

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

Thursday, September 28, 2006

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**Zoning Ordinances / Restrictive Covenants
(HEARINGS CLOSED)
RECOMMENDATION FOR COUNCIL ACTION****ITEM No. 84**

Subject: C14-06-0141 - Children's Courtyard - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5811 Southwest Parkway (Barton Creek Watershed - Barton Springs Zone) from development reserve (DR) district zoning to neighborhood commercial-conditional overlay (LR-CO) combining district zoning. First reading approved on August 24, 2006. Vote: 7-0. Applicant: Andy and Joy Rites. Agent: McDill Engineering (Tom McDill). 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: C14-06-0141 Children's Courtyard

REQUEST:

Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5811 Southwest Parkway (Barton Creek Watershed – Barton Springs zone) development reserve (DR) district zoning to neighborhood commercial-conditional overlay (LR-CO) combining district zoning.

DEPARTMENT COMMENTS:

The intended use is for a day care center. However, the applicant has expressed concern about being able to build a day care and still meet impervious cover limits. Building requirements for a day care would preclude constructing the building over the parking. The applicant has clarified his application and is requesting LR-CO. Although the intent is still to build a day care, the applicant would like the more permissive zoning category, to provide for alternative commercial uses, should the day care center prove unworkable.

APPLICANT/AGENT: McDill Engineering (Tom McDill)

OWNER: Andy and Joy Rites

DATE OF FIRST READING: 8/24/06 Approved LR-CO first reading (7-0), with direction to staff to prepare a list of prohibited uses. (7-0)

PLANNING COMMISSION ACTION: 7/25/06. Recommended approval of LO-CO on consent.

CITY COUNCIL ACTION:

ORDINANCE NUMBER:

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

ZONING CHANGE REVIEW SHEET

CASE: C14-06-0141 Children's Courtyard

PC Date: July 25, 2006

ADDRESS: 5811 Southwest Parkway

AREA: 2.990 acres

OWNER/APPLICANT: Andy and Joy Rites

AGENT: McDill Engineering (Tom McDill)

ZONING FROM: DR **TO:** LR-CO*

** Note: The applicant had requested LR or LO. Notices were sent at the more permissive zoning category of LR, to allow discussion and action on LR or LO. On August 13, 2006, the applicant formally clarified that the request is for LR-CO*

STAFF RECOMMENDATION:

Staff recommends approval of LO-CO. The conditional overlay would limit daily vehicle trips to no more than 2000 per day.

PLANNING COMMISSION RECOMMENDATION:

July 25, 2006: Recommended approval of LO-CO on consent.

DEPARTMENT COMMENTS:

The site is a roughly 3 acre property currently developed with a mobile home park and zoned development reserve (DR). The request is for either neighborhood commercial (LR) or limited office (LO) base district zoning. A conditional overlay has been offered by the applicant to limit total daily vehicle trips to less than 2000.

The intended use is for a day care center. However, the applicant has expressed concern about being able to build a day care and still meet impervious cover limits. Building requirements for a day care would preclude constructing the building over the parking. The applicant has clarified his application and is requesting LR-CO. Although the intent is still to build a day care, the applicant would like the more permissive zoning category, to provide for alternative commercial uses, should the day care center prove unworkable.

Staff recommends approval of LO-CO. The conditional overlay would limit daily vehicle trips to no more than 2000 per day.

EXISTING ZONING AND LAND USES:

| | ZONING | LAND USES |
|--------------|---------------|--------------------------------------|
| <i>Site</i> | DR | Mobile Home Park |
| <i>North</i> | MF-2 | Apartments |
| <i>South</i> | GO-CO and DR | St. Andrew's School and undeveloped. |
| <i>East</i> | DR | Undeveloped |
| <i>West</i> | GR-CO | St. Andrew's School |

AREA STUDY: The property is within the proposed East Oak Hill Neighborhood Planning Area.

TIA: N/A

WATERSHED: Barton Creek (Barton Springs Zone)

DESIRED DEVELOPMENT ZONE: No **CAPITOL VIEW CORRIDOR:** No

HILL COUNTRY ROADWAY: Yes – Low Intensity Zone

REGISTERED NEIGHBORHOOD ORGANIZATIONS:

- Oak Hill Association of Neighborhoods
- Oak Hill Association of Neighborhoods (78735)
- Oak Hill Association of Neighborhoods (78736)
- Oak Hill Association of Neighborhoods (78737)
- Oak Hill Association of Neighborhoods (78738)
- Oak Hill Association of Neighborhoods (78739)
- Oak Hill Association of Neighborhoods (78749)
- Save Barton Creek Association
- Barton Springs Coalition
- Edwards Aquifer / Barton Springs Conservation District
- Save our Springs Alliance

SCHOOLS: (AISD)

Oak Hill Elementary School Small Middle School

Austin High School

ABUTTING STREETS:

| NAME | ROW | PAVEMENT | CLASSIFICATION |
|-------------------|------------|-----------------|---------------------------------|
| Southwest Parkway | 160' | 120' | Six Lane Divided Major Arterial |

C14-06-0141

CITY COUNCIL DATE:

August 24, 2006

ACTION:

Approved LR-CO first reading (7-0), with direction to staff to prepare a list of prohibited uses.

