

ZONING CHANGE REVIEW SHEET

CASE: C14-2007-0221

Z.A.P. DATE: December 4, 2007

ADDRESS: 11304 Braker Lane

OWNER/APPLICANT: River City Twirl & Dance (Mildred Willman)

ZONING FROM: SF-2

TO: LR

AREA: 0.2779 acres

SUMMARY STAFF RECOMMENDATION:

The staff's alternate recommendation is to grant LR-CO, Neighborhood Commercial-Conditional Overlay District, zoning. The proposed conditional overlay would limit the development intensity on the site to less than 2,000 vehicle trips per day.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

12/04/07: Approved staff's recommendation for LR-CO zoning by consent (8-0); J. Martinez-1st, T. Rabago-2nd.

DEPARTMENT COMMENTS:

The property in question is developed with a dance studio facility (Personal Improvement Services use). The applicant is requesting "LR" zoning because they would like to bring the use on site into conformance with the City of Austin Land Development Code regulations. Currently, Personal Improvement Services is not a permitted use in the LR, Neighborhood Commercial, zoning district. However, the Neighborhood Planning and Zoning Department has initiated a code amendment to allow additional uses in the "LR" zoning district (Please see Overview – Attachment A). In this amendment, a Personal Improvement Services use that is less than 5,000 square feet in size would be permitted in the "LR" district. The proposed Code amendment for the Neighborhood Commercial district has passed the Planning Commission Codes and Ordinances subcommittee and is scheduled to go before the full Planning Commission for a public hearing on December 11, 2007. The applicant in this case is seeking a rezoning in anticipation of the LR Use Code amendment approval.

The staff is recommending LR-CO zoning for this tract of land because the site meets the intent of the "LR" zoning district. LR-CO zoning will promote consistency and orderly planning because the proposed zoning district will provide for a transition away from the intersection of East Braker Lane and Dessau Road to the single-family (SF-2) uses to the north and east (Pioneer Crossing PUD development across Dessau Road). This area consists of a mixture of NO, SF-2 and PUD zoning and there are residential, office and civic uses adjacent to this property. LR-CO zoning is appropriate for this site because it will allow the applicant to provide commercial services on a property located at the intersection of two arterial roadways, East Braker Lane and Dessau Road.

The applicant agrees with the staff recommendation.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-2	Personal Improvement Services (River City Twirl & Dance Studio)
<i>North</i>	SF-2	Undeveloped Tract
<i>South</i>	SF-2	Elementary School
<i>East</i>	SF-2	Undeveloped Tract
<i>West</i>	PUD	Undeveloped Tract, Single-Family Residences

AREA STUDY: N/A**TIA:** Waived**WATERSHED:** Walnut Creek**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** N/A**HILL COUNTRY ROADWAY:** N/A**NEIGHBORHOOD ORGANIZATIONS:**

- 51 - Northeast Walnut Creek Neighborhood Association
- 64 - River Oaks Lakes Estates Neighborhood
- 114 - North Growth Corridor Alliance
- 149 - Woodcliff Homeowners Association
- 278 - Copperfield Neighborhood Organization
- 511 - Austin Neighborhoods Council
- 643 - North East Action Group
- 671 - Collinwood Homeowners Association
- 742 - Austin Independent School District
- 746 - Woodcliff Neighborhood Association
- 771 - Jester Homeowners Association Development
- 786 - Home Builders Association of Greater Austin
- 937 - Taking Action Inc.
- 1037- Homeless Neighborhood Association

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-03-0097	MF-3-CO to GO	8/12/03: Approved staff's alternated recommendation of GO-CO, with additional conditions as read into the record (agreed to by Neighborhood and Applicant): 1) Prohibit the following uses: Bed and Breakfast (Group 1), Bed and Breakfast Group 2), Administrative and Business Offices, Art and Craft Studio (Limited), Business or Trade School, Business Support Services, Communication Services, Medical Offices – exceeding 3,000 square	9/25/03: Approved GO-CO (7-0); all 3 readings

