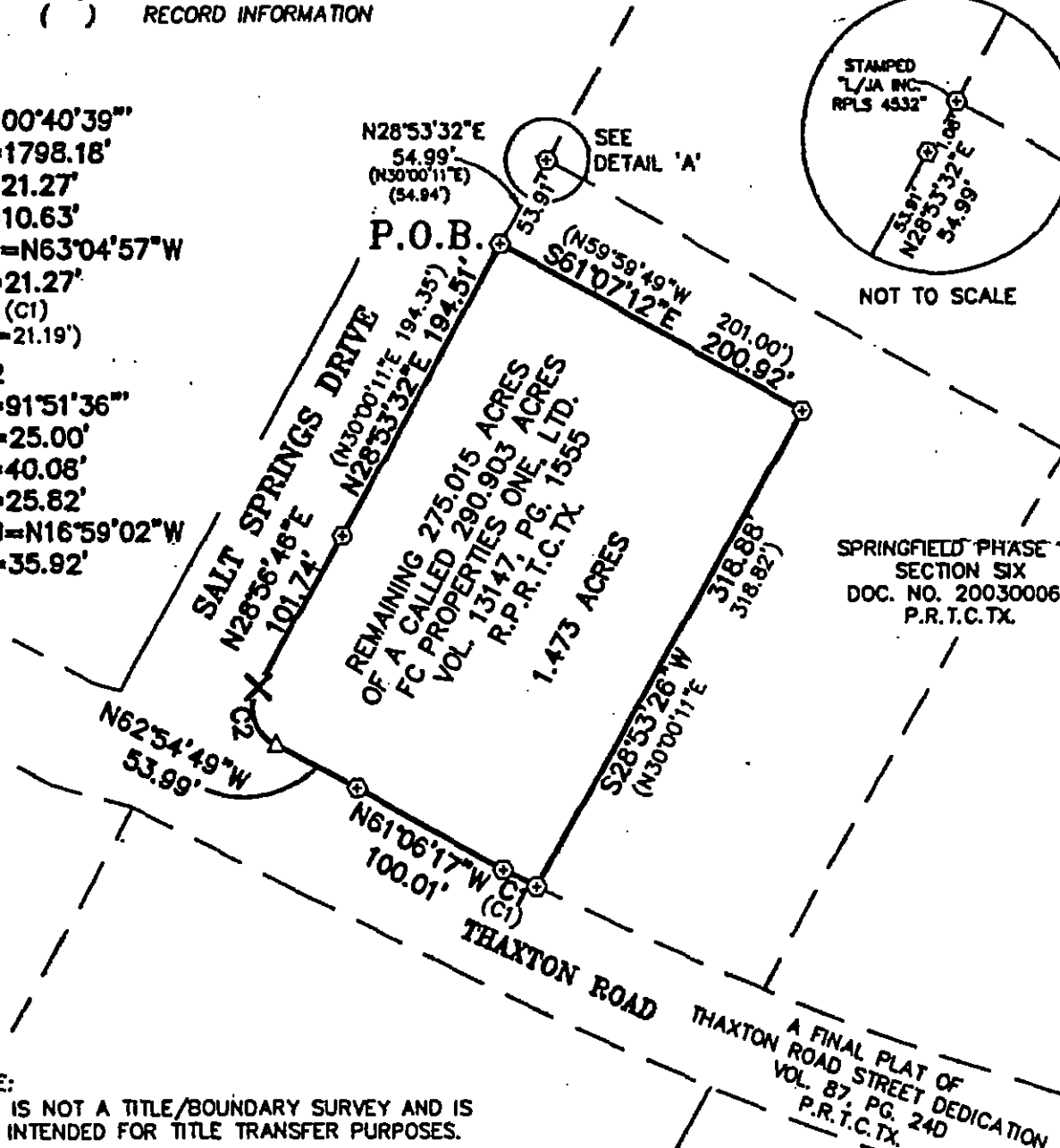
SANTIAGO DEL VALLE GRANT,
ABSTRACT NO. 24
TRAVIS COUNTY, TEXAS

DETAIL 'A'



NOT TO SCALE

C1
Δ=00°40'39"
R=1798.18'
L=21.27'
T=10.63'
CB=N63°04'57"W
C=21.27'
(C1)
(A=21.19')
C2
Δ=91°51'36"
R=25.00'
L=40.08'
T=25.82'
CB=N16°59'02"W
C=35.92'



SPRINGFIELD PHASE "B"
SECTION SIX
DOC. NO. 200300063
P.R.T.C.TX.

NOTE:
THIS IS NOT A TITLE/BOUNDARY SURVEY AND IS NOT INTENDED FOR TITLE TRANSFER PURPOSES.

