

Item 65 ph



**Zone Hearings/App Ordinances/Restrictive Covenants  
CITY OF AUSTIN  
RECOMMENDATION FOR COUNCIL ACTION**

**AGENDA DATE: 4/6/2006**

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**Subject: C14-06-0003 - 13420 Lyndhurst Street - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 13420 Lyndhurst Street (Lake Creek Watershed) from multi-family residence-medium density-conditional overlay (MF-3-CO) combining district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. Zoning and Platting Commission Recommendation: Forwarded to Council without a recommendation. Applicant: Down to Earth Holdings (Jim Melton). Agent: Thrower Design (Ron Thrower). City Staff: Sherri Sirwaitis, 974-3057.**

**Requesting Department: NPZD**

**For More Information: Sherri Sirwaitis, 974-3057**

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## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-06-0003

**Z.A.P. DATE:** February 21, 2006  
March 7, 2006

**ADDRESS:** 13420 Lyndhurst Street

**OWNER/APPLICANT:** Down to Earth Holdings  
(Jim Melton)

**AGENT:** Thrower Design (Ron Thrower)

**ZONING FROM:** MF-3-CO

**TO:** GR\*

**AREA:** 4.926 acres

### **SUMMARY STAFF RECOMMENDATION:**

The staff's recommendation is to deny the applicant's request for GR, Community Commercial District, zoning.

If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day.

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

2/21/06: Postponed to March 7, 2006 by staff (8-0, T. Rabago-not yet arrived); J. Martinez-1<sup>st</sup>, J. Gohil-2<sup>nd</sup>.

3/07/06: Motion to approve GR-CO district zoning with conditions of a 2,000 vehicle trip limit, limit GR district uses to Personal Improvement Services & Medical Office (not exceeding 5,000 sq. ft. of gross floor area); allow Neighborhood Office uses with the exception of the following: Counseling Services, Group Home I & II, & Residential Treatment. \*With the recommendation that before Council action, the applicant will have a private restrictive covenant restricting the Personal Improvement Services use to cheerleading, ballet and gymnastics activities. Vote: (4-5, S. Hale, B. Baker, J. Martinez, M. Hawthorne, and J. Pinnelli-Nay); K. Jackson-1<sup>st</sup>, C. Hammond-2<sup>nd</sup>.

Therefore, the staff's recommendation to deny the applicant's requests for GR-CO zoning is carried forward to the City Council.

### **ISSUES:**

\*On February 21, 2006, the staff received a letter (Attachment A) from the agent for this case amending the zoning request to GR-CO with the following conditions:

- 1) Allow Personal Improvement Services as the only GR, Community Commercial, district use.
- 2) Permit all other LO, Limited Office, district uses.

The applicant has also agreed to enter a private restrictive covenant with the Forest North Neighborhood Association to prohibit Sexually Oriented Businesses (which are not permitted in the GR zoning district), massage parlors, etc.

The Neighborhood Association of Southwestern Williamson County submitted a letter to the staff on February 28, 2006 outlining the conditions that they would like to see for the property in this rezoning case (Attachment B).

**DEPARTMENT COMMENTS:**

The property in question is a grassy, relatively flat undeveloped tract of land. The applicant is requesting to rezone this site to build a gymnastics/cheerleading training facility (Personal Improvement Services use). The staff recommends denial of the zoning change because the proposed site does not meet the intent of the GR, Community Commercial district. The property under consideration is not accessible from major traffic ways as it is located on a residential collector street adjacent to religious assembly and elementary school uses to the east and residential uses to the south and west. The staff supports the Austin Independent School District's policy to oppose zoning more intense than LR, Neighborhood Commercial district, adjacent to elementary schools. The staff recommends maintaining the current MF-3-CO zoning because it is appropriate for this location as it will allow for a transition in uses from the commercial and office uses located on F.M. 620 to the residential uses along Parliament House Road to the south.

