

ZONING CHANGE REVIEW SHEET

CASE: C14-2008-0240

P.C. DATE: January 13, 2009

ADDRESS: 4701 North IH-35 SVRD NB

OWNER / AGENT: Mike Dallas Properties, (Mike Dallas) 512-626-7878

ZONING FROM: GR-MU-CO-NP

TO: GR-MU-CO-NP – The zoning change will amend the conditional overlay to allow Pet Services, Business Support Services and General Retail (Convenience) Services.

SITE AREA: 0.31 acres (13, 680 square feet)

SUMMARY STAFF RECOMMENDATION: The staff recommendation is to grant the change from GR-MU-CO-NP (Community Commercial district - Mixed Use - Conditional Overlay - Neighborhood Plan) to GR-MU-CO-NP (Community Commercial district - Mixed Use - Conditional Overlay - Neighborhood Plan). The zoning change will amend the conditional overlay to allow Pet Services, Business Support Services and General Retail Services (Convenience).

All other prohibited uses and the 2,000 vehicle daily trip limit will remain intact (see related cases below).

SUMMARY PLANNING COMMISSION RECOMMENDATION: On January 13, 2009, the Planning Commission *APPROVED* staff's recommendation of GR-MU-CO-NP (Community Commercial district - Mixed Use - Conditional Overlay - Neighborhood Plan). The zoning change will amend the conditional overlay to allow Pet Services, Business Support Services and General Retail Services (Convenience). The item was approved on the Consent Agenda by Commissioner J. Reddy's motion, Commissioner M. Dealey seconded the motion on a vote of 7-0; Commissioner C. Ewen was absent.

DEPARTMENT COMMENTS: The subject site was formerly the Christian Center Assembly of God Church. The church relocated and on March 12, 2008 a zoning change was approved from LO to GR-MU-CO-NP. The new owner still wishes to remodel the building and use the site as a medical center and other office uses. The development of the Seton Children's Hospital at the Mueller Planned Unit Development site prompted a need for additional medical facilities. Additionally, since the site is located off the service road of Interstate Highway-35 and near the Mueller redevelopment, opportunities for neighborhood retail uses exist. The applicant wishes to expand the number of permitted uses to include Pet Services, Business Support Services, and General Retail Sales (Convenience). This will allow the applicant more flexibility in attracting tenants.

The staff recommendation is to approve the zoning change that will amend the conditional overlay. All other prohibited uses and the 2,000 vehicle daily trip limit will remain intact.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	GR-MU-CO-NP	Two-story unoccupied building; formerly Christian Center

		Assembly of God Church
<i>North</i>	P-NP	Park
<i>East</i>	SF-3-NP	Single family residences
<i>South</i>	LO/GR-NP	Commercial
<i>West</i>	N/A	Northbound frontage road of Interstate Hwy IH-35

NEIGHBORHOOD PLAN AREA: Upper Boggy Creek

TIA: Is 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].

WATERSHED: Boggy Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No **SCENIC ROADWAY:** No

NEIGHBORHOOD ORGANIZATIONS:

PODER People Organized in Defense of Earth & Her Resources
Austin Independent School District
Mueller Master Community Inc
Home Builders Association of Greater Austin
Taking Action Inc.
Anberly Airport Assn.
Delwood II Neighborhood Organization
Austin Neighborhoods Council
Mueller Neighborhoods Coalition
Keep the Land
Homeless Neighborhood Organization
Mueller Property Owners Association
Mueller Community Association

SCHOOLS:

Maplewood Elementary School
Kealing Middle School
McCallum High School

CASE HISTORIES:

The Upper Boggy Creek Neighborhood Plan rezonings were approved by Council on October 24, 2002 (C14-02-0057).

