

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2013-0050 (Donaldson)

**Z.A.P. DATE:** July 2, 2013

**ADDRESS:** 13033 FM 2769 Road

**OWNER/APPLICANT:** Brand and Debra Donaldson

**AGENT:** Livin Austin Realty (Babs Yarbrough)

**ZONING FROM:** DR

**TO:** LR\*

**AREA:** 2.261 acres

\*The applicant has agreed to prohibit access to Hudson Circle. Therefore, the applicant will not have to collect traffic counts and the neighborhood traffic analysis for this site has been waived.

### **SUMMARY STAFF RECOMMENDATION:**

The staff recommends LR-CO, Neighborhood Commercial-Conditional Overlay Combining District, zoning. The conditional overlay will prohibit access to Hudson Circle and limit development on the site to less than 2,000 vehicle trips per day.

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

7/02/13: Approved staff's recommendation of LR-CO zoning on consent (5-0, B. Baker and S. Compton-absent); G. Rojas-1<sup>st</sup>, R. McDaniel-2<sup>nd</sup>.

### **DEPARTMENT COMMENTS:**

The property in question was annexed by the City of Austin on October 6, 1985, through Ordinance No. 86-109-C. The site currently contains a vacant single-family residence and kennel (formerly known as the Hearts & Paws Lodge). The tract of land to the north of this site, across FM 2769, is part of the Twin Creeks Golf Course. The properties to the south, east and west are developed with single-family residences. The applicant has stated that they are requesting LR, Neighborhood Commercial District, zoning at this location to create a mixed use development on the site.

The staff is recommending LR-CO, Neighborhood Commercial-Conditional Overlay District, zoning at this location because the site meets the intent of the 'LR' district. The proposed zoning will allow the applicant to redevelop existing structures on the site with low intensity commercial uses that will provide services to the surrounding residential areas.

The applicant agrees with the staff's recommendation.

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

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	DR	Vacant Single-Family Residence and Kennel (Former Hearts & Paws Lodge)
<i>North</i>	County	Maintenance Facility for Twin Creeks Golf Course
<i>South</i>	County, DR	Single-Family Residences
<i>East</i>	DR	Single-Family Residences

West	County	Single-Family Residence
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**AREA STUDY:** N/A

**TIA:** Waived

**WATERSHED:** Lake Travis

**DESIRED DEVELOPMENT ZONE:** No

**CAPITOL VIEW CORRIDOR:** N/A

**HILL COUNTRY ROADWAY:** N/A

**NEIGHBORHOOD ORGANIZATIONS:**

Austin Heritage Tree Foundation  
Austin Monorail Project  
Bike Austin  
Homeless Neighborhood Association  
Leander ISD Population and Survey Analysts  
Sierra Club, Austin Regional Group  
The Parke HOA  
Volente Neighborhood Association

**CASE HISTORIES:**

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2011-0121 (13825 FM 2769)	DR to GR	01/17/11: Approved GR-CO district zoning, with the following conditions: 1) Automotive Sales as the only permitted 'GR' district use, 2) allow all other permitted 'LR' district uses with the exception of the following specific uses: 3) Prohibit Service Station, Off-Site Accessory Parking, Personal Services, College and University Facilities uses, and 4) limit the site to less than 2,000 vehicle trips per day (4-2, J. Meeker-absent, G. Rojas and P. Seeger-No); G. Bourgeois-1 <sup>st</sup> , B. Baker-2 <sup>nd</sup> .	2/09/11: Approved GR-CO zoning on consent for all 3 readings (6-0, S. Cole-off dais); B. Spelman-1 <sup>st</sup> , L. Morrison-2 <sup>nd</sup> .
C14-2008-0155 (Home-Dental Office for John C. Besperka, D.D.S.: 13985 FM 2769 Road)	DR to LO-MU* *On May 27, 2009, the applicant amended his request to a 8,650 square foot "footprint" area that includes only the garage/ carport building,	7/07/09: Approved the staff's recommendation of LO-MU-CO zoning, with Medical Office as the only permitted 'LO' district use and all other permitted 'NO' district uses (5-1; B. Betty Baker-Nay, J. Gohil-absent); D. Tiemann-1 <sup>st</sup> , T. Rabago-2 <sup>nd</sup> .	8/06/09: The public hearing was closed and the first reading of the ordinance for limited office-mixed use conditional overlay (LO-MU-CO) combining district zoning was approved on consent on Council Member Spelman's motion, Council Member Shade's second on a 7-0 vote.  7/29/10: Approved LO-MU-CO

