

Zoning Ordinance Approval
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION



AGENDA ITEM NO.: 68
AGENDA DATE: Thu 01/13/2005
PAGE: 1 of 1

SUBJECT: C14-04-0159 - Blackstone Apartments - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2910 Medical Arts Street (Waller Creek Watershed) from multifamily residence medium density-neighborhood plan (MF-3-NP) combining district zoning to neighborhood commercial-mixed use-conditional overlay-neighborhood plan (LR-MU-CO-NP) combining district zoning. First reading on December 16, 2004. Vote: 7-0. Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council on first ordinance reading. Applicant: Austin Management Group (Steven Moore). Agent: City of Austin-Neighborhood Planning and Zoning Department. City Staff: Glenn Rhoades, 974-2775.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

SECOND/THIRD READING SUMMARY SHEET

ZONING CASE NUMBER: C14-04-0159

REQUEST:

Approve second and third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2910 Medical Arts Street from multifamily residence medium density-neighborhood plan (MF-3-NP) combining district zoning to neighborhood commercial-mixed use-conditional overlay-neighborhood plan (LR-MU-CO-NP) combining district zoning. The conditional overlay:

1. Prohibits a drive-in service as an accessory use to commercial uses;
2. Establishes a financial services use as a conditional use; and
3. Establishes a residential treatment use and a medical office use (exceeding 5,000 sq. ft.) as prohibited uses.

DEPARTMENT COMMENTS:

This zoning case is within the Central Austin Combined Neighborhood Planning Area (CACNPA). The CACNPA was approved on August 26, 2004. At that time Council approved mixed use for this tract and directed staff to initiate a zoning case for the property. The proposed change is in accordance with the Future Land Use Map for the CACNPA and therefore does not require a plan amendment.

APPLICANT: Austin Management Group (Steven Moore)

AGENT: City of Austin-Neighborhood Planning and Zoning Department

DATE OF FIRST READING/VOTE:

December 16, 2004 – Approved LR-MU-CO-NP. Vote: 7-0.

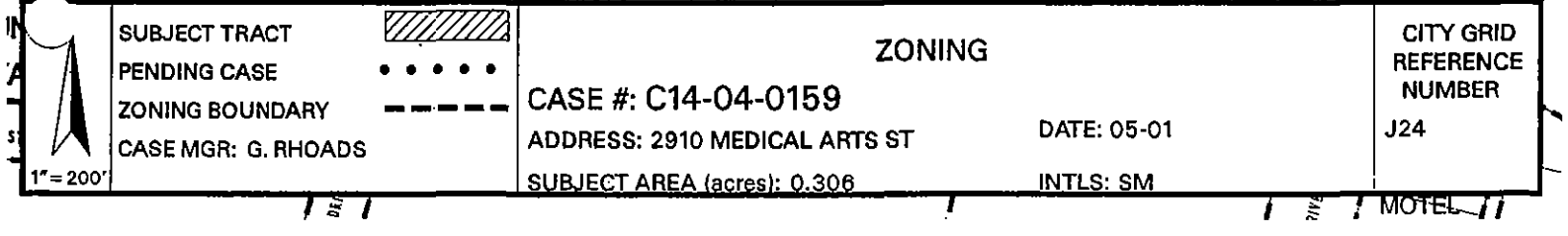
CITY COUNCIL DATE:

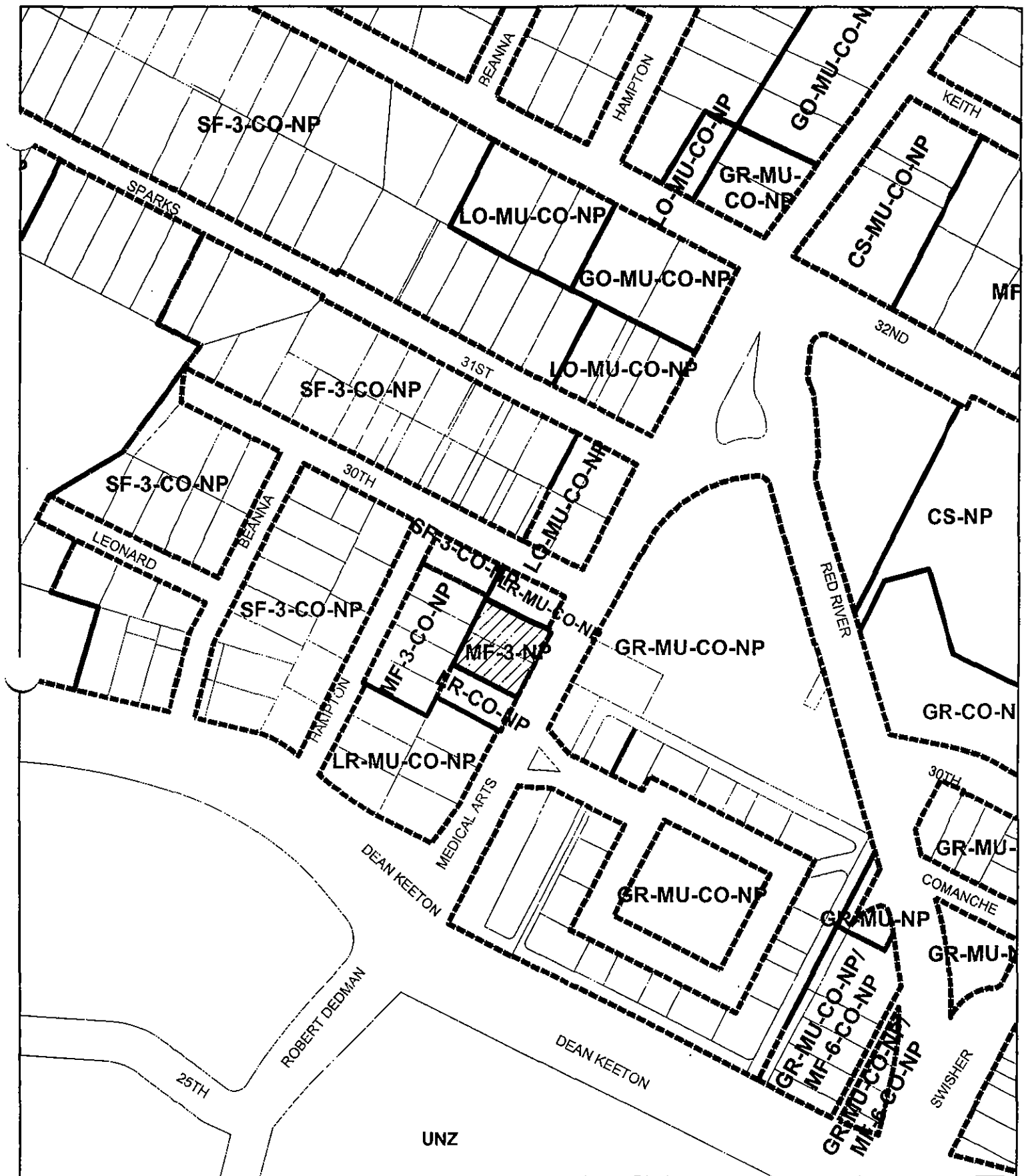
December 16 – Approved on first reading.





January 13, 2005 –

ASSIGNED STAFF: Glenn Rhoades

PHONE: 974-2775
glenn.rhoades@ci.austin.tx.us





 1"=200'	<div> <div>SUBJECT TRACT</div> <div>PENDING CASE</div> <div>ZONING BOUNDARY</div> <div>CASE MGR: G. RHOADES</div> </div> <div> <div></div> <div></div> <div></div> </div>	<div> <div>ZONING</div> <div>CASE #: C14-04-0159</div> <div>ADDRESS: 2910 MEDICAL ARTS ST</div> <div>SUBJECT AREA (acres): 0.306</div> </div> <div> <div>DATE: 04-10</div> <div>INTLS: JBC</div> </div>	<div> <div>CITY GRID REFERENCE NUMBER</div> <div>J24</div> </div>

ORDINANCE NO. _____

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 2910 MEDICAL ARTS STREET IN THE HANCOCK NEIGHBORHOOD PLAN AREA FROM MULTIFAMILY RESIDENCE MEDIUM DENSITY-NEIGHBORHOOD PLAN (MF-3-NP) COMBINING DISTRICT TO NEIGHBORHOOD COMMERCIAL-MIXED USE-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (LR-MU-CO-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 multifamily residence medium density-neighborhood plan (MF-3-NP) combining district to neighborhood commercial-mixed use-conditional overlay-neighborhood plan (LR-MU-CO-NP) combining district on the property described in Zoning Case No. C14-04-0159, on file at the Neighborhood Planning and Zoning Department, as follows:

Lots 5 and 6, Outlot 5, Division C, Weise Subdivision, a subdivision in the City of Austin, Travis County, Texas, as more particularly described in an instrument recorded in Volume 12537, Page 199, of the Official Public Records of Travis County, Texas, (the "Property")

locally known as 2910 Medical Arts Street in the Hancock neighborhood plan area, in the City of Austin, Travis County, Texas; and generally identified in the map attached as Exhibit "A".

