



**Zoning**  
**CITY OF AUSTIN**  
**RECOMMENDATION FOR COUNCIL ACTION**

**AGENDA ITEM NO.: Z-6**  
**AGENDA DATE: Thu 02/05/2004**  
**PAGE: 1 of 1**

**SUBJECT:** C14-03-0171 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5007 Regency Drive (Walnut Creek Watershed) from neighborhood commercial-neighborhood plan (LR-NP) combining district zoning to neighborhood commercial-mixed use-neighborhood plan (LR-MU-NP) combining district zoning. Planning Commission Recommendation: To grant neighborhood commercial-mixed use-neighborhood plan (LR-MU-NP) combining district zoning. Applicant: Ben Turner. Agent: Ben Turner. City Staff: Annick Beaudet, 974-2975.

**REQUESTING** Neighborhood Planning  
**DEPARTMENT:** and Zoning

**DIRECTOR'S**  
**AUTHORIZATION:** Greg Guernsey

## ZONING CHANGE REVIEW SHEET

**CASE:** C14-03-0171

**PC DATE:** December 23, 2003

**ADDRESS:** 5007 Regency

**OWNER/APPLICANT:** Ben Turner

**AGENT:** Ben Turner

**ZONING FROM:** LR-NP      **TO:** LR-MU-NP      **AREA:** .254 acres

### **SUMMARY STAFF RECOMMENDATION:**

Staff recommends neighborhood commercial-mixed use-neighborhood plan (LR-MU-NP) combining district zoning.

### **PLANNING COMMISSION RECOMMENDATION:**

12-23-03: Recommend staff recommendation of neighborhood commercial-mixed use-neighborhood plan (LR-MU-NP) combining district zoning by consent. Vote: 5-0 (NS-1<sup>ST</sup>, MM-2<sup>ND</sup>; MA, DS-ABSENT, LO-ON LEAVE)

### **ISSUES:**

The East MLK Combined Neighborhood Plan Future Land Use Map (FLUM) designates this property for mixed use (brown color on the FLUM). However, the intent of the plan was to allow mixed use in the form of the Mixed Use Building Special Use (MUB) in order to assure a commercial component of development for the property. While the requested mixed use (MU) combining district currently conforms to the plan, it would allow for the development of solely residential uses (townhouses, single family homes, duplex, apartments) on the site as there is not currently a required minimum residential or minimum commercial component to the MU combining district regulations.

Staff is exploring options to better identify on the FLUM tracts appropriate for the MUB as opposed to the MU combining district as we realize that with the MU combining district comes the possibility of solely residential or solely commercial development.

### **DEPARTMENT COMMENTS:**

The subject property is located within the Boundaries of the East MLK Combined neighborhood planning area.

The Mixed Use Building Special Use is a permitted use on this site and on the adjacent LR-NP zoned property.

Currently, this rezoning request does not require a plan amendment.

### **EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	LR-NP	undeveloped
<i>North</i>	SF-2	Single family homes
<i>South</i>	CS-CO-NP, W/LO-CO	Beauty salon, undeveloped (proposed convenient storage)
<i>East</i>	LR-NP	undeveloped

<i>West</i>	CS-CO-NP	undeveloped
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**AREA STUDY:** East MLK Combined Neighborhood Plan, Airport Overlay

**TIA:** Not required.

**WATERSHED:** Walnut Creek

**DESIRED DEVELOPMENT ZONE:** Yes.

**CAPITOL VIEW CORRIDOR:** No.

**HILL COUNTRY ROADWAY:** No.

**NEIGHBORHOOD ORGANIZATIONS:**

Cavalier Park Neighborhood Association  
 Craigwood Association  
 Austin Neighborhoods Council

**CASE HISTORIES:**

NUMBER	REQUEST	ZONING AND PLATTING COMMISSION	CITY COUNCIL
C14-02-0142	East MLK Combined Neighborhood Planning area.	10-9-02: Approved staff recommendation w/changes.	11-7-02: Approved neighborhood plan rezonings.
C14-02-0004	LO to W/LO	4-9-02: Approved W/LO w/conditions.	4-10-03: Approved W/LO-CO.
C14-01-0042	LO to GR	5-01-01: Approved LR-CO.	8-23-01: Approved LR-CO.

