

**ZONING CHANGE AND NEIGHBORHOOD PLAN AMENDMENT
REVIEW SHEET**

CASE: C14-2007-0080 and NPA-2007-0016.01

PC Date: July 10, 2007
September 11, 2007

ADDRESS: 1109 Shady Lane

OWNER/APPLICANT: Anthony Daywood Investments (Anthony Daywood)

AGENTS: Permit Me (Maureen Morphew) and
Harrison Pearson Assoc, Inc (Sam Calliham)

ZONING FROM: GR-NP

TO: CS-MU-CO-NP

LAND USE FROM: Commercial

LAND USE TO: Mixed Use

AREA: 0.997 acres

SUMMARY STAFF RECOMMENDATION:

Staff alternatively recommends approval of community commercial-mixed use-neighborhood plan (GR-MU-NP) combining district zoning

Staff recommends approval the requested change from Commercial on the Future Land Use Map (FLUM) to Mixed-Use land use designation.

PLANNING COMMISSION RECOMMENDATION:

July 10, 2007: Postponed to September 11, 2007 to allow for the applicant to revise his zoning request and submit a neighborhood plan amendment.

September 11, 2007:

1. APPROVED CS-MU-CO-NP DISTRICT ZONING, with the following conditions
 - The list of prohibited uses provided by the applicant is accepted, with the exceptions that group home and religious assembly are permitted uses.
 - 90% Impervious cover
 - 32 feet height
 - The food preparation use is limited to no more than 2000 square feet.[J.REDDY, T.ATKINS 2ND] (8-0)
2. APPROVED STAFF'S RECOMMENDATION FOR MIXED USE; BY CONSENT.
[M.DEALEY, T.ATKINS 2ND] (8-0)

DEPARTMENT COMMENTS:

The Govalle/Johnston Terrace Combined Neighborhood Plan was completed under the City of Austin's Neighborhood Planning Program and was adopted as part of the Austin Tomorrow Comprehensive Plan on March 27, 2003. The requested plan amendment is in the Johnston Neighborhood Planning Area. The boundaries of the planning area are: Austin NW Railroad on the north, Airport Boulevard on the east, Ed Bluestein on the south and on the west.

The subject tract is a .997 acre lot currently occupied by a vacant single-family house and warehouse structure. The applicant is requesting the plan amendment and zoning change to construct several live/work units on the site. The SF house will remain and serve as a residence and the warehouse will be renovated into several live/work units. As part of the Govalle/Johnston Terrace neighborhood planning process, the subject tract was rezoned from LI (Limited Industrial services) to GR-NP.

The applicant and neighborhood planning contact team mutually support CS-MU-CO-NP, with the conditional overlay limiting height to 32 feet, and prohibiting a broad range of uses. The details of the agreement are attached.

While staff supports the future land use map change to mixed use, and the addition of a mixed use overlay, staff does not support the changing the base district to CS, even with the restrictions suggested by the neighborhood and the neighborhood.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	GR-NP	Office-Warehouse
<i>North</i>	GR-MU-NP	Auto Repair
<i>South</i>	GR-NP	Construction Company and Undeveloped
<i>East</i>	SF-3-NP	Recreational Area
<i>West</i>	GR-MU-NP	Truck Terminal (Former Tank Farm)

AREA STUDY: The property lies within the proposed Johnston Terrace Neighborhood Planning Area. The future land use map for this neighborhood plan designates this site for commercial use.

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: Boggy **DESIRED DEVELOPMENT ZONE:** Yes

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

REGISTERED COMMUNITY ORGANIZATIONS:

- El Concilio
- M.E.T.S.A. Neighborhood Association
- Austin Neighborhoods Council
- Garden's Neighborhood Council
- Terrell Lane Interceptor Association
- PODER – People Organizes to Defend Earth and her Resources
- SPEAK – Sentral Plus East Austin Koalition
- Home Builders' Association of Greater Austin
- Austin Independent School District

SCHOOLS: (AISD)

Allan Elementary School Martin Middle School Johnston High School

ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION	BICYCLE PLAN	CAPITAL METRO	SIDEWALKS
Shady Lane	Varies	40'	Local	No	No	No

CITY COUNCIL DATE: ACTION:

October 11, 2007:

ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

ZONING CASE MANAGER: Robert Heil

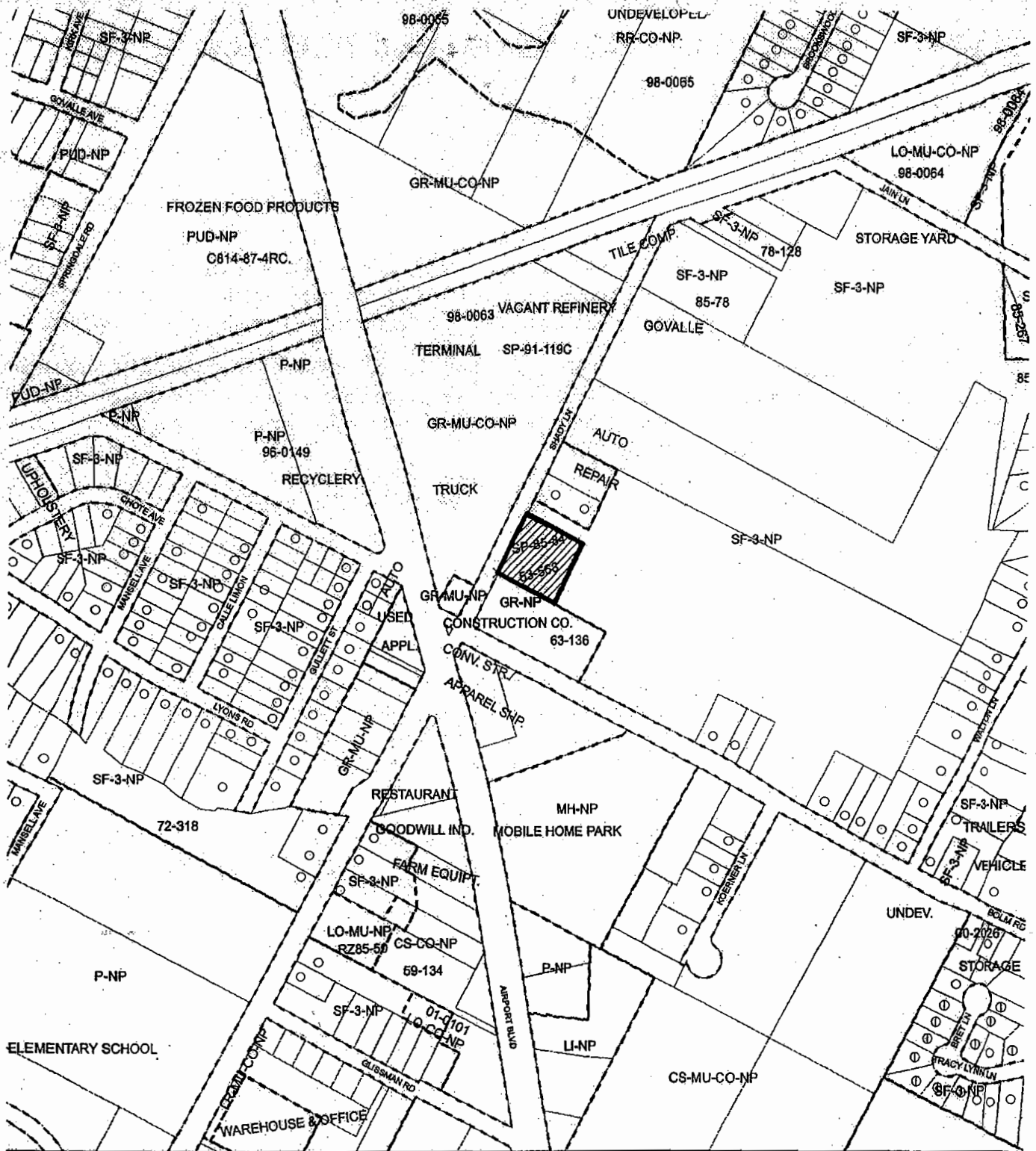
PHONE: 974-2330

E-mail: robert.heil@ci.austin.tx.us

NEIGHBORHOOD PLANNING CASE MANAGER: Greg Montes

PHONE: 974-2629

Email: greg.montes@ci.austin.tx.us



ZONING



Subject Tract

Zoning Boundary