PART 2. The Property may be developed as a neighborhood mixed use building special use as set forth in Sections 25-2-1502 through 25-2-1504 of the Code:

PART 3. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

1. Drive-in service is prohibited as an accessory use to commercial uses.
2. Financial services use is conditional use of the Property.
3. Residential treatment use and medical offices use (exceeding 5,000 sq. ft. of gross floor area) are prohibited uses.

1
2
3 Except as specifically restricted under this ordinance, the Property may be developed and
4 used in accordance with the regulations established for the neighborhood commercial (LR)
5 base district and other applicable requirements of the City Code.

6 **PART 4.** Except as otherwise provided in this ordinance, the Property is subject to
7 Ordinance No. 040826-59 that established the Hancock neighborhood plan combining
8 district.

9
10 **PART 5.** This ordinance takes effect on _____, 2005.

11
12
13 **PASSED AND APPROVED**

14
15 §
16 §
17 _____, 2005 §
18 _____ Will Wynn
19 Mayor
20

21
22 **APPROVED:** _____ **ATTEST:** _____
23 David Allan Smith Shirley A. Brown
24 City Attorney City Clerk

ZONING CHANGE REVIEW SHEET

CASE: C14-04-0159

P.C. DATE: November 9, 2004

C.C. DATE: December 16, 2004
January 13, 2005

ADDRESS: 2910 Medical Arts Street

OWNERS: Austin Management Group

AGENT: COA-NPZD

ZONING FROM: MF-3-NP

TO: LR-MU-CO-NP

AREA: .306 acres

SUMMARY STAFF RECOMMENDATION:

Staff recommends the proposed change to neighborhood commercial-mixed use-conditional overlay-neighborhood plan (LR-MU-CO-NP) combining district zoning. The conditional overlay will add the same conditions to the subject tract that are attached to the adjacent LR-MU-CO-NP properties. The prohibited uses are listed below:

Drive in service as an accessory use
Medical offices (exceeding 5,000 sq. ft.)
Financial services is to be allowed only as a conditional use

Residential treatment
Service station

In addition, the property is adjacent to other LR-MU-CO-NP properties that have been designated as potential neighborhood mixed use building special use.

PLANNING COMMISSION RECOMMENDATION:

November 9, 2004 – Approved neighborhood commercial-mixed use-conditional overlay-neighborhood plan (LR-MU-CO-NP) combining district zoning by consent (Vote: 8-0).

DEPARTMENT COMMENTS:

This zoning case is within the Central Austin Combined Neighborhood Planning Area (CACNPA). The CACNPA was approved on August 26, 2004. At that time Council approved mixed use for this tract and directed staff to initiate a zoning case for the property. The proposed change is in accordance with the Future Land Use Map for the CACNPA and therefore does not require a plan amendment.

ISSUES:

The applicant agrees with the Planning Commission's recommendation.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	MF-3-CO-NP	Apartments
<i>North</i>	LR-MU-CO-NP	Restaurant
<i>South</i>	LR-MU-CO-NP	Office, Bookstore
<i>East</i>	GR-MU-CO-NP	Retail, Apartments

<i>West</i>	MF-3 SF-3	Apartments Single Family
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AREA STUDY: Central Austin Combined

TIA: N/A

WATERSHED: Waller Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

HILL COUNTRY ROADWAY: N/A

NEIGHBORHOOD ORGANIZATIONS:

#025 – Eastwoods Neighborhood Association

#069 – University Area Partners

#603 – Mueller Neighborhoods Coalition

#937 – Taking Action Inc.