BEARING BASIS: 1/2" IRON RODS AT THE SOUTHWEST AND SOUTHEAST CORNERS OF SPRINGFIELD PHASE "C" A SUBDIVISION OF RECORD IN DOCUMENT NO. 200000045 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS. CALLED BEARING AND DISTANCE BETWEEN THESE IRON RODS IS N60°03'41"W - 2172.32 FEET. HELD CALLED BEARING OF N60°04'00"W AS SHOWN IN VOLUME 2312, PAGE 155 OF THE D.R.T.C.TX. AND FOUND ACTUAL DISTANCE TO BE 2172.33 FEET.

PROJECT:	RE ZONING 230
JOB NUMBER:	23142-20
DATE:	MAY 12, 2003
SURVEYOR:	CMS
PARTY CHIEF:	NA
FIELDBOOK:	NA
FIELDNOTE:	FR2934
TECHNICIAN:	ALD
DRAWING:	FR2934.DWG
SCALE:	1" = 100'



8808 WEST HIGHWAY 290
BUILDING B
AUSTIN TEXAS, 78738
(512) 447-0575
FAX: (512) 320-3029
EMAIL: SAM@SAMINCAUS.COM

SKETCH
TO
ACCOMPANY FIELD
NOTE No. 2934
PAGE 3 OF 3

RESTRICTIVE COVENANT

OWNER: FC Properties One, Ltd., a Texas limited partnership

ADDRESS: c/o First City Servicing Corporation, P.O. Box 8216, Waco, TX 78714-8216

CONSIDERATION: Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and sufficiency of which is acknowledged.

PROPERTY: A 1.473 acre tract of land, more or less, out of the Santiago Del Valle Grant, Abstract 24, Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this covenant; and

WHEREAS, the Owner of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions;

NOW, THEREFORE, it is declared that the Owner of the Property, for the consideration, shall hold, sell and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant. These covenants and restrictions shall run with the land, and shall be binding on the Owner of the Property, its heirs, successors, and assigns.

1. Development on the Property is subject to the recommendations contained in the Neighborhood Traffic Analysis memorandum from the Transportation Review Section of the Watershed Protection and Development Review Department, dated November 9, 2005.
2. Unless a Traffic Impact Analysis is submitted by the Owner and approved by the City of Austin, the total traffic generated by the existing or previously authorized development and uses of the Property may not exceed 700 trips per day.
3. If any person or entity shall violate or attempt to violate this agreement and covenant, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such agreement or covenant, to prevent the person or entity from such actions, and to collect damages for such actions.
4. If any part of this agreement or covenant is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full effect.
5. If at any time the City of Austin fails to enforce this agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.

6. This agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, and (b) by the owner(s) of the Property subject to the modification, amendment or termination at the time of such modification, amendment or termination.

EXECUTED to be effective the _____ day of _____, 2006.

OWNER:

FC Properties One, Ltd.,
a Texas limited partnership

By: FC Assets One Corp.,
a Texas corporation,
its general partner

By: _____
William A. McDonald,
Senior Vice-President

APPROVED AS TO FORM:

Assistant City Attorney
City of Austin

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the ____ day of _____, 2006, by William A. McDonald, Senior Vice-President, of FC Assets One Corp., a Texas corporation, general partner of FC Properties One, Ltd., a Texas limited partnership, on behalf of the corporation and the limited partnership.

Notary Public, State of Texas

FC Properties One
Restrictive Covenant

1.473 Acres
Santiago Del Valle A-24
Travis County, Texas
Zoning: GR

FN 2934(ALG)
May 12, 2003
SAM, Inc. Job No. 23142-20

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1.473 Acres
Santiago Del Valle A-24
Travis County, Texas
Zoning: GR

FN 2934(ALG)
May 12, 2003
SAM, Inc. Job No. 23142-20

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THE STATE OF TEXAS

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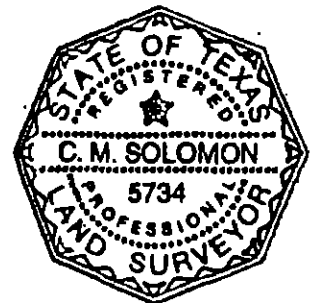
COUNTY OF TRAVIS

That I, C. M. Solomon, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground during July and August 2002 under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the 2nd day of June, 2003 A.D.

