

**Zoning Public Hearing
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**



**AGENDA ITEM NO.: Z-22
AGENDA DATE: Thu 09/29/2005
PAGE: 1 of 1**

SUBJECT: C14-05-0044 - Cella 2 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 10933 South IH-35 Service Road Northbound (Onion Creek Watershed) from interim-single-family residence standard lot (I-SF-2) district zoning to community commercial (GR) district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning, with conditions. Applicant: Cella Investment Group (Terry Gregoricka). Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Wendy Walsh, 974-7719.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

ZONING CHANGE REVIEW SHEET

CASE: C14-05-0044

Z.P.C. DATE: May 3, 2005
June 7, 2005
June 21, 2005

ADDRESS: 10933 South IH-35 Service Road Northbound

OWNER: Cella Investment Group
(Terry Gregoricka)

AGENT: Jim Bennett Consulting
(Jim Bennett)

ZONING FROM: I-SF-2

TO: GR

AREA: 2.200 acres

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to grant community commercial – conditional overlay (GR-CO) district zoning. The Conditional Overlay: 1) provides a 50 foot landscape buffer along the east and south property lines where adjacent to residential uses; 2) prohibits the following uses: pawn shop services; restaurant (limited); restaurant (general); and funeral services; and 3) limits the development of the property to 2,000 trips per day.

ZONING & PLATTING COMMISSION RECOMMENDATION:

May 3, 2005: *APPROVED A POSTPONEMENT REQUEST TO 06/07/05 AT THE REQUEST OF THE NEIGHBORHOOD.*

[J. DONISI; T. RABAGO - 2ND] (8-0) J. MARTINEZ – ABSENT

June 7, 2005: *APPROVED A POSTPONEMENT REQUEST TO 06/21/05 AT THE REQUEST OF THE APPLICANT AND NEIGHBORHOOD.*

[J. MARTINEZ; J. GOHIL 2ND] (9-0)

June 21, 2005: *APPROVED STAFF'S RECOMMENDATION FOR GR-CO DISTRICT ZONING AS NEGOTIATED BETWEEN THE APPLICANT AND THE NEIGHBORHOOD, AND DEFINED IN THE ISSUES SECTION OF THE STAFF REPORT. INCLUDE ADDED CONDITIONS AS AGREED TO BY THE APPLICANT; PROHIBIT AUTO RENTALS; IMPERVIOUS COVERAGE AT 70%; AND PROHIBIT DRIVE THRU SERVICES; BY CONSENT.*

[J. MARTINEZ; J. GOHIL – 2ND] (8-0) K. JACKSON – ABSENT

ISSUES:

The Applicant is still in discussions with the Onion Creek Homeowners Association and is in agreement with the following conditional overlay: 1) An 80 foot building setback from the east property line; 2) limit the size of the building footprint to 5,000 square feet; 3) establish that the maximum height of any structure is 24 feet; 4) prohibit the following uses: adult-oriented uses; bail bond services; club or lodge; commercial off-street parking; community

recreation (private); community recreation (public); congregate living; custom manufacturing; drop-off recycling facility; exterminating services; funeral services; hospital services (general); hospital services (limited); hotel-motel; indoor entertainment; indoor sports and recreation; outdoor entertainment; outdoor sports and recreation; pawn shop services; plant nursery; private primary educational facilities; private secondary educational facilities; residential treatment; restaurant (general); restaurant (limited); service station; theater; and urban farm; and 5) limit the development of the property to 2,000 trips per day.

The Onion Creek Homeowners Association requests that the City Council consider approving the rezoning with the addition of a public Restrictive Covenant that limits the types of automotive sales and automotive repair uses to motorcycle uses.

