

ZONING CHANGE REVIEW SHEET

CASE: C14-2013-0036 (Paloma Ridge)

Z.A.P. DATE: April 16, 2013

ADDRESS: 13620-13700 North FM 620 Road

OWNER/APPLICANT: Koontz McCombs, Troves Gilbert

AGENT: Bury & Partners Inc. (Melissa Neslund)

ZONING FROM: MF-3, GO-MU-CO **TO:** GR-MU-CO* **AREA:** 36.059 acres

*The applicant proposes a conditional overlay for this zoning case (Please see Zoning Request Letter-Attachment A) to prohibit the following uses:

- Automotive Rentals
- Automotive Repair Services
- Automotive Sales
- Automotive Washing
- Consumer Convenience Services
- Outdoor Sports and Recreation
- Pawn Shop Services
- Community Recreation (Public & Private)
- Congregate Living
- Cultural Services
- Off-site Accessory Parking
- Residential Treatment
- Bail Bonds
- Commercial Off-Street Parking
- Consumer Repair Services

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to grant GR-MU-CO, Community Commercial Services-Mixed Use-Conditional Overlay District, zoning. The conditional overlay will prohibit the uses proposed by the applicant above.

PLANNING COMMISSION RECOMMENDATION:

4/16/13: Approved staff's recommendation of GR-MU-CO zoning on consent (7-0); P. Seeger-1st, S. Compton-2nd.

DEPARTMENT COMMENTS:

The property in question consists of two large undeveloped tracts of land. The applicant is requesting GR-MU, Community Commercial-Mixed Use District, zoning because they would like to develop an office campus on the site. To the north of this site there is a Southern Pacific Railroad line and a limited warehouse and distribution business that is zoned IP. The lots to the east contain a

multifamily residential use (The Remington Apartments). The tracts of land to the west consist of a single-family residence/ construction sales and services use, single-family residences, and an undeveloped lot facing FM 620. These lots were recently granted CS-MU-CO zoning in 2011, through zoning cases C14-2010-0200 and C14-2011-0022. The vacant property at the northeastern corner on Rutledge Spur and FM 620 requested GR, Community Commercial zoning, in 2002 through zoning case C14-02-0160. However, the zoning was never finalized as the case expired before 2nd/3rd readings at City Council (please see Case Histories below). To the south of the proposed zoning area there is North F.M. 620 Service Road/ North State Highway 45 Westbound.

The staff is recommending GR-MU-CO zoning for this site because the property fronts onto a state highway, FM 620 Road/State Highway 45, and backs up to a Southern Pacific Railroad line to the north. The proposed zoning will create compatible re-development opportunities in this area because the Community Commercial-Mixed Use Combining district allows for a mixture of uses that require access from major traffic ways. In addition, the site under consideration is located near a transit oriented development district (Northwest Park & Ride Town Center TOD) which is developing to the west.

The applicant agrees with the staff's recommendation.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	MF-3, GO-MU-CO	Undeveloped
<i>North</i>	IP, IP-CO	Railroad Line, Austin Energy Electric Substation, Warehouses
<i>South</i>	GR-CO, County	North F.M. 620 Service Road/ North State Highway 45 Westbound, Office (State Farm Insurance), Automotive Repair (Dent Star), Automotive Rentals (American Adventure RV Rentals), Food Sales/General Retail Sales-Convenience (EZ In & EZ Out Grocery), Office (Amber Oaks Corporate Center)
<i>East</i>	GR-MU-CO	Multifamily (The Remington Apartments)
<i>West</i>	CS-MU-CO, I-RR	Single-Family Residence/Construction Sales and Services Business, Single-Family Residences, Undeveloped Lot

AREA STUDY: N/A

TIA: Not Required

WATERSHED: Lake Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

NEIGHBORHOOD ORGANIZATIONS:

Austin Heritage Tree Foundation
 Austin Monorail Project
 Austin Northwest Association
 Beyond2ndNature
 Bike Austin
 Davis Spring HOA
 Davis Springs President
 Homeless Neighborhood Association
 Neighborhood Association of Southwest Williamson County

SELTEXAS
Sierra Club, Austin Regional Group
The Real Estate Council of Austin, Inc.

