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## ZONING CHANGE REVIEW SHEET

**CASE:** C14-2013-0064 (Limerick Center)

**Z.A.P. DATE:** August 6, 2013

**ADDRESS:** 12412 Limerick Avenue

**APPLICANT/AGENT:** First Networth Realty (Son Thai)

**ZONING FROM:** NO

**TO:** GO

**AREA:** 0.4345 acres (18,927 sq. ft.)

### **SUMMARY STAFF RECOMMENDATION:**

The staff's recommendation is to grant LO-MU-CO, Limited Office-Mixed Use-Conditional Overlay Combining District, zoning. The conditional overlay will limit development on the site to less than 300 vehicle trips per day [LDC, Sec. 25-6-114].

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

### **DEPARTMENT COMMENTS:**

The site under consideration is currently developed with a single-family residence and a newly added commercial structure with a large paved area that fronts onto Limerick Avenue. The applicant is requesting General Office zoning because he would like to permit more/larger signage on the property. There is currently a sign on the site for an insurance business (AMCO Insurance).

In 2009, the applicant requested LR, Neighborhood Commercial District, zoning for this property through zoning case C14-2009-0078. In March of 2010, the Zoning and Platting Commission recommended denial of the LR zoning and the applicant amended his rezoning request to GO, General Office District, zoning prior to the City Council public hearing. The City Council denied the request for GO zoning at this location on September 23, 2010 (Please see Case Histories below). Since that time, the applicant has built an additional 5,000 square foot structure with 21 parking spaces on the site. The property in question currently has three red tags from Code Compliance regarding a lack of building permit, no certificate of occupancy and improper signage for a home occupation use on the site (Please see Attachment A).

The staff recommends LO-MU-CO, Limited Office-Mixed Use-Conditional Overlay District, zoning because the subject tract meets the intent of the proposed zoning district as the 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. The property is located at the entrance to a single-family residential neighborhood, adjacent to residential homes and fronts onto/takes access to a residential street, Limerick Avenue. In addition, there is a precedent for LO-CO zoning to the north of this site, at the corner of Silver Spur (a local residential street) and West Parmer Lane.

As part of our recommendation, the staff considered prohibiting access to Limerick Avenue. However, this lot does not have enough frontage/length along Parmer Lane (less than 200 feet) to allow the applicant to request driveway access from TXDOT onto Parmer Lane. Parmer Lane is a state maintained roadway (FM 734) that is planned to be expanded to an eight lanes to become an expressway in the future. The Transportation staff has stated in their comments that the Austin Metropolitan Area Transportation Plan calls for a total of 200 feet of right-of-way for West Parmer Lane. Reservation of 100 feet of right-of-way measured from the existing centerline of West Parmer Lane may be required at the time of site plan or subdivision approval for this property. The applicant

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has agreed to limit the intensity and uses for this development to 300 vehicle trips per day to avoid having to conduct a Neighborhood Traffic Analysis for this site.

The staff recommends adding MU, Mixed Use Combining District, to allow for more flexibility in the use of this property. The purpose of a mixed use combining district is to allow office, retail, commercial, and residential uses to be combined in a single development.

The applicant does not agree with the staff's recommendation.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	NO	Single-Family Residence, Office
<i>North</i>	NO-MU	Office Uses (vacant office structure)
<i>South</i>	NO, SF-1	Single-Family Residences
<i>East</i>	LR	Day Care (Hebrew Academy)
<i>West</i>	NO	Office Uses (vacant office structure, David Tucker, CPA-Tax/Payroll)

**AREA STUDY:** North Lamar Area Study (This property is located within the North Lamar Area Study, which was adopted by the City Council on October 3, 1985. The study recommends single-family land use for this area located to the south of Parmer Lane: North Lamar Area Study-Map 4, page 16).

**TIA:** Not Required

**WATERSHED:** 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 Neighborhoods Council  
 Austin Northwest Association  
 Bike Austin  
 Homeless Neighborhood Association  
 Lamplight Village Area Neighborhood Association  
 North Growth Corridor Alliance  
 Pflugerville Independent School District  
 SELTEXAS  
 Sierra Club, Austin Regional Group  
 Super Duper Neighborhood Objectors and Appealers Organization  
 The Real Estate Council of Austin, Inc.

