

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

AGENDA



Thursday, January 11, 2007

+ Back Print

**Zoning and Neighborhood Plan Amendments
(Public Hearings and Possible Action)
RECOMMENDATION FOR COUNCIL ACTION**

ITEM No. 75

Subject: C14-06-0216 – Hwy. 290 Venture Rezoning - Conduct a public hearing and approve amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5611 West U S Highway 290 West (Barton Creek Watershed – Barton Springs Zone) from single-family residence-standard lot (SF-2) district zoning to community commercial (GR) district zoning. Staff Recommendation. To grant community commercial (GR) district zoning Planning Commission Recommendation. To grant community commercial-mixed use (GR-MU) combining district zoning Applicant: HWY 290 Venture JSM, L P (Jacque Wittmuss). Agent. Holford Group (Duane Hutson) City Staff: Wendy Walsh, 974-7719.

**Additional Backup
Material**

(click to open)

- Staff Report**
- Ordinance**

For More Information: Wendy Walsh, 974-7719.

ZONING CHANGE REVIEW SHEET

CASE: C14-06-0216

P.C. DATE: December 12, 2006

ADDRESS: 5611 West U.S. 290 Highway

OWNER: HWY 290 Venture JSM, L P.
(Jacque Wittmuss)

AGENT: Holford Group
(Duane Hutson)

ZONING FROM: SF-2 **ZONING TO:** GR **AREA:** 0.289 acres
(12,588.84 square feet)

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant community commercial (GR) district zoning

PLANNING COMMISSION RECOMMENDATION:

December 12, 2006: *APPROVED GR-MU DISTRICT ZONING; BY CONSENT.*
[J. REDDY; M. DEALEY – 2ND] (8-0)

ISSUES:

None at this time

DEPARTMENT COMMENTS:

The subject rezoning area represents a portion of a platted lot, has been developed with office uses since annexation in 1985 and is zoned single family residence standard lot (SF-2). Access is taken to the eastbound frontage road of U S Highway 290 West and Old Fredericksburg Road. There is an upholstery shop, tire sales and auto repair business, and a bank to the west (GR), an AISD elementary and middle school to the south and east (SF-2), and TXDOT right-of-way to the north. Please refer to Exhibits A (Zoning Map), A-1 (Aerial View) and B (Recorded Plat).

The Applicant proposes to rezone the property to the community commercial (GR) district to continue the office use and allow for other office and allowed commercial uses to occur. Staff supports commercial zoning along West U.S. Highway 290, and GR zoning is compatible and consistent with adjacent zoning that is along this roadway

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-2	Real estate office
<i>North</i>	N/A	Frontage road and main lanes of U.S. Highway 290 West
<i>South</i>	SF-2	AISD Elementary and Middle Schools
<i>East</i>	SF-2; GR	AISD Elementary and Middle Schools; Single family residence within the TXDOT - acquired right-of-way, Vacant retail space, Financial services
<i>West</i>	SF-2, GR; GR-CO, LR; MH	Upholstery shop and single family residence; Tire sales / auto repair business; Financial services; Mobile home park

NEIGHBORHOOD PLANNING AREA: Oak Hill Combined NPA **TIA:** Is not required (East Oak Hill)

WATERSHED: Barton Creek – Barton Springs Zone **DESIRED DEVELOPMENT ZONE:** No

CAPITOL VIEW CORRIDOR: No **SCENIC ROADWAY:** No

NEIGHBORHOOD ORGANIZATIONS:

89 – Westcreek Neighborhood Association
 298 – Oak Hill Association of Neighborhoods (OHAN)
 384 – Save Barton Creek Association 385 – Barton Springs Coalition
 317 – Travis Country Community Service Association
 428 – Barton Springs / Edwards Aquifer Conservation District
 605 – City of Rollingwood 705 – OHAN 78735 706 – OHAN 78736
 707 – OHAN 78737 708 – OHAN 78738 709 – 78739 710 – OHAN 78749
 742 – Austin Independent School District 779 – Oak Hill Combined NPA Staff Liaison
 943 – Save Our Springs Alliance

SCHOOLS:

Patton Elementary School Small Middle School Austin High School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-03-0044	SF-2 to LO	To Grant LO-CO with the CO for 300 trips and list of prohibited uses.	Approved LO-CO as recommended by Commission with a Restrictive Covenant for IPM and landscape plan (6-5-03)

C14-93-0103 – Klingemann Tire and Automotive	DR to GR	To Grant GR-CO with conditions	Approved GR-CO with the CO limiting F A R. for general retail sales uses; restaurants (general and drive-in) and financial services (11- 4-93).
C14-82-115 (Part), Initiated by the City of Austin	I-SF-2 to SF-2; LO; MH; LR; GR	To Grant AA, O; MH, LR; GR	Approved SF-2; LO; MH; LR; GR (1/8/87)

RELATED CASES:

Annexation of the subject property occurred on December 30, 1985.