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2011-0022 (Toungate 6: 13653 Rutledge Spur)	I-RR to CS-MU	5/24/11: Approved the staff's recommendation of CS-MU-CO zoning, with a CO to allow Construction Sales and Services as the only permitted 'CS' district use and allow for all other 'W/LO' district permitted uses and W/LO district site development standards, to limit development intensity for the site to less than 2,000 vehicle trips per day, and a requirement to dedicate 35-feet of right-of-way from the existing centerline of Rutledge Spur through a street deed, by consent (6-0, D. Anderson and D. Chimenti-absent); M. Dealey-1 st , S. Kirk-2 nd .	6/09/11: Approved CS-MU-CO zoning by consent on 1 st reading (7-0); S. Cole-1 st , M. Martinez-2 nd . 6/23/11: Approved CS-MU-CO zoning on consent on 2 nd /3 rd readings (7-0); B. Spelman-1 st , L. Morrison-2 nd .
C14-2010-0200 (Lankford/Schirpik -5: 13635 and 13641 Rutledge Spur)	I-RR to CS-MU-CO	5/24/11: 5/24/11: Approved the staff's recommendation of CS-MU-CO zoning, with the following conditions: to allow Construction Sales and Services as the only permitted 'CS' district use and allow for all other 'W/LO' district permitted uses and W/LO district site development standards, to limit development intensity for the site to less than 2,000 vehicle trips per day, by consent (6-0, D. Anderson and D. Chimenti-absent); M. Dealey-1 st , S. Kirk-2 nd .	6/09/11: Approved CS-MU-CO zoning by consent on 1 st reading (7-0); S. Cole-1 st , M. Martinez-2 nd . 6/23/11: Approved CS-MU-CO zoning on consent on 2 nd /3 rd readings (7-0); B. Spelman-1 st , L. Morrison-2 nd .
C14-2009-0110 (American Adventure: 13505 North F.M. 620 Road)	GR-CO to GR	12/15/09: Approved GR-CO zoning (Vote: 7-0, D. Tiemann-1 st , P. Seeger-2 nd), with following conditions: 1) No 24-hour uses; 2) Prohibit the following uses – Automotive Rentals,	2/25/10: Approved GR-CO zoning on consent (7-0); B. Spelman-1 st , C. Riley-2 nd . 11/18/10: Approved GR-CO zoning with conditions on 2 nd /3 rd readings on consent (7-0);

		<p>Automotive Repair Services, Automotive Sales, Bail Bond Services, Commercial Off-Street Parking, Drop-Off Recycling Collection Facility, Exterminating Services, Off-Site Accessory Parking, Pawn Shop Services, Personal Improvement Services, Congregate Living, Group Home, Class I (General), Group Home, Class I (Limited), Group Home (Class II), Guidance Services, Residential Treatment.</p> <p>01/19/10: Approved GR-CO zoning, with following conditions: 1) No 24-hour uses; 2) Prohibit the following uses – Automotive Sales, Bail Bond Services, Commercial Off-Street Parking, Drop-Off Recycling Collection Facility, Exterminating Services, Off-Site Accessory Parking, Pawn Shop Services, Personal Improvement Services, Congregate Living, Group Home, Class I (General), Group Home, Class I (Limited), Group Home (Class II), Residential Treatment and encourage the neighborhood and the applicant to enter into a private restrictive covenant before 3rd reading of the case at City Council that will limit the type of Automotive Rental and Automotive Repair uses allowed on the site (Vote: 5-2, D. Tiemann. T. Rabago-No; S. Baldrige-1st, P. Seeger-2nd).</p>	Cole-1 st , Spelman-2 nd .
C14-02-0160 (Barbara Raney Piece: 13544 North F.M. 620)	I-RR, SF-2 to GR	<p>11/12/02: Approved staff's recommendation of GR-CO zoning with additional conditions (as agreed to by the Neighborhood and the Applicant) prohibiting the following uses: Automotive Rentals, Automotive Repair</p>	<p>12/12/02: Granted GR-CO – Subject to dedication of 75 feet of ROW and resolution of the 200 feet of ROW reservation from the future center line of FM-620 (7-0); 1st reading.</p> <p>12/12/03: Administrative- Case</p>