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**CASE HISTORIES:**

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2009-0078 (Limerick: 12412 Limerick Avenue)	LR GO* * The applicant sent an e-mail to the staff on 4/29/10, amending his re-zoning request to the GO district zoning	4/20/10: Recommended denial of the applicant's re-zoning request (7-0); D. Tiemann-1 <sup>st</sup> , P. Seeger-2 <sup>nd</sup> .	9/23/10: Motion to deny was approved (6-0, Cole-off dais); Morrison-1 <sup>st</sup> , Martinez-2 <sup>nd</sup> .
C14-2009-0005 (Tomanet: 12408 Tomanet Trail)	SF-1 to NO	2/17/09: Approved staff's recommendation to deny 'NO' district zoning (6-0, R. Evans- absent); C. Hammond-1 <sup>st</sup> , B. Baker-2 <sup>nd</sup> .	3/26/09: Denied the request for 'NO' zoning (6-0, B. McCracken-off the dais); J. Morrison-1 <sup>st</sup> , R. Shade-2 <sup>nd</sup>
C14-07-0027 (Zone AA Residential to Neighborhood Office: 12500 Limerick Avenue)	SF-2 to NO	4/03/07: Approved the staff's recommendation of NO-MU zoning on consent (6-0, J. Gohil- abstained; K. Jackson and S. Hale-absent)	5/03/07: Approved NO-MU zoning by consent (7-0); all 3 readings
C14-06-0097 (Cody Pools: 2300 West Parmer Lane)	I-RR to CS	8/01/06: Approved LR-CO zoning with the following conditions: 700 vehicle trip limit per day and 100-feet of right-of- way reservation from the centerline of Parmer Lane (9-0); K. Jackson-1 <sup>st</sup> , B. Baker-2 <sup>nd</sup> .	8/31/06: Approved LR-CO zoning on 1 <sup>st</sup> reading (7-0); J. Kim-1 <sup>st</sup> , L. Leffingwell-2 <sup>nd</sup> .  9/28/06: Approved LR-CO zoning with conditions by consent (7-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings
C14-05-0054 (Tomanet Estates Zoning #4-City Initiated: 2206-2310 Cindy Lane)	I-RR to SF-1	5/03/05: Approved staff's recommendation of SF-1 zoning by consent (8-0, J. Martinez- absent)	6/09/05: Approved SF-1 (6-0, McCracken-off dais); all 3 readings
C14-05-0053 (Tomanet Estates Zoning #3-City Initiated: 12503- 12609 Silver Spur)	I-RR to SF-1	5/03/05: Approved staff's recommendation of SF-1 zoning by consent (8-0, J. Martinez- absent)	6/09/05: Approved SF-1 (6-0, McCracken-off dais); all 3 readings
C14-05-0052 (Tomanet Estates Zoning #2-City Initiated: 12505- 12605 Tomanet Trail, 12502-12610 Silver Spur)	I-RR to SF-1	5/03/05: Approved staff's recommendation of SF-1 zoning by consent (8-0, J. Martinez- absent)	6/09/05: Approved SF-1 (6-0, McCracken-off dais); all 3 readings

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C14-05-0051 (Tomanet Estates Zoning #1-City Initiated: 12502- 12604 Tomanet Trail)	I-RR to SF-1	5/03/05: Approved staff's recommendation of SF-1 zoning by consent (8-0, J. Martinez- absent)	6/09/05: Approved SF-1 (6-0, McCracken-off dais); all 3 readings
C14-04-0201 (12503 Tomanet Trail)	I-RR to LR	2/01/05: Approved staff's recommendation for SF-1 zoning (9-0); J. Martinez-1 <sup>st</sup> , B. Baker- 2 <sup>nd</sup> . Motion made for staff to initiate a zoning case for all properties that are zoned I-RR on Cindy Lane, Tomanet Trail and Silver Spur Streets, to SF-1 zoning (9-0); B. Baker-1 <sup>st</sup> , K. Jackson-2 <sup>nd</sup> .	3/03/05: Approved SF-1 on 1 <sup>st</sup> reading (7-0)  4/07/05: Approved SF-1 (7-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings
C14-04-0172 (Filipino Video and Oriental Store: 2309 W. Parmer Lane)	NO to LR	11/16/04: Approved staff rec. of LR-CO (9-0), with the following condition: Drive-in service is prohibited as an accessory use to a commercial use.	1/13/05: Approved LR-CO (7-0); all 3 readings
C14-04-0119 (Ivarra Zoning Change from NO to LR: 2303 W. Parmer Lane)	NO to LR	9/21/04: Approved staff's rec. of LR (7-0)	10/21/04: Approved LR (7-0); all 3 readings
C14-02-0135 (Perfect Shirt: 12500 Tomanet Trail)	NO to GR	9/17/02: Approved staff's rec. of GR-CO zoning by consent (7-0)	10/24/02: Granted GR-CO on all 3 readings (6-0, Dunkerley-absent)
C14-01-0184 (Perfect Shirt: 12500 Tomanet Trail)	NO to GR	1/29/02: Postponed to 2/26/02 by applicant (8-0, A. Adams- absent) 2/26/02: Approved staff's recommendation of GR-CO zoning (6-0, K. Jackson-absent; N. Spelman, D. Castaneda-left early)	4/4/02: Approved GR-CO with conditions on all 3 readings (6-0, Goodman out of room)
C14-00-2045 (Perfect Shirt: 12500 Tomanet Trail)	NO to GR	5/9/00: Approved GR-CO (6-2, JR/JM-Nay); for building footprint only for dry cleaning use; permitted 'NO' uses; no access to Tomanet Trail; 2,000 vehicle trip limit per day; limit landscape buffer between sidewalk and street; sidewalks on Tomanet Trail; building square feet not to exceed 2,000 sq. ft.	6/8/00: Approved PC rec. of GR-CO w/ conditions on 1 <sup>st</sup> reading (7-0)  10/12/00: Approved GR-CO (7-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings

**RELATED CASES:** C14-2009-0078 (Previous Zoning Case)

C14-85-149 (North Lamar Area Study Rezoning)

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**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Daily Traffic
West Parmer Lane (FM 734)	150'	2@41'	Arterial (MAD6)	50,000 (TXDOT, 2007)
Limerick Avenue	50'	24'	Local	Not Available

**CITY COUNCIL DATE:** August 29, 2013

**ACTION:**

**ORDINANCE READINGS:** 1<sup>st</sup>

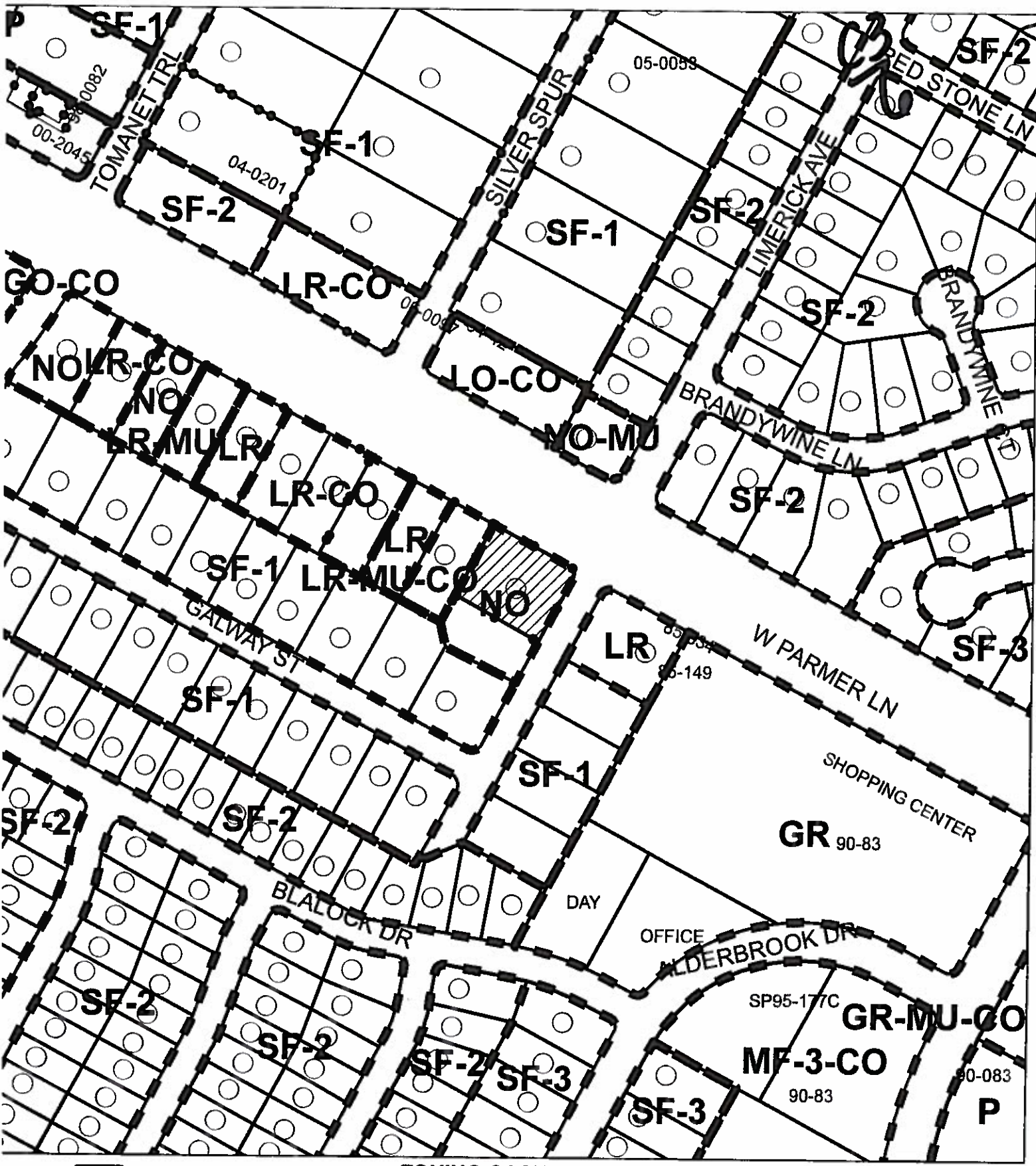
