

ZONING CHANGE REVIEW SHEET

CASE: C14-2008-0153

Z.A.P. DATE: August 19, 2008

ADDRESS: 9900 West Parmer Lane

OWNER/APPLICANT: Neenah Group Investments, L. P. (John E. Simmons)

AGENT: Bennett Consulting (Jim Bennett)

ZONING FROM: GR-CO

TO: CS

AREA: 0.056 acres
(2,439 square feet)

SUMMARY STAFF RECOMMENDATION:

The staff recommendation is to grant CS-CO, General Commercial Services-Conditional Overlay District, zoning. The conditional overlay will prohibit the following uses:

- Automotive Repair
- Automotive Rentals
- Automotive Sales
- Automotive Washing
- Business or Trade School
- Business Support Services
- Construction Sales and Services
- Commercial Off-Street Parking
- Communication Services
- Equipment Sales
- Exterminating Services
- Funeral Services
- Hotel-Motel
- Indoor Entertainment
- Indoor Sports & Recreation
- Outdoor Sports & Recreation
- Pawn Shop Services
- Community Recreation (Private)
- Community Recreation (Public)
- Hospital Services (General)

ZONING AND PLATTING COMMISSION RECOMMENDATION:

8/19/08: Approved staff's recommendation of CS-CO zoning by consent (7-0); K. Jackson-1st, R. Evans-2nd.

DEPARTMENT COMMENTS:

The property under consideration is currently a vacant suite within a newly developed commercial retail center. The applicant is requesting to rezone a 2,439 square foot pad site on this tract from GR-CO to CS. The applicant plans to construct a small dry cleaning establishment in the suite to provide a full service laundry service use to serve the surrounding residential areas.

The staff has been made aware of a Declaration of Covenants, Conditions, and Restrictions (CCR's) for Davis Springs Commercial Property, which covers this area. The CCR's specifically refer to the Development Design Guidelines for Davis Springs. A summary of these guidelines is included as "Attachment A" to this report. The approved site plan for this property, SP-05-1733C, has also been included as "Attachment B" to the report.

The staff is recommending the applicant's request for CS-CO zoning because there is GR, Community Commercial District, zoning surrounding the site and CS, General Commercial Services District, zoning to the south of the site, across Parmer Lane. The property in question is within an existing retail center that fronts Parmer Lane, just to the south of the intersection of Parmer Lane and Neenah Avenue, two designated arterial roadways.

The applicant agrees with the staff's recommendation.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	GR-CO	Retail Shopping Center
<i>North</i>	GR-CO	Retail Shopping Center
<i>South</i>	GR-CO	Retail Shopping Center
<i>East</i>	GR-CO, MF-3	Retail Shopping Center, Multifamily
<i>West</i>	GR-CO	Retail Shopping Center

AREA STUDY: N/A

TIA: Not Required

WATERSHED: South Brushy Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

NEIGHBORHOOD ORGANIZATIONS:

Davis Springs Residential Property Owners Association
Homeless Neighborhood Association
Home Builders Association of Greater Austin
Riviera Springs Community Development Association

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2008-0045	Unzoned to GO-CO	4/01/08: Approved the staff's recommendation of GO-CO district zoning, with an additional condition that the site plan will come back to the Zoning and Platting Commission for approval (This condition would make Private Secondary Educational Facility a	5/22/08: Approved the

		conditional use on the site, thereby, requiring a conditional use site plan on this property for this use to go before the Zoning and Platting Commission for approval.). Vote: (6-0, T. Rabago, J. Martinez-absent)	
C14-03-0045	GR to CS	3/11/03: Approved CS-CO, with conditions: 1) Allow Convenience Storage as the only CS district use and all other GR district uses; 2) Prohibit Pawn Shop Services (7-0, C. Hammond, K. Jackson-absent)	4/10/03: Approved CS-CO (7-0); all 3 readings
C14-02-0100	GR to CS-1	7/16/02: Approved staff alternate rec. of CS-1-CO by consent, w/ conditions of no Adult Oriented Business or Pawn Shops (6-0)	8/8/02: Approved CS-1-CO (6-0); all 3 readings
C14-99-0042	SF-2 to GO	4/06/99: Approved staff rec. of GO-CO by consent (9-0), permit 'NO' uses and civic uses	5/06/99: Approved PC rec. of GO-CO (6-0); all 3 readings
C14-99-0027	I-RR, DR to GR	4/13/99: Approved staff rec. of GR-CO (TR1) and GO-CO (TR2) w/ conditions and restrictive covenant (7-0)	3/23/00: Approved GR-CO for TR1 (C14-99-0027A) w/ conditions: limiting vehicles to 2,000 vehicle trips per day for the 5 acre Hill Tract (6-0, KW-out of room); Balance of the site (TR2-110 acres) PP to 6/1/00 (Now case C14-99-0027B) 5/18/00: C14-99-0027A- Approved 2 nd /3 rd readings (5-0, Lewis-absent) 7/19/01: C14-99-0027B- Approved GR-CO (TR1) and GO-CO (TR2) w/

