

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2008-0112 - Minware

**P.C. DATE:** June 24, 2008

**ADDRESS:** 4209 Clawson Road

**AREA:** 0.19 acres

**OWNER/APPLICANT:** Robert W. Anderson, Jr.

**ZONING FROM:** SF-3

**TO:** GR

### **SUMMARY STAFF RECOMMENDATION:**

Staff recommends approval of LO-CO (limited office – conditional overlay) combining district zoning. The conditional overlay shall restrict the number of daily vehicle trips to 2,000.

### **PLANNING COMMISSION RECOMMENDATION:**

The motion to deny the applicant's request for GR district zoning and remain SF-3; was approved by Commissioner Chris Ewen's motion, Commissioner Tracy Atkins second the motion on a vote of 7-0. Commissioners Jay Reddy and Clint Small were absent.

### **DEPARTMENT COMMENTS:**

A valid petition has been filed in opposition to the zone change request. The subject 0.19-acre tract is currently developed with a single-family residence. The applicant intends to rezone the property to GR (community commercial) district zoning to allow for the development of a small professional office.

The lot has frontage on Clawson Road, from which both ingress and egress access will be taken. 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]

The area to the north of the property is predominately composed of single-family residences. To the south and west, there are several types of commercial uses, including automobile repair and custom manufacturing.

The applicant claims to have lost his homestead exemption due to the commercial status of the property and had thought he was already commercially zoned. For several years, the applicant used the property as both his primary residence and a custom manufacturing facility for hand-made guns.

There was a rezoning case in 1979 that may have caused some confusion, case #C14-79-214. This case rezoned the adjacent property to the south from Interim "A" Residence to "GR" General Retail. The legal description identified the correct property for rezoning in the subdivision reference. However, the addresses listed on the public hearing notices and ordinance incorrectly labeled the local address as 4205-4209 Clawson Road. The city rezones by legal description, so while the address 4209 Clawson was included, the subject property itself was not rezoned.

Earlier this year, the Planning Commission and City Council approved the rezoning of a single-family lot across the street, case #C14-2008-0046, from SF-3 (family residence) to LO-CO (limited office – conditional overlay) combining district zoning. The conditional overlay prohibited most commercial uses and predominately allowed for a new parking lot for an adjacent property.

The subject property is located in the South Lamar Combined Neighborhood Planning Area. The neighborhood plan for this area is temporarily on hold.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	SF-3	Single-Family Residence
<i>North</i>	SF-3	Single-Family Residences
<i>South</i>	GR	Automobile Repair, Pawn Shop, Auto Sales
<i>East</i>	GR; CS	Automobile Repair, Custom Manufacturing
<i>West</i>	GR; LO; SF-3	Automobile Repair, Single-Family Residences

**TIA:** Waived

**WATERSHED:** West Bouldin Creek

**DESIRED DEVELOPMENT ZONE:** YES

**CAPITOL VIEW CORRIDOR:** N/A

**HILL COUNTRY ROADWAY:** N/A

**NEIGHBORHOOD ORGANIZATIONS:**

Barton Springs / Edwards Aquifer  
Conservation District  
South Lamar Neighborhood Association

Homeless Neighborhood Association  
Austin Neighborhoods Council  
South Central Coalition

**SCHOOLS:**

Galindo Elementary  
Fulmore Middle School  
Travis High School

**CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>PLANNING COMMISSION</b>	<b>CITY COUNCIL</b>
C14-79-214 (adjacent property to the south)	From Interim "A" Residence, Interim First Height to "GR" General Retail, First Height	Approved GR; First Height	Approved GR; First Height [Vote: 7-0]
C14-2008-0046 (across street)	From SF-3 to LO-CO	Approved by consent	Approved by consent

## **STAFF RECOMMENDATION**

Staff recommends approval of the request for rezoning to LO-CO (limited office-conditional overlay) combining district zoning.

## **BASIS FOR RECOMMENDATION**

1. *Granting of the request should result in an equal treatment of similarly situated properties, and the rezoning should be consistent with the policies and principles adopted by the City Council or Planning Commission.*

Earlier this year, the Planning Commission and City Council approved the rezoning of a similarly-situated property across the street. In that case, the applicant agreed with the registered neighborhood association to limit the majority of the commercial uses to allow for a parking lot. The applicant also attached additional conditions on the GR-zoned property to the south. Providing a buffer to the single-family zoned properties to the north, like a limited office, would be consistent with the policies set forth by the previous rezoning case.

2. *Zoning should promote the policy of locating retail and more intensive zoning near the intersections of arterial roadways or at the intersections of arterials and major collectors.*

While the subject property is on a single-family street (Clawson), the office zoning provides a transition from the intense commercial uses located at the intersection of Clawson and Fort View.

