

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



**AGENDA ITEM NO.: Z-6
AGENDA DATE: Thu 02/26/2004
PAGE: 1 of 1**

SUBJECT: C14-03-0161 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1608 West 34th Street (Shoal Creek Watershed) from family residence (SF-3) district zoning to neighborhood office-mixed use-conditional overlay (NO-MU-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant neighborhood office-mixed use-conditional overlay (NO-MU-CO) combining district zoning. Applicant: Shirley Slaughter. Agent: Thrower Design (Ron Thrower). City Staff: Glenn Rhoades, 974-2775.

REQUESTING	Neighborhood Planning	DIRECTOR'S
DEPARTMENT:	and Zoning	AUTHORIZATION: <u>Greg Guernsey</u>

ZONING CHANGE REVIEW SHEET

CASE: C14-03-0161

Z.A.P. DATE: December 2, 2003
December 16, 2003
January 6, 2004

C.C. DATE: February 26, 2004

ADDRESS: 1608 West 34th Street

OWNER/APPLICANT: Shirley Slaughter

AGENT: Thrower Design
(Ron Thrower)

ZONING FROM: SF-3

TO: NO

AREA: .175 acres

SUMMARY STAFF RECOMMENDATION:

Staff recommends the proposed change to NO, Neighborhood Office district zoning.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

December 2, 2003 – Postponed at the request of staff until 12/16/03 due to a notification error (Vote: 9-0).

December 16, 2003 – Postponed at the request of the neighborhood to 1/6/03 (Vote: 8-0, C. Hammond – absent).

January 6, 2004 – Approved NO-MU-CO, Neighborhood Office-Mixed Use-Conditional Overlay combining district zoning by consent with some additional conditions read into the record. The conditional overlay will limit the property to a height of 18 feet, a maximum Floor to Area Ratio of .26:1 for any new structures and will require a pitched roof. In addition, the following uses shall be prohibited; Communication Service Facilities, Local Utility Services, Private Primary Education Facilities, Public Primary Education Facilities, Public secondary Education facilities, Safety Services, Day Care (Commercial), and all other residential uses other than Single Family.

ISSUES:

The Bryker Woods Neighborhood Association and the applicant have come to an agreement in regards to the conditions set forth in the conditional overlay. In addition, the neighborhood and applicant have agreed to enter into a private restrictive covenant for additional restrictions that cannot be put into a conditional overlay (see attached).

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-3	Single Family
<i>North</i>	NO and LO	Office and Single Family
<i>South</i>	SF-3	Single Family
<i>East</i>	LO	Office
<i>West</i>	SF-3	Single Family

AREA STUDY: N/A

TIA: N/A

WATERSHED: Shoal Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

NEIGHBORHOOD ORGANIZATIONS:

#088 – West Austin Neighborhood Group
#156 – Bryker Woods Neighborhood Association
#344 – M.K. Hage
#511 – Austin Neighborhoods Council

CASE HISTORIES:

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-96-0069	SF-3 to GR-MU-CO	To approve GR-MU-CO. The CO prohibits Vehicle access from Kerbey Lane and the alley on the south side of the property. A 2,000 trip limit. The following uses are prohibited: auto rentals, auto repair, auto sales, auto washing, business or trade school, commercial off-street parking, communication services, exterminating services, funeral services, hotel-motel, indoor entertainment, indoor sports and recreation, pawn shop services, research services (general), theater, hospital services (general), drop-off recycling. The following uses are conditional: community recreation (public/private), hospital services (limited), and restaurant (drive-in, fast food). Vote: 6-0 (7/23/96)	Approved GR-MU-CO (Vote: 7-0). 8/15/96.
C14-99-0107	LO to LR	Approved LR-CO. The CO prohibits the following uses: guidance services, communication services, consumer convenience services, consumer repair services, financial services, food sales, general retail sales (convenience), off-site accessory parking, personal services, pet services, plant nursery, restaurant (drive-in, fast food), restaurant (limited), services station (Vote: 6-0). 8/3/99.	Approved LR-CO (Vote: 7-0). 9/2/99.
C14-00-2233	SF-3 to NO-MU	Approved NO-MU (Vote: 6-0). 12/19/00.	Approved NO-MU (Vote: 6-0). 1/18/01

ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION	DAILY TRAFFIC
West 34 th	60	Varies	Arterial	N/A
Jefferson	50'	30'	Local	N/A
Glenview	54'	30'	Local	N/A

CITY COUNCIL DATE: February 26, 2004

ACTION:

ORDINANCE READINGS: 1st

2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Glenn Rhoades

PHONE: 974-2775



STAFF RECOMMENDATION

Staff recommends the proposed change to NO, Neighborhood Office district zoning.

BASIS FOR RECOMMENDATION

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

NO, Neighborhood Office district zoning is intended for offices predominantly serving neighborhood or community needs, which may be located within or adjacent to residential offices. Offices in the NO district would typically locate on a collector street with a minimum of 40 feet of pavement width and would not unduly affect traffic in the area. The NO district is designed to accommodate small, single-use offices and to encourage and preserve compatibility with existing neighborhoods through renovation and modernization of existing structures.

The subject tract meets the purpose statement set forth in the Land Development Code by being located on the periphery of a single-family neighborhood. In addition, the site will only generate a maximum of 82 vehicle trips per day if the site is redeveloped to its maximum potential.

The proposed zoning should promote consistency, and orderly planning.

On the north side of 34th street and along Glenview Ave., the properties are predominantly used for office. 34th Street appears to be the dividing line between office and retail uses to the north and the single-family neighborhood to the south. If the request had been made on the south side of this portion of 34th Street, staff would probably not have recommended the proposed change.