	a parking area and driveway access to the site		on consent on 2 <sup>nd</sup> /3 <sup>rd</sup> readings (7-0); B. Spelman-1 <sup>st</sup> , S. Cole-2 <sup>nd</sup> .
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**RELATED CASES:** There are no pending related cases.

**ABUTTING STREETS:**

Name	ROW	Pavement	Class	Sidewalk?	Bus Route?	Bike Route?
Hudson Circle	NA	21'	Local	No	No	No
FM 2769	102'	28'	MNR 2	No	No	No

**CITY COUNCIL DATE:** August 8, 2013

**ACTION:**

**ORDINANCE READINGS:** 1<sup>st</sup>

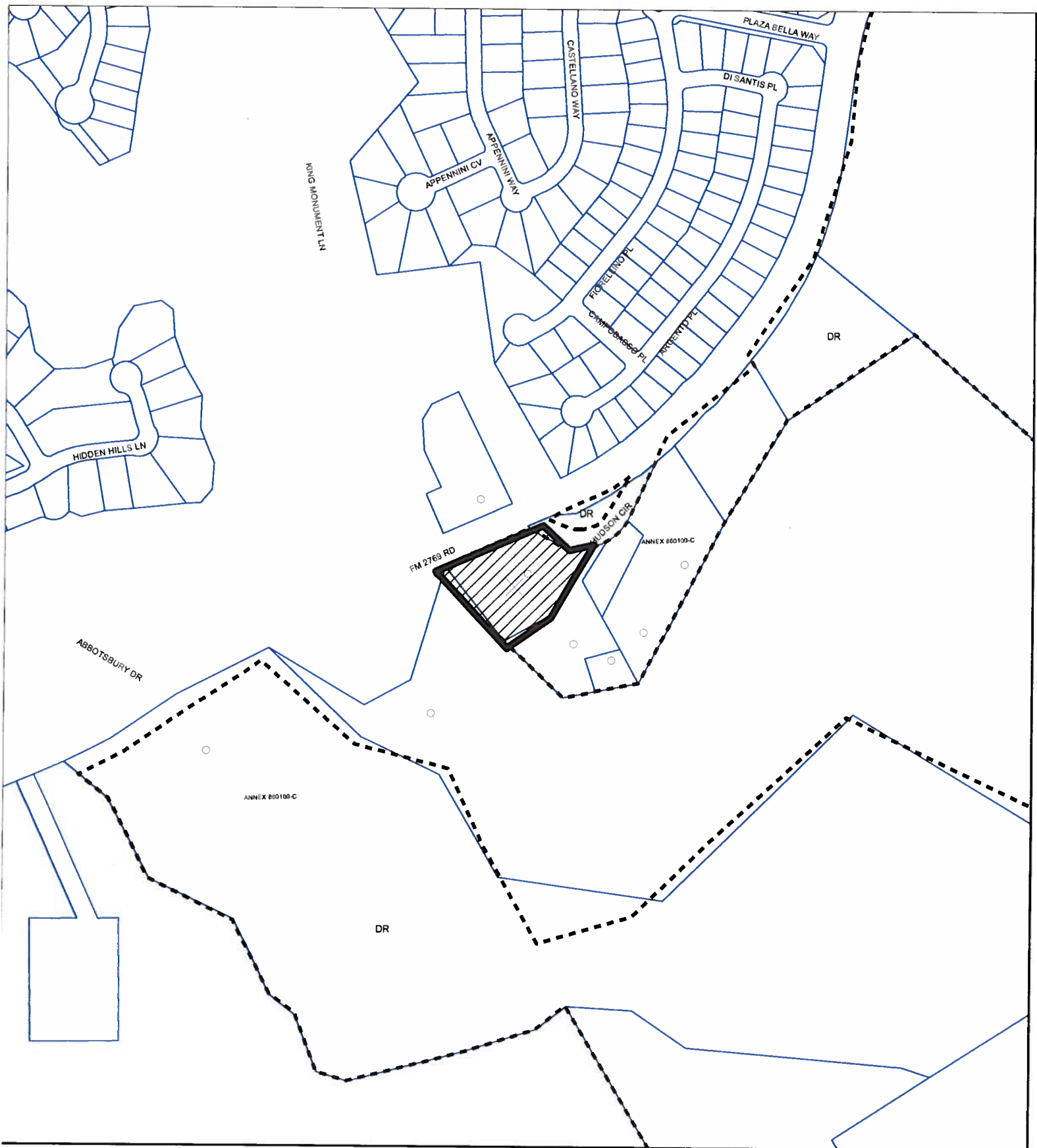
2<sup>nd</sup>




3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Sherri Sirwaitis

**PHONE:** 974-3057,  
[sherri.sirwaitis@ci.austin.tx.us](mailto:sherri.sirwaitis@ci.austin.tx.us)



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

## ZONING

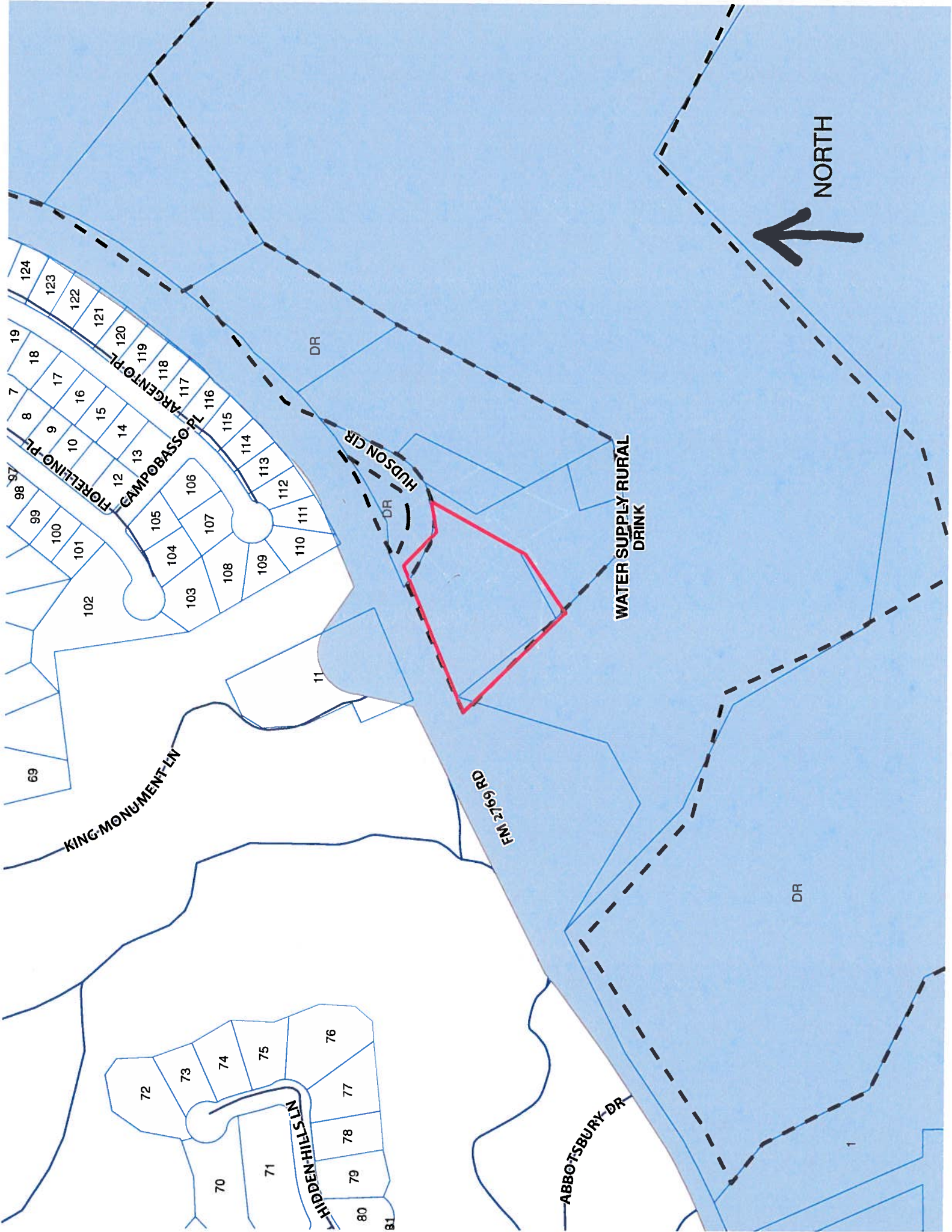
ZONING CASE#: C14-2013-0050

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.

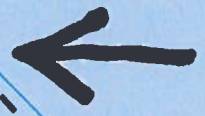
This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



1" = 400'



NORTH



WATER SUPPLY RURAL  
DRINK

FM 3769 RD

ABBOTSBURY DR

HUDSON CIR

HIDDEN HILLS LN

KING MONUMENT LN

CAMPOBASSO PL

