

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2008-0082

**P.C. DATE:** May 27, 2008

**C.C. DATE:** June 18, 2008 (Notice Error)  
July 24, 2008

**ADDRESS:** 1403 Morgan Lane

**OWNER/APPLICANT:** Robb Buchanan & Philip C. Friday, Jr.

**AGENT:** Robb Buchanan

**AREA:** 0.967 acres

**ZONING FROM:** *Tract 1 - SF-3*  
*Tract 2 - LO; SF-3*

**TO:** *Tract 1 - NO-MU-CO*  
*Tract 2 - GO-CO*

**REQUESTED CONDITIONAL OVERLAY:**

Tract 1: From SF-3 to NO-MU-CO:

-The conditional overlay shall restrict bed & breakfast (groups 1 & 2); AND

-A roll-back provision will be instituted via a public restrictive covenant; so that the owner will not oppose a rezoning back to the original SF-3 zoning should the intended use of day care services and / or administrative offices discontinue use for a period of 90 consecutive days.

Tract 2: From LO; SF-3 to GO-CO

-The conditional overlay shall prohibit vehicular access to Morgan Lane and shall prohibit the following uses:

- |                                     |  |
|-------------------------------------|--|
| ▪ Bed & Breakfast (Group 1)         | ▪ Communication Service Facilities         |
| ▪ Bed & Breakfast (Group 2)         | ▪ Community Recreation (Private)           |
| ▪ Administrative & Business Offices | ▪ Community Recreation (Public)            |
| ▪ Art Gallery                       | ▪ Congregate Living                        |
| ▪ Art Workshop                      | ▪ Convalescent Services                    |
| ▪ Business or Trade School          | ▪ Counseling Services                      |
| ▪ Business Support Services         | ▪ Cultural Services                        |
| ▪ Commercial Off-Street Parking     | ▪ Guidance Services                        |
| ▪ Medical Offices                   | ▪ Hospital Services                        |
| ▪ Personal Services                 | ▪ Private Primary Educational Facilities   |
| ▪ Printing and Publishing           | ▪ Private Secondary Educational Facilities |
| ▪ Professional Office               | ▪ Public Primary Educational Facilities    |
| ▪ Restaurant (Limited)              | ▪ Public Secondary Educational Facilities  |
| ▪ Software Development              | ▪ Residential Treatment                    |
| ▪ Special Use Historic              | ▪ Safety Services                          |
| ▪ Urban Farm                        |  |
| ▪ Club or Lodge                     |  |
| ▪ College and University Services   |  |

**SUMMARY STAFF RECOMMENDATION:**

The staff's recommendation is supportive of the applicant's request for NO-MU-CO for Tract 1 and GO-CO for Tract 2.

**PLANNING COMMISSION RECOMMENDATION:**

Approved staff recommendation by consent. [Vote: 8-0]

**DEPARTMENT COMMENTS:**

The 0.5-acre site is currently zoned SF-3 (single family residential) district zoning and LO (limited office) district zoning. The site fronts Morgan Lane; however, access is taken through adjacent property to Ben White Blvd. There is currently a single-family residence on Tract 1 and a paved parking lot on Tract 2.

The subject property is predominately surrounded by single-family residences to the north and west. To the south and east, there are several commercial uses, including auto sales and auto repair. A single family residence separates the subject property from the auto repair use.

The applicant owns a childcare center two properties down the street on Morgan Lane. The existing paved parking lot is currently used to park this childcare center. However, to make the parking legal, the applicant needs GO-CO (general office – conditional overlay) combining district zoning for the off-site accessory parking use.

