

ZONING CHANGE REVIEW SHEET

CASE: C14-2010-0200 (Lankford/Schirpik-5)

Z.A.P. DATE: February 1, 2011

March 15, 2011

May 10, 2011

May 24, 2011

ADDRESS: 13635 and 13641 Rutledge Spur

OWNER/APPLICANT: Janice Lankford, Frank Schirpik

AGENT: Jim Bennett Consulting (Jim Bennett)

ZONING FROM: I-RR

TO: CS-MU-CO*

AREA: 5.0 acres

*On February 18, 2011, the agent for this case added another property, 13641 Rutledge Spur, to the original 2.49 acre rezoning request. In addition, he amended his proposed rezoning from CS to CS-MU-CO. This case has been re-noticed because it now includes a larger area and because it was postponed indefinitely at Commission and City Council. This case will go before the Planning Commission because it is located within a Transit Oriented Development (TOD) District.

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to grant CS-MU-CO, General Commercial Services-Mixed Use-Conditional Overlay District, zoning. The conditional overlay will allow Construction Sales and Services as the only permitted 'CS' district use and allow for all other 'W/LO' district permitted uses and W/LO district site development standards. In addition, the CO will limit development intensity for the site to less than 2,000 vehicle trips per day.

In addition, the applicant will be required to dedicate 35-feet of right-of-way from the existing centerline of Rutledge Spur in accordance with the Transportation Criteria Manual. LDC, 25-6-55(b),(c) through a street deed prior to 3rd reading of this case at City Council.

PLANNING COMMISSION RECOMMENDATION:

5/10/11: Meeting cancelled due to Presidential visit. The cases on this agenda shall be re-noticed for the May 24, 2011 Planning Commission meeting.

5/24/11: Approved the staff's recommendation of CS-MU-CO zoning, with conditions, by consent (6-0, D. Anderson and D. Chimenti-absent); M. Dealey-1st, S. Kirk-2nd.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

2/01/11: Postponed to March 15, 2011 at the applicant's request (5-0, G. Bourgeios-absent); P. Seeger-1st, C. Banks-2nd.

3/15/11: Postponed indefinitely at the staff's request (6-0); D.Tiemann-1st, S. Baldrige-2nd.

DEPARTMENT COMMENTS:

The property in question is currently developed with a vacant single-family residence and a garden home (granny flat). The applicant is requesting CS-MU, General Commercial Services-Mixed Use, district zoning because they would like to redevelop the site with a construction sales and services business. The properties to the north contain large lot single-family residences. There is a construction sales and services use behind one of the residences adjacent to the Southern Pacific Railroad line. To the south and west the tracts of land are undeveloped. The property to the east is also undeveloped and is zoned for multi-family use with access only to F.M. 620.

The site under consideration is located within the Northwest Park and Ride Town Center Transit Oriented Development (TOD) District. This tract of land is in the transition zone, which is the area at the periphery of the TOD district. Development intensity is compatible with the existing or anticipated future development adjacent to the TOD district. A transition zone has the lowest density and building height in a TOD district. In a TOD district, the following uses are prohibited: automotive sales; automotive washing; basic industry; convenience storage; equipment repair services; equipment sales; recycling center; scrap and salvage services; vehicle storage and a use with a drive-in service is prohibited. In addition, an automotive repair services use, automotive rentals use, or commercial off-street parking use that would otherwise be a permitted use is a conditional use. Finally, a residential use is permitted above the first floor of a commercial building.

The land to the west of the site, across Rutledge Spur, is currently zoned for a Planned Unit Development (Hog Farm/Leander Rehabilitation Center PUD). This portion of the PUD is designated for CRE uses which allow for a variety of residential, civic, and commercial uses (Attachment B). The Leander Rehabilitation Center PUD has compatibility standards on the land use plan to maintain a reduction in height to a maximum of 40-feet to protect the existing single-family residences along the eastern side of Rutledge Spur Drive.