September 28, 2006:

ORDINANCE READINGS:

1st 8/24/06

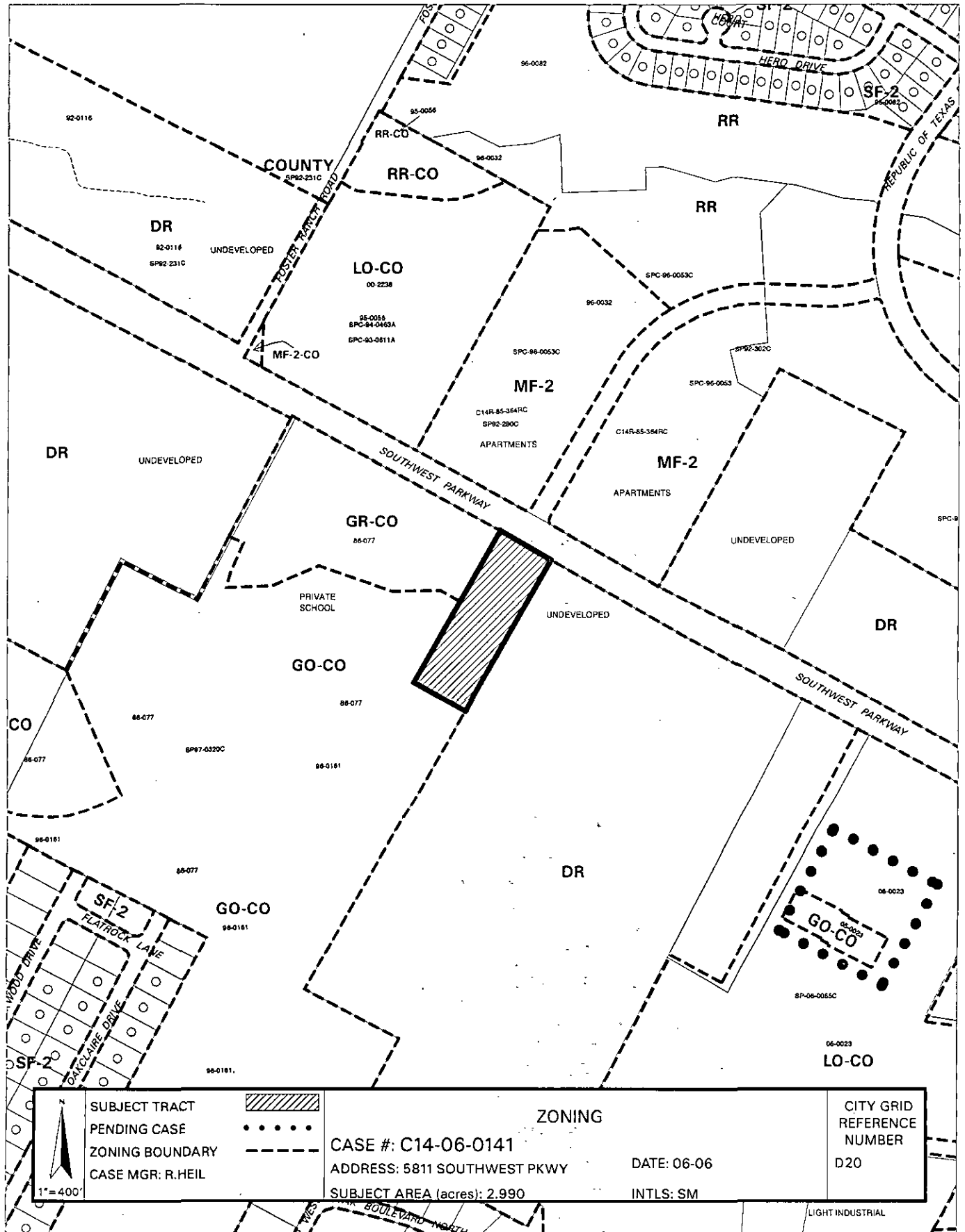
2nd

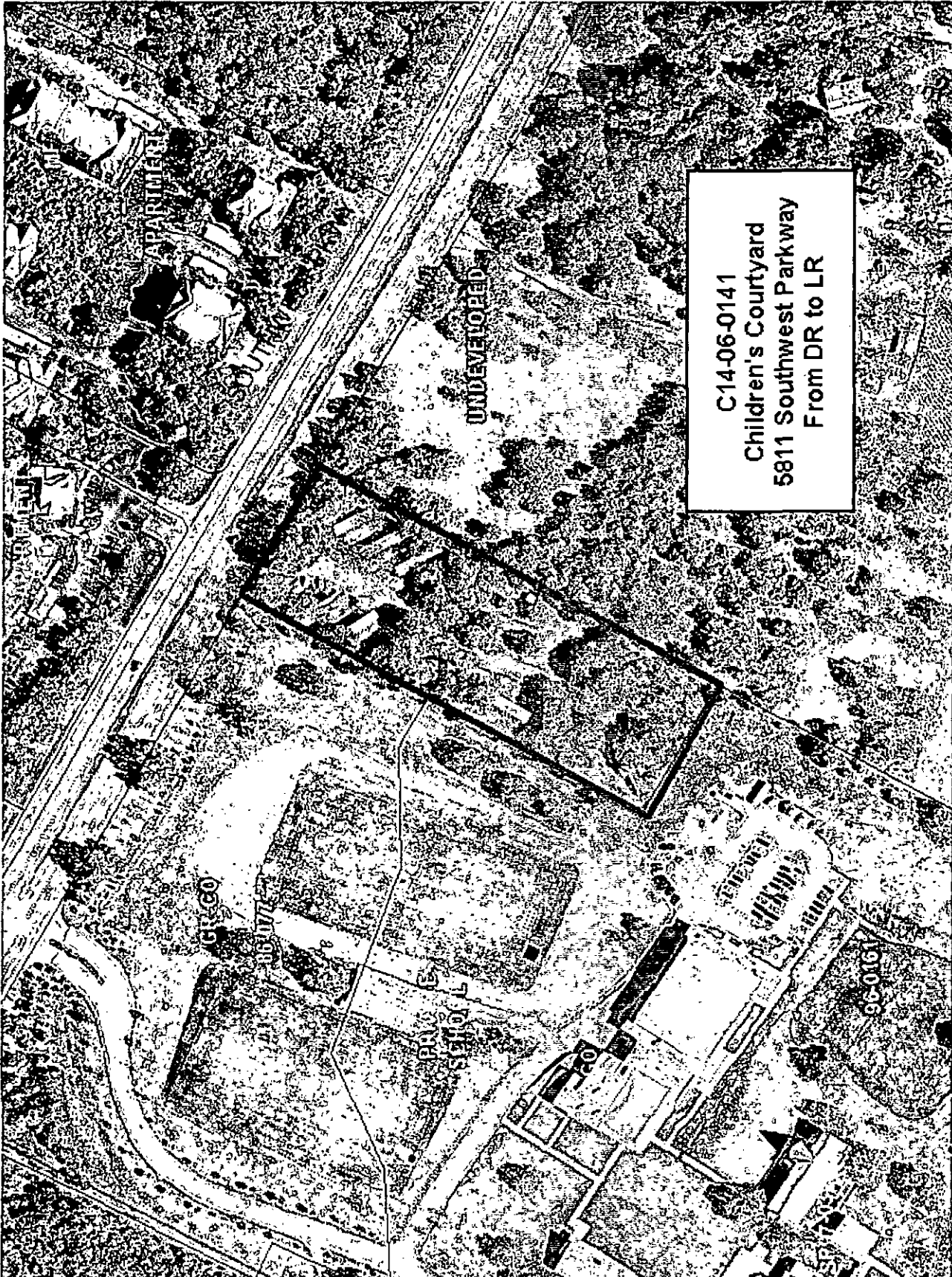
3rd

ORDINANCE NUMBER:

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

PHONE: 974-2330





SUMMARY STAFF RECOMMENDATION

Staff recommends approval of LO-CO . The conditional overlay would limit daily vehicle trips to no more than 2000 per day.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

Limited Office (LO) is the designation for an office use that serves neighborhood or commercial needs and that is located in or adjacent to residential neighborhoods.

2. *Zoning changes should promote compatibility with adjacent and nearby uses.*

Limited Office (LO) would be compatible with the educational uses to the west and south, and would be compatible with most residential or office uses likely to be developed on the large adjacent DR tract should it be rezoned and developed.

Transportation

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

The trip generation under the requested zoning is estimated to be 5,139 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]

| NAME | ROW | PAVEMENT | CLASSIFICATION |
|-------------------|------|----------|---------------------------------|
| Southwest Parkway | 160' | 120' | Six Lane Divided Major Arterial |

Environmental

This site is located over the Edward's Aquifer Recharge Zone. The site is in the Barton Creek Watershed of the Colorado River Basin, which is classified as a Barton Springs Zone (BSZ) watershed. It is in the Drinking Water Protection Zone.