The applicant does not agree with the staff's recommendation.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	MF-3-CO	Undeveloped
<i>North</i>	MF-3-CO, I-SF-2	Multifamily (Apartments), Telecommunications Tower, Undeveloped Tract
<i>South</i>	SF-2, I-RR	Duplex Residences, Springwood Park (Swimming Pool, Tennis Courts, Playground Equipment, Open Space)
<i>East</i>	I-RR	Church (Kingdom Hall of Jehovah's Witness), School (Forest North Elementary School)
<i>West</i>	MF-3-CO	Multifamily (Apartments)

**AREA STUDY:** N/A

**TIA:** N/A

**WATERSHED:** Lake Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** N/A

**HILL COUNTRY ROADWAY:** N/A

**NEIGHBORHOOD ORGANIZATIONS:**

454 - Neighborhood Association of SW Williamson County

**CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>CITY COUNCIL</b>
C14-02-0160	I-SF-2 to GR	12/11/01: Approved NO-CO zoning (8-0, A. Adams-off dias), with conditions of: 1) Limited site to driveway and drainage use, no habitable structures on the site. 2) Require chain link fencing along the southern property line with 15' vegetative buffer strip behind it. (Chain link fence would be all the way across the south property line, vegetative buffer would go along the southern property line from the existing pond west, across the entire property line, except where the existing pond is). 3) Include the conditions set out in Mike Lyday's Environmental Memorandum dated December 10, 2001.	12/12/02: Granted GR-CO – Subject to dedication of 75 feet of ROW and resolution of the 200 feet of ROW reservation from the future center line of FM-620 (7-0); 1 <sup>st</sup> reading.  12/12/03: Administrative- Case expired per Section 25-2-249(B), no 3 <sup>rd</sup> reading occurred.
C14-01-0161	SF-2 to GR	12/11/01: Approved NO-CO w/ conditions (8-0)	2/7/02: Approved GR-CO w/ conditions agreed to between Neighborhood & Applicant (5-0); 1 <sup>st</sup> reading  4/25/02: Approved ZAP rec. of NO-CO w/ changes in conditions (7-0); 2 <sup>nd</sup> reading only  5/23/02: Approved NO-CO (7-0); 3 <sup>rd</sup> reading
C14-98-0237	I-RR to MF-3	Approved staff's rec. of MF-3-CO, ROW dedication required (9-0)	Approved PC rec. of MF-3-CO w/ conditions (7-0); 1 <sup>st</sup> reading  Approved MF-3-CO w/ conditions (6-0); deleted parkland dedication requirement; 2 <sup>nd</sup> /3 <sup>rd</sup> readings
C14-96-0101	TR1: GO, LR to GR TR2: LR-LO to MF-3-CO TR3: DR to GR	Approved staff's alternate rec. of GR (TR 1&3), Mf-3-CO (TR2), RR (9-0)	Approved PC rec. of GR (1&3); MF-3-CO (portion of TR2); RR (balance of TR2) w/conditions (6-0); all 3 readings
C14-95-0164	LR to CS-1	1/16/96: Approved GR-CO for entire tract, excluding recommended CS-1-CO, and resolve with property owner a	3/07/96: Approved GR-CO subject to conditions (4-0); 1 <sup>st</sup> reading

		voluntary set of development standards for area not within City limits (5-2-1)	4/25/96: Approved GR-CO (TR1) and CS-1-CO (TR2) subject to conditions (5-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings
C14-95-0163	GR-Co to CS-1	Approved GR-CO & RR w/ conditions (8-0)	Approved GR-CO subject to conditions (4-0); 1 <sup>st</sup> reading  Approved GR-CO (TR1); RR (TR2) w/ additional conditions (5-0); 2 <sup>nd</sup> / 3 <sup>rd</sup> readings

