



## MEMORANDUM

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

FROM: Greg Guernsey  
Director, Planning and Development Review Department

DATE: November 30, 2009

RE: C14-2009-0110 (American Adventure) Postponement Request

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The staff would like to request a postponement of the above mentioned case to December 17, 2009. This case was postponed at the neighborhood's request to the December 15, 2009 Zoning and Platting Commission meeting.

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

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2009-0110

**Z.A.P. DATE:** November 3, 2009  
November 17, 2009  
December 15, 2009

**ADDRESS:** 13505 North F.M. 620 Road

**OWNER/APPLICANT:** Hamid Zarafshani / American Adventure RV Rentals, LLC

**AGENT:** Shaw Hamilton Consultants (Shaw Hamilton)

**ZONING FROM:** GR-CO

**TO:** GR

**AREA:** 2.16 acres

### **SUMMARY STAFF RECOMMENDATION:**

The staff's recommendation is to grant GR, Community Commercial District, zoning for this property.

### **ZONING AND PLATTING COMMISSION RECOMMENDATION:**

11/03/09: Postponed to November 17, 2009 at the neighborhood's request (7-0); D. Tiemann-1<sup>st</sup>, T. Rabago-2<sup>nd</sup>.

11/17/09: Postponed to December 15, 2009 at the neighborhood's request (6-0, D. Tiemann-absent); S. Baldrige-1<sup>st</sup>, T. Rabago-2<sup>nd</sup>.

### **DEPARTMENT COMMENTS:**

The property in question is developed with an automotive repair use (auto dent repair services) and a vacant service station/car wash use (former Shell Station). There is currently an illegal automotive rentals use (American Adventure recreational vehicle rentals) on the site. The applicant is requesting GR, Community Commercial District, zoning to remove the conditional overlay on the property from zoning case C14r-86-060, that states the following:

- 1) The Property shall be restricted to those permitted and conditional uses authorized in the "LR" Neighborhood Commercial district uses, except that a) Automotive Washing (automatic and mechanical) and b) Automotive washing (self service) uses as defined in Section 13-2-3 of the Austin City Code shall be permitted.*
- 2) Filtration controls required by the Austin City Code of 1981 shall be located on the site.*

The rezoning of this site to the GR district will allow that applicant to bring the existing use on the site into conformance with zoning use regulations in the Land Development Code.

The staff recommends the applicant's request to rezone this property to remove the existing conditional overlay because conditions in this area of the City have changed as this property now fronts onto the feeder of a tollway (North S.H. 45 Westbound) and recently expanded major arterial roadway, North F.M. 620. The site under consideration is located adjacent to GR-CO zoning to the east and west. There is NO-CO zoning to the south that acts as a buffer between the property in question and the elementary school to the south.

The applicant agrees with the staff's recommendation.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	GR-CO	Vacant Uses (Shell Service Station and Car Wash), Vacant Use (Penzoil Lube Center): Currently the lube center structure is being used for automotive dent repair and there is an illegal automotive rentals use on the old service station property
<i>North</i>	PUD (Leander Rehabilitation PUD)	Designated for CRE uses which allow for a variety of residential, civic, and commercial uses
<i>South</i>	NO-CO, I-RR	Detention Area, Forest Creek Elementary School
<i>East</i>	GR-CO	Undeveloped
<i>West</i>	GR-CO	Vacant Use (Penzoil Lube Center)

**AREA STUDY:** N/A

**TIA:** N/A

**WATERSHED:** Lake Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** N/A

**HILL COUNTRY ROADWAY:** N/A

**NEIGHBORHOOD ORGANIZATIONS:**

Austin Monorail Project  
 Austin Northwest Association  
 Austin Parks Foundation  
 Davis Springs Homeowners Association  
 Home Builders Association of Greater Austin  
 Homeless Neighborhood Association  
 League of Bicycling Voters  
 Neighborhood Association of SW Williamson County  
 Round Rock ISD  
 Super Duper Neighborhood Objectors and Appealers Organization

**CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>CITY COUNCIL</b>
C14-2008-0077	I-RR to MF-3*  *On May 14, 2008, the staff received a letter from the applicant asking to amend their zoning request from MF-3 to SF-6.	5/20/08: Recommended SF-6-CO zoning, with conditions (7-0, J. Martinez-absent): Limit the site to a maximum of thirty (30) residential units; Prohibit the following non-residential and non-civic uses: Special Use Historic, Urban Farm; Require a fifteen (15) wide vegetative buffer along the southern property line to create a visual screen between the property in question and the residential uses	6/18/08: Re-noticed for the July 24, 2008 City Council meeting to comply with Ordinance No. 20080515-033  7/24/08: Approved SF-6-CO zoning was approved by consent (5-0, Code and Shade- off the dais); all 3 readings

		to the south.	
C14-2008-0010	GR-CO to GR	<p>2/05/08: Postponed to February 19, 2008 by the neighborhood (8-0); J. Martinez-1<sup>st</sup>, T. Rabago-2<sup>nd</sup>.</p> <p>2/19/08: Postponed to March 18, 2008 by the applicant (5-0, K. Jackson-not arrived yet, T. Rabago/ J. Martinez-absent); J.Gohil-1<sup>st</sup>, J. Shieh-2<sup>nd</sup>.</p> <p>3/18/08: Case withdrawn by the applicant at the meeting. No action required by the Commission.</p>	N/A
C14-06-0003	MF-3-CO to GR	<p>3/07/06: Motion to approve GR-CO district zoning with conditions of a 2,000 vehicle trip limit, limit GR district uses to Personal Improvement Services &amp; Medical Office (not exceeding 5,000 sq. ft. of gross floor area); allow Neighborhood Office uses with the exception of the following: Counseling Services, Group Home I &amp; II, &amp; Residential Treatment. *With the recommendation that before Council action, the applicant will have a private restrictive covenant restricting the Personal Improvement Services use to cheerleading, ballet and gymnastics activities. Vote: (4-5, S. Hale, B. Baker, J. Martinez, M. Hawthorne, and J. Pinnelli-Nay); K. Jackson-1<sup>st</sup>, C. Hammond-2<sup>nd</sup>.</p> <p>Therefore, the staff's recommendation to deny the applicant's requests for GR-CO zoning is carried forward to the City Council.</p>	4/06/06: The case was withdrawn by the applicant
C14-02-0160	I-SF-2 to GR	<p>12/11/01: Approved NO-CO zoning (8-0, A. Adams-off dias), with conditions of: 1) Limited site to driveway and</p>	12/12/02: Granted GR-CO – Subject to dedication of 75 feet of ROW and resolution of the 200 feet of ROW reservation from the

		drainage use, no habitable structures on the site. 2) Require chain link fencing along the southern property line with 15' vegetative buffer strip behind it. (Chain link fence would be all the way across the south property line, vegetative buffer would go along the southern property line from the existing pond west, across the entire property line, except where the existing pond is). 3) Include the conditions set out in Mike Lyday's Environmental Memorandum dated December 10, 2001.	future center line of FM-620 (7-0); 1 <sup>st</sup> reading.  12/12/03: Administrative- Case expired per Section 25-2-249(B), no 3 <sup>rd</sup> reading occurred.
C14-01-0161	SF-2 to GR	12/11/01: Approved NO-CO w/ conditions (8-0)	2/7/02: Approved GR-CO w/ conditions agreed to between Neighborhood & Applicant (5-0); 1 <sup>st</sup> reading  4/25/02: Approved ZAP rec. of NO-CO w/ changes in conditions (7-0); 2 <sup>nd</sup> reading only 5/23/02: Approved NO-CO (7-0); 3 <sup>rd</sup> reading
C14-98-0237	I-RR to MF-3	Approved staff's rec. of MF-3-CO, ROW dedication required (9-0)	Approved PC rec. of MF-3-CO w/ conditions (7-0); 1 <sup>st</sup> reading  Approved MF-3-CO w/ conditions (6-0); deleted parkland dedication requirement; 2 <sup>nd</sup> /3 <sup>rd</sup> readings
C14-96-0101	TR1: GO, LR to GR TR2: LR-LO to MF-3-CO TR3: DR to GR	Approved staff's alternate rec. of GR (TR 1&3), Mf-3-CO (TR2), RR (9-0)	Approved PC rec. of GR (1&3); MF-3-CO (portion of TR2); RR (balance of TR2) w/conditions (6-0); all 3 readings
C14-95-0164	LR to CS-1	1/16/96: Approved GR-CO for entire tract, excluding recommended CS-1-CO, and resolve with property owner a voluntary set of development standards for area not within City limits (5-2-1)	3/07/96: Approved GR-CO subject to conditions (4-0); 1 <sup>st</sup> reading  4/25/96: Approved GR-CO (TR1) and CS-1-CO (TR2) subject to conditions (5-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings
C14-95-0163	GR-CO to CS-1	12/12/95: Approved GR-CO & RR w/ conditions (8-0)	3/07/96: Approved GR-CO subject to conditions (4-0); 1 <sup>st</sup> reading 4/25/96: Approved GR-CO (TR1); RR (TR2) w/ additional conditions (5-0); 2 <sup>nd</sup> / 3 <sup>rd</sup> readings

