

ZONING CHANGE REVIEW SHEET

CASE: C14-2010-0096 (Boardwalk Rezoning)

ZAP DATE: August 3, 2010

ADDRESS: 13215 Research Boulevard (North U.S. Highway 183)

OWNER/APPLICANT: Douglas L. Harbison

AGENT: Holford Group (Kerby Smith)

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

AREA: 0.726 acres (31,641 sq. ft.)

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to grant GR-CO, Community Commercial Services-Conditional Overlay District, zoning. The conditional overlay would limit the development intensity on the site to less than 2,000 vehicle trips per day and would prohibit Automotive Rentals, Automotive Repair and Automotive Washing (of any type) uses on the property.

ZONING & PLATTING COMMISSION RECOMMENDATION:

DEPARTMENT COMMENTS:

The property in question is currently developed with a vacant service station (Shell Station). There is an office center to the north, across Boardwalk Drive. To the south, there is an Automotive Rental business (Enterprise Rent-A-Car). The properties to the east are developed with light industrial and commercial uses (Construction Sales and Services: Safeway Rental). The applicant is requesting a re-zoning to amend the existing conditional overlay on the site under consideration to allow for an Automotive Sales use (Please see request letter – Attachment A).

The staff is recommending GR-CO zoning for the property because the site meets the intent of the Community Commercial district. The GR-CO zoning would be consistent with the adjacent GR and GR-CO zoning to the north and west and the CS-CO zoning to the east. The proposed GR-CO zoning would permit the applicant to utilize a vacant site that fronts onto a major arterial roadway for additional commercial uses.

The applicant agrees with the staff's recommendation.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	GR-CO	Vacant
<i>North</i>	GR	Office Center (Alpine Insurance, Medical Office)
<i>South</i>	LR	Automotive Rentals (Enterprise Rent-A-Car)
<i>East</i>	CS-CO, LI-CO	Construction Sales and Services (Safeway Rental)
<i>West</i>	GR	Commercial Retail

AREA STUDY: N/A

TIA: Waived

WATERSHED: Lake Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

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NEIGHBORHOOD ORGANIZATIONS:

Austin Monorail Project
 Austin Parks Foundation
 Bull Creek Foundation
 Home Builders Association of Greater Austin
 Homeless Neighborhood Association
 League of Bicycling Voters
 Long Canyon Homeowners Association
 Sierra Club, Austin Regional Group
 Spicewood Springs Road Tunnel Coalition
 Super Duper Neighborhood Objectors and Appealers Organization
 Tanglewood Estates Neighborhood Association
 The Real Estate Council of Austin, Inc.

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2009-0136 (13216 Pond Springs Road)	I-RR to CS-CO	12/01/09: Approved CS-CO zoning, with Limited Warehousing and Distribution as the only permitted 'CS' district use, all other permitted 'GR' district uses, and limit the development intensity on the site to less than 2,000 vehicle trips per day (7-0); P. Seager-1 st , T. Rabago-2 nd .	12/17/09:
C14-06-0157	I-SF-2 to Tract 1: CS Tract 2: CS-1	9/05/06: 1 st Motion: Approved staff's recommendation of GR-CO for Tract 1 and CS-1-CO for Tract 2, with additional condition to prohibit Pawn Shop Services, by consent (8-0, J. Shieh-absent); J. Martinez-1 st , S. Hale-2 nd . 2 nd Motion: To rescind and reconsider 1 st motion (6-0, J. Shieh-absent; T. Rabago, J. Martinez-off dias); J. Gohil-1 st , K. Jackson-2 nd . 3 rd Motion: To postpone and place on the September 19, 2006 ZAP Agenda (6-0, J. Shieh-absent; T. Rabago, J. Martinez-off dias); J.	12/07/06: Approved the ZAP recommendation, striking the requirement for double door access from the bar (Tract 2) to the deck (Tract 3) and adding a the bar (Tract 2) to the deck (Tract 3) and adding a condition for speakers be removed from the deck area (7-0). 4/12/06: Approved GR-CO zoning for Tract 1, CS-1-CO zoning for Tract 2, and GR-CO zoning for Tract 3 (6-0); 2 nd /3 rd readings

