

ZONING CHANGE REVIEW SHEET

CASE: C14-2009-0146 Austin Vet Care

Z.P.C. DATE: 12-15-2009

ADDRESS: 3923 Medical Parkway

AREA: 0.39 acres

APPLICANT: La Mar Casa (Jasen Trautwein)

AGENT: Jim Bennett Consulting (Jim Bennett)

NEIGHBORHOOD PLAN AREA: N/A

CAPITOL VIEW: No

T.I.A.: Waived – See the Transportation Reviewers comments.

WATERSHED: Shoal Creek

DESIRED DEVELOPMENT ZONE: Yes

ZONING FROM: CS-MU-CO - Commercial Service, Mixed Use, Conditional Overlay.

ZONING TO: CS-MU-CO - Commercial Services, Mixed Use, Conditional Overlay.

SUMMARY STAFF RECOMMENDATION:

Staff recommends CS-MU-CO, Commercial Services, Mixed Use, Conditional Overlay. The Conditional Overlay would limit the total vehicle trips to less than 2,000, cap the height of any building to forty feet (40') or three (3) stories and prohibit the following uses:

- Agricultural sales and services
- Automotive repair services
- Automotive sales
- Bail bond services
- Business or trade school
- Campground
- Commercial off-street parking
- Construction sales and services
- Consumer repair services
- Drop-off recycling collection facility
- Electronic testing
- Equipment sales
- Food preparation
- Funeral services
- Indoor entertainment
- Kennels
- Monument retail sales
- Outdoor entertainment
- Pawn shop services
- Printing and publishing
- Restaurant (general)
- Service station
- Theater

- Art workshop
- Automotive rentals
- Automotive washing (of any type)
- Building maintenance services
- Business support services
- Commercial blood plasma center
- Communications services
- Consumer convenience services
- Convenience storage
- Electronic prototype assembly
- Equipment repair services
- Exterminating services
- Food sales
- Hotel-motel
- Indoor sports and recreation
- Laundry services
- Off-site accessory parking
- Outdoor sports and recreation
- Plant nursery
- Research services
- Restaurant (limit)
- Software development
- Vehicle storage

ZONING & PLATTING COMMISSION RECOMMENDATION:

The motion to approve staff's recommendation for CS-MU-CO zoning; was approved on the consent agenda by Commissioner Donna Tiemann's motion, Commissioner Gregory Bourgeois second the motion on a vote of 7-0.

DEPARTMENT COMMENTS:

This property was rezoned, under case number C14-2007-0074, from Commercial Services (CS) and Neighborhood Commercial (LR) to Commercial Services, Mixed Use, Conditional Overlay (CS-MU-CO) which is the current zoning to this date. The Conditional Overlay prohibited all of the uses listed in the Staff Recommendation as well as Pet Services, Veterinary Services and Medical Offices (exceeding 5,000 s.f.). The applicant approached the Rosedale Neighborhood Association to present a development proposal for the construction of a Veterinary Clinic on the site. The applicant requested that the Rosedale N.A. meet and requested that they consider the elimination of Veterinary Services, Pet Service and Medical Office (exceeding 5,000 s.f.) from the Conditional Overlay. The Rosedale N.A. did meet and they agreed to not oppose the elimination of the aforementioned uses however they wanted a cap on the height of the structure to forty feet (40') or three (3) stories. (see attached email from RNA)

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
SITE	CS-MU-CO	Undeveloped
NORTH	CS	Parking Garage
SOUTH	LR	Office
EAST	CS-V	Parking Lot
WEST	CS	Medical Office

CASE HISTORIES:

CASE NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-05-0080	From SF-3 & LR to CS	Approved LR [Vote: (9-0)]	Approved LR [Vote: 7-0]
C14-2007-0074	From LR & CS to CS-MU-CO	Approved CS-MU-CO [Vote 8-0]	Approved CS-MU-CO [Vote 7-0]

BASIS FOR RECOMMENDATION:

1. *Granting of the request should result in an equal treatment of similarly situated properties.*

Granting CS-MU-CO - Commercial Services, in order to modify the Conditional Overlay would be in keeping with the zoning that the property has had for over two years.

NEIGHBORHOOD ORGANIZATION:

- Homeless Neighborhood Assn.
- North Austin Neighborhood Alliance
- Austin Neighborhoods Council
- Rosedale Neighborhood Assoc.

SCHOOLS:

Bryker Woods Elementary School
 O'Henry Middle School
 Austin High School

TRANSPORTATION:

TR1. No additional right-of-way is needed at this time.