RELATED CASES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2007-0251 - 4701 North IH-35 SVRD	Tract 1-LO-NP to GR-MU-CO-NP; Tract 2-SF-3-NP to LO-NP	On 1/31/2008 PC Apvd staff rec of GR-MU-CO-NP (Tr 1); LO-NP (Tr 2) w/portion of Tr 2 remaining SF-3-NP, by consent (8-0). The CO prohibited the following uses: Automotive Rentals,	On 3/12/2008 Council Apvd Ord. 20080228-093 for GR-MU-CO-NP (Tr 1); LO-NP (Tr 2); (7-0); all 3 rdgs

NB		<p>Automotive Repair Services, Automotive Sales, Automotive Washing, Bail Bond Services, Business Support Services, Commercial Off-Street Parking, Consumer Convenience Services, Exterminating Services, Food Preparation, Food Sales, Funeral Services, General Retail Sales (Convenience), General Retail Sales (General), Guidance Services, Hotel-Motel, Indoor Entertainment, Indoor Sports and Recreation, Kennels, Laundry Services, Liquor Sales, Monument Retail Sales, Off-Site Accessory Parking, Outdoor Entertainment, Outdoor Sports and Recreation, Pawn Shop Services, Pet Services, Plant Nursery, Printing and Publishing, Restaurant (General), Restaurant (Limited) Scrap and Salvage Services, Service Station, Club or Lodge, Communication Service Facilities, Community Events, Community Recreation (Private), Community Recreation (Public), Congregate Living, Family Home, Group Home, Class I (General), Group Home, Class I (Limited), Group Home, Class II, Hospital Services (General), Hospital Services (Limited), Local Utility Services, Residential Treatment, and Safety Services.</p>	
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ABUTTING STREETS:

Name	ROW	Pavement	Classification	Daily Traffic
IH-35	250'	220'	Arterial – FWY 8	250,000 (TXDOT 2007)

