

Revised

Z-18

ZONING CHANGE REVIEW SHEET

CASE: C14-05-0043

Z.A.P. DATE: April 19, 2005
May 17, 2005
June 7, 2005

ADDRESS: U.S. Highway 183 North at Caldwell Drive

OWNER/APPLICANT: Warren Broz

AGENT: Thrower Design (Ron Thrower)

ZONING FROM: SF-2

TO: GR

AREA: 1.32 acres

SUMMARY STAFF RECOMMENDATION:

The staff recommendation is to grant GR-CO, Community Commercial-Conditional Overlay, district zoning for the property in question. The conditional overlay would limit the development intensity on the site to less than 2,000 vehicle trips per day, and prohibit access to Caldwell until the pavement width of that roadway is upgraded to a minimum of 30 feet.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

4/19/04: Postponed to May 17, 2005 by the Applicant/Neighborhood (7-0, K. Jackson/C. Hammond-absent); J. Martinez-1st, M. Whaley-2nd.

5/17/05: Postponed to June 7, 2005 by Applicant (9-0); J. Martinez-1st, J. Donisi-2nd.

* 6/07/05: To approve GR-CO zoning; prohibiting all the uses offered by the applicant as follows:

- 1) Bail Bond Services;
- 2) Business or Trade School;
- 3) Commercial Off-Street Parking;
- 4) Communications Services;
- 5) Financial Services;
- 6) Food Sales;
- 7) Funeral Services;
- 8) Hotel - Motel;
- 9) Indoor entertainment;
- 10) Indoor Sports & Recreation;
- 11) Outdoor Sports & Recreation;
- 12) Pawn Shop Services;
- 13) Restaurant (General);
- 14) Service Station;
- 15) Theater;
- 16) College & University Facilities;
- 17) Counseling Services;
- 18) Guidance Services;
- 19) Hospital Services Limited;
- 20) Public & Private, Primary & Secondary Education Services;
- 21) Residential Treatment;

22) Urban Farm.

In addition, prohibit the following additional uses:

- Drop-Off Recycling Collection Facility;
- Exterminating Services;
- Automotive Rentals;
- Automotive Repair Services;
- Automotive Sales;
- Automotive Washing (of any type);
- Daycare Services (Commercial);
- Daycare Services (General);
- Daycare Services (Limited)
- Drive-through Services;

And include the conditions set out by staff relative to a 2,000 vehicle trip limit and no curb cuts onto Caldwell until the pavement is improved (9-0); K. Jackson-1st, J. Martinez-2nd.

ISSUES:

On May 12, 2005, the staff received a fax from the Acres West Homeowner's Association stating their concerns regarding the proposed GR zoning (Letter from Cindy Barron – Attachment A). The agent for this case, Ron Thrower, also provided the staff with information concerning the applicant's discussions with the neighborhood association about the proposed rezoning (Letter from Thrower Design – Attachment B). In addition, Mr. Thrower submitted a Technical Memorandum from John F. Hickman & Associates regarding transportation issues for this case (Technical Memorandum – Attachment C).

DEPARTMENT COMMENTS:

The property in question is undeveloped and heavily wooded. The applicant is requesting a rezoning for this site because he wants to develop the property with commercial/retail uses.

The staff recommends the GR-CO zoning for this tract because the property fronts onto and will take access from a major arterial roadway, U.S. Highway 183 (Research Boulevard). The site is located adjacent to commercial and office uses to the north. There is GR-CO zoning to the east and LO, LR, and GR-CO zoning to the north of the proposed area. This tract of land fronts onto a major arterial roadway that has recently been widened and improved.

The applicant agrees with the staff recommendation.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-2	Undeveloped Tract
<i>North</i>	SF-2	Auto Repair Services, Personal Services, Retail Sales, Office
<i>South</i>	LO, GR	Undeveloped, Auto Repair Services, Office Uses, Hair Salon, Veterinary Clinic, Retail Shopping Center
<i>East</i>	SF-2, GR-CO	Undeveloped, Automotive Sales Dealership
<i>West</i>	County	Undeveloped

AREA STUDY: N/A

TIA: Waived

WATERSHED: Lake Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

NEIGHBORHOOD ORGANIZATIONS:

2 - Acres West Homeowners Association
281 - Anderson Mill Neighborhood Association
426 - River Place Residential Community Association, Inc.
454 - Neighborhood Association of SW Williamson County

