

**Zoning Ordinance Approval**  
**CITY OF AUSTIN**  
**RECOMMENDATION FOR COUNCIL ACTION**



**AGENDA ITEM NO.: 97**  
**AGENDA DATE: Thu 12/15/2005**  
**PAGE: 1 of 1**

**SUBJECT:** C14-05-0157 - Champion Tract 3 - City Park Road East - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6011-6411 City Park Road and 5801-6507 FM 2222 Road (West Bull Creek Watershed) from general office-conditional overlay (GO-CO) combining district zoning to general office-mixed use-conditional overlay (GO-MU-CO) combining district zoning. First reading approved on December 1, 2005. Vote: 4-2. Council Members Alvarez and Kim - Nay. Council Member McCracken off the dais. Property Owner: Champion Assets, Ltd.; Champion Legacy; Champion Meier Assets (Michael J. Whellan). Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Jerry Rusthoven, 974-3207. Note: A valid petition has been filed in opposition to this rezoning request.

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

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

## SECOND/THIRD READINGS SHEET

**ZONING CASE NUMBER:** C14-05-0157

**REQUEST:**

Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code for the property locally known as Champion Tract 3 to GO-MU-CO.

**CONDITIONS MET AS FOLLOWS:** Conditional overlay and restrictive covenant incorporates the conditions imposed by Council on first ordinance reading.

**APPLICANT:** City of Austin

**AGENT:** Neighborhood Planning and Zoning Department (Jerry Rusthoven)

**DEPARTMENTAL COMMENTS:**

On February 19, 2004, the applicants for this zoning case filed a lawsuit against the City. They claim, in part, that the application of City zoning ordinances enacted in 2000 violates a 1996 settlement agreement with the City because of the trip count limitation on this tract as well as three other tracts. They seek declarations consistent with their position, as well as damages for breach of contract and inverse condemnation. That case is styled *Josie Ellen Champion, Champion Assets, Ltd., A Texas Limited Partnership, Alma Juanita Champion Meier, Champion-Meier Assets, Ltd., a Texas Limited Partnership, Mary Margaret Champion Roberson, and Champion Legacy Partners, Ltd., a Texas Limited Partnership v. City of Austin*, Cause No. GN400513, in Travis County District Court

On August 18, 2005 the City Council approved the Champion Mediation Agreement which abated the above referenced lawsuit while new zoning cases were filed which contained the conditions listed in the recommended conditional overlay. If the zoning cases are approved by the City Council the Champions will dismiss the lawsuit against the City with each party bearing their own costs and attorney fees.

**DATE OF FIRST READING/VOTE:**

Approved on first ordinance reading the Zoning and Platting Commission's recommendation of GO-MU-CO zoning with a conditional overlay that will limit the traffic on tracts 1, 2 and 3 to 11,000 adjusted vehicle trips per day, omit any limitations on setbacks or building square footage, limit any rooftop to not over 820 feet above sea level and require a fiscal posting of \$40,000 at the time of site plan release for improvements to RM 2222 improvements (which may be released if not drawn in 10 years). Vote: 4-2-1.

**CITY COUNCIL DATE & ACTION:**

Nov 17 2005: Postponed to Dec 1 2005.

Dec 1, 2005: Approved ZAP recommendation on 1<sup>st</sup> reading (4-2-1) CM Alvarez, Kim voting no, CM McCracken off the dais

**ORDINANCE READINGS:** 1st 12/01/05 2<sup>nd</sup> 3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Jerry Rusthoven

**PHONE:** 974-3207

**E-MAIL:** jerry.rusthoven@ci.austin.tx.us

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-05-0157

**Z.A.P. DATE:** November 1, 2005

**C.C. DATE:** December 15, 2005

**ADDRESS:** 6011-6411 City Park Road and 5801-6507 FM 2222

**OWNER/APPLICANT:** Champion Assets Ltd.  
(Josie Ellen Champion)

**AGENT:** City of Austin  
(Jerry Rusthoven)

**ZONING FROM:** GO-CO

**TO:** GO-MU-CO

**AREA:** 44.94 acres

**ZONING AND PLATTING COMMISSION RECOMMENDATION:** Approve staff recommendation.

**CITY COUCL ACTION** Approved ZAP recommendation on 1<sup>st</sup> reading on December 1, 2005 (4-2-1), CM Alvarez and Kim voting no, CM McCracken off the dais.

