SECOND AND THIRD READING SUMMARY SHEET

ZONING CASE NUMBER: C14-2019-0088 – Dessau Retail Center

DISTRICT: 1

REQUEST: Approve second and third readings of an ordinance amending City Code Title 25 by rezoning property locally known as 11800 Dessau Road (Walnut Creek Watershed). Applicant Request: To rezone from community commercial services-conditional overlay (GR-CO) combining district zoning to community commercial services-conditional overlay (GR-CO) combining district zoning. First reading approved on September 19, 2019. Vote: 11-0. Owner/Applicant: Mita Enterprises (Rahim Marediya). Agent: South Llano Strategies (Josiah Stevenson). City Staff: Heather Chaffin, 512-974-2122.

DEPARTMENT COMMENTS: No conditions were added.

OWNER/APPLICANT: Mita Enterprises (Rahim Marediya)

AGENT: South Llano Strategies (Josiah Stevenson)

DATE OF FIRST READING: First reading approved on September 19, 2019.

CITY COUNCIL HEARING DATES/ACTION:
October 3, 2019:
September 19, 2019: To grant GR-CO as recommended by Staff, (11-0) [Harper-Madison- 1st, Casar- 2nd]

CITY COUNCIL ACTION:

ORDINANCE NUMBER:

ASSIGNED STAFF: Heather Chaffin
e-mail: heather.chaffin@austintexas.gov

ZONING CHANGE REVIEW SHEET

CASE: C14-2019-0088 - Dessau Retail Center Z.A.P. DATE: August 6, 2019

ADDRESS: 11800 Dessau Road AREA: 6.8 acres

DISTRICT AREA: 1

OWNER/APPLICANT: Mita Enterprises (Rahim Marediya)

AGENT: South Llano Strategies (Josiah Stevenson)

REZONING FROM: GR-CO TO: GR

SUMMARY STAFF RECOMMENDATION:

Staff does not support the Applicant's request for zoning from GR-CO to GR. Staff recommends GR-CO to modify the list of land uses prohibited on the property. Staff recommends retaining the following conditions:

1. Drive-in service use is prohibited as an accessory use to a restaurant (limited) use and a restaurant (general) use.

2. Development on the Property shall not exceed 70 percent impervious cover.

3. The following uses are prohibited uses of the Property: Automotive rentals, Automotive repair services, Automotive sales, Automotive washing (of any type), Bail bond services, Commercial off-street parking, Drop-off recycling collection facility, Exterminating services, Funeral services, General retail sales (general), Pawn shop services, Hospital services (general), Outdoor entertainment, and Outdoor sports and recreation.

For a summary of the basis of staff's recommendation, see case manager comments on page 2.

ZONING & PLATTING COMMISSION RECOMMENDATION:

August 6, 2019: *To grant Staff recommendation, on consent. (10-0) [Smith- 1st, Goff- 2nd; Evans- Absent]*

CITY COUNCIL ACTION:

September 19, 2019:

ORDINANCE NUMBER:

CASE MANAGER: Heather Chaffin PHONE: 512-974-2122
e-mail: heather.chaffin@austintexas.gov

ISSUES:

The subject property is currently developed with a small commercial strip center and other commercial uses. The Applicant proposes removing all of the existing conditional overlays (COs) to allow a wider variety of tenants move into the center. If Staff recommendation is granted, the following uses would change from prohibited to permitted: Business or trade school, Business support services, Communication services, Food preparation, Hotel-motel, Indoor sports and recreation, Community recreation (public), Group home, Class II, Hospital services (limited), Medical offices (exceeding 5000 sq. ft.of gross floor area), Research services, Indoor entertainment, Community recreation (private), Congregate living, Residential treatment, Personal improvement services, and Theater. If the Applicant's request is granted, these uses would be permitted and the Staff's list of conditions (drive-through, impervious cover, prohibited uses) would not be applied.

The Applicant has decided to accept the conditions recommended by Staff.