**RELATED CASES:** Previous zoning cases on this site: C14-2008-0010 - withdrawn  
C14-02-0160 - expired  
C14r-86-060

**ABUTTING STREETS:**

NAME	ROW	PAVEMENT	CLASSIFICATION	DAILY TRAFFIC
FM 620 N	~440'	N/A	MAU 4 (existing, but 2025 plan proposes FWY)	N/A

**CITY COUNCIL DATE:** December 10, 2009

**ACTION:**

**ORDINANCE READINGS:** 1st

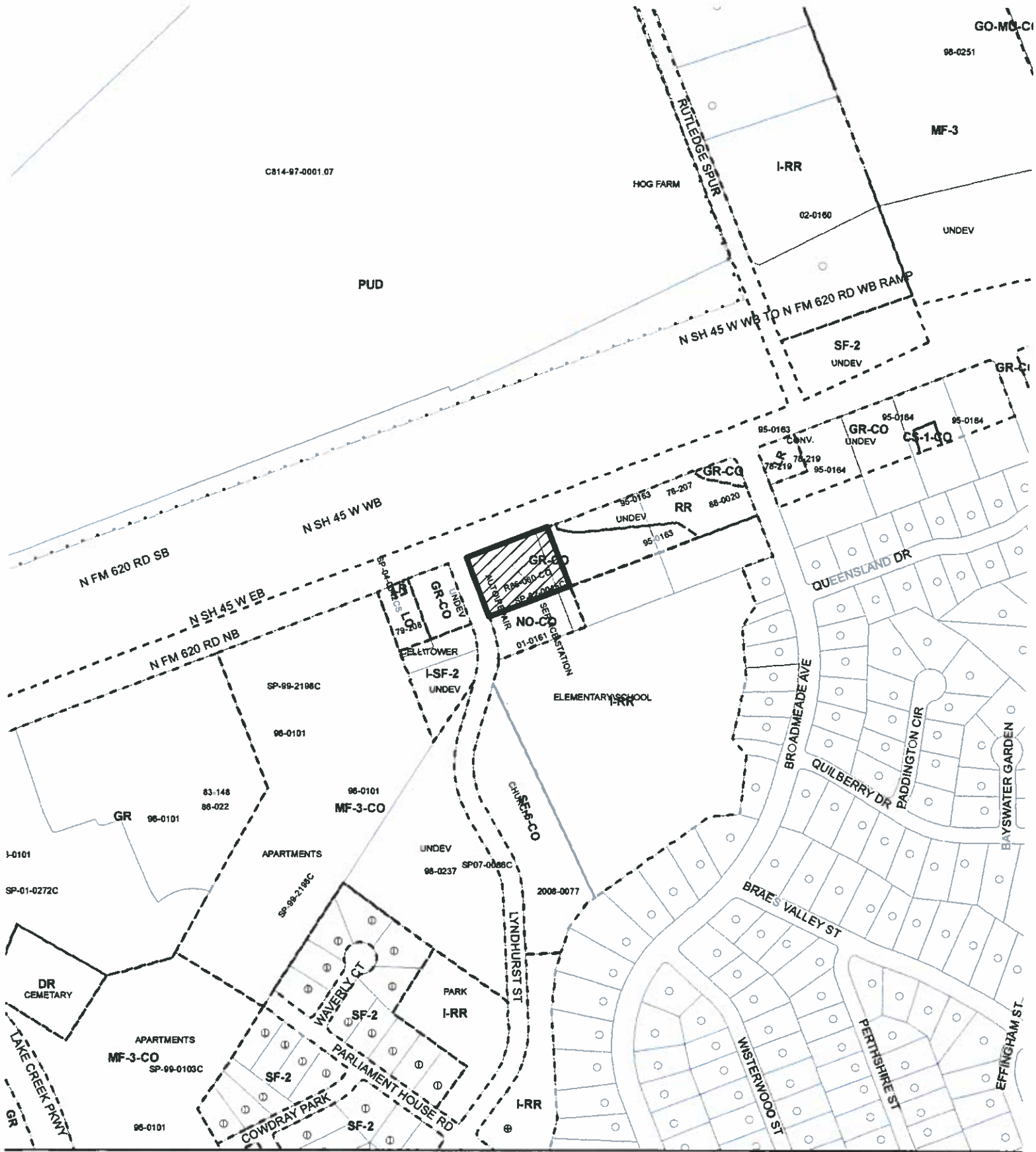
2<sup>nd</sup>

3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Sherri Sirwaitis