The applicant intends to rezone Tract 1 to NO-MU-CO (neighborhood office – mixed use – conditional overlay) combining district zoning to use the existing building to either open a new classroom for the childcare center or move the administrative functions of the childcare center.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	SF-3; LO	Single-Family Residence; Parking Lot
<i>North</i>	SF-3	Single-Family Residences
<i>South</i>	CS; GR	Auto Sales and Auto Repair
<i>East</i>	SF-3; GR; CS-1	Auto Repair
<i>West</i>	SF-3	Single-Family Residences; Childcare Center

**AREA STUDY:** N/A

**TIA:** Waived

**WATERSHED:** West Bouldin Creek

**DESIRED DEVELOPMENT ZONE:**YES

**CAPITOL VIEW CORRIDOR:** N/A

**HILL COUNTRY ROADWAY:** N/A

**NEIGHBORHOOD ORGANIZATIONS:**

Austin Neighborhoods Council  
Austin Independent School District

South Central Coalition

Barton Springs / Edwards Aquifer  
Conservation District  
Home Builders of Greater Austin  
League of Bicycling Voters

South Lamar Neighborhood Association  
CIM  
Homeless Neighborhood Association

**SCHOOLS:**

Joslin Elementary School  
Covington Middle School  
Crockett High School

**CASE HISTORIES:**

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-76-002	From "A" Residence to "O" Office	"O" Office (Now LO)	"O" Office (Now LO)

**RELATED CASES:**

There are no pending or approved site plans at this time.

**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Bus Routes
Morgan Lane	50'	27'	Local	No	No	No

**CITY COUNCIL DATE:** Pending

**ACTION:** N/A

**ORDINANCE READINGS:** 1st

2<sup>nd</sup>

3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Robert Levinski

**PHONE:** 974-1384

## **STAFF RECOMMENDATION**

The staff's recommendation is supportive of the applicant's request for NO-MU-CO for Tract 1 and GO-CO for Tract 2.

## **BASIS FOR RECOMMENDATION**

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

The request for neighborhood office (NO) district zoning and general office (GO) district zoning that is limited in scale is consistent with the character of the immediate neighborhood. The neighborhood is a mix of commercial and residential uses. The conditional overlays for this rezoning request limit the number of commercial uses on the property making potential development more compatible with surrounding single-family residences.

2. *Zoning should promote a transition between adjacent and nearby zoning districts, land uses, and development intensities.*

The conditional overlay prohibiting access to Morgan Lane for Tract 2 orients the more intense commercial base district to Ben White Blvd (US 290 W). Rezoning Tract 1 to NO-MU-CO provides transition between the commercial uses fronting Ben White Blvd. and the single-family residences to the north.

## **EXISTING CONDITIONS**

### **Site Plan Review**

This tract is already developed and the proposed zoning change is a footprint within the existing development. 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 across the street from, adjoining or located 540-feet or less from property zoned SF-5 or more restrictive, or on which a use permitted in an SF-5 or more restrictive zoning district is located will be subject to compatibility development regulations.

### **Compatibility Standards**

The site is subject to compatibility standards. Along the North, West, East property line, the following standards apply:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- A landscape area at least 25 feet wide is required along the property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

Additional design regulations will be enforced at the time a site plan is submitted.

For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive:

- An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.
- No parking or driveways are allowed within 25 feet of the property line
- A landscape area at least 15 feet in width is required along the property line if tract is zoned MF-3, MF-4, MF-5, MH, NO, or LO.
- A landscape area at least 25 feet in width is required along the property line if the tract is zoned LR, GO, GR, L, CS, CS-1, or CH.

Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

Off-Site Accessory Parking is a permitted use in a GO zoning district. Commercial Off-Street Parking is not a permitted use in a GO zoning district.

### **Environmental**

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the West Bouldin 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.

