

A U S T I N C I T Y C O U N C I L
AGENDA



Thursday, May 18, 2006

Item #43

Back

Zoning Ordinances/Restrictive Covenants
RECOMMENDATION FOR COUNCIL ACTION

Subject: C14-06-0028 - 1700 Smith Road - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1700 Smith Road (Boggy Creek Watershed) from industrial park-neighborhood plan (IP-NP) combining district zoning to limited Industrial services-conditional overlay-neighborhood plan (LI-CO-NP) combining district zoning. First reading approved on May 4, 2006. Vote: 7-0. Applicant: GPMP Land Company, L.L.C. (George Pyson). Agent: Thrower Designs (Ron Thrower). City Staff: Robert Heil, 974-2330.

Additional Backup Material

(click to open)

Staff Report

For More Information:

SECOND / THIRD READINGS SUMMARY SHEET

ZONING CASE NUMBER: C14-06-0028 (1700 Smith Road)

REQUEST:

C14-06-0028 - 1700 Smith Road- Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1700 Smith Road (Country Club Creek Watershed) from industrial park – neighborhood plan (IP-NP) combining district zoning to limited industrial services -conditional overlay-neighborhood plan (LI-CO-NP) combining district zoning. First reading approved on April 4, 2006. Vote: 7-0. Applicant: George Pyson. Agent: Thrower Designs (Ron Thrower). City Staff: Robert Heil, 974-2330.

DEPARTMENT COMMENTS:

The request is from industrial park – neighborhood plan (IP-NP) combining district zoning to limited industrial services -conditional overlay-neighborhood plan (LI-CO-NP) combining district zoning. The conditional overlay would limit the site to 2000 daily vehicle trips and require IP site development standards.

The intent is to allow equipment sales on the site.

The site lies in the Johnston Terrace Neighborhood plan. The rezoning does require a plan amendment and has the support of the neighborhood association

Staff recommends approval of limited industrial services -conditional overlay-neighborhood plan (LI-CO-NP) combining district zoning.

APPLICANT/OWNER: George Pyson

AGENT: Thrower Designs (Ron Thrower).

DATE OF FIRST READING: April 4, 2006. Vote: 7-0

CITY COUNCIL ACTION: Approved staff recommendation of limited industrial services-conditional overlay-neighborhood plan (LI-CO-NP)

ORDINANCE NUMBER:

ASSIGNED STAFF: Robert Heil, e-mail: robert.heil@ci.austin.tx.us

ORDINANCE NO. _____

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 1700 SMITH ROAD IN THE JOHNSTON TERRACE NEIGHBORHOOD PLAN AREA FROM INDUSTRIAL PARK-NEIGHBORHOOD PLAN (IP-NP) COMBINING DISTRICT TO LIMITED INDUSTRIAL SERVICES-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (LI-CO-NP) 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 industrial park-neighborhood plan (IP-NP) combining district to limited industrial services-conditional overlay-neighborhood plan (LI-CO-NP) combining district on the property described in Zoning Case No. C14-06-0028, on file at the Neighborhood Planning and Zoning Department, as follows:

Lots 1 and 12, Capitol Business Park, an addition in the City of Austin, Travis County, according to the map or plat of record in Plat Book 78, Page 121, of the Plat Records of Travis County, Texas (the "Property"),

locally known as 1700 Smith Road, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "A".

PART 2. Except as specifically provided in Part 3 and Part 4, the Property may be used in accordance with the regulations established for the limited industrial services (LI) base district and other applicable requirements of the City Code.

PART 3. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

1. 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.
2. The property shall be developed according to the industrial park site development regulations and performance standards of the Code.

1 **PART 4.** The Property is subject to Ordinance No. 030327-11b that established the
2 Johnston Terrace neighborhood plan combining district.

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4 **PART 5.** This ordinance takes effect on _____, 2006.

