

ZONING CHANGE REVIEW SHEET

CASE: C14-2017-0130 – Genesis Autos

Z.A.P. DATE: March 6, 2018

ADDRESS: 4410 East William Cannon Drive

DISTRICT AREA: 2

OWNER: Genesis Autos (Daniel Garcia)

AGENT: LOC Consultants
(Sergio Lozano-Sanchez, P.E.)

ZONING FROM: GR-CO

TO: GR-CO, to change a condition of zoning

AREA: 0.838 acres (36,503.28 square feet)

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant community commercial – conditional overlay (GR-CO) combining district zoning. The conditional overlay prohibits the following uses: automotive rentals; automotive repair services; automotive sales; automotive washing (of any type); club or lodge; college or university facilities; communication service facilities; custom manufacturing; drop-off recycling collection facility; exterminating services; funeral services; guidance services; hospital services (general); pawn shop services; plant nursery; private secondary educational facilities; public secondary educational facilities; residential treatment; service station; special use historic; and theater.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

March 6, 2018: *APPROVED GR-CO DISTRICT ZONING AS STAFF RECOMMENDED, BUT REMOVE AUTOMOBILE SALES FROM THE PROHIBITED USE LIST*

[B. EVANS; S. LAVANI – 2ND] (6-3) A. AGUIRRE, A. DENKLER, B. GREENBERG – NAY; D. BREITHAUPT, J. KIOLBASSA – ABSENT

ISSUES:

The Applicant would like to discuss the Staff recommendation. Please refer to correspondence from the Agent at the back of this packet.

DEPARTMENT COMMENTS:

The subject property is developed with an automotive sales use and zoned community commercial – conditional overlay (GR-CO) district by way of a 2001-02 case. The Conditional Overlay limits development to retail sales, restaurants (except drive-thru), offices, consumer convenience services, consumer repair services, personal services and personal improvement services (C14-01-0089 – Garcia Zoning). It does not allow for the automotive sales use. Access is taken from East William Cannon, a divided major arterial

roadway and therefore, vehicle movements are limited to right-turn in, right-turn out. There is undeveloped land to the north (MF-2, with a site plan in process for apartments), auto-related and personal service uses to the east (CS), and an undeveloped tract to the west (GR-MU-CO). For additional context, the Williamson Creek Greenbelt is further north (SF-3). Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

The Applicant proposes to rezone the property to change the Conditional Overlay to allow for the automotive sales use. In examining the Applicant's request, Staff reviewed the backup material for the 2001 case as well as the zoning conditions on the adjacent tracts to the west and east. Backup material for the 2001 rezoning case included correspondence indicating that a neighborhood association had discussed the automotive uses with the current Owner and agreed upon a limited number of commercial uses which did not include any auto-related uses. The list of prohibited uses that included neighborhood input was captured in the Council-approved rezoning ordinance. The 2001 case indicates the Owner was interested in a restaurant use and the resulting –CO allows for both restaurant (general and limited) uses. Code violations were subsequently issued for vehicle storage and automotive repair uses in 2005 and 2011, respectively, followed by voluntary compliance to cease those uses.

The 2016 zoning case on the adjacent property to the west prohibited all automotive-related uses, and was based on the –CO for the 2001 case on the subject property, although it allowed for a larger number of uses to occur. The CS zoned property to the east also does not allow for auto sales or auto repair to occur, although it contains an auto repair use, service station and personal services. This is likely due to a 1981 Restrictive Covenant (RC) and a 1991 RC Amendment limited the property to a plant nursery use (first permitted by right in CS zoning) and allowed for a rollback to MF-2 if that use ceased. The 1981 case preceded the Conditional Overlay tool, and zoning or other conditions of public interest were placed in a public Restrictive Covenant.

Due to the proximity of the Williamson Creek Greenbelt to the north and east, Staff still believes that automotive uses, including sales, rental, repair, washing, and service station are not well suited for the subject property, despite their reoccurrence since 2000. Therefore, Staff does not recommend removing automotive sales from the prohibited use list. However, as an alternative, Staff recommends removing a number of other prohibited uses to increase the allowable uses and achieve consistency with the adjacent property to the west. This would allow a subset of commercial uses to serve the residences in proximity to this property, while excluding the more intensive GR land uses. The allowable use list includes retail sales, restaurants, administrative and business offices, medical offices, consumer convenience services and consumer repair services, personal services, personal improvement services, and certain civic uses.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	GR-CO	Auto sales
<i>North</i>	MF-2; SF-3	Undeveloped (proposed for 264 apartments units for seniors); Williamson Creek Greenbelt
<i>South</i>	SF-3	Single family residences in the Indian Hills Section 3 subdivision
<i>East</i>	CS	Auto repair; Service station; Personal services
<i>West</i>	GR-MU-CO	Undeveloped

AREA STUDY: N/A**TIA:** Is not required**WATERSHED:** Williamson Creek**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** No**SCENIC ROADWAY:** No**NEIGHBORHOOD ORGANIZATIONS:**

96 – Southeast Corner Alliance of Neighborhoods (SCAN)
 511 – Austin Neighborhoods Council 627 – Onion Creek Homeowners Association
 742 – Austin Independent School District 1228 – Sierra Club, Austin Regional Group
 1258 – Del Valle Community Coalition 1363 – SEL Texas
 1408 – GO! Austin/VAMOS! Austin – Dove Springs
 1431 – Indian Hills Neighborhood Watch 1438 – Dove Springs Neighborhood Association
 1441 – Dove Springs Proud 1528 – Bike Austin
 1530 – Friends of Austin Neighborhoods 1550 – Homeless Neighborhood Association
 1578 – South Park Neighbors 1607 – Inner City Alliance

SCHOOLS:

Perez Elementary School Mendez Middle School Akins High School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2016-0004 – Oporta Zoning – 4400 E William Cannon Dr	SF-3 to GR-MU-CO	To Grant GR-CO w/CO for list of prohibited uses, and 45' max. height	Apvd GR-MU-CO as Commission recommended (5-5-2016).
C14-91-0003 – Preiss Tract – 4500 E William Cannon Dr	CS to SF-3	Forwarded with no recommendation	Withdrawn
C14-82-009 – Las Maderas Apts – 2510 and 4504 North Bluff	Interim-“A” Residence, First Height and Area	To Grant “BB” Residence, First Height and Area and	Apvd “BB” Residence, First Height and Area w/ site plan approval by

Dr (renamed as William Cannon Dr)	to “BB” Residence, First Height and Area, as amended	require site plan approval by Commission	Commission (03-01-1984).
C14-81-174 – Country Gardens Nursery – 4500 North Bluff Dr (renamed as William Cannon Dr)	“A” Residence, First Height and Area to “C” Commercial, First Height and Area	To Grant	Apvd “C” with Restrictive Covenant limiting use to plant nursery with rollback provision to MF-2, as amended (7-8-1982; 3-7-1991).

RELATED CASES:

The property was annexed into the full-purpose City limits on November 16, 1972 (C7-72-4AN).

A Land Status Determination was made on April 4, 2000 that excepts this property from the requirement to plat (C8I-00-2093 – Daniel Garcia). There are no site plan cases on the subject property. Please refer to Exhibit B.

In January 2002, Council approved GR-CO district zoning with the -CO for 2,000 trips/day and limits the development to retail sales, restaurants (except drive-thru), offices, consumer convenience services, consumer repair services, personal services and personal improvement services (C14-01-0089 – Garcia Zoning). A previous case proposing CS zoning expired (C14-00-2124 – Garcia Zoning). Please refer to Exhibit C.

In November 2015, the property owner was issued a code violation for commercial construction of a carport without the required permits and lack of a Certificate of Occupancy for an automobile sales dealership (CV-2015-133644). Please refer to Exhibit D. The rezoning application was filed on October 17, 2017. Code violations were also issued in January/February 2005 for vehicle storage and April 2011 for auto repair use on the property. The 2005 and 2011 Code Violations were both closed due to voluntary compliance in August 2005 and May 2011, respectively.

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
East William Cannon Drive	120 feet	2 @ 36 feet	Major Arterial Divided	Yes	Yes	Yes

CITY COUNCIL DATE: April 12, 2018

ACTION: Approved a Postponement request by the Applicant to May 10, 2018 (6-0, Mayor Adler, Mayor Pro Tem

Tovo, Council Members Casar, Garza, Troxclair – off the dais).

May 10, 2018: Approved a Postponement request by the Applicant to May 24, 2018 (10-0, Troxclair – off the dais).

ORDINANCE READINGS: 1st

2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Wendy Rhoades
e-mail: wendy.rhoades@austintexas.gov

PHONE: 512-974-7719

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant community commercial – conditional overlay (GR-CO) combining district zoning. The conditional overlay prohibits the following uses: automotive rentals; automotive repair services; automotive sales; automotive washing (of any type); club or lodge; college or university facilities; communication service facilities; custom manufacturing; drop-off recycling collection facility; exterminating services; funeral services; guidance services; hospital services (general); pawn shop services; plant nursery; private secondary educational facilities; public secondary educational facilities; residential treatment; service station; special use historic; and theater.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

The proposed community commercial (GR) district is intended for office and commercial uses serving neighborhood and community needs, including both unified shopping centers and individually developed commercial sites, and typically requiring locations accessible from major trafficways. The CO combining district may be applied in combination with most base districts. The district is intended to provide flexible and adaptive use or site development regulations by requiring standards tailored to individual properties.

This property has frontage on East William Cannon Drive.

2. *Zoning changes should promote compatibility with adjacent and nearby land uses.*
3. *Public facilities and services should be adequate to serve the set of uses allowed by a rezoning.*

Due to the proximity of the Williamson Creek Greenbelt to the north and east, Staff still believes that automotive uses, including sales, rental, repair, washing, and service station are not well suited for the subject property, despite their reoccurrence since 2000. Therefore, Staff does not recommend removing automotive sales from the prohibited use list. However, as an alternative, Staff recommends removing a number of other prohibited uses to increase the allowable uses and achieve consistency with the adjacent property to the west. This would allow a subset of commercial uses to serve the residences in proximity to this property, while excluding the more intensive GR land uses. The allowable use list includes retail sales, restaurants, administrative and business offices, medical offices, consumer convenience services and consumer repair services, personal services, personal improvement services, and certain civic uses.

EXISTING CONDITIONS**Site Characteristics**

The subject property is developed with an auto sales use and slopes to the north, towards the Williamson Creek Greenbelt.

Impervious Cover

The maximum impervious cover allowed by the GR zoning district would be 80%, which is based on the more restrictive watershed regulations described below.

Comprehensive Planning

The subject property is approximately 0.419 acres in size and is located on the north side of E. William Cannon Drive. The property is not located within the boundaries of a neighborhood planning area, and contains a used car lot, which has been in business at this location since 1999. Surrounding land uses includes undeveloped land to the north and west, a trailer sales/repair shop to the east, and single family subdivision to the south. The property was rezoned in 2002 from SF-3 to GR-CO and the -CO prohibited auto sales despite that being the existing use on the property. The request is to remove auto sales as a conditional use on the -CO so the owner can continue to run their auto sales business at this location.

Connectivity

A public sidewalk is located along both sides of this portion of William Cannon Drive and a Cap Metro stop is within walking distance to this property. The Walkscore for this site is 31/100, Car Dependent, meaning most errands require a car.

Imagine Austin

While Imagine Austin identifies this property as being located along an ‘**Activity Corridor**’, based on the small scale of this site relative to other commercial uses in this area, this case falls below the scope of Imagine Austin, which is broad in scope, and consequently the plan is neutral on this proposed rezoning.

Drainage

The developer is required to submit a pre- and post-development drainage analysis at the subdivision and site plan stage of the development process. The City’s Land Development Code and Drainage Criteria Manual require that the Applicant demonstrate through engineering analysis that the proposed development will have no identifiable adverse impact on surrounding properties.

