



MEMORANDUM

TO: Lee Leffingwell, Mayor and Members of the
City Council

FROM: Greg Guernsey *GG*
Director, Planning and Development Review Department

DATE: October 5, 2009

RE: C14-2009-0078 (Limerick) Postponement Request

The Planning and Development Review Department would like to request an indefinite postponement of the above mentioned case. The staff is requesting this postponement because the applicant requested an indefinite postponement of this case at the Zoning and Platting Commission. Therefore, the staff will reschedule and re-notice this case for a future City Council public hearing once the Zoning and Platting Commission has rendered a recommendation on this re-zoning request.

The postponement request was made in a timely manner and meets the City Council's policy.

ZONING CHANGE REVIEW SHEET

CASE: C14-2009-0078 (Limerick)

Z.A.P. DATE: September 15, 2009

ADDRESS: 12412 Limerick Avenue

APPLICANT/AGENT: First Network Realty (Son Thai)

ZONING FROM: NO

TO: LR

AREA: 0.435 acres (18,949 sq. ft.)

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to deny LR, Neighborhood Commercial District, zoning.

However, if the zoning is recommended by the Zoning and Platting Commission and granted by the City Council, development should be limited through a conditional overlay to less than 300 vehicle trips per day [LDC, Sec. 25-6-114].

ZONING AND PLATTING COMMISSION RECOMMENDATION:

DEPARTMENT COMMENTS:

The property in question is currently developed with a single-family residence that fronts onto Limerick Avenue. The applicant is requesting Neighborhood Commercial zoning to possibly redevelop this site with a bakery (Food Sales) or a coffee shop (Restaurant Limited) use. This property is located within the North Lamar Area Study, which was adopted by the City Council on October 3, 1985. The study recommends single-family land use for this area located to the north of Parmer Lane (North Lamar Area Study-Map 4, page 16).

The staff recommends denial of the applicant's request for LR, Neighborhood Commercial District, zoning because this property fronts onto a residential street that dead ends and does not allow access through the neighborhood. The staff considered prohibiting access to Limerick Avenue, however, this lot does not have enough frontage/length along Parmer Lane (less than 200 feet) to allow the applicant to request driveway access from TXDOT onto Parmer Lane. Parmer Lane is a state maintained roadway (FM 734) that is planned to be expanded to an eight lanes to become an expressway in the future. The Transportation staff has stated in their comments that the Austin Metropolitan Area Transportation Plan calls for a total of 200 feet of right-of-way for West Parmer Lane (FM 734). Reservation of 100 feet of right-of-way measured from the existing centerline of West Parmer Lane may be required at the time of site plan or subdivision approval for this property. The applicant has agreed to limit the intensity and uses for this development to 300 vehicle trips per day to avoid having to conduct a Neighborhood Traffic Analysis for this site. The staff does not believe that 300 vehicle trips per day will be enough to permit the applicant to develop the property with commercial uses. In addition, the site does not appear to have enough area to accommodate the necessary parking for a Food Sales or Restaurant use.

The staff believes that the current NO zoning is appropriate at his location as it will permit the existing 1,212 square foot structure to be redeveloped with an administrative office use that will be compatible with the single family neighborhood located to the south. Neighborhood Office zoning will allow for low intensity office uses that will serve the surrounding residential areas.

The applicant does not agree with the staff's recommendation.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	NO	Single-Family Residence
<i>North</i>	NO-MU	Office Uses
<i>South</i>	NO, SF-1	Single-Family Residences
<i>East</i>	LR	Office Uses
<i>West</i>	NO	Office Uses

AREA STUDY: North Lamar Area Study**TIA:** Waived**WATERSHED:** Walnut Creek**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** N/A**HILL COUNTRY ROADWAY:** N/A**NEIGHBORHOOD ORGANIZATIONS:**

