

ZONING CHANGE REVIEW SHEET

CASE: C14-2008-0095

Z.A.P. DATE: June 17, 2008 (re-noticed)
July 1, 2008

ADDRESS: 12214 Jekel Circle

OWNER/APPLICANT: BMW of Austin (Steve Late) **AGENT:** Thrower Design (A. Ron Thrower)

ZONING FROM: SF-3

TO: LI

AREA: 0.31 acres

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to grant LI-CO, Limited Industrial Services-Conditional Overlay District, zoning. The conditional overlay would limit the development intensity on the site to less than 2,000 vehicle trips per day.

If the requested zoning is granted for this site, then 35-feet of right-of-way should be dedicated from the centerline of Jekel Circle to the City of Austin through a street deed in order to accommodate traffic anticipated to be generated by this site.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

7/01/08: Approved staff's recommendation of LI-CO zoning, with added condition to prohibit Adult Oriented Businesses, by consent (6-0, J. Martinez, K. Jackson-absent) T. Rabago-1st, J. Shieh-2nd.

DEPARTMENT COMMENTS:

The property in question is an undeveloped lot. The applicant is requesting a rezoning to develop commercial uses on the site. The property to the north contains a small office. The tracts of land to the east are currently developed as an automotive sales dealership (BMW of Austin). To the west there is a Construction Sales and Services use (Plumbing Inc.). To the south of the site there are undeveloped lots.

The staff recommends LI-CO zoning for this property because the site is located adjacent to existing CS-CO and CS zoning to the north and east and LI zoning to the south and west. This tract of land is surrounded by commercial uses and industrial uses to the north, south, east, and west. The site under consideration takes access to a collector street, one block away from an arterial roadway, Mc Neil Drive.

The applicant agrees with the staff's recommendation.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-3	Undeveloped
<i>North</i>	CS-CO	Undeveloped
<i>South</i>	SF-3	Undeveloped
<i>East</i>	CS	Automotive Sales (BMW of Austin)
<i>West</i>	LI	Construction Sales and Services (Plumbing, Inc.)

AREA STUDY: N/A

TIA: Waived

WATERSHED: Rattan Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

NEIGHBORHOOD ORGANIZATIONS:

Austin Northwest Association
Home Builders Association of Greater Austin
Homeless Neighborhood Association
North Oaks Neighborhood Association
Northwood Homeowners Association
River Place Residential Community Association, Inc.
Bull Creek Foundation

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-06-0056	SF-2 to CS	5/02/06: Approved staff's recommendation for GR-CO district zoning by consent (8-0, J. Martinez-absent); J. Gohil-1 st , J. Pinnelli-2 nd .	6/08/06: Approved GR-CO zoning by consent (7-0); all 3 readings
C14-05-0083	GR-CO to GR-CO	7/05/05: Approved staff's recommendation for GR-CO district zoning by consent (7-0, M. Whaley-Hawthorne-absent, T. Rabago-arrived late)	8/04/05: Approved GR-CO (6-0, McCracken-out of room); all 3 readings
C14-04-0155	GR-CO to GR-CO	11/2/04: Approved staff's recommendation of GR-CO zoning by consent (9-0); J. Martinez-1 st , J. Gohil-2 nd .	12/02/04: Approved GR-CO (7-0); all 3 readings
C14-03-0080	MF-3-CO to GR	6/10/03: Approved staff's alternate recommendation of GR-CO zoning with the following conditions: Limit the site to 2,000 vehicle trips per day; prohibit the following uses: Automotive related uses [Automotive Rentals, Automotive Repair Services, Automotive Sales, and Automotive Washing (of any type)], Pawn Shop Services, Restaurant (Drive-In, Fast Food), Personal Improvement Services, Commercial Off-Street Parking, Drop-Off Recycling Collection Facility, Adult Oriented Businesses, Urban Farm; and require a 10-foot landscape buffer along the Eastern	7/17/03: Approved ZAP rec. of GR-CO (7-0); with the following additional permitted uses: Personal Improvement Services use and permit Drive-In Facilities, only as an accessory use to a Bank (Financial Services use). 8/14/03: Approved (7-0); 2 nd /3 rd readings

