

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



**AGENDA ITEM NO.: Z-12  
AGENDA DATE: Thu 01/27/2005  
PAGE: 1 of 1**

**SUBJECT:** C14-04-0140 - Swafford - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2108 Kinney Avenue (West Bouldin Creek Watershed) from family residence (SF-3) district zoning to neighborhood office-conditional overlay (NO-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant neighborhood commercial-conditional overlay (NO-CO) combining district zoning. Applicant: Clarence Jacobson. Agent: Crocker Consultants (Sarah Crocker). City Staff: Tom Bolt, 974-2755.

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

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

## ZONING CHANGE REVIEW SHEET

**CASE:** C14-04-0140

**Z.A.P. DATE:**

November 16, 2004

December 07, 2004

**CITY COUNCIL:**

January 13, 2005

January 27, 2005

**ADDRESS:** 2108 Kinney Ave

**OWNER/APPLICANT:** Clarence Jacobson

**AGENT:** Crocker Consultants (Sarah Crocker)

**ZONING FROM:** SF-3

**TO:** NO

**AREA:** .15 acres

6,853 Sq. Ft.

**SUMMARY STAFF RECOMMENDATION:** Staff does not recommend rezoning the subject property from family residence district (SF-3) to neighborhood office district (NO).

**ZONING AND PLATTING COMMISSION RECOMMENDATION:**

APPROVED NO-CO ZONING; RESTRICTED NO (NEIGHBORHOOD OFFICE) USES; LIMITED TO 100 TRIPS PER DAY; SF-3 DEVELOPMENT REGULATIONS; ADD DAYCARE, BED AND BREAKFAST, SAFETY SERVICES, COUNSELING SERVICES, COMMUNICATION SERVICE FACILITIES, FAMILY HOME, PRIVATE AND PUBLIC EDUCATIONAL SERVICES, COMMUNITY RECREATION, CONGREGATE LIVING, GROUP HOME CLASS III, LOCAL UTILITY SERVICES AS PROHIBITED USES [K.J; M.W 2<sup>ND</sup>] (6-2) J.D, J.M – NAY; C.H – INELIGIBLE TO VOTE

**DEPARTMENT COMMENTS:**

The subject property is adjacent to LO zoned property with Multi-family development to the south and single family zoned and used properties to the north, east, and west. This property if zoned and developed for commercial uses would be situated between a multifamily residential use and single-family use along Kinney Avenue.

This property is located in the proposed Zilker Neighborhood Planning Area. Staff anticipates that the Zilker Neighborhood Planning process will begin in August of 2005.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	SF-3	SINGLE FAMILY RESIDENTIAL
<i>North</i>	SF-3	SINGLE FAMILY RESIDENTIAL
<i>South</i>	LO	MULTI-FAMILY RESIDENTIAL
<i>East</i>	R.O.W. & CS & SF-3	SINGLE FAMILY, FURNITURE SALES, AND MISC SHOPS
<i>West</i>	SF-3	SINGLE FAMILY RESIDENTIAL

**AREA STUDY:** N/A

**TIA:** No

**WATERSHED:** West Bouldin Creek

**DESIRED DEVELOPMENT ZONE:** No

**CAPITOL VIEW CORRIDOR:** No

**HILL COUNTRY ROADWAY:** No

**NEIGHBORHOOD ORGANIZATIONS:**

#107 Zilker Neighborhood Association  
#426 Barton Springs/Edwards Aquifer Conservation District  
#498 South Central Coalition  
#511 Austin Neighborhoods Council  
#926 South Lamar Neighborhood Association  
#943 Save Our Springs Alliance

**SCHOOLS:**

Zilker Elementary  
Becker Elementary  
Porter Middle School  
Filmore Middle School

**CASE HISTORIES:** N/A

**RELATED CASES:** N/A

**ABUTTING STREETS:**

NAME	ROW	PAVEMENT	CLASSIFICATION	NAME
Kinney Avenue	70'	Varies	Collector	Kinney Avenue

