

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



**AGENDA ITEM NO.: Z-8  
AGENDA DATE: Thu 09/29/2005  
PAGE: 1 of 1**

**SUBJECT:** C14-05-0097 - Asian Center - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 901 West Braker Lane (Walnut Creek Watershed) from community commercial-conditional overlay (GR-CO) combining district zoning to community commercial-conditional overlay (GR-CO) combining district zoning in order to modify a condition of zoning, with conditions. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning in order to modify a condition of zoning, with conditions. Applicant: Minh-Duc-Lu. Agent: Mike Wilson. City Staff: Jorge Rousselin, 974-2975.

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

**DIRECTOR'S**  
**AUTHORIZATION:** Greg Guernsey

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-05-0097

**Z.A.P. DATE:** August 2, 2005  
August 16, 2004

**ADDRESS:** 901 W. Braker Lane

**OWNER/APPLICANT:** Minh-Duc Lu

**AGENT:** Mike Wilson

**ZONING FROM:** GR-CO **TO:** GR-CO

**AREA:** 2.0 Acres

### **SUMMARY STAFF RECOMMENDATION:**

Approval of rezoning from community commercial – conditional overlay (GR-CO) district zoning to community commercial – conditional overlay (GR-CO) district zoning. All of the conditions in the Conditional Overlay will not change other than the removal of the trip limitation. The recommendation is subject to the conditions in the Traffic Impact Analysis found in Exhibit A.

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

August 16, 2005

APPROVED STAFF'S RECOMMENDATION FOR GR-CO ZONING; T.I.A TO BE MET BEFORE 3<sup>RD</sup> READING AT CITY COUNCIL; BY CONSENT.

[J.G; M.H 2<sup>ND</sup>] (8-0) K.J – ABSENT

**ISSUES:** N/A

### **DEPARTMENT COMMENTS:**

The applicant does not propose to change the base district zoning on the subject property. The request is being made to remove the vehicle trip limit imposed by the existing conditional overlay. No other provisions in the current conditional overlay are proposed to be changed. A Traffic Impact Analysis has been provided and reviewed by the City of Austin Transportation Reviewers

### **EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	GR-CO	Undeveloped
<i>North</i>	GR	Undeveloped
<i>South</i>	W/LO	Office & Warehouse
<i>East</i>	CS	Undeveloped except on corner of Braker & N. Lamar Bookstore and misc. occupancies.
<i>West</i>	GO-CO	Detention pond and school

**TIA: Yes (See Exhibit A)**

**DESIRED DEVELOPMENT ZONE:** Yes

**HILL COUNTRY ROADWAY; No**

**#064 River Oaks Lakes Estates Neighborhood**  
**#114 North Growth Corridor Alliance**  
**#197 North Park Estates Homeowners Association**  
**#511 Austin Neighborhoods Council**  
**#742 Austin Independent School District**

**McBee Elementary School**  
**Walnut Creek Elementary School**  
**Dobie Middle School**  
**Reagan High School**

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-01-0037	North Austin Civic Association Neighborhood Plan	04/17/01 recommended staff recommendation	08/09/01 Approved CS-NP on Tract 9 of the North Austin Civic Association Neighborhood Plan

