



MEMORANDUM

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

FROM: Greg Guernsey
Director, Planning and Development Review Department

DATE: October 5, 2009

RE: C14-2009-0071 (Arrow A/C) Postponement Request

The Planning and Development Review Department would like to request a postponement of the above mentioned case until November 5, 2009. The staff is requesting this postponement so that a Neighborhood Traffic Analysis (NTA) can be completed for this site. The case will be presented to the Zoning and Platting Commission on October 20, 2009 for their recommendation.

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

ZONING CHANGE REVIEW SHEET

CASE: C14-2009-0071 (Arrow A/C)

ZAP DATE: September 15, 2009
October 20, 2009

ADDRESS: 11606 North I.H.-35 Service Road South Bound

OWNER: Arrow A/C (Esmail Rowsham)

AGENT: A.E.C., Inc. (Phil Moncada)

ZONING FROM: LR

TO: CS

AREA: 0.8718 acres

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is pending the results of the required Neighborhood Traffic Analysis (NTA) for this site.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

9/15/09: Postponed to October 20, 2009 at the staff's request (4-0, S. Baldrige-off dias;
D. Tiemann and P. Seeger-absent); T. Rabago-1st, C. Banks-2nd.

DEPARTMENT COMMENTS:

The property in question is located at the southwest corner of Interstate Highway-35 and Meadowlark Avenue. This lot currently has driveway access from the southbound service road of Interstate Highway 35 and Meadowlark Avenue. The site is surrounded by a vacant warehouse structure to the north, a contractor's business (Tex Tar Waterproofing) to the south, Interstate Highway-35 to the east and single family residences to the west.

The subject property is developed with a one story building that was formerly used as a restaurant. The current use, an appliance repair business, is classified as Construction Sales and Services which is not permitted in LR (Neighborhood Commercial) zoning district. This use is conditional in the W/LO (Warehouse Limited Office district) and first permitted in CS (General Commercial Services district). The applicant is requesting to change the zoning to bring the existing use into compliance with the zoning regulations.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	LR	Construction Sales and Services (Arrow A/C Airconditioning Services)
<i>North</i>	LO	Single-Family House, Vacant Warehouse
<i>South</i>	CS-CO	Construction Sales and Services (Tex-Tar Waterproofing)
<i>East</i>	Interstate Highway-35	Expressway
<i>West</i>	SF-1	Single Family Residences

AREA STUDY: N/A

TIA:

WATERSHED: Walnut Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

SCENIC ROADWAY: N/A

NEIGHBORHOOD ORGANIZATIONS:

Austin Independent School District
Austin Neighborhoods Council
Austin Northwest Association
Austin Parks Foundation
Austin Street Futbol Collaborative
Home Builders Association of Greater Austin
Homeless Neighborhood Organization
League of Bicycling Voters
Northeast Walnut Creek Neighborhood Association
North Growth Corridor Alliance
River Oaks Lakes Estates Neighborhood
Scofield Farms Residents Association
Super Duper Neighborhood Objectors and Appealers Organization
Walnut Creek Neighborhood Association, Inc.
Yager Planning Area

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2008-0229 – Walnut Forest Motel	GO to GR-CO	1/06/09: ZAP approved GR-CO. The CO prohibits the following uses: A DRIVE-THROUGH USE AS AN ACCESSORY USE, AUTOMOTIVE RENTALS, AUTOMOTIVE REPAIR SERVICES, AUTOMOTIVE SALES, AUTOMOTIVE WASHING (OF ANY TYPE), BAIL BOND SERVICES, COMMERCIAL BLOOD PLASMA CENTER, COMMERCIAL OFF- STREET PARKING, COMMUNITY RECREATION (PRIVATE), COMMUNITY RECREATION (PRIVATE), CONGREGATE LIVING, CONSUMER CONVENIENCE SERVICES, FOOD SALES, FUNERAL SERVICES, GENERAL RETAIL SALES (GENERAL), GUIDANCE SERVICES, INDOOR ENTERTAINMENT, OUTDOOR SPORTS AND RECREATION, PAWN SHOP SERVICES, RESIDENTIAL TREATMENT	2/12/09: Approved ZAP Commission rec. of GR-CO zoning (7-0); on all 3 readings