**CITY COUNCIL DATE:** January 13, 2005

**ACTION:**

**ORDINANCE READINGS:** 1st

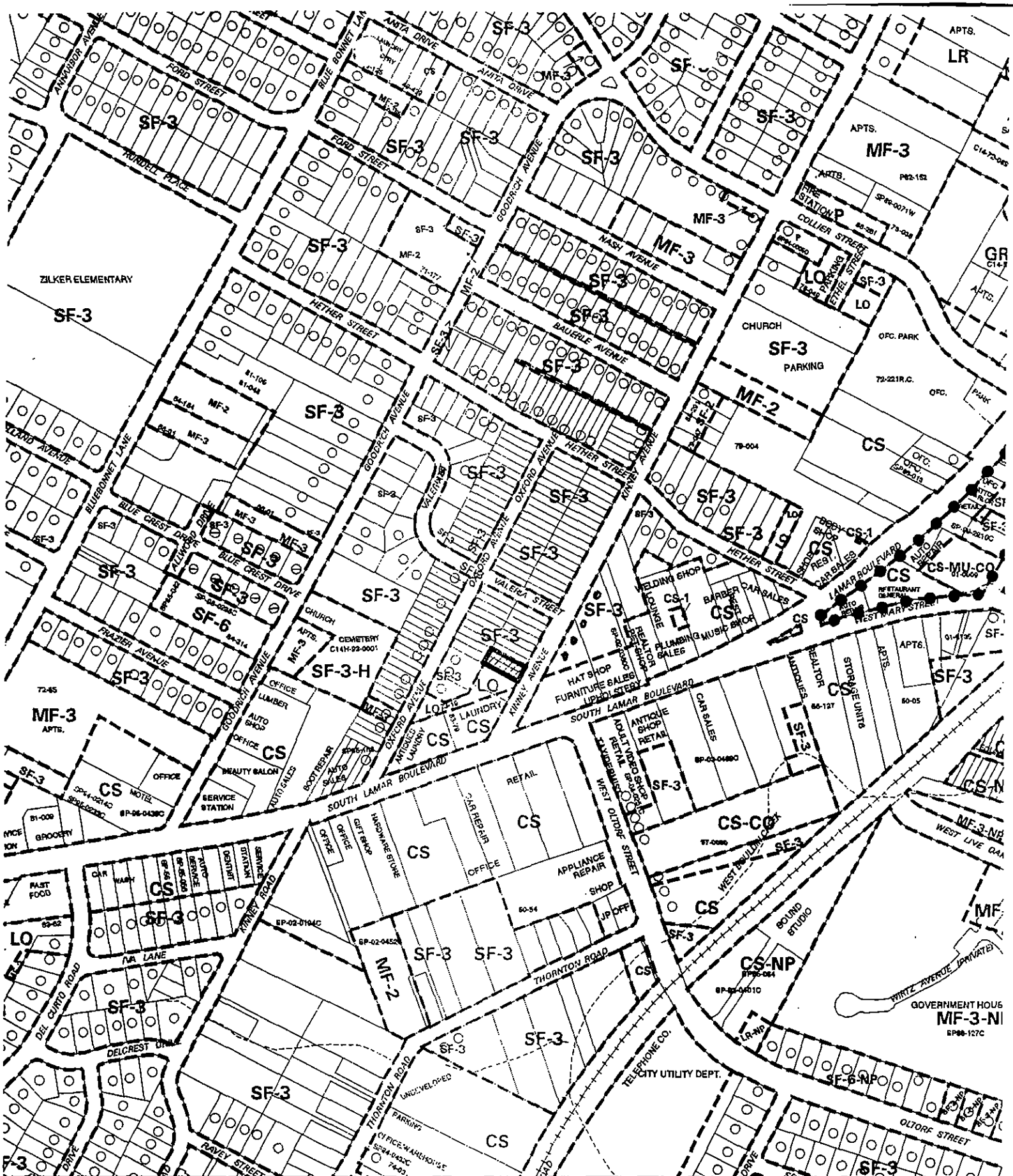
2<sup>nd</sup>


3<sup>rd</sup>

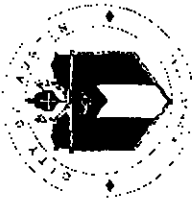
**ORDINANCE NUMBER:**

**CASE MANAGER:** Tom Bolt  
[Thomas.Bolt@ci.Austin.tx.us](mailto:Thomas.Bolt@ci.Austin.tx.us)

**PHONE:** 512.974.2755



<p>   <b>SUBJECT TRACT</b>  <b>PENDING CASE</b>  <b>ZONING BOUNDARY</b>  <b>CASE MGR: T. BOLT</b>  <b>1" = 400'</b> </p>	<p> <b>ZONING</b>  <b>CASE #:</b> C14-04-0140  <b>ADDRESS:</b> 2108 KINNEY AVE  <b>SUBJECT AREA (acres):</b> 0.150  <b>DATE:</b> 04-09  <b>INTLS:</b> SM  <b>CITY GRID REFERENCE NUMBER</b>  <b>H20</b> </p>
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# City of Austin

