

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

AGENDA



Thursday, June 8, 2006

[Back](#)

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

ITEM 99 PH

**Subject:** C14-06-0088 - Echelon Three - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9398 Research Boulevard (Shoal Creek Watershed) from limited office (LO) district zoning and neighborhood commercial (LR) district zoning to general office (GO) district zoning. Zoning and Platting Commission Recommendation: To grant general office-conditional overlay (GO-CO) combining district zoning. Applicant: Echelon Holdings, Ltd. (Joel Sher). Agent: Thrower Design (Ron Thrower). City Staff: Jorge E. Rousselin, 974-2975.

**Additional Backup Material**

(click to open)

[Staff Report](#)

**For More Information:** Jorge E. Rousselin, 974-2975.

**ZONING REVIEW SHEET****CASE:** C14-06-0088**Z.A.P. DATE:** May 16, 2006**ADDRESS:** 9398 Research Boulevard**OWNER:** Echelon Holdings, LTD. (Joel Sher)**AGENT:** Thrower Design (Ron Thrower)**REZONING FROM:** LO (Limited office) and LR (Neighborhood commercial) district**TO:** GO (General office) district**AREA:** 3 Acres**SUMMARY ZONING AND PLATTING COMMISSION RECOMMENDATION:***May 16, 2006****APPROVED STAFF'S RECOMMENDATION FOR GO-CO DISTRICT ZONING; BY  
CONSENT.******[S.HALE, J.PINNELLI 2<sup>ND</sup>] (8-0) J.GOHIL – ABSENT*****SUMMARY STAFF RECOMMENDATION:**

Staff recommends the rezoning from LO and LR to GO-CO (General office – conditional overlay) combining district. The recommended conditional overlay shall limit the vehicle trips to less than 2,000 vehicle trips per day. Furthermore, the existing conditions under restrictive covenant as enacted by rezoning case C14R-82-201 and Ordinance No. 83-0714-K shall remain in place. (Please see Attachment A).

The Staff recommendation is based on the following considerations:

- 1.) The proposed office zoning classification is compatible with existing office uses along Research Boulevard;
- 2.) Proposed conditional overlay will limit the number of vehicle trips to less than 2,000 per day; and
- 3.) Conditions of existing restrictive covenant under Ordinance No. 83-0714-K shall remain in place.

**DEPARTMENT COMMENTS:**

The subject rezoning area consists of a 3 acre site fronting Research Boulevard with access to Jollyville Road zoned LO and LR. On July 14, 1983, a portion of the site consisting of 375 square feet was rezoned from "O-1"—Office 1<sup>st</sup> Height and Area to "LR"—Retail 1<sup>st</sup> Height and Area under Ordinance No. 83-0714-K and imposing certain conditions on signage as detailed on the accompanying restrictive covenant. The existing structure is an office building. The applicant proposes to rezone the property to GO to allow for college and university facilities without a conditional use permit. The existing building will not be modified. Abutting the subject property are office uses to the north and south. This portion of Research Boulevard accommodates a variety of office and commercial uses.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	LO / LR	Office building
<i>North</i>	LO	Office building
<i>South</i>	LO / GO / LR	Office building
<i>East</i>	N/A	Research Boulevard
<i>West</i>	SF-4A-CO	Single family residences

**AREA STUDY:** N/A**TIA:** Waived (See Transportation comments)**WATERSHED:** Shoal Creek**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** N/A**HILL COUNTRY ROADWAY:** N/A**NEIGHBORHOOD ORGANIZATIONS:**

5--Balcones Civic Assn.  
 157--Courtyard Homeowner Assn.  
 475--Bull Creek Foundation  
 511--Austin Neighborhoods Council  
 742--Austin Independent School District

**SCHOOLS:**

Austin Independent School District

- Hill Elementary School
- Murchison Middle School
- Anderson High School

**RELATED CASES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>CITY COUNCIL</b>
C14R-82-201	"O-1"—Office 1 <sup>st</sup> H&A to "LR"— Retail 1 <sup>st</sup> H&A .	02/01/83: APVD LR, 1ST H&A (6-0).	03/10/83: APVD LR, 1ST H&A (5-0) LTD TO 50% OF ALLOWABLE SIGNAGE; 1ST RDG.  07/14/83: APVD LR, 1ST H&A; 3RD RDG

**CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>CITY COUNCIL</b>
C14-00-2096	CH to GR	07/13/00: WITHDRAWN BY APPLICANT	07/13/00: WITHDRAWN BY APPLICANT
C14-01-0105	CH-CO to CH	08/28/01: APVD STAFF ALT REC OF CH-CO (6-3, LO/RC/JM-NO)	10/11/01: APVD CH-CO W/CONDS (7-0); ALL 3 RDGS
C14-05-0073	CH-CO to CH	08/28/01: APVD STAFF ALT REC OF CH-CO (6-3, LO/RC/JM-NO)	10/11/01: APVD CH-CO W/CONDS (7-0); ALL 3 RDGS