**PHONE:** 974-3057,  
[sherri.sirwaitis@ci.austin.tx.us](mailto:sherri.sirwaitis@ci.austin.tx.us)



**N**

**SUBJECT TRACT**

**ZONING BOUNDARY**

**PENDING CASE**

1" = 400'

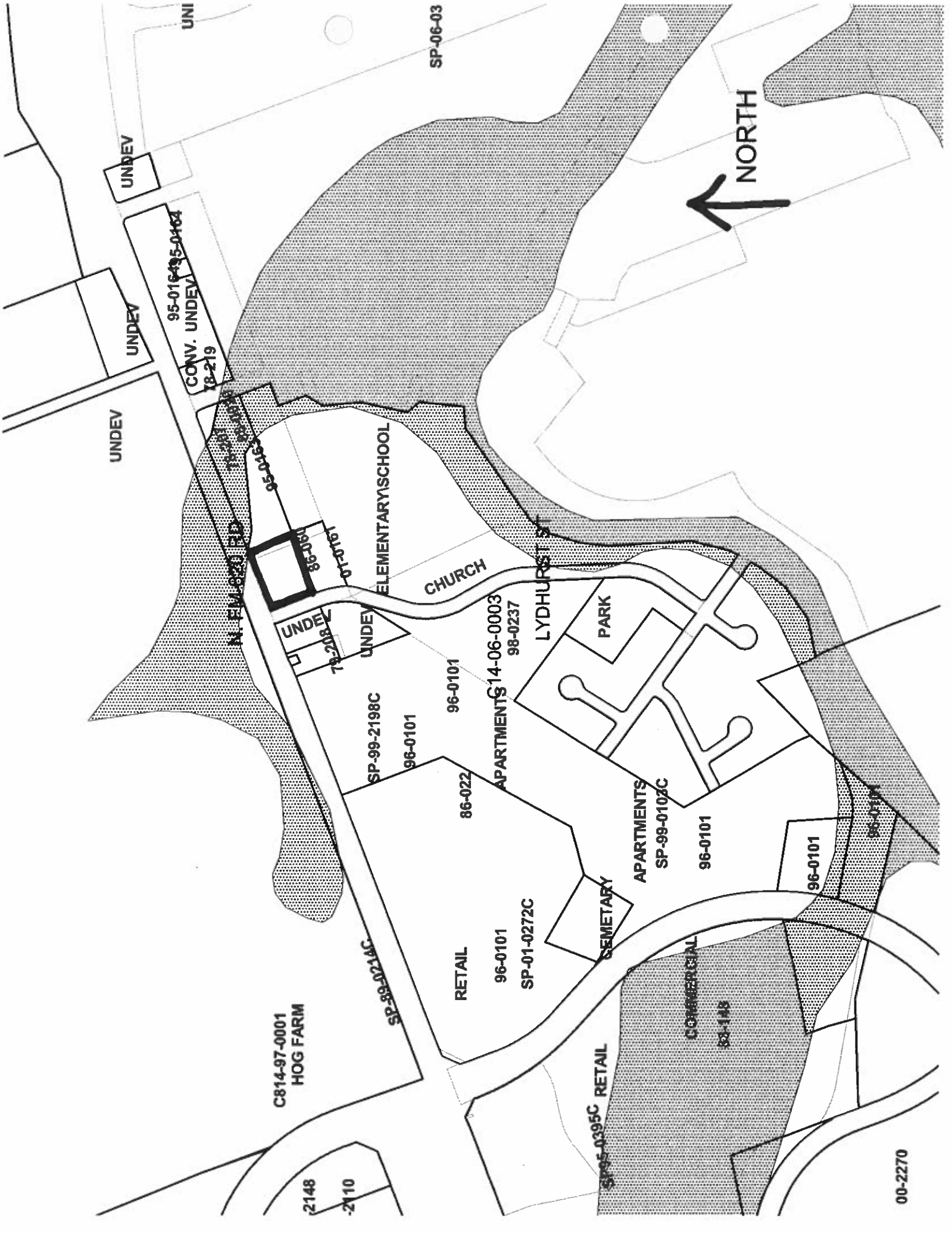
OPERATOR: S. MEEKS

**ZONING**

ZONING CASE#: C14-2009-0110  
 ADDRESS: 13505 N FM 620 RD  
 SUBJECT AREA: 1.283 ACRES  
 GRID: G39  
 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.