**RELATED CASES:** C14-98-0237 (previous zoning case)

**ABUTTING STREETS:**

Name	ROW	Pavement	Classification
Lyndhurst Street	60'	24'	Residential Collector

**CITY COUNCIL DATE:**

**ACTION:**

**ORDINANCE READINGS:** 1<sup>st</sup>

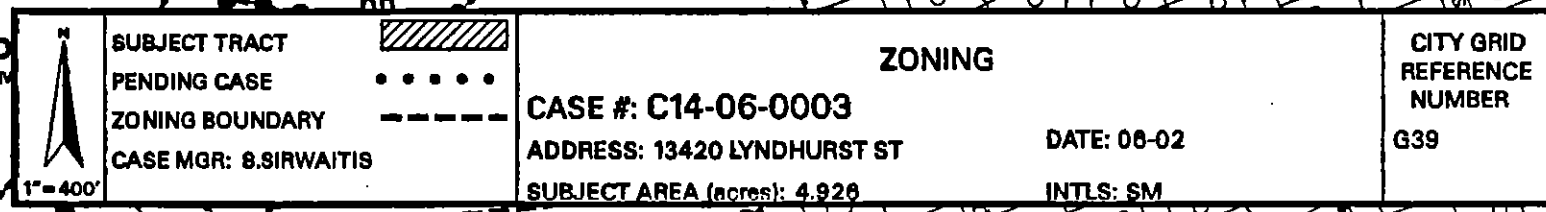
2<sup>nd</sup>

3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Sherri Sirwaitis

**PHONE:** 974-3057,  
[sherri.sirwaitis@ci.austin.tx.us](mailto:sherri.sirwaitis@ci.austin.tx.us)



## **STAFF RECOMMENDATION**

The staff's recommendation is to deny the applicant's request for GR, Community Commercial District, zoning.

If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day.

## **BASIS FOR RECOMMENDATION**

1. *The proposed zoning is not consistent with the purpose statement of the district sought.*

The Community commercial (GR) district is the designation for an office or other commercial use that serves neighborhood and community needs and that generally is accessible from major traffic ways.

The property under consideration is not accessible from major traffic ways as it is located on a residential collector street across from an existing church and elementary school.

2. *The proposed zoning does not promote consistency and orderly planning.*

The current MF-3-CO zoning is appropriate for this location because it allows for a transition in uses from the commercial and office uses located on F.M. 620 to the residential uses along Parliament House Road to the south.

GR district zoning would not promote consistency and orderly planning because the site under consideration is located on a residential collector roadway adjacent to religious assembly and elementary school uses to the east and residential uses to the south. In addition, the staff supports the Austin Independent School District's policy to oppose zoning more intense than LR, Neighborhood Commercial District, adjacent to elementary schools.

## **EXISTING CONDITIONS**

### **Site Characteristics**

The site is a grassy, relatively flat undeveloped tract of land. There are multifamily uses to the north and west, duplex residential uses and a park to the south, and a religious assembly use and elementary school to the east.

### **Impervious Cover**

The maximum impervious cover allowed by the GR zoning district would be 90%. However, because the watershed impervious cover is more restrictive than the zoning district's allowable impervious cover, the impervious cover is limited by the watershed regulations.

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

Development Classification	% of Net Site Area	% NSA with Transfers
Single-Family Residential (min. lot size 5750 sq. ft.)	45%	50%
One or Two Family Residential (lot size < 5750 sq. ft.)	55%	60%
Multifamily Residential	60%	65%
Commercial	65%	70%

In the Water Quality Transition Zones, impervious cover is limited to 30%.

Note: The most restrictive impervious cover limit applies.

### **Environmental**

The site is located over the North Edward's Aquifer Recharge Zone. The site is in the Lake Creek Watershed, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code.

Based upon the close proximity of flood plain, offsite drainage should be calculated to determine whether transition zone exists within the project location. If transition zone is found to exist within the project area, allowable impervious cover within said zone shall be limited to 30%.

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.

At this time, no information has been provided as to whether this property has any pre-existing approvals which would 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 11,155 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>
Lyndhurst Street	60'	24'	Collector

There are no existing sidewalks along Lyndhurst Street.