		property line (8-0, J. Martinez-absent)	
C14-03-0074	SF-6-CO to GO	6/3/03: Approved GO-CO zoning, with the following conditions: Limit the development intensity on the site to less than 2,000 vehicle trips per day; allow GO, General Office district, zoning height (60 feet) and impervious cover (80%) standards; limit all other site development regulations to LO, Limited Office district, zoning standards; permit LO district uses (prohibit the following GO district uses): Business or Trade School, Business Support Services, College and University Facilities, Congregate Living, Hospital Services (General), Hospital Services (Limited), Private Secondary Education Facilities, Off-Site Accessory Parking, Personal Services, Restaurant (Limited); provide a 25-foot setback (buffer zone) from the North property line for the area that is zoned SF-1; provide a 25-foot setback (buffer zone) from the East property line for the area that is zoned SF-1 and the lot zoned SF-2.	7/17/03: Granted GO-CO; prohibiting vehicle access to Lobelia Dr. (7-0); all 3 readings
C14-02-0138	I-RR to CS	9/17/02: Approve staff's recommendation of CS-CO zoning with the following conditions: add Equipment Sales and Automotive Rentals as allowed/ permitted uses (7-0)	10/24/02: Granted CS-CO on all 3 readings (6-0, Dunkerley - absent)
C14-02-0132	MF-3 to GR	10/22/02: Approved GR-CO zoning (8-0), with the following conditions: 1) The only permitted GR uses are Auto Sales and Auto Repair; 2) Permit LR Uses, with the exception of the following LR uses: Service Station; Food Sales; Accessory Off-Site Parking; Restaurant (Drive-In Fast Food); Restaurant (Limited) 3) Limit the development intensity to less than 2,000 vehicle trips per day; 4) Require that protected trees shall	11/21/02: To grant GR-CO zoning, with conditions and a public restrictive covenant (6-0, Goodman-absent); 1 st reading. 12/5/02: To grant GR-CO zoning, with conditions that no structural detention or water quality facility shall be allowed within the proposed 25 foot vegetative buffer, grow green standards shall be utilized, and structural parking shall be

		<p>remain undisturbed;</p> <p>5) Require that Compatibility Standards be applied along the eastern property line;</p> <p>6) Require a 25' vegetative buffer along the eastern property line;</p> <p>7) Limit structures to 40' in height with an increase in height according to Compatibility Standards;</p> <p>8) Require that all Auto Maintenance and Repair be contained within a structure;</p> <p>9) Restrict access to San Felipe Boulevard to emergency access only;</p> <p>10) Allow no inoperable vehicle storage on the site;</p> <p>11) Do not allow a parking lot adjacent to the proposed vegetative buffer along the eastern property line.</p>	<p>prohibited (7-0); 2nd reading</p> <p>12/12/02: Approved – Petition withdrawn (7-0); 3rd reading</p>
C14-02-0017	I-RR to GR	2/26/02: Approved staff's rec. of GR-CO zoning by consent (7-0, K. Jackson-absent, A. Adams-off dias)	4/4/02: Approved GR-CO w/ conditions (6-0, Goodman out of room); all 3 readings
C14-01-0080	CS-CO to MF-2	6/26/01: Approved staff rec. of MF-2 by consent (8-0)	12/06/01: Approved MF-2 (7-0); all 3 readings
C14-00-2113	I-RR to GR	7/25/00: Approved staff rec. of GR-CO by consent (7-1, RC-Nay)	8/24/00: Approved GR-CO w/ conditions on all 3 readings (7-0)
C14-99-0099	SF-3 to LI	6/29/99: Approved staff rec. of LI-CO by consent (8-0)	7/29/99: Approved PC rec. of LI-CO by consent (6-0); all 3 readings
C14-99-0005	I-RR to MF-3	2/23/99: Approved staff alternate rec. of MF-3-CO by consent (6-0)	5/20/99: Approved PC rec. of MF-#-CO w/ conditions (7-0); all 3 readings
C14-98-0164	I-SF-2 to CS-CO	11/17/98: Approved staff's alternate rec. of CS-CO by consent (9-0)	1/7/99: Approved PC rec. of CS-CO w/ conditions (7-0); all 3 readings
C14-98-0158	I-RR to LI	1/12/99: Approved SF-2 (TR1), SF-4A (TR2), LR-CO (TR3); (5-0)	<p>4/8/99: Approved SF-6 as amended w/ conditions (7-0); 1st reading</p> <p>12/2/99: Approved w/ modifications:</p> <ol style="list-style-type: none"> 1) Allow construction of water quality, drainage facilities, and perimeter jogging trail within 25' setback; 2) Prohibit access to Lobelia Drive (not