UNI

SP-06-03

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95-016435-0464

CONV. UNDEV

78-219

78-201

95-0103

86-080

78-208

C814-97-0001  
HOG FARM

2148

2110

SP-99-0211AC

SP-99-2198C

96-0101

96-0101

RETAIL

96-0101

SP-01-0272C

APARTMENTS 14-06-0003

98-0237

CHURCH

LYDHURST ST

PARK

APARTMENTS

SP-99-0102C

96-0101

96-0101

96-0101

SP-95-0395C RETAIL

COMMERCIAL

83-143

NORTH

00-2270







## **STAFF RECOMMENDATION**

The staff's recommendation is to grant GR, Community Commercial District, zoning for this property.

## **BASIS FOR RECOMMENDATION**

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

The 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 under consideration is accessible from major traffic ways as it fronts onto the feeder street of major arterial roadway, North F.M. 620.

2. *The proposed zoning promotes consistency and orderly planning.*

The proposed zoning is consistent with surrounding land use patterns as there is existing GR-CO zoning to the east and west of this site. The tract of land to the south is zoned NO-CO and acts as a buffer between the property in question and the elementary school to the south.

GR, Community Commercial District, zoning is appropriate at this location because conditions in this area of the City have changed as this property now fronts onto the feeder of a tollway (North S.H. 45 Westbound) and recently expanded major arterial roadway, North F.M. 620.

## **EXISTING CONDITIONS**

### **Site Characteristics**

The site is currently contains an Automotive Repair (auto dent removal) and an illegal automotive Rental (American Adventures RV Rentals) business. The property to the east is undeveloped. To the south there is a detention/stormwater filtration pond. To the west, across Lyndhurst Street, there is an undeveloped tract. The land to the north, across F.M. 620 is currently undeveloped. However this property is part of the Leander Rehabilitation PUD, which is designated for CRE uses that will allow for a variety of residential, civic, and commercial uses.

### **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.

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.

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.

### **Impervious Cover**

The maximum impervious cover allowed by the GR zoning district would be 90%. 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.

The site is located over the North Edwards 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. 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>% NSA with Transfers</i>
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.

### **Site Plan Comments**

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

There is an existing site plan, SP-02-0015C, on this site. A new site plan will void the existing 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 located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

#### Compatibility Standards

- a. The site is subject to compatibility standards. Along the Northeast, Southeast, and Southwest property lines, the following standards apply:
  - b. No structure may be built within 25 feet of the property line.
  - c. No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
  - d. No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
  - e. No parking or driveways are allowed within 25 feet of the property line.
  - f. 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.
  - g. 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.
  - h. 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.
- Additional design regulations will be enforced at the time a site plan is submitted.

#### 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
North FM 620 Road	Varies	Varies	Arterial (Toll FWY 6)	30,000 (TXDOT, 2008)
Lyndhurst Street	60'	Varies (27' -32')	Collector	Not available

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

This site is within the area covered by State legislation (S.B. 1396), which went into effect September 1, 1995. Under this legislation, the City may not "deny, limit, delay, or condition the use of development of land...because of traffic or traffic operations that would result from the proposed use or development of the land." A traffic impact analysis is not required for any development within this area, and traffic issues may not be considered in the approval of the application. Right-of-way dedication, however, may still be required.

There are existing sidewalks along North FM 620 and Lyndhurst Street. However, there is a gap between the existing sidewalks at the corner of North FM 620 and Lyndhurst Street.

According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, a bicycle facility is not proposed on North FM 620 and Lyndhurst Street.

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 by the land use. 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.



November 12, 2009

Ms. Sherri Sirwaitis  
City of Austin – Neighborhood Planning and Zoning Dept.  
P.O. Box 1088  
Austin, TX 78767-1088

Re: File # C14-2009-0110

### REQUEST FOR POSTPONEMENT

Dear Ms. Sirwaitis,

The Public Hearing for Rezoning for the property at 13505 North FM 620 Road is scheduled for Tuesday, November 17, 2009.