		Services, Automotive Washing (of any type), Consumer Convenience Services, Drop-Off Recycling Collection Facility, Off-Site Accessory Parking, Outdoor Entertainment, Outdoor Sports and Recreation, Pawn Shops, Custom Manufacturing, Urban Farm, Club or Lodge, Community Recreation (Private), Community Recreation (Public), Congregate Living, Cultural Services, Guidance Services, Residential Treatment, Telecommunication Towers; by consent (6-0, A. Adams, J. Gohil-absent); J.Martinez-1 st , D. Castaneda-2 nd .	expired per Section 25-2-249(B), no 3 rd reading occurred.
C14-01-0161 (13505 N. RR 620)	I-SF-2 to GR	12/11/01: Approved NO-CO w/ conditions (8-0)	2/7/02: Approved GR-CO w/ conditions agreed to between Neighborhood & Applicant (5-0); 1 st reading 4/25/02: Approved ZAP rec. of NO-CO w/ changes in conditions (7-0); 2 nd reading only 5/23/02: Approved NO-CO (7-0); 3 rd reading
C14-99-0090 (Davis Springs: 9801 Block of Spectrum Drive)	R&D to LI	7/27/99: Approved IP (TR1), IP-CO (TR2), with CO for 2,000 vehicle trip per day limit (6-0-1)	8/26/99: Approved PC rec. of IP (TR1) and IP-CO w/ conditions (TR2) (7-0); 1 st reading 9/30/99: Approved 2 nd /3 rd readings (7-0)
C14-99-0027 (PAC Ten MGA Tract 6A: 13608-13640 FM 620 Road)	I-RR, SF-2 to GR	4/13/99: To grant GR-CO for Tract 1 and GO-CO for Tract 2, with COs to limit the site to 2,000 vehicle trips per day, no access to Tom Kemp Lane, and include restrictive covenants submitted by the Southwestern County Neighborhood Association, and dedicate 75 feet of ROW from the centerline of FM 620 Road and reserve 50 feet of ROW from the centerline of Farmer Lane (7-0, Rawlins	3/23/00: Approved GR-CO, with CO for 2,000 vehicle trip per day limit for case C14-99-0027A(6-0, Watson-off dais); 1 st reading 5/18/00: Approved GR-CO on 2 nd /3 rd readings for case C14-99-0027A. 7/19/01: Approved GR-CO for Tract 1 and GO-CO for Tract 2, with conditions, for case C14-99-0027B on all 3 readings (4-0)

		and Sullivan-absent)	
C14-98-0251 (PAC Ten MGA Tracts 6, 7, & 8: 13608-13640 FM 620 Road)	I-RR, DR to MF-3, GR	4/13/99: Approved MF-3 w/ conditions & RC (7-0)	12/9/99: Approved PC rec. of MF- 3 w/ condition s (7-0); 1 st reading 6/29/00: Approved 2 nd /3 rd readings (7-0)
C814-97-0001.07 (Leander Rehabilitation PUD Amendment #8)	<p>PUD to PUD: The applicant is requesting to amend the Leander Rehabilitation Planned Unit Development (PUD) to revise the Land Use Plan (Exhibit A) and the Development Standards Table (Exhibit E) in the State of Texas Special Board Orders to include additional notes to clarify conditions to permit the following:</p> <p>1) Modification of the Development Standards Table (shown in this proposed amendment as Exhibit E.3) to allow for an increase in impervious cover of up to 85% for parcels CRE-6, CRE-7, CRE-14 (except for the portion of CRE-14 located at the southeastern corner of Lago Drive and Arbor Way) and CRE-15.</p> <p>2) Modification of the Development Standards Table (shown in this proposed amendment as Exhibit E.3) to allow for an increase in impervious cover of up to 75% for parcels ECO-3, CRE-8, CRE-9, COR-1, COR-2 and COR-4.</p> <p>3) Modification of Section 14(A) of the</p>	<p>2/10/09: Approved staff's recommendation for PUD zoning on the consent (9-0); J. Reddy-1st, M. Dealey-2nd.</p>	<p>2/12/09: Approved PUD district zoning to change a condition of zoning was approved on consent on 1st reading (7-0); Martinez-1st, Wynn-2nd</p> <p>4/02/09: Approved PUD zoning with the following amendment on consent on Mayor Pro Tem McCracken's motion, Council Member Cole's second on a 7-0 vote. The amendment was as follows: Part 4 A 2) should read: "to allow impervious cover to be increased to (i) 85% for Parcels CRE-6, CRE-7, CRE-14 (save and except the area located at southeastern corner of Lago Drive and Arbor Way), and CRE-15; and (ii) 75% for Parcels ECO-3, CRE-8, CRE-9, CO-1, COR, COR-4, and the portion of CRE-14 located at the southeastern corner of Lago Drive and Arbor Way, if the mitigation standards are met as set forth in Exhibit E-3A."</p>

