



## MEMORANDUM

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TO: Ms. Jolene Kiolbassa, Chair  
Members of the Zoning and Platting Commission

FROM: Sherri Sirwaitis, Senior Planner, Zoning Case Management  
Planning and Zoning Department

DATE: January 29, 2019

RE: **Request to Initiate a Rezoning Application for the Property located at  
12636 Research Boulevard**

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The item under discussion is a request to consider directing staff to initiate a rezoning case from LR to GR-CO for 12636 Research Boulevard. The staff is asking for this initiation to correct a longstanding error on the zoning map that inadvertently resulted in a downzoning of a portion of this property to LR in August 2016 through Ordinance No. 20160811-054.

It appears that the GR-CO zoning that was approved by the City Council on January 10, 1991 was inaccurately applied to only the two westernmost buildings on the property. Therefore, the zoning map retained the original LO zoning on the remaining portion of the site for 27+ years. CTM corrected the GIS zoning layer to apply GR-CO zoning to the property as spelled out in the 1991 ordinance (Ordinance No. 910110-M). However, case C14-2016-0036 was filed and processed in mid-2016 when the zoning map incorrectly showed LO for this property. Therefore, the 2016 rezoning case accidentally resulted in a downzoning of the property to LR.

## Property Rezoning History:

- Ordinance 870219-B rezoned portion of middle building 27.5ft from north side from LO to CS-1.
- Ordinance 880915-D rezoned units in north and middle building from LO to GR-CO.
- Ordinance 910110-M rezoned all buildings to GR-CO, with the exception of portions of middle building currently zoned CS-1. All LR uses permitted with Medical Office, Restaurant, General Retail Sales, Communication Services, Business Support Services and Business and Trade School. **This appears to be when the map error occurred because this change is not reflected on any maps going forward.**
- Ordinance 20110113-050 rezoned (North) Building C, Unit 109 from GR-CO to CS-1 (approximately 38.05ft x 69.62ft.)
- Ordinance 20160811-054 rezoned (North) Building C, Unit 108 from LO to LR. **This rezoning appears to have inadvertently been a downzoning due to the map error.**

## Attachments:

- Ordinance No. 910110-M for zoning case C14-90-0076
- Original zoning case report and Ordinance No. 20160811-054 for zoning case C14-2016-0036

## CITY OF AUSTIN, TEXAS

ORDINANCE NO. 910110- M

AN ORDINANCE ORDERING A REZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 13-2 OF THE AUSTIN CITY CODE OF 1981 AS FOLLOWS:

TRACT 1: 9,600 SQUARE FOOT TRACT OF LAND OUT OF LOT 1, HOWARD ADDITION TWO SUBDIVISION, FROM "LO" LIMITED OFFICE DISTRICT AND "GR-CO" COMMUNITY COMMERCIAL DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT TO "GR-CO" COMMUNITY COMMERCIAL DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT; AND,

TRACT 2: 11,200 SQUARE FOOT TRACT OF LAND OUT OF LOT 1, HOWARD ADDITION TWO SUBDIVISION, SAVE AND EXCEPT A 2,200 SQUARE FOOT TRACT OF LAND, FROM "LO" LIMITED OFFICE DISTRICT, "GR" COMMUNITY COMMERCIAL DISTRICT AND "GR-CO" COMMUNITY COMMERCIAL DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT TO "GR-CO" COMMUNITY COMMERCIAL DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT; AND,

TRACT 3: 18,420 SQUARE FOOT TRACT OF LAND OUT OF LOT 1, HOWARD ADDITION TWO SUBDIVISION, FROM "LO" LIMITED OFFICE DISTRICT AND "GR" COMMUNITY COMMERCIAL DISTRICT TO "GR-CO" COMMUNITY COMMERCIAL DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT,

LOCALLY KNOWN AS 12636 RESEARCH BOULEVARD, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; WAIVING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Chapter 13-2 of the Austin City Code of 1981 is amended to change the respective base zoning districts and to establish a Conditional Overlay combining district on all of the property described in File C14-90-0076, as follows:

Tract 1: From "LO" Limited Office district and "GR-CO" Community Commercial district-Conditional Overlay combining district to "GR-CO" Community Commercial district-Conditional Overlay combining district.

9,600 square foot tract of land out of the Lot 1, Howard Addition Two Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 84, Page 78D, of the Plat Records of Travis County, Texas, said 9,600 square foot tract of land being more particularly described by metes and bounds in "Exhibit A" attached and incorporated herein for all purposes.

Tract 2: From "LO" Limited Office district, "GR" Community Commercial district and "GR-CO" Community Commercial district-Conditional Overlay combining district to "GR-CO" Community Commercial district-Conditional Overlay combining district.

11,200 square foot of land out of the Lot 1, Howard Addition Two Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 84, Page 78D, of the Plat Records of Travis County, Texas, Save and Except a 2,200 square foot tract of land, said 11,200 square foot tract of

## CITY OF AUSTIN, TEXAS

land being more particularly described by metes and bounds in "Exhibit B" attached and incorporated herein for all purposes.

Tract 3: From "LO" Limited Office district and "GR" Community Commercial district to "GR-CO" Community Commercial district-Conditional Overlay combining district.

18,420 square foot tract of land out of the Lot 1, Howard Addition Two Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 84, Page 78D, of the Plat Records of Travis County, Texas, said 18,420 square foot tract of land being more particularly described by metes and bounds in "Exhibit C" attached and incorporated herein for all purposes.

locally known as 12636 Research Boulevard, in the City of Austin, Travis County, Texas.

PART 2. All of the property within the boundaries of the Conditional Overlay combining district established by this ordinance is subject to the following condition:

1. Uses of the Property shall be restricted to the following uses: (a) the range of "LR" Neighborhood Commercial district uses that are permitted in the "GR" Community Commercial district as set forth in Sec. 13-2-221 of the Austin City Code, (b) Medical offices, (c) Restaurant (general), (d) General retail sales (general), (e) Communication services, (f) Personal improvement services, (g) Business support services, and (h) Business or trade school.

Except as specifically restricted by this ordinance, the property may be developed and used in accordance with regulations established for the respective base districts and other applicable requirements of the Land Development Code.