CITY COUNCIL DATE: January 29, 2009

ACTION: N/A

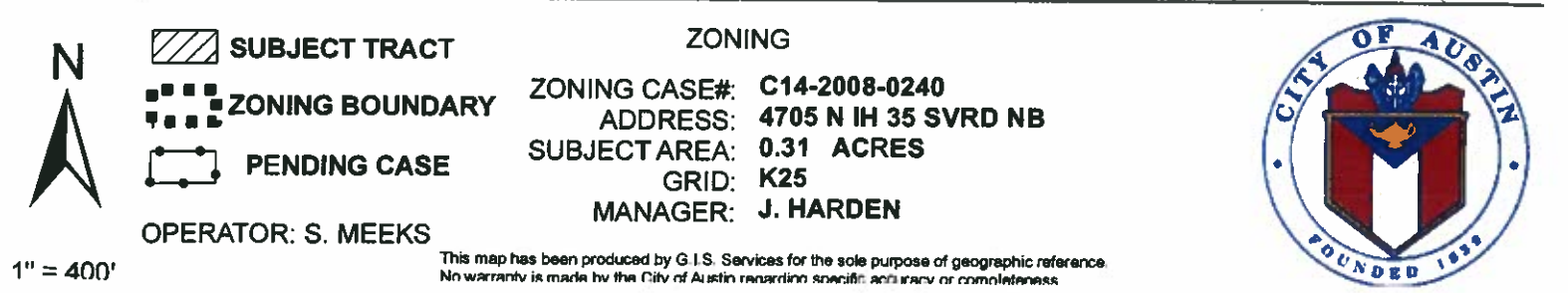
ORDINANCE READINGS: 1st 2nd 3rd

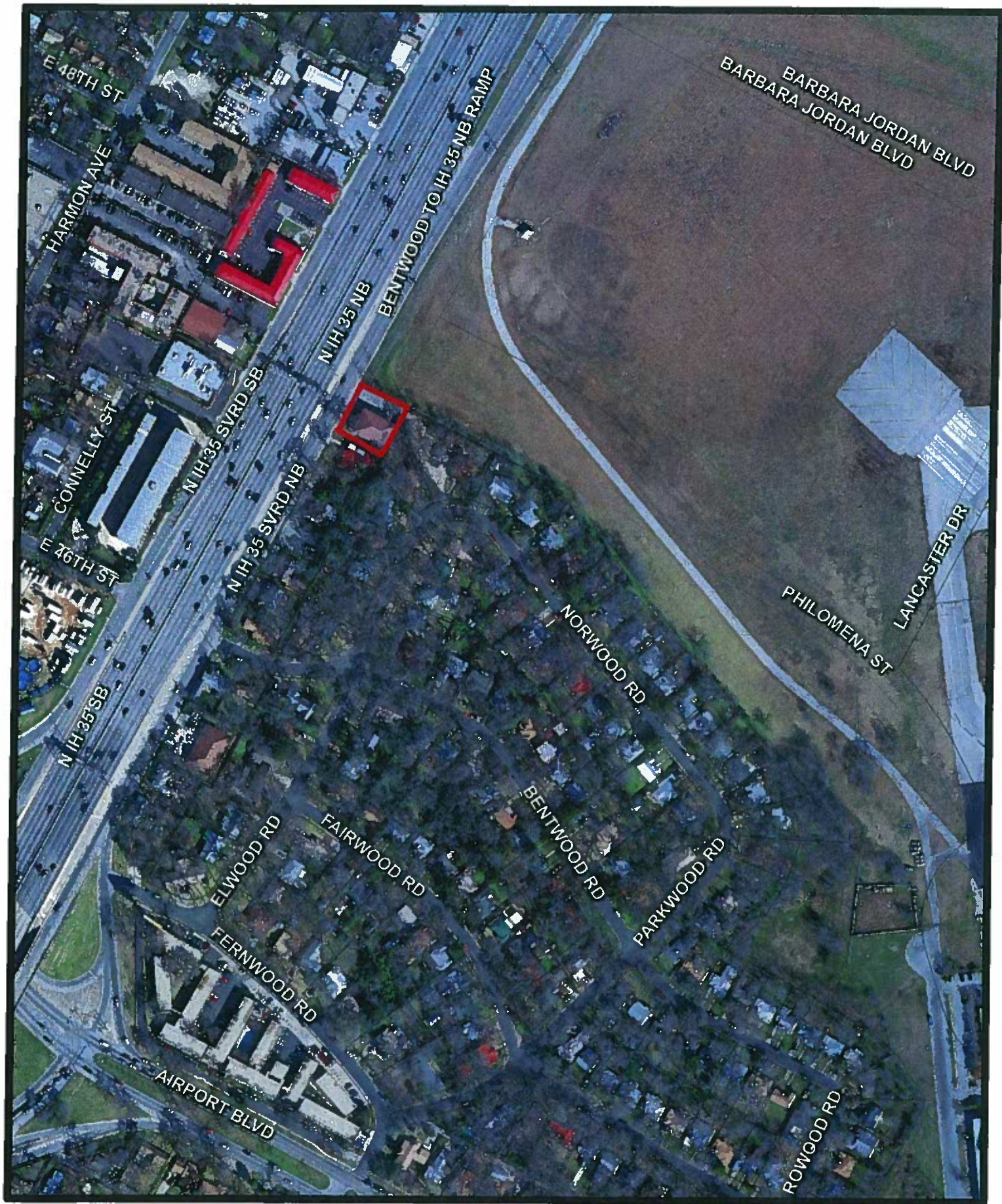
ORDINANCE NUMBER:

CASE MANAGER: Joi Harden

PHONE: 974-2212

E-MAIL: joi.harden@ci.austin.tx.us;





C14-2008-0240 4701 N IH 35
From GR-MU-CO-NP to GR-MU-CO-NP
The request is to amend the CO.



SUMMARY STAFF RECOMMENDATION

The staff recommendation is to grant the change from GR-MU-CO-NP (Community Commercial district - Mixed Use - Conditional Overlay - Neighborhood Plan) to GR-MU-CO-NP (Community Commercial district - Mixed Use - Conditional Overlay - Neighborhood Plan). The zoning change will amend the conditional overlay to allow Pet Services, Business Support Services and General Retail Services (Convenience).

All other prohibited uses and the 2,000 vehicle daily trip limit will remain intact.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

Community Commercial (GR) district is the designation for an office or other commercial use that serves neighborhood and community needs and that generally is accessible from major traffic ways. The property has access to an expressway which is appropriate for an office or retail use and provides excellent visibility.

- 2. Zoning changes should promote an orderly and compatible relationship among land uses.*

The proposed rezoning will allow for reasonable use of the site while maintaining the character of the surrounding area. Staff recommends rezoning based on its compatibility with the character of the surrounding area and access from the Interstate.

EXISTING CONDITIONS

Site Characteristics

The subject site is developed with a two-story unoccupied building that was formerly a church. The site is relatively flat and moderately vegetated.

Impervious Cover

The maximum impervious cover allowed by the GR zoning is 90%.

Environmental

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

Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding 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

The Austin Metropolitan Area Transportation Plan calls for a total of 400 feet of right-of-way for Interstate Highway 35. Additional right-of-way will be required at the time of subdivision and/or site plan. TxDOT may request the reservation of additional right-of-way in accordance with the Transportation Plan when the site is redeveloped. [LDC, Sec. 25-6-51 and 25-6-55]

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].