	<p>Order and of the Land Use Plan (Exhibit A) to eliminate the 35-foot OSE (Open Space Easement) area along portions of Lyndhurst Drive, Lakeline Mall Boulevard, and Lago Drive to allow buildings to be located closer to those streets.</p> <p>4) Modification of the Land Use Plan set forth on Exhibit A in the Order to eliminate the "Compatibility Height and Setbacks" along Rutledge Spur, if and only if the property adjacent to parcels CRE-8 and CRE-9 along Rutledge Spur should ever be used for any use other than single-family residential use.</p>		
C14-95-0164 (Mojo Tract B: FM 620 Road at Broadmeade Avenue)	LR to CS-1	1/16/96: Approved GR-CO for entire tract, excluding recommended CS-1-CO, and resolve with property owner a voluntary set of development standards for area not within City limits (5-2-1)	3/07/96: Approved GR-CO subject to conditions (4-0); 1 st reading 4/25/96: Approved GR-CO (TR1) and CS-1-CO (TR2) subject to conditions (5-0); 2 nd /3 rd readings

RELATED CASES: C14-99-0027, C14-98-0251 (Previous Zoning Cases)

ABUTTING STREETS:

<u>Name</u>	<u>ROW</u>	<u>Pavement</u>	<u>Classification</u>	<u>ADT</u>
SH-45(N)	Varies	FWY-6	Freeway	41,000

CITY COUNCIL DATE: May 9, 2013

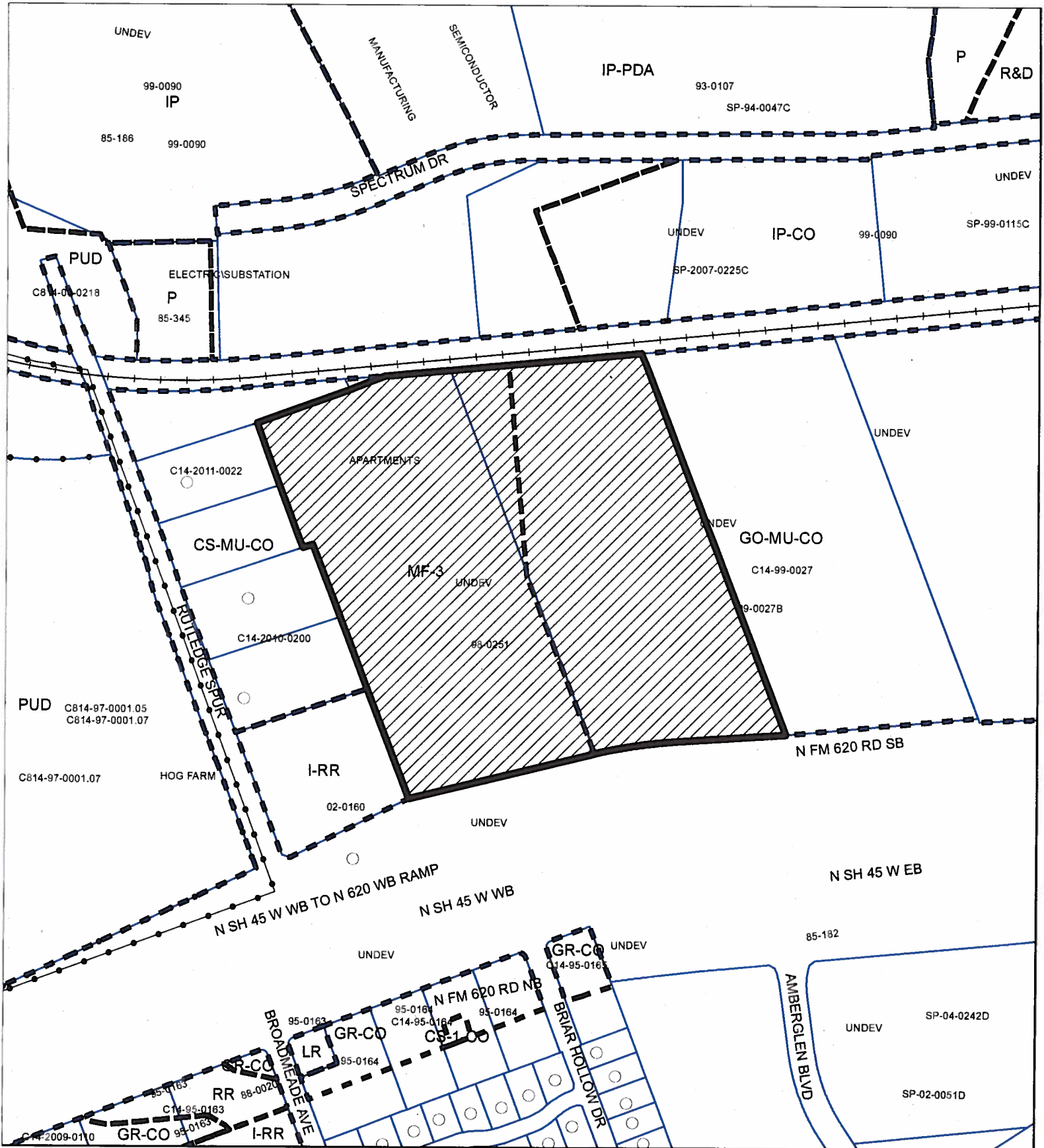
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
ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