CASE HISTORIES:

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-02-0150	GO to CS-CO	Denied CS-CO (Vote: 5-3-1). 12/11/02	Approved CS-CO. The CO prohibits the following uses; agricultural sales and services, art and craft studio general, auto sales, auto repair services, auto rentals, auto washing, building maintenance services, campground, commercial blood plasma center, commercial off-street parking, construction sales and services, consumer convenience services, consumer repair services, convenience storage, drop-off recycling, electronic prototype assembly, equipment repair services, equipment sales, exterminating services, financial services, food sales, funeral services, general retail sales convenience, general retail sales general, hotel-motel, indoor entertainment, indoor sports and recreation, kennels, laundry services, monument retail sales, outdoor entertainment, outdoor sports and recreation, pawn shop services, personal improvement services, pet services, plant nursery, research services, restaurant (drive through, fast food), restaurant (general), service station, theater, vehicle storage, veterinary services, custom manufacturing, limited warehousing and distribution, maintenance and service facilities, transitional housing and transportation terminal (Vote: 7-0). 1/30/03

C14-96-0093	LO to LR-CO	Approved LR-CO. The CO prohibits the following uses; lodging house, consumer convenience services, check cashing, alcohol sales, tattoo parlor, service station, congregate living, counseling services and guidance services (Vote: 8-0). 9/10/96	Approved PC recommendation (Vote:7-0). 5/22/97.
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ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION
Medical Arts	66'	Varies	Collector

CITY COUNCIL DATE: December 16, 2004

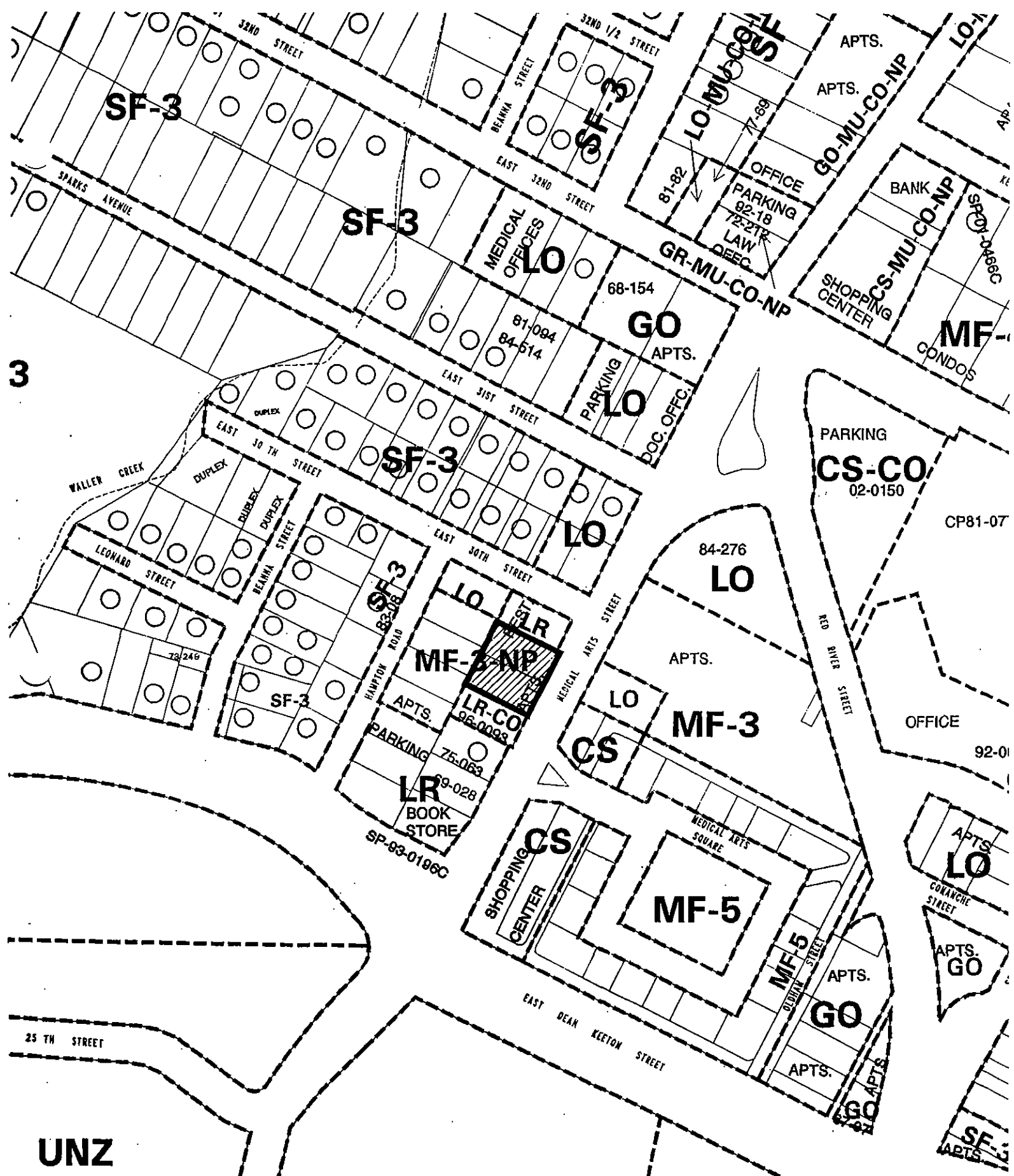
ACTION: Approved LR-MU-CO-NP
(Vote: 7-0).

