

ZONING CHANGE REVIEW SHEET

CASE: C14-2010-0154 (La Palma Plaza Rezoning)

Z.A.P. DATE: April 5, 2011

ADDRESS: 12030 North Lamar Boulevard

OWNER/APPLICANT: Faris Properties (Nasib Nasar)

ZONING FROM: LR-CO

TO: GR

AREA: 2.881 acres

SUMMARY STAFF RECOMMENDATION:

The staff's recommends denial of the applicant's request for a rezoning.

If the Zoning and Platting Commission and the City Council approve the proposed zoning, then the staff's recommends that the approval include a public restrictive covenant and a street deed to encompass the Transportation Impact Analysis (TIA) recommendations provided in Attachment A.

ZONING & PLATTING COMMISSION RECOMMENDATION:

4/05/11: Approved staff's recommendation for denial (5-0, S. Baldrige-absent); P. Seeger-1st, B. Baker-2nd.

DEPARTMENT COMMENTS:

The property in question currently contains an Automotive Repair use (Faris Used Tires). There is a paving company (Construction Sales and Services use) to the north. The lots to the south contain a General Retail Sales-Convenience business (Clay Imports) and offices for Construction Sales and Services businesses (Austintatious Pools and Webco Distributing and Floorcovering). The applicant is requesting GR, Community Commercial District, zoning for this site so that he can develop a retail center and/or a supermarket land use, which also may or may not include the existing auto tire store. The applicant also proposes to develop a high turnover, sit down restaurant, but the TIA assumes a fast food without drive-thru window (TIA Memorandum-Attachment A). The applicant has been cited by Code Enforcement for operating without a certificate of occupancy and remodeling the existing commercial structure on the site without a building permit (Notice of Violation-Attachment B). To address code compliance concerns, the applicant submitted a site plan for this property late last year (SP-2010-0099C). However, the uses proposed on the site plan are not permitted under the current LR-CO zoning.

The staff recommends denial of the applicant's request because the staff believes the existing LR-CO zoning is appropriate for this site. The property in question was zoned LR-CO in 2008 through case C14-2008-0191 and the staff does not believe that conditions in this area have changed to warrant a higher zoning category at this location. The site under consideration meets the intent of the Neighborhood Commercial district because it is located adjacent to a religious assembly use and a multifamily residential use. In addition, low intensity commercial zoning is appropriate at this location because the property backs up to existing floodplain, Walnut Creek, to the west. The staff's recommendation in this case is consistent with our recommendation in for the two properties directly to the north of this site, which were also zoned LR-CO last year in cases C14-2010-0020 and C14-2010-0021.

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

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	LR-CO	Automotive Repair (Used Tire Sales)
<i>North</i>	LR-CO	Warehouse - Construction Sales and Services (Paving Company)
<i>South</i>	NO, W/LO	General Retail Sales (Clay Imports), Construction Sales and Services (Austintacious Pools, Webco Distributing and Floorcovering), Construction Sales and Services (Cody Building Supply)
<i>East</i>	SF-6-CO	Multifamily (On the Green Apartments)
<i>West</i>	RR	Religious Assembly and Cemetery (Walnut Creek Baptist Church & Cemetery)

AREA STUDY: N/A

TIA: Required

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 Monorail Project
 Austin Parks Foundation
 Gracywoods Neighborhood Association
 Homebuilders Association of Greater Austin
 Homeless Neighborhood Association
 League of Bicycling Voters
 North Growth Corridor Alliance
 River Oaks Lakes Estates Neighborhood
 Sierra Club, Austin Regional Group
 Super Duper Neighborhood Objectors and Appealers Organization
 The Real Estate Council of Austin, Inc.
 Walnut Creek Neighborhood Association, Inc.

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2010-0021 (12104 N. Lamar Blvd.)	NO to LR	4/06/10: Approved the staff's recommendation of LR-CO zoning, with additional conditions to prohibit Consumer Convenience Services, Off-Site Accessory Parking, Guidance Services, and 24-hour uses (6-0, S. Baldrige-No); D. Tiemann-	5/13/10: Approved ZAP rec. of LR-CO zoning on consent on all 3 readings (7-0); Morrison-1 st , Spellman-2 nd .