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	<p>Gohil-1st, K. Jackson-2nd.</p> <p>9/19/06: Continued to October 3, 2006 by Zoning and Platting Commission (7-0, J. Martinez, J. Pinnelli-absent); S. Hale-1st, J. Shieh-2nd.</p> <p>10/03/06: Postponed to November 7, 2006 by the applicant (7-0, K. Jackson, J. Pinnelli-absent); J. Martinez-1st, S. Hale-2nd.</p> <p>11/07/06: Approved staff's recommendation of GR-CO zoning for Tract 1 (shopping center), CS-1-CO zoning for Tract 2 (bar area), and GR-CO zoning for newly created Tract 3 (deck area). The Commission added the following conditions to Tract 2: Prohibit Adult Oriented Businesses; To require double door access to the deck from the bar (if allowable by Code and Building Permit regulations); To place permanent signage on the property at the driveway entries to restrict motorcycle parking in the rear/alleyway. To place permanent signage along the fence/property line between the residential site to the west and the property in question designating the parking spaces in the rear/alleyway as, "Employee Parking Only". To construct an 8-foot masonry/or sound retardant fence around the deck to mitigate sound emanating from the deck. The Commission also placed</p>	
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		the following conditions on Tract 3 (the deck area): Place an 85 decibel limit (in accordance with LDC Sec. 9-2-4) on the deck to reduce noise emanating from the deck. Restrict amplified sound on the deck. Place permanent signage on the deck for noise mitigation. Remove the pool table off of the deck. Vote: (7-2, B. Baker, J. Martinez- No); J. Shieh-1 st , S. Hale-2 nd .	
C14-06-0107	I-SF-2 to LI	6/20/06: Approved staff's recommendation for LI-CO zoning by consent (7-0, J. Gohil, S. Hale – absent)	7/27/06: Approved LI-CO district zoning (7-0); all 3 readings
C14-05-0143	I-RR to Tract 1: GR, Tract 2: CS-1	9/20/05: Approved GR-CO for Tract 1 and CS-1-CO for Tract 2, prohibit on-site consumption, limit to 2,000 vehicle trips per day (9-0)	10/27/05: Approved GR-CO zoning for Tract 1, CS-1-CO zoning for Tract 2 by consent (6-0, Alvarez-off dias); all 3 readings
C14-04-0157	I-RR to CS	11/2/04: Approved staff's recommendation of CS-CO zoning by consent (9-0)	12/02/04: Approved CS-CO (7-0); all 3 readings
C14-03-0169	I-SF-2 to CS-CO	12/16/03: Approved staff's recommendation for CS-CO by consent (8-0, C. Hammond-absent)	1/15/04: Approved PC rec. of CS-CO by consent (6-0, McCracken-off dias); all 3 readings
C14-02-0159	I-RR to GR-CO	10/29/02: Approved staff's recommendation of GR-CO zoning with the deletion of Congregate Living as a prohibited use, by consent (7-0, A. Adams-absent)	12/05/02: Granted GR-CO on all 3 readings (7-0), the CO limits site to less than 2,000 vehicle trips per day and prohibits the following uses: Automotive Rentals, Automotive Repair Services, Automotive Sales, Automotive Washing (of any type), Commercial Off-Street Parking, Drop-Off Recycling Collection Facility, Exterminating Services,