Project applications at the time of this report are subject to the SOS Ordinance that allows 15% impervious cover in the recharge zone, 20% impervious cover in the Barton Creek watershed and 25% impervious cover in the Contributing zone. This tract lies in the recharge zone.

According to flood plain maps, there is no flood plain within the project location.

The site is located within the endangered species survey area.

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. Runoff from the site is required to comply with pollutant load restrictions as specified in LDC Section 25-8-514.

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 regulations.

Site Plan

This site is located within the Hill Country Roadway Corridor (Southwest Parkway) and the site plan will require Planning Commission review.

The site may be subject to compatibility standards. Along the east 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 - In the Barton Springs Zone, no individual retail use may exceed 50,000 square feet and no food sales use may exceed 100,000 square feet. [Sec. 25-2-651]

Water and Wastewater

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

The landowner must pay the tap and impact fee once the landowner makes an application for a City water and wastewater utility tap permit.

THE
PRESERVE
AT TRAVIS CREEK

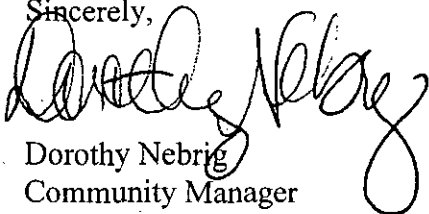
City of Austin
Neighborhood Planning and Zoning Department
P.O. Box 1088
Austin, TX 78767-8810

Re: Case #C14-06-0141

Dear Mr. Heil,

I have reviewed the zoning proposal for the above case number and The Preserve at Travis Creek apartments would support the leasing retail of a day care center in our immediate area. In the event that this could not happen, we are in dire need of local shopping like a convenient store or coffee shop as there is no local convenient retail shopping within an approximate 5 mile radius. This 608 unit community houses over 1,200 people and any retail shopping in this area is very much needed.

Sincerely,



Dorothy Nebrig
Community Manager
The Preserve at Travis Creek

5604 Southwest Parkway Austin, TX 78735
512-899-2322 FAX 512-899-2188
e-mail address: thepreservenewsonline.com



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August 9, 2006

Mr. Dick Matz
The Dick Matz Agency
9100 United Drive, Suite 101
Austin, Texas 78758

Re: The Crites three acre tract on Southwest Parkway

Dear Dick,

On behalf of the owner of approximately 48.117 acres located in the 5000 block of Southwest Parkway, we understand that there is a proposed use change on Crites three acre tract on Southwest Parkway. The use is now a mobile home park and the proposed change is to a children's day care center. Please let it be known that Travis Oaks Overwatch L.P. is in favor of such change. We feel that a children's day car facility will be an added amenity to the neighborhood.

Should you have any questions, please feel free to contact me.

Sincerely,

Doug Dwyer
Senior Vice President

Carl Roe
5707 Southwest Parkway
Austin, Texas 78735
512-892-0262

August 18, 2006

Dick Matz
Dick Matz Agency, Inc.
9100 United Dr., Suite 101
Austin, Texas 78758

RE: 3 acres owned by the Crites on Southwest Parkway

Dear Mr. Matz,

I am the neighbor of the three acre Crites tract. My tract consist of approximately 46 acres and I have been living on the property since 1946. I have received notice of the proposed rezoning of the tract at 5811 Southwest Parkway. We are experiencing rapid development activity. Most of the projects involve high density residential or office buildings. The representative of the proposed development has plans for a child care facility, which is a use that is badly needed in this area. The average homeowner in the area and occupants of local office parks have children and are in need of a daycare facility for these kids. The location next to an existing school adds additional compatibility for a preschool to the existing neighborhood.

Rezoning from the existing zoning will be necessary to change the use from the existing trailer park. If there is a problem with the requirements of a top quality daycare facility the requested zoning would allow local retail shops, which are badly needed. There is no local shopping for over five miles.

I also strongly support the LR zoning proposed.

