

ZONING CHANGE REVIEW SHEET

CASE: C14-2014-0130 – Thaxton Properties, Inc. **Z.A.P. DATE:** October 7, 2014
October 21, 2014

ADDRESS: 7930 Thaxton Road

OWNER: Thaxton Properties, Inc.
(Mustaquali Momin)

AGENT: Thrower Design
(Ron Thrower)

ZONING FROM: GR-CO **TO:** GR-CO **AREA:** 4.709 acres

SUMMARY STAFF RECOMMENDATION:

The Staff's recommendation is to grant community commercial – conditional overlay (GR-CO) combining district zoning. The Conditional Overlay would increase the size of a food sales use to 8,000 square feet. The remainder of Conditional Overlay establishing neighborhood commercial (LR) site development standards, driveways and loading facilities, and the list of prohibited uses will remain intact.

ZONING & PLATTING COMMISSION RECOMMENDATION:

October 7, 2014: *APPROVED A POSTPONEMENT REQUEST BY STAFF TO OCTOBER 21, 2014*

[G. ROJAS; C. BANKS – 2ND] (7-0)

October 21, 2014: *APPROVED GR-CO DISTRICT ZONING TO INCREASE THE SIZE OF A FOOD SALES USE TO 8,000 SQUARE FEET, AS STAFF RECOMMENDED, BY CONSENT*

[C. BANKS; B. BAKER – 2ND] (5-0) R. MCDANIEL, P. SEEGER – ABSENT

ISSUES:

None at this time.

DEPARTMENT COMMENTS:

The subject lot is developed with a commercial building and service station use, and zoned community commercial – conditional overlay (GR-CO) by a 2007 case. The CO establishes neighborhood commercial (LR) development regulations, limits a food sales use to 5,000 square feet, and prohibits a loading facility and driveways serving a commercial use along the south property line, as well as a set of land uses. It is situated at the intersection of Thaxton Road and Panadero Drive, which are both classified as collector streets, and there is one driveway access to each street. The property is surrounded by single family residences within the Springfield Phase C subdivision to the north, and single family residences within

the Sheldon 230 subdivision to the east and south. Please refer to Exhibits A (Vicinity Map), A-1 (Zoning Map), A-2 (Aerial View), A-3 (2007 Zoning Ordinance) and B (Recorded Plat).

The approved site plan shows three buildings designated for retail uses totaling 35,900 square feet and a fuel dispensing canopy (a service station use). The building at the center of the property is 11,050 square feet and a food sales (convenience store) use has been constructed at approximately 8,000 square feet, which exceeds the amount approved with the 2007 zoning case by 3,000 square feet. The remaining 3,000 square feet in 11,050 square foot building are designated for retail uses. Please refer to Exhibit C. It should be noted that it is not uncommon for multi-tenant commercial projects to identify all buildings as “retail” on the initial site plan, and then process site plan corrections as tenants are identified. The reason for this is that at the site plan stage, the developer frequently doesn’t know how much of the building will be occupied by tenants of personal services, office, retail, restaurant, etc. uses. In this case, the building plan reviewer cited the need to correct the site plan to reflect a food sales (rather than retail) use, and the Development Assistance Center (responsible for processing site plan corrections) identified that the square footage of a food sales exceeded the amount approved by ordinance.

The sole purpose of the Applicant’s rezoning request is to modify the Conditional Overlay to increase the size of the food sales use from 5,000 to 8,000 square feet. All of the remaining components of the Conditional Overlay pertaining to development regulations, driveways and loading facilities, and the list of prohibited uses will remain unchanged. The food sales limitation was suggested by the Applicant at the time of the 2007 zoning case, and subsequently approved by the Zoning and Platting Commission and City Council. Staff notes that there is a general absence of commercial businesses to serve the surrounding and nearby residential subdivisions, and the increase in square footage is still within the confines and assumptions of the Traffic Impact Analysis approved with the 2007 zoning case. For these reasons, Staff supports the Applicant’s request.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	GR-CO	Multi-tenant commercial building under construction
<i>North</i>	GR-CO; SF-3	Service station; Food Sales; Retail, Personal services; Water quality pond; Single family residences
<i>South</i>	SF-3	Two single family residences – on large lots; Single family residences on standard size lots
<i>East</i>	SF-3; I-RR	Neighborhood park; Detention pond; Single family residences on standard size lots
<i>West</i>	RR; SF-4A-CO	Undeveloped; Single family residences on standard size lots

