

## SECOND/THIRD READINGS SUMMARY SHEET

ZONING CASE NUMBER: C14-2011-0080 Gyro Plus, L.L.C.

REQUEST: Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code rezoning the property locally known as 5106 Nixon Lane (Walnut Creek Watershed) from Single Family Residence, Standard Lot & Neighborhood Commercial, Conditional Overlay (SF-2 & LR-CO) combining district zoning to Community Commercial, Conditional Overlay (GR-CO) combining district zoning.

DEPARTMENT COMMENTS:

The conditions imposed by City Council on 1<sup>st</sup> reading have been incorporated into the ordinance and attachments.

APPLICANT/AGENT: Gyro Plus, L.L.C. (Mohammad Arami)

DATE OF FIRST READING: October 20th, 2011

The public hearing was conducted and the motion to close the public hearing and adopt the first reading of the ordinance for community commercial, conditional overlay, (GR-CO) combining district zoning was approved on consent on Council Member Spelman's motion, Council Member Martinez' second on a 6-0 vote.

CITY COUNCIL HEARING DATE:

December 8th, 2011

CITY COUNCIL ACTION:

ORDINANCE NUMBER:

ASSIGNED STAFF: Clark Patterson

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2011-0080 Gyro Plus, L.L.C.

**Z. P. C. DATE:** 09/20/11

**ADDRESS:** 5106 Nixon Lane

**AREA:** 4.68

**APPLICANT/AGENT:** Gyro Plus, L.L.C. (Mohammad Arami)

**NEIGHBORHOOD PLAN AREA:** N/A

**CAPITOL VIEW:** No

**T.I.A.:** No

**HILL COUNTRY ROADWAY:** No

**WATERSHEDS:** Walnut Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**ZONING FROM:** SF-2, Single Family Residence, Standard Lot & LR-CO, Neighborhood Commercial, Conditional Overlay

**ZONING TO:** GR, Community Commercial

### **SUMMARY STAFF RECOMMENDATION:**

Staff recommends approval of GR-CO, Community Commercial, Conditional Overlay. The Conditional Overlay would limit vehicle trips to 2,000 per day. In addition, if the requested zoning is granted for this site, then up to 70 feet of right-of-way from the existing centerline should be dedicated for FM 969 and up to 45 feet of right-of-way should be dedicated from the centerline of Nixon Lane in accordance with the Transportation Criteria Manual.

### **ZONING AND PLATTING COMMISSION RECOMMENDATION:**

The motion to approve staff's recommendation for GR-CO district zoning, was approved on the consent agenda by Commissioner Patricia Seeger's motion, Commissioner Gregory Bourgeois seconded the motion on a vote of 6-0; 1 vacancy on the commission.

### **DEPARTMENT COMMENTS:**

This tract of land is currently developed with a small single family dwelling on Nixon Lane and the rest of the property is undeveloped. There was a zone change request in 1982 to change the zoning on the property from SF-2 to Light Industrial. This zone change request was withdrawn by the applicant. The Northeast corner one acre of this property was rezoned to Neighborhood Commercial – Conditional Overlay (LR-CO) with case number C14-00-0145. There was site plan submitted for the corner one acre of LR for a convenience store under case number SPC-04-0041C which was approved but construction never started. The applicant is now requesting Community Commercial (GR) for the four and one half acre tract. This tract of land fronts on a major thoroughfare, FM 969 and is at an intersection of Nixon Lane. The subject property has a five acre tract of General Commercial Services to the south and the tract of land to the South of the CS tract is zoned Limited Industrial Services.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
Site	SF-2, LR-CO	Single Family Residential/Undeveloped
North	LR, SF-2	Convenience Store/Single Family Residential
South	CS	Warehouse/Undeveloped
East	LR, SF-2	Convenience Store/Single Family Residential
West	SF-2	Undeveloped

**CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>CITY COUNCIL</b>
C14-00-2154	SF-2 to LR-CO	Approved LR-CO [Vote: 7-0]	Approved LR-CO [Vote: 7-0]

**BASIS FOR RECOMMENDATION:**

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

Community commercial (GR) 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.

**NEIGHBORHOOD ORGANIZATION:**

- Homeless Neighborhood Association
- Austin Neighborhoods Council
- Del Valle Community Coalition
- FRS Property Owners Assoc.

**SCHOOLS:**

- Oak Meadows Elementary School
- Gus Garcia Middle School
- East Side Memorial High School

**SITE PLAN:**

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

SP 2. The site is subject to compatibility standards. Along all property lines adjacent to single family, the following standards will apply with any future development:

- 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 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.
- Additional design regulations will be enforced at the time a site plan is submitted.

