



Thursday, September 28, 2006

+ Back Print

**Zoning Ordinances / Restrictive Covenants
(HEARINGS CLOSED)
RECOMMENDATION FOR COUNCIL ACTION**

ITEM No. 90

Subject: C14-06-0097 - Cody Pools - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2300 West Parmer Lane (Walnut Creek Watershed) from interim-rural residence (I-RR) district zoning to neighborhood commercial-conditional overlay (LR-CO) combining district zoning. First reading approved on August 31, 2006. Vote: 7-0. Applicant: Cody Pools, Inc. (Michael R. Church). Agent: Permit Me (Maureen Morphew). City Staff: Sherri Sirwaitis, 974-3057.

**Additional Backup
Material**

(click to open)

- ☐ Staff Report
- ☐ Ordinance

For More Information: Sherri Sirwaitis, 974-3057.

ZONING CHANGE REVIEW SHEET

CASE: C14-06-0097

Z.A.P. DATE: June 20, 2006
July 18, 2006
August 1, 2006

ADDRESS: 2300 West Parmer Lane

APPLICANT: Cody Pools, Inc. (Michael R. Church)

AGENT: Permit Me (Maureen Morphew)

ZONING FROM: I-RR

TO: GR CS*

AREA: 0.588 acres

* On June 6, 2006, the staff received an e-mail from the agent for this case asking to amend the rezoning request for this property from 'GR' to 'CS'. The CS, General Commercial Services District, will permit the Construction Sales and Services use that currently exists on the site. Therefore, this case was pulled from the June 20, 2006 Zoning and Platting Commission meeting re-noticed for the July 18, 2006 meeting.

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to grant LO-CO, Limited Office-Conditional Overlay District, zoning. The conditional overlay will limit development on the site to less than 700 vehicle trips per day.

In addition, the staff recommends that 100 feet of right-of-way be reserved from the existing centerline of Parmer Lane in accordance with the Transportation Plan. [LDC, Sec. 25-6-51 and 25-6-55].

ZONING AND PLATTING COMMISSION RECOMMENDATION:

6/20/06: Pulled for re-notification.

7/18/06: Postponed by the staff to August 1, 2006 for re-posting (6-0, B. Baker, J. Gohil, J. Martinez-absent); M. Hawthorne-1st, C. Hammond-2nd.

8/01/06: Approved LR-CO zoning with the following conditions: 700 vehicle trip limit per day and 100-feet of right-of-way reservation from the centerline of Parmer Lane (9-0); K. Jackson-1st, B. Baker-2nd.

DEPARTMENT COMMENTS:

The property in question is developed with pool contractor business. According to city records, this area was annexed by the City of Austin on November 12, 1984 (case C7A-84-020), dis-annexed through the provisions of State Bill 962 on September 21, 1989 (case C7AD-89-141), and re-annexed by the City of Austin on December 31, 1996 (case C7A-96-002). This property is located within the North Lamar Area Study, which was adopted by the City Council on October 3, 1985. The study recommends single-family land use for this area located to the north of Parmer Lane (North Lamar Area Study-Map 4, page 16).

The applicant is requesting CS, General Commercial Services District, zoning to expand the existing business at this site. The staff presents an alternate recommendation of LO-CO, Limited Office-Conditional Overlay District, zoning for this property because the site fronts onto Parmer Lane and is located adjacent to an existing office use/ LO-CO zoning to the east. The site under consideration currently takes access to a residential collector, Silver Spur and to West Parmer Lane. 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. 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 Parmer Lane to the east.

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

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	I-RR	Pool Contractor (Cody Pools)
<i>North</i>	SF-1	Single-Family Residences
<i>South</i>	NO, LR, LR-CO	Office Uses
<i>East</i>	LO-CO	Medical Office (Dentist Office)
<i>West</i>	SF-2	Automotive Service Facility (Quick Lube)

AREA STUDY: North Lamar Area Study

TIA: Waived

WATERSHED: Walnut Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

NEIGHBORHOOD ORGANIZATIONS:

- 37 - Lamplight Village Area Neighborhood Association
- 64 - River Oaks Lakes Estates Neighborhood
- 114 - North Growth Corridor Alliance
- 511 - Austin Neighborhoods Council