C14-04-0140

2108 KINNEY AVE

ZONING REQUEST: FROM SF-3 TO NO

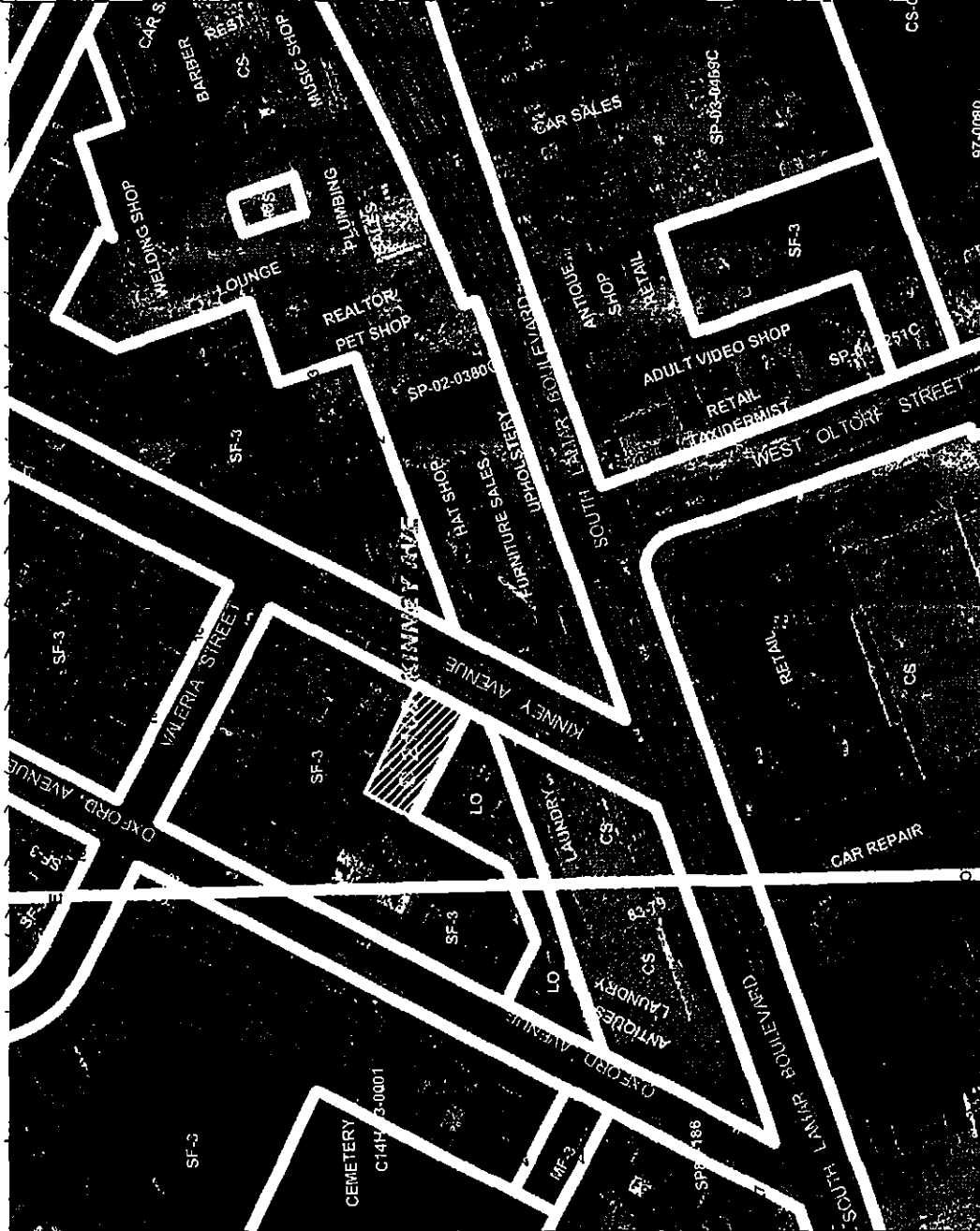
OWNER: CLARENCE JACOBSON

AGENT: CROCKER CONSULTANTS

Zoning  
Subdivision  
Basepoly  
Center Line



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## **STAFF RECOMMENDATION**

Staff does not recommended rezoning the subject property from family residence district (SF-3) to neighborhood office district (NO)

## **BACKGROUND**

The property owner proposes to convert the existing single family dwelling into a small business office with parking located on site. Staff is not aware of any variance or waiver requests associated with this request. The property is situated adjacent to SF-3 zoning districts to the north and west, which would trigger compatibility standards for development of driveways and the required on-site parking area. The applicant also proposes that the following uses be prohibited: Bed and Breakfast, Safety Services, Counseling Services, Communication Service Facilities, Family Home, and all Conditional Uses, listed in the NO zoning district. The property to the north and west are established single-family residences. The property situated to the south is zoned Limited Office district (LO) but developed as multi-family. On the other side of Kinney Ave is a mix of commercial uses fronting on Lamar Blvd. and single-family residences facing Kinney Ave.

## **BASIS FOR RECOMMENDATION**

Zoning changes should promote compatibility with adjacent and nearby uses.

The proposed zoning would allow a commercial use between two residential uses. The property to the west is zoned LO but used for multi-family. The property to the north, west and east is zoned and used as single family.

The rezoning should be consistent with the policies and principles adopted by the City Council or Planning Commission.

Based on current land uses in the area, Neighborhood Office district designation is inappropriate when situated between two residential land uses regardless of base district zoning.

Zoning should be consistent with approved and existing residential densities.

The generally accepted standard of establishing multifamily uses between more intense commercial districts and single-family residential districts have been established in this area. If approved the proposed zoning will allow commercial development to reach further into the residential area of this neighborhood.

No change in conditions has occurred within the area indicating that there is a basis for changing the originally established zoning and/ or development restrictions for the property.

There has been no rezoning activity in close proximity within the last several years, establishing the viability of the neighborhood with existing zoning classifications.

Zoning changes should promote an orderly relationship among land uses.

Approval of NO zoning on this property would allow a commercial entity to occupy a property located between a multi-family and single-family residence. The properties to the north, west and east are zoned SF-3.

## **EXISTING CONDITIONS**

### **Site Characteristics**

The site is currently developed with a single-family residence.

### **Impervious Cover**

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the West Bouldin 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 Drinking Water Protection Zone/Desired Development Zone.

Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.

Note: The most restrictive impervious cover limit applies.

### **Environmental**

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

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.

### **Transportation**

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

The trip generation under the requested zoning is estimated to be 73 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).

Capital Metro bus service is available along Lamar Boulevard.

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**

The landowner intends to serve each lot with City water and wastewater utilities. If water or wastewater utility improvements, or offsite main extension, or system upgrades, or utility relocation, or utility 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 design criteria and specifications.