			conditions (4-0); all 3 readings
C814-99-0001.05	To amend the PUD to rezone 14.694 acres of land from I-RR to PUD to be incorporated into Tracts III-G and III-H of the Avery Ranch Planned Unit Development (PUD) and to amend the Avery Ranch PUD Land Use Table to permit Village Center Residential (VCR) uses, Service Station use, Liquor Sales use (not to exceed 6,000 square feet and prohibiting Cocktail Lounge), and Mobile Home Residential use on Tract II-E of the PUD.	4/04/06: Approved staff's recommendation for PUD amendment by consent (7-0, T. Rabago, J. Pinnelli-absent); J. Martinez-1 st , J. Gohil-2 nd .	5/18/06: Approved PUD amendment by consent(7-0); all 3 readings
C814-99-0001.04	PUD to PUD	9/06/05: Approved staff's recommendation of PUD zoning by consent (9-0)	
C814-99-0001.03	PUD to PUD	9/21/04: Approved staff's recommendation of PUD amendment by consent (7-0, K. Jackson-off dias, J. Gohil-absent)	5/12/05: Postponed indefinitely by the applicant (7-0)
C814-99-0001.02	PUD to PUD	1/28/03: Approved staff's recommendation of PUD zoning (6-0, J. Martinez, K. Jackson-off dias)	2/27/03: Granted PUD zoning as rec. by the ZAP Commission on 1 st reading (6-0, Goodman-off dias) 4/24/03: Approved PUD (6-0, Garcia-off dias); 2 nd /3 rd readings
C814-99-0001.01	PUD to PUD	6/18/02: Posponed to 7/16/02 by the applicant (8-0, A. Adams-absent) 7/16/02: Postponed to	10/10/02: Granted PUD on 1st reading (7-0) 1/30/03: Approved PUD amendment (7-0); 2 nd /3 rd

		<p>7/30/02 by the staff for re-notification purposes (6-0, M. Casias/ D. Castaneda/ K. Jackson-absent)</p> <p>7/30/02: Postponed to 9/10/02 by the applicant and neighborhood (6-0, V. Aldridge-absent)</p> <p>9/10/02: Approved staff's recommendation for PUD zoning; by consent (6-0, D. Castaneda-absent)</p>	readings
C14-97-0122	MF-3-CO to GR	<p>10/28/97: Approved staff alternate rec. of GR-CO & RR by consent (9-0), with the following conditions: Limit the property to 'LR' district standards and regulations</p> <p>Prohibit the following uses: Automotive Rentals, Automotive Repair Services, Automotive Sales, Automotive Washing, Business or Trade School, Business Support Services, Commercial Off-Street Parking, Communication Services, Exterminating Services, Funeral Services, Hotel-Motel, Indoor Entertainment, Indoor Sports & Recreation, Outdoor Sports & Recreation, Pawn Shop Services, Recreational Equipment Sales, Community Recreation (Private), Community Recreation (Public), Hospital Services (General)</p>	11/20/97: Approved GR-CO & RR w/ conditions (7-0); all 3 readings
C14-96-0045	LI, GR to MF-3	4/23/96: Approved staff alternate rec. of MF-3-CO, limited to 2,00 vehicle trips per day (9-0)	5/23/96: Approved PC rec. of MF-3-CO, limiting vehicle trips per day to less than 2,000 (5-0); all 3 readings
C14-95-0071	P to SF-2	7/11/95: Approved SF-2 by consent (9-0)	8/17/95: Approved SF-2 (7-0); all 3 readings

C14-93-0081	NO to MF-3	8/17/93: Approved MF-3-CO, limiting density to 24 units per acre (5-0)	9/2/93: Approved MF-3-CO with 24 units per acre (6-0); all 3 readings
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RELATED CASES: C14-97-0122 (Previous Zoning Case)
SP-05-1733C (Site Plan Case)