DEPARTMENT COMMENTS:

The subject property is undeveloped, zoned interim – single family residence standard lot (I-SF-2) and takes access to the northbound IH-35 frontage road. The property borders on an automotive sales use to the north (I-RR), undeveloped property proposed for commercial and mixed uses, and apartments further north; the Onion Creek subdivision consisting of single family residences, duplexes and townhouses to the east and southeast; and commercial uses to the south. Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

The Applicant proposes to rezone the lot to the community commercial (GR) district to enable additional retail development and associated parking to occur. Consistent with the undeveloped property to the north that is proposed for commercial and mixed uses, the Staff recommends a 50 foot vegetative buffer along the east and south property lines where adjacent to residential uses. The Applicant has also offered to prohibit funeral services; restaurant (limited); restaurant (general); and pawn shop services.

Commercial zoning is appropriate along the IH-35 northbound frontage road, and is compatible and consistent with the land uses that have been established north of Onion Creek Parkway. Furthermore, commercial zoning will establish a transition between IH-35 and the residential component of Onion Creek subdivision. The Conditional Overlay calls for a vegetative buffer to enhance compatibility with the residential uses located to the east, incorporates prohibited uses offered by the Applicant and establishes a maximum number of daily vehicle trips that will limit development to maintain acceptable traffic conditions on adjacent roadways and intersections.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	I-SF-2	Undeveloped
<i>North</i>	I-RR	Automotive sales; Undeveloped; Apartments
<i>South</i>	I-SF-2; LR-CO	Dry cleaners; Townhomes; Duplexes; Service station with food sales; Professional office; Day spa; Bank
<i>East</i>	I-SF-2; CR-CO	Single family residences; Golf course
<i>West</i>	N / A	Frontage road and main lanes of IH-35

AREA STUDY: N / A**TIA:** Is not required**WATERSHED:** Onion Creek**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** No**SCENIC ROADWAY:** No**NEIGHBORHOOD ORGANIZATIONS:**

26 – Far South Austin Community Association
 300 – Terrell Lane Interceptor Association
 428 – Barton Springs / Edwards Aquifer Conservation District
 499 – Park Ridge Owners Association
 627 – Onion Creek Homeowners Association
 742 – Austin Independent School District
 948 – South by Southeast Neighborhood Organization

SCHOOLS:

Graham Elementary School

Dobie Middle School

Reagan High School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-04-0114 (Keesee Tract)	I-RR; MF-2-CO to GR-MU-CO for Tract One; CS-MU-CO for Tract Two	To Grant GR-MU-CO for Tract One; CS-MU-CO for Tract Two with added conditional uses of auto repair, sales and washing; and the conditions of the TIA	Pending completion of outstanding issues with the Traffic Impact Analysis
C14-04-0178	I-SF-2 to LR	To Grant LR-CO	Approved LR-CO (12-9-04).
C14-04-0044 (Onion Creek Golf Course)	I-RR to CR	To Grant CR-CO with CO for list of prohibited uses	Approved CR-CO as recommended by ZAP (5-6-04).
C14-04-0020 (Double Creek Village)	I-RR (Upon Annexation) to CS-MU for Tract 1; MF-3 for Tract 2	To Grant CS-MU-CO with conditions of the TIA for Tract 1. The CO is a list of prohibited uses; MF-2 with conditions of the TIA for Tract 2.	Approved CS-MU-CO with Restrictive Covenant for the TIA as recommended by ZAP (5-6-04).
C14-04-0019 (Double Creek Village)	I-RR (Upon Annexation) to CS	To grant CS-CO with conditions of the TIA and the CO is for list of prohibited uses	Approved CS-CO with Restrictive Covenant for the TIA as recommended by ZAP

			(5-6-04).
C14-03-0053 (Double Creek Village)	I-RR to CS	To Grant CS-CO for Tract 1; GR-CO for Tract 2, with conditions of the TIA. CO is for list of prohibited uses; and prohibit access to Old San Antonio Road. Restrictive Covenant for the TIA.	Approved CS-CO for Tract 1 and GR-CO for Tract 2 with Restrictive Covenant for the TIA as recommended by ZAP (12-11-03).
C14-00-2181 (Keesee Tract)	I-RR to MF-2	To Grant MF-2-CO with CO for 25' setback along the south and southeast property lines adjacent to residential properties and conditions of the TIA; RR for the flood plain	Approved MF-2-CO as recommended by PC (2-8-01).