NASWC is requesting a postponement for the hearing on this case.

We have contacted the agent for the property and members of our Zoning Committee are meeting with him on Friday, November 13 and would like time to process the information shared at this meeting, as well as continue our review of the impact of having GR zoning on this property, which is adjacent to Forest North Elementary School, Lake Creek, and our residential community.

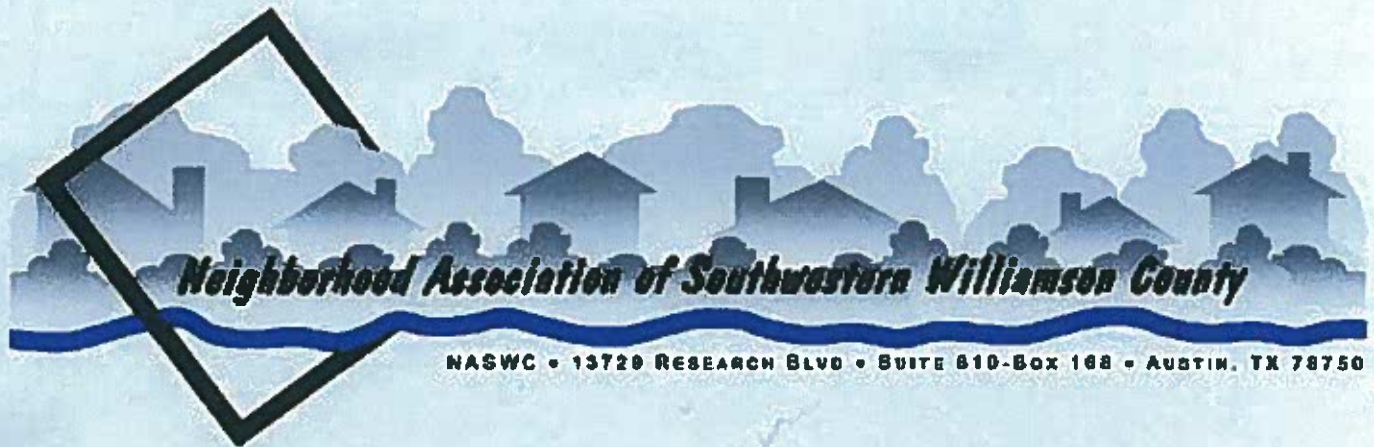
pp to We respectfully request a postponement from the November 17<sup>th</sup> date to the December 15, 2009 meeting of the Zoning and Platting Commission.

Thank you for your consideration of our request.

Sincerely yours,

Cathy F. Mandell  
Chair, Zoning Committee





November 15, 2009

Ms. Betty Baker, Chair  
Members of the Zoning and Flatting Commission  
City of Austin

Re: C14-2009-0110 -- Property at 13505 North FM 620 Road

Dear Madam Chair and Members of the Commission,

Since notification of the Public Hearing for Rezoning of this property, the Zoning Committee of NASWC (the Neighborhood Association of Southwestern Williamson County) has met several times to review the request for GR zoning.

We contacted the agent for the property, Mr. Hamilton, and met with him on November 13 to share our concerns for GR zoning and to discuss the possibility of imposing private Restrictive Covenants on the property that would allow the current businesses to continue operating on the site, while protecting our concerns for expanded uses under GR.

We have requested a postponement from the November 17<sup>th</sup> hearing before the Commission to December 15<sup>th</sup> in order to allow more time for working with Mr. Hamilton, if feasible. At this time, we do not know if the owner will be amenable to these negotiations.