ABUTTING STREETS:

Name	ROW	Pavement	Class	Sidewalk?	Bus Route?	Bike Route?
Parmer Lane	200	MAD 4	Arterial	No	No	No

CITY COUNCIL DATE: September 25, 2008

ACTION:

ORDINANCE READINGS: 1st

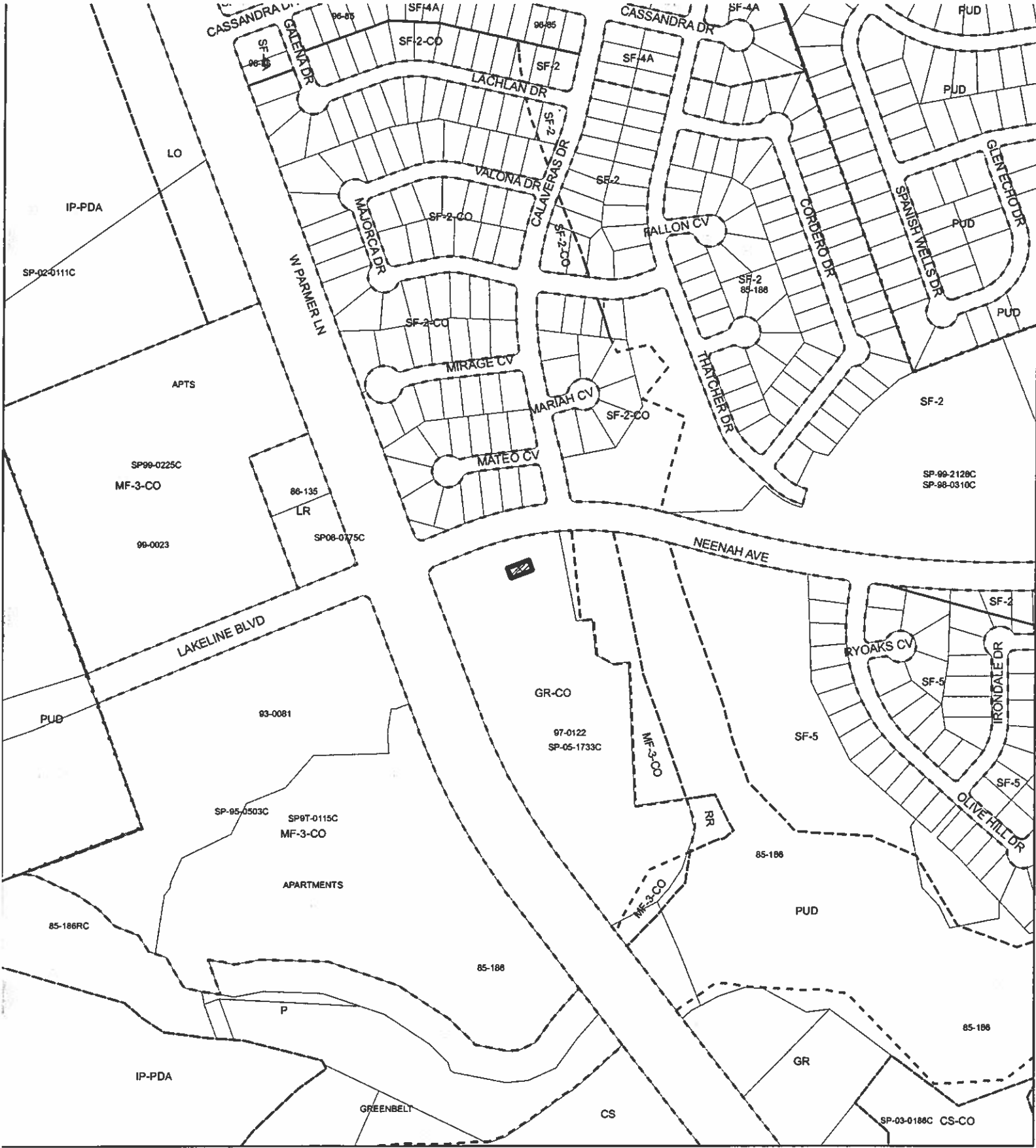
2nd

3rd

ORDINANCE NUMBER:




CASE MANAGER: Sherri Sirwaitis

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



ZONING

ZONING CASE#: **C14-2008-0153**
 ADDRESS: **9900 W PARMER LANE**
 SUBJECT AREA: **0.056 ACRES**
 GRID: **H41**
 MANAGER: **S. SIRWAITIS**

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

OPERATOR: S. MEEKS



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.