Environmental

The site is not located over the Edwards Aquifer Recharge 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. The site is in the Desired Development Zone.

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 Gross Site Area</i>	<i>% of Gross Site Area 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%

According to floodplain maps there is no floodplain within or adjacent to the project location.

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 512-974-1876. 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 requires water quality control with increased capture volume and control of the 2 year storm on site.

At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

Site Plan and Compatibility Standards

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.

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

Compatibility Standards

The site is subject to compatibility standards. Along the South property line, 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, height limitation is 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property line.
- 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.

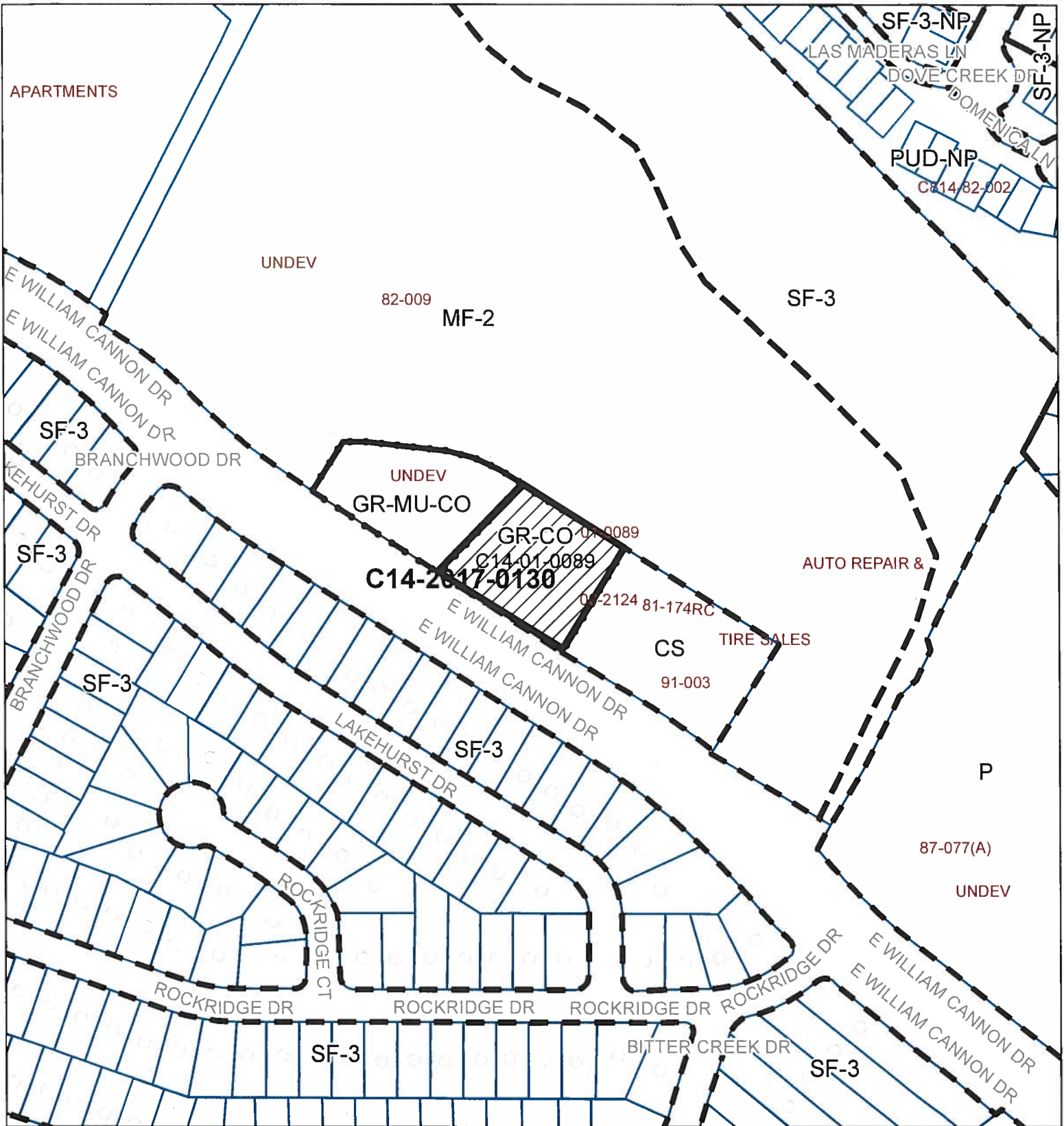
Additional design regulations will be enforced at the time a site plan is submitted.

Transportation

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].

Water and Wastewater

FYI: 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, water or wastewater easements, utility relocations and or abandonments required by the proposed land use. Depending on the development plans submitted, water and or wastewater service extension requests may be required. Water and wastewater utility plans must be reviewed and approved by Austin Water for compliance with City criteria and suitability for operation and maintenance. 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 fees once the landowner makes an application for Austin Water utility tap permits.



ZONING

Case#: C14-2017-0130

EXHIBIT A

- Subject Tract
- Pending Case
- Zoning Boundary

++++ Railroads

0 100 200 Feet

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 the Planning and Zoning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



Created: 10/25/2017



GENESIS AUTO

Exhibit A-1

ZONING CASE#: C14-2017-0130
LOCATION: 4410 E. WILLIAM CANNON DRIVE
SUBJECT AREA: .419 ACRES
GRID: H15
MANAGER: WENDY RHOADES



1" = 200'

- SUBJECT TRACT
- PENDING CASE
- ZONING BOUNDARY
- CREEK BUFFER

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.



City of Austin
Development Review and Inspection Department

LAND STATUS DETERMINATION
1987 RULE PLATTING EXCEPTION

04/04/2000

File Number: C8I-00-2093

Address: 4410 E WILLIAM CANNON DR

Tax Parcel ID: 0424031602

Map Date: 08/01/1988

The Development Review and Inspection Department has determined that this parcel, as described in the attached description and map, **IS EXCEPTED FROM THE REQUIREMENT TO PLAT** in accordance with the Land Development Code, Section 25-4-2(C), and is eligible to receive utility service.