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-05-0054	I-RR to SF-1	5/03/05: Approved staff's recommendation of SF-1 zoning by consent (8-0, J. Martinez-absent)	6/09/05: Approved SF-1 (6-0, McCracken-off dias); all 3 readings
C14-05-0053	I-RR to SF-1	5/03/05: Approved staff's recommendation of SF-1 zoning by consent (8-0, J. Martinez-absent)	6/09/05: Approved SF-1 (6-0, McCracken-off dias); all 3 readings
C14-05-0052	I-RR to SF-1	5/03/05: Approved staff's recommendation of SF-1 zoning by consent (8-0, J. Martinez-absent)	6/09/05: Approved SF-1 (6-0, McCracken-off dias); all 3 readings

C14-05-0051	I-RR to SF-1	5/03/05: Approved staff's recommendation of SF-1 zoning by consent (8-0, J. Martinez-absent)	6/09/05: Approved SF-1 (6-0, McCracken-off dias); all 3 readings
C14-04-0201	I-RR to LR	2/01/05: Approved staff's recommendation for SF-1 zoning (9-0); J. Martinez-1 st , B. Baker-2 nd . Motion made for staff to initiate a zoning case for all properties that are zoned I-RR on Cindy Lane, Tomanet Trail and Silver Spur Streets, to SF-1 zoning (9-0); B. Baker-1 st , K. Jackson-2 nd .	3/03/05: Approved SF-1 on 1 st reading (7-0) 4/07/05: Approved SF-1 (7-0); 2 nd /3 rd readings
C14-04-0119	NO to LR	9/21/04: Approved staff's rec. of LR (7-0)	10/21/04: Approved LR (7-0); all 3 readings
C14-02-0135	NO to GR	9/17/02: Approved staff's rec. of GR-CO zoning by consent (7-0)	10/24/02: Granted GR-CO on all 3 readings (6-0, Dunkerley-absent)
C14-01-0184	NO to GR	1/29/02: Postponed to 2/26/02 by applicant (8-0, A. Adams-absent) 2/26/02: Approved staff's recommendation of GR-CO zoning (6-0, K. Jackson-absent; N. Spelman, D. Castaneda-left early)	4/4/02: Approved GR-CO with conditions on all 3 readings (6-0, Goodman out of room)
C14-00-2045	NO to GR	5/9/00: Approved GR-CO (6-2, JR/JM-Nay); for building footprint only for dry cleaning use; permitted 'NO' uses; no access to Tomanet Trail; 2,000 vehicle trip limit per day; limit landscape buffer between sidewalk and street; sidewalks on Tomanet Trail; building square feet not to exceed 2,000 sq. ft.	6/8/00: Approved PC rec. of GR-CO w/ conditions on 1 st reading (7-0) 10/12/00: Approved GR-CO (7-0); 2 nd /3 rd readings
C14-98-0082	NO to GR	8/4/98: Approved GR-CO w/ conditions (9-0)	9/10/98: Approved PC rec. of GR-CO w/ conditions (6-0); 1 st reading Administrative-EXPIRED 9/7/99, no 3 rd reading
C14-96-0037	NO to LR	5/7/96: Approved LR-CO subject to conditions of no more than 12 parking spaces on the site and a 300 vehicle trip per day limit (8-0)	5/23/96: Approved LR-CO subject to conditions (6-0); 1 st reading 8/8/96: Approved LR-CO subject to conditions (7-0); 2 nd /3 rd readings
C14-94-0042	NO to LO	4/26/94: Approved LO-CO (6-0); subject to ROW; medical offices as only permitted 'LO' use, permit 'NO' uses; 0.15 FAR; 'NO' development	6/9/94: Approved LO-CO (5-0); 1 st reading 11/17/94: Approved LO-CO (7-0); 2 nd /3 rd readings

		regulations	
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RELATED CASES: C7A-96-002 (Annexation)

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bus Route	Bike Route
Parmer Lane	155'	2 @ 40'	Arterial	Yes	No	Priority 1
Silver Spur	60'	28'	Collector	Yes	No	No

CITY COUNCIL DATE: August 31, 2006

ACTION: Approved LR-CO zoning on 1st reading (7-0); J. Kim-1st, L. Leffingwell-2nd.