STAFF RECOMMENDATION

The staff recommendation is to grant CS-CO, General Commercial Services-Conditional Overlay District, zoning. The conditional overlay will prohibit the following uses:

Automotive Repair
Automotive Rentals
Automotive Sales
Automotive Washing
Business or Trade School
Business Support Services
Construction Sales and Services
Commercial Off-Street Parking
Communication Services
Equipment Sales
Exterminating Services
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Indoor Sports & Recreation
Outdoor Sports & Recreation
Pawn Shop Services
Community Recreation (Private)
Community Recreation (Public)
Hospital Services (General)

BASIS FOR RECOMMENDATION

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

The CS zoning district is intended for commercial or industrial use of a service nature that has operating characteristics or traffic service requirements that are incompatible with residential environments.

The property in question is a 2,400 square foot suite located within a developing shopping center along Parmer Lane, just to the south of the intersection of two arterial roadways, Parmer Lane and Neenah Avenue.

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

The CS-CO zoning district would be compatible and consistent with the surrounding zoning because there is GR-CO, Community Commercial-Conditional Overlay District, zoning surrounding the site and CS, General Commercial Services District, zoning to the south of the site, across Parmer Lane.

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

The CS zoning district would allow for a fair and reasonable use of the site. CS-CO zoning is appropriate for this site because the location of the property and the commercial character of the area.

EXISTING CONDITIONS

Site Characteristics

The subject tract is currently developed with a new vacant retail shopping center that fronts onto Parmer Lane.

Impervious Cover

The maximum impervious cover allowed by the CS zoning district would be 95%. 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	% NSA with Transfers
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.

Environmental

The site is located over the North Edward's Aquifer Recharge Zone. It is in the Desired Development Zone. The site is in the Lake 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.

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]

Existing Street Characteristics:

Name	ROW	Pavement	Class	Sidewalk?	Bus Route?	Bike Route?
Parmer Lane	200	MAD 4	Arterial	No	No	No

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.

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

There is an approved site plan (SP-05-1733C) on this site. The proposed zoning change is a footprint within this 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 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.

The site is subject to compatibility standards. Along the northern 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.

Development Design Guidelines for Davis Springs

A Declaration of Covenants, Conditions and Restrictions (CCR's) for Davis Springs Commercial Property is recorded in Volume 2448, Page 0930 of the Williamson County Records. The CCR's apply to all of the proposed Davis Springs Development encompassing 636 acres along Parmer Lane, north of Hw. 620. The CCR's specifically refer to the Development Design Guidelines for Davis Springs prepared by Captex Development Company, LLC. A brief summary of those guidelines follows:

Introduction

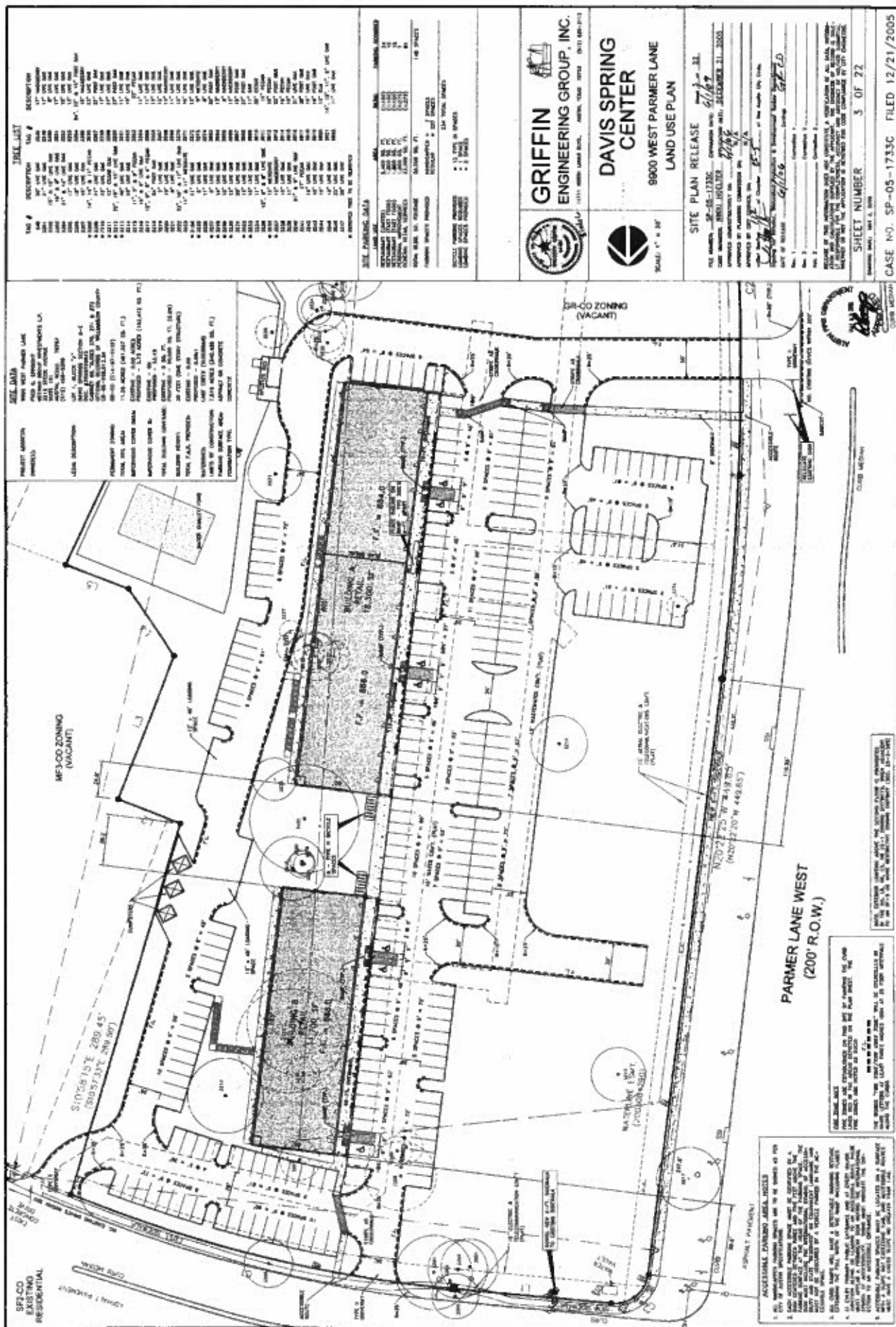
The design criteria follows a large scale planning effort utilizing City of Austin standards to combine commercial, professional, research & development, office, recreational, residential and other compatible uses to ensure that Davis Springs will be a unified and controlled design environment to supplement the City, County & State ordinances. The Architectural Control Committee monitors the design criteria and the scope applies to all property owners, developers and homeowners associations within Davis Springs.