		<p>feet of gross floor area, Off-Site Accessory Parking, Personal Services, Professional Office, Software Development, College and University Facilities, Communication Service Facilities, Cultural Services, Day Care Services (Commercial), Day Care Services (Limited), Family Home, Guidance Services, Hospital Services (Limited), Local Utility Services, Private Primary Educational Facilities, Private Secondary Educational Facilities, Public Primary Educational Facilities, Public Secondary Educational Facilities, Safety Services</p> <p>2) Height restriction of 48 feet</p> <p>Vote: (9-0); J. Martinez-1st, C. Hammond-2nd.</p>	
C14-02-0130	CS-1 to GR	9/10/02: Approved staff's rec. of GR zoning by consent (6-0, D. Castaneda-absent)	10/10/02: Approved (7-0); all 3 rdgs.
C14-96-0065	SF-2 to NO	6/25/96: Approved NO (7-0)	<p>6/27/96: Approved PC rec. of NO (7-0)</p> <p>8/8/96: Approved NO (7-0); 2nd/3rd readings</p>
C14-95-0034	CS to CS-1	5/9/95: Denied CS-1 (6-0)	<p>6/1/95: Approved CS-1 w/ conditions (4-1-2, BS-No, JG/BT-Abstain); 1st reading</p> <p>8/17/95: Approved CS-1 (4-1-2, BS-No, JG/BT-abstain); 2nd reading</p> <p>8/24/95: Approved CS-1 (5-1, JG-Nay); 3rd reading</p>
C14-93-0015	PUD to GO	5/11/93: Approved SF-6 (5-3)	<p>6/3/93: Approved SF-6 (6-0); 1st reading only</p> <p>8/12/93: Approved SF-6 (5-0); 2nd/3rd readings</p>

RELATED CASES: C7A-05-002 (Annexation Case)

ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION	DAILY TRAFFIC
Braker Lane	100'	2@36'	Arterial	N/A
Dessau Road	Varies	2 @ 24 ft	MAD 4	1,473 (6/21/04)

CITY COUNCIL DATE: January 10, 2008

ACTION:

ORDINANCE READINGS: 1st

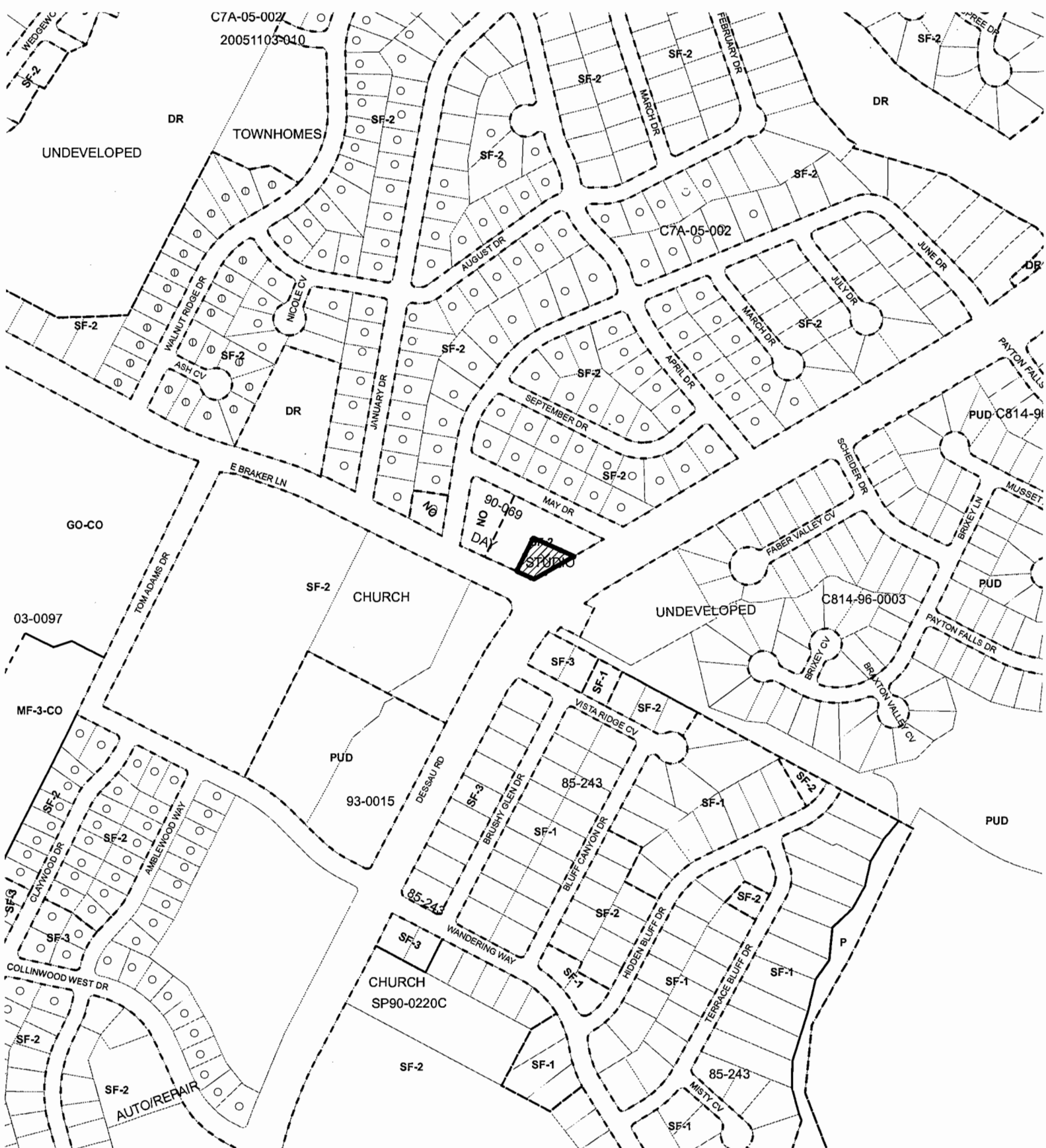
2nd

3rd

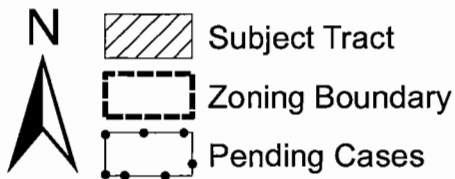
ORDINANCE NUMBER:

CASE MANAGER: Sherri Sirwaitis

PHONE: 974-3057,
sherri.sirwaitis@ci.austin.tx.us



ZONING

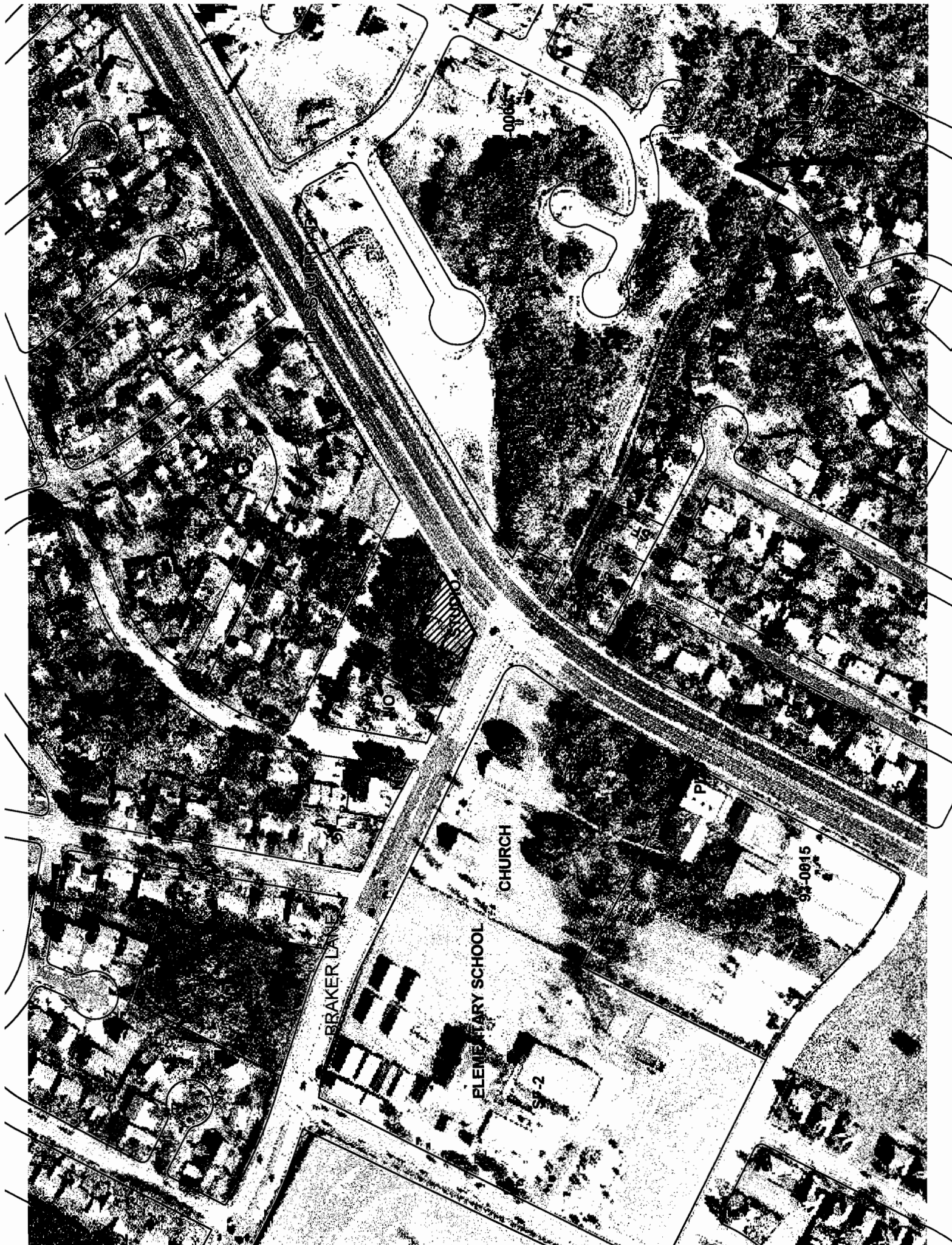


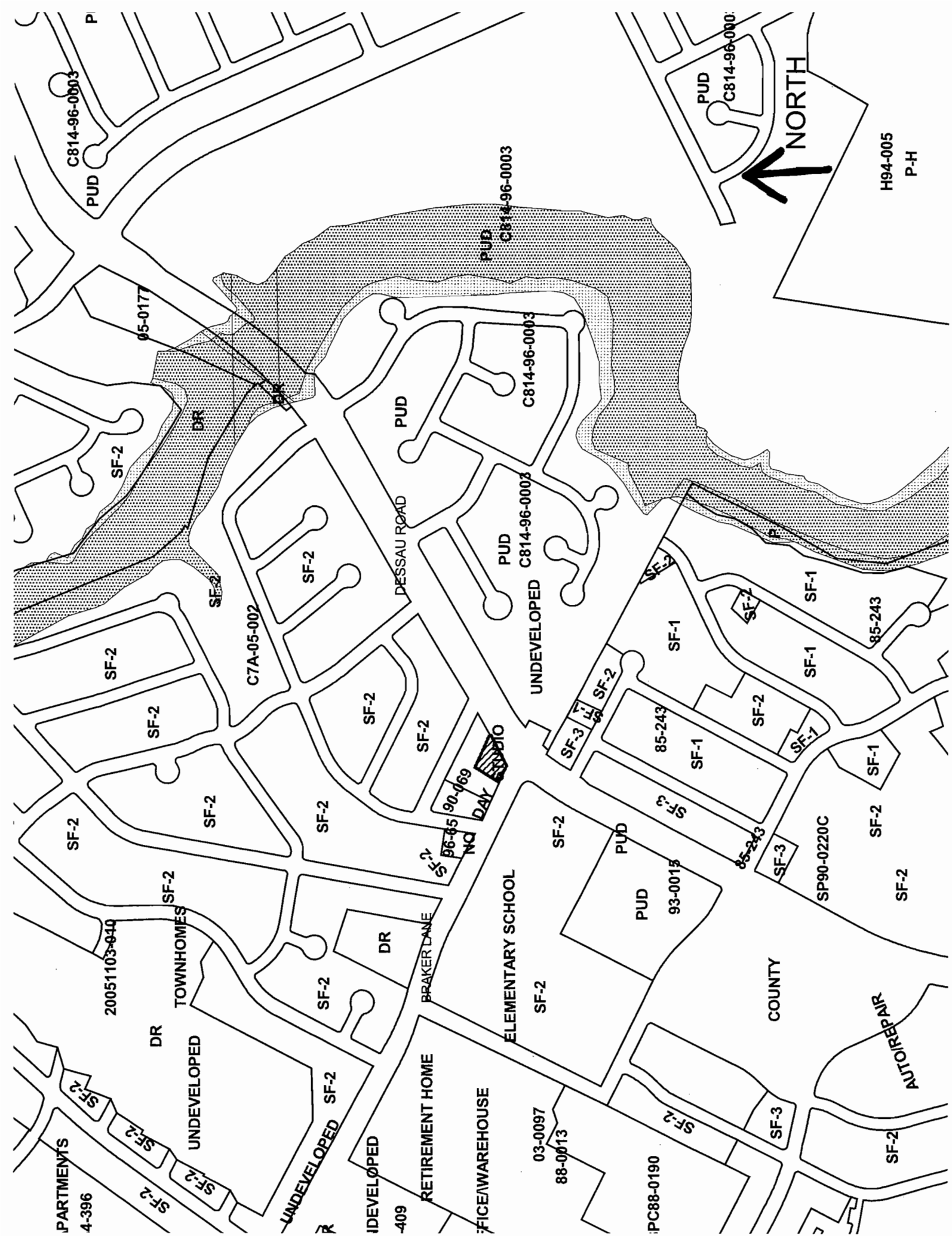
ZONING CASE#: C14-2007-0221
ADDRESS: 11304 DESSAU RD
SUBJECT AREA: 0.2779 ACRES
GRID: N31
MANAGER: S. SIRWAITIS



1" = 400' OPERATOR: S MEEKS

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.





STAFF RECOMMENDATION

The staff's alternate recommendation is to grant LR-CO, Neighborhood Commercial-Conditional Overlay District, zoning. The proposed conditional overlay would limit the development intensity on the 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.*

Neighborhood commercial (LR) district is the designation for a commercial use that provides business service and office facilities for the residents of a neighborhood. Site development regulations and performance standards applicable to a LR district use are designed to ensure that the use is compatible and complementary in scale and appearance with the residential environment.

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

LR-CO zoning will promote consistency and orderly planning because the proposed zoning district will provide for a transition away from the intersection of E. Braker Lane and Dessau Road to the single-family (SF-2) uses to the north and east (Pioneer Crossing PUD development across Dessau Road). This area consists of a mixture of NO, SF-2 and PUD zoning. There are residential, office and civic uses adjacent to this site.

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

The LR zoning district will allow for a fair and reasonable use of the site. The property in question is currently being used for personal improvement services. The applicant is requesting a rezoning of the property to bring the existing use into conformance with City regulations if the proposed Land Development Code amendment for "LR" district uses is approved by the City Council early next year.

