

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



**AGENDA ITEM NO.: 57  
AGENDA DATE: Thu 03/02/2006  
PAGE: 1 of 1**

**SUBJECT:** NPA-05-0022.001 - Greater South River City Neighborhood Plan, Tract 35 - Approve second/third readings of an ordinance to amend Ordinance No. 20050929-Z001 (Greater South River City Combined Neighborhood Plan), an element of the Austin Tomorrow Comprehensive Plan, to change the Future Land Use Map for the property located at 0 South IH-35 (ABS 24 Del Valle S Acr. 2.31) (Tract 35). Council may approve a land use designation change to office, commercial or mixed use. At first reading on December 1, 2005, Council approved a Commercial land use designation for Tract 35. Vote: 4-2 (Mayor Wynn and Council Member Leffingwell – nay; Council Member McCracken off the dais). Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Adam Smith, 974-7685.

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

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

## **SECOND/THIRD READING SUMMARY SHEET**

**PLAN AMENDMENT CASE NUMBER:** NPA-05-0022.001

South River City Neighborhood Plan Amendment

### **REQUEST:**

Approve second/third readings of an ordinance amending the adopted Greater South River City Neighborhood Plan to change the land use designation on the future land use map for property located at 0 South Interstate Highway 35 (Tract 35) from Office to a Commercial use designation.

### **DEPARTMENT COMMENTS:**

There is an associated rezoning case (C14-05-0139.002) accompanying this plan amendment requesting a change in zoning from GR to GR-CO-NP.

On September 29, 2005, the City Council approved the South River City Neighborhood Plan and associated rezonings with the exception of several contested cases, including Tract 35. These cases were postponed to a later date for consideration.

The staff has received two valid petitions for Tract 35 – one from the property owner and another from the neighborhood. The property owner's petition is opposed to any base zoning district classification other than GR, GR with a CS footprint, or the staff recommendation (or what was approved on 1<sup>st</sup> reading) of GR-CO-NP.

The neighborhood's petition is opposed to any classification other than GO or GR-CO. The conditional overlay includes a number of prohibited uses, requirements for vegetative buffers, and limits access on Woodland Avenue.

Because the petitions are worded so specifically as to the zoning classification and conditions, the only action Council may take that would not trigger a super majority vote (6 out of 7) is to keep the base zoning as it is and to add a Neighborhood Plan Combining District.

**APPLICANT:** City of Austin

**AGENT:** Neighborhood Planning and Zoning Department (Adam Smith & Sherri Sirwaitis)

**DATE OF FIRST READING:** December 1, 2005 Tract 35: GR-CO-NP prohibiting Automotive Sales and Automotive Washing and Commercial land use designation (Vote 4-2; Wynn, Leffingwell – No, McCracken – off the dais)

December 15, 2005 – Postponed Tract 35 to January 12, 2006 (Vote: 7-0)

January 12, 2006 – Postponed to March 2, 2006 at the request of staff and the property owner  
(Vote: 6-0, Thomas – off the dais)

**CITY COUNCIL DATE:** March 2, 2006

**CITY COUNCIL ACTION:**

**NEIGHBORHOOD PLANNER:** Adam Smith

**PHONE:** 974-7685

**[adam.smith@ci.austin.tx.us](mailto:adam.smith@ci.austin.tx.us)**

**ZONING CASE MANAGER:** Sherri Sirwaitis

**PHONE:** 974-3057

**[sherri.sirwaitis@ci.austin.tx.us](mailto:sherri.sirwaitis@ci.austin.tx.us)**

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

**AN ORDINANCE AMENDING ORDINANCE NO. 20050929-Z001, WHICH ADOPTED THE GREATER SOUTH RIVER CITY COMBINED NEIGHBORHOOD PLAN AS AN ELEMENT OF THE AUSTIN TOMORROW COMPREHENSIVE PLAN, TO CHANGE A LAND USE DESIGNATION ON THE FUTURE LAND USE MAP FOR PROPERTY LOCATED AT 0 SOUTH INTERSTATE HIGHWAY 35.**

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

**PART 1.** Ordinance No. 20050929-Z001 adopted the Greater South River City Combined Neighborhood Plan as an element of the Austin Tomorrow Comprehensive Plan.

**PART 2.** Ordinance No. 20050929-Z001 is amended to change an office use designation to commercial use on the future land use map attached as Exhibit "A" and incorporated in this ordinance, and described in Case NPA-05-0022.001 at the Neighborhood Planning and Zoning Department, for property located at 0 South Interstate Highway 35 (ABS 24 Del Valle S Acr 2.31).