		AND SERVICE STATION; LIMITING HEIGHT TO 35 FEET, AND LIMITING VEHICLE TRIPS TO 2,000 PER DAY.	
C14-2008-0214 – Tex-Tar	LR to LI-CO (Amended to CS- CO)	1/06/09: Approved staff's rec. to deny LI zoning (6-1, T. Rabago- No); D. Tiemann-1 st , B. Baker-2 nd .	2/12/09: Postponed to February 26, 2009 at the neighborhood's request (7-0) 2/26/09: Approved CS-CO zoning, with Construction Sales and Services as the only permitted CS use and permitting all other LR uses, on 1 st reading only (5-0); S. Cole'-1 st , B. McCracken-2 nd . 3/26/09: Approved CS-CO zoning on 2 nd /3 rd readings (7-0); L. Morrison-1 st , W. Wynn-2 nd .
C14-05-0085 – Powers 20	GO to CS	11/15/05: ZAP approved LR-CO with conditions of: 2,000 Vehicle trips limit, Prohibit Consumer repair services, Off-site accessory parking, Community recreation (public), Guidance services, Private secondary educational facilities, Printing and publishing, Service station, Financial services, Community recreation (private), Congregate living, Hospital services (limited), Residential treatment, College and university facilities, and Drive-in service use is prohibited as an accessory use to a commercial use.	11/02/06: CC approved LR-CO with conditions of: 2,000 Vehicle trips limit, Prohibit Consumer repair services, Off-site accessory parking, Community recreation (public), Guidance services, Private secondary educational facilities, Printing and publishing, Service station, Financial services, Community recreation (private), Congregate living, Hospital services (limited), Residential treatment, College and university facilities, and Drive- in service use is prohibited as an

			accessory use to a commercial use.
C14-88-0138 – Texaco	LR to GR	1/03/89: PC granted request with conditions.	1/26/89: CC APVD GR-CO; ALL 3 RDGS, EMERG. PASS. Conditions for LR uses, LR site development regulations, except front yard and street side setbacks are limited to 10 feet.

ABUTTING STREETS:

IH 35	300'	Varies	Freeway (FWY6)	175,000 (TxDOT, 2007)
Meadow Lark Avenue	50'	Varies (24'-25')	Local	Not Available

CITY COUNCIL DATE: October 15, 2009

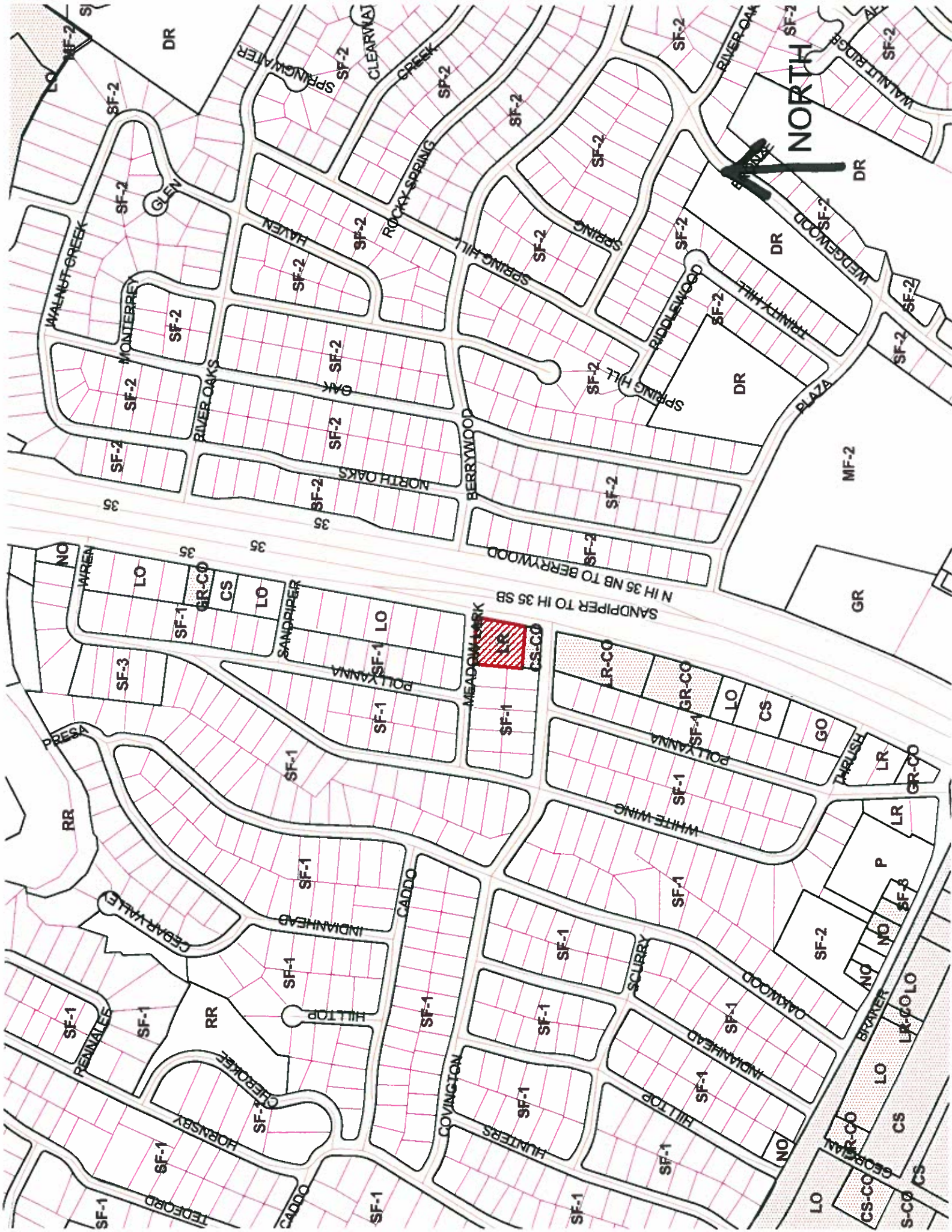
ACTION:

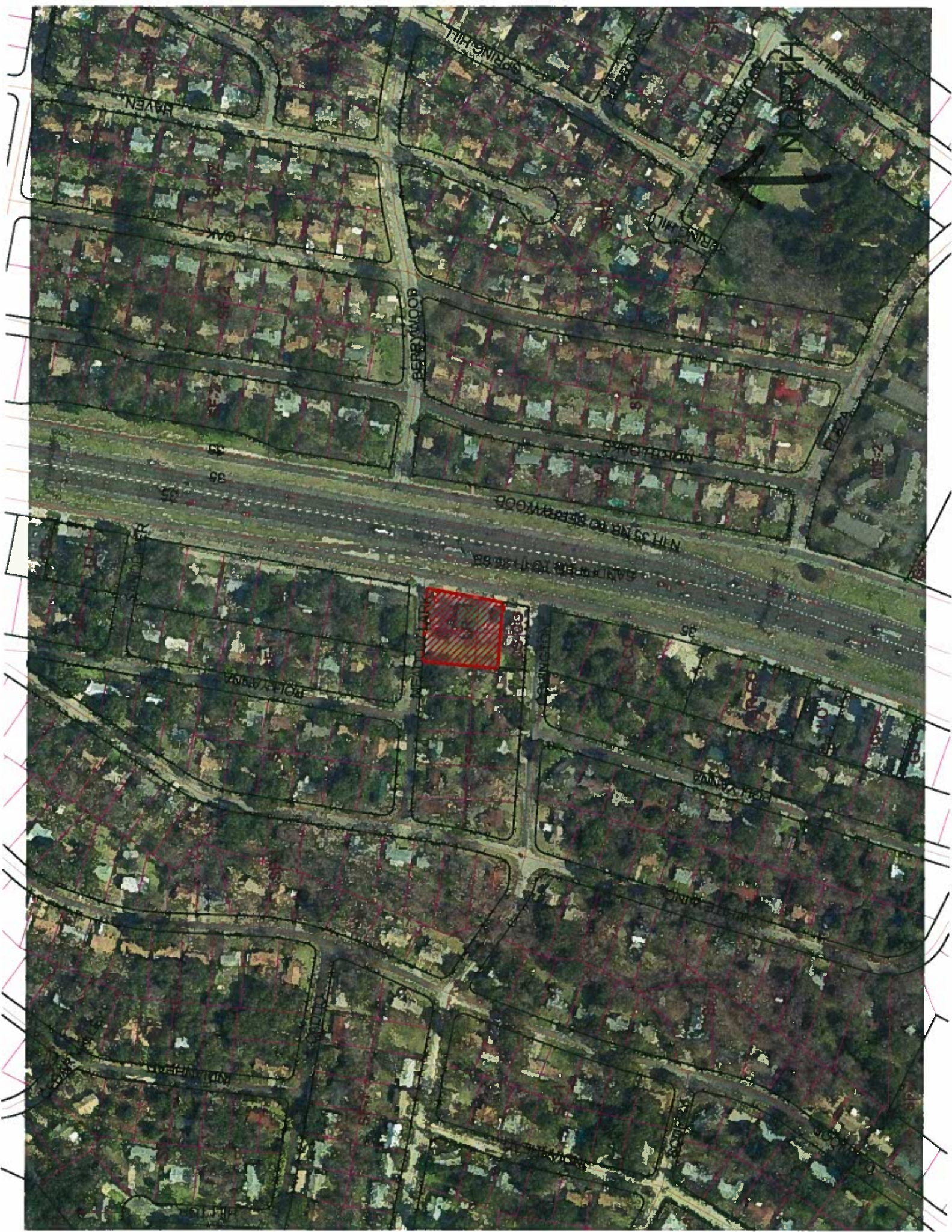
ORDINANCE READINGS: 1st

2nd

3rd

ORDINANCE NUMBER:





SUMMARY STAFF RECOMMENDATION

The staff's recommendation is pending the results of the required Neighborhood Traffic Analysis (NTA) for this site.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

Pending.