### **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]

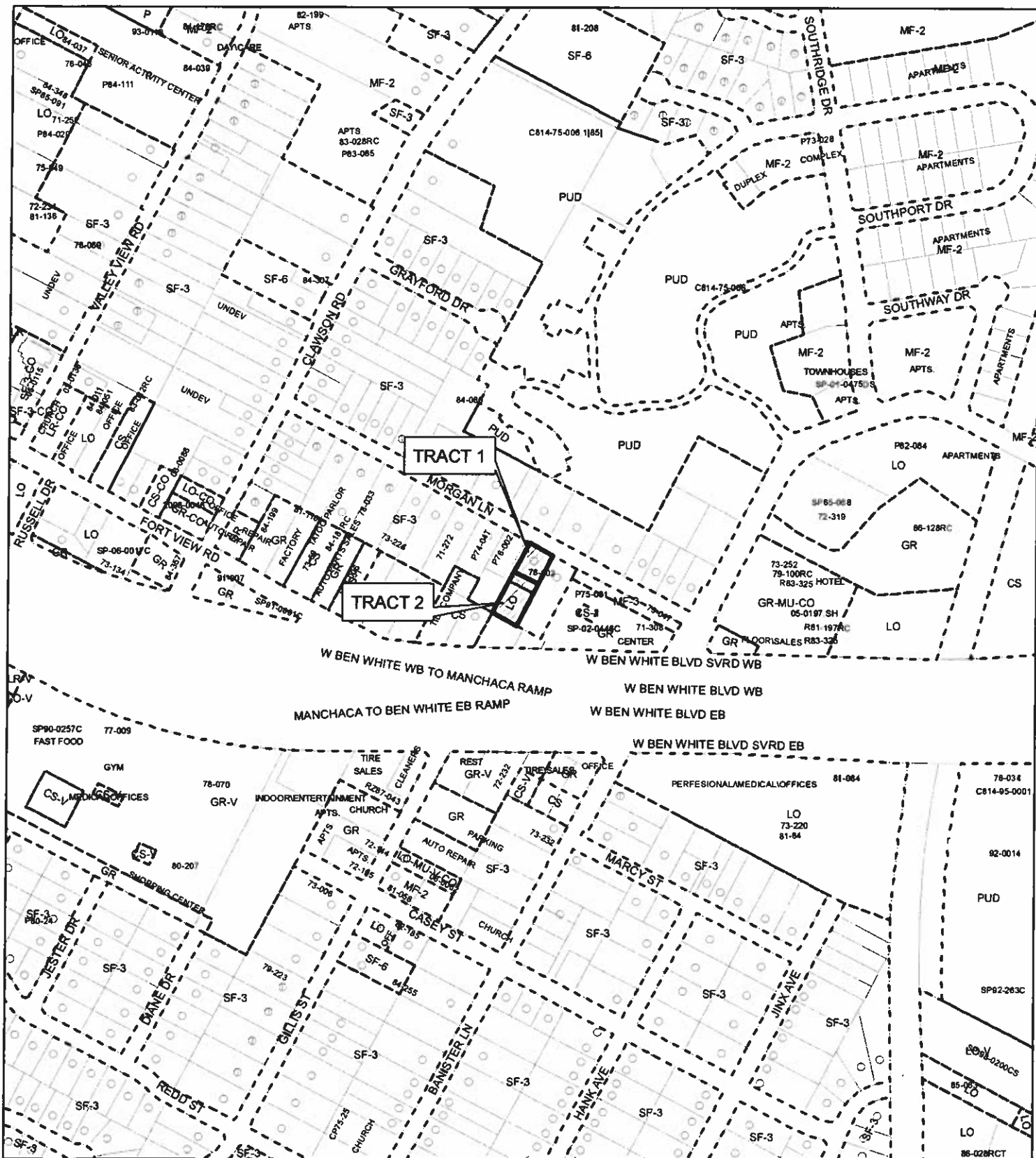
No additional right-of-way is needed at this time.

### **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, an 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**

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 square feet 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.



# ZONING

-  **SUBJECT TRACT**
-  **ZONING BOUNDARY**
-  **PENDING CASE**

**ZONING CASE#:** C14-2008-0082  
**ADDRESS:** 1403 MORGAN LANE  
**SUBJECT AREA:** 0.5 ACRES  
**GRID:** G19  
**MANAGER:** R. LEVINSKI

**OPERATOR:** S. MEES



1" = 400'

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.



C14-2008-0082  
1403 Morgan Lane  
From: SF-3 & LO  
To: GO





# Comment Card

PLANNING COMMISSION



Agenda Item #: 13

Please indicate your position on this item:

- ☒ FOR  
☐ AGAINST  
☐ NEUTRAL / UNDECIDED

Do you wish to speak on this item?

- ☐ YES  
☒ NO However... I do want  
it to be noted (over)

Name (Please PRINT)

CAROL GIBBS

Address

1602 Roberts Ave

Email

cgibbs1@austin.tx.gov

Phone

412-8060

Date

5-27-08

The applicant did meet with officers of the neighborhood (SLNA), ~~Robert~~ and their application reflects our negotiated agreement