**RELATED CASES:**

There are no pending subdivision and/or site plan applications currently under review by the City of Austin.

**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Daily Traffic
Regency Drive	60'	29'	Collector	2,190
MLK, Jr. Blvd (FM 969)	102'	46'	Arterial	24,000

**CITY COUNCIL DATE:** February 5, 2004

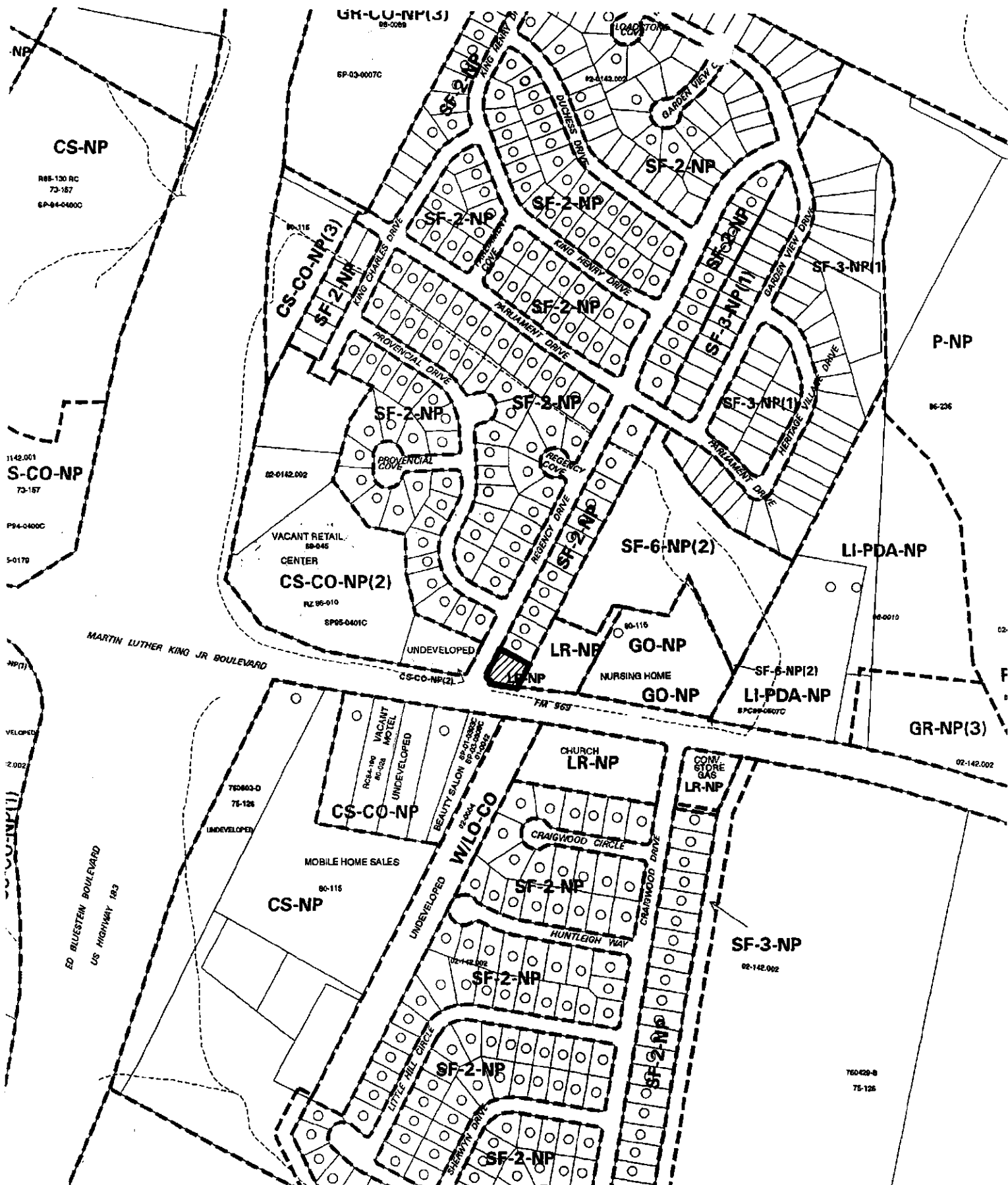
**ACTION:**


**ORDINANCE READINGS:** 1<sup>st</sup> 2<sup>nd</sup> 3<sup>rd</sup>

**ORDINANCE NUMBER:**











**CASE MANAGER:** Annick Beaudet

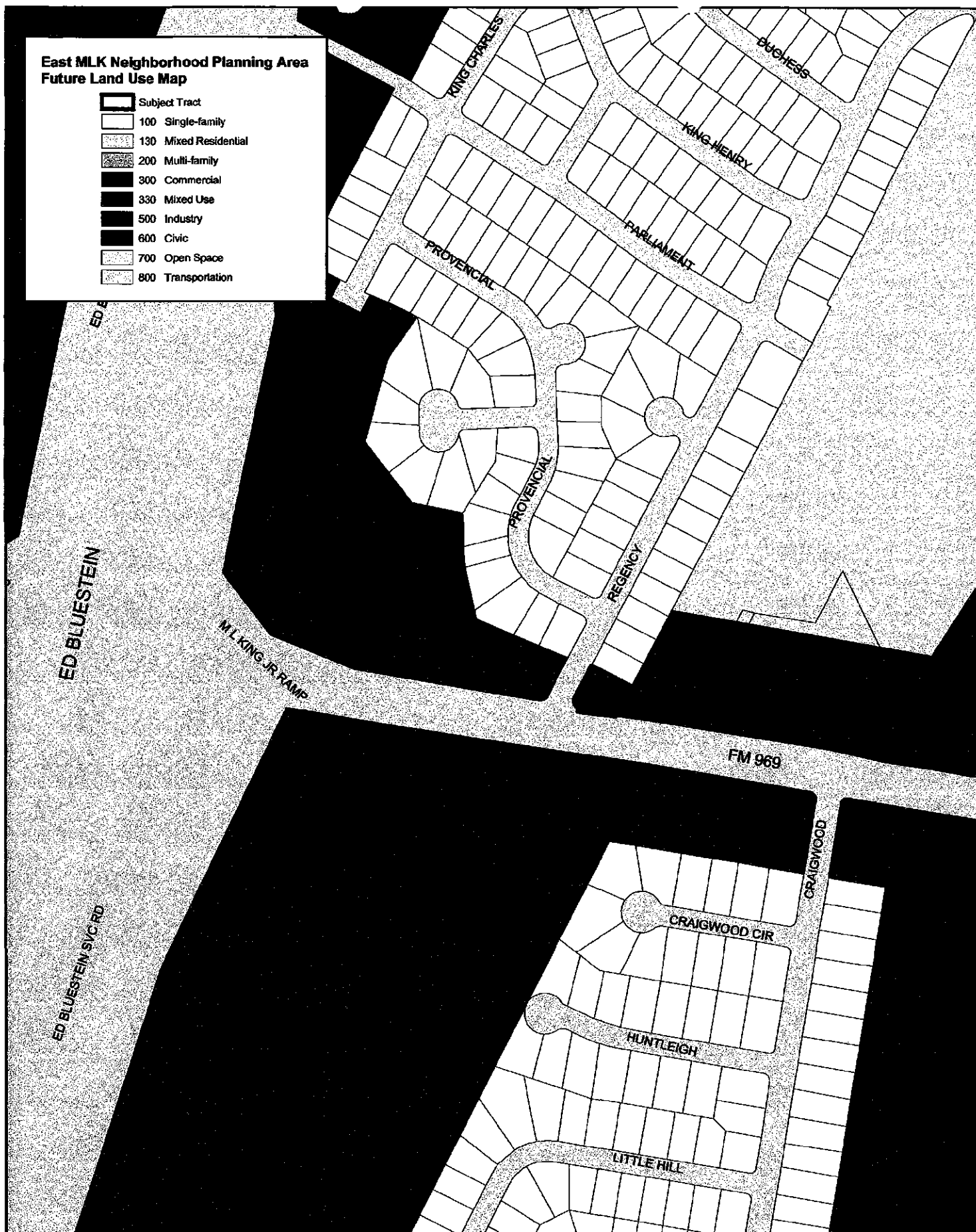
**PHONE:** 974-2975



 1" = 400'	<p><b>SUBJECT TRACT</b></p> <p>PENDING CASE</p> <p>ZONING BOUNDARY</p> <p>CASE MGR: A. BEAUDET</p>	<p><b>ZONING</b></p> <p>CASE #: C14-03-0171</p> <p>ADDRESS: 5007 REGENCY DR</p> <p>SUBJECT AREA (acres): 0.254</p> <p>DATE: 03-11</p> <p>INTLS: SM</p>	<p><b>CITY GRID REFERENCE NUMBER</b></p> <p>N23</p>
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# **East MLK Neighborhood Planning Area Future Land Use Map**

-  Subject Tract
-  100 Single-family
-  130 Mixed Residential
-  200 Multi-family
-  300 Commercial
-  330 Mixed Use
-  500 Industry
-  600 Civic
-  700 Open Space
-  800 Transportation



## **STAFF RECOMMENDATION**

**C14-03-0171**

Staff recommends neighborhood commercial-mixed use-neighborhood plan (LR-MU-NP) combining district zoning.

## **BACKGROUND**

The subject property was “up” zoned from single-family residence standard lot (SF-2) district zoning to neighborhood commercial-neighborhood plan (LR-NP) combining district zoning via the neighborhood planning process. The neighborhood and the applicant were in favor of that change as there was a need for neighborhood services in the area and the commercial zoning provides that as well as providing for a transition of zoning district intensities.