There are existing sidewalks along Interstate Highway 35.

Interstate Highway 35 (Route 421, shown on the southbound frontage of IH-35) is classified in the Bicycle Plan as a Priority 2 bike route.

Capital Metro bus service (Routes 37 and 320) is available along Interstate Highway 35.

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 any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility for compliance with City criteria. 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.

Site Plan Review

This tract is already developed, however, any new construction on this site would be subject to compatibility development regulations due to the existing SF-3 zoned property to the southwest and east, and would be subject to the following requirements:

- 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.

Additional design regulations (including compliance with Commercial Design Standards) will be enforced at the time a site plan is submitted.

Delwood II Neighborhood Association

December 30, 2008

RE: Case No.: C14-2008-0240 4705 N IH 35 SVRD NB Zoning Modification

Dear City Council:

This letter is in reference to Case No.: C14-2008-0240 at 4705 N IH 35 SVRD NB

The Officers of the Delwood II Neighborhood Association have been in contact with Mike Dallas to discuss the need for the zoning modification as requested. We have reviewed the three zoning categories that the applicant wishes to add to the permitted uses. We voted to support the below modifications because after discussion with the neighbors surrounding the site, these will support the character of our neighborhood. The three zoning categories we support are:

Pet Services
Business Support Services
General Retail Sales (Convenience)

Thank you for respecting and supporting the character and unique needs of central city neighborhoods such as Delwood II.

Respectfully,

Carol Eckelkamp, President, Delwood II Neighborhood Association

Horner Robbins, VP, Delwood II Neighborhood Association
Debra Leftwich, Secretary, Delwood II Neighborhood Association
Ken Ronsonette, Treasurer, Delwood II Neighborhood Association

CC: Joi.harden@ci.austin.tx.us
Upper Boggy Creek Planning Team

ORDINANCE NO. 20080228-093

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 4701 NORTH IH-35 SERVICE ROAD NORTHBOUND IN THE UPPER BOGGY CREEK NEIGHBORHOOD PLAN AREA FROM LIMITED OFFICE-NEIGHBORHOOD PLAN (LO-NP) COMBINING DISTRICT AND FAMILY RESIDENCE-NEIGHBORHOOD PLAN (SF-3-NP) COMBINING DISTRICT TO COMMUNITY COMMERCIAL-MIXED USE-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (GR-MU-CO-NP) COMBINING DISTRICT FOR TRACT ONE AND LIMITED OFFICE-NEIGHBORHOOD PLAN (LO-NP) COMBINING DISTRICT FOR TRACT TWO.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base districts on the property described in Zoning Case No. C14-2007-0251, on file at the Neighborhood Planning and Zoning Department, as follows:

Tract One: From limited office-neighborhood plan (LO-NP) combining district to community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district.

Lot 1, Emerald Oaks Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 82, Page 58, of the Plat Records of Travis County, Texas; and

Tract Two: From family residence-neighborhood plan (SF-3-NP) combining district to limited office-neighborhood plan (LO-NP) combining district.

A 0.275 acre tract of land, more or less, out of the Thomas L. Hawkins Survey No. 9, Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance (the "Property"),

locally known as 4701 North IH-35 Service Road Northbound, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

PART 2. Except as specifically provided in Part 3 and Part 4 of this ordinance, the Property may be developed and used in accordance with the regulations established for the respective base districts, the mixed use (MU) combining district, and other applicable requirements of the City Code.

PART 3. The Property identified as Tract One within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

The following uses are prohibited uses of the Tract One:

Automotive repair services	Automotive rentals
Automotive sales	Automotive washing (of any type)
Bail bond services	Business support services
Commercial off-street parking	Consumer convenience services
Exterminating services	Food preparation
Food sales	Funeral services
General retail sales (convenience)	General retail sales (general)
Guidance services	Hotel-motel
Indoor entertainment	Indoor sports and recreation
Kennels	Laundry service
Liquor sales	Monument retail sales
Off-site accessory parking	Outdoor entertainment
Outdoor sports and recreation	Pawn shop services
Pet services	Plant nursery
Printing and publishing	Restaurant (general)
Restaurant (limited)	Scrap and salvage services
Service station	Club or lodge
Communication service facilities	Community events
Community recreation (private)	Community recreation (public)
Congregate living	Hospital services (general)
Hospital services (limited)	Local utility services
Residential treatment	Safety services

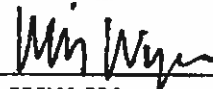
PART 4. The Property is subject to Ordinance No. 020801-92 that established the Upper Boggy Creek neighborhood plan combining district.

