

**Zoning Ordinance Approval  
CITY OF AUSTIN**



**RECOMMENDATION FOR COUNCIL ACTION**

**AGENDA ITEM NO.: 132**

**AGENDA DATE: Thu 06/23/2005**

**PAGE: 1 of 1**

**SUBJECT:** C14-05-0011 - Shumaker - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2900 N. FM 973 (Colorado River Watershed) from development reserve (DR) district zoning to limited industrial services-conditional overlay (LI-CO) combining district zoning. First Reading on May 12, 2005. Vote 7-0. Applicant: Wade Shumaker. Agent: Minter Joseph & Thornhill (John Joseph Jr.) City Staff: Robert Heil, 974-2330.

**REQUESTING** Neighborhood Planning  
**DEPARTMENT:** and Zoning

**DIRECTOR'S**  
**AUTHORIZATION:** Alice Glasco

## **SECOND / THIRD READINGS SUMMARY SHEET**

**ZONING CASE NUMBER:** C14-05-0011

**REQUEST:**

Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2900 N FM 973 (Colorado River Watershed) from development reserve (DR) district zoning to Limited Industrial - Conditional Overlay (LI-CO) district zoning.

**DEPARTMENT COMMENTS:**

The subject tract is currently zoned Development Reserve (DR) and is undeveloped. The subject tract is within the city limits and is part of several larger pieces of property. These properties are all owned by the same owner, are not inside the city limits, and are used for excavation of sand and gravel. The property owner is requesting a rezoning in order to expand the sand and gravel excavation operation.

If the request is for Limited Industrial Services (LI) zoning is granted, existing regulations regarding mining would limit the amount of the site which could be actually mined. No mining is permitted within the 100-year floodplain or where riparian woodlands are present.

The ordinance reflects the conditions imposed by the City Council on first reading.

**APPLICANT/AGENT:** Minter Joseph and Thornhill

**OWNER:** Wade Shumaker

**DATE OF FIRST READING:** May, 12, 2005 (7-0 on consent).

**CITY COUNCIL HEARING DATE:** June 23, 2005.

**CITY COUNCIL ACTION:** Approved LI-CO on first reading.

**ORDINANCE NUMBER:**

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

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-05-0011

**ZAP Date:**

April 5, 2005

April 19, 2005

**ADDRESS:** 2900 N FM 973

**OWNER/APPLICANT:** Wade Shumaker

**AGENT:** Minter Joseph and  
Thornhill (John Joseph Jr.)

**ZONING FROM:** DR

**TO:** LI-CO

**AREA:** 53.50 acres

### **SUMMARY STAFF RECOMMENDATION:**

Staff recommends approval of Limited Industrial – Conditional Overlay (LI-CO). The conditional overlay would limit development on the site to less than 2000 additional vehicle trips per day.

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

**April 5, 2005:** Postponed to April 19, 2005 at the request of the staff due to a notification error. (Approved 8-0).

**April 19, 2005:** Approved Limited Industrial – Conditional Overlay (LI-CO) on consent. The conditional overlay would limit development to less than 2000 additional vehicle trips per day. (Vote 7-0, Commissioner Jackson absent).

### **DEPARTMENT COMMENTS:**

The subject tract is currently zoned Development Reserve (DR) and is undeveloped. The subject tract is within the city limits and is part of several larger pieces of property. These properties are all owned by the same owner, are not inside the city limits, and are used for excavation of sand and gravel. The property owner is requesting a rezoning in order to expand the sand and gravel excavation operation.

If the request is for Limited Industrial Services (LI) zoning is granted, existing regulations regarding mining would limit the amount of the site which could be actually mined. No mining is permitted within the 100-year floodplain or where riparian woodlands are present.

The applicant agrees with the Zoning and Platting Commission's recommendation and City Council's action on first reading.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	DR	Undeveloped
<i>North</i>	Unzoned County	Undeveloped
<i>South</i>	Unzoned County	Mining and Undeveloped
<i>East</i>	Unzoned County	Mining
<i>West</i>	DR and County	Undeveloped

**AREA STUDY:** The site does not fall within any proposed neighborhood plan area boundaries.

**TIA:** N/A

**WATERSHED:** Colorado River      **DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No      **HILL COUNTRY ROADWAY:** No

**REGISTERED NEIGHBORHOOD ORGANIZATIONS:**

- Austin Neighborhoods Council

**SCHOOLS: (AISD)**

Allen Elementary School      Martin Middle School      Johnston High School

**ABUTTING STREETS:**

<b>Name</b>	<b>ROW</b>	<b>Pavement</b>	<b>Classification</b>	<b>Sidewalks</b>	<b>Bus Route</b>	<b>Bike Route</b>
FM 973	80'	34'	Arterial	No	No	No
Platt Lane	50'	20'	Local	No	No	No

**CITY COUNCIL DATE:****ACTION:**

April 28, 2005:

Postponed to May 12, 2005.