## **BASIS FOR RECOMMENDATION**

1. Zoning should be consistent with an adopted area study or neighborhood plan.

The requested zoning to add the MU combining district is consistent with the current FLUM that designates the property as appropriate for mixed-use development.

2. Zoning changes should promote compatibility with nearby and adjacent uses.

The additional permitted residential uses are compatible with the nearby and adjacent uses, which are single-family residential and undeveloped land. In addition, any townhouse or multifamily (apartment) development will be subject to compatibility standards as defined by the City of Austin Land Development Code.

3. Zoning should allow for a reasonable use of the property.

The site is small and would be subject to compatibility standards for the northern property line for any commercial development or townhouse or multifamily residential development. Given the size of the tract and its access to a residential street the MU combining district is reasonable to allow for more possibilities for development of the site.

## **EXISTING CONDITIONS**

### **Site Characteristics**

The site is flat with sparse naturally occurring vegetation.

### **Impervious Cover**

The maximum impervious cover allowed by the LR zoning district would be 80%. However, because the watershed impervious cover is more restrictive than the zoning district's allowable impervious cover, the impervious cover is limited by the watershed regulations. The site is not located over the Edward's Aquifer Recharge Zone. The site is in the Walnut Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

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

In the Water Quality Transition Zones, impervious cover is limited to 30%.

### **Environmental**

According to flood plain maps, there is no flood plain in, or within close proximity of, 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.

At this time, site specific information is unavailable regarding existing trees and 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.

### **Transportation**

No additional right-of-way is needed at this time.

The trip generation under the requested zoning is estimated to be 1,060 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

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]

There are existing sidewalks along portions of Regency Drive; however, not along the subject tract.

MLK, Jr. Blvd. is classified in the Bicycle Plan as a Priority 1 bike route (Route #44).

Capital Metro bus service is available along Martin Luther King, Jr. Blvd. (FM 969) (Route 18).

### **Water and Wastewater**

The landowner intends to serve the site with City water and wastewater utilities. If water or wastewater utility improvements, or system upgrades, or offsite main extension, or utility adjustment, or relocation are required, the landowner will be responsible for all costs and providing. Also, the

utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City's utility design criteria.

### **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.

### **Compatibility Standards**

FYI - This site is located in the MLK-183 Neighborhood Plan. There are recommended design guidelines.

The site is subject to compatibility standards. Along the north 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.
  - In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- Additional design regulations will be enforced at the time a site plan is submitted.