		1 st , T. Rabago-2 nd .	
C14-2010-0020 (12108 N Lamar Blvd)	NO to LR	<p>4/06/10: Approved the staff's recommendation of LR-CO zoning, with additional conditions to prohibit Consumer Convenience Services, Off-Site Accessory Parking, Guidance Services, and 24-hour uses (6-0, S. Baldridge-No); D. Tiemann-1st, T. Rabago-2nd.</p> <p>5/04/10: The case was re-heard by the Commission due to a notification error. The Commission re-approved their previous motion of LR-CO zoning, with additional conditions to prohibit Consumer Convenience Services, Off-Site Accessory Parking, Guidance Services and 24-hour uses, on consent (7-0); P. Seeger-1st, D. Tiemann-2nd.</p>	5/13/10: Approved ZAP rec. of LR-CO zoning on consent on all 3 readings (7-0); Morrison-1 st , Spellman-2 nd .
C14-2008-0191	NO to GR	8/21/08: Approved LR-CO on consent, with following conditions: Prohibit Consumer Convenience Services, Offsite Parking, Guidance Services, and Service Station uses (4-0, B. Baker, J. Gohil, and K. Jackson-absent)	11/21/08: Approved LR-CO by consent on all 3 readings (6-0, B. McCracken-absent); L. Morrison-1 st , L. Leffingwell-2 nd .
C14-06-0217	NO to GO	12/19/06: Approved staff rec. of GO by consent (9-0)	1/25/07: Approved GO zoning (6-0); all 3 readings
C14-05-0104	NO to GO	<p>8/16/05: Approved staff's recommendation for GO-CO zoning with the following additional conditions:</p> <ol style="list-style-type: none"> 1) The property shall have a 10-foot vegetative buffer along North Lamar Boulevard; 2) Detention for the site should be addressed at the time of site plan review; 3) Create a restrictive covenant (public or private as determined by the Law department) to prohibit Modeling Services in a Personal Services use. The restrictive covenant shall be filed prior to 	9/29/05: Approved GO-CO zoning by consent (7-0); all 3 readings

		3 rd reading of the case at City Council. Vote: 8-0, K. Jackson-absent; C. Hammond-1 st , J. Martinez-2 nd .	
C14-05-0066	LO to GR	7/05/05: Approved GR-CO zoning for Tract 1. The conditional overlay for Tract 1 will prohibit the uses set out by staff, except to allow Food Sales as a permitted use. Approved LO-CO zoning for Tract 2. The conditional overlay will limit Tract 2 to NO (Neighborhood Office) development regulations, prohibit Medical uses, prohibit parking for uses developed on Tract 1, and require a minimum 100-foot development setback from the centerline of Walnut Creek (7-1, C. Hammond-Nay; M. Hawthorne-Absent)	8/04/05: Approved ZAP recommendation for GR-CO zoning (7-0); 1 st reading only 9/01/05: Approved GR-CO zoning on consent (7-0-); 2 nd /3 rd readings
C14-04-0133	DR, LO to GR	10/5/04: Approved staff's recommendation of GR-CO district zoning for Tract 1 and LO-CO district zoning for Tract 2. Additional condition for Tract 1 is LR development standards. The following uses are removed from the prohibited use list: Business or Trade School; General Retail Sales (General); Business Support Services; Consumer Repair Services; Financial Services, and Pet Services (9-0); K. Jackson-1 st , J. Martinez-2 nd .	10/21/04: Approved staff's recommendation of GR-CO zoning for Tract 1 and LO-CO zoning for Tract 2, with additional condition of 'LR' district development standards for Tract 1 (7-0); 1 st reading 11/4/04: Approved GR-CO zoning for Tract 1 and LO-CO for Tract 2 (7-0); 2 nd /3 rd readings
C14-03-0162	LO to GR-CO	12/2/03 – Postponed at the request of staff, due to a notice error (9-0) 12/16/03 – Approved GR-CO, with added condition (8-0)	1/29/04: Approved GR-CO (5-0); all 3 readings
C14-00-2020	RR to GO-CO	4/18/00: Denied (6-0)	8/30/00: Withdrawn
C14-00-2152	DR to LO-CO	8/22/00: Approved LO-CO. The CO prohibits access to North Bend Dr. and limits trips to 2,000 per day (8-0)	10/5/00: Approved LO-CO (5-0); all 3 readings
C14-99-2055	RR to NO	11/16/99: Approved staff rec. of RR by consent (6-0-1, B. Baker-abstain)	9/21/00: Withdrawn-There was a mapping error, the property was already zoned NO.

C14-90-0002	NO to W/LO	4/10/90: Approved W/LO (5-0-3)	5/10/90: Approved W/LO (6-0); 1 st reading 8/2/90: Approved W/LO (6-0); 2 nd /3 rd readings
-------------	------------	--------------------------------	---

RELATED CASES: C14-2008-0191 (Previous zoning case for this site)
SP-2010-0154 (Current Site Plan Submittal)

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro
N Lamar Blvd	100'	70'	Arterial	No	No	Yes

CITY COUNCIL DATE: May 12, 2011

ACTION:

ORDINANCE READINGS: 1st

2nd

3rd

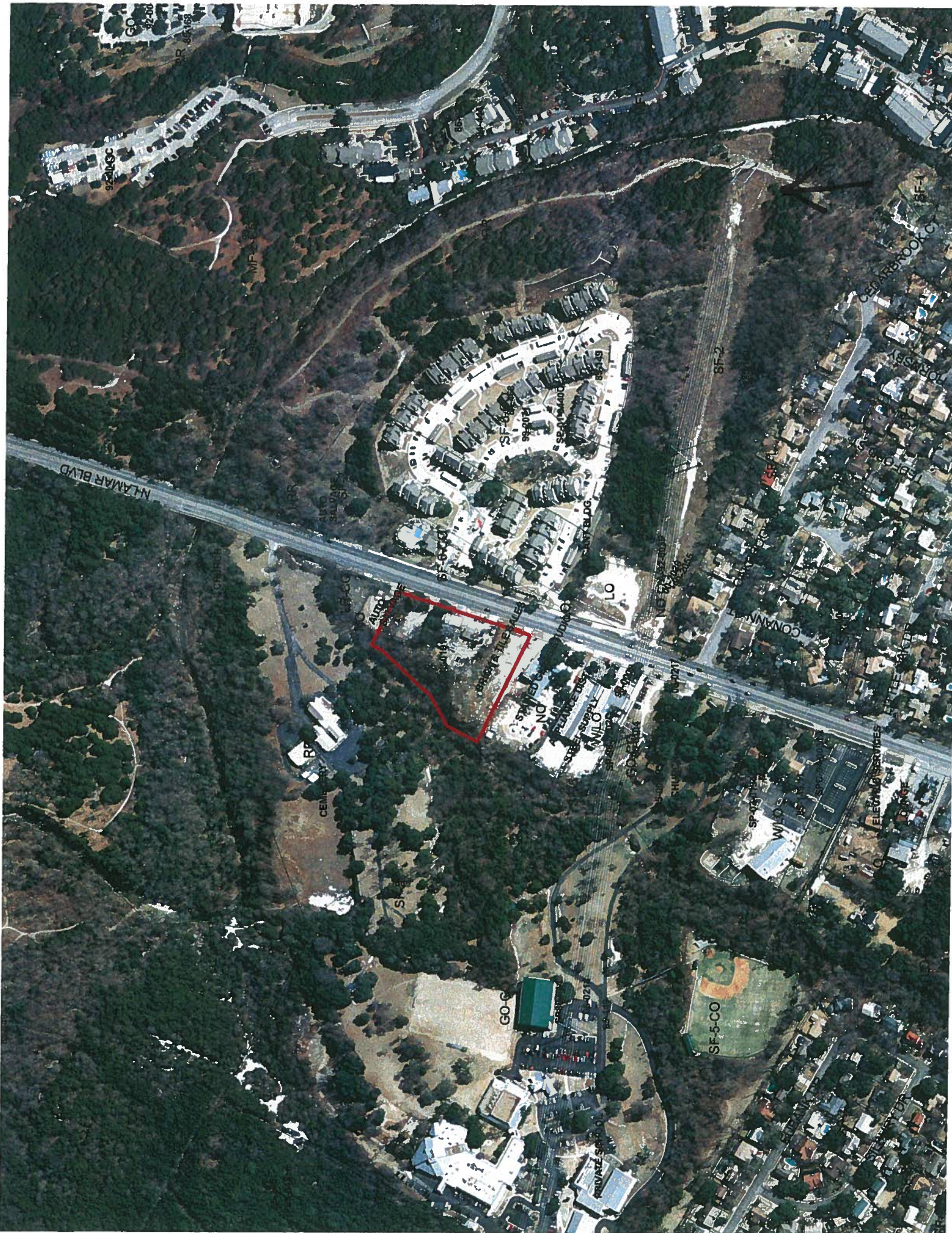
ORDINANCE NUMBER:

ZONING CASE MANAGER: Sherri Sirwaitis

PHONE: 974-3057

E-mail: sherri.sirwaitis@ci.austin.tx.us





STAFF RECOMMENDATION

The staff's recommends denial of the applicant's request for a rezoning.

If the Zoning and Platting Commission and the City Council approve the proposed zoning, then the staff's recommends that the approval include a public restrictive covenant and a street deed to encompass the Transportation Impact Analysis (TIA) recommendations provided in Attachment A.

BASIS FOR RECOMMENDATION (ZONING PRINCIPLES):

1. *The proposed zoning should be is **not** consistent with the purpose statement of the district sought.*

The Community Commercial (GR) zoning 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 is not located at the intersection of major traffic ways. The site backs up to floodplain (Walnut Creek) and a religious assembly use (Walnut Creek Baptist Church & Cemetery).

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

The two properties directly to the north of this site, which is similarly located with the religious assembly use to the west and the multifamily use to the east, were zoned LR-CO through zoning cases C14-2010-0020 and C14-2010-0021 in May of last year.

3. *Zoning should allow for reasonable use of the property.*

The current LR-CO zoning will allow the applicant to develop low intensity commercial and office uses on a property that fronts on and takes access to North Lamar Boulevard, an arterial roadway. LR-CO zoning at this location will permit the development of retail uses that will provide services to the multifamily residential use to the east.