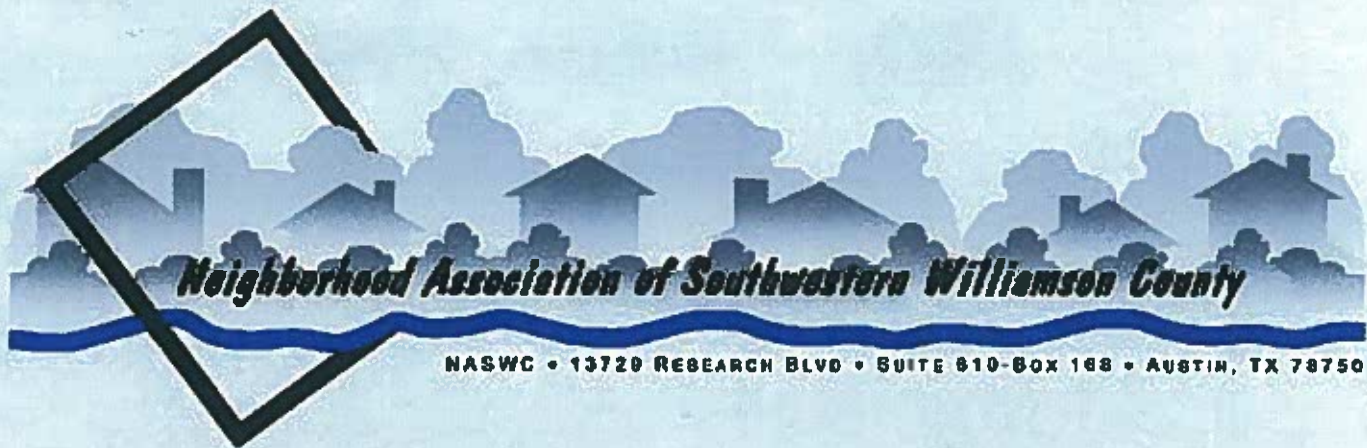
The attached letter will give you more details about our concerns for this case. Even though the property fronts on the eastbound access road to SH-45, the back of the property shares a common property line with Forest North Elementary School, and there are residences along Lyndhurst and Broadmeade streets.

Thank you for your consideration of our request for a postponement, and for your insights and guidance as we seek to maintain the standards and neighborhood feel of our NASWC residential community as new businesses develop nearby.

Sincerely yours,

Cathy F. Mandell  
Chair, NASWC Zoning  
13003 Sherbourne  
Austin, TX 78729  
258-2008





November 15, 2009

Ms. Betty Baker, Chair  
Austin Zoning and Platting Commission  
c/o Ms. Sherri Sirwaitis  
Neighborhood Planning and Zoning Department  
P.O. Box 1088  
Austin, TX 78767-1088

Re: Case number C14-2009-0110

Dear Madam Chair and Members of the Commission,

It is our understanding that an agent for American Adventure RV Rentals, and Dent Star has applied to the Commission in the above numbered case to have a Conditional Overlay removed from the associated property where these businesses currently operate. Furthermore we understand that the request for rezoning was submitted only after Code Enforcement investigated code violations in their use of subject property.

Since the early 1990's, the Neighborhood Association of Southwestern Williamson County (NASWC) has unilaterally opposed automotive businesses in proximity to the neighborhood. In this particular case we feel that automotive businesses are neither compatible nor appropriate for our community due to the following factors:

1. Subject property backs up to Forest North Elementary School.
2. Subject property lies within the Northern Edwards Aquifer Recharge Zone.
3. Subject businesses add potential vehicle traffic to bordering neighborhood streets Broadmeade and Lyndhurst. Lyndhurst borders the west side of an elementary school and is used daily by pedestrian school children on their way to/from school. No portion of Lyndhurst is designated as a school zone with reduced speeds at appropriate times of day and the street is paved but has no shoulders, curbs, or sidewalks, therefore posing a safety hazard for pedestrian traffic.

In March of 2006, NASWC was advised by the Commission not to bring GR zoning into the neighborhood. While the current businesses – American Adventure RV Rentals and Dent Star are relatively quiet and unobtrusive, GR zoning would allow for additional automotive uses and on a larger scale. It should be noted that the vacant wooded lot to the east of said property is in the flood plain and critical water quality zone.

There are other concerns for GR zoning on the property. Unconditional GR Community Commercial zoning would also allow for property uses such as personal improvement services (tattoo, branding, and piercing parlors for instance), lingerie modeling, and pawn shops – none of which is appropriate for our neighborhood.



We would like to offer the following options for appropriate uses of said property and respectfully request the City of Austin's consideration thereof:

1. Continue the existing Conditional Overlay to restrict uses to LR (zoning) as provided in the current zoning, including the exception which allowed the car wash on subject property.
2. Amend current Conditional Overlay to also prohibit the following LR uses:
  - a) Off site accessory parking
  - b) Personal Improvement Services
  - c) Congregate Living
  - d) Group Homes, Class I (General and Limited), Class II
  - e) Guidance services
  - f) Residential Treatment