This property is within the Controlled Compatible Land Use Area defined by Chapter 241 of the Local Government Code. Development on this property is limited by Chapter 25-13 of the Austin City Code. Airport hazards as defined in Federal Aviation Regulations Part 77, as adopted by the City in Sections 25-13-23, are prohibited. For more information, contact Shane M. Harbinson, Noise Abatement Officer at (512) 530-6652.

### **DEPARTMENT COMMENTS**

The subject property is located within the Boundaries of the East MLK Combined neighborhood planning area.

The Mixed Use Building Special Use is a permitted use on this site and on the adjacent LR-NP zoned property.

Currently, this rezoning request does not require a plan amendment.



You may send your written comments to the Zoning & Platting Commission Assistant, Neighborhood Planning & Zoning Department, P. O. Box 1088, Austin, TX 78767-8835.

File # C14-03-0171-AB

Planning Commission Hearing Date: December 23, 2003

Name (please print) NINA L. Batts

- ☒ I am in favor  
(Estoy de acuerdo)  
☐ I object  
(No estoy de acuerdo)

Address 5206 King Charles St.  
Austin, Texas 78724

You may send your written comments to the Zoning & Platting Commission Assistant, Neighborhood Planning & Zoning Department, P. O. Box 1088, Austin, TX 78767-8835.

File # C14-03-0171-AB

Planning Commission Hearing Date: December 23, 2003

Name (please print) Letha M. Whitehurst

- ☐ I am in favor  
(Estoy de acuerdo)  
☒ I object  
(No estoy de acuerdo)

Address 5104 Regency Dr.



City of Austin, Neighborhood Planning & Zoning Department  
505 Barton Springs Road / P.O. Box 1088 / Austin, Texas 78767-8835

## NOTICE OF PLANNING COMMISSION PUBLIC HEARING FOR A PROPOSED ZONING CHANGE

Este aviso es para informarles de una junta pública tocante a un cambio en el uso de la propiedad indicada así abajo. Si quiere una copia de este aviso en español, hable al teléfono (512) 974-2680.

Mailing Date of this Notice: December 12, 2003

File Number: C14-03-0171

Mailing Date of First Notice: December 2, 2003

ADDRESS AND/OR LEGAL DESCRIPTION OF PROPOSED ZONING CHANGE (See Map) 5007 Regency Drive

### PROPOSED ZONING CHANGE:

FROM: LR-NP Neighborhood Commercial district is intended for neighborhood shopping facilities which provide limited business service and office facilities predominately for the convenience of residents of the neighborhood. NP-Neighborhood Plan district denotes a tract located within the boundaries of an adopted Neighborhood Plan.

TO: LR-MU-NP Neighborhood Commercial district is intended for neighborhood shopping facilities which provide limited business service and office facilities predominately for the convenience of residents of the neighborhood. MU--Mixed Use combining district is intended for combination with selected base districts, in order to permit any combination of office, retail, commercial, and residential uses within a single development. The MU combining district is intended for use in combination with the NO base district only when its use will further the purposes and intent of the NO base district. NP--Neighborhood Plan district denotes a tract located within the boundaries of an adopted Neighborhood Plan.

OWNER: Consort, Inc. (Ben Turner)

PHONE: (512) 469-0500

PLANNING COMMISSION HEARING DATE: December 23, 2003

TIME: 6:00 PM

LOCATION: 505 Barton Springs Road, One Texas Center 3<sup>rd</sup> Floor, Training Room #325, Austin

If you have any questions concerning this notice, please contact Annick Beaudet at the City of Austin, Neighborhood Planning & Zoning Department, (512) 974-2975. Office hours are 7:45 a.m. to 4:45 p.m. Please be sure to refer to the File Number at the top of the page when you call. See enclosed sheet for more information on public hearings.

You may send your written comments to the Zoning & Platting Commission Assistant, Neighborhood Planning & Zoning Department, P. O. Box 1088, Austin, TX 78767-8835.