			<p>Lane);</p> <p>3) Prohibit duplexes and removed prohibition of SF structures (6-0, WL-absent); 2nd reading</p> <p>1/13/00: Approved 3rd reading (7-0)</p>
C14-98-0157	SF-3 to CS-CO	11/17/98: Approved staff alternate rec. of CS-CO (9-0)	<p>1/7/99: Approved PC rec. of CS-CO w/ conditions (7-0); 1st reading</p> <p>5/6/99: Approved CS-CO w/ conditions (7-0); 2nd/3rd readings</p>
C14-98-0133	SF-3 to CS	9/29/98: Approved staff rec. of CS-CO by consent (9-0); the CO limited the site to 2,000 vehicle trips per day	<p>11/05/98: Approved PC rec. of CS-CO (6-0); 1st reading</p> <p>3/25/99: Approved CS-CO (6-0); 2nd/3rd readings</p>
C14-98-0127	I-RR to GR	10/13/98: Approved GR-CO (9-0)	11/19/98: Approved PC rec. of GR-CO; all 3 readings
C14-98-0094	I-RR to LI	8/18/98: Approved LI-CO by consent (7-0)	10/8/98: Approved PC rec. of LI-CO w/ conditions (6-0); all 3 readings
C14-98-0093	I-RR to LI	Approved LI-CO by consent (7-0)	Approved PC rec. of LI-CO w/ conditions (6-0); all 3 readings
C14-98-0014	SF-2 to LO	9/23/99: Expired (Administratively -PP at 3/23/99 PC was only good for 6 months)	N/A
C14-98-0003	I-RR to LI	2/17/98: Approved W/LO w/ conditions (7-0)	<p>3/26/98: Approved W/LO w/ conditions (6-0); 1st reading</p> <p>4/30/98: Approved CS-CO w/ conditions (7-0); 2nd reading</p> <p>6/11/98: Approved CS-CO w/ conditions (7-0); 3rd reading</p>
C14-97-0121	SF-3 to CS	10/28/97: Approved staff alternate rec. of CS-CO (6-3, WB/DS/MA-Nay)	<p>11/20/97: Approved PC rec. of CS-CO w/ conditions (7-0); 1st reading</p> <p>1/8/98: Approved CS-CO w/ conditions (7-0); 2nd/3rd readings</p>
C14-96-0144	I-SF-2 to CS	1/28/97: Approved staff rec. of GR-CO (7-0)	<p>2/27/97: Approved PC rec. of GR-CO (7-0); 1st reading</p> <p>4/10/97: Approved GR-CO (7-0); 2nd/3rd readings</p>

RELATED CASES: There are no pending related cases.

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Daily Traffic
Jekel Circle	55'	22'	Collector	Not Available

CITY COUNCIL DATE: August 7, 2008

ACTION:

ORDINANCE READINGS: 1st

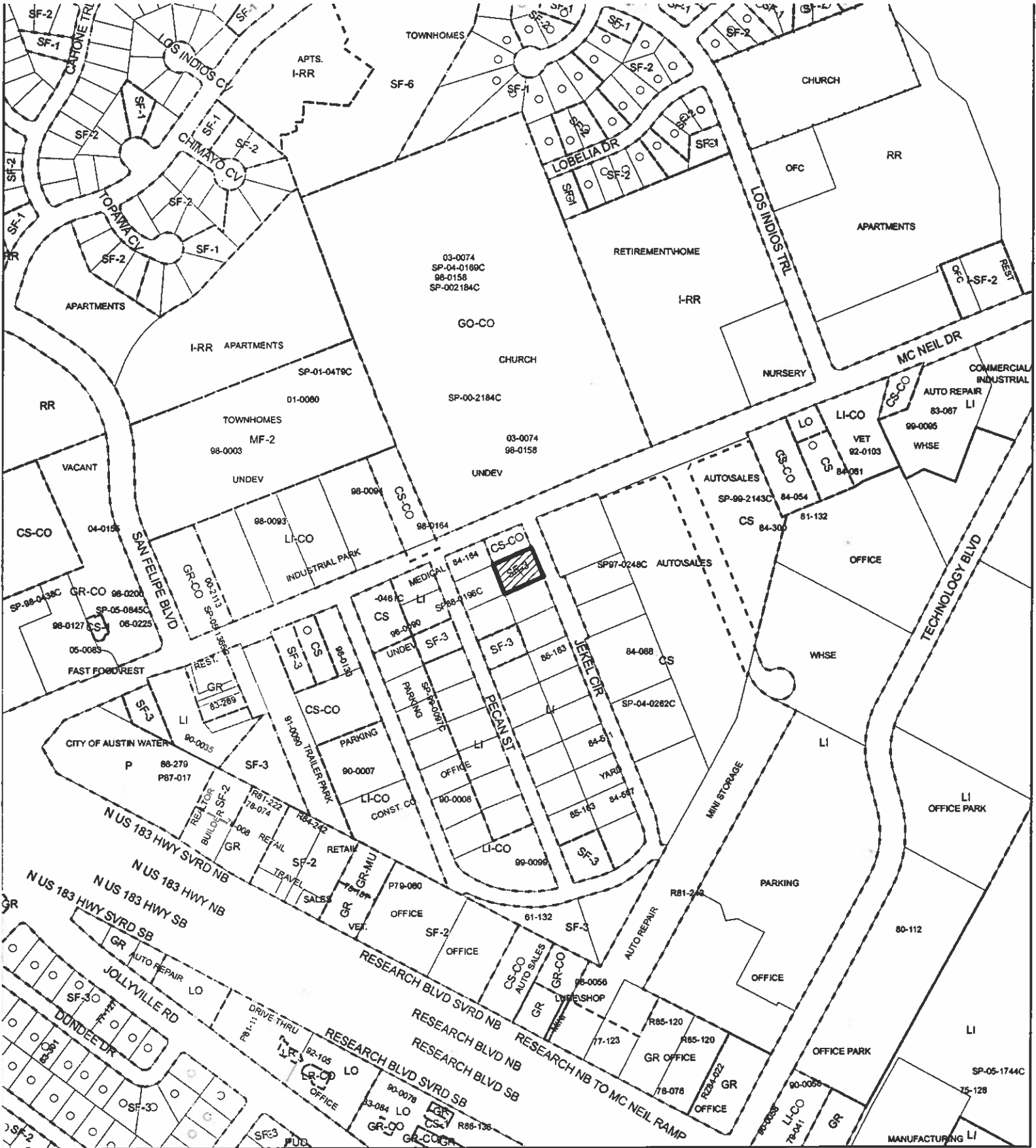
2nd

3rd




ORDINANCE NUMBER:

CASE MANAGER: Sherri Sirwaitis

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



ZONING

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

ZONING CASE#: C14-2008-0095
ADDRESS: 12214 JEKEL CIRCLE
SUBJECT AREA: 0.31 ACRES
GRID: H36
MANAGER: S. SIRWAITIS

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.

1" = 400'

STAFF RECOMMENDATION

The staff's recommendation is to grant Limited Industrial Services-Conditional Overlay District, zoning. The conditional overlay would limit the development intensity on the site to less than 2,000 vehicle trips per day.

If the requested zoning is granted for this site, then 35-feet of right-of-way should be dedicated from the centerline of Jekel Circle to the City of Austin through a street deed in order to accommodate traffic anticipated to be generated by this site.

BASIS FOR RECOMMENDATION

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*

Limited industrial service (LI) district is the designation for a commercial service use or limited manufacturing use generally located on a moderately-sized site.