TR2. 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]

TR3. Existing Street Characteristics:

Name	ROW	Pavement	Class	Sidewalk?	Bus Route?	Bike Route?
Medical Parkway	65	41'	Collector	no	no	Yes

ENVIRONMENTAL:

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Shoal Creek and the Waller Creek Watershed of the Colorado River Basin, which are classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.
2. Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.
3. 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.
4. According to flood plain maps, there is no flood plain within the project area.
5. 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.

6. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

SITE PLAN:

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

CITY COUNCIL DATE: January 14th, 2010

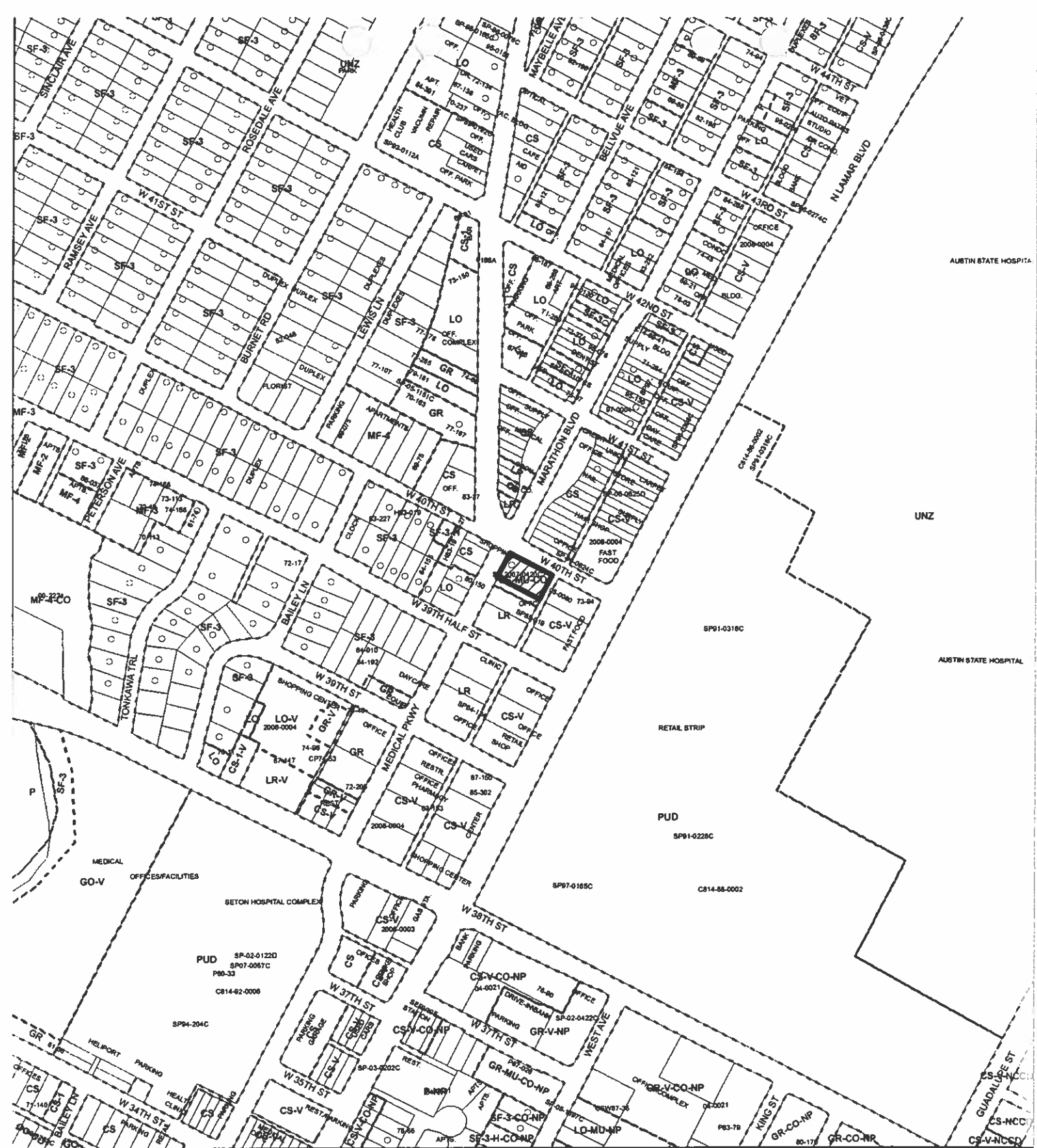
ACTION:

ORDINANCE READINGS: 1ST 2ND 3RD

ORDINANCE NUMBER:

CASE MANAGER: Clark Patterson
Clark.patterson@ci.austin.tx.us

PHONE: 974-7691



SUBJECT TRACT

ZONING BOUNDARY

PENDING CASE

ZONING

ZONING CASE#: **C14-2009-0146**
 ADDRESS: **3923 MEDICAL PKWY**
 SUBJECT AREA: **0.39 ACRES**
 GRID: **J25**
 MANAGER: **C. PATTERSON**

1" = 400' OPERATOR: S. MEEKS

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.