RELATED CASES:

As shown in Exhibit B, the rezoning area is platted as Lot 7, Onion Creek Section 4D, recorded in December 1982. There is a private Restrictive Covenant that ties the adjacent property to the north (automotive sales) and the subject property together and includes a provision that "businesses shall be operated in a coordinated and cooperative manner to minimize traffic in Onion Creek" (recorded in January 2001).

Lot 7 was annexed into the Full-Purpose Jurisdiction on December 31, 2003 along with other portions of the Onion Creek development.

ABUTTING STREETS:

STREET	RIGHT-OF-WAY	PAVEMENT WIDTH	CLASSIFICATION	DAILY TRAFFIC
IH-35	Varies; 300-400 feet	Varies	6 lane Freeway	115,000 (2000)

- IH-35 is classified in the Bicycle Plan as a Priority 2 bike route.

CITY COUNCIL DATE: July 28, 2005

ACTION: Approved a Postponement request by the Applicant to August 18, 2005 (7-0).

August 18, 2005

ACTION: Approved a Postponement request by the Neighborhood to September 29, 2005 (7-0).

September 29, 2005

ORDINANCE READINGS: 1st

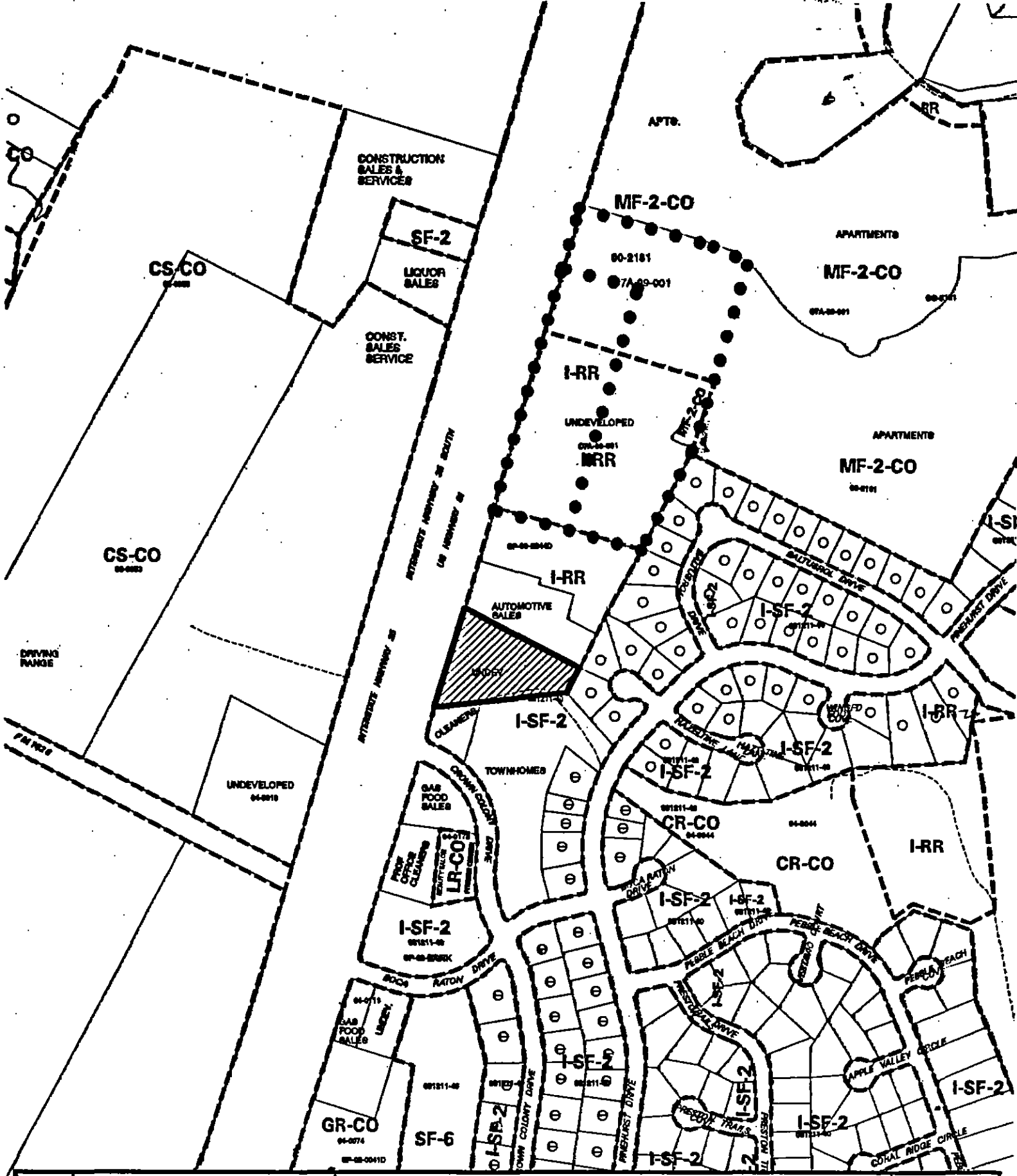
2nd

3rd

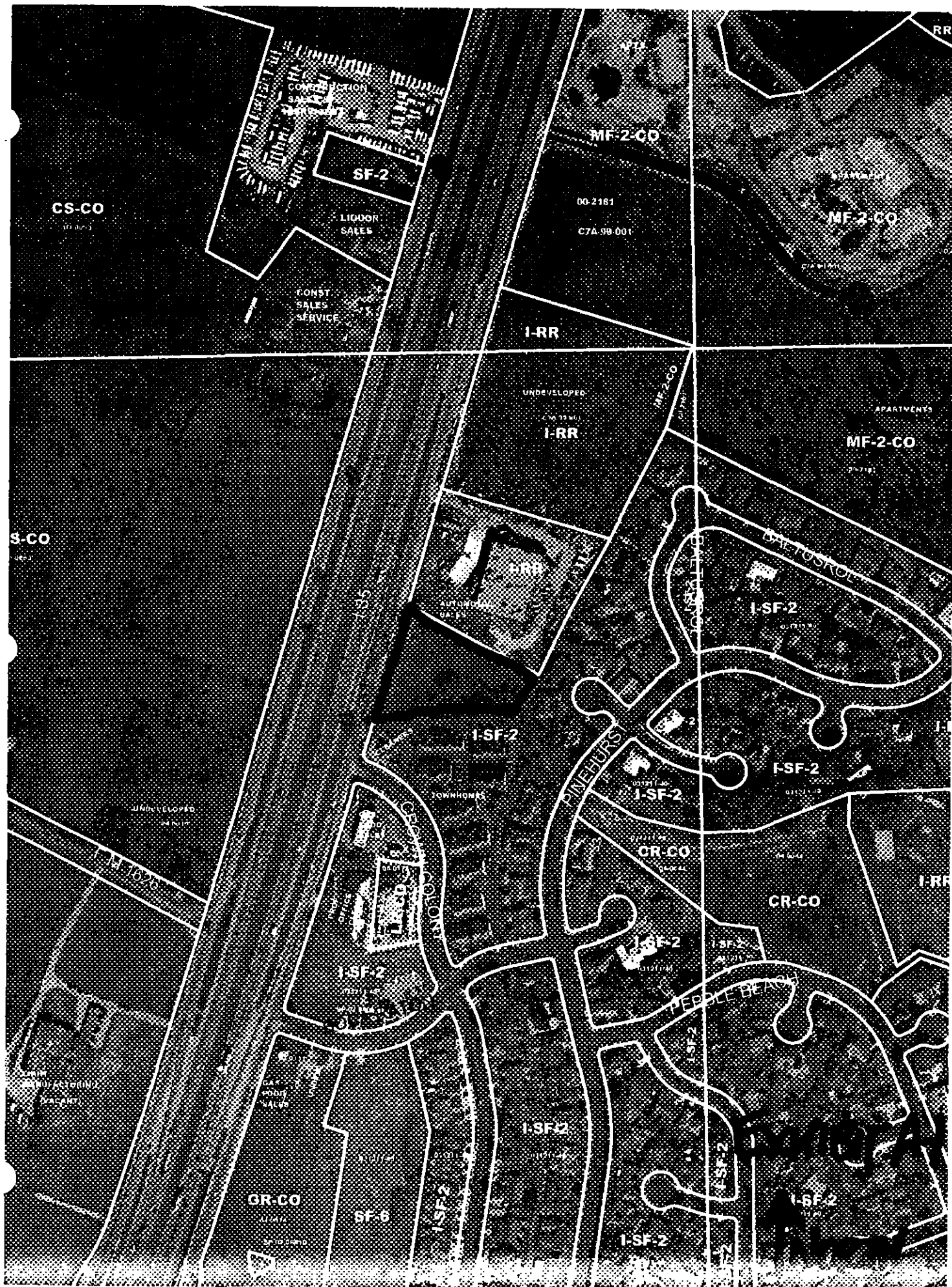
ORDINANCE NUMBER:

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

PHONE: 974-7719



 1" = 400'	SUBJECT TRACT		<h2 style="text-align: center;">ZONING EXHIBIT A</h2>	CITY GRID REFERENCE NUMBER F11
	PENDING CASE			
	ZONING BOUNDARY			
	CASE MGR: W. WALSH			
CASE #: C14-05-0044 ADDRESS: 10933 S I 35 & VC RD NB SUBJECT AREA (acres): 2.200		DATE: 05-04 INTLS: SM		



ONION CREEK SECTION 4D

63 1129

I.H. 35

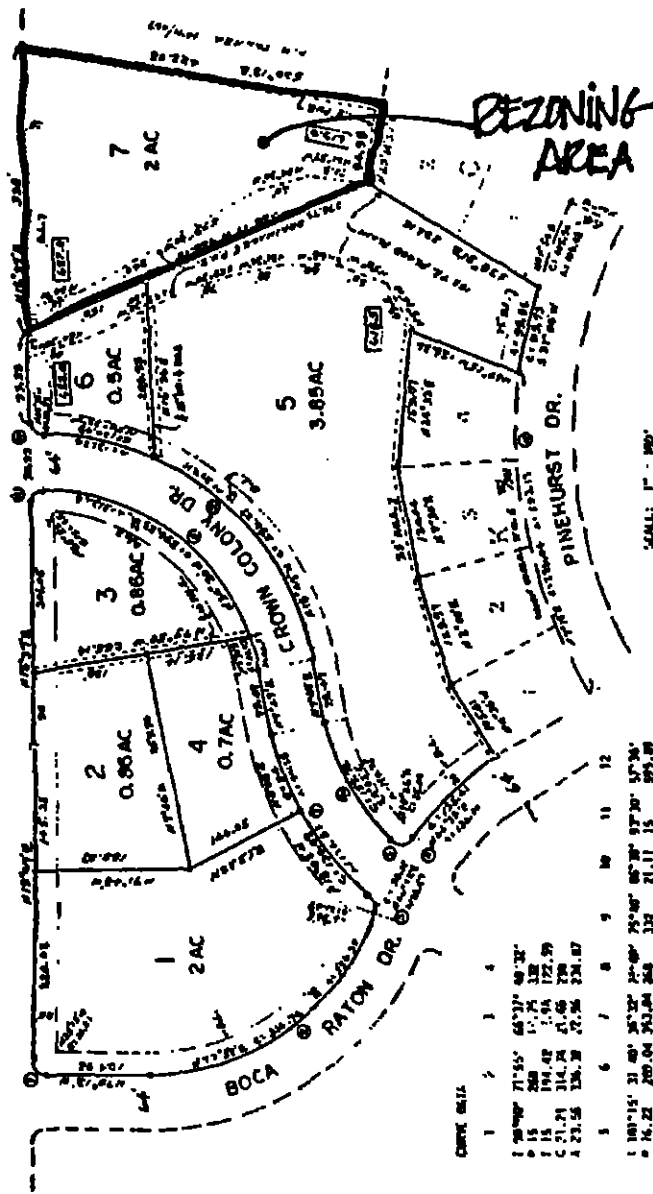
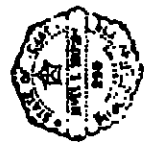