Sincerely,



Carl Roe

THANK YOU. THAT BRINGS US TO OUR LAST ZONING, PUBLIC HEARING ITEM. THIS IS ITEM NUMBER 84 ON YOUR AGENDA, CASE C-14-060141 NEENZ CHILDREN'S COURTYARD. IT'S A PROPERTY LOCATED AT 5811 SOUTHWEST PARKWAY. A LITTLE REQUEST TO LR-CO. ZONING AND PLATTING COMMISSION RECOMMENDED LO-CO, AND THE CITY COUNCIL -- THE PLANNING COMMISSION RECOMMEND CONSENT APPROVAL OF THIS LO-CO ZONING. AT THE TIME MR. McDILL CAME INTO STAFF AND SAID THAT HE WOULD ACCEPT LO ZONING BECAUSE IT WAS HIS UNDERSTANDING THAT HIS CLIENT -- THE POTENTIAL BUYER WAS CHILDREN'S COURTYARD AND THEY COULD BASICALLY BUILD THE PROPOSED USE ON THE PROPERTY. I THINK THAT THERE ARE SOME ISSUES REGARDING THAT THAT HAVE NOW BEEN RAISED RECENTLY BEEN THE POTENTIAL BUYER AND TOM HAS LOCATED TO MAINTAIN THE LR-CO ZONING AS HE ORIGINALLY REQUESTED. AND THAT IS THE REASON WHY THIS IS A DISCUSSION ITEM, ALTHOUGH HE DID SAY LO -- LR COMING IN, HE WOULD LIKE TO REQUEST LR OF THE CITY COUNCIL. THE PROPERTY IS A ROUGHLY THREE ACRE TRACT AND IT'S DEVELOPED WITH AN EXISTING MOBILE HOME PARK. THIS IS BEFORE THE PROPERTY IS ZONED AS DEVELOPMENT RESERVE. IT DOES CONTAIN EXISTING IMPERVIOUS COVER. IT IS OVER THE RECHARGE ZONE. AND IT'S ADJACENT TO A PRIVATE HIGH SCHOOL. THERE ARE APARTMENTS LOCATED TO THE NORTH OF THE PROPERTY. IT IS LOAGHTED MID BLOCK, ALSO YOUR ZONING MAP INDICATES THAT THERE'S A POTENTIAL ROAD CONSTRUCTION BETWEEN SOUTHWEST PARKWAY AND CAPITAL OF TEXAS HIGHWAY THAT DOES NOT EXIST, AND ACROSS THE STREET ARE APARTMENT COMPLEXES. MR. McDILL HAS GIVEN YOU LETTERS OF POART FROM SOME OF THE -- SUPPORT FROM SOME OF THE ADJACENT PROPERTY OWNERS. THE CLOSEST INTERSECTION TO THIS PROPERTY IS FOSTER RANCH ROAD, WHICH IS FURTHER TO THE WEST AND IT IS A SIGNALIZED INTERSECTION. STAFF WOULD STILL RECOMMEND LO ZONING GIVE N ITS MID BLOCK CONFIGURATION AND FIGURE THAT IT WOULD BE A USE THAT COULD BE DEVELOPED ON THIS PROPERTY. AT THIS POINT I'LL PAUSE AND I'LL LET TOM COME FORWARD AND MAKE HIS CASE.

Mayor Wynn: THANK YOU, MR. GUERNSEY. QUESTIONS OF STAFF? COUNCILMEMBER LEFFINGWELL.

Leffingwell: IS THIS PROPERTY SUBJECT TO THE S.O.S. ORDINANCE?

IT WOULD BE SUBJECT TO S.O.S., BUT THERE'S A CONSIDERABLE AMOUNT OF IMPERVIOUS COVER EXISTING ON STH PROPERTY, AND I KNOW TOM HAS ACTUALLY SPOKEN TO SOME OF OUR ENVIRONMENTAL STAFF ABOUT UTILIZING THE EXISTING IMPERVIOUS COVER. I DON'T BELIEVE THE PROPERTY IS SUBDIVIDED, SO IT DOESN'T HAVE A PERMIT TO ESTABLISH A CHAPTER 245 CLAIM. IT IS ALREADY DEVELOPED WITH A MOBILE HOME PARK, SO THAT PROJECT WOFB COMPLETE FLFSD A PREVIOUS PROJECT. SO THERE'S NO CHAPTER 245 CLAIM TO BE GRANDFATHERED. I THINK TOM HAD MENTIONED BEFORE THAT HE INDICATED HE HAD HAD DISCUSSION FROM

ENVIRONMENTAL STAFF UTILIZING THE EXISTING COVER K. IMPERVIOUS COVER ON THE PROPERTY. THE AMOUNT OF IMPERVIOUS COVER ALREADY EXCEEDS SOVMENTS.

.....SOVMENTS.

Leffingwell: OLD OR NEW IT HAS NO GRANDFATHER CLAIM, IT'S SUBJECT TO THE S.O.S.

THAT'S RIGHT.

Mayor Wynn: THANK YOU, MR. GUERNSEY. MR. McDILL IN..... DILL? YOU WILL HAVE FIVE MINUTES IF YOU NEED IT.