May 12, 2005:

Approved LI-CO on consent

June 23, 2005

**ORDINANCE READINGS:**

1<sup>st</sup>

2<sup>nd</sup>

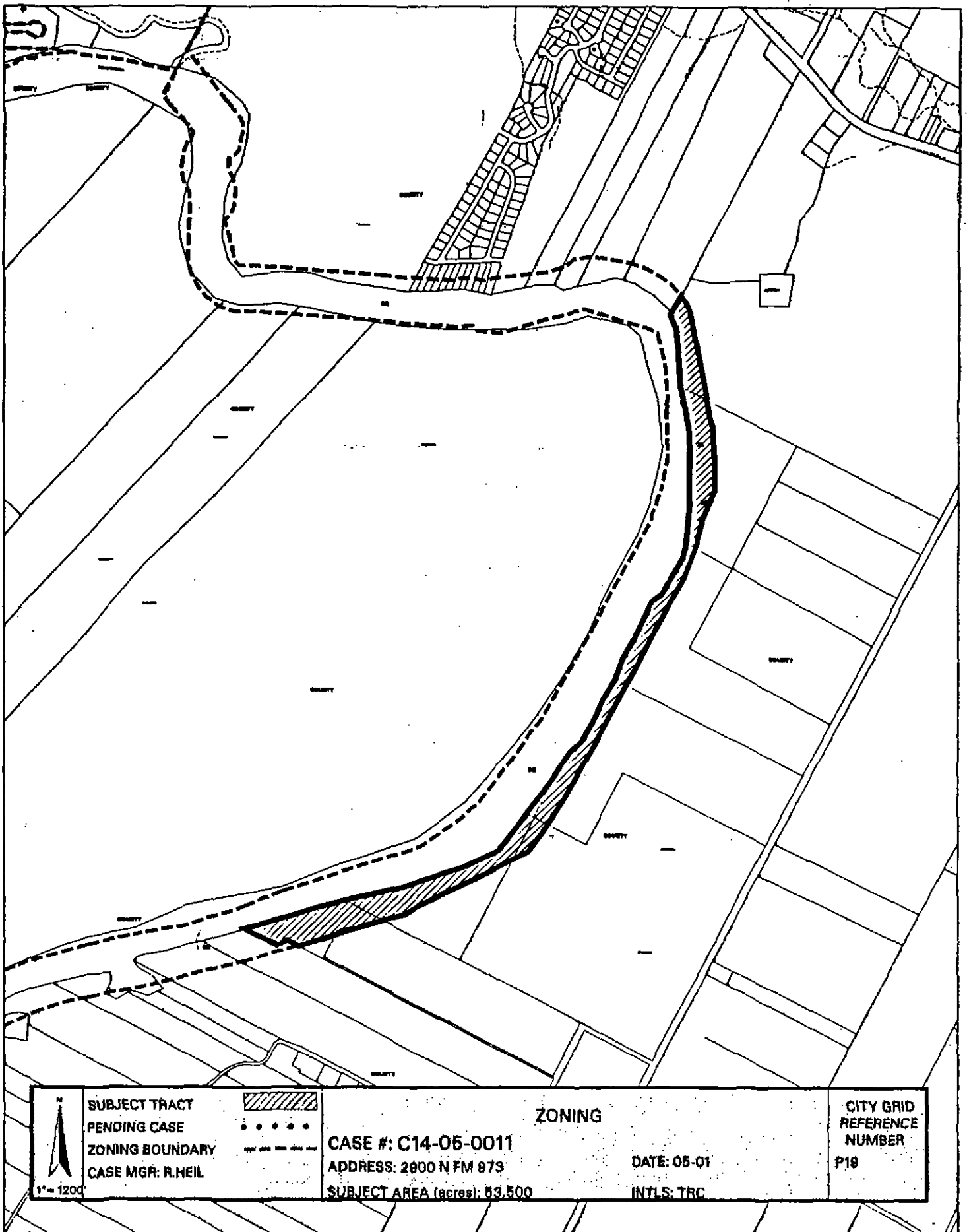
3<sup>rd</sup>

C14-05-0011

**ORDINANCE NUMBER:**

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

**PHONE:** 974-2330





# City of Austin

Zoning Case # C14-05-0011

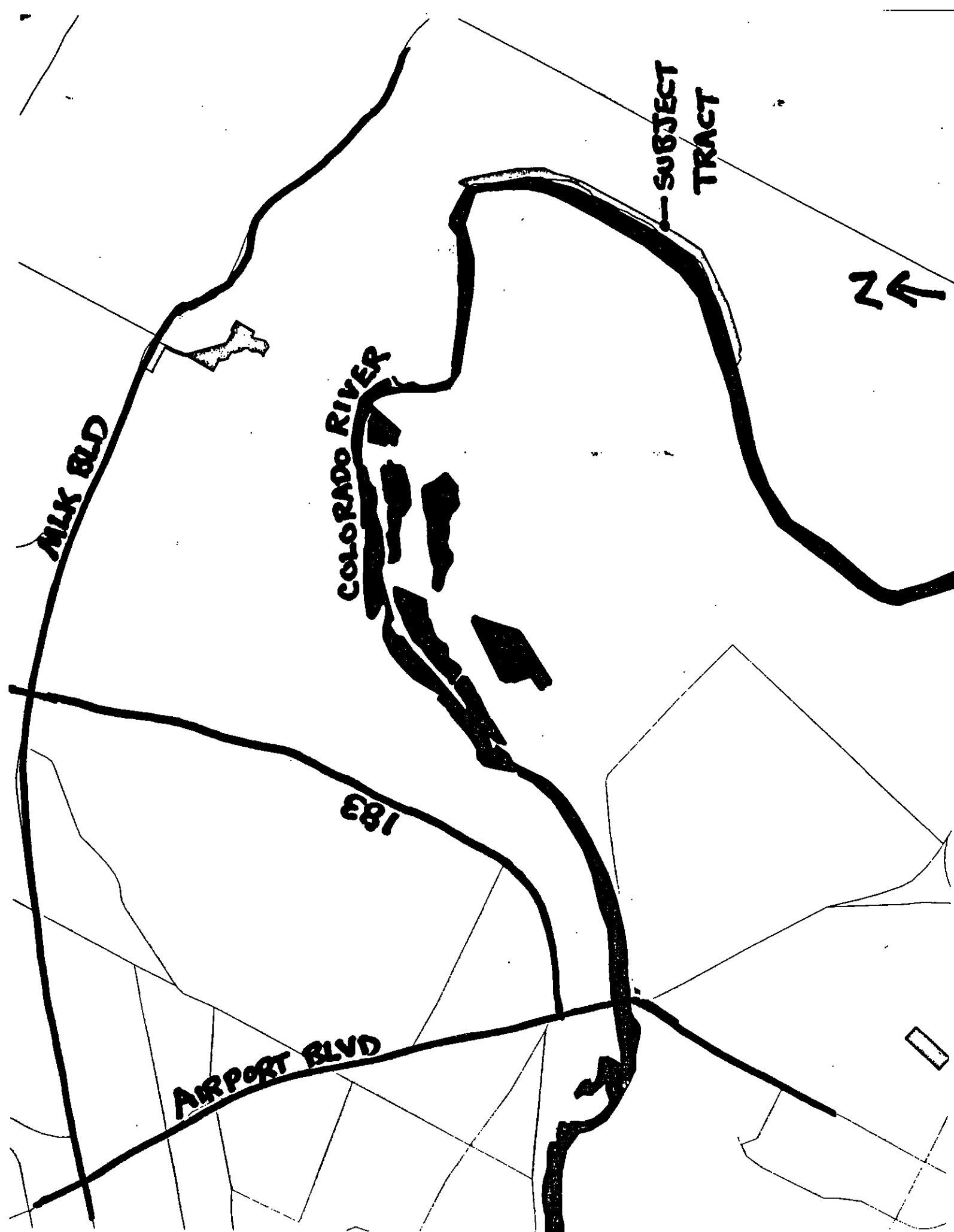
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Zoning Cases



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Wed Apr 20 19:54:10 2005





**SUMMARY STAFF RECOMMENDATION**

**C14-05-0011**

Staff recommends approval of LI-CO, with a conditional overlay limiting the trips to 2000 or fewer trips per day.

**BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)**

1. *Zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character.*

The unzoned portions of the tracts are currently used for resource extraction, specifically gravel mining.

2. *Zoning should allow for reasonable use of the property.*

Limited Industrial zoning would allow for mining operations on the site, where permitted by applicable State regulations.

**EXISTING CONDITIONS**

**Site Characteristics**

The subject tract is currently zoned Development Reserve (DR) and is undeveloped. The subject tract is within the city limits and is part of several larger pieces of property. These properties are all owned by the same owner, are not inside the city limits, and are used for excavation of sand and gravel. The property owner is requesting a rezoning in order to expand the sand and gravel excavation operation.

If the request is for Limited Industrial Services (LI) zoning is granted, existing regulations regarding mining would limit the amount of the site which could be actually mined. No mining is permitted within the 100-year floodplain or where riparian woodlands are present.

**Site Plan**

This property is within the Controlled Compatible Land Use Area defined by Chapter 241 of the Local Government Code. Development on this property is limited by Chapter 25-13 of the Austin City Code. Airport hazards as defined in Federal Aviation Regulations Part 77, as adopted by the City in Sections 25-13-23, are prohibited. None of the current or proposed activities pose a hazard to air traffic. The property is not inside any of the Airport Overlay Zones (AO-1, AO-2 or AO-3).