September 28, 2006

ACTION:

ORDINANCE READINGS: 1st 8/31/06

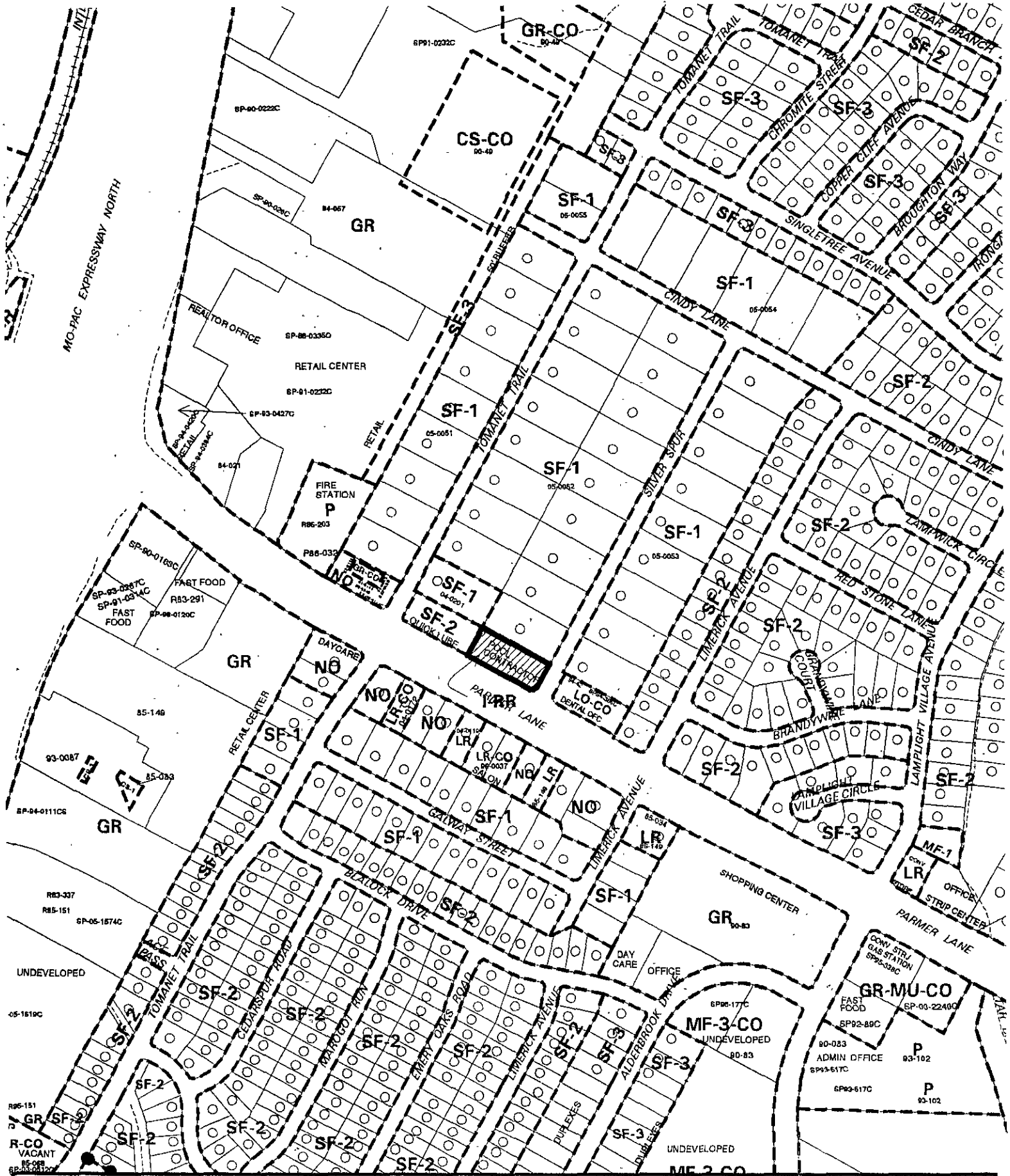
2nd

3rd

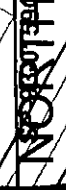
ORDINANCE NUMBER:

CASE MANAGER: Sherri Sirwaitis

PHONE: 974-3057,
sherri.sirwaitis@ci.austin.tx.us



 1" = 400'	SUBJECT TRACT		ZONING CASE #: C14-06-0097 ADDRESS: 2300 W PARKER LN SUBJECT AREA (acres): 0.558	DATE: 06-05 INTLS: SM	CITY GRID REFERENCE NUMBER L35
	PENDING CASE				
	ZONING BOUNDARY				
	CASE MGR: S.SIRWAITIS				



NORTH



STAFF RECOMMENDATION

The staff's recommendation is to grant LO-CO, Limited Office-Conditional Overlay District, zoning. The conditional overlay will limit development on the site to less than 2,000 vehicle trips per day.