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-04-0086	LO to GR	7/20/04: Postponed to 9/7/04 by Applicant and Staff (8-0, J. Pinnelli-absent). 9/7/04: Continued to 9/21/04 ZAP meeting. Public Hearing remained open (8-0, J. Martinez-absent). 9/21/04: Postponed to 11/16/04 by the Applicant and Neighborhood (8-0, J. Gohil-absent). 11/16/04: Case withdrawn by applicant.	N/A
C14-03-0180	I-SF-2 to GR-CO (TR1), CS-1-CO (TR2)	1/20/04: Approved staff's recommendation of GR-CO (Tract 1), CS-1-CO (Tract 2) zoning by consent (6-0, J. Cortez, J. Donisi, K. Jackson-absent)	2/26/04: Approved GR-CO for Tract 1, CS-1-CO for Tract 2 by consent (7-0, Thomas-off dias); all 3 readings
C14-03-0104	I-RR, SF-2, GR, CS to GR-CO	8/12/03: Approved staff's recommendation of GR-CO zoning by consent (9-0)	9/25/03: Granted GR-CO (7-0); all 3 readings
C14-02-0059	SF-3 to CS	5/6/03: Approved staff's alternate rec. of CS-CO w/conditions (8-0)	7/17/03: Approved CS-CO (7-0); all 3 readings
C14-02-0020	I-RR to LR	4/9/02: Approved staff's alternate rec. of LR-CO w/conditions (9-0)	8/29/02: Approved LR-CO (7-0); 1 st reading 9/26/02: Approved LR-CO (7-0); 2 nd /3 rd readings
C14-02-0002	I-RR to GR	2/12/02: Approved staff's rec. of GR-CO zoning (6-0, N. Spelman, V. Aldridge, J. Martinez -absent), with CO to allow only LR uses and prohibit the following other uses: Restaurants (Drive-In, Fast Food); Service Station; Congregate	8/8/02: Approved GR-CO w/ conditions on 1st reading (6-0, Wynn-out of room) 8/29/02: Approved (7-0); 2 nd /3 rd readings

		Living; Family Home; Group Home, Class I (General); Group Home, Class I (Limited); Group Home, Class II; Guidance Services; Residential Treatment	
C14-01-0165	CS-CO to CS-CO	12/11/01: Approved staff rec. of CS-CO (7-0)	1/17/02: Approved CS-CO (6-0); all 3 readings
C14-01-0155	I-RR to GR	11/21/01: Approved staff rec. of GR-CO by consent (8-0)	1/10/02: Approved GR-CO (6-0, Goodman out of room); all 3 readings
C14-00-2105	I-RR to GR	7/25/00: Approved staff rec. of GR-CO w/height limit of 35 ft. (7-1, BB-Nay)	8/24/00: Approved GR-CO (7-0), all 3 readings
C14-00-2244	I-RR to LR	2/6/01: Approved GR-CO for personal improvement use only & all LR uses w/ conditions (9-0)	7/19/01: Withdrawn by applicant.
C14-00-2200	GR-CO to CS-1	11/14/00: Approved staff rec. of CS-1 by consent (8-0)	12/14/00: Approved CS-1-CO w/ conditions: Prohibit Pawn Shops and Adult Oriented Businesses (7-0); all 3 readings
C14-00-2054	I-RR to LI-CO	11/14/00: Postponed indefinitely by applicant (re-notification required)	5/14/01: Administrative-Expired (Indefinite PP only good for 6 months)
C14-99-2139	I-RR to CS	3/7/00: Approved W/LO-CO (5-0-1, RC-abstain); CO would limit site to convenience storage as only W/LO use, limit site to 2,000 vehicle trips per day	4/6/00: Approved W/LO-CO w/ conditions as recommended by PC; on all 3 readings (6-0, Lewis out of room)
C14-99-0137	I-RR to LI	8/24/99: Approved LI-CO; agree to rollback zoning to GR if use ceases, limited to 2,000 vehicle trips per day, dedicate ROW at time of subdivision process (5-1, RC-Nay)	12/2/99: Approved LI-CO; limited to 2,000 vehicle trips per day; require RC for to "GR" if use ceases (7-0); 3 rd reading
C14-99-0036	GR-CO, I-RR to MF-2, GR-MU	6/22/99: Approved staff alternate rec. of MF-2 (TR1) and GR-MU (TR 2&3) (5-0)	7/22/99: Approved PC rec. of MF-2 (TR1) and GR-MU (TR 2&3) w/ conditions (7-0); 1 st reading 10/28/99: Approved (5-0, WL/JG-absent)
C14-98-0272	I-RR to LR	2/2/99: Approved staff recommendation of LR by consent (8-0)	3/4/99: Approved LR (7-0); 1 st reading 3/25/99: Approved LR (6-0); 2 nd /3 rd readings
C14-98-0086	SF-2 to GR	8/18/98: Approved GR-CO with conditions by consent (7-0)	10/8/98: Approved PC rec. of GR-CO w/ conditions (6-0); all 3 readings