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6
7 **PASSED AND APPROVED**

8
9
10 _____, 2006

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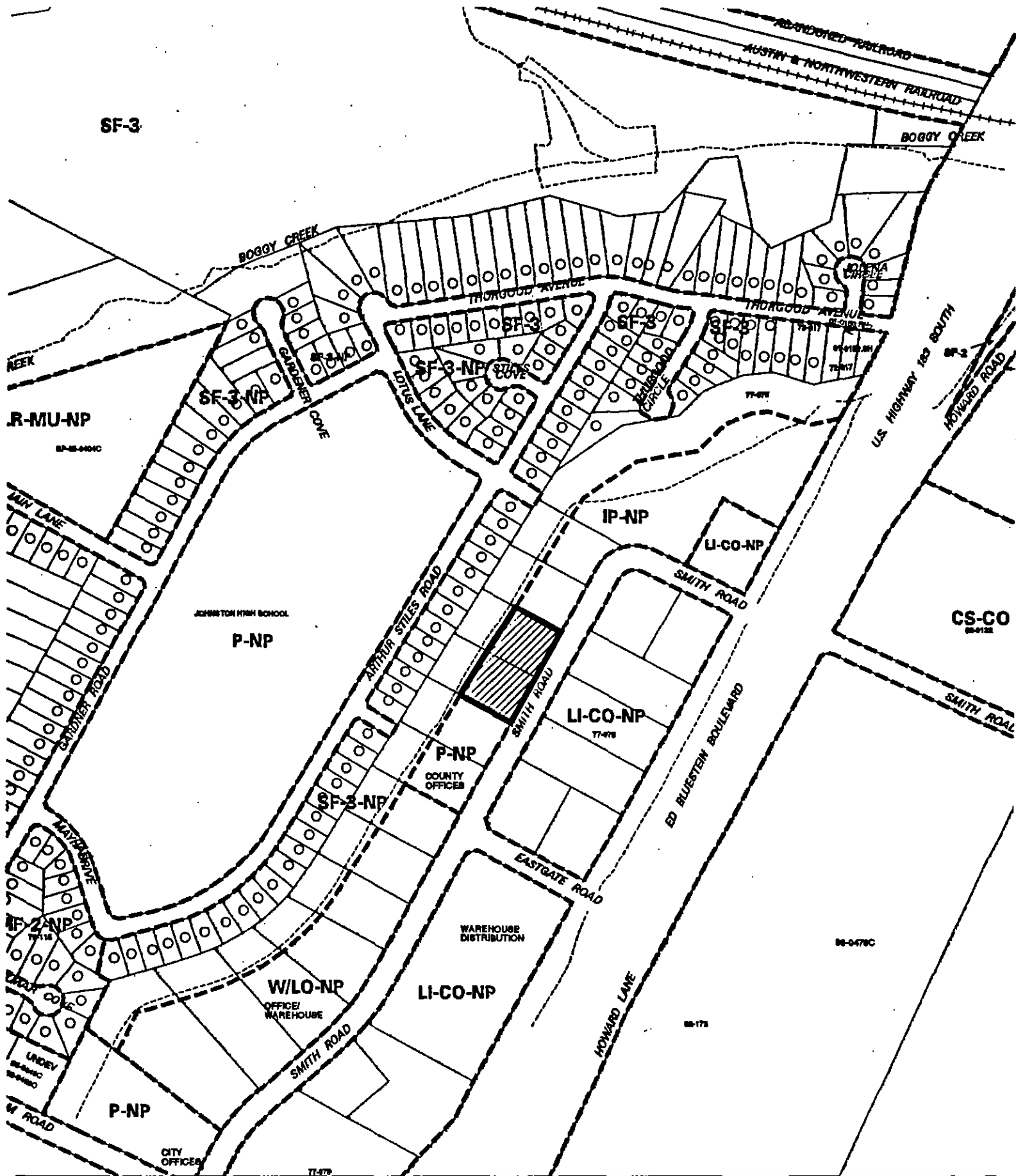
11
12 Will Wynn
13 Mayor

14
15
16 **APPROVED:** _____

17 David Allan Smith
18 City Attorney

ATTEST: _____

Shirley A. Gentry
City Clerk



 1" = 400' 01-107	SUBJECT TRACT 	ZONING CASE #: C14-06-0028 ADDRESS: 1700 SMITH RD SUBJECT AREA (acres): 1.389		CITY GRID REFERENCE NUMBER M21
	PENDING CASE 			
	ZONING BOUNDARY 	DATE: 06-05 INTLS: TRC		
	CASE MGR: R.HEIL			

**SPECIAL WARRANTY DEED**

Date:

January 28, 2000

Grantor:

JAMES ARCHER, A/K/A JAMES EDWIN ARCHER and LOWELL M ARCHER, A/K/A LOWELL MICHAEL ARCHER, MARRIED MEN, BUT NOT JOINED HEREIN BY THEIR SPOUSE BECAUSE THE PROPERTY HEREBY CONVEYED CONSTITUTES NO PART OF THEIR BUSINESS OR RESIDENCE HOMESTEAD AND IS IN THEIR SOLE MANAGEMENT AND CONTROL

Grantor's Mailing Address (including county):

11606 Sherwood Forest, Austin,
Williamson County, Texas 78759

Grantee:

DEMIRCO PROPERTIES (SANTA CLARA,) L.L.C.

