

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2007-0109

**Z.A.P. DATE:** August 21, 2007

**ADDRESS:** 2600 Gardenia Drive

**OWNER/APPLICANT:** Guadalupe Villa Gonzales and Glafira M. Gonzales

**AGENT:** Moreno Consultant Services (Paul C. Moreno)

**ZONING FROM:** CS

**TO:** CS-MU

**AREA:** 0.413 acres

### **SUMMARY STAFF RECOMMENDATION:**

The staff recommendation is to grant CS-MU-CO, General Commercial Services-Mixed Use-Conditional Overlay district, zoning. The conditional overlay will limit the development intensity for the entire site to less than 2,000 vehicle trips per day.

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

8/21/07: Approved staff's recommendation of CS-MU-CO zoning with added condition to prohibit drive-in service by consent (7-0, K. Jackson-absent); J. Martinez-1<sup>st</sup>, J. Gohil-2<sup>nd</sup>.

### **DEPARTMENT COMMENTS:**

The property in question consists of an undeveloped, grassy lot. The applicant is requesting to rezone the property to add a mixed use overlay because they would like to develop a residence and small business on the site. The staff is recommending CS-MU-CO zoning at this location because the property is located within an area that contains a mixture of residential and commercial uses. The lots surrounding this site to the north, south, east, and west are zoned for CS, General Commercial Services District, uses. Many of these properties are developed with single-family residences, commercial businesses, and/or a combination of these live/work uses. The site under consideration meets the purpose statement and size requirements for the CS-MU zoning district. The proposed zoning would allow the applicant to utilize this tract of land with a combination of residential, office and commercial uses that will be consistent and compatible with the surrounding land uses in this area of the City.

The applicant agrees with the staff recommendation.

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

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	CS	Undeveloped
<i>North</i>	CS	Undeveloped
<i>South</i>	CS	Office, Outdoor Storage, Single-Family Residences
<i>East</i>	CS	Undeveloped
<i>West</i>	CS	Single-Family Residence

**AREA STUDY:** North Lamar Area Study

**TIA:** Waived

**WATERSHED:** Walnut Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** N/A

**HILL COUNTRY ROADWAY:** N/A

**NEIGHBORHOOD ORGANIZATIONS:**

55 - Northwood Homeowners Association  
64 - River Oaks Lakes Estates Neighborhood Association  
114 - North Growth Corridor Alliance  
786 - Homebuilders Association of Greater Austin

**CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>CITY COUNCIL</b>
C14-03-0181	GR to CS-1	2/3/04: Approved staff recommendation of CS-1-CO zoning, with a 2,000 vehicle trip limit per day (9-0)	3/04/04: Granted CS-1-CO (6-0, McCracken-absent); all 3 readings
C14-01-0093	GR to CS-CO	7/10/01: Approved staff's rec. of CS-CO district zoning, adding the conditions to prohibit adult oriented uses and to require on-site detention (7-0, Cravey-off dias, Heimsath-absent).	8/9/01: Approved Planning Commission rec. of CS-CO (7-0); 1 <sup>st</sup> reading only  9/27/01: Approved CS-CO (7-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings
C14-00-2205	GR to LI	12/5/00: Approved staff rec. of CS-CO (as amended by applicant) by consent (8-0); conditions as follows: 1) Height limit of 40 feet 2) Prohibit Adult Oriented Businesses 3) 2,000 vehicle trip per day limit	1/18/01: Approved CS-CO w/conditions; (6-0); all 3 readings
C14-00-2179	IP to SF-2, SF-3, MF-1	10/17/00: Approved staff rec. of SF-2 (TR1), SF-3 (TR 2), and MF-1 (TR3) by consent (8-0)	11/30/00: Approved SF-2-CO (TR1), SF-3-CO (TR2); MF-1-CO (TR3) w/condition of 2,000 vehicle trip per day limit (7-0); all 3 readings
C14-99-2128	GR, CS to P	1/25/00: Approved 'P' zoning by consent (8-0)	3/2/00: Approved PC rec. of 'P' zoning (7-0); 1 <sup>st</sup> reading  3/30/00: Approved 2 <sup>nd</sup> /3 <sup>rd</sup> readings (6-0)
C14-97-0094	CS to CS-MU	8/26/97: Approved CS-MU (9-0)	9/4/97: Approved CS-MU (5-0); all 3 readings
C14-93-0068	R&D, LR to SF-6, MF-1	8/31/93: Approved SF-6-CO, MF-1, and RR (7-0)	10/7/93: Approved SF-6-CO, MF-1, and RR; 1 <sup>st</sup> reading  12/16/93: Approved SF-6-CO, MF-1, and RR (6-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings

**RELATED CASES:** N/A

**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Bus Routes
Gardenia Drive	20'	50'	Local	No	No	No

**CITY COUNCIL DATE:**

**ACTION:**

**ORDINANCE READINGS:** 1st

2<sup>nd</sup>

3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Sherri Sirwaitis

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



## **STAFF RECOMMENDATION**

The staff recommendation is to grant CS-MU-CO, General Commercial Services-Mixed Use-Conditional Overlay district, zoning. The conditional overlay will limit the development intensity for the entire site to less than 2,000 vehicle trips per day.

## **BASIS FOR RECOMMENDATION**

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

General commercial services (CS) district is the designation for a commercial or industrial use of a service nature that has operating characteristics or traffic service requirements that are incompatible with residential environments.

The purpose of a mixed use (MU) combining district is to allow office, retail, commercial, and residential uses to be combined in a single development.

The property in question is located in an area that primarily consists of commercial uses. This site meets the purpose statement and size requirements for the CS-MU zoning district.

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

The proposed zoning will promote consistency and orderly planning because the property is located within an area that contains a mixture of residential and commercial uses. The lots surrounding this site to the north, south, east, and west are zoned for CS, General Commercial Services District, uses. Many of these properties are developed with single-family residences, commercial businesses, and/or a combination of these live/work uses.

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

The CS-MU-CO zoning district would allow for a fair and reasonable use of the site because the property in question meets the minimum lot requirements for the requested zoning designation and because the proposed mixed use combining district will allow the applicant to develop a live/work use on the site that is consistent with the surrounding land uses. The CS-MU zoning is appropriate for this location because it will be compatible with the adjacent residential, office and commercial land uses.

## **EXISTING CONDITIONS**

### **Site Characteristics**

The site consists of an undeveloped, grass covered lot. The properties to the north and east are undeveloped. To the south there are office/commercial (Construction Sales and Services and Outdoor Storage uses) and single-family residences. The tract of land to the west is developed with a single-family home. There is a large telecommunications tower located one lot over to the east.

### **Impervious Cover**

The maximum impervious cover allowed by the CS zoning district would be 95 %. 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 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%

Note: The most restrictive impervious cover limit applies.

### **Environmental**

The site is located over the northern Edward's Aquifer Recharge Zone. The site is in the Desired Development 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.

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.

At this time, site specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment on this site will be subject to 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.

### **Transportation**

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

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

Name	ROW	Pavement	Classification	Sidewalks	Bike	Bus Routes
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					Route	
Gardenia Drive	20'	50'	Local	No	No	No