SURVEYING AND MAPPING, Inc.
5508 West Highway 290, Building B
Austin, Texas 78735


C. M. Solomon
Registered Professional Land Surveyor
No. 5734 - State of Texas



LEGEND

- Δ CALCULATED POINT
 ⊕ 1/2" IRON ROD WITH "LENZ & ASSOCIATES, INC."
 PLASTIC CAP FOUND (UNLESS NOTED)
 X "X" IN CONCRETE FOUND
 D.R.T.C.Tx. DEED RECORDS TRAVIS COUNTY, TEXAS
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 TRAVIS COUNTY, TEXAS
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 P.O.B. POINT-OF-BEGINNING
 () RECORD INFORMATION



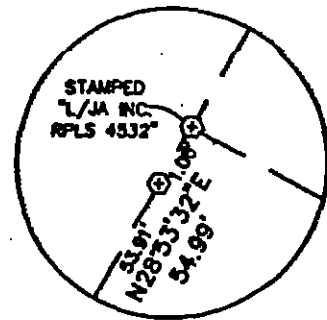
GRAPHIC SCALE

SCALE: 1" = 100 FEET.

MAY 2003

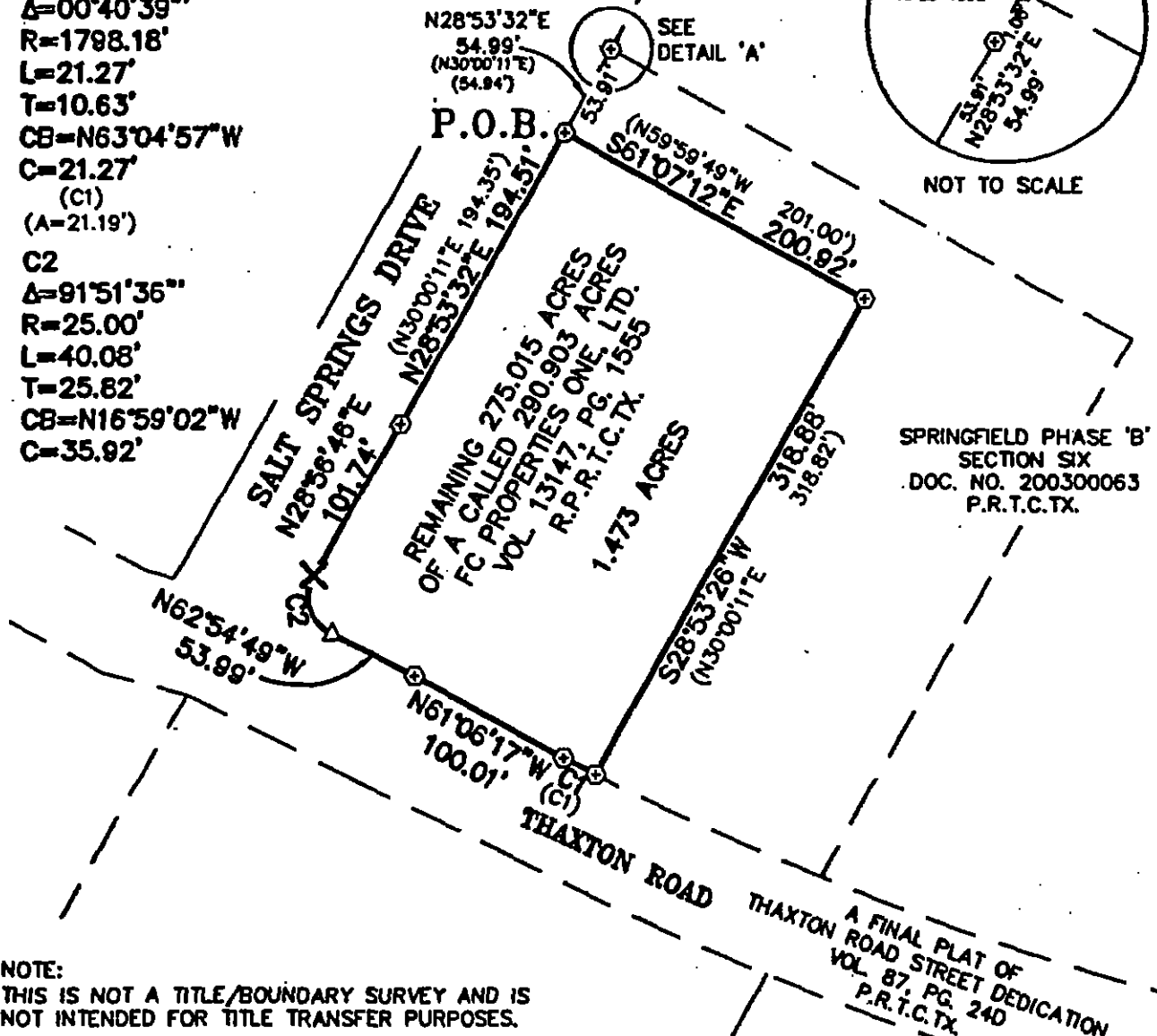
SANTIAGO DEL VALLE GRANT,
ABSTRACT NO. 24
TRAVIS COUNTY, TEXAS

DETAIL 'A'



NOT TO SCALE

C1
 Δ=00°40'39"
 R=1798.18'
 L=21.27'
 T=10.63'
 CB=N63°04'57"W
 C=21.27'
 (C1)
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SPRINGFIELD PHASE 'B'
 SECTION SIX
 DOC. NO. 200300063
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 CALLED BEARING OF N60°04'00"W AS SHOWN IN VOLUME 2312, PAGE 155 OF THE D.R.T.C.TX. AND FOUND ACTUAL
 DISTANCE TO BE 2172.33 FEET.