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

The proposed LI-CO zoning district would be compatible and consistent with the surrounding uses because the site is located adjacent to existing CS-CO and CS zoning to the north and east and LI zoning to the south and west. This tract of land is surrounded by commercial uses and industrial uses to the north, south, east, and west.

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

LI-CO zoning would allow for a fair and reasonable use of the site. The rezoning of this tract of land will allow the applicant to develop commercial and industrial uses on the property that are consistent with surrounding development.

LI-CO zoning is appropriate for this location because of the commercial and industrial character of this area, which is located near the intersection of U.S. Highway 183 North and Mc Neil Drive.

EXISTING CONDITIONS

Site Characteristics

The site under consideration consists of an undeveloped lot. The property to the north contains a small office. The tracts of land to the east are currently developed as an automotive sales dealership (BMW of Austin). To the west there is a Construction Sales and Services use (Plumbing Inc.). To the south of the site there are undeveloped lots.

Environmental

The site is located over the North Edwards Aquifer Recharge Zone. It is in the Desired Development Zone. The site is in the Rattan Creek Watershed, 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 such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

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.

At this time, no information has been provided as to whether this property has any pre-existing approvals that preempt current water quality or Code requirements.

The site is located within the endangered species survey area and must comply with the requirements of Chapter 25-8: Endangered Species in conjunction with subdivision and/or site plan process.

Impervious Cover

The maximum impervious cover allowed by the LI zoning district would be 80%. However, if the Watershed impervious cover is more restrictive than the zoning district's allowable impervious cover, the impervious cover on this site would be limited by the watershed ordinance.

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

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% NSA with Transfers</i>
Single-Family Residential (min. lot size 5750 sq. ft.)	45%	50%
One or Two Family Residential (lot size < 5750 sq. ft.)	55%	60%
Multifamily Residential	60%	65%
Commercial	65%	70%

In the Water Quality Transition Zones, impervious cover is limited to 30%.

Note: The most restrictive impervious cover limit applies.

Site Plan Comments

No site plan comments received at this time.

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

Transportation

Existing Street Characteristics:

Name	ROW	Pavement	Classification	Daily Traffic
Jekel Circle	55'	22'	Collector	Not Available

If the requested zoning is recommended for this site, 35 feet of right-of-way should be dedicated from the centerline of Jekel Circle in accordance with the Transportation Criteria Manual, in order to accommodate traffic anticipated to be generated by this site [LDC, 25-6-55; TCM, Tables 1-7, 1-12].

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].