The rezoning area consists of Lot 2 of the Rossum and Rainwater Subdivision (a subdivision plat recorded in 1966), save and except a 0.211 acre portion acquired by TXDOT in February 1992 for the expansion of U S Highway 290. Please refer to Exhibit B.

ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION	SIDEWALKS	BICYCLE PLAN	CAPITAL METRO
US Highway 290	315'	Varies	Arterial	Yes	No	Yes
Old Fredericksburg Road	60'	Varies	Collector	No	No	No

CITY COUNCIL DATE: January 11, 2007

ACTION:

ORDINANCE READINGS: 1st

2nd

3rd





ORDINANCE NUMBER:

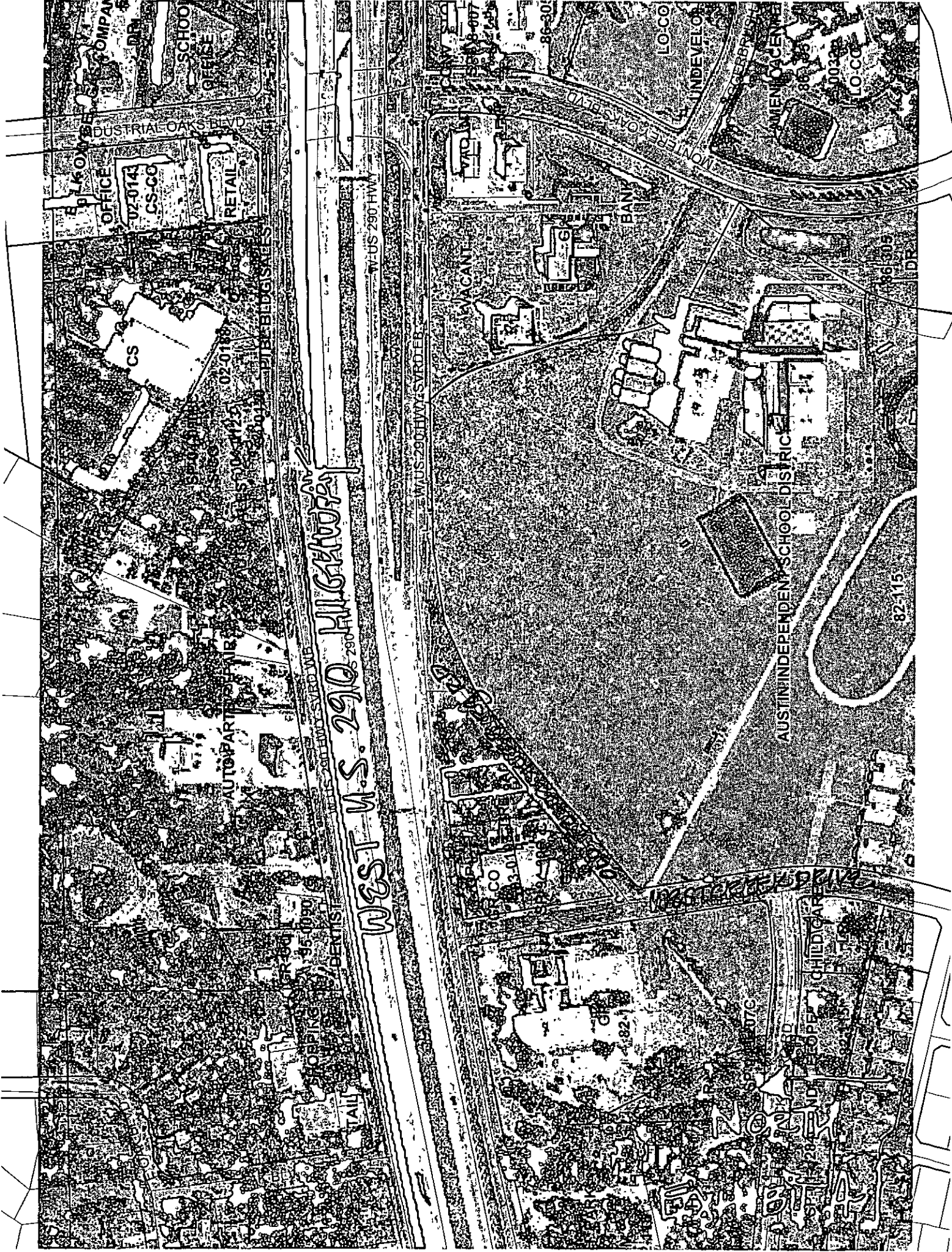
CASE MANAGER: Wendy Walsh
e-mail: wendy.walsh@ci.austin.tx.us