ORDINANCE READINGS: 1st 12/16/04 2nd 3rd


ORDINANCE NUMBER:

CASE MANAGER: Glenn Rhoades

PHONE: 974-2775

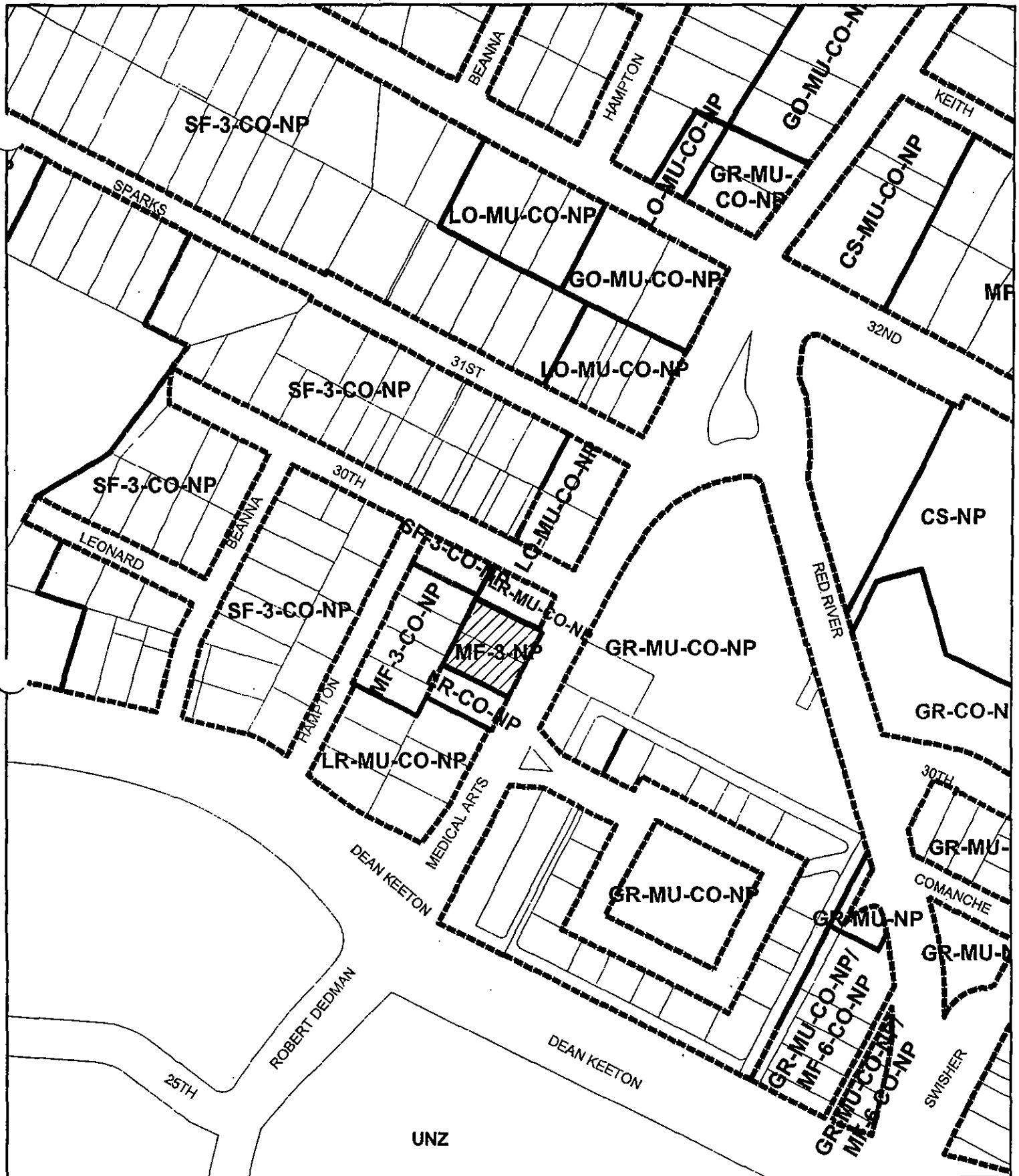






UNZ

 SUBJECT TRACT PENDING CASE ZONING BOUNDARY CASE MGR: G. RHOADS	<p>ZONING</p> <p>CASE #: C14-04-0159</p> <p>ADDRESS: 2910 MEDICAL ARTS ST</p> <p>SUBJECT AREA (acres): 0.306</p> <p>DATE: 05-01</p> <p>INTLS: SM</p>	<p>CITY GRID REFERENCE NUMBER</p> <p>J24</p>
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1" = 200'