The staff is recommending CS-MU-CO zoning for this site, with W/LO district permitted uses and site development standards, because the site fronts onto a local roadway that is currently 18-feet wide and dead ends into the Southern Pacific Railroad line. The proposed zoning will create compatible re-development opportunities in this area because the Warehouse Limited Office district allows for office and warehouse uses that do not generate heavy traffic and require limited access. The properties to the east are zoned for multifamily development that will take access from FM 620. The tract of land to the west is part of the Leander Rehabilitation PUD and is designated for CRE uses which allow for a variety of residential, civic, and commercial uses. The staff is recommending the same CS-MU-CO zoning for the lots to the north of this site, which are located adjacent to the railway line, a City of Austin electric substation, and a limited warehouse and distribution business.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	I-RR	Vacant Single-Family Residence and Granny Flat
<i>North</i>	I-RR	Large Lot Single-Family Residences
<i>South</i>	I-RR, SF-2	Vacant (previously a Single-Family Residence), Shed
<i>East</i>	MF-3, GR-MU-CO	Undeveloped Tract, Multifamily (The Remington Apartments)
<i>West</i>	PUD	Undeveloped

AREA STUDY: N/A

TIA: Waived

WATERSHED: Lake Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

NEIGHBORHOOD ORGANIZATIONS:

Austin Monorail Project
Austin Parks Foundation
Davis Spring HOA
Davis Springs President
Home Builders Association of Greater Austin
Homeless Neighborhood Association

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2009-0110	GR-CO to GR	<p>12/15/09: Approved GR-CO zoning (Vote: 7-0, D. Tiemann-1st, P. Seeger-2nd), with following conditions: 1) No 24-hour uses; 2) Prohibit the following uses – Automotive Rentals, Automotive Repair Services, Automotive Sales, Bail Bond Services, Commercial Off-Street Parking, Drop-Off Recycling Collection Facility, Exterminating Services, Off-Site Accessory Parking, Pawn Shop Services, Personal Improvement Services, Congregate Living, Group Home, Class I (General), Group Home, Class I (Limited), Group Home (Class II), Guidance Services, Residential Treatment.</p> <p>01/19/10: Approved GR-CO zoning, with following conditions: 1) No 24-hour uses; 2) Prohibit the following uses – Automotive Sales, Bail Bond Services, Commercial Off-Street Parking, Drop-Off Recycling Collection Facility, Exterminating Services, Off-Site Accessory Parking, Pawn</p>	<p>2/25/10: Approved GR-CO zoning on consent (7-0); B. Spelman-1st, C. Riley-2nd.</p> <p>11/18/10: Approved GR-CO zoning with conditions on 2nd/3rd readings on consent (7-0); Cole-1st, Spelman-2nd.</p>

		Shop Services, Personal Improvement Services, Congregate Living, Group Home, Class I (General), Group Home, Class I (Limited), Group Home (Class II), Residential Treatment and encourage the neighborhood and the applicant to enter into a private restrictive covenant before 3 rd reading of the case at City Council that will limit the type of Automotive Rental and Automotive Repair uses allowed on the site (Vote: 5-2, D. Tiemann. T. Rabago-No; S. Baldrige-1 st , P. Seeger-2 nd).	
C14-02-0160	I-SF-2 to GR	11/12/02: Approved staff's recommendation of GR-CO zoning with additional conditions (as agreed to by the Neighborhood and the Applicant) prohibiting the following uses: Automotive Rentals, Automotive Repair Services, Automotive Washing (of any type), Consumer Convenience Services, Drop-Off Recycling Collection Facility, Off-Site Accessory Parking, Outdoor Entertainment, Outdoor Sports and Recreation, Pawn Shops, Custom Manufacturing, Urban Farm, Club or Lodge, Community Recreation (Private), Community Recreation (Public), Congregate Living, Cultural Services, Guidance Services, Residential Treatment, Telecommunication Towers; by consent (6-0, A. Adams, J. Gohil-absent); J.Martinez-1 st , D. Castaneda-2 nd .	12/12/02: Granted GR-CO – Subject to dedication of 75 feet of ROW and resolution of the 200 feet of ROW reservation from the future center line of FM-620 (7-0); 1 st reading. 12/12/03: Administrative- Case expired per Section 25-2-249(B), no 3 rd reading occurred.
C14-01-0161	SF-2 to GR	12/11/01: Approved NO-CO w/ conditions (8-0)	2/7/02: Approved GR-CO w/ conditions agreed to between Neighborhood & Applicant (5-0); 1 st reading 4/25/02: Approved ZAP rec. of