PART 3. It is ordered that the Zoning Map established by Sec. 13-2-22 of the Austin City Code of 1981 and made a part thereof shall be changed to record the amendment enacted by this ordinance.

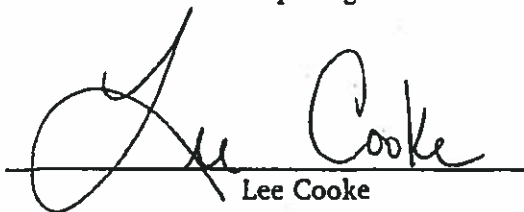
PART 4. The requirement imposed by Section 2-2-3 of the Austin City Code of 1981 that this ordinance be read on three separate days shall be waived by the affirmative vote of five members of the City Council to pass this ordinance through more than one reading on a single vote.

PART 5. This ordinance shall be effective ten days after the date of its final passage.

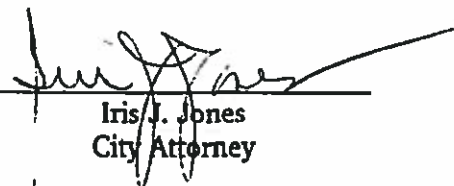
PASSED AND APPROVED:

January 10, 1991

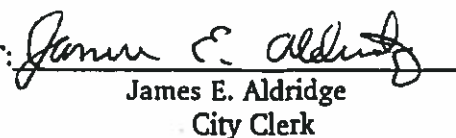
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§  
§  
§

  
Lee Cooke  
Mayor

APPROVED:

  
Iris J. Jones  
City Attorney

ATTEST:

  
James E. Aldridge  
City Clerk

ME/jj

**C. CRICHTON & ASSOCIATES**  
LAND SURVEYORS  
1406 THREE POINTS ROAD  
PFLUGERVILLE, TEXAS 78660  
512-251-4105

**FIELD NOTES**

**FIELD NOTES FOR 9600 SQUARE FEET  
OUT OF LOT 1 OF THE HOWARD ADDITION  
TWO, A SUBDIVISION RECORDED IN BOOK  
84 PG. 78D OF THE TRAVIS COUNTY,  
TEXAS PLAT RECORDS. SAID TRACT  
BEING MORE PARTICULARLY DESCRIBED  
BY METES AND BOUNDS AS FOLLOWS:**

**COMMENCING** at the Southwest corner of said Lot 1, said point also being on the North R.O.W. of Jollyville Road.

**THENCE** N 30 deg. 45' E with the West line of said Lot 1, 50.50 feet to the Southwest corner of an existing building for the Southwest corner of this tract and the **POINT OF BEGINNING**.

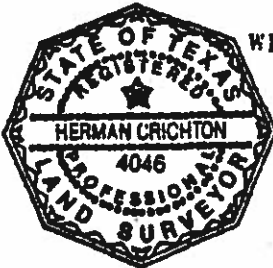
**THENCE** N 30 deg. 35' E with the West line of Lot 1 and the 160.00 feet to the Northwest corner of this tract.

**THENCE** through the interior of said Lot 1 with said building the following five (5) courses:

- 1) S 59 deg. 15' E, 40.00 feet to a point for the most Northerly Northeast corner of this tract.
- 2) S 30 deg. 35' W, 120.00 feet to a point for an interior ell corner of this tract..
- 3) S 59 deg. 15' E, 80.00 feet to a point for the most Easterly Northeast corner of this tract..
- 4) S 30 deg. 35' W, 40.00 feet to a point for the Southeast corner of this tract.
- 5) N 59 deg. 15' W, 120.00 feet to the **POINT OF BEGINNING** and containing 9600 square feet more or less.

I hereby certify that the foregoing field notes were prepared from a survey on the ground, under my supervision and are true and correct to the best of my knowledge and belief.

WITNESS MY HAND AND SEAL THIS THE 8TH DAY OF NOVEMBER, 1990.



A handwritten signature in cursive script that reads "Herman Crichton".

Herman Crichton, R.P.L.S. #4046

"EXHIBIT A"

**CRICHTON & ASSOCIATES**  
**LAND SURVEYORS**  
**1406 THREE POINTS ROAD**  
**PFLUGERVILLE, TEXAS 78660**  
**512-251-4105**

**FIELD NOTES**

**FIELD NOTES FOR 11,200 SQUARE FEET  
OUT OF LOT 1 OF THE HOWARD ADDITION  
TWO, A SUBDIVISION RECORDED IN BOOK  
84 PG. 78D OF THE TRAVIS COUNTY,  
TEXAS PLAT RECORDS. SAID TRACT  
BEING MORE PARTICULARLY DESCRIBED  
BY METES AND BOUNDS AS FOLLOWS:**

**COMMENCING** at the Southwest corner of said Lot 1, said point  
also being on the North R.O.W. of Jollyville Road.

**THENCE** S 77 deg. 05' 19" E through the interior of said Lot  
1, 197.50 feet to the Southwest corner of an existing building for  
the Southwest corner of this tract and the **POINT OF BEGINNING**.

**THENCE** through the interior of said Lot 1 with said building  
the following four (4) courses:

- 1) N 30 deg. 35' E, 140.00 feet to a point for the Northwest  
corner of this tract.
- 2) S 59 deg. 15' E, 80.00 feet to a point for the Northeast  
corner of this tract.
- 3) S 30 deg. 35' W, 140.00 feet to a point for the Southeast  
corner of this tract.
- 4) N 59 deg. 15' W, 80.00 feet to the **POINT OF BEGINNING** and  
containing 11,200 square feet more or less.

**SAVE AND EXCEPT A 2200 SQUARE FOOT  
TRACT OUT OF OUT OF LOT 1 OF THE  
HOWARD ADDITION TWO, A SUBDIVISION  
RECORDED IN BOOK 84 PG. 78D OF THE  
TRAVIS COUNTY, TEXAS PLAT RECORDS.  
SAID TRACT BEING A PORTION OF THE  
THE ABOVE DESCRIBED 11,200 SQUARE  
FOOT TRACT. BEING MORE PARTICULARLY  
DESCRIBED BY METES AND BOUNDS AS  
FOLLOWS:**

**COMMENCING** at the Southwest corner of said Lot 1, said point  
also being on the North R.O.W. of Jollyville Road.

THENCE S 77 deg. 05' 19" E through the interior of said Lot 1, 197.50 feet to the Southwest corner of an existing building

THENCE N 30 deg. 45' E with the west line of said building, 83.00 feet to the Southwest corner of this tract and the POINT OF BEGINNING.