PART 5. This ordinance takes effect on March 10, 2008.

PASSED AND APPROVED

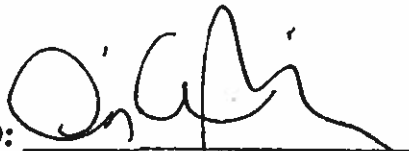
February 28, 2008

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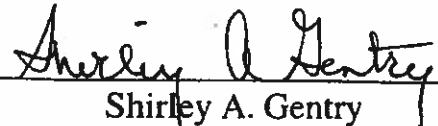
Will Wynn
Mayor

APPROVED:



David Allan Smith
City Attorney

ATTEST:



Shirley A. Gentry
City Clerk

EXHIBIT "A"

**THOMAS L. HAWKINS SURVEY NO. 9
ZONING**

DESCRIPTION OF 0.275 OF AN ACRE, MORE OR LESS, OF LAND AREA, IN THE THOMAS L. HAWKINS SURVEY NO. 9, IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT TRACT OF LAND DESCRIBED AS TRACT 2 IN A DEED DATED APRIL 13, 1999 FROM TRUSTEES FOR CHRISTIAN CENTER - ASSEMBLY OF GOD, TO CHRISTIAN CENTER - ASSEMBLY OF GOD, AS RECORDED IN DOC.NO. 1999007751, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½" iron rod found in the southwest line of Lot 3, Block "D", Mueller Section III Subdivision, a subdivision in Travis County, Texas, according to the map or plat of record in Doc. No. 200500279, Official Public Records of Travis County, Texas, for the north corner of the aforementioned Christian Center - Assembly of God Tract, same being the east corner of Lot 1, EMERALD OAKS, a subdivision in Travis County, Texas, according to the map or plat of record in Volume 82, Page 58, Plat Records of Travis County, Texas, and being the north corner of the herein described tract of land;

THENCE leaving the PLACE OF BEGINNING and the aforementioned Lot 1, with the common line of the Christian Center - Assembly of God Tract and the aforementioned Lot 3, Block "D", S 59°45'00"E 121.80 feet to a point for the northwest corner of that 10 foot wide Enclosed Storm Sewer Easement of record in Volume 7853, Page 923, Deed Records of Travis County, Texas, for the the east corner of the herein described tract of land, from which, a ½" iron rod found for the east corner of the Christian Center - Assembly of God Tract, same being the north corner of Lot 16, Block "G", Delwood, Section Two, a subdivision in Travis County, Texas, according to the map or plat of record in Volume 4, Page 282, Plat Records of Travis County, Texas, bears S 59°45'00"E 87.75 feet;

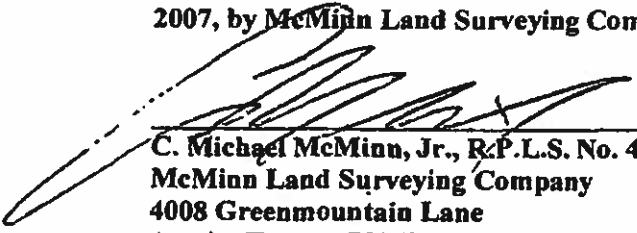
THENCE leaving Lot 3, Block "D", and crossing the Christian Center - Assembly of God Tract with the west line of the aforementioned easement, the following four (4) courses:

- 1. S 30°19'30"W 28.18 feet to a point;**
- 2. S 19°47'30"W 55.27 feet to a point;**
- 3. S 24°11'30"W 57.97 feet to a point for the southwest corner of said easement; and**
- 4. S 24°11'30"W 14.34 feet to a point in the southwest line of the Christian Center - Assembly of God Tract, same being the northeast line of that tract of land described in a deed dated June 23, 1978, from Curtis O. Schmedes, et ux, to Bruce C. Davis, as recorded in Volume 6203, Page 462, Deed Records of Travis County, Texas, and being the south corner of the herein described tract of land, from which, a ½" iron rod found in the north line of Norwood Road, for the southwest corner of the Christian Center - Assembly of God Tract, same being the east corner of said Davis Tract bears S 20°02'15"E 13.44 feet;**

