

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 90.PH

---

**Subject:** C14-06-0002 - 9815-9817 Anderson Mill Road - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9815-9817 Anderson Mill Road (Bull Creek Watershed) from single-family residence-large lot (SF-1) district zoning to neighborhood commercial-conditional overlay (LR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant neighborhood commercial-conditional overlay (LR-CO) combining district zoning. Applicant: R.L. Heinrichs. Agent: Norma Pena Raven Consultant (Norma Raven). City Staff: Sherri Sirwaitis, 974-3057.

**Additional Backup Material**

(click to open)

[Staff Report](#)

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

---

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-06-0002

**Z.A.P. DATE:** February 21, 2006  
March 21, 2006  
May 2, 2006

**ADDRESS:** 9815-9817 Anderson Mill Road

**OWNER/APPLICANT:** R.L Heinrichs

**AGENT:** Norma Pena Raven Consultant  
(Norma Raven)

**ZONING FROM:** SF-1

**TQ:** LR\*

**AREA:** 0.490 acres

\* The agent for this case sent an e-mail to staff on May 1, 2006 stating that the applicant was amending their case to LR-CO district zoning, with Financial Services, General Retail Sales (Convenience), Personal Services, Restaurant (Limited), Pet Services as the requested permitted 'LR' district uses and all permitted 'LO' district uses.

### **SUMMARY STAFF RECOMMENDATION:**

The staff recommends LO-CO, Limited Office-Conditional Overlay district, zoning. The conditional overlay would limit the development intensity on the site to less than 2,000 vehicle trips per day.

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

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

3/21/06: Postponed to May 2, 2006 by the staff (8-0, J. Martinez-absent); M. Hawthorne-1<sup>st</sup>, J. Pinnelli-2<sup>nd</sup>.

5/02/06: Approved LR-CO district zoning; limited to Financial Services, Pet Services, Restaurant (Limited), General Retail Sales (Convenience), and Personal Services as the only 'LR' district uses; permit all other 'LO' district uses, prohibit Drive-In Services, Food Sales, and Service Station uses; limit development intensity on the site to less than 2,000 vehicle trips per day (8-0, J. Martinez-absent); C. Hammond-1<sup>st</sup>, J. Gohil-2<sup>nd</sup>.

### **DEPARTMENT COMMENTS:**

The property in question currently contains two single-family structures surrounded by several large trees. The applicant is requesting to rezone this tract of land so that he may develop an office use on the site in the future. The staff presents an alternate recommendation of LO-CO zoning because Limited Office district zoning will allow the applicant to build a variety of office uses on the property. Limited Office district zoning is appropriate for this tract of land because the site is located adjacent to LO-CO zoning to the south and west and does not have direct access to Anderson Mill Road. The proposed LO-CO zoning will create a transition in the intensity of land uses permitted along Anderson Mill Road from U.S. Highway 183 to the west.

The applicant does not agree with the staff's recommendation. However, the applicant does agree with the Zoning and Platting Commission's recommendation.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
Site	SF-1	Single-Family Residences
North	County	Parking for Church to the west, Undeveloped Tract
South	LO-CO	Church (Unity Church of the Hills)
East	SF-1	Convenience Storage
West	LO-CO	Driveway to Church

**AREA STUDY:** N/A

**TIA:** Waived

**WATERSHED:** Bull Creek

**DESIRED DEVELOPMENT ZONE:** No

**CAPITOL VIEW CORRIDOR:** N/A

**HILL COUNTRY ROADWAY:** N/A

**NEIGHBORHOOD ORGANIZATIONS:**

157 – Courtyard Homeowner Association  
 281 – Anderson Mill Neighborhood Association  
 426 – River Place Residential Community Association, Inc.  
 475 – Bull Creek Foundation

**CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>CITY COUNCIL</b>
C14-05-0109	SF-6-CO to LR-CO	8/16/05: Approved staff's recommendation for LR-CO zoning, with an added condition to prohibit Drive-Through Services, by consent (8-0, K. Jackson-absent)	9/29/05: Approved LR-CO by consent (7-0); all 3 readings
C14-04-0186	SF-6, LR, GR to GR	6/07/05: Approved GR-CO zoning; prohibiting the uses listed in Exhibit C of the private covenant agreement for Tract 1 and prohibiting the uses listed in Exhibit B of the private covenant agreement for Tract 2 of the proposed subdivision (ZAP Recommendation Map-Attachment I). In addition, prohibit Guidance Services use on the entire site and include the TIA recommendations in a public restrictive covenant (9-0)	7/28/05: Approved GR-CO for Tracts 1 & 2 with conditions (7-0); all 3 readings

C14-02-0134	LR-CO to SF-6	9/24/02: Approved staff's recommendation of SF-6 zoning, by consent (5-0, D. Castaneda, B. Baker- absent)	10/24/02: Granted SF-6 on 1st reading – Staff to report back on flooding complaints: What s been done and what the applicant can do to help mitigate the situation. (5-0, Garcia-off dias, Dunkerley- absent)  2/27/03: Approved (7-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings
C14-01-0142	RR, SF-1 to LR	1/22/02: Approved staff's rec. on LR-CO zoning. (8-0, A. Adams-absent)	2/28/02: Approved LR-CO zoning by consent on first reading (6-0-1, Thomas-off dias) 3/21/02: Approved LR-CO (7-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings.
C14-99-2033	RR to LO	10/05/99: Approved LO-CO allowing only 'NO' uses w/ 'LO' site regulations (8-0)	11/04/99: Approved PC rec. of LO-CO on 1 <sup>st</sup> reading (6-0); subject to current watershed regulations  3/30/00: Approved 2 <sup>nd</sup> / 3 <sup>rd</sup> readings (6-0)
C14-98-0267	I-RR to GR	3/02/99: Approved staff rec. of LR-CO (5-3, BB/ JM/ RV-Nay)	4/01/99: Approved PC rec. of LR-CO w/ conditions (6-0), 1 <sup>st</sup> reading  5/06/99: Approved LR-CO w/ conditions (7-0); and/ 3 <sup>rd</sup> readings
C14-98-0196	SF to GO	12/08/98: Approved LO (8-0)	1/07/99: Approved PC rec. of LO w/ conditions (7-0); 1 <sup>st</sup> reading  2/04/99: Approved LO (7-0); 2 <sup>nd</sup> / 3 <sup>rd</sup> readings
C14-98-0154	RR to LR	12/8/98: Approved staff's alternate rec. of LR-CO by consent (8-0)	1/7/99: Approved PC rec. of LR-CO w/conditions (7-0); all 3 readings
C14-98-0135	I-RR to GR	10/27/98: Approved staff rec. of GR-CO w/ conditions: 50' greenbelt maintained w/ no impervious cover (6-0)	12/03/98: Approved PC rec. of GR-CO w/ conditions (6-0), 1 <sup>st</sup> reading  2/11/99: Approved GR-CO w/ conditions (6-0); 2 <sup>nd</sup> / 3 <sup>rd</sup> readings
C14-98-0011	DR to SF-1	3/3/98: Approved SF-1 by consent (7-0)	3/26/98: Approved PC rec. of SF-1 (6-0); all 3 readings

**RELATED CASES: N/A**

**ABUTTING STREETS:**

NAME	ROW	PAVMENT	CLASSIFICATION	DAILY TRAFFIC
Anderson Mill Road	100'	50'	Major Arterial	N/A