THENCE N 30 deg. 45' E with the west line of said building, 27.5 feet to the Northwest corner of this tract.

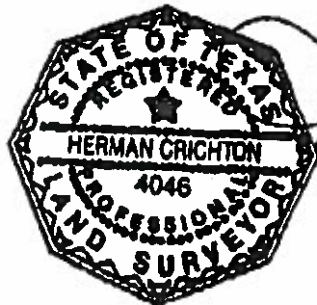
THENCE S 59 deg. 15' E, through the interior of said building, 80.00 feet to the East side of said building for the Northeast corner of this tract.

THENCE S 30 deg. 45' W with the East line of said building, 27.50 feet for the Southeast corner of this tract.

THENCE N 59 deg. 15' W through the interior of said building, 80.00 feet to the POINT OF BEGINNING and containing 2200 square feet more or less for a net area of 9000 square feet.

I hereby certify that the foregoing field notes were prepared from a survey on the ground, under my supervision and are true and correct to the best of my knowledge and belief.

WITNESS MY HAND AND SEAL THIS THE 8TH DAY OF NOVEMBER, 1990.



*Herman Crichton*  
Herman Crichton, R.P.L.S. #4046



**CRICHTON & ASSOCIATES**  
LAND SURVEYORS  
1406 THREE POINTS ROAD  
PFLUGERVILLE, TEXAS 78660  
512-251-4105

**FIELD NOTES**

**FIELD NOTES FOR 18420 SQUARE FEET  
OUT OF LOT 1 OF THE HOWARD ADDITION  
TWO, A SUBDIVISION RECORDED IN BOOK  
84 PG. 78D OF THE TRAVIS COUNTY,  
TEXAS PLAT RECORDS. SAID TRACT  
BEING MORE PARTICULARLY DESCRIBED  
BY METES AND BOUNDS AS FOLLOWS:**

**COMMENCING** at the Southwest corner of said Lot 1, said point also being on the North R.O.W. of Jollyville Road.

**THENCEN** 10 deg. 44' 51" E through the interior of said Lot 1, 89.05 feet to the Southeast corner of an existing building for the Southeast corner of this tract and the **POINT OF BEGINNING**.

**THENCE** with the face of said building in the interior of said Lot 1 the following six (6) courses:

- 1) N 46 deg. 38' W, 175.00 feet to a point for the Southwest corner of this tract.
- 2) N 43 deg. 22' E, 60.00 feet to a point for the most Westerly Northwest corner of this tract.
- 3) S 46 deg. 38' E, 109.00 feet to a point for an interior ell corner of this tract.
- 4) N 43 deg. 22' E, 120.00 feet to a point for the most Northerly Northwest corner of this tract.
- 5) S 46 deg. 38' E, 86.00 feet to a point for the Northeast corner of this tract.
- 6) S 43 deg. 22' W, 180.00 feet to the **POINT OF BEGINNING** and containing 18,420 square feet more or less.

I hereby certify that the foregoing field notes were prepared from a survey on the ground, under my supervision and are true and correct to the best of my knowledge and belief.

WITNESS MY HAND AND SEAL THIS THE 8TH DAY OF NOVEMBER, 1990.



  
Herman Crichton, R.P.L.S. #4046

"EXHIBIT C"



**Austin American-Statesman**

City Clerk

## AFFIDAVIT OF PUBLICATION

THE STATE OF TEXAS  
COUNTY OF TRAVIS

Before me, the undersigned authority, a Notary Public in and for the County of Travis, State of Texas, on this day personally appeared:

Lillie Petty

Classified Advertising Agent of the Austin American-Statesman, a daily newspaper published in said County and State, who being duly sworn by me, states that the attached advertisement was published in said newspaper on the following dates, to wit:

March 20th, 1991

and that the attached is a true copy of said advertisement.

Lillie Petty

SWORN AND SUBSCRIBED TO BEFORE ME, this the 20th

Day of March A.D. 1991.

Jill Wallace

Notary Public in and for  
TRAVIS COUNTY, TEXAS

Jill Wallace  
(Type or Print Name of Notary)

9/26/94  
(My Commission Expires:)



ORDINANCE NO. 960180-M  
 AN ORDINANCE CREATING A RE-  
 ZONING AND CHANGING THE ZON-  
 ING MAP ACCOMPANYING CHAPTER  
 13-2 OF THE AUSTIN CITY CODE OF  
 1981 AS FOLLOWS:  
 TRACT 1. 9,600 SQUARE FOOT  
 TRACT OF LAND OUT OF LOT 1,  
 HOWARD ADDITION TWO SUBDI-  
 VISION FROM "LO" LIMITED OFFICE  
 DISTRICT AND "SR-CO" COMMUNE-  
 TY COMMERCIAL DISTRICT CONDI-  
 TIONAL OVERLAY COMMUNIS-  
 TICAL DISTRICT TO "SR-CO" COMMUNE-  
 TY COMMERCIAL DISTRICT CONDI-  
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 TRACT 2. 11,200 SQUARE FOOT  
 TRACT OF LAND OUT OF LOT 1,  
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 VISION SAYS AND EXCEPT A 2,500  
 SQUARE FOOT TRACT OF LAND  
 FROM "LO" LIMITED OFFICE DISTRICT  
 "SR" COMMUNITY COMMERCIAL  
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 TY COMMERCIAL DISTRICT CONDI-  
 TIONAL OVERLAY COMMUNIS-  
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 TY COMMERCIAL DISTRICT CONDI-  
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 TICAL DISTRICT AND  
 TRACT 3. 16,700 SQUARE FOOT  
 TRACT OF LAND OUT OF LOT 1,  
 HOWARD ADDITION TWO SUBDI-  
 VISION FROM "LO" LIMITED OFFICE  
 DISTRICT AND "SR" COMMUNE-  
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 TIONAL OVERLAY COMMUNIS-  
 TICAL DISTRICT  
 LOCALLY KNOWN AS 1201 RE-  
 SEARCH BOULEVARD IN THE CITY OF  
 AUSTIN, TRAVIS COUNTY, TEXAS  
 WAIVING THE RULE REQUIRING THE  
 READING OF ORDINANCES ON THREE  
 SEPARATE DAYS AND PROVIDING  
 AN EFFECTIVE DATE  
 MAY 1996, LEO COOKS, ALDERMAN, TEXAS

