

ZONING CHANGE REVIEW SHEET

CASE: C14-2010-0026 – Hoskins 10

Z.A.P. DATE: April 20, 2010

ADDRESS: 414 Thompson Lane

OWNER AND APPLICANT: Fred W. Hoskins

AGENT: Jim Bennett Consulting
(Jim Bennett)

ZONING FROM: CS-CO

TO: CS-CO, to change a condition of zoning

AREA: 10.320 acres

SUMMARY STAFF RECOMMENDATION:

The Staff's recommendation is to deny the Applicant's request to remove the equipment sales and equipment repair services uses from the list of prohibited uses.

If the requested zoning is recommended for this site, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day.

ZONING & PLATTING COMMISSION RECOMMENDATION:

April 20, 2010: *APPROVED CS-CO DISTRICT ZONING WITH A 2,000 DAILY VEHICLE TRIP LIMIT AND REMOVING THE FOLLOWING USES FROM THE PROHIBITED USE LIST: EQUIPMENT REPAIR SERVICES, EQUIPMENT SALES, KENNELS, LAUNDRY SERVICES, AND TRANSPORTATION TERMINAL.*

[G. BOURGEOIS; P. SEEGER – 2ND] (7-0)

ISSUES:

The Applicant is in agreement with the recommendation of the Zoning and Platting Commission.

DEPARTMENT COMMENTS:

The subject property consists of one unplatted tract that takes access to Thompson Lane and contains an electrical company, a mechanical company, two vacant commercial buildings and one occupied single family residence. The property was rezoned to the general commercial services – conditional overlay (CS-CO) combining district in September 2004. As shown in Exhibit B, the Conditional Overlay limited the number of daily vehicle trips to 2,000 and prohibited the following uses:

Equipment Repair Services	Equipment Sales	Kennels	Laundry Services
Vehicle Storage	Transportation Terminal	Adult-oriented businesses	

Thompson Lane extends between U.S. Highway 183 and Hergotz Lane, and has a varied land use character with agriculture at its intersection with Hergotz, and a mixture of single family residences, manufactured home parks, office / warehouses, and commercial service uses proceeding southwest towards 183 (zoned I-RR; DR; I-SF-2; P-CO; CS and CS-1-CO). Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

The tract is also located within the Airport Overlay Zone (AO-3) also known as the ½ mile buffer zone that permits commercial and industrial uses. (The AO-3 Zone does not allow for new residential development to occur outside of recorded final plats, municipal utility district boundaries or neighborhood plan combining district boundaries.) The tract is located outside of the Carson Creek fully-developed 25 and 100-year floodplains which has been studied by the Watershed Protection Department.

In the current rezoning case, the Applicant is proposing to modify the Conditional Overlay and remove equipment repair services and equipment sales from the prohibited use list in order to be able to occupy one or both of the vacant commercial buildings with a new tenant that specializes in equipment rental or sales. The remainder of the prohibited uses and the 2,000 trip limit would remain unchanged.

While Staff originally recommended the Applicant's request for commercial uses that support the Austin Bergstrom International Airport, the Conditional Overlay was also intended to prohibit the more intensive commercial uses and those with significant truck-generation given that Thompson Lane is a two-lane roadway. Since conditions have not changed since the original zoning was approved in September 2004, the Staff is unable to recommend the Applicant's request to remove equipment repair and equipment sales from the prohibited use list.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	CS-CO	Two vacant commercial buildings; Electric company; Mechanical company; One occupied single family residence
<i>North</i>	DR; I-SF-2	Agriculture; Single family residences; Vacant manufactured home
<i>South</i>	I-SF-2; I-RR	Manufactured home park (surrounded by rezoning area on three sides); Single family residences; Agricultural sales and services; General retail sales
<i>East</i>	County; I-RR; I-SF-2; P-CO; CS; CS-1-CO	Agriculture; Undeveloped; Single family residences; Manufactured home park; Office-warehouses; Capital Metro service yard; Retail sales; Church; Adult-oriented business; Supply company
<i>West</i>	DR; RR;	Agriculture

AREA STUDY: N / A

TIA: This property is located within the

Airport Overlay which prohibits single family development and therefore a neighborhood traffic analysis is not required.