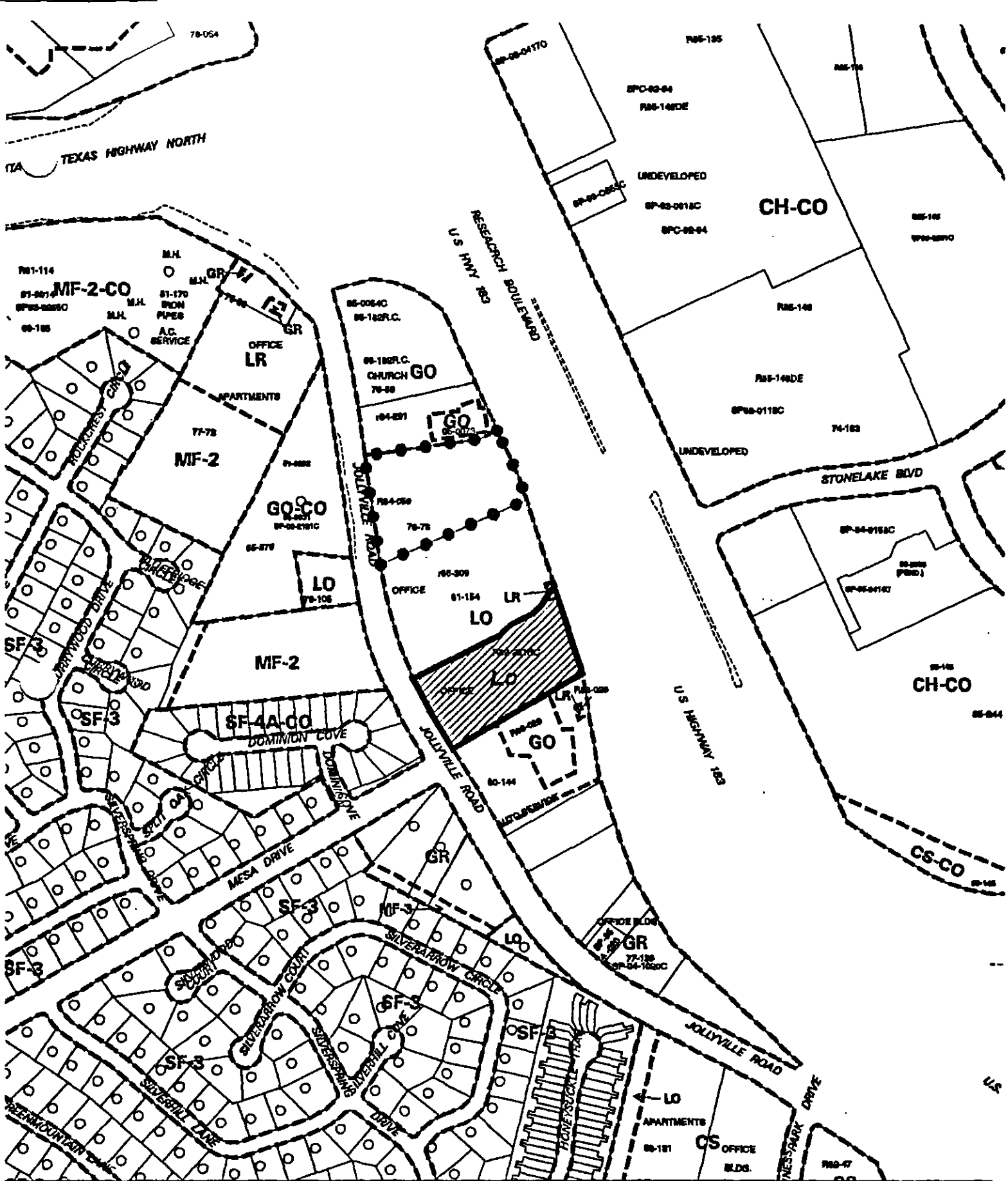
**ABUTTING STREETS:**





NAME	ROW	PAVEMENT	CLASSIFICATION	BICYCLE PLAN	CAPITAL METRO	SIDEWALKS
Jollyville Road	100'	40'	Primary Collector	Yes	No	Yes
Research Boulevard	Varies	Varies	Arterial	No	Yes	No