### **ENVIRONMENTAL:**

1. 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. 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%

2. According to flood plain maps, there is a floodplain within the project boundary. Based upon the close proximity of flood plain, offsite drainage should be calculated to determine the exact location of the boundaries. No development is permitted in the Critical Water Quality Zone, while impervious cover is limited to 30% in the Water Quality Transition Zone.
3. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
4. 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.
5. 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.

6. 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:**

- TR1: The Austin Metropolitan Area Transportation Plan calls for 140 feet of right-of-way for FM 969. If the requested zoning is granted for this site, then 70 feet of right-of-way from the existing centerline should be dedicated for FM 969 in accordance with the Austin Metropolitan Area Transportation Plan. [LDC, Sec. 25-6-51 and 25-6-55].
- TR2: If the requested zoning is recommended for this site, 45 feet of right-of-way should be dedicated from the centerline of Nixon Lane in accordance with the Transportation Criteria Manual, in order to accommodate traffic anticipated to be generated by this site. LDC, 25-6-55; TCM, Tables 1-7, 1-12.
- TR3: A traffic impact analysis was waived for this case because the applicant has 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].
- TR4: FM 969 is classified in the Bicycle Plan as Bike Route No. 44. Sendero Hills Parkway is classified in the Bicycle Plan as Bike Route No. 367.
- TR5: Capital Metro bus service, Route No. 23 (weekend), is available along FM 969.
- TR6: There are no existing sidewalks along FM 969 and Nixon Lane. There are existing sidewalks along Sendero Hills Parkway.
- TR7: Existing Street Characteristics:

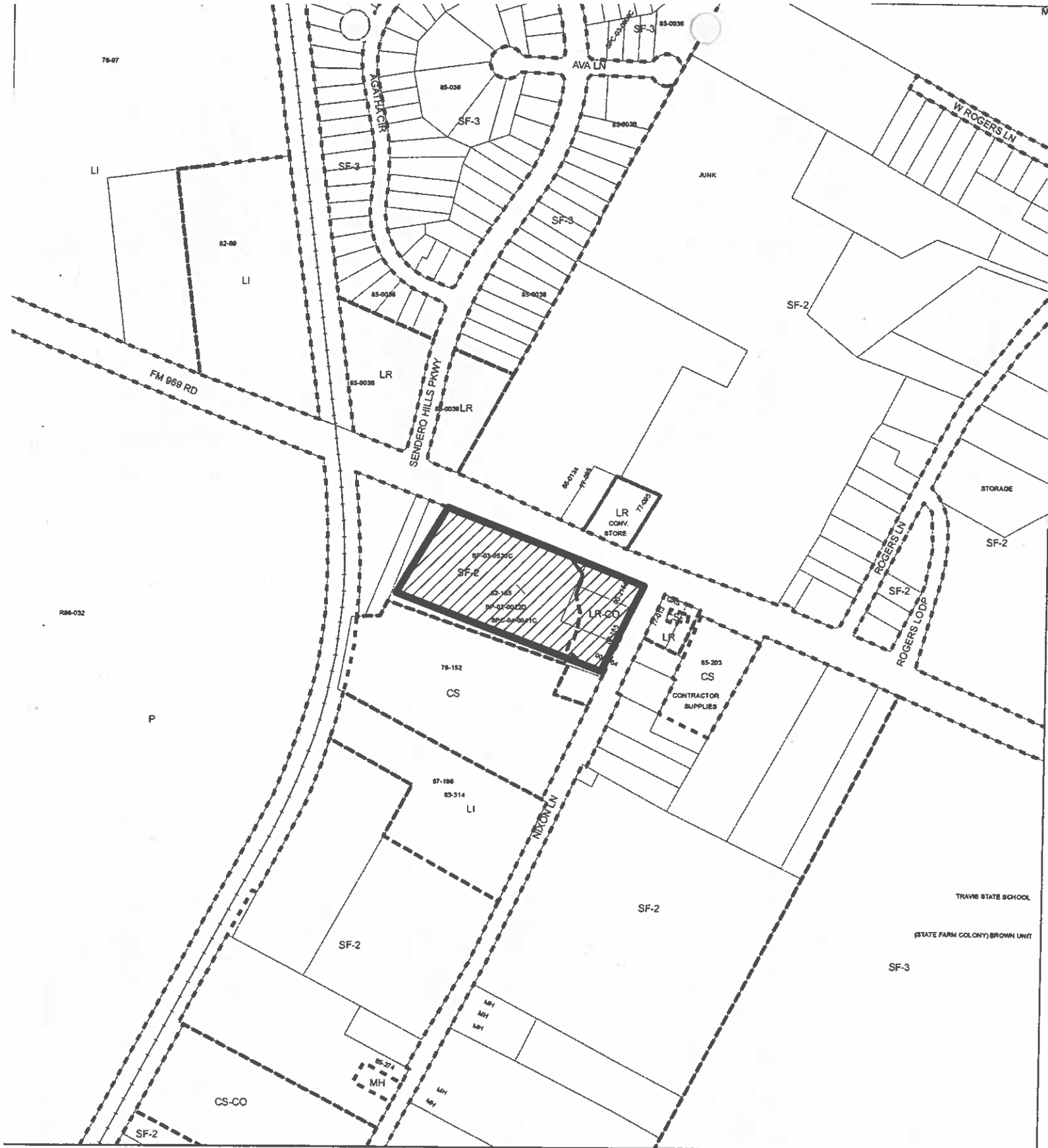
Name	ROW	Pavement	Classification	ADT
FM 969	Varies	MAU4	Major Arterial	25,000
Nixon Lane	Varies	22'	Collector	N/A
Sendero Hills Pkwy.	70'	44'	Collector	N/A