CASE MANAGER COMMENTS:

The subject property is located at the northeast corner of Dessau Road and Shropshire Boulevard. The property is zoned GR-CO and is developed with a small commercial strip center and a gas station/food mart. The shopping center currently includes a laundromat, dry cleaner, beauty salon, dental office and unleased space. The property has vehicular access to both Dessau Road and Shropshire Boulevard. Immediately to the north is a portion of the Walnut Creek Greenbelt that is zoned DR. Further north is a residential neighborhood zoned SF-2. Immediately east of the property is a multifamily development with MF-3-CO zoning. Across Dessau Road to the south is a residential neighborhood that is part of the Pioneer Crossing PUD. Across Shropshire Boulevard to the west is property zoned LR-CO developed with a grocery store, as well as another portion of the greenbelt that is zoned DR. ***(Please see Exhibits A and B- Zoning Map and Aerial Exhibit)***.

The property was zoned in 2005-2006. The Applicant requested GR zoning and Staff recommended LR zoning. Zoning and Platting Commission and City Council approved GR-CO. The conditional overlay prohibits drive-through as an accessory to restaurant uses, sets a maximum impervious cover, and prohibits 30 land uses. The Applicant now is requesting to remove all of these conditions. ***(Please see Exhibit C- Zoning Ordinance).***

Staff recommends GR-CO zoning, keeping the drive-through and impervious cover conditions, as well as preserving 14 of the 30 prohibited land uses. This would prohibit more intense land uses like automotive repair and allow less intense uses like indoor entertainment. This will allow the property owner to lease space to a variety of uses that are suitable for the location. The rezoning tract is located at the main entrance of a large SF-2 zoned neighborhood where intense uses are not appropriate. The only GR-zoned properties in the area are not nearby and are located at the major intersection of Dessau Road and Yager Lane, approximately 0.7 miles away. The LR-CO property to the south across Shropshire was zoned concurrently with this property in 2005-2006 with conditions related to impervious cover and driveway location. No land uses that are permitted in LR were prohibited. The Staff recommendation for the subject property will be consistent with the nearby LR-CO property and will permit land uses suitable for the entrance to a single family neighborhood.

BASIS OF RECOMMENDATION:

1. *Zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character.*

A public greenbelt provides a transition between the commercial site and the residential area to the north. The recommended rezoning will allow more land uses but not intensive uses that may impact the neighborhood.

2. Zoning should allow for reasonable use of the property.
Staff recommendation allows for more land uses than currently permitted. This allows greater flexibility in finding tenants and can provide additional services to the area.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	GR-CO	Gas station, Food sales, Personal services, Medical services
North	DR, SF-2	Greenbelt, Single family residential
South	PUD	Single family residential
East	MF-3-CO	Multifamily residential
West	LR-CO, DR	Grocery store, Greenbelt

RELATED CASES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-05-0176 Shropshire Dessau Retail Tract 1	DR to GR	04/18/06: To grant GR-CO (conditions listed in attached ordinance)	05/18/06: Approve GR-CO as rec. by ZAP, 1st rdg only; 08/09/06: Approve 2/3 rdgs

WATERSHED: Walnut Creek (Suburban) TIA: N/A

NEIGHBORHOOD ORGANIZATIONS:

Homeless Neighborhood Association
Friends of Austin Neighborhoods
Sierra Club
Neighborhood Empowerment Foundation
Friends of Copperfield Nature Trails
Pioneer West Homeowners Association Inc.
Harris Branch Master Association, Inc.
Copperfield Neighborhood Organization
SEL Texas
Bike Austin
Austin Neighborhoods Council
North Growth Corridor Alliance
Yager Planning Area
Pioneer Crossing West HOA
AISD
Pflugerville ISD

EXISTING STREET CHARACTERISTICS:

Name	**ROW**	**Pavement**	**Classification**	**Sidewalks**	**Bicycle Route**	**Capital Metro (within ¼ mile)**
Dessau Road	160’	91’	ASMP Level 4	Yes	Yes	Yes
Shropshire Blvd.	80’	44’	ASMP Level 2	Yes	Yes	Yes

OTHER STAFF COMMENTS

Comprehensive Planning

Connectivity- There are public sidewalks located along both side of Dessau Road and Shropshire Boulevard. A public transit stop is located within 200 feet, going north on Shropshire Boulevard. There is also an extensive nature trail located to the north. The Walkscore for this area is 40/100, Car-Dependent, meaning most errands require a car. While the Walkscore is low for this area, it does not appear to acknowledge the mobility (transit, walking trail, and public sidewalks) and connectivity (park and grocery store) options in the area.