The parcel of land consists of five acres or less, and is described as approximately 0.835 acres of land being out of and a portion of the SANTIAGO DEL VALLE GRANT, in Travis County, Texas, and being the same tract of land more particularly described by metes and bounds in the current deed, recorded on 12/30/1999, in Document #1999162926 (4 Pgs), Travis County Deed Records. This parcel existed in its current configuration on August 31, 1987, as evidenced by a deed recorded on 07/20/1983, in Volume 8170, Page 800, Travis County Deed Records. The parcel was lawfully receiving utility service, as defined in Section 212.012 of the Texas Local Government Code, on August 31, 1987, as evidenced by water service on 10/01/1986. The parcel meets the requirements of the Land Development Code for roadway frontage and is located on an existing street.

Additional Notes/Conditions:

SAVE AND EXCEPT that 2,481 square feet of land (0.057 acres), more or less, conveyed to the City of Austin for street purposes in instrument recorded in Volume 10079, Page 60, Real Property Records of Travis County, Texas.

This determination of the status of the property is based on the application of Chapter 212, Municipal Regulation of Subdivisions and Property Development, Texas Local Government Code; and the City of Austin Land Development Code, Chapter 25-4, Subdivision. Recognition hereby does not imply approval of any other portion of the City Code or any other regulation.

By: _____

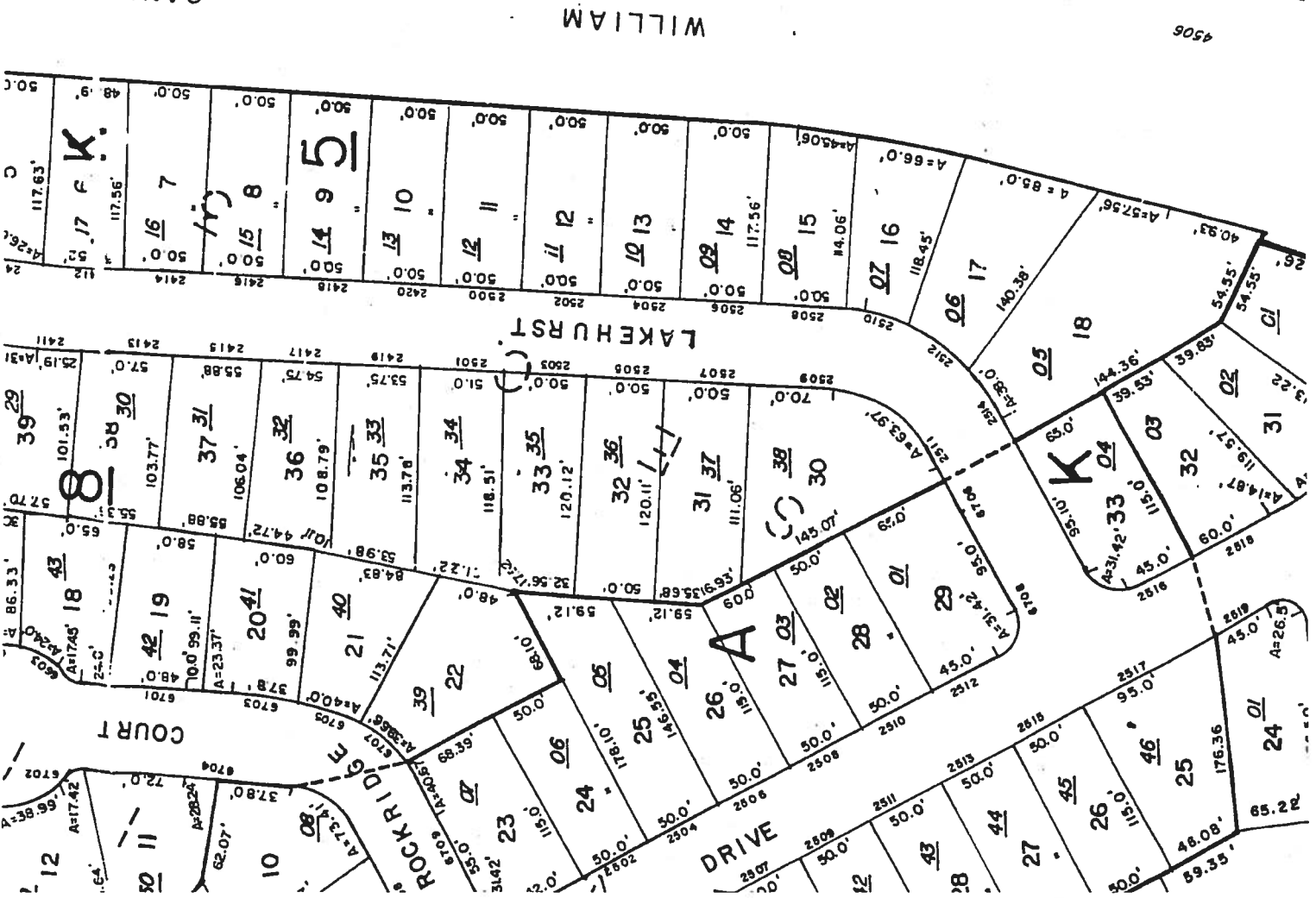
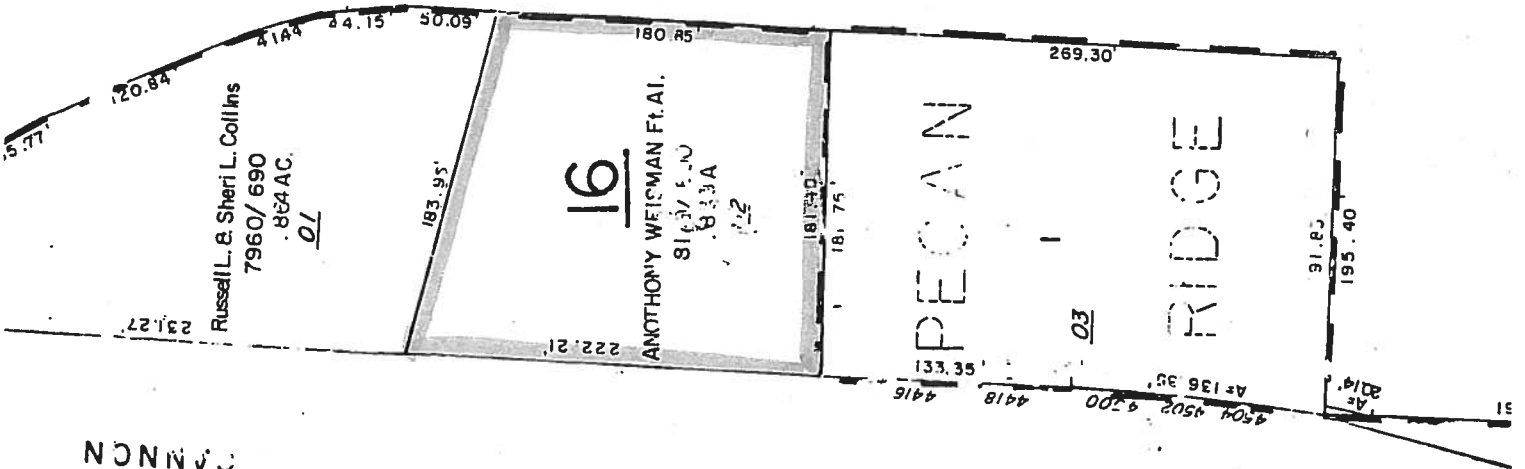
JOE R. ALMAZAN