EXISTING CONDITIONS

Site Characteristics

The site under consideration currently contains an Automotive Repair use (Faris Used Tires). There is a paving company (Construction Sales and Services use) to the north. The lots to the south contain a General Retail Sales-Convenience business (Clay Imports) and offices for Construction Sales and Services businesses (Austintatious Pools and Webco Distributing and Floorcovering). The site backs up to floodplain (Walnut Creek) and a religious assembly use (Walnut Creek Baptist Church & Cemetery). There is a multifamily use (On the Green Apartments) to the east, across North Lamar Boulevard.

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 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.

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%

Note: The most restrictive impervious cover limit applies.

Site Plan/Compatibility Standards

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.

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

A traffic impact analysis is required and has been received. Additional right-of-way, participation in roadway improvements, or limitations on development intensity may be recommended based on review of the TIA. [LDC, Sec. 25-6-142]. Comments will be provided in a separate memo when the review process is completed by both the Planning and Development Review Department and the Austin Transportation Department (Attachment A).

There are existing sidewalks along the east side of North Lamar Boulevard.

North Lamar Boulevard is classified in the Bicycle Plan as a Priority 2 bike route.

Capital Metro bus service is available along N. Lamar Blvd. with the #101 N Lamar/S Congress Limited Service

Name	ROW	Pavement	Classification	ADT
N Lamar Blvd	70'-120'	60'	Major Arterial	26, 930+

+ 10600 block of N Lamar Blvd., north of McPhaul Street on 2/18/09.

Water and Wastewater

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. 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.



MEMORANDUM

TO: Sherri Sirwaitis, Case Manager, Current Planning Division
CC: Scott Feldman, P.E., Alliance Transportation Group, Inc.
FROM: Joe Almazan, Land Use Review Division
DATE: March 29, 2011
SUBJECT: Traffic Impact Analysis for 12030 North Lamar Boulevard (aka La Palma Plaza)
 Zoning Case No: C14-2010-0154

The Transportation Review Section has reviewed the traffic impact analysis for 12030 North Lamar Blvd. (aka La Palma Plaza) dated March 2011 (final submission), prepared by Scott Feldman, P.E., Alliance Transportation Group, Inc. and provides the following:

Trip Generation

The La Palma Plaza project is located between Braker Lane and Yager Lane on North Lamar Blvd. in north Austin. The project is planned as a mixed-use development that will contain a 16,000 sq.ft. specialty retail use, 4,200 sq.ft. high turnover sit-down restaurant, and a 1,500 sq.ft. automotive tire store. In addition to the rezoning request, there is a site plan application currently under review for this project (Case No. SP-2010-0099C).

The property is currently developed with the automotive tire store. Final build-out for the project is anticipated by the end of 2012. Access to the site is proposed with two (2) driveways on North Lamar Blvd. The site is currently served by one (1) driveway.

The table below shows the unadjusted trip generation by land use for the proposed development based on ITE's *Trip Generation Report*, 8th ed.

Table 1. Unadjusted Trip Generation						
Land Use	Size	ADT	AM Peak		PM Peak	
			Enter	Exit	Enter	Exit
Specialty Retail	16,000	702	0	0	19	24
High Turnover Sit-Down Restaurant	4,200	534	25	23	28	18
Automotive Tire Store	1,500	38	3	1	3	3
Total		1,198	28	24	50	45

Based on the land uses assumed for this mixed-use development, reductions for pass-by traffic were also applied to the peak hour morning and evening trips. No reductions were assumed for internal capture or bus transit usage. Results of the adjusted trip generation and pass-by reduction by land use are shown in Table 2.

Table 2. Adjusted Trip Generation				
Land Use	Pass-By Reduction		Net Trip Generation with Pass-By Reductions	
	AM Rate	PM Rate	AM Peak	PM Peak
Specialty Retail	0%	34%	0	29
High Turnover Sit-Down Restaurant	0%	43%	48	26
Automotive Tire Store	0%	28%	4	4
Total			52	59

Assumptions

1. Traffic growth rates provided by the Texas Department of Transportation were as follows:

Table 3. Growth Rates Per Year	
Roadway Segment	Percent (%)
All Roads	2%

2. Background traffic volumes for 2012 included estimated site traffic for the following projects:
 - Park 35 Circle - Parkway Building B (SP-06-0437C)
3. Existing traffic volumes included a 10 percent (%) adjustment to account for school traffic.
4. No reductions were assumed for internal capture.
5. No reductions were assumed for bus transit use.