PHONE: 974-7719

05-0023
LO-CO



 1" = 400'	SUBJECT TRACT		ZONING Exhibit A	CITY GRID REFERENCE NUMBER D19
	PENDING CASE			
	ZONING BOUNDARY			
	CASE MGR: W.WALSH			
	CASE #: C14-06-0216			
ADDRESS: 5611 W US 290 HWY		DATE: 06-11		
SUBJECT AREA (acres): 0.289		INTLS: SM		



WEST U.S. 290
HILGARD

DUSTRIAL OAKS BLVD

OFFICE
D7-0143
CS-CO
RETAIL

CS

02-0118

02-0125

02-0130

02-0135

02-0140

02-0145

02-0150

02-0155

02-0160

02-0165

02-0170

02-0175

02-0180

02-0185

02-0190

W US 290 HWY SYDNEY

W US 290 HWY

W US 290 HWY

W US 290 HWY

W US 290 HWY

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT</

May 23-66 PCHA 9904 2 4.50

DAK HILL
100'
U.S. HIGHWAY 290
AUSTIN

ROSEN AND RAINWATER SUBDIVISION

THE STATE OF TEXAS
COUNTY OF TRAVIS

KNOW ALL MEN BY THESE PRESENTS, That we, Jack Rainwater and wife Ann Rainwater, owners of the hereon designated tract out of the Thomas Anderson Lge., Travis County, Texas, being that certain 0.5 acre tract conveyed to us by deed recorded in Volume 3110, Page 2047 of the Deed Records of Travis County, Texas, and we, Earl Rossen and wife, Shirley Rossen, owners of the hereon designated 0.5 acre out of the Tbos. Anderson Lge., being a part of the same land conveyed to us by deed recorded in Volume 2965, Page 445 of the Deed Records of Travis County, Texas, do hereby adopt this plat as our subdivision to be known as ROSEN AND RAINWATER SUBDIVISION, subject to any easements or restrictions heretofore granted, if any.

WITNESS OUR HANDS this the 4th day of May, A.D. 1966

Jack Rainwater
Jack Rainwater

Ann Rainwater
Ann Rainwater

THE STATE OF TEXAS
COUNTY OF TRAVIS

Before me the undersigned authority on this day personally appeared Jack Rainwater and wife, Ann Rainwater, known to me to be the persons whose names are subscribed to the foregoing instrument and they acknowledged to me that they executed the same for the purposes and consideration therein expressed and the said Ann Rainwater, wife of the said Jack Rainwater, having been examined by me privily and apart from her husband and having the same fully explained to her, she the said Ann Rainwater declared that she willingly signed the same as her act and deed for the purposes and consideration therein expressed and that she did not wish to retract it.

WITNESS MY HAND AND SEAL OF OFFICE this the 4th day of May, A.D. 1966

Claude F. Bush, Jr.
Claude F. Bush, Jr.
Reg. Public Surveyor #202
May 4, 1966

Earl Rossen
Earl Rossen

Shirley Rossen
Shirley Rossen

THE STATE OF TEXAS
COUNTY OF TRAVIS

Before me the undersigned authority on this day personally appeared Earl Rossen and wife Shirley Rossen, known to me to be the persons whose names are subscribed to the foregoing instrument and they acknowledged to me that they executed the same for the purposes and consideration therein expressed and the said Shirley Rossen, wife of the said Earl Rossen, having been examined by me privily and apart from her husband and having the same fully explained to her, she the said Shirley Rossen declared that she willingly signed the same as her act and deed for the purposes and consideration therein expressed and that she did not wish to retract it.