In addition, the staff recommends that 100 feet of right-of-way be reserved from the existing centerline of Parmer Lane in accordance with the Transportation Plan. [LDC, Sec. 25-6-51 and 25-6-55]

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 NO/LO-CO zoning and office uses to the south and east.

The site currently takes access to a residential collector, Silver Spur and to West Parmer Lane. 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 Parmer Lane to the east. The property in question backs up to a single family residential neighborhood.

EXISTING CONDITIONS

Site Characteristics

The site is developed with a pool contractor (Cody Pools) business. The property contains an office, outdoor display pool and parking area.

Impervious Cover

The maximum impervious cover allowed by the CS zoning district would be 95%. However, if 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	% with Transfers
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

Environmental

The site is not located over the Edward's Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Walnut Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code.

According to flood plain maps, there is no floodplain within, or adjacent to the project boundary.

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 the site is developed and there are no significant environmental features.

Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:

- Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.*

Transportation

The Austin Metropolitan Area Transportation Plan calls for a total of 200 feet of right-of-way for Parmer Lane. If the requested zoning is granted, then 100 feet of right-of-way shall be reserved from the existing centerline in accordance with the Transportation Plan. [LDC, Sec. 25-6-51 and 25-6-55]

The trip generation under the requested zoning is estimated to be 2,802 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 700 vehicle trips per day. [LDC, 25-6-117]

Existing Street Characteristics:

Name	ROW	Pavement	Classification	Sidewalks	Bus Route	Bike Route
Parmer Lane	155'	2 @ 40'	Arterial	Yes	No	Priority 1
Silver Spur	60'	28'	Collector	Yes	No	No

Right of Way

The scope of this review is limited to the identification of needs for dedication and/or reservation of right-of-way for funded Capital Improvement Program (C.I.P.) Roadway Construction Projects and Transportation Systems Management (T.S.M.) Projects planned for implementation by the City of Austin. No aspect of the proposed project is being considered or approved with this review other than the need for right-of-way for City projects. There are separate right-of-way dedication and reservation requirements enforced by other Departments and other jurisdictions to secure right-of-way for roadway improvements contained in the Austin Metropolitan Area Roadway Plan, roadway projects funded by County and State agencies, and for dedication in accordance with the functional classification of the roadway.

We have reviewed the proposed subdivision, site plan, or zoning case and anticipate no additional requirement for right-of-way dedication or reservation for funded C.I.P. or T.S.M. projects at this location.

Water and Wastewater

The landowner intends to serve the sit with City water and wastewater utilities. The landowner, at own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extension, system upgrades, and utility adjustments. 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 water and wastewater utility construction must be inspected by the City of Austin. 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