Lyndhurst Street is not classified in the Bicycle Plan as a Priority bike route.

Capital Metro bus service is not available within 1/4 mile of this property.

**Water and Wastewater**

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing the water and wastewater utility improvements, system upgrades, offsite main extension, utility adjustments, and relocation. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City design criteria. The water and wastewater utility construction must be inspected by the City. The landowner must pay the associated and applicable City fees.

**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**

Compatibility standards will apply to this project.

Along the southern 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.

Disruptive or noisy uses permitted under GR zoning should be limited.





**Thrower Design**

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

February 20, 2006

Mr. Greg Guernsey  
Director  
Neighborhood Planning & Zoning Department  
City of Austin  
P.O. Box 1088  
Austin, Texas 78767

RE: C14-06-0003  
13420 Lyndhurst Street

Dear Mr. Guernsey,

In regards to the above referenced zoning case, we respectfully request to amend the zoning we are requesting to reflect the outcome of a meeting with the neighborhood.

This zoning case is to modify the base district from the current "MF-3-CO" to "GR-CO" to specifically allow for a Personal Improvement Services use on the property. As you are aware the end user for this site is a company called Cheer Station which is a locally owned business located at 9185 Research Blvd. in north Austin. The success of this operation requires expansion of the facility which can not be accommodated at the current location. Cheer Station desires to build a new facility at the above referenced location on Lyndhurst Street which is located close to schools and highway facilities.

We have met with the Forrest North Neighborhood Association and are gaining their approval to the request to rezone the subject property. The request to rezone the property to "GR-CO" is offered and amended with the following conditions:

1. That Personal Improvement Services is the only "GR" permitted use.
2. That all other "LO" uses are permitted.

Forrest North NA may have some additional "GR" uses which they would like to see in the area and may include these in their letter. Additionally, Forrest North NA may have some exclusions to the permitted "LO" uses we are proposing and they will likely address these in their letter as well.

We can address the concerns of specifically excluding certain negative potential occupants of the site that may be allowed under the proposed "GR" permitted use of Personal Improvement Services. These occupants can be excluded under a Restrictive Covenant and the list will include prohibiting Sexually Oriented Businesses, massage parlors, and can further prohibit any other unfavorable occupants the neighbors and commission believe is necessary that may fall under the guise of a Personal Improvement Service.

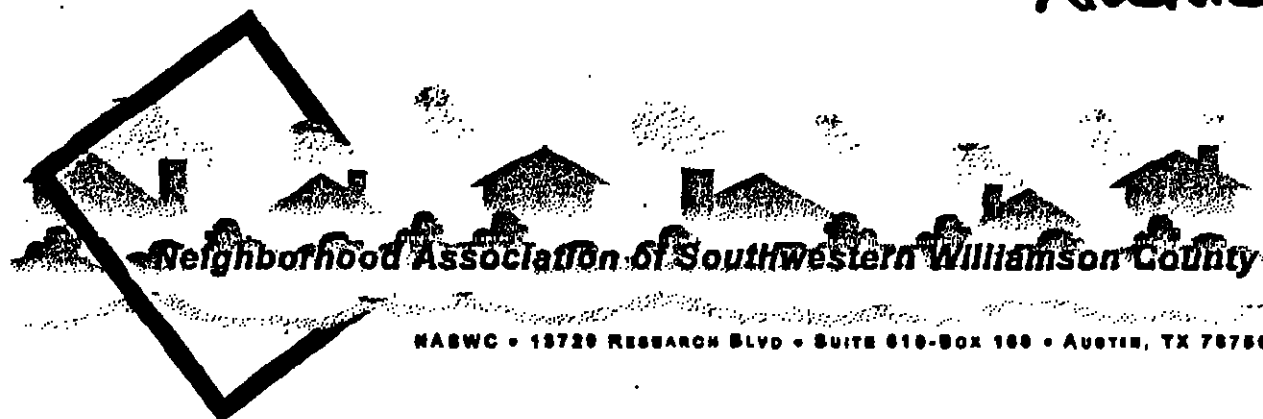
The end user is a perfect occupancy of the site and will be a good neighbor to the community. We look forward to working with the Forrest North Neighborhood Association, the City of Austin and the Zoning & Platting Commission to seek an equitable solution to this rezoning request so that it can be forwarded to the City Council with a positive recommendation.