C14-96-0022	LO-CO & GR-CO to GR	3/26/96: Approved GR-CO and GO-CO subject to the following conditions (9-0)	4/25/96: Approved PC rec. of GR-CO (TR1), GO-CO (TR2); subject to conditions (5-0); 1 st reading 5/23/96: Approved GR-CO (TR1), GO-CO (TR2); subject to conditions (7-0); 2 nd /3 rd readings
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RELATED CASES: N/A

ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION
Us Hwy 183	400'	Varies	Major Arterial
Caldwell	50'	20'	Local

CITY COUNCIL DATE: July 28, 2005

ACTION:

ORDINANCE READINGS: 1st

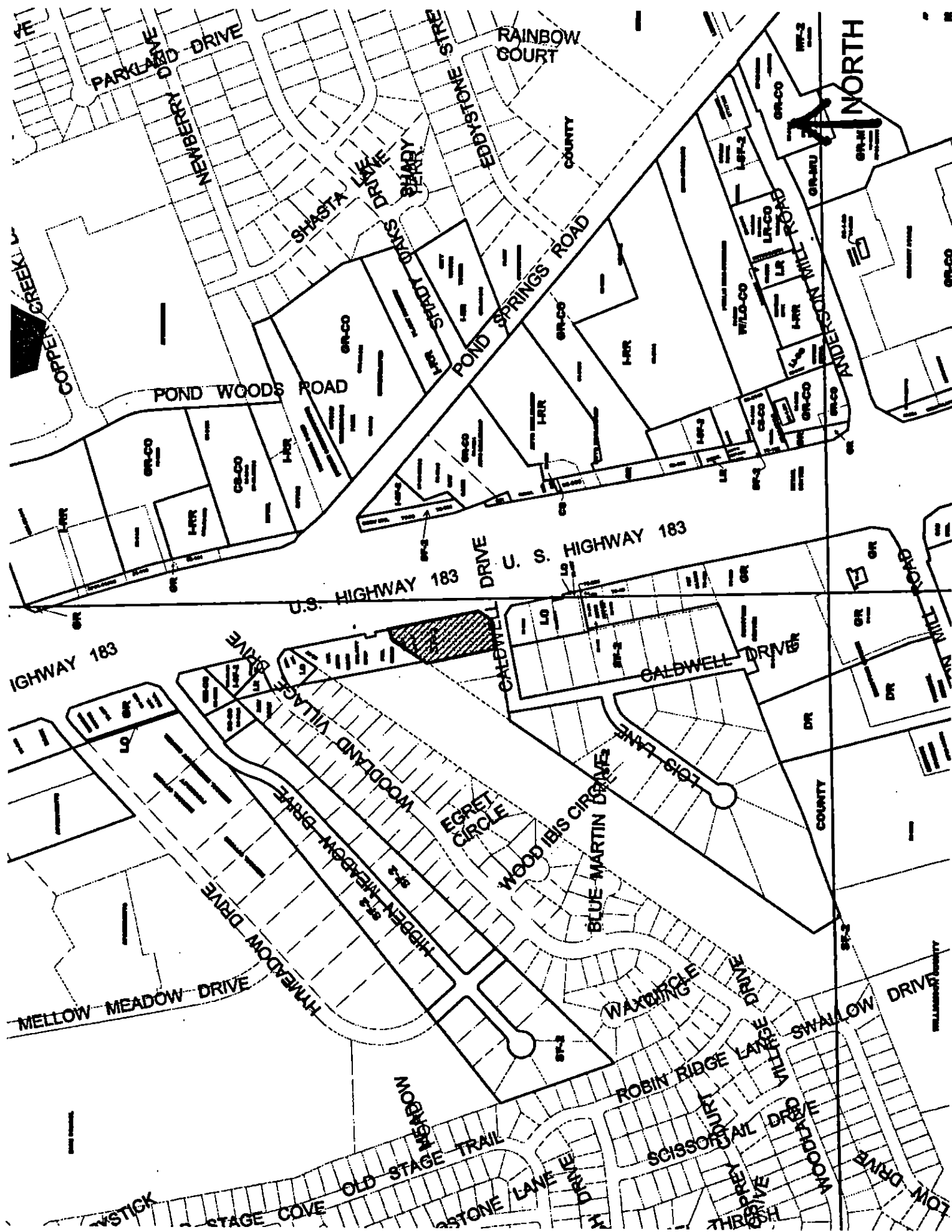
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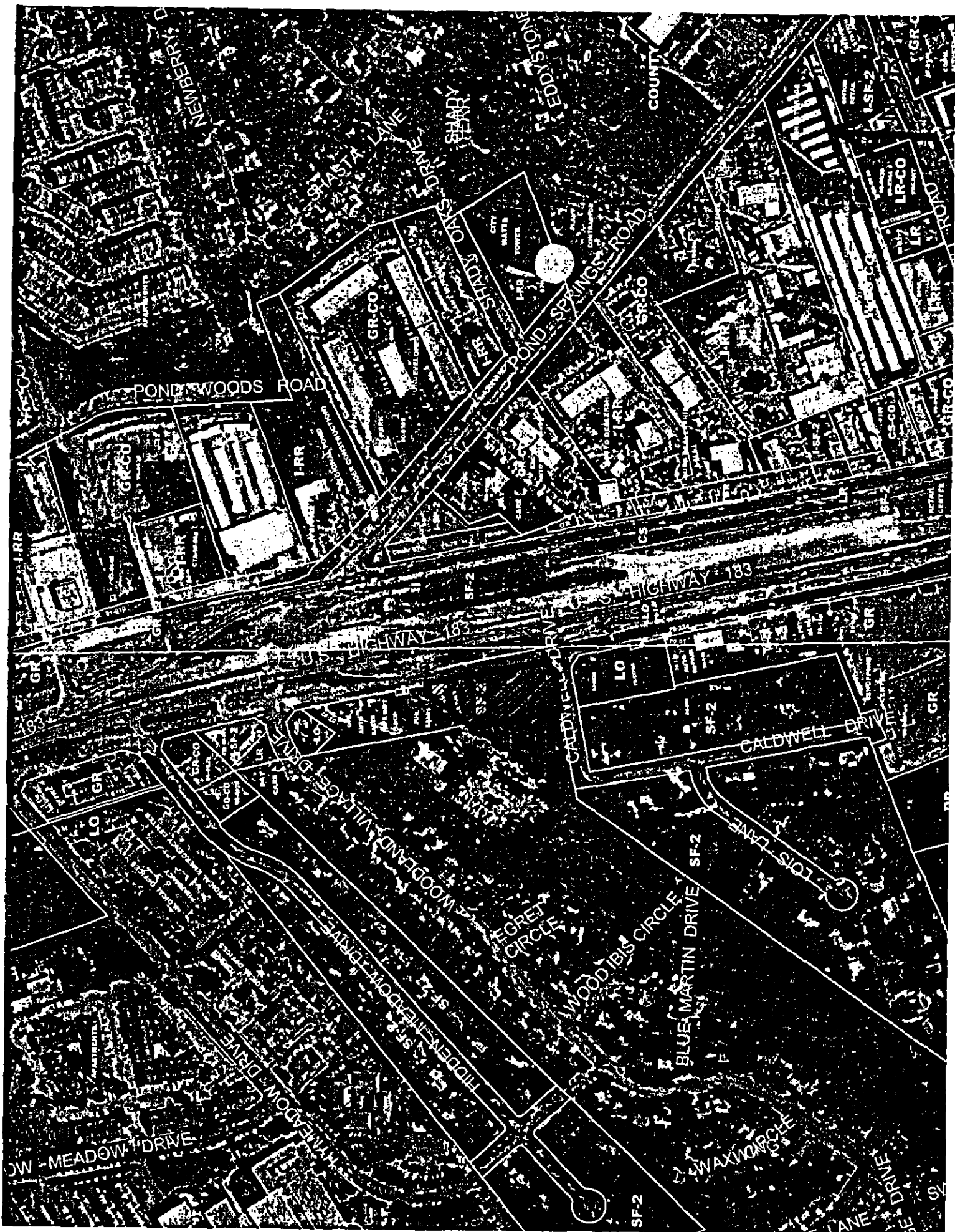
3rd

ORDINANCE NUMBER:

CASE MANAGER: Sherri Sirwaitis

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





STAFF RECOMMENDATION

The staff recommendation is to grant GR-CO, Community Commercial-Conditional Overlay, district zoning for the property in question. 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.*

The Community Commercial (GR) district is the designation for an office or other commercial use that serves neighborhood and community needs and that generally is accessible from major traffic ways.

The GR zoning district designation would be appropriate for this site because the property in question is located at the intersection of a collector street and a major arterial roadway. The site will take access to Research Boulevard (U.S. Highway 183 North).

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

The site under consideration is located adjacent to commercial and office uses to the north and east. The property to the south and west of the site is currently undeveloped.