Pending Cases

ZONING CASE#: C14-2007-0080

ADDRESS: 1109 SHADY LANE

SUBJECT AREA: 0.997 ACRES

GRID: L21

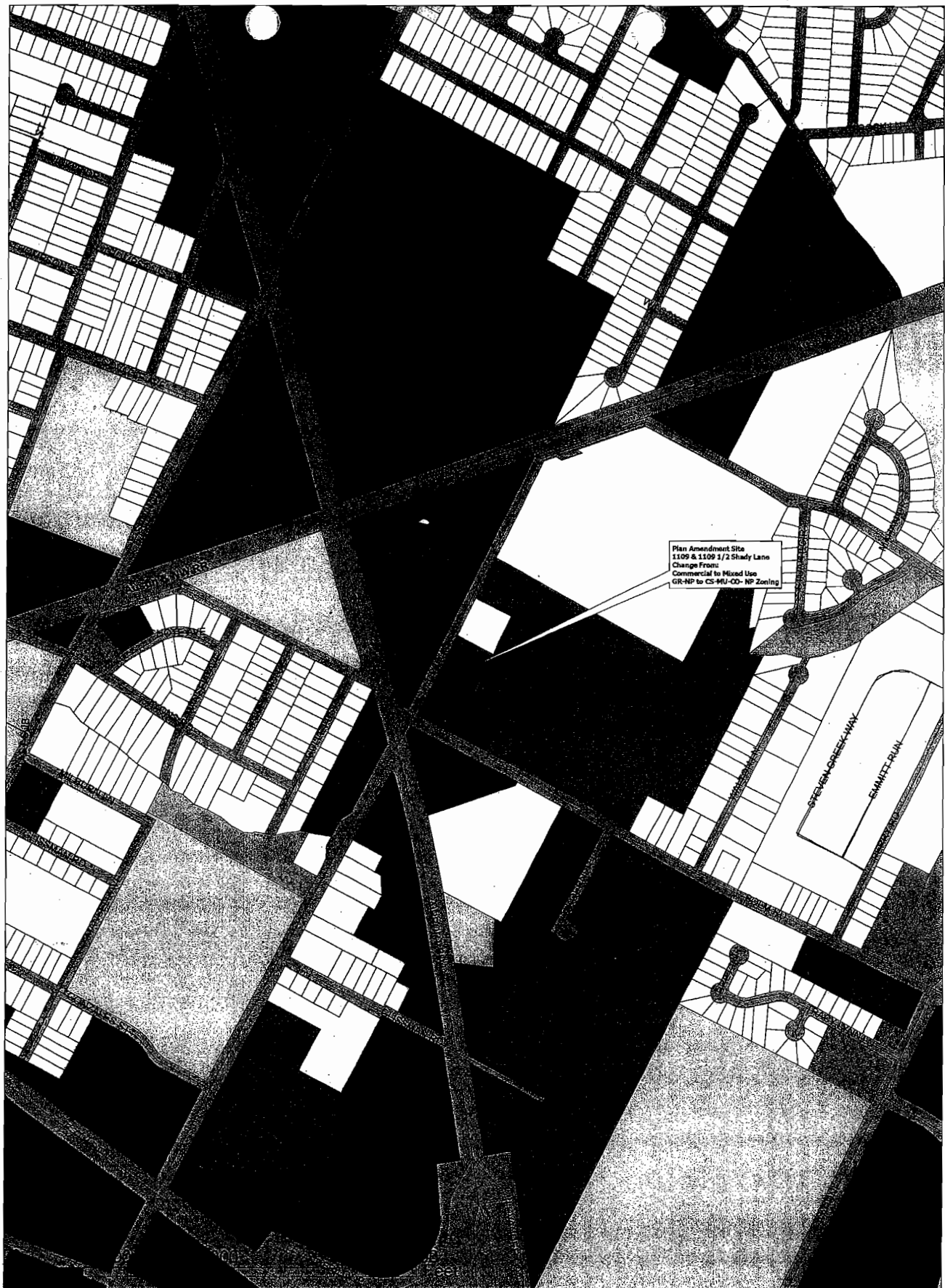
MANAGER: R. HEIL

1" = 400'

OPERATOR: SM

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Govalle/Johnston Terrace Neighborhood Plan Amendment NPA-07.0016-01