Grantee's Mailing Address (including county):

225 N. Water, Suite 300, Decatur,
Illinois 62523

Consideration:

TEN AND NO/100 DOLLARS (\$10.00) and other valuable consideration.

Property (including any improvements)

Lots 11 and 12, CAPITOL BUSINESS PARK, an addition to Travis County, Texas, according to the map or plat thereof recorded in Volume 78, Page 121, Plat Records of Travis County, Texas.

Reservations from Conveyance: None

Exceptions to Conveyance and Warranty:

Liens described as part of the Consideration validly existing restrictive covenants common to the platted subdivision in which the Property is located; standby fees, taxes, and assessments by any taxing authority for the year 2000 and subsequent years, and subsequent taxes and assessments by any taxing authority for prior years due to change in land usage or ownership; validly existing utility easements created by the dedication deed or plat of the subdivision in which the Property is located and set forth in Volume 78, Page 121, Plat Records of Travis County, Texas and Volume 414, Page 26, Deed Records of Travis County, Texas; rights of tenants, as tenants only, under unrecorded leases, any discrepancies, conflicts, or shortages in area or boundary lines, or any encroachments or protrusions, or any overlapping of improvements, and any validly existing titles or rights asserted by anyone, including but not limited to persons, the

public, corporations, governments, or other entities, to (a) tidelands or lands comprising the shores or beds of navigable or perennial rivers and streams, lakes, bays, gulfs, or oceans, (b) lands beyond the line of the harbor or bulkhead lines as established or changed by any government, (c) filled-in lands or artificial islands, (d) statutory water rights, including riparian rights, or (e) the area extending from the line of mean low tide to the line of vegetation or the right of access to that area or easement along and across that area.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof when the claim is by, through, or under Grantor but not otherwise, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

When the context requires, singular nouns and pronouns include the plural


JAMES ARCHER


LOWELL M. ARCHER

(Acknowledgment)

STATE OF TEXAS)

This instrument was acknowledged before me on the 7th day of February, 2000 by JAMES ARCHER.


Notary Public, State of Texas

(Acknowledgment)

STATE OF TEXAS)

This instrument was acknowledged before me on the 7th day of February, 2000 by LOWELL M. ARCHER.


Notary Public, State of Texas

Charge to: Gracy Title Company

AFTER RECORDING RETURN TO .

DEMIRCO PROPERTIES
225 N. Water, Suite 300
Decatur, Illinois 62523



FILED AND RECORDED
OFFICIAL PUBLIC RECORDS

Dan Clume

02-10-2008 03:23 PM 2000020069
RUIZO §13.06
DANA DEBEAUVOIR, COUNTY CLERK
TRAVIS COUNTY, TEXAS

Recorder's Memorandum-At the time of recordation this instrument was found to be inadequate for the best reproduction, because of illegibility, carbon or photocopy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded.