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

Sincerely,

  
A. Ron Thrower

Attachment B



February 28, 2006

Ms. Sherri Sirwaitis  
City of Austin  
Neighborhood Planning & Zoning Department  
P.O. Box 1088  
Austin, TX 78767-1088

Re: File Number C14-06-0003, 13420 Lyndhurst Street

Dear Mrs. Sirwaitis,

Members of the Zoning Committee of the Neighborhood Association of Southwestern Williamson County (NASWC) have been contacted by Mr. Ron Thrower, agent for the property located at 13420 Lyndhurst Street. Mr. Thrower is requesting a zoning change on this property from MF-3-CO to GR -Community Commercial.

Our committee supports the uses of NO as more appropriate to this property, with its proximity to an elementary school, a church, and homes and would recommend GR-CO in which the conditional overlay will allow only Personal Improvement Services and other GR uses compatible with the location of the property (see attached document dated February 20, 2006), and those uses also allowed under NO with the following exclusions:

- Residential uses (all)
- Counseling Services
- Family Home
- Group Home, Class I, General and Limited
- Group Home, Class II
- Residential Treatment
- Telecommunication Tower

Mr. Thrower and our committee are also discussing the addition of Restrictive Covenants to further fine-tune the restriction of allowable uses on the property.

Based on this proposal, NASWC Zoning Committee is happy to support Mr. Thrower's request for zoning change on this property from MF-3-CO to GR with a Conditional Overlay.

We appreciate your assistance and Mr. Thrower's willingness to work with our neighborhood to help maintain the quality of our environment.

Sincerely yours,

A handwritten signature in cursive script that reads "Cathy F. Mandell".

Cathy F. Mandell  
Chair, NASWC Zoning Committee

Enc: Conditional Overlay Restricted Uses, February 20, 2006  
CC: Ron Thrower

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**CONDITIONAL OVERLAY RESTRICTED USES  
FOR 13420 LYNDHURST STREET**

<b>RESIDENTIAL USES</b>	
Bed & Breakfast (Group 1)	<b>X</b>
Bed & Breakfast (Group 2)	<b>X</b>
<b>COMMERCIAL USES</b>	
Administrative and Business Offices	
Art Gallery	
Art Workshop	
Automotive Rentals	<b>X</b>
Automotive Repair Services	<b>X</b>
Automotive Sales	<b>X</b>
Automotive Washing (of any type)	<b>X</b>
Bail Bond Services	<b>X</b>
Business or Trade School	<b>X</b>
Business Support Services	<b>X</b>
Commercial Off-Street Parking	<b>X</b>
Communications Services	
Consumer Convenience Services	<b>X</b>
Consumer Repair Services	<b>X</b>
Drop-Off Recycling Collection Facility	<b>X</b>
Exterminating Services	<b>X</b>
Financial Services	<b>X</b>
Food Preparation	<b>X</b>
Food Sales	<b>X</b>
Funeral Services	<b>X</b>
General Retail Sales (Convenience)	<b>X</b>
General Retail Sales (General)	<b>X</b>
Hotel-Motel	<b>X</b>
Indoor Entertainment	<b>X</b>
Indoor Sports and Recreation	<b>X</b>
Medical Offices (exceeding 5000 sq. ft. gross floor area)	<b>X</b>
Medical Offices (not exceeding 5000 sq. ft. gross floor area)	<b>X</b>
Off-Site Accessory Parking	<b>X</b>
Outdoor Entertainment	<b>X</b>
Outdoor Sports and Recreation	<b>X</b>
Pawn Shop Services	<b>X</b>
Personal Improvement Services	
Personal Services	<b>X</b>
Pet Services	<b>X</b>