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

The GR-CO zoning district would allow for a fair and reasonable use of the property because it would allow for commercial uses to be located in a heavily traveled area. The property fronts U.S. Highway 183, which has recently been widened and improved through this area of the city.

EXISTING CONDITIONS

Site Characteristics

The site is currently undeveloped and heavily wooded. The property is located at the intersection of Caldwell Drive and U.S. Highway 183 North, a collector street and a major arterial roadway.

Impervious Cover

The maximum impervious cover allowed by the GR zoning district would be 90 %. However, because the Watershed impervious cover is more restrictive than the GR zoning district's allowable impervious cover, the impervious cover on this site would be limited by the watershed ordinance. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% NSA with Transfers</i>
Single-Family Residential (min. lot size 5750 sq. ft.)	45%	50%
One or Two Family Residential (lot size < 5750 sq. ft.)	55%	60%
Multifamily Residential	60%	65%
Commercial	65%	70%

In the Water Quality Transition Zones, impervious cover is limited to 30%.

Note: The most restrictive impervious cover limit applies.

Environmental

The site is located over the North Edward's Aquifer Recharge Zone. It is in the Desired Development Zone. The site is in the LAKE CREEK Watershed, 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, 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 the following water quality control requirements:

- Structural controls: 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 pre-existing approvals that preempt current water quality or Code requirements.

The site is located within the endangered species survey area and must comply with the requirements of Chapter 25-8: Endangered Species in conjunction with subdivision and/or site plan process.

Transportation

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

It is recommended that access to Caldwell be prohibited until the pavement width of that roadway is upgraded to a minimum of 30'.

The trip generation under the requested zoning is estimated to be 4,739 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]

Capital Metro bus service is available along US Highway 183 (route #71).

Existing Street Characteristics:

NAME	ROW	PAVEMENT	CLASSIFICATION
Us Hwy 183	400'	Varies	Major Arterial
Caldwell	50'	20'	Local

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 City of Austin Capital Improvement Program (C.I.P.) Roadway Construction Projects and Transportation Systems Management (T.S.M.) projects only. A comment from this reviewer that no right-of-way is needed applies only to needs for these categories, and does not preclude the need to dedicate right-of-way to satisfy requirements by others. There are separate right-of-way dedication and reservation requirements enforced by other City Departments and other governmental jurisdictions to secure right-of-way for roadway improvements contained in the Austin Metropolitan Area Roadway Plan that may not yet be funded, roadway projects funded by County and State agencies, and for dedication in accordance with the functional classification of the roadway.

No aspect of the proposed project is being considered or approved as part of this review other than the need for right-of-way for City-funded roadway projects. If the configuration of the site/subdivision/plan will require any variances to Transportation Criteria Manual standards, the variance request(s) must be submitted separately through the assigned City of Austin case manager.

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 site with water and wastewater utilities. The landowner, at own expense, will be responsible for providing the water and wastewater utility improvements, system upgrades, offsite main extension, utility relocation, and adjustment. 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 utility construction must be inspected by the City. The landowner must pay the associated 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 storm water runoff will be mitigated through on-site storm water detention ponds, or participation in the City of Austin Regional Stormwater Management Program, if available.

Compatibility Standards

The site is subject to compatibility standards. Along the south property line, the following standards apply:

No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the SF property line.

No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the SF 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.

- 10. Rezoning:** C14-05-0043 - Warren Broz
Location: Northwest Corner of Research Boulevard and Caldwell Drive, Lake Creek Watershed
Owner/Applicant: Warren Broz
Agent: Thrower Design (Ron Thrower)
Prev. Postponed from 4/19/05 (applicant/neighborhood); Postponed from 5/17/05 (applicant)
Postponement
Request: SF-2 to GR
Staff Rec.: **ALTERNATE RECOMMENDATION: GR-CO**
Staff: Sherri Sirwaitis, 974-3057, sherri.sirwaitis@ci.austin.tx.us
 Neighborhood Planning and Zoning Department

APPROVE STAFF'S RECOMMENDATION FOR GR-CO ZONING; PROHIBIT ALL THE USES OFFERED BY THE APPLICANT, PLUS PROHIBITING:

- **DROP-OFF RECYCLING;**
- **EXTERMINATING SERVICES;**
- **ALL AUTO RELATED SERVICES;**
- **DAYCARE;**
- **DRIVE-THRU SERVICES;**
- **COMMERCIAL GENERAL & LIMITED**

INCLUDE ALL CONDITIONS ALREADY SET OUT BY STAFF & APPLICANT.