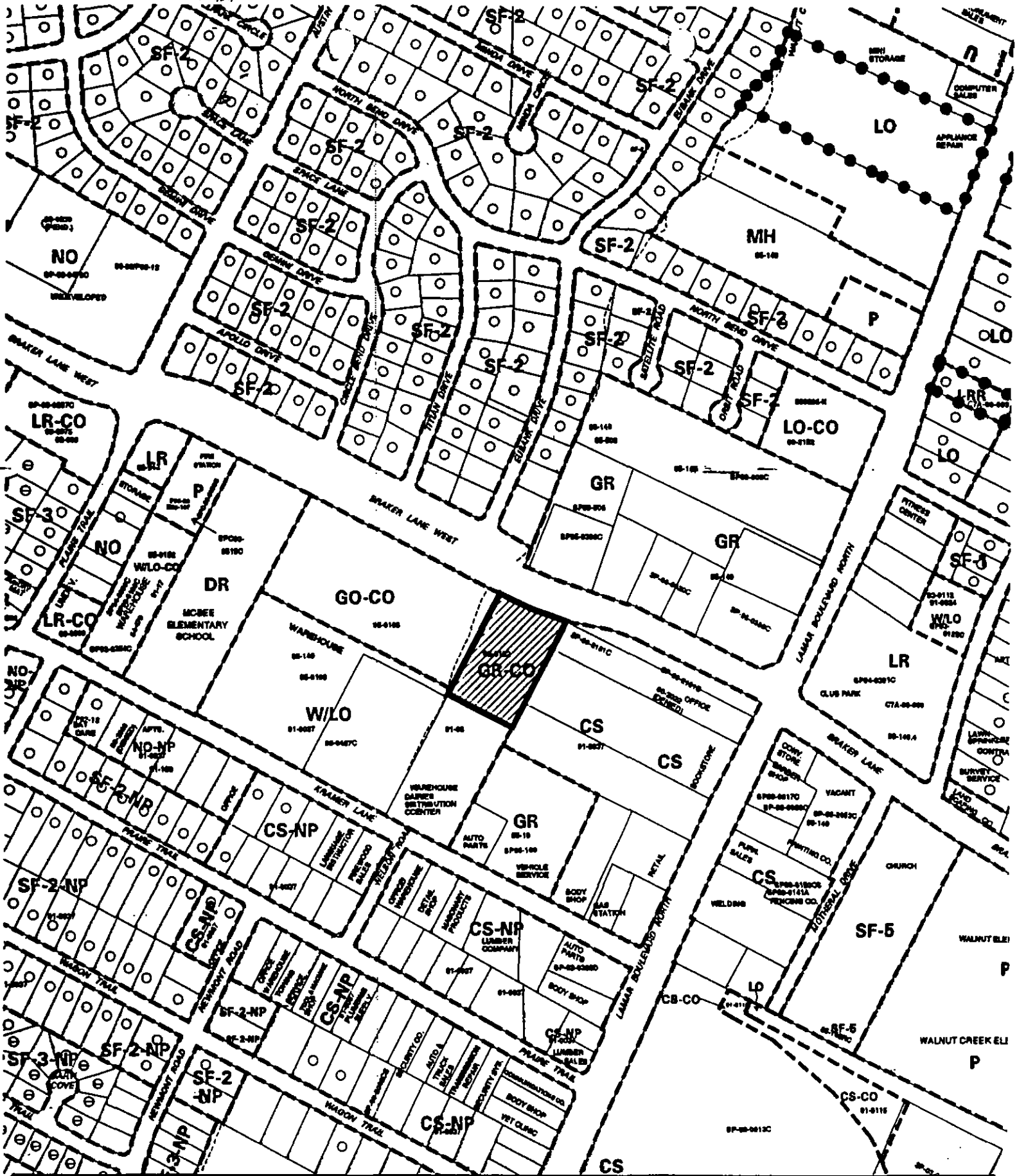
**C14-03-0182 – Rezoned from GO to GR-CO with prohibited uses and trip limitation.**





**ACTION:**

**ORDINANCE NUMBER:**

**PHONE: 974-2975**

**E-MAIL:** [jorge.rousselin@ci.austin.tx.us](mailto:jorge.rousselin@ci.austin.tx.us)



 1" = 400'	<b>SUBJECT TRACT</b> 	<b>ZONING</b>		<b>CITY GRID REFERENCE NUMBER</b> L32
	<b>PENDING CASE</b> 			
	<b>ZONING BOUNDARY</b> 	<b>CASE #:</b> C14-05-0097		
	<b>CASE MGR:</b> T.BOLT	<b>ADDRESS:</b> 901 W BRAKER LN <b>SUBJECT AREA (acres):</b> 2		
		<b>DATE:</b> 05-06 <b>INTLS:</b> SM		



## **STAFF RECOMMENDATION**

Approval of rezoning from community commercial – conditional overlay (GR-CO) district zoning to community commercial – conditional overlay (GR-CO) district zoning. All of the conditions in the Conditional Overlay will not change other than the removal of the trip limitation. The recommendation is subject to the conditions in the Traffic Impact Analysis found in Exhibit A.