WATERSHED: Carson Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

511 – Austin Neighborhoods Council
 774 – Del Valle Independent School District
 786 – Home Builders Association of Greater Austin
 1037 – Homeless Neighborhood Association
 1075 – League of Bicycling Voters
 1113 – Austin Parks Foundation
 1200 – Super Duper Neighborhood Objectors and Appealers Organization
 1224 – Austin Monorail Project
 1228 – Sierra Club, Austin Regional Group
 1236 – The Real Estate Council of Austin, Inc.

SCHOOLS:

Allison Elementary School

Martin Junior High School

Johnston High School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2009-0033 – Upgrade Electrical Service – 513 Thompson Lane	I-RR to CS	To Grant CS-CO with the CO for 2,000 trips	Approved CS-CO as Commission recommended (4-30-09).
C14-2007-0112 – Najib 11 – 423 Thompson Lane	I-RR to CS	To Grant CS-CO with CO prohibiting equipment sales, equipment repair, kennels, laundry services, vehicle storage, transportation terminal and adult-oriented uses, and limit of 2,000 trips	Approved CS-CO as Commission recommended (12-6-07).
C14-04-0085 – Hoskins 20 – 411 Thompson Lane	I-RR to CS	To Grant CS-CO with the CO for 2,000 trips and prohibiting a list of	Approved as Commission recommended (9-2-

		uses	04).
C14-02-0144 – Bull's Ally Motorcycle Accessories – 519 Thompson Lane	I-RR to CS	To Grant CS	Approved CS (10-24-02)
C14-00-2004 – Fitzpatrick Zoning (City-initiated) – Hergotz Lane, 275, 403, 413 and 445 Bastrop Highway and 414, 422, 426 and 434 Thompson Lane	I-RR to RR; DR and CS	To Grant RR; DR and CS	Approved RR; DR and CS (2-8-01).
C14-99-0096 – Special Transit Services Facility – 509 Thompson Lane	I-RR to P	To Grant P-CO, with Conditional Overlay limited to 1,000 vehicle trips per day.	Approved P-CO, as recommended by PC (8/19/99).
C14-97-0095 – Rodriguez Zoning Change – 523 Thompson Lane	LI to CS-1	To Grant CS-1-CO with conditions to prohibit adult-oriented uses and limited to 2,000 vehicle trips per day.	Granted CS-1-CO as recommended by PC (10-16-97).

RELATED CASES:

The tract was annexed on September 6, 2001. There are no related subdivision or site plan cases on the subject property.

ABUTTING STREETS:

STREET	RIGHT-OF-WAY	PAVEMENT WIDTH	CLASSIFICATION	DAILY TRAFFIC
Thompson Lane	50 feet	Varies	Collector	2,428

- There are no existing sidewalks along Thompson Lane.
- Thompson Lane is not classified in the Bicycle Plan as a Priority bike route.
- Capital Metro bus service is not available within 1/4 mile of this property.

