AUSTIN CITY COUNCIL

AGENDA



Thursday, January 31, 2008

Public Hearings and Possible Actions **Item No. 135**
RECOMMENDATION FOR COUNCIL ACTION

Subject: Conduct a public hearing and consider an ordinance amending Chapter 25-2 of the City Code to add new permitted uses to the Neighborhood Commercial (LR) zoning district.

For More Information: Mark Walters, 974-7695; Sylvia Arzola, 974-6448.

Boards and Commission Action: Recommended by Planning Commission.

The Neighborhoood Planning and Zoning Department is recommending an amendment to Chapter 25-2 of the City Code to add three additional uses to the neighborhood commercial (LR) zoning district: General Retail Sales, Personal Improvement Services and Restaurant General.

This code amendment is being proposed in conjunction with the creation of two new land use categories for Future Land Use Maps (FLUMs): Neighborhood Commercial and Neighborhood Mixed-Use. These 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 that the three proposed uses are appropriate for the Neighborhood Commercial (LR) zoning district if additional regulations are established to mitigate possible negative effects.

NPZD staff has reviewed zoning case history and has discovered that applicants seeking the above uses in an LR district have been required to apply for a zoning change to GR, but the uses allowed in the GR category have been considered neighborhood unfriendly. As a result, those cases eventually required the creation of a Conditional Overlay (CO) to prohibit all uses allowed in the GR zoning district with the exception of one of the proposed new uses, and without the additional requlations proposed in this code amendment to mitigate any possible negative effects.

The proposed new uses and their limitations in the LR district are as follows:

1. General Retail Sales–General (less than 5,000 sq/ft) - 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. In addition to a size limitation, the amendment will require that access to the site should be directly from an arterial or collector street.

2. Personal Improvement Services (less than 5,000 sq/ft)- Allows 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. A size limitation will allow neighborhood-compatible uses where they are currently not allowed.

3. Restaurant General (less than 4,000 sq/ft) - Provides opportunities for for smaller, neighborhood-scaled restaurants where presently there are none. In addition to a size limitation, the amendment will include several performance standards that will make the use compatible and complementary in scale and appearance with a residential environment:
• 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 SF-6 or more restrictive.
• Hours of operation are 7:00 AM to 11:00 PM
• No amplified music for outside seating
• No outdoor entertainment
• A drive-through accessory use is not allowed.