08/07/2005 09

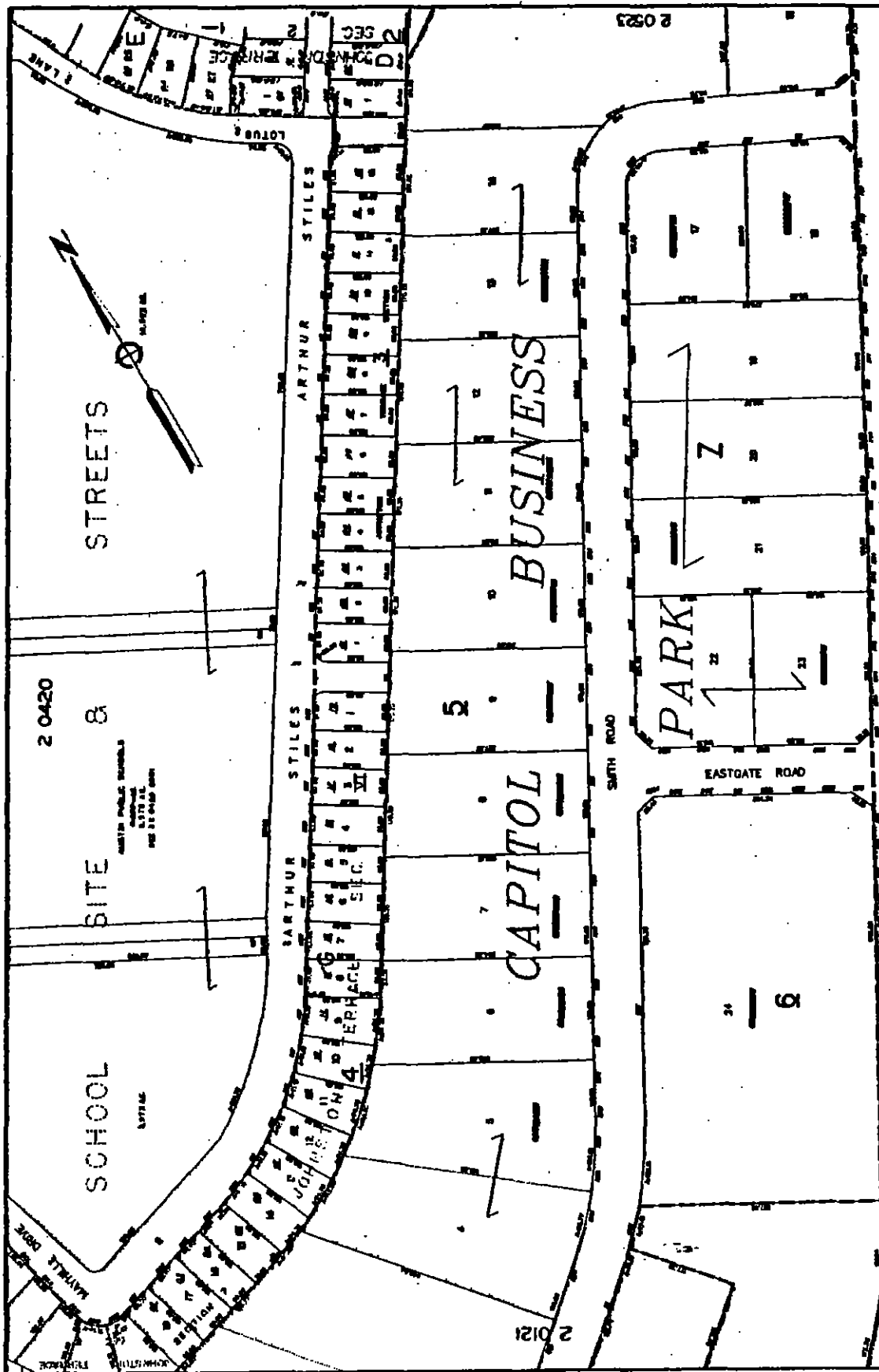
APPROVED
NORTH DALLAS COLLEGE
APPROVED
CITY OF DALLAS
DALLAS COUNTY

TRAVIS CENTRAL APPRAISAL DISTRICT
6314 CROSS PARK DRIVE
AUSTIN, TX 78756
P.O. BOX 148022
AUSTIN, TX 78714
Internet Address WWW.TRAVISCAD.ORG
Main Telephone Number (512)835-5377
Fax Number (512)835-5371
Approved Information (512)
TDO (512)835-5371

SCALE
1" = 400'

MAP NO.
2 0222

1" = 400' MAP
REFERENCE
2 0221



U. S. HWY. 183 (E D BLOEMSTEIN BLVD.)

DALLAS, TEXAS

20221

ZONING CHANGE REVIEW SHEET**CASE:** C14-06-0028**PC. DATE:** April 11, 2006**ADDRESS:** 1700 Smith Road**OWNER/APPLICANT:** George Pyson**AGENT:** Thrower Design (Ron Thower)**ZONING FROM:** IP-NP **TO:** LI-CO-NP**AREA:** 2.37 Acres**SUMMARY STAFF RECOMMENDATION:**

Staff recommends LI-CO-NP for the front of the property only. The conditional overlay would limit the daily vehicle trips to less than 2000 trips per day, and require IP site development standards.

PLANNING COMMISSION RECOMMENDATION:

April 11, 2006: Approved staff's recommendation of LI-CO on consent (8-0).