**CITY COUNCIL DATE:** June 8, 2006

**ACTION:**

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

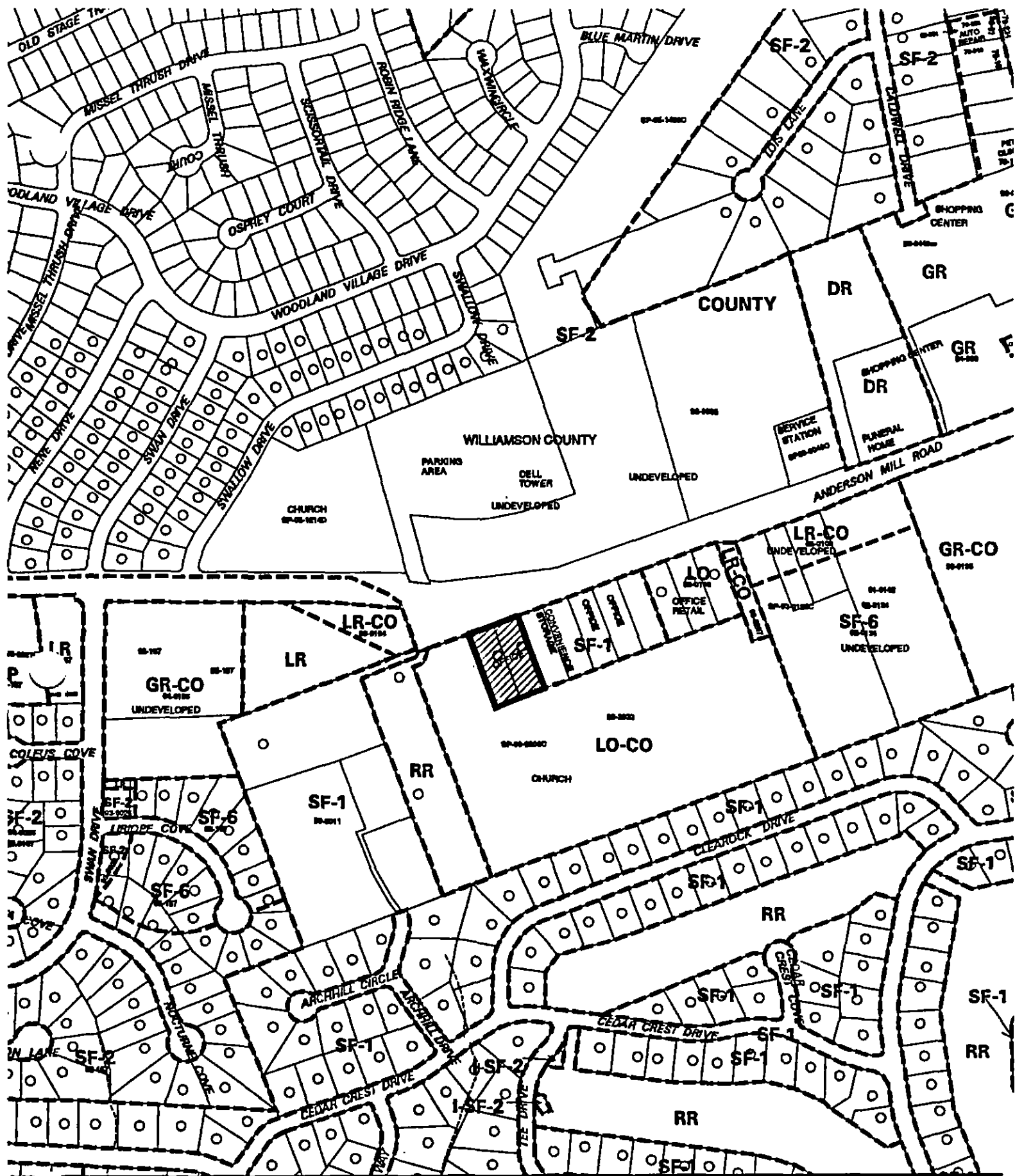
2<sup>nd</sup>





3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Sherri Sirwaitis

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



 1" = 400'	<b>SUBJECT TRACT</b> 	<b>ZONING</b> <b>CASE #: C14-06-0002</b> <b>ADDRESS: 9815 - 9817 ANDERSON MILL RD</b> <b>SUBJECT AREA (acres): 0.490</b>		<b>CITY GRID REFERENCE NUMBER</b> <b>F37</b>
	<b>PENDING CASE</b> 			
	<b>ZONING BOUNDARY</b> 	<b>INTLS: SM</b>		
	<b>CASE MGR: S.SIRWAITIS</b>			



C14-06-0002

## **STAFF RECOMMENDATION**

The staff recommends LO-CO, Limited Office-Conditional Overlay district, zoning. The conditional overlay would limit the development intensity on the site to less than 2,000 vehicle trips per day.