MAYOR WYNN, MEMBERS OF THE COUNCIL, MY NAME IS TOM McDILL. I DO REPRESENT THE EXISTING OWNERS AND THE PROSPECT SPIF PURCHASERS. I'LL START OFF BY SAYING WE HAVE NO WET LAND FEATURES, NO CRITICAL WATER QUALITY ZONES AND ALL THE NEIGHBORS NR AGREEMENT WITH WHAT I'M GOING ASK FOR TONIGHT. IT'S NOT THAT COMPLEX. THE POTENTIAL PURCHASERS DO DESIRE TO PUT AN UPSCALE CHILD CARE FACILITY AND PRESCHOOL ON THIS SITE, BUT THERE ARE SOME VERY CONFUSING AND COMPLEX REDEVELOPMENT IMPERVIOUS COVER FORMULAS THAT IT IT SEEMS LIKE ANY TIME I WORK THROUGH THEM WITH ANY MEMBER OF THE STAFF IT TURNS TOWB A DIFFERENT NUMBER EVERY TIME IEVMENT NOT SURE WE'LL BE ABLE TO PUT THE CHILD CARE FACILITY ON THIS SITE. THAT'S WHY WE THEN WENT AROUND TO THE NEIGHBORS AND SAID IF YOU HAD YOUR CHOICE, WOULD LO OR LR BE MORE FAVORABLE TO YOU? AND I'VE TALKED TO THE OWNERS OF THE APARTMENT BUILDING AND THE MANAGERS OF THE APARTMENT COMPLEX ACROSS THE STREET. THEY SPECIFICALLY SAID THEY WOULD MUCH RATHER SEE LR, AND TWOHOOS THAT LETTER IN THE FILE INDICATES. I HAVE ANOTHER LETTER THAT I GAVE TO GREG TONIGHT FROM THE NEIGHBOR TO THE EAST OR THE LOWER SIDE OF THAT PROPERTY. HE ALSO SPECIFICALLY INDICATED THAT HE WOULD RATHER SEE LR. AND THE REASON -- AND I VISITED WITH THE HIGH SCHOOL AND THEIR BOARD OF DIRECTORS. THEY WON'T HAVE A DIRECTORS' MEETING FOR 10 DAYS, BUT THEY ALSO VERBALLY DATED THEY WOULD RATHER SEE LR IF THE CHILD CARE FACILITY WON'T MAKE IT BECAUSE OF IMPERVIOUS COVER. AND THEIR RATIONALE FOR THAT IS THAT IT IS ABOUT SIX OR SEVEN MILES FROM THIS PARTICULAR SITE TO THE NEXT SPOT WHERE YOU CAN GET A CUP OF COFFEE OR BUY A LOAF OF BREAD OR ANY KIND OF LOCAL CONVENIENCE STORE ITEM OR GET A SANDWICH BECAUSE THEIR NEIGHBORHOOD SHOPPING CENTER IS WAL-MART, AND ANOTHER DIRECTION, ANOTHER EXTRA MILE IS ALBERTSON'S AND H.E.B. SO IF THIS DOES NOT QUALIFY FOR IMPERVIOUS COVER THAT WE WOULD FROIR THE CHILD CARE FACILITY,, WE WOULD THEN HAVE TO SLIDE THE BUILDING FARTHER FORWARD AND PUT THE PARKING UNDER THE BUILDING, AND THAT WILL DISQUALIFY FOR THE CHILD CARE FACILITY BECAUSE HAD THEY NEED FIRST FLOOR ENTRANCES FOR THE LITTLE KIDS AND BABIES AND STUFF. SO THAT'S WHY I'M HERE REQUESTING THE LR AS OPPOSED TO

THE LO. WE DID NOTICE EVERYBODY THROUGHOUT FOR LR AND THAT WAS OUR CHOICE. WHEN I FOUND OUT THERE WAS NO OPPOSITION I THOUGHT THRAFS NO PROBLEM, BUT THEN WHEN I FOUND OUT THAT IT REALLY HAD BEEN APPROVED FOR LO, THAT'S WHY I'M HERE TONIGHT REQUESTING THAT THE COUNCIL APPROVE IT FOR LR BECAUSE THAT'S WHAT QUESTION REQUESTED, THAT'S WHAT WE NOTICED FOR, AND ALL OF THE NEIGHBORS AROUND US HAVE AGREED WITH US AND WOULD RATHER HAVE LR. BUT I'D BE GLAD TO ANSWER ANY QUESTIONS. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS] THERE'S A SIGNIFICANT AMOUNT OF STAFF THAT IT WOULD BE TOO LARGE FOR THE ALLOWED AMOUNT OF IMPERVIOUS COVER THEY HAVE ON THIS PROPERTY.

McCracken: MAKE IT TWO STORY AT THAT POINT?