THENCE with the common line of the Christian Center - Assembly of God Tract and the aforementioned Davis Tract, N 20°02'15"W 181.52 feet to a ½" iron pipe found in the southeast line of the aforementioned Lot 1, for the west corner of the Christian Center -

Assembly of God Tract, same being the north corner of the Davis Tract, and being the west corner of the herein described tract of land;

THENCE leaving the Davis Tract, with the common line of the Christian Center - Assembly of God Tract and Lot 1, N 30°34'00"E 38.45 feet to the PLACE OF BEGINNING. There are contained within these metes and bounds, 0.275 of an acre, more or less, of land area, as described from record information and measurements made on the ground on July 28, 2007, by McMinn Land Surveying Company of Austin, Texas.



**C. Michael McMinn, Jr., R.P.L.S. No. 4267
McMinn Land Surveying Company
4008 Greenmountain Lane
Austin, Texas 78759**

DATE : August 10, 2007

**SURVEY : Thomas L. Hawkins Survey No. 9
COUNTY : Travis, Texas.**

**J.O. No. : 061607
KND0616ZO**

SKETCH TO ACCOMPANY FIELD NOTES FOR ZONING

LEGAL DESCRIPTION: 0.275 of an acre, more or less, of land area, in the THOMAS L. HAWKINS SURVEY NO. 9, in Travis County, Texas, being a portion of that tract of land described in a deed dated April 13, 1999 from Trustees for Christian Center - Assembly of God, as recorded in Doc. No. 1999007751, Official Public Records of Travis County, Texas, and being more particularly described by metes and bounds, also locally known as 1200 Norwood Road, Austin, Texas.

MUELLER SECTION 111 SUBDIVISION
(DOCH 200500279)

S 59°45'00"E 121.80'
(S 59°45'00"E 200.31')

L-1
S 59°45'00"E

0.275 ACRE±
12,000 SQ.FT.±
(DOCH 1999007751)

PLACE OF BEGINNING

S 59°45'00"E 114.00'
(S 59°45'00"E 114.12')

EMERALD
(82/58)

OAKS

4701 INTERSTATE HWY. 35 NORTH

1200 NORWOOD ROAD

LEGEND

⊙ IRON PIPE FOUND
⊙ IRON ROD FOUND
○ IRON ROD SET

CURRIE O. SCHNEIDER, C.E. 101, 102
BRUCE C. REYER
JUNE 28, 1916
1880/1921

COURSE DATA:

COURSE	BEARING	DISTANCE
L-1	S 59°45'00"E	121.80'
L-2	S 30°19'30"W	28.18'
L-3	S 19°47'30"W	55.27'
L-4	S 24°11'30"W	57.97'
L-5	S 24°11'30"W	14.34'
L-6	N 20°02'15"W	181.52'
L-7	N 30°34'00"E	38.45'

DEED REFERENCE:

TRUSTEES FOR
CHRISTIAN CENTER ASSEMBLY OF GOD, TO
CHRISTIAN CENTER ASSEMBLY OF GOD
(TRACT 2: 0.517 ACRE)
APRIL 13, 1999
(DOCH 1999007751)

DEEDBOOK, SECTION TWO
(19-220)

LOT 1, BLOCK "D"

CMM

McMinn

Land Surveying Company

4008 GREENMOUNTAIN LANE
AUSTIN, TEXAS 78759
(512) 343-1970
FAX (512) 346-1005

CMM

SKETCH PREPARED FROM RECORD INFORMATION AND MEASUREMENTS MADE ON THE GROUND DURING JULY 28, 2007, AND IS CORRECT TO THE BEST OF MY KNOWLEDGE. THIS SKETCH WAS PREPARED FOR ZONING PURPOSE ONLY. SEE PCAT DATED AUGUST 1, 2007 FOR TITLE SURVEY.