2<sup>nd</sup>

3<sup>rd</sup>

**ORDINANCE NUMBER:** N/A

**CASE MANAGER:** Sherri Sirwaitis

**PHONE:** 974-3057,  
[sherri.sirwaitis@ci.austin.tx.us](mailto:sherri.sirwaitis@ci.austin.tx.us)



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SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

**ZONING CASE**  
C14-2013-0064

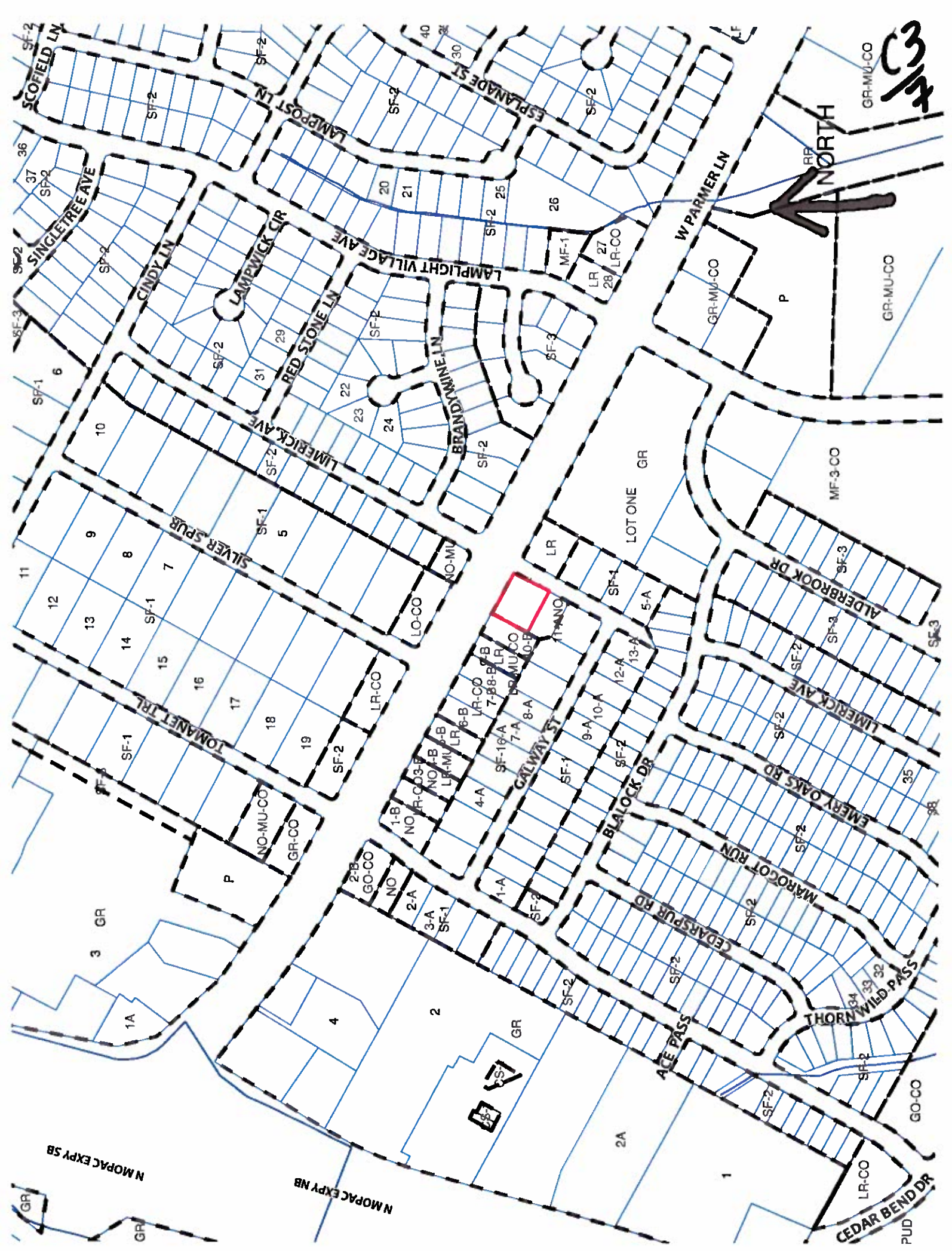
1" = 200'