AREA STUDY: N / A

TIA: Is not required

WATERSHED: Onion Creek

DESIRED DEVELOPMENT ZONE: Yes

NEIGHBORHOOD ORGANIZATIONS:

511 – Austin Neighborhoods Council 627 – Onion Creek Homeowners Association
 697 – Springfield HOA 742 – Austin Independent School District
 1037 – Homeless Neighborhood Association 1075 – Bike Austin
 1200 – Super Duper Neighborhood Objectors and Appealers Organization
 1228 – Sierra Club, Austin Regional Group
 1233 – McKinney Park East Homeowners Association
 1236 – The Real Estate Council of Austin, Inc.
 1258 – Del Valle Community Coalition 1340 – Austin Heritage Tree Foundation
 1341 – Onion Creek Plantation Neighborhood Watch 1363 – SEL Texas
 1408 – Go! Austin/Vamos! Austin – Dove Springs
 1438 – Dove Springs Neighborhood Association 1441 – Dove Springs Proud
 1447 – Friends of the Emma Barrientos MACC

CAPITOL VIEW CORRIDOR: No**SCENIC ROADWAY:** No**SCHOOLS:**

Palm Elementary School Paredes Middle School Akins High School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-05-0168 – KB Sheldon 230	I-RR to GR	To Grant GR-CO with the CO for restaurant general and all LR uses, prohibit off-site accessory parking and drive-through services as an accessory use; Restrictive Covenant for the Neighborhood Traffic Analysis unless a TIA is submitted.	Approved GR-CO with Restrictive Covenant as the ZAP Commission recommended (1-26-06).
C14-03-0089.SH – Springfield Phase B, Section 6 (SMART Housing)	I-RR to SF-3	To Grant SF-3	Approved SF-3 (7-31-03).
C14-03-0090.SH – KB Sheldon 230	I-SF-2; SF-3; I-SF-4A	To Grant SF-2 for Tracts 1 and 7; SF-3 for Tracts 2 and 3; SF-4A for Tracts 4, 5 & 6, with a Restrictive Covenant for the Traffic Impact Analysis	Approved RR; SF-2 and SF-3, with the Restrictive Covenant as recommended by the Commission (1-8-04).

RELATED CASES:

The property was zoned GR-CO on October 18, 2007 (C14-07-0005 – Thaxton Rezoing). The Conditional Overlay permits the following uses: business or trade school; communications services; food sales (limited to 5,000 square feet); general retail sales (general); medical offices (exceeding 5,000 square feet); personal improvement services; restaurant (general), and all other LR uses and site development regulations. The CO also prohibited a loading facility within 50 feet of the south property line and prohibited driveways between the south property line and the rear of a building for a commercial purpose. A Traffic Impact Analysis for 120,000 square feet of shopping center use was also approved with the zoning changed.

The property is platted as Thaxton / Panadero, a subdivision recorded on October 23, 2007 (C8-07-0012.0A).

There is an approved site plan case known as Thaxton Road Commercial Center, approved on October 29, 2007 (SP-2012-0060C). Improvements include three buildings (39,816 square feet) with retail and service station uses, and a water quality / detention pond.