SUBJECT TRACT

HOSPITAL COMPLEX

PHD 8A-02-0120
P07-0057C

C81492000A

CO-NP

0021

DRIVE INDIAN

PARKING

GR-V-NP

GR-MU CO-NP

04-0001

SP11-0215

C814-88-0002

SP07-0155C

PARKING GARAGE

SP-01-0002

P-NP

04-0001

C814-0001

C814-0001

CO-NP

0021

DRIVE INDIAN

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C814-0001

SP11-0215

C814-88-0002

SP07-0155C

PARKING GARAGE

SP-01-0002

P-NP

04-0001

C814-0001

C814-0001



Chris Allen <sartexas@gmail.com>

Conditions, as faxed to Jim Bennett

Chris Allen <chris@somearchitect.com>

Tue, Oct 27, 2009 at 5:38 PM

To: jasen trautwein <jtraut@gmail.com>, Tim Mooney <tim@liveoak.com>, Joyce Brown <mjbrown@austin.rr.com>

Jasen, Tim, and Joyce (cc via fax to Jim Bennett):

This message summarizes the agreement between the the Rosedale NA and Austin Vet Care. RNA and AVC agree to the following changes to the zoning for the Austin Vet Care site at 40th and Medical Parkway:

1. Eliminate the C.O. restriction on Pet Services
2. Eliminate the C.O. restriction on Veterinary Services
3. Eliminate the C.O. restriction on Medical Office over 5,000 s.f.
4. Add a new conditional overlay to restrict height to 40 feet or three stories.

The base zoning and all other existing conditional overlays are to remain unchanged.

Thank you!

Chris

Chris Allen
architect
*some assembly required
www.somearchitect.com
(512) 487-2888
chris@somearchitect.com

ORDINANCE NO. 20070726-118

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 3923 MEDICAL PARKWAY FROM NEIGHBORHOOD COMMERCIAL (LR) DISTRICT AND GENERAL COMMERCIAL SERVICES (CS) DISTRICT TO GENERAL COMMERCIAL SERVICES-MIXED USE-CONDITIONAL OVERLAY (CS-MU-CO) COMBINING DISTRICT.

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 district from neighborhood commercial (LR) district and general commercial services (CS) district to general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district on the property described in Zoning Case No. C14-2007-0074, on file at the Neighborhood Planning and Zoning Department, as follows:

A 0.390 acre tract of land, more or less, out of the George W. Spear League, 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 3923 Medical Parkway, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

PART 2. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

- A. Except as otherwise provided in this section, the maximum height of a building or structure is 46 feet from ground level.
 - 1. The maximum height is 40 feet from ground level for a building or structure constructed at the minimum setback lines from Medical Parkway and West 40th Street; and
 - 2. At four feet from the minimum setback lines established in Subsection 1, the height of the building or structure may increase up to the maximum height of 46 feet.

B. The following uses are prohibited uses of the Property:

Agricultural sales and services	Art workshop
Automotive repair services	Automotive rentals
Automotive sales	Automotive washing (of any type)
Bail bond services	Building maintenance services
Business or trade school	Business support services
Campground	Commercial blood plasma center
Commercial off-street parking	Communications services
Construction sales and services	Consumer convenience services
Consumer repair services	Convenience storage
Drop-off recycling collection facility	Electronic prototype assembly
Electronic testing	Equipment repair services
Equipment sales	Exterminating services
Food preparation	Food sales
Funeral services	Hotel-motel
Indoor entertainment	Indoor sports and recreation
Kennels	Laundry services
Monument retail sales	Off-site accessory parking
Outdoor entertainment	Outdoor sports and recreation
Pawn shop services	Pet services
Plant nursery	Printing and publishing
Research services	Restaurant (general)
Restaurant (limited)	Service station
Software development	Theater
Vehicle storage	Veterinary services
Medical offices (exceeding 5,000 sq.ft. gross floor area)	

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the general commercial services (CS) base district, the mixed use (MU) combining district, and other applicable requirements of the City Code.

PART 3. This ordinance takes effect on August 6, 2007.

PASSED AND APPROVED

July 26, 2007

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§
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Will Wynn

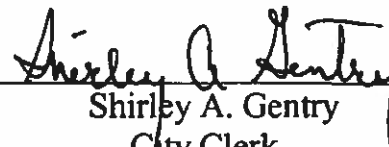
Mayor

APPROVED:



David Allan Smith
City Attorney

ATTEST:



Shirley A. Gentry
City Clerk