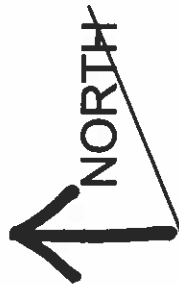
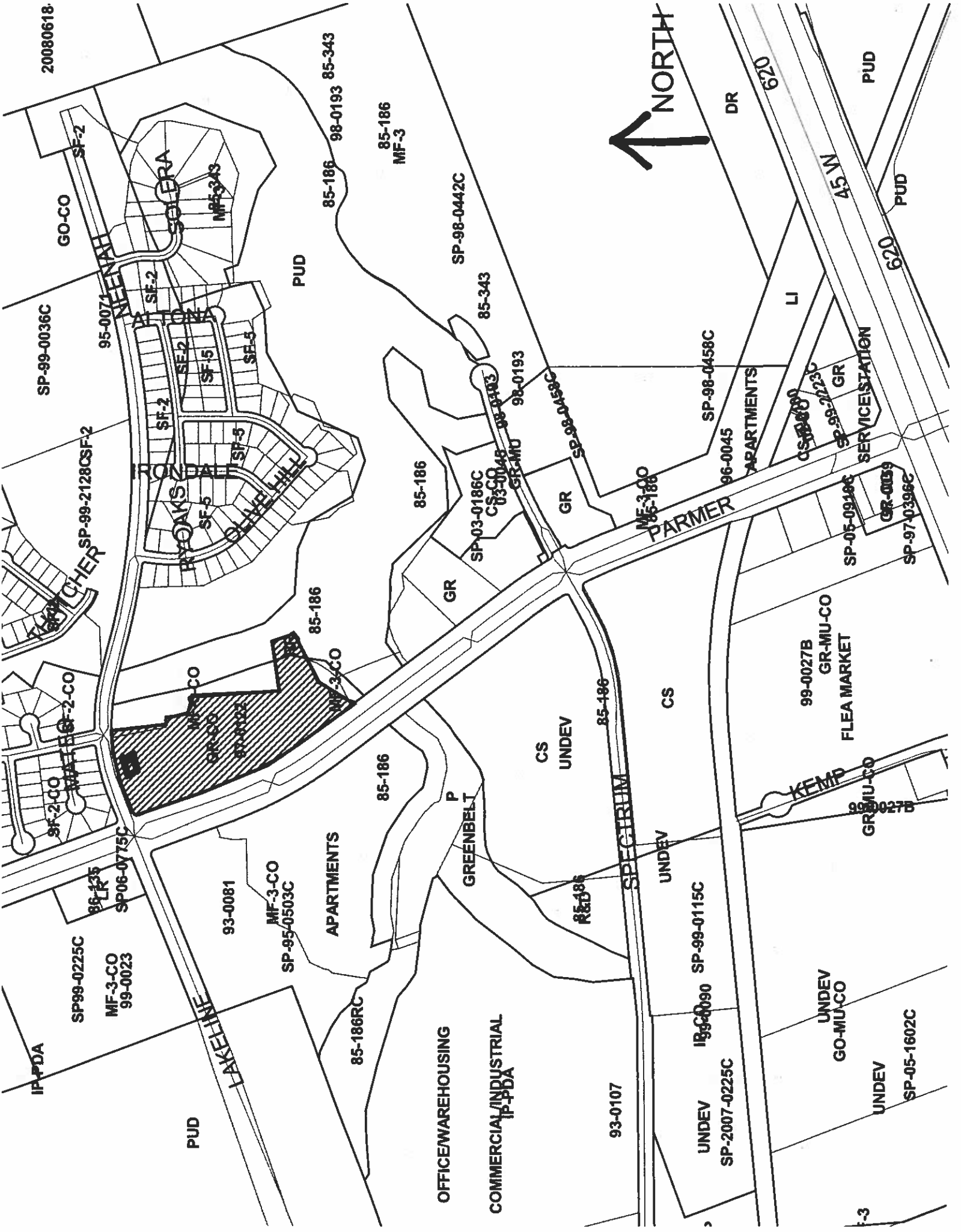
Purpose/Intent

- Produce a high quality development with compatibility and mixed use;
- Implements planning, engineering, architectural and landscape designs;
- Strives to protect the natural and environmental resources;
- Protects property values and will enhance investments in the area;
- Compatible with the Hill Country environment;
- Creates variety and interest through architecture and design;
- Encourages innovative planning and design while providing flexibility for changing market, social and economic conditions.

Property Development Standards and Guidelines

- Applies standards to residential, commercial, office and research & development areas;
- Standards such as building setbacks, height restrictions, landscaping, signage, maximum site coverage, fencing, pedestrian access, lighting, parking and screening are outlined;
- Proposed Spare Space site setbacks exceed the City's minimum standards for CS:
 - Front Yard = 25 feet
 - Side Yard = 25 feet
 - Rear Yard = 25-feet
- Proposed Spare Space site height meets the City's maximum standards for CS:
 - 4-stories or 60-feet
- Per the CCR's all building sides must be faced with brick, stone or other materials as may be approved by the Architectural Control Committee;
- Urban design controls secure a coordinated approach to the form, size, materials and location of buildings;
- Pedestrian circulation system required.





20080618



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: C14-2008-00153

Contact: Sherri Sirwaitis, (512) 974-3057

Public Hearing:

August 19, 2008 Zoning and Platting Commission

Yongjoo Jeon
Your Name (please print)

9905 Mateo Cove Austin Tx. 78717
Your address(es) affected by this application

Yongjoo Jeon 8-11-08
Signature Date

Comments:

☐ I am in favor
☒ I object

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

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Case Number: **C14-2008-00153**

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Public Hearing:

August 19, 2008 Zoning and Platting Commission

☐ I am in favor
☒ I object



Emmett Grier
9913 Mariah Cove
Austin, TX 78717

Your address(es) affected by this application

Emmett Grier

Signature

8-9-2008

Date

Comments:

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