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

**PASSED AND APPROVED**

\_\_\_\_\_, 2005

§  
§  
§

\_\_\_\_\_  
Will Wynn  
Mayor

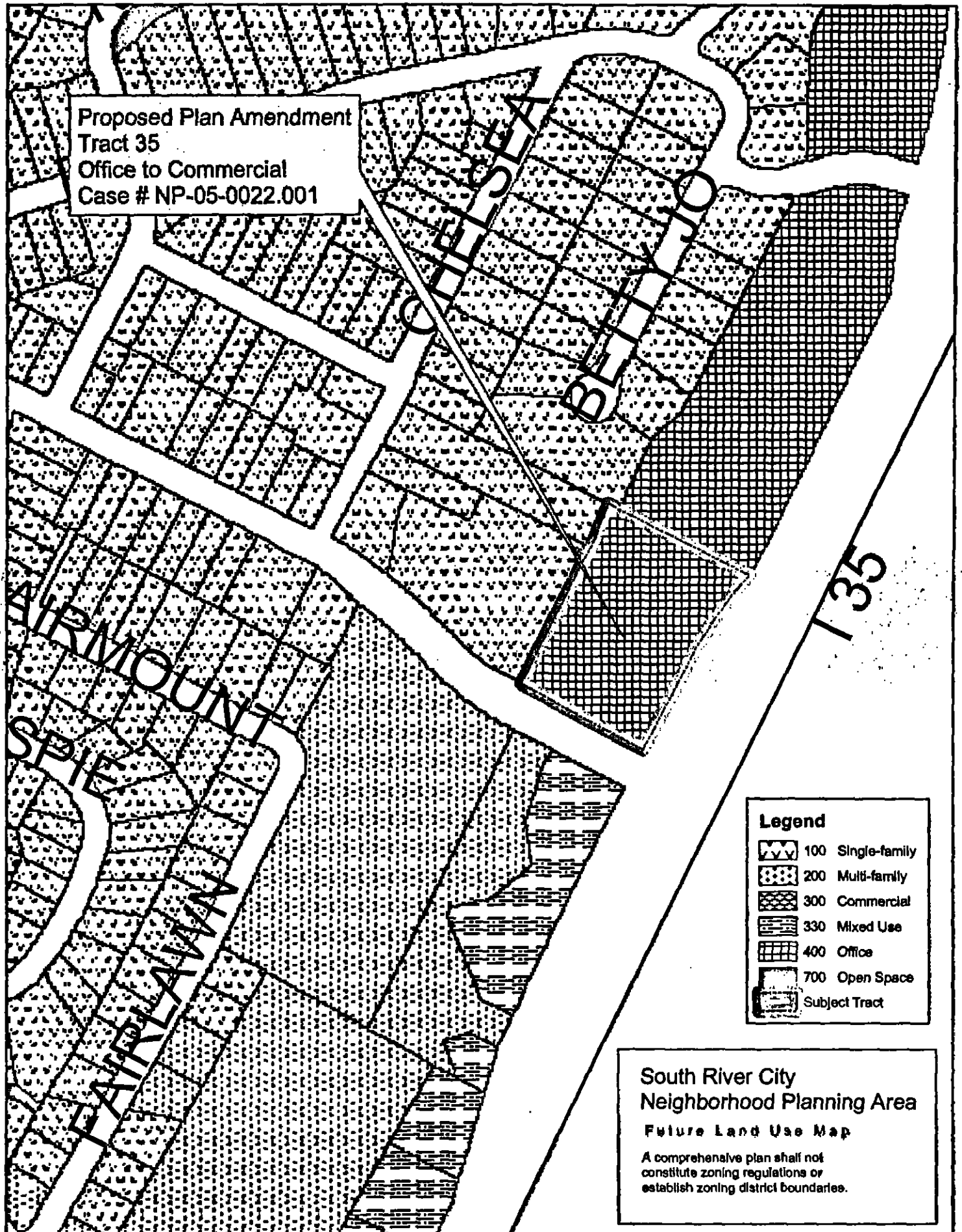
**APPROVED:**

\_\_\_\_\_  
David Allan Smith  
City Attorney








**ATTEST:**

\_\_\_\_\_  
Shirley A. Gentry  
City Clerk

Proposed Plan Amendment  
Tract 35  
Office to Commercial  
Case # NP-05-0022.001



**Legend**

-  100 Single-family
-  200 Multi-family
-  300 Commercial
-  330 Mixed Use
-  400 Office
-  700 Open Space
-  Subject Tract

**South River City  
Neighborhood Planning Area**

**Future Land Use Map**

A comprehensive plan shall not  
constitute zoning regulations or  
establish zoning district boundaries.

