

ZONING CHANGE REVIEW SHEET

CASE: C14-2007-0115 Midbar

PC Date: September 25, 2007

ADDRESS: 853 Airport Blvd

OWNER/AGENT: Midbar Investments LLC (Claire Brooks)

ZONING FROM: CS-CO-NP

TO: CS-CO-NP (removing the portion of the conditional overlay prohibiting the vehicle storage use.

AREA: 1.8 acres

SUMMARY STAFF RECOMMENDATION:

Staff recommends CS-CO-NP. The provisions of the existing conditional overlay which make the following uses conditional would be retained:

1. Agricultural sales and services
2. Building and maintenance services
3. Construction sales and services
4. Equipment repair services
5. Equipment sales
6. Limited warehouse and distribution
7. Laundry services

PLANNING COMMISSION RECOMMENDATION:

September 25, 2007: APPROVED STAFF'S RECOMMENDATION FOR CS-CO-NP ZONING; BY CONSENT. [S.KIRK, T.ATKINS 2ND](8-0)

DEPARTMENT COMMENTS:

In 2003, as part of the Johnston Terrace Neighborhood plan, vehicle storage was prohibited on this tract. The tract is currently used as a convenience storage facility, and the applicant would like to also store vehicles on the property.

Vehicle storage would not create a negative impact on the surrounding properties, and is appropriate on a major arterial such as Airport Blvd.

Staff recommends approval of the change to the conditional overlay on this tract.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	CS-CO-NP	Convenience storage
<i>North</i>	GR-NP and SF-3-NP	Construction company and open space
<i>South</i>	MH-NP	Mobile Home Park
<i>East</i>	MH-NP and CS-MU-CO-NP	Mobile Home Park and some residential uses
<i>West</i>	GR-MU-NP	Convenience store and use appliance sales

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	Sidewalks	Bike Route	Bus Routes
Airport Blvd	110'	60'	Arterial	No	No	17 Johnston
Bolm	62'	44'	Collector	No	No	350 Airport

CITY COUNCIL DATE: **ACTION:**

October 11, 2007: Postponed to November 8 at the request of the neighborhood.

November 8, 2007:

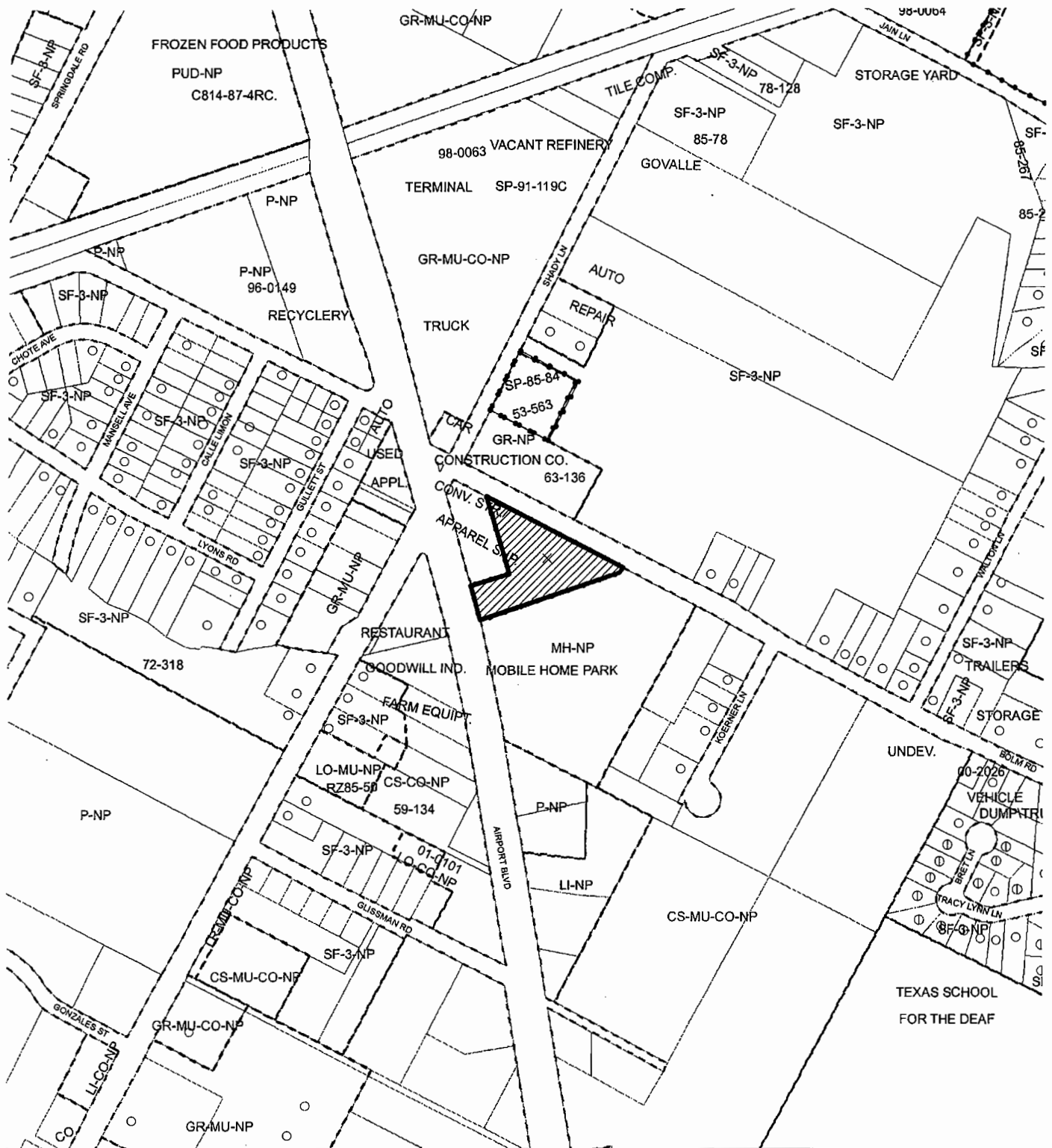
ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