DATE August 10, 2007

SCALE 1" = 40'

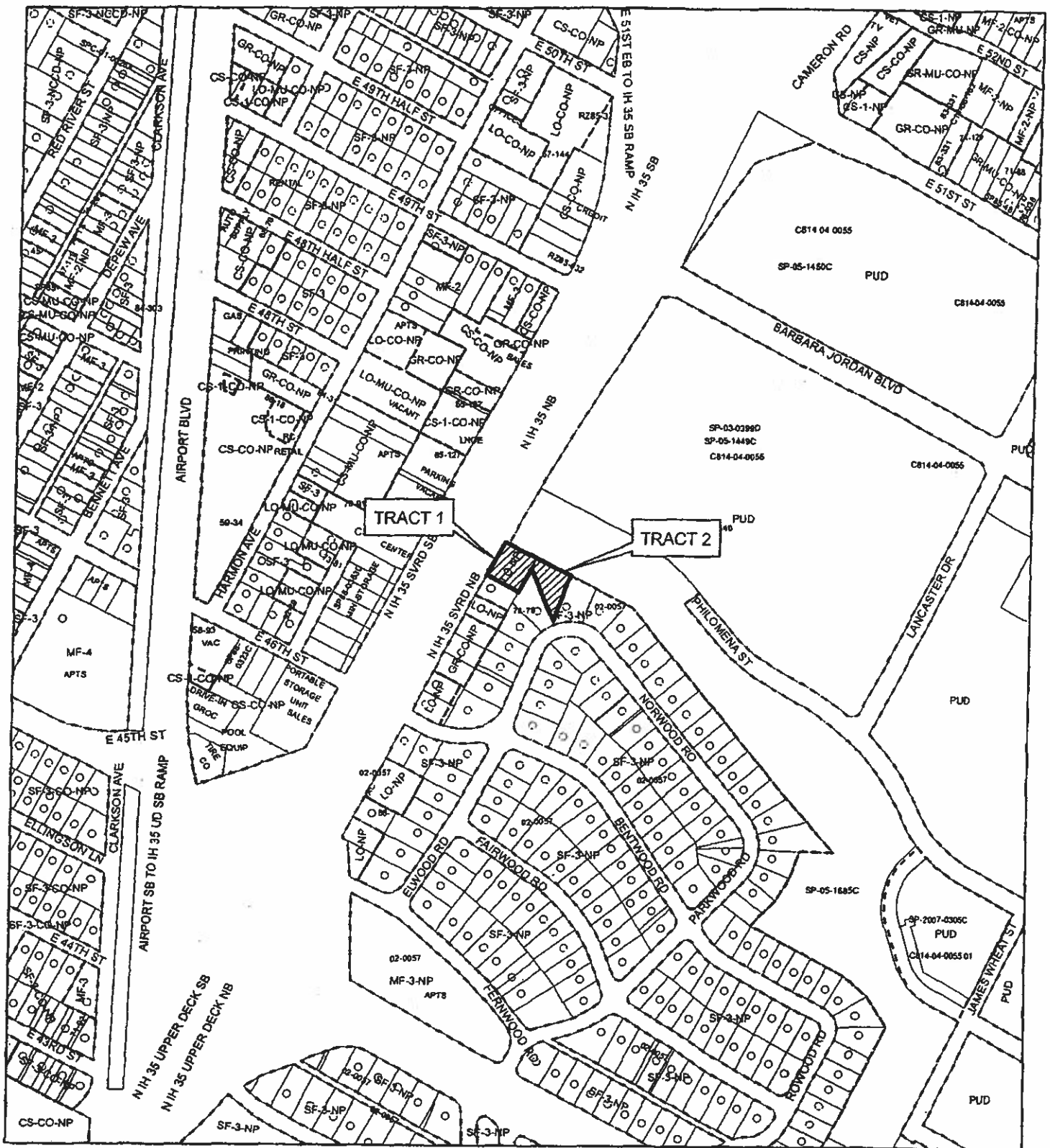
FB/PG 283/41-44

J.O.H 061607-ZO

C. MICHAEL McMINN, JR., R.P.L.S. NO. 4267




THIS SURVEY SKETCH IS VALID ONLY IF IT BEARS THE ORIGINAL SIGNATURE IN GREEN INK AND THE IMPRESSION SEAL OF THE ABOVE SURVEYOR.

Copyright 2007 McMinn Land Surveying Company



ZONING EXHIBIT B



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

ZONING CASE#: C14-2007-0251
 ADDRESS: 4701 N IH 35 SVRD NB
 SUBJECT AREA: 0.66 ACRES
 GRID: K25
 MANAGER: J. HARDEN

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.