

SECOND / THIRD READINGS SUMMARY SHEET

ZONING CASE NUMBER: C14-2007-0051 – Pierce Suites

REQUEST:

Approve second / third readings of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 2028 West Ben White Boulevard (Williamson Creek Watershed) from family residence (SF-3) district zoning to limited office – mixed use (LO-MU) combining district zoning.

DEPARTMENT COMMENTS:

The Ordinance incorporates the conditions imposed by the City Council at First Reading.

OWNER/APPLICANT: Lawrence A. Pierce.

AGENT: Frie Planning & Development (Ross Frie).

DATE OF FIRST READING: June 21, 2007, approved LO-MU district zoning, on First Reading (7-0).

CITY COUNCIL HEARING DATE: July 26, 2007

CITY COUNCIL ACTION:

ORDINANCE NUMBER:

ASSIGNED STAFF: Robert Heil
e-mail: robert.heil@ci.austin.tx.us

ZONING CHANGE REVIEW SHEET**CASE:** C14-2007-0051**PC Date:** June 12, 2007**ADDRESS:** 2028 W. Ben White Blvd**OWNER/APPLICANT:** Lawrence A. Pierce**AGENT:** Frie Planning & Development (Ross Frie)**ZONING FROM:** SF-3**TO:** GO-MU**AREA:** 0.180 acres**STAFF RECOMMENDATION:**

Staff recommends approval of general office – mixed use (GO-MU) zoning

PLANNING COMMISSION RECOMMENDATION:**June 12, 2007: Approved LO-MU (9-0).****DEPARTMENT COMMENTS:**

This site is a single family home zoned SF-3. The request is for general office – mixed use. The block anchored at each end with CS/CS-1 and GR zoning and commercial uses. While the portions of the block on Fort View road should remain zoned for residential use, the southern half of the block is no longer compatible for single family use.

When Ben White Blvd was widened, the previous residential street, Ivy Trail, was subsumed by the expansion, leaving these homes on the frontage road of a major highway. The South Lamar neighborhood plan calls for these properties to transition to office land uses.

Compatibility standard would protect the single family uses from adverse impacts of the office zoning.

The Applicant agrees with the recommendation of the Planning Commission.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-3	Single Family Homes
<i>North</i>	SF-3	Single Family Homes
<i>South</i>	GR and CS	Grocery Store & Shopping Center (Across Ben White)
<i>East</i>	SF-3	Single Family Homes
<i>West</i>	SF-3	Single Family Homes

AREA STUDY: This property lies within the South Lamar Neighborhood Planning area. The draft future land use for this map calls for office land use on the property.

TIA: 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]

WATERSHED: Williamson Creek **DESIRED DEVELOPMENT ZONE:** Yes

CAPITOL VIEW CORRIDOR: No **HILL COUNTRY ROADWAY:** No

REGISTERED COMMUNITY ORGANIZATIONS:

- South Lamar Neighborhood Association
- Terrell Lane Interceptor Association
- Barton Springs/Edwards Aquifer Conservation District
- South Central Coalition
- Austin Neighborhoods Council

SCHOOLS:

- Joslin Elementary School
- Covington Middle School
- Crockett High School

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bus Route	Bike Route
Ben White Blvd	360'	Varies	Freeway	No	Yes	No

CITY COUNCIL DATE:

ACTION:

June 21, 2007

Approved LO-MU on first reading 7-0

July 26, 2007

ORDINANCE READINGS:

1st 6/21/07 2nd 3rd

ORDINANCE NUMBER:

CASE MANAGER: Robert Heil
e-mail address: robert.heil@ci.austin.tx.us

PHONE: 974-2330



[illegible]

**C14-2007-0061
Pierce Suites
2028 Ben White Blvd
From SF-3 to GO-MU**

SUMMARY STAFF RECOMMENDATION

Staff recommends approval of general office – mixed use (GO-MU) zoning

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

- 1. Zoning should not constitute a grant of special privilege to an individual owner; Granting of the request should result in an equal treatment of similarly situated properties.*

While this property is the first along the frontage of Ben White to be zoned to office-mixed use, it is the intent of the draft neighborhood plan to rezone all of the property fronting Ben White to a zoning category permitting a mix of office and residential uses.

- 2. The proposed zoning should be consistent with adopted neighborhood plans.*

This property lies within the South Lamar Neighborhood Planning area. The draft future land use for this map calls for office land use on the property.

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]

Existing Street Characteristics:

Name	ROW	Pavement	Classification	Sidewalks	Bus Route	Bike Route
Ben White Blvd	360'	Varies	Freeway	No	Yes	No

Environmental

The site is not located over the Edward's Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Williamson 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. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% 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 flood plain maps, there is no floodplain within, or adjacent to the project boundary.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:

- Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

At this time, no information has been provided as to whether this property has any pre-existing approvals that preempt current water quality or Code requirements.

Site Plan

This tract is already developed and the proposed zoning change is a footprint within the existing development. A change of use within the existing structure would not trigger compatibility development regulations. However, any new construction on this site would be subject to compatibility development regulations due to the existing SF-3 zoned property to the north, east, and west and would be subject to the following requirements:

- No structure may be built within 15 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 15 feet of 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.

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 the water and wastewater utility improvements, offsite main extension, system upgrade, utility relocation, and utility abandonment. The water and wastewater plan must be in accordance with the City of Austin utility design criteria. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. 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.