			NO-CO w/ changes in conditions (7-0); 2 nd reading only 5/23/02: Approved NO-CO (7-0); 3 rd reading
C14-99-0090	R&D to LI	7/27/99: Approved IP (TR1), IP-CO (TR2) (6-0-1)	8/26/99: Approved PC rec. of IP (TR1) and IP-CO w/ conditions (TR2) (7-0); 1 st reading 9/30/99: Approved 2 nd /3 rd readings (7-0)
C14-98-0251	I-RR, DR to MF-3, GR	4/13/99: Approved MF-3 w/ conditions & RC (7-0)	12/9/99: Approved PC rec. of MF-3 w/ conditions (7-0); 1 st reading 6/29/00: Approved 2 nd /3 rd readings (7-0)
C14-98-0237	I-RR to MF-3	Approved staff's rec. of MF-3-CO, ROW dedication required (9-0)	Approved PC rec. of MF-3-CO w/ conditions (7-0); 1 st reading Approved MF-3-CO w/ conditions (6-0); deleted parkland dedication requirement; 2 nd /3 rd readings
C814-97-0001.07 (Leander Rehabilitation PUD Amendment #8)	PUD to PUD: The applicant is requesting to amend the Leander Rehabilitation Planned Unit Development (PUD) to revise the Land Use Plan (Exhibit A) and the Development Standards Table (Exhibit E) in the State of Texas Special Board Orders to include additional notes to clarify conditions to permit the following: 1) Modification of the Development Standards Table (shown in this proposed amendment as Exhibit E.3) to allow for an increase in impervious cover of up to 85% for parcels CRE-6, CRE-7, CRE-14 (except for the portion of CRE-14 located at the southeastern corner of	2/10/09: Approved staff's recommendation for PUD zoning on the consent (9-0); J. Reddy-1st, M. Dealey-2 nd .	2/12/09: Approved PUD district zoning to change a condition of zoning was approved on consent on 1 st reading (7-0); Martinez-1 st , Wynn-2 nd 4/02/09: Approved PUD zoning with the following amendment on consent on Mayor Pro Tem McCracken's motion, Council Member Cole's second on a 7-0 vote. The amendment was as follows: Part 4 A 2) should read: "to allow impervious cover to be increased to (i) 85% for Parcels CRE-6, CRE-7, CRE-14 (save and except the area located at southeastern corner of Lago Drive and Arbor Way), and CRE-15; and (ii) 75% for Parcels ECO-3, CRE-8, CRE-9, CO-1, COR, COR-4, and the portion of CRE-14 located at the southeastern corner of Lago Drive and Arborway, if the mitigation standards are met as set forth in Exhibit E-3A."

	<p>Lago Drive and Arbor Way) and CRE-15.</p> <p>2) Modification of the Development Standards Table (shown in this proposed amendment as Exhibit E.3) to allow for an increase in impervious cover of up to 75% for parcels ECO-3, CRE-8, CRE-9, COR-1, COR-2 and COR-4.</p> <p>3) Modification of Section 14(A) of the Order and of the Land Use Plan (Exhibit A) to eliminate the 35-foot OSE (Open Space Easement) area along portions of Lyndhurst Drive, Lakeline Mall Boulevard, and Lago Drive to allow buildings to be located closer to those streets.</p> <p>4) Modification of the Land Use Plan set forth on Exhibit A in the Order to eliminate the "Compatibility Height and Setbacks" along Rutledge Spur, if and only if the property adjacent to parcels CRE-8 and CRE-9 along Rutledge Spur should ever be used for any use other than single-family residential use.</p>		
C14-96-0101	<p>TR1: GO, LR to GR</p> <p>TR2: LR-LO to MF-3-CO</p> <p>TR3: DR to GR</p>	<p>Approved staff's alternate rec. of GR (TR 1&3), Mf-3-CO (TR2), RR (9-0)</p>	<p>Approved PC rec. of GR (1&3); MF-3-CO (portion of TR2); RR (balance of TR2) w/conditions (6-0); all 3 readings</p>
C14-95-0164	<p>LR to CS-1</p>	<p>1/16/96: Approved GR-CO for entire tract, excluding recommended CS-1-CO, and resolve with property owner a</p>	<p>3/07/96: Approved GR-CO subject to conditions (4-0); 1st reading</p>

		voluntary set of development standards for area not within City limits (5-2-1)	4/25/96: Approved GR-CO (TR1) and CS-1-CO (TR2) subject to conditions (5-0); 2 nd /3 rd readings
C14-95-0163	GR-CO to CS-1	12/12/95: Approved GR-CO & RR w/ conditions (8-0)	3/07/96: Approved GR-CO subject to conditions (4-0); 1 st reading 4/25/96: Approved GR-CO (TR1); RR (TR2) w/ additional conditions (5-0); 2 nd / 3 rd readings

RELATED CASES: C14-2011-0022 (Adjacent Zoning Case)

ABUTTING STREETS:

Name	ROW	Pavement	Class	Sidewalk?	Bus Route?	Bike Route?
Rutledge Spur	55	18	Local	No	No	No

CITY COUNCIL DATE: February 17, 2011

ACTION: Postponed on consent to April 7, 2011 at the applicant's request (7-0); B. Spelman-1st, L. Morrison-2nd.