File # C14-03-0171-AB

Planning Commission Hearing Date: December 23, 2003

Name (please print) Olyvia Green

Address 5011 Regency Drive

☐ I am in favor  
(Estoy de acuerdo)

☒ I object  
(No estoy de acuerdo)



City of Austin, Neighborhood Planning & Zoning Department  
505 Barton Springs Road / P.O. Box 1088 / Austin, Texas 78767-8835

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File # C14-03-0171-AB

Planning Commission Hearing Date: December 23, 2003

Name (please print) Willi R. Elam-Speed

☒ I am in favor  
(Estoy de acuerdo)

Address 4507 LittleHill Circle, Austin, TX 78725

☐ I object  
(No estoy de acuerdo)

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 5007 REGENCY DRIVE FROM NEIGHBORHOOD COMMERCIAL-NEIGHBORHOOD PLAN (LR-NP) COMBINING DISTRICT TO NEIGHBORHOOD COMMERCIAL-MIXED USE-NEIGHBORHOOD PLAN (LR-MU-NP) 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 neighborhood commercial-neighborhood plan (LR-NP) combining district to neighborhood commercial-mixed use-neighborhood plan (LR-MU-NP) combining district on the property described in Zoning Case No.C14-03-0171, on file at the Neighborhood Planning and Zoning Department, as follows:

A 0.254 acre tract of land, more or less, out of the J.C. Tannehill Survey No. 29, Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance, (the "Property")

locally known as 5007 Regency Drive, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

**PART 2.** The Property is subject to Ordinance No. 021107-12b the established the East MLK-183 neighborhood plan combining district.

**PART 3.** This ordinance takes effect on \_\_\_\_\_, 2004.

**PASSED AND APPROVED**

\_\_\_\_\_, 2004      §  
   §  
   § \_\_\_\_\_  
   Will Wynn  
   Mayor

**APPROVED:** \_\_\_\_\_ **ATTEST:** \_\_\_\_\_  
David Allan Smith      Shirley A. Brown  
City Attorney      City Clerk

FIELD NOTES  
FOR

0.254 ACRE OF LAND

EXHIBIT A

ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF THE J.C. TANNEHILL SURVEY NO. 29, ABSTRACT NO. 22 IN TRAVIS COUNTY, TEXAS, BEING THAT CERTAIN TRACT OF LAND DESIGNATED AS TRACT 8 AS CONVEYED TO CARRINGTON FAMILY PARTNERS, LTD. BY INSTRUMENTS RECORDED IN VOLUME 11691, PAGE 332 AND VOLUME 12384, PAGE 1608 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, THE HEREIN DESCRIBED TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at an 'X' found on a concrete curb at the intersection of the North r.o.w. line of Martin Luther King Boulevard, a 100 foot wide public right-of-way, and the East r.o.w. line of Regency Drive, a 60 foot wide public right-of-way, for the Southwest corner and PLACE OF BEGINNING hereof;

THENCE along the East r.o.w. line of Regency Drive for the following courses:

N 11°45'13" E for a distance of 10.02 feet to a ½ inch iron pin found at a point of curve

Along a curve to the right whose radius is 15.00 feet, whose arc is 28.20 feet and whose chord bears N 24°10'22" W for a distance of 24.23 feet to a ½ inch iron pin found

N 30°01'04" E for a distance of 90.43 feet to a ½ inch iron pin found at the Southwest corner of Lot 2, Block A, Cavalier Park Section One, a subdivision recorded in Volume 40, Page 16 of the Plat Records of Travis County, Texas, for the Northwest corner hereof;

THENCE along the South line of said Lot 2, Block A, S 59°59'43" E for a distance of 109.91 feet to a ½ inch iron pin found at the Southeast corner of said Lot 2, Block A, for the Northeast corner hereof;

THENCE along the East line of the herein described tract, S 29°57'55" W for a distance of 85.50 feet to a ½ inch iron pin found in the North r.o.w. line of Martin Luther King Boulevard, for the Southeast corner hereof;

THENCE along the North r.o.w. line of Martin Luther King Boulevard, N 78°10'00" W for a distance of 91.79 feet to the PLACE OF BEGINNING and containing 0.254 acre of land, more or less.

SURVEYED BY;

Roy D. Smith Surveyors, P.C.

  
ROY D. SMITH

REGISTERED PROFESSIONAL SURVEYOR NO. 40941

December 19, 2000