## **BACKGROUND N/A**

## **BASIS FOR RECOMMENDATION**

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

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.

Zoning should not constitute a grant of special privilege to an individual owner; Granting of the request should result in an equal treatment of similarly situated.

The subject tract has already, the base district zoning to accommodate the proposed use. However a Traffic Impact Analysis was not prepared at the time of the rezoning 2003 resulting in a vehicle trip limit noted in the conditional overlay. The applicant does not wish to alter the conditional overlay uses with the submittal of the Traffic Impact Analysis the applicant is requesting that the limit imposed be removed.

## **EXISTING CONDITIONS**

### **Site Characteristics**

The site is undeveloped

### **Hill Country Roadway N/A**

### **Impervious Cover**

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. 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%

### **Environmental**

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.

### **Water Quality Control Requirements**

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.

### **Transportation**

A traffic impact analysis is required and has been received. Additional right-of-way, participation in roadway improvements, or limitations on development intensity may be recommended based on review of the TIA. [LDC, Sec. 25-6-142]. Comments will be provided in a separate memo.

### **Water and Wastewater**

The landowner intends to serve the site with City of Austin 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, utility relocation, and adjustments. 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**

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.

### **Compatibility Standards**

This tract is undeveloped. This site would be subject to compatibility development regulations due to the existing SF-2 zoned property to the north, and would be subject to the following requirements:

The site is subject to compatibility standards. Along the north 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.
  - 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.





**Date:** September 20, 2005  
**To:** Jorge Rousselin, Case Manager  
**CC:** Robert Halls, Robert J. Halls and Associates  
Mike Wilson, Garrett-Ihnen  
Carol Barnes, COA Fiscal Officer  
**Reference:** Asian Center TIA, C14-05-0097

The Transportation Review Section has reviewed the Traffic Impact Analysis for the Asian Center, dated September 2005, prepared by Robert Halls, Robert J. Halls and Associates, and offers the following comments:

### **TRIP GENERATION**

Asian Center development is located in north Austin on Braker Lane just west of the intersection of Braker Lane and Lamar Boulevard.

The property is currently undeveloped and zoned Community Commercial with a conditional overlay (GR-CO). The applicant has requested a zoning change to Community Commercial with a conditional overlay GR-CO in order to remove the trip limitation on the site. It should be noted that the TIA covers a larger site than what is currently being rezoned. The estimated completion of the project is expected in the year 2007.

Based on the standard trip generation rates established by the Institute of Transportation Engineers (ITE), the development will generate approximately 7,372 unadjusted average daily trips (ADT).

The table below shows the adjusted trip generation by land use for the proposed development:

<b>Table 1. Trip Generation</b>				
<b>LAND USE</b>	<b>Size (sf)</b>	<b>ADT</b>	<b>AM Peak</b>	<b>PM Peak</b>
Supermarket	23,050	1,259	37	187
Retail	20,160	1,921	44	141
Fast Food w/o Drive Thru	3,500	1,704	115	49
Bank	2,490	85	3	18
<b>TOTAL</b>		<b>4,969</b>	<b>199</b>	<b>395</b>

### **ASSUMPTIONS**

1. Traffic growth rates provided by the City of Austin were as follows:

<b>Table 2. Growth Rates per Year</b>	
<b>Roadway Segment</b>	<b>%</b>
All Roads	4%

2. In addition to these growth rates, background traffic volumes for 2005 included estimated traffic volumes for the following projects:

C14-05-0066	Trans
C14-05-0042	11601 N Lamar Boulevard
SPC-99-0237C	Brentwood Christian School Gymnasium
SP-03-0194C	NAMCC Building
SP-00-2394C	Braker Skyline Commercial Park
SP-03-0257C	Velocity Credit Union
SP-03-0097C	St. John's Episcopal Church (New Sanctuary)
SP-03-0106C	Austin Vietnamese Christian Alliance Church
SP-02-0013C	Chinatown Center *
SP-03-0216C	AlSD Lanier Senior HS Future Farmers of America Facility
SP-05-0639C	Praise Jesus KUPC

3. Reductions were taken for pass-by for the following uses:

<b>Table 3. Summary of Pass-By and Internal Capture Reductions</b>		
<b>Land Use</b>	<b>Pass-By Reductions %</b>	
	<b>AM</b>	<b>PM</b>
Supermarket	26	36
Retail	24	34
Fast Food Restaurant with out Drive Thru	21	43

4. A 5% reduction was taken for internal capture for the fast food restaurant without drive thru.

5. No reductions were taken for transit use.

### **EXISTING AND PLANNED ROADWAYS**

**Lamar Boulevard (Loop 275)** – This roadway is classified as a four lane divided major arterial with future plans to be upgraded to a six lane divided major arterial by 2030.

**Braker Lane** – Braker Lane is classified as a six lane divided major arterial and serves as the site's main access. This facility is included in the Bicycle Plan as a priority 1 route.

**Kramer Lane** – This roadway is classified as a collector roadway with a four lane undivided cross section.

**Parkfield Drive** – Parkfield Drive is classified as a four lane undivided minor arterial and is included in the Bicycle Plan as a Priority 1 route.

### **INTERSECTION LEVEL OF SERVICE (LOS)**

The TIA analyzed 8 intersections, 3 of which are or will be signalized. Existing and projected levels of service are as follows, assuming that all improvements recommended in the TIA are built:

<b>Table 3. Level of Service</b>				
<b>Intersection</b>	<b>2005 Existing</b>		<b>2007 Site + Forecasted</b>	
	<b>AM</b>	<b>PM</b>	<b>AM</b>	<b>PM</b>
<b>Braker Lane and Lamar Boulevard*</b>	E	F	E	F
<b>Lamar Boulevard and Kramer Lane*</b>	D	C	D	D
<b>Braker Lane and Parkfield Drive*</b>	C	C	C	C

Kramer Lane and Parkfield Drive	A	A	A	B
Braker Lane and CVS Driveway/Driveway B	B	B	C	C
Driveway A and Braker Lane			B	B
Driveway C and Braker Lane			B	B
Driveway D and Lamar Boulevard			C	B

\* = SIGNALIZED

## **RECOMMENDATIONS**

- 1) Prior to 3<sup>rd</sup> reading at City Council, fiscal is required to be posted for the following improvements:

Intersection	Improvements	Total Cost	Pro Rata Share %	Pro Rata Share \$
Braker Lane and Lamar Boulevard	Pavement reconstruction to create a SB right turn lane	\$31,000	3%	\$930
<b>TOTAL</b>				<b>\$930</b>

- 2) Approval from TXDOT is required prior to scheduling the case for City Council.
- 3) Two copies of the final TIA are required to be submitted prior to 3<sup>rd</sup> Reading at City Council.
- 4) Development of this property should be limited to uses and intensities which will not exceed or vary from the projected traffic conditions assumed in the TIA, including peak hour trip generations, traffic distribution, roadway conditions, and other traffic related characteristics.

If you have any questions or require additional information, please contact me at 974-2788.



Emily M. Barron  
Sr. Planner - Transportation Review Staff  
Watershed Protection and Development Review

**TO: City of Austin, Planning and Zoning Commission**

**FROM: North Park Estates Neighborhood Association**

**DATE: July 29, 2005**

**RE: Asian Center Zoning Case #C14-05-0097**

The purpose of this letter is to confirm the support of the North Park Estates Neighborhood Association for the above referenced zoning case.