### **Water and Wastewater**

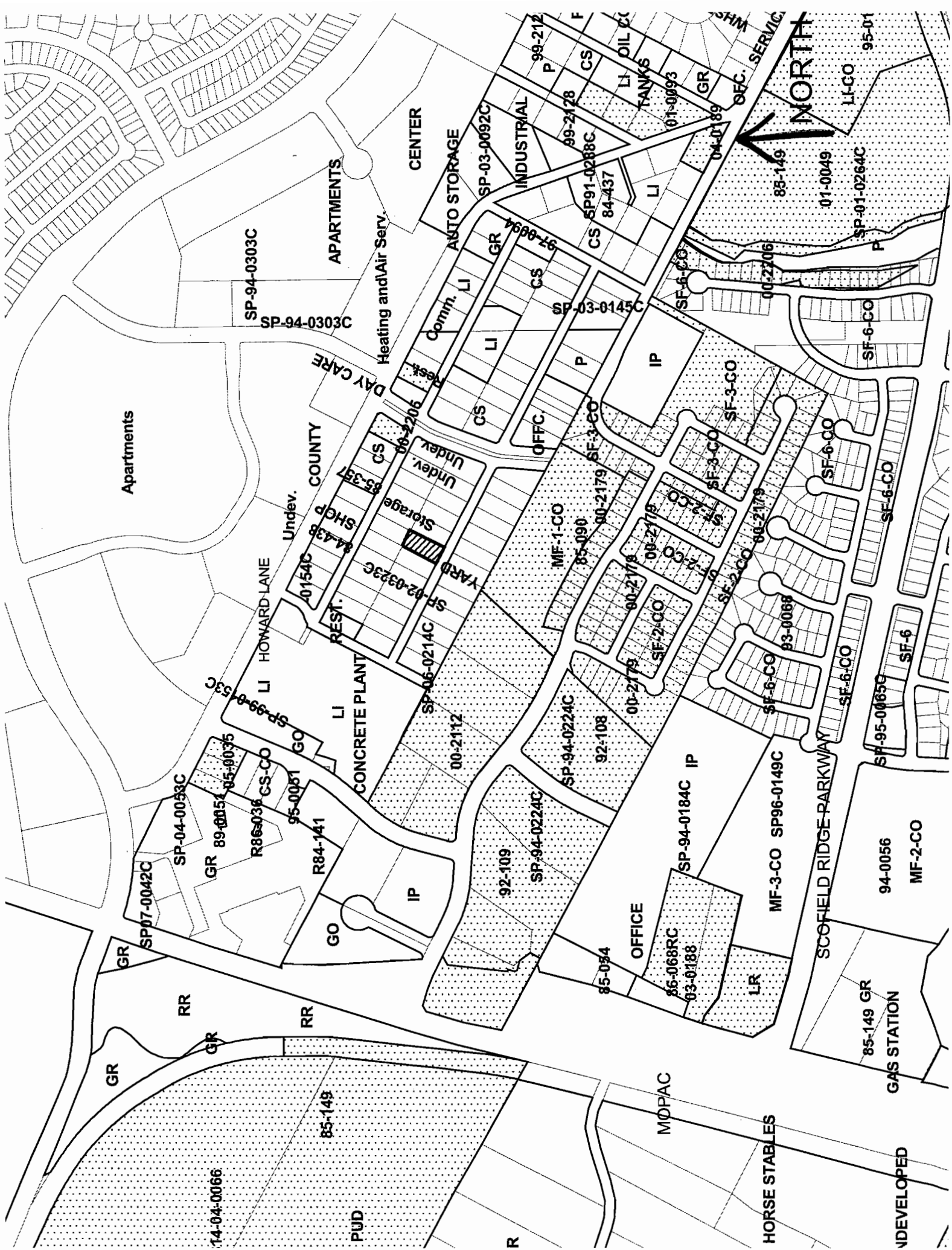
The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extensions, system upgrades, utility relocation, and abandonment. The water and wastewater 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.

### **Stormwater Detention**

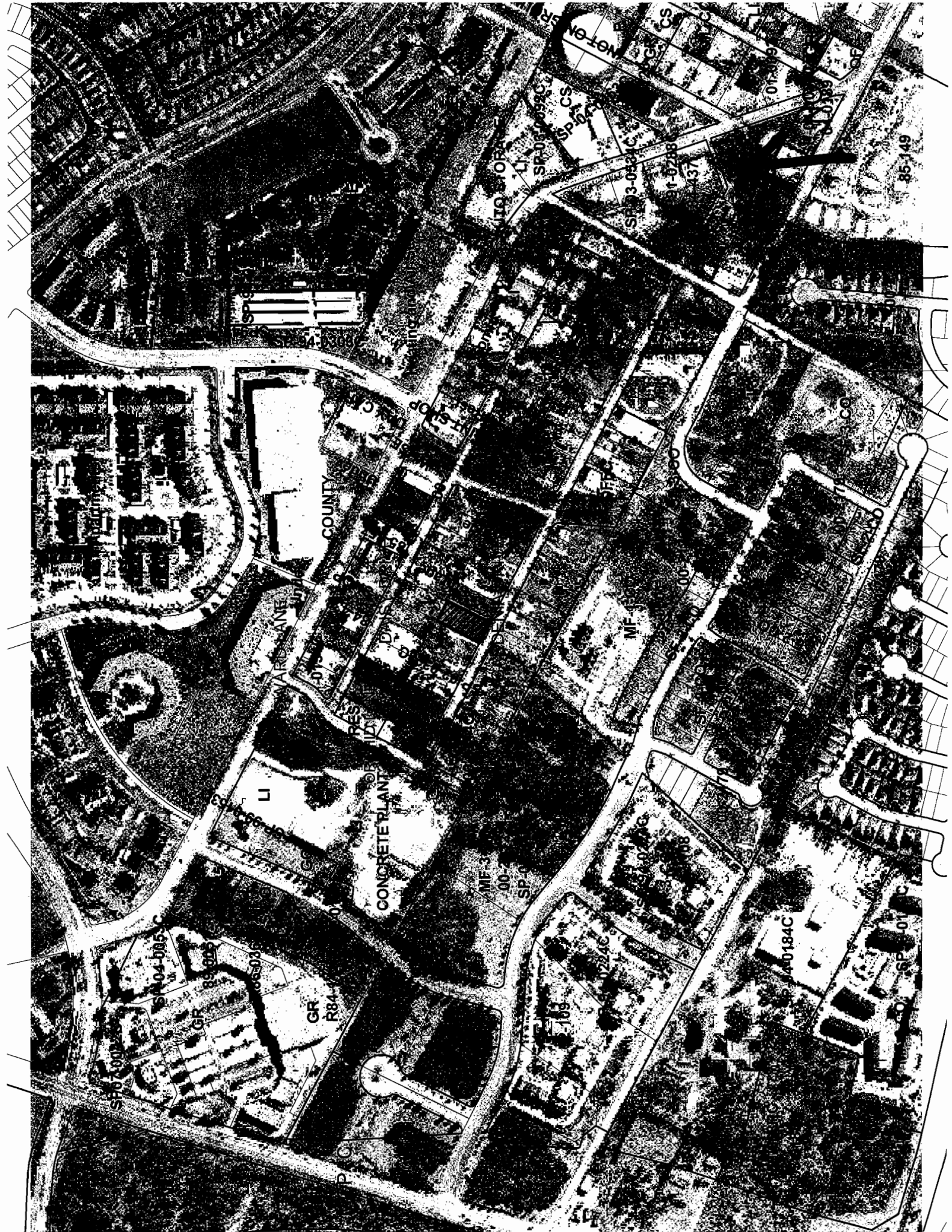
At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in storm water runoff will be mitigated through on-site storm water detention ponds, or participation in the City of Austin Regional Stormwater Management Program, if available.