ORDINANCE NO. 910110-M  
AN ORDINANCE ORDERING A RE-  
ZONING AND CHANGING THE ZON-  
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TRACT 1: 9,600 SQUARE FOOT  
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VISION FROM "LO" LIMITED OFFICE  
DISTRICT AND "GR" COMMUNITY  
COMMERCIAL DISTRICT TO "GR-CO"  
COMMUNITY COMMERCIAL DIST-  
RICT-CONDITIOAL OVERLAY  
COMBINING DISTRICT,  
LOCALLY KNOWN AS 12636 RE-  
SEARCH BOULEVARD, IN THE CITY OF  
AUSTIN, TRAVIS COUNTY, TEXAS;  
WAIVING THE RULE REQUIRING THE  
READING OF ORDINANCES ON THREE  
SEPARATE DAYS; AND PROVIDING  
AN EFFECTIVE DATE.  
Mayor Lee Cooks, Austin, Texas

**ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2016-0036 (Abhyas Kendra 1 Inc.  
Best Brains Franchise – Tutoring Center)

**Z.A.P. DATE:** June 21, 2016

**ADDRESS:** 12636 Research Boulevard South Bound, Building C, Suite C-108

**DISTRICT AREA:** 10

**OWNER:** Hsu Realty Company, Inc. (Chi-Kao Hsu)

**AGENT:** Abhyas Kendra 1 Inc. (Venkataramana Gudipalli)

**ZONING FROM:** LO

**TO:** LR

**AREA:** 0.0307 acres (1,338 sq. ft.)

**SUMMARY STAFF RECOMMENDATION:**

The staff's recommendation is to grant the applicant's request for LR, Neighborhood Commercial District, zoning.

**ZONING AND PLATTING COMMISSION RECOMMENDATION:**

6/21/16: Approved staff's recommendation for LR zoning by consent (11-0); A. Denkler-1<sup>st</sup>,  
G. Rojas-2<sup>nd</sup>.

**DEPARTMENT COMMENTS:**

The property in question is currently a suite in a commercial shopping center, which fronts U.S. Highway 183 North. The applicant is requesting LR zoning because they would like to develop a tutoring center (Personal Improvement Services use) within the existing retail center.

The staff is recommending the applicant's request for a footprint of LR zoning because the property in question meets the intent of the Neighborhood Commercial district. This tract of land fronts onto a major arterial roadway, Research Boulevard (U.S. Highway 183) and has access to Jollyville Road and the south bound service road for U.S. Highway 183. The proposed rezoning will be compatible with surrounding land uses as there are office, retail and restaurant uses to the north, south, east and west of the site. The LR district would allow the applicant to utilize a vacant suite within an existing shopping center structure to allow for additional commercial services on the site. More intensive zoning is appropriate for a retail center located on a major retail highway within an area of concentrated commercial and retail development.

The applicant agrees with the staff's recommendation.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	LO	Vacant Suite within Existing Retail Center (North Brooke Shopping Center)
<i>North</i>	LO	North Brooke Shopping Center: Black Swan Yoga Studio, Apartment Locating Office
<i>South</i>	LO, GR-CO	North Brooke Shopping Center: Kung Fu & Self Defense Studio, Irish Dance, Sagiang Restaurant
<i>East</i>	GR, LO, GR-CO	North Brooke Shopping Center: Quick Print, BB Rovers Café & Pub
<i>West</i>	LO	Office Building

**AREA STUDY:** N/A**TIA:** Not Required**WATERSHED:** Walnut Creek**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** N/A**HILL COUNTRY ROADWAY:** N/A**NEIGHBORHOOD ORGANIZATIONS:**

Austin Heritage Tree Foundation  
 Austin Northwest Association  
 Bike Austin  
 Bull Creek Foundation  
 Friends of Austin Neighborhoods  
 Homeless Neighborhood Association  
 Laurel Oaks Neighborhood Association  
 Long Canyon Homeowners Association  
 North Oaks Neighborhood Association  
 Northwest Austin Coalition  
 SELTEXAS  
 Sierra Club, Austin Regional Group

**CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>CITY COUNCIL</b>
C14-2010-0176 (12636 Research Boulevard, Building C, Unit 109)	GR-CO to CS-1	12/07/10: Approved staff's rec. of CS-1 zoning on consent (5-0, Seeger, Tiemann-absent); Baldrige-1 <sup>st</sup> , Bourgeois-2 <sup>nd</sup> .	1/13/11: Approved CS-1 zoning on consent on all 3 readings (7-0); Spelman-1 <sup>st</sup> , Morrison-2 <sup>nd</sup> .
C14-05-0060	GR-CO to CS-1-CO	6/21/05: Postponed indefinitely at the applicant's request (8-0, K. Jackson-absent); J. Martinez-1 <sup>st</sup> , J. Gohil-2 <sup>nd</sup> .  12/21/05: Case expired.	N/A