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.













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## STAFF RECOMMENDATION

The staff's recommendation is to grant LO-MU-CO, Limited Office-Mixed Use-Conditional Overlay Combining District, zoning. The conditional overlay will limit development on the site to less than 300 vehicle trips per day [LDC, Sec. 25-6-114].

## 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.

The property in question is located at the entrance to a single-family residential neighborhood, adjacent to residential homes and fronts onto/takes access to a residential street, Limerick Avenue.

2. *The proposed zoning will allow for a reasonable use of the property.*

The proposed LO-MU-CO zoning will allow for a reasonable use of this property because it will permit the applicant to utilize the existing structures on the site for a variety of office/mixed use options that will provide services to the surrounding single family residential neighborhoods to the north and south of W. Parmer Lane

## EXISTING CONDITIONS

### Site Characteristics

The site is developed a single-family residence and a newly developed commercial structure. There are office uses to the north (vacant structure) and west (David Tucker, CPA) of this site fronting Parmer Lane. The lot to the east, across Limerick Avenue, is currently developed with a day care facility (Hebrew Academy) that fronts and takes access to Parmer Lane. The properties to the south of this site are developed with single-family residences.

### Comprehensive Plan

The subject property is located on the southwest corner of W. Palmer Lane and Limerick Avenue. The property is not located within the boundaries of a neighborhood plan, is approximately .43 acres in size, and contains a house that has been converted into an office use. Surrounding land uses include an office to the north, single family housing to the south, a Hebrew school to the east, and a hair salon to the west. The commercial properties along W. Palmer Lane are zoned commercial, including this property. The proposed use is mixed use/office.

The Imagine Austin Growth Concept Map, found in the Imagine Austin Comprehensive Plan (IACP) identifies this section of W. Palmer Lane as an **Activity Corridor**. Activity corridors identify

locations for additional people and jobs above what currently exists on the ground. Corridors are intended to allow people to reside, work, shop, access services, people watch, recreate, and hang out without traveling far distances. They are characterized by a variety of activities and types of buildings located along the roadway — shopping, restaurants and cafés, parks, schools, single-family houses, apartments, public buildings, houses of worship, *mixed-use buildings, and offices.*

This property is also situated within the boundaries of the Barton Springs Contributing Zone, which is an area where runoff from precipitation flows to the recharge zone of an aquifer. Streams in the contributing zone flow downstream into the recharge zone and “contribute” water to the aquifer. *One of the Land Use and Transportation policies, LUT P21 (p. 102), clarifies the intent, “Ensure that redevelopment in the Edwards Aquifer’s recharge and contributing zones maintains the quantity and quality of recharge of the aquifer.”* The IACP supports redevelopment over the contributing zones of the Edwards and Barton Springs Aquifer but also requires that ‘state-of-the-art development practices’ be utilized, which respects the context of these environmentally sensitive lands.

The following Imagine Austin policies are taken from Chapter 4 of the IACP, which specifically discusses promoting growth along designated corridors and complete communities, and development environmentally sensitive land:

- **LUT P4.** Protect neighborhood character by directing growth to areas of change that includes **designated redevelopment areas, corridors** and infill sites. Recognize that different neighborhoods have different characteristics and new and infill development should be sensitive to the predominant character of these communities.
- **LUT P5.** Create healthy and family-friendly communities through development that includes a **mix of land uses** and housing types and affords realistic opportunities for transit, bicycle, and pedestrian travel and provides both community gathering spaces, parks and safe outdoor play areas for children.
- **LUT P7.** Encourage infill and redevelopment opportunities that place residential, **work, and retail land uses** in proximity to each other to maximize walking, bicycling, and transit opportunities.
- **LUT P22** Protect Austin’s natural resources and environmental systems by limiting land use and transportation development in sensitive environmental areas and preserving areas of open space.
- **N P1.** Create complete neighborhoods across Austin that have a mix of housing types and land uses, affordable housing and transportation options, and access to schools, retail, employment, community services, and parks and recreation options.