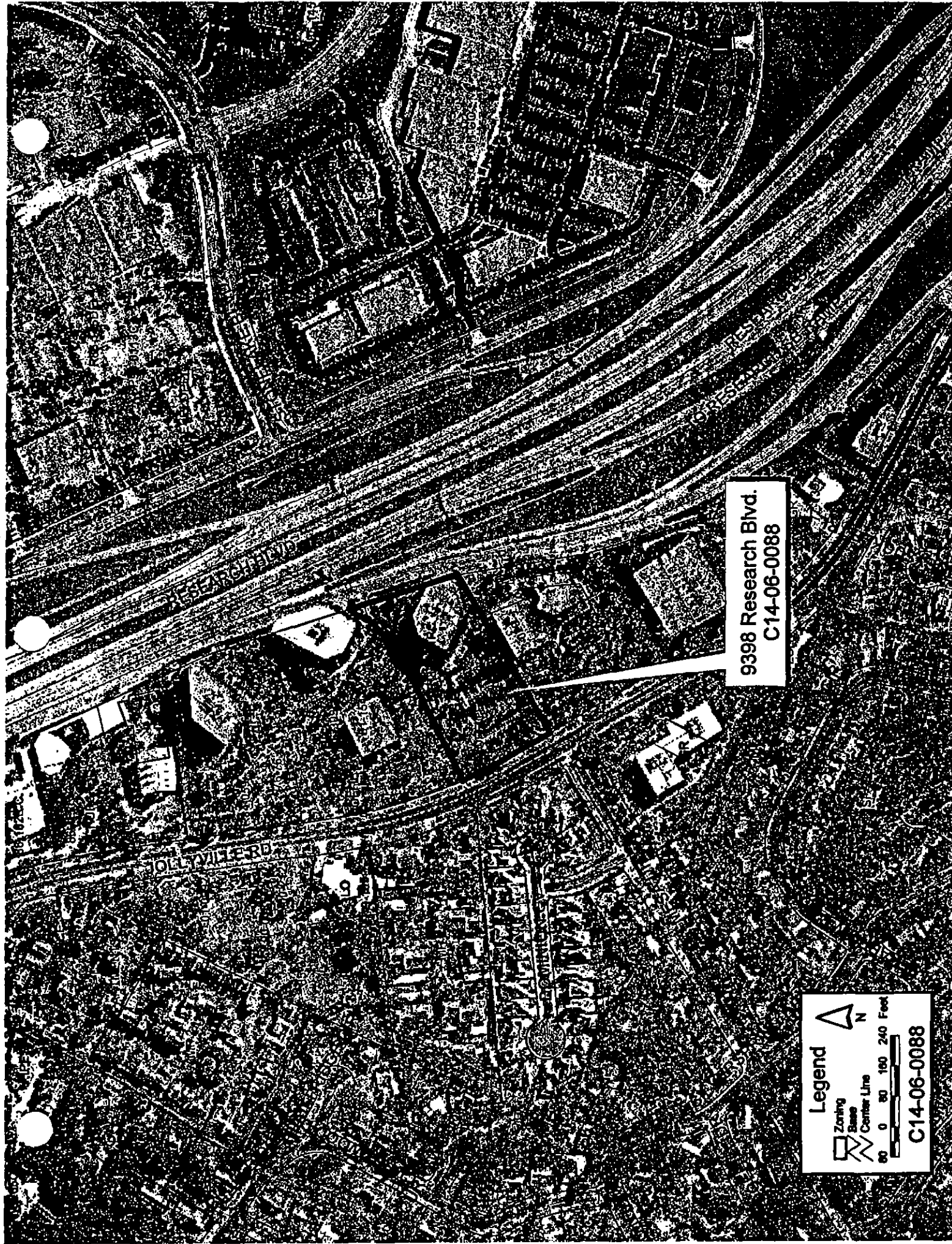
**CITY COUNCIL DATE:**

June 8, 2006

**ACTION:****ORDINANCE READINGS:** 1<sup>st</sup> 2<sup>nd</sup> 3<sup>rd</sup>**ORDINANCE NUMBER:****CASE MANAGER:** Jorge E. Rousselin, NPZD**PHONE:** 974-2975**E-MAIL:** [jorge.rousselin@ci.austin.tx.us](mailto:jorge.rousselin@ci.austin.tx.us)



<p>    <b>SUBJECT TRACT</b>    <b>PENDING CASE</b>    <b>ZONING BOUNDARY</b>    <b>CASE MGR: J.ROUSSELIN</b> </p>	<p align="center"> <b>ZONING</b> </p> <p> <b>CASE #: C14-06-0088</b>  <b>ADDRESS: RESEARCH BLVD</b>  <b>SUBJECT AREA (acres): 3</b> </p> <p align="right"> <b>DATE: 06-04</b>  <b>INTLS: SM</b> </p>	<p align="center"> <b>CITY GRID</b>  <b>REFERENCE</b>  <b>NUMBER</b>  <b>J32</b> </p>
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9398 Research Blvd.  
C14-06-0088

**Legend**

Zoning  
Base  
Center Line

0 0 80 160 240 Feet

C14-06-0088

## STAFF RECOMMENDATION

Staff recommends the rezoning from LO and LR to GO-CO (General office – conditional overlay) combining district. The recommended conditional overlay shall limit the vehicle trips to less than 2,000 vehicle trips per day. Furthermore, the existing conditions under restrictive covenant as enacted by rezoning case C14R-82-201 and Ordinance No. 83-0714-K shall remain in place. (Please see Attachment A).