Imagine Austin- The Imagine Austin Growth Concept Map identifies this project as being located along an Activity Corridor (Dessau Road). Activity Corridors are intended to allow people to reside, work, shop, access services, people watch, recreate, and hang out without traveling far distances. They are characterized by a variety of activities and types of buildings located along the roadway — shopping, restaurants and cafés, parks, schools, single-family houses, apartments, public buildings, houses of worship, mixed use buildings, and offices.

The following Imagine Austin policies are applicable to this case:

☐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 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.

☐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.

The removal of the Conditional Overlay, which prohibits 31 uses, is beyond the scope of Imagine Austin. However, this area of Austin is currently lacking a variety of goods and services for nearby residents in the area. Based on the Imagine Austin text and polices above and the property being located along an Activity Corridor, the case appears to support the Imagine Austin Comprehensive Plan.

Environmental

1. The site is not 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.
2. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits (note: the existing CO limits impervious cover to 70%):

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

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

4. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
5. At this time, site specific information is unavailable regarding vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.
6. Under current watershed regulations, development or redevelopment requires water quality control with increased capture volume and control of the 2 year storm on site.

Site Plan

COMPATIBILITY STANDARDS

SP 6. The site is subject to compatibility standards. Due to the residential areas to the north and south, 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 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.

☐For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, height limitation is 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.

☐For a structure more than 300 feet but not more than 540 feet from property zoned SF-5 or more restrictive, 60 feet plus one foot for each four feet of distance in excess of 300 feet from the property zoned SF-5 or more restrictive.

Transportation

TR 1. The site is bounded by two streets – Dessau Road to the south and Shropshire Blvd to the west. The Austin Strategic Mobility Plan (ASMP) calls for 140’ of right-of-way for Dessau Road. Additional right of way dedication shall be required at the time of site plan.

TR 2. The site plan is subject to a TIA with the zoning case C14-05-0176 / 0177. Provide evidence of compliance with the terms of the TIA staff memo.

TR3. Existing Street Characteristics:

Name	**ROW**	**Pavement**	**Classification**	**Sidewalks**	**Bicycle Route**	**Capital Metro (within ¼ mile)**
Dessau Road	160’	91’	ASMP Level 4	Yes	Yes	Yes
Shropshire Blvd.	80’	44’	ASMP Level 2	Yes	Yes	Yes