The North Park Estates Neighborhood Association Board of Directors met on July 26, 2005 and passed a motion that the increased car count from 2000 to 2400 per day for this project would not have a negative impact on our neighborhood.

North Park Estates Neighborhood Association is recommending approval of this zoning case.

Sincerely,



David Nuhn, President  
North Park Estates Neighborhood Association

**RESTRICTIVE COVENANT**

**OWNER:** Minh-Duc Lu

**ADDRESS:** 12709 Scofield Farms Rd., 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 2, Block A, Dairy Aire Subdivision No. 1, a subdivision in the City of Austin, Travis County, according to the map or plat of record in Plat Book 90, Page 102, of the Plat Records of Travis County, Texas.

WHEREAS, the Owner 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 Owner 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 Owner of the Property, its heirs, successors, and assigns.

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 the total traffic generation for the Property as specified in that certain Traffic Impact Analysis ("TIA") prepared by Roger J. Halls and Associates, dated September 2005, or as amended and approved by the Director of the Watershed Protection and Development Review Department. All development on the Property is subject to the recommendations contained in the memorandum from the Transportation Review Section of the Watershed Protection and Development Review Department, dated September 20, 2005. The TIA shall be kept on file at the Watershed Protection and Development Review Department.
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 \_\_\_\_\_, 2005.

**OWNER:**

\_\_\_\_\_  
Minh-Duc Lu

**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 \_\_\_\_\_, 2005, by Minh-Duc Lu.

\_\_\_\_\_  
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, Legal Assistant

ORDINANCE NO. \_\_\_\_\_

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE  
2 PROPERTY LOCATED AT 901 WEST BRAKER LANE FROM COMMUNITY  
3 COMMERCIAL-CONDITIONAL OVERLAY (GR-CO) COMBINING DISTRICT  
4 TO COMMUNITY COMMERCIAL-CONDITIONAL OVERLAY (GR-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 community commercial conditional overlay (GR-CO) to  
11 community commercial conditional overlay (GR-CO) combining district on the property  
12 described in Zoning Case No. C14-05-0097, on file at the Neighborhood Planning and  
13 Zoning Department, as follows:  
14

15 Lot 2, Block A, Dairy Aire Subdivision No. 4, a subdivision in the City of Austin,  
16 Travis County, Texas, according to the map or plat of record in Plat Book 90, Page  
17 102, of the Plat Records of Travis County, Texas (the "Property"),  
18

19 locally known as 901 West Braker 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 1. Drive-in service is prohibited as an accessory use to commercial uses.  
26  
27 2. The following uses are prohibited uses of the Property:  
28

29 Automobile washing (of any type)  
30 Drop-off/recycling collection facility  
31 Service station  
32 Residential treatment  
33

Commercial off-street parking  
Exterminating services  
Congregate living

34 Except as specifically restricted under this ordinance, the Property may be developed and  
35 used in accordance with the regulations established for the community commercial (GR)  
36 base district and other applicable requirements of the City Code.  
37