MOTEL



<p>N</p>  <p>1"=200'</p>	<p>SUBJECT TRACT </p> <p>PENDING CASE </p> <p>ZONING BOUNDARY </p> <p>CASE MGR: G. RHOADES</p>	<p>ZONING</p> <p>CASE #: C14-04-0159</p> <p>ADDRESS: 2910 MEDICAL ARTS ST</p> <p>SUBJECT AREA (acres): 0.306</p> <p>DATE: 04-10</p> <p>INTLS: JBC</p>	<p>CITY GRID REFERENCE NUMBER</p> <p>J24</p>
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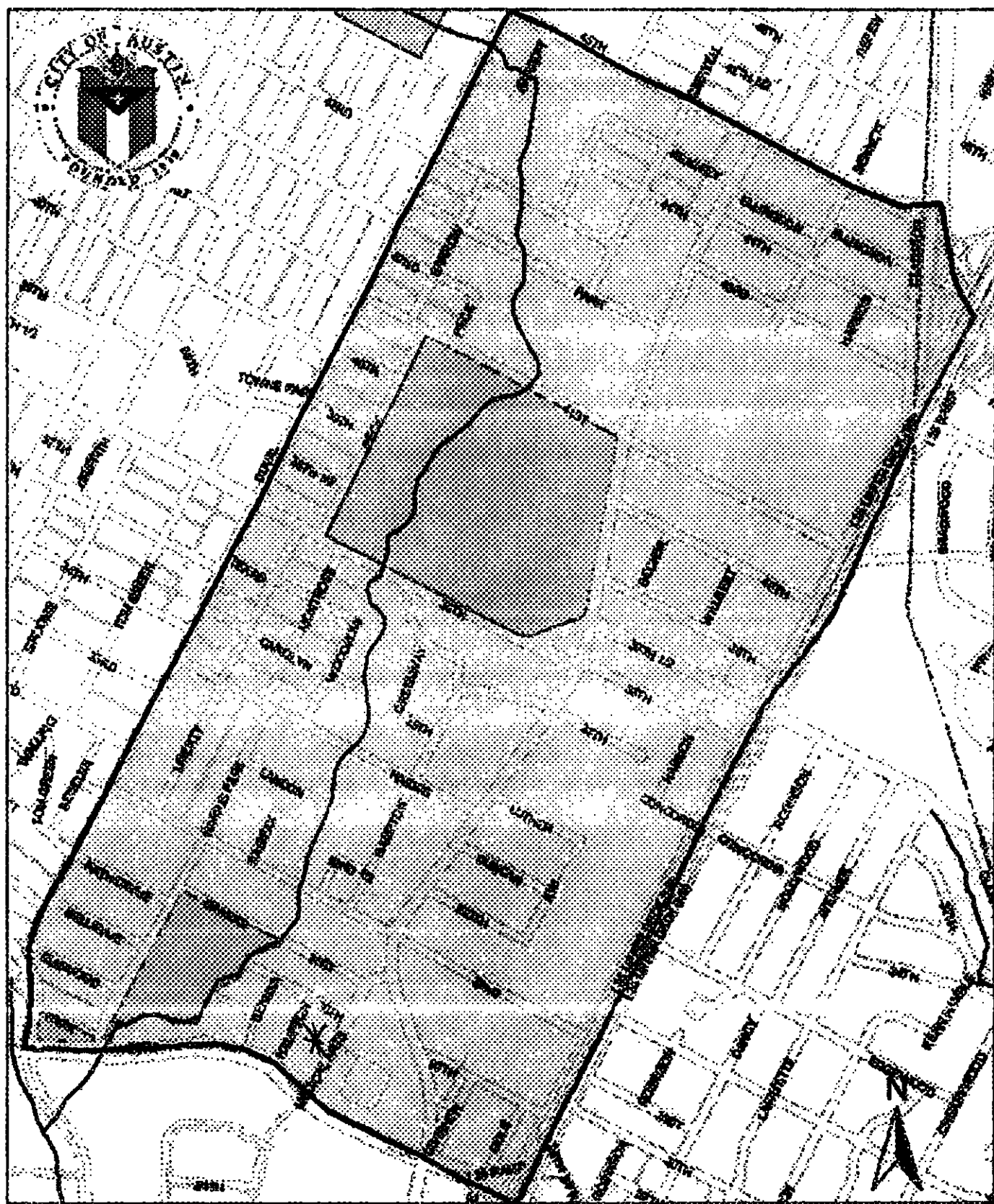
City of Austin