DEPARTMENT COMMENTS:

The site is a 2.37 acre property developed with a vacant warehouse. The current zoning is industrial-park-neighborhood plan (IP-NP) on the bulk of the site, and family residence-neighborhood plan (SF-3-NP) on the drainage easement on the back of the tract.

The request is to rezone the property to limited industrial-conditional overlay (LI-CO) combining district zoning to allow for equipment sales and rental. Staff recommends LI-CO-NP for the front of the property only. The conditional overlay would limit the daily vehicle trips to less than 2000 trips per day, and require IP site development standards.

This site lies with the Johnston Terrace neighborhood plan. The future land use calls for industrial uses on the site, and no plan amendment is needed.

Staff is generally reluctant to approve industrial zoning adjacent to single family zoning. However, the presence of the large drainage easement provides a significant buffer to the homes to the west. Additionally, this issue was discussed during the neighborhood plan when industrial zoning was approved for the site. A conditional overlay requiring IP site development standards would be consistent with the goals of the neighborhood plan.

The entire site lies within the 500 year flood plain.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	IP-NP & SF-3-NP	Vacant warehouse and drainage easement
<i>North</i>	IP-NP	Industrial uses
<i>South</i>	P-NP	County offices
<i>East</i>	LI-CO-NP	Industrial uses
<i>West</i>	SF-3	Single family homes and Johnston High School

AREA STUDY: The site falls within the Johnston Terrace neighborhood plan, approved in March 2003.

TIA: Not Required

WATERSHED: Town Lake

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No **HILL COUNTRY ROADWAY:** No

REGISTERED COMMUNITY ORGANIZATIONS:

- South River City Citizens' Association
- Southeast Austin Neighborhood Alliance
- Baron Springs/Edwards Aquifer Conservation District
- South Central Coalition
- PODER - People Organized to Defend Earth and her Resources
- Austin Neighborhoods Council

SCHOOLS:

- Allan Elementary School
- Martin Middle School
- Johnston High School

ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION	BICYCLE PLAN	SIDEWALKS
Smith Road	90'	50'	Collector	No	No

CITY COUNCIL DATE: ACTION:

May 4, 2006:

**Approved staff recommendation of LI-CO-NP on
consent.**

May 18, 2005:

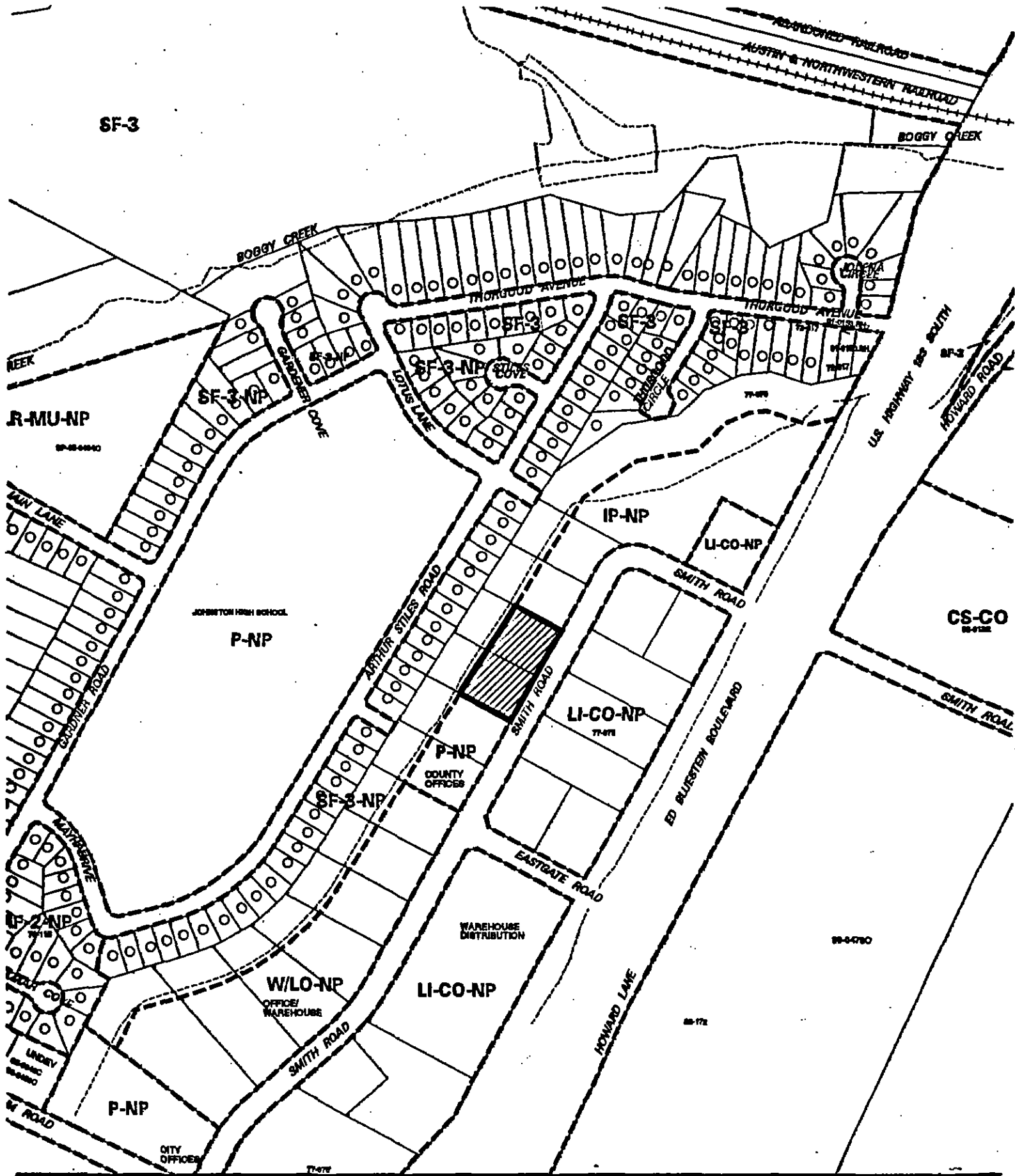
ORDINANCE READINGS: **1st** **5/4/06** **2nd** **3rd**