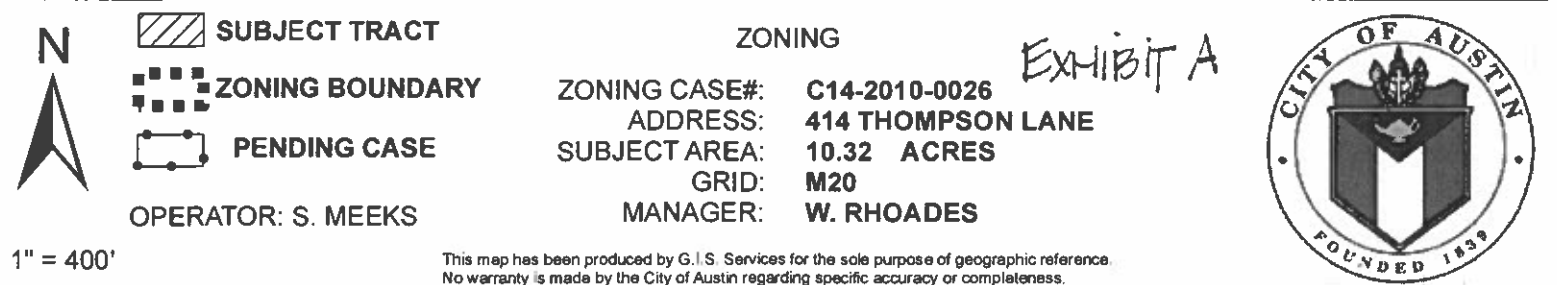
CITY COUNCIL DATE: May 27, 2010 **ACTION:**

ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

CASE MANAGER: Wendy Rhoades
e-mail: wendy.rhoades@ci.austin.tx.us

PHONE: 974-7719





ORDINANCE NO. 040902-Z-4

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 412, 414, 426, AND 428 THOMPSON LANE FROM RURAL RESIDENCE (RR) DISTRICT TO GENERAL COMMERCIAL SERVICES-CONDITIONAL OVERLAY (CS-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 rural residence (RR) district to general commercial services-conditional overlay (CS-CO) combining district on the property described in Zoning Case No. C14-04-0084, on file at the Neighborhood Planning and Zoning Department, as follows:

A 10.32 acre tract of land, more or less, out of the Santiago Del Valle Ten League Grant, 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 412, 414, 426, and 428 Thompson Lane, 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:

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

Equipment repair services
Kennels
Vehicle storage
Transportation terminal


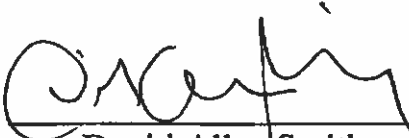
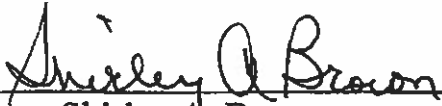
Equipment sales
Laundry services
Adult-oriented businesses