Director (or representative)

Development Review and Inspection Department

EXHIBIT B

S SEC ONE



ORDINANCE NO. 020117-Z-4

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 4410 EAST WILLIAM CANNON DRIVE FROM FAMILY RESIDENCE (SF-3) DISTRICT TO COMMUNITY COMMERCIAL-CONDITIONAL OVERLAY (GR-CO) COMBINING DISTRICT.

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 family residence (SF-3) district to community commercial-conditional overlay (GR-CO) combining district on the property described in File C14-01-0089, as follows:

A 0.838 acre tract of land, more or less, out of the Santiago del Valle Grant, in Travis County, Texas, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance, (the "Property")

locally known as 4410 East William Cannon Drive, 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:

1. 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.
2. The following uses of the Property are prohibited:

Art and craft studio (limited)	Automotive rentals
Automotive repair services	Automotive sales
Bed & breakfast residential (Groups 1 & 2)	Automotive washing (of any type)
Business trade school	Business support services
Commercial off-street parking	Communications services
Drop-off recycling collection facility	Exterminating services
Financial services	Food sales
Funeral services	Hotel-motel

EXHIBIT C

Indoor entertainment
Off-site accessory parking
Outdoor sports and recreation
Pet services
Research services
Service station
Special use historic
Custom manufacturing
College or university facilities
Community recreation (private)
Congregate living
Cultural services
Day care services (general)
Guidance services
Hospital services (limited)
Private secondary educational facilities
Public secondary educational facilities
Safety services
Urban farm

Indoor sports and recreation
Outdoor entertainment
Pawn shop services
Plant nursery
Restaurant (drive-in, fast food)
Software development
Theater
Club or lodge
Communication service facilities
Community recreation (public)
Counseling services
Day care services (commercial)
Day care services (limited)
Hospital services (general)
Private primary educational facilities
Public primary educational facilities
Residential treatment
Telecommunication tower

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the community commercial (GR) base district and other applicable requirements of the City Code.

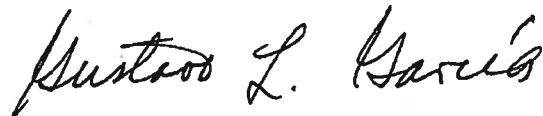
PART 3. The Council waives the requirements of Section 2-2-3, 2-2-5, and 2-2-7 of the City Code for this ordinance.

PART 4. This ordinance takes effect on January 28, 2002.

PASSED AND APPROVED

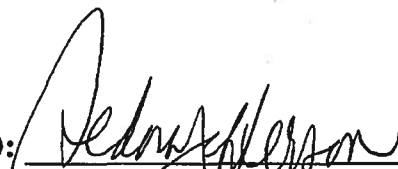
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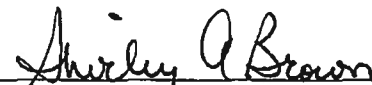


Gustavo L. Garcia
Mayor


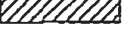
APPROVED:


Sedora Jefferson
City Attorney

ATTEST:


Shirley A. Brown
City Clerk



 1" = 400'	SUBJECT TRACT 	ZONING EXHIBIT B		CITY GRID REFERENCE NUMBER H15
	PENDING CASE			
	ZONING BOUNDARY -----	CASE #: C14-01-0089	DATE: 01-09	
	CASE MGR: W.WALSH	ADDRESS: 4410 E.WILLIAM CANNON OR SUBJECT AREA (acres): 0.838	INTLS: TRC	



City of Austin

P.O. Box 1088, Austin, TX, 78767

AUSTINCODE DEPARTMENT

NOTICE OF VIOLATION

Case Number: CV-2015-133644

via Certified Mail #7014-1200-0000-6489-0514

November 5, 2015

Daniel Garcia
4410 E. William Cannon Drive
Austin, Texas 78744-4209

RE: 4410 WILLIAM CANNON DR AUSTIN TX 78744
Legally described as ABS 24 DELVALLE S ACR .835
Zoned as GR-CO
Parcel Number 0424031602

Dear Daniel Garcia:

The City of Austin Code Department investigated the property described above. Austin City Code violations were found that require your immediate attention. A description of the violation(s) and compliance timeframe(s) are provided in the attached violation report.