April 7, 2011

ACTION: Postponed indefinitely on consent at the staff's request (6-0, Martinez-off dais)

June 9, 2011

ACTION:

ORDINANCE READINGS: 1st

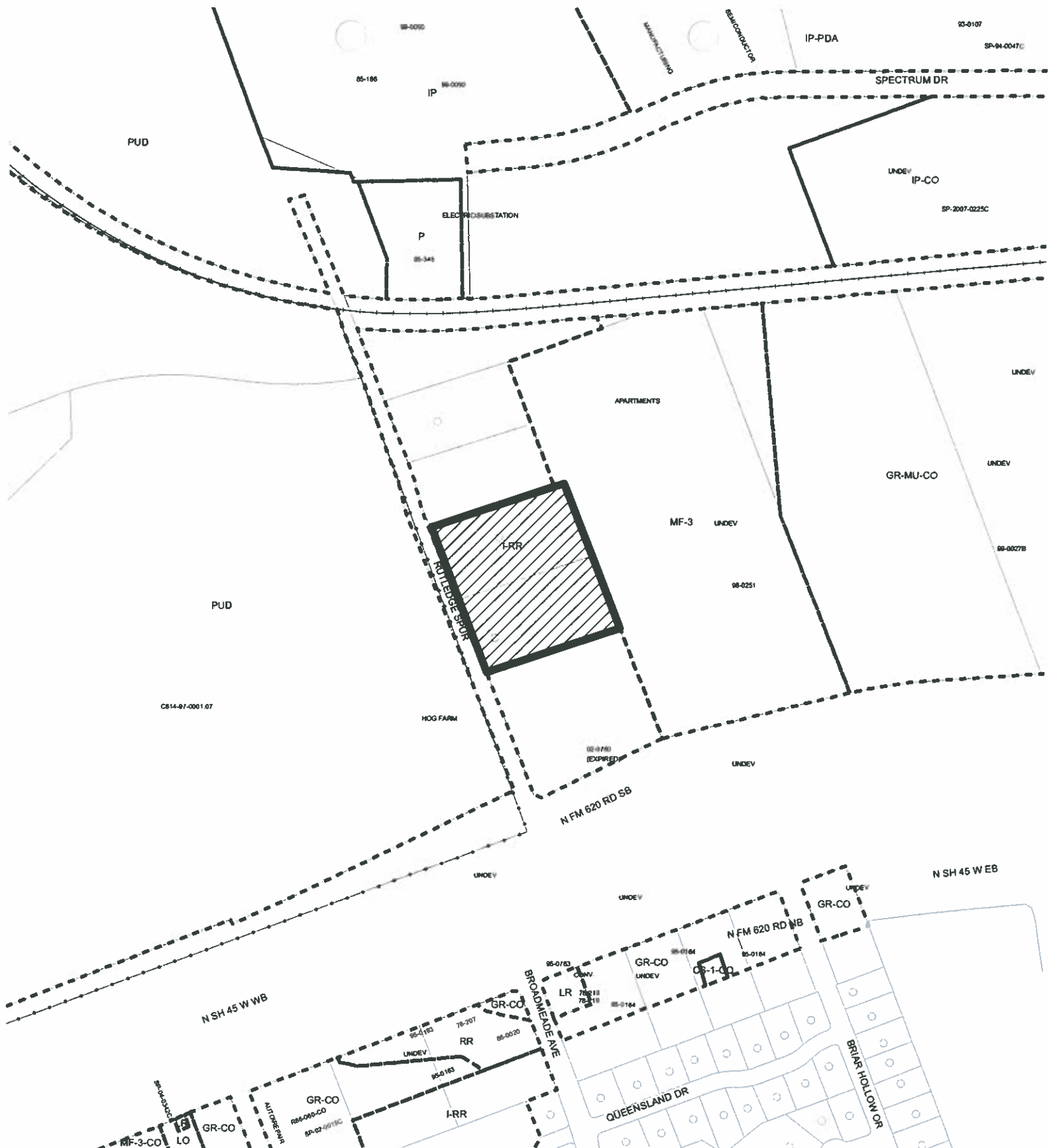
2nd

3rd

ORDINANCE NUMBER:




CASE MANAGER: Sherri Sirwaitis

PHONE: 974-3057,
sherri.sirwaitis@ci.austin.tx.us



ZONING



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

ZONING CASE#: C14-2010-0200
 LOCATION: 13635 RUTLEDGE SPUR
 SUBJECT AREA: 5.00 ACRES
 GRID: G40
 MANAGER: SHERRI SIRWAITIS



1"= 400'

This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.