## **BASIS FOR RECOMMENDATION**

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

Limited office (LO) district is the designation for an office use that serves neighborhood or community needs and that is located in or adjacent to residential neighborhoods. An office in an LO district may contain one or more different uses. Site development regulations and performance standards applicable to an LO district use are designed to ensure that the use is compatible and complementary in scale and appearance with the residential environment.

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

The proposed zoning will promote consistency and orderly planning because the site is located adjacent to LO-CO zoning to the south and west and does not have direct access to Anderson Mill Road.

The staff recommends LO zoning for this site because this zoning district will allow for low intensity office uses that will serve the surrounding residential areas.

3. *The proposed zoning should allow for a reasonable use of the property.*

The LO-CO will allow for a reasonable use of the property in question. Limited Office zoning is suitable for this site because it will allow for a transition in the intensity of commercial uses to office uses along Anderson Mill Road to the west.

## **EXISTING CONDITIONS**

### **Site Characteristics**

The site is developed with two single-family structures surrounded by several large trees. The residential home on the eastern lot has recently been condemned. The property to the north is developed as a parking area and a telecommunication tower. To the east there are convenience storage units and office uses. To the south and west there is a religious assembly use (Unity Church of the Hills).

### **Hill Country Roadway**

This tract of land is not located within a Hill Country Roadway Corridor.

### **Impervious Cover**

The maximum impervious cover allowed by the LO zoning district would be 70 %. However, because the Watershed impervious cover is more restrictive than the LO zoning district's allowable impervious cover, the impervious cover on this site would be limited by the watershed ordinance.



Under the 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
One or Two Family Residential	30%	40%
Multifamily Residential	40%	55%
Commercial	40%	55%

Development within a Water Quality Transition Zone may not exceed 18% impervious cover.

### Environmental

The site is located over the Northern Edward's Aquifer Recharge Zone. The site is in the Bull Creek Watershed of the Colorado River Basin, and is classified as a Water Supply Suburban Watershed by Chapter 25-8 of the City's Land Development Code.

According to flood plain maps, there is no flood plain in, or within close proximity of, the project location.

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 preexisting 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 2,489 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 2,790sf office use will generate approximately 99 vehicle trips per day.

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:

Name	ROW	Pavement	Classification
Anderson Mill Road	Varies	50'	Major Arterial

There are no existing sidewalks along Anderson Mill Road.

Anderson Mill Road is not classified as a priority bike route in the Bicycle Plan.

Capital Metro bus service is not available along Anderson Mill Road.