The Staff recommendation is based on the following considerations:

- 1.) The proposed office zoning classification is compatible with existing office uses along Research Boulevard; and
- 2.) Proposed conditional overlay will limit the number of vehicle trips to less than 2,000 per day.
- 3.) Conditions of existing restrictive covenant under Ordinance No. 83-0714-K shall remain in place.

## BASIS FOR RECOMMENDATION

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

General office (GO) district is the designation for an office or commercial use that serves community and city-wide needs. A building in a GO district may contain one or more different uses.

This portion of Research Boulevard accommodates a variety of office and commercial uses and has access to a major roadway.

### *2. The proposed zoning should promote consistency, and orderly planning.*

Other properties in the immediate vicinity are zoned for office and commercial uses. The property to the north is zoned LO and the properties to the south are zoned LO, GO, and LR.

## EXISTING CONDITIONS

### Site Characteristics

The subject rezoning area consists of a 3 acre site fronting Research Boulevard with access to Jollyville Road zoned LO and LR. On July 14, 1983, a portion of the site consisting of 375 square feet was rezoned from "O-1"—Office 1<sup>st</sup> Height and Area to "LR"—Retail 1<sup>st</sup> Height and Area under Ordinance No. 83-0714-K and imposing certain conditions on signage as detailed on the accompanying restrictive covenant. The existing structure is an office building. The existing building will not be modified. Abutting the subject property are office uses to the north and south. This portion of Research Boulevard accommodates a variety of office and commercial uses.

### Transportation

1. No additional right-of-way is needed at this time.
2. The trip generation under the requested zoning is estimated to be 5,129 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).

3. 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]

#### **Environmental and Impervious Cover**

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Shoal 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 no flood plain within the project area.
5. The site is developed, therefore apart from possible trees, there are no known significant environmental features.
6. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

#### **Water and Wastewater**

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

#### **Site Plan and Compatibility Standards**

1. Single family uses across Jollyville Road could cause some limitation for height due to Compatibility restrictions, beginning in LDC 25-2-1051. No site plan issues at this time.



# Thrower Design

2807 Manchaca Road, Building 2  
Austin, Texas 78704  
(512) 476-4456 • Fax (512) 476-4454

May 1, 2006

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

RE: Modification to Rezoning Request  
C14-06-0088 & C14-06-0089

Dear Mr. Guernsey,

In my haste to file the above referenced zoning cases I inadvertently made the request for the property to be rezoned to "GR". This is an error on my part and the request is to change the zoning to "GO" as the base district.

Therefore, please note that our application is hereby amended to reflect the requested zoning to "GO".

I apologize for any problems this may have caused.

Should you have any questions or need additional information, please call me at my office.

Sincerely,

*A. Ron Thrower*

A. Ron Thrower

L A N D P L A N N E R S

## ORDINANCE NO. 83 -0714-K

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 13-2 OF THE AUSTIN CITY CODE OF 1981 AS FOLLOWS:

375 SQUARE FEET OF LAND OUT OF LOTS 4 and 5 OF "THE ECHELON", LOCALLY KNOWN AS 9430 RESEARCH BOULEVARD, FROM "O-1" OFFICE, FIRST HEIGHT AND AREA DISTRICT TO "LR" LOCAL RETAIL, FIRST HEIGHT AND AREA DISTRICT, SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

PART 1. Chapter 13-2 of the Austin City Code of 1981 is hereby amended to change the USE and HEIGHT and AREA designations from "O-1" Office, First Height and Area District to "LR" Local Retail, First Height and Area District on the property described in File CL4r-82-201, to-wit:

All of that certain tract or parcel of land and premises being out of Lots 4 and 5 of "The Echelon", a subdivision of record in Plat Book 82, Page 121 of the Plat Records of Travis County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING for reference at a point in the west R.O.W. line of Research Boulevard (U.S. Hwy. #183) at the southeast corner of Lot 4, same being the northeast corner of Lot 5 of "The Echelon" subdivision;

THENCE, in part with the south line of said Lot 4, same being the north line of said Lot 5 of "The Echelon" subdivision and along a curve to the left, having a radius of 144.00' and a central angle of 27° 06' and along its chord a bearing of S 57° 00' 30" W for a chord distance of 72.62' to a point on said curve for the Real POINT OF BEGINNING of the tract herein described;

THENCE, S 15° 02' 45" E 15.00' to a point;

THENCE, S 74° 57' 15" W 15.00' to a point;

THENCE, N 15° 02' 45" W 25.00' crossing the south line of said Lot 4 to a point for the northwest corner of this tract;

THENCE, N 74° 57' 15" E (50.00') to a point; *Should be 15'*

THENCE, S 15° 02' 45" E 10.00' to the POINT AND PLACE OF BEGINNING, containing 375.00 square feet of land more or less,

locally known as 9430 Research Boulevard, in the City of Austin, Travis County, Texas.