Cae # C14-04-0159

Subdivision
Base
Center Line



This map has been produced by the City of Austin as a working draft map and is not warranted for any other use. It is hereby made by the City regarding its boundaries, easements, and other matters that are shown on this map. It is not intended to be used without proper permission from the City of Austin.



Hancock Neighborhood Planning Area

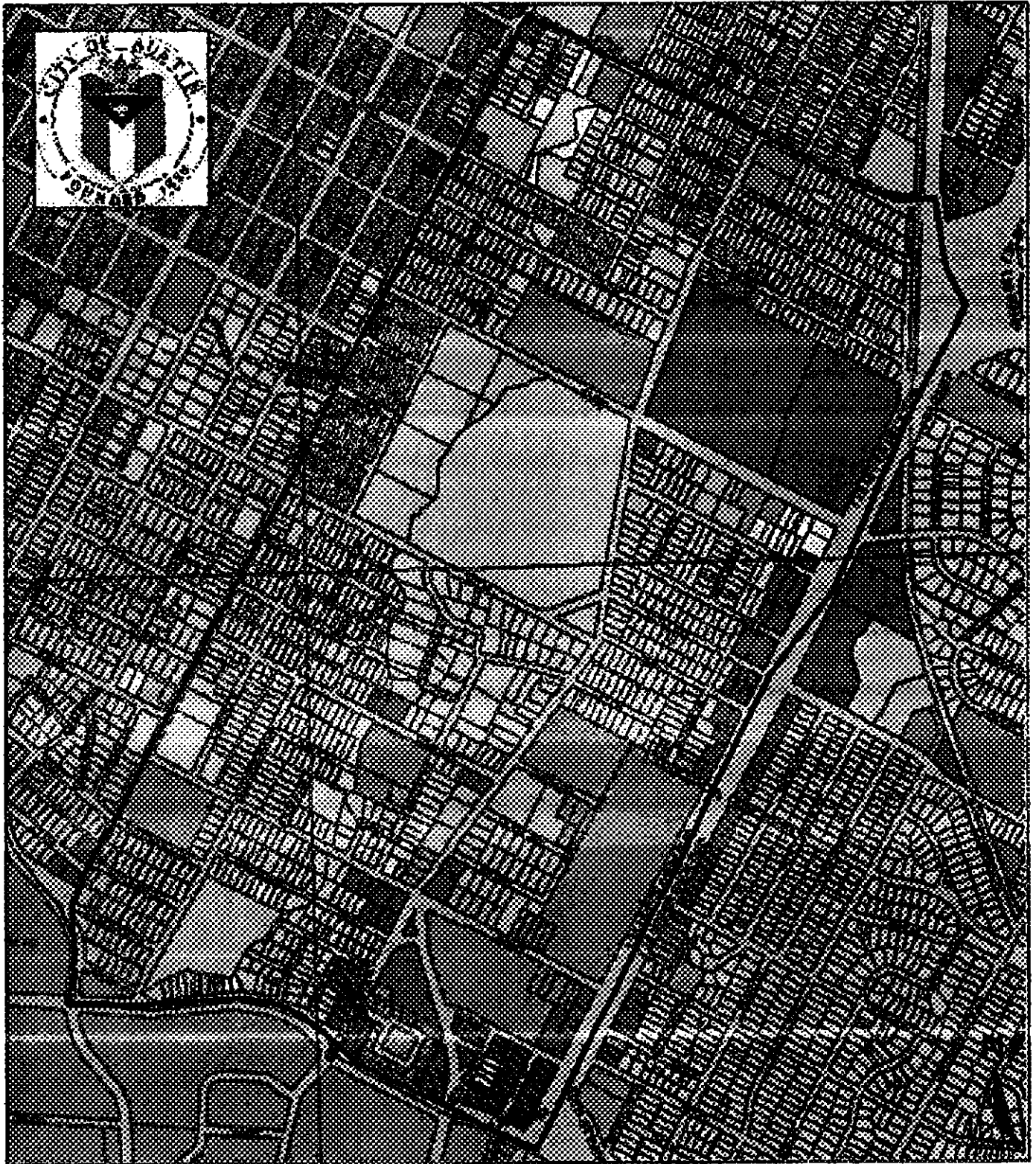
 **Parks**

0.3

0

0.3 Miles





Hancock Neighborhood Planning Area

0.2 0 0.2 0.4 Miles



Land Use

- Large Lot Single-family
- Single-family
- Mobile Homes
- Multi-family
- Commercial
- Office
- Industry

- Mining
- Chico
- Open Space
- Transportation
- Utilities
- Undeveloped
- Water
- Unknown

STAFF RECOMMENDATION

Staff recommends the proposed change to neighborhood commercial-mixed use-conditional overlay-neighborhood plan (LR-MU-CO-NP) combining district zoning. The conditional overlay will

BASIS FOR RECOMMENDATION

The proposed change is consistent with the existing neighborhood plan.

This zoning case is within the Central Austin Combined Neighborhood Planning Area (CACNPA). The CACNPA was approved on August 26, 2004. At that time Council approved mixed use for this tract and directed staff to initiate a zoning case for the property. The proposed change is in accordance with the Future Land Use Map for the CACNPA and therefore does not require a plan amendment.

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

LR – Neighborhood Commercial district zoning is intended for neighborhood shopping facilities, that provides limited business service and office facilities predominantly for the convenience of residents of an adjacent neighborhood.

MU – Mixed Use combining district is intended for combination with selected base districts, in order to permit any combination office, retail, commercial and residential uses within a single development.

The proposed change meets the purpose statement set forth in the Land Development Code. It is located on the periphery of a residential neighborhood and will potentially provide pedestrian friendly uses for nearby residents.

The mixed-use combining district will provide the opportunity for a diversity of housing and mixed-use development in the Central City, which should be encouraged.

The proposed zoning should promote consistency, and orderly planning.

The proposed change is consistent and compatible with the adjacent properties. The properties to the north and south are zoned LR-MU-CO-NP and the properties to the east are zoned GR-MU-CO-NP.