**Transportation**

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

The trip generation under the requested zoning is estimated to be 52,574 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]

**Existing Street Characteristics:**

Name	ROW	Pavement	Classification	Sidewalks	Bus Route	Bike Route
FM 973	80'	34'	Arterial	No	No	No
Platt Lane	50'	20'	Local	No	No	No

**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 adjustment are required, the landowner will be responsible for all costs and providing. Also, the 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 and specifications.

The landowner must pay all required water and wastewater utility tap permit, impact, construction inspection, and utility plan review fees.

**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 Colorado River 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 a floodplain within the project boundary. No development is permitted in the Critical Water Quality Zone, while impervious cover is limited to 30% in the Water Quality Transition Zone.

Standard tree protection will be required in accordance 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.

No mining is allowed within the 100-year floodplain where riparian woodlands are present.

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.

7. **Rezoning:** C14-04-0198 - 801 W. Oltorf  
**Location:** 801 W. Oltorf, East Bouldin Creek Watershed  
**Owner/Applicant:** Lopez & Urrutia, L.L.P. (Bradley G. Urrutia)  
**Agent:** Land Answers (Jim Wittliff)  
**Prev.** Postponed on 03/01/05 (applicant); Postponed on 4/5/05  
**Postponements** (neighborhood)  
**Request:** ~~SF-3~~ to LO-MU-CO  
**Staff Rec.:** NOT RECOMMENDED  
**Staff:** Robert Heil, 974-2330, Robert.Heil@ci.austin.tx.us  
 Neighborhood Planning and Zoning Department

**POSTPONED TO 05/03/05 (NEIGHBORHOOD)**  
**[J.M; T.R 2<sup>ND</sup>] (7-0) K.J; C.H - ABSENT**

8. **Rezoning:** C14-05-0011 - Schumaker  
**Location:** 2900 FM 973 North; 11400 Platt Lane; 2814-4310 FM 973 North,  
 Colorado River Watershed  
**Owner/Applicant:** Wade Shumaker  
**Agent:** Minter, Joseph, & Thornhill (Kim Crane)  
**Prev.** Postponed on 04/05/05 (staff)  
**Postponements**  
**Request:** I-RR and RR to LI  
**Staff Rec.:** ALTERNATE RECOMMENDATION: LI-CO  
**Staff:** Robert Heil, 974-2330, Robert.Heil@ci.austin.tx.us  
 Neighborhood Planning and Zoning Department

**APPROVED STAFF'S RECOMMENDATION FOR LI-CO ZONING WITH 2000 VEHICLE TRIP LIMIT; BY CONSENT.**  
**[J.M; M.W 2<sup>ND</sup>] (7-0) K.J; C.H - ABSENT**

9. **Rezoning:** C14-05-0021 - 5808 Manor  
**Location:** 5808 Manor, Fort Branch Watershed  
**Owner/Applicant:** Maria Sosa  
**Agent:** Maria Sosa  
**Prev.** Postponed on 4/5/05 (staff)  
**Postponements**  
**Request:** LR to CS-CO  
**Staff Rec.:** ALTERNATE RECOMMENDATION: GR-CO  
**Staff:** Robert Heil, 974-2330, Robert.Heil@ci.austin.tx.us  
 Neighborhood Planning and Zoning Department

**APPROVED STAFF'S RECOMMENDATION FOR GR-CO ZONING WITH 2000 VEHICLE TRIP LIMIT.**  
**[M.W, T.R 2<sup>ND</sup>] (7-0) K.J; C.H - ABSENT**

TRANSCRIPT FROM CITY COUNCIL MEETING APRIL 28, 2005

Goodman: OKAY. AND THERE IS A MOTION --

Slusher: MAYOR PRO TEM, ON Z-18, THIS IS RIGHT ALONG THE COLORADO RIVER, I KNOW THERE ARE A NUMBER OF GROUPS INVOLVED IN TRYING TO PROTECT THE COLORADO RIVER. I DON'T KNOW IF THEY'VE HAD A CHANCE TO LOOK AT THIS OR NOT SO I WOULD LIKE A POSTPONEMENT OF TWO WEEKS IN THE COUNCIL WOULD HONOR THAT.

Goodman: OKAY. TWO WEEKS.

THAT WILL BE MAY 12th.

Goodman: MAY 12th. THAT'S REQUEST OF A COUNCILMEMBER. OKAY. SO WE'LL PUT THAT BACK IN CONSENT AS POSTPONEMENT FROM MAY 12th. IS THERE A MOTION?

Thomas: SO MOVED.

Goodman: THANK YOU, COUNCILMEMBER THOMAS. I'LL SECOND. ALL THOSE IN FAVOR PLEASE SAY AYE.