

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



**AGENDA ITEM NO.: 98  
AGENDA DATE: Thu 12/15/2005  
PAGE: 1 of 1**

**SUBJECT:** C14-05-0158 - Champion Tract 2 - City Park Road West - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6100-6404 City Park Road and 6509-6909 FM 2222 (West Bull Creek Watershed) from neighborhood commercial-conditional overlay (LR-CO) combining district zoning to community commercial-mixed use-conditional overlay (GR-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.

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

**DIRECTOR'S**  
**AUTHORIZATION:** Greg Guemsey

## SECOND/THIRD READINGS SHEET

**ZONING CASE NUMBER:** C14-05-0158

**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 2 to GR-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 GR-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) and allow a principal retail use and its accessory uses to not exceed 50,000 sq ft of gross floor area. A principal food sales and its accessory uses may not exceed 100,000 sq ft.

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.ci.tx.us

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-05-0158

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

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

**ADDRESS:** 6100-6404 City Park Road and 6509-6909 FM 2222

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

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

**ZONING FROM:** DR and LR-CO

**TO:** GR-MU-CO

**AREA:** 17.5 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 GR-MU-CO in accordance with the previous staff recommendations on this property. The ordinance for the majority of the subject tract (case C14-99-0077) was approved in March of 2000 for LR-CO zoning on 13.5 acres of land (note: excluding the portion of the site currently zoned DR). The conditional overlay limited the property to 4,000 square feet of retail space and to a 6,500 trip limitation to be shared with 2 other properties. 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, 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) and allow a principal retail use and its accessory uses to not exceed 50,000 sq ft of gross floor area. A principal food sales and its accessory uses may not exceed 100,000 sq ft. 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. The GR zoning district is appropriate along major roadways such as RM 2222 & City Park Road.

### **ISSUES:**

A case 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.

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**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	LR-CO and DR	Undeveloped
<i>North</i>	GR-CO, LR-CO	Commercial
<i>South</i>	DR and SF-2	Undeveloped, Single Family
<i>East</i>	GO-CO	Undeveloped
<i>West</i>	County	Undeveloped, Single Family Home

**AREA STUDY:** Bull Creek Study

**TIA:** Reviewed in 2000

**WATERSHED:** Bull Creek

**DESIRED DEVELOPMENT ZONE:** No

**CAPITOL VIEW CORRIDOR:** N/A

**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 (general) as only GR use plus all LR uses (Vote: 9-0). 1/13/98	Approved P.C. rec. (Vote: 7-0). 2/26/98.
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.

**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

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

## **EXISTING CONDITIONS**

### **Site Characteristics**

The site is currently undeveloped.

### **Transportation**

The trip generation under the requested zoning would be no more than 11,000 adjusted trips per day on tracts 1, 2 and 3 of the Champion property.

There are no existing sidewalks along City Park Road.

City Park Road is classified in the Bicycle Plan as a Priority 1 bike route.

Capital Metro bus service is available R.M. 2222.

### **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 the current watershed regulations 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.

At this time, no information has been provided as to whether this property has any preexisting approvals which would preempt current water quality or Code requirements.

### **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 Capital Improvement Program (C.I.P.) Roadway Construction Projects and Transportation Systems Management (T.S.M.) Projects planned for implementation by the City of Austin. No aspect of the proposed project is being considered or approved with this review other than the need for right-of-way for City projects. There are separate right-of-way dedication and reservation requirements enforced by other Departments and other jurisdictions to secure right-of-way for roadway improvements contained in the Austin Metropolitan Area Roadway Plan, roadway projects funded by County and State agencies, and for dedication in accordance with the functional classification of the roadway.

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, each lot, and proposed land use with City water and wastewater utilities. Water and wastewater utility improvements, offsite main extension, and system upgrades are required. The landowner will be responsible for all costs and for providing.

The water and wastewater utility plan must be reviewed and approved by the City of Austin Water and Wastewater Utility. The plan must be in accordance with the City's utility design criteria.

### **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**

The site is subject to compatibility standards. Along the southernmost 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.