MOST DAY CARES ARE ONE STORY. THERE ARE SOME CONSTRAINTS ON THE PROPERTY BECAUSE IT'S IN THE HILL COUNTRY CORRIDOR SO THERE MIGHT BE SETBACKS AND HEIGHT LIMITATIONS OFF SOUTHWEST PARK WAY. THIS IS JUST DOWN THE STREET FROM THE PROPOSED A.M.D. FACILITY THAT'S GOING ON THE OLD STRATUS PROPERTY. SO YOU DO HAVE HILL COUNTRY ALONG THIS PARTICULAR CORRIDOR. I THINK THAT'S THE REASON WHY TOM HAS COME BACK AND ASKED FOR L.R. TO PROVIDE FOR FLEXIBILITY IF THE DAY CARE CHOOSES NOT TO GO ON THIS PROPERTY.

McCracken: WHY IS STAFF -- IS STAFF OPPOSED TO L.R.?

STAFF WOULD STILL RECOMMEND L.O. ZONING ON THIS PROPERTY. THE INTERSECTION OF WILLIAM CANNON AND SOUTHWEST PARKWAY IS A SHORT DISTANCE AWAY. WHETHER IT'S A TREMENDOUS AMOUNT OF COMMERCIAL ZONING AVAILABLE. I WON'T DISPUTE MAYBE THE DISTANCE TO THE WAL-MART IS QUITE FAR AWAY, BUT IF YOU JUST GO A LITTLE WAYS DOWN THE STREET, YOU CAN MAKE A LEFT AND GET DOWN TO THE INTERSECTION OF HIGHWAY 290 AND WILLIAM CANNON. THERE ARE SOME RESTAURANTS THERE AND CONVENIENCE STORES JUST UP THE STREET FROM THAT THAT ARE NOT TOO FAR AWAY.

McCracken: COULD YOU DO LIKE A COFFEE SHOP OR SANDWICH SHOP UNDER L.O.?

NO, YOU COULD NOT. YOU COULD DO IT IN G.R. WHICH IS FURTHER TO THE WEST -- AT THE INTERSECTION OF WILLIAM CANNON AND SOUTHWEST PARK.

McCracken: ONE OF THE PLANNING PROBLEMS IS WE BASICALLY NOW REQUIRE EVERYBODY TO GET ON A HIGHWAY TO DO BASICALLY EVERYTHING IN YOUR LIFE. SO I CAN SEE THAT THERE'S A GOOD -- THERE'S A GOOD CASE YOU MAKE THAT IF THE DAY CARE DIDN'T GO THERE THAT IT WOULD BE A VERY GOOD NEIGHBORHOOD ADDITION TO HAVE LIKE A COFFEE SHOP, A SANDWICH SHOP. I GUESS WE MAY NEED

GUIDANCE ON IS THERE SOME USES IN L.R. THAT MAY BE INAPPROPRIATE OR ARE THERE?

WELL, IN THE R DISTRICT, I KNOW CONCERNS OF COUNCIL PAST HAVE BEEN SOME USES LIKE SERVICE STATION ON A RECHARGE ZONE THAT HAVE VARIOUS CONCERNS IN THE PAST WITH SOME COUNCILS. BUT MOST OF THE L.R. DISTRICT USES ARE NEIGHBORHOOD ORIENT. IT WOULD ALLOW FOOD SALES THAT YOU WOULD COMMONLY HAVE WITH A TYPE OF CONVENIENCE STORE THAT WOULD ALLOW SOME PERSONAL SERVICES, DRY CLEANER PICKUP. IT WOULD ALLOW FOR OFFICE USES. MEDICAL OFFICE NOT EXCEEDING 5,000 SQUARE FEET. I THINK WHERE STAFF WOULD SUGGEST THERE ARE MORE APPROPRIATE LOCATIONS ALONG SOUTHWEST PARKWAY WHERE THERE ARE INTERSECTIONS POSSIBLY NEAR THE INTERSECTION OF FOSTER RANCH ROAD WHICH IS SIGNALIZED JUST UP THE STREET. THE LOCATION OF THIS PROPERTY, IT DIDN'T LIMIT ITSELF AND STAFF HAS RECOMMENDED AND COUNCIL HAS APPROVED OTHER L.O. ZONING MID-BLOCK JUST DOWN THE STREET FROM THIS PROPERTY.

Mayor Wynn: MR. GUERNSEY, ESSENTIALLY ALL THE ADJACENT VACANT LAND AND MUCH OF THE LAND ACROSS THE STREET, THE ZONING ON THAT PROPERTY IS WHAT?