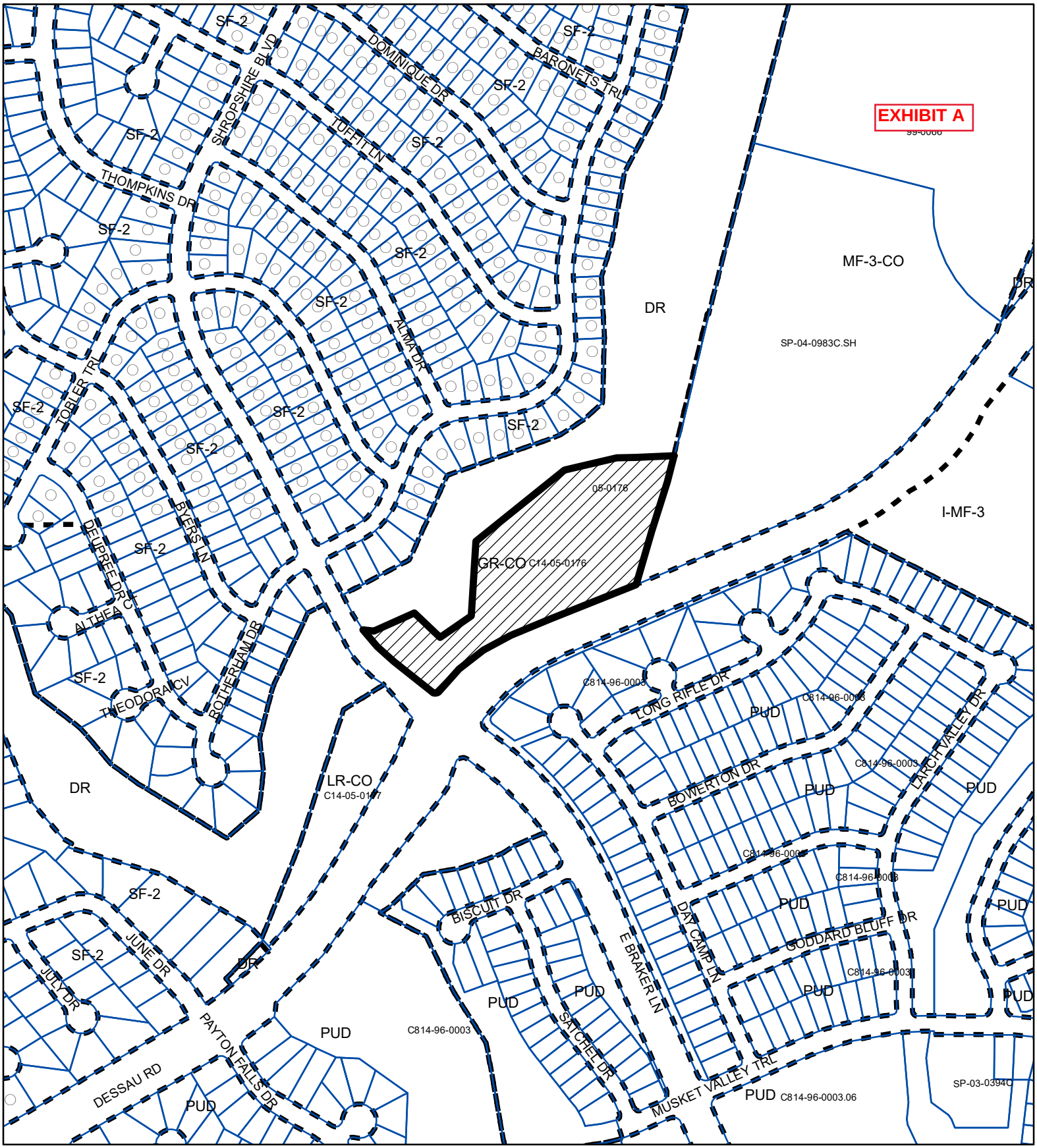
Water and Wastewater

WW1. 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 Austin Water 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.

INDEX OF EXHIBITS TO FOLLOW:

A. Zoning Map
B. Aerial Exhibit
C. Zoning Ordinance



N

SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

ZONING

ZONING CASE#: C14-2019-0088

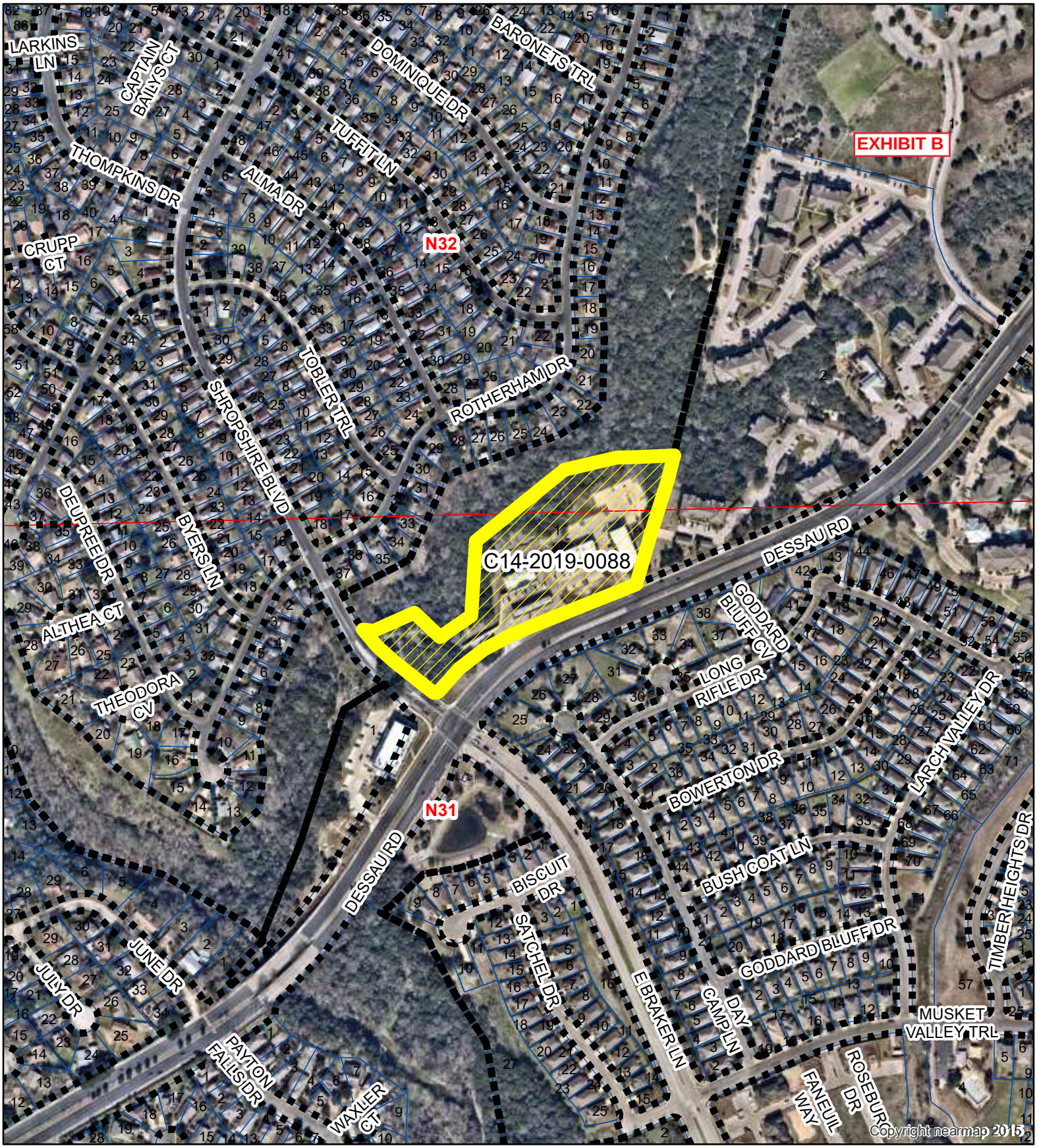
1 " = 400 '

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.

CITY OF AUSTIN FOUNDED 1839

Created: 6/17/2019



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1" = 400'

- SUBJECT TRACT
- ZONING BOUNDARY
- PENDING CASE
- CREEK BUFFER

DESSAU RETAIL CENTER

ZONING CASE#: C14-2019-0088
LOCATION: 11800 DESSAU RD.
SUBJECT AREA: 6.49 Acres
GRID: N31
MANAGER: Heather Chaffin

CITY OF AUSTIN FOUNDED 1839

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

EXHIBIT C

ORDINANCE NO. 20060809-005

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT THE 11801 BLOCK OF DESSAU ROAD FROM DEVELOPMENT RESERVE (DR) 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 development reserve (DR) district to community commercial-conditional overlay (GR-CO) combining district on the property described in Zoning Case No. C14-05-0176, on file at the Neighborhood Planning and Zoning Department, as follows:

A 6.49 acre tract of land, more or less, out of Lot 1, Block A, Copperfield Section One, Phase G Subdivision, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance (the "Property"),

locally known as 11801 Block of Dessau Road, 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:

1. Drive-in service use is prohibited as an accessory use to a restaurant (limited) use and a restaurant (general) use.

2. Development on the Property may not exceed 70 percent impervious cover.

3. The following uses are prohibited uses of the Property:

Automotive rentals
Automotive sales
Bail bond services
Business support services
Communication services
Exterminating services
Funeral services
Automotive repair services
Automotive washing (of any type)
Business or trade school
Commercial off-street parking
Drop-off recycling collection facility
Food preparation
General retail sales (general)

Hotel-motel	Indoor entertainment
Indoor sports and recreation	Community recreation (private)
Community recreation (public)	Congregate living
Group home, Class II	Hospital services (general)
Hospital services (limited)	Residential treatment
Medical offices (exceeding 5000 sq. ft. of gross floor area)	Outdoor entertainment
	Outdoor sports and recreation
Pawn shop services	Personal improvement services
Research services	Theater

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 August 20, 2006.