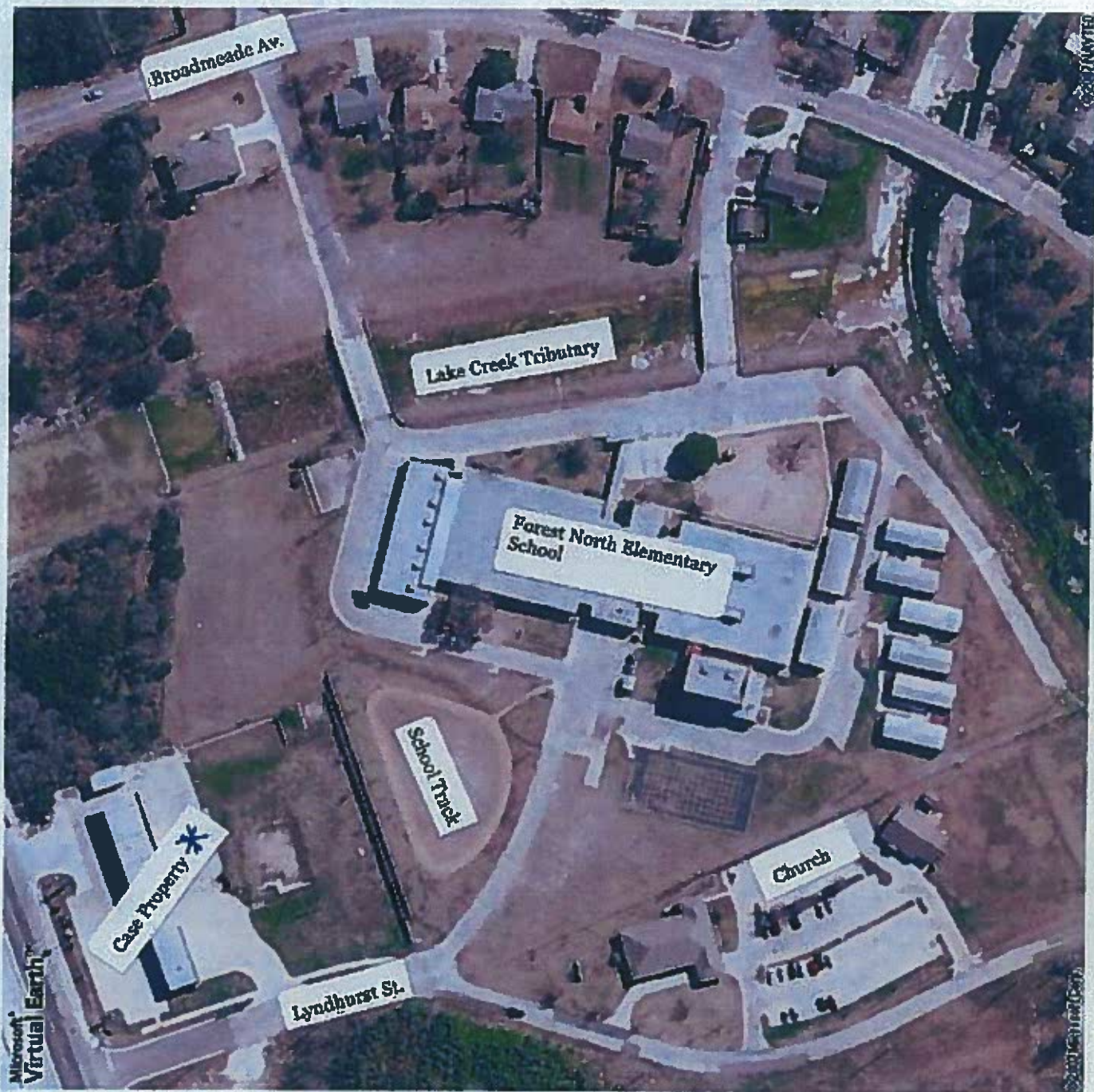
As a good faith gesture, we are also prepared to offer an additional exception allowing automotive rental and automotive repair on condition the subject property's owner sign a restrictive covenant. The restrictive covenant would restrict automotive uses to those currently in operation on the site - with a condition providing that at such time as those businesses cease and desist that no further automotive uses be allowed. The use of a service station and car wash would continue to be allowed as were previously operated on that site.

We appreciate your time and consideration. Please feel free to call on us should you have any questions. Thank you for your support as we all continue to strive to keep the NASWC community a safe, thriving, desirable neighborhood for our residents.

Sincerely,

Ms. Sonny Lelle  
13406 Effingham St.  
Austin, TX 78729  
(512) 331-6280





NASWC School, Homes, Church