After receipt of this Notice, and until compliance is attained, the Austin City Code prohibits the sale, lease, or transfer of this property unless:

- You provide the buyer, lessee, or other transferee a copy of this Notice of Violation; and
- You provide the name and address of the buyer, lessee, or other transferee to the Code Official.

For additional information, I can be reached at 512-974-6781 or Mario.Ruiz@austintexas.gov. Please reference **case number** CV-2015-133644. Hours of operation are: Monday – Friday, 7:30 a.m. - 4:00 p.m.

Para obtener más información, llame al 512-974-6781 o enviar un correo electrónico a Mario.Ruiz@austintexas.gov. Por favor, consulte caso número CV-2015-133644. El horario de atención es: lunes a viernes, 7:30 a.m. - 4:00 p.m.

Sincerely,

Mario Ruiz, Austin Code Officer
City of Austin Code Department

EXHIBIT D

VIOLATION REPORT

Date of Notice: November 5, 2015

Code Officer: Mario Ruiz

Case Number: CV-2015-133644

Property Address: 4410 WILLIAM CANNON DR AUSTIN TX 78744
Locally known as 4410 WILLIAM CANNON DR AUSTIN TX 78744
Zoned as GR-CO

The items listed below are violations of the Austin City Code, and require your immediate attention. If the violations are not brought into compliance within the timeframes listed in this report, enforcement action may be taken. Timeframes start from the Date of Notice.

Violation Type: **LAND USE**

Austin City Code Section: Building Permit Requirement (§25-11-32)

Description of Violation: Commercial construction performed without required permit(s). Newly constructed attached carport requires a building permit along with an electrical permit for the lighting installed.

Date Observed: 11/04/2015

Timeframe to Comply: 14 Day(s)

Recommended Resolution: Obtained a Building Permit along with an Electrical Permit within 14 days for the newly constructed carport. Ensure all required inspections are called until all permits are finalized.

Austin City 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. A Certificate of Occupancy is required from a residence to an Auto Sales dealership.

Date Observed: 11/04/2015

Timeframe to Comply: 30 Day(s)

Notes: Permit violations require the permit(s) to be issued and all required inspections to be completed to attain compliance. For questions concerning land use violations, please contact the Development Services Department at 512-978-4000. You can also visit <http://www.austintexas.gov/departments/development-services> for more information.

If a stop work order was posted on your property, a copy is enclosed. If you visit the Development Services Department, please bring the enclosed copy of the Stop Work Order, not the one posted on the property.

Appeal: A person may appeal a Stop Work Order to the City of Austin's Code Official. An appeal must be in writing and delivered or mailed no later than **3 days** after the Order is posted. An appeal must contain **all** of the following:

- a brief statement as to why the violation is being appealed
- any facts that support the appeal
- a description of the relief sought
- the reasons why the appealed notice or action should be reversed, changed, or set aside
- the name and address of the appellant

An appeal may be delivered in person to the Austin Code Department located at ,1520 Rutherford Lane Building 1 or mailed to: **City of Austin Code Department, ATTN: Code Official, P.O. Box 1088, Austin, Texas 78767.**

IMPORTANT INFORMATION

Failure to Correct

If the violations are not brought into compliance within the timeframes listed in the violation report, enforcement action may include:

- Criminal charges in the City of Austin Municipal Court subjecting you to fines of up to \$2,000 per violation, per day.
- Civil penalties in an Administrative Hearing subjecting you to fines of up to \$1,000 per violation, per day, along with additional fees.
- Suspension or cancelation of existing site plan, permit or certificate of occupancy. If the site plan, permit or certificate of occupancy is suspended or revoked, the utility service to this property may be disconnected.
- Civil injunctions or penalties in State court.
- For dangerous or substandard buildings, the City of Austin may also take action with the Building and Standards Commission (BSC) to order the vacation, relocation of occupants, securing, repair, removal or demolition of a building, and civil penalties.

Ownership Information

According to the records of the County, you own the property described in this notice. If this property has other owners, please provide me with this information. If you no longer own this property, you must execute an affidavit form provided by our office. This form should state that you no longer own the property, the name of the new owner, and their last known address. The affidavit must be delivered in person or by certified mail, with return receipt requested, to the Austin Code Department office no later than 20 days after you receive this notice. If you do not submit an affidavit, it will be presumed that you own the property described in this notice.

An affidavit form is available at www.austintexas.gov/code-resources, or at the Austin Code Department office at 1520 Rutherford Lane. The completed affidavit should be mailed to: **City of Austin Code Department, P.O. Box 1088, Austin, Texas 78767.**

Appeals and Complaints

You may file a written appeal of this Notice of Violation to the Austin Code Department. Refer to the **Violation Report** attached to review the appeal process as it relates to the specific violation noted. Please reference your case number and how the property is now in compliance with the Austin City Code. An appeal may be delivered in person to our office located at 1520 Rutherford Lane or mailed to: **City of Austin Code Department, ATTN: Code Official, P.O. Box 1088, Austin, Texas 78767.**

You may file a written complaint or commendation regarding an Austin Code Department Officer no later than 3 days after you receive this notice. Please reference your case number. The complaint or commendation should be mailed to: **City of Austin Code Department, ATTN: Code Official, P.O. Box 1088, Austin, Texas 78767.**

City Code	Violation Type
X 35-2-803(B)	Accessory Use - Excess Vehicles
35-2-803	Accessory Use - Residential
35-12-231	Building - Dangerous (see Notes)
35-2-809	Fence - Height Violation (see Notes)
35-12-233	Fence - Nuisance, Section 401, 2.
35-6-1701	Garbage Cans Left at Curb
35-12-231	Homes Occupancy (see Notes)
35-2-800	Home Occupancy (see Notes)
10-5-42	Illegal Dumping
35-17-271	Impediment Occupancy (see Notes)
35-1-561(A)	No Certificate of Occupancy
35-5-1	No Site Plan
35-2-803(D)(7)	RV - unpermitted
35-2-802	Sellback Violation (see Notes)
35-10-102	Sign - Prohibited
35-10-103	Sign in Right Of Way
10-5-21	Sanitary Candidates
35-11-32	Work Without Permit
X 35-2-891	Zoning - Base District, Prohibited Use (see Notes)

for the 10-10-05

Base at 10-10-05

10-10-05

10-10-05

4:34 pm

4410 E William Cannon Dr
Case 11-034864

Investigator M Elliott
4/22/11

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant community commercial – conditional overlay (GR-CO) combining district zoning. The conditional overlay prohibits the following uses: automotive rentals; automotive repair services; automotive sales; automotive washing (of any type); club or lodge; college or university facilities; communication service facilities; custom manufacturing; drop-off recycling collection facility; exterminating services; funeral services; guidance services; hospital services (general); pawn shop services; plant nursery; private secondary educational facilities; public secondary educational facilities; residential treatment; service station; special use historic; and theater.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