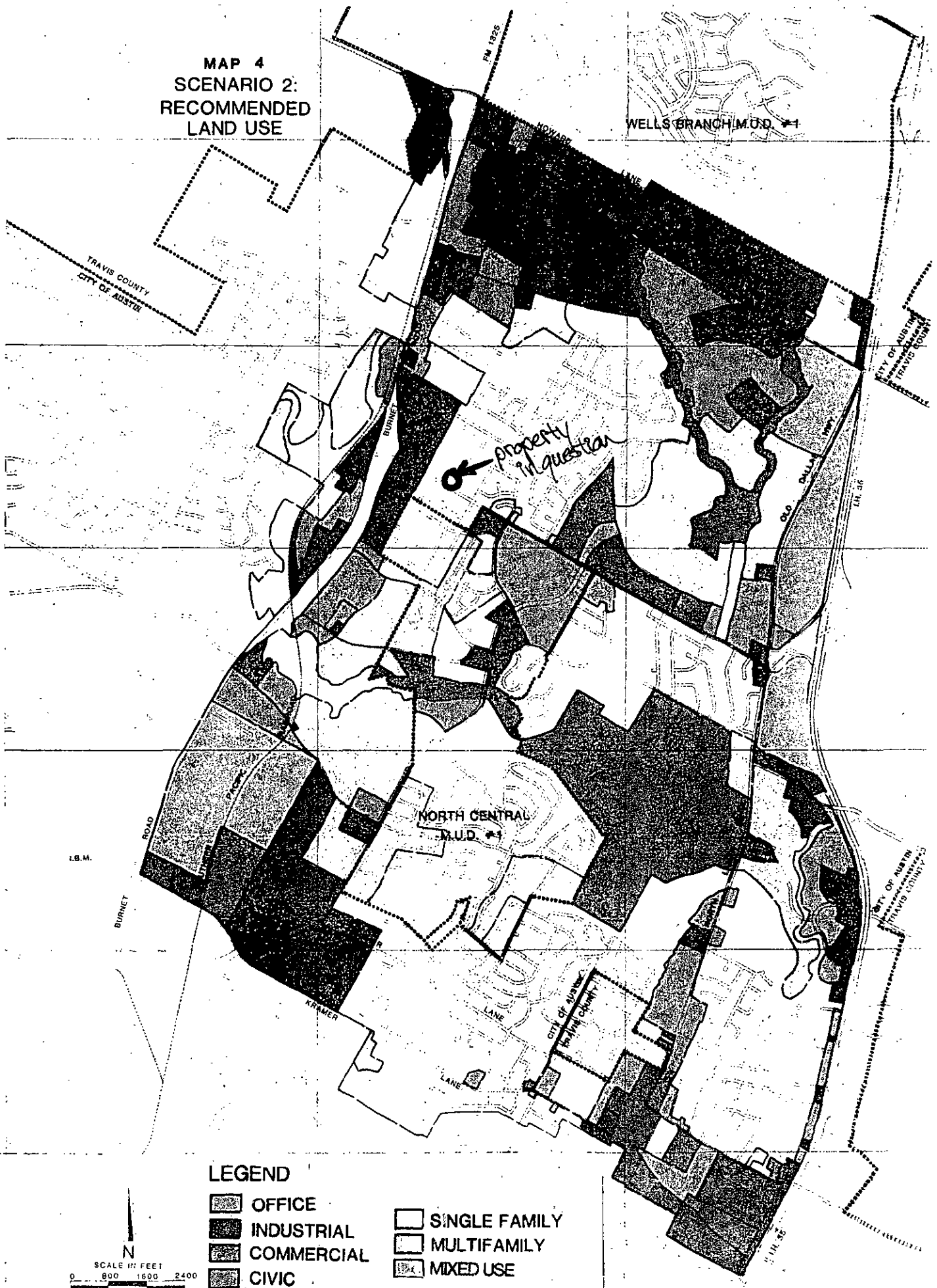
There was a site plan exemption issued on 11/28/05 of SPX-05-1913 and a note stating that the site plan file is missing in DAC. A search occurred in PIER by site plan reviewer and no site plan was located.

The site is subject to compatibility standards. Along the north/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 23' feet of the property line.
- A landscape area at least 3 feet wide is required along the north 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.

MAP 4
SCENARIO 2:
RECOMMENDED
LAND USE



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

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: C14-06-0097

Contact: Sherri Sirwaitis, (512) 974-3057

Public Hearing:

June 20, 2006 Zoning and Platting Commission

Don & Jean Ferrara

Your Name (please print)

12506 Silver Spur Austin, TX 78727

Your address(es) affected by this application

Jean Ferrara 6-15-06

Signature

Date

Comments: Cody Pools already has a negative impact on our neighborhood. The Dentist office and Cody Pools use our street for their parking. This makes the street a one way. This interferes with our city services and our mail delivery. Any more growth from either of these businesses would impose further hardship for our neighborhood

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





To Sherri Sirwaitis
City of Austin- Zoning
Reference Case Number: C14-06-0097
Owner: Cody Pools Inc.

Sherri,

I am requesting that this project be changed from the GR Zoning as requested to CS Zoning. This would be more suitable for the use that is currently being used at this location. I realize that the staff is recommending this project to be zoned LO. However the use of this tract is actually CS and has been used for that purpose since 1995.

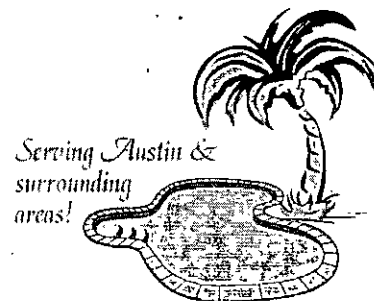
I realize that you will have to reschedule this project and will be waiting to hear from you in regards to the new date.

I appreciate the help you have given me on this tract.

