ZONING CHANGE REVIEW SHEET

CASE: C14-2012-0101 (9310 Georgian Drive) **P.C. DATE:** October 23, 2012

ADDRESS: 9310 Georgian Drive

OWNER/APPLICANT: Amir Hossein Batoeinng

ZONING FROM: SF-3-NP **TO:** LR-MU-NP **AREA:** 0.3887 acres

SUMMARY STAFF RECOMMENDATION:

The staff recommends LO-MU-CO-NP, Limited Office-Mixed Use-Conditional Overlay-Neighborhood Plan Combining District, zoning. The conditional overlay would limit development on the property to less than 500 vehicle trips per day.

PLANNING COMMISSION RECOMMENDATION:

10/23/12: Approved LR-MU-CO-NP zoning with the following conditions: 1) Limit development on the property to less than 500 vehicle trips per day, 2) Prohibit Residential Treatment and Service Station uses, 3) Prohibit Drive-In Services (8-0, R. Hatfield-absent); J. Stevens-1st, D. Chimenti-2nd.

DEPARTMENT COMMENTS:

The property in question is currently developed with a single family residential structure that is for sale. There is a religious assembly use (Seventh-Day Adventist Church) to the north across Rundberg Lane. To the south, there is a vacant lot and single-family residential homes. The properties to the east, across Georgian Drive, front onto Rundberg Lane and are developed with personal services and office uses. There are single-family residential homes and a school (Barrington Elementary School) to the west. The applicant is requesting LR-MU-NP zoning for this lot because they would like to redevelop the site with commercial retail uses.

The staff is recommending LO-MU-CO-NP zoning at this location because the property meets the intent of the Limited Office-Mixed Use district as this lot fronts onto a residential street and is located within an existing single-family residential neighborhood. The proposed zoning will promote consistency and orderly planning because it will create a transition in allowable uses from the Rundberg Lane to the single-family residential neighborhood to the south. LO-MU-CO-NP zoning will permit the applicant to redevelop this site with low intensity office, commercial, civic and residential uses that will serve the surrounding residential areas.

The proposed zoning is not consistent with the current single-family land use designation on the future land use map for the Georgian Acres Neighborhood Planning Area (Please see North Lamar Combined NP FLUM – Attachment A). The neighborhood planning staff has agreed to support the applicant's request for Neighborhood Mixed Use FLUM change for this location (Please see case NPA-2012-0026.02). This future land use map designation would permit the LO-MU-CO-NP zoning district.

The applicant agrees with the Planning Commission's recommendation.

ISSUES:

The North Lamar Combined Neighborhood Plan contact team met with Mr. Batoeinng on October 8, 2012. The contact team voted to support the applicant's request for the future land use designation change to Neighborhood Mixed Use and for a zoning change to LR-MU-NP, with the following conditions:

1) Limit the trips on the site to 500 per day.
2) The site plan for the property shall include a vehicle entrance from Rundberg Lane (this cannot be a requirement made by the City).
3) Prohibit the following uses on the site: Residential Treatment, Telecommunication Tower (this use cannot be prohibited by the City because of federal regulations–this use is limited through the City's Telecommunication Tower ordinance) and Service Station.
4) Drive-In Services

Please see the letter from Lisa Hinely, Chair of the North Lamar Combined Neighborhood Plan contact team as Attachment B.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	SF-3-NP	Single-Family Residence
North	LR-NP, LR-V-NP	Religious Assembly (Seventh-Day Adventist Church)
South	SF-3-NP	Undeveloped/Vacant Lot, Single-Family Residences
East	LR-MU-V-NP	Personal Services (Psychic Readings), Office (S & T Duran Insurance)
West	SF-3-NP	Single-Family Residences, School (Barrington Elementary School)

AREA STUDY: North Lamar Planning Area

TIA: Waived

WATERSHED: Little Walnut Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

NEIGHBORHOOD ORGANIZATIONS:

Austin Heritage Tree Foundation
Austin Independent School District
Austin Monorail Project
Austin Northwest Association
Georgian Manor Neighborhood Association
Home Builders Association of Greater Austin
Homeless Neighborhood Association
League of Bicycling Voters
North Creek and Georgian Acres Neighborhood Association
North Growth Corridor Alliance
North Lamar Combined Neighborhood Plan Contact Team
SELTEXAS
Sierra Club, Austin Regional Group
Super Duper Neighborhood Objectors and Appealers Organization

The Real Estate Council of Austin, Inc.

