

8-12-04  
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### THIRD READING SUMMARY SHEET

ZONING CASE NUMBER: C14-04-0012.001 (PART)

REQUEST:

Approve third readings of an ordinance amending Chapter 25-2 of the Austin City Code rezoning the property locally known as part of Tract 15b- 5602 Clay Avenue from general commercial services (CS) district zoning to neighborhood commercial-mixed use-conditional overlay-neighborhood plan combining district (LR-MU-CO-NP) zoning. The CO prohibits the following uses: Off-Site Accessory Parking, Service Station, and Drive Through Services as an accessory use to commercial uses.

DEPARTMENT COMMENTS:

The conditions imposed by City Council on 2<sup>nd</sup> ordinance reading have been incorporated into the zoning ordinance.

A valid petition, submitted by the property owner, exists in opposition to any other zoning category other than general commercial services (CS) district zoning.

The neighborhood recommendation is limited office (LO) district zoning.

The Staff Recommendation and Planning Commission Recommendation is community commercial-mixed use-conditional overlay-neighborhood plan combining district (GR-MU-CO-NP) zoning. The CO would prohibit the following uses:

Automotive Rentals	Off-Site Accessory Parking
Automotive Repair Services	Outdoor Entertainment
Automotive Sales	Outdoor Sports and Recreation
Automotive Washing (of any type)	Pawn Shop Services
Commercial Off-Street Parking	Plant Nursery
Drop-Off Recycling Collection Facility	Service Station
Exterminating Services	Drive Though Services as an accessory use
General Retail of any type greater than 20,000 sq.ft.	

The property directly adjacent, to the west, received CS-MU-CO-NP district zoning via the neighborhood planning process. Consensus between the owner and neighborhood on that property was reached due to the property owner agreeing to prohibit access to Clay Avenue upon redevelopment. This property owner was able to agree because he does own all the lots providing access onto Adams Avenue and Clay Avenue.

While Staff did facilitate meetings between this property owner and the neighborhood in attempt for consensus for this property, the limiting factor preventing a similar agreement is that of access to Clay Avenue. The owner of 5602 Clay Avenue does not own the lot to the west of him, therefore, prohibiting access to Clay Avenue would require him to secure an access easement to Adams Avenue though a property that he does not own. The property owner has indicated to Staff that pursuing such an option would require legal assistance and funding that is not available to him at this time.

OWNER: Mark Cashman

APPLICANT: City of Austin, Neighborhood Planning & Zoning Department

DATE OF FIRST READING: March 25, 2004

CITY COUNCIL ACTION: Approved GR-MU-CO-NP. Vote 7-0.

DATE OF SECOND READING: May 13, 2004.

CITY COUNCIL ACTION: Approved LR-MU-CO-NP. Vote 7-0.

CITY COUNCIL HEARING DATE: August 12, 2004

ASSIGNED STAFF: Annick Beaudet, 974-2975