THE ADJACENT PROPERTY ACROSS THE STREET IS ZONED MULTI-FAMILY AND DEVELOPED WITH APARTMENTS. THERE'S A VERY LARGE TRACT OF LAND IMMEDIATELY TO THE EAST OF THIS PROPERTY WHICH IS D.R., DEVELOPMENT RESERVE. I WOULD EXPECT AT SOME POINT THE PROPERTY OWNER WOULD PROBABLY COME IN AND SEEK A REZONING REQUEST AND THAT'S ADJACENT TO AN OFFICE PROPERTY. THERE'S A SCHOOL THAT IS NEXT DOOR WHERE -- I THINK IT'S SAINT MICHAEL'S ACADEMY IS LOCATED, AND IT'S A PRIVATE HIGH SCHOOL AND THEY HAVE LARGE SOCCER FIELDS THAT ARE LOCATED IMMEDIATELY TO THE EAST. AND THAT PROPERTY WAS ORIGINALLY PART OF OUR PROPERTY EXTENDED ALL THE WAY FROM SOUTHWEST PARKWAY DOWN TO 290. WHEN IT WAS REZONED TO ACCOMMODATE THAT PRIVATE HIGH SCHOOL USE WHEN IT WAS REZONED I BELIEVE BACK IN THE '90s. OR '80s..

Mayor Wynn: ALL RIGHT.

THE GENERAL AREA AROUND IT, THERE'S A GREAT DEAL OF UNDEVELOPED LAND, BUT THE PROPERTY IMMEDIATELY TO THE NORTH ACROSS SOUTHWEST PARKWAY AND TO THE WEST IS DEVELOPED.

Mayor Wynn: THANK YOU. FURTHER QUESTIONS OF STAFF? COUNCIL, COMMENTS? COUNCILMEMBER McCracken.

McCracken: I'LL MAKE A MOTION TO APPROVE ON FIRST READING ONLY THE L.R. ZONING. LR-CO ZONING THAT -- TO PROHIBIT DRIVE-THROUGHS AND AUTO ORIENTED LIKE SERVICE STATION USES, GAS STATIONS. AND THEN DO YOU HAVE ANY QUESTIONS ABOUT THAT THAT COULD COME BACK FOR SECOND READING TO GET THAT CLARIFIED.

Mayor Wynn: SO WITH THAT, MR. GUERNSEY, STAFF WOULD GENERALLY ALREADY HAVE A LIST OF L.R. USES THAT IT WOULD RECOMMEND BE RESTRICTED IN THE FORM OF A CONDITIONAL OVERLAY, I PRESUME, CORRECT?

WE COULD PRESENT COUNCIL A LIST OF THE L.R. USES. AS I SAID BEFORE, I THINK STAFF WAS RECOMMENDING THE L.O., BUT WE COULD PROVIDE COUNCIL WITH A LIST OF THE L.R. USES WHEN WE BRING THIS BACK. AND IF THERE ARE OTHER USES WE COULD SPEAK WITH TOM ABOUT, IF HE WOULD BE WILLING TO OFFER POSSIBLY THE CONDITIONAL OVERLAY TO PROHIBIT IN ADDITION TO THE SERVICE STATION USE.

Mayor Wynn: SO MOTION BY COUNCILMEMBER McCRACKEN SECONDED BY THE MAYOR PRO TEM TO CLOSE THE PUBLIC HEARING AND APPROVE ON FIRST READING ONLY LR-CO WITH DIRECTION TO STAFF TO COME BACK ON SECOND READING WITH A LIST OF LIKELY RESTRICTIVE USES IN THAT CONDITIONAL OVERLAY. COUNCILMEMBER LEFFINGWELL.

Leffingwell: I AM LOOKING FORWARD TO THE USES. MAYBE -- EXCEPT FOR THE FOLLOWING L.R. USES, SOMETHING LIKE THAT. AND/OR YOU COULD GO THE OTHER WAY, LIST OF PROHIBITED USES, I REALLY DON'T CARE WHICH. THE OTHER THING I WANTED TO ASK COMING BACK FOR SECOND READING, COULD WE ADD TO TO C.O. THAT THE -- ANY DEVELOPMENT WILL COMPLY WITH THE S.O.S. ORDINANCE? I KNOW THAT NOW THERE IS NO CLAIM, BUT POTENTIALLY THERE COULD BE IN THE FUTURE. SO IF WE COULD GET THAT AS A C.O. IF APPROPRIATE, I WOULD LIKE TO ADD THAT AS A FRIENDLY AMENDMENT.

STAFF COULD INVESTIGATE THAT FURTHER AND WHEN WE COME BACK WE COULD EXPLAIN --

Leffingwell: LET'S DO THAT ON SECOND.

I CONSIDER THAT A FRIENDLY AMENDMENT.

Mayor Wynn: SO AMENDED MOTION AND SECOND ON THE TABLE. FURTHER COMMENTS? FIRST READING ONLY. HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. OPPOSED? MOTION PASSES ON FIRST READING ONLY WITH A VOTE OF 7-0. THANK YOU, MR. GUERNSEY.