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			Funeral Services, Hotel-Motel, Indoor Entertainment, Indoor Sports and Recreation, Outdoor Entertainment, Outdoor Sports and Recreation, Pawn Shop Services, Research Services, Service Station, Theater, Guidance Services, Residential Treatment
C14-02-0158	I-RR to GR-CO	10/29/02: Approved staff's recommendation of GR-CO zoning with the deletion of Congregate Living as a prohibited use, by consent (7-0, A. Adams-absent)	12/05/02: Granted GR-CO on all 3 readings (7-0), the CO limits site to less than 2,000 vehicle trips per day and prohibits the following uses: Automotive Rentals, Automotive Repair Services, Automotive Sales, Automotive Washing (of any type), Commercial Off-Street Parking, Drop-Off Recycling Collection Facility, Exterminating Services, Funeral Services, Hotel-Motel, Indoor Entertainment, Indoor Sports and Recreation, Outdoor Entertainment, Outdoor Sports and Recreation, Pawn Shop Services, Research Services, Service Station, Theater, Guidance Services, Residential Treatment
C14-01-0163	I-RR to CS-CO	12/11/01: Approved staff's recommendation of CS-CO zoning, adding a condition prohibiting vehicle storage (6-0, A. Adams, V. Aldridge-Left Early)	1/17/02: Approved CS-CO on 3 readings (6-0, Wynn out of room)
C14-01-0111	I-RR, SF-2 to GR	11/27/01: Approved staff rec. of GR by consent (8-0)	1/10/02: Postponed to 1/31/02 at the request of the applicant (7-0) 1/31/02: Approved GR

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			on all 3 readings (6-0, Goodman-off dias)
C14-01-0074	I-RR to LI	6/19/01: Approved staff's alternate recommendation of CS-CO district zoning, with CO limiting the site to 2,000 vtpd, by consent (7-1, Cravey-Nay, Garza-Absent)	7/19/01: Approved CS-CO, all 3 readings
C14-00-2037	SF-2 to CS	3/04/00: To grant GR-CO w/conditions to limit the site to 2,000 vtpd; prohibit Automotive Repair, Automotive Sales, Automotive Rental, and Automotive Washing; and dedicate 35-feet of ROW from the existing centerline for Boardwalk Drive (6-0, Mather, Web and Robertson-absent)	5/11/10: Approved PC rec. of GR-CO zoning (7-0); 1 st reading 8/03/00: Approved 2 nd /3 rd readings
C14-99-2036	I-RR to GR	10/5/99: Approved GR-CO (7-1, RC-Nay) w/ only permitted GR use being a car wash and prohibiting the following uses: Automotive Rental, Automotive Repair Services, Automotive Sales, Business Trade School, Business Support Services, Commercial Off-Street Parking, Communication Services, Drop-Off Recycling Collection Facility, Exterminating Services, Funeral Services, Hotel-Motel, Indoor Entertainment, Indoor Sports and Recreation, Medical Offices, Outdoor Entertainment, Outdoor Sports and Recreation, Pawn Shop Services, Research Services, Restaurant (General), Theater, Hospital Services (General), Off-Site Accessory Parking	11/4/99: Approved GR-CO (6-0); all 3 readings