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

Given the existing office zoning in the immediate vicinity, the proposed change is a fair and reasonable use of the site.

Zoning should promote the policy of locating retail and more intensive zoning near the intersections of arterial roadways or at the intersections of arterials and major collectors.

Staff does not believe that traffic will be adversely affected since the subject tract is at the intersection of an arterial roadway and a local collector.

EXISTING CONDITIONS

Site Characteristics

The site is currently occupied with a single family home.

Transportation

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

The trip generation under the requested zoning is estimated to be 82 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]

Capital Metro bus service is available along Jefferson (Route #29).

West 34th Street is classified in the Bicycle Plan as a Priority 1 bike route. (Route #38)

Jefferson is classified in the Bicycle Plan as a Priority 1 bike route. (Route #29)

There are existing sidewalks along West 34th.

Impervious Cover

The maximum impervious cover allowed under NO zoning is 60%.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Shoal Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone. Impervious cover is not limited in this watershed class. This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm.

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

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.

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

Right of Way

The scope of this review is limited to the identification of needs for dedication and/or reservation of right-of-way for funded Capital Improvement Program (C.I.P.) Roadway Construction Projects and Transportation Systems Management (T.S.M.) Projects planned for implementation by the City of Austin. No aspect of the proposed project is being considered or approved with this review other than the need for right-of-way for City projects. There are separate right-of-way dedication and reservation requirements enforced by other Departments and other jurisdictions to secure right-of-way for roadway improvements contained in the Austin Metropolitan Area Roadway Plan, roadway projects funded by County and State agencies, and for dedication in accordance with the functional classification of the roadway.

We have reviewed the proposed subdivision, site plan, or zoning case and anticipate no additional requirement for right-of-way dedication or reservation for funded C.I.P. or T.S.M. projects at this location.

Water and Wastewater

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

The site is subject to compatibility standards due to the existing SF-3 property across 34th Street. Any new development on this site will be subject to the following regulations:

- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- For a structure more than 100 feet but not more than 300 feet from the property line, a structure may attain a height of 40 feet plus one foot for each 10 feet if distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
- No parking or driveways are allowed within 25 feet of the property line
- A landscape area at least 15 feet in width is required along the southern 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.

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

Applicant/Neighborhood Association Agreement

File No. C14-03-0161

1608 W. 34th St.

1. The property will be re-zoned NO-MU-CO with the support of the Bryker Woods Neighborhood Association.
2. The CO (conditional overlay) will provide the following:
 - a) Permitted Uses: Bed & Breakfast, Admin/Bus office, Professional office, Software Development, Counseling Services, Group Home Class I ~~limited~~, Family Home, Day Care (Limited), Religious Assembly and Single-Family Residential.
 - b) Prohibited Uses: All other uses including Communication Service Facilities, Local Utility Services, Private Primary Education Facilities, Public Primary Education Facilities, Public Secondary Education Facilities, Safety Services, Day Care (Commercial), ~~Group Home Class I (General)~~ and Group Home Class II, AND ALL RESIDENTIAL USES OTHER THAN GROUP HOME CLASS I AND SINGLE FAMILY RESIDENTIAL
 - c) Site Development Regulations: Those listed in NO with these changes:
 1. Maximum Height: ~~One Story~~ 18 feet
 2. Maximum Floor Area Ratio for the existing structure: 0.31:1.
 3. Maximum Floor Area Ratio for any structure replacing the existing structure: 0.26:1.
 4. Any new structure to have a pitched roof design.
 - d) Signage: Limited to (1) a two-sided berm sign (ground mounted with no vertical poles), not more than 30" in height and no more than 6' in length, for a total of 15 square feet on each side, locate at the intersection of Jefferson Street and W. 34th St. and (2) Signs mounted on the building no more than 2 square feet in size. Additionally, there may be ancillary directive signs such as "No parking," Employee Parking," "Deliveries Only" and "No Solicitation." Backlit and neon signs are prohibited.
3. There will be a Restrictive Covenant encumbering the property, for the benefit of the Bryker Woods Neighborhood Association and three nearby neighbors, their heirs, successors and assigns, which will include the following terms:
 - a) If the Structure is voluntarily removed, demolished or destroyed the enclosed portion of any subsequent structure shall not exceed 2,000 sq. ft, shall not exceed one story in height and shall have a pitched roof design.
 - b) The Structure shall not be modified on the exterior in a way that enlarges the enclosed area except that the porches on the interior property line (roughly the northern side of the structure) may be enclosed. Nothing herein prohibits maintenance or repairs to the exterior of the Structure or maintenance, repairs or modifications to the interior of the Structure.
 - c) If the Structure is involuntarily destroyed or rendered uninhabitable in whole or substantial part due to acts of nature including but not limited to fire, water, flood, high winds, termites, or mold the then owner of the Property may

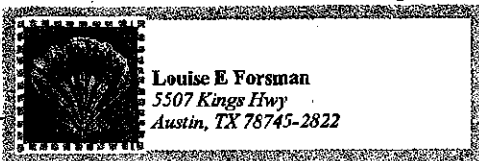
You may send your written comments to the Zoning & Platting Commission Assistant, Neighborhood Planning & Zoning Department, P. O. Box 1088, Austin, TX 78767-8835.

File # C14-03-0161-GR

Zoning & Platting Commission Hearing Date: December 2, 2003

Name (please print)

Address



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

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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 # C14-03-0161-GR

Zoning & Platting Commission Hearing Date: 12/16/2003

Name (please print)

Wendy and Jason Middlebrook

Address

3309 Glenview Ave

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

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