C14-99-0099	SF-3 to LI	6/29/99: Approved staff's alternate rec. of LI-CO, w/ 2,000 vtpd limit, by consent (8-0)	7/29/99: Approved PC rec. of LI-CO (6-0); all 3 readings
C14-98-0143	GR to CS-1	11/17/98: Approved LO (TR1) and CS-1-CO (TR2), prohibit Adult Oriented uses and limit development to 2,000 vtpd, by consent (9-0)	1/7/99: Approved PC rec. of LO (TR1) and CS-1-CO (TR2) w/conditions (7-0); 1 <sup>st</sup> reading  4/8/99: Approved retaining LO (TR1) and CS-CO on (TR2); (6-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings
C14-96-0144	I-SF-2 to CS	1/28/97: Approved staff alternate rec. of GR-CO, w/ 2,000 vtpd limit (7-0)	2/27/97: Approved PC rec. of GR-CO (7-0); 1 <sup>st</sup> reading  4/10/97: Approved GR-CO (7-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings
C14-94-0045	LO to CS-CO	6/7/94: CS not recommended (5-0)	7/14/94: Postponed for 6 months to January 1995 by applicant (7-0) 3/31/05: Case expired
C14-93-0053	SF-2 to GR	5/18/93: Approved GR (7-0)	5/20/93: Approved GR (7-0); all 3 readings
C14-92-0105	LO to LR	11/10/92: Approved LR-CO; prohibiting Consumer Repair Services, Consumer Convenience Services, Food Sales, General Retail Sales (Convenience), Off-site accessory parking, Personal Services, Pet Services, Restaurant (Limited), Service Station, College and University Facilities, and Guidance Services	12/3/93: Approved LR-CO on all 3 readings
C14-92-0045	SF-2 to GR-MU	7/7/92: Approved GR-MU	7/9/92: Approved GR-MU on all 3 readings
C14-90-0076	LO, GR, GR-CO	12/18/90: Approved GR-CO, permit all LR uses and Medical Offices, Restaurant (General), General Retail Sales (General), Communication Services, Personal Improvement Services, Business Support Services, and Business or Trade School, by consent (5-0)	1/10/91: Approved GR-CO (7-0); all 3 readings
C14-90-0058	GR to LI	11/6/90: Approved LI, subject to 150' of ROW reservation and condition that no vehicular access to the subject property shall be permitted from the adjacent residential zoned property, (5-0)	12/6/90: Approved LI-CO (6-0); 1 <sup>st</sup> reading  10/1/92: Approved LI-CO (5-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings

C14R-86-230	LO to GR	11/25/86: Approved GR for a 4500 square foot building footprint for restaurant use only (8-0)	12/4/86: Approved GR on all 3 readings  2/26/87: Approved amending ordinance #861204-WW to correct address/legal description
C14R-86-136	LO, CS-1 to CS-1, GR	6/24/86: Approved CS-1 (TR1) and GR (TR2); (7-0)	6/26/86: Approved GR and CS-1 (7-0); 1 <sup>st</sup> reading  2/19/87: Approved CS-1 and GR (7-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings

**RELATED CASES:** C14-90-0076 (Previous Zoning Case)

**ABUTTING STREETS:**

NAME	ROW	PAVEMENT	CLASSIFICATION
Research Boulevard (US Hwy 183)	Varies	Varies	Major Arterial
Jollyville Road	110'	60'	Arterial

**CITY COUNCIL DATE:** August 11, 2016

**ACTION:** The public hearing was conducted and a motion to close the public hearing and approve Ordinance 20160811-054 for neighborhood commercial (LR) district zoning was approved on consent on Mayor Pro Tem Tovo's motion, Council Member Pool's second on an 11-0 vote.