I am looking forward to meeting you soon.

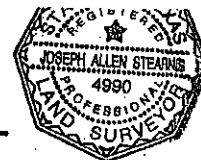
Sincerely, Maureen Morphew

Maureen Morphew 401 Arrowhead Point Road Belton, Texas 76513
(254) 780-2383 office (254) 760-4493 cell (254) 780-9516 fax



N 29°59'28"E 102.83'

MAIL FOLDED



10' P.U.E. (PLAT)

LOT 2
TOMANET ESTATES
SECTION ONE
16/4

NORTH

SCALE 1" = 20'
() RECORD

CHAIN LINK FENCE

WOOD FENCE . .

BEARING BASIS

(S 60°05'00"W - 249.83'
S 60°05'00"E 249.90'

LOCAL ADDRESS : 2300 WEST PARKER LANE
REFERENCE NAME : MICHAEL R. CHURCH
LEGAL DESCRIPTION : PART OF LOT 1, OF TOMAH
ESTATES SECTION 1-A, A SUBDIVISION IN TRAVIS
COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT
THEREOF RECORDED IN VOLUME 471, PAGE 41 OF THE
PLAT RECORDS OF TRAVIS COUNTY, TEXAS, AND
BEING MORE PARTICULARLY DESCRIBED BY METES
AND BOUNDS AS RECORDED IN VOLUME 12494, PAGE
2494, REAL PROPERTY RECORDS OF TRAVIS COUNTY,
TEXAS.

RESTRICTIONS RECORDED IN VOLUME 47 / PAGE 44
PLAT RECORDS AND VOLUME 2503, PAGE 265, DEED
RECORDS, TRAVIS COUNTY, TEXAS.

EASEMENT RECORDED IN VOLUME 2205, PAGE 408,
THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, DO
NOT EFFECT THIS TRACT.

TERM, CONDITIONS AND PROVISIONS RECORDED IN
VOLUME 13270, PAGE 860, REAL PROPERTY RECOR
OF TRAVIS COUNTY, TEXAS.

FLOOD NOTE : THE PROPERTY DESCRIBED HEREIN
NOT WITHIN A SPECIAL FLOOD HAZARD AREA AS
IDENTIFIED BY THE FEDERAL EMERGENCY
MANAGEMENT AGENCY.

FLOOD MAP NO. 48453C0155E /
EFFECTIVE DATE - 8/16/83 / ZONE - X

STATE OF TEXAS ;
COUNTY OF TRAVIS ;
TO THE LIEN HOLDERS AND/OR OWNERS OF THE
PREMISES SURVEYED AND TO THE TITLE RESOURCE
GUARANTY COMPANY.

THE UNDERSIGNED DOES HEREBY CERTIFY THAT I SURVEY WAS PERFORMED ON THE GROUND OF THE PROPERTY LEGALLY DESCRIBED HEREIN AND IS CORRECT AND THAT THERE ARE NO DISCREPANCIES OR CONFLICTS, OVERLAPPING OF IMPROVEMENTS, VISIBLE UTILITY LINES OR ROADS IN PLACE, EXCEPT SHOWN HEREON AND THAT SAID TRACT HAS ACCESS TO AND FROM A DEDICATED ROADWAY, EXCEPT AS SHOWN HEREON.

NOTE : THIS SURVEY WAS PERFORMED ON SUBJECT
TRACT THE DAY OF , 2005.

JOSEPH ALLEN STEARNS / REGISTERED
PROFESSIONAL LAND SURVEYOR / NO. 4990
FIELD BOOK : 259/56 FILE : 05/SEP/CODYPOOL.
JOB NUMBER : 21103

PARMER LANE

AM SEWER
HOLE

S 76°20'08"W
20.68'
A=22.82'
R=15.00'

$$\left\{ \begin{array}{l} S \ 74^{\circ}51'40''W \\ 21.22' \\ A = 23.57' \\ R = 15.00' \end{array} \right\}$$

SILVER SPUR STREET
(50' R.O.W.)

SPX-05-1913-Cody
Pools Sales Office

PUBLIC HEARING INFORMATION

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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.

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Case Number: C14-06-0097

Contact: Sherri Sirwaitis, (512) 974-3057

Public Hearing:

July 18, 2006 Zoning and Platting Commission

Scott Peterson

Your Name (please print)

13019 Seaford Farms DR

Your address(es) affected by this application

Scott Peterson

Signature

Date

Comments: I asked Maureen to discuss

adding conditional overlays to the

CS zoning because CS allows to many types of businesses.