Intersection Level of Service (LOS)

The TIA analyzed four (4) intersections plus the site driveways. Existing and projected levels of service are as follows, assuming that any roadway and intersection improvements recommended in the TIA are constructed:

Table 4. Level of Service				
Intersection	2010 Existing		2012 Site Forecasted	
	AM	PM	AM	PM
Lamar Blvd. and Yager Lane	B	C	B	C
Lamar Blvd. and Oakbrook	A	A	A	A
Lamar Blvd. and Caddo	A	C	A	D
Lamar Blvd. and Braker Lane	D	D	D	E*
Lamar Blvd. and Site Driveway (North)	A	A	A	A
Lamar Blvd. and Proposed Site Driveway (South)			A	A

* = Assumes both geometric and signal timing improvements.

Based on the analysis, all the intersections will continue to operate at an acceptable level of service D or better, except for the intersection of Lamar Blvd. and Braker Lane. At this intersection, geometric and signal timing improvements are necessary to match or improve the level of service for background (or "non-site") delays during the P.M. peak hour travel period. Existing and projected

traffic volumes using the roadway system without the proposed project (or "site") are generally referred to as **background** traffic volumes. For the analysis, background traffic includes traffic counts collected in July 2010.

As recommended in the analysis, the intersection of Lamar Blvd. and Braker Lane should include a southbound right-turn lane with 150 feet of storage space. Also, signal timing optimization is recommended by adding more "green" time to both the Braker Lane westbound through and westbound left approaches and less "green" time to the Lamar Blvd. northbound and southbound through approaches. These improvements would become necessary with 2012 traffic conditions and full build-out of the project.

Recommendations/Conclusions

(1) Prior to the final reading of the zoning, the following pro-rata share should be posted:

Intersection	Improvements	Total Costs	Pro-Rata Share Percentage (%)	Pro-rata Share Dollars (\$)
Lamar Blvd. and Braker Lane	Construct southbound right-turn lane with 150 feet of storage.**	\$45,050.00	3.7 %	\$1,667.00
Total		\$45,050.50		\$1,667.00

** = Assumes signal timing optimization.

- (2) If the requested zoning is granted, then 70 feet of right should be dedicated from the existing centerline of Lamar Blvd. in accordance with the Austin Metropolitan Area Transportation Plan (AMATP), the Land Development Code, and the Transportation Criteria Manual. The AMATP calls for a total of 140 feet of right-of-way for Lamar Blvd. Currently, the existing right-of-way for Lamar Blvd. is 100 feet.
- (3) As recommended in the TIA, the northern site driveway should be designed with one exit department lane and the southern site driveway should be designed with two exit departure lanes. The site driveways should be designed and located in accordance with City of Austin and Texas Department of Transportation requirements.
- (4) Development of this property should be limited to uses and intensities which do not exceed or vary from the from the projected traffic conditions assumed in the TIA, including peak hour trip generation, traffic distribution, roadway conditions, and other traffic related characteristics.
- (5) At least three (3) copies of the final TIA incorporating all corrections and revisions must be submitted prior to final reading of the zoning.

If you have any questions or require additional information, please contact me at 974-2674.



Joe R. Almazan
Land Use Review Division/Transportation Review Section
Planning and Development Review Department



City of Austin

Founded By Congress, Republic of Texas 1839

Code Compliance Department

P.O. Box 1088, Austin, Texas 78767 - 1088

December 6, 2010

NOTICE OF VIOLATION

via Certified Mail # 7010 0290 0001 4213 0631

Nasib Naser & May Aranki
3575 Ashmere Loop
Round Rock, Texas 78681-1003

RE: 12030 N LAMAR BLVD 78753

Legally described as 2.3045 ACR OF LOT 1 STARK FRANK SUBD

Zoned as LR-CO

Parcel Number 0254200108

Dear Nasib Naser & May Aranki:

An investigation by the City of Austin's Code Compliance Department was conducted relating to the property indicated above and violations of Austin City Code were found that require your immediate attention. An investigation report is enclosed which defines the code violation(s) found with required remedies for attaining compliance with the City Code.

After receipt of this notice, you may not sell, lease, or give away this property unless you have provided the buyer, lessee, or other transferee a copy of this notice, and provided the name and address of the buyer to the Building Official. Also, it is a misdemeanor to rent this property if the code violation(s) on this property pose a danger to the health, safety and welfare of the tenants.

If you have any questions, please contact me by telephone at 512-974-1921 between 7:30AM - 4:00PM. You may leave a voicemail message at any time.

Si usted tiene alguna pregunta, contácteme por favor por teléfono en 512-974-1921 de lunes a viernes o puede dejar un mensaje de correo vocal en cualquier momento.

Ownership Information

According to the real property records of Travis County, you own the real property described in this notice. If you no longer own this property, you must execute an affidavit stating that you no longer own the property and stating the name with the last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to our office not later than the 20th day after the date you receive this notice. If you do not submit an affidavit, it will be presumed that you own the property described in this notice, even if you do not.

An affidavit form is available at our office located at 1520 Rutherford Lane. An affidavit may be mailed

to:

**City of Austin
Code Compliance Department
P.O. Box 1088
Austin, Texas 78767**

Additionally, if this property has other owner(s), please provide me with this information.

