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ZONING CHANGE REVIEW SHEET

CASE: C14-2011-0009

Z.A.P. DATE: April 5, 2011
June 7, 2011

ADDRESS: 11331 North Lamar Boulevard

OWNER/APPLICANT: IQRA L L C (M. Saleem Memon)

AGENT: Land Answers, Inc. (Jim Wittliff)

ZONING FROM: LR

TO: GR-CO*

AREA: 1.26 acres (55,009 sq. ft.)

* The applicant met with the surrounding neighborhoods and has agreed to prohibit the following uses on the site: Automotive Repair, Automotive Sales, Automotive Washing (of any type), Bail Bond Services, Commercial Off-Street Parking, Exterminating Services, Funeral Services, Hotel-Motel, Outdoor Sports and Recreation, and Pawn Shops. In addition, no individual General Retail Services (General) land use shall exceed a maximum floor area of 25,000 square feet.

SUMMARY STAFF RECOMMENDATION:

The staff recommends the applicant's request for GR-CO, Community Commercial-Conditional Overlay, District zoning. The conditional overlay would limit the development intensity for the site to ~~less than 2,000~~ 5,082 vehicle trips per day** and would prohibit the following uses: Automotive Repair, Automotive Sales, Automotive Washing (of any type), Bail Bond Services, Commercial Off-Street Parking, Exterminating Services, Funeral Services, Hotel-Motel, Outdoor Sports and Recreation, and Pawn Shops. In addition, no individual General Retail Services (General) land use shall exceed a maximum floor area of 25,000 square feet.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

4/05/11: Approved staff's recommendation of GR-CO zoning (5-0), P. Seeger-1st, B. Baker-2nd.

ISSUES:

**Prior to the May 12, 2011 City Council meeting, the applicant realized that the staff's recommendation included a 2,000 vehicle trip limit for this site. The agent for this case had understood that the Transportation reviewer's recommendation was for 2,000 vehicle trips per day in excess of the approved current land uses on the site. However, this was not how the trip limit condition was presented in the staff's recommendation at the Zoning and Platting Commission. Therefore, the Transportation review staff looked into the matter and determined that according to current use on the property the staff's recommendation should be changed to limit the development intensity for the site to 5,082 trips per day vehicle trips per day. So the staff's recommendation has been revised to reflect this updated information and the case has been re-noticed and will be reheard by the Zoning and Platting Commission on June 7, 2011.

DEPARTMENT COMMENTS:

The property in question is currently developed with a commercial retail center that contains two food sales businesses (International Foods, La Potosina Market), a restaurant (Rawsha Hooka Café), a Personal Services use (California Cuts), and a general retail sales-commercial use (Cricket Wireless).

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There are commercial uses to the north, south and west. To the east, there is a Construction Sales and Services use and single-family residential houses.

The staff is recommending GR-CO zoning because the site meets the intent of the Community Commercial district. The property is accessible from major traffic ways as it is located at the intersection of two major arterial roadways, North Lamar Boulevard and Braker Lane. The proposed footprint of GR-CO zoning on this site would be consistent with the existing GR zoning to the west, across North Lamar Boulevard, and CS-V-CO-NP zoning to the south, across East Braker Lane.

The applicant agrees with the staff's recommendation.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	LR	Retail Center (International Foods, Rawsha Hooka Café, California Cuts, Cricket Wireless, La Potosina Market)
<i>North</i>	LR, W/LO-CO	Vacant Building, General Retail Sales (B & G Floor Coverings)
<i>South</i>	LR, CS-V-CO-NP	Automotive Washing (Palms Car Wash), Religious Assembly (St. Mark United Church)
<i>East</i>	LR, SF-1	Construction Sales and Services use, Single-Family Residential Homes
<i>West</i>	LR, GR	Service Station (Texaco), General Retail Sales (CVS Pharmacy)

AREA STUDY: North Lamar Area Study

TIA: Waived

WATERSHED: Walnut Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

NEIGHBORHOOD ORGANIZATIONS:

Austin Independent School District
 Austin Monorail Project
 Austin Neighborhoods Council
 Austin Parks Foundation
 Gracywoods Neighborhood Association
 Home Builders Association of Greater Austin
 Homeless Neighborhood Association
 League of Bicycling Voters
 North Growth Corridor Alliance
 North Lamar Combined Neighborhood Plan Contact Team
 North Park Estates Neighborhood Association
 Pflugerville Independent School District
 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.