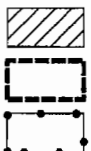
ZONING CASE MANAGER: Robert Heil

PHONE: 974-2330

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



ZONING



Subject Tract
Zoning Boundary
Pending Cases

ZONING CASE#: C14-2007-0115
ADDRESS: 853 AIRPORT BLVD
SUBJECT AREA: 1.8 ACRES
GRID: L21
MANAGER: R. HEIL



1" = 400' OPERATOR: SM

This map has been produced by G.I.S. Services for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



SUMMARY STAFF RECOMMENDATION

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BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

Vehicle storage is not incompatible adjacent to a mobile home park, or commercial uses

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

Site Plan

Site plans will be required for any new development other than single-family or duplex residential.

Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

This site is subject to the Hazardous Pipeline Ordinance. Review by the Fire Department is required. LDC, 25-2-516.

Before a person may place a road, surface parking lot, or utility line in a restricted pipeline area, the person must deliver to the Director a certification by a registered engineer stating that the proposed construction activity and structure are designed to prevent disturbing the pipeline or impeding its operation. LDC, 25-2-516(D)(2)

Transportation

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]

The Austin Metropolitan Area Transportation Plan calls for 140 feet of right-of-way for Airport Blvd. If the requested zoning is granted for this site, then 70 feet of right-of-way from the existing centerline should be dedicated for Airport Blvd according to the Transportation Plan. [LDC, Sec. 25-6-51 and 25-6-55]. There is currently approximately 55 feet existing, leaving 15 feet left to be dedicated.

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 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.

Heil, Robert

From: J. Oliveira [johrazus@yahoo.com]
Sent: Wednesday, October 03, 2007 4:52 PM
To: Heil, Robert
Subject: Subject: Oppose zoning change for case # C14-2007-0115

I live near the intersection of Bolm Road and Airport Boulevard, though not close enough to 853 Airport to have received notice of the zoning change request made by that property's owner (# C14-2007-0115). Had I received such a notice, I can assure you I would have contacted your office sooner. I, along with many residents of the Govalle and Johnston Terrace Neighborhoods, would like to submit my strong opposition to this request. I would like to see development in the area that is consistent with the city-approved Govalle/Johnston Terrace Combined Neighborhood Plan, adopted March 27, 2003. The residents of this community have worked tirelessly to ensure that development in this area coincides peacefully with the surrounding residential communities and fosters an attractive environment, suitable for increased foot traffic. Such an environment is desirable not only for our community but for the city at large. As noted on the city's website, "the Govalle Neighborhood Planning Area is located in the east-central part of Austin's Urban Core." What happens here greatly affects the way our city as a whole looks, feels and is perceived.

Increasing industrial usage in this area will have a negative impact on outdoor culture in our neighborhood. I currently walk from my home to nearby Govalle Park, directly across the street from this proposed development. I can tell you that I will think twice about doing so if I have to pass an impound or vehicle storage lot. Development like this has a negative impact on residential property value, outdoor culture, environmental health and public safety. What does it say about our city when one of our parks is across the street from a junk yard? Young children play at this park and I do not like the idea of them being exposed to hazardous materials, toxic fumes and potentially dangerous situations. Govalle Park, by the way, is packed with families every weekend. Our children deserve a safe and attractive place to play in this beautiful city. East Austin has played victim long enough to this type of shortsighted development. Please help us do what is right for our community by recommending the city council keep the existing zoning restrictions intact. Govalle/Johnston Terrace does not need this type of development.