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2007-0231 (Rundberg Business Park 2: 320 E. Rundberg Lane)	GR, MF-2 to GR-MU	3/11/08: Approved GR-MU-CO zoning , with CO for 2,000 vtpdl and prohibiting Bail Bond Services and Pawn Shop Services uses, by consent (9-0)	8/28/08: Approved GR-MU-CO zoning (7-0); all 3 readings
C14-2007-0120 (Saul Duran: 105 E. Rundberg Lane)	SF-3 to LO-MU	8/28/07: Approved staff rec. of LO-MU-CO zoning, with CO prohibiting Communication Services, Convalescent Services, Cultural Services and Medical Office uses, by consent (7-0)	9/27/07: Approved LO-MU-CO zoning (5-0); all 3 readings
C14-06-0127 (Rezoning Rundberg: 101 E. Rundberg Lane)	SF-3 to LO-MU	10/03/06: Approved LO-MU-CO zoning, with CO prohibiting Communication Services, Convalescent Services, Cultural Services and Medical Office uses, by consent (7-0)	11/02/06: Approved LO-MU-CO zoning (5-0); all 3 readings
C14-04-0188 (205 E. Rundberg Lane)	SF-3 to LO	1/04/05: Approved LO-CO zoning, with CO limiting the site to 'NO' district uses, by consent (9-0)	1/27/05: Approved LO-CO zoning, with CO prohibiting Communication Services, Convalescent Services, Cultural Services and Medical Office uses (6-0); 1st reading 2/17/05: Approved LO-CO zoning; 2nd/3rd readings
C14-04-0143 (Rundberg Lane East: 401-405 Block of E. Rundberg Lane)		10/19/04: Approved GO-CO zoning, with CO to allow Personal Services as the only permitted 'GO' district use and allow all other 'NO' district uses (9-0)	11/04/04: Approved GO-CO zoning, with CO prohibiting Art Gallery, Business or Trade School, Business Support Services, Communication Services, Medical Offices, Private Secondary Education Facility, Off-Site Accessory Parking, College and University Facilities, Congregate Living, Convalescent Services, Cultural Services, Guidance Services, Hospital Services (Limited) uses, (7-0); 1st reading 12/02/04: Approved GO-CO zoning (7-0); 2nd/3rd readings

RELATED CASES: C14-2010-0049 (North Lamar Combined Neighborhood Plan: Georgian Acres Neighborhood Planning Area)
NPA-2012-0026.02 (Neighborhood Plan Amendment Case)

ABUTTING STREETS:

Name	ROW	Pavement	Classification	ADT
Georgian Drive	60'	41'	Neigh. Collector	4,260
Rundberg Lane	Varies	2 @ 24'	Arterial (MAD4)	32,681

CITY COUNCIL DATE: December 6, 2012

ACTION: Postponed to January 17, 2013 at the applicant's request (7-0); M. Martinez-1st, B. Spelman-2nd.