PROJECT: BR ZONING 250
JOB NUMBER: 25142-70
DATE: MAY 12, 2003
SURVEYOR: GWS
PARTY CHIEF: NA
FIELDBOOK: NA
FIELDNOTE: P22934
TECHNICIAN: ALG
DRAWING: P22934.DWG
SCALE: 1" = 100'



8808 WEST HIGHWAY 290
 BUILDING B
 AUSTIN TEXAS, 78738
 (817) 447-0578
 FAX: (817) 526-3029
 EMAIL: SAM@SAMINC.AUS.COM

SKETCH
 TO
 ACCOMPANY FIELD
 NOTE No. 2934
 PAGE 3 OF 3

After Recording, Please Return to:
City of Austin
Department of Law
P. O. Box 1088
Austin, Texas 78767
Attention: Diana Minter, Legal Assistant

FC Properties One
Restrictive Covenant

ZONING CHANGE REVIEW SHEET

CASE: C14-05-0168

Z.P.C. DATE: December 20, 2005

ADDRESS: 7900 Thaxton Road

OWNER: FC Properties One, Ltd.
(William A. McDonald)

AGENT: Thrower Design
(Ron Thrower)

ZONING FROM: I-RR

TO: GR

AREA: 1.473 acres

SUMMARY STAFF RECOMMENDATION:

The Staff's recommendation is to grant neighborhood commercial – conditional overlay (LR-CO) combining district zoning. The Conditional Overlay limits the number of daily trips to 700.

If non-residential zoning is recommended for this site, then Staff recommends a Restrictive Covenant to include all recommendations listed in the Neighborhood Traffic Analysis memorandum, dated November 9, 2005 and provided as Attachment A.

ZONING & PLATTING COMMISSION RECOMMENDATION:

December 20, 2005: *APPROVED GR-CO DISTRICT ZONING WITH THE CONDITIONAL OVERLAY ALLOWING FOR RESTAURANT (GENERAL) AND ALL LR USES; PROHIBIT OFF-SITE ACCESSORY PARKING AND DRIVE-IN SERVICES AS AN ACCESSORY USE; RESTRICTIVE COVENANT FOR THE NEIGHBORHOOD TRAFFIC ANALYSIS AS STAFF RECOMMENDED UNLESS A TRAFFIC IMPACT ANALYSIS IS SUBMITTED.*

[K. JACKSON; J. MARTINEZ – 2ND] (9-0).

ISSUES:

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

DEPARTMENT COMMENTS:

The subject tract is undeveloped and zoned interim – rural residence (I-RR) district. The tract is situated at the intersection of Salt Springs Drive and Thaxton Road, both of which are classified as collector streets. The property is surrounded by a single family residential subdivision under construction to the north and east; an existing residential subdivision and tributary of Onion Creek to the west; and single family residences, both on large and standard size lots, and a drainage facility to the south. Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

The applicant proposes to zone the property to the community commercial (GR) district zoning for future commercial development, potentially for a convenience store (food sales) and service station. The Staff recommends neighborhood commercial (LR) zoning which is a less intensive commercial district, which can also accommodate these uses and is more compatible with the surrounding residences. The Staff recommends commercial zoning because the property is situated at the intersection of two collector streets, and notes that there is an absence of commercial businesses to serve the surrounding and nearby residential subdivisions. The closest, existing commercial uses are located along William Cannon Drive, at its intersection with Pleasant Valley Road, approximately 1 ¼ miles to the northwest.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	I-RR	Undeveloped
<i>North</i>	SF-3	Under construction for single family residences
<i>South</i>	County; RR; SF-3	Single family residences on large and standard lots; Undeveloped; Drainage facility
<i>East</i>	SF-3	Under construction for single family residences
<i>West</i>	SF-3	Single family residences; Tributary of Onion Creek

AREA STUDY: N / A

NTA: Is required – please refer to Attachment A

WATERSHED: Onion Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: Yes

NEIGHBORHOOD ORGANIZATIONS:

428 – Barton Springs / Edwards Aquifer Conservation District

511 – Austin Neighborhoods Council

627 – Onion Creek Homeowners Association

697 – Springfield Village HOA

742 – Austin Independent School District

SCHOOLS:

Palm Elementary School

Paredes Middle School

Charles Akins High School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-03-0089.SH	I-RR to SF-3	To Grant SF-3	Approved SF-3 (7-31-03).
C14-03-0090.SH	I-SF-2; SF-3; I-SF-4A	To Grant SF-2 for Tracts 1 and 7; SF-3 for Tracts 2 and 3; SF-	Approved RR; SF-2 and SF-3, with the Restrictive Covenant

		4A for Tracts 4, 5 & 6, with a Restrictive Covenant for the Traffic Impact Analysis	as recommended by the Commission (1-8- 04).
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RELATED CASES:

The property was annexed into the City limits on March 17, 2003. There are no related subdivision or site plan cases on the subject property.

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bus Route	Bike Route
Salt Springs Road	90 feet	30 feet	Collector	No	No	No
Thaxton Road	70 feet	45 feet	Collector	No	No	No

CITY COUNCIL DATE: January 26, 2006

ACTION: Approved GR-CO district zoning and to accept a Restrictive Covenant with conditions of the Neighborhood Traffic Analysis as recommended by Staff with the exception that the property be limited to 700 trips, unless a Traffic Impact Analysis is submitted and approved by the City, as Zoning and Platting Commission recommended, on First Reading (6-0, Mayor Wynn off the dais).

February 9, 2006

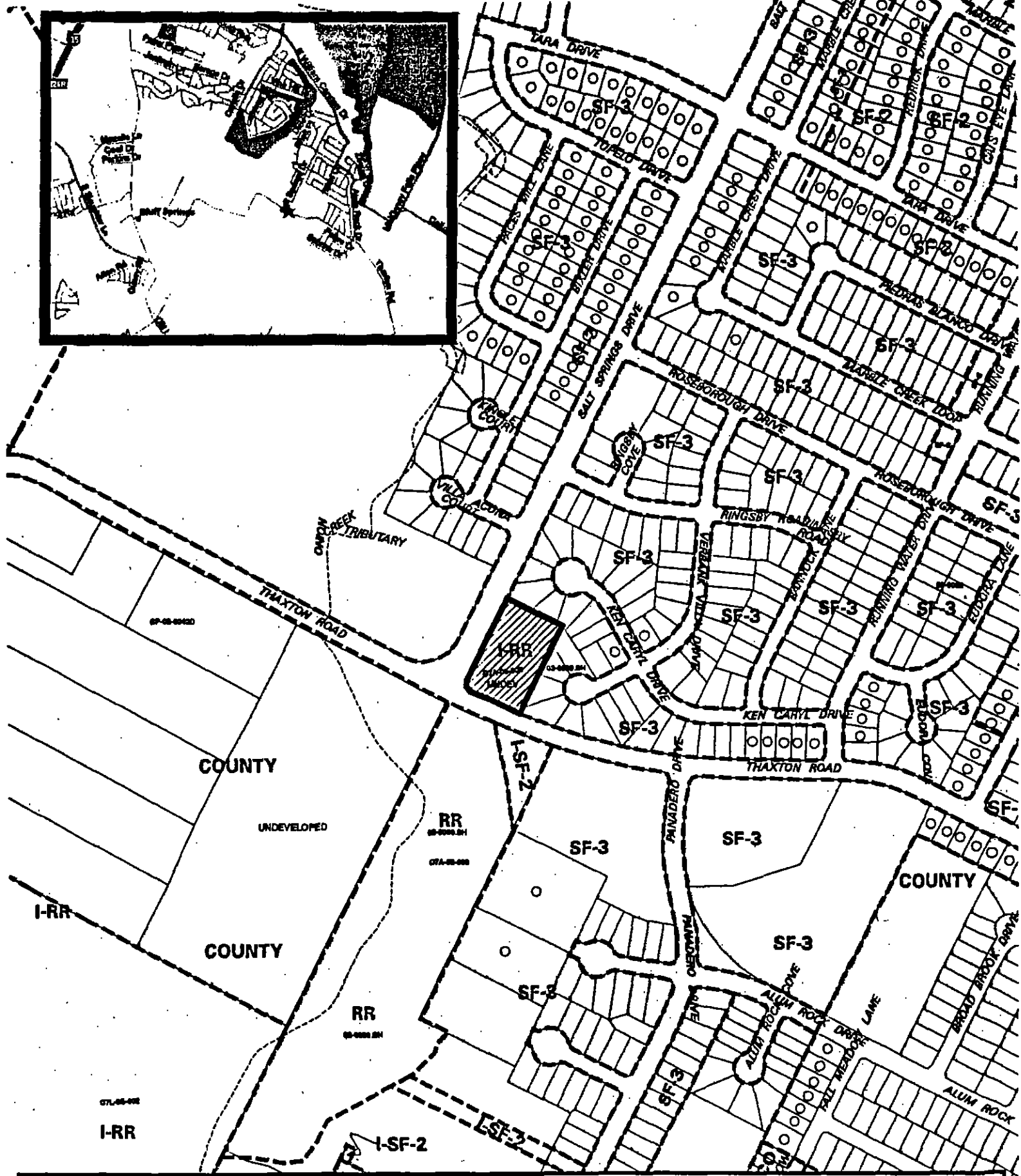
ORDINANCE READINGS: 1st January 26, 2006 2nd