## **Site Characteristics**

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

The site is subject to compatibility standards. Along the north 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.
- 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.

## **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**

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

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]

### **ABUTTING STREETS:**

Name	ROW	Pavement	Class	Sidewalk	Bus Route	Bike Route
Clawson Road	50'	40'	Collector	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.

**CITY COUNCIL DATE:** October 16, 2008

**ACTION:** Postponed to November 20<sup>th</sup>.

**ORDINANCE READINGS:** 1st

2<sup>nd</sup>

3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Clark Patterson

**PHONE:** 974-7691

# PETITION

Case Number:

**C14-2008-0112**

Date:

Aug. 13, 2008

**4209 CLAWSON RD**

Total Area Within 200' of Subject Tract

200,999.11

1	<u>04-0609-0102</u>	<u>TWINING JEFFREY A</u>	<u>9623.65</u>	<u>4.79%</u>
		<u>PONDER CECILIA</u>		
2	<u>04-0609-0130</u>	<u>GAYLE</u>	<u>1954.95</u>	<u>0.97%</u>
3	<u>04-0609-0136</u>	<u>QUINN ARTHUR J</u>	<u>3811.09</u>	<u>1.90%</u>
4	<u>04-0610-0226</u>	<u>ALVITER BASILIA</u>	<u>3087.05</u>	<u>1.54%</u>
5	<u>04-0610-0227</u>	<u>ANDERSON RICK C</u>	<u>13167.36</u>	<u>6.55%</u>
		<u>ALVITER ROSARIO &amp;</u>		
6	<u>04-0610-0238</u>	<u>SALOME</u>	<u>10451.80</u>	<u>5.20%</u>
7				<u>0.00%</u>
8				<u>0.00%</u>
9				<u>0.00%</u>
10				<u>0.00%</u>
11				<u>0.00%</u>
12				<u>0.00%</u>
13				<u>0.00%</u>
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25				<u>0.00%</u>
26				<u>0.00%</u>

Validated By:

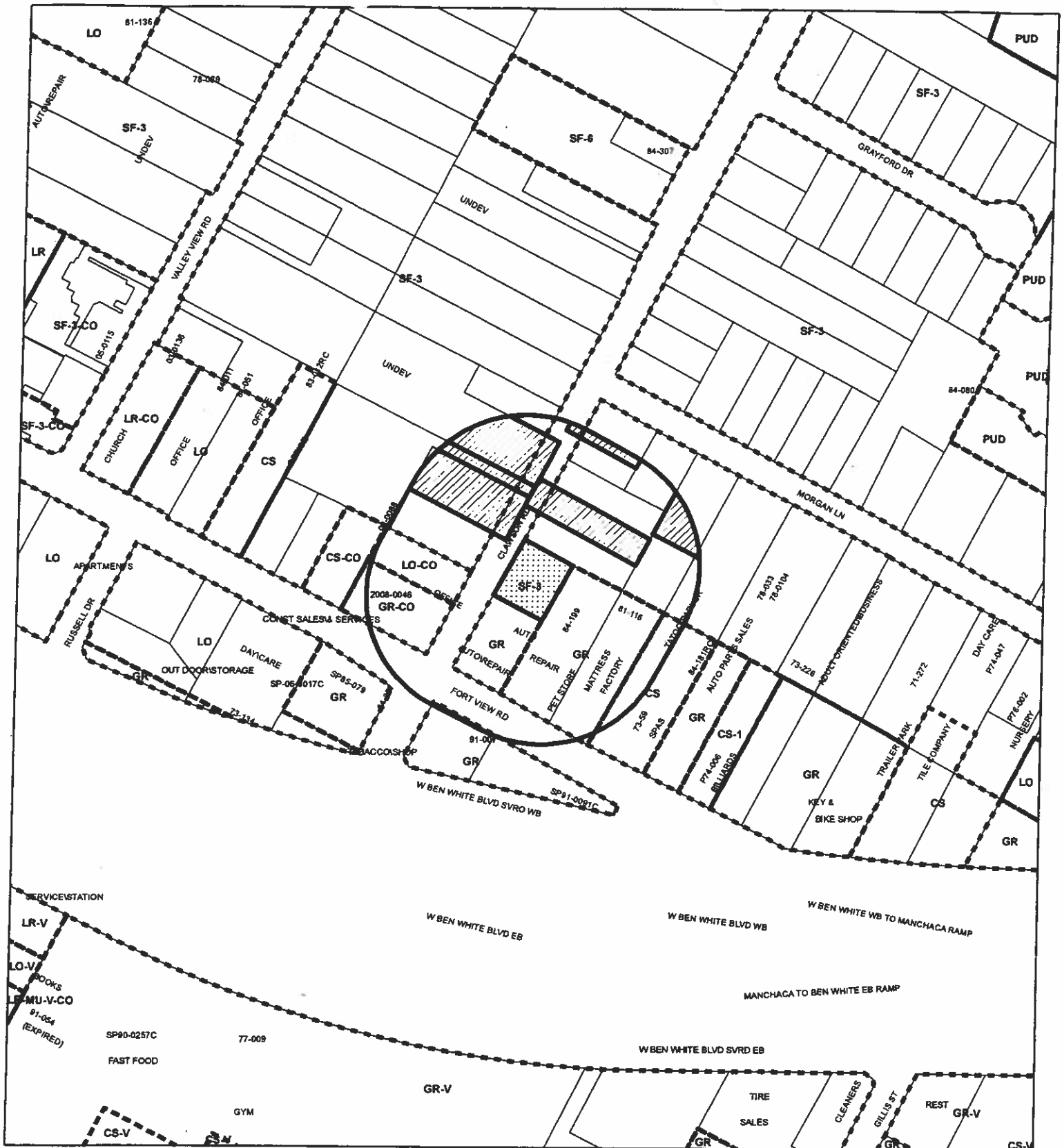
Stacy Meeks





Total Area of Petitioner:

42,095.90

Total %

20.94%



-  Subject Tract
-  Property Owner
-  Buffer
-  Zoning Boundary

OPERATOR: S. MEEKS

# PETITION

CASE#: C14-2008-0112  
 ADDRESS: 4209 CLAWSON RD  
 GRID: G19  
 CASE MANAGER: C. PATTERSON



1" = 200'

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.

P E T I T I O N

Date: July 7, 2008

File Number: C14-2008-0112

Address of

Rezoning Request: 4209 Clawson Road

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than SF-3.

Our reasons for opposing this zoning change:

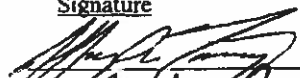
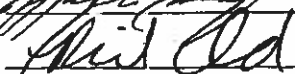
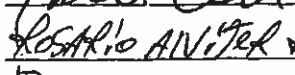


*Clawson Road is an overwhelmingly residential street.* Changing 4209 Clawson to commercial use underscores and endorses the serious development pressure that Ben White poses to our residential, urban, neighborhood. In addition, two- or three-story commercial massing does not fit the predominant one-story residential massing found in this part of the neighborhood. This march of commercial development down Clawson Road would seriously degrade our residential property values, to say nothing of the quality of life we enjoy in one of Austin's few urban neighborhoods.

*Clawson Road cannot support any more commercial traffic.* Currently, delivery vehicles and tow trucks serving the businesses at the corner of Clawson and Fort View block one lane or the other on a daily basis. Another commercial property on Clawson Road will lengthen the daily obstacle course faced by local drivers, cyclists, and pedestrians.

*Commercial parking at 4209 Clawson will pose serious problems for its neighbors.* Vehicles parked in front of the property would make it difficult or impossible to see oncoming traffic from our driveways. In addition, parking overflow will inevitably find its way to the limited "friends and family" spots in front of our homes.

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

SignaturePrinted NameAddress

	Jeffrey A. Twining	4205 Clawson
	Rick C. Anderson	4202 Clawson
	Rosario Avila	4108 Clawson Rd
	Basilica	4200 Clawson Rd
	Arthur Quinn	1609 Morgan Ln