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3

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2008-0017 (11108 Georgian Drive)	LO to CS	3/25/08: To approve the staff's recommendation of CS-CO zoning, with an additional condition that upon redevelopment/any new improvements on the site the applicant will provide a dense 5-foot vegetative screen/buffer along the western property line (9-0)	4/24/08: Approved CS-CO zoning by consent (7-0); all 3 readings
C14-2007-0063 (11608 North Lamar Boulevard)	MH to LR	6/19/07: Approved LR-CO zoning by consent, with a CO prohibiting: Consumer Convenience Services, Off-Site Accessory Parking, Guidance Services, Pet Services, Restaurant-Limited, Service Station (8-0, K. Jackson-absent)	7/26/07: Approved LR-CO (6-0); all 3 readings
C14-06-0120 (101-103 E. Braker Lane)	LO to LR	9/05/06: Approved staff rec. to deny LR zoning (7-0) 11/07/06: Approved LR-CO by consent (9-0); with conditions: 1) Prohibit the following uses: Service Station, Food Sales, Guidance Services, Business or Trade Schools, Off-Site Accessory Parking, Consumer Convenience Services, Restaurant (Limited); 2) Limited access to one driveway cut on the property	10/19/06: Sent case back to ZAP for additional review 12/14/06: Approved LR-CO (6-); all 3 readings
C14-05-0097 (901 W. Braker Lane)	GR-CO to GR-CO	8/16/05: Approved staff's rec. of GR-CO by consent, with TIA to be met before 3 rd reading at City Council (8-0, K. Jackson-absent)	9/29/05: Approved GR-CO (7-0); all 3 readings
C14-05-0066 (11704-11706 North Lamar Boulevard)	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: Automotive rentals, Automotive repair services Automotive sales, Automotive washing (of any type), Business or trade school, Business support services, Commercial off-street parking, Exterminating services,	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

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		Financial services, Funeral services, General retail sales (general), Hotel-motel, Indoor entertainment, Indoor sports and recreation, Off-site accessory parking, Outdoor sports and recreation, Pawn-shop services, Pet services, Research services, Service station, Theater, Community recreation (private), Community recreation (public), Congregate living, College and University facilities, Guidance services, Hospital services (limited), Private secondary educational facilities, Residential treatment, and prohibit drive-in service as an accessory use to restaurant (general and limited); 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 district 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. Vote: (7-1, C. Hammond-Nay; M. Hawthorne-Absent)	
C14-03-0182 (901 West Braker Lane)	GO to CS	2/03/04: Approved staff rec. of GR-CO, with CO for 2,000 vtpd limit, by consent (9-0)	3/03/04: Approved GR-CO (6-0); 1 st reading only 3/25/04: Approved GR-CO (7-0); 2 nd /3 rd readings
C14-01-0116 (North Lamar Blvd. at Ferguson Drive)	LO to CS	1/22/02: Approved staff rec. of CS-CO zoning (8-0, A.A.-absent); with site subject to TIA and prohibiting the following uses: Automotive Washing, Commercial Off-Street Parking, Convenience Storage, Equipment Sales, Funeral Services, Kennels, Monument Retail Sales, Outdoor Sports and Recreation, Recreational Equipment Sales, Residential Treatment, Local Utility Services, Service Station,	2/28/02: Approved CS-CO with other conditions (6-0); all 3 readings

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5

		Campground, Construction Sales and Services, Equipment Repair Services, Exterminating Services, Hotel-Motel, Laundry Services, Outdoor Entertainment, Recreational Equipment Maintenance Storage, Vehicle Storage, Community Recreation, Maintenance and Service Facilities, Off-Site Accessory Parking, Drop-Off Recycling Collection Facility, and prohibit Drive-Through Facilities as an accessory for the area of the property extending 50-feet to the south of the north property line.	
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RELATED CASES: C14-85-149 (North Lamar Area Study)

ABUTTING STREETS:

Name	ROW	Pavement	Class	ADT
N. Lamar Boulevard	120'	2 @ 24'	Major Arterial	26,794
Braker Lane	114'	2 @ 36'	Major Arterial	26,641

CITY COUNCIL DATE: May 12, 2011

ACTION:

ORDINANCE READINGS: 1st

2nd

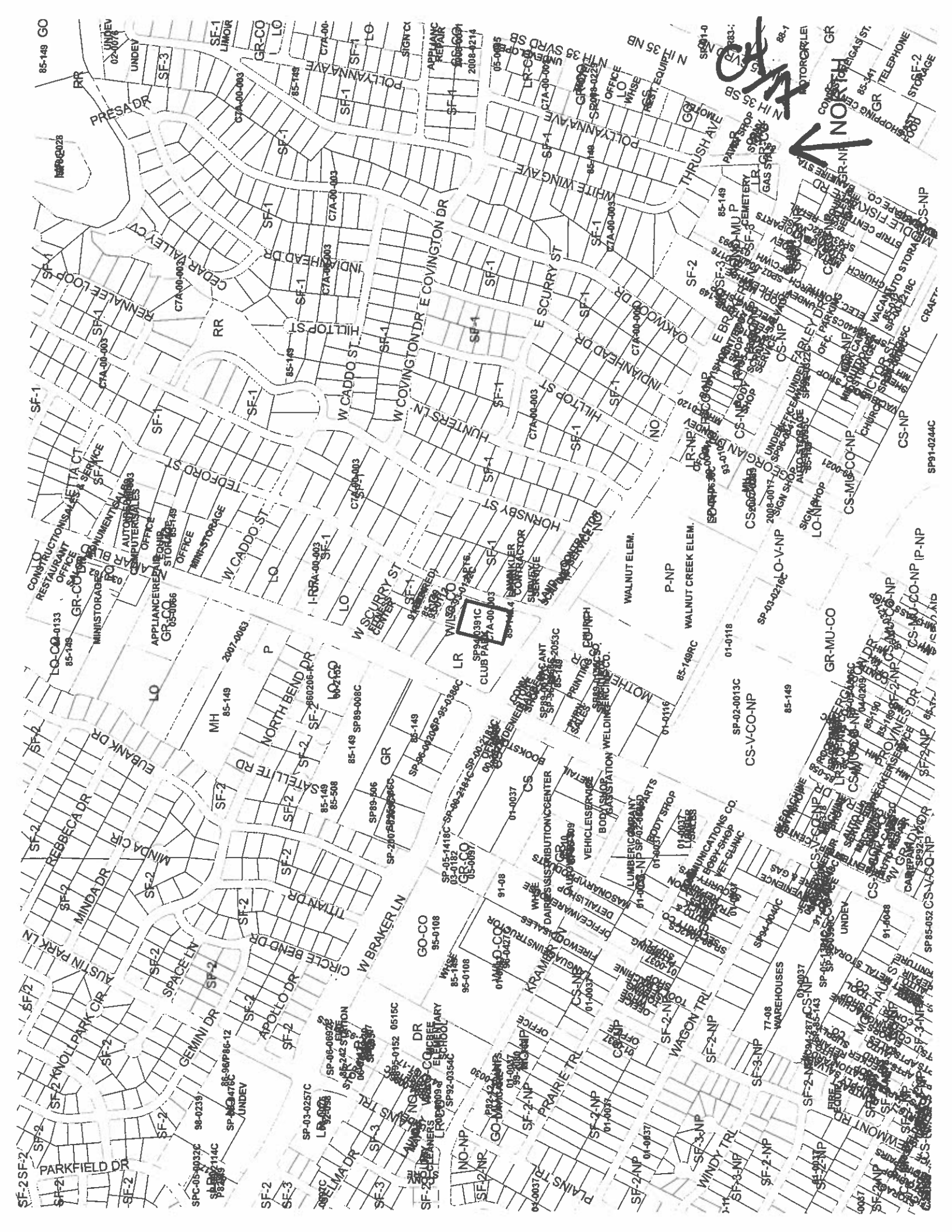
3rd

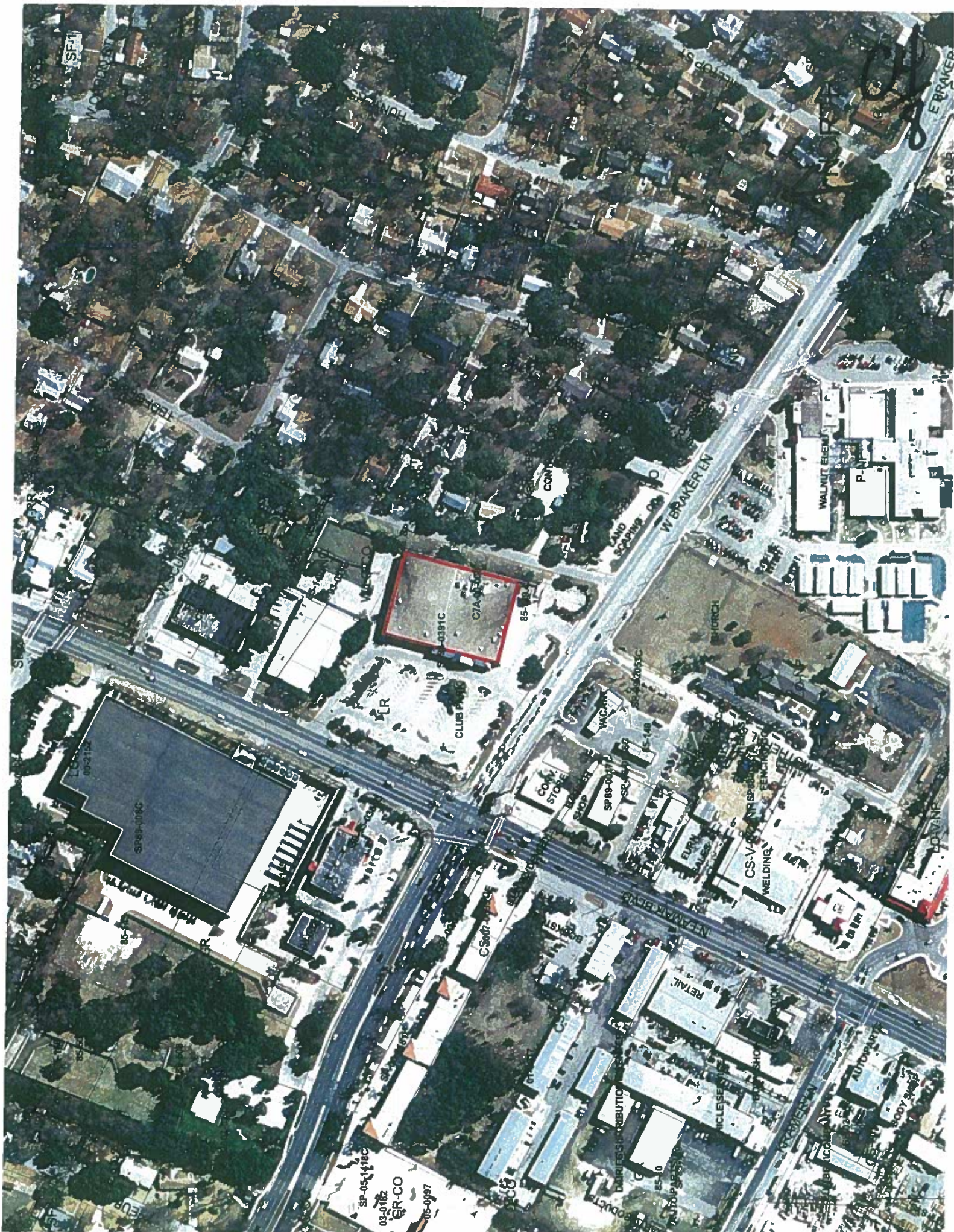
ORDINANCE NUMBER:

CASE MANAGER: Sherri Sirwaitis

PHONE: 974-3057

sherri.sirwaitis@ci.austin.tx.us





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STAFF RECOMMENDATION

The staff recommends the applicant's request for GR-CO, Community Commercial-Conditional Overlay, District zoning. The conditional overlay would limit the development intensity for the site to ~~less than 2,000~~ 5,082 vehicle trips per day** and would prohibit the following uses: Automotive Repair, Automotive Sales, Automotive Washing (of any type), Bail Bond Services, Commercial Off-Street Parking, Exterminating Services, Funeral Services, Hotel-Motel, Outdoor Sports and Recreation, and Pawn Shops. In addition, no individual General Retail Services (General) land use shall exceed a maximum floor area of 25,000 square feet.

BASIS FOR RECOMMENDATION

1. *The proposed zoning should be 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 proposed change meets the purpose statement set forth for the 'GR' district in the Land Development Code. The property is takes access to two major arterial roadways, North Lamar Boulevard and Braker Lane.

2. *The proposed zoning should promote consistency and orderly planning.*

The proposed footprint of GR-CO zoning on this site would be consistent with the existing GR zoning to the west, across North Lamar Boulevard, and CS-V-CO-NP zoning to the south, across East Braker Lane.

The property in question is located adjacent to developed commercial uses to the north, south and west.

3. *The proposed zoning should allow for a reasonable use of the property.*

The proposed zoning would allow the applicant to develop more intense commercial uses within an existing commercial structure, thereby providing additional services to the surrounding residential areas.

4. *Zoning should promote the policy of locating retail and more intensive zoning near the intersections of arterial roadways or at the intersections of arterials and major collectors.*

The property in question fronts onto and will take access from North Lamar Boulevard, an arterial roadway. The site is located at the northeast corner of the intersection of North Lamar Boulevard and Braker Lane.

EXISTING CONDITIONS

Site Characteristics

The site under consideration is currently developed with a commercial retail center that contains two food sales businesses (International Foods, La Potosina Market), a restaurant (Rawsha Hooka Café), a Personal Services use (California Cuts), and a general retail sales-commercial use (Cricket Wireless).