**ORDINANCE READINGS:** 1<sup>st</sup> 8/11/16

2<sup>nd</sup> 8/11/16

3<sup>rd</sup> 8/11/16

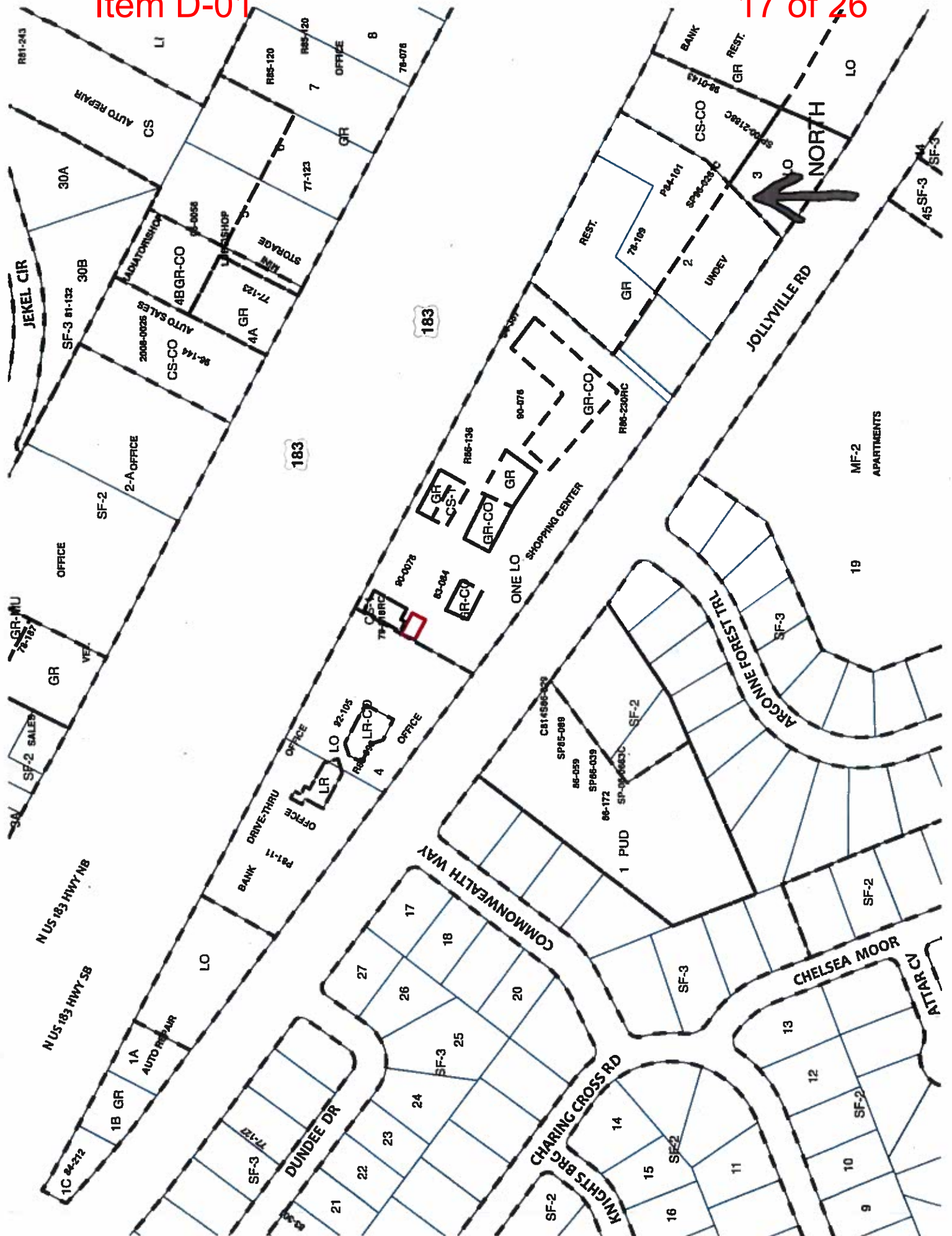
**ORDINANCE NUMBER:** 20160811-054

**CASE MANAGER:** Sherri Sirwaitis

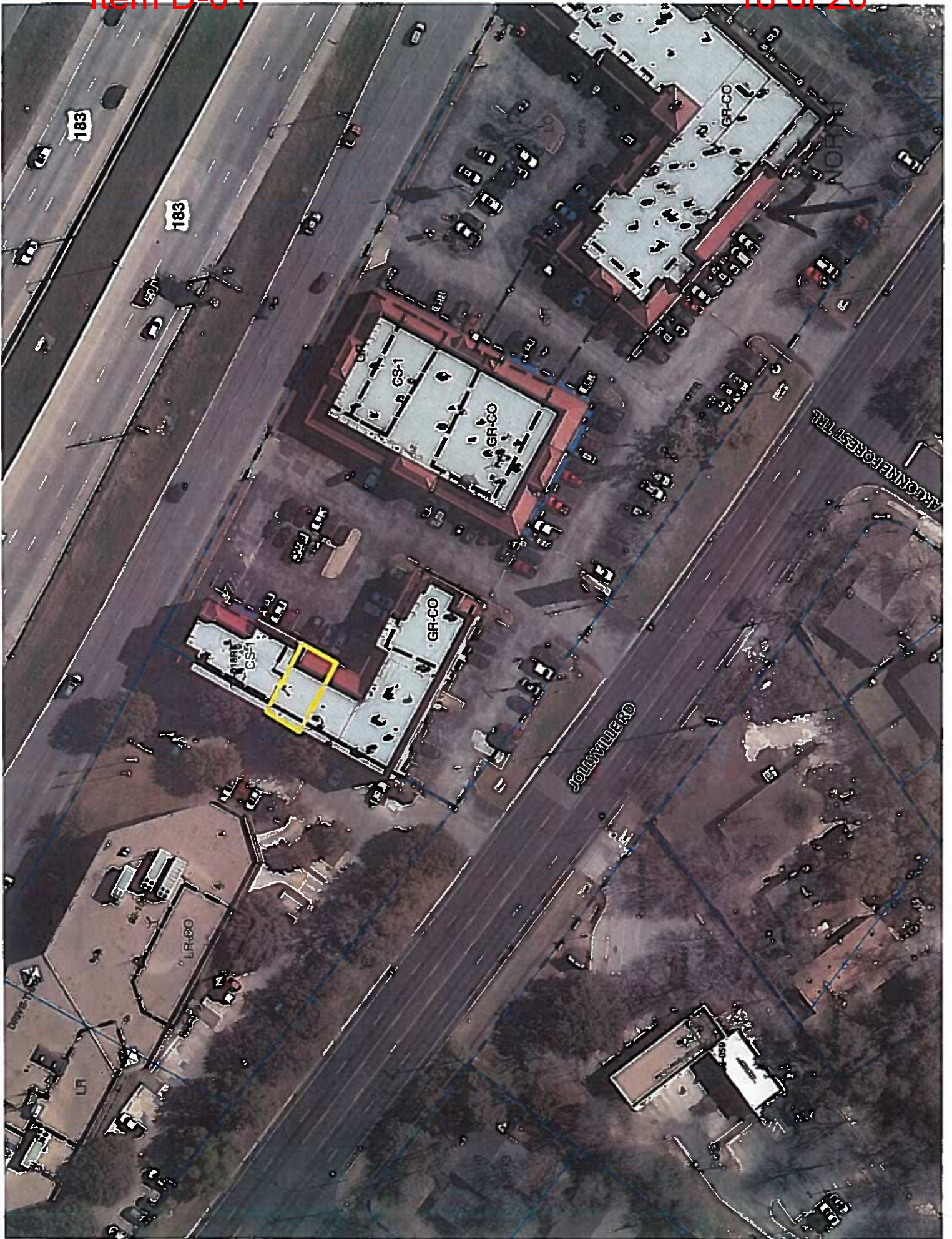
**PHONE:** 512-974-3057,  
[sherri.sirwaitis@austintexas.gov](mailto:sherri.sirwaitis@austintexas.gov)













**STAFF RECOMMENDATION**

The staff's recommendation is to grant the applicant's request for LR, Neighborhood Commercial District, zoning.

**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.

This tract of land is located with a retail center that takes access to two arterial roadways, U.S. Highway 183 North and Jollyville Road.

2. *Zoning changes should promote an orderly and compatible relationship among land uses.*

The proposed rezoning will be compatible with surrounding land uses because there are office, commercial, retail and restaurant uses to the south, east and west of the site.

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

The proposed re-zoning to the LR district would allow the applicant to utilize a vacant suite within an existing retail shopping center to develop low intensity commercial services on the site.

**EXISTING CONDITIONS****Site Characteristics**

The site under consideration is a vacant suite in an existing retail center (North Brooke Shopping Center) fronting U.S. Highway 183 North. The retail center currently contains several personal services uses: a spa (US Spa), Massage Therapy, a dog groomer (Clean Puppy); personal improvement services uses: Irish Dance, Black Swan Yoga studio, Kung Fu & Self Defense, karate studio (White Rock Karate Dojo); restaurant uses: (Dimassi's Mediterranean Buffet, Mongolian Grill, Sagiang Vietnamese Restaurant, BB Rovers Café & Pub, and a Wing Street/Pizza Hut); a liquor store (Oak Liquor Cabinet); a printing business (Quick Print); a retail use (A. A. Gift Shop), an insurance office; and a religious assembly use (The Abiding Glory Tabernacle).