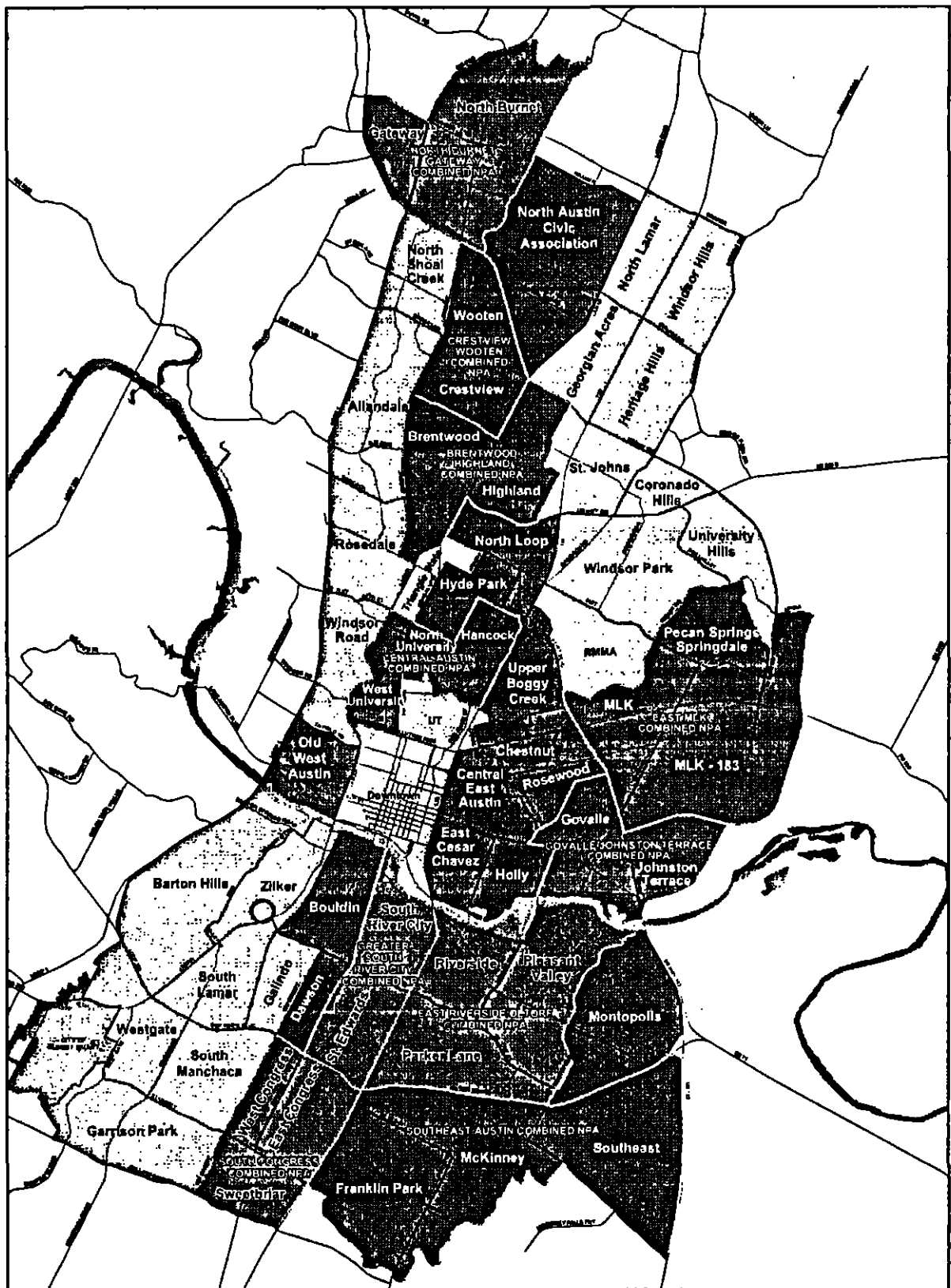
### **Stormwater Detention**

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**

Redevelopment of this property for commercial uses will trigger compatibility standards. Additional setbacks to buildings and other structures, drives and parking areas. Additional landscaping may be required to screen adjacent residential uses.





## City of Austin Neighborhood Planning Areas



Produced by City of Austin  
Neighborhood Planning & Zoning Department  
August 26, 2004