WITNESS MY HAND AND SEAL OF OFFICE this the 4th day of May, A.D. 1966

Claude F. Bush, Jr.
Claude F. Bush, Jr.
Reg. Public In/for Travis County, Texas
May 4, 1966

SEPTIC TANK NOTE: Each house constructed in this subdivision shall be connected to a septic tank with a capacity of not less than 500 gallons and with a drain field of not less than 150 ft. and shall be installed in accordance with the regulations of the city-county health officer and shall be inspected and approved by such officer. This restriction is enforceable by the City of Austin-Travis County Health Unit and/or the developer.

In approving this plat by the Commissioners Court of Travis County, Texas, it is understood that the building of all streets, roads or other public thoroughfares or any bridges or culverts necessary to be placed in such streets, roads or other public thoroughfares shall be the responsibility of the owner and/or developer of the tract of land covered by this plat in accordance with plans and specifications prescribed by the Commissioners Court of Travis County, Texas and said court assumes no obligation to build any of the streets, roads or other public thoroughfares or any of the bridges or culverts in connection therewith.

APPROVED FOR ACCEPTANCE on the 16th day of May, A.D. 1966
By *Walter A. Gorman*
Walter A. Gorman, Director of Planning

ACCEPTED AND AUTHORIZED FOR RECORD BY THE PLANNING COMMISSION OF THE CITY OF AUSTIN, TEXAS on the 16th day of May, A.D. 1966
Secretary *Walter A. Gorman* Chairman *David B. Baner*

THE STATE OF TEXAS
COUNTY OF TRAVIS

I, Miss Enille Linberg, County Clerk of Travis County, Texas, do hereby certify that on the 23rd day of May, A.D. 1966, the Commissioners Court of Travis County, Texas passed an order authorizing the filing for record on this plat and that said order has been duly entered in the minutes of said court in Book 3 Page 360.

WITNESS MY HAND AND SEAL OF OFFICE this the 23rd day of May, A.D. 1966

Miss Enille Linberg, County Clerk, Travis County, Texas
By *Theresa Harris* Deputy

FILED FOR RECORD on the 23rd day of May, A.D. 1966 at 11:30 o'clock A.M.
Miss Enille Linberg, County Clerk Travis County, Texas
By *Theresa Harris* Deputy

THE STATE OF TEXAS
COUNTY OF TRAVIS

I, Miss Enille Linberg, clerk of the County Court within and for the County and State aforesaid, do hereby certify that the foregoing instrument of writing with its certificate of authentication, was filed for record in my office on the 23rd day of May, A.D. 1966 at 10:30 o'clock A.M. and duly recorded on the 23rd day of May, A.D. 1966 at 10:30 o'clock A.M. in the Plat Records of said county in Book 29 Page 30.

WITNESS MY HAND AND SEAL OF OFFICE this date first written above.

Miss Enille Linberg, County Clerk, Travis County, Texas
By *Theresa Harris* Deputy

REZONING AREA

**EXHIBIT B
RECORDED PLAT**

CB5-66-62

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant community commercial (GR) district zoning

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

The proposed community commercial (GR) zoning district is intended for office and commercial uses serving neighborhood and community needs, including both unified shopping centers and individually developed commercial sites, and typically requiring locations accessible from major trafficways. The rezoning area will have access to West U.S. Highway 290 upon completion of the highway expansion project.

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

Staff supports commercial zoning along West U.S. Highway 290, and GR zoning is compatible and consistent with adjacent zoning that is along this roadway.

EXISTING CONDITIONS**Site Characteristics**

The rezoning area is developed with a real estate office.

Impervious Cover and Environmental

The existing tract represents a portion of a lot platted prior to November 1, 1991, and as such is subject to the provision referenced in LDC 25-8-516 (within Article 12: Save Our Springs Initiative) with respect to existing tracts and platted lots. The impervious cover will be the more restrictive of these two requirements: 1) a maximum of 8,000 square feet on a lot including that existing before and after the development, and this includes renovation, additions to, repair and construction of improvements incidental to the use or 2) a maximum of 90% impervious cover as allowed by the GR district.

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.

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, as well as any other significant environmental features. It appears, however, the site is currently developed.