Failure to Correct

If a violation is not corrected, any existing site plan, permit, or certificate of occupancy may be suspended or revoked by the City. If the site plan, permit or certificate of occupancy is suspended or revoked, the utility service to this property may be disconnected.

If the violation continues, the City may take further legal action to prevent the unlawful action as authorized by State law and may seek civil injunctions or penalties in State court.

For dangerous or substandard buildings, the City may also take further action to require the vacation, relocation of occupants, securing, repair, removal or demolition of a building.

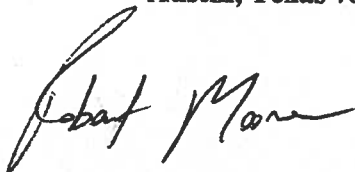
If the violations are not brought into compliance within the timeframes listed in the investigation report, criminal charges may be filed against you in the City of Austin Municipal Court subjecting you to fines of up to \$2,000 per violation, per day.

Complaints

To register a complaint regarding a Code Compliance Department investigator, you may submit your complaint in writing no later than 3 days after receipt of this letter to:

**City of Austin
Code Compliance Department Manager
P.O. Box 1088
Austin, Texas 78767**

Sincerely,



Robert Moore, Code Enforcement Inspector
Code Compliance Department
Case CV-2010-102705

INVESTIGATION REPORT

Investigator: Robert Moore
Case: CV-2010-102705
Address: 12030 N LAMAR BLVD 78753
Zoned as LR-CO

The item(s) listed below are in violation of the Austin City Code. A required remedy may be specified after a violation and may include a time period for compliance. If no required remedy is specified for a violation, the **Required Remedy Summary** will be in effect. For questions concerning residential property, please contact the Zoning Review Division at (512) 974-2380. For questions concerning commercial property, please contact the Development Assistance Center (DAC) at (512) 974-6370.

LAND USE

Code Section: Permitted, Conditional, and Prohibited Uses (§25-2-491)

Description of Violation: Auto body repair and vehicle storage are prohibited in an LR zoning district.

Date Observed: December 6, 2010

Status: Not Cleared

Required Remedy: Cease all automotive repair work and remove all stored vehicles from the premise.

Code Section: Certificate of Occupancy (§25-1-361)

Description of Violation: A person may not use or occupy a structure unless the building official has issued a Certificate of Occupancy for the structure. There is no record of a Certificate of Occupancy for this structure's use.

Date Observed: November 15, 2010

Status: Not Cleared

Required Remedy: Obtain a Certificate of Occupancy

Code Section: Site Plans Required (§25-5-1)

Description of Violation: A person may not change the use of the property prior to obtaining an approved and released site plan/site plan exemption.

Date Observed: December 15, 2010

Status: Not Cleared

Required Remedy: Obtain an approved site plan for auto body shop.

Required Remedy Summary

Obtain A Certificate Of Occupancy in 15 days

Obtain An Approved Site Plan For Auto Body Shop in 15 days

Cease All Automotive Repair And Remove All Stored Vehicles From Premise in 15 days

NOTE: The time period(s) indicated in this summary reflect the total time allowed for compliance. A time period indicated in an individual violation's required remedy is the actual time allowed for compliance of that individual violation. If no time period is indicated in an individual violation's required remedy, the summary time period associated with the required remedy will be the time allowed for compliance.

Appeal

No appeal is available for land use issues. However, a person may appeal a Stop Work Order to the City of Austin's Building Official. A written appeal must be filed no later than 3 days after the posting of the Order and contain:

- the name and address of the appellant;
- a statement of facts;
- the decision being appealed; and
- the reasons the decision should be set aside.

An appeal may be delivered in person to the Office of the Director of the Planning and Development Review Department located at 505 Barton Springs Road or mailed to:

**Building Official
Planning and Development Review Department
P.O. Box 1088
Austin, Texas 78767**

Required Resolution

10-18-10

Please obtain

the necessary permit

for the repair,

remodeling of

commercial building

within 14 days

Correct within 14 days.