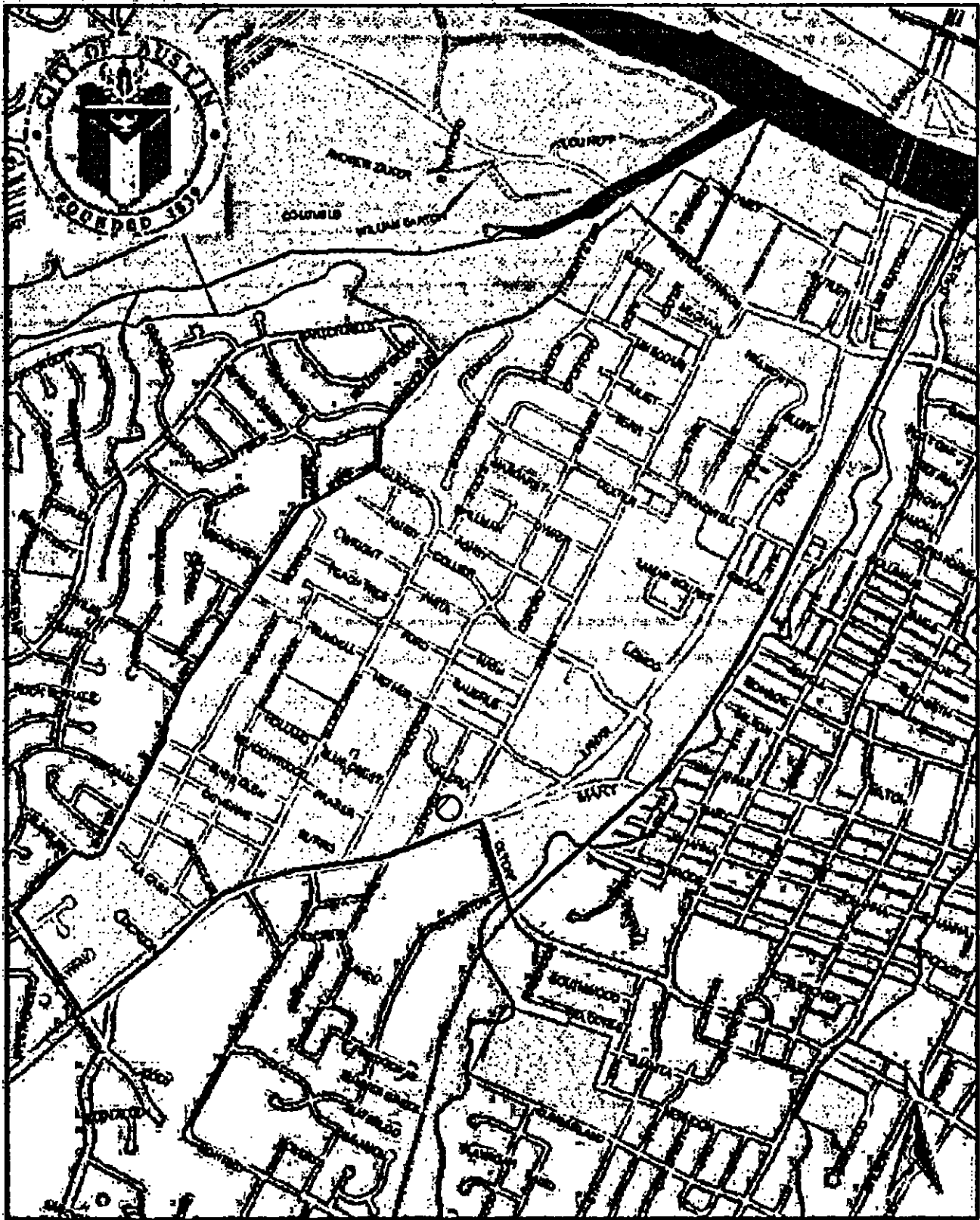
Combined Neighborhood Planning Areas

### Neighborhood Plan Status

- Adopted Neighborhood Plan & Zoning
- Neighborhood Plan Underway
- Future Neighborhood Planning Area
- Non-Neighborhood Planning Area



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<http://www.austintexas.gov/neighborhoodplanning>



# Zilker Neighborhood Planning Area

Neighborhood Planning  
 PECS  
 January 16, 2001

0.3

0

0.3

Parks  
 0.6 Miles

# **Zilker Neighborhood Association**

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**P.O. Box 33546 ♦ Austin, TX 78764-0546 ♦ 512-447-7681**

November 12, 2004

City of Austin  
Neighborhood Planning and Zoning Department  
Thomas Bolt  
P.O. Box 1088  
Austin TX 78767-8810

Re: Case Number C14-04-0140, 2108 Kinney Ave.  
Proposed Zoning change from SF3 to NO

Dear Mr. Bolt,

At the October 25 general meeting of the Zilker Neighborhood Association, the general membership voted to oppose the rezoning of 2108 Kinney Avenue. Our primary concern is the encroachment of business zoning into established residential areas, while existing commercial properties on South Lamar sit vacant or underused.