ARGENTO PL



## **STAFF RECOMMENDATION**

The staff recommends LR-CO, Neighborhood Commercial-Conditional Overlay Combining District, zoning. The conditional overlay will prohibit access to Hudson Circle and limit development on the site to less than 2,000 vehicle trips per day.

## **BASIS FOR RECOMMENDATION**

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

Neighborhood commercial (LR) district is the designation for a commercial use that provides business service and office facilities for the residents of a neighborhood. Site development regulations and performance standards applicable to a LR district use are designed to ensure that the use is compatible and complementary in scale and appearance with the residential environment.

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

The proposed zoning will promote consistency and orderly planning because this site fronts and takes access onto FM 2769 Road, an arterial roadway.

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

LR-CO zoning will allow the applicant to redevelop existing structures on the site provide low intensity commercial services in this area of the City.

## **EXISTING CONDITIONS**

### **Site Characteristics**

The site under consideration is currently a vacant single-family residence and kennel (formerly Hearts & Paws Lodge). The tract of land to the north of this site, across FM 2769, is part of a golf club (Twin Creeks Golf Course). The properties to the south, east and west are developed with single-family residences.

### **Comprehensive Planning**

This zoning case is located on the south side of the FM 2769. The subject property contains a lodge with various outbuildings on the 2.26 acre site. The proposed use is neighborhood commercial. This rezoning is not located within the boundaries of a neighborhood planning area. Surrounding land uses includes a construction supply company to the north, a massive single family subdivision to the northeast, and single family houses and vacant land to the east, west and south, which all overlook Balcones Canyon located to the south.

The Imagine Austin Growth Concept Map, found in the Imagine Austin Comprehensive Plan (IACP), identifies this area of Austin as being located on a 'Current Open Space' despite being part of a small subdivision. However, 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.”