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
Thaxton Road	64 feet	40 feet	Collector	Yes	Yes	Yes
Panadero Drive	70 feet	40 feet	Collector	Yes	Yes	Yes

CITY COUNCIL DATE: November 6, 2014

ACTION:

ORDINANCE READINGS: 1st

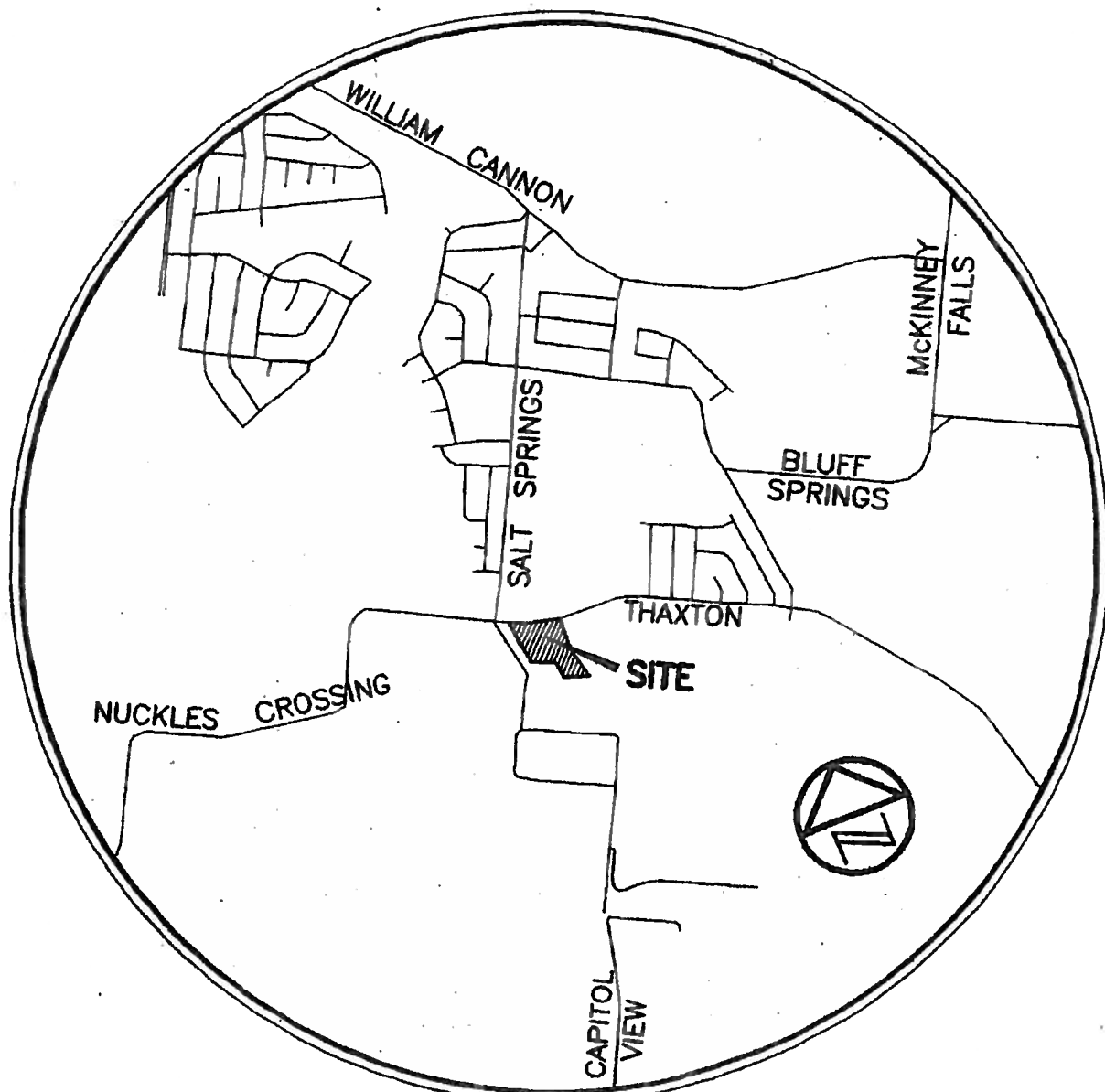
2nd

3rd

ORDINANCE NUMBER:

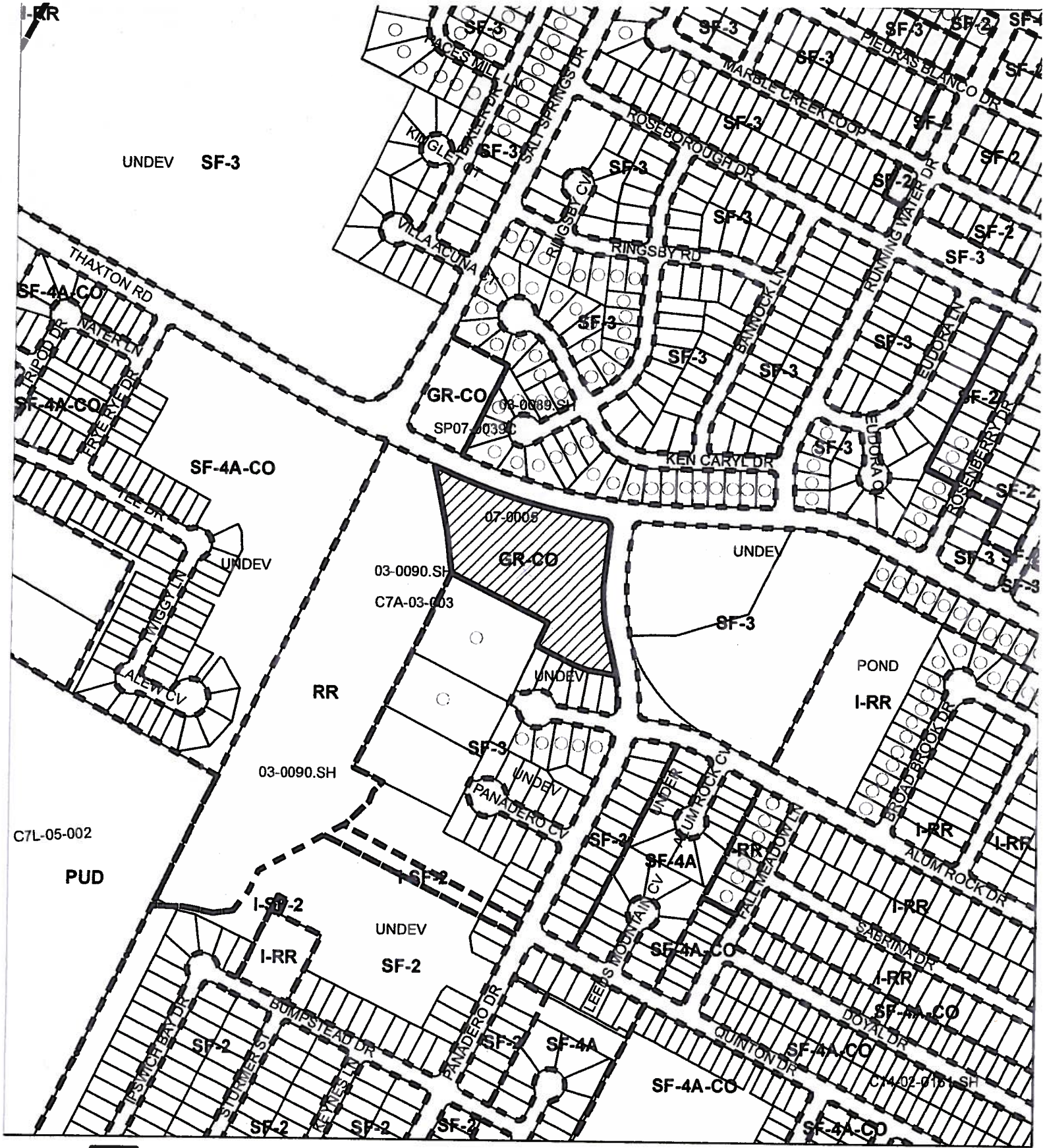
CASE MANAGER: Wendy Rhoades
e-mail: wendy.rhoades@austintexas.gov