<b>COMMERCIAL USES continued</b>	
Plant Nursery	X
Printing and Publishing	X
Professional Office	
Research Services	X
Restaurant (General)	X
Restaurant (Limited)	X
Service Station	X
Software Development	
Special Use Historic	
Theater	X
<b>INDUSTRIAL USES</b>	
Custom Manufacturing	X
<b>AGRICULTURAL USES</b>	
Urban Farm	
<b>CIVIC USES</b>	
Club or Lodge	X
College and University Facilities	
Communication Services Facilities	
Community Events	Note 8 Refers to SS 25-2-842
Community Recreation (Private)	
Community Recreation (Public)	
Congregate Living	X
Counseling Services	X
Cultural Services	X
Day Care Services (Commercial)	
Day Care Services (General)	
Day Care Services (Limited)	
Family Home	X
Group Home, Class I (General)	X
Group Home, Class 1 (Limited)	X
Group Home, Class II	X
Guidance Services	X
Hospital Services (General)	X
Hospital Services (Limited)	X
Local Utility Services	
Private Primary Educational Facilities	
Private Secondary Educational Facilities	
Public Primary Educational Facilities	
Public Secondary Educational Facilities	
Religious Assembly	
Residential Treatment	X
Safety Services	
Telecommunication Tower	X

## 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](http://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: C14-06-0003

Contact: Sherri Sirwaitis, (512) 974-3057

Public Hearing:

February 21, 2006 Zoning and Platting Commission

THOMAS VERHAAREN

Your Name (please print)

13307 WARELY CT

Your address(es) affected by this application

2-16-06

Date

Signature

Comments:

PLEASE SEE ATTACHED

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

City of Austin

Neighborhood Planning and Zoning Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810



**THOMAS VERHAREN  
115 S. MT RUSHMORE DR.  
CEDAR PARK, TEXAS 78613**

February 16, 2006

City of Austin  
Neighborhood Planning and Zoning Dept.  
Sherri Sirwaitis  
P.O. Box 1088  
Austin, Texas 78767-8810  
Case Number C14-06-0003

Ms. Sirwaitis:

I am the owner of the property located at 13307 Waverly Ct. that will be affected if rezoning case number C14-06-0003 is approved. I highly object to this rezoning for several reasons. My property is utilized as investment rental property and having a commercial building directly behind my duplex will make it much less desirable to potential renters. Also the increase of traffic will make for a much less safe environment for the entire neighborhood, especially since it will also be right next to a community swimming pool that is used by numerous families including children. I also believe that commercial properties have a potential for more criminal activity including vandalism and burglary since these properties are usually unsupervised during the evening hours. My current tenant has informed me that if this building starts construction she will no longer feel safe living there and will look for residence elsewhere. I have also contacted three separate real estate agents and all informed me the it is probable that having a commercial building so close to my property will decrease it's value. These are my concerns and why I oppose this rezoning.

Regards,



Thomas Verhaaren

## PUBLIC HEARING INFORMATION

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Case Number: C14-06-0003

Contact: Sherri Sirwaitis, (512) 974-3057

Public Hearing:

February 21, 2006 Zoning and Platting Commission

FRANK J FLORES

Your Name (please print)

13300 WAVERLY COURT / 13302 WAVERLY COURT

Your address(es) affected by this application

[Signature]

Signature

2/16/06

Date

Comments:

Rezoning to commercial is  
in appropriate for this residential  
area. Lyndhurst is not a  
major traffic way and maintaining  
residential zoning is more  
appropriate for abutting properties.

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

City of Austin

Neighborhood Planning and Zoning Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810



C14-06-0003  
13420 Lynnhurst St

Photos by NASWC

Neighborhood Assoc. of Southwestern Williamson County  
Cathy Mandell, Boxing Chair 258-2008

Lynnhurst St. is paved road, however no curbs,  
gutters or shoulders (gravel & dirt).