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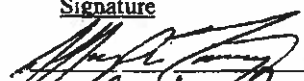
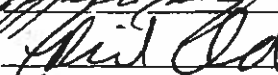
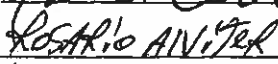
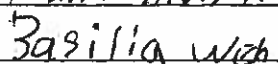
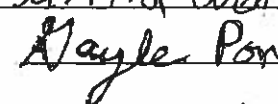
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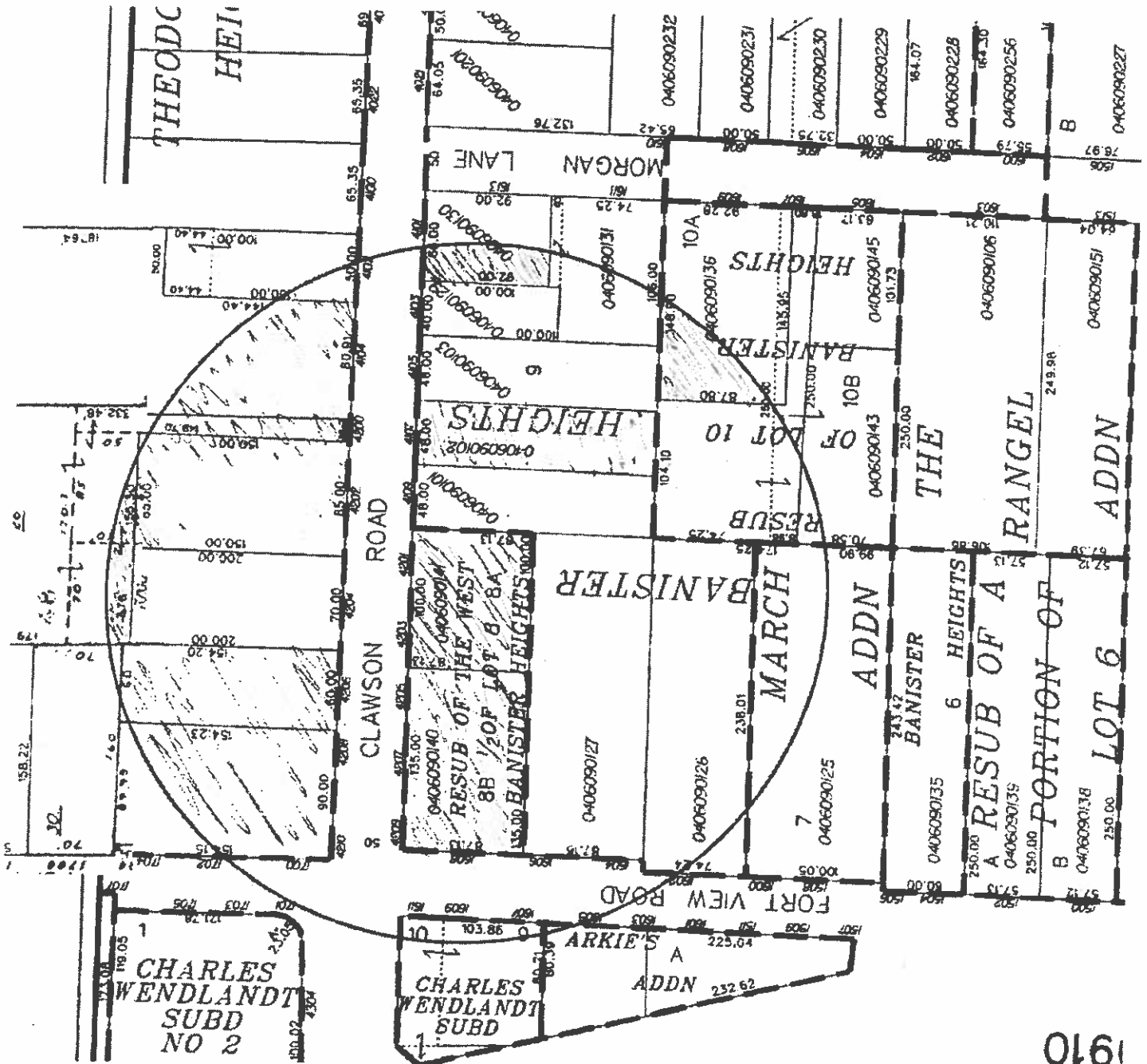
	Jeffery A. Twining	4205 Clawson
	Rick C. Anderson	4202 Clawson
	Rosario Alvarez	4108 Clawson Rd
	Basilica webcas	4200 Clawson Rd
	GAYLE PONDER	1617 MORAN LN

