

ZONING CHANGE REVIEW SHEET

CASE: C14-2012-0049

P.C. DATE: July 24, 2012

2104 W. Ben White Zoning Change

ADDRESS: 2104 W. Ben White Blvd. WB

AREA: 0.18 acres

OWNER/AGENT: Curtis & Terry Sutherland (Robert Fien)

FROM: SF-3 **TO:** LR

NEIGHBORHOOD PLAN AREA: South Lamar

TIA: Is not required

WATERSHED: Williamson Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

SUMMARY STAFF RECOMMENDATION:

Staff recommendation is to grant neighborhood commercial-mixed use (LR-MU) combining district. The applicant supports the LR-MU recommendation as well. The South Lamar Neighborhood Plan has not been adopted/approved by City Council, so there is no FLUM.

PLANNING COMMISSION RECOMMENDATION:

July 24, 2012: *TO GRANT LR-MU AS RECOMMENDED BY STAFF. MOTION BY KIRK, 2ND BY STEVENS. (7-0-1-1)(HATFIELD ABSENT, 1 VACANCY).*

DEPARTMENT COMMENTS:

The subject property is located along the westbound frontage road of Ben White, between Victory Drive and Manchaca Road. There are nine similar properties to the west and east of the subject property along this Ben White frontage. Of these nine, three are former residences that have been rezoned to LO-CO or LO-MU in recent years, and converted to commercial uses. Six lots (including the subject property) remain SF-3 zoned properties used as residences. Immediately west of the subject property is a residence that is zoned SF-3, and immediately east of the subject property is a residential structure that has been converted to commercial use, and is zoned LO-MU. Properties to the north are zoned SF-3 and are used as residences. Please refer to Exhibits A and B (Zoning Map and Aerial View).

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	SF-3	Single family residence
North	SF-3	Single family residences
South	N/A	Ben White Boulevard
East	LO-MU, SF-3, CS, CS-1	Personal services, residences, professional office, limited retail, restaurant
West	SF-3	Single family residences, office, medical office

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2008-0185 2110 W. Ben White	SF-3 to LO	To approve LO-CO (10/14/08)	To approve LO-CO (11/20/08)
C14-2008-0096 2102 W. Ben White	SF-3 to LO-MU	To approve LO-MU (06/24/08)	To approve LO-MU (07/24/08)
C14-2007-0051 2028 W. Ben White	SF-3 to GO	To approve LO-MU (6/12/07)	To approve LO-MU (7/26/07)
C14-04-0154 2110 W. Ben White	SF-3 to LO-MU	To deny LO-MU. Recommendation to grant NO-MU with prohibited professional office use. (11/02/04)	Case withdrawn before first reading at Council.

ABUTTING STREETS:

Name	ROW	Pavement	Class	Sidewalk	Bus Route	Bike Route
Ben White Blvd. WB	335'	335'	Arterial	Yes	335'	Priority 2 Route

NEIGHBORHOOD ORGANIZATIONS:

Austin Neighborhoods Council
 South Central Coalition
 Onion Creek Homeowners Association

SCHOOLS:

Joslin Elementary School Covington Middle School Crockett High School

CITY COUNCIL DATE: August 16, 2012: *GRANT APPLICANT'S REQUEST FOR POSTPONEMENT TO NOVEMBER 8, 2012, (6-0) MORRISON, COLE 2ND; SPELMAN-ABSENT.*

November 8, 2012: *GRANT APPLICANT'S REQUEST FOR POSTPONEMENT TO DECEMBER 13, 2012, (6-0) MORRISON, MARTINEZ 2ND; COLE-OFF THE DIAS.*

ACTION:

ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

CASE MANAGER: Heather Chaffin
 e-mail: heather.chaffin@austintexas.gov

PHONE: 974-2122

SUMMARY STAFF RECOMMENDATION:**BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)**

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

Staff supports the request for LR- neighborhood commercial zoning because it is the lowest intensity zoning category that permits the applicant's proposed use (general retail sales-convenience).