EXISTING CONDITIONS

Site Characteristics

The site under consideration is located at the southwest corner of Interstate Highway-35 and Meadowlark Avenue. The property is developed with a one story building that was formerly used as a restaurant. This tract of land is surrounded by a vacant warehouse structure to the north, a contractor's business (Tex Tar Waterproofing) to the south, Interstate Highway-35 to the east and single family residences to the west.

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.

Hill Country Roadway

The site is not within a Hill Country Roadway Corridor.

Impervious Cover

The maximum impervious cover allowed by the CS zoning district is 95%. However, because the watershed impervious cover is more restrictive than zoning district's allowable impervious cover, the impervious cover is limited by watershed regulations as shown in the table below.

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>% with Transfers</i>
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 Review

No 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 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
IH 35	300'	Varies	Freeway	175,000 (TxDOT, 2007)
Meadow Lark Avenue	50'	Varies (24'-25')	Local	Not Available

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

The Austin Metropolitan Area Transportation Plan calls for a total of 400 feet of right-of-way for IH 35. 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 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].

A Neighborhood Traffic Analysis is required and will be performed for this project by the Transportation Review staff. Results will be provided in a separate memo [LDC, Sec. 25-6-

114]. Applicant shall provide current traffic counts for the analysis in accordance with LDC, Sec. 25-6-114.

There are no existing sidewalks along IH 35 and Meadow Lark Avenue.

IH 35 and Meadow Lark Avenue are not bicycle routes identified in the Bicycle Plan.

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 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.

Date: 7/27/09

We are aware that Arrow A/C located at 11606 Interstate Hwy 35 North is proposing a zoning change from LR to CS-CO. I do not oppose the zoning change for this project.

Name Richard Johnson

Signature 

Address 11600 N. IH 35 Austin, TX 78753

Are you an adjacent property owner? Yes or No ☒ Yes

Date: 7/27/09

We are aware that Arrow A/C located at 11606 Interstate Hwy 35 North is proposing a zoning change from LR to CS-CO. I do not oppose the zoning change for this project.

Name Julie Berg

Signature Julie Berg

Address 11600 N IH 35 Austin, TX 78753

Are you an adjacent property owner? Yes or No

Date: 8/26/09

We are aware that Arrow A/C located at 11606 Interstate Hwy 35 North is proposing a zoning change from LR to CS-CO. I do not oppose the zoning change for this project.

Name GERALD W. HORN

Signature Gerald W. Horn

Address 11515 POLLIVANNA AVE, Austin TX 78753

Are you an adjacent property owner? ☒ Yes or ☐ No within 500' ✓

Date: 8/26/09

We are aware that Arrow A/C located at 11606 Interstate Hwy 35 North is proposing a zoning change from LR to CS-CO. I do not oppose the zoning change for this project.

Name MARGARET BLISS

Signature Margaret Bliss

Address 700 E. COVINGTON DR, AUSTIN, TX 78753

Are you an adjacent property owner? Yes or No SOON

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: C14-2009-0071

Contact: Sherri Sirwaitis, 512-974-3057

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

Oct. 15, 2009, City Council

Irina Kadukova

Your Name (please print)

11803 Pollyanna Ave.

Your address(es) affected by this application

[Signature]

Signature

Date

9/9/09

Daytime Telephone: 512-837-6512

Comments:

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

☐ I am in favor
☒ I object

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Case Number: C14-2009-0071

Contact: Sherri Sirwaitis, 512-974-3057

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

Textar Waterproofing, Inc.
Your Name (please print)

11600 N IH 35 N Austin, TX 78753
Your address(es) affected by this application

Julie Burg
Signature

Date

Daytime Telephone: 512 491 0608

☒ I am in favor
☐ I object

Comments:

Service Road of I-35 N.
Should be provided a CS-CO
there is no impact to the neighbor
hoods & the business provides
Service in the area. (for SF.)
they are a ALC Service. Just want
to have there truck able to
park for service calls coming in.

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