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 J13
	PENDING CASE			
	ZONING BOUNDARY			
	CASE MGR: W.WALSH			
CASE #: C14-05-0168			DATE: 05-10	
ADDRESS: 7800 THAXTON RD			INTLS: SM	
SUBJECT AREA (acres): 1.473				



MEMORANDUM

Date: November 9, 2005
To: Wendy Walsh, Case Manager
CC: Ron Thrower, Thrower Design
SUBJECT: Neighborhood Traffic Analysis for Salt Springs Drive and Thaxton Road
Zoning Case # C14-05-0168

The transportation section has performed a Neighborhood Traffic Impact Analysis for the above referenced case and offers the following comments.

The 1.473-acre tract is located in south Austin at the northeast corner of the intersection of Salt Springs Drive and Thaxton Road. The site is currently vacant and zoned Interim Rural Residence (I-RR). Single family uses surround the property. This case proposes to rezone the property to Community Commercial (GR) for use as a convenience store with four (4) fueling positions.

Roadways

Salt Springs Drive is classified as a residential collector. The roadway currently has 90 feet of right-of-way and 30 feet of pavement. The tract proposes access to Salt Springs Drive. Under Section 25-6-114 of the Land Development Code, Salt Springs Drive is classified as a residential collector street because at least 50 percent of its frontage is zoned for SF-5 or more restrictive uses. This street is currently carrying 4,623 vehicles per day (vpd) north of Thaxton Road.

Thaxton Road is classified as a residential collector and contains 70 feet of right-of-way and 44 feet of pavement. Access to Thaxton Road is proposed. Under Section 25-6-114 of the Land Development Code, Thaxton Road is classified as a residential collector street because at least 50 percent of its frontage is zoned for SF-5 or more restrictive uses. This street is currently carrying 2,818 vehicles per day (vpd) east of Salt Springs Drive.

ATTACHMENT A

Trip Generation and Traffic Analysis

Based on the standard trip generation rates established by the Institute of Transportation Engineers (ITE), the proposed development will generate approximately 651 unadjusted average daily trips (ADT).

Trip Generation		
LAND USE	Size	VPD
Convenience Store with Gas Station	4 Fuelling Positions	651

Distribution of trips was estimated as follows:

Street	Site Traffic
Salt Springs Drive	62%
Thaxton Road	38%

Below is a table containing the estimated number of trips that will affect each street:

Street	Existing Traffic (vpd)	Site Traffic (vpd)	Total Traffic after Project (vpd)	Percent Increase
Salt Springs Road	4,623	404	5,027	8%
Thaxton Road	2,818	247	3,065	8%

The Land Development Code specifies desirable operating levels for certain streets in section 25-6-116. These levels are as follows: A residential local or collector street with a pavement width of 30 feet to less than 40 feet should carry approximately 1,800vpd or less. A residential local or collector street with a pavement width greater than 40 feet should carry approximately 4,000vpd or less.

Conclusions

1. The neighborhood traffic analysis was triggered because the projected number of vehicle trips generated by the project exceeds the vehicle trips per day generated by existing uses by at least 300 trips per day, and the project has access to a local or residential collector street where at least 50 percent of the site frontage has an SF-5 or more restrictive zoning designation.
2. Thaxton Road currently functions at a desirable level and will continue to do so after site development. Therefore, no improvements are recommended along Thaxton Road.
3. The traffic along Salt Springs Drive currently exceeds the requirements established in Section 25-6-116 by 2,823vpd. Site traffic will increase this number to 3,227vpd. Adjacent to this tract, Salt Springs Drive has been recently upgraded with curb and gutter and sidewalk has been provided. Although no roadway improvements are recommended at this

time, the intensity and uses for this tract should be limited through a conditional overlay to less than 700 unadjusted vehicle trips per day.

4. The City Council may deny an application if the neighborhood traffic analysis demonstrates that the project traffic generated by the project(s) combined with existing traffic, exceeds the desirable operating level established on a residential local or collector street in the neighborhood traffic analysis study area.