**Water and Wastewater**

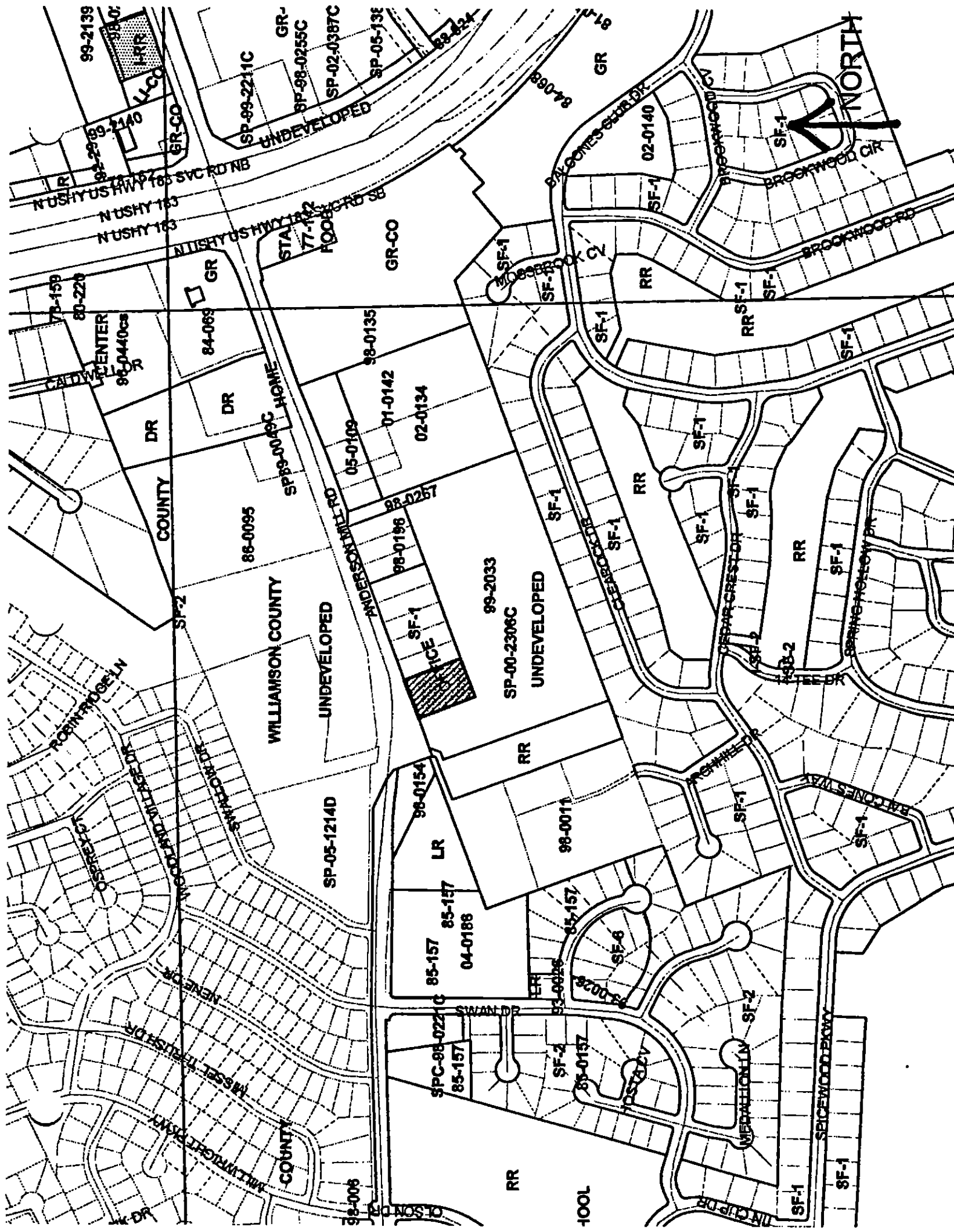
The landowner intends to serve the site with City of Austin water and wastewater utilities. If water or wastewater utility improvements, or offsite main extension, or system upgrades, or utility relocation, or adjustments are required, the landowner, at own expense, will be responsible for providing. 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. The landowner must pay the City inspection fee.

**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**

This site is not subject to Compatibility Standards.



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

**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 9815-9817 ANDERSON MILL ROAD FROM SINGLE FAMILY RESIDENCE LARGE LOT (SF-1) DISTRICT TO NEIGHBORHOOD COMMERCIAL-CONDITIONAL OVERLAY (LR-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 single family residence large lot (SF-1) district to neighborhood commercial-conditional overlay (LR-CO) combining district on the property described in Zoning Case No. C14-06-0002, on file at the Neighborhood Planning and Zoning Department, as follows:

Lots 1 and 2, Davis Acres Subdivision, a subdivision in the City of Austin, Williamson County, Texas, according to the map or plat of record in Cabinet A, Slides 371-372, of the Official Records of Williamson County, Texas (the "Property"),

locally known as 9815-9817 Anderson Mill Road, in the City of Austin, Williamson County, Texas, and generally identified in the map attached as Exhibit "A".

**PART 2.** 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 following uses are prohibited uses of the Property:

Food sales	Service station
Consumer convenience services	Consumer repair services
College and university facilities	Guidance services
Private secondary educational facilities	Off-site accessory parking
Plant nursery	Printing and publishing
Custom manufacturing	