PHONE: 512-974-7719



LOCATION MAP
NOT TO SCALE

EXHIBIT A



SUBJECT TRACT

 PENDING CASE

 ZONING BOUNDARY

ZONING CASE
C14-2014-0130

EXHIBIT A-1



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'



ORDINANCE NO 20071018-055

AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING FOR THE PROPERTY LOCATED AT THE SOUTHWEST CORNER OF THAXTON ROAD AND PANADERO DRIVE, REZONING AND CHANGING THE ZONING MAP FROM INTERIM SINGLE FAMILY RESIDENCE STANDARD LOT (I-SF-2) DISTRICT AND FAMILY RESIDENCE (SF-3) DISTRICT TO COMMUNITY COMMERCIAL-CONDITIONAL OVERLAY (GR-CO) COMBINING DISTRICT

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 interim single family residence standard lot (I-SF-2) district and family residence (SF-3) district to community commercial-conditional overlay (GR-CO) combining district on the property described in Zoning Case No C14-07-0005, on file at the Neighborhood Planning and Zoning Department, as follows

A 4 709 acre tract of land, more or less, out of the Santiago Del Valle Grant, Abstract No 24, Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance (the "Property"),

locally known as the property located at the southwest corner of Thaxton Road and Panadero Drive, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B"

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

A The following site development standards apply to the Property

- 1 The maximum height is 40 feet from ground level
- 2 The minimum street side yard setback is 15 feet
- 3 The maximum building coverage is 50 percent
- 4 The maximum impervious cover is 80 percent
- 5 The maximum floor-to area ratio is 0.5 to 1.0

B A food sales use may not exceed 5,000 square feet of gross floor area

- C A loading facility is prohibited within 50 feet of the south property line
- D Driveways are prohibited between the south property line and the rear of a building used for a commercial purpose
- E The following uses are prohibited uses of the Property

Automotive repair services
Automotive sales
Bail bond services
Business support services
Communication services
Drop-off recycling center
Funeral services
Hotel-motel
Indoor sports and recreation
Outdoor sports and recreation
Pet services
Research services
Theater

Automotive rentals
Automotive washing (of any type)
Building maintenance services
Commercial off-street parking
Counseling services
Exterminating services
Hospital services (limited)
Indoor entertainment
Off-site accessory parking
Pawn shop services
Printing and publishing
Residential treatment

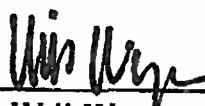
Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the community commercial (GR) base district, and other applicable requirements of the City Code

PART 3 This ordinance takes effect on October 29, 2007

PASSED AND APPROVED

October 18, 2007

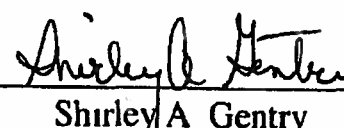
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Will Wynh
Mayor