The LR-CO zoning is appropriate for this site because it will allow the applicant to provide commercial services to surrounding residential areas on a property located at the intersection of two arterial roadways, East Braker Lane and Dessau Road.

EXISTING CONDITIONS

Site Characteristics

The property is currently developed as a dance studio facility. The property contains a building that is surrounded by a wooded area to the north and west. There is an elementary school and a religious assembly use located to the south, across Braker Lane, and single-family residential uses to the east, across Dessau Road (in the Pioneer Crossing PUD).

Impervious Cover

The maximum impervious cover allowed by the LR zoning district would be 80%. However, because the watershed impervious cover is more restrictive than the zoning district's allowable impervious cover, the impervious cover is limited by the watershed regulations.

Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

Development Classification	% of Net 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%

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 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.

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.

Transportation

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]

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

Existing Street Characteristics:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Bus Routes
Braker Ln	90'	62'	Arterial	Yes	Rte. 10 Rte. 434	392 Braker 485 Night Owl Cameron
Dessau Road	Varies	2 @ 24 ft	MAD 4		Priority 1, Route 228	

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 stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program if available.

Compatibility Standards

No comment.

Attachment A

Sirwaitis, Sherri

From: Walters, Mark
Sent: Wednesday, November 28, 2007 1:09 PM
To: Sirwaitis, Sherri
Subject: New LR Uses Overview_PC_C&O_10-16-07.doc

Proposed Code Amendment to Allow Additional Uses to the Neighborhood Commercial (LR) Zoning District

PURPOSE FOR THE PROPOSED CODE AMENDMENT

This Code amendment is being proposed in conjunction with the creation of two new land use categories for neighborhood plans' Future Land Use Maps (FLUM)—Neighborhood Commercial and Neighborhood Mixed-Use. These land use categories were created to differentiate between various intensities of retail and mixed-use. An analysis of the uses allowed in the Community Commercial (GR) zoning district indicated there are several appropriate for the Neighborhood Commercial (LR) zoning district if additional regulations were established to mitigate possible negative effects. These uses are:

- General Retail Sales—General
- Personal Improvement Services
- Restaurant General.

Staff discussions generated a consensus that in order to permit these uses in LR zoning, the maximum size of these uses should be limited and additional development regulations should be established for each use. A list of allowable uses in the LR district is included on the back page of this document.

ADDED USES to LR Zoning District

General Retail Sales—General (less than 5,000 sq/ft)

The General Retail Sales—General use allows the sale or rental of commonly used goods for personal or household use. This includes department stores, furniture stores, and those selling home furnishings, appliances, wallpaper, and floor-coverings. This use also includes auto parts stores that do not service vehicles or install parts.

The nature of this use as applied in the GR and more permissive zoning districts would make its application in the LR district inappropriate without establishing size restrictions. Currently, there is no limit on maximum building size and allows retail outlets as large as a Target or Wal-Mart, a Macy's or Dillard's, and even an Ikea. This proposed change to limit the size of General Retail Sales—General to 5,000 sq/ft in the LR zoning district would allow neighborhood-friendly uses such as a specialty furniture store, an interior design store, a small appliance store, or a neighborhood auto parts store.

Additional Regulations

To further mitigate the effects of this use, access to a site with the proposed *General Retail Sales—General (less than 5,000 sq/ft)* use should be directly from an arterial or collector street.

Personal Improvement Services (less than 5,000 sq/ft)

The Personal Improvement Services use is the use of a site for the provision of informational, instructional, personal improvement, and similar services of a nonprofessional nature. This use includes photography studios, driving schools, health or physical fitness studios, dance studios, and handicraft or hobby instruction.

Several of the specific uses allowed under the general use category of Personal Improvement Services such as photography studios, smaller health or fitness studios (yoga, Pilates, martial arts, etc.), and hobby instruction (stained glass, crocheting, quilt making, etc.) are neighborhood-friendly uses. However, large gym facilities such as Gold's Gym or a YMCA, gymnastic studios, or dance studios would not be compatible in locations where LR is an appropriate zoning district. Adopting the *Personal Improvement Services (less than 5,000 sq/ft)* use by limiting the size of the facility would allow these neighborhood-compatible uses where currently they are not allowed.