Property - P.1

Neighborhood Assoc. supports NO uses, w/ few exceptions to allow  
for Chen station (proposed business use); however requesting  
conditional overlay to restrict uses as this is rural area  
roadway, and proximity to school, church, homes.



Q.2 Forest North Elementary School  
Across Lyndhurst from subject property  
at 13420 Lyndhurst St



Q. 3 Lyndhurst Street - looking down  
towards pool along street

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

**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 13208 DESSAU ROAD FROM DEVELOPMENT RESERVE (DR) DISTRICT TO TOWNHOUSE AND CONDOMINIUM RESIDENCE-CONDITIONAL OVERLAY (SF-6-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 development reserve (DR) district to townhouse and condominium residence-conditional overlay (SF-6-CO) combining district on the property described in Zoning Case No. C14-06-0011, on file at the Neighborhood Planning and Zoning Department, as follows:

An 8.709 acre tract of land, more or less, out of the Memucan Hunt Survey No. 88, Abstract No. 397, 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 13208 Dessau 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:

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 townhouse and condominium residence (SF-6) base district and other applicable requirements of the City Code.



1 **PART 3.** This ordinance takes effect on \_\_\_\_\_, 2006.  
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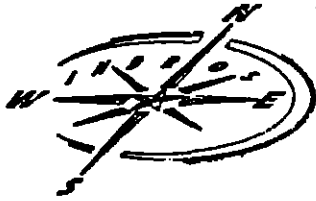
4 **PASSED AND APPROVED**  
5

6 §  
7 §  
8 §

\_\_\_\_\_, 2006

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

11  
12  
13 **APPROVED:** \_\_\_\_\_ **ATTEST:** \_\_\_\_\_  
14 David Allan Smith Shirley A. Gentry  
15 City Attorney City Clerk



**Windros and Services Austin Ltd**

412u Commercial Center Dr., Suite 300

Austin, Texas 78744

Phone (512) 326-2100 Fax (512) 326-2770

**EXHIBIT A**

**Professional Surveying and Engineering Services**

**LEGAL DESCRIPTION**

BEING A TRACT OR PARCEL OF LAND CONTAINING 8.709 ACRES (379,369 SQ. FT.) OUT OF AND A PART OF A TRACT ON THE WATERS OF GILLELAND CREEK, SITUATED IN THE MEMUCAN HUNT SURVEY NO. 88, ABSTRACT NO. 397, TRAVIS COUNTY, TEXAS, AS CONVEYED TO EDDIE NAUERT BY DEED RECORDED IN VOLUME 383, PAGE 289, T.C.D.R. SAID 8.709 ACRE TRACT BEING THAT SAME CALLED 8 5/7 ACRE TRACT OF LAND CONVEYED TO GLENN H. SCHMIDT AND WIFE, RUBY M. SCHMIDT BY DEED RECORDED IN VOLUME 3108, PG. 961, T.C.D.R. AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS;

BEGINNING AT A 1/2" IRON ROD FOUND LYING IN THE NORTHWESTERLY RIGHT-OF-WAY LINE OF DESSAU ROAD (VARYING R.O.W.), MARKING THE MOST SOUTHERLY CORNER OF THE HEREIN DESCRIBED TRACT, SAME BEING THE MOST EASTERLY CORNER OF LOT 5, OF TOM BOMBADIL SUBDIVISION II, AS RECORDED IN VOLUME 87, PAGE 92D, T.C.P.R., FROM WHICH CORNER A 1/2" IRON ROD FOUND AT THE INTERSECTION OF THE NORTHWESTERLY RIGHT-OF-WAY LINE OF SAID DESSAU ROAD AND THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF DESSAU RIDGE LANE (70' R.O.W.) BEARS SOUTH 27°49'31" WEST, A DISTANCE OF 244.55';