Transportation

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

The trip generation under the requested zoning is estimated to be 1,766 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 not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]

Water and Wastewater

The landowner intends to serve the site with City of Austin water and wastewater utility service. The landowner, at his own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extension, system upgrades, utility adjustments, and relocation. 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 of Austin utility design criteria. The utility construction must be inspected by the City. The landowner must pay the associated and applicable City fees.

Compatibility Standards

There are no apparent issues for site plan regarding this proposed zoning change.

ORDINANCE NO. _____

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 5611 WEST U.S. HIGHWAY 290 FROM SINGLE FAMILY RESIDENCE STANDARD LOT (SF-2) DISTRICT TO COMMUNITY COMMERCIAL-MIXED USE (GR-MU) 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 standard lot (SF-2) district to community commercial-mixed use (GR-MU) combining district on the property described in Zoning Case No. C14-06-0216, on file at the Neighborhood Planning and Zoning Department, as follows:

Lot 2, Rossen and Rainwater Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 29, Page 30, of the Plat Records of Travis County, Texas, Save and Except a 0.211 acre tract being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance,

locally known as 5611 West U.S. Highway 290, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

PART 2. This ordinance takes effect on _____, 2007.

PASSED AND APPROVED:

_____, 2007 §
 §
 §

Will Wynn
Mayor

APPROVED: _____ **ATTEST:** _____

David Allan Smith
City Attorney

Shirley A. Gentry
City Clerk

EXHIBIT "A"

Being 0.211 of one acre of land, more or less, out of and a part of that certain Lot 2, Rossen and Rainwater Subdivision, a subdivision in Travis County, Texas, according to the map or plat thereof, recorded in Book 29, Page 30, Plat Records of Travis County, Texas, said Lot 2 being the same land described in a deed from Michael Daugherty Sr., and wife Jane E. Daugherty to Joseph C. McDowell and wife Melinda J. McDowell, dated May 26, 1983, recorded in Volume 8107, Page 290, Deed Records of Travis County, Texas, said 0.211 of one acre, more or less, being more particularly described by metes and bounds as follows;

BEGINNING at the point of intersection of the proposed southerly right of way line of US 290/SH 71 with the westerly boundary line of said Lot 2, said point being North 08 degrees 55 minutes 24 seconds West, a distance of 183.28 feet from the southwesterly corner of said Lot 2;

THENCE North 08 degrees 55 minutes 24 seconds West along said westerly boundary line, a distance of 114.48 feet to a point on the existing southerly right of way line of US 290/SH 71, said point being 41.21 feet right of US 290/SH 71 Engineer's centerline station 448+40.06,

THENCE North 81 degrees 03 minutes 34 seconds East along said existing southerly right of way line, a distance of 79.22 feet to a point, said point being the northeasterly corner of said Lot 2;

THENCE South 08 degrees 56 minutes 22 seconds East along the easterly boundary line of said Lot 2, a distance of 118.02 feet to a point on the proposed southerly right of way line of US 290/SH 71 and the beginning of a circular curve to the left having a radius of 7624.44 feet and a long chord of 79.33 feet in length which bears South 83 degrees 37 minutes 04 seconds West;

THENCE in a westerly direction along said proposed southerly right of way line and along and around said circular curve, a distance of 79.33 feet to the POINT OF BEGINNING and containing 0.211 of one acre of land, more or less.

Access will be PERMITTED to the south remainder abutting the highway facility.

I, Dana DeBeauvoir, County Clerk, Travis County, Texas, do hereby certify that this is a true and correct copy as same appears of record in my office. Witness my hand and seal of office on



Dana DeBeauvoir, County Clerk
By Deputy

ACHADO

308 740A


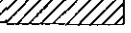


I, Dana DeBeauvoir, County Clerk, Travis County, Texas, do hereby certify that this is a true and correct copy as same appears of record in my office. Witness my hand and seal of office on



Dana DeBeauvoir, County Clerk
By Deputy

11624 0294
REALTY
TRAVIS



 1" = 400'	SUBJECT TRACT	  	ZONING EXHIBIT B		CITY GRID REFERENCE NUMBER D19
	PENDING CASE				
	ZONING BOUNDARY		CASE #: C14-06-0216	DATE: 06-11	
	CASE MGR: W.WALSH		ADDRESS: 5611 W US 290 HWY	INTLS: SM	
			SUBJECT AREA (acres): 0.289		