As you may be aware, new residential developments have attracted more homeowners to the Govalle/Johnston Terrace neighborhood in recent years. Many of these homeowners have previously lived in other Austin neighborhoods, where this type of development is rarely proposed and even more rarely approved. In my subdivision alone, we have 98 families, a majority of whom will likely not approve of this type of

10/4/2007

land use.

I respectfully ask the planning commission to revisit its decision to recommend the approval of this zoning change request to the City Council. Please feel free to contact me with any questions you might have. Thank you for your time and consideration.

Sincerely,

Josyel Oliveira
5619 Steven Creek Way
Austin TX 78721

10/4/2007

Heil, Robert

From: Jessica Ardis [jessica_ardis@gmail.com]
Sent: Monday, October 01, 2007 9:58 PM
To: Heil, Robert; Guernsey, Greg
Subject: opposition to zoning change request C14-2007-0115

To Neighborhood Planning & Zoning Department:

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I respectfully ask the planning commission to revisit its decision to recommend the approval of this zoning change request to the City Council. Please feel free to contact me with any questions you might have. Thank you for your time and consideration.

Sincerely,

Jessica Ardis
5812 Steven Creek Way
Austin, TX 78721

10/4/2007

Heil, Robert

From: Kati_VonHolten@Countrywide.Com
Sent: Wednesday, October 03, 2007 11:18 AM
To: Heil, Robert
Subject: East Austin Zoning **HELP**

Dear Mr. Heil,

As a resident in the Govalle-Johnston Neighborhood Plan, I oppose the zoning change on the property at 853 Airport Blvd, case number C14-2007-0115. My community worked together for several years to develop our neighborhood plan and remove these types of uses.

Vehicle storage, or junk yards, was not acceptable then and is not acceptable now.

East Austin has long been a neglected area of the city with little support from city government to develop and promote new, mainstream business projects east of the I-35 corridor. As the demographics of East Austin continue to evolve, the priorities of our City Council for the neighborhoods of East Austin must also evolve and prohibit negative-image businesses such as this from being developed in an area that holds so much promise for more positive forms of economic development.

Also, there is a drainage waterway southeast of the property that water run-off from these vehicles could possible flow into during rain showers. That causes a great amount of environmental worry for me.

Additionally, large trucks and tow trucks will be transporting these vehicles to (and possibly from) the lot. As a daily bus rider, I am very concerned about the safety of the Capital Metro bus layover spot for the Number 17 Johnston bus which is located on the north edge of this property on Bolm Road just East of Airport Blvd. The bus stop is dangerously close to a possible entrance to the property that has been constructed.

Please take these concerns and issues I have presented to you into consideration when voting on this zoning change. I strongly encourage you to vote No on this issue.

Thank you for taking the time to read my message.

Sincerely,

Kati VonHolten
Account Executive
1.866.509.8796 x 4072
Direct Line 512.286.4072
Fax 1.866.876.0260

Austin, TX 78759

10/4/2007

Heil, Robert

From: john Limon [johnnycallimon@shcglobal.net]
Sent: Tuesday, October 02, 2007 12:54 PM
To: Heil, Robert
Subject: Re:C14-2007-0115

Good Morning Mr. Heil:

Thank you for talking with me this morning. I'm surprised that the Govalle-Johnston Terrace Neighborhood Planning-Contact Team, didn't receive notice of this proposed change of zoning. Daniel Llanes, our chair-person, and Susana Almanza, co-chair, never received notice. That's why we missed the public hearing before the Planning Commission. For the record, our community is strongly in opposition to this zoning change.

For many years, several of us community residents, have worked hard to reverse the injustice's done to our community. East Austin was home to more industrial and light-industrial sites than the rest of the city as a whole. Many neighborhood homes were zoned industrial. This allowed for hazardous materials, construction companies, warehouses, to be next door to resident's.

For over 6 years, we fought to have six major gasoline polluting corporations relocated away from our community. They were know as the Tank Farm.

This same community, After many years of having our neighborhood polluted with trash from BFI Recycling Company, asked the City of Austin to relocate this facility. The City was it's main customer. With their support, we succeeded.

In 2000, the Govalle-Johnston community and all stake-holders, started work on it's Neighborhood Plan. It gave us the opportunity to plan out our future. Many industrial and light industrial properties were down-zoned. Some changes included "conditional over-lays". We felt that the Neighborhood Plan would protect us from further injustice's.

Now, we face going backwards. This zoning case, number C14-2007-0115, is to allow "vehicle storage". A better description is, JUNK YARD! Our Plan prohibits this use. Yet, city staff has approved it!

The Govalle-Johnston Terrace Neighborhood Team, and The Garden's Neighborhood Association, strongly OPPOSE the zoning change. We deserve to live in a clean, safe, healthy environment.

Sincerely,
Johnny Limon

10/4/2007