THENCE ALONG THE NORTHEASTERLY LINE OF SAID TOM BOMBADIL SUBDIVISION II, NORTH 82°32'13" WEST, A DISTANCE OF 1474.38' TO A 1/2" IRON ROD FOUND MARKING THE MOST WESTERLY CORNER OF THE HEREIN DESCRIBED TRACT, SAME BEING THE MOST NORTHERLY CORNER OF LOT 3, OF SAID TOM BOMBADIL SUBDIVISION II, ALSO BEING AN ANGLE POINT IN THE SOUTHEASTERLY LINE OF LOT 30, BLOCK "B", HARRIS RIDGE, PHASE 2, SECTION 1, AS RECORDED IN VOLUME 94, PAGE 218, T.C.P.R.;

THENCE ALONG THE SOUTHEASTERLY LINE OF SAID HARRIS RIDGE, PHASE 2, SECTION 1, NORTH 28°11'23" EAST, A DISTANCE OF 253.86' TO A PUNCH HOLE FOUND IN STONE MARKING THE MOST NORTHERLY CORNER OF THE HEREIN DESCRIBED TRACT, SAME BEING THE MOST EASTERLY CORNER OF LOT 33, BLOCK "B", OF SAID HARRIS RIDGE, PHASE 2, SECTION 1, ALSO BEING AN ANGLE POINT IN THE SOUTHWESTERLY LINE OF A CALLED 24.270 ACRE TRACT, AS CONVEYED TO CONTINENTAL 134 FUND LIMITED PARTNERSHIP BY DEED RECORDED IN DOCUMENT NO. 2001121162, T.C.O.P.R.;

THENCE ALONG THE SOUTHWESTERLY LINE OF SAID 24.270 ACRE TRACT, SOUTH 63°08'53" EAST, A DISTANCE OF 703.08' TO A CAPPED 1/2" IRON ROD SET, MARKING AN ANGLE POINT IN THE NORTHEASTERLY LINE OF THE HEREIN DESCRIBED TRACT, SAME BEING AN EXTERIOR ELL CORNER OF SAID 24.270 ACRE TRACT, ALSO BEING THE MOST WESTERLY CORNER OF A CALLED 0.933 ACRE TRACT, AS CONVEYED TO DESSAU LUTHERAN CEMETERY ASSOCIATION BY DEED RECORDED IN DOCUMENT NO. 2001116860, T.C.O.P.R.;

THENCE ALONG THE SOUTHWESTERLY LINE OF SAID 0.933 ACRE TRACT, THE SOUTHWESTERLY LINE OF A CALLED 1.370 ACRE TRACT CONVEYED TO DESSAU LUTHERAN CEMETERY ASSOCIATION BY DEED RECORDED IN VOLUME 5857, PAGE 778, T.C.D.R. AND THE SOUTHWESTERLY LINE OF A CALLED 6.941 ACRE TRACT CONVEYED TO CORNERSTONE BAPTIST CHURCH BY DEED RECORDED IN DOCUMENT NO. 2001117933, T.C.O.P.R., SOUTH 61°59'51" EAST, A DISTANCE OF 769.71' TO A CAPPED 1/2" IRON ROD SET LYING IN THE NORTHWESTERLY RIGHT-OF-WAY LINE OF SAID DESSAU ROAD, MARKING THE MOST EASTERLY CORNER OF THE HEREIN DESCRIBED TRACT, SAME BEING THE MOST SOUTHERLY CORNER OF SAID 6.941 ACRE TRACT;

THENCE ALONG THE NORTHWESTERLY RIGHT-OF-WAY LINE OF SAID DESSAU ROAD, SOUTH 27°48'54" WEST, A DISTANCE OF 253.90' TO THE PLACE OF BEGINNING AND CONTAINING 8.709 ACRES (379,369 SQ. FT.) OF LAND.

ALL BEARINGS ARE BASED ON TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE (NAD83).

RONNIE WILLIS, R.P.L.S. NO. 5462  
JANUARY 20, 2006  
JOB NO. 13826WC