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

2  
3  
4 **PASSED AND APPROVED**

5  
6  
7 \_\_\_\_\_, 2005

§  
§  
§

Will Wynn  
Mayor

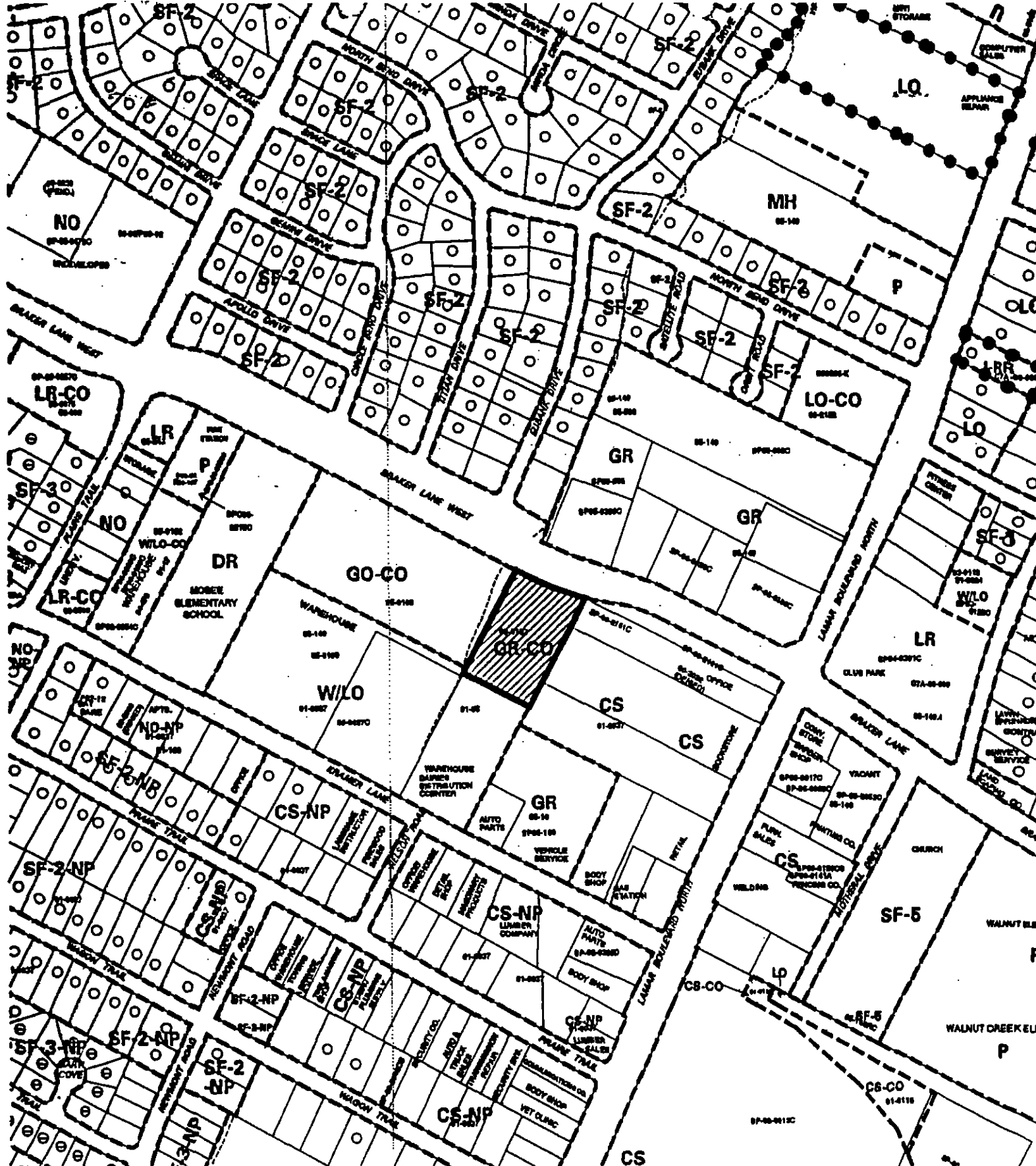
10  
11  
12  
13 **APPROVED:** \_\_\_\_\_

**ATTEST:** \_\_\_\_\_

14 David Allan Smith  
15 City Attorney

Shirley A. Brown  
City Clerk





**SUBJECT TRACT**

**PENDING CASE**

**ZONING BOUNDARY**

**CASE MGR: T.BOLT**

## ZONING EXHIBIT A

**CASE #: C14-05-0087**

**ADDRESS: 801 W BRAKER LN**

**SUBJECT AREA (acres): 2**

**CITY GRID REFERENCE NUMBER**

**L32**

1" = 400'

**DATE: 05-06**

**INTLS: SM**