White: Investigator Copy
Yellow: Customer Copy

02/09

RECEIVED DATE		TICKET NUMBER	
Austin Citation <input type="checkbox"/> TR <input type="checkbox"/> CM		13 661273	
<input checked="" type="checkbox"/> D.L.S. <input type="checkbox"/> COM DL # <input type="checkbox"/> LD #	12805754	STATE	TX A B C M
LAST NAME FIRST NAME MIDDLE INITIAL		Naser Nasib Zaki	
RESIDENCE ADDRESS			
3575 Ashmere LP			
CITY	STATE	ZIP CODE	RES PHONE (AC)
Round Rock	TX	78681	299-1647
DATE OF BIRTH	White Black Hispanic Asian Native Amer.	SEX	HEIGHT EYES
02-01-60	Hispanic	F	6-00 H2L
EMPLOYER OR SCHOOL	BUSINESS ADDRESS		BUSINESS PHONE (AC)
owner			
OCCUPATION	SCHOOL ZONE?	WORKERS IN CONSTR. ZONE?	HAZ MATERIAL?
owner	YES <input type="checkbox"/>	YES <input type="checkbox"/>	YES <input type="checkbox"/>
VEH. COLOR	VEH. YEAR	VEHICLE MAKE	VEHICLE TYPE
VIOLATION DATE	VIOL. TIME	CONDITIONS	NAME OF PARK OR SCHOOL
10-18-10	10:30 AM <input type="checkbox"/> PM <input type="checkbox"/>	Right <input checked="" type="checkbox"/> Left <input type="checkbox"/> Dark <input type="checkbox"/> Wet <input type="checkbox"/>	
VIOLATION LOCATION		COUNTY	DIRECTION
12030 N. Lamar Blvd		Travis	
VIOLATION (A)		VIOL. CODE	
No Building Permit		B5113	
VIOLATION (B)		VIOL. CODE	
VIOLATION (C)		VIOL. CODE	
REASON FOR STOP			
Remodeling Commercial Building			
FRK	PS	VS	RPS
Cell phone	STEP	CAD	
<input type="checkbox"/>	<input type="checkbox"/>		
ALLEGED SPEED:	SPEED LIMIT:	<input type="checkbox"/> RADAR <input type="checkbox"/> LASER <input type="checkbox"/> PACED	COLLISION? YES <input type="checkbox"/>
		<input type="checkbox"/> AIRCRAFT <input type="checkbox"/> VISUAL	BLUE FORM? <input type="checkbox"/>
OFFICER		OFFICER	
Maine Pajon 12803		BSP	
If Non-Peace Officer Sign Here			
APPEARANCE DATE AT COURT / FECHA PARA PRESENTARSE		READ CITATION FOR ADDITIONAL INFORMATION AND OPERATING HOURS	
11-12-10			
I HAVE RECEIVED THIS WRITTEN NOTICE TO APPEAR AND I WILL APPEAR AT THE CITY OF AUSTIN MUNICIPAL COURT ON OR BEFORE THE DATE AND TIME DESIGNATED ABOVE IN ORDER TO ENTER A PLEA OF GUILTY, NOT GUILTY OR NO CONTEST TO EACH VIOLATION LISTED ON THIS TICKET.			
SU FIRMA ES LA PROMESA QUE SE PRESENTARA EN LA CORTE MUNICIPAL PARA INFORMACION LLAME A (512) 974-4800.			
THIS IS NOT A PLEA OF GUILTY, ONLY A PROMISE TO APPEAR.			
SIGNATURE(S) / FIRMA(S)			
X J. MASHLEY & MASHLEY			
READ INSTRUCTIONS ON THE BACK OF CITATION CAPES 1.1.1.1			

COURT COPY



STOP WORK ORDER - PERMIT(S) REQUIRED

Address: 12030 N. Lamar Blvd
Owner: Naser
Contractor: _____
Date: 10-18-10 Investigator: M. Ruiz Tel: 974-6781

Be advised that Section 25-1-441 of the Austin City Code specifies that a permit is required for the construction, alteration, repair, erection, demolition, or relocation of a structure. Because work has started without proper permit(s), all work must stop immediately.

- ☒ Section 25-11-32 requires a permit to be obtained prior to performing the following activities:
- ☒ Building (2000 IRC, R105.1; 2003 IBC, 105.1) ☐ Electrical
 - ☐ Plumbing (2003 UPC, 103.1.1) ☐ Mechanical (Section 25-13-133, 112.1)
- ☐ Section 25-11-37 requires a demolition permit to be obtained prior to demolishing a structure or portion of a structure.
- ☐ Section 25-11-141 requires a relocation permit to be obtained prior to relocating a structure or portion of a structure.

Description of Work: Repairing/remodeling Commercial Bldg

To comply with the Austin City Code, you must obtain the proper permit(s) within:

- ☐ 7 days (for residential property) ☒ 14 days (for commercial property)
- ☒ An Investigation Fee will be assessed which double the cost of the permit(s).

For questions concerning residential property, you may contact the Zoning Review Division at (512) 974-2380. For questions concerning commercial property, you may contact the Development Assistance Center (DAC) at (512) 974-6370.

A person may appeal this Order to the City of Austin's Building Official. A written appeal must be filed no later than 3 days after the posting of this Order and contain:

- the name and address of the appellant;
- a statement of facts;
- the decision being appealed; and
- the reasons the decision should be set aside.

ORDEN DE PARAR EL TRABAJO - PERMISO(S) REQUERIDOS

Sea informado que la sección 25-1-441 del Código de la Ciudad de Austin especifica que se requiere un permiso para la construcción, modificación, reparación, erección, demolición, o traslado de una estructura. Como el trabajo ha comenzado sin el permiso(s) apropiado, todo el trabajo debe pararse inmediatamente.