Austin Independent School District
 Austin Neighborhoods Council
 Austin Northwest Association
 Austin Parks Foundation
 Homebuilders Association of Greater Austin
 Homeless Neighborhood Association
 Lamplight Village Area Neighborhood Association
 League of Bicycling Voters
 North Growth Corridor Alliance
 Nortstar Neighborhood Association
 Pflugerville Independent School District
 Scofield Farms Residents Association
 Super Duper Neighborhood Objectors and Appealers Organization

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
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C14-07-0027	SF-2 to NO	4/03/07: Approved the staff's recommendation of NO-MU zoning on consent (6-0, J. Gohil-abstained; K. Jackson and S. Hale-absent)	5/03/07: Approved NO-MU zoning by consent (7-0); all 3 readings
C14-06-0097	I-RR to CS	8/01/06: Approved LR-CO zoning with the following conditions: 700 vehicle trip limit per day and 100-feet of right-of-way reservation from the centerline of Parmer Lane (9-0);	8/31/06: Approved LR-CO zoning on 1 st reading (7-0); J. Kim-1 st , L. Leffingwell-2 nd .

		K. Jackson-1 st , B.Baker-2 nd .	9/28/06: Approved LR-CO zoning with conditions by consent (7-0); 2 nd /3 rd readings
C14-05-0054	I-RR to SF-1	5/03/05: Approved staff's recommendation of SF-1 zoning by consent (8-0, J. Martinez-absent)	6/09/05: Approved SF-1 (6-0, McCracken-off dias); all 3 readings
C14-05-0053	I-RR to SF-1	5/03/05: Approved staff's recommendation of SF-1 zoning by consent (8-0, J. Martinez-absent)	6/09/05: Approved SF-1 (6-0, McCracken-off dias); all 3 readings
C14-05-0052	I-RR to SF-1	5/03/05: Approved staff's recommendation of SF-1 zoning by consent (8-0, J. Martinez-absent)	6/09/05: Approved SF-1 (6-0, McCracken-off dias); all 3 readings
C14-05-0051	I-RR to SF-1	5/03/05: Approved staff's recommendation of SF-1 zoning by consent (8-0, J. Martinez-absent)	6/09/05: Approved SF-1 (6-0, McCracken-off dias); all 3 readings
C14-04-0201	I-RR to LR	2/01/05: Approved staff's recommendation for SF-1 zoning (9-0); J. Martinez-1 st , B.Baker-2 nd . Motion made for staff to initiate a zoning case for all properties that are zoned I-RR on Cindy Lane, Tomanet Trail and Silver Spur Streets, to SF-1 zoning (9-0); B. Baker-1 st , K. Jackson-2 nd .	3/03/05: Approved SF-1 on 1 st reading (7-0) 4/07/05: Approved SF-1 (7-0); 2 nd /3 rd readings
C14-04-0172	NO to LR	11/16/04: Approved staff rec. of LR-CO (9-0), with the following condition: Drive-in service is prohibited as an accessory use to a commercial use.	1/13/05: Approved LR-CO (7-0); all 3 readings
C14-04-0119	NO to LR	9/21/04: Approved staff's rec. of LR (7-0)	10/21/04: Approved LR (7-0); all 3 readings
C14-02-0135	NO to GR	9/17/02: Approved staff's rec. of GR-CO zoning by consent (7-0)	10/24/02: Granted GR-CO on all 3 readings (6-0, Dunkerley-absent)
C14-01-0184	NO to GR	1/29/02: Postponed to 2/26/02 by applicant (8-0, A.Adams-absent) 2/26/02: Approved staff's recommendation of GR-CO zoning (6-0, K. Jackson-absent; N. Spelman, D. Castaneda-left early)	4/4/02: Approved GR-CO with conditions on all 3 readings (6-0, Goodman out of room)
C14-00-2045	NO to GR	5/9/00: Approved GR-CO (6-2, JR/JM-Nay); for building footprint only for dry cleaning use; permitted 'NO' uses; no access to Tomanet Trail; 2,000	6/8/00: Approved PC rec. of GR-CO w/ conditions on 1 st reading (7-0) 10/12/00: Approved GR-CO (7-0); 2 nd /3 rd readings