CASE MANAGER: Sherri Sirwaitis

PHONE: 974-3057,
sherri.sirwaitis@ci.austin.tx.us



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

ZONING

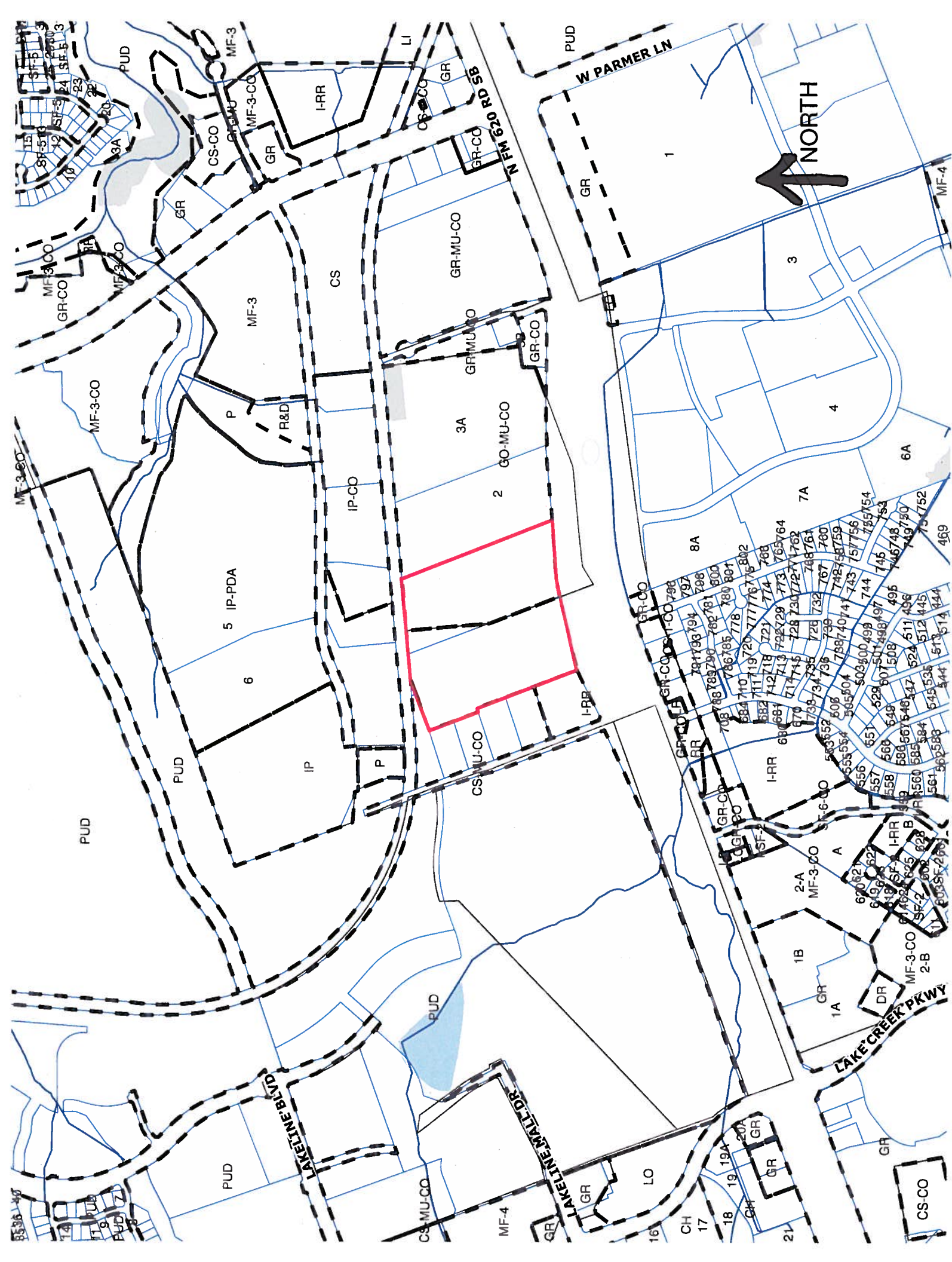
ZONING CASE#: C14-2013-0036

1" = 400'

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.