3. Drive-in service use is prohibited as an accessory use to a commercial use.

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

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

**PASSED AND APPROVED**

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

§  
§  
§

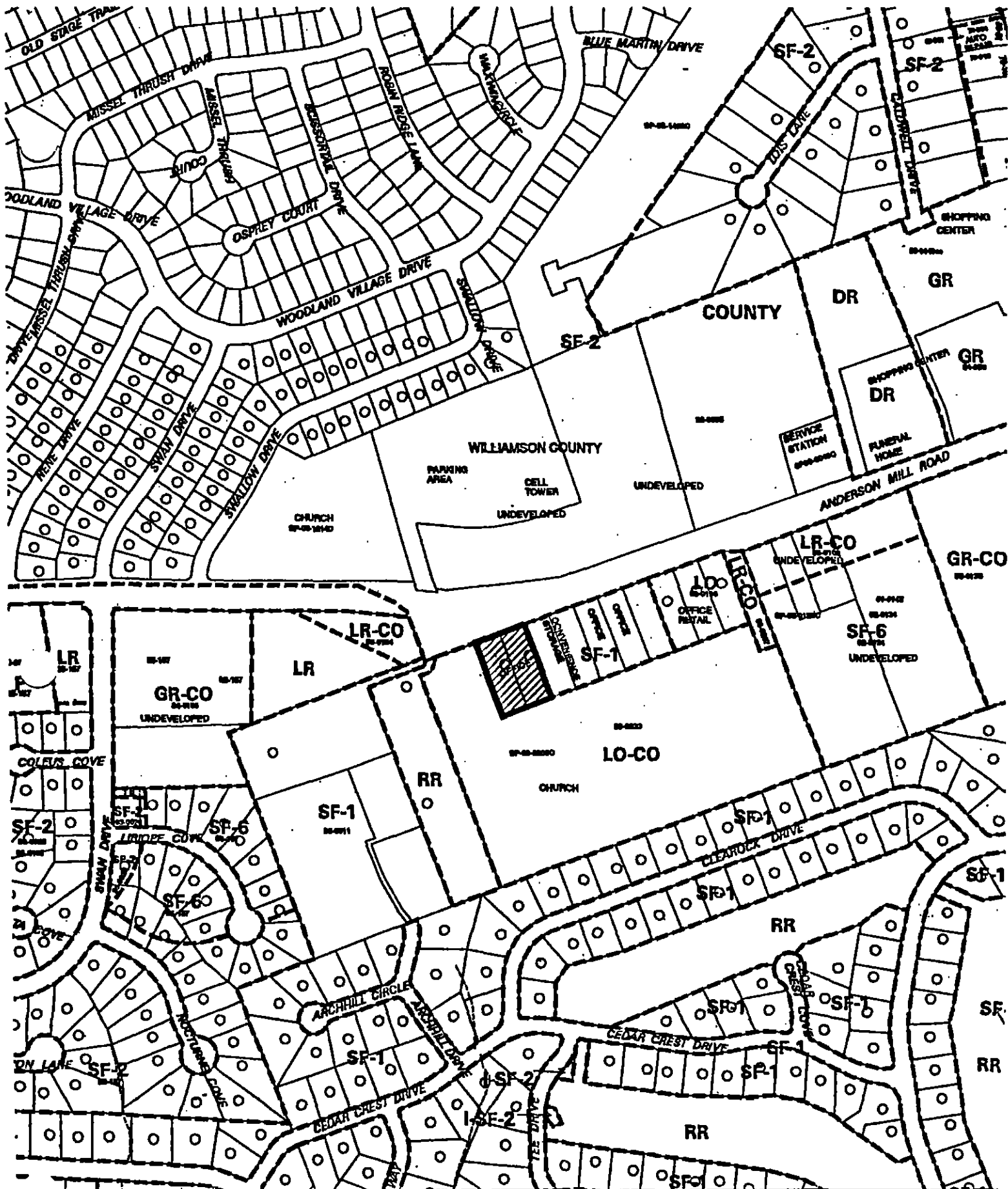
Will Wynn  
Mayor

**APPROVED:**

David Allan Smith  
City Attorney

**ATTEST:**

Shirley A. Gentry  
City Clerk



SUBJECT TRACT  
PENDING CASE  
ZONING BOUNDARY  
CASE MGR: S.SIRWAITIS



CASE #: C14-06-0002

ADDRESS: 9815 - 9817 ANDERSON

MILL RD  
SUBJECT AREA (acres): 0.490

ZONING EXHIBIT A

DATE: 06-02

INTLS: SM

CITY GRID  
REFERENCE  
NUMBER

F37

1"=400'