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

Given the commercial mixed-use zoning along this portion of Medical Arts Street, staff believes that the proposed change will give the owner of the property a fair and reasonable use of the site.

EXISTING CONDITIONS

Site Characteristics

The site is currently developed with apartments.

Transportation

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

The trip generation under the requested zoning is estimated to be 1,833 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 and this is a City initiated case. [LDC, 25-6-113]

Capital Metro bus service is not available within 1/4 mile of this property.

There are existing sidewalks along Medical Arts.

Impervious Cover

The maximum impervious cover allowed under LR zoning is 80%

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Waller 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. 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 relocations, or adjustments, are required, the landowner, at own expense, will be responsible for providing. Also, the water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City design criteria and specifications.

Compatibility Standards

This tract is already developed and the proposed zoning change is a footprint within the existing development. A change of use within the existing structure would not trigger compatibility development regulations. However, any new construction on this site would be subject to compatibility development regulations due to the existing SF-3-NP zoned property to the north and west, and would be subject to the following requirements:

The site is subject to compatibility standards. Along the north and west 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.

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.ci.austin.tx.us/development

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: C14-04-0159

Contact: Glenn Rhoades, (512) 974-2775

Public Hearing:

October 26, 2004 Planning Commission

☐ I am in favor
☒ I am in object

Patricia Richards
Your Name (please print)

2903 Beara Street
Your address(es) affected by this application

Patricia Richards
Signature

10/26/04
Date

Comments:

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

City of Austin
Neighborhood Planning and Zoning Department
Glenn Rhoades
P. O. Box 1088
Austin, TX 78767-8810