**CITY COUNCIL DATE:** October 20th, 2011





**ACTION:**

**ORDINANCE READINGS:** 1ST                      2ND                      3RD                      **ORDINANCE NUMBER:**

**CASE MANAGER:** Clark Patterson [Clark.patterson@ci.austin.tx.us](mailto:Clark.patterson@ci.austin.tx.us) **PHONE:** 974-7691



# **ZONING**

-  N
-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

ZONING CASE#: C14-2011-0080  
 LOCATION: 5106 NIXON LN  
 SUBJECT AREA: 4.68 ACRES  
 GRID: N23, P23  
 MANAGER: JERRY RUSTHOVEN



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.



SUBJECT TRACT

FM 969 RD

SENDERO HILLS PKWY

LR 88-0015

LR

CONTRACTOR SUPPLIES

SF-2

SF-3

78-197

87-198

63-914

LI

CS

CONTRACTOR SUPPLIES

SF

WYOMING LN



**ORDINANCE NO. 001012-60**

**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 25-2 OF THE CITY CODE AS FOLLOWS:**

**A 1.08 ACRE TRACT OF LAND OUT OF 4.6821 ACRE TRACT, MORE OR LESS, DESCRIBED IN A DEED, FROM SINGLE FAMILY RESIDENCE STANDARD LOT (SF-2) DISTRICT TO NEIGHBORHOOD COMMERCIAL-CONDITIONAL OVERLAY (LR-CO) COMBINING DISTRICT, LOCALLY KNOWN AS 5106 NIXON LANE, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS.**

**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 single family residence standard lot (SF-2) district to neighborhood commercial-conditional overlay (LR-CO) combining district on the property described in File C14-00-2154, as follows:

A 1.08 acre tract of land out of a 4.6821 acre tract of land, more or less, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance, (the "Property")

locally known as 5106 Nixon 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:

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 neighborhood commercial (LR) base district and other applicable requirements of the City Code.