PART 2. It is hereby ordered that the USE and HEIGHT and AREA maps accompanying Chapter 13-2 of the Austin City Code of 1981 and made a part thereof shall be changed so as to record the change ordered in this ordinance.

PART 3. That the development of the property herein described shall be accomplished in accordance with the site plan approved by the City Council and attached hereto as Exhibit "A". Except to the extent that such site plan is inconsistent therewith, the development and use of the property described herein shall be in accordance with the ordinance of the City of Austin governing development and use of property in the use, height and area districts established on said property by this ordinance. The site plan as finally approved may be adjusted or altered subsequently in accordance with the same procedures as outlined in subsection 13-2-192(i) of the Austin City Code of 1981.

PASSED AND APPROVED

July 14, 1983

X  
X  
X  
X



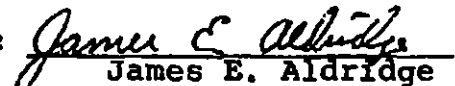
Ron Mullen  
Mayor

APPROVED:



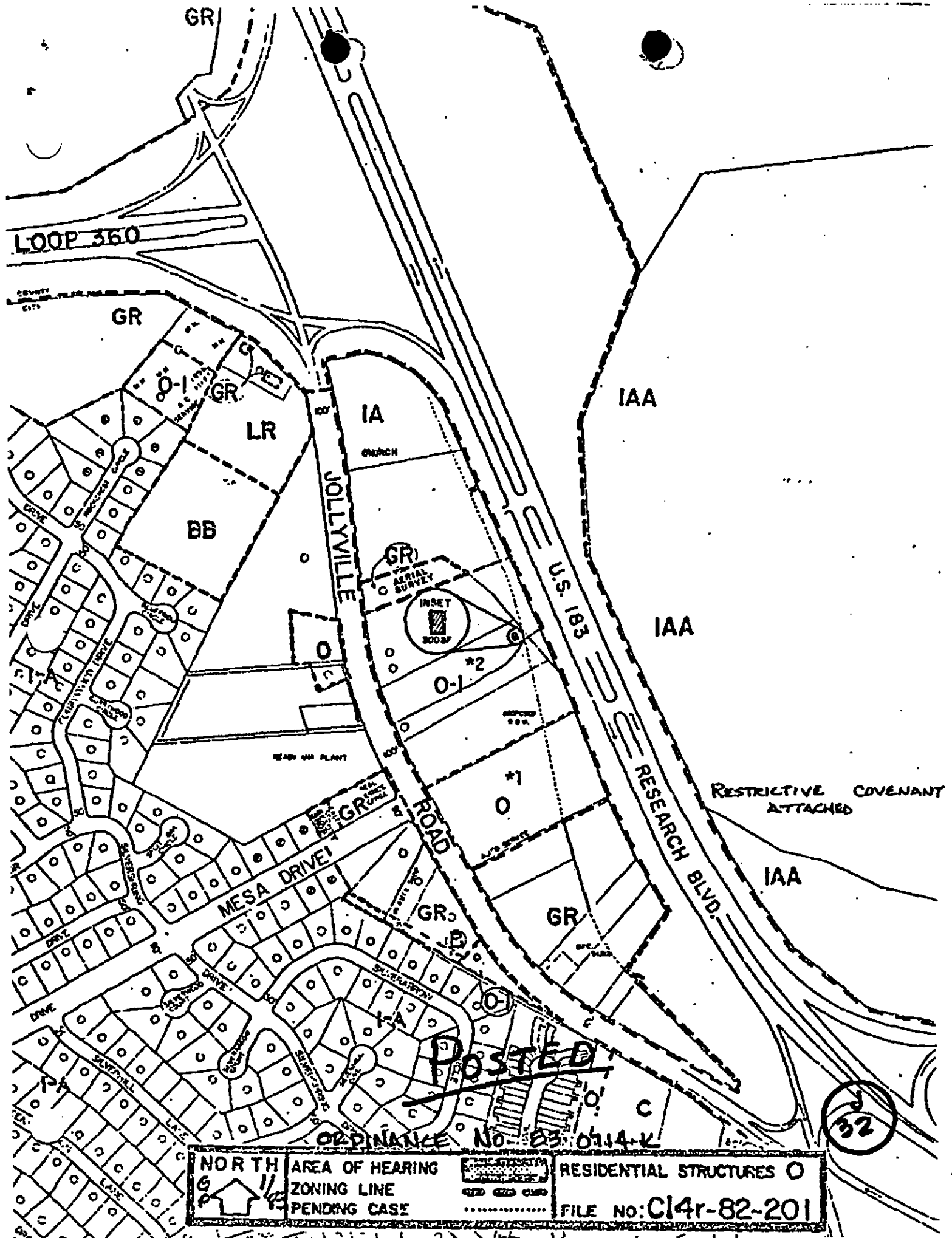
Jonathan Davis  
Acting City Attorney

ATTEST:



James E. Aldridge  
Acting City Clerk

:saf





the fact that the Government has been unable to secure the necessary funds to carry out its policy of non-interference in the internal affairs of the Republic of China. The Government has been unable to secure the necessary funds to carry out its policy of non-interference in the internal affairs of the Republic of China.

the ECHELON: office park

RECEIVED BY THE OFFICE OF THE ATTORNEY GENERAL

AREA: 6311 AC  
OWNER: HAITER  
VACUUMS AND WATER INCENTIONS, INC.

BOULDER, COLORADO, MAY 11, 1964

0011 0000 0000 0000  
 0000 0000 0000 0000

800-368-5868 • 1-800-368-5868

100-4-5-7609

**SECRET**

1

1

1

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Continued

## FUNCTION

10

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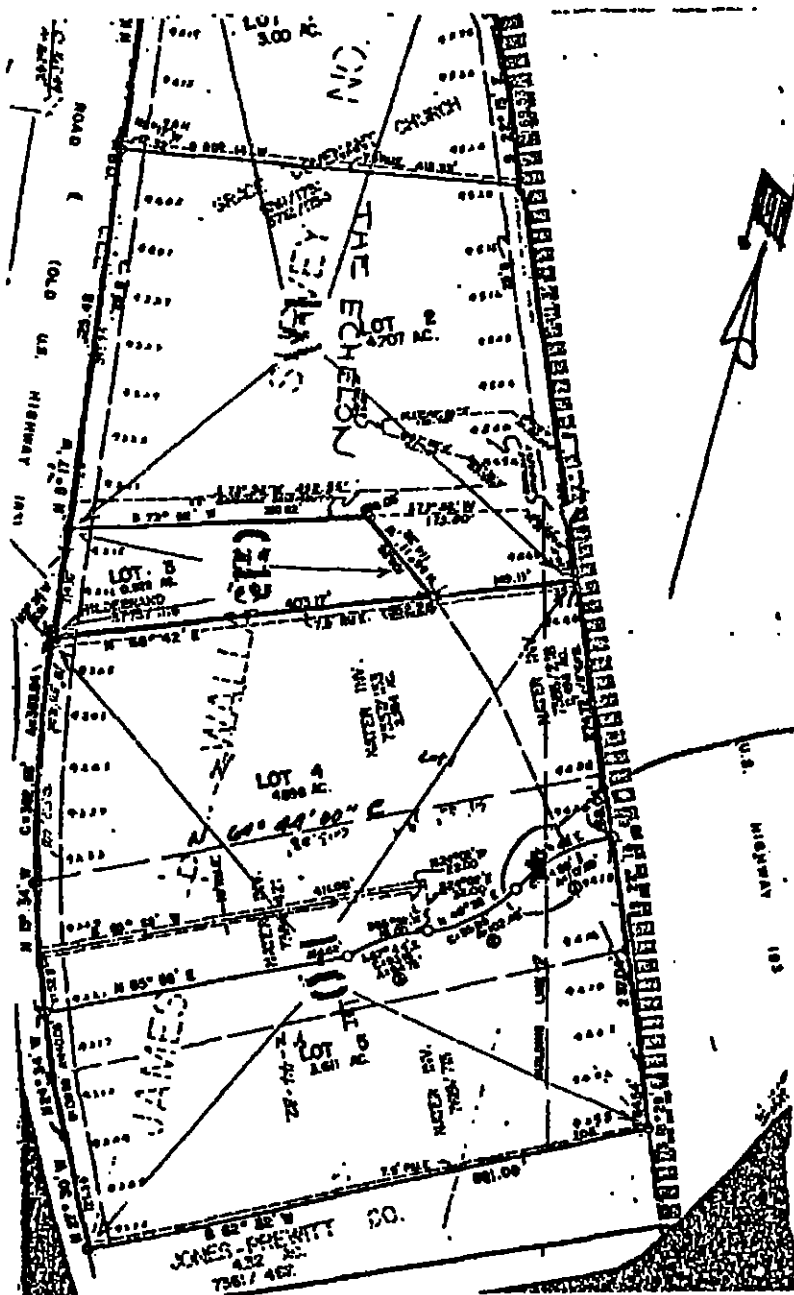
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**1**