		vehicle trip limit per day; limit landscape buffer between sidewalk and street; sidewalks on Tomanet Trail; building square feet not to exceed 2,000 sq. ft.	
C14-98-0082	NO to GR	8/4/98: Approved GR-CO w/ conditions (9-0)	9/10/98: Approved PC rec. of GR-CO w/ conditions (6-0); 1 st reading Administrative-EXPIRED 9/7/99, no 3 rd reading
C14-96-0037	NO to LR	5/7/96: Approved LR-CO subject to conditions of no more than 12 parking spaces on the site and a 300 vehicle trip per day limit (8-0)	5/23/96: Approved LR-CO subject to conditions (6-0); 1 st reading 8/8/96: Approved LR-CO subject to conditions (7-0); 2 nd /3 rd readings
C14-94-0042	NO to LO	4/26/94: Approved LO-CO (6-0); subject to ROW; medical offices as only permitted 'LO' use, permit 'NO' uses; 0.15 FAR; 'NO' development regulations	6/9/94: Approved LO-CO (5-0); 1 st reading 11/17/94: Approved LO-CO (7-0); 2 nd /3 rd readings

RELATED CASES: C4-85-149 (North Lamar Area Study Rezonings)

ABUTTING STREETS:

CITY COUNCIL DATE:

ACTION:

ORDINANCE READINGS: 1st

2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Sherri Sirwaitis

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

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ZONING AND PLATTING COMMISSION RECOMMENDATION:

9/15/09: Postponed indefinitely at the applicant's request (4-0, S. Baldrige-off dias; D. Tiemann and P. Seeger-absent); T. Rabago-1st, C. Banks-2nd.

DEPARTMENT COMMENTS:

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RELATED CASES: C4-85-149 (North Lamar Area Study Rezonings)

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Daily Traffic
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Limerick Avenue	50'	26'	Collector	Not Available

CITY COUNCIL DATE: October 15, 2009

ACTION:

ORDINANCE READINGS: 1st

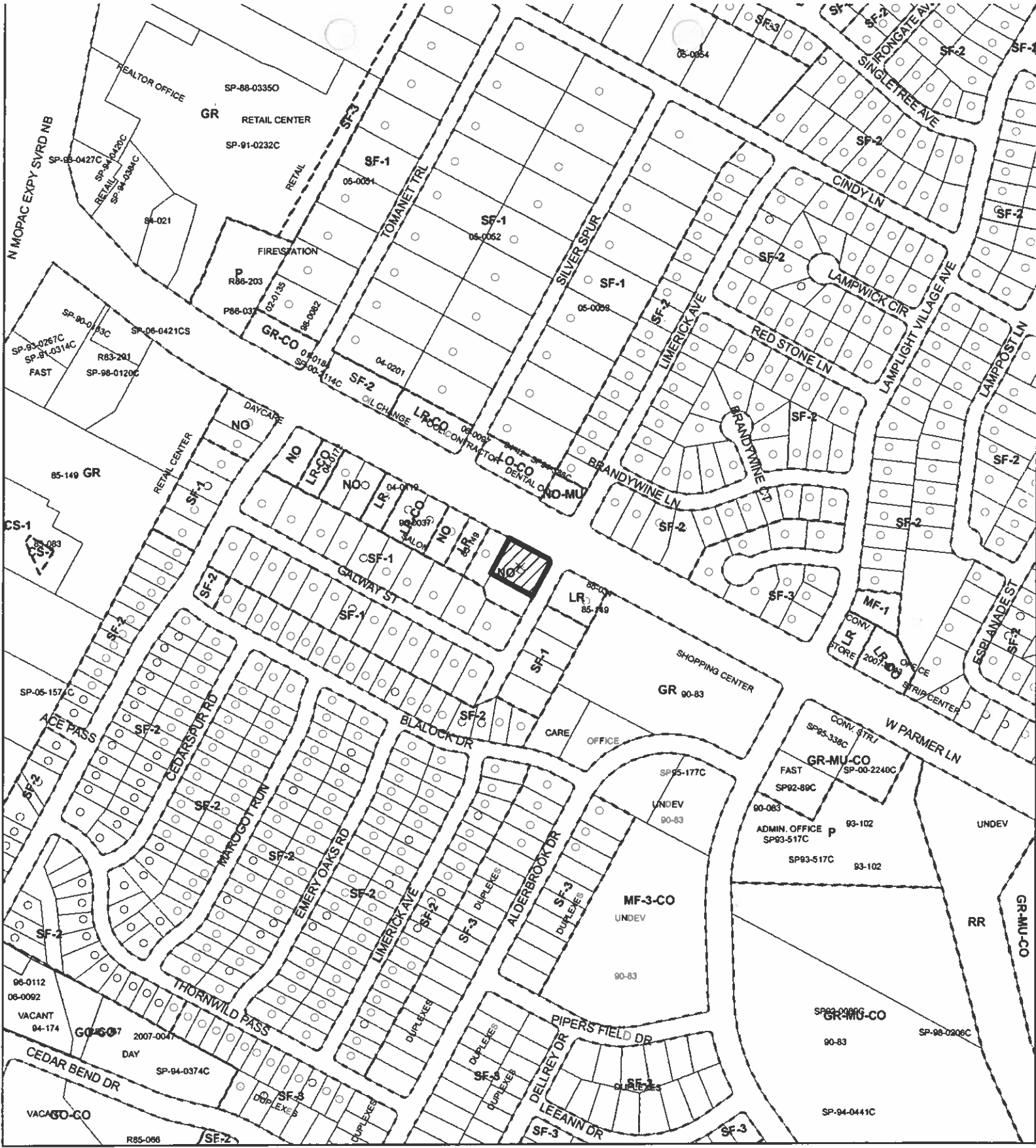
2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Sherri Sirwaitis

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



N

SUBJECT TRACT

ZONING BOUNDARY

PENDING CASE

1" = 400'