**Comprehensive Planning**

This zoning case is located on the south side of Research Blvd., on a .024 acre portion of a much larger 3.57 acre parcel, which currently contains a variety of restaurants and retail shops in a shopping plaza. The property is not located within the boundaries of a neighborhood planning area. Surrounding land uses includes Hwy 183 to the north; residential uses to the south (off of Jollyville Road); and retail/commercial uses to the east and west. The proposed use is a tutor center.

### **Imagine Austin**

While this property is located along an **Activity Corridor** and just outside the boundaries of a **Neighborhood Center** as identified on the Imagine Austin Growth Concept Map, both which support a variety of commercial uses and personal services, the comparative scale of the site relative to nearby commercial uses along Research Boulevard falls below the scope of Imagine Austin, which is broad in scope, and consequently the plan is neutral on the proposed rezoning.

### **Environmental**

The site is located over the Edwards Aquifer Recharge Zone. The site is in the Walnut 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.

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.

At this time, no information has been provided as to whether this property has any preexisting approvals that 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 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%

Note: The most restrictive impervious cover limit applies.

**Site Plan**

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

**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**

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

A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day [LDC, 25-6-113].

There are no existing sidewalks along Jollyville Road or US 183.

According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, bicycle facilities are existing and/or proposed along the adjoining streets as follows:

Street Name	Existing Bicycle	Proposed Bicycle
Jollyville Road	Bike Lane	Bike Lane
US 183	None	None

Capital Metro bus service (route no. 383) is available along US 183.

**Existing Street Characteristics:**

Name	ROW	Pavement	Classification	Daily Traffic
Jollyville Road	100'	58'	Arterial (MAD4)	Not Available
US 183	330'	Varies	Freeway (FWY6)	173,000 (TXDOT, 2009)

**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 and suitability for operation and maintenance. Depending on the development plans submitted, water and or wastewater service extension requests may be required. 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.

**ORDINANCE NO. 20160811-054**

**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 12636 RESEARCH BOULEVARD SOUTH BOUND, BUILDING C, SUITE C-108 FROM LIMITED OFFICE (LO) DISTRICT TO NEIGHBORHOOD COMMERCIAL (LR) 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 limited office (LO) district to neighborhood commercial (LR) district on the property described in Zoning Case No. C14-2016-0036, on file at the Planning and Zoning Department, as follows:

1,388 square feet of land, more or less, out of and a portion of the James D. Goode Survey, Number 30, in Travis County, Texas and being out of and a portion of Lot 1 of "Howard Addition Two" a subdivision recorded in Book 84, Page 78D of the Plat Records of Travis County, Texas, said 1,338 square feet of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance (the "Property"),

locally known as 12636 Research Boulevard South Bound, Building C, Suite C-108 in the City of Austin, Travis County, Texas, generally identified in the map attached as Exhibit "B".



**PART 2.** This ordinance takes effect on August 22, 2016.

**PASSED AND APPROVED**

\_\_\_\_\_  
August 11, 2016

§  
§  
§

\_\_\_\_\_  
Steve Adler  
Mayor

**APPROVED:**

\_\_\_\_\_  
Anne L. Morgan  
City Attorney

**ATTEST:**

\_\_\_\_\_  
Jannette S. Goodall  
City Clerk

**FIELD NOTES – REZONING UNIT C-108  
12636 RESEARCH BOULEVARD**

**BEING 1338 SQUARE FEET OF LAND, MORE OR LESS, OUT OF AND A PORTION OF THE JAMES D. GOODE SURVEY, NUMBER 30, IN TRAVIS COUNTY, TEXAS AND BEING OUT OF AND A PORTION OF LOT 1 OF "HOWARD ADDITION TWO" A SUBDIVISION RECORDED IN BOOK 84, PAGE 78D OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, SAID 1338 SQUARE FEET OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**COMMENCING** for reference at a 1/2" iron rod found on the existing southerly right-of-way line (ROW Varies) of U.S. Highway No. 183, said point being the west corner of that certain 0.904 of an acre tract of land out of and a portion of said Lot 1 conveyed to the State of Texas in a condemnation proceeding as recorded in Volume 11979, Page 62 of the Real property Records of Travis County, Texas, said point also being the north corner of the remainder of said Lot 1, and being the east corner of the remainder of Lot 4 of the "Anthony Udjur Addition" as recorded in Book 86, Page 76A of the Plat Records of Travis County, Texas, from this point a nail found for the west corner of said Lot 1, same being the south corner of said Lot 4 and being on the northerly right-of-way line of Jollyville Road (100' ROW) bears S 30° 45' 00" W a distance of 223.21 feet; and from this point a 1/2" iron rod found for the east corner of the remainder of said Lot 1 bears S 59° 09' 19" E, along said right-of-way line a distance of 617.62 feet;


**THENCE** S 30° 45' 00" W (Basis of Bearings), along the common dividing line between said Lots 1 and 4, a distance of 82.22 feet to a calculated point;

**THENCE** S 59° 15' 00" E, through said Lot 1, a distance of 0.92 feet to a calculated point for the north corner of and **THE TRUE POINT OF BEGINNING** for this rezoning tract of land;

**THENCE** continuing through said Lot 1 the following four (4) courses and distances to a calculated point at the terminus of each course:

- 1) S 59° 12' 55" E 49.56 feet, the east corner of this tract of land
- 2) S 30° 47' 05" W 27.00 feet, the south corner of this tract of land
- 3) S 59° 12' 55" E 49.56 feet, the west corner of this tract of land, and
- 4) N 30° 47' 05" E 27.00 feet to **THE POINT OF BEGINNING** and containing 1338 square feet of land, more or less, in this rezoning tract of land.

This metes and bounds description is to accompany a survey map of same date.