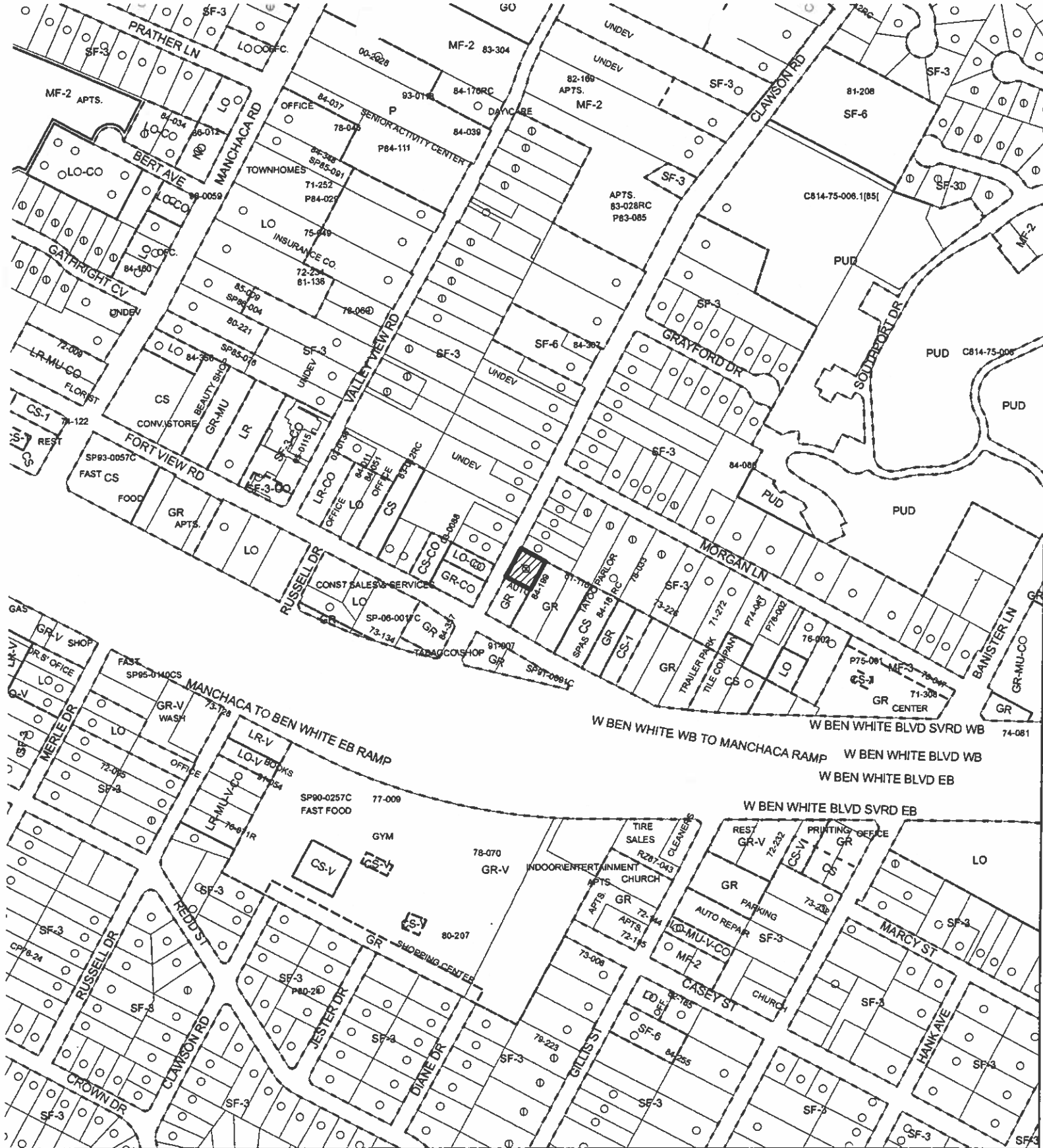


**C14-2008-112 Petitioners**

Owner Name	Address	TCAD Parcel Number
<b>Jeffrey A. Twining</b>	4205 Clawson Road	0406090102
<b>Rick C. Anderson</b>	4202 Clawson Road	0406100227
<b>Rosario &amp; Salome Alviter</b>	4108 Clawson Road	0406100238
<b>Basilia Alviter</b>	4200 Clawson Road	0406100226
<b>Arthur Quinn</b>	1609 Morgan Lane	0406090136
<b>Gayle Ponder</b>	1617 Morgan Lane	0406090130










### ZONING

ZONING CASE#: **C14-2008-0112**  
 ADDRESS: **4209 CLAWSON RD**  
 SUBJECT AREA: **0.19 ACRES**  
 GRID: **G19**  
 MANAGER: **R. LEVINSKI**

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

OPERATOR: S. MEEKS

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1" = 400'

SF-3

MORGAN

SF-3

10A

10B

4209 CLAWSON RD

8A

CLAWSON

81-116

84-199

PET STORE  
MATTRESS  
FACTORY

TATOO PARLOR

AUTO PARTS SALES

SPAS

P74-006

BILLIARDS

GR

73-226

78-033  
78-0104

AUTO REPAIR  
REPAIR

91-007

GR

TABACCO SHOP

SP91-0091C

WHITE BLVD

SF-3

LO-CO

OFFICE

2008-0046

GR-CO

CONST SALES & SERVICES

VIEW

OUT DOOR STORAGE

PAWN SHOP  
LQ

SP85-079

DAY CARE

SP-06-007C

73-134

OFFICE

CS

CS-CO



REZONING REQUEST  
C14-2008-0112  
Minware - 4209 Clawson Road  
From: SF-3  
To: GR