[K.J; J.M 2ND] (9-0)

- 11. Rezoning:** C14-05-0048 - Palm Harbour Round Rock Sales Office
Location: 15946 N. IH-35 Service Road South Bound, Gilleland Creek Watershed
Owner/Applicant: Palm Harbor Homes (Greg Vaughn)
Agent: The Moore Group, Inc. (Ed Moore)
Prev. Postponed from 5/3/05 (applicant); Postponed from 5/17/05 (applicant)
Postponement
Request: SF-2 to CS
Staff Rec.: **ALTERNATE RECOMMENDATION: CS-CO**
Staff: Sherri Sirwaitis, 974-3057, sherri.sirwaitis@ci.austin.tx.us
 Neighborhood Planning and Zoning Department

APPROVED STAFF'S RECOMMENDATION FOR CS-CO ZONING WITH 2000 VEHICLE TRIP LIMIT; PROHIBIT:

- **COMMERCIAL BLOOD/PLASMA CENTERS;**
- **PAWNSHOP SERVICES ;**
- **ADULT ORIENTED BUSINESSES; AND**
- **IF MOBILE HOME USE CEASES FOR 180-DAYS OR MORE; THE APPLICANT WILL NOT OBJECT TO A ROLLBACK OF THE PROPERTY TO CS-CO ZONING TO PROHIBIT THE EQUIPMENT SALES USE.**

[M.W; J.M 2ND] (8-0-1) K.J - ABSTAINED

MEMORANDUM

TO: Betty Baker, Chair and Members of the Zoning & Platting Commission

FROM: Dora Anguiano, ZAP Commission Coordinator
Neighborhood Planning and Zoning Department

DATE: July 25, 2005

SUBJECT: ZAP Commission Summary

Attached is a ZAP Commission summary, which will be forwarded to the City Council.

CASE # C14-05-0043

10. **Rezoning:** C14-05-0043 - Warren Broz
Location: Northwest Corner of Research Boulevard and Caldwell Drive, Lake Creek Watershed
Owner/Applicant: Warren Broz
Agent: Thrower Design (Ron Thrower)
Prev. Postponed from 4/19/05 (applicant/neighborhood);
Postponement Postponed from 5/17/05 (applicant)
Request: SF-2 to GR
Staff Rec.: **ALTERNATE RECOMMENDATION: GR-CO**
Staff: Sherri Sirwaitis, 974-3057, sherri.sirwaitis@ci.austin.tx.us
Neighborhood Planning and Zoning Department

[K.J; J.M 2ND] (9-0)

SUMMARY

Sherri Gager, staff – “The request is from SF-2 to GR zoning, the staff recommendation is to grant GR-CO; community commercial conditional overlay district zoning for the property in question; the conditional overlay would limit the development intensity of this site to 2000 vehicle trips per day and prohibit access to Caldwell Drive until that pavement width of that roadway is upgraded to a minimum of 30-feet. The basis for the staff's recommendation is the proposed zoning would be consistent with the purpose statement of the district sought; the GR community commercial zoning district is the designation for an office or other commercial use that serves neighborhood and community needs and that is generally acceptable from major traffic ways; the GR zoning designation will be appropriate for this site because the property in question is located at the intersection of a collector street and major arterial roadway. This site will take access to Research Blvd. or U.S Hwy 183 North. Should the proposed zoning should promote consistency and orderly planning; this site is located adjacent to commercial; the property to the south and west of this site is currently undeveloped. The proposed zoning should allow for a reasonable use of the property, the GR-CO zoning would allow for a fair and reasonable use of the property because it would allow for commercial uses to be located on a heavily traveled area of the city. The property fronts onto U.S. Hwy 183 North, which recently has been widen and improved”.

Ron Thrower, applicant – “This tract of land is currently zoned SF-2 and is 1.2 acres in size and is fronting U.S. 183 and Caldwell Drive; the orange that is shown on the zoning map is predominately GR commercial zoning found up and down 183 and Anderson Mill Road. (Referring to a map) What is shown in blue is commercial developed property that is currently within the county and un-zoned property. Our tract of land is SF zoning and is probably the only SF zoning fronting on 183 in between the Lake Creek and Anderson Mill Roadway that is vacant. There's another tract adjacent to this and has a commercial automobile repair facility on it that is zoned SF as well. Looking at a possible development scenario, I want to point out why we are requesting GR zoning; first of all, GR zoning has a 10-foot building setback which allows for the building to be pushed close to 183 as possible; put the parking behind; the viability of uses, GR zoning allows