STAFF RECOMMENDATION

The staff's recommendation is to grant CS-MU-CO, General Commercial Services-Mixed Use-Conditional Overlay District, zoning. The conditional overlay will allow Construction Sales and Services as the only permitted 'CS' district use and allow for all other 'W/LO' district permitted uses and W/LO district site development standards. In addition, the CO will limit development intensity for the site to less than 2,000 vehicle trips per day.

In addition, the applicant will be required to dedicate 35-feet of right-of-way from the existing centerline of Rutledge Spur in accordance with the Transportation Criteria Manual. LDC, 25-6-55(b),(c) through a street deed prior to 3rd reading of this case at City Council.

BASIS FOR RECOMMENDATION

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

Warehouse/limited office (W/LO) district is the designation for an office or warehouse use for a building trade or other business that does not require a highly visible location or generate substantial volumes of heavy truck traffic, that generates low or moderate vehicular trips, and that requires less access than a retail use. A W/LO district use may require special measures to be compatible with adjacent uses. A W/LO district use may be located on a site that is adjacent to or near an arterial or major nonresidential collector street, adjacent to a rail line, or near existing or proposed employment uses. A W/LO district use may also be located on a site that functions as a transition between commercial and industrial uses. A W/LO district use may be located adjacent to a residential use only if the density of the residential development is higher than a typical single-family density or if the physical conditions of the site allow for buffering and project design to mitigate potential adverse effects.

The purpose of a mixed use (MU) combining district is to allow office, retail, commercial, and residential uses to be combined in a single development.

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

The CS-MU-CO zoning district would be consistent with the surrounding uses because the staff's recommendation will allow Construction Sales and Services as the only permitted 'CS' district use and will limit the site to all other W/LO district permitted uses and site development standards. The W/LO, Warehouse Limited Office, district will be compatible with the existing development in this area because this district allows for office and warehouse uses that do not generate heavy traffic and require limited access. The property in question is located on a local roadway that dead ends into a Southern Pacific railroad line. The staff is recommending the same zoning for the lots to the north of this site, which are located adjacent to the railway line, a City of Austin electric substation, and a limited warehouse and distribution business. The properties to the east are zoned for multifamily development that will take access from FM 620 and the tract of land to the west is part of the Leander Rehabilitation PUD and is designated for CRE uses which allow for a variety of residential, civic, and commercial uses.

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

CS-MU-CO zoning would allow for a fair and reasonable use of this property because the site is adequate in size to be redeveloped to allow for a mixture of commercial, office and residential uses.

EXISTING CONDITIONS

Site Characteristics

The site currently contains a vacant single-family residence with a granny flat. The property to the north is developed with large lot single-family residences. To the south, there is a vacant shed and undeveloped land at the northeast corner of Rutledge Spur and FM 620 North. The tracts of land to the east and to the west, across Rutledge Spur, are also undeveloped.

Environmental

The site is located over the North Edwards Aquifer Recharge Zone. It is in the Desired Development Zone. The site is in the Lake Creek Watershed, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code.

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.

Numerous 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.

Impervious Cover

The maximum impervious cover allowed by the CS zoning district would be 95%. 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>% NSA with Transfers</i>
Single-Family Residential (min. lot size 5750 sq. ft.)	45%	50%
One or Two Family Residential (lot size < 5750 sq. ft.)	55%	60%
Multifamily Residential	60%	65%

Commercial	65%	70%
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In the Water Quality Transition Zones, impervious cover is limited to 30%.

Site Plan Comments

This site is within the NW Park & Ride TOD overlay.

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.

Transportation

Dedicate 35 feet of right-of-way from the existing centerline of Rutledge Spur in accordance with the Transportation Criteria Manual. LDC, 25-6-55(b),(c). Provide a street deed showing right-of-way to be dedicated. Field notes must be verified before the deed is recorded.

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]

Existing Street Characteristics:

Name	ROW	Pavement	Class	Sidewalk?	Bus Route?	Bike Route?
Rutledge Spur	55	18	Local	No	No	No

Water and Wastewater

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. 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: C14-2010-0200

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: May 24, 2011, Planning Commission

June 9, 2011, City Council

Koontz McCombs, Ltd.
Your Name (please print)

155 E Mulberry Ste 100
Your address(es) affected by this application

San Antonio, TX

78212

[Signature]
Signature

Date

Daytime Telephone: 210-841-9220

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