OPERATOR: S. MEEKS

ZONING

ZONING CASE#: C14-2009-0078

ADDRESS: 12412 LIMERICK AVE

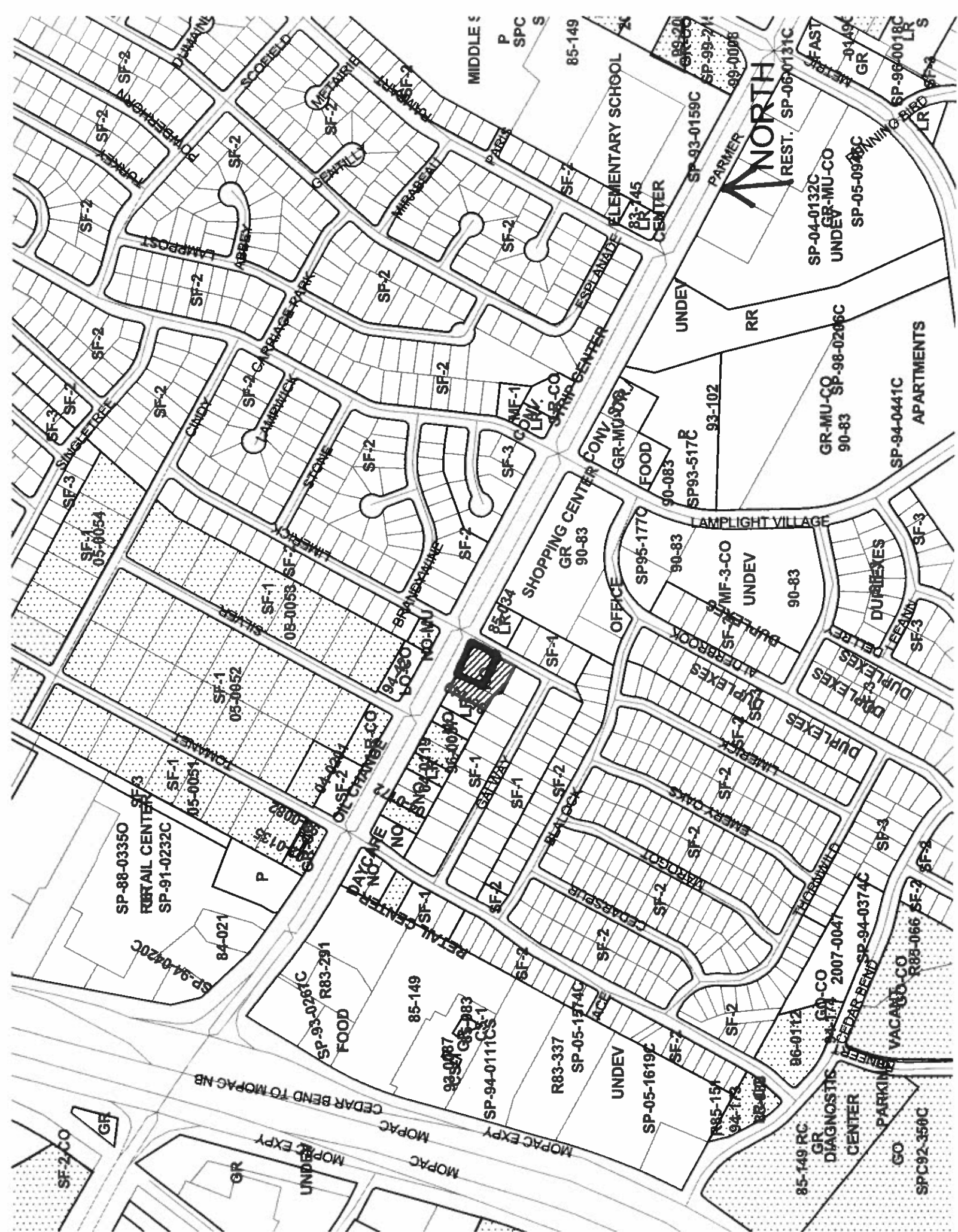
SUBJECT AREA: 0.435 ACRES

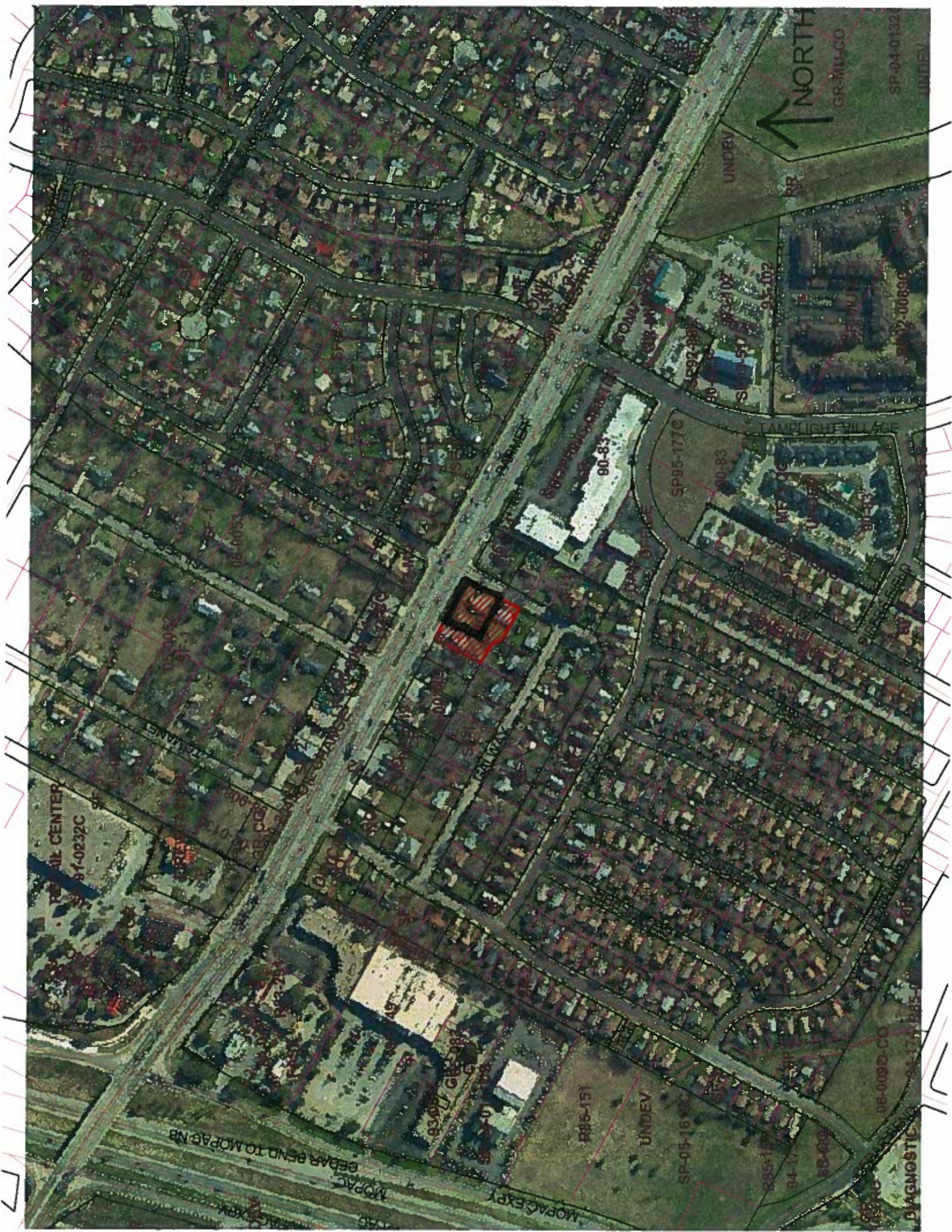
GRID: L35

MANAGER: S. SIRWAITIS



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.





RETAIL CENTER
SP-01-0232C

MOPAC
GEBAR BEND TO MOPAC NB

MOPAC EXPR

UNDEV

SP-05-16

94-11

98-009

98-009

06-0090-00

DIAGNOSTIC

TAMPLIGHT VILLAGE

SP95-177C

90-83

90-83

MT-10

90-13

SP92-386

90-57

95-02

95-02

95-02

95-02

95-02

UNDEV

GR-MU-CO

SP-04-0132

UNDEV

UNDEV

NORTH

↑

STAFF RECOMMENDATION

The staff's recommendation is to deny LR, Neighborhood Commercial District, zoning.

However, if the zoning is recommended by the Zoning and Platting Commission and granted by the City Council, development should be limited through a conditional overlay to less than 300 vehicle trips per day [LDC, Sec. 25-6-114].

BASIS FOR RECOMMENDATION

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

Neighborhood commercial (LR) district is the designation for a commercial use that provides business service and office facilities for the residents of a neighborhood. Site development regulations and performance standards applicable to a LR district use are designed to ensure that the use is compatible and complementary in scale and appearance with the residential environment.

The property in question does not meet the intent of the proposed LR district as this lot fronts onto a residential street, Limerick Avenue, that dead ends and does not allow access through the single-family neighborhood to the south.

2. *The proposed zoning will not allow for a reasonable use of the property.*

The proposed LR zoning will not allow for a reasonable use of this property because the site does not have enough area to accommodate the necessary parking for a commercial use. In addition, the applicant has agreed to limit the intensity and uses for this development to 300 vehicle trips per day to avoid having to conduct a Neighborhood Traffic Analysis for this site. The staff does not believe that 300 vehicle trips per day will be enough to permit the applicant to develop the property with commercial uses.