•

**C14r82 201**



LOCATION  
OF SPOT  
ZONING  
CHANGE  
15' x 25'

RESTRICTIVE COVENANT

STATE OF TEXAS     §  
                              §  
COUNTY OF TRAVIS   §

WHEREAS, Walter Vackar Associates, Inc., a Texas Corporation (Vackar), and Water Investments, N.V., a Netherland Antilles Corporation, authorized to do business in Texas under the name Water Investments, Inc., ("Water"), are joint venturer partners in a general partnership known as "Vackar/Water 183-1 Venture", evidenced by joint venture agreement dated April 26, 1982; and,

WHEREAS, the venture is the owner of Lot 4 of The Echelon Subdivision (Lot 4), a subdivision duly recorded in the Plat Records of Travis County, Texas, in Plat Book 82, page 121; and,

WHEREAS, Water owns Lot 5 of The Echelon Subdivision (Lot 5), said Lot adjoining Lot 4 referred to above; and,

WHEREAS, the parties entered into an agreement with the City of Austin that signs on the above referred to property which were placed flatwise against a building would be limited to fifty percent (50%) of the size which would otherwise be allowed under the City Code;

NOW THEREFORE, the parties, for and in consideration of the sum of one and no/100 dollars and other good and valuable consideration in hand to the undersigned paid by the City of Austin, the receipt of which is hereby acknowledged, does hereby with respect to said property described above agree as follows:

The size of signs placed on buildings on the above mentioned Lots 4 and 5 of The Echelon Subdivision, a subdivision duly recorded in the Plat Records of Travis County, Texas in Plat Book 82, page 121, shall be limited to fifty percent (50%)

of the size which would otherwise be allowed under the City Code for "LR" local retail zoning.

The covenant, condition and restriction of this Declaration shall run with and bind the land and shall inure to the benefit of and be enforceable by the City of Austin against the Declarants, its heirs, successors and assigns. This covenant, condition and restriction may be amended by agreement of the City of Austin and the Declarants or its heirs, successors and assigns.

IN WITNESS WHEREOF, the parties hereto have executed this the 27<sup>th</sup> day of June, 1983.

Walter Vackar  
Associates, Inc.,  
by

Walter Vackar,  
President

Nater Investments, N.V.  
d/b/a Nater Investments, Inc.  
by

Franz Posse,  
Managing Director

STATE OF TEXAS        §  
COUNTY OF TRAVIS   §

This instrument was acknowledged before me on the 27<sup>th</sup> day of June, 1983, by Walter Vackar of Walter Vackar Associates, Inc.

My commission expires:  
4-13-84

Martha Johnson  
Notary Public, State of  
Texas  
Notary's Printed Name:  
MARTHA JOHNSON

STATE OF TEXAS        §  
COUNTY OF TRAVIS   §

This instrument was acknowledged before me on the 28<sup>th</sup> day of June, 1983, by Franz Posse of Nater Investments, N.V., d/b/a Nater Investments, Inc.

My commission expires:  
4-13-84

Martha Johnson  
Notary Public, State of  
Texas  
Notary's Printed Name:  
MARTHA JOHNSON







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

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE  
2 PROPERTY LOCATED AT 9398 RESEARCH BOULEVARD FROM LIMITED  
3 OFFICE (LO) DISTRICT AND NEIGHBORHOOD COMMERCIAL (LR)  
4 DISTRICT TO GENERAL OFFICE-CONDITIONAL OVERLAY (GO-CO)  
5 COMBINING DISTRICT.  
6

7 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:  
8

9 PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to  
10 change the base district from limited office (LO) district and neighborhood commercial  
11 (LR) district to general office-conditional overlay (GO-CO) combining district on the  
12 property described in Zoning Case No. C14-06-0088, on file at the Neighborhood Planning  
13 and Zoning Department, as follows:  
14

15 Lot 5, The Echelon Subdivision, a subdivision in the City of Austin, Travis  
16 County, Texas, according to the map or plat of record in Plat Book 83, Page 121,  
of the Plat Records of Travis County, Texas (the "Property"),

17  
18 locally known as 9398 Research Boulevard, in the City of Austin, Travis County, Texas,  
19 and generally identified in the map attached as Exhibit "A".  
20  
21

22 PART 2. The Property within the boundaries of the conditional overlay combining district  
23 established by this ordinance is subject to the following conditions:  
24

25 A site plan or building permit for the Property may not be approved, released, or  
26 issued, if the completed development or uses of the Property, considered cumulatively with  
27 all existing or previously authorized development and uses, generate traffic that exceeds  
28 2,000 trips per day.  
29