EXHIBIT B
RECORDED PLAT

- NOTES:
1. Sidewalks shall be installed on both sides of Crown Colony Dr. and Boca Colony Dr. (to be constructed by the owner).
 2. No lot in this subdivision shall be occupied until connection is made to a subdivision water and sewerage system approved by the local health department.
 3. Prior to construction on any lot in this subdivision, construction plans shall be submitted to the City of Austin Engineering Department for review. Submittal shall be held to the extent of the subdivision plat by use of sealing or other approved means.



I, James J. Wilson, Jr., am authorized under the laws of the State of Texas to execute this plat and hereby certify that this plat complies with Chapter 153 of the Texas Civil Statutes and is correct and true to the original survey made of the property, under my supervision, on the ground.

James J. Wilson, Jr.
James J. Wilson, Jr.



ALSO PLAT 8078:
THE ABOVE FIRST PLAT PLAT 8078, 8079, 8080, 8081, 8082, 8083, 8084, 8085, 8086, 8087, 8088, 8089, 8090, 8091, 8092, 8093, 8094, 8095, 8096, 8097, 8098, 8099, 8100, 8101, 8102, 8103, 8104, 8105, 8106, 8107, 8108, 8109, 8110, 8111, 8112, 8113, 8114, 8115, 8116, 8117, 8118, 8119, 8120, 8121, 8122, 8123, 8124, 8125, 8126, 8127, 8128, 8129, 8130, 8131, 8132, 8133, 8134, 8135, 8136, 8137, 8138, 8139, 8140, 8141, 8142, 8143, 8144, 8145, 8146, 8147, 8148, 8149, 8150, 8151, 8152, 8153, 8154, 8155, 8156, 8157, 8158, 8159, 8160, 8161, 8162, 8163, 8164, 8165, 8166, 8167, 8168, 8169, 8170, 8171, 8172, 8173, 8174, 8175, 8176, 8177, 8178, 8179, 8180, 8181, 8182, 8183, 8184, 8185, 8186, 8187, 8188, 8189, 8190, 8191, 8192, 8193, 8194, 8195, 8196, 8197, 8198, 8199, 8200, 8201, 8202, 8203, 8204, 8205, 8206, 8207, 8208, 8209, 8210, 8211, 8212, 8213, 8214, 8215, 8216, 8217, 8218, 8219, 8220, 8221, 8222, 8223, 8224, 8225, 8226, 8227, 8228, 8229, 8230, 8231, 8232, 8233, 8234, 8235, 8236, 8237, 8238, 8239, 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SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to grant community commercial – conditional overlay (GR-CO) district zoning. The Conditional Overlay: 1) provides a 50 foot landscape buffer along the east and south property lines where adjacent to residential uses; 2) prohibits the following uses: pawn shop services; restaurant (limited); restaurant (general); and funeral services; and 3) limits the development of the property to 2,000 trips per day.