2. *Zoning should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character.*

This block of residences that face the Ben White access road and US 290 elevated highway are a transitional area from residential to commercial. The construction of a major arterial in front of these properties has drastically altered the nature of their character, and low intensity office and commercial land uses are a viable and appropriate option for these properties. Compatibility standards will further ensure that residences to the north are not adversely impacted.

Site Plan:

SP 1. The site is subject to compatibility standards. Along the north and western property lines, the following standards apply:

- No structure may be built within 25 feet of these property lines.
- 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.

SP 2. 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 3. FYI - This site is located in the South Lamar Neighborhood Planning area. Please visit <http://www.ci.austin.tx.us/zoning/slcnpa.htm> to be aware of the status of the neighborhood plan.

Transportation:

TR1. The Austin Metropolitan Area Transportation Plan calls for 400 feet of right-of-way for Ben White Boulevard. If the requested zoning is granted for this site, then 200 feet of

right-of-way from the existing centerline should be dedicated for Ben White Boulevard according to the Transportation Plan. [LDC, Sec. 25-6-51 and 25-6-55] – *Waiver approved by Gary Morris of TxDOT, June 6, 2012.*

TR2. A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]

TR3. Existing Street Characteristics:

TR4. There are existing sidewalks along both sides of Ben White Boulevard.

TR5. Ben White Boulevard is classified in the Bicycle Plan as a Priority 2 bike route.

TR6. Capital Metro bus service (Route 328) is available along Ben White Boulevard.

TR7. Additional comments may be provided when more complete information is obtained.

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 Williamson 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:

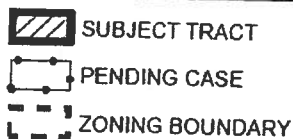
<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

2. According to flood plain maps there is no flood plain within or adjacent to the project boundary.
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. 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.

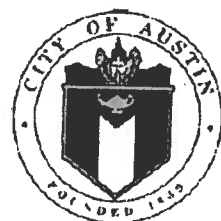
Water/Wastewater:

WW1. 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. The water and wastewater utility plan 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.



ZONING
ZONING CASE#: C14-2012-0049

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



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.austintexas.gov

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: C14-2012-0049

Contact: Heather Chaffin, 512-974-2122

Public Hearing: Jul 24, 2012, Planning Commission
Aug 16, 2012, City Council

William Keith Elvass, AM

Your Name (please print)

2102 East View Road 78104

Your address(es) affected by this application

☐ I am in favor
☒ I object

Signature

Daytime Telephone: 512-796-2520

Date

Comments:

Phase see Attached
Memo.

Property should be rezoned
LD-MU to match abutting
property...

ADT LP1

Thank you

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

City of Austin

Planning & Development Review Department

Heather Chaffin

P. O. Box 1088

Austin, TX 78767-8810

received 7-20-2012



MEMORANDUM

TO: Mayor and Council

FROM: Greg Guernsey, Director
Planning and Development Review Department

DATE: November 8, 2012

RE: **2104 Ben White Zoning Change – C14-2012-0049**
Postponement Request by Applicant

The applicant is requesting a postponement of the above-referenced zoning case from November 8, 2012, to December 13, 2012. The Council postponement would allow the applicant to address necessary financial issues.

The postponement request was made in a timely manner and meets the City Council's policy.

Greg Guernsey, Director
Planning and Development Review Department

- x. Marc A. Ott, City Manager
Sue Edwards, Assistant City Manager



MEMORANDUM

TO: Mayor and Council

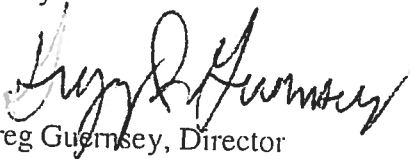
FROM: Greg Guernsey, Director
Planning and Development Review Department

DATE: August 6, 2012

RE: **2104 W. Ben White Zoning Change – C14-2012-0049**
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Sue Edwards, Assistant City Manager