30 Except as specifically restricted under this ordinance, the Property may be developed and  
31 used in accordance with the regulations established for the general office (GO) base district  
32 and other applicable requirements of the City Code.  
33  
34  
35

**PART 3.** This ordinance takes effect on \_\_\_\_\_, 2006.

**PASSED AND APPROVED**

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

§  
§  
§

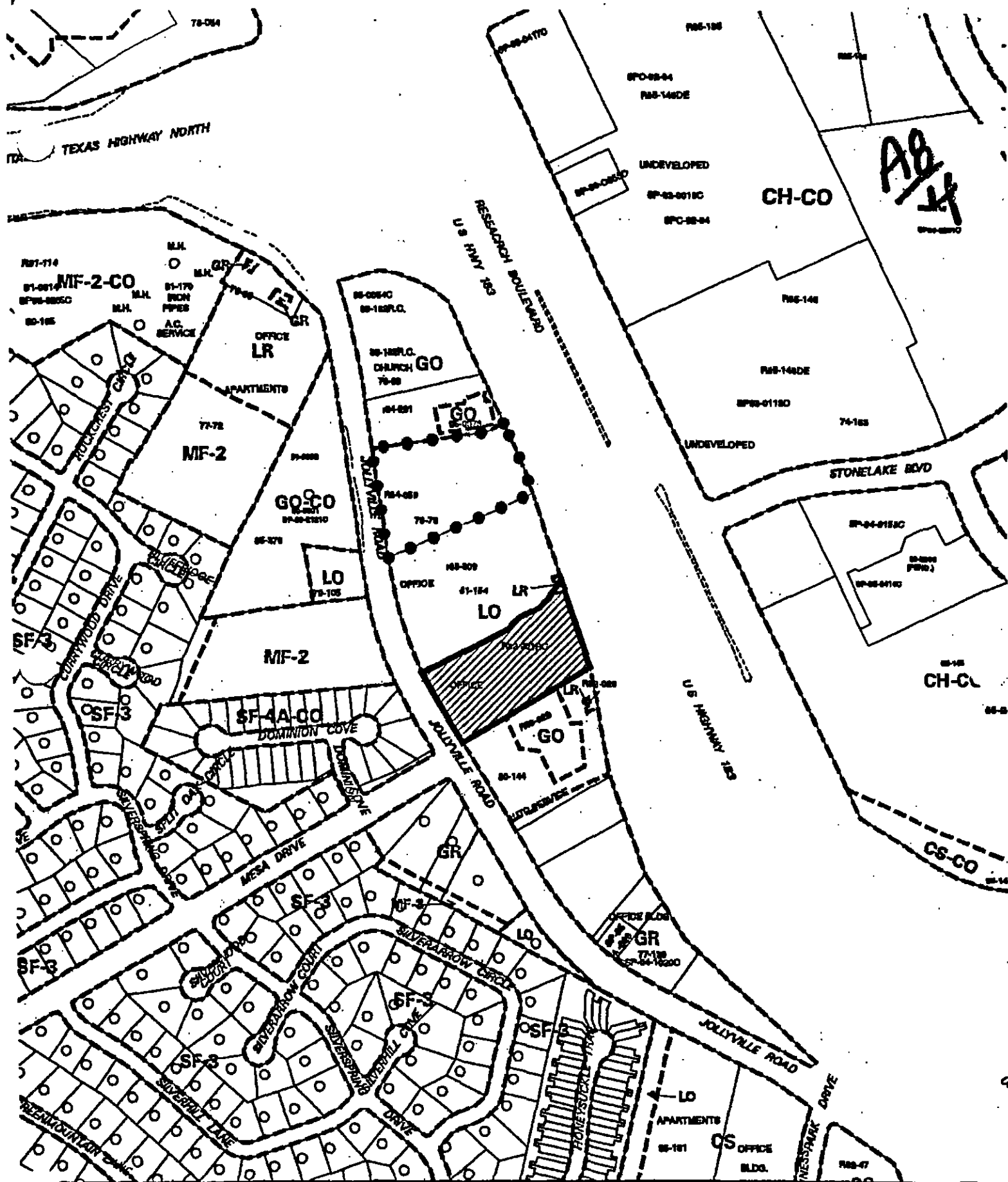
Will Wynn  
Mayor

**APPROVED:**

David Allan Smith  
City Attorney

**ATTEST:**

Shirley A. Gentry  
City Clerk



**AB**  
**44**

SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

CASE MGR: J.ROUSSELIN

CASE #: C14-06-0088

ADDRESS: RESEARCH BLVD

SUBJECT AREA (acres): 3

ZONING EXHIBIT A

DATE: 06-04

INTLS: 6M

CITY GR.  
REFERENCE  
NUMBER

J32

1"=400'