BACKGROUND

The subject property is undeveloped, zoned interim – single family residence standard lot (I-SF-2) and takes access to the northbound IH-35 frontage road. The property borders on an automotive sales use to the north (I-RR), undeveloped property proposed for commercial and mixed uses, and apartments further north; the Onion Creek subdivision consisting of single family residences, duplexes and townhouses to the east and southeast; and commercial uses to the south.

The Applicant proposes to rezone the lot to the community commercial (GR) district to enable additional retail development and associated parking to occur. Consistent with the undeveloped property to the north that is proposed for commercial and mixed uses, the Staff recommends a 50 foot vegetative buffer along the east and south property lines where adjacent to residential uses. The Applicant has also offered to prohibit funeral services; restaurant (limited); restaurant (general); and pawn shop services.

Commercial zoning is appropriate along the IH-35 northbound frontage road, and is compatible and consistent with the land uses that have been established north of Onion Creek Parkway. Furthermore, commercial zoning will establish a transition between IH-35 and the residential component of Onion Creek subdivision. The Conditional Overlay calls for a vegetative buffer to enhance compatibility with the residential uses located to the east, incorporates prohibited uses offered by the Applicant and establishes a maximum number of daily vehicle trips that will limit development to maintain acceptable traffic conditions on adjacent roadways and intersections.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

GR, Community Commercial 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 property takes direct access to the northbound frontage road of I-35.

2. Zoning changes should promote an orderly and compatible relationship among land uses.

Commercial zoning is appropriate along the IH-35 northbound frontage road, and is compatible and consistent with the land uses that have been established north of Onion Creek Parkway. Furthermore, commercial zoning will establish a transition between IH-35 and the residential component of Onion Creek subdivision. The Conditional Overlay calls for a vegetative buffer to enhance compatibility with the residential uses located to the east, incorporates prohibited uses offered by the Applicant and establishes a maximum number of daily vehicle trips that will limit development to maintain acceptable traffic conditions on adjacent roadways and intersections.

EXISTING CONDITIONS

Site Characteristics

The subject property is undeveloped. The site is relatively flat and slopes towards the southeast.

Impervious Cover

The maximum impervious cover allowed by the GR-CO zoning district would be 80%, which is based on the more restrictive watershed regulations.

Environmental

The site is not located over the Edward's Aquifer Recharge Zone. The site is in the Onion 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. 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>% with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

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

According to flood plain maps, there is no flood plain in, or within close proximity of, the project location.

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.

Transportation

Additional right-of-way will be required at the time of subdivision and/or site plan.

The trip generation under the requested zoning is estimated to be 6,606 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]

Water and Wastewater

The landowner intends to serve the site with City 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 adjustment, and utility relocation to serve each lot. 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 utility design criteria. The water and wastewater utility construction must be inspected by the City. The landowner must pay the associated City fees.

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

Compatibility Standards

The site is subject to compatibility standards. The adjoining properties to the east are zoned I-SF-2 and the single family residences would trigger compatibility requirements.

Along the east property line, the following standards apply:

- No structure may be built within 25 feet of the property line.

- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- A landscape area is required along the property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

Additional design regulations will be enforced at the time a site plan is submitted.

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING FOR THE PROPERTY LOCATED AT 10933 SOUTH IH-35 SERVICE ROAD NORTHBOUND AND CHANGING THE ZONING MAP FROM INTERIM SINGLE FAMILY RESIDENCE STANDARD LOT (I-SF-2) DISTRICT TO COMMUNITY COMMERCIAL-CONDITIONAL OVERLAY (GR-CO) 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 interim single family residence standard lot (I-SF-2) district to community commercial-conditional overlay (GR-CO) combining district on the property described in Zoning Case No. C14-05-0044, on file at the Neighborhood Planning and Zoning Department, as follows:

Lot 7, Onion Creek Section 4D Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 83, Page 55c, of the Plat Records of Travis County, Texas (the "Property"),

locally known as 10933 South IH-35 Service Road northbound, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "A".