N SH 45 W EB

N FM 620 RD NB

AMBERGLEN BLVD

SP-02-0051

UNDEV

95-0165

GR-CO

95-0164

UNDEV

UNDEV

UNDEV

UNDEV

UNDEV

UNDEV

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UNDEV

N FM 620 RD SB

UNDEV

03-160

RUTLEDGE SPUR

GO-MU-CO

UNDEV

SP-2007-0225C

3

IP

ELECTRIC SUBSTATION

95-0163

CONV

95-0163

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SPECTRUM DR

IP-DA

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UNDEV

SP-99-0115C

99-0390

STAFF RECOMMENDATION

The staff's recommendation is to grant GR-MU-CO, Community Commercial Services-Mixed Use-Conditional Overlay District, zoning. The conditional overlay will prohibit the following uses as proposed by the applicant:

- Automotive Rentals
- Automotive Repair Services
- Automotive Sales
- Automotive Washing
- Consumer Convenience Services
- Outdoor Sports and Recreation
- Pawn Shop Services
- Community Recreation (Public & Private)
- Congregate Living
- Cultural Services
- Off-site Accessory Parking
- Residential Treatment
- Bail Bonds
- Commercial Off-Street Parking
- Consumer Repair Services

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 purpose of a mixed use (MU) combining district is to allow office, retail, commercial, and residential uses to be combined in a single development.

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

The proposed GR-MU-CO zoning will promote consistency and orderly planning in this area of the City as this property fronts onto a state highway, FM 620 Road/State Highway 45, and backs up to a Southern Pacific Railroad line to the north. The proposed zoning will provide for a transition in the intensity of permitted uses from the GO-MU-CO zoning to the east to the CS-MU-CO and PUD zoning (Leander Rehabilitation PUD/ Northwest Park & Ride Town Center Transit Oriented Development District (TOD)) the west.

3. *The proposed zoning should allow for a reasonable use of the property.*

GR-MU-CO zoning would allow for a fair and reasonable use of this property because the site is adequate in size to be redeveloped to allow for a mixture of commercial, office and residential uses.

EXISTING CONDITIONS

Site Characteristics

The site under consideration consists of two large undeveloped tracts of land with moderate vegetation. To the north of this site there is a Southern Pacific Railroad line and a limited warehouse and distribution business. The lots to the east contain a multifamily residential use (The Remington Apartments). The tracts of land to the west consist of a single-family residence/ construction sales and services use, single-family residences, and an undeveloped lot facing FM 620. To the south there is North F.M. 620 Service Road/ North State Highway 45 Westbound.

Comprehensive Planning

MF-3 & GO-MU to GR-MU (Community Commercial)

This zoning case is located on the north side of FM 620 Road, which runs parallel to SH45. This 35 acres property is undeveloped and the proposed use is an office project. This rezoning is not located within the boundaries of a neighborhood planning area. Surrounding land uses includes railroad tracks to the north, SH45 to the south, vacant land to the west, and vacant land and an apartment complex to the east.

The property is located within the boundaries of the Barton Creek Contributing Zone, as identified on the Imagine Austin's Growth Concept Map, found in the Image Austin Comprehensive Plan (IACP). An aquifer contributing zone is an area where runoff from precipitation flows to the recharge zone of an aquifer. Streams in the contributing zone flow downstream into the recharge zone and "contribute" water to the aquifer. The property is also located just east of a nearby Regional Center, as identified on the Imagine Austin's Growth Concept Map, found in the Image Austin Comprehensive Plan. A Regional Center is the most urban of the three activity centers outlined in the growth concept map. These centers are and will be the retail, cultural, recreational, and entertainment destinations for Central Texas. These are also the places where the greatest density of people and jobs and the tallest buildings in the region will be located.

The overall goal of the IACP is to achieve '*complete communities*' across Austin, where housing, services, retail, jobs, entertainment, health care, schools, parks, and other daily needs are within a convenient walk or bicycle ride of one another. Page 107 of the IACP states, "While most new development will be absorbed by centers and corridors, development will happen in other areas within the city limits to serve neighborhood needs and create complete communities. Infill development can occur as redevelopment of obsolete office, retail, or residential sites or as new development on vacant land within largely developed areas. New commercial, office, larger apartments, and institutional uses such as schools and churches, may also be located in areas outside of centers and corridors. The design of new development should be sensitive to and complement its context. It should also be connected by sidewalks, bicycle lanes, and transit to the surrounding area and the rest of the city. It should also be connected by sidewalks, bicycle lanes, and transit to the surrounding area and the rest of the city. Not all land within the city limits will be developed. Some may remain or enter into agricultural production; continue as single-family houses, duplexes, and apartments; or become part of the planned open space network. The Growth Concept Map not only guides where Austin may accommodate new residents and jobs but also reflects the community intent to direct growth away from environmentally sensitive areas including, but not limited to, the recharge and contributing zones of the Barton Springs segment of the Edwards Aquifer, and to protect the character of neighborhoods by directing growth to areas identified by small area plans."