Based on the Imagine Austin Growth Concept Map that designates this property as being located along an ‘**Activity Corridor**’; the IACP policies referenced above that supports a mix of land uses, including mixed use and office along activity corridors; and surrounding commercial land uses along W. Palmer Lane, staff believes that the proposed residential use is consistent with the Imagine Austin Comprehensive Plan. However, while staff believes the proposed zone change is supportive the IACP’s vision of creating a compact and connected city of complete communities, the IACP requires that the property be redeveloped in a fashion that supports maintenance of the quantity and quality of recharge of the aquifer done via the enforcement of all environmental ordinances.



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### **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 floodplain 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.

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 GO zoning district would be 80%. However, if the watershed impervious cover is more restrictive than the zoning district's allowable impervious cover, the impervious cover is limited by the watershed regulations.

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%

### **Site Plan**

Site plans will be required for any new development other than single-family or duplex residential. There are no site plans currently in review for this property.

The site is subject to compatibility standards. Along the southern property line, the following standards apply:

- No structure may be built within 25 feet of the property line.

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- 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 fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- Any 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 25 feet in width is required along the property line if the tract is zoned LR, GO, GR, L, CS, CS-1, or CH.

Any redevelopment of the site will require compliance with 25-2 Subchapter E: Design Standards and Mixed Use. 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**

The Austin Metropolitan Area Transportation Plan calls for a total of 200 feet of right-of-way for Parmer Lane (FM 734). TxDOT may request the reservation of additional right-of-way in accordance with the Transportation Plan when the site is redeveloped [LDC, Sec. 25-6-51 and 25-6-55].

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].

A Neighborhood Traffic Analysis for Limerick Avenue 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 300 trips per day [LDC, Sec. 25-6-114].

There are existing sidewalks along Parmer Lane.

There are no existing sidewalks along Limerick Avenue.

According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, bicycle facilities are existing and/or recommended along the adjoining streets as follows: Parmer Lane serves route number 2 with a wide curb.

Capital Metro bus service (route number 142) is available along Parmer Lane.



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Name	ROW	Pavement	Classification	Daily Traffic
Parmer Lane	150'	104'	Major Arterial Divided 6 lane (MAD 6)	57,846 ('04)
Limerick Avenue	50'	24'	Local	404 ('06)

**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. Depending on the development plans submitted, water and or wastewater service extension requests may be required. 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.



# City of Austin

Founded By Congress, Republic of Texas 1839  
Code Compliance Department  
P.O. Box 1088, Austin, Texas 78767 - 1088

Attachment A

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August 10, 2012

Son H Thai  
12412 Limerick Ave  
Austin, Texas 78758

**NOTICE OF VIOLATION**  
via Certified Mail #7010 0290 0001 4188 1312

**RE: 12412 LIMERICK AVE 78758**

Legally described as LOT 12A BLK B RESUB NO 1 OF PARMER LANE  
HEIGHTS SEC 1 LESS .111 AC (INTO ROW)  
Zoned as NO  
Parcel Number 0262161007

Dear Son H Thai:

An investigation by the City of Austin's Code Compliance Department was conducted relating to the property indicated above and violations of Austin City Code were found that require your immediate attention. An investigation report is enclosed which defines the code violation(s) found with required remedies for attaining compliance with the City Code.

After receipt of this notice, you may not sell, lease, or give away this property unless you have provided the buyer, lessee, or other transferee a copy of this notice, and provided the name and address of the buyer to the Building Official. Also, it is a misdemeanor to rent this property if the code violation(s) on this property pose a danger to the health, safety and welfare of the tenants.

If you have any questions, please contact me by telephone at 512-974-2191 between 7:30AM - 4:00PM. You may leave a voicemail message at any time.

Si usted tiene alguna pregunta, contácteme por favor por teléfono en 512-974-2191 de lunes a viernes o puede dejar un mensaje de correo vocal en cualquier momento.

## Ownership Information

According to the applicable records of the County, you own the real property described in this notice. If you no longer own this property, you must execute an affidavit stating that you no longer own the property and stating the name with the last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to our office not later than the 20th day after the date you receive this notice. If you do not submit an affidavit, it will be presumed that you own the property described in this notice, even if you do not.