### **Compatibility Standards**

No comments.







Guadalupe T. & Margarita G. Munoz  
2608 GARDENIA DRIVE  
AUSTIN, TEXAS 78727

August 16, 2007

CASE #: C14-2007-0109

CONTACT: Sherri Siskitis, (512) 974-3057

Public Hearing: August 21, 2007

Zoning and Planning Commission

The Majority of the affected residents who are next or nearby the proposed zoning change to Multi-use are objecting to the proposed zoning change. We know that commercial exist in our area. We are not needing more Auto Shops, welding shops, Pallet Businesses, Construction, Excavating, Business or Salvages in our neighborhood. We want environmental friendly Business, so we can have good air quality, less noise, and good neighbors. Too many nuisance activity already exist on our street. Multi-use would just encourage more Business to feel they can set up any shop and enjoy 24 to 70 hrs weekly since multi-use would allow this type of behavior. The proposed site is also surrounded by Residential in the back of the proposed site and Beside the proposed site. Any two story Building would violate privacy of the surrounding neighbor. Also back-off would need to be address since the proposed site would be next to residence on the side and back of property. With all the different type of commercial that exist now we have traffic problems, we have kids in the neighborhood and school buses that run these kids back and forth to school. We are already heavily congested by these business trucks, trailers, heavy equipment etc. on such narrow roads and elderly neighbors complain of this congestion, and Quality of the air due to Diesel fumes.

I am absolutely against the proposed zoning change and will call and write my state Representative to encourage no more of these Business in our neighborhood. We want to keep our neighborhood ours.

## 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](http://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: C14-2007-0109**

**Contact:** Sherri Sirwaitis, 512-974-3057

**Public Hearing:**

August 21, 2007 Zoning and Platting Commission

<input type="checkbox"/> I am in favor <input checked="" type="checkbox"/> I object
--

Rosie C. Clemmons  
Your Name (please print)

2632 Century Park Blvd Unit 20  
Your address(es) affected by this application

Austin, 78727

Rosie C. Clemmons  
Signature

8-18-07  
Date

Comments:

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

City of Austin  
Neighborhood Planning and Zoning Department  
Sherri Sirwaitis  
P. O. Box 1088  
Austin, TX 78767-8810

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**Case Number: C14-2007-0109**

**Contact:** Sherri Sirwaitis, 512-974-3057

**Public Hearing:**

September 27, 2007 City Council

Joe T. Gonzales

Your Name (please print)

2603 Daisy Drive Austin, TX 78727

Your address(es) affected by this application

Joe T. Gonzales 9/12/07

Signature

Date

Comments:

<input checked="" type="checkbox"/> I am in favor <input type="checkbox"/> I object
--

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