Neighborhood Office zoning is suitable for this property because it will allow for a transition in office uses along Parmer Lane away from MOPAC/Loop 1 to the east. The current NO zoning will allow the existing structure to be redeveloped with a low intensity office use that is compatible with the existing residential neighborhood located to the south.

EXISTING CONDITIONS

Site Characteristics

The site is developed with vacant land and a single-family residence. There are office uses to the north, east and west of this site fronting Parmer Lane. The properties to the south of this site are developed with single-family houses.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Walnut Creek Watershed of the Colorado River Basin, 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.

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.

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.

Impervious Cover

The maximum impervious cover allowed by the LR 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 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	% with Transfers
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

Site Plan

No comments have been received at this time.

The site is subject to compatibility standards. Along the south 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 23' feet of the property line.
- A landscape area at least 3 feet wide is required along the north 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.

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.

Transportation

Existing Street Characteristics:

Name	ROW	Pavement	Classification	Daily Traffic
West Parmer Lane (FM 734)	150'	2@41'	Arterial (MAD6)	50,000 (TXDOT, 200
Limerick Avenue	50'	26'	Collector	Not Available

The Austin Metropolitan Area Transportation Plan calls for a total of 200 feet of right-of-way for West Parmer Lane (FM 734). Reservation of 100 feet of right-of-way measured from the existing centerline of West Parmer Lane (FM 734) in accordance with the Transportation Plan may be required at the time of site plan or subdivision [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].

A Neighborhood Traffic Analysis is not required 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 300 vehicle trips per day [LDC, Sec. 25-6-114].

There are existing sidewalks along West Parmer Lane (FM 734). There are no existing sidewalks along Limerick Avenue.

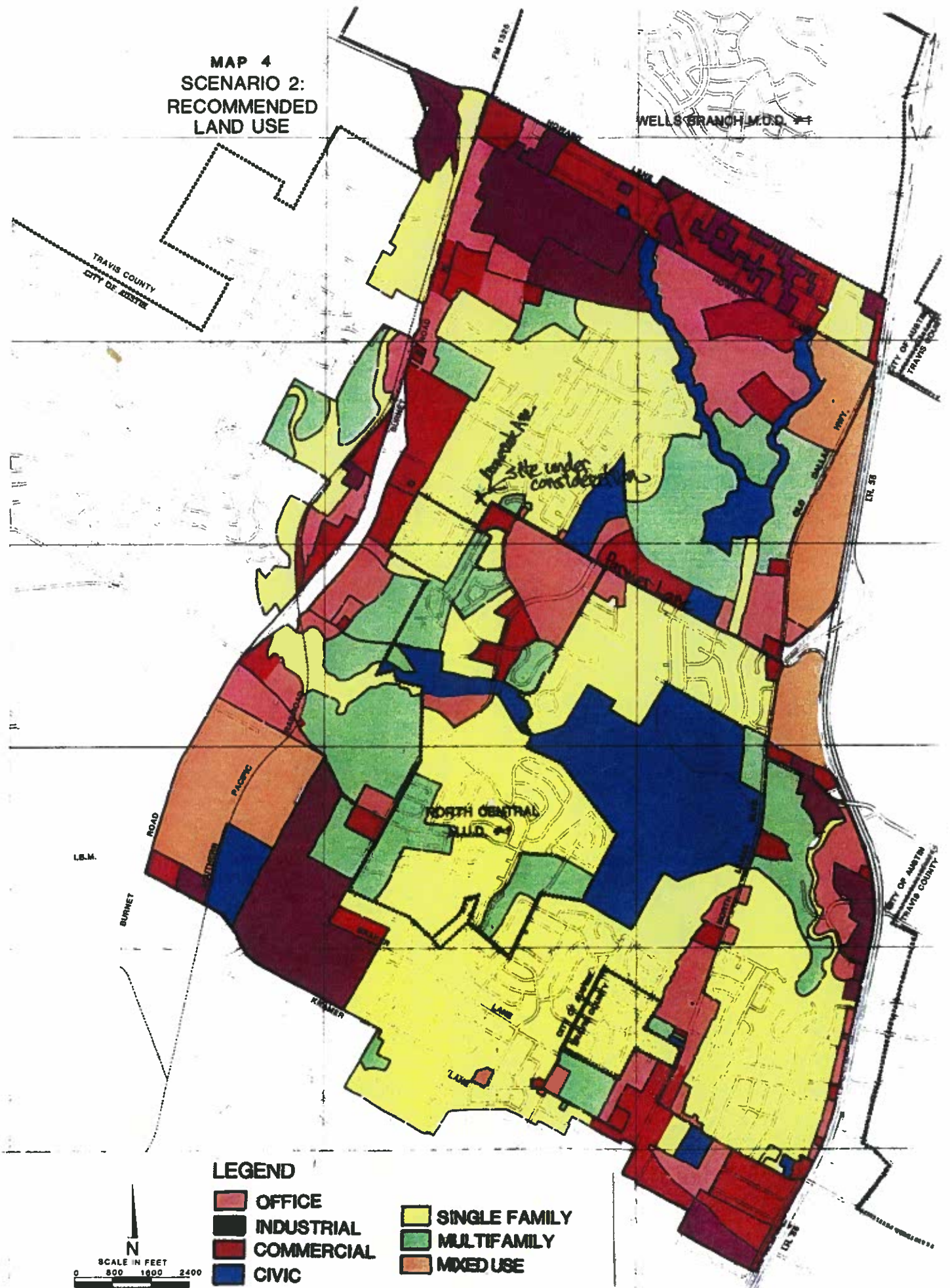
According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, a "wide shoulder" bicycle facility is existing and proposed on West Parmer Lane (FM 734). According to the Austin 2009 Bicycle Plan Update, a bicycle facility is not proposed on Limerick Avenue.