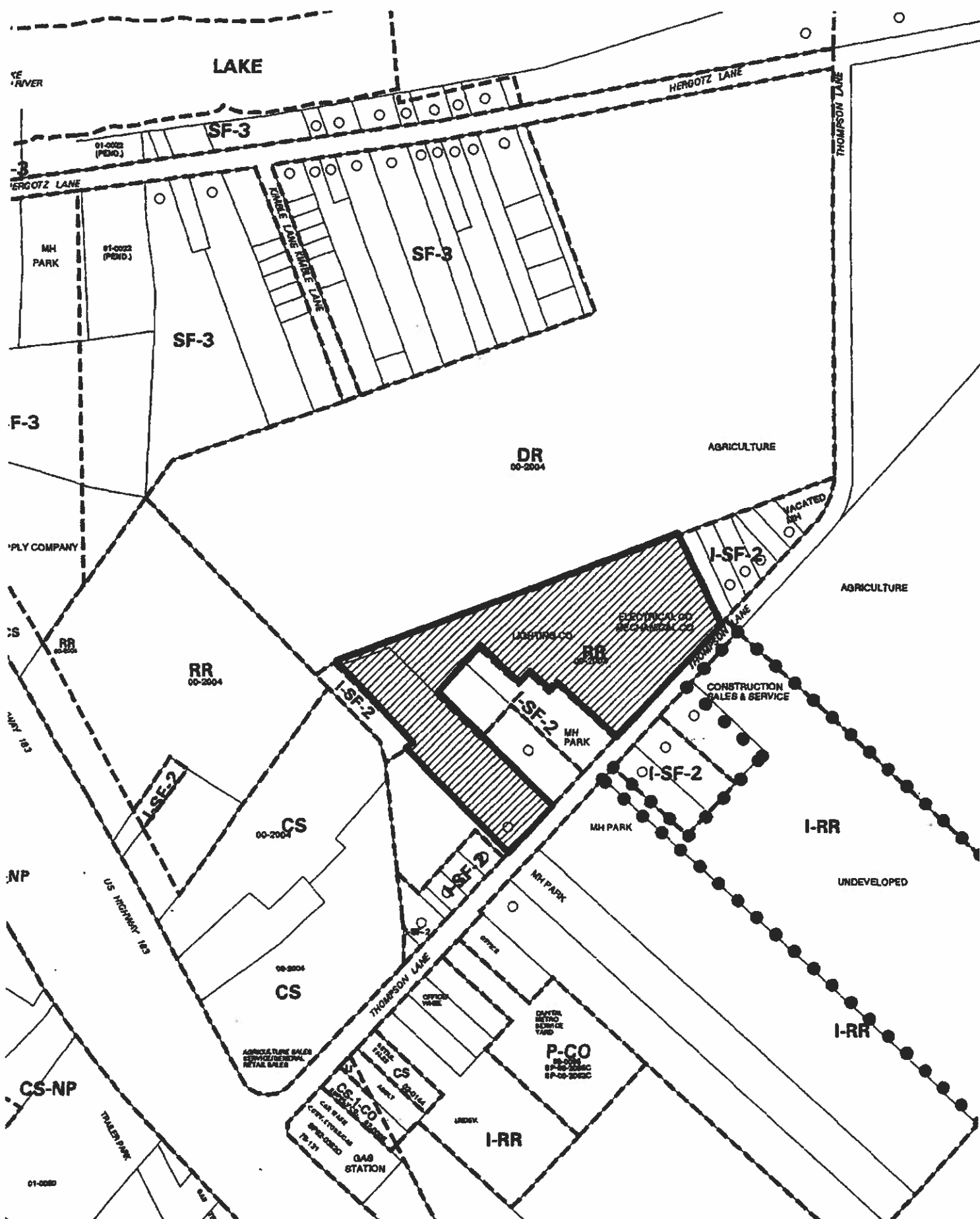
2. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 2,000 trips per day.

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 and other applicable requirements of the City Code.

PART 3. This ordinance takes effect on September 13, 2004.

PASSED AND APPROVED

	§	
	§	
	§	
<u>September 2</u> , 2004		<u></u>
		Will Wynn
		Mayor
APPROVED: <u></u>	ATTEST:	<u></u>
David Allan Smith		Shirley A. Brown
City Attorney		City Clerk



SUBJECT TRACT
PENDING CASE
ZONING BOUNDARY
CASE MGR: W. WALSH

CASE #: C14-04-0084
ADDRESS: 412 414 426 & 428
THOMPSON LANE

ZONING EXHIBIT B

DATE: 04-06

INTI S. SM

**CITY
REFER
NUMI
M20**

SUMMARY STAFF RECOMMENDATION:

The Staff's recommendation is to deny the Applicant's request to remove the equipment sales and equipment repair services uses from the list of prohibited uses.

If the requested zoning is recommended for this site, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

CS, General Commercial Services, zoning is intended for commercial or industrial uses that typically have operating characteristics or traffic service requirements generally incompatible with residential environments. The property is located in close proximity to Bastrop Highway / U.S. Highway 183, a major freeway.

2. Zoning changes should promote compatibility with adjacent and nearby uses.

While Staff originally recommended the Applicant's request for commercial uses that support the Austin Bergstrom International Airport, the Conditional Overlay was also intended to prohibit the more intensive commercial uses and those with significant truck-generation given that Thompson Lane is a two-lane roadway. Since conditions have not changed since the original zoning was approved in September 2004, the Staff is unable to recommend the Applicant's request to remove equipment repair and equipment sales from the prohibited use list.