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C14-98-0238	I-RR to CS	2/2/99: Approved staff alternate rec. of CS-CO, limiting the site to 2,000 vtpd (8-0)	3/4/99: Approved CS-CO (7-0); all 3 readings
C14-98-0229	I-SF-2 to GR	1/19/99: Approved staff rec. of GR-CO, limiting the site to 2,000 vtpd	2/25/99: Approved PC rec. of GR-CO (7-0); all 3 readings
C14-98-0201	I-SF-2 to LI	12/8/98: Approved LI by consent (8-0)	1/7/99: Approved LI-CO w/ condition of 2,000 vehicle trips per day limit (7-0); all 3 readings
C14-98-0199		1/12/99: Approved GR-CO zoning, limiting the site to 2,000 vtpd	2/11/99: Approved PC rec. of GR-CO (5-0); all 3 readings
C14-98-0198	I-RR to GR	1/19/99: Approved staff rec. of GR-CO zoning, limiting the site to 2,000 vtpd (9-0)	2/25/99: Approved PC rec. of GR-CO (7-0), all 3 readings
C14-98-0167	I-SF-2 to CS	11/17/98: Approved staff alternate rec. of CS-CO, w/ 2,000 vehicle trips per day limit, by consent (9-0)	1/21/99: Approved CS-CO w/ conditions (7-0); all 3 readings
C14-98-0152	I-RR to CS	11/10/98: Approved staff alternate rec. of CS-CO, prohibiting adult oriented businesses, by consent (8-0)	12/10/98: Approved CS-CO, with CO limiting the site to 2,000 vtpd (7-0, 1 st) 2/25/99: Approved CS-CO (7-0, 2 nd / 3 rd)
C14-98-0099	I-RR to CS	8/18/98: Approved CS-CO, w/ 2,000 vehicle trips per day limit, by consent (7-0)	10/8/98: Approved PC rec. of CS-CO w/ conditions (6-0); 1 st reading 12/10/98: Approved CS-CO w/ conditions (7-0); 2 nd / 3 rd readings
C14-98-0097	I-RR to CS	8/18/98: Approved CS-CO, w/ conditions (7-0)	10/8/98: Approved PC rec. of CS-CO w/ 35 feet of deferred ROW dedication and 2,000 vehicle trips per day limit by consent (6-0); 1 st reading 12/10/98: Approved CS-CO with conditions (7-0); 2 nd / 3 rd readings

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C14-98-0096	I-SF-2 to LI-CO	8/18/98: Approved CS-CO w/ conditions (7-0)	10/8/98: Approved PC rec. of CS-CO w/ 35 feet of deferred ROW dedication and 2,000 vehicle trips per day limit by consent (6-0); 1 st reading 12/10/98: Approved CS-CO w/ conditions (7-0); 2 nd / 3 rd readings
C14-98-0036	I-SF-2 to LI-CO	4/14/98: Approved LI-CO w/ conditions of 2,000 vehicle trips per day limit, prohibiting Agricultural Sales and Service, Automotive Repair Services, Construction Sales and Services, Equipment Sales, Equipment Repair Services, Scrap and Salvage, Vehicle Storage, Basic Industry, Recycling Center, Resource Extraction, and Railroad Facilities (8-0)	5/14/98: Approved PC rec. of LI-CO w/ conditions (5-0); 1 st reading 1/21/99: Approved LI-CO w/ conditions (7-0); 2 nd / 3 rd readings

RELATED CASES: C14-00-2037 (Previous Zoning Case)

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro
US Hwy 183	330'	varies	Major Arterial	Yes	No	Yes
Boardwalk	60'	varies	Collector	Yes	No	No

CITY COUNCIL DATE:

ACTION:

ORDINANCE READINGS: 1st

2nd

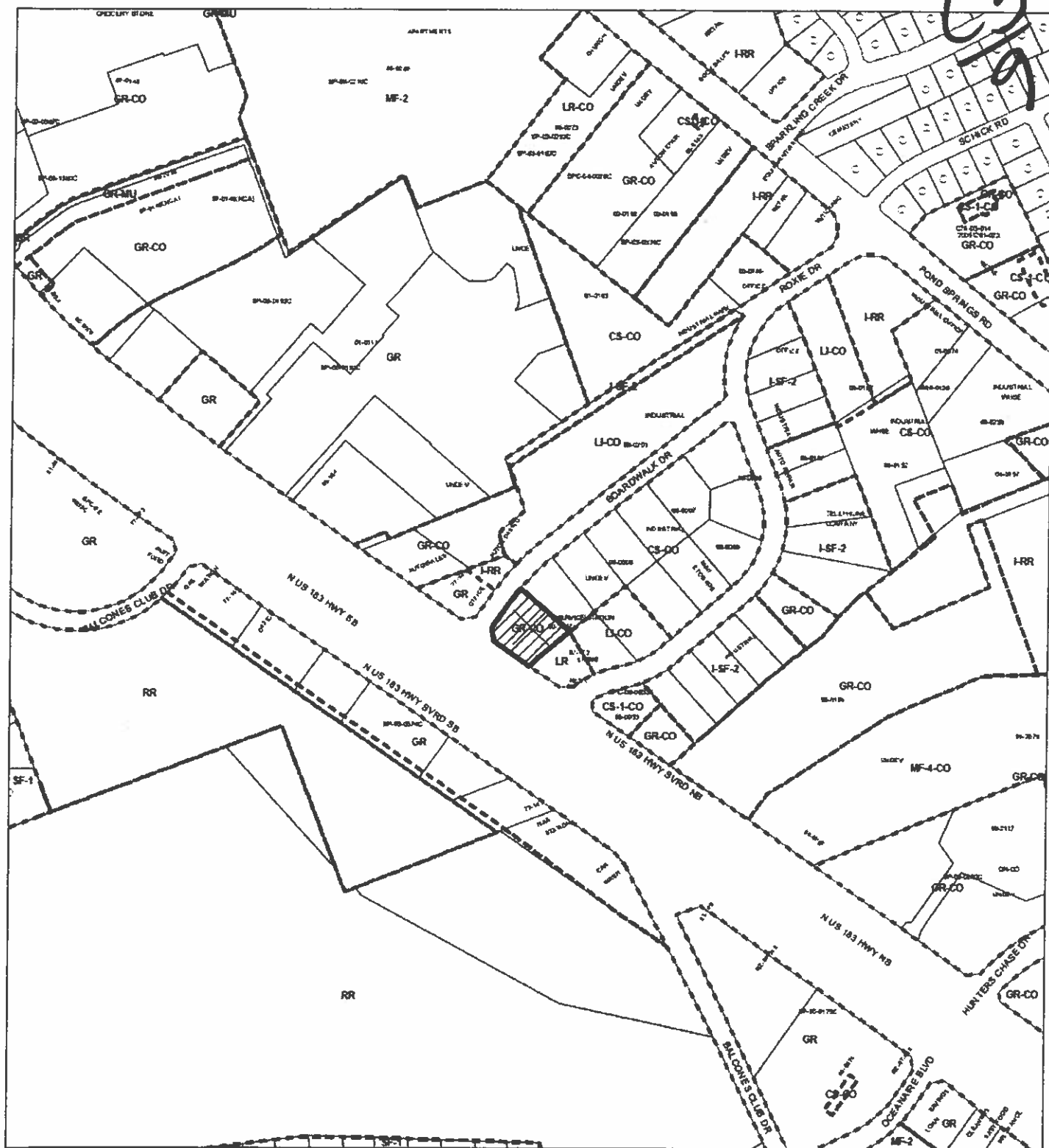
3rd

ORDINANCE NUMBER:

CASE MANAGER: Sherri Sirwaitis




PHONE: 974-3057

sherri.sirwaitis@ci.austin.tx.us



ZONING



-  SUBJECT TRACT
 PENDING CASE
 ZONING BOUNDARY

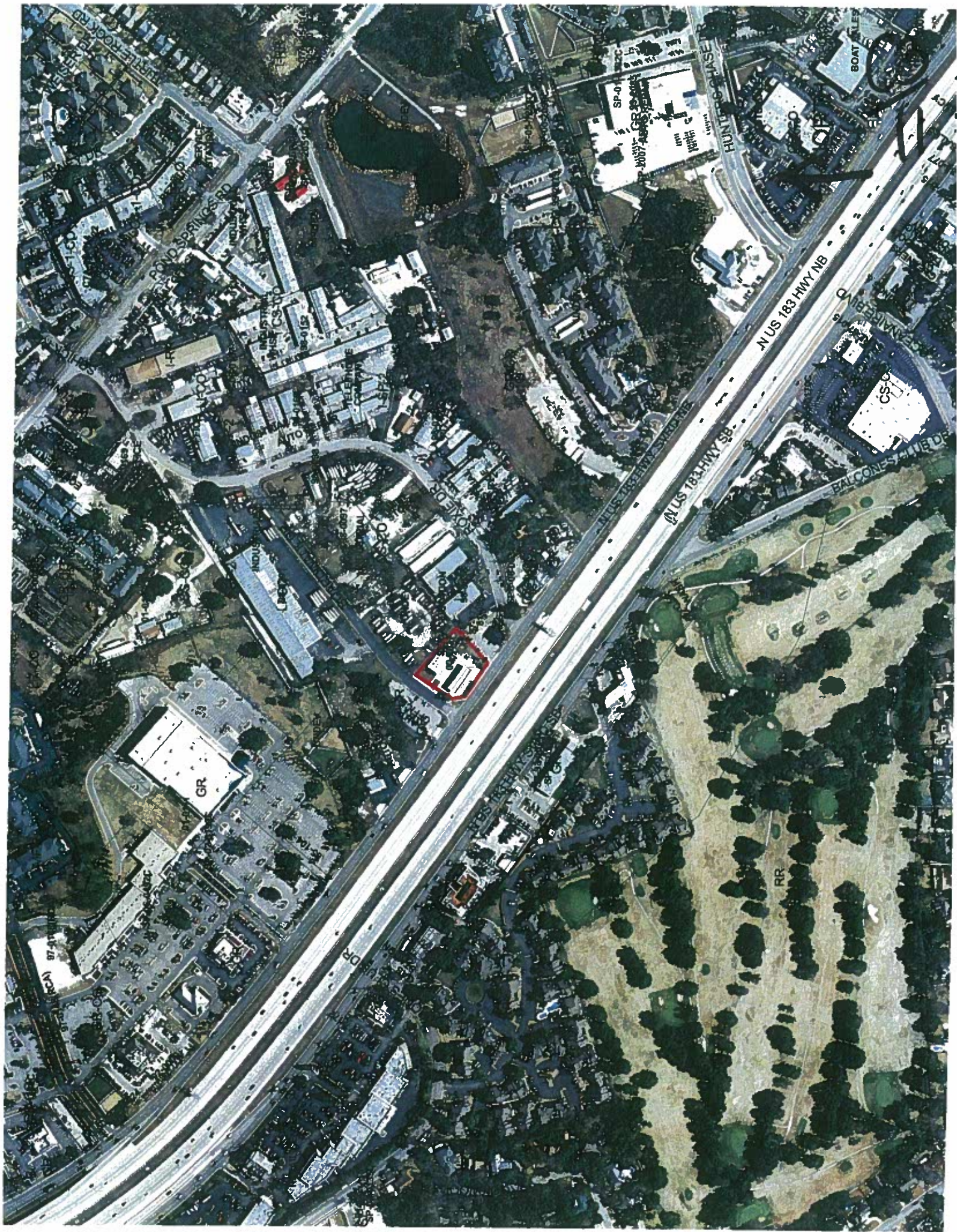
1' = 400'

ZONING CASE#: C14-2010-0096
LOCATION: 13215 N US 183 HWY
SUBJECT AREA: 0.74 ACRES
GRID: G37
MANAGER: SHERRI SIRWAITIS



This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.





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STAFF RECOMMENDATION

The staff's recommendation is to grant GR-CO, Community Commercial Services-Conditional Overlay District, zoning. The conditional overlay would limit the development intensity on the site to less than 2,000 vehicle trips per day and would prohibit Automotive Rentals, Automotive Repair and Automotive Washing (of any type) uses on the property.

BASIS FOR RECOMMENDATION

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

The 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.

The property in question fronts onto and takes access from U.S. Highway 183 North, a major arterial roadway.

2. *The proposed zoning should promote consistency and orderly planning.*

The proposed GR-CO zoning for this site would be consistent with the adjacent GR and GR-CO zoning to the north and west and the CS-CO zoning to the east.