PASSED AND APPROVED

§
§
August 9, 2006 §

Will Wynn
Mayor

APPROVED:

David Allan Smith
City Attorney

ATTEST:

Shirley A. Gentry
City Clerk

EXHIBIT "A"
LEGAL DESCRIPTION

FIELD NOTES DESCRIBING 6.49 ACRES OF LAND, BEING ALL OF LOT ONE (1), BLOCK A, COPPERFIELD SECTION ONE, PHASE G, A SUBDIVISION IN TRAVIS COUNTY. TEXAS, RECORDED IN VOLUME 85, PAGE 197D OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, SAID 6.49 ACRES OF LAND TO BE MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at an iron rod found at a point in a curve of the northeast right-of-way line of Shropshire Boulevard at a corner point of that certain N. P. C. Tract recorded in Volume 6859, Page 106 of the Deed Records of said county, for the northwest corner of said 6.49 acres and for the POINT OF BEGINNING hereof;

THENCE with the south line of said N. P. C. Tract and the north line of said Lot 1, the following eight (8) courses;
1) North 79 degrees 20 minutes 00 seconds East a distance of 36.95 feet to a point;

2) North 66 degrees 10 minutes 00 seconds East a distance of 140.00 feet to a point;

3) South 45 degrees 10 minutes 00 seconds East a distance of 113.00 feet to a point;

4) North 55 degrees 50 minutes 00 seconds East a distance of 120.00 feet to a point;

5) North 04 degrees 25 minutes 00 seconds East a distance of 236.00 feet to a point;

6) North 52 degrees 44 minutes 43 seconds East a distance of 363.71 feet to a point;

7) North 77 degrees 45 minutes 00 seconds East a distance of 170.00 feet to a point;

8) North 88 degrees 37 minutes 45 seconds East a distance of 176.18 feet to an iron rod found at a point in the west line of that certain Clinton P. Sayers, Trustee tract recorded in Volume 8561, Page 795 of said records, for the northeast corner of said 6.49 acres and for the northeast corner hereof;

THENCE with the west line of said Sayers tract and the east line of said Lot 1, the following three (3) courses;
1) South 17 degrees 30 minutes 16 seconds West a distance of 76.91 feet to an iron rod set;

2) South 18 degrees 49 minutes 06 seconds West a distance of 162.98 feet to an iron rod found;

3) South 18 degrees 11 minutes 57 seconds West a distance of 186.30 feet to an iron rod set at a point in the north right-of-way line of Dessau Road, for the southeast corner of said 6.49 acres and for the southeast corner hereof;

THENCE with said right-of-way line and the south line of said Lot 1, the following two (2) courses;
1) South 68 degrees 11 minutes 08 West a distance of 421.67 feet to an iron rod set at a point of curvature of a curve to the left;

2) with said curve, whose radius is 556.31 feet, an arc distance of 289.54 feet and a chord bearing of South 53 degrees 16 minutes 23 seconds West a distance of 286.28 feet to an iron rod set at a point of reverse curve at the intersection of said Dessau Road and said Shropshire Boulevard, for the southwest corner of said 6.49 acres and for the southwest corner hereof;

THENCE with said Boulevard the following three (3) courses;
1) with said curve, to the right whose radius is 15.00 feet an arc distance of 23 76 feet and a chord bearing of South 83 degrees 45 minutes 08 seconds West a distance of 21.35 feet to an iron rod found at a point of tangent;

2) North 50 degrees 50 minutes 00 seconds West a distance of 156 65 feet to an iron rod found at a point of curvature of a curve to the right;