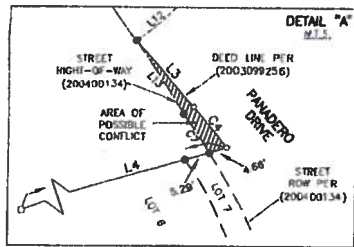
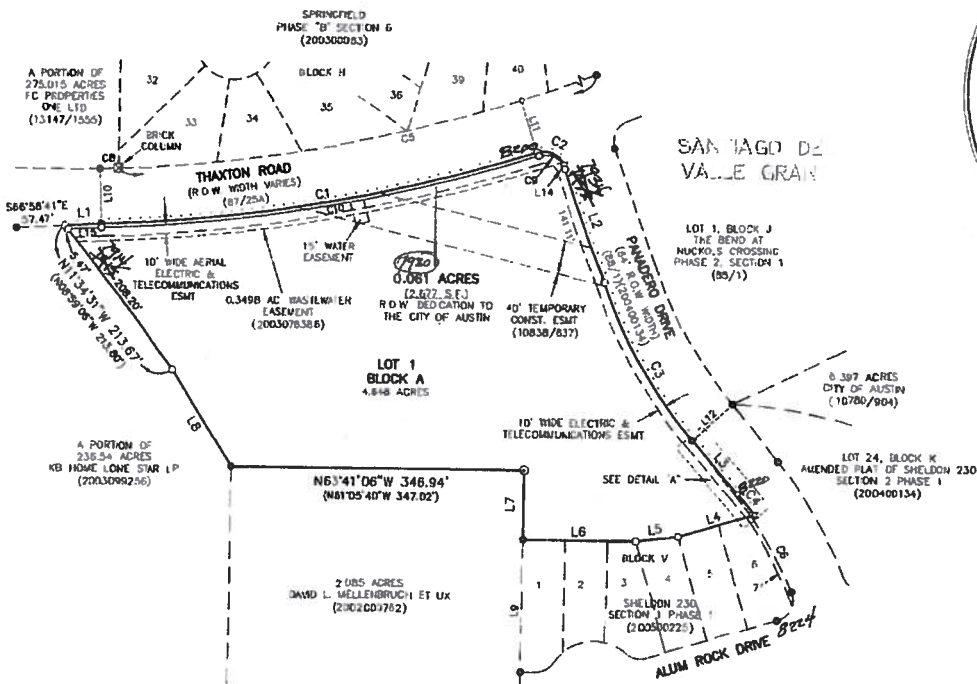
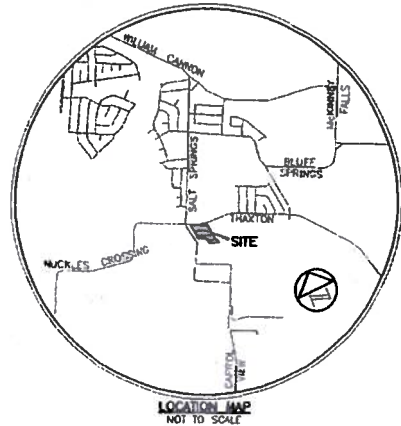
APPROVED


David Allan Smith
City Attorney

ATTEST


Shirley A. Gentry
City Clerk

THAXTON/PANADERO



LEGEND

- 1/2" REBAR FOUND (OR SIZE NOTED)
- 1/2" REBAR WITH CAP SET
- ⊙ IRON PIPE FOUND (SIZE NOTED)
- ⊗ "X" ON CONCRETE SET
- CALCULATED POINT
- SIDEWALK LOCATION
- () RECORD DATA

NO.	BEARING	LENGTH	RECORD
L1	S66°58'41"E	42.79'	(S64°29'28"E 42.96')
L2	S06°37'28"W	145.61'	(S09°1'34"W 145.32')
L3	S15°12'04"E	83.42'	(S12°32'56"E 83.42')
L4	N80°17'44"W	93.83'	(N77°44'13"W 93.72')
L5	N70°27'02"W	50.98'	(N67°53'31"W 50.98')
L6	N63°40'40"W	133.76'	(N61°07'09"W 133.76')
L7	N28°20'55"E	82.00'	(N28°32'31"E 82.24')
L8	N06°50'03"W	135.18'	(N04°14'29"W 135.18')
L9	S26°15'53"W	155.57'	(S28°52'31"W 155.55')
L10	N24°18'07"E	64.40'	(S28°52'51"W 155.55')
L11	N08°20'26"E	64.24'	
L12	N74°44'45"E	64.10'	(N77°27'05"W 64.00')
L13	N13°08'11"W	83.02'	(N10°25'04"W 83.23')
L14	S06°37'28"W	4.50'	
L15	N66°58'41"W	39.63'	