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

The proposed zoning of the site to the GR-CO district would allow the applicant to remodel a vacant service station structure to allow for an Automotive Sales use on the property.

EXISTING CONDITIONS

Site Characteristics

The site under consideration is developed with a vacant service station (formerly a Shell Station) located at the northeast intersection of Boardwalk Drive and Research Boulevard (U.S. Highway 183 North).

Environmental

The site is located over the North Edwards Aquifer Recharge Zone. It is in the Desired Development Zone. The site is in the Lake Creek Watershed, 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 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.

Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other

vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

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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.

Impervious Cover

The maximum impervious cover allowed by the GS zoning district would be 90%. However, because the watershed impervious cover is more restrictive than the zoning district's allowable impervious cover, the impervious cover is limited by the watershed regulations. 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>% NSA with Transfers</i>
Single-Family Residential (min. lot size 5750 sq. ft.)	45%	50%
One or Two Family Residential (lot size < 5750 sq. ft.)	55%	60%
Multifamily Residential	60%	65%
Commercial	65%	70%

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

Site Plan/Compatibility Standards

Site plans will be required for any new development other than single-family or duplex residential.

Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

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.

Transportation

No additional right-of-way is required. Right-of-way for Boardwalk Drive was dedicated with the previous zoning case for this site, case C14-00-2037.

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74**Existing Street Characteristics:**

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro
US Hwy 183	330'	varies	Major Arterial	Yes	No	Yes
Boardwalk	60'	varies	Collector	Yes	No	No

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 any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility for compliance with City criteria. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

June 15, 2010

Watershed Protection and Development Review Department
Development Assistance Center/SMART Housing
505 Barton Springs Road
Austin, Texas 78704

Boardwalk Rezoning

To Whom It May Concern:

Please accept the application for rezoning of the property located at 13215 Research Blvd. The current zoning is GR-CO as per rezoning case C14-00-2037 with the prohibited uses of Automotive Repair Services, Automotive Sales, Automotive Rentals, and Automotive Washing. This application for rezoning will be removing the prohibited use of Automotive Sales only, as this site will be used to sell automobiles.

If you have any questions, please feel free to contact my office.

Sincerely,



Kerby S. Smith

SCANNED

ORDINANCE NO. 000803-12

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AN ORDINANCE REZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 25-2 OF THE CITY CODE AS FOLLOWS:

LOT 3, BLOCK A, BUELL PARK SUBDIVISION, FROM SINGLE FAMILY RESIDENCE STANDARD LOT (SF-2) DISTRICT TO COMMUNITY COMMERCIAL-CONDITIONAL OVERLAY (GR-CO) COMBINING DISTRICT, LOCALLY KNOWN AS 13215 U.S. HIGHWAY 183 NORTH, IN THE CITY OF AUSTIN, WILLIAMSON COUNTY, TEXAS.

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 single family residence standard lot (SF-2) district to community commercial-conditional overlay (GR-CO) combining district on the property described in File C14-00-2037, as follows:

Lot 3, Buell Park Subdivision, a subdivision in the City of Austin, Williamson County, Texas, according to the map or plat of record in Cabinet B, Slides 346-347, of the Official Plat Records of Williamson County, Texas, (the "Property")

locally known as 13215 U.S. Highway 183 North, in the City of Austin, Williamson County, Texas, and as more particularly identified in the map attached as Exhibit "A".