Una persona puede apelar esta Orden a del Oficial de Edificio de la Ciudad de Austin. Una petición escrita no debe ser archivada más tarde que 3 días después de la fijación de esta Orden y contener:

- el nombre y dirección del apelante;
- una declaración de hechos;
- la decisión apelada; y
- los motivos la decisión deberían ser puestos aparte.

Si usted tiene alguna pregunta, puede ponerse en contacto conmigo por teléfono entre 7:30 de la mañana y 4:00 de la tarde, de lunes a viernes, o puede dejar un mensaje de correo vocal de mí en cualquier momento.

02/08



WARNING



NOTICE OF AUSTIN CITY CODE VIOLATION

☐ Person

☐ Owner

☒ Tenant

☒ Agent

☐ Manager

☒ Employee

Date: 11-15-2010 at 10:55 (am/pm)

Violation Address: 12030 N. Lamar

Company Name:

Individual Name: Clemente Gonzalez-Lopez

Address: 7020 Grand Canyon Dr Apt 164

Work #: 801-9210 Home #:

DL #: Mexico 6098660 DOB: 11-23-1967

City Code	VIOLATION TYPE
25-2-893(B)	Accessory Use - Excess Vehicles
25-2-893	Accessory Use - Residential
25-12-231	Building - Dangerous (see Notes)
25-2-899	Fence - Height Violation (see Notes)
25-12-213	Fence - Nuisances, Section 401, 2.
15-6-17(F)	Garbage Cart Left at Curb
25-2-900	Home Occupation (see Notes)
25-12-211	Housing Code (see Notes)
10-5-42	Illegal Dumping
25-12-211	Improper Occupancy (see Notes)
✓ 25-1-361(A)	No Certificate of Occupancy
25-5-1	No Site Plan
25-2-893(B)(7)	RV, unscreened
25-2-492	Setback Violation (see Notes)
25-10-102	Sign - Prohibited
25-10-103	Sign in Right Of Way
10-5-21	Unsanitary Conditions
25-11-32	Work Without Permit
25-2-491	Zoning Base District, Prohibited Uses (see Notes)
Other	Prohibited Use

Obtain a Certificate of occupancy within 15 days

[Signature]
Signature

11/15/10
Date

This is a **WARNING ONLY**. There is no fine or penalty for this ticket.
Este es un **ADVERTENCIA SÓLO**. No hay finca o pena con este boleto.
Si tiene preguntas o requiera mas informacion, por favor llame al inspector.

11/16/2010 10:22am







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: C14-2010-0154

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: Apr 5, 2011, Zoning and Platting Commission
May 12, 2011, City Council

NAMCC BOARD OF TRUSTEES.
Your Name (please print)

11900 N. LAMAR BLVD.

Your address(es) affected by this application

NAMCC - non-profit.

Signature

Date

Daytime Telephone: 512-767-7511

Comments:

- This zoning change will add more traffic to this area
- GR Zoning allows use of and sale of alcohol, therefore will be a problem as it is too close to neighborhood, church, mosque, and schools.

MASAD HAMAD

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



Walnut Creek Neighborhood Association, Inc.

(WCNA)
P. O. Box 82746
Austin, TX 78708-2746

Subject: Zoning issue C14-2010-0154 (La Palma Plaza Rezoning)

Mayor Leffingwell and Council members,

The subject zoning issue is scheduled for City Council hearing on Thursday, May 12. The Walnut Creek Neighborhood agrees with the recommendation of the Zoning and Platting Commission to **deny the zoning change**.

The neighborhood board requested a meeting with the applicant, Mr Nasib Naser, before the ZAP meeting. The applicant presented his proposal and artist rendering of the property improvements. We agreed with his improvements, but did not agree that a GR zoning was necessary for the types of businesses he proposed. After the ZAP meeting he requested and met with board members where he reiterated his reasoning for the zoning change. He admitted he needs to show at least 60% business occupancy interest in the property to apply for a loan. The tire business and his restaurant would constitute much of the necessary interest. He admitted his marketing of the property consisted of installing a "retail site available" sign on the vacant lot to the south of the "open air tire repair" shop and no one had contacted him. He also indicated he needs the GR to legally apply needed repairs to the nonconforming repair business. The neighborhood feels GR zoning at this location is inappropriate and the types of businesses allowed will bring down neighborhood values.

The neighborhood would like to see a "neighborhood shopping facility" resident at this site and we agree with ZAP recommendation that LR zoning approved in late 2008 is appropriate for the types of businesses the site can accommodate. The neighborhood plans to have representation in opposition to the change at the Council meeting but at this time does not plan to speak. The information presented by Staff in the backup material would be repeated in a discussion.

Thank you,



Wayne Tobias
Walnut Creek Neighborhood Association President
512-426-0201