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10

There are commercial uses to the north (General Retail Sales (B & G Floor Coverings), south (Palms Car Wash) and west (Texaco and CVS Pharmacy). To the east, there is a Construction Sales and Services use and single-family residential houses.

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.

No trees are located on this property. 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.

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 on this site would be limited by the watershed ordinance.

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.

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

CH
11

stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program if available.

Site Plan Comments

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

The site is subject to compatibility standards. Along the East 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.
- 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.
- 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.
- 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.
- A landscape area at least 15 feet in width is required along the property line if tract is zoned MF-3, MF-4, MF-5, MH, NO, or LO.

Transportation

Updated information as of May 10, 2011: Based on the area of the existing building as shown on TCAD records (as 49,826 SF) and in accordance with ITE Code 850, the allowed trip generation for this zoning case has been calculated at 5,082 trips per day. The staff's recommendation should be revised to reflect the correct number of allowed vehicle trips per day.

No additional right-of-way is needed at this time. Any additional ROW reservation/dedication for this tract will be handled at such time in the future when triggered by either a site plan application or other development process.

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 over the current land use [LDC, 25-6-117].

FYI: This site is located within the Lamar Core Transit Corridor and may be subject to Subchapter E requirements at the Site Plan stage.

CH
12

N. Lamar Blvd. is classified in the Bicycle Plan as Priority 2 Bike Route No. 218. Braker Lane is classified in the Bicycle Plan as Priority 1 Bike Route No. 10.

Capital Metro bus service (Route No. 1L) is available along N. Lamar Blvd. and (Routes No. 392 & 485) along Braker Lane.

There are existing sidewalks along Braker Lane. There are no existing sidewalks along N. Lamar Blvd.

Existing Street Characteristics:

Name	ROW	Pavement	Classification	ADT
N. Lamar Blvd.	120'	2 @ 24'	Major Arterial	26,794
Braker Lane	114'	2 @ 36'	Major Arterial	26,641

Water and Wastewater

The landowner intends to serve the lots 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. 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.

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: C14-2011-0009

Contact: Sherri Sirwaitis, 512-974-3057

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

Wolfgang D. Davis

Your Name (please print)

1131 W. Lamar Blvd #11

Your address(es) affected by this application

OTVair

Signature

Date

Daytime Telephone: 512-785-9600

Comments:

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

City of Austin

Planning & Development Review Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

C4/13

☒ I am in favor
☐ I object

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Case Number: C14-2011-0009

Contact: Sherri Sirwaitis, 512-974-3057

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

Darenish Ddin

Your Name (please print)

11331 N Lamar Blvd.

Your address(es) affected by this application

[Signature]

Signature

13-30-2011

Date

Daytime Telephone: 512-767-8147

Comments:

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

City of Austin

Planning & Development Review Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

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14

PUBLIC HEARING INFORMATION

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Case Number: C14-2011-0009

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: Apr 5, 2011, Zoning and Platting Commission

May 5, 2011, City Council

Saleem Memon

Your Name (please print)

13051 - 500 Field Farms DR

Your address(es) affected by this application

M. S. Memon

Signature

03/30/11

Date

Daytime Telephone: 512-992-4645

Comments:

☒ I am in favor
☐ I object

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

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15

Walnut Creek Neighborhood Association, Inc.

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16

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

Subject: Zoning issue C14-2011-0009 – IQRA LLC

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 (ZAP) to **allow** the zoning change.

The neighborhood board met with the applicant representative, Mr Jim Wittliff, before the ZAP meeting where he presented reasons for the rezoning. The applicant had subdivided much of what was an Albertsons store into several small “storefront” shops which created a void in the back half of the building. Most of the retail storefront spaces had been leased under the LR zoning with good “neighborhood related” businesses. The applicant indicated he needed the GR zoning to allow a large restaurant (limited to 3,000 sf in LR), a meeting room and/or a business which required storage on the site. The board discussed our concerns and agreed on conditions limiting the GR zoning to half of the 50,000 sf. building footprint and the types of businesses allowed. We presented another condition limiting the zoning to 1/3 the building frontage but were told managing the condition was beyond purview of zoning enforcement.

The neighborhood feels the applicant has demonstrated good neighborhood awareness in the types of businesses already leased. The conditions we requested were to limit future owners, with less neighborhood concern, from allowing businesses that could bring down neighborhood values. At this time **the neighborhood consents to the GR zoning** presented from ZAP. The neighborhood plans to have representation at the Council meeting but does not plan to speak.

Thank you,



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