ORDINANCE NUMBER:

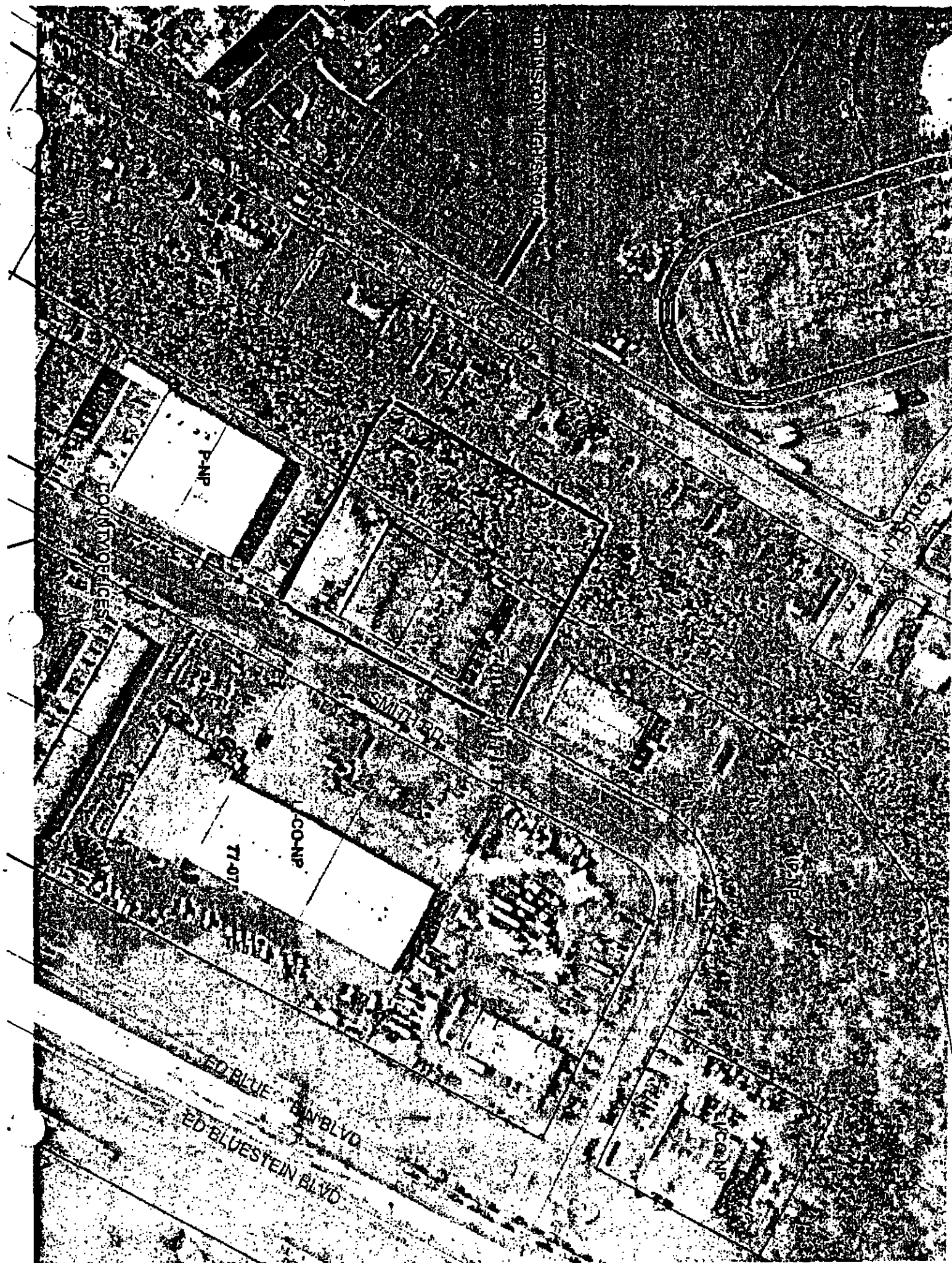
**CASE MANAGER: Robert Heil
e-mail address: robert.heil@ci.austin.tx.us**