The following Imagine Austin policies are taken from Chapter 4 of the IACP, which specifically discusses infill development and developing over environmentally sensitive land:

- **LUT P4.** Protect neighborhood character by directing growth to areas of change that includes designated redevelopment areas, corridors and infill sites. Recognize that different neighborhoods have different characteristics and new and infill development should be sensitive to the predominant character of these communities.
- **LUT P6.** Ensure that neighborhoods of modest means have a mix of local-serving retail, employment opportunities, and residential uses.
- **LUT P7.** Encourage infill and redevelopment opportunities that place residential, work, and retail land uses in proximity to each other to maximize walking, bicycling, and transit opportunities.
- **LUT P22** Protect Austin's natural resources and environmental systems by limiting land use and transportation development in sensitive environmental areas and preserving areas of open space.
- **N P1.** Create complete neighborhoods across Austin that have a mix of housing types and land uses, affordable housing and transportation options, and access to schools, retail, employment, community services, and parks and recreation options.

Based on this property being: (1) located along two major highways; (2) just outside the boundaries of a Regional Center as identified on the IACP Growth Concept Map, and (2) the Imagine Austin Comprehensive Plan policies referenced above, which encourages complete communities and infill development, including employment opportunities, staff believes that this office project is supported by the IACP as long as environmental ordinances are considered and enforced.

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 floodplain 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.

Numerous 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.

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 GR 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 on this site would be limited by the watershed ordinance.

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

Any new commercial development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

The site is subject to compatibility standards along the western side of the property. Additional design regulations will be enforced at the time a site plan is submitted.

Transportation

No additional right-of-way is needed at this time.

The majority of this site (3/4 of the site area) is within the area covered by State legislation (S.B. 1396), which went into effect September 1, 1995. Under this legislation, the City may not "deny, limit, delay, or condition the use of development of land...because of traffic or traffic operations that would result from the proposed use or development of the land." A traffic impact analysis is not required for any development within this area, and traffic issues may not be considered in the approval of the application.

SH-45(N) is classified in the Bicycle Plan as Bike Route No. 401.

Capital Metro bus service is not available along SH-45(N).

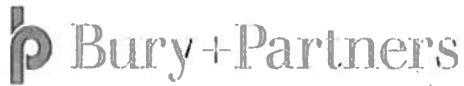
There are no existing sidewalks along SH-45(N).

Existing Street Characteristics:

<u>Name</u>	<u>ROW</u>	<u>Pavement</u>	<u>Classification</u>	<u>ADT</u>
SH-45(N)	Varies	FWY-6	Freeway	41,000

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.



March 20, 2013

Mr. Greg Guernsey, Director
City of Austin
Planning and Development Review
505 Barton Springs, 5th Floor
Austin, Texas 78704

Re: 13620-13700 FM 620 Road
Austin, Travis County, Texas

Request for a Zoning change on two (2) tracts:

- Tract 1; \pm 18.665 acres: From Multi-Family Medium Density (MF-3) to Community Commercial-Mixed Use-Conditional Overlay (GR-MU-CO).
- Tract 2; \pm 17.394 acres: From General Office-Mixed Use-Conditional Overlay (GO-MU-CO) to Community Commercial-Mixed Use-Conditional Overlay (GR-MU-CO).

Dear Mr. Guernsey:

As representatives of the property owner, we respectfully submit the enclosed zoning application packet. The subject tract is currently undeveloped and within the City of Austin's full purpose limits.

Tract 1 was zoned from Interim Rural Residence (I-RR) and Single Family Residence Standard Lot (SF-2) District to Multi-family Residence Medium Density (MF-3) per Case C14-98-0251 and Ordinance 000629-24. Tract 1 is subdivided and legally described as Par 620, Section 1, Block A, Lot 1 per Case C8-01-0134.0A.

Tract 2 was zoned from I-RR and SF-2 to GR-MU-CO per Case C14-99-0027B and Ordinance 010719-116. The conditional overlay combining district tied the zoning to an approved Traffic Impact Analysis. Tract 2 is subdivided and legally described as Par 620, Section 2, Block A, Lot 1 per Case C8-01-0135.0A.