for a broader range of commercial uses to go within the property and we have offered to the neighbors a list of prohibited uses, which there are 22 prohibited uses that we are normally allowed under GR zoning that we're willing to eliminate. The surrounding zoning... up and down this section of 183, while you do have a lot of LO type zoning, LO doesn't seem to be selling very well. You'll hear some neighbors concerns about the types of commercial uses that they have in the area; my goal here is to not bring in or promote the type of commercial uses that they do not want, but rather to bring in commercial uses that can help add value to the neighborhood and also to have the opportunity to drive out the commercial uses that are in the area that they do not want. In this development scenario that I'm providing, I'm showing a driveway up to Caldwell Drive and my opinion, Caldwell Drive has merits that it provides not only for neighborhood access into a commercial development, right now everybody within this neighborhood has to enter a highway; there's been a lot of concerns with the neighbors about cut through traffic; people enter into Caldwell Drive expecting to cut through Anderson Mill, only to have to turn around and head back to 183. If a vehicle were to enter on Caldwell Drive a driveway from our property would provide opportunity for a vehicle to turn around without ever entering into the residential portion of the neighborhood. In a worse case scenario, if there were ever an accident at Caldwell and 183, nobody can get in and out of the subdivision".

Commissioner Jackson – "The LO on the south side on Caldwell; is the site on the corner developed? And does it have a driveway accessing Caldwell?"

Mr. Thrower – "No sir, it does not; the property is not developed".

FAVOR

No Speakers.

OPPOSITION

Cindy Barron, resident – Spoke in opposition.

Bleecker Morris, President of Acres West Homeowners Association – Spoke in opposition.

Joann Baylon, resident – Spoke in opposition.

REBUTAL

Ron Thrower – "There are 3 driveways that currently serve this 1.25 acre tract; these 3 driveways are granted by right through the condemnation process for the upgrade of the highway facility. I'm trying to offer an alternative development by providing GR zoning and pushing the building to the front of the roadway, as an alternative for this area. I'm

trying to do it in a manner that should not impact the neighbors. We're willing to put up some additional signs for no outlet and for "no right turns" into the neighborhood, unless you're a resident. We're just looking for what's appropriate zoning for the last single-family zoned vacant property on 183 in the northern section of Austin".

Commissioner Baker – "Between your list and their list, there's got to be some way of getting them a little closer together. Do you have a problem with adding drop off recycling collection as a prohibited use?"

Mr. Thrower – "No".

Commissioner Baker – "This isn't going to be easy, but I'm going to ease myself through this list. Prohibit exterminating services; do you have a problem with that?"

Mr. Thrower – "No".

Commissioner Baker – "Automotive related services?"

Mr. Thrower – "I had a long discussion with my client about this; and I will agree to prohibit it at your request, provided that this commission understand that Warren Broz made his business as a service station owner and operator for decades in the northern part of Austin; he will reluctantly give that up".

Commissioner Baker – "So there will be no auto rentals, no auto repairs, no auto sales, no Quick Lube; that type of use?"

Mr. Thrower – "Or washing; yes".

Commissioner Baker – "Yes, anything related to auto uses".

Mr. Thrower – "Yes".

Commissioner Baker – "Commissioners, any other suggestions to get them closer together?"

Commissioner Hawthorne – "Consumer convenience services?"

Mr. Thrower – "To drop it? Yes, we'll agree to drop that".

Commissioner Hawthorne – "Which is postal boxes type things; 24-hour access to 183".

Mr. Thrower – "I think it's important to note that the neighbors have offered us conditions; there was 8 conditions offered by the neighbors and one of them...well several of them we'll have to enter into with a restrictive covenant, which we will be willing to do provided that this zoning is moved forward. One of them is to prohibit

operations to occur between 10p.m. and 6:00 a.m.; so the 24-hour operation is out under any use".

Commissioner Hawthorne – "Okay, thank you".

Commissioner Baker – "The reason I was doing this; and certainly understand the neighborhood's situation, but the location of this is not as direct to the neighborhood as the cases we had earlier; I don't think there's any way to keep people from going down Caldwell Drive and pulling into people's driveway and coming back the other way, I don't care what we put there; people like me get lost and we're going to be turning around. I do not have any problem, in looking at the zoning map, and realizing that it's 183, I don't have a great deal of heartburn for the GR use. Commissioners, I need some help".

Commissioner Jackson – "Can we chip off daycare; I can't imagine daycare on 183?"

Mr. Thrower – "I'm in agreement".

Commissioner Baker – "I assume the information we had in the packet from the neighborhood, the way it's structured and given the distance and the fact that this is north of Caldwell, that the petition is not a valid petition?"

Mrs. Sirwaitis – "No, it has not been verified yet".