In this particular case, it was represented to our executive committee that a lawyer wants to work out of this small home. That activity could be accommodated under the current home occupation ordinance without a zoning change. It could also be located in the adjacent apartment complex, which already has office zoning (LO). Directly across South Lamar is an apartment and office complex advertising vacancies that would be much more suitable for a professional whose practice did not fit within the limits of the home occupation ordinance.

In the absence of a comprehensive neighborhood or corridor plan for this area, ZNA must assume that the proposed encroachment of business zoning into Zilker's single-family residential areas offers no benefits to the surrounding owners of residential property on Kinney or of commercial property on South Lamar. We hope to consider the larger issue further when our formal Neighborhood Planning process begins next year, but until then, we must oppose this sort of rezoning.

Thank you for your consideration.

Bobby Rigney  
ZNA Zoning chair

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#### **Officers, 2004-2005**

Lorraine Atherton, *President* ♦ Robin Sherwin, *Vice President* ♦ Hill Abell, *Vice President*  
Rachel Reitmeyer, *Secretary* ♦ Andrew Murphy, *Treasurer*  
Elizabeth Yevich, *ANC Delegate* ♦ Peggy Kelley, *Newsletter Editor*

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

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE  
2 PROPERTY LOCATED AT 2108 KINNEY AVENUE FROM FAMILY  
3 RESIDENCE (SF-3) DISTRICT TO NEIGHBORHOOD OFFICE-CONDITIONAL  
4 OVERLAY (NO-CO) COMBINING DISTRICT.

5  
6 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

7  
8 **PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to  
9 change the base district from family residence (SF-3) district to neighborhood office-  
10 conditional overlay (NO-CO) combining district on the property described in Zoning Case  
11 No. C14-04-0140, on file at the Neighborhood Planning and Zoning Department, as  
12 follows:

13  
14 Lots 8 and 9, Block C, Oak Hill Addition, a subdivision in the City of Austin,  
15 Travis County, Texas, according to the map or plat of record in Plat Book 3, Page  
16 216, of the Plat Records of Travis County, Texas, (the "Property")

17  
18 locally known as 2108 Kinney Avenue, in the City of Austin, Travis County, Texas, and  
19 generally identified in the map attached as Exhibit "A".

20  
21 **PART 2.** The Property within the boundaries of the conditional overlay combining district  
22 established by this ordinance is subject to the following conditions:

23  
24 1. The following uses are prohibited uses of the Property:

25	Bed and breakfast residential (Group 1)	Bed and breakfast residential (Group 2)
26	Day care services (limited)	Day care services (general)
27	Day care services (commercial)	Safety services
28	Counseling services	Communication service facilities
29	Family home	Private primary educational facilities
30	Private secondary educational facilities	Public primary educational facilities
31	Public secondary educational facilities	Community recreation
32	Congregate living	Group home, Class II
33	Local utility services	
34		
35		
36		

1 2. A site plan or building permit for the Property may not be approved, released, or  
2 issued, if the completed development or uses of the Property, considered cumulatively  
3 with all existing or previously authorized development and uses, generate traffic that  
4 exceeds 100 trips per day.

5  
6 3. The Property is subject to family residence (SF-3) site development regulations.

7  
8 Except as specifically restricted under this ordinance, the Property may be used in  
9 accordance with the regulations established for the neighborhood office (NO) base district  
10 and other applicable requirements of the City Code.

11  
12 **PART 3.** This ordinance takes effect on \_\_\_\_\_, 2005.

13  
14 **PASSED AND APPROVED**

15  
16  
17  
18  
19 \_\_\_\_\_, 2005

20 Will Wynn  
21 Mayor

22  
23  
24 **APPROVED:**

25 David Allan Smith  
26 City Attorney

**ATTEST:**

Shirley A. Brown  
City Clerk