PHONE: 974-2330

SF-3



 1" = 400'	SUBJECT TRACT		ZONING	CITY GRID REFERENCE NUMBER M21
	PENDING CASE			
	ZONING BOUNDARY			
	CASE MGR: R.HEIL			
CASE #: C14-06-0028			DATE: 06-08	
ADDRESS: 1700 SMITH RD			INTLS: TRC	
SUBJECT AREA (acres): 1.389				



ED BLUESTEIN BLVD

ED BLUESTEIN BLVD

P-NP

CO-NP

77-07

ED BLUESTEIN BLVD

ED BLUESTEIN BLVD

ED BLUESTEIN BLVD

ED BLUESTEIN BLVD

SUMMARY STAFF RECOMMENDATION

Staff recommends LI-CO-NP for the front of the property only. The conditional overlay would limit the daily vehicle trips to less than 2000 trips per day, and require IP site development standards.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

1. *Zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character.*

LI zoning is compatible with the other uses along Smith Road. It is only compatible with the residential uses to the west because of the presence of a large drainage easement serving as a buffer.

2. *Zoning changes be consistent with existing neighborhood plans.*

This site lies with the Johnston Terrace neighborhood plan. The future land use calls for industrial uses on the site, and no plan amendment is needed.

EXISTING CONDITIONS

Site Characteristics

The site is a 2.37 acre property developed with a vacant warehouse. The current zoning is industrial-park-neighborhood plan (IP-NP) on the bulk of the site, and family residence-neighborhood plan (SF-3-NP) on the drainage easement on the back of the tract.

The entire site lies within the 500 year flood plain.

Environmental

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Boggy Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.
2. Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.
3. This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm. 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.

4. According to flood plain maps, there is flood plain within the project area.
5. 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.
6. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

This site is within the Controlled Compatible Land Use Area of Austin-Bergstrom International Airport, but outside the Airport Overlay Zones. This property is within the Controlled Compatible Land Use Area defined by Chapter 241 of the Local Government Code. Development on this property is limited by Chapter 25-13 of the Austin City Code. Airport hazards as defined in Federal Aviation Regulations Part 77, as adopted by the City in Sections 25-13-23, are prohibited. For more information, contact Joe Medici, Airport Planner, 530-6563.

This site is currently developed, if a new site plan is submitted, it will need to show compliance with compatibility standards on the west property line.

Transportation

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

The trip generation under the requested zoning is estimated to be 6,933 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]

Capital Metro bus service is available along US Highway 183.

Existing Street Characteristics:

NAME	ROW	PAVEMENT	CLASSIFICATION	BICYCLE PLAN	SIDEWALKS
Smith	90'	50'	Collector	No	No

Water and Wastewater

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

Site Plan**Compatibility Standards**

The site is subject to compatibility standards. Along the west 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.

FYI - This site is located in the Johnston-Terrace Neighborhood Plan. Recommended design guidelines will be reviewed during site plan stage.