Capital Metro bus service (route nos. 142 and 240) is available along West Parmer Lane (route no. 240) and Lamplight Village Avenue (route no. 142).

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 for compliance with City regulations. Water and wastewater utility plans 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.

**MAP 4
SCENARIO 2:
RECOMMENDED
LAND USE**



Sirwaitis, Sherri

From: shawn thai [shawn_thai@yahoo.com]
Sent: Friday, September 04, 2009 12:54 AM
To: Sirwaitis, Sherri
Subject: Request for the hearing to post pone 12412 Limerick Ave

--- On Mon, 8/31/09, shawn thai <shawn_thai@yahoo.com> wrote:

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Subject: Request for the hearing to post pone 12412 Limerick Ave
To: Shawn_thai@yahoo.com
Date: Monday, August 31, 2009, 10:37 AM

sherri.sirwaitis@ci.austin.tx.us
Sherri,

I, Son Thai, the owner of the property at 12412 Limerick Ave, Austin TX 78758 is requesting to post pone indefinitely date(6months) for the hearing for address at 12412 Limerick Ave, Austin TX 78758 to get install driveway on parmer lane with Texas Dot or the Landlord next door. The Case number is C14-2009-078

9/8/2009

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: C14-2009-0078

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: Sept. 15, 2009, Zoning & Platting Commission
Oct. 15, 2009, City Council

John Horton

Your Name (please print)

2207 westflamer

Your address(es) affected by this application

John E. Horton

Signature

Date

9-8-09

Daytime Telephone: 512-217-3680

Comments:

☒ I am in favor
☐ I object

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

City of Austin

Planning & Development Review Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

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Public Hearing: Sept. 15, 2009, Zoning & Platting Commission

Oct. 15, 2009, City Council

DAVID JOHNSON, Member Mayor
Your Name (please print) BLAOK PARTWERSHIPS LLC

☒ I am in favor
☐ I object

202 BLACK DRIVE

Your address(es) affected by this application

[Signature]

Signature

Daytime Telephone: 512/990-9550

Date

9/9/09

Comments:

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

City of Austin

Planning & Development Review Department

Sherri Sirwaitis

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