NO.	DELTA	RADIUS	TAN	ARC	CHORD	BEARING	RECORD CHORD
C1	16°15'49"	1862.18'	286.08'	528.59'	526.81'	S73°32'44"E	(S70°56'33"E 528.80')
C2	88°18'06"	25.00'	24.22'	38.53'	34.83'	S37°31'35"E	(S34°36'33"E 34.82')
C3	21°44'10"	568.31'	109.11'	215.60'	214.31'	S04°14'24"E	(S01°40'41"E 214.36')
C4	3°50'53"	468.00'	15.72'	31.43'	31.42'	S13°18'58"E	(S13°36'27"E 31.71')
C5	22°54'00"	1798.18'	284.21'	718.70'	713.82'	S77°30'58"E	
C6	12°30'12"	468.00'	51.27'	102.14'	101.94'	S03°01'20"E	(S02°27'15"E 101.87')
C7	3°40'18"	468.00'	15.00'	29.99'	29.99'	N10°48'51"W	
C8	00°40'37"	1798.18'	10.62'	21.24'	21.24'	N65°41'48"W	(N63°04'57"W 21.27')
C9	88°18'21"	25.00'	24.22'	38.53'	34.83'	N37°31'43"W	
C10	16°15'57"	1866.68'	266.76'	528.94'	528.16'	S73°32'55"E	



EXHIBIT B
RECORDED PLAT

Chaparral
Professional Land Surveying, Inc.
2807 Manchaca Rd., Building 1
Austin, Texas 78704
512-443-1724

PROJECT NO.: 040-047
DRAWING NO.: 040-047-PL1-REV
PLOT DATE: 08/28/07
PLOT SCALE: 1"=100'
DRAWN BY: DK
SHEET 01 OF 02

C8-07-0012.0A

139.82

SUMMARY STAFF RECOMMENDATION:

The Staff's recommendation is to grant community commercial – conditional overlay (GR-CO) combining district zoning. The Conditional Overlay would increase the size of a food sales use to 8,000 square feet. The remainder of Conditional Overlay establishing neighborhood commercial (LR) site development standards, driveways and loading facilities, and the list of prohibited uses will remain intact.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

The community commercial (GR) district is intended for office and commercial uses serving neighborhood and community needs, including both unified shopping centers and individually developed commercial sites, and typically requiring locations accessible from major trafficways.

The property has access to Thaxton Road and Panadero Drive, both of which are collector streets.

- 2. Zoning should allow for a reasonable use of the property.*

Staff notes that there is a general absence of commercial businesses to serve the surrounding and nearby residential subdivisions, and the increase in square footage is still within the confines and assumptions of the Traffic Impact Analysis approved with the 2007 zoning case. For these reasons, Staff supports the Applicant's request.

EXISTING CONDITIONS**Site Characteristics**

The subject property is undeveloped and there appear to be no significant topographical constraints on the site.

Impervious Cover

The maximum impervious cover allowed by the **GR** district is 80%, based on the more restrictive watershed regulations. The site plan permit shows approximately 59.70 percent impervious cover.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Onion Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed

by Chapter 25-8 of the City's Land Development Code. The site is in the Desired Development Zone.

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 Gross Site Area</i>	<i>% of Gross Site Area with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

According to floodplain maps there is no floodplain within or adjacent to the project location.

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 512-974-1876. 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 requires water quality control with increased capture volume and control of the 2 year storm on site.

Transportation

Based on the revised square footage of the food sales building from 11,000 square feet to 8,000 square feet, it is determined that the uses and intensities of the development are within the confines and assumptions of the original TIA and no amendment will be necessary.

Water and Wastewater

FYI: 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, water or wastewater easements, utility relocations and or abandonments required by the proposed land use. Depending on the development plans submitted, water and or wastewater service extension requests may be required. Water and wastewater utility plans must be reviewed and approved by the Austin Water Utility for compliance with City criteria and suitability for operation and maintenance. 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.

Site Plan and 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.

Any new 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 property lines, 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.
- A landscape area at least 25 feet wide is required along 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.