January 17, 2013

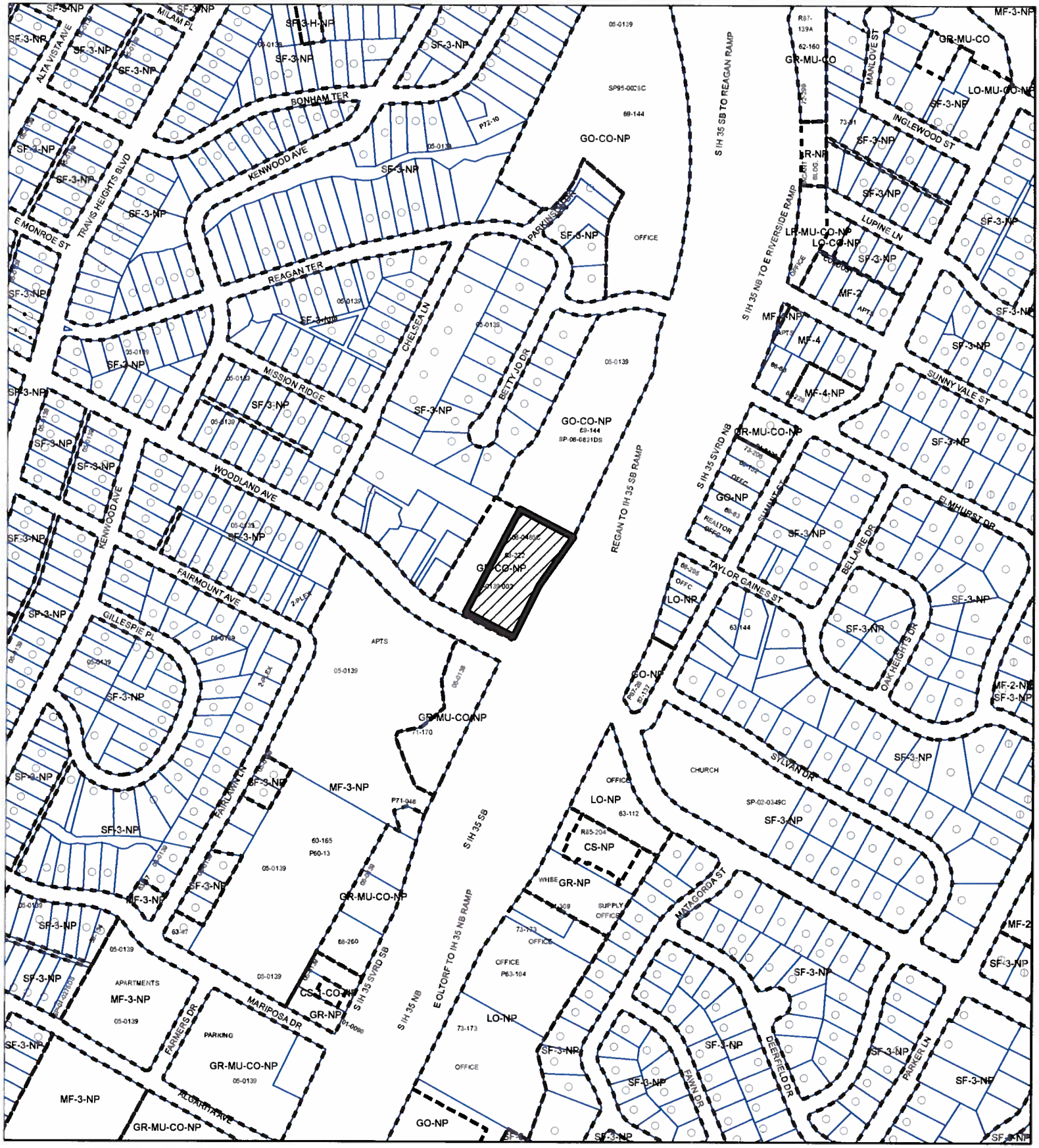
ACTION:

ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

CASE MANAGER: Sherri Sirwaitis

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



ZONING

ZONING CASE#: C14-2012-0100

N

SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

1" = 400'

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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.

CITY OF AUSTIN · FOUNDED 1839


W RUNDBERG LN
VACANT BLDG.
FAST FOOD
GR-V-CO-NP
SP-89-05
APARTMENTS
PARKING
LR-V-NP
PLAYGROUND
LR-NP
SF-3-NP
ELEMENTARY SCHOOL
SP-89-0205X
REST.
NORTH CREEK DR
SHEPARD DR
SLAUGHTER LN
COOPER DR
GLENN LN
GORDON CT
GEORGIAN DR
NORTH DR
HACKBERRY LN
E RUNDBERG LN
MIDDLE LN
W FAWNRIDGE DR
CONV. STORE
2007-0231
NORTH

STAFF RECOMMENDATION

The staff recommends LO-MU-CO-NP, Limited Office-Mixed Use-Conditional Overlay-Neighborhood Plan Combining District, zoning. The conditional overlay would limit development on the property to less than 500 vehicle trips per day.

BASIS FOR RECOMMENDATION

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

   Limited office (LO) district is the designation for an office use that serves neighborhood or community needs and that is located in or adjacent to residential neighborhoods. An office in an LO district may contain one or more different uses. Site development regulations and performance standards applicable to an LO district use are designed to ensure that the use is compatible and complementary in scale and appearance with the residential environment.

   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 proposed zoning will promote consistency and orderly planning because it will create a transition in the intensity of permitted uses from the Rundberg Lane to the single-family residential neighborhood to the south. The property in question is addressed and takes access to Georgian Drive, a neighborhood collector street.

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

   The LO-MU-CO-NP zoning district would allow for a fair and reasonable use of the site. LO-MU zoning is appropriate for this tract of land because it will permit the development of low intensity office, commercial and civic uses that will provide services to the residential (SF-3-NP) neighborhood to the south east and west.

EXISTING CONDITIONS

Site Characteristics

The site under consideration is currently developed with a single family residence. There is a religious assembly use (Seventh-Day Adventist Church) to the north across Rundberg Lane. To the south there is a vacant lot and single-family residences. The properties to the east, across Georgian Drive, front onto Rundberg Lane and are developed with personal services (Psychic Readings) and office uses (Duran Insurance, Computer Repair, etc.). There are single-family residential uses and an elementary school (Barrington Elementary) to the west.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Little Walnut Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone. Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.