Maureen's response was that the

city was not going to allow the CS

zoning, so she did not want to take

the time of discussing conditional overlays.

Since the city does not want this

property to be CS, then I object to the change.

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



PUBLIC HEARING INFORMATION

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Case Number: C14-06-0097

Contact: Sherri Sirwaitis, (512) 974-3057

Public Hearing:

July 18, 2006 Zoning and Platting Commission

JEAN FERRARI

Your Name (please print)

12506 Silver Spur

Your address(es) affected by this application

Jean Ferreri

Signature

7-12-06

Date



Comments: I would hope that City Parks is not zoned any different than other operation consist of now. Our street is being used as a parking lot for City Parks & the District office. This turns our street into a one lane street, lined with vehicles and trucks carrying heavy equipment. They also interfere with our city services and mail.

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

ORDINANCE NO. _____

1 AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING FOR THE
2 PROPERTY LOCATED AT 2300 WEST PARMER LANE AND CHANGING THE
3 ZONING MAP FROM INTERIM RURAL RESIDENCE (I-RR) DISTRICT TO
4 NEIGHBORHOOD COMMERCIAL-CONDITIONAL OVERLAY (LR-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 interim rural residence (I-RR) district to neighborhood
11 commercial-conditional overlay (LR-CO) combining district on the property described in
12 Zoning Case No. C14-06-0097, on file at the Neighborhood Planning and Zoning
13 Department, as follows:
14

15 Lot 1, Block B, Tomanet Estates Section 1-A Subdivision, a subdivision in the
16 City of Austin, Travis County, Texas, according to the map or plat of record in Plat
17 Book 47, Page 44, of the Plat Records of Travis County, Texas (the "Property"),
18

19 locally known as 2300 West Parmer Lane, in the City of Austin, Travis County, Texas, and
20 generally identified in the map attached as Exhibit "A".
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
28 700 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 neighborhood commercial (LR)
32 base district and other applicable requirements of the City Code.
33
34
35
36
37