The following Imagine Austin policies are taken from Chapter 4 of the IACP, which specifically discusses commercial development and developing complete communities:

- **LUT P3.** Promote development in compact centers, communities, or along corridors that are connected by roads and transit that are designed to encourage walking and bicycling, and reduce health care, housing and transportation costs.
- **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.
- **HN P10.** Create complete neighborhoods across Austin that have a mix of housing types and land uses, affordable housing and transportation options, and access to healthy food, schools, retail, employment, community services, and parks and recreation options.
- **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: (1) the subject property having the potential to provide neighborhood retail services to nearby housing thus assisting in creating a ‘complete community’ in this area; (2) the property being located along a regional collector road; and (3) the Imagine Austin policies referenced above that supports ‘complete communities’, staff believes that the proposed commercial use is supported by the Imagine Austin Comprehensive Plan.

### **Environmental**

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Lake Travis Watershed of the Colorado River Basin, and is classified as a Water Supply Rural Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Drinking Water Protection Zone.

Single family or duplex development within a Water Quality Transition Zone may not exceed a density of one unit per three acres, exclusive of land within a 100-year floodplain, and must have a minimum lot size of 2 acres.

According to floodplain maps there is a floodplain within close proximity of the project location. Based upon the close proximity of the floodplain, 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 not located within the endangered species survey area.

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 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.

### **Impervious Cover**

The maximum impervious cover allowed by the LR zoning district would be 80%. 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 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>	<i>Allowable Density</i>
One or Two Family Residential	n/a	n/a	1 unit/2 acres net site area
Multifamily Residential	20%	25%	n/a
Commercial	20%	25%	n/a

Note: The most restrictive impervious cover limit applies.

### **Site Plan**

This site will be subject to *Subchapter E: Design Standards and Mixed Use*. Additional commercial design standards comments will be provided upon submittal of the site plans for review.

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

### **Transportation**

Additional right-of-way may be required at the time of site subdivision and/or site plan.

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day [LDC, 25-6-117].

If the requested zoning is granted, it is recommended that access to Hudson Circle be prohibited as a condition of zoning.

The prohibited access has been discussed and agreed upon with the applicant to avoid producing a Neighborhood Traffic Analysis.

There are no existing sidewalks along FM 2769 and Hudson Circle.

According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, bicycle facilities are existing and/or recommended along the adjoining streets as follows: existing Shared Lanes along FM 2769 with a recommended Wide Shoulder.

Capital Metro bus service is not available within 1/4 mile of this property.

92	Name	ROW	Pavement	Classification	Daily Traffic
	FM 2769 Hudson Circle	102' NA	28' 21'	MNR 2 Local	4900 NA

### **Water and Wastewater**

City water and wastewater service is not currently available in the area. The property is served by well and septic.

## 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](http://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: C14-2013-0050

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: Jul 2, 2013, Zoning and Platting Commission

Aug 8, 2013, City Council

Penny Ney

Your Name (please print)

13033 Sam 2769  
Austin, TX 78724

Your address(es) affected by this application

Penny Ney

Signature

Date

6/20/13

Daytime Telephone: (512) 914-5188

Comments:

To allow this property to  
have a small business, that  
is respectful of the environment,  
is only fair. look at the map  
and the cluster of development  
across the road is huge, while  
this application is for a small  
business that will protect the  
area. Please allow it.

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

Case Number: C14-2013-0050  
Contact: Sherri Sirwaitis, 512-974-3057  
Public Hearing: Jul 2, 2013, Zoning and Platting Commission  
Aug 8, 2013, City Council

RAHUL NISHKA

Your Name (please print)

3208 ARQUITO PL, LEONARD PARK, TX

Your address(es) affected by this application

☐ I am in favor  
☒ I object

*Rahul Nishka*

Signature

07/04/2013

Date

Daytime Telephone: \_\_\_\_\_

Comments: The construction and the slope will  
scar the beauty of this area which is in  
sprawling greens with unscathed ~~the~~ ~~environment~~  
environment. Besides, this will be right  
behind my property thus adding to the  
sound pollution and will spoil the views.  
I oppose this rezoning change.

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