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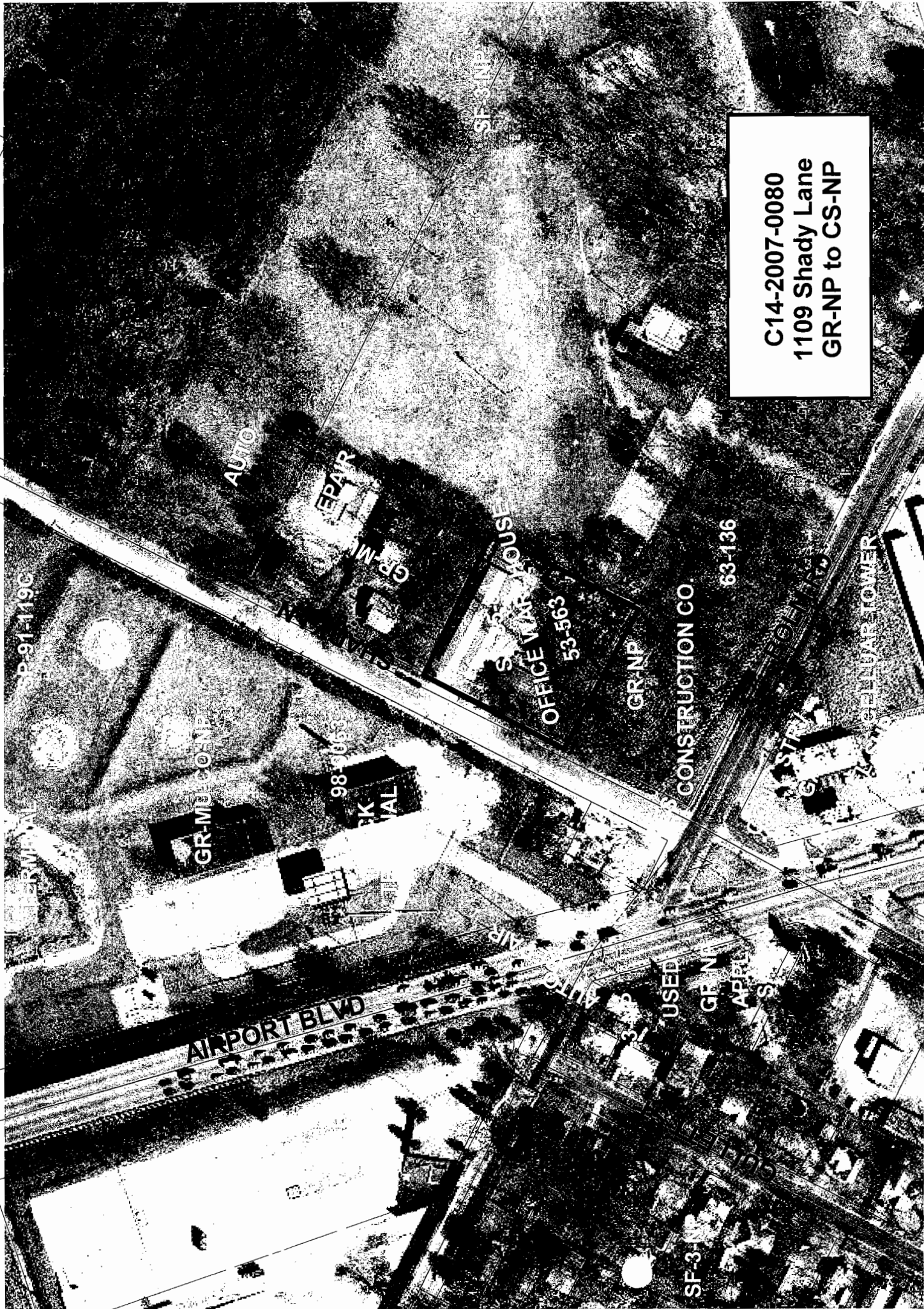


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Future Land Use

	Agriculture		Mixed Use		Civic
	Rural Residential		High Density Mixed Use		Recreation & Open Space
	Single-Family		Warehouse/Limited Office		Environmental Conservation
	Higher-Density Single-Family		Office		Transportation
	Mobile Homes		Mixed Use/Office		Utilities
	Mixed Residential		Major Planned Development		Water
	Multifamily		Industry		
	Commercial		Major Impact Facilities		



SUMMARY STAFF RECOMMENDATION

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Staff recommends approval the requested change from Commercial on the Future Land Use Map (FLUM) to Mixed-Use land use designation.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

1. *Zoning changes should promote compatibility with adjacent and nearby uses.*

The property is adjacent to GR-zoning and backs up to a recreational area. CS zoning would inappropriately intense..

2. *The proposed zoning should be consistent the intent of the zoning category*

General Commercial Services (CS) district is the designation for commercial or industrial use of a service nature that operating characteristics or traffic service requirements that are incompatible with residential uses. It is typically most appropriate at the intersection of major roadways

BASIS FOR LAND USERECOMMENDATION:

The requested amendment is consistent with the Land Use recommendations in the Govalle/Johnston Terrace Combined Neighborhood Plan. See *Analysis* for more details.