If you have any questions or require additional information, please contact me 974-2628.



Amy Link
Sr. Planner ~ Transportation Review
Watershed Protection and Development Review Department

SUMMARY STAFF RECOMMENDATION:

The Staff's recommendation is to grant neighborhood commercial – conditional overlay (LR-CO) combining district zoning. The Conditional Overlay limits the number of daily trips to 700.

If non-residential zoning is recommended for this site, then Staff recommends a Restrictive Covenant to include all recommendations listed in the Neighborhood Traffic Analysis memorandum, dated November 9, 2005 and provided as Attachment A.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

The LR, Neighborhood Commercial district is intended for shopping facilities that provide limited business services and offices to the residents of the neighborhood, such as consumer repair services, food sales, service stations, and pet services. The purpose statement listed in the City of Austin *Land Development Code* states: "The Neighborhood Commercial district is the designation for a commercial use that provides business service and office facilities for the residents of a neighborhood. Site development regulations and performance standards applicable to a LR district use are designed to ensure that the use is compatible and complementary in scale and appearance with the residential environment."

The property has access to the Salt Springs Drive and Thaxton Road, both of which are collector streets.

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

The Staff recommends commercial zoning because the property is situated at the intersection of two collector streets, and notes that there is an absence of commercial businesses to serve the surrounding and nearby residential subdivisions. The closest, existing commercial uses are located along William Cannon Drive, at its intersection with Pleasant Valley Road, approximately 1 ¾ miles to the northwest.

EXISTING CONDITIONS**Site Characteristics**

The site is undeveloped. There appear to be no significant topographical constraints on the site.

Impervious Cover

The maximum impervious cover allowed by both the GR-CO and LR-CO zoning district would be 80%, which is a consistent figure between the zoning and watershed 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 Onion 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

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

The trip generation under the requested zoning is estimated to be 5,090 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 proposed gas station with convenience store will generate approximately 651 trips per day.

A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]

A Neighborhood Traffic Analysis is required and will be performed for this project by the Transportation Review staff. Results are provided in Attachment A. (LDC, Sec. 25-6-114)

Water and Wastewater

The landowner intends to serve each lot 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, and system upgrades to serve each lot. 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 and east 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.

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

www.ci.austin.tx.us/development

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-05-0168

Contact: Wendy Walsh, (512) 974-7719

Public Hearing:

December 20, 2005 Zoning and Platting Commission

Kelley Coker, AWP

Your Name (please print)

NEC Thaxton & Salt Springs

Your address(es) affected by this application

Kelley Coker

Signature

12/13/05

Date

☒ I am in favor
☐ I object

Comments:

Am associated with Owner - Fc Properties One, Ltd.

We feel this designation will allow tract to be developed to its highest and best use and for the ultimate benefit of the immediate neighborhood.

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

City of Austin

Neighborhood Planning and Zoning Department

Wendy Walsh

P. O. Box 1088

Austin, TX 78767-8810

4. **Rezoning:** C14-05-0091 - Lelah's Crossing
Location: 1300 West Dittmar Road, South Boggy Creek Watershed
Owner/Applicant: Dittmar Properties, Ltd. (John Kleas)
Agent: Thrower Design (Ron Thrower)
Prev. Postponed from 12/6/05 (staff)
Postponements:
Request: DR; GO to MF-1
Staff Rec.: **RECOMMENDATION OF SF-6-CO WITH CONDITIONS.**
Staff: Wendy Walsh, 974-7719, wendy.walsh@ci.austin.tx.us
Neighborhood Planning and Zoning Department

POSTPONED TO 01/31/06 (ADJACENT PROPERTY OWNER)
[J.M; T.R 2ND] (9-0)

5. **Restrictive Covenant Amendment:** C14-85-055 (RCA) - Lelah's Crossing
Location: 1300 West Dittmar Road, South Boggy Creek Watershed
Owner/Applicant: Dittmar Properties, Ltd. (John Kleas)
Agent: Thrower Design (Ron Thrower)
Prev. Postponed from 12/6/05 (staff)
Postponements:
Request: To amend the Restrictive Covenant that addresses the discontinuance of a Hospital (General) use.
Staff Rec.: **RECOMMENDED.**
Staff: Wendy Walsh, 974-7719, wendy.walsh@ci.austin.tx.us
Neighborhood Planning and Zoning Department

POSTPONED TO 01/31/06 (ADJACENT PROPERTY OWNER)
[J.M; T.R 2ND] (9-0)