  
**ROGER L. WAY**  
 R.P.L.S. No. 3910  
 JOB No. 02B24716-C-108



2/26/16  
 Date



**ALL POINTS SURVEYING**  
 1714 Forview Road, Suite 200, Austin, TX 78704  
 Telephone: (512) 440-0071 Fax: (512) 440-0199

**Exhibit A**

SCALE: 1"=40'

**PROPOSED RE-ZONING SKETCH****12636 RESEARCH BOULEVARD**  
(AKA U.S. HIGHWAY 183 - R.O.W. VAIRES)  
STATE OF TEXAS - VOL 11979, PG. 62POINT OF  
COMMENCEMENT

REMAINDER OF 75' BL., PLAT

S 59°09'19"E 617.62'

**LEGEND**

○	CONCRETE MONUMENT
●	IRON ROD FND.
▲	NAIL FND.
BL	BUILDING LINE
D.E.	DRAINAGE EASEMENT
P.U.E.	PUBLIC UTILITY EASEMENT
WWE	WASTEWATER EASEMENT

BUILDING C

LOT 1 LESS 0.904 ACRE  
HOWARD ADDITION NO. 212636 RESEARCH LTD.  
DOC.# 2002146829POINT OF  
BEGINNINGS 59°12'55"E  
49.56'

SUITE C-108

N 59°12'55"W  
49.56'AREA OF PROPOSED  
PROPOSED REZONING  
1,338 SQ.FT.BRIARCROFT TX  
INVESTMENTS, LP  
DOC # 2013105378LOT 4  
ANTHONY UJDUR ADDN.  
BK. 83, PG. 78A-78BN 30°45'00"E 223.21'  
S 30°47'05"W 27.00'S 30°47'05"W  
27.00'

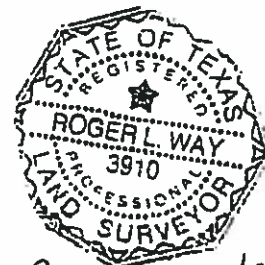
10' P.U.E., PLAT

25' BL., PLAT

10' P.U.E., PLAT

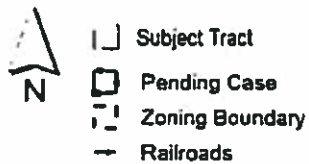
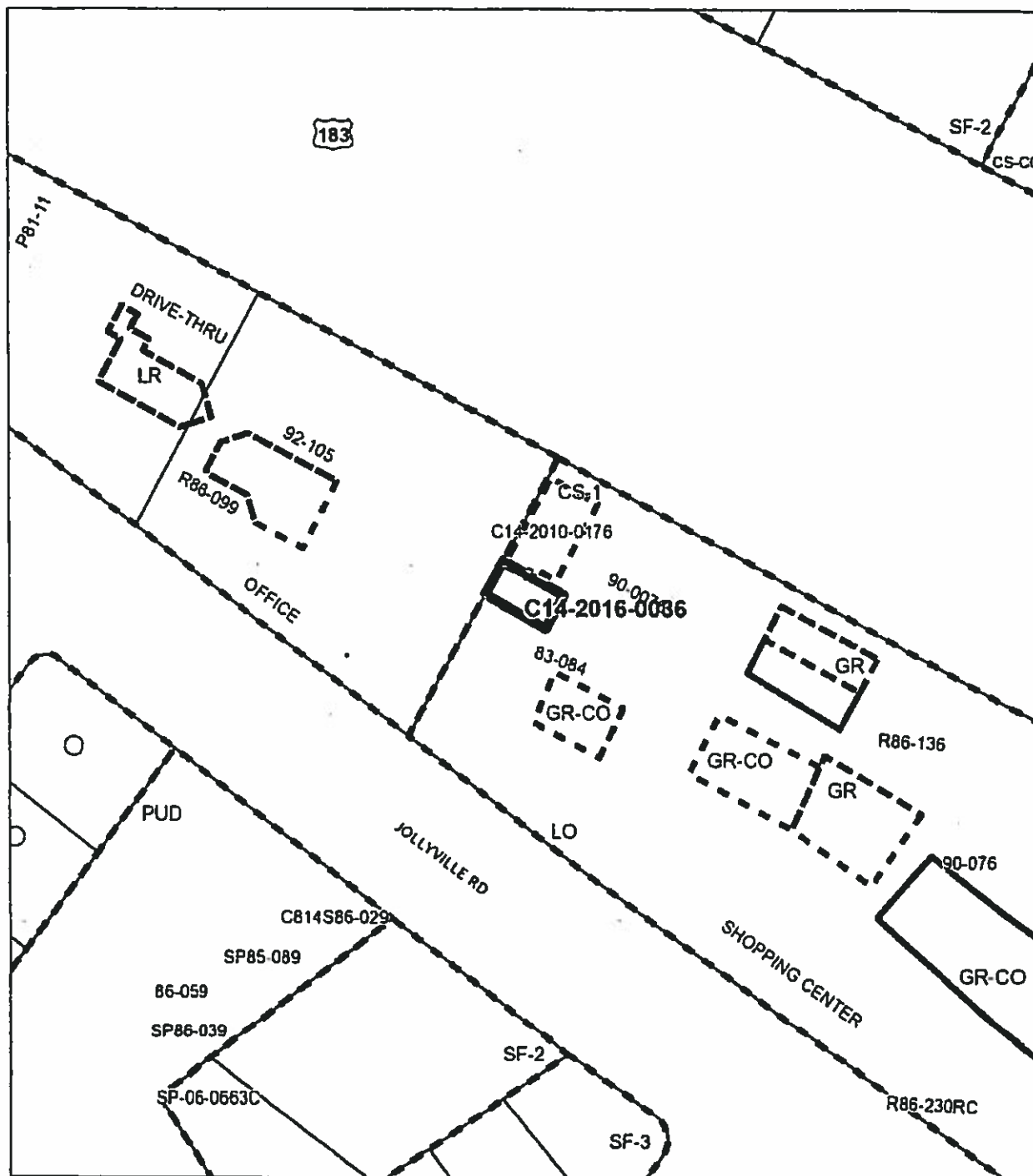
N 50°14'42"W 162.12'

N 51°30'32"W 122.69'

**LINE TABLE**①  
L-S 30°45'00"W 82.22'②  
L-S 59°16'00"E 0.92'**JOLLYVILLE ROAD**  
(AKA OLD HIGHWAY 183 - 100' R.O.W.)**ALL POINTS SURVEYING**1714 FORTVIEW ROAD - SUITE 200  
AUSTIN TX. 78704TELE.: (512) 440-0071 - FAX: (512) 440-0189  
FIRM REGISTRATION # 10118900

Roger L. Way

Date: 02-26-16  
Job No. 02824716



50 100 Feet

1" = 100'

### ZONING

ZONING CASE#: C14-2016-0036

### Exhibit B



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.

Created 05/25/16