BURY+PARTNERS
221 West Sixth Street, Suite 600
Austin, TX 78701

in (512) 328-0011
or (512) 328-0325

www.burypartners.com
IBPE No. F-1048

We propose to zone both tracts to GR-MU-CO to allow development of an office campus. We are requesting GR instead of GO to allow for a Research Services use. In order to maintain allowable uses more consistent with the GO zoning district, we propose to prohibit the following uses through a zoning conditional overlay:

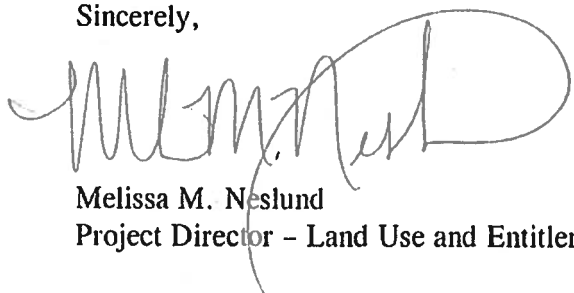
- Automotive Rentals
- Automotive Repair Services
- Automotive Sales
- Automotive Washing
- Consumer Convenience Services
- Outdoor Sports and Recreation
- Pawn Shop Services
- Community Recreation (Public and Private)
- Congregate Living
- Cultural Services
- Off-site Accessory Parking
- Residential Treatment
- Bail Bonds
- Commercial Off-Street Parking
- Consumer Repair Services

Adjacent zoning includes: I-RR and CS-MU-CO to the west; Industrial Park (IP) to the north across the railroad tracks; GO-MU-CO to the east; and SH 45/620 lies to the south. Land uses adjacent to the site include two (2) single family homes and undeveloped land to the west, multi-family to the east, rail and industrial uses to the north, and FM 620 to the south.

Given the sites' location along a major highway, adjacent and nearby zoning, land uses in proximity, and the list of prohibited uses outlined above, we believe the request to rezone this property to GR-MU-CO is appropriate. Furthermore, we believe it's in line with the City's zoning principles.

Please do not hesitate to contact me with questions, and I look forward to working with you on this rezoning request. Thank you in advance for your time and attention to this project.

Sincerely,



Melissa M. Neslund
Project Director - Land Use and Entitlements

Enclosures



April 15, 2013

Ms. Sherri Sirwaitis
City of Austin - Neighborhood Planning & Zoning Department
P.O. Box 1088
Austin, TX 78767-1088

Re: C14-2013-0036

Dear Ms. Sirwaitis,

Melissa Neslund, agent for the property, contacted NASWC Zoning Committee to discuss their request to re-zone the property to GR-MU-CO, with the intent of developing the property for a Research Services use.

It is our understanding the Research Services use excludes product testing and therefore would not permit animal testing: any product testing would come under Research Testing Services which is not allowed under GR zoning.

A private Restrictive Covenant has been in effect on the property since 1999, and Research Services are allowed under the provisions of the covenant.

The proposed Conditional Overlay further supports the Restrictive Covenant by prohibiting many of the same uses, and brings the property more in line with the GO zoning district that was assigned to a portion of the property after the Restrictive Covenant was enacted.

In view of the Conditional Overlay that supports the Restrictive Covenant on the property, the NASWC Zoning Committee is in support of the zoning change to GR-MU-CO, with the following uses prohibited by the conditional overlay:

- Automotive Rentals
- Automotive Repair Services
- Automotive Sales
- Automotive Washing
- Consumer Convenience Services
- Outdoor Sports and Recreation
- Pawn Shop Services
- Community Recreation (Public and Private)

- Congregate Living
- Cultural Services
- Off-Site Accessory Parking
- Residential Treatment
- Bail Bonds
- Commercial Off-Street Parking
- Consumer Repair Services

Please contact me (phone 258-2008) if you have any questions or comments.

Sincerely,



Cathy Mandell
Chair, NASWC Zoning Committee

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

www.austintexas.gov

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2013-0036

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: Apr 16, 2013, Zoning and Platting Commission

May 9, 2013, City Council

Troves Gilbert Sr.
Your Name (please print)

755 E Mulberry Ave Ste 100 SA 12-18212
Your address(es) affected by this application

[Signature]
Signature

4/11/13
Date

Daytime Telephone: 210-841-9220

Comments: _____

If you use this form to comment, it may be returned to:

City of Austin
Planning & Development Review Department
Sherri Sirwaitis
P. O. Box 1088
Austin, TX 78767-8810

<input checked="" type="checkbox"/> I am in favor <input type="checkbox"/> I object
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