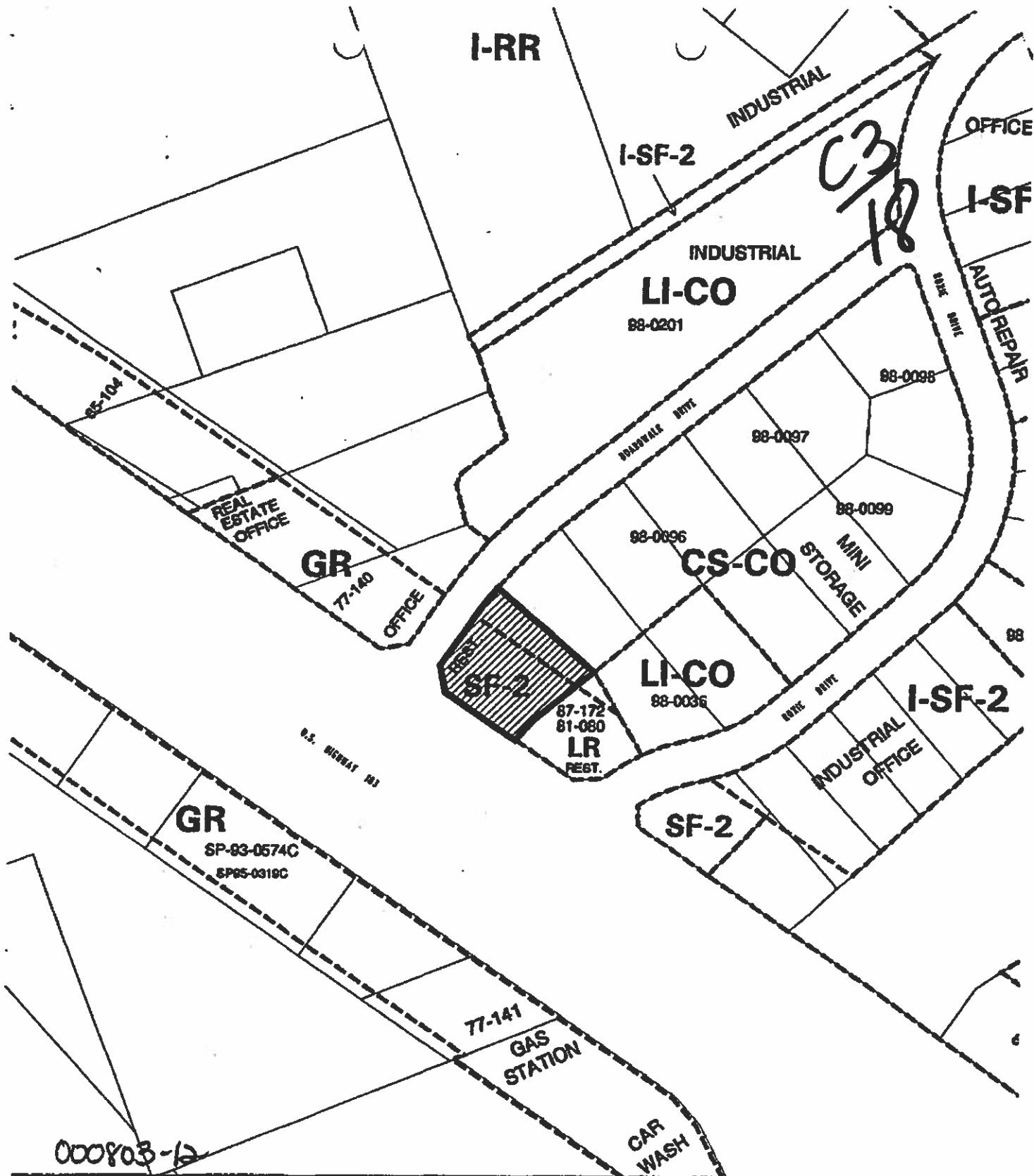
PART 2. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:





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 following uses of the Property are prohibited:

Automotive repair services
Automotive rentals

Automotive sales
Automotive washing (of any type)



 1" = 200'	SUBJECT TRACT		ZONING EXHIBIT A CASE #: C14-00-2037 ADDRESS: 13215 U.S. HWY 183 NORTH SUBJECT AREA (acres): 0.744 DATE: 00-02 INTLS: TRC	CITY GRID REFERENCE NUMBER G37
	PENDING CASE			
	ZONING BOUNDARY			
	CASE MGR: D.WAHLGREN			