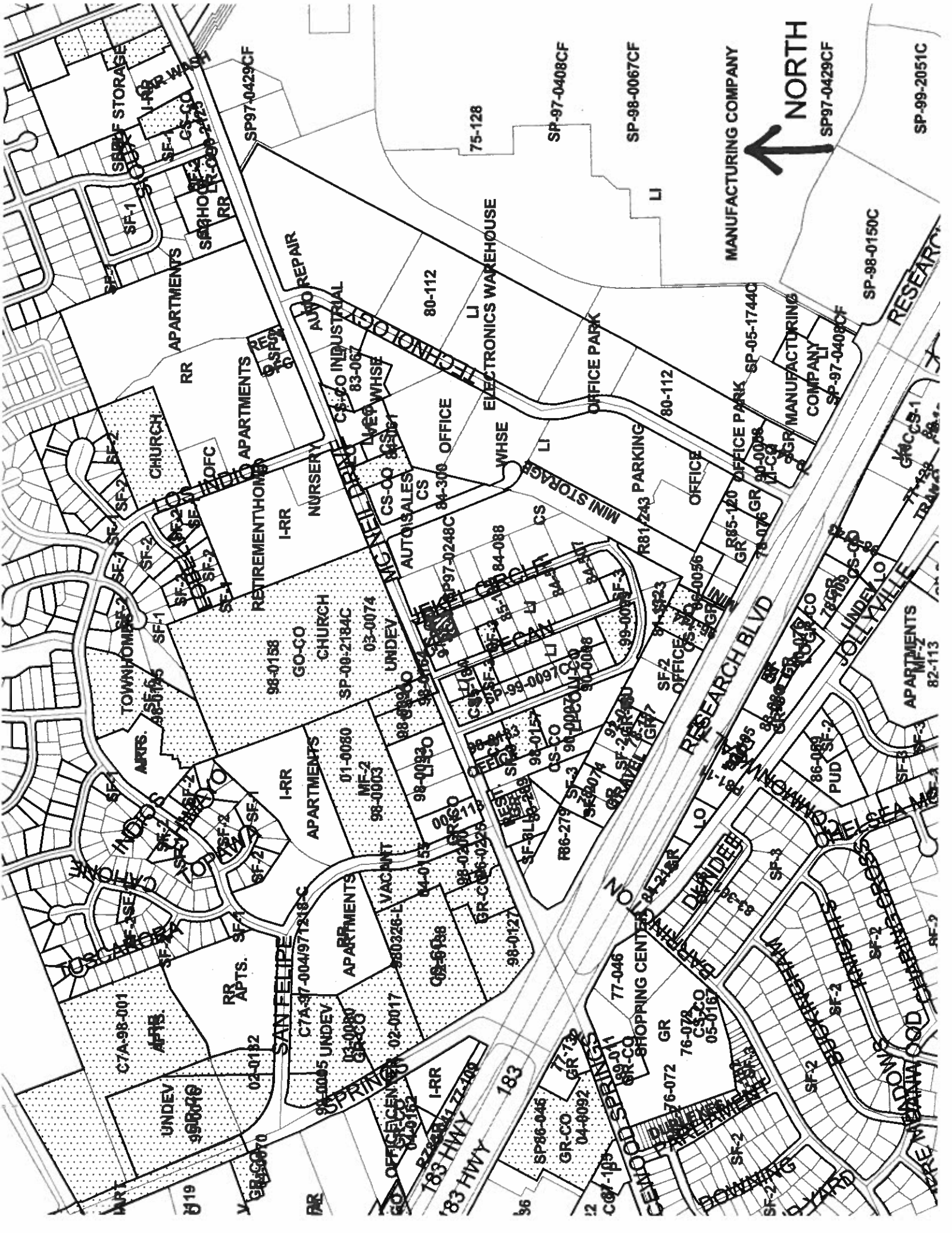
There are no existing sidewalks along Jekel Circle.

Jekel Circle is not classified in the Bicycle Plan as a bike route.

Capital Metro bus service is not available within 1/4 mile of this property.

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 relocations and or abandonments required. 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.