Restaurant General (less than 4,000 sq/ft)

The purpose of including a size-limited Restaurant General use (allows the sale of alcoholic beverages incidental to the sale of food) in LR zoning is to provide opportunities for smaller, neighborhood-scaled restaurants where presently there are none. Presently under the LR zoning district, a restaurant that does not serve alcohol is permitted without a size limit requirement and may have a drive-through if conditions are met. These restaurants, categorized as Restaurant—Limited use, such as McDonalds, Burger King, and Taco Bell typically have pad sites ranging from 2,000 sq/ft to 5,000 sq/ft. Another somewhat intensive use, a convenience store with gas pumps, can also be built under LR zoning. In comparison, a smaller restaurant allowing patrons to have an adult beverage with their meals would likely have a lesser effect on adjacent neighborhoods than either of these uses.

Below is a list of established local restaurants and the square footage as per TCAD (please note: it is unknown if all of these restaurants serve alcohol, but they are indicative of neighborhood-scaled restaurants):

- 34th Street Café (1,760 sq/ft)
- Hyde Park Bar and Grill—Duval Street (2,524 sq/ft)
- Juan in a Million (2,121 sq/ft)
- Eastside Café (3,759 sq/ft—does not include decks or restaurant store)
- Zoot (1,664 sq/ft)
- Mother's (3,450 sq/ft)
- Madam Mam's—West Gate (4,000 sq/ft)
- Hoover's—Manor Road (3,685 sq/ft)
- Treehouse Bar and Grill (3,048 sq/ft)
- Maudie's—North Lamar (2,400 sq/ft)
- Kerbey Lane Café—Central (2,745 sq/ft)
- Zen—South Congress (2,036 sq/ft)
- Zen—Guadalupe (3,774 sq/ft—includes upstairs offices)

Additional Regulations

The proposed change to the *Restaurant General (less than 4,000 sq/ft)* use will include several performance standards that will make the use compatible and complementary in scale and

appearance with a residential environment. The suggested standards are:

- Outdoor seating shall be limited to 500 sq/ft (this would allow approximately seven or eight tables)
- Outdoor seating shall not be located adjacent to any single-family use or a single-family zoning district of FF-6 or more restrictive.
- Hours of operation are 7:00 AM to 11:00 PM
- No amplified music for outside seating
- No outdoor entertainment.

Uses allowed under LR zoning

Residential

Bed and Breakfast (Group 1)
Bed and Breakfast (Group 2)

Civic

Club or Lodge (c)
College and University Facilities
Communication Service Facilities
Community Events (1)
Community Recreation—Private (c)
Community Recreation—Public (c)
Congregate Living (c)
Counseling Services
Cultural Services
Day Care Services—Commercial
Day Care Services—General
Day Care Services—Limited
Family Home
Group Home Class I—General
Group Home Class I—Limited
Group Home Class II (c)
Guidance Services
Hospital Services—Limited (c)
Local Utility Services
Private Primary Educational Services
Private Secondary Educational Services
Public Primary Educational Services
Public Secondary Educational Services
Religious Assembly
Residential Treatment (c)
Safety Services

Commercial

Administrative Business Office
Art Gallery
Art Workshop
Consumer Convenience Services
Consumer Repair Services
Financial Services
Food Sales
General Retail Sales—Convenience
Medical Offices—not exceeding
5,000 sq/ft of gross floor space

Medical Offices—exceeding
5,000 sq/ft of gross floor space (c)
Off-Site Accessory Parking
Personal Services
Pet Services
Plant Nursery (c)
Printing and Publishing
Professional Office
Restaurant—Limited
Service Station
Software Development
Special Use Historic (c)

Agricultural
Urban Farm