The Govalle/Johnston Terrace Combined neighborhood plan land use goals state:

1. Develop a balanced and varied pattern of land use.
2. Create and preserve a sense of “human scale” to the built environment of the neighborhood.

The proposed plan amendment is consistent with these Goals.

The proposed plan amendment is also consistent with the following Key Planning Principles in the neighborhood plan:

- Encourage mixed use so that residential uses are allowed on some commercial properties.
- Provide a balance of land use and zoning for people to both live and work in the area.
- Provide opportunities for land uses that serve the needs of daily life (live, work, play, shop) in a convenient walkable environment.
- Provide a diverse range of housing opportunities for all stages of life and income levels.

PUBLIC MEETINGS: NPZD staff held a public stakeholder meeting on August 28, 2007. Invitations were sent to the Govalle/Johnston Terrace interest list and property owners within 300 feet of the proposed plan amendment.

The Govalle/Johnston Terrace Review Committee does officially support the proposed plan amendment and zoning change with the applicant agreeing to limit some of the uses permitted in the CS district and a height limit of 32 feet. This agreement was written and signed between the Govalle/Johnston Terrace review committee and the property owners.

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]

Capital Metro service is available within ¼ mile of the property.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Boggy Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.

Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.

This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.

According to flood plain maps, there is no flood plain within the project area.

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.

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

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 tap permit.

Govalle/Johnston Terrace Neighborhood Planning Team

August 24, 2007

Mr. Robert Heil
Neighborhood Planning & Zoning Department
P O Box 1088
Austin, TX 78767

Dear Mr. Heil,

The Review Committee for the Govalle/Johnston Terrace Planning Team held its annual meeting on July 30th at the Oak Springs Library. The Anthony Daywood and Shady Lane Partners, LLC presented a rezoning request for the property located at 1109 Shady Lane (C14-2007-0080), from GR to CS-MU-CO.

After an extensive review and discussion, Review Committee members and other residents present came to a consensus decision on the above-mentioned property.

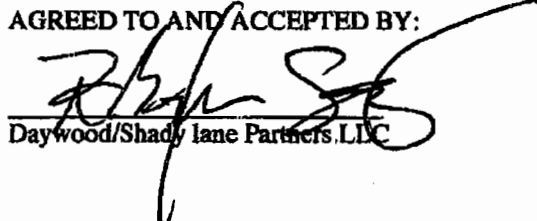
It was unanimously agreed by all attendees to accept the proposed request. It was referred to sub-committee for detailing of the agreement. That agreement is as follows:

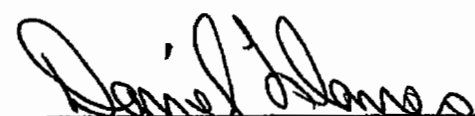
We approve the zoning change for the property located at 1109 Shady Lane from GR to CS-MU-CO-NP with the following conditions:

- 1) **Height limit of 32 feet**
- 2) **Prohibited uses include:** Kennels, Laundry Services, Liquor Sales, Marina, Monument Retail sales, Off-Site Accessory Parking, Outdoor Entertainment, Pawn Shop Services, Pet Services, Printing and Publishing, Research Services, Restaurant (General), Service Station, Vehicle Storage, Veterinary Services, Limited Warehousing and Distribution, Agricultural Sales and Services, Automotive Rentals, Automotive Repair Services, Automotive Sales, Automotive Washing (of any type), Construction Sales and Services, Consumer Convenience Services, Convenience Storage, Drop-Off Recycling Collection Facility, Electronic Prototype Assembly, Electronic Testing, Equipment Repair Services, Exterminating Services, Funeral Services, Hotel, Motel, Club or Lodge, Community Events, Community Recreation (public and private), Family Home, Group Home (class 1 & 2, general and limited), Guidance Services, Hospital Services (general & limited), Local Utility Services, Religious Assembly, Residential Treatment, Safety Services, Telecommunication Tower 7, Transitional Housing, Transportation Terminal.
- 3) **Food Services & Food Sales uses will be limited to 2000 sq. feet**

We thank the Anthony Daywood Family /Shady Lane Partners, LLC and the City of Austin Neighborhood Planning & Zoning Department for working with the Govalle/Johnston Terrace Planning Team Review Committee to make East Austin a better place for all of us to live in.

AGREED TO AND ACCEPTED BY:


Daywood/Shady Lane Partners, LLC


Daniel Llanes
Coordinator, Review Committee for
Govalle/Johnston Terrace Neighborhood Planning Team
4907 Red Bluff Austin, TX 78702
512/431-9665

Date:

8-29-07

Date:

8/29/07