### **SUMMARY STAFF RECOMMENDATION:**

Staff recommends approval of GO-MU-CO in accordance with the previous staff recommendations on this property. An existing conditional overlay limiting the property to 30,000 square feet of office space with a 100-foot buffer along the southern property line and a 6,500 trip limitation to be shared with 2 other properties would be removed for tract. A new conditional overlay will limit the traffic on tracts 1, 2 and 3 to 11,000 adjusted vehicle trips per day, omit any limitations on setbacks or building square footage and limit any rooftop to not over 820 feet above sea level and require a fiscal posting of \$40,000 at the time of site plan release for improvements to RM 2222 improvements (which may be released if not drawn in 10 years). The addition of MU zoning will allow for a mixed use development which is compatible with the City's planning goals. The additional trips proposed for the Champion development as a whole are below the amount recommended by the staff in the original Champion TIA.

### **ISSUES:**

A case on this property was considered by the City Council on March 25, 2004. The Council approved the recommendation made by the ZAP Commission, with the condition that staff conduct a trip limitation analysis with the other Champion properties in the immediate vicinity (see attached traffic memo dated 9/30/04). The vote at Council was 4-3, with J. Goodman, R. Alvarez and D. Slusher voting nay. The case was brought back to ZAP and Council with the addition of MU zoning and was ultimately denied by the City Council.

On February 19, 2004, the applicants for this zoning case filed a lawsuit against the City. They claim, in part, that the application of City zoning ordinances enacted in 2000 violates a 1996 settlement agreement with the City because of the trip count limitation on this tract as well as three other tracts. They seek declarations consistent with their position, as well as damages for breach of contract and inverse condemnation. That case is styled Josie Ellen Champion, Champion Assets,

Ltd., A Texas Limited Partnership, Alma Juanita Champion Meier, Champion-Meier Assets, Ltd., a Texas Limited Partnership, Mary Margaret Champion Roberson, and Champion Legacy Partners, Ltd., a Texas Limited Partnership v. City of Austin, Cause No.GN400513, in Travis County District Court.

The subject tract was part of a zoning case considered and approved by City Council on March 9, 2000. As a condition of zoning, a conditional overlay was approved that limited the total number of vehicle trips generated by this property and three other properties to 6,500 vehicle trips per day.

On August 18, 2005 the City Council approved the Champion Mediation Agreement which abated the above referenced lawsuit while new zoning cases were filed which contained the conditions listed in the recommended conditional overlay. If the zoning cases are approved by the City Council the Champions will dismiss the lawsuit against the City with each party bearing their own costs and attorney fees.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	GO-CO	Undeveloped
<i>North</i>	LR-CO GO-CO MF-1-CO	Commercial Under Development Apartments
<i>South</i>	MF-2 SF-6	Single Family Undeveloped, Condominiums
<i>East</i>	Not Zoned	Capitol of Texas Hwy
<i>West</i>	LR-CO	Undeveloped

**AREA STUDY:** Bull Creek

**TIA:** Reviewed in 2000

**WATERSHED:** West Bull Creek

**DESIRED DEVELOPMENT ZONE:** No

**CAPITOL VIEW CORRIDOR:** No

**HILL COUNTRY ROADWAY:** Yes

**NEIGHBORHOOD ORGANIZATIONS:**

#098 – Lakewood Homeowners Association	#439 – Concerned Citizens for P&B of 2222
#180 – Austin City Parks Neighborhoods	#475 – Bull Creek Foundation
#184 – Bull Creek Homeowners Association	#608 – Jester Homeowners Association
#382 – Shepherd Mountain Homeowners Association	#965 – Old Spicewood Springs Rd. N.A.
#426 – River Place Residential Community Association	#434 – Lake Austin Business Owners

**CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>PLANNING COMMISSION</b>	<b>CITY COUNCIL</b>
C14-97-0162	LR to GR	Approved staff rec. of GR-CO for tracts 1, 2 and 3. Tract one limited to Dry Cleaning as only GR use plus all LR uses. Tracts 2 and 3 limited to Restaurant	Approved P.C. rec. (Vote: 7-0). 2/26/98.