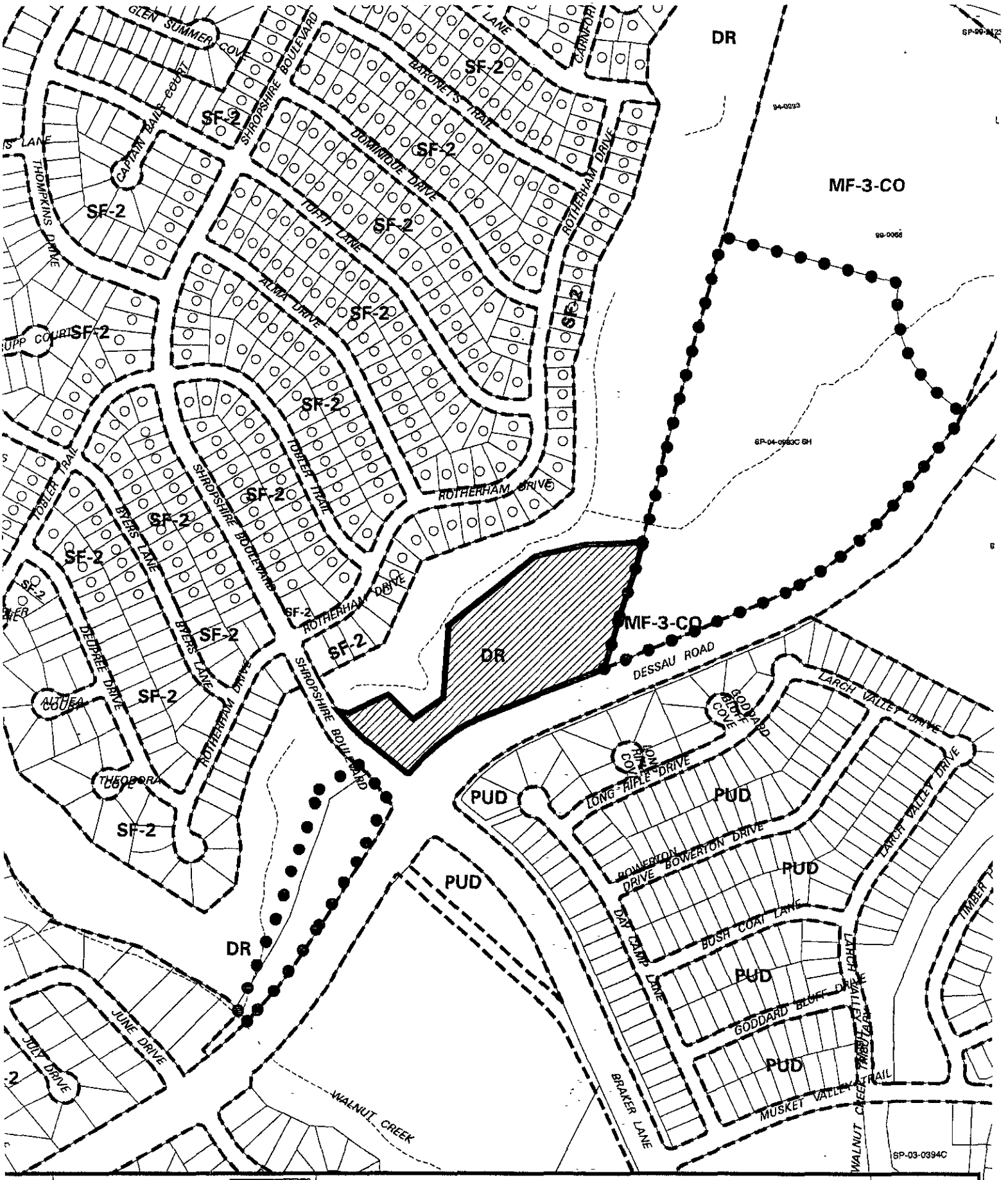
3) with said curve, whose radius is 525.65 feet, an arc distance of 141.14 feet and a chord bearing of North 43 degrees 09 minutes 07 seconds West a distance of 140.71 feet to the POINT OF BEGINNING and containing 6.49 acres of land, more or less.

THIS LEGAL DESCRIPTION IS TO BE USED IN CONJUNCTION WITH THE ATTACHED SURVEY PLAT (BY SEPARATE INSTRUMENT), ONLY.

Leo S. Bond
TX R.P.L.S. No. 5793
Job No. A0923105



September 29, 2005
Date



N	SUBJECT TRACT	ZONING EXHIBIT B	CITY GRID REFERENCE NUMBER
	PENDING CASE	CASE #: C14-05-0176	N31
	ZONING BOUNDARY	ADDRESS: DESSAU RD	DATE: 05-10
1"=400'	CASE MGR: S. SIRWAITIS	SUBJECT AREA (acres): 6.490	INTLS: SM