The proposed community commercial (GR) district is intended for office and commercial uses serving neighborhood and community needs, including both unified shopping centers and individually developed commercial sites, and typically requiring locations accessible from major trafficways. The CO combining district may be applied in combination with most base districts. The district is intended to provide flexible and adaptive use or site development regulations by requiring standards tailored to individual properties.

This property has frontage on East William Cannon Drive.

2. *Zoning changes should promote compatibility with adjacent and nearby land uses.*
3. *Public facilities and services should be adequate to serve the set of uses allowed by a rezoning.*

Due to the proximity of the Williamson Creek Greenbelt to the north and east, Staff still believes that automotive uses, including sales, rental, repair, washing, and service station are not well suited for the subject property, despite their reoccurrence since 2000. Therefore, Staff does not recommend removing automotive sales from the prohibited use list. However, as an alternative, Staff recommends removing a number of other prohibited uses to increase the allowable uses and achieve consistency with the adjacent property to the west. This would allow a subset of commercial uses to serve the residences in proximity to this property, while excluding the more intensive GR land uses. The allowable use list includes retail sales, restaurants, administrative and business offices, medical offices, consumer convenience services and consumer repair services, personal services, personal improvement services, and certain civic uses.

EXISTING CONDITIONS**Site Characteristics**

The subject property is developed with an auto sales use and slopes to the north, towards the Williamson Creek Greenbelt.

Impervious Cover

The maximum impervious cover allowed by the GR zoning district would be 80%, which is based on the more restrictive watershed regulations described below.

Comprehensive Planning

The subject property is approximately 0.419 acres in size and is located on the north side of E. William Cannon Drive. The property is not located within the boundaries of a neighborhood planning area, and contains a used car lot, which has been in business at this location since 1999. Surrounding land uses includes undeveloped land to the north and west, a trailer sales/repair shop to the east, and single family subdivision to the south. The property was rezoned in 2002 from SF-3 to GR-CO and the -CO prohibited auto sales despite that being the existing use on the property. The request is to remove auto sales as a conditional use on the -CO so the owner can continue to run their auto sales business at this location.

Connectivity

A public sidewalk is located along both sides of this portion of William Cannon Drive and a Cap Metro stop is within walking distance to this property. The Walkscore for this site is 31/100, Car Dependent, meaning most errands require a car.

Imagine Austin

While Imagine Austin identifies this property as being located along an ‘Activity Corridor,’ based on the small scale of this site relative to other commercial uses in this area, this case falls below the scope of Imagine Austin, which is broad in scope, and consequently the plan is neutral on this proposed rezoning.

Drainage

The developer is required to submit a pre- and post-development drainage analysis at the subdivision and site plan stage of the development process. The City’s Land Development Code and Drainage Criteria Manual require that the Applicant demonstrate through engineering analysis that the proposed development will have no identifiable adverse impact on surrounding properties.

Environmental

The site is not located over the Edwards Aquifer Recharge 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. The site is in the Desired Development Zone.

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 Gross Site Area</i>	<i>% of Gross Site Area 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%

According to floodplain maps there is no floodplain within or adjacent to the project location.

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 512-974-1876. 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 requires water quality control with increased capture volume and control of the 2 year storm on site.

At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

Site Plan and Compatibility Standards

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.

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

Compatibility Standards

The site is subject to compatibility standards. Along the South property line, 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, height limitation is 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property line.
- 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.

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

Transportation

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].

Water and Wastewater

FYI: 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, water or wastewater easements, utility relocations and or abandonments required by the proposed land use. Depending on the development plans submitted, water and or wastewater service extension requests may be required. Water and wastewater utility plans must be reviewed and approved by Austin Water for compliance with City criteria and suitability for operation and maintenance. 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 fees once the landowner makes an application for Austin Water utility tap permits.



January 23, 2018

Ms. Wendy Rhodes
Development Review Department
City of Austin
505 Barton Springs Rd.
Austin TX 78704

Re: 4410 E. William Cannon, Austin Texas 78744

Thank you for your time, to this zoning process. As I mentioned to you, my client Daniel Garcia, contract services of a local zoning processor to change the zoning of this property from Single Family (SF3) district to commercial convening district (GR-CO), locally known as *4410 E. William Cannon in 2011*.

My client has been using the property since the year 1999, as an automobile sales use. My surprise was that the processor of the zoning agreed to have the automobile sales as a prohibited use which make no sense why he agreed, if the purpose of my client was to allow the car sales.

So, the zoning pass as *ordinance 020117-Z-4* with the prohibited use. My client was informed that everything was done and he was legal. Because the zoning change was achieved. My client continued the sales of cars in his property thinking that we has in compliance.

In December 2016, he was informed by the City of Austin Code Compliance personnel that he was violating an Ordinance because he did not have a certificate of occupancy for the use. He contracted another local civil engineer that told him he will get a change of use and a certificate of occupancy, he paid to this person thousands of dollars , to learn that a change of use can't be achieve because of prohibitions in the ordinance zoning .

Here we are asking you to consider removing the sales use of the zoning as prohibited and only dedicated the front part of the property for the automobile sales use.

Your kind consideration is appreciated.