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

1. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 2,000 trips per day.
2. The maximum building coverage is 5.22 percent.
3. The maximum height of a building or structure is 24 feet from ground level.
4. The maximum impervious cover is 70 percent.
5. The minimum building setback from the east property line is 80 feet.

6. A 50-foot wide vegetative buffer shall be provided and maintained along the east and south property lines adjacent to the existing single family residential area. Improvements permitted within the buffer zone are limited to drainage, underground utility improvements or those improvements that may be otherwise required by the City of Austin or specifically authorized in this ordinance

7. Drive-in service is prohibited as an accessory use to a commercial use.

8. The following uses are prohibited uses of the property:

Adult oriented businesses	Automotive rentals
Bail bond services	Club or lodge
Commercial off-street parking	Community recreation (private)
Community recreation (public)	Congregate living
Custom manufacturing	Drop-off recycling collection facility
Exterminating services	Funeral services
Hospital services (general)	Hospital services (limited)
Hotel-motel	Indoor entertainment
Indoor sports and recreation	Outdoor entertainment
Outdoor sports and recreation	Pawn shop services
Plant nursery	Private primary educational facilities
Private secondary educational facilities	Residential treatment
Restaurant (general)	Restaurant (limited)
Service station	Theater
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.

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

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4 **PASSED AND APPROVED**

5
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8 _____, 2005

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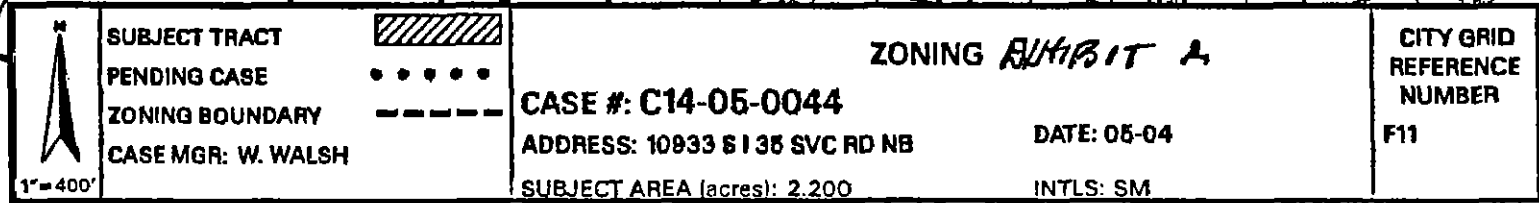
Will Wynn
Mayor

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11
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13 **APPROVED:** _____

ATTEST: _____

14 David Allan Smith
15 City Attorney

Shirley A. Brown
City Clerk



ONION CREEK

HOMEOWNERS ASSOCIATION

10816 Crown Colony, Suite 205

Austin, Texas 78747

Tel: 512.280.8110

Fax: 512.280.8162

15 August 16, 2005

Ms Wendy Walsh
Neighborhood Planning and Zoning Department
City of Austin
PO Box 1088
Austin, Texas 78767-8835

Re: Case # C14-05-0044 (Cella Investment Group)

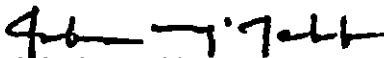
Dear Ms Walsh,

On behalf of our homeowners association and with the concurrence of the property owner's agent, Jim Bennett, we respectfully request the City Council's reading of this zoning change request be delayed until 29 September 2005.

The reason for this request is because of last minute objections by the property owner to what we thought was a complete CC&R agreement between our HOA and the property owner. We anticipate at least several more weeks will be needed to try and complete negotiations, especially since the property owner resides in Michigan.

Thank you in advance for your invaluable help and consideration of our request. If there are any questions, please don't hesitate to let me know.

Sincerely,



John McNabb
President

Cc: Jim Bennett
OCHOA (file)