		(general) as only GR use plus all LR uses (Vote: 9-0). 1/13/98	
C14-98-0161	DR to SF-2-CO	Approved SF-2-CO (Vote: 8-0). 8/31/98. See attached ordinance	Approved SF-2-CO (Vote: 5-0). 3/9/99.
C14-98-0162	SF-2 to GO-CO	Approved GO-CO (Vote: 8-0). 8/31/98. See attached ordinance	Approved GO-CO (Vote: 5-0). 3/9/99.
C14-99-0076	DR and SF-2 to MF-1-CO and GO-CO	Approved MF-1-CO and GO-CO (Vote: 5-2-1). 8/31/98. See attached ordinance.	Approved MF-1-CO and GO-CO (Vote: 5-0). 3/9/99
C14-99-0077	DR to LR-CO	Approved GR-CO (Vote: 7-1) 8/31/98. See attached ordinance	Approved LR-CO (Vote: 5-0). 3/9/99.
C14-02-0181	LR-CO to LR-CO	Approved applicant's request to remove trip limit (Vote: 6-2). 1/14/03.	Pending

**ABUTTING STREETS:**

NAME	ROW	PAVEMENT	CLASSIFICATION	DAILY TRAFFIC
City Park Road	varies 80'-115'	2 @ 12'	Arterial	3,110
R.M. 2222	varies 225'-300'	4 @ 12'	Highway	35,000

**CITY COUNCIL DATE:** November 17, 2005    **ACTION:** PP to Dec 1, 2005  
December 1, 2005                      Approved 1<sup>st</sup> reading

**ORDINANCE READINGS:**    1<sup>st</sup>      Dec 1, 2005                      2<sup>nd</sup>                                      3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Jerry Rusthoven

**PHONE:** 974-3207

## **EXISTING CONDITIONS**

### **Site Characteristics**

The property is currently undeveloped.

### **Transportation**

RM 2222 is classified in the Bicycle Plan as a Priority 2 bike route. (Route #434)

There are no existing sidewalks along RM 2222

The Austin Metropolitan Area Transportation Plan calls for a total of 86 feet of right-of-way for City Park Road. If the requested zoning is granted, then 43 feet of right-of-way should be dedicated from the existing centerline of City Park Road in accordance with the Transportation Plan. [LDC, Sec. 25-6-51 and 25-6-55).

### **Impervious Cover**

The site is subject to the environmental regulations per the 1996 Settlement Agreement between the Champions and the City.

The site is not located over the Edward's Aquifer Recharge Zone. The site is in the West Bull Creek Watershed of the Colorado River Basin, and is classified as a Water Supply Suburban Watershed by Chapter 25-8 of the City's Land Development Code. Under the 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>
One or Two Family Residential	30%	40%
Multifamily Residential	40%	55%
Commercial	40%	55%

Development within a Water Quality Transition Zone may not exceed 18% impervious cover.

### **Environmental**

The site is subject to the environmental regulations per the 1996 Settlement Agreement between the Champions and the City.

According to flood plain maps, there is flood plain in, or within close proximity of, the project location. Under current watershed based upon the close proximity of the flood plain, offsite drainage should be calculated to determine whether transition zone exists within the project location. If transition zone is found to exist within the project area, allowable impervious cover within said zone shall be limited to 18%.

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.

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 providing structural sedimentation and filtration basins with increased capture volume and 2 year detention.

### **Water and Wastewater**

The landowner intends to serve the site with City water and wastewater utilities. If water or wastewater utility improvements, or system upgrades, or offsite main extension, or utility adjustment, or relocation are required, the landowner will be responsible for all costs and providing. Also, the utility plan must be in accordance with the City's utility design criteria. The utility plan must be reviewed and approved by the City of Austin Water and Wastewater Utility.

### **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 stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program if available.

### **Compatibility Standards**

Most of this tract is located in the Hill Country Roadway Corridor because it is located within 1000' for Capitol of Texas Hwy (Loop 360).

Portions of this tract that are less than 540' from adjacent single-family zoned property will be subject to Compatibility development regulations. The following regulations will apply to this property:

- 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.
- For a structure more than 100 feet but not more than 300 feet from the property line, a structure may attain a height of 40 feet plus one foot for each 10 feet if distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
- For a structure more than 300 feet but not more than 540 feet from the property line, a structure may attain a height of 60 feet plus one foot for each four feet if distance in excess of 300 feet from the property zoned SF-5 or more restrictive.
- No parking or driveways are allowed within 25 feet of the property line
- 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.