June 6, 2007

From:

William Kregg Elsass
2102 Fort View Road
512) 796-2520

To:

Mr. Robert Heil
City of Austin Neighborhood Planning & Zoning Department

RE: REZONING OF 2028 W. BEN WHITE BLV'D. FROM SF-3 to GO-MU #C14-2007-0051

Dear Robert:

I would like to request that this letter to you be inserted within the file of this Request for Rezoning and make it part of the record. It summarizes my position, and those of some of my neighbors, and includes information that I have distributed to some of them. At this point in time, I am personally **opposed** to rezoning of this property. Here is why:

1. As you are aware, the City of Austin Neighborhood Planning and Zoning Department has undertaken a comprehensive review of land use and zoning for a large part of south Austin. In my opinion, it is possibly one of the most diverse areas in all of Austin, from land use to ethnicity, and this is why I moved here and truly enjoy living in my neighborhood. Included within the areas being studied is this parcel. It is unclear at this point how the process to consider land use and zoning will unfold as it pertains to the strip of land south of Fort View bordered by Ben White because the process undertaken by the City is incomplete. My personal preference is for the process to conclude before the City starts permitting zoning changes in a patchwork, or checkerboard fashion. I was inspired and excited that the City has taken on an initiative like this because it considers the neighborhood comprehensively and seeks to find a balance between desires of the community, business and the City. It seems reasonable to me the process should be completed before the City grants zoning changes within the areas being considered.
2. According to Mark Walters of the City of Austin Planning and Zoning Department, there has been a "snag" in the process mentioned above. In my opinion, the City Planning and Zoning Department should use this zoning request, and I am sure others, to motivate them to get the process back on track but it is unclear to me how extensive the problems with the process are. Because of this, and because all land owners have the right to ask the City for zoning changes, I can understand why the Owner of 2028 Ben White Blv'd. wants to consider pushing the City for this request instead of waiting for the overall planning and zoning process to conclude.
3. The Owner of the property in question has requested GO-MU zoning. What this basically means, from my understanding, is that GO permits uses on the property for offices and the MU part grants the land owner the privilege to retain housing as part of any development. I also know that GO-MU permits a lot of other uses. It seems to me, therefore, that another possibility would be to allow a zoning change but instead of GO-MU, grant the change to be **LO-MU**.
4. On May 22, 2007, I spoke with the representative of the owner of the property, Mr. Ross Frie. We had a friendly conversation and in essence, he stated the goal of the Owner was to fix up the existing residence and make it available to some sort of use under the umbrella of office – a chiropractor, dentist, accountant, etc. This seemed logical to me. Given this is the stated

RE: REZONING OF 2028 W. BEN WHITE BLV'D. FROM SF-3 to GO-MU #C14-2007-0051

intent of the land owner, then LO zoning would allow this to occur. There are just a few additional limitations that are placed on the property when zoned LO versus GO and in my opinion, those limitations would be appropriate for our neighborhood.

5. I have reviewed the permitted uses matrix and it is obvious that the majority of permitted uses between LO and GO zoning are numerous and identical. The few differences between the two levels of zoning, I think, are significant. They include:
 - a. Height restrictions on new construction. Although there are details with adjacent properties being residential (SF-3) and property set-backs would come into play, the GO zoning allows heights of up to 60'. LO is limited to 40', or 3 stories high. There would be no reason to get a height limitation of 60' unless there was a desire to expand the rezoning onto Fort View and rezone properties on the south side of Fort View to permit a 6 story building. Doing this could potentially destroy the residential aspect of the western side of Fort View Road and open up opportunities for it to be converted into how the eastern side has been developed.
 - b. Trade Schools are not permitted in LO but are in GO.
 - c. Off-Site Accessory parking is not permitted in LO but is allowed in GO.
 - d. Personal Services (hair salons, etc) are not permitted in LO but are in GO.
 - e. Printing and publishing houses are not permitted in LO but are in GO.
 - f. A limited use restaurant (one that does not serve alcoholic beverages) can get a Conditional approval to be built on a GO site but not a LO site. This means a Jack in the Box, or other type of fast food restaurant with a drive-through could be built there.
 - g. Some hospital services are permitted in the GO zoning but not LO.
6. Allowing the potential development of this site to uses described in LO zoning instead of GO seems like a good idea to me. There are many things that ARE permitted under LO zoning and all of the things the property owner's representative stated the land owner wants to do are permitted. I see no issue with layering the MU (residential) with the LO zoning.

In summary, my position, at this point, is to oppose any zoning changes until after the City process has been completed. If, however, the Planning and Zoning commission wants to recommend to the City Council that a zoning change be granted, then that change should be LO-MU, not GO-MU.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'William Kregg Elsass', with a stylized flourish at the end.

William Kregg Elsass, AIA

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.ci.austin.tx.us/development

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: C14-2007-0051

Contact: Robert Heil, (512) 974-2330

Public Hearing:

May 22, 2007 Planning Commission

☒ I am in favor
☐ I object

CURTIS W. SUTHERLAND

Your Name (please print)

2104 W. Ben White Blvd. 78704

Your address(es) affected by this application

CW Sutherland *5/14/07*

Signature

Date

Comments:

*CL am totally in favor
of GO-MU zoning for this and
any other properties along
West Ben White Blvd.
This should equate to
additional tax revenue for the
city and provide affordable
office space in the neighbor-
hood.
Keep up the good work!*

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

City of Austin

Neighborhood Planning and Zoning Department

Robert Heil

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2007-0051

Contact: Robert Heil, (512) 974-2330

Public Hearing:

May 22, 2007 Planning Commission

ANNIE RICE

Your Name (please print)

2102 W. Ben White

Your address(es) affected by this application

Annie Rice

Signature

5-17-07

Date

Comments: I think is time that

the city rezone this properties.

They have no residential purposes

any more due to traffic & noise

Thank You!

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

City of Austin

Neighborhood Planning and Zoning Department

Robert Heil

P. O. Box 1088

Austin, TX 78767-8810

☒ I am in favor
☐ I object