NORTH

SP97-0429CF

SP-99-2051C

MANUFACTURING COMPANY

SP-98-0067CF

SP-97-0408CF

75-128

80-112

LI

SP-98-0150C

RESEARCH

MANUFACTURING COMPANY

SP-97-0408CF

SP-05-1744C

OFFICE

80-112

OFFICE PARK

WHSE ELECTRONICS WAREHOUSE

84-308 OFFICE

AUTO SALES

CS

UNDEV

03-0074

SP-08-2184C

CHURCH

GO-CO

98-0158

RETIEMENTHOMES

APARTMENTS

CHURCH

SP-97-0408CF

SP-97-0408CF

SP-97-0408CF

SP-97-0408CF

SP-97-0408CF

SP-97-0408CF

SP-97-0408CF

SP-97-0408CF

SP-97-0408CF

SP-97-0408CF

SP-97-0408CF

SP-97-0408CF

SP-97-0408CF

SP-97-0408CF

SP-97-0408CF

SP-97-0408CF

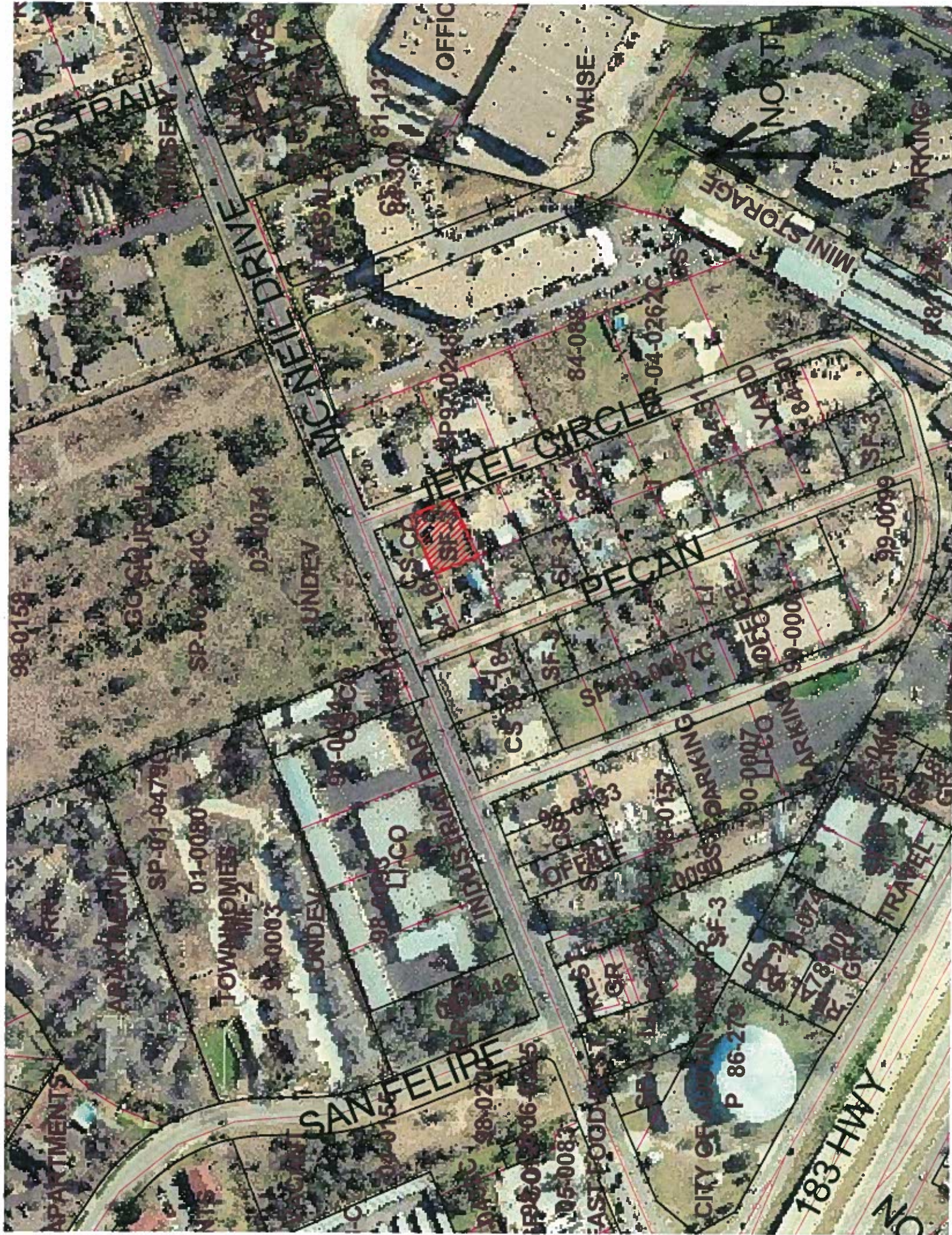
SP-97-0408CF

SP-97-0408CF

SP-97-0408CF

SP-97-0408CF

SP-97-0408CF



PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

www.ci.austin.tx.us/development

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2008-0095

Contact: Sherri Sirwaitis, (512) 974-3057

Public Hearing:

June 17, 2008 Zoning and Platting Commission

☒ I am in favor
☐ I object

BMW OF AUSTIN STATE LATE

Your Name (please print)

1011 MCWELL DR

Your address(es) affected by this application

5th St

Signature

Date

6/8/08

Comments:

We'll be a beautiful

BLDG - beyond area

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

www.ci.austin.tx.us/development

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2008-0095

Contact: Sherri Sirwaitis, (512) 974-3057

Public Hearing:

June 17, 2008 Zoning and Platting Commission

STEVE LATE

Your Name (please print)

JOHN MCNEILLOR

Your address(es) affected by this application

[Signature]

Signature

6/17/08

Date

Comments:

Will greatly improve the

Property

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810