An affidavit form is available at our office located at 1520 Rutherford Lane. An affidavit may be mailed to:



City of Austin  
Code Compliance Department  
P.O. Box 1088  
Austin, Texas 78767

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Additionally, if this property has other owner(s), please provide me with this information.

**Failure to Correct**

If a violation is not corrected, any existing site plan, permit, or certificate of occupancy may be suspended or revoked by the City. If the site plan, permit or certificate of occupancy is suspended or revoked, the utility service to this property may be disconnected.

If the violation continues, the City may take further legal action to prevent the unlawful action as authorized by State law and may seek civil injunctions or penalties in State court.

For dangerous or substandard buildings, the City may also take further action to require the vacation, relocation of occupants, securing, repair, removal or demolition of a building.

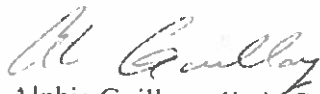
**If the violations are not brought into compliance within the timeframes listed in the investigation report, criminal charges may be filed against you in the City of Austin Municipal Court subjecting you to fines of up to \$2,000 per violation, per day.**

**Complaints**

To register a complaint regarding a Code Compliance Department investigator, you may submit your complaint in writing no later than 3 days after receipt of this letter to:

City of Austin  
Code Compliance Department Manager  
P.O. Box 1088  
Austin, Texas 78767

Sincerely,



Albie Guillory, Code Compliance Insp C  
Code Compliance Department  
Case CV-2012-080960

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## INVESTIGATION REPORT

Investigator: Alphie Guillory  
Case: CV-2012-080960  
Address: 12412 LIMERICK AVE 78758  
Zoned as NO

The item(s) listed below are in violation of the Austin City Code. A required remedy may be specified after a violation and may include a time period for compliance. If no required remedy is specified for a violation, the **Required Remedy Summary** will be in effect. For questions concerning residential property, please contact the Zoning Review Division at (512) 974-2380. For questions concerning commercial property, please contact the Development Assistance Center (DAC) at (512) 974-6370.

### LAND USE

Code Section: Certificate of Occupancy (§25-1-361)

Description of Violation: A person may not use or occupy a structure unless the building official has issued a Certificate of Occupancy for the structure. **There is no record of a Certificate of Occupancy for this structure's use.**

Date Observed: August 3, 2012

Status: Not Cleared

Required Remedy: Discontinue business operation and remove all signs from the building.

Code Section: Certificate of Occupancy (§25-1-361)

Description of Violation: A person may not use, occupy, or change the existing use or occupancy of a structure unless the building official has issued a new Certificate of Occupancy for the structure. The Certificate of Occupancy does not reflect (description) as the current use or occupancy.

Date Observed: August 3, 2012

Status: Not Cleared

Required Remedy: Discontinue business operation in 1 day.

Code Section: Home Occupations (§25-2-900)

Description of Violation: A person is prohibited from advertising a home occupation through signs, billboards, television, radio, or newspaper.

Date Observed: August 3, 2012

Status: Not Cleared

Required Remedy: Remove all signs from the house including writing on the building in 1 day.

### Required Remedy Summary

Building Permit Required (**Denied**)

Cease operating a business from your resident in 1 day (Prohibited zoning).

**NOTE:** The time period(s) indicated in this summary reflect the total time allowed for compliance. A time period indicated in an individual violation's required remedy is the actual time allowed for compliance of that individual violation. If no time period is indicated in an individual violation's required remedy, the summary time period associated with the required remedy will be the time allowed for compliance.

### Appeal

A person may appeal a Stop Work Order to the City of Austin's Building Official. A written appeal must be filed no later than 3 days after the posting of the Order and contain:

- the name and address of the appellant;
- a statement of facts;
- the decision being appealed; and
- the reasons the decision should be set aside.



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An appeal may be delivered in person to the Office of the Director of the Planning and Development Review Department located at 505 Barton Springs Road or mailed to:

**Building Official**  
**Planning and Development Review Department**  
**P.O. Box 1088**  
**Austin, Texas 78767**

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REVISED 10/10		TICKET NUMBER	
Austin Citation <input type="checkbox"/> TR <input checked="" type="checkbox"/> CM		13785344	
DL # COM DL # 18280224 ID #		STATE TX	D.I. TYPE A B <input checked="" type="radio"/> M
LAST NAME Thai		FIRST NAME Son	MIDDLE INITIAL Haa
RESIDENCE ADDRESS 13313 Glacier Falls ST, Austin, TX			
CITY Austin	STATE TX	ZIP CODE 78727	RES PHONE (AC) (512) 626-3964
DATE OF BIRTH 7/20/1973	White <input type="checkbox"/> Black <input type="checkbox"/> Hispanic <input checked="" type="checkbox"/> Native Amer. <input type="checkbox"/> Middle Eastern <input type="checkbox"/> Other <input type="checkbox"/>	SEX M <input checked="" type="radio"/> F <input type="radio"/>	HEIGHT 508
EMPLOYER OR SCHOOL		BUSINESS ADDRESS 12412 Limerick AVE	BUSINESS PHONE (AC)
OCCUPATION	SCHOOL ZONE? <input type="checkbox"/>	WORKERS IN CONSTR. ZONE? <input type="checkbox"/>	HAZ MATERIAL? <input type="checkbox"/>
VEH COLOR	VEH YEAR	VEHICLE MAKE	VEH TYPE
VIOLATION DATE 08/10/2012		VIOL TIME 2:50	CONDITIONS Day Light <input checked="" type="checkbox"/> Dark <input type="checkbox"/> Wet <input type="checkbox"/>
VIOLATION LOCATION 12412 Limerick AVE		COUNTY Travis	DIRECTION
VIOLATION (A) No Certificate of Occupancy		VIOL CODE 64291	
VIOLATION (B) No Building Permit/Commercial		VIOL CODE 65308	
VIOLATION (C)		VIOL CODE	
REASON FOR STOP Zoning Violation			
RK _____ PS _____ VS _____ RFS _____			
Cell phone <input type="checkbox"/> STEP <input type="checkbox"/> CAD _____			
ALLEGED SPEED:	SPEED LIMIT:	<input type="checkbox"/> RADAR <input type="checkbox"/> LASER <input type="checkbox"/> PACED	COLLISION? <input type="checkbox"/>
		<input type="checkbox"/> AIRCRAFT <input type="checkbox"/> VISUAL	BLUE FORM? <input type="checkbox"/>
OFFICER: _____ EMP# _____		OFFICER: _____ EMP# _____	
If Non-Peace Officer Sign Here: <u>A. Guillot</u>			
APPEARANCE DATE AT COURT / FECHA PARA PRESENTARSE Mon 9/10/2012		READ CITATION FOR ADDITIONAL INFORMATION AND OPERATING HOURS	
I HAVE RECEIVED THIS WRITTEN NOTICE TO APPEAR AND I WILL APPEAR AT THE CITY OF AUSTIN MUNICIPAL COURT ON OR BEFORE THE DATE AND TIME DESIGNATED ABOVE IN ORDER TO ENTER A PLEA OF GUILTY, NOT GUILTY OR NO CONTEST TO EACH VIOLATION LISTED ON THIS TICKET			
SU FIRMA ES LA PROMESA QUE SE PRESENTARA EN LA CORTE MUNICIPAL PARA INFORMACIÓN LLAME A (512) 974-4800.			
THIS IS NOT A PLEA OF GUILTY, ONLY A PROMISE TO APPEAR.			
SIGNATURE/SU FIRMA: <u>[Signature]</u>			
READ INSTRUCTIONS ON THE BACK OF CITATION CAREFULLY			

COURT COPY

## 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](http://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: C14-2013-0064

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: Aug 6, 2013, Zoning and Platting Commission  
Aug 29, 2013, City Council

Megan Vanno  
Your Name (please print)

12409 Limerick Avenue  
Your address(es) affected by this application

Megan Vanno  
Signature

7/21/13  
Date

Daytime Telephone: 512-914-4398

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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Case Number: C14-2013-0064

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: Aug 6, 2013, Zoning and Platting Commission  
Aug 29, 2013, City Council

*Mausreen Southwick*  
Your Name (please print)

*2302 Galway*  
Your address(es) affected by this application

*MS*  
Signature

*512 421-8793*  
Daytime Telephone

*7-23-13*  
Date

Comments:

*Neighborhood is getting  
to commercial*

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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Case Number: C14-2013-0064

Contact: Sherri Sirvaitis, 512-974-3057

Public Hearing: Aug 6, 2013, Zoning and Platting Commission

Aug 29, 2013, City Council

EDUARDO GOMEZ  
Your Name (please print)

☐ I am in favor  
☒ I object

12407 Limerick Ave  
Your address(es) affected by this application

*[Signature]*  
Date 07/29/2012

Signature

Daytime Telephone: 512 217 2430

Comments: I see no need for the address at 12412 Limerick Ave to re-zone to a General Office given that all other businesses located in the vicinity operate in the neighborhood office. As a result, the original housing could be greatly affected and diminish surrounding property values.

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

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

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