Commissioner Baker – "Okay, we need to be sure that that is verified. One other question and one more chip; that would be no drive through uses? No bank, no pharmacy, no McDonald's; you can have a McDonald's, but it will not have a drive through facility".

Mr. Thrower – "I am prohibiting restaurant general; I'm asking to have permitted restaurant limited; yes we can prohibit any drive-thru facilities".

Commissioner Baker – "You can have a drugstore, but it cannot have a drive up window".

Mr. Throw – "Yes, I understand".

Commissioner Baker – "Thank you; anyone has a motion?"

Commissioner Martinez and Rabago moved to close the public hearing".

Commissioner Jackson – "I make a motion to approve GR-CO zoning; prohibiting all the uses offered by the applicant, plus prohibiting automotive rentals, automotive repair, automotive sales, automotive washing, daycare, commercial general and limited, drop-off recycling collection facilities, exterminating services, and no drive-thru serves; and the conditions set out by staff relative to no curb cuts onto Caldwell until the pavement is improved".

Commissioner Martinez – “Second”.

Commissioner Baker – “All in favor please say aye”.

Aye. Motion carried.

**COMMISSION ACTION:
MOTION:**

**JACKSON, MARTINEZ
APPROVE STAFF'S
RECOMMENDATION FOR GR-
CO ZONING WITH
CONDITIONS TO PROHIBIT:**

- **DROP-OFF RECYCLING;**
- **EXTERMINATING SERVICES;**
- **ALL AUTO RELATED
SERVICES;**
- **DAYCARE;**
- **DRIVE-THRU SERVICES;**
- INCLUDE ALL CONDITIONS
ALREADY SET OUT BY STAFF
& APPLICANT.**

AYES:

**HAMMOND, RABAGO, GOHIL,
MARTINEZ, BAKER,
JACKSON, HAWTHORNE,
PINNELLI, DONISI**

MOTION CARRIED WITH VOTE: 9-0.

Revised

ORDINANCE NO. _____

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE
2 PROPERTY LOCATED AT U.S. HIGHWAY 183 NORTH AT CALDWELL
3 DRIVE FROM SINGLE FAMILY RESIDENCE STANDARD LOT (SF-2)
4 DISTRICT TO COMMUNITY COMMERCIAL-CONDITIONAL OVERLAY (GR-
5 CO) 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 single family residence standard lot (SF-2) district to
11 community commercial-conditional overlay (GR-CO) combining district on the property
12 described in Zoning Case No. C14-05-0043, on file at the Neighborhood Planning and
13 Zoning Department, as follows:

14
15 A portion of Lots 22, 23, 24, and 25, Block A, Acres West Subdivision, a
16 subdivision in the City of Austin, Williamson County, Texas, according to the map
17 or plat of record in Plat Book 4, Page 65, of the Plat Records of Williamson
18 County, Texas (the "Property").

19
20 locally known as the property located at U.S. Highway 183 North at Caldwell Drive, in the
21 City of Austin, Williamson County, Texas, and generally identified in the map attached as
22 Exhibit "A".

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

- 26
- 27 1. A site plan or building permit for the Property may not be approved, released, or
28 issued, if the completed development or uses of the Property, considered cumulatively
29 with all existing or previously authorized development and uses, generate traffic that
30 exceeds 2,000 trips per day.
 - 31 2. Vehicular access from the Property to Caldwell Drive is prohibited until the pavement
32 width of this roadway is upgraded to a minimum width of 30 feet.
 - 33 3. Drive-in service is prohibited as an accessory use to a commercial use.
- 34
35
36
37

4. The following uses are prohibited uses of the Property:

Automotive rentals
Automotive sales
Drop-off recycling collection facility
Daycare services (commercial)
Daycare services (general)
Business or trade school
Communications services
Food sales
Hotel-motel
Indoor sports and recreation
Pawn shop services
Service station
College and university facilities
Guidance services
Public primary educational facilities
Private primary educational facilities
Residential treatment

Automotive repair services
Automotive washing (of any kind)
Exterminating services
Daycare services (limited)
Bail bond services
Commercial off-street parking
Financial services
Funeral services
Indoor entertainment
Outdoor sports and recreation
Restaurant (general)
Theater
Counseling services
Hospital services (limited)
Public secondary educational facilities
Private secondary educational facilities
Urban farm

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

PART 3. This ordinance takes effect on _____, 2005.

PASSED AND APPROVED

_____, 2005

§
§
§

Will Wynn
Mayor

APPROVED:

David Allan Smith
City Attorney

ATTEST:

Shirley A. Brown
City Clerk