**PART 3.** The Council waives the requirements of Section 2-2-3, 2-2-5, and 2-2-7 of the City Code for this ordinance.



**PART 4.** This ordinance takes effect on October 23, 2000.

**PASSED AND APPROVED**

October 12, 2000

§  
§  
§

*Kirk Watson*

Kirk Watson  
Mayor

**APPROVED:**

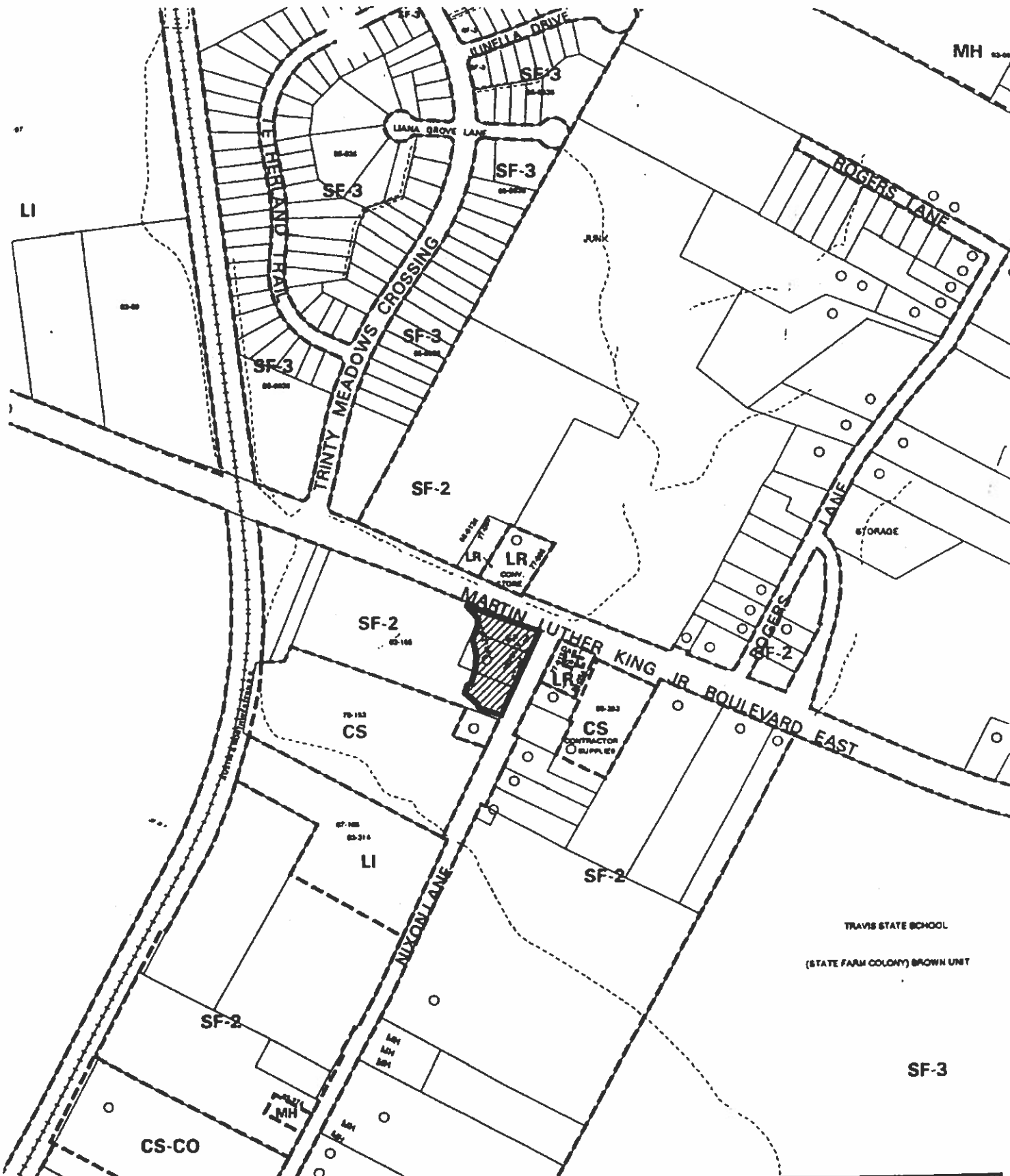
*Andrew Martin*





Andrew Martin  
City Attorney

**ATTEST:**

*Shirley A. Brown*

Shirley A. Brown  
City Clerk



 1" = 400'	SUBJECT TRACT PENDING CASE ZONING BOUNDARY CASE MGR: KLARSEN	  	<b>ZONING</b> <i>EXHIBIT B</i> <b>CASE #:</b> C14-00-2154 <b>ADDRESS:</b> 5106 NIXON LANE <b>SUBJECT AREA (acres):</b> 1.080	<b>DATE:</b> 00-08 <b>INTLS:</b> BR	<b>CITY GRID REFERENCE NUMBER</b> P23
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9						
8						
6		ISSUED FOR APPROVAL		04/23/98		
5		ISSUED FOR APPROVAL		05/27/98		
4		ISSUED FOR APPROVAL		07/29/98		
3		ISSUED FOR APPROVAL		08/19/98		
2		ISSUED FOR APPROVAL		09/15/98		
1		ISSUED FOR APPROVAL		09/15/98		
0		ISSUED FOR APPROVAL		09/15/98		
Review:		Description	Date	Drops		

## 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](http://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: C14-2011-0080

Contact: Clark Patterson, (512) 974-7691

Public Hearing: Sep 20, 2011, Zoning and Platting Commission

Oct 20, 2011, City Council

Janet Clause  
Your Name (please print)

☒ I am in favor  
☐ I object

7901 Elm 969 Austin 78724  
Your address(es) affected by this application

Janet Clause  
Signature

10-3-11  
Date

Daytime Telephone: (512) 589 2020

Comments: No Arami has done  
a lot of good for our  
neighborhood

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

City of Austin  
Planning & Development Review Department  
Clark Patterson  
P. O. Box 1088  
Austin, TX 78767-8810