Regards,



Sergio N. Lozano-Sanchez, P.E.
Principal

INFORMACIÓN DE AUDIENCIA PÚBLICA

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Durante la audiencia pública, la comisión podría postergar o continuar audiencia del caso en una fecha futura, o puede evaluar la recomendación de los oficiales municipales y las del público al mismo tiempo mandando su recomendación al cabildo municipal. Si la comisión anuncia una fecha y hora específica para postergar o continuar discusión, y no se extiende más de 60 días, no tendrá obligación de otra notificación pública.

El cabildo municipal, durante su audiencia pública, puede otorgar o negar una petición de zonificación, rézonificar el terreno a una clasificación de zonificación menos intensiva que lo que es pedida. En ningún caso se otorgara una clasificación de zonificación más intensiva de la petición.

Para otorgar un desarrollo de usos urbanos mixtos, el cabildo municipal puede agregar la designación USO MIXTO (MU) DISTRITO COMBINADO, *Mixed-use (MU) Combining District*, a ciertos usos urbanos de comercio. La designación MU- Distrito Combinado simplemente permite usos urbanos residenciales en adición a los usos ya permitidos el los siete distritos con zonificación para comercio. Como resultado, la designación MU- Distrito Combinado, otorga la combinación de oficinas, comercio, y usos urbanos residenciales en el mismo sitio.

Para más información acerca del proceso de desarrollo urbano de la ciudad de Austin, por favor visite nuestra página de la *Internet*: www.austintexas.gov/planning.

Comentarios escritos deberán ser sometidos a la comisión (o a la persona designada en la noticia oficial) antes o durante la audiencia pública. Sus comentarios deben incluir el nombre de la comisión, la fecha de la audiencia pública, y el número de caso de la persona designada en la noticia oficial.

Numero de caso: C14-2017-0130

Persona designada: Wendy Rhoades, 512-974-7719

**Audiencia Publica: March 6, 2018, Zoning and Platting Commission
April 12, 2018, City Council**

Cornelios Traber Rental
Su nombre (en letra de molde)

<input type="checkbox"/> A Favor
<input checked="" type="checkbox"/> En Contra

4500 E. William Cannon at Arroyo 78744
Su domicilio(s) afectado(s) por esta solicitud

Sergio A. Treviño
Firma

2-28-18
Fecha

Número de teléfono diurno: *512-326-5213*

Comentarios:

Si usted usa esta forma para proveer comentarios, puede retornarlos :
City of Austin

Planning & Zoning Department

Wendy Rhoades

P. O. Box 1088

Austin, TX 78767-8810

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/planning.

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: C14-2017-0130

Contact: Wendy Rhoades, 512-974-7719

Public Hearings: March 6, 2018, Zoning and Platting Commission
April 12, 2018, City Council

Suzanne Tremblay
Your Name (please print)

4500 E. William Cannon

Your address(es) affected by this application

[Signature]
Signature

Date

2-28-18

Daytime Telephone: 512-

Comments:

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

City of Austin
Planning & Zoning Department
Wendy Rhoades
P. O. Box 1088
Austin, TX 78767-8810

<input type="checkbox"/> I am in favor <input checked="" type="checkbox"/> I am in object
--

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Durante la audiencia pública, la comisión podría postergar o continuar audiencia del caso en una fecha futura, o puede evaluar la recomendación de los oficiales municipales y las del público al mismo tiempo mandando su recomendación al cabildo municipal. Si la comisión anuncia una fecha y hora específica para postergar o continuar discusión, y no se extiende más de 60 días, no tendrá obligación de otra notificación pública.

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Persona designada: Wendy Rhoades, 512-974-7719

**Audiencia Publica: March 6, 2018, Zoning and Platting Commission
April 12, 2018, City Council**

Jose Cano

Su nombre (en letra de molde)

4500 E Gillen Cannon Dr

Su domicilio(s) afectado(s) por esta solicitud

Jose Cano

Firma

3-1-18

Fecha

Número de teléfono diurno: _____

Comentarios: _____

Si usted usa esta forma para proveer comentarios, puede retornarlos :

City of Austin

Planning & Zoning Department

Wendy Rhoades

P. O. Box 1088

Austin, TX 78767-8810

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Número de caso: C14-2017-0130

Persona designada: Wendy Rhoades, 512-974-7719

**Audiencia Publica: March 6, 2018, Zoning and Platting Commission
April 12, 2018, City Council**

Su nombre (en letra de molde)

4500 E. William Cannon Dr

Su domicilio(s) afectado(s) por esta solicitud

☐ A Favor
☒ En Contra

Firma

Fecha

Número de teléfono diurno: _____

Comentarios: _____

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City of Austin

Planning & Zoning Department

Wendy Rhoades

P. O. Box 1088

Austin, TX 78767-8810

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**Audiencia Publica: March 6, 2018, Zoning and Platting Commission
April 12, 2018, City Council**

Su nombre (en letra de molde)

<input type="checkbox"/> A Favor
<input checked="" type="checkbox"/> En Contra

William Carran Jr. April 12, 2018
Su domicilio(s) afectado(s) por esta solicitud

Firma

Fecha

Número de teléfono diurno: _____

Comentarios: _____

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City of Austin

Planning & Zoning Department

Wendy Rhoades

P. O. Box 1088

Austin, TX 78767-8810

LOC CONSULTANTS CIVIL DIVISION INC

FIRM 4756

1715 E 7TH STREET, AUSTIN TEXAS 78702

PHONE: (512) 524-0677

Email: Sergio@loccivil.com

Wendy Rhoades

Development Review Department

City of Austin

505 Barton Springs Rd

Austin, Texas 78704

April 6, 2018

**Re: 4410 E. William Cannon
Case No. C14-2017-0130
Genesis Auto**

Dear Wendy,

My client, Daniel Garcia, will be out of town this April, so I was respectfully asking to postpone our City Council Public Hearing that is scheduled for April 12, 2018 to the second week of May. I will greatly appreciate it.



Sergio N. Lozano Sánchez, P.E.
Principal

CC: Daniel Garcia