1 **PART 3.** This ordinance takes effect on _____, 2006.
2
3

4 **PASSED AND APPROVED**
5

6 _____, 2006
7
8

§
§
§

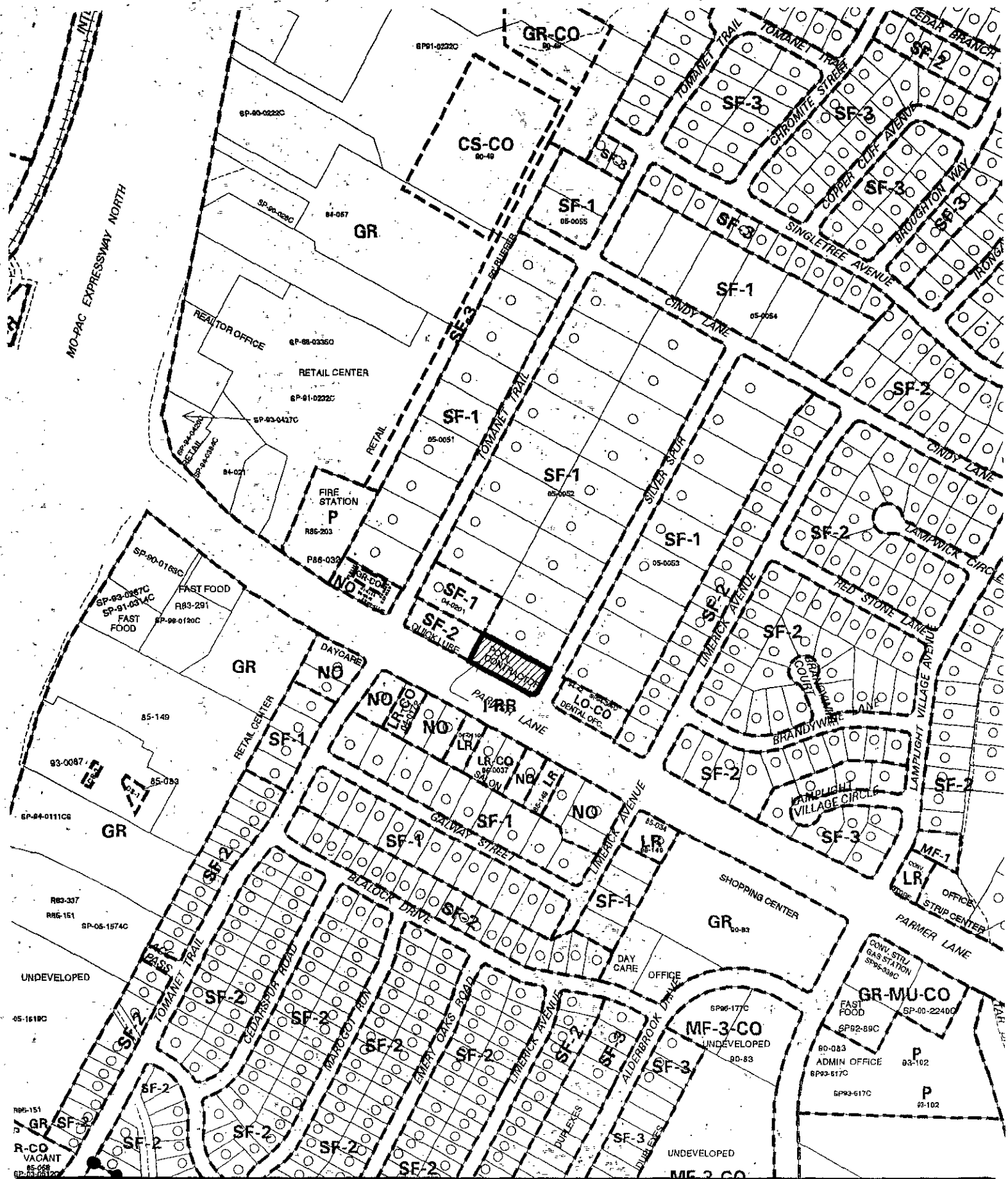
Will Wynn
Mayor

9
10
11
12 **APPROVED:** _____

David Allan Smith
City Attorney

ATTEST: _____

Shirley A. Gentry
City Clerk



ZONING EXHIBIT A

CASE #: C14-06-0097

ADDRESS: 2300 W PARMER LN

SUBJECT AREA (acres): 0.558

DATE: 06-05

INTLS: SM

CITY GRID
REFERENCE
NUMBER

L35

RESTRICTIVE COVENANT

OWNER: Cody Pools, Inc., a Texas corporation

ADDRESS: 2300 West Parmer Lane, Austin, Texas 78727

CONSIDERATION: Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and sufficiency of which is acknowledged.

PROPERTY: Lot 1, Block B, Tomanet Estates Section 1-A Subdivision, a subdivision in the City of Austin, Travis County, according to the map or plat of record in Plat Book 47, Page 44, of the Plat Records of Travis County, Texas.

WHEREAS, the Owners of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions;

NOW, THEREFORE, it is declared that the Owners of the Property, for the consideration, shall hold, sell and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant. These covenants and restrictions shall run with the land, and shall be binding on the Owners of the Property, its heirs, successors, and assigns.

1. Owner agrees to reserve 100 feet of right-of-way from the existing center line of Parmer Lane for future right-of-way, under Sections 25-6-51 through 25-6-54 in Chapter 25-6 of the City Code. A building or structure may not be erected nor may improvements be made within the reserved right-of-way as determined by the Transportation, Planning, and Sustainability Department, except as otherwise authorized by the City of Austin.
2. If any person or entity shall violate or attempt to violate this agreement and covenant, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such agreement or covenant, to prevent the person or entity from such actions, and to collect damages for such actions.
3. If any part of this agreement or covenant is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full effect.
4. If at any time the City of Austin fails to enforce this agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.
5. This agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, and (b) by the owner(s) of the Property subject to the modification, amendment or termination at the time of such modification, amendment or termination.

EXECUTED this the _____ day of _____, 2006.

OWNER:

**Cody Pools, Inc.,
a Texas corporation**

By: _____
Michael R. Church,
President

APPROVED AS TO FORM:

Assistant City Attorney
City of Austin

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the ____ day of _____, 2006, by Michael R. Church, President of Cody Pools, Inc., a Texas corporation, on behalf of the corporation.

Notary Public, State of Texas

After Recording, Please Return to:
City of Austin
Department of Law
P. O. Box 1088
Austin, Texas 78767
Attention: Diana Minter, Paralegal