6. **Zoning:** C14-05-0168 - KB Sheldon 230
Location: 7900 Thaxton Road, Onion Creek Watershed
Owner/Applicant: FC Properties One Ltd. (Rick Sheldon)
Agent: Thrower Design (Ron Thrower)
Request: I-RR to GR
Staff Rec.: **RECOMMENDATION OF LR-CO WITH CONDITIONS.**
Staff: Wendy Walsh, 974-7719, wendy.walsh@ci.austin.tx.us
Neighborhood Planning and Zoning Department

APPROVED GR-CO DISTRICT ZONING WITH THE CONDITIONAL OVERLAY ALLOWING FOR RESTAURANT (GENERAL) AND ALL LR USES; PROHIBIT OFF-SITE ACCESSORY PARKING AND DRIVE-IN SERVICES AS AN ACCESSORY USE; RESTRICTIVE COVENANT FOR THE NEIGHBORHOOD TRAFFIC ANALYSIS AS STAFF RECOMMENDED UNLESS A TRAFFIC IMPACT ANALYSIS IS SUBMITTED.
[K. J; J.M 2ND] (9-0).

SUMMARY

Wendy Walsh, staff, gave the staff presentation to the full commission.

Commissioner Baker – "Is there someone here in opposition?"

Ms. Walsh – "Staff is in opposition".

Ron Thrower, representing the owner – "There is a strong need for commercial services in this area; we applied for the GR district to provide for some flexibility. This is a small tract of land that is surrounded by residential zoned property; and there are no commercial services. We're asking for the GR zoning to provide for some flexibility and get some services into the area, we're willing to prohibit the uses that would not belong in this particular location and I'll be glad to read a list; we would prohibit automotive rentals, automotive repair, automotive sales, bail bond services, commercial off-street parking, drop off recycling, collection facility, off site accessory parking, outdoor sports and recreation, pawnshops services, and theater from the list of allowable GR and would entertain any additional prohibitions from the commission".

Commissioner Baker – "You mentioned the setbacks LR and GR, do you want the GR setback, is that a problem?"

Mr. Thrower – "No, we would prefer the GR setback".

Commissioner Baker – "Would you prohibit fast food services?"

Mr. Thrower – "Yes we would; I don't know if it's a particular use".

Commissioner Baker – "It's restaurant general; but I'd hate to see a Sonic or Jack in a Box in the neighborhood".

Mr. Thrower – "We would agree with that; can I entertain a trip limitation? Staff is recommending a trip limitation of 700 vehicle trips per day and we would like to offer a conditional overlay agree to 700 vehicle trips per day, unless it comes with a site plan and a T.I.A that allows for additional trips; because with the T.I.A we would be looking at some infrastructure improvements for the area".

FAVOR

No Speakers.

OPPOSITION

No Speakers.

Commissioner Martinez and Gohil moved to close the public hearing.

Commissioner Donisi – "Will this be for a gas station?"

Commissioner Jackson – "There is clearly a need for commercial of some sort; I'm not sure if it needs to be GR, but given the area and the pending design standard changes, I can I give them the relief on the setback, which is why I suggested GR-CO".

Commissioner Hawthorne – "The applicant read a list of prohibited uses, can you add that to the motion?"

Commissioner Jackson – "If they happen to fall under LR, then they would be prohibited. I am comfortable with that and accept that as a friendly amendment".

Commissioner Martinez – "I can accept that".

Commissioner Baker – "I'm going to support the motion. When I look at the map and look across the street diagonally, it's County and they can do anything, so hopefully we'll send a message".

Motion carried. (9-0)

7. Rezoning: C14-05-0195 - Crippen Sheet Metal
Location: 8501 Peaceful Hill Lane, Onion Creek Watershed
Owner/Applicant: Crippen Sheet Metal, Inc. (Jimmy L. Crippen).
Agent: Jim Bennett Consulting (Jim Bennett)
Request: DR to LI
Staff Rec.: RECOMMENDATION PENDING
Staff: Wendy Walsh, 974-7719, wendy.walsh@ci.austin.tx.us
 Neighborhood Planning and Zoning Department

POSTPONED TO 01/17/06 (STAFF)
[J.M; J.G 2ND] (9-0)

DISCUSSION AND ACTION ON SITE PLAN CASES

8. Hill Country Roadway Site SPC-05-0019C - Emigh Commercial
Plan:
Location: 6618 Sitio Del Rio, Building #1, Bull Creek Watershed
Owner/Applicant: International Bank of Commerce (Richard Capps)
Agent: Urban Design Group (Joe Noel/J. Segura)
Request: Hill Country Roadway Site Plan
Staff Rec.: RECOMMENDED
Staff: Sue.Welch, 974-3294, sue.welch@ci.austin.tx.us
 Watershed Protection and Development Review

APPROVED STAFF'S RECOMMENDATION; BY CONSENT.
[J.M; J.G 2ND] (9-0)