## PETITION

Case Number:

**C14-05-0139**

Date:

Dec. 15, 2005

**S INTERSTATE HY 35**

Total Area within 200' of subject tract: (sq. ft.)

98,814.67

1	03-0305-0105	WOODLAND I-35 L P	98,814.67	100.00%
2				0.00%
3				0.00%
4				0.00%
5				0.00%
6				0.00%
7				0.00%
8				0.00%
9				0.00%
10				0.00%
11				0.00%
12				0.00%
13				0.00%
14				0.00%
15				0.00%
16				0.00%
17				0.00%
18				0.00%
19				0.00%
20				0.00%
21				0.00%
22				0.00%
23				0.00%
24				0.00%
25				0.00%
26				0.00%
27				0.00%
28				0.00%

Validated By:

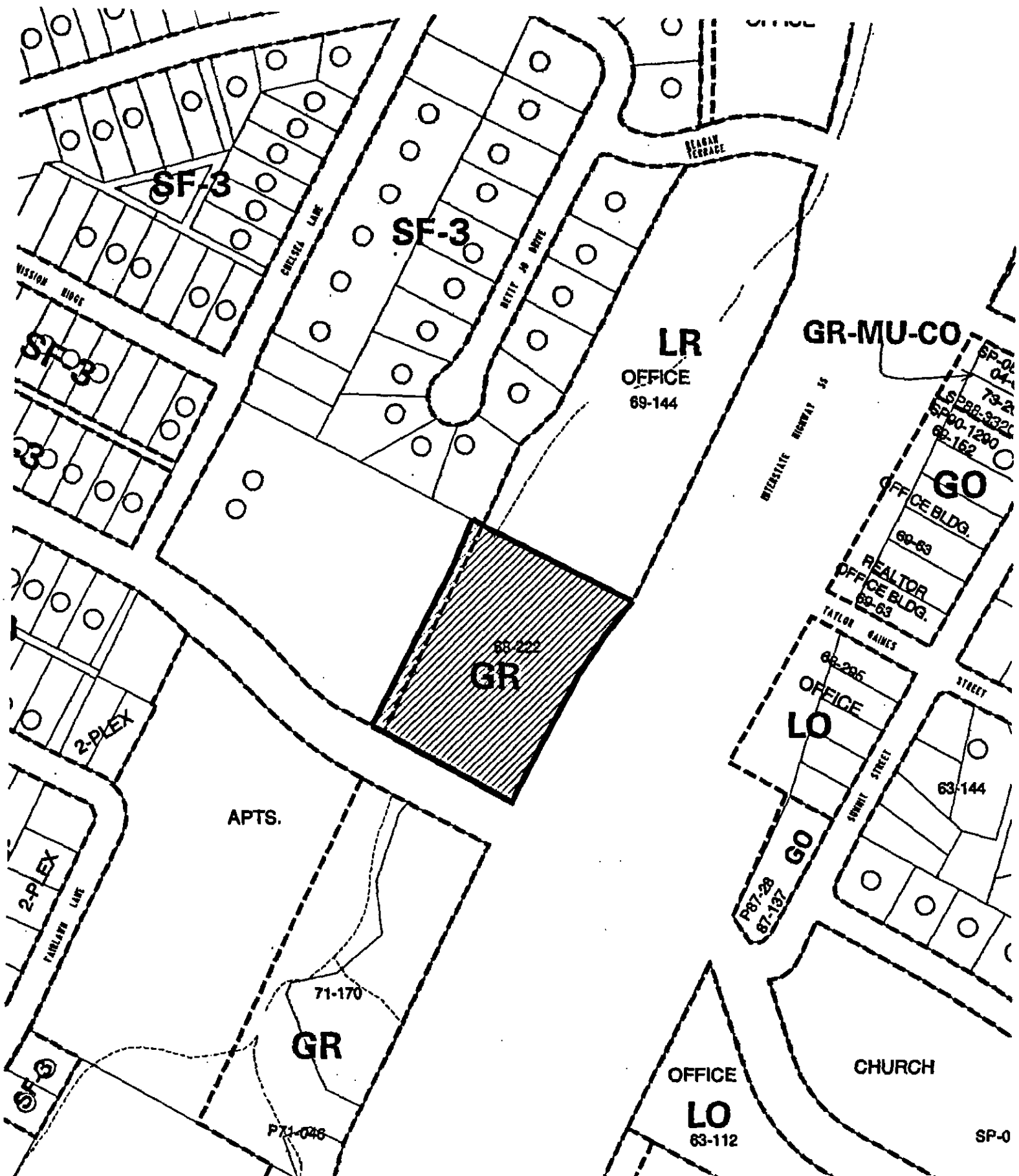
Stacy Meeks





Total Area of Petitioner:

98,814.67

Total %

100.00%



 1" = 200'	SUBJECT TRACT		PETITIONS		CITY GRID REFERENCE NUMBER 'H19-20 & J19 -21
	PENDING CASE				
	ZONING BOUNDARY		CASE #: C14-05-0139	DATE: 05-12	
	CASE MGR: S. SERWAITIS		ADDRESS: 0 IH 35 SOUTH	INTLS: SM	
			SUBJECT AREA (acres): N/A		

## P E T I T I O N

**Date:** 12/14/05

**File Number: C14-05-0138 & 139**

**Address of**

**Rezoning Request: 1638 1/2 South IH-35**  
**Service Road**

**To: Austin City Council**

**We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any base district zoning classification other than GR, GR with a CS footprint, or the staff recommendation of GR-CO-NP.**

**(STATE REASONS FOR YOUR PROTEST)**

**(PLEASE USE BLACK INK WHEN SIGNING PETITION)**

**Signature**

Printed Name \_\_\_\_\_

### Address

William Klinger II

Address  
9211 US Hwy 290 East Austin TX  
78724

Date: 12/14/05

**Contact Name:** Annick Beaudet

**Phone Number: 703-5741**



## PETITION

Case Number:

**C14-05-0139**  
**0 INTERSTATE 35 SOUTH**  
**TRACT 35**

Date:

Dec. 15, 2005

Total Area within 200' of subject tract: (sq. ft.)

385,170.82

1	03-0203-0944	GARDNER KIM	61,875.15	16.06%
		LAYE MARY		
2	03-0203-0903	ELIZABETH	17,670.92	4.59%
3				0.00%
4				0.00%
5				0.00%
6				0.00%
7				0.00%
8				0.00%
9				0.00%
10				0.00%
11				0.00%
12				0.00%
13				0.00%
14				0.00%
15				0.00%
16				0.00%
17				0.00%
18				0.00%
19				0.00%
20				0.00%
21				0.00%
22				0.00%
23				0.00%
24				0.00%
25				0.00%

Validated By:

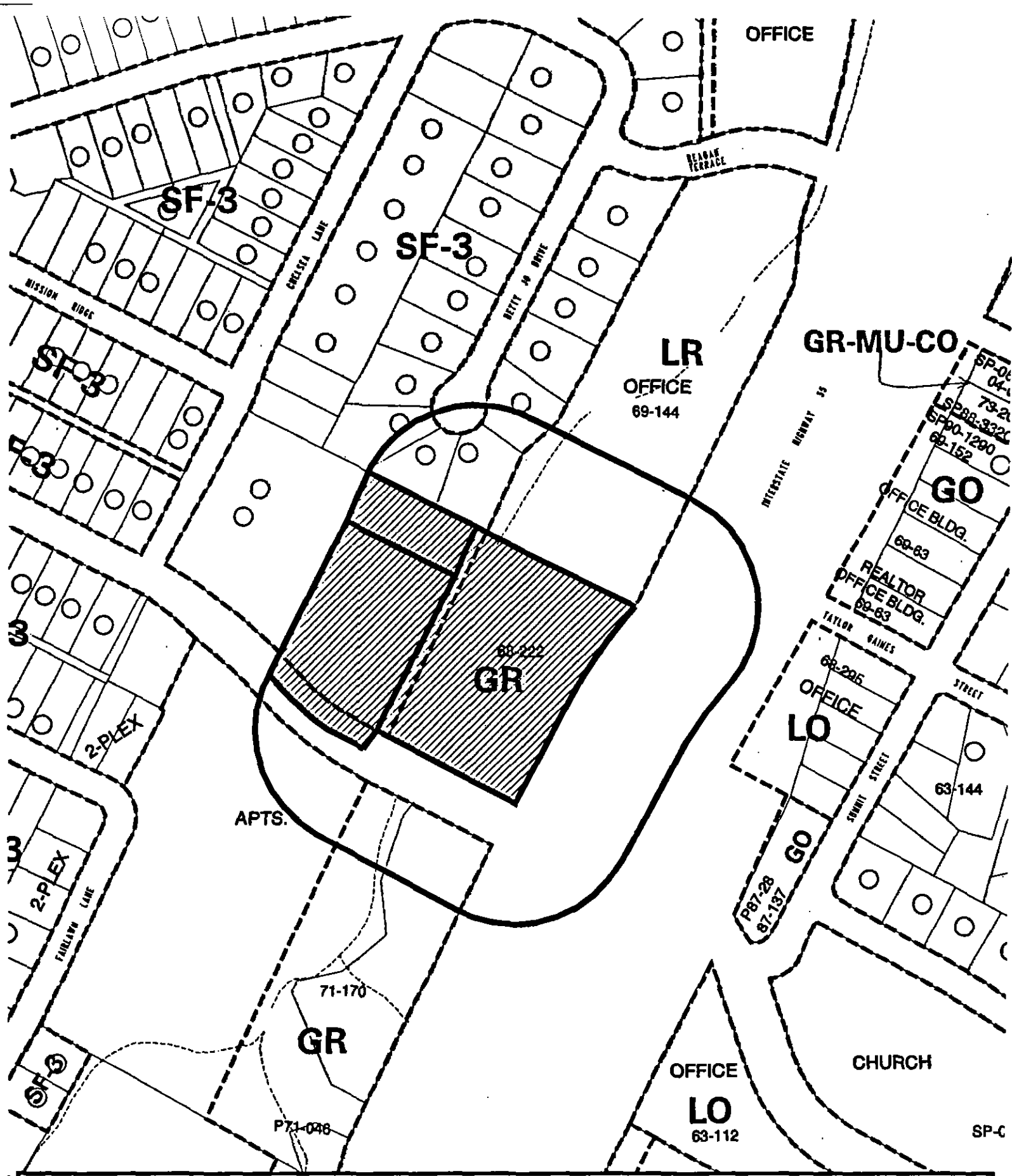
Stacy Meeks





Total Area of Petitioner:

79,546.07

Total %

20.65%



 1" = 200'	SUBJECT TRACT		PETITIONS		CITY GRID REFERENCE NUMBER 'H19-20 & J19 -21
	PENDING CASE		CASE #: C14-05-0139		
	ZONING BOUNDARY		ADDRESS: 0 IH 35 SOUTH		
	CASE MGR: S. SERWAITIS		DATE: 05-12		
			INTLS: SM		
	SUBJECT AREA (acres): N/A				

**PETITION**Date: 1-11-06Case Number: C14- NP-05-0022.001Address of Rezoning Request: Q S. IH-35

TO: Austin City Council

We, the undersigned owners of property affected by the requested rezoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than GO or GR-CO, Community Commercial, Conditional Overlay. Conditional Overlay subject to the following: Prohibit auto washing, auto sales, auto rental, exterminating services, drop-off recycling, pawn shops, bail bond services, commercial off-street parking, service station and any type of industrial uses as accessory uses; require a 10' vegetative buffer in the setbacks along both Woodland and IH-35 and limit access on Woodland Avenue to "right-in" and "left-out" only.

The development of the site is not suitable for any industrial use or any of the uses listed above due to the existing severe topographic constraints, critical environmental feature (CEF)/riparian woodlands and massive protected mature oak trees; the generation of increased traffic volume and introduction of commercial traffic (currently the street handles over 6,000 trips per day) to existing local neighborhood collector street (Woodland Avenue); introduction of spot zoning into the neighborhood, creating a precedent (industrial zoning); inadequate ingress/egress from subject property; introduction of industrial uses to a predominately residential neighborhood and lastly, the incompatibility of the proposed use with the existing residential neighborhood.

SignaturePrint NameAddressKim GardnerKim Gardner1204 Woodland Ave. Austin

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

## PETITION

Date: 1-9-06

Case Number: ~~ET4~~ NP-05-0022.001

Address of Rezoning Request: Reagan Tract Sign Company

TO: Austin City Council

We, the undersigned owners of property affected by the requested rezoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than GO or GR-CO, Community Commercial, Conditional Overlay. Conditional Overlay subject to the following: Prohibit auto washing, auto sales, auto rental, exterminating services, drop-off recycling, pawn shops, bail bond services, commercial off-street parking, service station and any type of industrial uses as accessory uses; require a 10' vegetative buffer in the setbacks along both Woodland and IH-35 and limit access on Woodland Avenue to "right-in" and "left-out" only.

The development of the site is not suitable for any industrial use or any of the uses listed above due to the existing severe topographic constraints, critical environmental feature (CEF)/riparian woodlands and massive protected mature oak trees; the generation of increased traffic volume and introduction of commercial traffic (currently the street handles over 6,000 trips per day) to existing local neighborhood collector street (Woodland Avenue); introduction of spot zoning into the neighborhood, creating a precedent (industrial zoning); inadequate ingress/egress from subject property; introduction of industrial uses to a predominately residential neighborhood and lastly, the incompatibility of the proposed use with the existing residential neighborhood.

Signature

Print Name

Address

Mary Elizabeth Hays

Mary Elizabeth Hays

1601 Chelsea

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_