EXISTING CONDITIONS**Site Characteristics**

The site is flat and developed with an electrical company, a mechanical company, two vacant commercial buildings and one single family residence. There appear to be no significant topographical constraints on the site.

Impervious Cover

The maximum impervious cover allowed by the CS zoning district would be 80%, which is based on the more restrictive zoning regulations.

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 Carson 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. 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%

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.

Transportation

The trip generation under the requested zoning is estimated to be 17,918 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

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]

Prior to subdivision and/or site plan approval, 35 feet of right-of-way should be dedicated from the centerline of Thompson Lane in accordance with the Transportation Criteria Manual. [LDC, 25-6-55; TCM, Tables 1-7, 1-12]

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 proposed land use. 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.

Compatibility Standards

This tract is already developed. A change of use within the existing structure would not trigger compatibility development regulations. However, any new construction on this site would be subject to compatibility development regulations due to the existing I-SF-2 zoned property to the north, south and east, and would be subject to the following requirements:

The site is subject to compatibility standards. Along the north, south and east of the 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 25 feet of 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.
- Additional design regulations will be enforced at the time a site plan is submitted.

This property is within the Airport Overlay Zone AO-3. Development on this property is limited by Chapter 25-13 of the Austin City Code. Airport hazards as defined in Federal Aviation Regulations Part 77, as adopted by the City in Section 25-13-23, are prohibited. Noise level reduction measures may be required for certain new structures.

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: C14-2010-0026

Contact: Wendy Rhoades, 512-974-7719

Public Hearing: April 20, 2010, Zoning & Platting Commission

JAMES A CRIST

Your Name (please print)

422 Thompson Lane, Austin TX 78742

Your address(es) affected by this application

10-13-10

Date

Daytime Telephone: 512 385 7660

Comments: Heskins keeps his property
clean and neat, does not effect
the residents with any negativity. I have
lived next to his property for 29 years
and can say only positive remarks.

Thank you
James A Crist,

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

City of Austin

Planning & Development Review Department

Wendy Rhoades

P. O. Box 1088

Austin, TX 78767-8810

☒ I am in favor
☐ I object

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Case Number: C14-2010-0026

Contact: Wendy Rhoades, 512-974-7719

Public Hearing: April 20, 2010, Zoning & Platting Commission

BESS HARDIN

Your Name (please print)

1204 Delaney St

Your address(es) affected by this application

4-13-10

Date

Daytime Telephone: 512(926)6081

Signature

Comments: ROAD TO SMALL, HEAVY TRAVELER.

RAN OFF WATER NOT UNDER CONTROL.

FLOOD LAND, CAN CHECK WITH COUNTRY

RECORD, MY LAND ON THOMPSON LA.

LARGE FAN WOULD AT BACK WOULD SEND

WHAT EVER ADDRESS, MY PEACH TREES.

MY PEACH TREES DIED WHEN THEY USE

PLANTS BEFORE.

THANK YOU, BR

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

City of Austin

Planning & Development Review Department

Wendy Rhoades

P. O. Box 1088

Austin, TX 78767-8810

☐ I am in favor
☒ I object

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Case Number: C14-2010-0026

Contact: Wendy Rhoades, 512-974-7719

Public Hearing: April 20, 2010, Zoning & Platting Commission

VERNA Wheeler

Your Name (please print)

310 Thompson Lane

Your address(es) affected by this application

Verna Wheeler

Signature

Daytime Telephone: 512-389-3443

Date

4-16-10

☐ I am in favor
☒ I object

Comments: My property is down hill, his oil, gas, ect. will wash onto the adjoining property, and rain will wash it from land to land.

I don't see where this smell should be good for the neighbor hood.

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

City of Austin

Planning & Development Review Department

Wendy Rhoades

P. O. Box 1088

Austin, TX 78767-8810