This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 sq. ft. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.

According to flood plain maps there is no flood plain within the project area.

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.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

Impervious Cover

The site is located in the Little Walnut Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.

Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.

The maximum impervious cover allowed by the LR zoning district would be 80%. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

Development Classification	*% of Net Site Area*	*% NSA with Transfers*
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%

Site Plan Comments

Site plans will be required for any new development other than single-family or duplex residential.

Site Plans require compliance with Subchapter E.

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 West and South property lines, 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.

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

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

No additional right-of-way is required.

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. As a condition of zoning, it is recommended that development be limited through a conditional overlay to less than 500 vehicle trips per day. [LDC: 25-6-117].

Georgian Drive is classified in the Bicycle Plan as Bike Route No. 47. Rundberg Lane is classified in the Bicycle Plan as Bike Route No. 370.

Capital Metro bus service (Route No. 10) is available along Georgian Drive. Capital Metro bus service (Routes No. 142 and 325) is available along Rundberg Lane.
There are existing sidewalks along Georgian Drive and Rundberg Lane.

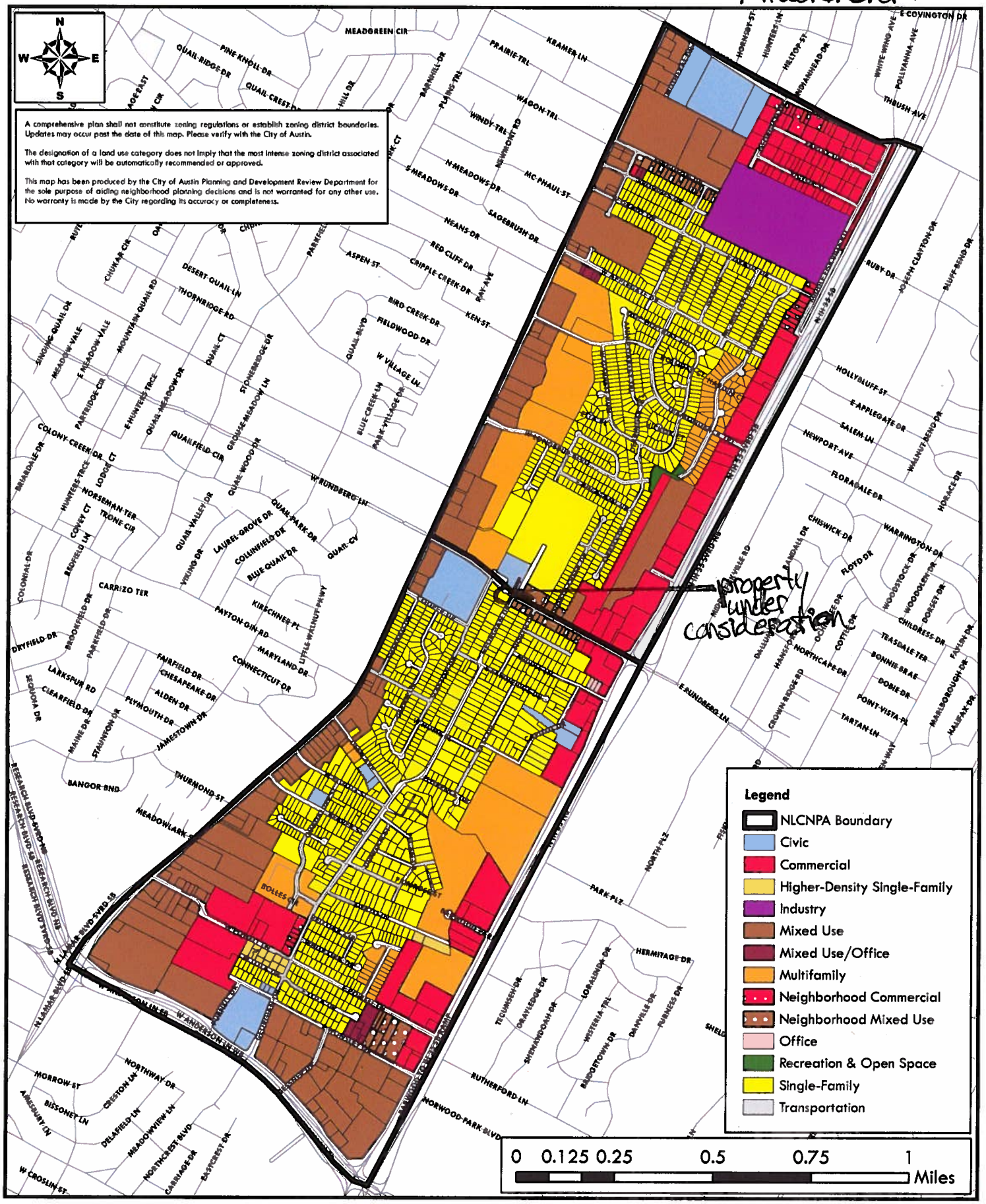
Existing Street Characteristics:

Name	ROW	Pavement	Classification	ADT
Georgian Drive	60'	41'	Neigh. Collector	4,260
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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. 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.

Attachment A



North Lamar Combined Neighborhood Planning Area

Future Land Use Map

Adopted: August 26, 2010

Attachment B

9 October 2012

City of Austin Planning Commission

re: NPA 2012-0026.02 (9310 Georgian Dr)

Commissioners:

On October 8, 2012 the North Lamar Combined Neighborhood Plan contact team, including the applicant Mr. Batoeinng, participated in a community meeting facilitated by city staff to discuss his proposed zoning and future land use changes. Mr. Batoeinng approached the contact team in May 2012 for an out-of-cycle plan amendment. In the interim, contact team members visited the property, discussed the issues with other stakeholders, and reviewed their notes from the neighborhood planning process.

The North Lamar Combined Neighborhood Plan contact team has voted unanimously to **support the proposed zoning and future land use changes to Neighborhood Mixed Use, LR-MU-NP, for use as General Retail Sales (Convenience) with conditions**:
- Limit trips to 500 per day
- Site plan to include a vehicle entrance from Rundberg
- The following uses are prohibited: Residential Treatment, Telecommunication Tower, Service Station
- Drive-in service is prohibited

Our neighborhood plan's "future history" includes:

The neighborhood has become a clean and safe community. The residents and business owners developed ongoing partnerships with the Austin Police Department and Travis County District Attorney's Office... The area near the intersection of I-35 and Rundberg Lane, once a center of drug dealing and prostitution, is now a clean, thriving commercial corridor where a number of small, local businesses have set up shop.

The community has worked with City of Austin code inspectors to deal with activities such as illegal dumping, improperly and illegally operating businesses, nuisance properties, and other code violations to improve the quality of life for all residents. In the interior of the neighborhood, the neighborhoods largely retain their single-family character. The homes remain modestly-sized and reasonably-priced.

... More local-serving businesses have begun to appear. The convenience of these businesses entices people out of their cars. Improvements to the sidewalk network, design changes along several streets, and a street-tree planting program create a pleasant walking environment. These changes have also made bicycle riding much more enjoyable. Changes made in subsequent City of Austin Bicycle Master Plans connect the neighborhoods much more safely and efficiently to the rest of Austin. Georgian Drive is known as one of the best walking and biking streets in the city.

1. Our neighborhood plan was adopted recently, in June 2010. However, there have been significant changes in the Georgian/Rundberg area since then. Notably, a new elementary school is under construction north of the intersection, with Georgian Dr, the 370 bike route, and sidewalks being extended across Rundberg. Limiting trips, prohibiting drive-in service, and adding a Rundberg vehicle entrance provides multimodal connectivity with safety. The prohibited uses are not appropriate for this location near two schools, a church, and residences.

2. Neighborhood plan Recommendation 119 states that "Non-residential uses should not encroach into the established neighborhoods". Commercial and civic zoning along the Rundberg corridor enhances rather than threatens the residential areas of the neighborhood.

3. The neighborhood plan talks about the importance of code compliance in achieving a safe healthy neighborhood, recognizing that there may be a short-term cost in exchange for the long-term increase in profitability achieved by an attractive, desirable setting. For several years, this property was used as a furniture store/flea market, generating numerous code compliance cases. Mr. Batoeinng says that he attempted to work with the tenant, and then to evict her, to remedy this situation. He commits to complying with city codes and improving the appearance of the property to make it an attractive business site and entrance into Georgian Acres.

Thank you for your attention.

Sincerely,

Lisa Hinely
Chair, North Lamar Combined Neighborhood Plan contact team
836-8452
chair.nlct@yahoo.com
http://nlct.wordpress.com/

cc: Maureen Meredith
Sherri Sirwatis
Amir Batoeinng